

Minutes
Meeting of the Planning Board
Regular Work Session
Village/Town of Mount Kisco
Tuesday, March 10, 2009

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

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

Members Absent: **Chairman Joseph Cosentino**

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

In Chairman Cosentino's absence, the meeting was chaired by Vice Chairman Sturniolo.

Vice Chairman Sturniolo: Welcome to the March 10, 2009 Planning Board meeting. We are operating under our Regular Session Format.

Minutes: November 6, 2008

Motion: **Stanley Bernstein**
Second: **Joseph Morreale**
Aye: **Doug Hertz**
Aye: **Ralph Vigliotti**
Aye: **Joseph Morreale**
Aye: **Stanley Bernstein**

Recused: **Sol Gibbons**

Minutes: January 13, 2009

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

Recused: **Vice Chairman Sturniolo**

Minutes: January 27, 2009

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

Abstain: **Vice Chairman Sturniolo**

SEQRA Review - Continuing Review of the Statement of Findings:

Westchester Residence and Club
Kisco Avenue
PB2006-19

Planning Board Special Meeting
March 10, 2009

Present: Mark P. Miller, Attorney-at-Law, Veneziano & Associates

Nanette Bourne: In your agenda packet there is a preliminary draft Statement of Findings that brings in the language that was included in the Final Environmental Impact Statement that you accepted as complete. The next step you need to take in the SEQRA process is come up with your conclusions or your Statement of Findings, which is your final opinions on these various SEQRA issues. I thought it would be productive tonight to break these issues into two groups. One group is all those issues in which it appears we have all of the facts and all of the information that certainly will enable you to come up with your conclusions, opinions and findings. Then there is a second group that, in my opinion, there is some additional information that needs to be provided to you. I would recommend that those be dealt with at perhaps at your second meeting. It is possible this will take two meetings, maybe three. It depends on how far you want to go tonight. There are eight items I thought we could tackle tonight.

The description of the proposed project (page 2) ties in with the land use zoning and public policy (page 7) and it has to do with #1, the request to make various zoning changes to permit the use to re-zone the site from PRD, dimensional changes with regards to the PRD maximum height limitation, length of building and a change to the village's parking requirements on adding this kind of senior housing. Also, as far as this proposed use is concerned on this site, there was a Stipulation Agreement and various dimensional agreements regarding the size of the site. Beginning on page 4 is a summary of the compliance of the proposed project. If we get through those, I would recommend we look at storm water, air quality, traffic and transportation, noise, historic and socioeconomic. That is quite a bit of substance to deal with in one night. I thought a good way to deal with this is, as you go through these issue categories, you begin a discussion as to what is included in the Statement of Findings, whether or not you agree with it and think the language is appropriately toned or needs to be changed, or you totally disagree with it. Also, one other action that you need to deal with in the Statement of Findings is a request to amend the village's Comprehensive Plan. That amendment would be a recommendation to the Village Board that changing the zoning and encouraging a use such as senior housing on this site is appropriate, starting with the Comprehensive Plan amendment that is being requested by the applicant and the recommendation to the village board.

Vice Chairman Sturniolo: The Planning Board recommendation would be in the form of a memo from this board to the Village Board?

Nanette Bourne: It could be a memo or as part of the Statement of Findings.

Doug Hertz: Does the Village Board have to amend its Comprehensive Plan to accept the changed zoning?

Nanette Bourne: Yes. The Comprehensive Plan and the proposed zoning need to be consistent.

Vice Chairman Sturniolo: And we did the Comprehensive Plan twelve years ago?

Joseph Morreale: Nine years. Nanette, it would strike me that we should deal with some of these issues first before we start amending the village Comprehensive Plan. If we have to approve the project and then really amend the Comprehensive Plan, and we don't think the project is going to fly, then what is the point of doing the Comprehensive Plan amendment?

Vice Chairman Sturniolo: For the purposes of tonight, because we're not going to finish it, we could hold off on the Comprehensive Plan and just, as you're advocating, go through the nuts and bolts of it.

Joseph Morreale: Unless there is some reason why we need that tonight. I don't see that.

Nanette Bourne: My only thought about the Comprehensive Plan is as a use itself, is a senior housing use on this site appropriate? Is it a change that you want? Set aside whether or not the dimensional characteristics are appropriate. There is no right way to go about this.

Doug Hertz: We don't have to agree on the merits of this specific application to have an opinion of whether this could be a possible use on the site. Personally, I think it's a good use of the site. Forgetting for the moment the specifics of the size and all the issues that we are about to get into, when looking at this versus some of the other uses that we are seeing versus what the Comprehensive Plan says, I think overall it is a

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reasonable project to envision a use of this type on this site, but it does have certain advantages; low traffic, low police and fire, no school involvement, high ratables, potentially less clearing of land and development area than some of the alternatives that we've looked at. On an abstract basis, I think it's a reasonable kind of project for this specific site. I would be in favor of the zoning change, should we feel that there is a need in this instance.

Joseph Morreale: So, you're arguing, Doug, that no matter what we do with this proposal, this is a worthwhile amendment to follow through on? In other words, if this proposal had never come to us, would you have thought of that?

Doug Hertz: I don't think it's necessary to bother to go through the motions of amending a new Comprehensive Plan, but if the Comprehensive Plan were being reviewed today, I would think that would be a very reasonable usage to look at.

Joseph Morreale: At this time, I take the position of still questioning it. I am still concerned about older people going up and down, and the kind of transportation it's going to require. I don't know if I agree with you.

Vice Chairman Sturniolo: Not to make an argument for the applicant, in picking up on the ambulance use, they've stated in the FDIS there is going to be jitney service between the site and downtown Mount Kisco so residents don't necessarily need to have their own car to get into the village, and also they will have their own ambulance on site.

Whitney Singleton: I would like to add for your consideration and deliberation. When you're talking about modifications to the Master Plan, I do not think it is inappropriate for you to consider the larger spectrum. In considering the propriety of this site for a senior housing unit, you can certainly take into consideration some of the ameliorating effects of eliminating an existing, non-conforming existing senior housing facility in a low-density single-family neighborhood on top of a rich one. There is credence to get to that as well, as part of your deliberations.

Vice Chairman Sturniolo: Any other comments?

Stanley Bernstein: Yes. I am very strongly opposed to changing the Comprehensive Plan, and I don't think this is an appropriate use of this land. I also am against changing the zoning, and I think this will be detrimental to Mount Kisco in the fact that what they're asking for is well beyond anything that was ever envisioned by the Comprehensive Plan or the zoning. The increase in all parameters in this application is horrendous. It is one of the worst things I have ever seen in my life.

Sol Gibbons: If something has to be built on that property, I would go with a senior residence. I think it has merit. It certainly will bring in a decent amount of taxes. The impact on the traffic will be very low, certainly no impact on the school system. I think it has merit. I don't like the idea of the road going up to it, but I don't see any other alternative as far as that is concerned. I think it's an appropriate thing for that particular piece of property.

Ralph Vigliotti: I made statements prior to this evening that I was against the zoning. Tonight I am against changing the Comprehensive Plan. I am certainly not against the proposed use of the parcel for senior resident use, but I am opposed to the size and opposed to damaging and cutting through the steep slopes, wetland use, the road going up. I vision that to be a nightmare. Its three and one-half stories as opposed to three stories, it's too large, it's too big. I think it's a good use, but at this point, I am not prepared to vote for it, with the way it's been presented to us.

Nanette Bourne: For clarification, just isolating the Comprehensive Plan Amendment, you support it or you don't support it?

Ralph Vigliotti: The concept of senior housing on that parcel versus another use has some interest to me for the village. Whether it is the tax base that we have the lack of traffic, location and need for services in the village; that is one of the positive aspects of the project. But the project as it has been presented to us, to me, is too big. It's cutting into our steep slopes, which means our ordinance that we have in place has no value, the road system going up, tearing apart those steep slopes gives me nightmares. The wetlands mitigation, I don't know if anything has been changed on the emergency road off the back of the property. I was not here for the last meeting. I have not seen many changes from the way it has been presented to us from day one on everything I have just mentioned.

Nanette Bourne: So the way for us to move through these issues is that I need to be able to modify the text to generate a sense of what the board is. What I heard in just kind of a straw vote is that the recommendation to amend the Comprehensive Plan for this kind of use, setting aside the dimensions of it, is supported by the board.

Ralph Vigliotti: I indicated that as one member I would not support change in the Comprehensive Plan and/or the zoning.

Stanley Bernstein: Neither will I.

Nanette Bourne: So the consensus is unclear.

Joseph Morreale: All I was suggesting was to delay that issue until we really get into this.

Nanette Bourne: Is there a consensus to postpone? Okay. Going back to the project itself, the project components involve a request to modify the zoning and a request to vary the dimensions that were included in the Stipulation Agreement. The zoning modifications include the proposed zoning from CD to PRD, increasing the height to 51 and three quarters, increasing the length of the building from 150 feet to 575 feet, and to reduce the amount of parking for this kind of use. It would go from a required 232 to 197 parking spaces. Doing the Stipulation first, on page four there is a table that summarizes the Stipulation items: Dwelling units - no more than 129 and they are proposing 129. The Stipulation required a maximum building footprint of 60,000 square feet and the project as proposed has 71,500 square feet. Their reason for that is that the additional square footage is needed to be ADA compliant for wider halls in circulation for residents.

Stories: The Stipulation has a maximum of three, and they are proposing three and one-half stories because of slope issues. Height: the Stipulation requirement is for 37.5 feet, the proposed project is 51 feet, three and three-eighths inches. The reason for that is instead of doing a flat roof, which would still exceed the Stipulation requirement is by putting in the gables and giving some additional height interest, it increases the height. The square footage: We've had quite a bit of discussion about the square footage. The Stipulation requires a maximum square footage of 177,000 square feet. What they have actually done is to try to break it up into "occupy-able" and "non-occupy-able," which are terms that they have inserted in here, not terms that were part of the Stipulation. Square footage is now 219,000 square feet, so they have increased it primarily two ways. One, about 50,000 is owing to the parking structure that has been put beneath the building, and the remainder includes mechanical building, circulation and other activity areas that are part of the project. Again, the use of the building broken up in the way that the applicant is proposing is their interpretation of the square footage, not what was included or defined in the Stipulation Agreement. Occupants: 163 is in the Stipulation, 163 occupants is what they are suggesting they can meet, even though there are 178 bedrooms.

Vice Chairman Sturniolo: As one member of the Planning Board, from day one, I would have liked this project to comply with the Stipulation Agreement, and for whatever reason it can't, I wish we had known that a lot earlier in the process. However, I can see some compelling logic and reasons for some of these numeric changes, such as the building footprint to be ADA compliant, to have the wider hallway for circulation, I can understand that. The additional one-half story to me is a visual aid. It will shield the rooftop equipment. It will look more, in my opinion, like a traditional building, and I think it kind of goes to the heart of how this is going to look from various viewpoints within the village. Steep slopes, to me that's a given that there are certain constraints on the building, and that justifies the building height. The gables make it higher in the overall building height of 51 feet, plus or minus three inches. The non-compliant "occupy-able" space vs. non-"occupy-able" space; again I wish we had known the building support, electrical closets, mechanical rooms, circulation elevators, under building parking. I think that could have been a little bit clearer up front.

Doug Hertz: I would like to pick up where Tony left off. It is mind-boggling to me that the applicant would enter into a tremendous contract with the village and set forth all these proposed guidelines and not meet virtually any of them. I don't know what it says for their pre-planning of this project and how it got started. They have given us very reasonable explanations for many of them. They will be compliant with the number of dwelling units, and I can accept the building footprint being enlarged slightly because we are trying not to create such a multi-story building. Some of the rest of this I find ridiculous that we have gotten to where we've gotten. Going from 177,000 square feet and calling most of it non-"occupy-able" - this is just not the way things are done. We've had commercial and residential buildings before us and no one pulls out the

interior spaces of the building and doesn't call it square footage. So, in that sense, I think the applicant is having fun with semantics and being quite misleading when it comes to square footage. I certainly understand, not including the parking garage. I think its good planning to have the parking sub-surfaced. I, for one, would not include that in the size of the building, because it's not "occupy-able" space. It's not heated space, and it's good planning not to create more impermeable surfaces on the site plan. That being said, we're still left with going from 291,000, if you knock out 56,000, you're down to 235,000. We've gone from 177 to 235. Those are interior spaces and are "occupy-able." I find it disingenuous by the applicant to label it anything other than that. The rest of it, I can understand how we got there. A little bit extra height, I agree with Tony's assessment with the flat roof versus the pitched roof and how that's changed. I also understand how we've gotten to sighting issue and trying to get the building sited in such a way that we don't have that height, but I personally find the square footage to be the most misleading part of this application. While we may or may not approve this project, assuming we approve this project, I certainly hope the Village Board will go back and re-look at this contract and say, "we're giving you a much bigger project than we agreed to," and be compensated for that.

Stanley Bernstein: There is no compensation that would help with this horrific document that is put before us. They tried to pull the wool over our eyes from day one without letting us know what was happening. All of these items were revealed little by little, slowly, over the months. I was surprised on every occasion we met with them. What was in their original proposal was nothing compared to what they are proposing now. The square footage is ridiculous. Not to call certain spaces like hallways unoccupy-able space is disingenuous. As far as the height, I think the gables are very nice, aesthetically they're great, but the top of the gable should be no more than 37 and one-half feet. That is the stipulation and that's what I would want. I would not accept anything above that. Of course, the stories, once it gets down to that height, would not matter and they can make the footprint ADA compliant with 60,000. They have to cut down on the size of the bedrooms, but it can be compliant. This is not true that it is 71,515 because it makes it compliant. It could become compliant at 60,000. Everything about this is too much, too big and too disgusting.

Sol Gibbons: It does seem like they are taking advantage of the square footage originally in the Stipulation. I think it could be cut down. I agree with Stan.

Joseph Morreale: Let's take the square footage. You're holding the number of units constant, and you're supposed to build to 177,000 square feet. Now you're saying that you're going to have a much larger square footage and then you're pulling out what is not occupy-able. That would suggest to me that the apartments have gotten much bigger. Is that correct?

Whitney Singleton: Yes.

Joseph Morreale: How much bigger are we talking?

Whitney Singleton: It was originally represented to be 1,050 square feet on average per unit.

Joseph Morreale: And now what are they?

Whitney Singleton: Now it's represented to be a range of 900 and something square feet to 1,400 square feet.

Joseph Morreale: The reason why I ask the question is I don't understand then how you're held to the same number of people if you're adding that much more space and bedrooms, for that matter. I question the occupants at the end, because that will also affect parking. I'm perplexed, statistically looking at the numbers in front of me. How did this happen? I understand what my fellow board members are saying about the height and footprints and all that, but I'm concerned about the actual, physical size of what we're looking at.

Nanette Bourne: Would you like the breakdown?

Joseph Morreale: Yes. I would be interested to know if they truly are going to hold 463 occupants.

Nanette Bourne: If you look on 2-29 of the FEIS, you will see the breakdown.

Doug Hertz: The average floor area of the units is approximate 1,220 square feet and ranges from 960 to 1490 with an average of 1220.

Joseph Morreale: So that is an almost 20 percent increase with the size of the apartments, a little less. Why? Secondly, that leads me to question this business about having to make the footprint bigger to meet ADA compliance, when I don't know if that is the reason now, or is it just because the apartments are larger?

Vice Chairman Sturniolo: The ADA compliant issue could be a reason for the larger square footage, and the other side of the coin is that the square footage could have increased regardless.

Joseph Morreale: The square footage interestingly enough is almost 20 percent larger.

Vice Chairman Sturniolo: Regardless of the ADA issue.

Joseph Morreale: Just looking at the numbers. That would make me think it is due to the apartments. I don't understand the ADA compliance, then. I'd have to have that explained to me. If it is true that you're greatly expanding the size of this for the sake of making bigger units that is going to mean they will probably be more expensive and at the same time you may have more people. Then, I don't know if the numbers we are looking at are anywhere reasonable to what we originally thought. It is significantly larger in many ways that are not described here.

Whitney Singleton: The proposal has changed from what was originally represented to you as far as the average square footage of a unit. The applicant is not proposing any change or increase in the number of bedrooms, in the number of units or the number of individuals occupying the facility. I think what they are trying to do is, to give you an analogy of a Motel 6 and a Four Seasons. They are trying to, within the parameters of their occupancy limits, provide and target a different market. It is unequivocally resulting in larger units and is unequivocally non-compliant with the Stipulation of Settlement in my assessment. The question of whether or not it is a necessary marketing tool for the applicant to appeal to the market that is out there for this particular type of housing is not a question of the Stipulation of Settlement, and I understand and appreciate what Doug was discussing in regard to the increased size and increased compensation, etc., again not something per se for your board, but that is an issue that will be addressed. In regard to getting to the root of what you're looking at, Joe, has to do with marketing and targeting a particular crowd. As you can see from the FDIS, these are not going to be inexpensive units.

Doug Hertz: One of the things that we have not seen from the applicant is that you're increasing the size of the units to stay within the agreement. We've had discussions as to where their financial "break even" is with the number of units. It has been suggested in letters that anything above 120 units is really the point that they wanted to be at, and the Stipulation allows them to go to 129. The design that we've always seen has been 129, and that has been their starting point. One of the things we have not seen as an alternative from that is the reduction of the number of units from 129 to 126, 120, etc., still falling in your financial liability window, and yet decrease the square footage. Nine units of 120 square feet would knock out another 2000 square feet.

Whitney Singleton: I think if you go to the record, you will find some correspondence that the applicant has submitted saying that the aggregate reduction in overall square footage of the facility to become compliant with some of your concerns to get it back down to 1,050 to reduce some of the amenities of the facility within the building, from a marketing and operational standpoint, it will not result in an overall modification of the size of the building. We're not talking about a one-third reduction in the size of the building, by virtue of putting their feet to the fire in some of these stipulation issues.

Doug Hertz: I could envision in some of the areas the gables that come out of the spine or basically the areas that have the highest root points, I can envision removing the top end units of those things, stepping it back. You'd lose some units. You might gain some terrace space for those apartments, but that would do something along the lines of what Stan was asking which is to moderate the extreme height of the end gables, while reducing the square footage and still giving them a number of units that they consider to be financially viable and to some extent you would not reduce the building footprint but you'd reduce the overall square footage of it. It might be one move towards making this a little bit more palatable.

Nanette Bourne: Keep in mind as we move through the modification of the language of this, that you will have the option to say "whereas the applicant has proposed their

intent to comply in areas but they don't, and whereas you find that the building footprint is acceptable or not acceptable." You can say that, "however, as the Planning Board we find that a reduction in the number of units, the building footprint, and the overall square footage of the building is more appropriate and supportable for the project." You can vary the language in your conclusions as you see fit.

Ralph Vigliotti: The Stipulation on the length was 150 feet.

Nanette Bourne: The length has to do with the zoning. The PRD zoning district is 150, they are proposing 575.

Ralph Vigliotti: Their proposal is four times what is in the zone.

Vice Chairman Sturniolo: The four-time increase is predicated on the fact of the zone change.

Nanette Bourne: The Stipulation didn't deal with the zoning.

Ralph Vigliotti: Everything we see is an increase, increase and we get to the parking and that's the only decrease, the irony of the whole thing. I still have some problems with all of that. The zone says 150 feet and without a change of zoning, they would be guided by that number. On the number of stories from three to three and one-half, I think architecturally, as far as creating some residential character to this large building that is something I could certainly live with, as one board member. The height going from 37 feet to 51 feet I am not okay with. Those are my comments at this point except for the driveway going up. I'm looking forward to seeing the model at some point.

Nanette Bourne: Does anyone have a problem with the occupants of 163?

Vice Chairman Sturniolo: No.

Doug Hertz: I certainly understand that having an extra bedroom does not mean you have an extra occupant.

Nanette Bourne: Does anyone have a problem with the stories; going from three to three and one half?

Vice Chairman Sturniolo: Somebody correct me if I'm wrong, but in listening to everyone I think going up to three and one half is something that would be considered palatable by this board.

Nanette Bourne: The dwelling unit issue, saving the size of the building?

Doug Hertz: I have no problem with the number of drawing units, but it may be something that the applicant may decide, or we may decide to ask the applicant to trade off for some of the other things they are asking to increase.

Sol Gibbons: On Page 16, one of the alternatives considered is a scaled down project of 110 units rather than 129.

Doug Hertz: That was a conclusion that the applicant came to.

Joseph Morreale: But the applicant states right in the beginning that they cannot come below 129 for economic viability reasons.

Doug Hertz: We also have letters that say 126, 127, and 120.

Joseph Morreale: Here is where I am still concerned. Somehow, in the marketing thinking of this project, it was decided that the apartments had to be a lot bigger. This is essentially the first time I am seeing the size increase. What drove this change? I find it funny to argue higher prices in this economy. I don't quite understand the economics of it all, and that's driving the problems with the size. If you're saying its 129 units of "this" size, and that's what makes it viable, then you're basically saying we shouldn't be complaining about anything. Because if we complain about anything it's not viable. I object to that.

Vice Chairman Sturniolo: The viability would have to be an issue that the applicant has to decide upon.

Ralph Vigliotti: But it's a constant push for higher, bigger. We have a 20 percent increase in the size of the unit, but we have not seen a trade-off as has been discussed in the number of units. If you have a 20 percent increase, then the number of units has to be decreased. You're getting greedy.

Vice Chairman Sturniolo: Consensus wise, we're either talking about reducing the square footage of the units, and/or reducing the number of 129 to something other than that, that would lower the overall square footage.

Nanette Bourne: I heard the 20 percent discussed is reducing, either trading off in some way the 20 percent. Is there a consensus on the board that that is the direction you want to go?

Vice Chairman Sturniolo: On that particular issue.

Doug Hertz: I don't know for me if I'd request any particular number, whether it's 20 percent. I think we have to see a combination of proposals so we can get this a little bit smaller. Whether it's by reducing a few units; I'm not going to tell the applicant what the size of their unit should be, because that's a marketing thing and a business plan decision they have to make. But something has to give somewhere. For me, I do like the look of what I see. But it is big, and if there is a way to reduce some of this on a few units, a little bit of square footage, a little height, we maybe able to get you something that is a little bit closer to what we envisioned.

Vice Chairman Sturniolo: We have to look at a combination of the various components that would achieve what we're looking for.

Doug Hertz: I think we are all addressing what issues bother us the most. I don't know that we can say to the applicant after tonight, 63 percent agree on the number of units versus this or that. To some extent that is going to be an architectural/business plan decision.

Nanette Bourne: To move this forward, there has to be some conclusion drawn by the Planning Board so that actions can start to be taken, which includes the Comprehensive Plan.

Doug Hertz: To address that it would be my suggestion vis a vis this section of our findings to adopt a statement saying that the amount of non-compliance on the number of items the board finds unacceptable, and we feel that reducing the amount of non-compliance in one or more of these categories would be beneficial to mitigate the adverse effects this project may have.

Vice Chairman Sturniolo: Is everyone comfortable with that philosophy?

Stanley Bernstein: No. The building is enormous. Modifying a couple of things is not going to solve the problem. If the word "considerably" is not in that part of the findings, I am thoroughly against it.

Vice Chairman Sturniolo: Doug, we can always add the word "considerably" to what you just stated.

Doug Hertz: I personally don't see that we are going to get "considerably" when it comes to the applicant. They have made it quite clear that they have financial constraints, and they have amenities that they cannot remove. So, at this point in time, I'd like to find a way to make this project viable, but it has to be palatable to this board and the village that we represent. I hear what Stan is saying, and I respect his position. My position is a little bit less than "considerable."

Joseph Morreale: I'm reading what the applicant wrote here. "However, shrinking the project in any material way will in our opinion risk the loss of the project, since the owner will have difficulty in obtaining the construction financing to permit the project to be built." That to me says, "Planning Board, we have to meet these non-compliant standards to make it viable." I am perplexed because I'd like that proven.

Vice Chairman Sturniolo: You'd like to see back up to that statement.

Joseph Morreale: Yes. Otherwise, it does look like all you're doing is growing the project for the sake of growing it and that is not acceptable. Frankly, I like the project. I even like the style of the building. I can understand the use of this because it is a relatively low intensity use. It's just been a struggle all the way through to get this

project to be acceptable. Also, we don't particularly like being surprised, and we've been surprised at least four times in these deliberations. That does not strike me as a way to run things.

Vice Chairman Sturniolo: Not to make this into a conversation with the applicant and the Planning Board tonight, but if I could address a point that Joe made, Mark, if we could get some kind of hard numbers to back up that last sentence regarding shrinking the project in any material way, etc.

Mark Miller: The only difficulty with that Tony is you've already accepted the FEIS.

Whitney Singleton: They have responded to questions from the public hearing and commented. Is what you're suggesting to re-open the process? The position that has been set forth by the applicant has been supported and documented by three letters over time from the anticipated operator of the facility. They have provided certain documentation in that regard and it was based on nothing more than the opinion of the operator for having been in this business for a period of time. Outside of that, you don't have anything else.

Doug Hertz: We have asked repeatedly over the number of years.

Nanette Bourne: This is not my area, but keep in mind this is the environmental portion, and economic viability is a very difficult and gray area.

Stanley Bernstein: I echo Nanette. We are concerned with the SEQRA process. That is what we have to rule on now. The size of the building and everything else is a site plan problem, and we will also look at it as a site plan problem. We will have the ability to change whatever we feel is changeable under Site Plan Approval. Otherwise, they will not get site plan approval. I think right now we should concentrate on SEQRA, and that this is compliant with the environment; whatever environment destruction they have brought upon this piece of property has been adequately mitigated. That is our job tonight.

Nanette Bourne: The gray area is the size of the building and the number of units. Economic viability is usually not a component of the SEQRA process. What is on the table right now is the concept as worded by Doug. That the amount of non-compliance and the number of items and how they dovetail together, that they need to be reduced. I'm happy to try to work that language into the Statement of Findings.

Vice Chairman Sturniolo: Yes, that's fine.

Nanette Bourne: Dr. Morreale, did you have something else?

Joseph Morreale: To be honest with you, Nanette, I don't know how to react because if you're not going to consider what they're saying as critical to the site plan and the whole operation that they are considering, in terms of what they're saying about economic viability, then where does that bring us? If we are not going to take that into consideration, then fine. But if that is their position, then by making any adjustment to changes you may kill the project, period. I am struggling with that one. Sorry, I'm perplexed again.

Whitney Singleton: You have another option to come back and revisit that issue, and then Nanette and I can talk in the interim. You are not closing things out this evening, and perhaps Nanette and I can offer some guidance for your board in the form of a memo.

Nanette Bourne: Other Lead Agencies have been challenged with economic viability. Maybe we can come back with some clarification on how other Lead Agencies have dealt with it.

Vice Chairman Sturniolo: That would be fine.

Nanette Bourne: Zoning? The site is currently zoned CD. Their proposal is to re-zone it to PRD, which would permit this senior residential.

Vice Chairman Sturniolo: Looking at Page 5, the zoning change to PRD goes to the issue of the building height of 150 feet to 575, and also it impacts the parking count.

Nanette Bourne: Is there any discussion about the proposed zone change to PRD?

Vice Chairman Sturniolo: I don't. In fairness to Joe, who was initially talking about holding off on the zone change recommendations to the Village Board until we tackle some of these other housekeeping chores and we've gone through the bulk of them just now.

Doug Hertz: I think it would be an easy statement to say any text change amendment should not increase the maximum size more than this. We finally decide this building should be whatever we come up with, or whatever ends up being the length, that should be the size.

Nanette Bourne: So link the two?

Vice Chairman Sturniolo: Yes, ultimately to whatever it shakes out to be.

Doug Hertz: In terms of the number of parking spaces, this process has gone on so long I don't remember what their supporting documentation was. I know they gave us an estimate based on usage of similar buildings in their experience. Did we ever get anything more than that as supporting data?

Nanette Bourne: They provided examples of other similar uses of their parking, which we verified as accurate. The parking that is provided for these types of senior enriched range from one space per unit to one and one-half per unit, and it has a lot to do with the age of population. Obviously if you have a younger population, you're going to have more cars. This target market is an older population which justifies having fewer parking spaces. In some of the projects that were closer to public transportation, the parking requirement was closer to one per unit. This really isn't close to public transportation, even though they are providing a jitney. At one point four per unit, they are a little bit on the higher side. The highest is one and one-half, but closer to the higher side.

Ralph Vigliotti: Has the age requirement come down?

Nanette Bourne: There is no age requirement. It is 55 plus, but they have stated their target market has been 70 to 79.

Mark Miller: That is typically what the market would be. The 55 is the standard established as a safe haven for housing at that level.

Nanette Bourne: There is no requirement that someone be 80.

Mark Miller: No.

Vice Chairman Sturniolo: Going back to the zoning change issue, what are our feelings?

Nanette Bourne: The zoning as far as the proposed change in the parking requirements?

Vice Chairman Sturniolo: That and the overall issue of the zone change.

Nanette Bourne: We were going to link those.

Vice Chairman Sturniolo: I know some of us also feel that the idea of a recommendation, and correct me if I'm wrong to the Village Board regarding the zone change and everything associated with it is not something that this board is comfortable with at this time. But, if these numbers get changed and become more palatable to the board regarding square footage, height, square footage of the individual apartments, then that may influence the recommendation to the Village Board from us. Having said that, maybe that is something we need to hold off till the end. Postpone that issue until we've grappled with the nuts and bolts of everything else.

Nanette Bourne: That would be fine.

Doug Hertz: In terms of the timeframe of this entire process, when would that recommendation need to be made to the Village Board?

Whitney Singleton: The Village Board and any other board that would be acting upon this cannot take any action until you have adopted this Statement of Findings. The Statement of Findings will be your position with regard to this applicant. A Special Use Permit, the site plan, steep slopes permit; would not be approved until this Statement of Findings is approved. This Statement of Findings is the predicate for any ultimate decision your board makes. In many respects, it will be sort of "cut and paste," but if

your board determines that some of these impacts have not been mitigated to the maximum, that will be reflected in the recommendation to the Village Board.

Doug Hertz: It seems to me a lot of these things are chicken or egg, and they are cycling each other. How do we come up with a Statement of Findings that is predicated on "this meeting this, this meeting this?"

Whitney Singleton: When you decide what to do.

Vice Chairman Sturniolo: For tonight, let's hold off on the zone change and the associated parking.

Nanette Bourne: Okay.

Whitney Singleton: I think it's a fair statement that to the extent that your board is going to make recommendation or take a position with regard to the change in zone, the change in the maximum building height, change to permitted number of parking spaces to the extent that you are willing to make those, you would like to scale this to whatever project that you might deem be acceptable.

Vice Chairman Sturniolo: Nanette, on page five where it talks about purpose and need, LEED rating system for new construction, can we insert the word "silver" because it's in the FDIS and it is an established goal.

Nanette Bourne: Yes. If you'd like to jump to Page 13, we can try to tackle traffic and transportation and air quality, noise, historic and archeology resources. Traffic: the conclusion is that this is a relatively small traffic generator considering the size and the various adequate capacity on Kisco Avenue to accommodate the traffic that would be generated, particularly during peak hours.

Doug Hertz: I support that statement.

Vice Chairman Sturniolo: There is also the traffic light that is obviously advantageous and minor adjustments as it says in the last sentence about the traffic signal equipment to control entrances and exits to the site. I see no issues on that subject at all.

Doug Hertz: I would agree that the situation has improved since signalization of the Saw Mill site.

Nanette Bourne: So we will leave it as is. Air quality.

Stanley Bernstein: I have a problem with air quality regarding the words, "construction activity would result in limited...", it should be "large" short-term air quality impacts. How many trucks will that be?

Nanette Bourne: May I recommend that we take the reference to construction out of here and put it in the construction section.

Stanley Bernstein: Then you can't very well say "a limited short term air quality."

Vice Chairman Sturniolo: Remove it and address everything else but that, then address construction later.

Stanley Bernstein: Also, there would not be a significant increase in short term overall CO₂ emissions. It has to be deleted from this section.

Nanette Bourne: Yes.

Doug Hertz: When it comes to air quality, we make a statement in here about emissions and tree removal. "Air quality impacts resulting from removal of trees would be partially offset by replanting of trees as per the Tree Preservation and Protection Plan." I'd like to increase that statement to talk about what we've be referenced to which is payments into a fund for tree replacement, off-site mitigation. I think that this village should not be de-forested. If we are going to be clearing one space, we are going to have to be re-foresting another or working on a continual basis to replace trees as they become needed around the village.

Vice Chairman Sturniolo: Whitney, am I correct in that is one of the requirements that the Village Board wanted?

Whitney Singleton: I know that the Village Board is planning on doing a lot of plantings and restoration and reinforcing, but I believe it was the applicant that proposed this as a means of a viable mitigation measure, instead of putting things on the site that would not be able to survive.

Doug Hertz: I think we should reference that in this sentence.

Vice Chairman Sturniolo: Yes, it's in the FDIS.

Stanley Bernstein: I object to that. When you destroy a forest of 2,000 trees, by taking 2,000 trees and planting them row after row on the streetscape, you are not mitigating the loss of the forest. If you take that forest that is destroyed and plant a new forest, it would probably take close to 100 years to replicate what is there, because a forest is not merely a collection of trees. It is much, much, more from the soil and the contents of the soil and flora and fauna of the soil right up to the shrubbery and everything else that is part of that forest. To say you're mitigating the loss of a forest by planting 2,000 trees all over the place, you're mitigating nothing. You're adding trees, which are very nice, but you're not mitigating the loss of the carbon sequestration, no matter how many LEED buildings you produce, it would take maybe 100 years to equal the carbon loss with what LEEDS will produce; LEED silver and platinum. It's absolutely meaningless and misleading as well. Loss of a forest cannot be mitigated without producing another forest.

Vice Chairman Sturniolo: Is there another location we could put that issue similar to where we pulled out the concern about construction and air quality?

Nanette Bourne: It can be in the natural resources section on Page 9.

Vice Chairman Sturniolo: Would that be acceptable?

Stanley Bernstein: Yes.

Doug Hertz: As we are talking about air quality, trees do have an effect on air quality by their filtering factors. Stan, I agree, that primarily perhaps that should be discussed under natural resources, but if it can be referenced under air quality as well.

Nanette Bourne: Nothing else on air quality, noise. I think it's a good idea to move the construction related to noise into the construction section.

Vice Chairman Sturniolo: Anthony are you comfortable with the 200 feet hammering hour's nine to five? Is that standard?

Anthony Oliveri: I'll have to check on the 200 feet. I don't know that we have a village standard for hammering. I will look into it and let you know.

Doug Hertz: My guess is because of the topography there you will probably hear it not in the closest residential area, you will probably hear it further back.

Vice Chairman Sturniolo: Historical and archeological resources: They did a Phase one A stating Phase 1 B was undertaken and the evidence showed that nothing unusual or of historical value showed up on the site.

Joseph Morreale: It says "construction activities and blasting would not cause excessive vibration beyond the boundaries of the property." If we're going to build the road going up, it seems like there would be a lot more activity that would be heard and felt. It would strike me that it would have a fairly large impact. I guess I'm asking for guidance on that. Would it or wouldn't it cause excessive vibration, noise, etc., from blasting, etc.?

Stanley Bernstein: I think that sentence implies to if there were an archeological site, they feel that the vibrations would have no impact on the archeological site rather than on the neighbor's houses.

Nanette Bourne: At socioeconomic (page 15) and growth inducement (page 16).

Vice Chairman Sturniolo: It talks about tax advantages, not generating any school aged children, village services is tied into emergency services, full time positions during the construction period, full time positions during normal operation, and it also makes reference to a 2 percent increase in the village overall population.

Doug Hertz: Under growth inducement it says we would have approximate 155 residents. Considering how every part of this applicant has tried to max out the number of residents, I think we should assume that if they are limited to 169 residents, there will be 169 residents.

Nanette Bourne: We can change that. That is the group that I thought was good to tackle tonight. We can tackle the next group next meeting.

Vice Chairman Sturniolo: Nanette, if you would be kind enough to summarize this is some kind of a chart form, what we need to look at.

Nanette Bourne: I will do that.

Vice Chairman Sturniolo: We will put this on the agenda for continuation at the next Planning Board meeting.

Conceptual Review

**Jim Han
Sylvan Learning, Inc.
117 Smith Avenue
PB2009-03**

**Present: Jim Han, Center Director, Sylvan Learning Center
Thomas A. Nugent, R.A., Architect**

Vice Chairman Sturniolo: This is a conceptual presentation. There are not going to be any decisions made tonight. We want you to give us a thumbnail sketch of what your overall thoughts are about the project, and then there will be some feedback from the board.

Jim Han: Sylvan Learning Center tried to move to the 117 Smith Avenue about 15 or 20 years ago. I believe it was in there, so we're trying to go back in there. We purchased the building and we're going to close this Friday on the 13th. It was a medical office building. The lot size was 15 x 125. Right now it has five to six parking spaces. We need to share the driveway with our next-door neighbor, 121.

Vice Chairman Sturniolo: You were just handed an important memo for you to read from the Building Inspector. It is still current and still timely even though there is a 2008 date on it.

Whitney Singleton: I was provided the original site plan this evening and from my perusal of it, the site is presently not compliant with the zoning requirements for whatever the parking spaces are. It does not have access on the zoned property, and there was relief granted by the Zoning Board of Appeals in 1978 for there to be a telemarketing firm with not more than four full time employees and two part time employees. They represented that that would be the use of the building, and that the six parking spaces on the site would be sufficient, even though they are not compliant with the parking regulations today or back then as it requires backing out onto the neighbor's property. He was granted a variance, which was limited in both duration and nature. It was granted solely for the use that existed, and it was intended to terminate upon the sale of the property or upon determination of the use. I don't know what the current occupancy is, and I don't know how it exists. It seems to be in violation of the equivalents for the site, and the Building Inspector has identified them in his correspondence.

Vice Chairman Sturniolo: For overall direction, should they go back?

Whitney Singleton: I don't know what they've done, but the Building Inspector has clearly pointed out that there are problems and as issued a Notice of Violation and Order of Correction. He has suggested there be a sit-down meeting between himself and the applicant, and potentially me. I have indicated my willingness to sit down, but they have some outstanding issues here that perhaps they want to tackle and then come back and see your board in regard to the parking, the permitted use on the property, the access traversing somebody else's property without an agreement in place and I don't know what your boards individual concerns are with regard to the his proposed use being in this location. Not that my opinion counts in this matter that much, it does legally, I am not certain as to the permissibility of the use in the zone.

Vice Chairman Sturniolo: I agree with the building inspector stating about the permissibility in this particular zone for this use. Putting aside everything else, if it can be ironed out, that is still a big question mark in my mind, about the appropriateness of The Learning Center regarding this location, over and above a lot of the legal and technical issues that Whitney just outlined.

Whitney Singleton: The Building Inspector put in his memo approximately six months ago that the site plan is no longer valid, and these issues need to be addressed immediately.

Vice Chairman Sturniolo: Also, the conclusion about if the property was sold in the interim.

Sol Gibbons: Also, the memo points out, "I must point out that the facts will clearly obstruct any attempt of sale at this time and they will not extinguish should a sale somehow otherwise occur in the interim."

Doug Hertz: Is it appropriate to adjourn this so that they can clear up the issues? We certainly will have questions as to the number of students, how will the building be used, etc., all of these things we will go through in a presentation, but is it premature to go through all of that?

Vice Chairman Sturniolo: I think so; because there is always the possibility it may never happen. There will be tons of other issues in question as it goes forward, assuming it goes forward. But I believe the first thing to need to tackle is the points in that memo.

Whitney Singleton: Are you making any proposals to deal with the parking issue or the pick up and drop off, how many students? Do you have any proposal in that regard?

Jim Han: We have a less requirement for parking than a regular office. During the daytime there are no students in here. We are only dealing with after school hours (4:00 to 6:00). Students come by for mostly one hour; very few students come for two hours. The parents just drop off the kids and leave. Saturday we are pretty busy from 9:00 to 12:00. Our busiest is 10:00 to 12:00, and there is nobody on that street. The students keep coming and going, and stay for mostly one hour.

Vice Chairman Sturniolo: My suggestion is that the first thing you need to do is work on that memo.

Jim Han: That is why they sent me to this review, to deal with these issues as they date back to 1978. All of those things happened in 1978, and then they sold to a doctor's office. The doctor's office was in there for 30-35 years. It has been in commercial use for a long time.

Vice Chairman Sturniolo: My suggestion would be to contact Austin Cassidy.

Jim Han: I did have a meeting with Austin.

Vice Chairman Sturniolo: If you have, then start to address the points that he made in that memo.

Jim Han: He wanted me to go through your board to see if the board was okay with it to grant me the variance and the parking issue he wants me to legalize, have an easement to share the driveways. On Friday we are closing and after we close we are going to record a Deed on 117 and 121. Normally, everybody is okay with it, because they have been doing it for 30 years.

Whitney Singleton: Did you say you were getting an easement for it?

Jim Han: Yes. Both of our attorney's have drafted it and agreed on it. After Friday's closing the Deed will be signed.

Vice Chairman Sturniolo: Thank you for coming.

Final Action:

Peter Smith
211 Kisco Avenue
PB2009-01

Present: Peter F. Smith, R.A., Architect

Vice Chairman Sturniolo: We have a copy of the Resolution of Approval for the Site Plan and Change of Use, and I also need to add that DEP is going to now require a stormwater pollution prevention plan.

Peter Smith: It is in the process of being designed, to our surprise.

Vice Chairman Sturniolo: There is also a note from you to Jeff Econom addressing certain issues that he raised and Anthony as well.

Peter Smith: And Ms. Bourne as well.

Nanette Bourne: The applicant received a letter from DEP a few days ago declaring that a stormwater pollution prevention plan would need to be prepared for this even though it is a small change in the site. If the board wants to move ahead with the resolution, on page 2 under Referral, memos under New York City Department of Environmental Protection instead of it being referred, that there was a letter received and it is not typical for the board to approve a site plan without having a SWPPP, but it's not outside the purview of your board to do so. It's a very small item that has to be taken care of, and if you look on Page 2, Condition #5 refers to obtaining county, state and regional permits. That regional permit would be a New York City DEP permit for the SWPPP. The reference on page 2 that this is within Mount Kisco's urban renewal area, the urban renewal agency has been repealed so the last three "wherases" should be deleted.

Vice Chairman Sturniolo: Regional Permits, #5, is that sufficient language to address the stormwater pollution prevention plan or do we need to highlight that as a separate condition?

Nanette Bourne: As a separate or included in this one.

Vice Chairman Sturniolo: Just to incorporate it in there.

Whitney Singleton: You want to condition the issuance of the building permit on it or a C.O.?

Vice Chairman Sturniolo: My opinion is that it would be advisable to do it as a condition of a building permit first and not a C.O.

Doug Hertz: You're already in design?

Peter Smith: Yes. Right after our last meeting, I sent everything back and called the DEP, sent the revised drawings and everything to them, and they lost them. That is why I didn't get a letter back from them until two days ago. Had they responded immediately, we would have had our designs and we would be finished this evening. They were apologetic, and I think Ms. Ocineau was surprised that the supervisor required this as we are. Scott Blakely at Insite is designing, and according to DEP it is a rain garden. It's a shallow swale with water loving plants, so there won't be any possibility of run-off, even though we are reducing the area of impermeable surface. It will be located along the path and around the outside of where the snow storage area is. Is there any way that we could begin something? I am thinking of the horror show scenario where they lost Scott's plan for six weeks.

Vice Chairman Sturniolo: I can understand your security concerns, but just get as much confirmation from DEP as you can that they indeed have it in their hands.

Peter Smith: I'll keep you posted with this periodically.

Nanette Bourne: Is your question can you get a building permit?

Peter Smith: Could we start doing something?

Vice Chairman Sturniolo: I don't think it would be wise for this board to allow the issuance of a building permit until the SWPPP has been completed. I understand your concern about it getting lost, but I think you need to do some internal staying on top of it.

Anthony Oliveri: I would like to make a couple of minor changes. Number three under conditions, call that an "as built" survey, and also we should mention a pre-construction meeting here, because we'll have to monitor the work.

Sol Gibbons: This is where the trash area is here? Here you have a 12-foot measurement and here you have a 10-foot measurement.

Peter Smith: This is the distance where the pavement comes out.

Joseph Morreale: Nanette, I assume Condition 9 should be eliminated or adjusted.

Nanette Bourne: Nine and 15 become eliminated.

Vice Chairman Sturniolo: Before I ask for a motion to adopt a Resolution of Approval, I think one thing you probably can do to keep your project moving forward would be interior work on the building but no exterior site work, which would necessitate a building permit.

Peter Smith: What would you say to roof repairs and a roof replacement, if we could do something like that? It wouldn't require a building permit and the roof is old and not in good shape. Before we did anything on the interior I would really like to have a watertight roof on the building. How would you parse that?

Vice Chairman Sturniolo: Nanette, can we put that as a condition? Specifically talk about the roof?

Whitney Singleton: I think that is maintenance work. I think your board's concern and appropriate jurisdiction is make sure there is no site disturbance work going on, no earth work going on and the creation or removal of impervious surfaces until he has the SWPPP from DEP approved. I think it is within his right to do interior renovations and building maintenance and repair.

Vice Chairman Sturniolo: Will he not need a permit from Austin?

Whitney Singleton: He may or he may not. He probably does, certainly for the interior renovations. I'm sure as an architect you know.

Peter Smith: I definitely would.

Whitney Singleton: We have to worry about a scenario where he doesn't get approved from DEP. We don't want him digging up the ground without that. His roof repair could continue.

Vice Chairman Sturniolo: So if Austin had to issue a permit it would be specifically limited to the repair issue of the roof.

Peter Smith: Or excluding site work.

Stanley Bernstein: You can't do anything until the tenant is out.

Peter Smith: You're exactly right.

Doug Hertz: On Item 7 we talk about landscaping. We usually have a line in there that talks about being maintained and that is not in here.

Nanette Bourne: I will put that language back in.

Ralph Vigliotti: Early on you indicated you wanted to leave the grass in the front of the building without any improved landscaping.

Peter Smith: At our last meeting we were going to leave the grass along the Kisco Avenue side but were planting against the building.

Motion to Approve the Resolution with the Additional Changes and Deletions made for 211 Kisco Avenue, PB2009-01.

Motion: Stanley Bernstein
Second: Joseph Morreale
Aye: Sol Gibbons
Aye: Ralph Vigliotti

Aye: Doug Hertz
Aye: Joseph Morreale
Aye: Stanley Bernstein

Peter Smith: Thank you very much. It's been good working with you.

Final Action:

Lutheran Church of the Resurrection
15 South Bedford Road
PB2008-24

Present: Matthew Sabanosh, Alfredo, LDC, Contractor
Rev. Doctor Jack Horner, Pastor, The Lutheran
Church of the Resurrection

Vice Chairman Sturniolo: We are looking at a modification to a previously approved site plan, and the modifications basically deal with stonework, path work, concrete pavers, re-doing an existing driveway... There are also various photographs and examples of the material that are going to be used by Alfredo as your construction person.

Anthony Oliveri: In the draft resolution, there are the same comments as in the previous one. The "as built" should be as survey. Also, there should be a pre-construction meeting before any work starts. Also, I do not believe we have a letter yet from DEP.

Matthew Sabanosh: We have pursued it with DEP. Right now we have the fax that we do not need anything, but we are still awaiting that letter from them.

Anthony Oliveri: If that is the case, it would be covered under the conditions in the same letter.

Nanette Bourne: On Page 1, please check with Nancy regarding any escrows outstanding.

Doug Hertz: On Number 14, the one way, do not enter. Is that specified on the plan?

Matthew Sabanosh: I believe they were re-doing the plan to show that.

Nanette Bourne: I didn't see that on the plan, that's why it's a condition.

Doug Hertz: So, maybe on the "as built" we should make sure that gets incorporated.

Anthony Oliveri: If it is a condition on the resolution, the Certificate of Occupancy will not get issued until that is done. When we get the "as built" survey, it will reflect on that.

Doug Hertz: We seem to find these old site plans, and when something comes to us from 1978 where either a site plan shows up or an approval shows up, it would be great to have everything. So let's make sure those are on the surveys, and that will be enough.

Anthony Oliveri: Yes, and if you do want to add, it should be reflected on the "as built" survey.

Matthew Sabanosh: Is there a size for that sign? It's right in front of the building.

Anthony Oliveri: There are standards for highway type signs, but I don't know if there is a standard for that.

Matthew Sabanosh: We are going to want to make it really nice, instead of a street sign.

Vice Chairman Sturniolo: I don't see that as being an issue.

Anthony Oliveri: When the work starts, we will be monitoring it, so then you can give us some information on the sign and we can run it by the village and see if everything is okay with that.

Planning Board Special Meeting
March 10, 2009

Motion to Approve the Resolution for Modification of the Approved Site plan for the Lutheran Church of the Resurrection, PB2008-24.

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

Matthew Sabanosh: Thank you very much.

New Business:

- **Adoption of Rules and Procedures 2009 of the Mount Kisco Planning Board.**

Stanley Bernstein: There should be some changes made, which I have outlined. There are things that need to be reformatted.

At this time, Whitney Singleton and Stanley Bernstein went over each item, which was changed by Mr. Singleton.

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

- **Nominate and Elect Stanley Bernstein Secretary of the Mount Kisco Planning Board**

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

Stanley Bernstein: I accept the position with a great deal of humility and I will do the best I can.

Old Business:

- Review the inclusion into the Resolution of Approval of the typical approval trash enclosure.

Vice Chairman Sturniolo: The Assistant Village Manager would like this to become a part of the future site plans subject to modification, predicated on the size and location. I think he is looking for a consensus from this board that we agree that drawing is adequate.

Nanette Bourne: Just so you all know, this drawing was provided to us by Jeff awhile back. Staff has been giving this out to applicants as the standard, but we never got an official vote.

Ralph Vigliotti: Are they giving it out with the cross out of Yorktown and adding in Mount Kisco or have they re-typed it?

Nanette Bourne: I don't know, but that might be a recommendation.

Vice Chairman Sturniolo: Nanette, if you would e-mail Jeff and do a memo about it.

Ralph Vigliotti: We should really type the text over.

Doug Hertz: Nanette, Anthony, is this typical in other municipalities? Is this what we want everywhere?

Nanette Bourne: This has nothing to do with what materials they use.

Doug Hertz: It's pretty specific, and it says exterior to match the building.

Nanette Bourne: That's a good idea to change that.

Joseph Morreale: I thought we were agreeing to some kind of drawing for these kinds of items, not that we were agreeing to the specifics.

Vice Chairman Sturniolo: Correct. Subject to modification based on it's usage on a particular site plan. It may not work physically, or the location may not work on the site plan.

Anthony Oliveri: I think the idea of this was to kind of suggest concrete block so we have a permanent basis, not just a say chain link fence enclosure.

Doug Hertz: I hate to say yes to something at the end of the night when we're tired, but this was not thought out.

Ralph Vigliotti: I agree.

Vice Chairman Sturniolo: Nanette, please bring these comments to Jeff's attention, let him clean this up and we'll look at it again.

Ralph Vigliotti: On the upper drawing, he's showing chain link gates with opaque facing material, which was approved by the Architectural Review Board. I'm not sure we want to have chain link gates, and I think this needs more gates.

Doug Hertz: I think the idea is that it will be a solid three-sided structure with bollards at the back to keep it from being bashed into and a solid base.

Vice Chairman Sturniolo: And it's also tied in to match the material of the building. Once Jeff re-does this, we'll put it back on the agenda.

Correspondence:

- Letter from Neil Alexander to Chairman Cosentino regarding CVS.
- Letter from Steven Helmes to Austin Cassidy regarding 421 Lexington
- Letter back from Austin Cassidy to the architect regarding 421 Lexington
- Letter from Katherine Zalantis re Site Plan Application for 421 Lexington.
- Letters from John Drake, New York City Department of Environmental Protection re Old Iron Warehouse stormwater pollution prevention plan (letters dated January 29, 2009 and January 30, 2009).

Stanley Bernstein: The letters regarding 421 Lexington are about the sheet rocker who tore down that tree. His attorney says he wants to go to retail, and he doesn't need a site plan. According to village code, it's true, but I don't think this should be done without site plan approval. Can we insist on that, or is that Austin's call?

Whitney Singleton: The question is whether he has triggered anything under 100.45. I know that based upon various discussions and conversations I've had with Austin and Nancy, Nanette and others, it's been very contentious. He cut that tree down in the front. This is Austin's call as to whether or not there is something that triggers an application before your board. I believe that some of the issues that he wishes to pursue will trigger a change of use permit to your board. I have made those thoughts known to Austin.

At this point, Nanette Bourne handed out material from the Westchester Action Plan for Climate Change and Sustainable Development: Practical Steps Forward to Make a Difference pamphlet and Climate Smart Communities: A Guide for Local Officials.

As there was no further business, on a motion by Mr. Vigliotti seconded by Mr. Hertz, the meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Stanley Bernstein,

Planning Board Special Meeting
March 10, 2009

Secretary

dm