

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, June 10, 2014

Chairman Cosentino called the meeting to order at 7:55 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Sol Gibbons
Doug Hertz
Enrico Mareschi

Members Absent: Stanley Bernstein
Ralph Vigliotti

Staff Present: Jan K. Johannessen, Village Planner
Rob Melillo, Asst. Building Inspector
Anthony Oliveri, Village Engineer
Whitney Singleton, Village Attorney

Minutes:

April 8, 2014
April 22, 2014-08-01

Motion to approve minutes for April 8, 2014 and April 22, 2014.

Motion: Enrico Mareschi
Second: Sol Gibbons
Abstain: Anthony Sturniolo
Aye: Doug Hertz
Aye: Chairman Cosentino

Public Hearing

a. **The Hearth at Mount Kisco – 270 Kisco Avenue**
PB2012-15, SBL: 69.49-4-1
Site Plan, Special Use Permit, Steep Slopes Permit and Wetland Permit

Present: Mark Miller, Veneiano & Associates, Attorney for applicant
Charles Utschig, Langan Engineering

Mr. Miller explained that they were before the Board this evening in hopes to knock off the last issue – the width of the access drive to the property. They had initially proposed a 20 foot wide drive, which the Board didn't like. They were asked to keep a 24 foot wide drive and satisfy the DEP. They are proposing a new design of the entrance and would like to complete this review with the Board so they can take the plans to the DEP for approval.

Mr. Utschig showed the Board a rendering of the new entrance to the Board. He said they had talked to DEP about how to deal with storm water for the lower portion of the road. In order to meet their criteria, they had to expand the detention basin along Kisco Avenue. Mr. Utschig pointed out on the rendering that the pink line was the original design of the road and the darker lines show the shift in the road, further into the hillside so they can expand the detention basin. He said it makes the radius coming off Kisco Avenue gentler, which is a plus. The downside is that the prior plan had a single retaining wall located on the high side. With this new design, to accommodate the grade change and size of the basin, they end up with a three-tiered wall system. With the road shift, this also eliminates a wall along the swale, which reduces the issues down to only one variance from the DEP, which has to do with constructing storm water basins on slopes of more than 10%. Once they get the Board's reaction, they can go back and deal with staff memos and drainage and water issues.

Chairman Cosentino said this change in the road would require a variance for the road because they changed the structure of the road. Mr. Miller said they need a variance from DEP. There has been no change in grade in the road, it is still 12%. Mr. Singleton indicated that because there is a change in the road, they would have to amend the variance they received from the ZBA for the road grade.

Mr. Hertz asked Mr. Utschig to talk about the 3 retaining walls at the bottom with regard to height. Mr. Utschig pointed out on the rendering that the walls would be a maximum of 6 feet, which would occur at the apex of the curve. As you move away from the curve in each direction, the walls reduce down to as little as two feet. The lower wall would be 6' all the way around. The others average from 3 feet to 6 feet at the highest. Mr. Hertz said then there is a point though where we'll go 18 feet of retaining wall above a basin. Mr. Utschig said that was correct. Mr. Hertz asked if the basin is going to be planted. Mr. Utschig explained that this is a bio detention basin so it has to have a planting to it. There is a specific bottom material, which is about 3 feet of organic material that allows water to filter through but support the vegetation. He added there will be a fully vegetated plan that goes along with the basin. They didn't want to involve that design until it was decided that the adjustment to the road is ok. It will be part of the detailed plans for the project. Chairman Cosentino asked to see a rendering of it since it is such a major change to the entrance. Mr. Utschig said it has not been rendered yet but they would show all of the changes.

Mr. Hertz asked to the right of the bigger detention area #4 is there a smaller one. Mr. Utschig said yes, this is what used to be defined as a sediment basin. He said it is an initial fore bay, in which a certain amount of water volume is captured. He said they are lined up to meet DEP's very stringent interpretation of the guidelines they set forth. Mr. Hertz commented that height wise, it looks like it's on the same grade. Mr. Utschig said it is. There is only about a 2 foot differential between the top and bottom of these across from each other. He said from Kisco Avenue all the way in will look very flat. It will be depressed about 2 to 2 ½ feet in depth but it's the same all the way across. So these don't look like the conventional basins that are a hole in the ground. These are intended to be a vegetated area where the vegetation and the specific material they put in the bottom act as a filtering mechanism. This is all being driven by DEP not letting them take the last 50 feet of road and just discharging.

Village Planner, Jan Johannessen asked Mr. Utschig to clarify what the bottom wall #3 would consist of. Mr. Utschig said because these have now become structural walls, they are proposing concrete walls with a stone veneer to make them look like a fieldstone wall. He said they are anticipating but are not sure that in the deeper cuts they could hit rock. In that case, the rock would remain rock and they would build the wall from above that. He said there is a potential that in the deeper cut in the corner, the first portion of what's seen will be rock. Because of the terrain, they could not get borings down this far but if you look from the street you can clearly see that there is some rock. They anticipate that the first wall will be rock face. Chairman Cosentino asked Mr. Utschig to show that in the renderings.

Mr. Hertz said his primary concern is visual – there is 18 feet of rock wall right down by the road, which is not insignificant. He asked if there is any opportunity to soften with landscaping in front of the bio retention basin. Mr. Utschig said actually they are planning to push the landscaping to the back side of it. They have spaced the walls so there was room in between them to plant, which would be more effective. He added there would be a variety of plant material – some low shrub cover, some grasses and there can be some woody vegetation. They think the thing to do is plant up along the back side and space out the walls with some room in between them to put some plants in. Mr. Utschig said he thinks they can come up with a planting plan that will significantly soften the appearance of the walls by virtue of being able to plant in between them. Chairman Cosentino asked Mr. Utschig to incorporate that into the landscape plan and show the Board a visual of what they are going to see on Kisco Avenue. Mr. Utschig said they did a perspective from across the street looking into this and they will modify the perspective. It's a real photograph that they put this plan in front of which will give them a realistic perspective of what this will look like.

Mr. Utschig said the question is, regarding sequencing, they thought that they would have a perspective ready for the Board to see on this change and they still have to get to DEP to get a variance. They would like to start that process. If the Board is generally comfortable that the visual is ok and is comfortable with the road shift, they can't start the process because these items are linked together. Chairman Cosentino said the Board wants to see the visual before they make a decision on the road shift. Mr. Hertz asked since they have softened the initial radius coming into the site, how much tougher is the second curve radius. Mr. Utschig said it really stays the same. The realignment is more gradual in terms of horizontal curvature. Mr. Hertz asked what is the height of the rock cuts on the two sides of the road. Mr. Utschig said they really haven't changed much. He indicated on the drawing. He said you would be in a chute for part of the road. He pointed out the dark lines show the cut sections. Chairman Cosentino said on the original road you had to cut rock out and now you said that fieldstone couldn't be in that area because of rock. Mr. Utschig said they have always said that where they encounter rock, they will leave the rock and not build a wall in front of the rock.

Mr. Miller asked Mr. Utschig how long it would be before a rendering is available for the Board to see. Mr. Utschig said he couldn't be definitive. Mr. Miller said while they appreciate the Board's submission dates, they would like to request placement on the next meeting. Mr. Hertz said regarding a continuing review of

a rendering or visual guide for the Board, he didn't feel that would require the same level of review. There would not be a consultant review of the rendering.

Mr. Hertz made a motion to allow Langan Engineering to submit a visual rendering of the new entrance by the time the packets are distributed, by the Wednesday prior to the next meet. Vice Chairman Sturniolo seconded the motion. All ayes. Mr. Utshig thanked the Board for their consideration.

Vice-Chairman Sturniolo asked Mr. Miller where things stood with respect to the second access road. Mr. Miller said there was some discussion about the potential of eliminating that roadway but the Board has indicated that they want it to stay in the plan. Vice-Chairman Sturniolo asked if the property owner has agreed to an easement. Mr. Miller said they have an agreement in principal with Curtis Instruments and there are draft documents. Vice-Chairman Sturniolo asked when they expect to have things nailed down with Curtis Instruments. Mr. Miller said he didn't know. He added there is a small portion of property that crosses over Village property and he understands he will need documents drawn up with the Village as well. Jan Johannessen asked what is the net increase in tree removal with the new plan? Mr. Utshig said there is 2/10ths of an acre of additional disturbance as a result of this adjustment.

Formal Application:

**b. Northern Westchester Hospital – 400 East Main Street
Phase 3 – North Parking Lot Amended Site Plan
PB2003-02E, SBL: 80.49-1-14**

**Present: Scott Blakely, Insite Engineering
Mike Caruso and Chris Shopinsky, Northern Westchester Hospital**

Mr. Blakely said they had last appeared before the board in March and has presented a modification to the proposed North Lot Buffer plantings. There was an original approval back with the ED addition and the parking garage to create a landscape buffer, which included a berm along Route 117. That plan required the Hospital to lose approximately 51 parking spaces. Since then, they've been operating with the parking garage at or just below capacity. So the Hospital cannot afford to lose the parking. He said they had presented a revised plan to modify the planting, which included some modified plantings, a screened fence with some piers. The Board met with the applicants and voiced their opinion on that plan. Mr. Blakely said they then appeared at a Planning Board meeting with an alternate plan, which included the construction of a stone wall to this point and back to this point (indicating on plan). At that time they discussed with the Board the possibility of extended that wall across the London Plane trees (indicating on plan). They had an arborist look at the trees and the root systems and the arborist feels confident that they can install that wall and not harm the trees. So, the proposal submitted recently includes construction of a 3-1/2 foot high wall, 600 linear feet with 4 foot high piers spaced at about 30 feet. They are also proposing some plantings to soften some of that wall so it's not a continuous wall. They are proposing to remove the existing deciduous trees that are really damaged in the front and they are planting 12 new Zelkovas. They are also maintaining the proposal to plant 6 shade trees within the parking lot. This will include structural soils and pervious pavers to allow water to get to the root system. The planting plan that was originally approved will be mimicked along Moore Avenue. Mr. Blakely said they have made modifications to the entry plantings. To soften it, they eliminated the seating walls at the entrance. They thought it would be very uncomfortable to sit at the entry. However, they have included the installation of 3 benches on either side to get users of the Hospital away from that intersection and have more of a comfortable feel along the access road.

Chairman Cosentino asked if it would look offset not to have a wall on the other side to match this wall. Mr. Blakely said he did not think so. They have mimicked the planting and they think the plantings will pull it together. He added that there are quite a bit of utilities in that area. Vice Chairman Sturniolo asked Mr. Blakely if they have given any consideration to a green wall, specifically a wall with openings where ivy could be planted inside the wall growing downward to help mask it. Mr. Blakely said they did provide a photograph of the wall in the back. They are proposing a fieldstone wall. They are breaking up the linear nature of the wall with piers and will be softening it with plantings. They pulled together a rendering to show the Board but they had a difficult time because the existing grasses are taller than 5', which will be taller than the wall. He said they had a photograph of the existing conditions and they superimposed the walls and the plantings and street trees. Chairman Cosentino said the wall is going to continue across. Mr. Blakely said the Board has requested that they maintain openings in the wall, which he indicated on the plan. The openings are approximately 10 feet wide, which could be narrowed by a couple of feet.

Mr. Hertz asked what type of trees would be planted in the parking lot. Mr. Blakely said they would be planting Zelkovas. Their growth pattern is that when they are young, they branch up and will stay up. Mr.

Hertz asked what size do they get to. Mr. Blakely said they grow to 40 to 50 feet tall. Mr. Hertz asked, even when constrained? Mr. Blakely said they are proposing structural soil. The stone and soil allow the roots to get through. This has been used successfully. Mr. Hertz asked what size trees are going in. Mr. Blakely said the trees would be 4-1/2" caliper trees – about 18 to 20 feet tall. Mr. Hertz asked how broad the canopy would be and if the rendering depicts that. Mr. Blakely said the rendering is not showing at planting but rather a few years out.

Chairman Cosentino commented that he wasn't sure about the plantings in front of the wall. He envisioned much more and colored plantings. What's shown is looking like it's covering the wall. Mr. Blakely said they are proposing one gallon containers for the perennials. Mr. Shopinsky said in the winter you won't see them. The perennials get cut down and will start over the next year. Chairman Cosentino asked if these were pear trees. Mr. Blakely said they were not. The pear trees are storm damaged very easily. He added with the plantings, you will still see about 2-1/2 feet of wall. Mr. Caruso pointed out that the purple cone flowers they have at the Hospital entrance by the cube sign are about 20 inches high.

Vice Chairman Sturniolo asked when they chose the wall, the fact that the building is brick and the wall is a different color, was that a consideration? Chairman Cosentino said that Mr. Vigliotti suggested the fieldstone wall. Mr. Caruso said the cap on the piers is a tannish white that picks up the white brick of the Wallace Building.

Mr. Blakely said he believes there is a zoning issue with regard to the height of the wall. They are proposing a 3-1/2 foot wall with extending piers that will be approximately 4 foot 2 inches. He asked if the piers will be too high. Mr. Johannessen said he thought the Board has asked for a 4 foot wall with 6 inch piers [that will rise above the top of the wall]. Whitney Singleton said they discussed at a staff meeting the possibility of keeping the wall at that height. Mr. Blakely said basically to get the 3-1/2 foot wall that the Hospital would prefer to build the wall 4 feet above the existing grade and backfill both sides of the wall and taper 6 inches of soils and mulch. The exposed face would be 3-1/2 feet high with 6 inch piers [that will rise above the top of the wall].

Vice Chairman Sturniolo said he is concerned about the color of the wall. He thought the purpose of the wall is to ultimately soften the cars, not draw attention to it. Mr. Blakely said they went through numerous photographs of walls to choose this wall. Chairman Cosentino said it is a nice wall. Vice Chairman Sturniolo asked if Mr. Blakely thought the idea of plantings inserted in the wall would soften the wall. Mr. Blakely said no, it is a very nice looking wall and the perennial plantings at the base will soften the look of the wall, along with the piers. Chairman Cosentino added as you drive down Main Street, there is a fieldstone wall that runs about 300 to 400 feet on the right hand side of the street that this wall will blend with, as well as 4 or 5 houses on Moore Avenue with fieldstone walls that it will blend with.

Mr. Blakely said they have reviewed the consultants' memos and they have no issue in addressing those and they can make the modifications. He said they would love for the Board to consider a draft resolution for the next meeting. Jan Johannessen asked if the comments would be conditions on the resolution. Chairman Cosentino said yes. Mr. Blakely said one comment they will take care of is the preparation of the Short EAF and they will email that. Chairman Cosentino said he needs Ralph Vigliotti to see the wall. He will be here at the next meeting.

Mr. Hertz said before we close this, he wanted to make a comment. He said he thinks the design is really nice and he doesn't have any real issues with it. We got to this place because the Hospital says there is a hardship with regard to parking. He said he takes that at face value and then he sees a little piece that is being removed from this application for the linear accelerator, which appears to be a loss of at least 4 more spaces. Mr. Hertz said he feels somewhat used when we structured this whole construction project with this at the end so the staging would work properly and we get to the end and we're being asked to make changes. He said he is seeing that Hospital feels that it can lose more parking in another area because they need something else. It brings into question for him what the hardship really is if in other places, we can lose parking. Mr. Caruso said to answer Mr. Hertz's question – the hardship they do have, by the virtue of the 40 people parking across the street at the Lutheran Church, that shows we still have an issue. The issue that they have happens during their peak times. He said changes have come about in the way people are coming in and out of health care, whether in-patient or out-patient visits. To the point in the back where we say we're going to lose 4 spaces is because the linear accelerator – in order to replace it. That's where our people go for their cancer treatment. The reason we're going to consider doing it - our design plan was to replace it in kind – take a piece of equipment out and put a new piece of equipment in. We were told that would be 4-6 weeks. The reality of that is it's going to be more like 3 months. For those 3 months, patients who go for cancer treatments will have no place to go. Their patient plans, their treatments would be interrupted. That's the reason why we went down the road to say let's building a new vault and put the new equipment in, never losing any treatment plans for those patients. So when this went up, they'd go to the new one and we'd shut down the other on. That's the only reason we'd ever come back to the Board

that shows loss of parking due to the outcome of the patient population. And that back section of parking, although part of the total compliment of parking is not where people park. It's where staff housing people park and contractors' park, it's not impacting the visitor population. That is the only reason we'd consider taking the parking.

Mr. Blakely said they met with staff and they requested that the Hospital come back with a separate application for that. Mr. Shopinsky said they put it on the plan because they wanted to be totally upfront with it. Mr. Hertz said he appreciated that completely. Mr. Caruso said the physician who runs our cancer program is prepared to come in and speak more in depth and more intelligently about the reasons behind it and new advances in technology in linear accelerator for cancer treatment. It's all about radiation exposure and this new equipment reduces exposure to treat different tumors. Vice Chairman Sturniolo said, not to make a case for their argument, but the linear accelerator contains 3 magnets that control the flow of the neutrons so they are more confined internally.

Mr. Singleton asked Mr. Blakely if they are going to be able to show the revised plans quickly so the plans referenced are not going to have that. Mr. Blakely said yes. Mr. Singleton told him to send the plans to Jan Johannessen and Anthony Oliveri electronically. Mr. Blakely asked if they want them to deal with the other comments as well or just remove the linear accelerator. Mr. Johannessen said his comments could be made conditions of approval. Mr. Oliveri said the accelerator definitely has to come off. The only other comment he had is if they are going to do berming up on the wall to show the berming up on the plan or provide a detail. Mr. Blakely said he will change the wall detail to show that and when they submit final plans for the Chairman's signature, they will show the grading on the plan. Mr. Oliveri asked if they would have that for the next meeting. Mr. Johannessen suggested bringing it to the meeting. It's easier in the resolution to reference these drawings. Mr. Oliveri added as long as it is on the final plan.

Mr. Singleton asked Chairman Cosentino if he is comfortable with the trees proposed in the parking lot with regard to the size and species discussed. Mr. Johannessen said it was not something he was familiar with but he did the research and agrees with Mr. Blakely. Chairman Cosentino said it was fine with him and told the Hospital that he would see them at the next meeting. Mr. Blakely thanked the Board.

Planning Board Procedures:

Chairman Cosentino said he would like to wait until the next meeting as Mr. Vigliotti wanted to be present to discuss the Planning Board procedures.

As there was no further business to be discussed, on a motion made by Doug Hertz and seconded by Sol Gibbons, the meeting was adjourned at 8:50 pm.

Respectfully submitted,

Sol Gibbons,
Acting Board Secretary