

Minutes
Combined Meeting of the Planning Board
Regular/Work Session
Village/Town of Mount Kisco
Tuesday, February 12, 27, 2008

Meeting called to order at 8:00 PM at the Municipal Building Mount Kisco, New York.

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

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

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

Minutes:

January 8, 2008

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

Conceptual Application:

The Vitamin Shoppe
156 North Bedford Road
PB2008-01

Present: **Steven Finkelstein, Property Owner**
 Peter Finkelstein, Property Owner
 Jeffrey Taylor, A.I.A., President, Taylor Associates, Architect

Steven Finkelstein: It is almost divided into three spaces; the back 5,000 square feet is the auto parts storage, approximately 10,000 square feet is what we are looking to rent (the front half of the building) to the Vitamin Shoppe. That would be taking 4,900 square feet, with the knowledge of what we are going to have to put in the middle 5,000 square feet in a future date. We do realize that parking is the number one issue here, according to Austin's letter. We have had the property on the market for about six months, and we now feel "The Vitamin Shoppe" is a use that the parking requirements, although it does not pass within what the town is looking for, would work very well for the front half of this building.

Vice Chairman Sturniolo: You feel this even though you don't have sufficient parking?

Steven Finkelstein: Yes.

Peter Finkelstein: We realize that we would need to go for a variance.

Vice Chairman Sturniolo: How old is the building?

Peter Finkelstein: 1980 the last part was built and 1964 the first part.

Vice Chairman Sturniolo: You are faced with an older building that is too big to support the parking from a business point of view. Whether you need to tear down part of the building or the whole building, my suggestion is to call AKRF and have a staff meeting with Nannette and the Village Staff and let them guide you through what can and cannot be done. If you go around 117 you will see the Village is trying to encourage as much greenery as possible, and where you are now with this building, there is not much greenery in front. We have all seen Austin's memo, and you are deficient for "The Vitamin Shoppe" let alone all the other square footage in the rear.

Steven Finkelstein: We didn't want to tear the building down. When I was here last with the car dealership, I learned a lot from hearing you folks and I understand the push for

the greenery. We are willing to do whatever to make that work. What my brother Peter was getting at is we've been taking a lot of phone calls for this property, and some wholesale retail we didn't even entertain, because we know what the Village is looking for because we've been in business in town since the '50's and still are. The particular use of "The Vitamin Shoppe" alone we felt was a perfect fit. We realize that the middle section would be absolutely restricted to dead storage or a mattress shop or somebody that has one customer alone. Because we knew that Austin's letter denied the parking, we were hoping to get a good feeling about this use and then take it to the next step, as opposed to talking with Nannette and re-doing the building.

Vice Chairman Sturniolo: To me, this doesn't even work for "The Vitamin Shoppe", let alone addressing all the other issues; and I think your time and dollars would be better spent trying to figure out something that could work there.

Peter Finkelstein: According to Austin's figures, we are six spots short, 20% short on the spots of what we need for the entire property. Retail is a use that is permitted on this location, and we have found the least impact parking use that we would find. We are willing to work with the parking issue, but the other facts of how they run their business and the parking requirements have indicated that they should have no problem there, and there will not be a parking impact from their use.

Steven Finkelstein: "The Vitamin Shoppe" has maybe one or two customers at a time; that's why we like this use. Plus we want to beautify the building.

Vice Chairman Sturniolo: I am still suggesting that you still sit down with staff. You are deficient in parking spaces just for "The Vitamin Shoppe" concept alone, let alone the ancillary square footage behind the building and the second building.

Sol Gibbons: The parking space would have to conform to today's standards, and unfortunately some of them don't. The parking problem has to be solved.

Peter Finkelstein: I was in front of the board 15 years ago for a property on Lexington Avenue. It took me 11 months to get through the board, and I learned a lot then. I understand everything is a process, and we understand that we don't have the parking available right now for this use. We knew that on every phone call I got, which is probably upward of 100 phone calls for this property. With us having the knowledge of what you were looking for from our experience 15 years ago, I think this use needs to be looked at in a positive way of beautifying the building and having a low impact use for that property.

Vice Chairman Sturniolo: At this point, you have a couple of choices. Because this is a conceptual meeting, you're getting a sense of where this board is. It is within your right to go ahead with an application or take one half steps backward and spend some time with Nannette.

Steven Finkelstein: I understand your point. One other time we were before the ZBA, we got a variance for a specific use only. If you guys gave us a thumb up and you liked the idea, we would be willing to make the parking variance issue for this use only. They are looking to sign a long lease.

Ralph Vigliotti: We probably shouldn't compare the site on Lexington Avenue with this site at all. Austin's memo is based on square footage, and we go by square footage and that's just for "The Vitamin Shoppe" alone; never mind the potential warehouse space that's behind. The problem with this site is that there is no overflow parking here. There is no place to put parking. You have more unknown square footage than the one known you are presenting to us. You have 4,900 square feet and 4,950 behind that, and behind that is another 5,000. We haven't even discussed parking for those areas. Right now I would not suggest at all moving forward with any kind of variance. It doesn't match. We certainly want to improve the site and we encourage you to do that. I've seen a number of renderings of "The Vitamin Shoppe" you showed from the different locations around Westchester County and whether we move forward or not, this is a conceptual approach. I am not happy with the signage. The entire rendering that you showed us does not have a Town and Country feel at all. What you presented to us may in your mind improve that spot, but I don't see improvement. It's a lot of aluminum and glass.

Peter Finkelstein: I agree with you, but I think it has the potential to have that country feeling.

Ralph Vigliotti: Once you get passed the parking issues.

Peter Finkelstein: Being that it is a retail use, and we feel it is the lowest impact of retail use that we can find, are we saying that retail use cannot be used on this property right now for the parking situation?

Vice Chairman Sturniolo: I think Austin's memo stands on its own.

Stanley Bernstein: My thoughts are that you don't correct the parking problem by getting a variance to say that it's okay. That does not correct the parking problem. When the comprehensive plan was worked on, I'm not saying that the people involved are all prescient and can see in the future, but the way things were going at that point and up until now, the use of the order was increasing. Cars were bigger, therefore we made the spaces bigger and any retail use will generate a lot of traffic and a lot of parking; not the way it was in the past. Now, of course, things can turn around. With the global climate change situation and municipalities looking at eliminating individual cars and going to public transportation, that might put a brake on the situation, but we don't know when that will happen. This Village is working on that right now. If you get a variance, and based on your looking at the other Vitamin Shoppe places around the county; and you say that the impact is not great because there are only one or two cars coming in and out, which I believe, then comes the situation where they all come at once. Unpredictable, it just happens. And at that location on North Bedford Road it would be a disaster. Variances don't solve problems; variances make it easier for the property owner to proceed; which is a good thing. Nobody wants to stop you from building and using the property, so it takes a lot of thought.

Vice Chairman Sturniolo: Then with the variance you still have the issue of self-created hardship to think about with the ZBA.

Steven Finkelstein: What is that?

Whitney Singleton: If you were going for an area variance relative to the parking requirements, you would be subjected to review balancing requirements under 7-712 B of the Village Law and one of the factors relative to area variances is whether or not this hardship is self-created. A self created hardship means that you purchase premises knowing the restrictions were in place at the time of the acquisition.

Steven Finkelstein: My family operated an auto parts store out of there for a good part of 30 years, so wholesale/retail mix, and let's call it a paint supplier. The whole rest of the building was loaded with paint cans. That would have a heck of a lot more traffic than The Vitamin Shoppe but would meet the parking requirements. I fully understand how a variance doesn't solve the problems, but there are uses that will conform, like our auto parts business when it was in there; that was a heck of a lot busier with cars and delivery cars in and out. I am just trying to get direction here on what kind of tenant you are actually looking for.

Doug Hertz: I agree a great deal of what's been said on the table. I think "The Vitamin Shoppe" would be an asset to the Town. On the other hand, if you wanted to proceed with the application you would have to really work hard at proving what the traffic impact would be. That all being said you still have 10,000 square feet of space that's not "The Vitamin Shoppe." Anything that you do that proceeds with The Vitamin Shoppe is going to impact your ability to use that space at all, and I think one of the things that the Village and this board has done that Tony said, and I agree with strongly, is we have worked very diligently with every applicant along that strip that has come in here, to create a green space buffer. That green space buffer, if anything, will not be giving you more parking. It's important to the Village in the long term to keep 117 from becoming a strip mall, but it's not going to help your situation Vis a vie parking. If you want to proceed with this, and you feel strongly that you can validate the fact that the parking for this one use is so low that it would meet, or there would be access parking on that site, do so, but this board is going to be extraordinarily careful to critique that information.

Peter Finkelstein: How do we show you the low impact other than taking our word for it?

Ralph Vigliotti: I want to remind you that although the name of the retail business is called The Vitamin Shoppe we have to look at it as a retail business. We have no idea what this may evolve into two years down the road. We have to look at the 4900 square feet as retail, and "The Vitamin Shoppe" just happens to be the name of this business and the way you're going to conduct it. But in 18 months, it could evolve into something very, very different. I remember the days when Dunkin Donuts only sold coffee and donuts. Now you can get breakfast, lunch and stop by for an ice cream. That is an evolution. For me, your case is not on "The Vitamin Shoppe", it's on the 4900 square feet of retail.

Steven Finkelstein: Is there any way for the board to police that after the fact?

Ralph Vigliotti: Code says "X" number of spaces for "X" number of square feet, and that's the way we move on this. You still, as Doug said, have 10,000 more square feet that hasn't even been discussed.

Nanette Bourne: The 5,000 for the retail use, and even though the information The Vitamin Shoppe has provided of 10, 15 cars an hour, makes this almost an ideal use for the best of a retail operation, but once you go in there as retail, the board has no authority if "The Vitamin Shoppe" leaves to require any additional parking for the next retail that goes in.

Peter Finkelstein: If it was to move ahead and for the variance, would it possibly be just for this use?

Nanette Bourne: This is something that the Planning Board has been challenged with for a number of these uses; how to require a change of use permit if there is a higher parking requirement or a higher parking demand. That's very difficult to do with zoning. The board may come up with that in the future, but we don't have that in place right now.

Whitney Singleton: One of the other factors I was evaluating under 712 B is whether or not you can accomplish your goal without the necessity for a variance. I think what the chairman has indicated to you tonight is that you have in your ability 10,000 additional square feet on site that can be utilized for parking with the re-demising of the building. 15,000 square feet of building on a site that probably doesn't even have that as far as parking. There is a reason for this awareness that is why the Vice-chairman is suggesting you contact Nannette.

Continuing Review:

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

**Present: Patrick Hewes, Project Planner, Saccardi and Schiff
Kory Salomone, Attorney-at-Law, Veneziano & Associates**

Nanette Bourne: The applicant has submitted a revised a preliminary Environmental Impact Statement to respond to your comments. We reviewed that, and there were some additional issues that need to be addressed. They have provided you some changed pages showing how they would address those, and as you can see from our review, the way they have addressed it is consistent with what I believe you were expecting. We did, however, identify a couple of non-substantive issues that need to be corrected. They are more of a typo nature, including correcting the pagination. You would be in a position tonight to accept this as complete subject to all of the corrections being made and that a proof copy of a document that incorporates all of those changes be provided to staff so we can review it to make sure that it's all acceptable. If it is, then the document can be circulated to interested involved agencies for review. You would also be in a position tonight, if you choose to accept it as complete, to schedule a public hearing. In scheduling the public hearing, you need to allow for about a weeks' time to make the changes, get the copies produced so they could be sent out, and you could be looking at a public hearing perhaps your second meeting in March.

Vice Chairman Sturniolo: Is that something time-frame wise you can produce?

Patrick Hewes: Very much so. We have the changes that Nannette referred to in adopted printed form in anticipation of the document meeting your satisfaction, and in fact those can be circulated very soon. It's completely logistically do-able to achieve the calendar date.

Vice Chairman Sturniolo: You can have a clean copy of Nannette's review?

Patrick Hewes: Yes. You can make that available today or tomorrow if you wanted it.

Vice Chairman Sturniolo: In ten minutes?

Patrick Hewes: I have one here.

Vice Chairman Sturniolo: And that's what we have here, and for the purpose of the Planning Board at this point of just swapping those pages out and then we would get the verification from Nannette.

Vice Chairman Sturniolo: Any other thoughts?

Stanley Bernstein: On the public hearing, does that include the steep slopes? There's got to be another hearing.

Nanette Bourne: It would include the steep slopes, because you submitted your steep slopes application.

Patrick Hewes: Wetlands and steep slope permits.

Nanette Bourne: Yes, it's a natural resource disturbance permit.

Stanley Bernstein: So it will be done the same day?

Ralph Vigliotti: Are you going to be doing a Power Point presentation for the public hearing?

Patrick Hewes: We will do whatever you think is going to be best for you and the public, whether it's boards or Power Point.

Doug Hertz: I think it would be nice to have a Power Point. Certainly easier for the public. We're talking about accepting the DEIS as complete and then we're going to schedule a public hearing to discuss the substance of it, but this is still a preliminary.

Nanette Bourne: Once you accept it as complete, it would be a complete Draft Environmental Impact Statement. So all that is saying is that the information that is included in it is acceptable for the public to review and consider and respond to the board as lead agency with their comments.

Doug Hertz: Within that document are alternatives. How can we have a real discussion of steep slopes impact, things like that, if what comes out through this public hearing, or what we hear from the public may be an alternative; may be the most viable option that we want to pursue? In which case it may impact the entire steep slopes concept.

Nanette Bourne: If I understand where you're going with this, we don't have to close the public hearing. You can keep it open subject to potential modifications. You can reopen if need be.

Whitney Singleton: Nor does it send you down a particular course. When you eventually adopt your findings, it's not going to relegate you to "Plan A" for the applicant. The point of having the public hearing is to allow the public to comment and give you their input so that you may evaluate the merits of the application as well as the impacts on the environment.

Doug Hertz: I want to move forward and get into the substance of this. If we can open all these avenues simultaneously it seems like we are making certain assumptions that may not turn out to be correct.

Ralph Vigliotti: Doug and I and various members of the board have had conversations with regard to the size and length of the building, steep slopes and driveways, etc. We're progressing along, but I still haven't seen any of these changes that we've discussed as a board. So we're getting to this public hearing, and I still haven't seen an alternate to the original design as far as length. I know we talked about the view from Kisco Avenue and from the Village, and whether it would be shortened or lengthened as opposed to being very wide. We talked about the steep slopes up on it, getting to it, the driveway up, and here we are moving along to this public hearing. I don't think a lot of our questions and the lead that we're asking you to follow have really been addressed.

Nanette Bourne: Don't forget that part of this public hearing process is for you to hear from the public what they think about the project and more importantly for you to really contemplate and consider the information that's in here, provide substantive questions that have to be answered by the applicant including perhaps some variations on alternatives; some different ways of treating steep slopes.

Ralph Vigliotti: Gentlemen, if you haven't acknowledged what this board has been asking you for the last six months to a year, it will be presented at this public hearing, and we may not have anyone in the public questioning you at all, but we will be doing more than questioning.

Kory Salomone: Absolutely. We've done what was asked of us for the scope, and during the public hearing; the DEIS process, we're moving forward. We're going to hear your comments, the public's comments, and we will adjust from there.

Vice Chairman Sturniolo: The last time we were discussing this, we used that model. Would you be comfortable putting that model on the table with the public here now and saying this is the direction you're going, predicated on what you just heard from two of my colleagues?

Patrick Hewes: The proposed project is one of several alternatives in the DEIS. That model depicts the proposed project.

Vice Chairman Sturniolo: But from what you heard from Mr. Hertz and Mr. Vigliotti, the changes; the issues about the height, the sidelines from Mountain Avenue looking up at the complex, the winding road; have you addressed any of those ongoing concerns at this point, so to be able to say that that model is not accurate anymore because we've made some changes predicated on listening to you, Mr. Planning Board?

Patrick Hewes: I would say that all of our work, up through today has been in furtherance of the scope's requirements, and all of the description of all of the alternatives full described in the PDEIS including the proposal alternative in that 3-D model are completely visible and illustrated and described. Debate and discussion of the substantive questions which you've raised over these months are certainly in our heads and certainly known to be of concern, but in terms of depicting and describing the proposed project and the alternatives that are in the document, is what we have today as a full preliminary DEIS.

Ralph Vigliotti: I just want to leave it at this. That's the original, the proposed. I'd like to see our alternatives in another model. This is a gigantic project for this Village, and as you had said. Our ideas, our suggestions; they are more than ideas and suggestions. They are in your head, but I want to make sure it's on paper, and I keep thinking in my head that you are going to keep presenting the original proposal and you're not going to move one iota. Gentlemen, I hope that's not the way we are going. Just be careful. We've made more than suggestions over the months, and I want to make sure they are not falling on deaf ears. I want to leave you with that.

Doug Hertz: The public hearing on the document; if we additionally contemplate steep slopes and wetlands, these can remain open while we explore whatever information we gather from the public hearing regarding the document, and then put them public?

Nanette Bourne: Right. You would typically at some point close the public hearing on the EIS so that you could put together the comments and issues raised by the public as well as the substantive issues that you raise. So you would close that. SEQRA does have time frames for you to close that. There is nothing to compel you to close the public hearing on the natural resource disturbance permits. You can keep that open as long as you want so that it can dovetail with your site plan review. Getting back to Ralph's point, one of the factors that really hasn't been attended to and could possibly create some changes to the site plan is that the Village engineer is going to be reviewing it. Once you include the requirements for storm water and make the modifications based on what is needed to properly engineer this site, it's conceivable that substantial site plan changes will be needed even to meet the development program that Patrick has spoken of that it part of the proposed plan.

Vice Chairman Sturniolo: So, (I'm making it up) if we had a public hearing tomorrow, the environmentally sensitive area portion; we could address another day? In other words maybe split it or focus on the DEIS but as far as the permit for the sensitive areas, that can be left open and we could address that at a subsequent meeting if we wanted to?

Nanette Bourne: The most significant environmental impact is going to be site disturbance. So, whether you postpone a natural resource disturbance permit public hearing or not, you're going to want the same substantive presentation and analysis that is included in here and presented by the applicant to be combined. Because that really is the meat of this whole project. Whether or not you choose to hold open that public hearing on the resource disturbance is up to you. So you don't have to take an action on it, you don't have to render an opinion on it; your only obligation is to hold a public hearing on the EIS, close it pursuant to what SEQRA requires to assemble your substantive comments as well as any comments that the public might have, and there will be agency comments, most likely DEP.

Doug Hertz: Your feeling is that the environmental issues require basically the same presentation, so why not hold them together?

Nanette Bourne: Exactly. That's the big gorilla on this project.

Doug Hertz: As long as it doesn't prevent us from dealing with those issues as the project matures, which is my concern.

Nanette Bourne: In order to maintain the public hearing on the 25th, a revised document proof copy needs to be provided and enough copies for all of you to show all the changes, and Lead Agency comments need to go out by next week.

Anthony Oliveri: During that period we will do a more comprehensive review of the site. We've done some preliminaries on that so far, but at this point, we'll wait till it gets a little further to give some detailed type engineering review. You will be seeing that during that public review period. The applicant will get that, and as this evolves, we will incorporate those comments in.

Vice Chairman Sturniolo: I know it's in the DEIS but I would like to repeat the one point, and that is we are going to really be looking for a lot of convincing evidence that the Village of Mount Kisco can adequately supply the necessary water for this project.

Patrick Hewes: Above and beyond what we've shown in the PDEIS?

Vice Chairman Sturniolo: No. It's in there now, but I'm just saying it's one of the important components that will be discussed.

Whitney Singleton: We are also going to have to make arrangements to have the DEIS available on the Village website.

Patrick Hewes: Absolutely. We are prepared to work with you on that.

Whitney Singleton: And also be aware of the public notice requirements for all of your permits.

Patrick Hewes: Yes.

Motion to Accept the Draft Environmental Impact Statement as Complete and as Conforming to the Scoping Document for Westchester Residence and Club, PB2006-19:

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

Motion to Declare a Public Hearing on March 25, 2008 for the Public to Comment Upon the DEIS as Amended and Corrected and to Assess Steep Slopes and Wetlands or Environmental Disturbances for Westchester Residence and Club, PB2006-19:

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

Formal Application:

333 North Bedford Road
PB2008-03

Present: Michael L. Gallin, Principal, Gallin Design Studio
Jim Diamond, Diamond Properties
John Collins, John Collins Engineering

Recused: Doug Hertz

Vice Chairman Sturniolo: We have in front of us an amended site plan application, the site plan itself, the full EAF, and two operational letters regarding The Wine Enthusiast and Safe Haven, which are dovetailed into the reason for the site plan modification. Maybe we could start with why the site plan is being amended and go from there.

Michael Gallin: When we submitted this application initially for the multi-tenant use of the warehouse with accessory office on the site, we made some presumptions on the size of the office to support the warehouse use. Subsequently, Jim and Diamond Properties have been aggressively working to lease the property to tenants that will have an appropriate impact as promised, honestly, throughout the entire review process to date, and that effort has resulted in a tenant mix that has different percentages of office versus warehouse than initially anticipated. In addition, that tenant mix has resulted in a self-storage use being occupied on the property that is going to take a significant portion of the space. So the immediate application is to cover the reality of the operations of the tenants that Diamond Properties has been able to solicit and attract to Mount Kisco. Most specifically, the tenants that are pushing us over the threshold and are triggering us to be here is "Wine Enthusiast Magazine". Wine Enthusiast is a company that is currently based out of Elmsford. They have their facility split between several different warehouses that are separate from their office space, and they are attached to this facility because they are able to consolidate all of their distributions functions in a single facility as opposed to being in a series of different facilities. They are a high end company. Their primary ambition is to sell wine related products over the internet. Everything from wine coolers to corkscrews to wine racks to decanters, etc. They actually will do modular wine rack systems to fit out an entire wine cellar, but they also sell smaller things. In addition to the distribution and warehousing for primary internet sales business, the office functions to support that. They publish a magazine called "Wine Enthusiast Magazine" which promotes wine nationally to wine aficionados. There is a small component in the business called Wine Express which is also an internet based business that sells wine by the case via shipping. Now that use, which is 131,000 feet, has about 30,000 feet of accessory office associated to it. The other use, in particular, that's triggering us to come back here is the self-storage use. The self-storage use is in this area. The initial build out of the self-storage is in this location here, and it's proposed on two levels. They're going to be climate controlled self-storage units that are primarily marketed to residential home owners coming in, and there are very similar storage functions in the county already. The zoning code doesn't talk specifically about self-storage units, and in speaking to the consultants and considering how that use fits into the zoning code, it is our belief that it's distinct. It certainly fits into the guidelines of storage warehousing use, but it's also different than a conventional warehousing and distribution center where you have employees packing up boxes and shipping things out, trucks coming in and out. It's basically dead storage. That's the gist of why we're here today. We've provided an analysis of both parking and an analysis of the traffic implications of increasing the percentage of office use and the associated off set, in our opinion, that is inherent in the reduction in intensity of the self-storage use. One of the things that we're really positive about, about the continued evolution of the site; is that both of these uses will have the result of diminishing the overall truck impact on the Village. Public Storage has very few tractor trailers, if any. Potentially a moving company would come in, but the reality is if you're renting a 10 x 10 or 10 x 20 foot storage cubicle, you don't need to move it into a tractor-trailer. Usually smaller trucks are dealing with that. And, once it's in there, it's in there for a year or years.

Jim Diamond: A typical customer is a three year customer, on average. There is approximately between 2.5 and 3.5 percent customer turn over, so it's approximately three years that the customer is in the facility.

Vice Chairman Sturniolo: Focusing on the self-storage, I had a conversation this afternoon with the building inspector and he wanted a couple of questions answered. Hopefully you could do it tonight and then follow it up on paper with him. Would you restrict what could be stored in there to a customer such as any kind of hazardous material?

Michael Gallin: Yes.

Vice Chairman Sturniolo: Would you and/or your insurance company ban it?

Michael Gallin: Absolutely. We have no intention of turning this into an "H" use. If we did we'd have to deal with fire separations.

Vice Chairman Sturniolo: And do you have logistical hours, days of operation?

Michael Gallin: We've submitted as part of the application, a letter describing the self-storage, and it does discuss the hours of operation, which are 8 AM to 5 PM Monday through Friday, 8 AM to 6 PM on Saturday and 11 AM to 4 PM on Sunday. If somebody needs to get into the facility off hours, it would be done on an appointment basis.

Vice Chairman Sturniolo: When somebody comes in with a van what is the flow of traffic into the self-storage. Where do they stop, unload and how do they get it into their area?

Michael Gallin: The self-storage unit is here, there is a vehicular loading zone immediately in front. There are a series of two eight foot wide bi-folding doors that you can drive your car right up to. There are area bollards to keep you from driving into the building. You unload your stuff, you come in, there are two elevators right there, and a ramp that brings you to the two levels of the storage facility. You come in, you unload your stuff and you leave. We have room here for three trucks, vans or cars next to each other for the active loading. If somebody is going to be here for a longer period of time, I can't really imagine why they would be, but if they are they will obviously pull out into the parking spaces out here.

Vice Chairman Sturniolo: So the three spaces would be the holding area while the stuff is being taken out?

Michael Gallin: Yes. We've created a screen here and a screen here. As we suggested in the past, our goal is to continue to beautify this end of the site and to soften it up and make it feel less industrial as we get more and more real tenants. So as part and parcel of that ambition, we're trying, wherever possible, to add greenery to soften up the façade.

Stanley Bernstein: In other words, they are not containers? They're permanent installation and it's not being moved on a tractor trailer or any other device?

Michael Gallin: No. They're rooms basically and everything's hand loaded or on dollies.

Stanley Bernstein: How many units?

Jim Diamond: I don't recall exactly. I think it may have been like 450 units, which range in size from a smaller spot 5 x 5 up to a 10 x 20, which is probably the largest unit.

Michael Gallin: Just as a side note, there have been discussions with the town as part of the original approval, to utilize some storage space on site, and as part of that agreement there was an intention that some of these units could be dedicated to that need if required.

Ralph Vigliotti: It sounds like a lot of units. The entrances join one another - this 450 unit self storage is next door to the race track, correct?

Jim Diamond: Yes, they are adjacent to each other.

Ralph Vigliotti: Why would you have a self-storage in the middle of all of this as opposed to the end? Where you have Wine Enthusiast, which is at the end, which would provide lots of movement of vehicles without it being an eyesore, for people that are going into the raceway, you have these trucks backing up and activity back and forth. 450 units sound like a lot of units. I don't know what the transient rate is, you said two or three percent a month. But it's like smack in the middle as opposed to kind of off on its own, out of the way and not part of this whole plan. Why there?

Jim Diamond: I think because self-storage gets very low utilization. There is typically one employee who is on staff who is working in the office which is right in the front, so there is very low employee count, so there are generally very few customers in the course of the day. Could be 10 to 15 customers maximum throughout the entire day; so it's relatively low utilization of a pretty large space. Lower than any other type of potential use.

Ralph Vigliotti: Have you done self-storage storage before?

Jim Diamond: We have. We actually own another facility in Elmsford, which is larger than this facility. I think it's somewhere around the range of 1,000 units.

Ralph Vigliotti: Jumping to the Wine Enthusiast. I can't go in there and purchase a case of wine. Is that correct or not?

Jim Diamond: That's correct. You cannot. You could order it on line and pick it up.

Ralph Vigliotti: So it's totally, unequivocally wholesale.

Jim Diamond: No, it's retail, but through the internet.

Ralph Vigliotti: I can't park my car there, walk in and purchase six cork screws?

Michael Gallin: There are two separate things. Most of this space is for the corkscrews and the wine coolers, etc. As part of the main office, on the inside this little square here is sort of a mock up showroom of their products, and this area here is where people answer the phone to take orders. They are immediately adjacent to the showroom and continually go back and forth to get products as part of the sales process.

Vice Chairman Sturniolo: When you say get products, they have a customer on the phone?

Michael Gallin: Yes. In addition, they have The Wine Enthusiast magazine and they produce mail-order catalogues. When they bring people in that may be advertising in this magazine or something, they use the showroom to showcase their products. The third thing is that you can actually buy something if you're there, but you would have to come into the office and they can accommodate somebody if they wanted to make a purchase. But it is in no way advertised on the outside of the building. There is no storefront into the showroom and in reality we have no glass into the showroom at all. So you can buy a corkscrew.

Ralph Vigliotti: I can buy a corkscrew but can't buy a bottle of wine? Can I buy a case of wine?

Michael Gallin: The second piece of this is Wine Express, which is this long skinny piece here, and that, because of New York State law has to be separated from the rest of the warehouse. As I understand it, the way New York State law works is they have to allow people who run this business to sell through the internet, they have to allow people to come in and pick up their wine. They can't do it any other way.

Lester Steinman: It's just not what the letter from The Wine Enthusiast says, there is a paragraph here that says that it's all shipped out from the warehouse to the user, and Wine Express does not operate as a retail walk in shop.

Michael Gallin: So they're not getting a liquor license.

Jim Diamond: That's correct. They do need to have a location somewhere, but they're planning on having it elsewhere.

Michael Gallin: They have to have a retail establishment. Originally I thought they were doing it here, I guess they're doing it somewhere else. So the answer to that is no, you cannot.

Ralph Vigliotti: You cannot what?

Michael Gallin: You cannot come in and buy a case of wine; you can come in and buy a corkscrew.

Ralph Vigliotti: So I'm not ordering through the internet and then going there to pick up six bottles or a case of wine.

Michael Gallin: Can't do that.

Ralph Vigliotti: Can't do that. But I can pick up a couple of corkscrews, coolers, ice buckets? Is it 98% wholesale, 2% you're here, you want to purchase?

Michael Gallin: 99% internet sales retail. I don't want to say wholesale, and then it's like Amazon.com.

Ralph Vigliotti: Okay, retail, shipped out, UPS, FedEx.

Michael Gallin: That's what they do.

Stanley Bernstein: Do they ship from this location?

Michael Gallin: They do, and that's the second reason why we think it's better here than on the south side because we have loading docks here, so the UPS truck would be here, and we think that is going to visually be more of an impact than putting it right here.

Stanley Bernstein: What about their catalogues? How do they get mailed to their subscribers?

Jim Diamond: I'm not sure. I don't believe from this site. I would imagine they are directly from the printer.

Michael Gallin: They are not printing them here. I can't imagine them mailing them here and then mailing them back out.

Ralph Vigliotti: I'm trying to make sure that we're not making a mistake, saying, "Oops, we've made a mistake. They are going to order through the internet, but golly gee, New York State is not allowing us to ship it; they have to come get it." Then you're going to come back to us. I just want to make clear, and I hope our representatives here are making it clear that there isn't an "Oops" kind of situation six months down the road, and then you're back.

Michael Gallin: They're doing it in Elmsford now and there is no store front, just shipping out of a warehouse. I presume they're doing it legally.

Ralph Vigliotti: I just want to make sure the "Oops" rule doesn't fit here.

Vice Chairman Sturniolo: In The Wine Enthusiast currently for the warehouse portion, you have a building permit for the warehouse portion but you don't have a building permit for the office portion, which is one of the reasons why we're here tonight; to get a public hearing put together and address that subsequent to the public hearing not only for self storage but for The Wine Enthusiast as well.

Michael Gallin: That's our hope, and again, it's been our intention and our belief that this is consistent with what we originally; we actually believe its better that what we originally propped.

Vice Chairman Sturniolo: Because you've eliminated the other two potential tenants.

Michael Gallin: Correct, and this is still available. It's either going to be a warehouse or we're going to be back in front of you. We're aware of that. But we believe that it's just had such a lower traffic impact, especially in relation to trucks than the initial application did, so we're very positive about it.

Vice Chairman Sturniolo: David, can we talk a little bit with you and your colleague in the audience tonight about traffic and parking?

David Stolman: I think it would be good to give the new total floor area that we're actually proposing, which appears to be 615,480 square feet. While we're on this drawing it would be good to have a column here which gives the total.

Michael Gallin: Agreed. No problem.

David Stolman: So I think its 615,480. If you subtract from that the number which is in the application, the additional floor area, 43,846, which is the second story of the self-storage, you end up coming out with almost 1,000 feet beyond what was approved previously. I think we need to make the numbers jive so that we can finish doing the analysis. It would be good to identify the total amount of floor area. If you subtract 43,846 from 613, 480, you get 569,634, which are about 1,000 square feet more that what was previously approved. It would also be good to have a large scale drawing if you could submit one.

Michael Gallin: No problem.

David Stolman: The office is being characterized throughout as accessory office, when in fact some of it is accessory and some of it is office as a principal use. Like, Jim, your space for example is office as a principal use; if you could make that distinction or at least not characterize it all as accessory. In terms of the parking calculations, with Grand Prix New York you do refer to the resolution of special permit approval, which talks about 120 parking spaces, but in the table it's given as 118 spaces. Again, not a significant difference but not entirely accurate. With respect to the Safe Haven Self Storage, you do mention accurately that this is a use that's not specifically called down in the parking regulations, so the Planning Board can determine what an appropriate parking standard would be for this use, and you're suggesting that it be two parking spaces for the first 5,000 square feet, with one space per 10,000 square feet for also in that use, and we're still checking that out. Just let the client know that that's the

parking standard that you're proposing for that use, and as you mentioned before, according to your calculations to date, the parking requirement is about 684 and you're proposing 686. So we're going to continue to check that number for the self-storage.

Michael Gallin: Ultimately that is a number that is determined by the Planning Board.

David Stolman: We're going to give the Planning Board our recommendation as to whether it's appropriate standard or not. Certainly when you use that standard, you've got enough parking according to our calculation, but we need to determine whether that standard's perforated or not. The last comment that I have with regard to this submission has to do with the traffic analysis that Mr. Collins did. If we refer to the second page of the analysis that you all have there's that spread for Grand Prix New York of 30-65 vehicle trips for the AM peak hour, 30-65 vehicle trips for the PM peak hour. The 339, the upper edge of that, is just above 10%, not within the 10%. I think it's important to define what that 10% was that we built into the traffic analysis. That 10% was not a raising of the cap by 10%, but the cap that we've established is 300 vehicle trips per peak hour. At these different thresholds, there was supposed to be an analysis, and the 10% was a threshold. Under 10% above the cap, nothing needed to be done, above 10% over the 300 cap there would need to be things looked at. So, in effect, going up 10% in terms of the estimate is raising the cap by 10%. We just need to be clear that that is what's being proposed now as opposed to the 10% that we built in for the analysis later on.

John Collins: All the others, I used ITE trip rate. But there was no ITE trip rate for this use. It's our opinion it's going to be lower, like the 30 number during the AM peak hour or the PM peak hour, but I wanted to give the board the information that they have a special use cap of 65 peak hour trips that they can generate. That would be the upper limit. If it came to the worse condition that they used everything they could use, that would be the worst. So my opinion is it's going to be more like 286 than the 304, which is well within the initial cap we talked about. I just gave that for reference to the board since there was no ITE. I also have to say that we probably over estimated; we included all of the office, not as accessory to the warehouse but as a general office for the trip rate. We used ITE trip rate for the warehouse and the self storage. I accept your comment, I just wanted to point out that we think it's the 30, which is going to be the actual trip during those peak hours, and we want to give the information to the board that it could go slightly higher based upon what they approve.

Jim Diamond: I think the intent here is not to raise the cap. What we are showing is that we would be within the cap. I think the original number actually varied. If I recall correctly it's that we have to stay within the original projections by 10%, which I think through the morning was like 284 and for the PM was 310. So there was actually a different number, I believe in the approval resolution depending on whether it was AM or PM. Also, I think that with the specific tenants that we've put in place, there has been a real focus to try to get low traffic generating tenants so that while John's analysis is using the ITE guidelines, we do believe in practice the tenants that we're putting in place will be below those guidelines. Air Mack, for example, which is in 50,000 square feet. I've been driving through the parking lot just looking at cars parked and trying to gauge usage. They typically have approximately 15 cars parked in front of their space, so I am confident that they are well below the ratio that they should be per ITE guidelines. And similar with Photofile and the other tenants that we're proposing, The Wine Enthusiast and self-storage. In April sometime, when the weather gets better we'll probably put out machines, because we've reached the first threshold that we have to report back to the board what the actual trip rate. I think what Jim just said will be confirmed based upon that information. We recognize the fact that we've reached that now.

David Stolman: So we're still looking at the traffic and parking part of this and we'll have our conclusions for you by the next meeting.

Vice Chairman Sturniolo: Les, your thoughts?

Lester Steinman: There is one issue that remains, and that is the Planning Board needs to refer this application to the county Planning Board, and the board should take that action tonight so the process can begin. There is a 30-day period which the county has to respond. If the county responds sooner that's fine, but if they don't they have to wait the 30 day period before any final action can be taken on the application.

Vice Chairman Sturniolo: So at this point should we look for a motion to first schedule the public hearing in March, and then we need another motion to refer to Westchester County Planning.

Ralph Vigliotti: Gentlemen, are we okay with the definition of retail versus wholesale sales, internet sales versus not. Do we feel comfortable with that?

Lester Steinman: That's a matter that Austin is going to determine in the first instance, and based on his conversations with Tony and what he's comfortable with.

Vice Chairman Sturniolo: I've asked Austin today to put that in writing predicated on his determine on The Wine Enthusiast and especially the retail component.

Lester Steinman: To address that specifically, it might be a good idea if Austin is able to come to the next public hearing so that he can answer questions.

Vice Chairman Sturniolo: The other questions I asked on his behalf are based on the logistics and what's going to be stored in the self-storage, but we'll do that with him here again and speak for himself as well.

Michael Gallin: If I could just add one thing. Austin asked me about the use, and I explained to him that what we're creating here is existing in Elmsford, and is being replicated. It was strongly suggested that he go down to build a comfort level so he really understood, and he has gone down. His opinion will be based on actually seeing an existing facility that we're replicating.

David Stolman: Ralph, it would be worthwhile in the resolution of approval to define these things very carefully.

Motion to Schedule a Public Hearing for March 11, 2008 regarding The Park at Mount Kisco:

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

Motion to Refer the Application and Entire Site Plan Amendment for The Park at Mount Kisco to the Westchester County Planning Board:

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

Continuing Review:

Northern Westchester Hospital Center
400 Main Street
PB2003-02C
(Emergency Room Expansion)

Present:

Steven R. Doherty, Principal, The SLAM Collaborative
Robert Buckley, Project Executive, Turner Construction
Steven Barshov, Attorney at Law, Sive Paget & Riese
Scott Blakely, Insite Engineering
Warren Geller, Senior Vice President Administration, NWHC
Michael Caruso, Director, Facilities Administration & Management, NWHC
John Partenza, Senior Vice President, NWHC

Vice Chairman Sturniolo: We have a lot of documents and a lot of things to go through tonight. Let's start by not focusing on the second floor and the cancer center and what needs to be done there.

John Partenza: I thought we should start off by responding to the comments letters that we received.

Nanette Bourne: The last time they were before the board, there were comment letters from my office, from Dolph's office, and from Jeff Econom. As a result, they have made a number of modifications to their plan and submitted them. My suggestion was that someone from your team go through it and bring the board up to speed as to what new

information has been provided and changes that have been made in response to those memos.

Scott Blakely: I can briefly go through, and if I need to get a graphic, we've got a set of drawings here. We could start with AKRF's memo. The first comments in their memorandum had to deal with landscape improvements. I know we discussed this at the meeting. The Board requested that our team provide a landscape plan that helped enhance the north parking lot which is the lot that fronts on Main Street and Moore Avenue. What the project landscape architect tried to achieve was the use of a variety of evergreen and deciduous shrubs with some ground cover. We could not necessarily plant the entire buffer because we need areas for snow accumulation, so we've concentrated on the corner of Moore and Main Street and provided massing of plant materials in certain areas. We think we've provided a plan for what the Village was requesting. The larger circles along the main road are the existing trees, and you can see we've proposed some planting of evergreens, some shrubs, some shrub massing on the corner along with a variety of low shrubs and evergreen trees along Moore Avenue. We provided some areas behind the curb for snow storage. We tried to balance the utility of the site with providing some additional buffering to help break up that last parking area.

Nanette Bourne: We think that the landscaping would adequately screen the front with all the cars.

Scott Blakely: I think as you drive by, it will provide adequate screening. I mean, if you were to stand across the street and look through across, there is going to be gaps where you are going to see some of the cars, but we needed to provide some of those gaps again. But I think as you're driving along Main Street it's going to be a big improvement.

Vice Chairman Sturniolo: What about walking?

Scott Blakely: With walking you're going to be at a height of five or five and a half feet, so you're going to see over those shrubs. You'll see the tops of the cars and you may be looking down if you're on the sidewalk. We didn't have a lot of room to work with, but I think I've come up with a fairly good plan. The other comment with regard to landscaping was some additional plantings along St. Mark's Place were just to change the variety of plant material there. I think what they've done is incorporate a number of evergreen and deciduous trees and a variety of deciduous and evergreen shrubs to sort of break up the monotony of what was previously proposed. So I think we've successfully addressed those two comments. The other thing that we've been able to do also is with the redesigned parking area set up for the future garage. We've pulled the limits of the parking away from the residential area, where before we were removing a number of the existing trees in this area. What we've been able to do now is keep the limits of disturbance associated with the new parking area within the limits of the old asphalt, so there is no proposed disturbance within that existing green space adjacent to Boltis. Again, we're enhancing this area with deciduous and evergreen trees. We have a report that was submitted by historical perspectives, which took a look at the historic aspects of the property along with the relationship of the proposed development to St. Mark's Cemetery, which is on The National Register. As far as onsite issues, there was one site of potential interest brought up in the report, which is an old structure here, The Polly Benedict House. There are some issues raised here of potential artifacts here because of the construction of these five parking spaces. There is a recommendation that prior to digging here that we do some exploratory work in that area. I don't know if you've gotten a chance to go through the report, it's lengthy and there are a lot of photographs and a lot of information in it. That report has been submitted up to SHPO; State Historic Preservation Office for their review. We had to do that based on the relationship of the project to St. Mark's Place.

Vice Chairman Sturniolo: And their comments will come directly to whom?

Scott Blakely: I believe their comments will come back to us. I would assume that the Village would be copied on those, but when we receive those, we can coordinate with the Village and get you copies of those. We've modified the lighting plan. There were some areas I think that did not meet the criteria of the Village requirements so the lighting plan was revised, including the light fixtures. Everything has been done in accordance with your illumination guidelines.

Vice Chairman Sturniolo: Sadly to say, for years we wind up saying the same speech to numerous applicants, but there is a proposed set of new lighting guideline standards that the Village has not adopted. We've been asking every applicant to follow those guidelines. One of the components of these new, non-adopted guidelines is that all lighting fixtures would be full cut off fixtures. In your lighting plans, have you done that? If not, please follow these new proposed guidelines.

Steven Doherty: We have.

Scott Blakely: There were some issues raised with regard to parking on site. There was an updated report that was prepared by Philip Habib, a parking accumulation study in which he took a look at the parking uses onsite throughout a period of one day and developed a maximum number of parking spaces required. I know there is also a comment letter that came back from AKRF regarding the review of Philip Habib's traffic study. I guess they ran some numbers also, but with regard to the accumulation during that peak period the numbers coincided. There were some differences at some off-peak hours, where they had some higher numbers than we did, but they did not come anywhere near the maximum number of parking spaces on site.

Nanette Bourne: I think we just wanted you to use the maximums. Where there was a difference, use the higher numbers.

Scott Blakely: Again, it doesn't affect the overall parking on site, it's just that there were some variations during the off peak times. Turner Construction has updated their logistics plans based on the new parking garage and modified some of the phasing, and that was re-submitted. The phasing basically stayed the same.

Robert J. Buckley: There were some minor changes to the original one that was submitted.

Vice Chairman Sturniolo: Whitney, regarding the proposed parking garage, is there anything that we need as far as a letter of committal or intent about this garage so it can all be tied into the overall package? We're talking about a site plan that is going to be phased. I want to be clear on what we're talking about.

Whitney Singleton: There is going to be certain minimum parking for the time it's based on different phases of construction, and ultimately your board is going to set parameters for how many spaces need to be provided under the site plans with different phases of the construction. That is going to be in the resolution.

John Partenza: May I just be clear on this? I thought we were going to manage the parking during the phasing. The plan would be how we would manage parking depending on what is available and how much we do off-site. Then the issue is when we do the garage.

Nanette Bourne: Are you still planning on doing the garage when you occupy the second floor?

John Partenza: I don't want to speak for everybody here. I think we are committed to the garage and I think we're public with that. I think we need to discuss a trigger, and whether the trigger is the second floor parking demand, time after the completion of the ER, I think that is something we can give and take, and I'm sure we can come to an agreeable trigger.

Nanette Bourne: I think that is what Tony is really getting at. That has to be thought through; what the trigger is, and it is critical that the board is comfortable with how you manage parking during construction.

Steven Barshov: We anticipate, Tony, that a condition of your approval will be a mandate that the parking garage be constructed, and as John said, we'll be happy to work with you and talk about what the trigger or trip point is for that. If you require confirmation from the hospital that the hospital will adhere to and live up to the condition that you propose, certainly we can provide that as well. But we fully anticipate that to be a condition of your approval.

Vice Chairman Sturniolo: Are you still committed to the temporary offsite parking south of Mount Kisco?

Steven Barshov: Yes.

Vice Chairman Sturniolo: Nothing has changed with that concept?

Steven Barshov: Nope.

Vice Chairman Sturniolo: Either the amount of time that you can lease parking spaces and/or the amount of parking spaces?

Steven Barshov: The general concept is exactly the same. The only thing that has changed to a very minor extent has been the number of spaces as these gentlemen can explain better than I; when we made the provisions for the future parking garage in the southern lot, the infrastructure required for that required a small modification to the number of spaces that could be provided on that southern lot in order to be able to make provisions for the garage to come in the future. So, that has a little bit of a ripple effect. It means a few less spaces now so you need a few more spaces off site. But on a macro level, on the overall approach, nothing has changed.

Scott Blakely: There was a request for designation of snow accumulation for the southern lot. That is shown on our layout drawing. Again, we've got to the west of the parking garage structure for snow accumulation, and then we also have an area down in the reconfigured retail lot; in this area. So we've provided areas for snow. What we've done with the reconfigured parking and the design of the parking garage was to increase the number of proposed spaces for the retail. We had previously proposed 17 spaces. We are now proposing 30, so we have almost had the ability to double the number of spaces back in this lower lot.

Vice Chairman Sturniolo: How did you achieve that?

Scott Blakely: We've moved the retaining wall. To give you an idea what is going on to be constructed first in the parking garage, there is a series of retaining walls that run here and here, and then there's a portion of a wall right here. You'd enter this first level here; there is a slight decline down to this area. There is a grade change here, then you turn the corner here and then this goes down, and then you hit a retaining wall in this location. This retaining wall is ten feet high. It separates the retail that sits down ten feet from this area. This retaining wall here is ten feet high at this point, so this sits ten feet lower than this. Really we were able to achieve that by pulling this retaining wall back here. So we've increased this and we've lost a number of spaces on the first level of the parking garage to achieve additional parking in the retail area.

Doug Hertz: The retaining wall is concrete?

Scott Blakely: We're probably looking at a poured concrete right now. They really haven't been designed. We tried to expedite the design of the parking garage, so there are still some engineering issues that have to be worked out with those retaining walls, but I know that they are in the process right now. I know the Board will have concerns on how they look, so we'll take that into consideration as we go through.

John Partenza: Is that an issue? The fact that the retaining walls are not going to be supporting a parking structure there?

Scott Blakely: Yes, but I think what we can get into in a little while is just the design update of the parking garage itself. SLAM has pulled together some schematic elevations along with the floor plans that we're designed, so they have some elevations that they can present to you to give you an idea of just an initial thought on how that will look.

The parking garage again has been set back the appropriate length from the residential properties. There was some discussion the special permit that's necessary for the approval of the parking garage in the future. That was the end of AKRF's comments.

Ralph Vigliotti: I don't recall; is there a sidewalk system on St. Marks?

Scott Blakely: Yes, there is. There is a sidewalk on the south side of St. Mark's and then there is a sidewalk that comes up to this point right here and stops at that other curb cut. Regarding Jeff Econom's memo, the first comment was with regard to the offsite parking and providing you with appropriate leases and other things, and to give you that warm fuzzy feeling that we have everything in order.

Vice Chairman Sturniolo: Where do you stand with the Village and the Lutheran Church and parking at this point?

John Partenza: There was a meeting of the minds with our lawyers and we hope to get those signed in a week or so.

Vice Chairman Sturniolo: And, the amount of spaces?

John Partenza: We're counting 50; it's probably closer to 48.

Vice Chairman Sturniolo: And, was that the same amount?

John Partenza: No, actually we were only using 37 of them to a point, and now we're going to go up to 50. I would ask, Whitney, if you would concur my assessment of it.

Whitney Singleton: There's progress. They're still there; they've been there for many, many years. I imagine they will continue to be there for many more years.

Ralph Vigliotti: In the agreement with the Lutheran Church, we've shown some concern on the landscape unit. I think you've probably done as much as you can do to screen off the cars in the lot. What kind of arrangements do you have with the church to do the same?

John Partenza: There are spaces already existing. We're not making new ones.

Ralph Vigliotti: Perhaps this is the time in which you might be able to assist them with some landscaping. When you were using 30, 36 spaces; now, it's becoming a parking lot.

John Partenza: I would say they are just being used by us in the future.

Ralph Vigliotti: I would love you to have some conversations with them as far as assisting them with some landscaping. It's becoming a parking lot of 50 cars. We're so concerned about screening "X" number of cars in the north lot; I think it merits some conversation with the church to help with some screening there.

Scott Blakely: Number Two in Jeff Econom's letter had to deal with the number of spaces that were lost during the different phases of construction. Those have been indicated on Turner's revised operational plans. Again, we had run some numbers regarding the maximum number of off-site spaces that we would need during the worst case scenario during construction. It was 150 maximum at the worst case. If the leases come through like the hospital thinks they will, we're looking at about 150 off-site spaces.

John Partenza: During construction.

Scott Blakely: Comment Number Four had to deal with the setbacks to the ER addition, and the setbacks that we have indicated on our drawing are for the addition and the additions less 48 feet. So we believe that we're in conformance. Jeff made a comment about the possibility of joining all of the holdings by the hospital into one lot and maybe we wouldn't have issues, but the blocks along Boltis are residentially zoned. He was talking about eliminating property lines and other things, but obviously we can't do that. The subject project really contains two tax lots. One is the main lot for the hospital, which is about a little over 12 acres, and then there's another two and a half acre lot that encompasses the medical office building which will be demolished, and the retail area. So, those two lots total about 15 acres, and that's what the project comprises.

Whitney Singleton: So your parking structure then isn't actually fully within the commercial lot? Are there interior lot lines with regard to the parking structure that are crossed or setbacks not being met?

Scott Blakely: There is an internal lot line that separates the two lots that I just discussed that is within our development area, and again, we do meet the setbacks for the residential zones for the parking garage. There was a typo on Drawing LG01 which we fixed. Jeff had some concerns about an existing drainage pipe that goes underneath the Chinese restaurant in the retail area. We've noted on our drawings that that catch basin is going to be removed and the pipe will be plugged.

Vice Chairman Sturniolo: That's the one that comes out in the park?

Scott Blakely: Yes, it comes out into Main Street. There is a catch basin directly on the opposite side.

Ralph Vigliotti: How many square feet is the retail space?

Scott Blakely: It's about 70 x 175, give or take. Then, Jeff's last comment had to do with schematic floor plans and elevations of the parking garage.

Vice Chairman Sturniolo: What form is that special permit?

Nanette Bourne: The special permit requirements has to do with making sure that the parking structure's visual impacts on the landscaping for adjacent residential property.

Vice Chairman Sturniolo: And that takes the form of a letter, the permit? There is not a form per se.

Nanette Bourne: No, it's a kind of review on your behalf. It's almost a subjective review on your behalf. They have addressed noise, visual, landscaping.

Vice Chairman Sturniolo: And then based on the Planning Board's satisfaction, then the permit is granted?

Nanette Bourne: Yes.

Vice Chairman Sturniolo: Thank you.

Ralph Vigliotti: With the retail space, it looks like about 12,000 square feet. The 32 spaces that you were sharing with us earlier that you've created for the retail space, I guess under a temporary situation until a parking structure is put into place; it's not working now, and you probably have more than 30 spaces there, will the retail store customers be able to access the parking structure for an overflow?

John Partenza: That's not in our plans, no. With concern from the board's perspective of accessing the parking garage onto St. Mark's. I really want to move this forward and make things happen for the hospital, but just put on the record. In all fairness to all developers in town, we had someone here earlier with 30 spaces for 4900 square feet, and we're having some difficulty with that applicant because they can't come up with 30 some odd spaces and that's 4900 square feet. We have 12,000 here and you're showing 32 spaces. My concern is that what's in there as far as retail, there is a lot of restaurants. I find myself parking almost up to Boltis on some occasions. I don't even use the area anymore now to pick up certain products because parking is terrible. I am parking probably 150 feet away on St. Mark's Place in order to use retail there. So, you're looking at no overflow, and it's a consideration that you need to have. 32 spaces are barely enough to cover the employees of all those sites. It's something you need to consider down the road. How are you going to handle all that retail?

John Partenza: I think that's valid, and we understand that and appreciate the Board working with us on allocating 32 spots today. I think one of our options is our leases are coming up. The hospital is about healthcare, not about retail. We don't want to encumber parking any more than necessary, so maybe we don't rent the spaces or do something with the building other than retail. We are very cognizant of that, and we appreciate what you're doing for us in this regard. But when push comes to shove, we'd rather have patients and doctors and visitors parking rather than liquor stores or whatever.

Steven Doherty: So we were talking about the parking garage, so relative to the garage, I realize these are small scale elevations; you have them in your packets. The basic concept is feeding off of the design of the building where the elevator and stair core is a combination of metal panels and a glass curtain wall system and then the spandrels of the parking garage are basically picking up the brick theme of the building, and then as you get down to the lowest level of the garage; what we've indicated on some of these elevations is to start to pick up a concept of a stone wall pattern. The garage isn't designed far enough along to know whether or not this could be cultured stone, veneer on a cast in place concrete retaining wall or some other type of wall system. That still needs to be finalized. But the idea was to have the lower scale walls be more like garden walls, and some of those may be eliminated with what we're able to do with final grading of that parking lot; and then the spandrels kind of pick up the design theme of the building with that brick look to it. So the idea right now is that there is the surface lot and then two structured levels.

Stanley Bernstein: It still looks like a parking garage. I was at a hospital in Nashua, New Hampshire not too long ago and it had a parking structure right across from the main entrance of the hospital. You didn't know it was a parking structure. So bear that in mind, and I'm sure all you intelligent people and designers can come up with something that would be suitable. It's nice to talk about stone and fieldstone or whatever, but it still looks like a garage. If it's unavoidable, fine. But I would like to see it look more other than a garage, more like a building.

Warren Geller: Yes, sir. We can appreciate that. One of the main reasons we selected SLAM Architects is because of their creativity in developing a more holistic area even on things like parking structures, so we will absolutely take that into account.

Vice Chairman Sturniolo: I think to underscore Stan's point; at one of our meetings we made reference to a current parking structure in White Plains somewhere in North Broadway.

Nanette Bourne: It's part of the City Center.

Vice Chairman Sturniolo: Stan just reiterated that point now.

Warren Geller: We hear you loud and clear.

Doug Hertz: Scott, in reference to the landscape plan along St. Mark's; when you switch from parking lot to parking structure, does it maintain the same foot print so that that landscaping will remain in place?

Scott Blakely: Yes, it does. So that landscaping will go in during the initial phase once the surface portion of that garage is created.

Nanette Bourne: The issue of the parking garage; do you intend to submit elevations to the Planning Board at the next meeting or when? Typically your parking elevations would go to the Architectural Board of Review, and they would be the one that would review them and give you a permit. In the case of the special permit that you were commenting on, the Planning Board also has reviewed it, because they are looking for those performance standards that minimize the impact on the residential use. So, the Planning Board would not be making the same kind of design judgments that the ARB would be, but they would be looking at all the things that Stan was just mentioning about the more residential look. So that would be part of the Planning Board approval.

Steven Doherty: But is that done part of this phase or is that done when the garage is actually submitted as a project in the future?

Nanette Bourne: That's a good question, because we talked about you submitting 33% design. I'm thinking out loud, because we really haven't had this discussion, but for the Planning Board to issue a Special Permit, they really could not make a judgment on all of the special permit performance standards.

Steven Barshov: I don't know that we would be looking for the Planning Board to issue that Special Permit now. As we had envisioned it, and obviously this is a dialogue that we should have, is that there would be a requirement that we construct the garage and let the appropriate trigger as we had discussed, and then it would be incumbent upon the hospital to come forward at that time with its full design and plans and so forth, and get the special permit and all of the other approvals.

Nanette Bourne: So when you talk about the 30%, I think some design concept would be desirable so that the Planning Board knows what they're getting into. Certainly not architectural design of all of the elevations, but certainly some typical, some sketch as to when you're giving them the comfort that this parking garage can sit on this site in a way that is compatible with surrounding area. I don't mean to be speaking for you.

Ralph Vigliotti: Nanette, you're such a lady in the way you have presented it. I'd like to present it a little differently, but you had presented very well what our concerns are, I just want to accent it. Gentlemen, we have a historical cemetery. We have a residential area. As Stan has said and what has been said on the board; that south end will be as visible as visible can be through the cemetery, and I hope that you spend the amount of money that is necessary to visually, at least for that south end, to make this aesthetically so pleasing that someone has to say, "Is that an office building sitting there, no, that can't be a parking garage." And, as Stan has said, they have been designed; it's just going to take a little bit more money.

John Partenza: I don't want to lose site of that. It's an issue of money. These are expensive. We're committing to a garage that we do really not understand the full cost of. We've agreed to a garage that would be aesthetically pleasing. To go back to our master facility plan, we are talking about the north parking garage which stood out more. We gave depictions of what they could look like, and I think we're committed to that. I think we would commit firmly in the process of trying to get it approved, and there you would hold our feet to the fire as to what it would look like.

Ralph Vigliotti: That's a fair statement, but we're just letting you know early on.

John Partenza: I've always been cognizant of that, but I have to ground us in reality. There is only a finite amount of money we have to deal with. We want to spend as much on medical equipment as we can. Certainly we need a garage, and we know we have to have a garage that's pleasing and everyone is comfortable with. I'd like to say it's going to be less of a standout than in the north end.

Nanette Bourne: As a middle ground, if you could attach to this your concept of what this garage could look like without designing it, but put a face on it.

John Partenza: You understand this better than me. If I recall back in the Master Plan we did give like facades of what they would look like. Is that what you're talking about?

Nanette Bourne: Yes.

John Partenza: Without the design and the architectural features.

Vice Chairman Sturniolo: With as much as character and detail and again, not getting into hard drawings, to build our comfort level. While this Board recognizes what John just said about dollars going into an ER as a priority and not a garage, but I don't want to wait so far down the line, that once you're ready to do the garage, you come up with a piece of paper that says this is what we can do with the dollars we have left cause it all went for the ER; and then everybody's kind of like with their back against the wall. You need a garage, and this is the best the dollars left can do. If we can address this now with real renderings, let's see some photographs of what's in White Plains, what you can draw with color, material and texture and everything other than going into actual architectural fine, detailed drawings; and if we could see that soon.

Doug Hertz: You're talking about what the triggers are. What do you think the trigger is for meeting this parking garage?

John Partenza: I think we, as an organization, (I don't want to speak for Warren) I think we realize we need it sooner than later. I think there's a practical problem that you can't build an ER and a garage at the same time. You don't want to finish an ER, clean up the lot and start a year later maybe from the construction and the cost you want to do it right after. We don't know today what that trigger is, but we know it's this far and not that far.

Doug Hertz: Just to react to that, I've said this before and we've talked about it when we looked at the other Master Plan. It's difficult for us to really make intelligent assessments when things come in phased. So, while I appreciate that you don't want to go to the time and expense and slow down the ER discussion by completely designing the parking lot, the more information we have earlier makes us smarter and allows us to identify things that may snag us down the line. What I would be concerned with is that we get to a point where you need the garage and because we haven't looked at it in enough detail at that point; something sticks in our craw that we can't, at that point, do anything about.

John Partenza: Just for clarity. The next piece you're looking for is the façade. The look and feel. Is that the answer to your concerns?

Doug Hertz: To some extent I think what we're concerned about is not so much what the flow is going to be onsite, but what the impacts to the surrounding neighborhood are. What the facades are, what the elevations are, heights are, how we mitigate site lines, is the buffer that's being proposed to the edge, and the plantings; is that going to be adequate for this new, bigger, taller facility? If it turns out that bringing something back five feet or ten feet forces you to reconfigure something slightly on site, but gives us the ability to put in larger plantings or staged something; better to know now, I think from our perspective.

Warren Geller: I think as John stated, one, we're committed to the garage right now and we hear your concerns, and we could address those. We have a very talented design team here that could put together what possible facades can look like. They can mock up what the site lines would look like from the different neighborhoods and the surrounding areas, and we could put that together for you.

Doug Hertz: For myself, the concern is what the impacts are going to be to St. Mark's, to Boltis and to some extent, I guess from Main Street, if there are going to be any. They're probably won't. You've got those evergreens there.

Steven Barshov: I'm actually encouraged to hear you speak this way because it reflects, really, how far we've all come in this process. I want to put it into perhaps a bigger historic perspective. The big fight for a long time was whether there was going to be a southern garage at all. I recall a strong insistence of the members of this Board that we have a garage in the south, and now it is where you wanted it to be. Not only has that been accomplished, but the hospital resisted for sometime. Money being the primary reason, committing to it. Making the commitment to not only build it, but design it so that today you know that the infrastructure will be in the ground at the first phase so that it's literally being planned as we speak. Yes, we'll be happy to give you the design and what it looks like in order to try to mitigate as much as possible what its impacts

are. We all do recognize that it's in the context of a garage that is needed. We'll do the best that we can to mitigate and design it and give you the elevations so you feel comfortable. Ultimately, it is a structure that will be seen, and the main problem is making sure that we have an adequate amount of parking, because that still is the fundamental issue. Those goals we are going to accomplish and we'll do the best that we can on the design end to make it as appealing a structure as can be given that it has to be there and what its functions must perform.

Vice Chairman Sturniolo: When do you think we may see that particular issue in front of us? The renderings, the A & B comparison to White Plains, the type of material, the analysis from the viewpoints of various neighborhoods?

Steven Doherty: We're starting to put some of it together now. The imagery can take a number of different architectural languages, so coming up with one that is both cost effective that works with the structure of a garage while maintaining that it's an open structure so that you don't have to start putting mechanical systems in it. All those things effect dollars and the functionality of the building itself. We can get so very diagrammatic images together to develop that through the design just to make sure. If you want to move it back off of St. Mark's by feet, that's huge in terms of knowing where to put footings on the site, does it reduce one of the isles to the point where you can no longer have parking on that one isle, and now you need to look at another floor? Five feet is huge.

Vice Chairman Sturniolo: So the time frame, date line of this garage really pushes itself to the forefront as far as accomplish design philosophy first, so you would want to be able to satisfy the comfort level of this board of what this garage is going to look like in broad stroke terms, but enough so you can continue on with your other engineering work.

Steven Barshov: Maybe I misunderstood and maybe the technical team will prove me wrong, but I suspect that what Steve meant by "moving it five feet is huge" is function, cost, number of spaces to be provided, and is very significant in relation to benefits to be achieved. I want to be real. We're talking about a structure that has some mass to it. If we move it back five feet it's not going to make any difference in any significant way in terms of what the massing will be. I understand what you're saying about the outside materials. You want it to appear a certain way. But we need to maximize the number of spaces that we provide, and we don't want to start incurring expenses.

Doug Hertz: I think we all appreciate that; which is why if you want what you want, we need to feel comfortable that it is going to work. You know it's going to work for the number of spots you need, etc., but we need to feel we're doing the right thing. Sometimes five feet gives us five feet of greenery buffer and it doesn't significantly impact you. Sometimes it does. The more we can see it, the more we can understand and the more you'll convince us how right you are.

Steven Barshov: It's not so much how right we are, it's more what we all want to be together.

Doug Hertz: I understand. It's my argument against how difficult it is when these things come in phases. Phase one would force Phase Two.

Steven Barshov: I think it makes sense from both ends is to commit. I think that's the most important thing is the design not only manifests the hospital's intentions but it's commitment to build a structure, which is the most important.

Vice Chairman Sturniolo: With a comma that says a structure which is aesthetically pleasing and dovetails it for the neighborhood, etc., as opposed to a parking garage adjacent to the White Plains train station.

Steven Barshov: I can tell you one of my personal embarrassments. There was a garage I was involved with; the Columbia Presbyterian, and what I saw what went up with the approvals that were given, I was embarrassed. I would like to not have anything like that happen.

Scott Blakely: The next memo was Anthony's. He had a number of comments. I'll try to get through these as quick as I can.

Anthony Oliveri: If I may, a lot of these comments are technical engineering details. I don't know if you really need to hit them all one by one.

Scott Blakely: Have you had a chance?

Anthony Oliveri: We started going through. It looks like a lot was addressed going through it point to point, and we'll issue any remaining comments we have shortly. It's up to the Board if you want to hear these.

Vice Chairman Sturniolo: It's really your call.

Anthony Oliveri: For the most part, it's all technical.

Vice Chairman Sturniolo: Okay.

Scott Blakely: If Anthony is comfortable, I think we've addressed all of his comments.

Anthony Oliveri: The revised plan and storm water report; has that been submitted back to DEP as of yet?

Scott Blakely: As I mentioned in our plan, the erosion control plan was not re-submitted to you because one thing the DEP requires from us is to put together a phasing plan. We've utilized Turner's logistics plans and have since finalized our erosion control plan which includes construction phasing of the site. That plan is finished. We will be submitting copies of that plan to your board, send it up to Anthony and Nannette separately as a supplement to the plans that were submitted. We will be submitting to the DEC our Notice of Intent and resubmit to the DEP. That will all go out tomorrow.

Vice Chairman Sturniolo: Scott, do you want to go through the phasing plans?

Scott Blakely: We've incorporated the suggestions from Turner as to how they plan to construct this.

Robert J. Buckley: Similar to the last plan, the first phase, again we took the upper lot and start developing the loop road over here. At the same time, St. Mark's will be demolished, and we will now make this a little bit bigger than it was originally to incorporate the retaining walls that are here, here and here, and take us to some point right here. So all the retaining walls would be developed in this first phase so that we could then, in the second phase, open up the loop road here, open up the new loop road here, and then do some minor work here to create an access road so we would maintain parking in the existing lot here, and we would open up 30 spaces in the new lot here, and at the same time, now that the retaining wall is built here and here, we would introduce temporary retail parking in this area while we're finishing the new work down here, as well as finishing the parking lot in this area.

Vice Chairman Sturniolo: This is the second phase?

Robert J. Buckley: It's all called Phase One A, but it's all consistent with the language in the application.

Vice Chairman Sturniolo: Including Phase One B?

Robert J. Buckley: Phase One B is the development of the new temporary ambulance entrance off of the loop road.

Vice Chairman Sturniolo: Ball Park; how long does this phase take?

Robert J. Buckley: I would guess two to two and a half months. There is an immense amount of rock removal here, and there is a dramatic amount of work now, with retaining walls over here to form these walls. Probably combined for both of these phases, a four month range.

Vice Chairman Sturniolo: So you're calling this Phase One A?

Robert J. Buckley: That is consistent with the original application that was submitted, so it's separate phases but it's One A for the application. After we complete this phase, we then go into the last remaining piece of the parking lot and moving the temporary access road here, you're entering the parking here, retail space is now open, this piece right here which was temporary is unusable at that point because there is no access. We have to finish off the side, close the road and there is no way to get from here to there.

Nanette Bourne: So, from the time you move out of there and you do your parking structure, will that be used?

Robert J. Buckley: We haven't looked at the parking structure yet. This is just the bottom level.

Michael Caruso: I think what Bob is saying is that it's just during this, call it month to month and a half phase that it's unusable.

Robert J. Buckley: When it's a temporary lot, we're still coming off the same, and then we have no way to get there because we have to close this, so it just becomes dead space until we can open up the whole side. Once the lot is done that allows us to take the addition, close this down, the temporary ambulance is open and we start building the addition.

Vice Chairman Sturniolo: What is the time guesstimate on that?

Robert J. Buckley: The original building was sixteen months, total including site work. Once the addition is done, we have renovations on the inside. The temporary ambulance entrance becomes our temporary construction entrance, the new ambulance entrance opens here, and everything on the site remains the same. The last drawing is a logistics plan during the construction of the ER and how we're functioning on the site. The site fence, construction gates, temporary entrance, dumpsters, toilets, etc. Originally before this was put in place it was a 21 month schedule. It's probably now going to change due to the complexity of the garage being put in there.

Vice Chairman Sturniolo: When you say the complexity of the garage?

Robert J. Buckley: Originally this was a surface lot; now we have structure.

Warren Geller: In essence, the temporary parking over there becomes the first floor of the garage because otherwise we would have to drill through it later and recreate our structure.

Michael Caruso: What we need to be clear about is this is the base for the parking structure.

Robert J. Buckley: In the original plan that did not exist.

Steven Barshov: That's what I was referring to; maybe I wasn't being clear, in that's it's the design itself that indicates the commitment of the hospital by providing the columns.

Ralph Vigliotti: What is the height of the parking structure?

Steven Doherty: We were at 42 feet or so.

Whitney Singleton: Ralph, as you look at it, it's stepped almost like a split level home, depending on which side you're looking at.

Ralph Vigliotti: At its highest point from grade level its 42 or 48 feet?

Steven Doherty: It ranges from 29 feet on this end to 39 feet from the retail lot, but that is part of a ramped elevation, so it keeps going up, probably not quite another full level, so it's probably somewhere around the 42-43 feet.

Whitney Singleton: I wouldn't normally ask questions about your project, but I know parking is ultimately going to be an issue that the board is going to concern themselves with from my perspective. This doesn't actually excavate down? Your lower level is grade. You're not putting a whole story underground?

Robert J. Buckley: No, not a whole story, but we're certainly excavating down.

Ralph Vigliotti: Are you putting a half story underground?

Scott Blakely: I think it's six or seven feet of excavation. We are going to be removing rock.

Ralph Vigliotti: I don't think you've answered my question. Are you putting a half story underground, or are you just digging down eight feet?

Scott Blakely: The first level, when it's done, is going to be sitting on grade. There is not going to be anything below grade. But if you are familiar with that existing lot, from this area here, this comes relatively flat and then it drops off. Really, we're taking from somewhere in this point and knocking this out. There is about six feet of rock excavation in the back.

Ralph Vigliotti: I thought the parking structure was not going to be part of your phasing in. You're really telling us you're going to be doing all the excavation and foundation work for the parking structure within the next 26 months after approval. We can't wait

this out. We need to tie this in a little closer now, because a lot of this is now based upon putting in your first floor excavation work being done. This is a full tie in. It would appear to me that you would be digging down six or eight feet, you're raising this section to come up to grade. I

Steven Doherty: Right, and some of the things we need to be concerned about, if we're parking at grade our setbacks are one distance. If we start to do it as a structure, the setbacks are a different distance. You go from 20 feet to 30 feet if you start to classify that as part of your building structure. In which case, we can't build that same foot print, to reduce our parking count we would need to build additional stories.

Ralph Vigliotti: But there is a direct tie in to this parking structure now, not later. We were kind of holding off our conversations to some degree on the parking structure because it's coming later.

Steven Barshov: What's provided for there now, I think is what we've been saying all along, is the physical configuration of the structure, and in order to be able to satisfy the board that there is a commitment that is being made, not just a set of words on a piece of paper, but an actual physical commitment, the cost effect of not doing it that way would be to radically impair the ability of the hospital to construct the structure within a reasonable period of time.

Ralph Vigliotti: I understand that. I just think our conversations should be going at a different level now.

Steven Barshov: The issues that I'm hearing are the physical layout of the structure, which you're getting in these plans and the aesthetics. It's what this building in its configuration will look like. If the concern is that the whole thing ought to be lower because it ought to be sunk into the ground another six, eight feet because you want the top of it to be lower, than that's something that these guys can talk about in terms of if that's feasible or not. If it's not the overall height, and if it's the width and size, yes, this is going to predetermine the mass. But with benefits come the burdens. The benefit of getting the hospital committing that it's going to do something is that they commit to doing something. Of course it has to be determined, otherwise there is no commitment. To me that is not a surprise. It's the essence of what you want. The only question then is what is the aesthetics going to look like later on, and you're going to get to view the elevations, etc., to show you what it would look like as best as can be foreseen at this point, and by my way of thinking that's an awful lot. I'm not sure what you mean about linkage, but if you're thinking linkage means that we now have to fully design a garage, engineer it, do all of the architectural drawings, then yeah, you're imperiling the ER and I don't think that's where we want to go in terms of it's timing.

At this point, Nannette Bourne and Steven Doherty are pointing to existing buildings and structures and discussing what will be in place of them.

Nanette Bourne: Is this the existing grade right here?

Steven Doherty: Yes.

Nanette Bourne: When you say you are digging out the six to eight feet, that's on this end?

Steven Doherty: That's on this high side.

Nanette Bourne: And where is this on here?

Steven Doherty: It's the back corner of this high side.

Whitney Singleton: You're shaving off a nub of the hill.

Scott Blakely: We're cutting off from here over. I know you are probably familiar with the steepness of this lot in this area, so in order for that to meet code, we are a maximum five percent. We are holding this curb edge and cutting back into that drop, so we're dropping this grade down cause we have to, and that's creating this large retaining wall.

Robert J. Buckley: And at the same time we were trying to maintain some of the grades with St. Mark's so that when this is a service lot we can also maintain emergency access similar to what we have now, gate it so people don't use that as an entrance/exit but you can still get emergency vehicles from St. Mark's parking.

Vice Chairman Sturniolo: So the first floor of the parking structure, once it's finished, is really going to be right at grade at that point where the retaining wall is?

Ralph Vigliotti: How high is the retaining wall on the opposite end, next to the retail parking?

Steven Doherty: It's ten feet high right here.

Ralph Vigliotti: That's the highest point, ten feet?

Steven Doherty: This is taller.

Scott Blakely: This section here is a ten foot grade change from here, you step up ten feet here, and then from here you step up ten feet here, so there is a twenty foot high wall right in this section.

Nanette Bourne: So, from St. Mark's when you're looking from St. Mark's and you're looking at this structure, what is it that you're going to see?

Scott Blakely: You're going to see a 20-foot high wall that then turns into a ten foot high wall.

Whitney Singleton: But right now to be fair you're seeing a 20 foot rock base right now. So, you're basically designing this entire parking structure around the existing grades on the property?

Robert J. Buckley: As much as possible.

Scott Blakely: We wish we didn't have to cut back in here. This whole area is rock, but in order to make these grades work, we have to cut this down here.

Ralph Vigliotti: Right, but you're only cutting it down enough so you have emergency access.

John Partenza: And also a level of the first floor of the parking structure.

Ralph Vigliotti: Which gives you an option at some point if there's going to be ingress/egress; whether it's emergency or not, onto that first floor. I'd rather you not have that option; I'll be quite honest with you. At some point in time you will be before us asking us to change the emergency ingress/egress to having emergency patients going thorough St. Mark's.

John Partenza: In fairness to the hospital, it's been there for twenty eight years that I know of and we've never asked for that. We have no intention. I think it's a code issue to get emergency vehicles into a parking structure.

Michael Caruso: One of Austin's comments was to make sure this emergency egress is maintained.

Ralph Vigliotti: So that's why we didn't drop this below grade?

John Partenza: No. I'm a lay person, but I'll tell you if we built a garage with a high, if the first floor is sloped like this, the height of the garage would be higher in some parts because the ceiling height would be higher in the corner. I thought that was one of the issues, too, of cutting it down. So the overall height of the garage wasn't that high.

Scott Blakely: And, again, the only section of wall that is 20 feet is this.

Ralph Vigliotti: What's there now?

Scott Blakely: Right. In the proposed condition, this section here is 20 feet. This steps down here and we're going to be removing some of this rock material out here.

John Partenza: I just want to make it clear that we have no desire to go onto St. Mark's. It's an issue of safety and a garage and just a way to get into the hospital camp should something happen at the main entrance or any other entrance. I want to be clear on that.

Vice Chairman Sturniolo: When we continue this conversation, me only; I'm getting a less and less comfortable feeling as this conversation goes on about what we're going to see and the massiveness of it. I can't speak to my feeling in technical engineering terms, but not to be humorous, but the analogy of the Judge who said I can't define pornography, but when I see it, I know it. At this point in the conversation, in the last

ten minutes, in my opinion I think we're kind of going backward, and I don't have a comfort level any longer in what I'm hearing.

John Partenza: I'm sorry to hear that. I think we're trying to be very honest with what we put there.

Vice Chairman Sturniolo: Honesty has never been a question in my mind. It's what the end result is going to be.

John Partenza: May I just add something to help me understand and help get some guidance when we caucus later. We're trying to build an ER. We're focusing on a garage. My concern, being a lay person, is that we are going to deal with the garage. Are we going to run into a wall with the ER? Is there something we're not dealing with today, as construction, that we're unaware of? I like to do things concurrently, so are there other issues that we have to process as it relates to the ER, the loop road or anything else like that? The focus here is the garage, which I appreciate, but I'm not sure we've covered anything else that we may need to cover. Are we kind of there with the ER and the real focus right now is the garage? If we have the architects do the renderings, which we will do, and I think we will do our best, I don't want to add another six months to the process. If we could do something concurrent.

Vice Chairman Sturniolo: It's beyond that issue. I'm concerned about being locked in to the four corners of the garage predicated on all the work that's being done prior to it. I don't any longer have a comfort level in what I'm hearing in the last twenty minutes.

Steven Barshov: Maybe I'm missing something. The Planning Board has always known there to be a southern parking garage. It's always been talked about in this location.

Ralph Vigliotti: I don't think we're discussing the parking structure in that location, we're discussing the height, the retaining walls, and we're cutting into the grade more or less or not. In all honesty I thought this was like a Phase Two where we're just talking about the ER. But it's really tied into Phase One because you're doing the grading work in getting in the columns and the concrete work.

John Partenza: That was our commitment to the garage. We kind of drew it; what we could build that met our parking needs and what would be aesthetically pleasing to everybody. We're trying to meet that by doing this. If we phase it too much, then you've got an ER without understanding what the garage is going to look like. This is our attempt to say where it's going to be. We're going to build it here today because you don't want to put macadam down and rip it up a year later and start building a garage. This is the plan. In my mind we were always clear that we were going to come with a plan for the garage.

Steven Barshov: I'll go one step further. I'm surprised. It's surprising to me to hear that you're, in essence, expressing discomfort. What I'm saying to you as straight and plain as I can speak is that the parking garage, in order to provide the requisite number of spaces is presented to you with the design that already causes us to take out rock in order to be able to make this structure work. It's not as if there is no excavation going.

Ralph Vigliotti: We understand that. Please don't be surprised by us questioning you in any great detail. That's our job. I was surprised to day that none of you here this evening were not able to give me the exact retail square footage, so I, in my head can figure out how many parking spaces you really need in that retail parking lot. Not 29 or 30, but perhaps 70 or 80. We've opened up a little bit of a can of worms here tonight, so please don't be surprised. I'm surprised we're even allowing you to move forward with 30 spaces to match that retail space there. With all due respect to everyone here, we have a job to do here. We had an applicant here earlier with 4,900 square feet and we weren't letting them move forward with 32 spaces. You have almost 14,000 square feet there, and you're doing us a favor by showing 30.

John Partenza: I don't like to quote numbers without knowing, but I'll get you the exact numbers.

Stanley Bernstein: 100 x 100 is 10,000, so it's got to be less than that.

John Partenza: I'm thinking seven or eight, but I'll give you the exact number, and we said we would work on that. I guess it's a core issue that we were asked to show a where we're putting a garage, and we did. I think that's where I'm getting confused. What do we need to do?

Doug Hertz: I was always in favor of a garage in this area. I still am. When parking structures were discussed for the other end of the hospital site, a lot of it was below grade. There was a discussion of how much was below grade. It was never in my mind a fete accompli that the parking structure in the south end would be completely above grade. This is the first time we're really seeing the entire application. We're just digesting this, and for the first time we're seeing that it's all above grade and exactly how much, now that there is no other parking structure; this is the size it has to be, this is the height, this is the mass. I think what we're discovering is that not only do we have to digest it quickly, but because you're laying the infrastructure in the very beginning of this, that we really have to do our due diligence at this point. Agreeing to the parking structure in Phase Two or 26 months from now, is not going to really help us, because you're going to put the foundation down and the foundation is what it is. Not that we're saying don't put the parking structure there, but the fact that it's all surface, it's all rock there, these are the size of the retaining walls. I think that is where we're at. I think we'll all come to some good accommodation to make this all work.

John Partenza: So I thought the next stop was the renderings. What else do we need to do?

Nanette Bourne: I think what you've heard is you need to take this to the next level so that the board can visualize what they're getting in terms of grading and how it's going to look, and develop it to that extent. I don't think they are asking for construction drawings, but they can't visualize. I think Doug is absolutely right. This is the first time that we're all processing it.

John Partenza: I appreciate that.

Nanette Bourne: I think another issue that has to be discussed at the next meeting is the size and what the size is based on so that the board is comfortable that the parking supply meets the demand, and that this parking structure is adequate. I think there is a SEQRA issue. We sent out a Notice of Intent to be Lead Agency. DEP's involvement is going to require a SEQRA determination. DEP has gone through a number of staff changes and I don't know how far along they are with you, without having the SEQRA determination, so the Board needs to be pretty far along so that they can make their determination, and there is nothing that I've heard from the Board or that I've seen that suggests anything other than submit a letter of the completion of an expanded environmental assessment. I don't think I'm hearing from the board that they want anything other than that. You just want to make sure that what you have in there allows them to make their negative declaration. I noticed in the Board's packet that every other page of your EAF is missing. Mine was. The other point that we need to discuss is we need the site plan engineering details to review. The processing of it is that we have to approve the special permit and the site plan approval. I thought we were including some site plan approval in the special permit for the garage. I think we need to see whether or not we are in agreement to move forward. Whitney and I were just having a conversation about what he understood and what his last recollection of when you were before us, what we both had expected is that all this work that you've done, that this would propose action would include your site work, your parking structure, and your temporary parking.

Steven Barshov: The parking structure was not something that we were able to plan and put into this as a formal application. I thought we had always talked about it as it being in Phase Two, that we would come back for those approvals and not to beat a dead horse, but what we're trying to do was address the comfort level of admitting to doing it, and also as a practical matter making sure that it was going to be feasible in the future by providing the infrastructure for it now. We had always thought we were going to come back and get those Phase Two approvals that we needed at the time that the trigger would come.

Vice Chairman Sturniolo: As were talking about it, the comfort level is being diminished predicated on the massiveness of this structure.

Steven Barshov: I think we will certainly come back to you, and the Board will make it's determination. We will show you what the elevations are like. I don't know if these guys have other visual aids that they can produce so that they will give you an idea of what the massing is. Then, we're all going to have to see what it is that we have; how tall it is, how many parking spaces it accommodates, and discuss questions about bringing it down lower. I don't know what the cost implications are. It may make this infeasible. It simply is a practical matter. The one that we had, just to refresh everybody's recollection. When it was up in the north, this was going to be part of a medical office building and there was a developer who was going to be paying for that. So there are practicalities that are associated with all of this, but we want you to have

the information so we'll come back with the elevations and other visual aids and the drawings that you requested so that you can have the exterior design work and the concepts of that. We'll give you the best idea that we can of what it's going to look like. I hope then you will tell us whether you feel comfortable or uncomfortable with it. What we've done here is try to accomplish the principal goal, create the infrastructure for a tiered parking structure that will provide the requisite amount of parking, not only now, but also into the future for the hospital.

Whitney Singleton: We've had staff meetings with the applicant with some of the Board members not present, and I want to clarify two points as to how we got to the confusion that exists tonight. First, with regard to the Phase One/Phase Two relative to this garage, I was always under the impression, and it may have been the wrong impression, that the construction of the job was going to be phased; not the approval. That's not necessarily a problem, so I want to get a comfort level with that. With regard to the parking structure, I'm not saying that you guys misrepresent anything, but I think that there was something in the back of the Planning Board's mind that you thought this was going to be depressed into the ground and kind of hidden in the natural change and terrain there when in reality; a large portion is actually being put up on top of the plateau. I think it's a misunderstanding. I don't think it's anyone misrepresenting anything. I think it's simply a misunderstanding between the two. My primary concern, going back to the issue of when the garage was built, is a PAD, a Parking Avoidance Determination here. There is going to be an out, and what kind of mechanism is going to be in place that is going to require something that is going to be built here and require it in a fashion that it's more than just a concept without an approval. I mean there is going to have to be something more than that, cause everything related to this hospital is predicated on parking. That was a misunderstanding on our part.

Ralph Vigliotti: I agree with you. I don't have issue with the location, gentlemen. It's just the massing.

Steven Barshov: We understand that. We will go back and take a look and see what if anything can be done, recognizing that the primary goal here this to make sure that we get the requisite number of spaces in at the price that the hospital can afford to build it.

Nanette Bourne: Are you expecting to come back with some responses to the second meeting in March?

John Partenza: I think we hit a little bump in the road, and we're going to have to recoup from that, but I'd like to keep the process moving as expeditiously as possible. If anything, we've been responsive, and we hear what you say, and we will respond. I would like you to just take that on faith today. Yes, we would like to be on the next meeting.

Nanette Bourne: I don't know that you're going to have anything in time for the Board to review.

Steven Doherty: But will there be additional technical components to this submission that we'll also need to respond to that maybe again, we do I have that one meeting, which also gives us time to adequately prepare images for this.

John Partenza: As I was saying before, there are other things we could be dealing with too.

Stanley Bernstein: What about the ER? Do we have to look at it? We have to see if it meets with our approval. Are we happy with it, or are they going to come back next meeting and after the garage is spoken about again, they are going to find out that the ER is not to our liking. Shouldn't we be talking about the ER? Do we accept what they proposed in the past?

Nanette Bourne: So maybe at the first meeting in March, we continue this discussion and look at other site issues.

John Partenza: And we'll continue working on the ER either staff to staff, and whenever we get on your agenda for that.

Doug Hertz: If we are going to continue this in two weeks, one question that I'd like to address is the loop road. This was discussed when we were looking at the Master Plan. What is the buffer between that loop road and the residences? Is there something that documents what that looks like? The question is what those site lines are, ambulances, and other things coming around; lights moving through back yards.

John Partenza: I believe we provided that but I can go over it next meeting.

Doug Hertz: I missed a meeting where you guys were here. It's very possible I missed what you presented.

John Partenza: I don't think we presented it, I think we had it in our documents as far as the changes and the buffering. I don't know if we ever discussed it in public.

Doug Hertz: Maybe we could just go through that.

Steven Doherty: There is a landscape plan that was prepared. Also, we have a couple of cross sections though there based on the steep slopes permit application. That road is depressed. It sits below the rear elevations, but we'll take a look at what we have, and we'll be prepared to discuss that.

Vice Chairman Sturniolo: We're probably at the point now of getting to the subject of the site plan re-approval, and also John's note regarding the hospital oxygen tank replacement and the deletion. The reason why you're asking for a re-approval date of the second floor of the cancer is?

John Partenza: The resolution I believe expired, and we need an extension, and we submitted our plans for a building permit.

Vice Chairman Sturniolo: You need the extension of the approval, but the plans and the approval for the cancer center; I'm assuming you've made no changes at all? There is nothing changed now on the second floor from when it was approved?

John Partenza: Nothing as far as operational. We now have the drawings.

Stanley Bernstein: Not true. There was an empty floor; there was nothing there. All we know is the perimeter and the interior area of the second floor.

Vice Chairman Sturniolo: You're not changing anything today? When the approval is granted?

John Partenza: No, and we're building what we intended to build 18 months ago.

Ralph Vigliotti: How much of an extension are you looking for?

John Partenza: We have the drawings in the Building Department, but we're looking for an extension to allow the Building Department to grant a permit. I don't know what that means.

Vice Chairman Sturniolo: Whitney what is the best way to handle this?

Whitney Singleton: You're talking about no changes to the site plan at all?

Nanette Bourne: What we've typically done is taken the original resolution and then we have put an extension date right up at the top of it, and if you want to make that motion you can approve it tonight.

Whitney Singleton: I only have one caveat. If you want to approve it subject to the resolution being presented to you at the next meeting, we could tell Austin it was approved tonight. I just want to go back and check the dates to make sure that there are no specific dates that are somehow violated by virtue of changing.

Vice Chairman Sturniolo: Understood.

Motion to Give Northern Westchester Hospital Center an Extension of Three Months with Regard to their Early Approval on the Second Floor of The Cancer Center.

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

Vice Chairman Sturniolo: The deletion of Item #12.

John Partenza: I think it was an issue of the oxygen tank. We were asked to put up a bond, and apparently we couldn't come to an agreement, so we were asked to operate under the Greenburgh Blasting Code, even though we're not blasting. I'm proposing that we provide the limits of insurance that Greenburgh requires. So we're asking for an amendment to that resolution so that the Hospital provides insurance.

Vice Chairman Sturniolo: And Anthony, you're comfortable with that?

Anthony Oliveri: Yes. Whitney and I both spoke with Austin, and the consultant and we were comfortable with that. The insurance, I believe, was \$4,000,000.

John Partenza: I thought it was up to ten.

Vice Chairman Sturniolo: So then, again the mechanics of deleting that Resolution #12 is we just re-issue it?

Whitney Singleton: I think just like the other one, we could simply pass the motion tonight.

Motion Regarding the Deletion #12 pertaining to the Oxygen Tank Replacement, Resolution Dated August 21, 2007.

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

Environmental Monitoring:

Vice Chairman Sturniolo: If we could do a brief update on environmental monitoring regarding 134 Main Street.

Anthony Oliveri: Basically 134 Main Street is under construction. The building has been demo-ed. They poured footings, and they are warming up to do foundations. The problem we're confronted with now is they were issued a Building Department and a Demolition Permit before some of the conditions of the resolution were carried through. The Demolition Permit in particular was issued before any pre-construction meeting was held with our office. Right now we're waiting on a number of reports from them; we're waiting on some testing to be done with soils that are on site. It is our understanding that no soil can be removed from the site yet. This is something that we'll be meeting on tomorrow with staff to determine which direction we'll be going.

Discussion re Minutes of the Beautification Committee, Letter from John Partenza regarding the Northern Westchester Hospital Center Gala Event, copy of Memo regarding our intent to become Lead Agency for the Simone Application, 120 North Bedford Road.

At this time Mr. Singleton responded to Mr. Viglotti's inquiry regarding Patio.com. Mr. Singleton stated this was approved on two separate occasions; both times it was approved with the list which included umbrellas. Also, Mr. Viglotti questioned whether chains on the property were discussed, and after research, Mr. Singleton noted that chains were discussed in 1994 at a Board meeting, when Mr. Cosentino stated he was "familiar with the area, and assumed people will be sitting out there, and will prevent cars from going in there. Mr. Ceeve (sp??) said it will be a display. Mr. Cosentino said if I want to sit in the chair, will the Village be liable if there is an accident? Mr. Ceeve said that they would be happy to put chains on the chairs so that no one could sit in them." Mr. Singleton stated that was what was required of this applicant. They were required to put chains on the chairs, not shackling the tables to the ground. The renderings, and the list and resolution do not authorize a chain to be out there. Mr. Singleton suggested that the Village call someone from Patio.com and ask them to either bring the furniture in at night, or leave it unchained or secured some other way. Perhaps we can have the Building Department call and request that be done. If Mr. Vigliotti desires, Mr. Singleton will discuss it at tomorrow's staff meeting. Vice Chairman Sturniolo suggested it be done in the form of a letter.

As there was no further business, a motion to adjourn the meeting by Mr. Vigliotti was so moved. The meeting adjourned at 11:40 P.M.

Respectfully Submitted By,

Stanley Bernstein
Board Secretary

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