

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, November 6, 2008

Meeting called to order at 7:45 P.M. at the Municipal Building Mount Kisco, New York.

Members Present:

**Vice Chairman Anthony Sturniolo
Doug Hertz
Stanley Bernstein
Joseph Morreale**

Members Absent:

**Chairman Joseph Cosentino
Sol Gibbons
Ralph Vigliotti**

Staff Present:

**Nanette Bourne
Anthony Oliveri
Whitney Singleton**

Vice Chairman Sturniolo: Thank you everyone and welcome to the Village of Mount Kisco Planning Board Meeting for November 6, 2008. The first item on our agenda will be Mr. Gmelin of the Conservation Advisory Council.

SPECIAL DISCUSSION

**James Gmelin
Conservation Advisory Council**

**Present: Mr. Gmelin
Robert Liebman
Alison Bisbano, Conservation Advisory Council
Bill Bobenhausen, President, Sustainable Design
Collaborative, LLC
Erik Kaeyer, AIA, Vice President, Kaeyer, Garment &
Davidson, Architects, PC
Steven Abbattista, P.E., LEED AP, Vice President,
O'Dea, Lynch, Abbattista, Consulting Engineers**

James Gmelin: One year ago, Ms. Patricia Lee came before you, and I reviewed those minutes. At that time, the Chairman had suggested you follow up on our suggestions, which we had made last year. In reading through the minutes, I would like to comment on a few things. We have Mr. Bobenhausen, who is an architect with a sustainability organization. That is a very topical word now, "sustainability." Frankly, I am at a loss to understand exactly what it means, so like all good lawyers I went back and looked it up. "To sustain, to keep in existence, keep up, maintain or prolong; to bear up against, endure, withstand." How does that affect what we are doing? The way I look at it is we are really attempting to sustain what we have. The lifestyle and our lives in particular: safety wise, pollution wise, and a quality of life. That quality of life is being upset by issues such as global warming, pollution and things of that nature. It is related to what we want to present to you tonight, and how you get involved. The last time we were here Mr. Hertz stated, "If the CAC and then the Planning Board feels there are intelligent energy policies that can be put into place, whether it's energy policies related to green building technologies, it's going to be up to the village board, really, to enact it all out, or the Planning Board or CAC to be able to create the framework in which we can make those things happen." Couldn't be better said. For example, one of the things Mr. Hertz said, "As one board member I would like additional input, input from our planner and their professionals as to what can be accomplished, and partly it's another set of eyes to look at any project and say this technology might be intelligently applied here. We can create some savings here and sort some of this locally. The other would be to help suggest a series of policies that would have to be put forward to the village board, because, as you know, we go to the village board, make recommendations, and they say they want to refer it back to the Planning Board. We are here to try to work together with you. On the issue of sustainability, I think the gentlemen who will follow me will say where we are going with this. I saw a new term quoted in the newspaper the other day - sustainable capitalism. Now, the greens have gotten a bad name, because they are a bunch of tree huggers, people that are just out for saving nature and forgetting about the economics of it. That is not the case anymore. We are realizing that it's wise and smart to go green. You can't pick up the Wall Street Journal any day without an

article about going green. If we are met with opposition because it is expensive, and I'm saying this in mind of the fact that we're in a tough economic time, it's going to be harder to sell this right now. I'm assuming we're going to get through this in good shape in encouraging the wise use of green building technology is the way for all of us to go. When we were here a year ago, we got involved in talking about pesticides and things of that nature. We would like really not to discuss that tonight. I want to go mainly towards energy efficiency in buildings. The Town of Bedford just came out with a pamphlet, Winter Energy Saving Toolkit. These are the kind of things the Conservation Advisory Council is going to be working on. Hopefully, we can get the county to kick in some money to have us be able to distribute one of these. Every resident in Bedford is getting one of these energy tool kits with information on how to save energy in their homes, and where to go to get help professionally. Where I'd like to go tonight with this is explain some of our recommendations to you, as to how we can turn this town into an energy efficient town with respect to houses and development. I know we don't have a lot of developable land in Mount Kisco right now, but we do have existing buildings, buildings that get renovated, and we would like to make those buildings operate more efficiently. One of the ways that it can be done is by a plan. One of the things that are in your packets is called "Global Green." I would suggest you read it. It's a very simple, easy to understand plan of attack if you will. When we met with you a year ago, I believe Ms. Bourne mentioned ICKLEI, which to bring you up to date is a sustainability organization that helps towns on issues such as greenhouse gas emissions and gives us recommendations on how to implement a plan. We joined ICKLEI, and I fortunately was able to go to Pace University, and I have four or five some interns who are volunteering their time helping us do an inventory of all the greenhouse gas emissions here. This is not costing the village any money to gather all this information and it can be a costly procedure. We've met for the last three weeks, going through all the invoices, therms that were used and kilowatts that were used. Once we determine that, (we picked a base year of June 1, 2006 to May 31, 2007) we have the energy that is being used for that year, we can pick a year, probably ten years subsequent to that and say, by that year, we're going to have energy reduced by 10, 15, 20%. This is very time consuming initially, coming up with that inventory. I think we've made great strides already in where we are. We are ready to start putting that into action. Now, we are addressing strictly as far as the municipality is concerned, and then we're going to do it on a community level too, to find out how much energy is being used in this town and how we can save that by all kinds of different ways; whether it's hybrid, burning CFL's or LED lights or any number of recommendations that we can make. Those are the things we're doing. In my short experience in dealing with these issues and being involved in some town issues is that you have different groups. They all want the ultimate goal of what we're looking for, to reduce the use of energy. But each group is going about it maybe a different way. There is not that great communication between the two, just because that's the nature of the game. This plan that we would hopefully employ would get everybody involved. For example, I'm meeting with the Building Department on the 20th of this month to talk to the Building Inspector and the members of his staff and tell them what we plan to do and our goals. Hopefully, we'll meet with the Department of Public Works also and some other staff people, so that when we start employing this, we have everybody working together. This is a very important concept. Without anything further, I'd like to turn it over to Allison Bisbano who prepared that second packet that you received today. She will talk about green building and energy efficiency.

Alison Bisbano: The Conservation Advisory Council has prepared a handout for the Planning Board called Codes and Criteria for Green Building. The purpose of the handout is to help advise the board on how to update local legislation to ensure that all new and existing development in the village is sustainable building. There are many areas of sustainable development that can be addressed. We as a council recommend that the village begin their focus on green building with new residential construction and commercial development shall follow. We are discussing green building this evening because we have added this topic as an appendix to the Westchester Action Plan. The long-term goal of the Westchester Action Plan is to reduce greenhouse gas levels by 80% by the year 2050. Since buildings produce a larger percentage of greenhouse gases by consuming a large percentage of the energy, the CAC added the green building appendix. The way to achieve the reduction in greenhouse gas emission goal is to start making buildings energy efficient. The Conservation Advisory Council feels that energy efficiency is the top priority, and we recommend that the building code be updated to include the 2009 International Energy Conservation Code and the EPA's Energy Star criteria. There is an architecture 2030 mission to have all new buildings be carbon neutral by 2030. Since 2006, numerous groups are working towards this goal, including the U.S. Conference of Mayors, the U.S. Green Building Council, American Institute of Architects and the Environmental Protection Agency. We recommend that the development be 30% more energy efficient above the baseline code. The International Energy Conservation Code (IECC) currently used in the village is what New York State

uses, which is the 2003 IECC. There will be an update of the IECC in 2009, and the council recommends that the village adopt it regardless of whether New York State adopts the 2009 version. It is a historic increase of roughly 15% more energy efficient than the baseline code. Energy Star has guidelines that will enable new development to be 30% more energy efficient than the baseline code if it were incorporated into legislation. Overall, we think that in order to meet the 2030 carbon neutral goal for all building that buildings need to be 30% more energy efficient. Now we can start to touch on the technical aspects of what makes a building green, which you may already know. The United States Green Building Council writes that a green building is an integrated design. This means that all the different systems of a building including the building envelope, the mechanical system and the lighting system work together to optimize energy use for each outdoor climate. For example, if you have a curtain wall system, (which is an all glass building) and it's sunny out, you'll need a large amount of energy to air condition the building, and little or no energy to light the building. Whereas, if you have a building with a masonry exterior wall system, during the summer you wouldn't need as much air conditioning as you did in the glass building, however you would need more lighting. In other words, building designers need to plan for changes in the outdoor climate and control the mechanical and lighting systems accordingly. The idea is balance and optimization. I believe achieving indoor comfort takes a great deal of analysis for modern buildings, in that buildings built in the early 1900's or before are naturally comfortable indoors. It's important to be aware of the climate in which we live, and incorporate the seasonal changes into building design. For example, in our winter climate, the change in temperature that occurs when a day turns to night makes the coldest outdoor temperature occur around 3 A.M., thus affecting the temperature inside the building. In our summer climate, the change in temperature that occurs when morning turns into the afternoon makes the warmest outdoor temperature occur around 2 P.M. thus affecting the temperature and relative humidity inside the building. Ways we can make buildings more energy efficient would be to install quality insulation and check the openings around the doors and the windows, that there are no leaks in the exterior walls. Checking the connections between the roof system and the wall system, making sure that area is insulated. That would take a team of inspectors to be knowledgeable in the process of insulation. Having windows with the glass part efficient with Argon glass in between the two panes, making sure that the ducts of the mechanical systems have no leaks, maybe using an on-demand water heater product, installing occupancy sensors for lighting, installing light sensors at the windows for mechanical blinds, harness on-site renewable energy, decrease the amount of energy required to change the temperature by having, for example, piping for the heating and cooling systems run below the frost line in the ground. I tried to touch on energy efficiency for a building in regards to their insulation and energy systems. I have prepared you a handout, which you all have.

Stanley Bernstein: You started out with residential and then kind of segued into the commercial. The energy system applies to all building. The modern high-rise office buildings today are going very strongly in that direction. This has been happening for many years now, where the heat load was taken into consideration and the amount of air put in on different segments of the building is contingent upon what time of day and the sun load on the windows. They've been doing that for a long time. I think the concentration should be more residential where a lot goes buy and doesn't work efficiently. I think perhaps it should be divided into commercial and residential because there are different aspects to both of them. They both require what you're saying.

Doug Hertz: Just as a practical note for this board specifically, I know what impacts us are small commercial buildings here. There are a handful of residential lots left, so most of the residential building that is happening is renovation work. I completely agree with a lot of your statements, and a lot of that is already mandated by the code. Certainly tightening up, literally, the holes in how these things work. The biggest things we are going to see in Mount Kisco are renovations of existing buildings. The building stock is old and there is constant renovation work being done. There are just not that many new houses being built because of how developed the town is already. I think for us, the biggest impact that we are going to have as a board is to come up with a very good set of guidelines that we can use on commercial buildings to pick the low hanging fruit from what we can ultimately help you support and ask the village board where we can get the best gains without overburdening people who are going to be building commercial buildings. This village has lots of old building technology, lack of insulation, single glazed glass, on and on. The homeowner or building owner may need some incentives to make that happen because these are high-ticket items when you add them all up.

Alison Bisbano: I agree. The incentives may come from the state or the federal government to encourage developers to do the renovation.
Thank you.

James Gmelin: I would like to have Eric Kaeyer make a presentation.

Robert Liebman: I have a handout that should have been in the packet. I did it a little late, so I didn't get it in. It's a law from Babylon, Long Island, which covers Energy Star and LEED. The Greenburgh law is about one line, and the Babylon law is quite long. It covers both Energy Star and LEED, and it's a good model.

Erik Kaeyer: I'm Erik Kaeyer from K G & D Architect's right here in town, our firm is a member of the U.S. Green Building Council, and I am the LEED accredited professional. I think this is terrific that you're having this discussion. Three plus years ago this would never have occurred. There were years there where we were trying to push sustainable design and green design and nobody was listening.

Stanley Bernstein: I was.

Erik Kaeyer: You weren't my client.

Stanley Bernstein: I remember we were talking about BMW.

Erik Kaeyer: And we're still talking about it.

Stanley Bernstein: That site never did what you thought they might have done.

Erik Kaeyer: And, that's a challenging site to be green.

Stanley Bernstein: It's a challenging site to build on.

Erik Kaeyer: No doubt. We can have a long discussion on that. But I think it's great that we're having this discussion because we've seen in the last two or three years, instead of us trying to push this on our clients, our clients are actually, proactively contacting us and saying what can we do to be more energy efficient? What can we do to be greener? It's very encouraging. It's not just the professionals now; it's the entire community. I want to take this from a slightly different perspective. What can design professionals do to help and what can you as boards do to help in terms of making our built environment more sustainable. We categorize our projects into three different sustainable processes. One is the old-fashioned way; we do as much as we can that's green without any sort of accreditation or going through any agencies. We may do a geothermal system, or use low flow fixtures, etc. We do everything we possibly can do within our budget, but we don't necessarily submit anything to the U.S. Green Building Council. That's been done for years. We're doing a project right now for the White Plains School District, which has geothermal, solar thermal, green roofs, day lighting, low flow fixtures, etc., and that building will never have a plaque on it that says this is a certified LEED silver, gold, platinum building. The second process is to go to through the U.S. Green Building Council and apply for a LEED project and go through that process. It's lengthy, there is paperwork involved and obviously, a cost associated with it. Some projects definitely warrant that, and others don't necessarily. Then we're seeing processes somewhere halfway in between. Westchester County for example and SUNY University Fund asked applicants to follow the LEED guidelines checklist, and in the process of following that checklist you obviously go through the five major points of sustainability, (Mr. Kaeyer than distributed a handout to the board members) but it forces the design professionals and clients to think about their building inside and out, and how to do things that would make for a better built environment. On top of that, what this handout also has; if you read through the first couple of pages, you'll recognize the application as being one that will be submitted here sometime in the not too distant future, without the name being associated with it. Taking that LEED checklist and then also doing a written description, again forcing the applicant to seriously think about what they're doing that is sustainable and green and documenting that so that ultimately, if not all at least most of that information and sustainable guidelines and context gets implemented into the project. In terms of what design professionals can do, we see our role as an educator to our clients and to the community. We want to discuss different strategies in terms of sustainable strategies, and we also want to advise them. Teach them what sustainability is and the full spectrum of what is possible and then advise them within their project, within the functions that they're trying to achieve and within the financial abilities that they have to figure out what would work best for them in their particular case. That, as a board, is something that you should also be looking at and hoping to educate and steer people without necessarily dictating what should be required. Cost is a big aspect of being green. If you are going to submit to the U.S. Green Building Council and go through the whole process, there is definitely cost associated with the process and the paperwork and commissioning, etc. What cost

money and what doesn't cost money in terms of being green? If you're going to get into the geothermal systems, the up-front cost is definitely there. It definitely cost more to put these systems in. You have to look at it in terms of a life cycle cost. If you're doing major projects, perhaps like the library in town, if you're doing geothermal systems that will pay for themselves over a cycle, because you're going to own these buildings for a significant period of time, you as an owner should seriously consider. However, there are up front costs and the payback is over a period of time. There is also plenty of green features that you can put into building that Alison talked about that do not have additional costs or have minimal additional costs; insulating buildings and low flow fixtures, fluorescent fixtures versus incandescent fixtures. All of this does not necessarily have significant increases to cost. As design professionals and town advisors, we should be talking about this in these meetings and hopefully advising in such a way that your buildings are greener without costing more green. With that, I will turn it over to Bill.

Bill Bobenhausen: Good evening. My name is Bill Bobenhausen. I am an architect. I am president of Sustainable Design Collaborative in Hastings-on-Hudson, and I have been an evolving environmental architect since I graduated in 1973, which is when we had the first world energy crisis. I was president of the Solar Energy Society in 1979 in New York, where I do a solar town meeting in Mount Kisco and many other places here in Westchester. I am an educator, and a consultant. Since 1980 I've taught at City College, Pratt Institute and NGIT, where I've developed a master's program in sustainable design. I am an author of several books; one I'm very proud of called *American Building: the Environmental Forces That Shape It*, and the reason I want to talk about this is because this book was originally written by James Marston Fitch. It is an architectural classic written in 1947. At that time he had said architects don't know or care about the environment. The second edition came out in 1972 and he said the same thing. The third edition he and I wrote in 1999, and we say that a lot of architects do know and care a lot about the environment. It was the hardest thing I ever did, writing this book with him when he was 90 years old. In any case, what is LEED? I know that you have some idea what it's about. It's a rating system; it's broken into five major categories being sustainable sites, water efficiency, energy and atmosphere, materials and resources and indoor environmental quality. In each of those categories there are credits. There also are pre-requisites that have to be met in several of those categories, and there are credits in those categories that you have an opportunity to meet and gain points. Some of them, as we have heard, are relatively easy to meet, like are they near bus stops and trains and things like that, others are much more demanding, like involving cost. It's a mix. It's a much easier standard to meet now than it was ten years ago when it came out because the industry has changed a lot. The products have come along. The costs have come down. It's a maturing industry. There are different levels of LEED ratings. The lowest level is certified, above that is silver, above that is gold and then there is platinum. You can get points and work your way up. Recently I went before the Westchester County Board of Legislators. They were asking similar questions as you are. Even there, on a bigger scale they said they don't build very many new buildings: "We do renovations". This version of LEED, for new construction and major renovations, is for just that. What is a major renovation? It has a lot of elements. So you can accumulate a lot of points in different categories, such as parking points, landscaping points, etc. One thing I said to them in addition to talking about making provisions for the new buildings that do come along once in awhile was to have a procedure to evaluate all the renovations that come along for the sustainable features that are applicable, not for the purpose of making those buildings rated, but to just make sure they are doing what they can do. In other words out of the 35 credits (which lead to 69 points), there might be a major renovation in town that has a chance to be evaluated for 12 credits. Not enough to get rated officially, but at the same time, as you're planning this building you can ask, can this building utilize daylight? Should this building be designed with indoor air quality in mind as a major theme or not? With some building types the answer is clearly yes, (if it's a health facility) others; if it's a maintenance garage, you might be putting too many resources in the wrong place. To go down a checklist that basically asks, do these credits, that are within LEED make sense for this particular renovation without any necessary thought that you're going to have enough critical mass to get to a real LEED rating. This is something they thought was a very good idea, and not feel that just because they're building a renovation that they have to get the plaque. If they have a steel frame in the building, it will be recycled steel. It's very simple. Literally 100% of steel is recycled these days, if you ask for it. It takes almost nothing to do and doesn't cost any more. If you don't ask for it, you won't necessarily get it. I'm always hesitant to talk about cost because it depends very much on building type. It also depends on which credits you are using. You could get 30 credits and get a certified building, and if 30 credits include photovoltaics and a geothermal system, etc., it's going to be an expensive 30 credits. Or you could get 30 credits without any of those systems and it can be a very affordable

30 credits. To say it's going to be a certain percentage more without having that caveat in play is not a good thing to say, but of course it's said quite often. Having said that, certified buildings are from 0-2% construction cost increase. There is a little bit of soft cost involved for commissioning, for the services of doing the LEED work and things like that. Silver; maybe 1 to 3% typically. Gold; maybe 3 to 5%. Platinum; maybe 5 to 10% of construction costs. But here with Platinum you're probably making heavy investments on the energy side, so your energy reductions are down maybe 50, 60% or more, so the life cycle projection on that building is going to be a very good one. If you're looking at a building long term, you can't just look at the initial cost. Lastly, it's the process. We just started the first phase of a Ronald McDonald house for Westchester Medical Center. We have a charette where we get the architect, engineer, and owner involved, and I take them through all the credits and we talk about each credit, the pros and cons of the credit, what it costs and all the minutia of the credits. We work our way through that by identifying for each credit, if it's targeted, if it seems like it's something that everybody agrees on or it's possible, some people have to work on it a little bit more, or it's not applicable because it just doesn't apply to that building type or that site or budget. We then come back and have a second charette where we present where we are at that point, and bounce it off everybody again. After that meeting we should know what we're going after; certified, silver or gold. There is no magic. It's based on the type of building, the investment criteria of the owner, the size, and all the basic things of what's in the building. You are not a bad person if you don't get a gold LEED rating. Sometimes it might just not be in the cards. I came here hoping to answer any questions after Steve presents his thoughts.

Vice Chairman Sturniolo: When you talk about silver certification; one to three percent cost, is that applicable to any location in the country?

Bill Bobenhausen: The New York area.

Vice Chairman Sturniolo: And, if you were addressing a group of people in San Diego, what would those numbers be?

Bill Bobenhausen: I don't know. I'd have to do some projects in San Diego first.

Joseph Morreale: I've been listening intently, and I'm of course very positive towards green and LEED, but there are a few things that come to mind. You don't talk about payback, and what is the incentive for the LEED program; for the people who do this? Why should they bother, aside from being good citizens?

Bill Bobenhausen: I wanted to leave the payback issue for Steve, because the items that mostly have an economic payback within LEED are the energy items. You invest dollars and you get dollars back in terms of fuel savings. You don't get dollars back in terms of recycled materials. You do something good, but you don't get dollars back that are nearly as direct. One aspect of LEED that people have to come to grips with is that the economics are different for different credits and different categories. What's in it for the owner? What came before LEED in England was a rating system that is still very much there known as BREEAM, which was developed primarily to rate existing office buildings, and the whole idea was to rate it environmentally so that they could establish what the rents should be. They are pretty big over there that the better environmental space you have, the higher the rent. That is a big part of what LEED is also in terms of the quality of the space that you have; that it has marketability. I'm finding that in some of our work right now. We have a project that is now teetering between silver and gold, and they can invest in a couple of credits and get gold out of it, and I'm arguing that the gold really has a better market value and it's worth the investment at this point. They don't think it's worth anything and the debate is continuing. Although I am past president of the LEED Chapter in New York, I am not a LEED guru. I started doing this before LEED came along. I just want to do good buildings. You don't have to have the LEED credits to do good day lighting and good indoor air quality; but there is a marketability to it, and that's one reason you have it, and productivity is espoused quite a bit within LEED; that day lighting and good indoor air quality makes people more productive which results in less absenteeism, and that all makes for a better workplace and happier situation.

Doug Hertz: Is there data to support any of that?

Steven Abbattista: There have been studies done by different organizations. Capital E is one that has been funded for several that show the paybacks. Take into account not only the easy economics of the energy savings, but go a step further and try and quantify the reduced absenteeism into real production dollars and different types of things, and relay that back to overall efficiency of an organization of a company that

builds their own LEED building, and what can they expect to see in increase in productivity and thus profitability.

Doug Hertz: I think that kind of information, and not necessarily as a hand out, but if you could provide access to what those studies are and where the information was gathered.

Steven Abbattista: We can certainly do that.

Erik Kaeyer: They have that with educational facilities as well.

Steven Abbattista: Increased test scores with day lighting.

Doug Hertz: I'd like to make a comment to Jim. This is all wonderful, but as part of our sustainable whatever, we get inundated with paper. I know you want to hand out booklets to everyone, but for me personally, having moved into the electronic world, I am dealing with companies these days that will not hand out promotional material anymore. Their commitment to green is not to hand out paper.

Stanley Bernstein: I still want the paper.

Vice Chairman Sturniolo: Doug is right, the simpler we can make it electronically the better we all are.

Joseph Morreale: In talking about individual projects, we know about externalities and how you can get efficiency if you look at a broader spectrum. That's what we do as a board; we oversee the village in terms of planning. The question is, do you transcend the individual projects to the broader view and try to maybe suggest that it might be better to do a whole block instead of individual units.

Bill Bobenhausen: There is a new version of LEED. They have expanded into different versions. Commercial interiors, schools, and neighborhood development (ND), and that's what you're talking about. If there were some neighborhood development that would take place that would be the version of LEED they would be looking at.

Steven Abbattista: If you had a 40 acre tract that a developer wanted to develop into 80 new homes that is something he would look at. It goes through not only each individual building, but the infrastructure and the community as a whole.

Joseph Morreale: That probably doesn't happen very often, so we are going to have to deal with what we have. If we, as a village, wanted to reduce our energy use, somebody has to take the overview and say let's not just look at each individual building but what are the externalities we could get if we design something new or different. Here is a hypothetical. Suppose we went to wind power for the village. That would be quite an incredible change in the way the whole village would operate in terms of its energy source. You won't get that viewpoint if it's solely individual. You might get it with solar collectors, but I'm not even sure of that. So the question is do we take the broader view at some point? That's what I'm asking you guys, you're the experts.

Bill Bobenhausen: What you're asking about is a little different than the development of a building.

Joseph Morreale: Of course, but you're also talking about a 20% reduction in energy use in a decade. So, how do you do that? What is the most efficient way to do that?

Bill Bobenhausen: I would say you would change everybody's windows that don't have new windows.

Joseph Morreale: Okay, so you might start a program of window upgrading?

Doug Hertz: I think we can look at renovation polices and incentives just as there have been in various times incentives for low flow toilets. The village could put in a plan to say switch out to low flow toilets, show us your receipt and we'll give you whatever; "incentivize" those sorts of things.

Steven Abbattista: I'm Steven Abbattista. I have a firm in Hawthorne. We are mechanical electrical engineers. We either do the mechanical electrical design on buildings, or we are the energy consultant to clients, whether they are private or public. Eric is one of our clients. We work with Bill a lot as an energy consultant in concert with his sustainable design consulting. One of our clients is NYSERDA (New York State

Energy Research and Development Authority). We are technical advisors for two of their programs. One is the Flex-Tech Program, which is for commercial buildings. They cost-share energy audits, energy efficiency studies for existing buildings. They pay 50% of our fee to go through a building and find energy conservation measures and calculate the paybacks and investments required. Then they "incentivize" the implementation of that study through different programs. The other program we're involved with is the new construction program, which is commercial new construction, and for that they "incentivize" again on a cost-share basis sustainable design consulting, such as the services Bill provides, energy modeling of energy conservation features, basically doing life-cycle cost analyses through computer programs, weighing whether the investment in geothermal necessarily makes sense versus the most efficient standard units you might put in for HVAC. We do commissioning at that program also. At the end of construction we test all the systems and make sure they are operating as specified and delivering the energy and performance anticipated in the design. As a board I think you want to know what's out there to make it easy for people to have the quick reference. There are a lot of them out there. DOE (U.S. Department of Energy) just came out with something this week, which is a prescriptive way to be 50% more efficient than code. DOE has all kinds of programs regarding energy efficiency, and they even have some incentive programs. Their incentive programs are not as easy and well defined as NYSERDA's. They are more applications for efficient buildings. NYSERDA programs are all funded annually, so this time of year, money is spent and you have to reapply in January when they are re-commissioned with funds. Along the lines of solar, the tax credit just got renewed with no cap, which is a great thing. That is a federal tax credit. On the residential end, NYSERDA has a loan fund program where they buy back 5% of the interest on loans for energy enhancement projects. It could be replacing the windows on your house, photovoltaic on your house, changing the boiler. Anything with a calculated savings that meets their certain minimum criteria. You can apply for a loan to any of the banks that are left out there. Most of them are on their list, and they'll buy back five percentage points. With prime where it's at, it's almost a zero interest ten-year loan to do that. There are definitely opportunities. There are a lot on the commercial side. They don't do a lot for residential customers, but that's where maybe the town would incentivize.

Bill Bobenhausen: When you talk about the residential; when there were renovations in an existing residence, and you had to get a new Certificate of Occupancy, that would be a good opportunity perhaps to do some kind of audit to the house and upgrade it. I don't know if that's the time to require new windows and insulation and so on, but you could somehow tie it into some kind of funding program because that's where the action is. All the houses out there that still have single glazing, that's where you're going to get the savings. That's the time to do it, when they are doing upgrades to the house anyway.

Steven Abbattista: You asked about payback. That's what we do in these studies. To give examples, some of the systems Eric talked about; a geothermal system, depending on the customer because it's all about who qualifies for what incentives. If you're a non-profit, you don't get the tax incentives. There are ways to get around that, some of the solar companies will install and own your solar system and lease it to you for the life of the system so that they can take advantage of the tax savings and pass it along to the customer. A typical payback we're seeing on a solar electric, photovoltaic system right now is from 10 to 13 years in the lower Hudson Valley. That would be crystalline panels on a roof at the right inclination. Another solar technology with a lot better payback, probably in the order of four to five years, is a solar thermal system. Solar hot water, where you would pre-heat your domestic hot water through running water through solar collectors on the roof rather than creating electric through it, and you pre-heat your hot water and store that. A lot of times you don't even have to run the boiler or the domestic water heater. Geothermal systems - we've calculated paybacks anywhere from six years to 14 years on geothermal systems of different types and different locales from Long Island through Dutchess County. The best "bang for your buck" is if I were building my new house from scratch would be to get the most efficient boiler you can get, a condensing boiler. Design the system in a way that allows it to condense. A condensing boiler works in that it takes the flue gasses that normally go up the stack, create a 300-degree chimney, uses that to preheat the return water coming back to the boiler, so that the flue gasses condense, they get so cold. In order to do that you have to have a low return water temperature (100-130 degrees) which most existing are not designed for. Most existing boilers break when they condense. In a new system, a condensing boiler with maybe a radiant floor system (radiant floors add about \$10 a square foot), whereas normal radiators are probably \$3 a square foot. There is a cost difference there, but that is about as efficient as you're going to look at with new home construction, coupled with really good windows and foam insulation. Payback on that kind of system is hard to break into components. You have radiant floor, condensing boiler, icynene. The icynene helps reduce the size of that boiler system, so that is part

of the payback on insulation. It's a calculatedly increase in cost; since we don't really do residential I haven't calculated it, since I'm not building my own house. I would say it's on the order of five to seven years, just on instinct, for that increase.

Stanley Bernstein: There are a couple of good technologies with a three to five year payback. For instance, the Rene hot water heater, which uses either natural gas or propane and only uses the gas to heat the water when it's called for, so there no storage, and it's unlimited hot water. They also make a heating boiler with the same technology, the Buderus, and the payback is very short. Payback is quicker and better on propane, because it's more expensive, but on natural gas it's still a good thing.

Doug Hertz: This is something I think we're just going to make recommendations on because this is the CAC's ball that is rolling. When I was out at the Solar Expo in San Diego, Berkeley has just passed some very interesting legislation that allows them to create a special taxing district for alternative energy projects. So if you, as a Berkeley homeowner, want to put photovoltaic on your roof, you can go to the village. The village is working with lenders because what's happening is; this basically becomes a tax lien if you don't pay. So they have more or less 100% compliance to their lenders. And what you can do is, if the photovoltaic has a 15-year payout or a 25-year life span, you can, within your special taxing district, have the payment spread out over those 25 years as at special tax put on your house only. It becomes a way to do "no money up front, pay this off." Ultimately what they're expecting is that the tax becomes less than what you are paying in say your utilities, etc. It's a great municipal way to create a program that does both things at once. It's a brilliant idea how to make these things work. I don't know if New York allows the same legislation, but that's the kind of policy the village board could put in place.

James Gmelin: I think Bedford looked into this, and they had issues with respect to taxes. They were not available to give someone a tax rebate or a tax incentive. However, waiving permit fees, speeding up the project, are incentives I think we could look at.

Bill Bobenhausen: One incentive that we've encountered is in New Brunswick, New Jersey. They passed legislation if you have a LEED multi-family housing project; they would give you a 10% density-zoning bonus, which means instead of 100 units you get 110 units.

Stanley Bernstein: Obviously we're talking basically about LEED and all it entails. Considering the carbon footprint, when a developer comes in with a 40-acre development of perhaps 80 homes, cutting down a forest; what does that do? Even if you have LEED buildings, what does that do to the carbon footprint? No matter how much LEED you put in, you're not getting back what was there. We have a few projects like that before us now.

James Gmelin: You have to address that right up front.

Stanley Bernstein: That's right. You have to say Mount Kisco has all the building that it deserves. There should be no more. There are only a couple of inches of land left, and it should be left in its pristine state the way it is.

Erik Kaeyer: This County is getting to the point where it's close to fully built up. New projects in a lot of cases are actually tear down, replacement projects, which are potentially green projects.

Doug Hertz: If you're looking to do the tax credits, for instance, on a not for profit, are there any available programs for the village to take advantage for its own energy usage?

Steven Abbattista: Do you happen to know, does the village buy power from NYPA (New York Power Authority) or Con Ed?

Doug Hertz: Con Ed.

Steven Abbattista: Most of the school districts we deal with buy their power from NYPA, just like they buy state contracted fuel oil. They get everything under state contract, they are better rates.

Whitney Singleton: We buy through state contracts. You may have been involved in this, but I know there is a not for profit recently done in Tarrytown that retrofitted its air conditioning system, and they got a big grant from NYSERDA.

Steven Abbattista: There are NYSERDA grants, and then there are tax credits from state and federal that are available for different projects. All NYSERDA incentive programs are funded through the System Benefit Charge, which is on every user's bill from every utility. NYPA and LIPA (Long Island Power Authority) customers are not eligible. NYPA has their own energy services company. They come in and change out all the lights and air conditioning in a building, and you pay them your utility bills for a set period. You don't have to pay for the project, but you get the end result of using the project and keeping it. A lot of government entities do it this way as they are more able to fund upgrades because they don't have to pass a bond and it comes out of the maintenance and operations budget, not the capital expenditure budget, so that works for them. The downside is the companies are doing it because they make a lot of money doing it. That being said, if you pay ConEd, you are eligible for any NYSERDA program, and you could set up Power Purchase Agreements.

James Gmelin: One of the benefits of being a member of IKLEI, which we just joined, is that a lot of these questions will be answered by them when we implement our plan and start moving forward. They will work with us and tell us the best way to go. We may not have the answers right now, but hopefully we'll get them from IKLEI.

Doug Hertz: Permanent energy savings is much more of an obvious investment for the village in whatever is being done.

James Gmelin: Thank you for letting us come back. We will work with you. Anytime you want further information and I hope you were educated tonight.

Vice Chairman Sturniolo: Thank you all for your presentation. It was extremely helpful for us, and we thank you for taking the time to come visit us tonight. You might want to look into Channel 12, because what you can do for Mount Kisco is obviously applicable to any municipality around.

James Gmelin: Good idea. Thank you.

Continuing Review:

**Oakwood Cemetery
304 Lexington Avenue
PB2008-23**

**Present: Howard C. "Rub" Kensing, Jr., President, Oakwood Cemetery
R. Barry Goewey, Architect**

Vice Chairman Sturniolo: I believe you made some modifications to the plan.

Howard Kensing: This is our second try at conceptual. We have a revised site plan, which accomplishes a lot of what some of your reservations were. Two things in particular was the location. That seemed to be the main concern to you folks. We moved the building approximate 50 feet north of the previous site. We did this at no small cost in burial plots, but we are trying to satisfy your objections and your concerns.

Vice Chairman Sturniolo: Meaning you took potential burial plots?

Howard Kensing: Yes, to shift the building. We also screened the proposed building from the nearest building, which is occupied by the Mount Kisco Volunteer Ambulance Corp. Strangely enough, we sold that property to the village for the construction of that building. Although they were exempt from site plan approval, nobody was coming to us worrying about where they stuck the building, which is very close (five feet) to our property line. Congestion was another problem that you folks were concerned about. In relocating the building, I believe we've made it more accessible from both the upper and lower level and we created some more parking spaces as well.

Vice Chairman Sturniolo: You went from how many spaces to how many?

Howard Kensing: I think we were over our parking need.

Art Goewey: The parking requirement is one space for a full time employee, and we have one employee. We've now provided nine spaces.

Vice Chairman Sturniolo: On the original drawing there were less than nine?

Art Goewey: On the original drawing we had seven. I added another one here, which we could take off. We do want to keep this tree here. It's a nice Norwegian spruce. I believe it's a little further over anyway.

Vice Chairman Sturniolo: The parking space you mentioned for the employee, is that person an employee of the cemetery?

Howard Kensing: It will be.

Vice Chairman Sturniolo: Not subcontracted out?

Howard Kensing: No.

Joseph Morreale: There is only one employee for the whole cemetery?

Howard Kensing: There will be an additional employee probably full or part time. We run the cemetery with one superintendent and field worker, and one-day laborer. We run the cemetery with two people on the payroll plus a part time bookkeeper. We would create either a part time or full time position with the operation of this crematorium.

Joseph Morreale: Right, so you'll have four people, so that's four parking spaces. You said that you only needed one parking space for one employee, and I'm thinking you can't have one employee to run this whole operation. If you have four employees, you're talking four parking spaces.

Howard Kensing: We have three employees, one who has a vehicle right now, one who doesn't drive at all and the additional one employee will probably have a car and the need for a parking space.

Joseph Morreale: And then you'll have visitors to the crematorium?

Howard Kensing: Very unlikely to have many visitors. We might have one, two at the maximum as I see it. And I've done some due diligence as it relates to the number of people attending a direct cremation like this. Usually it's just the funeral director himself who brings the cadaver to the facility and leaves.

Joseph Morreale: So you feel the nine parking spaces is what you need?

Howard Kensing: Absolutely.

Art Goewey: The parking is not an issue, because there is more than enough parking here.

Joseph Morreale: But one of the things we talked about was the flow of traffic and if this is going to be everyday or two, there could be lots of cars in the vicinity.

Howard Kensing: Not necessarily. Under what circumstances?

Joseph Morreale: Well, supposed you did four days a week.

Howard Kensing: This operation is basically a drop off, rather than any funeral procession or funeral activity. There is no religious service conducted at the site.

Joseph Morreale: Down the road, the way this is going, isn't a religious ceremony a possibility?

Art Goewey: Not with the event of a cremation, no.

Joseph Morreale: No, but it could be a meeting of two.

Art Goewey: That's done at the funeral home.

Joseph Morreale: This is strictly the cremation function?

Art Goewey: Yes. It's being the cadaver here, and then performing the task and then going to the funeral home. The interment may be here.

Joseph Morreale: But that would be no different than a burial then.

Art Goewey: Right.

Vice Chairman Sturniolo: It is obviously no secret that your website shows the proposed building with the outside crypts, etc. What is the relationship between those concepts down the road? The cremation and the amount of in ground burials you now do on an annual basis? Do you see one offsetting the other? Do you see one adding more traffic, eliminating more traffic from what you're currently experiencing?

Howard Kensing: We do not experience a lot of vehicular traffic in Oakwood Cemetery. We probably deal with about 85 interments a year, which is one and a half a week. From an economic standpoint, we have to increase that if we are going to be financially viable.

Whitney Singleton: Is interment a generic term for burial right now?

Howard Kensing: Interment, yes. Cremains are interred too, in some cases, either in the ground or a facility.

Whitney Singleton: Thank you, continue.

Howard Kensing: We probably do not operate at a break-even point. We haven't for years. It was mentioned here last meeting, fortunately or unfortunately we have a cell tower located on our property and the village didn't want to locate it on their property and it presented an opportunity for us. The income from that has helped us with our bottom line, helped us to run the cemetery. The income has allowed us to rebuild our roads, improve our trees, plant trees, cut down trees, put in deferred maintenance that has been lacking for years and years. Of course, we do this with our own budget. Not a lot of paid employees, a lot of volunteer help goes into this cemetery. Looking forward, we have a big track of land, and if it is going to be viable and it's going to at least operate in the black, we need future revenue sources. The logical way, in our opinion, is to expand our services where they are needed. Cremation is obviously an area that has come into it's own throughout the United States. The Superintendent of the State Division of Cemeteries is encouraging us and has been for years. Local funeral directors are encouraging us as well. Obviously it will enhance their business but it will enhance ours also and give us an opportunity to grow and maintain the viability of the cemetery. I don't want to drive this point home too far, but I hope you all are aware of the fact that if Oakwood Cemetery fails, the Village of Mount Kisco picks up the operation of it, and it would be no small cost.

Vice Chairman Sturniolo: Running cemeteries is not the primary function of village government, but it's an assumption they would be obligated to legally.

Howard Kensing: And it happens in New York State.

Vice Chairman Sturniolo: Ferncliff, that does cremations; how many do they do a year?

Howard Kensing: I suspect a load of them, upwards in the thousands. They are the only facility north of New York City, only one in Westchester County. It's operated on a full time basis, 24 hours a day.

Vice Chairman Sturniolo: Would your proposal be limited, in your business thinking, to certain hours within the day and certain days of the week?

Howard Kensing: I think it is something on a demand basis. We would operate it around the clock if we have the demand for it. The reality is that I don't think we will work that way. I don't think we will have that demand. We don't want to serve Westchester County and the southern part of New York State; we want to service northern Westchester and maybe southern Putnam. That's our geographic area, the area that we inter ground burials within, and that's where most of our plot holders are from. I called local funeral directors, not all, but a got a sense from them, based on the number of cremation cases they handle within a given year, five or six that I would consider primary directors in this area, probably produce 300 to 350 cremation cases a year. They said they would favor us with the services with our state of the art facility, which we intend to do. Based on 300 cases a year, a \$300 charge per cadaver, we're talking about \$90,000. Income like that, with our present operation would service a mortgage, which we would seek, pay a good portion of the operator's wages, and we're satisfied we can meet this financial cost of it. Maybe not in the first year, but ten years down the road it will be self-sufficient.

Vice Chairman Sturniolo: Is the \$300 regulated by the statute?

Howard Kensing: It is regulated by the New York State Division of Cemeteries. They don't tell you what you can and can't charge but there is a schedule of fees. To go a step further, obviously traffic is a concern. We do not necessarily want to impact traffic and building this crematorium, in my opinion is not going to impact traffic in Mount Kisco. Most of the cremations are direct delivery of a cadaver to the facility by the funeral director or his staff employee either in a hearse or a service car. The body is dropped off there, it's a process on a timely basis, and there is a same day service that you pay an additional charge for if somebody wants the service done as soon as they bring it in. For the most part, this will be someone coming to our facility, making a drop off and leaving within a short period of time. The only exception might be, occasionally you might have someone who might accompany the body, or you might have someone, because of religious faith, would want to view the cremation, and that of course would be done from a viewing room which is built in to our proposal. Interestingly enough, I queried the funeral directors on the number of individual cremains that are eventually interred. I was surprised to find out the small percentage that is actually interred in the ground, or in the columbarium. A lot of them rest on the mantels on people's homes, some are returned to the funeral directors where they sit for years and years. It's is not necessarily under our present arrangement without chapel would mean a lot of people are going to come to our cemetery. A lot of times cremations, when they are held, are sometimes weeks after the fact. You might have someone die in Florida. They may not want to come forward if it's winter. Under those circumstances it's the immediate family that would usually attend the funeral. The interesting fact about cremains is that they are not considered living matter in any form. It's not like a decaying body. It has no real living substance to it at all. Not that it is not an accepted way of taking care of a deceased. Emission was also a concern of yours. After talking to Matthews, the organization that is going to provide the equipment, Barry and I are satisfied that they can surpass the New York State DEC's requirements for emissions. It's an absolute necessity. We would not go into this project if they couldn't. It should be a condition of any approval, and I'm sure it will be, and we will fulfill it. The emissions from the two vents, which are now shown on our plan, are odorless, colorless and it's basically a clear vapor that is not visible other than perhaps the heat coming out of the vent. The particulate that would be emitted from any fire be it wood or whatever, is captured and an infinitesimal amount might get out into the atmosphere, but it's totally burned and totally combusted. The environment is of concern to all of us. We see no severe impact on the environment.

Vice Chairman Sturniolo: Would DEC see any?

Art Goewey: The DEC will actually review the engineered results of the emissions as well as the stack. The test will be made and submitted and approved by them, and have been in New York City. Getting back to the stack, there is nothing emitted from the stack, it's purely heat.

Doug Hertz: Is that heat recaptured and reused for anything?

Art Goewey: No.

Stanley Bernstein: DEP will be concerned about the impervious surface. Is this a Main Street area?

Howard Kensing: No. It's Lexington Avenue.

Stanley Bernstein: DEP has a designated area in Mount Kisco. It doesn't necessarily mean Main Street. The City of New York Water Supply and you're going to have to make a storm water pollution prevention plan because you're adding impervious surface, which you didn't have before, parking lot and building.

Howard Kensing: We have exceptional drainage. The stuff that we sold to the village to encapsulate the dump was all sand and gravel.

Art Goewey: The storm water pollution prevention plan is not a problem. There is more than enough area here for that kind of treatment of the water.

Vice Chairman Sturniolo: If in the future you found you needed additional parking than that, do you see areas where you can use?

Art Goewey: Right along the road.

Howard Kensing: We have area in here that is currently unoccupied. We could store additional vehicles there, also within our road system.

Vice Chairman Sturniolo: Besides the parking areas and the area that the structure would sit on, are there any other newly created impervious surfaces associated with a road leading into the proposed site from the main entrance?

Art Goewey: No. The existing pavement is this dotted line right here. This could be an impervious surface, this could be a grass paver, and that's encouraged so that it runs off naturally like it would down a bank.

Howard Kensing: It sucks up the water very well in that area, but that would be a good suggestion, and I have an idea we could do that.

Vice Chairman Sturniolo: I believe Nancy called you today, and the Planning Board would like to do a site visit on Saturday the 22nd at 9 am.

Howard Kensing: Yes.

Art Goewey: The height of this building is about what the height of our structure will be, three inches difference.

Howard Kensing: The footprint is a little bigger for our new building.

Art Goewey: The height of the building will be the same.

Vice Chairman Sturniolo: And you're going to do a little balloon thing?

Art Goewey: I don't know if it's necessary.

Howard Kensing: If we don't get a balloon thing, we'll get a couple of 1 x 2's.

Art Goewey: The building is more towards the hickory tree here. Right where this tree is the right hand corner of the building, and then it comes at us. This terrain here works naturally for this road to come down and use the back of it for equipment and the garage. This is for the caretaker.

Howard Kensing: This is also an opportunity for us to build a better facility for our equipment, particularly in the wintertime.

Art Goewey: The downstairs is here, and it comes around this way with three bays.

Joseph Morreale: How long will it take for construction?

Howard Kensing: I would think six to seven months. We put a deposit down on two torts, and we did that to secure a fixed price. Of course it's contingent upon getting the approvals. If we don't get the approvals, within a year's time, they will refund us our deposit.

Doug Hertz: So you're planning on putting both units in?

Howard Kensing: You need a redundancy. You need a back up.

Doug Hertz: So the one that says future is not for the future, it will be part of it.

Howard Kensing: Yes. As far as the approvals are concerned, and from a redundancy and back up situation it is almost essential, in my opinion. I believe Ferncliff operates with five or six units.

Doug Hertz: What if you are very successful and you start to see multiples of the kind of business that you're anticipating and you are drawing from a slightly larger area, and you can potentially be seeing 600, 900, 1200?

Howard Kensing: I honestly don't know. There is a capacity to this. You can do 12 per unit per day. That's 24 per day, which would be way passed our largest dream at this point. By nature of this, there is a capacity, which we would be pressed.

Doug Hertz: The capacity is there to do 8, 9,000?

Howard Kensing: I guess it's fair to say if you multiply 365 x 24. I don't anticipate that, nor do I really want that. I don't think the cemetery wants that.

Doug Hertz: Let's say even with the 300 you start with, let's talk about traffic for a moment. There are likely to be something close to two round trips per event. Initially

you're thinking about two additional car trips a day, which could ramp up to some multiple of that.

Howard Kensing: That's in and out of the superintendent's entrance, not the traffic signalized main entrance.

Joseph Morreale: When you talk about traffic flows, a funeral and burial carries a lot more traffic for each one of those. If this truly expanded, and I'm wondering actually if this is going to be something people are going to be much more inclined to do, this might turn out to be a traffic reducer. Every time somebody is cremated, it's one less interment. So that you don't have 10 or 12 cars coming in for a whole funeral. It's a different sort of thing for the traffic discussions we have.

Doug Hertz: Are you expecting fewer traditional funerals?

Howard Kensing: We have fewer traditional funerals now, because of the popularity of the cremation process. That's one of the reasons we're trying to respond in this area. Roughly one third of our interments per year are interring cremains. We do that regularly. We don't inter every cremation that is ever created in this area. Under this arrangement, we would probably have less traffic than we do now for formal funerals. I would like to go one more step. Traffic is a concern of all of us. Oakwood Cemetery has been functioning since 1884. They have been burying people and maintaining the graveyard as best they can. They have not changed their mission. Cremation is part of that mission, and it's just an extension of our services. It is no infringement on our zoning. We operate right there, and we've come to you for a Special Use Permit which we know have conditions, which we are going to try to comply with to the extent that we can to reasonable ones. Northern Westchester Hospital services people. St. Francis Church services people. Beth Torah on Smith Avenue services people. Oakwood Cemetery, St. Francis' Cemetery services human needs. It's not like you're building a Target that is going to attract a lot of people. If it does attract people, it does it by virtue of necessity. We are not going out there to load up the streets, nor do I think we will. We are all confronted in this village with gridlock. I don't want to add to that. I don't think the cemetery will, but to some degree when you have a funeral service in town, if it blocks up the streets, so be it. We're not intentionally doing that, and we're fulfilling our mission in burying the dead. I want this board to know that. We are not trying to exacerbate property or traffic. I've seen some exacerbation of traffic in this town by virtue of development that may or maybe not ought to have been allowed, but they were. Does anybody come to Oakwood Cemetery and say you're creating traffic. I don't want to hear that story. We're trying to reduce traffic where we can, and we can't reduce our operation because it's putting traffic on the streets. I don't believe it's fair to expect us to in any way, shape or form. We're not trying to add to it. The village is in and out of our cemetery on a regular basis because of agreements we have with the village. We're not telling them that they can come in, nor are you guys telling them they can't come in. Traffic is a concern of all of us. We're going to have traffic, one way or the other. We have maintained that cemetery in an approving way, and we have done almost every one of those hard surface roads in the past 20 years. The cell tower has helped us do that.

Vice Chairman Sturniolo: In fairness to you, the cell tower sits on your land, which is leased. Cellular technology is changing and these eyesores called cell towers are going to disappear and they are going to be smaller.

Howard Kensing: It could be obsolete, and we know that.

Vice Chairman Sturniolo: Along with the revenue generated.

Howard Kensing: That's another concern of ours.

Joseph Morreale: What is the energy source for the crematorium?

Howard Kensing: Natural gas.

Joseph Morreale: So it doesn't create much smoke?

Howard Kensing: No. The process reduces the smoke exposure.

Doug Hertz: My only comment in light of the earlier presentation that we had in terms of energy conservation was I wish there were a way to take all this heat that you are generating and use it in some way rather than just sending it up the chimney.

Vice Chairman Sturniolo: If there was a way of recapturing to heat water, for condensing boilers, etc., for the caretaker's cottage.

Howard Kensing: If we could do that, it would probably be expensive. I think if the entire Town of Mount Kisco could do that with every commercial facility, it would generate a phenomenal amount of energy.

Art Goewey: The concept is great, but the technology is not really there. At this time the mechanics are cumbersome.

Vice Chairman Sturniolo: How many gravesites are eliminated by placing this building where it is?

Howard Kensing: A grave is 4 x 10, 40 square feet. Take 1, 440 and divide it by 40, and that's about 300 graves, approximately. That is something else that the village should be conscious and aware of. Not everybody is in the cemetery business. While I worked as a gravedigger as kid, I'm familiar with the operation of both these cemeteries. We have approximately 42 acres of land, and we own property across the railroad tracks. We retained a consultant about 20 years ago to help us, and he told me to conserve my land and don't waste it. If you inter people, from a cost standpoint, try to convince them to put two people in a grave and save them money and save us space. We have a lot of space in Oakland Cemetery; we still don't want to waste it. We've cleared a lot of land in Oakland Cemetery for the eventuality that someday it can be used and we don't have to go through a lot of approval processes to use it for ground burial or whatever purposes it might need. I don't like to waste land. That's one of the reasons why we initially put the building where we did. I was not happy about being rejected from the location on that for reasons I've already stated. No one was worrying about where they located the Ambulance Corp. when they bought our property and stuck it right next to our property. We did not voice any objections. But just as soon as we start something, that cropped up. I'm not happy with it, I thought it was arbitrary, but we did it to satisfy one of our concerns. Now, I will try to entertain any other questions, but what is the timetable on this, and can this be viewed as our formal application tonight?

Vice Chairman Sturniolo: You need to go through the formal application process. The next step is the site visit on the 22nd and the Planning Board will be together with both of you.

Howard Kensing: Is there anything else I have not covered?

Doug Hertz: If you are going to be operating during nighttime hours you are going to need to have a parking lot lit.

Howard Kensing: We would do that. We have to run significant electric power in the facility and we would make provision for street lighting and show it on the plan, if necessary. The buildings are light in color and spotlights located on the building which are presently there would illuminate this area significantly.

Doug Hertz: There is a lighting code, and one concern I would have with this facility running 24 hours a day, why do you feel at this point you need that ability?

Howard Kensing: I don't think we do need that ability, but I don't think we should be restricted in not being able to use it at 9:00 in the evening. It's quiet, odorless, and smokeless. We could have pedestrian lighting with ability to get someone in and out of the site, but quite honestly, I don't think there is a need for a lot of exterior lighting. I got the feeling this board wanted it less conspicuous.

Doug Hertz: My point is, and maybe it's being misconstrued here, if you're operating at night you're going to have to have lights on. It's not going to look like a quiet cemetery. It's going to look like a lit commercial space, which is my concern.

Art Goewey: It would be on this side, and there would be some lighting perhaps on here.

Joseph Morreale: But you wouldn't need the lighting on all the time, just when you are going to use the facility.

Howard Kensing: One of the things I got from our last board meeting was some of the members being a little squeamish with the idea of having a crematorium in town. To some degree we recognize that, but to a greater degree, people who might be squeamish about a crematory might be squeamish about an interment or a

disinterment. This is a fact of life. For all intents and purposes it's a utility building, and that's all anyone would have to know what that it is.

Doug Hertz: My comment was really about having a brightly lit area at night.

Howard Kensing: As long as no one insisted on it, we would certainly not encourage it.

Doug Hertz: You don't imagine drop offs at that hour?

Howard Kensing: If it was an emergency situation where it had to be done, sure you'd bring the car in and we'd take care of it. I don't envision this being a mill, so to speak. I want this as an adjunct to the services that we perform right now.

Vice Chairman Sturniolo: So you see this as an ancillary part of a cemetery's operation?

Howard Kensing: Yes, which it is.

Vice Chairman Sturniolo: As opposed to a new principal use?

Howard Kensing: This is going to be a use that we'll give as much use as it can get, so to speak, at least as the demand responds to that. But we do not want to run this for 24 hours a day, 7 days a week. Our existing staff wouldn't accommodate it. I do want it to be a function of our operation though.

Joseph Morreale: In a town of 10,000 people, does Mount Kisco have sufficient cemeteries?

Howard Kensing: Yes. St. Francis has a cemetery, which is right next to ours. It's not as big as ours, but it's an actively used cemetery.

Joseph Morreale: Are there enough square footage in plots to handle for the town?

Howard Kensing: Yes, and the immediate area. We can accommodate many more burials than we take.

Joseph Morreale: So we don't have to worry about running out of burial space.

Howard Kensing: No today, tomorrow or thirty years from now. A lot of cemeteries are at capacities. This cemetery probably can and will grow. We do have space that other cemeteries don't.

Joseph Morreale: So we will see increased activity at this cemetery at some point.

Howard Kensing: At some point. To give you an idea, we have taken care of 90 cases a year and have done that consistently for the last three or four years. Prior to that we were doing 45 or 50. They were not making it. Now, the bottom line is we're doing it.

Whitney Singleton: I would like to clarify one thing. I don't want you operating under a misapprehension as to the process. You were asking whether this could be considered your application. This is a special permit use. You will have to submit a formal application, notices will need to be given to your neighbors, and there will be a public hearing, where the public is invited to comment on this. There is substantially more process associated with this.

Howard Kensing: That's fine; I have no problem with the public. One thing I think this board should be aware of. As I mentioned earlier, we come under the division of cemeteries of the State of New York. The Director of Cemeteries, Richard Fishman, who we talk to and deal with on a regular basis. Initially when we submitted this plan, I and he was that it doesn't necessarily require site plan approval by this Planning Board, but because we wanted the public and the village to know what we were doing, and because we are all members of the village community and have been for a long time, we wanted to let people know what it was and let you have a chance to look at what we were doing. I am not prepared to bring the Superintendent into this discussion if I don't have to. But if I find that we're getting pushed back from the village, we're going to push back at the board, and we are going to get this project. I am not making any threats. But what I am saying is we feel we're on firm ground to do this without your approval and without request of a building permit. We have been told this by the director of cemeteries. I don't want to go that route if I don't have to, but I'm prepared to do it.

Whitney Singleton: If you're going to say that, let me just interrupt for a second, because I want the board to be clear. The regulations regarding cemeteries specifically state that there will be no permit issued by the Division of Cemeteries unless and until all local approvals have been granted.

Howard Kensing: Well, maybe he's overzealous in his statement to me.

Whitney Singleton: I just want to be clear for the board's benefit.

Howard Kensing: I don't think we want to go that route. I don't think we want to get into a contest between the village and Oakwood Cemetery because the village is fighting themselves and they're fighting us. It's going to cost us money, and it might cost the village money. I have given this a lot of thought and I feel there is a certain opposition within this board, it certainly came across at the last meeting, and I don't know whether there is opposition from the town board or not. I am concerned with traffic just as much as you are, and I suspect that might be the concern. In my opinion, it doesn't have weight when you consider the need for this facility.

Joseph Morreale: I think the fact is the board asks lots of questions. I don't think you should construe that as being opposed to what you're doing. Our purpose is to ask all these questions and get things approved. But you came back with a lot of good answers tonight.

Howard Kensing: I'm glad if I clarified things, better than my initial presentation. I am pleased with that. The due diligence that you folks asked me to do had a purpose. I don't question that. I think Barry and I both had to do our homework and protect the land and do some simple things like calling other funeral directors and find out how they operate and whether they'd be with us in a situation like this.

Joseph Morreale: I think the point being made to you is that there is a process that needs to be followed. I would suggest some patience on this.

Howard Kensing: I guess I'm an impatient guy because I'm not getting any younger, and I sat on this board myself for several years in the 60's and 70's, so I do know the process. I probably should be reminded of it perhaps. Thank you very much.

Vice Chairman Sturniolo: Thank you for coming.

Site Plan Violation:

Dakin Holding, LLC
Property ID: #80.33-1-8
October 9, 2008 letter from Jeffrey Econom

Correspondence:

October 14, 2008 letter from John Drake, Associate Project Manager Storm water Programs EOH, NYCDEP; to Daniel Ciarcia re Sarles Estates, LLP

Minutes of the Beautification Committee

October 22, 2008 letter from Mark Miller, Esq., Veneziano & Associates to Hon. Mayor and Members of the Village Board re Westchester Residence and Club Amended Zoning Petition

Whitney Singleton: That petition will be referred to you for your report and comment pursuant to the village board meeting Monday night.

Joseph Morreale: The Sarles Estate letter; are they coming back? I thought that was over and done with.

Vice Chairman Sturniolo: Nanette, can you update us?

Nanette Bourne: When we last visited the Sarles Estate, you were unhappy with the size and scale of the development. They were told to come back with a new plan, and that new plan would inform how they produced their final Environmental Impact Statement. If you remember, they hadn't accepted the DEIS. Rather than go ahead and do an FDIS, they would come back with a conceptual-like to come up with something that was more likely to receive your good favor. As part of that, the only way they could figure out how many lots they could get would be to figure out what DEP

would like to give them a permit for. So, in those days, way back when, DEP would review storm water pollution prevention plans before you finished the SEQRA process. So, you can't really tell from this letter what it means. It means that they have a complete application; you don't know what that complete application was in response to. So we can only assume that there is some plan, maybe it's the same one, maybe it's a different one, that's coming back.

Whitney Singleton: Without being punitive to the applicant, but you're going to get the question as to whether or not the environmental studies that have been done are no longer pertinent, at least in portions.

Stanley Bernstein: They should make a whole new DEIS.

Nanette Bourne: SEQRA doesn't require that. Anything that is outdated, traffic would have to be redone. If something has changed on the site, they would have to update it. But SEQRA does not require that you go back and do the DEIS because it's old. Their FEIS will have to provide whatever updating information. If they have a completely different plan, you may re-scope and require a supplemental impact statement. But we don't know what they're coming back with.

Doug Hertz: When was the DEIS?

Whitney Singleton: 2003.

Joseph Morreale: I remember we had a long battle about the number of homes, the roadway, and the conservation area.

Whitney Singleton: He doesn't have to reinvent the wheel with updating it, but I think you want to make sure the material you are reviewing is non-outdated. The topography is not going to change. I don't think the wetlands are going to change, some of the trees may have matured; some of them may have died, but I think the traffic is going to be the victim.

Stanley Bernstein: We asked him to show us written permission from Bedford that he would be allowed to come out on Sarles Street, and he never did. He just kept saying "it is as of right," and when you talk to Jeff Osterman, he said no, they will not allow him to come out on Sarles Street. He has to really come with something from Bedford.

Nanette Bourne: In all fairness, he was in a Catch 22. Bedford wouldn't give them anything written, wouldn't process, wouldn't review until you got to a certain point. It was circular.

Stanley Bernstein: That may very well be, but I still don't think Bedford is going to allow it.

As there was no further business, on a motion by Mr. Hertz, seconded by Dr. Morreale, the meeting was adjourned at 10:15 P.M.

Respectfully submitted by

Stanley Bernstein
Board Secretary

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