

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, January 8, 2013

Chairman Cosentino called the meeting to order at 7:55 P.M. at the Municipal Building Mount Kisco, New York.

Members Present: **Chairman Joseph Cosentino**
 Vice Chairman Sturniolo
 Stanley Bernstein
 Ralph Vigliotti
 Doug Hertz
 Sol Gibbons
 Enrico Mareschi

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

Staff Absent: **Austin Cassidy**
 Whitney Singleton

Chairman Cosentino: Since this is the first meeting of the New Year for us, I would like to take this opportunity to thank all my Planning Board members and staff for a great year last year. We made a lot of great decisions in improving the village; at least we think so. I think we really had a great year with all of you. You take time leaving your home to attend these meetings, and for that I thank you.

MINUTES:

December 11, 2012

Motion: Stanley Bernstein
Second: Vice Chairman Sturniolo
All: Aye

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

Chairman Cosentino: We have a resolution here, which we are going to

look into.

Anthony Monteleone: We have the resolution and we've read it over. We have only a few comments on it.

Nanette Bourne: The majority of these are just for clarification, adding the date of the action being tonight.

- The second whereas on the first page. The number for the parking fee is \$75 per new space on your new site.

Anthony Monteleone: The site plan designates the number of spaces, so the site plan is approved, so that is going to be a finite number.

Nanette Bourne: Yes, and we will insert that number.

Vice Chairman Sturniolo: When you do the math from 49 to 62, and then it talks about in lieu of parking spaces, which are two. Are the two spaces based on the existing site plan?

Nanette Bourne: The prior site plan states they paid for two spaces. The current site plan, which is the new property on Paul's Power, is 12 spaces.

Vice Chairman Sturniolo: So it's 12 spaces on the new site plan?

Nanette Bourne: Yes.

- The "Whereas" at the bottom of Page 1 just clarifies the zoning district.
- On the second page, just clarification for the Architectural Review Board (ARB).

Russell Davidson: We have a letter of approval.

Nanette Bourne: So that just needs to be corrected. I will add that.

- The bottom of Page 2 is a correction (*in the name*).
- On Page 3, there are some changes to the conditions. There are some numbers missing, so the numbering doesn't really work out. For Item 1, "*That the foregoing recitals are incorporated herein as set forth at length.*"
- Number 5: "*Subject to the conditions of the Architectural Review Board*" – we will add a copy of the resolution. Language that was apparently included in the resolution will be added to this.
- Item 9 should be deleted. Mr. Gibbons noted it is redundant to Item 8.
- There are no changes to Page 4.
- On Page 5, Item 26 is a re-writing of the deliveries. *Excepting mail and overnight deliveries, it shall be a violation of this resolution, for the applicant/operator to accept supply deliveries*

from locations other than those specifically designated on the approved site plan.

Anthony Monteleone: What does that mean?

Nanette Bourne: It means you are to use the loading dock.

- Item 27 concerns the stonewall on the side to the residence. I have spoken with your architect and requested that the wall be increased from 18 inches to 3 feet with a wooden wall with a fence on top of it. I had hoped you would send a sketch of how you wanted that to be designed. So, tonight we need to come up with the parameters for that. It is clear that the Board wants a three-foot stonewall. On top of that, there needs to be some screening device that goes up to six feet, even though this says eight feet. I just took it from what was on your plans. The thought is that there should be a real, architecturally detailed wood fence on top of the stonewall. That would be a three-foot stonewall and a three-foot wooden fence for six feet.

Russell Davidson: The way I thought we left it off was: review it with the applicant and there be a condition, and we have to compile something with the building inspector that meets these requirements. I apologize if I got it wrong and didn't submit a sketch. I am really wondering if this is the right thing, though, just from the Planning Board's point of view - if this is really what you want, because right now across the back of that property is a very high wall with a chain-link fence on it. When it turns the corner, it comes towards the diner; it tapers down to one-foot tall. Now, we are proposing that it is going to jump back up to three-feet tall. I think it's going to look over scaled.

Vice Chairman Sturniolo: What is the spacing for where it jumps up from one foot to three feet, horizontally?

Russell Davidson: There is no spacing. It is a continuation of it. That is why we thought the 18 inch drywall would sort of fit in, and then we'd go to the solid wood fence six feet high, because now when we take away Paul's Power, I can see that there is a valid reason for doing it. (*Indicating*) We are talking about this "L" shape. This wall, everyone knows, is very high. There is no grade change between here and here (*indicating*). That is why this retaining wall tapers to almost zero. It's about maybe ten inches high when it ends. We bump up to 18 inch with a nice drywall, and then a six foot solid board fence on top will still look a lot different than what this is, but I think once Paul's Power is gone, some visual screening in this direction is helpful, since there is not a grade change. I think if we go up to three feet, it is going to look very tall and it's going to make this (*indicating*) look strange, and we'd have to reconstruct all of this (*indicating*) to make it look natural. Plus, three feet requires footings and a real wall. We cannot build a three-foot high dry wall and put a fence on it. It will never stay. It's also a very expensive element to go from an 18-inch drywall to a three-foot high-mortared wall, which it would need to be. We can give it a dry look, but it will be expensive. Also, I think it will be a little over scaled. Again, the client is willing to do what you want them to do, because we want to be done with this tonight, but I do believe that the lower wall is actually going to look better.

Anthony Monteleone: And serve the same purpose, because we are going to have screening here and here (*indicating*).

Russell Davidson: The math all adds up to same height at the top.

Ralph Vigliotti: It could only be a maximum of six feet total.

Russell Davidson: I think we could go to two feet with a dry wall. Because we wanted a fence on top, we were actually going to put footings in for the fence posts. We want this to last, and it is a little bit vulnerable to snow impact. We were going to put the fence posts and full footings, and then we were going to wrap stone around it. We could come up to two feet, but I don't think when we get to three feet, now we have a lot of fence post to add, and the stone is just not going to stay there. That's my concern. It's not a deal-breaker concern; we just want to review it with you one more time, because we think the lower stone wall with the bigger fence is a better solution.

Doug Hertz: What happens when you turn the corner and you come back up to meet the existing wall?

Russell Davidson: It's the same thing. This whole "L" shape is going to be uniform.

Doug Hertz: Where would you imagine the new/wood fence to end?

Russell Davidson: At the corner of the property. It's shown from here (*indicating*) and it turns right here to where it meets the existing mortared stone retaining wall. You will see stone from this whole side that goes all the way from here to here (*indicating*), which I think, part of your initial concern was to see a little bit of stone so that it matches the rest of the stone wall.

Chairman Cosentino: So we're saying in back of Paul's here (*indicating*) and here would be the same thing.

Russell Davidson: Yes.

Doug Hertz: Not exactly. If you have a mortared wall and then you go to a dry laid wall, it's going to be different.

Russell Davidson: It will look a little different, but we are going to use the same stone. We are seeking the same stone out to the base of the building, if you might remember. It will be a lot of that same stone, which is Westchester granite. It won't be a perfect match, of course, but close.

Ralph Vigliotti: Why dry versus wet?

Russell Davidson: Money.

Ralph Vigliotti: The entire driveway and parking lot has a beautiful wet mortared wall. The concern on height is based on dry versus mortared. If it were mortared, 36 inches would not be the issue. If it's dry, it certainly is the issue.

Russell Davidson: I think it's going to look a little odd in this area. You are going to have a three-foot high wall, it's going to go down, and

then it's going to start to slope back up again.

Chairman Cosentino: If it's a dry wall, which looks good, what is going to happen when the plow comes and goes against it?

Russell Davidson: That is why we put the fences in mortar. That is going to help support the wall. We do have curb here and a snow plow area here, so it isn't exactly right up against it.

Chairman Cosentino: The snow is going to be a problem with it. A wet wall is not going to move, dry wall is going to move.

Russell Davidson: That is correct; it's more prone to movement.

Vice Chairman Sturniolo: I have a concern about the viewpoint from the other side of the wall, looking at cars turning around in the parking lot.

Russell Davidson: With the six-foot overall height, you are going to have pretty good screening there.

Chairman Cosentino: I still think there is going to be a problem when it snows. You need a solid wall there.

Russell Davidson: If we went to a two-foot mortared wall, and it's a little bit less of a step there and wood fence to a total of six feet height. Does that sound reasonable?

Vice Chairman Sturniolo: You are considering shaving it from a three-foot to a two foot?

Russell Davidson: But agreeing to do it mortared. I share that concern.

The Board was in agreement.

Russell Davidson: Can we change that to a two-foot mortared wall, and overall height of six feet, and we will submit sketches as a condition of building permit?

The Chairman instructed Ms. Bourne to read the resolution.

Nanette Bourne: "The Applicant shall increase the 18" dry laid stone wall with a six foot vinyl privacy fence to a three-foot dry laid stone wall with eight feet high vinyl privacy fence." This will be substituted with "a two-foot mortar stonewalls with four-foot sold wood architectural privacy fence, said plan to be approved by the Village Engineer prior to the assurance of a building permit."

Chairman Cosentino: In saying that, how does the Board feel?

Vice Chairman Sturniolo: What do we mean when we say architecturally designed?

Anthony Oliveri: So it's not the same stockade type fence. It would be something with wood posts and decorative slats.

Vice Chairman Sturniolo: Do we need to spell that out in parentheses when we say, "Architecturally designed?"

Nanette Bourne: He has to show Anthony sketches before it goes up.

Chairman Cosentino: When you get the sketch, we'd like to see it also.

Doug Hertz: Do you want to insert the language "from both sides?"

Nanette Bourne: I can do that.

The Board was in agreement.

Vice Chairman Sturniolo: Regarding this draft that we are talking about tonight, what are the modifications that you've made to the lighting since our last meeting, as far as utilization of full cut-off fixtures and reducing the light output on some of the perimeter areas that you were going to look into?

Russell Davidson: I think we did what we agreed to, but actually I thought we had done that on the prior submittal. At this point, on this current resubmittal, we were really only left with the lot coverage and drive aisle with issue and the fence. That is all that has changed in this latest iteration.

Vice Chairman Sturniolo: So, there is still going to be some areas of lighting that are above code specs.

Russell Davidson: Slightly, because it's impossible to get zero to cut-off at a property line when you have a zero property line.

Vice Chairman Sturniolo: Does your lighting plan detail the fact that the lighting fixtures are all full cut-off fixtures?

Russell Davidson: Yes it does for all the new and we've agreed to replace heads on the existing as well. We can't find shields, and that note is now on the plans.

Doug Hertz: You talked about the drive aisle width and how that changed. Please explain what changes were made.

Russell Davidson: In the spirit of trying to do everything well, we tried to add a little more buffer between the funeral home, as we talked. That took away a little drive aisle width, which Nanette pointed out. We then went back and took a couple of inches away from the buffer. We jogged it, and then we tweaked the snowplow area, actually giving a little bit more area for snow storage so that we can get the calculations to come out exactly on the number for the zoning variance, so we didn't put that in jeopardy. It was all done on CAD, which does areas to thousands of a foot, and it will be verified by "as built" survey. We are back on the numbers of not very noticeable changes.

Vice Chairman Sturniolo: When do you intend to start?

Frank Georgiou: As soon as possible.

Russell Davidson: We are starting the pricing process and finishing up the construction documents and working with the diner to figure out exactly how to phase this.

Ralph Vigliotti: When will you demolish the building?

Frank Georgiou: As soon as possible.

Anthony Monteleone: One possibility is if we demolish the building prior to the construction taking place, possibly we can have some temporary parking there. What would we need to do that?

Chairman Cosentino: You cannot have temporary parking there.

Russell Davidson: With all due respect, we have a site and phasing plan as part of the engineering plans.

Chairman Cosentino: If we do that, everyone is going to want to do that.

Russell Davidson: There will be a drive created through there, (*indicating*), and it will be a construction staging area.

Anthony Oliveri: We will have a pre-construction meeting.

Ralph Vigliotti: Will the police department be involved with the demolition meeting?

Chairman Cosentino: If the construction meeting determines that they are going to need flagmen, yes.

Resolution of Approval for a Modification of the Approved Site Plan for Mount Kisco Coach Diner, 252 Main Street, Tefkros Realty Company, LLC – PB2013-10, January 8, 2013

Motion: Ralph Vigliotti
Second: Chairman Cosentino
Aye: Sol Gibbons
Aye: Enrico Mareschi
Aye: Vice Chairman Sturniolo
Aye: Stanley Bernstein
Aye: Doug Hertz

Formal Application:

Maya Restaurant
37 East Main Street
PB2012-16 – 69.81-2-4

Present: Theodore Laurence Strauss – Architect for the Project
Alex Gregrio, Owner/Manager

Chairman Cosentino: There are a few questions I need to have answered that I don't understand. Why wasn't this brought before the Architectural Review Board?

Theodore Strauss: The original intention was not to do any work on the exterior. I was speaking to Mr. Gregrio this evening, and he has decided he is reconsidering, and we are going to go before the ARB with an extension of the similar design that was done for the existing Maya, so there is a continuity of the storefront with the continuity of

the awning as well.

Chairman Cosentino: Before the ARB approves this; we would like to see what they are approving because of mitigation on loading and unloading, canopies, etc., before it's approved, if they would allow us to. I'm sure they would. Where is your garbage going to go?

Alex Gregrio: In the rear.

Chairman Cosentino: How do they get to it?

Theodore Strauss: An alley access from Moger Avenue.

Chairman Cosentino: Where does the garbage truck park to get it?

Alex Gregrio: They have to park on Moger.

Chairman Cosentino: That is not a wide road.

Alex Gregrio: That is where it's always been.

Chairman Cosentino: You're going to compound the matter now having a restaurant there with a 67-seat extension. You gave us a plan for the addition. What is going to be on the existing?

Theodore Strauss: It will remain as part of the restaurant.

Chairman Cosentino: Will there be seating?

Theodore Strauss: Yes.

Chairman Cosentino: How many seats are in there?

Theodore Strauss: A total of 127.

Chairman Cosentino: That brings us into a different category now. What is the square footage against how many seats he can have?

Anthony Oliveri: I would have to check the building code.

Theodore Strauss: The additional space is 1,152 square feet, and the total of both combined spaces would be about 3,200 square feet.

Anthony Oliveri: It usually hinges on the parking, but there is no parking requirement for this district. I have to look into that to see what the limit would be for the square footage.

Chairman Cosentino: I'm sure you are going to make it very nice. You are putting a lot of money into it, right?

Alex Gregrio: Over \$100,000.

Enrico Mareschi: Will you do parties there?

Theodore Strauss: There may be some parties there, yes. There are already state-approved handicap bathrooms.

Chairman Cosentino: How many bar stools are there?

Theodore Strauss: Ten.

Ralph Vigliotti: Is there a bar on the original restaurant?

Theodore Strauss: Yes, and that is going to be removed.

Alex Gregrio: That is my reason I took over this place, because I want to move the bar to there.

Theodore Strauss: That will be removed, and there will be only one bar.

Doug Hertz: We are going to want to see a plan that shows the combined spaces so we can understand how it's all going to work.

Chairman Cosentino: Where are deliveries going to be coming from?

Theodore Strauss: Through the rear access way.

Chairman Cosentino: I know it's been there, but that is a narrow road.

Theodore Strauss: Mr. Gregrio does schedule his deliveries for early morning, when there is the least amount of traffic.

Chairman Cosentino: I can accept that because I know you. Deliveries are not accepted from these guys. They come when they come.

Theodore Strauss: We try our best.

Chairman Cosentino: Everyone that comes before us says their deliveries are at 6 AM. It doesn't work that way. Don't take that personally because I appreciate it. It is just one of these things that happen, and we have no control over it, neither do you.

Theodore Strauss: He has a reasonable amount of deliveries. The answer to your question is, and I'm not being facetious, is "you either deliver when I want my deliveries, or I go to somebody else." As you know, the economics of today are such that they are much more responsive.

Chairman Cosentino: Since you are going to have garbage back there, and since you are going to have a lot more restaurant than it was before, what are you going to do about garbage odor in the back? There are apartments back there with people living upstairs.

Alex Gregrio: I have another place in Garrison. I have a big truck and I take the garbage there. I don't ever keep garbage there.

Enrico Mareschi: How many times does the garbage get picked up?

Alex Gregrio: Once a week. Mostly I take it to my other place.

Theodore Strauss: There is a limited collection of garbage in this location.

Alex Gregrio: And that's why I never keep a lot of stuff in there.

Chairman Cosentino: So we eliminated pool tables?

Theodore Strauss: Yes, they are done.

Ralph Vigliotti: I'm trying to get a sense of the new concept. Please explain the business plan. Originally we saw pool tables, and that got us thinking one thing. Now you have tables. Please explain the new business plan.

Alex Gregrio: Sometimes on the weekends we need more space, and I want to service my customers better with more space.

Enrico Mareschi: Are the hours changing?

Alex Gregrio: No, the hours of operation are the same, 10 AM to 11 PM.

Theodore Strauss: It's a dining group that comes in more than a drinking group.

Ralph Vigliotti: Will you be closing at 11 or serving food until 11?

Alex Gregrio: We close the kitchen at 10; we close at 11. The bar stays open.

Ralph Vigliotti: It sounds more like it's going to be a bar more than a restaurant. This bar is unbelievable-what a great bar. It is not just a service bar. It's almost as though this is going to be a sit down restaurant, and this is going to be the bar that it's attached to.

Theodore Strauss: Not at all. The bar that Mr. Gregrio has now has the equivalent number of seats. It's not that this will be any larger bar or more extensive bar; it's part of the service of his type of restaurant operation.

Enrico Mareschi: When you have parties, you will have them in the new location next door?

Alex Gregrio: It depends on how many people are there.

Enrico Mareschi: Is there a dance floor?

Alex Gregrio: No.

Ralph Vigliotti: Are you putting a sound system in?

Alex Gregrio: No.

Doug Hertz: Because this is going to operate as additional seating for the main restaurant, currently the way it's configured you have this additional door, and then you have a door to your existing space. Do you imagine that you are going to be using both doors?

Theodore Strauss: People are going to primarily come in the other way. The other door from the existing space will be used as an emergency exit only and will be so marked.

Doug Hertz: So you will direct traffic to the original restaurant and then seat them?

Theodore Strauss: Absolutely, yes. Otherwise we lose control.

Doug Hertz: If you could define those issues so we have an understanding of how the whole thing is going to work.

Vice Chairman Sturniolo: I've been to Mexico and have had Mayan cuisine many times. Tell me about your menu.

Alex Gregrio: We have a regular Mexican menu, like Fajitas, Tacos, Chimichangas, etc.

Vice Chairman Sturniolo: What is tie-in between the name Maya and your cuisine, to differentiate you from Taco Bell?

Alex Gregrio: I took the name because there are big pyramids where I come from. I am from Guatemala. Maya (represents) the pyramids.

Vice Chairman Sturniolo: Will you be serving the dinner menu at the bar if the patrons want it?

Alex Gregrio: Yes.

Vice Chairman Sturniolo: We can discuss this in the approval process later on, but in the future, are you going to be looking for a cabaret license?

Alex Gregrio: No.

Vice Chairman Sturniolo: In the future, are you going to be looking for an outdoor dining permit?

Alex Gregrio: No.

Chairman Cosentino: He can't. He doesn't have room for it.

Vice Chairman Sturniolo: I would like to suggest we do a site visit to the location.

Enrico Mareschi: If somebody does have a party and they bring a DJ, are you going to allow that?

Chairman Cosentino: Not unless he has a permit. He just can't have a party and bring a DJ if he doesn't have a cabaret license.

Alex Gregrio: I don't think you need that for a DJ.

Chairman Cosentino: Yes, you do. Any music?

Alex Gregrio: Okay.

Vice Chairman Sturniolo: Are you going to tie in the two locations on the façade?

Theodore Strauss: Yes.

Vice Chairman Sturniolo: You started earlier tonight mentioning that you are going to make it look one in the same.

Alex Gregrio: For now we are going to paint it the same color, but in the future I want it all to be the same.

Ralph Vigliotti: The next time we meet we will need to see a plan of the existing restaurant with the existing façade and the proposed, so we can do almost like an overlay and see the changes.

Doug Hertz: We need a unified plan that shows everything.

Anthony Oliveri: If you refer to my memo, this site does not have an approved site plan of record on file. This has come up on other applications. An approved site plan of record has to be secured for the entire parcel, or a Change of Use or Building Permit or Certificate of Occupancy (CO) cannot be issued by code. The other things you brought up, such as loading and trash - that would be addressed on the site plan.

Chairman Cosentino: You will have to work with Mr. Strauss on that.

Anthony Oliveri: They have to show the other spaces, areas and uses besides this restaurant. Technically, the owner should be the applicant for the site plan. There is one building on this parcel with five spaces. We need to see the square footage of the spaces and the uses.

Theodore Strauss: Mr. Oliveri and I had a brief commentary before the meeting. In all fairness, I must admit I've done four of the five units there, so I am pretty familiar with them.

Chairman Cosentino: But there is no site plan. Did you get permits?

Theodore Strauss: Yes. This is the first of our knowledge that there is no site plan. This building has been up for 60 or 70 years.

Chairman Cosentino: I realize that, but we need a site plan. Anything that does not have a site plan that is coming before us needs one before any Certificate of Occupancy is issued. That is within the code. That's the law.

Anthony Oliveri: We cannot issue a Change of Use permit without a site plan.

Theodore Strauss: I will talk to the owner and hopefully he will give me permission to do a site plan.

Chairman Cosentino: It's in the code if you want to read it.

Doug Hertz: There has been a change to the local law, and there are a number of buildings in town where there is simply no existing site plans that can be located.

Theodore Strauss: It's a matter of upgrading.

Doug Hertz: Yes. The first tenant that comes in wanting a change sparks it. The owner of the building is going to need to create a site plan. We are not allowed to issue anything for any of the applicants in that building.

Theodore Strauss: Why is it suddenly being imposed on us?

Chairman Cosentino: Building permits were given out without a site plan, without implementing the proper code. By law, we have to stop it. The code says you must have a site plan for any change of use, or

no Certificate of Occupancy will be issued. Now that we know that, we are bound by that.

Theodore Strauss: Understood. Alex has a lease for this additional space, for which he is now paying rent. Would it be possible with your permission, and I want to be up front, for him to start to do some interior cosmetic work? Painting, cleanup?

Anthony Oliveri: A building permit is not required.

Chairman Cosentino: He can paint, but he is doing it at his own risk. He cannot do any construction.

Anthony Oliveri: If you're going to knock down walls, you need a building permit. What is the square footage of the entire restaurant with the addition?

Theodore Strauss: About 3,200 square feet including the addition.

Vice Chairman Sturniolo: Regarding 110-38 and 110-45, where a Certificate of Occupancy cannot be issued because it's lacking a site plan. Does that also apply to a temporary Certificate of Occupancy?

Anthony Oliveri: No, but he can't get a building permit. It does not speak to a temporary Certificate of Occupancy, but how are you getting to a temporary Certificate of Occupancy if you don't first get a building permit? If he has already gotten the building permit, whether it was mistakenly or not, then you technically could get a temporary Certificate of Occupancy but not the final Certificate of Occupancy until the site plan has been approved.

Vice Chairman Sturniolo: In other words, if you have a building permit issued, you can get a Temporary Certificate of Occupancy, but you cannot get a final permit until you have a site plan?

Anthony Oliveri: The building permit should not be issued in the first place.

Chairman Cosentino: It's very clear what Mr. Sturniolo is saying. If he had a building permit now, could he get a temporary Certificate of Occupancy? Yes. The fact that you don't have a building permit and the reason why you can't get a building permit is because there is no site plan on record.

Theodore Strauss: Understood.

Anthony Oliveri: And before that, he needs the Change of Use, and the Change of Use cannot be issued without the site plan.

Chairman Cosentino: So if he is going to do work, he may be doing it on his own. He may be doing it for nothing.

Theodore Strauss: I asked the question to give him an opportunity to be able to begin to move on ahead.

Chairman Cosentino: We certainly understand.

Vice Chairman Sturniolo: And, Ted, just read between my lips and my

words. The questions I was asking have nothing to do with you and your applicant.

Theodore Strauss: Very good. We will be back as quickly as possible with all that you requested.

Alex Gregrio: So I can't do anything?

Chairman Cosentino: You can't do anything. But I want to be very clear for the applicant, because I don't want him to spend money that he doesn't have to spend. Don't come back unless Nanette or Anthony says you are ready to come back, because it's only going to cost you to wait longer.

At this point, a site visit was scheduled for Saturday morning (January 12, 2013) at 9:00 AM.

Conceptual Application

**Spotless Detail
309 North Bedford Road
PB2013-1 - 69.51-1-3**

Present: Michael Berardino, Owner

Anthony Oliveri: One of the bigger problems would be that the site plan of record doesn't agree with what is actually out in the field in terms of parking. The site plan actually shows two curb cuts to the site and 47 spaces.

Chairman Cosentino: If you look at the application for Mr. Diamond that is Ice House Road. When he re-paved the road and put the curbing in, that one egress and ingress was eliminated.

Anthony Oliveri: It looked like the road was raised there.

Chairman Cosentino: If you look back, that was done between Patricia Martabano and Mr. Diamond. It was actually reconfigured because the cut was removed. When they removed the cut, they had to redo the parking.

Anthony Oliveri: To support this application, this applicant has to show that the parking count still holds with the breakdown.

Chairman Cosentino: Here is what happened. Jim Diamond, who owns the buildings in the back and all the buildings going down, re-did the road, and there were two curb cuts going into the property of Patricia Martabano. One curb cut was eliminated, and concrete curbing was put in. When they eliminated that, they started parking cars differently because of that curb cut. We have a site plan, but the way the cars are being parked now does not comply with what we have on the site plan. That has to be corrected by your landlord.

Anthony Oliveri: It would have to either be corrected or a new site plan established with the updated parking configuration. There are a few other things on here. The trash dumpster enclosure is not there.

Chairman Cosentino: It's her obligation to get the back (area) up to date. To really act on your application, we need to see a site plan for parking and the trash, etc., for the rear. She is not going to be able to rent anything back there again unless this is done. She really wants to get going on this. Not to hold you up, but that has to be done before we can act on this application.

Anthony Oliveri: It appears there is less parking now. That might affect the uses.

Michael Berardino: I did speak to her. Whatever cars are back there are somewhat abandoned. They are going to be cleaning them up.

Anthony Oliveri: The number of parking spaces at the site is supposed to hold for different uses in the building.

Chairman Cosentino: This Board may not have a problem with your project, but we have a problem with the site in the back that has to be corrected before we can act on your application.

Nanette Bourne: Anthony has the approved site plan. This approved site plan has to be compared with what is really out there so we know what the difference is. Then you need to identify which one of these buildings you're going into and what is in the other buildings, because it's based on how the parking is required for each one of the buildings. There has to be enough on site.

Anthony Oliveri: Your parking requirements are based on the number of bays and work stations for that use. Maybe your use doesn't fit, or the site doesn't have enough parking to support your use. That has to be demonstrated.

Michael Berardino: If I get in touch with the landlord, she can contact one of you to reassure all of this?

Anthony Oliveri: Yes.

Vice Chairman Sturniolo: Is the airplane still stored in the back?

Michael Berardino: I don't believe so. They took that out a few years ago.

Doug Hertz: There is just a survey here. There are a lot of interconnecting buildings there, and it's not clear where you're going to go.

Vice Chairman Sturniolo: When you detail the cars, if someone wants to come in for a fast clean car wash, can you do it outside?

Michael Berardino: No. I know water usage and the run-off is an issue. Being a detailer you have to strictly contain that water from hitting the environment. There is a drain inside the two bays, so that is where I'd strictly be doing all the washing.

Vice Chairman Sturniolo: What does that drain ultimately tie into?

Anthony Oliveri: The interior drain has to tie into sanitary, not the storm sewer. You want the interior to go to a sanitary line. It should

go to a sanitary through an oil/water or oil/grit separator.

Chairman Cosentino: If it goes into a sanitary, which is okay, where is the track?

Anthony Oliveri: It's part of the sanitary sewer service. Interior drains are not supposed to go into a storm drain. This happens a lot with DPW garages, etc. Those interior drains have to go to sanitary. The New York State Sanitary Code requires that. I believe there is an easement out to that, but that is something that you have to verify. You need a separator of some kind. It cannot just be a direct sewer connection, since you're washing vehicles. You have to have some kind of an oil/grit separator, which is like a ----- tank, which is normally located outside. That is also a matter of New York State Sanitary Code.

Chairman Cosentino: A few of the dealerships that we have now that have this separator actually recycle their own water.

Vice Chairman Sturniolo: Then that separator would be downstream of the connection into the sanitary line.

Anthony Oliveri: Right. Normally the separator goes through a trap; the sewer goes out of the building, goes through the separator which might be outside the building so you can get a truck in there. It's easier access outside the building.

Vice Chairman Sturniolo: The separator is not going to be beyond to where it ties into the sanitary municipal line?

Anthony Oliveri: No, it's on the service line. That is a matter of plumbing code, sanitary code, etc.

Vice Chairman Sturniolo: You mentioned the back flow prevention device that needs to be installed.

Anthony Oliveri: Yes, they would need a back flow prevention. I believe when they issue any building permits now, they are checking on the back flow.

Nanette Bourne: When the site plan is defined and it includes the space that you want to occupy, the parking that is going to be available to you, the spaces that are occupied by other tenants and their parking, we need to make a determination that there is adequate parking for all. In your operation plan, you talk about your projected amount of business of two to four cars a day.

Michael Berardino: Yes. Detailing technically takes four to six hours to do each car. I could project to getting maybe four to five done.

Nanette Bourne: Your prices are \$16.95 to \$269 per car.

Michael Berardino: It basically starts at a basic car wash price to a remodeling of your car. The prices fluctuate.

Vice Chairman Sturniolo: What if someone wants the engine steam-cleaned?

Michael Berardino: I don't have a steamer. Personally, I don't like to touch the engine. Not many people like detailers to do the engines, because of the electronics. But if I had to do it, I would spray a degreaser on it a little bit and lightly mist it and get off all the junk.

Nanette Bourne: Do you think you are underestimating the volume of cars that you need for a day?

Michael Berardino: I'm basing those four a day on strictly details, not the \$16 ones. Those are little ones to get people in the door to start talking about maybe getting bigger details.

Nanette Bourne: Saturday would be your busiest day. How many would you do on a Saturday?

Michael Berardino: Obviously the more the better, but I am doing it all myself. I am focusing more on the detail than a little car wash.

Nanette Bourne: 10 to 15 sound a little better.

Michael Berardino: Personally, I don't think I'll ever get that. I'm sticking to four to six on a good day. You have to focus on the details and to satisfy the customer you have to spend the right amount of time. Especially with the space provided, I can only have two inside.

Anthony Oliveri: So four to six is your major detail, and the \$16.95 car wash is minor.

Michael Berardino: Exactly.

Vice Chairman Sturniolo: Where are you currently operating the business?

Michael Berardino: I was at the Saw Mill Athletic Club for a little bit, but I needed to do a process that they were not sure that I needed to do. I was there for two months. I also go to people's houses and do mobile detail.

Chairman Cosentino: Did the Saw Mill provide a garage for you?

Michael Berardino: Not a garage. I bought a tent that fit three cars. I was able to accommodate their customers while they worked out. There is a gravel parking lot in the back.

Chairman Cosentino: You need to have the landlord work with Anthony and get the back straightened out.

Anthony Oliveri: Parking configuration is the first item; to be sure it supports all these uses. That is the critical hurdle to get by first.

Chairman Cosentino: If you didn't have this issue, this would be fairly quick.

Michael Berardino: The Martabano's happen to be family friends of mine.

Chairman Cosentino: This is a conceptual, and you are going to have to come in for application.

Anthony Oliveri: He is not going to be able to submit a formal application until he shows us that he's gone through the parking situation. You can do a pre-submission meeting with us before you submit a formal application. The parking question needs to be answered.

Vice Chairman Sturniolo: We will be looking for the striping of the parking lot, so we know what spaces are yours and what spaces belong to another applicant. Everything needs to be delineated as opposed to the "hodgepodge" there now. That would be incumbent on the property owner to do for you and all the tenants.

Michael Berardino: I'm sure she is going to want to get this done.

Chairman Cosentino: Unfortunately, it should have been done before the road was built.

At this point, Mr. Berardino took a photograph of the current site plan provided to him by Mr. Oliveri.

Correspondence:

- Letter from John Collins, P.C. to Chairman Cosentino regarding traffic report for the site known as 333 Bedford Road dated December 28, 2012,
- Letter from State Environmental Quality Review Lead Agency Determination copied to the Mount Kisco Planning Board dated December 12, 2012 re subdivision 28 McLain Street, Bedford Corners,
- Matter of Pinnetti v. Zoning Board of Appeals of the Village of Mount Kisco dated December 26, 2012, Supreme Court State of New York Appellate Division Second Judicial Department.

Chairman Cosentino: Regarding Pinnetti v. Mount Kisco Zoning Board of Appeals, thanks to Whitney Singleton, we have won that court case. That was the property on Oak Ridge Road.

Stanley Bernstein: We really should not go past this traffic report so quickly and cast it aside. This is the last traffic report after he had 90 percent rented. I'd like to know the relationship of the existing traffic patterns and quantities to his previous one. By driving through almost everyday, I think it's gotten to a point where it is unsustainable. If he rents the next 10 percent, there is no way of driving on North Bedford Road.

Anthony Oliveri: I would like to point out that Mr. Diamond is coming in with another application. We have gotten the conceptual applications, and David Stolman has this report as well. I asked Mr. Stolman to consider the traffic. It will come up as part of that application.

Stanley Bernstein: That sounds reasonable. Make sure Mr. Collins is here. We also have to discuss the calendar and rules and procedures.

Nanette Bourne: Before that, I want to make note that the Town of

Bedford has issued their Lead Agency determination Notice of Intent on the 28 McLain Street, Bedford Corners property. They said a copy of the EAF is attached, and it's not.

The secretary noted that she would relay the message to the Planning Board secretary to see the Board and staff have the letter regarding the 28 McLain Street property.

Chairman Cosentino: We don't have copies of the Rules and Regulations with us. Have we all read it? Do we all approve it?

Stanley Bernstein: We have to accept it. I've read it, and I've made my comments. I do it every year, and it's usually not changed. We can do it next month, but that means a delayed vote.

Chairman Cosentino instructed the secretary to place it on the agenda for discussion for the next meeting. Also, new copies of the rules and regulations need to be included in the Board member's packets.

Stanley Bernstein: I will give my comments to Nancy and she can send it out. Most of it is grammatical.

Vice Chairman Sturniolo: The mistakes should not get carried over from year to year.

Stanley Bernstein: We also need to discuss the calendar. On the calendar we'd have to count back to 21 days or 15 days, and some of these are wrong. I will have Nancy send it out to everyone. The count of the submittals needs to be discussed. Why don't I give these changes to Nancy, let her make a second copy that you can compare and see if you like it. A lot of the count on the submittal dates is wrong. They are supposed to be 21 and they are 15 and vice versa. I would like to ask if the one day a month, where it's a regular and work session, which one we are using for submittal. For example, July 9 is a regular and work session. It could be June 25 or June 18.

Doug Hertz: Isn't one for new and one for continuing?

Stanley Bernstein: That is what we usually do, but last time we decided it's only one a month, why don't we accept everything?

Chairman Cosentino: This got all confusing when the hospital was here, and the uppers said, "Entertain it." We continued to do it.

Doug Hertz: We are different because some are new submittals and some are now.

Stanley Bernstein: No, she counted wrong.

Chairman Cosentino: Please correct that with her and take the more conservative approach.

Stanley Bernstein: I think we should count 21 days for a combination work and regular session.

Doug Hertz: What was our logic for 15 days for one and 21 days for the other?

Vice Chairman Sturniolo: Initially so staff had enough time to review.

Stanley Bernstein: It should be both the same.

Vice Chairman Sturniolo: You're right, it should be one day, and the more conservative approach should be the 15-day rather than 21.

Doug Hertz: Why do we want 21 days for other things? Was the logic that because only certain types of things that come to us had a regular session?

Stanley Bernstein: I think we should have only one. Why should we have two different submittal counts?

Chairman Cosentino: If you make it 15, staff doesn't really have a chance to get everything.

Stanley Bernstein: But what about those days that there are 15? Will the staff still have enough time?

Vice Chairman Sturniolo: 21 days from regular meetings require more input of the staff to study.

Vice Chairman Sturniolo: My personal feeling is leaving it the way it is at 15 and 21 with the exception of the July, August and December meetings.

Chairman Cosentino: Why do you want two?

Vice Chairman Sturniolo: To allow staff to have enough time.

Doug Hertz: It's one thing if we decide we are going to do certain things on a work session and certain things on a regular session. Therefore, we are only going to entertain certain types of things that require longer review on a regular session. I don't think we are doing that, are we?

Vice Chairman Sturniolo: We are bending our own rules on an on-going basis.

Doug Hertz: Maybe at our next meeting we should really dig into this.

Chairman Cosentino: The village is trying to get us to one meeting a month if we don't have a lot. If we have a lot, then we go to two. For reasons, they want to go to one meeting a month.

Chairman Cosentino then instructed the secretary to place a separate discussion on the agenda for the next meeting.

Doug Hertz: Also, please give us some timeframe about what staff needs and what we are doing at different meetings, and what really makes sense.

Nanette Bourne: It depends on the applicant. Things have changed a lot, if we have a large project that takes a lot of time to review, but we haven't had that for several years.

Stanley Bernstein: The last paragraph of Item 2 states, "Application

should not be placed before the Board if they have been dormant for a period of greater than 12 months." I think we are entertaining one applicant who has been dormant more than 12 months, The Hearth.

Chairman Cosentino: It's a different situation because they are dealing with the village.

Stanley Bernstein: Because the village wants it whether it's good for the village or not good for the village.

Chairman Cosentino: It's good for the village, and they want it.

Stanley Bernstein: I don't think it's good for the village.

Chairman Cosentino: That's a personal opinion.

Stanley Bernstein: In other words, the village is determining the relationship with what is going to happen with that project, rather than us.

Chairman Cosentino: Exactly. Isn't it time we get the hospital back in here for the berm? I don't want them to say it's too late. The parking lot is almost up.

Nanette Bourne: There are a couple of things the hospital needs to finalize. One is the second floor.

Chairman Cosentino: Doesn't it say when the garage is completed and given a CO that the berm has to be started?

Nanette Bourne: That is the final phase, and the details of that are not very clear in the resolution. The two items that are not really clarified in the resolution are all the details of the berm. The design details of the berm are clear, but the timing of it and some parking needs to be re-worked. That was the final phase.

Chairman Cosentino: What is the phase before that?

Nanette Bourne: The second floor of the Emergency Department.

Chairman Cosentino: And what if they take two years to do it?

Nanette Bourne: What's interesting is that they just got a very healthy grant from the Regional Economic (Development Council?).

Chairman Cosentino: I'm not interested in grants. I'm interested in the berm.

Nanette Bourne: It was for the expansion of the Emergency Department.

Chairman Cosentino: Fine. Let's start talking to them. We want a berm.

Ralph Vigliotti: Let's pull the resolution up and see what it says.

Chairman Cosentino: It is going to take time to design this berm.

Nanette Bourne: They did a conceptual design of the berm and the landscaping, and they have not been back to do the final details. There are a number of details that need to be worked out.

Chairman Cosentino: They are going to try and get away with this – I'm telling you right now.

Anthony Oliveri: The CO for the garage is hinged on completing everything in the resolution for the berm.

Chairman Cosentino: I thought it was the garage – when the garage was completed. Nothing to do with the second story.

Chairman Cosentino instructed the secretary to place Northern Westchester Hospital Center on the next meeting agenda for special discussion.

Vice Chairman Sturniolo: I have a separate comment somewhat analogous to the hospital, but not directed to the hospital. Westchester Burger needs to be sent a message loud and clear before it's going to be springtime. They have done nothing as far as plantings go, and next thing you know, they are going to be knocking on the door for an outdoor dining permit. I think we need to keep the pressure up with a communication to them where they are deficient.

Ralph Vigliotti: So they still are deficient, correct?

Nanette Bourne: Correct. They have not done anything.

Ralph Vigliotti: In all fairness to us, we need to get a letter out reminding them.

Chairman Cosentino instructed the secretary to put Northern Westchester Hospital Center on the next meeting agenda for special discussion.

Nanette Bourne: I don't know if there is anything special that needs to be discussed with Westchester Burger.

Chairman Cosentino: Then why don't we start fining them? He's not even come back to us to start the ball rolling.

Anthony Oliveri: Wasn't he told that he has to plant what was on the approved plan?

Chairman Cosentino: He was supposed to have six months to start, one year to complete.

Anthony Oliveri: Does he need to come back in or just need to do it?

Nanette Bourne: The last conversation we had with him, he requested that because it was in December, he didn't want to plant.

Chairman Cosentino: Mr. Cassidy stated they have six months to start and one year to complete. How long have they been there?

Nanette Bourne: I told them they didn't need to wait. Planting in

November is perfectly fine.

Vice Chairman Sturniolo: People from your firm came up with a detailed laundry list of what needs to be done. The owner knew it and has not addressed it nor communicated to us his intent to address it.

Chairman Cosentino: March will be one year, the year of completion, and the Planning Board wants to see something done. Come the end of March, if it is not completed, a violation should be sent out coming from us, and we will pull the site plan. We cannot pull the site plan unless the violation is issued. We need to follow up on issues we approved.

Ralph Vigliotti: We also have the Sherwin Williams site still outstanding with the DOT.

Chairman Cosentino: Whatever happened to that?

Anthony Oliveri: I can reach out to him and find out what's going on.

Chairman Cosentino: Thank you.

Nanette Bourne: Do we know the status of the Char Pizza?

Chairman Cosentino: They are out. Also, the furniture store across the street from here sold.

Vice Chairman Sturniolo: He has violated our code day in and day out with those grotesque signs, and the building inspector, Austin Cassidy, has done zero about it. Nothing.

Chairman Cosentino: He received a violation. He had to go to court. Whether he goes or not, I don't know, but he does have a violation.

Chairman Cosentino instructed the secretary to place Mr. Finklestein/Sherwin Williams on the next meeting agenda for special discussion pending Mr. Oliveri's findings.

Ralph Vigliotti: I still have a problem with Dunkin Donuts, working with the site south of them to take that retaining wall that's been over a year.

Chairman Cosentino: Mr. Diamond is coming in on a conceptual for 666. We will discuss it with it them.

Ralph Vigliotti: We might get it done.

Chairman Cosentino: We will get it done.

Nanette Bourne: While we are on a tear, the car dealership across the street from Target has not done anything.

Chairman Cosentino: They backed out. General Motors didn't support that.

Doug Hertz: Are you sure about that?

Chairman Cosentino: I was told.

Doug Hertz: It just went out for construction bids. They had financial issues.

Chairman Cosentino: The gentleman who owns the place does not have financial issues.

As there was no further business to be discussed by the Planning Board, on motion by Mr. Vigliotti seconded by Vice Chairman Sturniolo, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary
dm