

Mt. Kisco Planning Board  
Minutes  
Tuesday, July 9, 2013  
7:30 PM

*Chairman Cosentino called the meeting to order at 7:30 P.M. at the Municipal Building Mount Kisco, New York.*

**Members Present:**     **Chairman Joseph Cosentino**  
                                  **Vice Chairman Sturniolo**  
                                  **Stanley Bernstein**  
                                  **Doug Hertz**  
                                  **Enrico Mareschi**

**Members Absent:**     **Sol Gibbons**  
                                  **Ralph Vigliotti**

**Staff Present:**         **Whitney Singleton**  
                                  **Rob Melillo**  
                                  **Jan K. Johannessen, AICP**

**Staff Absent:**         **Anthony Oliveri**

**Minutes:**

*There were no meeting minutes to be approved.*

**Conceptual Application:**

**41 Armonk Road**  
**Anthony Luppino**  
**PB2013-3 (SBL) 80.73-1-3**

*Mr. Hertz was recuse from this case.*

Present:     Anthony Luppino, Co-president  
                  Doug Onofrio, Co-president

Chairman Cosentino: We have a survey here and a site plan. I don't understand what you are here for.

Anthony Luppino: We are interested in a retail small engine sales and repair business catering to landscapers and homeowners. We also want to offer generator sales, service and installs. We are looking into small equipment. We are not looking into tractors, or working on automobiles, etc. Some of the equipment would be larger lawnmowers, "walk-behinds" in landscaping, up to 72" wide. I am a landscaper. We are interested in a lot of retail – selling parts, equipment, etc. A small accessory shop to repair the merchandise that we are going to sell.

Chairman Cosentino: I understand you are using one bay for repairs.

Doug Onofrio: Yes, and two bays for showroom and retail.

Chairman Cosentino: Please tell us more about it, the building, and the

landscaping.

Doug Onofrio: I would like to take the building from an eyesore which it is right now and turn it into some sort of "carriage house" look with dark paint, lanterns outside and dress it up. It is one of the first things you see when you come into Mount Kisco from the Armonk side. We will do whatever you want us to do as far as the lighting outside to make it look respectable and clean the whole place up.

Chairman Cosentino: What about lighting for the parking area?

Anthony Luppino: I don't feel we need it. We will be closing the doors at 5 pm and not open them until 8 am. It is not really required that we light that lot to make that a parking area for anyone at night.

Chairman Cosentino: Tell me more about what you want to do to the outside of the building. That's important.

Anthony Luppino: We would like to try to keep the three garage doors.

Chairman Cosentino: Tell me what you want to do to make the building look better.

Doug Onofrio: Repaint, fix the fascia over the garage doors, change the windows, and fix all the broken glass that is in there. When I drove by yesterday there was living room furniture out front. We will get that out of there and keep it clean.

Chairman Cosentino: So you're going to fix up the front of the building?

Doug Onofrio: Of course, clean up the front of the building. We are going to fix whatever has to be fixed in the front.

Anthony Luppino: Even paving the parking lot.

Doug Onofrio: But we're not going to give it a full-face lift because it really doesn't need it.

Chairman Cosentino: You should go before the Architectural Review Board (ARB) to talk about colors and what they want to see there.

Doug Onofrio: That's fine.

Anthony Luppino: In meeting with the architect and seeing the structure of the building in front, there is really nothing wrong with the façade as it stands. We will repair it. Nothing is falling down, nothing is dangerous and nothing is going to hurt anybody. It is not in any kind of violation.

Chairman Cosentino: Would you rather not go before the ARB?

Anthony Luppino: If I don't have to, no.

Chairman Cosentino: What about landscaping?

Anthony Luppino: I'm not sure exactly what he proposed here, but I'd like to edge the back lot with evergreens. We will do some stuff over here by the handicapped parking between us and the house here.

There is really not that much I want to do. I would like to try to keep the lot as big as possible. Eventually maybe we could talk about a sign down the road with an island.

Chairman Cosentino: You don't want to put any landscaping out in front?

Anthony Luppino: Where would we put it? This is all paved area.

Jan Johannessen: That is proposed curbing because there is an island there. That does not exist. That island should be landscaped.

Chairman Cosentino: You proposed an island. Aren't you going to put landscaping there?

Anthony Luppino: In the middle of the sign there would be a whole bunch of flowers. Landscaping is what we do.

Chairman Cosentino: We need a landscaping plan of what you are going to do. What are you going to do for storage?

Anthony Luppino: I know that storage has to be kept inside at night and nothing can be stored out front during the day. We plan to keep everything in. We have an existing shed in the back so we are going to use that. Our storage is our showroom.

Chairman Cosentino: I think you show someplace a utility room being used, and you show a partition.

Anthony Luppino: There is an existing petition there right now.

Chairman Cosentino: I'm talking about back here (indicating). On this plan, you show it all opened and you show no utilities. Where are all the utilities going to go?

Anthony Luppino: I have a utility here. This comes through (indicating) the back and this is the existing.

Chairman Cosentino: Now here (indicating) you've taken the partition down and you're showing it all opened.

Anthony Luppino: There really aren't any utilities in there.

Chairman Cosentino: You marked it, I didn't.

Anthony Luppino: I think it's just called a utilities room.

Chairman Cosentino: You don't have fuse boxes in there?

Anthony Luppino: No. The water heater is not in there. There isn't anything in there. At one time they used to keep the air pumps in here to run the gas station.

Chairman Cosentino: So, you're not proposing to do any outside work? Repairs on machines?

Anthony Luppino: No. We will not be repairing machines outside.

Chairman Cosentino: When you're working on the machines inside and you're testing them, let's say it's winter, what do you do with the exhaust?

Doug Onofrio: There is a built in exhaust fan already there.

Robert Melillo: For the next meeting you are going to need elevations: drawings showing if there are any caps, exhaust fans, etc. If you want to do a carriage house look, you need to show the Board some frontal elevations of how you're going to color the building. Make a color photo so they can see how you are going to make it look. Because it's the entrance to Mount Kisco on the Armonk side, they need a better perspective on how the building is actually going to look. Throw in your shrub work, put some color in and be a little bit of an artist.

Chairman Cosentino: We are trying to help you here so you don't have to keep spending.

Jan Johannessen: If you're proposing to increase any impervious cover, you need to go to the Department of Environmental Protection. It might be a reduction because of the island. If that is going to be grass or not impervious, you may not need to go to DEP. Also, it's a state road and the proposed curbing on your entrance will require Department of Transportation (DOT) approval. The whole entrance design has to be approved by DOT. There is a trench drain that runs up by the handicap parking spaces.

Chairman Cosentino: I would like to request a public hearing on this, and you really need to get a set of plans that really tell us what you're doing, because these plans tell us nothing.

Anthony Luppino: We will put together a landscaping plan, an elevation plan, and then go to the DOT.

Chairman Cosentino: You need to sit down with our planner.

Jan Johannessen: The next step would be a formal application. There is a very specific list of what items need to be on the site plan, specified on the code.

Chairman Cosentino: You should not come before us unless you're really prepared for it, so we can run this along. Right now I can't even call for a public hearing until you file application.

Anthony Luppino: We've never gone through this before. We are learning everything right now.

Whitney Singleton: There was one issue related to the site beyond the 110-45 requirement for site plan element. There was one thing at the site that was raised during the last application that was brought before you, and that had to be going back to your discussion of the drainage. The drainage on that part of the property is failing, and there was discussion that any site plan approval would require approved drainage. In the northern portion of the property where the drainage is causing puddles. It needs to be tied in there. It needs to be addressed to make sure that there is not standing water on your site. I think there is some underground piping, but it's not properly worded.

Anthony Luppino: I will get the ball rolling with a landscaping plan and elevation plans and hand it in. You will let me know when the next meeting is.

Jan Johannessen: You can set up an appointment with me and the building inspector.

Vice Chairman Sturniolo: Earlier you had mentioned to make it look like a carriage house. In my opinion a carriage house or renovated barn is something akin to the Mount Kisco pump station out at Byram Lake Road. Carriage houses usually are converted with the appropriate doors and a cathedral-type window above it that adds a little more of a distinctive and classier look to it than a rolling up garage door, with the appropriate colors, etc. I think both of you heard that term kicked around here a couple of times tonight. That will be the first impression people are going to get. If you want to make it look like a carriage house, it will take more than a couple of coats of Sherwin Williams paint on the front of the building to make it look like a carriage house. There is going to be a necessity for architectural detail and attention to finesse.

Chairman Cosentino: There was a proposal of a restaurant going there, and I have to be honest with it, it makes this look like a penny waiting for change. They were going to make the outside of the building beautiful. I don't know what happened, but the building was gorgeous.

Doug Onofrio: That was a restaurant; this is a repair shop.

Chairman Cosentino: You're still going to have the public go there. People are coming from outside of the village driving into the village. The building should look nice, but that's up to you fellows. We will approve or disapprove, but it's up to you to make us want it. If you were to take a vote right now, this Board will tell you no. I leave it up to you.

Doug Onofrio: Thank you. Have a good evening.

**Continuing Review:**

**The Hearth at Mount Kisco  
270 Kisco Avenue  
PB2012-15 (SBL) 69.41-4-1  
Site Plan Approval**

**Present: Mark P. Miller, Attorney at Law, Veneziano &  
Associates, representing the applicant  
W. Charles Utschig, Jr., P.E./Associate, Langan  
Engineering**

Chairman Cosentino: We all have a copy of the SEQRA findings along with a memo, which was edited in red. The only thing we are doing tonight is voting to accept the SEQRA findings.

Mark Miller: We would also like to set the public hearing for the special permit and the steep slopes, which we discussed at the last meeting once this is taken care of.

Jan Johannessen: As the Board is aware; the Planning Board issued a Statement of Findings in 2009. The application and project plans have since changed. This resolution discusses the project, the proposed action as it was proposed during the SEQRA process, the changes that have been made and resolves that the changes are really less environmental impacts than what was previously proposed. The resolution goes item by item throughout the changes that were made and resolves that the SEQRA Statement of Findings is reaffirmed, which closes the SEQRA process.

Chairman Cosentino: If you will notice on the back it talks about the emergency. Please talk about that.

Jan Johannessen: When the Statement of Findings was adopted, the emergence access drive, although proposed, was not in favor by the Planning Board. One of the significant changes that have been made is that the applicant has now come back with a revised emergency access road through the Curtis Instruments entrance. The exact details, design and engineering of that access road have not been provided to us. We evaluated it during the site plan portion of the application, but it is viewed as a significant improvement from prior plans.

Chairman Cosentino: Without having that information, we're going to be voting on this. What does that do?

Whitney Singleton: You're simply evaluating from the SEQRA perspective whether this revised application has increased, reduced or had no impact on the adverse impacts associated with the application. The revisions attempt to reiterate what you had in your original findings statement, which is that conceptually you were okay with what they are proposing that it conceptually addresses your prior concerns about the mean for emergency access and the means by which it was achieved in a reasonable fashion. However, given the fact that it is a little bit of a recognition herein that it hasn't been fully proofed out by the applicant; that we don't have all their drawings, we don't have the road profiles, we don't have all the turning radii. I don't have it. I don't know to what extent Anthony does. In that regard, it is still incumbent upon the applicant to properly demonstrate this. We are simply calling that out as a caveat in your findings statement.

Mark Miller: We have no problem with that whatsoever; Whitney is absolutely right.

Whitney Singleton: It does not mean that you're approving the project; it doesn't mean that you are lessening your emergency access, and it doesn't mean that you are not going to find problems in the future with the site plan application.

Chairman Cosentino: I wanted it to be clear and have that in the minutes. Have we all gone through it?

Doug Hertz: I had time to go through it. I think it's pretty straightforward. In summary, it reiterates very clearly to help understand the comparison, help to understand that all the impacts that were discussed are equal to or less than what was proposed originally, more or less. Obviously there is never anything that is true

or equal when you change designs. From my perspective, lowering the mass of the building, changing the road access, and changing the emergency access are significant improvements over the original plan from many perspectives. From reducing site disturbance to reducing the tree counts, which are significantly higher than they would have been.

Chairman Cosentino: I don't have any questions. Does anyone else?

Vice Chairman Sturniolo: If we approve this, is it predicated on the fire department approving it as well, or should they be doing it in advance of us?

Jan Johannessen: I know the fire department has been involved in the review of the application approval up until now. I am assuming they will continue to review it during the site plan approval process. I think their concerns will be appropriately addressed at that time.

Robert Melillo: I did speak with the fire chief and went through the plan with him. He is on board with whatever the building department is requiring for fire apparatus access. There are no issues right now.

*There was an additional memorandum prepared by the building department which Mr. Miller and Mr. Utschig was given at this time.*

### **Motion to Approve the Reaffirmation of SEQRA Findings**

#### **270 Kisco Avenue**

#### **The Hearth at Mount Kisco**

#### **(Formerly known as Westchester Residence and Club)**

Motion: Doug Hertz  
Second: Vice Chairman Sturniolo  
Aye: Enrico Mareschi  
Aye: Vice Chairman Sturniolo  
Aye: Doug Hertz  
Aye: Chairman Cosentino  
Nay: Stanley Bernstein

Whitney Singleton: As your Board may remember, there has been discussion with the applicant and representations by the applicant relative to being sufficiently prepared to have a public hearing at your Board's next meeting on August 27 with respect to the special permit and the steep slopes. They require at least 15 days advance public notice, and they are requesting that public hearing to be set now. However, that is being predicated on their representation that certain submissions will be timely filed. I believe it was 75 percent by August 1, and 100 percent by the 13<sup>th</sup>, two weeks before the meeting date. Is your Board continuing to be amenable to that public hearing date? It does not necessarily mean that you need to close the public hearing that night. If there is public participation, this gives them opportunity to provide notice and make sure notice is sufficient.

Chairman Cosentino: We will set the hearing. There should be a quorum.

Whitney Singleton: If there is a quorum problem, you could always adjourn it to the first meeting in September.

Vice Chairman Sturniolo: Can one notice serve both public hearings, or does it have to be separate mailings?

Whitney Singleton: I don't believe there is a distinction between the two public hearings.

Mark Miller: If we can do it all in notice, we will. We will coordinate that with Whitney. Assuming the distances and the time frames, we will meet the more stringent one and go with that.

At this point, the public hearing was set for August 27.

Correspondence:

- Letter from Andrea A. Oncioiu, Associate Project Manager II, to Mr. William Spade, AIA, LEED AP dated May 20, 2013 re Little Garden Child Care Center, Storm Water Pollution Prevention Plan, 27 Radio Circle, Certificate of Occupancy Attached

*As there was no further business to be discussed by the Planning Board, on motion by Mr. Hertz seconded by Mr. Mareschi, the meeting was adjourned at 8:10 PM.*

Respectfully submitted,

Stanley Bernstein,  
Recording Secretary

dm