

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, November 10, 2015

Chairman Cosentino called the meeting to order at 7:32 pm in the Municipal Building.

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Mike Bonforte  
John Bainlardi (Alternate)

**Members Absent:** Enrico Mareschi  
Doug Hertz  
Ralph Vigliotti

**Staff Present:** Jan K. Johannessen, Village Planner  
Anthony Oliveri, Village Engineer  
Robert Melillo, Interim Building Inspector  
Whitney Singleton, Village Attorney

Michelle K. Lailer was the Secretary and transcribed the following minutes.

Chairman Cosentino led the Pledge of Allegiance.

Chairman Cosentino stated this is November 10<sup>th</sup> and this is the Planning Board and before we start, I just want to say something on behalf of a friend and a legend in the Village of Mount Kisco and the passing of Tom Singleton. Tom was a renowned attorney, known as one of the best real estate attorneys in Westchester County. I can remember back in the 1960's when I had a closing with Tom, my first house I ever purchased and he said Joe, I just went into business and this was in Dime Savings down in New York City, I want to charge you \$200 but I'll charge \$135 and I had to buy lunch. Tom went on to be Village Attorney, he was just a remarkable man, a family man. As they say the apple doesn't fall too far from the tree, we have Whitney who is just a top notch attorney also but Tom will be a legend in the Village of Mount Kisco, he will never be forgotten. So those of who knew Tom, knew him as a professional and my past chairman of this Board said one time, Tom, you are the best attorney and the most honest attorney I have ever met and I being on this Board a long time, serving this Village for over 50 years, Tom is the most honest, was the most honest and I can't say more than to tell you people out here that he will always be missed in the Village of Mount Kisco. Whitney, our condolences to you.

Whitney Singleton stated thank you Joe.

Chairman Cosentino stated Michelle, we don't have a quorum to pass the minutes here. We'll go on to the first application.

Whitney Singleton stated Joe, do you want to take one of them out order, letter I.

Chairman Cosentino stated okay, the Hearth.

**A. The Hearth at Mount Kisco -270 Kisco Avenue  
PB2012-15, 69.49-4-1 (SBL)  
Site Plan, Special Use Permit, Steep Slopes Permit and Wetland Permit**

Mr. Mark Miller of Veneziano & Associates was present.

Mr. Miller stated good evening Mr. Chairman and Members of the Board for the record, Mark Miller from Veneziano & Associates, here tonight representing the Hearth. I know you have a big agenda, so I will be brief. I wanted to attend tonight because we haven't been here and frankly there was nothing to report but I am pleased to be able to tell you that we have completed the testing on the site, in the presence of DEP and on October 30<sup>th</sup> we made our submission to DEP with the results of that testing and in response to the comments that they had previously raised. So that process is moving forward and we are looking forward to hearing from DEP because that probably the biggest critical path item to come back and resolve. So we are moving forward with that and obviously as soon as we have anything further to report, we will let you know. I didn't want to take up too much of your time but I did want to let you know that we are continuing to move forward. Thank you.

Whitney Singleton stated Chairman, for clarification, as I discussed earlier with Mr. Miller, there is some issue with the status of the contract, it is expired and is still an outstanding item which needs to resolved.

Chairman Cosentino stated for the record. Thank you for coming.

Mr. Miller stated thank you very much.

**B. Martin Goldbaum – 117-119 Main Street (Hello Flower Market)  
PB2015-0296, 80.25-3-5 (SBL)  
Site Plan**

Mr. George Gaspar of Grandberg Associates and Mr. Martin Goldbaum were present.

Chairman Cosentino stated we have a draft resolution. Good evening sir.

Mr. Gaspar stated this is Martin Goldbaum, George Gaspar with Ira Grandberg.

Jan Johannessen stated Chairman, I have one modification to the resolution. There was a desire by the Planning Board, the driveway that services the back of the building is going to be eliminated and eventually there is going to be a retaining wall across the front apron of that driveway. There is a condition in the Planning Board resolution that that stone wall be completed within a period of 12 months from the signing of the site plan, in the interim period, that driveway is not going to be used and there was a request that the applicant temporarily provide a barrier to prevent use of the driveway. I spoke to the architect this morning and they plan on installing two bollards within the driveway that are going to be similar to the bollards that are used throughout the Village, that would be installed immediately upon the signing of the site plan or prior to the signing of the site plan, then within a period of 12 months the stone wall and landscaping would be installed. Also, a condition of the resolution is that the taxi service which is a non-conforming use on the second floor of the building, that's going to be eliminated prior to the signing of the site plan.

Chairman Cosentino stated thank you, Jan. The other thing is should we move number 6 to the other conditions, in other words, use of the existing driveway...

Jan Johannessen stated I was going to add a condition number 5, Joe, that's going to read prior to the signing of the site plan, the applicant shall install bollards at the driveway to prevent use of the driveway, a detail shall be provided to the satisfaction of the Village Engineer.

Chairman Cosentino stated okay, that's good. The other thing is number 10, no deliveries or pickups, how is that going to be done. I wouldn't want a truck blocking Main Street.

Jan Johannessen stated this is just a condition that prevents the applicant from getting deliveries that otherwise interfere with traffic on Main Street, so they're going to have to coordinate their deliveries in a fashion that doesn't double park or cause a traffic jam.

Chairman Cosentino stated what about refuse.

Jan Johannessen stated the refuse is in the rear of the building.

Mr. Gaspar stated it is individual, in the rear of the building and individual, personally for our use, it's out on Monday and its picked up overnight, it's off hours. It's picked up by the Village. Same thing with the hairdresser, next door.

Chairman Cosentino stated those are the two questions that I had, okay, then, Whitney you've looked at this resolution here.

Whitney Singleton stated yes I did, chairman.

Chairman Cosentino stated anything further from staff.

Anthony Oliveri stated nothing here.

Chairman Cosentino stated anything from my fellow Members.

Mr. Sturniolo stated I have a question, Jan, would you repeat the portion earlier that you mentioned about the taxis, how that's going to...

Jan Johannessen stated there's a taxi business that's currently in operation in the building on the second floor, it's not a legal use in the zoning district, so the applicant has agreed to eliminate that use prior to the

signing of the site plan. Before the Planning Board signs the site plan, the Building Inspector is going to do an inspection to confirm that the taxi service business has been eliminated.

Mr. Sturniolo stated thank you.

Mr. Goldbaum stated may I ask a question. They will be vacating the space, the parking area but Ernie's Taxi has been in Mount Kisco many years and they can't operate their business unless they have an office in Mount Kisco. Is there a problem with keeping an office up there.

Chairman Cosentino stated well they're running a taxi service from there, with cars.

Mr. Goldbaum stated there's not going to be cars, the bollards are going to be there and the cars won't be able to get up there.

Chairman Cosentino stated they just want an office there.

Mr. Bonforte stated you mean dispatch versus an administrative function.

Mr. Goldbaum stated yes, I understand they can't maintain a taxi business. We're asking for permission for the office.

Mr. Sturniolo stated the office isn't going to have a dispatcher, I'm saying it's not going to, you tell me is there going to be somebody there taking phone calls or microphone calling a taxi wherever they may be located, dispatch, otherwise what is the office going to accomplish.

Mr. Goldbaum stated they maintain records, I'll find out.

Whitney Singleton stated you're not seeking an approval for a particular use at this point in time, you're seeking a site plan approval which breaks down your building by usage and required parking. You have professional offices upstairs, retail and service downstairs, to the extent that you wish to recalibrate that combination, you must still meet your parking requirements. You're grandfathered for a certain number of parking spaces based upon a determination that the Building Inspector made and if you wish to reallocate your space in such a fashion to have additional office, that's fine but I think it would come at the expense of your other tenants.

Mr. Gaspar stated if you go back to the second sheet that we submitted as part of the application, you'll find that the automobile count does not change in terms of what we determine to be grandfathered, if you will, with that structure, however, it would be a different use now and we actually have 3 1/2 cars as a leeway, if you will, based on what the current use of the building is versus what it was. For instance the flower shop had two lifts in it which were used for automobile repair that spot was allocated six parking spaces based on that use, now it's a retail use and we actually need less cars for the retail use, the same thing translates to the second floor but we understand.

Whitney Singleton stated we're talking about the building collectively, we're not talking about individual spaces.

Mr. Gaspar stated and so am I.

Whitney Singleton stated the Building Inspector and you sat down and did an analysis as to what the grandfathered parking count was and I think it was extremely generous to the applicant and he needs to comply with that. He's not here to apply for a change of use this evening, he's here for a site plan.

Mr. Gaspar stated absolutely, we understand.

Jan Johannessen stated there is a condition in the resolution, condition number 4, that says prior to the signing of the site plan the taxi dispatching use shall be removed from the building and the Building Inspector shall conduct a site inspection to confirm.

Chairman Cosentino stated so it does mention dispatching. Well he wouldn't have an office if he wasn't going to dispatch.

Whitney Singleton stated we're not here, nor are we prepared to discuss the requirements for a dispatcher.

Chairman Cosentino stated let's do what our resolution calls for and since there are no other questions on the site plan, do I have a motion on the resolution.

Mr. Bainlardi stated I'll make the motion to pass the resolution dated November 10, 2015, Goldbaum, Martin and Sally, 117-119 East Main Street.

Mr. Bonforte seconded the motion.

Upon Roll Call Vote:

Mr. Bainlardi	-	aye
Mr. Bonforte	-	aye
Mr. Sturniolo	-	nay
Chairman Cosentino	-	aye

Motion is a non-action by a vote of 3 to 1.

Whitney Singleton stated that is not a sufficient number of votes, nor is it a sufficient number to deny the application, you will have to come back when there is a greater number of Board Members.

Mr. Gaspar stated I was wondering that but you immediately went into a vote process, so I wasn't going to disturb that but I understand. The only thing that I would like, if we can have a staff meeting prior to the next meeting, can we get in on that so we can discuss some things that came up today just with regards to construction.

Chairman Cosentino stated I don't have a problem with that but why don't you discuss it with the Building Department and I have no problem putting you on the next agenda but it depends on how you do on your staff meeting. I don't want to hold you up.

Mr. Gaspar stated we want to keep moving.

**C. 154-162 East Main Street – 154 Main Street (Former Border's)  
PB2015-0309, 80.25-2-9 (SBL)  
Special Use Permit**

Mr. William Null and Mr. Taylor Palmer of Cuddy & Feder and Mr. Chris Raffaelli were present.

Chairman Cosentino stated 154-162 Main Street, former Borders, Modell's.

Mr. Null stated good evening Mr. Chairman.

Chairman Cosentino stated thank you for coming and please identify yourselves for the record please.

Mr. Null stated my name is William Null with the firm of Cuddy and Feder.

Mr. Raffaelli stated Chris Raffaelli, architect.

The Secretary stated thank you, if could you please remove the boards from the microphones, thank you.

Mr. Palmer stated Taylor Palmer of Cuddy & Feder.

Mr. Null stated since last coming before you Mr. Chairman, we've had discussions with your professional staff and have determined that we are going to split the space into two separate tenancies, the space that would be occupied by Modell's is approximately 12,800 square feet, almost 11,000 square feet on the upper level and about 1,800 square feet on the lower level. The second tenancy would be about 6,200 square feet on the upper level and about 1,800 square feet on the lower level. Taylor and Chris attended a staff meeting yesterday and reviewed with your professional staff a reconfiguration for those two spaces and also signage and lighting issues, so we'd like to be able to bring you up to date as well, if that's acceptable.

Chairman Cosentino stated yes, thank you.

Mr. Raffaelli stated we adjusted the floor plan starting the back to resolve a couple of the questions about how both tenants would use the loading dock, previously shown to you, we had a corridor that went across the glass on the upper level that was going to be a service corridor, we've revised that and left it all downstairs and stuck it in the back so that none of the glass gets obstructed by this service hallway. So loading is still common on this end of the building, Modell's would have access by a conveyor to move

merchandise from the lower level up to their upper level stock room, the adjacent tenant would be able to use this corridor where they would have a conveyor in their space, we've added a staircase in their space, we've removed the elevator that was previously shown in favor of creating a vestibule on both floors that both tenants can share the existing elevator. We've relocated the stair that currently is in Borders now that goes from the lower level up to the main floor to over here. They have a sales area on the bottom. Upstairs, here is the conveyor for Modell's, the conveyor for the adjacent tenant, two staircases, the common vestibule, all of Modell's and the adjacent tenant.

Mr. Null stated one of the benefits is that, as Mr. Raffaelli was saying, we haven't obscured the glass that's visible to the parking lot in the back, we have the ability to have transport of product from the loading area without having the risk of boxes being piled up in front of the windows or a ladder leaning against the window because it would have been considered a working space.

Mr. Bonforte stated excuse me, this doesn't look like that, so is this not to be looked at and we should focus on what you're showing us. It's not dramatic but this was part of the packet.

Mr. Null stated what you're referring to sir, is the earlier version that I believe had the service area that would have been...

Chairman Cosentino stated this is the new plan here now.

Mr. Null stated we just developed this in the last two or three days following comments from professional staff, we apologize for not getting this to you sooner but we didn't want to drop it on you yesterday and not be here to explain it in time. So the other thing that we've done is to identify how the windows would be treated which I know was a concern of yours at the last Planning Board meeting. So Chris, if you could identify where the show windows would be along Main Street.

Mr. Raffaelli stated this is the Main Street façade, we have a stock room abutting the store front, so this first bay will be turned into a show window, there is a show window behind the cash registers and there's another one shown here.

Mr. Null stated so in that instance, you'll have a clear window the display will be set behind you instead of having anything on the windows themselves but you would not be able see through from that window into the store because of the display arrangement.

Mr. Raffaelli stated so in this show window here, this will be a seasonal display that changes with mannequins and possible merchandise, that type of a display, along with a light box that has some kind of merchandising on it, so that will be consistent for two of these and this one, actually, it's all three of them. They all have the same kind of design, there will be window signs in a couple of these bays, on the front there will be 4 of them flanking each door and then in the clear open glass here, this is really the only glass you can see totally into the building, there will be two signs there.

Mr. Sturniolo stated because the display would block your vision otherwise.

Mr. Raffaelli stated that's right, these three show windows block vision into the store from the street totally and then on the lower level, there are no show windows on the lower level because we don't have a situation where we have to hide a room, so this is totally sales floor down here but they'll be three window signs.

Chairman Cosentino stated I noticed one thing, I don't believe that tree back there is in the way anybody, I only see one tree, you said one tree needed to be removed.

Mr. Palmer stated there was no discussion of a tree to be removed, we discussed the rear signage and that with the impious of the discussion about a tree that's grown. It was purely a discussion of signage, we do not propose to remove the trees, the trees are to be maintained.

Whitney Singleton stated I think the point the chairman was making was that when he went out to the site, he did not see that tree as blocking the visibility of the sign.

Mr. Palmer stated we agree that the sign, as proposed, where it's located would not be blocked by that tree, that is why it's proposed where it is.

Mr. Null stated we understand that for the second tenant any issues regarding signage or windows would be subject to Architectural Board Review.

Chairman Cosentino stated and the window that's in the back there is going to stay, there was a question about a window in the rear.

Mr. Null stated I think all the windows are staying, we're not modifying any of the windows, the only thing we're doing is obscuring the windows that are adjacent to the stock room with that display window.

Jan Johannessen stated Bill, can you just go over again, I can't see the plans, which windows on Main Street or Green Street are going to have window signage within them and size of the those window signs.

Mr. Null stated it's the same plan as this.

Mr. Raffaelli stated these are materials...

Mr. Null stated we're fine as we go forward submitting this formally, so you have a record set of this, we just didn't have the time to be able to do that. Chris, you were saying, I'm sorry.

Mr. Raffaelli stated so the window signs are, we have a sample of what they could be.

Jan Johannessen stated those windows signs are actually fixed to the window, not the wall behind.

Mr. Raffaelli stated yes, that's right but they will comply with the 25% maximum area that we had before, so this is the type of window sign that we were.

Mr. Sturniolo stated do you have something bigger to show us for the people.

Mr. Epstein stated that is the type of image that three lightboxes are proposed but we would ask you to consider an alternative. The permanent sign is going to be here which we had suggested to you would be more a lifestyle image.

Chairman Cosentino stated so that's going to be in the window.

Mr. Epstein stated that will be about 2-3' back from the window on a lightbox, similar to the AT&T store currently. That's what represented, not necessarily what we'll use, our plan is to eventually use it for three different vendors, Nike, Under Armor, and another one that does this, I'm sure you've seen their promotional, their lifestyle image there, it's not product specific, but more about who they are and who they represent, which I think is consistent with what you've asked in terms of the stationary signs. What they're talking about, there was a question at one point about eliminating the signage in the windows given the scope of the glass. We're prepared to, I think there are 7 windows that are proposed throughout out of the total of 42 windows, that we would limit ourselves to the 25% of those windows. That will change and that's not permanent, when I when I say not permanent, I mean it's not going to be every day of the year, it will be during back to school, holiday, spring, the other times during non-seasonal, non-peak periods it will most likely be open glass and that will be relevant to whatever is going on at the time, like back to school, it will probably an image of a backpack and gear up for school kind of thing and typically they're 3' by 4', here given the size of the glass, we'll have to produce separate images for this store which will be approximately 3' by 3'.

Mr. Null stated they're 9 square feet, is approximately what 25% is.

Mr. Epstein stated it will be dimensioned so that the image is not distorted and that's what we're talking about adjacent to the door and over here. Those are the 7 we're requesting, that was suggested we limit ourselves to and there's three on the back lower level.

Mr. Null stated there's nothing on the second floor on the back.

Mr. Epstein stated and we've agreed to leave these windows open over here which all this by the way, from here to here...

Mr. Null stated if you're looking from the back, the far left side.

Mr. Epstein stated in the back is actually two sets of windows about six that are currently blanked out because of the existing bathrooms which will have to be removed and relocated to accommodate this plan, they'll be come open and that building, I believe, has 12 windows that have permanently closed blinds, that will be removed and this will be a tinted film applied to the windows.

Mr. Null stated which is he far left side where toilets and the janitor room are shown.

Mr. Epstein stated which should look cleaner than is does now where it looks like a closed office.

Chairman Cosentino stated excellent, we've come a long way.

Mr. Null stated yes we have and just to show you the quality of finish that we have, maybe Mr. Raffaelli can walk you through the materials that are proposed for the interior of the store.

Mr. Raffaelli stated these are the flooring materials, the lighter flooring will be used as what's typically called the drive aisle, the main walkways, the fixture plan isn't quite finished yet but this will be the main raceway, this will be field that's inside all the departments, the base for it, the carpet in the vestibule. These are the two colors that will be used on the paint walls, the main fields of the walls will be this grey, they use a band red around the store and these are the bathroom finishes.

Mr. Null stated its wood flooring, just to show the caliber of finish that we're trying for. We submitted a landscaping plan that I think was received finally...

Jan Johannessen stated we reviewed the landscaping plan with the last submission and found it to be acceptable.

Chairman Cosentino stated nothing is added, deleted...

Jan Johannessen stated there is a lot of supplemental plantings.

Chairman Cosentino stated that's what I wanted to hear, thank you.

Mr. Null stated we reviewed what was there and you'd asked us as I'm sure you recall, not to merely replace what had died perhaps but to look at it currently and decide how to supplement, so that's what we did.

Mr. Sturniolo stated you're referring to the circular planting area on the corner.

Mr. Null stated actually no, we're referring to that but to rest of the property as well, so we didn't limit ourselves just to the raised planter area on Green Street, sort of at the prominent corner, you know we looked at that but also extended it along Green Street and we extended it back along the parking lot as well, so there's just to raise it up. There is landscaping that showed at the corner, as you mentioned and going back along the edge and as well in the parking lot at different points back in the parking lot as well.

Mr. Sturniolo stated okay, skipping around a bit, a while ago you had mentioned an internal conveyor system for product movement. When the truck offloads, it's going to use the existing...

Mr. Null stated so what we're going to do is to use the existing loading area that we were discussing making sure that the trucks are out of the drive aisle and I think when we were last before you, we were talking about needing to have an elevator and then having a corridor upstairs. What's been decided instead is to have a conveyor belt that is dedicated to each of the two tenancies that we're showing right now so that Modell's would have deliveries in the loading area and then bring material upstairs on its conveyor belt and similarly the other tenant would be able to do that.

Mr. Sturniolo stated when you said delivery in the loading area, you mean external to the building.

Mr. Null stated here is the parking, these are parking spaces with the vehicles parked head in, this the loading area on the far left and then access into the building would be from this loading area.

Mr. Epstein stated what will happen is the truck will pull up into the existing exterior space that is, 24' that conforms, so it's off the street. It will be offloaded into what now is an expanded loading area to allow the goods not to be stacked out here in boxes but they'll be brought into this corridor as quickly as possible, off site, so you won't see them and the advantage of conveyor versus an elevator is it's a constantly moving devices, so you can just put the boxes on it and they'll slide up. They'll be offloading upstairs as opposed to having the fixed capacity of the elevator and waiting for it to go up and down, so loading should be much more efficient and much quicker.

Mr. Null stated so there is one conveyor belt shown on the far left here, there is another conveyor belt shown in this room area here. Then the hallway enables the product to be moved from the loading area across.

Mr. Sturniolo stated Jan and Rob, nailed down exactly where, not where but the hours of the loading operation from the truck in the building.

Jan Johannessen stated if I recall, the applicant at a previous meeting, identified the size of the truck which got reduced from a tractor trailer to a box truck that's going to fit within the existing loading area, I believe there were off-peak deliveries in the morning and they were going to last a shorter duration because of the size of the truck, a 26' truck.

Chairman Cosentino stated they're box trucks now, no more trailers.

Jan Johannessen stated that was documented in correspondence from the applicant and will get incorporated into the resolution.

Mr. Sturniolo stated and what about the hours.

Mr. Epstein stated the hours are going to be off hours, early morning before the store opens in order to reduce the impact of traffic on the streets, as well as have it done before people are up and about and shopping, which is what you had requested.

Mr. Null stated and just for clarification, the space itself for the truck is 34' so when we were talking about the size of the truck just now, that was the freight area, it didn't include the 6' cab.

Whitney Singleton stated could you address one other thing, as a result of the change in your plans, I know that the Planning Board had expressed some concern relatively to the aesthetics of the elevator you originally proposed on the southern end of the building.

Mr. Epstein stated that's been eliminated.

Whitney Singleton stated right, by reconfiguring the interior, they've been able to eliminate that.

Jan Johannessen stated there was also some discussion at our staff meeting regarding the display windows and the number of windows that were going include the display wall, we had asked you to bring in some alternatives, I'm not sure you were able to...

Mr. Epstein stated what was discussed at the meeting was based on what we had heard at a prior meeting, was a request for a number of show windows which is, there will be three show windows, this is actually existing and what that does, I'll defer to your discretion, is it limits the open windows really to this block of windows. We believe it would be aesthetically pleasing to eliminate this box and allow the visual sight line into the sale area as opposed to not being totally closed off but this was based on feedback that we originally got.

Jan Johannessen stated that would be the southerly side.

Mr. Null stated the one to the left of the Main Street door is what Mr. Epstein's referring.

Mr. Epstein stated so perhaps for some symmetry of the store front, it would best to have this open and this open.

Mr. Bainlardi stated is that your preference.

Mr. Epstein stated that is our preference.

Mr. Bainlardi stated I personally have no objection to that, I don't see the need for that if it's not something that you want to do.

Chairman Cosentino stated I agree.

Mr. Null stated it's also the area behind the cash register is a very large display window, similar to the area that's adjacent to the storage area, is much larger than the one that we're talking about to the left of the Main Street door, so we'd appreciate that, if we could have the one to the left of the Main Street door open for transparency.

Chairman Cosentino stated I don't have a problem with that Jan.

Mr. Bainlardi stated just out of curiosity, you're going to have merchandise on the lower level.



Mr. Epstein stated our plan is to have merchandise on the lower level, its gotten smaller, so we're still trying to figure out what fits, I would say with 99% certainty will be apparel.

Mr. Bainlardi stated are you going to have registers down there.

Mr. Epstein stated there will be a separate set of registers which we are thinking will probably be here, just probably two registers down here and then probably up here, the plan isn't done yet, we're still working on it but we anticipate this to be apparel, this to be footwear with a footwear wall here which you'll be able to see in, clear with bars and then the larger fixtures, in order to not close up the store front totally for the sporting good will run over here because that was the least obstructive layout.

Mr. Sturniolo stated big improvement.

Chairman Cosentino stated yes and we appreciate that, you've listened to us and we've listened to you and it seems to have worked out.

Mr. Null stated we're looking to be constructive members of your community and we appreciate having the constructive dialogue.

Chairman Cosentino stated we're happy because of that. Jan, you have no other questions on this application, I want to be sure and I want to be very clear, I would really like to get this to a resolution, possibly for the next meeting.

Mr. Null stated that would be great.

Chairman Cosentino stated we don't want to hold you up, we welcome you to the Village of Mount Kisco, we're glad it worked out and to the people in the audience that were at our public hearing, we worked very hard to work this out for you, the Village Board of Mount Kisco, the Trustees and the Mayor wanted this to work, it's worked and we hope you're happy.

Whitney Singleton stated Jan will draft a resolution, we'll work on it for the next meeting, incorporating what was discussed here tonight and at our staff meeting.

Jan Johannessen stated can you provide the materials that we went over tonight to Michelle.

Mr. Null stated yes.

Chairman Cosentino stated and I have to say Mr. Grunthal, the Trustee, worked very hard also at our meetings, so thank you.

Discussion of hard copy submission and number of copies.

**D. 105 Kisco Avenue (Former New York Stone) – 105 Kisco Ave  
PB2014-0284, 69.56-2-4 & 5 (SBL)  
Amended Site Plan**

Mr. Tim Allen of Bibbo Associates and Mr. Jay Martino, owner's representative were present

Chairman Cosentino stated come up, identify yourselves for the record please.

Mr. Allen stated Tim Allen of Bibbo Associates, Jay Martino representing the owner. We were informally here two months ago, a month and a half ago. We're trying to work to a compliant site plan with the site as it exists today. Essentially you've got the 105 building which has been here for quite some time which was subject to the 1970 approval, the railyard has been basically annexed to this which we will apply for a combination of subdivision, in terms of adding this to this, trying to basically demarcate the required parking spaces for the property, the past time we were going to pave over some area, that is not being proposed now. We are trying to get back to as minimalistic as possible to get a site plan approval to memorialize this for the future.

Chairman Cosentino stated well we want to but just let me interrupt for a second, Jan and Anthony, I turn to you fellows as professionals, you did a beautiful job here and your comments on this application and also Rob, thank you but have you received anything, I only see one page in the rear of a couple questions that you've answered but we have many comments from our professionals that I don't see any...

Jan Johannessen stated the applicant just received the comments, so they're not expected to have...

Anthony Oliveri stated they're just released with this agenda.

Mr. Allen stated some things that we've gone through and Rob, we talked about this.

Chairman Cosentino stated so I'm going to set this up for another agenda, hopefully you'll come back with these comments and answers the questions that our engineer, our planner and our Building Inspector have so we get to the bottom of it because there are a lot. If that can happen, the application moves a lot faster.

Jan Johannessen stated it may be beneficial to have a staff meeting.

Chairman Cosentino stated we're going to have to, I don't know if Michelle is going to be putting them on...

The Secretary stated if you want them on a staff meeting, I will get them on a staff meeting.

Chairman Cosentino stated I think we need that because otherwise this application is going to be before us for many months and I don't want it to be, I want to get it done but in order to get it done, we need the answers of the comments that were brought to you.

Mr. Martino stated I'd like to have a working session with the Board so that we can discuss these issues because I think we can get to the bottom of it.

Chairman Cosentino stated it will be a lot faster if you discuss them at a staff meeting then brought back to here.

Mr. Martino stated what do you mean by staff meeting.

Anthony Oliveri stated staff is Planning, Engineering, Building Department, just the consultants.

Chairman Cosentino stated there are a lot of comments here that have to be answered. Please continue.

Mr. Allen stated again, we're trying to basically memorialize what's been on the property for quite some time, some of it has changed over the years but none the less demarcate the parking spaces, put the handicap space in, just basically clean up the site plan in terms of the approval under its current condition. We're not doing anything except for demarcation of the parking spaces, there were questions regarding, we saw Jan's comments, there were racks on the property previously, we're proposing them to 6', the bins are proposed at 6 1/2' which we believe are allowed. We're trying to get everything back to conforming site plan and zoning requirements. The one thing we will need ultimately and that's something we'll discuss with staff, is coverage, as it's been over the years, it's been over the coverage no matter what, with the railyard and this site, we'll have to go to the Zoning Board, maybe Whitney and I can talk about that or our client's attorney but nonetheless, that may need to happen also. We'd be looking, obviously, past the staff meeting, we'd be looking for a public hearing or a neg. dec. on the project, a referral to the Zoning Board if necessary and then back to this Board for approval.

Chairman Cosentino stated I would love that to happen but we need to get to the bottom of the conditions first, then we can go to the second.

Mr. Allen stated I just want to say that there's not a whole lot happening here, it's really just trying to pull it all into one package and...

Jan Johannessen stated there's a lot happening, not necessarily to the site today but what the Planning Board has as a site plan of record, dates back to 1970 so if you look at it from that perspective, there's a lot that's happened since then so we have to kind of document that, the Building Inspector has identified that he's using that 1970 site plan as the baseline from the zoning perspective for coverage and other issues of that nature, so granted there's not a lot of physical improvements taking place, it's just a matter of documenting what's out there. We had some, a number of comments but none of them are insurmountable, they're not anything that you can't resolve and I think we can sit down at a staff meeting and get through a lot of the issues.

Chairman Cosentino stated there's almost 30 issues here, they're minor but they need to be answered.

Mr. Allen stated they're more questions than comments.

Chairman Cosentino stated we just want to get through it so we can wrap it up.

Whitney Singleton stated with a little bit of a grain of salt here, I mean there are some issues with this property with regard to its lack of compliance with our Code, so I don't want to...

Chairman Cosentino stated I didn't want to get into the legal part of it, you'll have to work that out with them.

Whitney Singleton stated my recommendation is if there's going to be a staff meeting on this, it be not in a 15 or 20 minute increment.

Chairman Cosentino stated we're going to need an hour, hour and half on this. So that we can all come together on this.

Mr. Martino stated our objective is to get the site into compliance, whatever Code violations we have, we're looking to correct them, as we did with the lumber stacks, with the height of that...

Chairman Cosentino stated we want to help you do that but there is a way to do it.

Jan Johannessen stated are you planning on paving the area that's gravel in the parking.

Mr. Martino stated no.

Mr. Allen stated that really takes the Main Street Designated Area off the table because we discussed that with the DEP and they said that if we did pave that area, we'd have to go through the full SWPPP process.

Jan Johannessen stated the business is open now, right as a hardware, paint supply.

Mr. Martino stated yes.

Anthony Oliveri stated did you discuss with DEP the rear lot area, what's their disposition on that in terms of historic coverage, did they have any issues there.

Mr. Allen stated its there, that was the old railyard which was always there to my knowledge, so the only problem we had was paving that one area that they said, well if you're going to pave that area, the Main Street Designated Area, where it's gravel, they said we'd have to come in for a full SWPPP and approval and we took it off the plan.

Rob Melillo stated what about the illegal concrete work that was done in the back, two years ago, all the pavement that was ripped up and then it all was poured concrete that got put in.

Mr. Martino stated but it was impervious pavement that we took up and we put down concrete.

Rob Melillo stated that doesn't matter by the DEC, you went and ripped up the whole back yard and then re-poured 6-8" of concrete, the whole back area, Anthony, correct me if I'm wrong but by ripping up all the pavement in the back...

Anthony Oliveri stated if you remove and replace pavement like that, full depth, if it went over the threshold, it would have needed a DEC permit, if it was imperious to begin with and impervious now, DEP might not have wanted stormwater controls but it might have needed a permit at that time. There may not be anything retroactive stormwater wise to do there, the thing is do we know if it's the same footprint, is really the question.

Whitney Singleton stated there are areas where there were green trees that are now completely gone.

Anthony Oliveri stated and that we may have to go back and look at aerial photographs to determine that and is the back area in the Main Street Area.

Mr. Allen stated I know Kisco Avenue is the Main Street Area, I'm not sure if that would extend out to that property or not, we're going to merge the two properties ultimately.

Anthony Oliveri stated I think it's actually part of the property that's in the Main Street Area, I think part of it may be out of the Main Street Area, we'll have to look at that.

Jan Johannessen stated what's happening on the second floor.

Mr. Martino stated right now the second floor is vacant, it could be turned into office space later on if we can find a tenant, if that happens, the tenant will be responsible to hire an architect and supply...

Jan Johannessen stated you're going to designate it as, for the purposes of this site plan, office space.

Mr. Allen stated that is the way it's setup.

Mr. Martino stated yes.

Whitney Singleton stated is this staircase that was put in without approval, is that removed or is that still there.

Mr. Martino stated the staircase was always there, what happened was when it was the other store, it was opened up to first floor, so that happened is it didn't give you safe passage, egress to a fire, so we closed that off, so you want two ways of egress.

Whitney Singleton stated that was a new staircase that was put in there, am I mistaken.

Mr. Martino stated the stair was always there.

Whitney Singleton stated Rob, was that new.

Rob Melillo stated I didn't even know there was staircase removed and a wall put up, so this is news to me.

Mr. Martino stated the stair was coverage with new stone but the stair and the door leading out there was always there.

Whitney Singleton stated that wasn't the original sales counter.

Mr. Martino stated no.

Mr. Bonforte stated I'll chime in, I think there used to be a bathroom under that staircase, just to point that out, going way back, I remember that, it was covered up with displays and whatever.

Chairman Cosentino stated if you egressed the office in the rear, you walked into a vestibule where the bathrooms were and then there was a staircase going up stairs.

Whitney Singleton stated no, Joe, on the other end of the building.

Chairman Cosentino stated there was a staircase going upstairs, it was enclosed, there was lumber and fittings, it was nothing that somebody shopping would use to go upstairs, they would use the south side, that was employees.

Jan Johannessen stated the second floor office is intended as a stand along separate tenant, not necessarily in conjunction...

Mr. Martino stated right now, stand alone, separate tenant.

Chairman Cosentino stated as a matter of fact, that staircase on the north side went to LB Richard's offices, Melinda was up there and Paul had his office up there. That staircase went right into the offices.

Mr. Allen stated that was here and we're talking about the south, I think Whitney, you're talking about the south side.

Mr. Sturniolo stated I have a question, the retail component downstairs, the hardware business, do you anticipate expanding that physically.

Mr. Martino stated we're not tenants there, we have our own tenant down there, I don't know how more he can expand it, he's utilizing the space, so when you say expand, I don't know what you quite me.

Mr. Sturniolo stated square footage.

Mr. Martino stated well he's using the entire ground floor.

Mr. Sturniolo stated but he's not going beyond that, you're not adding.

Mr. Martino stated we're not building onto that, no.

Mr. Allen stated there is nothing new proposed for this.

Chairman Cosentino stated right now they're utilizing the four walls.

Mr. Bainlardi stated so Whitney, if I could, basically what's going on here, as I understand it, there has to be a factual determination made as to what the original site plan was and what changes have been made to this site without the benefit of a permit or a site plan application. Once you determine that, then you can determine whether or not we are going to legalize it so to speak, they'll either have to go for a variance to the extent that it doesn't comply or they'll have to correct.

Chairman Cosentino stated John, that is exactly what we're trying to do, you're right.

Jan Johannessen stated and that site plan is known, it is a 1970 signed plan.

Chairman Cosentino stated there is more involved than what's here right now and I leave that up to counsel.

Whitney Singleton stated there is a little bit of qualification on that statement though. The site plan that exists is solely for the front lot, the rear lot has to site plan approval, all of that was done without any approval.

Mr. Allen stated this was the rear railyard which we're referring to which was not part of the original site plan.

Whitney Singleton stated one of the other problems which hasn't been identified or discussed here, is that the zoning regulations for this particular use, forget what zone it's in, but for this use prohibit and if you look at the plan, it gives you a sense of degree of magnitude that we're talking about, no more than 25% of the site may be used for outdoor or partial outdoor storage and it looks like it's about 80%.

Mr. Bainlardi stated I guess the question for me there would be to what extent is this preexisting nonconforming or not and that's really I think, from the Planning Board's standpoint a determination has to be made so that we can then decide what we're doing or not doing. Really, at the end of the day if they're doing what's code compliant, it's...

Chairman Cosentino stated but that's the point, they're not doing what's code compliant and that's what we have to get to the end of it.

Whitney Singleton stated I think what John's pointing out and it's a good point, we need to itemize those areas which are compliant and noncompliant.

Anthony Oliveri stated but also establish a baseline for the rear parcel with the coverage and so forth.

Mr. Bainlardi stated I think that's what really needs to happen, you need to reach some agreement here as to, based upon the facts that you have do the best you can and make a determination as to what is preexisting and what's not.

Chairman Cosentino stated that's why I suggested a staff meeting so we could hash it out there.

Whitney Singleton stated there are some other items just to tack on to that, if you could provide me with any documentation that you have relative to the permissibility of the improvements by either the Board of Health, the DEC, the DEP, the EAP, or anybody else because I know that there are restrictions on what can be done, what can be made into impervious surface, what can be occupied, how it can be occupied and I understand that within the past several weeks the EPA was out there recently for testing, I'd like to see a copy of those results to see whether or not these buildings are habitable, if the site is habitable. So you can get me that information.

Mr. Martino stated let me speak to a couple of things, first we do want to combine both lots but the lot with the outdoor storage area has been preexisting for more than two decades. This lot in the back as well as this lot in the front have been used for the purpose they've been used for, for that past several decades. We're not changing this, it's preexisting, okay now to say well you can't store material out here, that determination could have been made 20 years ago, so that has to be a consideration when we talk about

becoming code compliant and we're willing to code compliant but we're not doing anything there that hasn't been done over the last two decades.

Whitney Singleton stated let me address that because I don't want that to go unaddressed. Many of these improvements here are brand new, they are not preexisting and when something is a violation, no matter how much time passes, that does not make it grandfathered. Many of the things that go on at this site are not compliant and many of the things that went on at this site were never authorized so to say that, yes, we all know the history of this site, it's got a long history, that's why we need to sit down and go over this with one another but there are certain things and information that we have to have and I know that for example, there is a Board of Health report that limits the type of uses and treatments that can be applied to this site. On the Village parcel to the north, there is a Board of Health report that's 50 pages long that says we cannot put any pavement on it, I want to know if there is a similar restriction on your property which was already covered with impervious surface. You had the EPA out there several weeks ago doing geo-probes and measuring for gamma radiation, I'd like to know that the results of that are to see whether or not the site can be safely occupied.

Mr. Martino stated well we've met and we're well aware of what's gone on with this site, unfortunately, to our demise because we feel like we were sort of backed into this. It was secret that everybody knew about it except us who purchased the property and we have had several meetings with the EPA, the DEC, the DOH down in lower Manhattan, we know they're there because we've invited them there and we know what the readings as well and you also know that there are lawsuits out there as well. So, yes, we were duped and now we're here trying to get this thing operable but we have, there are no issues right now and it would be the EPA and the DOH that would tell us you can't occupy this building or this site and there are no issues now and there are no concerns on their part and they have not told us that you can't occupy the site, what we have done is we put a radon system into the building because right now the only levels they didn't like were some radon levels in the building and we installed the radon system and they've had canisters out there, so we have a very good working relationship with the EPA and the DOH and the DEC as it relates to the contamination on this site.

Mr. Sturniolo stated and that good relationship that you've had with the organizations was exactly to the point that this needs to go to a staff meeting to review everything that's going on, the good as you just mentioned and some of the things that are not so good but we need to get a handle on x, y, and z and you can't accomplish it tonight at a Planning Board Meeting, you can only accomplish it at what we call a staff meeting to get all the cards laid out on the table so we know exactly who is responsible for what and who is doing what and I, as one member, strongly urge that this staff meeting take place and clear the air of everything that you just enumerated and I would validate it too and get it out on the table. It's nothing unusual, all applicants go through it.

Mr. Martino stated I'm all for it, I'm willing and able, you let me know when you want to schedule it and by all means.

Mr. Allen stated we'll lay the cards on the table, we'll work it out.

Whitney Singleton stated in the spirit of laying the cards on the table, I still have the question, I'd like to get copies of all of those documents. Part of the application for site plan approval is are there any documents which affect the use of this property and that's one of the submissions that you're required to make. I don't have anything right now and I know that there is plenty of data out there which I'm currently unfamiliar with yet you tell me you know what the results are. I'd like to see those because this Planning Board has to plan for the health, safety, and welfare of the community and if its not safe to go on the property, they need to know that.

Mr. Martino stated absolutely and I doubt very much if it was unsafe that the EPA would give us clear passage.

Whitney Singleton stated well the EPA is not giving you site plan approval.

Mr. Martino stated you're right but you know allow me to at least speak with my attorney, due to the lawsuits that are out there to see what is permissible to share.

Chairman Cosentino stated sir, we're here for you, we're here to help you and anything we can, check with your attorney and we'll be more than glad to set up a staff meeting and also to have you back here.

Mr. Allen stated maybe our attorney will be at that meeting with what we can and can't give you, that's fair enough.

Mr. Martino stated I think you know, aside from those issues with the radiation, I think we can have a staff meeting to clear up the other comments that are identified in this report.

Chairman Cosentino stated that's what we want to do and I think we can do it.

Rob Melillo stated Joe, I want to clarify for the record also, there are a lot of violations on this property currently and the deal that myself, the Building Department and the applicant have made is that they be before the Planning Board with progress every single month moving forward until they get site plan approval. So, Jay, just so you know, we have to have progress and this can't be lingering like it has been for the last two years in my department, I had to get you here, you're still occupying the space, you haven't passed the fire inspection yet, you still have many electrical violations on the property, you still have illegal signage up on the property, you've been notified, let's get it all out in the air.

Chairman Cosentino stated can we bring this all out at the staff meeting.

Rob Melillo stated yes but I want this on the record tonight to show that the applicant has not done anything to clear up some of the violations that have been going on, on that property and you need to start moving forward and clean up those violations so that you pass at least a fire inspection, you're over a month due on your fire inspection with us at this point.

Mr. Martino stated we did have the initial fire inspection, we have done additional work there, we need to coordinate with you to go back and do another fire inspection, we spoke about the signage and what we were looking to do with the signage and I believe that the Building Department was okay with leaving those background signs...

Rob Melillo stated New York Stone's sign has not been taken down, the agreement was that you were to take the New York Stone out of it and then we were allowing the other signage up there, you still haven't done that, its been over three weeks now since we discussed. The original discussion was that you were taking the whole sign down, then you asked if you keep up some of the letters and I said okay at that time and you still haven't complied to our agreement. I'm a handshake guy with agreements and you keep breaking those handshakes with me.

Mr. Martino stated you're right, that should have been done, so I'll check that and we'll get going on it.

Whitney Singleton stated in effort so that this doesn't drag on, do you want to setup a staff meeting right now.

Chairman Cosentino stated Michelle, what do you have...

The Secretary stated I sent an e-mail to staff this afternoon about the 18<sup>th</sup>.

Chairman Cosentino stated I'm not going to be here the 18<sup>th</sup>, let them come in, I don't have to be here, I can be on the phone.

The Secretary stated I have a couple other items that you had suggested come for a staff meeting, what I'll do is make some phone calls tomorrow, Thursday, we're closed tomorrow and go from there.

Whitney Singleton stated okay, so we'll set it up for a time on the 18<sup>th</sup>.

The Secretary stated absolutely.

Chairman Cosentino stated hash it out for an hour and half.

Mr. Martino stated what time did you say...

The Secretary stated we're going to work that out Jay.

Chairman Cosentino stated thank you for coming. Okay, Mount Kisco Supply, right.

**E. Mt. Kisco Supply – 369 Lexington Avenue  
PB2015-0300, 80.48-4-17 (SBL)  
Site Plan**

Mr. Lou Demasi of Goewey & Demasi, Mr. Peter Catizone of Catizone Engineering, Mr. Anthony Monteleone of Monteleone & Monteleone, Mr. Robert Pasquale, owner, Mr. Mark Reggiano, Two Men and a Truck, potential tenant.

Mr. Monteleone stated in regard to Mount Kisco Supply, we have a very productive staff meeting and in fact I've started to draft a rough draft of the petition for the change in the zoning line and as soon as we get the meets and bounds and the survey, I will submit that petition, hopefully by the end of this week to the Village Attorney, Planner, and the Village Manager.

Mr. Catizone stated we were hoping to have the meets and bounds on the survey updated today, so we're giving them an extra day. Again, thank you to staff for meeting with us, I think it was a very productive meeting. I'm not sure how familiar the rest of the Board is with the site plan, so I just want to take 5 minutes to go through it. There are 3 lots on this property, this is lot 16, lot 17, and the green is the original lot lines and then lot 13, which is here. The house is here, which we're removing, so we're going to get rid of that, that's in the CL district, we're going to get rid of that, we're expanding this parking lot, restriping it, we're not going into any area that's currently landscaped in order to avoid the DEP. So, any asphalt that you see on this entire commercial portion of the site is asphalt that's there today. We are adding landscaped area, we are getting rid of this widening of the driveway, we're going to turn that back into a landscaped area, we'll put some shrubs there, we're adding a landscape buffer along the side and rear of the building and we have a couple of hiccups, one is the zoning line which currently goes through the building. That will be move to be coincidental with the residential, so it will have the same meets and bounds as this line.

Mr. Monteleone stated and that will comply with all setbacks, right.

Mr. Catizone stated the only thing that we're not compliant is the building coverage. The building coverage was previously 39%, which included the two-family and we're getting rid of that but we're also making the lot bigger by this rectangle here, so as we understand is, we require a variance for that. The side yard is also noncompliant but we understand that a variance is not required for that, it's an existing condition. We are proposing two residential single family homes in that front West Street and minor grading, you know, this area where the house was, we're putting a little level spreader to make sure that we minimize erosion, we're also rerouting the storm pipe from this parking area through the side yard setback of this resident, there will be an easement of 10' there and utilities for the two residential dwellings will be from West Street, there are no changes to the utilities on the CL district. We prepared a landscape plan, there are some existing trees here, we propose selective removal, try to get rid of the ones that were double stem trees, we probably left more here, particularly in this area, than we have to but I think that's something that once it becomes time to build those two houses that we can look at with the consultants. We are proposing some maples trees along here, these are some boxwood, wintergem, some ground cover to match the ground cover that's here, more boxwoods here and some concept landscaping, lilacs and a little bit of color pop in here for the residential. Again, the individual site plans will probably have...

Chairman Cosentino stated as it is now, you can't even...

Mr. Monteleone stated it will be a lot better.

Mr. Catizone stated and having said that, one of the changes that was discussed at the staff meeting that's not on the submittal, were actually requests from Mr. Pasquale and also make a lot of sense. Number one is two men and a truck, their trucks are 26' long, so we will be expanding these 8 parking spaces to accommodate the 26' truck. If you recall from the landscaping, we had 4 maples here but don't be alarmed, we'll move the maples to this area so at least there's a canopy over those rear yards. Also, we've expanded the pavement, when I say expanded, again its existing pavement that we're now not removing so that there's access to the two overhead doors. The loading dock is going to be gone but our client thought it was advantageous to be able to pull a truck in there. That's basically the extent of the site plan, we are going to figure out exactly how many spaces that we need for employees, Two Men and a Truck, will have some customers park here, probably one or two spaces, our intent is to have all of the parking for customers in this area and limit this to the greatest extent practical to basically employees and trucks for all the uses. Again, Two Men and a Truck, their access is back here, there's not access from this side of the building, so there will be some customer parking there. We provided a stop bar here and a stop sign along with a sign that says oncoming traffic does not stop, no matter what we do, even with this widening, it's not going to be a two way access, we figure it's better to stop these guys and get the main cars off the roadway and as Mr. Monteleone mentioned, we have a draft of the petition to the Village Board for the change in the zoning district and waiting for the information from the surveyor as well.



Mr. Monteleone stated the only thing, we would like to leave the existing paving that is on the site, some of that goes into the residential area but we would like to leave that, we're going to put some kind of fence there.

Mr. Catizone stated we'll speak to that, upon further review it appears that the residential lots are not in the DEC Designated Main Street District, so what happens is DEP doesn't really care if you get rid of pavement but if you add one extra square foot, they want that treated. So what we were concerned about is basically getting rid of the pavement in the residential district and going back to build the houses and you have a pretty complicated stormwater application but it doesn't appear, and we'll verify that, the residential portion is within the DEP limits, Designated Main Street limits, so if that's the case, we'll happily get rid of that pavement.

Chairman Cosentino stated I need to go back just a little bit. Robert, if I'm not mistaken, the narrow road where one vehicle can travel, wasn't there a light there one time. A car came in from Lexington, it was a red light blinking, so a car couldn't exit.

Mr. Pasquale stated they're still in place, we could activate.

Chairman Cosentino stated a car couldn't exit if they saw that red light and the other car had a green light and that worked out very nice.

Mr. Monteleone stated we can do that.

Mr. Catizone stated that's not a problem.

Chairman Cosentino stated that was good for that narrow spot instead of somebody taking a chance of going.

Mr. Monteleone stated that will be on the next submission by the way, that pavement will be removed when the residential lots are developed, we're just trying to be as safe as possible, so we're not in a Catch 22.

Jan Johannessen stated but if it's outside the Designated Main Street Area, there's no issue removing the pavement.

Mr. Catizone stated the only issue that we really didn't get into in detail was the lighting. There is building mounted lighting on the building now, we don't think that pole lighting is adequate for the site, the businesses generally close early. We would be willing to upgrade the spotlights with zoning compliant LED light fixtures and as a matter of fact, I was just looking at the ones and I'll have to confer with the architect here but just looking at the ones that Modell's proposed, the lantern type gooseneck, I thought those were pretty nice but we'll leave that up to our architect to pick an adequate light but if the Board is willing to, again these businesses close early, if the Board is willing to entertain that proposal where we're just lighting up the perimeters of the building.

Chairman Cosentino stated we have two experts here, we'll let them look at it.

Jan Johannessen stated we were just conferencing here on the southern parking lot, it doesn't show on that plan there but to the rear of the southern parking lot, you have an area that's shown as striped. On the east. Any possibility to incorporate landscaping there to screen the parking lot that is adjacent to it off site, so when you're looking from Lexington Avenue, you don't see the sea of parking that's adjacent to you.

Mr. Catizone stated the reason we left is, if you don't have area to back into it's hard to get out of those end spaces, so we didn't want anyone to park there.

Jan Johannessen stated but maybe you can pick up parking spaces closer to Lexington Avenue, you have kind of like a long neck there, maybe if you go just to the west of your light, maybe you can pick up a couple spaces there.

Mr. Catizone stated this little block is currently landscaped, so we're right on the edge of that.

Whitney Singleton stated could you not put in some pear trees or something so that it wouldn't be actual bushes but something that would create some screening. Right now when you look at that from Lexington Avenue you see an ocean of parking because you have your lot and something twice the size of it behind it, it was just to landscape...

Jan Johannessen stated there also might be flexibility in the number of parking spaces as we previously discussed.

Mr. Demasi stated what about a fence, would you do a fence. A high tree with a high canopy isn't going to do anything.

Jan Johannessen stated the fence has that gate system.

Mr. Pasquale stated there's some screening there but its grown.

Mr. Monteleone stated we'll figure something out.

Chairman Cosentino stated I can't visualize a fence there, its on Lexington, right.

Mr. Demasi stated through the parking lot.

Mr. Monteleone stated we'll figure something out.

Anthony Oliveri stated the chain link fence that's there is on the property to the rear, they don't have much room really, their property line is right on the edge. One issue I do have with that corner, with that level spreader, you're essentially going to be discharging stormwater right at your property line, I know the wetlands right down there but I'd like to see something a little better to kind of distribute it along that lower, that southerly curb line to get it out and really spread it out.

Mr. Catizone stated we could elongate it a little bit.

Anthony Oliveri stated the thing is thought, you're coming out at the corner, do you have a curb along that line.

Mr. Catizone stated this is curbed.

Anthony Oliveri stated what you need to do is maybe change the grading a little bit and sheet off through line a filter strip and let it spread it out better along that.

Mr. Catizone stated we can do something like that, I'm not sure if we'll be able to go all the way to end but we can do that.

Anthony Oliveri stated maybe the longer length, I don't like it hitting that corner, you're right at the property line, you're essentially discharging off to someone else's property, I don't know that's going to make a right turn and go down to that little well area. The other thing I just wanted to bring up, you'll have to submit a subdivision plat.

Mr. Catizone stated that is something we also advised the surveyor to start working on, so we're getting that together for you. We just thought the two critical issues here are Village Board because I understand that this Board cannot take action until...

Chairman Cosentino stated we don't rezone.

Mr. Monteleone stated that petition will be filed this week.

Mr. Catizone stated and the second is that we want to get to the ZBA.

Mr. Monteleone stated as soon as we have those specs, I'll file a petition with the ZBA.

Jan Johannessen stated what we talked about Pete was your next submission including and environmental assessment form that includes the petition, the Planning Board action and the ZBA action, so the Planning Board can act as lead agency, issue a neg. dec. and preliminary subdivision approval, so then you can go to the Village Board and the ZBA with a neg dec in hand, so they can act.

Mr. Catizone stated so we have the EAF prepared, I did it this afternoon, we'll have the petition completed by the end of this week and I'll have the ZBA application. The question is can we schedule a public hearing for the next meeting.

Whitney Singleton stated I'm sorry, I was looking at some notes here, schedule a public for what.

Mr. Catizone stated we just need to get to ZBA.

Whitney Singleton stated you're going to need a public hearing for your subdivision application which you haven't even submitted for yet.

Mr. Monteleone stated right. No, we haven't submitted subdivision, alright.

Whitney Singleton stated like I said in our staff meeting last week, Monday, yesterday. We need to coordinate so that you don't feel like a ping pong ball, like we discussed the other day, your environmental assessment form, listing the appropriate involved and interested agencies and determining who is going to be lead agency, you're going to do a coordinated review and you have right now, just within the Village, you have the ARB, the ZBA, the Village Board, and the Planning Board as all permitting authorities, involved agencies in this application. So that needs to be reviewed, submitted, reviewed with a complete application before there's even a determination as to who's going to be lead agent.

Jan Johannessen stated I think they're critical path is submitting the EAF, going through the Planning Board process to get preliminary subdivision plat approval, the neg. dec. can be potentially issued in conjunction with the preliminary plat and the conditions would be ZBA, Village Board, ARB.

Mr. Bainlardi stated once their application is submitted and this Board declares its intent to be lead agent, then I don't think there's anything that would prevent them from at that point to go to ZBA.

Jan Johannessen stated they could go but the ZBA couldn't issue their decision until the Planning Board...

Whitney Singleton stated he's right, the Planning Board, once they issued a neg. dec...

Jan Johannessen stated he said lead agency.

Whitney Singleton stated they need to make a determination of significance and findings is necessary before any other Board can act.

Chairman Cosentino stated well get started, that's what we said.

Mr. Monteleone stated next week we'll get in before the ZBA.

Chairman Cosentino stated thank you.

### **Special Discussion**

#### **Luppino Landscaping and Masonry 15-21 Armonk Road**

Mr. Angelo Luppino was present.

Chairman Cosentino stated Anthony, Jan, on his resolution, correct me if I'm wrong, we asked for striping.

Jan Johannessen stated the Board specifically asked for a condition to include striping the asphalt area located in front of the building.

Chairman Cosentino stated since it's New York State property, he has no right to stripe, as I said, I don't know if you concur with that, Whitney I don't know but he can't stripe somebody else's property, he can put the signs on his property saying no parking.

Whitney Singleton stated we frequently have improvements made in the public right of way, whether it's landscaping, curbing, sidewalks, drainage, those are all things that applicants do as part of their approval, they tie into the existing storm drains, they replace sidewalks, you have it going on right now at Sherwin Williams. This is not unusual, if he needs to seek the authorization from the DOT, then let him seek the authorization from the DOT, if it's rejected, it's rejected.

Chairman Cosentino stated why don't you have what's his name write a letter, I guess that's the way you do it, I don't know, I don't want to give the wrong information. Write them a lettering stating what we requested, you could send them a copy of resolution, I guess.

Whitney Singleton stated there's a guy in Yorktown, Stewart Sprague. Ed knows him.

Chairman Cosentino stated obviously you're not going to do anything until you get a letter of approval.

Mr. Luppino stated my other question is can I start working on the resolution and doing all the...

Chairman Cosentino stated he got an approval.

Rob Melillo stated he has to apply for a building permit at this point.

Jan Johannessen stated you have a number of conditions that you can satisfy to get the site plan signed before you can get the building permit. One of the conditions is that you revise your site plan to illustrate that that front area is going to get striped for not parking, so I think at the very least, you should show that on your site plan if the DOT comes back at a later date and says you can't do that, that's fine but in order to get your site plan signed and to get a building permit, satisfy the conditions by having Ed revise your site plan to comply with this condition that this area is going to be striped.

Anthony Oliveri stated we have a provision in the resolution on the striping, contingent on DOT's approval

Jan Johannessen stated it doesn't but that may be a good idea.

Anthony Oliveri stated would it make sense to put that language in there.

Jan Johannessen stated subject to DOT approval.

Anthony Oliveri stated it's denied by DOT, he's covered that it doesn't have to be done.

Chairman Cosentino stated yeah, we'll do it that way.

Anthony Oliveri stated revise the site plan, get it signed and at the same time, go to DOT, if he gets denied, then he doesn't have to come back again to change the resolution.

Chairman Cosentino stated fair enough.

Mr. Luppino stated fair enough.

Jan Johannessen stated there should be a roll call vote to amend the resolution, so I can amend the resolution.

Rob Melillo stated Jan, did we have the backflow prevention in there too.

Jan Johannessen stated yes, sir.

Rob Melillo stated okay, there has to be an RPZ for the deli.

Chairman Cosentino stated somebody want to make a motion to that affect that we amend...

Mr. Bainlardi stated I make a motion to amend the site plan approval to provide that the condition requiring striping in the DOT right of way is contingent upon the DOT issuing its approval and if its denied then it won't be required. Is that basically what we're saying.

Whitney Singleton stated yeah but that fallout implications on the balance of the application, I believe there was additional signage.

Anthony Oliveri stated the signs are on the property.

Chairman Cosentino stated do we have a second.

Mr. Sturniolo stated I'll second that but I'd like to ask a question.

Chairman Cosentino stated on the question...

Mr. Sturniolo stated John, would you slightly amend your motion to include the address or some kind of identification.

The Secretary stated its 15-21 Armonk Road.

Mr. Bainlardi stated I will supplement my motion to identify the property as 15-21 Armonk Road.

Mr. Sturniolo seconded the motion.

Mr. Bainlardi	-	aye
Mr. Sturniolo	-	aye
Mr. Bonforte	-	aye
Chairman Cosentino	-	aye

The motion carried by a vote of 5 to 0.

Mr. Luppino stated thank you.

Chairman Cosentino stated okay. I read the Beatification Committee, they're really doing a lot of nice things and I agree with them on the corner of Lexington Avenue and Gatto Drive, that guy really does a nice job.

Whitney Singleton stated Joe, I have a funny feeling that there's not going to be an approval forthcoming from the DOT.

Chairman Cosentino stated and I just want for the record that the Mount Kisco Veterinary Clinic did not appear before the Board. Anything else for business or do we have a motion to adjourn.

Mr. Sturniolo stated I make a motion that we adjourn the Planning Board of November 10, 2015.

Mr. Bonforte seconded the motion.

The meeting adjourned at 9:18 p.m.