

Minutes
Meeting of the Planning Board
Regular / Work Session
Village/Town of Mount Kisco
Monday, October 23, 2012

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

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Sturniolo
 Stanley Bernstein
 Enrico Mareschi
 Karen B. Schleimer
 Ralph Vigliotti
 Sol Gibbons
 Doug Hertz

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

Staff Absent: **Austin Cassidy**

MINUTES:

September 24, 2012

Motion: Stanley Bernstein
Second: Enrico Mareschi
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Vice Chairman Sturniolo
Aye: Enrico Mareschi
Aye: Stanley Bernstein
Aye: Chairman Cosentino
Abstain: Doug Hertz

Vice Chairman Sturniolo: I would like to bring to the attention of my fellow Planning Board members Page 4, second paragraph from the top. Please take a moment to read it. My other comment is on Page 15, the second paragraph from the bottom. I ask my fellow Planning Board members to read that. Also, as Mr. Bernstein pointed out, we normally have the line numbers on the left hand side of the margin.

Continuing Review

Mark and the 3Cs
41 Armonk Road
PB2012-13
Site Plan Approval – 80.73-1-3

Present: **Edmond A. Gemmola**
 Gemmola & Associates
 Architects/Planners

Mark Viola, Mark and the 3 Cs, Representing the Applicant

Karen Schleimer recused herself from this application.

Chairman Cosentino: We are going to read the memos and comments from our professionals and let each of them explain to you what they thought and what we expect. I will then go to the audience, even though this is not a public hearing. If they have questions I will answer them tonight. Please listen to the comments that our professionals have written.

The following numbered list correlates with Ms. Bourne's October 10, 2012 memo to the Planning Board.

Nanette Bourne: I provided a memo after the review of the first set of preliminaries. I looked at the plan you submitted last week, and there aren't a lot of changes. The only change is that you added your snow accumulation area.

1. You talked about the proposed pizza oven and exhaust. I do not know where that is on the plan. How will it be vented and will there be visual impact from that?
2. You show parking in the rear of the building and some kind of a schematic that shows how that is going to be cut into the slope and how you are going to retain it.

Mr. Gemmola: We eliminated the wall because that was impervious area. We were going to grade it and provide grass pavers which we plan to fill in with gravel instead of grass, because you wreck it when you snowplow. We eliminated the wall.

Nanette Bourne:

3. I am having a hard time visualizing what that would look like. If you are cutting into the slope, you have to retain some amount, and you have what looks like wheel stops.

Mr. Gemmola: Yes. On a grass paving you really can't paint the stripes. The wheel stop would designate the spot. We believe there is rock there, so we would rock hammer it a slight amount, but we still have to do the steep slopes analysis.

Nanette Bourne: You need a steep slopes analysis and a grading plan that demonstrates this. You have some employee parking spaces that are adjacent to the building, and the code does not allow tandem employee parking spaces in the way that they are designed. It would be very awkward to get those employee spaces in and out.

Mr. Gemmola: We provided a preliminary landscape plan. We waited on the illumination. If the site plan changed, we would have the engineer prepare that.

Nanette Bourne:

4. On your Drawing 101, you show two additional structures; a walk-in box and a freezer. Detail needs to be shown in

how they are going to be accessed and the visual impact of that.

5. You need a landscaping and illumination plan. This is a very visible site, and I think for it to become a positive part of that community, the landscaping is going to be critical. You have opportunities to not only landscape your site, but you will have to explain to the Board how you can landscape the slope after you do the grading and retaining wall. Plus you have opportunities for improving the public right-of-way, which will do a lot to enhance the site.
6. The signage per se' is not the responsibility of this Board. But, identify as to where your sign is going to be located.
7. Something I think you will hear from all of us is, there is no survey. We need to know what is there and what you are proposing. An "as built" survey is a requirement of the site plan.

Mr. Gemmola: I believe we included that in the packet. It was folded separately.

Doug Hertz: I didn't make it out to any of us.

Nanette Bourne: We recognize that your site plan is based on your survey.

Mr. Gemmola: I will resubmit it.

Nanette Bourne:

8. There were conversations about some drainage issues you had, and you may have addressed that at the last Planning Board meeting, but those solutions need to be addressed on the plan as well, as because this was a former gas station, any hazardous material must be cleaned up. If you have documentation that shows it has been cleaned up to the satisfaction of DEC that needs to be provided.
9. You have shown snow storage.
10. You provided a drainage and infiltration study. Have you submitted this to Department of Environmental Protection (DEP) and have they responded?

Mr. Gemmola: We got some responses, and we are getting the Johnson original survey, getting some additional downstream air holes. We will get that taken care of first, and we will re-submit that.

Nanette Bourne: A real concern of the Board is the impact that Department of Environmental Protection requirements could have on the site plan. I understand this is a bit of a dance that we have to do with DEP, but the Planning Board needs to be assured that the site plan is do-able, and that it is not going to be modified.

11. My memo recommends that you look at Article IX D, Site Plan Elements to make sure that all of the required elements for site plan review has been provided.

Anthony Oliveri: I believe you received a copy of this at our last meeting. Some of these already have been completed.

The following numbered list correlates with Mr. Oliveri's September 24, 2012 memo to the Planning Board:

1. I also asked for the existing conditions survey. I did not have that in my packet. My packet was mailed to me. Please get us a copy.
2. We mentioned the zoning and parking to be analyzed. I believe there is a memo now from the building inspector, and he does identify some issues with the parking and bumpers. That needs to be worked out.
3. I also noted that a DEP permit is required, and it would be wise to begin that process now.
4. Also, a DEC General Permit would be required.
5. We also noted that for the infiltration practices that were composed, percolation testing should be done on the site to see if it is feasible at this point. If it is not, then some other system has to be looked at, and now is the time to do that. Actually, your engineer did call me with some questions, and we did discuss it briefly.
6. We also noted a DOT permit would be required. I am not sure they are going to go for this configuration here. They are most likely going to want drop curbing in the front and possibly curbing along the whole front of the property. You have to get that rolling now, because that is going to be a requirement of the approval. It often takes a long time to go through them, so something should be discussed with them now to see what they are looking for in the front.

Mr. Gemmola: We did add some curbing and changed the ingress / egress. We started.

Anthony Oliveri:

7. We mentioned handicap parking spaces to be dimensioned. It looks like on the new plan that you did dimension that.
8. More details need to be provided regarding the drainage. I would imagine your engineer is working on that because there is nothing new on this plan as far as the drainage.
9. The proposed grading and wall elevations must be indicated on the plan. I noticed the wall was eliminated on the new plan. I'm not sure how that is going to work.

Mr. Gemmola: That has to be graded.

Anthony Oliveri:

10. I believe it states in the Steep Slope Ordinance that you cannot create a steeper slope than what you have there with grading. You have to look at that carefully and make sure you are staying within the guidelines under the Steep Slope Ordinance. The way it shows now, you don't have any proposed grading.
11. Whatever system you end up with, we need all the details on the proposed infiltration system.
12. The adequacy of the existing storm drains and downstream piping, you mentioned you are getting some survey information on that.

13. The details for the water quality practices noted in the Drainage Infiltration Study must be provided.
14. Again, more detail on the drainage. The calculations must be signed and sealed by your engineer.
15. A sediment and erosion control plan has to be provided and should be on a separate sheet. That is a requirement of the DEP and the DEC permits.
16. The proposed recution to impervious areas is not apparent. Again, with the existing conditions survey you should show some analysis. You are claiming a reduction in impervious areas. I notice here you are proposing grass pavers on this current plan, so we just need to see those calculations.
17. We asked for a lighting and photometrics plan.
18. It looks like you did note a snow removal plan now in the plan.

We also discussed during the last meeting was the steep slopes permit. We need to see that analysis.

Whitney Singleton: By attrition, my list has gotten a lot shorter.

The following numbered list correlates with Mr. Singleton's October 12, 2012 memo to the Planning Board

1. I have noted a number of deficiencies in what was supplied in the plans under 110-45D. When I wrote my memo I was working off the original plan. This plan addresses several of them, but not all of them.
2. The baseline or existing condition survey you already covered with Mr. Oliveri and Ms. Bourne.
3. Regarding the calculation of steep slopes, we need to know the extent of the steep slopes being disturbed and whether a steep slopes application is required. If such a permit is necessary, it will be necessary to conduct a public hearing.
4. This item is more informational for the building inspector than it is for you to determine. I am requesting that the building inspector clarify what the positions are regarding buffers. I do note that you have already addressed the side of the property. The eastern side is fully addressed, the western side, I presume you are proposing to have an existing condition continue with regard to encroachment to the buffer, but that will require a relief from this Board, and the building inspector still needs to confirm on the northern side of the property as to what the appropriate buffer is as far as it being a commercial or residential use.
5. I remind the Board that they do have the discretionary authority to modify buffers. It is not something that you would go to the Zoning Board of Appeals for.
6. I urge there be some certain inspection of the plans and the EAF and application, because there seems to be some inconsistencies from the original set of plans. Obviously you are now showing trees that need to be removed that were not previously shown on the plan. That needs to be properly vetted.
7. Again, Ms. Bourne's comments regarding proof of the remediation and removal of the tank through the Board of Health and DEC.

Other than developing your landscaping plan and lighting plan, I don't have any other comments. The building inspector has included a memo, which should also be noted.

Comments from the Board:

Vice Chairman Sturniolo: Why do you need to encroach into the steep slopes?

Mr. Gemmola: We had a wall and a filler behind the wall in terms of the encroachment, we needed to get cars so we had circulation in and out and back-up space. We might be able to pull the cars back further towards Armonk Road, but the employee parking that we showed on the side, we pushed it in to allow for that, which would be garbage pick up. We figured the employees could control who is parking there, so once they were in for the night or the afternoon, we know when the deliveries could be made, when the garbage pick up would be. So those three cars are important to get to the count that we needed, but inevitably we had to push back. Where there was an existing curb on the site, which you could see as dotted, so the intrusion would be on our SY 101. There is a designation on here. That is where the existing blacktop and curb is. It seemed like a modest incursion in, but we would have to find out in terms of what the steep slopes are. We felt if we did the wall we could have probably saved some of those trees by welling them and having the wall. Once we did it by cutting those trees indicated, there were four or five trees that have to come down.

Vice Chairman Sturniolo: How many parking spaces would that gain you with the encroachment and steep slopes?

Mr. Gemmola: We have 21 now. If we pulled it back to where it was, we would lose three spaces that are in tandem on the right side.

Vice Chairman Sturniolo: Do you foresee another place where you could pick up another three spaces?

Mr. Gemmola: No really, because we lost on that 40-foot buffer on the south side. I went over that with Mr. Cassidy. That was a two-family residence. We were allowed to bring the driveway in, which allowed access over a buffer, so we did that. We tightened up the other spaces but we are out of room.

Vice Chairman Sturniolo: Could the three spaces be accommodated where you show the outdoor dining seating area?

Mr. Gemmola: Yes, but it was not an attractive solution to have the parking right in front of the facility. We are leaving the glass garage doors open to the restaurant so you could see everything in, and then they could be opened up in the summer to let the fresh air in. Even if you were sitting inside and the doors were open and it was raining out, you still had the feeling like you were outside. I don't think we could pick up three cars in the front. It would be very tight and we would lose the landscaping that we are trying to achieve. We now show landscaping in front of that eating area. It's an architectural element.

Vice Chairman Sturniolo: Going back to the opening the garage doors in the summertime, I would assume you would be compromising the HVAC system with those doors open and mosquitoes, etc.

Mr. Gemmola: Yes. They make pull-down screens.

Enrico Mareschi: Is there a space for the wood?

Mr. Gemmola: Most of that would be along the back of the building where we have a concrete floor plan. It would be stacked in the back of the building, and some could be stacked inside. There would be ample room.

Enrico Mareschi: Please add that to the new plan. Thank you.

Ralph Vigliotti: As our planner indicated, the three spaces that you have included on the right side or the east side of the building need to be eliminated. We are going to have to come up with three additional spaces. Also, the spaces are preventing garbage pick up, and I assume, you are not showing it in here, that would be your delivery area?

Mr. Gemmola: I would not have to be. The garbage pick up could be arranged before.

Ralph Vigliotti: Where is your delivery area?

Mr. Gemmola: Probably early in the morning they could park right on the pavement here. There is no breakfast here.

Ralph Vigliotti: We know in this town, and in any town, that deliveries are made whenever the truck can get there, and we need to have a designated delivery area that is accessible for deliveries and pick up of trash. It makes sense where you have tandem parking, that that would be your designated delivery area, and that would be your trash pick-up area, and delivery of firewood and any other products that you may have for the site. So, the tandem parking doesn't work, and it doesn't fit into the scheme of our existing building codes. You need to come up with three other spaces. Moving it from that point, the concept is interesting. We've talked about it from Day One. The pizza concept is very interesting, but I am not convinced that you have enough parking to address the kind of concept that you have there. Please hear me out and if you get bored, my apologies. You have X number of seats inside the pizzeria, and then you have space available for those that are waiting for seats. It says "waiting area." You also said at some point that those folks that are waiting can also wait during the season in the outdoor dining area until they can get a seat. So, we have X number of parking spaces based on seats, but we are not talking about the waiting area, those that are sitting, those that are standing and those that are being asked to wait during the season, six or seven months, in the outdoor dining area. Those folks have already made a commitment and are trying to park somewhere. I am assuming that you are not taking exclusively reservations only. It doesn't seem like this concept would lend itself to that. A restaurant which is "reservations only" can at least control the amount of dinners coming out, the amount of wait staff needed and parking. This is not the case, and there is no overflow parking here. There is no "on street" parking, where downtown has that luxury of folks parking on

the street and paying the meter if it's during the day. I am concerned about that. Also, you are showing a bar area. I do not want to assume, but if someone says, "I'll wait, but I am going to get a glass of wine at the bar." Is that permissible?

Mr. Gemmola: As far as I know the open look of the bar was to see what was going on for food preparation. We are not going to have sitting at the bar.

Ralph Vigliotti: There is not sitting, but if I say, "No problem, my wife and I will just get a glass of wine at the bar," is that permissible?

Mark Viola: Sure.

Ralph Vigliotti: So, now we've created all these holding areas that don't have enough parking. We don't have enough parking right now for the number of seats that are in the restaurant. Now we've created all these holding areas. I say this very carefully. There is a waiting area, and it's large enough for people to stand and wait, but if you'd like to get a glass of wine you can go to the bar area while you're waiting to get a seat, or you could wait outside with the outdoor dining, where you're saying it could be room for probably four tables, which is not part of the calculation. We have a situation where we are short three spaces, and the reality is there are going to be folks who are already parked or looking for parking but are standing and waiting, taking parking spaces that really don't exist. We mentioned there would be possibly 14 employees throughout a typical day. I'm looking at five to seven during one particular shift. They need to park somewhere. That takes away from the spaces that you have. For me, it is about protecting that area and making sure folks are not trying to scoot off and park on a curb or try to take parking away from other parking areas in that section of town. We have to consider all that. We will get into the buffers at a later point. I am a bit concerned because the property sits on grade level; unfortunately, the residents behind are not on grade level. Whatever smoke and odors that comes out of the oven can be attractive to some, but I am concerned about the brick oven. If it were on flatland downtown where it has an opportunity to work it's way into the environment, that's one thing. But it is going to work it's way up, and if someone is on a deck and they don't like wood smoke or have allergies to it, they will have some issues. Looking at the engineering of that system is very important.

Messrs. Gibbons, Bernstein, and Hertz had no comments at this time.

Vice Chairman Sturniolo: I'd like to pick up a point Mr. Vigliotti spoke about. Where do you find excess parking? As the residents of Timber Ridge know, when you are on Armonk Road trying to get into Timber Ridge taking a right-hand-turn, you have all these cars parked on a diagonal out of a strip mall. When you come in off 128 and make that right to go in there, there is a potential for disaster going into that parking area. One, I would not like to see that potential disaster exacerbated by people looking to find a parking space. Two, my personal opinion is that the village should control that parking area in a regulated manner and promulgate certain parking restrictions. May God bless you and your successful business, but you may wind up adding to that already dangerous corner. Whether you live in Timber Ridge or not, it is something to be concerned about. If you had additional parking or were able to address another way to handle the

parking, then you may slightly mitigate the Armonk Road issue. Granted, what exists there is not your fault by any means. But if you had additional parking, I believe that Timber Ridge residents would be better off as they try to go through that chicane turn into Timber Ridge.

At this point, the following residents spoke their opinion:

Megan Stanford
35 Timber Ridge

Megan Stanford: Thank you to everyone and I appreciate your time. I don't consider myself a very easily intimidated woman, but my voice is a little shaky and it's because two particular things set me off coming in here. I did not intend to come in and give a long speech. As you can see from my scribbling, I've been taking notes along the way and it's been a bit of a stream of consciousness for me. There are two remarkable factors for me tonight that are playing a part in my wanting to really speak. The first, being that I am particularly impressed about the fact that in this room right now there is about a one to five ratio of female to male. There is one of us for every five of your guys up here. The second thing that impressed me this evening was, there are three gentlemen sitting here now, which I didn't know you were part of this at all. When the Chairman came into the room, I was not privy to much of the conversation, but I did hear the quote, "Ah, just let the people talk, we'll get you the forms and we'll move forward."

Chairman Cosentino: That is not true.

Megan Stanford: This feels like a bit of a *fait accompli*, but respectfully I will move on to my five subjects.

Chairman Cosentino: Excuse me; I would like to correct you on something. We had memos. The landlord, not the architect or the owner, did not get these memos.

Megan Stanford: The landlord?

Chairman Cosentino: Yes, he's sitting right there. He did not get these memos. He is entitled to these memos. Our planner, engineer, and attorney wrote those memos. He is entitled to know what is in those memos. I gave him those memos. I never said, "I'll let them talk." I don't have to do this. I do it because you have a right to talk, and I take umbrage to what you just said.

Megan Stanford: That's fine. We'll respectfully disagree. That's okay.

Chairman Cosentino: Continue.

Stanley Bernstein: Mr. Chairman, there is something else I have to say. There is no *fait accompli* with this Board under any circumstances for any applicant that comes before us. Please bear that in mind. Never, ever, has there been or will there ever be as long as I'm on this Board, a *fait accompli*.

Megan Stanford: That is very good to know, Mr. Bernstein.

Stanley Bernstein: I hope you take that to heart.

Megan Stanford: I absolutely do. My reaction is to what I said earlier.

Enrico Mareschi: I also walked in with the Chairman. I was standing right next to him. Those words never came out of his mouth.

Megan Stanford: So we'll move on. It is essential for us to start that as a Timber Ridge community, we are very small. There are only 49 units. I think we all agree that we are looking to beautify and develop the property. The property has gone through ups and downs; no doubt about it. We really would like to see it developed but not in the food service sense. A retail development would be lovely. Their hours of operation, and we are not up against some of the challenges that are being discussed this evening. Some of those challenges include lighting, how does that affect those of us who are so close to the property? The exhaust, the smell, the oven. Mr. Vigliotti had brought that out and kindly pointed out some of those issues that we also have. There is also the proposal area for the trash. We are already suffering from an increase of rodents and trash and smell issues from the deli that has opened up down the hill. There is also noise. We have issues of delivery at any given time, patrons eating outside including the proposed open doors. The traffic, which was brought up by Mr. Sturniolo, is a point very well taken. The traffic down there is an absolute terror and very worrisome to us. It has always been a particular challenge. I thought it was interesting that you noted that the diagonal parking is actually done. We have a very difficult time turning out of the main driveway all the time. I can't even image turning out the driveway not just with the parked vehicles but with the onslaught of the cars that are patronizing the pizzeria. Then there is an issue of landscaping. The slope, the retaining wall; what does that do to the existing infrastructure? There are trees that have been taken down. We've had such a huge initiative in town, even at the town park, planting more trees. I know the local school districts have even helped with that. To take down some trees to put in a parking lot is a little cliché but kind of goes without saying. That is something that was stated here this evening. Also, there is the issue of sewer and drainage. We've had a significant issue in the past with the sewage that runs right outside right down the road. I don't know if it's State or Town. It's a bubbling issue.

Chairman Cosentino: It's town.

Megan Stanford: It is always a headache for whoever has to fix it, as often as they do. I think it would tap into that same line, and that might be a little bit of an issue. As a small residential community, we recognize that the specific driving force is a ----- change to this property. I don't think anyone in Timber Ridge would disagree with that. We would like to see it look nice, sound nice and smell nice, and feel good when we drive by it too. We acknowledge these factors, but we also are very concerned that, as local residents and as adjoining neighbors and as part of what I believe you gentlemen are calling the buffers, makes us kind of wonder. There is probably at least about half a dozen empty storefronts in town, and this proposal could slip into any one of those and make it over and make it sound as cool as you guys are proposing it to sound. Again, I'm not sure who said it, but for spillage parking, if you were in one of the storefronts within town it would make sense because there is spillage. There is on-street

parking. It is remarkable that one of the most recent articles in the Bedford Daily Voice that I saw was about that tragic story about the woman who was going to a new restaurant right in Bedford Village. What a tragedy. Guess what happened there? Parking spillage. I would never, ever want that to be even in the realm of possibility for something near our beloved town. Not a good idea. We are going to appeal to our Board officials, you and the community at large, and those that are operating in our best interest to hear us, in particular, the residents and neighbors that are immediately adjacent to the community. We are neighbors and we have concerns that a food service establishment shouldn't be put there. I respectfully thank you for your time. I am sorry to those who I upset here; however, I stand with everything I said, and I do appreciate it.

Chairman Cosentino: When the garage and repair shop was there, did you ever make a complaint to the Building Department?

Megan Stanford: I did not know to.

Chairman Cosentino: You said there was noise.

Megan Stanford: I'm saying there will be noise.

Chairman Cosentino: You said there was noise.

Megan Stanford: Sir, I didn't; but there was noise, so I will continue.
Chairman Cosentino: Did you ever call the Building Department and make a complaint?

Megan Stanford: I called the police, because I don't know the ranks. I asked if there was a noise ordinance, because I thought that is what would address it. I called a couple of times. They were very nice. It was early in the morning, an air gun.

Chairman Cosentino: That is what repair shops use, and that is what we are trying to eliminate. This Board is trying to eliminate a repair shop, which the landlord has the right to put back in there now. We do not want it.

Megan Stanford: Is that how it is written?

Chairman Cosentino: He has the right to put a repair shop in. It is not for that area. It never was for that area. Maybe it was in the 1950s, when the garage went up. It's not for that area now. As a right within the code, he can have a small restaurant. In saying that now, this Board has to control what goes there. Even though he has the right, this Board controls what goes there. If we can make the ingress and egress better – DOT, first of all, does not want to help us. We wanted to take the parking away and put a curb in. DOT did not want to do it, and the landlord fought us on it. DOT said, "Do what you want, but we're not doing anything." That is a fact from when we had the landlord before this Board. That landlord is still there.

Megan Stanford: Does he not own not only that property but the strip, or are there two separate landlords?

Whitney Singleton: The stores themselves are on private land. The core of the overhang overhangs the state right-of-way. It is not a

village right-of-way, it's a state right-of-way, and they don't want to do anything for us. We wanted to eliminate it to make it easier for ingress/egress at Timber Ridge. They wouldn't let us. They said, "If you want to do something, you do it, you're on your own." The village cannot take that liability.

Megan Stanford: Is that for this particular thing?

Chairman Cosentino: No, but we're bringing it as part of the discussion again. That would help your ingress and egress. Whether they are going to do something for us, I don't know.

Megan Stanford: Can we, as a community, help?

Chairman Cosentino: Absolutely. You can write to the Department of Transportation.

Megan Stanford: We can try to help if we know. The only thing we knew was to get an email to come to this meeting, which is fine, great, exactly what we are supposed to do. Now you're giving us all this kind of back information, which is really helpful.

Chairman Cosentino: As a teacher, you should have done your homework. I did. We are not out to hurt you. We are out to help you. I'm glad you came and gave your statements. It's good, because it gives us something to go by. But it was a little premature, and I wish you would come back again after three or four other meetings and give us some other information that we can go by because then you'll be further ahead of the game. You will know more. I think you did very well tonight, though.

Stanley Bernstein: Hi Megan, I'm Stanley. I would like to disabuse you of another misapprehension, not adversarial, this is friendly.

Megan Stanford: Given.

Stanley Bernstein: It is not up to the Planning Board to select a tenant. The landlord selects the tenant, and they come before us to make sure that they have complied with everything that should be complied with. Also, that the surrounding people are not abused. We cannot take an empty store somewhere in the village and say, "Why don't you go into that empty store?" Not only is it not our purview, we are now allowed to do that. A tenant and landlord get together, they come before us, and we do what we feel is the right thing. We cannot pick tenants for landlords, and we can't pick landlords for tenants. All we can do is rule upon what is brought before us to make sure it is in compliance with all the code in Mount Kisco and the surrounding area environmentally as well as personally.

Megan Stanford: That is helpful, thank you.

Chairman Cosentino: Please keep in mind that we are out to help you.

Megan Stanford: I get that. I understand that. It is a very closed process, so to hear more about this and to have this discussion is helpful. Hopefully we'll move forward and it's helpful. I hope all the things I've said are helpful to you. Certainly there are points that many of you already made, maybe there is a little bit of kernel in there that may be helpful, maybe not.

Chairman Cosentino: It is always helpful. This Board is now learning from the architect and the owner of the pizza place, and the information they give us, I am giving Timber Ridge as a neighbor something to say to give back to us so we can use it.

Doug Hertz: Not just Timber Ridge, there is a community member here who lives next door. Also, Ms. Stanford just said it's a closed process. This is a public meeting. By definition it's open. The whole concept of the law and public boards is that these guys present in a public forum to the public, which is why it is open to the public, recorded, made available to everyone, so that nothing can get closed. It is exactly the opposite of closed. Nothing can get done behind closed doors by law. I appreciate that you are not up on the process, but we are like you. We are volunteers who live in the community and try to make sure that things get done to the benefit of everyone. We have to abide by the law, abide by the rights of the tenants, the rights of the landlords, the laws that constrain us, and we try to find the best solution for everyone, but only given what is proposed before us. We can't say, "Go in a different store." When two people come together and make a deal, they come to us and say, "This is what we'd like to put in this space, does it comply?" There are zoning laws that have to be complied with, there are intelligent planning decisions that hopefully we can make, and we have good professional staff. It is not closed. It tries to be open, and sometimes it fails like any other process, but we try.

Megan Stanford: Thank you.

Chairman Cosentino: I appreciate you coming.

Gary Hughes
45 Armonk Road

Gary Hughes: I live in the white house on the hill; the one that is waiting to get landscaping done. When this place gets beautified, I think I can then beautify my property. I actually have plans ready to go to the Architectural Review Board for the landscaping and garage fix up. I've been waiting for this. I'd love to see the place get fixed up. I am tired of looking at it. I look out my kitchen window as I eat my breakfast, I have a glass double door, and I'm looking down at a truck stop every morning. I see guys peeing behind their trucks. I've seen guys defecating behind their trucks. I've seen all kinds of stuff. My daughters have seen all kinds of stuff going on. So, I'd like to see something go in there. My major concern is more of a plea to the Planning Board to do the right thing for this because I have not slept in three years. When I first bought the place 13 years ago, it was quiet there. There was one mechanic there and he worked eight hours a day and would go home. Then someone else moved in, he didn't stay too long, and then this other tow truck guy came in, and let me tell you, he was there all hours of the night with tractor trailers getting pulled in there. My windows were shaking at 2, 3 AM. My wife had cancer. She survived cancer. But she had to fight that alongside the disease. I live in the area on the cusp of commercial and residential. This is a bedroom community, even though we are growing. I understand that, but I would like you to take into consideration that there is somebody, 15 to 20 feet from that lot. The noise is becoming unbearable. There is a problem in this town with enforcement. I

enforce the garbage truck ordinance every morning. I am running out there putting my life on the line sometimes, going up to these garbage trucks, saying, "What are you doing here at five o'clock in the morning banging your dumpster?" to the guy over at Mrs. Greens and Ben & Jerry's. I've called the police. They give me these sarcastic remarks like, "Oh, it's you again." Well, let me tell you something. I am pretty much fed up with just all the bull that I've put up and dealt with what is going on there. I think enforcement is the bottom line. You can come up with all your ordinances, all your zoning rules and regulations, but what is going to happen once it leaves this office? It's out of your hands. If you can do anything just to alleviate any potential problems, that is what I am looking for. I am looking for something to go over there, and I'd like to fix up my place. I'm going to be selling that place probably in five or six years and I'd like to turn a profit on it. I want to make sure I don't lose a lot of money because of some crazy bar over there. I hope if you go in there you do well, but if he doesn't work out, who is going to come in after that? Is it going to be a bar, another restaurant, someplace with kids hanging out?

Chairman Cosentino: It will never be a bar room.

Gary Hughes: I know I'm thinking ahead and getting a little paranoid, but my whole idea was to make a plea to you to really consider what goes in there and the hours of operation.

Chairman Cosentino: Well accepted.

Gary Hughes: People do sleep right next to that parking lot.

Ralph Vigliotti: Your point on hours of operation needs to be discussed further by this Board in an effort to further protect the neighbors. The operation right now is 11 AM to 11 PM, and I think that is a bit lengthy. I'm not sure who is having dinner after 10 PM in this town, but that is a later discussion.

Chairman Cosentino: If I am not mistaken, garbage trucks are not supposed to be picking up until 7 AM.

Ralph Vigliotti: Yes, it's 7. There is an ordinance.

Gary Hughes: I know that, and I've been telling the truck drivers that. They'll stop doing it for maybe two or three days and they come right back there at 5 AM. I'm up a 4, so I see them. My daughter gets woken up by these guys.

Doug Hertz: The problem is, it is not the police that are going to enforce this. It's the Building Department. Can we send a memo to Mr. Cassidy bringing these matters to his attention?

Chairman Cosentino: I will do that tomorrow morning.

At this time the secretary was instructed to remind the Planning Board Secretary that Mr. Cosentino would be calling Ms. Tipa on the possible garbage pick up violation for Mr. Hughes.

Gary Hughes: I don't know about Mrs. Green's, I think they have a right to be there.

Chairman Cosentino: I don't know.

Gary Hughes: I get woken up when they go by my house. Sometimes they make a mistake and go down Armonk Road. If they stay on 128, once in a while the guy gets lost and goes around. That is one of the main reasons I'm going to be moving out of there. It's gotten too noisy. For the next five years, I'd like something to at least settle down in that area. Anything that gets done on that property is better than what is there now. It has turned into a truck stop. Basically you get a lot of guys parking their trucks and walking down to the deli. They leave their truck engines on. Saturday morning I went down at 7 AM and asked a couple of the guys to turn their trucks off. It was the only day I slept late in a month. They leave their trucks running and go in and have breakfast, 10 and 15 feet away from my window you can feel the diesel shaking the window.

Vice Chairman Sturniolo: I counted approximately 11 times in your talk that you used the word "enforcement." I agree with you 100 percent. If there is one issue that is glaringly lacking in the Village of Mount Kisco, it is not water, it is not traffic, and it is not air pollution. It is none of those things. There is no enforcement of the zoning and judicial codes in our village. You are absolutely right to be complaining. Granted, this is a Planning Board issue with an applicant. Another concern about enforcement of laws and noise and this and that, and you're not getting satisfaction and you should be getting satisfaction, because what this applicant is proposing has not directly caused you to use the word enforcement 11 times. You're upset, you're angry, and you've got every right to be, and I agree with you 100 percent. This village has zero enforcement. This is the Wild West. Shoot 'em up, shoot 'em up. There is no sheriff, there is no marshal, there is no law enforcement, and there is nothing when it comes to that issue.

Gary Hughes: When you do a U-turn on your motorcycle, there is enforcement. I found that out. Thank you for your time. I did have a meeting with the mayor and town manager about this a few years ago, and they helped me out a little bit. They actually put the signs up in the parking lot.

Vice Chairman Sturniolo: What did they do about enforcement?

Gary Hughes: The signs are there now.

Whitney Singleton: Mr. Hughes, I believe you and I spoke on the phone.

Gary Hughes: Many times, I think.

Whitney Singleton: I also believe that it was a result of your complaints that the prior use was there, that you found so objectionable, was shut down, was prosecuted and it's precisely as a result of your complaints that the application before us is here. Provided some degree of a resolution goes through here, you will no longer see an eyesore or hear an ear sore. In that regard, a squeaky wheel has come to fruition.

Gary Hughes: I think I squeaked enough wheels.

Doug Hertz: If this application moves forward, it is in everyone's best interest to get the site cleaned up and get something in there that is positive. The question is, is this application the right application for this site? Is it going to work for the long-term, not just for five years? We have to look for this for as long as it could be there. If it's approved to do X, Y or Z and those things function, those are going to stay in place for a very long period of time. Hopefully they will be wildly successful and make it such that it is an asset. It is a tricky thing, especially if it's in a sport where it adjoins your residence and Timber Ridge.

Gary Hughes: Maybe I'm jumping the gun. I heard some of Megan's problems, and she mentioned garbage trucks, and I said to myself, "Oh, no, here comes another garbage truck in a building that's even a little bit closer. What time are they going to show up? Even if you guys tell them they can't show up till 7 or 8 in the morning, after all, these guys want to go home at 2:00 in the afternoon. That's what they do. They want to start as early as possible and just run through the day and get home by 2:00. I've spoken to a few, and that's what they like to do. If you look around Mount Kisco at 5:00 in the morning, you will see a lot of garbage trucks. Thank you very much for your time.

Kaitlin Hall
32 Timber Ridge

Kaitlin Hall: I am here tonight to say thank you, because I understand what a Planning Board does, having been a daughter of Mom, who was Chairman of the Planning Board in Somers for many years. What we never knew was the process. We appreciate you giving us that tonight.

Chairman Cosentino: I appreciate you saying that.

Kaitlin Hall: However, the key piece to me on this and the reason we are here is that we want to help you by voicing our concerns, many of which you gentlemen said. Most importantly, the back of my unit is right there, and I am very concerned about the cutting in of that slope. I have watched it over 26 years erode. I can see it. I don't know where it's all going, but I am extremely concerned that whatever is done there, that there is a high enough retaining wall – not a little retaining wall – that really holds that slope if this is to go forward. I was really glad to hear that there is another conversation about that. It's important to us. We understand it can be a beautiful place. Is it what we all want? No. I'm not saying we have a choice in that. I do think the other very important piece is the smell. My bedroom is right there, and the smell is going to go directly up into my neighbor's bedrooms and mine. The third piece is the garbage. We already have enough trucks beeping back there because of a landscaping group that has about eight trucks behind the strip mall. We hear it at 7:00 AM by eight different trucks. Also, we see a lot of people hanging around. We can't control that, but we can try and help you make the best decisions for our community by giving you that information.

Chairman Cosentino: Let me bring you up on those trucks. Years ago, that used to be Culligan, who built the building. There were many things down there. They repaired their trucks there and they had three or four trucks that delivered bottles and a few service trucks.

We addressed the trucks that are back there now.

Kaitlin Hall: Thank you.

Chairman Cosentino: The landlord brought in pictures with the Culligan trucks. He felt that he has a landscaping business and that those trucks could stay.

Kaitlin Hall: I respect that, but I think eight vans beeping at 6:30 in the morning is ridiculous, and it's every day. I am a teacher and I like my Saturday mornings, and I don't have them anymore. Lots of things start to impact on us, and maybe we've been too quiet. Maybe we need to make a little more noise so we can keep our quality of life the way it is at Timber Ridge, which we all love.

Chairman Cosentino: That is what we are here for.

Kaitlin Hall: Thank you.

Stefanita Vasilescu
43 Timber Ridge
President, Resident Board

Stefanita Vasilescu: Good evening. I am the President of the Board. I am here to inform our community and to get as much information and to work with you to make the right decision. I am an engineer. I want to thank the fellow technical person that worked on this project. If I may, I would like you to consider three things as being a priority for our community. Those are the hill, the retaining wall. We need your expertise and ask you to look very carefully how that will be secured. I consider myself at this point in time the caretaker on the grounds at Timber Ridge. We have a lot of problems with erosion, and actually the units that are behind this project give me the feeling they are going downhill because I see cracks in the foundations. In that section we have problems with rodents, especially this year because we had a mild winter. We have had a lot of complaints. I see you are putting a lot of attention into the smoke stack. Every morning we have ham and eggs and bacon and eggs with the fellow from the diner. Not that he wants to serve us with the smell, but it's the wind most of the time always blowing in our direction. As you said, it's a great project. We need something here. It is not up to us to request a medical office building or any other building, but I would like to ask you from all of our hearts to look very carefully, and whatever business is coming here to do the right thing and build something sturdy that will hold in the years to come, and to abide by the codes of our village and our community. Also, in your studies, if you see anything that we need to improve, please let us know and we will try to take the appropriate steps at our end. As you can see, we are not informed that well. We did not have enough information coming to this meeting. You explained to us the process, the different steps, and I plan to now come to all the meetings. If you can give us more information that we can broadcast to the Management Office, we would appreciate.

Chairman Cosentino: Whatever information we get, you will know. Thank you very much for coming.

Stefanita Vasilescu: I am not that familiar with interacting with the village, so I am not sure what I need to get from the website or if I should wait for an email.

Chairman Cosentino: What information we are getting right now, you now know as much as we do right now. We do not have private information and don't share it.

Stefanita Vasilescu: I appreciate that, and I presume this will be in the minutes, and we will find the minutes on the website. I am looking for information that I can easily take and send an email or stuff the mailboxes, so if the unit owners decide to come in front of you voicing their opinion, they have the facts there. I am hoping you can point me in the right direction.

Chairman Cosentino: The minutes can be obtained from the Planning Board office after they are adopted. I will give you my set of minutes now.

Vice Chairman Sturniolo: I have a general question for everyone from Timber Ridge. How were you physically notified of this meeting tonight?

Stefanita Vasilescu: I was at the last meeting, and I was invited to get in touch with Nancy. I wrote her an email with my email address and Management Office email address, and she responded to us and gave us notice. She also told me that I would find all papers I need to have here on this table.

Chairman Cosentino: Each staff member reports, and you will be able to get those from Nancy as well.

Whitney Singleton: The policy on that is that the information is made available to the public until the Planning Board is in receipt of the document, usually the night of the meeting or the day before. All the Planning Board meetings are on Tuesday, so it's either available Tuesday or Monday. Please check with Nancy either electronically or by phone.

Chairman Cosentino: Tonight was a good night of information. I think the knowledge you learned from this meeting and our previous meeting will help you going forward. I would like to thank everyone for coming tonight, and I hope to see you all again at the next meeting.

**Continuing Review
The Hearth at Mount Kisco
270 Kisco Avenue
PB2012-**

**Present: Mark P. Miller, Attorney at Law, Veneziano &
Associates, representing the applicant
W. Charles Utschig, Jr., P.E., Birdshall Services
Group, Engineers & Consultants, Project**

Engineer
Martin L. Sieferring, AIA, Principal, Perkins Eastman,
Project Architect
Daniel J. Suits, Chief Operating Officer, Hearth
Management, LLC
Christian Sexton, Vice President, Development, The
Fortus Group

Mark Miller: When we were here in April 2009, the applicant at that time was Westchester Residence and Club. They are still part of the packet, but basically a monitory, a joint venture partner. The new applicant, The Hearth of Mount Kisco, is a joint venture among Fortus Group, Hearth Management, and Westchester Residence and Club. Dan and Christian will tell you a little bit about the organizations. They are extraordinarily experienced developers and operators in this area. I think all but maybe one member of this Board was around in 2009 and earlier when we went through this. We've been away for a long time. The economy had a lot to do with that. The purpose of coming before you tonight is to re-introduce you to our revised project. We have an obligation pursuant to an agreement with the Village Board to make a formal site plan and special permit submission by the end of this week, which we will be doing. We will hope to be on your appropriate November agenda to begin the formal review process. Rather than just start off with that formal submission, we would again like to re-introduce you to the revised project. Back in 2009, you may recall your Board acted as lead agency under SEQRA (State Environmental Quality Review Act) for the environmental review of this project, and on April 14, 2009, your Board adopted a statement of findings that established an environmental envelope for the project. Very shortly thereafter, the village Board, after some duly noticed public hearings, rezoned the property to the PRD zoning district, in which our proposed use is a special permit use, and they also adopted several zone text amendments to address parking and some of the bulk and area requirements for this use. The property is about 17.7 acres, and it's part of a larger parcel owned by the village. We are currently a tenant under a lease from the village with the option to purchase. The remaining 30+ acres will continue to be owned by the village and will be used for open space. The associated property for over the hill was the prior assisted living facility, Town and Country. If any of you have been by there, you will see that the demolition of that property, which was part of our arrangement with the Village Board has commenced, and we expect that to be completed by the end of next month. We will be making our formal submission by the end of this week, but we wanted to give you an opportunity to see how the project has changed, we think, significantly for the better.

Vice Chairman Sturniolo: You said the end of next month meeting, November? I thought it was October.

Mark Miller: It was originally. The Fifth Amendment to the lease provided for the demolition to be completed by the end of October. After the demolition started, we received an asbestos report that indicated there was a certain amount of asbestos in the property, and the timing for the demolition was based on that. It turns out that there were multiples of the amounts of asbestos, so it took two additional reports to get that information. We now have it. It just has slowed things down, but we are underway. With the Board's permission, I would like to turn it over to Mr. Sieferring to take through

the revised project.

Martin Siefering: Good evening. I am an architect with Perkins Eastman. We are architects in New York City, and we design senior living across the country. We are happy to be back. We've been part of the team since the beginning. I recognize several familiar faces from our previous endeavors here. One change is we have a new client, and another change is that the market has changed since we were here before. We were presenting a model of enriched housing which was an entry fee model with personal care added on. In the last four or five years, with the adjustments in housing values, the entry fee model has deteriorated as a feasible model to build senior living. Most seniors today are looking for rental models. The other thing that has changed in the market is that seniors are staying home longer, part of that is because of the economy. They are staying home longer and moving to retirement housing later in their years. That does a couple of things. One, it puts an emphasis on entry fee. It also makes them typically frailer, and they need more personal care as they move. Working with Hearth, we have created a new model of enriched housing here that addresses those issues that we believe will be attractive to the market here in Westchester. I will start with the building plans rather than the site plans, because the site plans have actually changed very little. We enter on this side, and this is the uphill side of the project. This is the downhill side of the project. We enter here in the main entrance, and all of this gold color is common space to include dining room, multipurpose room, kitchen, and other activity spaces. The blue colors are apartments, and you can see two distinct sizes of apartments here, bigger and smaller. Here is another group of common spaces. We have created a program that is really in two pieces. We found that seniors typically come in with two levels of care. This will accommodate the level of care for seniors who need a great deal of care everyday, and this is for a group of people who need more personal care on a daily basis. They exist in a smaller environment here with the smaller dining room and living room. This group leads a larger life with a centralized dining room. These apartments are almost entirely single individuals. We don't see very many couples over here, whereas over here we typically see a fair number of couples in this population. This is the ground floor. The terrace floor is one floor below. Because of the topography, we can have apartments that have windows at this level, and we also have the parking garage here. One of the things we've done with the change in the use from a for sale product to a rental product is actually looking at building fewer parking spaces under the building, because the demand for parking is much lower in a rental product. As the seniors move in at an older age, there is typically less demand for parking spaces, and they are driving a lot less. One of the things that has allowed us to do is install more units down at this level than we did before, which has allowed us to take some of the bulk out of the building. You will see in a little bit that the building is much lower than it was previously. We've maintained the service entrance that we had previously. We maintained the garage entrance that we had previously. This is the upper floor, second and third. You can see here that we have blue on this side and no blue over here. This side goes up three floors, so there is a terrace; first, second and third floor. On this floor there is parking on the terrace level and only one floor of housing. So, this is much lower. At one point this was all 3½ stories. We are now 3 ½ stories here and 1½ story on this side. We are much lower to the ground.

This is the new site plan, which is all exactly the same, no changes from what we had before. The only change is in these areas. The brown area is a footprint of the building that we had before, the white is the building that we are proposing now. It all fit in this area. The reason it fit there was because the topography told us it's really the only place to build a building on the site. We stayed within that footprint. The roads are all the same. The entrance points are the same. We have the same walkout courtyards on the lower end. The only thing that has changed is this end of the building. Instead of being 3½ stories, it is now a story and a half. It fits neatly into the site. I would now like to introduce Dan Suits and Christian Sexton. They are the main component of the new applicant. They are extremely experienced developers, and I think you will benefit from hearing their experience and the breadth of their expertise.

Dan Suits: Good evening. I am the Chief Operating Officer of Hearth Management and one of the principals of The Hearth of Mount Kisco as well as Christian Sexton. Hearth Management has been in the business of senior housing since 1990. We built our first housing project in Syracuse in 1990. Currently today we operate 12 properties and own them in four different states. We have four properties in upstate New York. Closer to here, we have one is Southbury, Connecticut; Branford, Connecticut, and we are now closing on some land in Glastonbury, Connecticut. We have four properties in Indiana, one in Tennessee and another one under construction in Tennessee. We are a privately held company and very hands-on. I've been the Chief Operating Officer since 1995. I'm in our buildings monthly. I do not consider us a Mom and Pop, be we kind of act as a Mom and Pop because we are not within a large conglomerate, we are not a publicly traded company. We are a smaller company of eight individuals, all with their own personal assets at stake in everything that we do. We are very intimate with our buildings and residents and the product. We are very excited to be in front of you in Mount Kisco, and we look forward to this process moving forward.

Christian Sexton: Our partnership between The Fortus Group and Hearth Management is that The Fortus Group is the development arm. We are financiers; we bring real estate development collectively in various companies for 40 years. Golf courses, apartments, etc. We entered the senior living market in partner with Hearth from upstate New York in 2007. Since that time, we have been involved in six properties in Indiana, Tennessee, and Connecticut. I've been behind this team trying to get this specific Mount Kisco property up and running for over a year. We've had a lot of hard work to get to this point. As many of you know, it was an interesting development that stalled. That being said, here we are in October. We currently have an agreement in place with the village, and we are very excited about moving forward and getting the process started so we can alternately be a partner here in the community and provide housing for seniors.

Stanley Bernstein: You mentioned trees that were in front of the project. You highlighted an area and said, "If these are accurate." How are we going to know if they are accurate?

Martin Siefering: We probably don't know it's accurate and probably will never know it's accurate until the day it's built.

Stanley Bernstein: That doesn't work here. I want to see something.

Martin Siefering: What we are saying is that this is what we believe this will look like. These are all existing trees. We are not planting any of these trees. These are trees that are going to stay there, from the beginning.

Stanley Bernstein: You are also not telling us which trees are coming down, are you?

Martin Siefering: I believe there is a tree survey in the FEIS (Fire Effects Information System).

Stanley Bernstein: Is the road going to be the same as was proposed in the past?

Martin Siefering: Yes.

Stanley Bernstein: Identical? That is the way you're coming in?

Martin Siefering: Yes.

Mark Miller: These are the two photo simulations from the FEIS, which have the actual trees. (*The photo simulations were then brought forward for the Board's perusal.*) These were photos from three and one half years ago, actually taken from the locations shown. The proposed buildings were superimposed on them. Basically, what Martin's sketch drawings show is that this portion is going to drop down by two stories – from three and a half stories to one and a half stories. These are the actual trees minus 3½ years of growth. In addition to the reduction in size, we think there will be significant reduction in height, and hence visual impacts of approximately half of the mass of the building.

Martin Siefering: What I meant to say is that these are real estimations, and there is nothing scientific about these. These are much more scientific documents, put together much more carefully. That is why I referred to these.

Stanley Bernstein: Is there anything you are going to present to us so we can assess the difference, the pros and cons to this change? I was told by the brain trust over there that we are not going to get a new DEIS (Draft Environmental Impact Statement), which I do not believe is right. At any rate, are you going to come up with some supplementary information, and Ms. Bourne, are we going to have a public hearing on any of these changes?

Mark Miller: Your Board is required to hold a public hearing on the special permit application, so there will be a public hearing on that.

Stanley Bernstein: What are you preparing to show us?

Mark Miller: It will be a full site plan submission.

Stanley Bernstein: Nothing to do with SEQRA? No supplementary SEQRA submission?

Mark Miller: Virtually all of the impacts are reduced. Attached to my

October 8 letter submitted to you was a comparison.

Stanley Bernstein: Reduced doesn't tell me anything. Is there going to be a SEQRA submission showing the changes and the new impact upon this area?

Mark Miller: It's not a SEQRA submission, but it will be part and parcel of the site plan submission. We have the Statement of Findings that your Board adopted, which set certain parameters, and the submission will address the changes.

Stanley Bernstein: That was supplied three years ago.

Chairman Cosentino: I'd like to stop everyone for a minute. This will help us. I want Ms. Bourne or Mr. Singleton to advise the Board what has corresponded with this development, what we have to do, what we have to leave out, and what we're not going to do.

Nanette Bourne: With regards to SEQRA, there are a couple of options. As we all know, this went through a lengthy SEQRA process with the adoption by the Planning Board of the Statement of Findings. That being said, you can say the SEQRA process is closed, but all the SEQRA material that was done in the past to the extent that it is valid; it is still what you go through today. I would recommend in order to address Mr. Bernstein's comments and mine as well, is that there are changes that are being made. The applicant is stating that those changes truly reduce impacts, and those changes need to be summarized. There are also changes to the laws, primarily concerning storm water that need to be included in this. When we left this on April 14, these were the existing and proposed conditions and the impacts. Now that we are in almost 2013, we have to compare where we are now and where we were then. Today I reviewed the Statement of Findings, and I recall that there were many details that were left out. A lot of the grading, a lot of the details concerning the retaining walls, the storm water basins, water, the access road. How those are presented to the Board, I think needs to be done in the context of SEQRA as well as the site plan. But in thinking this through preliminarily, I would certainly recommend a technical memo be prepared that summarizes this and explains. You don't have to go through all of the SEQRA issues that you've already dealt with: traffic, natural resources, all of those things that really haven't changed; not to revisit them, but certainly those things that you're trying to explain to the Planning Board: that there is a reduction, that the changes that have been made concerning primarily storm water. These all have to be identified.

Mark Miller: I think you are absolutely right. Obviously Mr. Utschig will work with Mr. Oliveri at the technical level, and then we can advise you with respect to what the impacts are under the new regulations and by virtue of the new plan.

Nanette Bourne: That would be part of the SEQRA process. You can make sure that you have, from a SEQRA standpoint, taken your hard look.

Stanley Bernstein: There is one other issue. The statement having been written three years ago, there have been many changes. For example, population changes and demographic changes. There is a whole section devoted to that. We are in a new era now. Some of the

things won't change, but many of them will, and we really should get a view of them.

Nanette Bourne: I think that is what the technical memorandum should address. Everything that is new information, everything that the applicant stated needs to be compiled in this. Instead of looking at a 300-page document, you will be looking at a 10-page summary.

Doug Hertz: I would like to suggest that rather than asking Mr. Utschig to do this, we can suggest some things be incorporated. For instance, traffic. There have been some changes on the road directly below with some signal changes since we've started. We finally got the Saw Mill signalization right, so there are some changes that do need to be reflected. You are talking about reduced traffic impacts, I assume, because you are talking about reduced parking onsite. But, there are some local changes that should probably be referenced.

W. Charles Utschig: Within the context of the finding statement that this Board issued, there is always the opportunity to look at changes in existing conditions. We would like to present to the Board a simple comparison in an effort to give you a sense of the massing of the building, and provide you with that comparison and then go through the items that are clearly impacted by our project. Is there more impervious area or is there less? Has there been an effect on the trees? We think some of those will be fairly straightforward and easy to answer, and we will be able to give the Board that comparison. We are hoping that the conclusion that is drawn is yes; we believe you are at the same or less. I do think that some guidance from the Board on the number of issues that we look at would prevent us from making a submission and having missed some. I think there is some merit to that. We clearly know what issues we would easily and obviously want to address, but if there is some assistance in making sure that we've got all those sections covered. Our intent is to give the Board that document that we hope will allow you to read through it and understand the project as it is now and see how you compared it, what your conclusions are, and really hoping that you'll agree that as being proposed now is the same or better. That will also be done in the context of a fully detailed set of site plan approval drawings. We want to gain momentum in trying to get forward with the details so that this Board can do what they do very well, and that is making sure we do. I will be happy to provide the Board with a memo as to the changes in the application and perhaps the associated changes and the impacts, what your Board's obligations, duties, and options are under the law and how to treat this.

Doug Hertz: That would be helpful.

Stanley Bernstein: If any of the Planning Board members wish to look at the old DEIS and compare it to existing conditions and make a memo on that, will that be acceptable?

Nanette Bourne: I would recommend if you have a digital copy, perhaps you could put it on a CD.

Stanley Bernstein: I have the old DEIS and the final statement, etc. I will go over that, and if it's all right with the rest of the Board, I will try to have a memo ready.

Whitney Singleton: I will provide you my memorandum of law without regard to this technical memorandum, and you can draw your own

conclusions based upon the law.

Ralph Vigliotti: Please point out where you are proposing to land bank the 65 parking spaces?

Mark Miller: Actually, it's a work in progress. We think we're down to 51.

Martin Siefering: We are studying a couple of things, but there is an area here that we can use to land bank some parking, and then we can park some cars along this road. We can also park some cars along this road here. In the approved plans, there is also a tennis court in this area. With this change to the rental model, we won't be building a tennis court, so we can potentially use that to create some land bank. We will be submitting a plan later this week designating those spots.

Ralph Vigliotti: The new proposal seems to be addressing a higher average age, which may present a need for more housekeeping employees and/or maintenance employees and aides, etc. Do you anticipate them needing parking spaces, or will a number of those employees take public transportation and work their way up to the site?

Dan Suits: That is typically a combination. We don't know until we have job fairs.

Ralph Vigliotti: With the design of the road, and knowing that there may be a number of employees that may be using public transportation, designing a sidewalk as opposed to having those folks walk up that road design...

W. Charles Utschig: If I'm not mistaken, one of the things this Board had us do was incorporate a sidewalk on one side.

Ralph Vigliotti: And that is still in place?

W. Charles Utschig: We have not seen anything that would cause us to want to change that. We will look at that as part of the process. I am almost sure we incorporated a sidewalk on one side, because as part of the SEQRA process there was, although a different tone to the discussion, discussion to the potential of public transportation, people coming to the site and employees using home transportation.

Vice Chairman Sturniolo: Going back to the original concept of fighting a fire up there, there was talk about a water storage tower or an underground reservoir. What is now going to be in place as to how we can get pressure?

W. Charles Utschig: We are still working on the answer to that question. I want to be honest with you. We have not formulated a design solution yet. We are looking at the options. This building configuration and the fact that we have less underground parking and some other features to it, has kind of sent us back to the drawing board a little bit to think about that. We know it's there. We know we need to provide it, and we are hoping to bring you a good solution; but we don't have it right now.

Vice Chairman Sturniolo: From an operational point of view, picking up on the age of 80+ residents, who are probably not going to have cars,

are you going to provide shuttle facilities for doctor's appointments, for example?

Dan Suits: We will have a transportation van or two.

Vice Chairman Sturniolo: Or if the doctor needs to visit them in their apartments, then the doctor comes up and parks in a visiting space.

Dan Suits: Correct.

Vice Chairman Sturniolo: Architecturally, what are the basic components of the construction of the building as opposed to the previous submission?

Martin Siefering: They are the same.

Chairman Cosentino: We know, as far as fire apparatus, that the idea of the pool was not working. We found out that the water tank was not going to work, aesthetically; plus, we could not get enough water there. If I'm not mistaken, we spoke of a line with a pump or a pressure going up there.

W. Charles Utschig: A secondary line. Now we have a dead end feed that services the building.

Chairman Cosentino: You know our water comes down from the lake. To get way up there, I don't know where the water main is, but you're going to need a larger one, probably on Kisco Avenue, and you're not going to be able to get to the top by gravity.

W. Charles Utschig: Based on the original studies, we can get the water to the top of the hill. Once it's there, we have to re-pressurize it to energize the stream push system and to provide appropriate pressures for the domestic. We can get the water to the top of the hill, not with much pressure. Then, we have to re-energize it at that point. The bigger issue was that because it's a single-feed supply, if that line ever breaks, the secondary source of water is the issue. We are trying to find a way to either add reliability to that, and when I say that, I mean having two points running up the hill; or, having a source of water that is adequate at the top of the hill that can be used to feed the fire hydrants and to allow the fire equipment to use as a source of water. That is the real issue. We tried to figure out a way to bring a secondary feed up into the site. Really, when you do that, you don't want them right next to each other, because two lines right next to each other is not the solution. We typically try to separate those by some distance, and as we all know, this site does not lend itself by having two points where we can come up the hill that are separated. That is the struggle. We do not have the answer yet. We know what the issue is; we have not found the answer yet.

Vice Chairman Sturniolo: A while ago you said the main entry road has not changed from the original concept. By it not changing, do you also include the steepness of the road as well; the width and the length and the turns?

W. Charles Utschig: As you recall, the actual finished floor elevation of the building at the entry point was set by the limitation of us being able to get the road up to a certain elevation. The road is designed to meet your standards. As far as the width, we spent some time

widening it at the switchbacks so we have room for the fire equipment. That is all staying exactly the same. There is no way to change that. You will find that the road is exactly the same and the grade in which we enter the building for this new building is exactly the same, because it is driven by the road.

Vice Chairman Sturniolo: What about the water retention areas?

W. Charles Utschig: As Ms. Bourne has pointed out, we are now dealing with a new set of requirements under the new general permit for storm water activities over an acreage of disturbance. We have to figure out how to incorporate those into our design. The sense is that any additional storage that might be needed, primarily from a water quality perspective, will be dealt with without affecting the design of the current basins that are spotted as you go up the hill. It will be dealt with at the top of the hill in some form of underground storage. We may actually figure out a way to try to incorporate roof drainage into that to add a green practice to this. We are working with a solution to the storm water question also.

Vice Chairman Sturniolo: Are you still striving for LEED (Leadership in Energy and Environmental Design) Silver status?

Martin Siefering: I think the goal here is to have a sustainable initiative. We have not really talked about the specifics. We would have a goal to have a sustainable component to it.

Vice Chairman Sturniolo: Thank you.

Ralph Vigliotti: Can you share anything about an emergency road with us at this point? I know it is something you had discussed.

W. Charles Utschig: We have two options. Both are being explored. Without enough information and/or reaction to either of those options, I would hate to say much more about that issue. There are two options. One, we know, goes up the hillside and goes up to the water tank, and there is another potential. We are exploring those and hope to come back to the Board with the best answer.

Chairman Cosentino: But there is dialogue between him and the firm?

W. Charles Utschig: Again, there are two options, both of which are being explored.

Chairman Cosentino: I know both options. Are you talking to both people on the options?

W. Charles Utschig: We have not had a formal introduction, but both parties are aware of the issue, the desires.

Chairman Cosentino: I know they are, but there has been no dialogue?

W. Charles Utschig: No. We really wanted to get passed this tonight and introduce our project. Some of this is going at a faster pace than the consultants can keep up with. We intend to have those conversations, and we want to explore those.

Doug Hertz: In the letter of October 8 on the second page it states, "The building will also use sustainable systems and materials based on

the US Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system for the new construction with the goal of receiving a silver rating upon completion and operation of the project." Is that not accurate?

Mark Miller: I defer to Mark. We would still, of course, like to attain that goal.

Doug Hertz: I know you design for LEED but don't get the points till afterwards. We get that. Is that going to be a goal?

Martin Siefering: We are pretty early in the process here, and we have not had the time to really dig into some of these questions. I can't be quite as legal as Chuck was, or as elegant, but just haven't had the time to dig in and figure out what is happening. Given the site is the same and there is a lot of LEED points that come from the site work, we assume we will get there. We do need to do more work.

W. Charles Utschig: We are not trying to be evasive with some of these answers. We don't want to make a misstep.

Doug Hertz: I know when you have a formal submission a lot of these things will be answered.

Chairman Cosentino: We might know more than you think we do.

Doug Hertz: At this point, I would like to thank you for reducing the height of the building. I think that is a vast improvement.

Mark Miller: We know the visual impacts.

Doug Hertz: Visual impacts were absolutely a tremendous part of the discussion.

Mark Miller: And rightly so.

Doug Hertz: Being able to reduce those effects is a big significance. I appreciate that. I think there is a third option, by the way, for that access road, one of which involves the Saw Mill River Parkway.

W. Charles Utschig: We have been down that path. It would take some fairly substantial political clout, regardless of our project, to accomplish that. If you think it took us a long time to get to here on this project....

Doug Hertz: It's the perfect solution.

W. Charles Utschig: I understand.

Nanette Bourne: This is on the agenda for continuing review, which this is really not. It's more of a special discussion. It should be reclassified as Special Discussion. I don't know if you are planning on submitting a new site plan.

Mark Miller: It will be a separate site plan package with the application and wetlands permit and steep slopes permit.

Nanette Bourne: That will come with your technical application, and so it will be a new application.

Mark Miller: The technical memorandum will come a little bit later, because we are under some strict deadlines.

Chairman Cosentino: Is the Board okay with that, instead of Continuing Review?

Whitney Singleton: From my perspective the purpose of tonight's meeting was exactly what the applicant meant it, to bring you up to speed. I think Nanette is trying to bring up the fact that we dejectedly regard any application that is dormant for more than a year.

Chairman Cosentino: I don't know where Continuing Review came from.

Whitney Singleton: I thought it was discussed when we met that it should be put on as a Special Discussion. The other aspect that is kind of important from my perspective is almost a homework assignment. Where do we go from here? I will certainly be doing a memo on the topic Stan brought up, but as far as the next time this application is before your Board, you are going to have a terribly substantial submission of site plan drawings. There will be a technical memorandum that Nanette will have input on but will be drafted by the applicant as to the SEQRA text and how it was modified, and in what way they have been modified. Everyone is under an obligation to keep this application going, but I don't want to rush anything, and I don't want to let anything sit dormant too long.

Chairman Cosentino: When they make another submission to come in, I need to know approximately how long they will be here. I am not leaving at 2:00 in the morning, and I don't expect my Board members to do so either. I want to give them time, and I need to set the agenda. If they are going to be here for two or three hours, I need to know that.

Nanette Bourne: I think it will be important for good communication and coordination among all of us, so that the technical memorandum, which is really going to set the table for moving forward, is complete and something that will quite satisfy the Board. If you look through the finding statement, you will see there were a lot of areas that were really left very big, and we always said that it would be at the site plan that you have to eliminate the bacon. In grading and storm water, I cannot emphasize the importance of the retaining walls. Those were never resolved.

Mark Miller: So we are along the same page, we think the idea of a technical memorandum works very well. We are under a very strict deadline by virtue of the amendment to the lease to make a site plan submission, so we have been gearing towards that. We hear about the technical memorandum; I think it's fair to say that will not be part of our submission on Friday. We will make it as soon as possible, and we appreciate that you need that to set the stage for everything else. But we want to get the application in so we comply. The next task would be to work on that technical memo.

Chairman Cosentino: We have deadlines that we have to meet for all our applications to set our agenda.

Mark Miller: We understand. The deadline of this Friday is independent of your schedule for when we get on your next agenda. That was established by the Village Board. If we make that submission on Friday, we satisfy the contractual obligation. If it takes us a little extra time to submit the technical memorandum, and that kicks us over to a different agenda, so be it.

Anthony Oliveri: The question is, how are you submitting site plans if your storm water is not developed yet, your water solutions are not developed yet, your emergency access solution is not evolved yet. How is a site plan being submitted?

W. Charles Utschig: We are representing solutions to those design issues on the drawings.

Nanette Bourne: Will you have a grading plan?

W. Charles Utschig: Yes, there was a grading plan, and it will be brought to the level of detail. There will be a tree removal plan, tree preservation plan, retaining walls, vfband sections. I have 28 sheets of drawings.

Nanette Bourne: On Friday?

W. Charles Utschig: When I tell you that, you are going to be happy with the emergency access road. That is for this Board to decide. We have a solution, we are going to present it. We have a solution to the water. We will present it. We think we have our arms around the storm water, and we'll leave that for your technical staff to review and comment on our work product. We are doing our best to meet the obligation to make a submission on the 26th. This technical memorandum, which we understand really should lead the process, is not something, as Mark said was on our radar as part of this submission. To a certain degree, we are not sensitive to when you put us back on your agenda, and this is ready for further review. If it means that the technical memorandum comes in a delayed fashion, and the Board decides that they don't want to hear any detailed site plan discussions until after that, which is okay with us. We understand that this submission on the 26th doesn't even meet your meeting submission requirements two weeks before. We will get caught up. We hear the message. We still have to submit on the 26th. It may sit on the corner of everybody's desk until we get the technical memorandum done. That's okay.

Mark Miller: There was also the discussion before about your Board, presumably through your consultants, providing us with some input with respect to the technical memo as to what issues, so we make sure that when we do submit it, it covers everything.

Chairman Cosentino: I don't think my question was answered. When you submit, you must have an idea of how long that submission is going to take at this meeting. I have other applications that I have to put on the agenda also. We need to give them time.

Nanette Bourne: I think our conversation here is one of concern that what they are hurrying to submit is going to be substantive enough for us to review. If it's vague, it will be very easy, and our memos will be very easy, and their time before the Planning Board will be very short.

Chairman Cosentino: I need to know that.

Mark Miller: That is a chicken and egg situation. The technical memo sort of leads that process, and your input to us as to what needs to be in the technical memo leads that process in turn.

Nanette Bourne: We don't know what needs to be in the technical memo until we see your details.

W. Charles Utschig: I'm not sure I understand that, because we are talking about a technical memo, that compares basically your findings and the information it presented in the FEIS with the scope of the project at the level of detail that you reviewed it originally. It wasn't site plan approval level; it was SEQRA level documents. We would do that same comparison. I think that is our test. SEQRA says we have to be able to demonstrate the project as a proposal; either is the same or less impact than what you did your assessment on. We will provide that level of detail. We also have to provide this other set of documents that meet your submission requirements. If we are deficient, you staff will identify it, and we will do the normal process of reading memos and making changes and doing it. I think the only issue here is if we didn't have the deadline of the 26th in front of us, we too would submit the technical memorandum, get it worked out, and then go on. But we have to make this submission on the 26th.

Vice Chairman Sturniolo: What does the 26th date mean?

Mark Miller: It was established by the Village Board as part of the Fifth Amendment to the lease.

Vice Chairman Sturniolo: To the village, not to the Planning Board?

Mark Miller: That is our contractual obligation to the village.

Vice Chairman Sturniolo: It has nothing to do with the work session of the Planning Board, which is the 27th, a separate issue.

Mark Miller: The 26th was an "arbitrary" date.

Anthony Oliveri: It might make more sense at the next meeting to review the technical memorandum and not the site plan. Even though the site plan is getting submitted, the next meeting will take place after the technical memorandum has been reviewed.

Mark Miller: That makes sense.

Doug Hertz: If we don't agree with the technical memo, there will be a discussion.

Chairman Cosentino: Ms. Bourne, please contact me and let me know. If something is going to be lengthy, I need to know.

Nanette Bourne: I am hearing that on the 26th these 26 pages of drawings are going to come in, and they are going to meet their obligation and then they are going to be set aside, while they work on their technical memorandum. At the next meeting, there will be an acknowledgement that they have met their obligation, but we are not

going to get into anything because we are going to deal with the technical memo and SEQRA issues first. You are not going to have that technical memorandum complete and submitted for that meeting. It will probably be the following meeting.

Mark Miller: We will have to figure it out; whatever your schedule.

Vice Chairman Sturniolo: December 11 is the first meeting in December.

Nanette Bourne: So the meeting will be the December meeting in which we focus on the technical memorandum.

Stanley Bernstein: I would like to make a suggestion to the presentation team. You have 26 drawings on the site plan. I hate to see 26 pieces paper. Please digitalize it and submit it to the Building Department that way.

Mark Miller: Your point is well taken. We will work with Ms. Bourne and staff with regard to the technical memo. We will make sure we cover all the points and make our submission on Friday and move on.

Chairman Cosentino: Thank you for coming this evening.

Correspondence:

- Meeting Notice from New York Metropolitan Transportation Council Meeting dated September 27, 2012
- Minutes from the Beautification Committee dated September 5, 2012

Vice Chairman Sturniolo: I think it would be beneficial to everybody and staff if a time line memo was generated that reflects these dates of November 26, 27, submission dates, and also how it could dovetail in with the balance of our calendar agenda so we all know. The chairman and I never heard of this date of the 26th at all.

Enrico Mareschi: The 26th is a Monday.

Vice Chairman Sturniolo: Right. But the 26th is a submission date that they have an obligation with the Village Board. It's the first we heard of it tonight. I'd like to see this in memo form, so we know all these dates and what to anticipate. The second point is, as we are getting closer to the end of the calendar year. We should start getting next year's calendar prepared, because we have to go through it three and four times and correct all the mistakes from the first pass. This is nothing more than a simple clerical project, and it shouldn't really take a lot of time, because the meat and potatoes is a conversation that we just had with these applicants.

Stanley Bernstein: I will call Nancy and arrange it.

Vice Chairman Sturniolo: We also have to review our rules and procedures for next year as well, and that takes time.

Stanley Bernstein: That is the first meeting of next year.

As there was no further business to be discussed by the Planning Board, on motion by Mr. Hertz seconded by Mr. Bernstein, the meeting was adjourned at 10:40 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm