

**Minutes  
Work Session of the Planning Board  
Village/Town of Mount Kisco  
Thursday April 27, 2006**

Meeting called to order at 7:30 p.m. Thursday April 27, 2006 at the Municipal Building Mount Kisco, New York

**Members Present:** Joseph Cosentino  
Anthony Sturniolo  
Doug Hertz  
Stanley Bernstein  
Sol Gibbons

**Members Absent:** Ralph Vigliotti  
Joseph Morreale

**Staff Present:** Lester Steinman  
David Stolman  
Austin Cassidy

**Staff Absent:** Michael Stein

Chairman Cosentino: Meeting was called to order, April 27, 2006 of the planning Board, of Mount Kisco. We have on the agenda this evening, 333 N. Bedford Rd, better known as the Grand Union property, which is now known as the Diamond properties. Would the applicants please step forward. Vice Chairman Sturniolo has been overseeing this application, and he will be chairing.

- a. 333 North Bedford Road – Negative Declaration, Resolution for Site Plan Approval  
Jim Diamond, owner, Michael Gallin, Neil Alexander Attorney fro the applicant**

Michael Gallin: Since we have last met formally, we have had some informal discussions with the consultants and some of the board members have sat in. Vice Chairman Sturniolo has sat in on some of those discussions. The staff has worked hard and put together some draft resolutions for your consideration. There have been some additional memos submitted to the board. This is regarding some traffic considerations outlining the monitoring program. It is consistent with what is now the draft resolution for both the Neg DEC, and for site plan approval. In addition, there has been a letter that has been submitted specifically referring to the property at 309 N. Bedford Rd. that letter was submitted today, and I do not know if all members of the board have gotten copied on that. If not we have additional copies. It does not present any new information just reiterating things that we had discussed in the past regarding access.

Lester Steinman: That letter has been received by the board.

Michael Gallin: I think we have been deferred to the board to answer any questions. We have had a chance to review the draft resolution. We are comfortable with the language that has been submitted.

Vice Chairman Sturniolo: Does anybody have anything else at this point? Although the public hearing, has a long closed and we kept it open for a minimum of 10 days for written comments we did receive a letter recently from Marianne Stecich. Marianne if you would like to say something regarding your letter please do.

Marianne Stecich: We are not interested in stopping the redevelopment of this project. We are not even interested in stopping of the re-grading of Ice House Road. This is not one of those groups that come in at the last minute to stop a project. Our only concern here is that the regrading of ice House Road, the way it is proposed and I don't know if there's any other way to do it is seriously going to interfere with the Martabano's use, and not comply with the site plan that this board has approved back in 1987. I am not going to go through legalized meaning. Diamond properties, implicitly agrees that if the

change of the easement is going to impair the easement owners right to use the easement it cannot be done without the holders consent. I think where we disagree and what I would like to explain to the board I am sure that you have made site visits and I do not know if there was a site visit specifically made 2309 N. Bedford Rd. What I would like to do is give the board the opportunity to show the site plan. How this re-grading would impair the access. I am hoping that this is something that can be resolved. I hired a civil engineer to go out a couple weeks ago and look at the site, and asked if there was a way that this could be done. That the parking lot could be reconfigured, or that the access could be reconfigured in such a way that it is not going to impair the use of the parking lot in the rear, which is the parking lot to a number of businesses. He had a couple of ideas and suggested that we meet with the engineer for Diamond Properties. We were able to arrange that meeting yesterday. There was not an obvious fix, because it is a very tight site. I've brought copies of the site plan. Maybe it would make more sense if I showed you. It looks like all, one parking lot, but the truth is. It operates as two totally separate parking lots. (Viewing of site plan) This driveway, the most easterly driveway, which is the one that will be closed off by the re-grading. This is the only way that you can get to the rear of the properties. This has a car dealership, and these are both auto repair shops. There is no way a truck can come in and get there, because there is parking, across here and a dead end. There is another one up here that serves the rear of this property. Not only was it approved, is under your code. If the parking lot is for more than 20 cars, there has to be two separate aisles. Section 128 says unobstructed accesses to and from the street shall be provided for all parking facilities. This shall generally consist of at least one 10 foot wide lane for parking lots fewer than 20 spaces, and two 9 foot lanes for parking areas with 20 spaces or more. There is no way under your code that you could have a parking lot with this many spaces that doesn't have two access points. As a practical matter, even if that weren't in the code the re-grading would require the closing of this access. There would be no way of getting to these properties. Maybe you could eliminate six parking spaces, and then the trucks could swing around back here. There is a problem with that because there are just enough parking spaces for it now. In addition to the people back here, there are some parking spaces back here for the businesses in the front. There certainly would not be enough parking spaces to meet the code. More importantly, there probably aren't enough parking spaces. The two auto repair shops, both told me that if this access were closed they would have to move out. There is no way that they could use the rear of this. One idea came up yesterday: that may be ramping. That was what my engineer had hoped. That you would be able to ramp down from Ice House Road into the back of here, which is indicated as building one. But the engineers would have to figure that out. It would require blocking off the door. It is conceivable of something that could be lived with. There are two doors back there. In any event, something has got to be done to make this a usable parking lot. If you can picture this with this closed, how do you get to the back of these buildings. Again, I think the only way to do it, ramping is a possibility and reducing the number of parking spaces. From the few times that I have been over there, it seems to be just about used up. Right now, this building is vacant. If this building had business, there is not going to be enough parking there.

Chairman Cosentino: Something is not right here. I'm not sure what it is, but I have been in the back here, and something is not right on this parking. For some reason, I see cars parked off the here in this area.

Marianne Stecich: One thing you should know is that it is not striped. It is not striped like this. I spoke to Austin about that. Apparently it did not make sense to stripe it like that for the use of the property.

Chairman Cosentino: Something tells me that there are cars parked up here, not down here. (Viewing of site plan)

Marianne Stecich: No, they are pretty much parked like this. There are two bays here, and two bays here.

Chairman Cosentino: When I get my car repaired, I park right here.

Marianne Stecich: It could be up a little bit from here. The point is, there is a separate lane there and there is a dead end. I would like to work something out. The other thing that happened when we visited the site yesterday and was of some concern for me was we had talked about the ramping to keep the one dead end driveway. Both engineers said it would be expensive. Diamond said that it was Martabano's responsibility to do the ramping. I do not think that that is right. He is not doing anything to his property. He has been using this for almost 20 years. It has been effectively working for him. If there are any changes I would think that they would have to make it.

Chairman Cosentino: I do not see these curbs there either.

Marianne Stecich: It is not all built out, just like that. It doesn't look exactly like that. The other thing that I should point out and I do not know if it will make any difference.

Chairman Cosentino: Are we saying this doesn't comply to the site plan now?

Marianne Stecich: The numbers of parking spaces do, and the building does.

Chairman Cosentino: I meant the curbing etc. That was never put in.

Marianne Stecich: It might have been and worn down.

Vice Chairman Sturniolo: Do you think that the bushes and the trees in the front have worn down too?

Stanley Bernstein: I do not remember curbing over there. There is a raised platform, but not curbing.

Marianne Stecich: the other thing I should point out, in terms of being able to come up with some arrangement that would work. These angled parking spaces; I assumed were made angled back in 87, which means there are fewer of them, because of this 30 foot easement. This easement runs in favor of the property next-door. Before we even had gotten to this I had suggested: get your brother to give away that easement. Because it just doesn't make any sense. He doesn't need it. His property is higher. There is no way he would ever use it. That might give some more flexibility back here. In addition to the parking spaces are all 9 1/2 feet. I do not think that they need to be 9 1/2 feet, because they are not in and out parking spaces. I do not know if there is some way to redraw. Yesterday I spoke to Michael Gallin, and he said he was going to do a sketch. And I do not see anything.

Michael Gallin: Marianne is correct in saying that we went out to the site with her and her engineers to evaluate the feasibility of an alternative plan to improve the safety along icehouse Road. To make it passable conditions and safety issues. The net conclusion was that and it was from two civil engineers and me, that there was no alternative. That the re-grading of Ice House Road was essential in making the road a safe and passable condition. At the traffic light at the intersection of Route 117, was also essential. That the DOT would require the re-grading of Ice House Road in relation to the traffic light. We also looked over the previous site plan and did a walk around the site. We noticed a variety of things that were inconsistent with the site plan. In the general sense, if there was not a more efficient way to lay out the site within the constraints the existing site. Again I and the two civil engineers concluded unfortunately there wasn't. Double loaded parking for goes about as efficient as you can get. On the other side you have a single loaded corridor with access to the loading docks doors. There was not an obvious way to shift around the parking on the site to pick up some additional spaces. What Marianne proposed is the notion of the angled spaces could be made perpendicular, thus increasing the number of spaces along the western edge of the property. I agreed that that would be effective, but the presumption there is that the easement disappears, the whole reason why they were made angled, so that the required parking was not within an existing easement for an adjacent property owner. Those things tied together. We were asked by Marianne to do a study and evaluate that. It is pretty obvious looking at the site plan. You see 15 spaces along the east side double loaded aisle. You could create 15 on the west side. If they were perpendicular, just by mirroring the spaces on the east side. If they were not angled spaces, you could create those 15 spaces. Currently there are 12 showing that would pick up three additional spaces. Part of the challenge in evaluating a way to reconfigure the site is trying to determine what the baseline is. We have a site plan that was approved by the village. The actual configuration of the site in terms of how it is used and also in terms of some paint striping on the existing lot is inconsistent with the site plan. It is unclear to us, whether we try to reconfigure based on the actual faint striping on the lot and the existing drive aisles on the lot. If I could briefly show currently, this island here is eroded. My feeling is that the proposed island, as shown here was never actually built. The proposed island showed an 18 foot clear between the building and the edge of the curb. Currently this has not changed. There is an awning hanging off the building, and it has a clear height between seven and 8 feet, because of the pitch coming down. If this was only 18 foot clear, that would prohibit the functioning of that access way, under existing conditions. The only reason why the access is possible is because the curb is actually way back here. If that is maintained it would presume that the drive aisle was going through all these parking spaces along the east side. It is hard for us to evaluate where we are starting from in terms of reconfiguring that because what is shown here does not really work, and what is actually out there is not consistent with what is showing on the plans. In addition, there are some faint parking spaces, shown striped this way on the actual site plan. These parking spaces here are not currently used,

because there are loading doors on this building here. They have paved in such a way to allow cars to drive into these loading spaces at the northern edge of the property, thus making these four spaces unusable. They do not have this landscaped area. When I was there yesterday, they do have cars pulled in perpendicular, depending on how tight you pack them. They had about four cars in the spaces. My point being it is not a simple exercise that we can reconfigure this or that. Right now it is a big open paved area with no striped spaces, and no curbing matching the site plan. We have also done a little bit of research to find out if this site plan was ever implemented. We know that it was approved by the planning Board. We put a call into the building inspector Austin Cassidy today, to try and get a sense about whether or not they actually went forward with the construction of the site plan. If the site plan is the baseline, or if the existing conditions, is the baseline. We have also done a quick analysis and regarding John Collins's memo that he sent to you today, shows some additional analysis of turning radius. The proposed opening that we are showing here with a radius curbs on it accommodates truck movement in and out at this western entrance. That is consistent with the existing access and consistent with the functional access to the entire back paved area. As you can see here, this is the curb, as shown on the site plan. Here, a 30 foot box truck, trying to make that turn at that location. Based on that analysis, you can see there isn't any actual access for truck vehicle into this portion of the parking lot currently. It is all on the premise of re-grading of Ice House Road. The addition of the traffic light, the improvement of this access point is actually going to improve quality of the access to the site. If not the quantity and make it a much safer access and a more functional access. The entire road will operate more functionally.

Marianne Stecich: First of all, maybe your engineers thought it was perfectly clear. Mine did not. I thought, your guy was going to go by and try and draw something, and when I talk to you last night, you said you would draw something, but you never did. There were some openings that were not pursued for whatever reason. I went out to the site today with Mrs. Martabano to find out whether the ramping is a possibility. We wanted to get into this building and see that it would seriously impair the use of the inside of the building, if there was ramping. I do not know if money is at issue. The ramping it was kind of dismissed yesterday because of the expense. You were the one that said that the Martabano's would have to pay for this.

Michael Gallin: You were the one that said there didn't need to be any compromise and made it clear that the ramping was going to result in the dysfunction of that loading backdoor. You said that that would be unacceptable.

Marianne Stecich: Yes, and I said, that I went out today to see.

Michael Gallin: And now it is unacceptable?

Marianne Stecich: It may be. That is not the alternative that I'm talking about. I am talking about the alternative of reorganizing the parking spaces. However it is striped the cars are parked just like this in the middle. If this is closed, then there is no way trucks coming in can make it. This location here is going to be a car rental place. He is going to have the car carrier trucks. On this with the doors in the rear, this shows a common walkway, part of it is paved over, and part ramped, because it used to be an Enterprise car rental. Apparently it all was a problem; because it was the only car rental with a parking lot, and everybody was saying drop your cars off at this location. They wanted to get rid of him as a tenant, and they decided that the car rental was not a good tenant. With the approval of the building department they put up the two doors and are using it as an auto repair which generates far less traffic. I appreciated reading John Collins's letter, because it was not clear to me that on the new plan, that there would be enough room for trucks to come and swing out. It seems according to this plan, it would be fine. That is an issue that is not an issue. Yesterday when I was there I saw a garbage truck come in and out. They did come in very easily, and didn't even have to back up.

Michael Gallin: Marianne there were not cars parked in these spots at the time.

Marianne Stecich: There were cars parked. Right now the way it plays out, it is striped differently, and it has that many parking spaces. It has functioned that way for 20 years. If the road is going to be re-graded and make these properties, totally unusable.

Stanley Bernstein: Can somebody tell me what the proposed elevation is at this point? Is it going to be three or 4 feet higher than the parking lot?

Jim Diamond: It is going to be about 4 feet higher than it currently is.

Stanley Bernstein: This is now the grade at Ice House Road and is equal to the grade in the parking lot.

Michael Gallin: Approximately.

Jim Diamond: I think just to zoom out a little bit on the issues. As Michael summarized, I feel that icehouse Road needs to be re-graded in order to make it a safe road for all the property owners along icehouse Road including 333 N. Bedford Rd. as Marianne pointed out. There are a couple of options that 309 N. Bedford Rd, has in regard to his property. He can create a drive aisle from one side of the parking lot to the other. Which we feel would reduce four current parking spaces and three could be picked up along the side, if that easement was extinguished. The other option is to ramp down into the parking lot. So that the parking lot at this point is at the same elevation as icehouse Road. Yesterday we had thought that Marianne's position closing that loading dock door is not an option. If that is an option that it seems like that is really the best solution. With regard to cost, which I think is a topic for discussion between the Martabano's and Diamond Properties. The discussion yesterday was our around Val's entire site should be re-graded. That was my interpretation of the conversation, and perhaps I misunderstood. I thought there was a suggestion that perhaps the entire site, should be lifted up by several feet. If we are simply talking about re-grading a 10 to 20 foot section by the entryway, it may not give the balance of the work that is going on at the site. It may not be financially expensive for Diamond Properties and Val Martabano to work out a mutually acceptable agreement. Putting all the financial issue aside, because that is really secondary. The main issue is what is workable and if that works then I think we have a very good solution.

Marianne Stecich: My concern is. I am not sure that it works. We have not had anything drawn out. We are not sure that it works. It may well.

Doug Hertz: We do not have Michael Stein here. Have we had anyone from staff go out and find out if this site plan was ever implemented?

Chairman Cosentino: It wasn't, I can tell you that right now.

Doug Hertz: So right now we have these parking spaces which are not there. This particular section is not there and was not implemented. So what we are looking at is really a plan.

Chairman Cosentino: That is a plan, but what is there now is not the plan.

Doug Hertz: What I am saying, this does not represent what is currently happening on the site.

Chairman Cosentino: Unfortunately not.

Marianne Stecich: It is close enough. This is something that the building department has looked at for close to 20 years. It is what it is. Whatever the site plan is, it is what it is.

Chairman Cosentino: Not what it should be.

Marianne Stecich: I hope I do not have to go to court on this. The only one that will benefit by this is me.

Vice Chairman Sturniolo: I think this conversation is not constructive and productive, because we are talking about courts, money, and article 78.

Chairman Cosentino: I think this issue is with Diamond Properties and your client, not with us.

Austin Cassidy: Your board is going to have to play into the role anyway, because if there's going to be an alteration on the site plan, somebody has to approve it.

Chairman Cosentino: We approve it.

Austin Cassidy: That is the point. That is why there is dialogue like this.

Lester Steinman: That may be at a later time, when and if an agreement is reached. Obviously, they will come back before the board, for a review of an approval. I think that the record, the board has for it is adequate. If they wish to take action on the site and application. There is actually plenty of time, even before any improvements are done to Ice House Road for the parties to work out an agreement.

Austin Cassidy: It boils down to X amount of parking spaces in the rear of this building. Absent of the second access what is the best reconfiguration of that parking plan to get optimum parking. Then what is that number and what is that number compared to the number of spaces now? Is there a difference and if there is a difference then how is that going to be handled?

Doug Hertz: What are the uses that are actually going on out there, what are their trip counts, what are their parking ratios so that you can have sufficient parking. Maybe the number that is being sought or even the number that is required by the code.

Austin Cassidy: We are trying to seek a solution in this. If we want to expand it to a complex matter, I don't know if this is going to benefit anybody standing here tonight.

Vice Chairman Sturniolo: Does the applicant have anything further? Are you finished Marianne?

Marianne Stecich: The less I say at this point the better.

Vice Chairman Sturniolo: Does the applicant have anything else to add at this point?

Jim Diamond: I think we've covered this topic extensively.

Marianne Stecich: What was not covered extensively was the effect on Mr. Martabano's property. It should have been considered a part of the traffic analysis, and it should have been considered in any of the re-grading of the street. Thank you.

Vice Chairman Sturniolo: If I could draw my planning board members' attention to the negative declaration. It contains nine pages. There are some strikeouts and double underlining on page 3, reflecting the changes. There are changes reflected on page 6, and there is one more change reflected page 8. Do any of my fellow members have any questions?

Doug Hertz: I have one question. It is on the bottom of page 6. The number of jobs after completion, where did that number come from?

David Stolman: It would have come from the assessment form that was prepared by Diamond Properties.

Doug Hertz: I looked back for it and I don't remember the rationale for that number.

David Stolman: I don't know if there is any rationale given. It was more of a number that was included in the assessment form that was filled out.

Doug Hertz: It was not discussed. It was simply put forth by the applicant?

David Stolman: Correct.

Doug Hertz: I agree with the general statement. I am concerned that we are going to put our stamp on something that does not have any backup.

David Stolman: Do you want to respond to that number, Michael. That was included in the environmental assessment form.

Doug Hertz: I am referring to the 500 number.

Michael Gallin: obviously, any discussion of the number of jobs created as a result of this project is an estimate. The estimate is based on projections and the amount of labor involved during the construction of the project. The project being a large site and a significant amount of site work. In addition the extensive renovations of the interior of this building. It is our projection. There will be approximately 150 jobs during that six months, or equivalent to the man-hours of a 40 hour work week. For the long-term. The projected number of jobs the site plan is requiring approximately a thousand parking spaces. It is our opinion that it will never actually utilize that extensive amount. Even though we are providing that number of parking spaces. So we took a more conservative number to avoid misleading the board and that is how we knocked it down to 500.

Doug Hertz: I understand.

Chairman Cosentino: We need a motion on a negative declaration.

Vice Chairman Sturniolo: Mr. Chairman I will make a motion to adopt the negative declaration, which is a notice of determination of non-significant of this unlisted action pertaining to 333 N. Bedford Rd

Chairman Cosentino: We have a motion by Vice Chairman Sturniolo, do we have a second?

Doug Hertz: I will second that.

Vice Chairman Sturniolo: Aye

Doug Hertz: Aye

Stanley Bernstein: Aye

Sol Gibbons: Aye

Chairman Cosentino: Aye

Board All Aye on the Negative Declaration

Vice Chairman Sturniolo: The next item that we have in front of us is a resolution of site plan approval. Again there is double underline, and some strikeouts and what I am referring to on page 5 under A2 on page 6 also under A6, and on page 7 there is an insertion in number 16 a dollar figure and there is also an insertion on page 13.

David Stolman: That is condition C8.

Chairman Cosentino: Do we have a motion?

Vice Chairman Sturniolo: Mr. Chairman I. will make a motion that the planning board adopts the resolution for site plan approval for 333 N. Bedford Rd, Diamond Properties.

Chairman Cosentino: we have a motion by Vice Chairman Sturniolo. Do I have a second?

Doug Hertz: I will second that motion.

Vice Chairman Sturniolo: Aye

Doug Hertz: Aye

Stanley Bernstein: Aye

Sol Gibbons: Aye

Chairman Cosentino: Aye

Board All Aye on the motion of Resolution of Site Plan Approval

Vice Chairman Sturniolo: Mr. Chairman, we also need to insert today's date in the negative declaration in the upper right hand corner.

Chairman Cosentino: Good Luck.

Michael Gallin: I would just like to say that we really appreciate the consideration that the board has put into this project. We are really looking forward to the positive effect this will have on Mount Kisco. We will be back in front of you in the near future.

Jim Diamond: I would like to second that. And thank everyone for your time over the past year. Also, we would like to invite everyone sometime during the week of May 15. We will be taking down the water tower. It will be a very fun thing to see come down.

Chairman Cosentino: It has been a pleasure working with you.

Vice Chairman Sturniolo: Motion to adjourn

Doug Hertz: Second.

Meeting Adjourned at 8:35.

Respectfully Submitted By,

Stanley Bernstein  
Board Secretary

