

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday March 27, 2007

Meeting called to order at 7:00 pm, Tuesday March 27, 2007, at the Municipal Building Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino**
 Stanley Bernstein
 Ralph Vigliotti
 Doug Hertz
 Joseph Morreale

Members Absent: **Vice Chairman Anthony Sturniolo**
 Sol Gibbons

Staff Present: **Nanette Bourne**
 Whitney Singleton
 Anthony Oliveri

Chairman Cosentino: The first thing on our agenda is Mr. Bernstein, the minutes.

Stanley Bernstein: I move that we accept the minutes of January 23, 2007.

Doug Hertz: Mr. Chairman, I don't think we have a quorum of members here.

Chairman Cosentino: We don't.

Stanley Bernstein: No, that's true.

Chairman Cosentino: Next thing on our agenda is a special discussion of Northern Westchester Hospital, 400 Main Street.

SPECIAL DISCUSSION
Northern Westchester Hospital
400 Main Street

Present: **John Partenza, Northern Westchester Hospital**
 Joel Seligman, Northern Westchester Hospital
 Donald Clinton, Cooper Robertson
 Patrick Hewes, Zaccardi & Schiff
 Steven Barshov; Sive, Paget & Riesel
 Anthony Monteleone; Monteleone & Monteleone

Chairman Cosentino: Please come up and identify yourselves for the record, and again, Mr. Mayor, if you'd like to come up here. As most of us know the Northern Westchester Hospital is going to expand. They have entered into their master plan, which is completed. We haven't seen them for awhile. They did come before us, voiced their opinions of what they want to do, how they want to do it and when they want to do it. I think the first phase they want to enter in is the new Emergency Room, which is well needed; we all know that. The Hospital is well needed, we all know that, and we want to help wherever we can. I had this meeting put together because I think the Village Fathers need to know where you're going with it and give us our blessings how far to go. So, Mr. Mayor, that is the reason why the Village is invited to this meeting, so you can give us guidance on where to go with this. Right now I am going to introduce Nannette. Of course, you all know Nannette, she will bring us to where we are right now, and we can take it from there.

Nanette Bourne: In November 2004, Northern Westchester submitted a draft facilities master plan. At the time the Village Board requested that Village staff meet and work with the hospital to come up with not only a plan but the implementation for doing that plan with the Village. As a result, there was an application made on behalf of the applicant, on behalf of Northern Westchester to create a site specific plan for the Northern Westchester Hospital that had the zoning the accompanied the full development. The aspects of the plan were discussed and presented to the Village Board and to the Planning Board, and a petition was submitted to the Village Board for the zoning changes. SEQRA was commenced. It was determined that the Planning Board would be Lead Agency. The Planning Board conducted a Scoping Session. A Scoping Outline was drafted and adopted. The applicant was then sent on their way to go and prepare an Environmental Impact Statement. That was two

years ago, and the applicant has checked in periodically letting us know that they are still active, but they have not been before any boards, and they have not been active as far as I know with staff in moving this plan forward. In January of this year, they let us know that the Preliminary Draft Environmental Impact Statement had been completed and was ready to be presented to the Village, and specifically to the Planning Board as Lead Agency. Staff discussed with the applicant that dropping this on everybody after a couple of years was not in anybody's best interest, because our memories are short. It would be in everyone's best interest if they would come before the Planning Board, and in this case the Village Board, that could attend the meeting and brief us on what they've been doing over the last couple of years, give us an overview of what the master plan consists of, what the zoning consists of, the objectives of the plan; and bring us back up to where we were a couple of years ago, so that the Environmental Impact Statement that they deliver to you could then be read and digested by the Planning Board as Lead Agency. Because there are some time frames and some clocks that are inherent in the SEQRA law, we requested and the applicant had agreed, to suspend those clocks to give the Planning Board time to catch up. It was determined that they would come to tonight's meeting, give this overview, and at your next meeting in April, they would officially and ceremoniously give you the Draft Environmental Impact Statement; and then you can begin your review. It was anticipated that there would be a 30-45 day review period. Staff would review it, you would review it, and we would come together with comments on completeness. So it's an opportunity to re-familiarize yourself with what they were proposing and where they're going, ask questions so you can then begin the review of the preliminary EIS. And keep in mind that the EIS that they have provided to you is for the Lead Agency to determine whether or not it meets the intent of the scope that was provided to them. It's not a document that should be provided to the public, it's not to be reviewed and distributed, but it's to be kept to a limited grouping of people so that you can determine that the facts are right, that the methodology is correct, that all of the elements that you need to take a hard look to prepare this document so that the public can be informed and provide you as lead agency input know that what they're looking at is correct information. So, that's where we are and they've come here tonight to brief us.

Chairman Cosentino: During the two years, John was kind enough, I spoke to John, they said they're working on it. It wasn't a dead issue, it was just that they needed time to do what they had to do, and I appreciate that, John, for you taking the time in doing that. Why don't we hear from this side now, and you could take over. I know there were three phases. Just tell us where you want to go right now.
Nanette Bourne: Excuse me, can everyone hear, or should I turn off the air conditioner and open the door?

Chairman Cosentino: I think the Village Board has in the budget new air conditioners. Is that true Mayor?

Mayor: Split units are in the mail. I actually spotted two in the library. I was a day late and a dollar short, somebody took them out before I got them.

Chairman Cosentino: That's not like you.

Joel Seligman: Let me just start by thanking you for this opportunity. We've been very busy the last two years. This has been a very active process. You asked us very important serious questions, and that's what we're going to talk about tonight. They required appropriate diligence and study, and I think that's what we've done. I wanted to let you know that the security and well-being of this hospital as you know is intimately tied to the security and well being of our community. Hospitals in general are either moving forward or moving backwards. Hospitals around this region; those that are moving forward are not standing still, they are becoming out of date, they are losing physicians and nurses that they need, and in many cases, they are actually disappearing. So, there is a real urgency and threat to keeping this hospital very modern and state of the art. That's been our goal from the beginning. The hospital, moving forward means recruiting and retaining the best specialists. It's as simple as that. This community is loaded with primary care physicians, internists, pediatricians, ob-gyn physicians, more than enough high quality; those doctors don't have much to do with the Hospital. They don't work in the Hospital; they work in their practice setting. The physicians that the Hospital depends on are specialists. They are the physicians that need to be at a hospital doing surgery, procedures, interventions, and sub-specialty consultations. That's what we depend on to be an excellent hospital, and they depend on us, and in the long run if you look at the quality and security of a hospital, it's going to be totally related to the ability to recruit and retain top specialists. That's very central to our whole strategy. To do that we need to be a modern facility; we need to have the latest technology, top

notch staff, adequate facilities. We have in the last six years without changing the foot print of our facility, done a great deal to modernize and to attract people to our campus. A new intensive care unit you're familiar with, the new cancer center, two brand new operating rooms that are state of the art; we've done a lot to modernize the facility and attract the right kind of physicians. But there's a limit to what we can do in that foot print. We've taken that as far as we can at this point. We've been able to attract a good number of specialists along the way, so this strategy is working. You also know that we have to replace the emergency department. You started with that comment earlier.

Chairman Cosentino: Overdue.

Joel Seligman: It is wildly out of date and inadequate woefully, would be a better word for it. Everyone knows that; the State Department of Health has approved our plan for a brand new emergency department, the donor community has funded our plan for an emergency department and we are anxious to get going on that. As you also know, that whole plan depends on our master plan. So the Emergency Department doesn't and cannot exist as a separate plan. It's been designed and predicated on a master facility plan. It provides a lot of support that it needs and the connectivity and we'll talk about that at some point. So, as anxious as we all are to get an Emergency Department done, none of us would want to go spend the public's money on a facility that isn't integrally supported by and tied into a plan that talks about this campus over the next ten, fifteen, twenty years. And that's what the master plan calls for. So we're here tonight to start the next step in the process. I think it's been a very collaborative relationship over the last four years; this is a very complicated thing, so we understand the need to do it right. We fully expect to finish the process the way we began it; working together, being responsive to each other's needs and knowing that we are all trying to do what's best for the community. The hospital doesn't believe that we've overstated the health care needs of this community at all. We think our plans are actually quite modest, to use the term expansion. We'll talk about this more, but there's not a lot of program growth anticipated on this campus; what we want is a campus that really supports the level of activity that we have today, and modest growth. That's really what we're planning for. So I don't think we've overstated this, we think we have a plan that simply, seriously, honestly will address the healthcare needs of this community for the next ten to twenty years, and we look forward to completing it with you. And with no more ado, I'll hand it over to Steve.

Steven Barshov: My name is Steven Barshov, counsel. I am just here tonight to try to give you an overview of where we are and what we've been doing over the last two years. Don Clinton from Cooper Robertson will give a more detailed presentation about the substance. First I just want to echo in two sentences what Nannette said; we see the process exactly as she has outlined. As a matter of fact, covering the first seven paragraphs of what I was going to cover verbatim, so we're all on the same page with that process. The last two years the hospital has been going through an exhaustive, I would have to say repetitive process of looking at its needs, looking at the future, examining its facilities, and trying to come up with the most cogent, well-thought through master plan in response to the request that has come from both the Village Board and the Planning Board that a more integrated comprehensive vision be presented rather than a piecemeal approach, where individual applications come forward. That's not an easy process. I've spoken with John Partenza and others; it's to some extent a moving target. The healthcare field itself changes during this process, and it's important that you recognize that the hospital didn't just go away these last two years; they were studying the work of the last two years. We did meet on occasion particularly to talk about the Emergency Room which was a very important meeting. The basic plan elements include not only expansion and upgrade of the Emergency Department, but also the hospital has endeavored whenever possible to provide out-patient support in facilities located outside Mount Kisco. Now, that's important for you to realize because often in the past the question is, and it's going to come up in the future, we all know how much traffic is going to be generated, what are the impacts of on-traffic from whatever proposals the Hospital may make, what the hospital has been doing that is not reflected in this application because it's happening elsewhere, is the construction and the implementation of new facilities and programs in other communities where it minimized the amount of trips that are necessary to and from the hospital. As Joel mentioned, the importance of developing facilities to attract sub and super-sub specialists is of key importance. Providing space for surgeons and specialists to see their patients on site also minimizes trips to and from the Hospital, that is in essence if you will, one stop shopping. You come in and you take as many activities undertaken as possible without multiple trips to and from the campus. As Donald will describe, the program also has included a better circulation pattern internal to the hospital's campus, and

the entire program is a two-phase program that would have the Emergency Department medical office facilities, north garage and associated site improvements in Phase One, and the remainder of the program in Phase Two. I want to focus on one of the key aspects of the scope at this point, because Don is going to give you a better idea of what the zoning changes are that are proposed and what the facility plans, and I'm going to cut to the chase if you will, which is to talk a bit about what we call Alternative Three. As some of you may recall, there was in the Scope a request that was made that we try to eliminate the north parking garage and if not, be able to eliminate it, at least reduce it in size. And that undertook quite a bit of effort and focus on our design team's part. They looked at it in a whole variety of ways and they investigated the subsurface soil characteristics. There's a lot of bedrock under there; what the cost would be for constructing a parking facility below ground and so forth. What was done was, a close look was taken at the amount of medical office space that was required, and in this alternative, a third less is proposed than what was originally proposed. And in addition, there was an analysis of the parking that would be required and a smaller number of parking spaces were found to be required in the north garage. That partly takes advantage of the shared parking that is allowed under your zoning law, and that we'll get into in terms of the technical aspects of it, during the review of the preliminary draft of the Environmental Impact Statement; we'll make sure our methodology is proper, we've calculated property and so forth. Unfortunately, the net result of that was not a north garage of lower height. And, I don't want this to come to you as a surprise. I don't want you to go through the document thinking that this is what we created and then have a false "aha" and say that we were trying to pull the wool over anyone's eyes. While we were able to reduce the number of spaces in the north garage, the problem is that constructing those spaces below grade is exceedingly expensive. When the technical work was done on the cost of constructing those spaces they are actually prohibitively expensive. So while the north garage has shrunk in size, it has not shrunk in height. It is just not as far below ground and that's primarily because of the cost associated with this. The other factor to be aware of, as we look very carefully in association with this, is the visuals along that portion of the campus as well as the area surrounding it. And what you'll see when you look through the draft Environmental Impact Statement is that we don't believe that the garage is going to present a problem visually. Obviously you will make the determination about that. We looked at it very closely and very carefully and don't believe that it is going to be something that will create a problem. Obviously that is something that needs to be discussed and dialogued. But we have tried every which way we can to try to minimize or eliminate that north garage; it is just not possible. Because of the fact that that garage is linked to the medical office space, and that medical office space needs to be where it is, that garage cannot simply be eliminated and the south garage constructed in its place. All of these things we'll discuss with you in greater detail. I just wanted to give you that heads up not so that you don't see that after the fact or think we weren't being very up front with you. The only other thing that I'd like to mention to you before I turn it over to Mr. Clinton is that tonight is not a night for detailed discussion about the preliminary draft Environmental Impact Statement. There is going to be ample opportunity for all of that to occur. Tonight is a night to just give you the high points.

Chairman Cosentino: Just want to air it all out.

Steven Barshov: Yes. I just want to give you the high points of what the major items are that you are going to see. One of the key things that I think you will realize from this is that we have attempted wherever possible to pare back and get this down to what are really the bare bones in terms of what the hospital needs to do. I think Joel has characterized this perfectly by saying this is a modest growth plan; this is not some wild expansion. In that regard Don can describe in greater detail how these pieces fit together. Thank you very much.

Chairman Cosentino: My fellow board members; we are not going to add anything into this. We want to hear from them, and we'll have another day and time.

Ralph Vigliotti: I have some comments. At some point tonight I want to make my comments known early on in the process. I know we are here to listen to you, but at the same point I don't want to lead you down some path.

Chairman Cosentino: What we want to do tonight is, what we are here to do and which I explained to them we want to do, your comments, I don't know how long it is or what they are, but it can be another meeting if need to. This was meant for the Village Fathers to join us in a meeting so they know what's going on and where to go and where to stop. Our job is going to be to say, do we want this, do we not want this, and then you're going to have your turn to say yes or no.

Ralph Vigliotti: Well, I still would like to make some comments at the end either way, and I'll wait until you're done with your presentation, however.

Donald Clinton: There are in this volume; particularly this first volume a whole series of exhibits, and I wanted to take a handful of them just to show you as sort of responding to some of the steps in the process that we talked about. This is what we call the Master Plan; this is the proposed project in the EIS. There has been reference to an alternative. Alternative Three in particular is one that we've done as a fair amount of due diligence on, but the foundation of EIS and in some ways the most, the detailed analysis is done on this project, it is somewhat bigger than Alternative Three, so in that respect you could say we were looking at a bigger case. The reductions in floor area that we talked about in Alternative Three are subsequent to the analysis that was done for this. In the proposed project, there are, and many of you will remember this, two primary phases. The first phase involves creation of the new Emergency Department, creation of a road connecting the north and the south part of the campus along the back, and a creation of a medical office building and an associated garage which is partly below and partly above grade, and some small additions to the hospital; main sort of bulk part of the hospital. Elimination of parking on the front of the campus at the time the garage was created. The second phase is the creation of a garage in the south end of the campus, and at that point some expansion and in-patient facilities and some additional diagnostic and treatment space is primarily on the back of the campus. This project was the basis of our trying to write zoning that would set as Nannette referred to as the technique that we tried to do, because the normal zoning tools in the Village are a map like this and text, we felt that the kind of mapping that was covered in a sort of conventional zoning map was not sufficiently detailed to regulate that master plan; to achieve that master plan. So this is the zoning that is there today. First of all there were some changes to the zoning map lines that we proposed. There is a large commercial area in the bottom of the campus where the corner is, there is as you know shops along the front in the master plan you probably saw that this small office building that is at the south end of the campus is eliminated in favor of initially the first phase surface lot that happens when the Emergency Department is first built and then later a south face garage. There is also the H zone, which includes this residential building on Boltis and Moore.

Chairman Cosentino: Just let me stop you right there. That is where the Village will have to re-zone part of that, Mr. Mayor; that portion of the building right there.

Donald Clinton: This is the simple map that's proposed in its place. This is the application essentially before you. What it does is it takes that H district where that residential building is, and changes it to an H R District. The language of the text that has been drafted to go with this essentially limits this to residential use. At some point in the future were that six story building torn down it could only be replaced with three story buildings similar in scale to what's on Boltis, so it's a way of managing this Boltis frontage for the future. The commercial is limited in the south end just to the commercial; the little shops that are on Main Street at that end and then to make this big H district a more managed and controlled district, we then created what Nannette referred to as Special Zoning Hospital Area Development Plan is the term used, and what it does essentially is it limits the foot print of buildings to a much tighter area. It mandates the places where you can have driveways. It limits places where you can have structured parking, and it limits heights. If you recall, the existing zoning that's kind of on the books has a 14 story limit. This goes in and essentially only allows the existing seven story tower to remain, and everything else is limited to essentially 45 feet. So there is a kind of lid, if you will, on the campus. This zoning action and the text that accompanies it are the basis for essentially the environmental review that's been carried out. And, the thing that has been discussed at some length when we came before you to review the plan that was the base, the proposed project that became the basis of the EIS in doing the scope for the EIS we needed to identify a series of alternatives. You asked that we look very closely at the north garage, the office building and its relationship. As Steven said, we did that at some level of detail. The determination that we couldn't eliminate parking at the north end goes kind of part and parcel with the hospitals plan overall, which is the emergency department is planned for the south end of the campus and it's associated land use requirements don't allow us to put a medical office building there. The medical office building fits at the north end. It's set back from Main Street and set back from Moore Avenue. Therefore, the need to create parking at the north end was important in the plan to make that component of the plan work. So, what we tried, and we did a number of options, and they are in the document. We looked at ways of pushing the parking underground. We looked at a couple of different models, and what you can see here, this is a section blown up a

little in the plan. But what you can see, these are all of the floor levels. So what you see is that in this scheme, all of the parking is what is essentially from the first floor down. And we didn't have parking coming up above grade, but we went deeper into the rock here. We also did another variation on this, where we tried to combine some surface parking, and here you can see here's some surface parking around the edge.

Ralph Vigliotti: Can you bring that up closer?

Donald Clinton: Yes. You can see surface parking here around the edge, and then going down below including going underneath the medical office building.

Ralph Vigliotti: Can you keep that here? If you're making a presentation I'd like to see it. Is this is largest board that you have to present to us this evening? These are tiny.

Donald Clinton: I didn't realize there would be members of the Village Board in the audience.

