

**Minutes  
Work Session of the Planning Board  
Village/Town of Mount Kisco  
Tuesday May 9, 2006**

Chairman Cosentino opened the meeting with the pledge of allegiance at 7:30 p.m. Tuesday May 9, 2006 at the Municipal Building Mount Kisco, New York

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

**Members Absent:** None

**Staff Present:** Whitney Singleton  
Nanette Bourne  
Michael Stein

**Staff Absent:** None

Chairman Cosentino: The first thing on the agenda is the minutes.

Stanley Bernstein: I move that we accept the minutes of the meeting Tuesday April 27, 2006.

Doug Hertz: Second

Board All Ayes to approve the minutes of April 27, 2006

Chairman Cosentino: I am going to change the agenda around. We are going to call the Saw Mill Club first.

**Final Action:**

- 1. Saw Mill Club – 77 Kensico Drive – Application #PB2003-09  
Robert Davis, attorney for the applicant, Rick Buseman, owner**

Chairman Cosentino: We have a resolution.

Nanette Bourne: The resolution in the packet that shows the changes from the last meeting. Since there were so many changes I wanted you to see what was added and what was deleted. For your consideration the action I have copies of the resolution that are clean. I have added what I know to be the case with regards to fees.

Chairman Cosentino: I am going to start with counsel first. You have looked at it and examined it. Do you find anything that you would like to share with the board?

Whitney Singleton: There are one or two items that are proposed. Page 4 of the clean resolution. I recommend that the last two whereas clauses be deleted. They are to be replaced in their entirety with the following proposed language. Whereas the village of Mt. Kisco building inspector has prepared a report dated 4/19/06 analyzing the parking demands and that the same proposed 266 spaces is currently adequate to meet the anticipated parking demand based upon the building square footage. Those are principal and accessory uses and the programs detailed in reference to.

Robert Davis: I have no problem with that.

Chairman Cosentino: Are they the only changes you have?

Whitney Singleton: Yes.

Chairman Cosentino: Is there anyone on the board that has any changes on the resolution.

No comment from the board members.

Chairman Cosentino: We have a resolution before us.

Doug Hertz: I have a question on page 3 of the clean resolution. There is a blank on the whereas. The public hearing dates.

Nanette Bourne: I need to fill that in. I believe it was opened and adjourned and closed. I need to get the right dates.

Stanley Bernstein: I don't think we ever voted on that proposal. We never took a vote on that.

Nanette Bourne: There is no vote needed for the wet land permit.

Doug Hertz: We did hold it open for written comment for ten days.

Whitney Singleton: I believe the applicant has previously submitted an EAF plan identifying the action and unlisted action. He should take action declaring that to be issuing a NEG DEC of the boards desire prior to acting on the resolution. I am sorry it has already been acted on.

Ralph Vigliotti: I will move on the resolution of approval for modification to the approved site plan. Modification special permit to disturb sensitive natural wet areas on the expansion. Application #PB2003-09. The date of action is May 9, 2006.

Doug Hertz: Second.

Chairman Cosentino: On the question?

Anthony Sturniolo: I have a question on page 3 of the resolution. The 5<sup>th</sup> whereas on the clean version. There is a blank.

Nanette Bourne: Is that the public hearing?

Anthony Sturniolo: No it refers to x amount of acres or a portion of acreage in Bedford.

Nanette Bourne: I have filled that in.

Robert Davis: It is 3.4 acres.

Anthony Sturniolo: I have a question on the clean version page 6 #22. Whitney who is the person who is going to do the monitoring of the village wetlands? The village inspector or representative of the building department? Who is the who in the building department that is going to be responsible for the oversight of #22?

Whitney Singleton: That would be either Austin or Michael, depending on who is in the office on a particular day. They would contact us and that office would be sent.

Anthony Sturniolo: Does that need to be spelled out?

Whitney Sturniolo: It is sufficient.

Chairman Cosentino: Would the secretary poll the board.

Anthony Sturniolo: Page 1, Whitney where it says parking fees, do we have to insert a number in there?

Whitney Singleton: It is in there.

Stanley Bernstein; I want to declare a statement before I vote no. What is now called the wetlands buffer in which Schoor Depalma has put all these wonderful storm water treatment areas, was not a buffer. At on time that was the wet lands. It has been filled in. I am not saying you are complicate in this exercise. I have been speaking with the state on a number of occasions and they seem to feel that it is of no consequence. That is what the state feels. I want to read something that has to do with and based on another applicant. This is from the DEP. The applicant is proposing to locate storm water management structures within the 100 foot area of the regulated wet lands. Placement of storm water management practices within wet land buffer is a practice that DEP has consistently discouraged as a construction activity. The associated loss of ground cover may ultimately reduce the beneficial water quality function that wet lands typically

provide. DEP urges the projects consider alternative site lay outs that avoid disturbance of the wet land buffer. In Schoor Depalma's brochure that they put out attracting clients. They do show a very elaborate water control basins and area. They still allow and seem to insist upon an additional fifty feet beyond that point. Which means the buffer itself is only taken by half. Half the buffer is still intact and the other half is storm water treatment. That is your advisor Schoor Depalma has done in another brochure. I am completely annoyed with the entire situation. I am voting no.

Chairman Cosentino – Aye  
Vice Chairman Sturniolo – Aye  
Ralph Vigliotti – Aye  
Sol Gibbons – Aye  
Joseph Morreale – Aye  
Doug Hertz – Aye  
Stanley Bernstein - Aye

Chairman Cosentino: Good luck

Robert Davis: I know the board has put a lot of work into this careful consideration. You are all volunteers and we gratefully appreciate you time. The applicant is aware of the plans for one or two more traffic lights on Kisco Avenue and wants to donate \$5,000 as part of the village's fund to support that effort. Thank you.

## **2. Conceptual Application:**

**Webster Bank – 134 Main Street – Application #PB2006-11  
Pam Rosenbloom, architect Joseph Riina, design consultant and  
Robert Carney, Vice President of real estate for Webster Bank  
representing the applicant**

Joseph Riina: Webster Bank is proposing a new branch to be located at 134 E. Main Street, south of Village Hall. The site is currently occupied by a service garage and also truck rentals. These are photos of the current use on the property. The site as it exists now within the last year the entire site was paved. Within that year it has gone with a site clean up. The site has 2 curb cuts in the front and 2 in the back that exist onto Blackeby. The existing building is approximately 1,500 square feet. The parcel is about a 1/3 of an acre in size. The building will be located in the southeast corner of the site. The footprint will be 1,835 square feet. The ledger needs to be corrected here. It will be a 2 story building not a one. The calculations need to be modified where we show 14 parking spaces. 10 spaces are required but we providing 16. Access will be through the existing curb cuts. The curb cut in the rear on Blackeby will remain. There will be 2 way circulations, entering and leaving. We have a 1 one way in and a 1 one way out in the back. We will have a drive through teller going on the south side of the building out to East Main Street. This will be a teller not an ATM machine. We have shaded some areas in green. Those are the landscaped areas which currently do not exist on the site. We do see the amount of impervious area on the site by about 15%. Our storm water will be handled in a subsurface system. WE have only done preliminary work on it so far. We have met with the DEP and a pre application conference with them. As well as site meeting and did some testing in the rear of the property. To see what kind of system we can facilitate below the parking area. Our storm water management system will require a connection to the town system in the parking area. This needs to be further explored. ON March 22, 2006 we entered an application for conceptual review, submitted an EAF and received comments from the building department. Do you want to discuss those?  
Anthony Sturniolo: Are you referring to a March 26<sup>th</sup> memo?

Joseph Riina: The April 26<sup>th</sup> memo.

Anthony Sturniolo: Why does Mt. Kisco need another bank?

Robert Carney: The research done by the bank show that it is in support of another financial institution. Base on the information they gave me. It says it can definitely support another bank.

Anthony Sturniolo: The village can support another bank, but why do you think that we need another bank?

Robert Carney: Webster Bank caters to the home owner and medium to small business. WE are not one of the big boys. WE are your 17 million the bigger banks are 200-300 million dollars. So I think we can provide a service to Mt. Kisco that other people don't do. WE get involved with the communities we are in. Our employees get involved and the company gets involved. I believe we can be an asset to this community. We have

shown that throughout Westchester County. We have opened 5-6 branches and we received approval for another 2. Westchester County can use this service that Webster has.

Pam Rosenbloom: It will also bring employment as well. They hire local talent. They don't bring talent from other places.

Anthony Sturniolo: The idea of having parking spaces downtown in MT. Kisco is going to be scrutinized by this village. So that these free parking spaces are not abused. By driving in and parking and taking the train into the city and coming home and picking up their cars at the end of the day. The parking is going to be a very big deal for this particular location. How it is handled as well as the ingress and egress and the automatic teller machines. You are smack in the middle of down town Mt. Kisco.

Chairman Cosentino: I think looking at it briefly I am concerned with the 2 curb cuts in the front are not to healthy. They within 50 feet apart as the building inspector pointed out. I do not think that is a good idea.

Joseph Riina: The teller is not going to be where the main traffic flow will be.

Chairman Cosentino: It is still onto a main traffic road. I don't think there is one building that has 2 curb cuts.

Joseph Riina: Webster bank is willing to control this and make a right turn only if that makes it more palatable.

Robert Carney: We can also chain this off. This is limited hours.

Chairman Cosentino: That doesn't change my mind about 2 curb cuts. I do not like 2 curb cuts. 50 feet apart on main road. Totally against it. Also the building inspector brings that out. I think it is dangerous and especially where it is. Where are your snow removal going to go and your dumpster?

Joseph Riina: Our dumpster is going in this landscape isle in here. WE will probably use some of the landscape areas and particularly this area here for snow removal storage.

Anthony Sturniolo: Then you defeat the purpose of landscaping. You are going to have a dumpster on it.

Chairman Cosentino: WE do not want to see a dumpster on landscaped areas. You have to find another place that is not landscaped.

Robert Carney: We have some branches that we remove the trash from the site and there is no dumpster. We are willing to do that.

Chairman Cosentino: Those are my concerns.

Joseph Morreale: I will second what my colleagues said about the parking. I am very concerned about that. This is a very central location downtown. You have a restaurant and a movie theater. As soon as I looked at the plans and realized you were putting in a teller window in whatever which way those cars go. You have going to have a lot of people walking across the street to the theater and I think that is very dangerous. Teenagers and kids going back and forth. This movie theater appeals to families.

Pam Rosenbloom: Is most of the movie theater traffic in the evening? The bank has very short hours typically. The drive up teller will be about 9-4. This is not an ATM.

Joseph Morreale: Are you open on Saturday?

Joseph Riina: Saturday morning only.

Anthony Sturniolo: The movie theater is packed on Saturday with kid shows.

Robert Carney: Twelve o'clock we will close.

Joseph Morreale: When you mentioned where the dumpster is you are right next to the entrance to the restaurant in the back. I am happy to hear that you are not going to put it there. The other thing that I was curious about is 1.835 square foot building for a bank. What kind of traffic does that generate?

Joseph Riina: We have not done a traffic study at this point.

Joseph Morreale: I am sure your experience from other banks can give you an idea.

Joseph Riina: With a new branch we may be getting 50 a day.

Joseph Morreale: With the heavily traveled down town street and you are putting in a left hand sign off the main road coming into the bank. Right? Joe, when you said not 2 curb cuts which one would not be there?

Chairman Cosentino: The one closest to the movie. The bottom line this is a conceptual. I am totally against the curb cuts and maybe you might want to think about removing the teller machine and not having it.

Pam Rosenbloom: Have there been real problems with the 2 curb cuts that have been existing on this site? This has been an on going business for a number of years.

Chairman Cosentino: In the 1950's it wasn't a problem, the 60's wasn't a problem, the 70's wasn't a problem, and the 80's wasn't a problem. The beginning of 1990 was a big problem. We are trying to make the road better. By making it better we are trying to reduce curb cuts. As a conceptual I am saying you might have a better chance if you remove and not have it. If you are going to come back with it again I am going to say the same thing.

Joseph Morreale: I am going to worry about the traffic flow. You are coming off of Main Street. You have 2 way traffic according to what you have here. I could easily speed down the road and now we are going to have the need for another traffic light. I just think this needs to be carefully looked at. Because if it generates the kind of traffic I am worried about and we are already talking about the movie theater and a dangerous situation for children. You are going to have a tough time.

Joseph Riina: Would you be against if this was entering only? So you would only have one curb cut?

Chairman Cosentino: I don't want to see 2 curb cuts. That is my opinion. One curb cut.

Joseph Morreale: I don't know the answer to that. You tell me people are only going to make a left turn or a right turn or what into that. That is a real big issue.

Chairman Cosentino: It is a busy street. You have a deli across the street that is very busy in the afternoon. Every one of these curbs we have to take into consideration. For a business to have 2 curb cuts let alone one. Actually you will have 4. You will have 2 in the back.

Anthony Sturniolo: That is going to bring up another issue of using it as a cut through between this property and the parking lot at Blackeby lot.

Doug Hertz: I see that as a much more serious problem, than whatever traffic is going to be generated by the business.

Anthony Sturniolo: That is a short cut through.

Doug Hertz: Any possibility of short cuts to be taken will be taken advantage of.

Chairman Cosentino: You might not want to have the cuts in the back.

Doug Hertz: Or the cuts in the front.

Pam Rosenbloom: This is just a conceptual and I asking the question and concern about the parking. Is there the opportunity to be using the majority of the parking in the municipal lot and need the required parking?

Chairman Cosentino: No you need the required parking within your property. We are saying ingress and egress you have some problem spots. It is up to you to do what you have to do to correct them. WE are not crazy about the back and not the front either.

Ralph Vigliotti: Additionally where the handicap parking space is. We have been trying to get developers and builders not to have that type of parking situation. Particularly on a main street. Cars will end up being backed up while this car backs out. Creating some difficulty for the main street. My recommendation where ever we go and this is conceptual that this be a buffer. You need to get the cars in. Cars are backing out then

these cars back up on to the main street; it is too tight here to the curb. Certainly not esthetically speaking it is not a nice look to have it right up on the sidewalk a car sitting there. You have a nice little buffer here but nothing on this side.

Chairman Cosentino: Also where your sidewalk is is it indicated by the brown.

Joseph Riina: Yes.

Chairman Cosentino: If you notice the bank up the street, your competitor, Commerce. You see how they set it back from the sidewalk. It is not right on the sidewalk. You may want to consider that also. I think the ARB would suggest that anyway. You have site work to do.

Doug Hertz: We were unclear 1 or 2 story because it was listed both ways. What is the second story is it bank office?

Robert Carney: It is all bank office, conference room, and kitchen.

Chairman Cosentino: The problem is the building cannot support a one floor and get everything on it.

Doug Hertz: I just wanted to make sure there were no secondary tenants.

Pam Rosenbloom: No.

Chairman Cosentino: You need to work on the back and the front. As far as I am concerned eliminate the teller.

Doug Hertz: Or if you are going to have a teller perhaps that circulates within the space.

Ralph Vigliotti: The back is a possibility. I would like to see at some point what you are proposing for the look of the bank and how it might fit into the town and country look that we see. You are very close to town hall and the library.

Pam Rosenbloom: I can show you what our facades are for preliminary of the bank. We were told this is similar to one of the newer buildings that had gone up and liked very much. The one at the corner of Smith Avenue. This is not the bank's prototype. They want to come in and be friendly and neighborly and develop your village the way you would like it to be. This is preliminary and I have just started developing this project. This was the approach we are going to be taking.

Joseph Morreale: The one other suggestion I get you to think about is if you centered the building on the lot. It would take away from this huge parking on the right side. If you don't put the drive up window on left side and put it in the back, then you have the ability to for parking on the other side of the building. Then not have the curb cut in the front.

Chairman Cosentino: What is the width of the building?

Pam Rosenbloom: The building is about 31 feet wide. This is the depth of the building.

Chairman Cosentino: I don't know how you will fit all of that in 31 feet.

Ralph Vigliotti; It is a nice looking building. There just is this appearance of all this parking. Very little building façade on Main Street, but all parking. As we get close to the village hall parking is to the rear. You don't see this as you get closer to village hall. You don't see the parking in your face. This is in your face. You might turn the building and create more parking in the back. I think it would be a better look for Main Street.

Chairman Cosentino: I think it is a good project for the site. I think it has to be thought about a little more to make it work. The next time you return you will come with a formal application.

Anthony Sturniolo Also the memo highlights fire lanes, need to be shown and marked. That will make it even tighter. How many employees?

Robert Carney: The second floor is just the kitchen and the bathroom and a conference room. Downstairs is where the tellers would be and customer service. About 5 people.

### **Daniel Simone, architect for the applicant**

Daniel Simone: I appreciate the ability to back to you under conceptual review. We had gotten some comments on the original site plan relative to parking and building configuration. Concerns about access between the two parcels. This is another site plan generated as an alternate which provides all access to the building within the site itself. In addition we provided some conceptual renderings of the type of structure we are looking to place on site. The structure would be used for general office, non medical and non dental.

Chairman Cosentino: This is going to be completely separate from the station right?

Daniel Simone: Yes. The original application when we came in, we considered an alternate access and there was some concern between mixing the parking on different parcels.

Chairman Cosentino: We have separate ingress and egress?

Daniel Simone: Yes.

Chairman Cosentino: Separate building separate lot. It supports its own.

Daniel Simone: Correct.

Ralph Vigliotti: I read that it was a new office building with storage yard? There is no storage yard?

Daniel Simone: No. We are proposing the building with a basement. For mechanical and a door in the back to potentially to get a car located within the basement. The basement would be utilized for mechanical and storage. It has been another potential parking spot to the site. For either the owner of the building or tenant. This plan provides 10 space as opposed to the 9 required. The basement spot would give it an extra one.

Chairman Cosentino: it is a nice looking building.

Anthony Sturniolo: It would stand alone, its own parking entrance, egress. Totally separate from the gas station.

Daniel Simone: Yes.

Ralph Vigliotti: This will go through the ARB?

Daniel Simone: It will.

Ralph Vigliotti: The stone that you showed are you fixated on that?

Daniel Simone: No, this is conceptual. We thought of making a monumental entrance off setting with the stone.

Ralph Vigliotti: You have come a long way and I like the look. There is a business across the street that has fieldstone. This looks more like cut stones.

Daniel Simone: Yes more like an edge stone.

Ralph Vigliotti: I am not sure how that might work in with the rest of the neighborhood. Cut stone is a new look or continuation of an existing look.

Daniel Simone: I think they also have a rubble stone wall in the front. Fieldstone may be a nicer look for this building.

Ralph Vigliotti: I am not sitting on the ARB. I think the fieldstone verses the cut stone has a nicer and gentler look. Otherwise it looks very nice.

Anthony Sturniolo: I too would echo what Mr. Vigliotti has said and keep in mind what is across the street. Overall the design looks very nice.

Joseph Morreale: Ingress and egress are all through the same driveway?

Daniel Simone: Yes. Under subdivision for this parcel this area was determined to be the best from a visibility stand point about 10 years ago. At that point there were also different circumstances. Barker Street had no stop signs so there was concern of

excessive speed on this road. Since then they have installed 2 stop signs at the intersecting roads. It has mitigated some of the speed.

Joseph Morreale: My concern is how the people making a left coming up Barker and making the left at that curb cut. Would they see the cars coming down?

Daniel Simone: This is a very short transition. This double lane will allow these cars to remain in place.

Joseph Morreale: That is not my point.

Daniel Simone: Coming around this bend? This was actually the area. From here you have much better visibility on Barker St. The concern which was the constricting exiting vehicles, looking up Barker St. This provided the best sight line from that point. The Barker ST. vehicles have a better sight line.

Doug Hertz: The parking in the rear appears from this layout that this is meant to be accessed by vehicles. Otherwise there would be parking along this back line.

Daniel Simone: We kept this open so you could do a three point turn. These spaces can back out and exit. It is these 3 spaces which may require some maneuvering into this space here.

Doug Hertz: The cars that are going to park behind, what is their access to the building?

Daniel Simone: The sidewalks here. No rear access.

Nanette Bourne: The status of drainage?

Daniel Simone: I know it is in the main street district. We are looking at sub surface on site retention for the drainage. This area here under the parking area is pretty deep well drained soil. There is a rock ridge which runs shallow to the surface in the front. We are considering utilizing all the area in the back for on site detention.

Nanette Bourne: You need to get some feed back on that will be important.

Daniel Simone: Prior to making the formal application I will sit with them with a pre-application.

Chairman Cosentino: You can move forward with a formal application. Nice Design.

Daniel Simone: Thank you.

**Final Action:**

**Ability Beyond Disability – 120 Kisco Avenue – Application  
#PB2004-15  
David Steimetz, Brad Schwartz, attorneys for the applicant, Tom  
Fanning, applicant, Harold Telovwitz, attorney for owner of the  
property**

Chairman Cosentino: We have a resolution.

Nanette Bourne: I have clean copies of the resolution. I have filled in and updated the information concerning their fees.

Brad Schwartz: Tonight we are paying the parking fees.

Chairman Cosentino: we have our draft resolution. Whitney have you read this draft and are there any changes?

Whitney Singleton: I have no issues.

Nanette Bourne: I think Whitney mentioned the applicant has some comments.

Anthony Sturniolo: I am satisfied with the wording of everything on the resolution right now.

David Steinmetz: I believe we have 2 issues with regard to the resolution that we want to discuss with you. One is a minor issue and the other is more significant. We have spoken to Nanette and Whitney in advance of tonight's meeting. Brad is going to frame



the issue and felt that this had been discussed and may not have been memorialized the way we had anticipated. We have a recommendation.

Brad Schwartz: The issue is what happens in the future, if and when the nature of the tenancy change? The question was raised as to what kind of notification shall be provided to the village.

David Steinmetz: We are referring to condition number 9 on page 5 of your resolution draft, in the most recent version that Nanette just handed you. It use to be condition 10.

Brad Schwartz: As far as what notification should be submitted to the village upon any changes in tenancy and what approval is required from the village before that change of tenancy shall take place. I thought we made a distinction at the last meeting with a change in the nature of the type tenancy. If the tenancy went from office use to warehouse use or warehouse use to office then that certainly would require notification to the village and approval of change of use permit or any other necessary permits.

Anthony Sturniolo: What was the date of our last conversation you are referring to?

Brad Schwartz: April 28, 2006.

Chairman Cosentino: Who would overlook that?

Brad Schwartz: We would notify the building inspector. The owner of the property would notify.

Chairman Cosentino: You have been here for a long time. The creditability of the landlord you are talking to the members of the board here that was very difficult in getting him here all these months to do what he had to do. You think the creditability is there? That he will come in to report that. You are his counsel do you think so?

Harold Telovwitz: Yes. I am giving you an honest answer. WE can even augment it.

Chairman Cosentino: I like what is written in our resolution.

Harold Telovwitz: The problem with the resolution. If I have a tenant warehouse to warehouse. The tenant is going to want to sign a lease relatively quickly. If I then had to say to them I have to go to the building inspector and get authorization and he doesn't give it to me for any reason.

Chairman Cosentino: When the tenant is going to move out he is going to give 30 days notice. You don't think the landlord is going to come in here within that 30 days stating what he wants or what his change is going to be.

Harold Telovwitz: We couldn't come in to anyone until we get a tenant in there. My suggestion would be that we would be prepared to give a monthly statement to building inspector saying that these are the tenants and these are the parking spaces allocated to him. Every time a tenant comes in we will say new tenant new parking spaces allocated. If you want the building inspector would have X number of days to review to refuse to allow it. I am trying to avoid a situation where we make the application to building inspector and then we don't hear for 2 months. We lose a tenant.

Chairman Cosentino: That is hear say.

David Steinmetz: We completely understand your concerns about our landlord. We try to appease and address those concerns. I think we have something that I would ask you to hear us out on. I am not speaking on behalf of the landlord. I am speaking as zoning attorney. You have a sentence in this resolution that with all do respect call into question. No change in tenancy may occur until such notification and subsequent authorization is granted or received. Municipalities' local governments don't have the right in my opinion to regulate a change in tenancy. If I operate a card shop today and somebody else comes in tomorrow and operates my card shop.

Chairman Cosentino: That is the question. Is that guy going to come in and rent it as that? That is where the credibility is.

David Steinmetz: You are 100% right. Which is why what we have done is we think you are 100% right and you are entitled to know if there has been a change in tenancy. The legal issue is do you have the right to authorize to permit. To grant authority. That is where we are asking you to peel the onion to the next layer. If there is a change in the nature of the tenancy no questions your building inspector should get involved and determine whether your board needs to get involved. My hypothetical card shop or if

office A is being operated by Brad today and tomorrow office A is being operated by me. We maybe 2 different tenants but that is not local government concerns due public health safety and welfare. Hear my language.

Chairman Cosentino: Our counsel needs to hear the language also.

David Steinmetz: I have given him a copy and have discussed this with him. By no means did we want to catch you by surprise. The applicant shall submit in writing to the building inspector any proposed changes in tenancy so that the nature of the new tenant i.e. the type of use and the parking demands and supply can be assessed. By whomever, Nanette, Whitney, Austin or yourself. No change in the nature of the tenancy i.e. office to warehouse or warehouse to office may occur. No change in the nature of the tenancy may occur until such notification and the subsequent receipt of any and all necessary approvals such as a change of use permit from the building inspector and or the planning board. My first sentence is if there is any change in the tenancy at all from A to B or otherwise we have to notify. The landlord has to notify the village. If there is a change in the nature of the use. If he operating an office I am operating a warehouse. Now it is coming before local government for approval. All changes in tenancy that do not result in an change in the nature of the tenancy or use of the property may occur after such notification and the subsequent passage of three business days without the written objection of the building inspector. WE drafted that sentence because we wanted to know that our landlord will notify you of any change what so ever. That Austin will have at a minimum or anyone else for that matter of 3 business days to go check out whether what he telling you seems real and seems credible. If you challenge the credibility and you don't think what he is giving you is reliable then send Austin out under the next sentence. Under the next sentence the applicant acknowledges that the failure to abide by this condition may result in the issuance of a notice of violation or other enforcement action taken by the building inspector or other village officials. What we are trying to accomplish under the last sentence is. If there is any reason that you your professional staff or Austin question what our landlord is doing. Stop him.

Chairman Cosentino: Who is going to police that?

David Steinmetz: The same person who you have policing under this sentence right now. Right now you have turned Austin into the rent police. You have turned Austin into the landlord police, regardless. Because right now you have a sentence that says if no change in tenancy may occur until such notification, and subsequent authorization. Who is going to police that?

Chairman Cosentino: The whole thing is a credibility of the landlord. Right back to where we started.

David Steinmetz: Under any circumstances. It definitely comes down to a large extent.

Anthony Sturniolo: I would like to go back to your onion peeling analogy. We have said it several times tonight. It is the credibility of the landlord that is at issue. If the landlord wasn't the landlord, I would take as one voting member of the planning board. I would take the knife, and I would cut that onion. So far down that you would see blood at the bottom. I have no problem with it. But because of the credibility of the landlord, I just can't see you trying to force this change. Now when we are about to vote on the whole application.

Chairman Cosentino: This is a dangerous step that you just took.

Anthony Sturniolo: The whole application is at risk, because you know, what we feel about the landlord and his credibility. Is this resolution, worth this? When it is still going to go back to the same person. I feel that the way number nine is written now, is more protective of the village.

Chairman Cosentino: If he wants to litigate that later on, that is his choice. I think you put yourself in a very dangerous situation. We are here to vote for a resolution, and you come with this. I have a lot of respect for you and you know that.

David Steinmetz: I appreciate that Mr. Chairman. You know as a result of that respect, I have to speak to your board, and if I question something that is in the resolution. I am duty bound on the half of my client. Whether you want to accept it or not.

Chairman Cosentino: I am going to say right now, I think you should go downstairs, talk and think this over. Because if we take a vote right now. You may not like it.

David Steinmetz: I would be curious with all due respect, Mr. Chairman, to see whether

counsel at least acknowledges my concern about the regulation of user rather than use.

Chairman Cosentino: I said that if he felt that this was wrong, he could litigate later on. We are here for a resolution, and you want change something. That makes it dangerous. I have a lot of respect for you.

Anthony Sturniolo: Mr. Chairman I suggest that they take a break and regroup and let us entertained another application.

Whitney Singleton: I would just like to make one clarification. This is in here not because I put it in here; it was offered by the applicant. I don't know if I necessarily disagree with David. When they volunteered this as a condition of approval.

David Steinmetz: Since I am the one that numerous months ago.

Chairman Cosentino: There is a motion on the floor. Do you want to take a vote?

Anthony Sturniolo: Take the couple of minutes.

Harold Telovwitz: Let us take a couple of minutes.

Chairman Cosentino: I will take another applicant, and then come back and let me know what you want to do.

David Steinmetz: Mr. Chairman just so you understand the issue that we are trying to deal with is an issue that was raised by our landlord.

Chairman Cosentino: You can always litigate later. Now is not the time to bring up a legal matter.

David Steinmetz: We will confer with our landlord and come back. We appreciate the opportunity.

**Conceptual Application:**

**Biagio Contisani – 25 & 35 Kisona Road – Application #PB2006-06  
Richard Pagliaro, engineer representing the applicant**

Chairman Cosentino: How many are employed by this company?

Richard Pagliaro: About 25.

Ralph Vigliotti: Do you have any photographs of the structures that you are planning to erect?

Richard Pagliaro: We have been enclosed them on the application.

Doug Hertz: No they were not in there.

Chairman Cosentino: I want to make a disclosure. I own property on that street, and I want to make it known. I have nothing to gain or nothing to lose by this application.

Ralph Vigliotti: This is what you are proposing to put on this property?

Richard Pagliaro: That is. It is a temporary enclosure, to be placed on the property, on a modular building a block.

Anthony Sturniolo: The temporary enclosure is temporary, and then it's going to be replaced by what kind of permanent enclosure?

Richard Pagliaro: At some point in time we contemplate putting in a building, enclosed.

Stanley Bernstein: Why can't it be done it right away?

Richard Pagliaro: Financially. We are not in a position to do it at this time.

Ralph Vigliotti: I do not know if we are prepared as a board to go through this whole conceptual process on a temporary structure. I am not prepared personally to move forward on this type of structure for the town of Mount Kisco, and in that immediate area. As one member, I find this to be horrible. I do not think that we should be moving forward on a conceptual based on this type of structure. I do not know what the other

members of the border of thinking. I don't know how much further we should move on this.

Stanley Bernstein: It is open in the front and closed in the rear?

Richard Pagliaro: the property is raised above the street. It is not physically possible at this point, to see from the street. Above the berm, this exists now and into the property. It is up several feet.

Anthony Sturniolo: I can see over it, right from the blacktop. Now I'm looking into something left over from World War II and the South Pacific.

Stanley Bernstein: Are there going to be any 55 gallon drums surrounding the area?

Richard Pagliaro: Not that I know of.

Stanley Bernstein: That is what it looks like.

Chairman Cosentino: On the house, you know, you cannot have residential there.  
Richard Pagliaro: The interest in having a presence in the house is to have some light and security. At the last meaning, I thought it was brought up that we could get some type of variance.

Chairman Cosentino: We would recommend very highly to the ZBA that you would not get it.

Richard Pagliaro: We could file an application to that effect?

Chairman Cosentino: Are you going to be sub-dividing? That house is going to be one lot.

Richard Pagliaro: Correct.

Joseph Morreale: What do you use this for?

Richard Pagliaro: We use this to store building materials. So that they are not sitting out. Whether it is sand or block. Something that might be subject to the weather. Originally, we had proposed open storage, and the town requested that we not go for open storage. This was used as a method of making it enclosed storage.

Joseph Morreale: How many are you going to put up?

Richard Pagliaro: On the application. We contemplated four. Two on your left and two on your right, on either side of the driveway.

Sol Gibbons: This is a temporary structure?

Richard Pagliaro: Yes.

Sol Gibbons: How long would it be a temporary structure?

Richard Pagliaro: Until such time as we came back to the planning Board for putting up a permanent building.

Doug Hertz: For our purposes, this is permanent. If it is approved on site plan.

Anthony Sturniolo: It doesn't look good.

Doug Hertz: How do we assess the parking requirements for this site? Nanette maybe you can give some input into that. We have to be concerned about employee parking, as well as access to, and I am assuming that this is truck access.

Nanette Bourne: We have to determine what its primary use is.

Richard Pagliaro: There would not be 25 employees using this property. It would not be used by 25 employees at one time maybe 4-5 on the property at one time.

Nanette Bourne: The rest of the parking would be utilized by?

Richard Pagliaro: The reason there were 12 parking spaces shown is because of the requirements of having 5 spaces for a building of less than 5,000 square feet.

Stanley Bernstein: These parking spaces are non-compliant anyway. There are 8 ½ instead of 9 ½. If you commit to 9 ½ you won't have the same number of spaces.

Richard Pagliaro: We can arrange the property to accommodate. As we said we were complying with the tariff to get 12. The use wouldn't demand anything close to 12.

Nanette Bourne: You don't have a calculation on what your parking requirements did are. You don't have a table on how you arrived at that number. You have first floor office and second floor is residential.

Richard Pagliaro: There is a calculation based on the square footage of office. This is about 1,000 square feet. Then there was one or two for the residence. So it came up to about 12. The use would demand far less. Probably a maximum of about 5.

Nanette Bourne: Having a table that breaks that out would be helpful.

Richard Pagliaro: We could do that.

Joseph Morreale: I would like to go back to the uses. I have not heard the rational for why is it necessary. Is the business in the building some sort of masonry business?

Richard Pagliaro: General contractor, specializing in concrete and masonry.

Joseph Morreale: So there for you want the storage for building supplies.

Richard Pagliaro: The building supplies to be utilized on a daily basis.

Joseph Morreale: Why is there a residence on the second floor?

Richard Pagliaro: Only so we can have some presence on site.

Chairman Cosentino: There is not going to be a residence on site. It says it but it is not allowed in that zoning. It is not allowed if he chooses to go commercial.

Joseph Morreale: What would you do if this doesn't pass as a conceptual? What would you do with the property or with a need for the storage?

Richard Pagliaro: We are contract vendee. We are in contract to but the property pursuant to this.

Joseph Morreale: What would the business do?

Richard Pagliaro: Pursue other avenues.

Nanette Bourne: Did we talk about the rack storage for building materials.

Richard Pagliaro: Some of the things we use that are quite long would be more properly suited to sit on something like an open rack. Like lumber and planks that you would want not to store on the ground, then we would create open rack storage.

Nanette Bourne: That would be open storage on the outside of the building.

Richard Pagliaro: It would be a small area adjacent to the building.

Ralph Vigliotti: How many trucks do you have within your fleet?

Richard Pagliaro: Four. There would not be a substantial amount of traffic. We do not generate traffic. There would be trucks in the morning and the afternoon. It would not have an impact on traffic.

Ralph Vigliotti: I would like a definition on temporary. Is that 3, 6 months? I know you said as soon as you can.

Richard Pagliaro: I do not recall saying as soon as I can.

Ralph Vigliotti: I did not finish my sentence. I will back up on that. What is temporary? If I could get a time line. Is it 3, 6 months or a year. You use the word temporary storage sheds. Explain in detail.

Richard Pagliaro: There is no time line at the moment.

Ralph Vigliotti: Ok, that is one of my concerns is that a temporary becomes somewhat

permanent after a year or two. We end up with a situation where approving or moving forward on something that is temporary that becomes permanent and we have no control.

Whitney Singleton: One thing that jumps out is in the building inspectors' review of your conceptual application. He seems to have omitted the fact that this is a special use permit in this zone and it is a use of building materials and I don't think the application is remotely close to complying with this.

Richard Pagliaro: I was not privy to his most current memo. The only memo that I have is of 2/6/06 in which he mentioned that lumber yards building supply is not to exceed 20,000 feet would be permitted.

Whitney Singleton: There is another provision. There are also provisions regarding the storage of building supplies. The provision in there is basically the outside storage in the rack storage or temporary huts or whatever they are. Cannot exceed 50% of the floor area of the offices. You have about 5 times as much outdoor storage as you do indoor. There is a ratio there. There are limitations on the height of the storage, you cannot exceed 6 feet. You can't exceed a certain threshold of the overall lot. You need to take a look at those provisions and requirements.

Richard Pagliaro: What provisions were those?

Whitney Singleton: Section 110 – 30H. It is entitled storage of building, and builder of household materials.

Richard Pagliaro: If we closed the fence would it then comply?

Whitney Singleton: It might be accommodated. I am just pointing it out to you.

Chairman Cosentino: You are all done with the conceptual. The next time you come back you need to file a formal application. This is not a public hearing.

Tony Giardina: Before these proceedings are concluded I would like to make some comments. I would like you to tell me when I can do that.

Chairman Cosentino: Not tonight but you will have that opportunity.

Tony Giardina: I do have comments I would like in front of the board before you take action.

Whitney Singleton: Normally a site plan would not have a public hearing. There will be a public hearing for the special use permit.

Anthony Sturniolo; The applicant after hearing comments tonight may choose not to go forward.

**MRE Development – Lexington Avenue & Radio Circle – Application  
#PB2005-08  
Peter Karis, Insight Engineering representing the applicant**

Peter Karis: We are here representing MRE Management and this is a proposed retail and office building located on the corner of Lexington Avenue and Radio Circle. We were before the board on 2/14/06 presenting a conceptual site plan. At which time we received comments from the building inspector as well as the board. We have made some minor revisions to the plan in response to those comments. I will briefly go through them with the board and hopefully answer your questions and hopefully move on to a formal application. First there was a question on the use of the second story which is proposed as office. There was a question if it was a medical office or professional office space. That would be a non-medical office space on the second floor. If you recall the proposal there is below the building parking on the ground level, the first floor is retail and the second floor is office space. Total of about 30,000 square feet. The second revision we made is the issue with coming through the back at the rear and changing it to the entrance on Radio Circle. We pushed the building about 12 feet to the north and have increased the distance as you exist the canopy so you can see on coming traffic internally. It allows for safe maneuvering. We will be including some striping of signage to help the maneuver of exiting the site from the drive thru and other traffic on site onto Radio Circle.

Doug Hertz: It wasn't clear last time. What is the drive thru for?

Peter Karis: The drive thru is for at this point a bank or a pharmacy. I believe there was

a comment that it would be allowed for a pharmacy. We will be addressing that as we get more details of the users in the retail portion. The third revision was a comment on the parking space width. We proposed 9 feet on the exterior. We made the revision for the 9 ½ as required by the code. We were able to maintain the required amount of parking spaces on site by making some slight adjustments to islands within. The other issue that was of concern on the access point on the Lexington Ave. The concern was the left hand turn maneuver existing the site as well as entering the site from Lexington. We are currently proposing that now as a right in right out only. We have retained Collins engineering to perform a traffic study of the nearby roads as well as the internal traffic circulation. That report will be part of our formal application. We will address the traffic concerns. The visibility of the parking along Lexington Ave frontage, previously we had proposed a small masonry wall to match some of the materials in the proposed building. There was a mention of possibly berming that and keep the wall on top of landscaping. We are going to berm the entire frontage along Lexington. It may be part retaining wall or may be a free standing wall. The idea is to limit that visibility from the road into the site with earth and landscaping. So essentially you won't see the parking along the front. You will see vegetation and the elevation of the building. The project architect has prepared a revised elevation which incorporates that wall berm idea along the Lexington frontage. As you can see it really blocks the majority of that first floor elevation of the building. Previously the board was concerned with the height of the building and the mass of the building and its relation to the road. We are going to try and address with retaining wall earth and berm and additional landscaping along the frontage. The details of that will be forthcoming. At this corner it will be approaching the maximum height of 35 feet. Grade will rise along the frontage and at the first floor elevation at this corner of the building. So the grade falls across the face so we can enter into that lower level and park underneath the building. Again the same thing in the rear. The grade will rise to the elevation of this drive thru so it can be up to the elevation of the retail portion of the building.

Joseph Morreale: I was concerned about the 35 feet. How high is the berm?

Peter Karis: The berm will vary based on the width that we are allowed. I am anticipating a 3-5 foot berm. There is a multiple story office building on the other side of Radio Circle.

Joseph Morreale: 35 feet?

Peter Karis: It is 2 or 3 story; I am not sure which it is. It is right on this corner. Then you get into some smaller buildings and uses coming north. I believe there is a large building to the rear.

Doug Hertz: No there is a 1 story building.

Peter Karis: Reference to refuse and snow storage we have added at the rear of the building. Enough for a garbage truck to back up. Snow storage will happen at multiple locations along the edges. We are revising some of the landscaping. We will have the ability to mass stock pile snow if need be in this rear location. We have retained geotechnical engineer. There were some issues with the soils with this construction. We will be providing a soil analysis for the proposed use. Finally there is existing drainage channel that runs through the property. As before as part of the proposal is to try and make that an amenity of the project and enhance those stream banks. Incorporating some boulders and have water cascading through with appropriate plantings, trees, shrubs as well as perennial plantings along that stream bed. As you come from the parking lot and the public pedestrian visitors into the building, this becomes an area of visual interest. That is a positive amenity to the property. That is it in a nutshell our revisions and comments we received the last time.

Anthony Sturniolo: I thought at the last planning board meeting of the many concerns the board had, with the building size in relation to the foot print. The applicant was directed to call our planner and discuss a lot of the issues so that the next time you came back with a formal application they would be addressed. My question is Nanette did you get a phone call?

Nanette Bourne: No, not since the last meeting.

Anthony Sturniolo: It is not ok. We are no further along the line tonight then we were at the last meeting because the phone call did not take place and then you would have some guidance as what to do.

Peter Karis: I thought we were to make the revision and address the site issues. Once we get to that formal application point we'll be discussing with the consultants

Anthony Sturniolo: You missed a big chunk of it by not picking up the phone.

Ralph Vigliotti: They were asked to meet with the planner, they choose not to by not making that call. As far as I am concerned we should table this until that meeting occurs. We are working with something we already saw. We asked to have something accomplished by meeting with our planner and they choose not to. I believe we need to table this until that conference takes place. Why are we spending out time going over something that we have already seen? I would like to motion before the board that this is table this discussion until they meet with out planners as we had directed them to at the last meeting.

Joseph Morreale: Second.

Board All Ayes - to table until applicant meets with the village planner before another appearance before the planning board.

Nanette Bourne: It is advised that the village engineer attend that meeting due to the drainage issues that will be critical.

**Formal Application:**

**Bank of New York – 55 East Main Street – Application #PB2006-14  
Frank Picucci, bank manager, Michael Bellantoni, Landscaper.**

Chairman Cosentino: What happened here?

Frank Picucci: Basically we were looking to improve the landscaping in the front of the building. I had contracted out to do the job. There was a miscommunication to my office where the approval was granted and we always advise the contractors to see if there are any requirements. That did not happen.

Chairman Cosentino: You are saying this is a miscommunication?

Frank Picucci: Yes from my office. I never needed a permit or to go in front of the planning board just to change the plants.

Chairman Cosentino; What were you going to plant there?

Frank Picucci: We have a plan obviously, which we did provide.

Anthony Sturniolo: This little thing?

Chairman Cosentino: Are you a landscape architect?

Michael Bellantoni: Designer.

Chairman Cosentino: You need to do something better than this and bring it back.

Anthony Sturniolo: Now that you are doing a formal application the whole site plan comes into view. Not just landscaping. As one person I did a site visit and you should make some notes. This is going to have to be addressed when we look at the full site plan. I question the size of the spaces that you currently have are they compliant? The dumpster has no screening around it in the back. You have a sign along the back wall that says no parking; ivy is growing over the sign. It is difficult to read, but below the sign the blacktop is not striped to support the no parking sign. When I went there, there were cars parked in the back. For curbing you have a mix of poured in place concrete curbing which is what the village of this planning board always wants to see as well as Belgium block mixed in there too. When the shrubbery was removed in the front of the building some of the 1,000 park flood lights in front of the building have been destroyed. So now the lighting is going to be changing on the building as well. So the whole site plan is going to be reviewed over and above what you are going to propose before future landscaping.

Frank Picucci: The only lighting that was working was the flag pole light.

Anthony Sturniolo: then that makes it a little worse because in all likelihood the other lighting is on the approved site plan and its non functional. In essence it's violating its own site plan. Everything now needs to come up to spec as far as what the approved site plan over and above your new landscaping installation. Thank You.



**Public Hearing:**

**The Premier Collection – 250 Kisco Avenue – Application #PB2004-03  
Sean Coughlin, applicant, Don Murphy, Dave Sessions, Kellard Engineer**

Anthony Sturniolo: The notices have been served and there is a sign up sheet up front.  
Chairman Cosentino: There is no one that has signed the sheet to speak.

Dave Sessions: The last time we were here we outlined the issues with the wall. We worked out a drainage design that was acceptable to the board and acceptable to Michael Stein. We found out that we needed to notify the public about the hearing on the environmental permits to disturb sensitive natural areas. We had to resubmit that with a modified application and hold a public hearing. Essentially that was because there was a temporary disturbance of a portion of the wetland areas about 500 square feet several months ago. Since that time the material has been removed and the area has been restored so there is no disturbance as we speak. That is the subject of the public hearing.

Nanette Bourne: The area that has been disturbed has been restored as much as possible. This is just a formality to have this public hearing. You can either close the oral portion.

Stanley Bernstein: Mike that restoration of the wetlands is to your liking? Have they restored it properly?

Michael Stein: I have no problem.

Nanette Bourne: We have reviewed it and it is ok.

Stanley Bernstein: including that disturbance and all other disturbances it still falls under the 2 acre threshold.

Nanette Bourne: As represented by the applicant.

Stanley Bernstein: it was also verified by the surveyor?

Nanette Bourne: Yes.

Stanley Bernstein: We can assume that it was done properly.

Nanette Bourne: A part from the public hearing having to do with the disturbance to the wetlands. There are issues concerning tree damage, which is something they still have to deal with. That is not apart of this.

Stanley Bernstein: Do we have someone on top of that to make sure the trees are properly mitigated?

Sean Coughlin: We submitted a landscaping plan.

Stanley Bernstein: We would like to see it.

Nanette Bourne: You were looking for an arborist?

Sean Coughlin: We got that done. He did show up.

Stanley Bernstein: Nanette what was the prescription that was used as far as replacement trees and the total caliber?

Nanette Bourne: I will have to check.

Stanley Bernstein: it is going to be looked at?

Nanette Bourne: Right. When it comes back for resolution. It would conform with the tree committee.

Stanley Bernstein: I just want to make one comment to you three fine gentlemen. There are certain properties and bit of land in this world that should not be developed at all, because of the nature of the land. This is one of them. Unfortunately we in our foolishness gave you permission to do so. It is incumbent upon you when a situation like that is present to take every possible measure to make sure there is no destruction of the land. That the mountain does not fall into Kisco Ave as it did in this case. We know

that the rains come and know the situation there. I can point out in Westchester County in so many different areas. The perfect example is the Taconic Parkway at the overpass on Rt. 35 and 202. Where the entire mountain went down into Peekskill 2 miles away. Incumbent upon any applicant developer and builder. When a situation like this arises they must take extreme caution and do the right job. No excuses what so ever. You can't tell me it was an accident. Accidents do happen but they can be anticipated and they can be covered. End of statement.

Chairman Cosentino: Does the board wish to leave this open for ten days?

Dave Sessions: Correct me you are talking about leaving the written comment open. We can close the hearing?

Chairman Cosentino: Right.

Whitney Singleton: You total coverage is 1.94?

Dave Sessions: Yes. That 1.94 includes the area that was previously disturbed wetlands. We are not going to back that area out. Theoretically if you back that area out it is even less than that. That does include the previous area of the wetlands.

Chairman Cosentino: We are going to leave it open for 10 days.

Nanette Bourne: did you want the draft resolution for the 6/13/06 meeting?

Chairman Cosentino: Yes.

Whitney Singleton: If it is not ready for the 6/13/06 meeting it mean either July or August.

Nanette Bourne: This is only a modification.

Whitney Singleton: You are putting it on for approval that night?

Chairman Cosentino: Yes.

Anthony Sturniolo: I make a motion that we close the public hearing and leave the written comment open for 10 days. Regarding the modification to the planning board application for permit to disturb sensitive and natural areas associated with 250 Kisco Avenue Premier Auto Collection.

Joseph Morreale: Second.

Board All Ayes- Approval of modification for permit to disturb natural sensitive areas. Application #PB2004-03

**Final Action: (continuing after adjournment)**

**Ability Beyond Disability – 120 Kisco Avenue – PB2004-15  
Brad Schwartz, David Steinmetz attorney for applicant, Tom Fanning,  
applicant Harold Telowitz, attorney for property owner**

David Steinmetz: Mr. Chairman and members of the board. On behalf of our entire developing team, we want to make sure that you understand and with no disrespect by recommending clarification to the resolution. Having said that I want to apologize to the issue surfacing tonight before your board. We are going to withdraw the request that was presented. On behalf of Ability and in particular and they are innocent clients who may serve truly need rehabilitative services and deserve these services at this facility. We urge you to adopt the resolution this evening in its present form. I hope you will proceed in that fashion. Because Mr. Fanning is quite anxious to proceed. I only have one question just to make sure that the word warehouse in paragraph 20 is synonymous with word storage in 29. I would ask of Whitney. Paragraph 29 talks about existing storage space shall not be diminished or changed. To my understanding it is whenever we talked about that it was talking about the space in the back of the building. This is the 5,200 square feet of warehouse space. There is no category called storage space in the bullets in paragraph 20. The only bullet that seems to be synonymous was warehouse.

Nanette Bourne: Should they both be warehouse or storage?

Whitney Singleton: It is the same space and use.

David Steinmetz: As long as you confirm that it is fine.

Nanette Bourne: Change both of them to storage?

Chairman Cosentino: Yes. Do we have a motion?

Anthony Sturniolo: I will make a motion that the planning board approves the resolution for modification to an approved site plan. A change of use permit and a permit to disturb natural sensitive areas for Green Mountain Enterprises also known as Ability Beyond Disability 120 Kisco Avenue.

Stanley Bernstein: Second.

Board All AYES – Motion to approve modification to approved site plan, and permit to disturb natural sensitive areas.

Chairman Cosentino: Thank you.

Tom Fanning: I know you have all worked very hard to put a square package into a round hole and I deeply appreciate the recognition of this board and the special needs of the people that we serve and your efforts in making it possible.

Chairman Cosentino: It is well needed and counsel presented himself with a good case.

David Steinmetz: We thank the board and Whitney and Nanette and everybody's effort on this one.

Anthony Sturniolo: Whitney a question on the resolution we just approved. Number 27 on the last page. A mechanical question. How did that get implemented? How does the building inspector know of this? What is the mechanics within this building that that happened?

Whitney Singleton: Austin issues the C of O's based upon your resolution of approval. I am presuming he will read the resolution.

Anthony Sturniolo: For each C of O? Does he have to be notified in advance of this number 27 so he has a heads to look for it?

Whitney Singleton: Yes.

Anthony Sturniolo: What is the vehicle to do that?

Whitney Singleton: Perhaps Nancy can notify him.

Anthony Sturniolo: In a memo form that the planning board is copied.

**Conceptual Application:**

**919 Mountain Associates LLC – 9 & 19 Mountain Avenue – PB#2006-12  
David Menkin attorney for the applicant, Bill Balter, and Doug Hertz  
applicants**

Doug Hertz: As I am the managing member of this organization I refusing myself. Bill and I as partners are in contract to purchase 2 lots that have 3 existing homes on them. Number 9 and 19 Mountain Avenue. Two of the homes are 2 family residences. The rear residence is a single family residence. WE currently have five legal residences in three homes on two existing lots. What we are proposing to do is restore the homes to the original construction were, which were single family homes. And to bring into conformity with the use of the neighborhood. This is currently zoned as single family. RS-12 zoning. To do that we need to sub divide this upper lot number 19 Mountain to put each home on its own lot. Basically almost all of what we are showing here is existing structures. The curb cuts are existing. The homes are existing. This accessory building is existing. What we are proposing to do is draw a line right up the current driveway creates and draws this lot line here. Which will create this rectangle for the front home and we will sub divide and create its own space for the rear property. Because of the topography of this site. It's on Mountain Ave. So each house is set down the mountain. Existing building on lot 3 is a garage/barn. Right now it cuts off a triangular piece of land that is currently part of lot 3. It is not useful because of the topography. What we are proposing to do and because these lots are going to be deficient in area are change the lot line. The line currently goes straight to the rear of the property. We want to add this little triangle to lot 2 to decrease its area of deficiency. Also because we can create a

deck in this space. There is not going to be as much usable land because of the way and a driveway will have to be created. We will create a nice space. This lot falls off tremendously. This property is up in the trees. WE thought it would be a nice little amenity for this house to have a deck back there. It is sheltered by the barn and there is nothing here. It is way up in the canopy.

David Menkin: It is impossible to get back here.

Bill Balter: The big picture is we have 3 houses on 29,000 feet of land. When we are done we are going to have 3 houses on 29,000 feet of land. In order to change the nature of these multi families that is essentially in not with keeping of the neighborhood. We need to put the houses on individual lots. WE are not increasing the number of houses. We are not reducing the gross lot.

Chairman Cosentino: It would make a big improvement.

Doug Hertz: We are not changing the curb cuts. We are changing the way the houses functions in the neighborhood.

Bill Balter: The houses have three driveways and we are keeping the same driveways. The curb cuts are the same. There are issues in terms of the zoning set backs. We will have to go to the ZBA. If you like this as an idea, we will not take any action until the ZBA variances are granted. In terms of the sub division 29,000 feet will be 29,000 feet when it is done.

Chairman Cosentino: I know the house and the area and they look terrible right now.

Doug Hertz: Our intention is to restore these homes to what they probably were.  
Bill Balter: We both have restored houses and our intention is to bring these houses back.

Chairman Cosentino: I for one think it is good idea and you should continue on with you application.

David Menkin: So we should continue with the application and move on to a formal?

Chairman Cosentino: Yes.

Doug Hertz: Next time we will have a formal application that will be very similar to this.

Chairman Cosentino: Maybe a little more detail.

Doug Hertz: We will simultaneously going on to the ZBA to get our many variances. Most of which will memorialize the back of where these existing structures are.

Chairman Cosentino: You have our blessings.

### **Correspondence:**

Chairman Cosentino: Memo from Anthony Sturniolo regarding Sleepy's

Anthony Sturniolo: A question on the previous correspondence the memo for the planning board regarding 136 Radio Circle. Whitney did they ever send you copied of the lease that you requested where you had a concern about the village having the first right to purchase the property?

Whitney Singleton: The United States Post office counsel sent me that information.

Anthony Sturniolo: Does it impact us?

Whitney Singleton: No. It wasn't substantial compliance with what was required. Any sale of the post office land has to be made available to the village of Mt Kisco first. What they are selling and for how much. We have the right to be first to refuse its purchase rights. They are proposing a lot line change rather than a sub division. This piece of land they are selling does not have frontage on suitable improved Public Street. It has no frontage at all. The village doesn't really have a bonified opportunity to purchase this property. I think that would cut the legs out of the true intent of the agreement.

Anthony Sturniolo: Do we need to communicate that.

Whitney Singleton: They know it. The applicant and their counsel know it.

Anthony Sturniolo: It is a matter of waiting until they come back the next time.

Whitney Singleton: Not a matter of waiting, I just wanted them to comply with the procedures that were set forth. They sent me the information but did not put the price in. The village is not going to buy it anyway. Technically it is not going to be a legally compliant sub division for anybody other than DeFeo.

Anthony Sturniolo: The village has no desire in buying it? It is a mood point.

Whitney Singleton: Yes. They are coming to review an application which was done to under cut the village.

Chairman Cosentino: The letter from the ambulance corps. I will let Tony present this since I am now the president of the ambulance corps. In general they need to move the generator across the way because they are going to using diesel. They cannot use gas. It is too close to the building. Permission to move it across the parking lot. I do not think there is any action here, but decide what you want to do here.

Doug Hertz: I just was not sure where it was going.

Chairman Cosentino: The generator was going to go against the building because it would be natural gas. They can't put it there because they have windows there and you can't have natural gas going to the window. Then it was recommended that if there was a disaster when we needed it you could readily get diesel but you can't get the gas through broken lines. So we are going right across the parking lot and fire department is in the same spot. We are going to be 40 feet away from the fire departments generator. Screened in and you probably won't see it when it is done. There is no oil tank involved because the oil in this is contained. It is half the size. Just a matter of bringing it across the parking lot.

Anthony Sturniolo: We should request the village attorney to write a letter to the village manager saying the planning board indorses this concept of changing generator from one to another and moving it the way it is presented.

Whitney Singleton: This is the boards' pleasure?

Anthony Sturniolo: Yes

Board all in favor.

Stanley Bernstein: Motion to adjourn

Ralph Vigliotti: Second

Board All Ayes – adjourn at 10:05 p.m.

Respectfully Submitted By:

Stanley Bernstein  
Board Secretary

