

Minutes

Regular Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday January 25, 2005

Meeting was called to order at 8:30 p.m. at the Municipal Building, Mount Kisco, New York

Members Present: Joseph Cosentino
Anthony Sturniolo
Stanley Bernstein
Ralph Vigliotti
Doug Hertz

Members Absent: Joseph Morreale

Staff Present: Nanette Bourne
Whitney Singleton
Michael Stein

Chairman Cosentino began the meeting with the Pledge of Allegiance. Meeting was called to order at 8:30 p.m.

Chairman Cosentino: This is Tuesday January 25, 2005 and this is a work session of the Planning Board. The first thing on the agenda will be 29 Carpenter Avenue.

1. Site Plan Compliance:

a. 29 Carpenter Avenue – Clifford Davis counsel for the applicant 29 carpenter Avenue, Juan Cammachio, Elliot Senor

Clifford Davis: I represent the United Realty Services located at 29 Carpenter Avenue. This board had granted a site plan approval and also a permit to disturb sensitive natural area. Pursuant to the site plan my client had one year to finish construction on the job. That site plan has expired and we are now before this board and we would like to officially get an extension to finish the job. Mr. Senor is here to address any questions. We submitted a new site plan. The site plan is identical.

Chairman Cosentino: This is the same site plan and nothing has changed?

Clifford Davis: We submitted the plans, and there was only on issue relating to sprinklers. That is more of a administrative building condition.

Chairman Cosentino: We have done this in the past given an extension. There is no reason why we shouldn't now. As long as nothing has changed in the site plan and everything is as it was.

Anthony Sturniolo: Mr. Chairman will make a motion to grant site plan extension to 29 Carpenter Avenue United Realty Services pertaining to their dated request of January 25,2005.

Chairman Cosentino: We have a motion by Vice Chairman Sturniolo. Do we have a second?

Elliot Senor: Can you tell me how long the extension is good for?

Chairman Cosentino: One Year. One year from when it is issued.

Ralph Vigliotti: How far along are you?

Elliot Senor: I wasn't the engineer that developed the original site plan. I only came on in the fall. The foundations are in for the one building. The footings are in for the second building, the foundation walls are not in. We ended up with a stop work order as a result of the permit expiring. One of the reasons that I know of related to me, is that the straight drainage when the original site plan was proposed. There were some catch basins on the street through whatever series of events we found out that they didn't go anywhere. The town was to come in and put drainage down Carpenter Avenue and connect it. They delayed on that. In the fall we put it in ourselves. Designed and installed it ourselves.

Chairman Cosentino: Was that design approved?

Elliot Senor: Yes. The design was approved by the previous engineer.

Michael Stein: There is one thing. On the original requirements to the resolution, they are required to submit weekly inspection reports on both erosion control as well as submit a schedule for all the erosion control. Nothing has been submitted.

Juan Cammachio: We have a report. We actually approached the building inspector Mr. Stein. I believe last week. I am not sure if there was a special form to use. I know we keep a log on a weekly basis of the site. I don't know if the town requires a special form of format. We gave the report last week to Mr. Stein.

Chairman Coasentino: You need to meet with Michael Stein our engineer, to go over it.

Juan Cammachio: We also approached Michael Stein as well.

Chairman Cosentino: I just want to make sure he checks it and everything is up to date. Mike you will follow through with that?

Michael Stein: Yes.

Chairman Cosentino: We have a motion by the Vice Chairman. We have a second by Doug Hertz. Secretary please poll the board.

Board All Ayes.

2. Conceptual Application

August Residence – New Pond 151 Sarles Street Mr. & Mrs. Glen August applicant, Stephen Coleman Environmental Consultant, Jeri Barrett Landscape Architect

Chairman Cosentino: We have a conceptual August residence It is a new pond on 151 Sarles Street.

Stephen Coleman: We are proposing that on this 25 acre parcel to construct a pond. This would be located on the left hand side of the driveway in the deep ravine that runs parallel to Sarles Street. It is about 100 feet in from Sarles Street. We are proposing it to be about 3/4 of an acre pond within that area. The map shows the approximate dimensions of the pond. To give you a perspective it represents about 3% of the property acreage. It is a relatively small amount of acreage to the overall property. The average depths would be about 12 feet for the base of the pond area to sustain it. In term of environmental impact there is small interim water course that is in that area that would be impacted as part of the pond construction. In addition it would require the removal of several trees in the 10-12 inch diameter range. The material we estimated would have about a thousand yards of excess material to used on site. There will be no trucking of the material off site. There is plenty of area that we will be able to use on site to take advantage of the extra fill that is created from the construction of the pond.

Chairman Cosentino: This is the first time someone has come before us to construct a pond. I do not know what code would be.

Nanette Bourne: This requires a natural resource services permit. This is a substantial size pond.

Stephen Coleman: We have researched and I rendered threshold for a DEC permit for the dam. I purposely kept it undersize so that we wouldn't need that.

Chairman Cosentino: Is this something that Mike would have to overlook.

Michael Stein: I will take a look at it.

Chairman Cosentino: The question is do we have a problem with this? I myself do not have a problem with this. I think it adds something to the estate. I have toured the estate and have been up there many times. I think that it would be something that would be attractive.

Stephen Coleman: In terms of procedure do we need to submit a formal application?

Whitney Singleton: Does this application create any set back issues, either in the Village of Mount Kisco or the Town of Bedford?

Stephen Coleman: No. We are outside of those set backs.

Anthony Sturniolo: Where do we stand with the wetland boundary?

Stephen Coleman: I did flag the wetland boundary. It has been surveyed located. I do have a report that we can submit with the formal application. The area where the pond is located it's all stone and gravel and it is a small intermitting channel. Actually when we did test holes to look for water source for the pond, the water course is a perched situation where its really just surface flows from storm events. It had no characteristics of wetland soils. Water just stays there because there is no place go.

Chairman Cosentino: What the board would like to do is make a site visit. We need to set a date for that.

Whitney Singleton: You should wait until you have a Formal Application.

Chairman Cosentino: We need a Formal Application. Once we get the Formal Application we can make a date for a site visit. We will look at it then.

Glenn August: I would just like to say thank you for the opportunity and we are very excited about this.

Chairman Cosentino: You should be it is a beautiful place.

Glenn August: We are very excited about having a pond on the property with the kids for boating, fishing, and ice skating. We are lucky to have a lot of property and it is going to be in place where it won't affect anybody. We will do all the appropriate things with permits and conservation and do everything the right way. Thank you.

Whitney Singleton: Is the water line affected in any way?

Chairman Cosentino: The water line comes up the driveway.

Stephen Coleman: It follows the left of the driveway and goes straight up to the residence.

Whitney Singleton: So the pond is to the left of the driveway.

Anthony Sturniolo: Are there two driveways?

Glenn August: There is one driveway.

Chairman Cosentino: One driveway and it veers of to the service entrance.

Anthony Sturniolo: The service entrance brings you in the back?

Glenn August: Towards the end of the driveway it splits off. One side towards the service and towards the main house. The pond will be all the way down at the bottom.

Anthony Sturniolo: So you would see the pond from the front door.

Chairman Cosentino: Present a formal Application and come back to us and we will set a site visit.

3. Continuing Review

a. Northern Westchester Hospital John Partenza representing Northern Westchester Hosiptal, David Paget, and Anthony Montelone counsel for the applicant, Richard Ashcroft.

Chairman Cosentino: Members of the board that have not seen the model of the hospital site, so tonight we want to spend time looking at the model and continuing the scoping at the next meeting.

Viewing of Model

John Partenza: Mr. Chairman this is the model as exists today. Which is phase 2 the ten year plan. What this master plan intended to do is basically fill the needs of the hospital

strategically while answering the zoning questions of the village. So what you are seeing here is what we call phase 2 and iterations with the Planning Board we put time frames on five and ten years. This is called ten years but this is really out there. This is what future generations that they have to do something with the hospital this is what it would be. What we are proposing and bringing before the board is really phase 1 of the plan which I apologize for tonight. If I had a little more notice would be able to take the model apart and show it. What we are really talking about in phase 1 is the medical office at the corner of Main and Moore, the parking garage. The Cancer center is here and the new ER possibly built here the new main lobby. That is what we are really talking about in phase 1.

Chairman Cosentino: Continue on what you are going to do on phase 2.

John Partenza: That is primarily it. What the real plans are again, Medical office building, parking garage, ER. Depending on the architect and design of the building we may need to extend the power plant whether or not how the utilities are handled there. What we are talking about is a conference center. This is the main entrance to the hospital, possibly making a visitors center out of that. Those are primarily the main pieces of phase 1.

Ralph Vigliotti: Will there be a new entrance?

John Partenza: The ultimate is if you pull in here this would become the main entrance at sometime in the future. The design of the plan is if you are an out patient you would go to the right; an in patient would go to the left. We would put; an in a new façade to try and tie the architecture together. This really becomes your front door.

Anthony Sturniolo: Mike, one of the things we talked about the last time. We were talking about trying to establish a common language to define floors, stories, and entrances. We kicked it around but I don't think collectively we really addressed that.

Michael Stein: I think we were talking about levels.

Anthony Sturniolo: Levels or just a term that everybody can agree on. The north parking lot structure is how many cars?

Richard Ashcroft: 549

Anthony Sturniolo: The traffic light that is at the Boy's and Girl's Club entrances.

John Partenza: Right here. (Showing on model) In this plan we have done nothing with that intersection. I think the traffic study anticipates a right hand turning lane. Backing up we did a traffic study early on to scale this too, and what were our intention. It wouldn't be the final study but it helped us set perspective here. We went through this and moved pieces off and tried to remove the canyon effect by moving this building back, setting back, parking structure here would be set back. We also talked about architecture to make it not look like a parking structure.

Anthony Sturniolo: A couple months ago when we were talking about and using Dr. Morreale's term "The Canyon effect", this represents addressing that issue?

John Partenza: We set it back further. We stepped the building up and we talked about a façade. Our original plan I do not have them all here. We were closer to street.

Anthony Sturniolo: So this represents the conversation of the canyon effect.

Ralph Vigliotti: Entering the site and exiting the site can we review that?

John Partenza: In the first phase we are talking about, again I wish I had the ability to pull this out. You would continue to come through the main entrance. We are also asking for an entrance off of Moore. So traffic coming this way would not have to go through this intersection. They would enter the grounds this way. With the ER expansion we are talking about whether you drive through back here. We talked about it at the last meeting. That we would butt the house on Boltis Street that would allow ambulances direct access to the ER and just provide circulation on the campus itself, without having to go out through any main street to circulate the campus.

Anthony Sturniolo: Would that driveway encroach upon the existing lots on Boltis Street.

John Partenza: We talked about it and it would. We had the ability based on the zoning and based on the set backs to encroach on that and not violate the size of the lot. All those houses are owned by the hospital except two.

Nanette Bourne: There are a couple lots that I think have to have a lot line change. So they could still be compliant.

Whitney Singleton: The road would go through a different district, or that portion. It would have to be rezoned.

John Partenza: The zoning condition addresses that.

Ralph Vigliotti: So you don't have three entities emptying out onto Moore. You don't have folks in parking garage who will enter ingress, egress? Then you will have an ER entrance to get you to the ER.

John Partenza: Our thinking is that people that would come this way would rather than coming to this light. This light to enter to come here or here would come this way.

Ralph Vigliotti: That is what they are doing right now and it seems to work. Right now they are coming in from the front entrance to get into this.

Chairman Cosentino: What he is saying is that there will be and egress and ingress on Moore Avenue.

Ralph Vigliotti: I am not sure of that. With the parking garage there, that's something that we would want. You are emptying out onto a whole neighborhood as opposed to coming in through the site on state and county roads and now coming into the site on Moore. You're doing the parking building and doing parking garage and you're doing the emergency services. I don't know if that, will they have the opportunity to get to this building they'll have to enter from the front. That is the way it appears.

John Partenza: That is our thinking, that these people will be coming that way anyhow. They are coming up to this light and making a right to enter. We would basically take the pressure off these two intersections by having entrance here.

Doug Hertz: Can you give me a sense of the square footage space you are talking about right here.

John Partenza: It is in the plan. In total of phase one we are talking about 140,000 square feet.

Doug Hertz: How is that broken up?

John Partenza: It would be broken up into the pieces I articulated. It would be the office building, the new ER, front entrance and possibly the power plant.

Ralph Vigliotti: The construction that is going on right now is it complete?

John Partenza: The cancer center? It will be completed in March and the first patient will be treated in April.

Ralph Vigliotti: Is there another story for that?

John Partenza: The master plan anticipates two more floors above the way it is today.

Ralph Vigliotti: Phase 2 or Phase 1?

John Partenza: Phase 2.

Ralph Vigliotti: The 140,00 square feet, does that include what construction has taken place already?

John Partenza: Yes.

Ralph Vigliotti: So the cancer center is a part of the 140,000.

Anthony Sturniolo: What is the cancer center currently today? Phase 1 is the unoccupied second floor of the building. Phase 2

John Partenza: To continue that with phase 1 would be the medical office building.

Anthony Sturniolo: Phase 2 then is an additional floor.

John Partenza: It would be 2 floors. Floor levels. The ground floor, the first floor and the second floor that exists today. Then it would be 2 more on top of that. Ultimately that is what the plan calls for. That will bring it up to the current level of the North building. Right now it is 2 floors below.

Nanette Bourne: In phase 1 there areas far as the cancer center is concerned they are already occupying the first level.

John Partenza: Right.

Nanette Bourne: You would be occupying the second level and that would be phase 1?

John Partenza: We hope to be.

Nanette Bourne: Phase 2, which is from 2008-2013, then you would add 2 more levels.

John Partenza: If needed. This was the attempt to find the envelope we think it would need to be at that time. Mr. Sturniolo commented that it was kind of out there and it kind of is in some sense. In answer to your question we're zoning that we at the hospital that needs to be in place that would allow us to be whatever we need to be in the future. This master plan and the zoning we may never build that square footage. It may come in somewhere else in the building. This is basically what we think.

Mr. Sturniolo: The overall parking count takes into consideration the ultimate build out of the cancer center, along with everything else.

John Partenza: There is still going to be done in traffic study.

Nanette Bourne: Just to be clear on this. If the hospital chooses not to pursue phase 2, what we see built right now in terms of the cancer center is all that would be built, for phase 1?

John Partenza: Yes.

Chairman Cosentino: Unless they came back.

Doug Hertz: The 2 parking structures are additional?

John Partenza: This would be phase 1 and this would be phase 2 sometime in the future.

Ralph Vigliotti: How are they going to stage all the cars while your constructing the parking structure?

John Partenza: We're talking about that because that's the construction issue and we are talking to the planners now. It's going to be service parking over in the visitors' area.

Ralph Vigliotti: That is almost filled now.

John Partenza: We have a vested interest also. We have to operate, as cars come and go. It is important to us too.

Ralph Vigliotti: Just explain this building is now 4 stories, 4 floors?

John Partenza: The way it is depicted now there is a ground floor.

Ralph Vigliotti: How many floors in total?

John Partenza: 4

Ralph Vigliotti: One on the ground

John Partenza: One on the ground and 3 above it.

Ralph Vigliotti: 4 stories.

John Partenza: If you look at this plan it says 3 above ground.

Ralph Vigliotti: I get the clarification. You should just say what it is. It is 4 stories. To say 1 is on the ground and 3 above that one. Unless that it is below surface or below ground.

David Paget: We are not trying to confuse you.

John Partenza: It is 4 floors.

Nanette Bourne: When you are looking at that building what are we going to see? 3 floors or 4 floors?

Richard Ashcroft: You will see 3 floors.

Nanette Bourne: Ok. That is important. So that there will be 4 levels.

David Paget: The building inspector likes the term levels.

Nanette Bourne: 4 levels, but the 1st level
(Too many people speaking at one time)

David Paget: The 1st level is totally below grade.

Richard Ashcroft: Not totally. On this side over here has several feet exposed, of course there are windows there. The only place where the lower level shows and it is behind the screen.

Ralph Vigliotti: What is the total height going to be of that building?

David Padget: Above grade?

Richard Ashcroft: About 40 feet.

Ralph Vigliotti: about is that 44 or 38?

John Partenza: We haven't designed it yet.

Ralph Vigliotti: Will it be in excess 50 feet?

Richard Ashcroft : each floor approximately 13 feet.

Ralph Vigliotti: Then you will have air conditioners and things on top of the roof.

John Partenza: That goes to the power plant and how we support that building. Whether it is on here or on there.

Whitney Singleton: Would it be fair to say that the proposed structure is almost identical to the old con-Ed building? With 3 stories in the front and 4 in the back, and it will be a similar height.

Richard Ashcroft: There are not 4 in the back. It is 3 in that back. There are 3 on all sides with the exception on the front there is a little bit more about 3 1/2.

Whitney Singleton: it is a similar height though to the building next door to it on the corner of Moore and Main.

Richard Ashcroft: It is actually shorter.

Doug hertz: How far is that building to be set back to street roughly?

Richard Ashcroft: I can tell you exactly. The office building itself is 80 feet back on this side from Moore.

John Partenza: The overall plan really puts an acre back in pervious surface. What we are trying to do is eliminate as much surface parking and put more green space back.

Chairman Cosentino: Their plan is to link the property and develop it when you put that building up. That won't be owned by the hospital. That will be on the tax laws.

Ralph Vigliotti: That building really has no connection to the hospital. It's just doctors and services.

John Partenza: That is a way of us financing. We will have say at who goes in and who doesn't. It will have to serve the hospital's needs.

Ralph Vigliotti: It certainly not a necessary need to support the hospital.

John partenza: It is.

Ralph vigliotti: Financially?

John Partenza: No but primarily you will see that specialists and proceduralists. Surgeons with a particular need to work on campus. They are adjacent to OR's.

Chairman Cosentino: I would assume that when phase 2 goes in effect then that will go up or down.

John Partenza: Again I cannot predict the future, but the real intent is not to put chiropractors or dentists here. There is enough in Mount Kisco. This is for people that need to practice in the hospital. With the developer we will control the rental here, probably by having the master lease on everything. The only need is that the specialist that work in the ICU's and OR's of the hospital be here. Every community hospital that you go to has a medical office building to some degree on it.

Ralph Vigliotti: Having a visual is just wonderful. Why couldn't that square footage be placed on top of the cancer center? You are looking at phase 2 to do the cancer center to see the activity of the center. Why are you creating a whole building?

John Partenza: There is a practical problem, because from a business perspective, I can't lease. The tax exempted building moving this building here. I cannot really lease any floors above it.

Chairman Cosentino: Within the hospital now there is space being leased out.

John Partenza: I can lease it, but not to a developer.

Chairman Cosentino: Ok

John Partenza: My point is, I can't give this to a developer.

Ralph Vigliotti: We have talked about this canyon deal .You can see it on Moore. You really can when you see the visual. Just want to address how you could soften this canyon. For this village to look like a canyon. In White Plains there would be shadows over this, from taller buildings. That is what we see visually. This is big. This is a canyon, but it certainly wouldn't be downtown White Plains, because there are buildings 20-30 stories. As we visually look at this if you were in section of the village are you going to see cars also on top of those roofs?

David Paget: Where are you seeing Canyon? This is green and 80 feet back. You are coming down Moore you are not going to be seeing that.

Ralph Vigliotti: The screening is 20 years down the road might be fine.

David Padget: At what elevation will one perceive a canyon here? Certainly not at street level.

Ralph Vigliotti: Go right up to the Boy's Club.

David Padget: If I go up to the Boy's Club I am going to see a canyon effect.

Ralph Vigliotti: Those trees are probably not true to scale.

Richard Ashcroft: Actually the trees are true to scale.

Ralph Vigliotti: I like what I see as far as trees, but at some point they will be at that size.

John Partenza: As for the cars the intent is really the architecture of the side of the parking structure so it doesn't look like a parking structure.

Hopefully you would never really see a car and a structure that doesn't look like a parking structure.

Anthony Sturniolo: I would like to back to a point Ralph that you stated with. The medical center building is how many square feet?

John Partenza: Less than 75,000.

Richard Ashcroft: This building here, 50,000

Anthony Sturniolo: The 2-story cancer center is how much?

John Partenza: It would be another 20,000- 25,000 on top of it.

Richard Ashcroft: The total long range medical office is 12 and 12,000 each floor.

Anthony Sturniolo: I am going back to the point that Ralph made about blending that building on top of the cancer center. Especially since you are not 100% confident as you are with the medical office building, that you may not in the future need the 2 additional cancer center floors.

David Padget: You can't preclude that.

Chairman Cosentino: The other thing is that John says you don't put it there you deal with the tax liens on it. It wouldn't be an outside contract. It is still going to be taxed no matter what.

Richard Ashcroft: I think there was another aspect of that site it enabled us to put in front was building with windows rather than having the garage on Main Street. By using the screening it helped reduce the effect of being a garage.

