

Minutes
Meeting of the Planning Board
Regular Work Session
Village/Town of Mount Kisco
Tuesday, January 26, 2010

Meeting called to order at 8:00 P.M. at the Municipal Building Mount Kisco, New York by Chairman Joseph Cosentino.

Members Present: Chairman Joseph Cosentino
Joseph Morreale
Sol Gibbons
Stanley Bernstein
Doug Hertz
Ralph Vigliotti

Members Absent: Vice Chairman Anthony Sturniolo

Staff Present: Nanette Bourne
Whitney Singleton
Anthony Oliveri

Acceptance of Minutes

November 24, 2009

Motion: Stanley Bernstein
Second: Joseph Morreale
Aye: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Joseph Morreale
Aye: Stanley Bernstein
Aye: Chairman Cosentino

Final Action:

Steve Finkelstein
156 North Bedford Road
PB-2009-15

Present: Steve Finkelstein, Property Owner
Barry Goewey, Architect

Nanette Bourne: At your last meeting, you requested that Austin Cassidy do a review of these plans. A copy of his review is included in your agenda packet. You asked that I prepare a draft resolution. The draft resolution is based on these plans, and as we go through the resolution, you can see there are some changes that are still needed to this plan. Included in the resolution is a condition that these plans be modified before any building permits are issued.

Chairman Cosentino: There will be some other conditions as well.

Nanette Bourne: You asked the applicant to delineate how the space is used and put a zoning chart. That zoning chart and the delineation

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were included here. I would recommend that same delineation be identified specifically on the plans, so that the area for retail for Tenant A or B is specifically identified as retail, and the bulk storage is identified on the plans. It needs to equate to what is on his zoning chart.

Ralph Vigliotti: How many square feet are set up for dead storage?

Nanette Bourne: There is 5,300 square feet of dead storage here, which is Tenant Space C.

Ralph Vigliotti: In the resolution, does it show that as being 5,300 square feet of dead storage and parking based on dead storage? So if you ever come back 20 years down the road, some future Board would be able to see that.

Nanette Bourne: I recommend that I add a table to the resolution a table that specifically identifies the square footage and the use and parking associated with it, and that is what is fixed in this resolution.

Chairman Cosentino: The lot is insufficient for parking. We are going to make a condition that whatever you bring in there has to come back before the Board. You do not want to bring in something there that is going to have a lot of traffic. So far, you have been bringing in low traffic and we would like to continue that. We know you are going to put up something that is really going to look nice on North Bedford Road and I think the village will be proud of it when they see it. One of the two conditions, Nanette will be a certain company was going in there. We had no problems with that. If there are any changes, he is going to have to come back here. In the future, if there were any change, under the new system we have, he would have to come back here anyway. We want it in the resolution.

Steven Finkelstein: Absolutely. That is fair.

Chairman Cosentino: Let us go through the conditions that were set. You will not get a building permit until certain conditions are met here.

Barry Goewey: This will be submitted as part of the package to go to Austin.

Ralph Vigliotti: You are going to have two retail in the front; you will have dead storage and bulk storage, correct?

Barry Goewey: Correct.

Ralph Vigliotti: And that will show on the resolution - two retail, X number of square feet each retail, bulk storage and then dead storage.

Nanette Bourne: There is not bulk storage. There is bulk retail. Here is the breakdown.

Barry Goewey: Tenant A has dead storage space.

Nanette Bourne: Tenant A has 6,000 square feet. Of that, 2,500 square feet is dead storage and this front part is 3,500, which is your bulk retail sales.

Barry Goewey: Yes.

Ralph Vigliotti: In the future, if they change the square footage they would have to come back.

Steven Finkelstein: Absolutely.

Nanette Bourne: The plans that you send back are going to specify that in here.

Chairman Cosentino: If it is one company going out and the same company going in, the Building Inspector will view that as a swap. It would not have to come back here. If it is something with a larger scale, most likely it is going to have to come back here.

Steven Finkelstein: I sat in on the meetings for that new law, and I am very clear on what it was. I thought the new law was fair.

Doug Hertz: To be clear, Nanette, you are going to be drawing up a table that allots parking spaces to X number of spots to each specific use.

Nanette Bourne: I will take this and put it right in the resolution.

Steven Finkelstein: There is no wall here. It has to be built because of the change to the whole site plan.

Stanley Bernstein: Nanette, Condition 11. We discussed this a number of times, and it thought we were going to change it. We were going to re-word it.

Nanette Bourne: This is our re-wording.

Stanley Bernstein: I am not too happy with "the best management practices."

Nanette Bourne: We used to have it that chemical fertilizers and pesticides be handled in accordance with best management practices. We eliminated that in exchange for "they shall not be used." I am not opposed to this being worded better, but this was how we changed it. I could be wrong.

Stanley Bernstein: I will have to go through my notes. I thought we re-worded it a little bit differently. I will accept this now.

Nanette Bourne: Did this go to the Architectural Review Board?

Barry Goewey: Yes.

Nanette Bourne: This will require a Certificate of Occupancy because of the cut and the landscaping in the right-of-way. It is often your practice to require those permits in advance of getting the resolution. I have put it in here as a condition of getting a building permit. Your board would be approving it tonight subject to this permit being issued by DOT.

Steven Finkelstein: The reason we are doing it this way is so I can get started on building so I do not lose this tenant. Does that mean the tenant cannot open until that is done?

Nanette Bourne: The risk here is that if they are not rigorous in going to DOT and there needs to be something to make sure, if you go ahead and approve this tonight, tomorrow they are in DOT getting their permit.

Steven Finkelstein: We pulled down the forms today to fill out.

Chairman Cosentino: So you will take care of that then?

Steven Finkelstein: Yes. Basically they cannot deny us an entrance. We are actually making it better. We are making it smaller.

Chairman Cosentino: Understand that is up to you. We have nothing to do with that. We are going to give you a building permit, but you are not going to get the Certificate of Occupancy until you get the DOT.

Nanette Bourne: Understand the risk is that it is going to take a little longer and they are going to be looking for a temporary Certificate of Occupancy.

Chairman Cosentino: We will re-evaluate it then.

Steven Finkelstein: The national tenant strong-armed me; they would not take it out of the lease that after they receive the final permit of all permits, which includes the state, I have 90 days to build. I am lined up with guys to go tomorrow. I am technically kind of through a loophole because my attorney put in "all" permits, which includes the state. I have that legal loophole to try to save me on this, but that is not your problem.

Nanette Bourne: When they re-submit these plans, they need to identify that this existing storage tenancy is a two-story building. And, your uses right now are automobile uses?

Steven Finkelstein: No. It is dead storage of auto parts. We go over there twice a week with a station wagon to go pick up a radiator. There is a lot of wasted space in there for my family business, nothing flammable. Very rarely tractor-trailer trucks delivery for me.

Nanette Bourne: I will identify that in the resolution as dead storage for auto parts. The conditions say that you cannot make truck deliveries from North Bedford Road.

Steven Finkelstein: That is why we went with a wider curb cut and keeping our fingers crossed with the DOT, because a tractor-trailer does back in. They have done it for years.

Whitney Singleton: Is Sandy Kids Realty the owner?

Steven Finkelstein: Yes, along with Sanford Finkelstein Unified Trust.

Whitney Singleton: So Sandy Kids Realty is not an entity?

Steven Finkelstein: It is. It is its own entity, LLC. Those are the two co-owners of the property that is on the Deed.

Whitney Singleton: Would the Board prefer this to read a resolution of amendment to site plan approval?

Nanette Bourne: It should be an amendment.

Whitney Singleton: On the third page - with regard to Paragraph 15, which deals with backing up of vehicles onto North Bedford Road, shall be prohibited. The next paragraph says no standing, parking, loading or unloading shall be permitted on North Bedford Road. I would say by the owner, it is his tenants and delivery personnel, and then I would put some additional language. You are not going to be able to issue somebody a site plan violation for parking in a public driveway, but I would say that acceptance of a delivery from a vehicle violating Condition 15 or 16 shall constitute a violation of site plan approval, if there is some sort of enforcement mechanism.

Steven Finkelstein: You cannot issue a ticket for being on Bedford Road but you can issue a citation because of the resolution what you want to put in to the people who are occupying it. That makes sense.

Whitney Singleton: At Paragraph 18B, after the word uses, I would put in the word allocations. It is important that the site plan itself, not some narrative document stuffed in the file, actually show the allocation between storage. I know that you have it on there, but if it could actually set forth that this area is dead storage and this area is retail, so there is no misunderstanding. I also previously mentioned that the resolution says there is going to be work done on the site as far as repaving, resurfacing, construction of the site. I do not know if you want to put in a provision for a barricade or fencing between the two properties. There are a lot of people potentially walking back and forth with construction going on.

Steven Finkelstein: What if we put in the resolution that the fence or barricade go up sooner than later? Absolutely, it should be blocked off.

Chairman Cosentino: Are you talking about ingress/egress going in?

Whitney Singleton: I am talking about kids going over from Dunkin Donuts.

Ralph Vigliotti: How will you monitor that?

Steven Finkelstein: It is during construction.

Ralph Vigliotti: But you are putting up some kind of barrier after construction between Dunkin Donuts?

Steven Finkelstein: We decided to put a fence between us and Dunkin Donuts.

Whitney Singleton: On the first page, the very bottom line refers to two retail spaces. It is not really truly two retail spaces. It is a retail space and a bulk retail space.

**Motion to Approve the Resolution for 156 North Bedford Road
PB2009-15 with the Amendments Discussed at this Meeting
within the Resolution**

**Motion: Doug Hertz
Second: Stanley Bernstein
Aye: Sol Gibbons
Aye: Joseph Morreale
Aye: Ralph Vigliotti
Aye: Stanley Bernstein
Aye: Doug Hertz
Aye: Chairman Cosentino**

Continuing Review

**Mount Kisco Diner
252 Main Street
PB2008-10**

**Present: Frank Georgiou, Owner, Mount Kisco Diner
Anthony Monteleone, Attorney for the Applicant
John Collins, Traffic Consultant
Despina Georgiou
Harry Georgiou**

Anthony Monteleone: This is my first time before your Board in regard to this site plan approval. I know your board had certain concerns about ingress and egress and deliveries to the site. I believe you have letters from some of our suppliers indicating that they only use 28 to 33 foot trucks. We do not have any tractor-trailers delivering to the property. We believe that all of the vehicles that do deliver will be able to back into that off-loading platform, and many of the deliveries, as the letters indicate, are non-busy times, early in the morning and late in the evening. There are three different site plans that your board was considering. At this point, I am not sure which one your board prefers. We do have John Collins here to address his points of view as to which one he feels is suited, from a traffic and safety point of view.

Chairman Cosentino: Why don't we start with the trucking because we received a letter. Is this the size trucks you will be using?

Frank Georgiou: It's a box truck. It's about 32 feet long. We don't have any tractor-trailers. On Main Street many times you will see a Coca-Cola tractor-trailer or a Sysco, but they are not delivering to me.

Chairman Cosentino: This was delivering to you.

Frank Georgiou: When was that?

Chairman Cosentino: Last week.

Frank Georgiou: No. I don't know who that is.

Despina Georgiou: I know on one holiday there was a mix up with their system and they brought a large truck, but that never happens.

Chairman Cosentino: I am concerned if you are going to be able to fit them in the back. I did not bring this to disbelieve what you said.

Frank Georgiou: From where was it delivered? It doesn't have a name on the truck.

Chairman Cosentino: It was delivering to your place, Frank. I would not lie to you. Your daughter said they made a mistake at one holiday.

Despina Georgiou: Yes, they did and I went outside to say something to them. We never have large trucks like that.

Chairman Cosentino: It has a name on it, but I can't read it. They were definitely unloading, blocking the driveway here and going into your business.

Frank Georgiou: I receive deliveries from Ginsberg Foods, US Foods and Maximum of New Jersey.

Chairman Cosentino: He definitely wasn't delivering lawn mowers. For our own edification, I need to know if these are going to be the size of the trucks who deliver. These are quite large.

Frank Georgiou: I can't really tell how big that is, so I can't really say. The size is on the letter that we told you, about 30 to 32 feet.

Ralph Vigliotti: We discussed this earlier with Mr. Finkelstein. The other issue may be whether or not a truck is parking in the front of your store, it becomes your liability to accept delivery if the truck is parked on Main Street. It will show on your resolution if you accept deliver from a truck that is illegally parked on the street, your company will be fined and not the trucking company. You need to work that through. Before we take delivery, where are you parked? If you are illegally parked out there you take the chance of getting a fine from the village.

Anthony Monteleone: Delivering to them would be a violation of the site plan. I mentioned this to my client before we came up here. That's a reasonable resolution.

Chairman Cosentino: Let me refresh this. I do not care if it is this truck, as long as it fits in the back of your property. I want you to know what is being delivered to your place and the size of the truck that is delivering. In one picture, he held up traffic. If they are going to be smaller or the same size, you should make room in the back so they can unload in the back and not in the front.

Frank Georgiou: If that happened, I was unaware of it.

Chairman Cosentino: I'm sure you weren't.

Anthony Monteleone: We'll accept that condition in the site plan approval. I would like to now have a preliminary discussion as to the issues you are concerned about so we can address them.

Chairman Cosentino: You wrote a letter that was well written, this time. The Board was concerned about that.

John Collins: There are three schemes in front of the Board. In keeping with the fact that we have an existing operation that basically parallels Scheme Two, which allows the access in bound from the north driveway. Scheme Two is basically the one I prefer. It maintains the same pattern the people have gotten used to over the years. You come in on the northbound side and exit on the southbound side. Scheme One basically combines the driveways into a single access point on the south side and has traffic both ways. The reason I prefer Scheme Two, and an earlier memo from ARKF also looked favorably towards this scheme as opposed to Scheme One, is that it maintains the same pattern you have today. Secondly, if you have vehicles coming into the lot, be they passenger cars or trucks, they are not backing up traffic on Bedford Road. They come in, and any queuing that occurs, occurs inside the parking areas. There is a loading dock on this side and it's on the exit lane. If there were any back-up maneuver that occurs for the truck to get into the loading dock, it would just temporarily restrict the vehicles trying to exit the parking lot as opposed to blocking traffic coming in from Bedford Road. As far as the circulation, I prefer this particular scheme. The difference, primarily, between the two schemes is that this scheme has two less parking spaces than Scheme One, Scheme One giving you some 63 spaces, Scheme Two giving you some 61 spaces. On balance, this provides a much better circulation operation of the loading and unloading.

Ralph Vigliotti: Circulation is important?

John Collins: Circulation is extremely important.

Ralph Vigliotti: Explain that in greater detail for us. Aisle widths are appropriate?

John Collins: You have to look at where the aisles occur. Coming in, you have a single lane, no parking. Either coming around the back, you can go all the way to the back and around, or you can cut in front. The exit lane, when it comes out to Bedford Road is one lane coming out, and you have parking along the outbound side.

Ralph Vigliotti: So it is one way in and one way out?

John Collins: Yes. The back side is two way.

Ralph Vigliotti: The building does not provide any blind spots for circulation?

John Collins: Nothing. Same as it is today.

Chairman Cosentino: Nanette, was your preference two?

Nanette Bourne: It's been many months. Since the last time you were before the Planning Board, there have been significant changes made to the site considering the zoning has been approved with some conditions. There needs to be a re-submission of what it is they are proposing to the Board, updated with the changes that were made by

the village board. There was a lot of discussion on this, but it was a long time ago.

John Collins: My intent was to define for the Board if they have any question. I read through the file, and I could only go so far by reading through the file.

Doug Hertz: While we have you here, there is a third scheme.

John Collins: The third scheme is basically the same scheme as two, except it shows the turning tractor-trailer, if in fact you were looking at that. Scheme One is basically one driveway. Scheme Two is a two-driveway scheme, but shows basically the track if I use a box truck or a single-unit truck.

Doug Hertz: Ginsberg's letter says the trucks can range in size from a 28-foot straight truck to a 32-foot tractor-trailer. Your Scheme Two analyses a 30-foot box truck.

John Collins: This would cover the short trailer. This study is for a WB-50, which is a much bigger trailer.

Doug Hertz: So the fact that they're using 32-foot trucks, and that is analyzed for 30-feet is inconsequential?

John Collins: Yes.

Doug Hertz: That is on the record.

John Collins: We will show you the turning track for the 32-foot to make sure that it is covered in the re-submission.

Whitney Singleton: For flow purposes, the Board does not have anything before them tonight except for Mr. Monteleone's letter. My suggestion is that you re-submit whatever it is that you want the Board to consider consistent with the new zoning approval from the village board, and that there be a complete submission with a check list of items being performed with the Building Department or with the planner to make sure that you have everything to constitute a complete application. If you want to have alternatives, have alternatives. If you want to go with one, go with one. I believe that your assessment of reading through the file is probably accurate. I want to be clear that this is a new application going forward and everything needs to be checked off.

Chairman Cosentino: I think the batter is up. We have not gone on base yet.

Anthony Monteleone: The direction is that we will come in with a separate ingress/egress, complete site plan with all of the requirements; we will explain the changes in a separate letter and come in with a new site plan with all the requirements shown.

John Collins: We will also show the site plan with the driveway entrances and exits to make sure there is no blind spot.

Nanette Bourne: I recommend you look through the file delineating the square feet and the various uses that go along with that.

John Collins: We will also include an anticipated layout. One of the things that are part of this particular plan is the intention of putting more booths in there. Part of the problem on a Sunday, for example, is people wait for a booth to open up, and that causes additional parking.

Anthony Monteleone: People do prefer the booths, and we are establishing more booths, so hopefully there will be less waiting time. We are probably going to re-design that entry from the one that you've previously seen. We will come in with a complete new site plan consistent with the separate ingress/egress. We won't be changing the footprint.

Joseph Morreale: Will the site plan have to include the new addition?

Chairman Cosentino: Yes. Whatever size it is has to be included.

Joseph Morreale: It's okay just to have the one plan?

Chairman Cosentino: Mr. Monteleone said they are not changing the size of the building, except for the addition.

Doug Hertz: The size will be appropriate to the square footage that is supported by the site plan.

Anthony Monteleone: What I'm saying we're not changing the footprints, the footprint you previously saw will be the footprints we will come in with. There may be an architectural change on the exterior.

Anthony Oliveri: There were other issues. The parking counts were never really nailed down. For 61 spaces, you're going to have to show a building that works with 61 spaces. There are other issues with lighting, buffers. It wasn't just the traffic.

John Collins: I'm only here to see which plan we are going to go with. Once that plan is visualized, then we can go in and address those issues.

Nanette Bourne: I don't know that the Board has given you direction on which way you want to go. It's the way you are proposing to go.

John Collins: I wanted to find out if I proposed a similar circulation that exists today - inbound in the north, outbound on the south.

Chairman Cosentino: We understand that. We don't say we're going to go along with it, but we understand.

Nanette Bourne: So you are not condoning or advocating anything?

Chairman Cosentino: I don't think this Board is 100 percent agreeable to anything right now. We want to see the plans again. It's been so long. If that is what you want to present, let's look at it.

Doug Hertz: If you, collectively as the applicant feel that is the best plan and you can support that, bring it in.

Anthony Monteleone: At the same time, while we won't bring in another plan, we will be able to address how a single ingress would not be as beneficial.

John Collins: We will take the preferred plan and address all the issues. We will then have an alternate layout that shows just a circulation pattern and not necessarily all the rest, so there can be a comparison.

Nanette Bourne: With this new submission, it's not going to go to conceptual, but it's during conceptual that the Building Inspector reviews the plan for consistency. Do you want this to also go to the Building Inspector? Usually Austin does it as part of the conceptual.

Chairman Cosentino: It has to because it's a new plan. I'd like to run this by Austin to look at.

Whitney Singleton: Could you please make sure, Mr. Monteleone that this should be reviewed by the Building Inspector?

Anthony Monteleone: I will. I will provide extra copies.

Joseph Morreale: We look forward to the next step.

Anthony Monteleone: We appreciate you putting us on your agenda this evening.

Continuing Review

**John Bainlardi
681 Main Street
PB2009-09**

**Present: John Bainlardi, on behalf of the Applicant
Scott W. Blakely, R.L.A., Sr. Vice President, Principal
Landscape Architect, Insite Engineering**

Chairman Cosentino: Congratulations to your and your family John.

John Bainlardi: Thank you very much.

Chairman Cosentino: This is a continuing review of the site. We left off after we got the parking straightened out. We know Dunkin Donuts is going there. Do we know of anyone else going there yet? It would really make a difference if we knew.

John Bainlardi: We realize that once we make a commitment to Dunkin Donuts the balance of the space is going to have to be some sort of dry retail. Otherwise, the parking cannot accommodate a more intensive use. We realize that without some sort of variance, or having to come back, that we would not be able to do another food use. We realize that once we make this commitment to this particular tenant, we have to provide a use of the balance of the space to meet the parking.

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Scott Blakely: There were two outstanding issues from our last meeting two weeks ago. One had to do with the lighting. The building mounted light exceeded the 1,800 lumens that were permitted for a non-cut-off fixture. The other was the site furniture. Nanette wanted us to submit cuts of the furniture that John was proposing to use. We submitted to you a revised lighting plan with a modification to the building. We are using the same fixture we were proposing previously but reduced the wattage in the bulbs. The fixture basically has two bulbs; one that points up, one that points down. They are 26-watt bulbs, each of those were 1,800 lumens. We've gone to 13-watt bulbs for a total of 1,800 lumens for each of the fixtures. This way meets the guidelines in your lighting. We also submitted cuts of the proposed café tables and chairs and also the two proposed refuse containers on site. Those are the last outstanding issues.

Ralph Vigliotti: At some point, I would like to establish a time when the Board members can meet on site for a site visit. We have not done that at this point.

Chairman Cosentino: How does the Board feel about this?

Ralph Vigliotti: I think we've done a site visit on every site plan that has come before the Board in the past number of years, and we would be remiss if we didn't do it on this site. As a matter of fact, we did Mr. Finkelstein's site about five weeks ago.

Stanley Bernstein: I agree. I pass by quite often and walk around the chain link fence and I am annoyed that I cannot get in. I tried to analyze the situation and from my standpoint, I have many questions. Not least of all, is the statement by the applicant that it is early in the morning and there is no one there and trucks can park wherever they want? This will be the first time that this Planning Board allowed parking to just go "willy-nilly" throughout the village and let a big truck park anywhere. My opinion is based on what is happening at the other Dunkin Donuts. There are some big trucks coming in there, and right now they are parking on Mr. Finkelstein's property at the other Dunkin Donuts. We saw that on our site visit there was more parking there than on the Dunkin Donuts site because it is easier to get in and out. I feel the same thing is going to happen at the new site and I do not like the idea that we can allow a "willy-nilly" parking situation anywhere in the village because they don't have sufficient parking, ingress/egress or narrow crossing lanes, etc. I think it's important for us to look at it and discuss the possibilities with the applicant at the site.

Joseph Morreale: I would also agree. We looked at a lot of different locations in town and I think this is such a premier one. We should walk around and talk it through. Some of the Board members have been concerned about some of the pass-through around the building. I am in favor of a site visit.

Sol Gibbons: I have no objections at all; I think a site visit should be done.

Chairman Cosentino: That is the majority.

At this point, a site visit was scheduled for February 6 at 9 A.M.

John Bainlardi: I will be there. I can tell you in advance that we will not be providing parking spaces for 18-wheel trucks. I am not sure where the truck drivers park when they get their bagel or go to the post office.

Ralph Vigliotti: We are looking to see the travel aisles. You heard the client before indicating the one-way rotation around the back of the diner and that was one-way traffic going around the diner with a 24-foot aisle, never mind two-way traffic, indicating that the one-way traffic was the best way. We'd just like to take a look at what two way traffic would be coming around that blind spot.

John Bainlardi: We have limitations because of the intent to reduce right-in and right-out of the parking on Main Street. We visited that issue one time before.

Doug Hertz: I will also make the comment that one of the reasons they want one way in and one way out is because that is going to be the delivery access. His point is that they won't stop traffic by doing deliveries in that manner. They can keep that queue back on. But your delivery is in a separate loading dock. It seems to me they are not identical issues.

Joseph Morreale: Will this furniture remain permanently outside?

Chairman Cosentino: It's like any other business. He has a permit for it.

Joseph Morreale: This is in front of the building?

John Bainlardi: I'm not sure where we are going to locate site furniture and whether we are going to locate site furniture at all, to tell you the truth. The purpose of providing what we have shown here is that if we go in a certain direction with locating site furniture, I want to give you an idea of the quality of what we'd be looking to do. I have indicated to the potential user that if they would like to have site furniture, this is the quality of the furniture we'd be looking to provide. We'd have to talk about whether or not we want to affix the furniture out there. There is snow removal in the winter, if they are going to take it in each night, otherwise it will potentially disappear. We will work it out with them. This will be something along this line, if we wanted to go in another direction with a different style, we could do that.

Nanette Bourne: Pending any changes that we want to the resolution, there are things to be filled in. I left the garbage removal, considering you're having a food use. In previous food uses, you required the garbage be picked up at least twice a week, not more. I don't know what is appropriate for a Dunkin Donuts.

John Bainlardi: I'll find out what they're typical requirement is.

Joseph Morreale: Do you know if the intent of Dunkin Donuts is to maintain the two stores?

John Bainlardi: These are different owners, different franchisees. From what I understand, that particular franchisee cannot open additional stores. This franchisee cannot open additional stores. The franchisee

who we are working with now, which is a subsidiary of The Beekman Group now has the ability to expand in this particular market.

Joseph Morreale: I would prefer if they maintain both of them. Otherwise you'll get a deluge at the new one more so than you would if there are two of them.

Chairman Cosentino: We will put you on the next agenda since there is nothing else.

John Bainlardi: Thank you very much.

Continuing Review

Getty Station
Chris Thomas
280 Main Street
PB2008-22

Present: Chris Thomas, Montgomery Distributors
Joseph Fedele, Property Owner

Chris Thomas: We were before the Board a number of months ago for the canopy at the location. At that time the landowner was looking to subdivide the property into two parcels. At this time, we are leasing the entire property. There will be no subdivision. It will stay as one parcel. We are back before you to get your approval for the canopy at the location.

Chairman Cosentino: What guarantees are we going to have that you are not going to come back six months from now and try to subdivide it?

Chris Thomas: I can provide you with a copy of a lease.

Whitney Singleton: The guarantee that you are going to get is that they will be impacting the existing site plan. They are going to have to demonstrate that they will be able to commit to you all of the site plan elements and still subdivide. This is based upon recollection of the site. I don't know how they are possibly going to subdivide with a line going from east to west to provide frontage on a commercially zoned parcel.

Chairman Cosentino: It was north to south.

Whitney Singleton: If they subdivide north to south, then you have a commercial lot with frontage on Gregory Avenue. That is not going to be the way the code encourages this Board to review applications. I think Nanette has gone on record advising against that. That would be a self-created hardship on their part. You can't really come before the Board asking for things when you created the problem yourself.

Chairman Cosentino: They are here for the canopy they were here before. The only thing that put a fly in the ointment is that we received a letter from Mr. Monteleone representing the owners stating to stop all process as they intend to subdivide the property, which stopped them from coming back in and continue.

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Whitney Singleton: Do we have a new application?

Chairman Cosentino: It is a continuation of the old one.

Whitney Singleton: I know there is some degree of a convoluted arrangement here with leases and subleases. Do we have the property owner's signature on the application?

Chris Thomas: Yes, we do.

Chairman Cosentino: We have a copy of the lease on file.

Nanette Bourne: The Building Inspector made some recommendations in his memo of January 5, 2010 that you should address.

Chris Thomas: I believe one of them was the parking spaces, and we've already made those changes to the site plan. It was submitted after we met with him and re-submitted after that time.

Nanette Bourne: So the Planning Board has the most recent, up-to-date copy of your enclosed canopy?

Chris Thomas: Exactly. We met with him on the 5th, and these plans were submitted on the 6th.

Anthony Oliveri: I noticed that the zoning table on this plan, on Sheet F2-1, still seems to reflect the half-lot area. You have 19,000 square feet and the lot is 21,000.

Chris Thomas: It looks like he did not update the zoning. I will re-submit that, that's not a problem. It will be done tomorrow and in here on Thursday.

Chairman Cosentino: I understand the truck cannot get in through Main Street. It has to go in through the second cut. Every gas station that I see in the Village of Mount Kisco has a second cut, and it is for the trailer to get in. Is that why the trailer has to go in, so it's straight?

Chris Thomas: It comes in straight because of the configuration of the underground storage tanks. It comes off Main Street, pulls in through Gregory, up through that cut and come in this way. If it comes the other way it will knock the pump right out and it will hinder the traffic.

Chairman Cosentino: I assume that is why all the other gas stations in the village have that second cut. I think that will help people getting to the pump.

Nanette Bourne: I want to make sure the site plan has been updated; how you are dealing with edge conditions, upgraded landscaping.

Chris Thomas: We did it when we first went in there. I will change it on the site plan from proposed to existing.

Nanette Bourne: You had some accessory buildings that were on your survey. You have taken them off?

Chris Thomas: Yes. They're done. They're gone. When we originally came in here there was one in this back corner. It's since been taken off.

Nanette Bourne: You might want to review the issues from the last time you were before the Planning Board. With the re-submission of the fresh set of plans, they should be on continuing review for the next meeting.

Whitney Singleton: Do you want to see anything visually, aesthetically? I know the Board has seen it in the past, but maybe they want to re-circulate the plans that you've already seen, as far as what the canopy is going to look like.

At this point, Chairman Cosentino instructed the secretary to circulate the plans among the Board members.

Anthony Oliveri: There are elevations in this plan, on the third page. You can see the canopy. Is this a rendering that you want?

Doug Hertz: I for one don't need to see one.

Whitney Singleton: Didn't you have a color scheme of what the canopy is going to look like?

Chris Thomas: Yes. We said there was going to be a white band around it, no colors to it. We did have a pitched roof on the canopy with the original plan, but since then we've eliminated the pitched roof. We have already been to the ARB and the Zoning Board.

Whitney Singleton: I'm quite certain if it was approved by the Zoning Board that it was approved subject to any and all conditions that your board may impose.

Chairman Cosentino: There are not many conditions we are going to impose. We will draw up a resolution.

Chris Thomas: Thank you.

Correspondence

- Note from New York Metropolitan Transportation Council received January 6, 2010 re availability of 2009 Annual Listing of Obligated Projects

Chairman Cosentino: Before we close, I want it noted that from now on all site plans that go to us must to go Whitney Singleton as well.

Nanette Bourne: Whitney, Anthony and I are supposed to get copies of the site plans.

Chairman Cosentino: Whitney hasn't been that's why I am emphasizing this.

Nanette Bourne: They are supposed to come directly by the applicant.

Chairman Cosentino: I will note that Nancy requires the applicant to send plans to Nanette, Whitney, and Anthony.

Stanley Bernstein: Many years ago, we suggested that instead of submitting plans, why can't we get into the 21st century and have the plans projected on this screen? I know the village owns a projector and a computer.

Chairman Cosentino: The problem with that is I, personally, either read the plans at home or take them to my office and study them when I have a copy of them.

Stanley Bernstein: You can get a set of plans and have this. It is so inconvenient spreading these plans out on this table.

At this point, a discussion followed regarding ways in which site plans can be transmitted to the Planning Board, the Planning Board's ability to see the plans at the Planning Board meetings and how the Planning Board can access plans electronically. Mr. Hertz suggested the applicants submit PDF copies and Mr. Singleton suggested we begin looking at FTP sites. Ms. Bourne noted that more and more communities are rejecting paper copies and requiring site plans come via overhead. She also noted that the village should have their own FTP site. Mr. Vigliotti indicated if there is an internet connection here in the village boardroom, a laptop could be connected to an LCD projector and onto a screen or smartboard.

As there was no further business, on a motion by Dr. Morreale seconded by Mr. Bernstein, the meeting was adjourned at 9:45 P.M.

Respectfully submitted,

Stanley Bernstein
Board Secretary

dm