Minutes of the ***Regular Meeting*** of the Planning Board of the Village/Town of Mount Kisco held on ***Tuesday, March 28, 2023*** at 7:35 pm in the Frank J. DiMicco Board Room and via Zoom Teleconference

Members Present:	William Polese, Co-Chair Crystal Pickard, Co-Chair Michael McGuirk, Co-Chair Barbara Roppolo W. Robert Phillips Maggie Downey
Members Absent:	Michael Bonforte, Alternate William Beltran
Staff Present:	Jan K. Johannessen, Village Planner (via Zoom) Peter J. Miley, Building Inspector Whitney Singleton, Village Attorney (Via Zoom) Anthony Oliveri, Village Engineer (Via Zoom)

Minutes:

1. *September 14, 2021*

Mr. McGuirk introduced a motion to approve the minutes; seconded by Mr. Polese.

The motion carried by a vote of 6 to 0.

2. *September 28, 2021*

Mr. McGuirk introduced a motion to approve the minutes; seconded by Mr. Polese.

The motion carried by a vote of 6 to 0.

3. *February 28, 2023*

Mr. McGuirk introduced a motion to approve the minutes; seconded by Mr. Phillips.

The motion carried by a vote of 6 to 0.

Public Hearing:

A. Homeland Towers – Mount Kisco Wireless Telecommunications Facility –
180 South Bedford Road
PB2020-0299, SBL 80.44-1-1
Continued Public Hearing

Mr. Robert Gaudioso of Snyder & Snyder was present, Mr. Manny Vicente and Mr. Klaus Wimmer of Homeland Towers were present.

Proposed project includes the installation of a telecommunications facility.

A brief presentation was given by Mr. Gaudioso, attorney for the applicant.

Mr. Fish and Mr. Musso, special consultants for the Village of Mount Kisco answered brief questions regarding procedure and the mitigation measures memorandum.

Public comment was received by: Mr. Harry McCartney; Mr. Rex Pietrobono; Mr. John Stockbridge; Mr. John Jacobsen; Mr. Luca Fariello; and Mr. John Rhodes.

Ms. Pickard introduced a motion to adjourn the public hearing to April 25, 2023; seconded by Mr. McGuirk.

The motion carried by a vote of 6 to 0.

B. Burgler Subdivision – 2 ½ Leonard Street
PB2021-0409, SBL 80.26-1-18 & 80.26-2-14.1
Subdivision
Continued Public Hearing

The applicant did not appear.

Proposed project includes the subdivision of 2 ½ Leonard Street and the proposed construction of a residence on the second lot, as well as lot line adjustment with 1 Leonard Street.

Ms. Roppolo introduced a motion to adjourn the public hearing to April 25, 2023; seconded by Mr. Phillips.

The motion carried by a vote of 6 to 0.

C. **The Park (ShopRite Expansion) – 333 North Bedford Road**
PB2018-0365, SBL 69.50-2-1
Site Plan, Special Use Permit, Change of Use, Subdivision, Steep Slopes

Mr. Stephen Spina and Mr. Marc Petroro were present from JMC.

Proposed project is for the construction of ShopRite to be located on the north side of 333 North Bedford, retaining walls, and associated driveway infrastructure improvements.

Mr. Spina gave a brief presentation about the project and required public hearing.

Public comments were received by: Ms. Jacqueline Broth.

Ms. Pickard introduced a motion to adjourn the public hearing to April 11, 2023; seconded by Mr. Polese.

The motion carried by a vote of 6 to 0.

D. **19 N. Moger Avenue LLC – 19 North Moger Avenue**
PB2020-0408, SBL 69.81-2-1 & 69.81-2-7
Site Plan, Steep Slopes, Subdivision

The Village Planner, Jan Johannessen, gave a brief update of the project status. Proposed project is to demolition an existing residence to create a parking area to support 19 North Moger Avenue.

Mr. Polese introduced a motion to grant a six month extension of the Planning Board approval to October 12, 2023; seconded by Mr. McGuirk.

The motion carried by a vote of 6 to 0.

E. **The Crecco Companies (Bagnato) – 215 (205) Lexington Avenue**
PB2016-0328, SBL 80.32-4-6
Site Plan

The Village Planner, Jan Johannessen, gave a brief update of the project status. Proposed project is for the construction of three attached townhomes with associated parking area.

Mr. Polese introduced a motion to grant a six month extensions of the Planning Board approval to October 5, 2023. Seconded by Ms. Roppolo.

The motion carried by a vote of 5 to 1.

Mr. McGuirk votes against the extension as he did not agree with the original approval.

F. **Oakwood Cemetery – 304 Lexington Avenue**
PB2019-0380, SBL 80.39-1-1
Site Plan

There was a brief discussion regarding Cemetery Board approval. Proposed project is for the construction of a garage facility with a conference room and office space.

Mr. Polese introduced a motion to grant a six month extension of the Planning Board approval to September 14, 2023; seconded by Mr. Phillips.

The motion carried by a 6 to 0.

G. **Verizon Wireless Facility – 45 Main Street**
PB2020-0396, SBL 69.81-2-3

Site Plan and Special Use Permit

Ms. Leslie Snyder of Snyder & Snyder was present to represent the application.

Applicant is requesting a one year extension for the Planning Board approval. The resolution was approved on October 12, 2022, field with the Village Clerk on October 19, 2021.

Whitney Singleton discussed that the applicant is requesting a one year extension of their approval. As well as when the original approval was granted, there were variances associated it from September 2021. The extension of the site plan and special use permit does not extend the Zoning Board of Appeals approvals.

Ms. Snyder informed the Board that a building permit was issued April 11, 2022 to meet the 6 month conditions of the Planning Board resolution. Requested a one extension and will deal with the Zoning Board after receiving an extension.

Mr. Polese introduced a motion to grant a one year extension of the Site Plan and Special Use Permit Only approval to April 12, 2024. Seconded by Ms. Pickard.

The motion carried by a vote of 6 to 0.

Written comment received by Sally Fay.

Whitney Singleton discussed the error regarding the mailing of notices. The applicant mailed notices appropriately, the incorrect address is not the applicant's fault. Case law supports that it is not a jurisdictional defect and does not invalidate the approval.

A brief discussion was had regarding potential future notification requirements.

H. PL Property Management – 77 Smith Avenue
PB2020-0398, SBL 80.41-1-3
Change of Use

Mr. Leonard Brandes was present to represent the application.

Mr. Brandes clarified the request of lighting land banking. Request includes land banking of outdoor post lamps for the parking lot, wall sconces, bollard lighting, and high hats going across the walkway in front of the building. The canopy has been removed from the proposal and a small awning to be installed and two existing sconce lights to remain. Business in basement closed between 3 pm and 4 pm that no further lighting is required and do not want to have light spill over to residences on Gregory.

Board discussed lighting for safety and agreed with keeping lighting in rear of property to a minimum and in compliance. The Board will be informed if there is a tenant change, in order to recognize whether more lighting is required.

The Board requested a resolution be prepared for the April 11, 2023 agenda.

I. 61 Smith Properties, LLC – 61 Smith Avenue
PB2021-0417, SBL 80.41-1-7
Site Plan

Mr. Peter Helmes of the Helmes Group, LLP and Ms. Barbara Banks, property owner were present.

Property consist of a 2 ½ story existing structure with professionally offices on the first and second floor. The third floor consists of a two bedroom apartment. Apartment has been legalized and includes a sprinkler system. Addition added to the structure in 1963 with an approved site plan.

Mr. Helmes gave a brief description of the project. Proposal includes legalizing the existing site as site plan of record. Discussion of existing site setbacks, coverages, required parking, aisle width, storm drainage, handicap parking/accessibility, landscaping and screening, and required variances.

Applicant to submit for variances and resubmit to Planning Board. The Building Inspector is to issue a new denial letter based on the new submission.

J. 28 Barkers Owners Corp. – 28 Barker Street
PB2022-0430, SBL 69.73-4-2
Site Plan

Mr. Paul Berte of ARQ, appeared on behalf of the applicant.

Project consists of replacement of railroad tie wall and extend the parking lot six feet +/- with new retaining wall and extend parking spaces for better configuration of spaces. As well as to widen rear driveway to provide additional maneuverability for refuse trucks. Refuse containers proposed to be sheltered in an enclosure in the corner. 13 parking spaces at grade, 10 underneath building, proposed additional handicap space. Stormwater and retaining wall discussion. Comment memos received from Consultants.

Existing conditions do not match site plan of record. Property is noncomplying with setbacks and coverages. Variances have not yet been identified. Parking calculation to be reviewed for compliance.

Applicant directed to meet with staff and move forward with a formal application.

Mr. Polese introduced a motion to close the meeting. Seconded by Ms. Pickard.

The motion carried by a vote of 6 to 0.

The meeting adjourned at 10:30 pm.

The audio and video for this meeting can be found by following the below link:
https://player.vimeo.com/video/813364686?h=bbd3ae1e20