

Minutes
Meeting of the Planning Board
Special Meeting
Village/Town of Mount Kisco
Thursday, February 19, 2009

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

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

Staff Present: **Nanette Bourne**
 Whitney Singleton

Staff Absent: **Anthony Oliveri**

Chairman Cosentino: Welcome everyone tonight to this Special Meeting of the Mount Kisco Planning Board. The first thing on our agenda is that I want to welcome Vice Chairman Sturniolo back. This is a wonderful thing. We missed you. God bless you and welcome back.

CONTINUING REVIEW

Northern Westchester Hospital Center
400 Main Street
PB2003-02

Chairman Cosentino: This is for a final action. I have been on the Planning Board for over 25 years, and this is the biggest thing that ever came before me. I am proud, tonight, and I very seldom do this, to read the resolution.

Nanette Bourne: The packet that went out was a preliminary draft resolution. I sent an e-mail to you saying this was a draft that was really produced before the final set of drawings came in, so you can get a sense of the direction of the resolution. The final set of drawings came in last Tuesday night. As I was going through them, many of them had changed. I looked at each one in more detail than I had anticipated. At the same time, copies went out to the village attorney and the village engineer and as they got back their comments to me, it resulted in numerous changes to the resolution. What I hand out tonight is an updated draft Planning Board resolution, which I think all of you have. I have underlined all of the changes. There are a number of changes, but none of them change the nature, scope or phasing of the project; any of the items that we had talked about, i.e., landscaping, lighting; none of the details have substantively changed. We have tried to tighten up the wording of the phasing to make it clear. We tried to reflect some of the clarification and understanding that we have come to between the village and the client. I will go through this page by page so you know what the changes are. The significant change on page one is the recognition in the area of the parking fee. The applicant is in the process of requesting that parking fees that they had paid as part of their earlier larger master plan project be applied to this project. I don't believe that has been officially authorized by the Village Manager. I believe a letter has been or will be sent acknowledging this. The reason why the parking fee is blank is because it's still pending. The site drawing is two pages of drawings that were submitted. There are a number of changes that were made. At the end of all this, after the resolution is adopted we ask that the applicant go back and submit a completely revised set of drawings that reflects the updated numbering, the titles, and a few sheets that needed to be corrected. We noted those here. On page four, we have tried to be very detailed as to the "whereas's," which is just our understanding of what this project consists of. The significant addition on page four is to recognize that this project encompasses four parcels of land within the hospital and GR district that are all owned or affiliated with Northern Westchester Hospital. It includes the date that the Village Board approved the zoning amendments on February 9, 2009. Many of these "whereas's" turn into conditions at the end of this. Moving to page five, the additions include a request that the applicant provide appropriate documents to the village attorney regarding the off-site parking that is going to be used during construction, recognizing that the applicant has agreed to accelerate the landscaping along Main Street, as we've discussed. A "whereas" requesting the applicant re-submit a set of drawings that are

Planning Board Special Meeting
February 19, 2009

completely updated and corrected, that the phasing plan consist of three pieces. One is the Emergency Department and the loop road, second is the parking structure and third is the north lot landscape and other streetscape improvements. The final "whereas" is just to underscore that these plans need to be re-submitted before the Planning Board Chair signs them. Moving onto page six, a condition that the applicant obtain all necessary approvals for improvements in the right of way. This has to do with improvements that are the results of the landscaping plan along Main Street. The remainder of conditions are the same as what has been included in the prior resolution. On page seven, Item # 21, the applicant requested at the last meeting that the previous indication that an arborist be present whenever there is activity within 100 feet of a tree; that maybe being a little bit excessive. We did check with an arborist, and their recommendation is that it is appropriate that this be handled 20 feet within the drip line, which, depending on the size of the tree, it could make 100 feet as originally included or less, and it will really reflect the size of the tree, which I believe is what Mr. Bernstein had requested. On page eight, #33 was added, a condition that a written description be provided to the building inspector and the village attorney regarding the use of the St. Marks Place retail strip to reflect that those are ongoing tenancies that will change over time. It is important that the village and the applicant work in coordination because there are only 60 parking spaces that are allocated to those uses. As we know from other strip centers, if you have high traffic generators, those 60 spaces will not be enough.

Vice Chairman Sturniolo: On page 8, #34, is it just semantics, or do we refer to it as back flow prevention devices?

Whitney Singleton: Yes, it's correct.

Vice Chairman Sturniolo: Should we insert that word?

Whitney Singleton: I think they are trying to use a more generic term because I believe the hospital is required to use RPZ's.

Nanette Bourne: This was verbatim from what the Village Engineer asked I put in, but we can clarify that.

Vice Chairman Sturniolo: I'm satisfied.

Nanette Bourne: Page nine reflects a lot of the "whereas's" that have been converted into conditions. Starting with Condition #36, we are requesting that the applicant submit a very clear drawing that identifies what these three phases include. I believe they include it in one of their earlier submission sets, but it is not a part of the sheets that were submitted last week. It's really a different drawing from their construction phasing plan. It's really what's included in phase one, two and three and can be very simple. Condition #37 is a request that the enforceable documents be provided to the village attorney regarding their off-site parking arrangements. Condition #38 is a detailed description of what will be included in the three phases and how they sequence one after the other. Condition #39 just clarifies that all of the properties that are owned by the hospital are part of this resolution.

Doug Hertz: The second sentence on Condition #38 says Phase Two shall receive Planning Board approval within six months of issuance of a C.O. for the ED. We're requiring us to issue them an approval?

Nanette Bourne: There are aspects concerning the parking structure that are not filed.

Doug Hertz: I understand. It seems to me the language is strange. Our resolution is requiring ourselves to give them approval.

Whitney Singleton: It will say "shall be required to obtain" as opposed to "shall receive."

Nanette Bourne: Condition #40 is that this information be recorded. Condition #41 identifies the number of spaces and the spaces that are applicable to the 60 spaces for the retail center and for the parking structure. Condition #42 reflects that there is no vehicle fleet storage to be permitted, and those are the changes.

Motion:

Chairman Cosentino: I hereby move that the draft resolution of site plan approval and permit to disturb sensitive natural resource areas for the project

entitled Davis and Mary Boies Emergency Center for Northern Westchester Hospital under Application PB2003-02C be adopted as modified this evening.

Second: Joseph Morreale

Aye: Chairman Cosentino

Aye: Joseph Morreale

Aye: Sol Gibbons

Aye: Stanley Bernstein

Aye: Doug Hertz

Aye: Ralph Vigliotti

Aye: Vice Chairman Sturniolo

Chairman Cosentino: This has been a long, long struggle for my Planning Board members. They have been taken away from their families to attend special meetings. You did a fantastic job and I appreciate it. It will not be forgotten, and thank your families also. I have to work with a lot of the people that were part of making this possible tonight. Whitney Singleton was a big part of this, and I want to thank you. I called you many times with questions and you were always there. Nanette, you and your firm did a wonderful job in expediting this. When I said I wanted the resolution it was there, and I thank you. Anthony Oliveri, our village engineer, is not here tonight, but I want to thank his staff also. Nancy Placona, our Planning Board secretary, who assembled all the material and got it out to us before the meetings so we can go over everything. There are two people here whom I really would like to thank. John Partenza, you were great through this whole process. You were always calm, cool each time we worked together. Your honesty is outstanding. When you said something, you delivered. You are a big part of this process being passed tonight. The hospital should be dedicated to you. Mike Caruso was called by me on many occasions. You had the answers or you called back quickly with the answers. That was a big part of getting this process completed. Also, thank you to Joel Seligman and Mayor Mike Cindrach and the village board. Mike called me on many occasions and never told me what to do, how to do it or where to do it. He only asked if everything was going all right, and I appreciate that coming from the mayor. Peter Grunthal is here tonight and I thank you and your board for letting us do our work and not interfere. Please thank your board for me. Jim Palmer, thank you for all you've done getting the answers that we needed. I have been on the Planning Board for over 25 years. I've dedicated 45 years of service to this village. This is one of the most important things that were completed.

Joel Seligman: There are a number of people in this room who have had the opportunity to use the hospital, since we've been involved in this process. We almost always get this wonderful feedback about what a caring and high quality place it is. We have lots of little things we need to address, but the big thing is the Emergency Room and the lack of adequate space and privacy. You've heard this many times before. It's very exciting to us because we are now going to get to address this. If we've been impatient at times in this process, I ask your forgiveness on that, but if you've been in the ER you will understand why we feel that way, because when we're there we are dealing with the patients and the staff and the families who have no place to sit and stand and have conversations with each other in privacy. We appreciate your patience with us. I think this has been a very positive process in terms of the outcome. When I look at this plan, I think it's a wonderful plan. You pushed back on things and every time you've done that we've ended up with an improvement in the plan and we will all benefit from that for many years to come. Thank the Planning Board and staff and our planning staff and consultants. This is a very complicated project and has taken a lot of people working really hard to bring it to this point. We are now all excited about making it happen, and I thank you all very, very much.

Vice Chairman Sturniolo: Mr. Chairman I would like to underscore what you and Joel said. I've been on the Planning Board for 18 years, and like the chairman, I have never been involved in a bigger or more important project. This is a complicated project that not only impacts Mount Kisco, but for a short period of time it will also impact a neighboring community that is going to be able to supply and house transportation during construction. As mentioned several times in the FDIS, this is a three-phase project, the priority being the Emergency Room and the shell above it and the loop road. The second is the construction of the 457 parking space structure, and the third phase is the enhancement to the front of the property of the hospital and to dress it up, and I've know we succeeded in that point very much. My last point in picking up something that Joel said. I was in the hospital a week and a half ago, brought to the Emergency Room; the most delightful, friendly, cordial, technically competent people were hovering around me, sticking needles, attaching clips, etc. I was fortunate. The room was not jam packed at the time. In spending the time there and watching my wife just standing

Planning Board Special Meeting
February 19, 2009

in a corner, hearing all the other business going on outside this one-curtain enshrouded room that I was, really gave you a first hand feeling of how crowded it is and how desperately the hospital needs to expand it. I always knew it; that's why I've been a strong advocate of this plan, but until you're lying there and it's one-on-one, you and that emergency room and everything else associated with the Emergency Room, you will never get to understand the importance of this project. For me it was a pleasure working with everybody in this room, on this project.

Joseph Morreale: I am a person of few words. Being an economist, one economizes on language, but I have to tell you, as you know I teach healthcare and one of the things I've been very impressed with was the cooperative nature of this whole process. You could almost be a case study of how to do things right. I want to congratulate you in the way we've conducted this certainly my fellow board members as we worked all together. It's been a long process, yes, but it was necessary to be long to do it right. I see a real persistence, flexibility and cooperativeness that is wonderful to see. I don't know if I look forward to being in the Emergency Room, for the ribbon cutting, thank you, but I will say it will be a wonderful addition to Mount Kisco and this region. I think you have had the mission and vision to think about the region as well as Mount Kisco, and I think that has been commendable. As a citizen here, I appreciate the commitment that you have made to maintaining high quality healthcare in this town. Congratulations, you well-deserved it.

Chairman Cosentino: Again, gentlemen, congratulations to you and your staff. Have a good night.

CONTINUING REVIEW

**Westchester Residence and Club
Kisco Avenue
PB2006-19**

Present: Kory Salomone, Attorney-at-Law, Veneziano & Associates

Chairman Cosentino: This is the acceptance of the revised Preliminary FEIS Draft Statement of Findings.

Nanette Bourne: To clarify where we are in the SEQRA process, tonight we are reviewing revisions the applicant has made to selective pages that they believe respond to your issues with their original FEIS. Tonight is not intended to be a review of the Statement of Findings, and in fact you will not adopt a statement of findings because you need to, if you choose to accept this FDIS as complete, the SEQRA law requires that you wait a minimum of ten days. Even if you wanted to you couldn't. The applicant has provided you pages with the revisions. There are a couple of areas where the revisions were made throughout the documents. One had to do with changes to the language and selective places where it was clear that it was in the applicant's opinion. For example, if they said the retaining walls were necessary at this height to make everything look beautiful, you read that and you said, "in the applicant's opinion they think ..." You will see this is peppered throughout. Secondly, there was a request for additional information concerning the length and height of the retaining walls. The biggest issue concerned the emergency access drive that went from the existing building out to Mountain Avenue. I will leave it to others who can report first hand, but it is my understanding that there was a discussion with the village engineer as well as the fire chief regarding the need for this emergency access drive, and it was the recommendation of those two that an emergency access drive limited width and improvement to what is necessary to accommodate the need for emergency vehicles if something should happen to the primary road. You asked the applicant that there needed to be additional detail concerning the width, the engineering, the location, the amount of land disturbance, the disturbance to trees if that driveway were included. They have adjusted their document accordingly. You may or may not like it or agree to it. The purpose of this exercise was for them to incorporate the facts in this document.

Doug Hertz: You said it was from the village engineer and the fire chief? I understand it was from the village manager and not the village engineer.

Nanette Bourne: The village engineer was a part of that. You are absolutely right. It was the assistant village manager, and the village engineer was, I believe a part of that on a conference call as well as the fire chief.

Stanley Bernstein: Why is it called drive and not road?

Nanette Bourne: I would defer to them to change the name. I believe it is not a road if it is not being done to village standards and specs.

Stanley Bernstein: It is being paved, though.

Nanette Bourne: It is being paved with a minimal surface that can accommodate heavy vehicular traffic. It would not be, as it doesn't need to be paved in a way a regular road is paved, as there is not going to be that much traffic. It has to be paved so heavy equipment can get up and down. It's a steep area and it has to be plowed. You cannot have a gravel surface because it doesn't plow easily and the heavy equipment cannot go up and down.

Chairman Cosentino: If the road goes in, and we don't know that yet, we had a meeting with the fire chief. His heaviest piece of equipment that might have to go down there is between 60 and 70,000 pounds. They would need a blacktop surface to hold the apparatus; if the road goes in.

Doug Hertz: Or it could possibly be a pervious paved surface that could accommodate that weight.

Nanette Bourne: What is included in here right now is a surface to the specs of the village.

Doug Hertz: So for environmental impact purposes, that is what we are reviewing, but they have not submitted a site plan and that is all part of our review. Is that not true?

Whitney Singleton: They have indicated as part of their submission that they would build, should the village desire it, an emergency access road to any specification that the village desires, whether it's paved, unpaved, whether it meets village grades or doesn't, or whether we require it at all. They have indicated as part of their submission that they will do what the village is desirous of having done.

Chairman Cosentino: At this point, we don't even know whether the Fire Department wants this road in there.

Nanette Bourne: Doug brings up a good point. There are several areas that require additional engineering and design, and one has to do with this driveway, and it has not been engineered. It has been analyzed for environmental impact purposes. The second concern is water supply. What they are proposing may not be adequate, and they may need to provide supplemental water supply, maybe a storage tank. Those details need to be worked out during site plan review.

Vice Chairman Sturniolo: Since day one when we started reviewing this project and looking at the model, one of the things that has always been paramount in the eyes of the Planning Board is, how is this going to look, where are you going to see this project? We knew the preservation of the ridge line was a given, but when we had to deal with the serpentine road leading up, we kept getting back to the visual impact, the lighting at night, etc. Adding an additional fire prevention road has to add visually or take away visually from the greenery that we've been trying to preserve as much as possible, am I right?

Nanette Bourne: Yes, obviously there is additional visual impact from this road. What the applicant reports in here with regards to tree removal, is because of changes they've made to the plan from what was discussed in the DEIS, there is no increased loss in trees from the road.

Stanley Bernstein: For the road itself there is an additional 800 trees.

Nanette Bourne: The road will take out another 200 trees, but they have reduced the number of trees elsewhere on the site.

Vice Chairman Sturniolo: But the road will still be visible.

Nanette Bourne: Of course.

Vice Chairman Sturniolo: To my fellow Planning Board members, I would like to say the term "Emergency Access Roads" itself is somewhat antiquated. Emergency access roads were initially thought upon when there were not underground cables, when everything was above ground and if a tree fell on a wire and the wire started sparking, the

ambulance and/or the fire apparatus truck could not get up there, so they wanted a secondary road. That issue is currently debated with no resolution right now, regarding Glastonbury Court. Guard Hill Manor has an emergency access road and has all underground utilities, but there is an emergency access road because it was so easily available to call it an emergency access road. It requires almost no maintenance and it was there. I am not an arborist or logger or tree surgeon, but when an emergency vehicle has to get up, as quickly as they could cut this tree down that is blocking the road, it would probably take the same amount of time as getting the vehicles up to go up an emergency access road. In Westchester Residence and Club, everything is buried underground. What could prevent an emergency apparatus from getting up to the top? It could be a tree that fell across the road, an accident, etc., but in today's day and age, when you have to weigh all the things at hand, both financially and visibly, you could say so many what ifs. What are the odds like? What are the needs of emergency access road in Mount Kisco history? Rarely been used. That is my two cents on a temporary need of a somewhat archaic term called an emergency access road.

Doug Hertz: We have to remember that the entire area of the primary road is not going to have old, mature trees that would easily fall over. That area is going to be cleared, re-graded, engineered and it is going to have new trees planted in an organized fashion. It is not like we have a 100 year old tree that is going to come across that road. It is not physically possible. All applicants are required to maintain all of their required landscaping in a proper manner. When a tree gets to the point where it is no longer viable, they are required anyway to comply with anything that has been required by us in the landscaping plan, and certainly everything that is within easy reach in sight of that main access road will be part of the landscape plan. If it gets to a point where those trees are too big and too difficult, they will be taken down and new ones put in by resolution. I am also very concerned about the emergency access road, about its need at all, the fact that we have the ability to engineer the primary road to whatever spec we desire to make this work, the fact that it is not going through a forest, whether it be mature trees that have the possibility of falling down. We can specify what types of trees are going to be planted within what proximity, so we will make sure that situation does not occur. We have what is in essence the worst case scenario which is the plan as it exists, plus the additional environmental impacts of the road. Obviously if it is decided at any point that an emergency access road is not required, then we can reduce some of the impacts that we are going to discuss.

Vice Chairman Sturniolo: Those are the impacts that we have been discussing from day one on this project. I believe we need to be practical and weigh the pluses and the minuses into today's terms and today's needs with technology that is available right now.

Chairman Cosentino: I echo both of you and agree.

Doug Hertz: We asked the village engineer if the road could be engineered to be what we needed it to be, and I believe the quote was, "you can engineer anything." We can require that this road be built so that it is the last thing that fails up on that hill and not the first.

Chairman Cosentino: Did he recommend that the emergency road go in?

Whitney Singleton: I think Doug is not paraphrasing, but quoting, what Anthony said at the last meeting. With regard to what Anthony's position is on this topic, I would have him speak for himself. Obviously, he could not be here tonight. As you have all pointed out, the impacts associated with this project have been incorporated in the Environmental Impact Statement. The final determination as to what site plan elements you want to incorporate can be addressed at the point in time where you entertain an application for the site plan approval.

Chairman Cosentino: So it was not said that he recommended the road. I met with fire chief and we were supposed to get documentation back and we never received documentation back. I have to assume, since we received no documentation back, that he really doesn't care whether the road goes there or not. As a matter of fact, that's what he said. They requested a road there, but that is moot now. I agree with Doug and Tony 100 percent.

Whitney Singleton: You're not making this determination tonight.

Chairman Cosentino: I know we're not, but we have to voice our opinion on how we feel about it because really nobody that I have heard has given us input that the road is needed. We are voicing our opinion, since no one has done that.

Vice Chairman Sturniolo: I sited Guard Hill as an example. If we were approving Guard Hill today, and somebody said put the emergency access road where it is, I don't think any of us would blink an eye, because you don't see the emergency access road. You will see the impacts of this emergency access road, and to me, that flies contrary to the basic premise that we have been advocating all along, and that is minimum site disturbance and a minimum amount of visual disturbance from different areas around the village. We have electronically photosynthesized drawings to support that.

Chairman Cosentino: I think we need to be positively sure, Nanette, that the road going up to the site is adequate to handle the equipment that the Fire Department has, and I think if it's adequate, it's like any other road in Mount Kisco that are standards, that should be sufficient.

Whitney Singleton: The submission that you have before you from the applicant addresses a lot of the concerns that you had raised, and I have had an opportunity to discuss with applicant's counsel some of the concerns that I had that had not been adequately addressed. They are very limited in nature, and they are limited to legal components of this as to the import and language of the Stipulation of Settlement between Town and Country and the Village of Mount Kisco, and as it reflects primarily in Sections Two and Three of the FDIS, the applicant has indicated that they do not have any objection to the incorporation of the changes, although they are sitting in my computer electronically and not printed out. I would like to verify that the applicant is okay with that?

Kory Salomone: Yes, we are.

Whitney Singleton: If your board deems it appropriate to accept the FDIS otherwise as being complete tonight, I will forward those revisions to the applicant.

Chairman Cosentino: Do we have a motion?

Vice Chairman Sturniolo: I make this motion expressly to reiterate that this is not a substantive determination of the merits of the adequacy of mitigation, but merely a determination on the completeness of the document called The Final Environmental Impact Statement.

Doug Hertz: I would like to make a statement before we all vote, which echoes something that Tony said which is this is really not a substantive vote in terms of our agreement that this project is environmentally wonderful or anything like that, but that the document is complete with regards to having gone through this. I think we'll have time in the rest of this process to try to address some of the issues and see if we can make the site plan that much better. The applicant has been steadfast in their desire to get exactly their project in, and often there is much more of a give and take between the applicant and the board, and the project is more than a little bit better. It could be that the applicant came in with the absolute perfect plan to start with and is sticking by their guns because they truly believe this is the best plan they'll ever see and they've done all their homework up front. That may be the case. I've been a little frustrated in this process because I have not seen as much "give" by the applicant as we have seen with other applicants. That all being said, I think the project is a positive one. I think it's a low impact use for the space. I think it's a beneficial use for the village. I think that net/net of where we've been to where we potentially will be is a positive one. There are environmental impacts that are discussed in this. There have been discussions about ways to mitigate them, and I think many of them can be mitigated.

Motion to Accept the Document Titled the FDIS Regarding Westchester Residence and Club as Complete Subject to any Corrections and Modifications that our Village Planner or Village Counsel Deem Appropriate.

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

Chairman Cosentino: Thank you for coming tonight, and have a good evening.

James Gmelin: I have a question and it's not to talk substance at all. In some of your previous comments, you made reference to LEED Certification, and you continually said Silver Certification. I notice in the Statement of Findings you don't Silver Certification. Have things changed, or did you just drop that word?

Nanette Bourne: Just to clarify, the Preliminary Draft is just that, so I wasn't leaving Silver out. It's still in.

James Gmelin: They are still seeking Silver Certification?

Nanette Bourne: Yes.

Doug Hertz: Also, even though they've signed for it, doesn't mean they'll get it.

James Gmelin: I know that, but I want to make sure they are going to keep on seeking it.

Doug Hertz: Absolutely.

As there was no further business, on a motion by Vice Chairman Sturniolo seconded by Dr. Morreale, the Special Meeting was adjourned at 8:40 P.M.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

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