Ralph Vigliotti: No, it's just for us. I know I have some visual problems, but this is tiny.

Donald Clinton: Let me just go back. Here's the garage.

Ralph Vigliotti: I don't know if they could see it down at that end.

Chairman Cosentino: We can see it.

Donald Clinton: You can see here the levels of the garage that we talked about.

Ralph Vigliotti: How many levels are there, because you haven't talked about that yet.

Donald Clinton: Well, I'll talk about that. This is the first floor and this is going below grade. First, one two three below grade; one two and a half above grade. We looked at options where we went below grade one two three four below grade, and none above grade and then we looked at an option where we extended underneath the building further and went below grade. These were smaller garages. These were about 440 spaces, and so we did these tests. As I said, we had them priced. The developer that the hospital is in discussion with about doing the medical office building and who would build the garage on the hospital's behalf priced them. The cost for below grade spaces was somewhere in the order of forty four thousand dollars a space; for above grade spaces it was about sixteen and a half thousand. So it's some two and a half to three times as much to build below ground. On that basis the hospital said we simply can't fund that in our planning and our financial planning as an institution, and they asked us to look more closely at what we could do without such a lot of below grade construction. So we developed this option, Alternative Three. This is one in which there is a lot of description in the EIS. Before we did this, and one of the reasons why it's been a couple of years – eighteen months since we last talked to you is that we went back to the hospital and said if we're going to really hone in on this, because we're getting to what we think is an alternative that will be the subject of a lot of discussion. It will be the focus of going forward, let's do the due diligence. In the time since we initially began talking to the board in 2002, the sense was that the hospital that the amount of parking on the campus had already increased, that the conditions had changed, so there was a real desire on the part of the Hospital to do a re-assessment of what was happening on the campus. So, they had our traffic planners go and do new counts, figure out where people, who was coming, where they were going, what their destination in the hospital was, how many were out patients and how many were in patients, faculty, staff. That whole assessment was redone for Alternative Three. We discovered, not surprisingly, that there was more parking on the campus today then there was in 2002. And we factored that into the calculations here. It's partly because of that and because the hospital did detailed assessment of the economics of the medical office building that they made the decision to go from a 75,000 square feet medical office building campus to 50,000. That's a significant change in parking need and in traffic, ultimately. And, we also looked closely as Steven said at something that the zoning law asks you to do, which is if you have multiple uses, different uses on a campus, and they have different peaking periods over the course of the day to calculate what is needed in terms of the worst case peak parking. When the most uses all overlap. So we did that and we were able to by various means find a way because we made program reductions and we looked at these peaking to make some

reductions in the amount of parking. And we were able, therefore, to eliminate a level from this garage and two levels from the garage at the south end. This is in the Phase Two garage, and you can't really see it in the sections. They are in the plans of course, but in the sections you can.

Doug Hertz: So this is not the primary plan? This is Alternative Three that you're discussing.

Donald Clinton: It is, and the reason I'm spending some time on it is that it is because of the time that's passed and the response to the issues raised by the board, we think it is a direction that we all will want to spend some time on with you. There is a significant refinement of our analysis of the existing conditions, the hospital also did close assessment of their program needs; not a significant change in the total floor area, but a change in the uses of those; a re-assignment of floor area. So, it isn't the proposed project. You're quite right. The proposed project is a bigger project. The analysis in the EIS looks at the impact of that bigger project. We are proposing a project which is somewhat smaller; it's therefore encompassed within the analysis that we've done, but we also think it's something that is closer to our intention at this point.

Joel Seligman: It's also very common, as I'm sure you know, for an Environmental Impact Statement to evaluate alternatives to a project that might produce fewer or less significant environmental impacts. And it's also common that for – sometimes that, too becomes the project, so it's very much was on the applicant's mind that we've been gone for awhile, we didn't want to go back and redo a whole scoping process and so forth, and renew what we were proposing in Alternative Three was a subset of what was proposed in the basic project. So the project analyses, if you will, a worst case scenario with Alternative Three has reductions that will enable it to be a better case scenario. It would be something that eventually would be approved; it would be fully analyzed in the EIS which is really what's important.

Doug Hertz: I guess my question which goes to this, and I don't mean to stop your presentation, is the last time you were before us there was a long discussion as to how big the medical office building had to be to be economically viable where the break-evens were. So, I guess what I'm hearing, and stop me if I'm wrong, is that Alternative Three is a smaller office building than was proposed back then, but it still needs a new analysis, it still is financial viable in this smaller size?

Donald Clinton: The office building is not smaller; the amount of medical offices on the campus is reduced. There are offices in the existing building and in the office building. There is 25,000 square feet less in total, and all this is to come out of medical offices. You're going with the question does that make business sense for the hospital, and the work that was done over the course of the last summer, principally, leading into the fall was to actually look very closely on the Hospital part, their program needs and to try and match that need that Joel Seligman talked about; about specialists to the operating room capacity of the Hospital, that programmatic balance was re-done. So it is, I think, genuinely a more refined analysis, and has not inconsiderable reduction in impact, we think, in terms of the traffic and parking needs and addresses some of the issues that we were asked to look at when we paraded this alternative; certainly on our minds to do that.

Doug Hertz: When I was screening through this, I noticed what was pointed out before; here we get a smaller number of parking spots, but it looks to the world like the same thing.

Donald Clinton: This is the section that I'll draw your attention to. This is the reduced garage and in fact what you see is that the level that was here is gone. But it's a below grade level, and it's a direct result of the analysis that we did with the developer that essentially, the financial balance of trying to fund this parking garage as part of the development of the hospital, there is a component of the garage that is serving the medical office building, not all of it, it is a mixed use garage. It serves a range of uses. And that developer wants it here and is prepared to build it, and is prepared to commit to costs to the Hospital to do it, but it doesn't make sense for them to build at a cost that they can't fund.

Ralph Vigliotti: So, if I just redefine what you're saying here. What I'm seeing is one level below ground, preferred option, correct me if I'm wrong, and the remainder levels would be above ground. Is that correct?

Donald Clinton: No, there is still a level and a half below ground. If you can actually see, there is a dotted line here that represents the rock line. What we're essentially

doing is digging down till we hit rock, putting a level and a half below grade, and then another two and a half levels above grade. So it's essentially still trying to get it underground but just not as much as we had hoped.

Ralph Vigliotti: Now, when you say two and a half levels, you say two full levels, the half level is the roof of the garage?

Donald Clinton: What we tried to do to minimize – in order to minimize the visual impact on Moore is that we pushed – cut – notched the garage back on the upper floor, so the upper floor is a shorter floor. And that goes the whole length; you could see it here on the plan. This is just a shallower course.

Chairman Cosentino: It's very difficult to visualize what's there.

Ralph Vigliotti: How many spaces in this new preferred option?

Donald Clinton: This is 552 spaces. We also show in the alternative, and you will see the discussion about the use of valet operations again as a way of maximizing the spaces that we do have. The Hospital is currently running a valet operation, and they think they will continue to do it. Certainly in the first phase because we're building this garage in the north end because that is where the most intense demand for parking will be. We are serving that out-patient population with some –

Ralph Vigliotti: How many ground spaces are there now in the entire L-shaped north lot?

Donald Clinton: There are 770 spaces on the campus today, and most of them are on the north end. I think there are about 60 in the south end. I can get you the precise numbers if you want to hold me to the numbers. The total existing spaces including the valet – there are 713 spaces, 82 valet spaces, 795 spaces in our new count that we did that is used in Alternative Three.

Ralph Vigliotti: How many spaces will you lose with the proposed office building and the parking garage?

Donald Clinton: We haven't calculated that. The underlying logic of the master plan as a whole, as you know, if you look at the campus today it's basically either all surface parking or all building. In order for the hospital to have any chance to be able to build new facilities, really the only option was to do structured parking. What we've done with the structured parking is try, not only to obviously create foot print ability for buildings but also to create landscape. So, today the parking runs right up to Main Street, we have mandated in that Hospital Area Development Plan fairly significant landscape setbacks along Main Street and on the side streets as well where they don't exist. We've used the garages to do two things. To allow the hospital to grow, and also to make what we think in a friendlier campus environment.

Ralph Vigliotti: I'm going to have to disagree with a friendlier environment with the garage. Just for the record I think you need to take a real close look at this urban canyon that you will be putting in place on Moore and Main Street. It's an urban canyon. We have to decide as a Village whether or not this proposed or preferred plan is going to be an urban canyon. The best way to get a visual on that is to take the existing apartment building and literally draw that rubber band all the way forward, and then take that rubber band and pull it to the side, and that's what you're going to see there. The question I have is, do you really need the parking lot to support the new office building, or do you need it to support the entire campus? You need to convince us of that logic.

Donald Clinton: I understand that.

Ralph Vigliotti: It might be a little early to convince us of that logic because you've changed things a lot. And I'm going to just underscore that again. You think it's visually appealing with the parking garage and a thirty foot set back off of Main Street. I don't know if the Village Board or the Village at large or this Planning Board looks at this urban canyon that will end up being developed in that corner, is something that is in the best interest of the entire Village, as opposed to servicing that medical building up on the corner. It's all about servicing that medical building when you net out the spaces and everything else.

Donald Clinton: It isn't in the sense that the medical office building is not the only user of that garage. It's serving the parking needs of the north end of the campus

that is currently served by service parking where the medical office building will sit, and where the driveways that serve the medical office building will sit. It's not the only user of the north garage. The canyon determination – the EIS looks at the visual impact quite closely, you will have to make that determination. I would just point out to the Board that there is no tall building on the other side of the street of the garage; where the tall office building on the corner is, the five story office building in the corner of Main and Moore on the north side of the street, that's where we pushed the medical office building farther south; it's the thing that's across the street in order to try and avoid that sort of cross the street condition.

Ralph Vigliotti: The human eye and the camera eye will say different things about how it's going to look.

Donald Clinton: In the EIS we've done some simulations of that and look forward to your review of the impacts. We believe that we've mitigated those visual impacts that you would expect. The building is not as tall as the buildings around it. The garage is a lower building than the building across the street.

Ralph Vigliotti: What is the proposed height?

Donald Clinton: The setback section that's along Moore is 35 feet, and then it becomes 45, which is lower than the height of the building on the corner.

Ralph Vigliotti: You can't correct mistakes were made four years ago.

Donald Clinton: No, and I think we're aware of that so the sighting of the garage away from that, pulled back from that, is part of that.

Ralph Vigliotti: It will still appear to be four and a half stories high. At a distance you may not even see the tier. When you're up close you'll see the tier, which has a visual benefit. But at a distance, the eye will not see the tier, the eye will see four and half stories; 45 feet or four and a half stories, is what the eye will see.

Joel Seligman: Mr. Viglotti, I know that you'll have an opportunity as the public will to review all of the contents of the EIS, and there are simulations in there, there are photographs in there, and you will determine whether or not there are adequate photographs, whether they'll need to be additional photographs, whether there are additional simulations that are required and so forth, and all of that is certainly something that is going to be discussed. All we're trying to convey today is; one, we were aware of the issue, two, we tried to eliminate the garage; we couldn't. We tried to reduce it in height. We had limits to doing that, we used setbacks and other techniques to minimize to the maximum extent that we could in the design process, the creation of what you referred to as a canyon. I guess everyone will have their own personal definition of how deep or tall structures have to be before they are canyon like. I respect yours, and we'll see whether it will balance.

Ralph Vigliotti: In White Plains or New York City this wouldn't even been considered a foothill. Here in Mount Kisco it may appear to be a canyon.

Donald Clinton: We're hoping not to do garages like in White Plains.

Ralph Vigliotti: What is the actual length; because you've come before us with an early proposal, now a new preferred three; what is the new length of the garage? Has that changed or is that the same?

Donald Clinton: Same length.

Ralph Vigliotti: Which is?

Donald Clinton: Don't have the precise dimensions; it is about 200 feet long. It's about a block long.

Ralph Vigliotti: Two thirds of a football field; easier to visualize.

Donald Clinton: 200 feet isn't two thirds of 1,000 yards.

Ralph Vigliotti: A football field is 100 yards, 300 feet. It's two thirds of a football field. A football field goal to goal is 100 yards. Anyway, go ahead.

Donald Clinton: That was really all I wanted to present. I really wanted to just highlight for you the kind of key pieces of application and the DEIS. If there are other questions, I'd be happy to answer them.

Chairman Cosentino: Is there anybody else from the hospital that wants to present anything before us tonight? My fellow Planning Board members have some questions and maybe staff and we'll take a few minutes.

Doug Hertz: Based on the last presentation, can you capsule some of the other changes in what we're seeing here versus the last presentation? For instance, there was a lot of discussion of a circulation road around the rear; setbacks, how that was going to be screened from the residences behind.

Donald Clinton: One of the things that was raised by the Planning Board in discussions in the Master Plan Project was the way that we were managing the road at the back. This is the configuration that is in the EIS in the proposed project where we ran this driveway right through; sort of right behind the garages of the buildings on Boltis. There was a concern that there might be visually a problem on Boltis. We looked pretty closely at the grating there. If you've been on the back part of the campus you know that there is a depressed loading area. What we did here was we brought the roadway down to the loading area and then back up from it, so we were able to keep it farther onto the campus and also submerged. So there is a kind of natural outcrop here with a rock face where this road goes down. We are also able to keep more of the existing trees as a result of that, and I think it's a superior solution. We also eliminated some building foot print on the front. We had an area here that we've turned back into landscaping.

Doug Hertz: And this is Alternative Three; this is not prior.

Donald Clinton: Yes. There are the two side by side, take a look here. Can you make out the difference?

Doug Hertz: Yes. What I'm beginning to hear is that Alternative Three is the moderated or the mitigated -

Donald Clinton: It responded to a number of things. We were, unfortunately not able to do something that we recognize is a primary aspect of this application, which is that we're building garages for the first time in Mount Kisco. We were unable to do something that we would like to have been able to do, which is to make the garages underground, go someplace else. But we did other things, where we were certainly able to build it into the site plan; so we have done that.

Doug Hertz: Can you capsule any other changes in Alternative Three that came about through this process that we should know?

Donald Clinton: Reduction in program, reduction in amount of parking. Reduction in traffic that results from that parking; obviously, from the cars that will be on the campus.

Doug Hertz: Based on lower office space.

Donald Clinton: Based on lower programs; smaller programs actually. Some of those are not physical impacts but they certainly impact in terms of environmental analysis.

Chairman Cosentino: Are you done, Doug?

Doug Hertz: Yes, I think so.

Chairman Cosentino: Anybody else? Ralph?

Joseph Morreale: I do. I have a few things. First of all we appreciate the fact that you've done all this work and come back to us. I must admit when I looked at Alternative Three, I was one, perplexed that the EIS really wasn't talking about Alternative Three, and I sort of had to go back and re-think what that would mean if you did that, because you're going to have to do that, otherwise we're looking at the wrong analysis. But the other think that struck me too is that it's not that much of a change. I calculated 99 parking spaces, but then you started talking about well, maybe we would expand a little bit more in some other parts of the campus. You talked about reducing beds and increasing ambulatory care. So there seems to be some kind of trade off going on, going from Two to Three.

Donald Clinton: As I said earlier, there is a reduction in total floor area of 25,000 square feet between the proposed project and that is entirely accountable for by reduction in medical offices. There are other program changes; the Ambulatory Care, In-patient balance has changed, and that came about really as a result of this last six months of the hospital looking again, -----Ginsberg, their programming consultant looking again very closely at their space utilization today, where it changed since we did the initial analysis, where it was going to be, what the impact of the Emergency Department is.

Joseph Morreale: But my point - I think it would be real important to spell out, so we can see the comparison, is you better eek it out of things, looking at different pieces.

Donald Clinton: I understand. It's a lot of numbers.

Joseph Morreale: It's not just a lot of numbers, all of a sudden there is an Alternative Three that is and isn't in the analysis. It's hard to know; so you have to make that clear. Let me tick off some points. I don't want to take that much time now. A number of things struck me. There is the whole traffic issue which we are going to have to have a long talk about. It seems to me for the size and impact you're going to have the traffic analysis doesn't seem to be that much, and I can't quite reconcile those two. The building on the campus, that is the construction, is going to require space for vehicles to be stored who are doing the construction. I sometimes wondered if you were going to run out of space for those vehicles as you started doing Phase One and then moving into Phase Two. I didn't quite know where you are going to put all these vehicles. So that concerns me. It's a seven or eight year construction project, if I have the numbers right. You talked about 2013.

Donald Clinton: That's the end of the phase, technically. It has separate projects. The Emergency Department will be its own construction project; in fact, as two projects the first phase is to build the bigger parking lot, take down the little office building and build a parking lot. After that's done, then to build the new building for the Emergency Department, so even that phase, which is just part of phase one in our EIS has two sub-phases; the construction phase; your absolutely right. Trying to maintain the ability of the campus to operate, to park is something that we have been doing a lot of work with the hospital on in detail. The EIS looks at the big benchmarks; what we call Phase One and what we call the full project are the two big benchmarks that are fully analyzed, but there are incremental steps along the way that have to be done from a construction point of view that is not imbedded in the EIS analysis. Because it's not an impact change, it's just a construction phasing problem.

Joseph Morreale: But the impact phase is noise and congestion.

Donald Clinton: That is analyzed.

Joseph Morreale: Just as an analyst, I always look for and I don't recall if you did this, so if I missed it, tell me. Lots of times when you analyze a facility and the needs of a community and all this, you compare it to communities of similar size. You asked yourself the question; are we building enough here to meet sufficiently the medical needs of this community vis a vis another community of comparable size. I don't remember seeing that, unless I missed it. Because otherwise when you say that this project will meet the needs of Mount Kisco and the region for twenty years or so, I don't know what to base that on, except your judgment, which I do respect. But I don't see anything to look at. Am I right or wrong?

Steven Barshov: I think you're right. There is not a detailed medical analysis in the Environmental Impact Statement that would compare for example this hospital to similar communities elsewhere, either Westchester or in the surrounding region. It's not normally a detailed analysis that would be included in an EIS. This is really primarily to address the potential environmental impacts of what is proposed. So that's the main reason why, but I don't think there is any reason why the Hospital cannot provide information to you to give you an understanding of how it has reached this process of coming to the conclusion that its program is what it should be. That whole future of the hospital, which I think is probably a subject that in summary could be conveyed to you relatively sincerely.

Joseph Morreale: I for one would want to see that, just as a strategic planner. That's what you look at. We have to know if this is going to work for the community in the long run.

Joel Seligman: And I think it's not necessarily judgment for the Planning Board to debate whether the hospital is doing the right plan, but certainly to understand the thinking of the hospital, understand how it's moving forward. Obviously this was a serious process that the Hospital undertook, and we can give you an idea as to what those elements are. I've alluded to some of them tonight in terms of saying one of the key pieces was get as many of the out-patient facilities that were served in other communities out into those communities. So, we can certainly give you some insight as to what the Hospital was doing on a strategic planning level to get this project to a place where it's really what the Hospital needs to do on this campus and Joel also alluded to some of those key things. Keeping those sub-specialists, serving them, that's the future for the hospital, and providing its competitive base is really wedded in its ability to utilize its facilities to attract those high quality specialists.

Donald Clinton: I also was saying, and I'm sure John and Joel can address this; hospitals are very heavily regulated businesses. They must certify the need for facilities in a community in order to be able to build interventional spaces like operating rooms and so on. You can't build them if you can demonstrate that they're needed. The process that the Hospital has to go through from a State Regulatory point of view is so extensive. That analysis is surely there to be provided.

Joel Seligman: In 2002 this whole process began as an extension of our strategic plan. We developed something at a time for a vision of 2007; we looked at program needs, community demographics, changing rolls of hospitals we benchmarked, clinical practice, medical technology, physician and medical staff composition. In the last 18 months this has been the main effort of our board to re-think our strategic plan, to make changes where it's necessary. We've done a lot of that, it's all documented and it will be a pleasure to provide you with whatever you need to understand that planning. But I just want to assure you that there is a lot of strategic planning underlying what you're concerned about.

Joseph Morreale: Fine. Thank you. Now, let me show you in my head what that link is. If you're coming in and asking us for this big expansion and all this construction on this site, it would help me to understand why. That's the link I see. Whether you say it should be in the EIS or not is not important to me. It's a question of how do I look at this whole massive project? And it is sufficient, is it what's needed, etc? The last thing I'm going to raise is have you built in to your thinking the changing demographics of this community? We've been sitting here putting forth a lot of senior citizens communities, and I'm just wondering how that changes the medical care demand. You don't have to answer that now, but that's another think that's going through my head. Because you're reducing beds and you're -----.

Chairman Cosentino: I brought that up during our meeting with them. It was a good question and they were going to get back to us. I brought that up.

Joseph Morreale: Fine. Okay. Thanks.

Ralph Vigliotti: I just have one more. Our earlier conversations we talked about parking under the proposed office building up on Main and Moore. Have you done any further investigation on that?

Donald Clinton: Yes. In the studies that I showed you we did look into parking out of the office building.

Ralph Vigliotti: Can you share some of those thoughts with us this evening?

Donald Clinton: They were in the drawings that I showed you. One of the alternatives, actually both of those alternatives went below grade. We extended the parking underneath the office building with the rationale that you can imagine that you are already building a foundation and you can do it. If anything it tends to increase the cost of the parking spaces, because you have a less efficient garage, even an underground garage because you have the cores and structure of the building above coming down. The fundamental impediment for our attempt to push this garage underground and the design effort we did was a fundamental. You must mechanically ventilate below ground garages. You must deal with the excavation, rock excavation, and structural consequences of being underground, and it just increases the cost of building parking facilities beyond the level that a non-profit institution like the hospital could support.

Ralph Vigliotti: We have several office buildings in Radio Circle, which has partially below grade parking. They've worked the grading out to accommodate a one level below grade parking, and even with all the structures holding the building in place,

they have netted out quite a number of spaces. My question for you is how many spaces could you net if you put even one level of parking under the office building, which could in turn perhaps trim away that half of a parking structure, one half of the – you are talking two and a half above surface – on Moore. Perhaps that can trim away that half.

Donald Clinton: Actually, I'd just like to share with you this mount closely. This is the foot print of the office building. If you go down one level, we have a basement of the office building and we have parking adjacent to that basement. There is a level here – that's the foot print of the office building. This is the size of the garage. The half level that you're talking about up here is approximately twice the size of the office building itself. So on the merits I would say we couldn't achieve that. Could we extend parking under here? Yes, but that is underground parking. It's a bigger quantity, and what we are trying to do here is come up with a balance in terms of below grade and above grade. The way it ultimately ends out is average cost per space. We are at a number where the ratio of below grade and above grade – we obviously are pushing it into the ground and paying that mechanical premium but it's for a limited proportion of the garage.

Chairman Cosentino: Anybody else have anything? It's a process. It's just started. It's a long process. This board, with the Village Board needs to make a determination of where we want to go, and this is what we'll be talking about. In the meanwhile, I want to thank the Mayor and Trustee **Grunthal (sp??)** I for coming and listening to this. I guess your job is going to be same as ours, and give us some guidance on this. It's one of the biggest complexes in the Village of Mount Kisco right now, and we really do need guidance on this. We're going to have to live with it when its done.

Mr. Mayor: Joe, just some thoughts. Since this process began, in my other life I have an occasion to visit Greenwich Hospital, along with Northern Westchester Hospital, Soundshore, Jacobi; the hospitals that exist in White Plains, and I almost feel compelled sitting up here to argue for the applicant. But Joe, what you were talking about – every time I'm at one of these facilities I try and understand the dynamics of that particular facility. In certain places you find that it's helter-skelter, other areas it was, I don't care about parking, like the visitors and some of the out-patients fend for themselves. I'm very impressed with the Greenwich operation. It's for me, and in my role in society it's a little difficult to get to off of 95 or even off of the Hutch, but it's there. I'm very much concerned obviously with the traffic, and as Ralph sited, the visual impact, and I'm also concerned, which was touched on a little bit of a residential integrity of the existing neighborhoods. Joel and I had a conversation about shuttle buses, possibly discharging parking off-site, what I always thought about when you have a valuable piece of property you discharge parking up to your intermediate level employees, you inconvenience them the most because the high-priced guys don't want to get wet, they don't want to walk. These are things, if the parking becomes an issue that is something that we would have to explore. In talking about reducing the number of spaces, off site parking – is that projected at all? I know you were talking about valet to mitigate some of the shortfall.

Donald Clinton: We have a small amount even in our calculations now; the church parking is still included in our assumption.

Mr. Mayor: And I'm sure you know the site across the street is going to be vacant, unfortunately in the next month or so, and I think Joe made a valid point on the construction parking. I sited some examples in other parts of the country. Construction workers do not want to walk. They want to have their vehicles in close proximity. That is going to be a major issue, because it's the way the industry is, it's not being done by a few employees, its being done by many employees that cut the time of construction. That is something you're going to really have to look at, an off-site interim parking situation. That is something that should be explored and presented to the board. Every question that was asked tonight is pertinent to what we're trying to accomplish, and it is an overwhelming task, but the competition. As I've often sited, we don't want to have happen. We want the hospital to be very competitive, attract the best and the brightest. My family was involved in United Hospital. On record I'm saying I don't want to ever see that happen in Northern Westchester. In the same token I don't want a Westchester Medical Center on the campus either. So you have a lot of work to do, and I thank you for your efforts.

Chairman Cosentino: Thank you. It seems like with the amount of property, like you're trying to put a marshmallow in a piggy bank; it's not going to work. So, we have to do something to make it work and do what we have to do. I myself, being a

member of the Ambulance Corp., no doubt in my mind that the emergency room has to be completely overhauled in the way they do business. There are diversions there that we have to go down to the Medical Center; that is needed; there is no doubt about it. Let's face it. The hospital employs a lot of people within the Village also. But we have to do this the right way, and I'm sure you understand that. That whatever we do now is going to affect us in the future. So I thank you for coming. Mayor, I thank you, and Trustee Grunthal, I want to thank you. Nannette, did you want to say something?

Nanette Bourne: There is one thing that I wanted to bring up. That is in reviewing the components of the application we recognize that literally there isn't any action for you that you can approve. You don't have to approve the zoning; you don't have to adopt the zoning. There is no site plan that is before you. In order for you to appropriately function as the Lead Agency, there needs to be an action before you. It was always assumed that this would be accompanied by an action. Because the applicant is intending to move forward with the Emergency Department; Whitney and their representatives and I talked about the need to advance the Emergency Department application at the same time if they're moving forward with this. So we requested that they submit an application for their initial site plan which would be the Emergency Department, hopefully, within the next week or two. That will catch up with this whole process. So I think at the next meeting –

Steven Barshov: I think that's coming in tomorrow.

Nanette Bourne: So you will be seeing on your next agenda both a formal application for this Emergency Department. We will move it forward so that it can be attached and brought up to speed with all of this. It doesn't change any of the process. It doesn't change SEQRA. It just gives the Planning Board legitimate action that is within your jurisdiction.

Chairman Cosentino: I was just talking to Stan. I think when we put the hospital on one of our agendas; we don't put a lot of other things on that particular agenda. I think the beginning of this is going to take a little bit longer. I heard you say on the next agenda. I don't know what's on the next agenda. I don't know whether Kisco Avenue is on that, and I don't want them both on the same night. I don't know what is going to be on that agenda, but when we do get you on the agenda, we want to give you more time, because it will take more time. I don't know if it's going to be on the next agenda. Anything else, Whitney, do you have anything?

Whitney Singleton: What Nannette is pointing out though, is, I know the board does not like when things come in dribs and drabs. You're going to be getting a follow-up submission with a site plan, and it is a new application but its part of your overall package.

Chairman Cosentino: We understand that. Thank you so much. We appreciate it. Don? Doug had a question. Peter, thank you very much it's kind of you.

Doug Hertz: On the visuals. All the maps and all the sketches in here are reduced to fit in this. There are no full size blow-ups. When you guys present next time can you at least bring one set of full size boards?

Stanley Bernstein: They could be reduced. They could be a short roll. You're going to have a lot of plans. You don't have to have a full size, just a short reduced set.

Donald Clinton: From what I've seen we can lay the drawings right on the table.

Stanley Bernstein: It doesn't have to be a big bed sheet. It can be reduced, scaled down.

Doug Hertz: There is so much detail in here.

Donald Clinton: The exhibits I showed you tonight are pages we blew up; they are actually taken from this group.

Doug Hertz: It would be helpful even if they were larger.

CONTINUED REVIEW

**Buckingham Properties
Lot 3 Morgan Drive
PB2005-19**

**Present: Brad K. Schwartz, Zarin & Steinmetz
Erik A. Kaeyer, VP, K G & D Architects
David S. Steinmetz, Zarin & Steinmetz
Edward Cohen, Applicant, Buckingham Properties
Michael Petti, Sanctuary Ventures
Jon P. Dahlgren, Senior Environmental Geologist,
Tim Miller Associates**

Chairman Cosentino: I want you to notice one thing before you identify yourselves. Look at the time. 8:30.

David Steinmetz: Mr. Chairman, I could set my watch by this board. That is impressive.

Chairman Cosentino: Nannette, why don't you tell us where we left off?

Nanette Bourne: Where we left off? This is well beyond where we left off.

David Steinmetz: Do you want me to kick off, Nannette?

Nanette Bourne: I was an advocate of them not even being on this agenda tonight until something affirmative and different –

David Steinmetz: But that is kind of like – I voted for it before I voted against it. Because you were originally in favor of our getting our permit, I think, before we got to the point of coming back yet again? Isn't that a fact?

Nanette Bourne: I think they have provided some additional information and it's in the packet.

Chairman Cosentino: We read that.

David Steinmetz: Mr. Chairman, I will try to be brief and cut to the chase. I was here two months ago; the rest of our team was here last month. Two months ago I gave you a brief history of this property going back to Mr. Petti and Sanctuary Ventures' acquisition of this property from the Village of Mount Kisco; the fact that the Village had taken this property from the City of New York; the fact that there is long history of which many of you, including the Chairman are aware; how this property was used as a sanitary sewage facility; the fact that the Village sold this property to Sanctuary Ventures knowing fully well that there were effluent remnants, sediments left on this property; that the Village itself had attempted to secure from the DEC permission to clean up the property, and we had actually gotten a letter from the DEC back in the early or mid-eighties, and I shared all of that with you two months ago. I explained to you that we're here because Ed Cohen, as a Contract Vendee, would like to proceed ultimately with the development of this property. But before we can even get to that point because of his contractual situation with Sanctuary Ventures, he needs to proceed to a closing. He can't close; he won't close without knowing that he can clean up this property at his expense; an expense and a situation that everybody's known about for twenty years or more. The DEC is fully aware of the fact that we have a situation and a condition on the property and that we have proposed remediation measures. However, the DEC is not particularly concerned with regulating it, because the situation, as Rob Wasserman explained to you two months ago, basically falls in the cracks of regulation. This doesn't come neatly under any of the DEC's programs, so the DEC is not particularly concerned with what we are doing here. This is not a toxic situation, this is not a highly problematic clean up, this is a relatively minor clean up of something that everyone knows is there. We are ready to do that. In order to do that, we need a wetlands permit. We need a wetland's permit simply because we have some wetland buffer on the site that has been shown on all the plans, and in order to get equipment in there and so some the plantings associated with some of our mitigation, we need a permit from your board. We don't feel that this is a particularly complex and difficult application. We actually think we are doing the Village a major benefit here, because this is something that, Mr. Petti would be the first to tell you, he thought the Village was going to clean this property up before he ever even purchased the property from the Village.

Chairman Cosentino: Oh, come on, he's smarter than that; what is the Village going to sell him a piece of property and then clean it up? Come on.

David Steinmetz: Let's not go there unless we need to go there.

Chairman Cosentino: Right; exactly.

David Steinmetz: All we're seeking tonight is the ability to pull a wetlands permit to go and clean the property. However, having said that, what Mr. Cohen, and the reason he's here, and the reason Mr. Petti's here, all we want to know is that at some point in time we're going to be able to make some productive use of this property. We're not asking for the ultimate approval of the wonderful building that KGB has designed, engineered; we're going to spend the time with your board and go through that approvals process. But we want to know, and Mr. Cohen needs to know. It's a great piece of property in a great location. I know, Stan, you've got some issues with it; but having said that, this property is going to be put to productive use at some point in time. Either that or it's going to be condemned by the Village.

Stanley Bernstein: It depends on how you define productive.

David Steinmetz: But, Stan, that's Part Two of this analysis. We'll get to the productive analysis.

Chairman Cosentino: Let's get to the point on this. Nannette, I have a couple of questions. Tell me where we are with engineers going in there and on their behalf, not on our behalf, on their behalf, tell me where we are on that.

Nanette Bourne: I think they have provided a theoretical assessment based on their experts as to the appropriateness of the remediation. They've done a comparative analysis of remediation of the contamination on site, and they may have looked at what happens if you take it off site. In their tier that they've submitted tonight, they have acknowledged that additional geo-technical information is warranted, but it's premature and that's not an atypical assessment. But we're getting information based on their experts. And it really comes down to a couple of things. One has to do with if you're comfortable A, with the wetland disturbance and their disturbing the buffer. If you are comfortable with what they've said, and the analysis they have provided, to separate out, segmentation is only illegal if it is not disclosed. But if there is a rational basis for separating items, it is permissible. That doesn't mean to say that you have to accept it; it's just permissible. It is an academic discussion right now as to whether or not they provided enough information for you to feel comfortable if you need additional technical information on behalf of the Village, you may want to consider that.

Chairman Cosentino: Are you saying that if we gave them the permit, can we go in there after this permit with our own people, or do we get our own people to go in there before the permit is issued?

Nanette Bourne: You could do it either way. I would recommend – if you're uncomfortable in taking the analysis and the information that their experts have provided; then you should obtain your own outside expert to review it and provide you with –

Chairman Cosentino: That's the question. I'm not saying that their people are wrong, I'm not saying that their right. But in all honestly this board has a job to protect the Village. I think that the bottom line is that we would like our people to go in there and give us final word of what it is.

David Steinmetz: My question Mr. Chairman is what's the final word you're looking for; because my understanding from my appearance two months ago and these folks being here last month, there were two issues that have been discussed. One is the remediation; the science behind the remediation. Is this the right way to do it? The other is more of a structural question of can we put the building on top of this once we've done it? As to question one, we feel we have given you everything that you possibly need to give us a wetlands permit.

Chairman Cosentino: You have given that, based on your engineers.

David Steinmetz: However, you now made four separate submissions to this board over how many months? Over the last five months?

Brad Schwartz: October, Jon?

Jon Dahlgren: October.

David Steinmetz: Okay. Mr. Cohen has been here for a considerable period of time. It's no surprise what we've been trying to do. Mr. Chairman, you know we can't prevent you from seeking additional information if you want it. But what I'm saying to you is; I think you've got all the information that you need.

Chairman Cosentino: From your people.

David Steinmetz: But you've got professionals sitting here advising you from an engineering standpoint, a planning standpoint and a legal standpoint. I'm not quite sure –

Chairman Cosentino: I don't think we have a legal standpoint.

David Steinmetz: I believe Whitney gave you an indication earlier that your board is really not in a position to regulate the remediation. Your board is simply in a position to regulate whether there are any potential wetland impacts associated with the remediation.

Whitney Singleton: I don't think I ever said that. That is not an accurate statement at all; in fact I know I never said that. I'm just pointing that out to you. You're putting words in my mouth.

David Steinmetz: I don't mean to, Whitney, and you know me too well. Nannette, I certainly got that sense from that side. I don't remember whether Whitney was at every single meeting. You and I have had several conversations about this, and I definitely have that understanding that you were – I asked you could you point me to anything that allows the Village of Mount Kisco to regulate the actual remediation measures to be implemented. Unless I missed your explanation, I never heard.

Nanette Bourne: From my standpoint, I investigated the involvement of DEC. The DEC, like they've been saying in their presentation, this is a gray area; DEC is not involved in this action. DEP – it's another gray area. Certainly DEP will be involved in their site plan application; DEP has no official position in an official role in this wetland permit. DEP has agreed to review it, once I've been directed to give them that opportunity.

Chairman Cosentino: They haven't reviewed this yet then?

Nanette Bourne: But they're just doing it as a courtesy. They have no authority.

David Steinmetz: And we've copied them on every submission. We certainly copied them on the original information that we sent to the Village.

Chairman Cosentino: Understand, as the chairman of this board I need to protect the Village, and I'm sure my fellow board members want to protect this Village. I'm hearing from your people, but I really haven't heard anything from somebody that we really brought in there and got a report from them. I don't know. This is the problem I have. It's a gray area with me also. And, I wish I would have known more about this awhile back. The more I read on this, from your information, the more hesitant I get that I need somebody to go in there to tell this board that yes; we agree with them, this is the story. I don't have a problem with it.

David Steinmetz: If I can just kind of go back to my question from before, because I'm definitely not clear on – is your concern A, about the remediation methodology, B, the structural capability after we remediate?

Chairman Cosentino: The first one.

David Steinmetz: The first one; because you do have a memo from Nannette's office.

Nanette Bourne: I don't mean to put words in your mouth, but I think you have expressed issue on both parts.

Chairman Cosentino: We do, but I think the first one is more important than the second one right now. I think if we get through the first, the second one takes care of itself.

David Steinmetz: Look, we bear the risk. If we can't put a building on this property because we remediated it the wrong way, that's our problem.

Chairman Cosentino: Right. So if we could get a report on the first, the second takes care of itself. I don't care, they can do what they want to do; you can build a building; that's his choice.

Nanette Bourne: And I think from your last discussion, your concern had to do with the mercury and whether or not A there had been any leaching of the mercury –

Chairman Cosentino: I don't know this.

Nanette Bourne: - into the wetland and whether or not the remediation would affect the –

Chairman Cosentino: That's all I'm worried about. I spoke to the village official, they spoke to everybody, and we have a job to do. I have a responsibility to the Village, and I know Mr. Cohen, he's a fine man, and I respect your firm, but I need to do this.

David Steinmetz: If in fact your board determines, Mr. Chairman that you need a second opinion verifying what Jon Dahlgren has already put his firm's imprimatur on, namely, that there has been no leaching of any contaminant outside of the area.

Chairman Cosentino: If they concur, we don't have a problem.

David Steinmetz: If that can be done on an expeditious basis – we're here to cooperate, we're not going anywhere, he's not going anywhere. He wants to buy this property, close –

Chairman Cosentino: And we want him to. We know he'll build a fine building there, but we need to do this to clear our Village Fathers and our own mind. We need to – remember this is not our expense, this is your expense. The cost goes to the developer; put it on the record, please.

Whitney Singleton: As you and I discussed previously, an individual from Long Island, I don't have his name and address with me right now, that regularly deal with mercury remediation –

Chairman Cosentino: So let's expedite this as quickly as possible so we don't hold him up and we get this done.

Michael Petti: May I ask a question?

Chairman Cosentino: Absolutely.

Michael Petti: I know a lot of information has gone back and forth; a lot of information has been submitted to this board with regard to this wetland buffer temporary disturbance application so that we can go forward, or I can go forward with a voluntary remediation. Accepting the fact that I can conduct a voluntary remediation anytime I want, and I don't need to go before this board for permission to do that. However, there are certain things that may happen that I do have to go before this board for your permission, namely if I want to enter a wetland buffer in order to accomplish the remediation. Just a naive question, but with all the information that's been submitted, hasn't your firm, Nannette, evaluated the impact or the proposed voluntary remediation upon the wetland?

Nanette Bourne: I'm not exactly sure of the question.

Michael Petti: Your firm – has your firm evaluated if there is any impact upon the wetland as a result of the disturbance we propose in the buffer?

Nanette Bourne: Yes, we have.

Michael Petti: And what was the answer?

Nanette Bourne: We have theoretically concurred two things. One is that your approach is reasonable; two removing the material would be much more expensive. And those are the two areas. Now, I think where the board is having some discomfort is going beyond the theoretical approach as to whether or not the hard science can be confirmed. My firm does not have a mercury expert. My firm does not have an expert that can provide the comfort to the board that mercury can be solidified as you proposed. We know that second hand.

Michael Petti: Fine. Fine. That's the voluntary remediation part. That's my issue, my risk. My question to you is, has anyone at your firm, a wetland expert; you do have them at your firm, evaluated the application with regard to whether or not it has an impact upon the wetland?

Nanette Bourne: I just have to repeat what I said. Assuming that all of your proposed efforts to solidify the mercury are successful, there will be – in our estimation – no adverse impact to the wetland or wetland buffer. But the issue is concerning the successful solidification of the mercury.

Michael Petti: You keep going into the remediation itself. My question is the temporary disturbance of the wetland buffer, temporary disturbance, clearing brush, etc. Has your firm determined whether or not the temporary disturbance of the wetland buffer has an adverse impact upon the wetland?

Whitney Singleton: May I answer that? This goes to the issue that Mr. Bernstein has previously raised. You're asking her to isolate one aspect of a much larger application and say, what's the impact of this minute portion of our overall development plan. And what she's saying is that she cannot isolate it in that small frame. Depending on what you're doing with the mercury, may affect whether or not there is an unacceptable adverse impact resulting from the purported remediation.

Michael Petti: Upon the wetland?

Whitney Singleton: Potentially, yes. The remediation is to remove it, you still have the wetlands; yes there is potentially the adverse impact, and that is clearly unacceptable.

Michael Petti: We should be reasonable about this. We're not taking anything away and transporting it across or toward the wetland. In fact, it would be the opposite. The issue is really this. I have the right to perform a voluntary remediation on my land anytime I want to according to any means and methods that I want to, consistent with good practice.

Whitney Singleton: And consistent with the law.

Michael Petti: This application is not for your permission to conduct a voluntary remediation.

Chairman Cosentino: I thought we had a solution here. I'm going to table this. You are going to cause these people time. I'm going to table this. What do you think about that? I am going to sit down with counsel, in the meanwhile I am going to table this and you're going to lose time. Obviously he has to pay for it.

Michael Petti: Mr. Chairman, your action is retaliatory.

Chairman Cosentino: I run this Planning Board, not you. You don't have to dictate legal. We happen to have any attorney over here.

Michael Petti: I do not question your authority.

Chairman Cosentino: We made a decision over here, they agreed to it; now you want me to table it, it takes me one minute.

Michael Petti: I do not want you to table it.

Chairman Cosentino: Well, we have a solution here.

Michael Petti: But I do want fair treatment.

Chairman Cosentino: You are getting fair treatment. The Village needs to know what's on that property. And the only way we can know is we're going to get an expert in there.

David Steinmetz: Michael, I think what we're trying to do is work with the Planning Board to do this in a fair and open and hopefully in an expeditious fashion.

Chairman Cosentino: I can one or two things. I can table it, or we can go ahead with the solution we just decided on.

Ralph Vigliotti: Or we could choose not to segment this from the whole plan; we're going down the segmentation path.

David Steinmetz: Mr. Vigliotti, you could do that; we all know that, we're hoping you won't for good and practical reasons because if all this falls –

Chairman Cosentino: We're trying to work together here. We didn't start this.

Ralph Vigliotti: I think what's on the table now is that we have –

Chairman Cosentino: This side of the table agreed what we're going to do –

David Steinmetz: Mr. Chairman, I'm aware of that.

Chairman Cosentino: Yes, and I want to be fair. And I want him to go ahead with his project. And I want you to sell that project to him, or whatever you have there. I want this land checked. And I want it checked by our people. That's the way it's going to be right now. If you don't want it, I'll table it until we can talk more about it and then we'll come back.

David Steinmetz: Whitney, you have some names of people who you think would be prepared to deal with this and do it soon?

Whitney Singleton: I don't know about whether they need to inspect the premises as much as they do –

David Steinmetz: Review the damage.

Stanley Bernstein: Mr. Chairman, there is one thing that is troubling me aside from the segmentation issue, which you know how I feel about that. I feel that all of this should come out in a DEIS and it should be discussed as such and not separated. But, okay, I'll back down on that. The other board members spoke to me privately, and I'm not a very stubborn person. I believe what I believe, and they seem to be convinced that this so called segmentation is okay. But you mentioned about two phases, or two parts of this. Number one, about the remediation, number two about whether the underlying –

David Steinmetz: Your bedrock issue.

Stanley Bernstein: My bedrock issue, yes.

David Steinmetz: You call it that, Stan.

Stanley Bernstein: It's exactly what it is. I am not satisfied. I have been in building construction for 47 years. I am not satisfied with the answers you are giving me about how this will carry a building of that size.

Chairman Cosentino: Stan, in all fairness you are right, and I agree with you one hundred percent. That's going to be their problem.

David Steinmetz: I agree with the chairman. That is part two. You let us do this – these guys are going to spend a lot of money to clean it up.

Chairman Cosentino: That's going to be their problem. I just want to make that we go in there and everything is clean, and that we have something in writing.

David Steinmetz: You've been very clear. Not only have you been clear on the record, you've made us go out and already put forward our scientific conclusions based upon a structural engineer giving our architect information. If we've gotten bad information and that ultimately is revealed, it's our problem.

Chairman Cosentino: We can clear this whole thing up if you'll agree to what we want to do, and I ask you to agree so they can go on with their life and do what they have to do.

Michael Petti: Can you give me a timetable?

Chairman Cosentino: A timetable for what?

Michael Petti: For whatever it is that you want to do.

Chairman Cosentino: I don't know.

David Steinmetz: I'll ask the question on behalf of everybody. Do we have some sense of how long it will take for you all to select a consultant, to have that consultant review our data, and can we come back here in April and in a calmer setting -

Chairman Cosentino: I don't know how busy this guy is. We can call him and let you know. If he's going to take months, that's not acceptable. We will go with somebody else. That's not acceptable. I want to get this done.

David Steinmetz: You must have a list of people also; you go wherever you want; Washington, wherever you want to go.

Chairman Cosentino: Understand. We want to get this done.

Nanette Bourne: We'll put our heads together tomorrow and make sure that -

Chairman Cosentino: We want to get this done for you.

David Steinmetz: He appreciates it, Mr. Chairman, don't you?

Ed Cohen: I do, sure.

Chairman Cosentino: I admire him; he's a gentleman. He's always built a nice product.

Michael Petti: The intention then is that we'll be back in April?

Chairman Cosentino: Yes, if everything is okay, back in April.

David Steinmetz: We conducted our public hearing; we discussed the segmentation issue -

Chairman Cosentino: I say come back in April if we have the information we need. I want that.

Michael Petti: I understand that. But your intention is to get the information quickly. Put your best efforts forward to get the information in time for the April meeting.

Chairman Cosentino: Absolutely. We're going to do that; that I can promise you.

David Steinmetz: If we tell Michael May, then he won't show up for the April meeting, so why don't we say May?

Chairman Cosentino: I'm going to do it as quick as possible.

Nanette Bourne: May I say something for the record? I think our best intention is to try and get this on the April agenda. But I don't want the record to show that the board is committed.

Chairman Cosentino: I'm not going to be committed to that.

Nanette Bourne: Tomorrow Whitney and I coordinate and put together the people that we know, and we can provide you and provide the board our best estimate of when this can be done.

Chairman Cosentino: You know if I promise you something I'll deliver.

David Steinmetz: We will not ask for anything other than your best efforts. Nanette or Whitney, do you have any sense of what you're looking at in terms of the cost of the consultant to review?

Chairman Cosentino: No more than what a lawyer would charge.

Whitney Singleton: I will certainly find that out.

David Steinmetz: Forget that. Nannette, you must have some idea.

Nanette Bourne: I have no idea.

David Steinmetz: Really?

Nanette Bourne: I have no idea.

David Steinmetz: All those years of training, you have no idea?

Nanette Bourne: Mercury, somehow I missed the class on mercury.

Whitney Singleton: To back off the procedure, the SEQRA, the impacts on the wetlands and everything else. I think the issue that the board is grappling with is as follows. We are going down a path which is going to set in stone, set in concrete, this property. And they want to make sure that given the fact that there is mercury on site, given the fact that it would leach into an area which is near New York City's water supply, leads into New York City water supply, and is in a wetland buffer and everything else, they want to make sure that the remediation work that is being taken is in fact a real means of dealing with the issue that will work.

David Steinmetz: We understand. We want it to be responsible and prudent and we understand. We will see you next month.

Chairman Cosentino: Okay. We have numerous letters that we all read. I want to mark it into the record.

David Steinmetz: If the Village needs - I don't know where we stand in terms of the escrow fund. Brad certainly will be in touch with Nancy and make sure that is taken care of so we don't delay that process at all on our end.

Chairman Cosentino: Okay, you got it.

David Steinmetz: Whitney or Nannette, do you want us to contact you or should we -

Chairman Cosentino: Do me a favor; keep informed of what's happening.

Whitney Singleton: We should know no later than Thursday.

David Steinmetz: Good. Brad or I will be in touch with one of you.

Nanette Bourne: We'll call you.

David Steinmetz: Don't call you; you'll call us.

Chairman Cosentino: Okay, the next thing on the agenda is 136 Radio Circle.

**CONTINUING REVIEW
136 Radio Circle Realty
(DeFeo)
PB-2005-16**

Present: **Arthur DeFeo, DeFeo Manufacturing
Supply, Inc.
Anthony DeFeo
Brad K. Schwartz, Zarin & Steinmetz**

Chairman Cosentino: Nannette, I'm going to let you take this; it's been so long.

Nanette Bourne: That's exactly why they're here. I don't recall the last time they were last before your board, but they had a number of stops along the way. They've gone to DEC, DEP, they've had to get a variance, they've gotten just about one of everything. And in that time, Brad made Austin and I aware that their lives have changed, their situation has changed, and we thought that it was a good idea for them to come before you to explain the status of all those pieces, what's changed and how they are getting ready to proceed. I'd also like to note that I think in the change in Village Engineers, we have become aware that there were some memos that were written by Janine, and they were ready to be provided to the Planning Board. Not all of them got submitted to the applicant, and we're trying to go through to make sure that these memos are now brought up out of the computer and given to the applicant. As a result of that Anthony made me aware this week that there was a memo. We looked into see whether or not that memo had been provided to the applicant, it probably hadn't. It probably prepared and was going to be put on the Planning Board Agenda when they next appeared. As a result, this is a memo

from several months ago. They just got it; they still need to respond to it. It's not their fault, it's just the situation. So they have a little bit of homework to do.

Brad Schwartz: And we fully, Mr. Chairman, intend to respond to the comments.

Chairman Cosentino: I always like to see a father and son team.

Brad Schwartz: There is certainly frustration in not getting a memo for some months after it was prepared, but we understand there was a change in Village Engineers and despite the frustration and notwithstanding we are certainly prepared to go back. We don't dispute any of the comments that are in the memo; our technical people will work with Anthony to make sure that we respond in full. We'll make the submission in time to get back on your April agenda. In terms of the DEP and DEC, we submitted letters with the submission. That should put both of those issues to rest. DEC has determined that they do not have a jurisdiction; no part of this project within the wetland buffer, and in terms of DEP they reviewed the storm water plan and signed off on it, and are now simply waiting for a SEQRA determination from your board. The last item that Nannette eluded to in terms of the change in the business plan on the part of DeFeo's; is the time of our submission, the DeFeo's were talking to Lexington Avenue Gym about potentially leasing some space in their building to move the gym in. No lease was signed as of the time of submission, which is why we continue to show an office and warehouse breakdown of the uses on the site plan. Since that time, there is still not a lease in place. In fact, the DeFeo's can explain to you, the negotiations have actually taken a turn for the worse. So it's completely speculative and hypothetical at this point whether or not the gym will ever move into this place. The DeFeo's just asked us and Nannette and Austin as well, in a sense of good faith and out of full disclosure to your board, we wanted you to be aware of the discussions that were taken place. That way, in the event a lease was reached, we never want it to look like we are processing an application all along and then a week after an approval all of a sudden a gym is in when it had been an office warehouse. So that is the short of those negotiations, but we are continuing to process an application for a mixed use office warehouse building.

Anthony DeFeo: Just keep in mind, when we initially came to you guys, I think it was two and a half years ago. Obviously things have changed and we've been approached by numerous perspective tenants. Only the ones that have actually seem serious at the time, we have come to you guys and told you about it. Like he said, the gym has taken a turn for the worse. I don't think it's going to happen. But it still might. If it does, we'll come back and show you guys.

Stanley Bernstein: In other words, what you're trying to say is that this is no longer going to be DeFeo Manufacturing.

Anthony DeFeo: We've already began to move. I don't know if you guys have seen the three tractor trailers with machinery on it going up 684 a few weeks ago.

Stanley Bernstein: No, I did not.

Anthony DeFeo: The majority of the building is empty right now.

Chairman Cosentino: Where did you move?

Anthony DeFeo: Brookfield, Connecticut. Unfortunately, the energy costs have gone up 30% since we moved; higher than Con Ed.

Stanley Bernstein: Well you can always save your money by shopping at Costco.

Anthony DeFeo: Right, there's a Costco next door.

Stanley Bernstein: Next question. Obviously Janine, probably Anthony and Nannette have looked over the storm water plan. It meets New York State Phase II.

Nanette Bourne: I don't think Anthony has made that determination.

Stanley Bernstein: Have you looked this over to see if this meets all the criteria of New York State Phase II Blue Book?

Anthony Oliveri: We have reviewed it. Actually, Janine reviewed it and asked some questions.

Stanley Bernstein: I saw that she had made some comments. For instance, hay bales are no longer allowed and things of that nature.

Anthony Oliveri: They haven't made those changes.

Stanley Bernstein: If we give approval and they're stopped, they can always turn around and say they got permission to do it. If the DEC stops them from doing something irregular, they can always say that the Village Board gave them permission to do so, and we don't want that to happen.

Anthony Oliveri: That's correct. The concerns we have are basically voiced in Janine's memo, and I'm assuming they are going to answer them.

Stanley Bernstein: It hit me in the eye. As soon as I saw the hay bales, I said; let me see if this complies with all of New York State's regs.

Chairman Cosentino: The hay bale hit you in the eye?

Stanley Bernstein: The hay bale hit me.

Chairman Cosentino: Anything else here?

Brad Schwartz: That's it. We hope to see you the end of the month.

Chairman Cosentino: Next thing on the agenda is a memorandum from Anthony Russo and Michelle Robbins to the Planning Board regarding Lexus. Do you want to report on Lexus?

Nanette Bourne: This is just a report; we provide this to staff, and I remind them to make sure they follow-up on it. We can't follow-up on it; we can only report to staff what is going on at the site.

Anthony Oliveri: We do the same. We usually e-mail a report to Jeff Econom with our findings, but again we can't enforce this stuff, obviously.

Chairman Cosentino: Make a paper trail of whatever you have. Do we have a motion to adjourn?

Stanley Bernstein: So moved.

Joseph Morreale: We can take up the minutes now that Ralph is here. He was the fourth person.

Minutes of January 23, 2007:

Motion: Stanley Bernstein
Second: Ralph Vigliotti
Aye: Doug Hertz
Aye: Chairman Cosentino
Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Ralph Vigliotti

Chairman Cosentino: Motion to adjourn by Ralph Vigliotti: seconded by Stanley Bernstein.

Meeting adjourned at 9:10.