

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday, July 29, 2008

Meeting called to order at 8:10 P.M. Tuesday, July 29, 2008 at the Municipal Building
Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Anthony Sturniolo
 Doug Hertz
 Joseph Morreale

Members Absent: **Stanley Bernstein**
 Sol Gibbons
 Ralph Vigliotti

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

Approval of Minutes:

April 22, 2008
May 13, 2008
May 27, 2008

Motion: **Vice Chairman Sturniolo**
Second: **Joseph Morreale**
Aye: **Doug Hertz**
Aye: **Joseph Morreale**
Aye: **Vice Chairman Sturniolo**
Aye: **Chairman Cosentino**

Continuing Review:

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

Present: **Douglas Mayne, The SLAM Collaborative**
 John Partenza, Northern Westchester Hospital
 Center
 Michael Caruso, Northern Westchester Hospital
 Center
 Steven Barshov
 Warren Geller, Northern Westchester Hospital Center
 Syrette Dym, Saccardi & Schiff
 Steven R. Doherty, The SLAM Collaborative

Doug Mayne: The topic of our last workshops and meetings looked at options north south and a few different variations of both and we've come down to Option 1A, which is a south garage option and one that seems to be the best of any of the issues we've addressed regarding the bulk of the parking we're trying to accommodate on site. That, plus some work up in the north lot with the buffer along Main Street is the essence of the project that we're reviewing tonight. Since last time we've met, we've invested in a three-dimensional computer model for everyone involved in this project. It's probably going to be the best way for everyone to get a grip on this project in terms of the size of it, the massing and even the architecture. There is a lot of information in this model and it should help to express how this is going to be relative to the hospital and to the town in terms of presence and size and shape. This is an overhead view of the entire site. It's an accurate model based on the contour information that we have from surveys and the building information, whether it's existing building or new building projects. This view is an overhead view focusing on the south end, and then go up to the north end. Any point along the presentation tonight I can stop and maneuver and eye point a place anywhere on the model to be able to really probe this and get a good feeling for how this project behaves on the site. This is the view looking over the shoulders of the retail shops. This is the swath of retail parking that tucks under the garage. This is the basic lay of the land for the garage which I think will help explain how it functions from an engineering standpoint, where you have a level deck portion of the garage versus the

parkable ramped portion of the garage. This is the mag stop ramp that really pins down the basic east and a west dimension of the book, that's a code ramp that we need to, hit and also gives us the change from one level to an upper level. Here is where we can get a sense of how the garage nestles into the hillside. These areas here are additional cuts that we need to perform to be able to get the lower level retail area to communicate with an under the garage lower level.

Chairman Cosentino: Is this with a 10-foot cut?

Doug Mayne: Correct. That's a good point, because what you're looking at are the two corners that were flown with the balloon project and these are 11 foot or lower than what you had seen from that study. This is that lower version of that same basic footprint. Rotating over to the knoll into the campus facing the garage you can see a little bit of the view with the E.D. addition here, and you can get a sense of how the two building footprints architecturally relate to one another. Here you have an uphill corner. You can see the garage as it creeps uphill. It has the appearance of a one-story building versus the lower corner, which is always going to be the higher corner just because of the way the natural grade tops off towards the tail end of St. Marks. This is an interesting area to look at also. If I get closer down to an eyelevel view, you can see where we were utilizing the ramp as a way to actually keep parts of the building low, especially along St. Marks. You can see the natural ramp that we need to foundate the garage is very close to how the natural grade falls off on St. Marks, which is a fantastic coincidence. But of course, as you come down to the corner that is where you will experience the highest mass of the project.

Michael Caruso: That's where we were standing the day we did the balloon test. On the corner by Leonard Park across the street.

Doug Hertz: You've achieved 11 feet lower than balloon height in this?

Doug Mayne: Correct. It's the nature of how you manipulate the garage. It's a very clumsy type of thing; you can only do it one bay at a time.

Chairman Cosentino: So that lower building is how many feet now?

Doug Mayne: 26 feet or so.

Chairman Cosentino: We were talking almost 40 or 50 before, big difference.

Doug Mayne: Yes, it's a big difference, going from what would have appeared to have been a tall building to something that's relatively low and tries to hug the landscape as much as you can. This is the entire garage project here. This is going to take on the garage, and you can see what the basic cut and profile is which back here the 27 foot is cut from the natural grade up top near the entry level to the Emergency Department.

Joseph Morreale: What does that hillside look like? It almost looks like stairs in the picture but that can't be. What is that going to be like?

Doug Mayne: They are built like pancakes stacked up. It's just the way the model was made based upon the survey information that we have. The bulk of this area is the natural knoll that's out there right now. The curved areas are all the natural plain and trees and the landscape that is out there currently. The exception is going to be this, what looks to be a more engineered portion here. That is going to be essentially exposed rock cut as part of the garage project. It is rendered from the same sort of material, but that will be a rock look, a more natural grade as it comes around the corner and into the existing rock. We will be exposing the rock that's there to create this hillside here.

Joseph Morreale: Is it a cliff or a pyramid, or what?

Doug Mayne: It will be a smooth embankment. It will probably be rocky in nature and the appearance would be something similar to what you would see around a bridge abutment along a highway. It would be that steepness. It would have the plants that would be able to grow in that rocky sort of condition and the rock would be exposed. It would have a natural appearance versus the rigid effects that you see in this model.

Chairman Cosentino: And the front will be just dirt?

Doug Mayne: Yes.

Chairman Cosentino: What is going to protect that when it rains?

Doug Mayne: That water mitigation and landscape can again accommodate their role. Well have to design that and take care of that. It's going to be similar to a way an abutment and a bridge would be handled. Some of that is going to be a discovery too, in terms of what exactly gets exposed with that excavation.

Chairman Cosentino: I think we have to talk about that as far as aesthetics.

Joseph Morreale: The way you're describing it, is it like what people do when they go rock climbing?

Doug Mayne: Yes.

Joseph Morreale: That would ice over in the winter.

Doug Mayne: We would have it fenced off. It is not an area for people to walk around, it's too steep.

Joseph Morreale: Besides aesthetics I'm worried about people trying to climb it because you can reach it from the top coming off the parking garage.

Michael Caruso: There is a fence there right now on the site.

Doug Mayne: We are creating this particular profile here, but if you were to compare it to the profile of the existing knoll it's actually a little less steep than some areas at the existing knoll. It's not a cliff by any means but there could be another way of doing this where we could actually make it a straight drop wall, but that would be dangerous, and so this is a better version of that. When you begin to expose that rock that could be a good thing. As you split the rock away and grade that it could be a pretty good thing. We are at the mercy of what's there, and it's an investigation.

Joseph Morreale: How many parking space will you then have when this is all done, right there in the garage?

Steven Doherty: At this end of the campus as a whole, I don't know that we've done a breakdown of what's in the garage versus outside the garage, but I think we were at like 470 spaces on the south end of the campus.

Michael Caruso: Not all within structured parking. Some of it is outside of it.

Vice Chairman Sturniolo: And your goal is still the 999 total?

Steven Doherty: It will be a little less; retail is at 68 instead of 95 approximately.

Chairman Cosentino: The count is going to go down.

Vice Chairman Sturniolo: Yes, the count can go down by 40 or so, so if you take 999 and pull 40 out of it.

Steven Doherty: There is still that additional parking lot along Main Street. There are additional parking spaces in the back of the E.D. and along the service drive.

Vice Chairman Sturniolo: But you don't have a handle on the where numbers are at physically?

Steven Doherty: I didn't bring it with me. It's similar to the parking table that we provided a couple of weeks ago.

Vice Chairman Sturniolo: Thank you.

Doug Hertz: If you could go back one view, talking about the retail parking, there is an access to underneath the parking garage as you drive in there, is that continuous?

Warren Geller: There are bollards in there that separate the hospital parking from the retail parking.

Doug Mayne: Outside the footprint of the garage there is a 55 count here and the balance occurs underneath the garage. You can circulate in and outside the garage through here and the rest is only accessible from the main entrance above. This is the existing main entry, and this is looking from the main intersection here, Main Street and the campus entry looking over the swath of the new development along Main Street.

This model is not going to be a photo realistic sort of take on what this can be, but this is essentially what the basic bones are. What we have as the basic elements to work with are these existing trees, which are large, mature trees along Main Street. We are proposing filling in the missing teeth along that stretch with some new larger trees. The little loops that you see around the existing trees are small walls that are going to actually keep the existing grade around the trunk of the tree, which you need to do in order to keep the trees alive. On the back side of that is retaining essentially the berms that we're creating to begin to shield the parking in that area there. But the walls and the berms go hand in hand. You can't have one without the other. That's a good thing because that wall will help to marry some of the new architecture we're looking at on the campus, all the way across the face of the existing facility. It is going to be able to come out to the street now and help with the screening process and also create that architectural environment that helps to smooth things out.

Vice Chairman Sturniolo: What is the height of the wall and what are the various heights of the berm?

Doug Mayne: The walls are about three feet high. We are stopping there because that is essentially what code allows. We are not allowed to go higher than that in a buffer zone; we are maxing out what we can do. The berms are just a smidge lower than that so the wall can come up beyond the height of the berm.

Chairman Cosentino: Why is there nothing in the middle there?

Doug Mayne: This is a one part of a three-part show and it's really only showing the basic building blocks. We need to supplement that with some other documents we've been looking at. The landscape is very hard to render and convey in any single format. The berms and walls, which you can see maxed out according to code and only to a certain amount of shielding. It can get you up to the hood of the car, but it's not going to start hiding cars. If we were to then complement the berm with our existing trees, we can then create the new under story of some lower type plantings that will complete the screening and filtering for us. That's the technique that we're looking at. It's what we have recorded in our documents, but it's very hard to express that in a single graphic.

Vice Chairman Sturniolo: I'm trying to follow that and look at the handout. This seems to be a bit more visually enhanced than what we're looking at?

Doug Mayne: It's the same. This is where we can begin to do a screening that we're all looking for. The stonework will only be seen from the public side, which would be quite nice.

Doug Hertz: What kind of stonework do you imagine for this?

Doug Mayne: It's kind of a tannish gray ledge type of a stone.

Doug Hertz: Pre-cast wall?

Doug Mayne: No.

Chairman Cosentino: This is going to have to go before the ARB anyway.

Doug Mayne: For the concept of the berm, though, the existing trees, the berm, what is very critical to it is the underscoring evergreen plantings. We can't accomplish what we want with any single one of those.

Joseph Morreale: The light green there, what would they be?

Doug Mayne: I think it's a combination of juniper and holly.

Joseph Morreale: But they're forever green all year?

Doug Mayne: The lower, new planting would be. There are some perennials in there.

Joseph Morreale: Will the gray stone reflect the gray stone off the hospital? The hospital is basically brick.

Doug Mayne: Some new stone introduced with the new project and will be incorporated as a new theme, when new projects occur. Some is associated with the garage and the

new stone calling card will be seen at the entry points for both the new Emergency Room and entry to the garage. We are trying to get away from the white.

Michael Caruso: The ARB already reviewed the look on the E.D. structure.

Doug Hertz: I know you have more to show, but I think it would be intriguing to see a rendered view of the entrance coming down 172. I'm curious about the idea of, is there a way of what you're doing to create kind of a real entrance to the campus with doing almost what you're doing but maybe making that corner a little bit more prominent.

Doug Mayne: And remember this is just the skeleton. We can do a computer rendering or an artist's rendering. They both have their advantages and disadvantages. The hand drawing with landscaping is generally a better way to express the landscaping materials.

Doug Hertz: There was a presentation awhile back that showed a very elaborate entrance. I wonder if there are elements from that that could be incorporated.

Chairman Cosentino: Is this a landscape architect that you're using?

Doug Mayne: Absolutely. We have a landscape studio in our office.

Chairman Cosentino: Usually on a big project like this, as you see we brought in Mr. Granberg, we like to bring in one of our people to overlook this as well. Not that we don't like what you did, but it's our policy on a large project such as this.

Doug Mayne: That's one nice thing about the model. We all have something to look over now, which we didn't have before.

Vice Chairman Sturniolo: Is it fair to categorize what we're looking at and what you handed us as the first stab at the front entrance, the berm project, that this is an ongoing process that is going to be fine tuned?

Doug Mayne: There are a couple of answers to that. One, this model has limitations in terms of what it can show. There is more detail that we've done that you can't see, but we have this as a foundation for the scope of the look. We can look at adjusting it as we invite your comments on that. We now have something we can react to and build upon. This is pretty realistic effort right now.

Vice Chairman Sturniolo: So this is the work in progress so to speak?

Michael Caruso: Yes, but at the same time the approval of that piece of it based on what the entire project is, and when that piece of it will have to go forward to get built and constructed would also play a role in that length of time it would take.

Vice Chairman Sturniolo: When do you think we would see more detail information time wise on what we're looking at tonight?

Michael Caruso: I would leave that for the architects to answer but I think it should be artists rendering based on some feedback I received on some of the submissions and the way they look when you print them out.

Doug Mayne: It sounds like you'd like us to give a pretty good focused look at this corner here.

Chairman Cosentino: When you come down 172 you want to see something that is aesthetically impressive.

Doug Mayne: The artists rendering will be the best way to do that. Again it's going to have the appearance as though it's sketchy, but it will be done over this very detailed model. So it will be a very real thing even though it looks very atmospheric.

Steven Doherty: To echo what Mike said I think we need to look at it and reach consensus on whether it is that level of development now or is it when that project moves forward? I think what we were trying to do is conceptually show what can be done with a wall, with a berm, within the buffer, how to fit parking for the overall campus to make sure that we can still reach our counts, and give an idea of what can happen with the plantings. That entire project would have to be developed when the project is implemented.

Doug Hertz: What does your phasing look like now?

Warren Geller: We are going to build the E.D. first and then the garage and then we could focus on the north end of the campus. We can't work on the north end and south end simultaneously. Obviously or first priority is to build the Emergency Department and then to solve our permanent parking problem which we've committed to on the garage, and then we've obviously committed to this berm, and we're happy to do it.

Doug Hertz: More specifically, the original phasing was, we're going to be doing the E.D., surface parking on the south end, etc. Now that it's moving down is that going to happen?

Warren Geller: No, we're just going to do surface parking right away; we're not going to put in the bones for the garage, because we need to get our E.D. built as quickly as possible. It's just going to be surface parking there over in the south lot. The loop road happens right away, as that is the first development for the Emergency Department.

Chairman Cosentino: Yes, you've got to get construction trucks in and out of there. Loop road, Emergency Room parking, and berm.

Warren Geller: Yes.

Doug Hertz: Can you show us the Main/Moore picture again?

Doug Mayne: The sidewalk here is basically the existing sidewalk, improved. The face of that will pass the tail end of the current nose in parking.

Joseph Morreale: It's probably an optical illusion, but every time you show people that wall is taller than them. You say its three feet right?

Doug Mayne: It's the clumsy nature of this kind of model, which exaggerates things.

Joseph Morreale: Can you show the site from Boltis where the people's homes are?

Doug Mayne: Here is an eyelevel view.

Chairman Cosentino: Actually you have more trees now than you show on your rendering.

Warren Geller: Yes, we didn't want to block the structure itself just so you have an idea of what is scoped.

Joseph Morreale: The homes are two storied, right?

Doug Mayne: Correct.

Joseph Morreale: So I assume they're going to see the cars on the top, right?

Doug Mayne: This is probably a little higher of what the floor would be. Here is a view from the second floor of the house, a couple of feet higher.

Doug Hertz: The lights, are they 14, 15 feet max?

Doug Mayne: 15 feet yes. And the lighting that we're prescribing for this is what the code requires anyway. A whole fully shielded fixture, so you're not going to get that glare that you might associate with some of the older fixtures you see around town parking areas.

Chairman Cosentino: We have to talk about the height of that pole. I'd like to see the same type of lighting that's in the parking garage in White Plains. It's sort of in the wall but shines out so you don't really see it coming down, but it really shines everything you need to be shined. Do my fellow board members have any questions?

Vice Chairman Sturniolo: Mike, at the June 24th meeting we talked about lowering the garage 10 feet, the berm the displacement of about 60 cars predicated on the berm and trying to find a home for the displaced cars somewhere else on campus. We all left that meeting of a good understand of who is doing what, and we asked you to compile some notes, which I would like to read and refresh our memory. The Board agreed on Option 1A as presented, which is basically what we're discussing tonight, modified and improved. Joel agreed to eliminate the first row of parking on the north lot and provided a planted buffer screening the view of that from Main Street. This agreement is predicated on the Planning Board's commitment to move forward on the Emergency

Room approval. We all understood this meant the loss of additional parking and agreed that it need to be made somewhere else, and I'm going to ask you how you progressed on that front. There would be some parallel parking on the north lot. A parking lot on Boltis Street near the Mitchelama building was a thought and possibly additional surface parking on Boltis Street if one of the houses is taken down that the hospital owns.

Chairman Cosentino: Let's identify the house in question. That's the old Perretta house. Mark House 23 on that.

Vice Chairman Sturniolo: The north lot buffer needs to be "drop dead gorgeous," very natural looking, stone wall and signage at the entrance to the campus are critical next steps for final approval. Nanette agreed to meet and develop time line for approvals, i.e., DEP, DEC and the Village Planning Board and we know that there was a meeting with DEP and in a little while we'll hear what the outcome of that DEP meeting was, and we also know that there was a teleconference meeting between Whitney, Nanette and the hospital staff and out of that there was somewhat of a shopping list developed of things that had nothing directly to do with the planning process, but things that had to do with text changes, variances, zoning, merging of lots, etc., that you and your staff were working on. We all understood that this has an impact on the bidding and that had to do, along with this process take more construction material which will add to the rising costs and we were cognizant of that fact. We were also discussing the exterior rendering of the garage and landscaping plan for the north lot. That is the gist of where we were the last time and we haven't we met since June 24 till tonight. Is there anything in that shopping list that you have found new information and want to elaborate?

Michael Caruso: The presentation that you just saw pretty much depict exactly what we're talking about and covers all the areas that we said we would look at when we met. The only other thing is that we've identified that it's 50 spaces at the north lot that will affect that berm, and where we were going to pick up those spots somewhere on the campus. In the first place, we obviously looked was that Boltis piece, because that area was used for contractor parking for the building of The Cancer Center. We think at that time it was 32 or 33 spots. In order for us to capture the entire 50 spots that we're losing would require us to demolish 23 Boltis. I hear that house is currently vacant. In order for us to do that, I believe I'll defer to certainly select... so I will defer to them on that. With all of what's going on with the north lot, with the berming and the amount of acreage that's being effected on the site, DEP is very interested in it; it's over a threshold which requires Syrette to make sure she completes the impact statement and it gets submitted. That's why we need to know as much as we can the sooner the better so everybody can put a final site plan together for submission.

Vice Chairman Sturniolo: Have you done all your rendering, paperwork for lack of a better term, regarding the loop road or the ring road? Is that in a stage that can be shared?

Michael Caruso: The ring road is one of our steps that are completed. The only thing that is not at this time is that garage site and based on today's meeting if the site of it, the way you see it and we've all agreed to it, then we can go ahead and get SLAM to get the final site plan for that, meeting all the inlets and catch basins.

Nanette Bourne: On that point the ring road as a concept is developed but it hasn't yet been integrated into your SWPP (storm water prevention plan).

Michael Caruso: I want to say it has. Scott's not here, and we can certainly check it, but the ring road has been developed into that level of detail on previous submissions.

Nanette Bourne: I think there were some modifications to the ring road, so the SWPP is quite a ways advanced but not complete to include all the components of the project.

Vice Chairman Sturniolo: So then if the ring road is obviously the first shovel in the ground, and assuming that type of construction can take place throughout the winter season, we had always kicked around an approval if everything is done towards the end of the August meeting. Is that something that is still viable from your point of view, or do you now see that as maybe something that can't be met and you now are looking toward a later date? If it depends on DEP, then, what is missing?

Nanette Bourne: There was a very productive meeting with DEP and the project team of the hospital and it was discussed whether or not it could be broken up into separate pieces, or it had to be done as one single piece, and as Planning Board has discussed many times, you wanted to have it as a single approval with phased construction and

DEP has agreed that as far as taking care of the storm water and SWPP they wanted to see a single SWPP that took into account all of the components and they would be willing to entertain a phased construction in coordination with the Planning Board. The components that need to be included into the schedule as we roughly laid them out was this meeting tonight to show the advancement, that they had taken your direction regarding the parking structure and the landscaping which they've done and to discuss the updates with the DEP and a very important component to this that they haven't mentioned is the temporary off site parking that has been approved at Reader's Digest. So not only do they have the parking that they need for the construction portion at Reader's Digest but they also finished the parking across the street so that after they brief the Planning Board tonight then there would be the opportunity at next week's meeting for all of this to be packaged up and do a revised Notice of Intent that could go out to all of the agencies and approving bodies that are part of this which includes the Planning Board, DEP, whether or not its' the Zoning Board of Appeals and the Village Board to make sure that all of those are identified and included in this revised Notice of Intent so that we can commence with SEQRA.

Vice Chairman Sturniolo: Is August 5th a date that you are comfortable with meeting?

Nanette Bourne: It's really almost a check list. We'll take care of the Notice of Intent. It's needs to be updated. That will be followed at the August 26 meeting with the official kick off of all of the pieces that have been finished for this project and that will include a discussion and a full understanding of the project description including the Emergency Department, the parking structure, the landscaping. It is a work in progress and between now and that meeting they can address some of the comments that you've raised tonight.

Doug Hertz: Between now and next week?

Nanette Bourne: No. August 26.

Vice Chairman Sturniolo: And that's something that you will have an ongoing dialogue with Ira?

Chairman Cosentino: Nanette, we may want to bring in John Slaker.

Nanette Bourne: That would be fine.

Chairman Cosentino: I feel with these extra meetings we're ahead of the game, and it's up to the hospital now to do their homework. We can come together within a few months.

Nanette Bourne: The other things that have to be brought to the board for August 26 is a revised, updated, expanded Environmental Assessment Form that addresses the changes to the proposed actions that completes and updates their cultural resource report. Most of the stuff is done; it just needs to be completed. I want to make sure the Board understands the time frame; that there can't be an approval on August 26.

Chairman Cosentino: There is another thing that they have to do on the parcel that is not Zoned H.

Whitney Singleton: That was part of our discussion last week. That would require another action to be taken by the Village Board.

Chairman Cosentino: Is that in process? That's an important piece of the puzzle there.

Steven Barschov: Just so that we're clear, the piece that we're talking about is the piece down towards Main Street. We've had exchanges, we've prepared a memo that lay out what Whitney's and Nanette's request, a variety of options. We've suggested some and Nanette came back with a different one, we're happy with the ones that we proposed, we're happy with the ones that they wanted us to consider. All of them would involve a rezoning, an extension of the H district and various text amendments. If that's ultimately the ones Whitney and Nanette want to think about a little bit more, we can talk about it but we are certainly prepared to move forward with that and to incorporate those applications for the rezoning as part of this overall time frame. So yes, definitely there is no possibility of an approval for August. The only way that it would be possible if you wanted to do it, I'm not asking for it, if you wanted to do it, it would require separating the parking.

Vice Chairman Sturniolo: Segmentation is not a part of it.

Steven Barschov: With the structure as it stands now, realistically we are looking at approvals sometime in October or November for the approvals from your board as well as the Village Board.

Warren Geller: If I could pipe in here, October would not be good either. We have DEP in the room here (Andreea A. Onicioiu, Associate Project Manager II, New York City Department of Environmental Protection) and until the Village as Lead Agency does a Negative Declaration, the 45 days can't start with DEP. So October is unrealistic as we stand here today. Let's be realistic about it.

Nanette Bourne: Not necessarily. In terms of your starting construction, but what is possible is if, for your August 26 meeting you have your expanded EAF, your cultural resource, your SWPP done, your traffic and parking update, all your zoning petitions in for the Planning Board to then do the SEQRA consideration, the Planning Board would be in a position at your second meeting in September to issue a Negative Declaration. Once the Planning Board issues a Negative Declaration, you don't have to have the project approved. DEP doesn't require the project to be approved, but they can go ahead and begin their review of the SWPP which is the 45 days.

Warren Geller: Right. I need to be clear here for my own sake. That's the end of September, and now the DEP has 45 days. 45 days from the end of September is the month of November as we sit here today.

Whitney Singleton: The Planning Board is not bound by the time frames associated with DEP.

Warren Geller: So you don't have to wait for a 45-day DEP you can issue us an approval so we can get a permit.

Nanette Bourne: You can get a permit and that resolution would have a condition, theoretically if everything works like clockwork, theoretically the Planning Board can issue an approving resolution and a condition of that would be to get the SWPP.

Vice Chairman Sturniolo: Talking about the cultural resources, do they still have to do a Phase II and how does that interface with the type of action that this is being classified?

Nanette Bourne: Their Phase I A was done a few years ago and it was done at a time when the project was the big project that included the doctor's offices, and on the site there are several areas of potential cultural and historic resources including the north corner of the property. At the time the area that was sensitive was going to be disturbed, and so there were various recommendations made by their culture resource person to continue work. I believe that the work, the revised project will result in a different conclusion, and so between now and the submission of their EAF they have the opportunity to revise their cultural resource investigation, deal with SHIPO (State Historic Preservation Officer) and maybe they'll have to do a little bit more work, but that's really up to SHIPO but I don't think that the work that was recommended is required. Syrette, do you have any comments?

Syrette Dym: We do not have a determination by the cultural resources consultant yet.

Nanette Bourne: That's a likely outcome. It hasn't been concluded, but it's a likely outcome. It was done on a much bigger project.

Syrette Dym: If I could just say a couple of things. The cultural resources consultant was waiting for the outcome of this meeting tonight. One or two other things that have to be determined to know exactly where they stand on what the proposal is and then we'll be able to determine with them and through SHIPO what exactly they have to do with that report. But it will be taken care of. We have no concerns about it being addressed.

Vice Chairman Sturniolo: I'm raising the question as one person but everybody on this Planning Board wants to see this thing move forward as expeditiously and as accurately as possible and that's why I'm trying to make sure that everybody is on the same time line page if we're looking for certain things accomplished in the fall and something in November, and some type of preliminary approval from DEP prior to that.

Steven Barschov: In that vein, we are one hundred percent in sync with you in line to be on the same page with the key elements that we are dealing with. There are a

couple of items that I want to put out on the table to make sure that we are on the same page. Regarding the SWPP, we were not planning to show the contractors lot area as a paved area. We were going to realize it to capture a portion of the parking that would be lost from the berm, not capture all of it. But if we have to pave as opposed to gravel or some other surface it will change our SWPP.

Chairman Cosentino: If you are talking about the 40 cars, we are waiving the paving.

Steven Barschov: I didn't realize that, just so long as we're clear that that's happening that's great.

Nanette Bourne: I think what Steve is bringing up is something that we'll have to work with DEP. Typically, DEP tends to look at the worst-case scenario so that all potentially paved area has to be included in the SWPP. We will work with them to see how we can gain and cooperate on some flexibility. Because what we had talked about is, just what you're suggesting is waiving the paving parking, but identifying on the site plan potential areas where this can be made up.

Chairman Cosentino: Right. We don't have a problem with that.

Steven Barschoff: The other thing that could be a problem in terms of timing is we were not going to propose demolishing or rezoning the residential property along Boltis to provide ample parking.

Chairman Cosentino: We know that.

Steven Barschov: Those are the only things that I can think of that, if they were to be a problem would elongate the time frame.

Chairman Cosentino: We would identify the area because there is one house that is in R T 6 that would have to be H.

Nanette Bourne: This is potential future action.

Chairman Cosentino: We don't want to worry about that now because if you start doing that now you're going to have a problem. So let's understand that.

Steven Barschov: I appreciate that. Then in terms of the designs that you've seen tonight, if we could meet our submission in a very short time frame, all we need to here from you tonight if it would be okay is for you to say to us, yes the position of the berm, the position in height of the parking structure or conceptually something that you don't have significant problem with, you're okay with, so that we can then go along and do the detailed design.

Chairman Cosentino: I see a big improvement in the parking structure. I'm not happy with the berm and what it looks like now, but that could be done as far as aesthetics. Also, we need to see plantings around the parking garage. Our guy is going to have to go over that.

Steven Barschov: Understood. All we need tonight is to be sure that massing, height, basic location; those kinds of things are okay so that the detailed work, just what you're referring to can be undertaken. If we have to go back to the drawing Board on a conceptual level that would be a problem in terms of the time frames. Hopefully that's not the case.

Ira Grandberg: I think the architect has done a remarkably competent job on the parking job. I think everyone here should be delighted that it has changed scale so much. I don't think there are any critical issues based on criteria that you should raise. As far as the berm or the landscaping goes, they have addressed all the issues that Tony has in his bullet points. They may not have solved them yet to your pleasure based on what Doug is talking about, the entranceway, or you're talking about the berm, but I think that the architect has addressed the fact that the hospital will deal with these issues and somehow come through to a way to meet your needs. As long as there is no restriction, if you want a higher wall at the entrance way and the hospital commits that they would consider that and not say, well, we've only committed to a three foot wall because there might be some modulation develops over the discussions, I think they're meeting the needs that you've asked them to, and I think what they showed tonight is a very professional way of screening the parking. I just think you need some more visuals to look at.

Chairman Cosentino: That's not going to be a problem. I have to commend you on the structure itself. It really looks great.

Vice Chairman Sturniolo: To pick up on a point that Ira made. When we were looking at the wall presentations, those various slides I whispered to Whitney you said per code three feet is the maximum per code that that wall can go up. I was asking Whitney is there anyway for aesthetic reasons if it made visual sense to increase the height of that wall.

Whitney Singleton: The code allows up to four feet if its' a non-retainable. Your board also has discretionary power with regard to the buffer requirements.

Nanette Bourne: In looking at your landscape plan, I don't think your rendering does it justice, and I think you need to update your visuals to better reflect your landscape plan. There are some areas of refinement that I think we should continue to discuss. I think your landscape plan is much more sophisticated than what these renderings show.

Joel Seligman: May I just clarify; you asked a question as to whether we have your support conceptually, this being the parking garage site. We're about to go spend the next...

Chairman Cosentino: We're happy with where the garage is. It's not going to be moved. Agreed?

Joseph Morreale: Agreed, but aren't you asking for a little bit more than that? Aren't you asking conceptually the height and all of that?

Joel Seligman: Yes. The scale, the location, the site.

Joseph Morreale: So it's a little bit more than the location. It's the concept.

Joel Seligman: Because we now need to do the rest of that work, based on what you said tonight.

Chairman Cosentino: But the concept of where it is and the design of it are good. As far as the engineering part of it, they're going to have to work with our engineer.

Steven Barschov: Right, the engineering details, but I think what Joel is asking is we've got set a certain number of scorings; we've got our ramp where the ramp is. As I think we said earlier, we can't tweak it by a little bit.

Chairman Cosentino: You're not going to make it any better than what it is. Leave it at that. Your engineer is going to have to work with our engineer on height and figure it out, but the garage is the garage.

Whitney Singleton: One qualification on that. Every time there is a tweak in this, we don't go back and check all of the building coverage components. That's all predicated on the acceptance and the measurement of the height, setbacks and everything else.

Steven Barschov: I think we had talked about at least on the end of it that is closer to Main Street where we're starting to cross over into other lots and all of that. What we had talked about in some way shape or form doing the appropriate text amendments so that the design that is in will in effect comport with the zoning because we're going to write it that way. I think we will not have any problems in that regard. Other wise, in connection with the back, and so forth, that hasn't changed. It's just on the Main Street side in relation to that portion that goes closer to retail.

Whitney Singleton: I think we've discussed this briefly before, but because the structure is a certain proximity to the residential neighborhood, it's going to be a special use permit. Can that Special Use Permit process continue before this Board without the appropriate zoning change?

Steven Barschov: Yes, I think it has to, otherwise we'll blow the timeframes crazily, but I think that it's not unusual for, at least I assume this is the way you do business here, is that you can have appending application for a rezoning of a special permit be considered at the same time. Obviously, at least the way in my experience has been, is that this Board could not issue an approval on the special permit in advance.

Chairman Cosentino: Whitney if there is any way we could do it and continue on, that's what I want to do.

Whitney Singleton: I'm not disagreeing with Steve. The only components that's associated is, there is a public hearing requirement for a special use permit, but the site plan application is not ...

Nanette Bourne: We had targeted the month of September to have the public hearing on the special permit and the steep slopes and natural resources. That can go on parallel with SEQRA and the site plan.

Warren Geller: So that means that we're going to announce that public hearing in the summer.

Nanette Bourne: August 26.

Warren Geller: Even if you don't have a quorum, we need to publish.

Whitney Singleton: Just for logistical purposes, there is one Planning Board staff meeting on the 14th. That might be a good touching point for you guys to touch base with us and make sure that we are in agreement as to what needs to be submitted.

Steven Barschov: The one thing, if we could advance as soon as possible is for you and Nanette, Syrette and I to be sure that we're on the same page as to what you want requiring zoning, because that we have to really make a decision on immediately.

Vice Chairman Sturniolo: Is the lease arrangement with Conte's Fish Market terminated?

John Partenza: We haven't terminated our agreement because it goes back to 1998, and I think they are parking there primarily in the evening, so the dealing is it really doesn't affect much. Should it impede this at all we will pull back the approval.

Vice Chairman Sturniolo: So that issue has been resolved?

Nanette Bourne: I think it's on the table.

John Partenza: It depends on how the Board wants to deal with it. We did it as an accommodation to this Board and Conte back in '98.

Chairman Cosentino: I don't want that to be a fly in the ointment.

John Partenza: As I said the nature of the parking is in the evening, one or two nights a week, not peak time for the hospital. If the Board feels strong enough that it will cause a parking problem for us, we we'll pull back their approval.

Chairman Cosentino: My philosophy on that is that he's going to use the parking during the day. There is going to be less need for parking at night. I don't have a problem if that's what he's going to do because it's not going to affect anything.

Nanette Bourne: Probably not. But it's on the table, and we'll discuss it some more.

Vice Chairman Sturniolo: John, what is the long-range plan for the retail stores?

John Partenza: Our intent is to keep them as functioning retail operations. We came up with an opportunity when the drug store went out, plans for our construction immediately stayed for construction and then the liquor store lease came up and we just decided what was going on, best not to renew it until we understood what's happening here. Once this is done we plan on having a viable retail location again. All the rest of the leases have two five-year renewals, so people have rights there and they will be there.

Doug Hertz: I think this has been really successful. We went around the horn, and I know this was painful in a lot of ways but it think this is significantly better where we're at now than where we started from. This is a success for everyone and hopefully this does what you need to do for parking, I think it does what we want to do from a planning perspective. I commend you on the work and effort and working with us. When you do finish developing this section of cliff face, let's come up with some good plan for how that's going to work so it doesn't become an attractive nuisance. I don't consider the landscaping along the front to be at least complete the way I view it now, but hopefully that can get flushed out and we can make that as good as this section is.

Joel Seligman: I would just like to thank the Planning Board for having these two extra meetings. We really appreciate that, and we see the effort to try and get this task done. We really appreciate it.

Vice Chairman Sturniolo: Are you happy with the outcome of tonight's meeting?

Joel Seligman: I think over the last few months we've been looking for clarity about the plan. I think we have a lot of clarity about the plan now. The berm is a work in progress, so let's keep working on that. We'll get to something we're all happy with. I think this is all going to work out. I will be happy when we finally approve and there are a lot of people.

Chairman Cosentino: So are we.

Joseph Morreale: But we're working towards it. I also have to mention we've come quite a long way now. You are going to make the hospital into a more wonderful facility, the way you're moving it.

Joel Seligman: We are part of a survey that puts 2,000 hospitals in the country and we just make the top one percent in the country in patient satisfaction with the Emergency Room.

Doug Hertz: Congratulations.

Chairman Cosentino: We'll see you on the fifth.

From the Desk of the Building Inspector:

Letter from Austin Cassidy to Filippo Simone dated July 3, 2008 re Notice of Violation and Order to Correct.

Correspondence:

133 West Main Street: Memorandum from the Planning Board to Involved Agencies dated July 11, 2008 re Notification of Intent to Declare Lead Agency

Old Iron Warehouse: Letter to John Drake, NYDEP to Alan Pilch, Evans Associates dated July 15, 2008.

Meeting Minutes: Conservation Advisory Council dated July 2, 2008

420 Lexington Avenue, MRE Development: Memorandum from the Mount Kisco Planning Board re Notification of Intent to Declare Lead Agency

Chairman Cosentino: I had an e-mail from Austin today on 134, Anthony. Did you get it? Did you call Austin on it?

Anthony Oliveri: Yes, that was solved.

Vice Chairman Sturniolo: What is going on with the water spigots and the planters?

Whitney Singleton: Water spigots, according to Austin are on his property line. Whether or not that's true, that's not for me to determine. With regard to the planters, I got an e-mail today from Clifford Munz stating that Lucille Munz would like to speak to me and when would I be available relative to the 7-29 memo, I'll be available to discuss it tomorrow. So, they are calling my office tomorrow to go over an issue I don't know. But my position is going to be that if they're going to have something on Village property, the Planning Board is without authority to approve it. I believe that Anthony identified what was going on, and as a result of that identification, we are taking a notation on their approved site plan that identifies the particular items that are not on their property and says that for these items to be there they must have separate approval from the Village.

Vice Chairman Sturniolo: And that includes the water spigots too.

Whitney Singleton: If the water spigots are on Village property.

Chairman Cosentino: Now they're on the line.

Anthony Oliveri: I don't think the survey showed them on line. There was one that was very close.

Whitney Singleton: If they want to get permission from the Village Board, then they are going to have to have conditional insurance clauses on the insurance policy, we are going to have to have an indemnification agreement. The building looks very nice, but these are all functions of maximizing every square foot.

Chairman Cosentino: So he wasn't issued a C.O.?

Anthony Oliveri: He's got a conditional C.O. I understand.

Whitney Singleton: For him to keep planters on Village property, we need to work something out.

Anthony Oliveri: From what I understand, he's got a conditional C.O. from Austin for 30 days until the meeting at the end of August to get approved.

Whitney Singleton: Worst-case scenario he's going to have to take the planter off of Village property, but we're not talking about every planter on Village property. We're talking about one that's on Village property. My position is it was when he came in with his development coverage of the 90%. Your board can't approve things beyond what the town provides.

Chairman Cosentino: It's out of our hands. It's up to the Village to do what they want to do.

Whitney Singleton: From my perspective it's not a question of how it looks. There is going to have to be insurance policies and indemnification agreements for that to stay there.

As there was no further business, on a motion by Joseph Morreale and seconded by Doug Hertz, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Sol Gibbons
Acting Planning Board Secretary

dm