

**Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, September 25, 2007**

Meeting called to order at 7:40 pm, Tuesday, September 24, 2007, at the Municipal Building Mount Kisco, New York.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Stanley Bernstein
Sol Gibbons
Doug Hertz

Members Absent: Joseph Morreale
Ralph Vigliotti

Staff Present: Nanette Bourne
Anthony Oliveri
Whitney Singleton

Approval of Minutes:

July 10, 2007 Motion: Stanley Bernstein
Second: Vice Chairman Sturniolo
Aye: Stanley Bernstein
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

June 12, 2007 Motion: Stanley Bernstein
Second: Vice Chairman Sturniolo
Aye: Stanley Bernstein
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

May 24, 2007 Motion: Stanley Bernstein
Second: Vice Chairman Sturniolo
Aye: Stanley Bernstein
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Doug Hertz: On the minutes of July 10, 2007, a note on Page 17, line 43. The sentence should read "we're not disturbing areas that are not intended to be developed."

Stanley Bernstein: I wanted to share this article with you that was in the local paper regarding a conversation we had at the last meeting about a moratorium on banks coming into the Villages. (At this time, Mr. Bernstein passed out the article).

CONCEPTUAL APPLICATION

**The Park at Mount Kisco
33 North Bedford Road
PB2007-14**

Present: James Diamond, Diamond Properties
Mark Blandford, Diamond Properties

Recused: Doug Hertz

Jim Diamond: I'm going to be on my own tonight. Michael Gallin had a conflict and could not make it. But I'm excited to be here to talk about Phase II of The Park in Mount Kisco which is a conceptual application tonight dealing entirely with the south side of the property. As everybody knows, part of the component in our first phase of the project included the soccer field on the south end of the property, Grand Prix racing in the mid point of the property, and as the project evolved we saw an opportunity to fill a

large portion of the south side of the building with sports focused, sports oriented tenants including Mount Kisco Athletic, which is an existing business in the Town of Mount Kisco, of course, which would be relocating from their Kisco Avenue location. Mount Kisco Sports, which is a working name at this point only, would be a series of indoor athletic facilities including two indoor baseball infields, a basketball court, lacrosse field, batting cage simulators and golf simulators. Gilbert Saddlery is an equestrian products company, and then we're showing in the remaining spaces bulk end retail in the maintenance garage building and physical training studio. The Mount Kisco Athletic use will require a Special Use Permit as a membership club, and the other uses would be recreation club or bulk end retail. In addition, what we're showing in this application is removing approximately fifty to sixty feet of blacktop in front of the south side of the building here to create a park environment with a walking path that would essentially begin all the way at the east side of the property, come down towards the building, wrap around, go through here and then wrap all the way around the existing soccer field, which would create the quarter-mile walking and running loop around the soccer field and a continuous .8 of a mile path from one end to the other. The entire green space that would be created here would be an approximate 4.1 acre park area, which we think would be an exciting addition to the Town of Mount Kisco. The idea is that there would be some benches located here in front of the buildings, and patrons of businesses or people using the soccer field would have a nice park to enjoy. Also shown in this application are the restroom facilities and the storage room that were contemplated previously as part of the soccer field, which we are now showing located right here; a very nice architectural design, which is shown in more detail here as well, and some benches. What we're showing is a hill here that overlooks the soccer field, so that spectators can essentially sit on the hill and watch the game. One of the things that we started to review to date has been the traffic, and our belief is that with the addition of the Mount Kisco Athletic we'll likely exceed the original three hundred trips per peak hour that were contemplated in the submission of last year. We're awaiting information back from John Collins once he completes his report, but we believe there will be a significant reduction in truck traffic compared to what was originally contemplated. John Collins, in his report of last year, projected that approximately twenty percent of the trips to the facility would be trucks, which at peak hour would be approximately sixty trips per hour, and we're projecting a total of thirteen tractor trailers per day to this site with this mix of tenants; so a dramatic reduction in truck traffic versus what any of us expected last year. So we're very excited about the mix of tenants. Also shown in this site plan, but approved already under the previous submission would be The Wine Enthusiast space. The Wine Enthusiast will be occupying 120,000 square feet in the northwest corner of the property. They will be re-locating their corporate headquarters from Elmsford, and this is therefore their office and warehouse location. The Wine Enthusiast is a mail-order catalog as well as a magazine; obviously focused on wine. That's about it.

