

Architects/Planners

John Karell, Engineer for the Applicant

Mark Viola, Representing the Applicant

Chairman Cosentino: Please know this is not a public hearing so there is no sign-up sheet. Is there anyone here from Timber Ridge tonight?

There were several people who raised their hands.

Unknown resident: This might be a little premature, but I am a little resentful that you didn't add on that there would be a time for us to voice our concerns. But what you just said was that we would not be going forward tonight. Is that correct?

Chairman Cosentino: Not tonight. This is only a presentation so you know what is going on.

Unknown resident: That is what we need to hear, that there will be a time.

Chairman Cosentino: Yes, there will be a time. Tonight we would ask you to stay for this presentation, so you know what is happening here.

Mr. Gemmola: 41 Armonk was originally a gas station for years. It's been abandoned now, there is no repair going on, dispensing of gas was long time stopped at that site. We are proposing a char wood fired pizza facility. We have 21 parking spaces. There is paving and one continuous curb cut right out to Armonk Road. We have addressed some previous comments that the Planning Board had, one being that we had an in-and-out in two locations, now we just have an in and an out. We are proposing a modest wall here in terms of it being just a gravity wall, not a steep wall. The parking and all the areas shown we could actually show – not tonight – but we have less impervious area. There is more pervious area than was before. We have the one handicap spot, the waiting area, seasonal, so when you come to the establishment in the summer you have some tables here to wait. In terms of the interior space, there is provided a lobby here. We have a handicap bathroom, staff bathroom and actually men and women with one unisex. We have a continuous counter here, which would be more of a display, seating area up front. *At this point, Mr. Gemmola passed around a large photograph*). Under the advice of the Planning Board, we did appear before the Architectural Review Board. They agreed with the industrial look of the garage doors, which can be opened in the summer.

We have just hired a landscape architect. We are supposed to do a landscape plan and lighting plan, but we went through conceptual and began the site plan approval phase. We were hoping before we got somebody on board to do a finished landscape plan when we have an idea that the project is going forward.

All the refrigeration and boxes will be behind the building. We have a dumpster location, which will be concealed with a masonry wall. This grade is going sharply up towards Timber Ridge. The project is very less ambitious than several projects we have proposed in the past years where we were doing a commercial project,

knocking a building down, doing retail and office space. This represents less infringement on the existing site. We realize we have to go to the Department of Transportation (DOT) for curb cuts, but this now will become mostly green, whereas you had pavement right to the road. There are drainage plans that have been completed. The engineer is here as well as the owner to explain the operation of the pizza restaurant.

Chairman Cosentino: Why don't you explain the operation of it?

Mark Viola: The general operation would be seven days a week, 11 AM to 11 PM, 12 hours a day. We are going to have a liquor permit for wine and beer, no alcohol. It's a very easy concept. There will be about 20 items on the menu, mostly pizza, individual pizzas. Wood fire, not commercial, no gas. It is thriving right now throughout the northeastern United States. We think it's a plus for the town and the community. Compared to what is there now, this is a building that is run down and needs to be undertaken and developed.

Chairman Cosentino: What else is on the menu?

Mark Viola: It's a limited menu. The specialty is pizza. There are a few chicken entrees, salads, great wine, great beer, and a place to come out and enjoy yourself. We are not going till three or four in the morning; the restaurant closes at 11 PM. It's a great concept and a great idea, and I think it would add to the community and to the town for a place to go. It's great for kids, and its comfort food. With what is going with the economy, people want to go out and have a good time with their family. They can do that there.

Chairman Cosentino: At the last meeting, you mentioned there were no deliveries.

Mark Viola: No deliveries. No take-out.

Chairman Cosentino: Is there any sitting in front of the counter?

Mark Viola: No. There will be two top and four top seats inside holding about 47 people. I think we can hold 45-50 people in the establishment.

Chairman Cosentino: It's 47.

Mark Viola: 47. It's a basic concept, and this concept works in other places that we've seen. We are creating about 15 positions.

Chairman Cosentino: You all saw a good-looking patio out there. Predicated to the seating inside, he is probably allowed to have seating for 15-17 outside.

Mark Viola: We are affiliated with the A & S store that is right down the street. That is part of our program.

Chairman Cosentino: Program?

Mark Viola: It's part of the development of this place. We are partners with A & S in this location.

Mr. Gemmola: We did get a good reception at the Architectural Review Board.

Chairman Cosentino: This is all we are going to do tonight on this application. You will be noticed at the next meeting, if anyone wants to send a representative or not. It is up to you Timber Ridge residents or not, but you are welcome to come.

At this time the Chairman instructed the secretary to inform the association at Timber Ridge of each meeting we have with 41 Armonk Road presented. A resident of 45 Armonk Road stated he would like to be informed as well. A sign-up sheet was distributed to the residents to place their names and addresses on to be Noticed. The secretary then gave a resident a copy of the memo from the Village Engineer for his review.

Whitney Singleton: By virtue of the time, I have comments, which I have not yet reduced to writing. They are primarily things that might be missing from the plan. The only real substantive question that I have is, I believe that in addition to site plan approval, you will be required to obtain steep slopes permit based upon the amount of proposed disturbance in the hillside. I would consider amending your application to apply that. Unless the building inspector takes another position, that was my notice of shortcomings of the application. I will prepare a memo.

Chairman Cosentino: Also, we need a copy of the survey, Mr. Gemmola. We will inform everyone when the next meeting will take place, and I thank you for coming tonight.

Continuing Review:

**Mount Kisco Diner
252 Main Street
PB2012-10-80.33-6-9 & 10**

Present:

**Russell A. Davidson, AIA, President
Kaeyer, Garment & Davidson Architects, PC**

**Gregory A. Monteleone, Attorney-at-Law, on behalf of the
Applicant**

Frank Georgiou, Harry Georgiou, Despina Georgiou, Owners

Vice Chairman Sturniolo: I would like to make a brief comment before we start. We have a letter in front of us in our packet from Mr. Davidson dated September 19, 2012. The letter never should have been in the packet because it missed the cut-off time of September 9, 2012, as far as submission, according to our calendar.

Russell Davidson: Mr. Anthony Monteleone spoke to the Planning Board Secretary, and we submitted the paperwork at the time she requested for it to be on the agenda this week.

Vice Chairman Sturniolo: So you're saying it's an in-house problem we

have with a lack of timely submission?

Russell Davidson: I don't know where the problem is. I just know that we communicated with the Planning Board Secretary and we did what we were told to be on this agenda.

Vice Chairman Sturniolo: To my fellow Planning Board members, this is not the first time, it's not the 417th time, nor the 1,088th time that we have gone through this, that there is no double-checking of our calendar, of our dates, of our submissions. Things come in late, and it's unfair because you don't have enough time to read the documents, in this case, that Mr. Davidson spent a lot of time working on. It really has to stop. If it can't stop, then let's dissolve that calendar of 15 and 21 days and let it be a wild west shoot out.

Chairman Cosentino: I agree with you, but it was an error on the village.

Vice Chairman Sturniolo: It always is.

Chairman Cosentino: I cannot take it out on the client.

Vice Chairman Sturniolo: As I said, I do not imply to take it out on the applicant, but we as a Planning Board, need to change the way we operate. This is sloppy business.

Chairman Cosentino: Thank you, Vice Chairman Sturniolo. I will allow it to be heard because it's our error.

Russell Davidson: Thank you.

Chairman Cosentino: Please continue.

Russell Davidson: Thank you. The letter was intended to comprehensively address all of the comments in Mr. Oliveri's letter, some of which we have already discussed. As you know, we have been referred to the Zoning Board for our variance. The parking calculation issue has been resolved. I believe Ms. Bourne and Mr. Cassidy both accepted that. The remainder of them, I am imagining, Mr. Oliveri has not had time to review them to see if the drawings address all of those items. We believe they are all addressed.

Anthony Oliveri: I've taken a look at it, and I could give you some oral comments tonight. You talked about a DEP permit, and I believe you will also need a DEC permit, which you alluded to in your storm water pollution prevention plan. We need detail on the rain garden, the flow through planters and the under drain at the pervious parking. We need more detail on the inverts and the piping; how that all is going to be connected together. It looked like the under drain for the pervious parking would discharge into the rain garden, presumably above grade, and there would be an under drain to the storm drain connecting. The detail says the under drain is required. You need to really detail that. The flow through planter shows an operable leaf ---- along the sidewalk. That we are not going to want. You should have an under drain there. You show a line on the drawing. Presumably that is a pipe going to the storm drain. Flush that out a little better to make sure that is the way it's going to be.

Russell Davidson: That's fine, thank you.

Chairman Cosentino: Mr. Oliveri, please put that all in writing.

Anthony Oliveri: Yes, I will.

Russell Davidson: That is all simple enough, and we can modify that right away. If there are no other comments on the letter or engineering submission, we did bring with us proposed exteriors, which the Board was interested in to get a feel for what it is going to look like, and that is new information tonight. This is all compliant with the site plan. This is not a change to the site plan. We will start with some black and white drawings, and we'll pass it down. The front of the diner currently looks like that, and this is the proposed new elevation with the extension. It's a complete re-skinning of the diner. These are the side elevations. This is the non-compliant handicap ramp. You can see that the new ramp is longer. It will become the principal entrance. This is the south elevation, and you can see that there will be a new elevation for the new extension. This is the new extension from here to here. It does have a planter in front of it, which matches the projection of the planter in the center of the building now. We are actually making this a little taller. This is actually a cathedral ceiling in this portion of the new restaurant. This is actually a false roof element to match this roof element that actually provides some screening for mechanical equipment further back on the roof. This is a covered porch, which partially overlaps the corner of the covered diner. It gives it some relief and provides a covered way in. This is a trellis over the curving terrace. This is open, and it has an option where you can roll canvas out on it for shade. This stone, which will be up to the floor level, will be continuous, and is very characteristic of Mount Kisco. It is the same stone that is on their rear retaining wall. It's the same roughly coarse, roughly squared granite that you see running up and down the town, so this is going to bring that right to the surface of the street. This is two-tone stucco with trim and some awnings. This section will be panels of a very interesting sort of copper-like distressed metal with recesses between it for little bits of lighting, so the panels will seem to float, and it will act as a nice accent element. There are some lights on the front. That is the general approach. One of the things we do now is work in three dimensions. We built a model of the building in the computer and we printed out eight or nine views. We can pass it around. One of the things that are very difficult in this building especially is when you look at two-dimensional views; it's not how you experience the building. It's so close to the street. You can see this as you're coming up the street. Here is the trellis, the flagpole. Here is the new front porch. A sign will be up here that says Mount Kisco Diner with one-foot high letters, so that is compliant with your signage code. There will be a two-tone stucco exterior with a darker tone on the cornice. We propose painted metal roofing or copper if we can afford it. There are the canvas awnings, and you can see the stone. You can see that this will be a very attractive element that will face where the lube place is now, but there is just a little bit of space for outdoor seating. This will be a natural wood mahogany trellis. Most of the other materials are going to be stucco or synthetic wood that does not require paintings. It will be a real maintenance free exterior. Some concrete or stone tile paving on this with wrought iron railings, which we also think will be mocha brown. This is going to be a sophisticated look with earth tones. This section of the porch also projects out a

little bit to match the line of the two planters. So, this section comes out to the property line as well, so that we get a little bit more width here at the entrance. This is looking down the length. This is coming down the street. This is the proposed monument sign, 15 square feet as per code. These letters are actually exactly the same size as these letters. They are one foot. The diner is working with graphic artists to finalize that. The idea is a combination of script and block letters. The awnings are proposed to be a rich burgundy color.

Chairman Cosentino: I see a tree on this picture. Now I don't see the tree. Did they cut that down?

Russell Davidson: That is further up the street by the funeral home. Our office is three doors up, so our architect has actually been out trying to get the context in. We are not saying this is all exactly right, but we are trying to give you an idea. This is some overhead. We are not sure this will go this far back, but this element will go back eight to ten feet. It provides some screening. This is a full-hipped roof that overlaps the existing. This is a real cathedral ceiling roof, but you can see how it has some nice continuity with the two matching gables and the hip covered porch. The back of the building will remain less articulated, which is exactly how it is today, so we are not carrying this all the way around the exterior. You can see with this new ramp you will come under cover, which probably will be the primary way in from the parking lot rather than from the second-class way in. It's taken a lot of work, but we think this will be a very sophisticated look and a huge improvement.

Chairman Cosentino: It's a nice job.

Vice Chairman Sturniolo: Where are the mechanicals?

Russell Davidson: We did not model the mechanicals. The mechanicals will be there, just as they are now.

Vice Chairman Sturniolo: Are you going to have a partitioned wall between the extension and the diner that is collapsible, like an accordion?

Russell Davidson: No, sir. That was discussed earlier for the possibility when it was being considered for use as a special event room. That is no longer part of the plan. It's one continuous seating area.

Vice Chairman Sturniolo: And the interior of that extension room is going to match the interior of the balance of the diner?

Russell Davidson: There is a complete interior renovation. It will seem like one continuous restaurant.

Chairman Cosentino: This will be real asset to the Village of Mount Kisco. You did a beautiful job.

Russell Davidson: Thank you.

Vice Chairman Sturniolo: Mr. Georgiou, as I said to you from day one, I'm glad you chose Mr. Gemmola as your architect. It's a big, big emotional and psychological difference.

Frank Georgiou: Thank you.

Stanley Bernstein: It is beautiful and enhances the village, but it doesn't look like a diner anymore.

Harry Georgiou: It will still have the same excellent food.

Russell Davidson: I believe we go to the Architectural Review Board now with this.

Chairman Cosentino: Yes.

Vice Chairman Sturniolo: The diner is open 24 hours a day. You have new lighting on here. I'm assuming, and correct me if I'm wrong, that the lighting is going to be during the periods of darkness when the diner is open. So, the parking lot area will be lit up at two, three, four, five o'clock in the morning. Are the fixtures full cut off fixtures?

Russell Davidson: Yes.

Vice Chairman Sturniolo: I don't see it as a note anywhere here.

Russell Davidson: Our omission, we will make sure to change that. The new fixtures are full cut off fixtures.

Vice Chairman Sturniolo: Mr. Oliveri, when you look at the new photometric plan, how does it stack up against the current village code?

Anthony Oliveri: The south property line is not meeting with that cut-off of .5-foot candles. Also, the photo metrics are not just for the new lighting in that area. That plan goes to zero in the existing part of the lot. What standard they are going to be held to is something for the Board to discuss. Is it just the section that is being developed? Is it the new guidelines? Is it the existing code? That is a question.

Russell Davidson: We are a little challenged here because we have a building at the property line. It's hard to get the foot-candles to stop right at that edge.

Vice Chairman Sturniolo: Even if you lower the wattage of the fixture and/or massage the cut-offs?

Russell Davidson: It will work, and we believe it will work, but in a photo metric it is still going to yield you more than zero at the property line.

Vice Chairman Sturniolo: The note that says "all new lighting fixtures to be in a similar timeframe to existing exterior lights at the diner." What does that actually mean?

Russell Davidson: They are going to be on and off at the same schedule with all the rest of the lights.

Vice Chairman Sturniolo: There is a flagpole over here. What are you going to do about the flag at night?

Frank Georgiou: There are two. One is going to come down; the

other is going to remain.

Vice Chairman Sturniolo: You are not going to light the flag at night?

Frank Georgiou: No.

Vice Chairman Sturniolo: You may want to check into the government standards on displaying the American flag. In hours of darkness, it either needs to be illuminated or lowered. If you choose the illumination factor, then you have to be careful about how much light is going to be spilled up into the night sky. If you choose to lower it every afternoon, that is a separate issue.

Russell Davidson: We will look into that.

Vice Chairman Sturniolo: Also, the last page of the Zoning Board of Appeals Draft Resolution that we have, number six says, "Shall be submitted to the Building Department." May I suggest that we ask the Zoning Board of Appeals to incorporate "and the Planning Board?"

Whitney Singleton: If it has to be referred to the Building Department, which is a standard provision in the code, that they have to provide an "as built" survey, you can make that a requirement of your resolution. You don't need to have the Zoning Board incorporate that for you.

Anthony Oliveri: Usually the resolution requires an "as built" as the end of the project.

Vice Chairman Sturniolo: Then we will put it in the final resolution. I only have a copy of the draft resolution. I assume in Number Seven, at the conclusion we can also add "including all plantings" where we talk about site plan elements within twelve months of the date of the approval.

Whitney Singleton: You can certainly do that. This language actually comes from the zoning regulations within the code specific to the Zoning Board of Appeals.

Nanette Bourne: With regard to that, is there a landscaping plan?

Russell Davidson: We do not have a planting plan at this time.

Nanette Bourne: We need to see a planting plan, as well as information on the fencing; the location and type.

Stanley Bernstein: You spoke about a monument. What is that?

Russell Davidson: That is the type of sign that is mounted. It's a monument type sign. It is not a true monument.

Whitney Singleton: Identifying a few things in the plan, I don't know what if anything has been done with the soil investigation next door. Was that formerly a gas station or not?

Russell Davidson: I am told that Mr. Monteleone has records of hazardous material testing related to the sale of the Paul's Power property.

Whitney Singleton: If he can get those to Nanette.

Nanette Bourne: That would be Phase 1 and Phase II.

Russell Davidson: I believe that was done during the transfer of the property, and those records do exist. I have the same concern.

Whitney Singleton: On the plan, I see that you have a survey link that provides a fair amount of information, but the site plan itself should have the owner's name and section, block and lot for all the adjoining property owners. Usually the Board needs you to address the snow accumulation area.

Russell Davidson: I believe we have a space for that on earlier plans, but I'll make sure it's clearer. It was identified earlier as being back to the left.

Whitney Singleton: Thank you for providing the demonstration of the truck to make the necessary turns. Please also show for the two-way traffic and the one-way traffic what the width of those lanes are?

Russell Davidson: Yes.

Whitney Singleton: Obviously, the Board is working with the applicant. I want to identify that with more than 25 parking spaces, we normally require planting aisles, etc., which is not proposed here. I believe that has to do with the tightness of the site. On your plans, under your building site development coverage, you have a comment section. If you could delete that, it's confusing. Finally, please discuss with the Board what you are proposing to do as far as demolition, deliveries, construction, etc., with a 24-hour diner.

Russell Davidson: We are just starting to get into detail, but I am happy to tell you the general approach. Because they need to run a business and keep it open as much as possible, the basic plan is to demolish Paul's Power, prepare the rough grading on the off-site without disturbing the activities of the diner at all. Once the Paul's Power side is passable with the sub-grade, we will then fence off the area of the new extension so that traffic can go through that parking area and exit safely onto the street. We will then build the foundations for the new addition and get that super structure all the way up and achieve enclosure before we break through to the existing diner. That is as far as it's been thought. We are thinking of maybe a left half and right half renovation plan at that point, or perhaps a brief period of closure so we can do everything all at once. There will be a construction-phasing plan as part of the building permit drawings that we will review in detail with Mr. Cassidy, and it will be done safely.

Chairman Cosentino: Ms. Bourne, on the resolution you have that if it's needed for traffic ingress and egress. The bus stop is abandoned.

Whitney Singleton: The southwest corner of the property includes not only the vinyl fencing and also a stockade fence. Is this now going to be open area for residential use?

Russell Davidson: I have not really seen that fence so I can't imagine it's in that great of shape. We will have to do something about that.

Nanette Bourne: Just to clarify the construction phasing plan, typically there is a condition that is part of the resolution requiring the applicant to prepare one in advance of the pre-construction meeting.

Russell Davidson: We would normally submit that with our building permit application.

Nanette Bourne: To clarify this to the Board, you are not planning to bring that in in advance of the site plan approval? This relates to other issues on other projects that have come up. This has been the standard procedure.

Chairman Cosentino: It has to be before approval, because it has to be in the resolution of what they are going to do.

Nanette Bourne: No, you may want that, but the practice of the Board has been to make it a condition that subsequent to the resolution they prepared as part of the building application permit, and then they meet with the building inspector and with the village engineer to go over how the phases will proceed.

Chairman Cosentino: We've talked about that, and since there have been problems; this Board needs to review it first.

Russell Davidson: I will prepare a construction-phasing plan, and it will be part of next submission.

Chairman Cosentino: Nanette that will be on all applicants from now on.

Nanette Bourne: That is a procedural change and that's fine. I have another question. In addition to the landscaping plan, I need clarification on the lighting for the existing lot. I know the height is what the height is. Are you planning on converting the fixture on the existing lot to full cut-off fixtures?

Russell Davidson: We are not planning any work on the existing parking lot lighting.

Vice Chairman Sturniolo: That is one of the more critical spots to the residential neighborhood in the back.

Nanette Bourne: Have you looked into putting some kind of a hat over it?

Russell Davidson: No, I have not. I can. We are trying to save the resources for the greater good of the overall project, and right now, there is lighting back there and it works. We are trying not to change everything and re-pave everything.

Ralph Vigliotti: Getting back to the fence that is proposed for the new parking area, which abuts the residents, it seems like it would make sense to continue that stone wall look that you have, which is really gorgeous in the back of the parking lot to at least that residential piece rather than seeing a stockade fence in a parking lot.

Russell Davidson: If there is not a grade change that warrants retaining. The other stonewalls are retaining walls. I'm not sure there is a grade change here that warrants that. The stonewalls, when

compared to gravity block retainage walls, are still very expensive. If this is a vertical, we'd like to look at some sort of low-maintenance fence. I'm not sure it would be stockade. It might be solid picket with lattice on top. Every time I propose wood, I hear that they don't want to paint it, so we are looking at some sort of synthetic, wood look alike, no maintenance fence.

Ralph Vigliotti: I just want the parking lot and the new parking lot to be uniform in some way. You are mixing stone with maybe a vinyl fence in that one small section, and this continuity is not transferred over.

Russell Davidson: We will look at that.

Chairman Cosentino: I've seen this vinyl fence and with some plantings in front of it, it will look good from the road.

Russell Davidson: If there minor grades change we could do one or two courses of loose stone, and then the fence on top of it.

Ralph Vigliotti: That could have a nice look.

Vice Chairman Sturniolo: Ms. Bourne, if we could look at the first page of Mr. Davidson's September 18th letter, is Number Two an accurate statement from your point of view?

Nanette Bourne: Yes. We reviewed this with the applicant, and we made this presentation with the Planning Board early this summer.

Vice Chairman Sturniolo: Thank you.

Nanette Bourne: The status with the ZBA is on for Thursday. Subsequent to that, assuming they get approval next week, I can draft a resolution for the next meeting. In advance of that, there are a number of items that you need to provide us. Assuming you will provide those, we can still do a draft resolution.

Chairman Cosentino: You also have to appear before the Architectural Review Board.

Russell Davidson: We will go immediately to the Architectural Review Board and address these remaining items. We are hoping that we only have to take up your time one more time.

Enrico Mareschi: You did a beautiful job on this.

Russell Davidson: Thank you.

Whitney Singleton: For purposes of housekeeping, please provide for them what they need to come back with.

Russell Davidson: Yes, I know. A landscaping plan, a construction phasing plan, the details on the fence, coordination of the rain garden/pervious pavements, more detail on the inverts to demonstrate that it works, no weep holes at the sidewalks; use the under drains, address full cut-off fixtures; make sure those are perfectly clear, decide to either take the flag down or light it at night, delete comments column on the site coverage plan, provide soil investigation

data on Paul's Power, show on the site plan similar to the survey, the owners name and identify the adjoining property areas, clarify the snow accumulation area and show the dimension width of all traffic lights.

Whitney Singleton: Thank you.

Anthony Oliveri: I don't think you have pole heights for your lighting. Please include that in your details.

Chairman Cosentino: This is not a catering hall?

Russell Davidson: No.

Special Discussion/Communication

1. Little Garden Childcare Center 27 Radio Circle Draft Minutes of the Zoning Board of Appeals

Nanette Bourne: You are acknowledging the minutes of Zoning Board of Appeals.

Whitney Singleton: There is a copy of the draft Resolution of Approval. The Zoning Board asked me to draft a Resolution of Approval for their area variance, which I had done. Since the two boards have enjoyed sharing thoughts with one another, the Zoning Board chairman thought it would be appropriate to share a draft with your Board to see if there were any additional conditions or thoughts that should go into the resolution before it is approved. You will see the eight conditions as they presently exist. I don't know what else will come up at their meeting, but if there is anything additional that your Board would like to see incorporated, I am sure the Zoning Board would entertain it.

Vice Chairman Sturniolo: Again, is it part of the draft resolution or do we incorporate it in our final resolution of approval with the reference to the August 28 minutes, where we said there would be no Temporary Certificate of Occupancy (TCO) issued.

Whitney Singleton: I raised it and your Board discussed it at the meeting regarding propriety of a TCO if the outdoor play area component of this application has not been placed, because they are required to have one under state law. I think they understand the time constraints under which they are under, but I think it is appropriate for you to reference that in your resolution.

Vice Chairman Sturniolo: Should it be repeated within the draft of the ZBA's findings?

Whitney Singleton: I don't think that goes to any of the issues of the Zoning Board. The Zoning Board is not reviewing the site plan, so when it's done, other than the twelve-month conditions under Paragraph Seven, the Zoning Board does not have jurisdiction whether they get a Certificate of Occupancy.

Vice Chairman Sturniolo: To button it up from our point of view, it just appears in the final resolution?

Whitney Singleton: Yes.

Vice Chairman Sturniolo: Thank you.

**2. Westchester Burger
353 North Bedford Road
PB2012-9 – 69.43.2-3
Landscaping Report**

Present: Vincent Corso, Property Tenant

Nanette Bourne: The issue here concerns the landscaping plan. You were allowed to open in advance of having a landscaping plan, and when you prepared the landscaping plan you worked with our office in developing one. We have been anxiously waiting for it to be installed, and it has not been. Most recently, when my office checked, you wanted to wait until the spring.

Vincent Corso: It's not that we wanted to wait until the spring to start; we were overwhelmed with the amount of business that we received when we first opened our doors in April. We hit the summer; we had a brutally hot summer where we couldn't really do much. We hired a new landscape person. My father in law can't do it.

Vice Chairman Sturniolo: Is he an architect?

Vincent Corso: No. We are going to stick with the same landscape architect and just follow the plans.

Chairman Cosentino: You didn't have a landscape architect, you had a landscaper.

Vincent Corso: There was a landscape architect that actually designed the plan.

Chairman Cosentino: Do we have that?

Nanette Bourne: I believe it was a landscape designer, not a landscape architect, but they were done to an appropriate level of detail. We are anxious and interested in having the landscaping plan installed immediately, not in the spring.

Vincent Corso: I understand. Now, we are at the time where we could actually get most of it done. My father-in-law was going to handle it, and now his health is not to where he could actually do it. He left it to the side somewhat, and we've come to the conclusion that we are just going to have to move on, whether that disrespects him – it's an Italian thing – it is very, very hard to explain. He has relinquished the reigns of the landscaping and we are now in the process of getting someone. Morano landscaping is whom we are going to hire.

Nanette Bourne: Just to clarify, because I think there was some misunderstanding before, the landscaping plan that was approved is exactly what has to be installed.

Vincent Corso: We tried to actually fulfill that, but when we went ahead to get that done, a lot of the material; for example the pink Muhly grass was not as attainable at the time we went to purchase it.

We went to this massive place in Greenwich. We bought – and again, it says here to be approved by the village. I just took the liberty of saying listen we need to do something to the place because now we're starting to look bad. We just purchased a whole bunch of stuff that was, according to the people up at the nursery, the same species, and that would work.

Nanette Bourne: Here is where I don't want us to have a miscommunication again. The plantings that you install have to be the same plants that are on your plan. It's understood that products change, and what you think you have available may not be available, and we are open to that, we will review that and we will work with you. But, changing just because you changed leads you are right back before the board again.

Vincent Corso: We tried to follow it according to the plan. For example, I remember the pink Muhly grass because I was actually the one to go buy it, and I was told I cannot get it this time of year, it's impossible.

Nanette Bourne: So you can call our landscape architect and give her an example of where this needs to be changed up, and she can communicate with the Planning Board that it is an appropriate change.

Vincent Corso: So before I make the purchase I'm contacting?

Nanette Bourne: Our landscape architect, who I think you have been in touch with before.

Vincent Corso: So, I will contact her, let her know, and they then contact the Board, and then wait for a response and then purchase it?

Nanette Bourne: We will do it immediately so that we actually move on this. Fall is a great time to plant, but Fall is going to end and it's not going to be a good thing. Your window is now.

Vincent Corso: We are on the same page.

Vice Chairman Sturniolo: (to Ms. Bourne) As soon as that handshake contact takes place, please let the Planning Board know so we know that things are progressing.

Nanette Bourne: Sure, and any time there is a change in plant material I will make sure you know via email.

Vice Chairman Sturniolo: Mr. Corso, you received a letter from the building inspector that says you will now have to replenish funds for this matter to be able to move forward for review in the future.

Vincent Corso: I just saw that letter now. It did not get to my desk. I will call the office tomorrow and find out what funds need to be reimbursed or added to so we can keep this process going.

Vice Chairman Sturniolo: Donna, please make a note to Nancy to let us know as soon as those funds have been replaced.

Vincent Corso: Nancy will tell me how much will be needed?

Vice Chairman Sturniolo: Yes, Nancy and/or Austin.

Correspondence:

- Letter from Anthony Beldotti to the Mount Kisco Planning Board dated August 17, 2012 regarding Completed Site Improvements: 185 Kisco Avenue

Vice Chairman Sturniolo: This is a very nice letter from Mr. Beldotti. He followed up on his own without chasing.

- Letter from Michael Miele, PE to the Mount Kisco Office of Building and Code Administration dated July 31, 2012 re Kisco Avenue Business Center

Ralph Vigliotti: I have a question regarding Planning Board members and staff. Going back to the Mark and the 3Cs application, I have a concern. The presented us with a conceptual. Tonight, we are meeting for the first time under a formal application and they have approval from the Architectural Review Board.

Chairman Cosentino: That is going to change.

Ralph Vigliotti: The concern that I have is, and help me out on this, did they indicate under the conceptual the garage doors were going to open?

Chairman Cosentino: Yes. I read the minutes.

Ralph Vigliotti: Okay.

Chairman Cosentino: I will guarantee you that I will address the Architectural Review Board with the village manager. They cannot keep approving things until after they come to us, because they think they have approval. We cannot do that.

Ralph Vigliotti: Through the process, we may convince them that the opening of the garage doors will give them more traffic.

Chairman Cosentino: The Architectural Review Board does a nice job, but we have to work together.

Karen Schleimer: It's premature. It needs to come later in the process.

As there was no further business to be discussed by the Planning Board, on motion by Mr. Vigliotti seconded by Vice Chairman Sturniolo, the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm

