

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, October 28, 2008

Meeting called to order at 7:50 P.M. Tuesday, October 28, 2008 at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

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

Members Absent: **Sol Gibbons**

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

Continuing Review:

Northern Westchester Hospital
400 Main Street
PB2003-02C

(This portion of the meeting was held in the small conference room in the Building Department)

Present:

Joel Seligman, President and Chief Executive Officer
Michael Caruso, Vice President - Facilities
Chris Shopinski, Director, Maintenance and Project Management
Scott Blakely, Sr. Vice President, Principal Landscape Architect, Insite Engineering

Nanette Bourne: The Board has put a lot of effort into working with the applicant so that an appropriate landscape plan is developed that really makes a very welcoming, appealing and elegant campus with a formal entry. The board considered that the landscape plan that was developed for the St. Marks side for around the E.D. and the proposed parking structure was well done, very mature and very detailed. You were less comfortable and less enthusiastic about the work that was done on Main Street and Moore Avenue and did not feel that it was quite meeting your hopes for creating a real green look along Main Street and turning the corner on Moore. So, you asked that John Slaker look at the plan and provide some observation and direction. John is here to discuss his observations. He has provided a memo that is attached. He will go through it. We are particularly sensitive to some of the direction and ideas that the board had when the applicant tried to translate it into a plan. It was not exactly what we were hoping to achieve, so we asked John to look at it and see if should be taken in a different direction. That is what he can talk about tonight.

John Slaker: Again, I want to thank you all for accommodating me down here. As you asked, I have had various meetings with your consultants to get a history so I could have a better understanding of what you all expected and what was asked of the hospital. I reviewed their drawings, went out to the site, and looked at all the various areas of concern, so I understood what they were proposing and what the end result would be. It is well done. The types of plants that they have chosen will provide an adequate screening and improve the look along the road as you drive up and reduce the scale of the garage. The only concern in that area is, as you all know, that's rock back there and there is a considerable cut at that back west end and a good number of evergreens and deciduous trees proposed back there. I am concerned that if it is solid rock we may not be able to get them in, and I offered a possible solution. There seems to be space at the base of the slope between the garage and the slope, and maybe if necessary, we build a three or four foot high wall that you can put earth in and get it to

go up on the slope and you would still be able to get that evergreen buffer in front of the rock. That would have to be a site condition when the garage is built. The northwest parking lot is well landscaped. There is a lot of variety in there. Instead of white pines, which are on the southerly buffer, which tend to bottom out in time, I would suggest either a white spruce or Colorado spruce or something that will keep its uniformity and greenness to the ground. The Emergency Room addition, I have to admit, I have never seen that much planting proposed around a public space, and the only point I have on that is it requires a lot of maintenance and irrigation. We talked about trying to do maybe a cistern or something that we could put a drip system in. The types of flowers and plants that are going in there do not require sprinkler heads, or should not have them, but if a drip system went in with enough mulch, it uses a minimum amount of water and would make those plants flourish. Another suggestion I have is maybe increase some of the sizes a little bit. You get more of an immediate impact, and the survivor ability of a larger plant is usually better. The last area is the frontage along 117 and Moore Avenue. I understand that back and forth there have been suggestions about a berm or walls. My biggest concern in that area is the existing trees, the sycamores and big pear trees. By putting these walls, even though they have great detail, my experience over the years is when you start putting fill on top of root mat. Technically you shouldn't put anything within a drip line of a tree. We may be jeopardizing those trees by creating this berm. My suggestion was instead of the hard scape of a wall and the berm, we take that and put that into a combination of evergreen shrubs and trees that would give you the immediate screening. Right now, you have 24-30 inch high berm with plants on the top. If we planted five or six foot high plants, there is a whole variety of the type of plant material that could be used. Then in between the trees, create a soft undulating berm effect, more natural with maybe grass or some other shrub to get continuity all across that front. This way, day one with the evergreens being five or six feet high you would immediately block out the view of that parking lot as you came down 172 or as you drive along 117. My other point was, whatever we do to the north side of the driveway we should replicate something on the south side. Perhaps create some walls at the entry point to create this campus effect and a more welcoming entry to the hospital, and replicate something on the south side to give it uniformity. We also talked about the Moore Avenue side. There was nothing proposed. There is an opportunity to do something there. There are a number of mature trees that are in decline. The hospital has an arborist, and I think there are some trees there that have a yellow ribbon. I think that removing those, replanting that again with a mixture of evergreens and shrubs on that side as well to shield it. I'm not talking arborvitae. Lastly, one of my thoughts was if we could introduce some trees in that sea of asphalt. I know parking is a major issue. We did it over at Target with some of the triangular islands, but it needs to be maintained. We did it a Blakeby as well, and they are much more mature and fed as compared to Target. If you take care of the trees and do the proper planting pits, they should survive, as long as we pick the proper tree. If we could get some shade in that parking lot and break up the visual as you drive by to get some height in there. Basically, that sums up my memo.

Vice Chairman Sturniolo: Ira, when we talked about the berm concept with the walls, and screening the view of the parking spaces in the back, will the plantings of these trees as John described it, achieve the same, or will it actually create something a little bit better as far as masking because of the height of these trees that you are already putting in that are five or six feet tall? Our concept was a berm to hide it, and now we're thinking about a different way.

Ira Grandberg: The problem was to look at a parking lot and create a corridor and something that everyone would find pleasing. If the end result is that the cars will be screened, then the question is how do you achieve that end result? If the criteria for the planting is managed properly and the village's consultants establish what that criteria should be, then the solution I think is equal to, if not better than the walls. The walls were a first step to block those cars. It wasn't studied. It was just a knee-jerk reaction. We suggested in our last meeting that the architects present a realistic cross section through the driveway, show the site lines going over the growth of the trees to show how it could be blocked. I think there has to be some design overview as to how this thing will grow, how it will be maintained, and what the components are that will achieve a beautiful corridor for that six or eight hundred feet. If it's done properly, I think the mitigation will be as equal or if not better than having these brick circular walls that John feels very strongly will possibly destroy the sycamores. The architect mentioned that there will not be any footings on these walls. They will be mass walls, the load of the wall on the ground itself vs. coming into the root systems, but you still have concerns about that. So, I think the concerns are now raised, and they should not be ignored, and if there's an alternate solution that is better than the original planned

infrastructure, the heart scape, you have an opportunity now to do something terrific. But somebody has to be managing the subtlety of what the specifications are. That's where John would come in very strongly on this.

Doug Hertz: My concern is, because we have such a limited depth, it's not like we have 50 feet where we can stagger plantings and heights to get the density of screening with nothing but plantings, I'm worried that within that short distance it will be everything packed in so tightly that it's not going to be attractive. Personally, I like the idea of at least some change of height in there.

John Slaker: You have that opportunity. I spoke with the architects about creating some berm in between. The part that's the tightest is where the turning lane and the trees are closest. In other parts, even though they are removing half of the parking stalls that are behind ten feet or so, they are going to remove pavement; you have room back in there to do something. The berm is creating something that is not going to allow you get the type of planting in because the wall is vertical. You've got a little flat top, and then you have maybe a three to one slope on the backside of that facing the parking lot. That doesn't leave you a lot of room to get a good size amount of planting on top of that berm. You may be achieving the bumper visual screen as you drive along the road, but you're going to still see behind a sea of parking lot. My thought was to obliterate that.

Doug Hertz: Were talking about a half berm anyway. What if the wall were on the parking lot side and sloping up to that so we have a gentle slope?

John Slaker: You're talking about something that's two and a half feet. If you planted a five or six foot holly, you see how full they are. You can create, in my opinion, a very interesting; and not uniform screen; a massing of different types of textures and trees and shrubs. Where you have more open space, then you can get some bigger; even potentially some spruce trees in there.

Chairman Cosentino: Would this be something like the front of John's Best and Brio? You had something nice there.

John Slaker: Unfortunately, again, it got overgrown and wasn't taken care of. If you do a mixture, it's got to be sensitive. The same with Appleby's; again, not maintained properly, but you see the size of some those grasses; you can't even see through them. So, there are ways, with textural differences and material. Most importantly is material that's durable and going to withstand the abuse out there. It can't be delicate; it has to be hearty that is going to withstand a public corridor.

Ira Grandberg: There has to be another level of attention we give it, so we're not just throwing up spruce trees and saying that's our new corridor. It's got to go beyond that. As it grows in and matures, it has to be something that establishes itself as a really smart attention to planting. The issue is wall versus no wall. I think it can be demonstrated that planting can be properly done and be screened even better than the wall because of the berm. There is just not a lot of land there to put things on top of, as it turned out.

Chairman Cosentino: The reason I bring up Brio is because there is no wall there, and it really filled in.

John Slaker: It can be done. If you use different textures, materials and heights and are careful that you use something that doesn't grow as fast, it is manageable, and there is room for a berm in some of the more open spaces in between the trees.

Doug Hertz: I very much like your suggestion of making the entrance a little bit more symmetrical, and about breaking up the expansive asphalt. I defer to you. You're the expert on this. I like the idea of getting some added height, no matter how dense the screening is.

John Slaker: I think after our meeting yesterday with the architects, they have a sensibility to what we want, and we're amicable to coming up with an alternative to that. My concern is to represent to you what I think you're going to end up getting, and I think you could get more if we modified it somewhat. I don't think you're getting from the berm and the wall what I think you were going to get.

Joseph Morreale: John, I like your ideas and always have every time you've come in. I certainly like the symmetry of the entrance. That was something that bothered me initially. That is the main entrance into the village, and it's really important. What concerns me about what you're saying is my sense of permanence. That's a long corridor that I'd like to see permanent, and as soon as we start talking about lots of greenery, there is a couple of different ways that can be developed that would not necessarily lead to a permanent or what I would describe as a uniform look. You mention Brio and what's happened there, and in a sense, it leads to more thinking about a wall with a hedge or something that's more visually attractive rather than being a lot of different things to screen.

John Slaker: You can put a wall, you can put a fence on top if it, or you can do a wall and a hedge. Then you have this one straight long linear look without any interest. It becomes institutional looking.

Joseph Morreale: That's not what I meant. I meant that could be part of this whole arrangement that would have permanence to it that we wouldn't have to worry about things either becoming scruffy or dying because of drought or not being cared for. That would be my concern.

John Slaker: You're limited on the height of the wall. The village allows 24 inches. I don't see something 24 inches high really having that much of an effect. Yes, you could put an evergreen hedge on top of it, but then you're still talking about those other four or five feet of something that could die or not be maintained.

Joseph Morreale: So you couldn't see taller trees behind that on the longer parking lot side.

John Slaker: But you're going back to the trees. I don't see the benefit in the wall. That's my opinion. Being that it can only be two feet high.

Joseph Morreale: It can be two feet high plus, if you put something on top of it, and then put trees behind it. That's my point. Because then you maintain somewhat of a uniformity with somewhat more screening that's vertical.

John Slaker: Maybe the architect can be creative and find some areas in between the trees maybe to introduce some wall. That's a possibility.

Nanette Bourne: We talked about in context of park bench. Maybe creating some kind of a pocket area so you could have something that looks permanent, but it wouldn't be that long.

Chairman Cosentino: I don't want park benches. Over 24 inches you need a permit, I think that's the code.

Anthony Oliveri: It might be more like 36.

Doug Hertz: I think its four feet, same as a fence.

Joel Seligman: I feel sort of obligated as the applicant to express a point of view. There is something about the kind of healthcare we provide at the hospital that is relevant to this discussion tonight. We're one of the five hospitals in America that is designated as a "Plaintree Hospital" which sets values around holistic healing and natural environments of care. It has never excited me at all to think about a wall around our hospital. I've spent the last seven years trying to tear down the walls around our hospital and tell the community that this is open; this is accessible. People don't need to be afraid to come. This is what the hospital is, a public community service. At the same time, we have so much commitment to nature and natural landscaping. The comment should not be lost on us that John had never seen such a dense proposal for garden outside of our new ER. That's what we want the new ER to be, an Emergency Room that looks on the beautiful garden. You won't hear that from other hospitals. This is important to us. From one point of view at least, the more natural this looks the more in keeping with the beauty of Northern Westchester it is, the more in keeping with our philosophy of nature and healing arts. I don't personally think walls promote that at all.

Chairman Cosentino: I for one thought the wall was nice in the beginning, but visualizing what it looks like without the wall and the trees, I seem to think that is more natural.

Joel Seligman: I would also like to add that if we don't maintain it, it's not going to matter whether there's a wall there or not. This is the face of our hospital, and we're going to maintain this beautifully. That is our commitment to the community. This is the most visible part of our hospital. It's not the ICU or the linear accelerator, it's Main Street. We will maintain it, and you should all assume that it's going to be a beautiful part of the campus, and I personally think the recommendations are excellent. I appreciate you recommending John to us.

Chairman Cosentino: We feel with John and Ira we have the two best professionals we know of.

Joel Seligman: We agree.

Whitney Singleton: You mentioned something about creating symmetry at the entrance. I don't want to put the hospital or John in an awkward position, but your board recently received a memo this month from SHPO, (*State Historic Preservation Office*) as to any disturbance to the historic Rochambeau site, and I don't know that proposing landscaping within that area is going to be copasetic with the state. They said they wish to re-examine that site and any disturbance that might be proposed for that site.

Nanette Bourne: It's actually that site, and several others. Regardless of how you go with this, it needs to be resubmitted to SHPO and they need to look at it.

John Slaker: I did not know that was an issue.

Doug Hertz: How close is that area that they are concerned about?

Nanette Bourne: There are about four sites, one is the main entrance to the left, and there are three other potential sites around the corner of Moore and Main Street.

Whitney Singleton: I would imagine up close to the curbing and the sidewalk would not be problematic, but I don't know.

Chairman Cosentino: Either way, whether it's a wall or what John proposed, you'd still have to go through the same.

Nanette Bourne: Any digging has to be reviewed by SHPO.

Vice Chairman Sturniolo: I would like an explanation about the bullet point that explains "Create a pedestrian-friendly corridor along Route 117 for the full frontage."

John Slaker: At one point Nanette and I talked about maybe meandering the walk a little bit, but that's an expense, and the walk is in relatively good condition. It's easy to plow and maintain. But I think you can create that same feeling with the plantings that I was proposing, so that you feel comfortable walking through. We talked about people cutting through whatever we did over there, because I watched, when I was out there that people either go to the village or walk up from the village and they cut through the corner or the grass to walk to the hospital, so in the design there should maybe be some openings in there to be accessible. Also, my thought and comment is the location of the crosswalk at the main entry being set back so far that when you're making a right turn in, going south on 117, you really don't know that the pedestrian access is there before you're on top of the person. One of the words I had heard was that the islands weren't wide enough for someone to safely stand. I don't know if this is something that could be achieved, to bring that crosswalk closer to the road. I think there should be some way to get from that parking lot out to the bus stop instead of walking all the way around, outside on 117. You know people are going to cut through the hospital parking lot in order to get to the bus stop, so we should try to have a break through here or there so the public could get through.

Nanette Bourne: Is the board comfortable with this direction, to have the applicant try to produce something in a conceptual?

Chairman Cosentino: I am very comfortable with it.

Stanley Bernstein: I am comfortable with it. You painted a word picture that immediately brought a vision to me, the walk between the main entrance and the Bronx Botanical Garden and the Conservatory. The picture is exactly the way you described it.

Ralph Vigliotti: I'm okay with it.

Doug Hertz: I like the idea of getting some change of elevation in there. If we can do it in a natural feeling way, the more the better.

Vice Chairman Sturniolo: I like the concept, especially the part about planting trees in the parking lot to help break up the massiveness of the blacktop and visually carry the theme of the plantings in the front, which will draw your eye towards the back, and you'll see more similar type plantings.

Joseph Morreale: I'm fine with it as well, especially hearing the hospital's vision of openness. That's an interesting argument, and the natural look really will work, and I appreciate all the work you did to do this. It does change it quite a bit.

Nanette Bourne: I am very comfortable with it from a planning point of view. When John started to talk about it, I had visualized an undulating mound, and that undulating mound became a berm with a steep slope. It's not enough area to do an appropriate berm, so I very much like the mound and the additional landscape. So, the hospital will send their designers and they will come back to the board.

Vice Chairman Sturniolo: With a lot of detail in the design, based on this conversation.

Nanette Bourne: Yes, and that will be reviewed as part of site plan review. Second, the applicant has provided some simulations of lighting of the parking structure. There was a discussion about the cut sheets. This is going to be a challenge. This is the first time there is a parking structure in the Village that will have lights on the top, and lights are necessary for safety. We have been talking with them in exploring some creative and progressive ways of safely lighting the top without putting tall light poles that create a halo effect. Your impressions and observations of what was in your packet?

Vice Chairman Sturniolo: I know we talked about the airport concept of lighting; trying to get as much light built into the side walls at the top of the parking garage and the low bollards, and as much of that low type of lighting that can be achieved to eliminate the high poles, granted using full cut off fixtures are a given, but we need to reduce the height of the poles obviously, and it's going to take some creative engineering work.

Doug Hertz: Even with full cut off fixtures, when they're whatever feet above grade, you're still going to see them considering the parking structure starts at a high point relative to Main Street.

Warren Geller: That's the dilemma. How to provide the lighting and not have that pole. It's a challenge because that means getting the lighting lower and the lower you get it; the less effective it is to get the lighting distributed at a safe level.

Doug Hertz: Because the usage of the parking structure would likely be less at night, we also mentioned the idea of a control system that would still provide for public safety. Is there a way to limit access to the upper story of the parking structure after a certain time?

Michael Caruso: We certainly considered that, however, we do have staff members that come in at different hours. Nurses that work twelve-hour shifts, if they are called in. You will have to access it at night at some point; whether it is an emergency at home. That is going to be difficult to manage. That's what we worry about; something that is not lit enough won't allow us to see the cameras. We do have very good camera coverage. The cameras won't work too well at night. We had some concerns about that, and that's why we put it back to the designers to come up with something without risking the safety.

Joel Seligman: Some of our staff is on call. Sometimes their initial call in is during a peak hour where that garage might be full, where they're actually leaving at midnight or two in the morning, because we only keep them until the case or procedure or coverage is done. When that initial call in happens, that garage is potentially full. So up top may be the only spots available.

Vice Chairman Sturniolo: What is your thinking to gain access to the top roof?

Warren Geller: An electronic card will identify them at the initial gate. But the garage is an open structure, floor by floor.

Joseph Morreale: What are you thinking about in terms of security; particularly for the upper part that's open?

Michael Caruso: Obviously the first thing is to have a well-lit structure on top. Certainly we have our 24/7 guards. They take rounds all the way through the building, and the garage is going to be the primary focus because of stairwells. We have a lot of camera coverage.

Vice Chairman Sturniolo: Are you committed to a certain type of security camera at this point?

Michael Caruso: We have low lux cameras currently on the building. Again, when you're at the top of our building, you're able to zoom in on somebody sitting in their car, and I can see who that person is. We have very high quality cameras and they're all low lux where they are able to operate with low light levels. However, when you get past midnight, into the real dark hours, you can zoom in on that, but because we're so far away, you still need some ambient light surrounding that area so you could make out the person.

Vice Chairman Sturniolo: I'm thinking technology moves quickly in this field of cameras. We know approximately when the completion date for the parking structure is. Maybe the newer style camera, the advancement, could require less low lux lighting cameras translating to less foot candles needed.

Ralph Vigliotti: Obviously the last person out doesn't shut the lights. If there are no cars within the facility, will the illumination be dimmed or will it remain fully illuminated through the night into the morning?

Michael Caruso: Thinking about energy savings, that is certainly a consideration. We do not want to burn lights unnecessarily. When we get to where there is available space in the lot, we could also say that level won't be open.

Joel Seligman: The thing that becomes difficult in any parking structure is that while you can limit vehicular access, pedestrian access is a little bit more difficult. You can control it in stairwells, but the ramps are open and it's an open system, so it's tough to control, so you have to be able to really monitor it.

Doug Hertz: In my view we, the Planning Board made a mistake a couple of years back on a building that was up high. Even though we screened the lights inside the parking lot (there was a ceiling) the louvers were such that as you drive up, (I'm talking about Curtis' building) it's as if there are no louvers there, because you can completely see these lights because of the angle. I would ask that we carefully consider along St. Marks, that whole side that is going to be open, how that is lit. Those lights are not going to shine right out. If we can get them towards the St. Marks side pointing away or something where they can be shielded well enough so that we can deal with the fact that that elevation is lower on the street.

Chairman Cosentino: Also, Nanette has someone on her staff that will be taking a look at this lighting system as well.

Nanette Bourne: Yes. The last item; you'll notice the information that was provided to you tonight contains a letter from DEP in reference to the Negative Declaration, subject to the applicant satisfactorily providing information concerning water and sewer, and they provided this information in letter form. I got my copy today, and you have a copy as well. Since this was an issue for DEP, we'll need to make sure that this satisfactorily addresses their issue and assuming that's the case, then we'll prepare the formal Negative Declaration so they can begin their permit work with DEP.

Scott Blakely: We addressed the letter to the Planning Board because the DEP's letter was addressed to the Planning Board, and they wanted the Planning Board to be comfortable with the two issues that they had before the NegDec was issued. It was our feeling that if we could satisfy your board, and I think we have, but I believe I responded verbally. We included the information in this letter to those two issues. The first issue was the storm water and the second issue was to clarify the total water usage of the site. I think we've done that. We went back into our records and looked at the

pumping station and whether it had capacity to handle the additional flows from the hospital, and the pumping station is working at about a 50% capacity right now. I think it can pump 3.2 millions gallons a day, and currently it's about 1.7 million gallons. So our additional 7,000 gallons a day will have no effect on the capacity. We do state in our letter that the DEP will have to review the new sewer connection. It's part of their regulations. That will also have to be reviewed by the DPW as well. The last issue was the total water usage. Whether the 66,000 was existing water usage, and then the additional 7,800 was on top of that for a total of about 74,000 gallons per day. I think we've clarified that in the letter.

Nanette Bourne: I think as a courtesy I would want to make sure this is okay.

Chairman Cosentino: I think that the city allows so many gallons to be pumped down to the main station, and over that; it's capable of doing 3 million gallons, but I believe that over a certain amount of gallons, they sort of put the plug on.

Vice Chairman Sturniolo: It's the consent agreement between the city and the village.

Anthony Oliveri: That is something we'd have to check with Jeff Econom.

Chairman Cosentino: Even though it's capable, I think we run into a problem when we exceed a number that was agreed on with New York City at the time we took it over. Please check that, Anthony.

Anthony Oliveri: We will, but the current numbers that are in the letter are the current numbers as I know it.

Michael Caruso: We have been moving through this very well, and we appreciate that, and thank you very much. Would there be any objections if we brought the drawings and at least sat down with Austin and walked him thorough them as a preliminary review?

Chairman Cosentino: If it's going to help you in the process, we're fine with that.

Michael Caruso: Thank you.

Joel Seligman: As I understand it, the Zoning Board of Appeals has referred the question to the Planning Board relative to the zoning changes required, and we are hoping we can pick up that question.

Chairman Cosentino: I can't talk to that. Whitney has the information, but we can proceed with that.

Joel Seligman: So the Zoning Board needs some response from the Planning Board.

Nanette Bourne: Yes, and Whitney was preparing an analysis. I'll double check with Whitney and make sure. It's a text change, and it goes before the Village Board as a Zoning Action.

Vice Chairman Sturniolo: It's a letter Whitney wrote to the Village Board that the Planning Board supports the concept of the text change amendment to allow the two different zones.

Chairman Cosentino gave Joel Seligman a copy of Mr. Singleton's letter outlining the details.

Approval of Minutes:

August 26, 2008

Motion: Joseph Morreale
Second: Ralph Vigliotti
Aye: Ralph Vigliotti
Aye: Joseph Morreale
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

September 9, 2008:

Motion: Joseph Morreale
Second: Ralph Vigliotti
Aye: Ralph Vigliotti
Aye: Joseph Morreale
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Public Hearing:

The Park at Mount Kisco
333 North Bedford Road
PB2008-16

Present:

Staff: Lester Steinman, Attorney for the Project
Michael Lander, Wormser Kieley, Galey & Jacobs

Recused: Doug Hertz

Lester Steinman: Mr. Chairman, I want to correct a couple of matters on tonight's agenda. One, the agenda lists for a public hearing, Mount Kisco Sports Arena, part of the 333 North Bedford Road application. That matter was not advertised for a public hearing, so it's just a regular information hearing on that application tonight. What was advertised for a public hearing tonight was potential revisions to the Special Permit of Grand Prix New York at 333 North Bedford Road. Apparently there was some confusion. On behalf of all involved; the Planning Board Secretary, the applicant as to whether that matter was still remaining on the agenda. It does not appear on the printed agenda tonight, so my suggestion would be that since the matter was Notice for a Public Hearing tonight that the board considers opening that public hearing and then immediately adjourning it to the next time the sports arena is on.

Motion to Open Public Hearing:

The Park at Mount Kisco
333 North Bedford Road
PB2008-16

Motion: Stanley Bernstein
Second: Ralph Vigliotti
Aye: Joseph Morreale
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino:

Motion to Adjourn Public Hearing to a Future Date:

The Park at Mount Kisco
333 North Bedford Road
PB2008-16

Motion: Vice Chairman Sturniolo
Second: Joseph Morreale
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Joseph Morreale
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Informal Discussion:

Mount Kisco Sports Arena
333 North Bedford Road
PB2008-16

**Present: Michael Gallin, Principal, Gallin Design Studio
James Diamond, Diamond Properties
Ken Rudolph**

Michael Gallin: Since we were last in front of you, we have made some minor amendments to the plans. We have gathered some memorandum from the two separate documents from John Collins, our Traffic Engineer that both analyses the proposed use at Mount Kisco Sports and also provides an update of the traffic counts in relation to the original estimates under the original site plan approval. We have also provided some background information on our Brewster facility, which, although has some distinct differences to the Mount Kisco sports facility, does at least give a snapshot of a business model that is somewhat similar in terms of income generation in concept. The other relevant change is it became clear in the overall application, we had historically shown this out building as a warehouse building and it's our belief that it really will never operate as one. It was always sort of a placeholder. To be more realistic for future endeavors, we've switched that use to also be a physical training studio. There is no particular tenant in place at this time. We have made some assumptions in terms of occupants of 20 users and 2 instructors and based the parking analysis on that in our calculations. With the understanding that one specific tenant is determined for that, we would submit a narrative to the Building Department for an analysis.

Chairman Cosentino: Do you have somebody in mind now?

Michael Gallin: There is nobody in mind now. We talked about dance studios, karate training, etc.

Ralph Vigliotti: This is becoming quite the sports center.

Michael Gallin: In general, the southern half of the building with the soccer field, Grand Prix New York, the sports training facility and the physical training facility does start to become sports, and then of course, the north half of the facility is more conventional, low impact warehouse. We actually think that mixed use, both in terms of operating hours, impact of trucks versus cars is a great way to sort of mitigate the overall impact of what is really a large site.

Ralph Vigliotti: What square footage would be left?

Michael Gallin: 29,380 feet at the end of the building here, and then the physical training studio here is 6,581 square feet. Everything else is spoken for.

Ralph Vigliotti: And you have no one in mind for the 29,000?

Michael Gallin: We submitted an application about a year ago that showed a health club in this location, and that's still on the table. Relocation from Kisco Avenue to this location.

Chairman Cosentino: Is that out of the mix now?

Jim Diamond: It's not part of this application, of course, but the thought was that we'd wait until the rest of the uses were in occupancy on the site so we have a better idea of what our actual traffic generation is relative to the limits that are in place for the site, since that's the use that would have the largest impact relative to the amount of square footage that it would occupy.

Michael Gallin: It's also a Special Use Permit; Mount Kisco Sports and the physical training.

Ralph Vigliotti: Are you leasing just parking spaces at this point to anyone?

Michael Gallin: No.

Ralph Vigliotti: I was up there a week ago purchasing an item, and I was taken aback by the amount of parking that is used at this point, with the facility at maybe a 50% capacity. There were lots of cars. It was about 2 P.M.

Michael Gallin: We're higher than 50% occupied at this point.

Jim Diamond: Including the self-storage we're at 70%, which is what the traffic analysis was done. From our perspective, we think we have a tremendous amount of parking at this point. As you know, I work at the facility and I look at out on the parking lot. For the most part, it's generally a sea of open spots. One of the things I think works really well is this side of the building is occupied generally Monday through Friday, 8 A.M. to 5 or 6 P.M. Grand Prix is really nights and weekends, and during the day is extremely quiet. There is a good mix.

Michael Gallin: These spaces here are currently under construction in the Town of Bedford. That also mitigates some of the parking. I don't know where in the building you were. The parking load, obviously if you're here, is very hard to get a sense. I don't know where you saw the density, but currently a lot of these spaces are being used because this lot is not completed at this point.

Joseph Morreale: Could you remind us what the dotted line is there?

Michael Gallin: That is the area that is affected by this application.

Chairman Cosentino: I was there more than a few times. I've really never seen an abundance of cars. I don't know about the sports arena or Grand Prix opening up at the same time, how busy that may be, but I've really never seen it where there wasn't a parking spaces.

Jim Diamond: One of the things that we've seen a Grand Prix is, a lot of their business is corporate events; 20,40 people. Anything over 30 people come by a bus, which reduces the number of cars on site. Even for the people arriving via automobile for the "arrive in drive," again, I look out at that parking lot and notice two or four people to a vehicle. I think the nature of the type of activity it is, people are generally showing up in a small group.

Chairman Cosentino: On a Saturday morning, early, as you come down Ice House Road, that first parking lot is filled with cars for some reason. I think I counted 33.

Jim Diamond: We had a problem a couple of weeks ago where one of the other businesses on North Bedford Road parked a number of vehicles there without permission. I think it was one of the auto rental shops. We called them and told them there was no authorized parking there; it was not with our knowledge or permission. It was there for three or four days. They haven't been there since. Sometimes it's difficult, we have a big parking lot and I think people assume they could just park there.

Ralph Vigliotti: Was that Enterprise by any chance?

Jim Diamond: It may have been.

Michael Lander: We have reviewed their submitted materials. We have a question about how the facility was going to be used for any kind of corporate functions. This is directed towards the sports arena. We have no issues with the position of the landscape island between the self-storage and the Target warehouse. We do have some concerns about the parking islands and trucks backing out, but the island is already there so we'll be able to live with the location of those. We also reviewed their traffic counts that were required at 30% occupancy level, and we didn't find any issues. The numbers are definitely below the 300-vehicle trip maximum. Even at complete occupancy you're looking between 251 and 309 vehicles in a weekday morning and weekday afternoon peak periods. We need clarification on whether all the locations were actually counted correctly for manually and machine, and we'll get that clarified. One might be missing, but we are okay with the numbers they provided.

Chairman Cosentino: Les, please clarify under 110-24-1. This is not a membership club?

Austin Cassidy: Essentially, relative to whether or not this is a permitted use of the site, I had raised some initial points when this came in conceptually back in June. During the month of July the applicant did respond to those points. Essentially there really hasn't been the opportunity to air those points with the board, so I'd like to briefly visit them if I could. There were specific questions as to some of the aspects; additional details were necessary to properly identify the use. I have gone over this in detail with Mr. Stolman and Mr. Steinman, and we have achieved a consensus that the operational description

that has subsequently been provided to us aligns itself with the training studio, which is how this is before you. Just to refresh the board, any uses coming in the RD district is essentially left over from our old zoning structure in which we had a cascade system where the uses were spilled from one district to another as a matter of right. This is the only district leftover from those days, so it has this reference in it. If you go to the RD district, this permits physical training studios and either classes or individual instruction format, and then I go to comments relative to the original or early conceptual data. It was a little fuzzy as to there being a detailed structure to the activities that were going on. So, as I eluded to, there has been a subsequent more detailed response, which there are structured in scheduled programs, which we do need to talk a little bit more about in detail. There is a consensus that it does align itself operationally with that of a training studio, albeit a large one, but it is still nonetheless operating as such with these structured classes. There is no membership. One of my questions that I did ask and one of the responses I want to go to, is all the training opportunities pre-sold in numbers of sessions, or is it a come-as-you-want, when-you-want and whenever-you-want training? This is essentially a critical point, and something that I think you do need to take a look at and discuss more in detail with the applicant. The response was single training sessions will be sold as well as group sessions. The single training opportunity, I think; just for the purpose of record, needs more clarification as to how that fits into the total business plan. In other words, there is no requiring any of you being a member, so could you go tomorrow and have a single training session? I think you want to dialogue that and get it down into the record as to how all of that fits. Essentially everything else they have listed in the program really is quite structured. The next thing you want to jump to now that we've identified and have a consensus that it is in fact a permitted use, is what is its parking requirement? Minimum parking requirement according to the zoning would be one space for every staff member including administrative staff and one space for every two participants. This is a mixed group; youth and adult. You may want to take a look at that fact that it is a minimum parking requirement, so as a very probable, I suspect, giving the nature of some of these and the duration, that people are there on the premises is that you may want to bump the estimate of parking requirement for this use upward slightly. I'll leave that to you. Most importantly, however, is that the use, which is one of the things I did raise, separately while league activities may be considered typical accessory use in a membership club formats such as swimming, racing or even gymnastics; it is not specifically called out as a recognized accessory function of a training studio. This aspect of the operational plan needs more scrutiny from both the zoning and planning perspective. They have responded to that, pointed out that dance schools have recitals, dojos and things like that has competition. That's a bonified response. However, given the sheer scale of this place, this is not a little store front along Main Street; this is 70,000 some square feet. You need to really nail down the scale of special things and what those special events could ultimately translate to in the totality of this use as well as the totality of the premises for parking. We ourselves, also need to include analyzing the totality of the premises. Not only this use and the other tenancies on their business day, but also any sporting events that might actually also be occurring on a Saturday at the public park that's on the premises. Make sure all of the parking facilities come under the right number of cars.

Chairman Cosentino: I wanted to bring up before my Planning Board members the use is within our code. Taking from there, everything you've brought up are questions that we had and are very important to the use that is going to be going there. That was a good memo.

Austin Cassidy: You need to take one step back and look at the big picture of the whole site.

Chairman Cosentino: I did want it to be known that the use was allowed in that ML district.

Lester Steinman: As the board talked about with GPNY, you may want to discuss maximum occupancy limits for special events and for general operations.

Chairman Cosentino: I think we're pretty well far ahead right now, but these questions have to be asked and answered. I think Mike needs to get a grip on Austin's memo, because everything he has in that memo is dynamite information.

Michael Gallin: Austin, to be clear you were reading from the June 18, 2008 memo? Has there been a new memo?

Austin Cassidy: The one I was quoting from was June 18.

Lester Steinman: Between now and the next time we're on, there can be further discussions on providing information to answer those questions.

Austin Cassidy: Quite frankly we need to do our own homework. As we analyze the totality of the premises, we have to include the potential for public functions on the site as well, being there is a public facility on the site.

Chairman Cosentino: Maybe something could be done where one has to check with the other.

Austin Cassidy: Not only that, you also have to my memory, the stats that GPNY had provided us. It did show peak utilization during the course of a business week, but also Saturday was a spike as well; Saturday morning specifically into the early afternoon. Any sporting event, juvenile or otherwise, Saturday is a big day.

Jim Diamond: Grand Prix has now been open for a little over nine months. After watching it for nine months and various seasons and ups and downs, I can confidently say the vast majority of the times their vehicles are in these first two aisles. Occasionally the vehicles are in the third aisle. I would say that between now and the next meeting, anyone should go down there and take a look a couple of different times.

Chairman Cosentino: I can concur with that.

Jim Diamond: I've never seen vehicles parked this far over. He really just doesn't have that many vehicles on site. In terms of the municipal soccer field, which on weekends is sometime in use and sometimes not, I'd say the vast majority of the time the parking is confined to the parking that we sort of delineated as the parking area for the field. On a handful of occasions, I've seen the parking spill out to this road.

Michael Gallin: As an order of magnitude, these two roads are 37 and 36 spaces respectively. The pro rated share in the parking analysis has Grand Prix at 120 spaces, and that's what the resolution called for as well. Even with these two rows and half of this row, he is still significantly under.

Chairman Cosentino: It's just when the events overlap.

Michael Gallin: I don't think the sports arena would ever have an event which would result with that number of cars.

Ken Rudolph: We wouldn't because our events are for all time. If we had a tournament, a team would be given a time frame that they have to be there, so it wouldn't be like all the teams coming at one time.

Chairman Cosentino: Suppose, hypothetically, Grand Prix had an event Saturday morning at 10 A.M., and you had an event with other schools coming in at 10 A.M.
Ken Rudolph: If we looked at that situation, nobody is here on Saturday in the parking that we have on the other side of the building. We would be able to take that space without a problem. We wouldn't have a problem with moving it over and working something out with Grand Prix.

Jim Diamond: I think there is a real difference between Grand Prix as a racing facility that also is an event space. You can have an event in the conference rooms and race, versus the types of events that Mount Kisco Sports Arena could have. The sports arena is not an event space in the same way that Grand Prix is. They could have two teams playing each other, but the nature of the activity (two teams on a field) the participants are generally going to be limited to the number of people who are on a team. For example, the Northern Westchester Hospital event had hundreds of people for a special dinner gala that was approved by the town. This is a different type of facility.

Ken Rudolph: Our motto is not going to be to do parties of that kind of magnitude. It's going to be all sports parties or sports activities. You're not going to have a situation where there is going to be a hundred guys playing an event.

Chairman Cosentino: I think Mr. Vigliotti brought up a signing of a ball event.

Ken Rudolph: That would be limited to the participants that we have. We're not going to do a mass market to just get people to come into the facility. We want people to really come in and use the facility.

Chairman Cosentino: We have a memo here. A few Saturdays ago, the soccer field was roped off for an event. Do you know anything about that?

Jim Diamond: No.

Michael Gallin: The town roped it off?

Chairman Cosentino: No. Why would we?

Jim Diamond: I don't think anyone at 333 roped it off, but I don't know anything about it.

Lester Steinman: Just in further discussion for the next meeting, the board did the Special Permit approval with GPNY. GPNY submitted its normal operating characteristics which set limits on the number of cars, etc., and then they established the Special Permit Approval process over and above those. You might want to see the same type of thing with this applicant to determine whether that type of structure is also appropriate here.

Chairman Cosentino: I think in a smaller scale, though.

Lester Steinman: We have assurances today, but we don't know what's down the road. This will give us some control over what could or couldn't be done out there in terms of numbers.

Jim Diamond: Addressing one of Austin's other comments about the types; whether things would be pre-booked or people would come and purchase a single training session, I think there will definitely be a mix of business where a large portion of it will be pre-booked. Otherwise if you just show up you don't know whether or not you can actually get instruction. But there will certainly be some amount of walk in business, and I don't think the applicant wants to discourage that. I think it will be important for them to obviously try to maximize their business as best they can and if people show up for instruction and there is available space and available instructors for them to accept that business. What we've seen at Grand Prix is definitely a mix between arrive and drive and pre-booked events. I think the majority of their business is pre-booked, and I'm guessing to some extent, maybe 30-40% is not pre-planned.

Austin Cassidy: And that's the critical point. That was the most important point to me; to get the idea and difference aired and on the record, so that all parties are in full understanding of the potential. So down the road there is no time out coming from any direction that this is an "it was never discussed" kind of thing. Now is the time to discuss these elements of the operation. The board has heard in the past from other applicants that an operation will be structured, but to get into the operation all you had to do was pay \$5 and you're in. We want to clearly identify how you operate so the board is comfortable knowing what they're voting for.

Ken Rudolph: In our situation we have one field that we could break up into three fields, so on the field levels we're not really going to do individual instructions on a full field. You can't take somebody in and say let's go into the field. We could, but it's not going to be beneficial to us. We'd lose money if we took one person into a field. We pretty much limited the individual training for baseball and soccer into the training tunnels. So, if somebody came in we have four training tunnels that we'd say, okay, we can do a walk in individual instruction. The fields that we're going to use are going to be structured so that there are going to be clinics and classes going on, and they are all pre-sold. We can't say, okay, we're waiting for the fourth guy to come in and then we'll start the class. If we don't have the people, we'll cancel the class. The basketball end if it is pretty much the same. We might designate an area on the basketball court that we could do an individual instruction if the other court is not being used, but the majority, we hope, is that we are going to be using the courts and the fields.

