

**Meeting of the Planning Board Village/Town
Of Mount Kisco
Minutes
Monday, January 6, 2014**

Mr. Vigliotti chaired the meeting in Chairman Cosentino's absence. Mr. Vigliotti called the meeting to order at 7:45 P.M. in the Village Courthouse.

Members Present: **Ralph Vigliotti
Stanley Bernstein
Sol Gibbons
Enrico Mareschi
Doug Hertz**

Members Absent: **Chairman Joseph Cosentino
Vice Chairman Sturniolo**

Staff Present: **Whitney Singleton
Anthony Oliveri
Rob Melillo
Jan K. Johannessen
Joseph P. Paiva**

Public Hearing Continued

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

**Site Plan Review
Special Use Permit
Steep Slopes and Wetlands Permit**

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

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

**Christian Sexton, Vice President, Development, The
Fortus Group**

**Martin L. Sieferring, AIA, Principal, Perkins Eastman,
Architects for the Project**

Mark Miller: Good evening, Mr. Chairman and members of the board. When we were before your board back in December, we made a full presentation of a new and hopefully final site plan. A number of issues were raised by your board primarily associated with some of the architectural aspects of the project and visual impacts. I have asked

Martin to come back this evening from Pittsburgh. He is the one who appeared maybe twice before.

Martin Siefering: Good evening. I am going to show you predominantly the material that we used with the Architectural Review Board in October. We've added a couple of things based on your request, which is looking at the views without trees. These are the views that were in the FDIS. These are the existing buildings, previously proposed, and these are the buildings that we are proposing now. We are trying to illustrate here the difference between what was included in the FDIS and what is included in the current building. This is this foliage and then without foliage. You can clearly see more of the buildings in each case, between the summertime foliage and the wintertime view. We think we've made significant progress in terms of breaking down the scale and reducing the size and appearance of the buildings since the buildings that were shown in the FDIS. (New view). This is a view of the building, we think, without the leaves. You see a little bit more of the building, but it's still broken down into pieces, we think in context with what goes on in the neighborhood pretty well. What we've done now is really tried to stay with the intent of the work that we did six or seven years ago, which is try to break the scale of the building down. (New view) We have these ends here, and that was really consistent with the work that was done back then. We have the simple gable shapes on the ends, and the simple fireplace chimney modules on the ends. What we've also done is to try to go as darker and more muted tones, which is what is consistent with what we were talking about back then to help the building sort of settle into the landscape. When we first started this six or seven years ago, we talked about how we didn't want to do a white building up here. We wanted to do a darker toned building which would really settle into the landscape and be less of an object sitting on top of the hill. We've created this site plan which you are all familiar with. We've created these five views of the building, because you can't really see the building at all from down here. You can't see the building until you get to that point. We are going to show you these five renderings of the buildings. This is the first place, as you turn around the corner from that point right there. You will see these two ends. We think they have a nice proportion to them; a fairly domestic feel to them. We are going to use a red cedar-ish looking siding on the ends to give them the warmth that we're looking for and help them settle into the landscape and look comfortable, especially in the fall. But they should look good in all the seasons. (New view) The second view, when you turn around and start to switch back, you get a little bit more of a head-on view of one of the ends, but the others are pretty well covered. Then, the single story piece that is off to the right here, you won't see at all. (New view) Once you turn the corner here and come back, here you will see the single story piece of the building back here. It is broken down into multiple pieces to keep the scale a bit down and to keep it feel a more domestic scale, making it feel more residential. (New view) Then, as you get to the top of the hill, and you are looking back in at the entrance, you will see the three-story elements of the building here articulated. You have different things going on, so you have this element and this element and a couple of elements in the middle to help break it down into smaller pieces, also using double-

hung windows that are traditional in nature, feeling very much like a house. (New view) This is the front entrance. We really feel like the front entrance and the common spaces should not feel like a house. They should feel more like a common space because this is where a lot of people gather together. We wanted the more residential portions of the building to feel more residential and the common spaces to feel more like common spaces, like places where large groups of people would gather together. We will go through the elevations here. (New view) These are flat-line drawings. These are a little bit deceiving in that there are a lot of ins and outs to these. This elevation is 120 feet in front of that wall back there, so it doesn't present itself that way when you actually see the building. I also have a full sample board. These are the colors. The Architectural Review Board was really quite happy with this. The only thing we got into was the specifics whether that beige was the right beige, or that beige was the right beige, and we agreed that we would select final colors in a mock up on site when we get there. We will put some samples out in the sunlight on a portion of the building on a mock up off to the side and use that to choose the final colors trying to make sure we get the right contrast between all of the different materials and the right tones so it has the warmth in it that we want that ties together with the shakes.

Ralph Vigliotti: Please explain where the stone veneer may be used.

Martin Sieferring: It's used in here. These columns here are stone, and then it's used along here where it's really hard to see.

Ralph Vigliotti: So, there is not much stone on the building itself?

Martin Sieferring: Yes, there is quite a lot of stone actually. It goes to here and up like that (indicating). It's sort of setting a ground base. That whole element there is stone; this whole element here is stone. It's trying to give it a little bit of a solid base in those areas where we felt like it really needed it.

Ralph Vigliotti: The overhang or canopy that you showed back about three or four slides. Was that presented to the Planning Board originally, or was that something different?

Martin Sieferring: The shape has changed subtly, but it's pretty much what has been there.

Ralph Vigliotti: From seven years ago, from the original?

Martin Sieferring: Yes.

Ralph Vigliotti: I don't remember that. I am very familiar with that look, because it looks like a schoolhouse, high school drop-off-your-kids bus stop look. Certainly not interesting, but it is what it is.

Martin Sieferring: There will be a lot more detail to it when we go to build it. There will be materials here that when there is no sun shining in here, this gets to be pretty bland. You don't pick up those kinds of details.

Ralph Vigliotti: If we go back to some of the views that you showed going up the drive, you're showing stone. Is this what you're projecting as far as the walls or is this something that you're designing for a retaining wall?

Martin Sieferring: When we did these, we weren't quite sure what those – and I'm still not sure exactly what those walls are, because that is a discussion of a different nature what those steep slopes and retaining walls discussion. We show this as a placeholder.

Ralph Vigliotti: I don't think it's fair that we see something that may no be the final piece. This looks nice, and I have a funny feeling that this is something that we are going to see as a final product.

Martin Sieferring: One of the problems we had at the last presentation is that Chuck came here and showed you some engineering work that happened to show some architecture. The architecture was not very well drawn, so I am here today to show you architecture, and we had to show a little bit of engineering. I am not showing the engineering. There is going to have to be a connection between engineering work and architectural work. We may never be drawn on exactly the same drawing, but we will work on it.

Ralph Vigliotti: At some point we are going to need to see a visual like this with the actual retaining walls, or what you might think could be one or two or three options with a view like this. We need to see it. We need to see what the retaining walls are going to be.

Stanley Bernstein: You're right.

Ralph Vigliotti: Your slide one was wonderful. It looks like what was a very natural cut out. Is that what we are going to see, or are we going to see stone encages along that route?

Chuck Utschig: When Martin is done, we'd like to backtrack to some of those issues. I'm not sure we'll close the gap entirely.

Ralph Vigliotti: At some point we need to close the gap.

Chuck Utschig: We do have some additional information in response to your concerns from last month. The answer to this is where we anticipate seeing having actual rock cut; we would expect it to be a natural appearance like this. This is where we've actually run into rock in the excavation, and will anticipate leaving it generally looking like this.

Ralph Vigliotti: At some point you will show us some Gabion?

Chuck Utschig: We will fix all that. Give us a chance to go through some adjustments that we've made based on some feedback. Hopefully we can provide you with some samples. I have some pictures of some things. We are trying to respond to your concerns.

Ralph Vigliotti: Thank you.

Martin Siefering: In general, the Architectural Review Board felt really good about the way the building was broken down into small pieces and they articulated in a way that really communicates that it's a residential building. They like the materials. There was one question about the tone of one of our color selections, and they approved it unanimously.

Doug Hertz: Please run through your images one more time. This is the first time we are really seeing them. This is much different from what we saw and got our hackles up last meeting.

Martin Siefering: With all due respect, you were seeing an engineer trying to present a building.

Enrico Mareschi: Will the building be a two-tone building?

Martin Siefering: It will be several tones. Actually, we had this done before Chuck made the presentation last night. His presentation last night wasn't intending to show this.

Doug Hertz: Nevertheless, it did. We understand.

Martin Siefering: This is from the first place where you'll see it. The buildings are not all red, you just happen to see it here. These ends are red; everything else is a different color so it really stands out.

Doug Hertz: What are roof surfaces?

Martin Siefering: Asphalt shingles.

Doug Hertz: In what tone range?

Martin Siefering: Warm gray.

Doug Hertz: Is there going to be a selection of tones or is it all one roof color?

Martin Siefering: I suspect probably all one color, but it just gets more complicated from where one stops and where another one begins.

Doug Hertz: Because they're continuous?

Martin Siefering: Yes. We think there is probably one that would work for everything. (New view) When you turn the corner here, you see there is a little box bay window on the side here that fits another color. This is repeated elsewhere. Here you have the three colors – red, a medium tone and then a lighter tone to really break it down into three pieces. (Indicating) Here is the medium tone here again. This would be up in the common spaces for the dining room right there. As you can see, with the bank it is really hard to see much of the building from down here.

Doug Hertz: Can you just go back one? Let me verify. Chuck, this is the area where to the right you are going to start the banked parking spaces?

Chuck Utschig: Yes, about halfway up into that picture. They will also start a little bit further up on the left.

Martin Siefering: (new view) Here you get more of the flavor of the different material. Here you get some stone here, then the red, the lighter tone, and then you get some of the medium tones. It really breaks down into multiple pieces. It has a fairly rich character to it.

Enrico Mareschi: The stone will be on certain buildings then?

Martin Siefering: Yes. One of the things we learned about buildings this size is the more you can break them down into smaller pieces, the better you are. Because they are big buildings, and if you have any material that is highly repetitious, it really gives them a sense of being bigger.

Doug Hertz: On your material board, there is a metal. Where is that intended for?

Martin Siefering: The chimneys. There will be like a metal clad. You see it happening from time to time. They are formed like a shingle and they are lapped together. They have a really nice texture to them, so there will be like a turn-coated metal. It has a nice, soft patina and ages well, so it gets softer and has variations to it.

Chuck Utschig: I will try and go back and deal with some of the other issues we discussed last month. Really, there are four items that we need some input from the board on in order to kind of close the loop on things. We've gotten your technical memos from your consultants. We have been through them. We think we can address most of their comments, but we do think there are a few that warrants input from the board. One is kind of making a decision on the secondary access road, and the second item is the stone embankment that we've been talking about, the retaining walls characteristics, and then ultimately some nuances on the landscaping plan. Relative to the secondary access road, Rob has had a chance to sit down with your emergency services people and look at that issue more closely. They did come back with some comments that are very straightforward. A couple of locations where they wanted us to widen the road so there was a larger pull-off area so that the vehicle could get off the road. They wanted us to provide what is called a "dry connection" up by the multi-story section of the courtyard which would make it easier for them to get access to water. All of those things we can accommodate. I think the conclusion was that not necessarily because of, the fire department did not see a code requirement for the secondary access road. We are trying to kind of bring that issue to closure if we can, because obviously it affects the final set of plans that we presented to the board.

Ralph Vigliotti: I'm not sure if that is something we are going to entertain this evening, but if anyone has any questions.

Joseph P. Paiva: Did the design team predetermine that the access road is necessary to meet the code requirements?

Chuck Utschig: No.

Joseph P. Paiva: What was the purpose of the access road originally?

Chuck Utschig: This is your first day, and I'm going to go back probably close to seven years. I think there was a progression of discussion about the nature of this site, the characteristics of the access road – more of how it was designed previously. Which, unlike this design had three switchbacks to it. It was a real serpentine kind of design. When I think (back), there was kind of an evolution of discussions, some of it driven by some of your older staff members. That is probably the best way to describe it. That a secondary access road to this site was probably a good idea is the best way that I can say it.

Doug Hertz: I will give you this member's version of that. I agree with Chuck that the original primary access road was much more convoluted. There was a lot of discussion about that road. At some point, very late in the game, someone on staff suggested that the fire department might want a secondary access road. It was originally suggested coming from a different place than what is there now, and it was universally disliked by this board, but nevertheless, it was out there and once proffered to the fire department, the fire department thought it was a good idea. Why not have additional accesses? But, it was never something that this board required or requested, and it was never something that the applicant required or requested. This came out of one suggestion from one staff member who is no longer with the village. When this was re-designed, the applicant simultaneously entered into negotiations with the neighbor, Curtis, and successfully negotiated an agreement to access across the property where you see the access road now. We never all considered in to the fact that when they redesigned the primary road that perhaps it obviated the need for the secondary access road. That was brought up fairly recently, so we've requested fire department input – whether or not they required that and they considered it a critical element and sought Planning consultant advice as to whether that is a critical element or whether or not we can do without it. That is where we are at this point.

Chuck Utschig: I agree 100 percent.

Joseph P. Paiva: Now, it's off the table?

Ralph Vigliotti: No. It's very much on the table.

Doug Hertz: But, it's a question of whether it's appropriate for this public hearing.

Anthony Oliveri: I would add that those discussions were during the Environmental Impact Study (EIS) process, and the conclusion was left that it would be decided in the site plan approval process, which is where we are at now.

Chuck Utschig: Our interpretation of the code does not lead you to the conclusion that that secondary access road is required. The new fire code talks about dead end roads having appropriate turn-around for emergency vehicles. They say when you have a single road, a single access point into a site; you need to provide an opportunity for your emergency vehicles to be able to turn around. The design of the turn around, which is really in this location, has been designed to meet the new state code requirements, as has the radius here going around the cul-de-sac has been designed so that your vehicles can navigate that.

Jan Johannessen: Were you planning on using the emergency access road at any point for construction access?

Chuck Utschig: As the discussions evolved about that being an ultimate location to it, it did bring in the discussion of also using that location as a means to get into the site to facilitate construction from both the top and the bottom. If it were to be decided that the secondary access road does not present any necessary benefit, then we would simply build from the bottom up into the site. So, yes, it did present some opportunities. From the applicant's perspective, if the board and their staff decided that that secondary access road is not necessary, the applicant would not object to not having it.

Doug Hertz: You did an analysis of how many trees were being removed for that access road only.

Chuck Utschig: Correct.

Doug Hertz: In terms of areas of disturbance, the rip rap wall that becomes whatever that wall becomes – or directly above the access road, from where the access stops – if that access road were not there, how would that affect the grading of that section?

Chuck Utschig: We would suggest that it not change. The reason is the vegetation that sits in here between the access road and that embankment, actually is a lot of the vegetation in the picture that screens the building. Because of the vertical nature of this site, these trees that are located right behind BMW, and in this area (indicating) are measured between 60 and 80 feet. The difference in grade from this access road to the back of the building at its lowest level is about 50 feet, and then we have another 40 plus feet of building. So, that is 90 plus feet. If you think of the visuals that Martin showed you where you can see just about the top floor and the roof, the screening to the portion of the building below that is actually effectively done by what gets saved here (indicating) and what gets saved here (indicating). From our screening perspective, we would not suggest that be changed at all. This came about, really, as a result of trying to reduce the length of vertical walls. If you recall, in all of the designs, whether it was when we had the road going around and there were

walls here, (indicating) or in our modified design. There were three and four wall tiered sections that occurred to accomplish this grade differential here, which is 30 plus deep. We tightened it closer to the building, and we went back to a stone stabilization, which is represented in this picture, which is what we think it could look like. It will really look like that (indicating) which is something that we just built on a project last year. The other thing that is important to add to this assessment is the fact that you cannot see this (indicating) from anywhere off site. It is completely screened, either by virtue of the vertical nature of this site and the topography rises so fast, or by the virtue of the fact that you've got the screening that stayed in here. When you think about the picture that we showed you across the valley, you saw the top of the building, but not the bottom. The same reason is, you don't see this rip rap. The only place that stone embankment is seen is when you come up around this curve.

Jan Johannessen: I'm sure you could see it from the Saw Mill Parkway?

Chuck Utschig: No. One of the things we learned about this site is, as soon as you put a car at the lower level and you draw a site line, the topography here is lower. This is back up higher again (indicating) and that is lower again. You can't get an angle to it.

Jan Johannessen: So you don't think you're going to see the rock slope anywhere else? I was thinking more north.

Chuck Utschig: You have a vertical angle that is 145 feet up.

Jan Johannessen: The number 37 is looking towards the site. You don't think you have a view of the site?

Chuck Utschig: No way.

Martin Siefering: The FDIS does a pretty spectacular job of illustrating this.

Chuck Utschig: This (indicating) will stay. If you go out there right now, you see almost a vertical – 30 to 40 foot rise. You can't see past it. If you go across the valley you can't see it. Because what happens from across the valley, you are looking from way over here over the top of all this and seeing the top half of this site by virtue of this all being screening. You can't pick an angle here where you can't see anything.

Jan Johannessen: The only photo simulation I've seen is the one from the bottom of Knowlton Avenue, of the new plan.

Chuck Utschig: That much hasn't changed, because if you go what was in the Draft Environmental Impact Statement, (DEIS) and you look at them, of all the photos that were in there, there were only two that you could see the building from all the way across the valley, especially the ones that were taken at the lower elevations like in the

parking lots of the shopping centers. You could not see up over anything.

Ralph Vigliotti: You showed us four views coming up the driveway, which were done quite nicely. As I said earlier, at some point very soon, I'd like to see that material that are being and whether it's cut concrete or stone or Gabion, for the entire property.

Chuck Utschig: We brought some information to do a little bit of that tonight, if we could.

Ralph Vigliotti: For a little bit of a segue, did you do an actual tree count of how many trees are on the site?

Chuck Utschig: Yes.

Ralph Vigliotti: Do you recall that number? We know we're losing almost 2,000 trees. The question would be how many trees are actually going to remain on the site?

Chuck Utschig: I will have to get you the number. We counted the trees in accordance with your code at the time the DEIS was done, and we have a number. It's not one that we were worried about.

Ralph Vigliotti: Well, we may be worried about it.

Chuck Utschig: Got it.

Ralph Vigliotti: We certainly want to make sure we are not clear-cutting the property and then re-growing trees because it's just easier to do it that way. We see that all too often happen.

Chuck Utschig: You have been very concerned about that, and we've reacted to that in what we've done.

Ralph Vigliotti: Early on there was a \$100,000 pledge toward the tree bank?

Chuck Utschig: Yes. That is part of our ability to meet your tree replacement code. Back to the secondary access road, we were hoping that at some point we were clearly taking it out of our plans, which requires us to re-do certain things. As part of addressing your staff comments and making another submission, it would be good if we could incorporate that. We are asking for that decision, because clearly that is one that comes from the board and their staff.

Ralph Vigliotti: When you say that would help you make "other adjustments..."

Chuck Utschig: No, we just want to incorporate them into the same effort. When we revise our plans to address your staff technical comments, we'd like to incorporate any changes that may have resulted in this secondary access road. First, submitting your staff

comments, and then coming back and submitting again for potentially a change in the secondary access road.

Ralph Vigliotti: I guess I was confused. I thought you were going to use whatever monies may be saved to enhance the property. That is not the case.

Chuck Utschig: We didn't say that. I want to make the plan changes all at once, is all I want to do if I can. One of the things you asked earlier is what it will really look like. We envision the stone slope to look like what we represented in that picture down to the right hand corner. The area that would occur in is highlighted basically with the circled hatchet.

Doug Hertz: That slope is 1 to 1?

Chuck Utschig: It's 1.5 to 1. 1.5 back, 1 up, so it has a tip to it.

Stanley Bernstein: You're talking about that rip rap? It looks like more than 1.5 to 1.

Chuck Utschig: It is. That one actually might be a 2 to 1, which is less steep. I can't go out and find a 1.5 to 1 slope unless I build one. We are doing our best to show you what this could look like at a 1.5 to 1 slope. We had originally come to you (new view) and talked about various options. One option was the use of Gabion walls, which were stone filled baskets. Those are highlighted in red. Although we think there are places on this site where you could build them, and they wouldn't be really visible, we understand your concern. We'd like to go to an engineered stamped concrete wall, and one of the reasons for that is some of the information we've got has given us some characteristics of the upper soil overburden, and some of the softer rock, which is about anywhere from 5 to 10 feet deep, which makes it a little problematic for us to build gravity walls. For a couple of reasons, we are suggesting that other than this front wall, which we would build as a natural stone wall, the rest of the walls we would like to build as concrete walls with the type of finish generally as I've shown you in this packet. This is a formed wall, concrete, but it has a finish to it. It can look like vertical stone, cobblestones, and there is a variety of stamps that we can put on to the rest of the walls so they would all have a stone-textured appearance to them.

Ralph Vigliotti: How many linear feet?

Chuck Utschig: I believe we are a total of 2,000 linear feet.

Ralph Vigliotti: Of this type of wall?

Chuck Utschig: Right.

Ralph Vigliotti: 2,000?

Chuck Utschig: Correct.

Ralph Vigliotti: Close to a half mile of that type of wall?

Chuck Utschig: Yes, which is about half of the wall that was shown in the last version of the site plan. You have to remember we have reduced the amount of wall substantially on this plan in a lot of areas, and we end up with this being the minimum amount of walls to keep the level of disturbance where we have been shown. These walls allow us to control the disturbance and not just clearer cut areas. We would like to offer this as a formed concrete which has texture and appearance to it, as the way to build the balance of the walls on the site except for the one down at the front, which would be the most visible, along Kisco Avenue. We would like to do that wall as a dry laid mortared stone wall to give it that appearance along Kisco Avenue.

Ralph Vigliotti: What is the average height of the formed stone wall here?

Chuck Utschig: Each of them is labeled. For example, the maximum height of that wall is six feet. But it runs from zero to six. The maximum height of that wall there is two feet, this one (indicating) two feet. Most of them are a maximum height of six feet. We tried to stay as close to your code maximum as possible. I think we have one location, which is right in this area (indicating), where it gets up to as high as ten feet in the location. Here in the back, depending upon if we have rock, it can be up to 14 feet. We are considering this primarily to be a rock cut in the back. I would say that 90 percent of the walls are six feet or less.

Ralph Vigliotti: On those 90 percent – I can understand formed concrete for 8 to 14 feet. I can't understand why it can't be a stone and mortar wall when you're going from zero to six feet in sections. I don't understand that. And, I think the board; in general, as I understand through some conversations, feel along the same lines. If you're going to 12 feet, I can appreciate the engineering required for that type of wall, but certainly not when you're going from zero to six feet or zero to four feet.

Jan Johannessen: Have you considered a potential for using a concrete wall and then veneering it with stone?

Chuck Utschig: Yes, we have and that's an option. They have gotten better with their forms. It used to be that the forms that they used for these concrete walls looked very industrial. They've just gotten better with them, so it's getting a little closer to matching the veneer look. I will not say it's perfect, but that is what's happening. There are a couple of sections where there is a structural issue. For example, this series of walls here, even though they are six feet, we have a storm water basin here that went full of water and will apply a load to that wall. So, there is a structural reason why we want at least those walls to be a concrete wall with a finish on them. Having heard your comments, we will go back and see if we can find another combination.

Ralph Vigliotti: I think you need to take another look at that. They have been using stone and mortar walls for years to hold back retaining water. I'm not sure how often those retaining water areas are going to sit against the stone wall. Personally, and gentlemen speak out, we are trying to make this a five-star facility. The striking visual are the stone walls. I think you're trying to meet that, but I don't think you've met it yet.

Enrico Mareschi: Is there any sites where the board can go visit to see samples of these concrete walls?

Chuck Utschig: Yes there are. I can try and find some examples maybe.

Jan Johannessen: One of the things that we pointed out in the memo is the FDIS and findings statement identifies that any walls visible from Kisco Avenue or from the site access drive would be filled using that stone. I think you should at least maximize the use of the stone veneer for the walls that are certainly not visible from those areas if you feel that there is an engineering need for the concrete wall.

Doug Hertz: While I agree that the stamping has gotten better, the concrete is still a single color thing. Unless you get a faux painter in there.

Chuck Utschig: Understood. Let's go back and see if we can't come up with a combination. We are trying to take the steps in that direction.

Doug Hertz: Bringing Martin here was certainly good.

Chuck Utschig: We should probably go through the details of the landscaping plan. We have gotten comments from your staff about landscaping, and we've got some concerns about planting larger material on some of these slopes. We even have access issues about getting larger trees onto some of the slope areas. We have actually proposed a variety of tree sizes. The trees range anywhere from a 2.5 in caliper to a 6 inch caliper. The evergreen drawn in height from five to six foot up to as high as 14 feet. We have some locations where we just don't believe it's appropriate and we are concerned about larger vegetation and the possibility of it sliding on the slopes. There are some areas where we would have put the landscaping but we didn't for that reason anymore than what we called for. One of the areas is right in here, where we have kind of limited the amount of supplemental planting that we proposed. (indicating) This is all existing trees that remain. We have put some landscaping there, but there is a suggestion that we add more, and we don't see the visual benefit to it. We have a fairly steep slope there; it's two to one transitioning down to the cut at the road. We'd like to stay away from trying to plant anything large within these transition areas that we have purposely sloped at a two to one so that we get back to natural grade as fast as possible and able to save the more mature trees that are located in that circle, which we purposely tried to preserve.

Doug Hertz: Is the road in a cut there or a fill there?

Chuck Utschig: It just starts to become a cut on the high side right about there, and on this side right about there (indicating).

Jan Johannessen: We didn't ask you to plant larger plant stocked at that location. We asked you to plant more of what you were proposing, which was ground cover and shrubs. It's not a good representation on this image. There are large areas of no landscaping, just grass. It's a severe slope. I think you are going to be better off stabilizing that slope with ground covering and small shrubs, not significant size trees, as you're suggesting.

Chuck Utschig: Okay. We misinterpreted that then. Just so the board understand, the grasses we are proposing are not long grasses. These are grasses that grow up to as high as three feet during season.

Jan Johannessen: Yes, but you're seeding it, and you're seeding it on a severe slope. It's going to be pretty difficult to get going as you're presenting it in your visuals. I don't think it's going to be as easy as it sounds to get that to be a meadow on that slope.

Chuck Utschig: Again, we misinterpreted it. It says, "Additional evergreen, deciduous shrubs and ornamental grasses proposed on the slope to the south side." We took the evergreens as additional plantings.

Jan Johannessen: You have a lot of evergreen ground cover and shrubs.

Chuck Utschig: I guess we are getting that we have some difference of opinion between what your staff is suggesting that we do in landscaping and what we think is safe and appropriate where we have some of these steeper slopes.

Jan Johannessen: I don't think that is a fair representation. I did not ask you to install any large tree stock on any severe slope. There was a couple of suggestions where you are proposing deciduous trees, I think that means you should propose evergreens for screen purposes. There was a suggestion made that some of your embankments should be considered tree wells and small retaining walls, if the board wanted to get some of the larger tree stock on some of the slopes. That was a suggestion.

Chuck Utschig: Which slopes were those so I can make sure I have the right areas?

Jan Johannessen: We did not specify the areas. I wanted to have a discussion with the board as to whether the board would feel comfortable with additional walls for the purposes of getting larger trees on the slopes initially. When you're coming up the driveway around Station 12, there is no landscaping proposal whatsoever for the slope going up to the building.

Chuck Utschig: Right.

Jan Johannessen: Why?

Doug Hertz: Where is Station 12 exactly?

Chuck Utschig: (new view) Right up in through here. This is just a meadow mix of grasses that comes along this area. We have a flat spot for land bank parking. We have the transition of the stone slope here, and then this is fairly steep, so we had to push it out flat, away from the building to address a concern that the fire department had about having a level enough area here (indicating) for putting up ladders. It kind of squeezed this in a little bit without trying to have to change the way of the profile of this road. So, Jan is right. There is no specific planting in this area, but again, it's because the slope is a little more severe.

Enrico Mareschi: Do you have a photo based on that?

Chuck Utschig: I do not.

Jan Johannessen: Is it any different from the slope that we are discussing down at Kisco Avenue?

Chuck Utschig: For example, this transitional area here (indicating) along the edge is the same planting material that we are talking about. Jan Johannessen: You are not planting anything up by the building, is my point. If the slopes are similar, why couldn't you plant them?

Chuck Utschig: So, you're suggesting that we add some supplemental planting in this area here?

Jan Johannessen: I was just questioning why it wasn't planted. Another thought was how the board would react to this: Currently the land bank parking on either side of the road isn't being planted. Now, the applicants identified that they have far more parking than they'll need, and it's not likely that those parking spaces will ever be constructed. Maybe you should consider planting in the land bank parking areas? The worst case scenario, if those spaces are needed some time in the future, you may have to remove a shade tree or two, but it may be beneficial to plant those areas now.

Ralph Vigliotti: How many spaces are being land banked?

Mark Miller: Sixty-seven.

Ralph Vigliotti: That's a lot of open land. I think Jan has a good point.

Jan Johannessen: It's accessible and it's flat.

Chuck Utschig: It's actually in some prime locations. One of the things we've tried to do is, the planting that we've put in is strategic. So, one of the answers to, "why isn't there a lot of planting here?" is that is the one-story section of our building. It's not a very high section of the building. You can't see it from across the valley, as we've demonstrated in the visuals. We focused landscaping here at the

corner. There was thought that was put into how this went about, and sure, we could add some more landscaping in here, but we have a lot of landscaping on this site for the area that we've disturbed. We purposely tried to focus this. For example, this is fairly heavily landscaped in this area. We've done a pretty good job of landscaping in and around this circle. We are not just trying to plant trees for the sake of planting trees. If we've misinterpreted some of the comments, we will go back and deal with Jan's office on those issues. If the board thinks we can put some shade trees in where the land bank parking is called for, under the provision if we ever have to build it, we take the tree out.

Ralph Vigliotti: Gentlemen, how do you feel about that?

Doug Hertz: I think it's a good idea.

Ralph Vigliotti: I do too.

Robert Melillo: Can there be left some of the mature trees that are currently existing on those land bank spots?

Chuck Utschig: No. Unfortunately, everywhere we grade we grade so severely that there is really no way to work around a tree. One of the things we've always had to do was kind of work around the grouping of trees where we were transitioning existing grade.

Ralph Vigliotti: It's hard to visualize, even a professional landscaper on this site, how this is going to look. I was reading an article about colleges and universities across the countries, and architects are not putting in sidewalks right away. They are allowing the students to determine where the sidewalks and cut-offs should be. Getting back to this, can we bank "X" number of dollars beyond the finalized landscaping plan to go back and say, we didn't realize we were going to have these flat surfaces that could accommodate additional trees. We have found once the project is done, we are done. So, my suggestion would be, and if that is something that we can all agree upon that some monies be put into place after the final site plan is approved, landscaping is approved, that monies be set aside for our professional staff and your staff to go through the property and suggest plantings along the site. It's a big project.

Chuck Utschig: There is a lot of merit to doing hardscape, sidewalks, paths, landscaping, after the fact, and we've learned our lesson that you don't always put it in exactly the right spot when we are drawing a two-dimensional plan. I can take that under advisement, talk with our client about that and see if we can come up with a program that works. It may be ultimately being incorporated. We did plant around the secondary access road, so if the secondary access road is not part of it, we can save those 45 or 50 trees there. Some of the planting that was proposed in that area now, we can add to a planting land bank formula. Maybe between Jan's office and ours, we can come up with ideas on how to do that, quantify it, and have a pool to work from after construction.

Enrico Mareschi: Is there any landscaping at the entrance to the building?

Chuck Utschig: Yes. (New view) If you look at this (indicating), you will see that there is landscaping. All the islands have trees planted. This is a rendering of what we propose to be planted. All of the darker greens are newly planted material. You can see at the entrance there is a focus here (indicating) at the pivot point of the building. There is a focus along the edge of the courtyards and the main piece of the building. There is a focus of landscaping added in here (indicating). If the secondary access road is not built, we probably would actually take some of this supplemental and reserve it for fill-ins where we thought was necessary. As far as the number of things we are proposing, the plan is a pretty good amount for the square footage that we are disturbing. I think it may be about getting it in the right places, which I think is what Jan was trying to tell us.

Doug Hertz: Let me just toss out something. One of the things that we've been reacting to is the size of some of the stone elements, whether they're rip rap walls, Gabion walls, whatever it may be. I was at this magnificent place in the pacific northwest that had been a quarry where they grow literally 100 feet of ivy on quarry walls, seemingly impossible. They had the advantage of being a temperate rain forest. I'm wondering on something like those rip rap walls that are being proposed if there is any method for small planting of something that can break that up?

Chuck Utschig: Yes. It's typically a grasses, a "viney" material. There are a couple of issues that go along with it. One, the return on the investment doesn't come for awhile. What looks like a weed that you planted may take a year to actually give you some coverage. The answer is, "yes." Right now this is designed to have that kind of flush, clean face to it. If it were to be more like a rip rap, kind of irregular, call it 6 to 8 to 12 inch stones that are more traditional rip rap, within those, you can get pockets of soils. Not a lot – but some. You can drop in plugs that over time will grow like that. They are spending a lot of time trying to do that with the Gabion walls, because the perception is that they are not very appealing in appearance. Typically, they try to grow some ivy at the top. To be honest with you, we are actually having more success with things growing from the bottom up than the top to down. The top to down takes a really long time. Here, I think we could incorporate some of that, and it will help hide the walls no matter which product we decide to use. Maybe that is how we can incorporate it into some of the back areas where we have walls that really are not visible from anywhere. It sounds like we have to do back and do a little more homework on this, and try and offer the board some suggestions as to some alternatives. Maybe there is a large variety of walls types that we need to be very specific about.

Doug Hertz: I think this really goes back to the original presentation – using natural materials. This is the last large chunk of ours left in Mount Kisco, and we are dividing it up. Where we can create pockets

that feel more natural as opposed to more artificial or more processed would certainly be my preference.

Ralph Vigliotti: Our idea is to have the building be dropped in this forest, undisturbed, with a road going to it. (laughter). This facility in the woods, in the forest as opposed to in the meadow.

Chuck Utschig: We have some work to do on this issue. We do need to figure out in some direction is the secondary access road. We need to understand how that decision is going to be made.

Ralph Vigliotti: I know the Chairman wanted to be part of that discussion, so it is not something that we are going to discuss much further this evening. We will very shortly.

Enrico Mareschi: You will get back to us, please with the real built walls?

Chuck Utschig: Yes.

Whitney Singleton: As far as this presentation goes, I would like to schedule dates to get responses.

Chuck Utschig: We have 75 percent of staff comments completed now. Short of the secondary access road, we will be ready to submit in about a week or so. We have been working on their technical comments.

Ralph Vigliotti: Even in those four views you showed, included what you are projecting? The walls, artistically. You are going to include additional views to show what the walls will look like with the remainder of the site?

Chuck Utschig: The walls cannot be seen from anywhere. We are not sure where those perspectives should be taken. We will give you the details of what the wall will look like, if it's something other than the stone wall.

Ralph Vigliotti: You will work on decreasing those 2,000 feet of form of concrete and add some stone and mortar on those lower walls.

Chuck Utschig: We are trying to figure out how to do that. The length will not be reduced.

Ralph Vigliotti: We understand that.

Chuck Utschig: But the texture and the finish is obviously something we have to deal with.

Jan Johannessen: Are there any comments that you are not able to address?

Chuck Utschig: No, I don't think so. We are working out the landscaping side of yours. We have a couple from Anthony's office

that deal with sewer, storm water discharge and the water supply. It will take a meeting, which is what we want to do. We may be back before the board with one or two unresolved comments that that board may need to weigh in on. We'd like to have a meeting next week with staff before we submit back to the board.

Doug Hertz: The one thing I have not gotten a good sense of is that we saw one rendering of what the entrance to this looks like. I still do not have a sense of what signage is going to be there, etc., - what the presentation is going to be to the community, where you will drive by, where you will enter. I know you are talking now about changing it to a stone wall, but I really want to understand what that entrance at the road will look like.

Martin Siefering: When we were at the Architectural Review Board, we told them we were not asking for a permit for a sign at that moment. We will come back and ask for a sign, because we did not know technically how that was going to be configured.

Doug Hertz: What needs to happen for that process? I don't care about just a sign. I want to get a sense of this front entrance, with whatever you are going to put there.

Chuck Utschig: We can do that for our next presentation. We will submit it as part of the package. We have a visual rendering of the entrance, a general idea of what the sign is going to look like and we can fine tune that and make it part of our submission.

Doug Hertz: When do you expect to have a lighting plan as part of this?

Chuck Utschig: Next submission. It has been finally worked out.

Doug Hertz: That could open up some questions because obviously lighting will be seen from some distance.

Chuck Utschig: We have a full lighting package that will be presented in our next submission.

Ralph Vigliotti: Any other questions from the board?

Stanley Bernstein: Not one word was spoken tonight about the steep slopes law. I assume we are going to discuss it in the future. I need a narrative. I went over the plans and contours. I see at least 100 violations with the current steep slopes law. You are going to ask us to waive these violations in order to let your project proceed. I want you to point out all the violations, meaning the heights and lengths of the walls, the various slopes where they don't conform to the steep slopes law, and at that time you will ask us whether we are willing to waive these violations to the law. I am requiring you to make a narrative pointing out each and every violation.

Chuck Utschig: Individually?

Stanley Bernstein: Yes, or graphically. You can make a drawing and circle them. You can put a code name greater than the slope required, higher than the wall required, longer than the wall required. Something graphic. I am not going to waive something that I don't know about. I am not going to give you a carte blanche on the steep slopes law.

Anthony Oliveri: Maybe if the narrative is structured to address each of the requirements.

Stanley Bernstein: That would be better. I didn't want to put an undo burden on them, but that would be better if they're listed individually, yes.

Anthony Oliveri: There are a number of provisions, to demonstrate conformance or non-conformance.

Motion for Public Hearing to Remain Open

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

The public hearing was kept open to the first meeting in February (February 11) or such other date the board may choose.

Staff meeting dates discussion followed with the board, staff and applicant.

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 9:15 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm