

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, February 9, 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

Continuing Review:

Chris Thomas
Getty Station
280 Main Street
PB2008-22

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

Nanette Bourne: At the last Planning Board meeting, there was a concern about whether the plans that were submitted were the most recent, and did they reflect all of the items the Planning Board has been requesting change. Assuming that all those were taken care of and resubmitted, you asked that I prepare a preliminary draft resolution for your consideration. At the time, it was not the expectation that everything would be ready for a vote tonight, but that may have changed. Nevertheless, this preliminary draft resolution still has some blanks, so that any additional items you want addressed can be. On Page 2, the second "whereas" reflects the date that the variance was given. I do not know if there were any conditions, any additional items concerning the variance. I just have the date. The conditions, which are shown over the next pages, are boilerplate conditions and do not include any of the specific items that you may or may not want.

Chairman Cosentino: I went through it, and I think you have everything in it that we wanted.

Nanette Bourne: Probably more. I know back flow devices were an issue.

Anthony Oliveri: We are looking at that now on all applications, and inserting a standard statement.

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Chairman Cosentino: The village is going to catch up to them anyway. They should have it. We will make it as a condition.

Nanette Bourne: That is stated as Condition 26 and I will complete.

Anthony Oliveri: The correct statement to use is in the next resolution.

Nanette Bourne: Some of the items that had been discussed concern landscaping. I do not think you have a landscape plan.

Chris Thomas: It is on the site plan and has already been completed.

Nanette Bourne: We asked for some more detailed landscaping, which I added as a condition.

Chris Thomas: We will give you a schedule of what we put in.

Chairman Cosentino: There were some added items that we have to give you.

Nanette Bourne: The lighting plan would need to be modified for a building permit.

Chris Thomas: So you want the shielding?

Doug Hertz: Not the shielding, the levels. The code requires you not to go above 5-foot candles, and you are at 18 in places. You need to check the code and make sure everything is compliant. In terms of light trespass, we do not really mind you trespassing onto the street because it is free lighting for the village. But light trespass onto neighborhood properties is a no-no.

Chris Thomas: Absolutely. What is the limit for the next-door properties?

Doug Hertz: I do not have the answer. You need to check the newest code. I can see this section in front of the building where you are proposing these goosenecks. That is where your hottest spots are.

Nanette Bourne: Do you have some lighting on your building that you anticipate coming off?

Chris Thomas: We have the goosenecks on the building that we just added when we took over the site. We have fluorescents under the awnings. We can take those out.

Nanette Bourne: In order for you to get a Certificate of Occupancy, not only will this have to comply with the village code, but the pictures you show on here will have to be the fixtures that you have on the building, as well as any additional ones. Also, if you notice on the boundary and topography survey, there is a notation of an area that is used for a reserved parking area. It is noted on the "as built," and if you go to the site plan, that language is no longer there. I do not know what the Board's pleasure is about identifying that as accessory parking.

Chairman Cosentino: It has been there.

Nanette Bourne: Do you want it noted on here? It is not on the proposed plan.

Chairman Cosentino: I do not want to add anything that is going to give it our blessing. It is there. That can cause a problem for us in the future.

Whitney Singleton: It is a function of, is it supporting parking or is it extra parking? I am not sure they have sufficient parking as is.

Chairman Cosentino: So it is extra parking for their business.

Whitney Singleton: Right. But they are showing nine spaces as being required. I do not know where that number comes from. There are three spaces per bay or workstation, and then there are additional spaces at the pumps and then additional spaces for the inside of the building.

Chairman Cosentino: So what about the parking lot where the funeral home is for extra parking?

Whitney Singleton: But they are not showing it.

Chairman Cosentino: How many parking spaces do they have to show?

Whitney Singleton: I do not know.

Nanette Bourne: We have been going with the number that they have on here. It was the matter of: is it located in an appropriate place? Last time, the Building Inspector had a memo in the packet that talked about the three spaces that are in the center part of the site. He requested that those be modified.

Chairman Cosentino: Modified to what?

Nanette Bourne: Austin's issue was that there is a space right here that really does not comply with the code. He had suggested that be relocated. The applicant was not directed to make any change. The other issue is the site plan acknowledges that this dirt parking lot is part of the site plan. Is it dirt or broken up macadam?

Chris Thomas: It is dirt.

Nanette Bourne: It is a use. They are showing it on their "as built," because that is how it is used. They do not show it here on the plan that you are about to approve. They would have to show it as a use or it is not approved.

Chris Thomas: We will change the plans. It will be done tomorrow.

Chairman Cosentino: Before you get a building permit, all of that has to be completed on the plan.

Anthony Oliveri: Also, you never changed the area on your zoning map. Those percentage numbers are not updated.

Nanette Bourne: Bringing this up to speed is one thing - modifying these in the way that the Building Inspector had suggested.

Chris Thomas: I remember his memo and he stated these two had to be changed to temporary parking, no overnight parking. He did not say anything about this spot here from my recollection of that memo.

Chairman Cosentino: There is one spot he was talking about.

Nanette Bourne: Please review that with him. Also, the landscape plan.

Chris Thomas: We have done this already. Whatever needs to be added will be added. We are not worried about that at all.

Nanette Bourne: And then the lighting.

Chris Thomas: Yes.

Chairman Cosentino: They will be entered as conditions then.

Chris Thomas: Not a problem.

Whitney Singleton: I would like to offer some changes as to the language of the conditions. There are blanks in the conditions that need to be addressed as well. Condition #9 should have a preface leading into that, "in addition to the landscaping shown on the site plan, an additional landscape plan, etc." You can say, "A landscape plan shall be provided." I think the words at the end of the sentence; "until all required landscaping installations are complete" should be deleted as it is redundant. On Paragraphs 10 and 11, one regarding the landscape and one regarding the site, there should be additional language at the end of each of those paragraphs saying, "If any such sums shall constitute a lien on the real property."

Doug Hertz: Also on #11, I do not want to suggest that this site lighting plan revised January 27, 2010 is acceptable. I think we need to make it clear in here that this plan still needs to be revised to be compliant with village code.

Whitney Singleton: Generally speaking, about Paragraph 16 regarding construction activities and Paragraph 13 regarding staging and construction sites, given the proximity to the public right-of-way and given the fact that we are dealing with a petroleum facility, is this construction going to require the complete closure of the gas pumps and stations during construction?

Chris Thomas: The gasoline dispensers will be shut down completely. It usually takes three or four days for them to construct it. He will be able to use his bays because the ingress/egress is fine, but the dispensers will be shut down.

Whitney Singleton: And you will discuss with the Building Inspector and Engineer adequate protection for the pedestrian sidewalk?

Chris Thomas: Sure - if we have to do barricading or fencing, whatever we need to do is fine.

Whitney Singleton: Paragraph 17, second sentence beginning with the word "substantive," should be preceded with the word "any." At the end where it says, "shall be reviewed and approved by the village Architectural Review Board," I believe after that it should state "and/or Planning Board." Paragraph 23, stating "there shall be no parking, loading, standing or unloading on Main Street," it would be appropriate to say, "or Gregory Avenue." I would suggest an additional condition, #28, stating that this site plan shall be subject to all conditions contained in the variance granted by the Zoning Board of Appeals on (whatever date it was approved). " On the general notes on the site plan, (SP??) #1, you reference the section but not the district. If you could put in a general note #4, saying zoning data bulk requirements per Chapter 110-21. You could also put in there the OD district. Under building coverage, I am trying to figure out whether the 8.6% is inclusive of the canopy, because the canopy is technically a building. Whatever it is, you are fully within whatever is permitted. I want to make sure it is right.

Chris Thomas: Like Anthony said, these are the wrong numbers anyhow because he never changed those like he was supposed to be.

Anthony Oliveri: The percentages may be higher.

Whitney Singleton: If you could confirm with the Building Inspector what the required parking is. Again, you have plenty of parking spaces on the overall site. I am not concerned about that, I want it to read the right number.

Anthony Oliveri: On #3, "as built" survey instead of "drawing." On #27, insert "shall arrange a pre-construction meeting."

Whitney Singleton: The lighting plan that you have does not show all the lights that are presently on the building. I want to make sure if you are planning to keep the Getty sign above the base, it should be shown on the plans.

Chris Thomas: No problem.

Motion on the Resolution of Approval for Modification for the Approved Site Plan for the Canopy Installation at the Getty Station at 280 East Main Street, PB2008-22.

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

Question:

Doug Hertz: For the record, I do not have a problem with this application. I am not that happy that we are voting on something with plans that are so far from where they should be. We have intent to get them corrected, and we have direction in getting them corrected, so I think that it is okay.

Continuing Review

**Peter Smith
211 Kisco Avenue
PB2009-01**

**Present: Peter Smith, on behalf of the applicant
Scott Blakely, Insite Engineering**

Nanette Bourne: This has been previously approved. There were modifications made to the site. During construction, the applicant had requested certain changes be made. This is kind of a compilation of site changes. Page 2 identifies what the changes are from what you had approved in 2009. If you have no other questions, you just need to vote.

Doug Hertz: I have no questions. I want to say the construction of the building has been moving along, and I think it looks great.

Stanley Bernstein: Yes, I agree. It is a nice looking building. What are you going to put in the statue area in the rain garden?

Peter Smith: Someone described it as looking like something suitable for a chiropractor's office. I do not select the art, I am just the architect.

Stanley Bernstein: Will it be a periodically changing sculpture?

Peter Smith: I do not think so.

Motion to Approve Draft Resolution, Peter Smith, 211 Kisco Avenue, PB2009-01

**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:

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

Chairman Cosentino: This is a discussion of the site visit held last Saturday.

Mr. Blakely had Mr. Bainlardi's site plan with him and at this time, he allowed the Board to view it.

Scott Blakely: This plan has no dimensions on it, but I can get it if you need it.

Chairman Cosentino: We are only going to be discussing the site visit.

Ralph Vigliotti: My apologies for not being at the visit. I had it on my calendar for this Saturday. Two comments: I was at Dunkin Donuts on Saturday on North Bedford Road. They have a similar throughway here, but it is one way coming in. I noticed, which was very interesting, in order not to make this a straight through stop and make a left, this parking space is eliminated there and it is striped all the way through in order to cut that off. So when you are coming around the corner here you have more space, as opposed to coming down and then making the left and making this a smoother go-through. Of all things that we are talking about, if this is inadequate here, and with a car sitting here, if this came through, it would provide a smoother transition through the site either coming in or coming through here. As I said, the one on North Bedford Road, which is a perfect example because they do have a corner and this stripe line actually crosses over into another parking space. Also, on the resolution, are you showing a stop sign?

Scott Blakely: There is a stop sign shown on the layout plan.

Ralph Vigliotti: I guess that would have to be at some point a condition of the resolution. We had talked about that, and I think there was agreement for that.

Nanette Bourne: So you want that in the resolution?

Ralph Vigliotti: If it is something that they had proposed in order to make traffic through this site slow down and take caution at that corner, yes.

Nanette Bourne: If it is on the plans, it is reflected. You can emphasize it.

Joseph Morreale: Which way does the stop sign face?

Ralph Vigliotti: Is it double stop or a stop off you are coming through?

Scott Blakely: It is a stop if you are coming this way.

Chairman Cosentino: You can put it in the resolution if you want, but once it is on there it is resolved.

Ralph Vigliotti: Everyone seems to be fine with regard to the 20 feet 3 inches, whatever it may be. The only way to handle that is to cut off the end of the building and that is not going to happen. I still want to do everything possible to make the traffic flow work. I beg you to look at the site on North Bedford Road that has a similar condition with that building that is right at the corner of the travel lane. The stripe area

there is twice as wide as the one that you have. It actually takes up a parking space, and it is a no parking area for cars or trucks to get around there as opposed to coming straight down and turning.

Scott Blakely: We have a 24-foot wide aisle going through this neck, but it does expand in this area out to close to 30 feet, just because of the angle of the curb line, versus the angle of the building. That helps us, especially if we can somehow keep this vehicle over this way, it could swing around.

Ralph Vigliotti: Is there going to be a centerline going down here to help control traffic?

Scott Blakely: It is not proposed. Typically, within parking lots, there is no centerline.

Ralph Vigliotti: If we are pushing cars away with purpose, then they are in a good site line to be able to see.

Doug Hertz: The feeling was, on site, because of that extra space there really was a fair amount of navigation room.

Scott Blakely: Actually, we are taking that one existing parking space that is on that corner of the building and pushing it a couple of feet.

Ralph Vigliotti: I see the hidden line here, so it has increased.

Scott Blakely: Slightly, but it has increased.

Ralph Vigliotti: I am not trying to steal your parking space here, but if it had a sweep like this, you would have an even larger area here. This triangle takes a car or truck here. Is there a way of pushing down even more? Have you done anything you possibly can to gain more, even though you gained a foot or two here?

Scott Blakely: The only issue with pushing it further to that intersection is that this is beginning to crowd.

Ralph Vigliotti: You can understand what I am trying to show here? This is striped which is fine, but it does not really help that much because this last part of the stripe does not do anything, because there is a car that could be there. The best-case scenario at the very end of all this would be either an elimination of all this or trying to steal a little bit more out of there. Possibly adjusting the rate that we have for Dunkin Donuts. I want to make this as comfortable to travel as we possibly can. That may eliminate the stop sign at that point.

Doug Hertz: So you would be comfortable with lesser parking?

Ralph Vigliotti: I am trying to truly accommodate a travel lane and trying to make it safe around the back.

Doug Hertz: We have lost so many spots. We have gone from 54 to 45.

Chairman Cosentino: We lost the whole front.

Ralph Vigliotti: We did not have much of a choice in the front.

Doug Hertz: It forced that other space to be unworkable.

Ralph Vigliotti: I am not here to argue for or against it. I am just trying to show that you could make that rear site work much, much better. As a matter of fact, you end up probably picking up another three or four feet here.

Doug Hertz: The little space between this areas here, is that landscaped?

Scott Blakely: Yes.

Doug Hertz: How deep is that?

Scott Blakely: That is four feet. It is from face of curb to building.

Doug Hertz: What if you stopped the planting bed one space early?

Sol Gibbons: That is what I suggested.

Doug Hertz: Then you can pull that car in four more feet.

Scott Blakely: That would address it.

Anthony Oliveri: You are going to need some curb there as part of the building.

Scott Blakely: The question would be would the Board permit us to put in one bumper block? We had bumper blocks shown on the plan before with no planting bed there.

Doug Hertz: But you are not using the planting bed overlap for a car?

Anthony Oliveri: Maybe you could step it back like a two-foot dimension. A typical overhangs a little more than two feet, and gain a couple of feet.

Scott Blakely: It really would pick us up four feet.

Ralph Vigliotti: How much would a car overhang into the landscape area?

Scott Blakely: It would typically allow two feet.

Ralph Vigliotti: And you have four, so we could net out two.

Scott Blakely: If we were to bump the curb two feet and just put a solid two-foot wide curbing there.

Doug Hertz: The reality is that it is a full code space and a four-foot over-ride. Cars might not be parking to the end of that anyway, because they could theoretically overhang.

Scott Blakely: They would overhang by a couple of feet depending on how the front bumper or the windscreen hangs down.

Doug Hertz: I do not really see that we would lose anything if you want to bump that down to two feet.

Anthony Oliveri: Or you could just put some protection on the building, a guardrail there. The curb is high enough so people will not overhang it.

Scott Blakely: What if we eliminate the curb on that end space, pull it in four feet, and we come up with some type of protection detail for the building?

Doug Hertz: I think that would be great.

Scott Blakely: You have seen what he is done with the architecture. I think we will come up with something that looks good.

Doug Hertz: You have got the greenery, the planting beds for most of it.

Anthony Oliveri: You could also use a wood guardrail.

Doug Hertz: You have gain a lot of space and make that turn even more efficient.

Scott Blakely: Would you want us to do it on two of the spaces to pull that in?

Ralph Vigliotti: I think maybe just the one.

Doug Hertz: It is at an oblique angle anyway.

Scott Blakely: I do not think John would have a problem doing that. That is a good suggestion.

Nanette Bourne: The tables for outside - do you have any objections?

Chairman Cosentino: No.

Nanette Bourne: It is my understanding that the applicant is neutral on whether he wants tables out there to begin with, but having it in here; you are fine with it, in case he does want tables?

Chairman Cosentino: How many tables were going to be inside?

Nanette Bourne: 17 seats, I do not know how many tables. There are stools and a countertop.

Scott Blakely: We were proposing two to three café tables outside with two or three chairs per table.

Doug Hertz: You talked about them being either on the back terrace or in the front?

Scott Blakely: We were originally proposing here.

Doug Hertz: I wish John were here to hear this, but I am not wild about the idea of putting tables out in front on a corner building like

that. I think it is an attractive nuisance. It is a heavily trafficked area. I do not think it is a nice place to sit and watch the cars whiz by. I would be happier with that front section eliminated.

Ralph Vigliotti: I agree.

Chairman Cosentino: This is not fair to John. John was here and I told him we were only going to talk about the site. If you are going to start talking about other things, John should be here. If you want to bring it up on the 23rd, we can make it as a condition.

Scott Blakely: I will mention it to John tomorrow so he is prepared to address it.

Joseph Morreale: Do we have any idea when this is going to be completed? Not the process, the building.

Scott Blakely: He is working on it diligently right now. He has a tenant, so I know he wants to get someone in there ASAP. We filed our DOT information and we are waiting. He is moving the project along. The weather is going to break in a month and then he will probably start on his masonry work.

Chairman Cosentino: We will put you on for the 23rd.

Scott Blakely: Thank you.

Discussion:

Doug Hertz: We started a quick discussion last time about email correspondence. I would love a back up of the minutes or other items that get pushed off over periods of time. If they could be sent via email as well as hard copies in our book. For example, the case tonight, the minutes were given to us at some point in the past. They are not in the packet and there is only a cover page that says refer to your old minutes, which I do not have access. Sometimes we are voting on items that were in the packet three months prior, and I do not have that packet, like tonight.

Whitney Singleton: Are you voting on things that you do not have?

Stanley Bernstein: We had a problem in one of the minutes, possibly December 8, 2009, in that there was only a quorum of four people, and that quorum has not appeared since.

Doug Hertz: We will not have a quorum until April. Four months later, I do not want to start to dig back through prior packets. If it was in the email, I could just refer to it on my computer.

Mr. Hertz, Mr. Vigliotti, Dr. Morreale, Mr. Gibbons and Chairman Cosentino all would request the minutes be sent to them via email as well as a hard copy in their packet. Mr. Bernstein preferred to have his sent to him on hard copy only.

There being no further business to come before the Board, on a motion by Mr. Hertz seconded by Mr. Gibbons, the meeting was adjourned at 8:40 pm.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

Dm