

Minutes Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, March 11, 2014

Chairman Cosentino called the meeting to order at 6:30 P.M. in the Municipal Building.

Members Present: Chairman Joseph Cosentino
Ralph Vigliotti
Doug Hertz
Sol Gibbons

Members Absent: Enrico Mareschi
Stanley Bernstein
Vice Chairman Sturniolo

Staff Present: Whitney Singleton
Anthony Oliveri
Jan K. Johannessen
Rob Melillo

Minutes:

November 26, 2013

December 17, 2013

January 28 2014

Motion to Approve Minutes of November 26, 2013, December 17, 2013 and January 28, 2014:

Motion: Ralph Vigliotti
Second: Sol Gibbons
Aye: Doug Hertz
Aye: Sol Gibbons
Aye: Ralph Vigliotti
Aye: Chairman Cosentino

Village of Mount Kisco
Planning Board Meeting
March 11, 2014

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

Carl Guy, Representing The Hearth Properties

Mr. Miller presented the board with an update on the project. Chairman Cosentino made it very clear that the board is very displeased with the sample wall that was constructed. Chairman Cosentino reiterated once again that the board is in favor of fieldstone. Mr. Guy then suggested to Chairman Cosentino that The Hearth would like to accommodate the board to visiting a site about an hour away from Mount Kisco, where members of the board can view an actual wall in an actual landscaped setting. The board was in favor of that, and plans will be worked out in order for the board to do so. Mr. Miller reported that the centerline of the proposed emergency access road has been staked in the field. Mr. Utschig reported that the lower retaining wall (proximate to Kisco Avenue) is proposed to be concrete with stone veneer.

Formal Application:

**29 Carpenter Avenue
Building B
PB2014-0260, 69.81-3-2 (SBL)
Site Plan**

Present:

Village of Mount Kisco
Planning Board Meeting
March 11, 2014

James Staudt, Attorney at Law, McCullough, Goldberger & Saudt, LLP, Attorney for Hudson City Savings Bank

Mr. Staudt presented the board with an update on the project, and a draft resolution was submitted, which was dated March 11, 2014. It was agreed by the Board that the draft resolution will be adopted to re-approve and extend the site plan.

Motion to Re-Approve and Extend the Draft Resolution

Motion	Doug Hertz
Second	Ralph Vigliotti
Aye	Sol Gibbons
Aye	Ralph Vigliotti
Aye	Doug Hertz
Aye	Chairman Cosentino

Conceptual Application

**BP Fuel
540 East Main Street
PB2014-0258, 80.57-4-4 (SBL)
Amended Site Plan**

Present:

Inderjit Singh, Owner of the Property

Homayoon Sighafi, RA, Architect for the Project

Both Mr. Singh and Mr. Sighafi explained details of the project to the board. They would like to install a 50-KW protector series diesel generator configured to 120/208 volt, three-phase. The applicant is also requesting to install a 200 amp, three-phase service rated transfer switch. Also reviewed was the application for conceptual review and a drawing entitled "First Floor, Elevation and Site Plan." This drawing was explained by Mr. Sighafi, as well as the decibels of noise levels. Mr. Melillo reviewed his memo, stating that the site plan that was provided is not the most recent approved site plan on file. The building department supplied the most recent site plan dated October 1, 1991 and last revised site plan dated September 2, 2009 that

Village of Mount Kisco
Planning Board Meeting
March 11, 2014

was approved by the Planning Board on September 9, 2009. In reviewing that most recent site plan, Mr. Melillo made the following recommendations:

- The new site plan should reflect the parking data and the uses,
- The parking lot is currently not striped or painted. The new 12-foot high light post on the existing base was never installed. The current parking spaces do not meet with the code requirement of 9' 6" in width,
- The T-drain at the northeast entrance to the property, as shown on the approved site plan does not exist on the site.

The applicant agreed to conform to the previously approved site plan of record as a condition of approval. The Board requested that the applicant submit specifications associated with the proposed generator.

After some discussion, Chairman Cosentino advised the applicant to now file a formal application to proceed.

Conceptual Application

**Westchester Foundation for the Disabled
135 Radio Circle
PB2014-0262,80.63-1-1.2 SBL)
Change of Use**

Present:

John S Marwell, Attorney at Law, Shamberg Marwell Hollis Andreyar & Laidlaw, P.C. Attorney for the Applicant

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

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

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

Village of Mount Kisco
Planning Board Meeting
March 11, 2014

Mr. Marwell explained to the board the reason for this evening's visit, including a brief history of the project. The applicant is requesting approval for interior alteration to the existing office building with a re-allocation of office space and storage.

Chairman Cosentino noted for the record that he emphatically did not –visit the site or meet with the applicant. In fact, he had never been in the building.

Mr. Melillo noted that the applicant needs to provide an approved Planning Board site plan. He also instructed that all drawings should be signed and sealed by a design professional. Mr. Melillo also noted that a review of the parking analysis supplied shows the following deficiencies and will require either a plan revision or a variance:

- The engineer's states he calculated the parking by gross building area, but the plans supplied by ARCC Energy show parking calculated to the interior faces of walls. The applicant needs to either correct the drawing to reflect the Engineer's letter or vice versa.
- The application proposes to allocate the building into two areas for parking calculations – storage and office. The primary use of the building will be office space as dictated by the applicant. The parking calculations for Sheets A4 and A5 have deducted storage, circulation, mechanical and garage space from the parking count. By deducting all these areas, the applicant is artificially trying to reduce the actual required parking in contravention of the Code. When the parking is calculated correctly, the proposed first floor total square footage for office space, including circulation and mechanical is 6,903 square feet. For the second floor the total square footage 11,765 square feet for a grand total of 17,858 square feet. This total would require one space per 275 square feet above the first 10,000 square feet, which equals 69 total required spots for office space. The storage area being used is 4,879 square feet, which would require one space per 1,000 square feet of space for a total of five required parking spaces. Combining these two parking counts, the applicant would have to provide a total of 74 required parking spaces plus one space for loading for a total of 75 required parking spaces. The number of off-street parking spaces

provided on the approved site plan is only 65, resulting in substantial deficit.

Currently, a verbal stop work order has been placed on the property. The applicant has begun a \$628,000 renovation of the interior space of the building without the necessary permits and approvals.

A preliminary review of the property file shows that the prior owner filed for a building permit to construct a second story addition. Building Permit #14443 was issued September 13, 1994 to construct a second story addition for non-hazardous storage. Certificate of Occupancy #4251 was issued on January 19, 1995 to close this permit. Since that time, some of the second floor space has been illegally converted to office space. No building permits, site plan amendments, change of use permits or sprinkler permits have been filed since the C.O. for storage was issued in 1995.

A review of the approved site plan compared to the actual existing site condition reveals that the site is not in compliance with the last approved site plan. The current site has 53 available parking spaces outside as opposed to the approved 63 parking spaces outside, and will have to be brought up to compliance with the approved site plan.

In reply, Mr. Signorelli gave a brief history of the project. Community Living Corporation has been operating in Mount Kisco since 1972, providing high-quality services for the mildly developmentally disabled. Westchester Foundation for the Disabled purchased the building in December 2013. The building was purchased with about \$1,000,000 in donated funds primarily from families and directors, plus a loan for \$1,300,000 from individuals associated with CLC and its affiliates. The building will be used for various agencies, with approximately 52 employees. 40 percent of the building will be dedicated to storage. Mr. Signorelli noted that based on the engineer for the project, their use of the existing facilities requires fewer parking spaces than are approved in their current Certificate of Occupancy. Mr. Signorelli stated there were three parking choices including the ambulance parking lot and the church parking lot. Mr. Signorelli does not believe it is 22 spaces they require. Mr. Marwell asked if the applicant submits the necessary data to the board, would the board consider a temporary Certificate of Occupancy in order to move the existing facilities as they are currently approved in the 1995 Certificate of Occupancy. Mr. Marwell also requested approval of a

Village of Mount Kisco
Planning Board Meeting
March 11, 2014

building permit needed to complete the proposed renovation. Chairman Cosentino informed Mr. Marwell that a Temporary Certificate of Occupancy will not be granted at this time.

Public Hearing

**Kisco Smith, LLC
75 Smith Avenue
PB2013-12, 80.41-1-4
Site Plan
Change of Use
Wetland Permit**

Present: Michael Macri, Structural Engineer, Grossfield Macri Consulting Engineers – Engineer for the Applicant

Mr. Macri presented to the board copies of the public hearing notice, affidavits of mailings, and Plans prepared by Grossfield Macri, PC, which were last revised on February 17, 2014. The subject property consists of ± 10,328 square feet of land and is located at 75 Smith Avenue within the OC Zoning District. Mr. Macri is proposing to convert an existing resident to professional office space as well as improvements to the access driveway and parking area. A draft resolution dated March 11, 2014 was presented to Mr. Macri.

Motion to Approve Resolution:

**Motion: Ralph Vigliotti
Second: Doug Hertz
Aye: Sol Gibbons
Aye: Doug Hertz
Aye: Ralph Vigliotti
Aye: Chairman Cosentino**

Board Discussion:

**Tesla Motors
115 Kisco Avenue
PB2013-0252, 69.65-2-3 (SBL)
Temporary Certificate of Occupancy**

Village of Mount Kisco
Planning Board Meeting
March 11, 2014

Present:

Bradley Hoffman, Project Manager, Retail Development, Tesla Motors

Mr. Hoffman presented a letter from Brian Stepan of Finn Daniels Architects, requesting that a temporary Certificate of Occupancy be issued as the exterior portion of the work needing to be completed cannot be performed until the cold weather subsides and the subgrade thaws later this spring. This was a result of the harsh winter we encountered here in the northeast. Chairman Cosentino and the board agreed to granting the issuance of the temporary C.O. for a period of 90 days.

Motion to Grant a 90-day, (Temporary) Certificate of Occupancy to Tesla Motors

- Motion: Doug Hertz**
- Second: Ralph Vigliotti**
- Aye: Sol Gibbons**
- Aye: Ralph Vigliotti**
- Aye: Doug Hertz**
- Aye: Chairman Cosentino**

Board Discussion:

Planning Board Training

As there was not a full board this evening, this topic was placed on the agenda for the next Planning Board meeting.

Planning Board Procedures

Review 2014 Planning Board Rules and Procedures

As there was not a full board this evening, review of the Planning Board Rules and Procedures will be placed on another agenda.

As there was no further business to be discussed by the Planning Board, on motion by Mr. Gibbons, seconded by Mr. Vigliotti, the meeting was adjourned at 7:10 PM.

Respectfully submitted,

Stanley Bernstein,
Recording Secretary

dm