

**Meeting of the Planning Board
Village/Town of Mount Kisco
Minutes
Tuesday, January 28, 2014**

Chairman Cosentino called the meeting to order at 7:55 P.M. in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Ralph Vigliotti
Enrico Mareschi
Doug Hertz

Members Absent: Stanley Bernstein
Vice Chairman Sturniolo
Sol Gibbons

Staff Present: Whitney Singleton
Anthony Oliveri
Jan K. Johannessen
Joseph P. Paiva

The minutes of the October 8, 2013 meeting and the November 26, 2013 meeting were not approved at this meeting.

Public Hearing Continued

**The Hearth at Mount Kisco
270 Kisco Avenue
PB2012-15, 69.49-4-1 (SBL)**

**Site Plan Review
Special Use Permit
Steep Slopes and Wetlands Permit**

Present: Mark P. Miller, Attorney at Law, Veneziano & Associates, representing the applicant

W. Charles Utschig, Jr., P.E./Associate, Langan Engineering

Christian Sexton, Vice President, Development, The Fortus Group

Scott Fitzgerald, Architect, Perkins Eastman, Architects for the Project

Mark Miller: We are here tonight as we start to hone in on bringing this to a conclusion. There are a few issues which we discussed in general terms at your meeting on January 6, 2014. We are here to accomplish tonight to get your direction, guidance, etc., on three critical path issues that we are facing. Scott will talk about the first one, which is the building façade exterior materials. We need to get that pinned

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Planning Board Meeting
December 17, 2013

down. We have been to the Architectural Review Board (ARB). Chuck will talk about the other two issues that we need answers on; that being the retaining walls, which we discussed but we have some issues, and the last one, the secondary access from Curtis. With those answers we can centrally finalize.

A slide show presentation was set up for the board's review.

Scott Fitzgerald: At the last meeting the building design was presented. Martin Siefering from my office presented, and there was some concern about the vinyl siding material. I wanted to explain how we chose it and why. This is something the community is going to see from across the valley, which, from a material standpoint, you are not going to be able to distinguish too much. The residents and visitors of this building are going to be seeing it everyday up close, so this is something that is of importance to us. For us, this was an issue of having a good aesthetic, texture, character, and color of material, something that was durable and will last long-term. We feel that the vinyl siding meets all this criteria. This is not the vinyl siding products of the 70s and 80s. They were one or two very pale colors, no bright colors. They had a lot of performance issues, and they have made a lot of strides with this. It is now a textured material and they use forms to do the texturing on them. There is a large selection and variety of colors. (new view) These colors go all the way through the product. They now have lifetime fade protection, which was not the case before. They have made some improvements as to how the products fit together. This (indicating) is a role form edge here that gives it strength and durability to keep it up long term and not having it fall off. There are also some other nice features – (new view) the shake siding product that we are using has some corner details that allow you to do nice corners. (new view) You can see the materials we are using, the shade is in the center – the reddish color, and the siding is up and down the right. I will walk through a few images of this product. These are not of our building, but it gives you an example of some of the things that this is being used on to show that these are high quality projects. (new view)

Chairman Cosentino: That looks better than the building.

Scott Fitzgerald: We are trying to do colors that fit in with the environment. In this particular case, they have white trim on it, and we are trying to avoid white. We want the building to blend in with the hillside and the natural products around it. (new view) This is all the lap (sic) siding product, and you can also see the shake products being used. This is the corner which I was talking about. (new view) This is our project and how we are using the materials. At the ends of the buildings, the sort of more prominent elements that you see, we are doing a stone base, which comes up to one or two stories depending on where it is that sort of grounds the building at the ends. Then you have that shake to bring the building together. Then, the lap (sic) siding is used as the fill, for lack of a better term, between the buildings. (new view) Here is another end of the building where you can see the stone here, and then the shake siding there (indicating). We have a metal chimney element on the buildings, and then we have

a small section to break it up. We feel that the vinyl siding is a good quality product. We are very comfortable with it and its texture and feel it is a good looking product.

Chairman Cosentino: Personally, I don't like the vinyl siding. This is something that we did not envision. It is something that we did not see in the beginning. As a matter of fact, I think in the Draft Environmental Impact Statement (DEIS) it said, "natural wood." This is not the building that we originally saw. Something happened here. Please tell me what happened. You are a well-known architectural firm. What happened? It looks like a schoolhouse.

Scott Fitzgerald: The building, in terms of design, is very similar to how it was. We did change one portion of it.

Chairman Cosentino: I think if you get the original picture that we saw and this, you will see what we are talking about, with all due respect. This is not the original building that was shown to us.

Scott Fitzgerald: What was it?

Jan Johannessen: There was photographs in the DEIS representative of building materials of cedar shakes, referencing the materials as being natural.

Chairman Cosentino: This is not natural.

Whitney Singleton: I think there is also a representation by the applicant that they were going to use, not only natural materials, but you were going to attain LEED silver certification on the site. The board is concerned that vinyl is not going to get you that LEED certification. Your firm represented early on in the application nothing but natural materials.

Chairman Cosentino: Vinyl is not going to fly here. You need to do something to the building, too, to make it look a little bit better.

Chairman Cosentino asked to see the slide of the building again, which was shown in the presentation.

Chairman Cosentino: Do you think aesthetically that looks good?

Scott Fitzgerald: I can say that was done to match the character of the building we had five years ago.

Chairman Cosentino: When you come back, please bring back the other views. I don't think this board can really make a decision now. We made a decision on the vinyl. We don't want vinyl. We want the natural, like we said we were going to get. We're very clear on that. I believe we spoke about this at the last meeting.

Mark Miller: There was discussion about this. It's obvious of your feelings about the vinyl. We are trying to find out what you do want.

Chairman Cosentino: We want the natural.

Mark Miller: The natural cedar siding is frankly, financially, impractical.
Chairman Cosentino: A lot of things come to this village that are financially impractical. This is going to be there a long time after we're all gone. We want to leave something that looks nice. We were promised that.

Mark Miller: We do too, and I think, as Scott pointed out, that from this distance, in my personal opinion, if you look at the vinyl shake siding, even up close it will be hard to tell the difference. The only people who are seeing it up close are our residents and our guests. Frankly, we want, probably more than you, this building to look good up close, because that is where our people are going to see it. Across the valley, you can probably do almost anything and it looks really good.

Chairman Cosentino: Do you want me to poll the board?

Doug Hertz: From my perspective, you have to realize how radically you diverged from the promises that were presented to the public and this board at the beginning of the project. I know you weren't even involved at the very beginning. As one member, I don't have any particular problem with that choice of material, but the overall feel of the project is just not up to the level that we were promised and expected. If you're going to be using those materials, I would expect with the stone walls and every other part of this project - which we jump up not one, but five notches. I am sure everyone has a different opinion on this. I'm less concerned with using high quality artificial materials than I am of the overall feel of this project. I am extraordinarily concerned that with the stamped concrete walls that are being presented, with the gabion walls and all the rest of it that we are not in the same ball park here.

Mark Miller: Let me suggest that maybe it will be appropriate for Chuck to take you through what we have, I think many steps up on the walls and let's put the whole thing in context and then we can revisit the usual issues.

Doug Hertz: I think one of the problems you have, unfortunately is that you have four members here of a seven-member board.

Chairman Cosentino: We are not going to make any decisions until the full board is here. It is not fair to them.

Ralph Vigliotti: The building seems to lack a lot of detail that would make it something special. It's a homogenized building. There are no details around the windows for them to stand out to make the building appear to be special. If we were talking about tract housing in a tract development. This looks like a tract building. I'm sorry to be so blunt, but that is the way it appears to me. There is no detail in this building to make it stand out that one would say, "Whoa, that is architecturally done really nice." The village should be proud of that structure that they approve. I am not feeling that. I'm just not feeling that. Just

look at the windows. It's lacking any kind of architectural detail. In my humble opinion.

Scott Fitzgerald: I understand your comment, and I, myself disagree. Let us come back with some better images, and put some color in it, and I think we can show it will be nice.

Enrico Mareschi: I think we talked about this at the last meeting. I would like to see some samples.

Scott Fitzgerald: I would like to jump in on one of the comments on the natural materials. Personally, I love natural materials. One of the concerns with cedar siding is that it is hard to maintain. That is a concern of the owner for a fairly large building as this.

Mr. Utschig prepared his slide presentation.

Chuck Utschig: We have tried to come back with some alternative solutions to the extensive number of walls on this site and how to handle them. (new view) One of the issues is that we have a situation where we have a rock cut that is highlighted in the green, so you are going to have that kind of rock-looking face. We have a certain amount of weathered rock that exists in the top peak here, (indicating) and then some overburden on top of that. Not only are we trying to create some continuity of the way this looks, but we do have some site characteristics that kind of push us in one direction in terms of the type of walls that we can build here without a lot of additional disturbance. (new view) This first image is the rock slope, which is a consistent picture that we have shown you. The picture on the right is actually a recently constructed rock slope that is in Bedford. This is where we replace the walls. We've come up with a product that we believe has a more natural look to it. (new view) This picture is representative of a tiered condition where you have some planting that helps start to screen the walls that would occur in areas like this (indicating) and like this. You also have a situation where you've got about the same kind of height walls. These are about five or six foot high walls. They would be tiered here (indicating), but the finish on them doesn't look like a standard modular block wall. We are trying to go towards something that is a little closer to the rock slope that we have and the rock cut that you are going to see as you come in the entrance here (indicating). (new view) This is actually a picture of that same wall construction, which is above a rock cut. That is the situation we are going to have up in this corner. We have come up with a product that we think might fit in here that gets us closer to the natural rock appearance. As we said, the entry wall here would be a stone mortared, concrete wall, where we really want to make the right kind of statement at the front entrance. As we go to the side, we would like to suggest this may be a good wall type to use throughout the rest of the walls. So, we've gone away from gabion walls, we've gone away from stamped-form concrete walls, we've gone away from the varied kind of engineered looking modular block wall and have come up with this product as a potential alternative. (new view) This is actually this product in a natural setting, which really would not be too dissimilar from some of our locations where we have natural

vegetation preserve. We have a tiered wall condition. We have an ability to do a certain amount of planting – not in all locations on our site, but in some below this wall where (indicating) this plant material starts to grow and helps hide the wall. (new view) This is a little bit closer to what we're going to have. (indicating) These are probably about five-foot high walls. As you recall, most of our re-design now is about six feet. There are some that are over, but I would say probably about 70 percent of the walls that we are proposing are six-foot maximum height, average height probably more like four feet. We will again here have some opportunity to do some planting and start to screen the walls. As this material starts to mature, these walls really start to fade into the background. (new view) This is a picture of the walls under construction. They are pre-engineered blocks. They go in with limited amount of disturbance. The amount of excavation that we have to do behind the wall is fairly limited. This doesn't require extensive geo-grid, which most of your modular block walls require. We don't have to excavate back an extra six or eight feet here in order to get on our site. We are doing everything to keep the disturbance associated with these cuts limited so we can preserve as many trees as possible. (new view) This is an example where you start to see a rock face, which we will have, and then a wall constructed above it. You also see this has a much more natural kind of stone look to it than some of the other materials that we've been suggesting. (new view) This picture gives you a good indication of what we could have, where you have this kind of rising wall, and you've been able to preserve the existing vegetation on the top. I liken this to the wall as you come up our driveway - about halfway up there is a wall on top of the rock cut by the detention facility. We think it would look very much like this. (new view) We also have a three-tiered wall configuration on the high side of our detention basins. This is very representative of what that change in grade would be like and what a tiered wall would look like. You can see that they kind of transition out at the ends, and you can transition in a grade. This material (indicating) that was planted here was just planted, so you don't get the benefit of a year or two worth of growth. You can picture these natural grasses getting two to four foot high, which they will do. You will see the walls will become secondary to the plant material that we are able to put in front of it. (new view) We think this is an excellent picture to demonstrate two things. One, you get a contrast in color to this wall, so it's not that homogenous kind of look. If you stand back a couple of hundred yards from this picture you may not tell the difference between this and the rock cuts that we will have, for example, coming up the entrance. Again, some continuity in this design. I think maybe we found a product that gives us that, whereas the other things either look very engineered or create a little more complicated construction issues. You can see that they are able to build this wall, which is probably close to 15 feet tall, and be able to preserve vegetation right at the top. That is a function of how these walls can be built without having to go way back into the hillside. That is our discussion on the walls. We are hoping the board thinks we are going in the right direction with this product.

Chairman Cosentino: Where can our board go to see these walls?

Chuck Utschig: The manufacturer is actually local. The plant is in Cold

Spring. We are trying to find out where the closest example of this is. So far, the closest one is three and a half hours away. We are hoping to be able to find some place where we can go. The manufacturer is Discover Rosetta. (www.discoverrosetta.com). They have had a lot of success using this product in some fairly unique projects. It was originally introduced in Europe and a lot of the good examples are in Europe. I don't know if we can afford that road trip. (laughter)

Chairman Cosentino: You are getting better.

Chuck Utschig: We probably presented four or five different types. We had a variety of walls, so we tried to make the case you couldn't see so they could be less aesthetic. Our client has directed us to come up with a product that we think better fits from an overall perspective. We are not talking about a bunch of different variety of walls. These walls will all be made out of the same material and have the same color to them, and they will be very consistent.

Jan Johannessen: It looks like there are a few color options.

Chuck Utschig: There are. The one we think is the best is this one (indicating).

Chairman Cosentino: Is there anything set up in Cold Spring?

Chuck Utschig: I know that is where they have their plant, but I don't think they have anything set up.

Chairman Cosentino: It looks good, but we really want to see this in person.

Chuck Utschig: As quickly as we can we will try and find a location that hopefully is not too far away that you can go look at. (indicating) That is the one I want to take you too. We think it is the best representative sample of this product. Unfortunately, I do not know where this picture was taken.

Jan Johannessen: What is the color pattern name associated with this?

Chuck Utschig: This is a combination of three colors, so it's not a standard pattern. You can buy a palette of one of each and mix them together.

Chuck Utschig: This is the new evolution of pre-engineered rock. The manufacturing plant is in Cold Spring, so you could probably go look at a palette of it. I don't know if they have any samples built.

Chairman Cosentino: We would be interested in going to Cold Spring to see it, but we would also be interested in seeing the wall up. I'm sure somebody put it up somewhere around here. If nobody put it up, that scares me.

Chuck Utschig: There is plenty of case histories on this product. I will find the nearest location.

Jan Johannessen: Is it vertical or stacked pitched (sic)?

Chuck Utschig: This has a very slight batter (sic) to it. The thing we like about this product is that the blocks are a little bit bigger. You can get up to ten feet in height without having any geo-grid. That covers probably 80 percent of our walls, where we wouldn't have to use geo-grid. There is another product called ready-block that are large blocks. We looked at those, and you could tell they were big blocks and you could tell they were cut out. The thing we liked about this is there is enough character to the face, and it does not necessarily look like a pre-engineered, unformed wall. We will find a location so you can look at it.

Scott Fitzgerald: Discover Rosetta is the company, and outcropping walls is the product.

Chuck Utschig: It is starting to evolve. This is what you are going to see in pre-engineered modular block walls as we go forward. That is our presentation on the siding and the walls, and the other issue, as Mark mentioned, is the secondary access road.

Mark Miller: We do disagree on the character of the site. I think it's difficult for everyone to visualize, not so much the materials but the texture of the façade and how the building will look. What we will have for you at the next meeting is a colorized 3-D rendering.

Chairman Cosentino: Don't take this personally, but the rendering of the siding and the building – my five year old granddaughter can do it.

Mark Miller: It didn't do it for you. We will come back with a 3-D rendering.

Chairman Cosentino: The rock walls did it for us. The walls are a start.

Chuck Utschig: The key to now getting the engineering plans completed is to understand what is going to happen with the secondary access road. We have been working at addressing many of the comments from your staff. We've had a couple of meetings, but we can't go much further until we resolve that because that affects our entire site.

Chairman Cosentino: As you can see, the problem is we only have four members here. I need the board to decide on that. We know what the report is from the fire department, which is important to us. Our job is the health, safety and welfare of the people. We need to decide only: Is it safer to have it, or is it not safer? That is our job. Four of our members cannot decide that; I need three more in all fairness to them.

Chuck Utschig: Understood. It sounds like we will be back on the (February) 11th with some architectural drawings. Maybe at that time you would expect to have your board members maybe make that

decision?

Chairman Cosentino: Possible.

Whitney Singleton: Based upon the preliminary discussions I've had with the chairman and the other members of the board, there is not a definitive position yet. With the other two members, there more likely will be.

Chuck Utschig: Understood.

It was agreed the applicant will be placed on the agenda for the February 11, 2014 meeting.

Chairman Cosentino: So to sum up tonight, we somewhat liked the walls – we'd like to see it. The siding is up in the air right now.

Chuck Utschig: We will take one more shot of that issue to see if some additional representations of the building don't help. My guess is we will come back with a fallback position or a second option maybe.

Chairman Cosentino: Are there any other items that we want to discuss?

Ralph Vigliotti: On the manufactured stone wall that you presented, if we can't get to a site to look at within a reasonable distance, I would like you to consider bringing in "X" number of palettes and putting up a stone wall, whether it be 10 x 10, perhaps in the highway department, so we can see this right in front of us as opposed to seeing it on a slide. Hopefully, we can get to a site where it's located. If we can't, I'd rather not make a decision for 2,000 linear feet of stone wall based on one slide. We either need to get to a site or I would like to see a full scale, 10 x 10 mock-ups.

Chuck Utschig: I'm guessing that given the magnitude of what this order could be, the manufacturer may be very willing to build a 10 x 10 sample wall if we can't find a site close by.

Jan Johannessen: Next month we would like to see some details on the lighting fixtures, if we are going to be talking a little bit of visual.

Whitney Singleton: The FDIS says that there will be no outdoor lighting other than security lighting.

Jan Johannessen: There is lighting all the way up the driveway.

Chairman Cosentino: I'd like to see a lighting plan on it and have Doug and Jan go over it.

Chuck Utschig: I will have to check. I am almost sure there is a nighttime visual with the lights going up the road.

Chairman Cosentino: Anthony, did you investigate this pumping system?

Anthony Oliveri: We have not gotten the engineering report.

Chuck Utschig: The engineering report is a work in progress on the water supply. One of the difficulties is that there is somewhat of a lack of complete understanding as to how the system runs now. We know what booster station we want to propose, but your consultant has identified a question about what impact it would have on the village's system. There are a couple of other engineering issues besides the water supply, but it's predicated on running a couple of additional fire flow tests, which given the weather is a problem. We have a comment from your staff about potentially having to upgrade the drainage system from our site to where it discharges along Saw Mill River Road, which we'd like to make a case that probably should not be a burden placed on this application.

Chairman Cosentino: Who should it be a burden on?

Chuck Utschig: We are going to make a case that we meet your drainage criteria.

Anthony Oliveri: We have not really seen that calculation yet, as far as what flow system Kisco Avenue can handle. We made the statement that we want to know that the system in Kisco can handle the design flow.

Chairman Cosentino: No one is going to get a resolution until that is all settled.

Joseph P. Paiva: I agree with Anthony. If you are going to dump the water into the system, you have to make sure it can handle it.

Chuck Utschig: There are more sides to that discussion, and I will be happy to lay a little bit out for the board.

Anthony Oliveri: I don't think the discussion should take place now, because we haven't seen the engineering on it. Let's see the engineering on it and we will lay out both sides. I don't have enough information to discuss it. We have to look at it from an engineering perspective first. Then, there is a decision the board needs to make.

Chairman Cosentino: We want to know what's going on.

Anthony Oliveri: It's in my memo.

Chairman Cosentino: I know that, but I don't want to put a resolution together without your okay.

Chairman Cosentino: Chuck, is there any status update on the Department of Environmental Protection (DEP)?

Chuck Utschig: We received a completeness review yesterday. There were six items which were surprisingly straightforward to address. One of their issues has to do with the soil testing, which may be a little

complicated, but the other items were height calculations, draft document of the long-term maintenance program, who is going to maintain the system.

Jan Johannessen: Please forward that onto me.

Whitney Singleton: To tie into what Chuck says, we need your board's decision on the emergency access road.

Anthony Oliveri: We had a technical meeting to review some of their responses. Ralph attended part of that meeting. They actually haven't submitted plans and responses to those comments as yet. We have a lot of other little items to discuss yet.

Chuck Utschig: We were kind of hoping to bundle them altogether in a full set of revisions that also include whatever decision the board makes on the secondary access road. We've been working on them, meeting, resolving them. We know there is a list of a few that are technically related that are still works in progress. A good portion of them we just addressed. That is why, to us, the secondary access road becomes such a critical piece to this.

Jan Johannessen: Do you want to resolve that in order to proceed with the County? That is an outstanding item that I've brought to the table.

Chuck Utschig: If you let us talk about that internally and decide what we think is the right approach, we will let you know in the next couple of days. We have the submission letter written.

Chairman Cosentino: I want to re-introduce Joseph P. Paiva, the village's new building inspector. Mr. Paiva is an architect and very knowledgeable. The board is happy and fortunate to have Mr. Paiva on the village staff.

Formal Application

**Bedford Plaza Apartments
50-60-7- Barker Street
PB2013-0256,69.74-1-1 (SBL)
Amended Site Plan
Wetland Permit
Steep Slopes Permit**

Present:

Maurice Wrangell, ASLA, RLA, Swimming Pool Consulting & Design, Consultant for the Owner

Michael Lasner, President, Bedford Plaza Tenants Corporation

Maurice Wrangell: This is a complete renovation. A code upgrading of an existing swimming pool and a new wading pool. We were here last December for the conceptual presentation. At that point we received

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eight review comments. We've since addressed these eight. Comment Number One was that the preliminary site plan did not show the development coverage calculations. Those have since been added and submitted. Items Two and Three deal with banked parking that was shown on the original site plan of some 40 years ago.

Chairman Cosentino: Was that medical parking?

Maurice Wrangell: It is referred to as banked parking, basically parking space that were shown that were not built – to demonstrate that some of them could be provided in case of need. This was addressed in the form of a letter by Mr. Lasner to your board.

Anthony Oliveri: There are three memos tonight.

Chairman Cosentino: There are 16 items that you need to address, and I believe there is another memo from our assistant building inspector, our planner and our engineer. You will have to go over each memo with each of them.

Jan Johannessen: We can have one staff/technical meeting to go over each memo.

Maurice Wrangell: That will be helpful.

Chairman Cosentino: You can come back before us after that.

Doug Hertz: Are there any changes from the conceptual?

Maurice Wrangell: Basically to address the original eight comments.

Arrangements were made for a meeting between the applicant and the professional staff.

Formal Application

**KH Realty II, LLC
130-132 Main Street
80.25-2-4 (SBL)
Amended Site Plan**

Present:

**Robert Sherwood, Robert Sherwood Landscape Architect LLC,
Architect for the Project**

Ira Grandberg, Grandberg & Associates, P.C., Architects

George Gaspar, Grandberg & Associates, P.C., Architects

Chairman Cosentino: I think we should go over your change tonight. I know you have to see the Village Board for planting, but I would like to make that a condition and pass the resolution tonight.

Jan Johannessen: It is associated in the resolution tonight.

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Chairman Cosentino: Good.

Ira Grandberg: We were applying to a re-design of the rear planting. The board almost unanimously were in favor of not putting a loading dock in the back of this building; in favor of planting and a soft green area against the Blakeby lot. We were requested a number of answers to be given to the building inspector. George answered those to the best of our ability. The issue was the size of the building versus the necessity of putting a loading dock. We think we've answered your questions, and we hope we can move forward.

Chairman Cosentino: Is there anything else from staff?

Jan Johannessen: There are a couple of conditions of the resolution, basically addressing our prior comments.

Ira Grandberg: I guess you've all seen the development of the project. It's moving very quickly.

Chairman Cosentino: It's gorgeous. It's a showpiece for the village.

Jan Johannessen: The resolution also extends the completion deadline another year.

Doug Hertz: Can you give a little detail?

Robert Sherwood: When we were introduced to the project, there was a parking space for a catering vehicle. We decided to take that out. The building does front from both Main Street and the Blakeby parking lot. We created an outdoor, basically, foyer to get into the building with some tight hornbeam trees to create this outdoor courtyard effect. You do enter a separate space before coming into the building. There is some evergreen screening, some holly plants, classic boxwood hedging, and then a lot of perennials to give it color.

Chairman Cosentino: Keep in mind, in the resolution, garbage is going to be off-hours, as well as most of the deliveries. There is no driveway right now to pull in. Even if there was a driveway, you couldn't pull in because it's small. So, you have to pull up by the curb and unload like everyone else does.

Enrico Mareschi: In back of the building.

Robert Sherwood: Yes.

Ira Grandberg: John Slaker, who originally developed the Blakeby lot, one of his original desires was to create a green edge along the sidewalk lines. That is why we brought our landscaping out to the sidewalk area, which is partly on town property, which we need the trustees to give their blessing on.

Doug Hertz: How will deliveries and garbage work?

Ira Grandberg: We have a letter from the owner that all the food service deliveries are done early in the morning. Even though it was brought up by the board that you've gotten a lot of promises from other retailers that garbage delivery would happen at a certain time, this will be done late at night or in the very early morning hours. The garbage is going to be kept in a refrigerated garbage room in the cellar and brought up by an elevator that we put into the building at the hours that it is scheduled.

Doug Hertz: Food comes in on hand trucks?

Ira Grandberg: Yes.

Jan Johannessen: I have a couple of comments. Maybe we can go over the landscaping plan before you send them over to the village board. Not substantively, it just looked like there were some notes and quantities that need to be specified on the plan.

Resolution to Approve the Amended Site Plan for KH Realty, LLC, 130-132 Main Street, Section 80-25, Block 1, Lot 4, Application Number PB2011-2, January 28, 2014

Motion: Ralph Vigliotti
Second: Enrico Mareschi
Aye: Doug Hertz
Aye: Enrico Mareschi
Aye: Ralph Vigliotti
Aye: Chairman Cosentino

Ira Grandberg: Does the Planning Board write a letter to the Village Board of Trustees indicating their position, or is it just a matter of record that it's been approved?

Whitney Singleton: I will be happy to convey it verbally to the Village Board.

Jan Johannessen: They will have a copy of the approved resolution.
Chairman Cosentino: The building is beautiful. You did a great job for the Village of Mount Kisco.

Enrico Mareschi: When are you opening?

Ira Grandberg: It's targeted for April 20, providing we get all the town approvals.

Conceptual Application

Boys and Girls Club of Northern Westchester
361 Main Street
PB2014-0258
80.41-2-9, 80.41-2-10, 80.42-4-2, 80.42-4-3, 80.42-4-4, 80.42-2-5 (SBL)
Subdivision and Steep Slopes Permit

Village of Mount Kisco
Planning Board Meeting
January 28, 2014

Present:

**Present: Scott W. Blakely, R.I.A., Sr. Vice President/Principal
Landscape Architect, Insite Engineering**

**Charles Martabano, Attorney at Law, representing
the applicant**

Charles Martabano: Tonight we are here on a conceptual review. We want to bring the Planning Board up to speed on what is going on with respect to the Boys and Girls Club property. From being here for all these years, you are probably very familiar with the property. This is approximately 12 acres located in the village.

Scott Blakely: The property consists of four different zones. There is a half-acre parcel that has frontage on 172 that is in the existing OG Zone. This (indicating) piece of property is zoned RM-12. The area in blue is zoned Recreation, and this lot (indicating) which is the director's residence is zoned RS-12.

Charles Martabano: As Scott pointed out, a great deal of this property has significant potential. RM 12 is giving you approximately 10 units to the acre, the OG is a general office district. Quite frankly, the Boys and Girls Club is in need of financing for their operations on a go-forward basis. They have been investigating possible uses and possible sale of the property. In 2012 we entertained a proposal from an assisted living facility. That would require a change of zone. We met with the village board, discussions ensued, and soon we evolved to discussions with the village about the village possibly acquiring the property. The proposal is to convey 6.3 acres of the property to the village. As you see it outlined here (indicating) this is the property presently zoned RM-12 that would be conveyed. That is the property zoned OG. This portion, and when I say this portion I am talking about roughly this portion here (indicating) would be conveyed to the fact that it has to be used for recreational purposes. All that would be zoned R – recreation would be these two pieces. This is restricted to recreational use in the future. This is for general municipal use. This would remain as general office, to be conveyed by the village. The village would acquire all these properties. The second component of it is this section RM 12 being zoned for R – Recreation, because that is being used for our boy's club facilities. This section would be zoned from RM 12 to all RS 12 and subdivided in this matter.

Jan Johannessen: The gray area is going to be recreation?

Charles Martabano: No, this (indicating) is restricted recreation. It will be zoned R-Recreation. But that will be used for any municipal purpose – this line over here (indicating).

Scott Blakely: There are currently two residential lots. This is an existing tax lot, and then the existing director's house is located on an existing lot here. We are looking to create four additional lots here (indicating) and build five houses, which includes the one on the existing lot. This is a vacant lot, but it's a tax lot.

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Charles Martabano: The significant component of this transaction is that this property has a great deal of development potential that will now be off from our property and restricted to uses for the village and would not be developed further for it. It would work out that 90 percent of the development potential of that property would be in control of the village. We think it's a great transaction for everyone, and its part of a petition. These are contingencies that are set forth in the contract of sale from the village. That petition should be referred to you sometime next week. We wanted to give you a preview and answer any questions you might have.

Chairman Cosentino: There will be a total of five new homes. What will the lot sizes be, approximately?

Scott Blakely: They range from .32 acres up to .6 acres, which is about 14,500 square feet up to about 25,000.

Enrico Mareschi: What is the square footage on the houses?

Charles Martabano: That is a great question, as a matter of fact. That was the subject matter of discussion with the Village Board. One of the things that the Village Board was concerned about was that they be good quality homes here. We discussed this even so far as the mayor gave us an idea of what they would like to see there in terms of even design. Depending upon the lot size, I would say they would go from approximately 2,400 square feet to 2,700 square feet depending upon the lot size.

Chairman Cosentino: Whitney, normally a lot is on a single-family RT 6.

Whitney Singleton: It is in whatever zone it's in.

Chairman Cosentino: The RM 12 is only because it has more land.

Whitney Singleton: Right, 12,000 square feet.

Chairman Cosentino: It's RM 12 because it has more land. Over 10,000 square feet would be RM 12, and that is why it's RM 12.

Whitney Singleton: Yes.

Charles Martabano: The RM 12 is known as medium density, multi-family and this is low density, single family.

Doug Hertz: This will become.

Whitney Singleton: With the exception of the conservation and preservation district, this is the least dense on a residential zoning district.

Charles Martabano: This is currently RM 12. It is a situation where you are decreasing the density. They will be nice lots and they will be

nice houses.

Doug Hertz: Are the lots compliant with existing?

Scott Blakely: We believe they are.

Joseph P. Paiva: We have not confirmed that yet.

Charles Martabano: It is under review, but we will be consistent.

Chairman Cosentino: There are hilly mounds there.

Charles Martabano: Yes, in some of this area here (indicating). That has been taken into consideration.

Chairman Cosentino: How?

Scott Blakely: We have taken a look at the net-lot area requirement of the village, and all of the lots conform. There will be decent size footprints of these houses. I know the neighbors are concerned that they want the houses to conform to the character of the houses in the neighborhood.

Chairman Cosentino: Will there be any blasting to create lots?

Scott Blakely: We have not done any soil testing for blasting. I cannot answer that now.

Doug Hertz: Topographically – because there is some very significant hills.

Scott Blakely: I would assume there will be some rock there.

Charles Martabano: I am thinking right about here (indicating), but I don't know about any blasting.

Enrico Mareschi: There is no flatland there.

Chairman Cosentino: Could the houses be put without doing a lot of blasting? Because the lots are big.

Charles Martabano: We would have to take a look at the subsurface conditions. I honestly don't know.

Scott Blakely: We are going to be required to do some soil testing for the storm water management provisions.

Charles Martabano: We will process that subdivision before you, because that is part and parcel of the transaction.

Chairman Cosentino: It will benefit you.

Charles Martabano: It will benefit everyone, but it has to be processed before you like any other subdivision.

Chairman Cosentino: This looks great, and I think its Lotto for the village and the Boys and Girls Club.

Doug Hertz: Is the thought that the Boys and Girls Club will be the developer on this?

Charles Martabano: No.

Doug Hertz: You are just going to do the subdivision, the planning and sell?

Charles Martabano: Right. We will do, as we've discussed with the Village Board, impose conditions on the developmental lot, because we are going to keep our promise to the community, the neighbors and the boards.

Whitney Singleton: That would mean that your board would go beyond what you normally do as far as not only evaluating the subdivision from the lot but actually lay out the homes or the building envelopes in the setbacks and everything else where it's appropriate to build on the site, what is an appropriate size of the building minimum and maximum building envelope.

Charles Martabano: I hadn't thought it that way, but certainly we all have the same intention. We are all working towards the same goal, so that is something we can do.

Ralph Vigliotti: This particular property topography is just wonderful. The rock out properties are set very nicely back there to protect the neighborhood from the view of the boys club and conversely to protect the boys club from the neighborhood. I think you have tried to preserve as much as possible. I would like a little bit more of a definitive on what you are preserving as far as the rock out property. You have a large, large, small hill/mountain, then you have the rock out properties along the back end of Main Street, to really hide the view of what is going on up there. I don't want to see that rock out property taken down and then you see the houses from Main Street.

Scott Blakely: We are going to want to minimize rock removal.

Ralph Vigliotti: Absolutely.

Charles Martabano: You can see right here in laying out these prospective homes, we've done exactly what you're talking about. You are at the base of the slope here and here (indicating).

Ralph Vigliotti: So when you subdivide this formally and the lots are for sale, is the footprint that you are showing going to be part of the subdivision?

Charles Martabano: We will be developing some requirements for that. I don't think you'll want to pigeonhole them until they do whatever tests there are there. A building envelope – I could see

something more of that nature, which will address your specific concerns.

Ralph Vigliotti: How are we screening and having the screening be as natural as possible from the houses that will go in from the Boy's club property and the village property, potentially? Are we talking five different types of fences? Five different types of screening materials, or are we going to do something that will continue all the way through as opposed to each owner deciding to put something different. What are we doing to protect the view?

Charles Martabano: Honestly, we have not gotten down that level of detail. That is a discussion I am sure we are going to have with your board as we go through the subdivision process. We have to be careful so we don't adversely impact the marketability of the lots as well, because the bottom line is the sale of the lots is what is going to generate the revenue for the club as well. We will take everything into consideration. It may end up that it is a sale to single developer, and then we can do those types of things and build in covenants.

Ralph Vigliotti: I want you to think about it early on, because I'd hate to see a six foot chain link and next to it a stockade fence. We want it to have some continuity and look very natural.

Charles Martabano: I think that makes good sense and it is something we will discuss. I think you're right – let's do it early on as opposed to later. We are under a bit of a time constraint based upon the contingencies set forth in the contract. I expect it will be formally referred to next week – after the third – and then we'll start processing it as soon as it gets referred to you.

Whitney Singleton: The applicant had originally intended to come to your board at an earlier point in time to do a conceptual presentation. The schedule and the meetings did not afford that with snow fall and everything else. In any event, they are here before you now. The village board entertained them last week as far as their formal submission and their application. The Village Board will be meeting with them on a work session basis next Monday and will then be referring the petition directly to your board. I presume your board will be requested to be the Lead Agency under SEQRA. Just to distill a little bit, outside of certain parameters – number of lots, etc., the Village Board is looking for you really to design the project.

Charles Martabano: That is probably a very accurate statement. Just to go over it quickly, there are a multiple number of approvals because of everything that is going on. As you pointed out, there is this subdivision of property (indicating) to sell to the village, then there is in essence an amended site plan approval for this property (indicating) because now this property is losing this component of it. We are going to set these lines consistent with the setbacks for the recreation zone because we have a re-zoning to the recreation zone right here (indicating). Then you have the subdivision of these lots as well. There are multiple actions that are going to be going on, and I think Whitney is completely correct. You should be the Lead Agency for

these actions. You are used to SEQRA, and I think the Village Board will probably want it that way as well. We are going to work cooperatively with this board to come out with the best proposal for everyone involved.

Chairman Cosentino: What could have been there and what is going there now, I think the mayor and the Village Board did a fantastic job.

Charles Martabano: You are absolutely correct about that. Whitney worked hard to get the contracts done.

Chairman Cosentino: Whitney worked very hard, and I commend you on that.

Whitney Singleton: Before we pat everyone on the back, I will say this – and I don't know who is in the audience. Neighbors have come out with not objections but with concerns as to how it is going to impact their neighborhood. To the extent that the Planning Board is going to be having meetings and it's a limited group of people, perhaps as we go through the process your board should be aware of the contact information so that they could be let known whenever there is going to be a meeting or a site visit or anything else.

Charles Martabano: We mentioned to the Village Board as well that we want the neighborhood involved. We want this to work for everybody.

Doug Hertz: Whitney, can you detail this process?

Whitney Singleton: The Village Board is not going to be re-zoning, they are going to be re-mapping. They are not going to change the underlying zoning text, so that the Boys and Girls Club, to the extent that they don't have residentially approved single-family home lots. The only thing that the Boys and Girls Club will have is recreation zoned property. They won't have multi-family zoned property, just recreational property. It will be designed to meet whatever setbacks and building coverage to the extent that those are even required in the recreation zone, that everything will be compliant. The village will have a piece of land that it can use for multiple purposes. There was discussion way back when that I don't want to rehash about possibly getting the county involved as a funding for a ball field here. That did not come to fruition, so the village board has met them halfway. If the village is going to by the property with the existing field with the hope and aspiration that it will somehow become in the future an actual ball field for use by the village and for use by the Boys and Girls Club. The Boys and Girls Club is not entirely relinquishing their rights to utilization of this property. They will use it to the extent that it is not being committed to village purposes at particular times, and they are reserving the right to use it whenever there is not a conflict with the village's use, which is going to be 98 percent of the time. The village is rarely going to be using this actively for baseball or soccer games. It may never get developed as an actual field, but it was thought by the village board that this was their best alternative for all parties concerned.

Charles Martabano: I just want to clarify one thing Whitney said. Those retained rights do not pertain to the OG property. The OG property is the unrestricted property. The village will own that outright with no ability for the Boys and Girls Club to use it. The field will generally be confined to this area that I have outlined (indicating). We call it the village recreation parcel. These are five new houses, six total.

Enrico Mareschi: And the lot sizes again?

Charles Martabano: Each lot size ranges from .3 acres up to .6 acres.
Charles Martabano: They are nicely laid out lot sizes. They work. They really do.

Enrico Mareschi: And the square footage?

Charles Martabano: It may vary a little bit, but the envelope we are looking for is for the size of the houses, 2,400 to 2,700 square feet, depending on individual lot size.

Whitney Singleton: To finish up, in addition to the re-mapping that the Village Board has to do, your board would be doing subdivision review of the lots, and you would be doing a modified site plan for the Boys and Girls Club. Also, to the extent that if those lots on the westerly side of the property are not compliant, they would require a variance as per the Zoning Board.

Doug Hertz: Is there any other permit part of this?

Jan Johannessen: There will be steep slopes.

Whitney Singleton: As long as you're talking about all the things that are involved, at some point in time, maybe now is not the most ideal time but, given the track that they are on, at some point in time I think you are going to want some stakes in the ground and a site visit. This is the time of the year when you will see what is visible and not visible.

Jan Johannessen: I have no formal comments for this evening, but I did have a cursory review of the plan today. I have some zoning related comments or questions. I think it would be beneficial if we have a technical meeting before you appear back before the Planning Board to hash through some of those items.

Charles Martabano: We will be here as soon as you set it up.

The Planning Board Calendar and Planning Board Procedures were not adopted at this time, and Chairman Cosentino wanted a full board there for complete discussion.

Doug Hertz: I did have a comment on the rules and procedures. We talk about regular sessions and work sessions. There is no definition in there, and we've removed everything that says what we can do at those sessions. They are words only right now. We need to redefine

those.

Chairman Cosentino: We can bring that up when we discuss it with a full board.

Correspondence

- Letter from Michael Zann, Esq., dated January 10, 2014

As there was no further business to be discussed by the Planning Board, on motion by Mr. Vigliotti seconded by Mr. Hertz, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Stanley Bernstein, Recording Secretary

dm