

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, September 23, 2014

Chairman Cosentino called the meeting to order at 7:45 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Sol Gibbons  
Enrico Mareschi  
Ralph Vigliotti  
Peter Grunthal

**Members Absent:** Stanley Bernstein  
Doug Hertz

**Staff Present:** Jan K. Johannessen, Village Planner  
John H. Landi, Building Inspector  
Anthony Oliveri, Village Engineer  
Whitney Singleton, Village Attorney

**Minutes:**

June 10, 2014 and June 24, 2014 held over until October 14, 2014.

**Formal Application**

- a. Viktor K. Solarik, AIA for Adam Brodski, EK Mt. Kisco, LLC – 36 E. Main Street  
PB2014-0276, 68.81-6-2 (SBL)  
Site Plan Approval

Attorney recommends that the Planning Board pass the resolution.

Chairman Cosentino gives a brief summary of the application, space is going from a restaurant to a restaurant and is not a change of use.

Motion introduced by: Mr. Sturniolo

Seconded by: Mr. Mareschi

Upon Roll Call Vote:

Mr. Sturniolo	-	aye
Mr. Mareschi	-	aye
Mr. Grunthal	-	abstain
Mr. Vigliotti	-	aye
Mr. Gibbons	-	aye
Chairman Cosentino	-	aye

Motion carried by a vote of 5 to 0.

**Special Discussion**

- b. 13-25 Cary Place Site Plan – Site Walk Discussion

Mr. Randall Lawrence, esq. and Mr. Scott Fisher were present to represent the application.

Chairman Cosentino is recused from this application.

- Mr. Lawrence gives a brief overview of the application. Requesting recommendation on how to proceed.
- Planning Board conducted a site visit on September 20, 2014.
- Site needs to be brought up to compliance to the existing site plan of record.
- Fence will be required to separate village property from the triangle parcel.

- Issues regarding extension of the building, requires conformity.
- Site plan shows 12' from building to property line, site to be restored to grass.
- Shed with multiple points of access. Discussion of sheds, construction and materials.
- Where sheds are located currently, they would have to be removed to conform to the original site plan.
- Town pushes snow down to end of the street.
- Gates of the main entrance to be moved further onto private property.
- Site coverage, currently there is no green space. 70% maximum coverage allowed. How will applicant bring site coverage into compliance. Coverage needs to comply with the approved site plan.
- Site to be restored to the original site plan.
- Looking to conform to existing site plan.
- Requesting parking on the diamond shaped piece. Diamond shape piece is outside of the site plan.
- Site plan encompasses the entire site. Parking that exists now in the triangular piece is on applicant's site. In order to legalize parking on that piece, an amended site plan needs to be applied for.
- Plan needs to be presented to the Board and reviewed by staff and issues such as development coverage will come up on the amended site plan.
- If restoring back to original site plan, remove encroachments on Village property, remove illegal parking, restore the fence.
- Site appears to exceed development coverage.
- Triangle piece needs to be restored to greenspace.
- Site Plan approved in 1971, the triangle was greenspace in 1971.
- Mr. Cosentino gave a brief history of the site from his memory.
- This triangular parcel was previous used as the Village's impound lot.
- Approved plan shows open space, to comply it must be open space.
- Planning Board is without authority to allow coverage that exceeds the 70% allowable by Code.
- When 2<sup>nd</sup> summons issued to property owner, Village Prosecutor stated that the village paved the lot in court, though has no bearing on the Planning Board.
- If restored to approved plan, then it will be in compliance. Any changes require a site plan amendment.
- Wetlands in close proximity to the site.
- Unless an amended site plan is submitted and approved by the Planning Board, the existing site plan is what is allowed.
- If coverage is over 70%, then a variance would be needed.

### **Next Steps:**

Either to come into compliance with the approved site plan or submit conceptual site plan amendment with proposed uses.

### **c. 3 Boys Hot Bagel (Sinapi) – TCO Discussion**

Mr. Anthony Sinapi was present.

- John Landi, the Building Inspector gives a brief overview of status.
- State Representative came to do a variance from State Code.
- Use was originally merchantile to merchantile which would have elimintated Planning Board Approval.
- State variance for public restroom, Planning Board still has to make a decision. Variance will be received from State.
- Bagel shop is currently open, Board is not going to shut him down. In front of the Board for a Temporary Certificate of Occupancy.
- TCO is predicated on receiving the variance from the State.
- Certain site improvements need to be compeleted, TCO will be predicated on those improvements as well.
- Original site plan approval had 10 seats total, the state variance will allow him to have seating.

- Variance from NYS would entitle him to have seating with a handicap accessible bathroom.
- Hallway was access to back and front of building. Hallway would have brought the 14' kitchen to 9'. 9' kitchen was determined unreasonable by NYS.
- Once TCO is satisfied, seats will be withheld. Landlord has things to accomplish before seating is allowed.
- Plan needs to be revised to show 10 seats and hallway removed.
- 90-day Temporary Certificate of Occupancy
- Recommended to the Building Inspector to issue a Temporary C.O.

Motion introduced by: Chairman Cosentino

Seconded by: Mr. Mareschi

Upon Roll Call Vote:

Chairman Cosentino	-	aye
Mr. Mareschi	-	aye
Mr. Grunthal	-	aye
Mr. Sturniolo	-	aye
Mr. Vigliotti	-	aye
Mr. Gibbons	-	aye

Motion carried by a vote of 5 to 0.

#### **d. 222 Main Street – Garbage Enclosure Discussion**

Mr. Donald Martabano and Mr. JR Martabano were present.

- Currently exists two containers that are for cardboard, one for garbage and one for grease containment
- Met with carting company, will be removing one cardboard container and pick up will happen more frequently, one garbage container and one grease container
- One enclosed area in the corner of the site 26' by 10' 6". Cardboard and garbage containers mounted one way and the grease container this way, the enclosure would have three sets of doors, two on one side and then one on the end
- Proposal would be similar to photographs presented at the meeting
- Site to be cleaned up
- Concern of carting company breaking the enclosure and it not being repaired
- Will be monitored for damage
- The depicted design will create an additional parking space
- Additional slab will be removed to create the parking spaces
- Dumpsters will be entirely enclosed
- Vinyl composite, gates are steel reinforced, steel framed with composite panels over top
- No parking signs to be posted
- Board likes the style of the enclosure.
- Bollards to be installed.
- Parking lot striping is completed
- Fire lane signs installed

#### **Next steps:**

- Dumpster enclosure can be handled as a field change
- Detail to be revised to incorporate the comments, bollards and signs
- To be installed right away
- Color to be beige

The Meeting adjourned at 8:45 p.m.