

Minutes

Regular Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday February 8, 2005

Meeting called to order at 8:00p.m. At the Municipal Building Mount Kisco, New York

Members Present:

**Joseph Cosentino
Anthony Sturniolo
Stanley Bernstein
Ralph Vigliotti
Doug Hertz
Joseph Morreale**

Members Absent:

Staff Present:

**Nanette Bourne
Whitney Singleton
Michael Stein**

Chairman Cosentino began the meeting with the Pledge of Allegiance.

Chairman Cosentino: This is the Planning Board Tuesday February 8, 2005 and this is a regular meeting.

1. Minutes

a. Regular Meeting January 25,2005

Stanley Bernstein motioned to accept the minutes to be approved.

Anthony Sturniolo: Page 1 Line 55 should read : I to be inserted. On page 2 line 36 typo. Page 28 line 34-39 has that been accomplished?

Nancy Placona: Yes the plan was submitted for drawing and samples but has not gone before the ARB yet. It will be in their packets.

Nanette Bourne: Copies of that are included in your packet.

Anthony Sturniolo: Page 32 typo on line 10 the word should be approved. No further comments Mr. Chairman.

Chairman Cosentino: We have a motion by Mr. Bernstein and a second by Mr. Sturniolo.

Doug Hertz: One typo on page 27 line 23 should read David Sessions.

Board Polled: Dr. Morreale abstained, Mr. Bernstein aye, Mr. Sturniolo aye, Mr. Hertz aye, Chairman Cosentino aye.

2. Conceptual Application:

**a. Tuscan Oven 360 North Bedford Road
David Menkin counsel for the applicant, JoAnn Pirraglia owner
manager of Tuscan Oven**

David Menkin: We are looking for the Planning Board’s consent to let us go to the ARB to put Tuscan Oven’s name on the two monument signs that are on the outside of the Mount Kisco Plaza and on the directional sign going up from Foxwood where you take a right into CVS. The Planning Board has retained jurisdiction over this sign matter.

Chairman Cosentino: It is because of the resolution.

David Menkin: That is right. So we have to come back to you to let us go on to the ARB.

Chairman Cosentino: I was always wondering why there wasn't a sign there. There actually should be. This is a conceptual and I don't know if my fellow board members have anything they would like to add to that.

Doug Hertz: I am just curious. I don't know the history of how the signs were adopted.

Chairman Cosentino: Going back the Planning Board had the jurisdiction of putting signs near Blockbuster, Staples etc. Actually I think the resolution said two or three major stores. Any other stores that wanted a sign have to come back here. Normally they would go to the ARB. On this particular application they have to come back here to get our blessings to go to the ARB.

Doug Hertz: How is it that there are four signs currently?

Chairman Cosentino: That is all that came in at the time and we have allowed that.

Doug Hertz: We have allowed more than three.

Chairman Cosentino: If they came back here we couldn't see any reason, they are not going to construct or add another pole. They are going to put the sign right on the present poles. Just to identify that Tuscan Oven is there.

David Menkin: In fact Joann told me today that she has received calls from drivers looking for Tuscan Oven. Tuscan Oven is the only restaurant on North Bedford Road that you can't see a sign where the restaurant is.

Nanette Bourne: To my recollection this was before the board many years ago and the board went out of the way to try putting the sign along the road.

Doug Hertz: Are we obligating the ARB to allow or are we recommending they hear the question?

Chairman Cosentino: We are recommending that they hear the applicant.

Whitney Singleton: You are saying you have no objection to their hearing the application.

Chairman Cosentino: It is only right to send them back there, because they have the jurisdiction over it. I don't have a problem with the application.

Anthony Sturniolo: I just wanted to make mention of the applicant that I was on the planning board when that shopping center complex was approved and one of the things the that the board at the time wanted was that leading up that you didn't see this wall of parked cars. I think that has worked well putting the plantings on that wall. I just wanted to remind you of that. Although you may wind up putting your sign there I don't think this board would want to entertain anything further down the road over and above the sign to make you a little bit more visible. The philosophy that we had when we approved it was to make that whole area of strip stores and its adjacent parking less visible. I can appreciate and understand your concern about where do you find the restaurant. We are not looking to make the berm smaller or chop trees down. I say this to assure you and counsel realize that as well.

David Menkin: Thank You.

3. Continuing Review:

**a. Ability Beyond Disability 120 Kisco Avenue
Anthony Russo with ARKF**

Chairman Cosentino: Ability Beyond Disability is not on the agenda tonight?

Nanette Bourne: They are on the agenda for the purpose of Anthony Russo to discuss the draft for the parking.

Chairman Cosentino: Is anybody here from Ability Beyond Disability?

Anthony Russo: No the applicant is not here tonight.

Nanette Bourne: We wanted some comments.

Anthony Russo: The memo I am referring to is January 31, 2005 draft memo. I will take you quickly through it and give you a summary. It is going to start in reverse order. On page 3 we met with the applicant back on January 7th and there were three items that they were to supply to us and they haven't to date. One is a code compliant plan that provides 7 parking spaces on site. Both the south reconstructed parking lot and the north parking lot. If there is any issues in the north parking lot that aren't code compliant right now they would bring those spaces into code compliance. In addition to that they have provided an alternate parking plan which will provide parking somewhere between 58 spaces they currently have on site but something less than the 70 spaces which what they are required to provide by code. They'll provide the rationale to you whatever number they come up with as to why they think that number is sufficient. That would require a waiver from the board. They are going to provide what is called an alternate parking plan. The code requires them to have 70 spaces they are going to come back with something less than 70 spaces to you. That is going to be based partially on the survey that AKRF did on the existing facility. It could be 62, 63 spaces and of course that would require a waiver from you if you agree with the number. I am not certain what the number is going to be because they haven't given us the plan yet.

I am just letting you know they haven't given the code compliant plan and they haven't given us the alternate plan. When they have to give drainage plan the village engineer has been in contact with the applicants engineer and that drainage plan has to look at the entire site, both south and north lots. These three items have not come in yet. They are referred to on page 3 as we waiting for the information from the applicant. I will take you through what we have to date. Page 1 is a quick summary of Ability Beyond Disability operation. Once they leave their current location on Lexington Avenue and come to the new facility in Kisco Avenue. Basically they are going to need 32 spaces when fully occupied and operational in the building. They are only partially in operation right now. Between January 6th and 13th AKRF conducted a survey on the weekdays of the existing parking lot both on the south and north side. During the 9:00am, 12:00 noon, 3:00pm and 6:00pm we observed a peak number of cars parked on each lot south and north lot.

Anthony Sturniolo: Anthony if I could interrupt you. What were the weather conditions during that time period in January?

Anthony Russo: Generally it was good. You had a little bit of rain it was cold. There was snow in the parking lot but it was pushed off the spaces. Everything was open.

Anthony Sturniolo: It was pushed off into snow storage areas?

Anthony Russo: Yes it was towards the back of the property or on the islands. We determined the week that we surveyed the business day was January 2nd which was a Friday. At 12:00 noon Kisco Avenue building which were both the south and the north lots combined had peak occupancy of 29 cars. So 29 cars out of the 58 spaces were occupied. Utilization was 50%. That is 29 spaces at its peak during the week we surveyed of the 58 spaces they have on site right now. It was important to know during our survey there were two uses in the building that were not occupied. That is the Program Without Walls which is part of Ability Beyond Disability and approximately 2900 square feet of warehouse space. So we have to account for this space. Base on the information from the applicant the Program Without Walls would add another 2 parking spaces. The demand would be for another 2 parking spaces and if you can be conservative, assume that 2800 square feet of warehouse would be office use. Based on the village code that would generate the need for another 11 parking spaces. Out of 29 you add another 13 to it you get 42 spaces and our utilization goes up to 72%. It is possible in the future that they may have more active usage than what is currently on site and also maybe during our survey there was a corporate event that we did not capture.

Chairman Cosentino: On page 1 on your third paragraph this figure accounts for the 25 permit parking spaces obtained by ABD in the village for its staff. Explain that to me.

Anthony Russo: What we have on site is 32 spaces. They say that they have 25 spaces to use throughout the parking area that they are permitted to use. It doesn't have anything to do with what is going to happen on Kisco Avenue.

Chairman Cosentino: We don't want to incorporate this into the site. The village is something different. We feel that if the square footage of the building calls for 70 cars this is what they should have on site. Not 58.

Anthony Russo: I am just giving you what I have now. I am not saying that is what it is. They will provide a plan to you that shows 70 spaces.

Chairman Cosentino: We will work with them on that. We want this to be utilized at 70.

Anthony Sturniolo: Does the 70 spaces require blasting of the rock behind to create more spaces?

Anthony Russo: From what I see and again having to submit formally it would require going quite a bit into the hill.

Anthony Sturniolo: Does the 70 spaces also provide an alternative to them cut the building size square footage wise and decrease the parking space.

Anthony Russo: That the 70 spaces will go into the rock.

Chairman Cosentino: Or they can eliminate some space inside.

Anthony Russo: That is another option.

Anthony Sturniolo: Really this part of the conversation is where we left off with them the time before and the time before.

Anthony Russo: Just because increasing our count by 20% again for more uses. We come up with a number of 50 which is 86% utilization out of the 58 spaces.

Chairman Cosentino: This count is solely not for Ability building. Yet our code calls for 70? Am I correct by saying that? The square footage of the building calls for 70 parking spaces?

Nanette Bourne: Yes.

Chairman Cosentino: It is office use now?

Nanette Bourne: You could ask them to give a breakdown of how the building is currently occupied. There is a couple different ways to evaluate the parking count. One is to consider the utilization of the building which would be office building and that would require approximately 70 spaces.

Chairman Cosentino: I think that is what we have to do for the simple reason if more offices moved in they wouldn't have enough parking spaces.

Nanette Bourne: That is right and that is why they were told to come in with a compliant parking. The second way that you asked them to evaluate parking was to look at and break down all of the square footage and how it would be deemed and to evaluate the demand and actually be used.

Anthony Russo: that is what the survey is.

Chairman Cosentino: I don't know about the rest of the board members but I think we should access this on office use. Office use the park count is 70 we should go for 70 and work from there. What I am trying to say is that I do not want to go from 70 down to 50.

Anthony Russo: We never recommending 50 we are saying based on the survey that you would come up with the type of mix that is in the building now.

Anthony Sturniolo: The ultimate decision is the planning boards predicated on various steps on experts such as yourself and Nanette input. That applies to any operation. It's the planning board's decision.

Anthony Russo: Part of the reason for the survey is if they come up with an alternate plan with something less than 70 you have some level of comfort about a number that is going on now.

Chairman Cosentino: We had a client that came before us for office and medical. It was beyond productive to give them just office when medical is more car use. So you

really want to figure on medical because if the offices move out it becomes medical you want to have the parking that's available to them. This is the same thing, you're going to have offices there if they decide to move out it is not a life time lease.

Nanette Bourne: It would be somewhere between the demand that they have right now which is 50.

Anthony Russo: At 50 spaces right now. Somewhere in between 50-70 on an alternate plan.

Nanette Bourne: So you would be making a decision as to the appropriate number of parking spaces somewhere between that.

Anthony Sturniolo: Or at 70 spaces.

Anthony Russo: That is why we prepared 70 and what that involves.

Doug Hertz: If we are asking for 70 and there are 79? (Unable to make out entire comment)

Anthony Russo: That northern parking lot is partially shared by 120 and the adjacent building. It has approximately 21 spaces in that lot.

Chairman Cosentino: It's not a shared parking lot. Zumbach owns it. You have to be very clear on that. Zumbach owns their lot and has nothing to do with the car count.

Anthony Russo: When you are out there and unless you know the spaces are reserved for them.

Chairman Cosentino: For Zumbach.

Anthony Russo: When we put that information on here it is just so that if someone went out there they could see.

Doug Hertz: The lots being broken up we're losing out of the count of 79 we are losing 21 spaces.

Anthony Russo: That is correct.

Anthony Sturniolo: That is where the efficiency comes in at approximately 12 spaces per 70.

Anthony Russo: So they'll be back with the plans.

**b. Ambulance Corp – 310 Lexington Avenue
Joe Palumbo Architect, Jim Cuff President of the Ambulance Corp.**

Chairman Cosentino: Next on continuing review is the Ambulance Corp. Mike I want you to go over preparing them. They are here tonight for an extension of TCO and looking for our approval. They will also have to get to the ZBA.

Joe Palumbo: It should be noted in the agenda that we originally thought we would be on the February 15, 2005. We will be on the March 15, 2005 for the Zoning Board of Appeals.

Chairman Cosentino: Mike why don't you give us a brief run down.

Michael Stein: One of the first reasons they have to apply for this extension of TCO is they have a back flow prevention device they have to get the application in and get it approved and certified and tested. That doesn't really effect what changes the site plan. The reason why they will have to come back for the site plan is the changes to the site plan. The main one is the retaining wall along the northeast corner of the Ambulance Corp building. It is approximately 7 feet high, actually looking at it 92 inches on the as built. So it is about 7 1/2 feet tall. Whereas the approved drawings said 4 1/2 feet. The detail of the drawing said 48-inch max or 54 inch max somewhere along that line. The wall that was actually constructed on site was much higher than that. They have a table here that goes over from what our note originally included. There seems to be several others, but they are relatively minor. Just grade changes of 6 inches, with basins. Some of the other things that we had noted were the

pathway to the northern corner of the property coming out of the rear of the building. That originally was to be pavers. They put in concrete. They added a landscaping strip along the rear of the building where it was suppose to be a concrete surface from the curb to the building. Parking lot configuration on the southeastern corner that was pushed back to the other property. I think that was in conjunction with the village. The village did this. I just asked that they include it since they are going to be showing all the changes that were made. I just ask that you include that in so the village seeing everything that was done.

Chairman Cosentino: You want to see that in the site plan itself right?

Michael Stein: Right. Just because we're approving the final as built. I want it to reflect all the changes. I think the rest of it was relatively minor.

Joe Palumbo: Do you want me to discuss all his points?

Chairman Cosentino: We know what you need. The question is, are you working on it?

Joe Palumbo: We have to go to the Zoning Board for particular items. The 16 ½ foot parking depth. This was approved by the Planning Board. The rear aisle, which the original plans, showed 23 feet. The code is 24. Several professionals probably overlooked that. As you can see from the rest of site plan we had 25. We actually made it larger than the approval. So those two issues we have to go to the Zoning Board. I believe the other issues that Michael has brought up we will present documentation with regards to the retaining wall and the back flow preventor. The retaining wall which is an issue with regard to the height. It wasn't noted on the original plan stating it was a maximum of 54 inches high. We never presented it that way. The discrepancy is this is basically the line that if it was 48 inches high and we had always presented that it would be a long climbing wall. We are talking about this long pie shape that we want the board to look at. Similar in the rear it's a little bit more. The wall is a little shorter. The incline over 90 feet almost 100 feet of wall. We'll present those to the Zoning Board. We request from the Planning Board an extension of the TCO so that the Corp. could maintain operation. We would like to make note on the original TCO that item number 4. This would be contingent on Michael's approval that the Corp would not be allowed to really meet in the building. It would be just for service based on the fact of time we would be rectifying the drainage problems. The parking lot is certainly complete the drainage is complete and if the Planning Board would consider that we certainly would appreciate it.

Chairman Cosentino: Obviously we need the Ambulance Corp. I want the record to show that I am a member. The operation of the Ambulance Corp is needed. We've issued extensions on TCO's before. I don't think any of my fellow Planning Board members have any objection. I don't see why we shouldn't grant the extension.

Joe Palumbo: I would like to know the calendar. First of all look at the opportunity to extend this. With the Zoning Board dates.

Chairman Cosentino: 45 days?

Michael Stein: 45 days and then they can go for an extension. I don't think they have to come before the Planning Board for the extension.

Joe Palumbo: We don't go to the Planning Board because we are at the Zoning Board March 15, 2005. My understanding is the March 22, 2005 Planning Board meeting.

Chairman Cosentino: These are ZBA issues and engineering issues I don't see why you would have to come back here.

Joe Palumbo: We would have to come back on the final.

Chairman Cosentino: You would for the final. You'll have received ZBA approval by then. What time frame are we talking about?

Joe Palumbo: The next time we would come before you would be April 12, 2005. It would be 63 days. Two 45 day extensions would take us to May 9th.

Chairman Cosentino: A TCO is 45 days they are going to need 60 days to comply because of the ZBA. Are they going to come back just for another one?

Whitney Singleton: A temporary CO is a 90 day period with the possibility of obtaining two 45 day extensions. Not more than two 45 day ebronsions.

Chairman Cosentino: So if they get a 90 day extension that would cover them.

Whitney Singleton: That is correct.

Michael Stein: Its not that they have to complete work on site. It's really more approvals right now.

Chairman Cosentino: So the 90-day extension would cover you.

Whitney Singleton: The extensions run from the date if issue of the TCO, not from tonight.

Jim Cuff: It expired February 4th.

Whitney Singleton: When were you granted the TCO?

Jim Cuff: August 5, 2004

Michael Stein: The TCO was 90 days and then two 45-day extensions, which carried it to February 4th.

Whitney Singleton: It would be an issue then what the length of the TCO was at the time it was issued which will often change since the date it was issued. I would be happy to talk with the applicant.

Chairman Cosentino: As long as we are protected on the time limit. I think it affects the insurance on the building.

Jim Cuff: We don't want to have any issues with operating out of the place or having our insurance carrier have any issues.

Chairman Cosentino: Whitney you will work with them on that?

Whitney Singleton: Sure.

Chairman Cosentino: Just keep in contact with Michael Stein. You are doing a great job.

Joe Palumbo: Thank you very much.

**c. Saw Mill Tennis Club – 70 Kensico Drive
Dan Hollis counsel for the applicant**

Dan Hollis: Last year Mr. Chairman on January 13, 2004 and at that time the board made a motion to declare yourselves as lead agency, you circulated that notice we've been in touch with the Town of Bedford. The only purpose I see that is on tonight is to indicate that there were certain reports from your consultants to our consultants, which we have received and taken them under advisement. We are working diligently to be able to be prepared when we come before you at the March 8th meeting. We will be back on March 8th to address with specificity each and every one of the concerns that the consultants for the village has addressed.

Chairman Cosentino: We received a letter from Robert Davis stating that Bedford has no say.

Dan Hollis: We wrote a letter to Bedford and I had taken that position with you earlier that they have reviewed provisions in their resolution not an approval. We sent it out to them on January 24, 2005 and have not received a response.

Chairman Cosentino: Can you check on that response Nanette? There is a lot of detail and it will take awhile to go over this. Mr. Sturniolo has some questions. Nanette do you have anything on this.

Nanette Bourne: No. I think Mr. Hollis stated that there are comments made by my office and by the Village Engineer. I think they are also working with some things with

DEC. I recommend that they resubmit with the findings to those issues what you are reviewing on March 8th is a more complete and up to date.

Chairman Cosentino: There are also many issues with the Village Engineer.

Dan Hollis: Right. We have Mr. Stein's letter and he's been in conversation with Mr. Fine our engineer and they are working to resolve all those issues in a way that Mr. Stein will be comfortable with. The question I have with regard to the March 8th meeting the 15 day prior to that is the 21st which is a federal holiday, the village is closed. How do you want the filing to take place? Can it be on Tuesday the 22nd or must it be on Friday.

Chairman Cosentino: Is it the day before?

Nanette Bourne: We've actually been giving the day after.

Dan Hollis: The 22nd. I'll make sure that it is in, hopefully even before that. If anything runs amiss I will have everything in on the 22nd so we'll be here on the 8th to discuss any issues that are still outstanding.

Doug Hertz: Mr. Chairman I was not on this board when this came before us I just wanted to state that I am a member of the club that you represent and that I don't believe there are any conflicts of interest.

Chairman Cosentino: So noted. Is there any other board member that would want to make comment? We are not prepared tonight to make any decisions.

Nanette Bourne: The applicant needs to refine.

Dan Hollis: We recognize that. I was surprised to see us on here but glad we were so we could give you this report.

Michael Stein: I did meet with Shore Depallo.

Whitney Singleton: The next scheduling of this application is for when? It says in your rules and procedures you have indicated that you do not want a continuing review at the regular meetings.

Chairman Cosentino: This has to take place at a work session.

Dan Hollis: Then it would be the 22nd. That would give me a little more time to get the work done properly. So we will be on March 22nd. Thank you very much.

**d. The Premier Collection – 250 Kisco Avenue
David Sessions from Kellard Engineering, John Slaker
Landscape Architect, Erik Kaeyer Architect, Sean Coughlin, and
Rich Stavridis with The Premier Collection**

David Sessions: We have made a submission a couple of weeks ago to get on this agenda. We opened the discussion up to the board. There were some architectural questions and some esthetic questions. No site plan questions. I have explained we were working with Michael Stein and since then we have prepared and submitted a response letter to his memorandum and also a drainage study for his review. At the last meeting I think I suggested that perhaps at the end of this meeting we could talk about a draft resolution with site plan issues. I don't think there are any site plan issues.

Nanette Bourne: Michael are you comfortable with their additions that they submitted?

Michael Stein: I am just getting the package now.

Nanette Bourne: That is a significant bit of information regarding the site that you will be reviewing.

Michael Stein: I got the drainage report yesterday. I haven't looked at anything yet.

Nanette Bourne: I think it might be a premature for there to be a resolution to be drafted until comments are made.

Chairman Cosentino: WE need his information.

Nanette Bourne: Another question I have. I am still a bit confused about the height issue.

Erik Kaeyer: Michelle Robbins left a message for me that she spoke to Richard Stein about it. The building department basically felt that roof peak to average grade we have at the existing building, which has an average height of approximately 20 feet. The new building has an average height of approximately 32 feet.

Nanette Bourne: You are not contemplating any further height on the building.

Erik Kaeyer: Correct.

Nanette Bourne: As long as the height issue is not a concern.

Erik Kaeyer: There was a comment that we raised because we were concerned about the point that goes over 40 feet. The overall average is well under the 40 feet. From the roof the average grade.

Stanley Bernstein: Average?

Erik Kaeyer: The entire perimeter the average elevation of that that grade.

Stanley Bernstein: What is the average elevation from grade.

Nanette Bourne: I suggest that you take the site plan and walk them through. So they understand when they are looking at the building from Kisco Avenue what the height of the building is.

Erik Kaeyer: The existing building average grade is from the roof top to that grade (Viewing of site plan). That grade changes depending on whether your on the east or west side.

Stanley Bernstein: What is the grade?

Erik Kaeyer: It is 369.

Stanley Bernstein: Your average grade or is it at that point?

Erik Kaeyer: That is finished floor.

Stanley Bernstein: I want to know what grade outside the building is at that point. You average grade what does that mean?

Erik Kaeyer: The way it grades it goes back.

Stanley Bernstein: You don't have elevation for any of these grades.

Erik Kaeyer: We do right here. It is called elevation 369 per datum that is worked all this. It's called at zero elevation at 00 that is 369.

Stanley Bernstein: Now the 40 feet is taken from the 00?

Doug Hertz: You said the average height is 32.

Erik Kaeyer: From the roof down is the average grade around that new building.

Chairman Cosentino: I think what Mr. Bernstein is asking. From what point on the ground to what point on the roof.

Stanley Bernstein: Mr. Kaeyer, look at this grade. If you tell me it is 40 feet from here it is a hell of a lot different than if it is 40 feet from here. That is what I am interested in. You made a very pretty picture but that doesn't tell me the visual impact from the rest of the village. Unless I know what the top of that roof is going to be. If I had this datum number this 00, and I don't know what the datum 00 was given of Kisco Avenue. I could get a pretty good idea of what we are looking at. Right now you are not telling me anything.

David Sessions: We can open up the civil plans and look at the topography.

Stanley Bernstein: I want to get an idea in my mind what the visual impact is on this building.

David Sessions: It varies. At some point between the roof and the grade at that point it could be 30 feet. You move down the building 10 perhaps the grade goes down and you have 35 feet. If you continue to move it may be 40 feet, but the average perimeter, just say if the perimeter is 300 feet if you stretch that 300 feet out in a line there are different elevations between the roof and the grade. The code is written the average grade around the building.

Stanley Bernstein: That is a very interesting premise. You mean there is a possible point that it may be even higher than 40 feet I am disturbed.

Erik Kaeyer: From that point to that point right there is 33 feet. That point to that point right there is 38 feet. So as this bows down that goes beyond from that point to that point right it is 42 feet. Now it's the 28 feet of the building and then this is that patio which extends out from the building.

Stanley Bernstein: You have to understand something else that the 00 of 369. You are increasing the impact tremendously. You're just starting your building from an elevation way above the sidewalk lines. The visual impact is a consideration that we have to look at.

David Sessions: That is where it starts today. That's where the existing building is in effect, the same elevation from Kisco Avenue.

Chairman Cosentino: I understand nothing has been changed then. It's just what is there?

Rich Stavridis: We are working right off of it.

Chairman Cosentino: This is not a building that is being put up. It is a building that is already there. All they are doing is adding on to that building. If you took the building on a straight run would you get more than 40 feet on that building?

Erik Kaeyer: That corner right there is 33 feet.

Chairman Cosentino: That is because of the drop in the land itself.

Erik Kaeyer: That is because it extends out and continues to drop down. If you forget about that it is 33 feet.

Chairman Cosentino: The building itself?

Erik Kaeyer: On the east elevation. On the other elevations its 28 feet.

Chairman Cosentino: I can see what Mr. Bernstein was saying. He doesn't like the visual look of the building more than 40 feet but the building was there. This is not something that is being constructed today.

Stanley Bernstein: That is not the point. Yes it is there but you extend this, so the fact that it is extended it increases the size visually. We are presented with a building in Mount Kisco that is far higher than I anticipated or reported when proposed. It is a monstrosity and that is my concern here. Only because I saw it a couple days ago and it hit me.

Chairman Cosentino: What you see now is what you are going to see later except it is going to be longer.

Erik Kaeyer: But much more attractive.

Stanley Bernstein: I thought these windows were going to come out, that the ARB didn't like them.

Erik Kaeyer: We are going before them next week. Two of their board members are very much in favor of the glass and one is on the fence.

Rich Stavridis: That is what they asked for is more glass.

Dr. Morreale: If we don't consider the grading the average height is?

Erik Kaeyer: The average height is 32 feet.

Dr. Morreale: No not the average. If we didn't consider the grading what is the building height?

Erik Kaeyer: 33 feet.

Dr. Morreale: Mathematically that doesn't work. If the building is 33 feet high without considering the grading and then when you add the grading how does the average go down?

Rich Stavridis: It drops.

Dr. Morreale: How?

Rich Stavridis: This area here goes down.

Dr. Morreale: My point is the height.

Erik Kaeyer: Three of the sides are 28 feet.

Dr. Morreale: So you are only talking about the front side.

John Slaker: That is right.

Dr. Morreale: So you consider the average if you're looking at the backside.

Erik Kaeyer: If you are looking just at the backside it is consistent 28 feet and 16 feet further to the existing building.

Dr. Morreale: What would the average only look at it from the front side? It has to be higher than 32.

Erik Kaeyer: Are you talking about including the terrace or not including the terrace.

Dr. Morreale: Including the terrace.

Erik Kaeyer: Are you including the entire length or just the new addition?

Dr. Morreale: You see my point. If you're telling us that if the front of the building gets much longer the average can't be 32 feet. The building itself is 31.

Erik Kaeyer: If you're including just the new addition just the east elevation. The Kisco Avenue elevation and you're not including the terrace area that average is 39 feet. If you include it from this end and including the existing, half of it is 39 and half of it is 24 feet. So it's the average between 39 and 24.

Dr. Morreale: Ok so now you have answered my question, because if I only focus on the very tall part of the building it would be 39 feet.

Erik Kaeyer: Correct.

Dr. Morreale: That is probably what we are reacting to. That seems very high.

Sean Coughlin: The other thing you want to consider is that it is going to be 16 feet higher than what is there now.

Dr. Morreale: So Stan you are quite right.

Erik Kaeyer: If you discount the terrace/patio extends out which bogs down the hill. Its not making the building taller it's making the building deeper. If you discount that, that elevation average height is 33 or 34 feet.

Ralph Vigliotti: I don't know if it makes it appear to be bigger. If you are on Kisco Avenue it appears in the distance to be part of the building. It doesn't appear deeper. Why don't you raise the grade all the way up and not expose so much of that stone.

Erik Kaeyer: We can't actually.

Ralph Vigliotti: It appears at a distance that it is 5 stories. It's the biggest building in the town.

Erik Kaeyer: Why would you say that?

Ralph Vigliotti: If you add on the stone and the grade and you are Kisco Avenue you are looking up at this tower, this mass.

Rich Stavridis: You probably won't see any lifts.

Sean Coughlin: Because of the cherry trees that are currently in front.

Ralph Vigliotti: When they are in bloom. They will camouflage some of it.

Rich Stavridis: On Kisco Avenue you are going to have a tough time seeing any of it looking up like you are saying.

Ralph Vigliotti: You can see it on Preston Way. So we are going to get all these visitors coming into town and they are going to see this tower. You were saying Stan how do we soften this?

Stanley Bernstein: Get rid of those windows they are very industrial looking with the windows. I think there is a definite visual impact. You can take some virtual photographs, computerized photographs and give us a really good look of what you think it will look like from Guard Hill, and so on. We required that from one our other applicants.

David Sessions: We have done that. Not only have we done that.

Stanley Bernstein: Is it in the booklet?

Chairman Cosentino: It is within the code. We have the visual pictures.

Erik Kaeyer: You had asked us to do it immediately after.

Doug Hertz: As sensitive that I think we all are to the height of this building and its impacts. We talked about this in great depth when Curtis was the applicant. That was much more in line of Preston Way and very much more exposed. Even though virtually from the base of this terrace to the top it is a large span. There are far fewer spots where that is really visible. Down on Kisco Avenue it is very hard to see. You can't drive and see it or you would crash. Stan's point is good. All the way from Guard Hill on that side when trees are down.

Stanley Bernstein: Curtis that building looks like a cruise ship floating in the sea when lit up.

Sean Coughlin: That is why the ARB requested that we cover this all up with stone originally this was open. Because of the concerns that they had with Curtis they asked us to change that. So we don't look like the Landrover cruise ship.

Doug Hertz: I think if there is anyway I know what the landscaping plans are, because this looks essentially like two buildings if there is anyway you can visually impact this section.

John Slaker: Basically what we are trying to do is almost camouflage the existing building totally. That's the one that is most visible when you come over the bridge at Preston Way because it is right there. It is more open. This one again is going to be stepped back the slope will be landscaped there will be shrubbery in front of the stone. The idea was to minimize the whole look of this by making it look like half the building. Totally almost trying to make the existing one disappears. That was the goal and we even talked about putting vines and greenery on the building surface. I think the board was concerned about the colors and we basically we would agree to try and soften a little of the as further back drop behind the landscaping. So that was our initial goal but full landscaping all the trees and shrubbery from the existing driveway down to Kisco Avenue is basically remaining. You have that buffer of the sight line looking up so yes in the wintertime you can see through branches but it is quite dense.

Chairman Cosentino: This was well taken.

Stanley Bernstein: You know we have been led down the garden path by some of the applicants. Things that look so beautiful turn out to be something else.

Chairman Cosentino: I know you want to dot your I's and cross your T's and I can't blame you.

Stanley Bernstein: We have to watch them very carefully.

Chairman Cosentino: Is there anything else Nanette?

Anthony Sturniolo: Stan putting aside what the code said this is a visual impact and that is one of the criteria and the condition facing this issue and I am one who is not going to choose lightly as far as the impact goes. Not withstanding the code.

Stanley Bernstein: I think that is admirable of you. I feel that way.

Chairman Cosentino: I think we all feel that way. It is what it is.

Whitney Singleton: There are some issues regarding the access to the site.

Chairman Cosentino: Regarding the right of way? Nanette where do we go from here?

Nanette Bourne: Has the village engineer?

Michael Stein: I haven't gone through the drawings yet.

Nanette Bourne: So we stand in need of the village engineer.

Chairman Cosentino: You want to go through it with him and get back on the agenda.

Nanette Bourne: So that would mean the second meeting in March which is the work session that you would get back on the agenda.

David Sessions: In light of missing a second meeting in February is there no way we can get on and talk further about this in the first meeting in March. Can we do that?

Chairman Cosentino: We can put them on just to talk about it. It has to be done in a work session.

David Sessions: We are talking about a month and a half from now.

Chairman Cosentino: I have no control on that.

David Sessions: I think the remaining issues are mainly with Michael and engineering related issues. Is there anyway in the interim perhaps we can sit down Michael can do his review at that meeting.

Michael Stein: You'll get copies of the review as soon as possible.

Nanette Bourne: What you are suggesting is possible.

Michael Stein: It is revising it before the meeting and resubmitting it.

Nanette Bourne: So for the March 22nd meeting you would have already submitted 15 days in advance of March 22nd your revised plan. The board would be reviewing revised plan and that you have taken care of all the issues then they would be in a position to recommend that I draw up a draft resolution.

David Sessions: So what we are talking about for March 22nd back 15 days having to resubmit which means if Michael has any issues I will have to change and revise it and give it in by March 7th.

Michael Stein: I will work with you it is no problem.

Doug Hertz: Just talking about mitigating some of these height issues we have Mr. Slaker here. Do we want to talk about the Landscaping plan submitted and what is in that plan?

Chairman Cosentino: That is not a problem.

John Slaker: Are you suggesting now?

Chairman Cosentino: I think Mr. Hertz was not here when we did it.

John Slaker: As I said the majority of it is that we are maintaining existing vegetation in the whole front buffer other than the clearing for the car areas. In the interim what we had talked about doing is on the building itself over here was planting some vines and then the existing evergreens that are in here would remain. This could be supplemented in here with some additional evergreens just to forshorten all of this. This whole slope is being planted with an evergreen shrubbery to soften that retaining wall.

Doug Hertz: That retaining wall looked fairly high in the sketch we were just looking at the elevation.

John Slaker: How high is that stone wall?

Erik Kaeyer: 10-12 feet

Doug Hertz: What is being proposed to be put in front of that?

John Slaker: There we were intending to plant on the slope a juniper cover. Just to grade up to the wall.

Doug Hertz: Nothing that will block that stone wall?

John Slaker: We could add additional shrubbery in front of that.

Doug Hertz: Would this be an appropriate time to talk about this or is it set in stone? To address what we were talking about earlier.

John Slaker: We can address the issues that came up to soften your concern about the height by adding additional plantings in front of this portion of the building and also putting different shrubbery to break up some of that stone.

Chairman Cosentino: Can you show us on a plan. I think that is what we are looking for.

John Slaker: We will resubmit a plan to Mike and the board and show you how we feel we could address softening some of the issues.

Chairman Cosentino: Does that somewhat answer your question?

Doug Hertz: Absolutely. What are the heights of these do we know?

Sean Coughlin: Not to interrupt but this area here we have some disturbance rules. We really can't get into too much. We can work with pretty much with what we have.

Doug Hertz: Even if it is additional plants?

Sean Coughlin: They count it as a disturbance.

David Sessions: They are considering any landscaping a disturbance. They are under a certain threshold issue.

Doug Hertz: Ok

John Slaker: WE can work on that. I will work with Dave on the actual square footage of the no disturbance and see if maybe we can supplement a few things in there, so that we don't go over that threshold.

Doug Hertz: You would use vines or something like that.

John Slaker: Definitely on the building that we have already talked about. We will add that to the plan for the resubmission.

Doug Hertz: If there is anyway maybe it as a viewpoint covering an area 30 feet. Is there really this much buffer out here? Is it really this much of the property covered from this angle?

John Slaker: We took an actual visual photograph.

Doug Hertz: The heights of what's proposed to be in here you think are fairly accurate.

Erik Kaeyer: Part of it the building is set back from that grade.

Doug Hertz: Down here none of that front patio. That will only be visible from Preston Way or across.

Erik Kaeyer: You will see it as you are looking up the driveway. The reason why you don't see it is because the slope is relatively steep and we have a flat 18-19 foot wide roadway.

Stanley Bernstein: DEP is happy so far?

David Sessions: To be honest they are out of the picture.

Stanley Bernstein: DEC. That little wetland off to the side.

David Sessions: No this is for the coverage under the storm water. We met Pat and discussed the concept and he now has the stonework.

Stanley Bernstein: All the impervious surfaces and percentages were taken care of?

David Sessions: Throughout the entire site. The last letter we have from the DEP is that if we reduce the amount of impervious surface and if we keep our disturbance under a certain threshold they are not an approving authority. We've done that and we've not gotten another letter back from DEP with a sigh off, but we know that we are under.

Chairman Cosentino: So you will work with Slaker and Mike.

Sean Coughlin: Thank You.

**e. Face To Face – 96 Lexington Avenue
Charles Banks counsel for the applicant, Stephen and Carla
Rediker applicants (tape1 side 2)**

Charles Banks: There are a couple of remarks that we would like to put into the record. I understand that it is the board's intention to vote and I have a couple of remarks to address for the record. I read the letter from Whitney Singleton, which is in your file and it troubled me a little bit. It shows an incomplete understanding I won't say misrepresentation of the application but it definitely misstates some of the application which is before you. I would like to remind the board that only the applicant is entitled to determine what the application is. Once the application is made an application before you hears your comments on counsel and consultants takes them into consideration and modifies his application. It is that modified application that is before you. That is what you are going to be voting up or down when you vote on it tonight. I would like to remind the board that we have gone through these processes as a useful process. Give and take constructive and especially appreciated Nanette's contribution and her involvement and her staff's willingness to spend time with the site and give us some useful input. But this is our clients' application that you are voting on tonight. Reminding the board that we have withdrawn our application for summer school, notwithstanding Whitney's letter is no longer before you. We recognized based on AKRF's input that your board does not have sufficient data to make a determination on that. We will fight that battle another time. That is something to be determined based on facts that we do not have ready to present to your board. We've withdrawn the parent pick up. If you review AKRF's report you'll see that parent pick up is the thing that pushes it over the edge from your point of view. From being able to accommodate the mere staff on site, to be able to accommodate staffs and overflows parking from the parent's participation. I'll address paragraph 2 on page 2 of her memo, which states that 4 full time staff members required to park and drive their cars at the facility. Approximately once a month children are supplied social workers, psychologist, nutritionist, doctor but never at the same time. So that the six on site parking spaces will accommodate the staff as found by AKRF. If the parent pick up is limited then that should no longer be an issue. You have even with Whitney's interpretation of the code which is somewhat narrower than mine. You have approvable application before you. We've shown that we have more than adequate on site spaces for these uses and circulation for van pick up for departure. It's the vans that will take the children home not parents vehicles. This will be enforced. The applicants have demonstrated they can enforce the not only no parking on the street, but other traffic circulation restrictions, subject to their child's dis-enrollment from the program. This is a strong incentive to violate your boards' stipulation. Parents will welcome the van pick up. Even though it is

expensive to the program it can be accommodated within their budget. Sixty children will be dropped off at the existing bus stop where they have been dropped off for years on Gatto Drive. There will be no change in the circulation of where the children will be delivered by the school system. No child will be able to leave unescorted by an adult. We've heard your concerns and we responded. If the board has other stipulations that it wishes to put into its approval we would be glad to consider them. I give you a proposal you can approve, consistent with AKRF's findings and consistent with Whitney's interpretation of the code. The Rediker's remind me frequently that I represent more than them. Fifty six kids from non-English speaking families at least English is not their primary language at home to whom this program is a life line. I know your board is aware of this. You may not be aware that Mrs. Rediker has looked at more than 50 other sites in and around the village. I have a list compiled right here and happy to show it to you if you would like to see it. Not that it is relevant to your determination. Without success he faces possible closing if the Finklestein's site is not approved. I am happy to answer any further questions of any member from the board and if there are none we will retire for your vote and thank you very much for your consideration.

Anthony Sturniolo: Mrs. Rediker do you have anything to add?

Carla Rediker: I think that our attorney said everything and thank you for asking. While I know that this particular property has been troublesome in the past I want the board to know that in our search over these years we have found it from our perspective and not having known that we have found it to be the most appropriate of all the spots that we looked at. Including spots that we were invited to participate in or to look at, this did end up to be used by youth program, we found to be inappropriate and unsafe. So I want you to understand that when we come here so driven for this particular spot that isn't, simply because well the last six months we had to scurry around looking for a building and this was the only one available. We have always intended to be out on our own. There has been a great desire of the parents as well. So we have been busy doing that and we have been doing on our own and we have been doing it with realtors. I just wanted to make sure that you understand.

Anthony Sturniolo: Mr. Rediker do you want to add something?

Stephen Rediker: The only thing is we just so much appreciate your consideration and appreciate going through a lot of misunderstandings. The one thing I would like to ask the board if you are interested. We have a couple people in the audience including our present landlord the pastor of the church where we presently reside. If you would be willing to allow him to speak very briefly about our program. We would appreciate it.

Chairman Cosentino: You know that we worked many hours on this application. We put a lot of thought into whatever we are going to do tonight. It's not that we are against anybody being there. It's the safety and welfare. Whatever the board decides tonight it's not because of the program it is because what has been proposed to us and what the members feel should be done or should be there. You have someone that wants to speak I have no problem. I just want to put on the record that this is not a public hearing.

Charles Banks: Thank you for your courtesy.

Pastor Jack Horner: I just want to thank you again for your consideration. It was good to hear that some of the concerns of the board which sounded to me like they were addressed by the applicants. This could be a place that would work out for them and the village. Especially for that segment of our community. Thank you for taking the time and your input.

Chairman Cosentino: I have one question. Reverend did you have the knowledge of what was there before and how it was run and the impact?

Pastor Jack Horner: Of their program?

Chairman Cosentino: Of the program that is there now? Do you have any knowledge of what's happened there in the past?

Jack Horner: For the new site?

Chairman Cosentino: For the new site.

Anthony Sturniolo: Previous tenants.

Chairman Cosentino: The previous tenants, did you have any knowledge of what happen here, what we had to take into consideration?

Pastor Jack Horner: No I don't

Chairman Cosentino: Thank you. Is there anybody that wants to speak opposing this?

Jill Finch (resident of Gatto Dr.): I am not really opposing this. I have a couple questions in regard to the program. I've sat out in the audience for the last three meetings. Mention was made about the anticipation of different activities that are going on outside of their program. Like special events. I would like to know what the impact of the traffic and parking would have on our neighborhood. That is one of my questions. Also there is mention of an operation of Saturday programs that would run from 10:00-5:00. There was no mention of how the kids would be dropped off how they would be picked up. How would this affect our neighborhood? The safety issues with the walkers crossing in that area. Very very dangerous crossing. Basically that is my concerns and if they could answer my questions.

Chairman Cosentino: Miss Finch I have a question for you. On the prior tenant that was there was there a great impact on the neighbors?

Jill Finch: A very negative impact on the whole neighborhood.

Chairman Cosentino: There was an impact on the neighborhood.

Jill Finch: Yes both tenants, both Truck and Fleet and Datar. A very negative impact.

Chairman Cosentino: I'm talking about Datar.

Jill Finch: Datar yes. Until we started writing letters and complaining. Just recently within the last maybe six months or so things have gotten better.

Chairman Cosentino: What type of an impact would you say?

Jill Finch: Parking on the street, buses unloading onto the sidewalks. Garbage issues, major garbage issues. All those types of things. It impacted negatively on our neighborhood.

Chairman Cosentino: Thank you very much. Like I say it is not a public hearing but somebody one other person wants to speak.

Charles Banks: Mr. Chairman could we respond to just a couple of things.

Chairman Cosentino: Sure.

Charles Banks: Number one, Saturday programs are provided for four children. Number two I am not sure whether there is any other particular point in there. The special events are all off site. There are no special events scheduled for the site.

Chairman Cosentino: Is there anybody else? Are there any fellow planning board members that want to speak?

Anthony Sturniolo: Mr. Chairman I just have a couple of thoughts that I would like to share with you and fellow board members. Based on thoughts and notes I've taken throughout this. When we started this application I am addressing colleagues and staff. We referred this application to our planner for review and the planner did a parking analysis. Conducted by the traffic consultant of AKRF and that analysis they showed a parking count of 12 spaces required on site. The site obviously only 6 spaces available to it. I personally believe that the site requires at least 12 spaces. I will get into some of the reasons why I believe the site requires 12 spaces. I'm all concerned about buses, vans and the closeness to Gatto Drive and quality of life issues that those buses and vans and traffic and litter and noise, how that can impact quality of life issues in the Gatto Drive residential area. Although the applicant has stated that children will be dropped off and picked up by buses and parents will not be allowed to pick up their children. To tell a parent that they can't pick up their child at any kind of a facility whether it's an educational facility or a social facility is absolutely wrong from a parent's point of view. A parent always has the ability should always have the ability to pick up their child at any type of institution at any time they want. That's why they are called a mother and a father. To stipulate that they

will not be allowed to do this I believe from a parent's point of view it is absolutely wrong. Health safety and welfare are all inclusive points that we've constantly faced with this planning board members. Health safety and welfare includes the students of Face to Face. We must protect their interests as well as everybody's interests in the village. That is a very dangerous intersection and I have a very serious concern regarding the welfare of the clients of Face to Face. This issue falls within certain schedules that the applicants use for variations listed. I am referring specifically to 11028 K1 & K2 of our village code and certain variations to the code must be established by this parking requirement that we the Planning Board must determine. I need a little bit of guidance from our counsel as to 11028 K1 & K2 agrees pertaining to this application. If I may Mr. Chairman I would like to continue on.

Whitney Singleton: 11028K generally deals with a minimum parking standards within the village and various uses. Specifically exemptions for certain districts. It basically states that the schedule provides you with guidance as to what the appropriate parking requirements are. In this situation where there is variation of designated use or there is a label which is not precisely fall within the proposed use of a particular applicant that your board has the right and I would state the obligation of the community to establish a parking requirement. One of particular use based upon the proposed operation combined with your traffic consultant and as I stated in my memorandum to you. It is my belief that this under section 11028K is also further the fact the parking regulation in schedule has a specific footnote to the parking requirements for this usage. Say that your board deems where appropriate may conduct a parking study and increase the parking requirement or to come up with parking requirement for this proposed activity does not fall within the best of these uses. That is basically it. What I am telling you is the code falls in the schedule as well as in the regulations themselves. For upon your board the obligation or the authority is discretion to establish parking for a particular use in this village.

Anthony Sturniolo: As they stated early on the requested parking study. We got the numbers on the parking study with a number of 69 students and that number came out 12. That is a number that I feel comfortable with as the amount of parking spaces. This Planning Board is also charged with establishing the appropriate off street parking requirement. Again we turn back to 11028 K1 and K2. We are also required to look at the needs of the applicant Face to Face regarding parking count. We also need to look at the site as a whole, its issues. We need to take into consideration the needs and the parking impacts of the neighborhood and the village and all. There are suggestions by Mr. Banks and the applicant as well as there are suggestions from our own planner. These are guidance ideas or thoughts. But the decision for good planning remains with this planning board. Again we are guided by our own code. The applicant has stated that they could have up to 90 students without increasing any staff. This building is approximately 7,000 square feet. If you look around this room, this room is one seventh the size of the interior space of that building. It is a big building on a small piece of land with small on site parking fulfillments. Datar was there before and they had a similar use, but with a fraction of the clients and a fraction of the activities taking place under the auspices of Datar. All Datar's clients arrived by bus and left by bus. Even with arriving by bus and leaving by bus Datar continuously had neighborhood-parking sprawl. It didn't work for Datar using buses. Datar is in the process of finding a new location. Fellow planning board members these are my general thoughts. I obviously shared them with everybody here and I would love to hear your thoughts before we proceed.

Dr. Morreale: I think there is a question from the audience. I have been concerned all along about the variation in what I perceive as the number of students that would be here. I like the concept. I thought it was perhaps something that would be necessary for the community, but the volume of activity that was going to occur here always confused me. So my reaction has been I would wait to see what the final request was. Actually as I listen to Mr. Sturniolo I realize that I am still not sure. I worry and I think for example Chappaqua. I go by Chappaqua High School. Chappaqua High School has buses bring students they're everyday. The line of cars from that building is incredible. People take their kids to school. I can't imagine how you are going to restrict people from not doing that. So even though you may say you're going to say to people if you do that you will no longer going to be allowed at the program. I don't think that will be appropriate or feasible. So I think we are going to have traffic problem. That is what I would conclude no matter what. Is that fair to say no to the project? I think you remember both things that have occurred. I feel a bit badly about it. I think that it works here at this location. That is my problem.

Ralph Vigliotti: I think that each of us feels that educationally the applicant and the use has a tremendous amount of merit. That goes without saying. I want to share this with you: tonight we have seven different applicants before us. Each and every

one of them has been going through problems with parking. They have spent months and months from Tennis Equities to the Ambulance Corp. Ability beyond Disability, Northern Westchester Hospital, and Premier Collection. A lot of it is the parking and how is the parking going to support the uses in those buildings. We go through this time and time again to insure that the village can support the amount of uses and I guess you could say building that is going on. At the same time trying to protect the neighborhoods, which end up providing that overflow parking and they don't have enough parking for themselves. With this particular site 6 spaces for the size of that building has a major impact on the neighborhood. So a lot of it for me comes to a very basic rule. Parking, I am in the field of education I very sensitive to the need and there is a need. The footprint of the building onto the lot only has 6 parking spaces and I don't feel that those 6 spaces are going to support all the needs that are needed for that site. That is all I need to say and I think everything else has been touched upon.

Stanley Bernstein: There is another consideration. The application has merit and everyone has said so. There is another consideration in my mind. Directly across the street is a grassy mall next to the Branch Brook, which enters into the Kisco River. Children are not going to sit especially young children for long periods of time without stretching their legs. I am frankly afraid of what is going to happen on that grassy mall. We might be seeing some pretty wet children and I don't like that attractive nuisance to be so close to a facility such as this.

Doug Hertz: I think most of my comments have been said. Because we feel the applicant will be important to the village. I think that this is a situation where clearly you guys provide an important service and one that we would all like to be able to approve. If we were to agree to some of the proposals that Mr. Banks suggests. Not allowing parents to pick up. The enforcement issues would be a nightmare. Clearly by the math that was being tossed there are a tremendous amount of children who would not be bused that are within walking distance. My concerns of 90 children some portion of 90 children being let out onto that corner. I think would be major safety issue. I think clearly that was said time and time again based on what our planner suggested 6 parking spaces are clearly inadequate. So I am concerned with the safety of the space not with the program. I wish that this site could accommodate that. I agree with Mr. Bernstein that come nice weather that site has absolutely no green space on it. The possibility of using neighborhood space for recreation it would become eventually. I don't think we want to be looking at that.

Chairman Cosentino: I choose to go last for reasons. I needed to hear my fellow board members. I had concerns and I really have to say each and everyone brought up a concern. We are a mix of professionals here. I am just a plumber, so I can give you common sense of what I feel. The code is the code is the code and it state that X amount of cars need to be parked on that piece of property for what is going to be there. If you deviate from that anybody else that comes before this board we have to deviate from that also. It is the board's discretion that the 12 parking spaces on site should be there and there is no way that they could be. So whatever we decide I want to thank my fellow board members for looking into this and whatever it is going to be. It is a hard decision because we all know it is needed, but a very difficult decision that we have to make. I want to thank you all for your input because it helps me to make a decision.

Anthony Sturniolo: I would just like to echo one other point that the five of you have made and that is. The importance's of the program like Face To Face. The necessity of it for Mount Kisco as a village and especially for the clients and their families. The location of 96 Lexington just doesn't work for this worthy cause. Based on that I would put a motion together that we cannot recommend the change of use permit for the Face To Face application at 96 Lexington Avenue.

Chairman Cosentino: Is that in the form of a motion?

Anthony Sturniolo: Yes it is Mr. Chairman.

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

Ralph Vigliotti: I will second it.

Chairman Cosentino: We have a second by Mr. Vigliotti. Would the secretary poll the board please?

Vice Chair Sturniolo: Aye

Mr. Vigliotti: Aye

Mr. Bernstein: Aye
Mr. Hertz: Aye
Dr. Morreale: Aye
Chairman Cosentino: Aye

Chairman Cosentino: That is the vote. This board has made a decision. I want to thank you people for coming and supporting it.

**f. Northern Westchester Hospital: 400 Main Street
Dave Padget, Sye Padget counsel for the applicant, Donald Clinton Architect , John Partenza Vice President, Joel Seligman President of NW Hospital, and Phillip Habib Traffic Consultant**

Nanette Bourne: In December the applicant submitted a SEQR a draft scoping outline. The meeting in January you began a review of the scoping outline. We went through page by page and when I suggested that the next step was for me to incorporate your comments on the draft scope into a revised scope for review so that a public hearing can be scheduled. Your board said this is a big project this is all new to me, give us some time to consider this and let it sink in a bit. So it was scheduled for your last meeting the second meeting in February. Right before the February meeting Chairman Cosentino called and made a request of the hospital. That in order for your board to fully understand what you wanted to include in the scope, the board members wanted to have a complete discussion in presentation of the hospital project. So at the last meeting instead of looking at the scope again the applicant came in with a model and their consultants. They talked about the proposed project in a bit of detail. So with that having been done at the last meeting the scope is before you again. The only thing additional that I have to present to you tonight is in response to some questions that were raised by board members of the February meeting. Anthony Russo from my office is here and since traffic is of great concern to everyone. To your board particularly. I understand your concern with scope of the traffic. I wanted Anthony to go over exactly the traffic scope for the study that he has done. That scope was a scope for the most part given by us to the applicant. So it came from us to them rather than the other way around. There is some additional items that Anthony can talk about the he added. But primarily the intersection the location of those intersections. Why some intersections are included and others aren't is something I would like him to address. I asked him to prepare a graphic that identifies what intersections are going to be included. So that you have some comfort that what is being studied is what you want studied and it will reveal the kind of information that you want.

Anthony Russo: You can see that on the graphic these are the intersections for analysis that currently in the scope. It shows those 23 intersections. I think we get the entire major coming out of the hospital site Rt. 172, Rt. 133, Rt. 117 and Kisco Avenue. Twenty-three intersections I think is a lot of intersections in addition to looking at and it's noted in the legend list signalized and what is unsignalized. In addition to the standard ECS analysis that we use to seeing in traffic impact studies at the twenty-three intersections. Which rates intersections on level of service scale A-F.? We also have the applicant look at the SINCRO analysis, which looks at a corridor, a network of intersections how they interrelate in terms of queuing and timing and optimization. That software is called SINCRO and high level routes 172 all the way up 117, Kisco Avenue that is two corridors that we were looking at. In addition to on Kisco Avenue by the Saw Mill River ramp. That is another location. So we have twenty-three intersections we have three corridors with SICRO and queuing. Map software also provides a simulation that we could show to the board how traffic moves through the network in and out. Or existing conditions future conditions with and without the project. I think one of the issues Main Street Rt. 133 and the intersection west of Kisco Avenue. In my first cut of looking at the assignment in the first traffic study that was done for the hospital all the traffic would filter on Main Street and would come to the intersection of Kisco and Main. That intersection did not have impacts when I first looked at the reports. My conclusion was we didn't have any impact of the location where all the traffic was going to be concentrated on Main Street. You probably won't have impact west of there where traffic is more disbursed. That is why the study area did not extend west.

Stanley Bernstein: What about when Target opens? That is a major West End entrance.

Anthony Russo: Target was factored into their study.

Stanley Bernstein: You have to understand that is a major western entrance to the village. Coming from Millwood and that area. Any ambulance or visitors coming from that area even though they are supported by Phelps and somewhat Dutchess. There is going to be a lot. I can see all the problem or ambulances coming to the hospital.

Nanette Bourne: I think what Anthony trying is that if you look at where the intersections being studied. All the traffic that you are talking about is going to that point. So that is what you want. You want to get to point where the traffic arrives. So if you look at the intersection just west it is still the same traffic.

Stanley Bernstein: At least now you've got Kisco Avenue and Rt. 133.

Nanette Bourne: It picks it up.

Anthony Russo: This avoids traffic coming from this area.

Stanley Bernstein: Coming off the Saw Mill.

Anthony Russo: You get a concentration right there.

Anthony Sturniolo: if you could look at page 8 of the draft DEIS letter G. That subject continues on to page 9. Everything there is listed on this.

Anthony Russo: Yes. There are twenty-three intersections here and here.

Anthony Sturniolo: Not to spend a whole lot of time on it. What is the software program called that you referred to before.

Anthony Russo: Two software programs. ACM and ECS which you have probably seen a dozen times. The other one is SICRO.

Anthony Sturniolo: When we see that part of the presentation down the road in the future. What is it going to show us? What does the presentation look like?

Anthony Russo: There is simulation software that goes with the simulation called Simtrack. What you will see presented on the computer overhead, you'll actually see the cars.

Anthony Sturniolo: Projected on the screen.

Anthony Russo: You will actually see this network model highlighted and it will be able to show how the traffic moves through the intersection. You will be able to see how traffic queues and how it interacts with other intersections does it back up does it go through smoothly. So you then see the intersection in the future when the projects built on a computer model.

Anthony Sturniolo: You are looking at it in real time. If one intersection has a problem, in that problem negative of the impacts the following intersection down the line it will visually demonstrate that as well.

Anthony Russo: That will demonstrate that.

Doug Hertz: You look up Rt. 117 you're measuring point farthest north but not that intersection at Barker. Why we are looking farther up but not at that.

Anthony Russo: The intersection is further up were looked at the Commons and other parts. We have a large project that was downtown on Rt.117. When you get to Barker the traffic is going to be strictly through traffic at that point. I think through traffic that intersection is not going to have a large contribution at that location. You are probably not going to show any kind of impact on the project.

Doug Hertz: With traffic moving the way it is through the village there is a huge amount of traffic that is now using McLain as a cut off down through Barker. As an alternate access point. Any future impacts on this how they are going to impact this.

Anthony Russo: Any intersection that you deem necessary this is what we recommended. Again I think at that intersection given the contribution of traffic and the fact of street traffic in the ECS analysis it isn't that sensitive through traffic

movement. Especially when it is a low volume they are adding. I didn't think that it would probably show an impact and I decided to leave that one off.

Whitney Singleton: I think just for your edification, I believe the town of Bedford recently conducted a study of that section of McClain Street. I believe the daily count was something in the excess of 2,000 cars a day.

Chairman Cosentino: That is a bypass from Barker back to 172.

Doug Hertz: I would like to see that added. I mean that if it shows no impact it shows no impact.

Chairman Cosentino: Everybody coming down North Bedford Road a lot of them do not want to go through the village up 117 and make a left on 172. They would rather bypass through McLain Street and end up on 172. So that is a major impact right there.

Anthony Russo: Again the hospital traffic wouldn't be Barker it would be on 117.

Dr. Morreale: To me the traffic flow hinges on where people are coming from, mostly where that parking garage is. That is where a lot of the backup and high volume of cars, which is on the north side of the site. I am looking at Moore. I am very concerned about where people go from Moore and in what direction. Regardless of where they come from.

Nanette Bourne: The assignment of cars that was projected for the site and this goes back when they presented this. There was extraordinary high percentage that was coming from 684.

Phillip Habib: Part of our process of to help us define the studied area we actually tried to forecast the traffic pattern first. Then select the intersections that are logical. So from the hospital where it gets a good flow of their employees as well as patients. We were able to do a forecast of patterns even though they are going to be more patients in the future the patterns are the patterns. Some of them were 75% actually from 684 that would be the most common one. We also found coming north on 117 about 20%. We did find on 133 east and across and south on the parkway as well. Two thirds of the demand was going to be either 172 from 684 or 117 coming north. From the southern end of the corridor here that is really where and when the analysis was actually done in previous work we had impacts along 172 that really required some consideration as part of that preliminary analysis.

Nanette Bourne: I think we were all surprised that two thirds was coming from the north end.

Dr. Morreale: That is what I would of thought. That is why I raised the question. We need to look at this triangle around the site. What is going to happen is people leave the parking garage the traffic gets backed up on Main Street they go left on Moore left on Lexington and you get this incredible traffic flow.

Anthony Russo: The initial assignment had more turning onto Moore.

Phillip Habib: We do have an access point on Moore. During the site plan process was to make sure you could get through any entrance or exit from any point within the hospital for the network internally it was a continuous one. Almost as if it was going in a circle. So if you are parking in the north or south garage you have the total flexibility to go east north or south in perspective of the garage. What we would expect that is shown right here is you are going east on 172 and you really have a clear shot up the main entrance going eastbound. If you are going to going in a northerly direction depending on if it is northerly west or northerly east you would come out probably on the northern end on Moore come up Main Street or go across Lexington. One of the things that is being done in conjunction with this project is the back of Moore Street is widened in front of the project all the way up to Main Street. There is going to be another lane we added.

Chairman Cosentino: From what point to what point?

Phillip Habib: The driveway is pretty close to the westerly edge of public side street.

Doug Hertz: An entire turn lane to Main Street.

Phillip Habib: That is correct.

Chairman Cosentino: From the corner of Boltis to the Main Street?

Phillip Habib: No more from the driveway up. Not in front of the apartment building.

Ralph Vigliotti: The neighborhood behind the hospital I don't know if we are addressing the traffic analysis for Boltis Street. Assuming the garage works and works according to your plan they would make a left on Moore. They may choose to use Boltis Street as the new bypass to get around all the traffic lights. I envision that neighborhood being impacted by this site. I would like to see a traffic analysis. I see where you have at one end of Moore on 117 and Lex. but you are not really addressing the neighborhood. I would like to see a peak at Boltis and Moore and then I would like to see a traffic analysis where Boltis actually comes out in front on TJ Max. I want to see whether or not the traffic is going to impact that neighborhood. That is going to be the bypass of bypasses.

Anthony Russo: the issue of that would have to be turning traffic to make certain that you don't have this traffic going to the residential neighborhood. A restriction of changing traffic patterns to ensure this doesn't happen.

Ralph Vigliotti: A lot of things we can monitor. We are analyzing a lot of other intersections I would like to see Boltis Street be included.

Dr. Morreale: Just so I am clear on the south end you have a one way now would we keep that? That would stop the traffic flow down to Moore.

Ralph Vigliotti: Boltis keeps coming through.

Too many people speaking

Ralph Vigliotti: Would the analysis show whether a traffic light would be needed at St. Marks Place? With the proposed space parking garage emptying out onto that.

Anthony Russo: It shows a need for that. From the volumes and what they are going to add there we could determine what is necessary.

Ralph Vigliotti: Smith Avenue is used frequently by lots of people to bypass traffic light at Moore. So a lot of folks coming down Lexington, if it looks like the traffic is backed up a little bit at Moore will make the left onto Smith come all the way to the end and make the right and then come into the parking garage. What happens at Moore?

Anthony Russo: It's a longer route.

Ralph Vigliotti: I don't know if it is a longer route. But I will tell you what happens at Moore and Lex. On a very busy afternoon that actually backs up to Smith. What is the impact? I would like to take a look at that impact.

Doug Hertz: There is a turn lane that is only three cars long.

Ralph Vigliotti: We have neighborhoods that need to be protected. There is a lot and it is a big project.

David Padget: This is the largest traffic study that will have been done in this village. You heard your consultant say this is a lot of intersections. So it is easy to just pick on the map and add intersections, but please understand there is cost and time to do this.

Ralph Vigliotti: Understand something very quickly. If we need to do this to protect the village from traffic that is being generated by this site we will do it. Because we need to know how this is going to affect this village. You are putting in a parking garage you are adding parking which means more traffic. There are lots of unknowns here and we will do what we need to do. I am sorry for taking that tone and you said I need to be reasonable. I am being reasonable taking my job very seriously as you are. I understand where you are coming from. I have a job to do. We have a traffic consultant here who can either agree or disagree. The board can either agree or disagree. I just want to make sure and I think that Mr. Hertz mentioned it there is a holding lane to get onto Moore Ave and it holds three or four cars. Backs right up onto Moore Ave.

Anthony Russo: When the traffic study is done it just won't show cars going down Boltis or Smith. It will put them on Lexington. If you are trying to get at that the assignment the way it is going to be done it just won't show it. So the conclusion will be that it will have no impact.
They really are going down Boltis.

Ralph Vigliotti: I have lived here 29 years and collectively we have over 100 in this village and we know what goes on day in and day out. You do not have to be a rocket scientist to know what goes on as far as traffic is concerned. We are thinking logical. We are reasonable people. We have a job to do we know how this may effect. That is what we need to do. We do not have to jump over hoops; you have to jump over hoops. We have a job to do. You have to prove this project is not going to affect the traffic in this building and exacerbate conditions that are existing right now.

David Padget: We don't have to jump through hoops. Let's not make this contentious. We don't have to jump through hoops. You have your responsibility we respect that. We have not sought to shirk our responsibility. We have not come before you with a wafer thin scope or a wafer thin commitment to do what is required under the law. I am confident that if you asked your planners they would tell you that we have come in here in faith we have not sought to cut corners. So I am not in any way suggesting that you should do less than what you should. I am simply asking fairly and reasonably.

Ralph Vigliotti: Reasonably you have two parking garages that are planned to empty out onto roads that do not exist now. We have a parking garage that will empty out onto Moore ingress and egress. You have a proposed parking garage that will empty out onto a neighborhood that doesn't exist right now. We need to find out whether or not what is being planned is going to work or do you do no ingress egress for Moore and you use the main entrance to do that. Obviously that is why we are doing this. Whether or not a parking garage with an entrance on a very tight street backed up by a historical cemetery and neighborhood is going to work if it is not accessible only from the main entrance as opposed to emptying out onto St. Marks Place.

David Padget: We have no interest in fashioning circumstances that is going to back things up. That doesn't serve the hospital or citizens of this community. That may sound like 4th of July oratory I assure that it is not. So yes we can add intersections and my plea is to simply recognize that this is very extensive. Dr. Habib won't say it I will say it. This is one of the most distinguished traffic engineers in the state of New York. Mr. Russo has similar credentials. So when they come before you and they say what is presented here is thought by them in their professional judgement to be adequate. I think that is worthy of some respect. It doesn't of course preclude you from suggesting this issue. We are just looking for the golden needle and I am not interested in any way diminishing what our responsibilities are. I assure you of that.

Doug Hertz: I just want to pick up on comment that was made. You said that if we add Boltis you're studies would show no impact. You are saying it is going to be irrelevant?

Anthony Russo: In view of the project you are going to keep it to the major roadways. You are not going to show them peeling off on a residential street. Your experience may tell you that if its congested people are going to bypass it. The finding isn't only done on the capacity of the strain basis. I've already seen the assignment I already know what they are thinking about. Adding in this area is not going to show.

Phillip Habib: If this happens to go through a congested location then you are impacting those locations. If you tend to select paths that are free even if they are around the block then you end up with a traffic study often that has no impact. That is why you try to go the most direct path through whatever intersection whether it is congested or not and if you further exacerbate where they are congested then you really have to deal with them and mitigate.

Chairman Cosentino: We will give you the answer to that when Target opens up.

Phillip Habib: That is the answer to your question.

Dr. Morreale: I can understand that but I cannot understand that from the human behavior point of view. That was our whole point about talking about McLain. We never thought of McLain being used as a bypass. Until you started thinking about people trying to avoid congestion. Then it makes a great deal of sense. That people are not going to come through the major direct route. They are going a side route.

That is what we are trying to record. It is going to impact the neighborhoods all around the hospital. No matter any which way you want to look at this thing. Because cars are not going to wind up coming into the major intersections they are going to go down Boltis and they are going to go down Moore they are going to swing around Lexington and this whole left side of the diagram is going to be impacted.

Phillip Habib: I agree with you because Lexington happens to be the most direct path along the westerly end. From previous work you are two or three vehicle left turn lane was flagged as a major intersection.

Dr. Morreale: I going to get the same thing about Boltis. I live in Chappaqua and when I come out of that parking lot from that hospital on the north end I am not going to turn right to go down 172 I am going to turn left swing around as soon as I find that thru street that is the way I am leaving.

Phillip Habib: That is one of the reasons that the internal network within the hospital is totally continuos. You come out of the garage from the north side, and you can come out the main entrance.

Phillip Habib: The site plan will make sure of that. That doesn't happen. That you have to come in and out of the garage and have to use Moore Street and you can't select your alternate destination.

Donald Clinton: Those garages are designed so you can leave two different ways. In the case of the Moore garage you can go onto but you can also go out the main entrance. Someone in that garage can make that choice.

Dr. Morreale: So if that is backed up as I expect it will be. That road is already backing up now. At 5 o'clock this road is going back up almost all the way to Lexington. You are adding how many cars with the parking garage?

David Padget: You want to know the peak hours.

(Tape 2 Side 2)

Phillip Habib: We are adding a fair amount.

Anthony Sturniolo: Ralph talked about the two points on Boltis for a traffic study and then brought up the bypass at McLain. Are we going to ask for this? Those three locations Anthony to be included.

Anthony Russo: It was more than three. It was 5.

Chairman Cosentino: We are asking for them.

Dr. Morreale: We have to get to a whole list of them. Otherwise I don't think we are doing justice to the people who live in this area.

Nanette Bourne: I do not have anything else.

Anthony Russo: The only thing on the scope it goes on this graphic SINCRO (a computer program) analysis I don't think was on the scope. It needs to be added.

Nanette Bourne: The next step for this if I can suggest.

Doug Hertz: Nanette before you go to the next step. It's easier but not specifically in a sense that how the ring road is going to impact the neighborhood, adjacent to Boltis. The draft scope refers to all those issues with validity. The traffic within the site is going along the back of the property on the Boltis side. This is going to be encompassed by the various issues of noise. Do we have a way of specifically covering that aspect or looking at that?

Nanette Bourne: Look on page 5 in the community character if this is what you are getting at. What you hope the DEIS looks at is how the air quality, noise the traffic will effect a community.

Doug Hertz: Like the cars disturbing the backside of that road.

Nanette Bourne: This is what community character is supposed to be getting at. Once the DEIS is provided to you will evaluate it whether or not it meets the kind of analysis and information that you are looking for.

Anthony Sturniolo: If I may amplify something you just said. When we first looked at this scoping outline, some of the comments pertain to page 5 that Nanette took down in greater detail. This deals with the zoning 3A 3B we had asked about amplify the impact of the zoning on both Boltis Street. Under visual resources on C we asked about the office building at the corner of Moore and Main and the "Canyon Effect" to look at that in the scoping outline as well. As Nanette just said to you we asked that the Boltis Street Issue be amplified and expanded upon in the scoping outline.

Dr. Morreale: Did we add a new parking lot that is going north in terms of traffic flow?

Nanette Bourne: For Bet Torah? Yes.

Doug Hertz: How does the traffic study work on Phase one and then Phase two?

David Padget: Two different studies. Phase one and Phase two will obviously reflect separate issues.

Dr. Morreale: If you break the study up into two parts like that and I understand that there is Phase one and Phase two. Are their thresholds of impact on traffic?

Phillip Habib: What happens is you break it up logical for the purpose of identifying whether or not we need mitigation measure before the project is fully built. In this particular project there is convenient planning rational for what is Phase one and Phase Two. DEIS would analysis Phase one as if it were an independent project. It will identify where the impacts are and whether or not mitigation measures have to be built by the completion of Phase one. Then the study analyzes the entire project not the increments between Phase one and Phase two. This will determine whether there are additional measures that were not flagged earlier, that now have to be implemented over the longer term.

Nanette Bourne: So in adding up 5 intersections and making the changes that have been brought up tonight and two meetings ago. You might want to consider after these changes have been incorporated into a revised draft for your review at the March 8th meeting with a public hearing to be scheduled for March 22nd.

Anthony Sturniolo: Then take it to the next step after the public hearing incorporate the comments from the public hearing for another revision.

David Padget: The progression is from draft scoping document, which is the stage we are at now. To have that subject to a public hearing and then to take the comments that come in and based on those comments and any changes this as a final scoping document. That would be the recipe for the preparation of the draft DEIS.

Nanette Bourne: If that is acceptable we should have the public hearing on March 22nd with a revised scope for you on March 8th meeting. If there are additional or things come up it is not your last chance.

Too many people speaking to record.

Anthony Sturniolo: I feel this overshadows. It kind of goes to the issue of this money making generation plan on the corner of Moore and Main St. This ad is not the hospital. The hospital is real tiny. I know this is the ad and you are not responsible for it. It sounds like here it is at this new surgery and medicine center located at 400 East Main Street north building in tiny little print at Northern Westchester Hospital. It sounds like this business opportunity is over shadowing the hospital. This is a feeling that is not he first time I have gotten this. This is part of what we are concerned with.

John Partenza: Let me respond in writing to this. I can't speak for marketing and how the answer would go.

(Tape 2 Side 2)

5. Site Plan Compliance:

**A. Mount Kisco Commons – 195 North Bedford Road
Dan Hollis counsel for the applicant, Jodi Gutterra, and Al Rossi
with RD Management, David Sessions with Kellard, and John
Collins, John Slaker, from Slaker Design group**

Dan Hollis: I think we have addressed all of the concerns. We have tried our best to complete all the work. We have A&P in the compliance for the rear door. Target has always been on board with that. Mr. Burdoff sent an email today that work had to be accomplished. I tried to get it accomplished by today. As of a little earlier today the door was not signed properly. It will be by the time a temporary CO is issued. There will be a buzzer like there is for the A&P and lighting. Target is also parenthetically adding security camera in the back. There are security cameras in the front on the light poles. They are going to put those in the back too. What we are here to do is answer any questions you might have. We have every one of our consultants here. Any questions you might have we will do our best to answer.

Anthony Sturniolo: David why were the shopping carts corals installed today for Target?

David Sessions: I didn't even know they were.

Al Rossi: Eventually they have to be installed and I guess they probably came in.

Dan Hollis: One other thing we would like you to consider tonight is to give us the go ahead if the weather holds to get the work done on the retaining wall. We really want to get that done. To accomplish that while the weather is good. I think we can do it before March.

Al Rossi: We can't do anything until the board says we can do the work.

Dan Hollis: The other few things were the plan that David put in the last time we were here is the walkway in front of Target.

Anthony Sturniolo: A quick question. On your letter from your office you stated you have already undertaken to arrange to have the relay for a sign utilized? When did you have this arranged?

Dan Hollis: After the last meeting we made it perfectly clear based on your comments Mr. Vigliotti comments the Chairman's comments that it had to be done. There was a flurry of emails from me and Mr. Rossi Mr. Burdoff Mr. Sessions to A&P and to Target. That's when we had to come together. Target was always on board with it. A&P took a little more convincing as to the seriousness of the board.

Anthony Sturniolo: That included the security lighting above the A&P door and the employee entrance?

Dan Hollis: There is lighting there.

Anthony Sturniolo: That includes the brass buzzer that is outside of wall.

Al Rossi: That has been installed.

Anthony Sturniolo: There is an A&P person on the other side of that door that buzzes people in or out? Besides doing that what else does she do?

Jodi Gutterra: I don't know that.

Dan Hollis: We did send in a letter other than the infamous letter a day after that a copy of the memo.

Anthony Sturniolo: Do you have it with you?

Dan Hollis: I might have it with me. I sent it to Whitney and Nanette. Not just received by the A&P employee but signed and returned to the store manager. With regard to my letter if I offended anyone with that I apologize. I did not mean to offend anyone. I have defended this constitution in many different ways and we are all entitled to our opinions. Those of you that have known me the longest I have been in front of this board for thirty some odd years and we have had disagreements over substance over many matters. I would like to think that we could have those disagreements on an intellectual basis. I am not going to always have it come out my way and the board is not always going to be happy with what I have expounded. When I expound something I am doing it with the best interest of my

client at heart and with no malice or forethought or any disrespect to the board. Those of you that I know well and that is most of you I have the utmost respect for. Mr. Singleton and I had a disagreement yesterday that went to the substance of my truthfulness. I took offense at something and I took offense at my honesty and I responded inappropriately. That is not an exact quote in Mr. Singleton's letter and I don't need to get into that. I just wanted to go on the record to say when I make a mistake, I am a big boy and stand up I say I made the mistake and I apologize for any mistake or any offense that anyone took either in the infamous letter or a dispute that Mr. Singleton and I had. This was between us and not to the merits of the application.

Anthony Sturniolo: I need to correct you on one point regarding the infamous letter. That is the paragraph on the second page where you're disappointed at our efforts of RD Management team to attend meetings etc. I felt that this board through Nanette and through Whitney has had to beg you to come to meetings in November and December. I think that the first time you showed up at the meeting was on December 21st. This board went out of its way to say we will do everything possible to accommodate your needs. We will bend our rules to get this project going and not only you didn't meet us half way but you twisted it around to say that we are the bad guys and you are the good guys in this issue. It's not a matter of good it's a matter of fact. The fact is that we had to beg you to come to these meetings and tell you what our schedule was and remind you of what your anticipated date of March 2nd was going to be. It doesn't seem fair after hearing that to read especially this inflammatory paragraph that RD Management team has been available to meet etc and responsible to the village requests and to meet nearly impossible filing deadlines.

Dan Hollis: We don't need to debate it Tony. You and I have disagreed on many issues.

Anthony Sturniolo: I have never read anything so incorrectly stated and intentionally misleading.

Chairman Cosentino: In all fairness Dan I have to agree.

Dan Hollis: it was not intentionally misleading. Since I have been involved in this project I take responsibility what went on before that. We have really worked hard to get this project whipped into shape. You as well as I didn't take vacation time the week between Christmas. I didn't take that week off and I was supposed to. I came to 2 meetings. Very productive meetings and your role in those meetings was instrumental in bring this project to the level of completion that it is at. My concern about the meetings was there was an expression of a need for a meeting to take place before today. I tried to put one together it didn't happen and then I was told there was not going to be a meeting. That was disappointing to me.

Anthony Sturniolo: At this board meeting two weeks ago you heard it loud and clear from Ralph. We can get the minutes out. Enough of these meetings, enough are enough. Why do we have to do the work of RD Management to lean upon A&P and to lean upon Target when it is your responsibility because we are dealing with RD Management. Meeting meetings enough is enough.

Ralph Vigliotti: We leaned on you and it sounds like you got the job to bring staff together for another meeting. Let's move forward.

Dan Hollis: Again I wasn't trying to be inflammatory. My job is to be happy with Tony and I tried.

Anthony Sturniolo: I understand your job you work for a client.

Dan Hollis: I do my best to be fair. If there is a misconstruing of what I said, it's not that I am trying to create a record that's dubious. You have known me long enough and I am a big boy and I will dance with who brought me. Whatever is here we will deal with it.

Whitney Singleton: I would just like to add one other thing. I didn't realize it was in the package until tonight. There is an inclusion in your package of February 1st letter addressed to me. Where you had confirmed that you had arranged for representatives of RD Management A&P and Target, to be available to meet at a 3:30 meeting this afternoon at village hall. With village representatives including you and that the village was unable to have sufficient number of representatives available for the meeting. Again I didn't represent in my earlier letter I believe that to be a mistake as well. While Mr. Hollis may have arranged for a meeting he told me that

they were not able to attend only A&P would attend. I received that message on my voicemail at 5:30 the night before the alleged meeting.

Dan Hollis: I left it at 1:30 and after that I spoke to Nanette. Now you have to fair with me. This how I got angry, you have to be fair. I spoke with Nanette after I left that message for you. Nanette said to me that the meeting with just A&P doesn't get it. You have to have Target there. I called Mr. Burdoff and emailed Mr. Burdoff and the message went out that Target had to be there.

Whitney Singleton: Dan let's correct this. You left a message on my machine at 1:42 p.m., which I got at 5:30. You told me that only A&P could be there.

Dan Hollis: At 1:40.

Whitney Singleton: Ok. I never received any other communication from you.

Dan Hollis: Fine Whitney.

Whitney Singleton: I think this creates a misimpression that they were available. It's a letter to me. It does not accurately represent what you represented to me. Correct?

Dan Hollis: I will not be cross-examined by you Whitney. That I am not going to do. What I represented is that I tried to put a meeting together. That is what I represented. I was disappointed that after trying to put the meeting together we were not going to have it. That is it. Again I accept the board's comments of their dissatisfaction with my letter and I accept that. I expressed my sincere statement that I apologize if I offended anyone. It was not my intention. It is never my intention to offend anyone.

Doug Hertz: If we may talk about the subject at hand. We have a laundry list of items.

Chairman Cosentino: We needed to hear this out.

Doug Hertz: Does anyone else on the board have anything to say?

Chairman Cosentino: No we are finished, we aired it out.

Doug Hertz: There was a list of issues that needed to be complied with, where do you stand on that?

Dr. Morreale: First I was going to say that whatever transpires whatever conflict we have seen. We have felt that we have needed to make sure all the conditions were being met. We really feel like we have been put upon in a way. Be that as it may. I want to know what still remains. What need to be done to get this completed in a timely way so we can finish?

Chairman Cosentino: Nanette come up here and give us what has to be done.

Nanette: I recommend that you take the submission by Mr. Hollis and turn to page 4. There are about 14 items on here. I think there are a couple of items that Mike Stein can address that came up subsequent. These are the 14 that were on the list that need to be addressed. The catch basins, the 18-inch have been replaced by a 36 inch. That is taken care of. The handicap parking spaces have been re-striped. The guide rail has not yet been taken care of. It is something that is wrapped in the draft modification to approve site plan. This explains their approach and it something that can't be done until the snow and the weather clear. Going on to page 5 item number 4 again goes back to the guard rail. Item number 5 is the employee parking which we have been discussing.

Doug Hertz: is that on the ARB agenda for next week?

Nancy Placona: The guide rail yes.

Doug Hertz: Thank you.

Nanette Bourne: Now with regards to employee parking. The applicant was provided a list of items that staff thought was necessary for employee parking in the back. That included on the site plan in the rear of the building needed to be identified as employee parking spaces. To encourage employees to park in the back. Employee

entrance exit doors were suppose to solve by A&P and Target. Dan had talked about the status of those. A&P seems to be in the process of installing these items.

Dan Hollis: They know it has to be done before not after.

Nanette Bourne: Dan suggested that there is a signed agreement required of employees. All the components that have been told to the applicant are now to be considered whether they are adequate.

Anthony Sturniolo: One of which is an example of that back study. The traffic management plan needs to show an employee parking on both the blacktop section and the grasscrete section. I do not believe it does. It is a condition and I would like to see it both on the revised site plan and the traffic management plan. We should have employee parking shown with arrows or however you want to do it and the grasscrete as well.

John Collins: We can't stripe this area.

Anthony Sturniolo: The other thing that needs to be done. It is part of number 5. The employee entrance needs to be shown on the site plan, on the parking management plan for both A&P that Jodi is in the vicinity of where?

Al Rossi: The dumpsters.

Anthony Sturniolo: The dumpsters and compaction. The one for Target is at the top of the ramp. Those two areas need to be designated on the parking management plan and the modification to the approved site plan. As well being sited into the resolution.

Dan Hollis: We are going to put a sign on the door too. If you wanted to add that. It would say employee entrance on the door itself.

Anthony Sturniolo: Also the temporary fix on the grasscrete by the back spaces here. Crushed rock and gravel was put however for the last 3-4 spaces there is no crushed rock or gravel on top of the grasscrete.

Al Rossi: We will correct it.

Anthony Sturniolo: I went by it today.

Dan Hollis: Which end?

Anthony Sturniolo: This end. There is no crushed gravel. It is crushed gravel from where the fire hydrant is where the black top ends all the way over. The crushed gravel is missing. In one of the submissions that we got there were a couple of options regarding the employee parking here. Option 1 and 2. I believe I am speaking for the entire planning board that we do not want to see this black topped we want to see grasscrete remain but in a more stabilized workable condition. Once the weather changes and you are able to do that permanently.

Nanette Bourne: I had a question regarding the two options that you proposed. I keep thinking of the Elephants Trunk and the two options that you proposed being different than what is at Elephant's Trunk. It doesn't have the sod and soil on top. I don't know if there if a reason why that can't work.

Dan Hollis: Do you know what that is Mike?

Michael Stein: No.

Dan Hollis: I know it is there but what the brand name is if it is different.

David Sessions: Is it grasscrete?

Nanette Bourne: I don't know the name. It doesn't have the problem. Here there is just a bit of pervious a bit of grass.

Chairman Cosentino: It may have had rock underneath it for drainage and then on the top.

David Sessions: Unfortunately the application of this grass phase was untimely as far as the weather is concerned. Had the sod been able to germinate with the soil I don't

think we would be having this discussion. Come the spring if this decides to mat down and germinate properly I don't think we are going to have an issue.

Chairman Cosentino: I think it germinated properly I just think the ground underneath was too soft.

Nanette Bourne: I think it was the soil and sun.

David Sessions: The sod was laid I think the day before the day A&P opened and it was already in October. The growing season was over.

Nanette Bourne: What you are hearing is that the board wants something that is stable. It doesn't have to be the material that is across the street. That is just the best example that we have.

David Session: Grass paved or gravel paved?

Chairman Cosentino: No black top.

Anthony Sturniolo: The gravel is a temporary fix.

David Sessions: The gravel that has been installed is a temporary fix. There is a product gravel pave, which is a pervious material. It has polyethylene cones underneath it that support loading. They are filled with gravel. The permanent application will appear as though it is gravel.

Nanette Bourne: Over here it appears as though there is grass. I think Mike knows what we are talking about.

Michael Stein: I have not been back there. I know what gravel pave is.

Nanette Bourne: I think it is grasscrete.

Al Rossi: It is concrete. It is waffled concrete

Michael Stein: I don't think DEP accepts that.

Nanette Bourne: They accepted it over there.

Michael Stein: They did?

Al Rossi: That is going to be an issue we will have to work out.

David Sessions: I thought they were ok with grasscrete.

Dan Hollis: We used grasscrete at Curtis when we did that job.

Nanette Bourne: it didn't require DEP approval. That required a DEP permit. I know they experimented with a number of different kinds. They came in and worked it out with Howard Zane and it seems to be working.

Dan Hollis: Whichever one works.

Whitney Singleton: With regard to the traffic management plan. It needs to be altered to reflect the parking agreement with regard to who was making the decision as to when and where police would be located. The village manager wanted to designate as it pertained in the agreement.

Nanette Bourne: The traffic and parking management plan that was submitted by the applicant was submitted in advance of the agreement that was drafted by the village manager. So it does not reflect the most current. It needs to be updated.

Dan Hollis; The village manager will make the determination to call the police on and to discharge them when they feel they need to. That is basically what that agreement says?

Whitney Singleton: it also speaks to the fact that he is not restricted to the location to be pointed out to a specific location

Nanette Bourne: Anything else on five, if not six. The Target backflow.

Michael Stein: The application was approved. I don't have any information on the certification or the installation testing. As soon as that's submitted. Certification and testing is required.

Nanette Bourne: The 3-1/2 foot retaining wall. There is an explanation why it wasn't included. The applicant is requesting is that it being a modification to the approved site plan. There is no change be proposed. The screening of the roof top examples is included in the packet.

Al Rossi: It is a manufactured screen we submitted to village.

Stanley Bernstein: What it is it? Plastic, metal?

Michael Stein: Off hand I am not sure.

Dan Hollis: Mr. Stein OK'd it.

Chairman Cosentino: Have him let us know what it is.

Michael Stein: Aluminum.

Anthony Sturniolo: When is that installed?

Michael Stein: I am not sure they were issued a permit on it.

Nanette Bourne: The 12-inch maple that we discussed the applicant is proposing a modification to landscaping plan. This was approved in their submissions. There are some additional trees were provided that we requested. That change was done.

Whitney Singleton: Have you verified the trees on the property?

John Slaker: The maple tree, according to the survey it is.

Nanette Bourne: The grass pave and gravel paved we discussed.

Stanley Bernstein: On that area why the change and taking the fence down.

Michael Stein: It is along the rear of the property. It is basically behind Target. It's all knocked down.

Jodi Gutterra: It's possible a snow plow and if it was a snow plow then it will be fixed.

Stanley Bernstein: Why are they storing snow there?

Jodi Gutterra: They would not have stored it there. Sometimes if they are plowing I am just surmising.

Michael Stein: They are still piling it back.

Stanley Bernstein: We do not want snow storing.

Nanette Bourne: Keep in mind the original resolution. Snow storage is not going into the wetlands.

Jodi Gutterra: We told the snow plow contractor that. If that is an issue it will be resolved.

Anthony Sturniolo: The way the snow is pushed up against the fence it's parallel to the fence and toward the wetland area. I don't mean to insult all of you at the table, but somebody has to take responsibility for Rick Burdoff. Somebody has to say I know these things. Somebody has to be aware of the snow plowing. Somebody has to say I

know that the bell is made out of brass. Somebody has to know these details. I feel like this board is the traffic cop and the police of this whole project. This is a management team and there is a lot of stuff falling through the cracks. No one has immediate hard answers for us.

(Tape 3 Side 1)

Chairman Cosentino: I think the problem Jodi; I think what Tony is trying to say. Every time we ask a question it is I don't know. I am going to check into it. Who is taking care of the store?

Jodi Guttera: Well James has been the building engineer at that site for many years. If there were a fence that was knocked down he would be aware of it and would be working to resolve it not having to talk with us about it. Like with the school buses that got resolved quickly and I understand what you are saying.

Nanette Bourne: The Target crosswalk the applicant prepared a revised crosswalk in front of the submission. The light shield.

Al Rossi: That has been installed.

Nanette Bourne: When was it installed?

Al Rossi: Last week.

Nanette Bourne: Mike was there any other items?

Michael Stein: Not that I am aware of.

Anthony Sturniolo: Mike on top of the Wachovia building is that the same screening that is going to be on A&P?

Michael Stein: I believe they are supposed to be the same.

Doug Hertz: The school bus parking did get resolved?

Jodi Guttera: Yes. What I had explained to Tony was apparently the few buses they drive the kids to school in the morning and then do a 9-2:30 shift one off to Target and one at A&P and when they go and leave to pick the kids back up, they are parking the buses in the rear.

Anthony Sturniolo: Jodi what is going to happen when these people one day don't have the little mini bus but have a full 44 passenger school bus?

Doug Hertz: Just like the Department of Corrections bus that parks there? The large bus that parks in the parking lot.

Anthony Sturniolo: That one I have not seen.

Doug Hertz: It is there all the time. It parks over by 117. In the lot?

Dan Hollis: In the lot? What time of Day?

Doug Hertz: In the morning.

Dan Hollis: I know the DOC people go in the Dunkin Donuts pretty early in the morning or Burger King. So if they are leaving to go back south maybe that is why they park there.

Anthony Sturniolo: I am just worried about the buses because if everyone else can use a personal car and these people need to use their business vehicle to get there it is going to make policing car show on a daily basis. Inevitably they are not going to take a little bus they are going to wind up using a big bus. Then you are going to have all those issues. If you have a bus larger then it's going to take away more parking spaces in the back.

Dan Hollis: We just can't let that happen. People can't drive their personal school bus to work.

Anthony Sturniolo: That needs to change tomorrow as far as telling those people not to bring a school bus there or find another job.

Dan Hollis: What they can do if that becomes a problem contact Bedford Central School District and tell them they can go back to Norm Avenue where they store the buses get their personal car and go to work. Then go back and get the school bus when they are finished. We will get to the bottom of that.

Nanette Bourne: So that is the list. Based on that list that they a draft resolution, modifications for the site plan, including the recommendation of the granting a temporary C of O.

Whitney Singleton: Did you skip #12?

Nanette Bourne: Yes we did. 12 are the parking and management. The concept is that this be provided in two pieces. One is the grand opening Plan to be developed with the village manager. I was at the village manager's office with the building inspector to make sure that the grand opening is adequately coordinated with what we projected to be on the site as well the resources of the police department. Second are the long term traffic and what management plans that we are dealing with as the peak shopping days that primarily go from Thanksgiving to Christmas. It could be every weekend. No one is entirely sure until the success of center.

Chairman Cosentino: Or any day.

Nanette Bourne: In sitting down and talking with the police department as to their needs or what they wanted it was their request along with the village manager that there is an agreement between the village and the applicant. RD Management to prepare flexible parking peak hours parking management plan for the long term that includes provisions for signage for traffic control devices needs for on site security off site uniformed village police. That document is in a draft form as exhibit C at the back of your resolution.

Dan Hollis: It is not in my submission it is with the proposed resolution for approval.

Nanette Bourne: Those being the pieces they are reflected in the resolution of certain changes have to be made to the resolution to reflect the items we talked about tonight.

Dan Hollis: I know it is fair. It reflects what Ms. Bourne said. The resolution I only saw the draft, I haven't seen any changes to it. I saw a typo in number 12 in the whereas. This reflects the 14 items that we have been discussing; I don't see anything in there that is contrary to anything that has been discussed. It is fair and that reflects has been agreed to.

Michael Stein: There are just a couple of things. The dimension of the parking spaces it doesn't indicate the height of the retaining wall. It is 7 feet as proposed. The height of the wall has increased in the 14 items; I think that needs to be clarified some place. That is the northeast.

Dan Hollis: Where in the resolution?

Michael Stein: Either adding a 15.

Nanette Bourne: Ok 15. The increase in height of retaining wall.

Michael Stein: Increase to a maximum of 7 feet. In some areas they actually added walls where they were required to be 4 feet.

Nanette Bourne: So a maximum of 7 feet.

Michael Stein: Correct.

Dan Hollis: Where are you adding that?

Chairman Cosentino: Number 15.

Michael Stein: Number 4 you have guide rail. It should be guide rail and wrought iron fences.

Al Rossi: It is aluminum

Michael Stein: Just so it doesn't just say the guide rail.

Nanette Bourne: Guide rail and fence?

Michael Stein: Yes

Al Rossi: It is a 3 foot aluminum fence.

Michael Stein: Number 6 the backflow preventor states that installed and certified. Installation certification and testing must be submitted.

Nanette Bourne: They were installed.

Michael Stein; I am not sure they were installed, but they are approved to be installed.

Nanette Bourne: Ok then that should be there and that should be a condition. Backflow preventors.

Anthony Sturniolo: That becomes number 18.

Dan Hollis: I missed what you wrote on 15 pages 2.

Nanette Bourne: The height of the retaining wall the maximum of 7 feet.

Michael Stein: Number 7 elimination of retaining wall on the southern side of Rt. 117 entrance. My other question on page 4 number 2 construction should commence within 6 months.

Dan Hollis: Number 2 says construction shall be completed within 90 days.

Michael Stein: Ok then I have an older draft.

John Collins: Any questions or disagreements between RD Management and the village. Question whether or not the village wants to be responsible for what's inside the property.

Anthony Sturniolo: Wouldn't it be better to go page by page as opposed to jumping around.

John Collins: The only question I have is the thru traffic circulation and traffic jams within the property. I don't know whether or not the village manager wants to make a decision about the property. That is the only question I have.

Whitney Singleton: The proposal and the entire reason for having on site traffic monitoring is to make sure the traffic does flow within the site.

John Collins: I agree. The fact is the internal traffic causing an impact on the external street.

Whitney Singleton: We have left that to the call of the village manager. I think if you read on in that agreement it specifically says that putting uniformed officers on the street without having the internal monitors on site it could be denied.

John Collins: I am just worried about the final wording and language and maybe even Dan could decide.

Dan Hollis: What I think John is worried about is that if there were an evil village manager 20 years out and said ok I drove by and say 5 spaces I am invoking the power cause I looked inside and I think I see a traffic jam coming. I think what John is saying is that language should say that if the traffic circulation within our property is about to cause an impact or is causing an impact on a public right of way.

Whitney Singleton: You don't want the village manager to be able to make that determination.

Dan Hollis: Yes we do. But if the traffic within our property is about to or has caused an impact on the public right of way.

Chairman Cosentino: I don't see the difference.

Dan Hollis: There is one. It is a fine point.

John Collins: It was intended to provide adequate monitors to make sure that the traffic would not back up and block.

Whitney Singleton: What happens when you don't?

John Collins: The answer is if there is any traffic on site that has the possibility of backing out and disrupting operation of the public street then it is within the village manager.

Whitney Singleton: As part of your application you proposed mitigation that you were going to have monitors on site. You are saying in the event that there is a disaster at your site not on the public right of way on your site it not appropriate for the village manager to make sure that your traffic monitors are on site.

John Collins: I have no problem with that statement. That is not what I am saying.

Whitney Singleton: Do you want to go through the resolution and that to the attachment to the resolution or do you want to deal with this now. I will go through the whole agreement.

Chairman Cosentino: Why don't you deal with whatever way it should be?

Whitney Singleton: That's not how it should work.

Jodi Gutterra: If there is a disaster within the site that wouldn't impact the main road?

Whitney Singleton: Then I guess you are making my point.

Jodi Gutterra: Why would it be necessary?

John Collins: Theoretically there could be traffic jam in the vicinity of the Target that is no where near, which according to this resolution the village manager could trigger a situation that needs police officers, and yet it could be one end of the parking lot. All I am saying is the fact that I just want clarification. In the fact if there is an incident on the property that we don't have the monitors or there is a potential that because of the type of day there is a potential backing up onto a city street the village manager has every right to initiate. The way it is worded only gives me concern the fact there is an incident in an area that is not even affecting the street. Let's say there is accident over by the loading dock and it doesn't affect the street but there be some queuing or some traffic jam in that area it's not going to back up onto and effect the operation of Preston Way or Rt. 117. That is the only thing that I am concerned about. I am also concerned the village going in and monitoring an overall site I am looking at it as the impact of the site on to the external roadway system. That is all I am looking at.

Chairman Cosentino: What is the pleasure of the board?

Whitney Singleton: For what?

Chairman Cosentino: For the changes.

Whitney Singleton: You are on condition 4 of the resolution. Do you want to jump to this? Or do you want to take it in order?

Chairman Cosentino: let's take it in order.

Nanette Bourne: Do you want to go page by page?

Chairman Cosentino: Yes I guess so.

Nanette Bourne: Page 1

Anthony Sturniolo: On page one tax map by identification number we need to add 69.58-2-1.1. Reference exhibit C as well. On the third whereas I would like to strike the word condition. On page 2 under whereas authorizing building inspector and it talks about the items being seasonally constrained. I would like to list those items that are seasonally constrained. What time does the applicant intend to address them?

Dan Hollis: We have to finish them within 90 days according to the resolution down the line. That might cover it for you.

Nanette Bourne: We are talking about the retaining wall?

Dan Hollis: And the gravel pave.

Anthony Sturniolo: And the blacktop. On the parking. The dimensionally short once the wall is moved back.

David Session: I think that the intention of this board gives us the green light. We would like to construct the wall as soon as possible. I think the wall could be constructed now. The word seasonally in there and then the wall is lumped in with that.

Nanette Bourne: How about weather constraint?

David Sessions: Fine

Anthony Sturniolo: The question of escrow does that need to be filled in with a dollar amount?

Nanette Bourne: They have an escrow account.

Dan Hollis: We put up \$50,000 and it is still on deposit from the A&P.

Whitney Singleton: That is an escrow deposit for A&P not for this site.

Nanette Bourne: They did not submit a separate application fee for this request for modification. That application fee should be taken out of escrow money.

Dan Hollis: That is fine.

Whitney Singleton: There is no application fee for escrow for this application?

Nanette Bourne: There is an escrow.

Whitney Singleton: They didn't pay.

Dan Hollis: Actually I do not think you are correct. That is only for the A&P. The applicant shall in addition to giving its consent to such conditions the deposit to the state, with the village to the cash sum of \$50,000 payable to the treasurer. Said amount being an estimate to correct the deviation of above reference, which were the deviation that were in Mike's November letter. If not approved or mitigated against completely.

Chairman Cosentino: An escrow deposit required is \$10,000 more. Balance due Village /Town of Mount Kisco \$15,885.52. The minimum escrow balance for deposit required is \$10,000. You need to put another \$10,000 in the escrow account.

Nanette Bourne: Page 3

Chairman Cosentino: Do you have something on page 3?

Anthony Sturniolo: Yes. In the box number 2. Parking traffic management plan by John Collins last revised should that not be changed to 12/7/05?

John Collins: We revised that.

Dan Hollis: That is just in the resolution. It will be revised again as a condition of the resolution but that reference only needs to be 12/7.

Anthony Sturniolo: Nanette taking this back to the grass paved in the back. Since this board is in favor of restoring the malfunction of the grass Crete in the back. Which is listed as option number 2 do we need to make that a number 9?

Nanette Bourne: The option?

Anthony Sturniolo: The fact we want option 2 which is the restoration.

Nanette Bourne: Actually David Sessions emailed me today that I didn't include those 2 options at all in this list. They need to be included.

Anthony Sturniolo: Option 2 is the direction that we are going?

Nanette Bourne: That would be a condition.

Anthony Sturniolo: Ok. Does it need to be enumerated here as number 9 as well?

Nanette Bourne: These are just what are needed.

Anthony Sturniolo: They have submitted a choice. That is on one of the plans that we all have.

Dan Hollis: We've submitted a choice in the resolution. So when we get to the final you're going to say well you submitted 2 and we picked number 2.

Doug Hertz: Or a variation of that is what we are referencing.

Anthony Sturniolo: As a generic term.

Doug Hertz: The new landscaping plan. How is that reflected in this?

Nanette Bourne: The new landscaping plan is included here under number 5. On page 5 of the conditions it's referenced as condition number 8.

Doug Hertz: Ok. As of the last meeting we've asked John back here so we can discuss any changes that were made. Do we want to spend the two seconds just to find out what changes have been made?

John Slaker: Basically what we did, because of the vicinity of the existing maple tree that is coming out. The space was limited as to planting any sizable tree. So I went back out and tried to find a mitigation area I felt that this frontage along the A&P frontage of 117 was lacking decent sizable trees. There are some trees that are on the right of way. As you know a lot of those state trees are not doing very well. As a matter fact there is on one our site that was split right up the middle. So as my suggestion to plant the linden trees in this area which will going forward will grow and mature. In the gaps over here where we had room I know the board has been concerned about looking down at the back of the satellite building. I couldn't plant large evergreens. One reason is there is a lot of existing vegetation and it very shady. Not many evergreens will grow in a narrow confined space. So I decided that a full arborvitae that is planted at the back of the A&P over here will give screening as you come down Bedford Road not over grow the area and not going to be something that is going to be chopped back in ten years. That was the mitigation for the removal of that maple. It would enhance the site over the long term and have the most impact. The linden trees are a clean tree and a good street tree and they don't get tremendously huge because there are wires out here as well that later on could interfere with the maple or something bigger.

Doug Hertz: Is that utility box screened at all?

John Slaker: if you notice there is a very steep slope in front of that. It is in the state right of way. We are very limited as what we can do with that. We did plant some euanimus there. In the planting season. In the summertime it'll shield it but there really is not much I can do there because of the steepness and the right of way. That was my concern.

Doug Hertz: Mine as well. Ok Thank you.

Nanette Bourne: Page 4

Anthony Sturniolo: On the first whereas. We asked this question of all of us collectively. Correct parking space numbers.

Nanette Bourne: Answer not audible.

Anthony Sturniolo: Paragraph below where it says 1/28/05 in bold. Is that a correct date?

Dan Hollis: I think it is.

David Sessions: I don't know what day 1/28 is.

Michael Stein: It is a Friday.

Dan Hollis: That is right. That is the one where you had to change it and get it to my office that Friday. Do you want me to check? The 25th is right.

David Sessions: It might have been submitted on the 28th.

Nanette Bourne: Anything else on page 4?

Anthony Sturniolo: On number 2. Construction shall be completed within 90 days of the issuance of a TC of O.

Al Rossi: It has to be.

Dan Hollis: You would have to come back and apply for two 45 day extensions.

Whitney Singleton: Let's be perfectly clear. Mr. Hollis voices his disagreement with my interpretation. If at the end of 90 days these items are not completed and a final certificate of occupancy is not issued we will bring no proceeding to revoke the CO. It will vanish on its own. It will expire. Is that agreed?

Dan Hollis: Unless I've applied for an extension. In consideration.

Whitney Singleton: Dan I am simply telling you if a temporary certificate of occupancy it turns into a pumpkin if you don't get the stuff done within the period of time.

Dan Hollis: I was trying to present you with a sample you might want to consider. That if we for some unknown reason encounter a problem and we've made an application for an extension within that 90-day period. I would like to have it considered that as long as it is good faith application that you don't revoke the temporary C of O.

Whitney Singleton: We have recently had this issue with an application and I am just trying to clarify that.

Dan Hollis: That is not what I said. The application is made before it expires.

Whitney Singleton: I just want the board to be clear and Mr. Hollis to be clear in the event it expires it is not a question of going to litigate the matter. The store will be shut down.

Dan Hollis: Unless there is a good faith application and the board has determined to give an extension during the period.

Whitney Singleton: Unless you have an extension of the TCO.

Dan Hollis: I am not worried about it.

Whitney Singleton: I have to worry about non-compliance from the get go on this application.

Anthony Sturniolo: Number 6-second line. I would like to delete the word conditional. Nanette can you explain on 8 where it says in the event of said landscaping. Do you take that a t face value?

Nanette Bourne: It is a standard condition.

Anthony Sturniolo: On 11 A first line I would like to delete the word condition.

Dr. Morreale: Is that necessary to have all three?

Nanette Bourne: I only repeated it because the site was given a condition C of O.

Anthony Sturniolo: The same thing on 11B in the first line.

Dr. Morreale: There is a question on 8. Final Certificate of Occupancy shall not issue until all requirements completed. Yes?

Nanette Bourne: Yes.

Dan Hollis: That is the final not the condition.

Dr. Morreale: That is the final. So in other words not until everything is done.

Dan Hollis: 90 days. The end of May it could be done.

Nanette Bourne: Page 6

Anthony Sturniolo: Third lines on 14 take out the word conditions. Also in 14 could we add where it says parking shall be specifically designated on the approved site plan and parking management plan? Jodi on 15-that addresses the bus issue.

Whitney Singleton: I actually suggest changing paragraph 15. And the portion of parking spaces for off site uses is prohibited.

Dan Hollis: Instead of shall be?

Whitney Singleton: As long as we are on that topic. The improvement regulation also prohibits off site parking for the use of the site. In other words the proposal by the applicant to use satellite parking space at another location is prohibited. I think that should be prohibited as well, so that the issue does not come up in the future.

Dan Hollis: You've already suggested that idea anyway.

Whitney Singleton: The pervious pavement on the 31 spaces is factored in there. I want it clear for the future that it is prohibited by the regulations. You said you wanted to go to DEP and make an application for pervious and impervious surfaces. The last application you didn't want it because of DEP. There is a lot of flip-flopping going on and I want the record perfectly clear that it is not a question of the board restricting.

Nanette Bourne: So you would like the use of off site parking.

Whitney Singleton: Satellite parking is prohibited for any use on the site.

Dan Hollis: That would be 19.

Nanette Bourne: Actually there is a 20. To continue the crush gravel on the entire lane.

Dan Hollis: Temporary gravel would be extended to 3 rows easterly spots.

Nanette Bourne: Number 17

Anthony Sturniolo: Instead of trying to fill in blanks. Wouldn't we be better off making 17 a recitation of the checklist of the items that you need to complete?

Dan Hollis: Can't you just say that there will be no temporary Co issued until the conditions referenced in this resolution have been completed to the satisfaction of the building inspector?

Whitney Singleton: Not all the conditions will be complete prior to the TCO. Are you going to do the wall part? You have to go through item by item in order for it to be part of the final CO

Nanette Bourne: If we recite them we have the 15 items. We have the 14 plus the one that was added.

Dan Hollis: Which was the back flow? That was one of the 14 Mikes just modified.

Michael Stein: The back flow, which has to be done.

Dan Hollis: Take the 14 issues and carve them up anyway you want. You know which ones have to be done rather than sit here and go through them again. The wall, landscaping, blacktop.

Nanette Bourne: On page 4 we had recited those 4.

Dan Hollis: The Target crosswalk.

Dan Hollis: The scored walkway in front of Target. Would that be the final since it is weather-related item?

Michael Stein: That would have to be done before you open the store. That is right in front of the store. I would not say you could leave that for later on. That is an entire walkway to the store.

Al Rossi: Obviously if the weather permits they will put it in.

Michael Stein: I would say that has to be completed.

Dan Hollis: It won't get completed unless somebody comes back in for a change. I am not going to hold up the resolution just on that crosswalk for the TCO.

Anthony Sturniolo: You're saying to eliminate the whole thing.

Michael Stein: That has to be completed before the TCO, because there is no way into the building if not.

David Sessions: It can be done at night. It can be done after midnight. It won't take long for them to pour that concrete.

Chairman Cosentino: If it is not done prior to the TCO.

Dan Hollis: It will have to be done before the final. What David just said if it can't get done because of weather reasons?

Michael Stein: The store typically probably stays open until 9-10:00. They open up at 9-10:00 in the morning. You have 12 hours and you have to tear everything out.

Whitney Singleton: We don't know when they are going to be open. It could be 24 hours and we don't want to get into patrolling the business operation. I would stay away from that. You are talking about a crosswalk. A crosswalk is clearly a health and safety issue.

Dan Hollis: Then let's not get it done then.

Michael Stein: It must be done before the TCO is issued.

Whitney Singleton: I don't think you can do that either. It's either you do it and you have an amended site plan application, which is approved, and it's a requirement for a full application. One of the two. You can't have both. Were going to do it if we are going to do it? Is that your position? That is what you are telling me. I don't see that is how you can propose an amendment to the site plan and then say we'll do it if we get around to it and if we don't we just won't.

Dan Hollis: We can phrase it so that you can have it in the alternative of the resolution. If the work can be accomplished prior to the TCO it is permitted. If it can't be accomplished prior to the TCO it is not approved.

Whitney Singleton: We have referenced the plans that have been submitted to the engineer. Those would be the approved plans. We don't know which set of plans we are to reference.

Dan Hollis: Let's not get caught up on a crosswalk.

Whitney Singleton: Dan I don't.

Dan Hollis: I am not talking to you.

Al Rossi: If it can be done weather wise we will certainly do it. If not then I think the issue would be that we're prohibited from doing it. That seems to me the logical way, that they have intent on doing it. That is why the application was submitted. They want to do it as soon as possible. So let me find out if there is a reason why it can't be done within the next two weeks. I will find out tomorrow.

Anthony Sturniolo: That would be far too late right Mike?

Michael Stein: What I am saying is it has to be done before the TCO is issued.

Nanette Bourne: As far the resolution we have these 4 items that are going to be accomplished between the TCO and the CO. Right now that is a TCO item.

Chairman Cosentino: If it is not built, the sidewalk is not built before the TCO it is not going to get built.

David Sessions: In the resolution why can't we reference the plan to show the crosswalk and explain it in the resolution? If it is not done by the TCO it remains as is.

Dan Hollis: It remains as is. It remains as plan approved March 23rd of 03.

Anthony Sturniolo: But the site plan is not accurate.

David Sessions: We have only submitted one plan that shows that crosswalk detail. It is specific to that crosswalk detail. That is referenced in the resolution. If we can stick specifically to that plan.

Chairman Cosentino: This thing should have been done months ago. Now we have to make the decision for Target of when to do it. That is not fair to us. The decision is don't put it in. Forget it. I am not going to make a decision to have a cloud over our head when we have to do it. It doesn't comply it doesn't comply with the site plan. That's all.

Nanette Bourne: So condition 12 gets deleted.

Chairman Cosentino: It is always the 11th hour they come back and want something.

Whitney Singleton: So how do we change the reference as to what plan.

Dan Hollis It's not approved. Twelve is deleted in its entirety.

Nanette Bourne: So are you withdrawing on page 3 the proposed Target crosswalk detail? Number 6

Dan Hollis: I guess so.

Al Rossi: If there is no other way to handle it then the answer is yes.

Nanette Bourne: Ok. So that is off.

Whitney Singleton: Nanette with regard to the paragraph we have reference to the 1/28/00 submission from Kellard Engineering. Is that 1/28 submission showing a detail not accurate?

David Sessions: First of all it is not the 1/28 we have already changed that to 1/25. That the 25th plan is specific the grass paved restoration, not to the crosswalk.

Nanette Bourne: The crosswalk was a separate plan. They have it labeled.

Too many people speaking.

Dan Hollis: The 1/25 document is the modification.

Whitney Singleton: Where is the modified site plan? Or is there one?

David Sessions: The modified site plan I believe was submitted. The as built survey was submitted some time ago.

Whitney Singleton: But you're proposing changes to the as built. There has to be a modified site plan.

Nanette Bourne: I think what has to be done here. There needs to be a modified site plan with a composite of all the changes that have been made tonight.

Whitney Singleton: To the whole site.

Nanette Bourne: Right.

Whitney Singleton: We don't have it.

Nanette Bourne: Because it is in pieces.

Whitney Singleton: I just want that to be clear. I don't want to be blamed.

Dan Hollis: The modification you may get is a condition of the final CO, that the plan reflects the composites. That there be would be different point. The resolution can say that the final CO is conditioned upon the Chairman executing a revised composite site plan that reflects the original site plan with all these drawings with the conditions that are attached.

Nanette Bourne: I would recommend that be a condition of the TCO.

Dan Hollis: We can get that done.

David Sessions: You're talking about putting the landscaping on.

Anthony Sturniolo: This is complicated at this hour to piece this together as opposed to doing another day.

Dan Hollis: Condition 17. Until a composite site plan reflecting the change.

Nanette Bourne: Add that as a condition 23.

Anthony Sturniolo: I find this very complicated to follow right now. Too many things are conditioned upon condition. To massage it around I am lost.

David Sessions: All we are talking about is taking the Slaker landscaping plan the wall plan and putting it on one plan at this point.

Anthony Sturniolo: But we don't have that plan in front of us tonight. You're saying that plan has to be a condition.

Dan Hollis: That happens all the time.

Anthony Sturniolo: Right, but condition is part of the TCO that is what you are saying.

Dr. Morreale: We have gotten burned before.

Dan Hollis: If it is wrong then you burn us Dr. that is only fair. Mr. Sessions is not going to get it wrong.

Chairman Cosentino: Is there anything else?

Anthony Sturniolo: Page 6

Nanette Bourne: I realize the reason why I put 1/28/05 is that the application that reflects all these changes is this solution that was made.

Dan Hollis: The letter is the submission?

Nanette Bourne: 1/25 just reflects one of the pieces of the plan. Which is why I have the 1/28?

Dan Hollis: Do you want us to make the date 1/28?

Stanley Bernstein: Then this puts back the concrete walk.

Dan Hollis: It doesn't. She is just looking at the consistency of the date.

Stanley Bernstein: I understand. This includes the concrete walk.

Dan Hollis: Yes but we just took it out in a condition.

Stanley Bernstein: I thought that's why you changed 28 to 25.

Dan Hollis: No.

Nanette Bourne: The condition reflects that the revised Target entrance detail number 12 needs to be put back in and shall be deleted from this plan.

Stanley Bernstein: That is what I thought.

Dan Hollis: You are right.

Anthony Sturniolo: Page 6.

Dan Hollis: Those are just the prior conditions that have been addressed in the 14 points and we have been through those. That was Michael Stein's letter is the exhibit 11/2-11/3. The attachment and then the parking resolution were an exhibit it's made reference to. The A&P CO. There is nothing new in there that hasn't already been addressed.

Anthony Sturniolo: Nanette on page 1 of exhibit C. Which is the agreement? Are we at that point?

Nanette Bourne: Yes

Anthony Sturniolo: That date needs to be filled in at the top.

Nanette Bourne: That date can't be filled in until the agreement is final. Do you want to go to exhibit C?

Anthony Sturniolo: Page 2. Does the date need to be added to the first whereas?

Whitney Singleton: We don't know what the date is.

Anthony Sturniolo: The 4th whereas does that need a date like 1/27?

Dan Hollis: John Collins's modification? 1/27?

Whitney Singleton: I don't know. Was that the revised date?

John Collins: Revised 1/27.

Anthony Sturniolo: Nanette two whereas down where it says the parties have agreed to enter this agreement. In the second line before the word comply I like to insert the word fully comply. Down at the bottom of the page second parking traffic management plan again that date needs to stay open.

Whitney Singleton: Tony I want to go back and change your recommendation to say fully. This agreement by itself fully constitutes compliance by the applicant. This agreement only partially addresses their compliance in traffic management. They still have a separate condition traffic management plan under paragraph 11A. I don't want them to be able to say you said specifically in your resolution this complies with everyone.

Chairman Cosentino: Is that it?

Anthony Sturniolo: Yes. Again Joe I find these needs to be cleaned up. For me personally very difficult to follow.

Chairman Cosentino: We need a motion on this wouldn't we?

Whitney Singleton: Yes.

Chairman Cosentino: Does somebody want to make a motion? The chair is calling for a motion. No Motion No Vote.

Jodi Gutterra: I just want to say all night and I just did not want you think I had any other agenda, because I meant it genuinely. I have been in front of you for over two years and I wanted to thank you for staying tonight and all of you for your efforts. I know being on the Planning Board is really difficult. You volunteer your time and it's not easy. This is very complicated work and it's not what you do everyday. We have come a long way and we want to get this store opened. Everybody wants to see this store open. I know you live here and I lived here for a long time. I know it is a little bit complicated what happened tonight. It is really actually clear we know what we have to do. You know what we have to do. I am not sure why there was some contentions here tonight. Though we have disagreed at times and even gotten heated it's never been as contentious as it is tonight. Maybe it is the pressure of trying to get everything done. I think you know we are going to get everything done that we need to do. The resolutions will be re-written the way you need to see it. The site plan will be represented.

Dan Hollis: You don't have a meeting between now and March 2nd.

Whitney Singleton: The original opening date that we were told was March 11th and we would have had a meeting had Target not unilaterally changed that date.

Dan Hollis: I understand that. What I am saying is that we have created a mess. We've been here all of us now until a new day. I don't understand why we can't have a vote. One way or another. You have all the controls in place that you could possibly want and to have no vote. I don't understand it. I would ask the board to reconsider

that position. It creates a very difficult situation which how it plays out I have no idea. Someone could have made a motion.

Chairman Cosentino: There was no motion. No vote.

Dan Hollis: I have never not seen anyone not make a motion.

Al Rossi: Where do we go from here?

Dan Hollis: That is something we need to talk about.

Doug Hertz: Can we just take a recess for a moment?

Too many people speaking.

Jodi Gutterra: Will there be a special meeting called for a vote?

Chairman Cosentino: No

Whitney Singleton: You could.

Chairman Cosentino: I say we can call a special meeting. I am not going to be around. It would not be up to me.

Dan Hollis: You don't have a quorum on the 22nd. You can take action on the 22nd. Is there a date between now and March 2nd? I am having trouble with this. I am having a lot of trouble with this process and I'm really disappointed.

Whitney Singleton: I have been up front with you all along.

Dan Hollis: Whitney I don't need you to lecture me. Now knock it off. I wanted to say that we labored to do all this work. We stood here and went through a methodical detail the resolution. For hours. We went through the parking agreement in meticulous detail. We didn't object to anything. Any change. Not one word in the resolution. We listen to your changes Tony. We listen to anybody else's changes and then to not have a vote. To me if it is a form of punishment it is inappropriate.

Whitney Singleton: It is not a punishment.

Dan Hollis: Then what is the point?

Chairman Cosentino: No matter what you say right now is not going to do any good. Forget it. It is a dead issue. You can't get a vote.

Dan Hollis: There has to be a vote someday.

Chairman Cosentino: We will let you know. We have to get a meeting together.

Jodi Gutterra: We appreciate that if there was any possible way of getting a meeting together before the 2nd. We will make sure that we will be there.

Chairman Cosentino: Arguing with us is not going to do any good.

Dan Hollis: I am not arguing with you.

Chairman Cosentino: I think you are. You came down on our counsel which isn't right. That is our counsel. If you can't respect him you can't respect us.

Dan Hollis: I am not going to be called a liar.

Whitney Singleton: I never called you a liar and don't say that I did. They do not have a site plan.

Dan Hollis: Are we going to get caught up in the 15 day rule here?

Joseph Coesentino: No.

Correspondence

Open Door Family Medical: 30 West Main Street

They filed compliance and it went to Mr. Stein and he approved the revisions

Letter from William Williams

We have a document in our packet stating that dedication of portion of property

Memo from Anthony Sturniolo

Summary of organizational meeting dated 1/23/05

Anthony Sturniolo: What I can do with Nanette's help is all of those areas that we said we were going to work on and have plenty of time to do between now and our meeting in March. Which will be the next Planning Board meeting we can develop that.

**Bet Torah
Represented by Linda Dishner and Lee Wright**

Lee Wright: Regarding the memo from Austin Cassidy. We are not able to build all the additions and alterations that we got approval for because of the bids. Austin indicated that we needed to at least show you that we had removed portions of the building.

Chairman Cosentino: This is not on the agenda. It is 12:30.

Nanette Bourne: No it is a letter. This was a request to the board informing you that they want to make site plan changes. I told Austin any site plan changes he needs to inform the board so that you can let the applicant know whether or not they have to submit for a modification to approved site plan. Which I think this is what you would want them to do.

Stanley Bernstein: Why did you reduce the size?

Lee Wright: The bids came in over the budget. We had to work hard to reduce. This is a revised site plan. We submitted it to Austin and he is reviewing the drawings. This made the building footprint slightly smaller. Parking is the same. Lighting is the same. The screening is the same. The drainage is the same.

Nanette Bourne: In the past you would have received the right site plan showing the reduced building and with the as built as being the plan. I told Austin that he should let you all know they are making this change to see if you wanted to then to just submit a revised as built.

Chairman Cosentino: It's not larger it is smaller.

Whitney Singleton: That is coming out but something is also going in on the side.

Lee Wright: Nothing is coming out.

Chairman Cosentino: It's just going to be smaller that's it?

Nanette Bourne: A few little changes.

Chairman Cosentino: How much square footage smaller?

Lee Wright: 3,000 square feet.

Nanette Bourne: Do you want this to come back before you.

Chairman Cosentino: Yes I want to see it.

Nanette Bourne: This needs to be an application and come back before the board. 15 day advance submission. You can get on March 8th.

Whitney Singleton: Before they leave I happen to be in Austin's office when he was reviewing this. He said basically they were taking out this area in here. It is

significant but if you start to think about this in the context of your upcoming agenda and when they can get a modification on this.

Chairman Cosentino: Yes but there are changes. Just submit a revision.

Reviewing of site plan too many people speaking.

Whitney Singleton: You want them back on the 8th. If you deem their modifications to be appropriate you would offer that evening?

Chairman Cosentino: Yes. Do we have a motion to adjourn?

Stanley Bernstein: Motion to adjourn

Anthony Sturniolo: Second the motion

Meeting Adjourned at 12:45p.m.

Respectfully Submitted By:

Stanley Bernstein

