

Minutes
Meeting of the Planning Board
Regular / Work Session
Village/Town of Mount Kisco
Tuesday, April 10, 2012

Meeting called to order at 7:55 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
 Enrico Mareschi
 Karen B. Schleimer

Members Absent: **Vice Chairman Sturniolo**

Staff Present: **Anthony Oliveri**
 Whitney Singleton
 Austin Cassidy
 Michelle Robbins

Staff Absent: **Nanette Bourne**

Chairman Cosentino welcomed two new board members, Enrico Mareschi and Karen B. Schleimer.

He recalled Ms. Schleimer was past president of the Zoning Board of Appeals and is very familiar with Village practice. Chairman Cosentino knows Ms. Schleimer will be an asset to the Planning Board.

Chairman Cosentino also welcomed Enrico Mareschi, who has much knowledge of planning and zoning. Chairman Cosentino was pleased with welcoming Mr. Mareschi to the Planning Board.

Final Action:

486 Lexington Avenue Corp.
Louis DiLisio
PB2012-3
Site Plan Approval 80.64-1-9

Present: **Louis DiLisio, Sr.**
 Louis DiLisio, Jr.

Acknowledgement was made by Chairman Cosentino that today is Mr. DiLisio, Sr.'s birthday and we wish him all the best for the coming year.

Chairman Cosentino: Mr. DiLisio has a sauce business on Lexington Avenue and has freezers in the rear of the building. He has taken approximately at \$150,000 loss when we lost electric in the last storm

and a previous loss of about \$80,000 from the storm before that. He wants to protect the sauces in the freezer by installing a generator in the rear of the right side of the building. I said before and I'll say it again, this is a "no-brainer." He wants to protect his food. There are other generators throughout the village. We have a resolution to be approved.

Whitney Singleton: As a condition of approval, the generator approved here shall be solely for back-up power and not as a primary source of electricity?

Louis DiLisio: Yes.

Doug Hertz: On Page 2, middle of the page, "be it therefore resolved," the date should be 2012.

Chairman Cosentino: Would you like to sit down and review it? It's the same thing we agreed on at our last meeting.

Louis DiLisio: We did not agree to an "as built" survey. We did not agree to a stake out for a five-foot by ten-foot concrete pad part of a parking lot. You are asking us here in writing for us to provide a stake out by a licensed surveyor prior to the beginning of the work. That is a little bit ridiculous.

Whitney Singleton: I have an asterisk next to that. I believe it's the standard practice of the building department to require it.

Louis DiLisio: It looks like "boiler plate" here, but for a five by ten concrete pad in place of what is already a blacktop area, I see little sense in having a surveyor come out and stake it out.

Austin Cassidy: The proximity being adjacent to the building and the building at that point is well away from the property line. I don't know that there are any critical issues.

Chairman Cosentino: I went to look at it, and there is no property line to talk about.

Anthony Oliveri: On the survey, why don't you just require an "as built" sketch, instead of a survey from a licensed surveyor?

Louis DiLisio: You already have it.

Anthony Oliveri: You can submit it.

Louis DiLisio: In case we move it, we can re-sketch it. That is not an issue.

Mr. Cassidy will make a notation that it is not applicable.

Louis DiLisio: To your comment, Mr. Singleton, we already submitted a letter stating it's a standby generator.

Whitney Singleton: Yes, but I would like to have it more documented.

Motion of Approval:

Motion: Stanley Bernstein
Second: Ralph Vigliotti
Aye: Sol Gibbons
Aye: Enrico Mareschi
Aye: Doug Hertz
Aye: Chairman Cosentino
Abstain: Karen Schleimer

Final Action:

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**

**Charles Martebano, Attorney at Law, representing
the applicant**

Mr. Hertz was recused from this session.

Scott Blakely: A few things we discussed at the last meeting had to do with the loading area. The board had requested we do something signage and striping wise, and we agreed on the end of the parking where we have the loading area shown, it's 55 feet long, and we would stripe that and add two "No Parking Loading Area" signs on this end. Then there was discussion with regard to this front curb line adjacent to the addition, and the board felt that we needed to control that somehow, because people may park there and not allow the delivery truck to pull in and back up the way we have indicated on our truck-turning template that we submitted about six months ago. We have come up with a proposal to add some additional signage along the front. The loading area will be striped here; two "No Parking Loading Area Violators will be Towed" signs, and we will add four additional signs in these four areas that state the same thing. We are not looking to stripe the pavement. We are looking to sign it, basically because of the aesthetics in the front of the building. Our feeling is that we could do it in four locations with signage that is very clear. The owners would have to ensure that nobody parks there, or if somebody did park there, the building inspector has the ability to issue a site plan violation. The signage is similar to what we did with the fire lane. We mimicked that same style and put four signs here right in front.

Chairman Cosentino: Show me again where customer parking is.

Scott Blakely: Five customer parking spaces are on the east side of the existing Cadillac dealership. On the north side there are four spaces provided, on the west side there are five spaces provided here. We have also reconfigured this existing access, which currently comes through here, tight to the building. We have pulled that back to help

with that circulation through this area. Mr. Vigliotti requested that a few meetings ago. There are three spaces here and five spaces in this location. There are two spaces on the north side of the Chevrolet repair area.

Charles Martabano: The earlier reference when Mr. Blakely was referring to a Cadillac dealership that is actually the existing Chevrolet/Cadillac showroom, which is combined there. This is the new Cadillac showroom here.

Scott Blakely: We have configured the customer parking close proximity to the showrooms.

Ralph Vigliotti: Will you have signage indicating, "customer parking only?"

Scott Blakely: It is not currently proposed.

Ralph Vigliotti: I'd like to add that to the resolution. It should not be for stacking of cars, or employees to park there. I think you need to clearly outline that.

Vincent Franze: Actually, Arroway has some of that now.

Chairman Cosentino: Here are pictures that were taken today. You can see how the cars are stacked up and not parked in parking spaces. I think these are very important. Even though this board could pull the site plan if there is illegal parking in there, we don't want to have to do that.

Charles Martabano: This is on the rooftop.

Chairman Cosentino: Aren't you going to have parking on the rooftop?

Charles Martabano: Yes, it will be an enclosed mixture of parking spaces, storage spaces, and a very minimal display space.

Chairman Cosentino: So they won't be parking like we see in this picture?

Charles Martabano: No, definitely not. As I think Mr. Vigliotti pointed out, this is also something the applicant wants to police for the good of his business.

Ralph Vigliotti: Folks in town know that if they are looking to purchase a car there, they will not find a place to park. That is historical.

Charles Martabano: Well; now they will. Remember we are relieving a lot of that congestion with the rooftop storage.

Chairman Cosentino: The main thing is that we really want to look at that building and see the landscaping. You are in a heavy intersection there, and it's important that we see the building with the landscaping.

Charles Martabano: We will definitely do exactly that. This is going to be, I think, a significant improvement for the village.

Scott Blakely: Getting back to the customer parking signs, we've done that with a number of dealerships along 117. It will be a sign that matches the other signage.

Anthony Oliveri: At our last meeting, we talked about a "whereas" for trailers to be limited to 55 feet in length, and is the striping and the signage a condition or do you have a new plan?

Scott Blakely: If you can add it as a condition prior to the signature by the chairman for our submission, we will add it to the drawings.

Anthony Oliveri: We can make it as "plan to be revised to include striping and signage around the loading area and signage for customer parking to be approved by the village engineer and building inspector."

Chairman Cosentino: Mr. Cassidy, as far as illegal parking, the markings for unloading and loading we can only enforce this on a site plan violation. I want to be sure that we can pull the site plan for illegal parking. We need it introduced into the site plan.

Whitney Singleton: I have language for that.

Chairman Cosentino: I want to be sure. The trailers that are unloading on North Bedford Road right now are horrendous. I think Mr. Cassidy is doing a good job trying to stop it. We do not want it to happen here.

Charles Martabano: We understand that, and we have designed it to that standard.

