

Minutes  
Work Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday October 24, 2006

Meeting called to order at 7:50 pm Tuesday October 24, 2006, at the Municipal Building Mount Kisco, New York.

**Members Present:** Vice Chairman Anthony Sturniolo  
Stanley Bernstein  
Sol Gibbons  
Doug Hertz  
Joseph Morreale  
Ralph Vigliotti

**Members Absent:** Chairman Joseph Cosentino

**Staff Present:** Ashley Ley  
Whitney Singleton  
Janine McCulgan

Vice-chairman Sturniolo: Thank you. Welcome to the work session of the Mount Kisco Planning Board for October 24. The first thing I would like to announce is that our Chairman, Joe Cosentino is not with us tonight. He is home recuperating and he is doing very well. He had an emergency appendectomy operation over the weekend. A lot of us spoke to him today. He seems happy, cheerful and eager to get on with a normal life, and we are thrilled with that good news.

Minutes, August 8, 2006                      Motion: Stanley Bernstein  
Second: Joseph Morreale  
Stanley Bernstein – Aye  
Joseph Morreale – Aye  
Sol Gibbons – Aye  
Doug Hertz – Aye  
Ralph Vigliotti – Aye  
Vice Chairman Sturniolo - Aye

Doug Hertz: Mr. Chairman, on page 37, line 28, I think the inaudible word is zoning, and in the paragraph lines 38 – 41, it should read so there would not be the appearance of a single huge building, and then in the next line, and how it will appear from across the valley.

Vice-chairman Sturniolo: Anything else? Does anybody else have an amendment to the minutes? There being none, is there a second?

The first item on the agenda after the minutes of August 8, under Continuing Review.

**Continuing Review:**

**Application No: PB2005-21A  
Grand Prix New York  
333 North Bedford Road**

**Members Present:                      John Collins  
Les Steinman  
David Stolman**

**Michael Gallin  
Jim Diamond  
Sy Aryeh**

**Residents Present:**

**Eric Liebowitz, 85 Park Drive  
Michael Hardiman, Park Drive  
Marion Halberg, 23 Park Drive  
Donna Cravotta, 83 Brookside**

**Excused:**

**Doug Hertz  
Whitney Singleton**

Vice-chairman Sturniolo: We have a letter from Michael Gallin, who is the Architect from Grand Prix New York, and we have an Application for Special Use, a full Environmental Assessment Form, and a memorandum from Michael Gallin to the Planning Board. Gentlemen, if you would, and everybody else later on as you come up to speak, if you'd be kind enough to clearly identify yourselves for the record. The microphone is here, and if you have a business card, if you would be kind enough to leave it with Donna as well. Mr. Gallin.

Michael Gallin: I my name is Michael Gallin, we are the architect on the application. We are back in front of you for the Grand Prix New York submission. Since we met last, we had an information session with some of the neighbors and were able to get their feedback and explain to them in more detail the operations of the center. In addition, we've submitted a nine page memorandum plus an attachment of restrictive operational restrictions for the Grand Prix New York facility. The nine page memorandum sort of highlights all of the points that need to be investigated under a special permit application, and we tried to be as thorough with that as possible. In addition, one thing that I do want to clarify that was a question asked to me today by your planner about sequencing. If the intent that this application or use would not be operational until all of the provisions of our original site plan approval had been enacted, including the installation of the new traffic light and all the other site improvements that were initially approved.

David Stollman: And all the other traffic improvements as well. The organization of the lights, the Ice House Road improvements, purpose to the... access points, so all of those traffic improvements would be in place prior to a CO for Grand Prix New York, which I didn't realize until this afternoon. It had not been in writing.

Vice-chairman Sturniolo: David is the planner on this application, and Les Steinman, to his right, is the attorney for the Village on this application as well.

Michael Gallin: We also understand that there is some interested neighbors that are here tonight. If the chairman is interested in hearing from them, I understand that they may be interested in speaking; they have expressed interest to us. In terms of the memorandum: again, it's a nine page memorandum, it's broken into the appropriateness for the proposed location, potential traffic generation, capacity on roadways, impact to adjacent residential zones, adequacy of parking, access and capacity control measures, community outreach programs and the Town of Bedford's involvement. Instead of going through all of the information, there is nine pages, I think it would make sense to hear from you, Mr. Chairman, and the board members if there are specific areas within those topics that you'd like us to illuminate. If you'd like us to go through all

the topics, we'd be happy to, but for the sake of using your time efficiently, we'd just like to get your feedback in terms of how you'd like us to focus.

Vice-chairman Sturniolo: What I'd like to do is, one, if you could kind of describe your traffic plan for the additional light and the synchronization of the other five or six lights on North Bedford Road. When do you think you'll start that, and when do you think that should be in place, and then update us on the status of the physical construction taking place on Ice House Road.

Michael Gallin: The DOT application has been submitted for the new traffic light, and a bond has been issued. We are waiting to get the actual permit back from the DOT, at which point we can start that work. We're hoping that that traffic light will be installed around the new year. The synchronization of the lights is a separate work order.

Vice-chairman Sturniolo: John, if you wouldn't mind coming forward so we can hear you.

John Collins: John Collins, John Collins Engineers. The permit includes the installation of repeaters in all the signals that are affected for the interconnect mechanism. So the single permit includes the new installation at Ice House Road as well as the installation of equipment needed in the other control cabinets for the synchronization. The final synchronization ought to be coordinated with DOT, because they are the only ones that can control the 117 corridor. But all that equipment is part of that permit. And the permit is ready to be issued. The bond was submitted, so a permit should be issued within the next week or two.

Vice-chairman Sturniolo: And then you could commence.

John Collins: Well, then you could put out the bid, get the poles, etc.

Vice-chairman Sturniolo: I remember at one point you were concerned about the availability of the pole from the manufacturer, because it's a –

John Collins: It's a lead item, but we should be able to do something to get the pole in.

Vice-chairman Sturniolo: So, am I correct that we, the Planning Board and the residents of Mount Kisco will be able to see the traffic improvements prior to any occupancy of the warehouse facility.

John Collins: I'm assuming that that's the case, yes.

Michael Gallin: It's more than an assumption. We're committed to that. There will be no occupancy of the Grand Prix facility prior to the installation and sign off.

Vice-chairman Sturniolo: And we'll be able to experience first hand the positive effects of the traffic light and the synchronization. Would you, again, keeping brevity in mind, would you kind of go over three issues for me and my fellow colleagues as well. In your nine page submission and your previous submissions, if you would briefly talk about exhaust fumes from the Grand Prix facility which you anticipate. If you would talk about the noise level, what you anticipate created by the twelve race cars, and if you would also talk about the parking impact that this facility would have on the site.

Michael Gallin: Okay. Let's talk about noise first and take them out of order. The engines are six and a half horse power engines and they have a muffler system and a catalytic converter system. The construction of the building on the western elevation, which is the elevation that abuts the railroad tracks, is concrete block wall with a brick facing on it. The actual race tracks will abut that exterior wall, and that will be the only exterior wall that the race tracks abut. Basically there is a roof assembly on top of the building, which is the other exterior envelope that the race tracks would abut against, and that has four inches minimum rigid insulation on it in the entire roof assembly. The noise that will be produced from the racecars is such that within five feet of that envelope, the noise will be mixed into the background noise in such a way that you will not be able to audibly hear the difference that the noise that the cars are making in relation to all the other noises happening. In addition, because the track is at the western side of the space, at this location, any noise that you would hear would be projected towards the railroad tracks, and no residential neighborhood is in that direction. The other noise, potential noise output, would be in relation to your first question, which was regarding exhaust fans from the building. The New York State Energy Code requires that all construction that is air conditioned have an economizer system on it that is able to operate on the 100% outside air, and 100% exhaust as part of that. In essence, when it's comfortable outside, and you have heat load inside, you won't want to run your air conditioning system, you just want to pull outdoor air into the building and exhaust that air as appropriate. The amount of air changes that are involved in that are comparable to the amount of exhaust air changes that we would be having for the carting. The amount of exhaust that is coming off of the race cars in terms of noxious fumes is relatively low. The fans will need to operate when the cars are running, but it will be comparable to the other HVAC equipment that will be on the roof for any user; whether it's a warehouse user or the carting facility. The third point was the parking.

Vice-chairman Sturniolo: Could we just get back to the noise for a second? On the eastern side of the building, closest to 117, I remember going through some of your literature, and there was an example of a television or a refrigerator operating at 30 db. Could you kind of just put that in layman's terms of what we would hear, say, four or five feet outside of the building.

Michael Gallin: Right. Four or five feet outside the building in the back would be like hearing a refrigerator. But there is so much other background noise it would be hard to differentiate that refrigerator from the other noise, train tracks and other things. On the front of the building there is a buffer between the racetracks and anywhere that you could potentially stand, so there would be no audible noise on the front of the building, the eastern, the eastern elevation.

Vice-chairman Sturniolo: You were about to talk about parking.

Michael Gallin: The site has 600 plus parking spaces on it. 680 parking spaces on it. The Grand Prix New York facility is going to have an occupancy level that is per the projections, that is significantly less than the pro-rata share based on one space per thousand for a warehouse use at this location. We've been planning all along at limited and the restrictive operating document states that the total occupancy within the facility will be limited to that 120 point. So, in essence the parking requirement will be less than or absolute maximum, comparable to a warehouse facility. The only difference is, or potential difference, is that

the facility will be occupied on the weekends and the evenings. Now a warehouse could also be occupied on the weekends and evenings, but the reality is that typically it wouldn't be. From a parking standpoint though, since the building is so large and you have so many parking spaces, the fact that this is operating on the weekends and evenings will not be problematic at all in terms of parking. Because, one, they will never exceed their 120 already allowed, but two, all these other tenants will be occupied at significantly diminished capacity. So there should be a plethora of spaces on the lot, even factoring in the use of the soccer field. That was added in the memorandum.

Vice-chairman Sturniolo: Mr. Diamond, do you have anything you need to add or anybody else from your team?

Jim Diamond: No, I don't. I think we've covered the key points.

Vice-chairman Sturniolo: This is not a public hearing, but obviously this is a sensitive issue to a lot of the residents at Brookside, and I know you are here because you are concerned about the impact on your lifestyle by the possible approval of this application. If there are a few residents that would like to say something regarding this application, I would like to afford you some time to speak. I don't want to make it into a confrontational situation, but if there is a question that you have, hopefully the applicant can answer it. If there is something you want to say to the record, you are more than welcome to do it. The only thing I just do ask is that you identify yourself, and give us an address where you live in Mount Kisco. So, at this point if somebody from Brookside or any other resident in the Village would like to speak, please raise your hand. It doesn't matter, it's fine, the gentleman in the red sweater.

Eric Liebowitz: Eric Liebowitz, 85 Park Drive, in the Brookside Condominium Development. I am here to endorse Diamond Properties plan for the Grand Union Warehouse property located at 333 North Bedford Road as it relates to the following tenants. Air Mack, Grand Prix New York, RDI, and the Self-Storage Facility that I believe they have signed up. It is my understanding that these businesses will be low traffic, low noise and low impact businesses, which will also produce significant revenue for the town. These businesses must adhere to any and all restrictions that will be identified in the lease by the town. Additionally, I support Diamond Properties Plan to set aside six acres of their property, 333 North Bedford Road, to be used strictly for recreational purposes. And I also ask that the traffic light to be installed on 117 be done as soon as possible.

Vice-chairman Sturniolo: Thank you.

Marion Halberg: My name is Marion Halberg; I live at 23 Park Drive. I want to thank you for the opportunity to speak this evening, even though it's not a public hearing and for allowing us to be part of all the hearings here at the Planning Board. I've been following it very closely, and I was very concerned when I first learned about the Grand Prix proposal, and although I still have some reservations, after meeting with Jim Diamond and Sy Aryeh, a lot of those concerns that I have have been allayed because I feel that with the self-imposed restrictions that they detailed to me, and that they have suggested that they have also outlined to the Planning Board, that there are going to be checks in place. My request is that those be made public, whatever those restrictions end up being, and that the town strictly makes sure that the property adheres to them. I also feel at this point that Diamond Properties has been working to really

involve the community in partnership, and I really would like to help that relationship continue. So at this point, I am very pleased with the direction that this is taking, but I do raise the concern that I want the restrictions, the self-imposed restrictions, the town restrictions, strictly enforced, and I'm asking the Planning Board to make sure that that happens. I also had a question. The question is about the traffic light, and will there be a pedestrian crossing at any point where that dual traffic light is going to be constructed.

Vice-chairman Sturniolo: Mr. Diamond, do you or your traffic people want to address that?

John Collins: As part of the design there is no pedestrian phase on the proposed traffic light. The controller has the ability to take a pedestrian phase if, some time in the future it is determined that a pedestrian phase is appropriate. But currently there is no pedestrian phase.

Marion Halberg: Well, that would be a request, because we've brought that up many times, that it's a heavily traffic area by pedestrians, by children, it's a school bus stop, it's a stop for the Bee Line Bus on both sides of Route 117 at Park Drive and Ice House Road. I've made this public before. My big concern is that Ice House Road is going to be the main ingress and egress from the site, and that had not been the case ever before. And so that will really change a lot of the issues. I'm pleased that Mr. Diamond is seeking low traffic producing tenants, and I'm glad that he is promising us that he will continue to do that. And that will make for good neighbors.

Vice-chairman Sturniolo: Thank you for your time for speaking. Any one else from the Village community?

Michael Hardiman: Michael Hardiman, Park Drive. I too, just wanted to second some of the thoughts that were just expressed. Mr. Diamond has really extended himself as a good neighbor to include us in the dialogue as the planning is to continue with that property, which we anticipate will have a major impact on not just Brookside, but the whole town, of course. So we are very thankful both for the Planning Board's responsiveness to our concerns and Mr. Diamond's responsiveness to our concerns, and we look forward to on going dialogue as the development continues to be developed. I do want to second the concern about the pedestrian crossing. In the big picture, one of the big concerns of Brookside is that we don't remain cut off from downtown Mount Kisco, and that anything that will make access to downtown pedestrian traffic easier is something that we would very much like. We're a little less than a mile to downtown Mount Kisco. Our kids walk to downtown Mount Kisco. We do in nice weather and for some of us for the exercise we need. Again, we would like larger planning in terms of smart planning to include a consideration that we're a residential neighborhood, and very much a part of Mount Kisco and proud to be residents of Mount Kisco. And anything that would enhance our ability to have access as pedestrians to downtown and to make use of 117 so it doesn't turn into merely a strip mall looking place would be much appreciated and something that we're looking to developing as all of these properties continue to be developed into the future.

Vice-chairman Sturniolo: Thank you for speaking. Is there anyone else who would like to speak on this particular subject? Anything to add further? My fellow Planning Board members? Sol, do you want to start? Joe?

Joseph Morreale: I appreciate the way you met with the neighbors, and you know when you first proposed this whole idea, I didn't think it was a great idea. As I think about the space that Mount Kisco has left in it, I start to get very concerned about a lot of the things we're bringing in; things that we forego by using the space in certain ways, I'm concerned about air pollution, traffic, a lot of things that you've talked about. And you made a lot of promises about controlling the air pollution from this parking and all of that, and I'm very happy to see the synchronization of the lights. And I think that will be beneficial for the flow of traffic, although I've always raised the question, you can synchronize lights, but if you greatly increase the flow of traffic you greatly increase the flow of traffic. But I'm not so sure you've done that. I think maybe you haven't as much. But I am concerned in general about what I was saying about the fact that the amount of space that we have left is getting smaller and smaller, and I just wonder about this kind of facility in this kind of town. So I have reservations about it, but I have reservations because of what it intends to do in terms of its essence. And maybe I shouldn't because that's kind of your business, in a sense. But I will tell you that I still have those kinds of reservations, as I would have with other things that might come up. And I just wanted to express that to you. I understand how well you've been trying to be a good neighbor, and I think you may be, but I think somebody has to say something about the kinds of things we are bringing into Mount Kisco and what the town will become over time with these changes. So that's the position I'll take. Thank you.

Ralph Vigliotti: Mr. Diamond, thank you for all that you've done in trying to rejuvenate that site and certainly the donation of the ball field to the children and residents of the community, and everything else that you may do to support what's going on here in Mount Kisco. Early on, I had a problem with the Grand Prix concept. Two years ago, we literally asked the former applicant who was looking for a Grand Prix on Kisco Avenue to kind of skittle out of town, and that went away. I'm not sure why we're beginning to embrace this when we didn't two years ago. What bothers me here is not the go-karts so much, not even the café or an assembly to invite conferencing to the site. I can't see how getting behind a wheel and allowing alcohol to be served is a match. It's an oxymoron. I'm looking at what you're trying to do, and I give you kudos in trying to express on paper what you're going to do to prevent an alcohol problem there, similar to problems we have with bars in town which we can't in many cases manage. It's one thing to put legislation in place, documents in place, as you're doing here on a site plan, and then being able to enforce it. But let me just read this because it may ring a little differently. Alcohol. Minimum age for alcohol service in Friday and Saturday evening and after seven shall be 25 years of age, 21 all other times. Maximum seating in the bar shall be limited to 15 people. I'm not sure if you're allowed to stand or not. All members will be required to wear GPNY wrist bands, which will be removed if they are drinking alcohol. Without a wristband members cannot race. GPNY staff will be trained to look for and utilize on-site breathalyzers to spot intoxicated patrons. GPNY will spend more than \$5,000 per year to support Don't Drink and Drive Campaigns. Gentlemen, that's wonderful, but you're serving alcohol in an area where there's motor vehicles, and then on the other hand you're saying let's now go to the community and provide a program, tell them that they shouldn't do that. And then it kind of goes down, the clinics will address the dangers, and it goes down GPNY will host six free car controlled safe driving clinics per year, and it goes on and on and on for ages 15 to 20. The last sentence; these clinics will address the dangers of drinking and driving as well as teaching advanced driving techniques. You are trying to do a lot here to maintain a bar, which has no place

anywhere near a go-kart range. This isn't playing miniature golf, gentlemen. This isn't roller skating. I think we're sending a message out that's incorrect, and I don't think, as one member, and I will not vote to make this happen, as one member, if there is a bar attached to this. Now, can there be some restrictions during the day when there is conferencing and you're offering a cheese and wine serving? Perhaps. Offering a bar at night, I don't think so, and I don't think that's something that we want here in Mount Kisco. I know you are doing quite well at the Boston Grand Prix, and there isn't a bar there; whether it would do better, perhaps. There are certain sacrifices we have to give up in order to make this work for this town. So, I just kind of leave you with that. Being in the field of education, there is absolutely no mix, and it's an oxymoron to offer liquor with cars and then turn around perhaps the same afternoon or the next week and tell children across the district that they shouldn't do that. So, I kind of leave you with that, but I do feel that we could have a roller skating rink there and that would probably be fine. This, the go kart piece can work. The café, the conferencing can work. I don't see serving alcohol to have a benefit to the community at large, and I just kind of leave you with that as one member of this board.

Michael Gallin: May I just make one clarification? The Boston facility does actually have a significantly larger bar than the one proposed in this application.

Ralph Vigliotti: I thought it was said that there wasn't a bar in Boston.

Michael Gallin: There is, and it's also not the same ownership. There's no association, formal association between the Boston facility and the New York facility.

Ralph Vigliotti: Okay. No, I had thought you said early on. We were visiting the Boston facility because it's just similar; it's not the same company.

Michael Gallin: It's not the same company, and it has similarities.

Ralph Vigliotti: But I had thought early on there wasn't a bar in Boston.

Michael Gallin: No, there is a significant bar. Their focus is much more significant on the recreation side associated with food and liquor.

Ralph Vigliotti: Problems that we have in any kind of business, if I'm selling fruits and vegetables, and I'm finding that candy, that little display of candy does well and it keeps doing well, I sell less fruits but I sell more candy perhaps, and more other dry goods. I'm just concerned where this could lead and how much control we have of that.

Jim Diamond: If I could address the alcohol question more in detail. There is a strict – the policy in terms of drinking at the facility is even one drink of anything alcoholic and you can't race. So there is a clear delineation. There is absolutely a zero tolerance policy; there would be an absolute zero tolerance policy for any type of drinking before people are driving, and that's the idea behind the wristbands. If someone drinks they lose the wristband; without the wristband they can't race. The restrictions that we proposed that you read through we think are just indicative of an atmosphere of control. One of the things that we really focused on with this entire facility is creating a controlled environment. So in order to gain membership you need to be a member. There is a reception area where you need to sign in to get into the facility, only



members and people racing can access the facility. We're proposing to control the total number of people who can be in the facility at any one time, and the total number of people who can visit over the course of an hour. We are proposing to control the age of people who are drinking and the hours of operation. So the entire facility; the latest it would ever operate would be midnight, so we'd never go past midnight. There is a number of places on North Bedford Road and throughout Mount Kisco including lots of restaurants, bars, etc., where people could go and drink. This would be the most controlled environment in all of Mount Kisco where alcohol is available; the reason being that it's not a bar. It's not a place where people are supposed to go to go drink and have a good time and get drunk. This is a race facility, and an associated conference facility.

Ralph Vigliotti: That's what I thought it was early on. Is the success of this business going to be based on this bar, or is it going to be placed on the conferences that will be offered to businesses in the tri-state area during the day and using this concept that we kept hearing; being able to race, to bring down stress and to bring the corporation together during corporate conferencing. I can appreciate a wine and cheese reception at the end of all this, but I have a problem with this becoming a bachelor party situation. I have a problem with this bar scene that may be created in a zone; we're looking to incorporate this into the zone. I think we're establishing a bad precedent when it comes to the bar scene. I just want to leave it at that.

Jim Diamond: If I could just make one more comment. Even though the business is about racing and the conference facility that goes along with it, people are accustomed to having alcohol available. Adults are accustomed to having alcohol available. If people go to a conference, they are accustomed to having a burger and a beer afterwards. I am an adult, it's something that I do. I'll have a drink; I'll go to Tuscan Oven with my wife.

Ralph Vigliotti: Right. But you could get that at the café. There is going to be a café restaurant.

Jim Diamond: Well, it's really one – it's actually not two separate things. On the original submission it was shown as a separate café and then a bar area. It's actually going to be one large café bar approximately 2,500 – 3,500 square feet with seating limitations. So it's not designed – it's in no way, and the intent, and the restrictions that we are proposing be imposed we think prohibit it from becoming a type of facility where people could say, hey, it's Friday night, where can we go have a beer. The only way you can get access to this facility is if you are going to race. We're proposing restrictions that we think make it impossible for people to say let's go find a place to do a bunch of shots because it's Saturday night. And if the restrictions that we're proposing are not strong enough, then we should talk about what we're missing. But we thought we came up with a comprehensive proposal that really covers our bases so that this would be the most controlled environment where alcohol is available in this entire town.

Sy Aryeh: If I may add, as well. I think it's important that we try to explain the psychology of who is coming here, so you understand why it is necessary for us to have this alcohol component. The alcohol component for us is not an important part of our revenue itself. It's not a place where the restaurant itself is an important part. The bar and the alcohol is not an important part itself in terms of the revenue. But what

happens is we have two groups of customers that come in here. We have the corporate customers that come in the day and partly their experience when they come in here and part of what they do is they'll go through their meetings, they'll have their programs that they run through, and afterwards they sometimes do sit down and have a beer, or they'll sit down and have a glass of wine, or they will sit down and have a scotch. It's not practically speaking from experience, because we have been involved in this business before. It's not something – especially on the corporate side – that goes beyond anything that anybody would look at as being reasonable usage. For the recreational usage, it's also in practicality not something that is abused. It's just an ancillary part of the food that is served with the restaurant, and it's for people who want to go and they'll race for an hour or two with their friends, and it's a very physical experience, and they'll afterwards sit down and will have a hamburger and they'll have a beer. So the bar itself is not important to us by itself. It's not the way we look at it as what you're concerned about. It's not something that people would come in and use for bachelor parties, will come in and use to get drunk. Practically it doesn't – historically speaking in terms of other facilities, it doesn't get used for that purpose. And we are technically willing to put restrictions on so that is not what it would be. Again, the real purpose of this is if somebody goes and races for an hour or two and wants to sit down and have a beer, they can do that. And if they sit down and have a meal at the restaurant, which is a good, high level restaurant, it's not an inexpensive Appleby's type of restaurant, they can sit down and have if they wanted a scotch on the rocks or something like that. That's really the point of this. And again, we are willing to do what's necessary, and I think we've done a pretty good job of putting these self imposed restrictions on, so that that is what we are giving. Someplace that is very controlled. It is a very good environment that is able to keep these kinds of worries at bay, and it's not that kind of environment that we are all worried about - its part of the overall experience. It's a way of facilitating that, where people that have desire and that need, and again in a very responsible environment.

Ralph Vigliotti: Did you say you weren't going to have bachelor parties or you were?

Sy Aryeh: We don't want to have bachelor parties, the question is how do you – we would not allow a bachelor party to come in if we knew it was a bachelor party. That's the technical part. It's very difficult practically speaking to control that, because somebody could just come in; six members could come in. Practically speaking, it does not happen, because what happens is people come in and they are going to race, and they are going to take the bachelor party elsewhere. This is not the kind of environment where bachelor parties will want to hang out. It closes early, relatively speaking, and it's not the kinds of things that bachelor parties want.

Stanley Bernstein: First of all to address a couple of questions from the public as far as being put into writing and so forth, nothing will be done unless it's entered into the Resolution of Approval. So it has to be in writing. Everything that they agree to do and everything we will allow them to do will be listed in a Resolution of Approval. And of course, if they violate the Resolution of Approval their site plan gets called in and they may have to close. So I think we can control it quite a bit there. As far as pedestrian access, I've been there any number of times and I looked very carefully and I racked my brain, and I can see nothing wrong with pedestrian access to cross North Bedford Road. If that's your only concern, getting on to the other side, there is a sidewalk on your side to

walk into town, and there is a light down at the end with walkways. But if your only concern is to get across and use the sidewalk on the other side, that's okay. But to think that children or pre-teens will be able to walk down Ice House Road and cross the parking lot with trucks going every which way, I think it's a fantasy. I don't think that's possible unless we require some sort of pedestrian overpass, or a tunnel, or something of that nature. So being practical, you just have to think along those lines. It's a nice facility, and I know you'd like to use it, but you have to think along those lines that it probably will not have pedestrian access to the so-called soccer field or whatever recreation it's supposed to be. As to the issues that Ralph raised, as I understand it in addition to membership you allow the general public to come in, is that correct, at certain times? I thought that's what I read.

Jim Diamond: Well, you have to be a member.

Stanley Bernstein: There's no way you could get in without being a member?

Jim Diamond: Well, we propose that at any one time up to 25 guests be allowed as well to accompany members, but you have to be a member.

Stanley Bernstein: Now, you spoke about racing, and everyone feels like having a beer afterwards, and I'm not a tee totaler. I have my one martini every night, that's what my doctor tells me, one martini no more no less, and that's what I'm thinking about. We have a few of these people sitting down, and it gets to be two martinis and three martinis. Not a glass of beer or a glass of wine, and that's something that we have to be concerned with. Now, there could be safeguards written right into the member's agreement, if you're willing to do that. That might be one way to overcome the problem. And as far as ejecting someone who has just had a little bit too much to drink under your guidelines, you know you've just turned him off, and he's going to go into his car and drive in any condition that he's in. Not so much that he's not going to get into the go-kart, he's going to get into his Cadillac or Lexus or whatever, and he's going to fly down 117. So there are definite considerations, one of which is the hypocrisy of trying to tell people don't drink, don't drive and drink, teach them the right thing, and then they look over there and see there's a bar. And that is an absolute hypocrisy. So, I just want you to keep that in mind. I'm not against the concept, and I've think you've done a magnificent job. I'm very, very pleased with everything you've done up to date, but these are some considerations that I have and I know all your counter-arguments. You don't even have to mention them because I know them, but I want you to think about them very, very seriously, what I just said.

Jim Diamond: One more thing, which we haven't talked about tonight, but I think we've addressed previously, which I think is important to keep in mind with this type of facility. While it's called a recreation facility, it's really a sporting event. It's a physical activity, and if anyone does it they will find out that it's really quite exhausting. It's like going for a run, lifting weights, playing tennis, spending the day on the golf course, whatever it may be. When we took our trip to F1 Boston to do our research and understand what this business is, and that's really where we got hooked that this is a very good business that would be compatible with this site in Mount Kisco, we all came back plum tuckered out. Exhausted. Physically drained, riding in the car back to New York. I think I speak for all of us when I say we were sore for a couple of weeks afterwards. So I think it's important to put it in that light, because it's

not like a recreation entertainment facility, it's really like an athletic sporting event. Most people who go running for two or three hours don't feel the sudden urge to start pounding beers. It's a different type of activity, and I think that also plays into it as well. That, combined with the extensive controls that we're proposing; the controlled type of environment, access controls, all of that, we really do believe this would be the safest facility and the most controlled facility where alcohol is available in this town.

Sy Aryeh: I'd also like to just add something. I don't want to have a situation where we eject somebody who is drunk into the streets. One of the things we need to talk about when we mean a controlled place that serves alcohol, I think one of the things that we'd like to add that is our intention to do is everyplace has a self-imposed or legal restriction as to how far you can allow a patron to get intoxicated; how many drinks they are allowed to have. We want to take that to a tighter level than any other place. We don't want them to get drunk, so we will impose what we have to do to give them the ability to consume alcohol in a very responsible manner, but again, something that will satisfy everybody so we do not allow people to get even close to being drunk. So, absolutely we are committed to the community, we are committed to being responsible citizens of the town, and I will do what it takes, whether it's incorporating something into the membership agreement and also with the enforcement of the restaurant staff to make sure that specific limitations are kept with, they are absolutely tighter than what again would be legally or socially responsible, and we want to be good solid committed citizens of the town, and I will do what I have to do.

Vice-chairman Sturniolo: Pardon the pun, but last call. Is there anybody else in the audience that would like to make a further comment?

Donna Cravotta: My name is Donna Cravotta, and I live at 83 Brookside. I have a four-year old child. I am all about not drinking and driving. People can go into a liquor store, a restaurant, anywhere they want and get totally plastered, and I think this is a great idea. It will bring in a lot of revenue that we are currently not receiving and it will bring something recreational for young people to do, and bring in corporate people and other people that might want to open businesses here. I think it's a good thing.

Vice-chairman Sturniolo: Listen, David, at this point, time frame wise, and coordinated review, where do we stand with this?

David Stollman: Actually there are a couple of comments before we leave, the comments that were made by Mr. Bernstein in terms of the restrictions on the operation. I think the board, and this is to add a sobering note to it. <laugh> Whether you can sell liquor in New York State, its governed by the state Alcohol Beverage and Control Law. And the question is to what extent the Village has the authority to impose restrictions. And that's a subject we are going to have to return to. At a minimum, not only would the conditions that they've offered have to be in a resolution, I would recommend that they would have to be a Declaration of Covenants and Restrictions recorded against the property, which would include those restrictions. And in addition, a set of membership's rules which would also be recorded which could not be changed possibly without the approval of the board with respect to those aspects of it. Even still, I would still require some additional research to determine the enforceability of those issues in light of the fact of the pre-

emption of the sale of alcoholic beverages by the State. So that's one issue that we need to really focus on.

Lester Steinman: Before we get into the process and staying on this specific subject, I just have two questions I'd like to ask. The maximum seating capacity of the far area is 15 – is that relevant anymore? Because, Jim, you said that it would be a bar, café actually, of 2,500 or 3,500 square feet, which is a fairly good sized bar/restaurant. So does the 15 jive with that, or is the 15 no longer relevant?

Jim Diamond: I think Michael can talk to that better than I can. We see it as one space with – like imagine a room like this with a mixture of tables and a bar area somewhere along the way. Spaces within one open room, generally like this. Is that accurate?

Michael Gallin: Yes. That's accurate. When you talk about seats in a bar, or seats in a café, especially in a facility like this where people are coming to relax after they've raced or between races and grab a bite to eat, it's not the kind of facility where you want to enter into the facility and have to search for a table or a seat. The intention is always to have three times as many seats as you have people actually sitting there, so that when you walk in there is plenty of space between you and other people. So we attach numbers to the number of seats in the café, a number of seats in the bar, because if you put five chairs, it just looks empty. So to some degree the maximum number of seats is for an experiential standpoint. But it also sets a threshold that you can never get above in terms of number of people, and that's the intention as well. We say 15 seats; we're also saying well, that would be more than 15 people in there, because somebody asked about the standing versus sitting. It's not the intention that we're going to have 15 people sitting and fifty people standing, jumping up and down, and listening to rock and roll music. It's just not that kind of place. It's going to have ambient background music, and that's the design of it.

David Stollman: So what are proposed is 15 seats at the bar area, but you can also drink at all the tables with your burger, or whatever.

Michael Gallin: Yes, that's correct, as outlined.

David Stollman: I just wanted to clarify it. And the other question goes to this general admission membership issue. What does it tend to acquire a membership? Is that difficult to acquire, or do you pay three dollars and you get your cart?

Jim Diamond: Well, we did lay it out. There were a number of bullet points laid out in I think the previous submission. It is open to the public in that it's not a selective membership type thing where you come in for an interview. It's just a process that you need to go through in terms of a, a membership fee, filling out a number of different types of paperwork items, having a driver's license. So that the facility is not open to people who do not have a driver's license. That's the point. You need a driver's license in order to use these carts, except for the Saturday morning educational programs for children that we proposed. But it's that type of process that was delineated in the previous submission.

Michael Gallin: There is also a fee associated which is suggestively more than three dollars.

Sy Aryeh: We have a short term and an annual membership, short term which is approximately a week to a month, we haven't decided that yet. That would be somewhere between 25 and 50 dollars. And then the annual membership would be \$100 to \$200. And the other part of the membership process is that it's not just a matter of walking in and paying and filling out a few forms. It does take approximately 30 minutes to 45 minutes. You have to go through safety briefings. There's equipment orientation, so it's a bit of a process. So you wouldn't do that just to go in there and have a drink.

Michael Gallin: There is a photo ID badge as well.

Sy Aryeh: There is. One of the access restrictions that we have to be able to come in as members, part of your membership process is that you actually have a photograph taken, you have a special membership card and it's a high-tech credit card on a lanyard, and you have to wear this when you are going throughout the facility, so that gets produced through your membership assignment as well.

Ralph Vigliotti: I have a question on the membership. If you're a monthly or yearly member and you choose to come to the facility and not race that evening, can you sit in the café and have a hamburger?

Jim Diamond: We are proposing that you need to be racing in order to have access to the facility.

Ralph Vigliotti: So in your draft resolution you are going to include that then?

Jim Diamond: Correct.

Ralph Vigliotti: And just one other piece. What is the seating capacity of the café?

Sy Aryeh: That hasn't been decided yet. We are reducing the size of the café and the restaurant, and it's really –

Ralph Vigliotti: That's all the same café and restaurant.

Sy Aryeh: It's going to be combined.

Ralph Vigliotti: Same facility.

Sy Aryeh: Yes. On your submission, it's now two separate spaces. It's going to be made smaller, for sure, and combined. So the overall space will be smaller, probably even smaller than the restaurant space by itself, as noted on this particular plan.

Ralph Vigliotti: Originally it said 2,500 square feet is that true?

Sy Aryeh: I think on this it was bigger than 2,500 square feet.

Ralph Vigliotti: But we're at 2,500 now?

Sy Aryeh: I think it's going to be approximately 2,500 square feet. Really it's a – why I ask you to bear with us is because in our development of our plans, we really haven't figured out what the correct size would be because we haven't figured out the elements yet, exactly how to work it. So it's partially an aesthetic issue to make sure that everything is

proportioned correctly. It's partially a flow issue, so we're not exactly sure, but I'm guessing its going to be approximately 2,500 square feet from the...and I'm not sure exactly how many seats you are going to get inside.

Ralph Vigliotti: I think we need to know that earlier than later.

Sy Aryeh: We'll know that very soon. It's going to be smaller, significantly smaller than what you see there.

Lester Steinman: Turning to the Environmental Review process, the board has before it an application for a Site Plan Amendment and a Special Permit. David and I discussed this; we've tentatively classified this as unlisted actions that can be either processed - coordinated review with other involved agencies, or independently if an uncoordinated review, we are suggesting that we follow the same process that we followed on the Site Plan Amendment that we undergo and coordinate a review which would entail the Planning Board tonight adopting a Notice of Intent to Circulate a Letter of Intent to be Lead Agency to other involved agencies. I think there is still a question of whether Bedford's status' involved agency or not, but we can list them as a potential involved agency, and also I think, David and I discussed listing the DOT. The EAF that the applicant submitted would be revised accordingly, and if the board adopted that resolution tonight, the Notice of Intent letter could be circulated in the next couple of days, and that we would wait a period of 30 days, and if there was no responses, no objections, the Planning Board would be the lead agency. So that would be the proposed process for commencing the SEQRA review of these applications.

Vice-chairman Sturniolo: Unless, being the lead agency is specific to the amendment to the previously approved site plan, and the issuance of a Special Use Permit to allow this type of facility to operate within the confines of 333 North Bedford Road, and for the residents of Brookside, 333 North Bedford Road already has site plan approval. But the approval does not encompass this particular use, and that's specifically what we are talking about tonight, and in the weeks to come. Do you have anything else?

Lester Steinman: Well, I think maybe when I can get through that step then there is a couple of other steps that we need to follow that is if the board is of the mind to entertain a motion to circulate a Notice of Intent to be Lead Agency, if you want to address that at this point.

Vice-chairman Sturniolo: I throw it out to my fellow Planning Board members. If somebody would like to make a motion to show the intent of the Planning Board to become the lead agency for this particular project called Grand Prix Racing of New York.

Stanley Bernstein: I move that we circulate a proposal - that the Mount Kisco Planning Board circulate a proposal to be lead agency.

Vice-chairman Sturniolo: Intent.

Stanley Bernstein: Intent to be lead agency for Grand Prix at 333 North Bedford Road.

Vice-chairman Sturniolo: Is there a second?

Ralph Vigliotti: I'll second it to move the process.

**Motion: Stanley Bernstein**  
**Second: Ralph Vigliotti – to move the process**  
**Aye: Joseph Morreale**  
**Aye: Sol Gibbons**  
**Aye: Vice-chairman Sturniolo**

Lester Steinman: The second matter is that the application should be – referral should be made to the Westchester County Planning Board and to the Town of Bedford and we will hope that the applicant will afford to meet with staff to facilitate that process so that those materials can be circulated. Again, the referral to the county Planning Board encompasses a 30-day period within which they have to respond or if they don't respond the Planning Board is then free to take whatever action it wishes. So those two thirty day periods will run simultaneously, and the board can then determine whether it feels comfortable at a point to schedule a public hearing for the end of November, which would be hopefully more than 30 days after we've sent out these two items, the Notice of Intent and the referral.

Vice-chairman Sturniolo: But to get Westchester County on board with us, we do not need to do a second motion.

Lester Steinman: No, I think the application right now can be referred.

Vice-chairman Sturniolo: Referred automatically.

Lester Steinman: You can just direct Staff to do it.

Vice-chairman Sturniolo: David?

David Stollman: It is required by law. I don't think you need a motion to do it, you've go to refer it to the county.

Vice-chairman Sturniolo: Okay. So we could look at a calendar public hearing date-wise, and it's important to the resident's of Brookside to know this date. The end of November – the 28<sup>th</sup>. So then let's put this on for a public hearing for the 28<sup>th</sup> and we will have already exceeded the 30-day notice pertaining to the declaration of our intent to be lead agency on this application. David, do we have to do anything else at this point?

David Stollman: No. At some point we are going to have to come up with an appropriate parking standard to apply for this use, because there isn't one in the zoning law, and it's up to the Planning Board to do that. We've got sufficient information, now, I think to arrive at that. So we'll work on that between now and the next meeting.

Vice-chairman Sturniolo: Okay, with the applicant, obviously.

David Stollman: Sure. If we need any additional information, we'll contact the applicant.

Vice-chairman Sturniolo: Okay, thank you.



**Continuing Review:**

**Application No: PB2005-15**  
**Lexus**  
**275 Kisco Avenue**

**Members Present: Roland Baroni, Jr.**  
**Diego Villareale, John Meyer Consulting**  
**John Canning, Adler Construction**  
**John Collins**  
**John Slaker**

Vice-chairman Sturniolo: The next item on our agenda tonight under continuing review is Lexus, 275 Kisco Avenue, and to my fellow residents at Brookside, thank you very much for coming tonight. I appreciate it.

Roland Baroni: My name is Roland Baroni, I am representing Lexus tonight. We have some options for the board. We know you have time elements with your agenda. Everything is in your packet. We made some minor revisions to the site plan. We have the architect's office here tonight if you wish to hear about that. We have John Collins here to talk to you about traffic mitigation. I'm confident we'd like you to hear from him. We have John Slaker who continues to tweak the landscaping plan, if you'd like to have a presentation from him, and we have Diego Villareale here from John Meyer who has some update on the continuing review by DEC and DEP, and we would like you to hear from him. So it's at the board's pleasure how much or how little we present to you.

Vice-chairman Sturniolo: Roland, if we could start with John and the latest on traffic and right hand turns and those kinds of things.

John Collins: Here is quick memo to the members of the board, and attached is the plan also. There is a letter to Joe that basically indicates the fact that we listened to the information supplied to the board by Mr. Canning, and that we understand that the board is considering and the Village board will consider what happens with Hubbel with respect to a right turn in and right turn out, but we've committed to, on this plan, as part of the signal off Holiday Drive, to widen Holiday Drive to provide for the additional lane that was referred to in previous discussions. Such that, coming out of the driveway will be a right turn and left turn lane out onto Kisco Avenue and it will be under signal control. The widening is approximately five feet, the curb line will be on the site side, and will be accomplished during the construction of the site. That's our commitment with respect to this particular work. What's attached, a full scale plan is here, and I have a smaller version of those plans attached to that letter. In addition, there was some discussion last time that the board hadn't received the information from the Village about the fact that the Village had moved up the timetable for the installation of the light at Saw Mill River Parkway Ramp. There is a letter attached to that to the Village Manager indicating that it is going to be during the 2007 construction season; that that light will be installed. I just wanted to bring the board up to date as to our commitment and also what the DOT will be doing as far as that light. That's a good summary as to where we stand on this particular project, and Lexus is committed to do that work.

Roland Baroni: An update from DEP and DEC?

Vice-chairman Sturniolo: Yes. Let me just hold off on that if I may, if we could, Roland, just kind of get into where things stand with DEP at this point.

Diego Villareale: Diego Villareale with John Meyer Consulting. Since we've been before the board the last time, we made the formal applications to DEP, and we also filed the Notice of Intent with the New York State Department of Environmental Conservation. Over the past three months we've been working with both groups. We've received comments from DEP, we've addressed their comments and we've made a re-submission. Just today we received a second comment letter from them, and again some minor comments relating to sequencing of constructions, and a couple of other minor comments as well as comments on the landscape plans which Mr. Slaker is going to address over the next week or so. With regards to DEC, we actually filed the Notice of Intent with them, we received comments back from the Region 3 Office, which is located in Tarrytown. They reviewed the drawings and the storm water pollution prevention plan. We addressed their comments re-submitted to them, and actually today we did receive a letter from the DEC which said that the storm water pollution prevention plan was accepted for coverage under the general permit. So we received approval from the DEC office, the local DEC office.

Vice-chairman Sturniolo: Would you be kind enough to forward that to AKRF, and give a copy to Ashley, and then if you have an additional one to leave with Donna for the file, please.

Diego Villareale: Now again, both DEC and DEP have jurisdiction on the project. We are going to continue working with DEP over the next couple of weeks to resolve whatever concerns and comments that they have, and we're confident that they could all be addressed shortly. Any questions on that?

Vice-chairman Sturniolo: Any questions, Planning Board members?

Doug Hertz: Mr. Chairman, my only question isn't directly involved; what re-design has affected any other aspects of the site plan?

Diego Villareale: I should have mentioned that at the beginning. The site plan is – with regard to storm water management, is exactly the same as what you saw about three months ago. There are still two storm water management locations, one along Holiday Drive, that's the basin that wraps around the curve, and there is still the southern one up against Kensico Drive. From a site plan view, they still look identical; we just did some tweaking to the outlet control structure, and again, refined the plantings within the basins themselves. But the concepts have remained exactly the same.

Janine McCulgan: I want to let the board know that we haven't... performed the review for the storm water pollution prevention plan. We just received it for the first time.

Vice-chairman Sturniolo: And that's the rather large packet.

Janine McCulgan: Yes. So we'll get to that and send out comments as well.

Vice-chairman Sturniolo: John, do you want to add anything from where you are?

John Slaker: The only thing is I did receive a copy of the DEP's letter and there are some comments. They basically approved all the plants that we're putting in the basin, they don't like some of the ornamental plants that we're putting out in the front. So I'm going to take a look at that and see if we can accommodate some of their comments, but they don't like my day lilies.

Vice-chairman Sturniolo: The Stella Doros?

John Slaker: Any kind of day lilies. There are a couple of grasses and a couple of trees, I think we can accommodate some of that, but some of it is ornamental and totally outside of the basin. As far as the basin itself goes, they've approved what we planted in.

Doug Hertz: In terms of the ability of all those plantings to screen?

John Slaker: Well, we planted within the basin species that would grow under the wet conditions that will exist in there, but then on the outside we planted species that would help the ornamental and screening, such as the grasses, and some of the spruces and things like that. They have some alternate suggestions which I think in some cases I can accommodate, but in some of them. I think out front, along the driveway if we use some day lilies and some junipers, I don't think that's going to harm the world. And it's only their recommendation. They're not saying that they are not going to approve it, but they are recommending that we consider alternate species. I'll take a look at it and see where we can accommodate them.

Doug Hertz: And the reasoning is?

John Slaker: Some of them are not native. They could tend to be invasive; day lilies could tend to be invasive under the right conditions. I don't know if I 100% agree with them, and it's not within the basins, it's out front in the parking lot. I understand Barberry and things like that, which are fairly invasive in this area, but they do have recommendations, and like I said, I'll consider them.

Doug Hertz: We're not expanding the size of the basin?

Diego Villareale: They stayed exactly the same size as what was on the proposals.

Janine McCulgan: I know one of her comments had to do with the hundred year storm? Will you have to add another foot in elevation to accommodate that?

Diego Villareale: We had about eight or nine inches in one basin, so we're only looking at a couple of inches. We have to look at the calculations and address it in that nature.

Janine McCulgan: So you guys will adjust the calculations?

Diego Villareale: Adjust the calculations, and if we have to we could raise the berm by three inches if need be. But it's only a couple of inches we need to gain.

Janine McCulgan: Like, grade inches?

Diego Villareale: Maybe some **grade inches? (?)**. We're going to take a look at it. Again, we just got the letter today. We'll go over it in the next couple of days.

Vice-chairman Sturniolo: Roland, besides the DOT issue, is there anything else you and the team would like to add?

Roland Baroni: We would like to request that perhaps the board ask your consultants to begin preparation of the resolution, hopefully to be considered at your November 14 meeting?

Vice-chairman Sturniolo: What we do have in our packet tonight is a preliminary or a draft resolution that obviously needs some tweaking, that our attorney and planners and engineers and everybody else needs to provide further input to, especially predicated on what we are going to hear tonight, and I'd love to hear the status of DOT.

Roland Baroni: Well, you've heard everything we have to offer. We're pretty much on board with where we think the common ground is on what is necessary on Holiday Drive.

John Collins: DOT would have no jurisdiction on the Holiday Drive signal, it's purely the Village signal, and as part of the letter, I enclosed a letter that was sent to the Village Manager indicating that the DOT has moved up the timing of the traffic signal to the 2007 year. The board didn't have that letter last time, and I just made sure you got a copy of it.

Vice-chairman Sturniolo: And obviously the planning would be that the light is in prior to the opening of Lexus.

John Collins: I will push.

Vice-chairman Sturniolo: Otherwise, we're stuck with a human being serving as a traffic light until the light is installed.

John Collins: I remember 172.

Vice-chairman Sturniolo: 172 with the medical group.

John Collins: I remember that too well.

Vice-chairman Sturniolo: Enough said.

Doug Hertz: Your analysis – we had an analysis I believe that anticipated the light at Saw Mill as well as the light that you're proposing to install at Holiday Inn Drive, but without this additional turn lane.

John Collins: Yes.

Doug Hertz: Have you done an analysis to determine how much better – I know we've gotten it from Mr. Canning.

John Collins: I looked at the information that Mr. Canning and also the discussion that the board had with respect to restricting movements at Hubbel's. We felt that we could get into a discussion that could go around and around for a long period of time.

Doug Hertz: I'm not really worried about Hubbel so much as have we determined –

John Collins: This is a much better design than we had before. Because it gives the additional lane for left turns and right turns.

Vice-chairman Sturniolo: At our last Planning Board meeting Adler Consulting was asked by the Chairman if you would come back and revise your visual presentation. Is that something you are prepared to do tonight?

John Canning: If that's what you would like, yes.

Vice-chairman Sturniolo: Absolutely. We were giving you the opportunity to do it two weeks ago, and let's continue.

John Canning: Thank you. For the record, my name is John Canning with Adler Consulting. Thank you for letting me appear before you. Last month at your meeting we presented a range of evaluations and alternatives for the sustainability and development in relation to traffic on Kisco Avenue, and your board requested that we evaluate one other alternative, which was essentially to have a right turn in and a right turn out only at Hubbel's Drive in addition to a signal at Holiday Inn Drive and re-striping Kisco Avenue to four lanes at that location, as what was proposed at that time. We did the analysis. We submitted it to you in an October 6 letter, and we found that it would only be effective if a 150 foot left turn lane were provided to allow storage on Holiday Inn Drive and I have been just given a copy of the plan that the applicant has presented, and it shows a left turn lane pretty much as we had suggested, although it appears that it is a little shorter than what we would recommend. We provided a comparison of the right turn in right turn out only alternative with the other evaluations that we provided, and we found that basically it was worthy of consideration although it wasn't as effective as some of the other alternatives because basically it focuses 85% of the traffic exiting from the east side of Kisco Avenue to one location. But it's all in our October 6 report, and if you have any questions, I'd be happy to answer them.

Vice-chairman Sturniolo: Anyone? Whitney, do you have anything you need to add now as we look forward to the preparation of the preliminary draft resolution?

Whitney Singleton: No. I think that what really is required at this point in time, I think what the consultants are both telling us is that the traffic plan that is being reflected in tonight's meeting is an improvement, and they both think that probably given the circumstances the best scenario possible. Given that fact and given the fact that your board is ready to move forward, I think it's time for Nanette and I and Ashley and Janine and some others to start working more copiously on assembling a resolution to put before your board. Perhaps this should be an item for discussion on our staff meeting on Thursday.

Vice-chairman Sturniolo: Donna, could you just make a note for Nancy to bring up the subject that Whitney just talked about at the staff Thursday meeting at 9:30 here. Although we will remember to do it.

John Canning: I would just like to qualify on two items that Whitney mentioned. I'm in agreement with the applicant's consultant that the signal in the left turn lane would certainly be an improvement and will provide reasonable operating conditions. I do feel that there are better alternatives. I present them to you, and I'm sure you will give due weight to all of the matters. The most important thing from my

perspective in weighing the applicant's proposal to this point is consideration of the length of the left turn lane. Because you're transferring 144 left turners from Hubbel's Drive to Holiday Inn Drive, so you want to make sure that you have adequate capacity in that holding lane to accommodate them. Thank you.

Vice-chairman Sturniolo: Thank you.

Doug Hertz: I have a quick question. Do you know how long the holding lane is on here?

John Collins: 125 feet – a full lane. A full lane. The reason why its designed that way is because I don't like to put storage around a curve. I don't want to use the curve as my transition.

Vice-chairman Sturniolo: Thank you.

**Continuing Review:**

**Crème de la Crème  
Lot 2 Morgan Drive  
Application # PB2004-08**

**Present: Brad K. Schwartz, Esq.  
Steven S. Korwan, P.E.**

Vice-chairman Sturniolo: The next item on our agenda under Continuing Review is Crème de la Crème, Lot #2 on Morgan Drive. If anybody is warm in the back, please feel free to open the door; prop it open with a chair.

Brad Schwartz: Good evening Mr. Chairman, members of the board. Brad Schwartz from Zarin & Steinmetz on behalf of Crème de la Crème.

Steven Korwan: My name is Steven Korwan. I work with a company called Oswell and Nitishin. We've been hired by Crème de la Crème to do the construction management on this site when that time comes. I've been involved with trying to get the civil engineer to get the drawings to permit stage.

Brad Schwartz: Since we were last before your board, we received ARB approval in late September. This is a rendering. We submitted this to your board two weeks ago, and this is the rendering of what was approved by the ARB. So, one we wanted to come before you tonight and show you what was approved by the Architectural Review Board. This was requested by your Planning Board and your Planning Board's consultants. Secondly, an issue came up in the past couple of days that we've been working on in conjunction with Ashley as well as Janine; Crème's consultants have been, with respect to the square footage of the building and the size of the building, and what was reflected on previous plans and what is reflected today. There was a miscalculation of the square footage, due to nothing more than error. The architects had, the civil engineers had calculated the square footage based upon the interior of the walls rather than to the exterior, and so whereas on previous plans submitted to your board showed a building size of 20,600 square feet, on the current plans that were submitted to your board, the building reflects a square footage of 21, 550 square feet. In order to accommodate for that increase in size, because the goal was to keep the impervious surface the same, certain revisions were made to the plan. The sidewalk where it's highlighted in yellow was removed from both sides of the

building. The sidewalk that goes around the rear of the building along the sides was reduced from six feet to five feet.

Vice-chairman Sturniolo: Is that still code?

Brad Schwartz: The width of the sidewalk? I'm not certain off-hand.

Ashley Ley: Yes. I believe the minimum width is 4 ½ feet.

Brad Schwartz: The parking isle width on the left side of the building was reduced from 25 feet to 24 feet, and one parking space was removed diagonal from the dumpster. So these plans were submitted to your board today, and we certainly appreciate your board accepting them and hearing this application tonight, and we would make the final revisions to the plan and submit them formally to your board to come back in November so we can hopefully resolve this matter.

Ralph Vigliotti: Correct me if I'm wrong. Did you eliminate the sidewalk on the south side?

Brad Schwartz: Not the entire sidewalk. We just eliminated approximately 20 feet on each side, so that the sidewalk does not extend all the way to the corner of the building.

Ralph Vigliotti: So you have to get off the sidewalk and walk on the driveway to get to the front of the building?

Brad Schwartz: There is going to be grass as indicated in this walkway area, and there is going to be some pervious surface.

Ralph Vigliotti: And that's all due to an earlier error in square footage.

Brad Schwartz: Correct. So we had to make revisions in order to keep the total impervious the same amount.

Ralph Vigliotti: Why wasn't the building, I mean obviously that would be very difficult to do but why wasn't the building shrunk and we were losing sidewalks to accommodate a mistake?

Brad Schwartz: We can certainly keep the building at that same 20,600 square feet number if that is the board's preference. And then we could keep it as – basically we had two options. Either one, keep the architectural the way they were and revise the civil site plan or keep the civil site plan the way it was at the 20,600 and reduce the architectural. What we're proposing for your tonight to revise the civil engineering drawing of the site plan; however, we can easily keep the building at 20,600 square feet and then make the architectural conform to that.

Vice-chairman Sturniolo: But going back to Ralph's point, what if you made the building smaller?

Brad Schwartz: Well, I'm suggesting Mr. Chairman that we can keep the building at the same square footage that was previously submitted and approved by your board at 20,600.

Vice-chairman Sturniolo: And the trade off to that?

Brad Schwartz: There is none. We just need to make sure that the architectural drawings conform to that square footage. And then, as Mr.

Vigliotti points out, we would need to make the revisions to the plan. We could do either or.

Vice-chairman Sturniolo: Okay. And you could have this done by our November meeting.

Brad Schwartz: We would prefer to come back at the November 14 meeting if your board would permit us to.

Doug Hertz: Mr. Chairman, if it's our feeling that we want to keep the site plan, we probably wouldn't have to come back because then they meet their approvals, they just have to change some internal – they just have to change interior walls.

Vice-chairman Sturniolo: Right, and change dates.

Brad Schwartz: That's right. We would want your board's resolution to reflect the current plans and the correct date, and so if that's something that could be done administratively in conjunction with ----- we will certainly be glad to come back in November.

Vice-chairman Sturniolo: My personal feeling as one member, I'd like to see you come back in November just so we have this one last look at it and make sure that we're all on board.

Joseph Morreale: I would agree.

Doug Hertz: Ashley, this was submitted today, so you haven't had a chance to review this?

Ashley Ley: I looked through it, and I've been in contact with their engineer actually the last three days getting PDF's as they become available. I'm comfortable going either way, either reducing the size of the building or reducing the sidewalk area. In speaking with the engineer, it seemed like they have a pre-done architecture that they apply around the country, and then it may be more difficult for them to reduce, to change the architecture on the inside of the building than it is to change the sidewalk which is why they went about it this way. I don't think it's impossible.

Stanley Bernstein: But they've already submitted it the other way. They have drawings showing it the other way. So, it would be no work for them.

Ashley Ley: That was the problem. They didn't have an interior layout. The architects made the building too big for the engineers area.

Stanley Bernstein: Right. Yes, I understand that. But it can be done reasonably because they already have the old footprint, it's existing, it's already drawn, and you have to make the engineering drawings conform to it. I think the original architectural should take precedence.

Ralph Vigliotti: I agree.

Vice-chairman Sturniolo: And that's what was approved.

Stanley Bernstein: And that's what was approved. They don't need another approval. Just do what it was.



Doug Hertz: In deference to you guys, is this a tremendous hardship?

Brad Schwartz: Steve, I'll refer to you on that. It is my understanding that its not.

Steven Korwan: The 20, 600? No it's not a hardship to the owners. The 21,500 building is a standard that they use for the most part. It's a prototype. They amend the outside and things like that, but they can live with that.

Vice-chairman Sturniolo: Okay.

Doug Hertz: My preference would be not to increase the size of the building if they can make it work and it's not an undue hardship.

Brad Schwartz: Then we'll make it work, resubmit, and we'll see you on the 14<sup>th</sup>.

Vice-chairman Sturniolo: Thank you.

**Continuing Review:**

**Arthur DeFeo  
136 Radio Circle  
Application #PB2005-16**

**Present: Brad Schwartz, Esq.  
Dan Koppelman  
Arthur DeFeo  
Anthony DeFeo  
Nicholas Pouder**

Vice-chairman Sturniolo: Next item on the agenda under continuing review is Arthur DeFeo, 136 Radio Circle. We have a memorandum from the Building Inspector to the Planning Board with his comments and review, a letter from the attorney to Austin Cassidy, Building Inspector, and a memorandum from Michael Stein, our former Village Engineer to Chairman Cosentino, and Nanette Bourne and Ashley, AKRF, and we're pretty much looking at a public hearing date.

Brad Schwartz: Good evening. Once again, for the record, Brad Schwartz, Zarin & Steinmetz on behalf of the applicant. I guess this is RCRC. With me here tonight are Anthony DeFeo and Arthur DeFeo from DeFeo Manufacturing, Nicholas Pouder, our landscape architect and Dan Koppleman, the project's professional engineer. Since we were last before your board we received a variance approval from the Zoning Board of Appeals. We submitted a storm water plan to DEP, and we've revised the site plan in conjunction with the Zoning Board approval. I'll let Dan Koppleman briefly describe the change of the site plan which was a condition of the ZBA approval, and then the final change was a single retaining wall of 15 feet that also would have required a variance. We eliminated that, proposed a three tier system of six feet in height each; therefore to negate the need for the Zoning Board variance, and Nick Pouder can briefly describe the landscaping for the new, proposed, three-tier system.

Dan Koppleman: Basically the Zoning Board of Appeals had two issues. They wanted us to increase the setback from what would be the new property line; the glen we are acquiring, to the curb line of the new parking lot. We had three, they wanted 4 ½ feet, we gave them the 4 ½

feet, and this site plan reflects that change. So as a result this curb line is pulled back, and we're showing a 4 ½ foot landscape buffer that Nick will talk about. It increased from 3 to 4 ½ feet allowed some planting; I believe it was forsythia in that area, Nick will go through that. It allows the plants to bush out better, he can describe those issues. With respect to DEP, we're proposing a subsurface storm water system here. This system was tested and witnessed by DEP. We had test holes in this area both test holes and percolation test holes, the soils are acceptable for sub-surface disposal, so we are going to treat the drainage for our new parking area below the surface of the ground in this area.

Vice-chairman Sturniolo: And we have copies of the DEP.

Dan Koppleman: Yes, I could provide them to you. I didn't give them to the Board, no, because I was waiting for DEP to review them, but I'd be more than happy to supply them.

Vice-chairman Sturniolo: Please soon.

Brad Schwartz: I'll submit a copy to Janine as well.

Dan Koppleman: With respect to the wall, as Brad mentioned, we're showing three tiers, six foot high maximum. We are taking this knoll, that as you recall when you visited the site, there is a large existing knoll here that is sort of leftover land. And, it was just left there. Everything else around it was taken down, and this knoll still remains here. So we're going to pull the knoll back. We're going to show three walls, there is going to be landscaping between the tiers, and in that regard we are able to build this wall system totally within our site, not encroaching other lands within this acquisition area from the Post Office. We did revise, you will recall, the acquisition used to go straight here, because originally we envisioned a single retaining wall. As a result of putting the three in, we needed additional land from the post office so that we could tier it and make it easier, blending it into the grade, that additional land was granted in the contract between the post office and DeFeo's to purchase, so now they are purchasing this strip as well as this area here to accommodate that wall.

Brad Schwartz: And that line was previously shown to the board last time we were here. Nick, if you would briefly discuss the landscaping and buffer as well as the retaining wall.

Nicholas Pouder: As Dan and Brad mentioned, this is the same basic plan that you saw the last time we presented to you, with the sole exception being the revised planting for the tiered walls. We originally had a row of trees across that area, now we've got actually rows of drought tolerant plants on each of the terraces of the wall, one above the wall and one between each of the successive ones, and then also a row of evergreens at the base. These trees will go in at a minimum of ten feet tall, and we've done these digital models to show you what they would look like at approximately planting time. We've sized the trees to look like they would at the time of planting. The other change that came out of the discussion with the ZBA was that this buffer and this graphic – actually we're catching up with Dan where he is in terms of the application but this buffer actually will be a little bit wider, and we'll retain the forsythia that we have in here. As you know, this is the secure zone of the post office that is off limits to the public. It's for internal use only, but we're really frankly concerned not only with their view of us but our view of them. You can see that in some of the photos that we can put up in a minute. But

the idea is that we'll have a continuous buffer across there. We have tried to use evergreens here, the reality is it's a fairly sunny spot, there are very few evergreens that the deer don't like, that are going to stay narrow in that area, so we decided to go with a fall back position, which is a very densely branched plant, namely forsythia. The deer don't like it, it always looks good, and it's fairly dense and at least breaks up the massing of objects from one side to the other even in winter. The other changes to the site that are continuing on from the last submittal, they are the same, the block of the views of the site coming down through this side of the building of the parking area and the wall. We have a couple of birch trees here, and it's actually fairly significant what they do. So we did one image – this is actually an image from just inside the parking area looking in at the walls, and you can see the different tiers of the walls. There is the row of bushes on top. That's the top wall. Another row of bushes. The bottom wall. Another terrace, and then the third wall is actually in the middle here, and it's fairly well-softened, I think, by the plantings in there, but I think when you add in the birch trees from the front, it's a pretty dramatic change, and I think very effective at blocking the view down that alley. So we've kept that based on our last submittal to you. Also we talked about doing some changes out on the front corner here, where there are some low plants that are blocking site lines of this corner. We are going to take that out and add in a wider planting area and eliminate a parking space there that was something that came out of our earlier meetings with you also. We'll have another flowering tree there, and some basic replanting of the front of the building; fairly simple, just essentially cleaning up and improving on what they have there. And that, in a nutshell, is the planting design.

Brad Schwartz: So with all that we would request that the board schedule a public hearing if your board deemed it appropriate on the subdivision and steep slopes component of this application.

Vice-chairman Sturniolo: Does anybody have any objections to a November 14<sup>th</sup> date for a public hearing?

Stanley Bernstein: No, but I do have a question. Correct me if I'm wrong. That so-called knoll that was forgotten - wasn't that a dump area for the excavation of the post office? Didn't they put that there?

Dan Koppleman: No, it actually existed there before.

Stanley Bernstein: It was there before?

Anthony DeFeo: It was actually larger:... from that three tier office building, with that low garage parking all the way down to where the radio station is basically.

Stanley Bernstein: Okay.

Vice-chairman Sturniolo: Anyone else, staff?

Whitney Singleton: I was just curious. Are you within 100 feet? It shows on this map here: I think they've got the wrong site.

Brad Schwartz: I'm sorry, what are you referring to Whitney?

Whitney Singleton: I'm referring to the correspondence that we have from DEC.

Brad Schwartz: I haven't seen that. I haven't seen any correspondence from DEC.

Whitney Singleton: It says that DEC has jurisdiction... July 13 2006. They are saying that they have jurisdiction over your application.

Stanley Bernstein: July 13, 2006.

Whitney Singleton: I'm not certain if they have the right site.

Brad Schwartz: I never saw that letter.

Whitney Singleton: Oh, you didn't? Well, let me give you this. The scale to one inch is 2,000 square feet.

**Too many people talking at once.**

Dan Koppleman: It's probably the radio tower site.

Janine McCulgan: No, it's the Xerex site.

Whitney Singleton: But I don't know whether that puts you out of the buffer or not.

Janine McCulgan: I think they are closer, actually.

Dan Koppleman: Well, we're down here, so we're actually allegedly closer.

Nicholas Pouder: The wetland is down in the circle right?

Dan Koppleman: Right.

Janine McCulgan: It comes up even closer to, like, the radio tower.

Dan Koppleman: The radio tower site. That's the one I was referring to.

Janine McCulgan: You may have to get someone to go out there and verify the location. I think you need like a wetlands person to verify the location with DEC.

Dan Koppleman: The problem is that's not our property. I don't know if we're allowed to.

Janine McCulgan: You can definitely ask them to go on site.

**Too many people talking at once.**

Brad Schwartz: This should not hold up scheduling a public hearing.

Vice-chairman Sturniolo: No, but it's something that needs to be addressed.

Brad Schwartz: We'll take care of that.

Whitney Singleton: I'm not suggesting that it is, and I'll defer to Janine on this, but if they are within the regular...wetlands, then some issues exist as to what you can do for your storm water, if I'm not mistaken. It could be causing subsurface within the buffer. I don't know whether that's

impacted all this. I'm only raising the question. I agree with you that it should not affect scheduling the public hearing.

Vice-chairman Sturniolo: So Brad, you are going to package this together, and figure out, and knock on door for permission? Donna, if you would let Nancy know that we will schedule this for a November 14 public hearing? And update the staff on your findings on this issue.

Brad Schwartz: Will do. Thank you very much.

**Continuing Review:**

**Application # PB2004-03  
The Premier Collection  
250 Kisco Avenue**

**Present: Rich Stavridis  
John P. Slaker**

Vice-chairman Sturniolo: The next item on the agenda is The Premier Collection, 250 Kisco Avenue. We have a letter from John Slaker to the Planning Board, actually two letters from John regarding tree replacement and tabulations, and a site landscaping plan.

John Slaker: I guess you've seen, if you don't mind I can speak from here (on crutches) I think the microphone will cover me. Months ago, there was a resolution that was adopted requiring a replacement in caliper of trees that came down from the back hillside. What we did was we prepared a count, we did a caliper count, the requirement was that we replace with a minimum size of four, 4 ½ inch trees. Well, when you do the calculation that's like 74 trees. And as, I think you all know that site, there is really not a lot of room to plant 74 trees, so we did our best to put as many as we thought would be reasonable that would grow that would benefit the site, and I think it's like 27 if I remember correctly, that we've added to the site plan. The remaining caliper inches – I wasn't at the meeting that that resolution was adopted at, but I think there was discussion of us offering to the Village those caliper inches in trees to be planted at your choice where you all think would be an appropriate place to put it. And that's what we are proposing to do. How we work that out, I'm not 100% sure. There are different ways of doing it, but at least this gives the Village the opportunity to use that remaining some 50 odd trees at their discretion where you all best think it's an appropriate place, or where you think you need them. Because, as you know, it's a steep site; there is a parking area in which we can't plant within, that's going to be a gravel lot, and the rest of it is building. So we did our best to put as many as we can on the site, and that's why we are here tonight. I spoke with Mike Stein before he left, and he said there was a conversation between, I don't know, Joe, and some of the members of the Planning Board, and you all were trying to figure out a way that we could work this out.

Doug Hertz: How about a green roof?

John Slaker: Well, I know at one time they were talking about that. I don't know if that's still in the picture.

Rich Stavridis: We're entertaining it, we're preparing for it, we're not settled with it yet, but we are preparing for it.

Stanley Bernstein: Who arrived at the agreement that they would be 4 ½ inch caliper?

John Slaker: I'll be honest it came out of...

Stanley Bernstein: Where is it written in Mount Kisco that the replacement trees have to be 4 ½ inch caliper? If you take down or lose a 30 inch tree, are we supposed to replace them with a number of 4 ½ inch trees? Is that the story?

John Slaker: The resolution that was written, and I'm only going by that...

Stanley Bernstein: Who wrote the resolution? I had nothing to do with it. I usually take care of the tree situations.

John Slaker: Well, it came from this board. I don't have a copy of that with me, but what it was, the caliper inches of the trees that came down, the requirement was I think that we double that caliper inch.

Stanley Bernstein: Which is a gift. Which is a gift. It should be triple. Why triple? Because you have to replace caliper inches based on the square inches, not the caliper of the tree itself- the wood content of the tree. So it should be closer to three. But okay, you got a gift at two, but why 4 ½ inches?

John Slaker: It was written in the resolution.

Stanley Bernstein: Instead of 74 you could put up 54 six inch trees.

Ashley Ley: I believe it was a minimum of 4 inches.

Stanley Bernstein: Minimum. Minimum of four.

John Slaker: No, she's right. It was a minimum of 4 to 4 ½ inches.

Stanley Bernstein: Well, I want eight. Put in that many trees, eight. And the rest of it, we'll make a cash settlement to go into the open space fund of Mount Kisco. That's the way I want it settled. I don't know how the rest of the board, does, that's the way I want it done.

John Slaker: If I may say my piece. An eight inch tree is very hard to come by. It's chances of survival are less than a smaller tree.

Stanley Bernstein: What about a six inch tree?

John Slaker: Anything is possible. We just felt that a four inch tree is a good size tree at planting, and that's what most tree replacement plans are. And, you know, I'm looking at it this way. You have an additional 50 trees that you have the option to plant throughout the Village.

Stanley Bernstein: There is really no place to plant them.

Rich Stavridis: The other side of this is that when John set it up up there, it is definitely shielding. When you can put up multiple trees the way he's doing it, it's going to look attractive as opposed to putting up one big tree with space. So it's going to be a nice.

Stanley Bernstein: It's going to be attractive.

Vice-chairman Sturniolo: One thought I had, and I just want to throw it out to everybody in the room here, in deference to Stan, let's put the caliper of the trees aside for the moment. Instead of donating x amount of trees, and the labor to plant them to the Village, whatever that dollar figure is, the cost of the trees and the labor, maybe that could be a donation that the Village could use in dollars, specifically earmarked for shall we say, the new library that is going to take place over here.

Rich Stavridis: Or maintenance for Shoppers Park.

Vice-chairman Sturniolo: Or maintenance for Shoppers Park, as opposed to physically taking possession of trees and planting them.

Doug Hertz: Or, Mr. Chairman, if I may, this is supposed to be beauty and green space. Maybe it should be designated toward green space, or some other more similarly themed project.

Vice-chairman Sturniolo: There is a host of ways to go.

Rich Stavridis: We're willing to work with you. We talked earlier, it's awkward when you've got a land bank, x caliper inches of trees, and how many years and however, and that's why we are here tonight to try to come up with a reasonable resolution to this that benefits the Village.

Ralph Vigliotti: I think we'll come up with something that's reasonable. I like the idea of 50 trees being planted throughout the Village. Whether they be on the main corridors or in neighborhood streets, or if they are four or 4 ½ inch caliper.

Doug Hertz: I know for instance in my neighborhood. All the oaks that were planted at a certain era are all dying, and they are being taken down one at a time. So, the Village is replanting. I don't know whether there is a coherent plan, but maybe this would help.

Ralph Vigliotti: Fifty trees to that bank would have a nice impact.

Doug Hertz: And it may be that there is a little tweak, I don't know. I think that can be explored.

Vice-chairman Sturniolo: I think at this point what we need to do is internally, Ashley, we need to gather our thoughts and one, just to verify what the resolution says, and then discuss what the applicant – Stan is concerned about increasing that number over and above what the resolution says, and then figure out how we want to massage X amount of dollars with the planting of the trees and enhancements and neighborhoods and that kind of thing. Is that something you think we could kind of schedule for our next agenda under Continuing Review, and if you could come up with some thoughts of how to address this over and above the caliper issue. Is that fair to everybody?

Doug Hertz: And Ashley, you'll touch base with Jim Palmer or someone and see if there is a need, if there is a current need, or if there is a tree planting replacement program? I know for instance, specifically in the neighborhood, they are taking down trees rapidly because they are taking themselves down, and they've been replacing them on a one-by-one. Everyone they take down they are replacing.

Vice-chairman Sturniolo: So let's leave it like that. We'll go from there.

Rich Stavridis: Thank you and good bye.

**Continuing Review:**

**Application No. PB2006-19  
Westchester Residence & Club LLC  
Kisco Avenue**

**Present: Rosellen Gonzales  
Patrick Hewes**

Vice-chairman Sturniolo: The next item on the agenda is Westchester Residence and Club. We have a draft scope for a DEIS and we need to set up a public hearing date. Ashley, at this point would you kind of take the lead with Janine on where we stand with this please?

We received a draft scope that was prepared by Westchester Residence and Club, Nanette and I reviewed it from our end and had some comments which are in your packet in a memo dated October 18, and some of the comments are in regards to location from where they take the photos from any visual impacts. The natural resources section to address include a thorough analysis of potential impacts, there's steep slopes, as you all notice on the site plan there are some steep slopes on the site. There should be additions to the tree survey; they should consider the use of Green Building Technology. The transportation section should also evaluate Hubbel's Drive and Kisco Avenue. The community facilities and services section should also consider the potential impacts from the Village of Mount Kisco Library and the Senior Fox Center. And the construction impact should also evaluate potential for slope failure during construction and any techniques to preserving the steep slopes, mature trees and wetlands. The concern that I brought up of the construction impacts, the slope failure; the site next door, your office site, in their construction they had some trouble with slope failure, and that's something that you may want to take a look at. Janine, do you have any comments?

Janine McCulgan: The general comments were the natural resources; identify water quality impacts in terms of both ground water and surface water, the other terrestrial and soil again, it's kind of reiterating what AKRF had also said. The concern for steep slopes construction, we also know that there is a high perched wire cable on that slope, so that kind of compounds the issues. And then again, as far as storm water, another issue that will come up is the volume of water and the point of discharge for the storm water pollution prevention plan, and the discharge of the storm water from the site onto Kisco Avenue.

Ashley Ley: Basically what we would like to discuss with the board is adding any additional comments that you might have for this list of issues that they should include in their scope, and then bringing, we can either draft a new scope, our company could put together incorporating their draft scope and my comments and Janine's comments and your comments, or we can have them add our comments to their scope, and either one of those scopes could be brought to the public hearing possibly on the 14<sup>th</sup>.

Vice-chairman Sturniolo: Okay.

Doug Hertz: And when that scope goes to a public hearing, we will still have an opportunity to incorporate public comments and then get a chance for us to add additional at that point?



Vice-chairman Sturniolo: Would everybody feel more comfortable if we added our own, or sent Ashley our own individual comments to add to the existing scope that we see before us tonight? Would that be a simple way for each of us to bring our thoughts together and then plug it in?

Stanley Bernstein: It's comfortable. We will get to see the draft scope prior, we'll get it in our packet, in the usual way, before, so that we can take that, which incorporates yours and Janine's comments, and we'll be able to go through it with a fine tooth comb. Now, what I'd like to ask you is; when you spoke about the enhanced tree plan, did you envision what was done on all our other big applications where every tree is shown, tagged and inventoried?

Ashley Ley: That is why we need your comments.

Stanley Bernstein: I do believe it should be spelled out. Every tree, whether it's coming down or staying up, should be tagged, which we required, and you can go everywhere, Sarles Estates Jobco, just about every large project that we had, and inventoried as to species and caliper.

Ashley Ley: What I had suggested was every tree within ten feet of the limits of disturbance, as opposed to the entire site, because there are some sections of the site that are not going to be disturbed.

Stanley Bernstein: I agree there, but we have to be very vigilant that if any trees come down outside the ten foot disturbance; because we've had that in other sites: we had it in Jobco, we had it in Balter's job and so on, there were a lot of trees that came down that were far away from the limits of disturbance. And also in Premier; that's what we were talking about now, the trees. That was outside the limit of disturbance. So it may be too much to ask to locate every single tree, but within the ten foot limit, it has to be.

Doug Hertz: Maybe ten feet isn't enough.

Stanley Bernstein: Well, maybe ten feet is not enough, but we'll leave that up to you. You are experienced in that, but they should be individually tagged and inventoried.

Vice-chairman Sturniolo: Ashley, one just quick thought I had wherein your comments where you talk about the photographic representations from different viewpoints within the Village, I think it would be helpful if we could ask the applicant to have that done now as the leaves are starting to come off so we kind of see it in its bare state, so to speak. I mean that will be something that we can incorporate. Basically, looking at Ashley's memo, Chapter 1, there is not comment, Chapter 2 there is no comment, and Chapter 3 there are six, eight or nine specific comments regarding natural resources, the tree survey we just talked about, the use and conservation of energy and the use of green building technology. I don't mean to sound insensitive, but are both of you aware of green building technology and the standards and that,... the certification process for green building. I know there is a very elaborate website that New York State has.

Patrick Hewes: Patrick Hewes with Zaccardi and Shiff, Rosellen Gonzales for the applicant. To answer your question, I am aware of LEED; I am aware of the green building certification process, the ideal person to answer more fully tonight or in fact at a later point, probably would be

someone from the architectural team. In fact, Rich Rosen, you may recall at prior meetings, is certified in LEED. He'll speak with authority on that matter. I happen to know from the applicant that there is interest in exploring and understanding what the potential possibility for green building technology for the project is. This is not a surprise, and they are interested in trying to not only understand the opportunities, but working and understanding what your priorities and interests are. So this is not news.

Stanley Bernstein: Terrific.

Patrick Hewes: We are willing to hear more, but I am not actually the ideal person to speak in more detail about that.

Vice-chairman Sturniolo: Having said that, anyone else to add? Whitney?

Whitney Singleton: I just want to clarify that a little bit on what we are doing for purposes of the public hearing on the scoping process. Are we publishing solely in the local newspaper, or do we want to provide a written notice to the involved and interested agencies, both as the proposed scope as well as modified by Ashley. The reason I mention this is not to open Pandora's Box, but if we are going to have some meaningful participation in this – I'll give you an example. The CAC wants a comment on this, and they want to comment on -----impacts, they should be participatory in the process which is going to set the scope of what is going to be reviewed. And one of the reasons that the board required a public scope just to make sure that there is full disclosure and full opportunity for people to participate. There is an expression you get what you wish for, but at the same time I don't want a situation where we've made an applicant go through a process and nobody showed up at the public hearing because it was buried on Page 18 of the Journal News.

Patrick Hewes: Can I just ask the repetition of CAC? I'm not hearing that – what you said, CAC?

Whitney Singleton: Conservation Advisory Counsel for the Village. If you noticed in Ashley's comments to your proposed scope, she suggested you include them as an interested agency.

Patrick Hewes: Thank you.

Whitney Singleton: I don't know what the board's thoughts are on that. We've had a couple of public hearings recently where, quite frankly, people don't show up for them because it's buried on Page 18 of the Journal News, and the people that perhaps would be most interested in weren't notified.

Vice-chairman Sturniolo: And this is far too big a project to allow your Page 18 example to take place.

Whitney Singleton: And as a relatively limited list to involved and interested agencies. I don't know if you want to be inclusive of notified direct mailings of this public notice, it's up to you. It's your discretion on it, if that's something that you want to do.

Vice-chairman Sturniolo: What are our feelings?

Stanley Bernstein: Well, short of notifying the entire Village population by mail, there is nothing much else you can do other than publish it in the

newspaper of record. I don't see anything else unless there is a way to put flyers out on that table, and in the library; that's another thought.

Doug Hertz: Whitney, you were suggesting to circulate this just to interested agencies?

Whitney Singleton: Interested and involved agencies, correct.

Vice-chairman Sturniolo: And that would obviously cover CAC as an example among others. That would be the broadest way to get the word out, that on such and such a date, etc., etc.

Whitney Singleton: Well, it serves a double purpose. If you want meaningful participation of process, it helps accomplish that. It also accomplishes having meaningful participation at an appropriate time, not at the eleventh hour.

Vice-chairman Sturniolo: And I think benefit surely outweighs the "Pandora's Box" issue concern, because I think everybody should be involved in this thing early on. So gentlemen, shall we go that route?

Doug Hertz: I think we should.

Vice-chairman Sturniolo: So Ashley and Whitney, you can get that together?

Ashley Ley: We'll coordinate with Nancy.

Doug Hertz: If I might, Mr. Chairman, so we're going to submit our individual thoughts directly to Ashley regarding the scoping outline.

Vice-chairman Sturniolo: Yes. Do you have anything to add?

Patrick Hewes: Thank you for the opportunity again. We look forward to attend the public meeting and the adoption of this scope at your earliest voting session and stand ready between now and then to work with Ashley and Nanette and anyone else to use individually or otherwise to answer questions and to work the scope into a definition of an investigation of the project that will really answer all the questions on the SEQRA.

Whitney Singleton: We're scheduled for the what date in November?

Vice-chairman Sturniolo: Well, I was going to say we have a public hearing on the 14<sup>th</sup> for DeFeo. Reasonably, is there enough time to get this together for the 14<sup>th</sup>?

Ashley Ley: If I can get your comments within the next week and a half, there should be enough time.

Vice-chairman Sturniolo: Is that fair to everybody to forward comments to Ashley? Then let's put it on for the 14<sup>th</sup>.

Stanley Bernstein: We have three public hearings that date, right?

Vice-chairman Sturniolo: Yes.

Whitney Singleton: What were the other ones?

Vice-chairman Sturniolo: It's DeFeo, Premier –

Stanley Bernstein: Grand Prix.

Vice-chairman Sturniolo: No, Grand Prix –

Stanley Bernstein: Oh, the 28<sup>th</sup>. I'm sorry.

Vice-chairman Sturniolo: And Lexus, nothing, Crème is back for review on the 14<sup>th</sup>, there is no public hearing there. Oh, we also have 136 Radio Circle public hearing on the 14<sup>th</sup>. That should not –

Whitney Singleton: What were the other ones, DeFeo is 136 Radio Circle.

Vice-chairman Sturniolo: I'm sorry, DeFeo is 136. Okay, so let's leave it for the 14<sup>th</sup>, and we will individually get our comments to Ashley.

Doug Hertz: Mr. Chairman, if I may make a comment to the applicant as long as they're here. We had started to discuss with the architects at the last presentation the idea of looking at bending the building or shaping the building in such a way so that it wouldn't have such a large presence. That possibly it can be turned slightly so that some of the mass would be behind, essentially that it would block part of it's own view. And it was presented to us that there is a good reason why that can't happen, that it be taken into consideration, the current plan is the best plan. At some point, I'm going to want to see what the alternatives were that didn't work, or to really look at it. Right now you're talking about changing the code such that the 150 foot limit is going to be changed to be exceeded by a significant amount. If there is a way to make that smaller and still be effective for your use, I'd like you to have that explored. That will be an alternative in the scope, but I want that to be considered seriously by the architectural team and presented to us in a way that convinces us – or convinces me – that it has to be as long as it is.

Rosellen Gonzales: I will tell the architects, and we will present that to you.

Vice-chairman Sturniolo: Thank you. Before we continue, I would like to take a five minute break, please.

**Special Discussion:**

**Application # PB2006-06  
Peter Stonsby  
91 High Street**

**Present: Peter Stonsby**

Vice-chairman Sturniolo: The next item on the agenda is Peter Stonsby, 91 High Street. We basically have a memo from Becky Kinal, who is a colleague of Ashley, and it goes into the analysis of the soil testing. Ashley if you'd like to kind of walk us through the recommendations.

Ashley Ley: Okay. Basically, Becky who is a HASMAT person in our office went out to the site and monitored the soil testing. She received the samples back, the results of the samples back, and the soil is not clean soil, but it's not so dirty that it needs to be removed. They found some asphalt in the soil, and that's what caused some of the chemicals, but nothing is above levels that DEP believes should be removed. So the suggestion from our office is to put six to twelve inches of clean soil on

top of the fill instead of removing the fill. And we believe that there are some retaining wall issues that need to be addressed during that process.

Vice-chairman Sturniolo: Going back to the soil, because obviously the applicant needs direction. When we say six to twelve, should we pick a hard number?

Ashley Ley: I think it probably should be a variable based on the grade and how the retaining wall is installed to allow some fluctuation in there.

Vice-chairman Sturniolo: Okay. So the minimum is six, and the max would be twelve, and I would assume then your engineering people have to look at that and see how that grade is going to dovetail with your adjacent neighbor, as you add the additional soil to the existing soil.

Ashley Ley: And we would need documentation that the soil was clean, the clean fill that's going to come in?

Peter Stonsby: Okay.

Vice-chairman Sturniolo: And Janine, there was a memo that Michael Stein wrote awhile back that has been in the file, but we've never really addressed it, and that has to do with the retaining walls in the front of the property that he was looking for certain documentation for. We need to re-visit that as well, because it's all tied into this.

Janine McCulgan: So the applicant would have sent in details?

Vice-chairman Sturniolo: Response to Michael's comments.

Peter Stonsby: I received no letter from Michael Stein as to the front of the property, the retaining walls in the front of the property.

Vice-chairman Sturniolo: No, the Planning Board did. It's been part of the record, but we need to move forward so your engineer can address that as well.

Peter Stonsby: The retaining walls in the front of the property?

Vice-chairman Sturniolo: Yes. I don't recall the exact wording of the memo, but he wrote it probably in May or June of this year.

Peter Stonsby: That has already been addressed.

Vice-chairman Sturniolo: Okay.

Peter Stonsby: That was addressed, and the plans were revised as such and were submitted to the board prior to my last meeting, and then the soil samples came back and we didn't like the soil samples, and so then we went and did additional soil samples, and now I'm here to try to resolve this issue.

Vice-chairman Sturniolo: We need to pull those plans out, what you have and what we have on file. I don't recall seeing those plans specifically addressing the Mike Stein memo. I may be wrong, but if you have them, if you would please...

Janine McCulgan: I'll check with Nancy and see if she has a copy.

Peter Stonsby: That's why I'm here tonight.

Vice-chairman Sturniolo: Well, besides the soil issue, I'm just reminding everyone that we still have to address that retaining wall issue in the front.

Peter Stonsby: As I said, that whole letter was forwarded to my engineer, and he addressed all those issues.

Vice-chairman Sturniolo: The Mike Stein memo?

Peter Stonsby: Yes, the Mike Stein memo.

Ashley Ley: ... until you resolved your soil issue first.

Peter Stonsby: As far as I know the soil issue has been resolved. As far as the rest of it, the retaining wall issue was resolved, and it was determined in the plans that whatever soil we would be removing in order to keep the grade, we were not finished with the fill yet, so then we would not have to alter the site plan in any way, it would be moved off – that twelve inches of soil – and then fresh soil put on top.

Vice-chairman Sturniolo: We're talking about the front of the property in this Mike Stein memo. And that's what we need to just look at. I don't recall it being addressed. If it has been, we'll find out.

Peter Stonsby: Every time I come here it's like another hurdle.

Vice-chairman Sturniolo: It's not a hurdle.

Peter Stonsby: It's like another memo that I didn't get that was dated in May.

Vice-chairman Sturniolo: It wasn't addressed to you. It was a memo that the Village Engineer addressed to the Planning Board. It never got resolved, one way or the other.

Peter Stonsby: Well, when can I get everything on one piece of paper and resolve all my issues. This is month after month after month now.

Vice-chairman Sturniolo: We were not the ones – I'm not being cute – we were not the ones that went ahead and cut trees down and put additional soil on a slope without permits. When this issue came up, Mike Stein wrote us a memo that we need to address now as you're going ahead and finishing up your project with the additional soil in the rear. This Mike Stein memo is something that is out there and it's been out there from day one, and it has to do with the front of the property and not the rear.

Peter Stonsby: Okay. So are there any other memos out there that I need to know about? Is there anything else I need to do to resolve this totally?

Vice-chairman Sturniolo: Not that I know of.

Whitney Singleton: Can I interject, Mr. Chairman?

Vice-chairman Sturniolo: Sure.

Whitney Singleton: These issues need to be resolved in a form of a resolution. And that's the one thing that we have not gotten to yet. The reason that we couldn't get to that was because the level of contamination of the soil could not be ascertained.

Peter Stonsby: I understand that.

Whitney Singleton: So now that we've ascertained what the issue of the soil is, the Planning Board is considering not having all the soil removed; only a portion of it and some fresh soil put in, that needs to be incorporated along with any other engineering issues need to be incorporated into a resolution. So, it's not that there are new issues coming up every week, it's a question of addressing all the issues in the form of a resolution that says you do A B and C, and you're done. In a format that you could say, I'm done, end of story.

Peter Stonsby: But when we were here, I believe it was in August, I was just then handed the – we were here for a draft resolution. And then they give me a letter from Mike Stein that was dated in May that I could have taken care of this stuff months ago. Now, after we get into the soil testing...

Whitney Singleton: But that was subject to testing. That was always subject to testing.

Peter Stonsby: Yeah, but I was never informed of any testing that was required. So I just want to know what is required of me tonight if I may ask, please, all things that are going to be required of me so I can move on.

Vice-chairman Sturniolo: At this point, what I see it is the two issues, and correct me if I'm wrong, Ashley, is the engineering approach; how he's going to add the additional top soil in the rear and addressing this Mike Stein memo that has to do with the front of the property. I believe those are the two outstanding issues, as they always have been.

Peter Stonsby: Something with the front of the property has never been brought to my attention. So in order for me to get anywhere, I need to have everything on a piece of paper saying what I need to do.

Vice-chairman Sturniolo: You surely can. Jannine, once you get a copy of that memo, you surely can pick up a copy of it, give it to your engineer, so as he's addressing the rear of the property, he'll address the front as well.

Stanley Bernstein: Ashley, in replacing or adding, or it probably has to be a replacement, otherwise it would raise the grade too high. So, in replacing the six to twelve inches, are you satisfied that there will be no problem with the ground water?

Ashley Ley: Yes.

Stanley Bernstein: And what about any trees that are still there; in putting in and adding the six to twelve inches. Will it destroy any of the existing trees that are still there, or does there have to be a well put in?

Ashley Ley: It shouldn't affect the trees as long as the root systems haven't been.

Stanley Bernstein: Well, six inches, six or twelve inches at the base of a tree is going to kill it. So, we might have to require a well around each tree. That should definitely be looked at.

Peter Stonsby: If I may interject sir, on the site plan, we called for removal of I believe it was four trees, and with replacement of a barrier, we are bordering the Balter project, and we were going to put up some evergreens as a barrier, in the back of the...

Stanley Bernstein: In other words, you are saying that after those trees are removed, there will be no other trees that we have to be concerned with, no other existing trees that we have to be concerned with?

Peter Stonsby: No sir.

Stanley Bernstein: And you've got permits for all this?

Ralph Vigliotti: You have permits to remove those large specimen trees?

Peter Stonsby: Yes.

Ralph Vigliotti: Wow. Really?

Stanley Bernstein: Those are big trees.

Ralph Vigliotti: When did you receive a permit for this?

Peter Stonsby: They are approximately eight and nine inch base evergreens that are basically dead except for the last eight feet of them. They are basically an eye-sore. If you remember you guys came up to my house and walked the property, and there were – they are dying. They were planted too close together many years ago by my Dad, and they are dead up to 20 feet up.

Vice-chairman Sturniolo: Janine, from your point of view have we covered everything?

Janine McCulgan: Yes. I'll look into Michael's memo and make sure we have it.

Vice-chairman Sturniolo: Okay, Ashley, anything else?

Ashley Ley: No, that's it.

Vice-chairman Sturniolo: Okay.

Peter Stonsby: Okay.

Vice-chairman Sturniolo: Thank you.

Peter Stonsby: Thank you.

**Continuing Review:**

**Application #PB2005-12  
Louis DiLisio  
486 Lexington Avenue**

**Present: Robert Scopellitti  
Louis DiLisio, Jr.**



## Anthony Monteleone

Vice-chairman Sturniolo: Under Continuing Review, Louis DiLisio, 486 Lexington Avenue. This is a work session tonight, however, we do have a draft resolution that can be approved tonight if the Planning Board so desires. So now we have a letter submitted tonight for the first time.

Anthony Monteleone: Anthony Monteleone, attorney for the applicant, Louis DiLisio, here, and Robert Scapaletti here for the applicant. The submission that you received today was a direct response to Janine's request for additional information, and we just got that request yesterday and submitted it today. I don't believe it changes anything in any substantial way, it really adds greater detail. The site plan has just about everything conceivable on it. Possibly Janine could address some of those issues.

Janine McCulgan: Some of the things we went through is the discharge point from the drywells to allow the storm vents where they are going to connect into the existing culvert that is under their driveway. Some of the other things that we went over is removing the impervious surface that is associated with the new driveway, so these are what you're going to be putting in, a new stone and gravel system that will be 7 feet 3 inches wide, and that way they can have the forklift go back and forth. We asked that they outline the limit of disturbance on the site plan so that we can monitor it during construction. They've changed the location of the silt fence, they've also widened the stabilized construction and added some additional detail on Collin's sheet associated with the actual driveway and the storm water trenching. Those are general things. There are a lot of other items that they put on there as far as the sequence of construction for the phasing and the maintenance for the drywells, but I don't know how much more detail.

Anthony Monteleone: Planting plan – everything conceivable is on those plans.

Stanley Bernstein: Looks okay to me.

Anthony Monteleone: I don't think there can be any issue as to something that's not on there, and whether we are doing it pursuant to plan. I have also been advised that there has been verbal approval from DEP?

Janine McCulgan: DEP does not give verbal approval, but they don't foresee any site plan changes. There might be some minor calculations, side calculations that will have to be done or submitted to them, but for the most part from the site plan, there won't be or shouldn't be any changes from there, from their side of the fence.

Anthony Monteleone: And there is a meeting of the Architectural Review Board on Thursday, I believe your draft resolution makes reference to being subject to ARB approval and DEP approval.

Vice-chairman Sturniolo: Whitney and Ashley, after listening to Janine's presentation, is there anything you would like to add to this draft resolution that we have in front of us.

Ashley Ley: No, I just need to update some of the dates of the drawings based on the receipt submission.

Whitney Singleton: I have one or two things; I don't think that they're earth shattering. I think that we should put a provision in, we do have standard provisions, we don't have work on the language; a standard provision that in the event that there is substantial modifications from the estimations of the engineer, as a result of conforming to requirements of the DEP that the applicant should come back to us.

Louis DiLisio, Jr.: If I may, I spoke to the DEP gentlemen last Friday, and any changes that he requested have already been incorporated in the latest submission that I gave Janine today.

### **Too many people talking at once**

Anthony Monteleone: We don't really have a problem with -----

Whitney Singleton: All I'm saying is that if they come back and say that they put a 20 foot pole barn over here, I want Janine to have the discretionary power to say that's a major modification to a site plan.

Louis DiLisio, Jr.: Not, an issue, not at all.

Whitney Singleton: Other than that you are making this plan subject to approval from DEP and the ARB, I don't have any issues.

Vice-chairman Sturniolo: So, Ashley, I will give you a moment just to jot those three notes down, then in the final copy it will reflect what we just outlined.

Ashley Ley: Yes.

Vice-chairman Sturniolo: On the short EAF, there is one question –

Anthony Monteleone: I changed it.

Louis DiLisio, Jr.: That was re-submitted on October 16 along with a site plan as well as a lighting plan and some other ... The application was completely resubmitted with the changes about having the wording - . You brought that up at the last meeting, and on October 16, I submitted about 40 pages along with a lighting site plan as well.

Anthony Monteleone: I made the corrections and I submitted it to Nancy. Where we said there would be a wetland -

Vice-chairman Sturniolo: A valid permit or approval is requested.

Anthony Monteleone: Yes, I made those changes.

Vice-chairman Sturniolo: Does any aspect of the action have a currently valid permit or approval? And it's now checked off "yes."

Louis DiLisio, Jr.: If anyone has the submission from the 16<sup>th</sup>, all of that documentation is in there.

Vice-chairman Sturniolo: This is the one dated October 10, 2006.

Louis DiLisio, Jr.: After our last meeting, I resubmitted all of this. I've re-submitted things two times since the last meeting. Unfortunately, you just got tonight's. I doesn't look like you got the last one as well, which

included all updated paperwork. It also, as I said, included a lighting plan.

Ashley Ley: I have the lighting plan.

Whitney Singleton: I think that's what is needed to simply incorporate the latest submissions that reflect the dates that they were – the last submission dates.

Vice-chairman Sturniolo: Yes, into the final. And the lighting plan. I remember one of the questions that Doug and I had, we see the photo metrics here, and the light fixture, am I correct is indeed a full cut-off?

Louis DiLisio, Jr.: Yes, there is actually a copy, and includes that shield as well on that page you just turned to. The front page is the photo metrics for that particular light. And I spent all last weekend changing all the rest of the lights to conform with the upgraded updated codes, so now we trip over ourselves at night, but they go to code. Five candle powers is not a lot. It's a glow.

Vice-chairman Sturniolo: Before I ask for a motion on the resolution of approval, I'd like to say something specifically for the record and Tony you'll know where I'm coming from and please be able to discuss this freely with your client afterwards. There is a small intrusion into the wetland buffer. This application is not pristine or virginal property to begin with. There are several buildings and storage sheds on there. The intent of this application in addition to building this pole barn is to clean up the site, to make it look better, to get rid of all these other little outside utility sheds and storage properties. I am saying this for the record because I don't want this to ever be construed by any other applicant that the Planning Board condones building into, even though it's a small amount, into the wetland buffer. I don't want to see this being set as a precedent. We're doing this because it is going to contribute to the over all benefit of the Village and the applicant as well as cleaning up the site. I feel that there is a greater need for the housekeeping, and that is easily mitigated by the issue of getting into the wetland buffer. Again, the site is an older site, it is not a pristine piece of undeveloped piece of property; therefore unbalanced. The good that you are achieving outweighs the small stepping into, shall we say, of the wetland buffer. I just wanted to get that on the record, and it's my feeling, and it's a philosophy of the Planning Board to protect wetland buffers. But I wanted to get it on the record.

Louis DiLisio, Jr.: I completely understand and I agree, as a matter of fact. But I also agree that the benefit will be significant.

Vice-chairman Sturniolo: Having said that, in front of us is a resolution of approval for a site plan and a permit to disturb sensitive natural areas, and the name of the project is 486 Lexington Avenue, DiLisio, we have the resolution with 17, 18, 20 items in front of us. We are going to be adding a few more additional things that we discussed right now in the final corrected version of the approval. So, if somebody would like to make a motion.

Whitney Singleton: Tony, before you do that, I don't believe you've taken action on the short form EAF.

Vice-chairman Sturniolo: Oh, that's right, you're right.

Whitney Singleton: And a couple of pages earlier in the application, you need to make a determination as to whether or not you feel as though there are any significant impact level as a result... **too many papers being shuffled**...from this project.

Vice-chairman Sturniolo: Okay, so we can do that in one motion, addressing the significant –

Whitney Singleton: The Environmental Assessment Form. If you look at the second page of it, Part 3 is to be determined by the Agency.

Vice-chairman Sturniolo: Correct. Okay, so if somebody would make a motion regarding the Short EAF that we approved it and it would not have any determination of significance?

Joseph Morreale: Mr. Chairman, I'll make that motion to accept the EAF and would you say there is a determination of non-significance?

Whitney Singleton: A negative declaration determining that there are no significant adverse impacts resulting from this project.

Joseph Morreale: Fine. So moved.

Stanley Bernstein: I'll second that.

Motion: Joseph Morreale  
Second: Stanley Bernstein  
Aye: Doug Hertz  
Aye: Ralph Vigliotti  
Aye: Sol Gibbons  
Aye: Vice-chairman Sturniolo

Vice-chairman Sturniolo: Now we go back to the motion on the resolution of approval for the site plan and the permit to disturb sensitive natural areas. If we could have a motion and a second, and we also have to fill in one of the blanks on the one, two, third whereas on the top. Number four. And that gets filled in with today's date, because we just did that.

Joseph Morreale: So I will make a motion to accept the resolution of approval to the site plan and permit to disturb sensitive natural areas, 486 Lexington Avenue, DiLisio, PB2005-12. One question, is it with modifications, because we are going to add some things?

Whitney Singleton: As modified.

Joseph Morreale: As modified. So moved.

Motion: Joseph Morreale  
Second: Ralph Vigliotti  
Aye: Sol Gibbons  
Aye: Doug Hertz  
Aye: Stanley Bernstein  
Aye: Vice-chairman Sturniolo

Vice-chairman Sturniolo: Goodnight.

Anthony Monteleone: Thank you very much. I want to thank you for your patience and your attentiveness.

Louis DiLisio, Jr.: Thank you very much. I have three guys starting Thursday. Thank you.

Vice-chairman Sturniolo: Okay we have one last item on our agenda, and that is under Correspondence, 27 Brittan Lane. We have a memo from the building inspector who basically is saying he's encouraging the applicant to plant something significant in lieu of what is currently there. I asked Whitney if you would be kind enough to draft a letter to the applicant, and encourage him to become a good citizen and a green citizen and do extensive plantings that the piece of property would permit. Is there anybody else who has anything else? If not, let's have a motion to –

Stanley Bernstein: There is a discrepancy here. The memo is all talk about 29 Brittan Lane –

Vice-chairman Sturniolo: Yes, we have a conflict. 29 or 27?

Stanley Bernstein: I remember that project, it's 27. It doesn't matter.

Vice-chairman Sturniolo: It's a typo. Somewhere it's 27, 29, but it's the building with the little plants.

Ralph Vigliotti: The little building with the little plants.

Vice-chairman Sturniolo: Is there a motion to close the meeting.

Stanley Bernstein: So moved.

Meeting adjourned at 10:40 PM.

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary