

**Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, April 8, 2008**

Meeting called to order at 7:55 PM at the Municipal Building, Mount Kisco, New York.

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

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

Minutes:

February 12, 2008

Motion: **Stanley Bernstein
Second:** **Sol Gibbons
Aye:** **Doug Hertz
Aye:** **Ralph Vigliotti
Abstain:** **Chairman Cosentino
Abstain:** **Joseph Morreale**

February 27, 2008

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

Conceptual Application:

**275 Kisco Avenue LLC
Lexus
PB2008-06**

**Present: Diego Villareale, Project Manager, John Meyer
Consulting**

Diego Villareale: We are here tonight on behalf of Lexus. Mr. Sam Scatterday and Gary Gianfrenesco are in the audience if there are any questions. The reason why we are here tonight is for an amendment to our previously approved site plan to include a fuel storage tank on the property. Lexus is proposing a 6,000 gallon fuel storage tank which

would be located on the southern portion of the property. It is a dual wall storage tank which will be above ground and have several containment units within it. It basically has all the belts and suspenders that a storage tank should have. It is in a location between Kensico and Kisco Avenues, as far from the roadway as possible and in a location that would be convenient to fuel the vehicles on the property. There is a little drop off or service area so a car can pull over and be fueled and not block or interfere with the flow of traffic that is on the roadway. The fuel storage tank is an important component to Lexus in an effort to contain all the operations on the property and minimize traffic off site. The Lexus Corporation requires that whatever vehicles are being sold on the property as well as loaner cars have a full tank of gas when it is sold. If the fuel tank wasn't there they would have to drive off site to the nearest gas station and increase traffic on the roadway repetitively every day with whatever loaner cars and sales cars they have going out there. It is an important function to Lexus to try to keep everything maintained on the property and operating in an efficient manner. The storage tank would be completely screened on all sides. There is a fuel dispenser which would be the only thing visible up along the curb line, and we would be able to landscape and screen the containment unit entirely with heavy, evergreen buffering; something to keep throughout the year.

Chairman Cosentino: We have discouraged gasoline tanks of a 6,000 gallon caliber, or any caliber, in the past. Once we start, it starts all other dealers coming in asking for a 6,000 tank. The building is beautiful, we bent backwards for you, you know that, but this may be a problem.

Diego Villareale: It is an important item to the Lexus dealership to try to maintain this on this property and keep cars from going off the roadway. There are a lot of loaner cars that go out and a lot of new cars that are being sold on the property and without the fuel storage tank being there the cars would have to go onto the roadway.

Chairman Cosentino: There are gas stations that are quite close.

Doug Hertz: How many loaner cars go out a day?

Diego Villareale: About 25 to 30 that would have to be fueled daily.

Doug Hertz: And how many new cars per day?

Diego Villareale: It's only the new cars being sold. Roughly, altogether probably about 30 cars a day including loaner cars and sale cars that would need to be fueled.

Stanley Bernstein: If this was such an important adjunct to your business, how come it wasn't requested on the original site plan?

Diego Villareale: It could have been, but it is something that we are requesting now.

Vice Chairman Sturniolo: When a loaner car goes out and then returned, is Lexus obligated to refuel the loaner car, or is the person who has the loaner car obligated to return it with a full tank of gas?

Diego Villareale: I believe its Lexus.

Vice Chairman Sturniolo: So the customer is not charged for the fuel used.

Sam Scatterday: No. We provide a full tank every time the customer goes out.

Joseph Morreale: Is there any reason why you didn't think of in ground?

Diego Villareale: Fuel containment and leak detection. When a tank is in the ground it is very difficult to monitor, and if there ever is a problem with the tank, you always know if it is above ground, very quickly, and it could be remedied.

Vice Chairman Sturniolo: I agree with an important point that the chairman made before about the quality of the building and the commitment of the property owner, the fact that it is Lexus, a high end premium automobile. It is an asset to that site considering what used to be there, and ultimately becomes an asset to the Village. But I, too, have a concern about our position of discouraging these types of outdoor fuel tanks in the past and other potential car dealerships coming in. It's not a matter of screening. I can appreciate, although I don't have hard figures in front of me, of how much traffic you are going to be taking off the road system by eliminating the need for a car to go from Lexus one tenth of a mile away to the gas station. I am apprehensive about someone setting a precedent for other car dealerships coming into the Village with a need for an external fuel tank.

Diego Villareale: Understood. Traffic generation numbers, 30 cars going in and out, equates to 60 trips during that given day. It is in somewhat of a unique location where we have an opportunity to set it back quite far from either roadway, and it's in an area where it can be heavily screened and completely hidden from surrounding traffic.

Vice Chairman Sturniolo: I'm sure. The entire Lexus operation is going to be heavily screened, beautifully greened and heavily vegetated. That is not an issue. Spending X amount of dollars more for X amount of trees to hide it is not a concern, from my point of view.

Chairman Cosentino: I don't think it's only car dealerships. It's landscapers, etc., and opens up a question of do we want it or do we not want it.

Ralph Vigliotti: 8 feet by 18 feet by 7 is a big tank. We've had similar things that have come before us in the past and have been opposed to anything of this size on site. We have a lot of dealerships in town, and where does it start and where does it end? There will be more to come. I think if this was proposed early on, we would have said no then. I don't think this is something that I would want to move ahead on.

Diego Villareale: Is the size of the tank the concern? Simply the size?

Chairman Cosentino: I don't think it's the size of the tank. I think it's the tank itself setting a precedent of other people coming in wanting to do the same thing. I don't think this is what the Village wants. Again, it is a beautiful building, but there are certain things we can do and certain things that we don't want to do. At this point, this is one of the things that we haven't done, and we discourage it.

Sol Gibbons: I think it opens a Pandora's Box and sets a precedent I would not like to see at this point.

Diego Villareale: If it was enclosed in some way?

Chairman Cosentino: It's a tank. It's a fuel tank. It's going to be used as a fuel tank to distribute fuel, and if we give for one we give for all. This is our position.

Diego Villareale: Understood. We appreciate your input.

Conceptual Application:

**Northern Westchester Hospital Center
40 Moore Avenue
PB2008-05
(Dumpster Enclosure and Improvement)**

**Present: Michael Caruso, Northern Westchester Hospital Center
Chris Shopinski, Director, Maintenance and Project
Management, Northern Westchester Hospital Center
Michael F. Stein, P.E., Hudson Engineering & Consulting**

Michael Caruso: This is the refuse compactor on the property at 40 Moore Avenue.

Chairman Cosentino: Yes, it's an eyesore.

Michael Caruso: It is an eyesore, with garbage trucks coming in and out.

Michael Stein: There will be a five foot high fenced enclosure around the dumpsters and screening planted on the sides where there are no gates.

Chris Shopinski: They will now go south of the existing sidewalk.

Chairman Cosentino: That's kind of close to the sidewalk isn't it?

Michael Stein: It's approximately 15 feet from the rear of the sidewalk.

Chairman Cosentino: Why are you putting it right out in front like that? Why don't you put it on the side where the little shed is?

Chris Shopinski: That shed is actually the water monitoring from the oil spill years and years ago. We are still doing the water monitoring there, so there is a well within that shed that still can't leave.

Chairman Cosentino: You could put it in front of it. I think it's an eyesore in front like that. Also, when the truck goes to unload, the gentleman has to physically take the dumpster out by the road?

Chris Shopinski: Yes. That's why we incorporated the curb cut.

Chairman Cosentino: The problem is it stays there and blocks the sidewalk coming down. That's a big code enforcement problem.

Chris Shopinski: Exactly. This screened in area was going to accomplish the bins staying within the screening. With the curb cut, the truck would drive in and open up the gates to the dumpsters.

Chairman Cosentino: I think it's an ugly site right there.

Ralph Vigliotti: I agree with the chairman. We constantly have problems with putting any kind of structure within 30 or 40 feet of a sidewalk, never mind within 15 feet. In all honesty, I'd rather see this back by the hospital site rather than next to, visual to the neighborhood. We may end up bringing more attention to the structure than we did with one dumpster.

Chris Shopinski: The only problem is this grade is the same as the basement at the bottom of the shoot. The grade at the other side of the building is 16 to 18 feet higher, I will venture to say. That's what proposes that issue.

Michael Caruso: So you would have to wheel them out and up and all the way around up the hill.

Chairman Cosentino: You are going to have to come up with something better than that.

Ralph Vigliotti: Does the grade on that side of the building allow you to make a concrete cut into the foundation? This is an opportunity to move the whole thing somewhere else. If you're in that neighborhood, its right in your face.

Chairman Cosentino: It would be good, but the way this works is that the garbage gets dropped down and goes down a chute into these dumpsters. Then the dumpsters are rolled out. The only reason for putting the pad in is because when the truck comes to pick it up, it makes big holes there, the dumpsters stay there, etc. It's a residential neighborhood, and you're putting a garbage dumpster in a residential neighborhood.

Chris Shopinski: I agree. The problem is this is the only face of the building that is really in grade with the basement.

Chairman Cosentino: Well, you need to come up with something more creative because this is unacceptable.

Vice Chairman Sturniolo: The monitoring well has been there for awhile. The site obviously was chosen for a specific reason, to locate the well. Is there latitude to move that monitoring well?

Chris Shopinski: I'm not sure. I'd have to look back into the records.

Michael Caruso: We will certainly see what we can do to bring it all together.

Chairman Cosentino: Thank you for coming.

Formal Application:

**Isidoro Albanese
134 Main Street
PB2008-05
Smoothie King
Present:**

**P. Daniel Hollis, III; Attorney-at-Law, Shambert Marwell Davis & Hollis
Frances Albanese**

Daniel Hollis: Neither Mrs. Albanese nor I were scheduled to be here tonight. Mr. Albanese was going to handle this matter himself, but he unfortunately was required to transport a very sick relative to Sloane Kettering for emergency surgery, so Mrs. Albanese and I have been called out of the bullpen to talk to you about this application. I was here a month ago when we talked about conceptual and we heard you, and we had a very long discussion with regard to Condition 33 to the resolution that was granted for the approval of this 3800 square foot building, 800 square feet which is the subject of this application being the Smoothie King site. When we were here last month, someone asked for a streetscape of the Smoothie King location in Rye, and I was able to get this. This is what it looks like in Rye. It is as clean a store as can be. I recognize the concern. I recognize the stated opposition to waiving this condition but I'm back to implore you to consider this and removing the condition that you heretofore have had in this for reasons of logic, practicality and what is in the best interest of the Village. The reality of Smoothie King is that apparently, if they don't make the deal with us, they are going to make the deal with the wine store across the street, which failed, and they will be going in there. Mr. Albanese has three businesses that are interested in the 800 square feet. One is a dry cleaner, one is a hair salon and another is a tile store. We already have those types of operations in the Village. Mr. Albanese's submission, which I only saw today, actually he ought to double as a traffic engineer because he did a pretty good job in doing an analysis of what he thought the utilization would be for the property; be a dry cleaner, hair salon and Smoothie King, and the Smoothie King compares favorably with those other two uses both in the numbers of trips generated per day and more importantly, by virtue of the fact that a hair salon and a dry cleaner are a destination. The Smoothie King is not the type of operation that is a destination as you heard Ms. Ilita Eway tell you last month when she was here. Smoothie King is a secondary destination. It is not a primary, but in 20% of the time, and the bulk of our business for Smoothie King would be at the lunch hour. The hours of operation are compatible; the deliveries are twice a week. The only fresh materials are bananas. The site plan has been amended to reflect the enclosure and the proper treatment of the garbage. The deliveries are minimal. A box truck comes twice a month for the frozen items that are used by Smoothie King People in producing their smoothies. The bananas are fresh, they come twice a week, and so really the only "raw" garbage as we used to call it in the service is the banana peels and nothing else. Mr. Albanese would be more than willing to undertake the obligation to provide for more attractive accessible pedestrian canisters, for garbage in the corridor along Main and Green Streets and behind the movie theatre in the Blakeby Lot. I have covered a lot of these points before and Mr. Albanese felt duty bound to give it one more shot on behalf of Smoothie King in the

hopes that with the passage of time that you might take a look at this and say of all the preferred options that we have to go into this 800 square foot site, Smoothie King appears to be the best as to utilization, necessary competition with existing businesses and destination traffic generation. Mrs. Albanese and I are here to now answer questions the best we can.

Chairman Cosentino: This board has no problem of the proposed use. The issue here is that you must comply with Number 33 on the resolution. We are not going to waive it. You need to do whatever you have to do to comply with that. Mr. Albanese knew this through the whole process.

Daniel Hollis: The point I was trying to make last month, and I guess I didn't make it very well; and I'm trying to make it again this month is that the traffic generation by something that I don't need to come back here for could possibly generate more traffic than Smoothie King with only the one means of ingress and egress. The second means of ingress for this use is not necessary. We would agree to a condition of the approval that any change of the food use from Smoothie King to some other use would require us to come back, or to put in the second use.

Chairman Cosentino: He has already agreed on a resolution that we approved.

Vice Chairman Sturniolo: He represented that there would not be a food use on the premise. This cannot be a site plan review process because tenants are going to continually change. Secondly, it is not going to be a police action to monitor it. Condition 33, I believe as a second member of this Planning Board, holds true and needs to be complied with.

Daniel Hollis: There are 25 vacant retail stores in the Village of Mount Kisco right now. Vice Chairman Sturniolo, you already have the thing that you're talking about. You have a change of use review mechanism in your ordinance that requires those empty stores to come back to you if there is a change of use. You can't plan forever for these different retail uses. I actually think you ought to take a look at your Change of Use Provision because I think it overwhelms this Board to have this Board, everything there is a Change of Retail Use to have that come back in here. I recognize there is a school of thought that says that's a good thing, but I also think that it is a trend that other municipalities are trying to modify in a way that Planning Boards are not overwhelmed by having to take a look at every change of use within a Village when it's retail to retail.

Vice Chairman Sturniolo: I am not persuaded at all by your argument.

Daniel Hollis: I hear you, but my job is to make the argument and try to convince you. If I don't do it, I don't do it. No hard feelings.

Chairman Cosentino: We love Izzy and he's a wonderful guy. But we went over this so many times and we went along with him, and he assured us that he would not have food. We are bound by a resolution.

Frances Albanese: Yes, but you all have the power to change that as well.

Chairman Cosentino: No. He has the power to change it. He can pay \$50,000 for the two parking spaces.

Frances Albanese: We paid enough. If you were to look at Smoothie King, the hair salon, the dry cleaners, these other two; the tile place. They are going to bring in so much more traffic. The location that we are talking about is a beautiful site where Smoothie King would make it look beautiful. A dry cleaner will not make it look beautiful. You want people walking around this town going from the bookstore to Smoothie King to Bellittzi; to whatever. Don't you want that for this side of town? We won Best Family Village. Let's add another dry cleaner; another nail salon. That is going to cause much more traffic in the back.

Vice Chairman Sturniolo: Put Smoothie King Use there, comply with Resolution #33.

Frances Albanese: You have the power to change it.

Chairman Cosentino: But we're not going to change it.

Frances Albanese: I'm just telling you what would be best for the town and you're not even listening.

Vice Chairman Sturniolo: We are listening. Comply with 33 and put Smoothie King in.

Daniel Hollis: The point I've been trying to make unsuccessfully is that that second means of ingress and egress means nothing because the traffic, as Mrs. Albanese just said, from uses that I don't have to come back for, could be at the same or more greater than Smoothie King with only the one required means of ingress and egress. She is right. You do have the power to amend your resolution to withdraw that or modify that. I understand what two members have said that they are not interested in that.

Doug Hertz: Dan, we hear you, we all like Smoothie King and we have nothing against the applicant. The concern that I have and the rest of us have is creating a site that's well planned and makes sense. We don't want to be in a position every time there is a Change of Use to go back, micromanage and look through every condition of everything to make sure it's going to work. When we planned the site out with your husband; it was his plan, the feeling was that this was the most intelligent use of the site. It gave you maximum parking, so it allowed certain types of things. There were other options. He was told repeatedly, why don't you create a different parking situation; downsize the building slightly so you'll give yourself more options to accommodate different uses? He was very adamant that that was not going to be the way he wanted to go. So this Board agreed, and he agreed to the conditions because they made sense, and I think they do make sense for the site. Every time there is a change of use, it is onerous on the Board to have to go back and re-look at every aspect. Let's plan a site that makes sense and works for whoever your next tenants are going to be.

Frances Albanese: And not for the benefit of the town. You've got to look past this and think about what is going to be the best for the town.

Doug Hertz: Honestly, it may not be the dry cleaner or the tile store.

Frances Albanese: But that's what's going to go in.

Doug Hertz: But we've heard, in the interim, I can't tell you, how many different applicants. And those two could fall away as well. We have no knowledge of your negotiation process with them, who is at what point. I think a tile store would be a great thing, because tile stores have very little trip generation.

Frances Albanese: But there are a couple more of them in town, and do we really want to do that to them. There are three our four mom and pop places in town and we're trying to get something unique, something that is going to be a showcase. Who said we're going to come back here time after time?

Doug Hertz: We can't prevent tile stores from going in and it's the same thing with Smoothie King. If Smoothie King isn't going to be in your site and they want to be in town, they'll rent another site. If a tile store wants to be in town and they're not going to rent your site, they are going to rent another site. I don't think we are really picking and choosing which businesses are going into town. What we are doing is trying to plan a good site.

Vice Chairman Sturniolo: And provide consistency for the site when Smoothie King Leaves and somebody else come in.

Frances Albanese: I understand that, but you're not looking past.

Vice Chairman Sturniolo: We are looking past.

Frances Albanese: I don't think so. But, thanks for your time.

Vice Chairman Sturniolo: You're welcome.

Chairman Cosentino: Thank you.

Continuing Review:

Buckingham Properties

**(Morgan Enterprises)
Morgan Drive Lot 3
PB2005-19**

Present:

**Brad Schwartz, Attorney-at-Law, Zarin & Steinmetz on behalf of
Morgan Enterprises**

Eric A. Kayer, AIA, K G & D Architects

Ronnie Ross, representing Edward Cohen, Buckingham Properties

Brad Schwartz: We are here tonight to present an amended site plan and to commence the SEQRA process. Specifically, we would like your Board this evening to declare your intent to be Lead Agency and then to circulate the required notice following tonight's meeting. We have not been before your board since May 2007. At that time, you may recall that Mr. Cohen is seeking to permissibly segment the site plan component of this applicant to the wetland permit that was required to enter the

wetland buffer and complete the remediation of contaminated sediments remaining on site from when this property was a sewer treatment plant. Following that submission of the wetland permit last year, CR Rich was brought on Board and retained by the Village to evaluate the proposed in site remediation method that was proposed by Mr. Cohen's consultants, C R Rich recommended a dig and haul approach that your Board endorsed. Mr. Cohen is fully committed to performing that dig and haul approach, however, as a result of the costs going up in the remediation, we restructured this deal with Mr. Petti and Sanctuary Ventures, the owner, and we are here now before your Board to bundle all the approvals together as part of one application going forward. Mr. Kaeyer is here to present some of the revisions to the plan, and then afterwards I think it would be helpful to discuss some of the procedures going forward.

Whitney Singleton: Which site is this as far as within the spectrum of your amended subdivision site plans? Is it the one that has been approved but not yet filed?

Brad Schwartz: Correct.

Whitney Singleton: So, the subdivision pack that you overnighted to me for execution about 50 days ago; that is the application that you are having for this site?

Brad Schwartz: Correct.

Whitney Singleton: Okay. I've had this discussion with the chairman, and there are a number of outstanding fees for both sites that applied for the subdivision application, which are not yet paid. Just like taxes and any other fees, the payment of those fees is going to be a pre-requisite to this approval.

Brad Schwartz: I appreciate the explanation and I will address that following tonight's meeting.

Nanette Bourne: I think it would be helpful if Eric did a brief presentation. It's been a year since we've looked at the site and there's been some modifications. If he could just go through with those modifications. They have brought on some new team members that are doing a slightly different approach to the design of the building and then the initiation will kind of reinstate what was initiated a few years ago.

Eric Kaeyer: In 2005 we presented a plan which was about a 60,000 square foot building. Today when we submitted our plan it's about a 57,000 square foot building. It's similar but slightly smaller. It's a non-medical building so the parking is associated with non-medical. There are 211 parking spaces. 67 of those parking spaces are directly in the foot print of the building at the lower level, which is actually consistent with what was originally planned. When we had a site visit again about a year and a half ago, we went out there and there are a whole group of existing evergreen trees in this area here, which because of the existing pond that was in this location and the size of the building, we were pushing the building into that grove of trees. We subsequently had a discussion about that as it grew, and it is our understanding that we should try as best as possible to save that entire group of trees or as much of that group of trees as possible. Here in the top corner, there were 97 existing evergreen trees which we were previously cutting down 53 of them. In

this proposal there are only seven in this one area right here that would be removed. We are not saving the entire grove, but we're saving a vast majority of the growth. There are also 71 deciduous trees on the property which was reduced down to 41 trees being removed, so we're saving an additional 30 deciduous trees by sliding this slightly down on the property. This pond was a man-made pond, which had to do with sewage treatment plant. This proposal plans to remediate, remove it and relocate it in the same size, different shape and then use it as part of our storm water. This is something that will be developed over the course of this process. We will work closely with Nannette and our civil engineer to develop that. There is a zone at the northern property and what was Crème de la Crème's property which basically is a 100 foot buffer. The previous plan actually had only a 20 foot buffer between us and the neighboring property, so another advantage of this is you create a water garden which will be developed by our landscape architect again through the course of this process. This whole zone here will be recreated as a natural environment.

Brad Schwartz: Nannette had eluded to new team members. Nick Poudier is the landscape architect that will develop that water garden and Savvy Barriser from Bibbo Associates is the project engineer.

Eric Kaeyer: For other reductions, this proposal used about just under 40% impervious on the site. This proposal is almost at 30%, almost reducing the amount of impervious by 33%. It is still maintaining basically the same program, reducing 3,000 square feet of building space reduces parking count slightly but significant reduces the amount of impervious on the property. Also, as we get into the process of developing this we'll get more into the green features of the building, etc., but that could be for a later meeting. In general this is the differential between what we had before and what we're proposing today.

Chairman Cosentino: Is there any way we can get some blown up pictures on this like the hospital has given us? Elevations and photo images? I would like to see some renderings on different sides.

Eric Kaeyer: Yes. We will create a photo simulation and show you three dimensional.

Ralph Vigliotti: Do the parking spaces comply with our parking requirement for width of spaces?

Eric Kaeyer: Our understanding is that 9 foot for employee parking and 9 foot 6 for visitors.

Ralph Vigliotti: The contour lines indicate that there should be a retaining wall in here. Is that true or not?

Eric Kaeyer: No. No retaining wall. It slopes 11 feet from here to here, we think that we can do this on a two to one or three to one grade in this area, but otherwise we believe that we can do everything just by sloping the site.

Doug Hertz: I think this is a wonderful improvement. I'm glad you listened to the input that we gave you. The biggest visual impact, it seems is going to be from this direction, and by preserving this stand or

trees I think you are taking a huge step forward. I'm glad the impervious surface was reduced as well, as well as to a small extent, the size of the building. I'm curious to see what else has changed and what it's going to look like as it goes forward.

Eric Kaeyer: Here this went from a 20 foot buffer, but basically we are going to have to clear cut to the property line to a 70 foot buffer, where we should be able to maintain about 50 feet of the natural environment.

Ralph Vigliotti: You said a vast majority of that urban forest is going to be maintained. What percentage are you really talking about when you say this vast majority?

Eric Kaeyer: There are 94 trees and we are cutting seven down, so 87 out of 94. These are just evergreen clusters.

Ralph Vigliotti: How many deciduous trees are you cutting down?

Eric Kaeyer: We're cutting down 41. Those 41 are not necessarily of the minimum caliper, but primarily they are in this zone right here. The vast majority of them are in the corner over towards the Morgan Radio Circle.

Ralph Vigliotti: This is a vast improvement on what you originally submitted. If this were bent around a bit, we might have a bit more green space.

Eric Kaeyer: We might want to, to pull away from the corner a bit more.

Ralph Vigliotti: Looking at this visual, it appears as though you are cutting everything down through here, and then you're going to reach a point in which you are going to maintain the mature deciduous and evergreen trees. Is that true? This all may be deceiving. It appears as though this is all new in here and it looks like it probably goes for 50 feet or so.

Eric Kaeyer: I believe we took that angle from right here, so you are seeing the edge right here of the existing trees. Again, when we do the photo montage, we will be able to take a photograph of that area, remove the trees that are blocking the building from that vantage point and then be able to do a computer generated version of that structure. Then we take landscape material and put it back.

Ralph Vigliotti: I understand. You want to show this building off to the public and we want to hide it.

Joseph Morreale: I agree. I think it's a major improvement. The picture here doesn't match what you have here. You must have a big lawn here, and that isn't what is shown here at all. You show trees up front here, like there should be a tree right here and there isn't. You're obviously clearing this out so you can see the building more, and this is why we have to be sure about what the building sites will look like. The other thing I was struck by is, if you come at the building this way, you're really going to see a lot of parking, because here you have very few trees and you've got these open reservoir type waterways here. I'm concerned about that because there is going to be a lot of traffic from the post office in this direction. So you may just be looking at a bunch of glaring

windows and cars and shiny metal all through here. I'd like to see a 360, and I'd like you to think about how you would shield this side then.

Eric Kaeyer: Excellent comment. We are looking at another site in this neighborhood and your vision is actually up at it, so if you're parking underneath the building, you're really looking at the parking, and one thing we were looking at there is actually to create berms in front of the parking garage area so that it looks like the building is up on a grassy plinth or a landscape plinth as opposed to looking through there. That is something that we will be looking at as we develop this.

Stanley Bernstein: Unlike my fellow Board members, I am not concerned with the visual simply because of where it's located. This is a vast improvement over the other buildings in the neighborhood. There is a wetland there that is going to disappear. Mr. Petti, many, many years ago talked to me about a created wetland in the northwest corner. I don't know if it's on Buckingham Property or this property. It's so long ago that I lost my orientation. He was, talking about all of the drainage going to go in that direction, northwest towards the Kisco River, and he considered a created wetland in that portion of both properties. At that time it was not subdivided. It is something you should look into. I like it, but the building is still a little bit too big for my taste. 3,000 feet cut off is a little slice of a pie. That doesn't mean it's not better. It's vastly better, but it could be even better than that. Of course, when you start going green; a green roof will eliminate some of the new impervious surfaces that are being created, that will get my approval much quicker. Basically looks good.

Doug Hertz: In the interim you guys haven't been here for awhile, huge movement towards green building is clearly on the fast track with another applicant come before us who have committed to doing LEED certified buildings, so assuming that, the Village will have it's first LEED certified structure in town. This could be the second. I would strongly urge everyone involved in considering what that would entail and if that is something that you would consider. It is certainly something that would make a lot of the other aspects of a project of this size feel better.

Eric Kaeyer: We are involved with several LEED projects right now including the Jacob Burns Center in Pleasantville which is going for LEED gold. We should get at least LEED silver, so we certainly understand the process.

Nanette Bourne: With this new application you need to declare your intent to be lead agency, and they've submitted an updated Environmental Assessment Form which is in your packets. I've looked through it and it meets the requirements for an EAF. Once the Intent gets circulated for thirty days, then you'll need to make a determination whether or not this will be given a positive declaration and an Environmental Impact Statement is prepared, a negative declaration based on the EAF or any supplement material that they might provide, or a conditional negative declaration. You don't have to make that decision tonight, but that will be the next decision that you make.

Doug Hertz: How does the whole Environmental Impact tie in with mitigation of the site of the current conditions?

Nanette Bourne: If you issue a positive declaration, the applicant would provide to you a draft scope. In that scope it would have to cover all of the issues that are important or significant or critical to the site. One would be not only a description of existing conditions concerning the hazardous materials that we know exist, but their efforts in their proposal to mitigate, and then what the post mitigation plan would look like. So that, along with any other things that you would like covered, would be addressed in the EIS. The photo simulation and the photo montage would be another issue that you could, if you wanted that.

Motion for the Planning Board to Declare its Intent to be Lead Agency for Buckingham Properties (Morgan Enterprises) Morgan Drive, Lot 3, PB2005-19:

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

Brad Schwartz: We would like appear again before your Board at the May 13 meeting. At that time the thirty day period would have passed and your board will be in a position to declare yourself Lead Agency that agency, make a SEQRA determination that night as well as begin discussing a draft of a scoping document that Jon Dahlgren of Tim Miller's office is intending to submit to your board on April 22 or 23.

Environmental Monitoring:

Anthony Oliveri: These are follow-ups on construction at 134 Main Street in terms of compliance with the Planning Board Resolution. We have received everything we need from them, maybe one or two reports are outstanding.

Chairman Cosentino: Why are they always behind in their reports?

Nanette Bourne: Last week the site was shut down, so they didn't do anything. They were installing the vapor barrier, which I believe is now installed. Brian was out there yesterday and the manufacturer was there as well, and Brian was satisfied with the installation.

Anthony Oliveri: It's been taking a few days to get the reports to us once they finish them. There were a couple of back reports that we rightly called out, and Brian has seen them. We are trying to catch up with them from the point of the shut down of the work, making sure they have all their reports in.

Chairman Cosentino: Nannette, do you have any other reports?

Nanette Bourne: We were up on the Premier site. They are a way from being ready to open. One of the things we found was they were in the process of taking all of their debris and dumping it in the wetland. We recommended that they stop that.

Stanley Bernstein: Did they accept your recommendation?

Nanette Bourne: They did, and we went back out and said they have one day to get all of it out. There has also been an assessment of the trees that have to be replaced, and we've calculated that. We're getting into the final stretch, but we actually thought they were closer to the end than they are.

Chairman Cosentino: Is Woodcrest complete?

Nanette Bourne: Woodcrest is not entirely complete.

Anthony Oliveri: We have all the plans now to make a comparison of "as built" to "approved plans" and make a list of what hasn't been done according to plan and try to figure out if it was okayed by someone along the way or what.

Nanette Bourne: We wanted to hold off looking at the functioning of the wetlands. Originally we were asked to look at in December, which is kind of hard to do, so now is a much better time. They were creating wetlands and modifying the pond and now is a good time to make sure that the wetland vegetation that they've planted is actually working. We will coordinate with Anthony to do that.

Vice Chairman Sturniolo: Did we finally get a report on the analysis of the stock piled soil?

Anthony Oliveri: I think we spoke about that.

Vice Chairman Sturniolo: And you're satisfied with it?

Anthony Oliveri: Brian was looking into that. There were a number of reports, but I will confirm with you on Thursday exactly where we are at with that.

Ralph Vigliotti: Frito Lay is back to parking trucks in their driveway again. 14 cars total behind Target and A & P. Two cars behind A & P last night and about 12 or so behind Target. They are not following the resolution at all and I think it's time we stopped corresponding with them and let them know to listen up.

Whitney Singleton: We will make that a topic item for our staff meeting on Thursday.

Ralph Vigliotti: Regarding TJ Maxx, we had a nice conversation with the manager, but it might have not gone up to corporate. The manager was in agreement that the original site plan showed softwood trees that really screened the neighborhood off, and they were going to do something about that. I don't know how far along that has gotten, but it seems the trees have gotten even woodier tissue than when we spoke four or five months ago. It's bare. That neighborhood has absolutely no screening from that store, and the manager indicated that he would bring it to corporate.

Nanette Bourne: He requested the Village send a letter, which didn't go out until March 25. We will tickle it and follow up.

Whitney Singleton: This leads a question which I've brought up in the past; the possibility of having summer interns or somebody going from site to site to site, reviewing the approved site plan and measuring compliance or lack thereof.

Vice Chairman Sturniolo: How would they be trained to read a site plan, read a resolution and interpret?

Ralph Vigliotti: I would like to think its college students majoring in architecture, planning, etc.

Motion to adjourn: Doug Hertz
Second: Joseph Morreale

All Aye

Meeting adjourned at 9:15.

Respectfully submitted,

Stanley Bernstein
Secretary

dm