Chairman Cosentino: Getting back to the soccer field. Were there going to be bleachers there?

Jim Diamond: The bleachers are actually purchased and at the facility now. They just need to be assembled and installed.

Chairman Cosentino: And there were going to be bathrooms there?

Jim Diamond: The bathrooms are what we're showing there, now. Temporarily there is a port-o-potty in the southeast corner of the field, but the bathroom facilities are what we're showing there in the northeast corner.

Chairman Cosentino: If I'm not mistaken, the Mount Kisco Athletic Club had a cap of 1,100 members. Did they say they are going to stand on that?

Jim Diamond: There will be approximately doubling the size of the facility. Their existing location I believe is 15,000 square feet, but I'm not entirely sure of that number.

Chairman Cosentino: They're going thirty now, right?

Jim Diamond: Yes. This location will be 30,000 square feet. Their position is that the important number for their mix is the number of people using their facility on a daily basis; the number of cars parked in the parking lot, similar to the restrictions that were put in place for Grand Prix which I believe has a 120 or a 140 car limit for the parking lot that they have to keep within. One of the things with the health club business, as I'm sure everybody knows is a lot of people join and just never use the facility. People join around the New Year and often don't show up again until December or never. So, I believe a significant number of the members of Mount Kisco Athletic don't actually use the facility on a regular basis, and there are other members who use the facility on a

daily basis before work everyday. Rick Beusman, the owner of Mount Kisco Athletic, feels that the more important number is daily or hourly use of the facility, number of cars in the parking lot versus the membership count.

Chairman Cosentino: Do you think that the south side of the building is going to be overcrowded with cars and the far north Bedford side aren't going to have any because of the uses that are on that south side?

Jim Diamond: The distribution of the parking actually works out quite well.

Chairman Cosentino: Somebody is not going to be parking way over on the north side and walk to the athletic club.

Jim Diamond: No. I don't think it's realistic to expect somebody to walk from over here to the athletic club, but the way the parking is distributed the bulk of the parking is actually on the south side of the parking lot. As part of the later submission we'll submit additional information including a parking analysis showing where the spots are located compared to the uses of the individual tenants. Throughout the facility we're going to have extra parking both on the north side and the south side, because we've been very focused on coming up with a mix of tenants which are relatively low employee or visitor generated. Just out of curiosity I took a non-scientific count myself yesterday at 11 AM, and we currently have approximately 100,000 square feet of the facility occupied at a pro-rata basis. I believe that would be approximately 140 vehicles in the parking lot, and I counted a total of 65.

Chairman Cosentino: On a positive side, it's good to get the athletic club off Kisco Avenue.

Jim Diamond: Yes. I think moving them here would be a good move because it will take the traffic off of Kisco Avenue. Also, their current location does not have adequate parking, and this location does. Their current facility I believe has a total of 93 parking spaces for the entire building, and they occupy I believe half the building. With 775 parking spaces here, we have much better space for them to function.

Vice Chairman Sturniolo: I'd like to echo what the chairman just said; moving Mount Kisco Athletic from where they currently are to here is a plus for the Village, et al. In looking over your submission of the mix of tenants and the usage; as the property owner, I like the concept a lot. However, the tenants are the ones that are going to be either contributing in a business-like manner to the safe management of the cars and the usage of parking spaces or they are going to be the ones that are going to create havoc for you as the property owner. When I say create havoc I am specifically zeroing in on Mount Kisco Athletic. One, there is this cap on their membership, and two, there has been a history with Mount Kisco Athletic in the Village of Mount Kisco. That is of a concern to me from a tenant's point of view, not from the way you are proposing it. Going back to The Wine Enthusiast; it's 120,000 square feet; it's a big chunk. How many employees are there?

Jim Diamond: They have less than 120 but they anticipate being approximately 120 next year when they occupy the space.

Vice Chairman Sturniolo: Employees?

Jim Diamond: Yes.

Vice Chairman Sturniolo: Going back to the green space. Am I correct in recollecting what you just said; one, you're going to be reducing the impervious surface in the front of those spaces and creating pervious surface, green space, park like grounds, planted trees, lovely walking paths and tie that into additional greenery around the soccer field creating additionally 4.1 acres of greenery? Am I off on my numbers?

Jim Diamond: No. The 4.1 acres includes the existing, so they'll be 4.1 acres of continuous green space with a walking path that currently will go from the very southeast corner of our property around the soccer field, around the property and then actually up to North Bedford Road at our northern access point.

Vice Chairman Sturniolo: And that would be advantageous also to the Village if and when the five acres of land in the back by A & P ever gets reclaimed and brought back to its proper use, then it would really open up an increase in that entire green space area. I'm just mentioning that as an aside, but I do like the idea of reducing blacktop and gaining grass. That's what I see here.

Jim Diamond: The other thing that we're showing here, but it's obviously just conceptual because this is not our property, but we are showing this walking path extending all the way up to North Bedford Road past the southern boundary of our property, but that would cross other property owner's property, so it would require their agreement, obviously to continue that path. But it's something that can be worked towards.

Vice Chairman Sturniolo: That would be another access point to the soccer field area for people wanting to walk into that as opposed to just going down Ice House Road. Thank you.

Stanley Bernstein: That was one of our original concepts; to have people walking from Guard Hill Manor to the soccer field instead of driving, and we saw we had the problem on Ice House Road and said it was just impractical to walk on Ice House Road. If you can get that path, it would be super. I like the concept. I just have a couple of questions. The athletic club; you said it's owned by Mr. Beusman? Not the same one who owns the Saw Mill?

Jim Diamond: Kurt owns Saw Mill, and I believe Rick is a partner in the Saw Mill, but Rick owns Mount Kisco Athletic.

Stanley Bernstein: If this club becomes as successful as the Saw Mill Club, we're looking at a parking disaster. We've got a parking disaster up there at the Saw Mill right now. Really, it's a horror show. So, if they are successful we are going to have a similar situation. I'm not wishing they are not successful, but in the back of my head; it's not a question of people joining and not showing up, it didn't happen at Saw Mill Club, and it doesn't happen at my club either, which is Club Fit in Briarcliff. They come. The parking lot is jammed. Also, what do you envision in the bulk retail?

Jim Diamond: Let me address one thing on Mount Kisco Athletic first. Mount Kisco Athletic and Saw Mill River Club are obviously different types of facilities. Saw Mill River Club is really almost a country club without the golf course in terms of tennis, children's day care; and there are a number of activities there that Mount Kisco Athletic does not offer. Mount Kisco Athletic is more like your traditional health club with weightlifting equipment, aerobic equipment, spin class and the like. He's contemplating a swimming pool for this location as well, but that hasn't been decided upon at this point. I think that's one of the dynamics at Saw Mill River Club which contributes to the parking problem; there are a lot of different types of activities, and a lot of those activities take an extended period of time. Traditional health clubs are more people going, working out, exercising and leaving. One of the things that Rick has agreed to at this location is to not start any group exercise classes from 8 to 9:15 in the morning. Group exercise is one of the things that contribute to trip generation; disproportionately I guess, than people using aerobic equipment or weightlifting equipment because you can have 15 or 20 people arriving for the same class at the same time. By not having any classes commence during peak hours, we think that helps significantly to insure that we stay within our limits for the facility. In terms of the bulk item retail, honestly we're not sure. But what we know is it's not going to be warehouse space. Warehouse is what this space was approved for in the first submission, and where we're going here, and really why we started to go down this path with sports uses in general a few months ago, was we decided with the soccer field in place, it just didn't make sense to have tractor trailers parked along the south side of the building. It would be detrimental to the long term use of the field. We didn't want this field to start to look like the field behind Shop-Rite. That's why we started to come up with this whole green space idea. So we knew, knowing that this can't be warehouse space, we looked at the other possibilities under the zoning code, and either bulk item retail or personal training recreation type studios seem like the logical choices. What we'd like to do is try to maintain the sports focus for the property. By personal training we're thinking of things like potentially a karate studio, perhaps wrestling training, something like that that maintains the sports theme for the property.

Stanley Bernstein: The first thing that comes to mind with bulk item is refrigerators, appliances like that. That will affect the traffic and parking, more than the warehouse situation. I am happy to hear there will be fewer trucks, but there will be more passenger traffic. Do you know if John Collins implemented the timing of the lights on North Bedford Road?

Mark Blandford: In order to not lose any time, since this was not on the agenda at the last meeting; we had an interim, kind of a staff level meeting, I think what we heard was that you weren't quite sure whether that had been done or not.

Vice Chairman Sturniolo: But John seemed to believe that things were working well with the settings adjustment, for lack of a better term. But he needed to verify it.

Stanley Bernstein: Apparently they did something. I find that traffic moves better and more smoothly southbound. I don't know if you people found out the same. Whenever I drive on 117 I feel it's a little bit easier, but there is a problem on the northbound from St. Mark's going up to the CVS area. It's pretty well jammed going northbound. I don't know what can be done about that; maybe too many curb cuts along that stretch. But southbound seems to be working fairly well, so I had to assume that they did some retiming at any rate.

Vice Chairman Sturniolo: Similar to Grand Prix New York with this special use permit. We fine-tuned that permit where we talked about the color of the wristbands, additional police, the hours, the drinking, and the contributions to Mount Kisco, etc. It was custom-made for that. Therefore it's going to be the same philosophical approach with Mount Kisco Athletic versus not needing to go that route with say The Wine Enthusiast. So we will have that control. You bring up the valid point of the 1,100 members. All that will be researched, washed out, and if the permit is granted we can create it exactly the way we would like to see it, similar to Grand Prix.

Chairman Cosentino: There were some sour notes left with the Saw Mill Club and what they did, and I think that's why on this application; the one on Kisco Avenue, Mount Kisco Athletic, we are going to dot our I's and cross our T's. A: I hope he doesn't intend to have a daycare center there like the one he's not supposed to be having at Saw Mill Club. What happened at the Saw Mill Club is he said, right before this board, that it's only when the mothers work out that we watch their children. That's not so. I know a family that goes there; drop off their children and leave; they go to work. That's not supposed to happen. So, if he's got in his mind that he's going to have a day care center here, remove it, erase it.

Jim Diamond: And I think Rick can come to a subsequent meeting to address some of these issues himself. I know he doesn't intend to have a day care center, I'm sure he intends to have what most all other clubs have, a room where kids –

Chairman Cosentino: That's how it starts, Jim.

Jim Diamond: Well, it depends on how big the room is, and I have seen the room at the Saw Mill River Club. That's very different from what a typical health club has, which is a room that's 15 by 20 square feet and typically three or four kids in there total, while their parents are working out. This is really a different type of facility. This is not the Saw Mill River Club or a Club Fit type model, which is a broad-based product offering. This is really limited to aerobics, weight-lifting and group exercise.

Chairman Cosentino: I think he's going to beat the drum and he's going to get as many applicants as he can get with the 30,000 square feet. It's like the garbage company over here; the prior one that purchased it. He said, "Well, I can have 30,000 or 40,000 tons a day, but I only intend to do 25,000 tons." The new guy that just came in said, "I have room to do 40; I'm going to do 40,000 tons a day because that's what I can do." When you have a business man that's going to come in and take 30,000 square feet, he's going to opt it to do what he can do to make the most money. We're not fools. You're a business man, we're business men, and we know what is going to happen there. We just need to be on top of it. You need to be on top of it. All the other places that you have there, we don't see any problems with. It's just the athletic club.

Jim Diamond: I don't disagree that he will be motivated to make the most money he can.

Chairman Cosentino: Absolutely. That's his motivation.

Jim Diamond: But one of the issues that he has to deal with and why I don't believe he'll attempt to expand the product offer is because he has two different products. It's important to him to not cannibalize his membership from the other clubs. Monthly fees at Saw Mill River Club are I believe \$140 or \$145 dollars, and Mount Kisco Athletic is \$82 for a single membership. So there is a different price level. There is a different product.

Chairman Cosentino: What's the membership at the Saw Mill River Club for a year?

Jim Diamond: I believe its \$149 per month. So Mount Kisco Athletic is significantly less expensive, and the idea would be to continue that product differentiation.

Chairman Cosentino: We're just talking of our past experience. We said nothing about the others because we have no experience with the others. On the athletic club we've

had experience; Saw Mill River Club we've had experience, so we can talk more about it. We've learned a lot.

Vice Chairman Sturniolo: One slight plus would be that if there is going to be a swimming pool there, the amount of square footage the pool is going to take out of the total; less people are going to be using the pool than if there were no pool and he had row after row after row of exercise machines. I think the pool has a tendency to, pardon the pun, water down the amount of square footage available for other uses.

Chairman Cosentino: But knowing Rick he'll have programs at the pool. That pool will be used with certain programs; the seniors will come in the morning and exercise. He'll use it to the extent that he can, and rightfully so. I'm glad that you're the guy there that's going to take care of it. We have a lot of faith in you.

Jim Diamond: We really have stressed to all of our tenants the importance of what we continue to try to do with the facility in terms of really making it a first class facility, in terms of the importance of being a good citizen within Mount Kisco, and the importance of traffic trip generation. We've added clauses to leases addressing these issues and making any approval resolutions granted by Mount Kisco part of the leases so that the default of those resolutions becomes a lease default as well. We do take our obligation seriously; and we impress that upon all of our tenants, Mount Kisco Athletic included. I think that over time we can continue to play a positive, constructive role working with everybody. I do agree with your point previously, Tony. That was what we really saw with Grand Prix and why we got so excited about that use a year ago now. Sports uses, we saw, can take up large amounts of space without a lot of people; Grand Prix being the perfect example. And then we saw the same thing with Mount Kisco Sports where you stick an indoor baseball infield, you're using a lot of square footage with not a lot of people using it and no truck traffic at all. I think, to a lesser extent, that's the case with Mount Kisco Athletic but to the extent that they have a pool; I think it holds true for them as well.

Anthony Oliveri: Is the soccer field a natural grass field or a synthetic turf?

Jim Diamond: The outdoor field, natural grass. That is an existing field at this point.

Vice Chairman Sturniolo: On Ice House Road on the north side. We're still waiting for the exterior to be installed.

Jim Diamond: The lights were just delivered to the site last Thursday, I believe, and are still being installed.

Vice Chairman Sturniolo: And then, on the opposite side, the fire lane, it's in the approval and it's shown on the plan; they need to go to the Village board and ask for a promulgation of whatever?

Lester Steinman: It was my recollection that was the advice from the Village Board.

Vice Chairman Sturniolo: I know at the staff meeting someone had mentioned maybe just painting the yellow curbing as opposed to putting "fire lane" on the blacktop because it would be eventually covered over with the snow. I kind of differ with that because I know you're going to have your maintenance team here, and they are going to be out there pretty early working on plowing the road, so I don't see that paint being covered over for long periods of time with snow, and I think that is a lot more impressive for the various people along Ice House Road not to park vehicles there versus putting just yellow. The curbing is made out of Belgian Block, am I correct, or is it poured in place?

Jim Diamond: There is some Belgium Block around the turn but this is concrete.

Vice Chairman Sturniolo: I think the striping on the blacktop, in my opinion, is more authoritative looking than painting it yellow. That would be my recommendation as far as the way to go when you present this to the Village Board and the signage and all of that. One of the goals the Village had from day one is, nice as what you're doing with the facility is to clean up Ice House Road so it doesn't have that "Sanford and Son" look to it any longer.

David Steinmetz: You actually made that a condition of your resolution for site plan approval that Jim has to go to the Village board and petition them to do that.

Vice Chairman Sturniolo: But I wanted to underscore the point. We heard the other day, maybe its okay just to put yellow paint on the curbing because the other thing would be

covered with snow. Jim is going to have his snow people living right there, and they are going to be cleaning Ice House Road instantly. I think visually it makes a stronger "no parking" statement than yellow on the curb.

Jim Diamond: I'm not sure but there may have been an additional concern I believe this was coming from Jeff Econom. I believe George and Jeff walked this site. I think the other concern that Jeff may have had was that the road is not that wide, and I think there may have been a concern that they shouldn't narrow it too much. But if there are no objections like that we obviously have no objection.

Vice Chairman Sturniolo: If anything, I would think it has the tendency to slow traffic down if you see the striping there, and you know it's a narrower road, it's going to slow you down versus people looking at a wide road both in and out; they are going to drive faster.

Chairman Cosentino: One more point for my information. The signage; there is just going to be one sign at the top saying, The Park, 333? Is that my understanding?

Jim Diamond: We have a submission in front of the ARB now for two signs; one at the south entrance, one at the north entrance. The submission shows The Park at 333 North Bedford Road, and then it has a list of tenant names.

Chairman Cosentino: It does have a list of tenant names?

Jim Diamond: It does. But we got negative feedback regarding the kind of names being listed.

Chairman Cosentino: My understanding is that it will say, The Park, 333 and as you go down, then the business name will be there or a sign saying where the businesses are instead of having a sign with all the names, because the names are small. It's not my decision, but I think The Park is really rich looking, 333, instead of a whole bunch of names. As you go down into the place then they could put their sign. So you actually own the property on the Kisco side entrance at the corner of Nissan and Ice House Road, right?

Jim Diamond: Yes. We're proposing our sign for them; the Village.

Chairman Cosentino: Yes. This is my own opinion, but I think the sign, The Park 333 is really dressy, really nice looking.

Jim Diamond: The concern is that with no visibility to the actual building, the tenants could get lost. So they said if there is no signage there won't be a street for them at all.

Chairman Cosentino: If it's a certain size that's probably okay, but that's up to the ARB; that's not our bailiwick. I got three phone calls of signs, and then I called Nancy, and Nancy told me what the ARB is thinking of doing, and if that's what they're thinking of doing, fine. Performance called me, and the guy down at the end called me. I said, it's not before my board, we have nothing to do with it, but I'll ask and try to find out some information on it.

Lester Steinman: Joe, do you wish us to touch on a few of the things you'll be seeing in the next several months?

Chairman Cosentino: Sure.

Lester Steinman: From an application standpoint, you're going to be seeking a Special Permit Application for the Athletic Club. If, as Jim suggested, a peak threshold is exceeded by the new tenants, there will have to be an amended site plan application for 333 North Bedford Road site. We also discussed at that staff level meeting some differences in hours of operation that were being shown for GPNY; I don't know if those have been changed or not, but if a change in hours of operation is being proposed they'll have to amend the special permit. In connection with all of those applications, they will need to submit an assessment form, and we'll start the SEQRA process.

Vice Chairman Sturniolo: So time wise, where do we stand?

Jim Diamond: We were hoping to submit additional information early in October for the second meeting in October on the 25th.

Lester Steinman: One thing for clarification that David reminded me of - the site plan application, regardless of how the traffic comes out will have to address the proposed

changes from the original warehouse use for the entire facility to the mix in uses that are now being proposed.

David Steinmetz: Jim, with respect to the park in front of the building there. Last time we talked you said that takes the place of loading docks. Is there any loss of parking spaces?

Jim Diamond: Theoretically, yes. If we left this as blacktop we could then stripe that and create additional parking spaces.

David Steinmetz: No but relative to the previous submission to the approved site plan.

Jim Diamond: Relative to the currently approved site plan there is no other loss of parking spaces because we had shown this all remaining as loading docks, and therefore we left this entire area open for tractor trailer traffic. So we're not losing any previously approved parking spaces.

Mark Blandford: I think there is actually an addition, because they are showing parking in front of the self-storage; it's not more than five spots. All this is shown as loading. On the improved plan we're proposing to add a handicapped and then four other spots for the self-storage facility.

Jim Diamond: The other thing I neglected to address before; we are showing a change in the north side of the parking lot versus what was previously approved, essentially creating somewhat of a private entry way for The Wine Enthusiast leading to their space with employee parking in the northwest corner, and then again showing a lot of blacktop being removed here to create a nice landscape buffer where their tractor trailer deliveries could come into their loading docks. So separating the warehouse traffic from the automobile traffic such then when the trucks are in there they are shielded from the rest of the site.

Chairman Cosentino: Thank you gentlemen.

Chairman Cosentino: Memorandum from Francesco Mignone from Crème.

Anthony Oliveri: That memo is from our office; it's an update on what they are doing out there; investigating the piping from the Buckingham site crossing into the Crème site.

Chairman Cosentino: It seems to take a long time for all these tests and investigations.

Nanette Bourne: This was from a few weeks ago.

Chairman Cosentino: What is happening here, why is it taking so long?

Nanette Bourne: Everybody thought that the mysterious pipe would be five feet below the surface, so they had a particular appropriate digging instrument that went to look for the pipe and they couldn't find it. So they thought they should dig deeper. They had to wait and get another rig that could dig deeper, and when they got it they still haven't found it. It just took time to get the rig, get it on site and do the digging. There are no records as to what happened to the pipe. Nobody knows if the pipe was removed by DEP when it was transferred to the Village, if the Village removed the pipe; what happened to the pipe.

Chairman Cosentino: That land was bought as raw land. There was no digging there.

Nanette Bourne: The pipe that shows up on the plans is not there.

Chairman Cosentino: If I owned that land and I wanted to find the pipe, and I had machines, I would dig one straight trench twenty, thirty feet down. I'd want to hit something.

Whitney Singleton: They went ten feet down.

Chairman Cosentino: Maybe you have to go more. That's all sand.

Nanette Bourne: They got down to the lowest area they thought the pipe could be, and the whole purpose of doing the digging was to cap it so in the event that there was leaching of the stuff that was on the Buckingham site into the Crème site, it could be stopped.

Chairman Cosentino: But wasn't that pipe force fed down?

Whitney Singleton: From the pump station to the beds.

Chairman Cosentino: That pipe had to get from the beds to the pump station. That would have to go underground; it didn't go above the stream, so if you take a level and go from where they are digging now to the stream, I bet you 25, 30 or 40 feet higher.

Whitney Singleton: If it was forced.

Anthony Oliveri: It was my understanding it was forced from the pumping station.

Whitney Singleton: It wouldn't necessarily have to go down hill. Why would it have to go down 25, 30 feet?

Chairman Cosentino: It had to get to the pumping station, right?

Whitney Singleton: No. It goes from the pumping station.

Chairman Cosentino: But how did it get to the pumping station?

Whitney Singleton: Gravity.

Chairman Cosentino: Okay. So if you go by the pumping station, the pumping station is 20 feet lower than the area where they are digging. Now the pipe had to be under the ground.

Whitney Singleton: But it wouldn't have to be at an invert or whatever. I'm not the engineer, but they could actually pump it uphill.

Chairman Cosentino: That pipe had to be pitched. The force main is in the little house, and then its force fed.

Anthony Oliveri: But the pipe we're looking for is a force main, which would not have to be a gravity line. It was a pumped line.

Chairman Cosentino: Not from the top it wasn't. There was no pump at the top. At the greenhouses, there was no pump.

Whitney Singleton: But the sewage was going from the pump station. Everything went to the pump station via the house.

Chairman Cosentino: Right, from the greenhouses it had to go to the pump station.

Whitney Singleton: No. From the pumping station it went to the greenhouse.

Chairman Cosentino: Back up. Right, I'm in the wrong spot. I could be wrong, but I think they have to go deeper.

Nanette Bourne: The idea of being able to cap the main has been abandoned, because they can't find it and they don't want to just keep digging. But they finished the Phase I, which was the literature search, and they are starting the Phase II, which is the actual digging, and the testing of the soil is going down to the sand baths and doing all of the testing.

Chairman Cosentino: I just think it's taking a long time.

Whitney Singleton: We don't know the source of where the liquid escaped from that pond or that tank?

Nanette Bourne: No.

Chairman Cosentino: Why not?

Nanette Bourne: We were hoping to find some pipe that had been broken by the Crème construction activity, but it hasn't been found yet.

Chairman Cosentino: What a donnybrook this is.

Nanette Bourne: I know. Some people say that it's just organic material that's coming up from the old beds.

Chairman Cosentino: Okay, Westchester Residence and Club?

Nanette Bourne: Westchester Residence; this is the final comment letter that reflects the changes.

Whitney Singleton: Not that we don't all want to get out of here; but are there any other items that you want to discuss?

Chairman Cosentino: It would take all night if we had things we had to discuss.

Whitney Singleton: Do we want to set an agenda for a staff meeting for Thursday?

Chairman Cosentino: I think the staff meeting is already set up.

Whitney Singleton: Yes, Thursday, 9:30; but are there any items that you specifically want to address?

Chairman Cosentino: Right now there are items, but I don't have them written down here; they're in my office.

Whitney Singleton: Did you get a copy of the Greenway Compact Plan?

Chairman Cosentino: Yes.

Whitney Singleton: I told Tony earlier that the Village Board had the proposed lighting illumination regulations on their agenda last night. They liked what they saw, they were actually suggesting going a step further, and instead of just having pre-existing non-conformities, actually having an amortization schedule to say that all lighting must come into compliance within a certain period of time regardless of whether or not it's grand fathered. They want to have a work session with your board to go over a multitude of issues. We can set an agenda for that as well, and you should be hearing from them very shortly as far as setting up that time.

Nanette Bourne: I think that would require that all of the lights at Shopper's Park would be...

Doug Hertz: The Village might want to understand how much it's going to cost them to do that. I think it's a great idea by the way, but they're going to have to change; at least put caps on every light they've installed.

Chairman Cosentino: Some of on the board have a lot of code issues that we'll bring up at the staff meeting. The other thing is Ashley; Dominoes. I've said this ten times, and I'm going to say it one more time. I'm not signing any site plan until I see a site plan that says no parking on the north side. I've told Charlie Martabano that, he argued with me, and I hung up the phone.

Whitney Singleton: You've always said that.

Chairman Cosentino: I'm not having something that says unloading and loading because he wants his nine pizza cars lined up loading and unloading. That is not going to happen. Without a site plan, what do we do? Why should he be issued a permit when we agreed that he would have a site plan approved by this board and the Chairman signing it?

Whitney Singleton: I think that should be relayed to Austin then to make sure that he is aware that there is no Certificate of Occupancy or building permit to be issued for a site that does not have a compliant site plan.

Chairman Cosentino: Would you relay the message?

Whitney Singleton: Yes.

Chairman Cosentino: In writing, please, so we have a paper trail. There is no way he should be given a Certificate of Occupancy to go into there without a signed site plan like everybody else. The fact that he knew we wanted no parking there; and he tried to pull a fast one, I was upset about it.

Whitney Singleton: No different than any other applicant in Mount Kisco.

Motion to Adjourn: Doug Hertz
Second: Vice Chairman Sturniolo
All Ayes

Meeting adjourned at 8:50 pm.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary

dm