

Minutes of Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, June 9 2015

Chairman Cosentino called the meeting to order at 8:02 pm in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Vice Chairman Anthony Sturniolo
Doug Hertz
Ralph Vigliotti
Sol Gibbons

Members Absent: Enrico Mareschi

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

Michelle K. Lailer was the Secretary and edited the following minutes.

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated okay. This is Tuesday, June 9th, this is a Planning Board meeting; we have nothing on the minutes.

The Secretary stated you do, you don't have a quorum to vote.

Chairman Cosentino stated we don't have a form though. First application, formal application is Towne Bus. Could you just come up and identify yourself for the record, please.

**A. Towne Bus Corp. – 343 North Bedford Road
PB2013-14, 69.51-1-1 (SBL)
Special Use Permit, Site Plan and Change of Use**

Mr. Charles Martabano, Esq, Mr. Diego Villareale of JMC and Mr. Carmen Tomeo, of Towne Bus were present.

Mr. Martabano stated Charles Martabano, attorney for the applicant.

Mr. Villareale stated Diego Villareale, John Meyer Consulting.

Mr. Tomeo stated Carmen Tomeo, Towne Bus.

Chairman Cosentino stated good evening, we do have a resolution here. Mr. Martabano, I guess you want to go over it.

Mr. Martabano stated I have actually had the opportunity already.

Whitney Singleton stated I just gave a copy.

Mr. Martabano stated of the revisions.

Mr. Sturniolo stated you are fast reader, you just got it now.

Mr. Martabano stated well, I presume that there are no changes other than that are indicated in red, correct?

Whitney Singleton stated no, that's what has been discussed with the Planning Board to date, if they have other conditions, they are not yet incorporated in there, I don't, you'll have to talk to them about it.

Mr. Martabano stated I am sorry, what I was saying is that as compared to the last resolution, any changes from the last resolution that were in this one that's before me are outlined in red.

Whitney Singleton stated the best of your knowledge, I'm joking, I'm joking, yes, they are the same.

Mr. Martabano stated so I did review the changes then. Okay.

Chairman Cosentino stated okay.

Mr. Martabano stated we reviewed them.

Chairman Cosentino stated any Board Members want to add anything to that, changes are all there, counsel agrees with the Towne Bus, anything from staff.

Whitney Singleton stated yeah, chairman, maybe I'll just update for adding them on record, at the last meeting it was a different mix of Planning Board members here; there were four people that voted on the application, three in favor of passing the resolution as it then existed and one opposed and there was a question as to what the consequences of that were. I have provided your Board with a memorandum outlining the impacts of 3 to 1 vote on a 7-member board for both site plan and special use permit requirements and it was deemed to be a non-action in both cases so it is before your Board again for further consideration, whether positive or negative vote.

Chairman Cosentino stated okay, is there anything from staff, nothing from counsel. Somebody want to make the motion.

Mr. Hertz stated no, Mr. Chairman, so we can get the sense of what's going on and get everyone's vote, and I'll make the motion that we approve site plan approval, special permit approval and change of use permit approval for Towne Bus. I don't see the application PB 2013-14, and I am looking at the May 26th, with red-line copy.

Chairman Cosentino stated motion by Mr. Hertz, will have a second.

Mr. Vigliotti stated I'll second that.

Chairman Cosentino stated on the question. Will the Secretary poll the Board please.

The Secretary stated Mr. Hertz.

Mr. Hertz stated I would like to just make a statement before I vote. There has been some controversy on this application, I know I had an unusual vote last time. Concerns I think are, you know, having what's sort of tantamount to an industrial use in part of a Village that we are trying to move towards a more retail use. However, my feeling is that it is within the bounds of what's allowable as a special use that's not something for this Board to, at least in my view, for this Board to make that determination of it; it does fall within those bounds as well. I think the architect has done a very good job at what's a difficult site, so I am going to vote yes.

The Secretary stated Mr. Vigliotti.

Mr. Vigliotti stated I am voting yes

The Secretary stated Mr. Gibbons.

Mr. Gibbons stated yes.

The Secretary stated Mr. Sturniolo.

Mr. Sturniolo stated I would like to make a statement before I vote as well, short and brief. This application has not the least bit of Mount Kisco's interest at heart, it doesn't reflect our community, it reflects 8th Avenue and 49th and 50th Street in Manhattan, which is the home of Metropolitan Bus Authority, does not promote any sensibility and any good planning that this Board has tried to achieve over the years as we go up and down 117 with green space and everything else. Therefore, with the best interest of the Village of Mount Kisco, I vote nay

The Secretary stated Chairman Cosentino.

Chairman Cosentino stated aye.

The motion carried by a vote of 4 to 1.

Mr. Martabano stated thank you.

John Landi stated Mr. Chairman, unfortunately I have an emergency next door with the fire department, unless you need me, if you need to stay, I'll stay for you Mr. Chairman but I'm really needed next door too.

Chairman Cosentino stated go.

John Landi stated thank you.

Chairman Cosentino stated we need you but you're needed someplace else though.

Mr. Sturniolo stated drive home safely.

John Landi stated Mr. Chairman, this is a strange request but if you can call Devereux, so I can be here in case there's any questions.

Chairman Cosentino stated okay, actually I can, is Devereux, anybody here from Devereux?

The Secretary stated yes.

**B. Devereux NY Cares – 27 Radio Circle (Former Little Garden Day Care)
PB2015-0304, 80.64-1-2 (SBL)
Special Permit and Change of Use**

Mr. John O'Keefe and Dr. Cindy Alterson of Devereux NY Cares, were present.

Chairman Cosentino stated would you want to come up here and identify yourselves for the record, please.

Dr. Alterson stated I am Dr. Cindy Alterson; I am the principal of Devereux, New York Cares.

Mr. O'Keefe stated John O'Keefe also from Devereux. Good evening, gentlemen. Thank you very much for hearing. My name is John O'Keefe, I was the executive director for the last 15 years at Devereux, just recently retired but I have been involved in the beginning of this project, I agreed to stay on, on a consulting basis until this and several other projects are concluded, I have a longer history.

Mr. Sturniolo stated thank you.

Mr. O'Keefe stated so, I thank you for this opportunity. We are giving, Dr. Alterson's giving you a packet you can read it at your perusal but basically Devereux is a non-profit organization, we were founded in 1912 by a school teacher, Ms. Helena Devereux, down in Pennsylvania, Philadelphia, and she was a school teacher who was teaching special – what are now called special needs children. They were not called that in 1912, and she created this school to meet with those individuals in the home and the rest is history. Now Devereux is existing in 12 different states; we serve about 6,000 individuals a year, primarily children, although we are beginning to serve adults as well and primarily children in residential special needs schools. In New York, we were asked to come into New York State in 1991 to take over the management of an existing school in Red Hook; actually it was in Rhinebeck, it was called Rhinebeck Country School. The State Department of Education asked us to come in to take over the management, a number of issues of the management. So, we are in New York State since 1991, we only serve individuals with developmental disabilities or autism. Autism is one of the spectrum of developmental disorders, whereas a lot of Devereux's serve children are with mental health issues, as well as juvenile justice issues but we do now. So, we started a residential school in Red Hook which is in Dutchess County not in Brooklyn by the way, and we have about 130 children in our residential school from all school districts. We have served individuals from Mount Kisco, none currently, we are what's called an E53 school that is the level of school that New York State allows that serve individuals whose needs cannot be met by local schools. All referrals come from the local school district; all, with the exception of the Department of Social Services. They maybe 4 or 5% of our individuals for that and the process is that the local school district has to exhaust all available local means first and they refer those who they believe cannot be served within their school district or a reachable school like a BOCES as an example, so, that we provide services; it's purely individuals from school district, 100% of the individuals. We started in Millwood, Westchester County, group of parents called the Foundation for the Education of Children, all who are parents of individuals with autism in Westchester County, decided that they wanted to started a school on their own using what's called Applied Behavior Analysis or ABA, now that's called that and they asked Devereux to manage the school that Devereux created. So the relationship is a collaborative relationship, Devereux is in fact the manager or the owner of the services but we work in close collaboration with FECA and still do. The last child of the original parents graduated or what they called aged out last year because we have an operation since 1996 and obviously we are now 20 years later and children age out of the system and we are serving some of those now in residential. We are opening a group home in Somers for individuals from Westchester, which is what we try to do, if parents want us to do it; it's a collaboration between the parent and the child and always has been. We're looking to move a school here for couple of major reasons. The building we are in is not the best building to operate a school even though we have been there for about 20

years, about 19 years, it was the only site that could be found at that time, 20 years ago. When the lease was up 10 years ago, it was my desire to locate to a different place because it is not programmatically conducive as best as you can, the reason being the place is shared with a construction crane operation. So there are the huge cranes, and you know noise, and all that kind of, which is not the best place for children with autism, to be honest, but it's the site we had, et cetera. We looked for an alternative site 10 years ago. Unfortunately, the real estate market was such that we could not touch anything at the cost. All of our costs are State controlled and reimbursable, so they would never allow the kind of capital dollars that was required. We are talking about – you know the real estate in Worcester County, and this was in 2005, it was an enormous cost, so we decided to renew the lease because we had no option, the lease is coming up. We are looking for an alternative site, one of our parents, even though they are not a parent of a student that we have now, but their a FECA parent, contacted us and said, there is this site, would you take a look at it? And we were looking at alternate sites. This site met our needs completely in a variety of ways, programmatically it's ideal that everything is on one floor, it was already refitted to be a daycare center, so the licensing requirements in terms of space per classrooms, et cetera, all which are State regulated met our needs essentially, so we did not have to put a lot of money to retrofit because it was already there. Because we were working with developmental disabilities even the design was fine even though somebody may say, well, this design is more for a younger population, with an individual who is autistic or developmental disabilities, that's kind of their cognitive level as well, so it's not an issue. The second, the location, the site itself programmatically is cohesive, we're on two stories and its, you know. The second factor is geographical. It's ideally located for us because we have shifted some of our programming over the last 20 years, 10 years especially, so that individuals, the older individuals are involved in a volunteer capacity in work sites, that we believe will assist them to become employable not 100% of them but some to some extent, as they age out or graduate at the age of 21. So, we already work with a number of Mount Kisco companies in providing volunteer opportunities for individuals, which has been very helpful. We also over the course of the last 5 years developed a day program for our graduates, and we use work sites in Mount Kisco, in other places in Westchester, not just in Mount Kisco but surely this location is ideal, and building relationships with local companies more so than we already have because of the close proximity. The third factor was cost. The cost of this building is essentially a \$100,000 less per year than what we are currently in and finally our cost will be within allowable parameters of State Ed funding because right now because of nature of the lease, et cetera, we are way beyond that, and the program is increasing its deficit each year, so operationally it's not sustainable, we have to move if we want to continue the program. This site allows that sustainability, so for those three major reasons, we thought the site was optimal. Dr. Alterson will describe our program in detail and answer some of discrete issues of parking and other kinds of things.

Dr. Alterson stated you kind of stole my thunder, some of our community based instruction, we do have students from the ages of 5 to 21 and these are individuals who have significant cognitive impairments, so they are not individuals who are going to be going to college, they are likely going to be in life-long support but our goal for them is to help them live as independent a life in their local communities as possible. So while we do some reading, writing, math, as we're required by State education, the big focus is our program is independence and community integration. All our classrooms go out into the community at least once a week, even the 5-year-olds, going to the library, the grocery store, the mall, the Target, we have been to probably every restaurant in Mount Kisco already to help them learn how to behave appropriately in the community, how to communicate with individuals in the community politely and how to increase their independent functional living skills. As they get older, as Mr. O'Keefe mentioned, we do start transitioning that once a week community integration to a more volunteer activity so that they learn job skills. So, for example, some of our students are at My Second Home in Mount Kisco, Northern Westchester Hospital, Basilico Pizza, we have wonderful partnerships with Mount Kisco businesses already to help provide our students with that supportive learning environment so they could be as independent as possible. All of our students are with highly trained staff, to help our students learn the skills and our staff, as well have become members of the Mount Kisco and Millwood community that we have been in. For some of the operational details of the program, we are a 12-month program, so we do have summer school, it is not optional for our students or our staff to not attend summer school; we are a year-round program, because that's what our students require. The school day is from 7:15 to 3:15 for our staff, so our staff is there for 8 hours a day, and the students are there from 8:30 to 2:45. I do know that one of our potential concerns may have been the number of buses and how we are going to organize the queuing so that we prevent any road blockages or inability for other tenants to access the parking lot. We have a few different options, we have been doing that in Millwood for 19 years making sure we are not disrupting any local traffic flow and we are able to be flexible in changing what we need to in order to make sure we do that. Our two options for the current building are to assess the queuing line, dividing up whether people drop off in the back of the building or the front of the building, so we plan on splitting that up as an option, because our students come from multiple school districts, they all don't arrive at the same time, so there is kind of staggered arrival so that we could move the queue pretty quickly and avoid kind of some build up or hold ups. As a second option, we could also, are going to assess having, instead of having the buses lined up having them pull into some open parking spots to drop the students off and then leave, so within the first few days of our program operation we will have multiple staff out in the parking lot and in the area to make sure that the flow works and that there is no disruption and that those processes on arrival

and dismissal can occur as quickly as possible. In terms of parking for our staff, we do have a number of spots limited up to 30 assigned to us on Radio Circle Drive, we do – at 27, we do have more staff than that, so we have secured additional parking at another location at Radio Circle, 136, again the parking that we have secured additionally at the other location is ideal because the hours of operation of the current vendors in that little strip mall or opposite hours, so we would be at the parking from 7:15 to 3:15, they don't start their operation until after school and later in the evening.

Mr. Sturniolo stated quick question, the offsite parking that you are contemplating is where?

Dr. Alterson stated its 136 Radio Circle.

Mr. O'Keefe stated it's up a block.

Dr. Alterson stated its quarter of a mile down the road.

Whitney Singleton stated it's the last building on the right of Radio Circle.

Dr. Alterson stated its walking distance.

Mr. O'Keefe stated its walking distance.

Mr. Hertz stated I am trying to pull it up right now.

Mr. Vigliotti stated how many parking spaces

Dr. Alterson stated 30.

Mr. O'Keefe stated 30

Mr. Vigliotti stated so its 27 on site, 30 off site.

Dr. Alterson stated no, it's 30 on site and 30 off site.

Whitney Singleton stated just for reference that was the site that had insufficient parking when they were approved

Chairman Cosentino stated how many do you have on staff

Dr. Alterson stated maximum 55.

Chairman Cosentino stated 55 each day on staff

Dr. Alterson stated yes, there are 38 full time staff and then another 17 part time who are, you know, have different hours and some of them are, I'm only there 3 days a week.

Mr. O'Keefe stated it's the total number of part time, some part time staff they come 2 days, like physical therapists for instance.

Mr. Vigliotti stated how many students?

Dr. Alterson stated 48.

Mr. Vigliotti stated and how many buses will actually be transporting.

Cindy Alterson stated between 20-25; each year some of the local school districts come together to come and provide transportation together. We have some school districts who are only sending one student from the district, so to send one bus is fairly costly, so local school districts each year kind of get together to minimize their own costs.

Chairman Cosentino stated tell me something, at 55 staff, 48 students, approximately one staff per student.

Mr. O'Keefe stated yes.

Cindy Alterson stated it's a very intensive program. We have – there are 6 students in our 8 classrooms and then there are four adults in each classroom, some of the students require the support of additional one to one aides, so those are some of the part time staff. We do provide speech, occupational and physical

therapy, so those are some of the part time staff as well. We have a full time nurse, myself is a principal, an assistant principal.

Mr. O'Keefe stated it is a staff intensive program.

Dr. Alterson stated yes.

Mr. O'Keefe stated the Applied Behavior Analysis approach is very intensive and so to do that we need a fairly intensive staffing. The other issue is for the support of the level of students we have, we apply that, all the –

Chairman Cosentino stated excuse me, just one minute, John, is there anything that you want to add, I know you have something going on with the fire department.

John Landi stated right.

Chairman Cosentino stated is there something you wanted to add that...

John Landi stated I was just here in case the Board had any questions for me.

Chairman Cosentino stated is there anybody that has any questions for John right now, he has an emergency with the fire department. I don't have any. Anybody down this way?

John Landi stated the only thing I could add is that we did check the rules prior to it was approved for a day care center and this is actually less intense by numbers than that.

Chairman Cosentino stated okay, that's it, thank you.

John Landi stated okay.

Cindy Alterson stated thank you, John.

Mr. Hertz stated thank you.

Mr. O'Keefe stated all of our students by the way are physically mobile. We have nobody coming in wheelchairs or that kind of thing.

Chairman Cosentino stated sure.

Mr. Vigliotti stated in the existing wing as I understand there is another facility in the wing in the back.

Cindy Alterson stated in our current program?

Mr. Vigliotti stated no, no, in the proposed.

Dr. Alterson stated there is a space, the previous tenant of the space behind ours was a sports training facility.

Mr. Vigliotti stated right, so is that space vacant now.

Cindy Alterson stated it's currently vacant as far as I know.

Mr. Vigliotti stated okay, will you be taking care of that space or not. The last applicant the daycare, are they allowed to use the rear entrance which we have preferred.

Dr. Alterson stated okay.

Mr. Vigliotti stated so concern that I would have is whether or not you will be allowed to use the rear entrance.

Cindy Alterson stated we want to use the rear entrance, yes.

Mr. Vigliotti stated okay, so that becomes the question then, as far as moving, whether the buses would advance through the rear.

Dr. Alterson stated right.

Mr. O'Keefe there is no restriction from license for our operation that restricts us from using the rear entry.

Mr. Vigliotti stated okay.

Mr. O'Keefe now State Ed is making their site visit this week but we don't anticipate that as an issue.

Mr. Vigliotti stated because I would think that the queuing of buses, if there is two, three, four buses would be easier at the rear entrance than the front.

Dr. Alterson stated yes, we agree. We agree with you.

Mr. Vigliotti stated probably only one large bus will be able to get in at one particular time.

Dr. Alterson stated all of our buses are mini buses and many of our districts, if they are only transporting one student might send the suburban or a minivan.

Chairman Cosentino stated that creates a question. Whitney?

Whitney Singleton stated yeah.

Chairman Cosentino stated not that it should make a problem, I don't want to make it a problem, on the original resolution if I am not mistaken, buses were in front. They would like to unload in the back, which may be better, I don't know, does that change the site plan?

Whitney Singleton stated yeah if we are going to drop off in a different location, I presume that your Board's not going to want them to park in the middle of the traffic lane or in the parking lot and whether may or may not be parked cars or moving cars, you're going to want to delineate it like you have in the front.

Chairman Cosentino stated so, we'll just have to change that.

Mr. O'Keefe stated yes and we'll do both.

Whitney Singleton stated but that may call into question the ability to provide onsite parking because as you'll recall, when we had them restripe the parking lot in the back, there was. it was very tight back there.

Chairman Cosentino stated well I don't want to create a problem here, I want this to fly.

Mr. O'Keefe stated well the previous tenant keep in mind had 39 spaces and we're only having 30.

Whitney Singleton stated you're only having 30 spaces.

Mr. Vigliotti stated 30 offsite.

Mr. O'Keefe stated onsite.

Whitney Singleton stated my calculation for your parking for your parking requirement was 79, 1 per employee, you have 55 employees and one per two for students which is another 24 spaces.

Mr. O'Keefe stated why one per two students.

Dr. Alterson stated we don't want parking for students.

Whitney Singleton stated I'm just telling you that's what the code provides.

Mr. O'Keefe stated oh.

Dr. Alterson stated oh.

Jan Johannessen stated I don't believe there has been a parking...

Whitney Singleton stated Analysis.

Jan Johannessen stated analysis completed by the Building Department to dated so, I'm just learning for the first time that there is an off site parking arrangement and that can affect that site's site plan for 136 Radio Circle. So I think the Building Department needs to get a new zoning analysis.

Chairman Cosentino stated I don't think that's a big deal, so your resolution is correct.

Mr. O'Keefe stated yeah, we understand. Because all our students come by bused, parents never drop off or pick up students.

Whitney Singleton stated I understand that but you still have 55 employees.

Mr. O'Keefe stated correct.

Whitney Singleton stated where are you going to park 55 employees.

Mr. O'Keefe stated we have 60 parking spaces.

Dr. Alterson stated 30 on site and 30 off.

Jan Johannessen stated but we, the Planning Board needs to analyze the offsite parking to see if you're affecting their site plan.

Whitney Singleton stated not only does the Planning Board need to analyze it, its not allowed. Under our Code, if you are going to use parking that's not on your site it must be on adjacent site, it can't be down the street. So, I don't like to be the bearer of bad news but I am just telling you that perhaps the thing to do is to consider what your parking demands really are for your use, maybe it is unique and that none of the students can drive to school, maybe there are opportunities for you but if you, I heard one of the words out of your mouth you have 55 parking spaces and 55 employees and there's no way enough spots on the site.

Mr. O'Keefe stated correct and we acknowledge that, which is why we had the alternate site from the beginning.

Dr. Alterson stated right.

Whitney Singleton stated so I think that's going to have to be given some consideration by the Board.

Jan Johannessen stated I also don't know if, I don't believe there's sidewalks on Radio Circle.

Dr. Alterson stated there is.

Jan Johannessen stated all the way down to the last building?

Dr. Alterson stated we checked, yeah.

Chairman Cosentino stated okay, so we need to check that out.

Mr. O'Keefe stated yes.

Chairman Cosentino stated I mean the project is nice, I mean, I think it will work nice there. Get some of these things are straightened out, I think it's a good spot.

Mr. O'Keefe stated thank you, we agree. Now, our timetable...

Dr. Alterson stated okay, yeah.

Chairman Cosentino stated now nothing is being changed inside.

Mr. O'Keefe stated we are making some minor modifications.

Chairman Cosentino stated okay, you need to talk to the Building Department. Nothing outside is going to be changed.

Dr. Alterson stated no, nothing outside changes. The inside changes in the packet I handed out is an architectural drawing; it's minor.

Chairman Cosentino stated you work with the Building Department.

Cindy Alterson stated yes, we already did.

Mr. O'Keefe stated we are, we are doing that.

Dr. Alterson stated our proposed timetable...

Chairman Cosentino stated yeah, I see it over here.

Dr. Alterson stated which you see, I know that we are...

Mr. O'Keefe stated it's aggressive.

Chairman Cosentino stated yes.

Dr. Alterson stated we need some assistance and advice, you know, it is pretty aggressive, given the processes we will, of course go through. The key sticking point is that we need to vacate our old building by June 30th and open our school summer session on July 6th.

Mr. Vigliotti stated of this year.

Dr. Alterson stated of this year. That is what, our lease is up the end of June. Our school districts has already prepared bussing for the new location for July 6th.

Mr. Vigliotti stated may I ask how long have you known that the lease was going to up.

Mr. O'Keefe stated oh, we knew the lease was going to be up 9 years ago.

Mr. Vigliotti stated the problem that I have, just as one member is you want us within 30 days to make this happen and staff has indicated that there are issues with parking.

Cindy Alterson stated yes.

Mr. Vigliotti stated probably more than anything else in my mind is issues of queuing buses and we need to really address that because I see the buses queuing on Radio Circle to get into the front parking lot and we need to, while this may be good use for the site because the site is large enough to accommodate all of the students and all of the teachers and aides, and there is some parking but not enough. I'm very, very, concerned about the queuing of buses.

Mr. O'Keefe stated let me clarify, if our lease is not up at the end of June, we informed the tenant that we would vacate.

Cindy Alterson stated we informed the landlord.

Mr. O'Keefe stated it's an early termination, we had a year's notice which we gave in January, so technically our lease does continue but we just notified them our intent was to vacate by that day, so if that's not possible we understand.

Chairman Cosentino stated I wouldn't, I think it may take longer but if it's a help we only have one meeting in July, one meeting in August. Michelle, if they can get this together, can I put them on the 23rd? I don't know if they have...

The Secretary stated well you've already discussed with them, and we have discussed a public hearing has been scheduled for the 23rd.

Chairman Cosentino stated yes.

The Secretary stated so yes.

Chairman Cosentino stated if you get to, bring you back here on the 23rd so we can expedite this as quick as possible.

Cindy Alterson stated absolutely.

Jan Johannessen stated do you have an engineer or architects available to you to make modification to site plans to show the bus queuing.

Cindy Alterson stated absolutely.

Jan Johannessen stated okay and the floor plan that was included in the packet that is the facility because it's labeled as the Millwood site.

Cindy Alterson stated yes.

Mr. o'Keefe stated we still call it Millwood because it's our name.

Jan Johannessen stated okay.

Dr. Alterson stated we havne't officially changed our name yet.

Mr. O'Keefe stated we're in Millwood, so we still call it the Millwood Development/Devereux Millwood Learning center.

Whitney Singleton stated I have another request.

Cindy Alterson stated sure.

Whitney Singleton stated it's for the situation we had, just the same thing last week, generally the Planning Board does not take handouts at the meeting. It needs to be rather than do unnecessary duplication my suggestions is that all these being taken back and given to the Planning Board Secretary, so it can be recorded in as part of your application.

Cindy Alterson stated absolutely.

Mr. Vigliotti stated where are you located in Millwood.

Mr. Hertz stated right next to Millwood Lumber, where the crane...

Cindy Alterson stated where the cranes are our building.

Mr. Vigliotti stated okay.

Mr. Sturniolo stated question, this is on the formal application, have we seen anything under conceptual.

Chairman Cosentino stated no.

Whitney Singleton stated it was waived.

Mr. Sturniolo stated pardon me?

Whitney Singleton stated it was waived.

Mr. Sturniolo stated we waived it.

Chairman Cosentino stated yes.

Whitney Singleton stated the applicant came and knowing that there was a summer schedule and requested, apparently unbeknownst to me they were put on immediately for formal since there were no exterior changes to the site and public hearing was scheduled in advance of this meeting so there was a publication deadline that was authorized by the Chairman and it was vetted with your Board at the last meeting.

Mr. Sturniolo stated okay.

Mr. O'Keefe stated is there something we can respond to satisfy the need.

Mr. Sturniolo stated no, no, it's this side of the table, not you.

Mr. O'Keefe stated I mean that's our intent on program description kind of what we are doing, et cetera, I know it's not the same as what you are talking about, the conceptual framework.

Chairman Cosentino stated okay, you are going to need to work with Jan to expedite this and get it done.

Mr. O'Keefe stated okay.

Chairman Cosentino stated you are on for the 23rd for a public hearing.

Mr. O'Keefe stated we are.

Chairman Cosentino stated we said that. So yeah, you can do your homework, we can get it done.

Dr. Alterson stated absolutely, thank you very much.

Mr. O'Keefe stated thank you very much, we appreciate it.

Chairman Cosentino stated no, we talked about it.

Mr. Sturniolo stated at the last meeting, yeah.

Mr. O'Keefe stated want me to take this back.

Dr. Alterson stated is that everything.

Chairman Cosentino stated John Landi went over it with us at the staff meeting, so there's really no change, they're not doing anything and it's allowed.

Mr. Sturniolo stated no, I gather.

Chairman Cosentino stated by Code, so being that we have the summer meetings really put us back otherwise they would have to wait for months.

Mr. Vigliotti stated they have issues, Joe's telling them they don't.

Whitney Singleton stated Joe.

Chairman Cosentino stated go ahead.

The Secretary stated Tony, I'm going to take this from you, okay.

Mr. Sturniolo stated no.

The Secretary stated so it can get distributed.

Mr. Sturniolo stated you know what, give this to Charlie Martabano, really, give it to him, tell him it's from me.

The Secretary stated alright, I will.

Mr. Sturniolo stated before he leaves.

The Secretary stated Joe, can I have this folder. Thank you.

Chairman Cosentino stated why you need it.

The Secretary stated so it can get distributed to you in the correct forum.

Chairman Cosentino stated okay. Alright, we'll do the Hearth now.

Mr. Vigliotti stated yeah, we might as well, go right down.

Chairman Cosentino stated The Heart at Mount Kisco.

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

Mr. Chuck Utschig of Langan Engineering was present.

Mr. Sturniolo stated hello Chuck.

Mr. Utschig stated good evening. For the record, Chuck Utschig with Langan Engineering, representing Hearth, I am here for my biweekly update. We have an application into the Building Department to allow us to access the site to do the drilling, that's a requirement of DEP. We are hoping to have that permit this week and be on the site as soon as we can coordinate it with the DEP

Chairman Cosentino stated did you say DEP

Mr. Utschig stated DEP, we have to give them like 7 days notice, so as soon as we get the permit we'll coordinate with them, we will be out on the site and we will be drilling work.

Chairman Cosentino stated are all the comments are going to be answered, Chuck

Mr. Utschig stated yes, in some fashion, it is, yup.

Chairman Cosentino stated well, you know you scare me when you say 'in some fashion'

Mr. Utschig stated I will be honest with the Board.

Chairman Cosentino stated either they are or they're not.

Mr. Utschig stated right, so we believe that there are going to be a couple of issues that the board is going to have to weigh in on, they're not going to be many.

Chairman Cosentino stated I don't know if we are going to waive.

Mr. Utschig stated no, weigh in on them.

Chairman Cosentino stated yeah okay, weigh in on them, yeah.

Mr. Utschig stated your staff has made a comment, we have a response, we believe it may put it in the hands of the Board to make that decision.

Chairman Cosentino stated you know what those comments are?

Jan Johannessen stated I've had some informal discussions with Chuck about some of those comments.

Chairman Cosentino stated they haven't been shared with us.

Anthony Oliveri stated we have some idea.

Chairman Cosentino stated so you want to wait before you bring it to the Board, see if you can work it out.

Jan Johannessen stated yeah, I'd like to get a formal list from Chuck.

Chairman Cosentino stated okay.

Mr. Utschig stated so we're very close to dealing with all the easy technical one, the technical ones, none of them are easy and we expect to make a submission that addresses all the comments from their technical memos very shortly maybe even the next week or so and then we will be positioned to talk with your staff about things that we may not agree on or would like the Board to weigh in, and I would expect us then to come to meet hopefully with your staff going, they've addressed all our comments but this handful, this is their position, this is our position, get them to decide. I think that's, Mr. Chairman, that's an honest response to where we stand, and we do not expect that to be a low list of items

Mr. Hertz stated what's your time-table, when you think you will have that?

Mr. Utschig state we're hoping to make that submission in a week or so. If we can do that efficiently, your staff has agreed about meeting with us, so we'd like to do that, make sure that we've done it they find comfortable, so we are actually crossing them off the list literally and they have been very good about that process as of late and we are making headway. We'll be back probably in two weeks but may not with the full, I mean I want to give you staff time to review what we submit.

Chairman Cosentino stated yes.

Mr. Utschig stated so I may be back in two weeks doing another update but probably saying then that there is a submission that they're looking at.

Chairman Cosentino stated again work with Jan and Michelle.

Anthony Oliveri stated just a question, Chuck on the drilling, is there a plan.

Mr. Utschig stated yes.

Anthony Oliveri stated can you forward that.

Mr. Utschig stated sure, we submitted to the Building Department and to the DEP. DEP has approved it, I am just waiting for the Building Department. Actually, they are waiting on a check from us so that they can process.

Anthony Oliveri stated yeah if you could email that.

Mr. Utschig stated I will, I'll send it to you tomorrow.

Anthony Oliveri stated thanks.

Mr. Utschig stated any questions.

Chairman Cosentino stated no.

Mr. Utschig stated thank you, have a good night

Chairman Cosentino stated Matthew Tynan.

**D. Matthew Tynan -179 Main Street (Former Leisure Living)
PB2015-0301, 80.25-3-26.1 (SBL)
Site Plan**

Mr. Ira Grandberg and Mr. George Gaspar of Grandberg & Associates were present.

Mr. Gaspar stated good evening, George Gaspar, Ira Grandberg & Associates.

Mr. Sturniolo stated George, how are you?

Mr. Gaspar stated very good sir.

Mr. Sturniolo stated hi Ira.

Mr. Grandberg stated Ira Grandberg.

Chairman Cosentino stated here we are.

Mr. Hertz stated okay, Mr. Chairman, just before we get started I would like to say that we reviewed internally and because even though we've had discussions with the applicant because we are not formally in contact with them at this point, I am going to un-recuse myself until the point in which we do have a real financial conflict in which case, I will again recuse myself.

Chairman Cosentino stated thank you.

Mr. Grandberg stated the goal as we understood was to put him in a position that he can upgrade his building...

Chairman Cosentino stated yes.

Mr. Grandberg stated and we were creating this resolution so that we could comply, he'd have a site plan approved and we could move forward with our building rehabilitation. We've read the resolution, it seems that everything is quite easy for us to comply with, within a matter of hours we can submit plans that reflect Hubbells being taken off and names being changed, right.

Mr. Gaspar stated well you had said professional engineer or architect?

Jan Johannessen stated oh yeah, that, sure. That wasn't intentional

Mr. Gaspar stated thank you.

Mr. Grandberg stated it takes four years to go back to school to get another license.

Jan Johannessen stated I'll make that change.

Mr. Gaspar stated thank you.

Chairman Cosentino stated all right, we have the resolution here. I guess we've read it, I read it, I don't have any problem with it, does any staff, any Planning Board Member...

Jan Johannessen stated the major condition as discussed with the applicant is that any new tenant, any use of the building is going to require reappearance before the Board for a change of use.

Chairman Cosentino stated they know that.

Jan Johannessen stated other than that it's standard.

Chairman Cosentino stated nothing there, anything here.

Mr. Sturniolo stated no, I'm comfortable.

Chairman Cosentino stated anybody want to make a motion.

Mr. Vigliotti stated Mr. Chair, I will make a motion and move on the site plan approval for Matthew Tynan and Hudson Riley LLC 179 Main Street, Section 80-25 Block 3, Lot 26.1, application number 2015-0301 on this day, June 9, 2015.

Chairman Cosentino stated we have a motion by Mr. Vigliotti, we have a second.

Mr. Sturniolo stated I will second, Mr. Chairman.

Chairman Cosentino stated second by Vice Chair Sturniolo. Will secretary call the Board, please

Upon Roll Call Vote:

Mr. Vigliotti	-	aye
Mr. Sturniolo	-	aye
Mr. Gibbons	-	aye
Mr. Hertz	-	aye
Mr. Cosentino	-	aye

The motion carried by a vote of 5 to 0.

Mr. Vigliotti stated good luck.

Mr. Grandberg stated thank you.

Mr. Gaspar stated we'll be in touch.

Mr. Hertz stated what's happening next door.

Mr. Grandberg stated major flood, sprinkler broke and went right down the building.

Chairman Cosentino stated where's this.

Mr. Grandberg stated the restaurant. The sprinkler pipe broke on the roof and the whole building got flooded, major.

Mr. Sturniolo stated was it structural drop that caused.

Mr. Grandberg stated a refrigerator heated up and blew the head on the sprinkler system and the whole pipe just.

Mr. Sturniolo stated it just dumped all over.

Chairman Cosentino stated they'll discount some food.

Mr. Grandberg stated there's a lot of fresh fish.

**E. Jaguar/Land Rover – 250 Kisco Avenue
PB2013-18, 69.49-3-3 (SBL)
Site Plan, Steep Slopes and Wetland Permit**

Mt. Ira Grandberg and Mr. George Gaspar of Grandberg & Associates, Mr. Charles Martabano, Esq., Mr. Chuck Utschig of Langan Engineering were present.

Chairman Cosentino stated Jaguar/Land Rover.

Mr. Gaspar stated Mr. Chairman, I asked that same question two years ago.

Chairman Cosentino stated yeah, would you identify yourself for the record, please.

Mr. Grandberg stated Ira Grandberg, Grandberg Associates.

Mr. Gaspar stated George Gaspar, Grandberg Associates.

Mr. Martabano stated Charles Martabano, attorney for the applicant.

Chairman Cosentino stated you've really got a crew here, huh.

Mr. Stavaritas stated Rich Stavaritas, Premier Collection.

Mr. Martabano stated I don't know about that.

Jan Johannessen stated you're good.

Chairman Cosentino stated okay.

Mr. Martabano stated shall we start.

Chairman Cosentino stated go ahead, Charlie.

Mr. Martabano stated okay, great. When last we were before your Board might recall you authorized the circulation of a Declaration of Intent to name yourselves Lead Agency. Also we went from your board ZBA and we did that knowing, of course, that we couldn't get a definitive answer from the ZBA but we had to get a sense from the ZBA as to what their viewpoint was, on the various variances we need. I'm happy to report has been very successful visit with the ZBA went over each of the variances that we needed, and got a very positive feel from them on the record. So, we are now looking to move forward with respect to this application in front of your Board because you are going to be the lead agency for SEQRA purposes. So, for tonight, I think on your agenda you have Declaration of Lead Agency, so if that's adopted we would like to talk to you about how are going to proceed in environmental context.

Jan Johannessen stated I did prepare a resolution declaring the Planning Board as lead agent, we had circulated lead agency documents back in March.

Mr. Martabano stated right.

Jan Johannessen stated I think, obviously more than 30 days passed, no other involved agency objected, so it's appropriate that the Board establish itself as the lead agency. That resolution is in your packet.

Mr. Martabano stated I don't know if you want to act on that first or enter into discussion however you want to proceed, Mr. Chairman, it's up to you.

Chairman Cosentino stated yeah, let's do that first.

Mr. Martabano stated okay.

Chairman Cosentino stated Jan, we'll do that, yeah it's a, should be in your packet, lead Agency Declaration June 9, 2015.

Chairman Cosentino stated does anybody want to see it in the packet and make a motion on it.

Mr. Sturniolo stated Mr. Chairman, I will be happy to make the motion that the Planning Board of Mount Kisco place itself the lead agency on the Jaguar/Land Rover – 250 Kisco Avenue proposal.

Chairman Cosentino stated we have a second?

Mr. Gibbons stated I will second.

Chairman Cosentino stated we have a second, on the question.

Upon Roll Call Vote:

Mr. Sturniolo	-	aye
Mr. Gibbons	-	aye
Mr. Vigliotti	-	aye
Mr. Hertz	-	aye
Chairman Cosentino	-	aye

The motion carried on a vote of 5 to 0.

Mr. Martabano stated great. What we're here for tonight is to describe for you what we believe are the significant environmental issues that we would like to address in detail and I think that Chuck speak to this at this point in time, because we want to proceed by means of a part 3 with narrative supplements which we believe will give you the level of study you need to properly evaluate the succinct issues we think that affect this application. So, I'm going let Chuck start with that and we can fill in and we can ask questions as we go along.

Mr. Utschig stated you want...

Jan Johannessen stated no, you're fine.

Mr. Utschig stated so what we submitted to the board and their staff was conventional long form EAF and a part 2 and the part 2 is designed to look at specific issues and determine if there are no moderate or severe potential impacts and typically, once that's done, the decision is whether or not there needs to be a lengthy analysis of a long list of items which usually pushes you to the Environmental Impact Statement as needed, or in some cases, if the Board and their staff is comfortable that the issues can be consolidated or there is always a short list of issues and there is a way to provide your staff with the same amount of information but it's in a different form and really by taking the approach or submitting what we call part 3 we can provide the studies, for example, a traffic study which might typically be in an Environmental Impact Statement, it will still provide that study as the part 3. So the goal is to kind of list those items we think it's a manageable list, and we think that the Board, it's worth the Board considering a process, not for the Environmental Impact Statement but towards a part 3 and it's not that you are not going to get all the information, it's that you will get it in a process that's not encumbered by the EIS process which has a lot of steps to it and is very time consuming. So at the end, we are of the opinion that you will still be equipped with information you need to make a determination. That's our goal, so it's not a short cut but it is a short cut in time, in essence. So, we went through the part 2 EAF and we identified the things that were checked having moderate to severe impacts, and those include development on slopes greater than 15%; those include sites that rock excavation would be required, and those include sites where you have substantial amount of excavation. So those are three kinds of hot items that you look at when you are doing this and deciding whether or not there is potential for environment impact. On all three of those items, we will provide a level of stay that we got another application where we have steep slopes, so it will be a complete steep slopes analysis. There will be an erosion control plan, there will be a soil stabilization plan, so we'd still give you the information that will allow you to look at steep slopes, rock excavation, and the movement of soil and make your determination. Again we are kind of doing it in a little bit of a different format. So, for example, on the soil removal item, we will provide a very extensive phasing plan, we expect that there has to be some sort of land closure on Kisco Avenue in order to get some of the material off the site and the equipment off. So the studies and the drawings that we would submit would detail of all of that, so you'd be equipped with a significant amount of information about soil moving, about rock removal, about disturbing slopes greater than 15%. The other item that was identified as having potential impacts is the idea of aesthetics and the impact on community from a visual perspective. We've already done quite a bit of work on the visual assessment, there has been a series of photo simulations done on this building, those would be all incorporated into what we call a visual assessment and again we'd be giving the Board the document that we went through, what the building looks like from all sections, what perspectives it

might look from different places in the Village, same thing, you are going to get that study, not unlike the visual assessment study that went into the EIS with the Hearth, it's not in the EIS, it's in part 3.

Mr. Martabano stated just to jump on what Chuck's saying, one of the big benefits of an EIS so to speak is when there is a lot of public interest in an application. We circulated notices when we went to the ZBA for variances; you have to circulate notices to all the surrounding properties. We circulated that, no one came to the meeting, no one commented on it because in fact this isn't an application that that's going to engender has a lot of interest by the public. So, this again leads to the conclusion that in terms of the level of study you would like to see, you are going to get the same level of study but just not a protracted process with a lot of public input and I think it's the way to process this particular application.

Mr. Utschig stated so there are few other items and most of these are, I think, we all could have come up with a list ourselves. Assessing traffic in the impact, dealing with stormwater management, so when we kind of bring all these together we see that there is a list of 6 or 8 items that warrant a fairly level of analysis and study to be incorporated in the site plan approval package but that ultimately gives the Board the information they need to make their determination. That's really what we are talking about and what we would like to suggest, maybe in approach, is to develop that list in conjunction with your staff, have the Board opine on that, and if you are agreeable to it and if you think it's a process that would work appropriately and then at the end of the day you'd be equipped with the information you need, allow us to go down that path. Obviously there is kind of a decision that has to be made, it's not a binding decision; you are not making kind of a vote but at least directing the applicant in one direction or another is kind of important because it changes how we go about doing this and you know that's why we are kind of making this pitch to you tonight, that's why we are talking about these items. We want to make sure that you understand that this isn't an attempt to shortcut the amount of information and the level of analysis, and interaction that we know we have to go through with this Board, it's about just not doing it in the more protracted EIS format, that's really all it's about.

Mr. Martabano stated I think Chuck outlined it very well and I think we'd like to have your Board's cooperation in this regard, you will get the same level of study, your staff is going to require the same information, engineering context, visual traffic, whichever, it will just enable us to move this project forward which is something we would really like to do at this point in time.

Chairman Cosentino stated Anthony.

Anthony Oliveri stated yeah, we've looked at the criteria of determining the significance under the SEQRA regulations and I think what's important is determining the significance. So what I will do is, I will read a couple of lines from the regulations that I think are important. So to require an EIS for proposed action, the lead agency must determine that the action may include the potential for one significant adverse environmental impact, okay.

Chairman Cosentino stated this is the code, now.

Anthony Oliveri stated this is the regulations.

Chairman Cosentino stated SEQRA Regulations.

Anthony Oliveri stated this is the New York State SEQRA regulations, right. To determine that an EIS will not be required for an action the lead agency must determine either that there will be no adverse environmental impacts or that the identified adverse environmental impacts will not be significant. So, essentially you have to determine if these impacts are significant. In this case, there might be some unique impacts here in terms of steep slopes, the rock cut, the zoning variances needed, there's some more typical impacts like traffic, storm water, visual impacts. So, I think it might be appropriate to go through each of those impacts and kind of make that determination if you feel this is significant. Remember you only need potential for one significant adverse environmental impact to determine.

Mr. Martabano stated but it's still discretionary with the Board as lead agency.

Anthony Oliveri stated yeah, I mean the Board has to make that decision.

Mr. Martabano stated right.

Jan Johannessen stated I provided the Board with a handout...

Chairman Cosentino stated yeah, I was looking at it.

Jan Johannessen stated it was basically just taken from the SEQRA handbook, talks about the process of determining significance, what the term significance means, how it's defined in the SEQRA statute, what the Planning Board needs to consider when determining significance and then criteria for determining significance which is about 13 bullet list, to kind of assist the Board in making that determination and typically what's done is the Board has copy of the Environmental Assessment Form that the applicant prepared specifically part 2. Part 2 of the assessment form is really the lead agency's document, it's your determination. So I think what the proper protocol here would be to go through the EAF part 2 together tonight, identify what the potential impacts are and then the Board can start using this criteria to help determine whether those impacts are significant and if they are significant then you have to make a decision as to whether it's something that can be mitigated or something that needs to be further addressed in an impact statement.

Chairman Cosentino stated and that decision has to be made tonight.

Jan Johannessen stated it doesn't need to be made tonight but I think that you can't look or make this decision without going through the EAF.

Chairman Cosentino stated yeah, we need to do that.

Jan Johannessen stated what you have before you tonight, in 10 minutes you could probably go through this and identify what the significant impacts are. Chuck made reference to a couple of them but there is zoning issues, there is cumulative impacts, particularly with the site next door. Other sites are on Kisco Avenue that are being considered for dealerships presently. So you know, I don't think it's a laundry list but there is probably six to ten impacts that need to be studied and whether they are significant...

Chairman Cosentino stated why don't we go through it now?

Jan Johannessen stated their significance is what the Planning Board needs to opine on, so proper procedure...

Chairman Cosentino stated and the Planning Board would have to make a decision.

Jan Johannessen stated would be to go through the EAF, identify the impacts and then you don't need to make the decision tonight.

Chairman Cosentino stated why don't we start then?

Jan Johannessen stated making the calls to whether they are significant

Chairman Cosentino sure.

Jan Johannessen stated so, I had made Michelle make copies of the EAF, really just need to focus on the part 2, EAF starts on page 1 of 10.

Chairman Cosentino stated the yellows.

Jan Johannessen stated the yellows are what the applicant has identified themselves as being potentially significant. These are basically just thresholds, it's not an exhaustive list, there are certainly could be additional impacts, and some of them you are going to find are completely not applicable to this projects at all.

Chairman Cosentino stated well, why don't you go through them.

Jan Johannessen stated sure.

Mr. Hertz stated sorry, you said yellow, this is...

Chairman Cosentino stated yeah, I noticed some yellow.

Mr. Hertz stated okay, mine is black and white, mine is black and white copies.

Chairman Cosentino stated 1 of 10, I yellowed some things out...

Mr. Hertz stated gotcha, no problem.

Mr. Sturniolo stated which page.

Chairman Cosentino: 1 of 10.

Mr. Sturniolo stated thank you.

Jan Johannessen stated so, first category is impact on land, the applicant, again all the checkmarks that you see, this is the applicant's mark up, so it is identified that proposed action may involve construction on slopes 15% or greater.

Chairman Cosentino stated you are on page 1 of 10, right?

Jan Johannessen stated yes.

Chairman Cosentino stated and you are at top of the page?

Jan Johannessen stated I'm at item number 1-B proposed action may involve construction on slopes 15% or greater, you can answer that question, yes, so it's a potential adverse impact. Proposed action may involve construction on land where bedrock is exposed, they have identified that's as potential impact. Would remove over 1000 tons of natural material, they have identified that's as potential impact. Construction may last for more than one year or multiple phases and may result in increased erosion, that's actually one that they did not identify as a potentially large impact but I think it should be identified as a potential impact.

Mr. Hertz stated hang on one second Jan.

Jan Johannessen stated the project could result in significant erosion; I think that is a fair statement given the slop of the property that this project could result in substantial impacts.

Chairman Cosentino stated I think some of the ones that you said are not in here.

Mr. Hertz stated Jan, can you hold on one second, please.

Mr. Sturniolo stated we're trying to find...

Chairman Cosentino stated it says 'the proposed action may involve the excavation or removal of 1000 tons of natural material.'

Jan Johannessen stated right, they have checked that as...

Chairman Cosentino stated you said something about one year, I don't see that here.

Jan Johannessen stated that was the second, the criteria below that item E, talks about the duration of construction.

Chairman Cosentino stated okay.

Jan Johannessen stated they have answered items B through E as potentially large.

Mr. Hertz stated and I would include F.

Jan Johannessen stated and I would include F.

Mr. Hertz stated they can mitigate that but that would include F as a...

Jan Johannessen stated right, I think the last item G is certainly not, turning to page 2, item #2, they didn't identify any potential impacts and I don't see it either, it's not applicable in my opinion.

Chairman Cosentino stated well what about H.

Jan Johannessen stated H is under item 3, impacts on water. Again the proposed action may cause soil erosion, I think that is a potential, it could potentially...

Chairman Cosentino stated what number is that?

Jan Johannessen stated item number 3H.

Chairman Cosentino stated yeah. On the next page, page 3 of 10, how about D.

Jan Johannessen stated I didn't see anything else on that page.

Chairman Cosentino stated on the bottom.

Jan Johannessen stated D, which page Joe.

Chairman Cosentino stated on page 3 of 10, the proposed action may result in or required modification of existing drainage.

Jan Johannessen stated we skipped item 4, impact on ground water.

Chairman Cosentino stated okay.

Jan Johannessen stated where no impacts identified obviously probably not relevant given municipal water system.

Chairman Cosentino stated I have one more.

Jan Johannessen stated does everybody agree.

Chairman Cosentino stated I had one more on 6.10

Jan Johannessen stated Joe, I think we are jumping ahead.

Chairman Cosentino stated oh where are you.

Jan Johannessen stated I'm still one 4.

Mr. Hertz stated we're on item 4 first.

Chairman Cosentino stated oh okay, go ahead.

Jan Johannessen stated is anybody looking through the impacts identified in item number 4, does anybody see any potentially significant impacts, I didn't identify any, the applicant didn't identify any.

Mr. Hertz stated where we, I mean I have a concern about just we're already looking at for the Hearth, whether the existing sewer line is adequate and the drainage in that area to begin with, is being discussed as undersized as a starting point, so and Chuck is heavily involved in that. So is that, wouldn't that be an impact on ground water or is this being picked up somewhere else?

Anthony Oliveri stated I don't know that that's ground water so much is, as you know, storm water runoff issues.

Mr. Hertz stated right but so, I haven't gone through this, is there a place for storm water runoff, this is later on in here?

Mr. Utschig stated actually isn't.

Anthony Oliveri stated I don't know.

Jan Johannessen stated no.

Mr. Utschig stated there's not.

Jan Johannessen stated that could be identified as an additional impact.

Mr. Utschig stated which we did, it's not in the list, it's not a box to check but storm water is clearly an issue on the site.

Mr. Hertz stated right, I mean there is no place to hold it and we have already identified that the contiguous sites are difficult, let's put it that way.

Jan Johannessen stated I don't know if there is a particular box for concerns that the Board may have in regards sewer capacity, I didn't see that either I don't know if it's a concern here or not.

Anthony Oliveri stated well, it certainly will be something to look at but I don't know that it's categorized here.

Mr. Utschig stated you won't find a check box for that either.

Jan Johannessen stated but it's something you would analyze?

Mr. Utschig stated yes. We'd expect to look at the same level detail as you required some other applications in here.

Mr. Martabano stated absolutely.

Mr. Utschig stated same for the drainage, we know there is a downstream drainage issue, we have to look at it as detail as your other applications.

Jan Johannessen stated moving on to impact on flooding item number 5, the only potential impact I saw in here, with the item D, the proposed action may result in required modifications to the drainage patterns, it's potential. I don't believe there is any impacts under item 6, air, or plants or animals, item 7. Item 7 really just goes to plants and animals that are listed on the State endangered list and we know from dealing with the Hearsh that there were no identified species. So I think it's safe to say that we carry on over here.

Mr. Utschig stated I think so.

Mr. Vigliotti stated there's antelope on your site.

Mr. Martabano stated caribou, you just don't know how to, it's caribou.

Mr. Vigliotti stated it was the homeless.

Jan Johannessen stated item number 8, impact on agriculture, negative. Impact on item number 9, the only one I saw here was item C proposed action may be visible from publicly accessible managements. Although that is a significant impact or not I leave that up to the Board, there is a later category for community character and architectural character and consistency with adjacent structures, so that could be something that the Board wants to look into.

Mr. Martabano stated I don't want to interrupt Jan at any point but like I'm doing right now but I want to address that when he is finished, I want to address some of these things, because these became areas with the ZBA as well.

Jan Johannessen stated so item number 9, impact on aesthetics, the only one there I think will be item C. Historic and archeological, I did review those materials, it's not in an archeological sensitive area, it's not near any historic buildings or sites, so I think that is not an issue.

Anthony Oliveri stated oh, Jan, on item 9 they did have F also checked off, also check off.

Jan Johannessen stated item F. Similar projects visible within the following distances.

Mr. Utschig stated we were just finding the right box to check to deal with the visual impact.

Jan Johannessen stated right to deal with the visual impacts.

Mr. Utschig stated sometimes this checklist is about making sure there is one box checked under the visual, so that you're studying it. I checked it and Jan checked it before, they mean the same thing.

Jan Johannessen stated impacts on open space and recreation, I didn't find any. Impacts on critical environmental areas that are none within the vicinity of the projects, item number 12. Impact on transportation, there wasn't an appropriate box to check but I think the Board has raised concerns over vehicle and truck traffic generated from the site.

Mr. Hertz stated well, wouldn't that be A.

Jan Johannessen stated I don't know if that's going to exceed the capacity of the road network, you know I think that's to be determined, I don't know if we can, may exceed the capacity of existing road network.

Mr. Hertz stated but I think that's the concern, we're not saying it's happening but that's the question that we want studied.

Jan Johannessen stated right.

Mr. Martabano stated okay, I am going to contradict myself again, I will interrupt. In this particular case, do keep in mind that that dealership is on that road today, 299 Kisco Avenue, that dealership is there today, so one of the facts that we are argued in favor of trying to narrow down the issues is not introducing, listen, it will introduce a little more because it's a bigger facility, it doesn't always happen, but it's a low volume dealership as compared to Chevrolet or whatever.

Mr. Hertz stated Charlie, let me just stop you. I agree with that but if you are building a new building and vacating the existing building, then someone will go into the existing building.

Mr. Martabano stated we are not vacating the existing building.

Mr. Stavaritas stated splitting.

Mr. Martabano stated we're splitting it, the existing building has Volvo, it will stay there and this will go to this. So, we are not vacating it.

Mr. Hertz stated right, but if you need more capacity, you are inherently going to add traffic, you are adding at least add staff to this thing. I am not saying it's going to, whatever, but it would be disingenuous to suggest that you are building a building this large because you have no need.

Mr. Martabano stated I totally agree with you, I am just trying to say that it is there now, yes, there will be little bit of increase, there is no doubt about it but it is there.

Jan Johannessen stated impact on energy, I didn't see any relevant thresholds there. Impact on noise, water and light, item number B, 15B I think you do anticipate blasting, there is a potential for being within 1500 feet of potential nursing home next door. Which is a threshold of 15B, I think that the threshold, the potential impact is blasting and I think that's just something you have anticipate. Not necessarily in relation to its distance to these facilities, but just blasting in general, this is the closest category.

Mr. Utschig stated right.

Jan Johannessen stated I didn't see anything under...

Mr. Hertz stated Jan, hang on, sorry, just waiting for that. I don't want to speak over the fog horn.

Mr. Martabano stated are you calling me a fog horn.

Mr. Hertz stated no but given the, on light we've established very substantially on every other site that's built on Mountain in Kisco that light is a significant issue, we have required Curtis to very carefully design their building to make sure that there was no light trespass going across the valley, same thing with restrictions on timing, even lighting positions with interior walls on BMW, so again it's nothing that, it's probably something that given proper design and whatever it can be mitigated but I don't want to say it's not something to look at because it absolutely is something to look at it.

Jan Johannessen stated either checking items D or E under that section will probably be the most relevant.

Mr. Hertz stated or F for other impacts, and that would be lighting, you know, in relationship to the aesthetics of the view scape.

Jan Johannessen stated got it.

Mr. Sturniolo stated Jan, could I add one thing?

Jan Johannessen stated yup.

Mr. Sturniolo stated just to underscore what Doug said that in the resolution of approval for BMW, as Doug outlined, we were concerned about lights at night time, exit lights, security lighting, all types of lighting, we were so concerned about lighting that it was part out of the resolution spelled out in detail not that there shall be no trespass lighting after 8 o'clock at night, so I would like to, as I said underscore what Mr. Hertz said, it's an important issue.

Jan Johannessen stated I didn't see anything under item 16, impact on human health. Consistency with the community plan, items A and C kind of deal with some of the zoning issues that the project brings with it, I think it's 5 or 6 different zoning variances that they are going to be seeking and that's just something to analyze that the projects with consistency with zoning ordinance. And then getting back to the aesthetics, number 18, consistency with community character items E and F deal with the architectural scale and consistency with the surrounding natural and built environment, so that's items E and F. Again items that were not included in the EA F but are relevant, we talked about stormwater, sewer and cumulative impacts with the adjacent project, also consistency with the steep slopes ordinance.

Mr. Hertz stated and Jan, I would check some different boxes on 18 personally...

Jan Johannessen stated okay.

Mr. Hertz stated or on 17, I mean I think you have identified zoning in item 17, the fact that there would be 5 or 6 variances...

Mr. Martabano stated five.

Mr. Hertz stated it's not that it's inconsistent with community plants but it is pushing the boundaries if you need 5 or 6 variances you're not strictly in conformance.

Jan Johannessen stated if you need a variance you are inconsistent with the zoning ordinance.

Mr. Hertz stated right by definition...

Jan Johannessen stated by definition.

Mr. Hertz stated so I wouldn't say there is zero impact, it might be small impact but...

Jan Johannessen stated no, I identified that as large impact.

Mr. Hertz stated alright sorry, I didn't, and then in 18, 18E, predominant architectural scale and character, as you drive along the edge of that road, there is nothing like this building.

Jan Johannessen stated again I thought that items E and F should be checked as potentially large impact.

Mr. Hertz stated okay, I am just, then are concurring with it.

Jan Johannessen stated okay. So I think that develops the list of potential impacts and now the next step would be determining whether there are significant adverse impacts and that might take some review of the SEQRA handbook I've laid out those criteria for you, whether that decision is made tonight or not, and if you need additional information from the applicant on some of these topics but I think at a minimum we have identified the potential impacts now the next step is identifying whether they are significant.

Mr. Hertz stated beyond that I'd also like to hear, unfortunately Whitney had to leave, I would like to get his take on what the two options provide and don't provide for us.

Mr. Martabano stated and actually, I think that's a great idea what Doug just mentioned because our position is Chuck's stated and as I restate is that you are to going to allow us to proceed with any less in terms of quantum and quality approved on these specific issues. All we are talking about is what the process is, by which we get to the same result because whatever we submit it's got to satisfy your consultants and your Board on whatever number of issues. However, if we get into an EIS process, we are talking about probably dragging on for a year which and I know you hear this from every applicant, time is very important but in this case it's extraordinarily important because we have been under a lot of pressure from the manufacturer to move this forward. One of the things I'd also like to point out that I think is really significant that really I think played very significantly while we appeared before the Planning Board...

Mr. Stavritas stated Zoning Board.

Mr. Martabano stated Zoning Board, thank you. This building and what these individuals and the owners have authorized us to do it is unusual in a lot of respects, how many car dealerships do you see with no outside storage of vehicles. How many car dealerships do you see that are, as we believe, as antiquated as well as this is. We approach the ZBA and we gave them a number of things to think about when we asked for the development coverage variance that you might, sorry I was watching the flag, be concerned about. We're going to put a green roof on this building which probably exists nowhere in the village. When we

presented to them about the size, the visual impact of the building, we showed them other buildings in the area which we believe showed that this was actually smaller in terms of impacts, aggregate number of lineal feet of building versus what you had above us, what you had on the side, so I think we are able to give them a very good presentation about this being uniquely integrated into the site and these applicants, they shown anything with BMW, they showed they know how to build responsibly on that hill side, they received design awards, beautification awards, et cetera and I think they have proven what they can do. The big issue is you're not going to get or nor would you ever accept anything less than you would be entitled to examine these issues. We are going to give you the same level of detail and study, we are just trying to avoid the protracted process that's generally speaking, applicable to where there might be a lot more public interest in this property or in this application, I don't think it exists today. So, if there is anything else that we can provide to you on how we would approach this process that you might want to have before you make a decision we would be happy to do it or send you anything what we did in front of the ZBA. We want to move forward this project, we would like to work with you and your staff, we will give you everything you are looking for, everything will be studied, just trying to do it without having to go through the EIS process, that being straight forward with it.

Jan Johannessen stated I agree that the information that will be provided to the Board will be well documented in either scenario. The only thing that you don't get with long, without a pos. dec. is a public scoping session and FEIS process where the applicant has to provide written responses to every single comment that's made, but then again Charlie's indicated, is thus far there hasn't been a lot of public scrutiny of the project...

Chairman Cosentino stated no.

Jan Johannessen stated but those are the main items, it's not the technical documents that you're going to be missing, because you are going to get one way or the other.

Chairman Cosentino stated either way you are going to get everything.

Mr. Martabano stated absolutely.

Jan Johannessen stated you're going to get what you need to make a sound decision but what you generally don't get with the EAF is public scoping session and a written response to each of the comments, and also alternatives, they will be required to study alternatives under the EIS but I suspect that the applicant would do that under part 3 as well if directed.

Mr. Martabano stated we could definitely do that as we discussed at the staff meeting, we could definitely do that, so that's not an issue.

Anthony Oliveri stated that's true but I think but I think you know by going with a negative declaration...

Chairman Cosentino stated negative.

Anthony Oliveri stated if you go with a negative declaration you would be saying that there is no potential for any adverse environmental impacts.

Mr. Utschig stated that's not, I don't necessarily agree with how that has been phrased.

Anthony Oliveri stated well I'm reading that right now in the Code.

Mr. Utschig stated it read to me, it leaves out the mitigation part...

Mr. Martabano stated exactly.

Mr. Utschig stated so I think what the Board has to understand is we know that disturbing steep slopes has the potential to be an environmental impact, that a given, so what's not necessarily a given and what we are obligated to demonstrate is that you can mitigate it and the mitigation to the impact meets, gets you over the threshold definition of an adverse impact, significant adverse impact. So the important part of what Anthony's left of out is the fact that each of these scenarios which at a face value have to be considered an environmental impact, have a mitigation to them that keep them from becoming an unavoidable adverse environmental impact which is actually the complete language in the SEQRA document, it's an unavoidable significant adverse environmental impact. What we are doing is providing you with the impact, yes, easy to agree to, the mitigation and then this allows the Board to decide whether that then takes it off the list of significant adverse environmental, lighting. Lighting is a significant environmental issue for the Village but it does not have to be significant adverse environmental impact that triggers an environmental impact statement according to SEQRA, if you demonstrate to the lead agency that you have mitigated that by

appropriately conforming with ordinance, making sure that there is no view shed impacts, so there is another side to that simple definition, I believe, in the SEQRA documents, that allows to add little more value to it than what Anthony is prescribing and that is we were done after we checked the first box according to that definition because he said all you need is one, so we could have ended the conversation about half an hour ago and all gone home according to just that straightforward interpretation. I do not believe, and I'm guessing Charlie is going to agree with me, that that's not the end, all be all one statement that forces this Board to make us create an environment impact statement. I think your attorney will agree with us.

Mr. Martabano stated I don't think there's any doubt with what he just said and again we all come back to regardless of...

Chairman Cosentino stated you think we all remember what he just said.

Mr. Martabano stated no, but I know that this tape will remember exactly what he just said.

Chairman Cosentino stated okay, we remember.

Anthony Oliveri stated I am not sure what section you were referring but I didn't leave out the word unavoidable, it's not in here.

Mr. Utschig stated listen, if you believe that the trigger...

Anthony Oliveri stated all I'm saying is that one significant environment, they determined significant like the effect on the steep slopes, removal of the rock, I am not sure what the mitigation is for that.

Mr. Martabano stated I think what we all do come down to is what I said, when you initially made that statement, I think the language says they may issue a positive declaration, is that what it says...

Anthony Oliveri stated yes.

Jan Johannessen stated it doesn't say unavoidable.

Mr. Martabano stated okay, it doesn't...

Anthony Oliveri stated it may include the potential for impacts.

Mr. Martabano stated and my position is that this is discretionary with them and we're promising this Board and forget what we promised, you are not going to accept less than what you demand in terms of us mitigating, neither is Jan.

Anthony Oliveri stated I don't think it's about that.

Mr. Martabano stated and that's my whole point. Can you imagine, you have a public scoping session and nobody is here, we just wasted months just in that point, okay.

Jan Johannessen stated I think another point is that if the Planning Board determines tonight, next month, that it's not going to issue a positive declaration right now, that doesn't mean that you are automatically getting issued a neg. dec...

Mr. Martabano stated that's right.

Mr. Utschig stated that's right.

Jan Johannessen stated it could be months and months, if not a year of study at which at any time, if during the course of that review, you uncover that one of these impacts is going to be significant or adverse, we can at any time issue a positive declaration.

Mr. Martabano stated that's an absolute true statement, yup.

Mr. Utschig stated yup.

Jan Johannessen stated but you know, again it's getting down to the impacts and I think what Anthony read is correct. The Planning Board may require an environmental impact statement if any of these are determined to be significant, it's absolutely true. I don't think they have to unavoidable, so you have to go through the impacts and go through the criteria to make that call and it's at your discretion.

Chairman Cosentino stated okay.

Mr. Martabano stated I would agree with that. Is there anything that the Board would like from us, in terms of how we would approach this to have that you could review when you are making your decision.

Chairman Cosentino stated we just have to go through them Charlie and just you know, with Anthony and Jan and to really know what they are all about and we have done this before.

Mr. Martabano stated of course.

Chairman Cosentino stated but each one is different.

Mr. Martabano stated okay.

Jan Johannessen stated I think what I would like to do is just modify part 2 based on tonight's discussion at least circulate that to the Planning Board and the applicant.

Chairman Cosentino stated I think that would be good, Jan, I appreciate that.

Jan Johannessen stated and then take a close look at the handout that I gave you, the criteria to making a determination, spend some time looking at each one of the impacts and how it relates to those thresholds.

Mr. Martabano stated but also if you could try to focus on what is the real difference in terms of your decision making between one process and another, because like I said the EIS process is really geared to engendering and accommodating public comment, it's not going to change the quantum or quality of proof that we have to give you. We are looking to try to give you the same thing you will get in that except the protracted process and public comment is not, I don't believe there is going to be a public comment, so if you keep that in mind I think we will come to some sort of proper conclusion.

Mr. Sturniolo stated question, Mr. Chairman. Ira, would you spend a few moments at your leisure and just kind of walk us through that photograph starting with where BMW outdoor displays and the building behind it and then work your way north toward the proposal.

Mr. Grandberg stated I can also answer it and supplementing with the Zoning Board required us to do, they wanted to see what the building will look like from different angles, we supplied them with new renderings that are here that you haven't seen yet. One of the, one category of issues other than Chuck's mitigating the technical aspects that if he does, you would say yay or nay, is the aesthetic and the impact the building has on the Town and we started with the Zoning Board, correct me if I am wrong...

Mr. Martabano stated correct.

Mr. Grandberg stated by listing every one of those zoning objections, bless you, and by listing every one of those zoning objections the net result of that meeting was that they felt that we had addressed them in that they did not find this to be overtly negative, they were supportive of the design. So if you took the whole thing as an umbrella, that's another Board, they were very supportive of what we were showing them and endorsing what we were telling them, so just by five other people they were looking at those items that they have to eventually vote on. What we did is we took the building and we did a rendering showing the building from north looking south and these are very accurate renderings and another one looking up Kisco Avenue at the building, so this might be edifying to see the display area here, the building up the hill, this is photographically accurate and then our building as it steps down the hill, the Zoning Board was very positive about we would have only one entrance primary entrance to the site, the entrance that's there now, so we weren't creating driveways at the building, they were very positive about the fact that the look of the building wasn't a 4 or 5-story building based on its scale. They were very positive in the fact that the entry of the building on the side of the hill is stepped back so that the length of the façade was limited. They felt that the impact on the street in general was that it was an enhancement to Mount Kisco, that it is what it is. Kisco Avenue is Kisco Avenue, the difference was there were not cars going to be seen from this building, that if it's an attractive building which is a subjective comment then they didn't find that it was an encumbrance to have it on the edge of street versus a parking lot on the edge of street.

Mr. Martabano stated and by the way that end of the street didn't require any variance, that's conforming to the code.

Mr. Grandberg stated it meets the setback requirements.

Mr. Martabano stated it meets the setbacks.

Mr. Grandberg stated so in spirit, Tony, what they were looking at is how the building engages the hill, how it doesn't over scale the hill and how it was an enhancement as a building to the community, those were the points that were covered. I don't know if that answers your question but basically this is what they saw, and this is what they reacted positive. We didn't honestly think they would be as positive as they were but they were but they saw the value of a building like this for this community.

Mr. Sturniolo stated now am I correct that the entrance currently to BMW which is there.

Mr. Grandberg stated you drive up this hill and you turn around, we're coming off the top of the hill.

Mr. Sturniolo stated there is also in agreement with the Hearth to, help me out around this one, John, secondary emergency access.

Mr. Vigliotti stated no.

John Landi stated no.

Mr. Sturniolo stated no.

Mr. Hertz stated that's off of Curtis.

Mr. Martabano stated that's off Curtis, that's off Curtis, yes.

Mr. Sturniolo stated off Curtis, that agreement is in place.

John Landi stated I am not sure.

Chairman Cosentino stated I don't think John would know; he wasn't here then.

John Landi stated I wasn't part of that.

Mr. Sturniolo stated okay.

Mr. Martabano stated I don't know.

Mr. Utschig stated yes.

Mr. Martabano stated Chuck just said yes. He is behind that there.

Mr. Grandberg stated so this is not intended as a self serving comment, look how beautiful this building is, it's beautiful or it's ugly, I don't care, the reality is that does it detract from the community, does it make the Town have something to be proud of and say we do some nice stuff here, whatever that means and does it meet the zoning criteria and does it encumber the site by doing things to the site that are worse than what was there or better than what was there because we have one entrance to the site that's there now. That was the review.

Mr. Martabano stated and just to pick up on what I said, at the level of the Zoning Board they analyzed each and every variance and they analyzed it pursuant to the criteria for issuing area variances, which talks about no negative impact, no detriment to properties, those types of things that say this will in fact granting the variances, will not cause any consistency with any of the properties or any detriment to any of the properties and they analyzed each one of the variances and came to those conclusions.

Mr. Grandberg stated and they discussed in depth what the nature of Kisco Avenue is, what it is now and what it could be and what people perceive when they get off the highway and they drive down Kisco Avenue and the comments revolved around being a parking lot or having some buildings of some character, and that's what they comment.

Mr. Sturniolo stated and I assume when you say when they commented on Kisco Avenue we were talking both sides of Kisco Avenue

Mr. Grandberg stated sure, it's the nature of the zoning is, how it's used. It's the edge conditions that are important.

Mr. Sturniolo stated Chuck, would you mind holding that one up, over the existing.

Mr. Martabano stated on top.

Mr. Sturniolo stated yeah, yeah, on top is fine.

Mr. Martabano stated stated he wants to see both at the same time.

Mr. Grandberg stated you did such a good job the last time.

Mr. Vigliotti stated you're a good holder.

Mr. Martabano stated you might have a new career Chuck.

Mr. Vigliotti stated Vanna.

Mr. Martabano stated I was saying the same exact thing, now can you turn the letters.

Mr. Grandberg stated Tony wanted to see this one. This one is looking up the street, I'll take it.

Mr. Martabano stated is that what you wanted to see.

Mr. Sturniolo stated yeah, no it's alright.

Mr. Vigliotti stated the building is a beautiful building.

Mr. Grandberg stated thank you.

Mr. Vigliotti stated it enhances Kisco Avenue but doesn't bring the rest of Kisco Avenue up to the level this building, my question is are you going to just stop with the building with all the wonderful enhancement and trees or might you try to bring additional trees and shrubbery down to make the rest of Kisco Avenue, which has a lot of public space, to give it the same look, so we have a building that has a very unique look next door another building that has a very unique look and then you travel down and get back on Kisco Avenue. So the question I have is, perhaps somewhere along the line we maybe take a closer look and what can we do to improve...

Mr. Grandberg stated to enhance the street.

Mr. Vigliotti stated to enhance the street, because otherwise we just have two beautiful buildings, that are on Kisco Avenue that really goes back to the 1970s, so what have you really done, we have made Kisco Avenue look even more like the 1970s by adding, it's crazy thought.

Mr. Grandberg stated no it's not, when I was on the Planning Board and Tony, we put pear trees in front of TJ Maxx and...

(Inaudible – too many speaking).

Mr. Martabano stated the pear trees, I remember, you made my client do that,

Mr. Vigliotti stated if you can appreciate that point, so you have enhanced the section of Kisco Avenue and the rest kind of looks dogged and perhaps that could be a little bit part of the scheme to...

Chairman Cosentino stated I think you are leaving something out. Who's going to do this.

Mr. Vigliotti stated who do you think.

Mr. Martabano stated you didn't get where he was going.

Mr. Grandberg stated I was waiting for something to come up here.

Mr. Vigliotti stated you know, you'd be surprised what 30-40 trees and some shrubbery could do to bring up the whole road.

Mr. Martabano stated not if we have to go through that EIS process, we won't have any money left.

Mr. Grandberg stated let me reiterate one of the drainage mitigations is that the entire roof is going to be a green roof....

Mr. Martabano stated a green roof which I think is great.

Mr. Grandberg stated that's a cost to the owners, over and above, now maybe there can be a quid pro quo that if Chuck through his infinite wisdom can get the drainage to work, there's some...

Mr. Vigliotti stated yes, well, if we build a green roof, who sees it.

Mr. Martabano stated all the people at the Hearth.

Mr. Vigliotti stated you know what I'm saying, if we build the green roof who really gets the benefit from that green roof...

Mr. Grandberg stated bluebirds and robins.

Mr. Vigliotti stated as opposed to traveling down, you could give the directions, just travel down the Kisco Avenue get to the two nicest buildings you have reached are ours, the rest is just nonsense scenery. So I just throw that out, it's a little fun to have conversation based on that.

Mr. Stavaritas stated I can only say that the future and you guys may have heard or not, something is going to change on Kisco Avenue, across from us, whatever it may be, this is only to help you to get them to do what they need to do.

Mr. Vigliotti stated absolutely.

Chairman Cosentino stated I agree.

Mr. Grandberg stated that can establish a design criteria for our future development.

Mr. Vigliotti stated there could be a Kisco Avenue improvement center.

Mr. Grandberg stated improvement center or district.

Mr. Martabano stated which is funny because that was the original renewal properties along there, remember that.

Mr. Vigliotti stated so any way that is my comment. The building looks great.

Chairman Cosentino stated I remember; you don't.

Mr. Martabano stated I remember it. Remember who the chairman of the, remember who the Chairman was.

Chairman Cosentino stated Castege.

Mr. Martabano stated Cerbone.

Chairman Cosentino stated he was after Castege.

Mr. Maratano stated okay, alright.

Mr. Vigliotti stated that's history.

Mr. Martabano stated and Kisco Avenue is actually built on logs.

Chairman Cosentino stated I know a building that sunk there too.

Mr. Martabano stated yeah, I know that, thanks, I am very familiar with that one. Right, so where do we go from here?

Chairman Cosentino stated get the hell out.

Mr. Martabano stated Ralph's saying to the nearest nursery to look for pear trees. Is there anything, Jan, is there anything that you think you should submit to assist in this process

Jan Johannessen stated I think that I'm, like I said, I'm going to revise the EAF part 2 based on our discussion tonight.

Mr. Hertz stated stated can you circulate, I hate to do this on paper because it drives me nuts but can you circulate rendering electronically.

Mr. Grandberg stated easily.

Mr. Martabano stated yes we can.

Mr. Hertz stated I know you can, but can we.

The Secretary stated if I can receive it via email I should be able to send via email.

Mr. Grandberg stated we can do a PDF for you.

Mr. Utschig stated sure.

Mr. Martabano stated Michelle will very efficiently get it to you.

Mr. Hertz stated because the last thing I want is more paper, but I would love to have whatever you prepared that you showed the Zoning Board or any other boards, anything that could help us understand the application better.

Mr. Martabano stated better, that's great, we like that.

Jan Johannessen stated I think it's...

Mr. Stavarties stated I just wanted to, there is not going to be a decision made until we are able to answer some of these questions that we have, correct.

Jan Johannessen stated decision made on what.

Mr. Stavarties stated as far as the EAF.

Jan Johannessen stated I think the board has to take that EAF and...

Mr. Martabano stated yeah and I think we should submit how we would intend to approach it as well. So I think the timing should work out very well but I think we need to get something into quickly. How long before you might revise that.

Jan Johannessen stated it will be this week, I am sure.

Mr. Martabano stated that will be great.

Mr. Hertz stated and I as one member, Joe, would like to get a memo from counsel, outlining what the two processes would look like, what our limitations are, what our so we have a complete understanding of what you know we choose one road versus another, what those steps would be.

Mr. Martabano stated I would encourage that, that's a great idea.

Chairman Cosentino stated yeah, I would like that.

Mr. Grandberg stated thank you.

Mr. Martabano stated thank you very much.

Chairman Cosentino: Next thing is the Mount Kisco Beautification Committee, I guess we all read them.

Mr. Martabano stated that was you and him that made me do those Bartlett Pear Trees in front of TJ Maxx, they're really big, I remember that now.

Mr. Vigliotti stated they're beautiful.

Mr. Martabano stated they're nice now.

Chairman Cosentino stated we have a motion to adjourn or is there anything else before the board?

Mr. Hertz stated no. I'll make that motion.

Chairman asked for all in favor. The motion carried by a vote of 5 to 0.