

Minutes
Meeting of the Planning Board
Regular Session
Village/Town of Mount Kisco
Tuesday, November 9, 2010

Meeting called to order at 7:40 P.M. at the Municipal Building Mount Kisco, New York by Chairman Cosentino.

Members Present: Chairman Joseph Cosentino
Anthony Sturniolo
Joseph Morreale
Sol Gibbons
Stanley Bernstein
Ralph Vigliotti

Members Absent: Doug Hertz

Staff Present: Anthony Oliveri

Staff Absent: Nanette Bourne
Whitney Singleton
Austin Cassidy

Vice Chairman Sturniolo: Kindly remain standing. Today we lost a friend and colleague of the Planning Board, Bryan Parker. Mr. Parker was secretary to this Board for many years and a member even longer than "many years." He did a lot for the village and he did a lot for the Planning Board. Collectively speaking, we miss him. Thank you all.

Chairman Cosentino: I would like to add that we will be losing Dr. Morreale. Fortunately, he won the recent election and will now be sitting at this table as a Trustee. Jean Farber was Dr. Morreale's running mate, and we congratulate Dr. Morreale and Ms. Farber, and we wish you all the luck.

Acceptance of Minutes

September 28, 2010

Motion: Stanley Bernstein
Second: Vice Chairman Sturniolo
Aye: Joseph Morreale
Aye: Sol Gibbons
Aye: Stanley Bernstein
Aye: Vice Chairman Sturniolo
Aye: Chairman Cosentino

Public Hearing:

**333 North Bedford Road
GPNY Bowling Alley
PB2010-10**

Chairman Cosentino: Since no one is here, and we have nothing to add, we will keep the Public Hearing open until our next meeting.

Ralph Vigliotti: I would like to comment, since it is an open meeting. We received a letter from John Collins who is the traffic engineer for 333 North Bedford Road. The letter is a response to a request by the Planning Board to meet with the Department of Transportation (DOT) to discuss the light and traffic coming out of their north entrance/exit. It appears that Mr. Collins did not meet recently with DOT. He basically used a letter that he wrote us four or five years ago and just updated it. That is not what we asked him to do. We asked Mr. Diamond and Mr. Collins to have his consultant meet with DOT to get an update decision by them. It may be the same decision, but that is what we asked him to do and that was not done. The second paragraph of Mr. Collins' letter states, "We have met in the field with Dave Parker of the New York State Department of Transportation a few years back and I reported to the Planning Board...." A few years back is 2006. That is not a few years. It does not make the study and decisions by DOT a contemporary one. That was based on traffic analysis and their decision in 2006. Since that time we have a bowling alley before us and the Mount Kisco Athletic Club gym that wants to come before us. Traffic generations will be much different. DOT may come up with the same exact conclusion, but at least it will be a contemporary one, not one that is five years old.

Chairman Cosentino: Would you say this letter is inadequate for what you asked for?

Ralph Vigliotti: As a Board, we asked that they meet with DOT to discuss the north entrance/exit light and the actuation of that light under the circumstances of 333 now, not 333 five years ago. That was not done. Some of the paragraphs in this letter are exactly the same as the letter that was written to us a number of years ago.

Chairman Cosentino: Since you have brought that up numerous times, Mr. Vigliotti, I would state this letter is inadequate.

At this time Chairman Cosentino instructed the secretary to request correspondence that is finalized in 2010.

Joseph Morreale: I frankly was incensed by this letter. That is how upset I was when I read it, because after the long discussion we had with the folks from 333 here, I expected them to come back with a study – more than just an update. I expected them to give us some idea of what the traffic situation is now and how viable that north entrance/exit is. We received ancient history. After I read this I concluded that they basically ignored what we told them. I am even more passionately upset with this response than Mr. Vigliotti was. Though he was quite right, he was much more passionate about it. I want them in front of us to explain why they did then when they knew very well that this is not what we asked for. We have been asking and asking and getting nothing. This is totally unacceptable. If they want to move in the same direction with this, they had better start coming on Board and meeting what we are asking them to do.

Chairman Cosentino: I took umbrage to it also when I first read it. They need to come before us with either another traffic study. I will not accept this as a traffic report from John Collins or 333 North Bedford Road.

Special Discussion

**681 East Main Street, LLC
John Bainlardi
PB2009-09**

Present: John Bainlardi, Owner

Chairman Cosentino: First, let me tell you that the building looks beautiful. It is in a part of the town as you drive into the village, and what was there before in comparison to what is there now it is just beautiful. You did a beautiful job on it.

John Bainlardi: Thank you.

Chairman Cosentino: You are now requesting a Temporary Certificate of Occupancy. (TCO) Please give us a status.

John Bainlardi: At the time I requested the status I was not sure how far along in the process we were. As of today, we've made quite a bit of progress in the site work component. We started the site work towards the end of September and we are please with the progress they have made. The only item we were waiting for was the DOT permit for the curb work and the sidewalk in the front. We were able to secure that permit this morning at our pre-construction meeting. We have a lot of work to do there, and our sidewalk contractor will be starting either Friday or Monday. He does not think it will take more than a few days to complete the work. We will be removing existing curbs in the front, which no longer have the proper reveal and we are going to be installing those curbs from the Main Street entrance to the corner with a new sidewalk on the corner. The DOT asked us to make the modifications to the drop-ramp for the ADA accessibility on the corner, and we are going to do that. Once that work is complete and the curbs are set and poured, he can then grade it down to the street, make the connection at the new walk which we've created across the front of the building. Below the planted area down towards the street was going to be all grass. He indicated at this point that he won't get grass to grow there so he has asked my authorization for us to sod. He believes we need to get the sod in before December 1, and now it looks like we will be a couple of weeks ahead of that.

Chairman Cosentino: When are you looking for this C.O.?

John Bainlardi: We are trying to get our tenants open for Thanksgiving. One of them will be ready, which will probably be Dunkin Donuts. A & S is close, but it is going to be tight for them. They have some Cod Edison upgrades. We have met all of the pre-plumbing work and gas work. We are waiting for Con Ed to bring in the new meter.

Chairman Cosentino: We need to do a few things before we can authorize a temporary Certificate of Occupancy. The Planning Board needs a site visit there. The building inspector would have to go up with along with our engineer.

Anthony Oliveri: We've been doing weekly inspections. We were there at the pre-construction meeting today with DOT. That is underway. We were told they were going to start maybe Monday. As far as the site, I don't believe the lighting is yet installed.

John Bainlardi: The lighting is not installed. The lighting will be delivered on the 19th and it will be two days of work to get that lighting installed. All of the bases are in and all of the safety features are completed.

Anthony Oliveri: What about striping in the parking lot?

John Bainlardi: We are going to stripe as per the plan and this spring we will re-stripe.

Anthony Oliveri: When we were there this morning, planting was almost completed. There will be obviously some clean up in the parking lot.

Chairman Cosentino: Before the Temporary Certificate of Occupancy is given; we want a report from you to the Building Department stating that everything is okay for a Temporary Certificate of Occupancy as far as you are concerned.

Anthony Oliveri: By then we would want the lighting functioning and the striping completed.

Chairman Cosentino: We are looking for all safety factors.

At this time Chairman Cosentino directed the secretary to draft a note to the building inspector that we want a report from him stating that everything is compliant on the building inspector's side.

John Bainlardi: We have broken up the current permits into two pieces - one for the building and a separate for the site work. I am comfortable that the site work will be completed by the end of next week with the exception of the lampposts. If they come in on the 19th as anticipated, they will be in. I would not ask for a temporary without the parking lot, by any means.

Chairman Cosentino: I am leaving it up to counsel of whether we need a bond to guarantee the work.

John Bainlardi: I understand. There is a good chance we won't need a Temporary Certificate of Occupancy. The other exception is that I will not be able to have an "as built" survey in hand in time. That might be the one factor.

At this time Chairman Cosentino instructed the secretary to draft a memo to counsel regarding the bond, and Saturday, November 13, 2010, 9:30 A.M. was designated as the date for the site visit by the Board. Dr. Morreale and Mr. Bernstein will do separate site visit on their own. Mr. Bainlardi assured the Board members will have access to the site.

Stanley Bernstein: Is the interior all finished?

John Bainlardi: Both tenants have their own permits.

Stanley Bernstein: They have to do their own tenant change. As far as your concerns, have you given them all the services that are required - electrical and plumbing permits as well?

John Bainlardi: Yes.

Stanley Bernstein: No walls have to be switched or anything like that?

John Bainlardi: No. Everything is up and in. The only thing to the building is the installation of the lighting fixtures.

Joseph Morreale: I would like to echo what the chairman said regarding the building. It is wonderful – it went beyond my expectations for sure and you’ve done a great job. You mentioned A & S as a tenant?

John Bainlardi: It’s an Italian market - butcher and Italian specialties, prepared foods, pasta, etc.

Joseph Morreale: Will there be other tenants?

John Bainlardi: There is one more tenant in the middle space. We are speaking to a couple of possibilities and waiting for the right tenant. I feel the uses will work well with the two uses that we have commitments from and won’t be a big impact on the corner.

Joseph Morreale: So far I think the traffic flow you’re creating is going to be heavy in the morning for Dunkin Donuts and lunch. What do you anticipate for A & S?

Chairman Cosentino: They open later after Dunkin Donuts and will miss the Dunkin Donuts traffic.

John Bainlardi: A & S will stay open till 6 P.M., and Dunkin Donuts will remain open until 11 P.M.

Joseph Morreale: Thank you.

Ralph Vigliotti: Traffic signs – no left hand turns and stop signs will all be in place within the next two to three weeks?

John Bainlardi: Yes.

Ralph Vigliotti: Does the signage for the front and side of the buildings comply with the village code?

John Bainlardi: We will be before the Architectural Review Board (ARB) on November 18, 2010 for approval of the comprehensive signage plan. The individual tenants will apply for their building permit, and as long as they comply with the comprehensive plan they won’t have to go back.

Ralph Vigliotti: Each tenant will have signage that matches one another?

John Bainlardi: We have proposed to the ARB that specific locations on the front of the building which are lit by the gooseneck lighting so they won’t be internally illuminated. There will be wood signage. We want to give the tenant some flexibility with their own colors.

Ralph Vigliotti: But they are matching?

John Bainlardi: Yes. And specific locations pre-determined for the building itself, both in the front and the rear. There will be some awnings which were approved by ARB on the front of the building and above the doorways in the rear.

Vice Chairman Sturniolo: Before we go to our site visit on Saturday, may we get this punch list from Anthony in email form so we have a guide to what we are looking for? I would also like to see the photometric lighting plan for this project before a Temporary Certificate of Occupancy is issued. Also, I would like to echo what the chairman and Dr. Morreale said that the building is coming along quite nicely. I tip my hat to you and Ira Grandburg, your architect. I think it is going to become an asset to Mount Kisco.

John Bainlardi: You are aware that we have an improved illumination photometric plan as part of the original?

Anthony Oliveri: We measure the lighting and look at the landscaping. We will get a report from Nanette's office.

Vice Chairman Sturniolo: Fine, as long as we have that as back up for the TCO.

Anthony Oliveri: That is standard for a Certificate of Occupancy but obviously we will do it for a TCO as well.

Vice Chairman Sturniolo: Thank you.

Correspondence:

- Notice of Public Comment from Metropolitan Planning Organization.
- Notice of Erosion and Sediment Control Construction Activity Training from NYSDEC.

Chairman Cosentino: I read the Notice of Public Comment. On the transportation issue, the places they were deleting anyway does not affect us.

Anthony Oliveri: This really does not apply to you. This is for contractors who, under the new DEC regulations have to have a trained individual monitoring sediment erosion control. It is a four-hour course.

Stanley Bernstein: I would consider it a "nice to know" rather than a "need to know," and if anyone is interested in erosion and sediment control, I am considering it.

Chairman Cosentino: Congratulations to you Anthony on the job you are overseeing on West Street. It is coming out great.

Anthony Oliveri: They are moving ahead of schedule as well.

Chairman Cosentino: I can't say the same for Lexington Avenue. Are you overseeing that?

Anthony Oliveri: No. It's a county roadway. We had some input.

Stanley Bernstein: At the end of Radio Circle, the entrance to the Crème de la Crème, a barrier was put across and they are doing some excavation work.

Anthony Oliveri: There is a stockpile there. The contractors for Lexington Avenue are using that area as a staging platform. In exchange, they are going to do some paving for the village.

Stanley Bernstein: I'm sorry Austin is not here, but please relay this to him while I'm gone. The Bank of America has a fire exit onto the walkway between Moger and Main. The Jamaican restaurant has it blocked off. They have outdoor dining with two tables in front of the fire exit. I think Austin should be aware of that.

Chairman Cosentino: Also, we approved tables for the front of the French restaurant. They put a table in the corner of the seating area, so if you wanted to maneuver a wheelchair by there, the table is going to stop you from doing it. Please tell Austin the table needs to be removed.

Ralph Vigliotti: Can we get an update from BMW?

Anthony Oliveri: We've been monitoring BMW. At this point, they are working on landscaping. The walls are completed. I notified Nanette's office. I'm not sure of the lighting.

Joseph Morreale: Do they have an end date?

Anthony Oliveri: I don't know if they updated us on the schedule yet.

There being no further business by the Planning Board, on a motion by Mr. Bernstein seconded by Mr. Sturniolo, the meeting was adjourned at 8:10 P.M.

Respectfully submitted,

Stanley Bernstein
Recording Secretary

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