Mr. Singleton then introduced the language changes to the resolution:

Page 1

Paragraph 1

WHEREAS in accordance with Chapters 110 of the Code of the Village/town of Mount Kisco adopted April 21, 2003, and as last revised, a formal and complete application for Modification to Approved Site Plan, Special Permit and Permit to Disturb Natural Resources for the project known as Arroway Chevrolet/Cadillac – 175 North Bedford Road prepared by Insite Engineering, Surveying & Landscape Architecture P.C. on behalf of Argonaut Holdings, Inc. GM Worldwide Real Estate, 39 Old Ridgebury Road, Suite 1, Danbury, CT 06810 was submitted to the Planning Board on November 11, 2009 and the applicant has represented to this Board that they are the **owner or lawful contract vendee** of the land to be developed.

Paragraph 2

3. Parking Fee (\$75 x **26** spaces).

Scott Blakely: It is 116 required with the site plan, based on discussions at a meeting we had with Mr. Cassidy. The previous site plan had 90 spaces required.

Page 2

Paragraph 11

WHEREAS, the site is adjacent to NYSDEC Wetland K-48; is within the buffer of NYSDEC Wetland K-48, and is within the buffer of a Village/Town regulated wetland;

Whitney Singleton: Obviously Mount Kisco Chevrolet has been there for a long time, but it is possible that this site is in a flood plane, so you are getting this project approved subject to the potential for flooding. I don't know what you're going to do with the vehicles when the property floods, if anything is going to happen.

Page 3

Condition 6

All applicable county, state and regional permits shall be obtained prior to the issuance of a plan approved by this resolution, a determination shall be made by the building inspector and village engineer as to whether the modification is substantive and should be returned to the Planning Board.

Whitney Singleton: I would imagine that you are going to obtain all necessary approvals from the Urban Renewal Agency and DEP affiliations for the building permit.

Condition 8

Landscaping **(both onsite and offsite)** shall be maintained....

Condition 9

Whitney Singleton: This paragraph needs to be modified to reflect the preference of the board, which Mr. Oliveri tells me, is Option B.

Charles Martabano: That is correct.

Scott Blakely: I have a comment regarding that paragraph as well. "If the lighting is not consistent with the February 17, 2010 visual. There was nothing prepared with that date on it. I think that should be stricken and we should add, "if the lighting is not consistent with the photometric report, Option B, prepared by Positive Energy Services., Inc., dated December 22, 2011.

Page 4

Condition 15

Whitney Singleton: I will simply raise the issue based on prior discussions. We have a prohibition of chemical fertilizers and pesticides. We do not know if the board would like the word "de-icers" added. I believe you use salt on this site.

Charles Martebano: I don't really know the answer to that question.

Whitney Singleton: The site drains right into the wetlands. That is another option for the board.

Condition 17

Packing up of delivery from or onto North Bedford Road **or Preston Way** shall be prohibited.

Condition 20

Approvals and/or easements to **improve** land in the public right-of-way...

Whitney Singleton: I don't know you're making improvements. Isn't it just landscaping?

Charles Martabano: I don't think we are doing anything in respect to the Village of Mount Kisco. Everything that is being done along Preston Way is being done on our property.

Scott Blakely: Yes, the planting is on the subject property.

Charles Martabano: We are getting permission from DOT.

Whitney Singleton: Is it anything more than landscaping? I don't know of other improvements.

Charles Martabano: No. Just landscaping.

Mr. Martabano noted for the record that Condition 21 was missing.

Whitney Singleton: After re-numbering, another addition should be put in that says **"all loading and unloading of transported vehicles shall occur wholly within the site at the location designated on the site plan, acceptance of vehicle deliveries in any unauthorized fashion shall constitute a violation of the site plan and special use permit. The second story shall be restricted to warehousing and storage only."**

Charles Martabano: It's been in our plan since the very beginning and it's on SP-1, which is referenced here, is a very small – I'm going to say 20 feet by 20 feet, display area. This has always been called a display area. On all of our renderings its shown here as SP-1. With that exception, that is fine. The northeast corner of the rooftop has a small display area, which is approximately 20 x 20.

Whitney Singleton: Interior display?

Charles Martabano: Yes, a vehicle. If you saw our rendering we always had a glass in showcase on that floor.

Whitney Singleton: I will tweak that language. Also, **"any illicit discharges in the adjoining wetland or buffer shall constitute a violation."** I suggest that we incorporate Paragraph 10 from the previous resolution, which basically says, "any existing site plan

elements which are not specifically modified by the plan or deem to be incorporated." Then, a provision, "**Parking or storage of vehicles within areas designated on the site plan as a no parking area shall be deemed a violation of both the site plan and special use permit, and any utilization of customer parking for use other than customer parking shall be considered a site plan violation.**"

Austin Cassidy: On that note, once the fire lanes are duly promulgated, please advise your client that that will be municipally enforced.

Charles Martabano: Yes

Condition 22

The applicant shall obtain approval for the Village of Mount Kisco Urban Renewal Agency prior to the issuance of the building **permit.**

Whitney Singleton: Are there not other permits that need to be obtained?

Scott Blakely: We do require approval from DEP. They have completed their initial review and are waiting for a SEQRA determination from your board in order to finalize their review. This is the same for the DEC. Heather Gearloff (sp?) has signed off on our wetland mitigation plan, and a permit administrator is waiting for a SEQRA determination. As soon as we get the formal resolution back from your board, we can submit those and we would expect issuance of those permits shortly. We have also submitted an application to the DOT for the planting along the 117 Right of Way. We received comments back and they need an additional \$7 permit fee, which has been submitted. We are anticipating permit issuance very shortly from them.

Whitney Singleton: Does the board want that to be a predicate to the issuance of the building permit?

Austin Cassidy: We've been down this road before. The problem with the permit is that, as we know some of these agencies are rather retracted in their review, so the builder then can't do anything. I can't issue a building permit even to start alterations under those circumstances. Either you have to craft the language more specifically keying in on the building permit. Obstructing the building permit is more than problematic because some of these trek on for months.

Charles Martabano: That is why we would like to stay with the C.O. on this issue.

Whitney Singleton: Yes. I am pointing this out to the planning board. We have had situations where the applicant has had to come back for modifications to their approved plan after they have already commenced construction because of changes that were necessitated by other agencies.

Chairman Cosentino: Do you know how long it's going to take to repair that overpass on Preston Way?

Anthony Oliveri: We just got the plan from the structural engineer. It shouldn't be that long for the actual work to start. It's on the columns below.

Chairman Cosentino: Will the road be open for traffic?

Anthony Oliveri: I'm not sure at this point.

Chairman Cosentino: You are going to have trucks going in and out with the building construction. Where will this happen?

Charles Martabano: I am not at the construction stage.

Scott Blakely: The main thoroughfares are going to be either direction on 117, and if the bridge happens to be closed and they are coming across 133, they would come from 117 to Preston Way if the bridge is closed.

Austin Cassidy: It's going to key on origins. If they come in from 684, they will come into North Bedford Road. If they are coming in from the west, they are probably going to come down the Kisco Avenue way.

Chairman Cosentino: They will not be unloading on the road itself?

Charles Martabano: Absolutely not. We understand how significant that would be for everyone involved, not just the applicants.

Chairman Cosentino: So they are going to unload on the property?

Charles Martabano: Without a doubt.

Anthony Oliveri: The resolution does call for a construction and staging plan to be submitted before they start anyway, so that is something we'll have a change to look at.

Whitney Singleton: On the long form EAF that the applicant submitted; there is one other approval that the applicant needs to fulfill for the Urban Renewal.

Chairman Cosentino: We also have a SEQRA determination here?

Charles Martabano: Yes.

Whitney Singleton: First your board would need to deem that to be amended to incorporate the urban renewal permit, and then somebody would need to make motion to adopt a negative declaration.

Stanley Bernstein: I would be reluctant to do that because I am not happy with the entire SEQRA situation in this particular application. I go along with it, because it's the right thing to do for the village, but I am not really one hundred percent happy with the with wetlands buffer encroachment, even though the DEC said that your plantings are okay, and the objection that we somehow mentioned about the natural fertilization, etc.,. Is not necessarily in conformance with DEC. That is a regulated wetland K-48, but in addition to that, whether it was there or not, this village is now on the tack of trying to make all fertilization and growth in the village more natural and organic and it

should not be tampered with in any way, shape or form. Normally I would make the SEQRA determination motion. I am not happy with the actual situation involved. I think you all know that.

Charles Martabano: We understand your opinion and respect it.

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

**Motion to Adopt a Negative Declaration on the Long Form
Evaluation Assessment Form**

**Motion: Ralph Vigliotti
Second: Sol Gibbons
Aye: Stanley Bernstein
Aye: Enrico Mareschi
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Chairman Cosentino
Abstain: Karen Schleimer**

**Motion to Adopt Resolution, per the changes discussed by the
Planning Board and Staff this evening)**

**Motion: Ralph Vigliotti
Second: Sol Gibbons
Aye: Enrico Mareschi
Aye: Stanley Bernstein
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Chairman Cosentino
Abstain: Karen Schleimer**

Outdoor Dining:

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

Present: Vincent Corso, Owner, Westchester Burger

Stanley Bernstein: Is the restaurant operating now?

Vincent Corso: Yes.

Austin Cassidy: Please walk the board through what you want to do and the nature of the application.

Vincent Corso: Pretty much what the outside café has always been approved for at 353 and John's Best with the pergola that was outside was a total of 10 tables. With the pergola removed we have a tremendous amount more space, and we are looking to add an additional 12 seats, a total of 13 tables outside. This will definitely leave a large enough walkway to get to and from the front door, exits on both sides. I made a very primitive diagram to show you, which would accommodate it. I believe it would look really nice with the removal of the pergola. We are in no rush to put those tables and chairs outside, because we are just accommodating the mad rush that we are actually getting there now.

Chairman Cosentino: Mr. Cassidy is there anything that prohibits extra tables out there? He has the space inside.

Austin Cassidy: No. There is a ratio formula that you cannot exceed relative to the number of tables inside, and then it's the rule of the board with respect to the appropriateness of -----.

Doug Hertz: What is the ratio?

Chairman Cosentino: I believe the 10 tables were predicated on the old addition, and not the new one, which will really give him more space. Am I correct?

Austin Cassidy: I'd be guessing, and I'd rather not guess.

Vincent Corso: In reference to seating inside, Mr. Hardy came in and did a count on how many seats we have at the bar. The main dining room actually has exactly 122 seats. There are three tables that are not right now in the restaurant, but on the bar side. Those would be 12, and then there are 15 bar stools. To meet the third requirement, it's there. It's a question if it meets your approval.

Chairman Cosentino: I will repeat what I said. The ten tables that were there before, were they there before the addition? If you count the addition, there is more space. There is a dining room in the back, which is more space.

Stanley Bernstein: I can almost swear that the 10 tables were there before the addition was put on. I remember that because I've been there so many times. I do remember 10 tables out there before the addition, when it was John's Best.

Chairman Cosentino: I don't remember anyone coming here for additional tables after the addition.

Whitney Singleton: He is allowed one-third the number of tables outside that is permitted.

Chairman Cosentino: We don't know what the one-third is.

Whitney Singleton: The question is not how many tables he has inside. The question is how many tables and seats is he authorized to have inside? You had a site plan modification several years ago. Whatever that is, it is.

Chairman Cosentino: I don't have the answer to that. Those are the answers we are going to need.

Austin Cassidy: To recap this, you want to know what the last table count was when the last outdoor dining permit was granted.

Chairman Cosentino: Yes. He may be allowed more.

Doug Hertz: No. We want to know how many seats he is approved for inside, presently.

Austin Cassidy: That will give you a site plan base.

Ralph Vigliotti: Do the bar stools count as dining seating?

Austin Cassidy: Dining seating doesn't come into play in the upper dining room. Outdoor dining is tables.

Ralph Vigliotti: So the bar seating is excluded from the count?

Austin Cassidy: Seating is not the term. It's outdoor dining.

Ralph Vigliotti: How many tables do you have inside now?

Vincent Corso: 40.

Doug Hertz: If he has 40 inside, he'd be allowed 13 outside. We have, at times when there is parking restriction on site, we have the applicant eliminate a number of indoor tables for the period of time they are being used outdoors if there isn't adequate parking on site.

Chairman Cosentino: Being new, I think right now he wouldn't have adequate parking. As the months go by, it will even off a little bit. Who's to say there isn't enough parking now and there will be enough parking later on? That would be predicated on the interior.

Austin Cassidy: You would not want the total capability of the site for diners to exceed its ability to park there.

Chairman Cosentino: Exactly. I don't know the square footage inside against what he is going to need outside. The extension may hurt him.

Austin Cassidy: For the next meeting, you want a copy of the site plan of record, and the board would like to have a synopsis of the parking provisions.

Doug Hertz: We also need to know the parking count on site, and we need to know if he has more or less or enough additional parking to be able to accommodate the seats that are outside.

Vincent Corso: In the meantime, am I permitted to go with the ten tables that were granted?

Austin Cassidy: Have you increased the table count inside from the prior operator?

Vincent Corso: No. Decreased.

Chairman Cosentino: You will come back to the next meeting, at the end of this month.

Vincent Corso: If weather permits and it happens to be, and I don't think honestly by the 28th I would actually have tables and chairs outside. I am still putting a team together that I feel 100 percent comfortable with. If weather permits, am I granted to put the ten tables that were permitted at the location as late as last year?

Whitney Singleton: It's all about vested property rights. He's entitled to it, so long as he does not exceed.

Chairman Cosentino: I would say yes. If the weather is good, I assume you are going to start your landscaping again.

Austin Cassidy: Just so the board isn't surprised should you exercise that, the last business operator had the visual benefit of the pergola to screen the diners from the sun. That is not there. Should you put tables and chairs out there, if they suddenly drive by and see yellow and orange umbrellas out front, that needs to be discussed now.

Vincent Corso: We were just thinking of going straight black, with the canopy that we have in front of the building. We don't need to draw any attention to ourselves. It would be a black umbrella replicating the awning that we have in the front of the building.

Ralph Vigliotti: How will the umbrellas be secured?

Vincent Corso: Probably weighted umbrellas. I am thinking the very large patio umbrellas that actually have the sand and water that are mixed and kept on the ground. Two really, really big ones. I'm not talking about putting one at every table. The tables and chairs are still on property, so they actually still have those tables and chairs. We are just going to use those, if anything, just order another three.

Austin Cassidy: We have not had anything with umbrellas that close to a roadway. If you exercise that, you may want to chain them down.

Vincent Corso: Understood.

Stanley Bernstein: The umbrellas being black will transmit a lot of heat.

Vincent Corso: There is a tremendous amount of sun. From what we've heard from our diners at the restaurant, they are looking forward to being outside and absorbing the sun.

Chairman Cosentino: We will bring you back on the 24th.

Vincent Corso: As of right now, weather permitting we can use the 10 tables?

Chairman Cosentino: Yes.

Mr. Cassidy ensured Chairman Cosentino he will have the information requested for the meeting of April 24.

Formal Application:

**27 Radio Circle
Little Garden Childcare Center
PB2012-11
Site Plan Approval
Special Use Permit 80-64-1-2**

**Present: William R. Spade, AIA – LEED AP, Sasaki & Spade
Architects
Mark & Beatrice Santora, Owners of Little Garden
Childcare Center
Steven Corrigan, Princeton Realty, representing the
applicant.**

William R. Spade: We are proposing this childcare center at the south end of 27 Radio Circle, in the space that was previously both office space and warehouse. We are proposing 10,878 square feet of a childcare center.

Chairman Cosentino: Is this the Martabano building?

William R. Spade: Yes. That space is broken out roughly into 27-foot square bays. There are four bays across the front, three bays back, plus to further bays in the rear. The combined facility is in the rear corner here. Within the interior, we are proposing six classrooms that would be for toddlers and preschoolers in terms of the childcare program, two spaces that would be for infants in the childcare program, which would total a maximum population of 112 children in this program in this space. There will also be two classrooms for after school programs for school age children, which would obviously run post the time period of the childcare program in the main part of the space. Also within is an indoor play area, toilets are existing. Within each classroom are a toilet and a sink, and then office space and other storage space. All of this would be under a license with the New York State Office of Children and Family Services (OCFS). They will get a license from OCFS for the operation. There are a number of safety features within the building. Sprinklers are fully installed. We will also have emergency lighting in the building, which is actually regulated by OCFS. Also, battery back up on the emergency lighting, Exit signage with also battery back up. There are five exits to grade from within the space; one out of the rear and four other ones in the front. As required by OCFS, there is a direct exit from the infant area that has to be able to accommodate strollers coming out the doors. That is a quick overview of the interior. On the exterior, the only improvement we are proposing is a playground area. Again, as required by OCFS regulations, they have to provide an exterior playground area. In the south corner on the Radio Circle side of the building, we are proposing roughly a 58' x 48' enclosed playground. The total is 3, 200 square feet. That enclosure will be with a six-foot high fence all the way around the perimeter of that. There will be a landscaping hedge on the Radio Circle side and around this improved paving area. The fence is on the northwest side of the property. We will put a landscaped hedge around the front of that and because of the proximity of the parking area in the front of the building as well as Radio Circle, we are proposing a three-foot high wood guardrail all around the perimeter of

the fence as a way of protecting the fence in the event of a car happening to overdrive the parking area. This would be a heavy, timber guardrail. Again, that wraps around the corner and all the way around the Radio Circle face and then down along the faces all the way back up against the building. All of the parking exists on the property. There are a total of 112 spaces. The parking arrangement on site is that there is plenty of parking for the uses that are there. Most of the uses are varied during the day and during the week.

Chairman Cosentino: They are usually dropped off and then they go?

William R. Spade: Correct. There are seven existing parking spaces in the adjacency of the entrance to the building. We would sign those for drop off in the morning period of 7:30 to 9:00 AM, exclusively for drop off purposes. There are plenty of spaces further down, including handicapped spaces currently on the plan. There is exterior lighting on the building, all the way around the front face of the building, so there is plenty of outdoor lighting after hours in the evening as well. That covers the architectural and site plan improvements. We submitted an operation and description in the material, if you had any questions about that. We also had some color material on the materials to be used for the playground, fencing, and guardrail; also, safety servicing within the playground area. This is a sample photograph of the type of playground structure, that would be a cedar frame structure with plastic components on it.

Ralph Vigliotti: I would like to go slow on this. There are issues that need to be reviewed. One is the fencing that is to be placed in front of the building, which would be on Radio Circle drive. It's kind of unsightly. It's supposed to be a green space that was approved a number of years ago to create some green space along Radio Circle drive as you are entering Radio Circle Drive. You will notice all of the structures along Radio Circle Drive and Morgan Drive have green space in front, and they are not being used as you would like to use it. The six-foot fence comes all the way out to this setback. I don't think that is an appropriate area for it. I am not sure why it cannot be placed in the back. It might be more suitable in the back as opposed to in the front, but that is to be discussed. It sounds like lots of kids will be dropped off at some point in the morning and be picked up in the afternoon. We need some data with regard to number of employees, how many kids will be dropped off and picked up AM and PM during those peak time periods. Then you have an after school program. How many kids will be dropped off at the after school program? We need to get a sense of how the movement of the drop off is going to work. This is not a very good drop off for any type of school, never mind a pre-school. Cars are backing out as cars are pulling in; there may not be enough room in the parking spaces if a parent wants to take out a stroller and bring a child in with a sibling that is actually going to be using the facility. I find this to be somewhat unsafe. It is not your traditional circular or semi-circular drop off where it's a very smooth in and a very smooth out. There is a lot of backing up taking place here. As a matter of fact, a couple of cars would be almost backing up as cars are coming in. It is not a smooth drop off or pick up and that needs to be looked at closer. I would like to see how many employees and where they are parking.

Austin Cassidy: Ms. Robbins, relative to the data that you're going to need on traffic analysis, they would need to hear what parameters – trip generation, models from elsewhere, the two peak hours.

Michelle Robbins: Also, will there be any bus drop off? Will this be connected to the school district, and if there were buses, then that would have to be accommodation accessory provision as well.

Austin Cassidy: Not only those factors, but as Mr. Vigliotti said, staffing will be key to your parking, in terms of the board's determination of minimum parking needs for this operation. In the bigger picture, we will also need the complete cross section of the rest of the building provided through your potential landlord for all the other uses and square footage. The board cannot myopically look at this one tenant. They have to look at the total parking provisions on the site and how this particular use relates to all the other uses in the building in terms of everyone looking for their parking and making sure it's in fact there. That is a lot of data that will have to come in - in that regard.

Michelle Robbins: The capacity is 112 children?

Mark Santora: Correct.

Michelle Robbins: How many staff members?

Mark Santora: Approximately 20.

William R. Spade: There was a narrative submitted with the hours of operation and other data.

Doug Hertz: I got a little confused in the narrative. It says 112 children, and then it says the possibility of another 51.

Mark Santora: That is the before school/after school program. They are broken up by age groups, which you cannot mix, so it's 5, 9, 10 to 12, and 17 in each. However, when the first group is being bused to school at 8:30, that is vacant all day long, and we can have a pre-school operation come in for a reduced amount of hours. That is the other 17. In effect, we are licensed all day long for that particular room being 5 to 9, but it's only being used in the morning, late afternoon, and some hours in the middle. In any given time, there would only be, if we were completely 100 percent filled, we would be 112 childcare and 34 before school/after school, and they would be there an hour or hour and a half in the morning and three hours from 3:00 on.

William R. Spade: The 112 plus 34 would be 146, therefore being the total maximum occupancy at any one time.

Doug Hertz: Having gone through the childcare center that is just up 1,000 yards from this site, one of the concerns is the queuing and drop off times. If your before school program has pick up times at the same time the other programs are going to have drop off times, we are going to look at that maximum pressure point for cars moving in and off site, kids leaving and coming into the school to make sure there is not just adequate parking, but adequate flow so that there is a safe way to get everyone in and out within the parking lot. We will

need that data, ideally in table form so we can see what those overlaps are between the before school program and on a time basis.

Chairman Cosentino: Will you both be the owner/operator?

Mr. and Mrs. Santora agree.

Ralph Vigliotti: Please speak to the record on bus pick up and drop off for AM and PM?

Michael Santora: Early in the morning we have parents dropping off.

Ralph Vigliotti: School buses?

Michael Santora: No, in their cars. These are the five to twelve year olds. Whatever the timing is on this, an hour or so later, by request of the parents of the school district, they are required to send the bus over. We would then walk the kids out to the bus and see them on the bus.

Ralph Vigliotti: How many school buses are you anticipating?

Beatrice Santora: I would assume there would be one bus and possibly a mini-bus.

Ralph Vigliotti: If you have children who would be going to school in the Chappaqua School District, there would be only one bus going to one elementary school?

Beatrice Santora: Yes, I believe it would be the Bedford Central School District.

Ralph Vigliotti: So you wouldn't be accepting students from the Chappaqua School District? I am trying to get a realistic sense of how many school buses would be picking the children up and how these buses are going to queue in and queue out.

Beatrice Santora: I believe it's just the Bedford Central School District. If the facility is in the Bedford Central School District, parents can request that they be bused there.

Ralph Vigliotti: As I understand it, if a parent works in the village and their child is in the Armonk Elementary School, would that child then be serviced by the Byram Hills School District? Is it limited to just the Bedford Central School District? It may not be limited to just one bus that may pick up those six or ten children. This is something we need to know.

Michael Santora: I believe the law states that you have to be within a district to request a bus within that district.

Beatrice Santora: We'd have to investigate that.

Doug Hertz: Even that could be a number of elementary schools. You probably wouldn't have Pound Ridge, but you could certainly have Bedford, Bedford Hills and Mount Kisco and it's village.

Enrico Mareschi: When the parents drop off the child, is a staff member going to take their child out of the car?

Michael Santora: No, they are required to come in and sign in.

Enrico Mareschi: With some schools, they take them out of the car.

Beatrice Santora: That is mostly pre-schools. They do need to sign their children in and out. It's a state law starting at three months to five years for the main program, and then five to twelve for the before school/after school.

Stanley Bernstein: Is the adjacent gym space occupied right now, or is it anticipated?

William R. Spade: Occupied right now, in use at this moment.

Stanley Bernstein: And, this is not part of a chain or franchise? You are the owners?

Beatrice Santora: We are the owners.

Anthony Oliveri: We should have an existing condition survey. Is the rubber fill a totally pervious surface?

Michael Santora: Yes. It's mold resistant and water permeable.

Anthony Oliveri: You should put a detail on the plan showing that.

Michael Santora: It's rubber mulch.

Anthony Oliveri: I wasn't sure if there was any liner under that - that would make it impervious.

William R. Spade: There is a filter fabric underneath of it.

Anthony Oliveri: Please provide a detail on that. Also, the guiderail is going to be on the property?

William R. Spade: Correct. The landscaping hedge would be on the property line.

Anthony Oliveri: Please make that clear on the detail, showing the property line. Also, the final site plan needs to be signed and sealed. This is in a DEP Main Street area. They might want to see that you are not adding any impervious surfaces. You should check with DEP, as you might have to get a letter from them showing that you were in contact with them. Also, are you proposing any new lighting?

William R. Spade: We are not proposing new lighting. There is exterior lighting all around the building.

Ralph Vigliotti: On the outdoor play area; it is in an existing green space. As part of the original site plan, what would be the status on this? Is it permissible?

Whitney Singleton: If you look up on their site tabulation chart, it is actually showing the development levels exceeding the maximum

allowed by the code, so that would obviously require a variance. The maximum is 70%, and they are proposing to increase it to 72.7%, so they need a variance unless it's an existing condition. It's not clear here.

Anthony Oliveri: The application says 72.7% and seeks no change. Does the play equipment and the mulch constitute an increase to the development coverage?

Michelle Robbins: It depends on what the definition of "coverage" is.

Whitney Singleton: Obviously the other aspect is because it's a nursery school/day care center, it will require a public hearing and special use permit. You should take a look at the special use requirements for day care centers. I don't see any of it being necessarily problematic.

Austin Cassidy: The main thing is that data for staff to start to give feedback to the board.

Conceptual Application

**Radio City Ventures, LLC
Two Morgan Drive
PB2012-10
Site Plan Approval/New Construction**

Present: Ira Grandberg, Grandberg Architects

George Gaspar, Associate, Grandberg Architects

Craig Intinarelli, Associate, Grandberg Architects

Tom Seiler, Partner

Richard Breck, Principal of the Owner of the Property

Charles Rekow, Principal of the Owner of the Property

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

Charles Martebano, Attorney at Law, representing the applicant

Whitney Singleton: Mr. Chairman, as you and I previously discussed, I do have a relationship with one of the individuals associated with this application. One of the principal investors of this project is a client of mine, a former neighbor of mine, and a lifelong friend of mine. I have no interest in this application directly or indirectly and you will have to evaluate whether or not I should be able to represent you in this project.

Chairman Cosentino: I don't see a problem.

Whitney Singleton: I need to make that disclosure.

Charles Martebano: This property pertains to property which many members of the board are intimately familiar. For some of us who have been around the village for a long time, it's the former site of the sewage treatment plant, which was operated by the City of New York for many years. The site consists of approximately 5.76 acres, and we are proposing to construct an indoor sports training facility on it, with field related sports. At this point our site plans are conceptual of course, but I wanted to give you an idea of the proposed uses of it and the proposed appearance of it. Mr. Grandberg will explain all of that.

Ira Grandberg: This is a unique project for the Village. It is a wonderful opportunity as a sports training facility for children and multiple supports to disciplines to utilize this building. It is a proposed 55,000 square foot facility that will be used for many sports activities. We have tried to design it within the constraints of the site, so that the building was harmonious with the topography of the site. We are showing you tonight some of the uses to give you an idea of the primary uses, on top, which is a multi-functional playing surface that can be used for lacrosse, field hockey, soccer, a rock climbing component of the building that you can see on the right with a ropes course, and there will be three fields that can become any one of the above sited utilities. Down below, Tom will address other activities that he has been involved with in this kind of facility.

Tom Seiler: I was in the textile industry for the last 25 years. Since leaving, and we got some friends and investors together for the past three years in South Norwalk, Connecticut, to build a very similar facility called the Sono Field House. It was a passion of mine. We all have children, and we were struggling with where we could find something for our kids to do in training in the off-season, winter, and inclement months for their various sports. It was a project that was near and dear to me. It is up and running. We had talked about setting up a visit, and I will be glad to do that at any time. The passion was there, it was a great idea. Richard approached me about expanding this type of concept to another location. We found that when we approached the previous city board that we really embraced the local community. Some of the things are outlined here. Really unique to this kind of facility was building a rock wall and ropes challenge course. We entertained local fire and police enforcements that came in after hours with full gear. They were able to train and use the facility. We did that complementary, and we would work on that same basis here. We did training for obviously the after school programs; whether it's youth or high school, concentrating on football and a multiple of other sports. We had some great experiences there with bringing in autistic kids and specifically introducing them to the rock wall. We had some fascinating experiences with that. We just started scratching the surface of being able to offer programming of that type. The numbers are staggering. It's sort of an underground thing, and we want to bring that out with the ability to load this type of programming into the facility as well. Alternate fields for the local practices again specific to this area, as we know there is a shortage of fields in this area. We also worked with the local communities in Norwalk and provided fields. This past winter the entire lacrosse team of the Brian McMahon High School, which is the local high school,

Planning Board Regular/Work Session Meeting

April 10, 2012

spent every Wednesday afternoon training at the facility. We did that on a pro bono basis as well to embrace the community. For senior citizens, we did cancer walks and other things to suit them. We covered and set up a 220-yard loop track called a walk-around. For the summer day sports camp activities, we were a destination for rainy days. We did not operate camps out of the facility. I would like to remind the board that these programs are booked well in advance, so we are selling seasons ahead of time. We leave times available for local activities that are last minute, but we do try to program all these teams in advance. The day camps are planned programs. We take the camps in in inclement weather and do movies, sports, training, leadership programming. We pride ourselves that we are a non-profit charitable foundation, and we make the facility available to non-profits and foundations to raise money in a variety of different ways; whether it's soccer or flag football tournaments, an unlimited capacity to do that. Sports teen nights are something that we just started to delve into. This could be a great thing here as well, to target Friday and Saturday nights, which are most critical to the teens to build in programming and work out times where we can have groups in here for athletics, training and leadership development, keep them out of trouble and give them something to do. If you build it, they will come. The teens love it. If their friends are coming, they are coming. Once you get that Friday night or Saturday night culture built, they will come, and this is what they will do. This is a great community type of facility for that kind of thing as well.

Ira Grandberg: Since this a conceptual site plan, we located the building on the east side of the site, and you can see from the rendering that we integrated it within the hill, so that the building conforms to the zoning bulk and well within the coverage of the site; but by having one end of the building integrated within the higher topography, we are reducing the scale of the building. We did not want this to look like a storage facility. We wanted it to have the beauty and grandeur of a wonderful field house. We also wanted to maintain the beautiful grove of evergreens that is on the site. We have not touched that. There is a row of fruit trees that is fairly mature that is running down Morgan Drive that we will keep as well. We are well aware of all the issues of the site and the mitigations required for it. We want a turn-around. You would drive in off Morgan Drive and come to a turn-around very similar to Mount Kisco Medical Group, and you would have ancillary parking at the front of the building, and then you'd have a service dock on this side of this building. You would have the rock climbing directly off Morgan Drive. In the evening time, and other times it will be a wonderful visual attraction for members of the community to see. It will be a real draw in that regard.

Chairman Cosentino: I understand there are no lockers or showers?

Ira Grandberg: No lockers, showers or food service or anything like that. It is purely a functional sports facility.

Charles Martebano: This is predicated on the idea of "scheduled in advance athletic training." It is programmatic. It is not a drop in facility. That is not the nature of it. This is how it is going to be set up and operated. We wanted to give you an overview tonight of the site plan before we went to a formal site plan application, to give you an idea of the operational aspects as well as the aesthetic aspects.

Obviously our next step is to go to a more formal site plan application and bring it before you.

Chairman Cosentino: In raising six children, if there were a facility like this in the village, we would have used it.

Ira Grandberg: We hope the village will be proud of something like this.

Chairman Cosentino: I think it would. It is certainly something that is needed.

Charles Martabano: We definitely agree with that. As you know, it's a site that has been around a long time. You have studied that site extensively. I think this is a great opportunity to turn that site into something very productive and low impact for the village. We are hoping to provide a good community service for the village.

Chairman Cosentino: There is a lot to talk about, but for now the design and aesthetics of the building is just beautiful.

Ralph Vigliotti: It's good to see that you are protecting the grove of evergreens. We had some problems with the last applicant with that. It's good to see that. How much parking do you have there?

Ira Grandberg: Prior to engineering, we generated 155 spaces; however, based on future engineering and mitigation, that might get less than that. We just wanted to see if we could meet the client's needs as far as what they anticipated.

Tom Seiler: To give you a little background, Sono was very similar in size to this. We limited to the capacity to 75 kids per hour here, so that would be 25/25/25. We are doing a small clinic-type format. It's a big drop off. Once parents become familiar and comfortable with the facility, it is a very big car pool situation. It's very rare that we would have 75 cars there. 75 kids an hour is our capacity whether it's clinics or leagues. That opens it up for the kids. We are not packing them in.

Chairman Cosentino: The unique thing is that everything is programmed. It's not going to be a facility where kids are just going to hang around.

Tom Seiler: Sono currently is booking fall 2012 programs already. It's well in advance. Plus, you're being involved with all the local sports groups and organizations to work with them on time, needs-based programming, and developing program with them and the coaching staff locally. It's interesting how we developed the local coaching staff from the Town of Norwalk. We drew a lot of people in from it. When coaches are involved with the facility, those kids are also involved with that facility.

Charles Martebano: That is part of our business plan, to do a local outreach immediately. Luckily, there are databases that we can contact people through and get recommendations as well from people in the village. That is one of the first things we do, because if we have to program in advance, they are going to want to program in advance. It works very well hand in hand that way.

Ira Grandberg: I visited recently and there were kids playing capture the flag on one field, a young women's field hockey on another field and some lacrosse practice on the third field.

Tom Seiler: There are screens that drop down with blackout walls, so it's all mesh from eight foot up. It's a very heavy-duty vinyl. You are in a pod. You are not distracted by what is going on around, and you can either do a two-pod, one-pod, full field. It's very flexible in working with various groups.

Charles Martabano: We are all almost programmed in our mind to think in terms of soccer. There is a tremendous increase in lacrosse and field hockey. We did not think about that, as well as this rock climbing. It's an entirely way to look at it, but this gives you the ability to modify and meet each of those demands.

Stanley Bernstein: What about the mitigation of contaminated soils? Has that been resolved? It's been 10 years now. It's mostly on Crème de la Crème, but there is a piece of it on Buckingham. What has been done about it?

Charles Martabano: Obviously we have pulled all the records and studies regarding that. We will develop a plan to address that and bring that as part of our application.

Stanley Bernstein: There was a choice, at that time, which we argued over intensely for a long, long time as to whether it will be off site mitigation or on site insitu. You have not come to that decision as yet?

Charles Martabano: It would be premature for me to say that we have thoroughly analyzed it enough. We are going to do that as part of our application. We will make a presentation to you based on that.

Whitney Singleton: From a conceptual perspective, I do not know that it has any bearing on this issue. Mr. Bernstein is also right. There is a lot of history on this. We can unearth it and package it and bring everyone including our two new members up to speed on it.

Austin Cassidy: My comments and questions are from a different perspective. We are accustomed to looking at training facilities on a much smaller scale. This is an area of team sports that we are not accustomed to seeing, so I am sort of expanding the thoughts of what the issues might be. Based on your Sono experience, could you walk us through it? Are there buses involved? Are there spectators involved? Tell us a little bit more about because that will be critical to our questioning analysis.

Tom Seiler: Buses, no. I can only tell you just to be openly honest with you as I would be nothing but, occasionally we would have a collegiate team. The men's varsity lacrosse team of Loyola came by mid-afternoon to do a workout in July when they were playing Fairfield University. We would invite them and kids to come watch them, because you're seeing the real players. It would be usually no more than two tour buses. That would be it. This is not a bus in/bus out kind of facility. You are either driving or being dropped off at the facility.

Austin Cassidy: What is the lower end of the age factor?

Tom Seiler: We start lacrosse in Kindergarten. It's a fun, child-development lacrosse program, as well as starting the young soccer players at that age. We have a curriculum we would build into this and also cater it to the coaches and the local area. We would obviously embrace the local coaching and teams and get that feedback of what is important to them and structure a program around that and build it in.

Ira Grandberg: My grandson is in the Mount Kisco Youth Lacrosse league. It's active and has many members.

Charles Martabano: The athletic activities can go up to senior citizens as well.

Austin Cassidy: Going to data that we will then need. You have a realistic profile that we could then use as a model to project parking needs. In this scenario, you're not so much a drop off as the parents are going to come and stay?

Tom Seiler: Only Monday through Friday. That is our clinic-based activities, the teaching programming. The weekend might be more league play. In our facility, you could have a dozen parents hanging around at any given hour.

Charles Martabano: One thing that could be very useful is that we will be able to give you some empirical data from a very similar facility.

Anthony Oliveri: Have you had any thoughts on how you are going to handle storm water?

Charles Martabano: We will have Scott deal with you. We are aware we have to deal with that issue.

Tom Seiler: Because we maximize the capacity at 75 kids an hour, which is where we are going. We will not overburden the facility and decrease the experience for anybody by loading up the field for a couple of extra dollars. We have capacity. You have to get on a wait list. Unfortunately, if you did not sign up in time, we do not exceed that number. Sono is similar in some ways but different in a lot of other ways. We only had 44 parking spaces on site there. Not that is a determining thing here. We did have to ground lease a few spaces next door. But I am very comfortable with that number and saying that 75 cars an hour - assuming every child there has a parent with them, and no car pooling - that is very unlikely that happens.

Austin Cassidy: Being that you took the initiative with the nighttime shot, you are basically saying that there is little or no lighting glow effect.

Ira Grandberg: No, and we will comply with the lighting requirements.

Doug Hertz: Please be 100 percent aware of the history of the site and the concern that you will probably hear from this board going forward. You are going to have a facility occupied by primarily children that is on a site that is going to need significant mitigation. Just as the site next door, you are not proposing a childcare facility where there will

be kids there hour after hour. Nevertheless, you are going to want to do the right thing by the mitigation of it. I want to make you 100 percent cognizant of that.

Charles Martabano: We are going to do the right thing, clearly.

Doug Hertz: What do you imagine the experience is going to be as you're coming in from Lexington?

Ira Grandberg: You will barely see it. The fact that it's an arch-trussed structure and we are building it into the hill will only have approximately 10 feet of exposed wall facing the Lexington Avenue side. It's behind a tree line, we are going to be doing planting buffers, and instead of having a large flat roof like a storage building, this one has a general arch that just tips over. If anything, it is at least an intrusive profile for the scale of the building that an architect can develop. There will be a continuous planting buffer along this edge.

Charles Martabano: We have not designed it yet.

Austin Cassidy: On that point, can we suggest where the Karafin Building is?

Charles Martabano: Right here.

Austin Cassidy: So there is a building in front of this?

Charles Martabano: Yes, here in the middle.

Austin Cassidy: So there is another building that is going to obstruct it?

Charles Martabano: Tremendous buffering for it.

Ira Grandberg: Through the tree line this building will be, even in winter, almost indistinguishable. You can see in the rendering how it's cut into the hill.

Doug Hertz: I know we had the same experience when we were looking at the prior application for this because of the way the Karafin building comes in.

Ira Grandberg: When we designed the building, we looked at how that is effected, so I can say with assurance it would not be like your face in the building straight on.

Charles Martabano: This is a unique site, and this is a unique design for that site. We will take this to the next step and go to a formal site plan application, and we will address all the issues you've mentioned.

Austin Cassidy: Are there any identifiable height issues?

Ira Grandberg: None, because based on the code you're taking the average grades for the site. That is another mitigation. We are dealing with a mid-point grade, which gets rid of some of the height issues. We are within the code envelope.

Charles Martebano: Thank you and we appreciate your attention.

Conceptual Application

**Sports Performance Institute
369 Lexington Avenue
PB2012-10
Change of Use/Site Plan Approval**

**Present: Anthony Monteleone, Monteleone & Monteleone,
Attorney-at-Law, Attorney for the Applicant
Robert Pasquale, Principal, and Owner of Lexington
Avenue Properties
Nick Serio, Operator of the Facility**

Anthony Monteleone: It is interesting that just prior to our application was another sports facility application. If any of you had an opportunity to read any of the business plan submitted with the conceptual review, you will see that this facility and this proposed use is totally different from the prior one. You might say that after those young athletes become committed to being athletes, this facility will train them to be bigger, better, faster, stronger athletes. It's a training facility, not a gymnasium. We are not building the second indoor gym at the University of Michigan. We are using an existing building. We are not expanding anything outside of the building. It is the old warehouse for Mt. Kisco Supply. Although we only have some barebones plans there, the facility will be self-contained within the building. I did read the building inspector's submission memo to you, and one of his principal concerns is the driveway entrance. I anticipated this and actually spoke to Mr. Pasquale to discuss the possibilities of expanding and widening that entrance. That is something that we will attempt to do to mitigate that condition. That will obviously have to be done in conjunction with the adjoining property owner, but I think it would be beneficial to both properties. As far as parking is concerned, at this point in time, we are not sure how many parking spaces will be required. There is parking on the presently zoned non-residential parcel, the CL district. Whether we have enough spaces there is something to be determined based on the nature of the use. The residential parcel, which abuts the residential street, is vacant now.

Ralph Vigliotti: I am having trouble visualizing this. I know there is Kisco Hardware at the south end, and there is a parking area. Then there is the plumbing store. Is that going or staying? I know this is only conceptual; I am having trouble as to where things are located on the property.

Anthony Monteleone: I will explain. When you look at the property from Lexington Avenue, on the right hand side is the hardware store. On the left hand side is the plumbing showroom. Behind that showroom, the building comes like this, and then it comes over and goes back like this. This is the building that is going to be used for this space. The plumbing showroom is going to use almost this entire front – the building that you see from Lexington Avenue. Behind it was an

Discussion followed as to the exact geography and location of the site.

Ralph Vigliotti: In all fairness to the board, we are not all familiar with the site. It is a concept but it's more of a verbal one than a visual. I think the board and staff need to see it existing.

A site visit by the board was decided upon.

Anthony Monteleone: I was not aware of this application until today. I didn't see what was presented to you. It would have been in a different format, had I been involved in it from an earlier stage. We will be more than happy to give you a site visit.

Doug Hertz: Normally they preset a site plan.

Chairman Cosentino: But if we can't visualize it now, how are we going to visualize a site plan? In all fairness to the client, a site visit would help.

Austin Cassidy: There is a critical up front issue that should be identified tonight, and it's reflected in my memorandum. You have a legal hurdle, and that is the fact that the premises have on the site plan, on the parcel, a legal non-conforming residential use. The way our code is structured is that we can't grant approvals for permits or alterations or additions relative to a property containing a legal, non-conforming use without the elimination of the non-conformance. That is an upfront hurdle that you may want to start focusing your energy on, because no matter what you want to propose, either this or anything else for the site for your future utilization, that issue will remain as well as the residences there.

Chairman Cosentino: Is that a separate parcel?

Austin Cassidy: It's on the site plan. It has all the parking for the premises. You have the commercial building and the residence next door. That is all on one site plan.

Anthony Monteleone: This application will only relate to the rear portion. There won't be any parking for this application.

Austin Cassidy: The board cannot put blinders on and ignore the rest of the site plan.

Anthony Monteleone: I understand.

Robert Pasquale: Are we referring to the building at 279? The two family house that is connected to the property?

Austin Cassidy: Yes. As the property owner, you may want to think about your long-term vision and utilization of your asset here. This is going to be a millstone issue with the residence sitting there. It will come up every single time you want to do anything.

Anthony Monteleone: Subdividing it off would be a possibility if we can provide enough parking.

Austin Cassidy: But you couldn't leave the residence anyway after the subdivision because you couldn't create a lot with a legal non-conformity on it. This is something you want to look right up front in detail, as it will affect your vision about many things for the property.

It's a very large property and very central to the area, has a lot of issues, plusses and minuses. Another complexing factor is that the lot is more or less split in half longitudinally on a north/south axis by two dramatically different zones, one being commercial, and one being residential. The zone line runs right through the parking lot. Probably half of the macadam or parking surface in the rear is actually sitting in a residential zone. That is an issue for both this board and you.

Anthony Monteleone: Understood.

Austin Cassidy: Your bigger parking lot was the one that was really proprietary for the fleet and deliveries, etc., and was not intended for the public, per se. As you reinvent this building and its uses for the site, it is going to be important for the public to use that. There is also the lighting. In a residential neighborhood, suddenly they are going to be looking at a commercial parking lot. There are a bunch of issues both you and this board are going to have to wrestle with as you go forward with your future intentions of your property.

Robert Pasquale: Understood. Is the usage contingent upon the necessity for lighting and safety?

Austin Cassidy: The operative word, "safety." If you're inviting the public in, it has to be lit.

Robert Pasquale: As a retail wholesale business, wasn't that available to the public?

Austin Cassidy: Not really. From what I see from the record, it was predominantly proprietary. Of course, the plumbing business started to slow down at 3:30 or 4:00. Now you are going to have uses that may want to operate into the hours of darkness. If you want to use the parking lot, it's got to be lit and safe. Most importantly are the legal issue and Mr. Monteleone will work that out with you.

Robert Pasquale: Understood. We want to get it done right and get it done forever.

Austin Cassidy: If he wants to try to tackle the use variance, it's the worst kind. It's continuing and non-conforming.

Robert Pasquale: What would be non-conforming, the hours?

Austin Cassidy: No, the use itself. You cannot initiate a residential use in that district. You are in the same zoning district as North Bedford Road. However, it pre-dates. When a car drove into the building a couple of years ago, you could restore that because it was all a safety issue. You didn't add to anything. You were allowed to make safety repairs to put the building back the way it was.

Chairman Cosentino: You need to sit down with Mr. Martabano and go over all the legal issues.

Stanley Bernstein: If I am not mistaken, the area adjacent to West Street on the east side of the end of the parking lot had a stream, which adjoins Branch Brook and swings into Kisco River into Radio Circle. That has to be addressed.

Anthony Monteleone: Is that on the property?

Stanley Bernstein: There is a parking lot on West Street. In between these two parking lots there is a stream.

Robert Pasquale: There is a multi-family building there now.

Stanley Bernstein: Yes, on the West Street side. If there is a stream there it has to be looked at. It's an issue.

Anthony Monteleone: We will submit a conceptual application.

At this point, Mr. Cassidy explained in detail to the applicants what the board will need in its next conceptual application review regarding the use at peak utilization.

Correspondence:

Minutes of the Mount Kisco Beautification Committee

Special Discussion:

350 Lexington Avenue

Chairman Cosentino: Pertaining to the two places, the village is going to reconstruct Columbus Avenue with new curbing and new blacktop. The parking lot is contingent to where they are going to put their curbing, so he can do his parking lot. He wants to renovate his complete parking lot, cut down the hill and make the back of the building level with the parking lot. The question is his two tenants that want to move in. When we have a change, we consider the whole property. Here, we cannot do it because the village is doing heavy construction down there with the road.

Whitney Singleton: The village is in discussions to coordinate the renovation of this parking lot with the reconstruction of Columbus Avenue, and the applicant has indicated that they are more than willing to come back at that point in time, and they are more than willing to reconstruct their parking lot in a fashion which works for the village. They recognize that they will be losing some spaces in order to be code compliant.

Austin Cassidy: Is that a 2012 project?

Anthony Oliveri: It should be. I don't think it's totally definite yet. It's pending on this and a couple of other things with the other end. There are other issues, but they are working on it.

Chairman Cosentino: In the meantime, he needs to rent out these other two spaces so he doesn't lose the tenants that will want to stay there. The way I see it, he doesn't really have to come back before then.

Whitney Singleton: Since we changed 110-38, you wouldn't have to come here. There was a decrease in the parking requirement. We reconstructed 100-38, because once people came to your board, they could then re-carve out their space in a fashion that did not necessarily work. All of a sudden there were deliveries to the front

door and drop offs and pick-ups. Theoretically, your board might be looking at the drop off and pick up associated with these uses. The problem is, they are waiting for the village to work with them on the road, and they are committing to redoing their entryway. They are also committed to no further utilizing of the space or re-tenanting of the space until they come back in with that plan. That is about half the current capacity and a commitment from the applicant that they will come back to you to make physical alterations to the site before anything else is re-tenanted. The problem is, as they explained to the chairman, they are worried about losing their tenants. They were originally hoping to come in a couple of meetings ago when we didn't have a quorum and it's kind of been hanging out there. Granted, they were not well prepared for the last meeting, they have been trying to come before your board for a while.

Doug Hertz: Being that one of the sub-applicant's of this has been before this board before with a very comparable space with a very different analysis of their parking needs and uses, how comfortable are we with the veracity of information we are being presented with?

Austin Cassidy: They are using a formula that is in the code book that is really geared for teen programs, where you get one to one and then one for every two participants because they are usually children. The boxing program is typically a very adult program, and at the very least you will have driving age and above probably.

Chairman Cosentino: But he wanted to go into the other guys building.

Austin Cassidy: The boxing guy is before you for this building.

Doug Hertz: The last time, it was boxing, but next door.

Chairman Cosentino: They didn't want to go in Geiner's building.

Doug Hertz: They gave us one set of indications about what their usage would be, and then five minutes later started advertising large classes. All of a sudden, it's not one to one, it's one to 20 with the suggestion that you could add another 40 car spaces in a heartbeat. How do we protect ourselves that the information that we are being given is what we can expect?

Whitney Singleton: The best part of that is that if they had a surplus of about 30 to 40 spaces.

Doug Hertz: Which, based on the last issues, would be gone before...

Whitney Singleton: That would be something they would be subject to when they came back in for a further review.

Doug Hertz: Why there would be further review? There is nothing left but some warehouse space.

Whitney Singleton: Isn't that 12,000 square feet of warehouse space?

Doug Hertz: No, not in this.

Anthony Oliveri: When they change the parking lot, they will have to come in for a site plan amendment. At that point, you will actually have an idea of what's going on.

Doug Hertz: Yes, but they're not changing their usage at that point.

Chairman Cosentino: There is a possibility they won't be able to rent out the other spaces they have there.

Doug Hertz: There is no other space. There is a vacant space of 4,500 square feet that he is listing as "warehouse" for the usage of 4.5 spaces.

Whitney Singleton: All I can do is suggest that either Austin or the board come up with if you don't think it's satisfying the code requirements.

Doug Hertz: I think it is, on paper.

Whitney Singleton: If the code requirements that they're satisfying are not sufficient, or you feel as though they've been under represented in the past, your board does have the ability to decrease the parking requirements for a use.

Austin Cassidy: I would interject that the one thing we have not gotten yet, specifically for that particular use is maximum utilization on paper, something that is memorialized that the maximum utilization for boxing is going to be 20 people. If 20 people at most are going to be on premises, and even if you went one-to-one with the parking spaces, it's 20 parking spaces and you'd still have a little bit of breathing room until you start talking about the vacant warehouse.

Doug Hertz: Or it turns into classes.

Whitney Singleton: The point is that they are agreeing not to re-utilize any of the space in the building unless and until they come back to you. At that point in time, we are going to say, "You know what? We've noticed your parking lot has been pretty full."

Doug Hertz: Almost all the space is being proposed to be used now. There is only a 4,500 square foot warehouse space that is proposed to be a non-use. There is a proposed use for all of the rest of it. This is thorny because I'm friendly with the guy.

Ralph Vigliotti: I can appreciate with what Mr. Hertz is saying. If we look at the proposed schedule, the dance studio is 6,000 square feet, and if they have 22 participants probably in a dance class that could last an hour, that could probably work. I am looking at the gym, which is also 6,000 square feet. Is that the boxing ring?

Doug Hertz: Yes.

Ralph Vigliotti: 6,000 square feet it is a lot of square feet for 15 people. I think the space that is being allocated for that is well under what it really should be. If we are going to approve him on these two items and then move forward, we need to take a closer look. Once that is approved and say boxing doesn't work, those spaces have been approved. He doesn't have to come back in.

Whitney Singleton: It depends on what use he goes to.

Ralph Vigliotti: Let's say he goes to a use where it's a gym or something similar, but with a higher use. He doesn't have to come back in.

Whitney Singleton: It is certainly the board's prerogative, but dealing with this from the perspective that you have no physical changes to the site, you are changing an occupancy, that would be physical alterations and they are showing on paper that they have more than double the parking spaces that are required for the use, at least under the code. They are issuing a commitment to the village to re-do their parking lot, when the village is ready to re-do the road. If there is an understatement on their side as to the extent of the use, certainly you have a 35-40-car buffer there.

Chairman Cosentino: The way I see it, they have enough parking for what they want to put in now. Are they going to do a larger business? You are projecting they are going to have a lot more business than what they say they are going to have.

Whitney Singleton: As an alternative, why don't you commit that 4,500 square feet of space as "no use," so that when they come back for any use, you can re-examine all the uses of the building.

Chairman Cosentino: Didn't he say he just wants to use it for storage right now?

Doug Hertz: He does have a vacant space. What Whitney is proposing is a methodology for us to be able to re-look at all of the parking, if the parking count as suggested does not end up being the actual parking.

Ralph Vigliotti: I would be okay with that.

Doug Hertz: That way, we'll let him get on with business, rent his thing, get some income, work forward and it gives him an incentive to do what he is saying he's going to do.

Whitney Singleton: It also gives your board an opportunity to observe exactly what's going on.

Doug Hertz: I think that is a great suggestion.

Ralph Vigliotti: It sounds like we'll have a mechanism in place to do a thorough review.

Chairman Cosentino: If he doesn't use the 4,500 square feet, I think he'd be allowed to get some income in.

Doug Hertz: I'm all for that. We tried last time.

Austin Cassidy: Are you looking for a consensus?

Chairman Cosentino: I'm looking for a consensus. If he doesn't use the vacant space that is there, are we going to allow him to rent out those two spaces? My second question is do they have to come back before this board right now?

Whitney Singleton: The concepts here are for you and Austin to confer and share with the board your thoughts, if you were going to allow it without coming back to the board.

Chairman Cosentino: He is going to have to come back before this board, because he is going to do the parking lot in conjunction with the village.

Austin Cassidy: He also has to come back to tenant his vacant space.

Austin Cassidy: I don't see why he should come back before here now. Let him rent out his spaces and then come back and present his case.

The remainder of the board agreed.

Ralph Vigliotti: Does parking schedule become part of the record?

Whitney Singleton: Yes. Let's confer with the conditions before.

Austin Cassidy: We are back to a two meeting a month cycle, so we're meeting in two weeks. Again, the goal as set by the village board and continuing policy by the planning board, all agendas will continue to be board agendas, so that applications can come in the door.

Chairman Cosentino: Also, we are getting a lot of "flack" because we go through a long scenario sometimes which takes a long time on some applications, and I accept that. We only really vote on a regular meeting. Don't you think with the way the economy is right now, if people want to rent, as long as we do our homework, we should be able to vote either at a regular meeting or work session? I think we need to continue with the mixed agenda. Otherwise, the applicants have to wait another month and that is not really fair to them. It's economically critical.

Stanley Bernstein: This came up because so many different things changed on the vote. After we discussed everything and all the "I's" were dotted and "T's" crossed, when it came time to vote, there were changes. And we said, "You'll have to do all of this one day on one meeting, and then we you come back, we'll vote." They can throw a curve ball at any time.

Chairman Cosentino: Then we can't do what we want to do. We can at least have the option.

Stanley Bernstein: If you want the option, then perhaps it should say, "If nothing has been changed from our original resolution, then we can vote on it." There has to be some flexibility.

Chairman Cosentino: We could be flexible. We can say no at a regular meeting.

Doug Hertz: Every meeting is effectively identical in terms of what we have the power to do. On the other hand, I object to the concept of it because economic times are good or bad and we change our rules. I think it's just a bad policy. We either have the information that we need and the time to make the decision, because as you know, we make a decision and it last with us through economic cycles of good and bad and over and over. I want to see a little bit of both. I have

no problem with voting on what we term a work session or what we term a regular session. But I do not agree with fast tracking anything.

Chairman Cosentino: I'm not saying we're fast tracking. We have to be sure.

Austin Cassidy: If you miss the deadline to make a business application for the month of May, you have to wait until the end of June to make the application.

Chairman Cosentino: That is a burden on the applicant. I think we should have the flexibility to do it either way.

Doug Hertz: I'm fine with that.

Ralph Vigliotti: We are also coming into the summer schedule, so you want to give everyone a fair opportunity.

Stanley Bernstein: If everything is acceptable, and no one has a question or problem, we vote.

Chairman Cosentino: We would not vote on something that is not acceptable.

Stanley Bernstein: It happened too many times in the past.

It was agreed by the board to have the flexibility to vote on either a work session or a regular session.

Stanley Bernstein: We might have to amend our by laws to make it legal.

Whitney Singleton: The chairman always has the ability to modify the by laws on a temporary basis.

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

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm