

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, Oct 13, 2009

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

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

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

Acceptance of Minutes August 25, 2009

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

Vice Chairman Sturniolo: For the record, the public hearing for Mount Kisco Athletic Club Safe Haven and Training Facility at 333 North Bedford Road will not take place tonight but will be continued over until the October 27, 2009 meeting of the Planning Board.

Chairman Cosentino: Thank you.

Conceptual Application

Sylvan Learning Center
117 Smith Avenue
PB2009-12

Present: **Jim Han, Center Director, Sylvan Learning Center**
 Frank J. Veith, Attorney at Law, Counsel for
 Applicant

Frank J. Veith: I was not here when my client presented his application last time. Excuse me if I repeat anything that was raised from the previous application. My client is seeking a conceptual approval from the Planning Board to move its Sylvan Learning Center offices from its current location on South Moger to 117 Smith Avenue. As Austin pointed out in his memo, the space is currently zoned for cottage/office professional uses. The property size is approximate 50 x 125 feet, and the structure is approximate 2,400 square feet. Parking in the rear

currently has space for six parking spaces. Since the last time my client was before this board, my client has secured an easement with the adjoining property owner at 121 Smith Avenue, Judith Quaranta, which was submitted in the board package, providing access for both property owners via that common driveway area. I think each of the driveways has about eight feet, and that has expanded with the use of the easement. My client currently has approximately a maximum of 30 students that use the Sylvan Learning Center. Those 30 students are allocated time slots. He currently has office hours on Monday, Wednesday, Thursday and Saturday. The current office hours of Monday, Wednesday and Thursday are from 4 to 7, Saturdays from 9 to 1. The maximum amount of students present during any one hour, whether it is Monday through Thursday or on Saturday is four students. During that time, the ratio of the maximum number of teachers that would be present would be two, sometimes as few as one, and there would be one administrator and the owner at the offices. Obviously, there are some issues that were created from the previous owner in that they did not get approval for a continuation of that variance that was granted back in 1978. We come before the board looking to get approval, at least conceptually, from the board the idea of The Sylvan Learning Center at the 117 Smith Avenue. The obvious question of what you would do if you had more students, at this point the plan would be to add additional hours on Saturday. If it got to the point where it needs more than that, to add Sunday hours. Right now, there is no plan for that; there is no need for it with the amount of students that attend. Most of the students that currently use the facility at their current offices are dropped off. Very rarely you would get a parent that would stay. They are typically dropped off and picked up at the end of the hour session, and my expectation of that practice would continue. Although the age of students that use the facility are anywhere from kindergarten to 11th grade, it is rare that you currently have the students driving to the facility to the current office and parking and staying. More often than not, it is the parent who is dropping them off and picking them up.

Whitney Singleton: I have read the easement, and I would not be distracted by the easement. The easement helps the process significantly, but it does not address what Austin identifies as the general issue, that of the requisite parking for the use on the site. It does leave a good faith effort on the applicant's part to ameliorate a situation, but I do not know if it solves it.

Chairman Cosentino: I, myself, think you do not have enough parking there, regardless. You are building your hours around less parking than you really need. This board and the Village of Mount Kisco are not going to police what he does or does not put in there. 2,600 square feet for four students economically does not make sense.

Frank J. Veith: There is just not a demand for services. He has more capacity than what he has right now in his current location and he's downsizing. Right now he has a maximum of 30 students. I also would point out that 15 years ago Sylvan was on that block, three houses away.

Chairman Cosentino: 15 years ago, six cars used to go by my house, now there are 150.

Frank J. Veith: I would also like to point out that the previous time my client was before the board there was a violation that has been cleared up.

Chairman Cosentino: I think there is a possibility that the parking could be a problem. I understand what you are trying to do, but business wise, economically, something else has to go in there with 2,600 square feet - not four students.

Frank J. Veith: I am not looking to sublease the space out to another business. That is not our intent.

Chairman Cosentino: How many classrooms do you have in there?

Jim Han: We have one big room on the first floor and upstairs right now are two offices and one conference room. I do not know what I am going to do with that yet.

Frank J. Veith: Right now we currently have similar to what we are projecting at 117, an administrator's office and the director's office upstairs. I do not know if he knows specifically which rooms they are going to be, but he has to put them somewhere.

Jim Han: Usually the student needs a conference room, a quiet room for taking tests. That is mostly what it is used for. Also, as a private conference room with parents.

Chairman Cosentino: Do we know what business is next door?

Frank J. Veith: You have law offices to the left and to the right is a CPA and architectural firm.

Chairman Cosentino: How many attorneys are in there?

Frank J. Veith: Four to seven, and a two-man law firm.

Ralph Vigliotti: How many parking spaces do they have?

Frank J. Veith: I think the same - six.

Ralph Vigliotti: Is there on-street parking in front of you?

Ralph Vigliotti: There is on Smith Avenue, but I do not believe directly in front. There is a parking across the street and a little further up.

Chairman Cosentino: Do you have a parking plan on that?

Jim Han: No.

Chairman Cosentino: I want to see a parking plan.

Frank J. Veith: I think that is a fair request. I think the thought was that we wanted to speak with you conceptually and, as Austin was okay with it, he said to go for the conceptual before my clients spent more money. We wanted to see what the response was before we submit it.

Vice Chairman Sturniolo: If I could draw your attention to page two of that memo, where there is a reference to having a professional design in place that addresses the parking situation given the fact of what the zoning requirement is. Based on that, I would think you would then have to back out of that, what your business model is, and what you can and cannot do once you have achieved that parking requirement. I understand you do not have a parking diagram now, but I think that is

the heart of the matter, in my opinion, what Austin is raising there. Again, this is a conceptual stage. Whether you choose to go further on becomes your call.

Frank J. Veith: I think that is a fair request. I talked to my client about that previously and he is prepared to do that. When we discussed this with Austin, essentially he said we would have one space for every two students and one space for an administrator and owner. Conceptually we understand that.

Vice Chairman Sturniolo: And whether you can achieve it or not is something I think you need to explore with your architect. There is not going to be any parking in the front, please dismiss that idea early on.

Chairman Cosentino: And the parking has to be somewhat where you are not going to be backing out. You need a turn space.

Frank J. Veith: I understand that, and I think conceptually that should be feasible now with the right of way and the additional space backing into the adjoining neighbors.

Chairman Cosentino: Am I correct by saying the easement was given to the driveway and not for cars entering?

Frank J. Veith: It is not for parking, but it is for turning and ingress/egress. The easement is for in perpetuity.

Chairman Cosentino: So if that you sell that building, this goes along with it.

Frank J. Veith: The adjoining neighbor has the same issue. Mr. and Mrs. Quaranta have to turn into the easement area and the joint driveway as well.

Chairman Cosentino: We are going to need a parking plan.

Nanette Bourne: This is a "to be determined" by your board, so it really should be based on the number of students.

Frank J. Veith: Four per hour.

Ralph Vigliotti: At some point, there will be four leaving and four coming into the facility.

Frank J. Veith: Yes. I do not know the exact pattern of dismissal, such as five minutes early and five minutes later. If it is there would be an overlap.

Ralph Vigliotti: Is there a waiting area?

Frank J. Veith: There is at South Moger. I do not know exactly whether they would put the same space, they might have some seating for someone waiting to come in.

Ralph Vigliotti: So the waiting area might serve for parents who get there early to pick up their child, or students who would be getting there early.

Frank J. Veith: Now they have two or three seats. It is not a huge waiting area.

Ralph Vigliotti: It states the question of additional parking that may be required. If there is a waiting area, that means there would be parents dropping and pickup up students and coming in to do that. You are not going to let young students leave the building alone to find their ride on the street. I see this is as being somewhat of a problem for this site. It is not the size of the building, but I think it is a problem with the parking and something that has to be rectified.

Joseph Morreale: I did not hear you say anything about the teachers, in terms of parking requirements for them.

Frank J. Veith: I did indicate that typically they have one teacher per every two to three students.

Joseph Morreale: If I add this up right, I am getting one space per two students. One per teacher for two students, possibly two teachers for four students. I am getting numbers that look like four to six to eight. If you have 30 students and you are in this building, and you are running your business at a rate of four students per hour, is that viable?

Frank J. Veith: It is now, and they are trying to reduce the size of their space.

Ralph Vigliotti: What is the size of your space now?

Jim Han: About 2,300.

Frank J. Veith: The room where they have their current location for the students is bigger than what will ultimately be available to them.

Joseph Morreale: I think Mr. Vigliotti's point is interesting. If I am a parent, and I arrive and I am 15 minutes early, or my daughter ran 15 minutes over time, I would park my car, go in, sit down, and wait. So now, you have the issue of how many parents might do that. Then you are going to add to the number of cars.

Frank J. Veith: I am not saying that cannot happen, but generally that is not what happens. What typically happens is that they will wait in the car for the child to come out. When they drop them off they wait and stay to watch the child go into the facility.

Ralph Vigliotti: But on this particular street, parking is across the street. As a parent, if you have a first grader, you are not going to be sitting in your car allowing them to run across the street. Our concern is that the parking accommodates the parents.

Chairman Cosentino: I think you have built the school around parking and not the parking around the school. It is good, but I do not think it is good for the Planning Board.

Nanette Bourne: It seems as though the design work that needs to be done is to see how many compliant parking spaces can be put on the site. Based on that, you have to match the use with the parking. If you can get four or six legal compliant spaces on the site, then that really forms what you can do inside the building. I do not think you know how many compliant parking spaces you can get on there. Is that right?

Frank J. Veith: No. Six is the number.

Nanette Bourne: But you have not shown the board that.

Frank J. Veith: I think that is a fair request, and we can provide that.

Nanette Bourne: Assuming you can get six spaces, and then the board can match whether or not the intended use can meet the six-space parking supply. If it can't, then what use can?

Whitney Singleton: I think that is what the Building Inspector's memo suggests as an appropriate way to approach this. Ultimately, if there is going to be a use there, which is not supported by the requisite, number of parking spaces, and your board does not have the ability to waive the spaces.

Chairman Cosentino: We would not waive the spaces.

Whitney Singleton: The Zoning Board has the ability to do that. I think what would happen is that the knot needs to be broken, because it puts the applicant on a treadmill. If you have before you a set of plans that show compliant parking spaces, you then might be able to make a viable recommendation for this particular use.

Doug Hertz: I would echo particularly what Whitney is saying. We are jumping ahead because we are making assumptions that they can add X Y or Z parking, but we do not really know. I have no conceptual issues with the use, but we have no information that the site can accommodate the use. I think we need to get there before we can give you any intelligent feedback.

Ralph Vigliotti: For the record, many 11th grade students have driver's licenses.

Frank J. Veith: I am aware of that, but I would say the 11th grade students are the smallest number of enrolled at this point.

Doug Hertz: I think we need to see a real site plan. From Austin's memo, there is no existing site plan.

Chairman Cosentino: So we want to go further in looking at this?

Ralph Vigliotti: I do not see this working at this particular site, with six parking spaces with an easement to get to the rear six spaces.

Sol Gibbons: The driveway and the parking lot in the back has been blacktopped recently, is that correct?

Frank J. Veith: Yes.

Sol Gibbons: Is that something you did?

Frank J. Veith: My client did, yes.

Joseph Morreale: I am skeptical about this, but I think it is only appropriate to let them try and show us what they want to do before we make a decision one way or the other. I would say we should go forward.

Vice Chairman Sturniolo: I would like to give you the opportunity if you are willing to spend the time and the money to draw this up. I would not want to shoot down something that I have not really seen in black and

white in front of me. If you want to go ahead and get an architect to draw this up, show all the detail requirements for the parking spaces including the snow storage area that you would have to provide, I surely do not want to slam the door in your face prematurely. However, by the same token I do not want to speak as if I am leading you down the garden path by saying that things will ultimately work out. They may not, but it surely is your choice to pursue the questions that we are asking tonight.

Stanley Bernstein: I am very skeptical that this will work, but I do not want to preclude the applicant from going ahead if he feels that he wants to. I don't think we should thoroughly dismiss him and say he cannot. If he is willing to spend the money and the time, then by all means, we will look at it.

Doug Hertz: I don't think we have enough to look at to know.

Chairman Cosentino: I am echoing my fellow Planning Board members. We will put you on the agenda. See Nancy downstairs. We need a formal application.

Nanette Bourne: Regardless, he is going to have to know what the maximum parking can be provided on the site, whether it is for this use or some other use.

Whitney Singleton: If he comes back to your board with a floor plan for the building, or at least the square footage of the building, and says here is what I'd like to do with the building, this is according to the Building Inspector, including the parking requirements, it might better equip your board to make a recommendation as to the path they would like to pursue in this particular circumstance. We are not talking about a situation where he is proposing to erect a building. We are talking about a situation where the building is already there.

Chairman Cosentino: We are also talking about a situation where he may need more parking, which cannot be provided on the site. This board has to determine that. We may not want to go along with six parking spaces.

Whitney Singleton: It might be more productive for your board to see the permitted uses, the associated parking requirements and effected uses.

Chairman Cosentino: As far as the permitted uses, you have already spoken to Austin.

Frank J. Veith: Correct.

Chairman Cosentino: And he gave you other permitted uses that you could put there?

Frank J. Veith: He gave me different problems with different uses.

Vice Chairman Sturniolo: But you are focusing on this particular use as your primary use as opposed to looking at other uses.

Jim Han: Or go back as a resident.

Chairman Cosentino: File a formal application, and we will take it from there and put you on another agenda. Thank you very much for coming.

Continuing Review

**The Boys & Girls Club
351 Main Street
PB2009-08**

**Present: Brian Skanes, Executive Director, Boys & Girls Club
Tom O'Brien, AIA, Principal, O'Brien Architecture**

Tom O'Brien: I would also like to introduce myself as the President of the Board. Thank you for hearing us. I know we have not been able to produce completely yet, but we are very close to this point. I will bring you up to speed on that. We have a time sensitive grant coming down the pike, and we do appreciate your seeing us. As requested, we have removed the property line from the site. Six Laurel Drive is a residence, and that still is a residential lot. We have had great cooperation from Andrea Ocineau of the DEP, who came out on short notice last week and we did some test holes for looking at soil condition. I brought reduced copies of both the surveys without the property line, and the results of our soil test, which will all be submitted as a finished document. The good news of our soil test is that we did not hit rock, and both Andrea and Dan were happy with those initial results. Remaining, we have to do a perc test, showing the percolation of the soil, which has to be supervised by the DEP. We started an infiltration design showing two infiltrators on each side. We had looked into the possibility of tying into the drains, but we found its good soil for percolation. The only things we would be waiting for is the soil test for final design from the engineer which we will get on our site survey, The DEP review and final application and then the submission of the final survey and the DEP sign off for your final review.

Chairman Cosentino: Nanette I do not want to hold up the resolution, so I would like you to add the conditions.

Nanette Bourne: I have all the conditions.

Anthony Oliveri: I would like to submit that to the village engineer also for review, as a condition including the sediment erosion control plan as part of the DEP conditions. It needs to be completed by the village engineer. You need that before the building is issued. It will be part of your stormwater pollution prevention plan that goes to DEP. When you submit it to them, send it right to me.

Chairman Cosentino: This will allow you to go ahead.

Tom O'Brien: Thank you. I appreciate that.

Nanette Bourne: I was speaking with Austin this afternoon, and the tax map I.D. that was on your application is not correct. By the action that you took, do you now have one tax lot for the whole site, or did you just merge the lot?

Tom O'Brien: It became one residential lot.

Nanette Bourne: I think we can resolve this post action tonight. According to village records, the site is a different tax lot. Where the

shed is to be located is 80.42-4-4, which is not what is on your application. I would like to have the opportunity to work out the language with Whitney that references the changes you made. If you want to vote on it tonight, Whitney and I can kind of clean up that language having to do with the lot.

Anthony Oliveri: Nanette, can we also add the condition about the pre-construction meeting?

Nanette Bourne: Yes.

Motion to Approve Resolution of the Boys & Girls Club with all conditions included.

Vice Chairman Sturniolo: I would like to suggest in Condition #8 where it says "Made by the building inspector and village engineer, etc., I would like to add a comma, and add, "and in consultation with the Planning Board Chairman as to whether the modification, etc."

All Board Members agreed.

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

Chairman Cosentino: Please understand that all conditions must be met. We did not want you to lose your grant.

Whitney Singleton: It is the Boys & Girls Club position that you have regardless of tax identifications, that everything outside of the residence constitutes a site plan -----.

Tom O'Brien: Yes.

Brian Skanes: I know there was confusion, but we will get it all cleaned up, do our homework, and get back to you.

Nanette Bourne: We are going to look to you to write out exactly what you have done so it can be reflected in the resolution. We will be waiting for you to finalize that.

Brian Skanes: Thank you.

Continuing Review

**Buckingham Properties
Morgan Drive Lot 3
PB2005-19**

**Present: David Steinmetz, Attorney at Law, Zarin & Steinmetz
Ronnie Ross, Buckingham Properties
Jon P. Dahlgren, Senior Environmental Geologist,
Tim Miller Associates**

James Gmelin, Mount Kisco Conservation Advisory Council

Nanette Bourne: A modified site plan was presented to you for changing the use and a slightly different building configuration. If you remember, on July 7, 2008, after a lengthy review of the previous plan, a scoping outline was adopted by the board and the applicant was told to prepare a draft Environmental Impact Statement. As they told you they would, they have come back with a modified draft-scoping outline for you to review. They have made the necessary changes to reflect the revised project, to reflect the discussion they had with you regarding the remediation plan, and my review of this is that it pretty well reflects the necessary changes in the draft scope. Before you tonight is to consider this: You can adopt the changes and have them go on their way and prepare a draft Environmental Impact Statement. You can schedule a public hearing you had one on the original one, and very few people attended. You do not have to have a public hearing but you can. It is really up to you. Keep in mind that the real meat of this is going to be when the DEIS comes in, and they will have to lay out the details of the proposed project, the actions that are being considered. What everybody is interested in is the remediation plan for both this site as well as the adjacent bed that straddles the Buckingham and Crème site.

Vice Chairman Sturniolo: Is that a given fact on everyone's side about the bed that straddles both sites? Do you all buy into that statement? Do you both accept that the beds and the contaminations straddle both sites?

David Steinmetz: That is our understanding, that the beds straddle both sides of the property line.

Vice Chairman Sturniolo: You are not disputing that?

David Steinmetz: No. I think we have tried to make clear a few meetings back; Mr. Kaeyer presented on this effect before you on the revised proposal. We have no intention of installing drainage in that area, of grading in that area or even paving in that area. The present intention of Mr. Cohen is to try to avoid any interference, disturbance, etc., in that area. So, our hope, and the scoping outline that has been prepared and reviewed will require that we provide you with empirical data of what if anything we believe to be there and what if anything we think will happen as a result of the development. We are confident at this point that the development as proposed and designed by KG & D is not going to adversely impact whatever is beneath the ground. No one is asking you to make that decision tonight. You are making us study that. We understand you are making us study that. If we need to come up with some kind of mitigation in the future after that has been studied in terms of restrictions or limited disturbance lines or appropriate construction techniques, we will deal with all of that.

Nanette Bourne: For clarification, you are proposing what is in those beds that are on the site, you are not proposing to leave? You are proposing some sort of treatment for the mercury or whatever contaminants are straddling the properties. Did I miss something?

Jon P. Dalghren: What that proposal is, I do not think we have determined that yet.

Nanette Bourne: Okay, but your determination is not to leave it and do nothing.

Jon P. Dahlgren: That may be one of the options.

David Steinmetz: We have not made a final decision. It is based on the data that has developed. We know there is surface interference above what I will call the right hand side of the property, where the tanks are. We know we need to deal with the right hand side of the property without question.

Joseph Morreale: The way you wrote this, (Page 12 mitigation measures #3) you talk about the discuss remediation alternatives for sludge beds/filter beds, and then you say discuss remediation for sludge beds/filter beds, if any. That is not the same statement so what are we doing here?

David Steinmetz: In #3 it is obviously a discussion of the various alternatives that could be implemented, and then what is intended here in #5 is ultimately the proposed remediation as opposed to the alternatives. In terms of an outline, I think #3 is, when we get to mitigation, there is going to be an identification of all the different alternatives. I think what #5 is intended to be is what the insitu treatment would be and whether or not it requires anything for the beds. I think we are getting a little ahead of ourselves.

Chairman Cosentino: I think so too. I think we just need to go over what we are here for tonight.

Joseph Morreale: I would like to be clear. I thought we understood that there was going to be some remediation. This does not indicate that. If you want to go back to the beginning fine, but I want to make sure we are clear on that. If you want to start on page one, fine, but I may have to ask that again.

At this point, the board went through each page of the Draft Scoping Outline.

Anthony Oliveri: On Page 6, the drainage study should be one year, ten years, 25 and 100. One year is required by DEP, not two years.

David Steinmetz: Before you pass Page 11, Vice Chairman Sturniolo, this goes to your question earlier. Just so you see in I 1 D it says "describe the filter beds and sludge beds which straddle the property line." I want you to see there is no question even in writing that there has been an explicit acknowledgement that the beds straddle the line. We know we have to describe them and identify them.

Joseph Morreale: Now to page 12. I would be happier if the "if any" was not there and you would actually discuss the remediation that would be done.

David Steinmetz: Correct me if I am wrong. I think the only reason the "if any" was inserted in, is because there has been no final determination whether or not something needed to be done to those beds, as I understand it. That is something the consultants are going to put into the DEIS. It is going to be the subject of review by your board, by your consultants, by the public at a hearing and the applicant has not finalized

a proposed mitigation or remediation for that area. In the spirit of completeness, I think somebody inserted, "if any."

Nanette Bourne: I think the concern was when you were making a statement that there was going to be no disturbance, and because there was going to be no disturbance that it was just going to be left. I think that is what we are reacting to. Is that what you meant?

David Steinmetz: If I am misstating something here - and I am turning to you guys for the technical - my understanding is we had not made a final decision on what is happening on that northwesterly property line. Even as to the remediation. I apologize. We did not bring the consultant that is going to prepare that subsection of the EIS. It is certainly going to be a discussion that we are going to have with the board. That is what I meant when I feel like I am being asked to kind of get out ahead of myself, because we do not have all of that data.

Chairman Cosentino: That will eventually come.

David Steinmetz: Exactly.

Doug Hertz: We need to know that we are going to have a full and thorough discussion of the entire process.

David Steinmetz: If you want to take out the "if any," it does not change that fact that our ultimate description of the remediation may not include anything there. But in the spirit of open disclosure, it was inserted. It was not, Dr. Morreale, intended to cause confusion or to pre-determine a result, but it certainly was designed to do what we have done here.

Doug Hertz: The different sections here are meant to address different areas of the site, and they are not specific. I am assuming the reason you have #1 and a #3 that are different is that the first one is discussing tanks, and the third one is the sludge basin, so we never mentioned the tanks.

David Steinmetz: I think you are right. John and Nanette were both involved in examining this. If either of you disagree with that, it would probably be useful for us to know.

Nanette Bourne: When this was adopted, the sludge beds were not known. There was discovery of the sludge beds post the adoption of this.

Doug Hertz: I think ultimately we are breaking this up and it is not clear why or how. But I think what we need to have addressed and discussed would be the no action scenario, the insitu treatment or stabilization, and the alternative that you have laid out, which is excavation, transportation and off-site disposal. Those need to be discussed both for tanks and for the sludge beds.

Chairman Cosentino: I agree.

David Steinmetz: In which case, we really can eliminate #3.

Doug Hertz: I think what we need to do is, because it sounds like we may have different solutions for the sludge beds in tact, that #1 and #3 should be the same thing. Describe those actions for the tank, and just go through that phase with the same alternatives for the sludge beds.

David Steinmetz: So either we repeat the A, B and C under #3, or we make it simpler.

Doug Hertz: However you want to do it. Just so it is clear that we are going to have a discussion about the sludge beds/filter beds and the three options for all.

David Steinmetz: We are clear on what you are asking us to do. My recommendation is drop #3 and describe under #1 potential remedial action alternatives for all areas of on site contamination. We understand what you want. You want a thorough analysis of all three of those, A, B and C, for all areas on site. I am confident the document will not be accepted as complete unless we do that, so it will be done.

James Gmelin: There was a comment addressing the wetlands situation, and you dropped out the idea of a rain garden. It is not a major issue, but I am wondering why that was done.

David Steinmetz: It was changed from water garden to wetland plantings.

Jon P. Dahlgren: We thought "rain garden" was a specific proposal that we connected with the former plan. We wanted to make it more generic. It could be a rain garden, it could be a combination.

James Gmelin: Why don't you just leave both in?

Jon P. Dahlgren: We could.

Anthony Oliveri: DEP uses "rain garden" as an alternative practice. It is not a primary water quality practice.

James Gmelin: Just throwing in hydrophytes, which are wetland plants, what does that do?

Anthony Oliveri: It is an alternative practice that they usually use for retrofitting, not a primary water quality practice. You could do something like a man made wetland. I would consider that. I do not know that you want to specifically put in rain garden here.

Chairman Cosentino: Is there anything wrong with putting rain garden in?

Anthony Oliveri: It is an alternative practice. It is not considered a primary practice.

James Gmelin: I would recommend it.

Nanette Bourne: It is in the wetland section under the storm water section.

Chairman Cosentino: I would rather leave in "rain garden."

David Steinmetz: Originally, it was written this way, saying "including proposed water garden," because originally KG & D proposed a water garden in conjunction with the originally designed office building. Not that we have changed the design, we are no longer proposing a water garden. It is now proposed wetland plantings to be identified in the

future, kind of along the lines of what the Village Engineer was suggesting.

Ronnie Ross: The water garden was supposed to be something really beautiful to go with the beautiful building. Now, the plants are required.

Nanette Bourne: I can make these changes and have it for you at the next meeting, and if you want to give the applicant some indication before you are considering adoption or have a public hearing.

Chairman Cosentino: I am not sure who will attend the public hearing.

David Steinmetz: All the SEQRA regs that are required, as Nanette suggested, scoping must include an opportunity for public participation. You had a public hearing first time for sure, I do not think anyone showed except the CAC, and they are here tonight. This process has been open for public participation. You posted on your agenda the fact that our scope would be discussed tonight. Have you gotten any correspondence or any contact from anyone about the scope? If not, my suggestion would be because there is going to be a public hearing on the scope, there is clearly going to be a mandatory public hearing on the DEIS after it's prepared and accepted. The public is not being kept out of this process. The public has every right to participate. They have every right to participate from now until the next meeting. You are entirely in compliance with 617.8 E.

Chairman Cosentino: It is rare that I will say this, but I agree with counsel. The scope does reflect the past public hearing.

Stanley Bernstein: The public hearing on the draft scope document is required under SEQRA. It was done once. It should not necessarily be required now. The main thrust will be the DEIS. The public, I am sure, will participate in the DEIS. The draft scope only tells them what has to be on the DEIS, and I do not know if the public wants to be concerned with what is going to be on the DEIS. They just want to see the DEIS.

Vice Chairman Sturniolo: It is rare that I agree with the other side of the table, but I do not think we need to go through it either.

Ralph Vigliotti: I am okay.

Joseph Morreale: I would think it would be redundant, so I do not see the need.

Sol Gibbons: It is okay with me.

Nanette Bourne: I will revise this and put it on for your next meeting.

David Steinmetz: Are we actually revising the document, or are you?

Nanette Bourne: You are giving me a work copy.

David Steinmetz: If Nanette has control of the document, we would like to be on the next meeting agenda so we can get formally adopted and I can turn to Mr. Cohen and the rest of the team and say get going.

Chairman Cosentino: That is fine.

Correspondence:

Fall 2009 Seminars for Planning and Zoning Board Members.

Chairman Cosentino: For those of you who did not get your four hours, this is a good chance to do it.

As there was no further business, on a motion by Vice Chairman Sturniolo, seconded by Joseph Morreale, the meeting was adjourned at 9:10 P.M.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

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