

Minutes

Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, December 17, 2013

Chairman Cosentino called the meeting to order at 7:45 P.M. in Village Hall.

Members Present: Chairman Joseph Cosentino
Stanley Bernstein
Ralph Vigliotti
Sol Gibbons
Enrico Mareschi
Doug Hertz

Members Absent: Vice Chairman Sturniolo

Staff Present: Whitney Singleton
Anthony Oliveri
Rob Melillo

Staff Absent: Jan K. Johannessen

Minutes:

Motion to Approve October 22, 2013 Minutes:

Motion: Stanley Bernstein
Second: Enrico Mareschi
Abstain: Doug Hertz
Abstain: Sol Gibbons
All Aye

Minutes to Approve November 12, 2013 Minutes:

Motion: Stanley Bernstein
Second: Enrico Mareschi
All Aye

Conceptual Application

**Bedford Plaza Apartments
50-60-70 Barker Street
69.74-1-1 (SBL)
Site Plan**

Present:

Michael E. Lasner, President of Board of Directors

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Darek Chrzanowski, Managing Agent, Stillman Property Management

Maurice Wrangell, ASLA, Swimming Pool Consulting and Design

Maurice Wrangell: I would like to give you some background. (There is an) existing outdoor swimming pool that is serving the tenants of the three building co-op. A year ago or so they were experiencing a water loss out of that pool. It was identified as leakage in the bottom drain system over at the deep end. The co-op was faced with the considerable expense of preparing that leak, so they decided to see an opportunity in that opportunity to upgrade the entire facility to bring it up to code. The pool is over 40 years old. The code, meaning the New York State Sanitary Code, Chapter 1, has considerably been upgraded and made more stringent since then. This way, the opportunity was to upgrade the entire facility. What is there now is this pool with a wading pool wing (indicating) that is no longer code compliant because the turn-over rate in the water has to be at least 1/32 hours for a wading pool, while the turn-over rate for a pool like this is once in six hours. The other item of non-compliance was the bottom drains themselves, because there was only a single bottom drain in that pool. You have to have at least two. The third item is the deck. There was a concrete deck around the pool similar to this one, and you can see it on this aerial photo (indicating). That deck does not have proper drainage. The code requires one deck drain for 400 square feet, no farther than 25 feet apart. There is a single drain in this area (indicating) right here. Besides, the deck was falling apart and no longer safe. In this plan, the new wading pool shown over here (indicating) is separated because there is a drainage easement along here that did not permit enough expansion space in this area.

Chairman Cosentino: An easement with who?

Maurice Wrangell: It's in description on the property. Legal counsel is trying to find out exactly to whom it was written, but the deed information was submitted with the submittal that we made to you.

Chairman Cosentino: Counsel, do you want to know the easement during this?

Whitney Singleton: Yes. Remember this is only a conceptual application. That will have to be vetted out.

Maurice Wrangell: That was the reason for leaving the space bare. This easement extends all the way to the property along here. It crosses underneath the existing parking lot here. These are the three main items that we are considering.

Chairman Cosentino: So, you are going to keep the existing pool, but you're just going to upgrade it?

Maurice Wrangell: Exactly. (We will) add a new wading pool here, add a wading pool deck, rebuild this deck (indicating) and repair or replace

the bottom drain system. An item of complication is that there is wetlands. The limit is shown right here. The wetland is in the woods off the property here. You have a 100-foot setback right along here. The original, former deck projected into that setback about the same distance. The new deck cuts that area back a little bit. Instead of over 1,000 feet in that buffer, we now have only 864 square feet of new deck. That is one item that we are reducing. The other one is the storm management plan that we are preparing for this project. We are adding some impervious surface by adding some additional pavement here. We have reduced the footprint of this, but there is still a net increase in square footage. To compensate for that, the co-op again sees the opportunity to take this existing concrete patio, and the plan is to break that up, remove it, replace it with permeable pavers to actually reduce the net amount of impervious surface. Those are the main parts of this project. Otherwise, site restoration, of course. There will be some new fence taken around the facility here (indicating). Keeping with the local code requirement, we've made this a fence with privacy slats, 6.5 feet high or ----- high curb and added screen planting along here and screen planting along here (indicating). Those are the features of the project.

Chairman Cosentino: Rob, please go over your memo.

Robert Melillo: 1. The applicant has not provided development coverage calculations on the site plan.

Maurice Wrangell: You will see a lot of blanks in the plan that I submitted. Those are being filled in because the property survey was under preparation when the plan that you're looking at was prepared.

Robert Melillo: So I cannot determine if you need a variance or not?

Maurice Wrangell: Exactly.

Robert Melillo: 2. The applicant is proposing to install a wading pool in the area of banked parking spaces for the previously approved site plan. They have not proposed a new location to replace the use of the banked parking spaces. That is something for you to determine, if it is still required as of this date or not. 3. Applicant should include the prior Planning Board approval and resolution regarding the banked parking spaces as part of their submission. 4. The applicant is required to get Westchester County Health Department approval for the pool. The approval shall be included prior to the issuance of a building permit and conditioned on the Planning Board Resolution of Approval. 5. The applicant needs to show any new landscaping and required fencing on the proposed site plan. 6. The applicant needs to show location of lighting in the pool area on the site plan and provide the corresponding photometric lighting plan for this lighting. 7. The filter backwash equipment for the pools needs to be connected to the village's sanitary sewer system. This was not shown on the plan. 8. The pool's fencing does not meet Chapter 110, Article V, Section 110-30B (4), Supplemental Regulations: "the area in which the pool is located shall be screened from the view of abutting properties by means of an opaque fence of wall of thick hedges with a height of not

less than 6.5 feet above the ground.” My main concern is the banked parking spaces. You need to figure out what you are going to do with that.

Anthony Oliveri: I would note that there is some work within the 100 foot buffer. A wetlands permit would be required. I would also note that any of the proposed work for the pool should have feedback from the health department prior to coming back with a formal site plan.

Maurice Wrangell: We did have a preliminary meeting with the health department on location and got their comments on it. We are addressing them.

Chairman Cosentino: You seem to be up with it, that’s good. Since this is a conceptual, you need to talk to Nancy to submit a full application. We will work with staff and get the ball rolling.

Maurice Wrangell: Can we address any questions through Nancy?

Chairman Cosentino: You need to go to the building department and work with our engineer. Make an application downstairs through Nancy before we start working. You did a good job and a lot of homework. With the conceptual, we are telling you it’s possible, so now go to the next step.

Doug Hertz: Do we know the number of banked spaces that are noted there?

Robert Melillo: I did not count, but I know there are at least ten.

Maurice Wrangell: Thank you very much.

Formal Application:

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

Present: Charles Morgan, Property Owner

**Peter J. Gregory, P.E., President, Keane Coppelman
Gregory, Engineers, P.C. – Engineers for the
Project**

Peter Gregory: At the last meeting, we received a memorandum from Mr. Tarchine and Mr. Johannessen bringing up information they were looking for us to include on the plans, and that was in November, I believe, we updated those plans and submitted them. I did see that in Mr. Johannessen’s memo some comments regarding the landscaping that was proposed. He is looking to make some slight modifications regarding that in terms of additional information that was provided. We are also now aware of a couple of outstanding items that we have regarding our survey information, which we are looking to resolve with Mr. Singleton, in terms of the type of survey we will be filing with the

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county clerk's office. There are some issues regarding utilities that are being proposed in connecting Mr. Morgan's property to the utilities out on Brook and Ward Avenue as well as us looking to make connections to take the property adjacent to us off septic system and tie that into the village sewer system.

Chairman Cosentino: How are you going to do that?

Peter Gregory: We were looking to make a connection to the existing house and direct that through the Ward Avenue right-of-way on the northern side, which is on Mr. Morgan's side of the right-of-way, and connect that.

Chairman Cosentino: Have you obtained an easement on the property?

Peter Gregory: We would be crossing through his property, running through.

Chairman Cosentino: Do you have an easement?

Peter Gregory: Not yet. That is one of the issues we are going to be looking to work out. Right now we are proposing that the water and sewer service connections that are going to provide service to the new home will be to Ward Avenue. This was going to run adjacent to that and make that connection. It works this way in terms of gravity. Having the pitch to get out in this direction, we would not have that same ability, and with the excessive length going out toward Grove Street.

Chairman Cosentino: Anthony, can you enlighten us on this a little bit?

Anthony Oliveri: In terms of the utility connections, the paper street is owned by the property owner, so they would essentially own to the center of the road. That is an issue as far as running service, storm drain lines and even the driveway. You would need easements from the adjacent properties. I think Whitney is speaking with their counsel to figure out exactly what the ownership situation is. By the way, you need a sewer and water service line to match this current plan. This has to be updated when this is worked out.

Peter Gregory: We did show those previously because one of the comments was to take them on to our side of Ward Avenue. We did show that on previous submissions.

Anthony Oliveri: They are not there now. But the storm connection is on the other side of Ward Avenue, which would be Mr. Morgan's property, and really the driveway crosses over to that side as well.

Peter Gregory: The driveway has always been in that same location.

Anthony Oliveri: Yes, but that ownership issue needs to be resolved.

Peter Gregory: Understood.

Anthony Oliveri: We don't have any new comments. Going back to my previous memo, I'm not sure we had gotten an updated storm water pollution prevention plan. We had a couple of comments on the drainage calculations from the June memo. If you can update us on the current storm water pollution prevention plan when you come back.

Peter Gregory: I will look into that and get you copies as well.

Whitney Singleton: Peter and Anthony both accurately identified that there are still outstanding issues. Not to delve into it, but briefly, you have certain rights that are associated with being in a filed subdivision, as far as access over the roads; however, the house that you are proposing a sewer connection to is in a different subdivision from many, many years ago. So, the question is easements, and where it's going and from whom that property owner has the easement has become relevant, and the ownership to the center line of the right-of-way is relevant. I need Brad to address those. I discussed it with both Rob Johnson and Brad Schwartz, and I anticipate that there is sufficient ----- on or the other. They seem to be on top of it and responsive.

Peter Gregory: Speaking with Rob Johnson, the issue regarding the two subdivisions; it just so happens that there was work that was performed at the adjacent house. When that work was performed, it was brought into that other subdivision.

Whitney Singleton: Right, the house itself is being serviced by the sewer connection that is in the old subdivision, correct?

Peter Gregory: It's in both. A portion of the home is in both, and that's just a point that I wanted to make when we had reviewed this. The septic system and the sewer connection would be in our subdivision, while there is a portion of the house that is on the original. I think the issue right now is that we can show you how it would be in the same subdivision, but the issue becomes the ownership to the center of Ward Avenue and the issue of bringing those utilities to it.

Whitney Singleton: Basically, Mr. Chairman, I need a demonstration by them that the owner has a legal right to connect the sewer line out to Brook Street, and that it does not interfere with anyone else's rights, and that they have a full right to do that. Similarly with the driveway, water, sewer and storm water for the Morgan parcel. It needs to be demonstrated that they either have the right to go on the full width of the driveway, or that they have the necessary consents.

Chairman Cosentino: My understanding now, since telling me that, is that they are on a septic tank?

Whitney Singleton: Yes. As part of this, they are proposing to abandon the septic, and my understanding is that they have done an inquiry of the report to determine the location of the septic, but because it was so long ago, the town does not actually have records of

where the septic is. I didn't want them building a house on top of a septic.

Chairman Cosentino: It should be filled in and abandoned at the end of the day.

Whitney Singleton: I don't know if the protocol is for abandonment of the septic. It's not like an underground oil storage tank.

Chairman Cosentino: No, but you don't want anyone building on top of it, either.

Peter Gregory: It would be abandoned. There are rules and requirements for abandoning a septic system.

Chairman Cosentino: Being a plumber, I believe it has to be gone. Rob, what is your say on this?

Robert Melillo: They have to meet all the approvals and requirements to close it out.

Peter Gregory: My understanding is it would be a service connection through the building department. The health department generally wouldn't get involved. In fact, they would encourage us to tie into the sewer line available.

Chuck Morgan: The plans that I have from the septic system is not where the new house will be. It is off, and what I thought would be the first sequence of events was to take this off line.

Chairman Cosentino: That is up to the building department. I wanted to bring it up for the record.

Whitney Singleton: They need to demonstrate those items and show them on their plan.

Peter Gregory: Is there anything we can do in trying to work this out between now and the next meeting in terms of allowing a resolution to be prepared to be reviewed for the next meeting?

Chairman Cosentino: I think these things ought to be worked out first.

Peter Gregory: Okay. We are in the process of doing that.

Whitney Singleton: We can work with the applicant to make sure that his progression with the resolution is in a timely fashion.

Peter Gregory: Thank you very much.

Public Hearing

**The Hearth at Mount Kisco
270 Kisco Avenue
PB2012-15, 69.49-4-1 (SBL)**

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Present: Mark P. Miller, Attorney at Law, Veneziano & Associates, representing the applicant

W. Charles Utschig, Jr., P.E./Associate, Langan Engineering

Mark Miller: Since we were last before you, for the record, we appeared before the ZBA. We sought two variances, which your Board was familiar with. One, seeking an increase in the permitted grade for the access driveway and the other associated with the tandem parking. We appeared twice before the Zoning Board of Appeals (ZBA), and at their last meeting they approved the road grade variance. There was a lively discussion regarding the tandem parking. The net result that the board really didn't seem to have a problem with the number of parking spaces being provided, but they had a serious concern with respect to the presidential issue of allowing tandem parking. Based on the discussion, we withdrew the application for the tandem parking. Interestingly, there was just conversation at the end and some indication that if we applied for a variance for the 19 parking spaces that we were proposing to provide as tandem. I don't want to speak for them, but we received the impression that they would consider that potentially favorably. We decided not to do that. We are still proposing the full 181 parking spaces. We have taken those 19 parking spaces that we proposed as tandem, and we've added them to the proposed land bank parking. Based on that discussion, Chuck prepared a full, revised set of drawings incorporating that change as well as a number of other significant and beneficial changes. With the Chair's permission, I would like to turn it over to Chuck to take you through it.

Chuck Utschig: (through a PowerPoint presentation) This is the site we are all familiar with. Kisco Avenue is along the bottom, Saw Mill River Parkway is to the right. This gives you a good indication to where BMW is relative to our site, the two Curtis buildings to the left, the water tank, and up on the top corner is Mountain Avenue. *(new slide)* The first issue is the one that deals with parking. Originally we had 50 land bank spaces, 41 surface parking spaces, and the balance of the spaces were in the parking structure below the memory care unit. Included in those parking spaces were 19 tandem spaces. Through our efforts and discussions with the Zoning Board, it was ultimately decided to withdraw that application and amend our site plan to accommodate those parking spaces outside. So, there are no more tandem spaces inside. We have restructured the land bank spaces. We've gone from 50 land bank spaces to 69 land bank spaces, keeping the total that is required by your code, which is 1.4 per unit. We have 181 spaces total. Required is 182. There are 72 spaces in the garage, 41 surface spaces, and 69 land bank spaces. Part of what we submitted to the Zoning Board was a parking analysis. We studied three similar sites, and we concluded that the parking ratio

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for a facility like this, especially when you consider there are 40 memory care units at the ratio that we are providing, which is 113 spaces, is adequate for the number of units that we have. We will be glad to submit that detailed study to the board, but the applicant is comfortable that they have enough constructed spaces to satisfy their need, and at any time the Planning Board, through a condition of approval, can come back and require us to build any or all of these spaces. *(new slide)* One of the reasons why we shifted the land bank parking from where it was originally shown is that we extended the 12 percent road from the beginning point off Kisco Avenue up to about here (indicating), and we shifted the land bank spaces up so that they are on a road that was between two and five percent. A very conventional kind of slope, so if you ever had to build them, we've cleared the area, we've actually graded it so that it's level so if you have to go back we simply put down Grass Crete, and they become parking spaces. *(new slide)* The next issue that we want to deal with relative to a change kind of starts with this sketch, and this is representation of a proposed development for the top of the slope plan. You will see that although it is a steep site getting up there, a large portion of the development that is being proposed is in the white, which is slopes from 0 to 15 percent. As the gradation gets darker, the slopes get steeper. Even this corner of the building is in slopes that are between 15 and 25 percent. The large portions of the site that are in excess of 25 percent here, here in the back (indicating) we've avoided. Unfortunately, right at Kisco Avenue, we all know that there is significant slopes, and it's impossible for us to do that. Although, the re-design of the road and the elimination of the additional switchback has reduced the amount of impact that we've got on those significant slopes substantial. *(new slide)* One of the issues your steep slopes talks about is constructing retaining walls in steep slopes areas. The red represents walls that we are proposing that are being constructed in slopes that are greater than 15 percent. The blue represents walls that are being constructed in slopes that are basically at or less than 15 percent. The green are walls that are being constructed in slopes that are from 0 to 15. You can kind of tell the rationale behind the walls where they are located. They are basically in order for us to control the amount of disturbance. Although we have reduced the amount of wall substantially from the original plan, there is still a need on this site to be able to construct retaining walls so that we can create large detention facilities. You have the building footprint. We can eliminate this wall (indicating) in the back, but the disturbance would chase up the hillside. So, the decision was, put in a wall and control that disturbance. The full disturbance on the site now is 11.2 acres, and what is kind of interesting is 50 percent of the development is on slopes that are less than 15 percent. About 4 acres are between 15 and 25 percent, and only 12 percent of the proposed development is in slopes greater than 25 percent. When you look at this site, and you see the kind of conditions at the entrance point that we are dealing with in some of these large swaths, it really tells a story that the development has been greatly situated on slopes from 0 to 15 percent. This represents kind of the level of the development, and the dotted line is the limit of disturbance as we currently have it proposed. We are proposing four different types of vertical transitions, i.e. walls. The first that we are

proposing is the stone rip rap, which we are proposing to locate along the back of the building in this highlighted area, and basically it is intended to be a one-on-one stone stabilized slope. We eliminated what used to be two to four retaining walls anywhere from six to ten feet in height that basically circles around this edge of the building. We modified that design, and we are proposing to do a treatment of the rock stabilization. This allows us to reuse some of the rock that we are going to excavate from the site. We've maintained that on the site, and it also allows us to reduce the number of walls that we are constructing substantially. *(new slide)* The second type of wall we are proposing are called gabion walls. For the most part, other than the one at the front entrance, these are walls that are located in areas where they really can't be seen. When we go through some of the visuals you will notice that, although it looks like a lot of walls, as you pull into this site and work your way into it, there is really very little visibility of any of this from Kisco Avenue and even from across the valley because of the way we've been able to preserve the vegetation. *(new slide)* The green highlighted area we anticipate will be a rock cut, something similar to this, and you will notice that there is also a rip rap swale, which is proposed as part of our roadway design. *(new slide)* The fourth component is a textured concrete retaining wall. We are primarily using those, they are the blue lines, in areas where we have fill. In this case where it's up against the tension basin, we need a structural concrete wall to make sure that we can withstand the forces of this detention basin when it has water in it. *(new slide)* One of the other things we heard from the board was the height of the walls. As you look around, you can see that we significantly reduced the height of the walls throughout the site. In most cases, they are at or below six feet. You have a two foot small wall here, a two foot wall here, a series of six-foot high walls here. There are a couple of locations where we could not accomplish that. They are as high as seven feet. These are maximum height, so in general these walls run from zero to seven and then back down again. Generally, throughout the site, the walls, within an exposed face are for the most part, six feet. We do have a higher piece of wall in the back, and again that was done on purpose to avoid the additional disturbance. I would have preferred to extend that beyond. One of the most telling components to the redesign is that in the original plans we had almost 8,000 linear feet of wall. In this plan we have about 3,400 linear feet of wall. *(new slide)* This is an overlay that represents the limit of disturbance based on our current plan. We have adjusted the secondary access road coming in off of Curtis, because we all know we have a redesigned roadway geometry. We have eliminated the loop run around the building, still maintaining adequate fire protection. That has allowed us to, in comparison to the original disturbance, which is in blue, there will be two significant areas that we have been able to save vegetation. One is down by the entrance, and we are able to accomplish that by redesigning the switchback, and the other is in this location *(indicating)*. We are able to accomplish that but adjusting the alignment of the secondary access, and to control the limit of our disturbance coming off the building. This area plays a key role in streaming the building from across the valley. The original plan had 12.1 acres of disturbance. The proposed plan has 11.2, just about an acre of reduction in disturbance over the whole project. *(new slide)*

This is our grading plan, and although it's at a small scale, the significance of this is the green areas all represent areas that are undisturbed. Again, one of the most critical areas is this one as you look in from across the valley. *(new slide)* This is a view from 117, and this representation is very consistent with what was shown in the FDIS in terms of being able to see basically the top sections of the higher portions of our structures. The box represents those trees that are highlighted in this area. The reason that occurs is because as the grade goes up, those trees are actually at a higher elevation, and they allow us to screen a good portion of the building.

Robert Melillo: Do you have a picture of that in the wintertime with no leaves on the trees?

Chuck Utschig: There was one in the FDIS. We don't have one here. The other significant change that has occurred in the plan is the water distribution system. Our original plan was to bring a feed in off of Kisco Avenue up the primary road, and have a secondary feed that went back and provided a loop in this portion of the site. Unfortunately, the information that we recently got on an updated fire flow test indicated that the pressure in the water main on Kisco Avenue was substantially less than what it was when we did the original test four or five years ago. There is plenty of water in the line, it's that the pressure is inadequate. That requires us to put in an inline booster station. We are proposing a water booster station that is located generally in this area (indicating), it is constructed below ground, has a series of pumps in it – probably four pumps in it. A large pump for fire protection, and then a series of smaller pumps that deals with the lower flows and then ultimately a jockey pump that deals with the domestic flows. The sole purpose of that is to boost the pressure. As you know, we have about 120 feet of grade change that occurs here, which gives us about 60 pounds of pressure dropped. There is not enough pressure in the main on Kisco Avenue to boost that, so we are going to boost it at this intermediate point. Now, to ensure that we have redundancy in fire protection, which not only was a concern of this board but is a requirement of New York State building code. As a result of this type of construction, you have to have a secondary independent source of water to fight fires. In this location, actually underneath this building (indicating), the mechanical engineer is proposing two 20,000 gallon tanks, which will hold 40,000 gallons of water and provide adequate water to energize and run the sprinkler systems for a one-hour time period, which again meets requirement of the New York State building code. Unfortunately, when you are boosting pressure like this, it's impossible to have a loop system, because if you had this loop system in, and you had your booster station here, you would basically be pushing the pressure up throughout the municipal system, and we would not get the effect that we need to boost it from this location up to where it comes into the building. *(new slide)* The sewer line is fairly straightforward. It comes from Kisco Avenue. We have basically a single line coming up to the building. The storm water management is comprised of a series of small, shallow retention areas. They are about two feet deep, a large storm water management basin that is about six feet deep, and then another small bio retention area here (indicating). All of these

combined discharge the existing system in Kisco Avenue. Our storm water reports indicates that we are actually reducing the flows to this discharge point as compared to preexisting conditions. In some cases it's 15 percent, in other cases, it's up to 30 percent of a reduction.

(new slide) We are back to the landscaping plan. All the things that are the darker colors and have a tone to them are proposed landscaping, what is somewhat gray is existing vegetated areas that will remain. In accordance with your tree code, we are required to provide 271 replacement trees. We are actually proposing 245 replacement trees. We are also proposing to make a financial contribution to the village to allow them to plant trees at other locations on the site. Your code calls for four inch trees typically. Given the nature of this site and the places where we can plant, we have suggested that we provide a variety of trees from two and a half inches up to six inches. If you took the required trees at 271, and you apply a four-inch caliper to it, and you compare it to the same caliper each that you are providing, it's about the same. We've used some smaller trees, because there are actually places where it's hard to get these trees in without doing more disturbance, like here at the top of this slope and up in some of these (indicating) locations. So, we actually purposely are using two and a half inch caliper trees because they can actually be moved by manual labor. It doesn't take equipment. We also have slopes that are fairly steep, two-and-a-half to one and two-to-one. We are concerned about planting those large root balls in that steep a slope. So, it's another location where we've proposed some smaller caliber trees. The larger caliber trees all are in the prime locations. So, you will see a picture of this entrance, and you will see that these trees are all six-in-caliber trees, very mature vegetation that we are proposing in the critical areas.

Ralph Vigliotti: What is the percentage of deciduous trees versus coniferous trees?

Chuck Utschig: This calculation is all shade trees and ornamental trees, so your code requires it would be hardwood trees, in essence.

Ralph Vigliotti: At some point, I think we should have a further discussion with regard to something that will shade the site from view during the non-foliage season. If it's all deciduous trees, which looks great during the season, when the foliage is down, which is six months out of the season, you are going to see probably 40 percent more of this building. If we are planting coniferous, softwood trees as the years progress, they are going to get taller and taller and remain year-round. It's something I think we should look at a little closer as a Planning Board as opposed to planting all deciduous and ornamental trees.

Chuck Utschig: You're right, and if we go through the details of the landscaping plan they are included. This is just to give you a comparison of the tree replacement. There is over 100 evergreen trees planted in addition to that varying in height from 6 foot to 14 foot. As we work through some of the brackets, you will see some of that. We have tried to intersperse a little lower story screening for the higher trees. *(new slide)* Now we are going to show you four views as you come into the site. One is from across Kisco Avenue. The other

three are as you come into the site. This is an actual photograph standing on Holiday Inn Drive, looking into the site. We've superimposed our entrance. You can see the first signs of the rock cut, which, as you go through the curb, if you look at the site plan that I have up over here, you are basically looking at that rock cut there. You can see the rock cut. You can see the plantings that have been proposed. You can also see in the background just the faint kind of picture of a retaining wall, which you will get a better view of as you go into the site. This is actually what that driveway will look like when we get done cutting back the slope, cutting the rock and planting the proposed landscaping. *(new slide)* This view is located as you come around the first curb looking up the hill. This on the right is the rock cut. You do get a glimpse of the building to the upper right. We are proposing a rip rap swale along the edge of the road. This road is not curbed. It's crowned and it drains into a roadside swale. The reason we got rip rap is because the roads are 12 percent. The velocity in that swale is going to be pretty good. The only way to make sure it stays stabilized is to use rip rap. The idea of eliminating curbs and test basins and going into this kind of surface flow with the swales and dissipation of the flows is in line with the Department of Environmental Protection (DEP) and the Department of Environmental Conservation's (DEC) new kind of drainage philosophy, which really stems from disconnecting roof leaders and allowing the water to reach the surface and get absorbed into the ground to the greatest extent possible, their term is "run off reduction volume." *(new slide)* This is as you're looking up the hill to the left, would be BMW. There is an opportunity to supplement the existing vegetation. These are existing trees. You're starting to look up to where you get the first curb in the road. You can also just see at the top of this one of the walls that is located right here (indicating) which I talked about before that defines the edge of the detention basin. *(new slide)* In the next view, you come up just to the curb in the road. You are now looking up the curb towards the building. To the right is the same roadside swale. This is a bio retention area. One of the things about the bio retention area is that it is actually plantings. It is not open. There is a combination of shrubs, long grasses – and these grasses are actually designed to grow two to three feet in height, so there will really be a meadow type of a look. We have the same thing occurring on the other side of the road. Where you have this light shade, it's really not flat grass, but it's a two to three foot high meadow, with additional landscaping that gets put into the basin in accordance with the DEC planting criteria. This (indicating) is the rock slope that I showed you. This (indicating) is a small piece of retaining wall that is required in order for us to make that piece of grade change without having to adjust substantially the profile on this road.

Robert Melillo: On your retaining walls, our law only allows no more than six foot high retaining wall.

Chuck Utschig: It's not a prohibition, it's a recommendation. To the extent that we could we tried to meet that, so this board has to decide if it's okay with the locations where we've gone beyond six feet to accommodate that.

Robert Melillo: But I don't think our code allows this board to do that. It allows the Zoning Board to do that.

Stanley Bernstein: I worked on the steep slopes plan, and it lays with this board. Length and height.

Robert Melillo: Oh, as far as steep slopes; I'm sorry. Thank you for correcting.

Chuck Utschig: *(new slide)* The last view is from looking down the driveway to the entrance. Here is where some of that vegetation become apparent. These are landscape islands where we've got substantial trees. These trees are represented at about three plus years of growth, but when they go in at six inch diameter, they are probably 20 plus foot high trees to begin with, maybe a little more than that. Some of the evergreens that we were talking about are planted here; *(indicating)* and again we've got this meadow grass that grows fairly high. That is not just a cut lawn, but it's got a meadow grass appearance to it. The next thing I want to do is give you a visual tour of the site. Unfortunately, we had a little computer glitch, so it's going to be a single snapshot kind of presentation. I think it helps give you a sense of what the site looks like. *(new slide)* This is where you come in to the site, basically standing at the entrance. We are looking at the rock cut. The brighter green is planted vegetation. This is actually the existing vegetation, and the trees that are here were taken right from the tree survey, so that is the same count of trees. It may not be exactly as full as those are, but that is the right number of trees that are existing right now. To the left is Kisco Avenue and basically you are looking right towards BMW. Right when you get in from the right-of-way you start seeing this rock cut. As you turn in the other direction, this is that bio-retention area and the first wall that we were talking about which basically defines the lower edge of our driveway; this being Kisco Avenue. Again, the planting scheme here is not a bright, colorful one, but it's more one that we want to meet into the existing wooded area that is on either side of us. We really tried to keep the nature of this planting as one that would meld into the existing vegetation that we are preserving on the site. *(new slide)* The next snapshot is one where we've moved up into the site. You can still see the rock cut. You've got the rip rap swale on one side, and we start to introduce the guiderail because this drops off below the bio retention area. *(new slide)* This is where we start to get into a cut on both sides. This is where you will get that bit of a valley effect. Both sides have rip rap swales, street lights are planted right along the edge of the road. In the far ground, you can see this retaining wall, which is on this plan located right along this edge. That is necessary because we have some drainage that goes in behind that. That will actually be a concrete faced retaining wall here. *(new slide)* Progressing up a little further, now you start to see the retaining walls that define the bio retention area, which are on the other side of these retaining walls, but you can start getting a sense of the fact that you are kind of driving through this cut section. *(new slide)* Still progressing up, these become a more prominent feature. This is about 12 to 15 foot of rock cut. This is another two walls of about six feet, so the total differential in grade here is somewhere between –

depending on exact location – 20 to 25 feet. We start getting to the point where we are coming out of that kind of full cut. BMW is to your left. Again, you can see where we supplemented some of the landscaping. This rock cut continues, and we still have the retaining walls on the high side. These will be concrete retaining walls that have that textured face to them. *(new slide)* This is the first point where you can actually see the stone slope that we were proposing. These are the trees that are between us and BMW. If you look at this opening right here, that is actually where the secondary access road goes towards the Curtis property. These are the trees that we preserve between the secondary access road and our building that do a lot to screen that building from across the valley. We've gotten another step closer. *(new slide)* This is where the secondary access road comes in from Curtis. This is an access into a bio retention area. This is the stone slope. These are the trees that we are able to save, and these are proposed plantings on the right hand side. In one of the views that we looked out before, I pointed out this retaining wall. That is the same wall. Unfortunately, the animation does not allow us to turn this so you could see where the bio retention area is, but the bio retention area is over here to the right. Basically you are looking up to the last curve of the road. *(new slide)* This is located right about here on the site. We are starting to approach the single story section of the building. Supplemental landscaping goes in here, because we've had to clear this and grade it in order to get down to the bio retention areas. *(new slide)* This is the start of where the land bank parking would be, where the lighter greens are. If the land bank parking had to be installed, that is where it would start, which is located right about mid-point to the memory care section of the building. *(new slide)* This is where the road starts to flatten out. You are looking at existing trees, some of which are beyond our property, but this is all existing vegetation that remains. *(new slide)* We have come up and basically gone around the building to this corner. That is the emergency generator enclosed in a fenced area. Those are the two garage doors that lead you to the parking lot below. That is an access door into that same area. *(new slide)* If you come around this corner, this is looking towards the entrance to the building. We have striped parking on either side. You will notice that again we do not have conventional raised curb designed with catch basins. These are all designed as sheet flow, so the parking lots actually flow over to the swales. On this side they flow over to a grass swale. The only thing to protect here, the parking bumpers, is the sidewalk that leads up to the front entrance. This is also something that the board has to consider because one of the provisions in your code which you can waive is you specify a curb. These all have a curved edge to them, they are just not raised. They were designed specifically to allow us to maintain this open concept versus having curbs, catch basins and piping. *(new slide)* We have gotten closer to the front entrance to the building, and again these are substantial islands that get landscaped, so we start to create at least some landscaping presence here at the front of the building. *(new slide)* This is the beginning of the extension of the access for emergency vehicles if the fire department needs to get to the far end of the building. This will be stabilized grass construction that will support fire trucks. *(new slide)* We've come around the corner of the building, and are located right there. To the

right is Curtis Instruments, and to the left you see the proposed building. This is where the edge of the grade breaks off, so this is all fairly level in here. Then the topography changes and breaks down. Continuing to move around the building, you can see there are windows on the side. Basically, some of this is common open space, and I believe some of these, as you work back in this direction, are also apartments. *(new slide)* This area in here that has a little bit of a different tone to it is actually designed to accommodate the roof drainage, so the roof leaders come down, spill out onto spill pads and actually go into this area; it's about two-foot depressed, but it has an entire under-drain system to it. It has a filtering media and an under drain system that allows us to get some water quality treatment. Then, that under drain system is connected to the other end where we have our full detention facility. This is one of the major courtyards which is located right here. This is really intended to be a place where the residents can enjoy this space. It's a kind of an enclosed courtyard, and they would set up things for the residents to do in this area. *(new slide)* This is looking out over the road. That is the bio retention area, that is the road coming up the hill. This is a gate, and this is actually the set of stairs that goes down to the road. This allows the fire department, although it's a lot of steps, to get up to this point with a hose and be able to provide fire protection to the rear sections of the building. That was necessary to meet one of the code requirements; you have to be able to get a hose within 300 feet of any part of this part of the building. As *(new slide)* we move around now, we go to the next kind of courtyard at the "V" of the building. This is again an all-glass structure. This is common space where all the residents can enjoy looking out over this common space. We have another small bio retention area here that functions the same way. We are progressing around the building. We narrow along the long stretch of the building, and this has actually been flattened out. It's about 20 to 25 feet of level area, so the fire department has a location to put their ladders up safely to get to this one-story section of the building. We are approaching the garage entrance, and the enclosure for the emergency generator, the transformers, and the dumpsters. *(new slide)* We jump to the top of the building, and we are actually looking out over the entrance. This is our entrance road. It curves around, and right there it starts to switch back. These are the trees that were saved as a result of the redesign of the road. A lot of the trees that are in this location are between us and BMW. This gives you a sense of what is being planted as supplemental planting. These large areas are bio retention areas that do have shrubs in them, high grasses in them, so they are planted. They are not just lawn areas. The only places that are really lawn areas are the two courtyards that we showed you. *(new slide)* This is a birds-eye view looking into the site. It gives you some sense of where the cuts are. This is the cut of the rock as you come in. This is where you have cuts on both sides. You can see the stand of trees that were saved, you can see this row of trees that were saved. You work your way up into the site, and this is a series of walls that get you to the detention facility. This is the series of walls that get you to the bio retention area. This is the rock slope, and as you work your way up, you're getting around the building. We are trying to demonstrate that as you work your way through the site, you see some of these features, but from a distance,

like Kisco Avenue, you really don't. A couple of key components to the plan changes: We've reduced the amount of disturbance by one acre. We've reduced overall impervious area by over 2.3 acres. We've been able to save an additional 161 trees. Yes, it's a small percentage, but we are working in the right direction. The walls have been reduced by over 4,000 lineal feet. We have reduced the total building footprint by 9,500 square feet. We've reduced the building area by 150,00 square feet. Most importantly, we've reduced the amount of fill material being exported off the site. One of the things that happens with our grading adjustments is that instead of having a substantial export, which was originally proposed, we now have close to a balanced site. What that means is, a significant amount of truck traffic that won't have to be on the village's roads, something to the tune of five trucks, full time, for about three months, holding off what was anticipated to be a substantial export from the original grading design. That concludes our presentation.

Chairman Cosentino: I think the landscaping, road, and everything is nice about the site. For some reason, maybe because we are not close to it, the buildings look too commercial for me.

Ralph Vigliotti: I agree. They are not nice looking.

Chairman Cosentino: Far from it; that is my opinion. They look commercial.

Chuck Utschig: Some of it has to do with the fact that this is a virtual rendering of it. I am not going to say that is all of it. Unfortunately, I get the road and landscaping to what you like, but I didn't get the building itself.

Chairman Cosentino: It's just that when you look at something like this – I'm looking at a generator, a dumpster going into the site. Here I'm seeing a parking lot before I even get to the buildings itself. I guess it has to be that way, but I'm saying it's not my cup of tea.

Chuck Utschig: There are certain things about this site that forces – ideally we would not like to have the loading dock and entrance to the garage at the end of the building if we didn't have to, but it allows us to avoid a lot of disturbance on the other end. I think there were some, at least from a site perspective, balances that were tried to accomplish here. In coming up with a design that we thought worked well, limited the disturbance to the extent that we could and many other things. The aesthetics of the building, I wish I could speak to; unfortunately the architect's plane got cancelled, and he could not make it in from Pittsburgh. He would be much better suited to talk about the aesthetics of the building than I would.

Ralph Vigliotti: When the architect is here at one of the next meetings, if he would be kind enough to do a PowerPoint showing the actual photographs of the building as it is to be designed, because this looks like a lot of stucco with no window treatments. It looks like something from the 70s. Something is missing.

Doug Hertz: I would like to comment on that. Back on Day One, and I literally mean Day One, the first architectural firm, which I believe is not the architectural firm that is working on this, or are they?

Mark Miller: They are. Perkins Eastman.

Chuck Utschig: Same firm, different architects.

Doug Hertz: They gave a very lovely PowerPoint presentation going through it with photographs, showing natural materials, color palettes, etc. It's not what we ended up with. I understand it's been a very long road between then and now. I certainly understand what some of the changes are. I have concerns the same way that Ralph does, but please let me extend those concerns a little bit. By the way, great presentation, and I think from an engineering perspective, making the site plan functioning, I think you've done an amazing job getting from A to Z. Let me give you a couple of concerns that I have. The entrance to the site off Kisco Avenue. The first discussion we had was natural stone walls. It wasn't textured cement walls. When we started the process -- and I know we are not at the start, we are at the end -- the discussions were images that were more bucolic, if you will. We were looking at natural stone walls, natural materials, color palettes that were greens and browns, perhaps some rust. Please jump to the image going across the valley. When we looked at this previously, the thought of breaking this up into smaller units, it would feel more "house-like" over the valley. Obviously I am concerned about what that is going to look like, and not making it too institutional in nature, keeping it more along the lines of that original presentation. Although I am not really concerned about the rock cuts at the entrance to Kisco Avenue, I am concerned about the quality and feel of the retaining walls, which are going to be visible from that location. Once you climb up the hill, you climb up the hill. The face you present for the village -- I know you are doing a lot of these things for economic purposes, and I certainly understand that, but we need a little bit of balancing in there.

Chuck Utschig: I understand. I know that the architect did a presentation to the ARB a week or so ago, and he does have a PowerPoint presentation and he does have materials, palettes and colors. I am not sure that it gets to what your comment was, but we will take that back, address it and bring it back to you.

Doug Hertz: One of the things that happens in this very segmented kind of process is, we get presented something at the beginning, six or seven years ago, that starts this process. The ARB has never seen that. Seven years later, they get to look at a project that is completely out of context with seven years of development and worked by your side and our side.

Chuck Utschig: It may be a starting point for more of this discussion. I am not equipped to do that, so I am asking if the board would give us the opportunity to come back with that and see if maybe some of what is really being proposed is included, and it will be for the board to chime in on that.

Chairman Cosentino: It's not what I envision, and I think listening to Doug, I think maybe in my mind was the first presentation, and I'm seeing this now, and I think that is what is throwing me off.

Ralph Vigliotti: Additionally, the view across the valley is full foliage. If you can somehow show us what the view would be without foliage is something I think would be valuable for the board to see. That goes back to my earlier discussion about planting the front of the building. I know you are doing evergreens and coniferous trees around the sides and the back, while that is fine, in the front of the building – as we progress in years – those trees will grow 50, 60, 100 feet and may give us what we are seeing now as a spring/summer view. If you could provide that, that will be helpful.

Chuck Utschig: I say yes, because I'm pretty sure we have the winter photo as part of our documentation, which will allow us to do that in a reasonable time frame.

Chairman Cosentino: The rest of it seems as I envisioned it, but I was shocked when I saw the buildings the way they are.

Ralph Vigliotti: The buildings of the senior housing complex off Carpenter and Barker off to the north end, were built in the sixties and seventies. These buildings, although, four stories as opposed to a story and a half, are very similar. When I saw that I said this looks like that senior complex off Barker Street.

Chuck Utschig: This will give the architect a chance to talk about his architecture, and let's see where we go with it.

Stanley Bernstein: I have a couple of questions, if I may. You say you are saving 161 trees. Did you put that in the count in the secondary service road? What about the trees coming down there?

Chuck Utschig: What I meant to say was, in comparison to the original plan, this plan saves an additional 160 trees.

Stanley Bernstein: How many trees are coming down on the secondary road?

Chuck Utschig: There are 1,900 trees coming down over the entire site compared to some 2,060 trees that were originally proposed to come down. Some of those occur in that secondary access road. We did not do a specific count for that. All we did was a total reduction. So, when you take into consideration everything that was done, including the addition of the secondary access road, there is an additional 161 trees that don't have to come down. There is still a substantial number of trees that are coming down. It's 11 acres of disturbance. It is also 11 acres on an 18 acre site. In comparison, if there are 2,000 trees in that 11 acres, then there is still a substantial amount of acreage being saved (sic).

Stanley Bernstein: Your definition of "substantial" and my definition of "substantial" are two different things. I have another question. You have the secondary access road coming to an intersection with the primary road, which is nowhere near the building. Give me a scenario. Suppose there is a blockage on the primary road before the intersection, of course fire equipment and rescue equipment can get up with no problem. Suppose there is a blockage after the intersection. How do we service the burning building?

Chuck Utschig: If the entire 20-foot wide road gets blocked?

Stanley Bernstein: You have two roads coming to an intersection. If there is blockage after that intersection.

Chuck Utschig: Help me understand what that blockage could be, and I'll help answer your question.

Stanley Bernstein: An earthquake opens up a piece of the road.

Chuck Utschig: I cannot deal with catastrophes, I'm sorry. Then he couldn't get up there. We have a couple of things. We have a 24-foot wide road. A retaining wall on the high side fell down and blocked half the road. We know that emergency vehicles are very willing to go around that. If, for some reason, they cannot, we have fire protection provided at the building that will deal with fire for a certain amount of time. These measures, as prescribed in your New York State building code, as looked at by your fire marshal, all seem to be going in a direction where, although there could be a series of catastrophic events that occur here, you could have that in a lot of places. The measure here is to come up with solutions that provide reasonable solutions to issues. It appears that your own staff and the building code is all in compliance. That is the best I can answer your question.

Stanley Bernstein: It's a very good answer. Basically, what you're saying is that secondary road is not needed at all.

Chuck Utschig: I disagree, and I believe your fire department disagrees with you also.

Stanley Bernstein: It's additional disturbance for nothing.

Chairman Cosentino: They would have rather not wanted it, but we required it.

Stanley Bernstein: We should not have required it.

Doug Hertz: Who is the "we"?

Chairman Cosentino: Our planner before.

Doug Hertz: It was a discussion?

Chairman Cosentino: You had all your chances to stop it.

Doug Hertz: We had many discussions that there was no requirement for a secondary road.

Chairman Cosentino: The prior planner suggested it, and we did not say, "do not put it in."

Doug Hertz: Yes, we did. We said it repeatedly.

Chairman Cosentino: Then why is it there?

Doug Hertz: They are the designers. We are the reviewers.

Chairman Cosentino: You can say you don't want it – I have not heard you say that.

Ralph Vigliotti: We are talking a fire emergency road as a secondary road.

Stanley Bernstein: It has no use for fire emergency or any other emergency.

Ralph Vigliotti: We all agreed early on that we needed a fire emergency road.

Stanley Bernstein: We did not all agree.

Doug Hertz: I did not agree.

Stanley Bernstein: Absolutely not. We did not like going up to the water tower, and we said, "no." No one said anything about going down to Curtis. This, all of a sudden came up."

Chairman Cosentino: We did not want the emergency road at the top going out to the water tower. I don't think there was anybody at one meeting say that we should not have the emergency road.

Stanley Bernstein: I did.

Doug Hertz: We spent three years with only a single road going up there. It was only at the 11th hour that that road, through the back of the property, was even suggested.

Chairman Cosentino: You come to all the meetings, why didn't you say something?

Doug Hertz: I absolutely said it. Check the minutes. From what I understand this is a fire department requirement and not a Planning Board requirement. This never came from us.

Chairman Cosentino: Regardless of what it is, it was a requirement. It was suggested by the prior planner and the fire department, and that was good enough for me. When the fire department says they want a road there, I think this board has a responsibility to dispute that.

Doug Hertz: I believe the origin of this was a prior village engineer who threw this in at the 11th hour.

Chairman Cosentino: It was a prior planner.

Doug Hertz: It didn't come from a planner, it came from (Jeff) Econum.

Chairman Cosentino: It didn't come from him. It came from Nanette (Bourne) originally. As a matter of fact, Nanette's suggestion was at the top.

Whitney Singleton: It came from both.

Doug Hertz: So one of the questions at this point in the discussion should be, I think, a re-review.

Ralph Vigliotti: I would think the developers would be tickled pink, because they worked very hard to secure an easement to get to where the road is going now. Originally it was possibly BMW. Those contracts didn't move forward, and then, of course, they were able to secure this.

Doug Hertz: If an emergency road needs to be built, I think this is the best of all possible solutions.

Stanley Bernstein: But it's useless. It doesn't do anything, it doesn't go anywhere. If he says that a piece of fire equipment can get passed the retaining wall falling down, what do we need it for?

Chairman Cosentino: I can understand that. Anything can happen. Is it better to have the access road there if something happens?

Stanley Bernstein: Not if it doesn't go anywhere.

Chairman Cosentino: It does. It goes to Curtis.

Stanley Bernstein: It goes to the intersection before the buildings.

Chairman Cosentino: This is what the fire department wants.

Doug Hertz: I'll play the other side of that, which is the bulk of the 12 percent grade road is below that, so if there is going to be a failure of that roadway,...

Mark Miller: For this to come into play, there would have to be a double catastrophe. There would have to be a blockage of the access drive and something else – a need for an ambulance, a need for a fire truck. It's a double hit, and as Chuck said, you cannot account for every catastrophe. This would require two simultaneous major problems. A complete blockage of the main access drive, as well as some other fire or medical emergency.

Chuck Utschig: I can offer this, if I may. From the applicant's perspective, we see some merits to this. It's not that I don't understand where it comes into the road and it's not the best solution, but if you look at New York State fire code, this road, at the width that it's proposed, with the turn-around that we have, meets the access requirements. So this is a discussion about whether your fire department and other safety people are comfortable without having it. From the applicant's perspective, we will eliminate it in a minute. We kind of went forward using the language of the Findings Statement that talks about the secondary access road up to the water tank being unacceptable and alternatives should be found. So, the applicant has kind of moved forward on the theory that the village as a whole was looking for a secondary access into the site, and we tried to come up with the best solution. If the end decision on the village's part is that it is not required by code or necessary, we would be glad to remove it.

Doug Hertz: I'm sure you would, and if you really think about where we were when this was being discussed, we had an "S" shaped road with multiple switch backs that we were all concerned with it being navigable in the case of something. It was much more circuitous than this configuration. So, when they redesigned this, I don't think that ever really got re-thought. I would suggest before we get to the very end of this process, we go back to the fire department and planner.

Anthony Oliveri: It's really a matter of what the State code requires.

Whitney Singleton: my understanding was that part of the reason that was the design – the elimination of the switchback – was because that emergency access road provides you the 300 feet of access to portions of the building that would not be within 300 feet. That is relevant. If you have to get within 300 feet from all portions of the building, the representation that was made to me was that was the reason that this was done.

Robert Melillo: On a secondary road, because of the design change, is not required. Because the original plan had the staircase coming off the secondary access, and now with the new plan it is switched to the main drive. The State building code does not require the secondary access fire code.

Whitney Singleton: I'm not saying it requires a secondary access, what I'm saying is, if you eliminate the access road, are there portions of the building that are more than 300 feet away from the fire access lane?

Robert Melillo: No, not at all.

Chuck Utschig: We made some adjustments – it was the case. There were some other things that changed to get access to the full length of the building. The piece of access road that goes across right underneath proposed building extends to that end on the Curtis end. So, you come around that end of the building 300 feet, and if you come up the stairs 300 feet, you meet. So, for the 300 foot distance, we don't think that the secondary access road is necessary.

Chairman Cosentino: Let's take Doug's suggestion and if the Board feels they want the fire department to discuss it, I don't have a problem with that. I do say one thing – this should have been brought up two months ago.

Stanley Bernstein: I did.

Doug Hertz: This is a re-design of everything. They've made change after change after change.

Chairman Cosentino: If the aces road goes away, I'm sure they can use the money for something else within the village or plantings on the place that they don't have to spend.

Ralph Vigliotti: I don't recall what the width and the length of the access road was, or the number of trees that were coming down. Is that something you are prepared to share?

Chuck Utschig: We did not distinguish the specific trees impacted by the secondary access road as a separate number. It is 20 feet wide. It meets the code requirement. The length is about 4,500 feet.

Ralph Vigliotti: At our next meeting, would you be able to let us know how many trees would be coming down, if the access road is to be built?

Chuck Utschig: Yes.

Stanley Bernstein: Continuing with my questions; I am aware with the steep slopes law and the finished slope that you have to present us is not to be more than 2 to 1. How many acres are more than 2 to 1? It looked to me on the contour drawing it was quite a bit of re-graded area that was more than 2 to 1.

Chuck Utschig: There are areas that are more than 2 to 1, primarily this section right here (indicating) where the stone occurs that is at a 1 to 1 slope. The rest of the slopes are all at 1½ on one, and then 2 on one. I can get you the acreage; I don't have that number.

Stanley Bernstein: When you come back I would like that information because that is in violation of the steep slopes law. We want to know how many violations you are going to have there. Next question, there was a narrative at one time about a situations where resident's cars would be brought out to them because some of them are kind of old and can't be trusted to back out of the parking spaces.

Mark Miller: That was in connection with the tandem parking.

Stanley Bernstein: In other words, it doesn't concern you that an 85-year-old impaired person is going to go down a 12 percent slope with some of these pretty sharp curves, especially the last curve getting out onto Kisco Avenue. That doesn't seem to bother you at all?

Chuck Utschig: No.

Stanley Bernstein: In other words, you don't anticipate an accident there? I'm not even 85 yet, and I don't think I can do it.

Chuck Utschig: Your code meets design standards. You bring up issues that I can't work around.

Stanley Bernstein: It's supposed to be 10 percent and you made it 12 percent.

Chuck Utschig: I don't know how to answer your question. I don't know how to leave tonight and do anything other than say, we believe it's a safe design.

Robert Melillo: Gentlemen, I need to go back to the fire department and discuss with them the secondary access road. Is that what you're asking?

Chairman Cosentino: I think Doug is right. Let's go back there. We can always use the money for something else if we don't need the road.

Chuck Utschig: The road is 500 feet long, and there are 45 trees affected by it.

Chairman Cosentino: We need a written report.

Robert Melillo: I have not gone over that 12 percent grade with them since the original time, but I want to make sure I get one full memo to you from them.

Chairman Cosentino: Agreed.

Ralph Vigliotti: Mr. Chairman, your point is well-taken with regard to if there is no need for the access road, perhaps those trees that would have been eliminated could be placed in the tree fund for the village,

Chairman Cosentino: I'm sure they would be more than glad to do that. What else do we have?

Chuck Utschig: We have memos from your staff.

Chairman Cosentino: But the rest of it was beautiful.

Stanley Bernstein: I disagree. Beauty is in the eyes of the beholder, and I have to terribly disagree.

Ralph Vigliotti: We may not agree with the concept, but the PowerPoint was very good.

Stanley Bernstein: This project is a train wreck for Mount Kisco. The previous iteration, Kisco lost two arms and two legs. This one is much better, we only lose one arm and one leg. So, we should accept it.

Something that is better than bad is acceptable. Is that what you are trying to say?

Chuck Utschig: Not at all. We've come a long way.

Stanley Bernstein: A long way, but not far enough.

Chuck Utschig: We have memos from your staff, we have comments from tonight. We will go back and address staff comments, hopefully hear from your fire department regarding the road, we know that the DEP is reviewing your application, and we should know about that just after the holidays. That is our charge.

Whitney Singleton: Not to put an onus on it – is there a way to provide this on a disc so if the Planning Board wanted to look at it and examine it, they could.

Chuck Utschig: We can provide that. The first presentation was a PowerPoint, the second one was pdf's. We can bundle them altogether so you can look at it easily.

Mark Miller: We could post it to a sharing site and give everyone a link to download it.

Whitney Singleton: Or, if you could get it to the village so that they could post it on it's website on it's link to the Planning Board so they could examine it directly, that would work too.

Mark Miller: We will do that.

Chairman Cosentino: Rob, anything you send to them (Mark Miller and Chuck Utschig) you send to the Planning Board.

Robert Melillo: You don't want me to save it for the next meeting?

Chairman Cosentino: No. Send it right to us, but give us a copy at the next meeting also.

Mark Miller: Mr. Chairman, you raised a point I was about to make, which is obviously the soon we can get the information regarding the fire department, that way we don't have to wait.

Chairman Cosentino: He is overburdened with work right now. He will do whatever he can do.

Mark Miller: We are happy to do anything to expedite. Thank you very much.

Whitney Singleton: The Planning Board has agreed to reschedule a meeting on January 6. The public hearing will be adjourned to that date.

Formal Application

**Field House and Improved Access
333 North Bedford Road
PB2013-2, 69.50-2-1 (SBL)
Site Plan**

Present:

**Michael Gallin, AIA - Principal, Gallin & Beeler Design Studio,
Architect representing the Applicant**

Jim Diamond, Diamond Properties, Property Owner

(Mr. Hertz recused himself from this session)

Michael Gallin: I would like to walk you through some of the changes since we last presented this to you some time ago. I'm not sure everybody was at the last presentation, so I will give a very brief overview of what we are proposing. This is part of the final re-development, the implementations of the master plan of this site of 333 North Bedford Road – the repositioning of almost 600,000 square feet old, abandoned, industrial building. Over the years we have worked closely with the board to put uses into the building that we think are a real asset, and to create a site that was literally flooded and falling apart and turned it into something positive. The immediate application is two-fold. One, is to build a public community facility adjacent to the soccer field, to build it as a landscaped feature that is integrated into the park setting at that section of the site, so that it's partly buried within a berm where people can sit on that grassy area and watch the games. The other aspect of this application is a proposal to improve the southern easement. The way the site is configured is, the site is to the west and down slightly from North Bedford Road, and there are a series of four access points, the intent to provide access from Bedford Road to all the land in the back. The main entrance is Ice House Road at this location (indicating) with a traffic light. There is also a significant entry at the north end of the building. This easement, which is owned by this property is not functional as an access point, because there is about a 35-foot grade difference. This southern easement is the one that is in question for discussion tonight, which is at grade. There has always been the potential, and it's always been part of the master plan to open that up and provide another release in terms of allowing cars to exit the property at that location. The one really significant change from the last time we presented was the third component of this application, which was a reconfiguration of this building here (indicating) and modifications to the parking and the site work associated with that. At this time, the owner decided not to undertake that. It may be done at some point in the future, but there is really an interest in completing these aspects of the work, and the motivation to do this work at this time being justified with the effort and cost involved. So, that has been removed from the application, and therefore the application has been simplified. The other changes in terms of the specifics, in terms of the access drive, there was discussion about what is the character of this road. There were dramatic changes to Ice House Road that were undertaken as part of the redevelopment of the property. The

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road was regarded, there were no parking zones put on, and a traffic light was installed. The intention of opening up this road originally was to just give a relief. It wasn't as much as a beautification exercise, but we heard loud and clear at the last board meeting that there was an opportunity to do more to that road, so we added some additional features that we think will go another step further to improving the character of that area. One, we've added a series of trees and landscaped areas along the western side of the road. We are also showing striping on either side of the road adjacent to the existing buildings, creating no parking zones in that area to remove all the parking on that easement to open up the width of that and better define it so that it becomes less of a parking lot and more of an access point to the whole development. One thing that is not in the application that Jim brought up after he had spoken to the traffic engineer about and we do want to implement, is putting "Do Not Enter" signs up here (indicating) to discourage this as an entry point. The idea that this really becomes just an exit point for people heading southbound, so that it avoids any concern that people might try to take the left turn into the property. I know some of the comments from the consultants and staff were that that was a concern and that was brought up at the last board meeting. By making this "Do Not Enter" to discourage people from coming into this side of the property, the only traffic that will come in is the traffic that is currently coming in to access these buildings. However, people will still be able to exit here to make a right turn. We do not anticipate people exiting here to make a left turn, because it's just going to be so much easier to do it at Ice House Road, plus that is further to the north. It would not make a lot of sense to do it at this location. Really, the primary traffic that we anticipate – not that we are anticipating a lot of it – but there would be some cars that would do it, would be that they would exit out here (indicating) and turn right to go south.

Ralph Vigliotti: Those folks that will be using the two properties as you go in, if they are coming out and they need to go up North Bedford Road going north, they would be making that left-hand turn.

Michael Gallin: Nothing changes in that regard.

Ralph Vigliotti: We are talking about putting fire lanes in. We know in the village that they are very difficult to enforce. We've had areas which we've had designated fire lanes years ago, and they turned into parking spaces overnight, and the enforcement has become very, very difficult. I would move on putting curbing in to make sure that no one parks in those areas.

Chairman Cosentino: Then you wouldn't have the width of the road, though.

Ralph Vigliotti: That may very well be the case, but people are going to park there. They are going to park there without any question, and that road is not wide enough to really accommodate that kind of movement of traffic that you are going to see at that south end. There is going to be a lot of people using that.

Jim Diamond: One of the things we've found at Ice House Road is before we reconfigured it, and when it dead-ended into that chain link fence at the bottom – it became a parking lot. The auto body shops that were on that road parked on both sides of it, because it was natural. That is the same problem on the second spot just south of our north entryway, where the glass shop is, because it's not in use. As soon as we opened up Ice House Road and actually had cars using it going both directions all the time, I think everybody respected the road, and we have not had a problem. We do have fire lanes on both sides of it. We've painted it yellow, and we have not had a problem with parking there at all. I don't disagree that it is a challenge. We've had problems in the past where auto carriers have come right here (indicating) and blocked this road from other auto dealers along the street, and we have to go there and ask them not to park there and find another location. But, it's worked pretty well. I think when we open the road up it will function more like a road.

Chairman Cosentino: In essence, you are really allowing cars to make a left and a right, which you have to. So it's good to have the (Do Not Enter) signs at the bottom, but nothing is stopping the cars going out from making a left-hand turn.

Jim Diamond: From our perspective, we would not have a problem making it a right-hand-turn only exit, but we can't legally do that.

Chairman Cosentino: Anyone that comes out of there is going to be able to make a left or a right.

Jim Diamond: They will, but as Michael said, it doesn't make a lot of sense logically.

Chairman Cosentino: They do it now.

Ralph Vigliotti: I agree with you on that. They go off to the other driveway, which is Ice House Road and use the traffic light to make the left.

Jim Diamond: What we determined with the traffic study that we submitted in December as our annual traffic study that we do, 2/3rds of the people leaving our property take a right. Our traffic signal is extremely short at Ice House Road. It only allows on exiting, three to six vehicles depending on how quickly people move. It probably averages around four. The road almost always clears expect at like 6 PM when Saw Mill exits, or sometimes in the morning. If we had a right-hand-turn out from the southern side, Ice House Road would always be clear, and it would be the fastest way to take a left onto North Bedford Road. There really would be no logical reason for people to go further south to then head north.

Chairman Cosentino: I think we will need a traffic study on that.

Jim Diamond: John Collins did submit a letter.

Chairman Cosentino: Not from John Collins, from our traffic study.

Ralph Vigliotti: I agree.

Enrico Mareschi: I agree.

Jim Diamond: That is fine. The key thing here is there is no new curb cuts, no changes to North Bedford Road at all. This is an existing road. Really, all we're doing is opening it up at the bottom of the road onto our property. We are using our existing property to exit in a road that these other buildings already do. All this traffic is already exiting our property, they are just exiting 300 feet to the north.

Chairman Cosentino: I think more it's going to exit there. It's ideal to make a right-hand-turn and go out. Especially the gym. I go south, so I would come out and make a right-hand-turn myself. I think there will be more cars exiting there, and you may relieve the traffic from the light.

Jim Diamond: Exactly. One of the ideas – remember we spent a lot of time years ago talking about this idea of a bypass road to take people off North Bedford Road and have them go through the property. It is not a huge impact here because the distance is not great. We are taking cars off North Bedford Road for whatever that is, 300 to 500 feet.

Michael Gallin: In essence, all the cars that are exiting now and turning right; if they exit here and turn right, those cars will no longer be on this stretch of North Bedford Road. Yes, it's a moderate difference, but every time we get a car off of North Bedford Road it helps the traffic on North Bedford Road.

Jim Diamond: Those cars will now be exiting south of the access drive for the condominium complex across the street instead of north of it and passing by it.

Michael Gallin: In the same regard – and I do this myself – if I'm in this part of the property and I'm going north, I do not exit here. Certainly coming inbound, I would not come all the way down here. I'd pull in this access and try to stay off North Bedford Road as much as possible because of the traffic.

Ralph Vigliotti: If I can point out something – if this becomes a very active roadway, which I think it will, this works out very well the way you have these medians cut in here. But when you're making this turn here (indicating) to come up this roadway, you will have cars that will be backing out into traffic. I honestly believe that six or seven of these spaces need to be eliminated in order to make this a very safe flow of traffic through here. Otherwise, you will have cars that will be backing out into what is proposed to be a roadway. This is all very safe in here, because you don't have cars backing out into this roadway. But when you get to the end and you're making that left, these six spaces – it's not a good situation. I think we need to look very closely at this. I am not looking to give up parking spaces, by any means, but if it's going to be an active road, you are going to have cars pulling out into that roadway.

Stanley Bernstein: Speaking of eliminating spaces, do you now have enough space? You are 100 percent rented now, right?

Jim Diamond: There is one space left, which we will be submitting building plans on shortly.

Stanley Bernstein: How is the parking situation?

Jim Diamond: We're fine.

Stanley Bernstein: Even though you've got other cars stored there? You have a lot of cars stored there. It doesn't impact the parking at all?

Jim Diamond: We have so many parking spaces. What always ends up happening is – as we said when we discussed this at the beginning – we really have a great complementary mix of different types of uses that are busy at different times.

Stanley Bernstein: Yes, I understand that.

Jim Diamond: When Grand Prix is busy, the office portions are empty. Really the south side of the property is where we get busy, obviously. In the course of 2013, there was only one or two days that I can remember where we even had this area (indicating) forward the parking from these uses backed up to here, and only one day where it came around the corner. When that happened, we had all this space empty (indicating).

Stanley Bernstein: People don't want to walk that far.

Jim Diamond: They do when that is the first parking space.

Stanley Bernstein: I don't know if you remember my comments at the beginning of this project. I said you have to liken this situation to a 55 gallon drum. Every tenant comes in, pours his five gallons of water in it, and then when you get to the last tenant, there is no more space and the water overflows. That is what is happening on North Bedford Road right now. It is a mess. I don't see it getting any better. Do you have a comment on that?

Jim Diamond: I'm not sure if it's gotten any worse.

Stanley Bernstein: It is anecdotal. I know when I drive there, almost everyday, it is kind of rough. It seems to me, and this could be an impression, everyday is a little worse than the day before. I am not considering shopping time. We cannot judge by these few weeks. I'm talking about the normal traffic on North Bedford Road.

Michael Gallin: Diamond Properties is a significant property on North Bedford Road, and I think that every opportunity that there is to improve that, Diamond Properties has tried to and continued to try to short of leaving the property empty.

Stanley Bernstein: This was anticipated ten years ago as something that was inevitable, and it has happened.

Jim Diamond: I think this proposed change would have a modestly positive impact for a couple of reasons. One is pulling it away from the condominium entryway, which I know is a concern of the people who live there, who feel there is too much traffic coming in and out by that intersection. It makes it difficult for them to make a left. I've heard it is almost impossible to make a left out of there. Now, by pulling our cars to the south of the entryway that are taking a right, it eases that up. The second issue is that because of the number of intersections at Ice House Road with the other buildings across the street, there is a lot going on there. Again, pulling our vehicles away from there improves that intersection as well. Right now, one of the reasons the light signal is so short is because it cycles between us, across the street and the Subway building and then the north and south.

Michael Gallin: One thing we didn't really speak about which I think is important is that obviously we don't have any control over these two buildings. I do think what we do is start to pave the precedent and start to put down the opportunity and vision for these to be improved in the future. I think by starting to treat this as a road, starting to eliminate that parking along there, at some point these buildings are going to come in front of the Planning Board. They are baby steps, but sometimes that's how planning works. This is the first step, and hopefully someday you will have the opportunity to address those two buildings.

Whitney Singleton: Speaking of that, and I am not trying to force responsibility here, but both of those two sites have site plans proposed to improve required parking is in the right-of-way. What is your proposal for the building before you deal with that?

Jim Diamond: I'm not sure how a previous board a long time ago would have approved that on somebody's else land.

Whitney Singleton: Not "would have," they did. I've seen both site plans.

Jim Diamond: I'm not sure why they would have. I'm not doubting that they did; I know they did. In other words, it is our land, and these two buildings have the right to use it specifically and limited to for access to Route 117, not as their own parking lot or anything else, and that easement has been in place since something like 1959.

Whitney Singleton: I'm not saying it's your obligation, but it is something this board has to deal with. They have to evaluate the impacts and burdens not only on you but the other properties. As you know, I was involved in this project before you purchased it, and their stoops and doorways were right into a line of traffic (sic).

Michael Gallin: No Parking zones have been placed.

Whitney Singleton: You're proposing that, but those are their doorways to their businesses that are going to go directly into a lane of traffic.

Jim Diamond: Into a No Parking area.

Robert Melillo: Jim, what is the distance between the two buildings?

Michael Gallin: The easement itself is 50 feet.

Jim Diamond: Our land is 50 feet wide, and I think those buildings are built right onto that.

Michael Gallin: They actually encroach by a few feet.

Robert Melillo: If you saw my memo, one of the items is the "choking" of the road now because of that retaining wall, and how you are proposing to get passed that and at least meet the fire code at that point.

Michael Gallin: The issue is the retaining walls exists, and there is currently cars parked there. By eliminating the cars and striping it, trucks will be able to drive on that striped area where currently there are cars parked. We believe it's an improvement from the existing, and we can assure there is a minimum of 20 foot clear there. Ultimately, the intention is to make it better than what is there. We are not going to wreck this retaining wall. It is a difficult situation.

Robert Melillo: How high is it?

Michael Gallin: It's about four feet, and it slopes up.

Robert Melillo: There is no grading where you can get rid of it?

Michael Gallin: No. You can take a look at it. There is a ramp up to an entrance here, and a ramp down to an entrance there. It is tapering from zero to four as you approach the building.

Robert Melillo: There may need to be a guardrail there.

Michael Gallin: We could put a bollard there or some sort of protection on the bottom side just to discourage cars from running into it.

Robert Melillo: My other question concerns the traffic light at Ice House Road. How often are there car accidents there?

Jim Diamond: I've been working there for five years. I've never seen one. I did see one just to the north of us, passed the Subway building three years ago.

Robert Melillo: I know there was one there. That might be something you might want to look into – how often there are accidents – that may help your case with opening the other end. If it reduces the amount of traffic that is coming out of there and reducing potential car

accidents. The truth is depending on what direction they are turning and what caused those car accidents.

Michael Gallin: Thank you, that is a good point. Speaking to the other aspect of this, the other piece that I mentioned is The Field House. Just walking you through the plan, you access The Field House from the north end here (indicating) and enter the face of the building. There are two bathrooms. They are both ADA accessible. (There is) a small janitor's closet, and we are showing two vending machines here and a storage room here. It is my understand the storage room will be available to the town for the Recreation Department. So, really all of this is a community service establishment.

Chairman Cosentino: Will this have heat in it?

Michael Gallin: We could heat it if you want, but it's designed to be seasonable.

Chairman Cosentino: You have to think of water lines freezing.

Michael Gallin: It is designed to be seasonable and to be drained. It certainly could be.

Chairman Cosentino: That's up to you.

Jim Diamond: We can consider that, but I think seasonal makes sense. The soccer field really does not get used in the winter.

Michael Gallin: In terms of the architecture of this, it is really designed so that everything on the south side is a series of terraced retaining walls. They are each held at under 30 inches, so that they are safe without needing a guardrail. There is a significant guardrail on the east side and the north side and also a portion of the west side here to assure that no one falls over the edge. It is 42 inches tall. One of the changes we've made from the previous design is we've taken the top of that guardrail and sloped it to really discourage people from sitting on it or walking on it. We believe that significantly addresses that particular concern. It is really just supposed to feel like part of the landscape. Kids can walk up there and jump from level to level.

Chairman Cosentino: What is it made of on the outside?

Michael Gallin: The terraces are obviously going to be lawned. The building is going to be stucco. Since the last application, we've retained a civil engineer who has done drainage calculations. We saw the comments from the engineers and we understand there are some additional details and information they are looking for, which we will provide. We will work with them.

Anthony Oliveri: Just an observation. The scale may be off on your plans. The scale is 40 feet but it's labeled 50.

Chairman Cosentino: Are you ever going back to 666?

Jim Diamond: Yes, we are. The challenge is the approval process, which is somewhat painful. Not necessarily this board, but it's DEP working on a storm water plan.

Michael Gallin: They are requiring us to re-evaluate some of our proposal.

Jim Diamond: We honestly almost abandoned it. There is a tendency these days with the overlapping layers of different approvals, that even though it is a simple project where we just want to make a parking lot nicer, it just becomes too painful at a certain point.

Chairman Cosentino: What is that big storage thing in there? Is that there for a reason?

Jim Diamond: Mrs. Green's is under construction right now, so it might be for storing their materials until they are finished. They are doing a phenomenal job. So, our engineers have come up with something that we think works, and we are pushing forward with it at least for now. Hopefully, we can get it approved.

Whitney Singleton: To touch on what you discussed earlier, there are several projects that are currently going on in Mount Kisco for which you need a traffic engineer. That was relayed to the village board at last night's meeting. They entertained a proposal to retain a traffic consultant, but because of some affiliation with applicants in town, that consultant was not selected. They are seeking other traffic consultants and ultimately select somebody to work on three or four applications that we currently have, and that has not been done yet. I don't know what to tell you as far as scheduling.

Chairman Cosentino: I certainly don't want to hold them up.

Anthony Oliveri: It might be appropriate to have their traffic engineer actually do feasibility studies on the utilization of that driveway, and our traffic engineer would then review that.

Jim Diamond: John Collins had submitted something five or six months ago.

Chairman Cosentino: You have the same problem with him as you have with the other people.

Whitney Singleton: No. The applicant's traffic consultant and the adjoining property traffic consultant will each do whatever battle they do. Ultimately, your board is not looking to listen to the applicant's consultant or the neighbor's consultant, but to determine what you think is the appropriate traffic recommendation. Therefore, your board indicated a desire to have their own independent traffic study. We would engage a traffic consultant to review any comments that are made by the applicant's consultant as well as any other effective members of the community. For purposes of scheduling, no one has been retained yet. It is my anticipation that will either be at the

January 6th meeting or the second meeting of the Village Board in January.

Chairman Cosentino: When we retain one, we will put them back on the agenda. He doesn't mind that.

Anthony Oliveri: In the meantime, their traffic engineer should prepare a study.

Whitney Singleton: Our traffic consultant may want to determine the scope of what he has done. One other item just for purposes of the record.

Chairman Cosentino: Yes. I had a memo from Zarin and Steinmetz who could not make it tonight because of the snow. They represent the other party. I take umbrage where she says I should have cancelled the meeting.

Jim Diamond: It wasn't a public hearing anyway.

Chairman Cosentino: No, it wasn't. I understand why. It was the weather. I imagine you're going to have opposition on this.

Jim Diamond: Yes, I'm sure. It sounds like it. But again, since it's our property, it seems we have the right to use our property as we see fit.

Michael Gallin: Do we want to try to open up that public forum to allow that to happen sooner? Do we need to schedule a public hearing to give them an opportunity to air their concerns? We want to make sure things are moving forward.

Whitney Singleton: Yes, they need a public hearing because they are amending their Special Use Permit. It is an amendment to their site plan and their special use permit.

Chairman Cosentino: It is up to you. You are going to have a lot of things happening here, and I don't know how far you want to go on this until you straighten your other problem out.

Whitney Singleton: Candidly, what we are going to be having here is this: You have an application, you're going to have opposition, and then you're going to have the public application on the private plane (sic). There is an interface here.

Jim Diamond: Michael's thought was that the public hearing gives them the opportunity to speak.

Whitney Singleton: To be fair to everyone, there is no point in sending you with a charge to go do an analysis if we retain a traffic consultant who says, "Why would I want you to do that? I want you to do this." I think what your board needs, not from Anthony, Rob or myself, is some professional advice as to the appropriate scope of the study to be done for an analysis to be done.

Chairman Cosentino: I think Jim understands that.

Jim Diamond: Over the next couple of weeks we have some other engineering comments here that we can respond to other than traffic. We can wait until the Village Board retains a traffic consultant, and then we can work to scope out what we are doing now.

Whitney Singleton: The Village Board is aware that your board is currently entertaining this application. They are not looking to hold you up, but they just don't have a consultant at this point in time. I think it will be done by the 6th of January.

Jim Diamond: Thank you very much.

Formal Application:

**Tesla Motors
115 Kisco Avenue
PB2013-0252, 69.65-2-3 (SBL)
Site Plan and Change of Use**

Present:

Brian Stepan, Finn Daniels Architects – Architects for the Project

Brett Driesen, Service Manager, Tesla Motors

Victor J. Cannistra, CPA, President Cannistra Financial Advisors, Inc., Property Owner leasing to Tesla

Christy Ortins, Retail Development Design Manager, Tesla Motors, Inc.

Bradley Hoffman, Project Manager Retail Development, Tesla Motors, Inc.

Lenny Peake, Northeast Regional Service Manager, Tesla Motors, Inc.

Chairman Cosentino: I see we have a resolution here.

Bradley Hoffman: Since I met with you last time, I met with staff on multiple occasions and have taken all their recommendations, most of which are in the draft resolution. We do have some comments, but I will go over the changes to the site. Since we met with them, in our formal application we have a topography which indicates all the drainage is proper to the catch basin that is existing. The last approved site plan has none of this landscaping shown here (indicating). The existing site plan has seven planters here. They were not on the last approved site plan, but they are in the town record. We are proposing to remove those concrete planters, add back in these islands here and this island of green space here as well as this nine foot six (sic) section here. The formal application you have

indicates the island here (indicating) and this added green space here. Because our parking calculations gave us two additional spaces, we opted, under the recommendation from the Planning Board staff to add this green space here as it backs up to the auto parts store next door. Everything else remains the same. As far as the resolution, we have, regarding all of the recommendations in terms of foliage and lighting has either been accomplished or is in progress. The two questions that we had: Page 7, note 35: "You shall have no more than two vehicles on display on the exterior of the building and only one vehicle on display in the interior." Our plans indicate being able to store two vehicles inside – not necessarily two vehicles, but we have what we call a component chassis, which is the size of the vehicle, has most of the components of the vehicle and shows you what the guts of the car looks like when it has the body off of it.

Whitney Singleton: That is consistent with what you previously said.

Bradley Hoffman: Would it be possible to have this as two on the inside?

Chairman Cosentino: Yes.

Bradley Hoffman: The next note is: "Unless otherwise approved by the Planning Board, the sale of used vehicles or the rental of new and used vehicles prohibited." We have no objection to the rental of new and used vehicles; however, the sale of used vehicles tends to come up. There will not be inventory of these used vehicles, but any car with over 50 miles is no longer considered new. In a lot of cases, our test drive cars get sold across the country. If it is something somebody wants, they are able to buy it at a discount. It is not held in inventory. It gets brought in like any other new car. It still qualifies as a used car sale. Is there anyway that we can be allowed to include the sale of used cars with the stipulation if there is not inventory outside?

Chairman Cosentino: I think you brought that up previously. He said he would like the opportunity to sell the cars that are brought to trade in.

Bradley Hoffman: But we don't hold them there. We would hold them elsewhere.

Whitney Singleton: Rather than discussing language on the spot, I'd like to go back and look at it, but I can incorporate that, if that is the desire of the board.

Victor Cannistra: I would make mention that the other car dealers on the same street, Lexus, BMW, Land Rover and Volvo, all sell used cars and quite a few of them. I think Tesla would sell less, but it allowed per zoning that they can sell used cars.

Doug Hertz: I have no objection.

Stanley Bernstein: I have no objection either.

Doug Hertz: Particularly with what you're referring to.

Chairman Cosentino: That's what I thought was said. I am sure Whitney wants to go through it.

Whitney Singleton: I will come up with the final language.

Brian Stepan: Understanding the landscape section here, if I may. I want to be clear here on Page 3 of 9 starting with Item 3. It looks like all the existing landscape, with the exception of mature trees, are to be removed and replaced. Is that how I read it under Section 3A and 3B?

Bradley Hoffman: The intention is to clean up the site.

Brian Stepan: The last question I have is on item 4. It says, "the site plan should be revised to clearly distinguish between parking spaces designated for customers, employees, vehicle storage, and vehicle display." As Brad mentioned, without inventory it does not appear that even the code allows for vehicle storage. Again, too, with the parking factor per the city code, there is a language that distinguishes towards preference of customer or employee parking. I guess at this time, can the board enlighten us?

Bradley Hoffman: Per the calculation, we have repair and service space count at 18. The spaces in the back of the fence are 19. Our intention is to use the rear of the fenced in area for any cars that are in for service and any area up front for customers. That is in line with the parking calculations.

Doug Hertz: Will there be signage for that? When someone comes in, will they know where to park?

Bradley Hoffman: There will be a fence there. We can have customer parking up here (indicating). I would rather not have signs up there.

Doug Hertz: So you're moving those vehicles?

Bradley Hoffman: Yes. There is a fence that comes across here, so our intentions is to leave any kind of repair/service issue in the rear of the fencing.

Doug Hertz: But the customer will come in and park up front.

Bradley Hoffman: Yes, he will come in up front.

Doug Hertz: And then you will move that car?

Bradley Hoffman: Correct.

Whitney Singleton: Are you saying that you want that memorialized in the resolution, or is that just your plan?

Bradley Hoffman: I just want to make sure that is okay.

Whitney Singleton: Yes, that's fine. I think the board is not looking to have any signage for parking. There is none proposed, correct?

Brian Stepan: Correct, and I want to be clear. It seems like you're asking for the site plan to be clearly distinguished, and we just want to be clear that we are not proposing to have any signage, and how would you like us to resolve that item?

Anthony Oliveri: The idea is that the site plan has clearly shown where the required parking spaces are as opposed to the storage, so that in the future if storage overflows into required parking, the site plan clearly shows that.

Whitney Singleton: If you show on your plan where your required parking is for customers, employees, etc., and show vehicle storage areas, it does not have to be designated as such in the field, but it should be on the plan.

Bradley Hoffman: We could put something in parentheses indicating which section of the building area breakdown and what it is considered on the spot.

Robert Melillo: You could just number the spots. The unnumbered spots are not required parking, the numbered spots are required parking on the plan.

Bradley Hoffman: We are using all the required spots right now.

Robert Melillo: Pretty much all the parking spots on the site is required parking. We have to require additional parking spaces as spares there. Everything that is there is required spots, just so you know.

Bradley Hoffman: Any additional overflow that we had on the required, we have taken up with landscaping.

Robert Melillo: On the original plan there were two additional parking spaces. You are required to have 20 and now you have 22. But to accommodate additional landscaping, they dropped off the two parking spaces. So, they are right on the mark for what is required for parking and what they are showing on the plan.

Anthony Oliveri: We can work that out on the final plan.

Whitney Singleton: I can take care of that.

Doug Hertz: I missed a meeting but was the lighting plan addressed? It shows photo metrics that are above our code.

Bradley Hoffman: Nothing escapes the boundaries.

Doug Hertz: But the center of the parking lot is hotter than the code allows.

Bradley Hoffman: When we met with him, he did not indicate that.

Whitney Singleton: There are provisions for security lighting. Is your lighting going off after a certain hour?

Bradley Hoffman: Yes. The lot light goes off. We have not set it yet. The main ones on the side of the building are security lighting. This (indicating) and these three are getting replaced with LEDs.

Anthony Oliveri: Essentially, the way that the resolution is structured, any outstanding problems we have will be addressed prior to signing.

Bradley Hoffman: When we met with Jan, the center did not actually come up in conversation. It was the back, and it was okay. Together we made the recommendation to switch everything to LED to make it look nicer. That is actually a condition of the resolution.

Whitney Singleton: If you want, I can make a notation in the resolution.

Bradley Hoffman: That's fine.

Motion to Move to Amend the Site Plan / Change of Use Approval

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

Chairman Cosentino: We will do the Calendar and Rules and Regulations the first meeting of January, as per the secretary.

Correspondence

- Minutes of the Beautification Committee dated November 6, 2013
- Notice of Public Comment Period – New York Metropolitan Transportation Council

As there was no further business to be discussed by the Planning Board, on motion by Mr. Hertz seconded by Mr. Mareschi, the meeting was adjourned at 10:30 PM.

Respectfully submitted,

Stanley Bernstein, Recording Secretary

dm

Village of Mount Kisco
Planning Board Meeting
December 17, 2013