Anthony Sturniolo: If the building was not there and there were green space you would want to cut down on the impervious surface to address the concerns that DEP raised.

David Padget: We will be able to satisfy DEP.

Anthony Sturniolo: Partially treating soil.

Richard Ashcroft: This plan already does increase the pervious surface.

Anthony Sturniolo: Can we talk a little bit about Boltis Street and the road again.

John Partenza: The back road here?

Anthony Sturniolo: The road is going to encroach..

John Partenza: On existing housing.

Anthony Sturniolo: The existing housing and lots, the zoning can accommodate that?

John Partenza: No, we went through that to make sure.

Whitney Singleton: Does that road become an area of deliveries.

John Partenza: The deliveries aren't done this way today. The loading dock is here. No deliveries would have a purpose going past that. Primarily for ER ambulance to get in there quickly. Just to have a means to get around the campus without having to go out and around.

Anthony Sturniolo: Which are the 2 houses that the hospital doesn't own?

John Partenza: (directed attention to the model)

Ralph Vigliotti: So you are saying that road is only going to be used for ambulances?

John Partenza: Yes and internal circulation. People on the lot have to around the building so if you are in or out patient.

Ralph Vigliotti: Can you get to the parking garage from the front entrance?

(Tape 1 Side 2)

John Partenza: Yes. That is the whole design, again if you are an outpatient we want you to come on this side and park here. If you are an in patient or an ER patient we want you come and go right to the ER.

Anthony Sturniolo: So the back road is long range?

John Partenza: This is anticipated in phase 1.

Ralph Vigliotti: How much property would you be taking from the rear yards of the residents?

John Partenza: We processed that. I don't have that but we will get you that. We processed what it would take to make sure the lots were (not conforming). I don't remember a number over 20 feet.

Ralph Vigliotti: When we hit phase 2 and just for the record. I still have a major problem with the parking structure. Whatever the design is that parking structure, I am only speaking as

one member of the board. St. Marks Place empties the neighborhood of about 8-9 streets. If we allow those streets to become short cuts to get to that parking structure because it is easy to get to and in and out. We have developed and tear apart the neighborhood. We are sacrificing the neighborhood for the hospital. So early on I would like to see some design work to be done. Road designs work so it is not a St. Marks Place traffic light having to be installed at some point. Children cross from that neighborhood to get to Leonard Park. We just want to be very careful. Very early on I know I shared it and can see it clearly that it is a problem. Gentlemen if you are going to be community minded and you have been for a zillion years don't stop now.

John Partenza: I am not going to talk as a planner. We have anticipated future phases for future growth that may or may not happen. I would hope that it would be addressed at that time.

Ralph Vigliotti: At some point we will not be on that board but I do want that board to say we did the right thing: that they helped preserve and set us up in a way that we carried it forward. Instead of saying oh yeah they really set us up.

David Padget: The traffic study is going to examine that so it will be before this board and whatever measures need to be developed to deal with that.

Richard Ashcroft: I do have the numbers for the set back if you are still interested in that.

Doug Hertz: I am curious as to why you want to do the back roadway in phase 1.

John Partenza: Phase 1 anticipates a new ER.

Richard Ashcroft: The new ER has the associated surface lot we need this configuration.

Anthony Monteleone: In addressing Ralph's concern about this parking structure exiting out onto St. Marks. If we're concerned about that I think that it is very legitimate then I think this back road becomes a very critical factor, because you may want to have more vehicles going back out the other way.

David Padget: I think this is all premature. We are going to be doing a major traffic analysis. So let us all collectively be informed by that and then that would be the basis for consideration.

John Partenza: If we had time we would talk about this. Technically there is no such thing as diversion. The county is responsible for the diversion. The one is why we were transporting patients to Valhalla is we were over booked and over bedded and under staffed. The biggest problem at the hospital with diversions is having enough nurses to take care staff. At that point in time every hospital in the county was on diversion. So therefore no one was on diversion. It is voluntary to ask the ambulance corps to come. They could still come. If they felt it is life threatening. The county health commissioner is dealing with this and diversion will become a thing of the past.

Chairman Cosentino: How many more beds will this add to the hospital?

John Partenza: We are licensed the phase 2 anticipates 259. We were 259 we brought our license down to 233, and we are going to stay at 233. We are really staffing 150-160 beds. There is a difference between licensed beds and how many maximum the state will let you operate and staff.

Chairman Cosentino: How many beds do you have now?

John Partenza: We are licensed for 233 rooms and beds for 233 we staff 140.

Anthony Sturniolo: What accounts for the difference between 140-150?

John Partenza: Demand. On an average day we will have 140 patients in the hospital. We have the capability of going to 233. We haven't been at 233.

David Padget: Let's answer the question directly. This does not contemplate any expansion of the number of beds.

John Partenza: No. Early on we talked about that. We would stay within license.

John Partenza: The neonatal intensive care unit. Right here, it was built on top of the ER.

Ralph Vigliotti: There is no indication of that to grow in any of the phases? Was that taken into account in the parking study?

John Partenza: No to any growth with this unit. Yes in the reality is it is the same number of deliveries we are doing a year. Our existing unit was not complying with code our health code. We were grandfathered but it was just too small.

Chairman Cosentino: Same number of cribs.

John Partenza: Same number of cribs same number of babies, just a bigger space.

Ralph Vigliotti: Our car count is based on square footage correct?

Nanette Bourne: No it is much more complicated than that.

Ralph Vigliotti: So at some point you will share that with us?

Nanette Bourne: Yes. It is all part their traffic study. Each one of the components of the hospital generates a different type of traffic.

David Padget: This is predicated on cumulative demand associated with each of the uses.

Chairman Cosentino: I just want to get back to the amount of beds. If the hospital is growing the way it is and of course there are hospitals that are closing down. Why wouldn't something like this go for say 275 bed or 300 beds? You have the cancer ward are they putting beds in there or is it just treatment. Why wouldn't the beds grow with the hospital?

John Partenza: That is a great question for a healthcare planner. There are a couple of factors and points. It's really what they consider the admission rate per thousand of population. Depending on population over 65 and under 65. Medicine has changed. Most treatments are out patients based. You're admitted for in patient stay less and less. If you are it is 24 ambulatory services. So your admission rates per population even though your population, in the area has been ticking up somewhat. The admission rates both nationally and regionally have been going down. So the number of beds you need to support that population is really going down.

Chairman Cosentino: So in essence what you are telling me is that if I bring a patient to the hospital they are not going to be waiting downstairs for a day for a bed. Or are they not going to be a diversion because you didn't have beds?

John Partenza: From pure facilities, no. From a practical problem I know what you are saying. It's body health care. Its workers and nurses that treat those patients. So one of the issues you have in healthcare and every hospital deals with it. You may have a bed to put a patient in but you do not have staff to treat the patient.

Chairman Cosentino: I would rather have the bed and work on the nurse later on.

John Partenza: There is a crisis in healthcare for nurses.

Chairman Cosentino: I would just like to see the beds grow with the hospital. I would just hate to go in there and find out that there is not a bed for anybody.

John Partenza: We are comfortable that 233 will support the population we serve going out there.

Chairman Cosentino: There would never be a point in time unless a disaster when you wouldn't have a bed for somebody?

John Partenza: No.

Chairman Cosentino: I am going to remember that.

John Partenza: The only reason they would wait in the ER would be either for a test or waiting for a staffed bed. Not a physical bed.

Chairman Cosentino: I have taken a patient in there where they didn't have a bed and they had to wait for someone to leave to give them a bed. That's a fact.

Anthony Sturniolo: The amount of beds that the hospital has is obviously not potentially sufficient to keep the hospital a float?

Chairman Cosentin: No, because the insurance companies don't allow so they figure they have to go where the money is.

John Partenza: What we are really doing is reflecting the change in medicine. Most people want to be treated and most doctors still in the hospital setting. Even if you are doing an outpatient surgery should something go wrong you want to have a CCU and you want doctors there. So that is just a change in the trend in how healthcare is delivered.

David Padget: It is the government reimbursement.

John Partenza: Reimbursement drives that but as a community hospital we don't treat patients based on reimbursement. We treat patients on doctor's practices. I think that is early on in our planning we said the Wallace Pavilion which was a beautifully designed building if you we are not changing it anticipating growing it because everyone thought inpatient would grow. It's really not that's why we don't think we have to do it. We do support a lot of outpatient and testing for those inpatients. That's why we need to increase square footage. OR's are triple the size they are, because of robotics because of new technologies and video cameras. So you are treating the same number of patients you are doing the same number of OR's, but you need a bigger room. You need bigger support space because you are moving more pieces of equipment in and out.

Chairman Cosentino: How many square feet are in the Wallace Pavilion now? If you went up 7 floors could you eliminate that building there, and put the doctor's offices within that same building as planned? The plan was to go up 7 floors.

John Partenza: The 7 floors on top of Wallace Pavilion are designed for inpatient single bed.

Chairman Cosentino: You don't have to design it for that.

John Partenza: You talking about vertical transport.

Chairman Cosentino: It is just a thought. It was planned for another 7 floors at one time. If you go in the elevator there are 7 more slots for 7 more floors.

David Padget: If you are worried about visual impacts I suggest to you that is not the way to go.

Chairman Cosentino: It was just a thought.

John Partenza: There also was a fire consideration of the water pressure of the fire department, and the cost of that.

David Padget: The structural support and the egress.

Chairman Cosentino: Are there any other questions?

Doug Hertz: No but my thoughts are certainly a question is there any way to minimize the buildings in the corner, in both the parking structure and office space. I appreciate that from further plans to push back and further screen.

David Padget: Let us do the analyses and come back.

Whitney Singleton: Is the medical office building going to operate in a similar fashion that the current Mount Kisco Medical Group does? Will you be taking patients in for x-rays and lab work? There will be activity in that building with patients.

John Partenza: Yes. Really those patients x-rays will move from the bowels of the existing building to here.

Whitney Singleton: Treatments is what is going on in the building.

Chairman Cosentino: I think at the end of the day there is going to be a large car count for that.

Whitney Singleton: Under our car code it would be in excess of 500 cars. The 75,000 square feet of office space would be in excess of 500 cars.

Chairman Cosentino: That kills the building, but what about the apartments? What about the rest of the hospital, the cancer center? I think the analysis that you have to come up with a lot of parking.

David Padget: The analysis is being done.

Doug Hertz: You talk about levels and I heard earlier 6 parking levels on that structure. Based on the way it looks now you are going to have 2 or 3 sub terrain levels. Is that the same for the other building?

Richard Ashcroft: It is a little more complicated thee. It has more of a slope.

Doug Hertz: Isn't that 6 level.

Richard Ashcroft: That is 4. These parking garages to reflect the maximum amount of parking spaces based on the current building, and without sharing.

Chairman Cosentino: Is there anyplace one can go and look at something similar to that parking structure?

Richard Ashcroft: No.

Davis Padget: There is nothing unique about it.

Chairman Cosentino; Is there anything else. We appreciate you bringing the model.

4. Premier Collection: 250 Kisco Avenue

Represented by, David Sesions from Kellard, John Murphy, Sean Coughlin, and Richard Stevidas The Premier Collection

Sean Coughlin: We are here tonight for continuing review. We have changed the building around a little bit. The ARB brought some points up.

Anthony Sturniolo: Before you start let's review actions by the ARB and ZBA. Nancy Do we have any communication with them

Nancy Placona: You will be getting them and the review that was them from ZBA and ARB. They do have Zoning Board approval. They are coming back to the ARB. There were some suggestions.

Whitney Singleton: Can you just explain exactly what you got from the ZBA?

Sean Coughlin: We essentially got the variance on the length and width of the building is 336 feet. As you can see before this we had the Landrover tower was sitting about here (reviewing drawings) the shed roof with height variations. The ARB came up with a very good suggestion that we should try to clean it up a little bit. Which is what we have done at this point. The tower is much more coherent look, much cleaner look. They also suggested before this was open now we have closed it up. You won't be able to see the lights at night, which was one of their main concerns. The signage is in the middle here. So we just wanted to give you and idea of what we started out with and what we have now.

Anthony Sturniolo: Is that what we are going to look at next?

Sean Coughlin: What we started out with?

Anthony Sturniolo: How did you make out with the color? Does the green try to tie in with your facade?

Sean Coughlin: This is what they suggested to us is that we clean this up a little bit. Rather than having the glass.

Chairman Cosentino: Did they suggest a color?

Sean Coughlin: They suggested a color to match this.

Richard Stevidas: That is the color they suggested. They only thing they wanted were these two together.

Anthony Sturniolo: We were talking in terms of getting away from the white.

Chairman Cosentino: The ARB had something different so we can't get involved with what they want.

Sean Coughlin: This is what they want.

Nanette Bourne: Can you tell me the height of the building?

Richard Stevidas: We are underneath the height restrictions of the town.

Nanette Bourne: That has been confirmed?

Richard Stevidas: Yes. The other thing to keep in mind with the board is there were only three members of the ARB. There were two in favor one was undecided.

David Sessions: I guess with three members that you need all three members for the majority.

Chairman Cosentino: Color is not our area. We can suggest.

Doug Hertz: In terms of elevation of the building. Just to clarify compared to two Curtis buildings where is this elevation wise on the hill?

Sean Coughlin: It is where the current building is. This part of the building remains the same its not changed

Doug Hertz: I understand. The glass structure that is visible how does it compare elevation wise to both of Curtis's.

Chairman Cosentino: Are they presently higher than Curtis's building now.

Richard Stevidas: The glass building is going to be higher than the building. The other one is about the same level. This one will probably come out a little bit higher but not near as high as the other one.

Doug Hertz: Visually it will compare to lower than Curtis.

Whitney Singleton: The access to this parcel comes off the building property setback?

David Sessions Yes there is a strip of village owned property just to the south of this side.

Whitney Singleton: Is there a document that gives you access or an easement agreement or something of that nature? There must be something that controls the ingress and egress not only for your property but Curtis is the same thing. Just this is an issue of liability of village property.

Chairman Cosentino: Wouldn't that be when they purchased the property there was a document?

Whitney Singleton: Yes. I am just saying I could go out there at their expense and look for these things, or if they could provide it that would be helpful. This is all urban renewal districts and certainly there is something on record that can convey that. I would imagine there is something in place, but I haven't seen it yet. The reason I bring this up is that I was discussing with the engineer today some issues. This is down slope and over here Curtis is down slope, coming out of the village property. There may be drainage issues, icing and liability issues down there.

Michael Stein: That is one thing that I spoke to Kellard about. Letting them know about that I was there last Tuesday and there was sheet of ice. I had asked David Sessions from Kellard that as part of this project they do something to eliminate that problem. It something that they said they are going to look into and see what they could do.

Chairman Cosentino: Whitney will you work on it with John Arans? I think it is important.

Whitney Singleton: Yes

David Sessions: We just wanted to bring you up to speed with the other permits. We are probably a week or maybe two weeks away from submitting this to the DEC. We wanted to get on your next agenda to discuss this. It is unclear as to whether or not missed the deadline to discuss this.

Chairman Cosentino: We will put you on, February 8th.

David Sessions: I met with Michael Stein he had a 5 or 6 page memo. We are probably 90-95% done with that. What we wanted to do was submit you a comprehensive package in the next couple of days so we could talk about the nuts and bolts.

Doug Hertz: I would like to go up there.

Chairman Cosentino: I will take you up there Saturday.

Doug Hertz: Is there a lighting plan that has been submitted?

Chairman Cosentino: Nanette's office has it.

Whitney Singleton: Are you comparing your calculations here both with the zoning and urban renewal. I think the urban renewal is more generous.

Richard Stevidas: Our discussion with the Zoning Board we are within.

Whitney Singleton: I am just saying when submitting further documents just make sure the calculations are done on table form.

Sean Coughlin: They are actually on the plans.

Whitney Singleton: Urban renewal as well?

Sean Coughlin: Yes

Dave Sessions: Sean is looking to get going in the spring. Once we button up Mike's comments hopefully by the next meeting we can talk about the draft of the resolution.

Doug Hertz: I know the parking space that is something that got addressed at the ARB. It is something that I wished was heard. I think it is something that got missed.

Sean Coughlin: That is actually a comment the ARB made.

Chairman Cosentino: Ok gentlemen thank you.

5. Face-to-Face: 96 Lexington Avenue

Represented by Charles Banks counsel for the applicant and Steven and Carla Rediker.

Charles Banks: Thank you for putting us on the agenda tonight. We have a number of discussions with Whitney and with Nanette regarding parking issues and the legal requirements of parking. I have tried to convince Whitney that the language of section 118 and subdivision K while authorizing this board to conduct a traffic study does not mandate this board to adopt the numbers set forth in that traffic study. Recognizing that might put your board in an uncomfortable situation. I know you are legitimately concerned with parking and we are legitimately as well. We've come up with another proposal that I have discussed with Nanette before tonight's meeting. Which is to eliminate all parent pick up at the conclusion of each afternoon session. To provide busing for those children who do not walk home. We think this will eliminate the problem of the requirement of off site parking since the parking is presently out of site is adequate for the staff. We will reinforce this with no pick up policy by requiring the parents to sign off on it, on the condition of the child losing their enrollment if they disregard the policy. We will also label each one of the parking spaces that is presently on the site for staff only. No parking for anybody except staff. That is our proposal. We think it resolves the boards' issue about the excess parking required and we hope you will move on to approval based on that. I recognize that Nanette's report that was submitted two weeks ago reserved further judgement as traffic circulation. We hope that also resolves that issue. Since the only traffic that will be circulating will be the mini van or vans. How many do you think you will need?

Carla Rediker: Probably 2-3.

Charles Banks: We have adequate standing area and queuing area for 3 vans on the site. That is what we purpose and I am hoping you gentlemen will accept it and give us our approval for our change of use. We are running out of time and we hope we will be able to continue this program.

Anthony Sturniolo: Nanette would you be so kind as to summarize the study that Anthony did?

Nanette Bourne: At the request of the board there was a lot of confusion as to the components of the program as to how many kids and trying to figure out what they're actually proposing. We sat down with the applicant and asked her to go through all the components of the program. The kids, the staff variations from day to day any changes that are being contemplated from her existing facility to the proposed facility. Changes in transportation, changes in drop off and pick up procedures. We spent about 2-2 ½ hours, the information that she gave us is what we based our analysis on. Not anything that was previously discussed. There is a good deal of confusion as to what she was proposing. We then made arrangements to visit her site with our presence known on a particular day that operation was in place. We then visited the site on two other occasions, when she was not aware. So that we could come up with an understanding of how their current operation runs, and what their current demand is. What the current demands and practices for parents picking up and dropping off their kids. What we concluded is that there are four components to the program. One is an after school program and based on what she alleges is her plan, plus what we observed as her current practice. Their parking demand is approximately 12 spaces. This would take into account the staff that is there on a regular basis. There are contracts with a nutritionist, a psychologist, pediatrician that is there on alternate days. With possibility with one or two days they could come at the same time. That is one component. The other is monthly meeting. The monthly meeting is not as successful as she anticipates. She only gets a couple parents. We talked to her if this was a successful program in the evening that she would like it to be. What would the parent participation be? Based on information that she provided to us we estimated that for these monthly meeting there would be a demand of about 12 on site parking spaces. The third component where parent workshops or special events that they would have several times a year. Maybe this would be quarterly. Those events would be celebrations and those events would be generating a considerable amount of activity and we estimated that these are parents bringing kids. There could be approximately 12 parking spaces on site. The fourth component of the program was the summer program. The summer program is proposed to handle about 70 kids that would be there all day long. Given the type of program that's been proposed for the site, the different nature and magnitude different intensity and requirements. There wasn't anything for us to observe because she doesn't have the summer program in place obviously right now. We decline to estimate the parking demand with the exception of noting that it would be considerably greater than any of the other three components of the program. I question the appropriateness of that site for the all day summer program for kids. That has nothing to do with the parking demand. We did not specifically look at the site plan issues concerning the proposed site. There is other site plan in considerations we specifically looked at parking demands.

Anthony Sturniolo: The other site plan issue would be a thing like queuing buses, traffic impact on Gatto Drive. Those kinds of quality of life issues.

Nanette Bourne: Right. As we all know the site contains a fairly generous building considering the relatively small size of the parcel. Unfortunately with the generous size building it does not come with a generous size parking lot. The parking that is provided on site is the most that you could squeeze out of that site. From the site planning perspective it is a tight size and the kind of site that you would want to limit the amount of activity. You would not want to have that site to be site where you parked and parents involved in dropping off and picking up, plus the shuttle buses. The circulation on site it's not sufficient for regular school buses. In fact school bus apparently drops off today on a regular basis adjacent to the site on public street. So it not even anticipated that it would come onto the site. That would leave the shuttle buses that are considerably shorter and I don't know if you could Que. up three but maybe two on the site.

Anthony Sturniolo: That also in my opinion raises the same issue of children getting on and off the shuttle buses and normal pedestrians walking in that area as buses coming in and out.

Doug Hertz: Nanette when you looked at the program what numbers was this supporting?

Nanette Bourne: It was represented that there were about 59-60 kids currently enrolled. The day we visited there were 56.

Doug Hertz: Your numbers were based on 56 and or 59?

Nanette Bourne: Right and she told that there were 59 and on that particular day there were 56. The other two occasions that we visited the site that the applicant was unaware that we were there, because we wanted her to be unaware. We didn't obviously go inside the building to count the kids. We did observe a similar pick and drop off. There wasn't anything different on those two occasions that we didn't see the day we were announced.

Doug Hertz: In terms of looking at parking issues the numbers that I saw indicate 90 children. So is the 12 that you are talking about the anticipated would be adequate?

Charles Banks: We had represented to the board and we had explained to Nanette that the current staff could handle without any increases in staff up to 90. That was the reason that a maximum of 90 was indicated on our application. Not that there are current enrollees in that number. The current enrollees are 56. It is Mrs. Rediker's feelings that the present staff is under utilized in terms of the number of kids who could be accommodated in the program.

Nanette Bourne: Just to be clear. Our parking demands analysis was based on a practical enrollment of 56 and a capacity of up to 60. If we were to consider the site going up to 90 we would come up with a different parking demand number.

Charles Banks: Based on parent parking?

Nanette Bourne: Based on parent parking.

Doug Hertz: You also mentioned the staff who are there that are alternate basis. I imagine if your enrollment goes up by 50% could that be a factor?

Nanette Bourne: There could be several factors. We did not get into those any capacity issues above the 60. Our analysis is strictly at a limit of 60. We were quite aware that there was a lot of confusion and a lot of numbers being thrown out that we just sat down and said ok what is it that you are proposing? She provided us with the 60. What we have come up with here would have to be modified or take into consideration an increase in enrollment.

(Tape 2 side 1)

Anthony Sturniolo: Or summer enrollment program.

Nanette Bourne: Summer enrollment is a whole different animal and I think there is enough to figure out with just these three components.

Charles Banks: As we said at the last meeting Mr. Sturniolo we have removed that from the equation for now. We may revisit it with the board if we decide that the site could handle it and would come up with new data. Involve Nanette's office at that time and see whether it can be accommodated. Even that would be handled without parent drop off or pick up. We decided it is not worth fighting that issue.

Nanette Bourne: As a parent if anybody told me that I couldn't drop off or pick up my kid that would tell me that I need to find another program.

Charles Banks: We have no choice.

Steven Rediker: This is what happens in schools everyday. Most children get bused to and from school. We are an after school program so our parents are very used to having their kids bused.

Nanette Bourne: Yet as a parent I've never been told I couldn't pick up my child.

Chairman Cosentino: I think we've all heard what is going to happen here. I just think we need to set this up for a vote for the next meeting. We will put this on the agenda for the next meeting.

Charles Banks: You're not voting tonight?

Chairman Cosentino: This is a work session.

Charles Banks: Ok. I can see why you don't want to vote. Is there anything else that we can tell you that would be helpful in making your decision?

Chairman Cosentino: I think the board has absorbed what they need to know. It is up to the board now. So we will put it on the agenda for a vote for February 8th.

Steven Rediker: There is one thing I would like to say to the board and that is and this mentioned by our attorney, we would appreciate you taking into account the fact our children will be bused home. We will hire vans to do that. We think that of course it is up to you to determine this will impact the number of parking spaces needed, because we don't have parents coming there. Our parents are very used to having their kids as opposed to non-Hispanic parents shall we say having their kids bused. As a matter of fact it is a matter of convenience for them, because they work.

Charles Banks: This would be a tremendous asset to them.

Steven Rediker: They have to stop work early to come and pick up their kids at our program, because they don't stop at 4-5 o'clock. They work much longer. It really is a help to them. We would so much appreciate the board taking that into account. We are not trying to put anything over on you we trying to make this work.

Carla Rediker: We told the parents that we were considering that and they were very happy, because in fact they have been especially as the weather gets cold we have them pick the children up not before a certain time as it works right now. We want to make sure the children finish their homework. Which we know they won't do when they get home because they don't have the help. The parents have always said to us from the very beginning please couldn't you take my child home. They are thrilled that if we were to come here that we would be taking the children home. It's a different version of what Nanette has to say but it is very true.

Doug Hertz: Why wouldn't you be taking the children home now? What prevents you from doing that now?

Charles Banks: Money.

Steven Rediker: At this point we do not have to hire vans. We are going to have to hire vans. We are taking advantage of the parents being willing to pick them up. In order to meet you requirements we will have to hire vans.

Charles Banks: Rather than loose the program. It is just something we will have to do.

Steven Rediker: Does that make sense?

Doug Hertz: Yes.

Charles Banks: Thanks to the board and we appreciate especially the time Nanette and her staff spent on this. They were welcomed on their visits I am sure they were. Her suggestions have been constructive. I think her observations are very objective and very professional and we appreciate them and we know your does too. Nevertheless we have done our best within our capacity to meet all her criteria. WE hope you board will take the expert answers. Thank very much.

6. Site Plan Compliance:

Mount Kisco Commons: Counsel for the applicant, Dan Hollis, Jodi Gutterra, Al Rossi with JD Management, Dave Sessions with Kellard, and John Collins

Chairman Cosentino: We have a site plan compliance Mount Kisco Commons.

Dan Hollis: Where we were on the 13th when we were here last. I went down a list of about a dozen things. The catch basins, the handicap parking we have taken care of. Dave will talk about the parking spaces and the guide rail and the maple tree and the grasscrete. Before we get into that the employee parking we have written both A&P and Target.

Chairman Cosentino: They went on deaf ears.

Dan Hollis: We have made it clear that it's a compliance issue and that the village is very serious about that. WE need to have a further meeting with the village officials and planning board representatives Nanette, Whitney, the building inspector whomever the village would like to include and representative of Target and the A&P . To have it made clear to them how serious the village is with it.

Ralph Vigliotti: Why do we need to spend all the staff's time to make something clear that we have already made clear in writing to them. We're done.

Dan Hollis: Right that becomes their issue.

Ralph Vigliotti: They are not getting a temporary CO unless that back parking lot is being used. The employee entrances are working. Entrances and exits to that parking lot. Case closed. There is no reason for us to be meeting with them We do not need to convince them. They have to convince us that they want to open up on time and they get a temporary CO. Case closed. Send that message back. Whether you use smoke or email send that message back. Enough is enough. We approved this site knowing that there were 109 parking spaces that would actively be used. Knowing that there would be an employee entrance exit actively used. Literally with a time clock. Folks this how you come into work, not through the front door. We are done. There is absolutely no reason to have any meeting at all. The only

meeting is either here is your CO or you're not getting it. I think I speak for all the board members here.

Chairman Cosentino: I would echo what you just said.

Ralph Vigliotti: If they think for one second that they are getting the temporary certificate is and they are not going to comply with rear entrances for both and that they work and the emergency bars are there. Doorknobs are there with doorbells so they can get in. They have time clocks there. That it is an official entrance for employees. Done. We are wasting our time here tonight. As a volunteer I am sick and tired of this nonsense. We come out twice a month. We try to do the right thing for this village. We have developers who hoodwink us and think that we are just going to roll over. You guys have worked hard here. You're at the tail end of this. Let them know that the tail is going to wag this opening. It's going to be that rear entrances working. Simple as that. Enough.

Dan Hollis: With regard to the Con-Ed. We have a letter from Con-Ed. I only have one copy with me if you would like to take a look at it. It was emailed to me today. I will get other copies down to you later. The Target back flow preventors received an approval today. John Collins will talk about traffic management plan both globally with regard to all the different issues. It was submitted to Nanette for review.

Nanette Bourne: There are some outstanding issues that are not issues that the applicant can resolve. They're issues that are resolved by the village. Before this is ready for part of this. It has to do with the use of uniformed officers on the site and the mechanics for that as well as the plan for the applicant making for parking and circulation. Separate from the parking management. The applicant is working with the building inspector. I have not seen those plans. Those plans are not intended to be part of the parking management plan that was presented.

Dan Hollis: The parking management plan for Target's grand opening is similar not identical to traffic management plan for those days. It's just another additional day on which the same problems will be cropping up. So that the same sort of monitoring will go on with the internal parking attendants we'll call them or security folks who will then convey available space information to the officer. When the spaces are full they're full and people will be waived on by. As we mentioned in our meetings both informally and before the board. When that happens that becomes a problem for either Target or the A&P. They don't have enough spaces the people will go to Shoprite or Kohl's or wherever else they'll do their shopping. On the Target crosswalk David will cover that. I think I am at the point where Dave Sessions can take over and address some of the issues the different plans.

Anthony Sturniolo: Does anybody in this room know the intended opening date for Target?

Al Rossi: I was told it was March 2nd.

Anthony Sturniolo: Next meeting is February 8th, which is a regular meeting. Meeting after that is a work session, which is February 22nd. I am 100% in agreement with my colleague Ralph, that enough is enough. If this turns out to be a temporary C of O condition and you don't meet the requirements for the C of O I think it may become difficult to obtain that. Part of the condition of approval for A&P was this lengthy letter that Rick Birdoff signed off on stating that this entire thing will be met in anticipation of the Target opening and that whole thing took part the latter part of October early November. This board did go on record with Target and A&P and RD Management saying that we would be making every effort we can to accommodate you in the next several meeting. We kind of discussed that as well in those two informal meeting we had in January. As of today A&P and I am not going to repeat what Ralph articulated accurately but something has to get done there.

Dan Hollis: I saw the letter and I think that if you take a look at the things that we have undertaken to do. We've done them or tried to do them and tried to do them efficient and quick way. We hear you loud and clear. We are going to take that message back to Target and A&P and tell them look we are doing everything we can. We are complying with the wishes of the Planning Board and the resolution of approval and the letter of November 7th and our informal commitments and formal commitments. You have to step up the plate and do what you have to do. That is clear.

Anthony Sturniolo: The clock is ticking.

Dan Hollis: I understand and we're I need to be at some point and I understand the concern and it's valid. The board has articulated it clearly and concisely and repeatedly, with regard to the rear entrance. Dave is going to talk about the 38 spaces that are the grasscrete area. I think because of what you are saying Mr. Sturniolo in the dates that we are and only have available to us we need to have the board authorize Michael Stein and Richard Stein to issue

a temporary CO as long as certain conditions that you might set. We are not going to be able to complete that paving issue by March 2nd there is no question about that. We are not going to be able to complete the wall by March 2nd, because of the weather. Ralph Vigliotti" This is fair and reasonable stuff that we are talking about.

Dan Hollis: Really if you go down my check list and the things David is about to speak about they're really aren't that many.

Chairman Cosentino: We are talking about something that is non-compliance. They have not complied.

Jodi Guterra: I would like to ask a question understand as the developer we are doing everything we can to get compliance. Hypothetically because we are trying to gets Target on time for their grand opening. If they comply in terms of having that rear access working for the employees and we are still having difficulty with getting A&P to comply will we still be able to allow Target to move forward?

Chairman Cosentino: No temporary CO is going to be issued to Target unless they comply with the stipulations that were in that letter and signed less the wall. Those are the two issues that we said that we would work on because of the weather. Everything else must be completed.

Dan Hollis: Or an explanation which you are going to hear about that three foot wall. We are going to talk about that.

Chairman Cosentino: We said the wall due to bad weather. As far as anything else that is in that letter non-compliance resolution number 17, Target does not get a CO to open up.

Dan Hollis: The screening at Wachovia has been taken care of to your satisfaction?

Michael Stein: I believe they had submitted it and I was going over it with him. It was being approved.

Dan Hollis: The lighting, there was an issue with regard to shield.

Al Rossi: It came in today and will be replaced.

Dan Hollis: John Slaker could not be here tonight, he is ill. So we will try and answer what we can. The mitigation plan is all tied into Dave's plan with the wall and the snow storage area.

Dave Sessions: As you know there is the issue with the retaining wall on this side of the satellite building.

Chairman Cosentino: It was built for the parking spaces without the plotting because of a ConEdison light over here. What they need to do is take this wall down and bring it back so the parking spaces will comply.

Dan Hollis: It is a 14 ½ egress verses an 18 ½.

Chairman Cosentino: this is on the satellite building.

Doug Hertz: So we are basically taking it back 3 feet to align it with the existing wall here and grade basically the same. I believe we are stepping up about 8 inches here to conform to the grades. This one existing maple tree is going to be lost as a result of that. The guide wires for the existing utility pole have already been relocated temporarily. Con-Ed will relocate those.

Michael Stein: I spoke with Con-Ed about it and they said that was part of the reason why they are getting the letter. If it is going to be reconnected it's the footing of the wall once the construction of the wall is complete.

Al Rossi: I think the engineer from Con-Ed has worked out what he wants to do when he puts that guide wire back in.

Dan Hollis: I will send you a copy of the letter.

Dave Sessions: As Dan said unfortunately John Slaker could not make it tonight. He was going to bring the landscaping report and he is replacing additional landscaping.

Stanley Bernstein: Are there mitigations for the maple tree?

Dave Sessions: Yes. I think he is proposing 1/2 or dozen two inch trees. I believe he has six in this area, 12 plantings here. Removing a dead tree and he is planting additional trees along Rt. 117.

Stanley Bernstein: What was there on the original landscape?

Dave Sessions: I wasn't aware of that. These were just additional.

Stanley Bernstein: There was nothing there before originally?

Dave Sessions: Nothing proposed.

Chairman Cosentino: There are trees.

Dave Sessions: There are trees existing, but nothing was originally purposed there. He is filling in.

Nanette Bourne: There was some landscaping proposed, but it looked a little thin. So he was going to and we talked about there was a opportunity to make it a little more lush.

Dave Sessions: We are gaining 6 trees 12 arborvitaes for loosing one maple. A couple months ago the applicant started with wooden guide rails which go along the entire frontage and returns. What we've done is proposed a 3 foot high decorative fence. This is a decorative fence it is 3 feet high and certainly the guide rail varied from 1foot 8 inches to about 2 foot high, This will provide plenty of protection. There is a good 10-12 feet between the sidewalk and there anyway. I think the fence will take care of any safety issues.

Anthony Sturniolo: What about the screening fence on top of the A&P that is going to be replaced.

Michael Stein: I believe they were approved.

Dan Hollis: I believe that brings us to one remaining issue which is the gravel paved 38 spaces.

(Plans being opened very difficult to hear conversation)

Michael Stein: We had talked about that. There was some part of it the building inspector taking a look at. It didn't need to go to ARB.

Chairman Cosentino: Is it wrought iron?

Dave Sessions: It is black

Chairman Cosention: I would hate to have you put up the fence and suddenly the ARB wants it to come down.

Nanette Bourne: What we can do is an FYI to the ARB.

Chairman Cosentino: I think they should review. Let them look at it. That should not hold us up in our process.

Nanette Bourne: Nancy will do that

Dave Sessions: Target is also proposing in front of their main entrance, they just replaced this existing piece of asphalt.

Chairman Cosentino: The square footage would be what?

Dave Sessions: The square footage would be 30x probably about 50.

Chairman Cosentino: They just want to take up the asphalt?

Dave Sessions: Just take the asphalt up and replace it with concrete. They are going to put concrete slab. I think it is typical of their prototype. It provides better traction. The concrete is actually scored. It is not colored textured. It is flush with the asphalt. It will fit right between two existing cross sections.

Michael Stein: I received a copy. The reason why I referred it to him to come back to the Planning Board review is because there was a required construction on the final pavement

that went down. I just wanted to make sure that since they were tearing up the pavement that everything was understood with the board.

Anthony Sturniolo: What was the line somewhere along here that couldn't be identified, but it was suppose to be capped. Was it an old sewer line or a water line?

Chairman Cosentino: An old 8 inch line wasn't it?

Anthony Sturniolo: Was it the sewer line that couldn't be found?

Al Rossi: I am not sure.

Anthony Sturniolo: The reason I am asking the question. This goes back to pre A&P, Target but post Applebee's. What accounts for all the water that builds up on Preston Way right outside of Target? It is like an underground spring or ruptured line. All of us know it as we go by there every time. Right on the street, Preston Way

Chairman Cosentino: There is probably no manhole for the water go.

Anthony Sturniolo: Have you ever noticed it?

Chairman Cosentino: When it rains it is pitched but there is no manhole.

Michael Stein: I will swing by and take a look.

Anthony Sturniolo: It is constantly wet.

Michael Stein: I know a little bit further up the hydrant has been leaking. I spoke with the water department.

Anthony Sturniolo: This is before the entrance into here. Right on the side of Applebee's.

Dave Sessions; It could very well be a ground water issue. I remember when they were installing the traffic light there on Preston Way. There was a lot of ground water.

Anthony Sturniolo: The houses that were there before urban renewal they were built in stilts.

Dave Sessions: So the is the crosswalk. It is pretty straight forward. The crosswalk we would like to pave it and I think your board would like to pave it. We have already spoken to DEP about it. We do need to submit some calculations and drainage calculations and see if storm drainage can handle. What we are doing id increasing the pervious surface now. The asphalt plants are closed until spring so that can't be done. So that is where we are. We would like to pave it.

Anthony Sturniolo: What would you do to mitigate it before you could pave.

Dave Sessions: We are going to investigate again the capacity of the storm sceptor. I though we had a little excess. If that excess will be able to accommodate the additional impervious surface we may not need to do any mitigation. If it doesn't we may have to put in another storm receptor.

Nanette Bourne: I think you are talking about the in flow.

Anthony Sturniolo: Before you pave would you put crushed gravel so the parking area can be used as opposed to attempting to use the sunken grass crete?

Dan Hollis: I think the freezing is going to help us for awhile. The fact that it is frozen provides more stability.

Michael Stein: I don't agree. I was just on site on Rt. 117 and brought the tractor over the grass and immediately sank right in. This was after it was below 30 degrees. It hasn't penetrated deep enough to give you the support.

Dan Hollis: I have not been there today so I don't know how much snow is on top of it. I would think given what's gone on here in the last week that the frost has helped. I wouldn't want to have to do the job twice. That does not make a lot of sense. To do something on an interim basis when David is pretty confident that we're going to be able to solve the problem permanently in an effective way.

Chairman Cosentino: You need to work with Mike on it anyway.

Michael Stein: The only thing is that you're now for the March grand opening you are in essence going to have 38 spaces that are now eliminated. You are not going to have people parking on it.

Dan Hollis: I talked to John Collins about it. I think what it does is for any reason that they are not available and I am not conceding that they wouldn't be. Maybe they will be frozen. If they are out of commission then that internal mechanism that we have in place. The internal people are letting the police know when we are full. That just happens to fill the spaces sooner. That's the answer. The permanent fix is what we are looking for not just for March 2nd but for the long term. I think David's plan for the long term will solve it by paving it.

Nanette Bourne: I have to disagree. What we experienced with the A&P opening those initial grand opening days were a little scary. We all see that it has settled down and has gotten into a stride. It is that first week the loss of 38 spaces is going to be significant. It could be fatal to the functioning of the entire setup. I think it is really important that you look and come up with some interim way to stabilize that area. Put those 38 spaces back and make sure they are available. I don't know what happens if you put crushed rock. You don't have to necessarily strip it. But put something that will stabilize it.

Al Rossi: Probably crushed rock to level it off. We are talking cars not loaded tractor trailers.

Nanette Bourne: They are going to have the employee parking back there.

Dan Hollis: We can certainly look at that and David and Michael can work something out.

Al Rossi: Maybe we can put something like reflective lines. Maybe when they come in there and it is sticking up 2 feet it won't interfere with the car parking, but when at least when the guy is trying to maneuver there he will see these things and won't mow them down.

Chairman Cosentino: Nanette are you saying that you are making this a condition?

Nanette Bourne: I agree that there is no way that could be permanently resolved by March. Until it can be permanently resolved.

Chairman Cosentino: You are making it a condition that the spaces should have whatever it has to be to accommodate 38 spaces by the opening of Target.

Dan Hollis: As long as we are not covered with snow.

Nanette Bourne: Remove the snow. Just as if you are removing the snow from elsewhere.

Dan Hollis: We will find a way to stabilize.

Whitney Singleton: Dan your want to pave the grasscrete area? That was your way out from having not to go to DEP for review of this application. Initially by not putting in a impervious surface in that spot and now you are going back for an impervious surface and that is going to be totally ok with DEP?

Dave Sessions: Absolutely. I had the conversation with Jeanine.

Whitney Singleton: It sounds like a little bit of segmentation to me. You specifically tried to avoid their regulations by doing this. Now you are going back to pave it. It seems a little counter intuitive.

Dave Sessions: The fact that we "avoided DEP" was not predicated on this footing the grass paves down. The reason for the grass pave was in that portion of the parking lot you could see the job. We actually came a little closer to the wetland. So we increased some impervious surface. We would of increased some impervious surface in this area had it been paved. As mitigation DEP in contact with the village well maybe we can call this pervious. I think we can put a pervious surface down there as mitigation.

Jodi Gutterra: It also wasn't our intention to have a grasscrete become unsuccessful.

Whitney Singleton: I understand, it just sounds very contrary to my experience with DEP.

Dan Hollis: You might be right. This was not our idea alone. This was an idea that everybody came up with. We would have paved it from day one.

Nanette Bourne: I spoke with Jeanine and she doesn't disagree with you and trying to work with everybody and solve the problem. It is recognized that it doesn't work, it is a blemish on the site and she's trying to solve it.

Stanley Bernstein: Despite what Jeanine says and thinks I think it is totally wrong, to pave that close to the wetlands. I thought this whole set up satellite building and everything else would preserve the wetlands. There is a buffer and now you are going to have all the oil from cars and all the garbage from cars rolling into that wetland. I don't like it even if Jeanine wants to go along with it. I am thoroughly against it. I am one vote on a large board.

Stanley Bernstein: You need a cop out there with a big sign FULL! Now you don't have the parking, put up a big sign FULL! Can't come into this parking lot. Let's see how Target handles that.

Dave Sessions: With respect to protecting wetlands oils and so forth. The entire drainage system back there has collected nothing.

Stanley Bernstein: Not from my perspective.

Dan Hollis: What is our list of items to achieve except for the fact of the big one and Mr. Vigliotti's and the Boards with regard to the rear entrance.

Chairman Cosentino: You have to add the 38 parking spaces.

Nanette Bourne: The next step to this is that this requires a modification to improve site plan. You're probably requesting a temporary certificate of occupancy. So at the next meeting you need to come in with all of these items resolved. So that you go down the list parking, fence, change in front of Target, parking management plan. You make a request to summarize that list make a request of the Planning Board that they consider modifications to approve site plan. At the same time you are requesting a temporary certificate of occupancy and you have to look at the procedure for the TC of O
And what the Planning Board is going to be looking for to grant that approval. I think is that correct?

Whitney Singleton: It seems to me and I am not trying to make waves for you Dan. You are putting a lot of finished product or almost finished product into one meeting. They are going to have review the adequacy of the traffic management plan, the site plan, proposals as to the parking spaces in the rear, the access in the rear and whatever issues pertaining to that. Everything has to come into alignment for you to everything adequately resolved to this board's satisfaction.

Dan Hollis: If we have the explanation and then rely on the building inspector and engineer to carry out the wishes of the board.

Whitney Singleton: I'd just make sure that you have a lot of correspondence and communications with staff members.

Al Rossi: I am a little confused. We presented plans two weeks ago for tonight's meeting on the wall. Are we ok to do the wall? Assuming the weather permits us to do the wall?

Dan Hollis: Does anyone have a problem with the plan? We understand we have to have an approval.

Whitney Singleton: I want you to find out as soon as possible on the eve of an opening.

Dan Hollis: All the plans are in.

Dave Sessions: The entire crosswalk, landscaping it's all in.

Dan Hollis: All those plans are in.

Al Rossi: If the plans are deficient in anyway we'll react to the comments.

Nanette Bourne: The traffic management plan was submitted and have a copy of it, but it has those outstanding items that we need to deal with.

Al Rossi: Not on our end.

Nanette Bourne: You have submitted everything that you can.

Anthony Sturniolo: The outstanding items on our part are the police presence outside of the A&P and Target envelope.

Nanette Bourne: It is the mechanism.

Anthony Sturniolo: What about the demonstration of off site parking on those to use Stan's words the high holy days periods that are listed in resolution # 17 and the valet parking.

Nanette Bourne: All that when we met.

Chairman Cosentino: The valet parking is out.

Dan Hollis: The off site is out.

Nanette Bourne: We went through the history of how the high demand days will evolve to include the remote parking possibility as well as the valet parking. When I went through and looked at the minutes and how it was brought up and how it was discussed.

Anthony Sturniolo: You mean starting back in 2003?

Nanette Bourne: No actually starting back in 2001. It was concluded with staff and with the planning board members present in an informal meeting that the remote parking lot was not going to work, with the exception of perhaps of this temporary grand opening possibility. We talked about it the grand opening at that meeting.

Chairman Cosentino: We talked about it for that one time.

Nanette Bourne: For that one time and that was going to be handled separately and coordinate with the building inspector. That the valet parking on site was not something that the board was comfortable with and that what seemed by the staff and the board members presence was that the most important thing is to get traffic off the streets and onto the site and if there is no parking and people are circling.

Chairman Cosentino: If we find that it is cluttered inside the lots are going to be closed. We are going to send the people away. I want this to be on the record on the minutes. If the parking lot is congested and no place to park the people will be waived off. Lot Full

(Tape 2 Side 2)

Nanette Bourne: The key to this working is to make sure that the Mount Kisco Village Police are participants we have a mechanism. That mechanism and who makes the call to the police that this needed and for what period of time.

Who makes the call Target, A&P the developer the building inspector?

Chairman Cosentino: It is already in the resolution. It's either the building inspector or the police chief.

Nanette Bourne: We need to make it clear with the police chief. We need to make it clear with the police chief.

Jodi Gutterra: Interestingly enough I was at the grand opening of the mall 11 years ago we had police at that event. It actually worked very well. Target will not nearly have the amount of activity that they had 11 years ago. We had police and aided with the traffic flow.

Chairman Cosentino: The other thing that I said it should be in the minutes it is not in the resolution. If you brought this up that RD Management is the one that is getting billed. They are responsible for payment to the village of Mount Kisco.

Al Rossi: There is a note to that effect on the document.

Whitney Singleton: As long as you are on the grand opening. We specifically asked at the last grand opening that no signage be used. It wasn't in accordance with the village code. There were temporary signs put up all over highway exits throughout the village. They had the Hollywood spot lights shooting up into the sky.

Chairman Cosentino: That is not going to be done here.

Whitney Singleton: I am just telling you.

Stanley Bernstein: How do you enforce that?

Whitney Singleton: Serve them a violation.

Anthony Sturniolo: There was a violation issued with regard to the search lights.

Stanley Bernstein: Why were they there to begin with?

Chairman Cosentino: They didn't know it.

Dan Hollis: The media person for the A&P was the one that did this.

Anthony Sturniolo: Nanette going back to the site plan modification. If there is not going to be satellite or remote parking for these high holy days. Do we then have to modify the language of the resolution #17 to eliminate that reference as part of the site plan modification that the applicant is going to come in for?

Nanette Bourne: That is right.

Anthony Sturniolo: So when you change the language around in 17 as part and parcel of it. Could you go through again? We have heard it for the first time tonight. What the Target opening plan is that has been discussed with the building inspector.

Nanette Bourne: I don't know what that is. I know that discussions and I think I heard it from the building inspector. Maybe I heard it from you.

Michael Stein: It wasn't from me.

Nanette Bourne: I heard from somebody that there are in reference to Commerce Bank opening. That there was a grand opening plan that was sanctioned for the Commerce Bank. They were going to get the details on how that was organized. Who approved that and what the details were, because there was some remote parking as part of the Commerce Bank grand opening.

Anthony Sturniolo: So the remote parking.

Whitney Singleton: They parked up at the hospital.

Chairman Cosentino: Exactly.

Whitney Singleton: Nobody parked up there.

Dan Hollis: Nobody parked up there, so it did not work. People circle and try to get as close as they can. They were parking in 222 Main Street's parking lot. They were parking at the diner and on the side streets.

Chairman Cosentino: if by a miracle that it opens up on March 2nd. You need police presence there.

Michael Stein: I know the Village Manager expressed concern to me about now specifically the grand opening but other times where the police department may feel it is necessary to have someone there. The problem becomes if they do not have enough staff then what happens?

Anthony Sturniolo: That is the meeting we are trying to get.

Dan Hollis: I think what has been done in other towns is they hire Bedford or New Castle cops to help.

Michael Stein: If they pass by at the moment and there is a problem how are they having enough staff to get over there and cover it.

Chairman Cosentino: I understand they put up a work schedule and it is an overtime basis. It is by seniority that they sign your name.

Nanette Bourne: I am unclear as to who is going to take the lead in working this out with the police chief.

Anthony Sturniolo: We got word from Jim Palmer and Walter Koval's availability to sit down with us to discuss this whole issue. One of the things I put in my note that in discussing that we need a mechanism in place. That anybody in the police department knows that this is part of the resolution. That if somebody in the police department needs to enforce it. As Joe said call someone in on overtime. So that everybody is all up to speed both the police department and the Village Manager's office that this is going to happen on certain peak times or other times as well.

Nanette Bourne: So this is something that Jim Palmer is sending?

Anthony Sturniolo: We pushed him for an answer. We gave him dates and we have to go back.

Chairman Cosentino: Jim Palmer had some things he had to check out, before we implement.

Nanette Bourne: This is an important piece for the February 8th meeting.

Chairman Cosentino: Hopefully it will be resolved this week.

Nanette Bourne: You are not asking me to call Jim?

Chairman Cosentino: We are going to do it.

Whitney Singleton: This site and this site are combined for this application. Correct? I am trying to figure out if these two sites the overall site plan for this property. If you propose covering up these parking spaces I can't imagine that you will be able to meet development coverage requirement. It is 80% development coverage isn't it? It looks like it already has quite a bit of pavement on it.

Dave Sessions: Are you talking about the grass-paved area?

Whitney Singleton: Yes.

Dave Sessions: I can't imagine, we were not that close. We were about 4-5% to begin with.

Whitney Singleton: That was over the entire site right? Not just this part? That is what I am trying to figure out. Is this part of the per site plan?

Jodi Guterra: I believe the two parcels are combined. Just to be clear and Ralph I hear you loud and clear with this whole issue with the back doors. I agree with you. As developers we are going to do everything we can to get compliance. However A&P and Target have two separate C of O'S and if Target complies can you not put A&P in violation? To keep Target from opening because A&P is in violation why can't you put a violation on A&P?

Anthony Sturniolo: Because when the C of O was given to A&P. The agreement that was signed to was that everything on the approved site plan and the resolution was going to be 100% addressed prior to a C of O or a TC of O for Target, and that is what Birdoff signed off on.

Chairman Cosentino: We have to separate this. I understand what you were saying. There were two building permits issued one for Target and one for A&P. We are talking about the site plan which encumbers both. We hold the site plan. If A&P is in violation of anything six months down the road I am not going to A&P I will pull the entire site plan.

Dan Hollis: I think that becomes an issue of fairness too. You can just violate A&P.

Chairman Cosentino: I pull the entire site plan. Whitney.

Whitney Singleton: It is very simple. It's either their problem or our problem. Their problem has become our problem every step of the way. I am willing to tell the board if there is not compliance with regard to the overall site plan then you are in a position to withhold or advise withholding temporary CO. It is part of the approved site plan.

Chairman Cosentino: If there was a violation on residential home we don't go to the tenant we go to the landlord.

Jodi Guterra: I understand that you have the leverage and that as a board you should and can use it. My point in terms of Target if they are complying and this is a major tenant that is trying to get open and an adjacent tenant is the one in violation.

Chairman Cosentino: Why is it in violation and the other not? You have to pull the site plan.

Jodi Guterre: Why can't you pull A&P C of O?

Dan Hollis: Or just issue a violation.

Chairman Cosentino: No, because under the final resolution it encumbered the site. It didn't cover A&P or didn't cover Target.

Jodi Guterra: Do you have the option if you wanted to, to give A&P a violation?

Chairman Cosentino: I don't know if we have the option, but I wouldn't do it that way. You need to pull the site plan. You need to get the landlord involved and shake them up.

Jodi Guterra: Do you think we don't want to get Target opened?

Chairman Cosentino: I know that.

Jodi Guterra: Do you think that we are not shaking up A&P? All I am saying is that in the event that we have complied with every single other thing that you are asking for and that is the one thing and it is out of our control because it is A&P.

Chairman Cosentino: That is your tenant not ours.

Jodi Guterra: I don't understand that.

Chairman Cosentino: You have to have control over that.

Dan Hollis: I understand that there is a pharmacy going into Target and there is a pharmacy in the A&P. Let's just take a hypothetical that the A&P says you know what, let's kill this pharmacy before it even gets started. Let's have our people park in the front. Then you've got issues. I would not make it categorically.

Chairman Cosentino: That is an internal problem.

Ralph Vigliotti: We have both sites on the same path at some point in time March 2nd, 3rd, 4th they are to park in the back. If one complies and one doesn't you have 50-60 spaces that are empty that are not servicing the entire site. There is 109 spaces and Target does the right thing and uses 40 there is 60 some odd spaces that A&P chose not to have their rear door in operation so we are short 60 parking spaces.

Chairman Cosentino: The site plan allows x amount of parking spaces.

Jodi Guterra: You will get customers who will park there.

Ralph Vigliotti: You have an issue of 38. If we loose anymore back there because they don't want to be in compliance then the site has lost 70 spaces.

Anthony Sturnilo: Although there are 2 separate permits and 2 separate C of O's. It is RD Management, is the one person who is the applicant who has put the site plan together and who's agreed to the resolution approval and RD Management also agreed to the stipulations to grant a C of O for A&P. We are looking at the whole picture.

Chairman Cosentino: There is no such thing as pulling the site plan on A&P, you pull it on the entire site.

Jodi Guterra: I was thinking what Dan said and putting them in violation. They have to respond.

Chairman Cosentino: I don't think we are putting them on violation, we are putting the landlord on violation the site plan. As far as we are concerned we have no gripe with them.

Jodi Guterra: With A&P?

Chairman Cosentino: With A&P or Target.

Jodi Guterra: Hypothetically what would happen if you put A&P in violation?

Dan Hollis: They would get fined in justice court. If it is a violation of a building code. We will put together a list and will be here on the 8th.

Al Rossi: We are coming back on the 8th. TMP (traffic management plan) is in the buildings hands. We have all the drawings in for the wall. As soon as the village says it is ok we will do it. More than likely it will not be done by March 2nd because of the weather.

Michael Stein: If they do get a break in the weather somehow. When can we allow them to do that? Do they have to wait for the February 8th meeting when it is voted on for the entire site plan or can we give them the authorization to go ahead now?

Chairman Cosentino: If there is a break in the weather they can do the wall.

Al Rossi: We can do work if the weather permits.

Michael Stein: The only reason why there was a question they could do the wall. Is because even if they construct the wall at the correct location it will still be higher than it was originally approved on the approved site plan.

Anthony Sturniolo: That is a modification to the original site plan.

Michael Stein: Right. That you would not have voted on until the 8th, so maybe putting something up that doesn't conform, we would be authorizing them to put something up that didn't conform to the site plan.

Chairman Cosentino: So you are saying we have to wait until the modification comes in and then.

Michael Stein: That is what I am trying to verify.

Chairman Cosentino: They will have to wait.

Al Rossi: We talked about the spaces with the grass Crete in the back.

Chairman Cosentino: You're going to do that to condition.

Al Rossi: Right. We have to do something to make it workable. Those are the 2 physical things we have.

Doug Hertz: This is a modification to the landscaping plan that has been submitted. Is it Slaker who's doing this?

Chairman Cosentino: Yes John Slaker. There was a tree there and we went to Save-A-Tree and asked them could the tree be saved? The report came back and said the tree could not be saved. So in mitigation we said we wanted X amount of trees in place of that one tree.

Doug Hertz: Do we want to have Slaker here just to discuss what trees he is putting in.

Chairman Cosentino: I think there are 6 of them. He is going to be here on the 8th and you can ask him that question.

Anthony Sturniolo: Nanette the traffic management plan again. We are going to see it in a formal manner on the 8th. Is it going to be a memo or a drawing? Ok it is going to be a drawing.

Nanette Bourne: It is this drawing and the drawing reflects what we have been talking about with the exception of how it is going to work. So the mechanism which involved the conversation with the police department is not yet reflected on this and will need to be.

Anthony Sturniolo: Outside of that issue everything else is working?

Nanette Bourne: It becomes very simple since we are not having the valet parking.

Anthony Sturniolo: Nor the remote location.

Nanette Bourne: Right. So really the key is how this coordinates.

Chairman Cosentino: So we will see you in two weeks.

7. Correspondence:

Chairman Cosentino: Minutes from the Beatification Committee
Letter from Charles Bank. There was a letter from Sinapi and Phillip Grimaldi, a letter from Patti Tipa on enforcement and a letter from William Williams Village Manager.

Anthony Sturniolo: Mr. Chairman I would like to make comment on the record. Regarding the January 11th letter from Phillip Grimaldi addressed to the Mayor of Mount Kisco. As one member of the Planning Board I voice my strong objection to this letter. I do not like the tone of it. He uses words like "political consideration" "The Board's actions are arbitrary capricious and illegal". He continues in his letter to make certain statement attributed to the chairman of the Planning Board and another board member. Making derogatory statements regarding the neighborhood. Then he repeats this political issue again at the conclusion of his letter and I find the letter demeaning, unprofessional accusatory and absolutely does nothing to further the cause of his client.

Chairman Cosentino: Well taken Tony. On the correspondence there are two items I want to go over. One is from Patti Tipa. We have some pictures and a letter to, 2 individuals. One was Paul's Lawn Mower Shop on Main Street and one for the Martabano building 128. On Paul's Lawn Mower Shop, he seems to have cleaned it up a little bit. I went over to Martabano's place the cars and junk are still there. So that site plan should be pulled. The site plan for Paul's. Actually the gas station next to the restaurant here I thought was Paul's.

Whitney Singleton: Specifically they are not to have any cars parked in the front.

Chairman Cosentino: We want that site plan pulled.

Whitney Singleton: When you say pulled. Why do you want to review it if you know they are in violation?

Chairman Cosentino: Because they are not doing anything about it. They were notified.

Whitney Singleton: it doesn't say they were issued. I think if you read later in that letter they are asking you for your input and direction.

Chairman Cosentino: Patti Tipa called me and wanted to know if we wanted the site plan pulled. Please be advised that it has been observed at your property at 98 N.Moger Avenue is in violation. It is not N. Moger Ave.

Whitney Singleton: I see that with Martabano. If they are in violation of site plan or violation of the Zoning Board then they should be prosecuted. What would you hope to obtain by having the site plan pulled.

Chairman Cosentino: I thought that there was a procedure is why Patti sent this to us.

Whitney Singleton: I think that she is trying to confront them that this is not a part of the approved site plan. She is asking I would appreciate your guidance and direction on these properties. They should be issued violations and prosecuted.

Chairman Cosentino: Is that all we have to do?

Whitney Singleton: Yes

Chairman Cosentino: Let's tell Patti to prosecute. On Paul's Lawn Mower he seemed to clean his act up a little bit. On Martabano and on the Cawley property they did not. You know you prosecute, prosecute one year ago we reported the house behind 30 West Main Street. All we got is that it is in court. How long does it take?

Whitney Singleton: It takes awhile.

Chairman Cosentino: Over a year?

Whitney Singleton: Each and everyday that there is a violation it constitutes a separate violation.

Chairman Cosentino: It has been over a year.

Whitney Singleton: For which building?

Chairman Cosentino: 30 West Main behind.

Whitney Singleton: You are talking of housing violations.

Chairman Cosentino: Yes.

Whitney Singleton: You just can't go walking in the building and determine that they are in violation.

Stanley Bernstein: All you have to do is look. He has dozens of cars.

Whitney Singleton: That does not constitute a violation in of itself. You have to establish that there is a illegal residency.

Chairman Cosentino: We are not talking about illegal residence. We are talking about commercial vehicles in storage.

Stanley Bernstein: On Maple Avenue. First house on Maple.

Whitney Singleton: Why don't you direct Nancy to send a letter?

Anthony Sturniolo: Are we clear that from the planning board to Patti a note. There would be for any directives issued by our board.

Whitney Singleton: I will help Nancy with the language on that. You might want to point out that these conditions reflected in the photograph do not constitute the approved elements of the site plan. Therefore we recommend that you continue prosecution.

Chairman Cosentino: On Lundy Lane and Lenox place we went on a site visit. I think the consensus of the board was to leave Lenox.

Anthony Struniolo: When we were there we said parking on the south side of Lundy Lane from the intersection of Lundy and Main Street up to the first residential home. There should be no parking. That was our recommendation.

Chairman Cosentino: Also the road should stay two way.

Anthony Sturniolo: That is the only change we recommended.

Chairman Cosentino: If they make it one way you will just bring traffic onto Grove Street. Lundy Lane should stay the same and eliminate the parking from the corner of Main Street to the first residential home. No further recommendations on Lenox Place.

Motion to adjourn By the Vice Chairman Sturniolo
2nd by Stanley Bernstein

Meeting Adjourned 11:30pm