

Minutes Meeting of the Planning Board
Village/Town of Mount Kisco
Tuesday, March 25, 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
Enrico Mareschi

Members Absent: Stanley Bernstein
Vice Chairman Sturniolo

Staff Present: Whitney Singleton
Anthony Oliveri
Rob Melillo

Staff Absent: Jan K. Johannessen

Minutes:

October 8, 2013

February 11, 2014

February 25, 2014

Motion to Approve Minutes for October 8, 2013; February 11, 2014; and February 25, 2014:

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

Formal 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

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

Charles Martabano, Attorney at Law, Representing
the Applicant

Village of Mount Kisco
Planning Board Meeting
March 25, 2014

**Anthony Monteleone, Attorney-at-Law, Adjoining
Property Owner**

Salvatrice Pierce, Owner, 38 Laurel Drive

Charles Martabano: Good evening. We had a meeting and did a conceptual review for you for the plans for the subdivision of the Boys and Girls Club property. This is our first appearance on a formal application. The plan has not changed a great deal from when we previewed it with you at the conceptual meeting. Scott will do a review for you so you can familiarize yourself with the application.

Scott Blakely: This is a subdivision of a 12-acre parcel into 10 lots. One of the 10, Lot 7, will contain the Boys Club building and parking areas. Lots 1 – 6 will be residential lots along Laurel Drive. One of those lots contains an existing residence, and the lot lines will be adjusted on either side. There are three proposed recreation lots. The existing recreation lot, which is Lot 7, will contain the Boys Club building and parking areas. Two recreation lots in the back, and there is one lot that is zoned OG. That makes up the total of 10 lots.

Charles Martabano: By way of review, as you know, these lots are presently zoned RM12 to allow multi-family residential housing. This lot is presently zoned as OG. The proposal is to decrease a lot of the development potential of the Boys & Girls Club property by changing the RM12 to the R-Recreation. It will then be conveyed to the village. This is called the village recreation parcel, which is generally considered to be utilized for a sporting field of some type. This (indicating) is the village municipal property to be utilized for village municipal purposes. This is what we call the (indicating) unrestricted parcel, but it is very small in size, as you can see. So, it represents a significant reduction in development potential of the property, and then of course, the conveyance to the village further puts it in the control of the village.

Chairman Cosentino: Please go through the lots one more time.

Scott Blakely: All of the lots have frontage on Laurel Drive. We are proposing individual driveways for each of the lots. The lots do conform to the zoning requirements. There is one question that Charlie will go through with regard to lot width for Lot 1. We have sewer and water connections out to Laurel Drive to the municipal sewer and water. We are proposing on-lot storm water provisions for the individual lots. We don't show any development on the recreational parcels right now, because I think the village is looking into what they may want to do with those in the future. Also, the OG parcel. We have created a conforming lot line with the Boys Club. We meet the setback requirements for the parking and the buildings for this (indicating) line.

Charles Martabano: On that point, when the expansion of the Boys Club was approved, a portion of it was constructed on portions of the property that were actually zoned RM12. We will zone that recreation as well, and then we will have a conforming site plan. So, part of our application is also an amended site plan approval because some of those improvements actually are put on a portion of the property zoned RM12.

Chairman Cosentino: What will be the average size of a lot?

Scott Blakely: The lots vary from .3 to .6 acres. They average roughly .45/.46.

Charles Martabano: We need a referral to the Zoning Board of Appeals (ZBA), because the building inspector has indicated that the way we measured lot width here (indicating) was not appropriate under the code. He said it should be measured back 20 or 25 feet from the flag. We don't agree with that interpretation, and we are going to apply, therefore, to the Zoning Board of Appeals for either an interpretation or a favor or if not, a variance based upon all the benefits of this particular plan. The ZBA always does like to hear from the Planning Board. We would like to get a referral to the ZBA tonight.

Ralph Vigliotti: Who will have ownership of the OG?

Charles Martabano: The Village of Mount Kisco. As part of the transaction, we did put restrictions on these (indicating) lots. There is no restriction on this.

Chairman Cosentino: Recommendations are going to be going to the Zoning Board of Appeals, but we would like to take Lead Agency.

Whitney Singleton: Within the village, there are three involved agencies. Your board, which would be reviewing subdivision of site plan, the Zoning Board, who will entertain any variances if necessary and the Village Board to change the official map to address the requested zoning changes. Our planner was not able to make tonight's meeting, and he has generated a memorandum for your board and for the applicant. He has raised a number of issues, and he has recommended to you that you declare your intent and certainly your notice of intent to be lead agency. I don't believe you will have any objection from the Zoning Board of Appeals, nor do I believe that you will have any objections from the Village Board, since your board has already conducted a joint meeting with the Village Board.

Charles Martabano: From the applicant's perspective, we think you are the appropriate board to be Lead Agency for SEQRA purposes. We would also like to conduct a site visit within the next couple of weeks so we can walk through the various lots, stake them out, so you can really take a look at it in the field.

Whitney Singleton: I apologize for not doing a memo. I have been out of town since this was put on the agenda. With regard to the ownership of that portion of Laurel Drive, which appears to go to dead end, what is your understanding of the nature of the ownership?

Charles Martabano: (indicating) Here?

Whitney Singleton: Yes. If you look on an official map, that goes right to the property line.

Charles Martabano: I believe that is owned by the village of Mount Kisco.

Whitney Singleton: Yes, but all the way to the field?

Charles Martabano: I don't have an answer, but I can get you an answer for the next meeting. Do you think the ownership by the village goes all the way through here? (indicating)

Whitney Singleton: Yes. Whichever lots it's on. My understanding is that it is a street on a filed map, and it dead-ends at that field.

Charles Martabano: We did have a surveyor check it out and do it in the field as well, and I think this is where it ends.

Scott Blakely: This is the property line that he established based on his investigation. He is showing that it does not go through – that it stops along the frontage of here (formerly Pierce).

Whitney Singleton: Please clarify that. Also, what is the status of Grove Street? I have a recollection of way back when it used to go all the way through the Boys Club.

Charles Martabano: That shows, right there (indicating).

Whitney Singleton: Who is the ownership?

Charles Martabano: The Boys and Girls Club. Ken Jurist from Cuddy & Feder had sent you a title report establishing that.

Whitney Singleton: You are correct.

Anthony Monteleone: Just as an aside, somewhere back in a prior application, there was discussion of the village retaining one foot ownership of Grove Street so as to prevent access of Grove Street going all the way through to the Boys Club. This is a variation of that, but I believe that is the case. I believe in a resolution or a prior application, the village retained the ownership of one foot of Grove Street paper street in order to prevent access from Grove Street all the way through to the boys club so that Grove Street would not be a "through" street to the boys club. I believe that is somewhere in a prior resolution.

Whitney Singleton: Of this board or the Village Board?

Anthony Monteleone: I am not sure which board.

Charles Martabano: I looked at the resolutions from this board, and I have not found that. It does not mean it doesn't exist. I will be glad to check that again. Of course, we are not proposing it anyway.

Anthony Monteleone: It is a slightly different variation, and I just point that out.

Charles Martabano: So, irrespectively, Grove Street will not be coming through the Boys Club property.

Chairman Cosentino: It was never envisioned that it would.

Ralph Vigliotti: So will that street become part of another parcel?

Charles Martabano: Part of these lots (indicating).

Ralph Vigliotti: So, it will no longer be an extension of Grove Street. It will be part of the private residences.

Charles Martabano: That is correct. That is why, again, title was established in the Boys and Girls Club.

Ralph Vigliotti: That is a positive for the neighborhood.

Motion to Declare the Mount Kisco Planning Board it's Intent to be Lead Agency:

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

Plans were made to set up a site visit for 9 AM on April 12, 2014. The board and applicant will meet at the village hall parking lot.

Whitney Singleton: Does the applicant have any objection to members of the public attending?

Charles Martabano: No. Absolutely not. We have no problem with that.

Chairman Cosentino: We don't have a problem with it either.

Anthony Monteleone: Will the lots be staked?

Charles Martabano: We are going to try to get that done, along with some chalk lines. It is weather permitting.

Scott Blakely: I will double check with the project surveyor to make sure he can get out there by the 12th.

At this point, the chairman instructed to secretary to plan for this applicant to submit to the Zoning Board of Appeals.

Charles Martabano: We are submitting to the Zoning Board of Appeals with respect to the lot width for Lot Number One for an interpretation and/or a variance, as the case may be.

Whitney Singleton: Is that based upon a denial?

Charles Martabano: We just received that from Rob. His memo essentially says it.

Whitney Singleton: To the best of your knowledge, there are no other issues that would require a variance?

Charles Martabano: We examined other issues and we are completely compliant now.

Scott Blakely: Jan called me when he was doing his review and made us aware of a couple of issues that we looked into. We've made modifications to the plans to conform. We have not submitted those to you. It was a shifting of a lot line to make sure we conform to the net lot area on the OG parcel and on one of the residential lots.

Whitney Singleton: What do you mean by the OG parcel?

Scott Blakely: The OG parcel has a minimum net lot area of 20,000 square feet. If we create the property line at the zone line, we cannot meet that 20,000 square feet because the lot is 21,000 and it has steep slopes on it.

Charles Martabano: Actually, we do have to slightly modify our original zoning application because, I presume on behalf of the village, you will want to extend the OG by that 1,000 or 1,500 feet. We have no objection to doing that.

Chairman Cosentino: Please keep our counsel informed on any changes.

Anthony Monteleone: I submitted a letter to all the board members with regard to this application.

Chairman Cosentino: Are you representing any neighbors?

Anthony Monteleone: I am an adjoining property owner. I am not representing any neighbors at this point. I am here tonight on behalf of myself and on behalf of a couple of other neighbors, but I am not representing anyone legally. As my letter states, as a neighbor immediately impacted by the application, I have reviewed the Contract of Sale between the village and the boys club, reviewed the subdivision and the rezoning, reviewed prior applications and the original 1913 subdivision map, which I provided to you in this pamphlet, and an indenture of 1917 with restrictive covenants as to a certain number of lots. That restrictive covenant is also attached. On reviewing the contract of sale, and this is difficult to say, but as an attorney, it appears to me that the village has entered into contract zoning with the boys club. Case law is rampant that contract zoning is not legal.

Chairman Cosentino: I do not want to get into a legal battle here. This is not what this is about tonight. I think you should sit down with Mr. Singleton and go over your notes. Telling us is not going to do any good. We are not a legal board here.

Anthony Monteleone: I understand, and I wanted my letter be complete. I will be happy to talk with Mr. Singleton on this.

Charles Martabano: Now that I have a copy of this letter, I will respond to

Mr. Singleton as well in a letter.

Anthony Monteleone: This letter is just for a submission tonight. As I say, we are all sympathetic to the needs of the Boys and Girls Club, but the principles of zoning and planning should not be violated. I suggest there is a better way to accomplish what they are trying to do.

Chairman Cosentino: This is not a public hearing. I don't want to hear anymore. Please talk to Mr. Singleton about it. With all due respect to you, Mr. Monteleone, I don't want to get into a legal battle here tonight.

Anthony Monteleone: I just wanted to submit the letter. That letter gives the board some background.

Chairman Cosentino: I promise you we will read it.

Anthony Monteleone: Thank you. I wanted the board to have the facts of prior applications and subdivisions.

Chairman Cosentino: I'm glad you gave us this. We will go over it.

Charles Martabano: On our part, we will also respond to the consultants' memorandums, as well as anything we have not responded to yet, for our next submission as well as going to the ZBA. Thank you very much.

Formal Application

**Jaguar/Land Rover
250 Kisco Avenue
PB2013-18, 69.43-3-3 (SBL)
Site Plan, Steep Slopes & Wetland Permit**

Present:

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

Richard Stavridis, Member, The Premier Collection

Chuck Utschig: Our appearance here tonight is very simple. We are asking the board to declare their intent to be Lead Agency so we can start the SEQRA process. We also may have to go to the zoning board for a series of variances, which is our next step, but we are not ready to do that yet. We would like to get the SEQRA process started.

Motion to Declare the Mount Kisco Planning Board Intent to be Lead Agency:

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

Village of Mount Kisco
Planning Board Meeting
March 25, 2014

Formal Application:

**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 A. Monteleone, Attorney-at-Law, on behalf of the Applicant

Frank Georgiou, Harry Georgiou, Owners, Mount Kisco Diner

Anthony Monteleone: We are here on the amended site plan, just one change, as I understand it, to the original site plan. That is the outside terrace that is shown on the site plan as being of a certain size. During construction, it was enlarged by the contractor and the applicant, not realizing that the additional 203 square feet that they enlarged, would require us to come back to your board on an amended site plan and to go to the Zoning Board of Appeals for an additional .05 percent lot coverage increase.

Russell Davidson: The sketch I prepared for you is to clarify what was submitted. This is not new information. It is the same information that was submitted on the signed and sealed drawings. I just made an enlargement. The black is what was previously approved on that sketch, and the red is what is actually built. They went out there during construction and they said the terrace seemed a little small. They wanted to make it a little bigger. It got built a little bit bigger. The cross-hatched area in red is what we're talking about as additional surface coverage. They felt it was a little small. They wanted to make it bigger, and they did not realize the implications of it. There was no ill-intent at all. Once it was discovered, we wrote a letter to the town and said, "The terrace got a little bit bigger. What do we need to do?" That is what led us to be here today.

Anthony Monteleone: I will be filing the Zoning Board of Appeals application tomorrow.

Russell Davidson: We know we had a coverage variance that was specific. It was an exact area. This changes that coverage variance, which the building inspector informed us would require for us to come back to you and the ZBA which we fully understand. That is why we are here today. We think it will look great; and it actually makes the planter larger to allow Mrs. Georgiou to plant more of her beautiful plants. It is nothing significant in terms of storm coverage. It has no impact on lot lines or setbacks.

Doug Hertz: How does it impact the proposed landscaped area?

Russell Davidson: Okay, you're right. A little bit less landscape area where the terrace is increased.

Ralph Vigliotti: Do you have the original site plan for this as it was proposed originally?

Russell Davidson: It was submitted, and it's been approved. There are many copies filed with the town.

Ralph Vigliotti: I know you've done this for us, and I appreciate that. But I would like to see what the original looked like that you had submitted to us for approval.

Russell Davidson: I did not bring that with me.

Ralph Vigliotti: That is something we are going to have to see. As good neighbors as you have been, and I certainly enjoy having a bite to eat at the diner, why would one move forward without going through the proper channels through the building department and create an issue that requires this board to review it? It's already done. It's not like, "we propose to do this and we would like your permission to move forward, and we would like to include you perhaps in the design and discussions." You moved forward in total disregard of our Village legislation, the by-laws, the Building Department, and this Planning Board. We've had issues similar to this in the past in which we had to hold the line. It is a sad state for me to have to look at this in a very negative way as opposed to a positive way. Some of it is the approach; one might say the audacity to move forward with the contractor and build knowing that this board is very serious about maintaining the integrity of our building code. I think deep down each and every one of you standing there understands where we may be coming from this evening. I can only speak for myself.

Anthony Monteleone: I understand, and in fact, I had exactly the same concerns when I became aware of the fact, as did Russ. We said, "Well, this is a change. We need to go back. You should have contacted us before." They truly did not realize the implications of what they were doing. They were looking at it as businessmen and saying, "This will look really nice 200 feet bigger." You can't do things that way.

Doug Hertz: How many years was this in front of the Planning Board; how many iterations - years and years and years. There was a back and forth, and we came to an agreement as to the way the site should be developed. I think you got every last square inch of development that was possible on this site within the possible bounds of planning. I think now you violated that. You just made a decision that you don't like the plan that took five years to craft. I think that is outrageous. I like going to the diner too, but I don't know what we stood up here for five years doing if we are just going to build something else. I will make it very direct in that there are extra parking spaces. So, the minute we create an area that can be used for outdoor dining, which is exactly what expanding this patio is going to be used for - where are you going to park - on the roof? I really find this outrageous. I don't know why we all volunteer our time. You guys are paid; I get it. We volunteer our time. We sit here and spend hour after hour, and after five years coming to an agreement, you just build something else. I don't know why on earth we are here. I just don't get it. You had an

approved plan. You know the rules. You know the rules incredibly well after this whole process.

Chairman Cosentino: Doug brings out a good point here. It could be used as outside dining. Is that what you want to do?

Frank Georgiou: Yes.

Chairman Cosentino: That creates parking problems. It's just adding to what we did not want from the beginning. You are really limited on the parking now.

Frank Georgiou: The people prefer to sit outside anyway.

Chairman Cosentino: The problem is parking. In listening to Doug, this was not proposed for outside dining before.

Frank Georgiou: It always was.

Russell Davidson: That is what the subject of today's discussion is, yes.

Robert Melillo: Was that part of the original approval?

Chairman Cosentino: I don't know right now. I am confused on the whole thing.

Russell Davidson: The line in black shows the terrace was part of the original.

Chairman Cosentino: I thought it was where people stand to wait to go inside.

Doug Hertz: There was never a discussion of outdoor dining.

Frank Georgiou: It was approved as an outdoor sitting.

Ralph Vigliotti: Was it approved for outdoor dining as opposed to a terrace?

Frank Georgiou: Years ago.

Russell Davidson: I believe it was.

Ralph Vigliotti: At some point, I'd like to see the minutes from that meeting. It always showed a terrace. It never said proposed outdoor dining. That is another whole issue. I am sure at that moment when we were going through this, we did not want to discuss it as a board and as developers of the property.

Russell Davidson: I will certainly help find the documentation, but as you may remember, there was a lengthy discussion pre-application, with Austin and our office, where we looked at square footage, outdoor and indoor dining, parking calculations. There were letters exchanged. I will find that.

Chairman Cosentino: If there was, and it was approved; fine.

Russell Davidson: It was my understanding that there was a discussion that did occur – for the original, reduced size.

Robert Melillo: If that was between you and Austin – the board approves outdoor dining.

Russell Davidson: It was incorporated into the parking counts, seating plans, and it was part of this process.

Robert Melillo: Typically we have a plan showing outdoor dining.

Russell Davidson: It is my understanding it was part of the discussion. I will try and find the documentation. It has gone on for years. Understood. Completely fair question.

Whitney Singleton: We will have to look at the resolution.

Anthony Monteleone: Again, our apologies. The implications of what happened were not realized at all by the applicant and the contractor.

Russell Davidson: From our perspective, the moment it was discovered, we wrote a letter telling you what happened.

Anthony Monteleone: And we came to you. As you can see, the building is practically complete on the exterior. I think we lived up to what we represented, and he spent a lot more money. Any property owner who builds out spends more money than they anticipated, and that was done here. That doesn't correct or excuse; I'm just pointing that out. The applicant has put substantial funds into this property.

Chairman Cosentino: There is no doubt about it, but we have a problem here and we are trying to correct it. We need documentation of certain things.

Doug Hertz: I do not think it should go before the ZBA before we understand.

Chairman Cosentino: Until we get that documentation, we will hold up the ZBA. There is nothing we can do without the documentation. We don't have the right to do it.

Russell Davidson: While we are here I would like to point out one other thing on the diagram that I just handed out. The dashed red line is the extent to which paved terrace has now been created. You will see that the "as built" portion of paved terrace is actually somewhat less than what was approved. The remainder of that area, if this approval does not work, would be planter flush with the terrace, and then there would be another planter stepped down from the terrace. That is what the diagram means for your information.

Chairman Cosentino: I will repeat what I said. We have no right to send you before the Zoning Board of Appeals until we know what we are sending you for.

Whitney Singleton: That is not actually accurate. They can go to the Zoning Board of Appeals if they want to.

Chairman Cosentino: I will tell you right now, counsel, that they will not get a good recommendation if you want them to go.

Whitney Singleton: I'm not saying that I want them to go. I just want a correct statement of law. They can go to the Zoning Board of Appeals. They are going to be in violation of their site plan approval, and they are going to be in violation of a variance.

Anthony Monteleone: I agree.

Chairman Cosentino: Thank you for correcting the language, but this board has an obligation to the ZBA.

Doug Hertz: Whitney, please correct me if I'm wrong. They can go to the Zoning Board of Appeals, but having a variance does not get around the violation of site plan?

Whitney Singleton: Correct.

Chairman Cosentino: That is what I am trying to avoid.

Russell Davidson: So, you would like some indication of the history of the seating count and the outdoor seating.

Chairman Cosentino: Yes.

Doug Hertz: Also, please provide square footage changes. How much terrace there was, how much terrace you have now?

Russell Davidson: It's on the zoning chart on the cover of this submittal.

Doug Hertz: The comparative difference?

Russell Davidson: We had to resubmit the drawing as a chart.

Anthony Monteleone: It is 203 square feet.

Whitney Singleton: It's a 15 percent change in development coverage. Your application says the footprint is $\pm 1,500$ square feet. If you take 203 as a percentage of 1,500, you have 14 percent of the overall building.

Russell Davidson: It's not building though. I do not think that is a fair comparison to put the building in the denominator when you change impervious on the site. The total impervious on the site is a much larger number.

Doug Hertz: This is not about impervious. It's about usable space.

Russell Davidson: I understand, but it's not building.

Doug Hertz: But you're trying to use it.

Ralph Vigliotti: That was ground level landscaping which the diner was known for in that corner. As I recall, you were thrilled by the amount of proposed landscaping that was going to be there, and I think the board was. Now it's all concrete planters.

Russell Davidson: There will be a little less landscaping. There is more paved terrace.

Anthony Oliveri: You should also consider that even though you're saying you didn't build it out all the way and it's not a large increase, the Department of Environmental Protection (DEP) might have some requirements. Have you spoken with them?

Russell Davidson: We're starting here.

Anthony Oliveri: If they require water quality provisions for that increased 203 square feet, are you still going to want to go forward with the whole terrace?

Russell Davidson: In terms of the overall impervious on the site, we are into fractions of a percent. We believe we have enough room in what we are already doing for storm water to deal with it.

Anthony Oliveri: The DEP does not look at it that way. They look at these five that you are putting in impervious surface. I would definitely get feedback from them. They don't allow for trade-offs.

Russell Davidson: We hear you. We understood the implications of it the minute we saw it.

Chairman Cosentino: We are not here to hurt you, but you have us in a bungle here. We need information.

Anthony Monteleone: We will try to provide you with documentation as to what the intent of that terrace and the use of it was. We will also come back to you with suggestions and possibly complete resolutions that meet your concerns. Thank you.

Chairman Cosentino: Also, is this going to be used as a catering hall?

Anthony Monteleone: Meaning the addition? No. There may be parties there, but it's not going to be a catering hall. They are not going to cater.

Enrico Mareschi: *(to Mr. Monteleone)* What he means is, having a party is a catering job.

Doug Hertz: Will you be able to book the room by itself? Because if you can, it's specifically what we precluded. It was asked over and over again.

Chairman Cosentino: It's also in the minutes.

Enrico Mareschi: It would be separate from the dining.

Anthony Monteleone: I will address this. Thank you.

Formal 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

Chairman Cosentino: They are here because they are putting in a generator.

Ralph Vigliotti: I believe it is mandated by the State.

Chairman Cosentino: Whitney, I would like to get a resolution and approve it.

Whitney Singleton: We have standard conditions of approval for generators.

Chairman Cosentino: I would like to pass the resolutions with the conditions so they can get going with what they have to do. They have a deadline to meet.

Whitney Singleton: If your board wants to issue a negative declaration under SEQRA and approve it, the applicant would be accepting the resolution subject to the final resolution of approval. To the extent that there are conditions in there, the applicant would have to understand that the circulating would have to be on specific days, and noise levels would have to be maintained. I believe there was a recommendation by the planner and engineer and building inspector that it be restriped.

Homayoon Sighafi: Yes. We revised the drawings, and it's based on that.

Whitney Singleton: It would not be available until your April meeting. You can approve it subject to a final written approval.

Chairman Cosentino: I don't think there is anything more to do tonight. He's done all that, Rob is going to check that again, and it will be in a resolution.

Motion to Approve Condition of Approval:

**Motion: Ralph Vigliotti
Second: Enrico Mareschi**

Question:

Doug Hertz: This is an amendment to the site plan?

Whitney Singleton: To install a state mandated generator. Technically it is an amendment to their site plan, and as a condition of approval they will have to meet the standard conditions that are for residential generators as well as the conditions that the planner, building inspector and engineer read regarding striping, landscaping, setbacks, etc.

Chairman Cosentino: This will just allow him to meet his deadline.

Aye: Doug Hertz

Aye: Sol Gibbons

Aye: Enrico Mareschi

Aye: Ralph Vigliotti

Aye: Chairman Cosentino

Homayoon Sighafi: Thank you very much.

Conceptual Application

Mount Kisco Country Club

80.62-1-1 (SBL)

Site Plan

Present: Andrew Agnew, Golf Course Superintendent, Mount Kisco Country Club

Andrew Agnew: I am new to the club; I started just in January. I am just getting used to this "tree permitting." I wanted to submit plans to the tree preservation board to get a tree removal permit. They suggested I go to the Planning Board. I am here this evening to do everything right and get to know the board, as I plan on being there for the next 30 years. I want to develop a good relationship with the village. My club shares your name.

Chairman Cosentino: My understanding is that you want to cut down between 80 and 100 trees.

Andrew Agnew: 80 is the number right now.

Chairman Cosentino: Honestly, we want to make a site visit there to find out where these trees are. It's a lot of trees to come down.

Andrew Agnew: I completely understand that, and I would love that. In the scope of a golf course, 80 sounds like a lot. I would love to show you the exact issues the trees are causing.

Ralph Vigliotti: Please put ribbons on the trees as well and set up golf carts so we can head out.

A site visit was scheduled for Thursday, April 3 at 9 AM.

Conceptual Application

Three Boys Hot Bagel, Inc.

(a/k/a Sinapi Hot Bagel)

222 Main Street

PB2013-0257, 80.33-1-13 (SBL)

Village of Mount Kisco
Planning Board Meeting
March 25, 2014

Change of Use

**Present: Ed Gemmola, Owner, Gemmola & Associates,
Architect for the Project
Anthony Sinapi, Business Owner**

Ed Gemmola: This is a site plan. Also what was submitted was the original survey and the original site plan approval from 1972. This was done now, so if there are any changes we can make, it can be done digitally. The site is in a CB2 zone. The building is approximately 17,800 square feet. The site is approximately 67,170 square feet. This (indicating) is what exists right now. The tenants are Mango Café, Lamarqueta, The Rose Room, Abyss Scuba and this slot here will be the bagel shop. Here is the Irish pub. Right now this is vacant. It was Tiger Schulmann. There is a possible tenant, Barre Method, which would be a similar use, physical exercise therapy. The plan would be used basically as it is, if that goes ahead. That is not a done deal yet. Then you have TrustCo Bank. I was not sure why it's wrong. In terms of change of use, I understand we went under retail food, and there are two components for the retail food. We basically – front portion here only – for the second part of the calculation. The first part is one space per 150 square foot gross for the first 10,000 square feet. We are really way under that. We are at 1,138.5 square feet. We based everything on focused base here for the bagel operation, the bathrooms, rest of the store back here (indicating), janitor's closet. This was under the 1 for 150, which is the counter. We then used the second part of the code under retail food for – it says here except 1 space per 100 square feet or three person seating capacity. So, we based the calculation, which you see here on that amount. We can make this change right away. We've been in the middle of change in building inspectors and we were hoping to get this on previously. We realize we have to go for a variance. Hopefully we can get a favorable recommendation. There was a bagel store there where Mango Café was on the far left, which was Mount Kisco Bagel.

Chairman Cosentino: What can we do? I think this should happen, and I want it to happen.

Whitney Singleton: We need to sit down with you and go through your plan with the right calculations for purposes of generating this. For the purposes of generating the proper parking calculations, perhaps we can sit down as soon as the planner is back. It would be very helpful to know exactly what your seating capacity is. Not the number of tables, the seating capacity.

Arrangements were made for the applicant and staff to meet.

Anthony Sinapi: The area is a very limited space, so there is not going to be much.

Doug Hertz: What was this slot prior?

Ed Gemmola: Lacrosse Unlimited.

Enrico Mareschi: What are the hours?

Anthony Sinapi: 6 AM to probably 4 or 5 PM.

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Whitney Singleton: We might be able to figure out a way to eliminate the need for a variance.

Doug Hertz: Your parking demand might be off-peak with the other parking demands.

Ralph Vigliotti: That is the key piece that makes this work.

Board Discussion

- Discuss Proposed Zoning Text Amendments

Chairman Cosentino: We can go through this, but I would like Mr. Sturniolo to be here for this. He is coming back next month.

Whitney Singleton: I thought at your joint meeting with the village board of trustees, you indicated that you would get back to them as soon as possible. The board members present that night indicated that they did not have a problem with it.

Chairman Cosentino: We didn't have a problem with it. Draft a memorandum.

Whitney Singleton: You reviewed that with the village board already.

Chairman Cosentino: I want Tony to have a copy of it.

Whitney Singleton: I will make sure he gets a copy.

Chairman Cosentino: If you draw that up, we will act on it, and if Tony has any problems with it, he will get back to us.

- Review 2014 Planning Board Rules and Procedures
- Planning Board Training

The Review of the 2014 Planning Board Rules and Procedures and Planning Board Training was deferred until Mr. Sturniolo's return.

Correspondence

- Beautification Committee Minutes – February 12, 2014

As there was no further business to be discussed by the Planning Board, on motion by Mr. Mareschi, seconded by Mr. Hertz, the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Sol Gibbons,
Acting Recording Secretary

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