

Minutes  
Meeting of the Planning Board  
Regular / Work Session  
Village/Town of Mount Kisco  
Tuesday, March 27, 2012

Meeting called to order at 7:45 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

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

**Members Absent:** Vice Chairman Sturniolo

**Staff Present:** Anthony Oliveri  
Nanette Bourne  
Whitney Singleton  
Austin Cassidy

**Approval of Minutes:**

December 13, 2011  
January 24, 2012

**Motion:** Mr. Gibbons  
**Second:** Mr. Bernstein  
**Aye:** Mr. Vigliotti  
**Aye:** Mr. Hertz  
**Aye:** Mr. Bernstein  
**Aye:** Mr. Gibbons  
**Aye:** Chairman Cosentino

**Public Hearing (Continued)**

**Northern Westchester Hospital Center  
400 Main Street  
PB2003-02D – Parking Structure – 80.49-3-14(Hospital),  
80.57-2.6,80.57-2.6 (Retail Complex)**

**Present:**

**P. Daniel Hollis, III Esq., Shamberg, Marwell & Hollis  
Mr. Joel Seligman, President, Northern Westchester Hospital  
Center  
Michael Caruso, Vice President, Facilities, Northern  
Westchester Hospital**

*No one from the public was present for this Public Hearing*

P. Daniel Hollis: Good evening, we are here to answer any questions. I have reviewed the Resolution of Approval, and I would ask that the

public hearing be closed and respectfully request that you favorably consider the resolution.

Chairman Cosentino: Is there any staff or any members of the board that have any input on this lighting?

Nanette Bourne: I don't have input on the lighting plan, but I do have a couple of minor corrections that need to be made. On Page 11, Condition 41 reflects to a discussion we had at our December meeting as to the number of parking spaces that the hospital clarified. Condition 41 says the parking structure containing 496 spaces shall have 464 spaces allocated. You had already considered this and were satisfied at the December meeting.

Anthony Oliveri: I looked at the lighting plan, and it seems to conform to the new illumination standards.

Doug Hertz: Now that we are at the end of this, I just wanted to make a comment. As part of the subcommittee on lighting, Vice Chair Sturniolo and I did meet with the hospital staff. We looked very seriously at a number of alternatives. There was a reason this was put off until this period of time, because it is a difficult and unusual situation. The hospital did a very good job looking at the alternatives, and there were not easy answers on this. They did provide us with all the data we requested, and while there was no perfect solution, I think the solution that the hospital has come up with and we've backed is really the best solution for what is an unusual situation. I want to support the process as well as recommend to the board that we adopt this as the best compromise of all the possibilities that were considered.

Chairman Cosentino: I would like to thank you and Vice Chair Sturniolo on behalf of your committee. You did a great job. It's the best we can possibly do under the conditions. It is not going to look like an airport; it's going to look good. You did a great job, your engineers did a great job, and it's the best that we are going to get. We are really proud of it.

**Motion to Close Public Hearing  
Northern Westchester Hospital Center  
400 Main Street  
PB2003-02D – Parking Structure – 80.49-3-14(Hospital),  
80.57-2.6, 80.57-2.6 (Retail Complex)**

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

**Motion to Approve Resolution:**

**Motion: Doug Hertz  
Second: Sol Gibbons  
Aye: Ralph Vigliotti  
Aye: Stanley Bernstein**

**Aye: Sol Gibbons**  
**Aye: Doug Hertz**  
**Aye: Chairman Cosentino**

Chairman Cosentino: I would like to thank the staff at Northern Westchester Hospital Center, my board and subcommittees for an excellent job. We've given you the red carpet, and I know this is a good project for the community.

P. Daniel Hollis: We will do our best. We thank you for the hard work and diligence in helping us get to this point. We will not let you down.

Chairman Cosentino: Thank you, and have a good night.

**Formal Application:**

**Gallin & Beeler Design Studio**  
**333 North Bedford Road**  
**Site Plan Amendment**  
**Cosentino Center**  
**69.50-2-1**  
**PB2012-5**

**Present: Michael Gallin, AIA - Principal, Gallin & Beeler Design Studio**  
**James Diamond, Diamond Properties – Property Owner**

**Of Counsel: David Stolman ,AICP, PP, President, Fredrick P. Clark Associates, Inc.**

Chairman Cosentino: On this application, please show for the record that the name of the tile company is Cosentino Center, and there is no relation that I know of to this applicant and me. I am not related to this other Cosentino, spelled the same way.

Michael Gallin: We are here to talk again about 333 North Bedford Road. We are excited to be reaching a conclusion for the re-occupancy of this building. There is a limited amount of square footage left in the building that is vacant. The only vacant space is between the Target tenant and the athletic club and adjacent Premier Martial Arts space. The immediate tenant in question is Cosentino Center, an international supplier primarily of stone slabs, but they also supply tile and other related building products. This center is really focused on slabs. They would like to start infiltrating the New York Metropolitan market selling their products locally to compete with some of their competition. Interestingly, we started this whole project several years ago talking about mixed warehouse with accessory office, and now we are coming full circle back to where we started. This tenant is a pure warehouse tenant, with an accessory office, a small showroom function where they are able to display their products to trade members, professionals, and purchasers of the stone. They do not sell the stone directly to the retailer. You cannot come in and just buy a slab of stone. For example, myself, as an architect, I might go there to select out a specific stone that I want to use on a project. They have the showroom, and they stack the stones in the warehouse across the space. The space in question is this 31,455 square feet. It

is at the bottom of Ice House Road and the termination of the building. I will walk you quickly through the plan so you understand what is going on inside the space. This is the space in question. You will see the showroom area as this front area here. Here is a meeting room for training staff on how to use and install the stone. Here are administrative offices and bathrooms. This is where they are storing the stone slabs. They are actually putting in three linear cranes, so there is a crane that runs along here, one that runs here and a third one that runs along here to transport the stone slabs. All of this is for accommodating the slabs. They are pulling in loading trucks here, they are flatbed trucks where the stone slabs are sitting on the back of the truck. The crane comes over the top of the truck, lifts the slabs off, pulls them back and then they have horizontal transitions.

Chairman Cosentino: So the truck is pulling right into the facility?

Michael Gallin: All the way into the facility. We are modifying the loading dock to make it a little deeper so the cranes can get all the way in there and the doors shut in the winter and the space can still be heated. It takes them about an hour to unload one truck.

Ralph Vigliotti: There is no offloading on 117?

Michael Gallin: Not only is there no unloading on 117, there is no unloading even in the parking lot.

Ralph Vigliotti: I know you know the joke.

Michael Gallin: I do. We are excited about it for a variety of reasons. One, it is a great company. Two, they literally have one truck a day delivering this stone, and it's not even everyday, more like four days a week typically. They deliver once a day. In the morning, they load up a truck that has a crane boom on the side of the truck; they deliver the stones for the slab, so it is very low truck intensity. There are not a lot of visitors. They do have the showroom here that is part of their market. The square footage of the showroom is about 3,500 square feet. If you count the offices, it's close to 4,000 square feet.

Chairman Cosentino: It is good storage and good space. There are not a lot of cars that will be parked down there. There will not be a lot of trailers. It is unloaded inside. I think its good storage and good space usage. If a contractor or architect goes there, there will probably be one or two cars the most, look at the product and leave. It's not an all day thing. For the 31,000 square feet, I think you picked a good use that would be great for that space.

Jim Diamond: We are excited about it. They are a phenomenal company. They have 14 of their own quarries, 17 fabricating plants in Europe. They go all the way from the quarry to essentially the engineer. They are headquartered in Spain. Their Silestone product is actually their product. They have a 6,000,000 square foot facility in Europe where they actually build the Silestone slabs, and they are building a second 6,000,000 Silestone plant in South America. They are only establishing 50 of these showrooms in the United States. They considered locations throughout the tri-state area. We were competing with Long Island to get this tenant in here, and we worked with them over the past few months to bring them to Mount Kisco. We think this is great economic development for Mount Kisco.

Austin Cassidy: For the purpose of record, is there any fabrication or processing of the materials at all, or is it transferring storage?

Michael Gallin: Transferring storage and limited display.

Austin Cassidy: Estimation on work force size?

Michael Gallin: Eight to ten.

David Stolman: As I believe Michael said, this 31, 455 space is part of what we previously approved as the Mount Kisco Sports Arena. The traffic and parking analysis had been done at that time. In subsequent applications like K-Nine Kindergarten, that traffic and parking analysis had been updated. When you look at the shared parking table that Mr. Gallin did, it shows that at the peak time for the site (8:30 am on a weekday) there will be enough parking with this new use. Looking at the traffic, there will probably be a bit less traffic than if this had been a sports arena use. In terms of the table on the site plan, I would just look at that physical training studio number that I mentioned in my memo. It looks a little bit high. Back when the K-Nine Kindergarten application was before us, there was physical training space, which is being reduced in size now, but the parking requirements shown on that table is about the same, which I think may overestimate the amount of parking that is actually required. If we can adjust that it would be good. The only other comment we have regarding this application is that it would be good for us to get some large-scale sheets so we can take a look at the physical improvements that are proposed to be made. Last but not least, not really part of this application, but it would be appropriate to ask Jim to start on that 90 percent occupancy traffic analysis, because that is where we are in terms of the occupancy of the site.

Jim Diamond: I would like to point out one more thing which we did not touch on here but you make reference to in your letter. Continuing what we did in front of Saw Mill Club an MMA Fit, we are continuing to remove more impervious surface. This whole landscaped area in front of Saw Mill Club and MMA Fit is now being extended further north. It is around 65 feet wide. We are taking up the blacktop and replacing it with landscaped area and sidewalk. I think it will continue the process of beautification that we started on the south end. As everyone recalls, the idea here was to tie this in to the soccer field area to create a continuous pedestrian pathway. We are very excited about that.

Anthony Oliveri: I would also like to see a large-scale drawing. You can add some grading; otherwise there is really not much to comment on.

David Stolman: I believe that the process we can talk about is to set a public hearing for the next meeting.

*At this point, a public hearing was set for the April 24, 2012 Planning Board meeting. Because most of the changes are interior, a draft resolution will be submitted at the April 24 meeting to possibly be adopted at that time.*

Chairman Cosentino: It looks like this is coming to the end of what is happening there.

Jim Diamond: We have one more space after this.

Stanley Bernstein: You mentioned an improved and enlarge walkway, and removing the impervious surfaces which gratifies me immensely, but you were supposed to also investigate walking from 333 out to 117 or along Ice House Road and come up with some solutions. Have you done anything on that?

Chairman Cosentino: I think he's been talking to Jim Palmer on that.

Jim Diamond: We have investigated over the past five years, and the conclusion was always that with the current configuration of Ice House Road, it did not make sense to create a pedestrian walkway. We can come back and re-evaluate that in the next few months potentially. We have acquired these two buildings over the past two years on Ice House Road, so we are happy to take another look at it in conjunction with redevelopment of those properties to see if there is anything else that we can do. The conclusion in the past was always the current configuration of Ice House Road; we would be creating an unsafe condition, which we did not want to do.

Stanley Bernstein: Do you remember my suggestion? Dear to my heart is restoring that wetland which has nothing to do with you; I'm not pinning it on you. I made a suggestion that perhaps there could be some sort of walkway, perhaps even a boardwalk, including the restoration of the wetland to take one from one spot perhaps even in the mall, over to the soccer field. I would like to investigate that. I know you don't have much time as you are busily signing up tenants, but perhaps you could find the time to investigate this suggestion of mine. It's really dear to my heart. That wetland is no longer a wetland. It's been destroyed, and if we can restore it and recapture the sheet flow and maybe even put a boardwalk through, we might be able to get a good walkway and a little bit of a nature trail as well.

Chairman Cosentino: Mr. Diamond, during these years that you've been before us, you have kept your promise. You made something that was nothing, and it is something that the village is very proud of. On behalf of the Planning Board and the Village, I want to thank you for doing that project. It means a lot to the village. You kept your word.

Jim Diamond: Thank you, Mr. Chairman. This board and administrative staff here have been part of the process. It's been the same team from Day One. It certainly has been a collaborative process from construction to finish.

Chairman Cosentino: It was a pleasure working with your team also. We will put you on the April 24 agenda.

**Final Action:**

**Westchester Burger  
353 North Bedford Road (69.43-2-3)  
PB2012-1**

**Present: Vincent Corso, Owner, Westchester Burger**

Chairman Cosentino: The building looks beautiful. You did a superb job and we are very proud of it.

Vincent Corso: Thank you.

Chairman Cosentino: We are here for the final action and landscaping plan discussion.

Ralph Vigliotti: On the landscaping, it looks like it is going to be very thorough. Back by the dumpster there is a very small piece of green area that is un-landscaped now and needs to be landscaped. I don't think you need to submit an amendment to the landscaping, but since you're at it and it's at grade level, a few shrubs and some grass might enhance that back area nicely.

Vincent Corso: That sounds fine.

Chairman Cosentino: You know the lineage for the cars?

Vincent Corso: That's already done.

Chairman Cosentino: Good, and the shrubbery when the weather permits, of course.

Vincent Corso: Yes. My father in law is very eager to get in there and start working.

Doug Hertz: Did your staff, Ms. Bourne, have a chance to review the landscape plan in depth? Does this comply with the feel that we've tried to create along the rest of 117? Will this interface well with the certain longstanding design parameters?

Nanette Bourne: We believe so. When we first went out and looked at the original landscape plan, the vegetation was way too small. They worked with us and made the changes that we requested. It's a different concept, a different look than what had originally been there, but we felt that they had made the additions and did it in a way that was palpable in what we are looking for.

Doug Hertz: Thank you, because this is outside my area. I know that we did work very hard with the prior applicant to get a certain look, and I know we are going in a somewhat different direction, but it does have to be all of a piece that we are trying for the entire strip. I appreciate that you did the due diligence.

**Motion on Resolution of Approval for Modification to the Approved Site Plan**

**Westchester Burger  
353 North Bedford Road (69.43-2-3)  
PB2012-1  
March 27, 2012**

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

**Aye: Chairman Cosentino**  
**Aye: Ralph Vigliotti**

**Continuing Review:**

**Arroway Chevrolet/Cadillac**  
**175 North Bedford Road**  
**PB2011-5 (69.66-2-3)**  
**Amended Site Plan Wetlands Permit**

**Present: Scott W. Blakely, R.I.A., Sr. Vice President/Principal**  
**Landscape Architect, Insite Engineering**

**Vincent Franze, A.I.A., Principal, Franz & Franze**  
**Architecture, PLLC**

***Mr. Hertz was recused from this session.***

Chairman Cosentino: Regarding the unloading of the cars, wouldn't it be prudent to mark it as "unloading?" I'm not saying it's going to happen here, but it always seems to happen on every car dealership that we have here. They park cars on the unloading area. When a trailer truck comes in, and he finds no place to unload, he unloads in the street. We are trying to avoid that. They are giving out summonses right now, and in one location the trucks can be impounded. I need to be guaranteed that when cars come in, they are going to unload off the road. When the officer goes to the truck, the truck driver simply says, "There is no place to unload." I know there is no communication between the truck driver who unloads the cars and the dealer, but something has to be done to keep that area clear so trucks can unload. It is not the obligation of the village. It's Arroway's obligation.

Scott Blakely: We understand your concern, and I don't know of any issues with Arroway.

Austin Cassidy: It's more chronic elsewhere that they have that issue.

Chairman Cosentino: It has been, but as each dealership comes in, we would like an area designated as "unloading." Its common sense, you know they are going to park where the trailers are supposed to unload. You know when the trailer comes and what do you do? Do you move 15 to 20 cars?

Scott Blakely: In the area that we have designated as the maneuvering and unloading area, it is actually against a curb where cars would not park. It is not in areas that are set aside for car storage, but it is against the curb line here and here. If we stripe that area in a traveled way, I think it's going to look awful. It's similar to what we worked out with the fire lane around the front of the building.

Chairman Cosentino: So what do you do when a trailer comes in and there are cars parked in that area? What do you do to get those cars out so they can be unloaded?

Scott Blakely: I don't think cars will park in those areas. It's against the front of the building here. We have shown it as the tractor-trailer



coming in and having the ability to maneuver out. This area is fairly clear all the time. Where we had congestion previously is in this area. I will get into what modifications we made to help clear that congestion. We will speak to the owner.

Austin Cassidy: We have only had one or two problems there. The chronic problem is just up the road.

Vincent Franze: These are areas that have now been designated.

Chairman Cosentino: It should be a designated area before this designated area.

Ralph Vigliotti: Will there be signage that says, "No parking unloading zone?"

Scott Blakely: We can add some signage, because there is an area boxed out here on the plan. We can add a couple of signs along this curb line. I'd rather do that.

Chairman Cosentino: Just do something that will make this board feel comfortable with it.

Stanley Bernstein: What do you have against striping the pavement?

Scott Blakely: If you see where it would be it would not look good.

Stanley Bernstein: I don't see anything wrong with a white line on the pavement. But I do see something wrong with the half dozen cars parking there, and don't tell me they won't because I've been to this place a number of times, and you cannot walk from the sidewalk into the building without walking over cars. It is a horrendous situation. All the dealers are like that but yours is pretty much the worst.

Chairman Cosentino: I think Arroyo is less problematic than other dealers, in all fairness.

Stanley Bernstein: That may very well be, but if you want to even look at a car you can't. You have to stand on the hood of the adjacent car to look. It's outrageous. What is wrong with a couple of white lines on the pavement? What looks so bad about that?

Scott Blakely: If it's a request of the board, we will comply.

Stanley Bernstein: I think it should not be a request, it should be a demand.

Chairman Cosentino: Mr. Singleton, if they have an area that is designated for unloading and it's marked, does the village have the right?

Austin Cassidy: To my knowledge, it is fire lanes only. I don't know about loading zones.

Whitney Singleton: There are some other situations where there are retail shopping centers of a certain size with a minimum number of stores, but generally Mr. Cassidy is correct - unless it's fire lanes. That

doesn't mean that the misuse of compliance with the site plan cannot constitute the site plan violation.

Chairman Cosentino: So it's better to have them marked.

Anthony Oliveri: The other issue we brought up early on is that this turning radius is based on a 55-foot trail. We asked for verification, and I believe Insite said they would verify that with the owner. If longer trailers are going to come in and they can't make this turning radius, we should know that now. Maybe that it is limited to 55-foot trailers can be in the resolution. If it's a longer trailer, it might not make the space.

Scott Blakely: Based on my discussions with the owner, he indicated that is what it is.

Chairman Cosentino: The owner, Lou is a very honorable man and he will tell you the truth. The end result is that the architect did a beautiful job.

Vincent Franze: Thank you.

Chairman Cosentino: The only thing that irks me is going to be the unloading and maybe loading of the trailer. I believe Mr. Bernstein is right. We would like you to stripe that area with signage.

Scott Blakely: I think we can agree to stripe that, and we'll put two signs.

Chairman Cosentino: Yes. This way, if the truck comes in and there is no room, we can pull the site plan.

Scott Blakely: Agreed.

Chairman Cosentino: We will add a condition to the resolution that trailers are not to be more than 55 feet, and the signage, "No Parking Unloading Zone" area will be striped with signage.

Ralph Vigliotti: I think there should be two signs for each of the areas with arrows, so people know it's the entire area.

*At this point Mr. Vigliotti and Mr. Blakely discussed exactly on the site plan where the signs will be placed.*

Ralph Vigliotti: You have a second loading area, don't you?

Scott Blakely: No, only just the one.

Ralph Vigliotti: Is there not enough of a radius to go around the building?

Scott Blakely: We have the digital truck turning templates, and we can digitally drive a truck through the site, and these truck drivers can do things different than the template indicates. We cannot show that he can get around here with our truck turning templates. If this area is clear, they can maneuver through there.

Ralph Vigliotti: I thought the truck just pulled right in, but when you're backing up while the designated area may be clear, is the driveway that is needed going to be clear? That is more of a concern. Arroway tends to stack cars on every square inch of their property. Is the truck that is pulling in going to be able to make that wide turn to get around the corner of that building to actually place their truck there?

Chairman Cosentino: There is an exit around the other side of the building.

Scott Blakely: The way it works is that they come in here and then back into the space.

*Discussion followed.*

Ralph Vigliotti: According to your template, this truck will be able to back in?

Scott Blakely: That is correct.

Ralph Vigliotti: What if there are cars parked? We are designating only one area now, where there is unloading, but we are not necessarily designating this area. So, if there are cars parked here, this truck cannot come in. That is going to have to be either striped or designated "no parking." Historically, we know that cars on this particular site will park wherever.

Chairman Cosentino: What is the footage from the end of the building to the parking area?

Scott Blakely: 24 feet.

Chairman Cosentino: And you are saying that he can back into here and go into 24 feet?

Scott Blakely: Yes.

Chairman Cosentino: It's tight.

Scott Blakely: It's tight, but even the truck templates prove that you can do it. 24 feet with a 55-foot truck.

Ralph Vigliotti: I am sorry to belabor this. I don't know how many feet we have from the roadway to this point. Let's assume he has a car here, and he is trying to make the right to get in to begin his movements. If there is a car here, is he going to just stop and say, "Hmm, what do I do now?"

Scott Blakely: I would say if there is a car here, he is going to pull in here and then get someone to move that car.

*Discussion followed.*

Ralph Vigliotti: Cars will park here. They are doing it now, so what is going to prevent them from doing it in the future?

Scott Blakely: This is the addition that is going on here, so there are parking spaces there now.

Ralph Vigliotti: I don't think they are designated as parking spaces, people are just parking there. We are not trying to give you guys a hard time, we are just trying to make it easier for you guys down the road.

Vincent Franze: Something worth mentioning is that these scenarios that you are exploring and it's understandable that you would and why you are, are the very scenarios that Arroyo wants to avoid. Those moments of congestion are not good for Arroyo. I merely want to point out that Arroyo, perhaps more than any of us, wants to avoid those situations. As a matter of operational procedure, I think that Arroyo is going to try to make sure they know when the vehicles are being delivered. Communication today is better than they ever have been. Arroyo is going to try to make a point of understanding when these vehicles are coming and keeping the place clear, because these congestion log jam issues are not good for Arroyo.

Ralph Vigliotti: Let's do the reverse now. The truck backs in, has made all deliveries. Now, how does the truck get out?

Vincent Franze: Straight out. He backed in, so he will go straight out.

Chairman Cosentino: The reason why I asked for the designation of the signs and the lining of the no parking stripes there is because now, if he parks any other place, it's a site plan violation. Without that, the village could not pull the site plan.

Scott Blakely: Understood. Let us look at a couple of different alternatives.

Chairman Cosentino: There are no alternatives.

Scott Blakely: I understand, but let's look at some alternatives to control this.

Chairman Cosentino: You know what it is. Mr. Vigliotti was very explicit in telling you what his concerns are. You know what you have to do. Meanwhile, we have a resolution here.

Nanette Bourne: There are two options for lighting in the resolution.

Scott Blakely: There are two options. With our initial submission back in January, we submitted the existing conditions lighting plan. Basically the lights are mounted on an 18-foot pole; it is a fluorescent, energy efficient type of light but not an LED. They were mounted at an angle. The two options we presented to the board were because of the relocation of some of the islands, we had to move three or four of the poles. Option A shows those poles being relocated but maintaining the 45-degree angle. Option B takes those light fixtures themselves and makes them horizontal to the ground and reduces the glare from off-site. There are a few mounted on the building. These were done a few years ago for NYSERTA when there was an upgrade. We spoke to the owner and worked through Option B, which we feel is a better option. Option B will eliminate the majority of that off-site glare.

Austin Cassidy: For the purpose of the audio record, no communication has been received by our office relative to this application under either of those banners.

*There was no one from the public present to address the Board.*

Whitney Singleton: I want to point out that I have discussed with the applicant's counsel that as of right now, this is still in the Urban Renewal District. Until that law is repealed by the State Legislature, it is subject to Village Board approval as the Urban Renewal Agency. An approval by your board will be subject to approval by the Village Board.

**Motion to Close the Public Hearing:**

**Arroway Chevrolet/Cadillac  
175 North Bedford Road  
PB2011-5 (69.66-2-3)  
Amended Site Plan Wetlands Permit**

**Motion: Ralph Vigliotti  
Second: Stanley Bernstein  
Aye: Sol Gibbons  
Aye: Stanley Bernstein  
Aye: Ralph Vigliotti  
Aye: Chairman Cosentino**

Ralph Vigliotti: Ms. Bourne, what conditions have you added to the resolution?

Nanette Bourne: A "whereas" that the applicant states that the maximum trailers lanes will be 55 feet. The changes to the conditions are identification to the lighting will be Option B. Condition 23, that is the area for loading and unloading will be striped and signed. The EAF was submitted in November, and we should probably have a copy in front of us.

Chairman Cosentino: At the April 10, 2012 you will get approval for everything.

Stanley Bernstein: Based on a letter from Ms. Garcia from DEP, a storm water pollution prevention plan is required. What was done about that?

Scott Blakely: That was prepared by our office and submitted to Mr. Oliveri for review.

Anthony Oliveri: We were okay with it, but we don't know if the DEP is.

Scott Blakely: The issue with the DEP is that they have done an initial review. In order for them to deem our application, they want SEQRA done. That was the only outstanding issue.

*It was agreed the applicant will be present at the April 10 Planning Board meeting.*

**Outdoor Display Permit Review:**

**Outdoor Designs, Ltd.**  
**91 East Main Street**  
**PB2012-7**  
**69.81-5-1 – Outdoor Display**

**Present: Tim Mallon, Property Owner**

Chairman Cosentino: You are here because you want an outdoor display in front of your building?

Tim Mallon: Correct

Chairman Cosentino: Where do you park cars?

Tim Mallon: There is no parking.

Chairman Cosentino: Where do you load and unload?

Tim Mallon: Right now I'm unloading in the front, which is not really working out too well.

Chairman Cosentino: You know you cannot unload in the street.

Tim Mallon: Yes, I know that. I just purchased a truck that will fit in the front door. That special truck will unload. As I am planning, there will be no more vehicles parked in front of the building, ever, because you can't. I wanted to raise it up a little bit, kind of like a patio. So, there is only one place to park. You can only unload a truck by backing up into the big doors. It's a hardship for me.

Chairman Cosentino: It is, because the parking lot next door is not for your parking.

Tim Mallon: I understand that. That is the only solution I can come up with. I can leave it like it is, but I do not like the way it looks and the way it is. I am asking to widen it and put some furniture on the front in an orderly manner.

Chairman Cosentino: To widen it? Mr. Singleton, does the village own any of the property from the curb to that building?

Whitney Singleton: Yes, it's shown on the plan.

Tim Mallon: From the last application, there is an outline of the plan and the only thing that is missing is each end. We would like to try and lengthen it and raise it 14 inches.

Chairman Cosentino: What are you going to display?

Tim Mallon: Three table sets.

Chairman Cosentino: Is that the only thing you're going to be displaying?

Tim Mallon: I wanted to put at some point, without paying \$2,000, an eight foot Corinthian column gazebo, which goes with whatever I'm going to be selling.

Chairman Cosentino: So whatever you put out there is going to stay out there all night?

Tim Mallon: Yes. It's a marble column gazebo that costs \$40,000.

Ralph Vigliotti: How high will that be?

Tim Mallon: 14 feet. It's gorgeous. I am partners with United Housewrecking in Stamford.

Ralph Vigliotti: I don't know how a gazebo is going to look there.

Tim Mallon: It would look great.

Chairman Cosentino: Would that have to go to the Architectural Review Board?

Ralph Vigliotti: The furniture display is movable and not fixed to the ground. I don't know if you need a building permit for a gazebo. The gazebo sounds like an accessory structure on the property.

Anthony Oliveri: If it has a roof it's a building.

Tim Mallon: It's not a roof.

Chairman Cosentino: Can the rain come in?

Tim Mallon: Yes, the rain blows through it.

Chairman Cosentino: It has a roof?

Tim Mallon: No. No roof. It's a metal like dome.

Ralph Vigliotti: I'd like to see a picture.

Tim Mallon: Isn't that for after?

Ralph Vigliotti: This is the time we need to see everything. Thank you for letting us know that. Mr. Singleton, can the furniture be secured?

Whitney Singleton: It cannot be fixed if it's on the sidewalk. If it's on the tenant's individual property, it is determined by what the Planning Board wants.

Tim Mallon: I don't want it fixed anyway, and then no one could use it. It won't look like patio.com. I have three sets of patio furniture in a 60-foot area. They have 10 in a 12-foot area.

Ralph Vigliotti: I know my patio furniture moved right off the deck two weeks ago in 30 mile per hour winds. What are we going to do to secure the furniture to make sure it's not going to blow all over Main Street?

Tim Mallon: I never had a problem with it.

Ralph Vigliotti: If this is going to be secured or not secured is a legitimate concern that we need to discuss.

Chairman Cosentino: I think we should leave that up to the Building Department.

Austin Cassidy: Please supply us with a cut sheet on some of the typical furniture.

Tim Mallon: Yes.

Anthony Oliveri: This is a State roadway, and it looks like you're proposing some plantings possibly on a state road. If you do that, you need a New York State DOT permit to do any work outside your property line.

Tim Mallon: There were plantings and now they are ripped up.

Anthony Oliveri: Any work in a State right of way is not under our control.

Tim Mallon: We are very into plants. I want it to look very rich.

Chairman Cosentino: We can appreciate that. You are going to purchase a new truck to fit inside?

Tim Mallon: I already bought it. It's a cube van, 10'6'. When we unload it, we are going to have to get someone's permission because I put a lot of inventory in from tractor-trailers. I get along pretty good with the church next door, so maybe as I load it I will have to put the container in the church - it takes two hours - and just run this stuff with my cube van in.

Chairman Cosentino: As long as you don't load in the front. That is a violation. I do believe that building needs enhancement.

Ralph Vigliotti: I like the landscaping in the front, and if it requires communicating with the State to do that, I would appreciate it.

Tim Mallon: I like rhododendrons and azaleas.

Chairman Cosentino: I don't know if that is the right plant for there or not.

Tim Mallon: When I'm done, I guarantee this building will look better than any other building in Mount Kisco.

Chairman Cosentino: I hope so. We have some pretty nice looking buildings.

Nanette Bourne: For a resolution or a complete packet, there should be identification of the plants.

Tim Mallon: What would you like?

Nanette Bourne: There needs to be a landscape plan.

Austin Cassidy: Contact our office tomorrow and we will coordinate it.

Chairman Cosentino: I applaud you on the idea of having the building dressed up in the front.



Tim Mallon: I will get in touch with him. I was selling junky furniture in there, which didn't work. Now, I'm going totally high-end.

Doug Hertz: Are you planning to bring the furniture in at night?

Tim Mallon: No.

Doug Hertz: Are you concerned about that?

Tim Mallon: No. I never had a problem with it. I have them open in four towns and I think I've had one chair stolen in 10 years.

Stanley Bernstein: Are they going to be chained?

Tim Mallon: No. If someone steals it, I'll just deal with it.

*Discussion followed regarding Mr. Mallon contacting the Building Department to proceed further with the landscape plan, working with Ms. Bourne's office. He will be placed on the calendar tentatively for April 10.*

**Formal Application:**

**Lexington Square – Jan Fabry  
510 Lexington Avenue  
PB2012-8-80.64-1-15  
Site Plan Approval**

**Present: Jan Fabry, Owner  
Rex B. Gedney, A.I.A., Crozier Gedney Architects,  
P.C.**

Chairman Cosentino: You're asking for an outside elevator and reconstruction of the stairs for handicap use.

Rex Gedney: The project primarily started by trying to find the ideal location for an elevator that can service three floors of the building. This is the best location we determined on the outside of the building. As that developed, we also looked at improving the overall façade of the building, and we've submitted those plans to you as well.

Chairman Cosentino: You will go before the Architectural Review Board for the façade of the building.

Rex Gedney: Yes. In addition to the reconstruction of the stairs, we'd also like to install a sidewalk here. There is currently a sidewalk here, and it ends. We would like to continue the sidewalk across the front of the property in addition to the modifications to the façade, particularly the front and the side elevations and then install a sidewalk or walkway in front of the retail, which is located on the lower level. The retail has been vacant for about two years. We are trying to make some visual improvements so we have the ability to lease out the space.

Chairman Cosentino: How many handicapped people do you feel you are going to get?

Rex Gedney: We get a lot of older clientele that we offer help, so it's definitely needed.

Chairman Cosentino: Would you say three or four a night?

Rex Gedney: Possibly.

Chairman Cosentino: Maybe you need more handicapped parking? I see only two there. If you're going to have the elevator, you will probably have more people coming. I would think of more handicapped parking for there, maybe one or two spaces. It is something that is needed when you have a second floor. As a board, we know your feelings here. Mr. Oliveri is going to have to get involved in the sidewalk process and Mr. Cassidy will review the elevator process. We are going to need something in front of the sidewalk so a car does not come up and go right into the elevator.

Rex Gedney: The grade is a little tricky against the building, and we probably will require having wheel stops for vehicles.

Chairman Cosentino: We do not allow wheel stops, only if they are poured in place.

Jan Fabry: The reconstruction on the steps is to beautify the place.

Chairman Cosentino: Besides the elevator protruding out a little bit, there are no other changes that will add onto the footprint of the building itself.

Jan Fabry: Correct.

Austin Cassidy: Our office recommended a screening face of an acceptable nature on the western side of the property, screening the parking lot out from the adjoining residential neighborhood.

Jan Fabry: At this point, the parking lot kind of comes up to our property line. If possible, we were looking at taking some of that property line with the fencing so we can then landscape it.

Chairman Cosentino: You need to make a plan on that so we can look at it.

Stanley Bernstein: On the bottom of the drawing, you have two steps. That goes down to Rose Cleaners. Wasn't there an issue with that a few years ago?

Chairman Cosentino: Rose Cleaners went into an agreement with them. When he rented from the bank across the street, we were concerned about people crossing. You no longer have the bank. We allowed them to put steps, which is working out. I would make the changes, and I would consider the two extra spaces for the handicapped. I think more handicapped people would come because of that.

Anthony Oliveri: I'm not sure if this is in a Main Street area or not. If so, DEP would have to get involved. Are you increasing or decreasing impervious area?

Rex Gedney: The only increase we would have would be the sidewalk.

Anthony Oliveri: The sidewalk actually looks like it's on your property.

Rex Gedney: If it runs parallel and is consistent with the current one, which is located on our property at this point.

Anthony Oliveri: You should have an existing condition survey, which we would need to see. We are also going to need to know if there is an increase in impervious area.

Jan Fabry: The side is all impervious with the exception of these few areas, and then the increase would be the sidewalk itself.

Anthony Oliveri: Where you're putting the blue stone walk is currently concrete.

Rex Gedney: It's actually asphalt.

Jan Fabry: In fact, a lot of the block wall is very chunky, and we're removing that. We'll actually have more impervious ground so we can thin it out a little bit.

Austin Cassidy: It would be a Main Street area, but there is no threshold other than the sidewalk. We will continue to keep in touch with them regarding this.

Nanette Bourne: Are you planning on landscaping?

Jan Fabry: Yes.

Nanette Bourne: Is there landscaping on the plan?

Jan Fabry: No.

Nanette Bourne: So you'll submit the landscaping plan to us.

Jan Fabry: Yes.

Doug Hertz: We do not have existing conditions, so I cannot conjure up what is happening against the side of the building. The way you have the elevator drawn now, the idea of putting in the sidewalk is really nice, but you're not going to be able to get across. Do you know what your parking aisle width is?

Rex Gedney: I believe it's 25.

Doug Hertz: You don't think you have room then?

Rex Gedney: As you can see from this photograph, this entrance is the one that used to serve when it was Bedford Tile and then Home Goods. That will be removed, and we want to make the overall retail more appealing. As you can see the blacktop goes right up to the building and the spaces are off the building. We were going to continue the sidewalk where this entrance would be removed from the building.

Chairman Cosentino: How would they get in?

Rex Gedney: We are going to change these entrances to make three separate retail entrances.

Chairman Cosentino: If you're going to make three separate retail entrances, how are you going to provide for parking?

Rex Gedney: It's all currently retail under there now.

Austin Cassidy: The question is will parking spaces be affected by pedestrian path changes?

Jan Fabry: No. That is why we are keeping the spaces where they are now.

Rex Gedney: This area is ground, a garden with a little wall. That lines across.

Chairman Cosentino: We don't know what kind of stores are going to go in there, so how could we say that parking is sufficient now when we don't know the type of stores that are going in there.

Rex Gedney: We tabulated it as straight retail space.

Chairman Cosentino: What kind of retail? I would be interested in what type of retail store is going in there because of the limited parking. He's using Rose Cleaners now.

Austin Cassidy: So I can explain the timeline, if they don't have a tenant, how can they explain to the Board what use might go in there?

Chairman Cosentino: When they get a tenant, they should come back before this board to discuss the tenant and the type of parking they are going to need for there to affirm that they have enough parking for that tenant.

Jan Fabry: Pretty much, during the day the parking is ample except for the two hours. If I'm going to have someone sign a lease, I am not going to allow them to take over my business with their parking.

Chairman Cosentino: We need to know what type of retail is going in there so we can protect this board.

Anthony Oliveri: The zoning table needs to be increasing the site development coverage from 80 percent to 89 percent.

Rex Gedney: 80 is required.

Anthony Oliveri: Is the 89 percent being added now with the sidewalk? Are you increasing?

Rex Gedney: It's already over the 80 percent. It's a minor increase due to the sidewalk.

Anthony Oliveri: That is something Mr. Cassidy needs to make a determination on.

*The applicant will proceed further with the application process and will appear before the board again on April 24, 2012.*

Special Site Plan Amendment Application:

**486 Lexington Avenue Corp.  
Louis DiLisio  
PB-2012-3  
Site Plan Approval 80.64-1-9**

**Present: Louis DiLisio, Owner**

Chairman Cosentino: Good evening, Mr. DiLisio. I know what you're here for and I want to explain to the board that I've read it. This is unique. They have a business that makes sauces. When the sauces are made, they are put into freezers outside. Literally there is thousands of dollars worth of sauces in these freezers. He has lost these freezers twice already during a storm when the electricity was lost. Thousands of dollars in a family business like this is a lot. He is asking for a backup generator solely for the freezers in an emergency situation only. The generator will kick in when the electricity goes out, and he will be protected from his loss. He is not covered by insurance on this. He is coming before this board because of the site plan. The insurance company will not pay for his loss. Personally, because of the use and where the generator is going to be, I do not have a problem with this. If any board member wants to speak on behalf of this application, please do so.

Doug Hertz: Please explain the location of the generator and why it was chosen.

Louis DiLisio: There is a 22-inch elevation drop here. This goes into the back of our building. This is kind of a lower elevation. There is already a knee wall here that we used to have a piece of stockade fence on. There are currently cars parked here. The size of the generator is 140 inches by 46 inches. It is approximately the size of a car sitting there now. Originally we wanted to put it up towards the front, and the recommendation was made to put it back here. We can screen it with the fence, it is a lower elevation, and essentially you won't even notice it. This is Rose Cleaners, so it's another commercial building. This particular generator we chose is expensive, but it's one of the lowest decibel rated generator made.

Doug Hertz: You have a place to relocate the space?

Louis DiLisio: That is the tenant; he is losing a space, which is not going to hurt.

Ralph Vigliotti: The generator will only be in operation when the power is out?

Louis DiLisio: Yes. It actually gets wired into the meters, and when the meters stop the three transfer switches turn on.

Doug Hertz: What is the maintenance schedule?

Louis DiLisio: It runs once a week for 30 minutes, and it would be during the daytime hours.

Doug Hertz: Can you schedule that so it's at an appropriate time?

Louis DiLisio: Yes.

Doug Hertz: I would ask that the time that it runs for maintenance purposes would be scheduled at a time that would not interfere.

Whitney Singleton: Please know that any approval by your board would be based on secondary ----- not primary -----.

Louis DiLisio: It's all based off transfer switches, and Con Edison has a say in that as well. They are not going to let you tap into their lines.

*Proceeding forward, the Board was straw-polled so Ms. Bourne can construct the resolution accordingly. The applicant will be here on April 10, 2012, for final approval of that resolution.*

**A. Conceptual Application  
350 Lexington Avenue Realty, LLC  
350 Lexington Avenue  
PB2012-2  
Change of Use – Personal Training Studio  
(Tiger Schulmann) 80.48-5-2**

**B. Conceptual Application  
350 Lexington Avenue Realty, LLC  
350 Lexington Avenue  
PB2012-4  
Change of Use – Lexington Avenue Gym  
80.48-5-2**

**Present: Michael A. Russo, Attorney for the Owner  
Steven Giner, Property Owner  
Sebastian Giner, Property Owner**

Michael Russo: Basically we are here for permission for a change of use with respect to two possible tenants. We are asking for a change of use and we would like to know what the parking conditions would be with respect to them. We have vacant space, which we would like to rent, and we would like to know how many spaces we can allocate to the other tenants. If there are too many spaces to be allocated to these tenants, then we would be unable to rent to them.

Chairman Cosentino: I don't know the formula right now. What is going in there?

Austin Cassidy: A gym. It's one per two clients and one to one for staff.

Chairman Cosentino: We have A & B here.

Austin Cassidy: You definitely do not want to mesh these together. They must be kept separate for the record.

Michael Russo: One is the karate school. It's been in town for many years. I am sure you are familiar with the use, probably more than we are.

Chairman Cosentino: We need to know how many parking spaces for Tiger Schulmann, not even to get into "B" yet. How much space is there?

Michael Russo: It's not certain but it's about 3,500.

Austin Cassidy: The square footage is less significant because the parking actually keys on the peak utilization. The peak utilization is the critical data that needs to be before the board. I am not clear as to what is in front of you right now. It would be for Tiger Schulman and also the gym. The board needs to know for each utilization the maximum number of clients and also the maximum number of staff on the premises.

Michael Russo: In our submission, you will see what they tell us the use would be.

Chairman Cosentino: On Tiger Schulmann, you're saying 3,500 square feet?

Michael Russo: Yes, approximately 3,500 to 4,000.

Austin Cassidy: It is not keyed on square footage. It's on the maximum number of occupants.

Chairman Cosentino: I don't know the maximum number of occupants.

Austin Cassidy: That is supposed to be submitted to you in your data. I don't know what is in your packet.

Michael Russo: It's in your packet.

Nanette Bourne: This is similar to 305 Lexington, where we have a number of tenants. We have to look at the maximum occupancy to determine parking demand. If it's not included in here, both Tiger Schulmann and the other that is proposed should be identified with the occupancy and the hours as well as what is happening in the middle of the building. You have one as taking this side, and the other asking this side.

Sebastian Giner: One is on the first floor and the other is the second.

Nanette Bourne: The building is broken up to two spaces.

Michael Russo: There are two floors with 2,000 square feet, approximately for each floor. On the first floor there is a dance studio with approximately 4,800 square feet of usable space. The balance is vacant. The second floor is occupied entirely now by Tano International, 12,000 square feet. Part of that space, 3,500 to 4,000 square feet, is intended to be rented to the Karate School.

Whitney Singleton: Currently that space on the second floor that is being utilized by Tano, is comprised of what? Office, warehouse, combination?

Michael Russo: It's office and warehouse combination.

Nanette Bourne: You need to put that in a table form so that all of the square footage is identified. If the title company is going to be reducing its square footage from 12 to 7, identify that. That is what they are proposing. We will then help you assign parking required for each of those uses. We are trying to make sure that the parking is demanded by all the uses in the buildings are balanced by the parking supply. If you give us a table outlining how all the spaces are utilized and their occupancy, and give us the number of parking spaces here, then we will make sure that they are balanced. Then the board will have enough information so they can begin the process of if they approve Tiger Schulmann, they can approve it and there has to be enough parking leftover once they are considering approving the other space. With the space that comes back in the future that is vacant, they will look for the parking that is being generated; the demand for that. Make sure that that demand can be supplied on your existing parking so they can keep track of it as you change out the uses in your building.

Michael Russo: That is difficult.

Whitney Singleton: I think that has been provided to you in a narrative form, as they provided a draft. However, I think Mr. Cassidy is pointing out that beyond just the physical parameters of the space, but the maximum number of ----- space, the maximum number of employees. Based upon that, we can tell you exactly what would be correct for these two uses.

Nanette Bourne: If you speak with Mr. Cassidy, he can give you an example of what we are doing with 305 Lexington.

Steven Giner: We've already actually done that.

Michael Russo: Austin indicated that he thought that with respect to the karate school, 12 to 13 spaces would be utilized.

Austin Cassidy: We had a field meeting, and then we had an office meeting visiting the same thing all over again. I keep saying that was anecdotal based on data that could be provided. It needs to be submitted to the official record here so the board is the determining body to make the determination. That is the critical point as opposed to what may have been concluded in the office. The board needs to hear those numbers.

Michael Russo: So, we have to go back to Karate and ask them how many employees they have?

Austin Cassidy: Yes, at peak utilization.

Sebastian Giner: We have three to five trainers max at any given time, doing one on one.

Whitney Singleton: There is a reference based on the application that they have a maximum of three to five trainers at any one time, and they are doing one on one or one to two personal training.

Michael Russo: That's the gym.

Doug Hertz: That is certainly not Tiger Schulmann.



Nanette Bourne: It's a single building. That building is owned by a single owner. That owner is responsible to make sure there is sufficient parking for their tenants.

Michael Russo: We appreciate that.

Nanette Bourne: So, the table needs to account for all of the square footage and all of the uses.

Austin Cassidy: Except, obviously they cannot speak to the vacant space. As I explained to them in the past, they have to bring the data to the board and you have it from the gym, the peak utilization. That translates then, very straightforwardly, one per each staff member at peak utilization, and one for two, minimally, for each client at peak utilization. Then the board can look at say, the Lexington Avenue Gym. Let's say that is exclusively boxing with an adult clientele or at least a clientele 16 and over. The board might say there is a likely no carpooling there, so we may want to bump up the parking number because it's more of an adult oriented operation, and almost everyone is going to come in their own cars. On the other hand, the dojo, which is geared for a child's program, is more towards favoring the minimum and more importantly, drop off and pick up capabilities.

Anthony Oliveri: The other part of this is what is showing on the site plan. Is this the site plan of record?

Michael Russo: Yes.

Sebastian Giner: There is only one.

Anthony Oliveri: The parking, as it's shown on here, alongside Columbus Avenue is right to the property. I can tell you there are plans to incur Columbus Ave. We were out there. This parking won't work, because you cannot pull these cars directly out. You have to have a curb cut. We've been through this with the corner building before, because the corner building, which is kind of shown as part of this – are all these spaces considered?

Austin Cassidy: All one parcel. It's a through lot on sort of a right angle.

Anthony Oliveri: We have to consider what is going to happen with Columbus Avenue. Right now the dimensions here are not up to the code. The aisle widths are too small. That has to be looked at.

Whitney Singleton: The applicant is aware that the village is proposing street improvements along this avenue, and they have represented to me that they will be coming back to seek improvements to their parking lot. At this point in time, though, they are not proposing any physical improvements to the parcel, just the change in occupancy. As Mr. Cassidy pointed out, they need to establish for the point of purpose on their site plan of record, whether it's compliant with today's standards or not, they have 81 spaces. The only uses currently going on in the building is a warehouse and office. They are looking to go for a change of use, but given certain aspects of the multi-tenanted use, I believe that Austin and the chairman thought it would be more appropriate if they come before the board so they see if there is going to be multiple tenants here, warehousing, a gym facility, a karate

facility and some balance of the building left to be occupied at a later point in time.

Austin Cassidy: There is also a dance academy there at the present time.

Whitney Singleton: I think that is worth pointing out – to make sure that this is going to be a series of applications. For now, they are just here for the change of use.

Chairman Cosentino: In six months we require you to come back and see what you will do with the parking lot. We want work done on the parking lot, and we will give you six months.

Michael Russo: Are you saying that as a condition of the use approval?

Chairman Cosentino: As a condition, the owner is going to come back in six months and let us know what he is going to do with the parking lot.

Michael Russo: That is not answering my question.

Chairman Cosentino: What is your question?

Michael Russo: My question is, are you approving the use?

Chairman Cosentino: We are working on it right now. It has not been approved yet.

Michael Russo: I understand that.

Chairman Cosentino: He needs to rent the building out and we want him to. I don't think there is a problem with that.

Doug Hertz: We do not have enough information at the moment to make an intelligent decision because we do not have anything that tells us the full utilization of the entire building, how much is warehouse, how much is office, how much is dance academy, etc., to make a determination as to what the parking count would be, so we cannot possibly come up with an intelligent if it would be possible for a change of use without that base information.

Michael Russo: I thought I had explained to you how it calculated.

Doug Hertz: We have to net out the differences in your warehouse space, in your office space, etc. None of that is calculated here.

Michael Russo: It's on record, right Austin?

Austin Cassidy: It's a piecemeal thing. What everyone seems to be saying the same thing over and over is pulled together the whole story for the building.

Doug Hertz: There is no information here to understand how the building is being used.

Michael Russo: We indicate that there are two floors, each roughly 12,000 square feet.

Doug Hertz: But it's not indicated. I appreciate that you think it's indicated, but there is no table that says warehouse space accounts for 6,000 square feet, office space accounts for 3,000 square feet. There is piecemeal information that you could not possibly infer certain things around. There is nothing that talks about what the existing conditions are and how much is being used.

Michael Russo: Tell me exactly what you're looking for.

Ralph Vigliotti: I believe Ms. Bourne indicated if you could put this in a chart form. What is on the first floor, what the use is, how many square feet, what the parking should be to match the square footage to the use, and then second floor; the proposed uses that you're showing this evening, so you can actually see how much parking will be needed in the lots. Then we can move forward.

Doug Hertz: It's a pretty straightforward table. Every applicant before us has done it.

Michael Russo: We can do that. But, I am interested in your statement with respect to the parking lot. I'd like a little definition from you. I do not understand what you mean. Is it a condition of the approval of the change of use?

Chairman Cosentino: Yes. I want the owners to come back in six months and let us know what they are going to do with the parking lot.

Michael Russo: What is wrong with the parking lot?

Chairman Cosentino: Have you walked it?

Michael Russo: Of course.

Chairman Cosentino: Then you know what is wrong with it. If we are making changes to the road, then there has to be changes to it. Normally, when we have a site plan that comes in we take the whole ball of wax together. You are going to hopefully have the building filled pretty soon, we want you to. We don't want to stop you from having tenants in there. But I don't know what kind of lighting you have there, parking stripes, etc.

Michael Russo: Just for the record, if we are able to lease this space to these two tenants with the tenants that we have will that be a problem?

Chairman Cosentino: Not a problem.

Michael Russo: It's our intention to do the parking lot, the drainage, the façade at the back of the building and also to have a common entrance in the back.

Chairman Cosentino: And we are asking you to come back in six months to let us know where you are.

Michael Russo: But that means we cannot negotiate with the tenant right now and make a deal.

Chairman Cosentino: We are not telling you to do anything with the parking lot right now.

Sebastian Giner: If our parking is going to be cut down...

Ralph Vigliotti: Gentlemen, you need to put together for the next meeting the chart, so we know exactly what the proposed parking need would be so we can approve and move forward on the new tenants that you have.

Sebastian Giner: So once we do the improvement to the lot, the 81 spaces remain?

Chairman Cosentino: We are not telling you to do that right now.

Ralph Vigliotti: I guess you know that the 81 spaces that you have, once there is a curb on Columbus Avenue you could probably net out only 60 maybe. That's the reality.

Stanley Bernstein: In addition to that, the spaces are undersized.

Michael Russo: We are grandfathered.

Stanley Bernstein: You are "grandfathered under your old site plan. When you change the site plan, you are no longer grandfathered. You have to conform to the code.

Chairman Cosentino: Right now your ingress and egress is at the corner of the building going in. Am I correct?

Sebastian Giner: No it's way back. Its right before Whalen's building.

Chairman Cosentino: It's not a tragic thing for me to ask you to come back in six months for review.

Sebastian Giner: Suppose we put these tenants in and we come back and you say improve the lot, and then we are short on parking.

Ralph Vigliotti: Your chart will tell you how many spaces you are going to need for the two new tenants.

Sebastian Giner: But we won't know what our net parking will be.

Doug Hertz: Why don't you do the design work then?

Ralph Vigliotti: You are going to be in the 50-60 range. I'm sorry to say you're not going to be 81.

Nanette Bourne: That is not heavy lip. With an engineer that can be designed just conceptually. You don't have to engineer it and you don't have to spend a lot of money. Someone can lay it out. I don't know if it's going to be 70. It's going to be a little bit less than 81, but until you engineer it and lay it out, you won't know.

Chairman Cosentino: We are trying to help you out with the other tenants there.

Michael Russo: This is what we are trying to find out.

Doug Hertz: If you have a tenant that needs to use the space at night and there is no parking lighting, you are going to be in trouble.

Steven Giner: We are not saying that we don't plan to improve the lot. We are trying to get a sense of where it will end up ultimately.

Doug Hertz: You also need to tell us where you're going to end up.

Steven Giner: But we don't know that.

Chairman Cosentino: Right, but right now you have the cart before the horse. You need to know what you have in parking in order to know what you're going to rent out. If you have 81 parking spaces and later on you only have 60, then we've given you something to rent out, and now you don't have enough parking spaces for it. If you knew how many parking spaces you have laid out just conceptually, and you come back with that, it's a big help to you. Whoever you rent to is going to stay.

Ralph Vigliotti: It helps you to determine what type of tenant you can rent to so you limit the number of parking spaces you need to the parking that you have.

Doug Hertz: These might be the perfect tenants, but we can't tell you.

Chairman Cosentino: We can give you this for now, but the other part is what creates the problem. We would really want to know what could really fit on that parking lot conceptually when it's complete. That helps us to know how many places you can rent out.

Michael Russo: But it doesn't help us rent now.

Nanette Bourne: We are asking you to do a half-day's worth of work. What you are hearing from us is that we are a little incredulous that it is not done, because it's really an easy thing to do.

Sebastian Giner: We were never instructed to do so. We are going back and forth with you, and nobody told us to do it.

Chairman Cosentino: I always say, "You come in with a plan, and we do the planning."

Anthony Oliveri: When we were out there looking at Columbus Avenue, we talked about maybe coming up with a conceptual plan with your engineer and some feedback. I think now is the time to do that so we can start looking. If the village is going to improve Columbus Avenue where you want the curb cuts to be, where it's going to work best for you, and how it's going to affect the parking count. We did speak about that in the field. This is the time to do it. I believe there is going to be a meeting with the village manager.

Michael Russo: If we get into that, then we will not be able to rent this space right now.

Nanette Bourne: What Anthony is talking about is more work than what I'm talking about. What Anthony is talking about is the next step. What I'm talking about is a conceptual layout, order of

magnitude, and how many parking spaces just so you and we know it's in the general area of 75.

Michael Russo: From an economic point of view, we need to know that we can have these tenants in there so that we have some cost estimates of what we want to do in the area of \$350,000. We need to know that we have these tenants in there, and we need to know that we have enough parking spaces to lease the balance of the space. Otherwise it's going to stay the way it is.

Ralph Vigliotti: Are you working with an engineer?

Sebastian Giner: No.

Ralph Vigliotti: You need to contact an engineer and consult with him and share with staff what the Planning Board is trying to work out with you about putting together the chart indicating what is there now, how many parking spaces allowed for what is there now and the two proposed new tenants and how many spaces you would need for that requirement.

Michael Russo: It's up to the board to tell us how many spaces.

Ralph Vigliotti: You will have a pretty good idea, with your engineer following our code, how many spaces should be allocated to the proposed uses.

Chairman Cosentino: If he does that, even at 81 right now, he probably has enough parking now to do what they want to do with the other two tenants going in.

Nanette Bourne: I agree.

Chairman Cosentino: I don't want to stop progress of what you want to put in there. You should make money in rent, and I don't want to stop that.

Michael Russo: We may have lost them anyway.

Chairman Cosentino: That is not my fault. This is your first time here. We want you to rent it, so you probably have enough parking now for that. We are going to put you back on the agenda, but we need that for the future. I said six months to come back. I don't know what else you're going to have there. I need to know how many parking spaces you are going to have. You probably have enough for the two people. I don't know if you are going to have enough if you rent something else out. For the two, you probably have enough.

Michael Russo: I understand that.

Ralph Vigliotti: This is getting a little frustrating. If you hired a lawyer to legally represent you, you need to hire an engineer to represent your needs as far as the parking goes, and you need to do that ASAP so we can help you move along.

Michael Russo: The bottom line is we can't move forward on our leases right now.

Doug Hertz: You are somehow blaming this board. This is a volunteer board.

Michael Russo: I'm not blaming the board.

Doug Hertz: Well, you seem to be. I'll be honest with you. This is the first time we've ever seen you. All we can do is look at the information that we've been presented, and quite frankly, I'm offended that you have not done your client's a service by telling them what they need. Then you blame us that you can't write your leases. That is absolutely ridiculous and offensive to me as someone who volunteers his time in this town.

Michael Russo: I don't see it the same way.

Doug Hertz: You are being paid to represent these people. We are not.

Michael Russo: We met with the building inspector and spent a lot of time with the building inspector.

Doug Hertz: Well, somehow or other every other applicant that has spent time with the building inspector has managed to come up with a table or something that is intelligible for this board. I think we're done. We are trying to help your client, and I don't see that you're doing the same thing here.

Michael Russo: I am not arguing that point. The point is that this was basically a use application. That was not supposed to be a very complicated application.

Doug Hertz: But, it is because you're changing a use from a warehouse, which has an almost minimal parking requirement to something that has real parking requirements that are hard to understand.

Michael Russo: We will probably lose our tenants, that's all I'm saying.

Doug Hertz: And I'm saying that maybe you should have done your homework so that we could do our homework.

Michael Russo: We understood that this was an expedited process. Maybe we're wrong. We were told way back when, when you're dealing with use, it could be an expedited process, but apparently it's not.

Doug Hertz: This is an expedited process. With some information, we can expedite.

Austin Cassidy: This is expedited. The board is trying to help you the best they can. I've met with the fellows out in the field. We went over this whole mathematical thing. It's all about parking in a change of use. Then we had a follow-up meeting in the office, the same thing all over again. Where is the data? The anecdotal thing does not work. They need a submission.

Michael Russo: And we'll get it.

Austin Cassidy: You are trying to speed this along. How fast can you get the data?

Michael Russo: We will call John Keller.

Nanette Bourne: John Keller can call either one of us and he will know exactly what it is we're looking for.

Austin Cassidy: If you can get that data chart, we can put you on for the 10<sup>th</sup>.

Whitney Singleton: For clarification, they are coming in for a change of use only. They are not proposing any alteration to their site?

Steven Giner: Correct.

Whitney Singleton: I want to make sure that part is clear. Is it just a tenancy change, correct?

Austin Cassidy: Gentlemen, the only matter before the board tonight is these tenant changes. Is that correct?

Michael Russo: Correct.

Austin Cassidy: Thank you.

Chairman Cosentino: Yes, they are, but we don't know what is happening inside and what is going to be there. I will put you on for possibly the 10<sup>th</sup>, if you are prepared. If not, you will be on for the 24<sup>th</sup>.

Michael Russo: Thank you.

***Conceptual Application:***

**227 (a/k/a 223) Lexington Avenue  
Emily Carpentieri  
PB2012-6  
Site Plan Approval – Addition – 80.40-2-1**

**Present: Dan Simone, Engineer  
Frank Carpentieri, Manager of Suburban Floors  
Emily Carpentieri, Manager of Suburban Floors  
John Reber, Reber's Florist, Property Owner**

Dan Simone: Frank Carpentieri and Emily Carpentieri are looking at the Reber site for a relocation of their business. The Reber site right now is a mixed-use site. There is an existing two family home, and then there is the existing Reber Florist and greenhouse facility on one lot. The Carpentieri's would like to relocate their business from Columbus Avenue here, which would require taking down the florist and the greenhouses, converting the existing two-family residence into offices on the first floor, keeping the apartment unit that is currently upstairs, adding the small showroom to one side, fronting Lexington Avenue, and then a small warehouse in the back, keeping the warehouse use in the back so it's kind of sheltered off of Lexington Avenue also. Both additions would be one-story. The warehouse would be probably an 18-foot ceiling height.



Chairman Cosentino: The whole building would be for your business?

Dan Simone: Yes. Their business is not a retail business, per se. They are more of a service business. They don't have retail customers that come in just to shop for flooring materials; they are basically design built customers who come in. They provide the materials and install. They do not have high traffic from a retail perspective use, and they do not store trucks on site. The only cars that are typically there would be theirs, on a daily basis, and one or two customers that may come in to do some pricing, etc. We have prepared a conceptual site plan to show the board our thoughts at this point on how we would proceed with the application and a conceptual elevation to show how we would dress up Lexington Avenue from that respect. They have to invest in an updated survey because there is nothing updated to know exactly what is on site. My guess, from my inspections, a huge majority of the site is already impervious between the greenhouses, the florist and the home. The whole back is paved at this point. I think this application will probably be very similar. We are bringing more buffers on the current application that currently do not exist. There are parking areas along Smith Avenue that we would be eliminating and bringing in all parking on site, so we would create a green belt around the property under the new facility.

Chairman Cosentino: The design on the building is gorgeous.

Dan Simone: It's a very nice, two family structure, so we tried to keep that kind of theme into the new building. For the showroom building, we want to bring in a lot of light.

Ralph Vigliotti: You are providing a lot of green space, and since it's an entrance to Smith, it's nice to see that.

Dan Simone: We tried to keep that corner. Because it is a corner property we wanted to try to keep it a little open; a little green. We would also be orienting our entrance towards the corner.

Doug Hertz: What kind of deliveries do you get on site?

Dan Simone: Most deliveries come from box trucks. They do get an occasional tractor-trailer, once every two months, which brings large rolls of carpet. They are there about 20 minutes. They would come here and then be able to back in right to the warehouse area and then pull back out. Currently, when Mr. Reber gets deliveries, they sit on Smith Avenue. Right now, a ten-foot wide driveway currently exists right at the back corner of the property, which encroaches on the lot behind it. We will open up that area as green space, because there is currently a single-family residence that Mr. Reber owns behind it. We would be creating a 10-foot landscape buffer there where there is not one right now. The upstairs is a one-bedroom apartment.

Doug Hertz: You did the analysis of parking?

Dan Simone: Yes, and we tried to provide a little extra, too. Once this use is put there, the Carpentieri's have been in business in this town for almost 100 years. It will probably remain that use. We wanted to know if you had any major concerns or issues, because the Carpentieri's now have to invest money in surveys, etc.

Whitney Singleton: Is there anything that is going to be non-compliant with the application once it comes in?

Dan Simone: The only thing we don't know is lot coverage at this point. I have not calculated this fully yet, because we don't have an accurate survey to really lay things out. It will be similar to what we have now. I think we're over our permitted coverage currently. Honestly, it may trigger something where we would have to go in front of the ZBA if we are still over our coverage.

Whitney Singleton: Fair enough. I am not concerned as much with the lot and both lots. I am concerned you are compliant from a use perspective.

Chairman Cosentino: What is the square footage of the building?

Dan Simone: The first floor conversion will be about 1,300 square feet in the main residence plus 700 additionally over here, plus 3,200 for the commercial use, plus the one bedroom apartment.

Anthony Oliveri: What did you have in mind in terms of storm water?

Dan Simone: I have to look at this from the new requirements from the conversion and see how it falls into the new regulations.

Anthony Oliveri: Are you over 5,000 square feet?

Dan Simone: Yes.

Anthony Oliveri: You will need to file with the DEC. I'm not sure if this is a DEP main street area. If it is, you need to file with them. It looks like you will be reducing impervious surface.

Dan Simone: It might be. We really don't know right now.

Anthony Oliveri: You may not need the tension, but you might want to do something with water quality, especially around this buffer area.

Dan Simone: We were thinking about creating a kind of swale rain garden type thing. We were also thinking on the warehouse addition to go with a green roof, from a storm water perspective. Mrs. Carpentieri, who is very environmentally conscious, wants to go with potentially – and please don't get alarmed – some solar panels for possibly hot water heating. Some people don't like to see them.

Doug Hertz: Clearly we should talk.

Dan Simone: I had questioned Austin whether this board would consider pervious pavers for some of these parking areas.

Nanette Bourne: That would be a nice addition.

Dan Simone: Do you permit that? Some towns don't.

Austin Cassidy: We like it.

Stanley Bernstein: I also like the solar panels.

Doug Hertz: We are very open to anything green.

Dan Simone: Especially with adaptive use of these kind of properties, you have to be a little "out of the box" thinker.

Chairman Cosentino: As far as a conceptual, it looks great and will enhance the area. As you come out of Smith Avenue, the building is going to set back where you can see to make a right hand turn?

Dan Simone: Yes. I marked here the site easement that would be required, so even our parking is off of that.

Nanette Bourne: You should do a full EAF, but that is standard.

*The applicant will file a formal application and proceed from there.*

**Correspondence:**

- a. Minutes of the Mount Kisco Beautification Committee dated February 1, 2012.
- b. New York Metropolitan Council, Notice of Comment Period, dated March 12, 2012 through April 25, 2012.

*As there was no further business to be discussed by the Planning Board, on a motion by Mr. Vigliotti seconded by Mr. Bernstein, the meeting was adjourned at 10:10 PM.*

Respectfully submitted,

Stanley Bernstein,  
Recording Secretary

dm