

Minutes Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, May 13, 2014

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

**Members Present**      **Chairman Joseph Cosentino**  
**Doug Hertz**  
**Sol Gibbons**  
**Vice Chairman Sturniolo**  
**Ralph Vigliotti**

**Members Absent**      **Stanley Bernstein**  
**Enrico Mareschi**

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

*The minutes of April 8, 2014 and April 22, 2014 were not approved.*

**Conceptual Application**

**Mount Kisco Medical Group Urgent Care**  
**360 North Bedford Road**  
**PB2014-0268, 69.51-2-1.2 (SBL)**  
**Amended Site Plan**

**Present**

**Christopher J. Sclafani, Chief Operating Officer, Mount Kisco Medical Group**

Christopher Sclafani: We are looking to put in an urgent care facility in about 5,500 square feet at 360 Bedford Road. I think there is a lot of misinformation out there about an urgent care facility. Basically it is just a primary care site where people can walk in. There are no scheduled appointments. Patients of the Mount Kisco Medical Group as well as patients who are citizens of the community can utilize the facility. It's really a function of where healthcare is going. As part of the Affordable Care Act, everything is being driven to lower costs, and we need to respond. We operate two already; one in Yorktown Heights at 225 Veterans Road. We also operate one in Carmel, New York at 185 Route 12. Both of them have been received very positively by the community. It's a very good service for our patients as well as for people who need care after hours. We run our facility seven days a week, 8 AM to 8 PM.

Chairman Cosentino: How many doctors do you staff?

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Christopher Sclafani: On a holiday weekend we would use two doctors, but most of the time it's one doctor and one midlevel provider. A midlevel provider would be a physician's assistant or a nurse practitioner.

Chairman Cosentino: What facilities will be inside?

Christopher Sclafani: I included a schematic for your review. Basically it's exam rooms. The patients come in and register at the front desk. There are patients that are already in our computer system, and if they are not, we register them. We take a quick history and physical to determine what they need, and then we get them into an exam room. During the flu season, we are dealing with a lot of flu and in the summertime we are dealing with falls, breaks, etc. If it is a non-displaced fracture, we will put a cast on it for the night until they can go see their orthopedist the next day. We will do some suturing. We have an x-ray and we will do some labs. It is really no different than what we provide in Mount Kisco, just a smaller scale.

Chairman Cosentino: How many patients do you foresee? It's hard to tell when you walk in.

Christopher Sclafani: We can probably handle eight to ten an hour.

Doug Hertz: In terms of parking demand on the space, at any one time how many staff would be there?

Chairman Cosentino: He gave us a parking calculation here. He needs to work with Rob before the next meeting, because the parking calculations that he did give was with vacancies. We don't know what is going to be in there, so that is a very difficult thing to find out. You are going to be working with Rob between now and the next meeting. There were 49 plus parking spaces, based on his calculations.

Christopher Sclafani: Based upon the square footage at the lowest density utilization for the vacancies, we came up with 48 surplus spots based upon what our demand is. At any one time, we would have no more than ten staff members there.

Doug Hertz: So you would imagine ten staff and possibly eight patients?

Christopher Sclafani: Yes. The good news in here is that we kind of have a model of what we've seen in Carmel. We usually run somewhere between six and eight patients an hour.

Chairman Cosentino: You have to meet with Rob and Jan between now and the next meeting so we can clarify on those parking calculations.

Christopher Sclafani: The good news is that I don't foresee another healthcare entity in this building.

Chairman Cosentino: We don't either.

Whitney Singleton: Apart from this, is there anything different – separate and apart from this than your other facilities as far as licensing?

Christopher Sclafani: There are no licensing requirements; however, we will have a physicist do an environmental radiation assessment of the room, which is just a standard when you have x-ray equipment. Besides the Town's Certificate of Occupancy, that is the only licensing requirements.

Whitney Singleton: So it will just be medical offices. Essentially you will not have any ambulance or fleet vehicles?

Christopher Sclafani: It is a walk-in facility. If a patient walks in and they are in heart failure, we are going to stabilize him and call an ambulance. That happens in every medical office.

Whitney Singleton: I understand. I want to be sure you won't have an ambulance parked on site.

Christopher Sclafani: No, we are not in the ambulance business.

Whitney Singleton: Is anything going from your existing facility to this location?

Christopher Sclafani: No.

Chairman Cosentino: Since there are no other questions, we will put you on our next agenda. You need to work with Rob.

Christian Sexton: Thank you.

### **Formal Application**

**Westchester Foundation for the Disabled  
135 Radio Circle  
PB2014 – 0262, 80.63-1-1.2 (SBL)  
Change of Use and Amended Site Plan**

### **Present**

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

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

John S. Marwell: We are here to listen to any comment or feedback the Board may have.

Scott Blakely: The property is located at 135 Radio Circle. The owners purchased the building recently. 135 is at the end of the cul-de-sac on the left. It is a two-story brick building across from the radio tower. The applicant owner is looking to occupy the building. It is about

25,000 square feet. They have their existing facilities throughout Mount Kisco and Westchester, and they are looking to consolidate and move into this building. We've been before the Board and responded to a number of comments. The only site plan change that we are proposing is to re-stripe a portion of the parking lot to bring the parking up to current ADA standards. There was an original site plan for 65 parking spaces, our site plan indicates 65 parking space with 61 required, so we meet the parking code requirement. We have been working closely with Jan and Rob to bring this project to where it is today. They are hoping to move into the building as soon as possible. There was some work that was completed prior to issuance of permits. We worked through those issues as part of the resolution. Any of the partition walls that were built are going to be removed through a demolition permit that we hope to submit by Monday. We hope to get Rob into the building once everything is demo-ed to do an inspection, come back to your board for a temporary Certificate of Occupancy (C.O.) for the office space that currently has a C.O. while they build out the remaining portion of the office space per the approved plans that we hope you give us tonight.

John S. Marwell: There is an existing site plan approval that was granted by this board 20 years ago and an existing C.O. for office warehouse use. We are proposing to change the percentages of the office of warehouse use, which raised questions about whether there is adequate parking on site. We are not proposing any physical changes to the site plan, even though we've applied for a change of use and an amendment to the site plan in order to satisfy the requirements of the code.

Vice Chairman Sturniolo: The footprint remains identical?

John S. Marwell: Yes. The problem arose because the prior owner had done some work on some 3,000 feet of office space. We are dealing with that, and we perhaps have been a little too enthusiastic in making some improvements during the last several months, so we are dealing with that where we removed the work that was done.

Scott Blakely: We believe we've addressed all the consultant's comments in this latest submission. I know there is a draft resolution before your board for approval. We have reviewed that.

Chairman Cosentino: There is a draft resolution before us. I am sure we have read all the letters before us. Does anyone have any questions from staff before we vote on this?

Jan Johannessen: They have addressed our comments.

Whitney Singleton: They have an existing approval of an existing Certificate of Occupancy, of which they are in compliance (sic) right now. They are going to "demo" to the plumbing ----- but because they are going to get a site plan approval from your board, which is going to change what is approved, they are going to come back to you for a Temporary Certificate of Occupancy. That will require them not to apply to Rob solely, but to physically come back to your board.

Chairman Cosentino: I understand that.

John S. Marwell: We hope to be back here within two weeks.

**Motion to Approve the Change of Use and Amended Site Plan Approval**

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

**Formal Application:**

**Rockin' Jump**  
**333 North Bedford Road**  
**PB2014-0264,69.50-2-1 (SBL)**  
**Site Plan and Change of Use**

**Present:**

**Alexander Byall, Principal, Rockin' Jump**

**Scott B. Rose, Principal Owner, Amphibious Holdings LLC**

**Michael Gallin, AIA - Principal, Gallin & Beeler Design Studio, Architect representing the Applicant**

**Jim Diamond, Diamond Properties, Property Owner**

*(Mr. Hertz was recused from this session)*

Michael Gallin: As you all are intimately aware, 333 Bedford Road has seen a dramatic evolution, and Rockin' Jump represents the last piece to complete the puzzle that occupies almost 600,000 square feet of space in the facility. As you know, from the beginning we have worked very hard and diligently to end up with a diversity of tenants that both compliment each other and also offset each other in terms of peak modes and peak impacts, so that we have tenants that have their peak during the week and during rush hour. We also have tenants that have their peak on the weekends, other tenants in the evenings, etc. We feel very strongly that Rockin' Jump in this location of 18,468 is really the perfect compliment to complete that mix. Rockin' Jump is an indoor facility for exercise utilizing trampolines. (indicating) Here is a layout of the 18,000 feet. There is a reception area in the front. There is a small concession vending area. We have the bathrooms in the front of the facility and three multi-purpose rooms where small groups can gather for birthday parties and something of the like. There are two courts here, which are dodge ball courts, where you would have two teams on each court, and they play

dodge ball on the trampolines. There is a foam pit here with trampolines where people jump off a platform onto the trampolines and then into the foam pit. There is a small area here where there are two basketball hoops that have trampolines on them where people can jump on the trampolines and do tricks into the baskets. There is a large area out here that is a general trampoline area. All the areas are broken into squares with padding specially designed in between the trampolines. For example, in this area (indicating) there is only one jumper per square. There is a fixed limit to the number of occupants that can use the facility at any given time.

Chairman Cosentino: How many is that?

Michael Gallin: Eighty nine.

Chairman Cosentino: In looking at the front of the building, what is to the left?

Jim Diamond: MMA Fit.

Michael Gallin: Here is the overall site plan. (indicating) Here is the athletic club, this is MMA Fit, this is Rockin' Jump, this is Cosentino, this is the Target warehouse, Self Storage, Grand Prix, Photofile, RDI Warehouse, Ideal Electric.

Chairman Cosentino: What are the hours of operation?

Scott Rose: We really are very passionate about creating a place where a family can come and have a fun fitness experience. We intend the hours of operation to be from 10 AM to approximately 9 PM on lesser traffic days, like Monday, Tuesday and Wednesday; and then, as you get into the weekend, we would have later hours, sort of Thursday, Friday, Saturday we might be open till 10 or 11.

Michael Gallin: We have put together an analysis of concurrent parking. You may recall these diagrams from the original application. We looked at the peak hours of usage both during the week and on the weekend. We also factored in times where there might be a special event. For example, if there is a special event at Grand Prix New York, or the athletic club, which they are allowed to have a certain number of events a year; we plugged the anticipated parking usage for each of those circumstances and hours into diagrams, and that is what each of these diagrams are; just to demonstrate that we always had adequate parking on site, and that the parking was in a reasonable proximity to the proposed uses. We did that for the six key times, and those analyses were reviewed by your consultants, which they commented on. The one thing I do want to bring up, which was a comment that your Planning Consultant made is that the code dictates that the parking needs to be determined based on the number of participants. We took the number of participants, meaning the number of people using the trampolines. There is an assumption in our occupancy calculations that there is going to be a certain number of people that come and just watch. We did not count the people that are watching

as part of our parking calculations. The planning consultant suggested that we should.

Jan Johannessen: The parking calculations still works, including the visitors as participants, but you should not differentiate.

Michael Gallin: The point being it's a delta (sic) five parking spaces, and it works either way. We can certainly amend the tables.

Jan Johannessen: I think you should amend the tables, and I think that the parking calculations work, because there is a certain amount of car pooling that is taking place. The applicants identify approximately 3.8 people showing up per car. I think the parking works, but I don't think you can separate visitors from participants.

Michael Gallin: We certainly don't want to make an issue out of it. We just don't want it to hold up the process.

Chairman Cosentino: I see where you're coming from, and I am not here to make an issue out of it; but, I use the gym, and it's good that it's opening up at 10:00 because in the morning, as you know, you cannot find a parking space there. It is filled.

Ralph Vigliotti: You can find parking, you just have to walk a quarter of a mile.

Jim Diamond: Our target audience is really children 6 to 16.

Chairman Cosentino: My question is, with all the parking there now, you're adding more parking there, are you going to have a shuttle bus?

Jim Diamond: I was curious and wanted to count the spots in the whole parking lot. On March 26 I counted, and I noticed there was not a huge difference. There are spots available everywhere.

Chairman Cosentino: I'm not talking about the whole parking lot. I want you to clear my mind. I'm talking about the south parking lot. It is packed. You're adding this to it. Where are these cars going to park? The only spaces left are north.

Jim Diamond: On a Wednesday at 10:30 in the morning, there were 235 vacant spaces in the lot. At 4:30 in the evening, there were 280 something. My office overlooks the south lot. I see it everyday, and I see the ebb and flow with Saw Mill Club. Saw Mill Club definitely takes the majority of the south lot, but it always ends right around where Cosentino is; somewhere in that area. It never really comes past that. At 10:30 in the morning, there are always 75 to 100 spaces between Saw Mill Club and my office – the wall at Grand Prix. It is the same thing in the afternoon. Saw Mill Club is really busier in the morning than in the afternoon. There is definitely another rush from 4 to 6, but the 8 to 10 am is really their peak business.

Chairman Cosentino: There is room, the people will have to walk.

Michael Gallin: There are a couple of things that are inherent in the site. The good thing is that if there is not enough parking in the immediate adjacency and the people have to park a little bit further away, it's not like they are going to park on the street and it's going to impact any neighbors. It's a problem that is contained to 333, which is good. Most sites don't have that problem. If they have overflow parking they end up double-parking on the street or in someone's lot next door. That issue does not exist at 333. The other nice thing with Rockin' Jump, which is shown on this table and in the analysis – is they really are not anticipating heavy usage at 10 in the morning on a weekday. Their prime usage is afternoon on a Saturday or a Sunday. There really is a synergy between that use and the other uses on the property. I cannot imagine, in terms of time and peak load, of a better use for synergy with Grand Prix New York, the athletic club, and the warehousing tenants. They are really fitting in a slot that is distinct from the other tenants. Of course there will be some overlap, but the peak is distinct, and I really think that is going to help both in terms of traffic generation and in terms of parking.

Ralph Vigliotti: As long as the new business owners know they might have to walk a little.

Jim Diamond: Since I'm so passionate about fitness, I'm hoping they won't mind that extra 100-yard walk.

Robert Melillo: I have comments that were in my memo. The applicant needs to provide the originally approved site plan, they need to get rid of the storage of vehicles that is illegal on the site.

Chairman Cosentino: How are we doing with the illegal storage of vehicles on the site?

Jim Diamond: That is a question for you.

Chairman Cosentino: They have to go.

Jim Diamond: I sent that note to clarify that question.

Chairman Cosentino: If you want to do something with them, come back with an application, and we will consider it.

Robert Melillo: Apparently they are being parked in required parking spots.

Chairman Cosentino: As it is now, our hands are tied. It is a violation and it has to be corrected. There is nothing stopping you from coming back for an application.

Jim Diamond: The only thing that would stop us is that it's a long process and we are working on things that are going anyway. The Chrysler cars are going to our building in Bedford once the building is complete.



Chairman Cosentino: Without saying, we have people on our backs. We are just trying to do the right thing. You've always done the right thing. They are going to have to be moved unless you come back with an application. This Board does not have a choice. I wish we did.

Jim Diamond: I have a question about the original site plans. Do we really need to resubmit 17 copies of the last approved site? You have 17 copies from the last.

Robert Melillo: All we have is the last previously approved site plan.

Jim Diamond: That would be the most recent version?

Robert Melillo: Yes. It's only going to be one page. It's not going to be a packet of 20 pages. It will be the site outlined. Like a final survey type.

Michael Gallin: We will submit as many copies as the Board would like.

Chairman Cosentino: This is not much different than the sports arena.

Jim Diamond: We think so, too. It's a straightforward use. Similar, and if there are no substantive comments we would love to ask for approval at the next meeting.

Jan Johannessen: We have some comments on the parking table which could be easily resolved.

Chairman Cosentino: He has to meet code before anything is done.

Robert Melillo: Yes, and get rid of the parking. You have to make sure you comply with the previously approved site plan.

Jim Diamond: Could the Board simply make the issuance of a building permit conditional upon clearing those other issues so that we could at least move forward to the next step?

Vice Chairman Sturniolo: Will the cars be done by that point?

Michael Gallin: Yes, prior to issuing the building permit. That would at least allow you to move forward with the drafting of a resolution and take action next meeting, and then parallel we can address any issues.

Jan Johannessen: You still have to re-submit to address the comments.

Michael Gallin: Since the comments are pretty minor and we do not object to any of them; we are going to address exactly what you put in. Can you, in parallel, be drafting a resolution?

Chairman Cosentino: All these comments can be conditions. I don't want to hold you up.

Whitney Singleton: Is this going to be a membership club?

Jim Diamond: No, it's a physical training studio.

Whitney Singleton: And you are a private, "for" profit entity, correct?

Jim Diamond: Yes.

Whitney Singleton: I want to look at that.

Jim Diamond: It's really the same as MMA Fit.

Whitney Singleton: I'm not saying that it's not, but I was not involved in a lot of the prior approvals. It's not an educational facility, correct?

Michael Gallin: Correct. There was a narrative describing the use that was submitted as part of the application that outlines how it operates. There is a clear parallel between it and MMA Fit or a dance studio, etc.

Vice Chairman Sturniolo: If I understand this concept properly, not to hold them up, we are going ahead with a drafting of the approval, and in the meantime you're going to address the car issue.

Michael Gallin: The car issue, updating the tables and submitting the previously approved site plan.

Vice Chairman Sturniolo: Some of this correspondence goes back to last November. I think, as a general comment, we need to cut back on this backlog and keep things moving expeditiously with due respect towards zoning and proper planning procedures. I think this agreement that we are talking about right now addresses that concern.

Michael Gallin: We appreciate that.

Whitney Singleton: The other comment I have relates to required parking. Your Board needs to determine what the required parking is. I know that we've been recently approving physical training studios and what the appropriate parking scale should be. The Board has a long complaint about the parking on the southern end, and you're going to be putting yet another physical training studio use in the property. I know the Village Board is considering increasing parking requirements for this use, but it is not currently in the form of a public hearing or anything else. Ultimately the Board has to be comfortable with the volume of traffic and the capacity as the cars move on the southern end of the site.

Chairman Cosentino: My decision is being based on the fact that we approved the sports arena at the time; the Saw Mill Club being there also.

Whitney Singleton: Frankly, that is not relevant to the situation because the permit expired.

Jim Diamond: The reason I took it upon myself to go count the parking spaces was because the parking requirements come from the town zoning code, of course, saying how many parking spaces are required for each type of use. Using that, our parking chart shows that we are using all of the parking spaces, but because of the way that this site operates with the concurrent uses, and because once you get to 600,000 square feet, the formulas don't necessarily still make sense, the same way that might be in a 2,000 square foot building. That is why we had 208 parking spaces even after those other cars that are stored there. So we really had approximately 380 empty parking spaces at those times; almost half the site empty.

Chairman Cosentino: The problem is that people are not parking on the north side, making a no parking problem on the south side. That will be a problem for you, or whoever rents there. This is not our problem.

Whitney Singleton: I am not disagreeing with Jim. They are already at a significant shortfall under our code for parking. They are double-counting spaces on the site, and now you are going to be authorizing an additional 18,000 square feet physical training facility. The question becomes what is required in the code is a provision. It's a minimum requirement in the code.

Chairman Cosentino: I agree with you now, but this Board doesn't know that right now.

Jan Johannessen: There has always been a deficit in parking spaces. There are 799 existing and 1,000 or something required.

Chairman Cosentino: So if there is not enough parking spaces by code, what are you doing here?

Jan Johannessen: Because you're double counting parking spaces. It's always worked.

Michael Gallin: The code allows you to do it. It gives the Board discretion to take into consideration the non-concurrent parking uses. If you have someone that is going to be using the parking spaces at 8 AM and then somebody at 8 PM, you're allowed to count those parking spaces twice, if the board believes that it is reasonable.

Chairman Cosentino: That is not working there now with Saw Mill Club and the rest of it. There is no place to park.

Michael Gallin: Within the site as a whole, I think it is working. Your point is that within the 38 acres, it works.

Jim Diamond: I am 100 percent sure, because I look at it every single day, from the corner of Grand Prix New York down, every single day at every time of the day there are plenty of spaces.

Chairman Cosentino: How many cars do you anticipate?

Michael Gallin: For example, at 10:30 on a weekend, they are anticipating 35 cars in the parking lot. In the afternoon they have a few more than that.

Jim Diamond: The Mount Kisco Zoning Code requires us to say 70, but practically they think 35.

Vice Chairman Sturniolo: There is the other side of that sword, and that is that it is predicated by different uses by other tenants in the same area. As you said earlier, one tenant compliments another. When a peak period happens there, it is not a peak period here. That 35 has to be viewed in a more global aspect as far as that 35 impact by other tenants.

Michael Gallin: Correct, because at 10:30 on a Saturday, all of the warehousing tenants are utilizing none, and even the peak at Mount Kisco Athletic Club (MKAC) is 9 AM. By 10:30 they are starting to dissipate. The one thing I want to make clear, I appreciate the concern and that the Board is considering changing the guidelines for physical training studios, but there is a distinction in terms of the parking load for something like MKAC where typically everyone is driving themselves to something like Rockin' Jump, where most people are carpooling. I think that is going to help you. I do not think this is another MKAC. There are going to be many fewer cars per participants in Rockin' Jump than you are going to see at a typical health club.

Jan Johannessen: I think there is sufficient parking on the site. It only works because of the large amount of parking that is associated with the use.

Chairman Cosentino: How do you handle the deficit in the parking?

Jan Johannessen: You double count the parking spaces.

Chairman Cosentino: And we've done this before?

Jan Johannessen: You've done this on this particular application every time you approved a use on this property.

Whitney Singleton: The only point I was trying to make is that Michael and Jim are both pointing out their course. Michael is also pointing out the fact that there is more car pooling associated with this than the Saw Mill Club. I am not disagreeing with any of that. I am just trying to make sure that everyone is treated with the same level of examination, because we recently went through this at 145 Kisco Avenue with a different result. There are different capacities, different site sizes and different mix of uses. Everything is unique to each application. I'm simply pointing out that the procedure that is being undertaken here is identical to what is currently going on at 145, and is currently going on at other sites, including the hospital and other places.

Chairman Cosentino: Are we doing the same thing?

Whitney Singleton: You are evaluating it under the same code provision. Each one stands on its own merit. I'm simply pointing that out to you for your consideration.

Chairman Cosentino: They are certainly not going to leave 18,000 square feet empty. He needs to put something there.

Jim Diamond: We certainly would not put a use in here unless we were 100 percent confident that there is plenty of parking, and we are 105 percent confident that there is plenty of parking.

Jan Johannessen: The applicant requested that the Board consider a draft resolution.

Chairman Cosentino: Yes, we can do that.

Jim Diamond: Thank you very much.

### **Formal Application**

**Field House and Access Improvements  
333 North Bedford Road  
PB2013-2, 69.50-2-1 (SBL)  
Site Plan**

**Present:**

**Michael Gallin, AIA - Principal, Gallin & Beeler Design Studio,  
Architect representing the Applicant**

**Jim Diamond, Diamond Properties, Property Owner**

Jan Johannessen: The Board is in a position to move forward on The Field House, but not necessarily the easement.

Jim Diamond: Since it was one application, we can bifurcate?

Jan Johannessen: I think so. Otherwise you could provide a plan that is just associated with The Field House. Right now they are one site plan.

Chairman Cosentino: I want to separate them.

Michael Gallin: That creates issues, I believe in terms of our storm water pollution prevention plan (SWPPP). We submitted a complete package for both because they both have site work and impact on coverage and everything else. We submitted a single application, and hired an engineer to do both. I don't see how you can pull them apart. I think we really want them to be considered together.

Chairman Cosentino: Because of that, or because of another reason?

Michael Gallin: Because of that, and because it impacts impervious surfaces. For example, we are eliminating impervious surface here, and adding some here. Those things are related.

Anthony Oliveri: You have separate storm water quality practices for each, right?

Michael Gallin: We do, but our total impervious surfaces are impacted by both of them. So, when we add impervious surfaces here (indicating), we are offsetting that here, and we want that to be under consideration for both of the applications.

Anthony Oliveri: In terms of the Department of Environmental Protection (DEP)?

Michael Gallin: In terms of DEP, SWPPP and in terms of your evaluation from the engineering and from the Board.

Ralph Vigliotti: The process that we are going through is one, it's going to move quicker and the other is going to move slowly. We are not sure which one will move swifter than the other. So, one is being held hostage while the other is moving forward. They are not both going to move forward at the same exact time. We have the Field House that you have been gracious enough to put into place, but it's taking forever because we now have two items we are dealing with. We want to bifurcate that.

Anthony Oliveri: In terms of the storm water on The Field House, you can show an offset. You previously added impervious areas from Saw Mill Club. You kind of have a "net" pervious area on the site.

Jim Diamond: If it wasn't going to be a financial impact, we have no objection to bifurcating, but we spent a year in front of this Board now and probably 50 thousand dollars to get to this point. I would not want to have to spend additional professional fees to now undo items that we've already done.

Chairman Cosentino: We don't know how long that bypass road is going to take. It could take up to three years. We don't want the village to be hostage because of that. We want The Field House to start working.

Michael Gallin: Why would the application take years?

Chairman Cosentino: I don't know.

Jim Diamond: We have one comment here on the access road.

Whitney Singleton: There has been no review of the traffic impacts.

Jan Johannessen: You have traffic impacts, and I have an outstanding memo.

Michael Gallin: I believe that the ball was in the Village's court in regard to the traffic impacts.

Whitney Singleton: Correct.

Michael Gallin: So, in some ways we are being held hostage because the Village isn't acting on the traffic.

Whitney Singleton: Correct, but the fact that the Planning Board is without a traffic analysis doesn't somehow alleviate the need for a traffic analysis. The fact that we've had to engage a new traffic engineer to review this application should not be punitive to the Planning Board. They have to undertake a review regardless of when they get that analysis.

Michael Gallin: We are not objecting to that. We have not objected to that.

Whitney Singleton: You just said you're being held hostage.

Michael Gallin: Somebody suggested that this project was being held hostage. I was just saying a parallel. It is really being held hostage by the lack of traffic.

Whitney Singleton: I think the Planning Board is telling you that there is certain components of this application that they would very much like to move forward on in an expeditious fashion, although other areas have more bumps in the road.

Chairman Cosentino: Is there a way of separating them without Mr. Diamond spending thousands of dollars? My intentions were always to separate these. The Village of Mount Kisco should enjoy the fruits that they were promised years ago, and they are not going to do it because of a technicality, and that is not right.

Anthony Oliveri: In terms of the storm water, if we went ahead on just the Field House and left the drawings as they were, as conditions we could possibly just call out the Field House work. There is a water quality practice provided just for the Field House. I'd be satisfied in terms of the impervious/pervious area swap (sic). I know there is a surplus of pervious area. You added a whole grass area in front of three or four of those businesses.

Michael Gallin: There is no doubt we've made a huge environmental improvement.

Anthony Oliveri: I agree. I think you're satisfying the storm water.

Michael Gallin: But we still need to apply with the DEP.

Anthony Oliveri: Can't you leave the DEP as is?

Michael Gallin: Technically we can't apply to the DEP unless you have an approved resolution from the Planning Board.

Vice Chairman Sturniolo: You are right. Going back to a point you raised before about the traffic analysis, and forgive me everyone in the room, I've been away from this for awhile. If I heard you correctly that the Village was going to do a traffic analysis undertaken by themselves?

Michael Gallin: Yes, it's been discussed now three or four months.

Vice Chairman Sturniolo: Why have we not moved to hire a traffic expert on behalf of the Village to analyze this?

Jan Johannessen: The Village Board has. They received the proposal a couple of weeks ago. I don't know if they have signed the contract, but the proposal has been submitted.

Vice Chairman Sturniolo: It seems awful long.

Michael Gallin: We really want to push this forward as quickly as we can. We've been to numerous meetings to discuss this.

Jim Diamond: As a suggestion, would it make sense for Michael and Anthony and Jan to follow-up tomorrow? If there is a way to do it without us expending substantial dollars, we support it.

Chairman Cosentino: I want the application separated. I want to see the Field House completed. How you do it is up to you. I am not going to let the people of this Village suffer another year. I want it done.

Ralph Vigliotti: Mr. Chairman, I agree with you 100 percent. If you need to put this to a motion, I will be happy to do that.

Chairman Cosentino: I'm sorry, Jim, but we owe it to the Village. You've always helped the Village. You've done a lot for the Village. The village deserves what they were promised.

Jim Diamond: I agree 100 percent. We just don't want to go in reverse in terms of re-doing dozens of plans. Maybe there is a way Michael and Jan can figure it out.

Vice Chairman Sturniolo: Can you carve up the engineering which shows both locations to a degree and let the separation take place, but in the meantime accomplish something without re-doing work that has already been done.

Chairman Cosentino: You're an engineer and you're an architect. You guys get together and find some way to do it.

Michael Gallin: *(to Mr. Oliveri and Mr. Johannessen)* How long would you anticipate the DEP is going to take? My experience is it's months.

Anthony Oliveri: It's months, yes.

Jan Johannessen: Have you had any interactions with them?



Michael Gallin: We have. We are anticipating months. Is it a Negative Declaration that has to happen before?

Jan Johannessen: Typically the DEP won't issue a Notice of Complete Application until the Planning Board issues a Negative Declaration, if the project is subject to SEQRA. The Field House alone is not subject to SEQRA. If you separated them, you could go to the DEP tomorrow because it's a Type Two action.

Vice Chairman Sturniolo: There is no DEP impact on The Field House.

Jan Johannessen: Getting to a Negative Declaration on the access is harder because there hasn't been a traffic analysis yet.

Michael Gallin: Understood. A lot of this has to do with this whole Main Street district designation and the fact that the DEP gets involved in everything and the DEP can be very difficult. Let's talk about it. I still don't want to hold up this application, even if we agree that there is no cost in separating them.

Ralph Vigliotti: They can both be moved along independently.

Michael Gallin: What can we do today to move these two applications forward? Can we go through the comments?

Chairman Cosentino: The easement is going to be a separate application.

Michael Gallin: As of today it's one application. Can we talk about whatever comments exist on this application and see what concerns exist?

Chairman Cosentino: We need a traffic study before we really can do much.

Michael Gallin: Is that the only thing left on this?

Jan Johannessen: I had a February 19<sup>th</sup> memo.

Anthony Oliveri: I don't have anything left.

Vice Chairman Sturniolo: Who has to manage this project to get this traffic consultant that was recently hired to start to move on it?

Jan Johannessen: I don't know if the contract has been executed.

Chairman Cosentino: It's started. They've already contacted somebody.

Jan Johannessen: I don't believe the Village Board has executed the contract. It is in negotiation.

Whitney Singleton: The Village Board has authorized the execution of the contract with the traffic consultant. As it relates to the proposed opening of Easement Number One, there are issues that relate to turning, ingress and egress, one-way, two-ways, and displacement of required parking on the site plan, signage, etc. Those all need to be addressed. Because the traffic consultant is new to the Village as far as representing the village, we have to make sure they are provided all the information. The property owner has submitted information in support of it's application, and adjoining property owners have submitted traffic information. That all needs to be added. In that regard, I agree with Jan. The discussions are going to be very heavily tethered to traffic consultants.

Jim Diamond: I think it probably makes sense to leave that one alone until hopefully the consultant gets hired, because it has been five months.

Chairman Cosentino: Understand it's not this board's fault.

Jim Diamond: I understand.

### **Formal Application**

**666 Lexington Avenue  
PB2013-04, 80.72-4-2 (SBL)  
Amended Site Plan**

**Present:**

**Michael Gallin, AIA - Principal, Gallin & Beeler Design Studio,  
Architect representing the Applicant**

**Jim Diamond, Diamond Properties, Property Owner**

Jim Diamond: This application we are going to make easy because we are going to withdraw it. We've given up. Too long a process, too many comments, too difficult with the Main Street district. Thank you.

### **Conceptual Application**

**48-50 East Main Street Building  
48-50 East Main Street  
PB2014-0269, 69.61-6-3 & 4 (SBL)  
Site Plan**

**Present**

**Phillip Ceradini, AIA, Architect for the Project**

**Anthony Stewart, Associate of Love Realty, Owner**

Phillip Ceradini: Presently there is a 22 car parking area adjacent to what used to be the HSBC Bank. It is now First Niagara. My client owns the property within the CB-1 zone where part of the parking lot

presently is. He desires to build a 3,500 square foot, one-story retail building in that spot and reconfigure the parking with a 14-space lot adjacent to the new building with a pedestrian plaza in front of the building, landscaping and benches and lighting to match the existing historic lights. Taking a look at the intersection and the various buildings around that intersection, I took some of the cue for the materials and shapes from those buildings and came up with this design. (indicating) This is the design that faces the façade that faces Main Street, which backs up to the existing building. This view (indicating) which is the present parking lot, would be this view as you come into town. We are looking at a stone base brick that would be similar in color to a lot of the brick that is around the intersection already and synthetic slate roof that is quite nice as it doesn't have any shine to it. It has a very dead finished look. You can't tell the difference from the distance. It would be similar to the church's slate roof with some copper details – vents and some ridge caps – to make it very elegant.

Chairman Cosentino: Are you adding parking?

Phillip Ceradini: This is going to delete parking in this area of 22 spaces, and we are going to have 14. This (indicating) building is on the CB-1 side, so you don't need it.

Vice Chairman Sturniolo: Where is the current bank on this drawing? Does that stay intact?

Phillip Ceradini: Yes. This window right here (indicating), which is First Niagara, is this window here. From that line over is the new building. I am trying to continue the trim work and the fascia work of the First Niagara to tie it together to this so you sort of turn the corner as we come around the bend.

Vice Chairman Sturniolo: Currently, are the parking spaces metered?

Phillip Ceradini: Yes.

Ralph Vigliotti: How many tenants do you anticipate?

Phillip Ceradini: At the most four, possibly one.

Jan Johannessen: We did not prepare a memo, as it is a conceptual. But, do you own the area that is going to be designated for parking?

Phillip Ceradini: I believe that is a village parcel.

Jan Johannessen: So there are two separate parcels here. Are you going to acquire that?

Anthony Stewart: It is not our intent.

Jan Johannessen: Where is the property line? Is this the zoning district line?

Phillip Ceradini: Yes.

Robert Melillo: That is part of why I asked for a survey in my memo. I do not know who owns (sic) the property.

Chairman Cosentino: Do we have a survey?

Phillip Ceradini: No.

Chairman Cosentino: We need a survey.

Phillip Ceradini: We completely agree. I just wanted to get this concept in front of you as a discussion.

Doug Hertz: Is it your expectation that you will pay for the reconfiguration of the parking on the village's property?

Phillip Ceradini: Yes, it is our intent.

Doug Hertz: What is the current arrangement?

Phillip Ceradini: I don't know every nuance of the legal arrangement; if there is an easement that allows the Village parking to be on Love Realty's property until such time as they apply for site plan approval and a building permit.

Whitney Singleton: That is substantially correct. There is an agreement that allows the Village along with 16 other property owners to amass the open space and operate the parking lot as a municipal parking lot. I would have to go back and see provisions specific to Love Realty's ownership interest to reutilize this, but they are going to have to demonstrate complying to the parking requirements, and while they currently satisfy those parking requirements they are going to be displacing parking as well as creating parking conditions (sic) that are not under the code.

Phillip Ceradini: There is no parking requirement in this zone?

Whitney Singleton: But there is 6,000 square feet upstairs, for which you do satisfy that portion of parking spaces. You are going to have to address that.

Vice Chairman Sturniolo: Does your client also own the bank building?

Phillip Ceradini: Yes.

Vice Chairman Sturniolo: Is there any intent to change that bank building, whether it's a reconstruction or a new tenant?

Phillip Ceradini: I think the space is for lease, but we are not renovating that building.

Vice Chairman Sturniolo: So that bank is going to stay there for a while?

Phillip Ceradini: Yes.

Vice Chairman Sturniolo: It's a big space and not many customers.

Ralph Vigliotti: I wish you were the architect on the interior of that bank. What they did was an abomination. I'd like to thank you for taking the efforts to have your proposed building match the buildings downtown. It's quite an effort and very much appreciated.

Phillip Ceradini: If you stand there and do a 360, it starts to become a natural.

Jan Johannessen: The entrance to the parking area is getting moved closer to the traffic light on the curve at Main Street. This might be an application where you want the traffic consultant to look at as well.

Chairman Cosentino: We are here on a conceptual. You need to file for an application now.

Phillip Ceradini: Thank you.

**Special Discussion:**

- **Letter from Ira Grandberg dated May 5, 2014 re KH Realty, 130-132 East Main Street request for a Temporary Certificate of Occupancy**

**Present: Ira Grandberg, Architect for the Project**

Robert Melillo: We received a letter from Mr. Grandberg from KH Realty. They are looking to get a Temporary Certificate of Occupancy for their building. They are getting close and looking to start prepping.

Ira Grandberg: We are about 90 percent done with the project. The outside planting has been ordered, but they can't do any planting in the back of the restaurant until all the construction equipment is out of there. Also, the roof is something that might be a few weeks later. The chef has to prepare meals for two to three weeks to get the staff ready prior to opening to the public. The restaurant equipment is in; all the cabinetwork is in. They are doing the finished painting now, and, if everything meets fire safety considerations from Mr. Melillo they would like to get a Temporary Certificate of Occupancy (TCO) so that we could the building in preparation for the opening with the understanding that before the public is allowed in, the remaining open items will be met. I am not sure exactly when the deadline is for the existing permits and whether we need permit extensions, but ConEdison held us up for about three months. The reality is that they are not sure exactly what date they want to open because the summer is a dicey time for a restaurant to open. They are going to try to open either for the summer or at the end of the summer. If they open in the summer, they are very concerned that it could be a flat opening, and they are very concerned about that. Meeting the Building

Department criteria, we would like to get a Temporary Certificate of Occupancy so we can start the process going.

Chairman Cosentino: This Board does not have a problem with granting a TCO. We've done it before.

Ira Grandberg: We will file for a TCO at the appropriate time and pay fees accordingly, if any required, and move forward.

Jan Johannessen: If you recall, the application was before the Board in January for amended site plan approval, which the board granted. That required construction to be complete in a year. You have until January, which is in your favor. Prior to resuming work on the exterior, the landscaping improvements, you were to submit revised site plan and obtain Village Board approval. I don't think that has taken place. I don't remember seeing the site plan submitted for signature.

Ira Grandberg: I cannot answer that except we hired a landscape architect, Robert Sherwood, and there is a plan and it's done. If we can get a Temporary Certificate of Occupancy on the building proper, we will submit the site plan for the exterior for your review.

Jan Johannessen: Before you recommence work on the exterior, please make sure you complete conditions 1-7.

Whitney Singleton: Because it is a commercial site, the Planning Board can authorize the Building Inspector to issue a Temporary Certificate of Occupancy if you believe that this extension will complete. Are you issuing a blanket authorization to do this? There is construction equipment and various other things there right now. What are you authorizing?

Chairman Cosentino: He is going to open up with a Certificate of Occupancy. He needs a TCO for the training of the staff, etc.

Ira Grandberg: All the construction equipment will be off the site at that point.

Whitney Singleton: Usually someone would say, "We have taken care of all of the health and safety issues. It's ready to go." So long as your Board is comfortable and Rob is comfortable with the degree of progress, that is the concern.

Jan Johannessen: You are not asking to open up for business under the TCO?

Ira Grandberg: No.

Whitney Singleton: So your board would approve solely for preliminary work, and not to open?

Chairman Cosentino: Yes, not to open to the public.

Ira Grandberg: But meeting all fire and safety issues.

Chairman Cosentino: Yes.

Vice Chairman Sturniolo: How do we handle the extension of permits?

Jan Johannessen: We don't need to because the amended site plan extended to January 28, 2015. It is covered to that point.

**Motion to Approve a Temporary Certificate of Occupancy,  
Strictly for Staff Training, Public Excluded  
130-132 East Main Street**

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

**Special Discussion (Continued)**

- Letter from Russell Davidson dated May 6, 2014 re Mount Kisco Diner request for Temporary Certificate of Occupancy

**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**

Chairman Cosentino: Why do you need a temporary?

Russell Davidson: There are a couple of details the Building Inspector asked us on our testing and balancing report on the HVAC. That is not a minimum health and safety requirement. All health and safety things like fire alarm, electrical inspections, building inspections will be done. Mr. Georgiou needs to get his restaurant operating. It took awhile to get ConEd to turn on things, so we didn't have enough time between ConEd.

Robert Melillo: There is a lot of paperwork that is going to be outstanding for him to open. I don't want to hold it up because of the paperwork. There is no reason to, as long as he passes inspection. 99 percent of the site improvements are done. We are waiting on the final drawings so Jan and Anthony can do their inspections.

Chairman Cosentino: I'd like to approve this tonight.

Russell Davidson: We need a little time to do the paperwork on the testing and balancing.

Ralph Vigliotti: The Temporary Certificate of Occupancy has conditions that were discussed that have not been completed. I know there are three trees that have been planted in the front of the restaurant, and one of the conditions were that there would be five trees planted along the sidewalk and they would be three to four inch caliber trees. I measured and they are 2 and 1/4 inch caliber. That was a condition that became contentious. I would hope that would be in place by the permanent Certificate of Occupancy.

Anthony Monteleone: We did plant the three. Are you asking us to enlarge the calipers?

Ralph Vigliotti: We discussed, and we are all aware of this, five trees in front of the diner on the sidewalk. There are three now. You know what the conditions are.

Anthony Monteleone: If we put five, one of them would be on the north side and block the line of site for vehicles.

Ralph Vigliotti: It's not a softwood tree. It's small caliber. I wish we had discussed this when we were on the site, because now were discussing it later, and we granted all sorts of approvals to make this happen.

Anthony Monteleone: We will put in whatever trees you want, but if you go to the site you will see there are trees everywhere, very close to the sidewalk.

Ralph Vigliotti: That is not the condition we put into place.

Anthony Monteleone: If you insist on it, we will do it.

Ralph Vigliotti: We put a condition in place because of something that happened with the landscaping at the north end. Everyone was in agreement, and it was not done.

Mr. Georgiou: I will be more than happy to put five trees. Russell is an architect and he will tell you it will block the view. You want five, I'll be more than happy to put five.

Russell Davidson: None of those trees are a problem. It's a site problem. That is an exit only. If you have a tree there, you are blocking site lines for safe exit.

Ralph Vigliotti: There are trees throughout the village that are close to ingress and egress on driveways. We discussed this at length and everyone was in agreement.

Anthony Monteleone: We will do whatever you want.



Ralph Vigliotti: That's what was said on site, "We'll do whatever you want," and we put this in place. That is all we asked for and you were in total agreement.

Mr. Georgiou: I will be more than happy to do it.

Ralph Vigliotti: It's unfortunate we have to have this conversation. No good deed goes unpunished.

Anthony Monteleone: We are not trying to avoid putting five trees up.

Ralph Vigliotti: Why are we discussing this tonight? We didn't need to. Jan, would you please take a look at that?

Russell Davidson: I would like to look at it with the professionals. I do have a concern with it.

Ralph Vigliotti: It's not an evergreen that is going to block the view. There are plenty of deciduous trees all over the village within five or ten feet of driveways. This is what we discussed.

Anthony Monteleone: We will do whatever you say.

Russell Davidson: It was not a condition of Planning Board approval. It came up at a site meeting.

Ralph Vigliotti: When you want something you'll agree to anything and then there's the follow through. It was not a follow through. The caliper was 3-4 inches. It's 2¼. We made a major concession, and that was the conditions. The conditions were not met.

Anthony Monteleone: We will comply with whatever the site plan calls for and whatever you ask for before this final Certificate of Occupancy is issued.

Ralph Vigliotti: The landscaping looks beautiful. The building looks beautiful. I love going to the diner and having a nice breakfast. That is not the point. We put something in place. We are all honorable gentlemen and that is all we expect.

Anthony Monteleone: We will do it.

Whitney Singleton: Given problems with TCOs in the past, once the diner opens it will be open 24 hours. Shutting it down will be very difficult if there is not compliance. My suggestion is, if you're going to give it a TCO for not to exceed 90 days, there should be some lingo (sic) halfway or two-thirds into that process where there is a scheduled meeting to go through any outstanding items.

Chairman Cosentino: Agreed.

**Motion to Issue a Temporary Certificate of Occupancy for 90 Days. At the Halfway Mark (45 Days) A Meeting will be**

**Established to Discuss What Items are Outstanding in an Effort to Move Onto a final Certificate of Occupancy**

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

**Conceptual Application**

**Timber Ridge Condominiums  
PB2014—0267, 80.73-1-8 (SBL)  
Amended Site Plan**

**Present:**

**Stefanita Vasilescu,**

**Luigi DeMasi, Architect for the Project**

Chairman Cosentino: Do you want to continue without your attorney?

Luigi DeMasi: Is there a straw vote that we do at the end of this to see where we are polling?

Chairman Cosentino: No.

Luigi DeMasi: We will postpone it to another meeting.

Chairman Cosentino: Does this Board want to wait another 10 or 15 minutes? The reason why I'm asking that is because you are not represented by an attorney. You chose to cancel. I'm sorry. I'm sorry for the people who are here tonight, but the applicant chose to continue without his attorney.

*Chairman Cosentino wished not to discuss anything further, as the applicant chose not to continue without representation. Chairman Cosentino preferred to have nothing on the record, as it is not a public hearing.*

**Correspondence**

- Beautification Committee Minutes of April 2, 2014
- Letter from Andrea A. Oncioiu, New York City Department of Environmental Protection dated April 25, 2014 re Town Bus at Mount Kisco storm water pollution prevention plan.

*As there was no further business to be discussed by the Planning Board, on motion by Vice Chairman Sturniolo seconded by Mr. Gibbons, the meeting was adjourned at 9:15 PM.*

Respectfully submitted,

Sol Gibbons  
Acting Recording Secretary

dm