Chairman Cosentino: How many kids do you think would be there at one time, worst case scenario?

Michael Lander: You already gave some totals, I believe, in a report I've seen before.

Michael Gallin: The interesting thing in analyzing the Brewster facility is the numbers were amazingly comparable. That was in retrospect based on the estimates and then actually going up there and doing counts.

Ken Rudolph: Brewster would actually do more, because they do more field rentals. They have a group that comes in and just rents the field. They don't limit the amount of people per field. They could bring in 25-30 per field. We're going to do more structured classes and clinics. We will do rentals also, but the rentals will be regulated. You can't just rent a field and come in with 50 people.

Austin Cassidy: Now is the time to talk about your rentals.

Ken Rudolph: The rentals will be set up not just like open rentals. There will be a block that we'll sell to a lacrosse league that is going to come in and rent a certain amount of hours for the field. It's going to be more of a structured type of thing where it might be a lacrosse league that has ten teams, and they're going to say we need 50 or 60 hours, and we try to set that up to accommodate them along with soccer and keeping the programs available also. It's kind of a mix.

Austin Cassidy: I think what's most important to your benefit is the board has had some experiences that we won't get into detail on, in which there seems to be constant operational surprises with someone not too far away from here in terms of the nature of their operation. We want to avoid that with your application.

Lester Steinman: This is really the first time I'm hearing there is going to be outside leagues. They talked before about exhibitions of the kids or whoever was being trained. This is different; just taking the facility and renting it out to an existing league that otherwise had nothing to do with the facility.

Ken Rudolph: They'll be the people in our facility. We're not going to say it's open to the public. We'll designate one group that is going to be able to use it and we'll use their trainers to do our programs. So, it won't be like an outside group that anybody can just come into. We're not going to open it up and say we have all these fields and they are open for rentals.

Michael Lander: They're not regulation fields, either.

Ken Rudolph: They are small fields. The biggest field will be 90 x 125. A regulation field is over 300 x 110 yards. These are miniature; you can't play a full game.

Michael Lander: No one is going to come in and bring their own referees, etc. You guys are in control.

Ken Rudolph: We'll be in total control of the facility and the times. We would say we have this block of times and we're not going to open it up to ten different leagues. It will be one lacrosse program, one soccer program, one baseball program.

Jim Diamond: The baseball fields are just baseball infields. There is no outfield, so it's for skills training.

Michael Gallin: To a point of scale, this is the little league soccer field, which is significantly smaller than a regulation high school field, and these are the fields that they're talking about on the inside. So you can get a sense of how much narrower and smaller it is. There are not going to be adults coming in to do full court leagues.

Ken Rudolph: We are not going to have any full field rentals where somebody is going to come in and say we're going to do a soccer game, and we're going to rent the whole field out. We are not going to have that because we're going to be dividing it and using it for training.

Chairman Cosentino: I need to see this in front of me. I see everything here, but I think it needs to be on a floor mat.

Michael Gallin: We agree. We want to make sure there are no surprises down the road as well. One thing to keep in mind, we allocated all the parking spaces on the site to those three uses and divided them out. That's 260+ spaces for each use. In any imaginable event where they all three have a very large event at the same time, I think

there is still plenty of parking on the site. The notion that there is not enough parking on the site; I can't imagine a situation with the amount of parking spaces we have on the site where you're going to have people looking for parking spaces out on Route 117. It's not practical.

Jim Diamond: Even the Northern Westchester Hospital event this past March, which was in the evening, which I believe including wait staff and everybody was somewhere over 1,000 or 1,100 people total; we still had an excess of parking spaces on site. Obviously two people came in each vehicle, and I don't think there were any vehicles on this side to the parking lot that evening.

Chairman Cosentino: As of tonight, as we learn more, I believe it's less of an impact than Grand Prix. But when you mentioned Grand Prix, Sports Arena and the soccer field, and you blend in if it happens, the workout place on Kisco Avenue, then you may have a problem. I don't know. That could be the fly in the ointment, if the workout place went in there.

Jim Diamond: If you look at it as a 71,600 square foot facility. If that was warehouse space with zero component of office, all warehouses, then per the town code, it would be 72 parking spaces. If you look at the parking counts from the Brewster facility, there are almost entirely, other than I believe a couple of times on nights and weekends, every time the cars were counted the cars were well below that number. We think this is less intensive than a typical warehouse facility, even if it had no office component and even more beneficial because there are actually no trucks. One of the things that I think is impressive looking at the John Collins report with the 70% counts is the total number of truck counts for the entire day was really minimal. I believe there were only one or two trucks in each of the peak hours.

Michael Gallin: Austin has encouraged all of us to look at the big picture, which at this point, personally, if we could have looked in a crystal ball two years ago at the tenant mix that were now proposed, I think this tenant mix is so much better than where we started. I think the offsetting hours of use, the offsetting impact between trucks and pedestrians, the fact that the site is becoming much more user-friendly and more of an asset to the community than was ever initially anticipated. I'm pretty proud of the tenant mix that we're showing now.

Jim Diamond: And we're very far along. This whole building is actually occupied, other than these two small spaces here. So you can really see the building; see the traffic, see the trip counts. As Michael said, this parking lot is not constructed yet. It's under construction now, but you can really see how the facility is actually operating, so it's no longer theoretical.

Chairman Cosentino: Is the second story counted in total square footage?

Jim Diamond: Yes.

Chairman Cosentino: There is a lot of homework that has to be done here.

Michael Gallin: At some point we'd like to have a public forum. I don't know when the appropriate time would be.

Chairman Cosentino: We have to nail down a lot of these things Austin brought up tonight.

Austin Cassidy: That's a good point. What is their homework assignment for the next time they come?

Chairman Cosentino: I think they have to answer the questions you brought up tonight.

Michael Gallin: I think all of the data has been submitted, and it's just that you'd like us to re-summarize it in a clear more concise way addressing Austin's comments specifically. That is certainly easy for us to bite into and understand what to do. If there is additional data that you're looking for, then we'd like to get a better understanding.

Chairman Cosentino: There are certain things that have to be looked at and processed yet, and we haven't looked at them yet. I don't think the board is going to rush without these questions being answered.

Austin Cassidy: There is no public hearing required relative to this particular use. Why don't you memorialize them on paper and get it back to the board so they can study it and digest it. There was the open question from counsel about setting up sort of a skeletal structure for criteria for special events, and who would use the special events.

Chairman Cosentino: I spoke to David on this, and he was going to give us a report, but I don't see it. I need his input, and I haven't received it.

Michael Gallin: We can put that together on paper.

Chairman Cosentino: That is where we'll start and expedite it and get it done.

Lester Steinman: I think we've done a public hearing on the overall site plan. I would suggest the board direct a public hearing be noticed for the next meeting if it wished, and in the interim if we determine it's not required, then it won't be held. If it is required then it could be at least opened at the next.

Chairman Cosentino: The only reason why I think your suggestion is good for a public hearing is because we, as a board, let the surrounding people know this and give comment on it. Having a public hearing gives them a chance to come in and give us their views. I think it's important.

Lester Steinman: If you put it together with the continuation of the hearing on GPNY you can do it together on the same night.

Jim Diamond: We do not object in any way.

Lester Steinman: If you wish, we can notice it for the next meeting and it can be continued.

Ken Rudolph: We'll try to put together the answers to all of Austin's questions.

Chairman Cosentino: Good. Austin, thank you for coming. It was a big help. It makes a big difference when you're here.

Continuing Review:

**Matthew Jacobson
40 Heathcote Drive
PB2008-21**

Present: Matthew Jacobson

Chairman Cosentino: I believe this needs a public hearing.

Matthew Jacobson: I wasn't aware this needed a public hearing.

Vice Chairman Sturniolo: Mr. Chairman, I believe we had directed the Building Inspector to review this potential lot line change, and we asked for him to highlight any possible concerns.

Chairman Cosentino: And according to his report, he just wanted to protect the property for now and in the future.

Nanette Bourne: There is a public hearing for a subdivision. We don't distinguish between a regular subdivision and a lot line change. It's all a subdivision, nothing is separate.

Matthew Jacobson: The other actor involved in this is the homeowner's association of that development. I spoke to the homeowner's association to get their approval and they asked me if I would keep the property forever green. This is what is being attached to my swimming pool area. By putting that in perpetuity in the Deed, so there is absolutely no change to the property at all. There will never be any construction. They will never build any roads. It's not a building lot anyway.

Chairman Cosentino: I'm glad you're doing that, but the attorney is going to take care of that. That doesn't say that a public hearing shouldn't take place. I believe that a

public hearing is needed for this because it is a subdivision. There is a lot line change, but we don't recognize a lot line change. It's a subdivision.

Matthew Jacobson: But nothing is going to happen.

Chairman Cosentino: Even though nothing is going to happen, it is taking property from one place and putting it on another place.

Nanette Bourne: What I recommend to get the process started, because you want to move this ahead, you were asked to come back tonight so that the board can have the benefit of the Building Inspector's comments, which you have. I think what has been amplified by several people is your need to get some response from DOH. Also Austin recommended that New Castle be informed. I think if you want to go ahead and schedule a public hearing, we can kill a few birds with one stone. You can start the process with DOH; we can send the information and the Environmental Assessment Form with your proposed subdivision to New Castle. Please give me a call and we can help you with it. Most of the next steps are in the village's hands. The public hearing would be the second meeting in November.

Matthew Jacobson: I was told the Board of Health was consequent to the Planning Board.

Nanette Bourne: But you can get this started right now. Have you already given them the plan?

Matthew Jacobson: Yes. I haven't spoken to them. I was waiting for the Planning Board.

Nanette Bourne: What I'd recommend you send a letter for the record to the Planning Board that as requested, a copy of the proposed subdivision has been provided to DOH.

Chairman Cosentino: Yes, so we have that on record.

Matthew Jacobson: Okay. Thank you.

Continuing Review:

Old Iron Warehouse Cary Place PB2005-20

**Present: Alan Pilch, Evans Associates
Neil Alexander, Cuddy & Feder, Attorneys at Law**

Alan Pilch: Since we were last here, we received a memorandum regarding some modifications to off-site improvements, specifically on Cary Place. This was from the Village Consulting Engineer and also from Mr. Econom. What we had modified at that time was to reduce the width of the pavement being proposed on Cary Place from 30 to 24 feet. In addition, we indicated on this plan, which was submitted at the end of September of 2008, locations where existing pavement would be removed and the areas where the pavement would be removed would be scarified, top soiled and seeded so it would become impervious again. Also we indicated that a new top course of pavement would be placed on a portion of the Cary Place right-of-way and other locations due to the condition of the road. I know in the last week we received additional comments from the Village Engineering Consultant Mr. Oliveri. I'll just say right now we certainly have no problems complying with those additional comments. One was that the pavement section for Cary Place resurfacing be at a minimum of 1.5 inch top mix asphalt. The road will be shifted approximately four feet to the east laterally about four feet.

Chairman Cosentino: Two feet from the pole.

Alan Pilch: Right.

Vice Chairman Sturniolo: What does that accomplish, shifting it?

Anthony Oliveri: That resulted out of a meeting we had in the field with Jeff Econom and the Chairman, in terms of better centering the roadway in the right-of-way. The

way it was shown it was shifted more towards the west side and we felt moving it back towards the center would make for a better situation on the road, a better alignment of the roadway.

Chairman Cosentino: The problem was on the east side, the village owns 16 feet. On the west side, it's right on the property line. So, if you took from him, he would lose all his parking.

Vice Chairman Sturniolo: The neighbor?

Chairman Cosentino: Yes, and it wouldn't be fair to him. So, being you have 16 feet on the other side and the road would be better structured, we felt it was better to go on the other side and stop a big problem with neighbors.

Alan Pilch: The other comment of course was to revise if necessary the photometric plan so it would be in conformance with the proposed new village code.

Neil Alexander: The guidelines are still proposed right?

Anthony Oliveri: The newly proposed illumination guidelines. You need to demonstrate on the plan the minimum/maximums, trespass lighting, etc., to comply with the new code.

Alan Pilch: We will revise those plans, obviously to conform to these comments. With respect to the overall process that we've had, as you know, we submitted in February 2007 a storm water pollution prevention plan to the DEP. DEP has only been able to do an informal review at this time. They cannot take any action until this board, as lead agency, takes some action with regard to SEQRA. Back on June 13, 2006, we did have a public hearing on wetlands, essentially the proposal to disturb a sensitive natural resource which was closed at that time. What I would like to do in order to move this forward as I have discussed previously with this board is to have this board at least in conjunction with modifications to this plan with these latest comments, have a resolution that would address a SEQRA determination so that we can at least move this process forward with the DEP. I cannot get them to do an in depth, formal review until such time as we have that.

Nanette Bourne: This is how this project was stalled several years ago with their request to have a SEQRA determination. Before I get tot his SEQRA determination, I'd like the record to note that we were having a discussion about the status of the natural resource disturbance permit, and you did hold a public hearing and closed the public hearing. The record states that you actually approved the resource disturbance permit. I believe there is a typo in the minutes, because you wouldn't have approved the disturbance permit, number one because the SEQRA determination hadn't been made, and you don't separate disturbance permits and site plan approval. Mr. Alexander showed me what was in the record, and it appears there were a few words left out. As far as the SEQRA determination, the way Mr. Pilch has characterized it is true; they can't begin with getting their DEP permit reviewed and the application material considered complete until you do your SEQRA determination. If you want to go ahead and do it in advance of site plan approval, you could do it at your next meeting or the first meeting in November. Nothing really has changed since the last time you looked at it. If you want to do your SEQRA determination and if you're ready to consider site plan approval, I don't know if there is anything else that you're looking for, you could do both at your first meeting in December.

Chairman Cosentino: I really don't think we're looking for anything else except for those amendments to the site plan.

Nanette Bourne: And those amendments really don't effect the SEQRA determination. It's up to you how you want to proceed.

Stanley Bernstein: Unless my memory fails me, we were presented with two proposals. One was for access into the storm water main to get the drainage out to the Kisco River, and they needed a disturbance permit for that. But, we did not give them the overall permit where they are encroaching on the wetland buffer. If you remember, I was vehemently against it. That just hung. It didn't come back for a long time, and I don't think that's ever been resolved, as far as storm water processes being done in a buffer, which of course DEP says they don't like. They've never codified it, but the DEC

definitely is against it. There is some writing in that respect; it has been codified, as far as disturbing the buffer for water management. I think that is up for discussion.

Neil Alexander: Can I address that or is there another issue?

Nanette Bourne: I think what Mr. Bernstein has just said is true. You held a public hearing. You had issues and had discussion about the disturbance permit, and it was a disturbance of a buffer. You didn't resolve it. I don't know if it's been so long you need to revisit it and reconsider it. It's been two years; or if you're confident with what you recall, you can go ahead and act on it. Once scenario you might consider if you're uncomfortable about what your memory can bring to the table, at the next meeting you can have the applicant re-visit and explain to you what that disturbance involved. If you're comfortable with that, either queue it up for either a combination site plan approval, NegDec, and NegDec site plan approval and disturbance permit.

Neil Alexander: I think it is fair to say there is double mitigation here with regard to the wetlands disturbance in the fact that you're getting major quality and quantity controls being put in place that don't exist for Cary Place as part of this project. It's off site, but it's a huge, huge quality and quantity improvement that has gone back and forth with DEP, and although not formally in writing, it has received a "blessing" In addition to the mitigation areas and plantings that are being proposed onsite. I wasn't on this one in '06, but when I think about what you were saying, even if that is the case that it is generally frowned upon, there are definitely some massively extenuating circumstances here. You're taking a huge roadway and giving it quality and quantity control in addition to having the wetland mitigation plantings that are on just the site with regard to the encouragement here. So the overall health of the Kisco River as a result of both the onsite and off-site is a substantially different situation. I think that's important, and that is an evolution as a result of having gone to the Village Board to get their authorization to make improvements in the right-of-way and make improvements to their own road.

Stanley Bernstein: You may be right about the enhancement and the mitigation, but water management in a buffer defeats the purpose of the buffer.

Alan Pilch: If I may interject here, I would agree in a nominally pristine buffer that is the case. This is not that situation. This buffer is highly disturbed. There has been a lot of fill placed here. It is basically a buffer that does not function as a normal wetland buffer does. This was pointed out at the public hearing previously. This buffer has been highly modified. It is treeless in the most part except for the very sloping areas along its periphery, it is treeless. It is essentially just weeds that have taken root, if you will, in the soil; whatever soil is there. So, I would agree with you 100% that in a well-functioning wooded wetland buffer it is certainly less appropriate to remove trees, for example, in order to put in a storm water managed facility here, where the buffer doesn't function as a buffer normally would. In that case, this storm water facility, which is partly within the 100 foot buffer (it's about 50% in and 50% out) it actually supplements, adds function that isn't there presently, and actually replicates to a large degree the functions that would occur in a pristine wetland buffer. It's actually done within this storm water management basin. To that extent, that's where I think it's appropriate in this location. In addition, there are a lot of additional plantings being proposed within the wetland buffer area. The entire wetland buffer area, which is presently not wooded, in order to enhance both its quality as a wetland buffer, in addition, provide additional water quality control and water quality improvement functions.

Neil Alexander: Also, correct me if I'm wrong. The buffer line is here and everything that goes into this basin doesn't actually go this way, it comes back out this way and goes across this whole swale after it's already been completely treated in this situation. It gets retreated again on this swale area.

Alan Pilch: Yes.

Anthony Oliveri: I agree. We reviewed the storm water pollution prevention plan. We have no further issues with it. I understand Stanley's concern, but also is the DEP going to sign off on the function practice in the buffer? It sounds like they conceptually agreed to it and they've come to this conclusion with DEP, but of course we're not going to get that official review until after the SEQRA determination.

Neil Alexander: Also, when we were going back and forth with the village board about putting in the Vortechnic unit into the right of way, there was a dialogue with the DEP as

far as management of that Vortechnic unit, and the comfort level they had with the plan and the design, so I don't think this is your true vanilla situation. We haven't gotten an official determination, but it has risen to quite a level.

Anthony Oliveri: You can be assured we've reviewed it and we've done our part in reviewing the storm water plan. We're okay with it, and obviously they are not going to be able to build this until they get DEP's approval.

Stanley Bernstein: I'm not 100% convinced. I'd like to see it in writing. Nanette, you have someone in your office who can let us know these feelings about the situation; management within the buffer. I'm not hardheaded. I can be convinced, but I want to be convinced.

Vice Chairman Sturniolo: Is it safe to assume that the Vortechnic Unit is sized properly that you and DEP are comfortable with?

Anthony Oliveri: I can't speak for DEP. We're comfortable with it. In fact, the impervious area on the roadway has now been reduced from 30 to 24 feet, but we left the size on the Vortechnic Unit the same. So, we're fine with the size of it.

Chairman Cosentino: So Nanette you're suggesting that the meeting of the 25th?

Nanette Bourne: At the work session, if you want to take all of the actions, you can do that or wait until your regular meeting in December. This project is a little bit unusual because it has been fractured into a couple of different pieces over the three years.

Chairman Cosentino: Let's put it on for the 25th for those three actions.

Stanley Bernstein: Alan, did you see Austin's memo about the mulching situation?

Alan Pilch: No, I did not.

Stanley Bernstein: That should be answered.

Alan Pilch: Okay, thank you.

Continuing Review:

**CVS Pharmacy
421 Main Street (a/k/a 10 South Bedford Road)
PB2008-17**

**Present: Shannon Rutherford, Project Manager, VHB Land
Development
Neil Alexander, Attorney at Law, Cuddy and Fedder**

Shannon Rutherford: We were able to submit to the DOT and the DEP, and we've done that since our submission on the 14th. I want to give everyone a copy of the transcript of the letter, and there is no new information. It's just a record for your file of the submission being made to those reviewing agencies. The initial is as directed to the chairman and it runs through a brief outline of some of the items discussed during the meetings, and then there are specific comment response letters to each of the staff members that provided comments to us. There is also a wetlands memo detailing the status of the channel at the rear of the property. We don't qualify as a wetland based on the guidelines provided in the town standards. There isn't a wetland regulated activity for that area, and that's detailed in the memo as to why that finding came to be.

Stanley Bernstein: I read that memo very thoroughly. It is a very small area, so it may not be of any consequence. But you never took borings, and there is a degree of fill there, and there might be hydric soil under the fill. Be that as it may, it was not too long ago when I inspected the property for another project which never came to fruition. I inspected the area and came down to my ankles. I did not look at any wetland maps for any information, it was just my gut feeling at that particular time, and it was pointed out before the other applicant who just kind of disappeared. So there was no investigation done at that time. I'm willing to accept your assessment. I think it's a very comprehensive assessment, and why it was wet that particular day or those weeks; it happens all the time in different places and we'll just have to accept that.

Doug Hertz: To pick up on what Stan was saying, again, your report was very thorough and I don't take issue with anything except the fact that their site visit was done on September 4, which stuck out because it's my birthday, and there was three to four weeks of perfectly dry weather up until that, and two days later there was a hurricane. So they picked the driest moment of the year.

Stanley Bernstein: Based on the compiled data, even though it was dry and not wet, it's acceptable.

Doug Hertz: I concur.

Shannon Rutherford: Thank you. We last met with you on August 26, and after that meeting we were able to have a staff meeting on September 4 to discuss the comments with the village engineer, planner, building official and assistant town manager. We had a very productive meeting. Particular discussion had been the landscaping or the balance between landscaping and snow storage. We were able to get through all of those items. On September 23 we met with the New York City DEP representatives to discuss the application process that would be required here. We are in the Main Street District; we have less than two acres of disturbance. A preliminary indication would be that we would not require an official permit. They asked us to submit documentation showing our existing conditions, pervious and impervious area and our proposed conditions, pervious and impervious area. If there is a net decrease in the pavement area, which there is, then we should be able to get a sign-off from them. That documentation was sent in yesterday. We will follow-up with them regarding that as we move ahead. We made our resubmission to you on September 14. The DOT was submitted to you on October 24. DEP was submitted to you on October 27. We also submitted to and met with the ARB, and received their approval on the CVS elevations. The meeting was September 17. They had some questions for us regarding the bank elevations. We will be reapplying for the bank elevations to go through and address some of those comments. We should be able to move through without any issue there. They were fine with the proposal we have with the CVS Building.

Vice Chairman Sturniolo: What was the name of the bank again?

Neil Alexander: Community Mutual.

Shannon Rutherford: There was concern about the crosswalk at the rear of the site from the proposed rear entrance to the parking field to the rear and how that was going to be delineated. There is information in our submission that we are proposing to use street print, stamped asphalt. We've used it very successfully on other projects. We have also added in a sign. You don't see it here because we're highlighting the landscaping, but there is a sign that's going to denote a pedestrian crosswalk at that location to try and give some advance warning to the drivers as well. As far as any of the landscaping on site, there have been comments that we will label all the existing trees that are eight inches in diameter and larger. That is showing on the existing conditions plan. We've also increased the landscaping areas and this area adjacent to East Main Street. We've also angled the parking to create a one-way traffic flow given the narrow drive aisle at this corner of the building, so it's going to force that one-way traffic pattern by angling the parking. By doing so, we gained a little bit extra on the perimeter landscaping and took advantage of that. We've greatly increased the quantity of Stella Doro Daylilies on site. It was brought to our attention that that is a favorite for the municipality. The erosion control was discussed at our meeting with the DEP regarding how to handle it giving that it's an existing site, and the appropriate barriers around the catch basins, so we've modified our detail accordingly to try and meet the fact that it's existing condition and not everything is going to be disturbed for an extended period of time. Their construction entrance will be here off of East Main Street, so there will be a stone entrance there during the construction period to prevent tracking of any debris out onto the municipal roadways. The snow storage, landscaping and our parking count have reached a reasonable balance. The landscaping has clearly been increased over where this plan was originally. We have our snow storage areas delineated. We are in a position where we have fourteen extra parking spaces. We went ahead and striped these up to get our parking count up, but in the wintertime it obviously can balance out for us for a snow storage area. Under dry conditions there still are 14 extra spaces, so that area is available now in the wintertime for snow storage. At the same time, we increased the landscape area. Changing this to a one-way drive certainly helped from a landscaping standpoint. The dumpster enclosure has been modified to emulate the town's detail. We are proposing a concrete block with a brick veneer on the façade of the dumpster enclosure so that it will match the building. We will also have the detailed landscaping around the dumpster enclosure. There are

white pines that are proposed in this area so they'll fill in nicely and provide a nice screening year-round. Having the block enclosure with the brick veneer is also going to be a very substantial enclosure. It will hold up to weathering and will look nice.

Vice Chairman Sturniolo: When you say with the brick veneer, what is the treatment on the west wall there where it's currently white?

Neil Alexander: The trim is going to be a waved this. The ARB approved essentially three window boxes that are going to be placed in there. They're not going to be for display of materials, just creating a detail because of the size and the massing. The whole side is being re-done and then they are going to have a wave detail on the other half of it going south, and then they're bringing in impediment and a very small sign, assuming it still complies with final version of the sign ordinance. It's a major dressing up and an improvement of the quality, but it's not making it another front. We're going to have the front here, as always, which has major improvements. We'll bring those boards next time.

Shannon Rutherford: That's what they're working on now. That's the bank façade.

Neil Alexander: This is your main front here, and basically this is being cleaned up and it's not going to be anywhere near as uniform. The ARB approved some movement in the massing, but it is still all in the same plane, and it is going to be using an ethos material, and the back is going to have gables in order to create the entrance at the rear. So, it's been a major upgrade but yet at the end of the day it's still essentially a similar color scheme, fresh coat and then sort of like a texture. They created what looks like they divided that wall into six equal pieces, and the first three have window boxes in the front and the back, and the rear three have a scallop.

Ralph Vigliotti: When are we going to be able to see that?

Neil Alexander: That was approved by the ARB; we just did not bring it tonight. I'm sorry.

Shannon Rutherford: Because it had been approved. I apologize.

Vice Chairman Sturniolo: Please bring it to the next meeting.

Neil Alexander: Definitely.

Vice Chairman Sturniolo: Please describe "window box."

Shannon Rutherford: In essence, it's a false window. We can't put a window in because there are display cases behind. So it will have the appearance of a window and be all glass. It's about six inches deep, there is some recessed lighting, and then a graphic that will be on the interior wall of that box so you're not looking at just plain white.

Vice Chairman Sturniolo: The graphic depicting?

Neil Alexander: It's not for advertising. It's really just to create an architectural element to break up the length of that wall.

Vice Chairman Sturniolo: Is it something similar to what we see on the side of Target?

Ralph Vigliotti: We'll have to wait until next time.

Doug Hertz: The curve from where you go to 117 to 172 has obviously been a bit of a concern of ours, and I know you detailed a new railing along the top of that. Do you have any sketches?

Shannon Rutherford: We have not done a rendering. We can.

Doug Hertz: It would be really useful if we could have a rendering showing something around that corner, and if you could show a cut through that so we know what the grades are at that point. I know the grade shifts at certain points.

Shannon Rutherford: There are actually existing cross sections in this, so you're seeing the sidewalk, the wall and the existing parking lot. They are included in this package.

We didn't take it up as far as the railing, so you're not seeing railing all the way up. We took it through so you could see the elevation change between the sidewalk and the pavement.

Vice Chairman Sturniolo: Are there going to be trees behind the railing?

Shannon Rutherford: No. The railing and the wall are going to run together. The new four-foot fence is going to run on top. It's an aluminum, black ionized fence on top, pickets. It will be mounted to the top of the wall with steel brackets.

Vice Chairman Sturniolo: So the sentence in the October 14 note, the modification to the face of the retaining wall and the railing will be subject to approval by DOT. Further DOT approval will be sought to re-plant the existing tree wells currently without trees.

Shannon Rutherford: Correct. Those tree well are in front, empty within the sidewalk. We are seeking DOT permission to put those trees back in, (new trees) clean those tree wells up. They are all grass right now.

Vice Chairman Sturniolo: Assuming the trees go in, then behind the railing that sits on top of the wall, there is no further greenery?

Shannon Rutherford: No, because it's parking.

Neil Alexander: You have the road, then the tree well area, then the sidewalk, then this retaining wall, then the fence, then the drop, essentially.

Ralph Vigliotti: We're talking railing versus fence, two completely different concepts now.

Shannon Rutherford: The railing that is there today is not code compliant.

Ms. Rutherford now opened a set of plans and explained the current wall/sidewalk/fence situation.

Shannon Rutherford: There is no change to the width of the sidewalk, or the width of the wall. The parking is still coming up to the face of the wall. From a landscaping standpoint, all we're doing is trying to fill in and clean up the vacant wells. Cross Section C illustrates it very well. You have about a three-foot drop from the sidewalk down to where the paving is. The retaining wall in this area is only about six to nine inches. It's acting in essence as a curb so that the storm water and snow and leaves aren't all dropping off the edge of the sidewalk onto the hoods of all the cars that are parked facing that wall. But because it's a fall hazard we need a fence, technically, that is more substantial than is there now.

Ralph Vigliotti: Who is indicating that you need a fence versus a railing? I don't think this is what the board had in mind. You have a four-foot fence that is going to sit above a two-foot wall in some sections, which will show a six-foot façade of some type.

Shannon Rutherford: Correct.

Ralph Vigliotti: We weren't looking at a fence. We were looking at a wrought iron type of railing system.

Shannon Rutherford: We can't, from a building code standpoint and from a liability and safety standpoint.

Nanette Bourne: The Building Inspector brought that to their attention.

Shannon Rutherford: And we independently verified it. But it's no different than a deck, if you were to put a rail on your deck.

Ralph Vigliotti: This isn't a deck.

Shannon Rutherford: I understand, but you have children walking on the sidewalk.

Ralph Vigliotti: I understand that. I am just visualizing what this is going to look like. This is an entrance to the village and we have a fence system.

Neil Alexander: But you have basically a knee-high brick wall, over which you're going to have a wrought iron effect. I understand what you're saying; it's going to be very solid as a view.

Ralph Vigliotti: There are sections of that wall that don't even need to be there, because there isn't a two-foot drop. There are sections of retaining wall there that is two feet high, but the drop is not two feet below it. I'd like to see an eight foot section of this fence system, because there will be graffiti, it will be scratched, bent, kicked in; all of that.

Neil Alexander: I find it a little bit hard to believe, but okay.

Ralph Vigliotti: Do you live in town here? On the record as one board member, I am not happy with this fence system as it's shown. I think there are other designs that would look a little bit more municipal. I think this looks very residential in its look. Right now, there isn't anything there but a railing system. Whether it complies are not is an issue that is being addressed. I don't think this is the best look for that.

Neil Alexander: We can investigate a new look.

Anthony Oliveri: Fences come in different styles; you can also get them in steel instead of aluminum.

Ralph Vigliotti: And that's probably what we need to look at, but I just don't want to put all the money on this fence that you're showing. I think a site visit needs to be placed there.

Doug Hertz: What is code for safety purposes?

Shannon Rutherford: My understanding is its four feet.

Anthony Oliveri: I believe it is four.

Nanette Bourne: It's also how close the slats are.

Ralph Vigliotti: But if the retaining wall is two feet above the sidewalk, why does the fence need to be four feet above that?

Shannon Rutherford: It's not. For a good portion of this arch, where 172 and 117 come together, you only have about six inches. It's just a curb in essence here to keep leaves, snow, and rain debris from falling onto the cars parked below, so we do need that curb, and we need something to anchor the railing into. It's also providing a uniform level for your eye to catch. They held the elevation of the wall all the way down, so that's why, as you come out and it flairs down to where our driveway entrances are, there is more reveal to the retaining wall itself closer to the driveway entrances. But there is only about six to nine inches for a good portion of the wall.

Doug Hertz: I think this is another reason why having a good sketch, rendering, looking through across the streets and the fence and the new trees going in, seeing the facades, and understanding the levels that those cars are going to be behind that so that we can get a better understanding of this.

Joseph Morreale: You really have to talk about the maintenance of this with leaves and salt. Secondly, this is going to catch things. It's not going to let them flow through. Paper, leaves, etc. And, who is responsible then for maintaining the fence as well as clearing the area? Because that is going to look pretty messy after awhile, not just from the wear and tear of people, but just from the blowing of things at it.

Shannon Rutherford: We can discuss with CVS the maintenance agreement. Technically, the fence and wall are on our property. The fence and wall run the property line. DOT certainly isn't going to maintain it, nor would we expect them to. It is going to fall to CVS to maintain it, and we'll have to discuss that.

Joseph Morreale: The other side is a sidewalk, right?

Shannon Rutherford: Yes, there is a sidewalk on the street side.

Neil Alexander: The fence is going to be centered on the top of the wall, which means that it is going to be back onto our property.

Shannon Rutherford: Right. The sidewalk is DOT property.

Ralph Vigliotti: We haven't had a lot of luck with maintenance of properties in town. TJMaxx, Target, and we're trying to come up with something that is maintenance free. This fence will not be maintenance free as you're showing it. I'm not saying a stone or a brick wall is going to look any better. I'm not convinced.

Shannon Rutherford: I understand. Whatever system we put in place is going to require some maintenance. The fence will still have to meet the code requirements, railing system; whatever you want to call it, by the time it's said and done, it's going to look more like a fence because of the four-inch requirement. The maximum gap between pickets is four inches, and the maximum gap between the rail and the bottom is four inches. Our hands are tied from a code standpoint. Yes, there will be a maintenance item that is going to have to be put on CVS's shoulders. We can take a look and try and find from an aesthetic standpoint, something that is most appealing.

Ralph Vigliotti: I've seen beautiful wrought iron fences that have less than four inches, so it's now showing a lot. The fence pickets themselves are going to be two to three inches wide with a four-inch space. It's not a nice look.

Vice Chairman Sturniolo: Whereas a three quarter inch wrought iron every four inches has openness.

Ralph Vigliotti: This does not have a very sophisticated look at all too it. It does what we need to do by code, but there are other ways to address this.

Neil Alexander: So what you're saying is you want us to get closer to 15% view.

Ralph Vigliotti: This view now blocks everything, and we know that wherever the retaining wall is twenty-four inches high, we have four feet above that. So we're actually showing in some sections, six feet of solidness with no real setback. If it were six feet and 30 feet back from the road it would have a different look. This is right in your face. This is something we really need to address.

Shannon Rutherford: We'll take a look at another section of fencing. There are a number of options we can come up with. I would like to streamline it to try to facilitate what fence, what look, so that we do not have to repeat this.

Joseph Morreale: By the way, why black? The building is not black.

Shannon Rutherford: We have found the black tends to blend in the best as far as having the most transparency when you look at it.

Joseph Morreale: We do need to look at some options because this is going to really stand out on that corner.

Shannon Rutherford: I hear what you're saying. I know you're also aware of cost. They understand they want to get their rear entrance so they've got a desire to be able to take best advantage of that customer parking. They also understand they want to be a good neighbor. They want to try to improve this and meet you more than halfway. There is a limit as to how much I am going to be able to push them. I will do what I can.

Doug Hertz: We are not talking about expense; we're just talking about look here.

Shannon Rutherford: Change in the appearance of the fence, I understand.

Joseph Morreale: With all the greenery in there, could you show the traffic flow coming off of East Main Street, into there and going around to the other entrance? What is going to happen when cars come in there?

Shannon Rutherford: A vehicle coming in here is going to follow in behind the rear of the building. They will stop here and yield to traffic coming down through this entrance and turn and come out.

Joseph Morreale: So that is going to be a flow through across the crosswalk?

Shannon Rutherford: Correct, which is why we changed to the stampcrete material that Mr. Cassidy suggested to delineate that crosswalk area and we've added pedestrian crossing signage?

Joseph Morreale: There will have to be lighting there.

Shannon Rutherford: There is. This whole back parking area is lit.

Ralph Vigliotti: Is that one way in?

Shannon Rutherford: The one way is here.

Ralph Vigliotti: I go to CVS quite often, and you can't get out of the place during the hours of four to six P.M., you cannot make a left-hand turn out either entrance. You're putting in a rear entrance and you can't get out. You can get in, but you're causing cars to make left-hand turns, you have to cross traffic that is horrendous in the main entrance.

Shannon Rutherford: Where specifically are you talking about?

Ralph Vigliotti: Both the main entrance and the rear.

Neil Alexander: You just went through with the hospital, you know that intersection, and you know what kind of mitigation is available. There is nothing we can do about that.

Ralph Vigliotti: You don't have to have a rear entrance.

Shannon Rutherford: Having the rear entrance to the building isn't going to change the traffic pattern. These entrance locations haven't changed. The only thing we're proposing is adding the rear entrance to the building to take advantage of the parking at the rear of the site and to utilize that space; have it a little more populated than it is today and better take advantage of it.

Joseph Morreale: Here is why I raised all of this. Clearly when the light backs up there, people want to go right onto 172, that's a cut through. Now you're putting a pedestrian walkway in the cut through, which is not there now. It raises a real safety issue.

Neil Alexander: The cut through aspect exists today.

Joseph Morreale: But there is no walk through there. There is no entrance from the back, and there is nobody walking back and forth there.

Neil Alexander: There is parking back here today and there are people who may be parking back here in order to not deal with this morass and walking around.

Joseph Morreale: Sure, but you're creating an exit and an entrance in the back of the building that is going to be used.

Neil Alexander: Yes, and it will increase efficiency in the rear.

Joseph Morreale: And I'm saying it may raise a safety hazard.

Doug Hertz: It may also minimize the use of the cut through. There is going to be a stop sign there.

Anthony Oliveri: One thing we suggested when we first talked about was instead of doing a walkway doing a wide area like in front of a whole entrance, so that when you're driving up to it, you see this big area, which is a different color and different texture and you'll slow down, instead of just a path.

Shannon Rutherford: I think the path is about eight or nine feet.

Anthony Oliveri: If you do kind of like a gable entry in the back, you can create a whole entry area there.

Shannon Rutherford: So you're suggesting coming out to the edge where the loading pad is.

Anthony Oliveri: Yes. Maybe a wider area of the stampcrete, which would differentiate that area.

Nanette Bourne: Almost like a pedestrian zone.

Vice Chairman Sturniolo: How long is it now?

Shannon Rutherford: About eight or nine feet. It's slightly narrower than the parking stall.

Vice Chairman Sturniolo: So then it's narrower than the walk path area at Mount Kisco Square.

Shannon Rutherford: Yes, it's a wider area. Not as long.

Joseph Morreale: What is the little inlet in back of the bank?

Shannon Rutherford: It's the existing shape of the building and the utilities.

Joseph Morreale: So you have to get back there. You couldn't close this off on the right?

Shannon Rutherford: No, because we wouldn't be able to get our trucks out.

Doug Hertz: Has the Fire Department looked at this yet in terms of access with the new reduced flow?

Shannon Rutherford: We have not received any comments from the Fire Department.

Nanette Bourne: Have you submitted anything to the Fire Department?

Shannon Rutherford: Directly? No, we were not directed.

Neil Alexander: Who in the Fire Department do we direct it to?

Vice Chairman Sturniolo: Chief Bueti.

Shannon Rutherford: We have the ability and auto turn to run a fire truck through, and we've verified that the fire truck goes through. We can have that conversation directly with the commissioner.

Joseph Morreale: You also mentioned squaring up a right of way? What are you doing there?

Shannon Rutherford: This is back to our original meeting, and Mr. Cassidy suggested because of the existing driveway comes out at South Bedford Road at a 70 degree angle, to square this up so that exiting vehicles come at South Bedford Road at more of a 90 degree angle, making the site easier because you are coming out at perpendicular and you can see over your shoulder. There is no change to the driveway entrance on 117. We are providing our construction entrance on 117. During construction our stone entrance will be there from a tracking standpoint. The only other item I had for discussion was the outlet of the channel. There is a drainage pipe that runs from Route 117 over to the left side of this headwall. It's a 30-inch RCP, and straight down from the south there is a 24" RCP outlet, and that 24" initiates on South Bedford Road, and I believe takes some drainage from the north. Our site drainage ties into that 24-inch trunk line. We don't touch anything coming in off of that 30". It just comes through. There are no official easements in place, but nonetheless that's the drainage pattern that has been there historically for quite some time. We tracked this extensively. When we had our staff meeting, the Assistant Town Manager made reference to the fact that the volume and velocity of the storm water at times creates problems for the park to the south of us, and recognizing that the majority of the storm water is not ours, asked, what can you do to help alleviate some of what we're seeing happen at the park. Can we get some stone in there to reduce the scouring that is going on, to reduce the debris that is ending up downstream? Can we do something to help reduce the velocity? So, there is a fairly scoured out basin where those pipes are coming in, particularly right opposite that 30 inch. As you come opposite the 30 inch you'll see where this bows out?

That is a direct result of that water coming out the 30 inch scouring and then heading down the channel to the next pipe system that takes it through the park.

Vice Chairman Sturniolo: Anthony, you were there?

Anthony Oliveri: Yes. This is what Jeff was looking for, basically. Kind of like a plunge pool area and they are creating kind of a check dam area in the back.

Shannon Rutherford: This is representative of a check jam, so it's going to allow water to build up. I think it's a foot and a half. The banks at that point are about three feet, so we don't want to take it all the way up, because then it's going to overtop the banks and we're going to create a bigger problem. We want to keep it to the channel that's already there, but we wanted to try and slow it down and create a little bit of an energy dissipater for it. So, for the smaller storms it certainly should have a significant, noticeable improvement for them. The larger storms; it will still help to dissipate the energy. That was the detail that we arrived at. We had the opportunity to discuss it with the DEP when we met with them. Their thought is that as long as it is not an impervious system that we don't try to culvert it or grout that stone in place that remained permeable, and then in essence they were fine with it. Those plans have just been submitted to them so they will review it directly.

Anthony Oliveri: The only issue I really had was specifying the size of that grip rack. The stone has to be some pretty heavy stuff.

Shannon Rutherford: Right.

Neil Alexander: On signage, we are waiting for the new regs to come down. When they come down, we will come back for a signage package.

Stanley Bernstein: I'm not that familiar with what has developed in the sign ordinance as yet, but you have a neon sign right in the front, and I think that's illegal. It is a bright red, neon sign that says Open 24 Hours.

Neil Alexander: In the window?

Stanley Bernstein: In the window. I don't think it's legal.

Neil Alexander: I believe we have approval for that.

Stanley Bernstein: I'd like to talk to the person who gave you that approval.

Neil Alexander: I believe when we went to the ARB with regarding to re-tenanting the space, I believe it was a shown sign, and we received approval for it and subsequently obtained a sign permit for it. The code has been changing a lot, so we decided to put signage off until we know what is codified, and comply and seek the appropriate relief at that time to the extent it is necessary. On the illumination guidelines, we heard you loud and clear at the very beginning. We've worked through a couple of consultants, and we're almost completely compliant except for one aspect, which I think Shannon can speak to better than I, but essentially the upshot is it's almost mathematically impossible to comply with.

Doug Hertz: Do you mean being around the ATM?

Shannon Rutherford: There are two items. One is the ATM. We have to meet the New York State guidelines there. When you take a look at the chart and I can go back to my vendor to see if he can pull out that information and just give us our max/mins for the balance of the site.

Doug Hertz: We understand that we are superceded with the terms of the ATM, and I don't think we're expecting max/mins having anything to do with that information.

Vice Chairman Sturniolo: The newly proposed guidelines highlight specific language about ATM machines and the state rules.

Shannon Rutherford: That's what we found. I was looking at the uniformity ratio, the 4 to 1 everywhere, but when you mathematically take a look at your maximum and divide it by your minimum; you're not going to get 4 to 1. So, we've created a constraint. If you're allowing us to hit the maximum and hit the minimum and that's the

parameters that we're going to stay in and then we've created a uniformity ratio that's really saying something different.

Neil Alexander: So you're saying that .8 candles are in one spot, which is the min, and then 4.0 is the max, which puts you at a 5.0 spread, when 4.0 is what you want.

Shannon Rutherford: I can use a specific example. We applied the shopping center parameters to our site. So we had a 15' pole, our max foot candle is five, the min is .9 and then the uniformity ratio is 4 to 1. When I divide 5 x .9, I get five.

Anthony Oliveri: I think the uniformity ratio is based on the average to the minimum, maybe.

Shannon Rutherford: I checked the definition and again I'm referencing the September 10, 2007, so if there is a more recent update to that, then I haven't had that available.

Doug Hertz: We may have made some corrective revisions.

Nanette Bourne: It was updated as late as a month ago.

Vice Chairman Sturniolo: I believe it is 4 to 1.

Doug Hertz: You might be okay.

Shannon Rutherford: I will call Nancy tomorrow and get a copy of the new one and have our lighting vendor take a look at that. We will re-check with that proposed code has to say about the ATM, and go from there. But we did provide the lighting details, the poles and the fixtures. The intent for the maximum fixture height is the 15 feet, so you've got your pole and then it's either a 2.5 or 3-foot base and then your pole and then the fixture. I believe the pole is a footed pole as the detail that was provided. I will look at the new regulation. If I still have a question or concern regarding math involved with the regulation, who should I call?

Nanette Bourne: Either one of us can help you.

Doug Hertz: In the regs we do talk about how the ATM requirements are well above.

Nanette Bourne: I understand the ATM requirements have been substantially changed since we last looked at the requirements. The illumination limits were brought way down from what we had been looking at.

Vice Chairman Sturniolo: Should we be modifying what we submitted?

Nanette Bourne: I don't think we referenced the old ATM. I think all we referenced was it superseded.

Doug Hertz: I don't think we specifically talk about ratios where we are superseded.

Shannon Rutherford: So whatever that superseding guideline just prevails.

Nanette Bourne: We know there is going to be some tweaking that has to be done to it and you should probably keep a running list.

Doug Hertz: The intent is not to mess up the ratios because we are superseded by the ATM rules.

Vice Chairman Sturniolo: When you do a photometric light plan, one thing that would help us is that you actually do two. One photometric light plan that includes everything but the specific fixtures that are needed.

Shannon Rutherford: The limit is shown here, but you're suggesting do a plan that blows this area up?

Vice Chairman Sturniolo: Yes. Just to see what the impact of the detail is.

Doug Hertz: And if you could put that 50-foot radius mark around it, then we could look at that and then you look at everything else in its entirety separate from the ATM impact.

Shannon Rutherford: Certainly we can do that.

Anthony Oliveri: There are two things that I had in my memo. At the staff meeting, we asked for a site distance line on 172. I don't know if the fence is going to effect that or not, but Jeff Econom asked for that. Also, you mentioned you have 1.4 acres of disturbance. That is going to cause you to go for a DEC permit as well. I think you're going to need a storm water pollution prevention plan, which may just entail a separate erosion control plan. I'm not sure if a full SWPPPA that has to be developed or because you have a reduction of impervious area, but it's just a separate erosion control plan. A Notice of Intent has to be filed and if a SWPPPA is developed, you have to get that in with the site plan.

Shannon Rutherford: We will double check.

Joseph Morreale: You wrote that you are going to reconstruct the site driveway on Route 117 so the line is perpendicular to the right of way. That's why I asked you which one was it, and you indicated it was 172. At some point we have to get clear about that.

Shannon Rutherford: It is the 172 South Bedford Road entrance. With respect to the site distance, we will get the lines on the plan, because the Town Manager asked for it. We looked, and basically it amounts to where the wall ends here and the fence and wall peeling back away versus where our yield sign is coming up from 117 to 172. There isn't a site distance issue, because you've got to be out to that stop bar anyhow, and you're out past it. There isn't a great impact today than there is existing. The parked cars there are already forcing you to pull up ahead of the retaining wall, and by doing that, the retaining wall and fence come out of the equation from a site distance standpoint. We will document it.

Vice Chairman Sturniolo: So you've got a few things to check on. Obviously at the top of the list are this slotted fence and color, and material and visual.

Shannon Rutherford: We are looking for a rendering from the intersection looking at the building to show the massing of the building along with how the fence and wall interplay with it, get a couple of options for the fencing.

Vice Chairman Sturniolo: Also, this fence that you're thinking about. If you find out from the manufacturer that it's used somewhere in the vicinity, we'd love to be able to drive by and look further.

Ralph Vigliotti: I'd like to take it one step further. This is a very important piece to the look of this property. I'd like to see a section of fence attached so we can do a site visit. Let's not do a rendering on this. Whatever the final product is, and it's just an eight foot section, we need to see it.

Doug Hertz: They are going to show us some options before we get to that point.

Neil Alexander: If there is a submission on the fourth can we come back on the 25th of November? With the options that you want to see more fencing, time wise we would like to be in a good position.

Doug Hertz: Nanette has your office seen a planting plan for appropriateness of materials at this point.

Nanette Bourne: Once the site plan is settled and I think your landscape plan is now.

Shannon Rutherford: It is. I think we've pretty much "greened" everything that we intend to at this point.

Doug Hertz: I for one am not a huge fan of white pines for that sort of thing because of what was discussed earlier tonight. They get big and leggy and ultimately don't screen down below very well.

Shannon Rutherford: We are certainly open to suggestions.

Neil Alexander: We will be back on the 25th. We'll put together a submission and try and give you some good fencing options.

Vice Chairman Sturniolo: Thank you very much.

SEQR:

**Westchester Residence and Club
Kisco Avenue
PB2006-19**

Present:

**Patrick Hewes, Saccardi and Schiff
Mark P. Miller, Attorney at Law, Veneziano & Associates
Andrea Oncioiu, Department of Environmental Protection**

Vice Chairman Sturniolo: We are reviewing the FDEIS for completeness and we have a few letters to the commissioner, a memo from Anthony and a memo from Nanette. There was a preliminary staff meeting to go over the FDEIS.

Nanette Bourne: The applicant submitted a preliminary Environmental Impact Statement for Westchester Residence and Club and my office and Anthony did a review for completeness. The completeness review consisted of looking at its organization, the way in which it reflected the modification made to the plan in response to Planning Board comments as well as other comments, and whether or not the comments that were made on the plan throughout the public hearing process are accurately reflected in here, and the quality of the responses. I can go through some of the highlights of my memo or go through each item, depending on your preference.

Vice Chairman Sturniolo: Maybe it would be better to go through the highlights before we hear comments from us individually.

Nanette Bourne: Sure. The general comments that start on Page One has to do with some organization of the document there. The applicant needs to go through and make sure the right sections are in the right place. It's not substantive; it's just organization. With regards to some of the comments, we requested the applicant look at the comments where they came from and there are comments in there that were part of just a casual discussion that really aren't comments, and so they need to be taken out. I think that once they start doing that, you'll start looking at what the real substantive comments are and looking at the responses. An example of that is that Rob Leibman from the CAC apparently at the public hearing made the comment - maybe a couple of times that written comments were coming. It keeps showing up in here with a comment noted. That kind of stuff does not need to be included in here. Similarly, after the public hearing was closed on May 27, you began to look at a draft comment memo that was prepared by my office, and there was a back and forth discussion of some of the issues, and that back and forth discussion is included, sometimes with a comment noted, sometimes with a response, sometimes with a reference to another response. In looking at the comments that were selected, normally you wouldn't include any of them. In this case, some of them were actually helpful to have in there because it reflects where you were headed with your comments, what you were thinking, and the attitude of the board. In those cases, having a response is helpful to the overall understanding of the plan. I don't think everyone should be taken out, but simply including a casual discussion with a comment noted does not help the organization. Going to the executive summary, the executive summary sometimes outlines what is to follow, and then it's followed by modifications to the proposed action. The applicant has chosen to combine the executive summary and modifications to the proposed action, which is fine, as long as there is a full description of the changes that were made, why they were made and the impact that they were trying to mitigate or the issue that they were trying to address. As an example, if you look at their description of height, there were discussions that the board had with each other, with the Village Board, with the applicant concerning how height should be measured and what height was the maximum reasonable height for the project. Measuring the height could be done in a number of ways. You could look at it based on the average finished grade of the flat roof, of the Mansard roof, of the gabled roof. In discussions with Austin, there was a determination that it would be from the Mansard roof. All three measurements are in there without any discussion of why and what it means. In addition, I think there needs to be a more fully flashed out discussion of impacts and rationale for the height of the building being what it is: which is 51 feet. Originally it was considerably lower than that, and there

were efforts made by the applicant to reduce it by changing the way the foundation was, by lowering the building, and all of their efforts didn't achieve maybe what the Planning Board had hoped to achieve. That is a real significant issue with this project. It's been significant for all of you, and the executive summary/modification for proposed action really needs to focus on that so that it is clear what was attempted, what could not be realized and what the outcome is and why it is, and what are the impacts.

Vice Chairman Sturniolo: One example of what you just said is the fact that we're just finding out that this is indeed going to be six inches higher, because they are not going to be able to build on a concrete slab that we initially thought. That's another example of dealing with the height issue and having it researched thoroughly and properly before it's incorporated in the FDEIS.

Nanette Bourne: Another significant issue that deserves full discussion is the tree protection and preservation plan. There is a lot of good base information that has been provided on the trees on the site, which ones are going to be saved, which ones are going to be taken down. There is a reference to an appendix from a consultant that the applicant brought on, Dirtworks, and Dirtworks references some ideas for dealing with tree protection and tree mitigation including a tree replacement fund. That kind of information is particularly significant because it has to do with visual impacts, and it has to do with the natural resource conditions of the property. Having the letter referenced without really bringing it fully up front into a full discussion does not do this issue justice. The other issues that I've brought out have to do mostly with the visual impacts and details concerning the retaining walls, the tree planting plan, impacts to the wetland on site, the disturbance of the buffer, and I don't think there is anything particularly significant with those that you can't just read through here. We talked to the applicant about the need to conduct a site visit for the purpose of looking at wildlife issues on the site. It was a request that was made a few times by Mr. Leibman and by Mr. Gmelin. It is something that has to be done, and unfortunately, it's now towards the end of October. It's not the best time to do a site visit, but it's better than not doing it at all, particularly since these two people who are actively involved in the Conservation Commission for the village has requested it several times. Recognizing that the end of October is not optimal, I would urge the applicant to go ahead and do it. My comments on infrastructure and utilities echo what Anthony's comments are, so I will turn it over to him.

Anthony Oliveri: You pointed out on the graphics for the height were a couple of errors. Also on the calculations for the average grade, and at the staff meeting basically we were told that the height of 51 feet was going to remain. That was the gable height. If the Mansard is the defining height, than it's going to be higher. That has to be discussed.

Ralph Vigliotti: How much higher above the 51 feet are you saying?

Anthony Oliveri: The Mansard was 56 feet, but it's based on a graphic. I might be wrong. That has to be looked at and corrected. We commented on the utilities. We felt that in general there wasn't enough discussion as far as answering our fundamental questions. In terms of the water, we agreed basically in a global sense that the project was not going to exceed the safe yield for the village, but we felt there was no discussion on whether the main was going to be public or private, stored where or how, how the storage was going to be addressed. There was mention of using a swimming pool for one day storage, but it was never really addressed cohesively to answer our questions. The sewer, in a similar manner. We agreed that the pump station has capacity to handle the increase flow, but again we asked for a little further discussion on the downstream sewer capacities. The analysis kind of ended at the sewer main in front of the project. In relation to the sewer, they mentioned in the FDEIS that they would contribute to inflow and infiltration (I & I) and we discussed putting some kind of a number on that as far as maybe a multiple of the sewage load that the project is putting on the system. That should be discussed. In terms of storm water, similarly we agreed that a lot of the technical issues be addressed in the site plan phase of this, but some of the fundamental questions as far as the type of practices to be used. There was mention of a meeting with DEP and changes to practices, which wasn't discussed at all. We need that to be discussed. While we know we're not going to get to the DEP review for this, at this point we want to know if any changes have been discussed that are going to upset the site plan at this point.

Nanette Bourne: One other items concerning storm water and DEP. Andrea Ocineau is here to confirm this. There is an issue concerning the driveway and whether or not there is a dry stream or a wet stream. DEP went out in August and it was a very dry

time, and it wasn't necessarily representative of the characteristics of the stream. So, there is going to be an effort to go out to the site as soon as possible in the next week or two to properly characterize the stream. How DEP characterizes the stream depends on how their storm water plan is going to look.

Andrea Oncioiu: The reason we have not gone back is because it's been dry, just like everybody else knows. There is no point in going until we have rain. There is a wetland there; we saw water up top. It's probably not a water course, but we can't make that determination. It could be just an intermittent stream, and that would affect the way the driveway goes with impervious surfaces, keeping the limiting distance, etc. When we find a couple of days it rains, I will go out and take a look.

Stanley Bernstein: Basically, my overall impression is that this was not done too well. It was kind of sloughed over. I will not accept any answer saying, "Comment noted." I want a full discussion and I don't want to see that. Also, it's very self-serving. You give the impression that this is the way it is and this is the way it's going to be, even though you do mention, "at the discretion of the board." The board hasn't given you any discretion. For instance, changing the height from 37.5 feet to 51.5 feet. That is up to the discretion of the board, not up to the discretion of the applicant. Most of these questions were not fully discussed. One example would be "would the Planning Board be arbitrary and capricious in approving steep slopes permit for this and denying one similar to it for another applicant", and you wrote, "all projects must be reviewed on a case-by-case basis. The facts and circumstances surrounding the proposed project, which is the subject of FDEIS are unique for this proposed project, any future project, etc., etc." I want a legal opinion. I want you to tell me that, I have another example of another applicant who has almost an identical roadway, which I really don't want to approve. It's a disaster; just as yours is a disaster. An ecological disaster. Now, if I approve yours and I don't approve his, he'll have us in court in a New York minute. If we approved his and didn't approve yours, you'd have us in court in a New York minute. Is that true?

Mark Miller: I think it's fair to say we believe that our answer was correct; that each application has to be looked at, at its own merits. If you'd like more information...

Stanley Bernstein: I want a legal opinion. Either that, or I want assurance that if we deny a permit for another applicant and it does go to court, that you will defend the action, and it won't be on the shoulders of Mount Kisco. Mount Kisco doesn't need another lawsuit.

Mark Miller: I'm not counsel to the village. I will be happy to work with Whitney on that.

Stanley Bernstein: That is just one example, but basically the entire document is self-serving, incomplete and a waste of our time.

Nanette Bourne: How would you like to proceed with this?

Stanley Bernstein: Go back to the drawing board.

Nanette Bourne: The applicant needs to have a collection of everybody's comments, and the comments made by Anthony and myself are the beginning of the completeness comments, but do you want to add to the list?

Stanley Bernstein: I'd have to put them in writing. I have 20 of them.

Nanette Bourne: Maybe you can e-mail to me and I can add them to the list for the next meeting?

Stanley Bernstein: That would be fine.

Doug Hertz: I'm going to have to do the same.

Joseph Morreale: I want to make a different sort of comment, and I too will get the written comments in. What I'm troubled by doesn't make any difference. This is listed as the Preliminary Final Environmental Statement, which was supposed to respond to a whole series of things. If you listened to the comments already made, there were so many things that were either ignored or not addressed, I'm sort of saying to myself, what would be the point of me adding to the list now? They are not being addressed. I'd

like some kind of response. These items are so significant. Why weren't they addressed?

Mark Miller: Obviously this is not dissimilar to the process that we use with the DEIS, as you know. With the DEIS we were comparing what we had prepared with the scoping outline, and we went through a series of comments from your board before you were willing to accept the DEIS is complete to make sure we had adequately addressed all of the items in the scope; similarly with the FEIS. We have an extremely professional team. Saccardi and Schiff is probably the top planning firm. These were their and the remainder of the teams responses to the various comments. Candidly, in my opinion, and obviously you can see Nanette and Tony's opinion as well, I think this level of comment on the initial draft FEIS is not atypical. I've never been involved in a circumstance where we submitted a preliminary FEIS and the municipality said, "This is perfect." It doesn't happen. These types of comments are fairly standard. We know, based on the meeting we had this afternoon and what we've heard tonight, we certainly appreciate everybody taking the time to make these comments so that we can know, just as we did with the DEIS, exactly what all your issues are, go back, revise the document and resubmit it so that we have covered everything. You may have a comment that hasn't been covered, and so if we come back to you with a revised draft and you look at it and say you didn't do comment so and so, then we're just perpetuating the process. If we have everybody's comments, we can address them more adequately. We understand some of the issues obviously that are of concern to you and we will flush out the discussion of those issues in the FEIS. Having all the comments does enable us to make it easier ultimately for everybody to come up with a document that you're willing to accept.

Vice Chairman Sturniolo: While I hear you and agree with you on some of you points, I strongly disagree on some of the basic issues such as the height of the building, what the retaining walls are going to look like. These are a lot of comments that we have been discussing over and over and over again in the past, that I would assume would have been in this document. Some of the basic intrinsic quality or comments of this project; the wall, the massive loop road, the sizing of the detention basins, storm water management and treatment; these are not new things tonight. These are things that have been out there that we've been looking for, for a long time. Patrick, I believe they are missing in this document tonight.

Joseph Morreale: The way you describe it is sort of like a draft Environmental Impact Statement because it really doesn't address the issues that were raised. Even a preliminary final impact statement is one that tries to address many of the things that have come up already, and then we might add a few other things. But we're starting from ground zero here. That's what it feels like.

Mark Miller: I would respectfully disagree. I would think what we had just as when you were reviewing the DEIS and comparing it to whether we had adequately addressed all the issues raised in the scoping document, similarly, there is no question, we heard the comments from the public and from this board during the DEIS process and that's what we're responding to. To the extent, we need to give you more information about particular topics. We've gotten that message loud and clear both this morning and tonight. We will do that, and I apologize on behalf of the team if you feel that there were some significant matters that were not fully discussed. That said, ultimately our responses to the comments have to reflect the ultimate reality, and we may not have done that adequately from your perspective. Obviously we didn't in this initial draft. On the height issue for example, we need to give you, clearly, more information. We believe we are sort of at where we're going to be so we can give you significantly more information about how we got where we are, and what the actual height is; whether it's the mansard or the gable, but ultimately they are answers that are reflective of the project as we're proposing it. Your board as Lead Agency ultimately has to take and decide what to do with that. I can tell you with respect to the height and building length, we have made submission to the Village Board as indicated throughout the process.

Doug Hertz: There needs to be a discussion that's complete as to how you got there, what the obstacles were, what the concerns were of the public and the board so that when a member of the public goes in to village hall and picks this up, they can understand, without having been at 50 meetings, how we got from day one to today.

Mark Miller: We agree and we will do that.

Ralph Vigliotti: We've spent about two years with you on this project. "Along the way" every single board member here has made recommendations that were second or third, via the board members and had said it would be addressed "along the way." We're at the end. Those items were not really addressed. You need to have someone go back into archives of the last two years of minutes to see what was said by this board, what was said in public hearings. All the comments Nanette made tonight in her piece have been said all along and you still haven't addressed them. I would like to see this back on the agenda in the same exact form as it is now, Review of DEIS for completion. I don't think we should move any further but to put it back on the agenda.

Mark Miller: It is our intent, now having received comments from your staff, and we understand will receive additional comments from the board. That is precisely what we'll be back for.

Ralph Vigliotti: I don't think you'll be ready in two weeks.

Mark Miller: I don't know how long it's going to take us to respond to that. That is up to us, but that is precisely the posture we would anticipate. Being back on the agenda, just as we did with the DEIS. We went through several rounds of that.

Ralph Vigliotti: We keep going through several rounds of everything, and we never really get to the end. We're talking 56 feet versus 51 versus 36, the roadway going up, the height of the retaining walls, the steep slopes, and the movement of storm water off the property. All of these things have not been resolved yet, and we're at this point. I don't think we are any closer than we were four, six months ago. You have dug your feet in as a team and you keep rejecting what we put up before you as a board for recommendations. You're fixed on the size, length, height, and roadway. I don't think you've made any major concessions that will have a positive impact on this village. I have not seen anything yet.

Vice Chairman Sturniolo: Patrick, you have a clear sense of how that needs to be revised?

Mark Miller: And we anticipate getting comments from Nanette from the other board members.

Vice Chairman Sturniolo: Besides the new comments, the meat and potatoes of this whole issue and it goes back two years, and in our opinion we don't see it addressed. Joseph Morreale: The concept is addressing, because I think we are not agreeing. If I hear you right, what you're saying is, okay we'll address them. So if you think it's 51 feet, it's 51 feet, that's it, and we'll tell you why. I think what we're saying is, we've questioned the 51 feet and we would like both a combination of a response that might suggest a different height, to come to some middle ground between where we are to where you are, and not simply a restatement that it's 51 feet.

Mark Miller: I absolutely understand your point. Understand that we're constrained by what we think we can do. Ultimately, we believe we will present you with an FDIS that gives you the most information we can. You are the Lead Agency. You have the ultimate power to determine whether or not this project as proposed meets the standards of SEQR and would enable you to issue a set of positive findings.

Vice Chairman Sturniolo: And the responsibility.

Mark Miller: Absolutely. Our responsibility is to give you all of the information for the project that we propose to the extent that we can ameliorate and mitigate some of those concerns. We think we have, and we will continue to try to do so to the extent we can.

Joseph Morreale: If we're in a process where we're trying to come together to agree to do this project, there has to be giving both ways. I think what we're feeling is there hasn't been. We keep saying things, and there isn't any give on the other side. So, how can you come to a resolution of that if there isn't the corresponding compromising that needs to be done?

Mark Miller: I understand, and I think what we need to do a better job of doing is explaining how we got to where we are, why we're here, and to the extent that we feel able to make some additional modifications, and explain to you as clearly as we can why we think that we have to draw the line on whatever it might be. All we can do is put all our cards on the table, fully explained in the FDEIS and try and come as close as we

can, obviously to something that we all think is beneficial to the village and then ultimately is your decision. If we're going to say this is it, whatever that "it" might be, as to anyone of the issues, you're entitled to know how we got there, why we think so and why we can't go any further.

Vice Chairman Sturniolo: One last thought, Patrick, please get a hold of the past minutes from Nancy, review them and you'll get the full sense of where we've been from day one. Thank you both.

Mark Miller: Thank you.

As there was no further business, on a motion by Mr. Hertz seconded by Mr. Vigliotti the meeting adjourned at midnight.

Respectfully submitted,

Stanley Bernstein
Board Secretary

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