

Minutes
Meeting of the Planning Board
Regular Work Session
Village/Town of Mount Kisco
Tuesday March 24, 2009

Meeting called to order at 6:30 P.M. at the Municipal Building Mount Kisco, New York. At this time, the Planning Board met in Executive Session with Counsel to discuss existing litigation with Town and Country.

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

Members Absent: Sol Gibbons

The meeting then reconvened at 8:05 P.M.

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

Members Absent: Sol Gibbons

Staff Present: Nanette Bourne
Whitney Singleton
Anthony Oliveri

Public Hearing:

**Grand Prix New York
333 North Bedford Road
PB2005-21A**

Present: James Diamond, Owner, Diamond Properties, LLC
Uri Lyalko, General Manager & President, Grand Prix
New York
Sy Aregyh, Manager Member, Grand Prix New York

Jim Diamond: We submitted a letter in January which basically summarized all of the restrictions and conditions in the Special Use Permit for Grand Prix Racing New York. We compared those items to the way in which Grand Prix currently operates. As we pointed out in the letter, all of these items were developed before Grand Prix was open for business, and in an effort to address four main criteria; i.e., to ensure that Grand Prix operates within it's pro-rata number of trips for 333 Bedford Road as a whole; that we work to limit access to members of the facility and their guests; that we control alcohol consumption and then in general to contribute positively to the town and local community. All of the items that were in the special use permit were developed by Grand Prix in an effort to address each of those criteria and were presented to the board. After much review a couple of years ago they were incorporated into the Special Use Permit. Once the facility opened for business, we learned that some of the items that we developed at the time were extremely difficult to implement. We've done a line item by line item and put all of the Special Use Permit items into this summary grid.

Chairman Cosentino: I think we'll go through each one of them.

Jim Diamond: One of the items on the Special Use Permit was that entrance to the facility was restricted to members who were racing and a maximum of 25 guests using the facility or 35 guests during league championship events, which was projected to happen 24 times a year. One of the things we realized is that it is extremely difficult to limit access to members who are racing as opposed to just members of the facility. Our proposal would be that all members are allowed to enter the facility whether or not they happen to be racing that day. Practically speaking, there is not a lot of reason to go to

Planning Board Work Session
March 24, 2009

Grand Prix unless you're racing. The majority of the people who go do intend to race, but it's difficult to implement a procedure whereby Grand Prix queries each person as to whether or not they're racing. The flip side is that everyone who races does have to be a member because there is no way to be scheduled into a race unless somebody is already a member, by purchasing a daily or annual membership.

Joseph Morreale: If they're not racing, what are they doing?

Jim Diamond: They could be there to stop in to see what's going on. There is not a lot of reason for people to visit the facility unless they're racing. One of the things that we've seen in general, the most important criteria in the Special Use Permit is that we keep trips and occupancy within those leagues in the ranges that were allowed, 65 trips per hour during the day and 100 trips per evening and occupancy to 120. There is no doubt that the facility is staying within those operating parameters. There is not a lot of reason for people to go unless they happen to be racing, which is why we don't think there needs to be a formal process to ensure that people aren't going unless they're racing.

Joseph Morreale: So they're not going to eat and drink.

Jim Diamond: Right. As everyone knows there is a restaurant within the facility, Eau Rouge. It is not advertised to the general public. The only people who would know its there are people who would go to Grand Prix. Business is extremely slow, and the lunch business has been discontinued at the restaurant other than on Friday, Saturday and Sunday. It is primarily open during the dinner hours and business is still extremely light. Grand Prix has not been restricting access to the restaurant to just members who are racing and their guests, primarily because business has been so slow. On a global basis, the key criteria was to keep the occupancy of the facility down, and I think the concern of this board was that the restaurant could become a large draw that would bring in 100-200 people on a consistent basis, and that clearly has not been an issue for the property.

Chairman Cosentino: On the membership. I didn't see any difference about members going in there whether they're racing or not. You have to watch some else race. I have no problems with that.

Vice Chairman Sturniolo: I think that would help business as it would encourage people to come back and race, which would generate revenue.

Jim Diamond: That is a very important part of Grand Prix's success. This type of facility does not exist anywhere else in the tri-state area. The one we talked of when we were here during the approval process is the one in Boston. It's important when people get to the facility they see what racing is, they get a better sense of why it's fun and why they should do it and why they should enroll their children in it. It does definitely help generate future business for the operation.

Uri Lyalko: We also noticed during the last year that we have quite an enthusiastic following. We have groups of people who have become friends in the leagues that are run in April or May and keep the relationship going. One may visit the other while the other is racing.

Chairman Cosentino: The next item is: GPNY will monitor and control the entry of all members and guests into the facility. Again, I don't have a problem with that.

Jim Diamond: The access to the racing is controlled again because people have to go to the reception desk in order to register, become a member and race. When Grand Prix initially opened, there was someone standing at the front for the first few weeks trying to act more as a security guard. We determined this was not necessary and didn't create the right operating environment. They're trying to create a welcoming facility to draw people in to become members and race, and it doesn't seem necessary to create some sort of a physical barrier to keep people out.

Lester Steinman: It appears that the membership club will be limited to racing. Anything else that goes on has nothing to do with membership. That's how I see it, but it would appear that way.

Jim Diamond: Yes, but I think it's important to emphasize that other than the racing and the restaurant there really is essentially nothing else.

Chairman Cosentino: In the original applicant and the original approval seemed like everything else in the building was married to racing. We see it sort of splitting up now where the restaurant, the video machines and pool tables are used to watch races. I think it's changed, but I think it had to change in order to survive. What is the difference if a person races or goes in there to sit down and eat? With the economy the way it is today, I think he needs to change in order to survive. To put handcuffs on him is not what we're trying to do.

Vice Chairman Sturniolo: When we started this project and envisioned this special permit for Grand Prix, there were no guidelines. There was not another Grand Prix elsewhere that operated the same way. I believe Grand Prix went to a lot of extremes to satisfy the concerns the Planning Board had and invented certain things to put in. Now that you've been operating for awhile, you realize that some of those inventions are not practical any longer, they needed to be modified. There is no benchmark of modification other than what you're experiencing on a daily basis.

Uri Lyalko: That is absolutely right. The key criteria in controlling trips and traffic generation to the property would not change from the way the business has always operated. I think that was really the key point we are trying to make here.

Chairman Cosentino: With the original intent we heard the word "corporate" a lot. Corporate is not going out anymore, so he's really not getting as much corporate as he felt he was going to get.

Uri Lyalko: We are also finding that allowing people a little more flexibility in the space, allowing them to walk around if it's their first visit, helps us tremendously in future membership.

Jim Diamond: The third item was members of the facility will be required to sign in by scanning GPNY photo credentials within the facility, and their guests will be required to wear special bracelets. Functionally the business does operate this way, but as we are going through this exercise we wanted to be very precise in terms of really pinpointing exactly things within the resolution where the business is not operating 100% the way it was written. In other words the resolution was quite specific as opposed to being somewhat general. All members do have a membership card but for the number of events, corporate or social where 60 or 70 people are coming in simultaneously, potentially, they are not being issued an actual membership card. They are being issued a daily membership receipt which validates the fact that they have a daily membership and that they can race. We wanted to highlight that because the resolution was quite specific.

Chairman Cosentino: I agree that it takes time for 30-40 people to be registered in coming in. Les, David, you will have to tell us if something like that could be eliminated.

David Stolman: It is not essential to making it a membership club.

Chairman Cosentino: I think the burden would be on his staff to check who is a member and who is not a member.

Jim Diamond: To emphasize again, there is no way someone can simply race without being a member. People don't simply walk over to the track and start racing. They have to go to the point of sale, which is the reception desk. The salesperson there has to enter them into a computer and into one of the races which happens every twelve minutes, and a ticket is generated for that race. It is impossible for people to race without being a member.

Chairman Cosentino: Let's talk about the restaurant a little bit. As you know, I have no problems with the restaurant. But we don't want to make it a place where you party with a disco and loud music. Something has to stay within that resolution that prohibits a loud band.

Jim Diamond: There is definitely no intent to try to make it into that type facility. I think there was always that fear that it could become some sort of a large magnet. Since it has been opened for over a year at this point, the restaurant has operated extremely well. There have been no single incidents in terms of police being involved. It's been a consistently quiet operation and pretty upscale. There is no effort made to attract a large or rowdy type of clientele.

Lester Steinman: We need a reaffirmation of good will by the operator. As has happened in the past, it will not be accepted if the operator tries to stretch these things beyond what is permitted.

Chairman Cosentino: We spoke about that, and we trust you that it will not happen.

Jim Diamond: Yes. Thank you. The next issue is occupancy. We developed two different trip limits - one for 65 per hour, which was Grand Prix's proportion of 20%, based on their square footage Monday - Friday 7 A.M. to 6 P.M., which is when the other business are operational. Outside of those hours we had a trip limit of 100 per hour because that is when the balance of the facility is generally quiet. We did not carry that concept over to occupancy because we had a 120 person trip limit for 120 person occupancy for all hours of the days and all days of the week, whereas we believe it should have been proportional to the trips, so that trips increase from 65 to 100 hour per limit, occupancy could increase from 120 to 185, which is in direct proportion to the trip increase.

Chairman Cosentino: So you want to up the original 120 to 185?

Jim Diamond: Only on nights and weekends when the trip count goes to 65 to 120.

David Stolman: The math works out fine. It was something we just left out. It makes a lot of sense.

Jim Diamond: Everyone knows there were some issues with the Special Event process over the past year on Grand Prix's side, and part of that was the difficulty with the process and the fact that it was not entirely standardized. There was the thought before Grand Prix existed that we would have a long time period from when we knew that there was a need for a special event. Enabling Grand Prix to essentially submit for approval for that event, and that there would be a four to six week turnaround before Grand Prix knew whether or not an event was approved. What Grand Prix learned in practice is people call then to book events and they are looking for a very quick yes or no answer, what the pricing is, if the date is available, and if they could have the event. They also learned that a lot of their events are surprisingly booked on short notice. Grand Prix had expected that people would book events far in advance, which some of them are; but they found that the majority of them are actually booked on very short notice. For example, events for March are still being booked this week. They don't really have a lot of advance runway on these. We also came to realize that it should be possible to standardize the process, because the key criteria is somewhat objective in terms of the number of people who are going to be there, how they are arriving, whether by cars or busses, etc. It doesn't really matter which organization is having an event. The key criteria are the number of people arriving, etc. We proposed standardizing the process with a form that Grand Prix can submit, which we have included in draft form with the submission for your review. They would fill out that form, submit it to the Building Inspector for review, and Grand Prix would know as long as they fit within the criteria on the form that essentially the event would be approved.

Chairman Cosentino: The chairman has to sign the application, and the application says 30 days. A lot of times the application came before me, and it was two weeks. I didn't feel he should lose the business, so I signed them. That part of it, with the boards permission, should be changed and reduce the 30 days. We have to know if we need traffic control, safety, etc. I think the 30 days should be reduced to a number in which we all agree.

Vice Chairman Sturniolo: Mr. Chairman, in support of that, this form included here seems to cover everything, i.e., additional police. I would assume there should not be a lot of questions that the village would have once that form, the way you've designed it, is submitted and approved. Obviously, it makes sense to cut the time period down.

Chairman Cosentino: I agree. The form would have to be provided by the Building Department. Les would have to look at it.

Lester Steinman: It would also have to be referred to Austin. You also mentioned, Mr. Chairman that you would like to possibly have the Village Manager replace your roll.

Chairman Cosentino: Yes.

Lester Steinman: You might want the Building Inspector and the Village Manager to get involved in the discussions to make sure they are comfortable with the process, and get back to the board so we can go forward with this process.

Chairman Cosentino: We would like to change that in the resolution.

David Stolman: This pertains to the Mount Kisco Athletic facility as well, and in that resolution we talked about the fact that we had worked out all of these procedures, and we had the special event procedure by the time they got their Certificate of Occupancy. We need to work it out in that context as well, and presumably do the same procedure.

Jim Diamond: There were a couple of other items that we addressed in here in terms of types of events that we were proposing not included in the cap of 12 events per year. Events that are below 300 people and those that are for charity, non-profit, military and law enforcement organizations. There have been a surprising number of non-profit events of all sizes at Grand Prix over the past year, definitely more so than Grand Prix originally expected. The logic in retrospect is all of these non-profits are always trying to raise money, and having a fund-raiser event at Grand Prix is a change from what they've done in the past. Grand Prix would continue to support those non-profits but sometimes the events are for free and the non-profits pay. The rates are generally lower than the for-profit world, and there is a desire to not have that business displace ordinary for-profit type business. The logic behind the 300 is because that number can be easily accommodated at the facility. One thing we've seen over the past year is people, even in the 80 - 100 person events, come by bus. The facility can accommodate these people while 333 still stays within its overall trip limit counts.

Chairman Cosentino: I think an application should be filled out so we know what it is, regardless. We've always help non-profits, but I think an application should be filled out so we know what is going on here, and know that it is a non-profit and let the Building Inspector evaluate the application. We need a paper trail. If we feel they need officers at the end of the road, Grand Prix will have to go for that.

Jim Diamond: We did that for the hospital event last year.

Vice Chairman Sturniolo: The application would be the formal notice of what is going on, and Grand Prix would not be financially penalized by these non-profit events if they are not incorporated within the cap of 12.

Uri Lyalko: Since our last meeting in January, there have been four events I've spoken to Austin and Patti about, and there were no issues. Austin recommended we touch base with Chief Anderson, and we spoke a number of times.

Chairman Cosentino: Good. That's the right way to do it.

Lester Steinman: Is the board comfortable without limit on this category?

Joseph Morreale: Since you've been in business for a year, how many events did you have that fell into this category?

Jim Diamond: Irregardless of size, quite a few.

Uri Lyalko: 15 to 20, on a much larger scale, definitely fewer.

Chairman Cosentino: How many total events for non-profit and profit?

Jim Diamond: Grand Prix has had a lot of events, but they define an event as anything other than members coming in for a race. They have a lot of events where 15 people rent a track. That is still an event.

Lester Steinman: How many special events?

Uri Lyalko: We did not exceed the allowed 12.

Lester Steinman: The Planning Board is talking about doing this without limits, so you could be going from 12 special events per year to more.

Chairman Cosentino: You said you had 15 non-profits, but you didn't go over 12.

Uri Lyalko: We didn't go over the 12 allowed large events permitted.

Jim Diamond: For example, my wife is holding an event there for mothers supporting one of the local school programs. It is going to be about 40 women racing. Its well below the threshold required for a special event permit, but it's a non-profit permit. As

far as events that are over the 120, they've been below the threshold. It's a parent/child/teacher group, and Grand Prix is not getting compensated for this. They are just providing the facility, and the women who race will be paying \$50 per person. The money is going to the non-profit organization. Grand Prix feels this is good for the community.

Ralph Vigliotti: We are proposing that certain types of events including those below 300 people and those for charities, non-profit, military or law enforcement do not count. So you can have dozens of 250's non-profits that wouldn't count. I'm concerned about that. You can have dozens of those in a calendar year, where you can have up to 300. Below 300, you do not need any kind of permit. Then you're saying you still want to have, but not count toward, your 12 events, which obviously would be above 300. There could be a lot going on here.

Uri Lyalko: Looking at our past year, we would like to improve on those numbers, but it's very difficult to expect in this environment.

Ralph Vigliotti: I understand that, but we're going to come out of this environment giving away the store across the country, so we have to be careful and find a happy medium.

Lester Steinman: If you are not doing 100 events a year, why ask for 100 events a year?

Jim Diamond: I agree with your point that we need to assume the economy gets better and Grand Prix's business will continue to improve over time as people become more aware of the facility. We looked at 333 North Bedford Road as a whole, and this business in particular is extremely easy for a facility and this business to absorb 300 people without any meaningful impact on the property at all. 300 people within Grand Prix can disappear very quickly, as it's a 120,000 square foot facility. Not that we don't want any restrictions, but the original intent is to say we don't want this facility to turn into 1000 people events, 7 days a week, 52 weeks a year.

Lester Steinman: Are you asking for an unlimited number of special events or non-profit regardless of size? This is how it reads.

Jim Diamond: I think you're right, that is the way it reads. I don't think the intent is that there should be 100 events with 1,000 people, if it's not realistic that that would ever happen, and that was not the intent of what we are trying to propose here. Maybe we can re-think that.

Joseph Morreale: What is your intent here?

Jim Diamond: Over the past year there was actually one event that was over 300 people.

Uri Lyalko: It would be a great disappointment to have to turn a customer away, especially with a great cause. We are willing to work with all ideas you come up with here, and I don't think the intent was not to allow us a minimum amount of events.

Sy Aryeh: Regarding the charity events and the limit of 12, please know that there are over 600 applications and they are fully the board's purview.

David Stolman: There were fewer than 12, which is a pretty good size, so there is no limit to the maximum.

Sy Aryeh: You have the limit in your hands, because you have to approve it at your discretion. You still have the ability to say no to those.

David Stolman: We are trying to streamline the process so it's really not discretionary, if the traffic control was there, etc. It seems, and I heard it was not the intention to be unlimited.

Jim Diamond: We could almost take out the charity, non-profit, military or law enforcement if we left it that below 300 is okay. I think we've seen over the past year is nearly all events are below that. We don't think there is a scenario where there is going to be a tremendous number of very large events at Grand Prix.

David Stolman: It seems like raising the number to 300 is effectively raising the other numbers.

Jim Diamond: What we're saying is as long as the facility is operating within its standard operating procedures of 65 and 100, 120 and 185 trips, no special notice needs to be given to the town. If there is going to be an event of 250 people, then a form needs to be submitted to

Austin Cassidy and Jim Palmer for review, and if they determine police presence is required or some other accommodation needs to be made, it can be implemented. That is the key criteria. We believe we can accommodate those events without a negative affect on the property, but it makes sense for the town to be aware of them through the submission of the Special Use form.

David Stolman: The 120 and 185 was devised based upon the traffic analysis.

Jim Diamond: The 120 came from the 1 per 1,000 square feet. That would be the warehouse occupancy, and the 65 just came from a pro rata number of trips to the property. It was a little bit random at the time.

Ralph Vigliotti: So going back, you're okay with removing the clause for general non-profit military and law enforcement organizations; to remove that clause?

Jim Diamond: Yes because I don't think it's going to have an impact on any of those kinds.

Joseph Morreale: You have a justification for that down later in the paragraph. It seems to me you want that because you donate services to the non-profits and military and law enforcement organizations. If you remove that, then you're not going to have that statement either, nor the rationale.

Jim Diamond: The concern that was raised was the way this was currently worded that Grand Prix could have an unlimited number of events that would be under 1,000 people, and we're trying to address that concern. I think the vast majority of events are below the 300 limit, whether they are non-profit or not. It fits in there anyway. In the extent that there is an occasional event, such as the hospital event, if that is one of the twelve; I don't think we will hit the twelve limits at that point. On page five there is the note that there will not be any non-racing spectator events, music concerts, non-racing sports competitions, no advertising or promoting of parties or events in which a live DJ or a live band is hired primarily to attract spectators to visit the facility. The bottom of the page says all the corporate events will be required to rent either one or both tracks, but we're asking for this to be removed.

Chairman Cosentino: I think the reason for that was corporate would go into a room and have a lecture, and after that spend a few hours on the cars. So, now you want to eliminate the use of the cars?

Jim Diamond: This is not an important issue for Grand Prix. As we were working through the resolution it came up as an item we felt we should address, because it does not seem to serve a functional purpose. If a group of 20 people came in and rented the conference room for one-half a day, it doesn't seem to have any impact on Grand Prix, but I don't think this is a situation that has risen over the past year.

Vice Chairman Sturniolo: The phrase "team building" was a criteria from day one that you used in explaining Grand Prix. It's more than just going in and racing so you could see who is faster. When you started talking about corporate events, it was always team building depending on how these events were structured. You cited an example of the tire change exercise, which makes sense to me to eliminate it.

Chairman Cosentino: Let's just take it out. On Page 6, what is the age of the children for the junior league, and how many kids would you have?

Uri Lyalko: We have a program for children 8 above to 16 years old and classes are sized between 15 and 23 kids. The parents are there, it's very structured. Sometimes the parents drop off the child and leave to run errands and then come back to pick them up. The parents meet the child's instructor, and it runs five hours a day. Between drop off time, registration and pick up, it's a six hour lesson two days a week.

Joseph Morreale: How are the kids supervised?

Uri Lyalko: They are always with the instructor. They are working on drills, they're in the classroom, and then they're on the track. Then they take lunch together.

Joseph Morreale: What happens if someone gets sick?

Uri Lyalko: Medical staff is there if there is a problem. We have trained EMT's on staff.

Jim Diamond: It's important to know that kids come in for a five hour program and they are with two or three instructors for a five hour period. They are not running free throughout the facility. Parents drop them off, some stay but some choose to leave. We thought this was somewhat of a technicality, but again, we're trying to be very meticulous as we address this in every area which is slightly different from the way it was originally written.

Ralph Vigliotti: Earlier on you said you were going to be making a contribution to Mount Kisco. With the summer youth group camp coming up and talking about the youth leagues as we are discussing now, that may be a wonderful opportunity for the village to take advantage of your offer on rainy days. That would be a nice partnership. Charlie Pieragostini is the Recreation Director.

Jim Diamond: We will definitely follow-up with that.

Chairman Cosentino: On Page 7 under Pay for Play Games and Pool Tables. The code says three or more on the pool tables. How do you interpret that? Does he need a permit for the three, since he has three?

Lester Steinman: The ordinance is a little complicated. We will go back and review it again.

Chairman Cosentino: Two is no problem, but once you go into three it's a gray area whether you need a permit or don't. If the code provides three and the kids are waiting to play free pool, I don't have a problem with that.

Jim Diamond: We discussed this with Austin and originally defined it as coin-operated, but he suggested that we use a more general "pay for play" because modern machines may not use coins.

Jim Diamond: On the bottom of Page Six, it was originally proposed that everyone who came into the facility gets a wristband, and if they drink the wristband is removed. It's sort of logical, but it also means that everyone is getting a wristband even though very few people actually drink. It created a lot of extra work and Grand Prix realized they could flip the policy around and instead mark the people who do drink and just keep those people from driving. We agree there needs to be a system in place to ensure that people do not drink and drive the carts and Grand Prix has not at an issue with this over the past year. We are not proposing a change to the intent, just the implementation.

Chairman Cosentino: When you stamp on a drinker, do you check their license for their age?

Uri Lyalko: Of course, every time. It's standard procedure.

Chairman Cosentino: Could it be put in the resolution that they must ask for identification?

Lester Steinman: I think they are under a legal obligation to do that.

Jim Diamond: Alcohol consumption really has not been a major issue in the past year. The staff is trained to use a breathalyzer on people whom they see fit.

Motion to Close Public Hearing for Grand Prix New York:

Motion: Vice Chairman Sturniolo
Second: Ralph Vigliotti
Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo

Approval of Minutes:

February 10, 2009

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

Aye: Ralph Vigliotti
Aye: Chairman Cosentino
Abstain: Vice Chairman Sturniolo

SEQR Review:

Westchester Residence and Club
Kisco Avenue
PB2006-19

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

Nanette Bourne: Regarding the Preliminary Draft Statement of Findings, I updated the resolution in your packet to show where there was some discussion but not some conclusion drawn. We need to pick this back up and continue on. Keep in mind your obligation as Lead Agency is create these findings as a synopsis of what you want for the project and what your conclusions are. The FDIS, the EIS and this should contain the board's collective feelings. If there are areas of ambiguity, it could be written to express that. Last time I started with the description of the proposed project and land use and zoning. At that time you decided to defer those subject to later on in the discussion. If you still want to defer those till later on in the discussion tonight, we can tackle some of the other items. Let's go to page eight.

Stanley Bernstein: There is something on page seven that needs to be taken care of. It states the proposed project would not result in any significant adverse environmental impacts. I'd like to change that statement to say the proposed project would result in a significant adverse environment impact. However, we find that the benefits to the village of Mount Kisco override this consideration.

Ralph Vigliotti: I can't agree with that.

Stanley Bernstein: We can re-word it.

Joseph Morreale: I would suggest that should appear as "the proposed project would result in a significant adverse environmental impact, and with mitigation we find the benefit of the village overrides the environmental impact.

Stanley Bernstein: I maintain there could be no mitigation. A destruction of a forest cannot be mitigated by 2,000 individual trees being planted elsewhere. The only mitigation for destruction of a forest is a new forest elsewhere of the same size. It really cannot be mitigated. Nanette, having a lot of experience, can re-word that to make it palatable. We just cannot sign to a lie saying there is no environmental impact. That is a lie.

Joseph Morreale: I agree.

Nanette Bourne: I think you are trying to say that you recognize that there are not fully mitigated environmental impacts, however, since this is a balancing process...

Doug Hertz: I think if you are going to make a statement like that, we are going to need a fuller description of what that balancing is. I would like to include a description of the project, the balancing that will happen with the changes that are contractually proposed to happen if this project is approved. To me, part of weighing all of these environmental impacts has to be lessened using a non-conforming use on Mountain Avenue and the possible re-forestation of that use. I think we need to get in our project description a fuller understanding of how this project will ultimately dovetail with what the village will gain with the Town & Country property.

Nanette Bourne: I will elaborate on the contractual obligations of the five acres on Mountain Avenue, as all part of the proposed project.

Stanley Bernstein: You can also mention something about pecuniary considerations being involved to the Village of Mount Kisco.

Nanette Bourne: I am not sure that is appropriate for SEQRA.

Stanley Bernstein: You're right, but it should be part of the balancing act.

Nanette Bourne: Page eight, the land use and zoning and public policy, your discussion involved an issue regarding the emergency access drive, which you really didn't come to a conclusion on. The emergency access drive, as the applicant shows, and this really

carries on through all of the sections, their FEIS responds to various questions and issues regarding emergency access, so they do show this emergency access road going up and exiting out around the Mountain Avenue property. The first thing you need to deal with is whether or not you find the emergency access road as they are proposing is acceptable as mitigated, or if not, what alternative for emergency access you want to propose. For example, an emergency access road somewhere else on the property as well as some redundancy in the utilities such as fire, water pressure, the water tank, so there is some safety valve in case there is some catastrophic event that happens on the site. My sense is that there is some consensus that the emergency access drive as they proposed it is not acceptable to the board.

Vice Chairman Sturniolo: And the rest of the wording makes sense.

Doug Hertz: The letter from James Gmelin also supports that position as well. We all concurred with that.

Nanette Bourne: The board recognizes that there may be alternatives that achieve the emergency evacuation that could be needed in such an event.

Vice Chairman Sturniolo: That's going another step further. I'm not 100 percent convinced that you need one to begin with, but I'll go along with the wording of that.

Doug Hertz: For right now we're just talking about the environmental impact of that specific road. I don't know if we need to come to a consensus as to anything other than that.

Nanette Bourne: You've come to a consensus that the road as proposed is not mitigated to any extent acceptable to the board. So that's off the table, and then there needs to be some type of emergency plan that could include alternate access, redundancy and utilities.

Doug Hertz: We can certainly develop that on their site plan.

Joseph Morreale: Could we put something in like, "with significantly less environmental impact." That's what we're concerned about. Whatever the alternatives, they have to be less of an environmental impact.

Nanette Bourne: And this concept is going to be repeated in several of the sections.

Joseph Morreale: In that event, how do you handle the acreages that you keep referring to? Do you assume that the road isn't there?

Nanette Bourne: Their proposed plan includes the road, but when you get to these other areas, you say the disturbance acreage is unacceptable as proposed, and I could put something in there that gives with the disturbances without that road.

Joseph Morreale: That would be helpful.

Doug Hertz: We have two sets of numbers; a "with" and "without."

Nanette Bourne: On page eight, the numbers in the first paragraph would be modified. If you notice I moved the Stipulation Agreement information into it's own section, and I would recommend your rendering opinion on the maximum height of the building in the PRD district is 40 feet, and they are proposing a 51 foot, 3 and 3/8th inch building height to the gable mid-point. If there is consensus that this is okay with the board, then that would mean that the PRD district would be modified to permit this.

Doug Hertz: These zoning changes in this paragraph will ultimately end up being recommended to the village board, that they adopt. Whitney, is there away to do this such that it is the PRD district but on a parcel not less than 17.1 acres?

Whitney Singleton: You want to make it site-specific, without it becoming impermissible spot zoning?

Doug Hertz: Yes.

Whitney Singleton: I don't know that that necessarily is a tier that you need to concern yourself with it, in its current status. This would be the only undeveloped PRD site in the village. It's not as though this would have unintended impacts elsewhere in the village.

Doug Hertz: Do we want to make this as narrowly drafted as possible?

Whitney Singleton: I believe that the proposed zoning amendment is solely the discretion of the Planning Board.

Mark Miller: Yes, and also limited to this particular proposed use within that zone. It's not entire PRD. The amendment is already in the section for the seniors.

Doug Hertz: It's use specific within the zone?

Whitney Singleton: Correct. It's a special permit within the zone. You can have control of the special permit. The building length is entirely discretionary with your board. If the building length is staying at 50, except in unique circumstances where your board deems it to be appropriate for this specific use. It's somewhat narrowly tailored.

Mark Miller: Both the proposed height and the building length are tailored not just to the PRD but also to the special permit use within the PRD.

Nanette Bourne: So it's just as discretionary as any permit use. If you meet the criteria, you get the special permit, but it's a fairly limited application.

Doug Hertz: Does the same go for the parking space count?

Nanette Bourne: Yes.

Doug Hertz: So we're not re-drawing a ratio.

Nanette Bourne: It's only for this kind of senior housing. The issue of the height is what's on the table, in the PRD district related to senior housing.

Doug Hertz: I think the applicant has shown that they've managed to lower the building to the lowest extent possible. I wish it could be less.

Chairman Cosentino: I don't think it could be less.

Nanette Bourne: It could be if they went to a flat roof, but the gables make a much more interesting building. Is there a consensus on this?

Joseph Morreale: Do we need a conditional phrase, "given the nature of the use, the proposed building height exceeds and we accept that." Do we need to put that in?

Chairman Cosentino: You need to put in what it actually is.

Nanette Bourne: I could add something about given the architectural style proposed; there are visual advantages to the increased height.

Joseph Morreale: That really specifies why we're doing this. To me, it's fine.

Nanette Bourne: Moving on to two paragraphs down regarding the length of the building, the PRD currently has a maximum building length of 150 feet, they are proposing a modification to 575 feet for this building. You can almost say the same thing. If you're comfortable with the 575 feet, the way the building is articulated, it has reduced the visual impression of another building that might be a very long 575 feet.

Vice Chairman Sturniolo: So you're saying use the same supportive language discussed previously?

Nanette Bourne: Yes.

Stanley Bernstein: Any supportive language that you have and any subjective clauses you have, I still think 575 feet is far too much under any circumstances, and no matter how you word it, 575 is enormous. Just too much.

Nanette Bourne: Would you like this to be qualified that, "although the board continues to have concerns?"

Stanley Bernstein: I'm only one voice, but I have a concern about the length of the building.

Ralph Vigliotti: I agree with you.

Joseph Morreale: I think this is one of those cases where a statement is needed; "there is a feeling among some members of the board that this was still too extensive." I think that's fair because that's getting at the fact that the board is not in total agreement.

Stanley Bernstein: That sounds fine.

Chairman Cosentino: I will go on record saying I don't have a problem with the 575 feet. Can we get somebody else saying for the record that 575 is okay, or are we just going to have two against.

Vice Chairman Sturniolo: I feel 575 is okay.

Doug Hertz: Again, because the building has those projecting sides, I agree.

Joseph Morreale: I'm okay as well, given the style.

Nanette Bourne: The next paragraph regarding the parking, I think people are comfortable with the parking ratio given the specific use?

Chairman Cosentino: Yes.

Nanette Bourne: The next paragraph probably needs to be taken out. It was language that you all were exploring at the last meeting regarding reducing the overall impacts. This is new in there, so it needs either to be taken out or modified.

Stanley Bernstein: It looks like a good paragraph to me.

Doug Hertz: I would remove that paragraph. Maybe we want to indicate that that the majority opinion is dissenting opinion.

Nanette Bourne: Something along the lines of, "whereas some members of the Planning Board nevertheless concludes."

Ralph Vigliotti: I happen to agree. It is totally out of scale with the environmental constraints of the site. I happen to think it's well written, but I am only one member of the board. A building that is almost two football fields in length that will have environmental impacts in reference to scale will be just outrageous. I happen to think it is a very well written statement, whether we like it or not.

Joseph Morreale: It's staying in?

Nanette Bourne: Yes. I will have to massage the sentence a little bit. "Nevertheless the majority of the board concluded that unbalance." Again, the same kind of language. The next one goes to the comprehensive plan. The applicant is requesting that the Village Board amend the comprehensive plan to include this use, and it's the Village Board decision, not the Planning Board that you make a recommendation to the Village Board.

Chairman Cosentino: Yes.

Stanley Bernstein: The sentence, "the project would not result in significant adverse impacts." You can't say that. You want to massage that a little bit too.

Vice Chairman Sturniolo: It is referring to land use, zoning, and policy period, not necessarily environmental concerns.

Nanette Bourne: The issue is whether you are comfortable with the land use for that particular site.

Stanley Bernstein: Going back to the previous paragraph, it does result in significant adverse impacts because of its size, height, etc.

Nanette Bourne: But as senior housing, the land use itself.

Stanley Bernstein: I will not argue against having it stay, but I am not very happy with the use itself.

Chairman Cosentino: I want it to stay.

Vice Chairman Sturniolo: I want it to stay.

Nanette Bourne: The consensus is that it stays. On the top of page nine I included some notes; members talked about adding to this the benefits of replacing the existing senior housing on the ridge, which goes back to what we were talking about in adding to the project description.

Doug Hertz: You can add those as supporting statements within that.

Vice Chairman Sturniolo: I do not think it is redundant. The more you say it, the more you are establishing a belief in various subjects.

Doug Hertz: Getting to the next, you're talking about a specific area of visual resources where I think that needs to be specifically restated because when we get to visual resources, in both the second and third paragraph, talking about what is going to be visible, taking into balance the removal of the old Town and Country, the possible reforestation of that section of the ridge line should all be included as one part of the discussion. I as one planning board member would request that the Village Board whose control and oversight it will be, that we make a recommendation to them that these be looked at one site for the purpose of reforestation, and we can do off-site tree mitigation in that area which would help offset the visual impacts.

Nanette Bourne: Even though reforestation is not part of the proposed project.

Doug Hertz: We had talked about offsite mitigation and tree plantings, whether it is a donation to a tree fund, etc.

Nanette Bourne: You want to say the Planning Board encourages the Village Board to consider reforestation as part of the future use of the five-acre property.

Doug Hertz: Yes, contiguous property.

Nanette Bourne: That would be included in the second paragraph. The third one concerns the ridgeline. I know there was some discussion whether or not this interferes with the ridgeline; in fact, it is not on the ridgeline. It is visible, but it is not visible because it is on a ridgeline.

Doug Hertz: What is visible is Town and Country's current facility.

Vice Chairman Sturniolo: And the plan is to demolish that building.

Nanette Bourne: I will add that in there. The next issue contains the retaining walls. They provide a description of the retaining walls. My opinion is whether the retaining walls are 12 or 15 feet high, 700 or 200, it is almost a site plan issue that will come to you once the Statement of Findings is adopted. You are already going to have a lot of impact with the retaining walls. If you reduce them by half, you still have big retaining walls. I don't think it necessarily reduces the environmental impact, but it something you want to deal with in your site plan review.

Stanley Bernstein: I agree with that. If it's dealt with in the site plan review and steep slope portion, it can't be too stark a contrast between what is said here and what is done there to mitigate the problem. Something has to be said in this paragraph. We can't say we are totally against any retaining walls because the road will not work. But we have to make the language sound as if there will or might be some future modification when it comes to site plans.

Nanette Bourne: One way to handle it is to say the one way the Planning Board recognizes that given the sloping nature of the site, complete visual mitigation of the retaining walls is unrealistic and cannot be fully mitigated.

Joseph Morreale: How does that address the steep slopes issue?

Nanette Bourne: It doesn't, really. The issue of retaining walls is really an engineering issue.

Doug Hertz: In this section, we are talking about the visual.

Nanette Bourne: Page 10 - Natural Resources - you said it was okay to modify this to reflect the board's opinion on the emergency access.

Vice Chairman Sturniolo: Otherwise, natural resources are okay.

Doug Hertz: Approximately 600 replacement trees are proposed. The 600 is the amount of trees proposed to be replanted on the site?

Nanette Bourne: Not entirely. The plan has not been fully developed, so the numbers were numbers provided to us by the applicant. This is something you would deal with in greater detail in site plan approval, because there will have to be a detailed landscape plan.

Vice Chairman Sturniolo: Maybe we can eliminate the 600 and word it that there will be replacement trees as proposed.

Nanette Bourne: Word it that there will be a comprehensive tree replacement program.

Joseph Morreale: It looked to me, the way it was written that it was a three to one ratio. If you're destroying 200 trees, you're going to replace it with 600.

Vice Chairman Sturniolo: The 200 is only referring to the proposed access drive.

Joseph Morreale: We have no idea how many trees are being destroyed?

Doug Hertz: It says 1895, if you don't take into account the 200.

Joseph Morreale: It's the other way around, one out of every three.

Doug Hertz: Typically that is not the way we've done it.

Joseph Morreale: We've done it one to one.

Nanette Bourne: We've done it a number of ways. I think the goal has been one to two; we've talked about replacement of the width, the grip of the tree. It has been on a case-by-case basis.

Ralph Vigliotti: Even a number of 1895 doesn't truly represent the number of trees being removed because they are only counting trees that are four inches in caliber and larger. There are many, many more trees below four inches in caliber that are being taken down that are not being considered in this count.

Doug Hertz: When it comes to replacement and off-site tree replacement program, I think we need to leave this open-ended when it comes to numbers and counts and replacement ratios but acknowledge that both on site and off site, whether it's through a fund or direct planting, acknowledge that there is not enough room on site to replant.

Stanley Bernstein: Again, I have to reiterate this is very deceiving. When you count trees and trees to be replaced, you're missing a larger point. You're destroying a forest; you cannot mitigate the destruction of a forest by planting individual trees. The only way you can do that is to replace or save another forest. Also, when it comes to the replacement of trees, we've been leaning towards the DBH. A 32" tree is not equal to eight four-inch trees. It's probably 24 4" trees. When it comes to reforestation, it does not necessarily mean larger specimen trees have to be replaced; all you have to do is get it started, because plant succession will build a forest. As a matter of fact, if you tear down the Town and Country and just don't touch it, in a matter of 50 years you will have a forest. You can help that along by putting in saplings. That would not apply if you are not reforesting, but it will apply if you are trying to replace individual trees. This whole entire section is actually deceiving. It really doesn't say what is going to be done.

Doug Hertz: I understand what your statement is. I still think we should make our best effort to try to replenish the resources that we will be losing in whatever best method we can achieve.

Vice Chairman Sturniolo: So we're back to basically saying that 600 number and be generic.

Nanette Bourne: Again, go back to what is expected during site plan review, an aggressive on-site and off-site tree reforestation.

Doug Hertz: Maybe this is a place in which we can make a recommendation to the Village Board to reforest the continuous section of the ridgeline that will become available.

Joseph Morreale: I would like to see that. Would it be a good idea to say something about equal replacement? You don't have to specify a number, but you can at least say that you want something comparable with a goal of equal, and we'll worry about what equal means, but at least we've said it.

Stanley Bernstein: There is one other consideration, which I hesitate to bring up. It says here 2,256 trees were counted. Of that, 1,895 will be taken down. The so-called specimen trees that would remain, not only have to be carefully watched and fenced, etc., but the drip line has to be considered. If a specimen tree, like a 30-inch oak, is in an area where the switch back is taking place and there is a retaining wall there and the retaining wall's foundation comes within the drip line or the root of mass of that tree, that tree is gone. How can we count that as a saved tree?

Nanette Bourne: That is a very important site plan issue that you have to look at.

Doug Hertz: If you go back and look at the preliminary drawings, they have already taken into account the fact that in those areas of heavy site disturbance, we will be losing all those trees. There is not an attempt to keep a tree that is close.

Stanley Bernstein: My point is that there will probably be more than 1,895. In all probability there will be an additional 10% added to that. I have found that is probably true in my experience.

Nanette Bourne: Moving onto geology soils and topography, this is where you talk about the steep slopes on page 11. The building itself is situated on a plateau, but the access driveway will traverse existing slopes in excess of 25 percent, so a steep slopes permit will be required.

Vice Chairman Sturniolo: For the sake of redundancy, do we want to end the last sentence in paragraph two, "as previously stated, the proposed emergency access drive is something that the Planning Board will not support as proposed."

Nanette Bourne: The same language that is developed in the project description gets brought up here.

Doug Hertz: I know Stan has significant concerns about the steep slopes. Just as we're doing on some other sections, state those concerns that some members of the board will not support, etc.?"

Nanette Bourne: Added to that, the last paragraph in that section says a SWPP has been prepared on the original plan but has not been revised to reflect the existing plan. This needs to be re-worded. If you look at the DEP letter, we need to incorporate language that can reflect DEP's issues with the site and the slopes and the soils. I think there is some additional geotechnical work that needs to be done in order for them to justify it.

Stanley Bernstein: It's courting disaster, as far as I'm concerned. Could we word that in such a way that there are members of the board who find that there should be no disturbance at all on grades greater than 15% to include the 25%?

Nanette Bourne: However, the majority of the board finds that this is acceptable.

Doug Hertz: I don't think "acceptable" is the word here. I think we can state something as, "as after trying to find alternatives, as there is no other viable access point that has been presented that the board finds on balance that these impacts are unavoidable."

Ralph Vigliotti: Why don't we say that some members of the board feel that cutting the steep slopes in excess of 15% is unacceptable, while others? We used that clause early on.

Nanette Bourne: I think you want to use 25% because the steep slopes law do not discourage 15%. It does 25%.

Whitney Singleton: My recommendation would be track the exact language that is in the steep slopes ordinance.

Joseph Morreale: Was Doug's statement absolutely correct that there is no other possibility to put a road in that would avoid creating this lengthy switchback road? Is that a fact?

Stanley Bernstein: I don't agree with that. There were three alternatives as far as I was concerned. One meant condemning land, another meant coming from Mountain Avenue through the proposed access route.

Nanette Bourne: It still comes down to slope.

Stanley Bernstein: But it's not as bad.

Vice Chairman Sturniolo: It's worse.

Chairman Cosentino: I don't think you can condemn somebody's land for the purpose of a development not to benefit the village.

Stanley Bernstein: That has been done very recently throughout in New York State. They did it in Port Chester to put in the shopping center.

Chairman Cosentino: But this is Mount Kisco.

Whitney Singleton: There have been some recent Supreme Court decisions, and what is permissible and politically acceptable are two different things. I believe there have been recent changes in New York State law in the wake of a few of the decisions that may prohibit it. I would certainly like to point out that the alternatives that Stan is talking about, he's looking to mitigate the impacts, and they are not within the applicant's control.

Stanley Bernstein: What about coming down alongside the fence of the Saw Mill River Parkway? Isn't that a possibility. That has never been explored.

Nanette Bourne: They are not within the applicant's control.

Vice Chairman Sturniolo: It's not the applicant's property.

Joseph Morreale: Is it a fact that there are no other possibilities? I'm hearing there are no other possibilities in the purview of the applicant.

Chairman Cosentino: If the applicant had another road that was going to cost him less money to build, he'd be there doing it. The fact is there is no other access road to get up to the top, except this. This is the only frontage.

Nanette Bourne: The building is in the middle of the slope, so whether you come down the slope or go up, or come in from the side, it is still a lot.

Doug Hertz: Kisco Avenue is the only street frontage of this property that is reasonable. That is why I made that statement.

Vice Chairman Sturniolo: It's reality.

Nanette Bourne: Moving onto water resources and wetlands, the fact is that they will be disturbing the buffer. They are proposing to mitigate the buffer by creating a basin that has wetland functions. This is their intent. Whether or not it can be achieved will depend upon what is permitted by DEP.

Doug Hertz: I have no problem with this section. Right now, that wetland is poorly functioning and is on the edge of BMW's property. Whether it was naturally occurring in the first place is unclear. If done well and they pay attention to the plantings, I think we can have a better situation than what is up there now.

Stanley Bernstein: Marilyn Shanahan of DEP doesn't think so.

Nanette Bourne: Although we didn't tackle Utilities last time, we did talk about the need for redundancy and creating a water storage tank, not only for domestic water but also for fire suppression. The proposal to use the pool is not acceptable.

Anthony Oliveri: I e-mailed you a statement, which addresses that. It talks about review of the post fire flow system, the satisfaction of the village engineer.

Vice Chairman Sturniolo: Is the reduction of the I & I program factually correct, that the increase in flow to the Yonkers Sewer Treatment Plant is not anticipated?

Anthony Oliveri: By the applicant contributing to a fund to reduce I & I in the village, we are identifying areas to seal manholes, line sewers, and you can quantify it on a gallon basis and he would contribute enough to be a 3 to 1 ratio, and in the end it could be a natural reduction; at some point down the line, once that gets done.

Doug Hertz: And that's quantifiable?

Anthony Oliveri: Yes.

Chairman Cosentino: The projected water use would be 20,097 gallons per day including domestic and irrigation demands. Peak irrigation demands would be approximately 22, 216. Is there something wrong there?

Nanette Bourne: Yes. I'll clarify that.

Anthony Oliveri: That is because they are going to recycle the water to use for irrigation and drill wells. 22,000 is a separate number.

Stanley Bernstein: Also clarify where they get the number of 20,097 gallons per day. We based the Chase water usage on less than 100 gallons per person, and in practice, it exceeded 100 gallons per person.

Vice Chairman Sturniolo: That was because of the sprinkler system at Chase. This is a proposal to have their own irrigation on site with their own wells.

Stanley Bernstein: I would still like to know how they came up with that figure.

Anthony Oliveri: There was an analysis in the DEIS. I'm thinking it was 125 gallons per day per unit. They qualified it with some other examples. At the time, I didn't have an issue. I don't have the specifics, but I will review it again.

Doug Hertz: Maybe we can put a statement here that because we're looking at lots of alternative technologies as part of site plan, I know they're trying to get to their Leed Silver, there are water recycling technologies that perhaps can be looked at. Let's not just accept this as a given number, but also let's use this as a number for purposes of impacts that we are going to analyze and see if we can get that lower.

Anthony Oliveri: When you put the statement in about the fire analysis that will encompass all of this.

Nanette Bourne: Going to storm water, if you look at the letter from DEP, I believe their issue is that there have been statements made but not documented. The applicant has not submitted a revised set of plans to either the Planning Board or DEP. They have not updated their stormwater pollution prevention plan and all this needs to be done before DEP can feel comfortable with this kind of Statement of Findings. Moving on to Community Facilities and Services, I do not think there were many issues with this that had not been addressed. We discussed Construction Impacts on the 10th, and you said it was okay as modified with the relocation of air and noise.

Stanley Bernstein: I don't like the language, "Construction activities would result in limited short-term air quality impacts." It's more than limited. It's a great deal. As for CO₂ emissions, James Gmelin's letter outlines very clearly about the CO₂ emissions from construction equipment. They are looking for LEED Certification. As far as I'm concerned, LEED Certification is meaningless as long as they do what LEED calls for. Third Party Certification is very complicated, and complex. They may not get it, and it really doesn't matter if they did what LEEDS asks them to do. I'm not very concerned with certification, but I am concerned with the CO₂ emissions, not only from the construction vehicles, but also from the destruction of the forest. Whatever they recoup in LEED or in LEED quality construction will take hundreds of years to overcome all that was lost in the destruction of a forest and the construction equipment.

Vice Chairman Sturniolo: LEED is not going to address emissions or construction vehicles.

Stanley Bernstein: It's going to address limiting the carbon footprints or the amount of CO₂. It does a fairly modest job in doing so. All of this carbon that is dumped into the air, 37,000 tons, would not be mitigated by LEED. Going to LEED is not of any great import as far as we're concerned.

Nanette Bourne: I think there are two issues. One is the post construction and then there is the construction. I recommend we incorporate Mr. Gmelin's language in here in

the same way we're going to incorporate the concerns of DEP, that they've said the words, they've made the statements, and during site plan review, they need to provide the documentation.

Stanley Bernstein: The sentence says there would not be a significant increase in short term overall CO2 emissions as a result of construction activity. That is not true. There will be a significant increase in short term CO2 emissions. How can we say there will not be? If you want to define that, as we did before, that few of the Planning Board members believe that this statement is not true, but on consensus its okay, you can work on that language again.

Vice Chairman Sturniolo: How do we know the air quality impacts?

Stanley Bernstein: We know how much CO2 is produced by construction equipment. That can be quantified. They say they want to mitigate it by not allowing the trucks to idle. That will mitigate it, but what is going to mitigate the actual running of these trucks, 85 trucks a day for three years? It's a lot for the environment. The Conservation Advisory Council quantifies this.

Nanette Bourne: The suggestion they provide to offset, I don't know that the village has the authority to require carbon offset credits unless it becomes a site plan issue.

Chairman Cosentino: Let's make it a site plan issue.

Nanette Bourne: Page 18 - Certification of Findings to Approve.

Stanley Bernstein: The last sentence, "the proposed project is one that avoids or minimizes adverse environmental effects to the maximum extent practicable." This is not true and it should be handled the way we handled the other sentences that sounded like that.

Nanette Bourne: Although some members of the Planning Board feel this is correct, some members don't.

Stanley Bernstein: Yes.

Joseph Morreale: Isn't this the on balance issue? I think it is important. We have to stay on balance.

Nanette Bourne: Yes, this is what the board finds, because you're going to adopt it. I don't know whether you'd want to put that in here. You put it in other areas; this would be an awkward place.

Doug Hertz: The first sentence of the certification says, "And has weighed and balanced relevant environmental impacts with social, economic and other considerations."

Joseph Morreale: So the proposed project on balance is one that avoids.

Nanette Bourne: It would be that statement that the board would be voting on.

Doug Hertz: On the last sentence, "the proposed project is one that..." I propose a modification of that sentence that, "after all the mitigation measures discussed, avoids or minimizes adverse environmental effects to the maximum extent practical"

Nanette Bourne: That comes to the end of the Statement of Findings. I will revise it for final review. There are so many changes. They will not be underlined. I will e-mail it to you as before.

Fire Inspectors Report: Planning Board Request:

Basilica Pizza
393 Lexington Avenue
January 29, 2009

Coco Nails
480 Main Street
January 29, 2009

Correspondence:

Letter from Andrea Oncioiu, DEP, to Peter Smith dated March 4, 2009 re Site Plan Modification - Stormwater Pollution Prevention Plan 211 Kisco Avenue.

As there was no further business, on a motion by Mr. Bernstein seconded by Mr. Vigliotti, the meeting was adjourned at 10:45 P.M.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

dm