

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Thursday, May 24, 2007

Meeting called to order at 7:45 pm, Thursday, May 24, 2007, at the Municipal Building Mount Kisco, New York.

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

Members Absent: **Chairman Joseph Cosentino**
 Joseph Morreale

Staff Present: **Ashley Ley**
 Dan Peluso; Dolph Rotfeld
 Whitney Singleton

Vice Chairman Sturniolo: Welcome to the Work Session of the Mount Kisco Planning Board for May 24, 2007. The first item on our agenda is the minutes of March 13. We're going to hold those minutes over for quorum purposes until our next meeting. We're going to hold over the minutes of the 27th as well.

Conceptual Review:

134 Main Street
Mr. Isadore Albanese
PB2007-06

Present: **Mr. Isadore Albanese**
 Mr. Clifford Munz, Munz Associates, Architecture and
 Landscape Architecture

Vice Chairman Sturniolo: Although this is a work session, we are going to listen to a conceptual review for 134 Main Street, Mr. Isadore Albanese. If you would be kind enough to come forward and give us a very brief thumbnail sketch of what you're proposal is.

Isadore Albanese: You guys know the history of this property. Originally I bought it to move my restaurant there, and I guess it was only a dream because you couldn't do it. Then we had a bank; Webster Bank that was going to come in, but according to them the town disapproved their plan. Since then I now hired an architect who drew plans in order to fit with the town, to fit with the parking and to build a really nice building. I do have a couple of tenants who are interested in the property, and time is of the essence for them. Basically I am trying to do everything according to the laws and to the plan. I've met with Whitney; I've met with Mayor Cindrich. I've talked to Austin Cassidy to get their opinions in order for me to try to do this and expedite this as fast as we can in order for us and the town to get rid of an eyesore, and to put up a building that is going to be there for hundreds of years. The plan that you have in front of you was a first sketch, and I had a different architect who drew this, and with this I have 17 parking spaces.

Vice Chairman Sturniolo: How many?

Isadore Albanese: 16, I'm sorry. And with that was around 3,515 square feet. We are giving up all the curb cuts in the front. Right now there are three curb cuts and two curb cuts in the back. By doing that the town is going to gain an extra four parking spaces in front and maybe one in the back if you guys are looking to change the back, because the entrance on this side is now open. Since then talking, we've kind of updated our plan. I have a new architect for a couple of months, and we have 19 spaces now, which most of the tenants that are looking at this space are looking anywhere from 3,800 to 4,000 square feet.

Vice Chairman Sturniolo: So you now have 19 parking spaces, and the square footage of the building is still the same has here?

Isadore Albanese: 3,800 square feet; which works out to 18.99 spaces. So I don't have to ask the town to allow me the extra spaces in order to build the 3,800 square feet.

Ralph Vigliotti: Is this two stories?

Isadore Albanese: No, one story.

Stanley Bernstein: How did you squeeze out the other extra three spaces?

Isadore Albanese: The other architect took the plan, because he originally did the Bellizzi plan, and the Bellizzi plan was a little bit different. So he basically took the bottom sketch and never really worked the numbers. He had 10 foot parking spaces instead of 9 ½ feet.

Doug Hertz: So this sketch that we have in front of us is not the sketch?

Isadore Albanese: It's a little bit outdated.

Doug Hertz: Do you have a sketch?

Isadore Albanese: Yes, we do.

Vice Chairman Sturniolo: I would suggest one thing. Have Austin Cassidy take a look at your new sketch. Predicated on this, you had a deficiency of two parking spaces. There was also concern on the proper screening of the dumpster; there is also concern on the loading area, and a concern on snow storage where that's all going to go.

Isadore Albanese: We certainly have addressed all of those.

Vice Chairman Sturniolo: Okay, good.

Isadore Albanese: One thing I'd like for you to look at. Originally he drew the building six feet away from the other building, and the more we looked at it, and also, Austin thought about it, to put the building right up against the other building. This way you don't see the side of the building there, plus it also causes a place for kids to go and hang out at night.

Vice Chairman Sturniolo: Yes, you eliminate that whole alley.

Isadore Albanese: Yes, we would eliminate that and put the building right against there.
Vice Chairman Sturniolo: That's also reflected on your new plan?

Isadore Albanese: Yes.

Christopher Munz: We have a prospectus, too.

Ralph Vigliotti: By moving the walkway between the two buildings, I know Austin talked about perhaps creating a larger walkway next to the movie theatre. Are we going to gain this space on this side?

Isadore Albanese: I think you could probably answer that a little bit better, but on this I think the frontage between the front of the building and the other one is about 30 feet, which is this area here, which opens this whole area up. So basically you have the new building here, already here, so this...

Ralph Vigliotti: I guess my question is I don't know what the scale is; I don't know what the width of this walkway was proposed to be.

Isadore Albanese: Only six feet.

Ralph Vigliotti: So, by moving the building against the existing building, will these six feet be captured and then replaced to the opposite side to create a larger walkway to get back to the parking lot?

Clifford Munz: I maintained a larger walkway, but it will also get a few more square feet, and that's why I'm working to get a few more square feet and a few more parking spaces to comply with the 30 square feet, yet maintain the walkway down the side of the theatre.

Doug Hertz: I'm just confused here. Basically all the information we have in front of us is irrelevant. The square footage is wrong, the plan is wrong, the number of parking spaces is wrong.

Clifford Munz: I think what he's done is, he presented to you the information he had at the moment with Lothrop Associates who worked with him. What they did was they took it to a point. They did a proper zoning analysis. As far as the basic criteria goes, the number of square feet on the property, 8,000 square feet or less, that basic work is correct. But, as anytime you take a look at something a little more closely, there was another opportunity to take another little closer look. We've actually got the opportunity to not only get more parking spaces out of it; I can also get a few more square feet out of the building itself, because you take the time to take a look at it.

Vice Chairman Sturniolo: To support?

Clifford Munz: To support a 3800 square foot building.

Vice Chairman Sturniolo: So we should really at this point ignore this.

Ralph Vigliotti: So then what are we looking at?

Vice Chairman Sturniolo: Tonight, we are not looking at anything. I think what we need to do is take a half a step backward, come up with a new plan; I will authorize you to be on...do you have everything ready to go if you were on the next agenda?

Clifford Munz: I can have whatever you need ready by the 12th of June, for sure.

Vice Chairman Sturniolo: And we'll go through this conceptual thing one more time but we will also at the same time be working off new plans and do the submission to Austin Cassidy, because Austin wrote us a memo detailing certain things that he's highlighted predicated on this plan. So let's just repeat this scenario with your new plan and we'll move forward from that point.

Doug Hertz: Maybe to even speed that up do you have a copy of Austin's memo; his concerns about your other plan?

Isadore Albanese: I talked to him about it but he didn't give me a copy of it.

Doug Hertz: Just in case there were questions.

Vice Chairman Sturniolo: That is predicated upon his review of that.

Doug Hertz: You may have addressed that but just in case you didn't.

Isadore Albanese: One of the things when I talked to him about this, I addressed it in most of this. One was the parking analysis, because I originally had talked to Whitney, and if you have a stock room, that's in a different parking ratio. So, the plan that you have... we had a 300 square foot stockroom, which is one parking space per thousand square feet. When you have that then you're able to...

Doug Hertz: Right, but again, the plan has changed.

Clifford Munz: Let's say this. What I did was I took advantage of opportunity that the former plan; the one you have in possession began to address. I took it one step further. So the shape of the building is the same; it sits in the same place. But going next to this building instead of the six foot away; I've addressed the snow, I've opened up in here this Avenue going down by the theatre. So, we didn't change the footprint or the concept. We just took it a step further and made it a little tighter.

Vice Chairman Sturniolo: Then in that case let's pick up this conversation at the next Planning Board meeting and go through it from there, because we really having nothing in front of us, nor do we have any zoning compliance correspondence from the building inspector.

Isadore Albanese: If we discuss this instead of discussing this tonight; and basically we're asking you in your opinion, because it is a conceptual review, is it better that we move the building against this, or do you guys like it better if the building is separate? As far as the parking...

Vice Chairman Sturniolo: Mr. Albanese, it's not so much the Planning Board, what we like, it's what you present to us. If this is going to be the new plan, let's look at it collectively with a fresh eye, and ignore the old plan. Then I think we can move forward much more efficiently this way.

Isadore Albanese: The only thing is my timing. I have a lease, that the people are waiting for tomorrow to find out if I can build...

Vice Chairman Sturniolo: And I say this in all candor. I'm not being sarcastic: every applicant has a problem. I've got tenants coming in they are ready to sign a least tomorrow morning; I need an okay and all that. I totally understand it, and it's common. You've been in front of many Planning Board meetings. It's a common problem that every applicant has to share. We're not here to bless anything tonight. Please let's just reconvene again when you have everything presented on a new plan.

Ralph Vigliotti: I just want to add one piece. Just to save you some time, next time, I think the Planning Board will be asking you to set this back a distance from where you have it now on the curb.

Isadore Albanese: From the front curb?

Ralph Vigliotti: Yes. This Planning Board has with any properties on Main Street, as we did with Commerce Bank, is to ask them to set the property back to create a larger sidewalk, to create a little bit of green space; so it's something that, if you want to move a little quicker, rather than wait till the next time you hear that. I just kind of gave you a little bit of advice.

Isadore Albanese: As far as the property, if we move that back, and I know what you mean; we would not be able to get in on a whole row of parking.

Ralph Vigliotti: Whether it is two feet or three feet or 18 inches, it's a gain for the Village, a little bit of green space, and that sidewalk in front of this proposed piece is not that wide.

Clifford Munz: Let me just mention... and I'm respecting and responding. The property line is here, exactly, right now. The sidewalk stops here, and then there is a line of macadam, which is all shown as a widening of the sidewalk, which averages between six feet and goes down to three feet. So, if I'm understanding you correctly, you're saying consider even coming back another couple of feet.

Ralph Vigliotti: I think the Planning Board is looking to see some green, some plantings in front.

Vice Chairman Sturniolo: Take a look at Commerce Bank and that green buffer between the sidewalk edge and the building.

Isadore Albanese: Even though it doesn't match with the other building? Because if you start with one corner, and now you're going to be set back.

Ralph Vigliotti: We're setting the tone for many, many decades to come.

Isadore Albanese: So we should look back and see if we can go back as much as we can and still get the amount of parking spaces.

Vice Chairman Sturniolo: Doug, Stan, anything to add; Sol, staff, anybody? Okay. You will be on the agenda.

Clifford Munz: When would you like the information in?

Vice Chairman Sturniolo: If you're ready, as soon as you have it, get it, submit it to Nancy Placona, and I will tell her to expect it tomorrow morning. You've got the drawings there, and submit it to Nancy and make sure Austin Cassidy takes a look at it.

Isadore Albanese: Thank you.

Vice Chairman Sturniolo: Thank you for coming tonight gentlemen. The next item on the agenda under SEQRA review is Westchester Residence and Club.

SEQR REVIEW:

Westchester Residence and Club Kisco Avenue PB2006-19

**Present: John Zaccardi, Zaccardi & Schiff
Chuck Utschig, Schoor DePalma
Richard Rosen, Perkins Eastman**

Vice Chairman Sturniolo: Basically we're just acknowledging the receipt of the preliminary Draft Environmental Impact Statement. Am I correct, Ashley?

Ashley Ley: And they have a model that they would like to present.

John Zaccardi: Good evening. We would like to show you the model we have here tonight, and our Civil Engineer, Chuck Utschig is here as well. We know that you just received the Draft Environmental Impact Statement and you have to start your review. If you have any questions, we'll answer them, but I'll suspect you have a lot of work to do on that and send it to your consultants as well. But we do want to show you the model.

Doug Hertz: By the way, I was very impressed with the early advertising. I think two years out for sales offices is quite something, and I was just curious, where exactly does the tennis court go?

Chuck Utschig: We have a tennis court?

Stanley Bernstein: It's on the other side.

Doug Hertz: And the pool?

John Zaccardi: The pool is inside.

Vice Chairman Sturniolo: If you just kind of orientate us as to where we're looking and what's where.

Richard Rosen: While you're turning that, I'll start. This is Kisco Avenue here in the lower elevation coming this way, so the Saw Mill River Parkway is here, closest to you, Mr. Chairman. Across the hill, and here is our landmark, of course that's the water tank, near the very top of the hill.

Vice Chairman Sturniolo: And the driveway entrance is?

Richard Rosen: Right down where the sign is that says Kisco Avenue.

Vice Chairman Sturniolo: And it just wanders around those detention ponds there?

John Zaccardi: While he's doing that, if you look closely you can see the 18-acre line that separates the subject site from the balance of the 50-acre parcel delivered. It's a little bit hard to see, it's pretty clear in the Impact Statement.

Doug Hertz: Is this the same model that's been proposed from the beginning, or has this changed at all?

Richard Rosen: This is the same model that we've talked about, and its laser cut from original topography from the actual drawings that were submitted.

Ralph Vigliotti: How many acres of land are you going to be clearing to prepare for the actual buildings?

John Zaccardi: There is a disturbance area of about 10 acres which includes all of that.

Stanley Bernstein: Eleven acres.

John Zaccardi: Yes, eleven acres. Some of it won't be touched, but we calculated that, and the balance on the top would not be disturbed in any way at all. The total disturbed area I think is about four acres of actual building foot print, but the lower part of the site will be disturbed, pretty much as you see; the loop road, the detention areas, of course, and the staking the roadway.

Doug Hertz: The large change in topography that is near the back edge of the loop road, is that naturally occurring at this point, or how much of that will be created?

Richard Rosen: I think it has to be held back with a little bit of retaining wall.

Doug Hertz: So up at that upper elevation at that plateau; that would be excavation and retaining wall work?

Chuck Utschig: Yes, behind the parking lot; building parking lot, retaining wall, some additional grading to match into existing grade.

Vice Chairman Sturniolo: How high is that back retaining wall?

Chuck Utschig: I'm going to say it's around six feet, I believe on average. You've got a transition from one side to the other.

Vice Chairman Sturniolo: Yes and the middle is the highest.

Chuck Utschig: The middle is at its highest point. It may be as high as 10 feet in that middle point.

Doug Hertz: On this model, each laser cut slice represents how many feet of grade?

Chuck Utschig: Two foot of contours. It is the same as the plan.

Doug Hertz: So you're going up about 10 -11 slices; or 10-11 feet.

Chuck Utschig: I think there is actually an existing, on the site now, right about at the edge of the building; there is an existing stone wall that is there now.

Ralph Vigliotti: This is Premier right in here?

Chuck Utschig: Yes.

Ralph Vigliotti: Which visually has quite a negative impact on the Village. To be quite honest with you, I'm not very pleased with the color scheme that Premier came up with and the visual impact.

Stanley Bernstein: That's not the final.

Ralph Vigliotti: I didn't know, whether that's the primer or the real thing.

Stanley Bernstein: That's the insulation. They don't have the skin on yet.

Ralph Vigliotti: But visually, and that's at a much, much lower contour level, it's quite a visual impact.

Doug Hertz: It's much more prominent than I had expected it to be.

Ralph Vigliotti: Yes. I've said since day one that the project is too big, and I'll continue to say that until the cows come home. The project is way too big for that mountain, and it will have a visual impact that this Village will have to live with forever that is just...I don't know how you can change that impact, but if Premier tells us in any shape or form what the visual impact will be, and it's at a much lower, lower level than this, be prepared for a nice slice...a gigantic slice out of that mountain.

Vice Chairman Sturniolo: On a slightly different subject, and forgive me, you may have answered this question over the past months, but I've been away from the Planning Board for awhile. The green building concept...what is the definite status of that today?

Richard Rosen: I think we've committed to meeting that in terms of Leed Certification, and I think as we develop the details of the building, there are different ways that you could get points for that, depending on the water collections systems, materials used, how you move materials on and off the site; there's 63 different points that you can get in this Leed rating category. We've looked at the checklist, and we have an idea of where we would like to do it, but as the details are developed, we may have to trade off one for the other depending on how the systems work out.

John Zaccardi: That checklist is in the Environmental Impact Statement. So, as you're reviewing it, we could keep talking about that. Because I know that was an important issue for the Village. We put the checklist in right in there and what our take is on the points that we think we have right out there.

Vice Chairman Sturniolo: And does that also reflect the color status of the Leed rating; blue pink silver gold?

John Zaccardi: Yes.

Vice Chairman Sturniolo: Thank you. You were saying...

Richard Rosen: I was saying that when we start to develop the actual, physical guts of the building, and the skin of the building and all the materials and all the site work, I think we'll be able to fill out that table more definitively to make sure that we've reached that rating. I think there are different categories, and depending on which ones we chose to do or can do or physically can do.

Vice Chairman Sturniolo: But is it a fair statement for me to say into the record that you are committed to making this a Lead Certified Building?

Richard Rosen: Yes.

John Zaccardi: Yes.

Richard Rosen: And that's why we included it in the DEIS in a fair amount of detail rather than just saying that.

Vice Chairman Sturniolo: Of course, naturally.

Richard Rosen: So that it would continue to be on the table.

Vice Chairman Sturniolo: Understood. Is there anyone else?

Stanley Bernstein: We're going to have to review for completeness over the next 45 days, so I might as well give you a jump start on the elevations. I don't see the elevation of the roof. It looks like a four-story building; it winds up being a five-story building when you consider the elevation of the roof, and I want to see that on the elevations. I want to see the height of the roof from datum. You're using the plateau as datum. Those numbers should reflect datum anyway, so we get a good concept of where we are in relationship to the entire Village. But in any rate, I want to see the height of that building. It's a five-story building, not a four-story building. I want to see the numbers on it. Also, the conceptual, which are in the renditions, which shows in the scoping document that you, have to show renditions. Now you show pictures from various sites in leaf, not in leaf, and existing conditions, and then built conditions, and you can't even see what's there. It's a mockery. There is no one, with or without any kind of building experience who can tell what's going to be there. If you look through what's existing, and you look through what's built, it looks almost the same. So you're going to have to do something a little bit better on the computer renderings of what it will look like from the various locations in town. There's a lot more but those are the two I figured I'd give you a jumpstart on.

Richard Rosen: Okay, fair enough.

Vice Chairman Sturniolo: Doug, do you want to add anything?

Doug Hertz: Not at this point. We're really accepting this for review. I haven't had a chance to review the document after receiving it today. Anything I'd say would just be a reiteration of earlier comments. And this model is very, very useful and I appreciate that you gentlemen did that. But I think it will help clarify our understanding of how the structure at least is presented will be visible from points of the Village and how possibly it can be tweaked. I know for one, I had asked that we look seriously at tweaking the building so that it has less space visible from essentially across the valley. Seeing it on model, it's turned more than it appeared in plan, so that's a positive. I would still look to find ways to scale it deeper into the hill so that it doesn't present as broad a face. And, I'd be concerned about heights. It seems to me that we can afford lower elevations on the front of the building and possibly to step it up in the back; that you may be able to hide the building somewhat. Right now the highest points are the front of the building, and as you're looking almost the entire Village will be seeing this structure from a lower elevation than the structure itself. So, you'll hit the front elevations first. Those will be the high points naturally. You have the change of possibly, at least to my eye, of losing some height in the front and possibly heading that further deeper into the building. I'm sure we'll explore this. We've asked for a detailed discussion of the alternatives, and I think that will be part of that discussion.

Vice Chairman Sturniolo: Sol?

Sol Gibbons: I think the concerns have already been stated pretty adequately.

Vice Chairman Sturniolo: Ralph? Is there anybody on staff?

Doug Hertz: Will this model stay on site, or is this going back to your offices? What usually happens, how available is this model?

Ashley Ley: What we've discussed with Patrick from their office and Nancy is that Nancy will find a place in the Village to store it.

Vice Chairman Sturniolo: Terrific. And you're comfortable with that? And we won't come up with razor blades at night and shave the roof off, I promise you.

Richard Rosen: That's fine.

Ralph Vigliotti: I wish it was that easy, Mr. Chairman.

Doug Hertz: Are there little LED lights?

John Zaccardi: Thank you very much, and thanks for the heads-up comments, too.

CONTINUING REVIEW

Buckingham Properties Lot 3 Morgan Drive PB2005-19

**Present: David Steinmetz, Zarin & Steinmetz
Erik A. Kaeyer, VP, K G & D Architects
Richard J. Izzo, CPG; C A Rich, Inc., Environmental
Consultants
Maureen Fisher, Tim Miller Associates**

Vice Chairman Sturniolo: If everyone would be kind enough to identify yourselves for the record and give Donna a business card, I would appreciate it.

David Steinmetz: David Steinmetz from the law firm of Zarin & Steinmetz, representing the applicant. I believe Donna has several copies of my business card.

Eric Kaeyer: Eric Kaeyer, K G & D Architects. You probably have mine too, but you're welcome to have another copy.

Richard Izzo: I'm Richard Izzo from C A Rich Consultants, and I'm representing the Village.

David Steinmetz: Tony, good to see you.

Vice Chairman Sturniolo: Good to see you David, thank you very much. To cut to the chase so to speak, we're at the cross roads. On one side of the cross road is my term encapsulation, and the other side of the cross road is removal; if that's a fair, general characteristic. The Village had contracted with your firm to do a review, and you have come up with a very detailed, and I must say personally, impressive nine page document.

Richard Izzo: Thank you.

Vice Chairman Sturniolo: And we also have some correspondence back and forth between the Village and your firm regarding the retainer agreement and all that, and that's really nothing more than just some boiler plate paperwork. Let me share some personal thoughts.

(Air conditioner went on)

Vice Chairman Sturniolo: Mr. Cohen is not going to be here tonight?

David Steinmetz: Mr. Chairman, just so you and all of the board members know, Mr. Cohen may still walk in. He was delayed in the city. We're hoping he is going to make it, but he may well not. More importantly, Rob Wasserman, our environmental consultant from ECC definitely was unable to make it tonight, and Jon Dahlgren from Tim Miller's office was unable to make it tonight. I didn't want to request being pulled off tonight's agenda.

Vice Chairman Sturniolo: Do you want me to hold this to the very end tonight, and see if Mr. Cohen comes in?

David Steinmetz: No. No need to do so.

Vice Chairman Sturniolo: Okay.

David Steinmetz: We didn't want to request coming off the agenda because Nannette was good enough to make sure we did get a copy of the report before tonight. We got it yesterday. We reviewed it quickly. I heard that Mr. Izzo was being asked to come up and make a presentation. We weren't going to take it upon ourselves to tell you to not have your own consultant come if he was supposed to come. I thought that would be overly presumptuous, so we're here to more or less listen to what Mr. Izzo has to present, if anything. There are a few modest questions that, again, not being the technical expert on our team, I have a few questions that I would certainly be able to ask, but more than that, Mr. Chairman, we do want a chance to come back at a fairly rapid recall at another meeting and come back with some thoughts and response.

Vice Chairman Sturniolo: Fair enough. And David, I don't want to make this any type of a confrontational disagreement.

David Steinmetz: Not at all.

Vice Chairman Sturniolo: I looked through the minutes from previous meetings, and the conversation level was somewhat escalated and that kind of thing, and I don't want to do that tonight. If you have some constructive comments or questions for Mr. Izzo, I will afford you the opportunity.

David Steinmetz: On the issue of being constructive, I hope that you didn't perceive that from either me or Mr. Cohen. I think there was an issue possibly from the property owner, but if I'm incorrect maybe...

Vice Chairman Sturniolo: I'm just going by... I wasn't here. But I just reviewed previous minutes. Mr. Izzo, would you like to walk us through your document?

Richard Izzo: Certainly. I was retained by the Village to review the submittals by Tim Miller Associates, the reports and also the feasibility analysis of remedial alternatives. I basically did those things. I had some conference calls with the Village attorney, and I also spoke with Mr. Rom Pergadia of DEC on the phone, and I went and inspected the site as well, kicked the tires if you will, and took a look around. Basically we are called upon to do peer review from time to time. I'm normally on the other side of the table as well; having people taking pop shots at my reports and my work, so I know what it feels like and I'm going to try to keep my comments as much to the point and as technical as possible. In terms of the work that was done, the analysis and the testing that was done on site, we found that the work met industry standards, and it was very professionally put forth in the report. We did have a couple of comments on the work that was done. Obviously you can always do more testing, but we feel that in order to fully characterize whether or not there is a problem as a result of the mercury laden soil inside these contained structures, a good, harder look at ground water is necessary. As far as my review went, I only saw that there was one ground water sample collected, and it was only analyzed for volatile organic constituents, whereas the things that we're finding in the tank are metals; mercury, cadmium, chromium. So we would recommend additional groundwater sampling for those constituents that are of concern on the property.

Vice Chairman Sturniolo: In other locations?

Richard Izzo: Sure, in other locations. We would also recommend that this be done using permanent monitoring as opposed to geoprobe as you can get into issues with turbidity and sample volume and that type of thing, and in the event that an engineering control such as what is being proposed is put in place as monitoring will also be necessary pretty much in perpetuity to monitor the effectiveness of this in containing these contaminants. So, we think monitoring wells would be necessary. There were a couple of areas of the property where soil sampling wasn't done. That's sort of a minor issue, but the storage building and some filter beds; there were a couple of areas where there were no samples taken. If there is a historical reason or within the Phase One or why these areas weren't looked at, we'd be glad to hear that, but in lieu of that, they should also be looked at just to make sure that we have a complete picture of the site. And then the final thing is that there was a statement in the submittal that said that there were no hazardous levels of anything found, and I didn't see that backed up by any chemical analysis of the metals that were found in the tanks and in the ponds. Normally to make such a determination you'd have to analyze them for hazardous waste characteristics, and that wasn't done. So we would recommend that be done and that more sampling, additional samples of the sediments within the tanks and the ponds be collected and analyzed for hazardous characteristics, most specifically for toxicity, which is a hazardous characteristic that is most closely associated with these metals that were found. So that's pretty much all of what we have in terms of our review of the

reporting. In terms of the remedial approach, the ECC remedial option study was done very professionally as well, very well organized. We all agree based on our review and based on what they report that no action is not a viable scenario at this site; that something has to be done. I've been in this business for 22 years, always excavation is always the first and best option if you can do it. A lot of times if it's not possible to do excavation and removal based upon structures on the property or infrastructure that you want to preserve, then normally is when you go to engineering controls.

Vice Chairman Sturniolo: Do you see any obstacles on the property that would prevent excavation?

Richard Izzo: No, I don't. There are issues with the tanks and the tanks would have to be demolished at the same time, but now is the time before there is a building over them to do the excavation. Once there is a building in place there, it would be impossible.

Vice Chairman Sturniolo: Please continue.

Richard Izzo: There were some concerns raised in the analysis about alternatives about cradle to grave liability. I'm not an attorney but it's my understanding that cradle to grave liability applies only to the generator of the waste; the person who is paying for the waste to be removed who get an EPA ID number and they retain that liability forever. The property itself is unencumbered by that liability as far as I know, as are the occupant's future residents, future purchasers and the Village and everybody else. In terms of the other things that was set forth as obstacles to doing removal such as nuisances with trucks driving around and that type of thing, that's normal on any construction site. They are going to be doing construction on the property; you're going to have that anyway.

Vice Chairman Sturniolo: Part of the cost of doing business to make the site clean.

Richard Izzo: That's correct. In terms of potential for onsite impacts to construction workers and that type of thing in bringing up this contaminated sediment, that's also a normal part of being in the environmental remediation business. There are mechanisms in place to protect workers in their health and safety plans, and that type of thing.

Vice Chairman Sturniolo: In your experience, do workers ever refuse this kind of work because of their concern about their own personal health or safety?

Richard Izzo: The type of people that would be doing the remediation would be remediation contractors, and it's their business to work with these materials. They do it day in and day out and they are completely prepared to do it. They've had the proper training and the proper respiratory protection and proper monitoring is going on so that they are in a safe environment. The in-situ treatment approach that we reviewed seems technically sound. It seems based on good science, and I would imagine that it would be approvable by DEC if they were to be involved. We can get to their involvement or lack of involvement in a minute. The problem with doing that is it represents an engineering control on the site. It represents putting something in place to protect people from being exposed to contaminants. You can't just put something like that in place and just leave it. There are things that need to be done. You need to make sure that it stays in place and make sure that it stays effective for pretty much for the lifetime of when it's there which is, in this case, forever. So, some form of monitoring would be necessary in our opinion to insure the continued effectiveness of the stabilization and solidification on the site. The other thing is, which is normally required if you're in one of DEC's programs is that there be some sort of de-notification that says to everybody, potential buyers, purchasers, occupants, public in general, that there is contaminants on this site. They are encapsulated, they are stabilized, but they're there, and they can't be disturbed, and to be disturbed they have to have specific approval from the Lead Agency, which in lieu of DEC being involved would be the Village, and there would have to be specific ways that they go about disturbing them; utility chases or anything that would disturb them in the future. This would be something that would have to run with the land. The other thing would be that any type of monitoring that is done would have to be certified on an annual basis by an engineer that it remains in place. So you have monitoring, you have annual certification, and you have this Deed modification and perhaps a Deed restriction to limit the use of the site for more sensitive use such as residential or daycare or school or that kind of thing. I don't believe that is what is being planned right now, but in the future.

Doug Hertz: But there is daycare directly next door.

Vice Chairman Sturniolo: We'll get to that point in a moment: that's extremely valid.

Richard Izzo: So the use of an engineering control while probably acceptable, would in our opinion, if DEC were involved, require these things to go along with it to insure that the engineering controls remain effective, remain in place, and remain effective in perpetuity.

Vice Chairman Sturniolo: So the engineering controls and the deed; was your term restriction?

Richard Izzo: Deed Restriction and Deed Notification.

Vice Chairman Sturniolo: It would entail a lot of housekeeping chores and a lot of forever monitoring and a lot of paperwork and responsibility once the property is sold to another developer or these kinds of things.

Richard Izzo: That's correct. In terms of the regulatory oversight, the DEC had been approached, I did have a conversation with Dave and his associate Susan about their conversation with DEC, and basically DEC sort of followed the company line like they do pretty much every single time and said, look you can look at this, what you've submitted to us. Come into our parlor and get into one of our programs. They've got a pretty short Chinese menu of programs, and basically there are only two, and that would be either The Brownfield Cleanup Program or a consent order; a Superfund if you will. The Brownfield Cleanup Program, because of the tax credits and financial incentives and that type of thing, it's getting more and more difficult to get into it. You really have to prove that you have some real hardships on the site that are going to prevent you from developing the property unless you do these cleanups. Because they are promising tax credits not just for the cost of the remediation but also your construction costs, what you are supposed to recoup tax credits for. So, based upon the levels of contaminants that we see on the site, you would probably have a difficult time getting into the Brownfield Program. However, when the Brownfield Program came into effect they did away with another program called the Voluntary Cleanup Program, which was a lot easier to get into. And a lot of sites sort of slipped through the cracks, because there are sites that just don't qualify for the Brownfield Cleanup Program, yet really need some sort of regulatory oversight, whether it is because people want to volunteer for it, or whether it be that it's necessary that a lender or someone is requiring it. This should probably end up being one of those sites. What we've done on other sites is have the respondent enter into a voluntary consenting order with the state without actually having the site listed on any hazardous waste site registers, and sort of let the DEC get involved that way. In lieu of the DEC coming up with any other kind of program, it's the only other alternative.

Vice Chairman Sturniolo: How would that dovetail into the removal of the chemical? The second program you just mentioned?

Richard Izzo: You would enter into an agreement with the DEC, sign a consent order, they would review all of the work that has been done to date, and then they would make a determination on whether or not that pass muster... for them, or whether they were going to require additional information to be developed. Nine times out of ten, they make you come back and do another round of testing called a remedial investigation, an RI, which would take into consideration work that's already done but go further, do some of the things probably that we're recommending; additional groundwater sampling, additional soil sampling, all under their guidelines in terms of laboratory reporting and that type of thing. And then based upon the results of that, you would do a remedial action work plan for them, and they would review that, and they would pass judgment on that, make you do a bunch of alternatives such as the alternatives that were already developed for the site. You would pick one, and they would either approve it or disapprove it.

Vice Chairman Sturniolo: Forgive me for phrasing it this way, because I'm obviously not conversant in your line of work, but how does that tie into the removal of the toxic chemicals itself?

Richard Izzo: Well, basically your remedial action plan shows DEC how you plan on dealing with the chemicals. You would give them how you want to do it.

Vice Chairman Sturniolo: So in other words, the choice could be encapsulation or removal?

Richard Izzo: Yes, and they would make the decision on what is appropriate rather than all of us.

Vice Chairman Sturniolo: The Village of Mount Kisco.

Richard Izzo: Right. In lieu of their involvement, my recommendation is to err on the side of caution and do what I think they would do.

Vice Chairman Sturniolo: And not go through the path of DEC and your recommendation would be to do the removal?

Richard Izzo: It would be. My recommendation is to try to go through the path of DEC, because they may require something less than what I am requiring.

Vice Chairman Sturniolo: Are we obligated to follow that?

Richard Izzo: What I'm requiring or what DEC is requiring?

Vice Chairman Sturniolo: DEC

Richard Izzo: Are you obligated to follow my suggestion?

Vice Chairman Sturniolo: Their suggestion.

Richard Izzo: Yes you are. A consent order is an order. So, basically, you're in for a penny, you're in for a pound.

Vice Chairman Sturniolo: Pretend, and I'm saying pretend, the applicant agreed to remove the contaminants now, then we would bypass this whole DEC maze of bureaucracy?

Richard Izzo: I would think so, because basically it's the most, highest level that you could require somebody to remove the contaminants. The site's clean; you could do whatever you want with it. DEC would require nothing more.

Vice Chairman Sturniolo: Thank you.

Ralph Vigliotti: How long is the DEC process?

Richard Izzo: That's the \$64 question. Probably from soup to nuts, a year, a year and a half.

David Steinmetz: If I can interject. I agree with virtually everything that Richard said to you, and you all already know or should know we have tremendous respect for Rich and his company. We've worked with him many times as he's indicated, and I know that he knows what he's doing because we've done these types of cleanups together. So I really appreciate the last thing he said, which is DEC may not be requiring what he is recommending. And I appreciate that honesty. I want to take you all back, because, Tony, my sense is you may not recall how this all went down, and I want to bring us back. The way this all started was, I went to the DEC and asked the DEC to take jurisdiction of this clean up. Learning as we have over years of working with Rich and other consultants, I'm very well aware of the fact that if I can get DEC to look at this, and quickly or not so quickly determine the right protocols to remediate, we get the site remediated. They are the only governmental agency that truly has jurisdiction. As Rich indicated at the end here, if they say do it this way, in response to your question, Mr. Chairman, that's the way you're supposed to do it. I wrote a letter, I sent detailed reports, had a conversation with Mr. Pergadia, whom we know and who Rich called to follow-up on our conversation, Ram said you guys are not big enough or significant enough for us to put into any particular program. We essentially begged the DEC to take control because I was afraid of precisely where I am right now. It's presently May of 2007, I had this conversation in December of 2006, and I know the process. I was afraid that I would be drifting around in what was the phrase... the regulatory maze or something... well, we are where we are. Having said that, I want to make sure everybody knows, the applicant went to the DEC. The applicant wrote to the DEC, copies you guys on it, and said take control; put us in a program. We, thus far, using your phrase, have not yet been placed in a program. I don't think my consultants are telling me we're not going to be placed in a program. I wish we were. My consultants are telling me, if we were placed in a program, the DEC is comfortable with in situ remediation because they've done it elsewhere, they've authorized it elsewhere; they know the level of our mercury. Our mercury is not some astronomical standard that causes the consultants for the DEC tremendous fears, so much so that the DEC basically said to me, don't call us, we'll call you, go away. And that sent us back to you with our application. So, if we could get help from Rich getting into a DEC program.

Vice Chairman Sturniolo: Not to interrupt you, Rich is working for the Village of Mount Kisco.

David Steinmetz: I understand, but Tony, with all due respect, we're all in this together, because the one thing you've got to remember; partially this is the Village's contamination because the Village owned the property.

Vice Chairman Sturniolo: David, I'm going to dispute that issue. We're not going to go issuing blame back 20 years ago. Right now, nobody is putting a gun to Mr. Cohen's head to buy this property.

David Steinmetz: Absolutely not.

Vice Chairman Sturniolo: He doesn't have to buy it. That's kind of the basis where I look at it.

David Steinmetz: You're right. On that note, I don't want to be overly presumptuous, but I'm going to venture out a notch. I think it's clearly in your interest, it's clearly in the Village of Mount Kisco's interest for somebody to do something with this property, because read his report. His report tells us leaving it as is right now with neither in situ nor off-site transportation is unwise and potentially unsafe.

Doug Hertz: I don't think anyone here is arguing that.

Vice Chairman Sturniolo: We're not arguing that point. What we're looking at is the removal issue. Rich, I have a couple of questions.

Richard Izzo: Before, may I just make a couple of points based on what they said?

Vice Chairman Sturniolo: Sure.

Richard Izzo: The first one, about not being able to get into DEC's program. According to my conversation with Ram, there was no real formal review of anything that was given to him. So, he couldn't say one way or the other whether you'd make it into any of his programs.

David Steinmetz: Did he tell you why they didn't review it?

Richard Izzo: He said that the fellow from Tim Miller told him the levels were really low and they probably wouldn't get into a program.

David Steinmetz: We sent him the reports, though.

Richard Izzo: He didn't read the reports. They can't review the reports. You're going to have to pay them to review the reports.

Stanley Bernstein: I don't want to interrupt, but there is something germane right here between the two of you that I have to understand before we even continue. What you're telling me is if the State refuses or just looks the other way, there is no governmental agency that has any oversight over this hazardous site? Is that what you're trying to tell me?

Richard Izzo: It's not a hazardous site. That's correct. That is for the record.

Stanley Bernstein: It's not a hazardous site, but it's a potential, not good site.

David Steinmetz: It's a contaminated site.

Stanley Bernstein: It's a contaminated site. You're telling me that no governmental agency has any oversight in this situation if the State refuses to do anything?

Richard Izzo: Not to my knowledge. You're self-policing at that point.

Stanley Bernstein: In other words, Mount Kisco is the agency in the report. Mount Kisco has to take the burden of insuring that this is done properly and have oversight; which means that Mount Kisco is exposed to a very large liability. Wouldn't you say?

Richard Izzo: Yes, sir.

Vice Chairman Sturniolo: Stan, I know where you're heading; Rich, a couple of questions, specific about your document. On Page 3, your #1, you make reference to

additional groundwater testing is necessary to determine, etc., etc. On the next page, Page 4, excavation and off-site disposal; that paragraph starts off with excavation and off-site disposal alternative is generally considered the first and best choice when dealing with impacted and contaminated soils, etc., etc. And then it continues on with the next paragraph; the most compelling argument in favor of this first approach is that the in situ contaminants are permanently dug up and removed from the property, etc., etc. Then the next page you spend some time talking about stabilization and the solidification which is the encapsulation of it. I have a concern personally about what could happen if some of these subsurface areas, gasses start to creep up and come out of the ground. I have a concern, a very serious concern about DEED notification and engineering controls. It's something extremely cumbersome, overly burdening, for any regulatory body to monitor, to stay with; to check. The policing effort to me sounds like a mind boggling task, and then you use the word perpetuity, which just exacerbates that concept in my mind. This property immediately next to this that is going to be Crème de la Crème; we now understand that they are going to have to have some pilings driven in there to support the structure. I have no knowledge, or if you do you fill me in, are these contaminants on this soil, could they possibly be leached already into the adjacent property? And that's something else that we don't know about. That's something that's to use your phrase erring on the side of caution. This board is committed to, obviously, the health, safety and welfare of the Village of Mount Kisco, and I as one individual would be strongly, strongly in favor of removing these mercury and whatever contaminants from the site for a host of reasons. I realize the applicant, Mr. Cohen, is a very well respected developer in Mount Kisco and has done wonderful work, but again, he is not under any constraint to have to buy this property nor spend the dollars that it takes, and David, in all due respect, the idea of, well, if goes in a truck and the truck has an accident, well, that's the cost of doing business. That's something that the Village is not liable for, that would be the people that do the removal of the contaminants. I don't put a lot of credence in that issue, but I would like to see that stuff out of the Village of Mount Kisco.

David Steinmetz: We hear you.

Vice Chairman Sturniolo: I just have one more point to make before I turn it over. You talk on Page 8 about excavation and off-site removal is relatively fast and may even be more advantageous considering the potential building related foundation issues to get it out of site first and quickly. I'm in support of that concept. I talked about gas escaping, as you mentioned in your closing paragraph, and I surely don't want to see any undue burden for future property owners to have to live with this if Mr. Cohen chooses to sell his property at a later date, and that tie back into the DEED notification and the engineering issues. So, my personal feeling is I'd like to see it removed as quickly as possible and then go forward. Those are my feelings, and now I ask my fellow board members to please comment if you'd like.

Doug Hertz: Frankly, Tony, when we first heard the Tim Miller report it seemed a well-reasoned argument both financially based and technically based for doing the containment on site. But I think having hired a consultant and gotten an independent review of this, I think we've gained more information. I think you bring up some very, very important points which were not brought up before, specifically having to do with monitoring and perpetuity, the notice requirements, limitations on the site afterwards and I think there are very compelling arguments towards removal.

Vice Chairman Sturniolo: Stan?

Stanley Bernstein: Yes, I think it's very compelling. I don't think that Tim Miller Associates gave us the full picture. They didn't say anything about perpetuity, perpetual monitoring and of course, something can happen along the way where, I don't know who it was when they were here, absolutely almost guaranteed that it would never leach into the soil, but there are things that can happen; and what would happen down the road if contamination is evident? Then the building would have to be destroyed to remediate it. So it's kind of silly to leave it the way it is. Now, I'm also, David I'm sorry to say this because you know how much I love you; I want to issue my displeasure... extreme displeasure. You had a structural engineer here, and I asked for an evaluation of driving piles. My concern, remember you split it up to two thoughts. One was remediation; the second was structural, covering over the site. And I said I want to see some sort of evaluation of driving piles to the bedrock, and now I turn around and get a report that DEC requires across the street, and my thoughts were completely dismissed. I can repeat some of the words I said. Number 1, I said I've dealt with structural engineers for 47 years, and you give a problem to 10 structural engineers and we'll get 10 solutions. And the man who was standing in front of us; he was really not that forthcoming, seemed to have just a one way street. I said I want to see an evaluation of driving piles.

David Steinmetz: One of the ten.

Stanley Bernstein: One of the ten, exactly. I also mentioned that there should have been an evaluation on that aspect instead of a floating footing which is normally done in a scenario like this. The next thing I said was the oops factor. I don't know if you remember my words, but if you go back to the minutes, you'll hear them. The oops factor; from dealing with developers all these years, and everything looks so wonderful and the structural engineers have a complete outline of what's going to happen, and a couple of years down the road, oops, it didn't work that way. That's something we must think of in everything we do. And we have plenty of "oops" factors in Mount Kisco, let me tell you. From the time I first came here (with putting curbs in) to almost everything else that was built in this town. We've had an awful lot of oops's. I don't want to see any oops's on this one. So I just wanted to issue my displeasure and tell you why. It seems as if that structural engineer and Tim Miller and his representative just completely dismissed it as if I didn't even know what I was talking about. So in a way I'm patting myself on the back. Thank you.

Ralph Vigliotti: I'm in agreement with my three board members to my right.

Sol Gibbons: There are four words that bother me here. The continuing ongoing site monitoring. If they're going to build a building on that, how is that done later on?

Richard Izzo: It's a good question. And it leads to the question that monitoring it in the future to make sure that nothing is leaching out of it; how do we know presently there is nothing leaching out of it? Cause there is no real way to tell other than measuring levels in the surrounding environment; in the ground water, in the soil, in the soil gas. That's sort of an early warning detection system. They didn't find any mercury in the soil borings. I don't know if they did the borings down to the bottom of the tanks, which are some 25, 30 feet below ground. However, as I earlier mentioned, there was only one ground water sample taken, and it wasn't an example for any of the constituents of concern. So we don't know if those constituents are in the ground water right now, let alone how are we going to figure that out twenty years from now when there's a building over it, and it's a big cement block. The only way that I could see to do it would be to have a monitoring well system around it and keep sampling the ground water. If mercury starts showing up, the problem then is what do you do about it?

Sol Gibbons: Tear the building down?

Richard Izzo: I didn't ever think that a regulatory agency would make anybody do that, but a month ago I had a conversation with DEC who is telling my client that he might have to tear down part of his building to do testing. I thought I'd never hear that from a regulatory agency, but out it came out of this person's mouth. The other thing is that things change over time. Regulations change, acceptable methods of dealing with things change, and if some things are in the ground forever, that's it. In terms of what we were talking about, I just want to point out one more thing while I have the floor. One more statement in terms of what we were talking about before about DEC potentially requiring less than what I'm recommending here, to my knowledge they never approved an engineering control on this site without some system of verifying its continued effectiveness for the extent of the life of that control. And on this site, the life of that engineering control is going to be forever. I don't see any way around that. I don't see DEC backing off on that. DEED notifications and deed restrictions, you might be able to hammer them down on that a little bit and negotiate that with them, but if I'm the policeman here I'm going to be as cautious as I can be and err on the side of caution to sleep at night.

Vice Chairman Sturniolo: Okay. Any engineering concerns, Whitney? Ashley?

Dan Peluso: Just structural issues that were brought up on our last review about whether or not the structures those are there are viable.

Eric Kaeyer: Can you define viable?

Dan Peluso: We would have to review the final plan of what you submit and how that structure is going to impact your proposed structure.

Eric Kaeyer: Which wouldn't be an issue if it's removed.

Dan Peluso: Exactly. We can't make a judgment on it, so you actually say what it is. That's our point.

Vice Chairman Sturniolo: Ashley, Whitney, thoughts, comments?

Ashley Ley: Our office agrees with the solution of Rich's office.

Vice Chairman Sturniolo: David, because you also represent the adjacent property owner, Crème de la Crème Nursery School, day care facility concept, I would think from a PR point of view, a parent point of view that I wouldn't want a child going in to that facility knowing that either underneath that facility directly or adjacent to it immediately is this encapsulated vault of contaminated materials. I think from a PR point of view, Crème de la Crème would really, really lose out. That's my opinion, but that's for Crème to decide. Going back to Mr. Cohen, please convey the sentiments of this board that we are absolutely committed to the concept of removing these contaminants, and let's move forward with the project. He wants to move forward, you mentioned a calendar of a year or a year and a half of whatever, whatever; let's start the process rolling tomorrow morning regarding the removal of the contaminants.

Stanley Bernstein: Mr. Chairman, there are issues involved with crossing wetlands, wetland buffers, and that has to be ironed out.

Vice Chairman Sturniolo: Of course. It's part of the removal process that we have to address.

David Steinmetz: And Stan is right. It's part of that mutual admiration society that he and I are in. That's why we're here.

Vice Chairman Sturniolo: But the bigger issue is the contaminants.

David Steinmetz: No question. But he may be on to something. I can't answer this question from a technical standpoint. Regardless of whether we're doing removal or the in situ, we still need a wetlands permit from your board to do that work. So, if you want us to do the removal, we need to still drive the reason we were hired and the reason we are here is because we had filed a wetlands permit application. We didn't file a remediation permit, because there is no remediation jurisdiction. The sooner that we can get that wetlands permit issued, the sooner we could ultimately, if Mr. Cohen agrees to do what your board is endorsing, and what CA Rich has recommended, we got to get in there. So, we are going to need to still drive trucks into the wetland buffer to pull this stuff out.

Doug Hertz: I would just like to comment on this idea. I've been confused from day one as to why it's considered the better route to drive to the back of the property across Village property, rather than... because clearly you're intending to improve the site, put a building on it, put access off of Morgan Drive. It's unclear to me why we're not accessing it from the route that we will be accessing it from for all construction activities in the future.

Eric Kaeyer: I don't think it matters. I think actually the only reason why we were recommending from the back is that there be less disturbance.

David Steinmetz: To the wetland.

Eric Kaeyer: To the wetland and to the tree buffer that's there. But obviously the intention of this is to develop the overall project property which would affect that.

Doug Hertz: This is what's confusing about the fact that we've broken up the phases. You're here for this, and not as part of a construction phase. Phase One of a site plan. And if it were Phase One of a site plan or the pre-phase of the site plan to clean up the site, clearly there would be construction access up Morgan Drive, and this would be a non-issue.

David Steinmetz: Correct me if I'm wrong, but we would still need a wetlands permit.

Doug Hertz: I don't disagree with that. But the issues of crossing Village property in the back with contaminants would not be...

Eric Kaeyer: I think from our point of view, we're fine with not going from Morgan. It was strictly to reduce the amount of disturbance for that phase.

David Steinmetz: Doug that is my understanding. We need Jon and Rob here to confirm that.

Doug Hertz: And just to expand on that, if you consider the overall impact on the site, if you're first going through the back of the property and then you're going to be doing

construction coming into the front of the property, on a whole basis, you're doing really more disturbance.

David Steinmetz: There is a semi-hardened access road that the Village currently uses. I thought we were coming in on that. I haven't driven it; you guys know it.

Doug Hertz: But I believe you have to come in twice. Wasn't that the last thing? We have to come in on two different spots because you can't get across one thing?

David Steinmetz: You're suggesting we re-visit coming in through the front door rather than the back door.

Doug Hertz: Yes, especially if we're talking about the removal and the amount of construction, the amount of vehicles that are going to be involved.

Eric Kaeyer: Hypothetically here, we are talking about two structures that have mercury in them, but there are seven or eight structures on that site. If we're removing two, and I'm not sure whether we are proposing this or not, that a removal of the seven or eight...which also includes the wetlands themselves, because the wetlands a basin at one point, which has a concrete base, and if we're removing everything else that is concrete on the site, are we removing the concrete from that and then re-creating it when we're done?

Vice Chairman Sturniolo: At a later point?

Eric Kaeyer: Right.

David Steinmetz: I think the answer to that somewhat rhetorical question is we would just be dealing with the remediation; the structures that have contamination as opposed to some of the other tanks and basins that is there but has not been tested as having contaminants. They've all been tested.

Stanley Bernstein: They have? The other structures have not been tested?

Maureen Fisher: Maureen Fisher with Tim Miller Associates. I was here strictly to take notes, because I haven't really been dealing with this too much. Jon couldn't be here tonight, so I'm just sort of here to takes notes for him.

David Steinmetz: We appreciate you jumping in for him at this point.

Maureen Fisher: I actually was the one who physically did the testing out there. We did test outside all the basins, and the structures that weren't tested have encapsulated huge steel piping, so there was nothing to test but rock. So we couldn't test those structures.

Richard Izzo: So you didn't do any testing on the concrete storage building.

David Steinmetz: The sand basins.

Maureen Fisher: We tested the Imhoff tanks.

Richard Izzo: The concrete storage building, the sprinkling filter heads?

Maureen Fisher: The concrete storage building there are some buildings that are hard to get into, and unsafe, I would think for me to go into, because I'm not sure what was there. When you're doing a Phase One and a Phase Two without some engineering drawings, which we didn't see until later, you're going to err on the side of caution for yourself so you don't go in.

Richard Izzo: I wouldn't.

Maureen Fisher: There are six concrete structures.

Stanley Bernstein: A hazmat team could get in there.

Richard Izzo: You could go in there and take a sample, or if you have engineering drawings, or if you have an engineer who can go in and look at these structures and say this is not an impediment to get any proper testing done on the site. Have an engineer look at them, and if he says don't go in there, and tell all the homeless people living in there to get out too while you're there. But come back after the building has been demolished and do your testing then.

Maureen Fisher: From what I understand the storage building wasn't storage of chemicals or hazardous waste to indicate any sort of collection.

Vice Chairman Sturniolo: And there is documentation to support that?

Richard Izzo: I have no information one way or the other on that.

Maureen Fisher: We looked for documentation and there was none, and there was nothing...

Vice Chairman Sturniolo: No documentation, or documentation that said that there was none of these chemicals?

Maureen Fisher: There is no documentation on the site whatsoever. We looked in the Village records and we called the DEP and no one was able to give us records.

Vice Chairman Sturniolo: So the only way to verify then, would be to go in and do the chemical structure testing?

Maureen Fisher: Well, when you visually look at it you don't see anything. There is nothing there but a building, so you can't assume the worst case scenario that a building itself would be housing hazardous waste when it was a sewage treatment plant. I don't know if hazardous waste can be stored at a sewage treatment plant.

Richard Izzo: Believe me, you expect the worst and you're surprised when it turns out to be not so bad. But if your client is going to undertake the expense of removing these contaminants from there, you might as well make sure that everything else is okay on the property before they go ahead and do that and take out... you know, they have to take out another couple of hundred tons of soil from somewhere else, this is the time to do it rather than when there is a building up there and people are impacted.

Stanley Bernstein: There is one basin on Village property. It's on that hard road you were talking about.

Maureen Fisher: The one thing that you did say about access, which I haven't seen the final drawings for what your plan is, but when we were planning on coming in from that access road through the Village, the reason we decided to do that was because it does have a direct access into the site to the front; Pond One I want to say it is. And then, it also has a trail that already leads back to where the Imhoff tanks are. So if you were to come off Morgan Drive, in front of Pond Two, there is small new growth forest, I would say, right here. So if you were to come in through here to get to the Imhoff Tanks, you would have to take all that wooded land down. I'm not sure if that's what you're planning on doing.

Vice Chairman Sturniolo: When you say small, how big is a small forest?

Maureen Fisher: The diameter of the...

Stanley Bernstein: Its second and third growth of evergreens.

TOO MANY PEOPLE TALKING AT ONCE

Vice Chairman Sturniolo: Do you need to add anything further?

Maureen Fisher: I think that covers everything.

David Steinmetz: We will take all this information back to Mr. Cohen and to Sanctuary Ventures, discuss this; we will obviously need some kind of wetland permitting from the Village to do the work. We need to make some decisions. It's possible that Mr. Wasserman from ECC, our technical remediation consultant, would want to confer with Rich. I assume the Village at this point, now that the report is public, has no objection to that consultant speaking with your consultant. That's your call.

Whitney Singleton: I don't have a problem with that. I do have one other too add. If you're going to continue to propose coming off the Village's access road there, I believe we have a sewer and/or a water line that is underneath that...a crushed gravel road or something like that. We would need to have a clear evaluation done.

David Steinmetz: I thought Jon Dahlgren had looked at that Maureen, but you can go back and check.

Maureen Fisher: I'll ask.

Doug Hertz: I'd like to comment about what Eric mentioned earlier, which is if you're going to remove the contaminants in Pond One, why would we be keeping Pond One? And if you're removing the structure of Pond One, do we even have a wetland after that, because it's been determined to be a wetland, but clearly it's a basin. If we remove the basin...

Stanley Bernstein: Aren't you using that as storm water retention?

Eric Kaeyer: We're allowed to use it for over the two year storm as temporary storage of storm water, but it's not used for water clarity.

Stanley Bernstein: No, but it is used for overflow.

Doug Hertz: I think two comments; one that's even more compelling argument for removal, if potentially some part of this becomes a structure in the storm water system. Additionally it may give you opportunities on the structure of the building, now you don't have to stay X number of feet away from the artificially created wetland, which created issues for you, and to some extent for us, because it was my desire to see if we can preserve some of the old growth... evergreen that is on the site. You can't do that because you have to stay a certain distance away from that wetland.

Eric Kaeyer: A combination of that and the amount of area that that took up, if we were able to turn that into detention basins and push it down farther, you're right, we may be able to stay out of that old growth.

Stanley Bernstein: The old growth being the Karafin School.

Doug Hertz: I think it argues even more strongly for removal of these basins. It will give us a chance to look at...

Eric Kaeyer: That pond was a real issue in terms of laying something out on that site.

Doug Hertz: Believe me; it's clear that it must have been.

Stanley Bernstein: If we go ahead with this in our resolution, we can always mandate a created wetland in that location, and you can locate that created wetland to fit in better with the land and the situations because the elevation is going to be lower anyway at that point.

Doug Hertz: So it may really be a win/win.

Stanley Bernstein: Environmentally it will probably be a better scenario.

David Steinmetz: Okay, a really good suggestion for us to examine.

Vice Chairman Sturniolo: And again, convey our thoughts to the property owner next door, Crème de la Crème.

David Steinmetz: Yes.

Vice Chairman Sturniolo: Thank you all.

David Steinmetz: Thank you for your time.

Vice Chairman Sturniolo: At this point, if you don't mind, I'd like to take a very short five minute break.

CONTINUING REVIEW:

Old Iron Warehouse Carey Place PB2005-20

Present: Alan Pilch, Evans Associates

Vice Chairman Sturniolo: Next item on the agenda is Old Iron Warehouse on Carey Place. Alan and Ashley why don't you kind of walk us through where we are with this thing, and I know that it is the SEQRA Determination and the old catch 22 issue that we're faced with.

Alan Pilch: I'm Alan Pilch with Evans Associates. I'll back it up just a little bit. Last year, I guess around this time of year, I think it was around May of 2006, we had the public hearing for the wetlands permit on this project. We opened and closed that public hearing and following that I requested that the Planning Board consider a negative declaration at that time since the DEP, which has jurisdiction over the storm water pollution prevention plan, which was submitted in February 2006, would not commence with its formal review until such time as a SEQRA determination was made. After discussing this before the board, and with Mr. Singleton, and I guess with DEP over the summer; we also had the changes that occurred at DEP in reviewers, but we agreed to have a meeting in this room on November 20, 2006. Essentially at that meeting DEP was represented, Jeff Econum was here, Nanette Bourne was here, John Drake was here, Jannine McColgan at that time was working with Dolph Rotfeld and represented the Village engineering consultant. What we had discussed at that meeting was that the principal issue of the New York City DEP was the ultimate discharge of storm water run-off from this .835 acre property. DEP was now saying that the method of ultimate discharge, which was a level spreader to take the storm water run-off to the tributary, the Kisco River, was not acceptable anymore. So what we had discussed was taking the treated run-off subsequent following the treatment in the storm water basin to something like a stilling basin or a Vortechs unit; a Vortechs being a hydrodynamic separator, which basically is a... I'll call it a box for like a tank, if you will, to remove suspended solid and some of the contaminants in storm water run-off, but this would be at the end of Carey Place. At the end of the road because at the present time any runoff from Kerry Place, which essentially is the runoff from the street itself, enters the tributary, the Kisco River here, without any treatment whatsoever. So, the idea was to take the treated runoff from the property, put it into a Vortechs unit, pick up with catch basins the runoff from Carey Place, put that into the Vortechs and then discharge to the street. That was actually the principal issue that we discussed at that time. And that's what this plan represented. That was essentially our discussion in November, and in January... and what that entailed of course was some additional survey information off the site, which we did have Stanley Johnson Surveyors do, essentially from the end of Carey Place to the river and they went slightly beyond it, identifying topographical information. So we prepared a plan which implemented the points of our discussion of our November 20, 2006 meeting and submitted that and a revised storm water pollution prevention plan to the New York City DEP. Subsequent to that, we received a letter from the New York City DEP, I think it was in March 2006, which said the only item that they cannot commence with a formal review until such time as the Village takes action with regard to SEQRA. And I have to say that it did get me upset in the sense that we had spent some period of time discussing that DEP would actually give more detailed guidance to the Village as to whether the storm water pollution prevention plan that was proposed and the storm water managed measures on this property to support this project were acceptable or not acceptable, and they didn't do that. All they did was have a letter which said essentially that; that they can't do any formal review until such time as a SEQRA determination is made. I believe, informally, and you can tell me whether or not this is true, and I have spoken to John Drake since then and he has said that in general it is acceptable. He may have some refinements if you will to the storm water pollution prevention plan but in general the storm water basin that is proposed does accomplish the goals of the watershed regulations, and I guess the subsequent treatment of the storm water runoff and that which comes off Carey Place was maybe generally acceptable. That's essentially where we are right now.

Stanley Bernstein: Mr. Chairman, just a little bit of background to dovetail with what Alan said. At that time, we had Ms. Penny Kelly took over for Jannine when she moved onto Dolph Rotfeld. And she was sitting right there, and we asked her why can't this be done simultaneously, and she said yes it would be. Do you remember that?

Alan Pilch: I believe so.

Stanley Bernstein: So now with the change of personnel; you must remember it also where the DEP agreed at that point that sometimes we can't get a SEQRA determination at that time, or if we can, they make changes and our SEQRA determination may be out the window. We thought that would be simultaneous. Now what happened? They got new personnel and they just don't want to do it?

Alan Pilch: Penny left and John Drake is presently there.

Ashley Ley: John Drake is still there, and we have had the same conversation with John Drake that the Village is not willing to make a determination if the DEP hasn't looked at the plans at all, because for all we know they could completely change the plan. But now we've reached that point in the process where John Drake said that the plan is basically

as he would approve it, but what we're looking at is virtually what will be in place so we can now make our SEQRA determination. So that's where we are at right now.

Vice Chairman Sturniolo: The applicant is committed to paving all of Carey Place till the end, and installing the two catch basins so the captured water from the concrete curbing?

Alan Pilch: Yes. We had said initially on these plans, its represented, that we would take it to up to... I guess it's the... its not the auto body shop but up to here, but I bet if you said you want to pave it up to the end, he probably would say fine. But we said we'd certainly pave the entire frontage including the front of the auto body shop over here.

Vice Chairman Sturniolo: And all the way to the circle where Village property is, concrete curbing, and you were going to install two catch basins at the end.

Alan Pilch: And the Vortechs unit and those improvements that are represented on this plan. Absolutely. Yes, he's agreed that that is part of the...

Vice Chairman Sturniolo: So at this point, Ashley, where do we go?

Ashley Ley: One of the things that Whitney may be able to speak to better is that because they were going to be putting references in the street and associate Village property, they would need some approval from the Village Board.

Vice Chairman Sturniolo: Whitney is in the other room. We can drag him in here. Do you want to get him here now? Just tell him you need him in here for two minutes. I think they're in the little room there.

Ashley Ley: Here he is... questions about the Village Board approval and the Vortechs into the street.

Doug Hertz: Let's just get the board in here and approve it right now.

Stanley Bernstein: Let them approve it right on the spot.

Doug Hertz: Come on in guys.

Whitney Singleton: They would obviously need an easement from the Board of Trustees in order to go into the public right-of-way, and I think the other thing that I could notice from these plans, its right through here, correct? All this?

Alan Pilch: That is correct.

Whitney Singleton: Obviously there is a question of maintenance as well, and who would be responsible on an on-going basis for the maintenance of that drainage.

Stanley Bernstein: Well, they have to maintain the drainage. It's the maintaining of the surface of the road.

Whitney Singleton: What's that?

Stanley Bernstein: You're concerned with the maintenance of the surface of the road, not with the drainage. They are responsible for the drainage.

Whitney Singleton: If it's our property... unless they assume the obligation in writing. Then we have to make provisions for that because we don't want them to just install the thing and say okay Village of Mount Kisco now your highway department is taking it on forever.

Dan Peluso: The Vortech does require a certain amount of periodic maintenance, depending on the model. And it does need to be cleaned out; it does need to be maintained, so those factors have to be considered.

Alan Pilch: It's similar to a catch basin.

Dan Peluso: It's a little more. It has to be maintained or else it doesn't work, and if it's effective it has to be considered.

Doug Hertz: Is your client willing?

Alan Pilch: I think you'll find that the maintenance of it once Carey Place is paved will not be as excessive as it may be at the present time. I think once there is a good

pavement surface there is not going to be a lot of sediment coming off that road, so it will probably be related much more to whatever, sanding procedures goes on during the winter time. But, yes, he's obviously into that – which it's going to be part of the maintenance. Just as part of the maintenance is the maintenance of a storm water basin.

Vice Chairman Sturniolo: And that will all be part of the resolution, enumerating it.

Stanley Bernstein: Alan, have you calculated the additional impervious surface? I know it's not much, about 20 feet, in your water calculations? Carey Place was gravel, so if it's paved.

Whitney Singleton: Kerry Place wouldn't be his site.

Stanley Bernstein: No, but he's paving it. He's paving Carey Place.

Whitney Singleton: He's re-paving it.

Stanley Bernstein: But it's gravel now.

Alan Pilch: It's kind of half broken up.

Stanley Bernstein: So in other words we're not concerned about an additional impervious area.

Alan Pilch: The run-off from Carey Place from the road itself... the contours are such that storm water runoff is essentially parallel to, if you will the right-of-way of the street. So that most of the run-off that would enter the catch basin into the Vortechs unit, actually comes down the street itself. Run-off from like the electrical contracting place and the auto body shop really generally goes out into the Kisco River.... treatment whatsoever and would not enter that system at all just because of the way the grades are there presently. The Vortechs unit here is certainly sized to the run-off from the entire street right up to Kisco Road. It is sized up, with some excess too, that's how it was done. But this run-off from here does not enter this property and go through the basin, it's just a waste.

Doug Hertz: So the situation in terms of run-off even with the additional impervious surface will be improved, relative to the condition today?

Ashley Ley: Yes. Right now it's just running off the end of the street into the stream, so there would be treatment as opposed to no treatment.

Vice Chairman Sturniolo: And all curbing channeling it into the two catch basins. So, at this point, where do we go with this?

Ashley Ley: We could go to a draft resolution.

Vice Chairman Sturniolo: And as far as the SEQRA determination?

Ashley Ley: That could be part of the draft resolution, or would you rather wait until the...

Whitney Singleton: I think what we're going to have to do is we're going to have drafted for this. We're going to have to have drafted proposed easements for both utilization of Village property to install this as well as an ongoing maintenance obligation for the applicant in the public right-of-way, and that those are going to have to be... you can do it one of two ways. You can either approve it subject to the Village board acceptance, or you could not be so presumptuous and refer conceptually to the Village board with draft language.

Doug Hertz: Does it make more sense to do the SEQRA determination so that we can get a final plan from the SPPP and then if there are any changes that get tucked in to that, so that we can

Whitney Singleton: I have to talk to Nannette about this. She and I talked about this briefly. You have no review at all from DEP, is that correct?

Alan Pilch: Other than our call... the informal list review

Vice Chairman Sturniolo: Of the phone conference?

Alan Pilch: I really don't want to describe it.

Whitney Singleton: Can we do the following? Not to put you off indeterminately, but why don't Alan, Nannette and I, and/or Ashley have a conversation after this meeting, and we can write a memo to your board or an e-mail or something like that as to the method that we think we would be best for a future application.

Vice Chairman Sturniolo: The future steps going.

Whitney Singleton: And, there may be a recommendation from Nannette that she is going to start working on a draft for your board to review. It may be a recommendation from Nannette that she wants to make a SEQRA determination so that the process can continue with DEP, and we don't have to be hampered by another two week delay. We can do this as soon as Nannette's back; we can have a conference call.

Vice Chairman Sturniolo: Does that make sense to everyone?

Stanley Bernstein: I think it makes sense but there is one thing I want to say. I want to go on record. I went on record before, I want to go on record now based on this little agreement we did. I'm not happy with storm water treatment within a wetland buffer. I think I mentioned it to you, Alan.

Alan Pilch: Yes you did.

Stanley Bernstein: And, I know DEP frowns upon it, but there's nothing codified. They have written nothing, there are no rules involved.

Whitney Singleton: What do you have, any filters running in there?

Alan Pilch: Storm water basin.

Whitney Singleton: Is than an acceptable self practice with DEP?

Stanley Bernstein: As I said, DEP frowns upon it, but there is nothing codified. You can't read any rules and regulations on it, although the State does have some sort of DEC regs.

Alan Pilch: It is a DEC wetland.

Stanley Bernstein: Is this the K12, is this a piece of the K12?

Alan Pilch: It is now, as of 2004. And I had a conversation with the... in August of 2000, I can't remember if it was 2004 or 2005. It must have been 2005. I got a plan, this plan actually to DEC for them to look at. They did not express any objection at all in this particular instance to having a storm water basin in this wetland buffer. If only because they recognized this wetland buffer not only was not pristine, but it's just so disturbed.

Stanley Bernstein: That's not the entire feeling that the State has.

Whitney Singleton: There are a lot of people that say any excursion into the wetland buffer.

Stanley Bernstein: It's written. The thing is, that said, some of the considerations that they take into account is the size of the property and not having the developer caused an undo hardship based on the size of the property, and I think this qualifies for that. But basically I know the DEP frowns up on it, they have no rules written, but the state does have a whole set of rules on wetland buffers.

Alan Pilch: I agree with you entirely. We do a lot of permitting with the New York State DEC and in virtually in most instances, unless you could show them a very good reason as to why you cannot keep a basin out of a buffer, we will keep it out of a buffer. But in this instance, I think even the DEC recognized the...

Stanley Bernstein: In reflection, I feel the same. I feel it would be too much of a constraint upon the owner to force that issue. So I'll back down from that. I just wanted to get it on the record that I don't like storm water basins within a wetland buffer.

Vice Chairman Sturniolo: Okay, so let's leave it that you folks are going to get tighter and come up with a game plan.

Alan Pilch: Would I be correct in stating to Mr. Ferrovicchio who is funding me so far in doing this in front of you, that it is likely that you would grant a negative declaration so we can move forward at least with DEP? Am I going to be able to tell him this?

Vice Chairman Sturniolo: I wouldn't use the word likely. I would use the words that maybe the Planning Board is looking forward toward the concept or is hoping. But likely I think is a little too strong of a term. But definitely update him on this conversation that is going to take place between Ashley, Nannette and Whitney in the next several days. Time is of his essence, I know.

Alan Pilch: Okay. Thank you very much.

Vice Chairman Sturniolo: Next item on our agenda under correspondence is a letter from Mary Galasso regarding the SPPP plan for 275 Kisco Avenue, which is the Lexus dealership followed by a letter from Austin Cassidy to the property owner at 222 Main Street regarding the illegal fence and the water scenario of Panera's Restaurant. Pacific Restaurant disappears, the total of 8,500 square feet, how it gets broken out, broken out and there are some serious concerns that the building inspector raises regarding how much parking would be available for this dance studio, physical training studio with 1,000 square feet of vacant tenant space available without any parking, and that will be coming back to us shortly, I'm sure. There is also a heads up from Patty Tipa about the final CO's that are outstanding at Woodcrest, and there is a letter from the Town of Bedford Planning Board and basically that has to do with the property that the Knights of Columbus currently at 1 Turner Lane is for sale, and a child healthcare facility or nursery type school is contemplating buying it, and obviously the traffic impacts and things associated with that on the Village of Mount Kisco.

Ashley Ley: I received a call from the Bedford Planner that that application has been withdrawn.

Doug Hertz: Wonderful.

Vice Chairman Sturniolo: Whitney you were going to add?

Whitney Singleton: That the application has been withdrawn.

Ralph Vigliotti: Is the site still up for sale?

Whitney Singleton: I didn't see that it was for sale.

Ashley Ley: It was my understanding that they were leasing the property.

Whitney Singleton: It was a short term rental.

Stanley Bernstein: It's beautiful. I don't know what kind of structural.

Vice Chairman Sturniolo: Anything else?

Stanley Bernstein: Yes. I have an issue, Plants and Things.

Vice Chairman Sturniolo: On the record.

Stanley Bernstein: We're on the record. Plants and Things. What they've done is a slap in the face to the Village Board. We've told them what they had to do, first they didn't do it, now they did it in such a way that's it's just as bad as not doing it at all. What I'm referring to is part of their sign, according to the resolution that we passed the sign was to say by appointment only.

Vice Chairman Sturniolo: Those were Ralph's words.

Stanley Bernstein: Right, by appointment only. They didn't put that sign up for a long, long time. Finally, someone got on their back and said they have to have a sign. So they put up a sign in letters that can't be seen unless you walk right up to it, and it says "appointments preferred." It's a slap in the face to this board, and I think either Austin or whoever is involved should get right on top of this.

Vice Chairman Sturniolo: Whitney, back in December, you and I and Joe had a meeting with Patty Tipa and that was one of the subjects.

Whitney Singleton: And she said she was dealing with it. And, maybe we need to bring this up at our next staff meeting again. Really, I think that's for purposes of getting

results, if you guys have issues that come up in these meetings, that was really one of the purposes of having this follow-up staff meeting, that Austin is present each time we have a meeting, is so that these items can be relayed to him. So we'll have to bring that up again on our next staff meeting. Our next staff meeting, which we were discussing before, we don't know when that is now, right?

Ashley Ley: No, it's on the 31st.

Vice Chairman Sturniolo: I think it's the 31st Nancy said to me.

Ashley Ley: Yes, it's next Thursday, 9:30, here.

Ralph Vigliotti: I will say in all fairness to Plants and Things that I purposely check the parking every single time that I go by there, and I have to say the parking is under three or less.

Stanley Bernstein: It's under control.

Ralph Vigliotti: It's under control. The sign is not what we had asked it to be, but the parking is what they said it would be.

Stanley Bernstein: If we feel that they can be given a pass on that.

Ralph Vigliotti: Just an observation that the parking has been under control

Stanley Bernstein: I feel the same way. I pass by quite often and I've never seen a lot of traffic.

Vice Chairman Sturniolo: But the sign should be...

Doug Hertz: The sign should be what it is because if the business begins to shift, then the parking will not be adequate.

Stanley Bernstein: It's just the way they did it. To me it's a slap in the face.

Doug Hertz: I just wanted to bring up an observation, and perhaps this is something for the whole board to consider. Last weekend's New York Times Magazine devoted itself extensively to eco-related architecture. LEED certified buildings, there was an array of articles on a lot of issues that we've been dancing around but not addressing head on because we don't have a stated policy. I think it would be advantageous to really explore beyond requiring the occasional applicant to explore LEED certification. To consider for the Village what technologies are something that this board would like to consider asking or requiring of future applicants. Whether it is meeting Energy Star requirements or whether it go to LEED certifications. There are so many ideas that are being brought about at this point. Clearly these are no longer fringe building concepts. These are well-established. There were pages and pages of ads for buildings in New York City that had various levels of LEED certifications and discussions of all that. I as one member would really like to see this Village taking a lead on and not to play on words... but to jump out and take a lead position on various green building technologies. We have the library that is a golden opportunity to do something that's environmentally sensitive. We have not been asked to get involved with that, but there is a wonderful opportunity. I know that there has been discussion about doing geothermal heating for the library. It's an expensive thing to do and I know private donors are being...I'll stop there. That's the only municipal building that could benefit from that. We're the Number One town in Westchester for family friendly, so maybe we can become the Number One town for environmentally friendly as well. So the question is where to go with that? I know Ashley circulated a memorandum awhile back regarding information regarding LEED certifications and some of its technologies, but I think it's now up to us to decide what next step we want to begin to do. What areas we're going to wish applicants to meet, what kinds of things are reasonable, and maybe this is policy decision that we need to review, and forward our recommendations to the Village Board so that this become codified in some way. I don't think we necessarily... I don't know I'll defer to Whitney.

Whitney Singleton: I certainly think that if you want to exercise an authority it should be now because otherwise the perception will be that we require for some and not others.

Doug Hertz: And it may be that we require it of buildings of a certain size that can afford some of these things that we don't do it on very small buildings, or that we come up with a series of stepped suggestions or step opportunities for buildings of various sizes,

but even something like green roofs. Here we have an applicant before us, a one story building, flat roof in the Village, it certainly a technology that's out there.

Vice Chairman Sturniolo: Whitney what would be the legal mechanics of starting this rolling with the Village Board?

Whitney Singleton: If you wanted to make an recommendation, if you wanted to say we think that you should consider going greener and setting regulations, I think you should go out there and take a look at how other communities have incorporated green or LEED Certification or eco-friendly, whatever you want to call it, I don't purport to know this stuff very well, but see how other communities have incorporated those concepts into their zoning and their planning board within their community, just like communities do aesthetic review boards, just like communities do with architectural review boards, its not something that you're going to define to every building.

Doug Hertz: How much work would that require?

Whitney Singleton: Tell you the truth, I don't know. What it probably would require is going on the internet and simply searching some communities.

Stanley Bernstein: Mr. Chairman, for everybody's information, the CAC has already developed rudimentary plans on that line and has sent a letter to the Village Board on that item, and one of the Village Board members has researched a bit of this. We could request the CAC to take over. Of course, they have no authority, but to take over the research and pass on the information to this board or to the Village Board with that in mind. I'm sure they will be more than glad to do that, because they already have a stack of information on this. Not necessarily LEED, but alternate environmental means of power and so on. So we could prevail upon them to come up with some pretty good information because they already have it. They just have to put it into a form that could be understood.

Ralph Vigliotti: I think we can go a step further. Maybe not tonight, but to recommend after we've come up with a plan of action to the Village Board of Trustees to undertake our recommendations in some kind of legislative form and then have them either put together a committee to put together some legislation to make it happen. That's probably the way we need to do it is a recommendation for us to the board and let the board decide how they want to handle that.

Doug Hertz: We have input from the CAC, we have input from our planners, we'll need legal staff.

Ralph Vigliotti: If we want to do a quick track on this recommendation from us to the Village Board, they decide the directions. CAC you do this, Zoning Board you do this, Planning Board you do this, and then proposals for some legislation.

Doug Hertz: I personally would love to get that information to the Village Board. I don't know... get a consensus of this board whether or not it's a direction that we feel is important.

Vice Chairman Sturniolo: Well, it is. I for one have had several conversations with Trustee Peter Gruntal about it, and he has done some research on environmentally friendly design buildings, LEED agency status and qualifications. This also brings me to ask a question about Village Board. I'd love to jump into this thing, but even before that I'd like to find out the status of our recommendation to the updating of the lighting code that we worked on 2 ½ years ago.

Whitney Singleton: As you know, Tony, I deferred it to the Village Manager. The Village Managers over the years, a couple of times.

Vice Chairman Sturniolo: I'm willing to drop it if they don't want it. I'd just like to get an update. Are they going to entertain it or not? We did a lot of work.

Whitney Singleton: My understanding is that it's never been put on their agenda by the Village Manager for a multitude of reasons, and I don't think it's anyone trying to bury it. When I've made the referrals it's always come at a time when things have been very hot and heavy with the board, so I think what I should do is make another request, which would be like the 3rd or 4th request, and I think that it will get put on the agenda.

Doug Hertz: Would it help if this board writes a letter saying we've done all this work, and we've gotten to this point?

Whitney Singleton: I think that I can convey that in an e-mail. What I've done every time is I've sent an e-mail to the Village Manager with an attachment of the lighting recommendations saying these are the proposed regulations that the board had previously referred. I'll regenerate it with a little bit more gusto this time. I'll say that the Planning Board is very politely pushing.

Vice Chairman Sturniolo: Okay. Anybody else?

Ralph Vigliotti: I have two items. For your Thursday meeting, if you would, the gas station across from Byram Lake Road which is a defunct gas station at this point has an accessory use to the gas station which is no longer in use. What I'd like to get is a legal opinion whether or not they can continue to operate in the form that they are. The store is supposed to be an accessory use to the gas station, I believe. What I'm trying to find out is whether or not they can continue to operate as they're operating.

Whitney Singleton: I believe that they can but I'll check that out.

Ralph Vigliotti: So if you would check that out. The other thing is 28 Armonk Road. I was late for work a few weeks ago and I ended up traveling down Armonk Road to pick up a cup of coffee about 7:10 am. There is a landscaping company operating out of 28 Armonk Road. I want it on the record. As a matter of fact, I had a difficult time bypassing the trucks that were picking up workers for the company. There had to be at least 50 or 60 workers getting in and out of cars and trucks. I don't think there's been an approved business to that site and at your Thursday's meeting, if you would be kind enough to discuss that?

Whitney Singleton: A week from Thursday. You're talking about the building we've been talking about.

Ralph Vigliotti: Yes. And I was a little taken aback. When I shared that with one of the officials in town and they asked me to take pictures of it. I was kind of taken back. It's not my job, it's their job.

Whitney Singleton: I think the response if I'm not mistaken will be that that landscaping business has been there for many years.

Ralph Vigliotti: Illegally.

Whitney Singleton: And it has replaced what was previously in the back, and I don't know what was previously in the back.

Ralph Vigliotti: I don't want to discuss it here. If they equally have a landscaping business there that's wonderful. Past practice... just because they've been doing it that's not the question. Can they operate a landscaping business out of the back which is also being used as another business? They are operating out of their parking lot in the back. That's the issue that's there. The other issue is I shouldn't be told as a Planning Board member that I should take pictures of this. It's not my function. It's the function of the Village Department. That's all I have.

Vice Chairman Sturniolo: Whitney I guess you'll research the answer. If there's nothing else, I'd like to entertain a motion that we close the Planning Board Meeting of May 24, 2007.

Ralph Vigliotti:	Motion
Doug Hertz:	Second
Stanley Bernstein:	Aye
Vice Chairman Sturniolo:	Aye
Sol Gibbons:	Aye
Ralph Vigliotti	Aye
Vice Chairman Sturniolo	Aye

Meeting adjourned 9:10 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary

