

Minutes
Regular Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, September 12, 2006

Chairman Cosentino opened the meeting with the Pledge of Allegiance at 7:45 pm Tuesday, September 12, 2006 at the Municipal Building Mount Kisco, New York.

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

Staff Present: Michelle Robbins
Whitney Singleton
Michael Stein

Chairman Cosentino: The first thing on the agenda will be the minutes of May 9, 2006 and June 27, 2006. Mr. Bernstein?

Stanley Bernstein: I move to approve the minutes of May 9, 2006.

Chairman Cosentino: On the question? We have a second.

Anthony Sturniolo: I'll second.

Chairman Cosentino: Second by Vice Chair Sturniolo. All in favor.

Board All Ayes to approve the minutes of May 9, 2006.

Stanley Bernstein: I move to approve the minutes of June 27, 2006.

Chairman Cosentino: We have a motion by Secretary Bernstein. Do we have a second?

Ralph Vigliotti: I'll second.

Chairman Cosentino: Second by Mr. Vigliotti. On a question. All in favor?
Board All Ayes to approve the minutes of June 27, 2006.

Chairman Cosentino: Okay the next thing on our agenda is a Final Action. Sleepy's 363 North Bedford Road.

Final Action:

- 1. Sleepy's
363 North Bedford Road
Application #PB2004-11
A.J. Chiappinelli
Gencon Management Services, LLC**

Chairman Cosentino: This application is for Sleepy's on North Bedford Road. We have a draft resolution here. Mr. Singleton, have you gone through this resolution?

Whitney Singleton: Yes I have, Mr. Chairman.

Chairman Cosentino: Are there any questions on this resolution that the board may want to address?

Whitney Singleton: I had proposed some modifications that have been incorporated into the resolution and reflected for you in the resolution before you. Everything that I have reviewed and was concerned with and set forward for insertion is in fact reflected in this resolution for approval. The only thing that I would remind your board is that there is an environmental assessment form attached to this, and we would want to acknowledge it in part of any resolution that you might adopt that SEQRA had ordered and complied with on the prior application and therefore there is no need to adopt any further finding.

Chairman Cosentino: Do you want to do that now then?

Whitney Singleton: Sure.

Chairman Cosentino: Alright on the full environmental assessment form on any pages, do we find anything on it? We're going to need a motion on this aren't we?

Whitney Singleton: Yes you are.

Chairman Cosentino: Anybody have any questions on it? Alright, I'm going to need a –

Doug Hertz: Just a question. This was the same assessment form that we had formerly approved?

Whitney Singleton: You simply need to confirm that there are no adverse environmental impacts associated with this project.

Chairman Cosentino: Do you want to put that in the form of a motion Mr. Hertz?

Doug Hertz: Yes, Mr. Chairman I'd like to make that motion that we re-affirm this EAF.

Chairman Cosentino: Okay we have a motion on the floor by Mr. Hertz, do I have a second?

Stanley Bernstein: I'll second.

Chairman Cosentino: We have a second by Mr. Bernstein. Will the secretary poll the board, please?

Chairman Cosentino: Aye.

Vice Chairman Sturniolo: Aye

Doug Hertz: Aye

Stanley Bernstein: Aye

Sol Gibbons: Aye

Joseph Morreale: Aye

Ralph Vigliotti: Aye

Chairman Cosentino: Alright we're back to the resolution. Is there anything on the resolution that we want to change?

Anthony Sturniolo: Mr. Chairman, I have a question for our Village Engineer. Mike, are you comfortable with the guard rail in the back that it's made out of wood?

Michael Stein: Yes. It's not a high traffic or high speed scenario. It's just really to protect the cars from this road.

Anthony Sturniolo: Thank you.

Chairman Cosentino: Since there are no questions, I'll need a motion on the resolution for Sleepy's. Do I have a motion?

Ralph Vigliotti: I'll move on the resolution of re-approval and approval site plan for Sleepy's addition, Application No. PB2004-11. Date of the original action was September 13, 2005.

Chairman Cosentino: We have a motion by Mr. Vigliotti. Do we have a second?

Sol Gibbons: Second.

Chairman Cosentino: Second by Mr. Gibbons. Will the secretary poll the board please?

Chairman Cosentino: Aye.

Vice Chairman Sturniolo: Aye

Doug Hertz: Aye

Stanley Bernstein: Aye

Sol Gibbons: Aye

Joseph Morreale: Aye

Ralph Vigliotti: Aye

Chairman Cosentino: Finally. You're on your way.

Anthony Sturniolo: Whitney, will you be kind enough to send a little e-mail to the building inspector that this was approved tonight and obviously a new building permit needs to be issued predicated on tonight's approval?

Whitney Singleton: Yes.

Anthony Sturniolo: Thank you.

Chairman Cosentino: Next thing on our agenda tonight is 128 Radio Circle Application. Would you come up and identify yourself for the record, please?

Final Action:

**128 Radio Circle
Application #PB2004-02
Scott Blakely, Insite Engineering**

Chairman Cosentino: Alright we have from Scott Blakely a letter. I'm sure we read that, and this is another draft resolution. Whitney, you entertained this resolution?

Whitney Singleton: I reviewed this resolution, Mr. Chairman.

Chairman Cosentino: Are there any members of this board: Tony?

Anthony Sturniolo: Yes, just a couple of things. Looking at page one of the resolution, on the 3rd Whereas, Michelle, we need to fill in a couple of dates by number 3 and 4 that are missing. And, Michelle and Whitney, on Number 15 on page 3 of the resolution, is that pertinent to this application? Considering that a C of O has already been issued?

Whitney Singleton: Well, I guess it wouldn't be a certificate.

Anthony Sturniolo: Or is it just being redundant?

Whitney Singleton: No, I think it would be a Certificate of Compliance, not a Certificate of Occupancy.

Anthony Sturniolo: Okay.

Chairman Cosentino: Is that it?

Anthony Sturniolo: That's the only thing I have.

Chairman Cosentino: The only thing I have which may not be a problem, but it has to be noted that we received the letter and neither this board, nor counsel nor staff had a chance to read it whether it's pertaining to anything that's in this resolution I don't know.

Whitney Singleton: I haven't read the letter but I understand that it has to do with the fact that the site's not been cleaned up.

Chairman Cosentino: I just received it tonight. I should have been here fifteen days, ten days ahead of time and I just received it tonight. I'm sure the rest of the board members received it tonight also. I don't know what's in it. Is it going to be part of the resolution that it's done, whatever it is? I don't want to hold this up, but I don't know what was in it, as we stand here fifteen minutes reading it.

Doug Hertz: Mr. Chairman, I thought that part of all this was compliance with site clean up.

Chairman Cosentino: Was it? I wasn't here.

Doug Hertz: I know that there was a prior discussion about conditions on the site.

Chairman Cosentino: And the site was not cleaned up? Is that what the letter was about?

Doug Hertz: I don't know.

Scott Blakely: The majority of the site was cleaned up. My client visited the site recently and had his attorney put the tenant on notice that there was additional materials to be cleaned up, and that's basically what that letter says.

Chairman Cosentino: If we pass this resolution tonight, can you guarantee it will be cleaned up within the next five days?

John Martabano: The reason I'm going to add is there was a comment on another site, so instead of waiting for violations to be issued, we started policing our sites ourselves and sending those letters of notification.

Chairman Cosentino: So part of this resolution that we can have the Code Enforcer go back there within five days and inspect it?

John Martabano: The Code Enforcer wasn't there, Joe. It was just something I posed.

Chairman Cosentino: But you will clean it up within five days?

John Martabano: Absolutely.

Chairman Cosentino: I guess that's what the letter was about.

John Martabano: That's what it was about. I was telling that even though there wasn't a violation, it wasn't to my satisfaction.

Chairman Cosentino: Do me a favor. Explain to your counsel we can't have letters the night of the meeting. It just affects you that way, and I want to try and help you. Next time he sends a letter the night of the meeting, we're not going to entertain it.

John Martabano: Next time I'll tell him not to send a letter.

Chairman Cosentino: Okay we have a resolution here, do I have a motion?

Anthony Sturniolo: Mr. Chairman, I make a motion that we approve the resolution for modifications to an already approved site plan for 128 Radio Circle, and its Planning Board Application PB2004-02, subject to the revisions that we discussed on those two points regarding Resolution #15, Resolution #12 and the 3rd Whereas on the top on Page 1, we need to insert two dates for Numbers 3 and 4.

Chairman Cosentino: We have a motion of resolution by Vice Chair Sturniolo, do I have a second?

Joseph Morreale: Second.

Chairman Cosentino: Second by Dr. Morreale on a question, Mr. Hertz?

Doug Hertz: Just on Condition 12, this goes to exactly this issue. Applicant shall remove all trash and debris from the site prior to the issuance of the building permit. What is the process for making that determination?

Chairman Cosentino: Before he's given the building permit, the Code Enforcer will go out and make sure the site is complied with the clean-up.

Doug Hertz: And Austin will get that info?

Anthony Sturniolo: The follow-up you mean to Austin based on this conversation?

Doug Hertz: Right. In other words, normally it's issuance of a C of O or in these conditions; this is prior issuance of a building permit.

Joseph Cosentino: He's going to have it cleaned up and Austin's going to go down there and find that it's been cleaned up. In answer to your question, Mike is going to tell Austin to go down there.

Doug Hertz: Okay. Because generally speaking, when we approve, he can go get a building permit in this case.

Joseph Cosentino: Just to comply with this resolution I think that's a good idea, so you'll follow through and Mr. Martabano is going to follow through with it.

Anthony Sturniolo: And Mike, if you can just create an e-mail just so that we have it on record that you've spoken to Austin, etc., etc.

Joseph Cosentino: Will the secretary poll the board please?

Anthony Sturniolo: Aye
Joseph Morreale: Aye
Sol Gibbons: Aye
Ralph Vigliotti: Aye
Stanley Bernstein: Aye
Doug Hertz: Aye
Joseph Cosentino: Aye

Joseph Cosentino: You're all set. Alright the next one on our agenda, Dave Pasquerella, and Mr. Testa is here for Dave Pasquerella. Identify yourself for the record, please.

Final Action:

**23 Kiskon Road
Application #PB 2006-01
David Pasquerella, applicant, Michael Testa, representative for the
applicant**

Michael Testa: Yes, Michael Testa.

Joseph Cosentino: I'm going to have Mr. Sturniolo entertain this because I'm going to recuse myself from this. I'm sure it will be taken care of.

Anthony Sturniolo: We have one thing in front of us, it is a draft resolution. Michelle, again on Page 1 of the draft resolution, the 3rd Whereas, Number 4, we need to insert a date, and my other comment and it's addressed to Michelle and Whitney on Page 2, the 3rd Whereas that starts off the applicant proposes to convert an existing single-family dwelling into an office with occupied storage for the applicant's electrical contracting company. Are we all comfortable with the wording of that; specifically the occupied storage? The word occupied and storage.

Whitney Singleton: Well, we could call it ancillary and accessory if you would prefer those either of those two.

Anthony Sturniolo: As one member of the Planning Board, the word occupied, to me, has a human factor associated with it. Whereas, ancillary or etc., etc., kind of takes out the genetic make up of chromosomes and makes it more file boxes.

Michael Testa: Mr. Chairman, the second floor is all file cabinetry storage, so the Office Personnel would be going in and out for files.

Doug Hertz: But it's not living space.

Michael Testa: No, not at all.

Anthony Sturniolo: And at this point I would definitely invite my other Planning Board members to comment on the resolution, but those are the only issues I sought.

Stanley Bernstein: We made a site visit, didn't we?

Anthony Sturniolo: Yes.

Stanley Bernstein: And didn't we talk about paving the cul-de-sac?

Joseph Cosentino: You're talking about the wrong piece of property. You're talking of Old Ironsides.

Stanley Bernstein: Oh, this is where the garage door, and canopy on top? No I haven't any other comment.

Whitney Singleton: One thing that I was noticing based upon your occupancy reference, this conversion will result in no more residential use of this premises, correct?

Anthony Sturniolo: So we need to highlight that fact in the resolution as a given.

Joseph Morreale: Mr. Chairman, I just had a question about how you pointed out the lack of date for the Village as lead agency, determined that the proposed action will not have a significant effect – did we do that? Did we actually determine this? And if so, when?

Anthony Sturniolo: Yes.

Joseph Morreale: So it's not blank because we didn't do it.

Anthony Sturniolo: No, we've done that. We just need to insert the proper date.

Whitney Singleton: The reason that we have a Declaration was because they were never involved in DEC ---- Zoning Board of Appeals that the action before the Zoning Board of Appeals would not trigger any SEQRA with you on that parcel because it's exempt from SEQRA.

Anthony Sturniolo: Any other comments from my fellow board members? If not, I would entertain a Motion of Approval for this 23 Kiskon Avenue project, please.

Joseph Morreale: Mr. Chairman, I would move the resolution of approval for change of use and modification to improve Site Plan for 23 Kiskon Avenue, PB 2006-01, and date of action I assume is September 13.

Anthony Sturniolo: We have a motion by Dr. Morreale, is there a second?

Ralph Vigliotti: I'll second.

Anthony Sturniolo: And a second by Ralph Vigliotti.

Joseph Morreale: Aye

Ralph Vigliotti: Aye

Doug Hertz: Aye

Stanley Bernstein: Aye

Sol Gibbons: Aye

Anthony Sturniolo: Aye

Joseph Cosentino: Abstain.

Joseph Cosentino: I will abstain, but I also want the board to know that I am a neighbor of Mr. Pasquarelli's, and I think through Mike Testa's guidance he's doing a wonderful job there, and the reason why I abstain is because I am a neighbor, and I didn't want to get involved, but you are doing a nice job. Welcome to the area.

Michael Testa: Thank you. Thank you. Have a nice night.

