

Minutes
Work Session of the Planning Board
Village/Town of Mount Kisco
Tuesday August 26, 2008

Meeting called to order at 8:00 P.M. Tuesday, August 26, 2008 at the Municipal Building
Mount Kisco, New York.

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

Members Absent: **Stanley Bernstein**
 Sol Gibbons

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

Approval of Minutes:

May 27, 2008:

Motion: **Ralph Vigliotti**
Second: **Doug Hertz**
All Ayes

July 29, 2008

Motion: **Joseph Morreale**
Second: **Vice Chairman Sturniolo**
All Ayes

Code / Site Compliance:

Eduardo's
77-91 South Moger Avenue
PB2008-13

Whitney Singleton: At the last Planning Board staff meeting, I was directed to prepare a resolution for a site plan modification for Eduardo's. They had previously been granted approval for the exact same thing, but the applicant failed to undertake satisfying the required conditions within the time it was set in that resolution, and therefore it is back before your Board for essentially an extension of the terms that were contained within the original resolution. Therefore, there is a new "whereas" provision. There are modifications to Paragraph 16 regarding the time provisions within which compliance must be achieved. There is a provision previously set forth in Condition #21 requiring full compliance with all the conditions here and is a prerequisite for any future renewals. A prior condition of approval in your earlier resolution was that a license agreement be achieved by the applicant for certain site improvements to Village owned property. That has been satisfied by the applicant and a draft has been put in your package.

Doug Hertz: I would like to make a statement before I vote, which is that we previously approved virtually this identical resolution. We are giving the applicant basically an extension that I feel is being extraordinarily generous, and quite frankly if these conditions aren't met, I do not plan to vote positively again.

Joseph Morreale: I also want to reiterate. There are a series of conditions to this resolution, and I will just point out that we expect every one of these to be met in terms of the actual license agreement and in terms of meeting this resolution. Otherwise, we do have this last statement that failure to comply with the terms and conditions of the resolution in a timely fashion shall render any approvals granted hereunder null and void. We want to make that real clear, because we've had this on our plate for a long time. Thank you.

Motion to Approve Amended Resolution for Site Plan Modification

Eduardo's

**77-91 South Moger Avenue
PB2008-13**

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

Chairman Cosentino: Thank you.

James Gimellen, Mount Kisco Conservation Counsel: The chairman let me come here just to ask your indulgence for setting up a meeting. Going back to November of last year, and I apologize for us taking so long, there was a work session and a representative from the CAC spoke about green buildings and the LEED projects and so forth. We have not done that much over the past year, but we are ready to move forward now. We'd like to set up a meeting with you. We have a local architect who specializes in Green buildings and LEED who could educate not only us, but you, I believe. If we could set up a meeting with you, perhaps before one of your regularly scheduled Planning Board meetings, or at a later date, I would appreciate it. It would probably take about a half an hour with the architect, going over the high points of the LEED program and Green buildings.

Chairman Cosentino: I will have Nancy get in touch with you and we will have a joint meeting.

James Gimellen: Just to let you know, we have not rested on this. We are in the process of submitting to the Village Board some recommendations about the Westchester Action Plan on Global Warming, etc., with a Green building attendance. This is really a hot issue now, and we want to follow-up on it.

Doug Hertz: We talked a year ago about doing something where we would recommend to the Village Board possibly some initiatives that they could undertake with regards to conservation, energy and things that they could implement policy wise.

James Gimellen: We have been going to the Village Board with our recommendations exactly on that point.

Doug Hertz: It had been requested of us that we send some members to be part of that, and it never happened. A meeting was set up and then it was cancelled.

James Gimellen: I would like to go to you folks first and tell you what we're going to be presenting to them, and then we could work it out and get your recommendations, have our recommendations and come up with a plan. Rather than waste a lot of time on it, I thought it would be better to proceed this way, to give you our input and we could huddle on it and then go to the Board.

Doug Hertz: Understood.

Code / Site Compliance:

**Special Use Permit Review
333 North Bedford Road**

Recused: Doug Hertz

Chairman Cosentino: Let me first say what corresponded here. Sy Aryeh came in here from Grand Prix to ask for a Special Use Permit which he is allowed to ask for, as it is in his resolution, but it was an outside event. Under the code, membership clubs are not allowed outside events. He was to fill out an application, which he did. He brought the application back, the Building Inspector and I reviewed the application, and through the Code, I denied the application as well as the Building Inspector. It was sent back to Sy. On numerous times he did come to Village Hall, he did speak to the Village Manager, and the Village manager explained to him why you cannot have an outside event. He had the outside event, and that is a violation of his resolution. I want to pass these pictures to my fellow Planning Board members of the outside event. Also, his resolution states GPNY will spend \$5,000 per year to support the Don't Drink and Drive Campaign in Mount Kisco. It's been two years. We have received no documentation, and we have

received no money. It also states that GPNY will host six free Car Control and Safe Driving clinics per year, including Defensive Driving for Mount Kisco residents. We negotiated that in this resolution. To this date, I have no documentation that this was done. Grand Prix has a restaurant, which he advertises as a restaurant and as a catering hall. We as a Planning Board want to talk about why this happened, why he defied the application. This is not the first time it happened. The reason why I'm talking to you about it now is because some of my fellow Planning Board members did not know about it. I want to know what my fellow Planning Board members would like to do. Mr. Singleton, what are our options?

Whitney Singleton: Consistent with our earlier conversations, there appears to be violations to the Resolutions and Conditions of the Resolution of Approval and conditions of the Special Use Permit regulations. As you mentioned, this is the second of such violation, and there is a procedure that has been set forth in the code as well as in the resolution for the potential for revocation of the special use permit for failure to comply with conditions of the resolution or within 110-46 of the code regarding special use permits. In addition to going through that procedural enforcement mechanism, currently an appearance ticket has been issued. Traditionally if that is a problem with this Board, we can seek a restraining order in Supreme Court. That would prevent them from having any further activities. The option would be to seek out equitable relief from the court and in the event that there were future transgressions or violations by Grand Prix, there would be the possibility of contempt.

Chairman Cosentino: Personally, I would like to see this finalized as quickly as possible. As we know, the special use permit does not go to Grand Prix, it goes to Diamond Properties. Mr. Jim Diamond holds the Special Use Permit. Mr. Diamond has done a lot for the Village, but the law is the law, and that's what we have to follow. As a Board, are we allowed to enter into an executive session?

Whitney Singleton: To discuss pending legal matters. This is not pending. You can confer with counsel, but not in executive session.

Chairman Cosentino: I'd like to confer with you in open session, then.

Whitney Singleton: That's fine.

Chairman Cosentino: If we call for a revocation on the Special Use Permit, I think that tells him something, and I think it brings us to the negotiating table on the revocation on the permit. I think we should start that procedure. I want to enter into that because there is a cure period and that gives time for both parties. Will you explain that, Mr. Singleton?

Whitney Singleton: There is 15 days advance notice for the public hearing and personal service upon the permittee. He can re-examine the Special Use Permit and whether or not there has been compliance with the terms and conditions of approval. In the event that the terms were deterrents and there has not been compliance, it is within your board to terminate the Special Use Permit. This would be terminated after your 15 day notice after having the hearing. There is a period for the applicant to show that they are undertaking compliance with those items in the resolution that have not previously been complied with. It may also offer an opportunity for your board to examine components of the resolution that may need to be addressed.

Chairman Cosentino: So that gives this Board a chance. I, as one would like to start that process. How do the rest of my fellow Board members feel?

Joseph Morreale: I would agree. I think that given the fact that this is been violated twice, one could anticipate a third violation with one continuing, by the way, I guess with the restaurant. I think we need to do something to get the process started. I wanted to ask Whitney when you were describing the 15-day advance notice period, is that the procedure?

Whitney Singleton: The procedure is to have a public hearing, publicly noticed 15 days in advance of the hearing and also to have personal service of that upon the permittee and property owner, which in this case is one in the same. Then, after having done that, conducting a hearing, and if it's a determination by the Planning Board that there are conditions that have not or no longer are being complied with, then the Planning Board has the discretion to terminate the Special Use Permit.

Joseph Morreale: Is the hearing only with the Planning Board?

Whitney Singleton: Just the Planning Board. It's essentially re-visited.

Ralph Vigliotti: I am in total agreement. I am extremely surprised that Mr. Diamond and/or Sy Aryeh would come to the Village, ask for a Special Event Permit, be denied and then move forward and totally disregard the denial and break the rules; break our code. There are rules and regulations. If you're denied, you're denied. This does set me back and leave a bad feeling with me, so yes, I would like to move forward.

Vice Chairman Sturniolo: I would support the idea of getting together and discussing this as well, and I would hope that this can be done in a constructive manner for the attorneys outside and here without a lot of legal muscle arm flexing and threats and court dates, etc. Like so many situations that we deal with on an ongoing basis here in Mount Kisco, a lot of Planning Board issues get accomplished and achieved in a productive, constructive and positive manner. There are staff meetings to go over certain issues with various applicants, case in point, understand what went wrong, why it went wrong and most importantly to ensure measures in the future that it doesn't happen again. That's crucial in this case. Here we have a situation where an event was denied, and the producer of the event, the owner of Grand Prix, went ahead and had total disregard for that which is disregarding the law. That can't be tolerated. I would still like to go ahead and address it with them, talk to them about it, and find out how we can collectively move forward to ensure the fact that this will not happen again.

Chairman Cosentino: But we're not going to just talk to them. We are going through the process of evoking their Special Use Permit. Do you agree to that?

Vice Chairman Sturniolo: Absolutely.

Conceptual Application:

**Oakwood Cemetery
304 Lexington Avenue
PB2008-20**

**Present: Howard Kensing, President, Oakwood Cemetery
Art Goewey, Architect**

Howard Kensing: We have done some preliminary work on this in addition to the site plan drawing. We have contacted a provider of the cremation device who has given us a good deal of background on it, particularly in the area of emissions. We are entering into a tentative contract with Matthews International to lock in a fee for this unit. At the same time we are accessing their knowledge and background in the environmental. They provide 90 or 95% of these units across the United States. They also, upon accepting their proposal and determining what additional conditions must be met, conditions imposed by you as well as the DEC. They will make application to the DEC which takes 30 to 60 days, I am told. Oakwood Cemetery feels we have a need for this additional service to our plot holders. We were encouraged to implement this plan by the Superintendent of Cemeteries. Incidentally, we come under the New York State Secretary of State Division of Cemeteries. The need is recognized, cremation is becoming more and more of a mode of burial. Our own experience indicates about 33% of our cases each year is cremation interments. Oakwood does about 80 interments a year and about 1/3rd of them are cremations. We experienced the fact that a lot of plot holders will move to Florida, pass away, and their descendants will see fit to bring them back home, and cremation is an easier mode to do it. Also, the economy is such that the total cost of cremation vs. ground burial is significantly lower. We have information to support this at this early stage. We recognize that there are some concerns about emissions which we will be happy to address. I have a letter which was written to our architect spelling out the nature of their equipment and their ability to meet emission standards. I will leave this letter with you. Also, this is an article from the New York Post which I would also like to leave with you relating to cremation in this period of time where the economics are not the way we'd like them to be, and people for that reason are seeking out this form of final disposition of a person.

Joseph Morreale: You said one third. Where do those people now go for the cremation?

Howard Kensing: We don't do the work. There is one crematory located in our general area. It's at Ferncliff. They go to Ferncliff and then they come back. They don't necessarily come back that day. It could be two to four months later; in many cases they are never interred. We have been encouraged to install this facility, as the closest one is Ferncliff. The other two in our immediate area are in Poughkeepsie and Danbury,

Connecticut. The Director of Cemeteries indicated to me that there are only 47 in New York State, and we would like to offer this type of service to our plot holders. I also have to make the point that being a not for profit cemetery, operating under the laws of the State of New York, we've done our best to maintain the cemetery with a very meager budget. We've come a long way in the last 50-20 years with bringing up the terrain and the roadway system to make it a viable cemetery financially. We are also acting as an agent for the Village of Mount Kisco and allowing them to dump their twigs and leaves in our backyard for a very minimal fee. We are working with the Village in that regard. We've had a good collective relationship back and forth, especially when they encapsulated the dump. The maintenance and control of the cemetery is with us. If and when we are financially viable, we would unfortunately revert back to the Village for maintenance and upkeep, as cemeteries like this do. The point is making is that we want to be viable, we want to perform a service to our plot holders and we want to pay the rent and continue to improve the cemetery and enhance it.

Chairman Cosentino: Understand this is only a conceptual. We'll let you know how we feel about it.

Art Goewey: The building is on the southern end of the property along Lexington Avenue. There is a caretaker house in front with a barn to the back. The facility will be to the back of that some 150 feet off of Lexington Avenue, 54 foot off the side property. This is the property where the Mount Kisco Ambulance Corp. is. The footprint of the building is 44 x 40, 40 foot deep. The terrain is such that we are able to provide a garage space for equipment and maintenance at the bottom of the building. Basically we have a 1700 square foot of space that will operate as a crematorium at the top floor, and the back of the building will be three garage bays. This is the crematory area and then there are three office spaces here, two offices and one viewing area. Some religions require a viewing of the cremation event, so that's what this is for here.

Howard Kensing: Some Muslim or Hindu religions require viewing and we have a few such burials. They have their own rules and obviously we want to meet all faiths, as we are a not-for profit, non-sectarian cemetery

Art Goewey: We have a handicap space, three offices and the two units here with the working area in front and the three bays downstairs casing the back. This is the front entry view and the grade slopes to the back. We will be going down some 12% down to the back. There is parking here for staff and maintenance personnel. There are three visitor parking spots that we are providing. This is more than adequate for the parking. This is a gateway which goes on right into the cemetery area; this is also linear parking here. It's a paved area that goes to the cemetery. This building will remain, which is a storage barn. We've mimicked the architecture of the barn to the facility as well, to keep the same look. We will service our utilities from this side. We will need underground electrical service here and gas and sewer line as well from Lexington Avenue. The utility connections will be made on the south end here.

Chairman Cosentino: Does this facility have to be licensed by the State or County?

Howard Kensing: We come under the environmental rules of the State. We have to have a qualified license to operate the unit.

Chairman Cosentino: Is there any person that is going to be running this?

Howard Kensing: No. We'll have a full or part time employee that will be responsible for the operation.

Chairman Cosentino: So it will be run by Oakwood?

Howard Kensing: Yes. We cannot legally have a connection to a funeral home.

Chairman Cosentino: Is it a 24/7 operation?

Howard Kensing: It wouldn't have to be. In the letter that I gave you the process takes two hours. It will probably only be conducted in the daylight hours, I'm sure, and certainly in the initial stage I do not anticipate more than a case or two a week.

Chairman Cosentino: Explain the three-body cooler.

Howard Kensing: That is basically storage of cadavers awaiting incineration.

Chairman Cosentino: I notice four garage doors. What are they for?

Art Goewey: They are for the backhoe.

Chairman Cosentino: Don't you have a barn for that?

Howard Kensing: We're outgrowing the barn a little bit.

Chairman Cosentino: So it's not going to be for vehicles picking up cadavers?

Howard Kensing: No. One entrance only.

Art Goewey: This is the overhead door here, so the hearse will come in this way.

Chairman Cosentino: Why was this particular spot picked? 50 feet from the Ambulance Corp., 120 feet from the Fire Department and residential homes across the street.

Art Goewey: The terrain lent itself.

Howard Kensing: It's near our office and our operation. We didn't want to necessarily over-encumber large vacant pieces of land that we want to use for future cemetery development. It seemed to be a logical choice.

Chairman Cosentino: How many employees does it take to run the operation?

Howard Kensing: One. There will be one employee there at all times.

Chairman Cosentino: Explain what happens on the emissions.

Howard Kensing: The unit itself is a furnace. It generates heat up to 1800 degrees Fahrenheit and totally consumes a cadaver and reduces it to ashes. In the process, the system that we're buying; and they will certify this, there is no odor, no smoke and very little particulate matter that is produced. This little amount of matter is captured by a cleansing device. There is a chimney involved.

Chairman Cosentino: So there will be emissions coming out of the chimney.

Howard Kensing: There will be, but they would meet rather stringent guidelines. Certainly not toxic and not a pollutant type emission after it's processed to these heats and scrubbed and filtered.

Chairman Cosentino: Is this going to be for everybody in the county?

Howard Kensing: No, basically northern Westchester. We are not trying to steal Ferncliff's business or anybody else's. We are trying to provide a service for our own. There are two undertakers in Mount Kisco, one in Katonah and one in Pleasantville. We do draw from Northern Westchester.

Joseph Morreale: You are handling a delicate thing very well. It's an interesting problem. You said there are about 30? I want to get an idea about volume. If there is only one in the county at Ferncliff and the closest one in New York is in Poughkeepsie, you could become a region of interest if this kind of burial increased.

Howard Kensing: That might be an exaggeration as a regional center, but yes, we could with the concept of cremation and the trend toward it, we could. I would like to think that we would have a reasonable number of cases to handle per week, but I don't envision us being a regional center. Even if we did do 10, 12, 20 a week, the traffic that it generates is modest. These cases are generally brought in by a hearse.

Joseph Morreale: It would strike me that if families continue to expand this option; they might want to go the cremation.

Howard Kensing: I don't know and I can't say no they wouldn't. From what I've observed, and I've been at least one time to one at Ferncliff, accompanying a relative and riding in the hearse. We stayed in the delivery area, waited around for awhile and left. It was not people intensive. My experience is more often than not, after a person is cremated, there is a two, three or four month lapse of time before they are interred, and in many cases they are not, for their own good reason.

Joseph Morreale: This requires a fair amount of investment to do. Have you figured out the break even point? How many would you have to do in a year?

Howard Kensing: We are aware of the fact that we are not going to reach a break even point for probably several years. I cannot give you a positive answer to how many we need to break even. We feel the interest not only generated on a state level, but local funeral directors have indicated this is a need, and they thought it would be wise project to be involved in.

Joseph Morreale: I am concerned about the volume. You're in a very busy intersection there. If this were to take off, we could see 10, 15 a week. I realize you are not going to get as many as a funeral, but you are going to get people here.

Howard Kensing: They will not all be interred at Oakwood Cemetery.

Joseph Morreale: I am concerned about the volume of activity.

Howard Kensing: I fully understand the Board's concern about traffic. I've lived in this town for 17 years and I see gridlock in many cases. I am less concerned as a citizen in Mount Kisco with the intersection of Lexington and Moore than I am with downtown Mount Kisco, because for the most part, cases coming to our cemetery come from the south and generally can come off 684 and 117 and are directed to our cemetery. I know it's not the easiest intersection in the world, and we're concerned about it ourselves. We may be jumping ahead a little bit, but we're already in the process and have for years going on record with the Village about being concerned with the traffic light there controlling traffic in and out of Oakwood Cemetery. There is no direction there. We are about ready to perhaps solve it. Jim Palmer might be able to shed a little more light on that. As a citizen I am concerned about traffic all over the Village, and we recognize and are sensitive to it. We are more sensitive to our existing plot holders exiting there.

Ralph Vigliotti: We talked about a business standpoint that in two or three years you hope to be at a break even point. What would the volume have to be to have this break even point? You talked about 20 or 30 a week. Is that the break even point?

Howard Kensing: I would suspect, I don't know.

Ralph Vigliotti: I'm not sure I like the location. You have 50 acres, and I think the location may be doable because of staffing issues. I'm not sure that's the right location for it. I think out of sight, out of mind. I honestly believe if it were back further; there may be more cost involved, the grading may be a little different, but I don't think that's the right location. It's not like you have 10 acres and that's the only healthy acres that you have to work with.

Howard Kensing: I appreciate your critique. To support the location, we've done our best to let this building mimic the existing one, which is a functional pole barn that's in good repair, well painted and overhead doors replaced. It's going to look very much like that, except it will probably be masonry in construction and we'll probably laminate the sides with wood. What does a crematorium look like? Who knows? It will look like basically a commercial building, and we're trying to not make it look like a church, cathedral or gothic. It's not too far out of line with the other one except it's got some windows and doors. We have considered other locations.

Ralph Vigliotti: What you have now is a residential building with a barn and it has a country feel to it. I think this draws attention to the business that will be at hand in the location that it's at.

Art Goewey: We need to get to the gas service, so we can't put it way up in the back.

Doug Hertz: Although I support what you're looking to do, I tend to agree with Mr. Vigliotti's comment about being so close to the road. I am also concerned about if this is successful and you are doing 25-30 cases a week at 2 hours at 1800 degrees, this is a huge energy load that you are generating within the Village. It's a small cemetery and I'm concerned that this may end up being a large commercial venture within a relatively tight site. Right now if I needed this service, is there a waiting list down county, a time issue?

Howard Kensing: No. I think there is a cost factor involved, transportation, convenience. Convenience to our plot holders is one of the reasons we are doing it; to meet a need that they have.

Doug Hertz: It seems like a large, in essence, business proposition for a small cemetery. I'd be concerned adding to traffic and pollutants. You have a furnace running at high temperatures for long periods of time.

Howard Kensing: Basically we are trying to fulfill a need and cremation is an option that people are more and more taking to. Perhaps, if one of these was not constructed by us, someone else might feel the need they have to do it too. We feel we've got the unencumbered space. We prefer not to locate this in some of the other areas that we've already excavated and cleared for future burials. We've considered one further on toward the Village's property, but it's not as suitable as this. When you consider the way it's been designed, the fact that it's a crematory will not be advertised. It could be an office.

Doug Hertz: I understand. You did mention there will be chimneys. There are none on the plan.

Art Goewey: We need some input from Matthews for that part of it.

Ralph Vigliotti: What would be the height of the chimney?

Howard Kensing: It would have to reach the gable.

Ralph Vigliotti: So we're not talking any higher than three feet?

Howard Kensing: We'd keep it to a minimum, obviously.

Joseph Morreale: But you are near residential areas. That may require you to put that chimney higher to clear the roof tops when the smoke comes out.

Howard Kensing: It has to be above the ridge line.

Joseph Morreale: I'm talking about the buildings around there.

Art Goewey: I think that can be addressed by the Matthews people. I think we need to get information from them.

Howard Kensing: Obviously we have some homework to do on the emissions situation. You've got every right to be asking this kind of stuff, and I'm satisfied that we and our provider can answer that. As far as stacks are concerned, they will be much more visible from the cemetery than Lexington Avenue. We have our caretakers dwelling and our current office, barn, ambulance building and fire house. You've got to go some to visualize this building going north on Lexington Avenue. Coming south on Lexington Avenue, we've got pine trees, so you'd hardly see it at all till you're in the driveway. If you do see the stacks at all, perhaps the most visible area is if you're standing out in our cemetery looking back.

Vice Chairman Sturniolo: Do you anticipate any civil or religious opposition to this concept in Mount Kisco?

Howard Kensing: I don't think so. Other Christian churches have been doing it long before the Catholic Church changed their attitude on it. I don't see that at all. It's a recommended practice.

Chairman Cosentino: Please show for the record that I own property nearby and it has nothing to do with any decision that I will make. Do I understand that you will be coming back for entombments?

Howard Kensing: Down the road. That's another function or operation that we could be involved in.

Chairman Cosentino: How far down the road?

Howard Kensing: Quite a ways down the road.

Chairman Cosentino: Most likely it will happen?

Howard Kensing: It will happen and it will be a good addition to the cemetery.

Chairman Cosentino: My understanding is it's in the works already.

Howard Kensing: No, we're talking about it. People have shown us some drawings and things like that, but we have made no commitment. They call that a columbarium. Again it's the development of the cemetery to meet the demands of the community.

Chairman Cosentino: In saying that, I myself, think putting that there is too much on the property. I am not sold on the concept and of where it's going to be. I think there are other places for something like that to be, but not there.

Art Goewey: The zoning map indicates Lexington Avenue as all commercial, not residential.

Chairman Cosentino: Yes, but across the street is multi family. This is only a conceptual, you are welcome to come back with an application, but I think you've heard the Planning Board loud and clear.

Art Goewey: What about moving it back further? The town dump is right over here.

Chairman Cosentino: That would not be practical for us.

Art Goewey: You need to connect to the utility and gas line and sewer hook up.

Chairman Cosentino: Maybe if you come back with something else, we could take a look at it.

Howard Kensing: Other than another location, what other options do we have?

Chairman Cosentino: You need to give us more information relating to the location, the smoke stacks, traffic. If I were to vote right now, I would vote against it.

Howard Kensing: You don't think there is a need for it?

Chairman Cosentino: I think there is too much on that particular area. It will be a bearing on traffic.

Howard Kensing: There again, the cemetery cooperated with the Village.

Chairman Cosentino: We are the Planning Board. We don't negotiate for the Village.

Howard Kensing: If the ambulance garage wasn't sitting there would you have a different attitude on this?

Chairman Cosentino: No. It has nothing to do with that.

Howard Kensing: In summation, are you going to give us any recommendations as far as what else you want from us?

Chairman Cosentino: You need to come in with something else. You're entitled to make application and show us something else other than that.

Howard Kensing: You're objecting this on the basis of site only, if I read you correctly?

Chairman Cosentino: I didn't say site only. Traffic on Lexington. I heard ten, possibly more a week.

Ralph Vigliotti: We talked about the number of cremations a week. My concern is mainly the location. With 50 acres, I think there is room to take a look at that. If I'm reading my Board members correctly, I think part of the problem is the location. For some members it may be traffic, for some it may be the emissions, the height of the smoke stacks and so on. I'm sure it's going to be a good quality and style building. For me it's the location.

Howard Kensing: Of the 50 acres, we've got six acres on the other side of the railroad tracks, but they're impractical, and the back of the cemetery is impractical, so to change the location is a tough one for us.

Chairman Cosentino: Mr. Singleton, would this be under Special Use Permit?

Whitney Singleton: Yes.

Doug Hertz: My other comment to this is the concern about two bays. That suggests a level of use beyond the cemetery itself.

Howard Kensing: Initially we were intending to order and install just one, and if and when the volume justified it, there is room for two.

Doug Hertz: My concern would be the volume of that suggests a volume of traffic and everything related to it, whatever the impacts may be. It's a small site and you're a small cemetery and it seems like that would suggest a more active venture.

Joseph Morreale: Have you at all surveyed the owners of the plots about this?

Howard Kensing: We found out some response. Again, we operate very modestly. We sent out a general informational mailing to a good part of northern Westchester indicating whether something like this would be agreeable and we did get some response. Not overwhelming.

Joseph Morreale: Was it positive?

Howard Kensing: Yes. No one ever indicated to us they didn't want it, or there was a problem with emissions. It's a function of a cemetery located on cemetery property.

Joseph Morreale: I was thinking of the sensitivity.

Howard Kensing: No one indicated that. A few people liked the idea. We would have liked to see more sent out, but no one came back and said there was morbidity involved or anything like that.

Chairman Cosentino: Thank you. You've been honest about everything. You've been a good citizen to the Village.

Howard Kensing: The cemetery has been running on a shoe-string for years. We've turned what was in bad shape into a cemetery and a field of green that people compliment on us everyday. We want to maintain that and do what's right for the Village. We've cooperated with the Village in many ways, and we'll continue to do that. I understand your objections. This is something that we thought a lot about and do want to do it for the overall well being of the cemetery to keep it viable. Thank you for your time.

Formal Application:

**The Helmes Group
423 Lexington Avenue
PB2008-02**

**Present: Don Holohan, Property Owner
Steven Helmes, Architect, The Helmes Group**

Steven C. Helmes: We are here tonight to hopefully get your blessing to go forward with this project. We were before your Board on March 11 for a Conceptual Review and during that time frame we have done a lot of work and addressed all of your concerns and are fairly confident we have. Tonight we are seeking final site plan approval for the alteration and improvement to the existing building located at 423 Lexington.

Chairman Cosentino: How are you working parking spot five?

Steven C. Helmes: Parking spot five is located here, and we have our snow refuse here. It's a tight spot. If the parking lot is full you can do it in more than a three point turn, depending on the size of the car. Based on the square footage, we are required for five on site parking spaces. We show five. It's a very tight site.

Chairman Cosentino: You are undersized on your handicap parking.

Anthony Oliveri: Actually, the minimum width for any parking space is 9.5 feet, including handicap, and the Village requires an eight foot aisle. This is substantially less than it should be, and that presents a problem. There was a memo that came out from our office and also Austin's office, here are copies for you. Austin brings up some zoning requirements, parking, bumper issues, and our memo highlights that as well. Storm water issues have to be addressed.

Steven C. Helmes: The five foot buffer on the south side of the building could not be achieved based on the site constraints. We have three foot. We went in to see Austin on that and did the best we could allow 24, 18 and three. We did submit the photometric lighting plan, and a landscape plan was submitted.

Vice Chairman Sturniolo: The response to that photometric lighting plan was the architect is in the process of meeting with lighting consultants to review lighting fixtures, foot candles, etc.

Anthony Oliveri: We did get it and reviewed it.

Steven C. Helmes: Andrew Gross is the person we got for the lighting plan. He is familiar with your board and your regulations. We retained his services to help us with this project. There are two lights, one on the wall mounted and one on the back of the property.

Anthony Oliveri: There are a couple of comments on the lighting.

Vice Chairman Sturniolo: I want to point out to my fellow Planning Board members. This is what is known as a quality lighting plan with cut sheets and every piece of information you need to make judgment.

Chairman Cosentino: Anthony, Parking Space #5 is unacceptable, so we need to work on that.

Anthony Oliveri: Right, with the handicap width you may not even have a parking space.

Chairman Cosentino: I see landscaping on the south side, but grass only. I don't see any in the rear or any on the north side. We want landscaping up and across the back. Also on the north side. There isn't any space there. You're going to have two offices, one up and one down?

Don Holohan: We are going to use it as one office. I don't even know if I'm going to use it now.

Chairman Cosentino: So you're going to be renting this out?

Don Holohan: I don't know what I'm going to do with it. I might even sell it.

Chairman Cosentino: Let the record show that if in fact he rents it, we want to know who it is being rented to.

Steven C. Helmes: Mr. Chairman, to bounce back, you would like to see landscape in this buffer area?

Chairman Cosentino: Yes, something other than grass. There is a possibility to get a variance.

Nanette Bourne: I think there are a number of variances that may be required.

Steven C. Helmes: Yes, we met with Austin on that. Even though the site is pre-existing, non-conforming with respect to lot size, a variance will not be required for this application.

Chairman Cosentino: Austin is not here tonight, he might have called you on this.

Nanette Bourne: Yes, he did. I don't think I agree with him. I need clarification.

Steven C. Helmes: He mentioned converting retail into office space which would actually downsize parking requirements, and there will be no Change of Use Permit required.

Nanette Bourne: The issue needs five compliant parking spaces and you have two right now that are not compliant, the handicap and space number five. It's a dilemma throughout the Village what to do with the existing site with a Change of Use Permit where you can't meet minimum requirements. That's the whole purpose for the Zoning Board of Appeals; to render a decision on that. I defer to counsel, but I don't think, even if it's a good solution, I don't think the Planning Board has jurisdiction to make that kind of a waiver.

Whitney Singleton: They have the ability to waive the installation, not the requirement. So if you could demonstrate on here a place for another parking space.

Steven C. Helmes: We can, but it would keep the two parking spaces up front where they currently exist.

Whitney Singleton: I'm not saying keep it there. I'm saying demonstrate that it could be done.

Chairman Cosentino: Forget about the front. Also, for the record, this is going to be a single tenant facility?

Don Holohan: Definitely.

Chairman Cosentino: Also, there are two things. We'd like to see a fence around the entire property. Also, the Village requires a fence on their property line that you will be installing. It's a black chain link fence. I don't know if they require a gate. He has to get a permit; Austin will tell you what to do.

Don Holohan: I put a temporary fence around that to keep everybody out.

Chairman Cosentino: How many offices upstairs?

Don Holohan: One.

Steven C. Helmes: It's a very small building, very small footprint.

Don Holohan: But it's going to look really pretty when it's done.

Chairman Cosentino: I saw the landscaping plan for the front of the building. How tall are these?

Steven C. Helmes: These are two to three feet.

Chairman Cosentino: There is a question about blacktop in the rear on Village property.

Anthony Oliveri: You did get a letter from DEP that there was no DEP permit required.

Steven C. Helmes: Yes, I did. That's correct.

Anthony Oliveri: Austin did bring up the fact that it is not clear that the rear property was within 100 feet of the Kisco River. If you're within the 100 foot buffer of the river, if any of that overlaps the property and you tend to develop it, pave it and repave it, you would need a wetlands permit.

Steven C. Helmes: What happens with paved areas on Village property? It's not his property.

Chairman Cosentino: He bought it. He has to clean it up.

Steven C. Helmes: But it's not his property.

Chairman Cosentino: He bought the land.

Don Holohan: There is no pavement, though, on the Village property. It stops right at the edge. I thought it was stone, loose gravel they have there.

Chairman Cosentino: You have to clean it up.

Steven C. Helmes: The previous landlord stretched it out to make additional parking.

Don Holohan: I didn't even notice there was additional blacktop on there.

Anthony Oliveri: You need to clarify where that 100 foot buffer line is.

Chairman Cosentino: So that area is going to have been cleaned up by the present owner. Nannette, be sure the resolution says he is going to have to clean up that blacktop that's on Village property and landscape it. Does that black chain link fence need a gate?

Steven C. Helmes: Austin referred to it as a man gate to allow access in and out.

Chairman Cosentino: If Austin said it, you need to put a gate.

Anthony Oliveri: In your letter you mentioned the reduction for the impervious areas but the development coverage percentage is the same on the zoning table. You want to look at that. And you are looking at addressing storm water issues?

Steven C. Helmes: Actually because there is no increase in building footprints per se, the back area flows to the back and the front to the front storm water in the street. That was mentioned in my letter to Andrea of the DEP, and she was comfortable with that.

Anthony Oliveri: I think maybe the Village might be looking to pick up the water running out of Lexington Avenue somehow. You can maybe look at the possibility of doing some dry wells or something on the site to pick up some of that run off.

Steven C. Helmes: Again, she said if we're not changing it, we don't need to address it.

Anthony Oliveri: That's in terms of DEP, but in terms of the Village...

Steven C. Helmes: How does the Village look at this property that's not on his property as far as storm water?

Anthony Oliveri: If he puts it back to grass, you don't need to pick up anything. It would just be for impervious areas. It is an opportunity to provide some water quality with the drywell and prevent some runoff onto Lexington Avenue.

Don Holohan: It's very little land. I think it's 8 x 8. You can't put a drywell underneath the blacktop. It would cause problems.

Anthony Oliveri: You can. They manufacturer them.

Steven C. Helmes: How do we get direction on the variance, with the premise that because it's preexisting, nonconforming, not changing but decreasing the use?

Whitney Singleton: You should be in touch with the building inspector as to what the degree of compliance is with regard to this project. Austin makes that determination.

Vice Chairman Sturniolo: On your letter to us where you copy Dolph Rotfeld Engineering, it's not Mr. Stein, its Anthony Oliveri. Anthony is the Village Engineer.

Steven C. Helmes: Okay, thank you. So the protocol is to go back to Austin, get his determination based on comments tonight?

Vice Chairman Sturniolo: Yes. Then we can review it and get the resolution of approval together in the meantime.

Steven C. Helmes: Because the parking is insufficient by one car, is there anything in the by-laws if Don were to purchase off street parking adjacent to the site, where they can park within 500 feet?

Whitney Singleton: You can do that between adjoining property owners. Nothing off site and you can't pay to reduce the parking requirements.

Steven C. Helmes: So the option would be his adjoining neighbors to the north and south who are renting them out to the max?

Whitney Singleton: There is also a shed on the rear of the Village property. Is that scheduled for removal?

Don Holohan: It's a storage shed for construction. We got a permit for demolition.

Whitney Singleton: I'm not talking about that. We have a survey of the Village's property and the survey shows an encroachment of about 25 to 30 feet into the Village's property. It is a framed shed and pavement, 22.5 feet setback from the southwest corner and then it's about an 8 x 8 shed.

Don Holohan: That will be removed, along with the blacktop. As the Village instructs us to do, we will comply as asked.

Steven C. Helmes: As far as verifying those 100 feet from the wetlands, is that something we can come to the town for and look at their map or do we need to hire a soil expert?

Anthony Oliveri: It looks like it's right on the edge.

Steven C. Helmes: Should we hold off on clean up till further review, such as the blacktop? Is that something he can clean up now, or should we be waiting on that?

Chairman Cosentino: I don't think you can do anything else without a building permit. It's on the resolution.

Steven C. Helmes: Do you look at square foot for bathrooms, or is it just usable office space when it comes to backing yourself into the parking requirements?

Chairman Cosentino: You would have to take that up with Austin.

Whitney Singleton: Gross square footage. I do see you've included your basement under the same parking requirements that you have for the office.

Steven C. Helmes: But I don't think I included the basement. That's an unfinished basement. Thank you very much.

Formal Application:

**CVS
Caremark Corporation
421 Main Street
(10 S. Bedford Road)
PB2008-17**

Present:

**William S. Null, Attorney at Law, Cuddy & Feder, Attorney for the Project
Shannon K. Rutherford, P.E., Project Manager, Vanasse Hangen, Brustlin,
Inc., Project Developers
Doug Murray, Regional Construction Manager, Gershman Brown Crowley,
Developer
Timothy Henrie, Project Coordinator, Larson Design Group, Architect**

William S. Null: We made a submission earlier and received comments back on that submission which we are now showing you.

Shannon Rutherford: In keeping with time being of the essence, we have some formal comments we received from Austin Cassidy dated June 30. The comments specifically pertain to right turn vehicles into the site off South Bedford Road and a concern with the driveway configuration. Relined, this is showing the proposed driveway configuration showing South Bedford Road coming in at a 90 degree angle and facilitates that right turn movement into the site. Mr. Cassidy expressed a concern with customers parking in the rear and gaining access to the rear entrance that we're proposing for the store now. In keeping with that, we have added a stop bar here and stop sign to try and formalize this as a "T" intersection and provide a clear crosswalk path for any customers trying to enter, and provide a visual demarcation for any vehicles as they come around the back. The dumpster pad and vertical compactor pad will be a concrete surface, not a pervious surface with a curb around it and graded to drain away from that back edge into the existing closed drainage system that is on site. Snow storage areas have been delineated; they show here and also show on the landscape plan that was part of the site plan on Sheet C-5. We placed it there so we could show there is a conflict with the landscaping. There is a larger snow storage area here along this open portion of the pavement adjacent to the loading area and snow storage in this corner and this corner within these landscape islands between the larger trees. Snow storage up here for the front and some snow storage here along this shelf area. Obviously, as with any site, if we get considerable amount of snow and it's impeding the ability to park and traverse effectively through the site because of the size of the banks, then the snow is going to have to be removed from the site via tractor and dump truck. But there is suitable area on site which is being provided.

Doug Hertz: You're using areas that are striped as parking spaces as snow storage.

William S. Null: We have excess number of parking spaces beyond the number required.

Shannon Rutherford: And there are only six spaces here being shown being allocated. This is within the landscaped area. There is about a five foot snow shelf between the curb line and where the shrubs will be planted in order to accommodate snow, and that area will be grassed and maintained as a lawn area during spring and summer. We are over parked by about eight parking spaces with the snow storage. There is a large open area here; the overhanging tree canopy doesn't come right up to the edge in this corner and the rear, so those are new landscaped areas that will be left open to accommodate some of the snow storage in addition with the parking spaces that are adjacent to them. Similarly this area here with the reconfiguration of that driveway entrance, it's allowed for some green space that will be maintained as lawn and provide some of the snow storage that we need on site. The cart corrals and the concept plan, you will recall we had proposed removing the cart rails and putting in all landscape islands and Mr. Cassidy expressed a concern that he didn't want cart rails randomly throughout the parking area, so we put the cart corrals back keeping in mind now that we will have a front and rear entrance to the store, so we have spaced them accordingly with cart corrals throughout the site. There is one along this side, two at the rear and another one here to kind of evenly space them throughout the parking field and provide adequate coverage from that standpoint. He also made a note that the fire lane in the front of the building needs to be maintained, and we will certainly recognize that. There is currently a striped fire lane at the front of the store. That will be maintained. This area is also striped as a fire lane, and there are signs posted on the wall. The intent is to maintain all of that. I believe from comments we received, this is pretty much the extent of it. As part of our application we also provided a traffic statement, a brief memo regarding traffic comparing the previous use with the supermarket to the now CVS Pharmacy use. Based on ITE trip generations, the supermarket would have higher traffic demand on a daily basis. That's historically what we've experienced. We've done this in a number of locations where CVS has taken over a former, smaller supermarket and that is consistent with what we've experienced in actuality. We also provided a drainage memo to compare our existing versus proposed storm water run off. There is a modest increase in the landscape area on site over what is there currently by approximately 3,500 square feet. There is a modest decrease in the storm water run off. It really would be considered negligible, but we definitely are not increasing the storm water run off. It's an existing site, and we have maintained it as such. We have also submitted a wetlands memo as part of our application. One of the members brought it up at the previous meeting as being a potential concern with the storm water outfall that is at the south end of the site going into the park, and we had our soil scientist brought on site. This is not a wetland area and where we are the southern property line is more than 200 feet from the connection to the Kisco River. This report is included in the application.

Chairman Cosentino: On the rear, we talked about a camera.

Shannon Rutherford: Yes, and CVS is in agreement to provide a security camera on the exterior of the building facing into the parking lot, one in the rear and one in the front in the vicinity. I believe the intent is to position it in the vicinity of the doorways directed out to the parking area, understanding that certainly we would welcome that being a condition of approval and part of the record. The plans that we show from an elevation standpoint, a security camera being so small versus the scale of the elevations, it doesn't show up, but the memo that I submitted as part of the dialogue references a security camera and our agreement to provide that.

Chairman Cosentino: Didn't we say something about re-paving the parking lot?

Shannon Rutherford: I believe we were going to resurface the parking lot and re-stripe it.

Chairman Cosentino: Our belief was you were resurfacing; not just spraying paint on it.

William S. Null: That's correct, and the existing condition is not the way it will be once the work is being done.

Shannon Rutherford: For the current store opening, the parking lot was sealed and it was re-stripped. The intent with this work, because of the new entrances and because the removal of the drive-thru, a good portion of that pavement; there is a saw cut line to show where there is going to be considerable work done, and we had to do some regarding in order to accommodate the ADA spaces and bring that into compliance.

Chairman Cosentino: So it will be repaved?

William S. Null: Correct. Resurface.

Shannon Rutherford: It will be an overlay. It's not going to be a full depth reconstruction all the way through, but yes, they'll be a new pavement surface all through, and it will not simply be a blacktop treatment.

Vice Chairman Sturniolo: And all the concrete curbing will be poured in place as we discussed at the last meeting?

Shannon Rutherford: Yes, and there is a note specific to that on the legend of the plans.

Vice Chairman Sturniolo: I recall you mentioned that along the western side of the building you were going to paint it with a fresh coat of white paint. I also recall that this Board was looking for a lot more than fresh white paint. I have a very serious concern that there is not enough of a buffer area with heavy plantings to hide and mask the building around the northern portion of the site and the northwestern corner there. I personally, as one member of the Board, am not happy to see this; basically the proposal looking very similar to what is currently there now. I'd like to see a lot more green space and real live buffer areas that can be heavily planted. We pointed out that across the way where the hospital is, there is going to be a new berm area, very heavily planted, and we surely want this to mimic what is across the street. Both locations serve as a gateway entrance into the Village of Mount Kisco. When you're coming from 172 on the left side, the first thing you see is CVS and that guardrail and railing and the parked cars up close. Again, I'd like to see all that parking disappear and make that heavily, heavily planted.

William S. Null: With due respect, can we show you the architecture first? I think there are some changes so we can address that first comment, then I'd like to address the concern with regard to landscaping.

Timothy Henrie: The front of the building remains the same as it was the last time we were here. This side of the building was completely white, which it now is all white and the front is just block painted. We've got display windows along the front quarter of the building, the rest of the way back will be new, and as a decorative arch down the entire side of the building with new cornices along the top of the building to match the front of the exterior.

William S. Null: The concern that we have around this edge is, as you know, it's a pre-existing non-conforming situation where we don't conform to the 20 foot buffer, so we're legally permitted to remain that way with due respect to your concern. We looked to add in landscaping islands, without losing the parking that's adjacent to the entrances on the site. We have limited parking up front; we have limited parking on the side. Most of the parking is on the back and on this side, but we've got one entrance back here and another entrance over here and another one over here. So we want parking adjacent to where the entry is. At this point there is a wall along the roadway that blocks out what you might see that's further down. We would be willing to put in some additional street trees if that would be beneficial in softening the look, and in some areas here, without losing parking that we think is important for customer comfort, we've added in some landscape islands that are identified on the plans and those can be planted as they are indicated so that there is some additional landscaping. But unlike the hospital, we don't have the land area where we can push back and create berm. We'd lose 18 parking spaces or so along here, and we'd lose substantial parking along here leaving only one row if we did more planting. We can't do that. We can't afford to do that either with conformity with the parking requirements for the area, but also addressing our customer's needs.

Vice Chairman Sturniolo: What about the Village's needs? What about the Village's needs regarding the view and the aesthetics of this building?

William S. Null: That's why we've modified the aesthetics of the building, and we're willing to put in additional landscaping.

Vice Chairman Sturniolo: I'm not talking about the architecture. I am talking about eliminating all those parking spaces in the front and create real live buffer areas.

William S. Null: We can't do that. We would be non conforming in parking and we would be eliminating an important parking for our customers. As Shannon said, we've got only eight parking spaces in excess of what the parking requirement is. There are

14 parking spaces here and another two, 16 would be lost if we conform to the setback there, and then there are another eight or more that are along that area that would have to be lost, so we would be at a point of a substantial variance. In addition to that, we'd be losing parking that's needed for conducting our business.

Vice Chairman Sturniolo: Or you could reduce the size of the building to address the loss of parking spaces.

William S. Null: With due respect, we have no obligation to do that. We're legally non-conforming and we can leave it the way it is. What we're looking to do is to try and reach an accommodation that is sensitive to what the Village is asking for without giving up property rights that we've got. We can do street trees along here. They seem to be very thin in street trees, and there is room there for it inside the area, and I think that as you drive along this area, as you swing along here, it's not a viewscape area. People are looking this way. At this point, we've added substantial landscaping at the entry, and we think that that will make a difference on the appearance there. We can put in street trees along this area too, but as I said there is a wall, and that wall blocks whatever you'd put if you put lower planting down there. So, what we're suggesting is putting in trees that I think does address your concern.

Vice Chairman Sturniolo: What does the wall do?

Chairman Cosentino: If I can explain, what happens there is that if you park your car in that spot right there, there's a sidewalk above it, and so you would actually be looking down at the car. The only place you can beautify is on the sidewalk itself as you're coming down, and you can't do that because the sidewalk is not wide enough.

Doug Hertz: Or you can create some raised planting beds.

William S. Null: We can't really create raised planting beds. They are two or three feet below.

Shannon Rutherford: Yes. At that point, at the peak of the arch it's probably more like three to four feet below, and as you come out to the driveway entrances, that elevation difference diminishes, but the wall continues all the way around South Bedford. With the realignment of the driveway, there is going to be a significant improvement with the landscaping there, and perhaps there is. I understand your desire for an ideal situation here. All I'm suggesting is perhaps there is room for a compromise. Perhaps if we were to take another one or two spaces at this corner, because as you're driving here your eye is going to catch this from a diagonal standpoint. As you get up in this area, the cars are pretty much below the wall anyhow, so it's really these last couple of spaces that you're getting a visual impact from the parking area. I was out there again tonight just to verify what is going on with the sidewalk and the parking and what these elevations differences are. That would help in providing a different appearance from a view as you're coming up into this area. The balance of this area is recessed by a significant amount. Again, as you're coming into the site from the west, we have room for the sign and we have added a noticeable amount of landscaping. The existing landscaping that is there that is in disrepair has not been well maintained. The very low lying evergreen bushes are almost groundcover. You can't even really call some of them shrubs are going to be replaced with a very specific landscape plan that has been provided as part of the package to provide seasonal variation. You have some flowering trees and shrubs in the spring, and some color in the fall and also some evergreens so that there is nothing there in the winter. There is some evergreen that would be included in that whole landscape scheme.

Doug Hertz: To pick up on what Tony is saying, and I appreciate very much his desire to bring the entire building to compliance, and I also appreciate your position. We've gone through a great effort, certainly with the hospital. One of our goals is as you enter Mount Kisco from Bedford, down Route 172, that that vista really is a welcome. Right now we have two things which have been, in our view eyesores, one of which is this building. It's not the building necessarily but the open expanses of parking, and we have that as we enter the hospital as well. It's a sea of blacktop. The hospital is working on a landscape plan to create a real entrance to their campus. It's buffered; there will be berming and producing something all along as you go north along Main Street at that point. While I appreciate the realignment of the entrance, I think we could go more. Because it's not just the fact that we don't have the 20 foot setback to be able to do things for the building, but it's also coming in and seeing essentially what lacking that buffer does. Essentially you put blacktop against blacktop. That's what we'd like to try to mitigate to the greatest possible extent. And I agree. If you stick it down three feet, it doesn't do as much. On the other hand, you can grade some walls and bring that up.

But, whatever that may be, you do have an excess of parking luckily and a few spots where you have some space to play. Maybe that space could be used in a way to beautify the entrance to the town, and mitigate the views of not just the building, but also the surface parking.

Shannon Rutherford: If I can come back to our snow storage conversation earlier in the meeting, I guess I'd be looking for a balance, and if I'm going to use those eight parking spaces that we're saying are excess and are helping us with the snow storage in the winter, and now we're going to try a compromise to try to increase some of the landscape area, as I go back to my client and discuss with them logistically how we do this and how they manage the snow storage, what leeway do we have from a snow storage standpoint then?

Chairman Cosentino: Doug or Tony, are you talking about something high like a planter; trees in there?

Doug Hertz: I think there is any number of possibilities. Shannon mentioned possibly extending some of that in that area. That would need to be raised.

Chairman Cosentino: I'm getting confused. The top of the wall has a metal railing?

Shannon Rutherford: Correct, because there is a fall hazard, obviously.

Chairman Cosentino: But if you raised that wall with the stone four or five feet and then made planter boxes on the top of it all around...

Doug Hertz: It might look like a fortress.

William S. Null: I think the general sense is we can take care of that view into the site by putting landscaping there. Why don't we work with your consultants and see if there are areas where we can put street trees and try and balance some of the landscaping? We need to have some of those spaces for snow storage so that it operates correctly, and we hear what you're saying about wanting to soften the site, and we'll look for some kind of balance.

Doug Hertz: It seems like you do have near the compactor. You actually have some grade where you're not going to be impacting parking spaces.

Shannon Rutherford: There is some room there for snow storage. We're just trying to balance throughout the site so that it seems reasonable and functional.

Vice Chairman Sturniolo: Meaning you didn't want to create a snow pile too high? Or you didn't want to create just one snow storage area?

Shannon Rutherford: I didn't feel it was feasible to create possibly just one snow storage area at the back of the site.

Chairman Cosentino: You'd want the snow storage in the back.

Ralph Vigliotti: After a snow storm no one is going to park in that rear where the snow storage area is. However, storing snow up front takes up very valuable parking spaces. I have a couple of points. I think the railing system should be addressed. It's about as ugly as it gets. I think you could put in something very sophisticated as far as a railing system that can soften that look as you come around. It doesn't have to attribute or add to the landscape, but it can soften the look and give a sophisticated look to a keystone building as you enter the Village. It is a gateway to the Village, and it's a very large site of impervious surface. I think if you do that and put a veneer on the retaining wall of some type, whether it is brick or fieldstone. I think that would give it a very nice look and add to it. Also, I'm not sure if the compactor works there. That's 117, correct? What is the height of that going to be?

Shannon Rutherford: Typically they are approximate eight feet.

Ralph Vigliotti: For some reason it seems to me the compactor should be hidden. They are going to see a compactor and lots and lots of carriages. I don't think I like the location where you have the storage area. That side of the building is as important as the front of the building. There will probably be just as many cars stacked waiting to either work their way into or out of town, so that becomes a very valuable aesthetic look.

Shannon Rutherford: To respond, all this area is an existing treed area, and all of this is going to stay, so that existing mature growth will be maintained, and then we are going to cut in to get the dumpster and compactor in there because we altered the loading area. We are going to cut that in. It will be fenced and then we are proposing new plantings right immediately adjacent to it.

Ralph Vigliotti: Do you own that property that's there?

Shannon Rutherford: Yes, we do. It comes all the way down. We need to be able to have it so that the truck can get straight into it from a serviceability standpoint. We could probably take a look at rotating it and seeing if it could come straight down rather than hit it at the angle. The issue is with the compactor and the dumpster this far away from the store, and no disrespect to young adults that are possibly working at the store, their tendency to utilize service that is that far away particularly during inclement weather, decreases dramatically. So the closer we can have it to that entrance, the happier everybody is going to be. And it will be used, then, as opposed to stacking outside the rear door.

William S. Null: We'll look to see how we can screen it well and how we can show you that it's screened well.

Ralph Vigliotti: We have a lot of compactors in town, I haven't seen one yet that I like.

Doug Hertz: Whatever is in there, we'd want that to be screened.

Joseph Morreale: I would like to raise a few points. At the beginning, where you said you're going to lose all of those parking spaces, I don't see that. Because you've got parking spaces right in front of the building that could be eliminated and you could put back in the parking spaces on the arc. So really what you'd be losing is the ones real close to the building, which is a problem, because people back out of there. I'm suggesting you lose some of them closer to the building. You could still park against where the trees would be.

Shannon Rutherford: This heavier line here represents that setback line. So, it's this full set of parking and then as it comes down along the side it encompasses a good portion of these down along the side. It also, you'll note, if we were too try to take this to the letter of regulation, it eliminates that full circulation access around the building, which we don't want to do. So, at some point through here we would have to scale back. There would have to be some sort of compromise with respect to that landscape buffer at that corner from a circulation standpoint.

Joseph Morreale: I like the idea of the back entrance, but I'm concerned about two things. People use this as a cut through from here to avoid the light to go through. Are you going to put in one of these bumps to slow them down as they come in?

Shannon Rutherford: It hadn't been our intent to do that. We find there can be issues from a maintenance standpoint, and it also at times proves to be a tripping hazard and an icing hazard in the winter. I believe in Mr. Cassidy's memo he is suggesting to alter the surface and use a Stampcrete. We can also have this all a solid color rather than the crosswalk bars, the piano key bars.

Vice Chairman Sturniolo: Mount Kisco Square is a good example of what you're talking about.

Shannon Rutherford: We could use a Stampcrete system there. A solid color and provide a more visual delineation and they'll be appeal to that at the cross walk, and I believe the comments from the Village Engineer were also suggesting some signage. Granted, we have a limited ability to get signage in here in advance of this crosswalk that's meaningful. Signage varies and rather than using a smaller sign that would typically be suitable for an interior to the site, perhaps looks at using one of the larger signs so that it pops out a little bit more as you're approaching.

Joseph Morreale: Are you planning on this operating 24 hours?

Shannon Rutherford: Yes.

Joseph Morreale: And what are you thinking about lighting?

Shannon Rutherford: There is a lighting plan, which was submitted as part of the application. We have received comments on it. We'll have to discuss that with the Town Engineer. Our interpretation of the regulation versus apparently the actuality is

different. We thought we had hit what we needed to from a lighting plan standpoint, but the intent is to have it compliant. I believe we're close. There are new lights that are being provided, and where those lights are located show up on the utility plan as well as the layout plan that was included in the site plan.

Joseph Morreale: One last thing. You're taking out the drive through and yet you're going to be a 24 hour operation?

William S. Null: It was a drive thru for a bank.

Joseph Morreale: I'm not suggesting this, but have you thought about a drive through for pharmaceuticals?

William S. Null: We have. We would need a variance to do it, and we do think it would be a good idea, but we have not designed it or gone through it because we're still considering what to do. The proximity to the hospital makes it something that I think would make sense, but it wouldn't be at that location in any event as a drive through, because that's the area for the bank. As you probably know the CVS drive throughs are only for prescription drop off and pick up, not for anything else. So it's a very limited purpose, but if someone's at the hospital and needs to get a prescription filled, they wouldn't need to get out of their car at night.

Chairman Cosentino: The pharmacy is open all night also?

Shannon Rutherford: In most cases, if it's a 24 hour store it's a 24 hour pharmacy.

Ralph Vigliotti: Do you plan to still maintain the CVS on North Bedford Road?

William S. Null: We have no intention to close that.

Vice Chairman Sturniolo: Neal was going to come back to me with the answer to two questions, and if you could be kind enough to get him to address a letter to the Planning Board. They deal with the survey of other CVS stores in Westchester County and this CVS store not being open 24 hours a day nor sell liquor. He needed to get answers on that issue back.

William S. Null: I didn't know that was a specific question that you asked, but I have that information for you. The 24 hour stores in Westchester in addition to Mount Kisco are at 3255 Mamaroneck Avenue in White Plains, Route 9 in Ossining, New Rochelle and Larchmont. Stores currently selling beer are 3255 Mamaroneck Avenue, 24 Mamaroneck Avenue, Ossining and Yorktown Heights. There are several stores in the licensing process. The 360 North Bedford Road in Mount Kisco, New Rochelle, Bronxville, Greenburgh, Ardsley, Central Park Avenue in Scarsdale, Central Park Avenue in Yonkers, Hartsdale, Popham Road in Scarsdale, Lincoln Plaza in Yonkers, White Plains Road in Scarsdale, Yonkers Avenue in Yonkers, Bronx River Road, Yonkers, and Peekskill. I think one of the things I need to say about that sales opportunity is including this store; CVS is finding more and more that it's taking over smaller grocery stores that are not able to operate feasibly and are closing. The neighborhoods are asking that they have more groceries that are available sort of like convenience places would have. If you have been in the Mount Kisco store here, it has a fairly extensive line of grocery products as compared to some other CVS's, and the additional space enables it to have that sort of product, that if it's later at night or on a weekend and you want something, they may well have it, where the grocery stores are closed. I think that's why the list is so extensive on the places they are looking to be licensed to sell beer.

Vice Chairman Sturniolo: Would you be kind enough to codify that list and submit it as a letter to us?

William S. Null: Yes.

Vice Chairman Sturniolo: And, the initial presentation that Neil did stating that there was not to be liquor nor would this store be open 24 hours a day, he recalled that statement but he had to rethink his response and said he would come back to us. If you could ask him to put that in writing as well, I'd appreciate it.

William S. Null: I will put in writing what I'm currently saying. This store is a 24/7 store. We think it's absolutely appropriate particularly by being right near the hospital. The sale of beer was something that there had been a misunderstanding about, and CVS is licensed to sell beer at this location and wants to continue to sell beer at this location.

The store before CVS sold beer at this location. We are aware of the concern that had been expressed about it being near the park, and the security cameras that we are proposing to put up I think will take care of that concern so that we don't have people irresponsibly taking beer and going someplace nearby. The purpose of CVS having beer is the same reason for it having the other products. It's something that people ask for and that we sell in other locations throughout the county. If Neil had mentioned that initially it was without CVS authority.

Vice Chairman Sturniolo: Again, if you could just put those two issues together on paper, we would appreciate it.

Doug Hertz: Selling beer at this location on a 24 hour basis I personally find extremely problematic. This is going to be the beer run spot. Kids from Bedford are going to be coming in here; that's the first stop. This is accessible to a huge walking neighborhood and the park. I thought it was proposed to us this would not be happening at this location. It's a disaster waiting to happen.

Vice Chairman Sturniolo: I would echo my colleague Doug's feelings that it is a disaster waiting to happen.

Chairman Cosentino: I think the whole Board felt that way.

Doug Hertz: The concept of a drugstore selling alcohol is the most insane thing I have ever envisioned. One is selling products to enhance your health, and I've never had a really good argument that beer is one of those products. Sitting here as a quasi public official, I find those two uses completely incompatible. It's like Wal-Mart selling bullets. They've stopped doing it after some public outcry. I think CVS could do the good neighbor thing. Being directly across from the hospital and a church, and selling products that are meant to enhance people's lives, this could be a very good spot not to sell alcohol. It's not just all about money; it's about the perception of what you do.

William S. Null: If we could get authorization from your Board to meet with your consultants so that we can talk about the landscaping solutions.

Nanette Bourne: Yes. Just to remind the Board that they probably cannot meet the full 20 foot buffer landscaping that you're encouraging, but it is within your purview to reduce that buffer. In order for you to feel comfortable in doing that, there should be a significant advancement in terms of the aesthetic appearance. It's increasing the landscape, re-facing the retaining wall, changing the guard rail. I'd also like to call the Board's attention to something that Whitney noticed on the plan and it should be noted; when we meet we need to clarify the removal of trees within 20 feet of the curb line.

Shannon Rutherford: I can clarify that right now. It's a five foot horizontal and it's a 20 foot vertical. So they are going to be limbed up, so that the branches aren't falling or hanging over any vehicles.

Whitney Singleton: I want the Board to be aware that around the entire perimeter of that four foot area they are going to cut out whatever trees are within five feet and then they are going to go backing up twenty feet. Also, is there any way you can identify within here, where the bridge easement is?

Shannon Rutherford: We've had a full title search that has been done on this property, our surveyors have gone through.

Whitney Singleton: That title search is identifying bridges on the property.

William S. Null: We'll get back to you on that.

Shannon Rutherford: Just to clarify, now that we have met with you, can we now go to the ARB?

Nanette Bourne: Yes.

Shannon Rutherford: Thank you very much.

Final Action:

**The Premier Collection (BMW)
250 Kisco Avenue
PB2008-18**

**Present: Louis Ramunni, LPR Associates
Rich Stavrides, The Premier Collection**

Resolution to move a dumpster 10 feet over from the original spot.

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

Final Action:

**Stewart Heights
25-35 Stewart Place
PB2008-08**

Present: Ron Tetelman

Resolution for minor changes on the curbing.

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

Final Action:

**Isidore Albanese
134 Main Street
PB2007-06A**

**Present: Isidore Albanese, Property Owner
P. Daniel Hollis III, Attorney at Law, Shamberg,
Marwell Davis & Hollis, PC**

Resolution for approval with minor adjustments

Nanette Bourne: In review, there were two issues concerning the lighting which we checked, and the adjustments were made as requested. There is one other thing that needs to be addressed. It's a maintenance issue with some of the landscaping. It needs water. There is a dead plant that was never planted.

Isidore Albanese: The landscapers were here yesterday.

Nanette Bourne: We were there last night. Maybe it got taken care of today.

Isidore Albanese: It was taken care of. The landscaper was away for a full week. We had to replant.

Chairman Cosentino: What about the dumpster? Will that be taken away?

Isidore Albanese: Yes.

Doug Hertz: All the other outstanding things have been handled, right?

Nanette Bourne: Yes.

Whitney Singleton: My understanding is that the original site plan noted that any improvements that are part of this site plan are solely for the site and the property, and there is no authorization given by anything on Village property that is not part of this approval. In speaking with the building inspector, my understanding is that none of the spigots are on Village property. The only other issue that has come up is the enclosure in the back for the garbage bins. That was originally going to be a fenced in area?

Daniel Hollis: That was changed when we were here before, that it was supposed to be enclosed.

Isidore Albanese: It is a garbage and maintenance area.

Whitney Singleton: I want to verify that.

Daniel Hollis: We wanted it to be enclosed, not just dumpsters out in the back.

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

Daniel Hollis: Thank you very much.

Continuing Review:

Westchester Residence and Club
Kisco Avenue
PB2006-19

Present: W. Charles Utschig, Principal CMX

Charles Utschig: The focus of our presentation tonight is to try and deal with the visual impact of this structure, a subject that has been of prime interest to this Board. To go through the process that the design team went through to understand the visual impact of this facility, relative to the length and height of the building and what it will look like from across the valley. I've handed out four examples of manipulations of the building. The first is what is included in the DEIS and we tried to understand the perceived length of this building from the two vantage points that were part of the DEIS, one being from Park and one being from Nolton. The projections that you see for Option A give you what you would see as the length of this building looking from those two vantage points. It's not just the 575 foot length of this building, but because of the rotation and the point of view that you're coming from, it's actually something less than that. In the example of the documents in the DEIS if you're looking from Park, the length is actually around 512 feet. If you're looking from Nolton, it's around 383 feet. The next thing we did was try to understand what happens to the perceived length of this building if you were to rotate it further and Option B does that. There is a reduction in the perceived length of this building, from Park its 10% and from Nolton it's almost 25%. The red line underneath is the building as it is situated in the DEIS, and we rotated it forward towards the car dealership and the road to see what that impact is, and it does reduce the perceived length of this building, so a rotation of the building does have an effect. But, when I see some of the other presentations that we've developed, there is an adverse effect to doing that, and that is as you push this building closer to the car dealership, you affect the buffer between the car dealership and the building. One of the things we went over with at one of our last meetings is a re-design of the ring road to pull it closer to the building so that the buffer area is significantly increased. Originally it was just a very narrow strip where the road went along parallel to the car dealership maybe 20 feet. By making those adjustments, we substantially increased that area. By rotating that building, we can effectively start to reduce the length of it as it appears from those two vantage points, but there is a downside to it. Keep in the back of your mind that this rotation does have an adverse affect to it.

Doug Hertz: You've rotated around flexing around the end point as opposed to rotating around the center axis, or any other axis, and I know your hope has been to basically stay on the plateau as best as possible. There are some significant advantages to this rotation. Could we not also mitigate what's listed as the con, which I agree is a negative, by either flexing around the mid point? Not bringing the entire building forward? No part of it is deeper than the original. It's all forward. Could you potentially flex this back off of this back corner? It would require some additional site work in the back property. Is there some compromise?

Charles Utschig: Potentially. But you have to realize that there is almost an entire list of options to these rotations, so we've tried to flush out the impacts, not necessarily of extremes, but of adjustments. There is a possibility you could take that rotation and

instead of doing it around one corner, do it around the middle. I think as we go through some of the impacts, along those lines, you will get a clear picture of the plusses and minuses that come with those kinds of things.

Doug Hertz: On the pros you say, "Allows installation of solar panels." What specifically about this orientation makes that more advantageous than anything else?

Charles Utschig: It's not so much the orientation, but it's maintaining the type of roof that is on the structure so that we can mount the panels on it. This is a discussion we've had; trying to maintain this residential look with these peak roofs. They allow us the opportunity to mount solar panels on them. One of the discussions was to take off all the gables and make it a flat roof with a minor façade to it, and that will take away the residential look. One of the pluses is the ability to be able to mount the solar panels. Although it's identified in this specific example, wherever we are able to maintain the roofs with the current design, we will. The next thing we tried to do is create more of a leg going back into the hillside with the idea of trying to take these legs that come out towards the front and rotate them to the back. We've had discussions about the impact of that, and one of the things we've studied was what happens if we do that. That is the current configuration of the building, and this is in essence the adjustment of the leg that is represented in Option C. The red is the additional disturbance that results in having to push almost anything out in that direction. One of the biggest issues is that we start to maintain fire service around the entire building. This area equates to almost an additional acre of disturbance and the trees and extra cut that go with it. There is almost a 50 foot transition that occurs in here at a two to one embankment. We look at this and say this seems like a substantial piece of impact, but what it really is for all intents and purposes even a small adjustment in the leg of one of those buildings it comes back into the hillside. So we wanted to try and focus on that and give at least some meaningful analysis of this. That's what happens when you poke out another 60 feet in the back direction. You have an additional acre of disturbance that happens, and that goes to your question about the rotation. Is there someplace in between this leg and a smaller one? At the end of the day it comes down to when we do these kinds of things, does that have a substantive effect on what you will be able to see? On the last board that I'll show you we think demonstrate that these, and their negative impacts, are not near the value of what you already see and the limited amount of this building that you are actually going to see. Option D is trying to make a substantive reduction in the length of the building, over 100 feet. You can see where the red extends beyond it. This has two problems with it. One, it has the same grading issues, because we've got to extend back into the hillside, and two, it pushes all the wings almost right next to each other. So from a building perspective you have an issue with a reduction in the amount of perimeter that you have on this building, reduction of windows and patios, and now you have these legs looking right in on each other, and there's a privacy issue. So from a project perspective and the function of this building, squeezing it down this small just does not work for us, and we think that there are similar negative effects. You'd have the same kind of additional disturbance, and you wouldn't change the visual impact of this thing as you're looking from the viewpoints, which is what this is all focused on. The last option was trying to deal with the height issue. I think it's obvious that what happens when you try to reduce the height of this building, the footprint has to get bigger, and you can see that the footprint for Option E is significantly larger than the Option A, which is the one that's in the DEIS. So, although there are up to 10% reduction in the perceived length of the building, it has negatives to it. Each of these options really tries to address in some fashion what this Board has asked us to look at. The next thing we did in the process is actually cut engineered sections from those viewpoints. This is the viewpoint from Park. The importance of this green space is that we've been able to substantially increase in size versus when the road ran parallel to the property line and then turns it's way up; this has increased in size as much as 70 feet in some places.

Vice Chairman Sturniolo: That's predicated on the re-design of the ring road?

Charles Utschig: That is correct, which gives us this added space. This orientation is as it is in the DEIS. It's not rotated or adjusted. Going to the height issue here, we realized as we looked at this building and realized the visual impact of how much you can see, the rotation, the gyration, those things really didn't substantially effect what you saw from this viewpoint. The only thing that really would affect it was to lower the building. So one of the things that we're proposing is to lower the building entirely, grade-wise, ten feet. You'll see as you work through these sections. This is the vantage point from the intersection. We floated balloons where that buffer is located to determine the exact height, and then we floated balloons at the front corner of this building, so we had a direct relationship between the height of the trees and the height of the building. We also knew the difference in depth between where this buffer stopped

and where the building started. One of the things that this section shows us is as you project this section through these trees, what you see is one to two stories of this building and the roof, which is very consistent if you look very closely at the graphics that are in the DEIS. That's what it shows. We actually did one thing further. We took a photograph from that perspective. Those little dots in the background are the balloons that we floated. As part of the marketing of this site, our client had developed an actual drawing of this building which I'll show you later. We had that building set into that picture and that allowed us to keep the trees in the forefront that will stay in the picture, and two things are important. One is that you basically see a story to a story and a half in the roof, and you get a good sense that this is not one long building. This has got a section of roof. The center section has got lower stories to it. If you didn't know any better, you could almost pick these out as three single family houses. So the importance of this picture is you don't have a 517 foot long building sticking out of the ground. What you do have is portions of the roof sticking up. If you move ten feet in one direction are you going to see more? Absolutely. That tree is only 45 feet tall, not 60 feet tall. So there are places where you are going to see more of this. The other thing that's interesting is that if you look at this from this direction, you don't see the building at all. This is a very narrow kind of view that comes through here, looking over the top of all this commercial development, and seeing what otherwise could be thought of as residential roofs sticking up out of the hillside with lots of trees still above it and a very important buffer through here below, and we think that it's real important not to lose any of this, and that's the answer to your question.

Vice Chairman Sturniolo: When you say it appears to look like three separate family detached homes, is that predicated on what you're looking at with deciduous trees, or is that based on how it would look in the wintertime?

Charles Utschig: Now. I wish I could say to you that there is supplemental planting that we could do that's an evergreen type of a planting that would help significantly offset that, but unfortunately, what you'll see from this is that the biggest benefit is from this natural vegetation that stays. And these are 60, 70 foot trees. So, although the intent is to plant in the plinth, which is the courtyard between the building and the front wall, they will not substantially screen this because they're just too low. So you'll see that these trees here have to get a height of 40+ feet before they become effective in that screening. We did the same thing from another perspective. We came in from Knowlton and looked basically along the edge of the A & P and into the site. In these cases, these trees are much more effective in screening from that view looking, depending on where you actually draw the line, over the top of this, over the top of the BMW through these trees to see very little of the building. We actually purposely zoomed in on these pictures, so you weren't looking at this view that was 3,000 feet away. Because we wanted to give you a sense of what we thought, and we thought it was going to stick up above the tree line. You can see that these are pieces to a roof. They don't look like a 500 foot long building. It looks like sections, and they go in different directions so that there is not this perception of a long building. Again, what becomes very obvious in this picture is that the screening that we're proposing maintaining in this area becomes very important in the foreground of that picture to screen that building. The conclusion is that the effect on screening this building, whether it's got a slight rotation to it, whether it's 50 feet shorter, is really being able to maintain this vegetation. You wouldn't know that that building was 100 foot shorter. If you were to put a 100 foot shorter building in here, it wouldn't have a substantial effect on what you'd see through there. That is the pieces of information we feel will help clarify the visual part of it.

Doug Hertz: With this new configuration, do you know what of this area you're going to be able to save and what becomes detention basin? How does what's being removed there affect what is being run through that?

Charles Utschig: We're not that optimistic that we're going to be able to save a lot of additional trees in this area beyond what we had been showing before. Although there is some more room, we're trying to slide the detention basins up a little bit higher to deal with some storm water technical issues so that they're not in too deep a cut, and we're not optimistic that we're going to be able to maintain this kind of a natural area along this edge. However, we now see the value to it. So if it's a choice to be able to maintain even a 30 or 40 foot wide strip around there and keep the basins down lower, that is absolutely an offset that would be meaningful. If I come to you and say I'm going to disturb it, but I'm going to put lots of trees back, which we are, at the end of the day those are still 15 feet. It's going to take awhile for them to grow in. We're planting a substantial amount of vegetation there, but from this perspective it's going to take awhile for that to get... and I'm being very honest about the reality of it... for this to get to where it's meaningful. So the answer to your question is we don't know yet, but we're trying to do the same kind of thing along this edge. By lowering the building 10

feet, we've given ourselves a better shot at it. The lowering of the building in the topography helps us along these edges. The other thing it does is substantially lowers the walls that are from the road to the plinth to the start of the building.

Joseph Morreale: What does lowering the building 10 feet do to the parking, and do you lose visual?

Charles Utschig: The impact will be on the grading in this area. The building itself is exactly the same. In fact, average grade stays the same, because we're not changing the relationship or the grade around the building, so it's basically in essence dropping the whole thing down 10 feet, so I won't have the kind of transition that we had here before. In previous drawings, when you came to the ring road there was an eight to ten foot wall that represented the top of the plinth, and then the building went up from there. This starts to get shorter now. It won't affect that. One of the problems with one of the schemes that we showed you, actually where we tried to effect the height where the footprint got a lot bigger, there was a substantial change in how the units got laid out, and in fact, some of the common space had to go in the basement, and that's why we didn't think that was a viable alternative.

At this point Mr. Utschig explained the computer generated model that came from the architect drawings that was used to insert into the photographs.

Charles Utschig: I've avoided entirely the discussion of the road. The limited disturbance is a limited disturbance. There is nothing we can do about it except the perspective of people traveling here, there is a substantial amount of landscaping and planting that will occur there, so that this over time will look vegetated. Our goal is to insert this kind of information into the FDEIS. We really think that these pictures are a much more accurate representation of what will be seen, and we think that it doesn't stick out like maybe the perception that it would. Part of the commitment that has been made is there is a substantial landscape budget, and an allocation above that so that we're sure that those places that we do disturb, that we can plant will get planted properly.

Chairman Cosentino: That was a very good presentation, Chuck. Thank you.

Charles Utschig: Thank you. Our goal is to put it in the FDEIS and in a general format like this, with the ability to identify the pros and cons of doing certain things. We wanted to make sure that this Board had some sense of it. We kept thinking as we do these things, there are downsides to them. To be honest with you, we came back to the first plan and said by virtue of this improvement here, that may be a good way to go at the end of the day.

Doug Hertz: Please synopsise, looking back at your Option D.

Charles Utschig: When it comes to what you'll see in this picture, I would guess I could take those two pictures and give them to you and you wouldn't be able to tell me which is which. We're starting to feel that from these perspectives, and these are unique, because whoever picked them picked the right places because this is really where you'll get the best vantage point of the building.

Doug Hertz: You are talking about the Saw Mill River side. If you did have the ability to rotate slightly, and therefore capture a larger area of undisturbed, mature trees in there that would provide possibly more screening, forgetting the fact that the perception of the building is 3% more or less, do we gain something by being able to capture a larger, undisturbed swath?

Charles Utschig: We will study that, and whatever the outcome of that further analysis is, and we'll demonstrate it in the FEIS.

Joseph Morreale: You have not talked about what this looks like at night. With that curvature road and lights along it going up the hill, it could be quite lit up.

Charles Utschig: You've got a pretty strict lighting code, so it will be lit up. It is steep and we want it lit. Because the switch backs rise, you're going to see rising lights. We can try and come up with some ideas. Some of these cuts here will be higher than the light poles. So, the light poles in some of these cuts will actually be below where the grade stays, so you may not see them sticking up in the air.

Joseph Morreale: And when the leaves come down, you're going to see the lights of the building.

Charles Utschig: If there is a window, you will see a light in it.

Joseph Morreale: But you're going to see a lot more of the building in the winter.

Charles Utschig: You will see it filtered through the trees, yes.

Chairman Cosentino: Chuck, this was a good presentation. Thank you.

SEQRA Review:

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

**Present: Brad Schwartz, Attorney at Law, Zarin & Steinmetz
Patrick Hewes, Saccardi & Schiff
Scott Blakely, R.L.A., Principal Landscape Architect, Insite
Engineering**

At this time Chairman Cosentino congratulated Mr. Schwartz on his recent wedding.

Brad Schwartz: If your Board is inclined, we are here tonight for procedural SEQRA items; Declaration to be Lead Agency; the 30 day period has passed, we received letters from DEP and DEC not objecting, so if your board does declare Lead Agency tonight we also ask that you issue a Positive Declaration under SEQRA.

Nanette Bourne: The applicant submitted a draft scope as requested. There are two areas that I think need to be modified, and those are under natural resources. I think there has been an interest in the history of the site with two respects. One, the fill that has been brought in, when and what is the composition of the fill, and two, exactly what has happened over time with the stream and the origin of the stream and how it's marked into what it is today? I noticed in their scope they talked about description of soil and suitability for construction from Westchester County Soil Survey, and I actually believe that you have more site specific soil information.

Scott Blakely: We have an initial geo-technical report that was prepared.

Nanette Bourne: I think related to soils, in this particular case, the general soils map of Westchester County probably won't answer the question about the fill that has been brought in.

Scott Blakely: I agree with that.

Nanette Bourne: So, that needs to be modified. Secondly, on page seven, Surface Water Resources and Storm Water Management, the history of the stream, where it originates, how it got to the way it is, and those are the two substantive areas in the scope that I would recommend be modified. The process is for the Board to provide any additional comments, any changes that you want to the scope. This needs to have a public hearing. You can either make those changes now, and by those edits now this can be modified, or you can go ahead and schedule the public hearing and include both my comments, your edits and any other comments that the public might have, and then I can come up with a revised final scope for your consideration and adoption.

Doug Hertz: Just so they have the most time possible to begin to address some of these things; I have some comments on the scope.

Nanette Bourne: And what SEQRA requires is that the applicant comes up with the initial draft scope, and then you as the lead agency modify it the way that you want it. So I will reflect whatever changes you want in a final scope.

Chairman Cosentino: I would like to put them on the next agenda first.

Nanette Bourne: So, the choice you might want to consider is scheduling the public hearing and doing it all at one time, or we can revise the scope, send that scope out and that can be the subject of the public hearing. You've done it both ways.

Doug Hertz: I think it's always useful to get the scope as close as possible so that the public isn't reacting to things that we know we're going to change anyway.

Nanette Bourne: If you want to e-mail me your comments, I will then prepare a revised draft for your next meeting. That will expedite it faster and you can look at those comments, see if it's roughly in the ball park, and then at the next meeting we can schedule a public hearing.

Ralph Vigliotti: Gentlemen, I know you want to expedite this, but its 11:20, and you don't want five angry men here going over this piece. While you may lose two weeks, it's going to be done correctly. This is a major piece of property, and there are a lot of concerns and issues. We need to move in a timely fashion, and unfortunately the time of the evening has caused some problems. Also, when you come in again, please bring in all your boards.

Scott Blakely: Absolutely.

Motion to Intend to Declare Mount Kisco Planning Board as Lead Agency:

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

Correspondence:

Northern Westchester Hospital:

Nanette Bourne: For the record, it was at their request they are taken off the agenda and the reason is, in assembling all of their documents so quickly, they recognized that there were a number of inconsistencies. So, they wanted the additional time to put it all together.

Chairman Cosentino: I would like Nancy to put that in their file as well.

Lexus: 275 Kisco Avenue
919 Mountain Avenue Associates

As there was no further business, on a motion by Dr. Morreale and seconded by Mr. Vigliotti, the meeting was adjourned at 11:25.

Respectfully Submitted By,

Sol Gibbons, Acting Secretary

dm