

**Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday October 25, 2005**

Meeting called to order at 8:00 p.m. Tuesday April 26, 2005 at the Municipal Building Mount Kisco, New York

Members Present:

**Anthony Sturniolo
Stanley Bernstein
Doug Hertz
Ralph Vigliotti**

Members Absent:

**Joseph Cosentino
Joseph Morreale**

Staff Present:

**Whitney Singleton
Nanette Bourne
Michael Stein
Lester Steinman
David Stolman
Austin Cassidy**

Vice Chairman Sturniolo opened the meeting with the Pledge of Allegiance.

Vice Chairman Sturniolo: The first thing on our agenda is minutes that are in a draft form.

Stanley Bernstein: No Nancy submitted the final minutes.

Vice Chairman Sturniolo: Has everyone had a chance to read them? In that case I would entertain a motion from Stan.

Stanley Bernstein: I move to except the minutes of Tuesday October 11th 2005.

Vice Chairman Sturniolo: Is there a second?

Ralph Vigliotti: I will second.

Vice Chairman Sturniolo: Will the secretary please poll the board.

Stanley Bernstein - Aye
Ralph Vigliotti - Aye
Sol Gibbons - Aye
Doug Hertz - abstain
Vice Chairman Sturniolo - Aye

Vice Chairman Sturniolo: The next item on the agenda is the public hearing for a wetlands permit at 333 N. Bedford Rd, Diamond Properties. In our packets, we have an affidavit of publication from the Journal News with the notice pertaining to the public hearing was printed. This was circulated. We also have application notarized, and if there is anyone in the room that wants to speak, later on at this public hearing. There is a sign-up sheet, and I encourage you to put your name down.

Public Hearing

**a. 333 North Bedford Road – Wetlands Permit
Jin Diamond, owner Peter Catazone, Michael Gallin, Larry Dwyer, Neil Alexander**

Michael Gallin: We are back in front of you in a public forum to discuss specifically at this point in time the storm water mitigation. This was presented to you previously. Since we last presented it there have been no significant changes to the design. We have supplemented several memorandums. Additional information regarding the conditions at the site, and the proposed solution. We are here to answer your questions and address any concerns that you may have.

Vice Chairman Sturniolo: The plan that you're showing the drainage plan tonight is, am I correct basically, one of the same as the original plan during the first presentation? By

that, I mean, the 30 inch pipe, replacing the 24 inch, which was buried in leading into its swale area at the southwestern corner of the property. Tying into new manhole cover area by the construction and building capturing water from the building and directing it back down toward the unnamed tributary.

Peter Catazone: That is correct. There have been no changes since our last presentation.

Vice Chairman Sturniolo: It is a separate side issue. But the water tower, the tank storage, the game plan for that tower is to be demolished?

Michael Gallin: Yes, we have retained an engineer to investigate the overall fire protection system of the building. We also had discussions with the town engineer, regarding the proposed solutions and that does include the removal, the water tower at the south end of the site. In future submissions to the board, we will reflect that.

Vice Chairman Sturniolo: Would you be kind enough just to go into a little bit more detail how you are going to capture the rainwater from the roof through a leader system, and where it is a tie in, and ultimately, how does it, wind up at the far end?

Peter Catazone: How does that wind up here?

Vice Chairman Sturniolo: Yes, specifically, the roof.

Peter Catazone: I did do some time ago a field survey to identify the different roof drainage that are present in the building. And basically we are talking about, approximately this half of the building. It is even less than that. There are distant roof drains here, which discharge into these inlets here. There is a leader that discharges to grade on the side here. Ultimately that flows either by overland or through a direct pipe connection flows into these three inlets in front of the loading dock. It is conveyed it to 24 inch existing concrete pipe.

Vice Chairman Sturniolo: the purpose of the new manhole that you are putting adjacent to the building is for?

Peter Catazone: This one here? The existing manhole that is they are now is an old 30 inch diameter manhole. We are proposing 30 inch diameter pipe. We had to go up a little bit in pipe size to match the capacity of the existing, because the slope is flatter. We wanted to make sure that we had a modern four foot diameter pre-cap concrete manhole at that location to have a reliable connection.

Vice Chairman Sturniolo: That new manhole of 4 foot at what depth in relation to the others surrounding it?

Peter Catazone: This manhole is replacing an existing.

Vice Chairman Sturniolo: Higher or lower than the existing?

Peter Catazone: Then the existing manhole that it is replacing? We are going to match that elevation, exactly. Within reason. We are going to call to the exact elevation there. The top is higher, then these inlets in front of the loading docks. It is a relatively deep manhole.

Vice Chairman Sturniolo: So the inlets in front of the loading docks. In theory, there should be no problem for water gravity wise, just to feed straight down.

Peter Catazone: To feed into the existing pipe into the new manhole?

Vice Chairman Sturniolo: Into the new one.

Peter Catazone: And out into the unnamed tributary.

Vice Chairman Sturniolo: In that grass areas forgive me it is 555 feet that the new 30 inch pipe. The length or somewhere around there?

Peter Catazone: Yes. It is actually about 500.

Vice Chairman Sturniolo: That area is earmarked as a ball field. What happens if there is a ball field and a 30 inch pipe buried underneath second base or a soccer field. What ever you want to call it. Are we going to run any kind of risks of having to dig that up and maintain it? Or are you going to have to run the risk of digging it up, maintaining it, cleaning it?

Peter Catazone: obviously, the pipe, as in all stoned systems needs to be maintained and that is usually a routine yearly cleaning out of the basin and flushing of the lines at the ends. So there is no need to dig up the ball field, for that purpose. This will be HDPE pipe, which is a stable material. We haven't had many problems with them in the past. Assuming that there is adequate cover on there. One thing to remember is there is no traffic loading on this. Can something go wrong with the pipe at some point in the future? Yes. As in any other storm system, things can happen. Assuming at the pipe is accurately installed as per the manufacturer's recommendation. We don't anticipate long-term problems.

Jim Diamond: if there was a problem with it. It certainly would be our responsibility to dig up the field to fix the pipe and restore the field to previous conditions.

Vice Chairman Sturniolo: in one of the many documents here. You are referring to this as drainage area, A and design point A. Design point A specifically refers to what section?

Peter Catazone: Design point A is basically where the water from unnamed tributary exits the site. We did a simplified analysis, and we are going to take the entire watershed. We just basically analyzed the amount of water coming from off-site to our site and exiting at this corner of this site to the adjacent properties. We wanted to make sure that we are not increasing the flow from our contribution for anything that flows through our site at that location.

Vice Chairman Sturniolo: I am just drying your attention to the September 6 letter TRC Raymond Keyes Assoc. The one that is addressed to the chairman and members of the planning Board. What it does is highlight some questions that this board asked on October 9th. One of the issues that this board brought up was your capability to store drainage water on site, and we threw out some ideas of underwater galleys or what ever. You also handed us and I accepted it. Even though it is late. A letter of today's date, which further amplifies this letter here. How deep is the water, would you guess, tonight in front of the loading the bays.

Peter Catazone: To be honest with you I have not visited this site. You can see this contour here. That is about the limits of flooding. Majority of the space is in the first two bays. The other four bays adjacent.

Austin Cassidy: About 12-15 inches of standing water.

Vice Chairman Sturniolo: Is it fair to say, this is the same depth after October 8 or ninth, the remains of Hurricane Katrina about the same?

Michael Gallin: one thing to keep in mind to matter how much rain. The way this site is configured. The low point is flooding, and as it floods, fully, it overflows. It reaches a maximum point, and it never floods more. So no matter how much rain, we reach that maximum point.

Doug Hertz: the only question I have, it is just to further get some information on today's memo. Basically you're feeling is that any on-site retention would be insignificant. If that is the way I am reading this. Can you just amplify that a little bit?

Peter Catazone: the overall watershed for this district area is over. 400 acres. And basically, we have a very small percentage of that. 15.6 acres, which is contributory from our site and off-site areas. The theory being that, can you build detention? Yes. Is detention affective? If you are not routing, a significant portion of that watershed of the 2400 acres through this site, then the impacts are going to be very small. What you are trying to do and storm water is offset peak flows. If you are offsetting flow from 2400 acres, with an offset from 16 acres, that is really.

Doug Hertz: I don't think anyone was expecting that you would take the entire village load.

Peter Catazone: In the situation where you have a large off-site area flowing through your site. There could be opportunity for detention and having an impact off-site. Because it is such a small percentage of the watershed, there are really insignificant improvements, unnoticeable. It would not be anything that anyone could say yes, we noticed a drastic change.

Doug Hertz: I am more concerned at this point, not what you are doing would necessarily improve the state of the village to a significant degree that it would not further stress, the village system. That being said, I hear your argument for not having adequate water table being as high as it is right next to that.

Peter Catazone: To address your question. And as Michael pointed out at this low area fills, it overflows, and it overflows through this area and into this swale. The September 6 calculations show that actually connecting this pipe is an improvement over the existing conditions. If you could think of it as filling your sink at home. Turn on the water, you keep it on for 10 minutes, and you have the sink plugged. At some point that water is going to overflow. If you can let some of that water out, while the force that is on obviously, given that effect is an improvement. You are getting a more consistent flow through the whole duration of the storm, rather than allowing that to fill and just flowing out in a larger quantity, once it overflows. So our calculations of September 6 do show that impact.

Doug Hertz: the only comment I would like to make at this point, if we agree and moving forward in the direction of giving you this mitigation and giving you this drainage plan. I just hope it wouldn't end the discussion as to what else what off-site mitigation can be done. In a future point in connection with what the village is currently doing. Find other ways to mitigate some of that storm water. As to what was pointed out earlier, while it is no fun for you to have a pond on site. That is supposed to be a parking lot. It does have a certain absurd function in collecting the storm water. Michael Gallin: We appreciate that. For example, the additional landscaping that is proposed, where existing and impervious surfaces will help the overall flooding issue in the village. We will continue to embrace opportunities that make sense.

Jim Diamond: I think putting our site aside for a second; I think we are very enthusiastic about playing a role. However, we can throughout the village addressing the overall flooding issue. One thing we did. We had Carmine Labriola and discuss the work that was done in 2000. When the berm was added here, along the south side of that stream. What he explained that it actually blocked the flow of water to the wetlands that are on the Target site between our site, and the Target site. His recommendation is that if that berm is removed, opened up a tremendous amount of the water. That is flowing down here and wrapping around and going into the downtown will instead end up in those wetlands. His conclusion is that the wetlands are currently drying it out. In fact drying, and that berm needs to be removed in order to replenish those wetlands. That is not actually our property. That is the adjacent property owner. We are anxious to play a role there, in terms of helping to make that happen.

Doug Hertz: I for one would like to get those wetlands back and healthy. One question related to that. Does the way it you are capturing, storm water and moving it through the pipe out to the tributary? Will being able to move some of that water, should the berm be removed into the wetlands?

Peter Catazone: I do not think so. There is a drainage pipe, which collects off-site water, which discharges here. Right now this basically does not flow through our site. I guess that is the issue. Jim? Right now, just going into this swale in here, and off-site. I guess some of this water could be directed into the wetlands. By removing the berm.

Austin Cassidy: If that berm was down at you would also have the sheet flow above on the surface. That would find its way.

Peter Catazone: There is some sheet flow there are now.

Doug Hertz: That is not going to get captured?

Vice Chairman Sturniolo: By the presence of the berm, but once the berm is removed.

Austin Cassidy: That manhole is not a collector. That is a manhole.

Peter Catazone: all of our man holes typically have slotted covers. At its location, if it had a solid cover. It really wouldn't be that big of the deal.

Austin Cassidy: The whole function is for maintenance, and for drainage.

Peter Catazone: Right. Most of the drainage is flowing into these three inlets. This way, that manhole doesn't collect much.

Austin Cassidy: It is not exactly low point.

Peter Catazone: exactly. If you want us to change that to a solid cover.

Austin Cassidy: No. I am not recommending anything, I am just clarifying. I think the segway into the current dialog is that when we were discussing that we the village for alluding to the fact. It was perceived that there was off-site downstream mitigation that

was probably minimal. In total expenditures that could be pursued. Not exclusively by individuals, but collectively, perhaps. The village has taken some initiative that we have benefited from the last few weeks, and it has deflated, some of the protection mode in before, because we were so sensitive, and so vulnerable to almost instant flooding. We seem to be handling ourselves better. We did have a high point in that first week of rain in which the water did leave the water course in the back and did find its way over to the curb line behind the stores. One is left to wonder if your site was draining in, that have been at a normal rate of flow on the correction. Whether or not, that would be enough to push up over the curb line and flood the stores. We don't know. Maybe there is more similar mitigation that can be made downstream. As you have already said and offered a collective effort that would benefit your property certainly as well as the village.

Stanley Bernstein: everything that Austin said, I agree with very much so. One small point. You said there is 24,000 acres in the waters to shed draining?

Peter Catazone: 2,400.

Stanley Bernstein: 2400.

Peter Catazone: The water that is entering through here and contributing to our design point is about 15.6 acres.

Stanley Bernstein: what Austin pointed out that last week the water overflowed the banks of Branch Brook and came up to the curb line. 16 acres is another 16 acre-feet in a short period of time might have breached that curbs. That little bit of extra water might have just pushed it over the line. We are all glad to hear that you are interested in helping to mitigate the problems. We have got some lucky news about flooding and downstream operations that have worked out fairly well. I think it would work out. With your cooperation, it would work out. The existing 24 inch pipe, is -----?

Peter Catazone: I thought it was a concrete pipe.

Stanley Bernstein: I think you should investigate that and if so it has to be abated by licensed asbestos of abated company. And we have to be very careful about that. They just can't come in and blasted out and throw it in a landfill. Please take that under consideration.

Vice Chairman Sturniolo: Mike, some input on this. You have reviewed it all. And we have seen your memo.

Michael Stein: one of the things that we had gone over several times was specifically the drainage, coming off the site. As far as making sure that the flows didn't exceed what the original capacity of the 24 inch pipe. What affect Austin raised a very good point. What affect now that we are returning that flow to its original condition. What affects that might have.

Austin Cassidy: From the model that the applicant used a few minutes ago, in describing the issue on site. The equalization and displacement of water arriving and water leaving and the one thing that we do not want to do. Obviously is now that we actually have far better drainage happening throughout the village as a result of the Village initiative. We don't want to then open the gates, if you will, and then have circumstance of water coming in. We are going to have that horizontal expansion and push that water over the curb line into the stores.

Michael Gallin: What we were trying to allude to before. What this proposal, incorporated was opening the gates, prior to the storms so that the flooding situation is draining, when they are not at peak flow. The current situation for example, during the rains associated with the aftermath of Katrina. The depression was full. So any water coming down was overflowing and sheet flowing directly, whereas if the pipe had been operational, the retention basin for the depression would have been empty and dry. If the load had exceeded the capacity of the pipe, as we discussed previously. We would end up with minor flooding on our property, and the net result would be that the peak flow would be reduced. At both the sheet flow that currently occurs once the depression is full.

Austin Cassidy: we are getting a whole bunch of benefits, because if you watched the stream, in the back. Even it's a rate of passage is much faster than what we have seen in the past. Because it is back watering in the past. So, you also have scouring effect going on, which we have had the problem of siltation in the bed, rising up. Obviously, decreasing the volume and capability of the stream. Again seizing on the concept that there is perhaps the very simple. Rather than reinvent the wheel, very simple things

that can be done. We have talked about displacing sheet flow onto the wetlands. I am not a wetlands expert, but I can understand the root system over there, that is as such that it has greatly diminished, the absorbency of the wetlands. You wet already noted the fact that it is drying out. So certainly, that if we can enhance, not necessarily you but to agree to enhance the displacement. I think displacement is the keyword in the overall system. If we can keep displacing water when it arrives. We are not going to have flooding. If we can't we will flood.

Michael Stein: Their systems still will be prone to back up, because they're pipe will still be the controlling factor in the flow leaving the site. So if you do get larger storms. You won't have potential for ponding.

Vice Chairman Sturniolo: The pipe meaning the diameter?

Michael Stein: Correct.

Doug Hertz: But they have brought it from a 24 inch to a 30.

Michael Stein: Right but the capacity is actually a little bit less because of the slope of the pipe has decreased. You can still end up with the same ponding effect that you have now, but the idea to get it at least to move out continuously.

Peter Catazone: Also, the pipe that connects the low point inlet to the main drainage line is a 12 inch pipe. You are not talking about a lot of flow.

Doug Hertz: Those pipes are remaining the same?

Peter Catazone: Those pipes are remaining the same size. As Michael pointed out, they will be subject to minor flooding. The key is when a storm starts this area is empty. You have the ability to store water as needed. Rather than now, last week we had rain, the area of filled up, and it has been sitting there for a week. This rainfall, you had no positive impacts from the standing water. All that storage has been occupied.

Vice Chairman Sturniolo: David, do you have any thoughts?

David Stolman: I am really going to defer to Michael for this information.

Michael Stein: Just one other thing that I had spoken to Peter about. The existing piping on site, before all the work is done. They are going to have it all inspected and cleaned to make sure that all the existing pipes are in decent condition.

Vice Chairman Sturniolo: Inspected meaning video camera.

Michael Stein: Televised yes.

Vice Chairman Sturniolo: Would you spend a few moments and talk about what you are going to create in the southwest corner, where the 30 inch pipe hits the area and its functionality regarding siltration and filtration.

Peter Catazone: Basically rather than providing a flared end section. We are actually providing a depression. That will help reduce the velocity of the water entrance of the pipe, and also provide removal of silt. So it is a water quality enhancement. It will essentially fill and overflow through a broad section and sheet flow into the existing main tributary.

Vice Chairman Sturniolo: Minus the silt?

Peter Catazone: Minus the silt.

Vice Chairman Sturniolo: Which has been captured?

Austin Cassidy: That would be an ongoing maintenance issue.

Peter Catazone: Correct.

Vice Chairman Sturniolo: Does anybody else have a question?

Austin Cassidy: For the purpose of record there are two signatures on the list to comment.

Bob Liebman: (Chairman of CAC Board), first of all for the record. It wasn't Katrina, the caused the rain, I believe it was Tammy. We went over the application and came up

with a few comments. The applicant must show in the storm water plan how they propose to control peak flows at 2, 5, 10, 25 and 100 year storms. We submitted this by email. I do not know if you received it. Suzanne Grant has sent it or will be sending it. You will have a record. As presented the proposal lacks sufficient storm water quality and quantity treatment. The second point. The applicant has used a correct rain data. The attached data provided by the soil and water conservation service should be used to quantify the two-year 24-hour storm, and all the storms, must be quantified in calculation. Required to meet storm water regulations. They used data from 1960. The one I have is 1990 data. It is a little different. A little more rain for the storms. It is unclear as to what the applicant plans to do in the wetlands and wetland buffers. They should be clarified in the plan and the applicant should show clearly, what mitigation will be provided. The storm water plan should also provide for downstream channel protection and long-term maintenance. The plan should ensure that the downstream resources are not burdened by a proposed development, and that the village will not assume additional maintenance after the construction is complete. Regarding the proposed ball field mentioned in the planning Board minutes of August 9, which is not part of the application. We are concerned that the field will be on usable following heavy rainfall, due to flooding. A storm water plan must be prepared that details how storm water was managed on site and delivered off-site. Finally, we propose that be mentioned ball field be designated specifically as a soccer field for public and village use. To minimize the overuse of Leonard Park, and Mount Kisco elementary field.

Vice Chairman Sturniolo: Can you leave a copy of what you just read with Nancy?

Bob Liebman: We will submit one on our letterhead.

Vice Chairman Sturniolo: Also so the application will have access to it. What you just said, you have on hard copy that you can leave with us.

Bob Liebman: Suzanne Grant has submitted it.

Vice Chairman Sturniolo: I am sure it was. In both case, if you could just get another copy from her and give it to Nancy. We are just making sure that all of your concerns are articulated well as you just presented. And part of the overall record.

Richard Beusman: (representing Saw Mill River Tennis Club) I have not been involved in the process. But I think I can be some experiential information. We have been on site across the tracks for 33 years. If anyone knows about the problems of drainage back there it is certainly us. During hurricane Floyd, at one point. We had 3 feet of standing water on the first floor of our facility. This is when we really became aware of the change that is going on in the last 50-60 years. In terms of drainage coming out of the wetlands area. That is located right behind us. Our club, there are wetlands here that abut up against the Saw Mill Parkway and that is really a drainage area for all of the hill in around Bedford, and over in the Green Lane area. So it all began with us. I don't know if you are aware of this, it is my understanding in the early part of the century. The wetland behind us was actually the ice pond for Mount Kisco. As such, it was maintained in a manner in which vegetation was clear, because they needed the depth to make ice. Just for informational purposes that stopped in the 30s and 40s. In over the last 50 or 60 years, you have had a lessening of capacity in what was the biggest storage basin in the area. So what you have is where water starts every year. We are getting less and less storage capacity, because it is filling with vegetation. We noticed in 2000, and we could never figure out what happened. I think it is directly related to the berm that was put in by the town. We have noticed since 2000 that will we get a fast hard rain that the water in the stream between ice and the self storage property. We don't know where it starts, but we see the streams run backwards into the swamp. This is very disturbing for us. What you have, you have flow going the wrong way. The flow downstream is being hampered or stopped. You are creating a damn. The water is flowing, but it is not flowing fast enough. Having experienced Floyd and having seen what could happen when you don't move water out of that area. We are very concerned about what has happened in terms of drainage in town. I don't know if you are aware of this. But water literally runs backwards into the swamp.

Austin Cassidy: Because he cannot get out of its own way. In the last few storms, how have you been making out?

Richard Beusman: another interesting fact, I am really sympathetic to you and the applicant. I'll also tell you, when it rains, very hard. You have drained spouts on this side of the building. About six to eight of them. Those things look like fire hoses. The water that is coming off of that roof. You have water coming down into this area that is dead. I don't know what you can do and I don't know if the goal is to get the water all moved this way. Just so that you know when it rains, you have a tremendous flow of water, coming off that roof. Directly this way and then downstream.

Austin Cassidy: That is what they were talking about before. They have a mixed system where they have roof drainage that can handle internally. Also, liters that are taking it down and dumping it on the surface. Have you noticed that reversal phenomenon in the last storms?

Richard Beusman: we did and particularly, we had people. Just so that you understand, we have people when it rains at our facilities that spend the night. We have emergency pumps, that if water is starting to back up into the wetland. We have 4 inch gas powered pumps to get flow down. We have agreements with the self storage place. To move water as quickly as possible. We are very actively involved when it starts to rain; we are trying to get flow downstream. We understand how important it is. We have this terrible problem, and evidently something happened. We have guys at two o'clock in the morning on Tuesday or Wednesday of two weeks ago. Very concerned about the slow flow backing up into our wetland area. Suddenly, it changed.

Austin Cassidy: There you go.

Richard Beusman: The word that we have gotten was that some agency, whether it was Labriola or someone downstream even passed Diplomat Towers had found some kind of natural dam.

Austin Cassidy: It was the village. The village had taken initiatives down there.

Richard Beusman: Now we have had letters to Metro-North. Understand the stream runs here from us and all so, next to these guys, and it all joins up down here to where they are coming in. Last summer Metro-North replaced 50 to 60% of the ties. Between the Chappaqua, and Kisco. We watch them go by, and rip ties out. A lot of them fell to the side, and they did their best to replace them. But I can guarantee you that between our properties, Martabano's property, the Telephone Company and all away down the line, there are railroad ties, in that bed. We have written Metro-North on numerous occasions. Saying you have the capacity with backhoes on the railroad tracks to clean out the tributaries. And I think you mentioned, it has not been cleaned and a longtime. I cannot more strongly endorse that we would be happy to be involved. We send crews downstream of us, every spring, trying to get flow. I cannot more strongly endorse the town, and I think Metro-North should be part of that process. They need to get the silt out of those beds. My sense is and what I'm hearing is a faster flow sooner is going to solve the problem in the town of Mount Kisco. When we flood you flood. I was astonished when I drove around today how your flow is much better by the new bridge that is being built by Shoppers Park. Just in general, I want to say if you can remove the berm, I believe that is a tremendous idea. It has got to be stopping the flow across their property into that storage area. That would be a great idea.

Austin Cassidy: That has to be two-step mitigation. Otherwise it will simply flow across the surface into the Target parking lots.

Richard Beusman: My comment is consider what ever these guys are doing and there has to be consideration of down stream flow. Increasing capacity and speed. I agree with what everyone is saying. Once it backs up. When you have negative flow past my property into the wetlands. We are all in trouble. Particularly if it rains long and hard for a long period of time. We are here to help you because I truly know that we have more experience than anyone. We have been on site for 33 years and I will tell you in the last four or five years. We are terrified. We have never seen this of the capacity of the water to back up and flood. It is a very deep concern that we have. As much as I understand what you guys are trying to do. There is a lot of impervious surface. That means water hits fast, and it moves fast. It is not being drained, and it is not percolating. And there is nothing they can do but it is a fact. We should be well aware of what happens. It is not my place to say, and I agree to get their water off their site. Let them do that, while we are making sure that everything downstream is moving fast.

Austin Cassidy: Not to be repetitive. The displacement from their site needs to be at least equal to the displacement of the village is experiencing. Otherwise, their drainage along with the village.

Richard Beusman: If the goal is to get the water off the roof. That is currently not happening.

Vice Chairman Sturniolo: is there anyone else that would like to speak that has not signed up at this public hearing? We are hearing a common theme, and that is the positive work of a Real-Life Development is in the area between a Lexington, and the pump Station, recently. And how it has affected Diamond Properties, and also how it

has impacted the Saw Mill. It is all kind of tying into the date that they did that work, and then the heavy rains from Katrina. Having said that I am in a position that I could ask for a motion to close the public hearing at this point.

Lester Steiman: the only question is, and I know they heard it tonight. If there was any response of the applicant to the comments of this conversation. You can keep the written record open.

Vice Chairman Sturniolo: we could keep the written record open. Although response to the applicant to your comments tonight. We can close the public hearing now and keep it open to accept written comments such as what you were referring to earlier about the e-mail. To except your written comments. Then the applicant will respond to them. Having said that I would entertain a motion to close the public hearing on the wetlands permit for 333 N. Bedford Rd, Diamond properties.

Stanley Bernstein: So Moved.

Ralph Vigliotti: Second.

Stanley Bernstein: I would like to motion also to keep written record open for 10 days.

Stanley Bernstein – Aye
Ralph Vigliotti – Aye
Sol Gibbons – Aye
Doug Hertz – Aye
Vice Chairman Sturniolo – Aye
Board All Ayes.

Vice Chairman Sturniolo: The public hearing is now closed. The next item on our agenda is continuing review of 333 N. Bedford Rd.

Michael Gallin: We understand that there are other people waiting here. And I don't know the length of those matters. If they can be handled in a relatively quick manner we would be willing to wait if it you think it would be appropriate.

**B. Special Discussion:
Memorandum from Austin Cassidy
293 Lexington Avenue**

Austin Cassidy: These are all individual shots. You have a front curb along the front of the building. As you can see in most of the shots. You have a grassy area between the curb, and the walking surface in front of the stores. That grassy area is angular and is elevated upward. You can plainly see by the wear and it particularly in this one. The pedestrians are walking from their cars over the grass and up onto the walking surface. I made the observation, last winter, when there is no there that people are nonetheless, you can see footprints that people are walking through the snow, and it is very hazardous. The way the plate is laid out that the access to the walking surfaces at both ends, which is counter to the human behavior. People are going to take the shortest distance. They have also contacted me more recently about six weeks ago. They have had to separate slip and falls, because it is muddy and there is no grass and bare spots, and so forth. They would prefer to install a running step, if you will. This will be a maintainable walking surface. Between the curb line, so the step off would be to the walking surface.

Ralph Vigliotti: They want to put in a paver?

Austin Cassidy: I did not get into the material. I would think more likely being that it wouldn't be affective because of the angular surface. It would probably be either a slab or a concrete one or the other. I haven't gotten to the specifics. I wanted to get some ideas from the board to see whether or not we could remedy this.

Ralph Vigliotti: Your proposal would be continuous?

Austin Cassidy: the continuous is probably more easily maintained.

Stanley Bernstein: I would say it would probably be best to have its scored, concrete.

Austin Cassidy: You would want it textured surface of some form.

Stanley Bernstein: I think it would be better than pavers. Pavers can get slippery very easily.

Ralph Vigliotti: Could we get some shrubbery every 10 yards?

Austin Cassidy: I don't know if it would grow, but I can put that in.

Ralph Vigliotti: Just to soften it. The idea originally was to kind of soften the walk.

Austin Cassidy: So then we can break it out within the large sections of the walking surface. It would get afternoon light, and it would be hardy enough to weather the snow.

Doug Hertz: I was fine to say the same thing. Are we interfering with any threshold of coverage of drainage?

Austin Cassidy: No the step would be to my memory; they are not that tight on coverage.

Doug Hertz: Is there width about 2 feet or 3 feet wide?

Austin Cassidy: it is equivalent to a stair tread.

Doug Hertz: The whole width of that? The width of that area right now from the curb to the walking surface.

Austin Cassidy: That is about 20 to 24 inches.

Ralph Vigliotti: It would be creating a step. Don't you think it would be more dangerous? I don't think that would be a very good idea. Could we design something with a slight angle?

Austin Cassidy: You would not want a hard walking surface on an angle.

Ralph Vigliotti: How much of an angle is that?

Austin Cassidy: It would probably be an elevation change at a guess. Standing at the top of the curb, up to the sidewalk, probably an elevation change of about 4 inches.

Ralph Vigliotti: I think you are creating just as much of a hazard for the long-term.

Austin Cassidy: That is what I am saying it would be an intervening; you have a walking surface and then an intervening walking tread.

Vice Chairman Sturniolo: So they are walking up over it now. So that doesn't change. What changes is the surface.

Austin Cassidy: You are leveling the walking surface, and also providing something that's more tenable.

Doug Hertz: I agree with Ralph. If we could break it out.

Austin Cassidy: I am clear on that. We would probably break it up into at least, maybe 4-5 breakpoints.

Ralph Vigliotti: The whole length?

Austin Cassidy: Yes.

Doug Hertz: Line it up with the pillars that would be the natural breakpoints. You would have to see how that relates to the parking spaces are striped.

Austin Cassidy: Alright. I will get the details back to the board. All I want to know is that I can continue discussion.

Vice Chairman Sturniolo: Ok.

c. Continuing Review

**Buckingham Properties – Morgan Drive
Eric Kaeyer architect for the applicant**

Vice Chairman Sturniolo: We have a memo from Anthony Russo regarding some questions about traffic impact study. I guess basically, somewhat of a homework assignment.

Nanette Bourne: Just to set the stage. The last times the applicants was before you they had submitted a revised environmental assessment form and are a waiting intent for lead agency. They are also awaiting SEQR determination. As part are of SEQR determination in view of the traffic study that have been conducted. You have in your packet right now. That all along with the conflict between storm water detention between this applicant and the adjoining applicant of Crème De La Crème. Crème De La Crème that is in conflict is still rendering the environmental assessment form incomplete. It is not in a state that I would recommend you be considering a decision. The applicant as far as I know is trying to work things out with Crème De La Crème show that there is some integrated site plan and acknowledgement of shared a drainage facilities, or at least grading on their site that comes from the facilities of the crème site.

Eric Kaeyer: We are working with our engineers. We expect by the end of next week to have that all worked out. Now whether that completely changes or partially changes our site plan. There will be some sort of revision to that. There is probably going to be some sort of combined work that may mean that we can eliminate one of our detention basins. It is work ongoing right now. I know that during your walk-through, that was a question that came up and is being addressed right now. We hope by the end of next week. We will be able to have it wrapped out and be able to submit it for next month.

Vice Chairman Sturniolo: Whitney. You are also waiting for easements?

Whitney Singleton: I would just echo what Nanette said, but not on the perspective of SEQR process. I would regard both of the applications as being incomplete right now. There are some crossed easement agreements, which were not disclosed or provided as part of the application. That should be done for both of the applications.

Vice Chairman Sturniolo: So therefore a SEQR time clock is not ticking, at this point, because we are still missing those pieces.

Nanette Bourne: Their application is incomplete.

Eric Kaeyer: The cross easements. I think that Crème De La Crème has any easement on our property, but not vice versa.

Whitney Singleton: The application requires disclosing and providing a copy of any and all agreements, coveted easements and restrictions that affect the property. That has been requested and is still outstanding, not requested of you Eric, but requested of Crème de la Crème.

Nanette Bourne: I did inform the applicant, until this information was provided that there was very little, the planning board could do in terms of the SEQR determination that they had requested. Initially to be postponed to another planning board agenda. But then had requested, to come before you to hear your input, and your observations. They were not coming here tonight to present additional information, but they really wanted to hear from you. What you saw, while they are in the process of making modifications to their plans.

Eric Kaeyer: I would say that that was 95% correct. 5% is we did, because of the comments that we heard while we were out on site. We did make some modifications, and we have a schematic plan that we would like to show to get any feedback that we could. As this plan goes ahead with Crème De La Crème, we would like to make the revisions and include any material here in terms of that revision.

Vice Chairman Sturniolo: Doug as far as your observations on the site visit.

Doug Hertz: In terms of the site visit, we walk the site and got a rough idea of where the building would lay out, and the extent of the blacktop paving and how it affected the buffer areas. One of the things that I noted that was a significant stand and mature evergreens in this corner of the property. My hope had been and I had expressed that to Eric at the time we walk through, was that we could try and preserve as much of that existing stand as we could. We had talked about possibly reconfiguring a section of that parking area to be able to preserve as much of that is possible.

Stanley Bernstein: I am very concerned about this entire area. There is a mature forest, and some of the people on your side of the table mentioned that it is not a very nice forest. As far as I'm concerned, anything that is they are native is always good. All of

this is coming down thousands of trees in addition to the evergreen area. We have to do something about this frontal parking. Something else has to be done and has to be rethought. Question this is the river, the unpaved River Road. What are these two breakouts? I did not recognize them, and I'm very familiar with this.

Eric Kaeyer: That is an existing basin that was left over from the waste water treatment plant. It is concrete basin. It is difficult to see because this is all wooded. It is more or less full of water. It is fairly close and right up against this.

Stanley Bernstein: Where is the bridge in relationship to what we are looking at here?

Eric Kaeyer: The bridge is opposite Crème De La Crème. That is proposed if the board would like to have that an emergency exit, which would not be paved. It would be gravel. If there is an emergency for any reason to get off this property, off of Morgan Drive that could be opened.

Stanley Bernstein: This is the city's access road to the pump house. I do not know if they will all allow you to use this.

Eric Kaeyer: It was just a suggestion.

Whitney Singleton: What do you mean their access road?

Stanley Bernstein: Coming from Lexington Ave where the fence is. Doesn't that the long to the city?

Whitney Singleton: It belongs to the Village.

Stanley Bernstein: What about down at the other end, where there is another gate. Down by the pump house, is that also Village owned property?

Whitney Singleton: Yes.

Stanley Bernstein: I thought, they held that portion. I stand corrected. It is good to know.

Whitney Singleton: It got transferred did all the other New York City properties, one we took over the pump station.

Ralph Vigliotti: What about the property line?

Eric Kaeyer: It continues all the way out to Lexington Avenue.

Stanley Bernstein: All of that forested area; I think you should rethink that.

Ralph Vigliotti; I agree with Stan. What we have here is two fronts. We have a Morgan Drive and Radio Circle as being basically two front yards, to this building. Radio circle is the main artery going into radio circle. I do not like the idea of seeing as many cars as we see on our main artery, going into this office park. We have two fronts, and I would prefer most of the parking was along the Morgan corridor and not really visible. It looks like one hell of a parking lot. Which it is. It is just too big and too much parking. This band of trees is going to be lost. Right now, what we have appears to be a little bit, of an urban forest, Pine Park. It's we know is going to be taken away. This band of trees is going to be taken away to put in this parking lot. To see a hundred and some odd cars just lined out. As you, come into this, corporate park and I have a problem with that. I agree with Stan 150%. Those are my comments.

Sol Gibbons: I agree with the comments that are being made about loosing all the trees. It will be one big parking lot.

Eric Kaeyer: We did hear about the loss of trees in the amount of parking. This was actually the plan that had been proposed and is submitted to you, which is a double row of cars, all along the front side or the radio circle side. There was a 20 foot setback from the edge to the property line. What we did was proposed, a double row of cars as opposed to having a single row. Eliminating half the cars that were originally proposed on this side. As you drive in here, you are looking across the landscape at the building as opposed to across cars, which is the way that it was. By doing that, it gave us an additional area that we could work with, instead of this being a 20 foot setback; we change that 30 or 32 foot setback. At least 20 feet would be left as it is. And that last 10 feet would then be re-graded space, which could then have new evergreen trees planted on it. Grade it down so that the cars on this side would be below the existing

grade and would be somewhat screened and completely screened between the evergreen trees and the berm. How did we eliminate all those cars? Basically the building itself was reduced somewhat. It was a 60,000 plus square-foot building. This is more in the range of a 57,500. It might not sound like a lot, but it did help in terms of reducing the number cars that were required. Then we proposed to put a lot of cars down in this area. Which before did not exist. By doing that we are obviously we are able to do what we have to do.

Doug Hertz: On a separate issue. Is there a possibility with the extra basins of any of these new agreements with Crème, any of that space towards the rear of the property? Could any of that be for parking?

Eric Kaeyer: There is ability for some of it may. We may go from three basins to two basins. A third of the space may be able to be eliminated, by doing that we may be able to do some shifting. Really, the site plan is most affected by the existing ponds, and its configuration, where it is located. We really can't pull this down any farther because then you are in cringing on the existing pond. That is also challenging. What we call this down this way, it also came that way, and some of that evergreen tree grouping was being affected.

Vice Chairman Sturniolo: Can you increase below the building parking?

Eric Kaeyer: We are pretty much maxed out there. What I'm hearing tonight that there still is a concern about parking in front of the building. We may be able to alleviate some of that if we can reduce this.

Vice Chairman Sturniolo: You are going to start to work things out with Crème?

Eric Kaeyer: We will. Just then closing, there was a question about, what are the economics of this building on this site, and why is that this size, and why is it 3000 ft.² smaller. There are really no office buildings being built in Westchester County, because the economics of the cost of the property, versus the cost of construction. Our clients are working very hard to try and manage both. He feels for him to make his property viable piece of property. Something close to 60,000 ft.² needs to be achieved. Whether it's 55 or 57, there may be a little bit of play there I don't know. Anything much below that really does not work financially.

Vice Chairman Sturniolo: The difference to what you just said, about your client and the economics of the building, and what is available, and land cost in Westchester County, and what you are building etc. etc. the counter to that is, this board's concern, is this is our economics. It is their loss of greenery and a greater visualization of cars. I guess those to somehow have to balance.

Doug Hertz: I appreciate the direction this is moving, that we eliminated some of the parking. We are getting at least in this conceptual a larger buffer. There will be enough grades, so we will get some level change that will at least screen the cars. This certainly addresses some of our concerns.

Vice Chairman Sturniolo: You have some work to do in the next week and a half or so, as you said with Crème.

Stanley Bernstein: Remember when we get the site visit, and we were talking about the green building, at that time. Of course it never happened there, but is it possible is going to happen here?

Eric Kaeyer: My recommendation is to get it on a record that is something that you are looking for.

Stanley Bernstein: Well it is on record right now.

Eric Kaeyer: It obviously has to meet the New York State energy, so it will be a very energy-efficient building in terms of the glass, that is used etc. we will not go to the extent of getting the lead at register, however, we will use it as a reference to meet as many as those requirements as possible.

Vice Chairman Sturniolo: Thank You. Is there anyone representing 111 Main Street or 77 Smith Ave? We will get to you.

**d. Continuing Review
333 N. Bedford Rd**

Michael Gallin architect, Jim Diamond owner, John Collins traffic analyst, Neil Alexander council for the applicant.

Vice Chairman Sturniolo: Back to continuing review 333 N. Bedford Rd. Les at what point do we introduce, and we need to double check on thing and that is the status of the lead agency

Lester Steinman: Did you get a response to our notice to declare lead agency?

Nancy Placona: No.

Lester Steinman: The time period has expired, so the planning board can adopt a resolution to declare itself lead agency.

Vice Chairman Sturniolo: The referral to county planning department.

Lester Steinman: This is an application that requires a referral to the county planning department, so if it hasn't already been done it should be done.

Michael Gallin: You're looking at a rendering of the proposed improvement, to the site. There are a few changes that will be reflected in the amendments to the application that will follow. Some of which have been discussed already. The water tower has been removed from this rendering, and you can see that the impact immediately, by removing the water tower. It cleans up this area. That will be a very big improvement. We have also flipped the baseball field to a soccer field, and this is based on discussions with the trustees in the town. That is a change that we will be moving forward on.

Doug Hertz: Is there adequate room for a soccer field, in that space?

Michael Gallin: soccer fields can be a variety of sizes. There is not adequate room for a collegiate level or high school level soccer field. There is adequate room for youth soccer. There would be an opportunity to run two or three youth games in time. We are open as to how we handled the issues that are outstanding. We are broken them down into landscaping and lighting, traffic and drainage which we have already discussed. We would like to discuss first the lighting issues, and then follow with traffic. The landscaping plan that we have presented previously has not changed significantly. The proposal is to provide trees throughout the parking area. To illuminate the feeling of the sea of black top, that exists currently. In addition to really dress-up, the landscaping around Ice House Road. Dress up the landscaping with a series of flowering trees. A new central island in Bedford, at the historic main entrance. In general throughout the site plant numerous trees and shrubbery. We are received numerous comments back from David Stolman's office regarding the landscaping. They have expressed that we have addressed the concerns outlined in the previous memo regarding landscaping and lighting.

David Stolman: We have read your memo dated August 25 regarding the trees. There have been at revisions to the planned since then. And we are satisfied with the landscaping and lighting. I believe Michael made some comments in his memo that are satisfied as well.

Vice Chairman Sturniolo: Just to get back to the landscaping, there is one portion of the property in an area of the current water tower, where there are steep slopes that you had recommended. I believe a change of plantings.

David Stolman: That is correct. These plants have been revised since then. We reviewed the revised plans, and everything that you had mentioned in our memo has been taking care of, from our point of view.

Vice Chairman Sturniolo: The village is getting close to adopting new lighting standards into the village code. The light poles are all sitting on a concrete base of how many feet?

Michael Gallin: The concrete base. It is relatively short, to minimize the visual impact of the base. It is in essence flush with grade. It is just up a few inches above the grade.

Vice Chairman Sturniolo: On the photo metric plan that we have. The maximum lighting intensity wise, foot-candles along the back of the building.

Michael Gallin: Define Back.

Vice Chairman Sturniolo: The west side. On the tributaries side.

Michael Gallin: That would be the minimum. These yellow spots represent the maximum. The rough orange patches are the minimum.

Vice Chairman Sturniolo: What do you show as the maximum?

Michael Gallin: 8.1 to 9.8, which is current, basically at the polls themselves.

Stanley Bernstein: What is the height of the poles?

Michael Gallin: The poles are typically 30 feet.

Stanley Bernstein: On that rendering, they look awfully high.

Doug Hertz: If I am looking at cb46 they look like, I believe they are larger than 40 feet.

Michael Gallin: You may be correct. There is a chart and I apologize. You are correct 40 feet.

Doug Hertz: I see most of them at 40, and a number of them are at 25.

Michael Gallin: The once mounted on the building are 25.

Doug Hertz: I have two questions. We talk about maximum at illumination, the proposed code uses five, is there a variance for a change for this use?

Vice Chairman Sturniolo: No the only change would be illumination on the ball field area.

Michael Gallin: The ball field will not be eliminated for nighttime play.

Vice Chairman Sturniolo: But if it were, that would be the only change.

Doug Hertz: The code that is being proposed, the new standard is five foot-candles max. Additionally there is an attempt wherever possible, to try to keep more at a lower luminaries.

Michael Gallin: This site is unique. To me, most of the lighting impact on this site is going to be from people looking down on the site, from above. Really it is reflected light off the surface that is going to impact people, most significantly. Often when you're trying to keep light fixtures low as possible, you are trying to reduce the spill and reduce the amount that people are looking up into the fixtures from below. Obviously the site is up on a hill or a site when you're driving by, at a parallel level, for lower fixtures is going to have a positive impact. Because the fixtures being lower the glare of looking out into the fixtures will be minimized. On a site where you are looking down at the site, it is a slightly different scenario. By making the fixtures taller, we can use fewer fixtures. Yes, you will end up with hotspots. Just at the light fixtures. But it allows the majority of the field of the site, to be at a very lowlight fixture. You will see that we do have a spot here and a spot in there, where we are at a higher intensity. But the majority of the area, it had a very low intensity. If we lower these fixtures, and what more of them, we are going to end up closer to a five, across the whole site. As opposed to what we have now, we have a very low-level across the whole site, by getting the fixtures up. Normally that would be problematic, but because of the way this site is set down, into the valley. Most of the people are visualizing the site from up above. Really from either side, primarily from the east. It is our belief that the impact will actually be less by having fewer polls. The direction we're trying to go is minimizing the amount of reflected light off the surface throughout the entire property. As opposed to try and minimize the amount you are going to see from underneath the fixtures. Since it is a warehouse use, it is slightly different. It is not a lot of people coming to our site. Also because it is set down in the valley and 117 is significantly higher than any of the top of the light fixtures.

Doug Hertz: That would be my question. Do we know what those grade changes are?

Michael Gallin: We are at the 332 up here.

Doug Hertz: On the road?

Michael Gallin: Right. We are about 295 on the parking lot. The lights are still slightly higher, but again, they are not.

Doug Hertz: If they were below street level, at that point. Right now, you are talking about, if the top of the building is 25. That is the height of the other lights. I guess the other concern would be lights built past the building and into a natural area. One of the other thing is that we have been working on is to make sure there is an excess light, certainly going into wetlands or things like that. So it doesn't disturb any nature or migratory patterns, and all those various issues.

Michael Gallin: There is a balance. The taller the fixture, the further we can keep it away from the property line, and the nature. The shorter the fixture, the closer we are done and have to put the fixture to the property line to get an adequate level of illumination. It will be lower.

Doug Hertz: you want to look at that and see if lowering its some small amount that gets it below street level. So there is no chance of looking out into that fixture from any reasonable spot off-site. And also get it high enough to meet your needs.

Michael Gallin: We can look at the impact of a 5 foot as opposed to a 10 foot change and let you know, if that's significant change of the number of fixtures.

Austin Cassidy: The lighting is functional, is there a potential for 24/7 operation for all are part of the building?

Jim Diamond: typically, when we lease space, the leases do not prohibit 24/7. The leases typically give them access to this base when ever they want. None of the tenants that we are talking to us far are looking at anything more, then 7:00am to 4:00pm or 6.

Austin Cassidy: it is tentative by uses that don't need to use past certain time. You could have a system where the lighting is reduced and goes into security mode, for overnight. Where you don't have to worry about the illumination levels, for people moving around the parking lot. I noticed it is an open site. The gate concept is no longer. So security lighting does have to be maintained, because everyone will have free access to the site. But it doesn't have to be the illumination levels that you would want if it was occupied site. During certain times in the night.

Michael Gallin: I have a question about that in relation to the village code. There is no real accommodation for that in the lighting regs, as I read it. Did I miss an opportunity there?

Austin Cassidy: The board would have the latitude to discuss it.

Michael Gallin: Would that be a variance? If we were proposing that there would be lighting levels.

Austin Cassidy: I don't see it as a variance I see it as being encouraged.

Michael Gallin: Is that something of the right of this board?

Vice Chairman Sturniolo: To drop the levels?

Michael Gallin: Below the code.

Austin Cassidy: After occupied hours, and obviously the security level lighting. It would be an unnecessary expenditure of electricity.

Doug Hertz: Is that something that could get written into the new proposed lighting plan.

Austin Cassidy: Not a bad idea. You do not want to eliminate it, but you want to adhere to it.

Doug Hertz: The proposed lighting ordinance, do we have a condition for dropping the levels below our required levels, when the building is not occupied, like at night?

Whitney Singleton: I know we have been imposed on site plan applications. I do not know if it is in the regulations or a requirement.

Doug Hertz: Do our requirements prevent that from happening. Do the new proposed requirements.

Whitney Singleton: If you would like to see the recommendations for a proposed modification, I would be happy to pass that along to the Village Board.

Austin Cassidy: Site specifically, it would be worth considering both energy-saving and reducing lighting impacts. For the residents and some of the environments, whenever the last person locks the door.

Michael Gallin: What we can do is proposed. A certain percentage of fixtures, and we will mark the fixtures as such, and have them switched that way. So that it would have the opportunity to drop out 50% of the fixtures and 50% on. That is something that we can incorporate into the plan.

Lester Steinman: In general of you should get a hold of the proposed change of lighting, and make sure your plan complies. In the event. They are adopted, or the planning board would not be able to approve anything and would be inconsistent with that proposed. It would be in your best interest to get a hold of that.

Doug Hertz: Can we provide that to the applicant?

Austin Cassidy: Yes.

Doug Hertz: Returning to one thought. Your comment about being more concerned than reflective, the ambient level at street level. Because of the height we are talking about. That is less of a concern to me, then the brightness. The heads of the fixtures being visible. If we are 37 feet below street level, for most of that parking lot. I am not concerned how bright a black parking lot is 37 feet below street level. But I am about fixture heads being visible from on top.

Michael Gallin: Understood. I don't think we need to make much of an adjustment to accommodate that concern.

Neil Alexander: I just want to say one good thing about the law, which can be considered or could be considered. That waiver authority can give it to the planning board, so when the applicant does something that the board likes to see. That doesn't meet the strict confines of the law, and then the applicant can stay in front of the board and get a waiver instead of having to go another board to get a variance. As long as we're talking about the potential for the law, especially if the law is potentially change during the course of this application. It would greatly help applicants in the future. I think it would give them some latitude to the board as well. Just something for the board to think about.

Vice Chairman Sturniolo: Is there anything more about the lighting subject. What I'm trying to do is, in our agenda under continuing review. I think we have addressed the first three bullet points. I would just like a little clarification, regarding the five-year drop-dead date, pertaining to the Army Corps of Engineers.

David Stolman: The expiration.

Michael Gallin: The gentleman that is going to be producing the extension letter.

Neil Alexander: He actually broke his leg. He is in the process of preparing an extension. It is our understanding that it is being agreed to, and the letter is being prepared. But there were some time delayed due his injury.

Michael Gallin: Were there any other comments on landscaping?

Vice Chairman Sturniolo: The next one is the TRC letter to Michael Stein dated August 2, of this year regarding storm water evaluation and proposed modifications. We have gone over that prior.

Michael Gallin: From comments that we have heard earlier, we will prepare a response.

Vice Chairman Sturniolo: The written response, you are going to be root responding to the comments from the conservation, and also Michael Stein.

Michael Stein: I think there were 10 or 12 comments. We have actually sat down with the applicant and gone through them.

Lester Steinman: If you submit your response and if Michael has any additional comments. You can respond to them.

Vice Chairman Sturniolo: There is a letter from James Sanok, regarding landscaping and site plan review. That you just finished discussing. The part of this letter that deals with the ball field and planting and the steep slopes, we talked about and invasive species. Going back to the ball field, how do we take the ball field? The dedication, for whatever the term is to the village, the offset traffic light, the donation of the storage space. How does that get labeled, and captured, and processed in this mill?

Lester Steinman: To the extent. You have to go through the process is, determining whether what is offered is what you want. If you reach a meeting of the mines on an ultimately it will be incorporated, as conditions in the resolution as being offered by the applicant. Too late to the extent of additional discussion is have to take place as to the exact form of the ball field, and also the identity and the usage of the storage space. We are to be getting some more input and we have already probably gotten some from the Village Board. To get more of an idea of what their feelings are with respect to the soccer field, and any other particulars that they are concerned about. The same thing with the quantity of the storage space. In terms of the contractual relationship and the ownership issue. Those are going to have to be addressed by the Village Board.

Vice Chairman Sturniolo: What is the best way to start the ball rolling with the Village Board? To get them to identify the areas of concern, and discussion.

Lester Steinman: There is a couple of ways. The planning board could write a letter to the Village Board, identifying the issues that have arisen during the course of this review process. Seeking their input. I suspect there may be issues of common interest to both boards, where you might even consider having a joint session.

Vice Chairman Sturniolo: Is that letter something that we could ask you to put together on our behalf as counsel?

Lester Steinman: Sure we could do that.

Vice Chairman Sturniolo: Highlight those issues, and also include the offer, if they would like to have a joint meeting, to discuss it. This way it'll help bring this whole issue to the surface, and we will really know airport talking about soccer, baseball.

Michael Gallin: One a couple of thoughts. One if the sport is in a position to refer us to the town board, and we would be happy to make a presentation to them.

Vice Chairman Sturniolo: I am not necessarily suggesting that we were for you to the town board, but I would like to get the ball rolling with the Village Board, as far as the five to seven open issues. We need to kind of massage them.

Michael Gallin: As you know, we have in formally started those conversations. But I agree they need to be formalized. To some degree, there may be opportunities to define the scope if the Village Board decides not to act, the offers. They will obviously have that right and opportunity. Just by this board in the resolution, we make it clear that it is part of the resolution that this space will be offered, to the village. Whether or not they follow through with it, we would not want to be contingent on the approval.

Doug Hertz: Would it be appropriate to send a letter to the recreation commission? Also asking for input from them, in conjunction with the board.

Vice Chairman Sturniolo: Maybe that would be better coming from the Village Board, to ask that question, if they deem it.

Ralph Vigliotti: It should be in the letter as another bullet.

Austin Cassidy: How do you stand on your parking? I am raising that question with respect to the potentials for the field. Does the parking provisions that you have crunch out to what you need, or do you have a surplus?

Michael Gallin: We have a surplus. We are not incorporating the field requirements, but we are anticipating that it will be an offset use.

Austin Cassidy: So there is further potential, let's say if that field would be made larger, to decrease your and pervious surface, and a large the recreation field. Perhaps to accommodate various forms of sports.

Michael Gallin: I wish I could tell you I was in excess of a hundred spaces. We are marginally in excess.

Austin Cassidy: I was just looking at that portion, that pod of parking that is closest to the field. Obviously it almost serves the field. More than it does the building.

Michael Gallin: the attention would be at peak time, if it was ever required, it could serve both, but yet it is configured in a way to create a bit of comity for that parking lot.

Austin Cassidy: How is the division of the interior use, at the left end of the building, is that mostly storage?

Michael Gallin: In terms of tenants?

Austin Cassidy: Yes.

Michael Gallin: We don't at this point in time.

Austin Cassidy: The division of the building, is the division to be storage type tenants?

Michael Gallin: Under this application, the entire building is storage type tenants.

Austin Cassidy: I thought there was to be an office.

Michael Gallin: There is to be an accessory office. The application is as such that we had to commit to a tenant mix, to study traffic and other things.

Austin Cassidy I thought in the larger body of the footprint, that there was space in which the office area, was the dominant factor, and the storage was accessory thereto.

Michael Gallin: Historically this was an office block. Any opportunity, in terms of tenants' mix, to utilize its use as offices would be advantageous to the owner. Because they are already configured with windows. For example multi-storage with the appropriate ceiling heights. Those are the opportunities that we would embrace. To maintain this as office. Until the final tenant mix is determined, and their specific needs for office locations, to the accessory to their primary use. We would not be able to commit.

Austin Cassidy: So there is the possibility, it could be larger and necessary to accommodate the variations of sports to be played on.

Michael Gallin: Variations of sports?

Austin Cassidy: Well we are hearing soccer.

Michael Gallin: To accommodate baseball and soccer, you really need the baseball diamond, to be off of the soccer field. To do them well. A baseball diamond, a raised pitching mound. And you don't want people playing soccer on the infield. So that requires that diamond to be offset, from the soccer field. The outfield could serve for both soccer and baseball. We would need a lot more width to be able to accommodate both.

Austin Cassidy: The northwest corner, the top right. Is that still a potential for groundwater tapping? An aquifer tapping? Perhaps a number of uses.

Michael Gallin: We are open to discussion. You probably know better than I do the issues associated with that. The impact on other people that may be accessing that, the water quality issues associated with that aquifer.

Austin Cassidy: Do you have any irrigation plans for a system?

Michael Gallin: Currently no. There is no irrigation plan proposed. Most of the mitigation that is proposed is relatively low, in terms of the water use. It is quite a large site to incorporate an extensive irrigation system. I think it is more cost-effective to accommodate trucks to drive around and irrigate.

Austin Cassidy: I didn't really research the mechanical on that site. Is it a cooling system that is used up there?

Michael Gallin: Cooling systems will be used. There will be no central cooling tower, if that is what you are referring to.

Ralph Vigliotti: I have a question on those parking islands. It appears that they are large enough to accommodate a tree or two, in addition to what you are showing. With

regards to landscaping, on the rendering that you are showing. I don't know how accurate, that is.

Michael Gallin: The rendering as I am sure you are aware of.

Ralph Vigliotti: It is not as accurate as the plans are going to be where trees may be located?

Michael Gallin: No. If you notice something that is particularly an accurate, we will make every effort to make the adjustments.

Ralph Vigliotti: In most of the islands, are we seeing trees, or are we just going to see grass?

Michael Gallin: The majority of the islands, without a light fixture will have a tree or two. Depending on the size of the trees specified. Some of the islands are specified with trees that grow to a larger canopy. Others have trees that are more vertical. The ones that are more vertical and have less canopy base, there will be to trees are island typically. The other ones will have one tree per island. In circumstances where the light poles are involved, to ensure illumination, there are no trees proposed. That is another advantage of minimizing light poles.

Ralph Vigliotti: What is the actual size of the proposed soccer field? Length and width.

Michael Gallin: I don't have that information with me. 280 feet. I will have to get back to you on that.

Ralph Vigliotti: The point I'm trying to get to, and Austin's point is well taken. If we are 15 yards short of a regulation adult soccer field, I just don't want to be 15 or 18 yards short, to make that happen. Then it becomes a true soccer field that can be used from young children to adults.

Michael Gallin: It is important to understand about the soccer field. There is no defined size of a soccer field except, for a collegiate level.

Ralph Vigliotti: Of course we want to take advantage, if we are 18 yards short.

Michael Gallin: We are significantly small for a collegian level field. Collegiate level fields are so large, that in their goal location, they would be inappropriate for anybody that wasn't in high school. The majority of youth soccer will never be configured in that configuration. When we submit the following submission that shows the soccer field, we will be specific.

Austin Cassidy: Is it conducive to any of the flag field sports, field hockey lacrosse.

Michael Gallin: Of course. The lines can be striped as the village's deems appropriate. Baseball is a very unique situation.

Ralph Vigliotti: I would like to add one more piece on the proposed soccer field. No discussion has been made with regard to a small storage shed. One that would be able to withstand all sorts of damage, and vandalism, to accommodate some equipment. Is that something that has been discussed?

Jim Diamond: It may make sense. No portion of the building.

Ralph Vigliotti: It could be on site, where the soccer field is located.

Jim Diamond: We can certainly do something like that. It may also make sense to do it within the building, as part of the 10,000 ft.² for security.

Michael Gallin: From an administrative standpoint, there is no mechanism to secure or control that. If it is something that the town wants to incorporate, we can accommodate.

Doug Hertz: Currently we have that at the park, because the fields get reconfigured, on a constant basis. So there is a soccer shed a baseball shed.

Vice Chairman Sturniolo: Should we now get into the area of traffic of traffic? You made a partial submission, sometime last week, and then tonight, there was a part two of that submission.

Michael Gallin: We have brought John Collins, with regards to the traffic.

John Collins: Just for introduction. I thought it would be worthwhile to go back and start from the beginning and work our way through. What you see on the board here is basically at the first submission that we made. The traffic impact study. What we did was nothing more than the existing 2005 traffic volumes on the 117 corridor. I only use this to highlight the fact is that what we went from Green Lane, to Norm Ave., to Foxwoods, to Mount Kisco Square. We went to Brookside, Ice House Rd, Preston Way, Barker St and down to Main Street. All these counts were the a.m. and p.m. was conducted after Target had been opened for several months. The traffic was basically stabilized and included that particular development. To that, we added growth, and we added to the two potential developments. The two potential developments scenario on site, are outlined in our study was what we call the single tenant building. Which is the existing structure would be occupied by a single tenant. We used IT rates. Not knowing the exact tenant mix. We found that that and then, would generate a certain volume of traffic, during the morning hours, and certain traffic during the evening hours. Basically, the combined volume would be in the order of 250 vehicles coming in or leaving the site. Depending upon the morning hour and during the afternoon our slightly more but about the same number of vehicles. We also estimated the number of trucks that would be generated by the site, on a percentage basis of the traffic volume. We compare that to the number of loading docks, we have, and basically, the number of trucks would be projected. We then did a multi tenant scenario, basically increased the volume of traffic being generated by the site. So instead of the 250. We would have close to 300 coming and then leaving the site. We have a tentative 10-15 percent increase in the volume of traffic on the site, for the multi tenant. Then we did an IT and did a level service computation. The level service computation would be basically, the level of service that would exist under, the existing conditions both a.m. and p.m. It projected just normal growth in the area. Then we did a comparison of the future single tenant building and the multi tenant building. If you look at the level of service comparison, comparing a single tenant, which would be occupants of the existing building, plus the multi tenant. There are impacts. Because of the difference in traffic volume. Basically there is the same level of service that would exist, comparing a single tenant to a multi-tendency. Some people have asked, what happens if your estimate for the multi-tendency is off. What we had suggested in the writing that we could meet at the site so that the volume of traffic that would be discharged off to the roadway system, would be as we projected. Under the multi-tendency. So, if the board decides to use 300 as the number of vehicles that would, on and off the site. There are ways that we can structure that, especially during the evening hours. This is critical. There are other questions that we brought up. We brought up the queuing analysis, we brought up the documentation from the DOT, that said that they would consider, and we had this discussion several years back. A signal at Ice House Rd. with Brookside as the offset signal. We had submitted a traffic signal, warrant analysis that indicates that under the multi-tendency proposal, we would meet warrant of anything that the state would have. Most likely this state would extract as part of that condition that the existing driveway on the North Side beat restricted to a right turn in and out. That would be the modification that driveway. That is the wait Mount Kisco Square and the offset of the two signals up there. Right now, I will answer any questions.

Austin Cassidy: In your projections obviously it is a projection. The majority of the traffic is coming to this site from the north or the South?

John Collins: South.

Austin Cassidy: So then if the usually the person would want to get off the road at the first opportunity. So they would go icehouse road. So are you anticipating a turning lane?

John Collins: There is a turning lane, they are now. It would have to be restriped.

Austin Cassidy: There is queue capacity and enough to accommodate the morning shift so to speak?

John Collins: Yes. What happens is that left turn is a shadow lane for Brookside. So we would have a lane and a center that is they are today. It could be striped, so that left turns could occur both into our site as well as Brookside.

Austin Cassidy: if that intersection was signaled, that queue area that is they are from the left-hand is physically large enough to accommodate incoming at the morning shift?

John Collins: Yes. It would have to be restriped. It's not the short distance between Brookside and Ice House road. Ice House road basically extends further down, so there would be additional room down there.

Doug Hertz: Assuming there are not trucks parked on loading there, new cars.

Vice Chairman Sturniolo: Austin to pick up on a question you raised a couple of months ago, and that is Ice House Rd, if you are leaving your site. Heading off Ice House road, I think you raise the issue of a concern, of not only sight lines, but that did in the top crest of Ice House Road.

Austin Cassidy: The crown is reversed.

Vice Chairman Sturniolo: Obviously, heading up Ice House Rd going back the other way into 117.

Austin Cassidy: Trying to shoot the gap out over that crown, as Walter used to say would be a challenge, particularly in slippery conditions. Maintenance of Ice House road will fall squarely Diamond properties.

Vice Chairman Sturniolo: It has the potential. As you said, in the wintertime to be difficult. John in your note and you had mentioned, the analysis was predicated, no impact of the hospital. Because of the separation in the dates, shall we say?

Doug Hertz: Can you elaborate on that?

John Collins: the major expansion to the hospital occurs much later than the 2008 that we are looking at from the design standpoint. What we wanted to do is make it a valid comparison between what we felt traffic generated by a single tenant and a multi tenant facility. Without camouflaging it with other extraneous traffic. We did take into account, normal growth in the corridor. I have already indicated that the counts we have with A&P and the Target stores were in full operation. Secondly, the fact the way the flow is, the hospital traffic in the morning for example, we would be heading north on 117. Traffic for the hospital would most likely be headed to the south on 117. It is a different flow and different time. What we actually assumed that the traffic to and from this warehouse facility would occur at the same time. You get peaking on the roadway. Let's say in between eight and nine, and then in the afternoon for 4:30-5:30, when in most fact, we will be off of those peaks.

Doug Hertz: Did you all so analyze lunchtime's affects? One of the things that I have noticed, traffic from 117, having an effect all the way through Main Street.

John Collins: the counts that we did, as part of the traffic signal warrant study, indicated that there are three peaks. There is a peak in the morning, one in the evening, and one around 12 one o'clock. The peak around 12 one o'clock, almost mirrors the peak in the evening rush hour. They are very close. Therefore, what you seeing for the p.m. hour, assuming you have full site generated traffic could also occur at the noon hour. If in fact, this site generated the same impact during that hour. I don't see it happening because of the use. We have covered that from an analysis; the counts do show three pieces.

Vice Chairman Sturniolo: The greater being?

John Collins: The noon and p.m. are so close. It is almost 1 of the same.

Vice Chairman Sturniolo: We have a full EAF. Stan You said you have a few comments.

Stanley Bernstein: First of all on the unnamed watercourse. In here you have named it on page 4. In this document you named it the Chappaqua Brook. To my recollection, the wetlands below the pump station and join in the Kisco River just about at the pump station. I do not think that is correct. The unnamed brook or unnamed watercourse.

Michael Gallin: We may have been in error. We will correct it. There are actually three brooks that we are referring to on the property. To our unnamed brooks.

Stanley Bernstein: That one is not unnamed, that is Branch Brook. It makes a turn and goes through the village. Unless you want to consider the other unnamed watercourse going through and that would be Branch Brook. I have the wetlands maps. They are inside and a file.

Michael Gallin: We can reinvestigate.

Stanley Bernstein: you also mentioned the screen picks it up at the Saw Mill River, which it obviously can't possibly. It goes into the Kisco River, which ultimately it winds

up in the Croton reservoir. Then goes below Chappaqua and into the Hudson. Page 6 a number of jobs generated during construction is more than 50. After project is completed is blank. Do you want to venture a guess, or do you want to leave it blank?

Michael Gallin: This is a standard form, and there was no blank in there.

Stanley Bernstein: It is a standard form, but you filled it in, but that was not filled. Item 12 surface liquids may not really fall under this. But to my mind something should be talked about, of being a warehouse and garage, and truck area. There are going to be spills, gasoline, and I don't know if it comes under item 12, but it should be noted somewhere in the EAF. There will be oil and gas spills. Even normal drippings from your 18 wheelers will be picked up by the water flow that we have been discussing earlier. That has to be mitigated for taking care of. In here there is a question and I do not know what page it is on. And I did not highlight, about the aquifer. It says that there is no aquifer, but in fact, there is. I'm going to have to go through this again to try and find it. I wanted you to make a note as to where the items says is there an aquifer, to recheck that.

Michael Gallin: Do you know where that aquifer is documented?

Stanley Bernstein: It is a continuation of the Green Lane well. There was a well field at Green Lane.

Michael Gallin: I understand that.

Stanley Bernstein: It may very well be that the hydrology shows that the aquifer diverts to the left or to the right, but it doesn't seem so. It seems to me that it would precede south, base on the way land flows it off. Maybe it doesn't and there is no aquifer, but please check.

Austin Cassidy: You need to connect the dots with the Bedford records.

Michael Gallin: Whatever documentation we can find. We will incorporate.

Stanley Bernstein: On page 7, item 19 will not produce odors for more than one hour per day. You marked no, and there are a lot of 18 wheelers going to be there, a lot of diesel. Whether these odors can be contained, depending on the wind velocity and direction of flow, there will be a possibility of some sort odor, coming off that site. Item 20 will project produce operating noise exceeding the local ambient noise level. I don't know if you want to investigate the local ambient noise level, you haven't shown in any of these documents that I have gone through, that you looked at it. I can win a lot of 18 wheelers warming up; going up the hill, there is going to be a lot of noise. I think that should be investigated. The zoning classification, maybe Les would know. Didn't we make that not too long ago page 9 items 2 light manufacturing, light industrial? Didn't we make that mixed use? Not too long ago? We had a very long series of discussions about that.

Lester Steinman: I don't believe it was changed.

Stanley Bernstein: Page 10. I know that we have an extensive traffic plan, but on the EAF item 12 the proposed action result in generation of traffic above present levels. You answered yes, if yes would the existing road network adequate to handle the additional traffic, you said yes. I dispute that point, I would like to reference you to something that occurred in the past, when it was a single tenant. Many of those semi ayes would turn up Knowlton or one of the other streets and turn south on McLain to get to 684. Many of them when the traffic built up on 117, it's possible that that would continue to happen, and of course that's historic uses and that is what happened in the past. I pretty sure it will happen in the future. That is all I have Mr. Chairman.

Vice Chairman Sturniolo: Does anyone else have anything else on the EAF? We are at the point we should collectively look at a calendar and see where we are and what needs to be done.

Lester Steinman: Before we get to that we need to declare you lead agency.

Vice Chairman Sturniolo: we needed a motion to declare it lead agency pertaining to 333 N. Bedford Rd. Diamond Properties Inc.

Ralph Vigliotti: So Moved.

Stanley Bernstein: Second.

Board All Ayes.

Vice Chairman Sturniolo: We are at the point and have closed the public hearing and the written record for 10 days. Where do we stand time frame wise. What I was hoping to do is at the next meeting to vote on a wet lands permit. Is that something that we can do still?

Lester Steinman: In terms of having a resolution it is going to be very difficult in spite of the fact that there still needs to be a response from the applicant and potentially a response to that response from Michael and make sure all the issues are fully resolved, and then the board would have an appropriate record to then vote on the application. I do not know if that is sufficient time to get that material and prepare a resolution before your next meeting, the first one in November. I think you would have the time if it were the second meeting, If you wish to continue this aspect the site plan, give them some more time to get the additional plans done and be heard all on the same night.

Austin Cassidy: Put land permit aside and just asking a question out loud is at what point on the site plan issues do we re-engage Bedford relative to where they are at in this process, or are they just hanging back on this whole thing and we are running with the ball.

Lester Steinman: At this point it is stated we are lead agency we are going to be responsible for SEQR and Bedford cannot do anything at this point. As long as we coordinated the review until we complete our SEQR. We can make a NEG DEC and they couldn't do anything.

Michael Gallin: Just to assure Mt. Kisco that we are not leaving Bedford out of the loop, we just wanted to come to a hearing tonight to hear your comments. We are prepared submit for Bedford site plan approval. We will do that within the next few days to get on their agenda. Unfortunately there is a conflict where they meet on the same night as you, so we need to coordinate when we actually meet with them.

Austin Cassidy: The second part of my observation is just an internal administrative to reach an agreement relative to taking actions on a work session.

Vice Chairman Sturniolo: I realize that and I am also sensitive to the calendar approaching the winter season and the drainage issues, and all the storm water issues that the applicant needs to address.

Austin Cassidy: I am aware of the same thing. Just as a matter of form. You normally don't allow actions on your work sessions that would be a work session that you would be taking action on. You need to let them know that you would allow that to happen.

Lester Steinman: Which night are we talking about?

Austin Cassidy: The work session in November. It would be the 22nd of November.

Michael Gallin: Can I just address Les's comment and a time constraint. We are in a position to respond to that memo, very quickly, within the next day or two. If Mike Stein is in a position where he can prepare his response. We would like to be on the earliest agenda. Obviously, winter is approaching, and we would like to be able to start this work. Assuming there is a positive role on the application.

David Stolman: Your timeline is about nine days, or something like that.

Nancy Placona: Packets go out the Thursday before the meeting. The first meeting in November is scheduled for the 9th.

David Stolman: So the packets go out next week on Thursday. So we have about 9 nine days roughly, to get a response from the applicant can, and get a response from Michael and draft a resolution as well.

Vice Chairman Sturniolo: Michael where are you time wise?

Michael Stein: Based on the conversations that I have had. Mr.Gallin. Most of the comments were relatively minor. One of the biggest issues was the water system and how they would be connecting to it. I think they are working on it with their site engineer. As far as the rest of the comments, they are minor.

Michael Gallin: Just to be clear these comments would be specifically referring to wetlands. That's what needs to be addressed.

Michael Stein: As far as those comments are concerned, I think it was just really addressing the conservation Board's comments. And I think most of them had already been addressed, and they have a completed submission.

Vice Chairman Sturniolo: We already have that e-mail that was sent by Suzann Grant.

Michael Gallin: If we could get a copy of that today, we could start working on it tomorrow. Before Pete left, he indicated that most of those had been addressed in the most recent submissions.

Jim Diamond: Most of what Pete said was that the CAC may have reviewed an earlier version, not the most recent, and therefore the 1991 data was used in the calculations. We did the 1961 data originally in order to deal with the peak. Because of the size of the pipe that was out there. We had to use the 61 data. The 91 data was used in the later submission that you aboard, he received. We did not want to get into it at that time, given where your board was going. And so forth. That will all be put into writing by him. Not from me. We are completely sensitive to your consultant's time schedules. What we would like not to be precluded the opportunity, if we can deliver. Assuming we can meet all the time lines, we disguised. We would like the opportunity on the 9th to make it happen, if we trip up and don't coordinate, understandably. It would be our lords and you would not take action.

Vice Chairman Sturniolo: Without cutting any corners at all, but adding additional work for both of you, can we make this work time wise?

David Stolman: I think we can as long as we can turn things around quickly. And we can get all the information at the very beginning of next week. If we get it Monday it will give us until Thursday.

Lester Steinman: I think Tony based upon the representation of Michael that basically the comments are minor, and he is comfortable. Then it is a question of resolving these few issues that are minor.

Vice Chairman Sturniolo: The only outstanding matter that is floating around in my head is the CAC that we address that properly, and completely. We are not exactly sure of the source of this e-mail.

Doug Hertz: Did he indicate that the e-mail was the hard copy that you have?

Nancy Placona: Yes.

Vice Sturniolo: Stan can you get a hold of her (Suzann Grant) and get that document to Nancy. Then Nancy, if you would be kind enough to call the applicant as soon as you have that in your hand.

Michael Gallin: Unfortunately my office is moving tomorrow, so tomorrow would be the worst day for you to get a hold of me.

Vice Chairman Sturniolo: Is there any other outstanding issues, as far as what needs to be accomplished, based on this timeframe, for next week's planning Board meeting? Nancy are we still up in the air, whether our meeting is on the eighth or the ninth?

Nancy Placona: The manager's office was going to find out if we could hold a meeting here on the night of elections. This building is officially closed that day. I did not know if there were any legality with is holding a meeting on that evening. If we cannot have this room. We have an option of calling the library and ask to use their room. Wednesday, there are three meetings being held in this building.

David Stolman: I cannot be here that night. The election night, I am unavailable. I can be here for the night of the ninth.

Doug Hertz: I would very much like Mr. Chairman, not to hold a meeting on election night.

Vice Chairman Sturniolo: Is there anybody else that would have a problem?

Ralph Vigliotti: I would have a problem with the ninth.

Stanley Bernstein: I have a problem with Wednesday. I could rearrange my schedule, but I would rather not.

Vice Chairman Sturniolo: Could you rearrange your schedule? I would very much like to do it on the ninth, because we might buy a half day more and coordinating getting the work together. In my opinion it is crucial that David be here for that meeting. He can't do it on Tuesday the eighth. I need your indulgence on that part.

Ralph Vigliotti: It was not my intention to miss the meeting.

Stanley Bernstein: Then that means that we would meet in the library.

Vice Chairman Sturniolo: Do we need to go beyond this meeting the ninth as far as mapping out, any other dates or targets to get accomplished?

Lester Steinman: We should schedule the next time we would be reviewing the site plan application. I don't think there is enough time between now and the ninth to get further response from the applicant, to get the packages to the planning Board to meet their time restraints. I think you need to set another meeting beyond that.

Vice Chairman Sturniolo: The meeting after the ninth, the next one is 22nd.

David Stolman: We could render a review by the ninth. We're looking at the traffic that John submitted last week to determine whether it is complete and response to the comments. We are just making sure that it is done properly. We are also looking at the mitigation measures that have been proposed are sufficient. So that is what we're doing with respect to traffic. We need to render a memo in that regard.

Lester Steinman: What are the submission dates for the November 22 meeting?

Vice Chairman Sturniolo: The November 22 meeting would be a cutoff date of November 7th. The meeting after that is December 13th. The December 13 meeting would be the last meeting, because there is no on December 27th.

Michael Gallin: As I understand it that you have a conflict with the second Tuesday.

David Stolman: I have been attending other planning Board meetings in Dutchess County for the last 15 years, the second Tuesday of every month.

Michael Gallin: again, Mr. Chairman, if possible, we would like to put every effort to get the material to the people that need to get the material, to be on the November 22 meeting.

David Stolman: There should certainly be a traffic discussion. We started the discussion on traffic tonight, in terms of how we are going to deal with this traffic that is being analyzed. Given the fact that we are not really sure, exactly what the characteristics are going to be on. We have been discussing this idea that we are going to analyze a certain volume of traffic. Look at the perfect mitigation measures, and then we will structure and approval, where perhaps we would have some data given to us, regarding traffic analysis given to us. To see how far we filled up that glass for that total volume of traffic. And then when the building is two thirds and filled have some additional analysis done. We really can't predict that with great certainty whether the model that we are using now, the traffic. We are analyzing is going to be represented at what is there. We want to get into some discussion of the structure of the approval, to make sure that we are on target. As the building starts to get full of tenants. We can discuss traffic more, and perhaps I can sell send Michael Galante to the next meeting.

Lester Steinman: The other option would be to add an additional meeting. Since you only have one in December. Maybe you can find another date in December. I think we are approaching an important point. In the review of the application, where I think they need a full board and discussion of some of these issues.

Michael Gallin: David you are proposing that we meet on the 22nd and discussed the traffic issues, at least conceptually and terms of the specifics of the implementations.

David Stolman: We could do that. I have laid out the concept, just now for how we would structure, the approval. I am not sure what are memo is actually going to say relative to what has been submitted by John Collins.

Michael Gallin: I thought you were suggesting instead of the 22nd and alternative meeting.

Lester Steinman: you have enough time to make a submission, but wouldn't lose one.

Michael Gallin: I think we could do either from our stand point.

Austin Cassidy: On the calendar, just take note of the fact that there is a three-week spread between the work session of November and the regular meeting in December. It is one of those, things that we hit every so often. So you have room to stick the meeting, you could look at the sixth. Rather than moving closer to the holidays, you might want hold it back and look at the sixth, if you are done at a meeting to the team exclusively. It would not jam while; you would still have two weeks from the meeting on the 22nd to the meeting of the sixth. The other thing for the purpose of record. The applicant is now in possession of the e-mail from Suzanne Grant and the rain data. An addendum to the traffic, I believe there should be an outright restriction, on any trucking utilizing Ice House Road, particularly exiting. Visualizing any large tractor-trailer from a standing start, on that incline trying to get out into traffic, over that crown, is more than problematic. You may want to think about having all trucks using the traditional entrance point and exit point.

Neil Alexander: The only problem with that is the proposal would be for a right turn out of the northbound exit.

Austin Cassidy: What is the likelihood, unless they are heading elsewhere to make more deliveries? If visualizing if you can, if you have ever driven a large vehicle like that. Visualizing from a standing start on that incline, particularly a tractor-trailer. Trying to move that vehicle up with a load out into traffic, particularly if he is trying to make a left-hand turn. That is a real challenge.

Michael Gallin: I think that we should discuss this in more detail, after we submit a globe of that intersection, showing the traffic and the exact configuration.

Neil Alexander: We are going to come back on the 22nd and maybe the 22nd we can discuss whether there is time or need for an extra meeting.

Lester Steinman: They are offering an extra early December meeting. As an alternative to the November 22. So everyone has time to react

Vice Chairman Sturniolo: I will bring this conversation up to the chairman with the additional December 6 meeting.

Lester Steinman: I am you will have a decision when you come back on the ninth.

Neil Alexander: Procedurally, if we could handle that on the ninth.

Vice Chairman Sturniolo: Is there anything else on this? Gentlemen thank you for coming.

e. Site Plan Compliance
77 Smith Avenue – Jorge Narrano

Vice Chairman Sturniolo: The next thing on our agenda is site plan compliance. 111 Main Street, 666 Lexington Avenue (we have that memo from Austin). Now we are at 77 Smith Avenue. Where do we stand? We did a site visit.

Jorge Narrano: I thought my engineer was going to come today but he did not. He told me that he submitted all the paper work. We need to know what you guys want me to do.

Vice Chairman Sturniolo: So he is not here tonight on your behalf and you have nothing further to add to this.

Michael Stein: When I spoke with Peter Gregory, on Monday, and I was under the understanding he was coming, but he also said he spoke with Mr. Narrano. The last time he spoke with him, he told him he needed to get an arborist or a landscape architect, he had not heard from him since that point. That was about the most he said. I was under the impression he was coming tonight.

Ralph Vigliotti: I think we need to make a move on this.

Stanley Bernstein: Don't you have a lawyer?

Jorge Narrano: Yes.

Nanette Bourne: I have spoken to Peter Gregory yesterday. At the next meeting assuming you are able to get him to come. He is willing to bring information that he has. Then I think you need to look at what he has and direct them as to what has to be done. He has conditions, and he wants to hear from you where you would like this to go. I don't think it's at a place where you want to direct him tonight what to do.

Doug Hertz: We had requested information, a while ago to the extent what their permit will allow, how much in excess.

Nanette Bourne: He has all of this and that is what he wants to present to you.

Vice Chairman Sturniolo: But he chose not to show up.

Nanette Bourne: There may have been some miscommunication when he was supposed to be here.

Vice Chairman Sturniolo: Between the applicant?

Nanette Bourne: I think he had expected to be here at the next meeting and not this meeting.

Ralph Vigliotti: So why don't we wait until the next meeting?

Vice Chairman Sturniolo: Whitney do we need to continue working on a paper trail?

Whitney Singleton: I think at some point, it might be premature. You have to make a determination that the application is not complete. Then prosecution will move forward.

Nanette Bourne: I would just recommend that the information is not here and at the next meeting it is not, then it's not in a get here.

Whitney Singleton: If the information is not here by the next meeting. We are talking about two weeks from tomorrow. The information needs to be in by when?

Jorge Narrano: What kind of information do you need?

Vice Chairman Sturniolo: November 9th

Whitney Singleton: If we are going to set a deadline, to a workable deadline. Do you have any kind of dispensation, to give him a submission date that works?

Ralph Vigliotti: It should have been here tonight, and he's not here tonight. So two weeks from tonight, you've already given him an extension. That's it.

Whitney Singleton: That means that he needs to have the information, by tomorrow.

Jorge Narrano: What kind of information does he have to bring? He said he sent all the information already.

Vice Chairman Sturniolo: To whom?

Jorge Narrano: To the town.

Nanette Bourne: thinking back to what was submitted a while ago. He has a topo. There are two plans that have been submitted. It is a topo of one that shows the improvement to the site.

Michael Stein: It shows the work that was done. What it did not include was the landscaping or the arborist of the assessment of the trees. The trees that were there and the condition of the trees. That was a major issue.

Jorge Narrano: For the trees.

Vice Chairman Sturniolo: You do not have to explain that to us. Nanette we need to give the applicant. Some kind of piece of paper with a laundry list for the next meeting.

Nanette Bourne: I think the applicant, and his representative.

Ralph Vigliotti: Would it be easier if you contacted Peter Gregory.

Nanette Bourne: I will do that tomorrow.

Vice Chairman Sturniolo: Will you tell Peter Gregory, that Miss Bourne the village planner, it's going to be contacting him shortly. To discuss all the documentation, and submissions that are needed at the next meeting. If all that material is not available, at the next meeting, this board is poised and ready to say, that the applicant has not submitted proper plans documents etc. Then it would get turned back to the village prosecutor.

Jorge Narrano: Ok. I will speak with Mr. Gregory tomorrow.

Vice Chairman Sturniolo: He should expect the phone call, and he will have a laundry list of items that are needed. He needs to address and bring with them at the next meeting.

Jorge Narrano: Do we need an arborist?

Michael Stein: Yes, you need an arborist to come out and look at all the trees, and make a report of the conditions of all the trees. A landscape architect or an arborist. I believe that is what I quoted from a letter.

Doug Hertz: Some of the tree services have arborist.

Vice Chairman Sturniolo: It would have to be an arborist.

Jorge Narrano: Thank you. I don't think it can beat tomorrow.

Michael Stein: Peter Gregory said he had previously spoken to Mr. Narrano, since he did not want to use a landscape architect that you needed to get the arborist on board.

Nanette Bourne: I am actually concerned about this site being left any longer than it already has been. Personally, I am more concerned about the material that is on the site. The trees have died; you can go out there and see the ones that have been choked to death. You don't know if they have been killed because of the soil being packed up against, or the soil on this site is not clean. I would personally like to have this applicant's representative be back on the next agenda. With some clear direction. This is what you need to do to satisfy this board. First of all to do an analysis of the soil, because we do not know where the soil came from. This needs to be tested

Jorge Narrano: It came from the new ambulance site.

Vice Chairman Sturniolo: So therefore, going back to Whitney's question. Is how do we established a cut off date for having all of this information available, prior to the meeting of the ninth?

Nanette Bourne: I think that one option is to bring them back on the ninth. Have them leave that meeting, where the laundry list. Here is what you need to do, and then get them on a regular cycle.

Vice Chairman Sturniolo: So you are suggesting, not giving them a cut off point, between now and the ninth, to have documentation ready. Bring it all in on the ninth.

Nanette Bourne: Yes. We already have the two maps.

Doug Hertz: What do we want to do, with regards to the soil?

Ralph Vigliotti: We can discuss that on the ninth.

Vice Chairman Sturniolo: Is that agreeable to everyone? As opposed to cut establishing a cut off date?

Jorge Narrano: In the meantime, Mr. Gregory wants to do the soil test he can.

Vice Chairman Sturniolo: Let him get started on that. The main thing to do is to tell him, that Miss Bourne is going to be calling him, to develop a laundry list of items to bring. In the meantime, if you want to go ahead, and get the soil tested.

Ralph Vigliotti: I don't know if you want to have him get the soil tested. I think we should discuss that at length, on the ninth.

Nanette Bourne: I think you're right.

Vice Chairman Sturniolo: We will go through the whole thing on the ninth.

Jorge Narrano: Thank you.

f. Environmental Monitoring

Nanette Bourne: I don't have anything new to report on. We continue to go out there, particularly with all of rain. Making the rounds of all, the three sites. Woodcrest, Mt. Kisco Senior, and Premier Auto making sure flooding are being contained.

Stanley Bernstein: I have a question on Woodcrest. The detention basins, are they working?

Nanette Bourne: They have been tested. They were not quite ready.

Stanley Bernstein: It looked to me and my untrained eye that they looked like they were working. My question, as I had asked before, on the berm. I think the berm is going to become a lake, on the east side of the development, against the building.

Nanette Bourne: The site was always saturated, and of course we have been making sure hay bales have been put on, and trying to keep the contained. Because it just wasn't quite ready for the storm.

g. Special Discussion

Vice Chairman Sturniolo: TJ Max.

Nanette Bourne: TJ Max what appears to have happened is that the trees have grown around the lights. The trees need to be trimmed. That's what it appears to be.

Vice Chairman Sturniolo: I went and just dug around with a little trowel, it looks like the two trees that I looked at. I did not look at them all. It looks like the wood chips and everything else that surrounds the tree has covered over the lights. Some of the roots have expanded out and probably are hiding the lights as well. I think they just need to clean out the base.

Nanette Bourne: Maintenance. That is within in at the village's prerogative to send them a letter. As part of their site plan approval, that they have to maintain the vegetation, and give them a date to do it, and if they don't do it, then the village can hire someone to do it.

Vice Chairman Sturniolo: Probably a lot of those bulbs are shot and burned out, and should be replaced. Can you generate that letter?

Whitney Singleton: I think that needs to come from the building inspector. Are there any other issues to the site?

Ralph Vigliotti: The screening for Boltis. At one point when the trees of normal size, the screening was low and the lights were not penetrating the neighborhood. The trees have grown substantially over the years, and the lower portion of the trees, are just tree trunk. At one point, they planted shrubs, but it is just not doing the job. The neighborhood has lights coming through. We didn't realize how popular the site was going to be and how much traffic was going in and out. There is a lot a light filtering out into the neighborhood. I would like to take a closer look at that. At their original site planned. The original site plan had shrubs that were above. That buffer area is no longer doing its job. There is really no buffer.

Nanette Bourne: What we need to do, if Nancy can pull the landscaping and site plan, and have Austin look at it.

Whitney Singleton: What Ralph is getting at, is not a question of compliance, it's a question of maturation. It's not that they're not compliant and we are going to haul them back in here. For purposes of changing their landscaping plan. We don't have the authority to do that. We certainly can make some suggestions. The building is owned by Friedland, and he is certainly receptive, when it comes to the exterior appearances of their building.

Vice Chairman Sturniolo: It really falls onto Austin.

Whitney Singleton: Austin is going to know exactly who to call.

Vice Chairman Sturniolo: For both issues, the lighting and what Ralph was talking about. Can you talk to Austin and have him generate a similar memo, just like 666 Lexington Ave.

Michael Stein: I had actually gone out with the property owner, I believe three or four months ago, and that's why you see a lot of trees that are marked. All those trees are supposed to be being taken out, and they are going back and put additional planting. The trees that are in there, a lot of them are dead, so they are going to pull out all of the dead stuff. They asked to call the village for me to come out to review what they could pull out. Then they were in a go back and into new plantings, nothing has become it. There are probably a good two dozen trees that need to come out, at a minimum.

Whitney Singleton: You will be in the office in two days with Austin. Maybe you can discuss this with Austin on Thursday.

g. Correspondence

Vice Chairman Sturniolo: there is a memo from Mike to Chairman Cosentino, and the planning Board regarding Crème De La Crème.

Michael Stein: Just to add to that, after last Monday's meeting with the DEP on Buckingham properties. The wetlands buffer line for the pond that is on Buckingham properties, I believe was delineated on crème De La crème a site.

Nanette Bourne: The wetland on crème, the buffer?

Michael Stein: The buffer on Buckingham properties. Wherever that pond is on the backside of the property that is right adjacent to crème. That was not delineated on crème's site.

Nanette Bourne: Because it wasn't known to be there, at the time.

Michael Stein: That will be added in on the next review.

Vice Chairman Sturniolo: There is a letter, Mary Donohue regarding quality community's interagency working group. I would like to do with the board's consent, have a conversation with Jim Palmer, because a while ago, I sent him a note and a reminder, about some computerized software programs. Those are available at out there. This was regarding a conversation, the way that AKRF is now communicating with Nancy and your little intranet site. Knowing that I had this information. I wanted to send it to Jim Palmer. A second time. I have not heard back from him yet, maybe this Donohue letter could help us gain some money. I don't know if the criteria would dovetail into what the letter says. Pertaining to community growth and center programs, open space, and inter municipal growth programs. There is some grant money out there, but New York state money, maybe we could apply for. I am willing to get a hold of Jim Palmer and discussed that aspect, with what I sent to him recently. We have a copy of the neg dec regarding the Village Board and the public library. And a copy of the letter from and NYDEP regarding lead agency status of the Mount Kisco Village Board and library.

Nanette Bourne: I am surprised that you did not hear anything back regarding lead agency on 333 N Bedford Rd.

Nancy Placona: Nothing has come across my desk.

Whitney Singleton: Regarding the Army Corp expiration letter. You still do not have that in your possession. I would think that you would want that in your possession prior to making a vote.

Vice Chairman Struniolo; It is going to expire next month. It is going to be tight.

Ralph Vigliotti: Motion to adjourn

Doug Hertz: Second.

Meeting adjourned at 11:00 p.m.

Respectfully Submitted By,

Stanley Bernstein

Board Secretary