

Minutes  
Meeting of the Planning Board  
Regular / Work Session  
Village/Town of Mount Kisco  
Tuesday, April 24, 2012

*The meeting was chaired by Mr. Vigliotti in Chairman Cosentino's absence. The meeting was called to order at 7:55 P.M. at the Municipal Building Mount Kisco, New York by Mr. Vigliotti.*

**Members Present:** Stanley Bernstein  
Ralph Vigliotti  
Doug Hertz  
Enrico Mareschi  
Karen B. Schleimer

**Members Absent:** Chairman Joseph Cosentino  
Vice Chairman Sturniolo  
Sol Gibbons

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

**Staff Absent:** Nanette Bourne

*Due to a lack of quorum, the minutes of the March 27, 2012 meeting were not adopted. They are scheduled to be adopted on May 8, 2012.*

**Public Hearing:**

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

*Mr. Hertz recused himself from this discussion.*

**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.

*No one from the public was present to speak to this subject.*

Michael Gallin: We presented this application subsequently. Since the last presentation we did provide some larger scale drawings to the engineers. There were some very minor changes in terms of the sidewalk configurations to the entrance with some minor grading changes in that area to assure handicap accessibility in a clean entry to the building itself. In essence, 333 North Bedford Road is a project

is a tenant infield within the existing building. It is 31,455 square foot occupancy. The Cosentino Center is a distributor of marble and stone slabs. They are a Spanish company with a United States operation, and this center will primarily be for the warehousing of these slabs for distribution in the New York Metropolitan area. There is also a small percentage of the area that will be utilized as a showroom and some office space for the management of this facility. It is a relatively low impact use compared to any other options, compared to the previously approved use for this area, which was an indoor sports training facility, with a lot less number of trips and much smaller parking requirements. We really think it's a terrific use as we come towards the end with 100 percent occupancy of this building.

Ralph Vigliotti: I know we have two new members on the board. This is their second meeting. We will not be voting on the resolution this evening. Hopefully by the end of your presentation and questions, they will be more familiar.

*Ms. Schleimer and Enrico Mareschi had no questions regarding this subject.*

Stanley Bernstein: We have to do a 90 percent traffic study.

David Stolman: Yes. There is a condition in the draft resolution that addresses that. My suggestion is that your study must be in by September 30. The reason for pushing it out to that point is because, although the bowling alley is in and complete and in operation, the amusement devices are being installed in the very near future.

Jim Diamond: We are in the process of installation this week, actually.

David Stolman: We would like for those to be operational. By the time those are operational, the schools are about to let out, so any traffic study done during the summer really will not be as reliable as if it's done while school is in session. By the time the amusement devices get in, are fully operational, school is out, school comes back in, and September 30th seems like the appropriate time to have as a deadline for the submission for that traffic study.

Michael Gallin: Schools start on the 9<sup>th</sup>, so we will make sure of that.

David Stolman: There is no problem doing the analysis during the course of the summer, so you might even see if you can get the counts done before school lets out. But to have the whole thing in before the 30<sup>th</sup> might be difficult. You might have to do the counts right as school starts in the fall. It all depends on the timing of the devices.

Ralph Vigliotti: Please share what is now at the former Grand Union site, which is 333 North Bedford Road, for our two new members. They may not be connecting 333 with the former Grand Union site, and this may help them to understand how this is the last large piece to be occupied with the other pieces that are there.

Jim Diamond: The overall building is approximately 600,000 feet. The north side of the building is entirely office/warehouse tenants. We have Wine Enthusiast in the northwest corner, a new company moving in is Its about Time Publishing, which is an office warehouse space,

Airmack HVAC Company, Cucina Antica Italian Food, which is also warehouse space, Ideal Electric and RDI is warehouse space and PhotoFile is warehouse and production space. They sell photographs of sports figures and sporting events. Here is Grand Prix, which is a mix of Grand Prix and Spins Bowling. 19 lanes of bowling and that is where some arcade games are getting installed right in this little corner here over the next couple of weeks. Here we have Self Storage. There is actually a warehouse for Target, which supports the Target store next door. The Cosentino space will be right next to it. This will remain vacant as our last vacant space, Mixed Martial Arts, Saw Mill East, and Canine Kindergarten, which is doggie daycare. On the south side we have the soccer field, which is all property that we've built for Mount Kisco, so that is managed by the Mount Kisco Recreation Department. The property has two main ways in and out. This Ice House Road entrance is really our main way in and out. We have a secondary entrance and exit here, but this is right turn in and right turn out only – no left turns. This is a signalized intersection. This one is not. One of the things we've tried to do with this property over the last six years is reduce the impervious surfaces to the extent we can. When we acquired the property, none of these islands were here. We've added all the parking islands. We have also ripped up the blacktop in front of the building. Right now landscaped area goes from here down. As part of this application, we are extending that a little bit further north. Raising that up and adding grass, sidewalk trails and trying to link this whole landscape terrain to the soccer field to create an open green space.

Karen Schleimer: Is it your intention to keep the last empty spot empty?

Jim Diamond: We certainly hope to rent it. It's available for rent now, and we're just looking for the right tenant to fill. We have been very deliberate in the process of trying to fill this property over the last six years. The Town was very concerned about traffic impact to the property and other considerations like water usage. We have been very selective in trying to get a good tenant mix of businesses that will be a positive for the community. Over the years, we have missed some opportunities to fill space because we just didn't think it was the right fit for the property or for the town. We are hopeful that over the coming year we will fill it.

Michael Gallin: One thing of relevance is that the board and consultants have been very thorough in terms of making sure that what we implement because of the scale of the property, is tested - not just immediately, but as the occupancy of the building continues to increase. The discussion about that 90 percent threshold, there were a whole series of milestones and checks to make sure it is operating as planned within the guidelines of the analysis that had been done way back six years ago that have been amended over time.

Ralph Vigliotti: It doesn't feel like six years. It feels more like a decade. It's been a process to scale the usage down to match the parking. The last piece that we are working on, once the Cosentino Center is in, is the traffic analysis based on this being at 90 percent capacity. The board has been foreseeing some traffic problems when it was 30 percent, 50 percent, 60 percent, and we had said at some point at around 60 or 70 percent, we would wait until we get to that point. They are pretty much limited to the two driveways in. I always

had a concern from day one that the north entrance should be used more to help alleviate the kinds of traffic that is down on Ice House Road. Do you have another driveway somewhere?

Jim Diamond: We have two other strips of land that we own, one of which we intend to do something with and one of which we really can't. On the north side, this strip of land here is our property. It is in use right now by these buildings, but there is a significant grade change at the end of that road. This is the brake shop and the glass shop back there. Then it drops significantly. There is nothing really we can do there. On the south side, directly to the south of where Ford is, that strip of land between Ford and Patio.com is ours as well, and we do intend to open that driveway up within the next year. Hopefully that will be in a future discussion with the Planning Board. The idea would be to make that right turn out.

Ralph Vigliotti: Only one-way, right turn out?

Jim Diamond: It could be two-way. If you were turning right in, you'd probably come in this entryway.

Ralph Vigliotti: That would help alleviate a little bit of congestion and traffic there. Will that become part of the study, or is that something we should be talking about at some point?

David Stolman: They will have to come back in and propose that, and we will do whatever analysis needs to be done at that point in time.

Jim Diamond: John Collins was our traffic engineer, and he had always talked about limiting the flow of traffic. There is sort of a natural limit to the flow of traffic with this signalized intersection. The traffic signal is controlled by the New York State Department of Transportation. If you look at the amount of time, there is very little "green" time allocated to our property. It might be ten seconds. It is around enough time to get somewhere between two and six vehicles out, depending upon how quickly people look to see that the light changed. 99 percent of the time this really works fine for us, given our tenant mix. Occasionally if Saw Mill Club happens to have a class that gets out right at 6 PM, we can have cars queue up. They never really get passed the bottom of the driveway here, but we've noticed that it seems like at least half to two-thirds of the vehicles are turning right. There is no way for us to create a right turn lane here. If we can create that right turn lane here, that would take all of the traffic away from that exit.

Ralph Vigliotti: Interesting. Let's see how that shapes up.

Austin Cassidy: The document before the board is a resolution. Is the board comfortable with the document such that it could be ready for an action on May 8?

Mr. Bernstein and Mr. Vigliotti both agreed they were satisfied with the proposed resolution.

Ralph Vigliotti: You (referring to Enrico Mareschi and Karen Schleimer) will at some point need to be comfortable or uncomfortable but ready to share your vote in one direction or the other. We are set to go.

**Motion to Close Public Hearing:**

**Motion: Stanley Bernstein**  
**Second: Karen Schleimer**  
**Aye: Enrico Mareschi**  
**Aye: Karen Schleimer**  
**Aye: Stanley Bernstein**  
**Aye: Ralph Vigliotti**

**Outdoor Display – Display Permit:**

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

**Present: Tim Mallon, Property Owner, Outdoor Designs**

Ralph Vigliotti: If everyone would be kind enough to pull the Proposed Display Area sheet from their packet.

Tim Mallon: Do you mind if I sit down here a minute, because I don't feel well.

Ralph Vigliotti: You certainly can. I believe the board has a number of concerns that they'd like to share and some questions for you to answer. That's why we're here. I believe one of the memos that we received from AKRF was that the shrubbery should be of dwarf size so it doesn't grow four, five, eight feet tall, and it would be kept low, if that is the direction we do go in.

Tim Mallon: Absolutely. I spoke to them about that. We will keep it low because I don't want to block the visibility of the building.

Ralph Vigliotti: I need to say right up front, as one member of the board, that your proposed landscaping is wonderful. I am not happy with having all of this furniture sitting there outside your building, which was once not retail, and it has evolved to some degree, but that is something that we will discuss as we get through this.

Tim Mallon: There is another company that has their furniture out front, Patio.com.

Ralph Vigliotti: Right now we are talking about your permit with no parking. Whether or not we can have a truck back in...

Tim Mallon: You asked me that at the last meeting; how many parking spaces before you even asked me my name. I should have answered, "No parking spaces, just like the movie theatre." You started out with an attitude with me and I'm very upset about it.

Ralph Vigliotti: Okay.

Tim Mallon: It isn't nice to ask someone how many parking spaces you have when you already know the answer, number one; and there is no parking in town.

Ralph Vigliotti: You could have parking inside. I don't know. You have  
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two double doors.

Tim Mallon: I don't know. Well, you know, you asked me. But you already knew I had none. I don't know. I think there is a little prejudice here, from you, mostly.

Ralph Vigliotti: Okay.

Tim Mallon: As the chairperson or whatever you are...

Ralph Vigliotti: Acting chairperson this evening. Okay, I know there were some questions by staff and by individual board members, so why don't we work our way through that.

Tim Mallon: You know something? Just forget it. *(At this time, Mr. Mallon rose toward the exit door of the conference room) (Shouting)* You're a fucking asshole. How do you like that?

Ralph Vigliotti: Okay.

Tim Mallon: *(Shouting)* you should be ashamed of yourself. I'll park my crummy trucks there tomorrow and put your name on it.

Ralph Vigliotti: The board members have a right to question your proposal.

Tim Mallon: You are a jerk. By your opening statement, you were a jerk. So you let this guy up the road tie up the whole town with traffic, and you give me some bull about my furniture across the street. The shrubs... will the wind blow the furniture away? *(Still shouting)* That's why half this town is empty, from assholes like you. Fuck it. I'll park my truck in there, you jerks.

*At this time, Mr. Mallon exited the conference room.*

Stanley Bernstein: Well, that's one project we don't have to worry about anymore.

Ralph Vigliotti: As a planning board, we have every right to ask questions and state our opinions, as we are doing with every applicant. It's unfortunate that in frustration he showed his level of respect for the process. At this point, we will close this piece and move onto the next item.

Whitney Singleton: There was no hearing, so you can just move on.

**Continuing Review:**

**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 Group, representing  
the applicant.**

Ralph Vigliotti: As we continue our review, I know there are some questions that staff will have of the applicant.

Austin Cassidy: I am in the process of the review of the statistics and information that is provided in conjunction with the application, there are a few points I wanted to make. I have been continuing to gather data from the applicant, trying to move towards the direction of establishing the potential minimum parking requirement for this use as well as the parking requirements for the building. Explaining the building to the board, we do have a multi-tenant building here. On the one hand, a good part of the building occupancy is similar is that it is variations of office space, and on the other hand there are potentially two critical tenancies that are essentially offset from each other on their peak utilization; one being an existing tenant, and that is the place of worship. Their peak utilization is the weekend, and if they have some activities, it would be at nighttime during the course of the week. I am informed by the pastor that there is one daytime group that meets on Tuesdays late morning to early afternoon, give or takes around 30 adults in a biblical study discussion group. That would be somewhat off peak to this proposed use, so it's dovetailing to a degree, and that's what I'm trying to emphasize. You have the conventional nine-to-five type of occupancies going on in there, but if you look at all the occupancies collectively, they far exceed the parking on the premises. The church, for instance, would come in at a minimum parking requirement of around 85 parking spaces by itself. According to the approved site plan of record, there are 111 on the premises, and there are many other tenants in the building. As we walk our way through the analysis, which is still ongoing, this particular applicant would be the other significant single user in the building in terms of parking, but they are offset in their operations insofar as they are a Monday through Friday operation. I want to also point out that the original information provided in the narrative as it was described in the original application, there was somewhat of a spreadsheet chart that was provided to the board. However, in doing my homework on this, about half of the parameters in this have actually been changed and superseded in state law last June. It does affect some of the math. Be that as it may, trying to work from this spreadsheet and get from what is contained in there to where you are arriving at your 111 and additional 51 students or clients above and beyond that, I'm not following at all. The other thing is that it is not clear. You left us to somewhat deduce when you're saying that the maximum group size is this, and the number of classes is this, are these the number that occur during the course of the day or are all

these numbers of classes occurring at once? You are just not clear. So, what we are trying to do is establish the peak utilization for your use, so we can figure out what your parking needs are.

Michael Santora: If I may comment on that. The board has a copy of the traffic analysis. This is if we were completely maxed out. Potentially it would be 112 cars over a two-hour period of peak utilization, morning and a little bit longer in the evening. That is assuming that no single family comes in has twins or two kids. It is not unreasonable to assume three or four would have multiple children in our program. However, as Mr. Cassidy stated, during peak arrival and departure times, which I have done in 15 minute increments. This is from the experience we have at our other site, which we operated for seven years and closed in June 2011, where we saw how parents come in over a staggered period of time. You have teachers coming in very early and they are picking up early because they are done. You have other people that are corporate who work on a 9 to 5 schedule. The important aspect of this particular chart is that during peak time, an assuming we are completely filled, we'd have 21 cars here. With the Federal formulas they give you which are based on size, determining how many drop off spaces you need to fulfill this, we came up with nine car spaces to fill this. Since all our employees are going to be parking in back, as you can see on the chart here, we will have eight or nine spots designated for us. In fact, during peak times, this entire row is completely empty. It is more than enough during the two-hour arrival time to fill all our needs. There is an average time frame of about seven minutes for someone to come in, park their car, bring their child in, and come back out.

Austin Cassidy: The problem is, in the old way of saying it; you need to show the math. We are trying to see where these numbers are coming from, and to say that's it's more than enough is actually their call. We need to see what the match is based on what numbers.

Michael Santora: The numbers are the capacity of the building based on the square footage. We have two infant classes with a maximum group size of 8, we have two toddler classes with a maximum group size of 12, we have four three's and four's with a maximum group size of 18. That adds up to 112.

Austin Cassidy: The numbers formulas you are using on the square footage are whose numbers?

Beatrice Santora: The New York State Office of Children and Family Services.

Austin Cassidy: The regulations of that agency were changed last June.

Michael Santora: Last month we attended a seminar on re-licensing, and the group size has not changed.

Austin Cassidy: I am holding it in my hand from them, the New York State Office of Children and Family Services Division of Childcare Services, updated June 21, 2011, stating "this policy is in affect immediately and cancels all previous memos or statements on this topic."



Michael Santora: What does it say?

Austin Cassidy: It's five pages; I will be happy to give you a copy.

Michael Santora: Thank you.

Austin Cassidy: It speaks of staffing, the background of staff, supervision, which is what I was focusing on, and actually breaks up categories from the spreadsheet.

Beatrice Santora: I was not aware the group size had changed.

Austin Cassidy: Actually, they made the older groups more lenient and potentially bigger.

