

Minutes
Meeting of the Planning Board
Regular / Work Session
Village/Town of Mount Kisco
Tuesday, December 11, 2012

Chairman Cosentino called the meeting to order at 8:00 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Sturniolo
 Stanley Bernstein
 Ralph Vigliotti
 Doug Hertz

Members Absent: **Sol Gibbons**
 Enrico Mareschi

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

Staff Absent: **Austin Cassidy**

MINUTES:

June 26, 2012

Motion: Stanley Bernstein
Second: Ralph Vigliotti
All: Aye

November 13, 2012

Motion: Stanley Bernstein
Second: Ralph Vigliotti
Aye: Vice Chairman Sturniolo
 Doug Hertz
 Ralph Vigliotti
 Stanley Bernstein
Abstain: Chairman Cosentino

Vice Chairman Sturniolo: On the question, on Page 7 of those minutes, (*November 13*) line 43. I want to underscore the fact that we are still awaiting that review to take place, as I requested.

Chairman Cosentino: Please read the subject in question.

Vice Chairman Sturniolo: "Minus the pool tables. I will still go ahead and request the Village Manager that a review takes place regarding code compliance in general." I am not correcting it; I am just underscoring the fact.

Formal Application

**Little Crepe Street
29 East Main Street
PB2012-17 – 69.81-2-5
Site Plan**

Present:

Viktor K. Solarik, AIA, Principal, VKS Architects

Viktor K. Solarik: Mrs. Carol M. Stern, the owner of the property and president of the company (The Reyem Company LLC) apologizes for not being here this evening. She couldn't make it. She doesn't travel easily at night. This site plan approval came about a little backwards. We applied for a building permit to construct a restaurant in one of the existing stores on the property. The property numbers are actually 25, 27, 29 Main Street. There was a new restaurant that was being constructed, but through the process it turned out that there was no formal site plan approval. Hence, we are here to kind of catch up and make sure that everything is in order.

Vice Chairman Sturniolo: How did you get a building permit without the site plan approval?

Viktor K. Solarik: You can ask me, but I don't know.

Vice Chairman Sturniolo: But you have a building permit?

Viktor K. Solarik: Yes, we do.

Chairman Cosentino: It's a long story; we won't get into it right now.

Viktor K. Solarik: There are several businesses on the property. There is a hair salon on the corner, there are two retail restaurant places and there is a four-story building, which was a hotel, from what I understand, in the early 1900s, and you can see it on the photograph. The building in the background is actually a four-story building. This wrap around thing was built later on. It's a two-story building. The retail is on the first floor, and there is a Chamber of Commerce and some other professional offices on the second floor. There is another building on the property which is off Moger, which is a foot reflexology; a single story building. Those are all the uses. There is a service yard in the back, which is accessible through an alley through North Moger Avenue that has access to the backs of the store for garbage pick up and other services. The third and fourth floors of the tall building are currently unoccupied. They used to be apartments, but in the 80s Mrs. Stern requested the apartments be taken off of the annual review. They are not occupied right now. She would like to convert them to offices. I don't know what impact it has from your point of view.

Chairman Cosentino: If they were apartments before, and she is converting them to offices now, would that be something that she would have to come back for? A Change of Use?

Whitney Singleton: I don't know the full breadth of the Certificates of Occupancy that have been issued. The applicant has requested in that

they are letting us know the square footage of the buildings. It would be comfortable if they let us know the square footage of the entire space, but they are at least letting us know the square footage of the footprints of the buildings, and the occupancies and the proportion of the spaces allocated to each. That is helpful to my perspective. I know the application has weighted the issue to the Certificate of Occupancy, and all the inspections were done. The site plan is the only thing that is outstanding at this point in time, and they are operating under a Temporary Certificate of Occupancy. To the extent that your Board wishes to address any site plan issues, you are certainly welcome to; but as far as what is there, everything that is there has been authorized by the Building Department. We can certainly confirm that prior to any filings.

Chairman Cosentino: If there were apartments before, and she hasn't rented them out in years, the non-conforming use would disappear anyway. The non-conforming use is gone.

Whitney Singleton: Correct.

Doug Hertz: What is the use of this section, (*indicating*) and how is it accessed?

Viktor K. Solarik: This is actually the second floor. Only this section, which is the heavy hatch (sic) in the middle, is a four-story building. This is a two-story building, and that is accessible from two entrances. One is from Main Street and one is from North Moger. Basically, the North Moger Avenue access is this section of the second story. This entrance serves the second story of the former hotel on the backside.

Doug Hertz: How do you access the first story?

Viktor K. Solarik: Right from the street.

Doug Hertz: This store goes to the end.

Viktor K. Solarik: The second story of this building and the first story are not connected.

Chairman Cosentino: You have to see the building; it's strange. Tell me something about deliveries and garbage pick up.

Viktor K. Solarik: Every tenant is responsible for their pick up. The garbage pick up for the reflexology business and the hair salon is in the back. They bring their garbage in the back and then they prepare it for their trash removal company. The restaurant has garbage pick up six days a week.

Chairman Cosentino: From the front or the back?

Viktor K. Solarik: From the front.

Chairman Cosentino: What happens on Main Street?

Viktor K. Solarik: It is prepared in the morning. It does not stay out overnight.

Doug Hertz: Is there access in the rear to any street?

Chairman Cosentino: It's a sidewalk. Deliveries, unfortunately, are from the front of the building also. I've noticed that, and I've noticed the traffic that is backed up when they make the deliveries.

Viktor K. Solarik: They come round at about ten o'clock in the morning. It's not the heaviest traffic, but you are right, the truck parks close to the intersection. There is a silver lining; these three stores, the little spice bazaar, Little Crepe Street, and the one next door is all owned by the same owner. She has all her deliveries at the same time. There is no single delivery.

Chairman Cosentino: Except there are different products they sell, so there is going to be different trucks that come.

Viktor K. Solarik: She does make the order from all three stores from individual suppliers, so that cuts down a little bit on the traffic, at least.

Chairman Cosentino: Unfortunately, there is no other way they are going to pick it up.

Whitney Singleton: They can't do deliveries from the side alley or garbage pick up from the side alley?

Viktor K. Solarik: I don't think so.

Chairman Cosentino: You actually park the truck in the front, walk around the building, get the garbage and come back again?

Doug Hertz: No, it comes out the front door.

Viktor K. Solarik: It comes out the front door.

Chairman Cosentino: So they actually bring it out to the curb.

Viktor K. Solarik: Yes. They prepare everything at night in the bags, bring it out in the morning, wait for the garbage truck, load it up and go.

Chairman Cosentino: It would be very inconvenient to pick it up on the side, because the street is too narrow. If you have one of those big trucks there, nothing else can get by.

Viktor K. Solarik: You would block North Moger totally.

Vice Chairman Sturniolo: Is there a co-mingling of the entrances between here and here (*indicating*)? Do employees go from here to here and use the sidewalk to deliver?

Viktor K. Solarik: We have a door in between the two stores.

Vice Chairman Sturniolo: There are no service people that go from one store on the sidewalk into the other store?

Viktor K. Solarik: No. There is an interior door connecting the two. There are actually two separate entrances into each of the stores. There is a door that was made in between the two stores. The staff

goes in between them if they need to, without going out onto the street.

Vice Chairman Sturniolo: This is a lot of activity in a tiny space.

Chairman Cosentino: How many people are seated?

Viktor K. Solarik: 35.

Chairman Cosentino: That is a lot more than it was before, when the bagel store was there.

Whitney Singleton: The point of this is that everything is intensifying.

Chairman Cosentino: Yes, intensifying on a corridor where you really don't need it. Nanette, what is the seating capacity on the space that they have?

Nanette Bourne: You would have to see the layout of the tables and the chairs to determine the occupancy. At any rate, it's on a first floor so there is no parking requirement. You just have to look at what is the CD-1 district.

Whitney Singleton: It is a function of the bathrooms. Do you have his and her bathrooms?

Viktor K. Solarik: It's a single bathroom.

Whitney Singleton: They can't go over a seating capacity of 20.

Ralph Vigliotti: There is a single bathroom that exists now?

Viktor K. Solarik: Correct.

Ralph Vigliotti: You are going from retail to food. Will that be handicap accessible?

Chairman Cosentino: It doesn't have to be because they are going to 20.

Nanette Bourne: That will not affect their parking requirement.

Stanley Bernstein: This is more or less a survey. This does not look like a site plan. There is no layout of the room; there is no table layout, entrances, bathrooms. Shouldn't we have that before we give approval?

Anthony Oliveri: This is not a survey. This is based on a survey.

Stanley Bernstein: That may very well be, but shouldn't there be a site plan showing seating, etc.?

Anthony Oliveri: Seating will be shown on the floor plan.

Stanley Bernstein: Shouldn't there be a floor plan accompanying the site plan?

Anthony Oliveri: That is something you can ask for. There should be something on file, because a building permit was issued for the interior.

Chairman Cosentino: Please check on that and let us know. If there isn't a floor plan, we'd like to see a floor plan.

Viktor K. Solarik: Yes, there is a floor plan. There is a lot more than just that one restaurant, of course. We don't have, right now, plans for all the floors and all the facilities.

Chairman Cosentino: We are just talking about the one place.

Viktor K. Solarik: The new place has been filed with a floor plan showing the layout, showing the arrangement.

Chairman Cosentino: We don't have it here in front of me, so we need to see that.

Whitney Singleton: We always do a resolution of approval for a site plan, so whether it's on this plan or not, we can certainly reference in the resolution of approval the file.

Chairman Cosentino: Providing that we have one. We don't know if we have one.

Whitney Singleton: I will make sure that we have one.

Doug Hertz: The site plan is going to envelope all of these uses, A, B, B1, C, D, E, and E2. We are only going to have a layout for D and E.

Viktor K. Solarik: Only E. This one has been filed, probably in the spring; and this one has been filed in summer. It is on file with the building inspector.

Doug Hertz: So we are going to have a site plan with some more detail on some of the portions to be determined, assumingly D and E.

Nanette Bourne: Assumingly it will be E, not D.

Doug Hertz: I believe it's going to be both, just at different times.

Viktor K. Solarik: Correct.

Whitney Singleton: The distinction here is that we are trying to go back in time and capture things that are existing. The property owner has owned this property for 40 years and gone through various changes in permitted uses within the building. Because there was never previously a requirement of her that this be done, even though it's been in the code, we are now requiring it. We are going to have to be very thorough now in addressing the Resolution of Approval to reference existing layouts, existing building permits, Certificates of Occupancy, etc.

Doug Hertz: I am suggesting is, for instance, the hair salon on the corner. There is probably a layout for that plan.

Chairman Cosentino: We hope. Most of these buildings were built in the early 1920's and there is no record of a site plan. We are trying to resurrect, get everything together so they don't come back five or ten years later and say, "I've had that apartment upstairs." Now we have a record saying, "You did not have an apartment upstairs. You had offices upstairs." We don't have that now. By doing this, because there was no site plan, now we have a record of it.

Doug Hertz: That is exactly what I'm trying to get at, which is, do we want to go through the Building Department approvals for these things and see what we can reference? Not just D and E, but anything else, until it all becomes referenced on one master document?

Whitney Singleton: The resolution will be done in an encompassing fashion to reference permits that have been issued, certificates that have been issued and pre-existing, non-conforming use. The heart of the problem is this. Viktor had previously submitted something else which was insufficient, and Anthony requested a modification. Viktor's knowledge of this site and dealings with this particular tenant, not from representing the property owner for a period of decades. He does not have any sort of intellectual property rights to other plans or anything else to incorporate into this.

Doug Hertz: I appreciate that. I am suggesting that they are public documents and we may just have them in our files.

Whitney Singleton: We will have to comb through them and incorporate them into the Resolution of Approval.

Chairman Cosentino: If I'm not mistaken, any change of use without a site plan should not get a building permit. That is the problem. There have been so many building permits given out without the proper documentation.

Doug Hertz: I get it, and I'm with you.

Vice Chairman Sturniolo: And we are paying the price for that erroneously issued building permit.

Chairman Cosentino: That is what we are trying to correct now, and we will do it.

Nanette Bourne: We have a tenant trying to represent the issue of the property owner. Normally, it is not the tenant that does the site plan approval; it's the property owner. In my opinion, I wonder why this is a site plan application by Little Crepe, when actually it should be a site plan application by the property owner.

Viktor K. Solarik: Actually, it should not say Little Crepe. It should say 23-29 East Main Street.

Chairman Cosentino: It states that one the site plan am I correct?

Viktor K. Solarik: Yes.

Nanette Bourne: We do not want this to get filed as a site plan application under Little Crepe. It should be filed as 23-29 East Main Street.

Whitney Singleton: It will be referenced by the tax ID number.

Nanette Bourne: Yes, and if you look at it from that perspective, then Little Crepe becomes a tenant of the corporations.

Chairman Cosentino: There are probably three-quarter of the buildings in Mount Kisco. We are a very busy Board here, as they come in. Fortunately, you are the first.

Stanley Bernstein: When they come back, I strongly suggest that the owner be present. If she cannot drive at night, she can be picked up. It's important.

Chairman Cosentino: My understanding is that she is incapable.

Viktor K. Solarik: I will certainly convey the message.

Vice Chairman Sturniolo: Where does she live?

Viktor K. Solarik: White Plains.

Vice Chairman Sturniolo: Where do you live?

Viktor K. Solarik: Carmel.

Vice Chairman Sturniolo: If there's a will there's a way.

Viktor K. Solarik: I don't mind picking her up.

Chairman Cosentino: We need the floor plans referenced, and we need to see the rest of the documentation.

Nanette Bourne: They need to re-submit as the site plan for the building.

Whitney Singleton: It was just referenced incorrectly in the agenda. The plan itself references the property address. Are there any modifications that you want in and of itself? That is the only thing that precludes finalizing the resolution.

Chairman Cosentino: If they are coming in for a site plan, it's a good thing, but this should not go on for weeks and months. If they had the floor plan tonight, it would have helped us for the next meeting. Unfortunately, we do not have it so you have to come back for another meeting and then probably for another one for the resolution. They only have a Temporary Certificate of Occupancy, which is only good for 90 days.

Anthony Oliveri: Why don't we have the Building Department look through property folders for floor plans that contain this? The problem is going to be verifying those are the correct floor plans for what is there now.

Whitney Singleton: Since staff is meeting next Thursday, we can have the Building Department prepare a file for us to go through, and we can outline a resolution. The relevant question from my perspective is are there going to be any required modifications to the proposed site

plan that Viktor has submitted as necessary? Are you telling us that you cannot estimate or state what the total square footage?

Viktor K. Solarik: I have some background information. I have certainly walked the building many times. I can prepare certainly not absolute, accurate concrete plans, but I can produce information about the interiors.

Whitney Singleton: If you could provide that to Anthony.

Anthony Oliveri: Once we have the floor plans, we will have that graphically.

Chairman Cosentino: My point is, to get what we need for the future without punishing the landlord. We have enough empty stores in the Village of Mount Kisco, we don't need more. We have to do what we have to do to make this legal.

Whitney Singleton: We will have the Building Department provide us with a file by next Thursday morning, and we will identify for Viktor any further information that we may or may not need.

Viktor K. Solarik: Before next Thursday, I will give you what I have on our end as far as floor plans and I will submit it by next Wednesday to the Building Department. You can incorporate into your review and let us know what you need.

Doug Hertz: If this is going to be a real site plan, I would like to see square footage on the individual spaces that are going to be rented out. We have a restaurant and whatever that don't have square footages. If they change hands and we need to do calculations, we don't have square footage.

Whitney Singleton: Viktor is saying he is going to use his best efforts to identify with the information he has, what the demise spaces would be.

Chairman Cosentino: Get your documentation put together, and we will put you on our next agenda. Please check with Nancy downstairs.

Formal Application

**John F. Reber
221/223 (227) Lexington Avenue
PB2012-6 80.42-2-1
Site Plan Approval / New Construction / Addition**

Present:

**Daniel P. Simone, P.E., Engineer
John Reber, Property Owner
Emily Carpentieri, Daughter
Craig Carpentieri, Husband**

Daniel P. Simone: We are submitting at this point a formal site plan for the re-development of the Reber's Florist parcel. Here is the site plan prepared, which is pretty consistent with the site plan that you reviewed under conceptual. We re-aligned some of the parking area,

tried to tuck it in and comply under the storm water guidelines. We are redeveloping the site as a redevelopment and scenario under the Storm water Pollution Prevention Plan, so we have reduced the impervious surfaces on the project site by 25 percent, so we tried to keep everything nice and tight in order to comply with that. We will be applying some green infrastructure practices as a vegetative grass swale around the back by a retention basin, which will connect into existing storm water right here at the corner of Smith and Lexington. The proposed addition will consist of the showroom area, the first floor of the existing two-family house will be converted to offices, and we will be adding a storage warehouse building at the rear. The second story of the existing residence will maintain the one-bedroom apartment that is currently up there. Mr. Reber is the owner of the adjacent parcel right now. We have shown just the landscape buffer between the two properties because there is very limited space. Currently the driveway for the existing center actually runs right along the property line, so there is no curb buffer. We are providing a landscape buffer of ten feet with trees to kind of buffer the existing residence to the back at this point.

Chairman Cosentino: Only because the present driveway is there.

Daniel P. Simone: The buildings come up to practically ten feet right now. There is existing parking along Smith Avenue right now, which is utilized to Reber's Florist. That would be removed, and the Smith Avenue frontage would be restored, aside from the curb cut. This portion of the property is pretty well buffered. There is a large stand of row of hemlocks that kind of run that whole perimeter, so there is really no impact to the adjacent property from that side. All in all, it's a reduction in impervious surfaces, as I mentioned. I think it will do a nice job to kind of clean up that corner.

Chairman Cosentino: Are the house and showroom going to be connected?

Daniel P. Simone: Yes. We are maintaining the same floor elevation.

Chairman Cosentino: Will the front of the house and the front of the store be different?

Daniel P. Simone: No. The residence itself is partially brick and partially wood. We are going to maintain that same look straight across with the new building itself. This we tucked back here, so you really would not see it from the road anyway. This building here will probably be a little less done up than the front building, but it is neat and tight and concealed in the corner.

Ralph Vigliotti: Why does it seem like an improvement to the existing properties?

Daniel P. Simone: There is a lot more green incorporated. We were able to tuck everything in compact, so we've added more green space to the property. The original coverage was up at about 70 percent. This coverage goes down to about 64 percent, so we've increased the green space.

Chairman Cosentino: It's a big improvement, and is a landmark.

Ralph Vigliotti: How will the bio-retention (sic) work? Is it going to be concave?

Daniel P. Simone: Just a gradual depression, maximum 12 to 18 inch freeboard condition with an overflow. We will try to accomplish recharge to the groundwater. We will be removing the foundation of the existing greenhouse from that area. The property is underlain with "sandy soils," so I think we will get some good recharge out of it. I still have to review it with DEP, they may want an under drain system to the fire retention, which sometimes they request. Then we will tie into the existing basin. The storm water for the project currently runs here (*indicating*) and then hits Lexington Avenue and shoots down the road, and then there is a basin about 300 feet down. We are re-directing it here, hit this basin so it will discharge to the same ultimate location, but we increased the time of concentration and we decreased the impervious surfaces. All in all, the peak discharges will drop.

Anthony Oliveri: Per my memo, a lot of the drainage is directed towards the swale on the east side. There is no curb there. The code actually requires concrete curbs.

Daniel P. Simone: I can place a curb there. My intent in pitching the driveway area this way was to be able to discharge directly to the grass swale and create some infiltration in that swale.

Anthony Oliveri: Maybe something can be done with a poured concrete curb.

Daniel P. Simone: I can do curb breaks instead of the wheel stops.

Chairman Cosentino: We do not allow wheel stops.

Daniel P. Simone: I believe that was Anthony's point. I wanted to keep this whole curb area off, just so sheet flow would enter the swale, but I can handle it with curbing and just curb breaks at certain locations. Regarding concrete curb, does the village allow Belgian Block in lieu of concrete curb?

Chairman Cosentino: We have allowed it at 333 and other places. I think the Belgian Block looks nice.

Daniel P. Simone: Plus it's easier to maintain. If one breaks, it's easier to switch one out rather than replace the whole thing. I went through Anthony's memo. They are all housekeeping issues, so I will address those. I want to address the storm water with DEP before we come back to you so that we can get a preliminary okay from them.

Nanette Bourne: We need to do the Notice of Intent to be Lead Agency. Then you can go to DEP and ARB. The bio retention and the swale that is all part of this system, you have wetland plants and sandy soil. Will the wetland plants survive without hydric soils?

Daniel P. Simone: I was going to do some soil conditioning at the base of it to create, at least in the base area where the overflow is, some kind of clay mixture to kind of create a more saturated soil for the wetland plant seed mix.

Nanette Bourne: Do you have someone advising you on that, because it's tricky. They can be successful, but they tend to fail more than they succeed.

Daniel P. Simone: Yes. The bio retention doesn't need a wetland plant from that standpoint. I will ask them what the best option is.

Nanette Bourne: I think DEP will give you some good feedback on that. Next, on the Smith side, you can point it out to the Planning Board where the property ends and the village property begins. So, you are proposing landscaping on village right-of-way, which is a good thing. Typically, what the Planning Board has done has added as a condition of the resolution that the property owner maintains it and you get Village Board approval.

Chairman Cosentino: It would look good in that particular area.

Nanette Bourne: It will look great. It does not show on our plans, but please describe the landscaping in front of the buildings?

Daniel P. Simone: I have to go over this in more detail. Currently, there are some holly shrubs that kind of buffer the main building. We will continue that look as a low shrub. We don't want to block the buildings, because the façade is going to be very nice. Then some flowering trees at the pinnacles of what is going to be the tower structure that creates that focal point for the corner.

Nanette Bourne: Continuing on, going around the building?

Daniel P. Simone: (*indicating*) Through here, small clusters, holly.

Nanette Bourne: What is close to the building and the parking lot? Where it says, "The proposed one-story building addition and the existing two-story."

Daniel P. Simone: We were planning on some low bushes here to kind of conceal the lights. There is some holly back there. There is an existing large tree in that area, which we are maintaining. I am placing a large evergreen over here, away from the buildings, so that it does not impact. We have a very limited space in there. We discussed the possibility of a fence in that area; however, the house is only about five feet from the property line. We thought a fence would make it look too boxy, so we are trying to use some low, bush-type plants in order to buffer the parking.

Nanette Bourne: When you re-submit your landscaping plan, please identify what is existing and what is proposed, so that when someone goes out to give you a sign-off, they will be able to know what is there.

Daniel P. Simone: There is only one existing tree right on that property line, which is adjacent to the house, and then three in the back here (*indicating*) which are not going to be impacted. All the rest is going to be added.

Nanette Bourne: Also, please add on your plans the village right of way and proposed landscape non-village right-of-way.

Daniel P. Simone: Should we have some kind of note which solidifies that?

Nanette Bourne: Just identify that it is within village right-of-way.

Vice Chairman Sturniolo: What is going to be visible in the interior display area?

Daniel P. Simone: From the street, there will be a series of picture windows on the front to kind of dress it up. Basically, if you see their facility over on Columbus Avenue, they have displays of flooring materials, carpet racks, etc. It's not in the window. It is low enough so that when you look in, you would be able to make out what the shop is. Most of their clientele is not really drive-by or drive-up. It's appointment based. We do have an area for a proposed sign on the corner here, which will be landscaped and will identify the use of the building. The windows themselves will not be designed for a display-type window. Typically I've shown your Board a preliminary architectural plan first, and then we go to the Architectural Review Board. That will be part of the next submittal. Is the signage something that is done in conjunction with site plan approval?

Nanette Bourne: It's the location of the signage. Also, Anthony mentioned the lighting plan.

John Reber: I have a question about the lighting.

Chairman Cosentino: Doug and Tony are our experts on lighting. It looks so nice the way it is. If there is anyway lights can be designed without poles.

John Reber: Actually, I have neighbors on both sides. It's too much.

Chairman Cosentino: You see a beautiful corner there. Even though it's commercial, it sort of hides the commercial look. I think poles will bring that commercial look back. Is there something that could go on the building itself?

Doug Hertz: It depends on the hours of operation.

Daniel P. Simone: I think for this portion it's okay. We may have an issue achieving the illumination levels required under code for the area out here.

Vice Chairman Sturniolo: The hours of business is going to dictate the type of lighting you are going to use. There is no sense in having lighting that is going to be on at 2 AM.

Daniel P. Simone: Typically, they will probably close down at 5.

Vice Chairman Sturniolo: What are you proposing?

Daniel P. Simone: I have to look at the illumination regulations for the village. I will speak with Anthony how we can creatively accommodate it. It is purely a safety issue.

Vice Chairman Sturniolo: Without the poles?

Daniel P. Simone: We'll see if we can do it.

Vice Chairman Sturniolo: Your thoughts about the lighting are specifically what areas?

Daniel P. Simone: By code we have to illuminate the parking areas and definitely the walkways. I believe the code requires a two-foot candle minimum and zero at the property lines.

Vice Chairman Sturniolo: The walkways and the parking area only.

Daniel P. Simone: Yes and the building can accommodate most of the lighting for this area and all the access.

Vice Chairman Sturniolo: With fixtures on the building?

Daniel P. Simone: Yes, probably. It's a question of whether we need something out here, which we will look at it.

Vice Chairman Sturniolo: As a reminder, we do require full cut-off fixtures so there is no night sky spillage.

John Reber: What did you call that?

Vice Chairman Sturniolo: Full cut-offs, so light doesn't go up into the sky. You direct it down with shielding inside the individual luminaries and keep the light where you need it, not in the sky.

Daniel P. Simone: Most new lighting is designed to be dark-sky-compliant.

Whitney Singleton: Based upon my preliminary review, everything looks okay. I need to verify regarding the parking requirements that you are showing. Are you going to be storing any trucks on the site?

Daniel P. Simone: No.

Whitney Singleton: So there will be no fleet vehicles? This is purely for customers and for yourselves?

Daniel P. Simone: Yes. It's a lot more parking than they technically need. Does the Board grant parking waivers?

Chairman Cosentino: Yes.

Daniel P. Simone: It's a lot more parking than they need and we'd rather not pave it.

Nanette Bourne: We can propose to waive the installation. You can land bank it.

Daniel P. Simone: Maybe we can build up some more green space in the back.

Chairman Cosentino: I need to clarify something here. He is going to load up and leave? He has a warehouse there, so he is going to load up so the guys can leave in the morning? I want to clarify that he is

not going to be parking trucks there. He is going to load up the truck in the morning, maybe one or two vans?

Daniel P. Simone: Yes, that's it.

Ralph Vigliotti: The land banking is an interesting concept.

Daniel P. Simone: I wasn't sure if the village did land banking, but that would be a good option.

Ralph Vigliotti: We have.

Doug Hertz: To that exact point, how many extra spots do you have?

Daniel P. Simone: About seven or eight. They use five on a regular basis, and they have the apartment. We have to reserve some of those. You could probably land bank three of these spots and still have plenty of parking. I would land bank these, right next to the residence, to create a little more green space. It's good to know that is an option.

Doug Hertz: You can also think about the spots that are hardest to light and bank those.

Daniel P. Simone: Which would be up front? Thank you.

Mr. Simone will contact the Planning Board secretary to arrange for a date in which to be placed on the next agenda.

Formal Application

**Hitter's Choice Training Baseball and Softball
369 Lexington Avenue
PB2012-18, 80.48-4-17
Site Plan Approval
(Addition of Tenant to Mount Kisco Supply)**

Present:

Anthony J. Monteleone, Attorney-at-Law, on behalf of the Applicant
R. Barry Goewey, Goewey & DeMasi, AIA Architect for the Project
Paul Farias, Principal of the Applicant
Robert Pasquale, Property Owner

Anthony Monteleone: We are here tonight to review a new application, but really a similar application to the one previously made but with a lot of changes. Mr. Farias is, in fact, a professional baseball player, and he intends to put in a little league training center; primarily little league. I read Mr. Cassidy's memo, and I'd like to address that, because it will address most of the issues where you will see there is going to be changes. The property does look like two different zones, but it is zoned separately. The rear parcel on West Street is in fact zoned residential, and we intend to do nothing with that parcel. It will remain residential. We will not need it for parking.

Vice Chairman Sturniolo: Are you referring to the April 4th memo?

Anthony Monteleone: Yes. It is improved as a multi-commercial building with two, paved, off-street parking areas. Our proposal tonight here is to remove the two-family residence on Lexington Avenue and convert that to parking. While we are doing that, in fact as we speak, the separate entrance is being constructed so that the present rear warehouse area will be accessed from this front parking lot. Yes, the area does sit in two different zones, but we are only talking about this application for the commercial zone. The building as it presently exists is not going to be changed. The footprint of the building will remain the same. The off-street parking requirements are met; in fact, exceeded by this application. The maximum peak utilization is something that we cannot give you a definite answer on now, but we feel with the additional parking in excess of the requirement, that will meet all of those requirements. Presently the building is occupied by Mount Kisco Supply as well as Davis and Warshow. This would be the third tenant. The parking lot is very basic. It will be completely improved with the building coming down, spaces are going to be lined, and they will meet all the code requirements. As far as lighting, the dilemma is that there is not enough lighting, but if we put in lighting, there might be too much lighting. We will work however you want us to work there. We will meet that residential area, which I think is one that can afford to have a little more lighting. But we will work with the Board in every respect there.

R. Barry Goewey: The last submittal was discussed to remove an existing two-family building that faces Lexington Avenue and its accompanied garage in the back, and to provide parking in that now vacated area. With that, also provide an entrance from this new south parking area into the building, which is shown on the site plan. In the south parking area, we have provided 33 cars. You come in off Lexington Avenue with the existing curb cut opening that is there now. It already exists. That will not change. There is a north entrance and curb cut, which will also stay the same and not be touched, as an entrance to the back, where the north parking will be, for a total of 21 cars. So we have 21 in the north parking and 33, for a total of 54 cars. The areas breakdown with the three tenants, the proposed tenant in the back; the sports training facility will be a total of 11,266 square feet. There will be batting cages, individual training areas, and there will be a waiting and nursery area and a small reception and toilet area in the front. This will be taken up and used for training purposes in sport training.

Doug Hertz: Where will the primary entrance be?

R. Barry Goewey: In the front as recommended by the Board.

Ralph Vigliotti: Is that the only entrance?

R. Barry Goewey: No. There is also a rear entrance that currently exists, and that will remain.

Ralph Vigliotti: Will that be an active entrance or an emergency entrance?

R. Barry Goewey: It can be an active entrance, yes.

Ralph Vigliotti: What are you anticipating using it for?

Anthony Monteleone: We intend for the rear parking to be primarily employees of all of the tenants. So, those employees would access through that rear entrance. We will put the entire customer parking in front.

R. Barry Goewey: Per the recommendation, Mr. Chairman, correct me if I'm wrong, that was made to the owner that it would be the best possible solution. He is giving up income with that. He is taking away a rental area and rental income for a parking area. We will be landscaping this area and providing the 33 cars.

Chairman Cosentino: That last car on Lexington Avenue. (*indicating*) I think you have to delete that one.

R. Barry Goewey: Why?

Chairman Cosentino: Because it's too close to the sidewalk.

R. Barry Goewey: The sidewalk is down here. There is a grass landscaping strip all along here. This will all be landscaping here.

Whitney Singleton: I don't know what the buffers are on that. I can't tell.

Chairman Cosentino: You have to be so far from the buffer.

Anthony Monteleone: We have more parking than required, so we will be happy to remove the space.

R. Barry Goewey: First of all these memos. I would appreciate getting a copy of the memos once they come out.

Anthony Oliveri: The memos are not released until the Board gets a chance to review it. You are not expected to respond to it.

R. Barry Goewey: You make me feel ill-prepared up here. The back will remain the same. There is a 23-foot buffer along West Street and 10 on either side. The owner would like to leave the loading docks in case this may come back again to be the use that it was previously.

Chairman Cosentino: It is somewhat being used for that now.

R. Barry Goewey: We will be taking out this concrete pad and putting in some landscaping.

Anthony Monteleone: There is one issue. The timing of the removal – the demolition of the two family houses and the operation of the new facility. From an economic point of view, we need to have this lease in place and we need to have the tenant in place, and we need time to relocate those families in the two family house. We would ask the Board to consider issuing a temporary Certificate of Occupancy for this facility before we demolish that facility with a condition that no permanent Certificate of Occupancy will be issued until that is demolished and the parking is in place. In the interim, we will have this area developed for parking.

Chairman Cosentino: We will not be able to do that because of the parking. I'd love to, but they would throw darts at me.

R. Barry Goewey: There are all kinds of room for parking in the back here. On a temporary basis, there is enough land here to accommodate the cars.

Chairman Cosentino: I want to help you out, but that is asking for me to get punished.

Anthony Monteleone: We ask the Board to consider that. Let's proceed with the application. That could be a practical problem, but we will face it when we get to it.

Ralph Vigliotti: Yes, but we don't want you at that point to face us with a hardship, that you've known early on.

Anthony Monteleone: Here is the dilemma. We are not presuming this is going to be approved, so we can't really move ahead with that demolition until this is approved. The tenant would like to get in as quickly as possible. Those are practical business problems that we face, and I understand.

Chairman Cosentino: I have someone in this room right now that bought a building for parking. If I did that with this application, he would come to us saying, "Let me put my extension up. I'll knock the building down later on." What do I tell him?

Anthony Monteleone: We will address that in the future. Let's move ahead with the merits of this application as it is shown.

Ralph Vigliotti: Have we met all of the buffers for this site? It's early on and I don't think you have.

R. Barry Goewey: I didn't get into buffers here at all except for the current buffers that are already provided. Whether they have changed or not, I do not know. In the interest of the applicant here, he is trying to get a commitment from a tenant and get business going here before any kind of exact positioning. We have to provide a survey for this because there is still some engineering to do. We need grades and a few other things certainly. This was mainly to show you what the ultimate finished product will be – south parking and a north parking area.

Anthony Monteleone: I am not sure if there will be a buffer problem here (*indicating*). There may be one there, but I think we have enough room to work it.

R. Barry Goewey: If there is a requirement here that is more than five feet, yes there is going to be a problem. You are not going to get all those cars there.

Ralph Vigliotti: I think its ten feet, that's why early on we want to be assured.

Vice Chairman Sturniolo: This almost has the flavor of a conceptual idea, and of a feeling out of where the Board is coming from. Have you looked at 110-45 in the village code that talks about landscaping plans, lighting plans, and all the specific details? That we could start to grasp as opposed to a wish and a prayer.

R. Barry Goewey: I know all the requirements entailed.

Vice Chairman Sturniolo: This is very difficult to comprehend in the long-range scheme without enough back up detail.

R. Barry Goewey: That was not the intention of what the owner wanted me to do. He wants to know if this is going to fly so that he can get a tenant in here.

Vice Chairman Sturniolo: The answer to flying is the fact.

R. Barry Goewey: If you are telling me I have to get a buffer in here, then we will have some issues.

Whitney Singleton: Where are you talking about?

R. Barry Goewey: In the commercial zone here, the south property line. We have a five-foot buffer.

Anthony Monteleone: It's a commercial use; I'm not sure if it's a commercial zone.

Whitney Singleton: Would it be a side yard?

R. Barry Goewey: Yes, that is the side yard.

Whitney Singleton: The question is what is abutting it? I don't think that is on the plan.

Anthony Oliveri: It might be residential.

Anthony Monteleone: It's a commercial use, but it might be a residential zone.

Chairman Cosentino: Only because that property was married to the commercial site. That was the only reason. That two family is in a commercial zone.

Anthony Monteleone: Here, the use is commercial, but I am not sure what the zoning is.

Whitney Singleton: It's a residential zone and it's a ten-foot buffer.

Anthony Monteleone: We could go in for a variance, I think.

Whitney Singleton: It's the Planning Board's decision.

R. Barry Goewey: So this (*indicating*) but you're saying the line started here, and then went to this property and then changed to commercial after that?

Anthony Monteleone: No, it's residential right there. It's a commercial use, but it's a residential zone starting there.

R. Barry Goewey: But right next to that on the other side is also commercial.

Chairman Cosentino: It was residential. They chose to go commercial. That's the flower shop.

Ralph Vigliotti: Plus you have to consider the buffer to the east and the buffer to the west of that proposed parking lot. When you get that, then you'll know what your parking count is going to be.

Whitney Singleton: The buffer between the street and this property is 20 feet. That is what the chairman was referring to earlier. You cannot have parking in a required buffer.

R. Barry Goewey: This already pre-exists. Are you saying that now has to be removed?

Whitney Singleton: It pre-existed? I thought there is a house there now.

Anthony Monteleone: We can lose that space and make it up over here.

Anthony Oliveri: You may lose two in that corner.

Whitney Singleton: The problem is and the Vice-Chairman was addressing it rather tactfully, that there is nothing for us to evaluate here. There are no tabulations; there is no development coverage.

Anthony Monteleone: I understand. So we need to come in with a detailed site plan.

Whitney Singleton: Correct.

Anthony Monteleone: Understood.

Whitney Singleton: What is your proposal for the residential zone portion of the property?

Anthony Monteleone: Nothing. Leave it the way it is. No use whatsoever. We are not going to infringe on it, it is going to stay there as residential. It will not be used for anything.

Nanette Bourne: The plan says it's a turn-around.

R. Barry Goewey: It is a turn-around for the trucks on the loading dock.

Chairman Cosentino: I think you're going to have to change that.

Anthony Monteleone: We can change that because it's not going to be used for that.

Whitney Singleton: That's fine. So that is no longer going to be part of the site plan?

Anthony Monteleone: No. We are going to be able to put everything on the commercial part.

Chairman Cosentino: Isn't it a separate lot itself?

Anthony Monteleone: It is. It's a separate building lot. Basically, we can put two, two family houses there. It's a valuable piece to keep the way it is.

Whitney Singleton: Yes but it's going to condense everything on your existing lot.

Anthony Oliveri: You will need a buffer on that property.

Whitney Singleton: That is going to create some issues with regard to maximum permitted building coverage, maximum permitted development coverage. That is why it's very hard for the staff to evaluate this application. I would strongly recommend, since you're proposing nine spaces for 12,000 square feet that you confirm those numbers with the Building Department.

Anthony Monteleone: Will do.

Stanley Bernstein: There is a stream somewhere back here. It's not shown, and it's hard for me to pinpoint.

Anthony Monteleone: I checked that the last time we were here.

Stanley Bernstein: It parallels West Street.

Chairman Cosentino: I was there last week. You are absolutely right, but the stream is down further, the brick apartment house has a culvert there. You go across the street, and that stream goes to the stream on Lexington Avenue, south of that.

Stanley Bernstein: Thank you.

Chairman Cosentino: As a matter of fact, the stream doesn't even come across the street. The stream hooks back to (Route) 117.

Anthony Oliveri: I looked at the stream on flood maps, and it is just about 100 feet from the property, so it's going to be questionable if you need a wetlands permit here. You might be in the buffer of the watercourse.

Ralph Vigliotti: The ingress/egress into this improved parking lot. Will that accommodate two cars?

R. Barry Goewey: It is not the same width. 26 feet is what you normally have for the width of the driveway, and that is not 26 feet. That is how it has been approved previously.

Ralph Vigliotti: It's a much larger parking lot than exists now, and it's going to be a lot more movement of cars.

R. Barry Goewey: Between all the buffering that is going to go on here, I don't know if we're going to get much parking left.

Ralph Vigliotti: It's quite rare in this village on a road as busy as Lexington Avenue that you only have one way to get in, and you have to wait for a car to get in before you can leave. If you are leaving this parking area, and you're trying to get in at the hour when class is over

and another class is beginning, cars will stack on Lexington Avenue until the cars actually leave, unless you have an ingress/egress there.

Anthony Monteleone: There are narrower ones. In fact, I just experienced one tonight, I won't say where, where it's not 26 feet or 24, but cars get in and out.

Ralph Vigliotti: You are in a re-design. We have a much larger parking lot. Don't we have to follow a code on this?

Anthony Oliveri: Yes, but once you come in with an amended site plan like this, totally re-vamping the site plan; the whole site plan is under scrutiny. It's not just the areas you're adding. That has to be considered. Including the driveway on the north side, this is very narrow.

Anthony Monteleone: Since we are providing all this parking and demolishing that building, we feel that there is more than adequate parking there to service the entire building except for the employees, we are asking the Board that this driveway on the north side remain the same, because it's not going to be a driveway that is being actively used by customers or users. Also, it's very unlikely that you're going to have 33 people visiting the hardware store, Davis and Washour showrooms, and this facility. We are going to have more than enough parking to reasonably satisfy the uses that we have at that structure.

Anthony Oliveri: That is something that has to be demonstrated to the Board.

Anthony Monteleone: I will be happy to do that.

Ralph Vigliotti: The overall concept of the business and how the business will be used, the number of children that will be occupying hourly, etc.

Anthony Monteleone: Understood.

Nanette Bourne: Also a floor plan showing how you're going to use it. Right now it shows just open spaces, so if you have the large area that you are saying where there will just be three employees; they have to be able to see how it's going to be used.

Vice Chairman Sturniolo: Mr. Chairman, am I correct that we are going to dismiss the idea of any type of temporary Certificate of Occupancy while construction is taking place?

Chairman Cosentino: Yes. We can't. We are prohibited. We cannot do it.

Anthony Monteleone: Are you prohibited?

Chairman Cosentino: When I say prohibited, I make it prohibited on behalf of the Board.

Anthony Monteleone: I understand.

Whitney Singleton: Unlike in other applications, you actually are prohibited at this point. Not just figuratively. Literally there is a

provision in the code that says where you have a pre-existing, non-conforming residential use in a non-residential zone, or a pre-existing, non-conforming [overtalk] it must be removed.

Nanette Bourne: Finally, I would urge you to get input from DEP early on, because you're really pushing a lot of impervious surfaces. They could change your site plan.

Chairman Cosentino: All in all, it's a good site for what you are proposing.

Anthony Monteleone: Yes, and it's an upgrade from what is there. I know the Board made it very clear to us they wanted that two-family house down, and that is what we're trying to do. We do have some practical problems, but we will discuss those.

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
Anthony J. Monteleone, Attorney-at-Law, on behalf of the
Applicant
Frank Georgiou, Property Owner
Harry Georgiou, Mount Kisco Diner
Despina Georgiou, Mount Kisco Diner**

Vice Chairman Sturniolo: The next item on the agenda is Mount Kisco Diner. We have a letter to the Planning Board from Russell – some demolition phasing and erosion control plans, site plan, grading and drainage plan, another site plan and a landscaping plan, and I believe an old lighting plan that you submitted once before.

Russell Davidson: The real new information is the landscaping plan. Our last one was sort of an ad hoc landscaping plan. This one is more traditional. That is really the only new information. You asked some questions, which we answered in the cover letter. There was a correction to the lot size in an earlier submission, but the corrected submission is used in all the calculations. The drive width did change a little bit when we added two feet of buffer between the parking spaces and the funeral home. That drive width is still code compliant, and it is wider than the access points.

Vice Chairman Sturniolo: Please show us on the plan.

Russell Davidson: The drive width is this area here (*indicating*), 22. It had earlier been 24 because we have this two-foot buffer that's here. But we still have plenty of room to do our parking, and the 22 is still wider than both the egress and ingress, so it's not really a traffic issue. That change was made some time ago. I think it was picked out when you reviewed drawings from June to now. DOT (Department of Transportation) has visited the site, as you know they are difficult to get to move, but they seem to be moving. They have visited the site.

We have had several conversations with them. We don't know of any difficulties. We do believe it's a safer condition. There was also a question by the Board whether this means there is an additional on-street parking space, and we did clarify that there is one new additional on-street parking space once the curb cut is reduced. The existing light fixtures we will modify to be down, or we will replace the heads if we can't find the modification.

Vice Chairman Sturniolo: Again, full cut offs.

Russell Davidson: If we replace them, they will be full cut-offs, if we shield them, we will get the shields that meet that make and model of fixture.

Vice Chairman Sturniolo: The fact that you are not able to determine the make and model is not crucial, but the facts is, as long as they can be shielded so there is no upward sky lighting and replace the fixtures themselves. The other point we were talking about at the last Planning Board meeting was the wattage output on some of the fixtures exceeding the village code. That is what you were trying to correct.

Russell Davidson: We are actually just trying to correct the direction downward. We do not have photometric on the existing fixtures. We showed photometric on the new fixtures. This photometric plan only shows the impact of the new light poles.

Vice Chairman Sturniolo: Anthony, please look at this with me. You've got two-foot candles at the residential side and .5 along the property line.

Anthony Oliveri: This exceeded at some points along the property line. I think some of the lumens didn't make it. Let me point out that this was obviously just the new lighting, without the existing. The idea was to try to do something with the existing lighting to shield it better.

Russell Davidson: Which we will do. I think especially in this area where they overlap, they would probably be exceeding it, but shielding it down will help. Then there is the landscaping plan that we had mentioned. Those were the concerns from the last meeting. Hopefully we've addressed all the remaining concerns.

Anthony Monteleone: I did have an opportunity to look at the proposed resolution with the conditions, and certainly you addressed the landscaping issues extensively in those resolutions, and we will comply with all of the conditions in the resolution.

Anthony Oliveri: You mention the aisle at 22 feet being compliant with the code. My read in the code is 24 feet minimum aisle width. I'm not sure where you're getting 22 feet.

Chairman Cosentino: 24 feet is aisle width.

Russell Davidson: We don't have a lot of room between our property line and the building, so it's a question of buffer or aisle width. I think with compact cars we have plenty of room with 22. It's a question of aisle width or buffer. I think in the best interest of the community, it wouldn't make sense to pave to the property line, especially where we

are building a wall.

Anthony Oliveri: The question comes up who would waive the 24-foot aisle that comes under the zoning code. I'm not sure that is something the Planning Board has discretion over.

Whitney Singleton: It appears to me that your 44-foot width is sufficient, is it not? They have stepped back the building addition so there is no side obstruction as you're exiting the property. Then they have a curbing and a landscaped area to the north of that travel lane that could be picked up in the landscaped area. It certainly does not have to impact the buffer on that edge of the property unless the Board feels as though that is where you'd rather go.

Anthony Monteleone: We could reduce the landscaping next to the building by maybe two feet.

Whitney Singleton: Or, as is pointed out by the applicant, you could do it on the buffer.

Anthony Monteleone: We can do that.

Russell Davidson: If 24 is in the code and it would require a zoning variance, then we would rather do that than a zoning variance. We would accept that as a condition of the approval.

Doug Hertz: As long as we are going to that question, there is a second zoning variance, unless I'm missing something here. If you look at the zoning table, they are not in compliance with site development coverage.

Whitney Singleton: They have already secured a variance for that have you not (to the applicant)?

Anthony Monteleone: Yes, but it's specific. That would change the calculation minimally.

Nanette Bourne: So, it would increase your required variance?

Anthony Monteleone: The variance we requested and was granted was a de minimus variance. This is de minimus as well.

Anthony Oliveri: You had the aisle at 24 feet at one point. When we went before the Zoning Board, wasn't the aisle still at 24 feet?

Russell Davidson: I think this was at the Zoning Board.

Nanette Bourne: Explain again why it went from 24 to 22.

Russell Davidson: Because we put two feet between the curb line and the property line.

Chairman Cosentino: What do we have to do to correct this?

Nanette Bourne: If you were to move it towards the property line with pavers, then you're not changing your impervious calculation?

Russell Davidson: Pavers do not register on the impervious calculation?

Nanette Bourne: For the site development coverage?

Russell Davidson: It is still development. That was used as a mitigating factor as to why we should get the variance.

Chairman Cosentino: Let's move on with the rest while you are looking that up.

Anthony Monteleone: We reviewed the proposed resolutions and conditions, and they are all acceptable to us.

Vice Chairman Sturniolo: At the last meeting, we were talking about the replacement of the fence in the back of the property.

Russell Davidson: We are showing new fence.

Ralph Vigliotti: We had some discussion about a stockade fence that you were recommending for the back piece, whether to continue the fence with a stone wall as the stone wall exists now in the parking lot, versus how a stockade fence may look with this new parking area. We didn't move too far on it, but I think there are Board members since that meeting that have other thoughts. Maybe we could discuss that this evening. You have the back part of the property, which has a beautiful, beautiful stonewall fence that comes all the way down. You are adding on an addition, but you want to put a stockade fence here. There is a beautiful piece of property back through here, a beautiful historic home; and you want to put a stockade fence. It doesn't make sense.

Russell Davidson: We have not proposed a stockade fence. We proposed a dry stonewall that is 18" to help some slope retainage. You go to C 1.3; you're looking at a phasing plan.

Ralph Vigliotti: What is to go on top of that?

Russell Davidson: We have an eight foot black vinyl coated chain link with the black slats in it.

Ralph Vigliotti: That was the question.

Russell Davidson: We wanted something that was opaque, but also, this is supposed to be a snow stockpile area. We wanted something that would resist the piling of snow, whereas a stockade fence, we felt, would be easily broken.

Anthony Monteleone: There is nothing to support a wall there.

Russell Davidson: In this area the grade starts to go up, so we need a little bit of slope retention here.

Anthony Monteleone: There is no slope retention needed there. Because this is a fairly small snow stockpile area, we wanted something that was very durable and maintenance free.

Anthony Monteleone: We can change the slats that are not the

problem. We think that wall there would be out of character.
Ralph Vigliotti: I don't know if it would be out of character.

Vice Chairman Sturniolo: It would be a continuation, I think.

Anthony Monteleone: Then the people back here (*indicating*) are going to see a wall.

Ralph Vigliotti: It's either they see a wall or they see a chain link fence with the vinyl slats over time becoming brittle and breaking off. I'm not sure a chain link fence is the way to go. There has to be some other material. You are coming up 18 inches with the stonewall?

Russell Davidson: Just on this area where we need to retain slope. The slope is coming down the hill here, so by the time you are here (*indicating*) you are level-to-level. There is no slope to retain. If there is some other fence that we can find that's durable, that's fine. It's just that you have about eight feet for snow stockpiling. I have a feeling if we push snow up against a wood fence, the fence would be gone.

Anthony Monteleone: We are willing to accept an additional condition that there is a fence placed there acceptable to the building inspector and/or the Planning Board. It's a minor issue.

Russell Davidson: We could use the black vinyl coated posts set in concrete with a wood in-fill.

Ralph Vigliotti: I don't want to make this my issue.

Chairman Cosentino: I agree. I looked at it today, and that is where I saw the other fence.

Russell Davidson: I think we all share the same concern. We all want something good. If you go back right now, you will see what this property owner is looking at now and has been looking at for years. It's horrendous. It's the back of Paul's Power, and a lot of junk.

Ralph Vigliotti: In looking at this in its best-case scenario would be perhaps a 16' stonewall across the entire space with a fence on top of it. It continues to line with the stonewall throughout the property. The property looks gorgeous in the back, and then it changes. It's not a continuation.

Frank Georgiou: We will give you whatever it takes. You spend a lot of money to do this and I'm not going to be cheap on the fence.

Russell Davidson: We will make it a condition.

Stanley Bernstein: I don't want to throw in a monkey wrench, but from an aesthetic point of view, that black vinyl is crummy. Nothing looks as good as this stone wall, especially if it's a continuation of what is there. An 18" high stonewall is not going to make any impact.

Anthony Monteleone: That is how high this wall is.

Russell Davidson: We will come across at 18, and we'll put a six foot high either white cedar or white vinyl solid fence on top.

Ralph Vigliotti: I think that looks better.

Anthony Monteleone: If you don't want us to put anything on top, we won't.

Russell Davidson: We will set it in concrete so it can stand a push of the snow.

Vice Chairman Sturniolo: Nanette, in the resolution, the stonewall is to match the existing stonewall with the same texture.

Nanette Bourne: I would recommend either revising the landscaping plan with a sketch or, depending on how we resolve the driveway issue, if you want to just send something that shows what the wall is going to look like in detail.

Russell Davidson: Make it a condition of the building permit, and we'll do it with the building permit application.

Whitney Singleton: It still needs to be written.

Anthony Monteleone: It will be the same texture as the existing wall.

Anthony Oliveri: Why wouldn't we note it on the plan? You have to come back for final resolution.

Vice Chairman Sturniolo: The final resolution and the plan should match.

Whitney Singleton: Unfortunately, while you have the ability to waive parking requirements. You do have the ability to waive the buffer. Your choices here are to either waive the buffer to the south and to the funeral home and accomplish that greater width or send them to the Zoning Board to maintain the buffer and waive the travel width.

Russell Davidson: How about if I add back more space to the snow space here (*indicating*) to equal the area that I'm taking away here so that I don't change the zoning calculations?

Whitney Singleton: Does the Planning Board want to see the landscaping in that area in the front go away?

Russell Davidson: It's just smaller.

Whitney Singleton: It's up to the Board. The diner has always had beautiful landscaping.

Chairman Cosentino: Where is the buffer?

Russell Davidson: The buffer is just because it makes sense to not have a curb up against the building wall. It's a voluntary buffer. We are planning groundcover there, just so we don't have a curb straight up against the funeral home. It would look odd.

Chairman Cosentino: If you look at the plans, you will see we are talking about tightening up on the side and putting more on the fence back there.

Russell Davidson: If you look at the landscaping plan, there are not a

lot of plants there. I still think we can fit the same amount of plants in a little bit less space. To recap, I will make these changes to the layout, reprove the zoning calculation and submit detail on this wall and fence and re-submit, and lighting modifications.

Whitney Singleton: Can you send those modifications to Nanette and Anthony electronically by the end of this week? I want to make sure that the modifications that are met are fine with this Board.

Vice Chairman Sturniolo: Predicated on tonight's conversations. You are absolutely right, that is crucial.

Anthony Oliveri: To recap, you need to add the notes for the cut-off fixtures, show a detail for the wall and the fence in the rear that we discussed, change the aisle width to 24 feet and re-do the zoning calculations for development.

After discussion, the Board and applicant agreed.

Vice Chairman Sturniolo: Mr. Georgiou, you have done yourself a good service with Russell as your architect. It is day and night.

Frank Georgiou: Thank you.

Continuing Review

The Hearth at Mount Kisco 270 Kisco Avenue PB2012-15 69.49-4-1

No one from The Hearth at Mount Kisco was represented at this meeting.

Whitney Singleton: As we previously discussed, there was a little bit of confusion on placement. Nanette and Anthony have generated memos. It wasn't so much for discussion with the applicant and the Board at the meeting; it was simply for your edification. The next time the applicant comes back here, they need to come back and substantively address the issues that Nanette and Anthony had raised. I discussed it with the applicant today, and they understand that. They understand that there is no point in coming in and be told, "Here's a memo." They will be back before you to address all the issues that Nanette and Anthony have raised and to address any further site plan concerns that your Board may have with regard to the project.

Doug Hertz: Everything has been removed on the old Town and Country site.

Whitney Singleton: Except for one item.

Doug Hertz: What is that?

Whitney Singleton: Apparently the demolition contractor was told by somebody from the village not to remove a 4 foot by 4 foot spring house, and they didn't know what to do, so it's still sitting there.

Vice Chairman Sturniolo: Is that an asbestos related issue?

Whitney Singleton: No. The village did not want it removed. My understanding is, notwithstanding, a hiccup the first or second day with the contractor not properly watering down the site. Otherwise the demolition went pretty smoothly.

Doug Hertz: Who owns the property now?

Whitney Singleton: It's owned by the applicant that is before you now, The Hearth. They may have some other names. The application is now being processed by a different entity other than Robert Mishkin. It is not in the village's hands yet, but we have agreed to allow the assignment of that property to the new owner, and an assignment of the contract rights of Mishkin to this new owner, so they are standing in the shoes of Mishkin.

Doug Hertz: Thank you.

Correspondence

- Cover letter from Edward J. Delaney to Chairman Cosentino and Board members dated November 8, 2012 regarding proposed four-lot subdivision, McLain Street, Bedford

Whitney Singleton: Ed has another meeting in Bedford and I told him not to come anyway. (Referring to site plan) This is the site by McLain Street that was previously proposed for 49 units. The front is on McLain Street. It is primarily in the town of Bedford. There is a small sliver in Mount Kisco that backs up to Glassbury Court. When he originally called me with this application as to what to do, I relayed to him that we had a similar situation back in 1990 or so at Byram Lake Road with Martin Saltzman. On that plan we simply put a notation that there is to be no disturbance, no development, no nothing to this property. He said he would do that, and then the application came in, and he put the notation on; but the division line still goes between the properties. So, technically it's a subdivision in Mount Kisco. He has relayed to me following this submission that the applicant is amenable to doing anything with the property that the village wants. If the village does not want it subdivided and wants it to be retained by one lot that is fine. If the village wants ownership of the lot, they will be happy to give it to the village. The sliver of land is not anything that you can do anything with. Normally we could just leave this language on it, but because the division line goes through there (*indicating*) he is creating two lots.

Ralph Vigliotti: What is north of here?

Whitney Singleton: Another single family home.

Ralph Vigliotti: What is down in here (*indicating*)?

Whitney Singleton: This is Glassbury Court, and this is the entrance road out of Glassbury Court, and this is the office park. It is really a nothing thing in Mount Kisco, but it is a division of land.

Doug Hertz: It's a buffer between the back of this thing and Glassbury.

Whitney Singleton: If he wants to divide the ownership into two parcels, he technically needs subdivision approval from your Board.

There is going to be no development in this land, no septic, so I would recommend waiving any preliminary approval and go directly to final approval with a public hearing and everything else. If he wants to amend the application so it's not being divided and all they are going to do is leave a notation on that there is to be no disturbance.

Ralph Vigliotti: It's our property?

Whitney Singleton: It's their property in your village.

Chairman Cosentino: How wide is that at the widest point?

Anthony Oliveri: The middle is about 60 feet wide.

Vice Chairman Sturniolo: If they subdivided it, then they'd have to go through the process with us of subdivision and pay all the fees and everything else for that?

Whitney Singleton: Yes. I don't think that's a problem with them. I think they are looking more to say, "What does Mount Kisco want"? The bigger concern for you is what is going on in the property. My understanding and I'm taking this from the applicant, although I believe the applicant, it was pitchforks and torches when they came in for their 49 units. He said when they had the public hearing in Bedford for this application, not a single person showed up.

Chairman Cosentino: How many houses do they want there?

Whitney Singleton: Four.

Ralph Vigliotti: I was not paying very close attention Whitney. Will we own that piece, or do they still own it but it's in our town?

Whitney Singleton: They want to do whatever Mount Kisco wants.

Nanette Bourne: Is the cul-de-sac going to be designated (sic)?

Whitney Singleton: I have no idea.

Nanette Bourne: So, that land could be put into the Homeowner's Association.

Whitney Singleton: That is an excellent point. If that road is not going to be dedicated, the cul-de-sac, it's going to be held in common ownership with an HOA for these four lots. We can put the ownership of that strip of land in the HOA so it doesn't actually get divided.

Chairman Cosentino: Where is the egress and ingress for that development?

Whitney Singleton: (*indicating*) Right here on McLain.

Ralph Vigliotti: I was hoping that strip connected to something in the village so it could be part of a trail or something.

Nanette Bourne: I was thinking about that, because the Westchester Land Trust has a conservation easement in Woodcrest. But this really doesn't amount to anything.

Anthony Oliveri: There is a hard wall actually here along Glassbury Court.

Whitney Singleton: The question is with ownership comes liability. I don't know that you'd want this. With ownership comes lack of taxes. With ownership comes responsibility.

Nanette Bourne: All we have to do is figure out how we'd like to see the location of the children's climbing equipment, the tennis court, etc.

Doug Hertz: If it could be part of an HOA and they keep it and they pay us taxes, it stays green forever, that's a win. We want the buffer, we want the taxes.

Whitney Singleton: I think that's a win. Alternatively, would you like to see a conservation easement given to them for purposes of enforcement?

Ralph Vigliotti: That makes sense.

Stanley Bernstein: Yes.

Chairman Cosentino: Does that mean we wouldn't get taxes?

Whitney Singleton: No, it doesn't mean that. It just means

Nanette Bourne: I don't know ----- because they would be responsible for maintaining it.

Whitney Singleton: This is just to enforce that it's not utilized for anything.

Nanette Bourne: If the land trust takes it, they have to maintain it and be the stewards of it.

Whitney Singleton: Absolutely not.

Nanette Bourne: Trust me.

Whitney Singleton: The land trust would keep that to ensure that it is not developed. The ownership would still remain with them. They would have to inspect it once a year, because we are not going to go out there and make sure ----- is on there.

Nanette Bourne: They would still legally become stewards of the land, and they would require that there would be some kind of an endowment or amount of money so that they would be paid for taking care and ensuring that it is left open space.

Whitney Singleton: I've never had the land trust require that in any prior conservation.

Ralph Vigliotti: You two could work that out.

Vice Chairman Sturniolo: Where do their utilities come from?

Whitney Singleton: Something we are very unaccustomed to here in Mount Kisco. You will see that they are showing their septic areas and

their wells on the plans. Unless it's municipal water, which I don't think it is. (*indicating*) This is their septic.

Vice Chairman Sturniolo: Each building has its own septic?

Whitney Singleton: Yes, and none of the septic is in Mount Kisco. Here are the wells (*indicating*).

Whitney Singleton: Traffic is going to be coming out of McLain Street and presumably going out to 172. In the overall scheme of things, I don't know that it's objectionable.

Vice Chairman Sturniolo: Does Glassbury Court have anything to say about it, or are they inclusive in the review process?

Whitney Singleton: I presume they were given notification of the subdivision application in Bedford. Because of its proximity to Mount Kisco, they had to notify the county. I don't want to open up a can of worms, and I am trying to keep apples and oranges separated. Someone did raise a question to me, and it was a very valid point. This is all fine and well that they are doing this with this piece of land, but we are more concerned about what is going to happen here on the two acre parcel on the corner of 172 and McLain Street in Bedford, (*indicating*) which is also owned by Merv Blank. He is bringing these applications separately.

Ralph Vigliotti: What is the zone on that?

Whitney Singleton: I presume its residential two acre.

Stanley Bernstein: That is a wetland.

Whitney Singleton: No it's not. The water is on the other side of the street. There are a lot of dead trees there. That has been bantered about as the site for affordable housing. As past practice has shown, affordable housing is usually on your doorstep.

Ralph Vigliotti: Always right at the borders.

Vice Chairman Sturniolo: It's interesting, from a tactical point of view that they chose to go this issue first, the subdivision of the four lots, and not address that at the same time.

Whitney Singleton: You could raise the question whether or not there is segmentation going on here, and they will respond by saying these are separate and independent entities. They are not commonly owned. I could relay that your Board is generally comfortable. If they want to come up with a scheme where there is no development in there, whether it's in a HOA or conservation, it's up to them.

Further Discussion:

Vice Chairman Sturniolo: Has everyone looked at the calendar and rules and regulations for 2013? I want to make sure Nancy knows what we are doing.

Stanley Bernstein: I move that we approve the 8th of January as our next meeting date.

On a motion by Mr. Bernstein and seconded by Vice Chairman Sturniolo, January 8, 2013 was approved as the Planning Board next meeting date. This was done because applicants are scheduled to appear before the Board on that date, with a submission of documents date of December 18, and the Planning Board calendar for 2013 will not be adopted until the January 8, 2013 meeting.

As there was no further business to be discussed by the Planning Board, on motion by Mr. Hertz seconded by Mr. Bernstein, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm