

Mt. Kisco Planning Board
Minutes
Tuesday, June 25, 2013

Chairman Cosentino called the meeting to order at 7:50 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: Chairman Joseph Cosentino
Vice Chairman Sturniolo
Stanley Bernstein
Doug Hertz
Ralph Vigliotti
Enrico Mareschi

Members Absent: Sol Gibbons

Staff Present: Whitney Singleton
Anthony Oliveri
Nanette Bourne
Rob Melillo

Meeting Minutes:

None

Final Action:

**Grand Prix Bowling
333 North Bedford Road
PB2013-8 (SLB) 69.50-2-1
Amendment to Site Plan**

**Present: Jim Diamond, Property Owner
Council for the Village, David Stolman**

Mr. Hertz was Recused from this case.

Chairman Cosentino: We had a public hearing on this, left it open for ten days, and now we can go through the resolution and close it tonight.

David Stolman: You received a copy of the resolution last week from Nancy. This one has just a couple of changes to it. Would you like to go through the whole thing, or just the changes?

Chairman Cosentino: I have one change. You can go through it.

David Stolman: I will tell you what has changed since the last version.

Page Two – #6: We omitted a floor plan that Jim had submitted earlier and didn't get a copy of it until recently. We added this to the list of application materials since Jim has submitted as part of this application.

Page 5 - #2: In terms of the conditions that had to be fulfilled prior to Jim adding the additional arcade/amusement devises, we have: "the

applicant shall submit thirteen (13) large scale copies of the GPNY Floor Plan specified above to the building department. That is something Ralph had asked for. There are no other changes to the resolution that you received last week.

Chairman Cosentino: I would like to add one new condition on page 5, A 3: Any and all permits hereunder shall be predicated upon certification by the fire inspector that the facility meets all required fire codes." This should have been in there a long time ago. I think it's good for Jim so there are no future problems. When the fire inspector does go in there, he knows what he has to do.

David Stolman: The ten-day record of remaining note has expired now, since it's been more than ten days since the last Planning Board meeting.

The secretary noted nothing has been received via mail.

Vice Chairman Sturniolo: Should we close the public hearing first?

Chairman Cosentino: The hearing is closed. It automatically expires.

Motion to Approve the Amended and Superseding Resolution of Special Permit Approval for Bowling Alley Amusement Devices and Operational Restrictions at Grand Prix New York, Diamond Properties, 333 North Bedford Road, dated June 25, 2013, Incorporating the Verbal Changes that we Discussed Awhile ago regarding Page 5, A 3; and also Reaffirms our Original Intent to Declare a Negative Declaration for this Property Obviating the Necessity of a Environmental Impact Statement

Motion: Vice Chairman Sturniolo
Second: Stanley Bernstein
Aye: Ralph Vigliotti
Aye: Enrico Mareschi
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Conceptual Review

**343 North Bedford Road Realty LLC
343 North Bedford Road
(SBL) 69.51-1-1**

Present:

**Charles Martabano, Attorney at Law, Attorney for the Applicant
Bart Marksohn, Applicant
Diego Villareale, PE, Project Manager, John Meyer Consulting,
PC
Ira Grandberg, Grandberg Architects
George Gaspar, Grandberg Architects**

Charles Martabano: Tonight's application pertains to 343 North Bedford Road, a building that you are probably very familiar with. It's been constructed since circa 1950. It is the former De Silva Ice and Fuel Company building. It is a bulk petroleum storage facility and

repair facility for their vehicles. This is the image of the existing facility (indicating). Town Bus Corporation recently obtained the contract to service the Bedford Central School District, and they have a storage lot on Norm Avenue in Bedford Hills. They wanted to acquire the property for the purpose of maintaining, repairing, New York State inspection of the buses, as well as for the fueling operation. This property had approximately 140,000 gallons of underground storage of various different fuels over the years, 19 tanks in total. Obviously, we wanted to not necessarily acquire that type of facility. We decided, instead, to remove the vast majority of the tanks. We commenced our operations in July and removed approximately 140,000 gallons of storage. Unfortunately, there was a degree of contamination with respect to the property. We went through not one but two separate remediation. The County of Westchester Health Department, acting on behalf of DEC, has now closed down the spill on June 7. However, there is still some remaining contamination, which is under the existing building. We don't have to do anything unless we desire to remove the building. We would really like to move forward and clean up the site. They decided to try and present an image, which I think the company in its best image for this particular area. They decided to engage the firm of Grandberg and Associates to design an entirely new and different concept. The building is serviceable the way that it is, we don't have to do any further remediation, they could use it the way it is, but we've decided to try to bring a different image to the Village of Mount Kisco.

Ira Grandberg: When we studied the site, we brought in a structural engineer by, and there are structural issues with the building. It's not a continuous building, it's a two-bay large garage, and there ancillary spaces in the northernmost section, concrete block, some major structural cracks in that. We looked at the neighborhood, and one of the things you heard me say before, is that the continuity in our town is very important, not to just create isolated buildings that don't fit in. We worked with what we thought we had in the area in terms of buildings and trees. It is a corridor, and it's a corridor that has elements of it that are very nicely landscaped. If you look at the shopping center across the street, and you look at some of the areas at the Toyota building that has large Linden trees with bushes. Also, all the buildings that are on the perimeter have metal roofs. Whether you like them or not, it is a symbolic component of the commercial strip. We felt that when we developed the new building, we should be conscious of that. We should not make it look like a repair facility or a maintenance building. Also, we would like it so when you're driving up the street, it's not covered with signage that says, "Bus maintenance building." It also has some scale that both represented the other structures and the landscaping potential to be an attribute to the community. Our client gave us that charge. We've come up with a building that we think would be very handsome. The idea is to create a building that is crenulated (meaning the roof line changes) so that the four bays are not just one bay right after the other. We want to use a metal roof that is complimentary to the exterior façade of the building. We'd like to use industrial steel sash windows, because it is a garage-type building and it can be done beautifully. We don't want to make an entrance in the front of the building. The old building has garage doors in front. We are eliminating all the garage doors in front. We are creating a very subtle entrance on the side. The reality is that the bays for the buses require a 16-foot clear high ceiling. To do a big block of a building on this street with 16-foot ceilings and two and a

half to three-foot high structural frames would make the box, if you will, very insensitive to what the area is, and it would be an extension of what the existing building is. The opportunities are that the whole front of the building will be landscaped with hopefully a lawn with some Linden trees, similar to the Toyota building with hedges around it, so there is continuity along the street. You can see the way Meyer Associates has created ingress on the south side, and an egress on the north side. The fuel area, which used to be a very large structure, which Meyer Associates can show you, is now actually behind the building in this plan. Instead of being visible from the street, it will be substantially not visible from the street. In an overview, that is where we are at on the concept level.

Charles Martabano: When we entered into contract to purchase this site, it had approximately 140,000 gallons of storage. That has all been removed now with only 14,000 – one-tenth of that amount going back in. The tanks were all the way here (indicating). I also distributed photos of the canopy and the fuel islands that used to be there, which are probably five times the size of what is going back in.

Ira Grandberg: What is going back in is a very small fuel island with no roof on top. It is shown on their site plan. I think the other site plan we prepared is very informative. When you look at the original footprint of the building that is dotted in red, you will see that the new building is substantially the same size. We just shifted it so that the bus ingress and the turnaround radius are all with the program.

Charles Martabano: To show you where that canopy used to be, the fueling area and the storage area all in the back here, (indicating) reducing it down to this size, which you can see on this site plan here.

Doug Hertz: The circulation of travel – what drives that?

Diego Villareale: It's one-way circulation, so the southern portion would be the one-way entrance in. Then we did angular parking where we would have the handicap parking spaces closest to the main entrance to the building, which is where the administrative portion of the building would be. Then, the additional parking would be along the back. It's one-way circulation from the southern driveway in. This is where the buses will be able to come into the back. There is enough room of this paved area for them to circulate, move back into the individual bays (there are four bays) and then be able to back out and utilize the northern entrance as one way out, so it's a one-way circulation out.

Ira Grandberg: I think it should be mentioned. The intensity of the bus travel is the minimal.

Charles Martabano: In terms of the fueling, we would stagger that only at off-peak hours. The beauty of it is we control it. They control the buses. The majority of the re-fueling would take place very early in the morning, long before any peak hours. That would be for the buses. The vans would be staggered throughout the afternoon. We are talking about a minimal number per day. This is not going to be fully open to the public, so the in-and-out is going to be greatly reduced, because we do control the traffic flow. With respect to the buses, four can be serviced at any given time, except for rare exceptions. If they are not serviced, they are at the storage lot. A

bus, after it is serviced and inspected, goes back to the storage lot and they bring the next one in. They are not stored on site. I don't want to say it can never happen. Of course, it can happen. We have adequate space on site for it. The intent is not to have them on the site. We have the Norm Avenue storage lot, and that is where they are going to be. The amount of traffic in and out is very, very little and definitely off-peak because we control it.

Doug Hertz: So, they are going to Norm Avenue?

Charles Martabano: Norm Avenue is where they are stored now, and if they were repaired they would go back to Norm Avenue.

Ira Grandberg: If they are fueling, they are going to pull out of Norm Avenue in the morning anyhow, up 117 to do their routes. They will stop off at this facility to fuel and then continue.

Charles Martabano: The one thing about that is we don't add trips. The buses are going out on their route. We are just starting them earlier, letting them fuel and go on their routes. We are not adding trips to the road.

Ira Grandberg: The location of the fuel area is done on the turning radiuses, and it worked out nicely that it's really behind the back of the building, where before you could always see the fuel area. Hopefully the building and the natural screening will enhance that.

Charles Martabano: By the way, when we did those tests, we did it with the largest bus in the fleet. We made sure the turning radiuses will work for anything.

Ira Grandberg: We also have, I understand, four to six technicians at one time on the property. It's not a high product building.

Chairman Cosentino: It does a lot for North Bedford Road. It's beautiful.

Charles Martabano: If we do this, we are going to complete the remediation. If you saw the letter we submitted, we don't have to unless we are going to take down the building. That was another factor. We said, "let's start new and do it the right way and then we'll take the remediation out and have a perfectly clean site in the village." You did not have that before we came along.

Ralph Vigliotti: Your conceptual is second to none. It's nice to see all the visuals on a conceptual rather than verbiage. Is it just Bedford Central that your contract will be with?

Charles Martabano: Right now, yes.

Bart Marksohn: We began servicing the district in September, actually in July. That is really the only contract that we have.

Ralph Vigliotti: Does the facility have the capability and capacity to service beyond Bedford Central?

Bart Marksohn: Honestly, it might be able to, but it would have to be a neighboring district. In order to manage to correctly service the

district, you really need the maintenance facility to be very close to your bus storage lot. You don't want the drivers driving around thinking, "something is wrong with the bus, but I'll deal with it later." You want the repairs to be done immediately.

Charles Martabano: This fleet is very new and it has long-term warranties on it. When you start talking about the major type repairs coming under warranty, they are not going to be done here. They go back to the special areas where the manufacturers set up warranty facilities. It is not even done here. Even if the buses were here, they would go to a warranty facility if it were warranty work.

Ralph Vigliotti: If you fill a bus up with fuel, typically how long would that fuel last?

Bart Marksohn: Each bus maybe goes a week with a full tank. It might go four days, depending on the route the bus is traveling.

Charles Martabano: Bedford Central School district, as you know, is pretty pervasive. You could have a bus that will need to refuel more than that only because it goes to the outer lines of the district. That can definitely happen.

Vice Chairman Sturniolo: I assume the buses are diesel fuel. What about the vans?

Bart Marksohn: The buses are diesel fuel and the vans are gasoline primarily.

Charles Martabano: In terms of the storage, it's 10,000 diesel, 4,000 gas.

Vice Chairman Sturniolo: How do you communicate with the buses once they're on the road?

Bart Marksohn: Every vehicle has a radio. We also have a zone system, which lets us know if the driver is idling the vehicle, which they should not be doing. The technology is phenomenal. We are moving towards installing GPS in every vehicle.

Vice Chairman Sturniolo: When you say radio, meaning what?

Bart Marksohn: It's an FCC assigned frequency like the police have to communicate back and forth.

Vice Chairman Sturniolo: Will there visibly be antennas on the roof?

Bart Marksohn: In the old days bus companies used to have big towers, but we utilize repeaters. You are really talking about a very minimal antenna.

Ira Grandberg: Also we have pitched the front of the building to lower the profile because all the maintenance toolboxes are in the front of the building. The first four feet of depth of the building we can slope the roof down so the buses didn't have to drive right up to the edge of the window. That allowed us to lower the profile of the building. Behind these roofs will be a flat structure so anything that comes up from the building modestly will not be seen.

Charles Martabano: One of the reasons they use those radio systems is very simply because the cellular will not work in many of the areas around here. I'm glad Art brought up the issue of the sonar. They do not want the buses idling. They are actually able to keep track of that and call the driver on the carpet saying you are not permitted to idle that vehicle; shut it down. You are not going to have them idling while they are fueling. Everything is controlled.

Stanley Bernstein: Where are the buses being fueled now?

Bart Marksohn: Up at the Bedford School System at Fox Lane.

Stanley Bernstein: Is there a storage facility there?

Bart Marksohn: There are storage tanks that are up there, and they are currently allowing us to use those tanks. The buses need to be backed up a hill, and it's very inconvenient and somewhat dangerous, so someone physically backs up the bus to make sure that the bus is backed into place.

Stanley Bernstein: How is the fuel going to be delivered to this site?

Bart Marksohn: A tanker truck would pull onto the property.

Stanley Bernstein: A very large tanker truck.

Bart Marksohn: Usually a 7,000 gallon at a time.

Stanley Bernstein: There is room for something like that?

Chairman Cosentino: It's the same type of tractor-trailer that was used before.

Charles Martabano: As you can see here (indicating), this would be the existing site, and there is plenty of room for it.

Bart Marksohn: They used to have tractor-trailers pull on to load the fuel on, now they are pulling on to unload.

Diego Villareale: As part of our full site plan submission, we will include a plan for sharp turning maneuvers on the property, bus turning maneuvers and a plan detailing all of that.

Vice Chairman Sturniolo: Please run through the colors that we are going to be seeing.

Ira Grandberg: We would like to keep it in a natural stucco grade tone. The metal roof would also be a gray tone. I'm not trying to do it like the green roof or the red roof of the Staples building. It's not an amusement park. When the Linden trees and plantings grow in, it will be that the environment you are looking at, not necessarily the structure. That is the intent. However, with town signage requirements, I don't want to put a big sign on the building. We'd like to keep it very subtle. It's kind of fun that we can do a yellow canopy that picks up the symbolic relationship to a bus. Their logo is kind of a van, and we want to integrate that into the window system so it's transparent, like if you're on a bus and you can look through to the advertising in the window. There is a company in California that does

that kind of (decal) screening. It's very reasonably priced and it doesn't blast you with signage.

Stanley Bernstein: What kind of metal material are you going to use on the roof?

Ira Grandberg: It's an industrial coated turn roof.

Vice Chairman Sturniolo: Visually, it looks great.

Charles Martabano: We really have designed that site plan and tested it out empirically. Part of the problem, obviously that we face is that we started on this project back last summer. We did not expect through mediation to take that time that it did. In light of Mr. Bernstein's question, our fueling arrangement with the district was so temporary that we negotiated a pre-closing occupancy agreement, hoping that we could get into here right away. Unfortunately, the remediation is what caused us to have significant delays. On the other hand, it also allowed us to plan a much better to upgrade the building. We are, unfortunately, under some time constraints. I know you hear this from other applicants, but we did a lot of work before we got here. We brought you not just a sketch plan but renderings.

Chairman Cosentino: The conceptual is the most important part of the process. It's a masterpiece and beautiful for North Bedford Road.

Whitney Singleton: I had an opportunity to speak to the building inspectors and applicants attorney. If the Building Department can accurately assess the nature of your application and the classification of the use, it would be helpful.

Charles Martabano: I would be happy to do that.

Whitney Singleton: There is a very good likelihood that the application will not be just a site plan but a special use permit as well.

Charles Martabano: I'm not so sure I would agree with that, but let's take a look at what I present and we can discuss it at that juncture.

Anthony Oliveri: I would add that it is in a designated Main Street area. We would like to get some determination from Department of Environmental Protection (DEP) as soon as possible.

Charles Martabano: It's very high on our list as well.

Nanette Bourne: You may want to consider the kind of documentation that I want about the cleanup, more than a one-page summary.

Charles Martabano: Sure, whatever you need. I have more than I want. Please outline whatever it is you need and I will get you the whole packet. I can get you what was submitted to the County and Department of Environmental Conservation (DEC).

Robert Melillo: Please double check the fire code on this. Appendix D. (sic) I see some things that are going to affect it, fire code road lifts, etc. (sic) You are falling about six feet short on road lifts.

Charles Martabano: Thank you all.

At this point, Mr. Mareschi left the meeting.

Continuing Review:

**Northern Westchester Hospital Center
Temporary Certificate of Occupancy for Parking Garage
400 Main Street**

**Present: Michael Caruso, Vice President, Facilities, Northern Westchester Hospital Center
Chris Shopinski, Director, Maintenance and Project Management, Northern Westchester Hospital Center**

Michael Caruso: We brought with us tonight the "as built" of the landscaping plan that reflects the changes that were made in the field, as opposed to the original one. I know it was the Board's desire to do a physical "walk through" of the site so we can point out the changes that were made.

Nanette Bourne: We've seen the changes. In speaking with the applicant before the meeting, we note that the ball is really in their court. They have been requested to submit the revised landscaping plan that includes the easement that is shown on the plan.

Chairman Cosentino: I went there on my own with Mr. Mareschi. If you all want to go as a group... I think they did a great job.

Stanley Bernstein: I was there today, and I think the landscaping is fine.

Chairman Cosentino: I'm glad you continued with the sidewalk at St. Marks.

Stanley Bernstein: I agree. Mr. Gibbons was there last week.

Michael Caruso: We finished it to the pole. The pole sits right in front; otherwise we would have to get the pole removed.

Doug Hertz: All right then, I guess I'll take a ride up.

Nanette Bourne: If you are all satisfied, the applicant will need to provide the Board with a drawing. With the drawing we could prepare a draft resolution for the next meeting.

Chairman Cosentino: Yes, prepare it for the next meeting.

Doug Hertz: You had said that you had lost some pine trees in the front in the storm.

Chris Shopinski: We lost two pines at the top of the hill by the walkway in the storms last year.

Doug Hertz: Is there any plan to replant? I know there is a concern about visibility and now that those are gone...

Michael Caruso: We are always trying to plant trees on the site, but to make up for the size of those trees; those were huge. I'm sure we will

be planting.

Ralph Vigliotti: We'd like to hear that you would schedule at some point to replant in that area. It was not as visible.

Doug Hertz: We don't expect you to put 40-foot trees in.

Michael Caruso: We certainly can commit to planting a couple of trees in there.

Ralph Vigliotti: Is that a fall project? Its better that we have a timeline as opposed to not.

Chris Shopinski: The earliest would be the fall. We would want to see how deep (we can go) before we hit rock ledge. Those trees were old, and they came down pretty easy.

Chairman Cosentino: Let us know, please.

Chris Shopinski: Absolutely. The other thing to keep in mind, and I'm not sure of the total height that these will grow to, but we do have three trees that we planted just on the other side of the rock ledge by the garage. Hopefully at some point, they will grow and take in some of that line of vision.

Ralph Vigliotti: I'm not sure we want to wait for them to grow. If you planted a cluster of four or six that may shed the area so you can see the elevator tower, so to speak.

Michael Caruso: You would plant those at a lower elevation. When you go up on that elevation, the rock outcropping at that point up there is high. If you try to plant up there you may not be able to. You're back down at the lower elevation. We will certainly look at it and plant what is conducive to the area.

Vice Chairman Sturniolo: When will we see a finalized photometric lighting plan?

Michael Caruso: The photometric was submitted when we submitted the entire project for site plan approval. We had limits when we had to do that.

Robert Melillo: All the testing has been done and verified when the Certificate of Occupancy was issued by the engineer.

Vice Chairman Sturniolo: Who verified it?

Robert Melillo: The engineer did.

Chris Shopinski: We had Insite Engineering verify it.

Michael Caruso: They came out and did the actual measurements, and that report is contained in the book submitted.

Chairman Cosentino: It really should have come back to us so we can see it before anybody approved it.

Doug Hertz: We had specifications within which they had to fall. We'd

like to see if they went by those specifications.

Michael Caruso: Absolutely. We are within those thresholds. We can easily send them.

Doug Hertz: It has been submitted. It went directly to the Building Department who just verified that.

Anthony Oliveri: They have a Temporary Certificate of Occupancy. On the final Certificate of Occupancy, everyone can look at it and sign off on it.

Chairman Cosentino: Excellent.

Michael Caruso: So, we have your permission of this drawing that reflects the easement on it. We will also attach the results of that lighting to it.

Nanette Bourne: Get it to me well in advance, so I can get the rest of the issues.

Doug Hertz: Can we mention in the resolution about a firm commitment to show the areas that you might be able to replace some of those fallen trees?

Michael Caruso: I think they are outside of the site plan.

Doug Hertz: It's not right in the corner here?

Chris Shopinski: It's not clear. We'll have to take a look. What we lost is not identified there.

Doug Hertz: Maybe, Nanette we can put it in the regs, or maybe a condition that they do some replanting in an attempt to show that corner based on the fact that some of the trees have been lost.

Nanette Bourne: That would be a replanting of the pine trees?

Doug Hertz: I don't think we have to specify that they're pine trees. We are looking for some evergreen screening.

Michael Caruso: Yes, but because the intent is to block that area, I don't want it to be left to the interpretation that we have to put in trees that are 20 or 30 feet. We won't be able to do that.

Doug Hertz: We'll make it clear that these are "trees to grow," and we're not trying to replace caliper.

Ralph Vigliotti: The intent is to screen the elevator tower, replace what was damaged; not a total replacement, but it could be 10 or 12 foot spruces. Whatever it may be to screen that off.

Doug Hertz: My guess is if we had to go back to earlier site plans, most site plans have language where you are required to maintain existing landscaping in perpetuity. So if those trees were part of an existing site plan, replacing them would already be the responsibility of the applicant. This would further solidify that.

Continuing Review:

**The Hearth at Mount Kisco
270 Kisco Avenue
PB2012-15**

**Present: Mark P. Miller, Attorney at Law, Veneziano & Associates, representing the applicant
W. Charles Utschig, Jr., P.E./Associate, Langan Engineering
Christian Sexton, Vice President, Development, The Fortus Group**

Nanette Bourne: There are two purposes for us to consider this application tonight. One is to continue the review of the revised access and that represents improvements that the applicant is trying to do with regards to emergency access and reducing in and out impacts. Putting that aside, the second item is that the applicant has prepared a technical memorandum to demonstrate that the changes that are proposed are consistent with the findings that were adopted several years ago. In March, the applicant put together the technical memorandum. We reviewed it and asked for several changes to be made, and they submitted their pages for the revisions. I am not sure what your original plan was. The biggest issue in their first technical memorandum was that they compared the impacts of the proposed emergency access to the access alternate that was going up the hill; that no one liked anyway. We asked them to review it all by itself for the impact. The changes that they have made here they tried to do -- ----- original plan. But I don't think it substantively makes a difference, because you analyzed the impacts. I don't have a serious issue with it. It does bring to mind several site plan issues that are not dealt with here and don't have to be dealt with in the SEQRA portion of this. It can be dealt with as part of the site plan approval. Those primarily involve finalizing the fact that they are providing secondary access to Curtis Instruments. Parking is the second. They are adjusting their parking supply based on changes they are making to their residential product. If you recall the original Westchester Residence, they had anticipated that the residence would be active ---- --- not only taken away some of the active provisions such as tennis courts, but they have also reduced the parking count. They are providing less parking than what they originally provided and they are banking 50 spaces. In looking at what they're providing, in my opinion, it matches the likely parking demand for this kind of a population. Again, not for purposes of SEQRA on a technical level, but as part of site plan review, when you are reviewing the parking that is being proposed, I would suggest that they provide an explanation who their population is and what their staff will be so that you have comfort that the parking that they provide will meet the demand that is going to be at The Hearth. They are providing just about one space per unit, which is light for senior housing if anybody is driving but would probably be okay for that traffic population.

Mark Miller: I would not quibble with anything you said. When we were here last, Chuck primarily showed you the overlay of the prior plan with the new plan, primarily based on the new main access driveway, which we indicated was made possible by virtue of the secondary emergency access through Curtis. As of the last meeting, we had an agreement of principal, Whitney, we are exchanging drafts

almost literally as we speak, so we should have that wrapped up hopefully within a week. That enabled the revisions to the geometry which with the flipped building gave us various improvements. One of the primary things that you asked for at the last meeting was more detail as to the nature of the reduction in impacts by virtue of this new driveway. The reduction in pervious surface, the increase in open space and reduced number of trees, etc. We know you meet on July 9 and August 27. We know there is a public hearing that is required for the special permit aspect, not technically for the site plan. We are hoping on July 9 to put SEQRA behind us, subject obviously to satisfying DEP, and set the public hearing on the special permit for August 27, which would give us time to address all of the detailed site plan issues that Nanette properly raised. Specifically with regard to the parking, I would like to emphasize that while we are seeking a reduction in the amount of parking that we plan to improve immediately, we did have some discussions about coming in and seeking a zoning amendment to actually reduce the parking requirement. We decided against that. It would have lengthened the process, and frankly we did not think it was appropriate. We are still showing on the plan all of the required parking spaces under the current zoning. What we are suggesting and we will provide the narrative and information that Nanette has requested, to show why we believe that we do not have to and should not pave all of that parking now. There is an area set aside on the site. We are already blessed that your ordinance has language specifically in there to empower you to allow us to land bank the parking with triggers for when that parking would have to be provided. Again, you know we have to satisfy DEP with regard to storm water and drainage. Chuck will now talk about the specific changes in the impacts.

Doug Hertz: All the calculations you are about to talk about; In terms of impervious surface regarding the land banked spaces; is everything you're doing in terms of designing storm water detention, impervious surface calculations; do they include that space finished out, paved or not?

Mark Miller: Yes.

Doug Hertz: So, in theory, if those were banked you are going to be slightly below, but you will have calculated for the worst case.

Chuck Utschig: All our comparisons assume that those bases are built. We want to address the concern that we are making an adequate comparison. We took the original Westchester Residence and Club site plan that was part of the SEQRA documents. In trying to make this apples to apples, we knew that there had to be an emergency secondary access road as part of that plan. We understood that the one going up to the water tower was not practical, had excessive impacts, so we took a secondary access from Curtis Properties, connected it to Westchester Residence and Club site plan and that in essence gave us the basis for the impacts that were assessed in the FEIS. We compared our new plan against that. The comparison is not about the clearing that happened on the access road that goes up the water tower. It is basically this site plan (indicating) versus this site plan (indicating). We think the positives are fairly significant. We've got a little over two acres of reduction in a pervious area. That was important to us for a lot of reasons, some doing with trying to meet the criteria. We have about an acre and a half of fewer disturbances.

A large portion of that is by virtue of the change in the design of the primary access road, and the change of the design along the edge of the Curtis property where we were able to do a little bit better grading. We will not have quite as much disturbance ----- road around the end of the building. There was a substantial reduction in the length of the road, and that was also part of how we reduced the amount of impervious area we had. We reduced the number of trees coming down by about 25 percent. All of this is kind of related back to the acre and a half of area that we don't have to disturb. There has been substantial improvement in the relationship between the building and the grading both on the high side and low side. Originally this cut on the high side of the building was 30 feet plus. It's now probably going to be about half that. The fill on the low side is about the same kind of relationship. Those used to be two fifteen foot walls, now we anticipate them to be two walls that are more like eight feet. The improvement in this corner (indicating) is really driven by us not having to bring the primary road around the end of the building. That design was originally driven by the parking underneath the building where the services were and some other aspects of the old building, which we again have changed. We flipped it over, put those access points at this end (indicating) and we don't need to get underneath the building here (indicating) and we don't need to get around it because we think we provided appropriate access for emergency vehicles. We believe we meet the distances required in the fire code for access to the building. Those are the most significant changes we've made to the site plan. They all produce reductions that are 25 percent when it comes to the trees, 40 percent when it comes to impervious area, and about an acre and a half when -----.

Chairman Cosentino: Has the new set been sent to the fire department?

Chuck Utschig: No. One of the things we have to do is go over it with the fire department and have a review.

Robert Melillo: I do everything for the fire department.

Chairman Cosentino: I got word that they didn't know what was going on up there.

Robert Melillo: Chuck was supposed to contact them two days ago, and I guess he never did.

Chuck Utschig: We want to get a little further along with the building itself.

Chairman Cosentino: I just want to be sure that the fire department knows what is going on.

Chuck Utschig: We will be in touch immediately to schedule that.

Robert Melillo: I have no information to go back to until they contact us.

Nanette Bourne: Unless I misunderstood you, you are providing 181 spaces, 15 land banked. Your previous plan, your FEIS plan had 197 spaces.

Mark Miller: We were over parked and had gone beyond what the zoning required.

Nanette Bourne: I thought I heard you say you had the same amount of parking.

Chuck Utschig: We complied with the code. We were over parked in the initial application.

Nanette Bourne: Have you looked at the retaining walls? This plan is so much better than the other.

Chuck Utschig: We have not gotten to the design of every wall and every height as it relates to this design. We wanted to feel from this Board that we were in the right direction when it came to SEQRA and the resolution of the findings before we go too far into all of that engineering. We've submitted a grading plan that has representation. I will not tell you that every wall has a bottom and a top on it, but just in the length of wall there has been a reduction when you prepare the two plans.

Chairman Cosentino: How wide is the primary road?

Chuck Utschig: 24 feet wide with four-foot shoulders on either side. All total to the point which the cut will start to rise will be about 32 feet.

Nanette Bourne: How are you planning on collecting the run-off coming down the road? We once talked about what happens once it gets to the catch basin in the road.

Chuck Utschig: From this point (indicating), we can catch everything and get it into the lower basin. From here down, we are going to have to ----- and put it into another ----- at the bottom. The catch basins will be more open with open throats to them because the road is pretty steep, the water will be going pretty quickly and we want to make sure it does not bypass the structures.

Nanette Bourne: When you say steep, what percent?

Chuck Utschig: Twelve. As was sections that were 12 in the original design. There is more of the 12 percent of this road than the original design. Because the curves were a little bit tighter, we flattened them out a little bit in the original roadway design and then the straighter sections were 11 or 12 percent depending on where you were looking in that switchback design.

Vice Chairman Sturniolo: The secondary eight-inch water main that is going to loop the property is still intact and in place?

Chuck Utschig: Yes.

Stanley Bernstein: Regarding the new secondary access road, I'd like your opinions and feelings. If there is a fire in the main building up on the furthest point on the other side and at the juncture of the two roads there is a blockage, how do we get to that fire?

Chuck Utschig: You don't. ----- blockage.

Stanley Bernstein: So that secondary access road is really useless, and there is no need for it. Agreed?

Chuck Utschig: No, I disagree.

Stanley Bernstein: I gave you my opinion, you told me yours. You told me that you were going to change that roof. You called it an atrium. You never changed it.

Chuck Utschig: We will change it.

Stanley Bernstein: Suppose someone like me is coming down that driveway, around that big curve near the bottom. It's pretty steep at 12 percent, and all of a sudden you get this little quick "S" curve to exit. What do you think someone like me is going to do with that situation?

Chuck Utschig: I can tell you these are designed to meet the intended speeds for the vehicles using these roads. They meet the minimum geometric requirements. We often deal with the convenience of the way a road is designed. There are a lot of places that have 12 percent or greater roads. There are a lot of places that have these kinds of configurations. They are not ideal, but we have certain site limitations here that we are trying to balance – the site constraints and the location of where this intersection wanted to be with the traffic signal. I think we tried to do the best with those constraints. Is it perfect? No.

Stanley Bernstein: I know you did the best. You can write this down. If this ever gets built, which I hope it doesn't, that is accident-prone. You will have one accident a week at that point. You have all old people coming down a 12 percent grade. Even if they're very careful, they ride the brake all the way down. That is a problem waiting to happen.

Whitney Singleton: I am looking at your potential basins. Are you proposing landscaping in there?

Chuck Utschig: Around both of them.

Whitney Singleton: And your contract requires you to designate an area to be designated as conservation areas. I realize you are looking to move this process forward, you should consider working on that.

Chuck Utschig: Should those basins be included?

Whitney Singleton: That is up for you to decide. There is supposed to be conservation easements including the parking areas. I see you are reducing the land banking and the number of spaces here. I'm not telling you right now how to address it.

Mark Miller: I will work with you on that.

Whitney Singleton: Given the size of those basins, I would image the Planning Board would want to see the visual impacts.

Mark Miller: We look forward to wrapping up SEQRA on the 9th and

setting up the public hearing for August 27.

Nanette Bourne: Is that the direction in which the Board wants to go? Do you want to wrap up SEQRA with these two documents?

Chairman Cosentino: I think so.

Nanette Bourne: I request that you make one complete document. I suggest that we not get 13 of these. Maybe two.

Mark Miller: Two copies it is.

Whitney Singleton: Just to refresh the Planning Board's memory, we talked about the possibility that if you were to get your documentation in, there is a possibility of scheduling the public hearing for the 27th of August. Please update the Board as to your ability to make that deadline.

Mark Miller: We had a conversation with Whitney offline that has to do with the schedule I talked to you about on July 9 finishing SEQRA and scheduling a public hearing. That was predicated on our being able to provide at least your staff with 75 percent complete plans by August 1 and 100 percent plans by August 13, which would be the two-week deadline for the meeting. We were committed to that. Thank you very much.

Formal Application:

**Charles Morgan
21-27 Ward Avenue
PB2010-13 (SBL) 80.26-1-5**

**Present: Gregory J. Attard, E.I.T., Project Engineer
Charles Morgan**

Anthony Oliveri: At this point, we have a memo with some comments; relatively minor issues, unless the Board has any other issues on the layout or anything else on the site.

Chairman Cosentino: It's complicated because of the drainage.

Anthony Oliveri: I think they are on Board with us in terms of drainage and what we are doing on Brook Street. We are good basically on the engineering conceptually. There are some details. We can talk about entertaining a draft resolution at an upcoming meeting if that is where the Board wants to go.

Chairman Cosentino: Yes.

Nanette Bourne: At the last meeting, when we were thinking about doing this up for a resolution, we asked that the site plan application and the ----- be provided.

Anthony Oliveri: We are okay with this.

Gregory Attard: Peter Gregory and Mr. Brad Schwartz had a conflict this evening. I am attending in their place. As Mr. Oliveri was saying, we did review his most recent comments and are very much in line

with any of the additional requests that were made.

Nanette Bourne: At the last meeting we were coming to the conclusion with what needed to be submitted to clean it so we can get a resolution, since there as an application from 2010.

Chairman Cosentino: So we can get a resolution for the next meeting.

Whitney Singleton: There will be a draft of the resolution, but you're still going to have a public hearing. I spoke to the applicant's attorney today and they are requesting that, based upon if the submission material is provided, they would like to have the public hearing scheduled for the meeting in August.

Gregory Attard: That is correct, just to give us sufficient time to notice it.

Chairman Cosentino: We will set up the public hearing for August 27.

Correspondence:

- Memorandum from New York Metropolitan Transportation Council dated June 2013 re Public Notice on Draft Transportation Improvement Program.
- Minutes from the Mount Kisco Beautification Committee to the Planning Board dated May 1, 2013.
- Letter from Andrea Oncioiu to Mr. William Spade, AIA, LEED AP, dated May 20, 2013 re 27 Radio Circle, Little Garden Childcare Center.
- Letter from Andrea Oncioiu to Brian Hildebrand, P.E., dated June 11, 2013 re 350 Lexington Avenue.

Nanette Bourne: Didn't the Little Garden open?

Chairman Cosentino: Yes.

Chairman Cosentino: I believe they are open with a Certificate of Occupancy.

Anthony Oliveri: I believe they have a Temporary Certificate of Occupancy. They were issued a permit and started working without a pre-construction meeting. They never got their DEP permit. We discussed this at the time. They came in for a TCO, and then submitted for a permit and are working out some issues with the Department of Environmental Protection on the permit for the Storm water pollution prevention plan.

Whitney Singleton: They are working the issues out but they haven't submitted the application.

Anthony Oliveri: They submitted to DEP.

Whitney Singleton: DEP says they haven't received it.

Anthony Oliveri: There might be information that they asked for that

they didn't receive yet. I know they submitted and gotten responses from DEP.

Gregory Attard: Offline speaking, yes, our firm is also working with the applicant. To the best of my understanding, we've received comments from DEP from Ms. Oncioiu. There are some outstanding issues that we are working out with DEP. Essentially it all boils down to storm water issue. Some of the work that was done was not exactly in line with what was approved. We are looking to work it out, but at this point, I believe it is up to the applicant to satisfy DEP in order for that to happen.

Chairman Cosentino: What is the timetable for this?

Gregory Attard: Our office was not the direct applicant. We have kind of been sub-consulting for the applicant. Actual submission work is not going to be directly through our office. Not to put the burden on the other applicant, but that is the only reason I really can't speak to exact details.

Anthony Oliveri: The architect was the one. I will follow up with the status on that.

Gregory Attard: We can have another discussion, but we just recently were contacted again and politely reminded that they would like to have something more final put into place so that they can let you guys know that they are satisfied.

Chairman Cosentino: Anthony, this is in your hands.

Whitney Singleton: For purposes of completion, can we check the status of the Certificate of Occupancy on this tomorrow?

Anthony Oliveri: Yes. Also, there was a bond or deposit to be discussed.

As there was no further business to be discussed by the Planning Board, on motion by Mr. Hertz seconded by Mr. Vigliotti, the meeting was adjourned at 9:15 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary
dm