

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, May 27, 2008

Meeting called to order at 7:40 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Anthony Sturniolo
 Doug Hertz
 Ralph Vigliotti
 Sol Gibbons

Members Absent: **Joseph Morreale**
 Stanley Bernstein

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

Continuing Review:

Northern Westchester Hospital Center
400 Main Street
PB2003-02C
Emergency Room/Parking Garage

Present:
 Douglas Mayne, the SLAM Collaborative
 Steven R. Doherty, the SLAM Collaborative
 Eric O. Roise, the SLAM Collaborative
 Warren Geller, Northern Westchester Hospital Center
 Michael Caruso, Northern Westchester Hospital Center
 David Vander Wal, Walker Parking Consultants

At this time, Mr. Mayne presented a Power Point presentation to the Board, and explained each slide as follows:

Doug Mayne: This is a follow-up on the meeting we had last month regarding the garage for the Northern Westchester Hospital Center and the Emergency Room, which was focused on looking at the construction on the south end of the campus, which is to the left on these images. Coming away from that discussion, we wanted to pursue options in the north lot of the hospital, which was a departure from what we had developed so far, and was looking promising from the workshop sessions that we had between then and now. This is a new aerial that we prepared for you, and we are going to overlay any of the options that we brought tonight on top of it, so you can get a good sense of the context and green space and foot print of the building all in one shot. The next slide is showing the impact of the E.D. project on its own. This is just showing the new green space that develops around the new E.D. foot print which is shown in the brown tone here, and in this version of the circle slot here, we are looking at a smaller redevelopment of the lot as it exists to be able to pick up the count that we're looking for. A new approach to that block that we're looking at is a way to maintain the higher parking count and have less of an impact on the streetscape over there. The next image is now getting into what we prepared for today, which is going to be three options; the first one being the one that we've already shown, so I'll go through that one quickly. There is going to be one option which is in the south, and the second and third option is looking at ways of dealing with a garage project in the north lot. So here to reintroduce this one quickly is a three deck garage built dealing with some of the relatively steep grades on this area. Not only is it trying to accommodate within its footprint and the hospital demand, but it's also picking up a little bit of the retail command on the campus. This is beginning to show how it's laid out on the site; it shows the intake on the hospital side. It shows the intake off of St. Mark's for the patch of retail that we're looking at, and it also begins to describe to us relative to the East Main Street setback to the face of the building here, setback from St. Mark's, and this garage here is essentially the one that you all have seen with the balloons that were on the site. This is essentially that project, but it has a little bit different architectural flavor since last time just to get it on par with the way that we've been now looking at all the

schemes architecturally, so we can have a good comparison from one scheme to the next. The next slide is just a more detailed floor plan. In here is a new format for the garage elevations which has now been applied to any of the schemes, so Options 1, 2 and 3 are all going to be able to analyze in very equal, even handed fashion. So this is the south garage; again, you've already seen it. It shows the elevation along Main Street, which is now beginning to introduce some landscaping elements. These are actually existing rows of trees, and for the most part there are really just mature existing trees from these elevations that give us a sense of the role that landscaping will play in this project. I guess this would more significantly be that the setback from the street allows for growth trees and provide some screening. These are internal elevations to the hospital campus more so, and this is the elevation that's developed along St. Mark's, which again has the buffer of mature trees. There are some new plantings that would be introduced in the landscape buffer that would be along the street, but again, we'd be able to filter as we would be able to in any of the options. Another difference with these elevations compared to the last time you saw them is this update is taking on more of the building language we were asked to look at. It's getting into something that's really more of a building façade with windows rather than a spanned type of approach that we had in our previous go rounds. This is what we're calling Option 2, and coming away from our last meeting, which was getting reaction to what we're seeing on the development on the south was try to develop a two deck option. When I say two decks that means there is surface parking and then there are two structural decks above, and that was the approach that we were looking at, considering in our workshop and not putting it on paper. So here it is, giving this option a test. One of the eye openers of this scheme was to just fill that entire area to the point where we were coming stem to stern with the entire length of the project, which gets to be somewhere in the vicinity of 400 feet long. We were thinking we'd be able to avoid trying a new approach on the hospital, but we actually take a longer length that I think we were anticipating from a foot print standpoint. With some of the features, with any construction here, you'll see in this scheme and the next one, is that abiding by the correct setbacks versus what exists there now, we were able to develop a 10-foot benefit in terms of green space compared to what you have now with the way that the surface parking lot runs just because we'd be required to put the building face back at a 30 foot setback versus the 15 or 10 foot surface parking right now. It will be, in terms of green space for any projects built out here, a pretty nice benefit. The problem with this scheme, however, is the sizing of these, we're getting into a very tight condition here which, as much as we'd like it to be an improvement on what's there, now in terms of the drop off and the turn around and the congestion, it's actually taken a little bit of a step back, and we're having trouble resolving that. The next slide is just a close up. You're going to get a feel relative to the sidewalk and streetscape. On the other side of the street we have a very substantial and noticeable green space that is going to occur along here, again resizable. It will even up the corner; we have room to create a very nice first impression from a landscaping standpoint. This is one approach on East Main and takes a right down Main Street.

Vice Chairman Sturniolo: When you say a nice green space along here, could you indicate where you mean by along here with the laser pointer?

Doug Mayne: Anywhere along the required buffer that we need here, and also even rounding the corner, we are able to create more green space than exists. I'm just comparing it against the surface lot for now.

Vice Chairman Sturniolo: Thank you.

Doug Mayne: The next slide is a floor plan for the scheme that's even more detailed, because these are the setbacks. The first dotted line is the 20 foot setback, which is for surface parking, essentially a 30 foot setback. The next dotted line is where you can begin to develop a building, and that pretty much thins down from the north and south of this building. Again we're looking at trying to take away some of the efficiency of the garage. We'd be able to develop an adequate turn around with that area there; we're struggling with that. The next image is the set of critical elevations for this scheme. The first one is a view from East Main looking at the existing north building. There is no garage project shown in that first image there, and the trees indicated here are the main existing mature trees that do exist along there. They're very close to their correct locations and they're as close to scale as we can get them from photographs that we have. What's of note for any of the large schemes, and again with the building taking a step backwards away from the edge of the street, we'd be able to preserve any of those mature trees. The project isn't going to threaten them. We're going to be well cleared of any damage to the roots. So we will literally have an up and running tree scape that will supplement with the development down below. But, again, as we were developing this scheme, we were a little shocked at the size of the foot print. Tied with that would be

the façade on that building. That's 480 feet, and one of the things we're reacting to on that is with the brick, and with the modulation that we're trying to make with the tiers and the punched windows and some sort of characteristic opening, it's been difficult fitting in with what Main Street is more like, which is more two story type buildings. This impression will be that of a story and a half, sort of a façade, and I guess reacting to that; this is showing the end view of that long garage which actually has another partial deck above it, which adds a little bit of complexity. We looked at another scheme here, which is in the same area but looking at rather than two decks, three decks this time, which are three supported levels in addition to the surface parking. So it's essentially adding a deck or a half deck to the other scheme. Again, the required setbacks include the bonus of the additional green space that is going to happen with anything to do along there, which is a great thing. A more compact foot print can help to give us a building of a scale that is going to be a bit more appropriate maybe with what's going on with Main Street versus the longer, lower proportions of the other scheme. The advantage to the hospital for the scheme is that we'd be able to get a legitimate tie in to the building, so we wouldn't have to exit from the garage, walk across, and then enter the building again. This one here, if it is going to be of a wider proportion, will have the ability to tie into the existing building which is the next feature for the hospital. Also, by not having the two decks or the deck and a half run continuous into this area here, we are able to open up and re-dress the drop off for the existing north building, which will be a way to improve what's going on there. The parking that remains here is relative to the foot print parking that occurs there now. Again, this is a 10 to 15 foot improvement on both edges from the street, so you're gaining that much more green space with the edges that we're showing here. With this amount of parking with run out on the surface over by The Cancer Center, plus a garage gives us the balance of the parking that we're looking for. This parking also, (we'll go to the next couple of slides here) is relative to the levels of the garage. The main level is going to be flush with the main level of the hospital. The deck down on the garage, which is also coincidental with the surface lot that will be in front of the existing building is going to be a sunken, depressed parking area not a parking area that is flushed with the sidewalk elevation. So we're looking at a 3.5 to 5 feet drop in elevation relative to the sidewalk that you kind of notice in this cut here. We laid a car in for scale, and it will be above the hood on one end, and above the total height of cars down towards the other end that creates drops further and further towards the garage. You could see up here, the upper platform would be the area that would be dedicated for a drop off area there with terrace and landscaping. With this area here, when you compare the one scheme to the other, what it really boils down to is having the garage itself in front, making that first impression and all that comes with it, versus something that would take a little pressure off of a scheme like this and provide the amenity of more of a landscaped welcome there for a project of this sort. If you compare the width of the two schemes one to the other, there are certain economies with a foot print like this versus the other one; one is going to get a little bit pricey compared to the other one, all things considered. Again, mostly that first impression as you're coming up 172, being able to trade off a more of a landscaped front yard effect versus a garage and screened effect. Those are what it boils down to. Now we are going to give you some of the images we developed. Going back to that other option we reviewed last time, this is the photo on East Main looking back towards the south block with the overlay of the new Option 1. Again, the only change would be from the renderings we are looking at, something that has more of a punched window effect versus what you see in this drawing here. The next image is going to be across the street looking at the corner of East Main and Moore, looking back at the North lot. As you can see, the parking as it appears all the way down along the length is pretty much flush with the sidewalk and continues back to that point. The first option is trying to give us a sense of the basic height and the run of the building as you go on down. It's hard to get that length recorded, but that's the best we could do with the angle we had to work with. Again, this is showing in effect what would appear to be architecturally a story and a half type of proportion. You have what would appear to be a foundation type of a level versus a complete level above, which appears to be a punched window type. There is another structured level for parking, but architecturally that would appear to be the roof. The next option here is adding a deck basically to that, which, in short, all that building will disappear here on the end and be sloped out with a landscaped front yard. The building was shortened significantly, and this is the added height here. Even though this is a free supported level, architecturally you would have the effect of a two and a half story building. The next angle; this is now the other corner. This is at the campus entry along Main Street; you're in the car along 172 here about to make the turn. Notice the cars flush with the pavement here versus being depressed in some of the other options. The next image is showing again the long, low scheme coming out to the corner here. It will certainly screen the existing hospital, which has pros and cons associated with it; having the front door of the hospital be exposed is something we'd like to see. This is going to be screened, so it wouldn't be until you get around the corner that you have signage and directionals. We

have a concern about the long length, and the proportion of that façade there, and the overall proportions that led us to look at the other option. Again, these are very conceptual, but the trade offs could be that we could drive the bulk of the building back away from the corner, and we can swap out site development type amenities versus just a rigid garage. This could be the beginning of some studies here, a natural, increased buffer. You're only going to get just the suggestions of some cars from the view here; thinking about looking at some fragments of the new architecture that we're creating on campus in relation to the E.D. and the garage. The architecture that we're creating can make itself be represented in some landscape type elements that can happen in some very critical locations, framed views and provided screening that we'd like to see. That is Option 3. That's the end of our images, so we can now open up the discussion. Overall, every scheme was done at the same level with the same drawings, so it can really be a compare and contrast type of exercise at this point. All of these drawings are to the same scale, which is important in terms of doing a side by side comparison. One image that we felt was rather compelling as well is this image, taking the East Main Street elevation of all three schemes and showing them at the same scale, on the same sheet, so this is what you see from East Main. Option 2, again on the same scale is showing the long and bold type of proportion that you see there. Option 3 is showing the advantage of the sunken parking area. This should give you a little more to work with in terms of conducting your analysis. We were asked to put the three examples together, and of course we are looking for some feedback and direction from you. Any questions?

Vice Chairman Sturniolo: Putting aside the option numbers and all of that, I remembered at a previous planning Board meeting said that you have the geo-technical surveys for the entire campus property. Having said that, are all of these options technically doable from an architectural and engineering point of view?

Eric O. Roise: All three are viable.

Doug Hertz: What is the parking count that you're trying to get for the various lots? Do they all give the same parking count?

Steven Doherty: A parking study was done. Existing campus has 999 spaces. The existing capacity on campus, if you self park, is 796. If you valet the north lot, you get 877. So that will start to tell you where our short fall is. If you look at the three schemes that we presented, Option 1, the garage in the south lot; you still end up with a deficit of 19 spaces, even after that garage is constructed, 980 spaces. Option 2, the north lot, the long row scheme, you end up with 978 spaces or a deficit of 21. Option 3 ends up with 1,009 spaces or a surplus of 10. In all of those we are trying as best we can to make sure that the hospital does not have to continue to use the church parking lot, and get everything back on campus.

Vice Chairman Sturniolo: Do you have a written agreement with the church parking lot yet?

John Partenza: We signed it, we gave them the checks.

Ralph Vigliotti: That's how many spaces at the church?

John Partenza: 50.

Vice Chairman Sturniolo: So Option 1 is negative 19, Option 2 is negative 21 and Option 3 is plus 10.

Doug Mayne: With all of those they are maxing out anything we can and trying to get as close as they can.

Michael Caruso: All of those counts also include the retail parking. We've assumed 95 spaces for the retail based on the square footage of the retail.

Warren Geller: With the shortfall, that's correcting the current deficit with the retail, each option including the retail to 95 spaces.

Chairman Cosentino: The retail meaning where the stores are? The 95 spaces?

Michael Caruso: Right.

Doug Hertz: One of the things you did in this presentation is bring to mind how unattractive the surface lot on the east is and, whatever you do, how much it would

benefit from getting a nice buffer zone and getting a planted area at the entrance and certainly along Main Street. Clearly through your presentation and what not, you are not happy with the length of the longer, lower 480 foot structure, and to my eye, it looks unattractive. It masks the hospital in no positive way. It's tremendous. The smaller lot on the north side has advantages near the entrance to the hospital, but has similar disadvantages in its height and its prominence. Looking at all the options, I'm inclined to consider the hybrid of all of these, which is the most unobtrusive and functional spot for a great deal of the parking is on the south side, the Option 1 that was presented. One of the issues that many of us had when we went out to the site was just how massive that structure was. I'm wondering if there is a way to build that structure, scale it down slightly, and also build a smaller structure in the north side very close to The Cancer Center that would include a buffer to get some distance and allow us to pull back surface parking along Main Street and get the best of both worlds. Two smaller structures, either of which would be overwhelming, get some buffer, get a good landscaping plan along Main Street so the entrance to the hospital is really an asset, and take care of your parking demands as well.

Doug Mayne: At some of our workshops, the first thing we began to look at was looking at the split project and making a project that could push down below the surface, especially the south being essential rock. Pushing down to the rock in the south end gives a different category of expense.

Doug Hertz: Right. We discussed that, and I think we don't expect you to excavate a sub terrain pattern.

Doug Mayne: Likewise. There is a penalty involved for the two garage project; it's a different penalty. It would be a time line and a separate building construction project type of a penalty.

David Vander Wal: As you cover up more of the site, you increase the cost per added space, because the spaces that were surface parking turn into structured parking, and you're paying basically about a \$15,000 a space premium to put a space under a parking structure. So from that standpoint, when you think of doing two smaller structures, you still end up covering more surface parking that has to be rebuilt at a premium. So from a hospital standpoint, they'd rather do one structure that covers less surface parking, if at all possible.

Doug Hertz: All these proposals cover the same surface parking.

Doug Mayne: Doing it two times, though, is the point that Dave is trying to make.

David Vander Wal: If you do two structures, you're reconstructing. More surface parking goes into structure if you break it into two smaller pieces. On the south end the original concept had eight supported bays. Basically if I take a level off the top of the south garage and construct it on the north end, that then creates that many more surface spaces. It's the trade off there, from the hospital standpoint.

Doug Hertz: But, it may be the best alternative from the Villages perspective. So that as not to overly tax one area of the site, we don't have a good way to visually mitigate. We have the possibility, I think, of getting your parking count; possibly more, beautifying the entrance to the site and splitting up parking so that maybe it better fits your overall needs. I think this is something that could seriously be looked at. I don't think new options, 2 and 3, are that compelling in comparison to Option 1. Option 2 gives us a 480 foot long wall and the other option gives us a fairly large structure on the corner, which is now a nice view. We certainly appreciate all the work that's gone into this, and I was hoping it would be spectacular and smaller.

Chairman Cosentino: Regardless, this Board has a lot of homework to do. This presentation was great tonight, but there is a lot of homework to do. It's a big project, one of the biggest in the Village, and we need to do what's right regardless of what side it is. We need to make this right for the Village, and you have to understand that. We need to review these proposals, and there is nothing more we can do but to look at it.

Nanette Bourne: I echo what Doug just said. Regardless of the option, the importance of improving what the Village now sees in the north lot, which is a pretty unattractive massive piece of asphalt, no matter which option you go to, addressing that is really important.

Chairman Cosentino: I agree. The mass in the north lot is horrendous. It's like it shouldn't be there.

Doug Mayne: With any north option, because of the construction related to the garage plus the new levels that are going to be generated; the whole north lot has to be redone no matter what you do. That is going to happen regardless. That's a good thing. It will get improved with any option we can imagine happening in that north lot.

Nanette Bourne: In one of our discussions, and I think one of the reasons why the parking structure kept moving to the north, is that there had been a Planning Board member that had asked if the St. Mark's building could just be moved a little bit closer to the building and away from St. Mark's, and I believe the response was the reason why it couldn't; it wasn't so much moving it over. Could you explain the difficulties encountered by just moving them?

Doug Mayne: It's going to compete with what we're pushing the other way with the Emergency Department. That is a kind of cast in stone foot print that we have that is really a very simple function of the basic Emergency Department planning we've done, starting at the face of the existing E.D. and coming out in as narrow profile as we can to have a level functioning E.D., plus the drop off, plus the road that would provide the connection. That gives us a point of no return and it's hard to go beyond that. It is not a 20 or 30 foot type of move that we could make in there.

Nannette Bourne: So in looking at Option 1, the south garage and St. Marks, if you moved it; the most you could move it would be ten feet.

Doug Mayne: Right and we could do that, and there is a box there that has the stairs and elevators located in that. We could keep a little bit of green space there and not have to move the road. The road is really the point of no return.

Chairman Cosentino: Ten feet is not going to make it.

Doug Mayne: That's not going to make it for what you're thinking about.

Ralph Vigliotti: There are three parking levels at the very most south side. How many parking spaces would be on each of those levels? I'm looking at if one level were removed, how many spaces would we lose, and what would we gain visually?

David Vander Wal: About 100. The upper level that you'd be pulling out is two bays wide. To take just the front level down would take about 50 spots out. To step it back from the street, the choice, because we have three bays wide, we can keep it lower. The on-grade bay up against the cemetery, then two supported levels after that. That can be dropped to one supported level. At the ultimate you could say we could keep the structure narrower, so that the first step back is almost 120 feet from the property line and go up another ten feet on the back. So this all disappears in here, but this back level goes up one. That's higher but it's further away.

Doug Mayne: With the south option, we were listening and responding, and like everyone, we were attracted to building in the north until we got into the footprints and building mass.

Vice Chairman Sturniolo: Are you referring to Option 2?

Doug Mayne: Option 2 and 3. Either one of those. The south option is not going to have as much of an impact. There is never going to be a purely positive and visible garage option.

Ralph Vigliotti: The upper portion of the south lot. Is that below grade at all? I know there's a lot of rock there.

Doug Mayne: No. We modified the surface there a bit.

Ralph Vigliotti: How much is a bit?

Doug Mayne: Eight feet on one end and three feet on the other.

Ralph Vigliotti: What does the cost analysis show for doing some blasting there to bring it down even more? Have you done a cost analysis on blasting?

Doug Mayne: We have some numbers on that.

Ralph Vigliotti: Is that something you're willing to share this evening?

Michael Caruso: I don't have the paperwork with me tonight, but I know to dig it would cost approximately \$900,000.

Ralph Vigliotti: And what would we gain with that excavation? How many feet further down would we be able to go?

David Vander Wal: That was just lowering it ten feet.

Ralph Vigliotti: So that would take a deck off the top. That would be the option I would go with if I had a check to write for you. I want to leave you with two thoughts. While the parking lot appears to be unsightly; it's been unsightly for years. It has become acceptable. 172 is a gateway into the Village, and whatever we do is a gateway building. It will be there forever, and I leave you with that.

Vice Chairman Sturniolo: Regarding Option 1; is there a way if the parking structure were shrunk, whether it's stepped back or not as many levels or whatever, and you lose X amount of parking spaces, could those spaces be made up if they were put in the area that Option 2 has, but build a huge berm so you never see anything; heavily planted, from 172 looking at it, so you wouldn't know that there was parking behind the berm? I say this to compensate for the loss of the spaces at the south parking structure.

Doug Mayne: If we dedicate all of the garage effort on the south and keep it at the south, the problem is that to be able to develop the berm and the landscape buffer you're looking at, we have to put that parking lot on that 15 foot base, which will actually comply with Code 2 in terms of the setbacks. Right now we're falling out of the setbacks with surface parking, so we need to come in that 10, 15 feet along the length there, which is going to be an 80, 90 car hit in terms of the overall parking count. So it's a great thing to do, but it's going to be a penalty in terms of the objective of the overall parking count. The south parking garage is the lowest impact garage of any of the three, but with the north option and schemes you trigger a redevelopment of one of the bigger eyesores on East Main Street. So it's a Catch 22 in terms of that particular issue.

Vice Chairman Sturniolo: Even if that imaginary idea that I threw out was predicated on a berm with heavy planting in front so you wouldn't see anything as you come in from 172?

Doug Mayne: You could, but it wouldn't be like what you're illustrating on there. Put it on a 75 percent diet.

Vice Chairman Sturniolo: You have a concern about the zoning requirements of the setback.

Doug Mayne: If we develop any other we will be held to the code requirement setback, however, it's not to say there isn't green space to work with still. If it was strictly a landscaping project, there is a lot that could be done there. It just wouldn't be to quite the extent that you saw on the illustrations of the north garage options that we're showing. That was something we were entertaining a long time ago.

Warren Geller: But the result was a loss of parking spaces, which just made our problem worse.

Vice Chairman Sturniolo: But if you approached it from the other way, the loss of parking from the south lot; could it be compensated in that Option 2 area but instead of Option 2 as we now see it, with a parking structure that's tied into the look of the building and heavily planted, but not a berm, and what I'm suggesting is using a berm.

David Vander Wal: If you did a single level parking platform in front, let's just say we lose 50 spaces from the south, and we lose 75 spaces from the north as soon as we touch it. So, we have to end up with, call it 125 and 150 spaces on the upper level of the platform. So, you could berm, but then you'd need to have a supported area that was approaching that side.

Vice Chairman Sturniolo: What do you mean by supported area?

David Vander Wal: The upper level of the platform. You berm up to a supported level of parking. So that upper level would have to have 150 cars and then we, so to speak, duplicate the lower level. Because the site drops on the north, one of the interesting

questions becomes; we've got the drop off in elevation going down the street towards The Cancer Center. The interesting question becomes do you work with a platform in this corner that lowers the parking on the north so it's all level with The Cancer Center, and as you drive along the east face, you would be able to drive along the upper level of that platform. So if you're standing at this building and looking across, you'd see a one-story building. If you're standing at this corner looking back, it would look like the surface level just went right off. Only if you look down the street would you see the platform. That might be a way to mitigate it. What it does is continues to fringe on the north block with the 10 to 15 foot setbacks along. This lot remains unchanged, but you do your work back in this area here with a single-level platform to make up for the reduction on the south.

Vice Chairman Sturniolo: The loss on the south?

David Vander Wal: Yes. Because we're trying to get to that magic, let's call it 1,000 spaces.

Doug Mayne: One thing you get with both of the north options that we have presented tonight, they both develop the equivalent of a berm because, with any of the structured parking, we have to come up with one level to be relatively flush with the entry level to the north wing of the hospital, and that automatically develops an 11 foot floor to floor that we're using as a module to develop the different heights between the decks. That pushes the surface parking down that four or five feet that we were talking about before? So you get a berm effect there, rather than trying to build up to disguise the edge there. You're actually pushing down the parking, which is the same effect with a different approach.

Chairman Cosentino: Not that we would give you carte blanche, but if we just said, "Tell us where you want that parking garage," where would you put it?

John Partenza: Our preference right now is still the south.

Chairman Cosentino: You need to keep one thing in mind. If, in fact, that this board decides that the parking lot is going to go on the south side, we're still sold on coming down 172 and seeing something that's beautified and not see the parking lot. It's twofold, and I know you'll do it.

Doug Hertz: And it sounds to me like there is a viable alternative to putting some parking on the north end, maybe on one additional platform.

Chairman Cosentino: As I said before, we could possibly have the better of two worlds. We could possibly have 172 coming down beautified and still have a parking lot on the south side.

Vice Chairman Sturniolo: The beautification of the viewpoint that the chairman just made about 172; is that something that could be put on paper?

Michael Caruso: Yes.

Vice Chairman Sturniolo: That's something you could initially work out with Mr. Grandberg?

Nannette Bourne: Could you just please rephrase that? You're talking about keeping the structure in the south.

Chairman Cosentino: I said if in fact the structure goes on the south side that we want to beautify it coming down 172 looking at the hospital straight ahead.

Nannette Bourne: So the challenge is we have your parking right up very close to Main Street, and the opportunities for berming are pretty small, so the problem is effectively how ugly this is, and if you start beautifying this as it really needs to be, you're down 19 here?

Warren Geller: We're down 19 with the full allotment.

Nannette Bourne: Right, and if you take these, you could take 50. So you could move this over ten feet and still maintain the integrity, adding the 10 feet here on St. Marks. You could beautify this and you're going to lose 50 spaces?

John Partenza: Depending on how much you do.

David Vander Wal: 20 spaces would be a lot on that corner. You'd have to show us.

Nannette Bourne: So a loss of 69 spaces would be your worst case, and then you can see how far back your 69 spaces are?

David Vander Wal: The question becomes do you want to work on this phase or do you work on this corner?

Nannette Bourne: We want everything.

Doug Mayne: They bring up a good point though. You've got certain precious views when you're sitting at your car before you make the turn or coming back from downtown, there are ways we can punctuate that without having trying to do the entire 500 feet and sacrifice all the 75 cars. That can be very effective, especially developing the corner in particular, and then trying to have enough frequency taking out less teeth from the parking along there that can have all the impact that you'd get from taking out the full slot. Just doing it in the right spot and trying to watch out for the precious views that you need to work around from a design standpoint. We will explore that.

Nannette Bourne: So that includes doing something with your entrance here? It wouldn't be as grand as your schemes that you showed us tonight, because you don't have the space.

Doug Mayne: Right.

Nannette Bourne: But you can do something here.

David Vander Wal: My gut instinct is that corner. For the number of parking spaces taken out, taking away from that corner is going to have more effect on everyone's view than along Main Street.

Chairman Cosentino: We need to see it.

David Vander Wal: We have to draw something up for you to look at.

Chairman Cosentino: Yes, we need this to continue.

Nannette Bourne: Could you also perhaps add some parking in here?

Michael Caruso: Actually I think it falls with the historic value of the place over there, Rochambeau. That's why we stayed away from that area.

Vice Chairman Sturniolo: Ira, what questions didn't we ask that we should be asking?

Ira Grandberg: I think the critical presentation which was very effective was that the parking lot is sunken. Everybody understands that and you've made it very clear tonight what an eyesore it is. So that has to be taken care of. What was developed by polarizing the two parking areas is getting closer to what Doug was suggesting early on. The issue is what is being done to mitigate the issues that you all raised on the St. Marks garage by doing those? It's still the same garage. Taking 10 feet off is not doing anything to the garage. If you're comfortable with that, that's fine. It's just a question of don't fool yourself in thinking taking 10 feet off that garage is changing what was there; it's not. What you're getting back is duplication of the main corridor, and I think they have to demonstrate that taking segments of that 500 feet can pull it off, versus doing a whole number down 500 feet and doing it right.

Vice Chairman Sturniolo: Considering the south garage was the main issue we had, based on the March 15th site visit when we ran the balloons, we're not really any closer to addressing the massiveness and the look of that south parking garage.

Ira Grandberg: What you're getting is a commitment that façade along Main Street is being greatly improved from a landscaping point of view. You're getting something that wasn't addressed before. If my understanding is correct, originally there was just a parking garage on the table. Now you're going to have a parking garage plus a fairly substantial landscaping proposal. Is that correct?

Doug Hertz: That's what it sounds like.

Doug Mayne: It's amending Option 1. I think that's what we're talking about. You're adding a north lot.

Vice Chairman Sturniolo: We are still dealing with Option 1 in its totality.

Doug Hertz: My preferred Option 1 D, for Doug, will be what Ralph had inquired about earlier, which is to remove a layer of the south lot, get the Main Street improvements and look at the possibility of a second satellite structure in the north lot, buffered way back, to give you back your parking demand that would come off the south lot layer, plus what you would lose across Main Street. My concern is that all the numbers we're talking about still give you a deficit, and I would hate for you guys to be back here in a very short number of years realizing that you need more parking, and you still haven't done it; where we might be able to come up with a solution that fixes the deficit now and does it in a way that's really successful for all involved. It may not be the cheapest solution, but I think it has to be explored.

Chairman Cosentino: With all these hospitals closing down, they may be back here six months from now. The Village is very happy to have it, but we need to do the right thing.

Nannette Bourne: So the direction that you're sending them in -

Chairman Cosentino: The direction we are sending them in is somewhat the south lot; and improving the 172 entrance. This is the message we are sending now. The last message we sent was possibly the center. I think most of us on this board seem to be going to the south lot. So why don't we just concentrate on one thing? It makes the process go a lot faster, and if it's the south lot, let it be the south lot.

Vice Chairman Sturniolo: For my own clarification, we are no further along the line that we were on March 15, when the general feeling that the south lot was unacceptable because of the massiveness. Are we saying now we're going to buy into the south lot as long as there is vegetation planted along the 172?

Chairman Cosentino: No. We're buying into the south lot possibly. We're lowering the building, possibly, which is a ten foot difference.

Ralph Vigliotti: I think you need to make a major decision on the excavation; whether you're going down that road. If you go down that road, I think working with our architect here; we can design something that will be very nice.

John Partenza: Are you talking about south lot?

Ralph Vigliotti: South lot, the excavations that were needed, cost factors included the set back of 10 feet and then the improvements on the north lot.

Chairman Cosentino: Most of us are going towards the south lot, because there are a lot more factors to it than we had. If you can come back with a rendering of something lower, ten feet down, and give us a rendering of the front, and let's get on with it.

Nannette Bourne: Just to be clear; you are directing them to further explore the south lot, moving it 10 feet away from St. Marks, dropping it down 10 feet but having the same massiveness. It's just going to be depressed a little bit.

Doug Mayne: Right. But we're going to achieve the same parking count with that structure.

Ira Grandberg: If you went down. If you find it financially feasible to go down, then you would consider the possibility of what this gentleman mentioned about a deck somewhere in the north lot. I would also like to make a comment. I think the architect has very nicely designed the entrance to the Emergency Room and the distance from that to the garage, and even though he is being very generous in saying we'll take 10 feet off, I think they did it properly. You want some breathing room there. So, I don't think the 10 feet laterally makes a good decision. I think the issue is up or down.

David Vander Wal: The third bay would be ten feet lower.

Ira Grandberg: Or on the north side?

David Vander Wal: Yes. Either way, it's lowering the southernmost bay by 10 feet. So the back two bays stay where they are, but the bay closest to St. Marks gets one story lower, roughly 11 feet.

Vice Chairman Sturniolo: Does the running length of the internal ramps impact the ramp system of the garage?

Doug Mayne: There's a Catch 22 with that. One of the things we're doing in that scheme is replacing the ramp pretty much so that it follows the profile and grade of St. Marks and manages to keep that elevation down those 10 feet, and if we level that out, we'll be kind of back to where we started. It will be lower on the far end, away from Main Street, but we'll have to move the ramp to the center of the three bays.

David Vander Wal: We'll be back and we'll show you.

Nannette Bourne: And, if by doing what you just described, by lowering it, the cost is more than you can bear, than you will look at relocating that cost to a second deck.

Doug Mayne: One D.

Chairman Cosentino: Okay, let's put you on the agenda for next meeting.

Final Action:

**Finger Lakes School of Massage
272 North Bedford Road
PB2007-19**

Present:

**Daniel P. Hollis, III, Esq., Shamburg, Marwell, Davis & Hollis
Amy Vona, Education Director, Finger Lakes School of Massage
Cory Hughes, Project Manager, Finger Lakes School of Massage**

Chairman Cosentino: Gentlemen we have a resolution before us.

Doug Hertz: On Page 3, Condition 10, there is a typo. The second line should say, "Shall occur onsite without first obtaining."

Daniel Hollis: On number five, since it's a re-striping, do we have to have the property staked?

Whitney Singleton: I think we previously discussed that they are not altering the parking lot itself, but only re-striping, nor do I believe that number three would be necessary.

Chairman Cosentino: The spaces are per code, so I don't think there is any problem with that.

Whitney Singleton: In regard to the third whereas on Page 2, the parking table; it should be clarified that it's administrative offices. With regard to Condition 12 on Page 3; the Urban Renewal regs, I think we should also have an additional provision with a condition similar to what we have done elsewhere stating that all the required improvements and conditions shall be maintained at a full period of occupancy at the school. In other words, it is incumbent upon them to maintain all the conditions of approval for use to be maintained throughout the occupancy and use of the Special Use Permit.

Daniel Hollis: That's fine.

Vice Chairman Sturniolo: Regarding Condition 8, the photometric lighting plan that's approved; is that reflective of the newly proposed lighting standards?

Anthony Oliveri: They gave for existing lighting levels for the parking lot.

Vice Chairman Sturniolo: Does that conform to what we've been asking every other applicant?

Anthony Oliveri: I don't know that it fully conforms.

Vice Chairman Sturniolo: Because I notice Condition 9 makes reference to full cut off fixtures which are part of the newly proposed lighting plan.

Anthony Oliveri: If you're going to put in new fixtures, then you certainly can bring it into conformance with the new.

Vice Chairman Sturniolo: How do we then change the wording to reflect with the newly proposed lighting standards?

Anthony Oliveri: We'd have to take out consistent with the analysis that is in there, because the analysis shows just existing levels.

Vice Chairman Sturniolo: So the wording of that should be?

Nannette Bourne: You want to modify Condition 9 to say, "After a Certificate of Occupancy in accordance with the newly proposed lighting standards."

Vice Chairman Sturniolo: That's fine.

Motion to Approve the Resolution for 272 North Bedford Road, Finger Lakes School of Massage, Application PB2007-19:

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

SEQR Review:

Westchester Residence and Club
Kisco Avenue
PB2006-19

Present: Kory Salomone, Attorney at Law, Veneziano & Associates
Patrick Hewes, Saccardi & Schiff
Charles Utschig, CMX Engineering

Chairman Cosentino: Is there anybody in the audience that would like to speak on behalf of Westchester Residence and Club?

(No response from public)

Motion to Close the Public Hearing for Westchester Residence and Club and Keep a 10-Day Written Common Period Open

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

Nannette Bourne: The next item for discussion is providing to the applicant substantive comments on the project. There is a memo that is in your packet that begins to draft and outline some of the issues. We can read through them as a starting point for your discussion. The first is a consistency of the rezoning the site from Conservation Development (CD) to Planned Residential Development (PRD). This is an item that was brought up by Westchester County because it is a departure from the Master Plan that was done seven or eight years ago but it is consistent with discussion that the Planning Board had in terms of finding an area in the Village for independent and additional senior housing. It's true that it is not technically consistent with your Master Plan, so if it's a land use that you want there and you think it's appropriate, it might be appropriate for you to make some kind of policy statement that this is the kind of land you said you would like there.

Doug Hertz: I have a concern that we are losing land out of the CD District; that we'd be using 17, 18 acres. Not that this applicant has the ability to mitigate that directly, but I think it's something that the Planning Board and perhaps the Village Board should think about. If we're losing land at a CD district, is there some Village wide method of mitigating that? It's not necessarily something the applicant can address directly.

Nannette Bourne: So if you were to modify that statement, what would you want added? Keep in mind that this really relates to a Village Board action because it is the Village Board that will adopt the zoning that will enable the project. So, in essence you are making a recommendation on the appropriateness of that site being zoned for this type of residential use.

Doug Hertz: I think my comments about zoning in general relative to the Village Board's proposed action would be for the Village Board to look at a way to offset the loss of CD property in the Village. I think there is a way for the board to do that.

Nannette Bourne: To go down to the next bullet point, the applicant is proposing that the building length within the current PRD district be increased from 150 to 575 feet. That, in all other respects is consistent with the other PRD district, and again this will go to the Village Board since this is the zoning issue. Are you comfortable with it being 575 feet? Is it too much, too little? Way too much?

Ralph Vigliotti: Pretty much from day one I have asked questions and have asked the applicant to modify the 575 feet. Several of the board members have. We go from a PRD which allows 150 feet in length to 575. I find that length to be just too much for that part of the mountain. I really would like, at this juncture; I explained it to you months, might even be a year ago, that we need to look at other alternative building configurations for that site.

Doug Hertz: To dovetail into that comment, there are many alternatives that are explored in the EIS and DEIS, and I think we have yet to really come to a determination what the proper size of this building, if we were to go forward, should be. That part of the discussion is connected with a discussion of all the alternatives, which the applicant has discussed and documented, but this board has not yet got a chance to get into the substance of it in our discussion. The answer is it's hard to make any recommendations until we've had a chance to digest the alternatives.

Nannette Bourne: So what I'm hearing you saying is you'd like this discussion of 575 feet to be repeated in the alternatives discussion, and we'll get to that, because that's one of the last items on this document.

Doug Hertz: They presented a number of alternative plans in their document, most of which were to address either the length of the building, height of the building, whatever it would be, basically because of the tremendous length that is proposed. Any text change should be the most minimal required. It's a chicken and egg question for me, until I can be convinced that their 575 feet plan is the absolute correct layout for the site. There is no reason to recommend to the Village board to extend to change that number to be longer than we would require.

Nannette Bourne: They haven't effectively made the case that 575 feet is justified for the building.

Doug Hertz: I haven't seen it made yet. It's certainly been discussed.

Ralph Vigliotti: We've also asked over the last year that they come up with other alternatives and they haven't. I don't agree that 575 feet in length fits the site. I saw an alternative that showed single family houses up there. I'm not sure that is the way to go, but we haven't explored that in any way.

Nannette Bourne: The third bullet relates to their text amendment. They request a modified number of parking spaces to fit the use, and they would replace the mobility for residents by means of jitney buses, and whether or not you think it's sufficient.

Ralph Vigliotti: Nannette, you're pretty familiar with Woodcrest; that's a senior housing complex also, the upper portion. I've visited friends up there and had difficulty finding parking. The question I have is we're looking here to decrease the number of parking spaces. This is a very active community for those of us that are over 55. I want to make sure that whatever we do here, we take a real close look at whether decreasing the parking would work; Woodcrest may prove to be into that. What we had envisioned for parking there versus their need now versus what is being decreased on this site.

Nannette Bourne: The applicant said they would probably speak to this, but I would suspect that they would say that the population at Woodcrest is a slightly younger population, and this project is being designed for an older population that is driving less.

Patrick Hewes: In the DEIS we make efforts to illustrate the specific use in the marketplace as well as define through the code for the Village. That's different from Woodcrest. The parking that's provided is an outgrowth of your code calculating use and need. Having said all of that, we are open to your comments and your requests for their being an explanation for a different amount of parking. It is not a constraint to provide more parking for this project on the site. The number within the enclosed underground area may be more difficult to modify than it would be to create additional exterior parking; it is not an extreme constraint to have additional parking. That is something in your judgment that needs to be described, detailed and expanded. While we've come up with a number, which is a reflection of the use, and is our estimation of the correct needs, the site can accommodate a different allocation and number if need be.

Charles Utschig: To answer the question in the DEIS, we can go to resources that we have on other similar projects, not necessarily a 55 and over type project, but similar to this and try and give this board some idea of what's happening at those facilities. I think we've tried to do that a little bit in the DEIS, but if there is still an open issue, I think it would make more sense for us to try and give you a sense of what other similar projects are like. Maybe that helps answer this question. This is an older community; it's not an active 55 and over. It's intended to be a much higher age population, and historically there is not the same number of cars. In many cases we have husbands and wives with a single car, and in some cases we have a whole group of occupants that have no cars at all. I think our response to the idea of having jitneys that would provide transportation goes to that, not just from a parking perspective, but from the use side also.

Nannette Bourne: Going to the next bullet; your feelings on some portion of these units being affordable? Yes or no? Is that something you want?

Ralph Vigliotti: Yes.

Nannette Bourne: And, when you say affordable?

Ralph Vigliotti: Based on Westchester's scale. What's affordable these days?

Chairman Cosentino: I was told they are like \$480,000. Am I right?

Patrick Hewes: To repeat some of the information in the DEIS, there is no fee ownership of units, there is a membership entry, 90% of which is given back on exit, and there's a recurring monthly expense. You have rights to one of the units.

Chairman Cosentino: But it's somewhere around \$480,000. It's roughly \$3,500 a month.

Patrick Hewes: That sounds correct, although it's been awhile since I've looked at those numbers.

Chairman Cosentino: If you choose to leave, you get your money back, less 10 percent.

Patrick Hewes: Correct.

Chairman Cosentino: So when you say affordable housing, you tell me how somebody that's on a fixed income will do this. This is not for a person who is on a fixed income. Absolutely not.

Doug Hertz: Do we want to ask the applicant to allocate a certain number of units to be below market?

Charles Utschig: We would be glad to answer that question in the FEIS. By giving this product and what's being offered here, the affordable component to it is not in the developer's program. We can further expound on that in the FEIS, but I don't think that that is part of the current pro forma for the project. This isn't a "for sale" unit. This is not an active adult community; this has got a series of services offered for an aging community. It's likened to almost a rental piece of property or a condo; it's almost a hybrid component. To try and fix income level with it does not fit what's being proposed. We tried to expound on that in the FEIS.

Doug Hertz: I think that would be useful.

Sol Gibbons: How does this membership work?

Patrick Hewes: It's membership by virtue of the fact that you pay to be a member.

Sol Gibbons: If a couple wanted to move in?

Patrick Hewes: You have the rights to a unit.

Nannette Bourne: The next item is Visual Resources and Community Character. As you know, the project is being developed on a very steep parcel, and it will be visible. They have provided you impact information and analysis concerning visual impact. Do you want to see anything more? Do you find what they provided to you are sufficient? Do you want them to expand in some way, explain more of what you're going to be seeing? For example, if you look at the next bullet, the retaining walls that accompany the access driveway go up to 15, 20 feet. Is that something that you are comfortable with? If not, how would you like it be analyzed? They have a model, but their model doesn't show a retaining wall.

Charles Utschig: The model shows the location with the basins. It deals with the grade transition definitely. It doesn't specifically call for the vertical walls as part of the way the model was made. However, there is a lot of detailed information within the DEIS that tries to explain the size, magnitude and some of the limitations that go along with the single entry point that is available to us.

Nannette Bourne: Do you have any visual representation of, when you're looking at this site, what retaining walls you're going to see from Kisco Avenue or across?

Charles Utschig: Yes. The visuals do include the impact of the retaining walls.

Doug Hertz: Visual resources and the next item, Natural Resources, to me are intimately connected. After looking at this repeatedly, one of the items I am most concerned about is the amount of clearing on the site that is going to be done with removing the almost 2000 trees. The applicant has tried to convince this board that their building, by virtue of being curved with projecting buildings, will mitigate the visual impacts. They've shown a few relatively smaller areas in front of the building that will be protected from any clearing. My biggest concern; looking at the site, is how it sits above the parking lot of the new BMW. The loop road, amongst other things, is very, very close to the rear boundary of BMW's parking lot. It doesn't provide for any area for mature trees to remain. I am concerned that it will create a situation that cannot be buffered by leaving the loop road, after you come up the switchbacks, as low as it is, on the site. So, in both visual resources and natural resources; they're connected at this point, it seems to me you have to be able to address how we mitigate the denuding of that area from that specific vantage point. It's very visible when you're coming across the Village from 117, and I don't see how that is going to be buffered with the loop road being where it is. If this is a plan you want to stay with, I personally would like to see the loop road moved, slid farther up the hill so that we can have more areas of preserved, mature trees. I understand the difficulties involved in that, but I am concerned that you're going to clear cut a very large area and that you're not going to have ample room to replant. And where you do, it will be 30 years until it's doing the job.

Charles Utschig: There are conflicting consequences to making certain adjustments on the site. I understand what you're asking, and we can work on some graphics, but I'm not sure we can answer your questions to your satisfaction because there are disadvantages to certain adjustments. We've kind of noticed as we tried to work this site that as we do certain things it may make one situation a little bit better, but another worse. For example, we only have a circle length of road to work. They have given the minimum switchbacks that we can have, and we can only get to a certain height. So, if you took a point on that ring road and you stood there and said alright; I need to move this point further into the hillside to give us some room on the car dealership side, typically the engineer would say, let's try and raise that point moving up the hill so that I reduce my cut and try to accomplish your goal. Unfortunately, here that grade could not change. So, the offset to doing that is now we've changed the height of the walls. So, we've got to show you how we tried to balance those constraints. I understand your question, and we can try and demonstrate to you how the change in that road location affects those components and ask the board to give us some feedback. When we move that road further up the hill, the cut gets more. We already have an export, so now we're transporting more material off the site. The walls will get higher as a result of that. Then the question is within that 10 or 20 feet, how many real mature trees are there that we could save? So, question understood, and we will work to come up with the answer for you.

Nannette Bourne: That discussion takes in the next two bullet points with regard to natural resources and the removal of trees and the steepness of the slopes. Is there anything else you want to add?

Doug Hertz: Just to further go on with the removal of the trees, I'd be looking at where the site disturbance was in the areas proposed not be disturbed. I would ask that the applicant look carefully again and try to demonstrate that they haven't created immitigable holes through a slice through the site; that where you're proposing these areas, to protect mature trees, and where we're going to supplement, that those be intelligently placed. Not just for convenience of the work, but that ultimately they really do their job in buffering and keeping that site looking as natural as can be.

Ralph Vigliotti: Whitney, if we can go back to steep slopes, we do have Village code with regard to them? I'm talking about mitigating them, I don't think we can. What does that really mean for this applicant if they can't mitigate the steep slopes?

Whitney Singleton: The applicant is required to mitigate the impacts to the maximum extent practicable. Sometimes impacts cannot be avoided. If it's a question of getting access to the site, in what has been deemed to be 20 foot slope, that proposes three to four switchbacks; that is something you must weigh in assessing the reasonable alternatives in ultimately approving or denying. Now, if they're proposing to do something which is avoidable and your board has a solution which can avoid or mitigate the adverse impacts, then under SEQRA, that's your job. If it's unavoidable, that's something that the applicant will have to demonstrate is an acceptable impact and allay your board's conscious before making your decision.

Ralph Vigliotti: The steep slopes are in excess of 25 degrees. At what point do we say no; there's no way you can mitigate it, there's no way you can work your way around it. At what point is this no versus a yes?

Whitney Singleton: That's not for me to answer. The guides are set in the codes to discourage very steep slopes which decline is in excess of 25%. It refers to whether or not it's unavoidable or just their preference.

Nannette Bourne: In this particular case what makes it difficult is that in order to get to this relatively flat area to develop, you have to go up this very steep slope, which is why the code was written to discourage and not prohibit.

Ralph Vigliotti: Does your property go all the way up to the Saw Mill River Parkway?

Patrick Hewes: The boundary of these tax parcels is adjacent to properties that are the Saw Mill, yes.

Ralph Vigliotti: But your entrance is much further south than the Saw Mill River Parkway is located?

Patrick Hewes: If you continue north on Kisco Avenue, you eventually come to some sort of a point where the Saw Mill River Parkway is running southwest to northeast, and Kisco is running southeast to northwest.

Ralph Vigliotti: How much further south is the entrance to this project?

Patrick Hewes: 300 or 400 feet maybe. Some number of hundreds of feet.

Ralph Vigliotti: My eye says if you went further north, you wouldn't have all these switchbacks and you wouldn't have all these steep slopes to contend with.

Doug Hertz: I think they do, because the Saw Mill is elevated there.

Patrick Hewes: There's a change of grade. There's a Holiday Inn Drive intersection traffic light consideration.

Charles Utschig: I will assure you that we picked the easiest point to start. The Saw Mill is three stories high.

Ralph Vigliotti: The Saw Mill is, yes, but the grade is much lower.

Charles Utschig: About three stories worth, and as you come all the way back towards our property, it doesn't fluctuate much. There is not much difference from side to side but a couple of feet.

Patrick Hewes: And it happens to rationalize the Holiday Inn Drive intersection.

Nannette Bourne: It's interesting we haven't heard from DEP on this.

Charles Utschig: The representative from the DEP contacted us, and we were surprised that she hasn't been here and isn't here tonight. They were working on comments. We are trying to get them to issue their memo.

Nannette Bourne: With regards to the bullet on traffic and transportation, I think we need to update the traffic study to reflect the current improvement to Kisco Avenue. This is just a comment that they should continue to design to LEED silver. The last bullet relates to the alternatives. Is there an alternative that was presented that you would like to be more fully developed, in terms of analyze or design, or do they give you the picture and the image that you're looking for, for those various alternatives?

Ralph Vigliotti: I would have liked to have seen a little further study on single-family housing for that area, but we can continue to move along on this proposal. If we're looking at alternatives that would have been something I would have like to have seen.

Nannette Bourne: It's interesting. If you access single-family housing from Kisco, the driveway, the detention basins and the retaining walls would be the same.

Charles Utschig: We do have a single family alternative that is demonstrated in the DEIS, and if there is a question as to what was shown or the level of detail, we just need to know and we'll expand on it. This process is about the board saying to us; here's our question, help us answer it. If you're not satisfied with the level of detail that did conclude, that almost all of the impacts were very similar between the two types, and in some cases some were even more relative to the single family.

Whitney Singleton: Have you digested in the DEIS the impacts of the single family versus the proposed development as far as number of trees removed, impervious surfaces, etc?

Patrick Hewes: As an additional note, the single family alternative is developed because it is current existing zoning. What can you build on your existing zone? So with that analyses that Chuck performed creates two things; one, it creates an alternative of a use, which, under any circumstance would be interesting; two, it also is what can you do under current zoning? It answers those two questions and it's quantified.

Whitney Singleton: And it's based upon a single family subdivision that would be obtainable under the zoning regulations?

Patrick Hewes: Yes. Size of lot, all the dimensional requirements, the use requirements, and then it's quantified as to impervious surfaces, loss of trees, areas that are opened, etc.

Doug Hertz: The one alternative that was touched on but not really explored is the project slightly smaller. There is an alternative in there, I believe. Smaller in terms of number of units.

Nannette Bourne: If you have a target density, and either based on instead of the 575 foot building that you can't see it being any more than 300 feet, and given the height limitations, you might want to consider asking what that would look like. I don't know what your thought is. The density is going to be a function of the building footprint, the length of the building and the height.

Doug Hertz: I don't have a magic number to request an analysis. We've looked at all the analyses that you provided, essentially of the alternatives; not of single family but to meet the project, re-thought the footprint of the building given the identical number of units that it will serve. I wonder if a smaller number of units would be able to mitigate some of these other factors. Would we be able to save trees? Not by changing the shape of the building, but literally downsizing the number of units you're going after.

Patrick Hewes: We always are faced with the access driveway as being the critical yes or no. You have to have access.

Nannette Bourne: Doug, I think you're saying the access driveway is a given. You're looking at reducing the disturbance, reducing the number of trees lost, reducing the length of the building by some amount.

Doug Hertz: Where is the economic breakpoint for the applicant? We've always been going on this previously negotiated size of the building and number of units in the building. I want to be convinced that we're building this size building for a really good reason, and that we wouldn't be better off trying to shoehorn in fewer units. I'm looking for what could be saved, aside of the access road, what sight savings we could have in terms of site disturbance, visual impact, the scale of the building, the size of the building, and where that runs afoul a project being financially viable. Having crunched numbers, I know that we can make almost any number mean that, but in using the numbers that you guys have been projecting, the number of units, the finances of the building, etc. If we cut down to 100 units, what are we saving in the overall scale of the building and what are you losing?

Nannette Bourne: So if you don't have anything to add to this, I will re-work this based on tonight's discussion and bring it back to the next meeting.

Chairman Cosentino: Yes.

Vice Chairman Sturniolo: Patrick, the LEED certification for the silver status; I know we've touched on it, we've been talking about it, and I remember when I first brought the subject up about looking for the certification. Has anything changed at all up until tonight regarding the commitment of the applicant to achieve silver status for LEED certification?

Patrick Hewes: The answer is no. The project architect and the owner/applicant continue to move forward with the levels of detail of the LEED certification process, which could be spoken in more detail by the architect, but they continue to have a desire to achieve the certification. It gets more and more specific as the program and the architectural design moves forward, which is something, that we're really looking at; churning away on the design issues, I know that. So they continue to have a great interest and a great desire to meet certification for LEED.

Charles Utschig: We currently are tracking the LEED's point system for that level of certification and we have been very successful through 50 percent of the design phase to get most of the points that we thought we were going to be able to get. The LEED's process through the design; there are four points for a special heating system, you try and accomplish that. All I can say to you is, up to this point, we've been very successful in achieving the points that we thought we needed to get in order to reach that level of certification. So there is a commitment, and we're on track right now to accomplish it.

Whitney Singleton: Not knowing that much about LEED certification, what is the applicant's commitment to allowing that certification be a condition of the approval?

Nannette Bourne: The silver certification is not something that can be achieved at the approval.

Patrick Hewes: The building has to be into operation for some period of months to prove power usage, sources, operation, performance, so you'd have to have it entirely operating to get any certification.

Nannette Bourne: You can design to LEED silver. It's not actually LEED certified until after the building is up and running to be measured.

Whitney Singleton: In the event that its measured and it doesn't contain that, are there other things that can be done by the applicant to achieve it after the fact?

Patrick Hewes: No. You've got a building that performs such.

Vice Chairman Sturniolo: But again you know those answers as you take a pen to a piece of paper and start to draw certain things and create certain issues regarding them. You are going to be hitting milestones as you continually work on the project, so you'll know as you continue how close you are to that silver certification predicated on the amount of numbered points that you've already accumulated, and then the ultimate changes. The reason I just brought it up to reiterate the point is that I believe it is a huge plus for the Village of Mount Kisco to see the first building ever built in our Village to be certified LEED and obviously it's a huge plus for the applicant and the applicant's consultants to work on a project that ultimately became LEED certified, putting aside dollars that it takes to achieve that.

Charles Utschig: To this point there has been no change in the commitment.

Vice Chairman Sturniolo: Thank you.

Ralph Vigliotti: I just have one more piece on the LEED certification. This came from Edward Burroughs, the Deputy Commissioner of the Westchester County Planning Board. In encouraging LEED certification, he notes, "However we note that LEED standards do not seem to account for the extensive removal of trees on the project site or prevalence of steep slopes. Refer the question to process to ensure that this commitment will result in definite steps to achieve certification." On one hand we are meeting certain silver levels, on the other hand; the question is what are we doing about steep slopes again, and what are we doing about the removal of trees?

Anthony Oliveri: We did have a memo but it was a more technical reference to the specific site plan.

Chairman Cosentino: Do you have a copy of it?

Charles Utschig: Yes, we do. We will go through it and make sure we understand all the issues, respond to those as we would the rest of the questions and comments in the FEIS along with the county's memo and the memo from the DEC.

Chairman Cosentino: So you will meet with Nannette.

Nannette Bourne: Okay.

Charles Utschig: Will we be continuing our discussion at the next meeting?

Chairman Cosentino: We'll let you know.

Site Plan Compliance

Eduardo's 77 South Moger Avenue

**Present: Gregory Monteleone, Monteleone & Monteleone
John Karrell, Architect
Edward Lubic, Owner**

Gregory Monteleone: Good evening. We've submitted a proposed site plan which, hopefully... it's been a long road. We've addressed many of the concerns of the board including plantings, parking, fire lanes and the outdoor dining. I believe we've had, in regard to the landscaping, tried to follow John Slaker's design for the most part. I can have Mr. Karrell speak further to that if you have questions, as well as the parking and, on the south side, the area which is going to be green.

Chairman Cosentino: Mr. Karrell, do you want to add anything to that?

John Karrell: There is a letter from John Slaker dated May 5, and we've included all of his recommendations in the design of the landscaping including the removal of a white oak and re-planting of another white oak, putting grass in the snow storage area at the south end of the parking lot, pear trees along the walking path.

Anthony Oliveri: As far as the landscaping, we did verify John Slaker's letter. They seemed to follow his recommendations. At this point, there are two issues that would have to be Conditions of Approval. The photometric report that was submitted doesn't address the photometric for the code's illumination standards. As a condition of the approval, you need to show that the light levels meet the proposed standards and submit cut sheets for the lighting that is proposed as mentioned in the report, around to the dining area. A full cut off fixture is required.

John Karrell: There's no problem doing that. We did a photometric survey of existing lighting which includes the three lights that are installed.

Anthony Oliveri: It seemed based on what you submitted; those light levels would fall into the proposed standards. A photometric plan would need to be submitted at some point prior to issuing the permit. The other thing was a question as to a note added to the site plan regarding tables be removed from Village property on a nightly basis. That's probably a condition of your outdoor dining permit, but it should be noted on the site plan.

Gregory Monteleone: You're talking about the front, which I think we addressed with Mr. Palmer and have been doing since the temporary has been issued.

Anthony Oliveri: We want a note to be shown on the site plan stating that, so it is memorialized that way.

Chairman Cosentino: Since we don't have a resolution made up tonight, I'd like to get an approval pending a resolution. In other words, approve it, pending we'll be getting a resolution for me to sign. Is that okay?

Whitney Singleton: I don't have a problem as long as all the conditions are clearly noted for the operation of outdoor dining are incorporated in the resolution.

Chairman Cosentino: It's their season for outdoor dining, and I don't want to hold them up anymore. We will make a resolution pending and I'll sign it when it comes in, as long as everything is on it.

Whitney Singleton: If that's the pleasure of your board, that's fine with us.

Motion to Approve Site Plan Modifications and Dining Permit for Edward Lubic on 77 South Moger Avenue

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

DISCUSSION:

From the Desk of the Village Manager:

Memorandum from James Palmer to Chairman Cosentino dated May 20, 2008 regarding the proposed zoning changes.

Memorandum from Mr. Palmer to Planning Board dated May 20, 2008 re Public Hearing Proposed Sign Ordinance.

Letter from Whitney Singleton to Planning Board dated May 20, 2008 regarding proposed modifications to the Village code.

From the Desk of the Building Inspector:

Letter from Austin Cassidy to Robert Leace, Property Manager, and Vornado Realty Trust dated May 9, 2008 re Target/ A & P propane tank rack.

Letter from Robert Leace, Property Manager, Vornado Realty Trust to Target dated May 14, 2008 re removal of propane tank rack.

Correspondence:

Letter from John Drake to Daniel Ciarcia dated May 13, 2008 re Sarles Estate Stormwater Pollution Prevention Plan.

Letter from Board Secretary to Morris Erbesh, 281 Lexington Avenue, and (Elman Brothers) dated May 20, 2008 re board appearance, site plan compliance.

Chairman Cosentino: I pulled the site plan on that, and we'll have that on our next agenda for compliance. Whitney do you want to go over the code?

Whitney Singleton: There are changes for essentially an up-zoning for any residential district that permits single family or two family houses. It lessens the building coverage from 30% down to 25% and introduces development coverage 60% to 50%. It increases certain district's side yard setbacks 10 feet, where it was previously a combination of five feet from one side, with a total of 15 minimum for both sides. So you could build within five feet of one side, but you had to forward 15. Now you have to have a minimum of ten feet on either side, for a minimum of 20 feet. It's more restricted. Additionally, there is a proposal to change the definition of development

coverage, because development coverage used to not include patios, decks and gazebos. That was resulting in some rather large decks, not counting for development coverage. This was in recognition of some recent, I want to call them new houses, but new additions within the community. I don't want to sound derogatory, but instead of something being a pimple on a face, the addition is more like the face, and the original home was the pimple. The houses were getting enlarged to such degree that what was happening was these little tiny 1,100 square foot houses, without any review by your board, were becoming mathematical equations. I've got 41,820 feet. I'm allowed building coverage of 30%, development coverage of 60%, show me something that maximizes the space absolutely, and that's what we're going to build.

Chairman Cosentino: Do you really think the 5% is enough?

Whitney Singleton: Your board can certainly recommend to go further if that's the way you feel.

Chairman Cosentino: I don't think 5% is enough. What is the difference? It's a matter of footage. I also think they made a mistake. An average size lot is 6,250 square feet.

Whitney Singleton: In the RT 6 and the RS 6 and the RS 12. In the RS 12, it's 12, 500.

Chairman Cosentino: A normal lot in the Village of Mount Kisco is 50 x 125, which is 6,250 square feet, and then it says 5,000 for a lot 50 x 100. Where is there a lot 50 x 100?

Whitney Singleton: That's not in our code.

Chairman Cosentino: So that means a lot 50 x 100 is a legal building lot?

Whitney Singleton: If you have a previous non-conforming lot. Let's just say some of the older subdivisions from the early 1900's. A lot of those lots were on streets that were 40 feet wide, and the lots were 50 x 100, 40 x 100, and 50 x 75.

Chairman Cosentino: If you came in with a lot today, 50 x 100, you can't build on it, because a building lot is 6,250 square feet.

Whitney Singleton: That's a secondary discussion.

Chairman Cosentino: Isn't now the time to move it? Actually you have two on Maple Avenue right now. The Village owned lots that they just purchased.

Whitney Singleton: I don't know what the dimension of those lots are.

Chairman Cosentino: They are small lots. How could a lot 50 x 100 be a building lot? I think you just answered the question. If they're non-conforming, they're building lots.

Whitney Singleton: A lot of communities have merger provisions, and that requires adjoining lots, one of which is substandard; that they be merged to create one or more lots so that no lot in of itself is substandard.

Chairman Cosentino: But isn't it time now to remove it?

Whitney Singleton: That's not the proposal that's presently before you.

Chairman Cosentino: As I am going over this, the way it was written was very good, but I see some things that should be looked at a little closer.

Whitney Singleton: I think it was the recognition on the part of the author that you didn't want to deviate too far from what was previously acceptable.

Chairman Cosentino: I understand.

Whitney Singleton: If you're talking about a 50 x 100 lot, which like you said is a pretty conventional lot, you're talking about allowing somebody to have a footprint presently of 2500 square feet. When you factor in basement, first story, second story and another 1/2 story, that's a pretty significant building.

Chairman Cosentino: So 5% more square footage would be?

Anthony Oliveri: This is the footprint of the building, so 5% difference on 6,250 square feet would be a 250 square feet difference. If it's two stories, 500 square feet, with the basement, 750 square feet. 250 square feet on the footprint of the building reduced.

Whitney Singleton: When you start to look at some of these lots on Moore Avenue, they are very large oversized lots. What some other municipalities do is set building coverage's or FAR's, for the minimum square footage for that particular zone, and then as you can see that minimum, they don't allow you the same building coverage. It gets phased out over time.

Chairman Cosentino: I wouldn't do it on a zone. I would do it per size of the lot. If a lot is 50 x 200, I would go to 10%. If it's 50 x 150, then I would go 5%.

Whitney Singleton: That's something that I discussed with the board as possibility. It's just not linear. This is linear.

Vice Chairman Sturniolo: While I applaud the intent of this zoning change, and it think it's extremely helpful as a change to the code, what is the status of all the zoning changes that you, Whitney have collected from Nanette? It all started several months ago when the Mercedes Benz dealership was allowed to go into the Kisco Avenue site. What is the status of all those zoning changes? I understand the instant history of this one, and what's been going on in the Village, and the level of heightened concern that generated this, but what's happening with that whole long list of memos and zoning changes that we collectively put together?

Whitney Singleton: I don't know that I've put together proposed zoning changes or memos. I have a running list in my computer, as I see issues in the code. If your board would like to sit down and go through that list; we've talked about this before.

Vice Chairman Sturniolo: We've talked about it, but I don't see it moving forward.

Whitney Singleton: If we want to sit down and go through each of these items, we can certainly make a proposal to the Village board.

Vice Chairman Sturniolo: I would love to do that, and the second thing is the sign ordinance change. I obviously take notice of the fact that that has been long overdue for 17 somewhat years. What happened to the proposed standards to our lighting code? We say it to applicant's time and time again. It was said tonight again to two people about the newly proposed lighting code. We were told there was going to be a meeting back in the second or third week in February to sit down with the Village board. We got an e-mail about it, and nothing ever happened. I'd like to find out why we have to be treated as second class citizens when it comes to proposed changes to the code. Am I preaching to the wrong choir? Who do we need to talk to?

Whitney Singleton: There is a difference. This was actually brought up by one of the trustees at the meeting.

Vice Chairman Sturniolo: I'm not criticizing it, and it's needed, and I support both the signage code change and what we were just talking about as well, but the lighting standard; when do we get our day in court and be able to say it? We've been promised and promised; meetings have been scheduled and then broken. Who do we talk to?

Whitney Singleton: The lighting regulations were brought up at the Village board's last meeting.

Vice Chairman Sturniolo: But they were brought up at a Village Board meeting months ago, and they have copies of it.

Whitney Singleton: All I can tell you is that there are three procedures for text changes with zoning ordinances. There is a provision where there is a direct recommendation by the Planning Board. There is obviously no reason to refer a zoning change to you if you propose it, so they don't need to refer that back to you. There is also a provision for a property owner.

Vice Chairman Sturniolo: I understand that. What I'm saying is we were promised a joint meeting to discuss it; to fine tune the code.

Whitney Singleton: I will reiterate that request.

Vice Chairman Sturniolo: To whom?

Whitney Singleton: To the Village Manager.

Ralph Vigliotti: Shall we send a letter off to the Village Manager?

Whitney Singleton: Yes.

Ralph Vigliotti: That's what we'll need to do.

Whitney Singleton: If you would like me to dispel your views with regard to these two proposed changes, and utilize that correspondence as a reminder as to your desire to adopt the illumination regulations.

Vice Chairman Sturniolo: And also the disenchantment with the broken promises; that we were going to sit down and discuss this months ago.

Ralph Vigliotti: We would like to move forward.

Whitney Singleton: That was discussed and recognized and actually brought up by the Village Board after a meeting without any prompting anyone else.

Vice Chairman Sturniolo: Except for me talking to George Griffin about it ten times.

Whitney Singleton: Yes, George was the one who brought it up. In that regard, your board is in favor of the proposed zoning changes with regard to the up zoning, specifically with the development and building coverage and their proposed definition development coverage and would you like me to convey the possibility that while this is a good start, perhaps it maybe can go further?

Chairman Cosentino: It's got to go further.

Whitney Singleton: What about the sign ordinance?

Chairman Cosentino: I have not finished going through it, so I can't give any answer right now.

Whitney Singleton: Would you like me to convey any sentiments in that regard other than you haven't had a chance to fully review it?

Chairman Cosentino: We received it on Thursday, it was a long weekend. We need till next meeting to go over it.

Vice Chairman Sturniolo: Just like the Village Board will need more time to go over the lighting code changes.

Nannette Bourne: It's a very long ordinance.

Chairman Cosentino: The building code, as far as I'm concerned is inadequate.

Whitney Singleton: It doesn't go far enough?

Chairman Cosentino: Yes.

Doug Hertz: A moratorium.

Whitney Singleton: Actually, I was asked to draft a moratorium, but I don't think it's necessary. We actually have a moratorium right now on signs, too.

Doug Hertz: I understand.

Nannette Bourne: Did you want to get some feedback from the ARB as to how this code reflects what they want, since they're the ones who will be using it?

Doug Hertz: I think that would be very useful.

On a motion to adjourn by Mr. Vigliotti and seconded by Mr. Hertz, the meeting adjourned at 10:30 P.M.

Respectfully submitted,

Sol Gibbons
Acting Board Secretary

dm