

Minutes
Meeting of the Planning Board
Regular / Work Session
Village/Town of Mount Kisco
Tuesday, August 28, 2012

Chairman Cosentino called the meeting to order at 8:05 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: Chairman Joseph Cosentino
Vice Chairman Sturniolo
Stanley Bernstein
Enrico Mareschi
Karen B. Schleimer

Members Absent: Sol Gibbons
Doug Hertz
Ralph Vigliotti

Staff Present: Whitney Singleton
Ashley Ley
Austin Cassidy
Anthony Oliveri

At this time, Chairman Cosentino took the agenda out of sequence.

Special Discussion

Letter from Edward Delaney, Jr. to Chairman Cosentino and Board Members dated July 25, 2102 re Glencliff, LLC proposed tennis pavilion

**151 Sarles Street
Tax ID # 80.76-1-1
Renewal of Building Permit**

Present: Edward Delaney, Jr.
Project Manager
Bibbo Associates

Due to audio difficulties, this discussion was not taped verbatim.

Mr. Delaney, on behalf of his client, requests a renewal of the conditional site plan approval obtained for the above referenced property. The Mount Kisco Building Department contacted Bibbo Associates regarding the status of this project, as the required construction commencement date listed in the conditional approval has passed. Bibbo Associates were inquired with the owner's representatives who informed them that the owners do plan on proceeding with the project, unfortunately, due to currently economic conditions, construction has been delayed. Mr. Delaney formally requested a renewal of the conditional site plan approval obtained for the project on August 23, 2011 (Application #2011-04). The original resolution of approval listed as a condition that construction was required to begin within six months of the effective date, with was August 23, 2011.

Chairman Cosentino granted the extension noting that it will expire in one year. Mr. Singleton noted the extension as well.

Final Action

27 Radio Circle Little Garden Childcare Center PB2012-11

**Present: William R. Spade, AIA – LEED AP, Sasaki & Spade Architects
Mark Santora & Beatrice Santora, Owners of Little Garden Childcare Center**

Mr. Singleton reviewed the following changes to the proposed resolution:

Page 1

- Date of Action now reads: August 28, 2012,
- The Motion was adopted by Chairman Cosentino and Karen Schleimer,
- 4th Paragraph now reads...last revised August 13, 2012, and the applicant has represented to this Board that they are the lawfully authorized tenant of the land to be developed...,
- 5th Paragraph, Item 3 now reads: Parking Fee (\$75 x 45 spaces) - \$3,375,
- 6th Paragraph, Item 4 now reads: on August 28, 2012,

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- Item 12 now reads: Photometric Plan, prepared by RUUD Lighting dated 10-10-02,
- Add Item 15: Memorandum to Joseph Cosentino re Traffic Impact Memo for Little Garden Childcare Center, prepared by John T. Collins Engineers, P.C., dated July 11, 2012,
- Add Item 16: Correspondence from William R. Space, Sasaki + Spade Architects to Mr. Joseph Cosentino and Members of the Village of Mount Kisco Planning Board dated June 29, 2012,
- Second Paragraph now reads: Zoning Board of Appeals July 24, 2012,
- Third Paragraph now reads:Zoning Board of Appeals is currently entertaining an application for a variance from the requirements of Section 110-23 C regarding maximum development coverage of 71.6%, but is awaiting a SEQRA determination by the Lead Agency,
- Fourth Paragraph now reads: site plan application and special permit application are based on a maximum occupancy of 112 daycare children arriving by private automobile.

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- Item 1 now reads: ...of the date of the approval by the Zoning Board of Appeals for the specified variance and all aspects of this resolution shall be fully completed within one (1) year of commencement of construction.
- Item 7 now reads: landscaping plan prepared by William R. Space, Sasaki + Spade and last revised August 13, 2012. In the

event that said landscaping is not installed to the satisfaction of the village engineer or building inspector, a final Certificate of Occupancy shall not be issued until all required landscaping installations are complete,

Page 4

- Item 17 now reads: The Applicant shall provide signage indicating parking spaces dedicated to the use that is the subject of this resolution. Signage shall be submitted to the building inspector for review and approval prior to installation,
- Item 18 now reads: ...exiting the site, as determined by the building inspector or village engineer, a traffic management plan shall be prepared by the applicant and submitted to the building inspector and/or village engineer for review. Said traffic management plan shall not preclude the provision of a traffic safety officer directing traffic into and out of the site, to be paid for by the applicant,
- Add Item 19: Enrollment shall not exceed a total of 112 daycare and/or pre-school students (0-5 years of age) and 34 before/after school students (5-12 years of age),
- Add Item 20: Staff parking shall be restricted to the rear parking area,
- Add Item 21: With the exception of loading and unloading of children and utilization of the outdoor play area (as to the outdoor areas) and the demised space within the building where the proposed use is expressly authorized, no portion of the site (indoor or outdoor) shall be utilized for childcare activities,
- Add Item 22: This special permit shall be specific to this applicant and shall not transfer to new tenants or successor entities without prior approval by the Planning Board,
- Add Item 23: Failure to comply with any of the aforesaid conditions shall constitute a violation of this site plan and/or violation of the special use permit pursuant to Section 110-41.

Discussion followed:

Chairman Cosentino: I would like to make a suggestion that everything be completed, and the Certificate of Occupancy given to you. I refer to the building inspector; I feel that in dealing with children, everything should be completed.

Austin Cassidy: The criteria for a temporary Certificate of Occupancy (TCO) has been either some undo or unanticipated delay of some kind that a particular species of plant is suddenly not available and it will not be in in time, or if it is winter months and you can't do striping. Things like that that are affected and not solvable in that timeframe. Other than that, there is no reason why there should be a temporary Certificate of Occupancy.

William R. Spade: The applicant's intention to possibly be done with construction by January, sometime in the winter, which of course, it's impossible to do landscaping at that time.

Chairman Cosentino: That is different. We are talking about interior and classrooms.

Michael Santora: The state requires a Certificate of Occupancy or we

don't get licensed.

William R. Spade: We would have to fence in the playground area and have that prepared.

Chairman Cosentino: You cannot plant in February.

William R. Spade: Is that a TCO item?

Austin Cassidy: I'm listening and wondering why. The exterior work is not that directly connected to the interior. Why wouldn't they run in parallel that you could get this accomplished? Once permit in hand, how soon will you begin the site work?

Michael Santora: It will be congruent.

Austin Cassidy: Clearly and reasonably, if we had a duplication of last fall and we ended up with an early winter, some elements of the exterior work are not going to be accomplished. That is out of your control. Otherwise, all safety systems have to be in place.

Chairman Cosentino: You have outside work to do in September and October.

Michael Santora: That is our intent. There is a mention of 112 capacities, and that is true for childcare for five-year-olds. There is no mention of that in our afterschool program, which we can have 34 maximum.

Chairman Cosentino: The other students will not be there at that time.

Whitney Singleton: It is a valid point, and I was taking that from elsewhere in the resolution. This approval is predicated on your representation that it was 112.

Beatrice Santora: It was 112 plus 34.

Whitney Singleton: We can clarify that. You refer to that as an after school program?

Michael Santora: Before and afterschool program for school age children for five to twelve year olds.

Whitney Singleton: I didn't want your Board to be involved in a situation, and I didn't want the applicant to be shocked if they come in and the play area is not done.

Chairman Cosentino: Yes, there are two good months that we have, as I said.

William R. Spade: We understand. I think we will make the effort to get that installation done. I have two questions. We did not increase the parking count. We are re-allocating parking that is in the front that would create two new parking spaces in the back, the parking count remaining the same as the existing site plan. We were at the Zoning Board on July 24. We still have to go back.

Whitney Singleton: The Zoning Board, notwithstanding the applicant's

cover letter says that the Planning Board had not yet declared itself to be lead agency for SEQRA purposes. That is not true. What the Planning Board has not done, was made Determination of Significance, which we are proposing here tonight. The Zoning Board is unofficially passing the proposed variance. Finally, Mr. Chairman, with regard to the EAF that Ms. Ley provided to you tonight, I think your Board should, with the applicant's authorization, authorize the following changes: On page 4 of the application, it says "required approvals." You have "Planning Board site plan." That should be site plan and special use permit. And, where it says Zoning Board it says, "No." It should be checked yes. It should be "area" variance.

Anthony Oliveri: We should also have the New York City Department of Environmental Protection.

Austin Cassidy: Ms. Bourne did speak to that. She contacted me this afternoon, and the DEP has had all the documents and has reviewed them. The critical party, Ms. Oncioiu, is on vacation, but it has been reviewed and all is well. We will be getting that report.

Anthony Oliveri: It should be listed on the EAF.

Vice Chairman Sturniolo: What is the square footage of the outdoor playground?

William R. Spade: 3,200 feet, approximately.

Vice Chairman Sturniolo: On the form, it just has it as 3,000 square feet. We should revise that number for accuracy.

Vice Chairman Sturniolo: Please revise that, Ms. Ley.

Ashley Ley: Will do.

Vice Chairman Sturniolo: Is this the correct title of the agency, Department of Children and Family Services?

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

Chairman Cosentino: Are there any other questions on the items written into the resolution. We have gone over the report from Mr. Collins.

Karen Schleimer: On Page 3, Item One: Construction shall commence within six (6) months of the date of this resolution. Since the applicant still has to get approval from the Zoning Board of Appeals, might we revise that?

Chairman Cosentino: We are making that a condition.

Karen Schleimer: I appreciate that, but they have six months from the date of approval rather than the date of the resolution. I don't think it's going to make a difference in this case.

Chairman Cosentino: You're not going to have deliveries in 90-foot trailers, are you?

Beatrice Santora: Absolutely not.

Chairman Cosentino: Thank you, I wanted to be sure of that.

Motion to Adopt a Declaration Due to No Negative Impacts on the Environment

Motion: Stanley Bernstein
Second: Karen Schleimer
Aye: Enrico Mareschi
Aye: Vice Chairman Sturniolo
Aye: Karen Schleimer
Aye: Stanley Bernstein
Aye: Chairman Cosentino

Motion to Adopt the Resolution of Approval:

Karen Schleimer: Do we need to specify exactly what we want to do with the temporary Certificate of Occupancy?

Whitney Singleton: I was trying to convey that the applicant needs to come back to your Board for a temporary Certificate of Occupancy. I don't think your Board is going to want to be put in a situation where you just don't want ----- . I was trying to bring that to (the applicant's) attention. If it was a landscaping issue, it might be something different.

Karen Schleimer: Perhaps we can phrase it in terms of landscaping.

Whitney Singleton: They are going to have to come back anyway, because they want that. We can remove the provision. They are aware of the issues.

Karen Schleimer: So then Paragraph 22 and 23 would be removed.

Whitney Singleton: Paragraph 22 would be substituted with the requirement specific to this application and not transferable.

Motion: Chairman Cosentino
Second: Karen Schleimer
Aye: Chairman Cosentino
Aye: Karen Schleimer
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo
Aye: Enrico Mareschi

Vice Chairman Sturniolo: I will vote "Aye," but I would like to enter into the record that I believe the outdoor play area of the daycare center is still in the wrong place. I'm sure your folks have done your due diligence, and you know the safety issues as I've stated before.

Chairman Cosentino: Congratulations. I know it's been a long haul, but I think you will do a good job for the village.

Michael Santora: Thank you and that is our hope as well.

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**

Russell Davidson: It is my understanding this is really just for you for SEQRA. We proceeded with the Zoning Board.

Whitney Singleton: Just like the other application, the Zoning Board did not take action on the diner's application for an area variance because the ----- had not completed the terms of SEQRA. While the maximum site development coverage is going down, it is an indication of one of the ----- similar ----- - is being sought, and the zoning Board cannot act on it unless we clear it with your Board. If your Board is in a position to issue a declaration under SEQRA, the Zoning Board will be able to act at its September 12 meeting.

Ashley Ley: The applicant has provided a short EAF.

Motion to Declare Negative Declaration

**Motion: Stanley Bernstein
Second: Enrico Mareschi
Aye: Karen Schleimer
Aye: Vice Chairman Sturniolo
Aye: Enrico Mareschi
Aye: Stanley Bernstein
Aye: Chairman Cosentino**

Russell Davidson: For your information, we have filed with the DOT and DEP. The next time you see us we will have a complete response with comments from both agencies.

Austin Cassidy: On that point, to recap where you are for future scheduling, you're bringing back answers to questions previously asked. Other than that, for scheduling purposes, your next meeting is September 11, followed by Monday, September 24.

Russell Davidson: We would like to meet on September 11.

Austin Cassidy: Mr. Chairman, what documents do you want available at that meeting? Do you want any drafts to look at?

Russell Davidson: The responses to the engineering comments are almost ready, so we can get that in.

Chairman Cosentino: We may not have this meeting on September 11.

Russell Davidson: We would prefer the 24th. We would like to present the exterior lines as well. All the written comments and engineering

comments will be provided as well.

Vice Chairman Sturniolo: I'd also like to see the written comments that you get from Westchester County regarding moving the bus stop.

Russell Davidson: We have copied you on all that correspondence now, as we are getting it. I would say that is in the county's court at this point.

Vice Chairman Sturniolo: Either way, we haven't seen anything, or we're trying to stay on top of it. We talked about it.

Russell Davidson: We did, and after our last meeting we sent copies of all our correspondence to the town.

Austin Cassidy: There was some off record discussion following the last time you were here, after the fact, about whether or not moving the bus stop was a wise idea relative to allowing parking in front of the building, would create site line issues on the exit. That was sort of seen in the flesh by several Board members after the last meeting.

Vice Chairman Sturniolo: I don't recall that conversation taking place.

Russell Davidson: It was brought up, and there also seemed to be some question about who pays for moving the bus stop.

Chairman Cosentino: I'm glad you brought that up, because going out of the driveway looking to the left, you could have an SUV or truck parked there, and we thought that might not be a good idea.

Vice Chairman Sturniolo: I was not promoting it, I am just trying to stay on top of things and finding out who is doing what and when in a timely fashion.

Russell Davidson: I will be happy to share all that with you. Honestly, this whole request for the moving of the bus stop predates our involvement, so I am not sure where it started or stopped. I will find out where it is with the county.

Anthony Oliveri: Has there been any representation on the DOT submission at all?

Russell Davidson: I think it's recognized in it's "as is" condition. The left turn thing is a valid point; on the other hand there are lots of other driveways that are parking on both sides. Where else might the bus stop go?

Whitney Singleton: Where it is proposed to be, you are right, it does predate you. It was done in an effort to create more parking in close proximity to the diner's entrance. Then it would create site safety issues, and what is being proposed to be relocated is a bus stop not on a flat surface, at the funeral home next to the crosswalk.

Anthony Oliveri: Does moving the bus stop result in a net increase of parking spaces?

Russell Davidson: It's immaterial. The issue of the applicant is on-site parking. This is an issue for overflow or offsite parking.

Chairman Cosentino: I can see a car pulling out and edging out more and more because there is an SUV or large vehicle there. I think it's an accident waiting to happen.

Russell Davidson: I will try and get a little bit more involved in it.

Chairman Cosentino: I would rather not see the bus stop be taken away from that spot.

Vice Chairman Sturniolo: For clarification, it was a proposal that the one of the applicant's professionals threw out, not the Planning Board.

Chairman Cosentino: We can finalize this right now. How do you feel about it?

Karen Schleimer: I agree.

Enrico Mareschi: I agree.

Stanley Bernstein: I have mixed feelings because there was always a "no left turn – right turn only." That should be brought back. I thought it was a good idea for extra parking and I still think it's a good idea.

Chairman Cosentino: Another thing, it would have to go on an incline, and it would be difficult to get in and out. I think its bad planning to have that taken out.

Russell Davidson: Let me see where the process is, and talk to the applicant and give you more information.

Chairman Cosentino: The more I think about it, I think it's not a good idea.

Vice Chairman Sturniolo: Please convey our feelings to the property owners.

Russell Davidson: You will have the opportunity to enforce that when we come back.

Chairman Cosentino: Thank you.

Correspondence:

- Letter from Andrea Oncioiu, Associate Project Manager, NYCEP, to Scott Blakely, R.L.A., Insite Engineering dated July 11, 2012 re Arroyo Chevrolet/Cadillac of Mount Kisco.
- Letter from New York Metropolitan Transportation Council to Mount Kisco Planning Board re Plan the Region's Transportation Future.

Austin Cassidy: Does the Board have sentiments relative to the September 11 meeting?

Chairman Cosentino: As was said, you are not going to have any parking here, there are still going to be people outside, and I don't believe it is a good time to have a Planning Board meeting in all due

respect to the meaning of September 11. In saying that, I think we should look for another day.

Austin Cassidy: This last applicant is targeting the second meeting of September. Other than that, you would have two new applicants, so they would carry to the meeting of the 24th.

Vice Chairman Sturniolo: That should not be a big deal time wise.

Chairman Cosentino: Let's make it for the 2nd Tuesday in September. In good conscious, I don't think we should meet that day.

Vice Chairman Sturniolo: There will be enough solemnity here in village hall.

Chairman Cosentino: We should not be in here conducting business and the day should be respected.

It was agreed the September 11, 2012 meeting was cancelled, and the one and only meeting of September will be held on Monday, September 24, 2012.

As there was no further business to be discussed by the Planning Board, on motion by Vice Chairman Sturniolo seconded by Enrico Mareschi the meeting was adjourned at 8:50 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

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