

Minutes of Meeting of the Planning Board  
Village/Town of Mount Kisco  
Tuesday, September 22, 2015

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

**Members Present:** Chairman Joseph Cosentino  
Vice Chairman Anthony Sturniolo  
Doug Hertz  
Ralph Vigliotti  
Enrico Mareschi  
John Bainlardi (Alternate)

**Members Absent:** Sol Gibbons  
Mike Bonforte

**Staff Present:** Jan K. Johannessen, Village Planner  
Anthony Oliveri, Village Engineer  
Robert Melillo, Assistant 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 a Planning Board meeting, it's September 22<sup>nd</sup> and before I start I want to welcome a new member, John Bainlardi, who is here at the end and we're very fortunate to get the type of person that John is, he is very articulate, he's good and we're glad to have him on the Planning Board so welcome John.

Mr. Bainlardi stated thank you.

**Minutes**

Chairman Cosentino stated okay, we have the minutes, do we have a quorum for that.

Mr. Vigliotti stated no.

Chairman Cosentino stated we don't have a quorum for them Michelle.

The Secretary stated you do not for June 24<sup>th</sup>, you don't for October 28<sup>th</sup> but you do for December 9<sup>th</sup>.

Chairman Cosentino stated okay, does somebody want to make a motion on December 29<sup>th</sup>.

The Secretary stated just December 9<sup>th</sup>.

Mr. Sturniolo stated Chairman, I'll move that we accept the minutes as written for December 9, 2015.

Mr. Mareschi stated Chairman, I'll second that.

Rob Melillo stated 2014, not 15.

The Secretary stated 2014.

Mr. Sturniolo stated 14, 14, excuse me, thank you.

Chairman Cosentino stated on the question.

**Upon Roll Call Vote:**

Mr. Sturniolo	-	aye
Mr. Mareschi	-	aye
Mr. Vigliotti	-	aye
Mr. Hertz	-	aye
Mr. Bainlardi	-	abstain
Chairman Cosentino	-	aye

The motion carried by a vote of 5 to 0.

**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 and Mr. Chuck Utschig of Langan Engineering were present.

Chairman Cosentino stated okay, we're going to go to the formal applications and right now I'm going to call the Hearth up. Would you come up, identify yourselves for the record please.

Mr. Sturniolo stated hi Chuck.

Mr. Utschig stated good evening.

Mr. Miller stated good evening Mr. Chairman and Members of the Board, welcome new Member. For the record Mark Miller from Venezino & Associates, we represent the Hearth.

Mr. Utschig stated Chuck Utschig of Langan Engineering.

Mr. Miller stated wanted to give you just a brief update as to where things stand with respect to the DEP work. All the drilling and test boring work has been completed, all of the short term remediation to my understanding has been completed, we are surveying the actual path that was taken to do the drilling work to respond to Mr. Hertz request for information regarding the impacts of that work. We have received the report from our consultant who conducted the drilling and test borings and we've been in touch with DEP to find out what format they want it to submit to them so that they can begin their formal review.

Chairman Cosentino stated excellent.

Mr. Miller stated yes, our final. We made a submission on September 1<sup>st</sup> which your Board should have, my letter addressed the response to the County and also referenced an engineer's report which unfortunately got delayed, that was submitted today, acknowledging that he had not received it that did go in today so obviously he hasn't had a chance to review it and so we look forward to hopefully meeting with him to go over what was in the engineers report and then get a report back from your consultants with any remaining open issues.

Chairman Cosentino stated okay.

Mr. Miller stated that's where we are.

Jan Johannessen stated Mark, the EMS data wasn't including in the original submission, is that something that you plan on forwarding to all.

Mr. Miller stated Chuck, I thought that was part of your, it should have been part of Chuck's...

Jan Johannessen stated I didn't get a copy, you can always forward me the engineers report just so you have it for my file.

Anthony Oliveri stated was the EMS data, was that just like part of your response or was there a separate data...

Mr. Utschig stated yes, it was included in the...

Anthony Oliveri stated it sounded like it was a separate report or something.

Mr. Utschig stated Mr. Miller had a cover letter with some other response, we had a supplemental memo and that data was in there. I'll make sure that, I'll check in with you tomorrow, we'll make sure you get that.

Jan Johannessen stated okay.

Mr. Miller stated it was not a separate document.

Chairman Cosentino stated okay.

Mr. Miller stated there we are.

Chairman Cosentino stated good report.

Mr. Miller stated thank you very much.

Mr. Utschig stated thank you.

Whitney Singleton stated hey Joe.

Chairman Cosentino stated yeah.

Whitney Singleton stated is there a reason you're skipping the first couple.

Chairman Cosentino stated wait a minute, I'm sorry, wait a minute, hold on one second. No, they're off.

Mr. Mareschi stated they're off.

Mr. Hertz stated Devereux is off.

Chairman Cosentino stated they're off, Devereux is off and the other one is off, Michelle just told me.

The Secretary stated they're not appearing tonight.

Chairman Cosentino stated that's why I went to Mercedes.

Mr. Hertz stated and 154 Main is off.

The Secretary stated they are also not appearing this evening.

Whitney Singleton stated and just to be clear Chairman that the applicant requested to be removed from 154-162, is that correct.

The Secretary stated yes.

Chairman Cosentino stated yes, that's why we went to the Hearth and I'm going to Mercedes right now.

**B. Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)  
PB2014-0285, 69.50-2-1 (SBL)  
Amended Site Plan and Change of Use**

Mr. Peter Catizone of Catizone Engineering and Dr. John Collins of Maser Consulting,

Chairman Cosentino stated Mr. Collins, Dr. Collins.

Mr. Catizone stated good evening.

Chairman Cosentino stated identify yourselves for the record please.

Dr. Collins stated my name is John Collins, Maser Consulting.

Mr. Catizone stated my name is Peter Catizone with Catizone Engineering.

Chairman Cosentino stated welcome.

Mr. Catizone stated okay, so thank you for having us on tonight, we feel it's important that we you know appear before and keep the momentum going but the purpose of tonight's, us being here tonight is just a summary, we don't have a presentation for you.

Chairman Cosentino stated no, good.

Mr. Catizone stated we do have the boards, if anyone would like to see anything during the discussion and that's fine but just wanted to let you know that we feel that we've made some traction with your consultant and with the Building Department, we feel that we're in agreement with parking, with zoning, we're waiting for traffic, there was a memo or report issued on the 10<sup>th</sup> of September and we hope to have a consultant meeting, sometime before the next meeting, so that we can...

Chairman Cosentino stated staff meeting.

Mr. Catizone stated staff meeting...

Chairman Cosentino stated right.

Mr. Catizone stated to discuss some of these issues. We will be revising our application be concurrent with Dr. Collins analysis of fewer lifts which right now is at 27 and you know we're here basically to answer any questions or if there's any explanation on any other...

Chairman Cosentino stated well Peter, I think that we would like you to meet with the staff, they have a lot of questions that and I don't know what, Michelle when we can put them on, the next, hopefully.

The Secretary stated your next staff meeting with be October 7<sup>th</sup>, if everybody is agreeable to that but I think everybody needs to check their schedules.

Jan Johannessen stated it can be a separate date as well if it's just going to be us...

Chairman Cosentino stated yeah, I mean to work it out with you, I think if they go to you guys first and then come back to us, I think we'll have a lot of questions that will be answered.

Jan Johannessen stated I agree.

Chairman Cosentino stated why don't we do that instead of here because they had most of them, so...

Dr. Collins stated oh I know the questions have been coming, we made contact with the traffic people, clarification et cetera, we want to get it all out for the Board.

Chairman Cosentino stated so why don't we do that.

Mr. Catizone stated the only request is if the traffic consultant can be there because I think that's a pivotal part of the discussion. I have a coin, it's two headed.

Chairman Cosentino stated Michelle, I don't know who the hell...

The Secretary stated yes sir.

Chairman Cosentino stated yeah, we'll try to have him there.

Mr. Catizone stated and we are willing to go out of our way to meet with the consultant if it's not on these premises to...

Chairman Cosentino stated but this meeting's important because we want to get this going.

Mr. Catizone stated yes, absolutely.

Dr. Collins stated definitely, definitely, in fact I requested a meeting with the consultant even if I went down to the city.

Chairman Cosentino stated I don't know, that's not my...

Mr. Sturniolo stated does he hate to travel.

Whitney Singleton stated can you just give some consideration and consultation with your client before we have that meeting as to what aspects are currently under consideration for all components of the site. Whether it's the certified preowned in Bedford, whether it's the jungle gym in the sky in the wetlands, the new road through Marty Motors, expansion of dog park at the daycare, or interior build outs, taking out or relocations of the roads and buildings everything that's on the table as far as your client's current consideration.

Mr. Catizone stated understood. My client is Estate Motors, right and I understand...

Whitney Singleton stated well I meant the property owner.

Mr. Catizone stated I understand your point and we'll try and compile all of that information because certainly we want this to go forward and I think we've shown we're willing to work and go the extra mile.

Chairman Cosentino stated exactly.

Dr. Collins stated thank you very much Mr. Chairman.

Chairman Cosentino stated thank you for coming.

Mr. Catizone stated thank you.

**C. Luppino Landscaping & Masonry Supply – 15-21 Armonk Road  
PB2015-0289, 80.73-1-1 (SBL)  
Site Plan and Change of Use**

Mr. Angelo Luppino, the owner and Mr. Ed Delaney of Bibbo Associates, were present.

Chairman Cosentino stated Luppino Landscaping and Masonry Supply.

Mr. Luppino stated hello everybody.

Chairman Cosentino stated identify yourself for the record please.

Mr. Luppino stated I'm Angelo Luppino.

Mr. Delaney stated I'm Ed Delaney from Bibbo Associates.

Chairman Cosentino stated okay, I'll just, if you want to go ahead, just...

Mr. Delaney stated no, no.

Chairman Cosentino stated we did somewhat of a site visit there, as we know there's problems there that have been there for 50 years, okay, Rob, you want to give us a thumbprint over here of...

Rob Melillo stated let him make his presentation Joe.

Chairman Cosentino stated pardon.

Rob Melillo stated he's got a presentation, let him make his presentation.

Mr. Delaney stated well we've submitted our site plans after your field walk, you had staff meeting...

Chairman Cosentino stated I'm asking for your comments.

Mr. Delaney stated you have a memo, I have...

Chairman Cosentino stated you have a memo, you gave us comments, I want you to go through your comments.

Rob Melillo stated gotcha, gotcha, gotcha.

Chairman Cosentino stated and by the way we're happy with the comments you have and if he goes along with them, there's not going to be a problem with this Board.

Mr. Luppino stated you had a couple of, maybe some stone on the...

Mr. Delaney stated you have them.

Rob Melillo stated yeah, got them.

Mr. Luppino stated on the concrete...

Chairman Cosentino stated you got somebody that will do that though.

Mr. Luppino stated yeah I might find somebody, hire one of your guys.

Chairman Cosentino stated yeah thanks.

Mr. Luppino stated this is one of the comments at the staff meeting was a rounded stone.

Chairman Cosentino stated well I think this has to go before the ARB though, they have to pick out the stone, it's the front of the building we don't do that. Am I correct.

Whitney Singleton stated that's true but that doesn't mean that your Board can't look at it.

Chairman Cosentino stated no, no, no, we definitely want to look at it, we're going to make a recommendation, I don't know what they're going to do.

Mr. Vigliotti stated stone veneer will look nice.

Chairman Cosentino stated if somebody wants to look at it.

Mr. Luppino stated well it was recommended to me to put it up, no one's, there's no comments...

Chairman Cosentino stated I don't know whether, that's up to the Building Inspector, do they have to go before the ARB on this.

Rob Melillo stated the façade changes, yeah.

Chairman Cosentino stated I thought so to.

Mr. Luppino stated what's that.

Whitney Singleton stated I think one of things that we ask the applicant chairman, at staff meetings were I think, a number of Planning Board Members were present, we asked them to dress up the building and put a hint of gingerbread on it...

Chairman Cosentino stated right.

Whitney Singleton stated that would enhance the aesthetics and I think that's what the applicant is responding to.

Chairman Cosentino stated okay, work it with Rob. Okay, Rob go ahead.

Rob Melillo stated okay just reviewed his plans and we just had a couple comments, handicap parking in front of the garage the aisle should be 8' which is an easy fix and the parking space should 9'-6". The applicant will require variance for maximum building coverage, the applicant will require variance for side and rear yard setbacks for the existing shed. If the shed were stay in its current location, it will require fireproofing under the New York State Building Code and the applicant will need to apply for a building permit once the Planning Board approval has been sought for the shed and paving of the rear area mason yard. That's all we had on that.

Chairman Cosentino stated good, thank you Rob.

Jan Johannessen stated Rob was it, do I remember correctly that if the shed were to be removed that the building coverage variance would go away.

Mr. Luppino stated yes.

Chairman Cosentino stated yes.

Rob Melillo stated I don't remember honestly.

Chairman Cosentino stated that's in...

Jan Johannessen stated because the building itself is existing nonconforming, it was the shed that was installed without a permit so, one of the option was he could remove the shed, eliminate the side yard variances, eliminate the...

Mr. Luppino stated and that's what I'll do.

Mr. Vigliotti stated yeah.

Rob Melillo stated that's fine.

Jan Johannessen stated what's your proposal at this point.

Mr. Luppino stated to eliminate the shed.

Jan Johannessen stated so that would eliminate the need for the variances.

Mr. Luppino stated right.

Mr. Delaney stated we're only 4% over on coverage that certainly would do it.

Jan Johannessen stated some of the other things we talked about at the staff meeting which was very productive was eliminating the parking in front of the building and providing some signage on that stone...

Mr. Delaney stated the new stone face.

Jan Johannessen stated the new stone face that it would identify that parking is available across the street.

Mr. Luppino stated correct.

Jan Johannessen stated we talked about retrofitting your existing lighting with LED, downward lit, shielded fixtures, relocating the handicap parking spot which Rob brought up, I think that was.

Chairman Cosentino stated and the, in front no parking, fire zone.

Jan Johannessen stated there's a no parking, parking available across the street.

Chairman Cosentino stated fire zone, right, okay.

Mr. Delaney stated we have no problem with any of that.

Chairman Cosentino stated yeah, right.

Mr. Delaney stated it's just a matter of minor modifications to the site plan.

Mr. Sturniolo stated could I be clear, we're saying no parking, fire zone.

Jan Johannessen stated I think it was no parking, parking available across the street.

Mr. Luppino stated when we had the meeting it was no parking, parking available across the street.

Chairman Cosentino stated we want it to say fire zone now which is because it would comply a lot better and just no parking. They want no parking, fire zone, okay.

Mr. Luppino stated and we can't put down parking available across the street.

Chairman Cosentino stated yeah you can, of course.

Mr. Delaney stated no parking, fire zone, parking available across the street.

Chairman Cosentino stated okay.

Mr. Sturniolo stated and it can be striped and whatever.

Chairman Cosentino stated well they have to comply, whatever, you're right. So my suggestion and I'm sure if the Board doesn't agree well then that's another story. There are no problems with what Rob and what Jan said, okay, work with the Building Department and get it done, am I correct.

Jan Johannessen stated I think the next step would be for the Board to ask for a resolution to be prepared.

Chairman Cosentino stated resolution of approval, work with the Building Department, get it done, we'll set up a resolution of approval.

Mr. Delaney stated we will adjust our site plan, conform to these comments...

Chairman Cosentino stated right, right.

Mr. Delaney stated bring them back to the Board, get your approval...

Chairman Cosentino stated we'll get a resolution of approval.

Mr. Delaney stated and off we go to the Building Department to finish it up.

Chairman Cosentino stated you have to get your permits and C.O. and that's it.

Mr. Hertz stated and ARB.

Mr. Luppino stated are there any specific lights, I know it's an LED light, is there something that you guys are, so I can give it to my electrician.

Rob Melillo stated I just noticed on your application, you didn't check change of use too, change of use was supposed to be checked on your application.

Mr. Delaney stated but it turned out not to be a change of use.

Rob Melillo stated the mason yard did.

Mr. Delaney stated I thought that was, I thought we solved that.

Rob Melillo stated not that I was aware of, the mason yard was, when we left the meeting, I told you check...

Mr. Delaney stated okay well I wasn't out the meeting, I'll withdraw my comments.

Chairman Cosentino stated well this is better for him, just put change of use and that's it.

Rob Melillo stated yeah, it's a change of use to the mason yard in the back of the property.

Chairman Cosentino stated yeah but he doesn't have to do anything but put change of use on the application.

Rob Melillo stated fine, I'm just notifying that he has to include it in the resolution.

Mr. Delaney stated on the application.

Rob Melillo stated part of it's a change of use, the resolution will fall short.

Jan Johannessen stated I got it.

Chairman Cosentino stated there is nothing else you have to do.

Mr. Luppino stated so do I have to go in front of the ARB for this.

Chairman Cosentino stated that's up to...

Mr. Hertz stated that's up the Building Inspector.

Rob Melillo stated any façade changes, you have to go.

Mr. Luppino stated it's not really a façade change.

Rob Melillo stated yes it is.

Chairman Cosentino stated no, it's in the front where the wall is.

Mr. Luppino stated it's on the little concrete...

Rob Melillo stated I don't have the authority to approve it, that's part of the façade of the building.

Chairman Cosentino stated you just got one, they'll approve. One night, one night, they're easy, one night.

Mr. Mareschi stated they'll be happy with that.

Jan Johannessen stated that can be a condition of approval.

Chairman Cosentino stated yeah, that's not a problem.

Mr. Delaney stated I would expect to come back with the site plan in front of the Board, get the changes done.



Chairman Cosentino stated have a resolution, alright.

Whitney Singleton stated is the applicant, where is the, I didn't see what the applicant presented at the table.

Chairman Cosentino stated yeah, you...

Mr. Luppino stated I think grabbing from Bedford Stone, I couldn't get.

Whitney Singleton stated is there a plan as to how the appearance of the building is going to look.

Mr. Luppino stated yeah, there's pictures here.

Mr. Delaney stated this is a very, you're talking about a generic picture.

Jan Johannessen stated I think one of the conditions of approval will be having a detail and...

Chairman Cosentino stated he's going to have to put it on the site plan anyway.

Whitney Singleton stated can you, I'll here two from here, one from there.

Chairman Cosentino stated we have to have it on the site plan anyway, the stone front.

Jan Johannessen stated was there any, we had talked about the railing as well, was there any ability to make any improvements to the railing.

Mr. Luppino stated other than changing the railing, I can't make it where the stone goes up, the walkway into those stores is only 3' wide at that point.

Jan Johannessen stated I think the concern was or someone had mentioned on the Board that the railings and parts of the store fronts are painted blue and there was discussion of either painting it black or perhaps doing like a, you know...

Mr. Luppino stated is black the...

Mr. Vigliotti stated black is better than blue.

Mr. Luppino stated is that in front of the ARB or is that you guys.

Chairman Cosentino stated who.

Mr. Luppino stated do we want the railings painted black, it doesn't matter to me.

Chairman Cosentino stated are there any questions.

Mr. Mareschi stated I think black is easier.

Mr. Vigliotti stated it might match the stone better, probably.

Mr. Delaney stated why don't we just match the stone, okay.

Mr. Luppino stated whatever stone the ARB chooses.

Chairman Cosentino stated anything you want to add Tony.

Mr. Sturniolo stated no.

Chairman Cosentino stated anybody want to anything, staff. Okay, you know what to do.

Mr. Delaney stated okay, thank you guys.

Mr. Luppino stated thank you.

Mr. Mareschi stated thank you.

Chairman Cosentino stated thank you Ed.

Whitney Singleton stated see how much more effective you are when you bring a weapon.

Mr. Luppino stated here take a look.

Chairman Cosentino stated 59 Kensico Drive, could you come up and identify yourselves for the record please.

**D. 59 Kensico Drive, LLC – 59 Kensico Drive  
PB2015-0315, 69.42-1-7 (SBL)  
Amended Site Plan**

Ms. Christina Martabano, Esq. and Mr. Ed Gemmola of Gemmola & Associates were present.

Chairman Cosentino stated you know, you could have came up alone, I don't think you need anybody.

Ms. Martabano stated I like to have other professionals up here.

Chairman Cosentino stated okay.

Ms. Martabano stated I'm a little bit of a novice in front of the Planning Board, haven't been here since Charles.

Mr. Vigliotti stated you're doing fine so far.

Ms. Martabano stated my name is Christina Martabano, I'm an attorney for the property owner and Ed needs to identify himself.

Mr. Gemmola stated Ed Gemmola, Gemmola Associate Architects.

Ms. Martabano stated we're basically here tonight to legalize site work that was completed over almost 12 years, site work done to the parking area of this building and Ed has plan which show back in 2003...

Mr. Gemmola stated yeah, we have, this one was done and probably got the approval back in 2003 and then there was a tenant space, I think we got a letter last week that Austin Cassidy had written and it was for basically HTA, which I had here.

The Secretary stated Ed, I'm sorry, can you just pull your board off of the microphone in the center of the table, thank you.

Chairman Cosentino stated I remember that. Just some curbing was changed then, was supposed to be changed if I'm not mistaken.

Ms. Martabano stated handicap parking was produced there.

Chairman Cosentino stated yeah.

Ms. Martabano stated and how it came up was we're getting a new tenant in here, J. Paul Studios which is a blind and office and warehouse guys and Rob was helping us get him approved and then Rob made a site visit and said wait a minute, you're parking right in front of this building doesn't match the site plan which he had in his thing which I gave copies of too. This is the way our site plan was back '81, so that's how it came about and he told us that we should come here and get an amended site plan because however which way this was carried out back in 2003, I don't know did we not complete the process that it would be...

Chairman Cosentino stated I don't think nothing was complete, am I correct Rob.

Rob Melillo stated well what happened was there was an autistic children's place that was supposed to go in there...

Chairman Cosentino stated that's right, I remember that.

Rob Melillo stated it got reviewed for like 6 months and then in December it got withdrawn at that time and nobody ever went back, part of this work was part of the autistic children's thing and the Building Inspector at that time issued a building permit prematurely and then when they withdrew their application, he revoked the building permit for the work that was done at the time.

Ms. Martabano stated we got the building permit October 30<sup>th</sup>, I don't know when the work was actually completed but then he revoked it I think December 13<sup>th</sup> or 16<sup>th</sup>.

Chairman Cosentino stated so what are we doing now then, so what...

Ms. Martabano stated it's just that we did this work.

Chairman Cosentino stated and you want to correct that.

Sm. Martabano stated we want to keep it.

Chairman Cosentino stated yes.

Ms. Martabano stated and then just amend the site plan from the old one that was in 1981 that we have.

Chairman Cosentino stated right.

Mr. Gemmola stated we think we had because there was a Planning Board, we made revisions, all these revisions...

Ms. Martabano stated yeah we had obviously gone and like you say got the last comment he has here it was revised per Planning Board Committee, October 16, 2003.

Chairman Cosentino stated Jan are you or Anthony involved in this or anything, you have comments or anything.

Jan Johannessen stated we had a couple of minimal comments, one was that they provide their site plan of record and the resolution that went along with the site plan.

Mr. Sturniolo stated that's the plan for the children's...

Mr. Gemmola stated yeah they probably had permit for the inside.

Chairman Cosentino stated excuse me. Jan, say that again.

Jan Johannessen stated we need the site plan of record and the resolution that the Planning Board adopted 12 years ago for that site plan.

Chairman Cosentino stated okay.

Ms. Martabano stated yeah, I gave 15 copies to Michelle, unfortunately of this ugly site plan which people had written over it but that's the only copy I had, I think Michelle was going to try and find a better copy.

The secretary stated I didn't have an opportunity today, I will look tomorrow.

Ms. Martabano stated and she was going to look for the Planning resolutions too because we didn't have anything.

Chairman Cosentino stated I'm sorry Tony.

Jan Johannessen stated the site plan that we submitted is going to become the site plan of record, there's a lot of landscaping on the site right now that should be documented and shown on the site plan as a baseline...

Chairman Cosentino stated right.

Jan Johannessen stated there's a propane, above ground propane tank on the north side of the building that can use some additional landscaping, it's visible from, I guess that's Kensico.

Chairman Cosentino stated yeah we saw that.

Jan Johannessen stated so we had some comments regarding showing existing landscaping, some minor additional landscaping on the north side of the building and the revised resolution and the site plan.

Chairman Cosentino stated okay.

Jan Johannessen stated not additional site improvements are being proposed.

Rob Melillo stated there was no resolution back in 2003 for this.

Jan Johannessen stated what's that.

Rob Melillo stated there was no resolution.

Jan Johannessen stated there wasn't.

Rob Melillo stated no, it was withdrawn after (inaudible – plans covering microphone).

Chairman Cosentino stated so we're going to have to prepare a resolution then.

Jan Johannessen stated okay.

Whitney Singleton stated there is a though a site plan of record.

Jan Johannessen stated so if there is a site plan record, there should be a resolution that goes along with it.

Rob Melillo stated that's going back to the '73 site plan.

Ms. Martabano stated yeah well this one says '81 was signed off on by everybody. That was signed off I guess way back when.

Rob Melillo stated whatever year that site plan is, I thought it was '70.

Ms. Martabano stated I don't know what the original date is.

Mr. Gemmola stated I actually had a drawing, we didn't do this, this we found.

Ms. Martabano stated he's got an old drawing.

Mr. Gemmola stated JR Senior that this was in '76.

Ms. Martabano stated '76.

Mr. Sturniolo stated originally it was done on parchment paper in '76.

Mr. Gemmola stated could be, I remember when I did work on parchment paper, I think it was like papyrus.

Ms. Martabano stated so who would make the suggestions on landscaping like, I mean because Ed you said you would be able to put landscaping onto the plan and indicated proposed versus what exists.

Jan Johannessen stated regarding the landscaping, you don't have to identify, regarding the existing landscaping...

Chairman Cosentino stated where's the new plan, let me see a copy of the new plan.

Jan Johannessen stated I don't need you to identify the particular species, if you can identify what are landscaping beds along the southerly property line, they just installed all those arborvitaes.

Ms. Martabano stated okay.

Mr. Gemmola stated okay.

Jan Johannessen stated that type of thing, just so we have documented on the site plan and then by the northerly property line and the propane tank, we had suggested in our memo some, a spruce.

Mr. Gemmola stated that's fine, I can send you a PDF of what should, you can take a look at it and make any changes.

Jan Johannessen stated yeah, I'm very amendable to that.

Mr. Gemmola stated we also found that this drawing here which had revisions and back when in 2003, from 2003 to the revisions for the, I can't read upside down anymore, as field conditions which is basically

this and this was received by the Planning Board, Christina found a copy of this also that had a stamp on it, I don't know if you guys have this but...

Ms. Martabano stated and we have an illumination plan, right, we already had that and that's existing, that's existing on the site.

Mr. Gemmola stated we found from the back here with the information from RUD lighting...

Anthony Oliveri stated that's all existing lighting, that wasn't clear either.

Mr. Gemmola stated I can send you that and the cut from RUD.

Donny Martabano stated they already have that Ed too, we already gave them copies.

Mr. Gemmola stated you have that, okay.

Anthony Oliveri stated yeah, we have that, that obviously is all existing.

Jan Johannessen stated everything's existing, there's no proposed work on that site, right.

Ms. Martabano stated no.

Mr. Gemmola stated no.

Anthony Oliveri stated I didn't see any issue with the lighting, I think it pretty well complied.

Mr. Gemmola stated okay and there was a question about this, I think this plan was, there was building permit issued for the interior work that never went ahead, so that was what was revoked.

Mr. Sturniolo stated gotcha.

Ms. Martabano stated it doesn't change the number of parking spaces...

Mr. Gemmola stated no.

Ms. Martabano stated it's the same as before and we obviously would like not to rip up but had approved the place to look like, you know.

Chairman Cosentino stated no.

Jan Johannessen stated these are minor.

Ms. Martabano stated we'll do landscaping as suggested.

Mr. Hertz stated I'm curious, what are the changes that are being proposed, is it all interior.

Ms. Martabano stated no, there's not changes.

Mr. Hertz stated there are no changes.

Ms. Martabano stated no, it's just the existing parking out front.

Mr. Gemmola stated the outside no changes, there was an interior space that was empty.

Mr. Hertz stated what flagged this as...

Rob Melillo stated the changes were they increased parking out in the front of the building and created handicapped parking spaces which was not approved by the Planning Board, that's why they're here, to legalize the 5 parking spaces in front of the building.

Mr. Hertz stated okay, that was not clear to me.

Mr. Gemmola stated but this was a leftover space.

Ms. Martabano stated it's 6 in front of our building. 4 plus the 2 handicap plus the one drop off.

Rob Melillo stated whatever it is.

Mr. Gemmola stated this is the area that's going to be taken by, what's the name of that wine company.

Ms. Martabano stated J. Paul Studio.

Mr. Gemmola stated yeah.

Ms. Martabano stated they're already in, we don't have anyone else in the rest of the building. It's vacant.

Mr. Gemmola stated on this plan it was vacant.

Chairman Cosentino stated this is just temporary storage, parking here. If you get all this stuff before our next staff, just bring it in and you don't have to come to the staff meeting.

Ms. Martabano stated in December of...

Ms. Mareschi stated '16.

Ms. Martabano stated what.

Chairman Cosentino stated I just put temp over here because it's just temporary.

Ms. Martabano stated yes.

Jan Johannessen stated Chairman, would you like my office to prepare a draft resolution.

Chairman Cosentino stated yes, get this off our plate. Does anybody else have anything they want to add, over here, down here.

Mr. Mareschi stated no sir.

Whitney Singleton stated just clarification, the uses that are being authorized here are general office for a portion and medical office for the balance.

Ms. Martabano stated right, that's what's on the plan.

Whitney Singleton stated no school.

Ms. Martabano stated okay.

Whitney Singleton stated I think the school went up to Lewisboro, didn't they.

Ms. Martabano stated right, so you're going to do an existing plan, existing landscaping and then based on his suggestions put proposed on the plan.

Chairman Cosentino stated you guys are all good, you're all set.

Ms. Martabano stated okay, thank you very much, have a good night.

Chairman Cosentino stated take care Christina, good seeing you.

Ms. Martabano stated thank you.

Chairman Cosentino stated okay, anybody here from Cosentino Westchester Center.

Mr. Hertz stated Hudson City Savings Bank.

Chairman Cosentino stated oh no I'm sorry.

Mr. Hertz stated bottom of the last page.

Anthony Oliveri stated they're off.

Mr. Hertz stated they're off, they're also off.

Chairman Cosentino stated yeah.

Mr. Hertz stated wow.

The Secretary stated they requested to be adjourned until the October 13<sup>th</sup> meeting.

Mr. Hertz stated alright and I got nervous for nothing.

Chairman Cosentino stated 125-131 East Main Street.

**E. 125-135 E. Main Street to Establish Site Plan – 125-135 E. Main Street  
PB2014-0278, 80.25-3-34 (SBL) (Azteca Building)  
Site Plan Approval**

Mr. William Besharat of Rayex Design was present.

Mr. Besharat stated I don't know if you're going to need this, here by the microphone.

Mr. Hertz stated come on up here.

The Secretary stated nope, come on up here.

Mr. Besharat stated good evening everybody. I'm William Besharat, I'm representing the owner of the building. I think we have worked back and forth in establishing the parking requirements and I worked out with the Building Department and on the required parking, including the requirement for the food service store that's referred to as Azteca, which is, I don't know if he contacted the Building department to work with them on his seating. We showed it to be in compliance with what he has had approved through the years, he had two different building permits to increase his seating capacity and that's what we reflected on all the plans and we reflected the parking to accommodate, I mean to show what the need for this building and I think the consultant over here gave us, they gave us credit of 73 parking spaces.

Chairman Cosentino stated 73.

Mr. Besharat stated yes, for the two stories.

Mr. Vigliotti stated wow.

Chairman Cosentino stated how did we get to 73.

Mr. Besharat stated I would like to know that myself.

Chairman Cosentino stated well if you can't tell me.

Rob Melillo stated Willie we...

Mr. Besharat stated oh that's based, oh I'll take that back, the parking it was calculated based on the square footage of the building and what, as per the uses of every space.

Rob Melillo stated Willie, did we, clicked into my head here, you only have to provide, Whitney, isn't it like 75% he gets a credit right.

Mr. Besharat stated yeah, it was 75% of the...

Rob Melillo stated we deducted that out of the number, correct.

Whitney Singleton stated in the CB-2 they're required to provide 75% of their parking requirements that would otherwise exist for the assemblage of uses.

Rob Melillo stated and you deducted that, right.

Whitney Singleton stated I have not reviewed the parking count.

Mr. Besharat stated the 73 is the required parking for 250 parking spaces and for the square footage of the second floor and 150 for the first floor...

Rob Melillo stated and you to deduct...

Mr. Besherat stated and if we deduct, we deducted that out of it, the 73, I think that's all that's required but I think there, in this memo, it should be 75% of that number which will go down to 50 something parking spaces, 51 or 52 parking spaces.

Rob Melillo stated correct that.

Mr. Sturniolo stated and you're reducing your seating to 31-ish.

Mr. Besherat stated yes and the owner has been notified of that, that he has to remove the tables and go back to, I think 33 seats if my memory serves me, or 31 seats, he has to reduce the seating and remove the tables.

Chairman Cosentino stated what does he have now.

Mr. Besherat stated the last time we checked, he had 50 plus seats and he was notified and I told him that the Building Department will be dealing with you on it, you have to deal with the Building Department, I represent the landlord and the landlord, the whole idea was to establish this space only...

Chairman Cosentino stated yeah, okay, right.

Mr. Besherat stated and then the issue with the seating came up and we researched it and researched it and came up with he was allowed 31 seating capacity and he had exceeded that because he had misunderstood what the fire department told him that he could have up to 50 seats, that he could have 5 seats. I said deal with the Building Department, he will be contacting you and dealing with you on the seating.

Mr. Sturniolo stated thank you.

Jan Johannessen stated Rob, is he going to require any sort of building permits for anything, is there going to be building permits of C.O...

Rob Melillo stated he's just here to establish a site plan.

Chairman Cosentino stated yes.

Jan Johannessen stated in terms of, we need to condition this requirement to remove seats, do we condition that on the, prior to the signing of the site plan, if there not a building permit or C.O....

Rob Melillo stated yeah.

Mr. Besherat stated I'm sorry, I'm going to object to that because the landlord, if any violation is the tenant violation and that should be dealt with by the Building Department based on his business, you can't condition the site plan.

Chairman Cosentino stated violation goes to the landlord, doesn't it.

Mr. Besherat stated not for a use of business as far as I know. If...

Chairman Cosentino stated but the violation is on the business, it's on the business, not the building.

Rob Melillo stated yeah, it's going to be on the business but I don't think that's unreasonable because it's based on this I don't want to have to go out there and write him a violation, Willie. That doesn't make sense you're here, I'll go do an inspection, tell you tenant, send a note to your tenant saying that this is what is approved and the Building Department will be here on such and such a date to...

Mr. Besherat stated okay, which is, that's fine, I really have no objection to it except I'm here for one of the vacant stores that we and we needed to establish the site plan first before we rent that store and I don't want that to be delayed and dragged into another two years before we are able to rent it.

Rob Melillo stated its just a matter of the tenant pulling out the seats...

Mr. Besherat stated what if he refuses and he wants to fight it.

Chairman Cosentino stated you're got a problem.

Rob Melillo stated you've got a problem.

Mr. Besherat stated I've got a problem, I'm sorry, the landlord has the problem.



Jan Johannessen stated what's the proposal for the vacant space, what's the proposed use.

Mr. Besherat stated I think, as of now, they will be a retail sales of, I think there's a juice bar that's interested in it, only strictly take out, there's no seating required and somebody else, I don't know the full detail.

Jan Johannessen stated what are you identifying that use on your site plan as.

Mr. Besherat stated we are identifying it as retail space only.

Jan Johannessen stated okay.

Mr. Besherat stated we will rent it only as a retail space only.

Whitney Singleton stated can I ask a question.

Mr. Besherat stated sure.

Whitney Singleton stated the back area, the back area is not storage, space number 4.

Mr. Besherat stated space number 4.

Whitney Singleton stated or space number 3 even/

Mr. Besherat stated number 4 is the smallest one, in the back of the hallways, that's, that area is not really a storage area, it is, that's there fire exit from the building in the back.

Anthony Oliveri stated how about the 1,000 square feet, is that the front store area or is that entire...

Mr. Besherat stated no, the entire space including the portion which, that's part of the tenant space.

Whitney Singleton stated you're counting the entire space as retail.

Mr. Besherat stated yes.

Mr. Mareschi stated when you said a juice bar, you know a Smoothie King.

Mr. Besherat stated yes.

Mr. Mareschi stated Smoothie King.

Mr. Besherat stated not necessarily Smoothie King but similar to that, similar concept to that.

Mr. Mareschi stated like that.

Mr. Besherat stated fresh fruits, smoothies, juices and things like that.

Mr. Vigliotti stated you know that might not be considered retail.

Mr. Besherat stated its food retail, it still has the same parking requirement.

Mr. Vigliotti stated is that true, Rob.

Rob Melillo stated yeah.

Mr. Vigliotti stated okay.

Mr. Besherat stated yeah, the same parking requirement, we looked into that.

Chairman Cosentino stated okay, so Jan, you're satisfied.

Jan Johannessen stated this was really just a parking determination that was made by Rob.

Chairman Cosentino stated but you brought up the seats and Rob, you're going to take care of that as a condition.

Rob Melillo stated yeah, absolutely.

Chairman Cosentino stated alright.

Jan Johannessen stated the condition of the resolution will be to remove all of the seats prior to the signing of the site plan.

Chairman Cosentino stated okay, are there any questions from the Board.

Mr. Mareschi stated no, Chairman.

Chairman Cosentino stated okay, get with Rob and prepare the resolution.

Mr. Besherat stated alright, great, thank you.

Mr. Mareschi stated thank you.

Rob Melillo stated Willie, you just have to correct the parking for me and resubmit the plans.

Mr. Besherat stated I'll take care of that, yes and I'll have Juan come in and see you, bring him in person.

Rob Melillo stated alright.

Chairman Cosentino stated 105 Kisco Avenue.

The Secretary stated Chairman, Cosentino Tile.

Chairman Cosentino stated oh, it's off the...

The Secretary stated no, no, they're here, Cosentino Tile is here tonight.

Chairman Cosentino stated oh, they are, I'm sorry. I'm so used to you not being here but I'm glad you're here.

**F. Cosentino Westchester Center – 333 N. Bedford Road Suite 220  
PB2015-OD1, 69.50-2-1 (SBL)  
Outdoor Display**

Mr. Leonardo Ventimiglia of Cosentino Westchester Center was present.

Mr. Ventimiglia stated who is up.

Mr. Allen stated good evening, Tim Allen, oh I'm sorry, he's up, I'll go back.

Mr. Ventimiglia stated sorry Tim. Good evening my name is Leonardo Ventimiglia, I'm the general manager of the Cosentino Westchester Center, we are a distributor of granite and marble slabs. So I took the job over in April and when I arrived there was a patio outside the building and I was asked to submit an application for permit, so I did that and I guess it didn't get in, in time and we were fined \$1,000 already. So I'm here because I was asked to come in, so I'm not sure what to do at this point.

Chairman Cosentino stated well does he have any paperwork here to show anything.

Mr. Ventimiglia stated well we...

The Secretary stated what you received, his application was received back in July to all of you.

Chairman Cosentino stated yeah, it's an outside display.

Mr. Ventimiglia stated it's a freestanding outside display.

Chairman Cosentino stated I mean, I don't...

Mr. Ventimiglia stated it's not, there's not cement columns.

Chairman Cosentino stated it's there already, right.

Mr. Ventimiglia stated it's there already.

Chairman Cosentino stated yeah.

Mr. Ventimiglia stated there's not cement columns, it's freestanding, and it's like a floating roof deck.

Chairman Cosentino stated well we're going to need something on the site plan, aren't we, Rob.

Mr. Ventimiglia stated we submitted, I mean, I submitted all that, the 14 copies with a \$10 check, at the time.

Rob Melillo stated I mean it's up to you, what do you want, Joe.

Chairman Cosentino stated I don't have a problem with the display that's there.

Rob Melillo stated all I know is he has an outdoor display which wasn't approved by the Planning Board, which only you can approve, he's here today to get approved for an outdoor display.

Chairman Cosentino stated yeah, I, myself, don't have a problem.

Jan Johannessen stated Rob, does the outdoor display, were there any hardscape improvements that would affect the development coverage of the property because we have a coverage issue on this property.

Rob Melillo stated it very well could, I mean they have a raised patio that they've created with an outdoor kitchen out there which, yeah, technically if you wanted to calculate it in their lot coverage there could be issue because it's covering up...

Chairman Cosentino stated how big of an area is it, Rob.

Rob Melillo stated it's a sizeable area, how large would you say it is, 20' by 30'.

Mr. Ventimiglia stated I'd say it's about 20-22 feet long by maybe 12-15 feet wide.

Jan Johannessen stated I would think that the outdoor display area, to legalize it, would trigger a site plan approval to modify the site plan for the property to include this outdoor display, no.

Rob Melillo stated well we have a separate section on outdoor displays, it doesn't say about modifying the site plan in the Code, it says...

Jan Johannessen stated it just seems like it's a physical feature now on the property that is not on the site plan that could have zoning implications.

Mr. Vigliotti stated yes.

Anthony Oliveri stated is it a structure, I mean, if it's a structure that adds to development coverage, then it's almost like a site plan...

Rob Melillo stated I didn't look at it that way originally but you know, now that you're talking about it, it very well could. I mean usually an outdoor display is somebody puts wheel barrows, a couple of racks outside and then bring them out in the morning and brings them in at night because it's a product they're selling through the day, this is out 24/7 on a regular basis, it's been out there for two years now.

Jan Johannessen stated are there grills and, did somebody mention there's an outdoor barbeque, it seems more like a physical feature.

Mr. Ventimiglia stated yeah, it's not an outdoor display.

Whitney Singleton stated when this was previously addressed with the Planning Board the concept was that it was represented to be a warehouse as the property is zoned for and that the public would not be coming here, design professionals would be coming and there was plenty of area within the building to do displays, not on the exterior. That's what was last left for this Board and then the applicant unilaterally changed the site, they were told if they wish to get it approved to come here, make a modification to their site plan and get an outdoor display permit, they didn't do so, they were on separate agendas, they were fined and now they're before you have five appearances of now showing. That's really what is it, I mean you don't have anything in your packets for this evening as far as I can tell because it was put in prior packets and so there's really nothing for your review.

Mr. Hertz stated you don't have a presentation for us.

Mr. Ventimiglia stated no, I mean I submitted the site plan, whatever was asked to submit, we submitted 14 copies with a check.

Whitney Singleton stated when did you submit that.

Mr. Ventimiglia stated I guess it was in July.

Mr. Bainlardi stated is that a building permit application or a site plan application.

Rob Melillo stated an outdoor display application is what he filed because there's a separate permit in the Code for outdoor display and that's what he filed under.

Mr. Bainlardi stated and just to factually, so I can understand, this outdoor display structure was constructed and does not appear on the site plan.

Rob Melillo stated no.

Mr. Bainlardi stated and this outdoor display structure, what was it built over.

Mr. Ventimiglia stated it was lawn in front of the entrance of the building on the side of the entrance and they're plastic columns, it's an outdoor roofing pattern that's tied together with two by fours and then we put a new product that we've designed that can withstand and be applied as outdoor panels, you know, tile, so that's what they displayed outside, so when architects and designers come, they can see how it wears on the outsides, you know in the UV, heat, snow, rain, in all those conditions and there are freestanding cabinets that are not fixed to that patio but you know placed there just to give a concept of what can be done with it. So it's really, you know, we're a stone fabricator of quartz and import/export of granite and marble and we produced a new product called Dekton and it's for building clad, cladding and tiling outside, so this is why they did it. Like I said, I arrived in April and there it was, so I just, I did what was asked of me and I submitted it and I'm here now, so...

Mr. Hertz stated I mean as one member, I personally find this, you know, pretty upsetting, basically you built a structure without a building permit, I don't know whether you went to the, whoever before, you know, went to the building owner and got permission for this but certainly they would have been aware that this affected building coverage, this affects a lot of things including, you know, imperious surface.

Mr. Ventimiglia stated it's not an outdoor display.

Mr. Hertz stated you know this is an outdoor display in my view, this is a permanent structure was built, semi-permanent structure.

Mr. Ventimiglia stated no cement footings or column or anything like that.

Mr. Sturniolo stated you can bring it in and out every day.

Mr. Ventimiglia stated no.

Chairman Cosentino stated yeah, that's what I was led to believe, that you can bring it in and out.

Mr. Hertz stated yeah, because if you can't bring it in and out, it's either permanent or if you need a crane to move it, it's not an outdoor display, it's a structure.

Mr. Cosentino stated I didn't know it was permanent.

Mr. Mareschi stated the only thing they can bring in and out is the barbeque that's there. Is there a barbeque that's there, I saw a barbeque there.

Mr. Ventimiglia stated if we had to.

Mr. Hertz stated and you don't bring that in and out, you leave it out.

Mr. Ventimiglia stated no.

Mr. Hertz stated I don't know, Rob, should be an amendment to the site plan and you know a building permit.

Rob Melillo stated a building permit, I mean, yeah, I mean, you know, you guys raised some valid concerns here and you know what I'm hearing from you here is that you're not approving and you're not going to consider it an outdoor display and that you guys aren't going to accept an outdoor display application for this.

Chairman Cosentino stated well I think what they're saying is that they're not going to accept a fixed outdoor display, if you just a grill there on grass and you want to display it, that's something else, here, he has a structure.

Mr. Hertz stated yeah.

Rob Melillo stated no, I understand that, that's basically what I'm saying, so are you willing to pull it in and out at night.

Chairman Cosentino stated he can't.

Mr. Mareschi stated he can't.

Mr. Ventimiglia stated it's...

Rob Melillo stated you can't move it.

Mr. Ventimiglia stated it's impossible, no, the panels are loose but they're too heavy and there's too many.

Mr. Vigliotti stated sure.

Chairman Cosentino stated yeah.

Rob Melillo stated alright, then we'll get him back here for next month and if you're looking to file an amended site plan for the property then I would suggest that or remove the product.

Mr. Ventimiglia stated yeah, whatever's recommended by you guys, I mean.

Chairman Cosentino stated go back to the Building Department.

Rob Melillo stated I would probably say it would just behoove you and probably cost you a lot less money, just remove the product and get rid of it because it's going to affect obviously Mercedes for lot coverage, from what you're hearing from the Board.

Mr. Ventimiglia stated I'm sorry.

Rob Melillo stated Mercedes is the other tenant at the other end of the property that's applying for a permit so this will probably affect their application at the same time because of lot coverage, it's a zoning issue. So I would probably say I would just remove it at this point.

Mr. Sturniolo stated what...

Mr. Ventimiglia stated is there any way to get the \$1,000 back.

Rob Melillo stated well you done it illegally.

Mr. Ventimiglia stated I know.

Rob Melillo stated so that's kind of the penalty for doing things illegally.

Mr. Sturniolo stated what happened to the previous meeting that you were invited to and missed, you or somebody from your company.

Mr. Ventimiglia stated I know the last one and I apologize, they scheduled the hearing at the court at the same time and I didn't realize and I went to the court hearing to be fined and didn't make this one.

Mr. Sturniolo stated and prior.

Mr. Ventimiglia stated prior, I'm not sure what happened but I mean, I apologize if somebody didn't show but last meeting that's what happened there was a little confusion because I got them both from Mount Kisco and one just down the block.

Chairman Cosentino stated Rob, I gather he's got to come back to you.

Rob Melillo stated what.

Chairman Cosentino stated I gather he's got to come back to you so you can give him the proper...

Rob Melillo stated I guess my summarizing of this is remove it at this point because it's going to hold up other applications.

Mr. Ventimiglia stated I'm going, I mean, I'm going to as corporate what they want to do, if they want to appeal and go for it or they're going to remove it. It's up to them, it's not my business, I'm just managing what's going on there and it was there before I got there, so I'd have to ask corporate who's in Texas and see what they want to do.

Rob Melillo stated okay.

Mr. Mareschi stated okay.

Whitney Singleton stated just to be clear, the Code provides in 110-31 I, outdoor display, in respect to all businesses outdoor display shall only take place with prior site plan approval by the Planning Board in accordance with 11-25. This constitutes an amendment to their site plan and is required to be subject to the site plan and that's we advised the applicant earlier this evening to come in with everything they're proposing to do because this is a series of fits and starts.

Mr. Hertz stated you have to understand that anything that happens on the property, the entire property is the site plan.

Mr. Ventimiglia stated so I have this straight to go back, is there an option to keep it and if there is, what do I do.

Anthony Oliveri stated to keep it you have to come back in with an amended site plan application and that's also going to have zoning implications as well, it's not just an outdoor display.

Mr. Sturniolo stated and you should talk to the property owner.

Mr. Ventimiglia stated well I submitted the application to him first and I gave it to him to do his part.

Jan Johannessen stated the property owner has simultaneous other site plan applications before the Board currently, so there needs to be a coordination, if you're going to go forward with it, coordination between your proposal and the other projects he's got before the Board.

Rob Melillo stated if you'd like, I suggest you have a staff meeting, you know come in and have a staff meeting and go over it with staff and I would bring the property owner and whoever from your company so they understand what is required.

Mr. Ventimiglia stated so Jim Diamond, I'll speak to him and what he suggests and what they want to and talk to corporate and see what they want to do.

Chairman Cosentino stated thank you for coming.

Mr. Mareschi stated thank you, buddy.

Mr. Ventimiglia stated I'll give you a call...

Rob Melillo stated yeah, give us a call tomorrow, we can have a conference call with Jim, something, whatever you want to do.

Mr. Ventimiglia stated okay, thank you.

Rob Melillo stated we'll figure it out tomorrow.

**G. 105 Kisco Avenue (Former New York Stone) – 107 Kisco Avenue  
PB2014-0284, 69.56-2-4 & 5 (SBL)  
Amended Site Plan**

Mr. Tim Allen of Bibbo Associates was present.

Chairman Cosentino stated 105 Kisco Avenue.

Mr. Allen stated it was very close.

Chairman Cosentino stated please identify yourself for the record, please.

Mr. Allen stated Tim Allen, I'm a partner at Bibbo Associates, we're working on 105 Kisco Avenue, trying to get back to basically the original site plan that was approved in the 1970's, in your packet you've got a plan that shows, if everybody's got it, then alright, which was the original site plan for the property, there have been violations on the property, I think we've correct all those through the courts, we're not memorializing this site plan, trying to get back to 1970. The problem is that in addition this used to be Metro North property that was acquired over the years, that's now being used as part of the property and part of this new site plan, so it's basically evolved into this, we're not trying to memorialize a new site plan, getting back to the original status, somewhat to the old site plan. We want to merge these two lots which make sense, they may be pro forma merged legally alright but nonetheless, we want to do that in a formal fashion basically make this one big lot, this use to be New York Stone as you know, the use now will, I believe it's Mount Kisco Hardware is, has a lease for the property, there are two out buildings in the back which are basically storage areas.

Chairman Cosentino stated who has a lease for the property.

Tim Allen stated Mount Kisco Stone or Mount Kisco Hardware.

Rob Melillo stated I thought it was Modern Hardware.

The Secretary stated Modern Paint.

Mr. Allen stated Modern, my clients don't talk to me, I apologize.

Chairman Cosentino stated who is it.

Rob Melillo stated Modern Paint.

Mr. Allen stated Modern Paint.

Rob Melillo stated it's an up and coming company that bought out Katonah Paint and Hardware, Lewisboro Hardware, they're a growing company. They mainly deal in paint.

Chairman Cosentino stated okay.

Mr. Allen stated so anyway it's...

Chairman Cosentino stated is that a hardware store also.

Rob Melillo stated yeah, they're going to turn it into a lumber yard, is that they proposing here, Tim, right.

Mr. Mareschi stated and paint.

Rob Melillo stated and paint.

Mr. Allen stated and paint probably, yes, Rob probably knows more than I do.

Chairman Cosentino stated it's going to be a lumber yard then.

Mr. Allen stated as it's been.

Rob Melillo stated yeah, as it was when it was Richard's.

Mr. Allen stated parking is shown, the only change to the site plan is we want to pave a certain area, Rob had made a comment that it is a designated main street area, we've talked to the DEP, unfortunately believe it or not on the original site plan in 1970 they had proposed to pave this area, this is the gravel area here and talked to DEP, not it's a designated main street area, we now have to go to the DEP for approval of that basically 4,000 square foot of pavement. We've, I just received Rob's memo tonight, we'll work with Rob to move through this, again trying to, it's somewhat complicated but on the other hand it's very simple also, it's just trying to get back what was approved by this Board many years.

Jan Johannessen stated how are you handling, Tim, what was approved by the Board many years ago is 1970 something...

Mr. Allen stated yes.

Jan Johannessen stated now that didn't include the railroad parcel.

Mr. Allen stated correct, it did not.

Jan Johannessen stated so how are, from a zoning perspective, how are you going from 1970 to 2015, both sites and the development coverage and the setback issues and all that.

Mr. Allen stated well Rob's got some points in his memo, coverage issues we've got to go to the Zoning Board, it's all preexisting, nonconforming, nonetheless we do have to go to the Zoning Board regarding coverage and things like that.

Jan Johannessen stated so you're using that 1970 plan as the baseline.

Mr. Allen stated but it's just the one lot.

Jan Johannessen stated yeah.

Mr. Allen stated so the second lot wasn't part of that plan because it was Metro North property, so that's the complicated area. The simple answer is we're not trying to change any of that.

Jan Johannessen stated have the variances been identified.

Mr. Allen stated I think they have.

Rob Melillo stated yeah, we identified the maximum development coverage, there may be other variances and I don't what Modern Pain, you know I met with them, went through other variances that may be required but I haven't heard back as far as if they're going to change their plan of attack on how they're going to operate the lumber yard.

Jan Johannessen stated is Modern Paint going to end up becoming the applicant.

Mr. Allen stated we'll be the applicant but nonetheless, I'm representing the owner of the property, Stag Group.

Jan Johannessen stated okay, so in terms of how they're going to up using the second floor.

Mr. Allen stated it's going back, it's not going to be office, it's no longer, Rob, I'm correct all that display area has been taken out and that's all been...

Rob Melillo stated yeah, he filed for permits to revert it back to its original state.

Jan Johannessen stated when you submit the formal application you're going to need to provide floor plans, that type of things, so we can see how the facility is going to be operated.

Mr. Allen stated yes.

Anthony Oliveri stated the other thing we talked about with staff is there's contamination at the site and we'd like to see any reports that the owner might have as far as restrictions for excavation, I believe there's restrictions to you know, excavation activities and in what areas of the site, do you have any documentation on that.

Mr. Allen stated I believe we have documentation on that. We'll provide that, it's a closed site from what I'm told, it's been cleared but I'll make sure that you've got everything on that and...

Anthony Oliveri stated yeah, we'd like to see that.

Whitney Singleton stated yeah, I think there was recently, a recent EPA commission testing of the site, will you give us that because I know that's closed but your client is suing the Village in Federal Court.

Mr. Allen stated correct, well its, that's another issue but understood.



Whitney Singleton stated okay, the other issue, Tim just to go through, I've forgotten my laptop so I'm looking on an iPhone and it's a little hard, I don't believe storage containers are allowed under our zoning and...

Mr. Allen stated they are to a certain height, I believe.

Whitney Singleton stated well are there like metal containers.

Mr. Allen stated they're racks.

Whitney Singleton stated oh, they're racks, so they're allowed to be 6' but they're not like metal storage things like on the back of a truck, you know those big metal ones, that that what they are.

Rob Melillo stated you're putting, you aren't putting, you're proposing 3 metal sea/land...

Mr. Allen stated yeah, they're racks that you put lumber on.

Mr. Vigliotti stated yeah, okay.

Whitney Singleton stated but not like the thing that goes on the back of an 18 wheeler truck.

Rob Melillo stated no, I thought that's what he was proposing, two of those on the site, right.

Mr. Allen stated I'm not sure what the...

Whitney Singleton stated like something that would go on a container ship, container, a steel container.

Mr. Allen stated there are containers proposed on the property in three spots, here, here, and here, those are containers, again storage bins so to speak but the racks are shown here and here, Rob has noted that in his memo.

Whitney Singleton stated I just ask Rob to check because I think this storage containers are allowed.

Rob Melillo stated no, I'll take a look.

Whitney Singleton stated and the other issue is and this isn't something he's proposing, it's something that's being exacerbated by the application and I really, as I told Tim's associate Ed Delaney, you should be getting combat pay for this one, it's not him proposing this but there is a limitation on how much outdoor storage there can be for a use like this and it far, far exceeds what's on this plan. Now it's not in violation per se to the extent that it predates but to the extent that you're going to incorporate another property, essentially the entirety of which is going to be outdoor storage, that's going to trigger some variances and they should just be identified.

Rob Melillo stated well when I put it in my memo, I did say that the application must ensure that they fully comply to 110-30 H, which talked about all that stuff.

Mr. Allen stated correct and acknowledge that the, again it's somewhat preexisting nonconforming but nonetheless we acknowledge that we have to go to the Zoning board for various issues.

Whitney Singleton stated and just one other thing, where you're proposing to pave, I understand it was previously approved pavement and I don't know and I'm, not that it can't be done there but I know that a lot of the Department of Health and the Board of Health and the DEC requirements were to have no further property on the former Canadian Uranium site, so I don't know whether it governs that portion of it but I know that the Village site, we can't pave anything.

Anthony Oliveri stated the other thing that that brings up being in the designated main street area, if you're paving those areas even if it was approved previously how the DEP views it, since it's existing right now as a gravel area.

Mr. Allen stated I've already gone to the DEP with this and yes, we need a SWPPP for this.

Anthony Oliveri stated you know.

Mr. Allen stated as minimal as it is, notwithstanding Whitney's comments, we'll have to deal with it.

Anthony Oliveri stated the other part of that is ow they view the other parcel in the back, no, you know existing site plan of record and I guess it's impervious now, or it's paved now, the whole back area, how they view that.

Mr. Allen stated my discussion with DE was basically on that little area that was going to be paved over which we've actually put in for a permit for but good point, I don't know the answer to that.

Anthony Oliveri stated yeah, I mean we would need, I don't either.

Mr. Allen stated it's there, it's been for Metro North for years and years, so...

Anthony Oliveri stated they would to look at it as well.

Mr. Allen stated we're, we would propose the, in the front of the DEP, this is basically one large site plan as its proposed to this Board, even though back in 1970 that back parcel wasn't part of it.

Mr. Vigliotti stated who's the owner there.

Mr. Allen stated it's Stagg Development, S-T-A-G-G, we applied under, let me see the corporate name on this.

Chairman Cosentino stated is Paul Carozza still there.

Mr. Allen stated Paul, I believe is a partner...

Chairman Cosentino stated oh, he's a partner.

Mr. Allen stated in part of that, I'm not sure what the relationship is.

Mr. Sturniolo stated question, would you hold that up for a second.

Mr. Allen stated yes, sir.

Mr. Sturniolo stated the area to the far right, that's Metro North, yeah, back in there, are you utilizing that.

Mr. Allen stated we're showing for parking spaces for employees only. The whole parcel, you can see this triangle...

Mr. Sturniolo stated right.

Mr. Allen stated that's the Metro North parcel that we're...

Chairman Cosentino stated there's a shed back there, that shed and then there's concrete slabs going all the way in the back.

Mr. Allen stated right, that wasn't part of the 1970 approval, that's the issue.

Mr. Sturniolo stated now where the property line ends on the right...

Mr. Allen stated this area right here.

Mr. Sturniolo stated right, continuing on, what is there now.

Mr. Allen stated I believe it's part of the parcel that's next door, Railroad Avenue is here, I believe its part of this parcel, I'm not 100% sure.

Mr. Sturniolo stated and you're not utilizing that.

Mr. Allen stated we're not utilizing that, no.

Mr. Hertz stated I think that's the Village's property.

Mr. Allen stated I believe it might be the Village's property.

Mr. Hertz stated that they are renting out to that...

Chairman Cosentino stated same with Smilkstein.

Mr. Sturniolo stated that moving company or something storage.

Mr. Hertz stated oh no, it's not moving or storage, it's tree hammering and it's noise making.

Chairman Cosentino stated when Smilkstein owned that property it was just the bottom half, when George and Paul bought it, they bought the Metro North part in the back.

Mr. Allen stated this parcel right here.

Mr. Hertz stated Rob, the property in that, no, not that, the property below it, this Village property...

Rob Melillo stated the one to the right, where the zoning chart is.

Mr. Hertz stated yeah, who's...

Rob Melillo stated rented out to, the Village leases it out to a tree company.

Mr. Hertz stated I have to chat with you about that.

Rob Melillo stated I'm sure you will.

Mr. Hertz stated how many noise complaints have you gotten.

Rob Melillo stated no noise, well they have certain house, it's funny, and the house go real late.

Mr. Hertz stated and real early and over the weekends.

Rob Melillo stated yeah, they gave him a lot of latitude on that property. I can show you the lease, I have it downstairs in my desk.

Mr. Hertz stated its out of control.

Rob Melillo stated yeah, Jim Palmer did that lease with the guy about 5 years.

Chairman Cosentino stated where is that.

Mr. Hertz stated where the zoning chart was, right next door. Out of control.

Mr. Allen stated this property right here.

Chairman Cosentino stated what do they do there.

Mr. Hertz stated they make noise, they spilt wood...

Mr. Vigliotti stated it's very noisy.

Mr. Hertz stated it's the nosiest thing you've ever heard.

Chairman Cosentino stated the landscaper there, the Village rented him that.

Rob Melillo stated its Hemlock Tree Service or something, what's the name.

Chairman Cosentino stated yeah, I know who you're talking about, yeah they are noisy.

Mr. Vigliotti stated very noisy.

Rob Melillo stated yeah, there's a whole agreement, I was surprised when I read the agreement with the Town, how they gave him a lot latitude with what they can do and times of operation, I think they can do like 6:30 in the morning or something like that, they can start at 7:30...

Mr. Vigliotti stated it's ridiculous.

Mr. Hertz stated I don't know, it violates every work ordinance in the Village and noise ordinance and it's really, really...

Whitney Singleton stated it doesn't, it doesn't.

Mr. Hertz stated really.

Whitney Singleton stated it specifically states that it's subject to any and all local laws.

Mr. Hertz stated okay well, shut them down because it's the worst thing in the world.

Mr. Mareschi stated they're expanding, too.

Mr. Hertz stated just stand anywhere hear it, sorry, unrelated.

Jan Johannessen stated one comment, the site plan shows a new curb and the sidewalks to be placed along Kisco Avenue, the new curb between the sidewalk and the existing stone wall, what's the intention there.

Mr. Allen stated that was part of the violation that was rectified, they had a curb that they had done, display areas and the whole walkway area, when they took all that out, they left the curb so we left it on the site plan.

Jan Johannessen stated is there any reason to keep it and have you restored the landscaping.

Mr. Allen stated well it's just a pain in the neck to rip it all out, I mean it's basically flush with the ground, so it's there, we want to acknowledge it, Rob, if I'm correct, that's basically what they did, they took all that little display area out but they left the curb.

Rob Melillo stated yeah, I remember, they...

Jan Johannessen stated yeah, I remember they did that little walkway.

Rob Melillo stated yeah, they got written up for an outdoor display for, they wanted to display some stone and stuff and they want to court and it got settled that they would remove, you know anything that's in the middle but they left the edging there, you know it's up to you guys if you want to get of the edging too.

Jan Johannessen stated and then the south side of the building, it's maybe a landscaping wall or a retaining wall, they built the wall, every 5' was a different type of stone.

Rob Melillo stated yup.

Jan Johannessen stated you know for marketing, whatever, something like that if they're not going to continue to sell those types of products should be consistent, should be one uniform wall.

Anthony Oliveri stated just two quick things, the easement, the sewer and water main easement, do we know if there's a sewer and water main easement.

Mr. Allen stated to my knowledge, there isn't.

Anthony Oliveri stated the other thing, just when you come for the formal application, if you can identify, like the square footage of the actually disturbance that will take place, you know, full depth of pavement, I don't know if any of these features in the back required excavation, just in terms of DEC coverage, stormwater permitting.

Mr. Allen stated really, the only change to the plan as proposed as of right now is the paved area, we can certainly identify that square footage wise, everything else is there, the containers as we discussed, that may be.

Anthony Oliveri stated the surface...

Mr. Allen stated discussed with the Zoning Board, I think what we need to do is come back with a formal application, perfect what needs to be done at the Zoning Board with Rob and Jan and staff and then basically come back to this Board and just a checklist in front of you, what has to happen in terms of Zoning and this Board. Again, we're looking for site plan approval but certain things have to happen before that happens, even the merger of the lots, that's a Planning Board action.

Chairman Cosentino stated okay.

Mr. Allen stated thank you very much.

Rob Melillo stated Tim, did Mrs. Deane call you.

Mr. Allen stated what's that.

The Secretary stated 26 Carlton.

Rob Melillo stated Mrs. Deane, 26 Carlton, about legalizing her stone wall in the backyard, Deane. Bruce and Janet Deane.

Mr. Allen stated no, well I don't know.

Chairman Cosentino stated is there anything else before the Board, here.

Rob Melillo stated can you find out if anybody in your office has spoken to her, she, I gave her your number.

Chairman Cosentino stated anything else.

Mr. Mareschi stated no, Chairman.

Chairman Cosentino stated motion to adjourn.

Mr. Sturniolo stated so moved.

Chairman Cosentino stated and seconded by Mr. Mareschi.

The meeting adjourned at 9:04 p.m.