Beatrice Santora: We are also regulated by square footage, so what is on those pages would be the maximum, because we cannot exceed 35 square feet per child. Even if they increase the maximum class size, we could not because of the space that we have allocated per classroom. I am sure they did not increase the 35 square feet per child, or the 55 in case of infants or toddlers.

Austin Cassidy: We are trying to establish the benchmark by which to measure. This agency sets the benchmark.

Beatrice Santora: Agreed.

Austin Cassidy: We will use their regulations.

Michael Santora: That's exactly what you should use.

Beatrice Santora: Joe Romano is the fire inspector for the New York State Office of Children and Family Services. He looked over the plans and gave a pre-site inspection. He's been to the building previously, because there was another Westchester County agency there.

Steven Corrigan: He had no issues with the configuration of the layout, as it calls to classroom orientation. We have also had the sprinkler analysis looked at as far as code compliance for this use. The building is sprinklered. That was a big plus as far as the layout and configuration of the rooms. We maintained the bathroom locations and minimized the impact to new bathrooms, egress from the building and the classrooms. The newborn section has to be at grade. They have to be able to be wheeled out in their cribs on grade, so they can't go down ramps or staircases.

Austin Cassidy: At peak, what would be your staff?

Michael Santora: 27.

Austin Cassidy: That's 27 parking spaces right there.

Michael Santora: In the rear.

Austin Cassidy: I don't care where they are, that's 27 parking spaces right there. I heard you say earlier that the most you would need would be 27 spaces.

Beatrice Santora: They stagger also. They are not there for a 12-hour day.

Austin Cassidy: At peak, not spread over the day, a slice in time, what is your peak utilization?

Michael Santora: Including our spaces, about 22.

Austin Cassidy: I would presume one of the peaks is parent drop-off, correct?

Michael Santora: Yes.

Austin Cassidy: So, at any given moment, how many parents are dropping off, at peak?

Michael Santora: Between 7 and 9.

Austin Cassidy: So we are at or above the minimum parking that he just said. This is why we need to look at this closely.

Steven Corrigan: The ownership has provided dedicated signage for spaces in the front nearest to the proximity to the front door. Those spaces will be marked and delineated "drop off/pick up only."

Austin Cassidy: I'm not even looking at the "where" part. I am looking at the capacity.

Steven Corrigan: I understand, I am trying to touch on that issue as well. As far as the employees, we have set up operation to be a keycard access in the rear, which is where the employees will be parking, not in the front.

Austin Cassidy: That will probably go more to flow and maneuvering. I know the board has concerns about that in the tight front area of the parking lot, but that is a separate topic. I am trying to get a handle on your parking needs.

Steven Corrigan: As you eloquently brought it out, the usage of the building currently has an ebb and flow with the parking lot. When their peak occupancy is running in the morning, there is not one single parking space occupied up until 9:00, and then they start to roll in. Pro Swing, which is down at this end of the building has after school peak times. So, as their children are leaving the building, parents are bringing kids to train in the Pro Swing area. Combine is way in the back corner.

Austin Cassidy: Before you even get to that, you still need to identify what their parking need is.

Ralph Vigliotti: Your need with the overall need for the site. That is going to take a little bit of math calculations. I am quickly looking at a peak being from 8:16 to 8:30, which is 19 percent of your students with their parents will be dropping them off. Is 19 percent based on 100 students coming?

Michael Santora: It's based on 112, and then breaking out into what we thought would be accurate arrival times. For instance, on the

column where you're reading 8:16 to 8:30, you have 21 cars coming in, or nine in the average of seven.

Ralph Vigliotti: 21 cars coming in 14 minutes. One of the memos read that it takes an average of seven minutes for a parent to drop off a child. That is where some of the concern is. Are you going to have enough designated parking spaces? Not an overflow if the other businesses are not there, because we don't know. In six months or a year there may be another business that may need those parking spaces.

Steven Corrigan: We may have to come back to you then for another approval.

Ralph Vigliotti: We need to look closely at the parking needs. We are getting closer.

Steven Corrigan: We feel we can answer these questions and satisfy the board that there is ample parking for the peak times. Again, the ebb and flow of the parking field seems to work quite well with this use, as the other user's peak times differ from their times, as they exist now.

Ralph Vigliotti: The parking in the rear for staff members appears to be adequate, but we need to take that upon the whole usage for the site, which early on, was office and warehouse. So we have a change of use. We can talk about some questions with regard to ingress/egress of cars going into those parking spaces, the safety aspects. Right now it is lined for compact cars. I think the spaces are eight feet wide where you are proposing seven spaces. It looks like you need to redefine the spaces. It is 9.5 feet. You need to take a closer look at the size of the spaces in the front. There are also concerns on the play area. In the 2002 site plan that you submitted to the board, the play area green space was set aside for future parking. At that time, because it was warehouse; the formula says you have enough parking. You can create some green space, and if you ever need it in the future for parking, it's there. One of the questions is would it be in your best interest to have more parking and a play area somewhere else to create a better flow?

Steven Corrigan: The reason for submitting that plan was to answer one of the comments from one of the members of the planning board previously, was this playground area deemed forever green, as far as green space? I submitted that plan to show the board that that area of the property was not allocated as forever green space. It could become future parking if this use no longer exists on the property that could again accommodate future parking. We will have to address the parking issues. The amount of parking is more than ample for what we want to use the space for. The playground area is vital as far as it having to be connected directly to the space. If we wanted to relocate it to the back area of the parking lot, the State will not allow that. They will not allow children to be crossing an active parking field to get to a playground. It has to be directly connected with one point of ingress and egress and emergency release points. There again, trying to comply with state code.

Whitney Singleton: Is the side yard insufficient?

William R. Spade: There is a bank.

Steven Corrigan: The greater difference from PIA and their property is about 10 feet.

Austin Cassidy: You can actually see a broken line on the existing site plan.

Steven Corrigan: It's lower here, naturally from the street level and rises, because their property is about 10 feet higher.

Whitney Singleton: As far as it being a special permitted use, obviously there are more logistical calculation issues and parking issues. I will echo what Mr. Cassidy said. Those need to be vetted out as threshold issues. Also, why did the site size increase?

William R. Spade: The prior plan that we had had a plus or minus on the site size. I looked up the actual town records for the site size. The latest plan has the accurate.

Whitney Singleton: That is based upon a survey?

William R. Spade: That is based on the town's records for the size of their property. It was to three decimal places, so it was the best information we had. You see the prior plan had a plus or minus in front of the numbers.

Whitney Singleton: Usually it's based upon a survey of the site.

William R. Spade: We don't seem to have a current survey of the property.

Anthony Oliveri: I did mention that last time. To do a site plan amendment like this, we need a survey of the existing conditions. That is something that is going to need to be done.

Steven Corrigan: Ownership is looking into petitioning a new survey.

William R. Spade: I recalculated the numbers based on that lot area.

Whitney Singleton: Other than that, there are issues regarding circulating, parking, open space.

Ralph Vigliotti: With regard to the proposed fence for the proposed play area, it's six feet high. That is a front yard.

Austin Cassidy: That becomes a problem with the front yard in our zoning. In a side yard it could be six feet, in a front yard the maximum height for a fence is four feet. Four feet does not offer the security function they would be looking for. I would suppose if this continues in that direction, there may need to be a variance step or an alternate line of thinking.

Ralph Vigliotti: Are there guidelines by the state agency with regard to fencing?

Beatrice Santora: They do need to be at least four feet high and two means of egress from the fence zone.

Michael Santora: It could be chain link or vinyl. They just want the kids safe. I don't know if the board has seen my poor attempt at photo shopping. This is not the fence we want to use, but it is to show that we will make every effort to make it pretty.

Steven Corrigan: We planned close to 30 plantings that are shown in the front of all sides of the fencing that face the street and what you will see in the drive in and out of Radio Circle. Also in doing that, we've hidden the protective railing behind the landscaping. If there was ever a situation where someone ran the curb, they would hit the bushes but the guardrail would protect the fencing behind it.

Doug Hertz: I read your narrative with regards to both parking and traffic. I am not particularly concerned with traffic. I am concerned about drop off. We went through this extensively when we did the day care center further down Radio Circle. My concern and I think the concern of the board in general is to make sure that the site is really safe for this kind of drop. Every drop off that could happen at this site.

Beatrice Santora: Along those lines, as far as drop off goes, we are fortunate in this situation to have immediate access to the sidewalk. We are not crossing any parking lots. The children get out of their cars and they have immediate access to the sidewalks. To me, that is best case scenario as far as safety. A lot of child care centers do need to cross parking lots. We don't here.

Doug Hertz: As it's currently designated, you only have a certain number of spots that are really close to your door, and the other spots are kind of not now designated for you. They are for whoever is going to park for the other businesses there. Dropping off at day care is parents with other children in tow; they are trying to get in and out quickly. One of my utmost concerns of this is to make sure that parking lot and your drop off situation is going to be as safe as possible. The last thing we want to do is create a situation that does not work for that.

Steven Corrigan: The sidewalk continues down the entire front of the building. We cannot tell a parent what way to walk, but conceptually, it is logically presumed they will get out of their car, walk to the front of this building, and wherever they park, they will be protected by a sidewalk. Your traffic movements are just a matter of parking, opening doors, going to the sidewalk, dropping the child off, signing in or out, and going back to your vehicle.

Karen Schleimer: And then backing out of your parking space.

Steven Corrigan: Naturally they have to back out into the parking areas. If you compare it to other parking lots, (you raised Mount Kisco Day Care). Where is parking all around the building. There are people parking across the drive aisle that have to, yes, back out into two lanes now, which is much different from this parking lot.

Beatrice Santora: Again, here there are no cars parked behind them.

Steven Corrigan: If you look at this photo, this shows you the parking situation with Mount Kisco comparatively to this, and you can see the configuration to the parking lot. You could park here, and there is so

many more traffic movements going on in this property right now versus what would happen here. If you parked here, you would have to back out and go this way. There could be a car queued up to want to get into that space, but it's not the same as here where you could have cars queued in two directions looking to go in different directions.

Karen Schleimer: I appreciate that, but you may have a situation where you're going to have cars backing up to wait to drop off and get a parking space.

Doug Hertz: That is really my concern. The spaces close to your door are going to be the spaces that everyone is going to want to use. My concern is that you are going to have a conflict between the cars backing out and trying to get in. They all want these spots at about the same time.

Steven Corrigan: But if you're coming into the property this way, there is no visual impediment to make this turn and not see that those spaces are filled.

Ralph Vigliotti: You're coming in, and Radio Circle/Morgan Drive can be pretty busy at that time of day. You're stopping at the driveway deciding which space to take. In the meantime, someone is backing out and you are now in a holding position there. It becomes kind of awkward. You are trying to design your parking around what exists as opposed to what may be a better design. I think there is a better design that you can come up with that will work. It may mean another curb cut or something else, but I think you can come up with something better that will be safer. You are just working around with what is there. I wish the driveway were located a little differently. It's not. That doesn't mean as a major tenant that you can't work out something. It has to be a better drop off situation.

Doug Hertz: Yes, we are all in agreement with that. That is my single most significant concern on this. What you do is great. We would love to have you. We would love you to be very successful and we need your services. We have to make sure that the situation is really viable for you to be successful and for there not to be incidents, which would not benefit anyone.

Anthony Oliveri: Will buses be dropping off the same time cars will be dropping off?

William R. Spade: The cars will be arriving through the morning, and there will be one bus arriving.

Michael Santora: We actually watched that scenario happening last week at Mount Kisco Day Care.

Anthony Oliveri: You should probably see on the plan where they are going to drop off and the turning radius. I presume they are going through the site and exiting the other side?

Beatrice Santora: Yes.

Anthony Oliveri: Let us see that they can make those turns safely.

Steven Corrigan: The previous tenant, Westchester Health, had six to  
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seven buses a day, and there was never an incident. They were irregularly scheduled.

Stanley Bernstein: Where will the bus park for drop off and pick up?

William R. Spade: In front of the south entrance. He will be coming north and pull into the parking area and then pull up alongside. He is coming from Mt. Kisco Day Care first, at that end. He will make a left and then come in front of that curb cut.

Stanley Bernstein: The bus will park here and the children will walk along here to get to your entrance?

Beatrice Santora: They will be accompanied by a monitor.

Stanley Bernstein: He is exiting onto Lexington Avenue, not backing up at all?

Beatrice Santora: No.

Stanley Bernstein: There will be a problem with cars and the same time the bus comes in, whether those cars are yours or whether there are cars for the other tenants. There will be conflicting traffic. That has to be taken into consideration and you have to come up with some sort of a scenario. There will be traffic coming in; not necessarily to your area, but to the rest of the building at the same time the bus is there. We have to come up with some sort of scenario to let me, personally, know it's going to work.

Karen Schleimer: If you're drawing from different schools, and I know you've indicated in your description that it's a limited number of schools, but it could be as many as three. You've forgotten West Patent.

Beatrice Santora: West Patent has it's own after school program, so I highly doubt we'll get anyone from there.

Karen Schleimer: So each school would have its own bus. There is a possibility of more than one bus.

Beatrice Santora: However, I doubt that it will happen. It would be wonderful if it did for me. Those buses would most likely be mini buses as well, because the existing bus that comes drops off neighborhood children as well. If I got anyone from West Patent, which is doubtful, there would probably be minimal. They are not going to send out a huge bus for that.

Karen Schleimer: They have children that go to West Patent right at the corner of 128 and 117.

Ralph Vigliotti: You could have up to three buses.

Stanley Bernstein: Come up with a scenario just to clarify the situation with the buses, dropping off, other cars coming into that area and how that whole thing is going to work. Going back to the outdoor play area, the inner double line is obviously the fence. Outside now you see the arrow calling it out, covering all the lines. There is another double line which I have to assume is that car barrier that you were

talking about. I think you should label that with more clarity. Mark "guardrail" and "six-foot fence."

Anthony Oliveri: As far as traffic movement, you should look at a one-way in on Radio Circle or maybe even the traffic coming in off of Lexington and coming through the site that way and exiting on Radio Circle. You have different scenarios that might work better, especially if you have three buses. Also, there was a statement about the development coverage. That is going to need to be verified by Mr. Cassidy – not increasing the development coverage.

Karen Schleimer: The guardrail that is proposed - obviously everyone is concerned about it being so close to the street. What kind of speeds or impact would that be capable of withstanding?

William R. Spade: I believe that is sufficient for 35-40 mile per hour speeds. That is a State highway guardrail design. I will definitely give you that data.

Stanley Bernstein: I believe the State calls it a guide rail.

Ralph Vigliotti: Is it 35 miles per hour for an automobile or does that include a bus, dump truck, etc. We have trucks on Radio Circle.

Anthony Oliveri: The state has several different types of guide rail configurations. If you are going to use a State type of guide rail, you should have a detail from the State.

Ralph Vigliotti: Is it the tenant in the back that is causing you to move the play area to the front? You may not be able to give up even one parking space, but it would seem to me that this would be the location rather than here. There are certainly things you can do; some of it is budgetary and the other is what is the willingness of your landlord to work through some of these. This may address all of the safety issues in the front and even create a bus drop off right in front here as opposed to way down here. Moving this to the back may be something to consider.

Steven Corrigan: We discussed that. The space Combine occupies is under a long-term lease. We would be blocking their windows, front entrance and crossing their front door to get into the playground area. It does not work.

Ralph Vigliotti: I see that. There are very few businesses in town that have anything on their front yard. Radio Circle is our business park and it is evolving, but it is still our business park. My last question is, if the parking was set aside early on because there were sufficient parking spaces to accommodate business warehouse, and it was set aside for future parking when the parking was needed, it may be needed now. We'll know that once we do the parking analysis.

Austin Cassidy: I checked the resolution back when this came through in 2002. This was the property owners trying to put a whole new face on the building, improve the physical entries into the building, heavy landscaping, sandblasting and making it more of a marketable location, which obviously has succeeded. Alluded to on the plan was the nebulous future parking area for expansion, but it really doesn't have any weight of any kind.



*A discussion followed on scheduling and timing. The second meeting in May (May 22)*

Ralph Vigliotti: Have all the questions that have been posed to you will be answered by then? Don't discount the board's concern with regard to ingress/egress, parking, making the parking safe and how you are going to either re-design or re-configure the parking to make that work. I don't know if we are ready for that yet.

Austin Cassidy: The earliest would be a June target, perhaps.

Ralph Vigliotti: I don't want to slow anything down, but there is concern by the board. I don't think you can present our concerns in a different form and do a public hearing on the first Tuesday in May.

Karen Schleimer: Is there any possibility of putting the play area on the side?

Austin Cassidy: There are topography issues there. It's alley like, and as it goes out, almost immediately goes up.

Steven Corrigan: The goal is to be able to have proper playground equipment installed.

Stanley Bernstein: Is the landlord or you going to be responsible for the HVAC on this building in your space?

Steven Corrigan: The tenant is responsible to maintain a repair service contract, but it's provided by the landlord. It is on the roof right now. We will be installing six new skylights to bring natural light into the interior classrooms.

Stanley Bernstein: Will there be any additional upgrading or work on the HVAC?

William R. Spade: There will be work on the AC to relocate the outlets within the space.

Steven Corrigan: The interior build-out plan is basically a complete gut. We tried to put walls and maintain the bathrooms within each classroom which code requires for the State. Other than that, it's all new sheetrock.

Stanley Bernstein: As I understand, this was a warehouse before, and the HVAC requirements might change, especially if you have a lot more people in the space.

William R. Spade: We might have to add a mechanical unit to the roof.

Steven Corrigan: The building is now 100 percent heated and cooled. We are dropping ceilings in what was warehouse space, which was entirely cooled. So the amount of cubic area to cool that amount of space is much greater than what you would have left. I don't know the tonnage on the units, but I'll do some homework on it.

Stanley Bernstein: It may very well be, but the more bodies in there are a greater load, and there may have to be a change there.

Steven Corrigan: About half the space that was currently occupied by Westchester County was all office space. There were a lot of people there.

Stanley Bernstein: I don't doubt you are on top of it and you're going to get your engineer to check the heating and cooling load and come up with the proper size.

Austin Cassidy: Going forward, we have a parking analysis and have the math straightened out so we can finally establish what your minimum parking needs are going to be, based on recognized formulas.

William R. Spade: It seems to me we should meet with Mr. Cassidy and go through those numbers.

Austin Cassidy: I will pull up Title 18 tomorrow on the computer and see the formulas this agency is using. I will then forward them to you and then forward my questions to you.

Ralph Vigliotti: I don't think the board is convinced that the seven or eight parking spaces in the front are going to accommodate the number of parents that are going to be coming at those 15-minute segments. That is something you may need to address. You've created parking where there is possibly enough, but there are eight or nine compact car spaces and you're proposing seven. I'm not sure if the distances, which are 9.5 feet each, will work. The biggest concern of the board is the safe movement of cars as you propose it, and what can be done differently to make this work. *Including the*, buses. If there is a bus that is stationery and those blinking lights are on, which means as children are leaving with parents, they have to then wait for that bus to move.

Steven Corrigan: I have seen other bus drivers do this. They will straddle the double yellow line. If the bus driver is smart, he is going to park that bus smack in the middle blocking any vehicle.

Ralph Vigliotti: What that does for your business operation is that those cars would back up. They may not be able to get out now. You need to take a closer look at that. It's a different business operation up at this end versus being down at this end. There are buses sitting there, and if it's waiting five or six minutes and the flashing lights are on, those cars are backing up to get out. They may not be able to get out because of cars blocking. There are some movement issues there.

Beatrice Santora: Did we determine that the bus cannot drop off on the street side? Coming down Radio Circle, stop there, drop the children.

Stanley Bernstein: Then you don't have your sidewalk.

William R. Spade: I believe village code requires the bus drop off on the property. We cannot drop off on Radio Circle.

Enrico Mareschi: Whether that bus does back in or backs out, they still can't get in here. Because these cars that are coming in to pick up their kids will have to wait until the bus moves throughout the whole area.

Beatrice Santora: We had determined the bus will stop further down, clearing that exit.

Steven Corrigan: This sidewalk extends out to the end of the parking stall. If that bus stopped the doors for the children to get in and out, they would be walking three to five feet off the bus, step onto a sidewalk, and then be able to walk down to the front of the building. We felt this was safer than stopping somewhere in this back area, where we are doing more blockages of vehicles.

Ralph Vigliotti: Our concern is the movement of traffic in here. That's just with the bus, never mind the movement of traffic in and out on a busy cycle in the morning.

Anthony Oliveri: It might work better if the bus movements are isolated from the car movements. If the buses came in off Lexington, and you still allow the cars to come in off Radio Circle, even if you had two buses, they can stack up here, and it's isolated from the movement of the parents coming in.

Steven Corrigan: That's a good suggestion, because instead of going to Mount Kisco Day first, they could come to this building first.

Karen Schleimer: The idea is that the cars come in off of Radio Circle and they exit out the same entrance. What are we hoping for?

Beatrice Santora: I would say a mix. I think some people will go Radio Circle, and some people will go Lexington Avenue.

Steven Corrigan: It depends on how many people want to go onto the Saw Mill River Parkway.

Beatrice Santora: Also, a lot of people want to avoid the light on Radio Circle.

Doug Hertz: If there is traffic, it could be very difficult to cross Lexington and make a left out of there. You're going to want to use the signal.

Ralph Vigliotti: I would think most people would try to go out the way they came in. This is a long route and you never know who is going to back into you. You have to be very cautious if you are going to use that as a shortcut.

Steven Corrigan: Remember, at the peak times they are getting their children, there are no cars anywhere in this parking lot. When they are leaving this entrance or exit, your concerns about traffic movement and people backing out, is non-existent.

Beatrice Santora: Because of my concern about this, I've passed by, I've sat, I've watched. There is nothing there during those peak times.

Doug Hertz: Bear in mind there is nothing in the zoning that would preclude a change in tenancy. If we go by that assumption, and if that is what is going to be required to make this work safely, are we going to restrict the landlord to another tenant with a similar parking time of day use? That, all of a sudden, restricts his other spaces

should they become vacant.

Steven Corrigan: We cannot really speak to that now, because right now the building is almost filled.

Doug Hertz: I understand, but that could change. Our point is ideally your parking scenario needs to work with whatever mix of tenants could legally occupy the spaces, and they may not have as nicely coordinating schedules.

Steven Corrigan: We can look at increasing the dedicated spaces.

Doug Hertz: Unless again the landlord wants to voluntarily make certain restrictions. That becomes a thorny issue. While I understand that you've looked at it, and it works currently, there is no guarantee that it will work in the future.

Steven Corrigan: Being honest, you cannot predict that in any building.

Doug Hertz: But you can if you know what the requirements are for all of the parking spaces. We have done that successfully in other buildings in the past, where we have had this very issue.

Steven Corrigan: What I heard originally about demonstrating that there is ample parking to handle "peak," I feel more comfortable in handling that than having to analyze a building that I have no idea what the future holds.

Doug Hertz: You analyze it for what it's zoned for.

Ralph Vigliotti: That is the risk that you are willing to take. You have a very successful business, and then the business plan changes next door, which take up those parking spaces that you really need in the morning to make your business successful and safe. It is certainly something to be forewarned about.

Beatrice Santora: The other to address, and I know no one can predict anything, but as far as businesses go, childcare centers open typically way earlier because these people are dropping off their children to go to work. These other tenants in the building, and at this point there are several, are on a business schedule as well.

Doug Hertz: I absolutely understand. In the past we have looked at multi-tenant sites and have the applicants come in for all of their tenancies to make sure that where there was not adequate parking for all the sites all the time, that they had complimentary parking schedules or something like that where the situation could work. That puts an added onus on the landlord. That is a second part of this conversation that I don't know you want to open up.

Steven Corrigan: Again, I will repeat what I said. I don't think it is something we should have to prove. I think as a board, you're looking at their use and what their demand is on the parking lot.

Doug Hertz: No. We're looking at what the building's demand could be if it were tenanted in a way that it is legal to be used. We would have no control over a change of tenancy within the same use type. If it

went from one retail or office tenant to another, it might have a very different use of parking lot. We would have no control over that. The only way we can control that is to look at what the legal uses could be for that space, what the requirements would be for parking and look at you in the same light. That is a different view than you're asking us to take.

William R. Spade: I think we need to meet with Mr. Cassidy and get the numbers down, then look at our plan and come back to you with a plan that addresses those questions.

Doug Hertz: I hope we can find something that really works here.

Ralph Vigliotti: I agree. The seven designated spaces for your business in the front frighten me.

Beatrice Santora: As far as the labeling goes?

Ralph Vigliotti: You only have seven spaces that really belong to you for drop-off. If a parent wants to run inside and say hello and drop off, where are they going to park?

Steven Corrigan: Theoretically, if there were ten needed at a particular time and there are empty spaces, I'm sure they are going to use an empty space further down the line.

Ralph Vigliotti: I think we need to know how many spaces in front are designated for your use. It seems to me that seven or eight is not enough. This is something you need to work out with the landlord.

Steven Corrigan: There is a formula from the State and federal government I am going to give to Mr. Cassidy. It is specifically designed to determine the minimum number of spaces you need to pick up and drop off based on your total capacity. That is how we came up with that number.

Ralph Vigliotti: This is quite an operation, and our experience combined says something else. We are trying to be helpful.

Karen Schleimer: I am also concerned that we keep talking about those spaces are empty in the morning. At night, when you're going to have picking up, you're talking about maximum utilization at 5:16 to 5:30. Those spots could all be filled.

Steven Corrigan: Not really, since we also watched the parking lot at night as well. The place is a morgue at 4:30.

Karen Schleimer: That is unusual.

Steven Corrigan: It is, and I'm not denying it.

Karen Schleimer: That could clearly change.

Beatrice Santora: A corporate clock typically would go from nine to five. We would be open until 6:30. Our pick up and travel time for parents to get there would either be way before if they're teachers, or after that time period. I understand what you're saying. I did look at that.

Doug Hertz: Are you asking staff and everyone else to park in the rear?

Beatrice Santora: Yes, absolutely.

Michael Santora: They will be required to park in the rear.

Ralph Vigliotti: Parents who are visitors, who are not dropping off, where would they go to park? Would that be outlined for them?

Beatrice Santora: We could certainly have policy.

Ralph Vigliotti: Obviously you don't want them to take those seven spaces. They are not going to drive all the way around the back.

Karen Schleimer: In line with that is Grandparent's Day at daycare. I don't know if you have events like that, but that is another thing that needs to be accommodated.

Beatrice Santora: As I've run a daycare before, if we did an event like that, it might be completely at an off time, in the evening.

*Plans were made for the applicants to meet with Mr. Cassidy and proceed from there.*

Ralph Vigliotti: Please take our concerns seriously.

Beatrice Santora: Thank you.

**Correspondence:**

- Letter from NYC environmental Protection to Jeffrey Contelmo, P.E., Insite Engineering and Surveying & Landscape Architecture, P.C., dated April 3, 2012 re Mt. Kisco Library Sensory Garden

*As there was no further business to be discussed by the Planning Board, on a motion by Karen Schleimer seconded by Doug Hertz, the meeting was adjourned at 9:20 PM.*

Respectfully submitted,

Stanley Bernstein,  
Recording Secretary

dm