

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, June 24, 2008

Meeting called to order at 8:05 P.M. Tuesday, June 24, 2008 at the Municipal Building Mount Kisco, New York by Vice Chairman Sturniolo.

The items on the agenda for the June 10 meeting are also included in this meeting.

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

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

Staff Present: **Nanette Bourne**
 Dolph Rotfeld
 Whitney Singleton

Approved Minutes: March 11, 2008:

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

Public Hearing:

Buckingham Properties (Morgan Enterprises)
Morgan Drive, Lot 3
PB2005-19

Present:

Brad Schwartz, Zarin & Steinmetz, on behalf of the applicant
Ronnie Ross, representing Edward Cohen, property owner
Erik A. Kaeyer, AIA, Vice President, Kaeyer, Garment & Davidson, Architects
Jon P. Dahlgren, Senior Environmental Geologist, Tim Miller Associates

Brad Schwartz: As Nannette stated we are here tonight for a draft scope on this project. I provided to your board secretary the cards from the mailing for the hearing notice as well as the Affidavit from the newspaper. We are here tonight again to receive comments from the public as well as any additional comments from your board or your staff. In fact, there was one comment that was raised at the last meeting, and I would like Eric to address very briefly.

Erik Kaeyer: We are planning to register this project and go through the process with the U.S. Green Building Council as a LEED project.

Brad Schwartz: That was one of the comments that came up from the last meeting. We went back and talked to the Cohen's about that and have committed to undergoing that process. We will discuss that in the EIS, and that will be added as a scoping item as Nannette requested.

Vice Chairman Sturniolo: In looking at our June 10 agenda, there is the draft of the scoping outline. Have you responded to DEP's letter and the Westchester County Planning Board's letter, where they requested copies of a full set of plans?

Brad Schwartz: Yes, and I believe a second letter followed that, which did not object to your board acting as Lead Agency for the project, and they will get a full set of plans in the draft DEIS.

Nanette Bourne: If you need additional comments you can ask for them. I have one recommendation to make regarding an alternative that I think should be added, and that alternative is for the applicant to supply an illustration and an environmental analysis of what the site would look like if it were developed with the property that it has with that regard to the subdivision. I've asked the applicant to bring a copy of the land that they have and show what we're talking about. As you know, property was originally combined with the Crème property. There was a lot line adjustment of the proposed plus the sharing of the storm water facilities. Crème has withdrawn their application, and so it changes the baseline conditions for this. Looking at this site fully developed with the property, there has got to be an appropriate alternative.

Brad Schwartz: The issue is that this is the original subdivision line. Sanctuary Ventures sold an additional acre to Crème in 2004. This is shown on this line here. This would be the new subdivision line. This is the plot that went through your board, and we did receive approval in January 2007. This has not been compiled with yet. A conveyance occurred, so it's this additional acre on the location of the property line. That's the issue. There are legal issues that are presented by this. Our firm and Whitney are going to want to sit down and talk about it over the summer during the EIS process. We've already discussed with Whitney some preliminaries, and we need to nail that down and explain it during the EIS process and look at that as an alternative. The issue is the plat never gets filed, and how does that effect the four corners of each respective property, and in turn, how does that effect the project?

Nanette Bourne: And, so, if the plat doesn't get filed, your property begins and ends where?

Brad Schwartz: That's the issue. Because the conveyance occurred, then it would be out to here.

Nanette Bourne: So then you would have more property?

Brad Schwartz: That's one argument. It's a legal issue that is going to have to be discussed. Another position could be that the property is still in these four corners, and Crème still owns this, it's just not reflected in the subdivision.

Nanette Bourne: An easement would involve the storm water?

Brad Schwartz: That was for an area up in here.

Nanette Bourne: Okay, so that land also includes an easement for shared storm water facilities?

Brad Schwartz: Correct. That is something that we've asked our project engineer to look at; keeping the storm water and managing it on site within our four corners to mitigate that storm water easement. We are going to try to simplify the issues as best we can.

Vice Chairman Sturniolo: But addressing it on your property only?

Brad Schwartz: Exactly.

Nanette Bourne: So the worst case scenario is that the subdivision doesn't get worked out. They're property goes back to the way it was.

Brad Schwartz: Yes, and if that's the way it unfolds, then Sanctuary Ventures/Buckingham would pick up the additional land. So we're really not going to lose any property, if anything we'd only gain the acre back. But that, again, remains to be seen.

Nanette Bourne: I would recommend that an alternative be added to the scoping outline.

Doug Hertz: There is no real discussion about energy usage in here and provision to keep that at a minimum. Basically energy conservations measures, building, things like that. So, if as a part of the LEED discussion, which is a natural tie-in to that, if that could be tied in; basically a section on the energy usage.

Erik Kaeyer: That is one of the five sections in the LEED description, and it automatically goes through. There is a baseline depending on how far beyond that baseline is how many points you actually get towards the certification.

Doug Hertz: So what would you get on the section on LEED status? What are you going to be discussing within this document, would you image? What level you're going to try to accomplish?

Erik Kaeyer: You're designing a system and there is a State minimum requirement. It's not just the mechanical units, it's the entire building enclosure, so it's the additional installation you're using, the types of windows that you're using, the roof; the entire enclosure you create. Then you're designing mechanical systems that tend to be smaller size because of a better envelope that you're creating. You can't just pin it down to the actual mechanical unit. It's an entire systems approach. Obviously that will all be part of the building design.

Doug Hertz: What other green building technologies are we going to be seeing? A green roof, gray water; will that be discussed within the LEED section of the scope?

Erik Kaeyer: Yes. Whatever is on the checklist. We can't commit to anything today.

Doug Hertz: I understand. Do you at this point have an expectation of what LEED Certification level you're trying to obtain?

Erik Kaeyer: To be certified. There is an outside chance it could be silver, but we wouldn't want to have to necessarily meet that criteria.

Doug Hertz: I commend you for going for that certification. It's a positive for your project and for the Town.

Nanette Bourne: Since there hasn't been anybody to speak on the public hearing, you might want to consider closing the public hearing, and I can incorporate your changes to be on the agenda for the next meeting for you to adopt.

Vice Chairman Sturniolo: If there is anyone who wants to comment from the public, if not, I entertain a motion.

Motion to Close the Public Hearing on the Scoping Outline:

**Buckingham Properties (Morgan Enterprises)
Morgan Drive, Lot 3
PB2005-19**

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

Continuing Review:

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

Present:

**Kory Salomone, Attorney-at-Law, Veneziano & Associates
Patrick Hewes, Saccardi & Schiff
Richard S. Rosen, AIA, Perkins Eastman**

Kory Salomone: We are here tonight to continue the discussions with you regarding the comments in the DEIS that you may have.

Nanette Bourne: All of the comments have been received from all involved agencies, and you have a revised substantive comment memo that reflects comments that the board has made in previous meetings, so the applicant has the information that they need to go ahead and start the FEIS. The applicant then meets with us to make sure that the approach is consistent with what the board wants, so if you're open to that, the applicant can arrange a meeting with us to discuss comments from my office, the Planning Board and Anthony as well as the fairly substantive comments from the DEP and the county.

Doug Hertz: There is one comment that was brought up that I don't see incorporated into the notes. We had asked for a discussion of essentially the economics of how the 129 unit requirement was arrived at, so we understand your breaking points in terms of the scale, the number of units, what the issue would be if the project were scaled down, so that we could understand the logic behind arriving at that number, and therefore the size of the project.

Ralph Vigliotti: Initially there was discussion with regards to the height, square footage and the length of the building. I would like you to be prepared to discuss those conversations with us.

Stanley Bernstein: Every time we come here we get the same answers. As of now you have not moved in any direction. You are sitting on top of this thing as if we're supposed to swallow it whole. It's a long time you've been here before us; but nothing happens, and you want an approval.

Kory Salomone: We are waiting for all the final comment on the DEIS. The way the process is to work is that we will address them in our FEIS. That is why we have a stenographer here, to make sure it will be accurate.

Stanley Bernstein: I hope so.

Kory Salomone: It certainly will be, sir.

Vice Chairman Sturniolo: So those four or five documents need to be addressed.

Nanette Bourne: I will make the final revisions and the economic justification and the issue of the length and the height.

Stanley Bernstein: What about the entrance which we discussed? The access, the different entrance? We can address that when we get before the FEIS.

Ralph Vigliotti: The proposed project is next to a TD District, which is owned by, I think, the New York State Parkway Authority Association, which I honestly believe, that with permission, that might pose to be a better entrance onto your property. I'd like you to take a closer look at that. I don't know if the Parkway Authority would even allow anything like that to occur with any kind of negotiations, but that is certainly a better access point than one you're proposing.

Patrick Hewes: May I just ask for clarification; we're speaking adjacent to the west?

Ralph Vigliotti: Kisco Avenue north to the Saw Mill.

Doug Hertz: It's this. Here's the Saw Mill, here's the edge of your property and right now you're proposing this serpentine here. The question becomes if there is access to here, is there a better way to get out that will maybe eliminate this incredible engineering.

Patrick Hewes: We will look into that.

Ralph Vigliotti: Also, there is a piece of property south of your proposed development, which is the BMW property, which has a service road going up to its property.

Kory Salomone: They said no.

Ralph Vigliotti: How far back were those conversations?

Kory Salomone: I believe they were awhile back. I was not privy to those conversations, but they were discussed with someone in my office. They turned us down.

Stanley Bernstein: And if they said no, and a possibility of roads, how would you feel about it?

Kory Salomone: We'd look at any possibility.

Patrick Hewes: I think topography and site shape drives a lot of that.

Stanley Bernstein: That accent road is an abomination, besides costing five million dollars.

Doug Hertz: We are looking to see if we could provide any better or less substantial engineering to get you onto that site. There are only two other ways that we see and they're on the two sides.

Vice Chairman Sturniolo: Nannette will make the revisions and then when it's an appropriate time to go over it, we will.

Patrick Hewes: Thank you very much for accommodating us. I very much appreciate it.

Conceptual Application:

**The Park at Mount Kisco
(Mount Kisco Sports Arena)
333 North Bedford Road
PB2008-16**

Present:

**Michael Gallin, AIA, Principal, Gallin Design Studios
Ken Rudolph
Jim Diamond, Diamond Properties
Lester Steinman
Michael Landler
Recused: Doug Hertz**

Michael Gallin: If I could just walk you briefly through the essence of the application, then we can start our discussion. Obviously you are familiar with the property. As a reminder, the facility consists of, at this point, 610,000 square feet of space, a majority of which continues to be warehouse and ancillary office space associated with the warehouse use. When we first presented this application, there was raw space that was completely vacant. We are now getting to the point where we are pretty close to having a good snapshot of what the finish line is going to look like. We are excited to be here with that premise, because we think that the Mount Kisco Sports Facility will be the icing on the cake as we move this facility to a softer use, a less industrial use, and a use that is an asset to the community. Most recently we have been in discussion with you about The Wine Enthusiast at the north end of the building, Air Mac, RDI Warehouse, and a proposed space for Ideal Electric, a Photo File, a self storage, and some other warehouse space. The balance of what we're showing on the property at this point is about 70% of the facility being occupied by warehouse use, and the accessory office use to it including the self storage use in that mix. Currently in the knuckle of the building is the Grand Prix New York facility, which is a private membership club with an entertainment and sports related use of 117,000 feet. Most immediately, we're here to discuss the Mount Kisco Sports Arena which is an indoor sports training facility earmarked towards the training of the sports industry as opposed to the more recreational. It's proposed to occupy a 71,600 square foot block on the south end of the building. At that point, the only two remaining spaces open for discussion for leasing would be the warehouse based on the southern most ends of the building, and the free standing building, which had historically been the truck maintenance also on the south end of the building. Included as part of this application is a new parking analysis which shows a square footage breakdown for each of the uses of the building, and how those uses impact the total parking proposed on this site. The parking spaces proposed on the site are currently 794 spaces under this application, and the parking spaces required by code as outlined by these uses are 689 spaces. It is our belief that the sports training facility fits perfectly within the physical training studios use that is defined with the zoning code. I have not read Mr. Cassidy's memo yet, but I believe when Kevin walks you through their operations you will see that that is consistent. The parking requirements, within physical training studios as dictated by code, is one space for every two participants plus one space for staff members which result in 49 required spaces, which is consistent with the projections for the use of the facility. It is also below the requirements if it were straight warehouse based with an accessory office space. Also included as part of the conceptual package, of the 72,000 feet showing the majority of the space is 124 feet wide by 250 feet long would be utilized for flexible training fields that could be laid out as three infields, on which they could train small groups of students; or they could be oriented where they could have a series of soccer fields, again oriented for training going the other way. In the front of the space there are two basketball courts. There are some training tunnels where they would do pitching and batting training, and in the back there is an indoor golf training facility as well. The purple spaces represent the support spaces including locker rooms, some small office areas, some coaching rooms,

storage, mechanical and a small pro shop at the front selling baseball gloves and minor accessories.

Ken Rudolph: What we're really trying to accomplish is sports training that hasn't been done before for the young athlete all the way up through the college level and the adult trying to have some fun. We will employ all former professional athletes to do a real serious job of training. Not just coming in to throw the ball around, but more of a specific method of teaching. How to pitch, hit and field for baseball, for soccer how to actually play the game, the rules of the game. The golf area will have a hitting base, where somebody can actually come in and hit a shot into a net about 90 feet long. You'll be able to do computer generated swing analysis, ball flight analysis, spin, and we're also going to have a big green inside the area where you can putt and chip, hit some sand shots, so you'll get some instruction from professional golfers. We will also have some training "tunnels," a cage type of thing where you're going to go in and do pitching instruction, batting instruction and fielding instruction, but it will be geared towards individuals, so you're not going to have a group of 30 people coming in at a time. For each training tunnel, you'll have two to three people max per hour. On the field we have three fields with a maximum capacity of each field accommodating full capacity for baseball, about six people playing on the field with two instructors, for soccer it's a little bit more, probably ten people on the field plus a referee and an instructor, and the same thing for basketball. We'll have two basketball courts with the maximum ten people and coach, and a referee on each court at one time. We are going to set up programs for each specific sport. We are also bringing lacrosse into this, and lacrosse will be similar to the soccer except the max will probably be two fields on the whole field because you need a bigger field for lacrosse.

Michael Gallin: We've included in the section describing the Mount Kisco Sports Arena, a breakdown of the participant count, which is based on the number of people that they can fit on the field in a 100% utilization scenario. For example, on the 124 x 255 multi-purpose fields, we are showing 30 people, which would be three groups of soccer in a maximum utilization; for the basketball courts at 12 people per court and so on, for a total number of participants on site of 78. Again, that 78 people would be comparable to the parking load of this use with, as a warehouse use, with a proportion of that space used as office space equaling the number of cars that that would equal in the parking lot, assuming each person came with a car, so we are in the general consistency.

Jim Diamond: As we've discussed before, the idea was that with the creation of the municipal soccer field on the south end of the property, we wanted to try to come up with a mix of tenants on that side of the property in particular that would work well in conjunction with the field. Minimize truck traffic and keep it as non-industrial as much as we can. Then we're showing on the site plan as well the addition of the green space in front of the building as we discussed several months back as well, expanding the idea of the park to create a green space linking the soccer field and the front of the building together. We see this use fitting in very well with Grand Prix New York, the soccer field, the addition of green space throughout the site, and just creating a strong amenity of Mount Kisco.

Vice Chairman Sturniolo: Do you have the capability to play any regulation game within the complex?

Ken Rudolph: Yes, basketball. We can't play regulation baseball or soccer. The field is not that big.

Vice Chairman Sturniolo: So is it safe to assume you wouldn't have any intramural competition between Team A and Team B from a different locale coming in?

Ken Rudolph: You can do it on a smaller scale. You couldn't do a soccer tournament with ten players on each team. You would have to do it on a smaller scale, where if you have the fields broken down you would have to do like a five versus five; a smaller version. Mostly what we are going to be doing is training, and if you do like an intramural type of game, it is going to be through a club or a league that we'll set up so that the people can have some competition to test out the skills that we're teaching.

Ralph Vigliotti: Jim, you had said this would be great for Mount Kisco. How would this be great for our little league and soccer leagues if not at all? I know we have the exterior piece, which is terrific that that has been put into place for the Village. Off season, what other towns and communities will have the opportunity to come in and take advantage of the facility on an as paid basis? Has there been any thought about making this available to children right here in Mount Kisco off season or on season? You

don't have to answer that tonight but it's something I'd like to get an answer to at some point.

Ken Rudolph: We were thinking about giving discounted rates to the local residents. We also wanted to do something for the seniors in the morning, because we are not really going to be at occupancy most of the mornings to use the facility. We really didn't put that in our package, but we can make reference to that in our next submittal.

Ralph Vigliotti: At some point you'll give us an idea of what the cost would be for use?

Michael Gallin: I quickly skimmed through Austin's letter, and he addressed some of those issues that we would certainly follow-up with.

Vice Chairman Sturniolo: Michael, at this point they will go ahead and submit their formal application, which we will now talk about the traffic study and the impact on that document.

Lester Steinman: That is a separate issue from this. It's good that Michael mentioned Austin's comments because he is focusing on the permissibility of all aspects of the proposed use here. He raises some issues that will have to be resolved and is requesting additional information as to the operation and the extent of what he needs which is required by the board because it is a training facility permitted under the zoning code. Separate and apart from that is the issue of the traffic study that would require at 35% level occupancy. John Collins submitted something that was reviewed by Frederick Clark's office and a memorandum was generated indicating the study that was submitted by John Collins was definitive in a number of areas and did not meet the requirements of what the Planning Board had set forth in the original site plan approval resolution. That needs to be addressed between now and the next time they come in. The resolution that the board just adopted on The Wine Enthusiast required that study to be in within 30 days, so they got the document in, but so far is unsatisfactory in terms of meeting the requirements.

Michael Gallin: We, in no way, intended this document be deficient. Immediately upon receiving the memo from F. P. Clark, which we received late in the day on Friday put a call into John Collins and have not been able to touch base with him about whether or not the actual visual counts were performed. We know the people were out there because we saw them out there, but whether or not they got all of the information that was required, we haven't been able to verify. Clearly it is our complete intention to address all the deficiencies that are outlined in this memo. If the data has already been collected, then it's just a matter of repackaging it and delivering it. If the data has not been collected and in some way there was an oversight on that matter, then we're going to have to figure out how to do that now. F.P. Clark's memo does not address the fact that schools will be out shortly and that has some time impacts.

Vice Chairman Sturniolo: I remember reminding John, when he was going to do the traffic counts, that there was a spring break, to make sure that was taken into consideration. We talked about the carnival of the Lion's Club, and a lot of that never kind of happened. If you can get with Michael and John and move this along; the Planning Board is only going to have one meeting in July and one in August, and you need to be aware of the time constraints.

Ralph Vigliotti: If the study is going to be thorough it should be done during the season which school is in session. Over the years I don't think we've allowed traffic studies to be done during the summer months when it wouldn't be a true caption of what the traffic could be. It's unfortunate your timing is early rather than later, but I would like to see the traffic when school is in session.

Lester Steinman: That's exactly what David said in his memorandum. If that data had not already been captured, you'd have to wait till September till school is back.

Michael Gallin: As you are aware, the site is coming back to life developing quickly. The occupancy now will be different than it will be in September and October as people continue to move in. One of the things we can entertain off line with F.D. Clark's office and John Collins is we know we are going to hit another threshold soon, it doesn't make sense to do something in the intermediate to keep the process moving or wait until September. We can discuss those options.

Vice Chairman Sturniolo: Can you at least update us on how you are progressing with these discussions with John and with Michael, just so we know where you are time frame wise?

Michael Gallin: Absolutely. Regardless, we will try to submit something within the next four weeks.

Final Action:

**Eduardo's
77 South Moger Avenue
PB2008-13**

Present: Anthony Monteleone, Attorney for the Applicant

Vice Chairman Sturniolo: We have a resolution of approval for an amended site plan and outdoor dining permit.

Anthony Monteleone: I have a question on Number 7. Is this a standard provision on all resolutions?

Vice Chairman Sturniolo: About the maintenance for the life of the plan? Yes. Strictly boiler plate.

Anthony Monteleone: And Number 13? *All improvements to site must be performed by duly licensed contractors.* Is that standard as well, because that creates a problem with Number 16. It is going to be physically impossible to get licensed contractors on site by July 1. That is also inconsistent with Number 1, which says six months. Also keeping in mind that summer is the busiest time for the applicant especially with the outdoor dining to have construction going on. It will not only interfere with the business but also could be dangerous.

Whitney Singleton: The concept here was that your client wanted to offer the outdoor dining without necessarily having done the improvements. Normally the approval would not be given for this use until now. Unless until the improvements were completed.

Anthony Monteleone: That has not been the understanding as we were proceeding here over all these months.

Whitney Singleton: I appreciate the fact that I don't think when your client left the last meeting he was here thinking he was going to have to do all the improvements before he was allowed to have outdoor dining. Nevertheless, the way it transpired here, this was an effort to make sure that the work proceeded in a prompt and workmanlike fashion while at the same time accommodating your client's desire.

Anthony Monteleone: I hear you but it's just physically impossible to do those things and it could be a dangerous situation. I think if we change that to three months to commence by October 1st and complete. I don't know how long it's going to complete this job, but I doubt it is going to be 30 days, so complete by December 31. I'm just trying to be realistic here especially when we're talking about licensed contractors.

Vice Chairman Sturniolo: The intent is to get this project not only moving but behind the Village, and I don't think there is anything here, including the dates, that is a surprise of what has to be done, and I have no idea whether the applicant has lined up a contractor or not. I would hope he has put aside a start date, but it really is the removal of the blacktop, installing the protective guard rail in the front, doing the plantings, taking advantage of the weather now before it gets red hot.

Anthony Monteleone: When you say protect the guardrail in the front; it's the flower boxes.

Vice Chairman Sturniolo: No, I'm talking about parallel to the street.

Anthony Monteleone: We can start with a couple of those things. I mean, we're not trying to stop.

Vice Chairman Sturniolo: I know; I realize that, and you also need to have a pre-construction meeting with the engineer and the building inspector as well before anything starts; so, the quicker you get that meeting going the quicker the applicant lines up a contractor; but it doesn't appear to me to be that massive amount of work if a contractor is hired to do the digging, the re-striping and the planting. The dumpster enclosure is still in the wrong place.

Whitney Singleton: There is a proposed concrete block that needs to be finished.

Vice Chairman Sturniolo: Some of that can easily be done.

Anthony Monteleone: I agree. I just can't do it from July 1 to July 31. So can we say that instead of construction beginning that meeting with the Village staff will commence by July 1?

Vice Chairman Sturniolo: As one member of the Planning Board, I would like to see that date stay in place.

Anthony Monteleone: We are not going to be able to begin construction by July 1. That's the practical problem. It's a week away. I don't want to have a resolution become violated a week from today. That is the only issue I see as a problem.

Ralph Vigliotti: The date of action is showing May 27, which is almost 30 days ago. If the resolution was approved at that point, it might have provided enough time to get this construction project going. If we were to extend this another week or two. I can certainly appreciate that July 1 is not going to work.

Vice Chairman Sturniolo: The approval was done very differently than most approvals are done. Normally there is an approval given with a resolution and site plan in front of you, and as of today we are still missing a finished, complete site plan and the photometric lighting plan and the cut off sheets for the lighting fixtures. A letter was written to the applicant awhile back. There have been about six or seven e-mails from the Village Manager to the applicant's engineer; it hasn't been provided yet. However, the Planning Board in a good faith effort approved this verbally on the 27th of May, and I also believe that we, both sides here, knew what needed to be done in advance, and a lot of things could have been lined up such as a contractor. I don't want to see that July 1 date change.

Anthony Monteleone: This is the first that I am aware that we are going to be required to have licensed contractors, and had we gone ahead and lined up contractors probably half of them would not have been licensed. Not all contractors need to be licensed. I just need some reasonable time so we are not in violation before we begin. In having a meeting with the engineer, I have no problem trying to schedule that. We will try to do that immediately.

Ralph Vigliotti: We can't move until we have an approved site plan. Unfortunately, whatever your client has or has not done, that approved site plan needs to be in place.

Vice Chairman Sturniolo: And it has to be modified. This was requested. A letter went out recently from the Village's consulting engineer requesting that site plan be modified, and the photometric plan. It is referenced in here, too. We haven't gotten that, and I don't personally see a reason why we need to adjust a date when it doesn't seem to be a two way street.

Anthony Monteleone: Do you want to delay signing off on the resolution until you get that and put it on the next agenda? By then we'll have all of these things in motion. Now I know what the resolution says and we can start intelligently and appropriately.

Vice Chairman Sturniolo: If we be-late it, even if they got a contractor tomorrow, you couldn't do anything with the contractor because there is no signed resolution.

Whitney Singleton: You are not authorized to take out a building permit without this resolution in place.

Anthony Monteleone: I think if we can have a little more time.

Stanley Bernstein: Didn't he have enough time? It's gone on for years now.

Anthony Monteleone: I know it's gone on for years, and I know how exasperated your board is.

Stanley Bernstein: Don't say the Planning Board caused that. This guy doesn't want to do anything he's asked to do. He's a very arrogant person.

Anthony Monteleone: I am not making excuses. All I'm trying to do is get a reasonable resolution and start date on it. I'm fully aware of your board working very hard to make

this happen and I appreciate that, but I just don't want to be in violation a week from now. We don't need to go through it again.

Vice Chairman Sturniolo: What if we delayed this by seven days from July 1st and changed it to the 8th?

Whitney Singleton: You can effectively do the same thing by putting the 8th in here. I know that this is a very hotly debated site plan even though there are rather minor modifications to the plan itself, and there has been a lot of time and energy spent on this. If you change it to the 8th, it gives them a reasonable period of time in which you could put licensed contractors in place, and if it's still accomplishing the completion in the given time frame that the board desires, I don't see any problem with that.

Anthony Monteleone: You mean you've got thirty days to finish? I don't know whether that can be done.

Vice Chairman Sturniolo: What kind of assurances; not that assurances work with this applicant; when do we get this photometric lighting plan and site plan?

Anthony Monteleone: This is the first I am aware of it today. Tomorrow I will make the necessary calls to get them. Had I been aware; had I been copied on the letters, I would have gotten the thing in motion a week ago. We didn't know you didn't have everything you needed, and had our office known...

Vice Chairman Sturniolo: And your client never told you that he received the letter.

Anthony Monteleone: No.

Ralph Vigliotti: He certainly has a way of annoying this board.

Anthony Monteleone: Annoying the board and getting it done are two different things.

Ralph Vigliotti: That's annoying enough. He's not getting it done; he's not reacting to time frames. You're here on his behalf. Thank God you're here because he's not responding.

Anthony Monteleone: I'm not making excuses.

Doug Hertz: Mr. Chairman, if I may recommend that we extend the dates on this by seven days to give them time to get this going and no more than that and let's try to dispose of this matter.

Vice Chairman Sturniolo: And change the first to the eighth.

Anthony Monteleone: And the completion date? You still want to leave 30 days? We are going to have to come in for an extension; I'm almost sure, but if you want to leave it, you leave it.

Vice Chairman Sturniolo: We need to get your client motivated.

Doug Hertz: It's just repaving a driveway and putting up a couple of guardrails. A good contractor can do it.

Vice Chairman Sturniolo: And getting the plantings done, and getting the photometric light plan.

Ralph Vigliotti: Mr. Albanese put a whole building up in six weeks. I don't understand that you need thirty days to pave a small parking lot.

Vice Chairman Sturniolo: We will give you the letter. The letter is nothing more than a follow-up to the six or seven e-mails from the Village Manager to your electrical engineer and we've heard nothing, and nothing and nothing.

Anthony Monteleone: I will get on this tomorrow morning.

Vice Chairman Sturniolo: Will you update Whitney as far as where you are with that letter, the general contractor and setting up the pre-construction meeting with engineering and building inspector?

Dolph Rotfeld: Anthony will be in Mount Kisco tomorrow. If you want to speed things up you can meet with him. This shouldn't be much of a problem. It looks like a week's work.

Vice Chairman Sturniolo: That's what we felt.

Anthony Monteleone: Thank you for listening.

Vice Chairman Sturniolo: So we have a resolution which was verbal approval which was made by a motion by Chairman Cosentino and was seconded by Ralph Vigliotti.

Motion to Approve with the Change Being July 8 Instead of July 1, With No Other Changes to this Document to Approve the Resolution for Eduardo's Restaurant:

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

Vice Chairman Sturniolo: Speaking of timely construction buildings, the next item on the agenda is 134 Main Street.

Formal Application:

**134 Main Street
PB2007-06A**

**Present: Clifford Munz, Munz Associates
Lucille Munz, Munz Associates**

Clifford Munz: Good evening. We are simply here to update your site plan to reflect the as built conditions as requested. For the CS-120 Construction Site Plan, Revision Date June 4, 2008 revises the access ramp according to the Building Department. By the way, these plans match the Building Department's plans, and we got the C.O. for the project. We removed the timber rail at the parking lot and replaced it with additional plantings. We had proposed this, spoke to Anthony about that and that's when he spoke to Joe and it was requested we just show that we're removing the timber rail and will be putting the new plantings in place of where the timber rail was to be along this side yard and this back yard. I added revision box and we also widened the sidewalk right here. We straightened out the curb over here which is a much better design to do. It really worked. Noted on the calculations a relief of 58 square feet to the undeveloped square area. On L 100 is the landscape materials plan. Again we changed the revision date to June 4, revised the plant list to include the additional plantings as requested. We replaced the concrete pedestrian curb with cobble curb. We added the detail for the solid fence. We took down the old stockade fence and gave you a new white solid fence along this side property line between the grass one and Izzy's property. This is also reflected on the Building Department's drawings as well. We finally added a plant materials location and updated the list of plant materials. We added a revision box down here so I could fit this last revision, and we are asking to replace the drawing with this new drawing.

Vice Chairman Sturniolo: Is replacing these drawings permissible; that one sheet substitute and replaces another, or do we require a complete set of drawings for the file.

Nanette Bourne: I'm confused. I understand you're coming in for an amendment.

Clifford Munz: We were asked to just to formalize it. It was previously discussed with Anthony before any of this even came about. He said because of time, make the hard changes; the timber rail, the cobble curb, but make sure it's reflected in the Building Department drawings, which it was. Then we telephoned Joe who said to also come in and give us a new site plan and cloud where the new vegetations is going to go. End of story.

Nanette Bourne: That was my understanding. I have two issues. One is the C.O. There was a chain of e-mails a couple of days ago asking whether or not you were ready

for a C.O., and the response back from Anthony Oliveri was that no, you were not ready. AKRF needed to go out and look at the landscaping and they would notify us.

Clifford Munz: I am unaware of that. I had no communication to that whatsoever.

Nanette Bourne: And, your applicant shows that your proposed coverage is over the maximum required permitted.

Clifford Munz: I changed it by a half of a percent.

Nanette Bourne: I don't know that the board has the ability to grant that waiver.

Clifford Munz: It's already in to the Building Department. We're doing this simultaneously.

Nanette Bourne: I understand it's unanimous. I don't know that they have the authority to waive it.

Whitney Singleton: This board is without authority to afford you the ability to develop the property in excess of the maximum development coverage. Regardless of whether or not it's a minor field installation or change, the board is without authority to grant that release even if they just absolutely love the site. And I do understand. It looks phenomenal.

Clifford Munz: Then what you're doing is chastising me for being honest, and that really irks me.

Whitney Singleton: I appreciate the fact that you are honest and I'm sure the board does, and they appreciate the work that you've put into the project. However, you're asking them to give you something that they are legally unable to deliver.

Clifford Munz: Who gives me that?

Whitney Singleton: The Zoning Board of Appeals.

Clifford Munz: Then I'm not going to go to the Zoning Board of Appeals. I'm going to put the 50 square feet back in.

Lucille Munz: I just want you to understand where those 58 square feet came in and what decision was made in that process. On the street side, not the back side, there was a bump out here to his property line. During the course of construction we made a recommended field change because we felt that it was a liability in terms of a tripping hazard; because you have the building parallel to the road. The way it worked; the planting line came out like this with curbing, and the theatre is here. So in looking at it, certainly things in 3D look different in 2D. As you're walking along, we felt that it was a liability not only for the Village but for the property owner as well, especially with people trying to rush to the movie as they go by. So that 58 square feet we are talking about really came in, in the front. This is just so you are aware of how we came up with that and what that decision was based on. It just didn't happen because we wanted to put more concrete there. We thought it was a much better design for the Village as well as the property owner. Clearly this is the property line here and this is where the plantings went at the time.

Doug Hertz: We may one hundred percent agree with you, but like Whitney said, we have no ability to help you.

Clifford Munz: Shall I withdraw the drawing and give you another drawing without said 58 square feet?

Doug Hertz: I'm sure if it's such a beneficial thing, getting relief from the Zoning Board is a fairly simple matter.

Nanette Bourne: I would recommend that we look at your calculations and before you go to the Zoning Board of Appeals and see if there is another way to make up the small amount of the square footage that you don't have to go that route. You may be okay, but it could be that this just needs to be revised, and you should revisit. This application is for this modification, so this modification does not need DOT approval.

Clifford Munz: It seemed to me like you were simply updating for records. So we can out this one and put this one back in and now you're current.

Nanette Bourne: I would recommend we talk tomorrow, and that your application be revised and corrected. We will look again at your site development coverage and make sure that all areas are counted. Austin and I can talk tomorrow before you take this to the next step.

Vice Chairman Sturniolo: The break between the two sections on the roof line of the building; was that always on your approved construction plans?

Clifford Munz: Yes.

Vice Chairman Sturniolo: The water source for the automatic irrigation of the planters in the front. Is that on Village property?

Clifford Munz: No. They are on our property. We go up to the line and then we're set back. The only thing that's on the property is the actual planters.

Vice Chairman Sturniolo: Does it show it on these plans?

Lucille Munz: The irrigation lines? No, it does not.

Vice Chairman Sturniolo: Should we also include those irrigation lines, Nannette and verify that it is indeed on the applicant's property and not the Village's property?

Nanette Bourne: I think we have to do a fine tune analysis to make sure that all areas that should be included in site development are in there and areas that should not are not before you make a decision to go to the ZBA.

Ralph Vigliotti: The north wall of the building has a space between your wall and Piero's. How is that going to be addressed?

Clifford Munz: It's been closed to access.

Ralph Vigliotti: How are you closing it? Last time I saw it, it was plywood.

Clifford Munz: It's storefront. Actual ribbed storefront.

Ralph Vigliotti: Okay, so no access by children; we're not going to have any safety issues?

Clifford Munz: No.

Whitney Singleton: Nannette and the applicant need to verify that there is sufficient open space on the property. He then needs to come back to your board for a resolution. In the event that, that in fact the case, it can take that course or it can take the course of going to the ZBA. The board can take the course of modifying the plan.

Vice Chairman Sturniolo: Why don't we make that decision after the meeting with Anthony, the applicant and Nannette? Based on how it shakes out, we can do it Thursday.

Clifford Munz: Thank you.

Formal Application:

**Radio Circle & Lexington Avenue
MRE Development
PB2008-12**

**Present: Michael Zarin, Attorney at Law, Zarin & Steinmetz
Ron Gateau, Senior Environment Analyst, Evans Assoc.
Scott W. Blakely, RLA, Sr. Vice President, Principal Landscape
Architect, Insite Engineering
Patrick Hewes, Saccardi & Schiff
Brad Schwartz, Attorney at Law, Zarin & Steinmetz**

Michael Zarin: Thank you very much. We are one of the new players on the team. We have been brought on to help with the application as well as Saccardi & Schiff in anticipation that this application will probably undergo a full environmental review under SEQRA. We are here tonight to our submission to our formal application to hopefully

start the process and hope that the Board tonight will declare its intent to be Lead Agency under SEQRA and circulate that, and we can begin to address and deal with the substantive issues that we know this project contains. We are well aware that this project raises a number of natural resource concerns and storm water and traffic and others. As you know, it has been before you a couple of times in conceptual and we are anxious to begin examining those issues in earnest and respond to various concerns. We have received a number of comment letters. I think those letters are good letters and frame the issues very well. We had hoped to make a short presentation tonight on the application, but frankly a lot of the issues that are raised in the comment letter are really the subject of the environment review. We will be studying them and scoping those with you and ultimately studying them in a DEIS, I assume. We've been told that that is most likely your intent. Respectfully, rather than get into a debate tonight on a lot of these issues, because we know they are of concern, what I hope we can do is have Scott from Insite and Ron from Evans make a short presentation overview of the application and obviously we can answer any question, but we urge and ask you tonight to at least begin the SEQRA process. We did file the application on April 23 and did our homework to get this thing going. With that said, I'll turn it over to Scott.

Scott Blakely: As you are aware, the site is a three acre vacant parcel located in the northwest quadron of Lexington Avenue and Radio Circle. There is a perennial water course that bisects the property which runs through the center and flows from the south to the north. Also, there are some town regulated wetlands associated with that water course.

Vice Chairman Sturniolo: You use the term watercourse. I think that would be an appropriate term to describe that on an ongoing basis, because in some of your documents somebody refers to it as a ditch with garbage. In another document it is called a non-functional stream. I think using the term water course is a good term that we should collectively use as this process moves forward.

Scott Blakely: We will say it without prejudice. It meets the definition of a perennial watercourse in accordance with the DEP regulations, as well as the town. Ron will speak about this in a little while. The site is located in the general business district. Its three acres. The proposal before the board is for the construction of a 28,500 square foot building on two floors. Retail is proposed on the first floor, office on the second. There is also a lower level in the building that will contain a parking garage under the lower level. There are 53 parking spaces proposed within that structure. There is also onsite parking proposed at 94 spaces. The main access to the site will be off Radio Circle; from Lexington Avenue onto Radio Circle. Secondary access will be off Lexington Avenue, which is a right in right out only. I know there were some concerns that the board had with a previous submission during conceptual review. We are looking to maintain the drainage patterns on the site, so the water course will continue to flow in the same location. We will be creating some culverts to allow the parking to cross over the watercourse and we have two pedestrian bridges proposed to access the building from the parking along Lexington Avenue. The traffic engineer has prepared a traffic study which we submitted to your board in which he has indicated that the level of service along Lexington Avenue at the traffic signal and the proposed entrances will be of a level of Service B or better as it exists today. We have done a geo-technical investigation. Robert Simpson from Carlin-Simpson Associates prepared a soil study, which was submitted. It is basically submitted into two sub areas. On the west side of the watercourse which picks up the building in this portion of the parking lot, and that system, currently and based on the new regulations will have to be slightly modified. We will be working closely with Dolph's office in those modifications. On the south side there is a series of treatment systems to a detention basin and to a dry swell and discharge back into the watercourse. I know based on other projects that we've done in the town; the board is very concerned about the look of these basins, so we've tried to buffer both the parking in this area and this storm water basin from views along the Lexington Avenue streetscape. In this section we've created a low retaining wall that raises the parking up above Lexington Avenue, so you would see a 3 1/2 foot high wall here; the parking would sit above, and we would have some dense plantings between the top of the wall and the parking to shield this portion of the landscaping. This area goes from a 3' high retaining wall to a 3 1/2 foot high freestanding wall. So, the top of the storm water basin actually sits 3 1/2 feet below the top of that wall. So this wall helps shield this basin from views along Lexington Avenue. I have a cross section on the grading plan. I will show you briefly. There is a proposal currently that shows a drive-thru. It was the applicant's wish to indicate a drive-thru on the plan, and that is really something that we want to discuss with your board. There are some zoning issues associated with that.

Whitney Singleton: I think Mike eludes in his letter that discussion will be with the board their reason for the drive-thru. Is there a proposed use?

Scott Blakely: Initially there was some discussion with regard to the possibility of a bank.

Michael Zarin: The answer is yes. It's a proposed use and we'll evaluate it. At the end of the day if it's not something that the board would like us to do, we will obviously be in a different position.

Scott Blakely: This is the site section I was referring to. Lexington Avenue is on this end, and here is the proposed retaining wall where the basin sits below. These are steps up to the parking lot and then this is the area to be channeled in between where we're making some watercourse improvements for storm water quality. This is a section through the building, and obviously through the back property line. Site service by Central Sewer and Water. We'll be making our sewer and water connections over to Radio Circle. We have prepared a full sediment and erosion control plan for the project, construction details are shown in our submission. Ron will now talk about the existing wetlands.

Ron Gautreau: Our role in the project was to #1, delineate the wetlands, existing conditions and, #2, and come up with a conceptual stream and restoration plan for the project. On this site it was pretty simple to delineate the wetlands; you could either call it wetlands or water course, but there is a narrow perennial stream/watercourse with a narrow fringe of wetland vegetation, adjacent to the watercourse. The stream is perennial, generally no pools; very shallow except for the south end where it enters is a small pool by Radio Circle where we did observe some fish, small common minnows. That tells me it's perennial. The primary function of this watercourse is to convey drainage from south to north across the site. It doesn't really provide much as far as habitat for a lot of fish species or anything else other than green frogs, a very common species. On this site, given the location of the stream, almost the entire site is within the 100 foot town regulated setback or a watercourse or wetland. So, any development on the site would clearly be within the Village regulated area.

Vice Chairman Sturniolo: So you're saying that development would be solely within the wetlands?

Ron Gautreau: No. I'm saying if you wanted to develop anything on this site, you would trigger needing a wetland permit.

Vice Chairman Sturniolo: Because everything is wetlands?

Ron Gautreau: No, because this is the 100 foot setback. The majority is wetland buffer.

Vice Chairman Sturniolo: And your proposal is to build within this wetland buffer?

Ron Gautreau: Yes. On this site, the majority, if not all of the buffer consists of mowed area. Some base of shrub species is around the edges, but predominately it's been mowed and maintained for a long time. So the buffer doesn't really serve the typical functions that wetland buffer serve, where they're vegetated, where there is a diverse mix of species and they actually protect the wetland and provide habitat; in this case it's a field.

Ralph Vigliotti: What is perceived today as a field, 30 years ago was not a field.

Ron Gautreau: Correct.

Ralph Vigliotti: Today, 30 years later it is perceived as a field that's been mowed and kept up; however 30 years ago that was much, much more of a wetland than we see today. That needs to be on the record. Here we are, 30 years later, and now we're talking about a mowed flat piece of surface with a watercourse going through it; where 30 or 40 years ago it was not that at all.

Michael Zarin: We understand that, and we appreciate that for whatever it's worth. When we evaluated, it's based upon its existing condition. We're aware of its history and it's something we'll have to address.

Ralph Vigliotti: That soil just didn't fall from the sky.

Michael Zarin: Rather than get into a debate about that.

Ralph Vigliotti: I just want to have that on record. The soil did not fall from the sky.

Michael Zarin: I understand. That's the position, that's the reality.

Ralph Vigliotti: What is the reality?

Michael Zarin: That it didn't fall from the sky.

Vice Chairman Sturniolo: It was placed there.

Michael Zarin: Understood.

Ron Gautreau: In the wetlands they are wet substrata, which mean disturbed soils. There is no matrix built up yet, and they can be various materials. Wet substrata, more wetlands, so it's upland disturbed wetland soils on the site. Our other role in the project was to come up with a conceptual stream restoration plan to improve the habitat quality as well as aesthetics of stream as well as water quality issues, too. Currently there are virtually no pools; it's just a straight shot from south to north. We are proposing to add some pools to number one, provide habitat, number two, collect sediment that could get into the top of the stream on the site which is the south end, and number three to plant it with a diverse mix of native species that will aesthetically also serve two purposes.

Michael Zarin: I wasn't here so I'll just defer to what I've heard and what I've read. I know it was a concern of this board to enhance this and try to convert it into a really functioning aquatic resource, and that's the charge and the mission we've taken. We're really trying to turn it into something significantly improved and enhanced, albeit, we are asking for a quick pro quo with development.

Stanley Bernstein: Rather than being an enhancement or mitigation for killing 100% of a wetland buffer, which would have been real wetland if it wasn't tampered with. All this is a water feature that belongs in Disneyland. It doesn't belong here. It will do nothing for the land, and Beth Evans, who I always thought was an environmentalist; I am getting increasingly disappointed in her. Tell her I said so.

Ron Gateau: This is what the stream looks like today.

Stanley Bernstein: Yes, because it was made to look that way. It was ruined, just like some of the other properties around here, that they kept filling in and filling in, and then they say we can't use this, this is not a real wetland, let's destroy it. And that's what happened. And she, being an environmentalist, should not be part of this. You can tell her I am very, very disappointed in her. This is a perfect example of greed trumping good land use. That's all I have to say.

Michael Zarin: Thank you.

Ralph Vigliotti: Were you at the site last week when we had about two inches of rain in a 24 hour cycle?

Michael Zarin: No.

Ralph Vigliotti: I would suggest that you do that the next time we get that kind of rain, because the watercourse, as we might call it, looked like a river that was breaching its banks. If you go there today, you see a small water way that may be six to ten to twelve inches in most of the areas. That's not the case. Not the case.

Michael Zarin: We are going to have to obviously study it in greater detail than we have; the conditions you're talking about, and whatever we design is going to have to work both engineering wise as well as aesthetically. It's going to have to obviously address the issues Mr. Bernstein and others rose, and we are going to have that dialogue. We know that and are prepared to have it. We want to create something obviously that we can all be proud of and works physically in engineering. We are looking forward to go through that process and have that dialogue.

Vice Chairman Sturniolo: Scott, in looking at that diagram and putting aside the date and remembering what the conceptual application was, you knew the feeling of the Planning Board, and it was suggested that a staff meeting take place between you and Nannette and the applicant so you could gather the ideas of where the Planning Board was coming from and what to do and what to come up with. That meeting took place,

and what you showed at that meeting really wasn't anything different than what took place at the conceptual. Time elapsed, and now we're looking at this again, and this does not look any different to me than what the Planning Board looked at during the conceptual. It's still a bathtub approach to support the size of the building with all these detention basins and ponds, and re-channeling water and it's still going to be dealing with what's going to happen as we head north downstream with all these new issues. I don't see this moving anywhere from what the Planning Board wasn't pleased with at the conceptual.

Scott Blakely: I believe the size of the building was about 31,000 square feet at the original conceptual, so the footprint of the building was reduced by about 2500 square feet, which allowed us to pick up some additional green space and allowed us to deal with the storm water in a better fashion. As we discussed at the conceptual, we looked at numerous options with regard to this site. We looked at the possibility initially of piping that stream through. It was one option that we threw out there and dismissed. We looked at re-routing that watercourse around the front to develop this piece, and we've met with the applicant, discussed the project and made a submission where it was back in July of 2007, a third conceptual plan and the word that came back from the board was, we're not happy with it, submit a formal application, and let's get this thing moving. So from July '07 to April '08, we've been working to develop a formal plan that met our client's needs. We brought Beth Evans into the picture. I know there are issues with regard to that watercourse. There is a four foot culvert that comes in from the subject property to the south, and that culvert is buried. There is so much debris that is washed through that, that this water course is basically caked with debris from upstream. It needs to be cleaned out. I think that's why you're seeing, during these smaller storm events of two inch rain, that you see this bubbling out, because it has nowhere to go, and it just rises up and out. This watercourse in here doesn't convey the water that it used to convey. I don't know how many years it's taken to build up, but what we're looking to do is to get this water course redesigned and cleaned out to convey that storm water that comes from the south to the north, and then on site, treat our storm water from our development; both the quality of it and the quantity of it and get it into our storm water provisions and then discharge it back into the brook.

Vice Chairman Sturniolo: What I am about to say, don't misinterpret it as what I'm looking at is something positive or good, but what I would like to see as one member is a very detailed plan that shows where the water starts from.

Scott Blakely: You mean the overall drainage basin associated with the site?

Vice Chairman Sturniolo: Like you said it comes out of a culvert there. Before it got to the culvert, it's coming from some location. There are two atoms of hydrogen and one atom of oxygen and that starts a drop of water somewhere in the heavens, it comes down, it lands somewhere and becomes a flowing, functional stream in a south to north basis. I'd like to see real detail where it starts from and where it ends, and where the impacts are going to be with the other property owners going down there.

Scott Blakely: Essentially you want us to look at the downstream impact?

Vice Chairman Sturniolo: That, and where this whole thing starts. That's a separate issue and that is going to come out in the scope and be part of the posdec as well, but I'd like to see a real analysis of where this whole thing goes. Pictorially early on in the stage.

Scott Blakely: We've done that on a smaller scale map to map out that drainage basin. I think what we can do to help clarify that is to maybe indicate it on an overall aerial view, obviously on a larger scale, but we can create a drainage basin that has an actual aerial photo behind it that will help you understand where it's all coming from.

Vice Chairman Sturniolo: Then take the aerial photograph and actually draw it up on a cad program so you could see in clear detail where it starts and where it's going and the impacts.

Dolph Rotfeld: That's one of the things in the analysis is the two design points to be considered. One, entering the property; what the various roads are, and one leaving the property. It can't just be this piece by itself.

Vice Chairman Sturniolo: I understand, but I would like to have a clear understanding of where Drop A starts and where it ends up.

Ralph Vigliotti: Is it a holding tank or a pond you are proposing for Lexington Avenue?

Scott Blakely: It's a series. Right now we have an underground detention system series of pipes. It is sort of a treatment train.

Ralph Vigliotti: Will that be exposed or underground?

Scott Blakely: This water from this area of the parking lot gets collected into a catch basin, goes into what we refer to as a flow splitter. This will take the flows into an underground detention system; a series of large pipes. It will flow out of those pipes and into a storm water treatment unit, which is a storm filter.

Ralph Vigliotti: What will the surface above the retention system be like? Is it going to be landscaped?

Scott Blakely: Yes. Fully landscaped with appropriate shrubs and this is open to the sky.

Ralph Vigliotti: Is it open enough to the sky where it has to be fenced?

Scott Blakely: It's got very shallow slide slopes. This is where we're proposing that 3 1/2 foot high brick wall, so you actually won't see this basin from Lexington Avenue.

Ralph Vigliotti: I need an answer at some point. Will that be fenced?

Scott Blakely: We're not anticipating fencing it in at all.

Doug Hertz: I have a completely unrelated question. I don't see any sidewalks. I know farther down Lexington to the north there are sidewalks on both sides.

Scott Blakely: There is an existing sidewalk along the North side of Radio Circle which terminates here.

Doug Hertz: Is there any reason that you're not extending that across Lexington?

Scott Blakely: It hasn't been discussed with our project team.

Doug Hertz: It seems logical to me as there are existing sidewalk systems.

Michael Zarin: We'll certainly look at that.

Nannette Bourne: I think the appropriate thing to do is start the SEQRA process; draft a Notice of Intent to be circulated to all agencies and then in 30 days you will be able to declare yourself Lead Agency and you will be in a position to issue a Positive Declaration. At that next meeting 30 days from now the applicant will report and present a draft scope.

Vice Chairman Sturniolo: Obviously you got a pretty clear picture tonight where we're coming from and what our issues and concerns are. There are still two members of the Planning Board who are not here tonight, and in all likelihood they will raise other concerns and other issues in this ongoing review process. I want to caution you.

Whitney Singleton: I would concur with Nannette that certainly your Notice of Intent to be Lead Agent is perfectly acceptable, and would not direct the applicant towards a draft scope. If the applicant has prepared one that they would like to submit at that point in time, that's fine, but I don't want there to be any expectation that there is going to be a particular action.

Motion: Mount Kisco Planning Board Intends to Act as Lead Agency on the Application Called Radio Circle of Lexington Avenue, MRE Development, PB2008-12, and that Notice be Circulated with the Normal Distribution with an Intent for Lead Agency Status

Ralph Vigliotti: On the motion, I would like to ask the Board if they would support me on asking the applicant to provide a scaled model of the site and the building, waterways, parking and ingress/egress; the works. It's an important parcel of the Village and I think it is something that we should visually see.

Vice Chairman Sturniolo: Excellent idea. It would be a helpful visual tool as we go through the review process.

Michael Zarin: Mr. Chairman, respectfully I think that is certainly a reasonable request, but I think it is one that should be made in the context of the scoping and as part of the process.

Ralph Vigliotti: Giving you a heads up.

Michael Zarin: Thank you.

Vice Chairman Sturniolo: But you will commit to making it?

Michael Zarin: I don't want to commit. At this juncture, I'm just saying during the scoping process.

Vice Chairman Sturniolo: I'm not tying it into the vote, but will you commit to making this model?

Michael Zarin: Let's talk about the timing of it.

Whitney Singleton: I think he's saying there is an appropriate point in the SEQRA process.

Vice Chairman Sturniolo: I'm sure there is.

Whitney Singleton: We have done it with other applicants, where we went through the process and it could be an aide for your board in the process, but at this point in time, we don't even know if you are going to get Lead Agency.

Vice Chairman Sturniolo: Let it be on notice that this board is in favor of it.

Michael Zarin: On notice.

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

Michael Zarin: Thank you very much. We appreciate your time, feedback and comments.

Continuing Review:

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

Present:

John Partenza, Northern Westchester Hospital Center
Joel Seligman, Northern Westchester Hospital Center
Steven Doherty, SLAM Collaborative
Michael Caruso, Northern Westchester Hospital Center

Vice Chairman Sturniolo: To recount, we last talked about ideas mostly focusing on the concept of the parking and part of the parking addressing the location, the parking structure on the south end of the property. We talked about prior to that, of doing a parking structure in the middle of the property. In looking at it, it appeared to be massive, institutional, too long, too ugly, etc. Now the focus of conversation is shifted to looking at something on the southern end of the property and/or dovetailing in additional parking on the northern end of the property. We had a small staff meeting held at Mr. Grandberg's office last week with myself and Nannette, and we came up with some ideas. Basically the concept was that you had stated during the geo-technical study that indeed the southerly portion under the southern parking lot structure could indeed go down ten feet. We were discussing how to capitalize on that and how to capitalize the front portion of that structure. The front portion could be designed aesthetically to look more like part of the hospital, a building structure versus a parking garage. The other part of it was to relocate the 60 spaces from the front of the building along 117, and replace that with a very significantly bermed, well designed

architecturally. Hopefully the bulk of the 60 parking spaces could go in a newly designed southerly parking structure, or whatever other location on the campus you may want to see if you don't think you do that. One of the ideas at one time was maybe a tiered platform type parking structure on the northerly part. That really becomes more your call based on your own parking needs and what you need to do.

Michael Caruso: The issue that we have again is the landscaping. The plan you have in front of you is what you requested last time we met. That plan took away about 16 parking spaces as it's depicted on the drawing now.

Vice Chairman Sturniolo: The heavily bermed aesthetically pleasing landscaping, not just trees.

Michael Caruso: That was our attempt at doing it. That was 16 parking spaces, and based on the conference call with Nannette, when we heard about giving up an entire row of approximately 61-67 parking spaces, again that's giving up parking at a great cost; because in order to absorb those spots into the parking structure as you had mentioned or someplace on the site, we looked at the parking structures and the cost of those is anywhere from \$20,000 to \$25,000 per space.

Vice Chairman Sturniolo: I remember you mentioned that in multiple meetings in the past.

Steve Doherty: And with the additional rock excavation that we have on this side of the site, it's probably going to be upwards of \$30,000 per space. So burying the garage 10 feet is a significant cost impact. Construction cost for the garage as it's shown on these documents is probably upwards of 15 million dollars. This is to increase the size of the structure, to bury more of the structure. That cost just goes up.

Ira Grandberg: I'd like to overview what our discussion was, in maybe a different direction. We will try to be objective and supportive in the direction you are going. The comments that were raised were more of an overview, was that the level of landscaping design presented thus far is very cursory and initial. Even speaking with the architect it became obvious that much of those 300 feet or more is no more than planting trees, and that it was important to the board that the East Main Street frontage as far as a long term response to improvement for the community was a primary concern. When Nannette transferred to you the information about taking those 50, 60 spaces and relocating them, the comment was made, I assume by Nannette and myself, to the architect at least that the direction was as you made the effort to go down with the parking garage, which was a strong effort, and that you made a decision not to entertain for the two parking structures, which is valid, then the possibility would be, could those 50 spaces, once you go down the 10 feet, be incorporated back into the original parking garage. That led to a discussion that was, if you look all at the site plan and realize that other than the cemetery and the vacant land along St. Marks Place, there seems to be only two dwellings that hit the garage at the southwest corner and that if you look at the drawing that was presented, which shows the new scale of the garage which is the elevation for option 1A, you'll see the bottom drawing is for the revised one story structure. A comment was made not to create the absolute, but since you're lowering the garage along the entire façade, and since the left side of that elevation is responded only to those dwellings and you need hypothetically 50 or 60 spaces to accommodate the needs of the town or the direction of the town, whether or not the southeastern corner of the garage, going to the entry of the garage could be brought back up to the original scale that you had. In other words, if you're taking the direction to go down, and you're paying the investment to cut into the ground, as an architect, my proposal was that that long façade could be broken up by the architect, pending a realistic approach to ramps and parking garage design, that you can have a higher structure towards the commercial Main Street side, a lower structure on the southwest corner near the residential side, and take the entrance that originally had the parking garage directly opposite the Emergency Room and literally bring that back to the original scale, because then it would look like a university campus, it would have a nice quality institutional look. His initial response to me was that, understood, that a design of a parking garage is very complicated. It has to do with the ramping, the physical volumes that you're getting from one level to another. But if the parking garage could absorb those 50 or 60 spaces and if the board, in representing the town would accept the original scale of the parking garage on the Main Street side, and reduce the scale on the residential side, then the town wins because you could get a developable landscape buffer that everybody seems to want, and you get a mass of a single garage which is what the hospital seems to want. So the real issues are the financials on the physical construction of a garage that would accommodate everyone's need. I think if the town is responsive to not building two structures, and the town is responsive to building one

structure, and if the hospital agrees to relinquish 50 to 60 spaces in order to provide buffer, you've got to get them somewhere if you want to maintain your parking count, and that should be up to you on how you're going to get it. So, our discussion was mostly based on how you maintain your original parking count that was your goal, and if you're not willing to accept two separate structures, how do you effectuate it by making one structure, and giving the town the buffer they're requesting. That was the presentation. It was to lay out an agenda that you could explore. It wasn't throwing it in your face and saying, the only way, but it's to give you an opening to say, yes, we will consider it, no, we won't consider it. I don't know if the board understands what those parameters were. It seems that was the discussion that we had.

Nanette Bourne: I think in one sense the direction was in the trade off. You're trying to fit a lot in a small site, and trying to make choices, and one choice, and the priority is to get enough parking and really make a substantial landscaping statement along Main Street; more than just adding some trees, but more than adding five feet or more of landscaping. Really a substantial amount of green space that could have some statement of the pedestrian, a sidewalk that goes along; that would be the tradeoff that the hospital would make and the tradeoff that the Planning Board would consider would be a massive parking structure.

Vice Chairman Sturniolo: Understood.

Doug Hertz: I think Option 1 A is a significant step forward from the options we've been presented. Going down 10 feet really goes a long way towards doing what we have been looking for, and I think is very successful. Thank you for that. My question, Ira, is if we are going to try to absorb some more spaces onto this structure, you're suggesting, essentially in the front on the Main Street side. When we did the balloon test, our concern, although this area is not occupied; it's a cemetery, but from a point of view from certain vistas we were concerned about the height in this corner. Obviously, looking at those elevations, you've been successful in getting those lowered. What about the possibility we're currently going with a stepped approach, from St. Marks over to the first layer, to the second layer, to the Emergency Room. Is it feasible, to put it in this area closer to the hospital itself, so that you're stepping up indeed one additional time.

Ira Grandberg: The logistics and organization would be up to their architect. I don't think that would hurt it either. I think the issue is that you're going to create a buffer along Main Street; it's going to have a lasting effect. It's not going to be transitional and superficial that it has to be a give and take and as Nannette pointed out, getting rid of that one row of parking spaces. It has to go somewhere. But the board is responsive to changing the bulk of the parking garage some way. It's the board's discretion to modify their original response that the overall garage was too large and the balloon test, whatever that famous balloon test was, is something that has some flexibility to it. I'm saying that the town wins because you're going to have a long term substantial buffer that's an enhancement to the Village, the architect will provide the direction he's going in, a beautiful building that doesn't look so much like a parking garage and then can be discretionally looked at to have some substance to it, and that the massing can be arranged in a way that gives it some variety or picks up the extra 50, 60 spaces.

John Partenza: I need to say one thing as the treasurer of the hospital. That buffer is going to cost two million dollars to the hospital, on top of an ER where construction costs are going up everyday that we don't build, on top of a garage where we still don't have full numbers. We've agreed to go down. You do not understand the cost of that. The commit to this may be a financial impossibility. I have to say that. This is not our money to play with. I want the board to understand that adding 60 spots to a garage at 22 I.U's, 25 to 30 thousand dollars on top of everything else we're doing, it's not in a vacuum, and on top of buffering it is a financial burden. I've been very straight with this board all the years I've been here. I don't know how else to react to that. I really don't.

Vice Chairman Sturniolo: What if you put it over on the north end?

John Partenza: I think we have a plan that meets the parking demand. I thought 1 A was kind of acceptable to everybody. Buffering it increases 61 spots to that demand, by reducing 61 spots. I'll leave the architects and the designers to talk about the specifics of it, but it's an added cost. Right now we believe that with the garage that we have configured here, based on the setbacks, sinking it into the ground, meets our parking demands. Paving over, buffering, which we agreed to; we understand the need for it, we think it's good; it's just a financial problem and adds on top of three things that are going on today. I'm sorry to outburst, but I think it's something that has to be understood.

Vice Chairman Sturniolo: Putting aside dollars, The enhanced buffering along the front is absolutely crucial to the gateway look as you enter Mount Kisco, as you look at your hospital, and to a degree it kind of draws your eye away from the big black smoke stack as well, which we all agree and know there is nothing you can do anything about.

Joel Seligman: We don't dispute that. Our original submission of a master facility plan to this Planning Board had that as green space. We have been unable to move in that direction. We want to proceed with an Emergency Department, but we were told we couldn't until there was a parking garage approval. We began a long discussion about parking garage. 90 days ago, we walked through the site and we were told that it would be too high. So we lowered it, and now we're hearing a proposal that we put it back. If I understand that, until the meeting that took place here 30 days ago, we were not talking about the berm on the north parking lot. So what I don't understand is, at what point do we say, we've got a plan that works. We have a critical priority for this community to have a new Emergency Department. We have a huge financial distress that we are already under to build an Emergency Department and a parking garage and to sink it ten feet, and to do lots of other things that we need to do, and if this is the answer; reducing 61 spaces and putting them on top of this building, and making it higher yet again, if that's acceptable to this Planning Board and we can move forward, we're prepared to do that. But I have no confidence in saying that, all I have done is said, and we'll be back next month for a new set of requirements. So I am asking the Planning Board those questions. We'll do what you just proposed, if that's what this Planning Board wants. We'll make the garage one more story higher. We can't continue to develop new options.

Vice Chairman Sturniolo: Understood.

John Partenza: We don't know when this is even going to begin, so we don't know what this is going to cost.

Vice Chairman Sturniolo: Going back to what Ira described; you just said you're willing to do that as long as you see that as the end of this.

Joel Seligman: Yes, we will find a way to do that.

Stanley Bernstein: Mr. Chairman, I have something very profound to say, and I want it on the record. I spent 24 days in your hospital not to long ago. From there I was transferred to Weill Cornell. Now, it's almost a given that the giant teaching hospital in New York is really the medical place to be. I was surprised and gratified that they have their act together, and it wasn't a bad place. But nothing, nothing compared to Northern Westchester. It was like I was in a hotel. I can't believe how good those nurses were, and even the doctors who were not my doctors. It was just a wonderful experience; except for the food. But, I hate to say this, I'm not here to laud the hospital and say that we'll bend over backwards and do anything for the hospital, which I probably would, but I am here in a different capacity and that is to make what Mount Kisco what it used to be. The feeling of the way it was when I first moved here 40 years ago. I want to get that feeling back again, and this is just a little bit of addition to some urbanism which we can't avoid. We have to do this. How it's done is between you and the architect. This is the main thrust. In 2018, I don't want somebody walking up to me and saying, who were those bums who did this to Mount Kisco in 08? I know it's costly but somehow or other you've got to try to raise the money and make this place look good and I will vote to stop the nonsense. Once we settle on a plan, that's the end. No more. We're finished. I can do no better, personally.

Vice Chairman Sturniolo: And I, one member, I like the proposal of the constructive suggestion that Ira made and your acknowledgement of it as well.

Ralph Vigliotti: I like 1A as it stands. I do respect what Mr. Grandberg has put on the table as far as trying to find a place to add 60 spaces. For me, I think we can find 60 spaces somewhere else. I want this parking garage to move ahead as Plan 1A. I can find you 60 spaces right now. Right next to Moore Avenue. There is some vacant land there, that's where you put the 60 spaces. We get a bit of a buffer and we're done. We can move on. You have property. I like where we are, 1 A is a good place to be; it's a nice look. I agree with my colleagues that buffering this would be a wonderful contribution to the Village, and I hate to call it a contribution, but I honestly believe we can find 60 spaces. You have some property. It's a matter of coming back at some point.

John Partenza: Would that be part of this approval or would that be a subsequent?

Ralph Vigliotti: For me, as one member of the board, I just want to move on the parking garage and get the Emergency Room going with the commitment that we're going to go with buffering and find a spot for 60 spaces.

John Partenza: So it would go simultaneously, the buffer and the 60 spaces?

Nanette Bourne: On that note, we may not be able to come up with the whole 60 right now, but looking at picking up some spaces, this whole line along Main Street would have to go because you need the 18 feet, but if you leave enough room for parallel parking along there, and put some of the parking back on the corners, you could pick up at least 20 spaces right there.

John Partenza: So we're not talking about adding those 60 to the garage then.

Vice Chairman Sturniolo: So, Ira, what does that do to the very, very enhanced buffer and enhanced plantings along the front that we seem to all agree on?

Ira Grandberg: I think having worked and presented before many Planning Boards, you have to create some sort of design criteria. To be the devil's advocate, if you came back and said you couldn't raise the money and we're going to plant grass there and three trees, what standards are you going to establish for the Village that they have to comply to? In other words, you may not need four benches and five street lights, but you may need enough of a landscape design that enhances the Village. There has to be a set of standards that everyone's agreeing to.

Vice Chairman Sturniolo: So we would have to see a proposal from a landscape architect as far as how the front is going to be treated?

Ira Grandberg: In speaking to Mr. Doug Mayne, he indicated they have landscape architect on staff. I don't know if that is in house or not.

John Partenza: In house.

Ira Grandberg: I think other than some magic marker trees that look green, you have to establish some guidelines that are reasonable and targetable. If he presents a cost analysis and lets the town see if that is something that they're pleased with.

John Partenza: Would that be part of that approval process?

Nanette Bourne: The E.D. structure and the buffer will be part of this approval process, and possibly whatever spaces you are lacking, we can consider a condition that gives you some time.

Doug Hertz: We've talked about parking count a lot. Does the parking count that we're going for, again I don't think we ever got a final number as to how many spaces the new 1A provides. Do you have it?

Steven Doherty: 469 spaces on the south end of the campus.

Nanette Bourne: And adding the surface? Your goal was 999.

Steven Doherty: We have a total, with 1A, 1006.

Doug Hertz: Is your parking count today's requirement or does this factor in the future development of the second floor over the E.D?

John Partenza: That was based on today's demand and today's build up.

Joel Seligman: I just want to make sure the Planning Board is aware that we are in negotiations with the owners of the former Reader's Digest property to re-locate a number of our out-patient programs. So there are some things that might lead to less traffic.

John Partenza: We're working them out.

Doug Hertz: Has there been any discussion with the CVS property about utilizing any of those spaces?

Joel Seligman: No.

Vice Chairman Sturniolo: I believe I'm speaking for both the hospital and the Planning Board, but we need to come to; and I think we're there, an agreement on what we'd mutually we'd like to see so your landscape architect can go ahead and start to do his work. The architect can provide a bit more detail based on today's conversation and Ira's conversation with him, so we can get this in a state on paper that, although it's not construction plans by any means, but it's in state, on a piece of paper that can be tied into the one resolution of approval that we're going to encompass this conversation and the E.D. as well.

John Partenza: The timing you think that would be? I know it's an unfair question, but it's an important question.

Nanette Bourne: I think it's a really important question that we need to tackle right away because there are entities beyond the Planning Board that have something to say about it.

Vice Chairman Sturniolo: Again John, we made the statement at a staff meeting, and it's worth repeating again. This Planning Board throughout the summer, if there needs to be a special meeting just for the hospital, just to get certain issues clarified and/or approved, we will do it.

John Partenza: We very much appreciate that.

Vice Chairman Sturniolo: What is the best way for everybody to memorialize what we've said today?

Michael Caruso: We will do something, give it to you and we'll compare it.

Steven Doherty: But the basic scope is to continue to develop Option 1A architecturally, without changing the count that we have today, meaning without the additional story going onto it.

Vice Chairman Sturniolo: The much enhanced berm planting plan that a landscape architect is going to do to treat the front, and then the missing parking spaces, whatever that number turns out to be.

Steven Doherty: Identify opportunities for how to make that happen.

Vice Chairman Sturniolo: How to make that up without compromising what we just said regarding the southerly parking structure, and definitely without sacrificing one blade of grass on the front buffer area to compensate.

Ralph Vigliotti: Now, Nannette has already mentioned parallel parking, which you could net out another twenty spaces or so. Now, we're down to 40.

Ira Grandberg: Your architect indicated that the design he showed approximately three weeks ago regarding a perspective of the entrance to the hospital. It showed a wooden structure and some benches and trees, etc., and he noted that this was very cursory and we agreed with that. But if it's going to be an entrance to a hospital campus that might integrate sort of a stone wall with the name of the hospital, however he interprets that I would hope that you could transfer to him that the more developed the landscaped presentation is, and less crude, it will probably get their favor a lot quicker.

Michael Caruso: Our intent with the sketch that is in front of you; and again the timing of the Planning Board Meeting and when our next submission had to go in front of you, it was an attempt to show you to get the feedback from the Planning Board. Certainly now when something else goes in front of you, it will be in much more detail.

Steven Doherty: The 60 spaces in the north lot along Main Street, does that portion of the project happen with the E.D.? Does that get triggered with the construction of the garage?

Nanette Bourne: Remember we are going to have single approval and we're going to have phased construction. So that single approval will include the E.D., the parking structure and your overall landscaping plan. The phasing of it would obviously depend on getting the parking structure.

John Partenza: The way I'm hearing it is the overall landscaping plan encompasses this piece of paper.

Michael Caruso: When we come out with the documents for the Emergency Room that will have the detailed landscaping plan for the bid documents for the Emergency Room?

Nanette Bourne: I think we should meet on this because we have to be careful to protect the parking that you've got. So the last thing you want to do is before you get here take away additional parking.

Doug Hertz: What we're trying to do is have a plan that we can understand so that we don't phase the approvals, but we clearly understand your phasing the construction of it.

Nanette Bourne: The challenge we'll have to deal with is SEQRA and DEP.

John Partenza: As it relates to the garage?

Nanette Bourne: Yes, and I think we'll probably need to have a meeting with DEP and get some of their ideas, their creative juices on how we can move this forward so that they are engaged in this and they don't feel as though their issues are being left out.

Vice Chairman Sturniolo: We also need to keep the ARB up to date because we are talking design elements here.

John Partenza: The DEP will also have to be involved because we are taking away impervious surface. We are putting in additional parking if we put something in on Boltis Street.

Nanette Bourne: I think they will work with us on the phasing of it.

Vice Chairman Sturniolo: Once you have the bullet point list that you two will combine, please circulate it so all of us know.

Nanette Bourne: One thing on the parking garage, the lighting on the top level of the garage will have some challenges on keeping it safe.

Whitney Singleton: We cannot forget the zoning designation and the marrying of these lots. You have setback issues that we periodically discussed and I don't want to raise it again in the eleventh hour. Those are some issues that take some time, and I periodically raise that point. The other thing is as we're proposing a zoning change relative to the St. Marks Plaza lot to accommodate this garage structure, please also be sensitive to what the height restrictions are.

John Partenza: I would assume that is a Nannette/Austin conversation.

Whitney Singleton: Yes, and the Board, depending on if it's in compliance. If it's in compliance it's a non-issue.

Vice Chairman Sturniolo: Are you satisfied with the outcome of this conversation?

Joel Seligman: The piece I'm looking forward to is the meeting that will allow us to lay out the time of these other approvals so we can have some real handle on that. For the E.D., the next step is to go out to bid. We can't do that until we have a sense of when this is all going to happen, so we're just holding onto this bidding package and the price is going up every day. But this was very helpful; I think it's a good solution.

Vice Chairman Sturniolo: I cannot stress enough that that front has to look drop dead gorgeous.

John Partenza: Thank you very much.

Formal Application:

**919 Mountain Avenue Associates
133 West Main Street
PB2008-11**

**Present: William Balter, Property Owner
Scott W. Blakely, R.L.A., Senior Vice President, Principal
Landscape Architect, Insite Engineering**

Recused: Doug Hertz

Scott Blakely: This is a two lot subdivision of a 1.2 acre parcel. There is an existing structure located with frontage on West Main Street. We are looking to carve off one parcel back here and construct a single-family house.

Vice Chairman Sturniolo: That is the same drawing that we saw at the conceptual with the lot line shifted from 87 to 88 degrees?

Bill Balter: Yes.

Scott Blakely: We received a copy of a letter from Mr. Rotfeld's office. I had a brief conversation with Anthony; there were three items in it. One was a Certified Boundary Survey which our office has completed. The second was engineering details which are really showing the sewer and water connections, silt fence locations and other things. The third was the storm water pollution prevention plan. I talked to Anthony about it, and my office has completed it, and we are in the process of packaging that up and getting that back into your board.

Bill Balter: Our hope is to make the submission at your next meeting to all of the things to answer that letter. All we're asking for tonight is to have you schedule a public hearing for July 8.

Ralph Vigliotti: Once the subdivision, if it's approved, do you plan to send this out for a purpose or do you plan on building on that lot?

Bill Balter: We don't know the answer to that. We plan on getting it subdivided in a way that we're comfortable with. Obviously we live in the neighborhood, and we're doing this for that reason. Having setback the 50 feet so it's in line, we are basically doing all the things so that we get the house that we want. We may build a house and we may not, but we are not committing to build a house on there. We spoke to 50 of our neighbors and everyone asked us the same question, are you going to build a house? We're not sure that we're going to, so we are saying we might and we might not.

Ralph Vigliotti: I hate to see the property sold; somebody decides they are going to put a quick down and dirty modular there.

Bill Balter: We are going to put restrictions on the property so we get a traditional house.

Ralph Vigliotti: Explain how you might add those restrictions. What would the wording show?

Bill Balter: There are covenants and restrictions that you could put on the Deed; two ways to do it. One way is to have covenants and restrictions, and the other way is for us to have approval rights on the architecture. We have not decided which way we want to go, but those are the two ways to do it.

Ralph Vigliotti: How can that be put forward so we can insure that is going to occur?

Bill Balter: When we get to the approval we can talk about the condition. What's fortunate is the Village has an Architectural Review Board, so whatever it is you put in your resolution, the Architectural Review Board will see.

Ralph Vigliotti: So you will volunteer to have this single family dwelling go through the Architectural Review Board? I don't think it has to.

Bill Balter: I think it does now with the current Board. Single family homes are under the jurisdiction of the ARB. We are in an interesting position because we are not doing it because you're asking us to, we're doing it because the whole purpose of what we did was to preserve. We are the ones who want it, but it's fine to put it in your resolution.

Motion to Place 919 Mountain Avenue Associates Subdivision of 133 West Main Street on the July 8, 2008 Planning Board Meeting as a Public Hearing:

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

Motion for the Intent of the Mount Kisco Planning Board to Become Lead Agency Regarding 919 Mountain Avenue Associates, 133 West Main Street

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

Bill Balter: Thank you very much.

Formal Application:

Stewart Heights
25-35 Stewart Place
PB2008-08

Present: Ronald C. Tetelman, R.L.A., President, Eberlin & Eberlin, Consulting Engineers

Vice Chairman Sturniolo: I am suggesting we hold off on the lighting guideline modifications tonight and put it over to July 8, 2008. However, Whitney, if you could forward our comments on the sign ordinance? We said we were going to address that at this meeting to the Village Board. Are they anxious?

Whitney Singleton: They are anxious in their requirements. They will be having their next public hearing after your next meeting. We have not had any formal comments.
Vice Chairman Sturniolo: We had a brief discussion with Joe, but if it needs more we'll hold off till the 8th.

Whitney Singleton: Maybe we can discuss that on Thursday at the staff meeting.

Vice Chairman Sturniolo: Sure. We will carry over those two items for July 8.

Ronald C. Tetelman: We were asked by the Stewart Heights board to find a way so that emergency vehicles can access the site; to be able to pull up in front of this unit. The solution was to widen; make this curb radius wider to facilitate that turn. That involved removing some existing curbing here. There is a planter and we relocated all the plantings into a new planter here, and re-did the curbing along here. This does not affect the parking at all; it does not affect the southerly curb line. All we did was widen this by several feet to accommodate that movement.

Vice Chairman Sturniolo: What is driving this? The Fire Department is not promoting this so it doesn't need it, and this is money.

Ronald C. Tetelman: I understand and I had the same questions myself. Apparently one of the Stewart Heights board members might have been a former fire commissioner, thought this was needed and I guess he convinced the board.

Stanley Bernstein: What is this project all about?

Ronald C. Tetelman: The board members of this complex wanted to facilitate emergency vehicles to be able to easily pull up in front of this unit. They cannot currently do it as the curb line is configured right now. There is a planter here and this is pretty narrow. So we cut this curb back merely eight feet. It didn't affect any of the parking, smoothed this out a little bit and moved that planter circle into the interior of this little island here. We didn't increase any impervious surfaces, didn't affect the parking. Just made that maneuver a little easier.

Stanley Bernstein: Didn't they want parking spaces on the other side?

Ronald C. Tetelman: I am not part of that application. Apparently they have all of their parking here.

Dolph Rotfeld: Did you get the memo from Anthony with all the items that need to be addressed?

Ronald C. Tetelman: I did not. I received a letter from the engineer saying he thought the 24 foot wide way was too wide, to reduce it to 15. It is in within the city watershed.

Vice Chairman Sturniolo: We will put this on for an approval on the 8th of July.

Nanette Bourne: I don't think you need to do a storm water pollution prevention plan and you are probably exempt from SEQRA with this small area.

Ronald C. Tetelman: We did submit a short form negdec.

Nanette Bourne: I recommend that we do a Notice of Intent both for this application as well as the previous application; Mountain Avenue.

Vice Chairman Sturniolo: Separate from the public hearing?

Whitney Singleton: One of the reasons we were putting it on the agenda was to initiate the process.

Motion to Intent to become Lead Agency for Stewart Heights 25-35 Stewart Place, PB2008-08

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

Whitney Singleton: The disturbance is less than 5,000 square feet?

Ronald C. Tetelman: Yes. Thank you very much.

Correspondence:

Letter from David Steinmetz to Chairman Cosentino dated June 10, 2008 regarding Crossroads Application will be discussed at the staff meeting on Thursday.

Minutes of the Beautification Committee dated May 7, 2008

New York Metropolitan Transportation Council

Letter from Mary Galasso to Steven Helmes dated May 14, 2008 regarding 423 Lexington Avenue.

Whitney Singleton: With the new DEC regulations are we going to require having storm water pollution prevention plans for every single residential lot?

Dolph Rotfeld: You may under the new regulation for phosphorous reduction. Most of the swepps from now on in are going to have to be approved by the Village rather than the DEC.

Whitney Singleton: For purposes of establishing Lead Agency, are we going to have to file the circulated Notice of Intent to be Lead Agency in every single application that walks in this door? You are right that the Village is going to handle the storm water plans.

Dolph Rotfeld: I don't think so, but I will check that out.

As there was no further business, on a motion by Mr. Vigliotti, seconded by Mr. Hertz, the meeting was adjourned at 11:25 P.M.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

dm