Joseph Cosentino: Bank of New York.

Final Action:

**Bank of New York
55 Main Street
Application #PB2006-14
Scott W. Blakely, Principal Landscape Architect**

Joseph Cosentino: Again, a letter from Scott Blakely to the Planning Board. We've got some problems here with the lighting. Mr. Sturniolo or Mr. Hertz will go over them with you; our lighting experts.

Anthony Sturniolo: What we need to do is revise this photometric light plan. Foot candles of the new lights here, but we need an overall site plan photometric light plan that would incorporate the existing lighting that is there right now plus the impact of the two new fixtures.

Scott Blakely: So you're looking for us to do a lighting photometric plan on the village street lights that are in front of the building?

Anthony Sturniolo: On your entire site, not the village stuff; the lighting on your entire site. If you do have lighting in the back and also down in this corner, I don't think it's going to be anything massive but it would be required by the Planning Board that we have a complete site lighting plan.

Scott Blakely: I'm a little taken aback, because if we would have known that we would have supplied that to the board if it was requested.

Anthony Sturniolo: We talked about this on numerous times regarding the photometric light plan.

Scott Blakely: But it was strictly for the two building mounted fixtures.

Anthony Sturniolo: It was never the two things, because as we said from day one on this plan, we are looking at the entire site plan both from the lighting point of view, planning point of view, curbing, etc., etc. We also talked about using full cut-off fixtures, and these fixtures don't necessarily discuss that they are full cut-offs; however, predicated on where they are going to be placed, they almost create an absence, a full cut-off light fixture, and I think, and I'm speaking for the board, and if anybody takes exception to what I'm saying, please let me know; but I think in absence of a full cut off fixture, these will easily suffice because the lighting will be directed in one direction only. But the full photometric light plan we need.

Scott Blakely: So that is something that you are going to want before you adopt this resolution?

Joseph Cosentino: Before approval.

Scott Blakely: Okay.

Anthony Sturniolo: Mr. Chairman, that's my only comment. I have another question. On Page 2 of the draft resolution, the third whereas from the top, Michelle, where it talks about the approved landscape plan was reviewed by the Village Landscaping Consultant and was found unsatisfactory. Who was the Village Landscaping Consultant? Was that somebody out of AKRF's office?

Michelle Robbins: I don't know.

Scott Blakely: It is my understanding that it was found satisfactory, and they made some suggestions to add additional planting in one of the islands in front of a parking, which my client has gone way beyond and accepted and has done that.

Whitney Singleton: I think what he is referencing is the fact that the original plan that was proposed would deem unsatisfactory. They revised that plan and it was subsequently found satisfactory.

Doug Hertz: That got re-drawn.

Scott Blakely: There was one issue with regard to the planting that went over the property line.

Anthony Sturniolo: Yes, that was on the Village.

Scott Blakely: The planting was on it.

Doug Hertz: No, there were two landscape plans. There was an early plan...

Scott Blakely: Oh, that was before we were involved in the project.

Anthony Sturniolo: I was just concerned from a proprietary point of view who the village landscaping consultant is or was who deemed it unsatisfactory. Is that verbiage maybe something that needs to be changed?

Michelle Robbins: It's possible. I can't answer that because I'm not exactly sure what the reference is about. I can find out for you.

Anthony Sturniolo: Could you, and then we can incorporate...

Whitney Singleton: Who reviewed your plan?

Scott Blakely: I Q reviewed our plan.

Whitney Singleton: So that's probably who it is.

Anthony Sturniolo: So are we saying IQ was the Village Consultant?

Whitney Singleton: For this project, yes, probably; although I don't know for sure.

Scott Blakely: They reviewed our plan. I don't know who reviewed the initial plan that was done by someone else that was found unsatisfactory.

Anthony Sturniolo: Michelle, if you can research that and we can plug that change in.

Michelle Robbins: Absolutely.

Anthony Sturniolo: And my other question would be on Page 3 of the resolution, number 12. The practice of the Planning Board is all curbing shall be concrete, and that addresses it, but we always use the term "poured in place," and Michelle if we can incorporate that language change.

Michelle Robbins: Sure.

Anthony Sturniolo: Mr. Chairman, those are my comments.

Joseph Cosentino: Okay, then we'll put you back on the agenda.

Anthony Sturniolo: Anybody else?

Joseph Cosentino: I think we have to be consistent in what we do.

Anthony Sturniolo: No, I'm saying, anybody else have any comments?

Joseph Cosentino: No, they said no.

Anthony Sturniolo: Oh, it's just one person.

Joseph Cosentino: The secretary will send you information and we'll put you back on the agenda.

Scott Blakley: So the basic thing is we have to do a photometric plan, and that's the thing we have to get back to you for review.

Doug Hertz: We apologize for any miscommunication.

Joseph Cosentino: Check with Nannette's office in the morning.

Scott Blakley: Okay, thanks.

Final Resolution:

**John's Best
353 North Bedford Road
Application #PB2006-16
Theodore Strauss, Theodore Laurence Strauss
Associates
Mario Sandolo, applicant**

Mario Sandolo: Mario Sandolo, the owner of John's Best.

Joseph Cosentino: We received the letter, finally, from the DEP.

Theodore Strauss: You have the approval of the DEP; I have several copies for the board if they need it. Do you have the drawings that go with it?

Joseph Cosentino: Michelle, we're on John's Best. You had something?

Michelle Robbins: I just spoke with ----- yesterday. He called me, and he received the DEP letter and I told him that I haven't seen it yet, and also he had reviewed a letter from Michael Stein regarding the conditions, and he was questioning issues.

Joseph Cosentino: Mike, you had something?

Michael Stein: A site lighting plan.

Theodore Strauss: I do have a site lighting plan.

Michael Stein: That's not the one they have tonight. That site lighting plan was just submitted.

Joseph Cosentino: Who did you give the site lighting plan to?

Theodore Strauss: I gave it to Michael this evening because...

Joseph Cosentino: It's got to go through Nannette, though.

Theodore Strauss: I was just informed of this yesterday.

Joseph Cosentino: You weren't informed at the last meeting that you needed a lighting plan?

Theodore Strauss: No. So the site lighting plan was done in addition, to which there was another comment that Mr. Stein requested that the sewer connection be heavy duty...

(Multiple people talking at once)

Joseph Cosentino: You sure that was PVC and not cast iron going through?

Mario Sandolo: No, that's cast iron.

Michael Stein: No, what was proposed was putting in PVC and there is a cast iron...

Joseph Cosentino: Because I remember seeing cast iron going through the road.

Mario Sandolo: The existing is cast iron.

(Everyone opening pages of plans on the table)

Mario Sandolo: Cast iron, yes it is cast iron.

Joseph Cosentino: Because the Village has PVC.

Mario Sandolo: That's a long, long time ago; at least 15 years.

Joseph Cosentino: Being a licensed plumber in the village, the code was always cast iron. I don't know how he ever got an approval.

Michael Stein: No, this is saying provide a new one, because the existing sewer that should be relocated is the result of the work, so they are putting in a new one.

Mario Sandolo: So the new line would be cast iron?

Joseph Cosentino: To the existing, not out to the road, you don't want to change it, do you?

Michael Stein: No, they are replacing the sewer. They are taking out a portion of it.

Joseph Cosentino: Oh, I understand now.

Theodore Strauss: Fortunately, it will be heavy duty cast iron rather than the PVC.

Joseph Cosentino: Well, if he wasn't told last meeting, and you guys are the lighting guys, we could do one of two things. We can approve the resolution with the stipulation of the lighting plan being redone.

Theodore Strauss: We would very much appreciate that consideration.

Doug Hertz: Mr. Chairman, if I might, just looking at this and seeing it for the first time for whatever reason, this lighting is not going to comply with our proposed lighting ordinance that the Village has worked on. They are not full cut off fixtures, and it's very schematic. Shielding is required to prevent glare, but these are translucent domes that are right next to the property line, so there is essentially no way that they won't be running a fowl of the ordinance.

Joseph Cosentino: I think these are going to have to be run by our planner's office to get the proper lighting plan. I'm not saying that you did anything wrong, we're saying that it just wasn't done according to Village code.

Theodore Strauss: We can do that.

Doug Hertz: We generally don't approve without the proper lighting.

Ralph Vigliotti: It's not even close to that.

Doug Hertz: Clearly the intent is correct.

Joseph Cosentino: If the lighting complied with the code, I wouldn't have a problem, but since the lighting doesn't comply with the code, the next John Doe that comes up here is going to say the same thing.

Theodore Strauss: I was given a copy of the code today by Nancy. There was nothing definitive in there other than a brief description.

Joseph Cosentino: Mr. Strauss, I'm not going to argue the point with you, this is what I'm going to tell you, and I like you and that's why I'm telling you. We have a certain code in the Village of Mount Kisco. This plan has to comply with the code. Yes, it should have been brought up that you needed to go before Nannette. Why it wasn't, I don't know. But this board cannot, it's impossible, for us to pass a resolution without the proper lighting plan. I wish I could do something.

Theodore Strauss: Mr. Chairman, I was given a copy of what was represented to me to be the lighting illuminating code of this Village today. I was informed yesterday afternoon that we were missing it. I complied with the code that I was given.

Joseph Cosentino: Where did you get that code?

Theodore Strauss: From Nancy Placona, the Secretary.

Michael Stein: In looking right here, the illuminants are not shining in the parking area, so there's no light left there.

Theodore Strauss: But there is no stipulation in what I was given to furnish it.

Michael Stein: There is a lighting level that needs to be -----.

Theodore Strauss: I called for lighting levels of 2 foot candles per...

Michael Stein: Minimum and maximum, as well as there is no trespass of light on adjoining properties. You have a light that would place a dome on a property line.

Joseph Cosentino: We're not blaming you for this, but it's against our code.

Theodore Strauss: Well if this is the only outstanding item. . .

Joseph Cosentino: We can't move on the regulation because of that.

Ralph Vigliotti: There is no arguing that. You are going to need a couple of more weeks.

Joseph Cosentino: I wish we could, we know the man, but we can't.

Ralph Vigliotti: You are going to have to see Nannette to get that resolved and come back and we can all move forward on this.

Mario Sandolo: But that's another month away, though.

Ralph Vigliotti: It's unfortunate, but that's the way we have to do it.

Joseph Cosentino: Mario, we want to do something for you, but it's impossible. This board can't do it. Our hands are tied. There are four or five people in the audience right now. If we did that, then everyone would say, forget about it, I don't want to do it either.

Mario Sandolo: We're going to comply with whatever you guys say.

Ralph Vigliotti: It's going to take another month. We can argue this all night long guys, but this is what has to be done. The bottom line is there are mistakes in it, it's no fault of yours; you only had a few days.

Joseph Cosentino: I would even put you on for the work session which we don't normally do. That puts you just two weeks away. I would put you on for the work session instead of the regular session just to get you going so you could start the construction before the winter. I would do that, but it would be the wrong for us to do but we'll do it, but it's the right thing for you to do. So we can work together and get it done. So it's two weeks away, that's all.

Doug Hertz: How long are you guys going to need to review the light plan prior to the work session?

Joseph Cosentino: I want it reviewed by the next work session that we have, so that they can come in and we can give them their approval.

Doug Hertz: They obviously can't make the submission date. Give them a date that they need to get that plan in.

Theodore Strauss: (to Michelle) are you going to be in your office tomorrow?

Michelle Robbins: I will give you a call tomorrow.

Theodore Strauss: If you would, please.

Michelle Robbins: And I can go over it with you and make myself available to you whenever you need me.

Joseph Cosentino: And we'll do it on a work session for you.

Anthony Sturniolo: Mike, are you comfortable with this arrangement?

Michael Stein: Yes.

Doug Hertz: Are there any other outstanding issues so this doesn't happen again?

Joseph Cosentino: I think that's the only issue on this.

Doug Hertz: And we talked about the guardrail and not having one at this location, Michael?

Michael Stein: Yes.

Theodore Strauss: The berm, and the guardrail are in, and you have details supporting it.

Anthony Sturniolo: And what is also good for us to read is the B. Laing Associates February 1998 letter where the concluding paragraph says, "in brief, existing site contributes nitrogen, phosphorous, biological oxygen demand, (BOD) and suspended solids to storm water runoff existing the site with little or no controls. With the proposed paving all storm water would be directed to subsurface leaching rings. In this case the pollutant eliminating features of the rings in concert with the ability of the soil to attenuate dissolved pollutants will reduce pollutant levels to the point of final discharge to zero. This is obviously supporting of the recent DEP findings and statements.

Theodore Strauss: That is absolutely correct.

Special Discussion:

**Crème de la Crème
486 Lexington Avenue
Application No. PB2005-12
Brad Schwartz, counsel for the applicant**

Joseph Cosentino: Okay. See you in two weeks. Crème de la Crème. You want a six month extension you're looking for? Just for the record, why are you asking for a six month extension?

Brad Schwartz: Mr. Chairman, Crème is presently in the process of their application in front of the Architectural Review Board. They are proposing a change to the exterior of their building, and we've been in front of the ARB much of this summer. I am making a submission tomorrow to appear again at the end of September. So obviously we cannot commence construction until our application for the ARB is completed.

Joseph Cosentino: So you're asking for a six month extension to continue what you have to do.

Brad Schwartz: Correct.

Joseph Cosentino: This board has issued six month extensions before; I don't see why we can't do it now. We need a motion on this, do we not? Do I have a motion to issue Crème de la Crème a six month extension on the present approved resolution?

Ralph Vigliotti: So moved.

Motion: Ralph Vigliotti
Second: Anthony Sturniolo
Sol Gibbons: Aye
Joseph Morreale: Aye
Stanley Bernstein: Aye
Doug Hertz: Aye

Whitney Singleton: Mr. Chairman, this extension is to run from when to when? This evening?

Chairman Cosentino: When is the expiration up?

Brad Schwartz: October 11, Mr. Chairman.

Chairman Cosentino: So it will start again October 11 and continue until April 11. I didn't give you a chance to make a lot of money tonight, you know.

Brad Schwartz: I get to go home early and watch the Yankee game.

Whitney Singleton: Did you say it starts October 11 and ends April 11?

Brad Schwartz: The first condition of the resolution says construction shall commence in six months.

Whitney Singleton: Okay, so you will be completed by April 11.

Chairman Cosentino: Okay. Next.

Formal Application:

**Louis Dilisio
486 Lexington Avenue
Application No. PB2005-12
Anthony Montelone, council for the applicant, Louis
DiLisio Jr. & Louis DiLisio Sr. applicant**

Anthony Monteleone: Anthony J. Monteleone for the applicant, and Louis DiLisio, Sr., and Louis DiLisio, Jr.

Joseph Cosentino: Okay, I like that model. You are better than some of the architects we have.

Louis DiLisio, Jr.: (showing the model) This model shows the landscaping that we will have on the residential side of the building. And I believe you have an application before you.

Joseph Cosentino: We saw the pictures here. I think that this will be a big improvement to that area. I know you are going to clean the whole area up there, which is going to be great. I don't know if all the board members have something that they want to go over?

Doug Hertz: This is the site that we visited probably six-eight months ago.

Joseph Cosentino: Yes, where that trailer is. There is a stream back there.

Louis DiLisio, Jr.: All of the trailers will be removed, all of the sheds will be removed, upon completion of the building, and then everything in them will be put in those storage units right now. And all of them will be removed from the site. We presently have removed a couple of the trailers; we removed the trailers from the site where the building will be built to other parts of the site where they will remain. We'd like to start construction as soon as possible. Get it in before the winter.

Ralph Vigliotti: What is the height of the storage space?

Louis DiLisio Sr.: We believe it's just shy of 20 feet. I think it shows on the plan.

Ralph Vigliotti: One additional – the shrubs that you're showing on the model, is that the exact number?

Louis DiLisio Jr.: They'll be three in the rear, and then according to the plan they are spaced every 7 ½ feet, I believe. Five feet tall.

Ralph Vigliotti: If I could make a recommendation, and we've done it with other sites; if the shrubs are there to kind of block the visual impact on the residential area or the neighbor, I don't think six is going to do it.

Louis DiLisio, Jr.: There's not. There's three here and seven on the side.

Ralph Vigliotti: I don't think seven is going to do it. I think you are going to have to get more. I'm looking at the neighbor's side. We're truly trying to protect them.

TOO MANY PEOPLE TALKING AT ONCE

Louis DiLisio, Sr.: There is one level coming out, and there is going to be a whole level that's not going to be used. So you're not even going to see this there.

Ralph Vigliotti: Well, you won't see it when the foliage is in place. When it's down, because this is higher than – even though you get rid of this ugly thing, this is only so high, and this is double that. If there are seven there, I think if you put twelve I think you've done what needs to be done for that resident or residential area. I think over the years it will grow into a nice protective screen, and it will shape nicely.

Joseph Cosentino: I have one big concern here. I think you should put picnic tables on the sides.

Louis DiLisio, Jr.: There's no space. There's only four feet here.

Stanley Bernstein: While you're talking about trees, before you decide to get in closer, what type of trees do you contemplate? I know they're evergreens, but what type?

Doug Hertz: They are listed as hemlocks on this.

Ralph Vigliotti: Hemlocks grow nicely.

Stanley Bernstein: We have a problem in this area with hemlocks. You get the wooly adelgid. They are going to die.

Louis DiLisio, Jr.: The reason we chose hemlocks is because there is a hedge on our property line.

Stanley Bernstein: And you don't get infested?

Ralph Vigliotti: I have hemlocks and they're fine.

Stanley Bernstein: I have hemlocks and they are nothing but aggravation. That's beside the point, but it is shade and you should consider arborvitae also for the shade.

Louis DiLisio, Jr.: My thought on arborvitae was they are thinner than they are bushy, and I thought that this would provide better screening. Again, we're open to anything.

Stanley Bernstein: As long as it screens, it doesn't matter.

Louis DiLisio, Sr.: If the hemlocks don't survive and they get beat up, we'll replace them.

Doug Hertz: My take and maybe we can have someone else's more professional opinion, you said there is a higher, and we've got higher on their adjoining property. So this is going to be a shaded area. The hemlocks and the shade provide next to no screening. They get leggy, they don't fill out. Hemlocks essentially go closer to the sun to get thick and to really be a screen. I would suggest our consultant.

Louis DiLisio, Sr.: We have no problem with the staff.

Doug Hertz: We don't want to create a hard line of the same thing, maybe you want to break it up and make it feel a little bit more wood land.

Anthony Monteleone: We'll agree to a condition where the staff will give us input as what type and distance from each other.

Louis DiLisio, Sr.: And as I said, the barrier is already there.

Louis DiLisio, Jr.: To your point, it is, and we need to think about what we use, because it is under heavy screening right now. You literally can't see this from the road when it's built because of the trees that are still in place.

Louis DiLisio, Sr.: And we're leaving a large tree in place in front of it, and it will actually block the visual impact.

Joseph Morreale: What is it going to be used to store?

Louis DiLisio, Jr.: Soft goods, oil, cardboard containers for the product, cardboard boxes, plastic containers for the product, some other labeling materials, some other storage materials.

Joseph Cosentino: This is the thing that should have been done years ago.

Louis DiLisio, Jr.: The food products won't be basically contained in here. They are under refrigeration or they are in storage within the building proper.

Doug Hertz: I don't see anything on the site plan about access to the building.

Louis DiLisio, Jr.: The black tape represents property lines. We have two feet on this corner and five feet on that corner. So there is no side access, basically.

Doug Hertz: Is this fully paved right now?

Louis DiLisio, Jr.: Yes. There is an easement there now.

Doug Hertz: So you'll just finish the driveway out to the front door.

Louis DiLisio, Jr.: We're not going to finish the driveways. The trucks are not going to go into the drywell here for building runoff. So we don't want to pave over the top of that, otherwise we end up with a bigger problem.

Joseph Cosentino: But the stuff is rolled in there?

Doug Hertz: You'll be able to access it?

Louis DiLisio, Jr.: Yes. Basically the only access is going to be by forklift. There won't be trucks in and out of there.

Anthony Monteleone: It will probably be accessed primarily through Cottage Place on this side.

Joseph Cosentino: Is there anything else before this board? So, Michelle I guess we put it on the Board for approval of resolution?

Whitney Singleton: Joe, we have to schedule a public hearing on this.

Joseph Cosentino: Oh, we do because of the wetlands? Alright, but we can schedule a resolution of approval the same night. We've done it before.

Whitney Singleton: We usually keep the public hearing open for a comment period. The public hearing has to be noticed fifteen days in advance.

Joseph Cosentino: You need a public notice here, I forgot because of the wetlands.

Ralph Vigliotti: That's going to slow things down.

Joseph Cosentino: Our hands are tied on that one.

Ralph Vigliotti: We have no choice.

Louis DiLisio, Jr.: Because we're within so many feet of the stream, which requires a notice?

Whitney Singleton: Did you submit an assessment form?

Louis DiLisio, Jr.: Yes, a short form.

Anthony Monteleone: Someone from the DEP was out and went through the whole site.

Joseph Cosentino: It's not going to be a problem, there just has to be a public hearing for it, that's all. It's a formality.

Anthony Monteleone: Would it be possible for us to have a tree-cutting permit?

Joseph Cosentino: We don't issue that. Yes, it is possible if you go downstairs.

Louis DiLisio, Jr.: Just to get the ball rolling, because there is a lot of tree work that has to be done, stump removal.

Stanley Bernstein: This is in the Main Street area; designated Main Street area.

Anthony Monteleone: Is it? Lexington Avenue?

Stanley Bernstein: Michelle, would you know?

Michelle Robbins: I'm sorry, I missed the question.

Stanley Bernstein: Isn't this is in the designated Main Street area?

Michelle Robbins: I believe it is, yes.

Stanley Bernstein: You'll have to prepare an SPPP for the DEP. We have nothing to do with that; I'm just forewarning you. DEP is going to require that.

Michael Stein: It's not a problem.

Anthony Monteleone: Someone was hired by the Village to come out and do an assessment, an outsider. It wasn't Mr. Stein, it was somebody else. It was a younger gentleman.

Anthony Sturniolo: If the person was hired by the Village, it would not be DEP because the Village can't hire DEP.

Anthony Monteleone: And it's unlikely they come out that quickly.

Louis DiLisio, Sr.: They took a bunch of pictures and walked around the site, and checked out the screen.

Michelle Robbins: Was he blonde?

Louis DiLisio, Sr.: I don't know a young guy.

Michelle Robbins: Jim Nash?

Louis DiLisio, Sr.: It may have been.

Michelle Robbins: Jim may have gone out there. I'll find out.

Joseph Cosentino: Alright, what do we have to do to expedite this? We're not talking the Hotel San Moritz here.

Whitney Singleton: There are certain things...

Joseph Cosentino: I know that, let's schedule the public hearing.

Whitney Singleton: Well, then you need to schedule the public hearing and the applicant is going to be required for the public notice and send certified mailings 15 days prior to the scheduled public hearing.

Joseph Cosentino: Where does that come out? That's the last part of it.

Louis DiLisio, Jr.: If you give us a notice of a meeting date.

Joseph Cosentino: Nancy will call you and we'll have a resolution for the following.

Whitney Singleton: I think we should also have a copy of the Environmental Assessment Form. We don't have a form tonight.

Anthony Monteleone: I submitted that. I submitted the short form.

Joseph Cosentino: We got that Whitney, I believe.

Stanley Bernstein: I looked at it, I'm pretty sure it's here.

Whitney Singleton: Joe, the reason I bring that up is because they are going to have to declare their Notice of Intent to declare lead agency.

Joseph Cosentino: Now?

Whitney Singleton: Well, there are going to be more than one date in this application.

Ralph Vigliotti: And you thought building a shed was going to be easy.

Louis DiLisio, Jr.: This has been a ten-year project to this point. Okay, so you don't have the short form.

Joseph Cosentino: This just came up. There was nothing else you could have submitted.

Louis DiLisio, Jr.: We possibly could have gotten some of this public notice information ready.

Whitney Singleton: Joe, I understand you want to assist the application along, but the fact of the matter is...

Joseph Cosentino: I know, I understand that. When the gentleman asked me if he needed anything else, I overlooked it.

Louis DiLisio, Jr.: I didn't mean you; I mean we've asked everyone along the way.

Doug Hertz: In fairness, this is the first submission for a formal application. This is day one of the application.

TOO MANY PEOPLE TALKING AT ONCE

Joseph Cosentino: The problem is the rules and regulations have changed since.

Anthony Monteleone: Let me ask one other question. Are we going to need to go before the Architectural Review Board or can that be waived in view of what we're doing here? Because otherwise I'd like to get that moving.

Joseph Cosentino: We have no control over that. Whitney, would they have to go before the ARB on this?

Whitney Singleton: That's what the code requires. I know I'm the bad guy over here, but that's what the code requires.

Ralph Vigliotti: Can we list the things that need to be done at this point?

Anthony Monteleone: Please, because I was told by six different people that we don't have to be there.

Whitney Singleton: You need to submit an Environmental Assessment Form

Anthony Monteleone: That's why we brought all of this stuff tonight.

Joseph Cosentino: I was told that they didn't have to go before the ARB board. Because it's a detached building. And it's in the back; not in the front. That's what I was told.

Whitney Singleton: I can go back and look at the issue, Joe; I can go back and review the code further. What is required, though, is an environmental assessment form before you undertake the review of any project. Quite frankly, this application should have not gone to the ZBA without an Environmental Assessment Form. But that's water under the bridge.

Joseph Cosentino: Yes, that's water under the bridge. Let's go forward right now.

Whitney Singleton: What we need to do is schedule a public hearing for – I can't go any further than a wetlands permit.

Joseph Cosentino: Okay fine. Let's schedule a public hearing right now. Are we good for the next meeting or we're not going to make it?

Doug Hertz: They are not going to make it.

Joseph Cosentino: Okay, make it for the second meeting –

Doug Hertz: They can make the first meeting – the regular meeting, the first meeting in October and make the dates. But they cannot make the meeting in two weeks. And work with Nancy on the Notice.

Anthony Monteleone: I'll work with Nancy tomorrow.

Whitney Singleton: Actually, Michelle can expedite the SEQRA process and we can have them come into the work session, which means that the short form for the EAF needs to be submitted very quickly.

Michelle Robbins: If you can get it to me by tomorrow.

Joseph Cosentino: Get that to me tomorrow, Tony, I'll put it on the work session, we don't normally do it, but we'll put it on the work session.

Whitney Singleton: Once you conduct a public hearing, you can close the public hearing and put it on any agenda you want.

Louis DiLisio, Jr.: Unfortunately, my father and I will not be in town on the 26th.

Joseph Cosentino: We cancelled that trip; you're going to be in town.

Louis DiLisio, Jr.: I wish I could.

Louis DiLisio, Sr.: I'll be in Hawaii.

Louis DiLisio, Jr.: I'll be in California for my grandson's baptism. If I have to fly back for it, I will.

Doug Hertz: It's straightforward.

Louis DiLisio, Jr.: Is it imperative that somebody be here that night?

(Banter about the building model)

Formal Application:

**Westchester Residence & Club LLC
Kisco Avenue
Application No. PB2006-19
Patrick Hewes with Saccardi & Schiff,
Martin Siefering, David Kemp, Rich Rosen & Mike Finan with
Schoor DePalma, Rosellen Gonzales, Caro Associates, council for
the applicant**

Joseph Cosentino: Okay, who ever is going to speak, would you identify yourself for the record? And you want to come up here because the microphone is over here.

Patrick Hewes: Patrick Hewes, I'm with Saccardi & Schiff, Planning Consultants for the project.

Anthony Sturniolo: And if anybody else is going to speak, would you also be kind enough to give us a business card?

Patrick Hewes: We were here before you in early August, and today we're here to provide – the architectural team will provide an illustration and description of the project. Just to remind you of the people working on the project, I'm Patrick Hewes of Saccardi & Schiff, and the design team which will speak in a moment, is Martin Siefering on the right, David Kamp, Rich Rosen and Mike Finan from Schoor DePalma. Before we get into the popcorn and the fun, I just wanted to underline that our hope in this process is that after this presentation tonight we can look forward to being before you on the 26th in two weeks, potentially I'm not sure if that's a work session or a non-work session.

Joseph Cosentino: It's a work session.

Patrick Hewes: Looking for potentially voting on a positive declaration for moving the environmental process forward. With that I will let the design team present.

Anthony Sturniolo: And again, the microphone is up here, so if you will be kind enough to –

SLIDE SHOW BEGINS

Martin Siefering: I'll breeze through this – we started with this. This is same presentation we had before you a month ago. Just as an orientation, I think everybody knows where this is by this point, so this is the site we're dealing with. Kisco Avenue and the Saw Mill River Parkway. A little bit closer, a car dealership, and this is the Holiday Inn Drive. So this becomes our point of entrance, here. The building ends up on the hill 145 feet, so we have a switchback road to get up to that elevation, and that really sets the tone for the basic organization of the project with the building set back in the back of the site and the switchback road. So what we thought we'd do today is give you an overview of the project as a tour starting from this point as you drive up. We know from our last discussion that you're concerned about how the building looks from other places and we'll deal with that in the natural process of the Environmental Assessment Form but this is really sort of modeled to give you a sense of what the campus would be like as you experience it. So this is Kisco Avenue as you turn in, and this begins the experience.

David Kamp: I'm David Kamp the landscape architect from Dirtworks. One of the things that we tried to do with the landscape component is really begin to set a couple of goals with what we wanted the landscape to do. One is we wanted to draw upon the site's natural characteristics. And also draw upon Westchester's vernacular architecture and landscape architecture. A couple of things that come to mind with that, the idea of using native trees and shrubs, materials that blend into the natural landscape and really begin to think about what are native materials, the idea of oaks and hickories and maples. But not only from a tree standpoint, but from an under story standpoint. The shrubs that are native; the idea of attracting wildlife, but we also begin to think about materials besides the trees. The ideas of using stone, both rock facing and native stone walls, those sorts of things. The idea of using a sense of native wildflowers and those sorts of grasses, so we begin to use the plant materials for both aesthetic reasons but also for very strategic reasons as well. And one of the things that we wanted to do as we walk you through the site is begin to explain some of the ramifications of the site development, and how we are using the landscape to be a part of that. We have a series of sections which we went over very, very quickly last time, and I'll explain this a little bit more, but we do have about 145 feet to travel from here to here. Within that distance there is a couple of natural points and characteristics in the sites that we are trying to look at. The idea of there is sort of one experience as one works up the switchbacks that Martin mentioned a moment ago. There's another point here, a different point of arrival in terms of what one experiences both as a view to the building and the view to the natural landscape surrounding it, and then a third area as one approaches the backside of the building.

Martin Siefering: Which is really the front?

David Kamp: This is really the front, exactly. What we wanted to do here is just begin to show you some of the ideas. The ideas of using the native stonewall the idea of using stone walls as a terracing because we do have some significant grade change to make up from here particularly to here. And then the idea of using familiar landscape elements, orchards, the ideas of meadows. The first section, we broke the section up into two components, and as Martin said, there is a larger section that is going to be drawn upon as part of the environmental review. But this portion of the section takes us from the roadway down here, which is here, basically to this point right about in here. So you can begin to see that the road switches back and forth a number of times. What we wanted to do was think about the sorts of material that we would use inside these switchbacks. We wanted to use both a native deciduous as well as a native evergreen material. The idea of introducing not only seasonal change, but winter screening. The idea is it's not a solid wall – we didn't want to integrate a series of evergreen walls. We wanted the plane materials to have a layering quality, that as when one approaches the site, you in a sense would see glimpses through landscape to landscape. This section here is a little bit more detailed, so you can begin to see the idea of the low stone walls, that as one looks from both the roadway down here and also at various points of the roadway as you look up, you see through materials to a series of terraced walls. This is a point that brings us up right about to here, so that the area near the red dot is probably about in here. I mention that idea of looking through landscape to landscape. We've got a retention basin that's located partially on the hill inside of here that you in a sense would look through a landscape which is why we're showing this picture here that

you in a sense would keep a certain amount of native vegetation, supplement that with both evergreens and deciduous shrubs and also some evergreen trees, but this would be the quality that in a sense there is a layered quality to the landscape. We work with the native trees that are there, but we supplement that with a certain amount of material underneath it. So you can see what happens in the autumn, the idea of looking through trunks to a brighter area beyond, in the spring time the idea of a series of layered greens, and in this sketch here, begins to show at this point, is when you first begin to glimpse portions of the building. In a sense, as you're looking up the hill through the materials that are both existing and newly planted here, you begin to capture glimpses of building. This picks up the idea of color, both in the native landscape materials, the idea of the oaks and the maples, and the idea of using birches, that in a sense we could have some dramatic color, but also begins to apply to the architecture as well.

Joseph Morreale: I'm noticing the red dots as you're going. Wouldn't that indicate where you are on the road as you're looking at these pictures?

Martin Siefering: Yes.

Joseph Morreale: So why were you describing being much further up in the previous slide as much lower on the hill?

David Kamp: The dot should have been a little further up the hill.

Martin Siefering: We had a boo-boo on the red dot.

Joseph Morreale: Okay. So you were up that high?

David Kamp: Yes, exactly.

Joseph Morreale: So where would these trees be, then?

David Kamp: These trees inside of here that we're looking at here, this is really about the idea of color. These sorts of trees happen all the way up along the view. All the way up along the roadway and since the idea of using oaks and maples are not sort of in one place. There is a lot of hickory on the site, there's a lot of natural oak on the site as well as maples, so it's not a matter of introducing something new, it's a matter of supplementing what's there. So that the idea of these oaks and maples and then these birches here, that gets supplemented all the way from down here all the way to up there. This point here just about color, is really about using color both in the landscape and in the building itself.

Ralph Vigliotti: What's the percentage of trees that will be removed on this site?

David Kamp: I don't have a sense of that. I don't have a percentage. We'd have to look at the actual area of disturbance.

Martin Siefering: We haven't done the tree count yet, and we know that that's would be one of the things that would come in the Environmental Assessment.

Ralph Vigliotti: I'd like to see that sooner than later before we begin to get too far into the process. I'm a little confused on the dots. If you made a boo-boo on the dots, then that should have been corrected so we are getting a visual that's correct. Right now, I'm not sure where your dots are because, as Dr. Morreale said, I thought we were further up, we were further down, but the dots are incorrect and you didn't even point that out to us, that the dots were incorrect. You just kept going along.

David Kamp: We did actually, but we'll try to get that correct.

Ralph Vigliotti: Go ahead, I just needed to interject that.

Martin Siefering: One of the things David said, the color on the existing site and what we propose is quite strong, and so what we'd like to do is something not of this architecture, but where we have these kinds of natural color used on the buildings. And they come from this historical reference as well, so we get not white or gray buildings but buildings that actually fit into the landscape better; have a natural feel to them.

David Kamp: The other point that I want to bring up about color is this idea of using both evergreens and deciduous materials together so that, as I mentioned before, is that we want the materials to really blend together, that there is not in a sense going to be walls. We don't want things to feel forced, and we used the material very strategically. Again, we used evergreens, like in this case at this point right in here to

make sure that we're using evergreens to frame a view to in a sense supplement a view, but that this is the sort of quality that we want to create, not strong edges. Material that really blends together.

Ralph Vigliotti: What we're seeing is the total 51 acres? What is the acreage of this parcel they're building?

Martin Siefering: Eighteen.

David Kamp: Another element was the idea of using evergreens, both the idea of using white pine, the native white spruce as well as the cedars. The idea of using cedars in clumps tries to in a sense create more of the idea of how they would naturally be growing. And this is just an example of three. The types of trees we're obviously very familiar with, and we're really beginning to think about that as we come across portions where we do have exposed rock, use the plant materials in a very naturalistic way, which is what this picture really is, as a character example of what we're trying to achieve there.

Martin Siefering: Another thing that's important for a building like this is that its going to be viewed from a distance is the roof scaping, so one of the things – this is something that we would like to try to avoid is this sort of very formal and very strong visual impact. We would like to do something that is more broken up in pieces so it doesn't have such a dominating presence. So it's a little softer and fit in with the landscape. And that's the kind of thing that you would begin to sense as you drove from here to here. Down in these areas you really won't be able to see the building, and when you get to here you'll be able to see more of the façade of the building and the roof line. From a distance you'll have a chance to see it.

Whitney Singleton: I have a question. Is that Mt. Washington?

Martin Siefering: No. It's in upstate New York somewhere.

Stanley Bernstein: Looks like Jobco.

Martin Siefering: One of the things we like to look at for the architecture of the buildings is staying in this simple and elemental rather than the more ornate and elaborate and ornate Victorian. This stuff is a little bit harder to carry off today, but it's also sort of about pushing nature away in some ways and defying nature - where these buildings seem to fit more comfortably into the natural landscape. All of these buildings here are Westchester buildings, so there is plenty of this kind of simple, straightforward things that are done well in Westchester that yield integrity to them. If you try to do these things today you end up having to do them out of things that don't have a lot of integrity always, so things tend to not come across the way you would like.

Ralph Vigliotti: Were you early on in the process – I'm looking at the footprint that you're showing up in the upper right hand corner that shows the large building footprint that you're trying to get away from. So, that footprint isn't really what's going to end up being there? Am I correct?

Martin Siefering: It is.

Ralph Vigliotti: Okay. It kind of really throws us off. I think that should represent really what you're thinking of putting there, which is independent, detached dwellings as opposed to a large mass up there.

Martin Siefering: Let's go to the next slide – what we're trying to get to is this building is one that is going to be read by these ends. What we did intentionally is to – the building is broken up into two pieces. There is a single story connector that connects these two buildings. So these two horseshoe shaped buildings set up here. So we set up the horseshoes so that the connector is at the top rather than the bottom. So it's about perceiving the ends of these legs – all four of them. And those ends can have the scale of those simpler homes. This building, for instance is a building that's similar, so you read that end.

Ralph Vigliotti: I'm glad I asked the question, because I think we're going off on a different path here - that you were looking at these individual dwellings that you have shown in the past. If you go back one or two – just one I think. You're showing on the right hand side something that's very very different than what you're proposing, and I'm glad that I asked the question, because you're really talking about these little outposts perhaps having that look. Am I correct in saying that?

Martin Siefering: That's absolutely correct, what I'm suggesting is that this generates the sort of feel for the project. We're not going to do a collection of single-family detached houses here.

Ralph Vigliotti: It's kind of what I thought we were leading down to in a sense. And I'm sorry – my apologies – I wasn't here at the last meeting, so I'm trying to do a catch up. So the footprint up in that left hand corner is the footprint. Can you share with me length and width, perhaps? The length at its longest and width at its widest? Just as an approximately so I can get a sense?

Martin Siefering: I would guess that this length from here to there is going to be about 150 feet, and that this length is going to be about 400 and some odd feet.

Ralph Vigliotti: This is about ¼ of a mile.

Martin Siefering: 400 feet.

Ralph Vigliotti: Feet, not yards, so it's 1/8 of a mile.

Martin Siefering: A twelfth. And what we've really worked at is to break it down using these end gables, so you don't perceive that length from anyplace on the site.

Joseph Morreale: Yeah, but if you go to the next slide...

Martin Siefering: So this is a sketch from this place, looking up the hill you're seeing that end and this end, that gable end and that gable end in the landscape. This stuff over here would be out of sight. It's not possible to see these from that point because of the topography on the landscape.

Joseph Morreale: On the black and white one?

Martin Siefering: I was using this to give you an illustration of how you can break the mass up by changing this end, rather than pitching. If they pitched this roof in the other direction, you would have a much stronger, much more aggressive type of landscape. And we're using this kind of roof to soften it. It allows it to be less aggressive about its placement on the side of the hill. Again I'm showing you single-family houses here and I apologize that I don't have literally – I'm using this to give you a sort of sense of what we're trying to do, not to portray that we're doing something of that size. But we're trying to do something that's a little bit more contemporary, but still has that – they all have pitched roofs and they are all very domestic in character. Nobody is going to mistake any of those houses for anything but nice houses. They are very comfortable. They don't have to be traditional siding, traditional windows and shutters to have that domestic character to fit in well with the things that are common in Westchester.

Joseph Morreale: Okay, but this is now going to sit at the top of the hill, right?

Martin Siefering: Not at the very top, no.

Joseph Morreale: No, but quite visible across the road and from the area around, and it will be a rather massive building even though it curves. It's not going to look like these at all, it's going to be – the closest thing you've shown us is the upper right hand corner of the previous slide, which is like to bottom one on the left but it's a big complex. There is no space in between the buildings vertically, so the result is you get one massive building.

Martin Siefering: But when you look at the building from below, which is how most people will perceive it, even though as we're looking from across the valley, most of them are going to look at it from an elevation that's lower than they are, you end up looking at these buildings and the ridge line is not visible. Because these elements are forward they will break that ridge line. You are not going to see the ridge that would be this length and this length. And the building is broken in two. There is not a ridge that connects the length of the building.

Joseph Morreale: It's still four stories; each group.

David Kamp: One of the other elements that we look at is this whole relationship of the building and how it engages the site. The idea is we'll be using stone again, in this sense creating a plinth for the building. That in a sense, as the grade falls off on let's call it the left side of the building, is that we engage it with a series of lower terraces. It might be a – if you don't mind me using the pointer here – it might be a series of putting terraces inside of here, it might be a way of terracing the walls themselves so

that the walls are not major elements but a series of low walls that step up a hill, so that the building actually has in a sense a stone base. And the idea here of using these stone walls, particularly this corner here, it allows us to keep this major grove of existing trees here, and bring them, I'm using this picture as a character study – the idea of bringing the trees quite close, that as the lane falls off, that in a sense you can get the sensation of being in the trees here. The same thing here, in a sense, the idea of using the walls both in this area here and here to keep the trees quite close to the footprint of the building.

Anthony Sturniolo: I have a question about the photograph in the lower right. Where was that taken?

David Kamp: That's actually a Frank Lloyd Wright that uses in a sense a stone –

Anthony Sturniolo: Is that Estonia?

David Kamp: No, it's not.

Whitney Singleton: Kentucky knob.

David Kamp: It is. Thank you very much which is in Pennsylvania as well.

Whitney Singleton: It's right near Falling Water.

David Kamp: Yes, again it has a fairly rugged site, and the idea that he did the same sort of thing creates a stone base to the building, and then the building sort of sits on this plinth.

Anthony Sturniolo: So you're going to have the whole building cantilevered over the edge of the mountain like a waterfall.

David Kamp: A nice stream that runs through it.

Doug Hertz: Are you imagining using rock from the site?

David Kamp: Absolutely. One is there is that color of stone is great. Why not use it if it's readily an indigenous material right on the site. Our hope is that, in a sense can create the plinth for the building itself.

Martin Siefering: As you get closer to the building you begin to read texture and materials, and these begin to represent the stone in the way we'd like to have it laid on the building. We're not thinking about it being cut stone, but using it in a more natural form and looking at it with natural cedar. Where we need color we won't use a paint, we use a stain that let's the character of the wood breathe through so you have more texture than you would if you were literally painting it with an opaque paint. When you turn around the corner of the building you get a view into – this is just a quick sketch of that entrance, so you have the entrance to the building is here in the middle, so you have a covered drop off, you would come up and drop off here and go in. The building beyond begins to have this sort of character of ups and downs in the roof and its playful and very scaled down. This is the one place where you can get quite close to it as a car from the downhill side. You can never really get very close to the building. We ended with this because this is kind of the feeling that we want to have when we're done here, to sort of fit into the landscape and very comfortable and relaxed and not rigid and harsh. Questions from anybody? I realize that some of you saw presentations before that really gave more sense of the organization of the building, and I realize now that some of you weren't here for that, and we may have skipped through some of that.

Joseph Cosentino: Are you familiar with the complex down in Ossining called Kendall?

Martin Siefering: Yes, we are actually the architects. It's in North Tarrytown. Not to offend those who live in North Tarrytown.

Joseph Cosentino: Yes, it is North Tarrytown; you're right; next to Phelps Memorial. That is gorgeous.

Martin Siefering: That is one of our projects.

Joseph Cosentino: So would you say it would look similar to that?

Martin Siefering: Kendall is a much bigger project than this. Kendall is two and a half times as big as this.

Joseph Cosentino: When you walk into that you think you're in the Hotel San Moritz or something.

Martin Siefering: It's also taller, but it has some of the same issues.

Joseph Cosentino: It's also overlooking the river, too.

Martin Siefering: It has some of the same issues, but with that building you approach it from the high side.

Joseph Cosentino: That was the idea you get when you walk into it.

Martin Siefering: The feel, the sort of richness of that we would want to bring here. This will have a different feel of it. The motive there is to have – sort of strike that Italianate river, river house feel.

Joseph Cosentino: I was there last week, it's nice.

Doug Hertz: I have a couple of questions for Don. Can you go back to the overview, one of the first slides that show the site more or less full screen? It's a broad question because it goes toward how optimistic that projection of size of retention basins is. Obviously you're going to have huge issues with run off on the site and how to capture that and treat it. I'm seeing a second little swale below there. Are those the two primary basins that you're visioning for this? And, quite frankly, how, when you really get into it, how much more are you going to take that back? Which really goes to the second part, which is the ability to retain trees and existing features?

Michael Finan: As it pertains to the size of the basins and actually collecting the run off and getting it there, these basins are actual size. The size conforms to DEP regulations and these regulations. So they are actual size. Now, when it comes to vegetation and those types of things, I believe, correct me if I'm wrong from an architectural prospective, we've tried to save as much vegetation as we can in these areas and fit these in by terracing these basins with the slope of the land.

David Kamp: If I can pick up on that thought. The idea of using them instead of having a larger basin is that they are thinner basins which in a sense are going to collect the water. There is going to be water that is going to be coming down the street here. These are thinner basins, and the idea is that we still maintain as much of the native existing vegetation on either the high side or the low side of these, depending on as the roadway works down the hill.

Michael Finan: And we really worked to preserve two large clumps of existing vegetation here and here for those who will experience the building from a distance. These should do a pretty good job of screening this half, and these should do a pretty good job of that. We may peek through a view of that corner yet. We'll model that and see how that works.

Anthony Sturniolo: In that area that you said you're preserving, right there, that is tied into the slide where you were showing various examples of rock walls and stepped terraces?

David Kamp: You see the double white line that's right there? The idea here is that instead of a single tall wall being in a sense depending on the grade because it is going up the hill, it is a terraced wall, and we planted that in between so it's not like a wall that simply is battered and then comes back up. It in a sense would have a terrace at this level, which might be planted as part of gardens or terraces for the actual residence, but that narrow strip inside here would be planted as well. Our hope is that we, in a sense, would work this edge with the existing trees here, so in a sense that we might bring the native existing trees quite close to the base of those walls, maybe that takes a little bit of supplemental planning, but we wanted this strip again to be that sort of layering quality so it's not a single wall.

Michael Finan: And those walls come down and engage with the building at this end and this end, and that is sort of the image that was in those photographs is seeing that wall engaging the building.

Anthony Sturniolo: That was the slide with the Frank Lloyd Wright example? Okay.

David Kamp: That's probably a larger, taller wall than we would like.

Anthony Sturniolo: The overall grade of the adjacent property over there in relationship to yours, where is the slope? If you had to describe both properties, do both pieces of property slope, on my term, from the right to the left or from down this way. How is it?

Michael Finan: This one slopes pretty aggressively from there up here. I assume that this was carved out here and filled in along that edge. This once had a fairly steady slope that was similar to what we have.

Anthony Sturniolo: And where it's been cut out – on the other side of the property line onto your property, what then happens, from that point going that way?

David Kamp: A terraced wall system here. That's what that double white line is.

Anthony Sturniolo: I mean the natural grade.

David Kamp: Here's the car dealership down inside here, so that the gradient pretty much follows and sort of goes like this, but it is going down hill here.

Doug Hertz: Remember you've got this tremendously steep area at the property line – that's where that retaining wall will be.

David Kamp: This is about 70 feet from here to here, maybe a little bit more, then it's another 70 or 75.

Anthony Sturniolo: So your property basically from the line just slopes this way. And left and right is a moot point?

Martin Siefering: You can see the topography – the slopes tend to follow. That's the reason the building has that shape.

Anthony Sturniolo: Right, the curvature of the building.

Doug Hertz: Can we just slide these down and look at these both again? I'm just looking at topography in relation to these areas.

Ralph Vigliotti: How many parking spaces are underground?

Martin Siefering: 44 above the ground, underground there's 134. You can see the topography along here how close those lines are together.

Anthony Sturniolo: Yes, to the edge.

Doug Hertz: As long as we're talking about the sloping, I think we mentioned this earlier. The photograph is accurate, but obviously there's been a lot more site work below this whole area is becoming one large parking lot. Quite close, I would suggest – inches – from the property line. The ability to buffer that over here, what you are proposing is going to happen is you're going to come around this corner and look into the backside of a parking lot.

David Kamp: One of the things we wanted to look at was even the idea that as one drives up the hill, and driving down, we wanted to make sure that we in a sense use those corners and brought material quite close, basically from a safety standpoint; bring material quite close so that the corners are quite densely planted. So if you look at the plans, the idea that each one of these does have a fairly densely planted corner. As one comes down the hill, the same thing here, we opened this up actually, but these corners here and here, and in this one here, you're right. You're looking straight in; you are also looking straight as you're coming down. But we wanted the corners to be fairly densely planted with a lot of evergreens in particularly those spots.

Doug Hertz: I'm just pointing out that that corner is going to be bigger. Let me just go back to retention basins. At the very base, what do you have projected there?

Michael Finan: It is an underground sand filter that will purify the water and discharge back into the drainage system.

Doug Hertz: So the last surface basin is here?

Michael Finan: Yes. The last surface basin is here, and from here down we are picking up into a sand filter.

Doug Hertz: And the grade of that will be high enough so that won't be visible from anywhere down in the street?

Anthony Sturniolo: What do you anticipate the average depth of the basins to be?

Martin Siefering: I think the range between six and seven feet. This one is a little shallower than this one, I'd say five.

Doug Hertz: Are you going to get into an issue here in terms of the grade? These are stone walls?

Michael Finan: That's correct.

Doug Hertz: Has that become essentially a dam?

Michael Finan: The DEP will obviously review this and put their input into that, but I think we don't come over the 12 foot differential between our high water and out outfall to qualify as a dam.

Doug Hertz: Is this coming up?

Michael Finan: This is terracing up.

Doug Hertz: These stone walls. Is this wall here so that you could cut in below, or is this wall here so you can hold back what you're going to need to keep this level? Are you coming up or down from grade?

Michael Finan: It's a mixture. This will be raised up so there will be some fill from these walls.

Doug Hertz: So that wall will retain its structure.

Michael Finan: You've got this group of trees that we're trying to save in here.

Ralph Vigliotti: Well, we've heard the words trying to save in the past.

Doug Hertz: When you're building a lot of big structural elements very close to mature stands of trees it going to be – every time it's been on plan to happen in this town, site work has not made it happen. I guess maybe to extend the question I'm hearing – how are you going to make that successful?

Michael Finan: It takes a combination of engineering and some care with construction. It can be done.

Ralph Vigliotti: We've heard that before. The site plan piece is going to be a very slow and arduous process for us on this board. Unfortunately, you are just coming in as we're coming off of a project of this size that had massive site problems, trees that were removed, trees that were unfortunately tagged not to be removed but needed to be removed or in blasting during road construction and so on. On the switchbacks there is not a lot of room for any error. As far as protecting some of that little bit of open land, I have a real concern about the amount of site work, the amount of site disturbance, the number of trees that will be removed to accommodate all that you're trying to do particularly that road work. I have a question kind of piggy-backing off Doug; just slide this down a bit. You know we have a parking lot proposed in here, so how much distance is between your road and this parking lot? Is there going to be a full stand of trees there, or are we going to see what may appear to be obviously a road from down below? I kind of envision being able to see the swath kind of lost and these trees not even making it anywhere near here, and we just see swaths of land from a distance just carved out. I'm concerned about that.

Stanley Bernstein: I have a different vision. You see trees being lost and basins not being configured the way they're shown here; you know what I see? I see tons and tons of this projects going down onto Kisco Avenue just like the project next to it, just like all of the big slopes in a decent size rain during construction. I see tons of material going on to Kisco Avenue. Just like all the tremendous protection that they took in building the interchange at the Taconic Parkway and 35, where half the mountain went down to Peekskill. I don't know if you guys remember that or know about it, and that was on a simple thing like an overpass, an interchange. And look at the size and complexity of this project. Half of that mountain is going to be on Kisco Avenue. That's my vision.

Doug Hertz: I think you're hearing that we've had some, with the best of intentions, we feel from builders and developers in the past, lack of execution even with all these things discussed beforehand and specified and clarified. It makes it more difficult for everyone else, who comes in, and the next guy and the next guy. I think we like a lot of the idea, but we will hold you to actually executing them.

Michael Finan: Are you talking about the connection between Holiday Inn?

Chairman Cosentino: You'll have a light over here?

Michael Finan: That's correct. There is a skew in the image from the aerial photography. We can't exactly overlay the site.

Chairman Cosentino: But that will meet up, though?

Michael Finan: That will meet.

Chairman Cosentino: Because we're going to have an \$110,000 light there.

Michael Finan: They don't take the aerials from a direct hit.

Joseph Morreale: I have a different set of question. You all are going with the ecological; trees, etc., but I want to ask a question about use. You are designing a 129 unit senior citizen development, whose residence will require some assistance including meals, transportation, housekeeping, and limited personal care. The way you presented all of this, I almost felt like I was being presented with a park. That I would take this switchback road to a wonderful plateau that would be a great park overseeing the city and just a wonderful thing that we're building a road to get up to. Instead, what I'm getting up to is an isolated village, of what I guess is going to be like 260 people, maybe more, with I don't know how many cars. I was counting 173 parking spaces. And I just question why that's a good place for such a facility. Why wouldn't it be much smarter to build a facility like that at ground level so that people in this facility could get places? If they are up on this hill, I can't imagine where they are going to go. They are not going to drive, they are going to have bus transportation, I guess, and God knows what it will be like in the snow. I don't get the use for the place; that's my problem. I have nothing against what you presented because I thought it was beautiful. But I would think of a park. I wouldn't think of a facility for senior citizens. I'd like to pursue that a little bit. Why are we bringing a senior citizen village up there?

Patrick Hewes: Of course there is a history of this site and the project relates to that question a little bit. It's my time relating to the court activities, but problematically I'll definitely let the architect speak to that.

Martin Siefering: There is a push-pull about whether seniors are better off in an active – down here on Main Street, for instance. If there were a way to build a project down here on Main Street, I am sure there would be an interest in constructing something like that. It's very complex to do because it ends up being a multi-use building and putting together a piece of land that's big enough to do it is something that's very difficult. If there were land available I'm sure that people would be looking at building those kinds of facilities in the city proper.

Rosellen Gonzales: Excuse me, may I interject? I'm Rosellen Gonzales, and I work with Caro & Associates, we're the attorneys. To answer your questions, firstly, the amount of people I believe that we have scheduled to be maximum in that facility is 169 – in that ballpark. And the average age, I think for entry, and I'm speaking on behalf of what I know from Lifecare, who is going to be managing the facility, is somewhere in the realm of 75-77 years old, and as active as they are, they are active 77 year olds and there are inactive, and each person who chooses to live in this kind of community is choosing it because its appropriate for them. They are going to have bus transportation – a shuttle bus going down to town and to the train station and that kind of thing, but I think that people at that age are going to be spending the majority of their time there. It's for people who do not need an assisted in a sense of healthcare, a nursing home. They don't need that yet, but by the same token, they are a little bit more inactive than someone who would want to live in a village of 55 and over.

Martin Siefering: The project in North Tarrytown, Kendall, is exactly the same residence profile. If you want to go see how they live.

Chairman Cosentino: Except down there they have, and I'm sure they are not going to have it here, rehabilitation.

Martin Siefering: They have on-site nursing.

Chairman Cosentino: The reason I was down there my sister in law had a knee replacement, and they sent her there for out-patient rehab. So you'll have that there also?

Martin Siefering: No.

Rosellen Gonzales: But they will have for example, a dining room, they won't have to cook for themselves. It will be a community.

Stanley Bernstein: Excuse me, I'm troubled with something. There are 129 units here, how many people do you say?

Rosellen Gonzales: Around 170.

Stanley Bernstein: Most of them are going to be singles, is that what you're saying? You have one bedroom apartments.

Rosellen Gonzales: We have gotten information from Lifecare who manages over 100 facilities nationwide, and from their statistics, the average age coming in is around 75 to 77, and the average person coming in is single except for x percentage of the population who want to live there that are married.

Ralph Vigliotti: Are they all one bedrooms?

Michael Stein: No, one and two bedrooms.

Chairman Cosentino: My understanding of this – correct me if I'm wrong is that there is a need for a person who is in a higher income. These down here are selling for a million one, million two.

Martin Siefering: Yes, at the high end. There are some in the 300 and \$400,000 range.

Chairman Cosentino: So there is a need for the person that has a very large home that is in their seventies that want to be brought into something like this. This is what I was told down there. They have a waiting list down there.

Rosellen Gonzales: There is also a need, I think, and this is what we were addressing initially, is there is a need to keep people in the environment who don't want to go to Florida and retire, who want to be near their families in Bedford, Chappaqua and Mount Kisco.

Chairman Cosentino: But you are not going to get that clientele from around here. You will get it from Scarsdale, Chappaqua, and Pound Ridge. Within the immediate vicinity here, you are not going to get that clientele.

Ralph Vigliotti: I'm not questioning the need as much as I'm questioning the – we're getting away from the site now, but now we're talking, if there are two bedrooms, does that mean two cars, because there could be live in help, perhaps. Or someone in the family assisting an older person in the family. Are there two baths in any of the units or all one baths?

Martin Siefering: Some are two bedrooms, two baths.

Ralph Vigliotti: When we look at that as planners on the Planning Board, we're looking at possibly a different car configuration, different parking requirements and all of that. If we're looking at a single person that we may look at this a little differently.

Martin Siefering: Those are all very valuable points of discussion, but you also see that there are people moving here with no cars. So you'll see some couples that come with two and some that come with none. And their industry averages, you can look at facilities that are in the region.

Ralph Vigliotti: I remember when 55 was the restriction at Heritage Hills, and that was it for 10, 15 years, and now there is no restriction. So things have changed and we have to prepare ourselves for any kind of change. So if 75 is the benchmark, it could be 68 or 65 or 62 which means you may have two people driving which changes parking configurations and so on. Just one more question regarding help. How many employees do you anticipate?

Patrick Hewes: Forty.

Rosellen Gonzales: Not all the time, 40 people coming and going in shifts around the clock. So the total employment would be 40, but that wouldn't be 40 on the staff.

Ralph Vigliotti: So, daytime, how many would you have? I don't think its three shifts.

Martin Siefering: Three shifts of eight, I don't think it is. Typically you would have 60% of them as your peak.

Ralph Vigliotti: Those are all the questions that we need calculation on.

Martin Siefering: That will definitely be covered and analyzed.

Whitney Singleton: I can interject on one or two items just to lead to the questions that are unanswered. The issue of the 129 units and the 163 occupants of the facility are not predicated on what is anticipated or what is expected or projected. Those are parameters that we set forth as part of our Stipulation of Settlement. These are not enforceable by zoning, they are enforceable as part of a So-Ordered Stipulation.

Ralph Vigliotti: So why are we here? Explain the Stipulation in great detail so we can understand how far we can go here. Otherwise, what's our need?

Whitney Singleton: This is the basis for them coming before you. They are saying that this is what they are willing to do, and they are not going to come back and say well, the market has changed. If the markets change, fine, you enter into the Stipulation that says this amount, and we can go back to court and have that Order enforced by a federal judge should they violate. It's not a question of; well let's send them a Notice of Violation. This is something that is enforceable by a federal court, and these are the parameters that were set forth. The parameters are set forth with a lot of latitude being given to your board.

Ralph Vigliotti: It doesn't sound like a lot of latitude. If the part of the settlement was 129 units, then that's part of the settlement. There's not latitude there.

Whitney Singleton: What I was going to say is there is a lot of latitude put upon your board with regard to how the site will be laid out. We put maximums on the square footage. Unless your board thought that alternatively ----- by bringing the building down in height and larger footprint. But right now there is a maximum capacity of the footprint of the building. If your board thinks of a different capacity, the Stipulation has afforded to you the discretion to do that.

Ralph Vigliotti: By staying within the same square footage. That's the Stipulation. We can modify height, size, width, length, but within the Stipulation. Number of units. Why are we here?

Whitney Singleton: Because of their ability to settle. With this whole arrangement. It's not just an application that we were seeing on a hillside, a plateau on a hillside with a Street going up to it. This is recognition of outstanding litigation, of outstanding property rights and elsewhere in the village. Part and parcel of this application is not only the village receiving several million dollars, it's also the village taking a pre-existing non-conforming use and our and eliminating it. And eliminating the buildings. And eliminating things that currently sit on a ridge as a trade off for this kind of project. It was also thought that while there was a request for proposals to develop this site, there is a series of condominiums, townhouses, single-family home project throughout the site. It was thought that there was an enormous benefit by going with a project like this, again, subject to your board's approval, in that we are tucking the parking underneath the building. We are not creating all sorts of impervious surface throughout the site. It is no doubt that it's a big building. It's on an 18-acre site. It was also thought that given this type of use, that perhaps it is something that needs to be explored further with your board during the environmental review process. It was anticipated that this would be a significantly lower traffic generator than regular single-family homes or townhouses.

Ralph Vigliotti: I agree with that.

Whitney Singleton: It was a trade-off as part of this process. There is nothing, as we discussed during the original presentation, by Caro & Associates and the Lifecare people. There is nothing binding upon your board to approve this. What we have done is if they can present an application to you that works, the settlement of the litigation will take care of itself. The money will be transacted, and everything else will happen. The town

and country site will be restored to its natural condition. If not, the litigation is back on. Comes back before the judge, and there is potential for it being out of your hands to a certain degree. So it's a series of trails. I'm not saying that this is the ideal site for this use, but given the parameters and the strengths and everything the way the village has to go, this is a piece of property that the village board thought should be developed. The other thing is, just so that you know, in laying out this design, anything that is not developed is not subject to future development. Anything that is not developed is going to have by virtue of our Stipulation, a conservation easement slapped on. What you approve will be what is there permanently, and we will have not just the zoning to enforce it, we will have actual conservation easements to protect ourselves, and there will be provisions for walking trails, parking for village residents to go up there and walk on trails, and the primary bulk of this property is a minimum of 18 acres to be preserved. So it's a very big piece – a very big building – but better on an 18-acre piece of property than a 4 acre piece of property than previously proposed.

Anthony Sturniolo: Karen? Is it Karen?

Rosellen Gonzales: It's Rosellen.

Anthony Sturniolo: Rosellen. I was very close. As your colleagues went into a lot of detail talking about building materials preservation of existing trees, nature, stone walls and you painted a very descriptive picture of the overall project, can you do the same for me and tell me what the word Club means in the title?

Rosellen Gonzales: It has a tennis court. I think they just picked the name.

Richard Rosen: I think it's meant to imply community. It's to imply a group of people who chose to live together. It's not saying that you need to pass some test to get in, if that's where concerns are.

Anthony Sturniolo: I don't have a concern I just have a question. Just using the Stipulation of Agreement, for example, with the federal judge everything was called Town and Country, Town and Country, paper wise. And when we first heard the initial presentation it was Town and Country, now it's changed, and I just wanted to see if there is a verbal description of the word club that might dovetail into the very elaborate detail of the building materials, landscaping, sensitivity to nature, and preservation of existing trees. What does club mean from a marketing point of view, from an ownership point of view? I'm just looking for guidance.

Richard Rosen: Rosellen, can I jump in here?

Chairman Cosentino: Who are you?

Richard Rosen: I'm Richard Rosen, I'm with the architects. This is a community for seniors and it's also based on a concept of wellness. It's not a nursing home. So one of the things that is being offered as part of the amenity package, if you will, is a pool, which is going to have water aerobics and exercise. There's a fitness center, there is going to be massage, so I think the elements of sort of a fitness club, if you will or a health club - -

Chairman Cosentino: Not open to the public?

Richard Rosen: Not open to the public, but by living here you are a member, and you can enjoy those amenities. In addition to dining, cultural activities, social activities, educational activities, so it's not just a place to live, you are getting the benefits of a private club if you will.

Anthony Sturniolo: Obviously, the word residence is self-explanatory, and now you're saying the word club addresses these enhanced amenities of health and well-being.

Richard Rosen: It doesn't mean everybody wears blazers with crests on them, and they have to have a certain golf handicap, I think there are facilities like this that are built adjacent to towns that have a YMCA, that have physical therapy centers, that have other cultural activities, and what they do is they leverage off the town. I think because of the location and because of the views and because of the nature of where it will sit, I think it is implied that you come down in the morning, you walk down from your elevator and then all this stuff is available to you from meals to your work out at the gym, to your day at the spa, all that kind of stuff, so I think that's what the word club implies.

Rosellen Gonzales: May I also interject that just in response to Whitney's conversation with Ralph, I'm sorry I can't see your last name, part of the reason we are here is

because we want to work with you to create something that's viable for Mount Kisco and that will be something that you're proud of and not something that we have chosen and we have designed and any kind of imposition of any – in other words we are very flexible to work with you to design and build something that is good for the people who will live there but also good for Mount Kisco. And that's, I think why we're here talking to get a sense of what you want, and we'll address all of the issues that you request because that's part of our goal.

Whitney Singleton: Just one other thing and one of the reasons why I privately encouraged certain members of the board to kind of reach out on this application not necessarily to meet you but if involves strangling in the case of some members, it's fine, if it involves embracing that's fine too. But the point I am trying to make is that there are no rules here. This is not somebody coming in saying I have a 10,000 square foot lot, building coverage is 8%, the development coverage is 90%, and I'm allowed to do this as a right. There are no rules here. We can put restrictions on the property. This is an absolute blank slate to this board.

Ralph Vigliotti: But 129 units is not a part of that blank slate.

Whitney Singleton: Well, there are certain parameters.

Ralph Vigliotti: Well, you need to put those parameters on the table, because that will dictate where we're going.

Whitney Singleton: Well, those parameters have already been reviewed by the board.

Joseph Morreale: But the use also, the use, is not on the table.

Doug Hertz: The use is not on the table, the use has been previously negotiated.

Whitney Singleton: By your board.

Joseph Morreale: Is that right? I guess I wasn't at that meeting. Okay. Do you all agree that this is a great place for seniors?

Stanley Bernstein: Who agrees?

Whitney Singleton: The board agreed.

Stanley Bernstein: We never had a vote on that.

Whitney Singleton: It was subject, of course, to multi approvals, Stan. Your board voted on Stipulation of Settlement.

Joseph Cosentino: It's a great project only because of what you can get later on. In other words, it's tied together. You're not going to get a complex of houses and destroy 36 acres or something like that up there. You're confining it, and its low traffic. And that's why we thought it was a good idea.

Joseph Morreale: Seventy five years and above that you describe, is that going to be in the Stipulation?

Rosellen Gonzales: I don't think you can stipulate to that. You can stipulate to over 55, but in the marketing of the product, you market it to people; and again, I'm not a marketing expert, Lifecare is marketing this. Lifecare has been doing this for years and manage over 100 facilities in the United States similar to this one. They will be marketing toward a goal of getting someone in who needs someone to come and do their hair. They can't really take the time to go out because it might be hard for them to go out in the snow.

Ralph Vigliotti: So you're using the word marketing meaning if someone comes in who is younger than 65 and says I want that two bedroom two bath unit, are they out?

Rosellen Gonzales: Absolutely not. By law you cannot mandate that.

Ralph Vigliotti: The marketing tool versus the projection of age is very different.

Richard Rosen: But there is also a sense that people can move here and age in place. That they can stay here for a good long time. And there are tangible differences between people under 65, under 70 and under 75.

Ralph Vigliotti: Without any question. But for us as planners, you laid out 75 and above, and you mentioned possibly less number of vehicles needed, that's one thing if you're doing 75 78, that's your marketing age. If there are X number of seniors who come in that are in their early 60's and very vibrant or late 60's early 70's, that can be two cars, and that's another issue for us.

Richard Rosen: In the Petition for Zoning we are asking for change to the zone, which would be 1.33 cars per unit, we're asking for that definition to be set in your code.

Doug Hertz: On a positive thing, once the number of parking spaces is locked, they can't expand the parking. If they run out of parking, they are not going to be able to offer it to the 55 year-old who wants to bring in two cars. It's just not going to be there. They are not going to be able to come back to us.

Ralph Vigliotti: I hear what you're saying, but they're certainly not going to leave 10 units unoccupied because they exceeded their 1.33. And we know what it's like on properties that we've dealt with.

Joseph Cosentino: I agree with you in one way. When Balter came in here and wanted to build Woodcrest, we had a study on it, I never, ever thought that they would fill those units up as fast as they did.

Ralph Vigliotti: And the parking lot is almost too small now.

Joseph Cosentino: No, they have plenty of parking there.

Ralph Vigliotti: No. You have to go all the way down to the...

Joseph Cosentino: There's a waiting list there now. Being in business, if they're going to put a complex like this up there, naturally they are going to take a study on it. I'm sure that's what they're doing. If you didn't feel that you could get people at the age of 70-77 which you already have, the question is would you be spending this much money for this complex?

Richard Rosen: I would just say two things, this industry – we've been doing this with the seniors for me its fifteen years, and the average age of people who move into a community like this keeps going up. Because people are living longer, they are healthier longer, and when I first started the average age of a person going into assisted livings, which are people who need a walker and people who need to be bathed. It was 75, now it's 84. So the whole thing has shifted, and I think what you're going to find is what Rosellen is saying, is that statistically people self-select for this, and people who are younger than their 70's, they are going to think they're too young for a place like this. And then other things – we have other projects that just opened marketing, and a person comes and is in their 70's and says I'm making three reservations for my friends. So very quickly you get cohorts of people. It's self-selecting, really, and the other group is that you may have a very spry 70 year old with an older 76 year old husband who is not quite as spry, and that's where you are going to see the age spread; where one of them is a little bit frailer and can't be taken care of in the two-story house with a garage and a lawn and a garden to take care of. So I think you're going to see that group in their 70's and up.

Joseph Cosentino: We talked about this, and one of the questions I asked and of course, you have counsel here tonight, whether it was your partner whoever he was, said absolutely yes, that Mount Kisco would have first servings on it. They were not sure, or they didn't want to tell us, the approximate price of getting into here. Does anybody know what the approximate price is? You've got to have some idea.

Richard Rosen: We've described that before, and the Lifecare model talks about a monthly fee and a fee – a check that you write in the \$350,000 range, 90% which you receive back.

Joseph Cosentino: Less ten percent.

Rosellen Gonzales: I'm not sure – 350 is the lowest.

Joseph Cosentino: \$3,500 a month.

Rosellen Gonzales: Yes, \$3,500 a month, and then you get 90% of your money back when you move out.

Joseph Cosentino: When you move out or pass on.

Martin Siefering: One of the things when you self select those older people, and your questions are absolutely spot on with every community we work in is concerned about what happens if...and if your population self-selects around spending that \$3,000 a month on top of that money, what are they getting? If you're 60 years old, you're not getting much. You're spending that \$3,000 that month, and you don't want to eat at the restaurant, you don't want to be part of the fitness center. You want to have that flexibility to go other places. You're still a member of the country club. In often cases, that's the thing that self-selects the more senior population. So in a lot of cases the people who are in your shoes, the one requirement that they do make is that the residents who live here have to subscribe to those services, which means that they have to pay that money, which then means that you have a self-selection of older people.

Joseph Cosentino: You've got to be able to take care of yourself. It's not some facility where you're going to go in and you're going to have nursing care.

Rosellen Gonzales: No.

Richard Rosen: There are a lot of people who are 65, I remember when my grandfather was 65, they are still working for another ten years, and they may be working three days a week. They've got the wireless internet at their house, the fax machine and they are still going into the office a couple of times a week, and that's not the people who are going to be moving into this community. Because they are not ready to just retire and live quietly on a hill.

Joseph Cosentino: I noticed down in the other place, they are in their high 70's, and early 80's, and I was surprised to meet a prominent family down there, he and his wife bought a place down there, can buy the place itself.

Richard Rosen: I think I know who you're talking about. It's very interesting. On the other end of the spectrum is the active adult world that's marked the 55 plus people, and they are finding that it's people who are 65 who are moving into active adults because they feel that they are ten years younger than they are. And they used to be - 65 was the starting age for a community like this, and now everything has shifted ten years, and everybody lives ten years younger than they are because that's just a perception. We go to all these seminars and marketing and it's almost like people with a fireman's net saying, "Well, where do I catch the 65 year old, where do I catch the 75 year old?" This is where you catch the 75 year old, not the 65 year-old.

Rosellen Gonzales: May I also mention that there will not be the type of healthcare on site that one would need when they become older and debilitated, so there won't be people with their private nurses there. There is no facility for them to stay there. I mean if they are ill for a short time, I think we'll have the ability to bring a doctor on site or something like that, whatever a person needs, what they would normally need, but once they get to the point where they cannot take care of themselves, normally, from what I understand the option is to move into an assisted - to a higher level of care.

Stanley Bernstein: I want to say something here. I am not interested in the ages or the number of cars. I am not interested in this debate you're having about who is going to be selected for this or marketing. I really don't care. There are a couple of things I have to say, even though my dear friend Whitney is probably not going to talk to me for the rest of my life, I still have to say this Stipulation was a very bad bargain for Mount Kisco. Number one, I would say that Woodcrest, compared to this, Woodcrest is like a cozy little cottage on a shady lane. Compared to this abomination. Eleven and half acres of trees coming down. Nobody seemed to mention that. They are only interested in 75 year olds. That road is one of the most disgusting things I've ever seen. I fought tooth and nail against Swiss Home expanding - Town and Country expanding because I thought it would look terrible on the ridge line. I would rather see this up there right next to Town and Country. I would rather see you build this where Town and Country is than what you're doing here.

Joseph Cosentino: Love it Hertz.

Stanley Bernstein: Well, I got two people that are going to hate me the rest of my life. I got to say what I believe.

Doug Hertz: That's good, we've got you outnumbered Stan.

Stanley Bernstein: Why don't you move it up to the ridge line? Why do we need eleven and a half acres destroyed? I heard you mention on the last presentation about a green building - you're going to do this, you're going to do that - wonderful things. First

destroy the forest, and then make the rest of what you have, green. Is that your concept?

Richard Rosen: No.

Stanley Bernstein: It's not my concept, and I don't like this at all.

Richard Rosen: When you look at the topography of the overall 51-acre site, and I'm sure the architects will speak in more detail, this is the largest area which is the closest to being flat. So you have a site which is most appropriate, the easiest and the least...

Stanley Bernstein: No it's not. The easiest is the ridge. The easiest is up on top. Far easier. A lot less expensive. This is going to cost you a fortune. It's probably cheaper for you to cut right through the mountain at Kisco level, at that gray line, cut it away, chop that piece and make your building there. It would be a lot easier and more preserving of the environment. I think you should find another place for this.

Richard Rosen: The ridge line is in this community and in many communities, speaking as a planner, is almost always considered an asset in its natural state.

Stanley Bernstein: This is not an asset.

Richard Rosen: So the ridge line is often considered something that should be maintained as a ridge line. That would probably answer the question why we are not looking at a ridge line for this site.

Stanley Bernstein: Oh, I know why you're not looking. I'm well aware. What's that road going to cost you? Seven million dollars? Probably more. Much more. It's the most ridiculous road – the only one that ever came up with a road like that is Sarles Estates. Another abomination. What the hell are we doing to Mount Kisco? We're just taking it and chopping it up and tossing it down the ash barrel. That's it. I don't want to say anymore. Whitney, I'll see you one day.

Ralph Vigliotti: Are your engineers saying that this is the best possible situation for a road to get to this site with the topography and everything else?

Richard Rosen: It's the best and the only way to get to this site.

Doug Hertz: Cable car.

Ralph Vigliotti: The switchbacks, and I hear what Mr. Bernstein is saying, and I agree with a good portion of what he's saying. We're talking about deforestation there. We're talking about site upheaval that is going to be second to none to get to the building, never mind the building itself. Forget about everything else, ages, and as Stan said very well, for us it comes down to some other issues, and we need to discuss that. But time is getting late and I think we've got lots and lots to talk about.

Joseph Cosentino: And we're not going to do it all tonight, either.

Doug Hertz: Let me bring up one thing, if I may.

Joseph Cosentino: Yes, because we are going to break off at eleven o'clock.

Doug Hertz: This building has always been proposed as a single building even though you are trying to visually break it up so that it appears to be multiple; smaller units. And I know your central area is going to be somewhat lower, although it's unclear to me how much lower.

Richard Rosen: Two stories.

Doug Hertz: What's the true difference in say the top of the roof line between the two – would there be anyway in this proposal to look at separate buildings? Separate smaller buildings that would be interconnected with enclosed passageways or anything else so that the appearance is less? And I know you are working hard to make it look like smaller units, but to go the next step and really make it separate units or to make it smaller and connect at separate units, or does that defeat you're...

Joseph Cosentino: Good suggestion – but the person that lives down has to go to one building to go to the pool, the person that lives down has to go to one building to – and I don't think that's the concept that they are looking for. I think that's the problem.

Michael Finan: I think one of the issues in buildings like these; I think a lot of people when they look at these buildings think oh this is just an apartment building for grandpas.

Joseph Cosentino: I don't have to go out in the rain; I don't have to go out in the snow.

Richard Rosen: One of the issues that always confront us is walking distances. If someone is getting frailer, how far does the guy who lives in this apartment have to walk to get to the elevator and then to get to meals? And so, when you break things apart even more, if they diminish the mass, it starts to make them much more inefficient and really lengthens the travel distances. Except for people on their carts, those electronic carts if they get to that point, people are still walking, and I think where we locate elevators is strategic and the furthest distance from here to there is usually what governs.

Joseph Cosentino: You may get away with that in Florida or Arizona, but you're not going to get away with that here.

Doug Hertz: Let me just extend this thought, and I hear what you're saying, and I know it was brought up earlier. One of the most significant things, at least to me and I think some of the members here, is the visual impact of this. You are going to see this building directly over Premier. On site lines you are going to see it from – when you crest over across Preston Way you are going to see it from across the valley. Keeping as much mature plantings will clearly help, but I wonder if there is any way to bend this around in such a way that the mass from, and again, no one is seeing it from here or here or here, they are all seeing it from this way, topographically I know you are starting to get into steeper stuff here, but did you look at anyway to turn this such that some of this is hiding a little bit more behind this?

Richard Rosen: I think what I'd like to do is to start off by challenging us to show you what you're going to see from a variety of different perspectives. Because I think we've accomplished a lot of what you want.

Doug Hertz: I think you have too, I'm wondering if you can push it.

Richard Rosen: One of the simple things we could do would be to trade height for length, but I know there is sensitivity to that.

Ralph Vigliotti: Yes. ----- up to a 1/12th of a mile or whatever it may be. I hate to say that, but I think it's about 1/12th of a mile in length, 400 feet? That's quite a distance. That's quite a visual impact, 400 feet. That's an interesting point, Doug. When you get this up on that plateau that you do create, this is a whole engineering piece and water drainage and everything else, can you create where you drop it from the plateau down six or eight feet so you are not seeing all of that roof line, you are seeing a little less? I know it may mean moving much more dirt or whatever it is, but instead of it being right on that plateau that you create, how do we create the plateau and then drop the site down?

Richard Rosen: I would really like to go back to taking some time for us to taking some time to show you what this thing looks like, because I think we've accomplished a lot. There is no way anybody can ever see this building is 400 feet long. You can fly over it on the inbound route to White Plains Airport, but otherwise I don't think you are going to ever see the 400 feet of length of it.

Anthony Sturniolo: Would you be kind enough, also to, are you familiar with Knowlton Ave. which is a street here in Mount Kisco.

Ralph Vigliotti: Behind Burger King.

Anthony Sturniolo: Behind Burger King, there is a Burger King, Exxon Station and Knowlton Ave goes up? If you go to the top of Knowlton Ave and you look across the valley in toward your property, toward the BMW dealership and Curtis Instruments? Just take a ride up there.

Doug Hertz: It's more or less a straight shot across.

Martin Siefering: We have a digital model built of the building, and we can show you what you'll see from anyplace. We just need to know what places you want to do that, and we'll do that as part of a...

Anthony Sturniolo: Dovetail it into Doug's point about the building. What would be accomplished if you were able to shift the building?

Doug Hertz: Whether you shifted, whether it got compacted this way. I know you're dealing with a second level of slopes here, I am sensitive to the fact that this is – you are still sloping down this way, and this is the one section that is comparatively flat. I know the property very well.

Martin Sieferring: Your concern is the height of these areas, and making these read more independently?

Doug Hertz: (Pointing) My concern is that as you're looking across this way, you may read – it may not be these ends, it may be this. Unless this ridge line or the height of this roof is just lower than these.

Martin Sieferring: It is. We used a shallow pitched roof on that and a steep pitched roof on the end.

Doug Hertz: Then rather than spending a lot of time, what is your methodology for showing that to us?

Martin Sieferring: We just have to pick a series of points, and say here's what it looks like from those places.

Doug Hertz: I would suggest we get some while the trees are up and then, it's only two months from when the trees are down.

Martin Sieferring: What would be helpful from our perspective is – you all know Mount Kisco a lot better than we do, and if you could say to us, here are the places we are concerned about.

Joseph Cosentino: Can you have that at the next meeting?

Martin Sieferring: In a month, certainly.

Patrick Hewes: We are talking about – we would like to hear from you about where you think is a valuable location to see the site. If I could communicate with you so we both have that product by the next time we meet.

Whitney Singleton: If I may jump in here so we don't get too disjointed, your board is going to have to make a Determination of Significance as to whether or not this has significant adverse environmental impacts that need to be addressed by this applicant. I'm not going to presume to judge your work, but I think I know where that's going to go. Certainly Stan has something to say about it. But that's the beginning from which all of these things proceed that we're talking about. The imagery, the traffic studies, all that.

Joseph Cosentino: Well, I think we learned a lot tonight but we need to know some more.

Patrick Hewes: We are very prepared to address and answer and come to you with responses to your questions within the format of SEQRA, which is to say if and when you make a vote on it's environmental significance, the analysis that we will perform, the exhausted analysis –

Joseph Cosentino: I think we need another meeting to discuss this also before we jump right there.

Whitney Singleton: This is really a blank slate for you guys. I am just going to presume that at some point in time you are likely to pos dec this application, and then you are going to require them to prepare an environmental impact study.

Joseph Cosentino: I think after another meeting we might be prepared to do that, but I think – we need to digest what we've learned about it tonight. Last meeting we didn't get much accomplished. Tonight we got a lot accomplished. I think by next meeting we can digest all of this, and know where we're going to go.

Whitney Singleton: Just to follow-up on my thought, Joe, at the point that you make a Determination of Significance and assuming that it is a positive declaration, your board is going to want to start to think about the scoping of the environmental review. One of

the things that's important, and perhaps that's down the pike, but I think what Doug is saying is we may miss a season here by identifying the scope of the environmental review and getting them out to take pictures just in the winter when the leaves are down. If you want to do both, perhaps it would be a good opportunity in this one situation to identify some points from which you want to take some visual imagery.

Joseph Cosentino: You should be doing that now.

Patrick Hewes: We have to be able to do it within the format of a SEQRA.

Joseph Cosentino: You're trying to push the button is what you're trying to do.

Patrick Hewes: We're caught between wanting to respond to all of your questions within the format and the context of a SEQRA review happily. What with the season change at the same time, so we're raring to go but we need you to recognize, to vote on, so to speak, what this is.

Joseph Cosentino: Well, it's not going to happen tonight.

Patrick Hewes: No, no no. It's not supposed to. Absolutely not.

Whitney Singleton: But did you want to, notwithstanding the fact that you're not going to make a determination of significance do you want to give them some direction as to placement of where they are going to start now?

Joseph Cosentino: I just said that. He doesn't like the idea.

Doug Hertz: They need locations.

Rosellen Gonzales: Even if we do it informally now to satisfy the fall issue and the foliage, we can do it informally now. As long as we have some direction from you as to which locations you would like us to –

Ralph Vigliotti: We have to agree on all of this. I'd like to see balloons up when all the foliage is down of the road going all the way up to the building with balloons at the corners of the buildings, so we can truly see this as you will see it when the foliage is down six months out of the year.

Patrick Hewes: And that's exactly the kind of thing that our office and other people stand prepared, stand ready to do in the context of a SEQRA review.

Stanley Bernstein: That's not what you were just saying. You were just saying that in formally prior to SEQRA.

Rosellen Gonzales: I'm saying formal to satisfy them.

Joseph Cosentino: I tell you how we are going to handle this.

Doug Hertz: Joe, when we did Curtis we identified all those points.

Joseph Cosentino: We can still do it now.

Doug Hertz: But we did the work.

Joseph Cosentino: Michelle, somebody here is going to have to get in touch with our planner, and we'll give you the same points that we did when we did the upper building on Curtis with the balloons. Right now give them the points, and we'll do it that way because this will get the ball rolling.

Doug Hertz: It may be imperfect but it's a start.

Rosellen Gonzales: Yes, informal.

Whitney Singleton: Would you like that list to include any other points that Nanette's firm might be deeming appropriate.

Joseph Cosentino: Yes, absolutely. Because it will give us an idea, and then, after that we can go further.

Ralph Vigliotti: Because the points are going to show what foliage. As I said earlier on, in two months, six weeks, whatever it is –

Joseph Cosentino: But in the same token, you are 100% right, Ralph, we have to deal with the balloon, but I don't want to hold them.

Ralph Vigliotti: I don't either, but what's the sense of having all these wonderful points. We have some mature trees up there, and many of them are coming down, we're not going to see...

Joseph Cosentino: But then you have the balloon fest.

Ralph Vigliotti: We're moving forward. This is early on in the process. That's why we're here. Let me finish, we get to that point, and you're moving along, and it's like how do we go back a step or two. Tony mentioned no land, and I thought Tony was going to talk about the senior citizen complex behind Burger King that convinced us that we would never see that building, that they would have trees planted and everything else. You don't see it right now, but in six weeks, you will see every brick, every stone every roof line, from just about everywhere you want in the village. It looks like a castle sitting on a hill.

Joseph Cosentino: What I'm trying to say is that once you get the points, you'll have the pictures in front of you. I want the balloon here and here and here, it will give you a better idea. Right now you don't have anything.

Ralph Vigliotti: But it will mislead this board as far as what we will see with the foliage in place. It will mislead us.

Joseph Cosentino: When will you like him to do it then?

Richard Rosen: At some point when we have to apply the actual position on here with our proposed landscaping, we still have to apply off the topo, not off the current trees. So we can still get started on some of our studies knowing the starting point that you want us to look at. That's our starting point.

Joseph Cosentino: I have to look at something in order to know where you want this done.

Doug Hertz: Would you be using photos of what exists now or are you purely doing this
-

Martin Siefeling: A little of both. We would take a photo of what we have now and do our best to alter the vegetation that's coming out.

Doug Hertz: Ralph, let's at least just identify where we think, whatever the method is, whatever the time is, trees up, leaves down, let's start to at least identify where we think the most sensitive spots are.

Martin Siefeling: We can do some of both. One thing we didn't do now...

Joseph Cosentino: But you'll be looking at the mountain.

Ralph Vigliotti: You have the computer technology to show the road in with the foliage that will be removed and the foliage removed where the building will be using a computer enhanced drawing to do that.

Richard Rosen: Plus the foliage that David and his firm are designing that will be on the site. That's what we would have to do anyway to study it, to understand our view corridors and a lot of the stuff you describe as you move up the road. He is putting stuff on the site.

Joseph Cosentino: How long is that going to take you?

Martin Siefeling: A month.

Joseph Cosentino: A month. So let's put them on the agenda for the last meeting in October.

Anthony Sturniolo: The last meeting in October is a work session, which is October 24th and all submission material for that meeting would have to be in to the Planning Board Office on October 10.

Joseph Cosentino: Or do you want us to go to the second meeting in November? You need to submit 15 days in advance whatever information you get. So I think the second meeting in November you'll have all that information.

Anthony Sturniolo: The second meeting in November would be November 28, and the submission date for that meeting is November 14; a work session.

Doug Hertz: What are we asking them to review?

Joseph Cosentino: The actual pictures of the mountain with the foliage. And then we'll go to, Ralph suggested the balloon test; we'll know where we want them. But if you don't have something to go by, you're not going to have anything.

Whitney Singleton: Joe, this process is obviously going to be dictated by what you guys want to do. It happens to be costing the applicant \$1,000 a day each and every day of the week. I am trying to make sure that we are going down a path – they are going to be providing you the information that you want to make a positive or negative determination in the ultimate vote on this application. The process that's laid out by SEQRA is for you to review the information that's before you as part of this application. Not to make a determination, just to look what's involved in this application and then make a determination whether or not this thing has a significant environmental impact. At that point in time you can then say, based upon what I saw, I want to see topos, I want to see traffic studies, I want to see photometric, I want to see this; I want to see that. We can't ask them to go out and do all that stuff until we make a determination of significance, until we determine the scope of our review. I'm not trying to move the ball down the field –

Joseph Cosentino: But the only thing we'd be asking for, and we already asked for and they agreed to do it.

Whitney Singleton: The reason we're asking to do that now is so that we don't miss the season. You want to see what it looks like now; you want to see what it looks like when the trees are down. But that's just something that - they are going to go out and take some pictures. As far as the next time they are before your board, are you going to want to make a Determination of Significance, but the more questions or presentations that you need before you can make a determination...

Joseph Cosentino: One more, I said.

Whitney Singleton: What do you want to see next time that will help you better determine.

Joseph Cosentino: I think this board wants to see the foliage that is presently there, at different points, mainly Knowlton Avenue over the crest at Preston, and where the location is going to be so it gives us an idea of what we are going to do next as far as the balloon test.

Joseph Morreale: Would we also want to see a rendering of something like the building? Are they going to do that?

Joseph Cosentino: They are going to do something like that.

Ralph Vigliotti: That's a good point, Joe. This is early on. Maybe we need to see a two scaled model of the site, with all the switchbacks, trees removed, parking lots and the building so we can visually see this. You miss a lot when there is just a flat piece. It's a lot of work and I know it's an expense, but with this size project I think it's something that the board, and I have to ask the board members here, that I think it's something down the road we will begin to positive or negative dec it, we have a model.

Joseph Cosentino: You know its not going to be a negative Dec. You know it's going to be positive.

Rosellen Gonzales: May I interject that our offer to provide you with what you want, I hope will not slow down the entire process. That we can work on other things simultaneously to help you.

Joseph Cosentino: It's not going to slow down the process, but we want to see that. It's going to help the process go further faster. We're not going to rush through this by any means.

Rosellen Gonzales: No, I'm not suggesting that. What I'm suggesting is perhaps, because you said that you need more information from us other than what we've had here, perhaps we can meet in an interim period, go over other topics without the pictures and then bring the pictures to you the following time.

Doug Hertz: Just picking up on what Whitney said, it seems to me that the photo renderings will be one piece of a lot of information that we're going to require of them at some point. But I don't quite see how it's the defining piece as to our decision whether or not they are going to need to go ahead and do a full environmental assessment.

Joseph Cosentino: We need to put that into place.

Doug Hertz: It's realistic, I suppose to identify these points so they can begin to do some work so they don't miss a season, but is it really necessary for them to finish photo accurate renderings from all these points for us to make the determination and begin to scope out all that we require.

Joseph Cosentino: But I think we would be prepared at the next meeting to do that, I think.

Joseph Morreale: Doug, are you suggesting that there are other things we need to look at?

Doug Hertz: I'm suggesting that there are probably going to be many things that we are going to need to look at. Many, many things. I think giving them these points so they can begin their work, so that at the point where we get all the renderings, and we may want a lot, at a certain point.

Joseph Cosentino: Are you saying we should do that tonight?

Doug Hertz: No, no no. I'm saying –

Joseph Cosentino: Are you saying that we should do it the next meeting?

Doug Hertz: I'm saying AKRF plus our input will give them these points; they can begin to get topography from those spots to help them make their models, but it seems to me we will have enough information on a discussion basis to determine whether or not there will be significance to make our decision.

Joseph Cosentino: I think we'll have that by the next meeting.

Michelle Robbins: I think basically you can pos dec it by the next meeting if you decide to technically, you could possibly pos dec by as early as – and then –

Joseph Cosentino: I don't see why we can't.

Doug Hertz: I don't see how we possibly can.

Joseph Cosentino: You're saying we cannot?

Doug Hertz: I don't see how we couldn't pos dec it. This is a huge project; there are a ton of things to do.

Joseph Cosentino: It is a pos dec, there is no doubt about, but I'm saying I can't see why we can't pos it at the next meeting.

Doug Hertz: I agree.

Joseph Cosentino: But bring in that stuff, we'll go over it, because between now and the next meeting, we may have other questions. We'll pos dec it and start with everything. We are not here to hold you up.

Michelle Robbins: The next meeting is in two weeks. What simulations can you do, if any, by that point in time? Obviously you are going to want a whole bunch of simulations, but are there simpler simulations that you can do to give them an idea of what the building would look like on a hillside, and then ultimately when you go through the scoping process, figure out all different locations and all this and all that and include that as part of the EAF process? Is there something you can do in two weeks; just a simple digital rendering of this building on the hillside.

Martin Sieferting: We'll bring something to you in two weeks. I don't quite know what it will be.

Stanley Bernstein: Take a picture from the highest point on Guard Hill. That will be your best shot.

Joseph Cosentino: Just bring us something so we can see it and talk about it.

Whitney Singleton: Stan, be clear on that. You want it from the Guard Hill Development, not the Guard Hill Road.

Stanley Bernstein: I'm sorry, the highest point in the Guard Hill Development.

Anthony Sturniolo: Guard Hill Manor, go up to the top of Victoria; if somebody wants to contact me, I'll be happy to show you the spot.

Joseph Cosentino: Nannette knows the spots that we did. When is she coming back?

Michelle Robbins: I'm not sure, but I will find the file and I will find the spots.

Joseph Cosentino: You can get the telephone number where she is and tell her we've got an emergency – to get back here.

Whitney Singleton: When you pos dec this application, whether it's next meeting or whether it's in February, whatever it is, at that point in time you are going toward a meeting or series of meetings following that; you are going to have to determine the scope and environmental review that you want this applicant to go through. And there's a laundry list of potential items, some of which you may want a tremendous amount of information on, like the visual impacts. Others you may not be too concerned about. Would you like to have Nannette bring a draft scope to start, not for this project, just a comprehensive scope of different things that you could possibly want to look at?

Joseph Cosentino: Yes. Somebody here is going to have to get in contact with Nanette. If you could bring something back within two weeks, we'll put you back on the agenda, and let's do it that way. Right now its 11:15 and we don't get overtime. Do we have a motion to adjourn?

Anthony Sturniolo: So moved, Mr. Chairman.

Joseph Cosentino: Motion by Vice Chair, second by Mr. Hertz to adjourn.

Meeting adjourned at 11:15.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary