

Minutes
Meeting of the Planning Board
Regular / Work Session
Village/Town of Mount Kisco
Tuesday, May 8, 2012

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

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Sturniolo
 Stanley Bernstein
 Sol Gibbons
 Doug Hertz
 Enrico Mareschi
 Karen B. Schleimer

Members Absent: **Ralph Vigliotti**

Staff Present: **Whitney Singleton**

Staff Absent: **Nanette Bourne**
 Austin Cassidy
 Anthony Oliveri

Chairman Cosentino: Before we start the meeting, I just want to set the record straight on an incident that happened. Unfortunately, I was unable to attend the last meeting of this board due to a medical emergency. I asked Mr. Vigliotti to chair the meeting. I was astonished and severely disappointed to hear what transpired regarding the 91 East Main Street application. I have had an opportunity to read the minutes, listen to the tape and speak to my fellow board members regarding the profanity used by Mr. Mallon in lashing out verbally, insulting my fellow board members. Clearly that attack was unwarranted, as the board said virtually nothing to provoke the applicant. While I was glad to see that another police report was filed, I have to say, in my 50 years of public service to the Village of Mount Kisco, I have never seen such disrespect and heard such profanity exhibited toward this board. I will refuse to entertain any future applicants or their representatives that do not conduct themselves in a professional way and courteous manner. Different minds may have different options or opinions, but it should never warrant disrespect or profanity. I am sorry that my fellow board members who volunteer their time to improve our quality of life in this village had to be confronted with such a vulgar and inappropriate display. I wish this room was filled. I was on the Village Board for 6 years; I have been on the Planning Board for almost 30. I have never seen or heard anything like this. It is uncalled for. My Planning Board members are volunteers and work very hard. Look at North Bedford Road at the buildings and signs. Then go into the next town and look what you see. This Planning Board did that. Look at some of the building projects that we have accomplished. The hospital and many other good-looking buildings in the village. We did that. This man does not understand where he is coming from, and as far as I'm concerned, he will never, never come before this board unless he publicly apologizes to both this board and the village for what he said. Then I will still think about it. I am disgusted with this man, and I

know he has other problems throughout the village as well. This man will never come before this board without an apology. That you can take to the bank. Thank you.

Vice Chair Sturniolo: I would like to echo a few points that the Chairman has made. I was not at the meeting, but I read the minutes. If any Planning Board member asks a question one week and asks the same question of an applicant two weeks later, so what? Applicants change, plans change, goals and ideas change. Repetition in questioning is paramount to finding out the accuracy of information. The word prejudicial was used against Mr. Vigliotti. I find that offensive. I read the verbatim minutes, and there was no remote change that prejudice was the case. Abusive derogatory and vulgar language is not compatible in this civilized world right now, centering on the Village of Mount Kisco. This is not the wild west of the 1870's where cowboys get drunk and shoot it out and curse at each other. This is a public meeting. Everyone treats everyone else with respect in the proper decorum. Mr. Vigliotti was the target, although the words were applicable to all of us on this Planning Board, and the words were applicable to every other person who volunteers on a municipal board in Mount Kisco, be it the ZBA, The Tree Committee or anything else. We freely give our time to give back to the village and we do it in an honorable, dignified and professional manner. I have known Mr. Vigliotti for 17 years. He has been a former Deputy Mayor of the Village, he is a nationally recognized award-winning principal in a high school, and most importantly he is a decent human being. Principally, he is a member of our society and people in a good society should not be treated this way. The words directed towards Mr. Vigliotti insults us all as volunteers to this community. In conclusion, I believe his behavior is appalling and as the Chairman said, will never be tolerated again. This was uncalled for and nothing more than a crude vulgar fuse that was intentionally self-lit and had a length of about a quarter of an inch before the explosion took place. It will never happen again.

Chairman Cosentino: I and many of our Planning Board members will ask a question at one meeting but will ask a question at the following meeting. That is for the minutes. When the client reads the minutes, they not only read it one time, they get the second set of minutes and hear it again. That is what was done when Mr. Vigliotti was here. He asked that question so it is put into the minutes.

ACCEPTANCE OF MINUTES:

March 27, 2012

Motion: Stanley Bernstein
Second: Doug Hertz
Abstain: Karen Schleimer
Abstain: Vice Chair Sturniolo
Aye: Sol Gibbons
Aye: Enrico Mareschi
Aye: Doug Hertz
Aye: Stanley Bernstein
Aye: Chairman Cosentino

April 10, 2012

Motion: Stanley Bernstein
Second: Doug Hertz

Abstain: Vice Chair Sturniolo
Aye: Karen Schleimer
Aye: Enrico Mareschi
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Stanley Bernstein
Aye: Chairman Cosentino

April 24, 2012

Motion: Doug Hertz
Second: Karen Schleimer
Abstain: Chairman Cosentino
Abstain: Vice Chair Sturniolo
Aye: Stanley Bernstein
Aye: Enrico Mareschi
Aye: Karen Schleimer
Aye: Doug Hertz

Final Action:

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: Michael Lander, Fredrick P. Clark Associates, Inc.

Michael Gallin: We have presented this application several times now, and there has been no change since the last presentation. If you'd like we can walk you through the application again. I will defer to you on that, because I know your time is valuable.

Chairman Cosentino: I don't need to see the presentation again.

Vice Chair Sturniolo: I followed the minutes and the agendas, so I am comfortable with it.

Whitney Singleton: Just as a reminder to the board for those who were not present at the last meeting, your board has conducted a public hearing on this. It's been duly noted and the public hearing has been closed. The applicant has been before your board for several meetings and the planner on this matter has adopted a Resolution of Approval and circulated it for your review. I have had an opportunity to

comment on it. Mr. Lander has incorporated one of the requested changes that I had that the tractor-trailer deliveries to the site be conducted in a designated area on site.

Michael Gallin: Does it specifically refer to tractor-trailers as opposed to something like UPS truck?

Whitney Singleton: There is a delivery area specifically designated on your site plan, correct?

Michael Gallin: Correct. Inside the building.

Whitney Singleton: The deliveries to the site will occur in the space designated for that.

Chairman Cosentino: When the vans come in, they just drop off and continue to leave. It's not a big load; it's whatever they drop off. Air Mack does the same. They all do.

Jim Diamond: Yes. The large trucks have to load and unload within the building because they are loaded by cranes which are installed inside the building, which is why within the space we have to create this interior, actually have to excavate further into the building so that the tractor trailer can pull entirely within the building, the crane can pull over the entire flatbed portion of the truck and put the marble and granite slabs onto the truck.

Vice Chair Sturniolo: The crane is the traditional crane that lowers down with a rubber clamp that goes around the slab of stone and lifts it up and pivots it away and puts it in a storage area?

Michael Gallin: Yes. Would it be possible to read the language so we understand? We have not seen the specific language. We did receive the resolution, but this is a new provision we did not see.

Whitney Singleton: "Receipt of all tractor trailer deliveries shall occur wholly within the building in the area designated for such use."

Michael Gallin: We have no objection with that.

Motion to Approve Resolution of Amendment and Site Plan for the Cosentino Center, Diamond Properties, 333 North Bedford Road, as Presented and Including Additional Verbiage:

Motion: Vice Chair Sturniolo
Second: Stanley Bernstein
Aye: Karen Schleimer
Aye: Sol Gibbons
Aye: Enrico Mareschi
Aye: Stanley Bernstein
Aye: Vice Chair Sturniolo
Abstain: Chairman Cosentino

Chairman Cosentino abstained from this vote because of the similarity and coincidental use of his last name.

Chairman Cosentino: Best of luck to you.

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 Santora & Beatrice Santora, Owners of Little
Garden Childcare Center**

William R. Spade: We have made some revisions to our plan in response to comments that were made at the last meeting. At our last meeting there was discussion about the access into the parking area, particularly conflicts between entering vehicles and parked vehicles that might be trying to exit. In response to that, we have revised a plan to suggest a new curb cut at the end of the property, at the end of the parking area across from the entrance to the day care and next to the proposed playground area. That new entrance would be a one-way entrance, 20-foot wide curb cut to enable vehicles to come in, and the portion of drive that would be between that new curb cut and the exiting curb cut would become a "one-way only" drive heading towards the existing curb cut so only vehicles can come in at that area. We feel this helps to accomplish two things; one, as diagrammed on the plan, we show bus access into the property by that driveway, and it accommodates that. I will talk a little more in detail about buses. It also enables vehicles to come in, to park, to drop off clients and then to be able to back out of parking spaces and continue to the existing outbound access, causing less conflict between inbound and outbound, allowing some queuing in the new entrance drive for cars that might have to wait while someone is pulling out. We had submitted data previously in terms of the number of vehicles we expected per 15-minute time periods through the mornings. I think we had anticipation of 7 or 9 vehicles per 15 minutes. There is not a time where there are a substantial number of vehicles coming in and vehicles coming out where there is a huge conflict. It's a steady flow. We have proposed this new "one-way only" entrance drive. Secondly, we have modified the parking spaces in front of the building right there. There are presently 14 spaces there, many of which are striped as the narrower parking space configuration 8.5 feet wide by 17.5 feet long. We are proposing to re-stripe those as standard parking spaces for visitors and then to sign those as 12 parking spaces. Two of those parking spaces are currently for handicapped purposes. Those would remain. The other 12 would become 10 parking spaces. They would be assigned for being reserved during specific time periods – 7:30 AM to 9:00 AM and 3:00 PM to 5:00 PM as for only drop off and pick up for the daycare. We have also created in that new configuration an access for bus drop off so that kids coming onto and off of buses that would park in that driveway have a reserved walking space to the sidewalk to be able to access the building. Again, kids would always be monitored and escorted to the bus and off the bus. The other plan modification that we have shown on here is the fence and guiderail around the playground area. We have dropped the fence height to

four feet. We understand that is the highest fence that is allowed in a front yard setback. We originally proposed a six-foot fence that required a variance, so we will stay with the four-foot fence so we do not need to get the variance for that. We have also modified the guide rail specification when in understanding that the New York State Department of Transportation no longer accepts timber guiderails. We modified that and provided a cut on a metal guiderail that is DOT approved that would wrap around almost the entire playground perimeter, at least the portions that face the driveway and roadway on Radio Circle. Those are the plan changes we've made.

Michael Santora: We were asked to secure a letter from the Department of Transportation at Bedford on what they expected in terms of buses and times, and we did that.

William R. Spade: They particularly addressed that time frame from their current service to Mount Kisco Daycare, which is 8:14 AM to 8:42 AM. The afternoon is 3:18 PM to 3:49 PM. I understand they may have up to four buses that can do that route. Probably most times it's only a single bus, but we would be serviced after Mount Kisco Daycare in terms of both pick-up and drop-off. That was one other thing I wanted to briefly review. I have diagramed on the plan a configuration of a full-size bus to show that the new curb cut and drop-off space for the bus works in terms of turning radiuses for a full size bus. Depending on the population, there may be the use of only the smaller size buses. What we've proposed here would accommodate full sized buses. It would enable the bus to go to Mount Kisco Day Care and then on it's route back down Radio Circle, come into the property, pull alongside the parking spaces, and as I mentioned, a dedicated walking aisle for kids going on and off the bus and then being able to exit back out the existing access point. Those are our changes. There was another question about lighting, and we've shown on the plan all of the existing lighting on the building. It starts around the side of the building, the proposed daycare end, and wraps the full perimeter of the building, both wall mounted building lights that light the parking areas and the exterior areas. We also have a photometric diagram that shows foot-candle amounts. I do not have that with me, but we can submit that.

Chairman Cosentino: Mr. Vigliotti could not be here tonight, so he made some comments that I think is only fair that you get a copy of them.

At this time Chairman Cosentino submitted comments for both the applicant and Board to review.

William R. Spade: To project, if this plan is acceptable at least on the concept level, we would like to be able to schedule a public hearing so that we can continue moving through the process.

Chairman Cosentino: I am only one member and my fellow board members will probably want to comment on your presentation.

Vice Chair Sturniolo: I think at this point the public hearing is premature. Before I get into some questions, there are a few housekeeping things. The date of these plans is stamped "Received April 27, 2012 and your letter May 2, 2012. The cut-off date for

submission for this Planning Board meeting of May 8 is April 17. These documents are late.

William R. Spade: We were at the board meeting on April 24 and understood that we could still submit by the 27th, and that is what we did. If that is not acceptable, we were told otherwise.

Chairman Cosentino: That was Austin that granted it and I Okayed it because of the urgency to get this application moving forward.

Vice Chair Sturniolo: Am I correct, its 112 children, and 34 children before and after the school program starts?

Michael Santora: That is correct. That is at 100 percent full capacity.

Vice Chair Sturniolo: There are 27 staff people, and that brings you to a total "people" count – staff and children – of 173 people. The reconfiguring as you're proposing it in the front on balance- how much of that has to do with the current situation in front of the building and the driveway, and how much is influenced by the location of the outdoor play facility?

William R. Spade: It is all due to the existing paving. On other words, the new curb cut is at the end of the existing paving, so we did not propose to extend the paving any further over in order to do the curb cut further over. The 80-foot spacing between the two curb cuts from my reading of minimum standards is sufficient for spacing for particularly a school bus to both enter and exit within that spacing. I think the minimum is 100 feet between the two outer edges of the access points, so we have 127 feet there.

Vice Chair Sturniolo: And the arithmetic would make sense predicated on using that 36-foot bus as an example of the school bus that you show there. Do you have a concern when there is a bus sitting there and it's idling? The buses are diesel fuel and children are out in the playground area, and/or parents are pulling into a parking space, maybe one parents or a parent and a friend and the car sits there idling as well as someone goes in to pick up their child. I understand from reading the literature that it is a sign-in/sign-out program. What kind of concerns do you have about the exhaust fumes being located so closely to the play area?

Michael Santora: At those times particularly the bus comes to either pick up or drop off, we are not going to have anyone outside. There won't be anybody outside.

Beatrice Santora: As far as parents idling, that would be a policy that I would have those cars has to be turned off entering and leaving the building.

Vice Chair Sturniolo: I am looking back at minutes only, and I have not been here for your other meetings, so I am trying to piece this together. Are you required by law to have an outdoor playground?

Beatrice Santora: With a child care center, yes. As far as safety access, it was much safer in the front for the children to have direct access to the playground as opposed to having it in the back where they would have to cross parking.

Michael Santora: In a demised area, we don't have direct access to that other than a hallway for emergency egress. We have very low visibility to anyone, plus all of our employees (27) are virtually parking in the back.

Beatrice Santora: There is direct access to the playground from the building.

Michael Santora: Not only do we have great visibility, but there is direct access.

Vice Chair Sturniolo: Great visibility from whose perspective?

Michael Santora: Our perspective.

Vice Chair Sturniolo: A safety and security point of view?

Michael Santora: Yes.

William R. Spade: I do not have the interior plan here, but maybe you have a copy. The administrative offices are right here next to the front entrance, so that hub creates the security control for entering and exiting and monitoring the exterior area. There is no control point at the rear, so the access to the playground and being able to monitor the playground is not viable.

Vice Chair Sturniolo: Is the rear portion still your leased property?

Michael Santora: No.

William R. Spade: This leg is part of the leased property. This is another user.

Vice Chair Sturniolo: So the only access you would have to the rear of the property is that corridor, there?

William R. Spade: Yes.

Vice Chair Sturniolo: If you extended the corridor, how many parking spaces would be lost?

William R. Spade: You can maybe imagine that box having to come back here, assuming you're projecting placing that playground area over here in the parking paved area up against the building, so all of these parking spaces would have to be lost in order to provide access from the door into that parking area.

Michael Santora: In addition there are windows here that "Combine" uses.

William R. Spade: While it's possible to do a longer, narrower playground area, and just affect those spaces, we also have the drive for these spaces that is required here. So, anything here you would in effect lose almost half of the parking back there.

Vice Chair Sturniolo: Mr. Chairman, I would like to request if the applicant could do a further analysis of this particular part of the discussion regarding the relocation to the rear of the property losing

the parking spaces, explaining the square footage of the proposed in the front. Is the square footage you have an arbitrary number or is that again a New York State code?

Beatrice Santora: There is a certain amount of square footage per child.

William R. Spade: Based on the area that we are creating, that limits the number of children that can be out there. It's not a set standard. It's how many square feet do you have available. That limits the number of children we have.

Vice Chair Sturniolo: I would like to see an analysis of the relocation to the rear and using the existing corridor as your entranceway into the play area, which would still be fenced in. The fact that there may be cars exiting beyond them at the rear end of the property really would not have a negative impact on the play area.

Michael Santora: We will be happy to provide that to you, but the State is not going to approve us crossing the parking lot at all.

Vice Chair Sturniolo: But you wouldn't be crossing the parking lot.

Michael Santora: When we exit this door, which is an egress door, not a main door, removing this 3,200 square feet and putting it over here, with the parking here.

William R. Spade: You put the playground right along the building and it comes straight out into a pathway to the playground.

Michael Santora: "Combine" has windows here that would directly look onto the parking lot proposed for the back, here. I don't think they would be very happy with that.

William R. Spade: We can show what that configuration would be, we can list out what the impact of that would be.

Vice Chair Sturniolo: There could be screening that could be added up against the windows if that was a concern. I would like to see the concept explored by moving it there to the rear of the property.

Michael Santora: We will be happy to do that. With the amount of parking spaces that we might lose here, it looks like either 10 or 20. You can speak on the number of tenants and how many parking spaces we have in the old facility that is 20 parking spaces that would severely impact the rest of the tenants.

Vice Chair Sturniolo: That brings up another good point. We need a really, really accurate parking count.

William R. Spade: I believe Mr. Cassidy has done that, and we have not seen the result of that.

Vice Chair Sturniolo: Usually it is incumbent upon the applicant to provide a parking study predicated on the square footage and the zone in which the property is located and then verified by staff. It is for your use. What the previously approved site plan calls for as far as overall parking for the facility. We would also need to take a look at

the photometric lighting plan. I am not 100 percent convinced that the parking count, as we are looking at it here is accurate. Even with the fact that you're converting the compact spaces in that area to the normal 9.6 x 18.6 village standard.

William R. Spade: We covered this with Austin, but one of the tenants here is a church. Their use, which is obviously certain specific hours, weekend particularly, is at a different timing than the other uses. There was already a recognized and accepted parking configuration. Because of the alternation of the uses, we have met an acceptable number.

Vice Chair Sturniolo: You've come up with the 15-parking surplus predicated on the churches use. What is permitted in the zone is not necessarily the question. If that church goes out and another permitted use goes in, it has a higher parking demand. Then the issue becomes not enough parking on the overall site because of the change in use of a new tenant coming in.

Mr. Cassidy's memo regarding the parking count was then given to the applicant.

Chairman Cosentino: In Mr. Vigliotti's memo that I gave you, he states, "the sounds of children playing would not affect the clients of the gym, as there are no grade level windows existing. The existing windows are located high off the grade." I would like to schedule a site visit.

Michael Santora: In reviewing Mr. Vigliotti's memo, the plan is not to remove the tree. He mentions the proposed chain link fence, and we propose along outside the parking and barrier we would like some foliage and landscaping to make it aesthetically pleasing.

Stanley Bernstein: You are aware of village regulation that any tree that is taken down needs to be replaced, somewhere in the village. Also, we require full wood, not diameter to diameter. Three four inch diameters do not equal 12 inches. When it's all wrapped up, I have some thoughts on the front playground. I do not want to raise them now while it's being worked on, I will hold until it's all worked up.

Doug Hertz: I think this represents a significant improvement over where we started. I am still not 100 percent convinced that the second driveway works, and obviously until staff looks at it and says it will accommodate what we want, it certainly goes a long way towards mitigating one of the primary concerns that I had. I will echo what everyone else has said. We all realize how constrained a space is in a certain way when you're looking for a play area. We are all struggling to look for alternatives that might be better for any number of reasons. Safety reasons, aesthetic reasons, sheltering the kids better, etc.

Michael Santora: It's not like we didn't look at the back as well. Safety and security is our first concern, and being able to view our children while they are out there. With the constraint of the number of square footage, we have to alternate our kids going out there. We cannot have more than 36 kids out there at any given time. We have to stagger them.

Doug Hertz: I think we are all aware of trying to look for alternatives, and I think you get the sense of the board that this is not the ideal. We don't feel this is the ideal spot for a play area. We understand what you're looking for, but we are all trying to look at alternatives here. I encourage you to continue to keep an open mind towards that. I also want to echo what Vice Chair Sturniolo said earlier. Looking through Mr. Cassidy's memo that talks about parking spaces and overlapping uses. I brought this up at the last meeting, and right now it seems that if that space was not being utilized not by a church or a business that had more similar hours and needs to what yours might be or to a more normal office business rather than a religious use, that you could run into conflict with the amount of parking spaces available on site. As one member of this board, I feel that you have to go in there with your eyes open as does the landlord, because if this moves forward, we may have to construct conditions to an approval that would limit their ability to use the rest of that space until we felt that we weren't creating an unsafe or unusable parking condition on that site. I want to make you and the landlord aware that that is something that is probably coming down the road on this application.

Michael Santora: We are going in with a ten-year initial lease with two five-year options. We are in it for the long haul. My understanding of the tenants of the building is that they have just signed long-term leases. We are talking 10, 15, 20 years out, in my opinion. Certainly if we thought this could work in a situation that would be opposing something, we wouldn't want to go into something like that, because we could see that this would not be good for us. Because of what the landlord is doing with the other demised areas, and their long terms leases and their timing, we are convinced and feel comfortable overall that it works for us in terms of the rest of the tenants and their times and uses.

Karen Schleimer: I would like to echo Mr. Hertz's comments. The new driveway is a quantum improvement and changes the whole entire flow. I noticed that we've moved where we're unloading the bus. Correct me if I'm wrong, it was originally further down. My concern is and maybe the timing is such that I don't have a grasp on it, if you have one bus or possibly more, parked where you have designated it to unload, and you have people coming in to drop off their children, they can't get past the bus, they can't get into the parking spaces, which means they are going to be piling up one after the other. I'm concerned that there is a possibility that they may be backed up into Radio Circle. I assume one doesn't pass an unloading school bus, even in a parking lot. You said in a fifteen minute period, seven. If the bus is there and you have seven cars backing up, I'm not sure that you have enough room to accommodate seven cars that cannot get into a parking spot.

Michael Santora: Mrs. Santora and I scoped out Mount Kisco Child Care several weeks ago to see what the arrangement was when the bus came, how long it stayed, when it left and the queuing. The bus stayed on premises for about two minutes, loaded the children and left. During that time there were two cars queued waiting to go and they waited patiently while the bus left I would be hard pressed to say we will never have any queuing ever.

Karen Schleimer: The problem is that if you have substantial queuing it ends up being out on Radio Circle, and that can't be.

Michael Santora: The other plan could be to continue the bus to our original destination. They would come in one way, instead of parking here, they would continue.

Karen Schleimer: I think that gives you more room to avoid the possibility of that problem.

Beatrice Santora: That would be the natural route of the bus anyway.

William R. Spade: We have turning radius issues down here for a bus to be able to make that 90-degree turn there.

Michael Santora: In the past they have had buses going in and out of this area with other clients.

William R. Spade: Mini buses versus full size buses. You are not going to make that turning radius here. I would say from a traffic perspective, that may not work, and that is why that solution was proposed.

Karen Schleimer: We still have the issue that I am not 100 percent comfortable with where you are going to have people pulling up to drop off their children, and people are coming in while other people are trying to back out. That is going to be a very busy back and forth all at the same time in a very tight area.

William R. Spade: I hear what you're saying. I would like to stress that the time period for the overlap is very minimal. It might be of value of the board to pay a visit to Mount Kisco Day Care to get a sense of the parking.

Beatrice Santora: As far as our parking here, all the children have direct access to the sidewalk. In other childcare centers, they are backing one into the other and crossing parking lots.

Karen Schleimer: For the children, it's perfect. I'm more concerned in this instance whether the cars are going to crashing into each other.

William R. Spade: Then you are just talking about a standard parking lot.

Karen Schleimer: Except that you have a very limited – we're saying seven cars in 15 minutes.

Michael Santora: That's 7 cars in 15 minutes, but that's not in one space. It's through how many spaces are here, and even though we'll have these 10 designated for us, during the time period of drop off and pick up, these are vacant as well. If by chance they were all taken up, they are just going to continue down and park in and walk up. We are not talking about a competition with one space.

Karen Schleimer: People are driving in to go find a spot while other people have dropped off their children and backing up in the same area that people are trying to drive through. It's tight. I don't know what to do about it.

William R. Spade: I would suggest that is the same conditions for any tenant there if there were another tenant in this space who had people coming in and coming out.

Karen Schleimer: But it's not the same intensity of around trip in and out.

William R. Spade: I don't think it's that intense. We can just have a different perspective on that.

Enrico Mareschi: I think what Ms. Schleimer was trying to say was that there will be a lot more cars coming in the morning because it's a day care center and a school. Will there be an option where one of the staff members actually goes to the car and pick the children up?

Beatrice Santora: They are required to come inside and sign in and out. That may be for unlicensed schools.

William R. Spade: I would suggest this is as safe a situation for the kids as you could find for daycare where the kids come onto a sidewalk and don't cross any parking. There are plenty of day care centers where the parent's park out in a general parking area and kids and parents are crossing the parking lot. We have a good situation in terms of the kids here.

Enrico Mareschi: The other concern is all the cars that would be backing up going to Lexington Avenue coming into Radio Circle for the buildings back there, there will be a lot of traffic coming in and out of Radio Circle. If the buses are here, I believe there would be some cars lined up going from Lexington Avenue into Radio Circle.

Chairman Cosentino: You have the day care center, other people going to work, and now you have buses or cars going in with children coming out. If there is a lot going in, they are going to have to pull to the right on Radio Circle to wait till it's their time to unload. The concern is that the cars are going to be lined up on Radio Circle permitting other cars to pass, even though it's a wide road. For clarification purposes, when the children are dropped off, an adult walks them in, am I correct?

Michael Santora: Primary you would carry an infant in or use a car seat. We never see strollers.

Chairman Cosentino: Doesn't that take a little time to get the child?

Michael Santora: The average is seven minutes.

Sol Gibbons: The buses are coming in for Lexington Avenue this way; they are not coming into the parking lot this way?

William R. Spade: They are looping up to Mount Kisco Daycare first, and then they come through here on their way back out.

Michael Santora: That is exactly what the transportation department said they would do. They would pick up our children second.

Sol Gibbons: Does anyone know how much space the church occupies in this building?

Chairman Cosentino: I believe Mr. Cassidy has it down for 85 people.

Whitney Singleton: Mr. Cassidy is attributing a parking count of 85 spaces.

Sol Gibbons: You've got a fence that you're putting in here, showing a post going down 42 inches. That's very close to the tree. Are you going to be protecting that tree?

William R. Spade: Yes. We want to save the tree.

Karen Schleimer: When the parents are driving from Lexington Avenue down Radio Circle, I assume at the present time they would be permitted to make a left hand turn into the property. Is that something that is a good idea, or do we want to change the traffic?

Chairman Cosentino: Then you're bringing more traffic down the other end. It's either that end or the other end. I believe the concept of having the day care center there is good. I think things have to be worked out so we can accomplish that. Vice Chair Sturniolo had some excellent suggestions, as did most of the members. Now I think you have to put them together and make them work. As far as the day care center itself, I think that area is a good area for it.

William R. Spade: May I review what we would be coming back with?

Vice Chair Sturniolo: I wanted a traffic study to show traffic flow and a very accurate parking space count predicated on the tenant mix in the entire complex.

William R. Spade: We submitted traffic data already. We refer to the seven cars in 15 minutes. We actually had a chart that broke down the arrival rates on this population in 15-minute intervals.

Vice Chair Sturniolo: We've seen an analysis of that from Ms. Bourne?

Chairman Cosentino: I do not think we've had a traffic study.

William R. Spade: We submitted that data. I don't know what happened with it since we've submitted it.

Stanley Bernstein: It was in the original submission. Ms. Bourne was going to look it over.

Chairman Cosentino asked the Secretary to have Mr. Cassidy produce the traffic study submitted for the next meeting.

That was self-prepared data with the arrival rates are for this population and therefore the expectation in terms of parking demands.

Vice Chair Sturniolo: A moment ago you used the example of a mother carrying a young child in a baby seat in, and it takes an average of seven minutes. What if the mother has another child that is a little bit older and is not enrolled in your program? The mother doesn't want to leave the child in the car alone, so she would have to get out of the car, assemble the stroller, put that child in the stroller, and carry the other child in. That will add additional time to the seven minutes.

Michael Santora: The good thing about this whole parking layout, if that were to occur, there is a very short walk to a secure sidewalk, as opposed to the other child care facilities.

William R. Spade: The point is that there is a lot of parking there. If one happens to take longer for a turn-around period, there are a number of other spaces that can be used.

The applicant then received a memo from the building inspector.

Whitney Singleton: This is a permitted use that requires a special use permit. As your board knows, the whole reason for a special use on this is to determine the compatibility of this use, the surrounding uses on the site or on the adjoining properties. There are a lot of issues the applicant is attempting to address, but it only heightens to me for confirming some of the items. Obviously the building inspector needs to confirm certain things as a representation that the 3,200 square feet of proposed play area does not constitute development coverage. I would ask the building inspector to confirm that. There is also a big disparity between the 45-spaces that the building inspector says are required for its use and the applicant says that 39 are required. The board should recognize that, whether it's reconciled by the applicant or by the building inspector. One thing that jumped out at me is that the building inspector and the engineer needs to confirm that the outdoor play area and the chain link fence satisfy the buffer requirements of 20-feet from the front yard, when it's actually only six feet from the property line. I want to make sure what you're proposing satisfies that. The most important thing is the determination of the parking requirements. I don't know if Mr. Cassidy's numbers are correct or based upon the incorrect square footage. He is attributing a parking requirement of 85 parking spaces for the church, thus bringing the total parking for the site up to 181. It's up to your board to determine whether it is substantially different. He mentioned in his memo that the parking requirement for the church is 85, and the parking requirement for other tenants in the building is 51, and the parking requirement for the applicant proposed activity is 45, coming up to a total of 181. As Mr. Cassidy points out in his memo, there is likely to be substantially different peak operating hours between the church that primarily meets on the weekend and the day care facility that primary convenes during normal business hours. That is a determination for your board under the parking requirements and not for Mr. Cassidy. So, you want to make sure you ascertain whether you think there is an opportunity to discount the number of required parking spaces and what impact that will have if there is any change in the use mix within the building. It could have a detrimental impact on the property owner going forward if there is future vacancies, particularly as this relates to the church.

Mr. Martabano, the property owner who was in the public audience stated that he is currently has extended leases out with his tenants, and he does not see a change in the tenant mix for quite awhile. He assured the board he will confirm that number with the building inspector.

William R. Spade: We provided Mr. Cassidy a list of all the tenants and their square footages.

Chairman Cosentino requested to the secretary to instruct the building inspector to show the board how the 85 spaces were calculated.

Vice Chair Sturniolo: A moment ago Mr. Singleton spoke on developmental coverage, and on the second page of Mr. Cassidy's memo, he states that the play area would likely qualify as additional developmental coverage, however small it may be, etc.

William R. Spade: As a clarification, presently by prior calculations and prior site plan, we are at 70.7 percent of development coverage, so .7 percent over the 70 percent limit. My own reading of your zoning code with regard to the definition of development coverage does not include playground area as specific. Presumably we would need to go to the zoning board.

Whitney Singleton: I am confused by Mr. Cassidy's memo because he states it adds up to 2.5 percent coverage to the existing 30.7. It's not 30.7. It's 70.7. He might be confusing building coverage and development coverage.

William R. Spade: I think it's just a typo. The building coverage amount is 30.7, the development coverage is 70.7.

Whitney Singleton: Because this is a compatibility issue with a special use permit, it needs to be verified and ascertained. We are on the cusp here; it just needs to be verified. It is not for your board to make that determination; it needs to be confirmed by the building inspector.

William R. Spade: I will review that with Mr. Cassidy.

Stanley Bernstein: In the absence of Mr. Oliveri, I want to point out that they need Storm water Pollution Prevention Plan.

Chairman Cosentino stated he gave the applicant a copy of Mr. Oliveri's memo outlining details of the Storm Water Pollution Prevention Plan and other engineering issues.

Chairman Cosentino: You have a lot of homework to do.

William R. Spade: We will do a study of a rear playground area, show what the impacts of that are. We will address the comments about the bus drop off area. I am not sure if we are looking to suggest an alternative to it. Obviously, we are comfortable with where it's shown presently.

Chairman Cosentino: It's a big improvement, but you may not be there yet.

William R. Spade: We will look at alternatives for that. We will bring the photometric study and re-submit the traffic study data.

Vice Chair Sturniolo: The overall square footage in relationship to the parking demands need to be studied and put on the plan also.

Doug Hertz: Work with Mr. Cassidy to take his tabulations, put them in table form so it's clear what we're looking at; not just with regard to your space, but the overall site.

Chairman Cosentino: There is a lot of work to do. I want to keep the process going, but I cannot put you on an agenda unless you're going to be ready.

William R. Spade: Last time I met with Austin, and I will do that again.

Chairman Cosentino: You should get involved with Ms. Bourne at this point.

Vice Chair Sturniolo: The engineer and the planner need to be part of that meeting, because they will be looking at it from different perspectives. You might as well hear it all at once.

William R. Spade: We will meet with them, review it and if they are satisfied that we've answered questions in one-way or the other then we will return.

Chairman Cosentino: Contact Nancy when you feel you've done all your work, and we will do all we can to get you back on the agenda as fast as we can.

William R. Spade: Thank you.

A site visit was scheduled for this applicant for May 19 at 9:30 A.M.

Correspondence:

- New York Metropolitan Council, Notice of Comment Period and Review Meetings Public Comment April 30, 2012 – June 13, 2012 and Public Review Meetings: May 22, 2012 at 3 PM and 6:30 PM.
- New York Metropolitan Transportation Council, Notice of Comment Period. Topic: Proposed Transportation Improvement Program Amendments. Period: April 30, 2012 – May 9, 2012.
- Minutes from the Mount Kisco Beautification Committee dated April 4, 2012.
- Letter from Robert A. Reidy to Mount Kisco Manager's Office dated April 24, 2012 re tree line looking from Mrs. Greene's.

As there was no further business to be discussed by the Planning Board, on a motion by Mr. Hertz seconded by Mr. Bernstein, the meeting was adjourned at 9:15 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm