



Sterling Environmental Engineering, P.C

November 23, 2021

Mr. Harold Boxer, Chairman
Village of Mt. Kisco
Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Email: planning@mountkisco.ny.gov

Subject: Morgan Drive, Lot 3
Tax Parcel ID 80.55-1-2.1
Application for Area Variance
STERLING File #2018-39

Dear Chairman Boxer and Members of the Board:

Our firm represents 2 Morgan Drive, LLC, the Applicant, in connection with the above-referenced property. As discussed herein, the Applicant has been before the Planning Board since May 2019 concerning the proposed Subdivision of the referenced parcel into Lots A and B. The Applicant has also submitted a Site Plan for development of Lot A.

The Village Code Enforcement Officer, Peter Miley, has determined that the proposed subdivision of the above referenced Parcel into Lots A & B as set forth on the March 8, 2021 Subdivision Plat and October 29, 2021 Site Plan will result in non-conformance with side yard setback requirements on proposed Lot B. This is a temporary unavoidable condition.

The subdivision of the existing 5.7 acre Parcel is necessitated in order to proceed with development of Lot A, which the NYSDEC has determined does not contain soil or groundwater contamination that require further investigation or remediation. Additionally, the NYSDEC has determined that the proposed development of Lot A may proceed without any need for an Environmental Easement or a Site Management Plan.

Attachment 1 to this letter provides a completed application for a variance. Additional supporting information is discussed herein and required documentation is attached.

As identified by the September 23, 2021 letter by Daniel Lanners, P.E. of the NYSDEC, Lot B will be remediated. Such remediation will include the removal of above grade buildings and structures in order to allow Lot B to be covered under an approved remedial program. Following subdivision, Lot B will include the former Wastewater Treatment Plant. The NYSDEC has determined that the building and components of the Wastewater Treatment Plant cannot be disturbed until the NYSDEC and NYCDEP complete additional site investigations and complete a remedial program addressing site contamination. Accordingly, the buildings and structures cannot be removed at this time. Correspondence confirming the status of Lot B are provided as Attachment 2.

For this reason, we provide the attached application forms (Attachment 1) and additional attached supporting documentation, requesting that a variance be issued allowing the setback of the existing structures on Lot B to be less than the required 20 feet side lot setback requirements required by §110-

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23.C.6. The isolated locations where the 20 feet setback requirement cannot be satisfied are indicated on the Subdivision Plat (Attachment 5).

The property owner will accept a condition of the variance approval, a requirement to remove the above grade structures on Lot B when such is authorized by the NYSDEC.

Please note that proposed Lot A fully satisfies all building setback requirements established by the Village Code.

You will note that the application for a variance does not seek to construct anything new on proposed Lot B, but merely seeks a nominal area variance from the requisite side yard setback for conditions which have existed for 108 years at the above site. In addition to the discussion below addressing the balancing of the statutory criteria of Village Law §7-712-b(3)(b), we have enclosed the Village's application form (Attachment1), Short Form EAF (Attachment 1) and various supplemental forms. We respectfully submit that the subject application constitutes a Type II action pursuant to 6 NYCRR 617.5(c)(13) (granting of individual setback and lot line variances and adjustments) and is therefore not subject to review under New York State's Environmental Conservation Law, Article VIII. The associated Subdivision and Site Plan applications were previously subject to review by the Planning Board as Lead Agency, resulting in the issuance of a Negative Declaration of Significance, determining that "the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c)." (the Negative Declaration is provided in Attachment 3).

History:

Given the fact that the requested variance is to accommodate long standing existing conditions, the historical context of the parcel's development may prove helpful to your Board. As the Village's building file will confirm, and as the Planning Board previously determined:

"The subject property was once part of a larger parcel that was occupied by a New York City Department of Environmental Protection (NYCDEP) sewage treatment and disposal facility; the facility ceased operation in the early to mid-1960's. The remnants of several related structures remain on the subject property and various levels and types of contamination exist. The structures that remain on-site include former primary tanks, sludge drying beds, sprinkling filter beds, and a concrete storage building. Two (2) former treatment ponds are also located on the Site.

The applicant, 2 Morgan Drive, LLC, is proposing a 2-lot subdivision and the construction of a 325'L x 112'W (70,400 s.f.) building on Lot A; the proposed building is proposed to be used for the indoor storage of a private automobile collection and is a permitted use within the underlying RDX Zoning District; the facility will not be open to the public. Lot A is proposed to consist of ±2.7 acres of land, will be accessed via Morgan Drive, and is proposed to contain ±10 off-street parking spaces, a paved terrace area at the rear of the building, and stormwater facilities; the building will be served via municipal water and sewer. Lot B is proposed to consist of ±3.046 acres of land and is not proposed to be developed at this time."

The former sewage treatment and disposal facility was comprised of lands currently owned by Frito-Lay (1 Morgan Drive), the United States Postal Service (3 Morgan Drive), Crème de la Crème (6 Morgan Drive),

the Village of Mount Kisco (1 Lexington Avenue) and the subject parcel (2 Morgan Drive). The facility was fully decommissioned and the lands were acquired by the Village in 1985 and then resold for development to various property owners. As part of a recent investigation by NYCDEP to remediate any potential residual contamination, a Site Characterization Study was undertaken of the various lands constituting the former treatment and disposal facility.

In connection with such study, both the NYCDEC and NYCDEP have acknowledged that proposed Lot A does not have any contamination and can be developed without further restriction and has “*deemed monitoring during future work on Lot A unnecessary.*” Conversely, proposed Lot B will need to undergo further analysis and remediation before being developed. In essence, this site characterization and associated subdivision, which was initiated well after the owner/applicant acquired title, permits reasonable use and return of the uncontaminated portion of the land, while subjecting the balance of the lands to a more comprehensive and lengthy process for which New York City has acknowledged it will be responsible to pay for the remediation.

Based upon the above, the Applicant has submitted a Subdivision and Site Plan application to the Planning Board to develop proposed Lot A with a low-impact use consistent with the permitted uses in the RDX zoning district. The only aspect that is non-compliant is a side yard setback for an existing building on proposed Lot B, which lot line is between Lots A and B. Due to the fact that Lot B requires further analysis and remediation, the property owner is not allowed, at this time, to demolish the existing building on Lot B which encroaches approximately 10 feet into a required 20 feet setback. Lot A is fully compliant with all zoning requirements.

The Applicant requests this Board to grant a side lot variance to reduce the side yard setback from 20 feet to 9.5 feet from the existing building on Lot B, which will enable the project to proceed as proposed. The Applicant is amenable to the imposition of a condition that the encroaching building be removed upon an eventual remediation plan being approved by NYSDEC for Lot B. It should be further noted that in addition to both NYSDEC and NYCDEP consenting to such subdivision, adjoining property owners cannot see the existing building due to *existing* trees, structures and topography. Additionally, the building and landscaping proposed for Lot A will further screen any *potential* visibility. The one property owner who could arguably be impacted by the building remaining, Crème de la Crème at 6 Morgan Drive, has submitted a letter of support of this project and the associated variance (Attachment 8).

The Legal Criteria for Requested Area Variance:

As the Board is fully aware, in considering whether to grant an area variance, the Board must apply the “balancing test” set forth in Village Law § 7-712-b(3)(b), which states as follows:

“In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination, the Board shall consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created,

which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance”.

The Granting of the Variances will Benefit the Applicant, but will Pose No Detriment to the Neighborhood or Community

As the Applicant is merely seeking a variance to allow a condition which has existed for the past 100 years to remain, there is no associated physical alteration of any building or structure in connection with the variance for Lot B. It is axiomatic that the granting of the variances will not produce any undesirable change to neighborhood character or detriment to nearby properties as no changes are proposed to Lot B. The granting of the variance will further screen any view from adjoining properties in that the new fully-compliant building on Lot A and its associated landscaping plan, will conceal any visibility of the existing building on Lot B, not to mention providing a more aesthetically pleasing view for neighbors.

The Benefit Sought by Applicant Cannot be Achieved by a Method Feasible for the Applicant, Other than the Requested Variance

As the encroaching building and other non-encroaching structures on Lot B already exist, and are legally precluded from being razed at this time, it is simply not feasible to develop Lot A without a variance for Lot B. If the Applicant had the ability to propose relocation or demolition of the building and structures, the building could obviously be shifted to achieve zoning compliance. However, the operative word in this particular statutory criterion is *feasibility*. Not only is demolition of the building on Lot B not feasible, it is legally prohibited at this time. Arguably, Lot A's development could be re-designed to create a narrower lot, resulting in an even narrower building, but as your Board can see from the proposed layout (Attachment 5), Lot A is already an elongated lot and the proposed building, after meeting setbacks would have to be further narrowed and lengthened. The Applicant respectfully submits that such modification would be too narrow to accommodate the storage of automobiles while maintaining the internal driveways. Narrowing the building by 10 feet will result in the loss of 58 parking spaces. For this reason, the Applicant does not view narrowing the building as a feasible alternative, particularly when considering that (a) the requested variance is internal to proposed Lots A & B (along their common boundary line), (b) the variance will not impact any other property owners, and (c) the proposed layout (and resulting variance) was designed to accommodate improved emergency access along the entire proposed building on Lot A. Given that the Planning Board has already indicated its support for the existing design and its members have unanimously stated that they have no objection to the granting of this variance, the Applicant believes that the granting of the variance is the only feasible and least impactful solution. This, coupled with the fact that the requested variance is only temporary until NYSDEC permits its removal, makes this solution far more feasible than a complete re-design which would substantially eliminate the benefit sought by the Applicant.

The Requested Variance is Not Substantial

Courts often cite the fact that substantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one. *“A small deviation can have a substantial impact or a large deviation can have little or no impact depending on the circumstances of the variance application.”* Aydelott v. Town of Bedford Zoning Board of Appeals, 6/25/03, N.Y.L.J. 21.

Here, examination from a mere mathematical calculation and evaluation from the broader context of the overall neighborhood, both lead to the inescapable conclusion that the requested variance is not substantial. First, the individual side yard variance is only to be temporarily reduced regarding the internal property line

between proposed Lots A & B, with no impact on any adjoining properties. Second, as indicated on the attached Plat (Attachment 5), the encroachment into the side yard is not for the entire plane/length of Lot B, but only for section which is more than 200' from Morgan Drive and more that 200' from Pump House Road (a private street utilized only by the Applicant and the Village Public Works Department). The net result is that your Board is not evaluating a large area of Lot B, extending the full breadth of the side yard, but only a minor encroachment at existing structures far from any public view.

Viewed by any standard, the requested variance cannot be considered as substantial.

The Variance Will Have No Adverse Effect or Impact on the Physical or Environmental Conditions in the Neighborhood or District

For the same reasons pertaining to neighborhood character, this application, by definition, poses no adverse environmental or physical impacts, as no construction, enlargement, alteration or any site work whatsoever is proposed on Lot B in connection with the granting of this variance. More importantly, this variance is temporary in nature and upon NYSDEC's approval of a site remediation plan for Lot B, Lot B and other properties in the area will be remediated and environmentally enhanced.

The Difficulty Necessitating the Variance was not Self-Created

As set forth in Section 7-712-a(3)(b), the existence of a self-created difficulty is relevant, but does not preclude the granting of an area variance. Here, the Applicant's hardship was clearly not self-created. The site investigation by NYCDEP and subsequent restrictions prohibiting demolition of the encroaching building imposed by NYSDEC were both commenced *after* the title was acquired by the current owner. Where the applicant is seeking relief from restrictions imposed after the purchase of property, a self-created hardship cannot be found to exist (see Lim-Kim v. Zoning Bd. of Appeals of Village of Irvington, 185 A.D.2d 346, 347, 586 N.Y.S.2d 633 (2d Dep't 1992), citing Matter of Tharp v. Zoning Board of Appeals of the City of Saratoga Springs, 138 A.D.2d 906, 907, 526 N.Y.S.2d 646). Additionally, the Applicant bears no responsibility for the underlying existing conditions necessitating the subdivision of the clean parcel from the contaminated parcel, as the conditions (and associated restrictions) are a result of an alleged insufficient clean-up by New York City and/or the Village of Mount Kisco upon decommissioning of the sewer treatment plant. Unfortunately for the Applicant, this problem has resulted in significant additional expense and substantial delay while the site characterization was being performed by NYCDEP on all the properties so that Lot A could be released from any restrictions. In that regard, we respectfully submit that this particular hardship is not self-created.

On the basis of the foregoing, we respectfully submit that the Applicant has satisfied the statutory "balancing test" for the granting of an area variance and therefore, we ask that the Board grant the requested variance.

This Application for a Variance consists of the following:

- Attachment 1 Complete Application Form & SEQR Short Form EAF
- Attachment 2 Relevant Correspondence, Notice of Denial Letter and Notice of Village Seeking Approval
- Attachment 3 NYSDEC Correspondence

- Attachment 4 SEQRA EAF, Supporting Narrative and Negative Declaration by Lead Agency
- Attachment 5 Ten Sets of Subdivision Plat and Site Plan Drawings
- Attachment 6 List of Affected Properties within 300 ft. Radius and Block Diagram

By separate cover, a copy of the Public Notice and Affidavit of Mailing will be provided in order to schedule the public hearing at the December 21, 2021 ZBA meeting.

- Attachment 7 The Deed for the Parcel
- Attachment 8 Letter of Support
- Attachment 9 Fee. A Check in the amount of \$500 is provided for the requested interpretation and variance.

An original and 10 copies of this entire submission will follow. We request to be placed on the agenda for the December 21, 2021 meeting of the ZBA and that a public hearing be held at that time.

Please contact me should you have any questions or concerns.

Thank you for your consideration.

Very truly yours,

STERLING ENVIRONMENTAL ENGINEERING, P.C.



Mark P. Millspaugh, P.E.
President

mark.millspaugh@sterlingenvironmental.com

MPM/bc
Email/Hand Delivery
Figure 1 & Attachments 1 – 9

cc: John Bainlardi, Planning Board Chairman
Peter Miley, Code Enforcement Officer
Kevin Young
Richard Breck

s:\Sterling\Projects\2018 Projects\Mt Kisco - Thuesen Mechanical - 2018-39\Drawings-Maps-Figures\ACAD\2018-39024_F-1 - Site Aerial_2018.dwg TYLER.SWEET 11/19/2021 12:37 PM



MAP REFERENCE: NYS HIGH RESOLUTION ORTHOIMAGERY, 2018

STERLING

Sterling Environmental Engineering, P.C.
24 Wade Road ♦ Latham, New York 12110

2018 AERIAL
SITE LOCATION MAP
RADIO CITY VENTURES, LLC.
2 MORGAN DRIVE

VILLAGE OF MOUNT KISCO WESTCHESTER CO., NEW YORK

PROJ. No.: 2018-39 | DATE: 11/19/2021 | SCALE: 1" = 150' | DWG. NO. 2018-39024 | FIGURE 1

ATTACHMENT 1

**COMPLETE APPLICATION FORM &
SEQRA SHORT FORM EAF**

Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

Village/Town of Mount Kisco
Municipal Building
104 Main Street, Mt. Kisco, NY 10549

Zoning Board of Appeals
Application

Appellant: 2 Morgan Drive, LLC

Address: 2 Morgan Drive, Mount Kisco, NY 10549

Address of subject property (if different): _____

Appellant's relationship to subject property: _____ Owner _____ Lessee X Other _____

Property owner (if different): Radio City Ventures, LLC

Address: 90 Grove Street, Ridgefield, CT 06877

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, Peter Miley
dated Sept 14, 2021. Application is hereby made for the following:

X Variation **or** _____ Interpretation of Section 110-23.C
of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; X Alteration; _____ Conversion; _____ Maintenance
of Lot 2 by subdivision into Lots A & B as depicted on the Subdivision Plat attached.

_____ in accordance with plans filed on (date) March 8, 2021

for Property ID # 80.55-1-2.1 located in the RDX Zoning District.

The subject premises is situated on the East side of (street) Morgan Drive

_____ in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes/No No

(If on two streets, give both street names) _____

Type of Variance sought: _____ Use X Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Yes

Is there an approved site plan for this property? No in connection with a
Proposed or X Existing building; erected (yr.) Unknown

Size of Lot: 415 feet wide 493 feet deep Area 248,900SF

Size of Building: at street level 115 feet wide 112 feet deep

Height of building: Varies Present use of building: Partially collapsed
former Wastewater Treatment Plant.

Does this building contain a nonconforming use? Yes Please identify and explain: Remains of Former Wastewater Treatment Plant.

Is this building classified as a non-complying use? Yes Please identify and explain: Remains of Former Wastewater Treatment Plant.

Has any previous application or appeal been filed with this Board for these premises?
Yes/No? No

Was a variance ever granted for this property? No If so, please identify and explain:

Are there any violations pending against this property? No If so, please identify and explain: _____

Has a Work Stop Order or Appearance Ticket been served relative to this matter?
Yes or X No Date of Issue: N/A

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? None Pending

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on September 14, 2021 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

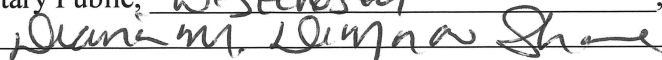
*** Optional - As Needed**

I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true.


(Appellant to sign here)

Sworn to before me this day of: 19th November, 2021

Notary Public, Westchester, County, NY

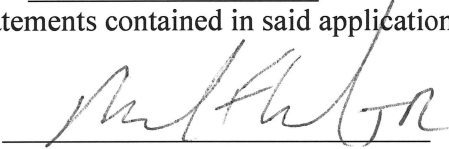


DIANA M. DINARDO-SHANE
Notary Public, State of New York
No. 01D14852463
Qualified in Dutchess County
Commission Expires February 19, 2022

[TO BE COMPLETED IF APPELLANT IS NOT THE PROPERTY OWNER IN FEE]

State of New York }
County of Westchester } ss

Being duly sworn, deposes and say that he resides at _____ in the County of Westchester, in the State of New York, that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Mount Kisco, County of Westchester aforesaid and known and designated as number _____ and that he hereby authorized _____ to make the annexed application in his behalf and that the statements contained in said application are true.


(sign here)

**THE JOURNAL NEWS
NORTHERN EDITION**

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~~E-Mail – tjn-lllegals@gannet.com~~

Email: legals@lohud.com

ORDER FOR LEGAL NOTICES

The attached legal notice is to run in The Journal News, Northern Edition, started with the issue dated _____ for a total of 1 insertion.

BILL TO: Sterling Environmental Engineering, P.C.

ADDRESS: 24 Wade Road, Latham, NY 12110

PHONE #: 518-456-4900

Contact: Beverly Commerford beverly.commerford@sterlingenvironmental.com

Please send **Affidavits of Publication** to:

Number of proof – 3

**Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549
Attention: Michelle Russo, Secretary ZBA**

Signed: _____

Legal Advertising must be reserved by 5:00 p.m. on the fourth day in advance of publication date, and must be in this office by 12:00 noon on the third day in advance of publication date. Sundays and Holidays excluded.

When sending legal notices by mail to The Journal News, please specify on the envelope:

Legal Advertising Department

To avoid errors, notices should be typed double space on separate sheets of paper.

Three affidavits will be furnished unless otherwise specified. Proof will be furnished upon request.

AFFIDAVIT OF MAILING

STATE OF NEW YORK }
 }SS.:
COUNTY OF WESTCHESTER }

_____ being duly sworn, deposes and
says:

I reside at _____

On _____20____ I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.

I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.

Sworn to before me on this

_____ day of _____ 20____

(Notary Public)

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the _____ day of _____ 20____ at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

(Name of Applicant)

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated _____
(Date of Denial Letter)
denying the application dated to permit the _____.
(Proposed Work)

The property involved is known as _____
(Address of Property)

and described on the Village Tax Map as Section _____ Block _____ Lot _____
and is located on the _____ side of _____ in a
east/west/n/s (Street Name)

_____ Zoning District. Said Appeal is being made to obtain a
variance from Section(s) _____ of the
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires _____

Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

REVISION TO STATE ZONING LAWS ENACTED

The rules governing the issuance of area variances have not been as clearly established by the Court as those for use variances. New Town Law, Section 267-b(3)- and Village Law, Section 7-712 (b) (3) establish a new, statutory process for the granting of area variances. There is no “test” as such for granting of area variances. The requirement that the applicant show “practical difficulty” or “significant economic injury” is gone. Instead, when an applicant requests an area variance, the new law requires the Board of Appeals to balance two elements: the benefit to the applicant from the variance, and the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance was to be granted.

The provision set forth five factors for the Board to consider in balancing these interests.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.
- (2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- (3) Whether the requested variance is substantial.
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance).

ATTACHMENT 2


**RELEVANT CORRESPONDENCE, NOTICE OF DENIAL LETTER AND
NOTICE OF VILLAGE SEEKING APPROVAL**



Village/Town of Mount Kisco Building Department
104 Main Street
Mount Kisco, New York 10549
Ph. (914) 864-0019-fax (914) 864-1085

MEMORANDUM

TO: The Honorable Acting Chairman Bainlardi and Planning Board Members

FROM: Peter J. Miley, Building Inspector 

SUBJECT: 2 Morgan Drive, LLC
2 Morgan Drive, SBL 80.55-1-2.1/4

DATE: March 4, 2021

Comments

- The future of the existing structures on Lot B should be further discussed. Proposed subdivision property line creates a situation whereas, several of the existing structures (until removed) will be noncompliant and too close to the newly created property line. Removal of the unsafe structure(s) down to grade without disturbing the soil should be considered
- The RDX Bulk Zoning Requires Table: Page 1 compared to page 2, do not match
- Refer to updated Fire Department memo (3/4/2021) regarding access drive and walkways along the south building wall
- The Building Department defers to the Village Engineer regarding the required access road/driveway including grades and the ability to support fire trucks

APPROVALS REQUIRED

1. DEP/DEC Approvals
2. Site Plan Approval
3. Subdivision Approval
4. Steep Slopes Permit
5. Architectural Review Board Approval
6. Review by the Mount Kisco Fire Department



Sterling Environmental Engineering, P.C

October 26, 2021

Ms. Michelle Russo
Planning Board Secretary
Village of Mount Kisco Planning
Board 104 Main Street
Mount Kisco, New York 10549

Email (planning@mountkisco.ny.gov)

Mr. Peter J. Miley
Building Inspector
Village of Mount Kisco Building Department
104 Main Street
Mount Kisco, New York 10549

Email (pmiley@mountkisco.ny.gov)

Jan K. Johannessen, AICP
Kellard Sessions
500 Main Street
Armonk, New York 10504

Email (jjohannessen@kelses.com)

Anthony Oliveri, P.E.
Dolph Rotfeld Engineering
570 Taxter Road
Elmsford, New York 10523

Email (anthony@drepc.com)

Lisa M. Cobb
Wallace & Wallace
85 Civic Center Plaza, Suite LL3
Poughkeepsie, NY 12601

Email (lcobb@wallacelaw.net)

Subject: 2 Morgan Drive, LLC
Mt. Kisco, NY
Applications for Site Plan and Subdivision
STERLING File #2018-39

Purpose of Letter:

The Negative Declaration identifies that “the applicant will be required either to amend the plans to remove the need for the variances or to obtain the same from the Zoning Board of Appeals”. In an April 20, 2021 letter, the applicant asserted that the Planning Board has the discretion to issue a waiver under Section 94-22. This letter provides additional information in support of that request.

Village Subdivision Code: § 94-22 Grant of variances and waivers.

- A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Building Zone Ordinance, the Village Plan or these regulations.

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- B. Where the Board finds that, due to special circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.
- C. In granting variances and modifications, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

In the April 20, 2021 letter, the applicant asserted that in the event the Planning Board determined that the structures on Lot B (structures that are identified for removal as part of the remediation of Lot B) are subject to the setback restrictions, the Planning Board has discretionary authority to waive that restriction. The Village's subdivision regulations, Chapter 94, Article VI, is set forth above. This letter provides additional information in support of the waiver request.

Section 94-22 Waiver determination requires a finding of a "extraordinary and unnecessary hardships may result from strict compliance" and a waiver is appropriate due to "substantial justice" or to secure "the public interest." The hardship is created because the structures (that are scheduled for removal as part of the remediation) cannot be removed until New York City Department of Environmental Protection completes its remedial investigation of Lot B and NYSDEC issues a record of decision determining the remedial measures for Lot B. The applicant has agreed and offered to conditions on the approved subdivision map that offending structures be demolished on Lot B as part of the remediation of Lot B and that Lot B is not developed (other than the remediation) until after the structures are demolished. Village Subdivision Code §94-22 Subdivision C specifically contemplates such conditions to secure "substantially the objectives of the standards or requirements so varied or modified".

Nonetheless an issue has been raised that the hardship could be avoided by moving the subdivision/boundary line separating Lot A and Lot B by approximately 10 feet to the southeast, decreasing the size of Lot A (and the building) and increasing the size of Lot B. The response to that suggestion is that the boundary line has been determined by the NYSDEC under the Order on Consent as the separation line between the **radioactive contaminated restricted parcel** and the **uncontaminated unrestricted parcel**. In a letter dated September 23, 2021 (copy attached), NYSDEC determined as follows:

"Per our discussion regarding the path forward for the site and in consideration of the Village's concerns, we offer the following:

1. Based on the environmental data gathered to date regarding the site, NYSDEC has determined no remedial action is necessary in relation to Lot A and is allowing the Applicant for the subdivision to proceed with their proposed development plans for Lot A. Prior to the proposed development, a fence will be installed along the boundary between Lots A and B in order to prevent access/exposure to radiological contamination on Lot B and the adjacent parcel at 6 Morgan Drive. The Applicant for the subdivision will not be allowed to undertake any site activities on Lot B other than installing a fence on the Lot B boundary with Lot A.
2. The NYSDEC will be amending the existing Order on Consent with New York City Department of Environmental Protection (NYCDEP) to require remedial investigation of Lot B be undertaken by NYCDEP to fully delineate the extent of radiological contamination.

Once NYCDEP has completed the remedial investigation, the NYSDEC in consultation with the New York State Department of Health (NYSDOH), together with stakeholder involvement, will determine the appropriate remedial alternative to address both radioactive and hazardous waste contamination present on Lot B.

3. Demolition or removal of any of the former wastewater treatment plant structures existing on-site is not expected to occur until the extent of radiological contamination on Lot B has been fully delineated, including within the former buildings and structures.
4. While it is premature to confirm what the remedy for Lot B will entail until the remedial investigation is completed, it may include some amount of soil removal and demolition, in whole or in part, of the on-site buildings and above-grade structures to facilitate placement of a cover over impacted portions of Lot B.”

Those determinations were based on the extensive data and site characterization reports summarizing the environmental conditions for Morgan Drive Lot 3, Site No. C360137, that have been completed to date.

As stated by NYSDEC in Paragraph 4 above, the remedy for Lot B will most likely include the following four control measures: (1) excavation and offsite disposal; (2) demolitions of the structures; (3) a fence around the boundaries of Lot B preventing access and (4) placement of cover over the remaining impacted portions of Lot B. As part of that remedy, NYSDEC will require the development of a Site Management Plan (together with institutional controls/deed restrictions). The Site Management Plan (and deed restrictions) will run with the land and will bind future owners. The Site Management Plan will restrict the long-term use and access to the property; restrict the type (if any) of development/occupancy, require maintenance of the cap; require some on-going monitoring/inspection, maintenance of the fence while reserving the right to require further remediation due to unknown conditions.

It is highly unlikely that NYSDEC would agree at this time (or would have a factual basis) to expand the size of the restricted parcel (Lot B) to include an uncontaminated area. Also, such an expansion would be against public interest (restricting/prohibiting the use of uncontaminated property in perpetuity).

Please contact me should you have any questions.

Very truly yours,
STERLING ENVIRONMENTAL ENGINEERING, P.C.



Mark P. Millspaugh, P.E.
President

mark.millspaugh@sterlingenvironmental.com

MPM/bc
Email
Attachment

cc: Kent Thuesen, Thuesen Mechanical Corp.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau C

625 Broadway, 12th Floor, Albany, NY 12233-7014

P: (518) 402-9662 | F: (518) 402-9679

www.dec.ny.gov

Via Electronic Mail Only

September 23, 2021

Mr. Mark P. Millspaugh, P.E.
(mark.millspaugh@sterlingenvironmental.com)
President
Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, NY 12110

**RE: Village of Mount Kisco Site Subdivision Concerns
Morgan Drive, Lot 3 Site
NYSDEC Site No. 360137
Mount Kisco, Westchester County, NY**

Dear Mr. Millspaugh:

The New York State Department of Environmental Conservation (NYSDEC) has reviewed your letter of September 20, 2021 (letter) regarding concerns raised by the Village of Mount Kisco (Village) Planning Board relating to minimum required setback distances from the Lot A/Lot B property line to the former wastewater treatment plant buildings and structures on Lot B. In our conference call of September 15, 2021 with the various stakeholders and their respective counsels, the NYSDEC laid out a remedial approach for the site, as subdivided into Lots A and B, based on the available environmental data gathered to date and the property owner's plan to redevelop Lot A. Per our discussion regarding the path forward for the site and in consideration of the Village's concerns, we offer the following:

1. Based on the environmental data gathered to date regarding the site, NYSDEC has determined no remedial action is necessary in relation to Lot A and is allowing the Applicant for the subdivision to proceed with their proposed development plans for Lot A. Prior to the proposed development, a fence will be installed along the boundary between Lots A and B in order to prevent access/exposure to radiological contamination on Lot B and the adjacent parcel at 6 Morgan Drive. The Applicant for the subdivision will not be allowed to undertake any site activities on Lot B other than installing a fence on the Lot B boundary with Lot A.
2. The NYSDEC will be amending the existing Order on Consent with New York City Department of Environmental Protection (NYCDEP) to require remedial investigation of Lot B be undertaken by NYCDEP to fully delineate the extent of radiological contamination. Once NYCDEP has completed the remedial investigation, the NYSDEC in consultation with the New York State Department of Health (NYSDOH),



Department of
Environmental
Conservation

together with stakeholder involvement, will determine the appropriate remedial alternative to address both radioactive and hazardous waste contamination present on Lot B.

3. Demolition or removal of any of the former wastewater treatment plant structures existing on-site is not expected to occur until the extent of radiological contamination on Lot B has been fully delineated, including within the former buildings and structures.
4. While it is premature to confirm what the remedy for Lot B will entail until the remedial investigation is completed, it may include some amount of soil removal and demolition, in whole or in part, of the on-site buildings and above-grade structures to facilitate placement of a cover over impacted portions of Lot B.

If you have any questions or wish to discuss this further, please feel free to contact me at (518) 402-9652, or e-mail at daniel.lanners@dec.ny.gov.

Sincerely,

A handwritten signature in blue ink that reads "Daniel R. Lanners". The signature is fluid and cursive, with the first name "Daniel" and last name "Lanners" clearly distinguishable.

Daniel R. Lanners, P.E.
Project Manager
Remedial Bureau C, Section D
Division of Environmental Remediation

cc: Amen Omorogbe, NYSDEC
Janet Brown, NYSDEC
Andrew Guglielmi, NYSDEC
Richard Breck, Radio City Ventures LLC; (richardfbreck@gmail.com)
Kevin Young, Esq., Young Sommer LLC; (KYoung@youngsommer.com)
DECDocs

ATTACHMENT 3
NYSDEC CORRESPONDENCE

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau C

625 Broadway, 12th Floor, Albany, NY 12233-7014

P: (518) 402-9662 | F: (518) 402-9679

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Via Electronic Mail Only

September 23, 2021

Mr. Mark P. Millspaugh, P.E.
(mark.millspaugh@sterlingenvironmental.com)
President
Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, NY 12110

**RE: Village of Mount Kisco Site Subdivision Concerns
Morgan Drive, Lot 3 Site
NYSDEC Site No. 360137
Mount Kisco, Westchester County, NY**

Dear Mr. Millspaugh:

The New York State Department of Environmental Conservation (NYSDEC) has reviewed your letter of September 20, 2021 (letter) regarding concerns raised by the Village of Mount Kisco (Village) Planning Board relating to minimum required setback distances from the Lot A/Lot B property line to the former wastewater treatment plant buildings and structures on Lot B. In our conference call of September 15, 2021 with the various stakeholders and their respective counsels, the NYSDEC laid out a remedial approach for the site, as subdivided into Lots A and B, based on the available environmental data gathered to date and the property owner's plan to redevelop Lot A. Per our discussion regarding the path forward for the site and in consideration of the Village's concerns, we offer the following:

1. Based on the environmental data gathered to date regarding the site, NYSDEC has determined no remedial action is necessary in relation to Lot A and is allowing the Applicant for the subdivision to proceed with their proposed development plans for Lot A. Prior to the proposed development, a fence will be installed along the boundary between Lots A and B in order to prevent access/exposure to radiological contamination on Lot B and the adjacent parcel at 6 Morgan Drive. The Applicant for the subdivision will not be allowed to undertake any site activities on Lot B other than installing a fence on the Lot B boundary with Lot A.
2. The NYSDEC will be amending the existing Order on Consent with New York City Department of Environmental Protection (NYCDEP) to require remedial investigation of Lot B be undertaken by NYCDEP to fully delineate the extent of radiological contamination. Once NYCDEP has completed the remedial investigation, the NYSDEC in consultation with the New York State Department of Health (NYSDOH),



Department of
Environmental
Conservation

together with stakeholder involvement, will determine the appropriate remedial alternative to address both radioactive and hazardous waste contamination present on Lot B.

3. Demolition or removal of any of the former wastewater treatment plant structures existing on-site is not expected to occur until the extent of radiological contamination on Lot B has been fully delineated, including within the former buildings and structures.
4. While it is premature to confirm what the remedy for Lot B will entail until the remedial investigation is completed, it may include some amount of soil removal and demolition, in whole or in part, of the on-site buildings and above-grade structures to facilitate placement of a cover over impacted portions of Lot B.

If you have any questions or wish to discuss this further, please feel free to contact me at (518) 402-9652, or e-mail at daniel.lanners@dec.ny.gov.

Sincerely,

A handwritten signature in blue ink that reads "Daniel R. Lanners". The signature is fluid and cursive, with the first name "Daniel" and last name "Lanners" clearly legible.

Daniel R. Lanners, P.E.
Project Manager
Remedial Bureau C, Section D
Division of Environmental Remediation

cc: Amen Omorogbe, NYSDEC
Janet Brown, NYSDEC
Andrew Guglielmi, NYSDEC
Richard Breck, Radio City Ventures LLC; (richardfbreck@gmail.com)
Kevin Young, Esq., Young Sommer LLC; (KYoung@youngsommer.com)
DECDocs

ATTACHMENT 4

**SEQRA EAF, SUPPORTING NARRATIVE AND
NEGATIVE DECLARATION BY LEAD AGENCY**

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: 2 Morgan Drive Subdivision		
Project Location (describe, and attach a general location map): 2 Morgan Drive, Mt. Kisco NY		
Brief Description of Proposed Action (include purpose or need): The proposed action is a Minor Subdivision of the Parcel located at 2 Morgan Drive in the Village of Mt Kisco. Applications are being made to the Village of Mt. Kisco Planning Board to subdivide the parcel. The newly created Lot B will be subject to further investigation and subsequent environmental remediation of the former wastewater treatment plant. The remediation plan will dictate what potential development may occur on this Lot. Lot A will be developed with the construction of a 70,000 square-foot, two story building used as a private Indoor Auto Storage Facility as allowed under local Zoning Code.		
Name of Applicant/Sponsor: 2 Morgan Drive, LLC	Telephone: 914-906-2667	
	E-Mail: thuesen.construction@gmail.com	
Address: 2 Morgan Drive		
City/PO: Mount Kisco	State: New York	Zip Code: 10549
Project Contact (if not same as sponsor; give name and title/role): Sterling Environmental Engineering, P.C., Mark Millsbaugh, P.E.	Telephone: 518-456-4900	
	E-Mail: mark.millsbaugh@sterlingenvironmental.com	
Address: 24 Wade Rd		
City/PO: Latham	State: New York	Zip Code: 12110
Property Owner (if not same as sponsor): Radio City Ventures, LLC	Telephone: 203-733-2224	
	E-Mail: richardfbreck@gmail.com	
Address: 90 Grove Street, Suite 101		
City/PO: Ridgefield	State: CT	Zip Code: 06877

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Village Planning Board - Subdivision, Site Plans, and Steep Slopes	5/21/2019
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
d. Other local agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Mount Kisco DPW - Driveway, Water, and Sewer Connections	6/1/2020
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Westchester County Planning Board	6/1/2020
f. Regional agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYCDEP - Stormwater Plan	6/1/2020
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC - Stormwater Plan	6/1/2020
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources. i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No iii. Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☒ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):

Remediation of sites 360137, C360112, NYC Watershed Boundary

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?

RDX / Personal Wireless Service Overlay District

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Bedford Central School District

b. What police or other public protection forces serve the project site?

Westchester County Police Department

c. Which fire protection and emergency medical services serve the project site?

Mt. Kisco Fire Department, Mt. Kisco Volunteer Ambulance Corps

d. What parks serve the project site?

Leonard Park

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Subdivision for private Indoor Auto Storage Facility

b. a. Total acreage of the site of the proposed action? 5.72 acres

b. Total acreage to be physically disturbed? 1.91 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 5.72 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☒ Yes ☐ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

Private Indoor Auto Storage Facility

ii. Is a cluster/conservation layout proposed? ☐ Yes ☒ No

iii. Number of lots proposed? 2

iv. Minimum and maximum proposed lot sizes? Minimum 2.67 Maximum 3.05

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 6 months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures _____ 1 ii. Dimensions (in feet) of largest proposed structure: _____ 30 height; _____ 112 width; and _____ 325 length iii. Approximate extent of building space to be heated or cooled: _____ 70,000 square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____ _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____	
iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____	
v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☒ Yes ☐ No
If Yes:

i. Total anticipated water usage/demand per day: _____ 100 gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☒ Yes ☐ No
If Yes:

- Name of district or service area: Mt. Kisco Water and Sewer
- Does the existing public water supply have capacity to serve the proposal? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No
- Do existing lines serve the project site? ☒ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☒ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☒ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☒ Yes ☐ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ 100 gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____
Sanitary Wastewater

iii. Will the proposed action use any existing public wastewater treatment facilities? ☒ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: Yonkers Joint Wastewater Treatment Plant
- Name of district: Saw Mill Sewer District
- Does the existing wastewater treatment plant have capacity to serve the project? ☒ Yes ☐ No
- Is the project site in the existing district? ☒ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☒ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____</p>		
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____</p>		
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel?</p> <p>_____ Square feet or _____ 1.1 acres (impervious surface)</p> <p>_____ Square feet or _____ 2.67 acres (parcel size)</p> <p>ii. Describe types of new point sources. _____ Building Roof and parking lot Runoff _____</p> <p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____</p> <p>_____ On-site treatment and infiltration practices, with excess runoff sheet flowing onto adjacent properties at a rate at or below predevelopment conditions.</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p> <p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____ 42,000 KWH</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): Local Grid</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00AM - 5:00PM • Saturday: _____ 7:00AM - 5:00PM • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Private Facility • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00AM - 5:00PM • Saturday: _____ 7:00AM - 5:00PM • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Private Facility • Saturday: _____ • Sunday: _____ • Holidays: _____
<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 7:00AM - 5:00PM • Saturday: _____ 7:00AM - 5:00PM • Sunday: _____ • Holidays: _____ 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ Private Facility • Saturday: _____ • Sunday: _____ • Holidays: _____ 		

<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>Heavy Construction Equipment including Dozers and Excavators will be operated between 7:00AM and 5:00PM during week days and Saturdays for construction purposes.</p> <p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Tree Clearing is Anticipated</u></p>
<p>n. Will the proposed action have outdoor lighting? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>Forward throwing wall pack lighting will be mounted to the building on the southwest side to provide entry way and parking area lighting ranging between 10-20 feet above grade. The nearest structures are the Frito Lay Office (300-feet) and US Post Office (440-feet)</p> <p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Describe: <u>Tree Clearing on Lot A is Anticipated</u></p>
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p> <p>_____</p>
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>ii. Will the proposed action use Integrated Pest Management Practices? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site			
a. Existing land uses.			
i. Check all uses that occur on, adjoining and near the project site.			
<input type="checkbox"/> Urban	<input type="checkbox"/> Industrial	<input checked="" type="checkbox"/> Commercial	<input checked="" type="checkbox"/> Residential (suburban)
<input checked="" type="checkbox"/> Forest	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Other (specify): _____
ii. If mix of uses, generally describe: _____			
b. Land uses and covertypes on the project site.			
Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.0(A) / 0.68(B)	1.1(A) / 0.68(B)	+1.1(A)
• Forested	1.2(A) / 0.04(B)	0.9(A) / 0.04(B)	-0.3(A)
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.5(A) / 1.95(B)	0.7(A) / 1.95(B)	-0.8(A)
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.10(B)	0.10(B)	0
• Wetlands (freshwater or tidal)	0.28(B)	0.28(B)	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____	0	0	0

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v. Is the project site subject to an institutional control limiting property uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
<ul style="list-style-type: none"> If yes, DEC site ID number: _____ Describe the type of institutional control (e.g., deed restriction or easement): _____ Describe any use limitations: _____ Describe any engineering controls: _____ Will the project affect the institutional or engineering controls in place? <input type="checkbox"/> Yes <input type="checkbox"/> No Explain: _____ 													
E.2. Natural Resources On or Near Project Site													
a. What is the average depth to bedrock on the project site? _____ >12 feet Established by onsite investigations.													
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %													
c. Predominant soil type(s) present on project site: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Knickerbacher Fine Sandy Loams</td> <td style="width: 20%; text-align: right;">89 %</td> <td style="width: 20%;"></td> </tr> <tr> <td>Fluvaquents</td> <td style="text-align: right;">11 %</td> <td></td> </tr> <tr> <td></td> <td style="text-align: right;">%</td> <td></td> </tr> </table>		Knickerbacher Fine Sandy Loams	89 %		Fluvaquents	11 %			%				
Knickerbacher Fine Sandy Loams	89 %												
Fluvaquents	11 %												
	%												
d. What is the average depth to the water table on the project site? Average: _____ 12 feet Established by onsite investigations.													
e. Drainage status of project site soils: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input checked="" type="checkbox"/> Well Drained:</td> <td style="width: 30%; text-align: right;">89 % of site</td> <td style="width: 30%;"></td> </tr> <tr> <td><input type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">% of site</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Poorly Drained</td> <td style="text-align: right;">11 % of site</td> <td></td> </tr> </table>		<input checked="" type="checkbox"/> Well Drained:	89 % of site		<input type="checkbox"/> Moderately Well Drained:	% of site		<input checked="" type="checkbox"/> Poorly Drained	11 % of site				
<input checked="" type="checkbox"/> Well Drained:	89 % of site												
<input type="checkbox"/> Moderately Well Drained:	% of site												
<input checked="" type="checkbox"/> Poorly Drained	11 % of site												
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;"><input type="checkbox"/> 0-10%:</td> <td style="width: 30%; text-align: right;">67.2 % of site</td> <td style="width: 30%;"></td> </tr> <tr> <td><input type="checkbox"/> 10-15%:</td> <td style="text-align: right;">10.0 % of site</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">22.8 % of site</td> <td></td> </tr> </table>		<input type="checkbox"/> 0-10%:	67.2 % of site		<input type="checkbox"/> 10-15%:	10.0 % of site		<input checked="" type="checkbox"/> 15% or greater:	22.8 % of site				
<input type="checkbox"/> 0-10%:	67.2 % of site												
<input type="checkbox"/> 10-15%:	10.0 % of site												
<input checked="" type="checkbox"/> 15% or greater:	22.8 % of site												
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe: _____													
h. Surface water features. <ul style="list-style-type: none"> i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No ii. Do any wetlands or other waterbodies adjoin the project site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i. <ul style="list-style-type: none"> iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">• Streams:</td> <td style="width: 40%;">Name <u>Kisco River</u></td> <td style="width: 40%;">Classification <u>C (NYSDEC Designation)</u></td> </tr> <tr> <td>• Lakes or Ponds:</td> <td>Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands:</td> <td>Name <u>Unnamed</u></td> <td>Approximate Size <u>10,831 SF</u></td> </tr> <tr> <td>• Wetland No. (if regulated by DEC)</td> <td colspan="2">_____</td> </tr> </table> 		• Streams:	Name <u>Kisco River</u>	Classification <u>C (NYSDEC Designation)</u>	• Lakes or Ponds:	Name _____	Classification _____	• Wetlands:	Name <u>Unnamed</u>	Approximate Size <u>10,831 SF</u>	• Wetland No. (if regulated by DEC)	_____	
• Streams:	Name <u>Kisco River</u>	Classification <u>C (NYSDEC Designation)</u>											
• Lakes or Ponds:	Name _____	Classification _____											
• Wetlands:	Name <u>Unnamed</u>	Approximate Size <u>10,831 SF</u>											
• Wetland No. (if regulated by DEC)	_____												
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, name of impaired water body/bodies and basis for listing as impaired: _____													
i. Is the project site in a designated Floodway? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No													
j. Is the project site in the 100-year Floodplain? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No See Supporting Narrative and FIRM Map.													
k. Is the project site in the 500-year Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No													
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes: <ul style="list-style-type: none"> i. Name of aquifer: <u>Principal Aquifer</u> 													

<p>m. Identify the predominant wildlife species that occupy or use the project site: _____</p> <p>Common Rodents (squirrel, chipmunk) Crow _____</p> <p>Common Songbirds (sparrow, starling) _____</p> <p>Small mammals (skunk, woodchuck) _____</p>	
<p>n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat: _____</p> <ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>_____</p> <p>_____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p> <p>_____</p>	
<p>E.3. Designated Public Resources On or Near Project Site</p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: _____</p> <p style="margin-left: 20px;">ii. Basis for designation: _____</p> <p style="margin-left: 20px;">iii. Designating agency and date: _____</p>	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District ii. Name: _____ iii. Brief description of attributes on which listing is based: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Mark P. Millspaugh, P.E. Date 7/21/2020

Signature  Title President

EAF SUPPORTING NARRATIVE

Proposed Action:

The proposed action is a Minor Subdivision of the parcel located at 2 Morgan Drive in the Village of Mt. Kisco. Applications are being made to the Village of Mt. Kisco Planning Board to subdivide the parcel. Lot B includes the former Wastewater Treatment Plant which is currently under remedial investigation by the NYCDEP. Lot A is upland of Lot B and does not require remedial action. It will be developed with the construction of a 70,000 square-foot, two story building used as a private Indoor Auto Storage Facility as allowed by the local zoning. The proposed building and areas to be disturbed during construction are limited to proposed Lot A.

The FEAF was completed with the aid of the NYSDEC EAF Mapper Tool. The Mapper printout is attached.

The following clarifies and/or supplements entries on the EAF.

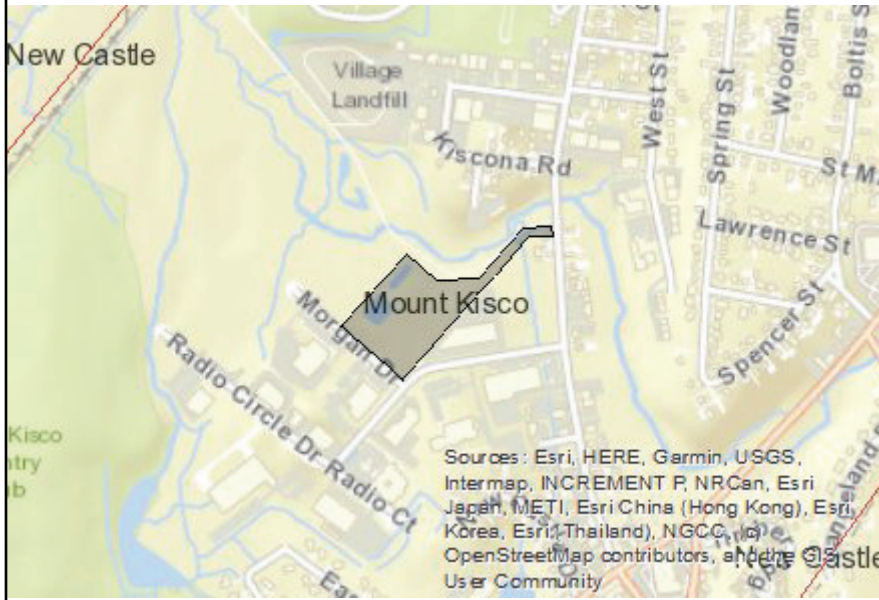
The property is owned by: Radio City Ventures LLC
 90 Grove Street, Suite 101
 Ridgefield, CT 06877

The property is being developed by: 2 Morgan Drive, LLC
 2 Morgan Drive
 Mt. Kisco, New York 10549

EAF:

EAF Section	Clarification
C.	The most recent revision to the Village Zoning Code included a new allowable use as “Indoor Automobile Storage Facility”. This proposed action is in accordance with this zoning designation and the project conforms to all required setbacks applicable in this zone.
D.2.e	Stormwater management will be the subject of a comprehensive Stormwater Pollution Prevention Plan (SWPPP) submitted with the Site Plan Application.
D.2.l.	The proposed facility will house a private automobile collection. It is not operated as a business with regular operating hours. 24 hour security is anticipated. The facility will not conduct business and will not be open to the public.
D.2.n	Exterior lighting will be minimal. The facility is not a business and is not open to the public. Accordingly, lighting will be limited to the threshold of the building entrance doors. Such will utilize downcast fixtures and will not direct light beyond the property line.
D.2.n	Some tree removal is required. Upon Planning Board approval of the proposed building and site improvements a Landscape Plan prepared by a Landscape Architect will be provided.
E.1.b	Lot B will remain undisturbed at this time.
E.1.g	The Lot B portion of the property consists of a former wastewater treatment plant (WWTP). The property was not used for landfilling or disposal of solid or hazardous wastes.
E.1.h	Lot B will be the subject of remedial action at a later date. Site characterization investigation reports are available at Attachment 2.

E.1.h.v	Remediation not required for Lot A. Institutions and engineering are not anticipated for Lot A.
E.2.a	Bedrock was not encountered during previous site investigations consisting of borings and test pit excavations.
E.2.h.iv	The surface water is designated as Class C by the NYSDEC.
E.2.i	Refer to the attached FIRM Maps. The floodway extends on a minor portion of the property extension to Lexington Avenue. The floodway does not affect the developable portion of the property.
E.2.j., k	Project site within Lot A is outside the 100 and 500 year floodplain.



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites:360137, Remediation Sites:C360112, NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	360137, C360112
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360059, 360137, C360112
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	864-453
E.2.h.iv [Surface Water Features - Stream Classification]	C

E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Kisco River, Upper, and tribs – Nutrients;D.O./Oxygen Demand – Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Undeveloped Parcel

Site Code: C360112

Program: Brownfield Cleanup Program

Classification: C

EPA ID Number:

Location

DEC Region: 3

Address: 6 Morgan Drive

City: Mount Kisco **Zip:** 10549

County: Westchester

Latitude: 41.194027778

Longitude: -73.737611111

Site Type:

Estimated Size: 4.06 Acres

Institutional And Engineering Controls

Control Type:

[Environmental Easement](#)

Control Elements:

Ground Water Use Restriction

Soil Management Plan

Cover System

Landuse Restriction

Monitoring Plan

Site Management Plan

O&M Plan

IC/EC Plan

Site Owner(s) and Operator(s)

Current Owner Name: Creme de la Creme (Mt. Kisco), Inc.

Current Owner(s) Address: 6400 south Fiddler's Green Circle
Greenwood Village, CO, 80111-4959

Site Document Repository

Name: NYSDEC Region 3 Office

Address: 21 South Putt Corners Rd.
New Paltz, NY 12561
Name: The Mount Kisco Public Library
Address: 100 Main Street
Mount Kisco, NY 10549

Site Description

Location: The Undeveloped Parcel Site is located at 6 Morgan Drive in the Radio Circle Business Park in the Town and Village of Mount Kisco, Westchester County. The site is bounded on the north and east by State wetlands, a town service road and the Kisco River; to the southeast by vacant land (the Morgan Drive Lot 3 BCP Site, C360137); to the southwest by Morgan Drive and the United States Postal Service; and to the south by Radio Circle Drive and additional commercial and industrial properties. **Site Features:** The site consists of one tax parcel that is approximately 4.0 acres in size identified as Parcel 80.55-1-2.1/3 (Section 80, Sheet 55, Lot 2.1/3) on the property tax records. The property is currently vacant; however, the topsoil has been stripped and stockpiled on-site. Additionally, two storm water management basins have been excavated in the northern and eastern portions of the site, and the excavated soil is also stockpiled on-site. There is also a stockpile of imported processed aggregate material on-site. The remainder of the site is generally flat. **Current Zoning and Land Use:** The subject site is located in a commercial/industrial park in a Research and Development Zoning District, and is undeveloped. The surrounding area consists of commercial and industrial properties, as well as vacant and undeveloped wooded parcels. The nearest residential properties are located approximately 200 yards northeast of the site. **Past Use of the Site:** The subject site was previously part of a larger parcel that was occupied by a sewage treatment and disposal facility, constructed in 1907 for the New York City Department of Environmental Protection (NYCDEP). The facility ceased operation in 1963/64 and remained on standby through the 1980s. The components located on the subject site included eight sand filter beds, two sludge beds, four former structures for chlorination, a 10-inch cast iron force main, vitrified clay pipes to convey the partially treated sewage from the adjacent parcel, and additional clay pipes to collect the treated water from below the sand filter beds. Additionally, a sludge disposal area was identified on the subject site. A Modified Phase I Environmental Site Assessment (ESA) and subsequent Phase II Environmental Site Investigation (ESI) were performed in late 2007. The purpose of these previous investigations, performed outside of the current remedial program, were to evaluate potential environmental issues on the property, which led to the application to the BCP. **Site Geology and Hydrogeology:** The site topography generally slopes to the north and northwest towards the Kisco River. Site soils generally consist of sand and gravel with minor amounts of debris, extending to depths of 3 to 12 feet below ground surface (bgs), sand (approximately 1 to 4 feet in thickness), gravel (approximately 0.25 to 1 foot in thickness), organic silt and peat (approximately 0.5 to 6 feet in thickness), and sandy silt to depths ranging from 12 to 24 feet bgs. The shallow water bearing zone varies in depth from 3 to 9 feet bgs. Groundwater flows to the north and northwest towards the Kisco River.

Summary of Project Completion Dates

Projects associated with this site are listed in the Project Completion Dates table and are grouped by Operable Unit (OU). A site can be divided into a number of operable units depending on the complexity of the site and the number of issues associated with a site. Sites are often divided into operable units based on the media to be addressed (such as groundwater or contaminated soil), geographic area, or other factors.

Project Completion Dates

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

copper

barium

benzo(b)fluoranthene

cadmium

mercury

benzo(a)anthracene

benzo(a)pyrene

dibenz[a,h]anthracene

Site Environmental Assessment

Nature and Extent of Contamination: Remedial activities at the site have been completed. The primary contaminants of concern identified in the on-site soils included metals (barium, cadmium, copper, and mercury) and SVOCs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, and dibenz(a,h)anthracene). Metals, including iron, magnesium, manganese and sodium, were detected in groundwater on-site above the SCGs; however, they do not appear to be site-related and are considered naturally occurring. The remedial program successfully achieved soil cleanup objectives for commercial use. Residual contamination in the soil is being managed under a Site Management Plan.

Site Health Assessment

Persons who dig below the ground surface may come into contact with contaminants in subsurface soil. Contaminated groundwater at the site is not used for drinking or other purposes and the site is served by a public water supply that obtains water from a source not affected by this contamination.

For more Information: [E-mail Us](#)

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Department of
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Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Rose Cleaners

Site Code: 360059

Program: State Superfund Program

Classification: 02

EPA ID Number:

Location

DEC Region: 3

Address: 500 Lexington Avenue

City: Mount Kisco **Zip:** 10549-

County: Westchester

Latitude: 41.18996538

Longitude: -73.73226405

Site Type:

Estimated Size: 0.643 Acres

Site Owner(s) and Operator(s)

Current Owner Name: 500 Lexington Ave. realty corp.

Current Owner(s) Address: 500 lexington avenue
mount kisco,NY, 10549

Current On-Site Operator: 500 Lexington Ave. realty corp.

Stated Operator(s) Address: 500 lexington avenue
mount kisco,NY 10549

Site Document Repository

Name: NYSDEC Region 3

Address: 21 S. Putt Corners Road
New Paltz,NY 12561

Name: Mt. Kisco Public Library

Address: 100 Main Street
Mt. Kisco,NY 10549

Hazardous Waste Disposal Period

From: unknown **To:** unknown

Site Description

Location: The Rose Cleaners site is located at 500 Lexington Avenue, Mount Kisco, Westchester County, New York. The site is approximately 0.6438 acres in size and is located in a commercial/residential area. Lexington Avenue forms the eastern border of the site. Byram Lake Reservoir is located more than 2 miles to the east of the site. **Site Features:** The main site feature includes a one-story concrete block/masonry slab-on-grade building, which is approximately 5,810 sq. ft. in area. The rest of the site is covered by asphalt. **Current Zoning and Land Use:** The site is currently used as a dry cleaning facility with up to date dry cleaning machinery. The surrounding area is predominantly commercial and residential. A commercial/retail automotive service and other establishments occupy the locations to the north side of the site. To the south side there is an antique store, a restaurant, a laundromat, and a gasoline station. To the east is a Hudson Valley bank and residential properties. A creek borders the site to the west. **Past Use of the Site:** The site has historically been used as a dry cleaner facility, and past releases of the dry cleaning solvent, perchloroethylene (PCE), have caused both shallow and deep soil and groundwater contamination. **Site Geology and Hydrogeology:** The site is underlain by silty sands and clay. Bedrock has been encountered at approximately 30 feet below grade. Groundwater was observed at approximately 3 to 5 feet below grade. Groundwater flows to the north/northwest.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

trichloroethene (TCE)

tetrachloroethene (PCE)

Site Environmental Assessment

Nature and Extent of Contamination: Based upon investigations conducted to date, the primary contaminant of concern includes tetrachloroethene (PCE). PCE has been detected in soils, groundwater, surface water and sediments. Shallow unsaturated soil was removed from the site in the area north of the building, however there are still significant concentrations of PCE remaining below the water table, as well as further downgradient, and in two other hot-spots located west and southwest of the building. In-situ chemical oxidation (ISCO) using RegenOx was implemented as an IRM to address these areas of concern. Further investigation is necessary to determine the extent of contamination in the off-site groundwater. **Special Resources Impacted/Threatened:** Studies are ongoing in the adjacent creek to determine the extent of contamination in the surface water and sediment. **Significant Threat:** The site presents a significant environmental threat due to the potential impact from the site to the adjacent creek.

Site Health Assessment

People will not come into contact with contaminated soil unless they dig below the ground surface.

People are not drinking the contaminated groundwater because the area is served by a public water

supply not affected by this contamination; however additional exposure pathways regarding shallow groundwater may be a concern. Volatile organic compounds in the soil or groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Environmental sampling has indicated that soil vapor intrusion is a concern for five off-site structures downgradient of the on-site active drycleaner and mitigation was recommended. Mitigation included active sub-slab depressurization systems for two buildings and due to the high water table which prevented installation of sub-slab depressurization systems at the other three buildings, a carbon air filtration unit was installed for one building and the sealing of cracks/fractures and the covering of an earthen floor with a vapor barrier/concrete layer was done for the remaining two buildings. Additional air monitoring is needed to verify that further actions are not needed for all five buildings and soil vapor intrusion investigations of other off-site buildings are recommended.

[For more Information: E-mail Us](#)

Refine This Search



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Morgan Drive Lot 3

Site Code: C360137

Program: Brownfield Cleanup Program

Classification: N *

EPA ID Number:

Location

DEC Region: 3

Address: 2 Morgan Drive

City: Mount Kisco Zip: 10549

County: Westchester

Latitude: 41.193155556

Longitude: -73.735747222

Site Type:

Estimated Size: 5.7 Acres

Site Owner(s) and Operator(s)

Current Owner Name: Radio City Ventures LLC

Current Owner(s) Address: 90 Grove Street
Ridgefield, CT, 06877

Site Document Repository

Name: Mount Kisco Public Library

Address: 100 East Main Street

Mount Kisco, NY 10549

Site Description

Location: The Morgan Drive, Lot 3 Site is located at 2 Morgan Drive at the intersection of Morgan Drive and Radio Circle Drive in the Town and Village of Mount Kisco, Westchester County. The site is bounded on the northeast by the Kisco River, to the northwest by vacant land (Undeveloped Parcel Site, C360112), to the southwest by Morgan Drive and further to the southwest by the United States Postal Service, and to the southeast by Radio Circle Drive and commercial buildings. Site Features: The site consists of one tax parcel that is approximately 5.7 acres in size. The property is generally flat

and the majority of the property is an open field with brush and small trees, but a portion of the site is overgrown and densely wooded. There are two areas on the site containing standing water and appear to be ponds. Several structures from the former sewage treatment facility remain on the property. Current Zoning and Land Use: The subject site is located in a commercial/industrial park in a Research and Development Zoning District. The surrounding area consists of commercial and industrial properties, as well as some undeveloped wooded parcels. The nearest residential properties are located approximately 200 yards northeast of the site. The site is currently vacant. Past Use of the Site: The subject site was previously part of a larger parcel that was occupied by a sewage treatment and disposal facility for the New York City Department of Environmental Protection (NYCDEP), starting in 1907 when the facility was constructed. The facility ceased operation in 1963/'64 and remained on standby through the '70s and '80s. Numerous modifications to the former sewage treatment and disposal facility were made throughout its service life. The remnants of several structures from the former treatment facility remain on the subject site, including former primary tanks, sludge drying beds, primary and secondary clarifiers, sprinkling filter beds, two sludge beds, two treatment ponds, and a former storage building. Phase I and Phase II Environmental Site Assessments (ESAs) were performed in 2004 and 2005, and supplemental soil (including sludge) and groundwater sampling was performed from late 2005 through early 2008. The purpose of these previous investigations performed outside of the current remedial program was to evaluate potential environmental issues on the property and determine any adverse impacts from the former sewage treatment plant operations. Site Geology and Hydrogeology: The site topography generally slopes to the north and northwest towards the Kisco River. Site soils generally consist of silty and clayey sands to a depth of approximately 10 feet with traces of gravel, sand and silt to a depth of 13 feet below ground surface (bgs). The shallow water bearing zone varies in depth from 2 to 10 feet bgs. Groundwater is expected to flow in a northerly direction towards the Kisco River.

Site Environmental Assessment

Nature and Extent of Contamination: Based upon investigations conducted to date, the primary contaminants of concern include metals and semi-volatile organic compounds (SVOCs). Soil - Soil (including sludge) samples collected from across the site indicate the presence of residual contaminants in various areas of the site generally consistent with the former use of the property. In general, RCRA metals (arsenic, barium, cadmium, chromium, lead, selenium, silver and mercury) were found in the soil in excess of Unrestricted Use Soil Cleanup Objectives (UUSCOs). Of the RCRA metals, arsenic, barium, cadmium, lead, and mercury were found at levels exceeding the Restricted Residential Use Soil Cleanup Objectives (RRUSCOs). In addition, various SVOCs [benz(a)anthracene, benzo(b)fluoranthene and chrysene] were found in the soil in excess of the UUSCOs, and only benzo(b)fluoranthene was found exceeding the RRUSCOs. Acetone and 2-butanone were the only volatile organic compounds (VOCs) found in the soil in excess of the UUSCOs, but were well below the RRUSCOs. No pesticides were detected in any of the soil samples

analyzed. Groundwater ¿ No VOCs or RCRA metals were detected in any of the groundwater samples collected on-site. Additionally, no SVOCs were detected in any of the groundwater samples collected on-site, with the exception of di-n-butyl phthalate which was found at levels well below the NYSDEC ambient water quality standards and guidance (TOGS 1.1.1). Surface Water ¿ No VOCs, SVOCs or RCRA metals were detected in any of the surface water samples collected from the former wastewater treatment plant components remaining on-site (e.g., former primary tanks and ponds).

Site Health Assessment

Information submitted with the BCP application regarding the conditions at the site are currently under review and will be revised as additional information becomes available.

*** Class N Sites:** "DEC offers this information with the caution that the amount of information provided for Class N sites is highly variable, not necessarily based on any DEC investigation, sometimes of unknown origin, and sometimes is many years old. Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

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National Flood Hazard Layer FIRMette



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



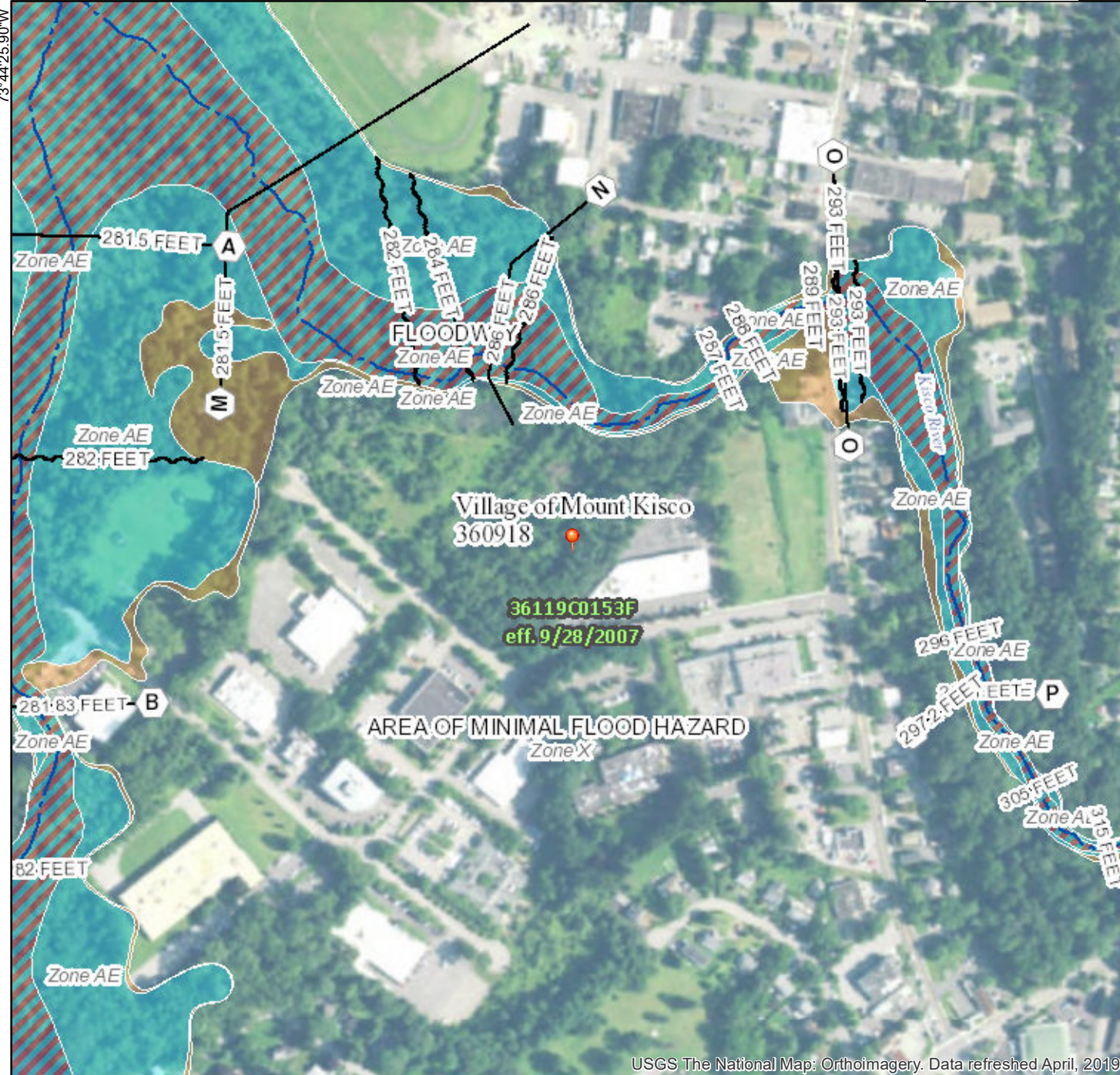
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/23/2020 at 1:50:33 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

41°11'48.41"N



USGS The National Map: Orthoimagery. Data refreshed April, 2019.

0 250 500 1,000 1,500 2,000 Feet 1:6,000

41°11'21.34"N

73°43'48.45"W

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project : _____

Date : _____

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer “**Yes**” to a numbered question, please complete all the questions that follow in that section.
- If you answer “**No**” to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box “Moderate to large impact may occur.”
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the “whole action”.
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If “Yes”, answer questions a - j. If “No”, move on to Section 2.</i> <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", move on to Section 3.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: <u>Possible affect of stormwater infiltration practices on mobilization of contamination.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input checked="" type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on the National or State Register of Historical Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places.	E3e	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
<p>If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:</p> <p>e.</p> <p>i. The proposed action may result in the destruction or alteration of all or part of the site or property.</p> <p>ii. The proposed action may result in the alteration of the property's setting or integrity.</p> <p>iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.</p>	<p>E3e, E3g, E3f</p> <p>E3e, E3f, E3g, E1a, E1b</p> <p>E3e, E3f, E3g, E3h, C2, C3</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

<p>11. Impact on Open Space and Recreation</p> <p>The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i></p>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

<p>12. Impact on Critical Environmental Areas</p> <p>The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i></p>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO

☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO

☒ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO

☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

☐ NO

☒ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans.
(See Part 1. C.1, C.2. and C.3.)

☒ NO☐ YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character.
(See Part 1. C.2, C.3, D.2, E.3)

☒ NO☐ YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

Project :

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Attached EAF PART 3 Supporting Narrative

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status:



Type 1



Unlisted

Identify portions of EAF completed for this Project:



Part 1



Part 2



Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the
Village of Mount Kisco Planning Board _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: 2 Morgan Drive Subdivision

Name of Lead Agency: Village of Mount Kisco Planning Board

Name of Responsible Officer in Lead Agency:

Title of Responsible Officer:

Signature of Responsible Officer in Lead Agency:

Date:

Signature of Preparer (if different from Responsible Officer)

Date:

For Further Information:

Contact Person:

Address:

Telephone Number:

E-mail:

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

EAF PART 3 SUPPORTING NARRATIVE

Identified Impact and Importance of Impact

1. Impact on Land

b. The proposed action may involve construction on slopes of 15% or greater

Per Town Code section 110-33.1-A, a steep slopes disturbance permit will be required for the development of Lot A.

The existing nature of the site lends itself to a two-story building constructed into the steep slope areas. The site will be tiered to match the existing topography which will minimize the impact to the slopes to the greatest extent possible. The existing tiered nature of the site will allow for standard construction practices to be utilized when excavating for the building foundations.

The proposed Lot A contains 4,991 square feet of slopes exceeding 25%, 2,895 square feet of slopes between 20-25%, and 2,457 square feet of slopes between 15-20%. Of those totals, approximately 3,530 square feet, 2,180 square feet, and 2,457 square feet will be disturbed, respectively. None of the steep slopes to be disturbed exceed 27.5%.

The nature of the disturbance will be for the construction of a 70,000 square foot (36,400 square foot footprint) two story building that will be built into the slope. The building foundation will act as the retaining structure including two (2) integral retaining walls at either end to separate the building levels. The slopes to the southwest will be shallowed to facilitate driveway access and will not exceed 10%. The regraded slope to the northeast will be constructed at a 3:1 horizontal to vertical slope. That slope will be vegetated and stabilized in accordance with standard erosion and sediment control practices to prevent erosion during construction. The Proposed Site Plan – Lot A provides the proposed grading plan. The architectural design drawings show the profiles of the building and how it is integrated into the side slope.

A full Stormwater Pollution Prevention Plan (SWPPP) included in the application package has been developed in accordance with the NYS Stormwater Management Design Manual and pertinent NYSDEC, NYCDEP and local regulations. The SWPPP includes erosion and sediment control practices. Runoff from the site to adjacent properties is being mitigated by a system of treatment and infiltration practices that will reduce the runoff to flows below existing condition flows. The SWPPP includes soil information for the site, drainage flow patterns, and the Erosion and Sediment Control Plan.

The proposed building on Lot A will be constructed into the disturbed slope area. The building retaining walls at either end which will stabilize the slopes. The building gutters and stormwater system will collect and direct water around any disturbed areas and infiltrate the water into the ground, or discharge to existing drainage courses at a flow lower than prior to construction, in accordance with the SWPPP.

The design and layout of Lot A has been completed in accordance with best engineering practices and every effort has been taken to ensure that all disturbance of steep slopes is performed in such a way as to minimize any impact to adjacent parcels.

The potential for moderate to large impacts from construction on steep slopes will be mitigated by adherence with the SWPPP to reduce stormwater runoff and erosion and following standard erosion and sediment control practices.

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Because development of Lot A will disturb in aggregate more than 100 square feet of steep slopes, a permit for steep slopes disturbance is needed. as part of the site plan approval. The design of the site is in accordance with Village Code section §110-33.1, A Steep Slopes. All required elements of Subsection 110-33.1, A(2)(c)(2) have been satisfied. Placement of the building, driveways, and parking utilize the natural slope and orientation of the site and the building is built into the slope in accordance with section §110-33.1, A(2)(c)(2)(r). Fill slopes on the site will not exceed 1 vertical to 3 horizontal in accordance with §110-33.1, A(2)(c)(2)(h). The site will utilize 2 retaining walls measuring 10-ft high. These will be structurally integral to the building foundation and the final stamped engineered building plans will include the details and structural analysis of these walls. The height exceeds the 6-ft limit set forth in §110-33.1, A(2)(c)(2)(b) which is allowed if no other alternative is viable. Based on the use of the building and existing site, the 10-ft wall is required to provide proper access and will not alter the aesthetics of the area or nature of the site. As required in the Village Code, construction practices will adhere to all local, state, and federal regulations and all required soil stabilizations measures will be followed as described in the SWPPP to be approved by the Village and NYCDEP.

d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material

Soil at Lot A is not considered to be significantly contaminated and the NYSDEC has determined that no further action is necessary. See related discussion at Section 16. Because the construction project is estimated to result in surplus soil that will require management off site, the NYSDEC requires that a Site Management Plan will be developed setting forth the procedures to be followed during any future ground disturbance.

Exposed surfaced following removal of surplus soils will be sampled to document any contaminant levels. The soil to be removed will be sampled and characterized as required by disposal facilities in accordance with their acceptance criteria.

The site work will require excavation and relocation of approximately 10,000 CY of soil to accommodate the building foundation. A preliminary Geotechnical Report dated January 2014 indicated that 1-2' of surficial soils were fill materials over much of the site. Excavated soils that require removal will be tested and removed from the site for off site disposal and/or beneficial use in accordance with the NYSDEC solid waste management regulations. Construction surplus soil will be hauled away by truck. The volume of soil required will result in approximately 13,000 tons or approximately 590 truckloads. Any material transported off-site will be managed in accordance with all applicable solid waste management regulations.

The impact from removal of the soils will occur only during the construction phase, and will therefore be a short term impact.

The schedule for the remediation of Lot B and Crème-de-la-Crème remain unknown. Lot B has not been evaluated under SEQRA. Accordingly, when development of Lot B is proposed, a separate SEQRA evaluation and determination will be required.

3. Impacts on Surface Water

Surface water bodies on or near the project site include the Kisco River and an unnamed Federal wetland approximately 10,831 SF in area.

A Landscape Plan was prepared by a Landscape Architect. All landscaping activities will be completed outside of the 100-foot buffer area for the wetland. Therefore, any potential impacts to surface waters will be none or small. No critical wildlife habitats will be harmed or removed.

The project includes some paving and other impervious surfaces; however, runoff will be controlled with a SWPPP. Construction will not disturb the stream bed or banks.

Impacts to surface water are expected to be minimal, as the impact is isolated to the project site, is of minimal size, and does not adversely affect rare or unusual species, habitats, wetlands, or critical environmental areas. There are no chemicals or other pollutants used on site that would impact surface waterbody chemistry, vegetation, or wildlife species. Runoff will be controlled with erosion control devices.

4. Impact on Groundwater

The Post-development conditions of Lot A have been designed to maintain approximately equal amounts of run-off and infiltration as currently exist in the undeveloped state. This is done using an array of standard infiltration practices spread around Lot A, with larger practices located at the north and east sides of the lot which are not in proximity to any areas of concern on Lot B. The only infiltration practice near an area of elevated radiological readings (Soil Sample 15) is an underground infiltration chamber system receiving runoff solely from the front entrance and parking areas.

To assess the impact to localized groundwater in the vicinity of Soil Sample 15 (SS-15), a volumetric approach to infiltration was used analyzing the 100 year 24 hour rainfall event. The 100 year, 24 hour rainfall event measures 9.26-inches in Mt. Kisco, NY. Using the HydroCAD software by Bentley Systems, the 100 year rainfall event for the front driveway and parking areas was routed into an underground infiltration and storage system via catch basins and pretreatment structures. The infiltration system consists of seventy (70) interconnected Cultec R-280HD chambers each measuring approximately 47"W x 8'L x 26.5"H, oriented in seven (7) rows of ten (10) chambers each, embedded in a gravel field. An overflow from the infiltration structures traverses under the building to the northeast to an existing drainageway along Pumphouse Rd.

The resulting analysis (attached) indicated that 0.213 Ac-ft of runoff would be routed through the chamber system, of which 0.019 Ac-ft is discharged via the overflow pipe. The remaining 0.194 Ac-ft (8,450 CF) is infiltrated into the underlying soils. An effective porosity of 0.35 for the underlying sandy soils would result in a saturated soil volume of 24,143 CF.

Under unconfined conditions, the horizontal permeability (K_h) cannot exceed the vertical permeability (K_v). Assuming a worst case condition of $K_h = K_v$ means the slope of the water path would be 1H:1V or 45°. A prismoid was modeled with a top surface area of 2,700 SF (the area of the gravel field), side slopes of 1H:1V, and a volume of 24,143 CF. The resulting height was 6'9" and had a bottom area of 4,450 SF. The dimensions and orientation of this prismoid are depicted on the attached Figure 1 including its proximity to SS-15.

Based on this analysis, water infiltrated from the chamber system cannot pass through any soils of concern at SS-15. As the water migrates vertically to the water table, the maximum lateral extent of the water will be 7-ft from the perimeter of the gravel field before reaching the water table. The apparent groundwater flow direction is generally to the north, downhill and towards the Kisco River. That flow direction is cross

gradient to SS-15. Therefore there is no risk that the infiltration structures could produce groundwater conditions that would cause any contaminants of concern to migrate on the adjacent lot.

5. Impact on Flooding

d. The proposed action may result in, or require, modification of existing drainage patterns

Stormwater management is the subject of a comprehensive SWPPP which will minimize impacts to water quality and drainage patterns. There will be no increase in stormwater discharge from the site over current levels.

The project site within Lot A is outside the 100 and 500 year floodplain. The floodway extends on a minor portion of the property extension to Lexington Avenue. The floodway does not affect the developable portion of the property and no disturbance, fill or construction is proposed in the designated floodplain. Existing drainage patterns are maintained.

Impacts on flooding and the floodplain will be minimal.

7. Impacts on Plants and Animals

The project will not require conversion of more than 10 acres of forest, grassland, or other important habitat. Approximately 55,000 SF of vegetation will be removed, resulting in minor losses of flora. As indicated on the Tree Removal Plan, 178 trees will be removed. However, there are no known threatened or endangered species, habitat used by rare, threatened or endangered species, species of special concern or conservation need, National Natural Landmarks, or significant natural community located on the site. Public hearing comments inquired about possibly saving an existing 30" DBH hickory tree. As indicated on the Landscape Plan, this tree is in the middle of the proposed entrance drive from Morgan Drive. Due to site topography and building placement on the site, as well as existing utility poles on Morgan Drive, there is no alternative configurations for a driveway that conforms to the Village Code. Therefore, this tree cannot be preserved.

The tree location is presented on the revised January 11, 2021 Tree Removal Plan along with the proposed plantings of replacement trees and landscaping.

Additionally, the project will not involve the use of herbicides or pesticides. Associated impacts to plants and animals will be minimal.

14. Impact on Energy

The project will result in a small increase in the use of energy. There will be no new or upgrades to existing substations, and no need to create or extend an existing supply system. The building is proposed to be 70,000 SF, with an estimated annual electricity demand of 42,000 KWH. The local energy grid will be able to supply the required energy.

Impacts to energy will be minimal.

15. Impact on Noise, Odor and Light

No blasting is proposed, and noise levels will not exceed local regulations. No odors will be created.

Exterior lighting will be minimal. The facility is not a business and is not open to the public. Accordingly, lighting will be limited to the threshold of the building entrance doors, will utilize downcast fixtures and will not direct light beyond the property line.

Impacts from noise, odor and light will be minimal.

16. Impact on Human Health

a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community

By letter dated February 18, 2021, the NYSDEC has determined that the current condition of Lot A requires no further action. The NYSDEC requests that a Site Management Plan be developed presenting the planned approach to any future development and associated excavation activities on Lot A, and including details for how surplus soil removed from Lot A will be managed (see the attached NYSDEC letter).

The property is located within 1,500 feet of the Mount Kisco Day Care Center and Katonah Arts Center. Impacts to these facilities will be nonexistent or minimal from the proposed project, as described in the sections below.

d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction)

The site is subject to a Consent Order with the New York State Department of Environmental Conservation (NYSDEC). Once the subdivision is approved, Lot A will no longer be subject to the Order. Fencing is proposed along Lot B to prevent unauthorized access to Lot B.

h. The proposed action may result in the unearthing of solid or hazardous waste

The property at 2 Morgan Drive is proposed for subdivision into Lots A and B.

The Lot B portion of the property is currently vacant and was previously used as a sanitary wastewater treatment plant (WWTP) operated by the New York City Department of Environmental Protection (NYCDEP). The property was not used for landfilling or disposal of solid or hazardous wastes. Several structures from the former treatment plant remain on the Site. These structures include former primary tanks, sludge drying beds, sprinkling filter beds, and a concrete storage building. Two (2) former treatment ponds are also located on the Site.

A summary of the investigations conducted at the Site, results of the investigations and conclusions are presented below.

The following documents summarize the investigations that have been completed to date:

- Environmental Site Assessment Summary Report (Tim Miller Associates, Inc., November 7, 2006)
- Additional Soil and Groundwater Sampling, Lot 3, Morgan Drive Property (Tim Miller Associates, Inc., December 31, 2007)
- Additional Deep Boring Sampling, Morgan Drive Property/Buckingham Property – Lot 3 (Tim Miller Associates, Inc., March 24, 2008)
- Wastewater Treatment Plant (WWTP) Remedial Investigation/Feasibility Study (RI/FS) (Sterling Environmental Engineering, P.C., October 3, 2014)

- Site Characterization Report and Focused Interim Remedial Measures Study (Sterling Environmental Engineering, P.C., July 25, 2016)
- Emerging Contaminant and Ra-226/Ra-228 Sampling Report (Liro Engineers Inc., February 2018)
- Wetland Investigation and Delineation (Shumaker Consulting Engineering & Land Surveying D.P.C., April 2, 2019)
- Pace Analytical Report dated August 8, 2019 (Samples obtained 6/7/2019)
- WTP Radiological Characterization Report (LiRo Engineers and CoPhysics Corp., August 2019)
- Wetland Delineation Letter Report (Tim Miller Associates, Inc., September 11, 2019)
- Radiological Letter Report- Site A Subdivision (Great Lakes Environmental, September 20, 2019)
- Final Status Survey Report (CoPhysics, December 2020)

Lot A consists of the upland area which is at higher elevation than the former WWTP located on Lot B. As discussed below, this portion of the property showed no significant impact from the historic operations of the WWTP. Several surface soil samples from Lot A contained constituents exceeding Unrestricted Soil Cleanup Objectives (SCOs), but below Restricted Residential SCOs. No soil samples exceeded Commercial SCOs. Accordingly, the proposed non-residential development is to be used as an automobile storage facility and therefore is fully compatible with the existing site conditions. No remediation is indicated.

Lot B is the portion of the property with the former WWTP and adjacent areas where residuals from the WWTP were handled. Lot B will be the subject of further investigation and remedial actions. Subdividing the parcel will allow development of Lot A to proceed while Lot B proceeds towards proper decommissioning of the WWTP.

The Site at 2 Morgan Drive has been the subject of numerous field investigations since 2004, which are summarized in the reports listed above. The site investigations included extensive soil, sediment and surface water sampling, as well as groundwater monitoring. Samples were analyzed for Volatile Organic Compounds (VOCs), Semivolatile Organic Compounds (SVOCs), metals, pesticides, herbicides and PCBs. Groundwater was also analyzed for emerging contaminants 1,4-dioxane and Polyfluoroalkyl Substances (PFAS) and Radium-226 and 228 (see section 1 below). Originally the investigations were conducted to determine if the Site was eligible for inclusion in the Brownfield Cleanup Program (BCP). As described below, levels of contamination found at the site were minimal and as such, the Site did not qualify the site for inclusion in the BCP, according to NYSDEC.

Only four (4) soil samples on Lot A (outside the WWTP structures) slightly exceeded Unrestricted Use SCOs for metals (Total chromium, trivalent chromium, lead and mercury). Five (5) locations on Lot A exceeded Unrestricted SCOs for pesticides. There were no soil samples in the Site soils on Lot A that exceeded the Restricted Residential or Commercial Use SCOs. This means a non-residential development may proceed on Lot A without the need to remediate any environmental conditions.

On Lot B, the former wastewater treatment operations contributed low level impacts to former WWTP system components at Pond 1 and Pond 2, Primary Tank 1 and Primary Tank 2.

There were several exceedances of the Unrestricted and Restricted Residential Use Soil Cleanup Objectives (SCOs) for Site soils and sediment within the remaining WWTP structures on Lot B based on data collected in prior investigations. Exceedance of Restricted Residential Use SCOs were noted for barium, cadmium, mercury, chromium, lead, benz(a)anthracene, benzo(b)fluoranthene, and PCBs in sediment from Pond 1; mercury in sediment from Pond 2; arsenic and mercury in solids from Primary Tank 1; barium, chromium and mercury in solids from Primary Tank 2; and lead in surface soil at one location.

The likely permanent remedy selected for Lot B will be the proper decommissioning of these WWTP operable units consistent with the applicable and relevant standards and criteria as required under 6 NYCRR Part 375 for Track 4. The remedy is expected to also consist of pumping out and properly managing the liquid contents of the tanks and structures, characterization and incorporation of filter media and sediments within the tanks and structures, and demolition of the sidewalls of tanks and structures which extend above existing grades.

Surficial soils on Lot B exceeding the Restricted Residential Use SCOs will also be used as fill material to eliminate any void within the WWTP units and covered with a layer of clean soil. Site investigations indicate the soils/sediment/media at other locations of the site exceed the Unrestricted Use SCOs. All areas where there is an exceedance will be subject to standard institutional controls.

In addition to the above investigations, the entire site was studied in 2019 and 2020 to determine if there were radiological impacted areas. From 1913 until 1964, the WWTP received sewage from the Village of Mt. Kisco including the Canadian Uranium and Radium Corporation facility located about 3 miles north of the plant. This led to elevated concentrations of radium-226 and thorium-230 being deposited in numerous spots across the property. To study the problem, in 2019, the New York City Department of Environmental Protection and CoPhysics Corporation performed gamma radiation measurements over the entire property. The results of the 2019 surface radiation survey showed that Lot A had no detectable radioactive contamination.

In 2020 a final status survey (FSS) of Lot A was performed so that it could be released from radiological safety controls and developed. The FSS extended the original surface survey by performing additional surface readings, collecting and analyzing sub-surface soil samples, and performing a more in-depth statistical analysis to prove that the lot is free of any residual radioactive contamination. The radiation measurements and the analysis of results were performed per the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM).

In addition to performing a standard FSS of Lot A, additional assessment of the soil near the Lot B elevated area was conducted to determine if any radionuclide migration had occurred. Sub-surface measurements and soil sampling were performed on the Lot A-B boundary nearest to the Lot B elevated area. These results are all indicative of normal unaffected soil. The elevated area of radioactivity on Lot B (near Morgan Drive) has not affected the soil in Lot A. Furthermore, the levels of radiation emitted by the Lot B elevated area are not immediately hazardous to health. No special radiation safety precautions would be necessary for construction personnel working on Lot A, although fencing off the area is recommended.

The results of these tests show that no elevated levels of radioactivity exist on Lot A. The elevated area of radioactivity on Lot B has not affected the soil in Lot A. All readings throughout Lot A are indicative of normal, natural background radiation levels. Therefore, the survey report recommended that the NYSDEC release Lot A from any radiological controls. By its letters dated February 18, 2021 and February 24, 2021, the NYSDEC concurs that no further action is required (copies attached).

A site-specific Health and Safety Plan has been developed that addresses the following precautions: training of all site workers on health hazards of radiological exposure and work practices to mitigate exposure, screening of excavated soil for disposal purposes, and screening of any equipment leaving the Site to ensure no contamination leaves the Site. Action levels will be determined above which excavated material must be disposed of at an approved facility.

Development on the Lot A portion of the property will not result in exposure to solid or hazardous wastes. Construction plans will include contingency measures in the event any non-native materials are encountered.

j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste

The Lot A portion of the property is upgradient of the former WWTP located on Lot B. Prior site investigations of the property indicate minimal impact by conventional contaminants within Lot B (see discussion above). Remediation will occur under NYSDEC and NYCDEP oversight and will not impact the project site.

The Site is bordered to the northwest by vacant land that is currently included in the Brownfield Cleanup Program (BCP) as Site #C360112. Remedial activities at the site have been completed. The remedial program successfully achieved soil cleanup objectives for commercial use. Residual contamination in the soil is being managed under a Site Management Plan. Therefore, potential impacts to human health will be minimal.

l. The proposed action may result in the release of contaminated leachate from the project site

Lot A is upgradient of Lot B. Comprehensive investigations of the property do not indicate historic landfilling or release of leachate. Impact to groundwater was not identified during multiple sampling events. There will be no potential for impacts from contaminated leachate of the Lot A during the future remediation of Lot B.

Prior investigations at the site have included groundwater sampling. Monitoring Well MW-1 is located on Lot A. Historic data indicates that MW-1 has been sampled on multiple occasions for VOCs, SVOCs, Metals, Pesticides, PCBs, PFAS, 1,4 – Dioxane, and Ra-226/Ra-228.

Analytical data for all wells and surface water locations at 2 Morgan Drive (Lots A & B) have been previously reported to the NYSDEC in the July 2016 Site Characterization Report and Focused Interim Remedial Measures Study. There were no violations of the Groundwater Standards at MW-1 with the exception of a slightly elevated Iron concentration (0.79 mg/L vs. a Groundwater Standard of 0.3 mg/L) and Heptachlor (0.08 ug/l vs 0.04 groundwater standard).

Groundwater samples collected from monitoring well MW-01, MW-04 and MW-05 during the 2018 investigation were analyzed for 1,4-dioxane. The 1,4-dioxane results were all not detected at or above the reporting limit of 0.25 ug/L. The samples from MW-01 and MW-05 exhibited PFOA results of 18 and 11 nanograms per liter (ng/L), respectively, which exceed the PFOA screening level of 10 ng/L. The samples from MW-04 and MW-05 exhibited PFOS results of 16 and 17 ng/L, respectively, which exceed the PFOS screening level of 10 ng/L. Total PFAS measured 32.64, 44.44 ng/L and 58.70 ng/L in MW-01, MW-04 and MW-05, respectively.

Accordingly, there is no risk of release of leachate from the proposed development of Lot A.

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**NYSDEC Letters
Dated 2/18/2021 & 2/24/2021**

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Remedial Bureau C

625 Broadway, 12th Floor, Albany, NY 12233-7014

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www.dec.ny.gov

Via Electronic Mail Only

February 18, 2021

Mr. Mark P. Millspaugh, P.E.
(mark.millspaugh@sterlingenvironmental.com)
President
Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, NY 12110

**RE: Interim Remedial Measures Work Plan – Lot A
Morgan Drive, Lot 3 Site
NYSDEC Site No. 360137
Mount Kisco, Westchester County, NY**

Dear Mr. Millspaugh:

The New York State Department of Environmental Conservation (NYSDEC), in consultation with the New York State Department of Health (NYSDOH), has reviewed the revised draft submittal *Interim Remedial Measures Work Plan – Lot A* (IRMWP), dated August 18, 2020, for the above-referenced site. Based on this review, the IRMWP is hereby approved subject to the following modifications:

1. General Observation: Based on the results of radiological characterization activities completed at the site in 2019 along with the final status survey completed on Lot A in 2020, both conducted by Co-Physics, the NYSDEC and NYSDOH have determined that there are no radiological impacts present on Lot A that would require remediation to protect public health and the environment.
2. Section 2.1 - Summary of Investigations: Please include a final bullet to this section referencing the Final Status Survey Report for Lot A (Co-Physics, December 2020).
3. Section 2.3 – Groundwater Quality: Please include a brief discussion regarding groundwater quality at MW-1 on Lot A in relation to PFOA, PFOS, 1,4-dioxane, and Ra-226/Ra-228.
4. Section 3.0 – INTERIM REMEDIAL MEASURES: Any excess spoil generated during redevelopment of Lot A shall not be stockpiled on Lot B for use as backfill during future remedial activities. This stockpiled material would be an impediment to future investigations that need to be conducted on Lot B, and could become cross-contaminated with radiological contamination present on Lot B. Instead, this material



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will need to be sampled, managed and disposed in accordance with applicable federal, state and local regulations. Please revise the IRMWP accordingly.

5. Section 3.2 – IRM, 2nd paragraph: All materials proposed for import onto Lot A will be approved by the NYSDEC prior to receipt at the site. A Request to Import/Reuse Fill or Soil form, which can be found at <http://www.dec.ny.gov/regulations/67386.html>, will be prepared and submitted to the NYSDEC project manager allowing a minimum of 5 business days for review.
6. Section 3.5 – Engineering and Institutional Controls: Fencing shall be installed along the lot boundary between Lots A and B as an additional engineering control to prevent access/exposure to radiological contamination on Lot B and the adjacent parcel at 6 Morgan Drive. Please revise this section of the IRMWP accordingly.
7. Section 5.0 – IRM DESIGN AND IMPLEMENTATION: Please include a discussion of the planned development of Lot A, including an estimate regarding the amount of excess spoil that will be generated. In addition, please provide details how any excess spoils will be managed on Lot A, sampled, transported and disposed off-site.
8. Table 1: Please revise Table 1 to include commercial use and protection of groundwater SCOs, and soil sampling results from soil boring location SS-6.
9. Figures: Please include a figure showing the designed excavation grades/depths necessary to accommodate the planned development of Lot A.
10. Figures: Please include a figure showing the components of the cover system that will be installed on Lot A (e.g., soil cover, pavement/asphalt, concrete, building slab, stone/gravel, etc.).

In accordance with the Order on Consent and 6 NYCRR 375-1.6(d)(3), please indicate within 15 days whether you accept the NYSDEC's modifications to the work plan. Please submit the revised final work plan to the NYSDEC and NYSDOH for final review and record. If you have any questions, please feel free to contact me at (518) 402-9652, or e-mail at daniel.lanners@dec.ny.gov.

Sincerely,

A handwritten signature in blue ink that reads "Daniel R. Lanners". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Daniel R. Lanners, P.E.
Project Manager
Remedial Bureau C, Section D
Division of Environmental Remediation

ec: Amen Omorogbe, NYSDEC-DER
Tim Rice, NYSDEC-DMM, Rad. Materials Mgmt.
Maureen Schuck, NYSDOH-BEEI
Steven Karpinski, NYSDOH-BEEI
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DECDocs

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Via Electronic Mail Only

February 24, 2021

Mr. Mark P. Millspaugh, P.E.
(mark.millspaugh@sterlingenvironmental.com)
President
Sterling Environmental Engineering, P.C.
24 Wade Road
Latham, NY 12110

**RE: Final Status Survey Report – Lot A
Morgan Drive, Lot 3 Site
NYSDEC Site No. 360137
Mount Kisco, Westchester County, NY**

Dear Mr. Millspaugh:

The New York State Department of Environmental Conservation (NYSDEC), Divisions of Environmental Remediation (DER) and Materials Management (DMM), in consultation with the New York State Department of Health (NYSDOH), Bureaus of Environmental Exposure Investigation (BEEI) and Environmental Radiation Protection (BERP), has reviewed the submittal *Final Status Survey of 2 Morgan Drive Lot A*, dated December 2020 (report), provided by CoPhysics Corporation (CoPhysics) on behalf of Radio City Ventures, LLC for the above-referenced site. Based on this review, we offer the following:

1. Section 5.5 – Discussion of Elevated Readings on Lot B: The NYSDEC and NYSDOH agree with the recommendation that fencing be installed along the boundary between Lots A and B to prevent access/exposure to radiological contamination on Lot B and the adjacent parcel at 6 Morgan Drive.
2. General Observation: The NYSDEC and NYSDOH agree with the findings of the final status survey performed by CoPhysics in accordance with the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), recommending release of Lot A from radiological controls. Radiological monitoring during future intrusive work on Lot A is not deemed necessary.

In accordance with the Order on Consent and 6 NYCRR 375-1.6(d)(2), the Final Status Survey Report for 2 Morgan Drive Lot A is hereby approved. Please ensure that copies of this report are placed in the established document repositories and available for public viewing.



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If you have any questions or wish to discuss this further, please feel free to contact me at (518) 402-9652, or e-mail at daniel.lanners@dec.ny.gov. Should you have any questions regarding the NYSDEC's radioactive materials management program, please contact Jerry Riggi at (518) 402-8755, or e-mail at jerry.riggi@dec.ny.gov.

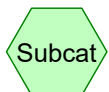
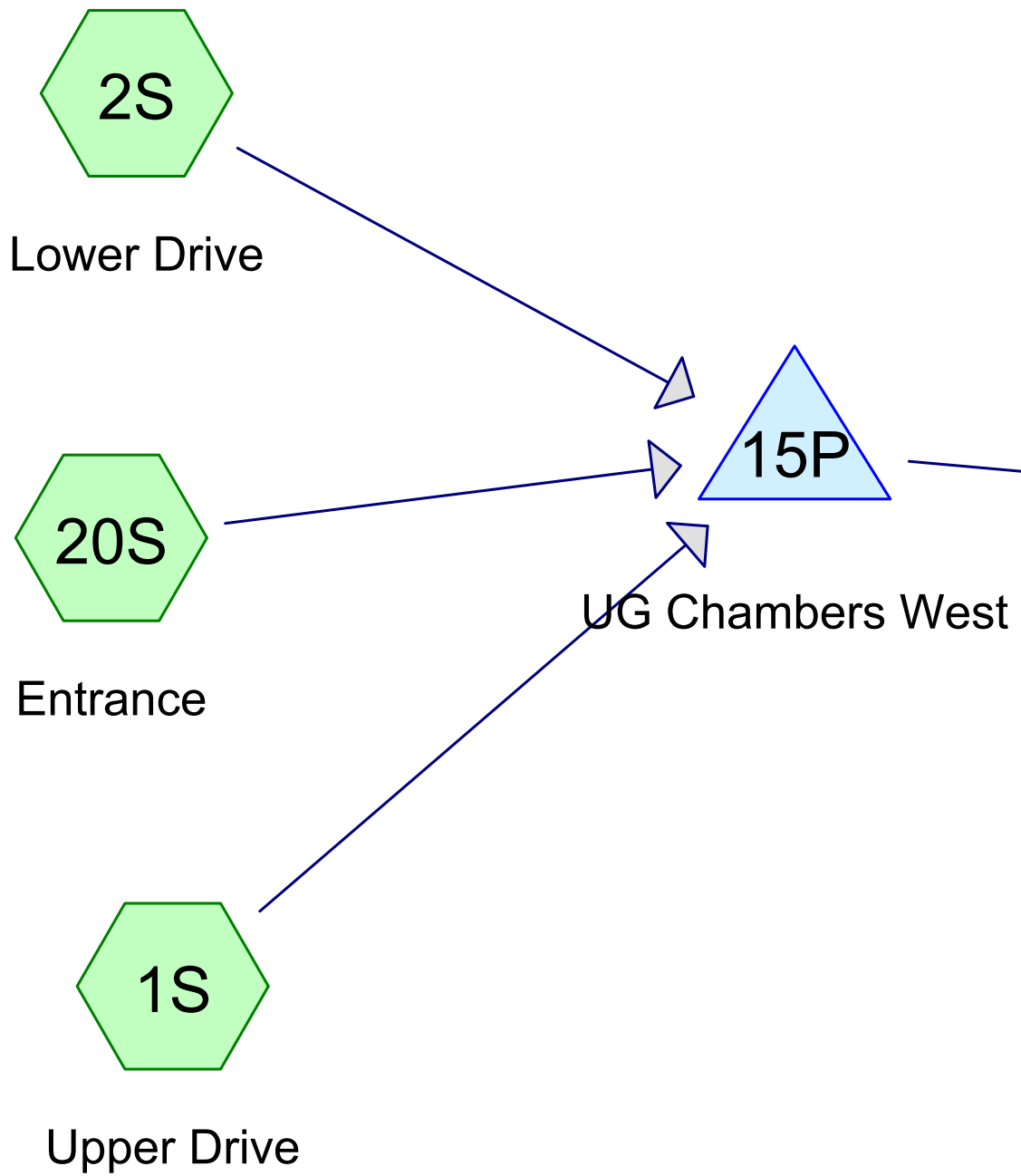
Sincerely,

A handwritten signature in blue ink that reads "Daniel R. Lanners". The signature is fluid and cursive, with the first name "Daniel" and last name "Lanners" clearly legible.

Daniel R. Lanners, P.E.
Project Manager
Remedial Bureau C, Section D
Division of Environmental Remediation

cc: Amen Omorogbe, NYSDEC-DER
Tim Rice, NYSDEC-DMM, Rad. Materials Mgmt.
Jerry Riggi, NYSDEC-DMM, Rad. Materials Mgmt.
Andrew Guglielmi, NYSDEC-OGC
Maureen Schuck, NYSDOH-BEEI
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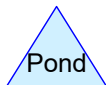
**Infiltration Analysis
& Figure 1**



Subcat



Reach



Pond



Link

Routing Diagram for DEV

Prepared by Microsoft, Printed 2/19/2021

HydroCAD® 10.00-20 s/n 02884 © 2017 HydroCAD Software Solutions LLC

DEV

Prepared by Microsoft

Printed 2/19/2021

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Page 2

Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.142	39	>75% Grass cover, Good, HSG A (1S)
0.155	98	Paved parking, HSG A (1S, 20S)
0.129	98	Paved roads w/curbs & sewers, HSG A (2S)
0.425	78	TOTAL AREA

DEV

Prepared by Microsoft

HydroCAD® 10.00-20 s/n 02884 © 2017 HydroCAD Software Solutions LLC

Type III 24-hr 100yr Rainfall=9.26"

Printed 2/19/2021

Page 3

Time span=0.25-30.00 hrs, dt=0.05 hrs, 596 points

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN

Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment1S: Upper Drive

Runoff Area=11,660 sf 47.04% Impervious Runoff Depth=5.19"

Flow Length=150' Slope=0.0800 '/' Tc=7.5 min CN=67 Runoff=1.53 cfs 0.116 af

Subcatchment2S: Lower Drive

Runoff Area=5,600 sf 100.00% Impervious Runoff Depth=9.02"

Flow Length=120' Slope=0.0050 '/' Tc=1.4 min CN=98 Runoff=1.28 cfs 0.097 af

Subcatchment20S: Entrance

Runoff Area=1,250 sf 100.00% Impervious Runoff Depth=9.02"

Tc=6.0 min CN=98 Runoff=0.25 cfs 0.022 af

Pond 15P: UG Chambers West

Peak Elev=300.18' Storage=4,816 cf Inflow=2.68 cfs 0.234 af

Discarded=0.12 cfs 0.194 af Primary=0.18 cfs 0.019 af Outflow=0.30 cfs 0.213 af

Total Runoff Area = 0.425 ac Runoff Volume = 0.234 af Average Runoff Depth = 6.61"
33.36% Pervious = 0.142 ac 66.64% Impervious = 0.283 ac

Summary for Subcatchment 1S: Upper Drive

Runoff = 1.53 cfs @ 12.11 hrs, Volume= 0.116 af, Depth= 5.19"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.25-30.00 hrs, dt= 0.05 hrs
Type III 24-hr 100yr Rainfall=9.26"

Area (sf)	CN	Description
6,175	39	>75% Grass cover, Good, HSG A
5,485	98	Paved parking, HSG A
11,660	67	Weighted Average
6,175		52.96% Pervious Area
5,485		47.04% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
7.5	150	0.0800	0.33		Sheet Flow, Grass: Short n= 0.150 P2= 3.41"

Summary for Subcatchment 2S: Lower Drive

Runoff = 1.28 cfs @ 12.02 hrs, Volume= 0.097 af, Depth= 9.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.25-30.00 hrs, dt= 0.05 hrs
Type III 24-hr 100yr Rainfall=9.26"

Area (sf)	CN	Description
5,600	98	Paved roads w/curbs & sewers, HSG A
5,600		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
1.4	120	0.0050	1.44		Shallow Concentrated Flow, Sheet to Collection Paved Kv= 20.3 fps

Summary for Subcatchment 20S: Entrance

Runoff = 0.25 cfs @ 12.09 hrs, Volume= 0.022 af, Depth= 9.02"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.25-30.00 hrs, dt= 0.05 hrs
Type III 24-hr 100yr Rainfall=9.26"

Area (sf)	CN	Description
1,250	98	Paved parking, HSG A
1,250		100.00% Impervious Area

DEV

Prepared by Microsoft

HydroCAD® 10.00-20 s/n 02884 © 2017 HydroCAD Software Solutions LLC

Type III 24-hr 100yr Rainfall=9.26"

Printed 2/19/2021

Page 5

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					Direct Entry, Min TOC

Summary for Pond 15P: UG Chambers West

Inflow Area = 0.425 ac, 66.64% Impervious, Inflow Depth = 6.61" for 100yr event
 Inflow = 2.68 cfs @ 12.06 hrs, Volume= 0.234 af
 Outflow = 0.30 cfs @ 12.95 hrs, Volume= 0.213 af, Atten= 89%, Lag= 52.9 min
 Discarded = 0.12 cfs @ 12.95 hrs, Volume= 0.194 af
 Primary = 0.18 cfs @ 12.95 hrs, Volume= 0.019 af

Routing by Stor-Ind method, Time Span= 0.25-30.00 hrs, dt= 0.05 hrs
 Peak Elev= 300.18' @ 12.95 hrs Surf.Area= 2,366 sf Storage= 4,816 cf

Plug-Flow detention time= 347.6 min calculated for 0.213 af (91% of inflow)
 Center-of-Mass det. time= 301.9 min (1,082.4 - 780.5)

Volume	Invert	Avail.Storage	Storage Description
#1A	297.00'	1,830 cf	32.42'W x 73.00'L x 3.21'H Field A 7,592 cf Overall - 3,018 cf Embedded = 4,575 cf x 40.0% Voids
#2A	297.50'	3,018 cf	Cultec R-280HD x 70 Inside #1 Effective Size= 46.9"W x 26.0"H => 6.07 sf x 7.00'L = 42.5 cf Overall Size= 47.0"W x 26.5"H x 8.00'L with 1.00' Overlap Row Length Adjustment= +1.00' x 6.07 sf x 7 rows
		4,847 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	297.00'	1.500 in/hr Exfiltration over Horizontal area Conductivity to Groundwater Elevation = 290.00'
#2	Primary	300.00'	6.0" Vert. Orifice/Grate X 2.00 C= 0.600

Discarded OutFlow Max=0.12 cfs @ 12.95 hrs HW=300.18' (Free Discharge)
 ↑—1=Exfiltration (Controls 0.12 cfs)

Primary OutFlow Max=0.17 cfs @ 12.95 hrs HW=300.18' (Free Discharge)
 ↑—2=Orifice/Grate (Orifice Controls 0.17 cfs @ 1.42 fps)

Extreme Precipitation Tables

Northeast Regional Climate Center

Data represents point estimates calculated from partial duration series. All precipitation amounts are displayed in inches.

Smoothing	Yes
State	New York
Location	
Longitude	73.736 degrees West
Latitude	41.193 degrees North
Elevation	0 feet
Date/Time	Wed, 26 Feb 2020 08:23:59 -0500

Extreme Precipitation Estimates

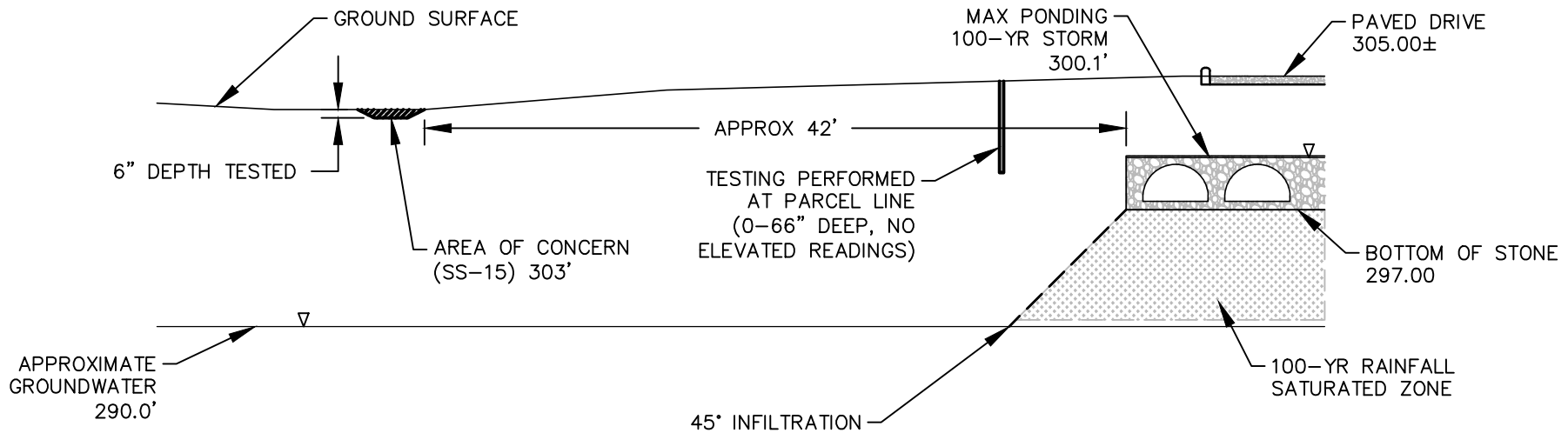
	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.34	0.52	0.64	0.84	1.05	1.31	1yr	0.91	1.23	1.50	1.85	2.27	2.79	3.16	1yr	2.47	3.04	3.54	4.23	4.87	1yr
2yr	0.40	0.62	0.77	1.02	1.28	1.60	2yr	1.11	1.49	1.84	2.27	2.78	3.41	3.83	2yr	3.02	3.68	4.25	5.01	5.68	2yr
5yr	0.47	0.73	0.91	1.22	1.57	1.98	5yr	1.35	1.83	2.29	2.84	3.50	4.30	4.87	5yr	3.81	4.68	5.43	6.27	7.05	5yr
10yr	0.52	0.82	1.03	1.40	1.82	2.33	10yr	1.57	2.14	2.70	3.37	4.17	5.13	5.83	10yr	4.54	5.61	6.54	7.44	8.31	10yr
25yr	0.60	0.95	1.21	1.68	2.24	2.90	25yr	1.93	2.64	3.38	4.24	5.27	6.48	7.42	25yr	5.74	7.14	8.38	9.33	10.32	25yr
50yr	0.68	1.08	1.39	1.95	2.62	3.42	50yr	2.26	3.09	4.01	5.05	6.28	7.75	8.91	50yr	6.86	8.57	10.11	11.08	12.17	50yr
100yr	0.76	1.23	1.59	2.25	3.07	4.04	100yr	2.65	3.62	4.75	6.01	7.50	9.26	10.71	100yr	8.20	10.30	12.21	13.16	14.35	100yr
200yr	0.87	1.41	1.83	2.61	3.60	4.77	200yr	3.11	4.25	5.63	7.16	8.95	11.09	12.87	200yr	9.81	12.38	14.74	15.62	16.93	200yr
500yr	1.03	1.69	2.20	3.19	4.46	5.97	500yr	3.85	5.26	7.07	9.03	11.34	14.08	16.43	500yr	12.46	15.80	18.93	19.62	21.08	500yr

Lower Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.26	0.39	0.48	0.65	0.80	1.06	1yr	0.69	1.04	1.32	1.64	2.04	2.56	2.91	1yr	2.26	2.80	3.27	3.66	4.30	1yr
2yr	0.39	0.61	0.75	1.01	1.25	1.49	2yr	1.08	1.45	1.70	2.17	2.73	3.32	3.72	2yr	2.94	3.57	4.11	4.83	5.51	2yr
5yr	0.43	0.67	0.83	1.14	1.45	1.74	5yr	1.25	1.70	1.98	2.55	3.19	4.00	4.53	5yr	3.54	4.35	5.02	5.83	6.56	5yr
10yr	0.47	0.72	0.90	1.25	1.62	1.95	10yr	1.40	1.91	2.21	2.88	3.60	4.62	5.24	10yr	4.09	5.04	5.82	6.50	7.29	10yr
25yr	0.52	0.79	0.98	1.40	1.84	2.27	25yr	1.59	2.22	2.55	3.38	4.22	5.59	6.40	25yr	4.94	6.15	7.10	7.62	8.49	25yr
50yr	0.55	0.84	1.05	1.50	2.02	2.55	50yr	1.75	2.49	2.85	3.82	4.77	6.47	7.46	50yr	5.72	7.17	8.23	8.56	9.52	50yr
100yr	0.60	0.90	1.13	1.63	2.23	2.85	100yr	1.93	2.79	3.19	4.32	5.40	7.50	8.70	100yr	6.64	8.37	9.58	9.62	10.68	100yr
200yr	0.64	0.97	1.23	1.78	2.48	3.21	200yr	2.14	3.14	3.57	4.90	6.12	8.71	10.16	200yr	7.71	9.77	11.16	10.76	11.99	200yr
500yr	0.71	1.06	1.36	1.98	2.82	3.75	500yr	2.43	3.67	4.17	5.82	7.25	10.63	12.50	500yr	9.41	12.02	13.66	12.47	13.92	500yr

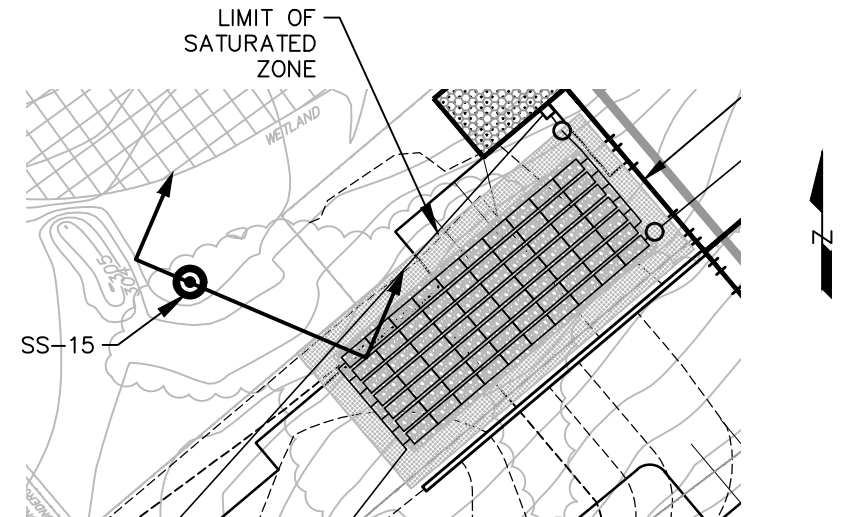
Upper Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.37	0.58	0.71	0.95	1.17	1.43	1yr	1.01	1.40	1.60	2.08	2.59	3.01	3.38	1yr	2.67	3.25	3.82	4.52	5.29	1yr
2yr	0.42	0.66	0.81	1.09	1.35	1.59	2yr	1.16	1.55	1.82	2.31	2.90	3.53	3.95	2yr	3.12	3.80	4.39	5.25	5.93	2yr
5yr	0.51	0.78	0.97	1.33	1.69	2.01	5yr	1.46	1.96	2.31	2.98	3.73	4.61	5.20	5yr	4.08	5.00	5.83	6.70	7.50	5yr
10yr	0.60	0.92	1.14	1.59	2.05	2.40	10yr	1.77	2.35	2.78	3.62	4.55	5.68	6.41	10yr	5.03	6.17	7.24	8.38	9.28	10yr
25yr	0.75	1.13	1.41	2.02	2.65	3.08	25yr	2.29	3.01	3.58	4.69	5.89	7.46	8.47	25yr	6.60	8.15	9.64	11.03	12.03	25yr
50yr	0.88	1.34	1.67	2.40	3.23	3.72	50yr	2.79	3.64	4.34	5.72	7.16	9.17	10.45	50yr	8.12	10.04	11.98	13.61	14.64	50yr
100yr	1.05	1.59	2.00	2.88	3.95	4.51	100yr	3.41	4.41	5.25	6.98	8.71	11.30	12.89	100yr	10.00	12.40	14.91	16.78	17.84	100yr
200yr	1.26	1.89	2.40	3.47	4.84	5.44	200yr	4.18	5.32	6.37	8.50	10.60	13.90	15.90	200yr	12.30	15.29	18.55	20.68	21.76	200yr
500yr	1.61	2.39	3.08	4.47	6.36	6.99	500yr	5.49	6.83	8.22	11.06	13.74	18.27	20.99	500yr	16.17	20.18	24.77	27.38	28.25	500yr



NOTES

- CROSS SECTION DEPICTS THE INFILTRATION UNDER THE FRONT LOWER PARKING AREA AND DRIVEWAY THROUGH THE AREA OF ELEVATED SURFICIAL TESTING (SS-15).
- MAXIMUM INFILTRATION ANGLE OF 45° (HORIZONTAL PERMEABILITY = VERTICAL PERMEABILITY) IS SHOWN.
- 100-YR STORM INFILTRATES 0.194 AC-FT. THIS EQUALS 8,450 CF OF WATER. AN ASSUMED EFFECTIVE POROSITY OF 0.35 RESULTS IN A VOLUME OF SOIL = 24,143 CF TO STORE THE INFILTRATED WATER.
- THE RANGE OF SATURATED SOIL IS DEPICTED IN BOTH THE SECTION AND PLAN VIEWS.



STERLING

Sterling Environmental Engineering, P.C.

24 Wade Road • Latham, New York 12110

FRONT ENTRANCE AND PARKING STORMWATER CHAMBERS
INFILTRATION WATER PATH

RADIO CITY VENTURES, LLC
2 MORGAN DRIVE

VILLAGE OF MT. KISCO

WESTCHESTER CO., NEW YORK

PROJ. No.: 2018-39 | DATE: 02/19/2021 | SCALE: 1" = 10' (S), 1" = 50' (P) | DWG. NO. 2018-39017 | FIGURE 1

RECEIVED

MAR 25 2021

Mount Kisco
Office of the Village Clerk

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: March 23, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Mount Kisco Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: 2 Morgan Drive, LLC

Lead Agency: Village/Town of Mount Kisco Planning Board

SEQRA Status: ☐ Type 1
 ☒ Unlisted

Conditioned Negative Declaration: ☐ Yes
 ☒ No

Coordinated Review: ☒ Yes
 ☐ No

Description of Proposed Action: The subject property is owned by Radio City Ventures, LLC and consists of ±5.7 acres of land, located at the corner of Radio Circle Drive and Morgan Drive. The site is bounded by vacant undeveloped land to the north/northwest, Village-owned property to the north/northeast, and commercially developed parcels to the southeast and southwest, including the U.S. Post Office, Frito Lay, 40 Radio Circle (Katonah Arts Center).

The subject property was once part of a larger parcel that was occupied by a New York City Department of Environmental Protection (NYCDEP) sewage treatment and disposal facility; the facility ceased operation in the early to mid-1960s. The remnants of several related structures remain on the subject property and various levels and types of contamination exist. The structures that remain on site include former primary tanks, sludge drying beds, sprinkling filter beds, and a concrete storage building. Two (2) former treatment ponds are also located on the Site.

The applicant, 2 Morgan Drive, LLC, is proposing a 2-lot subdivision and the construction of a 325' L x 112' W (70,400 s.f.) building on Lot A; the proposed building is proposed to be used for the indoor storage of a private automobile collection and is a permitted use within the underlying RDX Zoning District. The facility

will not be open to the public. Lot A is proposed to consist of ±2.7 acres of land, will be accessed via Morgan Drive, and is proposed to contain ±10 off-street parking spaces, a paved terrace area at the rear of the building, and stormwater facilities. The building will be served via municipal water and sewer. Lot B is proposed to consist of ±3.046 acres of land and is not proposed to be developed at this time given on-site contamination and remediation requirements. The future development of Lot B will be subject to remediation and will require independent land use approvals and SEQRA evaluation. The schedule for remediation of Lot B is unknown at this time. For present purposes, as no development of Lot B is proposed as part of this Project, and (as discussed below) the contamination that exists on Lot B will not impact the development of Lot A, Lot B has not been evaluated under SEQRA. When Lot B is proposed to be developed, it will require a separate SEQRA evaluation and determination.

The following permitting agencies have been identified:

Name of Agency	Approvals/Permits/Variances
Village of Mount Kisco Planning Board	Site Plan Approval, Subdivision Approval, Wetland Permit, Steep Slopes Permit
Village of Mount Kisco Architectural Review Board	Approval for construction of new building
Village of Mount Kisco Zoning Board of Appeals	Side Yard Setback; Landscape Buffer
Village of Mount Kisco Building Department	Building Permit; Floodplain Development Permit
Village of Mount Kisco Department of Public Works	Driveway Opening Permit; water and sewer connections
Westchester County Department of Health	Realty Subdivision approval
New York State Department of Environmental Conservation (NYSDEC)	SPDES General Permit (GP-0-20-001) for Stormwater Discharges from Construction Activities
New York City Department of Environmental Protection (NYCDEP)	SWPPP Approval

Location: 2 Morgan Drive, Mount Kisco, Westchester County, New York

Reasons Supporting This Determination:

While not a complete list, the following documents, plans, and reports were considered when making this determination:

- a. Planning Board Applications.

- b. Parts 1, 2 and 3 of the Full EAF, last revised on March 9, 2021, prepared by Sterling Environmental Engineering, P.C.
- c. Cover letters and responses to comments prepared by Sterling Environmental Engineering, P.C. of various dates.
- d. Review memoranda from the Building Inspector, Village Planner, Village Engineer, and Village Environmental Engineer of various dates.
- e. Stormwater Pollution Prevention Plan (SWPPP), prepared by Sterling Environmental Engineering, P.C., last revised September 1, 2020.
- f. NYSDEC Environmental Site Remediation Database Search Details report.
- g. Preliminary Geotechnical Engineering Report, prepared by Heller and Johnsen Geotechnical Engineering Consultants, dated January 24, 2014.
- h. Letter prepared by the Mount Kisco Fire Department, dated February 3, 2021.
- i. Letters from the New York State Department of Environmental Conservation (NYSDEC) dated February 18, 2021 and February 24, 2021.
- j. Plans, prepared by Sterling Environmental Engineering, P.C., dated (last revised) February 24, 2021:
 - Existing Conditions Plan (Sheet 1 of 8)
 - Proposed Site Plan – Lot A (Sheet 2 of 8)
 - Proposed Stormwater Plan – Lot A (Sheet 3 of 8)
 - Site Details – Lot A (Sheet 4 of 8)
 - Erosion and Sediment Control Plan (Sheet 5 of 8)
 - Infiltration Chamber Details (Sheet 6 of 8)
 - Parking and Driveway Profiles (Sheet 7 of 8)
 - Wetland Disturbance and Steep Slopes Plan and Sections (Sheet 8 of 8)
- k. Final Subdivision Plat prepared for Radio City Ventures, LLC, prepared by Plans, prepared by H. Stanley Johnson and Company Land Surveyors, P.C., last revised February 29, 2020.
- l. Robert Sherwood Landscape Architect, LLC, dated (last revised) January 11, 2021:
 - Tree Removal Plan (Drawing No. LP-1.0) (1 of 2)
 - Landscape Plan (Drawing No. LP-1.0) (2 of 2)
- m. Architectural floor plans, elevations and renderings prepared by JPL Architects, last revised September 1, 2020.

The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

Per Town Code section 110-33.1-A, a steep slopes disturbance permit will be required for the development of Lot A. Compliance with the Village's steep slope regulations will continue to be evaluated during the site plan review process. The proposed Lot A contains ±4,991 s.f. of slopes exceeding 25%, ±2,895 s.f. of slopes between 20-25%, and ±2,457 s.f. of slopes between 15-20%. Of those totals, ±3,530 s.f., ±2,180 s.f., and ±2,457 s.f. will be disturbed, respectively. None of the steep slopes to be disturbed exceed 27.5%. The building foundation will act as the retaining structure including two (2) integral retaining walls at either end to separate the building levels. The slopes to the southwest will be shallowed to facilitate driveway access and will not exceed 10%. The regraded slope to the northeast will be constructed at a 3:1 horizontal to vertical slope. Slopes will be vegetated and stabilized in accordance with standard erosion and sediment control practices to prevent erosion during construction.

The site work will include excavation and export of approximately 10,000 c.y. of soil to accommodate the building foundation and site work. Soil on Lot A is not considered to be contaminated and the New York State Department of Environmental Conservation (NYSDEC) has determined that no further action is necessary. Because the construction project is estimated to result in surplus soil that will require management off site, the NYSDEC requires that a Site Management Plan be developed setting forth the procedures to be followed during any future ground disturbance. Excavated soils that require removal will be tested and removed from the site for off-site disposal and/or beneficial use in accordance with the NYSDEC solid waste management regulations. Construction surplus soil will be hauled away by truck (estimated to be 590 truckloads).

Reference is made to the Final Status Survey (FSS) performed by CoPhysics in accordance with the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM), conducted in August 2020. The report for the FSS was generated in December 2020. The survey found that a small area of elevated radioactivity on proposed Lot B has not affected soil on proposed Lot A and does not pose a radiological safety concern for construction workers on Lot A. The report recommends that the property line between the two (2) proposed lots be fenced. A second letter from the NYSDEC in consultation with the New York State Department of Health (NYSDOH), dated February 24, 2021, confirmed the findings of the FSS, recommended the release of Lot A from radiological controls, and deemed monitoring during future work on Lot A unnecessary.

Reference is made to the Stormwater Pollution Prevention Plan (SWPPP), prepared by Sterling Environmental Engineering, P.C., which provides mitigation of the potential for moderate to large impacts from construction. The post-development conditions of Lot A have been designed to maintain approximately equal amounts of run-off and infiltration as currently exist in the undeveloped state. This is done using an array of standard infiltration practices spread around Lot A, with larger practices located at the north and east sides of the lot which are not in proximity to

any areas of concern on Lot B. The only infiltration practice near an area of elevated radiological readings (Soil Sample 15) is an underground infiltration chamber system receiving runoff solely from the front entrance and parking areas. The SWPPP will reduce stormwater runoff and erosion following standard erosion and sediment control practices. The SWPPP also minimizes impacts on water quality and drainage patterns, resulting in no increased discharge from the site over current levels. The SWPPP must be prepared to comply with all applicable regulations including those of the Village, the NYCDEP and the NYSDEC. The SWPPP will continued to be reviewed and modified, if needed, during the site plan review process.

While a portion of the subject property is located within the 100-year floodplain, no disturbance or development is occurring within said area.

Reference is made to the Wetland Delineation Report, prepared by Tim Miller Associates, Inc., dated September 11, 2019. The wetland delineation was conducted on August 23, 2019 and the wetland boundary line was confirmed by the Village's wetland consultant. No regulated wetlands or watercourses are located on the portion of the property to be developed. An isolated wetland is located on Lot B and the Kisco River is located adjacent to the subject parcel. The 100-foot wetland buffer associated with the Kisco River extends onto the subject property and onto Lot A and disturbance associated with the project will occur within the regulated buffer area. Development within the wetland buffer consists of a portion of the emergency access road, drainage improvements, tree removal and landscaping. Other regulated wetlands and watercourses (not delineated) are located on a portion of the parcel located adjacent to Lexington Avenue; however, no disturbance is proposed in proximity to same.

The facility will not be open to the public and is not anticipated to result in numerous vehicles trips. As noted above, soil is proposed to be removed from the site by truck, but this activity is limited to the period of construction and is therefore deemed temporary in nature. No long-term traffic or transportation impacts are anticipated. While there is likely to be an increase in noise during construction, this increase is temporary. The proposed use is not anticipated to generate any significant noise and will not exceed local regulations. The proposed action, once completed, will not produce odors.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

Approximately 55,000 SF of vegetation will be removed, resulting in minor losses of flora. As indicated on the Tree Removal Plan, 178 trees will be removed. However, there are no known threatened or endangered species, habitat used by rare, threatened, or endangered species, species of special concern or significant natural community located on the site. A landscaping plan has been developed and will continue to be evaluated during the site plan review process.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

The subject property is not located within a Critical Environmental Area.

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

The proposed action is not inconsistent with the Comprehensive Plan and the use is permitted by the Code. The Project is compliant with the underlying bulk zoning requirements, with the exception of two (2) items, which will require area variances from the Zoning Board of Appeals, if not remedied by the applicant. As discussed above, the subject property had been formerly used as a wastewater treatment facility and there are several structures remaining on the parcel from this historic use. These structures are located on proposed Lot B, however, portions of four (4) such structures are located within the side-yard zoning setback and, therefore, are noncompliant. Unless the applicant is able to remove the above-ground portion of the structures, setback variances will likely be required. The removal of above-ground structures on Lot B is also viewed favorably by the Planning Board because it would improve the aesthetics of the site and eliminate an attractive nuisance. The Planning Board encourages the applicant to remove the above-ground structures on Lot B and the applicant has indicated its willingness to evaluate same; however, a determination must be made by the NYSDEC as to the extent of work that can take place on Lot B at the present time. The second potential area of zoning noncompliance results from development within the landscape buffer. Work proposed within the buffer includes a portion of the driveway, the construction of an emergency access road (presently proposed as reinforced turf), an infiltration planter alongside the building and building entrance platforms. Zoning compliance will continue to be evaluated during the site plan review process. The applicant will be required either to amend the plans to remove the need for the variances or to obtain the same from the Zoning Board of Appeals. The Planning Board has evaluated the scope of the proposed variances and finds that, if required, they do not present a material conflict with the Town's officially approved or adopted plans or goals.

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.

The proposed action is not located in proximity to a protected or listed historic, archeological or aesthetic resource and is not located within a mapped archeologically sensitive area.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

The proposed building will connect to existing services and the building will be required to meet or exceed all state energy requirements.

7. The proposed action will not create a hazard to human health.

Reference is made to a letter prepared by the Mount Kisco Fire Department, dated February 3, 2021, which includes the following recommendations that the applicant shall address during the

site plan approval process, to the satisfaction of the Planning Board. The applicant has indicated its willingness to satisfactorily address same.

- a. *Provide a minimum of one access road of not less than 20 feet in width (unobstructed) alongside – running parallel to the north wall of the building for the full distance of the building.*
- b. *An apparatus turn-around is required for all access roads with a dead-end in excess of 150 ft. In lieu of a turn-around, an access road that runs from Morgan Drive and exits onto Pump House Road would be acceptable.*
- c. *Building “side-access” doors shall be provided with a solid walkway to door entrances.*
- d. *Interior access at door entries shall be unobstructed at all times – no parking should be permitted in front of the doors; interior area(s) should be properly marked.*
- e. *Fire Department Connection (FDC) is required. FDC should be placed in the front of the building with enough room to locate and operate a pumper truck (40 ft.) without blocking access to the rest of the building.*

With regard to the prior use. The evaluation of contamination, and potential impact to human health, the following documents summarize the investigations that have been completed to date:

- a. *Environmental Site Assessment Summary Report (Tim Miller Associates, Inc., November 7, 2006).*
- b. *Additional Soil and Groundwater Sampling, Lot 3, Morgan Drive Property (Tim Miller Associates, Inc., December 31, 2007).*
- c. *Additional Deep Boring Sampling, Morgan Drive Property/Buckingham Property – Lot 3 (Tim Miller Associates, Inc., March 24, 2008).*
- d. *Wastewater Treatment Plant (WWTP) Remedial Investigation/Feasibility Study (RI/FS) (Sterling Environmental Engineering, P.C., October 3, 2014).*
- e. *Site Characterization Report and Focused Interim Remedial Measures Study (Sterling Environmental Engineering, P.C., July 25, 2016).*
- f. *Emerging Contaminant and Ra-226/Ra-228 Sampling Report (Liro Engineers Inc., February 2018).*
- g. *Wetland Investigation and Delineation (Shumaker Consulting Engineering & Land Surveying D.P.C., April 2, 2019).*
- h. *Pace Analytical Report dated August 8, 2019 (Samples obtained 6/7/2019).*

- i. *WWTP Radiological Characterization Report (LiRo Engineers and CoPhysics Corp., August 2019).*
- j. *Wetland Delineation Letter Report (Tim Miller Associates, Inc., September 11, 2019).*
- k. *Radiological Letter Report- Site A Subdivision (Great Lakes Environmental, September 20, 2019).*
- l. *Final Status Survey Report (CoPhysics, December 2020).*
- m. *Full EAF, last revised March 9, 2021.*

Lot A consists of the upland area which is at higher elevation than the former WWTP located on Lot B. As discussed herein, this portion of the property showed no significant impact from the historic operations of the WWTP. Several surface soil samples from Lot A contained constituents exceeding Unrestricted Soil Cleanup Objectives (SCOs), but below Restricted Residential SCOs. No soil samples exceeded Commercial SCOs. Accordingly, the proposed non-residential development is to be used as an automobile storage facility and, therefore, is fully compatible with the existing site conditions. No remediation is indicated.

Lot B is the portion of the property with the former WWTP and adjacent areas where residuals from the WWTP were handled. Lot B will be the subject of further investigation and remedial actions. Subdividing the parcel will allow development of Lot A to proceed while Lot B proceeds towards proper decommissioning of the WWTP.

The subject property has been the subject of numerous field investigations since 2004, which are summarized in the reports listed herein. The site investigations included extensive soil, sediment and surface water sampling, as well as groundwater monitoring. Samples were analyzed for Volatile Organic Compounds (VOCs), Semivolatile Organic Compounds (SVOCs), metals, pesticides, herbicides and PCBs.

Groundwater was also analyzed for emerging contaminants 1,4-dioxane and Polyfluoroalkyl Substances (PFAS) and Radium-226 and 228. Originally the investigations were conducted to determine if the Site was eligible for inclusion in the Brownfield Cleanup Program (BCP). As described below, levels of contamination found at the site were minimal and as such, the subject property did not qualify the site for inclusion in the BCP, according to NYSDEC. Only four (4) soil samples on Lot A (outside the WWTP structures) slightly exceeded Unrestricted Use SCOs for metals (Total chromium, trivalent chromium, lead and mercury). Five (5) locations on Lot A exceeded Unrestricted SCOs for pesticides. There were no soil samples in the soils on Lot A that exceeded the Restricted Residential or Commercial Use SCOs. This means a non-residential development may proceed on Lot A without the need to remediate any environmental conditions.

On Lot B, the former wastewater treatment operations contributed low level impacts to former WWTP system components. There were several exceedances of the Unrestricted and Restricted

Residential Use Soil Cleanup Objectives (SCOs) for soils and sediment within the remaining WWTP structures on Lot B based on data collected in prior investigations. Exceedance of Restricted Residential Use SCOs were noted for barium, cadmium, mercury, chromium, lead, benz(a)anthracene, benzo(b)fluoranthene, and PCBs in sediment from Pond 1; mercury in sediment from Pond 2; arsenic and mercury in solids from Primary Tank 1; barium, chromium and mercury in solids from Primary Tank 2; and lead in surface soil at one location. As stated above, no work is proposed on Lot B and any future development on Lot B would be subject to independent SEQRA review and land use approvals.

Given the contamination concerns associated with Lot B, Lots A and B will be separated by fencing along the property line. A small area of elevated radioactivity on Lot B has not affected soil in Lot A and does not pose a radiological safety problem for construction workers on Lot A.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

The subject property is privately owned and is proposed to be developed in accordance with the requirements of the underlying zoning district. The subject property is not presently used for any agricultural, open space or recreational purposes, so the proposed action will not have an impact on these resources.

9. The proposed action will not encourage or attract a large number of people to a place for more than a few days, compared to the number of people who would come to such place absent the action.

The proposed action includes the construction of a building to house a private car collection; the building will not be open to the public and will not attract a large number of people.

10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

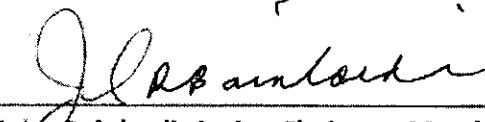
WHEREUPON, this Negative Declaration of Significance was adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: **JOHN BAINLARDI**

The motion was seconded by: **RALPH VIGLIOTTI**

The vote was as follows:

JOHN BAINLARDI	AYE
RALPH VIGLIOTTI	AYE
MICHAEL BONFORTE	AYE
WILLIAM POLESE	AYE
CRYSTAL PICKARD	AYE
JOHN HOCHSTEIN	AYE
BARBARA ROPPOLO	AYE



John Bainlardi, Acting Chair March 23, 2021

ATTACHMENT 5

TEN SETS OF SUBDIVISION PLAT AND SITE PLAN DRAWINGS

"RE-SUBDIVISION OF LOT NO.1 PREPARED FOR RADIO CIRCLE BUSINESS PARK, INC." FILED FEBRUARY 8, 1990 AS MAP NO. 24079

UNITED STATES POSTAL SERVICE LOT 16

N/F ROLLING FRITO-LAY SALES, LLP LOT 1A

N/F LESJAC REALTY LLC

N/F TOM RATTNER LLC

H. STANLEY JOHNSON AND COMPANY
LAND SURVEYORS, P.C.
42 SMITH AVENUE P.O. BOX 93
MT. KISCO, N.Y. 10549
TEL. 914-241-3872
FAX. 914-241-0438

WESTCHESTER COUNTY DEPARTMENT OF HEALTH
Mount Kisco, New York

Approved pursuant to Chapter 873, Article X, Sections 873.951 and 873.1021 of the Westchester County Sanitary Code subject to the provision of public water supply and public sanitary sewer facilities to serve all structures intended for human occupancy constructed herein.

Each purchaser of property shown hereon shall be furnished a true copy of this plat showing this endorsement. Any measures, changes, additions or alterations of any kind, except the addition of signatures of other approving authority and the date thereof made on this plan after this approval, shall invalidate this approval.

Approved by the Assistant Commissioner of Health
on behalf of the Department of Health

Proposed Land Area Schedule:	
PARCEL A	2.670 Acres
PARCEL B	3.046 Acres
TOTAL AREA	5.716 Acres

Approved by Resolution of the Town of Mount Kisco Planning Board.

Chairman _____ Date _____

Approved for filing in the Westchester County Clerk's Office, Division of Land Records:

Richard Brock
Radio City Ventures, LLC
c/o Reynolds & Rowella
90 Grove St., Suite 101
Ridgfield, CT 06877

Date _____

NET LOT AREA CALCULATION

	Existing	Parcel A	Parcel B
A Gross Lot Area	5,716 Ac. 249,000 s.f.	2,670 Ac. 116,300 s.f.	3,046 Ac. 132,700 s.f.
B Area Containing Steep Slopes >25%	16,037 s.f.	4,991 s.f.	11,046 s.f.
C Area Containing Slopes >20-<25%	4,465 s.f.	2,895 s.f.	1,570 s.f.
D 50% of Line B	8,019 s.f.	2,496 s.f.	5,523 s.f.
E 25% of Line C	1,116 s.f.	724 s.f.	393 s.f.
F Area Containing Wetlands	2,833 s.f.	0 s.f.	2,833 s.f.
G Area Containing Lakes, ponds, streams or other surface water	12,236 s.f.	1,405 s.f.	10,831 s.f.
H 50% of Line F	1,417 s.f.	0 s.f.	1,417 s.f.
I 100% of Line G	12,236 s.f.	1,405 s.f.	10,831 s.f.
J Net Lot Area (Line A minus Lines B, C, E, H and I)	226,212 s.f.	111,675 s.f.	114,536 s.f.

- Area Containing Steep Slopes >25%
- Area Containing Slopes >20-<25%
- Area Containing Slopes >15-<20%

RDX BULK ZONING REQUIREMENTS

RDX Bulk Zoning Requirements	Required	Existing	Proposed Parcel A	Proposed Parcel B
Min. Net Lot Area	40,000 s.f.	226,212 s.f.	111,675 s.f.	114,536 s.f.
Max. Building Coverage	35%	13%	31%	-
Max. Development Coverage	70%	14%	41%	-
Min. Lot Width	100 feet	415.56'	125'	260.56'
Min. Lot Depth	100 feet	493.72'	634.28'	493.72'
Setback - Abutting Nonresidential Zoning District				
Building Setback Front	30 feet	47.7'	170.8 feet	N.A.
Building Setback Rear	50 feet	-9.9'	53.4 feet	N.A.
Building Setback Side	20 feet	50.8'	20.7 feet	N.A.
Buffer Front	20 feet	20 feet	75.2 feet	N.A.
Buffer Rear	20 feet	0 feet	32.2 feet	N.A.
Buffer Side	20 feet	20 feet	20.7 feet	N.A.
Building Height	40 feet	N.A.	38.5 feet	N.A.

* No development abutting residential district

Notes:

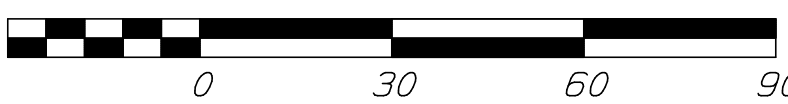
- Premises shown hereon located in the RDX (Research and Development District) Zone in the Village and Town of Mount Kisco.
- Premises shown hereon known and designated as Section 80.55 Block 1 Lot 2.1/1 on the Village of Mount Kisco Tax Maps.
- Additional underground easements, utilities or structures, etc. other than those shown hereon may be encountered.
- Unauthorized alterations or additions to this drawing is a violation of Section 7209 (2) of the New York State Education Law.
- Wetland Delineated on August 23, 2019 by: Steven Marino P.W.S., Tim Miller Associates, Inc., 10 North Street, Cold Spring, N.Y. 10516 (845) 265-4400
- Property shown hereon is subject of the "Rules and Regulations for the protection from the contamination of the New York City water supply and its sources"
- Elevations shown hereon are in accordance with the official Village and Town of Mount Kisco Datum.
- Address: 2 Morgan Drive, Mt. Kisco N.Y. 10549
- Trees shown hereon were located January 17, 2014.

FINAL SUBDIVISION PLAT
PREPARED FOR
RADIO CITY VENTURES, LLC

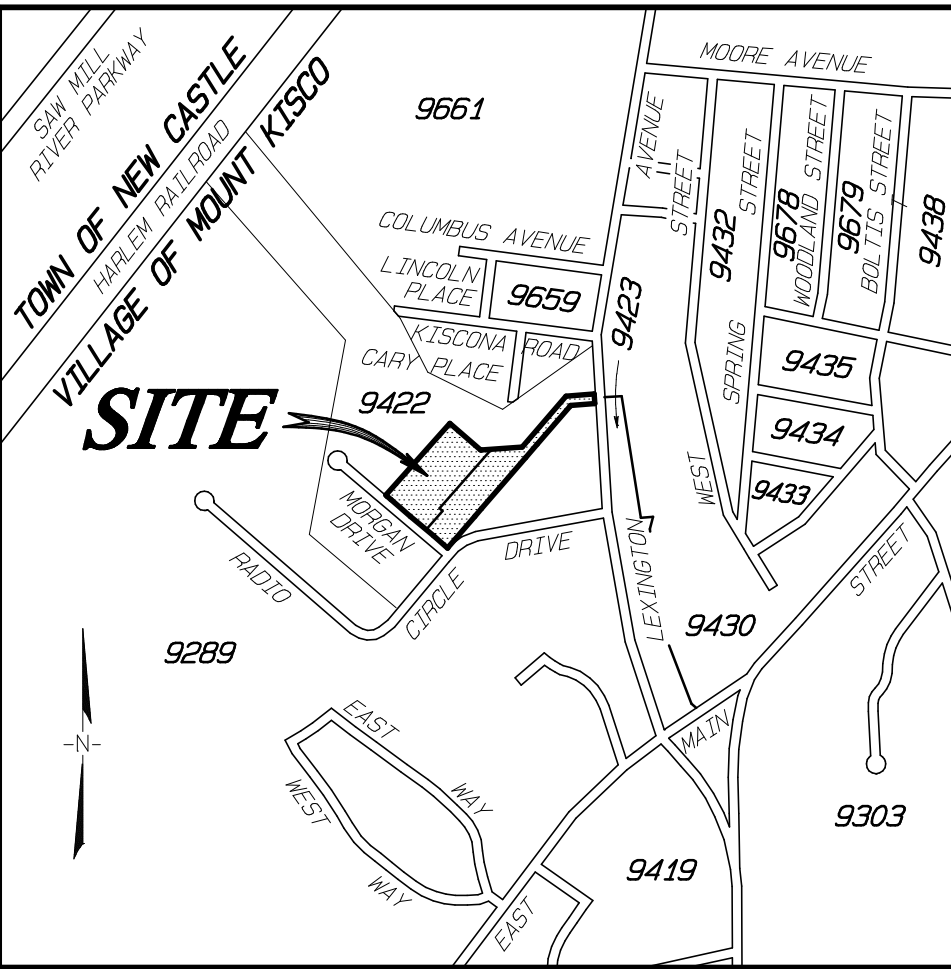
Being Lot 3 as shown on a certain map entitled "Final Plat Lot Line Change Prepared for Crème de la Crème (Mt. Kisco), Inc. and Sanctuary Ventures, L.L.C., etc." said map filed in the Westchester County Clerk's Office, Division of Land Records: November 4, 2009 as Map No. 28290.

SITUATE IN THE
VILLAGE AND TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 30'



SHEET 159 BLOCK 9422 IN COUNTY INDEX SYSTEM



LOCATION MAP

SCALE: 1"=1,000'

N/F 440 LEXINGTON AVE. MT. KISCO CO.

Revised: March 8, 2021
Revised: February 9, 2021
Revised: May 1, 2020 to modify Net Lot Area Calculation.
Revised: April 24, 2020 to show wetlands only.
Revised: April 16, 2020
We, H. Stanley Johnson and Company, Land Surveyors, P.C., the surveyors who made this map, do hereby certify that the survey upon which this map is based was completed: January 17, 2014 and that this map was completed: February 29, 2020.

BY: *Robert S. Johnson*
NEW YORK STATE LICENSED LAND SURVEYOR NO. 50037
ROBERT S. JOHNSON, P.L.S.



LEXINGTON AVENUE
2 STORY RESIDENCE
N/F YVONE DELASIO

LOT S.B.L. 80.55-1-2.1/4
2 MORGAN DRIVE, TOWN OF MT. KISCO

OWNER:
RADIO CITY VENTURES, LLC
90 GROVE STREET, RIDGEFIELD, CT 06877

RDX BULK ZONING REQUIREMENTS

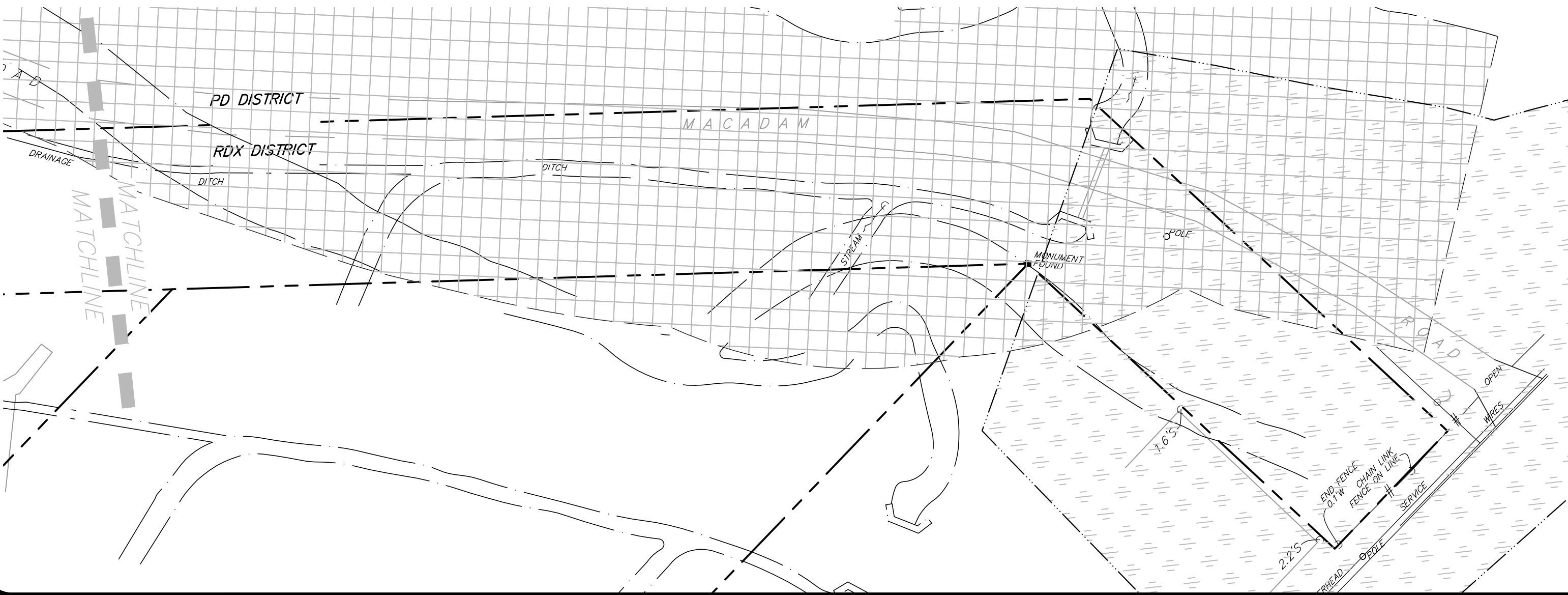
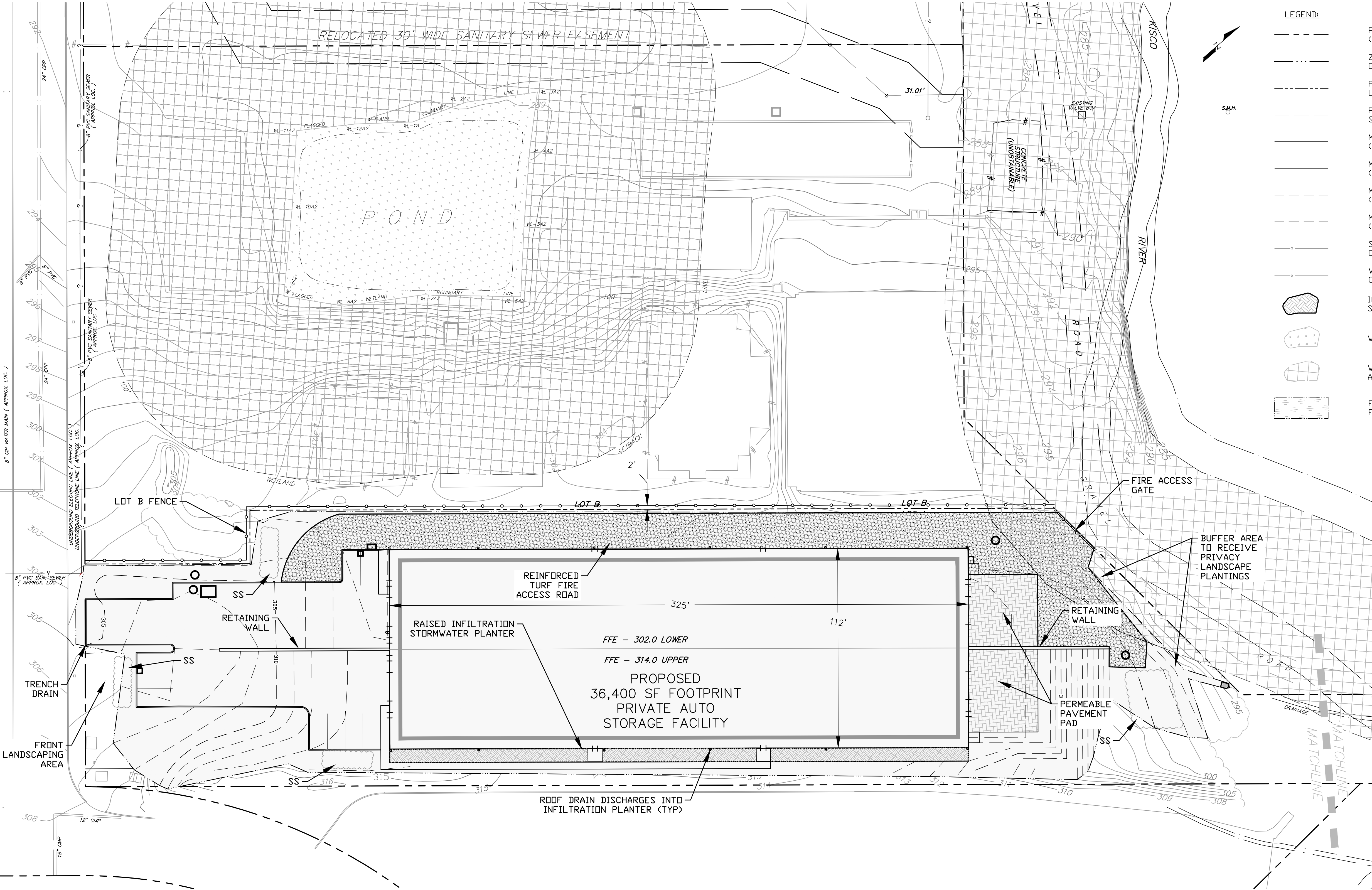
RDX BULK ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED PARCEL A	PROPOSED PARCEL B
MIN. NET LOT AREA	40,000 SF	226,212 SF	111,675 SF	114,536 SF
MAX BLDG COVERAGE	35%	14%	32.6%	N.A.
MAX DEV. COVERAGE	70%	14%	51.4%	N.A.
MIN. LOT WIDTH	100-FT	415.56-FT	125-FT	260.56-FT
MIN. LOT DEPTH	100-FT	493.72-FT	634.28-FT	493.72-FT
SETBACK ABUTTING NON-RESIDENTIAL ZONING DISTRICT				
BLDG SETBACK FRONT	30-FT	47.7-FT	170.8-FT	N.A.
BLDG SETBACK REAR	50-FT	-9.9-FT	N.A.	N.A.
BLDG SETBACK SIDE	20-FT	50.8-FT	20.7-FT	N.A.
BLDG HEIGHT	40-FT	N.A.	38.5-FT	N.A.
BUFFER FRONT	20-FT	20-FT	30-FT	N.A.
BUFFER REAR	20-FT	0-FT	N.A.	N.A.
BUFFER SIDE	20-FT	20-FT	20.7-FT	N.A.

NET LOT AREA CALCULATION

		EXISTING	PROPOSED PARCEL A	PROPOSED PARCEL B
A	GROSS LOT AREA	5,716 AC. 249,000 SF	2,670 AC. 116,300 SF	3,046 AC. 132,700 SF
B	VERY STEEP SLOPES >25%	16,037 SF	4,991 SF	11,046 SF
C	STEEP SLOPES 20-25%	4,465 SF	2,895 SF	1,570 SF
D	50% OF LINE B	8,019 SF	2,496 SF	5,523 SF
E	25% OF LINE C	1,116 SF	724 SF	393 SF
F	WETLANDS	2,833 SF	0 SF	2,833 SF
G	SURFACE WATER FEATURES	12,236 SF	1,405 SF	10,831 SF
H	50% OF LINE F	1,417 SF	0 SF	1,417 SF
I	100% LINE G	12,236 SF	1,405 SF	10,831 SF
J	NET AREA (LINE A MINUS D,E,H,& I)	226,212 SF	111,675 SF	114,536 SF

- NOTES:
- LOT B IS TO REMAIN UNDEVELOPED UNTIL SUCH TIME THE SITE IS REMEDIATED.
 - LOT B REMEDIATION WILL REQUIRE THE DEMOLITION AND REMOVAL OF ALL STRUCTURES INCLUDING THOSE CURRENTLY WITHIN THE PROPOSED LOT B SETBACK.
 - REQUIRED PARKING - LOT A WILL BE DEVELOPED AS AN INDOOR AUTO STORAGE FACILITY, AN APPROVED USE IN THE RDX ZONE. INDOOR AUTO STORAGE IS NOT SPECIFIED IN ATTACHMENT 110-2 MINIMUM OFF-STREET PARKING REGULATIONS. THE PLANNING BOARD WILL DETERMINE THE APPROPRIATE PARKING STANDARDS FOR THIS SITE IN ACCORDANCE WITH TOWN CODE SECTION 110-28-K(2).
 - ANY CHANGE OF USE OR INTENSITY SHALL REQUIRE THE APPROVAL OF THE PLANNING BOARD AS DETERMINED BY THE BUILDING INSPECTOR.
 - THERE WILL BE NO EXTERIOR REFUSE CONTAINERS.
 - FEMA 500-YR FLOOD PLAIN ONLY EXTENDS ONTO THE PROPOSED LOT A NEAR THE INTERSECTION OF LEXINGTON AVE. THE FULL EXTENT OF THE FLOOD PLAIN IS NOT DEPICTED, ONLY WHERE IT IS PRESENT ON LOT A.

- UTILITY NOTES:
- LOCATION OF WATER, SEWER, AND POWER CONNECTIONS ARE CONCEPTUAL ONLY. FINAL LOCATION TO BE DETERMINED BY BUILDING ARCHITECTURAL PLANS



MAP REFERENCE: BASE SURVEY BY H. STANLEY JOHNSON AND COMPANY LAND SURVEYORS, P.C. JAN 2014.
WETLAND DELINEATION BY TIM MILLER AND ASSOCIATES, AUGUST 23, 2019. SURVEYED BY H. STANLEY JOHNSON AND COMPANY APRIL 23, 2020 AND JAN, 2021



UNAUTHORIZED ALTERATION OR ADDITION TO THIS DRAWING IS A VIOLATION OF SECTION 7209, SUBDIVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

NO.	DATE	RECORD OF WORK	DRN	OKD	APPR
1	5/16/2019	REVISIONS PER TOWN ENGINEER COMMENTS	TAS	MPM	MPM
2	2/07/2020	REVISED LOT LINE BASED ON MARSSIM SURVEY	TAS	MPM	MPM
3	4/21/2020	REVISIONS PER VILLAGE PLANNER COMMENTS	TAS	MPM	MPM
4	4/24/2020	REVISED WETLANDS BOUNDARY	TAS	MPM	MPM
5	05/05/2020	REVISED BULK TABLE PER SURVEYOR REVISIONS	TAS	MPM	MPM
6	8/31/2020	REVISIONS PER MAY 7&8 COMMENT LETTERS.	TAS	MPM	MPM
7	2/24/2021	REVISIONS PER MKFD LETTER.	TAS	MPM	MPM
8	8/23/2021	REVISED FIRE ACCESS ROAD	TAS	MPM	MPM
9	10/15/2021	REVISED FIRE ACCESS ROAD ALIGNMENT	TAS	MPM	MPM

PROJECT
PROJ. ENGR.: MPM
PROJ. NO.: 2018-39
PREPARED BY: TAS
DRAFTED BY: TAS
CHECKED BY:
APPROVED BY:
DATUM: NAD83
CONTOUR INTERVAL = 1' FEET
0 7.5' 15' 30' 60'
1" = 30'

2 MORGAN DRIVE SUBDIVISION & LOT-A SITE PLAN
PROPOSED SITE PLAN - LOT A
RADIO CITY VENTURES, LLC
2 MORGAN DRIVE
VILLAGE OF MOUNT KISCO WESTCHESTER CO., NEW YORK

STERLING

Sterling Environmental Engineering, P.C.
24 Wade Road • Latham, New York 12110

DATE: 02/15/2019 SCALE: 1" = 30' DWG. NO. 2018-39006 SHEET 2 OF 13

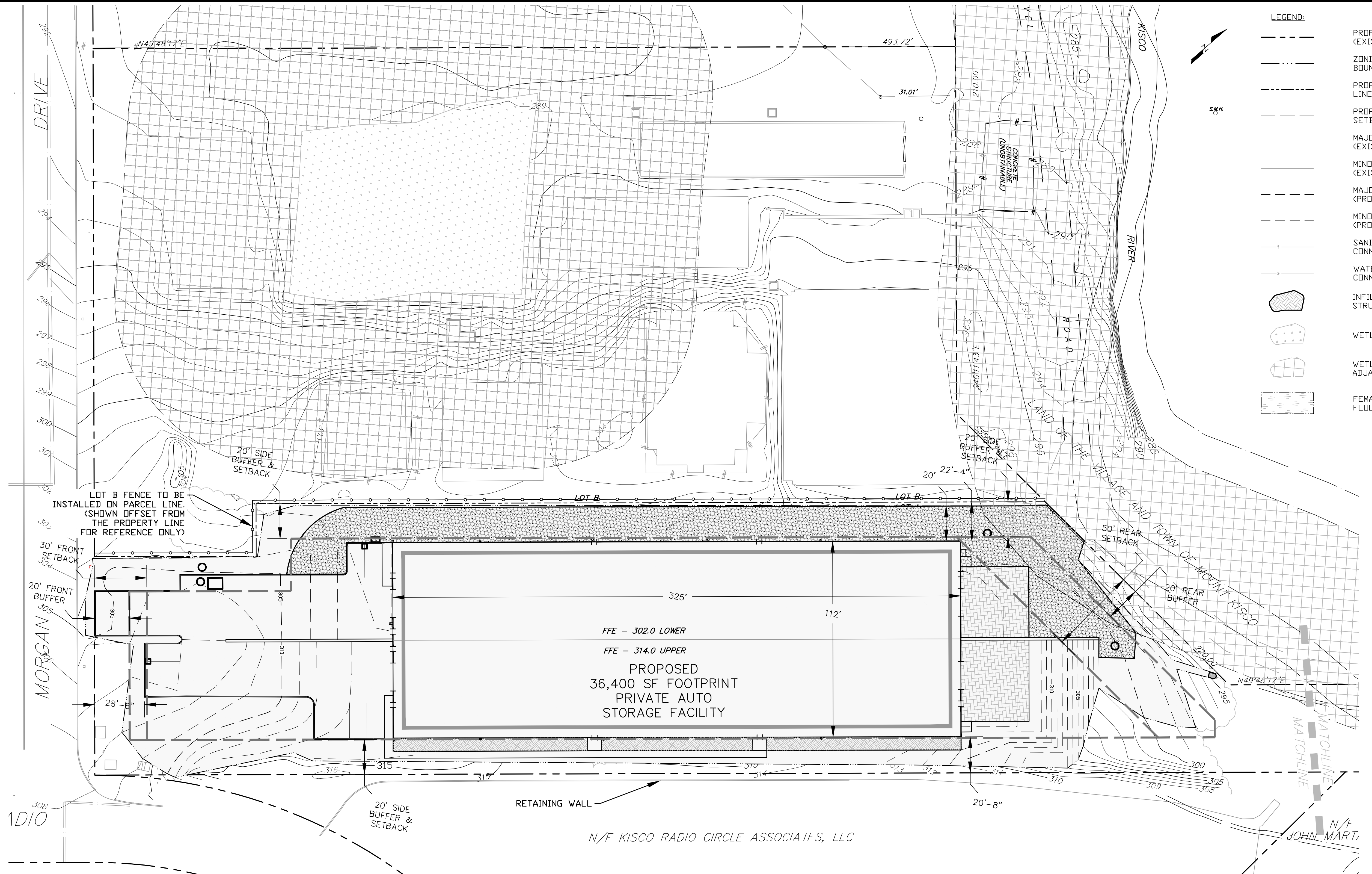
OWNER:
RADIO CITY VENTURES, LLC
90 GROVE STREET, RIDGEFIELD, CT 06877

RDX BULK ZONING REQUIREMENTS	REQUIRED	EXISTING	PROPOSED PARCEL A	PROPOSED PARCEL B
MIN. NET LOT AREA	40,000 SF	226,212 SF	111,675 SF	114,536 SF
MAX BLDG COVERAGE	35%	14%	32.6%	N.A.
MAX DEV. COVERAGE	70%	14%	51.4%	N.A.
MIN. LOT WIDTH	100-FT	415.56-FT	125-FT	260.56-FT
MIN. LOT DEPTH	100-FT	493.72-FT	634.28-FT	493.72-FT
SETBACK ABUTTING NON-RESIDENTIAL ZONING DISTRICT				
BLDG SETBACK FRONT	30-FT	47.7-FT	170.8-FT	N.A.
BLDG SETBACK REAR	50-FT	-9.9-FT	N.A.	N.A.
BLDG SETBACK SIDE	20-FT	50.8-FT	20.7-FT	N.A.
BLDG HEIGHT	40-FT	N.A.	38.5-FT	N.A.
BUFFER FRONT	20-FT	20-FT	30-FT	N.A.
BUFFER REAR	20-FT	0-FT	N.A.	N.A.
BUFFER SIDE	20-FT	20-FT	20.7-FT	N.A.

		EXISTING	PROPOSED PARCEL A	PROPOSED PARCEL B
A	GROSS LOT AREA	5,716 AC. 249,000 SF	2,670 AC. 116,300 SF	3,046 AC. 132,700 SF
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1. LOT B IS TO REMN UNDEVELOPED UNTIL SUCH TIME THE SITE IS REMEDIATED.
2. LOT B REMEDIATION WILL REQUIRE THE DEMOLITION AND REMOVAL OF ALL STRUCTURES INCLUDING THOSE CURRENTLY WITHIN THE PROPOSED LOT B SETBACK.
3. REQUIRED PARKING ON LOT A WILL BE DEVELOPED AS AN INDOOR AUTO STORAGE SPACE FOR AN ABOVE GROUND LOT A ZONE INDOOR AUTO STORAGE. NOT SPECIFIED IN ATTACHMENT 110-2 MINIMUM OFF-STREET PARKING REGULATIONS. THE PLANNING BOARD WILL DETERMINE THE APPROPRIATE PARKING STANDARDS FOR THIS SITE IN ACCORDANCE WITH TOWN CODE SECTION 110-28-K(2).
4. THERE WILL BE NO EXTERIOR REFUSE CONTAINERS.
5. FLOOD HAZARD PLAIN ONLY EXTENDS TO THE PROPOSED LOT A NEAR THE INTERSECTION OF LEXINGTON WHERE THE FULL EXTENT OF THE FLOOD PLAIN IS NOT DEPICTED, UNDO WHERE IT IS ONLY ON LOT A.

1. LOCATION OF WATER, SEWER, AND POWER CONNECTIONS ARE CONCEPTUAL ONLY.
FINAL LOCATION TO BE DETERMINED BY BUILDING ARCHITECTURAL PLANS



MAP REFERENCE: BASE SURVEY BY H. STANLEY JOHNSON AND COMPANY LAND SURVEYORS, P.C. JAN 2014.
WETLAND DELINEATION BY TIM MILLER AND ASSOCIATES, AUGUST 23, 2019. SURVEYED BY H.
STANLEY JOHNSON AND COMPANY APRIL 23, 2020 AND JAN, 2021



UNAUTHORIZED ALTERATION OR ADDITION
TO THIS DRAWING IS A VIOLATION OF
SECTION 7209, SUBDIVISION 2 OF THE
NEW YORK STATE EDUCATION LAW.

[illegible]

PROJECT	
PROJ. ENGR.:	MPM
PROJ. NO.:	2018-39
PREPARED BY:	TAS
DRAFTED BY:	TAS
CHECKED BY:	
APPROVED BY:	
DATUM:	NAD83
CONTOUR INTERVAL =	1' FEET

SETBACKS AND BUFFERS
PROPOSED SITE PLAN - LOT A
RADIO CITY VENTURES, LLC
2 MORGAN DRIVE
VILLAGE OF MOUNT KISCO WESTCHESTER CO., NEW YORK

STERLING

Sterling Environmental Engineering, P.C.
24 Wade Road • Latham, New York 12110

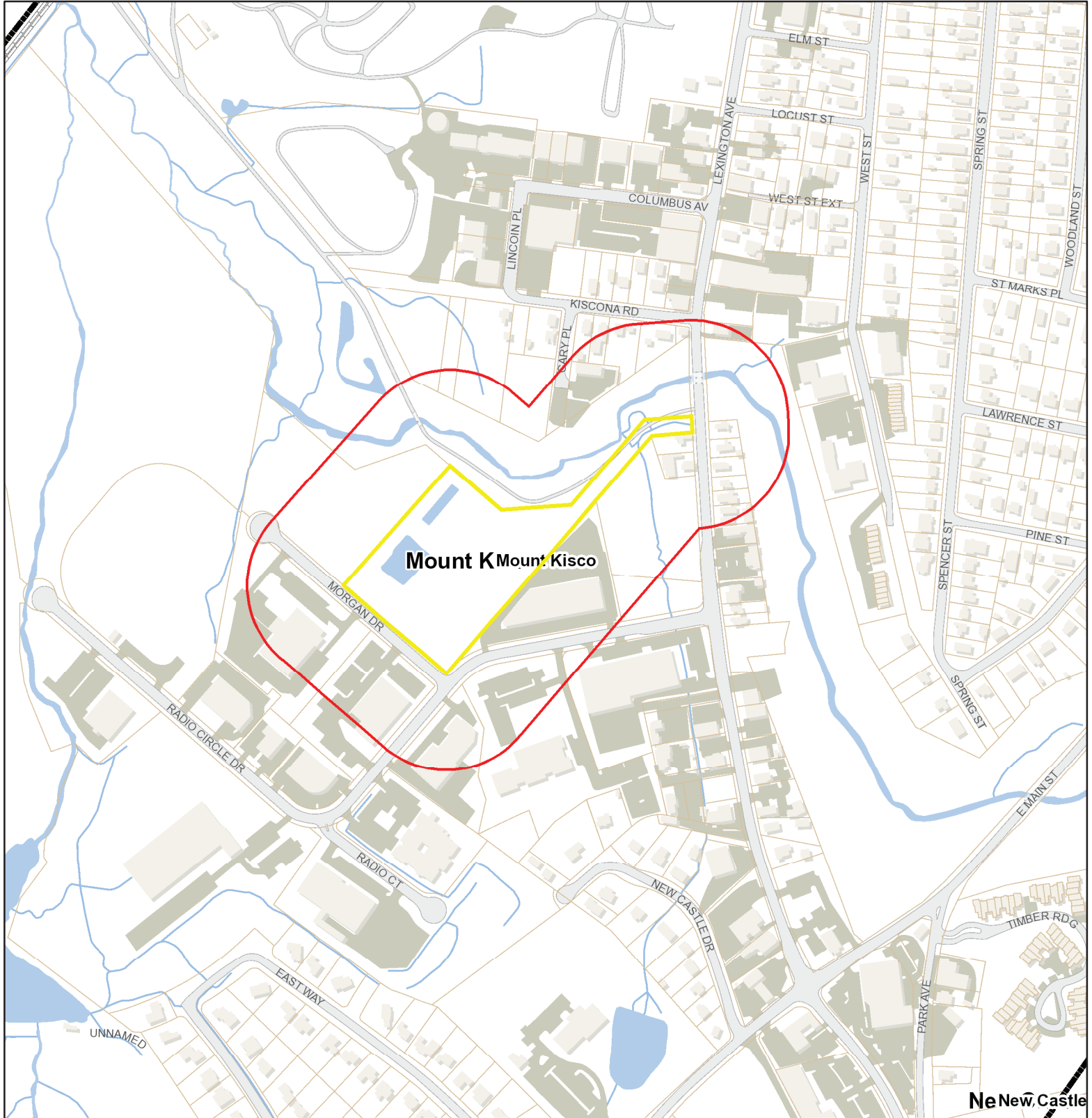
DATE: 11/02/2021	SCALE: 1" = 30'	DWG. NO.2018-39020	SHEET 11 OF 13
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ATTACHMENT 6

**LIST OF AFFECTED PROPERTIES WITHIN 300 FT. RADIUS
AND BLOCK DIAGRAM**

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	c/o	Mailing Address	City	State	Zip
Creme de la Creme (Mt Kisco)	6 Morgan Dr	MOUNT KISCO	10549	80.55-1-2.1/3		6400 S. Fiddler's Green Cir	Greenvillage	CO	80111
Fedele, Felice - Rosaria Fedele	18 Kisona Rd	MOUNT KISCO	10549	80.56-2-4		64 Woodland St	Mt Kisco	NY	10549
Village of Mount Kisco	1 Lexington Ave	MOUNT KISCO	10549	80.55-1-2.2		104 Main Street	Mt Kisco	NY	10549
Cosentino Joseph C	22 Kisona Rd	MOUNT KISCO	10549	80.56-2-3		64 Boltis Street	Mt Kisco	NY	10549
Lopez Diaz Manuel	411 Lexington Ave	MOUNT KISCO	10549	80.56-5-3					
Holohan, Donal	421 Lexington Ave	MOUNT KISCO	10549	80.56-5-4					
Cambareri Antonio - Carmela Cambareri	431 Lexington Ave	MOUNT KISCO	10549	80.56-5-6		16 Lawrence Street	Mt Kisco	NY	10549
244 West Street LLC	234 West St	MOUNT KISCO	10549	80.48-4-14		POB 189	Bedford Hills	NY	10507
United States Postal Service	3 Morgan Dr	MOUNT KISCO	10549	80.55-1-2.1/2		160 Inverness Drive	Englewood	CO	80112
Lesjac Realty LLC	83 Radio Circle Dr	MOUNT KISCO	10549	80.63-1-5	Doug Borck	1 Ivy Hill Road	Chappaqua	NY	10514
Village of Mount Kisco	Kisona & Winyam	MOUNT KISCO	10549	80.55-2-1		104 Main Street	Mt Kisco	NY	10549
440 Lexington Ave Mt Kisco Co	434 Lexington Ave	MOUNT KISCO	10549	80.56-6-4		27 Radio Circle Drive	Mt Kisco	NY	10549
Mendelson, Mark - Gabriel Mendelson	385 Lexington Ave	MOUNT KISCO	10549	80.48-4-15					
Kisco Radio Circle Assoc., LLC	40 Radio Circle Dr	MOUNT KISCO	10549	80.56-6-5		POB 266	Nanuet	NY	10594
Village of Mount Kisco - Tina Fisher	634 Main St	MOUNT KISCO	10549	80.64-2-6					
Rosemar Development LLC	42 Kisona Rd	MOUNT KISCO	10549	80.56-1-1	Francisco Rivera	476 Timpson Place	Bronx	NY	10455
Diblasio, Yvonne	402 Lexington Ave	MOUNT KISCO	10549	80.56-6-1	Yvonne Klotz	40 Crescet Terrace	Bedford	NY	10507
Bueti, Antonino - Lina Bueti	408 Lexington Ave	MOUNT KISCO	10549	80.56-6-2		40 New Castle Drive	Mt Kisco	NY	10549
Rosemar Development LLC	42 Kisona Rd	MOUNT KISCO	10549	80.56-1-2	Francisco Rivera	476 Timpson Place	Bronx	NY	10455
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Cambareri, Carmelo - Maria Cambareri	370 Lexington Ave	MOUNT KISCO	10549	80.56-2-6		42 Woodland Street	Mt Kisco	NY	10549
Radio City Ventures, LLC - Richard F Breck, Member	2 Morgan Dr	MOUNT KISCO	10549	80.55-1-2.1/4	NA				
27 Radio Circle LLC	27 Radio Circle Dr	MOUNT KISCO	10549	80.64-1-2	Mre Mgmt Corp				
26 Kisona Road Corp	26 Kisona Rd	MOUNT KISCO	10549	80.56-2-2					
Burns George - George Burns Rev Lvng Trst	21 Cary Pl	MOUNT KISCO	10549	80.56-2-1	Reliable				
Ursino, Vittorio - Giovanna Ursino	8 Kisona Rd	MOUNT KISCO	10549	80.56-2-5		12 Kisona Rd	Mt Kisco	NY	10549
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Akt One Realty LLC	1 Morgan Dr	MOUNT KISCO	10549	80.55-1-2.1/1	Vanguard Investors	501 5th Avenue, STE 704	New York	NY	10017
TMD Rattner LLC	37 Radio Circle Dr	MOUNT KISCO	10549	80.64-1-1		13403 Northwest Fwy	Houston	TX	77040
Randazzo Frank - Margaret Randazzo	403 Lexington Ave	MOUNT KISCO	10549	80.56-5-1					
Cambareri Antonio - Carmela Cambareri	427 Lexington Ave	MOUNT KISCO	10549	80.56-5-5		16 Lawrence Street	Mt Kisco	NY	10549

2 Morgan Dr. ID: 80.55-1-2.1/4 (Mount Kisco)



November 19, 2021

1:5,000

0 240 480 960
ft

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.



Westchester County GIS

GIS Geographic Information Systems

<http://giswww.westchestergov.com>

Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

ATTACHMENT 7

PARCEL DEED

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



520443273DED005U

Westchester County Recording & Endorsement Page

Submitter Information

Name: Court Street Abstract, Inc. Phone: 914-328-6206
Address 1: 99 Court Street Fax: 914-328-6207
Address 2: Email: vgyug@courtstabstract.com
City/State/Zip: White Plains NY 10601 Reference for Submitter: Sanctuary Ventures

Document Details

Control Number: **520443273** Document Type: **Deed (DED)**
Package ID: 2012021300120001001 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: SANCTUARY VENTURES LLC - Other
2:

2nd PARTY

1: RADIO CITY VENTURES LLC - Other
2:

Property

☐ Additional Properties on Continuation page

Street Address: 2 MORGAN DRIVE Tax Designation: 80.55-1-2.1/4
City/Town: MOUNT KISCO Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$20.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
Total Recording Fees Paid: **\$315.00**

Transfer Taxes

Consideration: \$850,000.00
Transfer Tax: \$3,400.00
Mansion Tax: \$0.00
Transfer Tax Number: 39870

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 04/16/2012 at 11:07 AM
Control Number: **520443273**
Witness my hand and official seal

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Charles V. Martabano, Esq.
9 Meekel Street

Katonah, NY 10536

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 16th day of March, in the year 2012

BETWEEN SANCTUARY VENTURES, L.L.C., having an address in care of Krauss Whitting, LLC, 4 Landmark Square, Stamford, Connecticut 06901

party of the first part, and RADIO CITY VENTURES, LLC, having an address in care of Reynolds & Rowella, 90 Grove Street, Suite 101, Ridgefield, Connecticut 06877

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

ten and 00/100 (\$10.00) dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Westchester, Town of Mount Kisco and State of New York as more fully described in Schedule A annexed hereto and made a part hereof.

Being and intended to be the same premises granted to the party of the first part by deed dated June 25, 2003 and recorded on March 19, 2004 as Control #440411207

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Brian L. Schwartz

SANCTUARY VENTURES, L.L.C.
Marylou M. Ferrara

By: Marylou M. Ferrara, as Executrix of the
Estate of Charles E. F. Millard, Manager

Schedule A Description

Title Number **CSA11-05249-W**

Page **1**

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of Mount Kisco, County of Westchester and State of New York, known and designated as Lot Number 3 on a certain map entitled, "Subdivision prepared for Radio Circle Business Park, Inc.", which map was filed in the Westchester County Clerk's Office, Division of Land Records on February 10, 1989 as Map No. 23573.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____, the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

**Bargain and Sale Deed
With Covenants**

Title No.

**SANCTUARY VENTURES, L.L.C.
TO
RADIO CITY VENTURES, LLC**

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of _____, ss:

On the _____ day of _____ in the year _____, before me, the undersigned, personally appeared

_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE

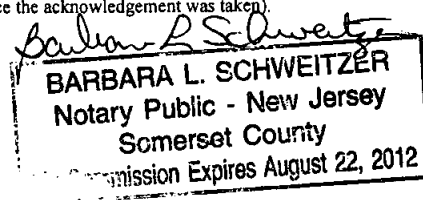
*State of New Jersey, County of Mercer, ss:

*(Or insert District of Columbia, Territory, Possession or Foreign County)

On the 14 day of March in the year 2012, before me Marylou M. Ferrara the undersigned personally appeared

Personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken)



SECTION: 80.55

BLOCK: 1

LOT: 2.1/4

COUNTY OR TOWN: Westchester

RETURN BY MAIL TO:

Charles V. Martabano, Esq.
9 Meekel Street
Katonah, New York 10536

ATTACHMENT 8
LETTER OF SUPPORT

Crème de la Crème_x

CHILD CARE • PRESCHOOL • AFTER SCHOOL

Early Learning Centers Of Excellence_x

October 26, 2021

Dear Chairman Boxer and Members of the Zoning Board of Appeals,

I am the President of Creme de la Creme (Mt. Kisco), Inc., owner of the property known as 6 Morgan Drive, and adjacent to 2 Morgan Drive.

I am writing in connection to the request for a setback waiver or variance from the owner of 2 Morgan Drive, Radio City Ventures LLC. My understanding is that the owner of 2 Morgan Drive has requested a variance for a side yard setback due to a very unique set of circumstances in its application for a subdivision splitting the lot in approximately half so it may proceed with a proposed storage facility. Radio City Ventures seeks to allow an existing structure to remain in place within the setback, due to a mandate from New York State Department of Environmental Conservation. This will have no impact on our property as such structure has existed for many decades without any impact.

We have no objections to this request and support Radio City Venture's endeavor to create a viable piece of property on Morgan Drive.

Creme de la Creme (Mt. Kisco), Inc.

By: 

Bruce T. Karpas, President

Crème de la Crème, Inc

6400 S. Fiddler's Green Circle | Suite 1400 | Greenwood Village, CO 80111 |
(303) 773-6607 Phone | (303) 773-3011 Fax | www.cremedelacreme.com

ATTACHMENT 9

FEE (CHECK)

1157

Thuesen Mechanical Corp

Special Account
345 Lexington Avenue
Mount Kisco, NY 10549

EZShieldSM Check Fraud
Protection for Business

50-1139/219

DATE 11/19/21

PAY
TO THE
ORDER OF

VILLAGE OF MT KISCO

\$ 500⁰⁰

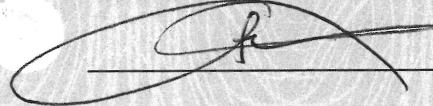
FIVE HUNDRED ⁰⁰/₁₀₀

DOLLARS

TOMPKINS
Mahopac Bank

FOR

2 MORGAN



⑈001157⑈ ⑆021911398⑆ 8320016932⑈

Details on back Security Features



Sterling Environmental Engineering, P.C

December 7, 2021

Mr. Harold Boxer, Chairman
Village of Mt. Kisco
Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Email: planning@mountkisco.ny.gov

RECEIVED

DEC 07 2021

Zoning Board of Appeals
Village/Town of Mount Kisco

Subject: Morgan Drive, Lot 3
Tax Parcel ID 80.55-1-2.1
Application for Area Variance
STERLING File #2018-39

Dear Chairman Boxer and Members of the Board:

To complete the Application for Area Variance submitted on November 23, 2021, attached please find the Public Notice Affidavit of Mailing to property owners within 300 feet of the subject property. The Public Notice was published in the Journal News on December 1, 2021. A copy of the Affidavit of Publication is also attached; with originals to follow by the Journal News directly to the ZBA.

Please contact me should you have any questions.

Very truly yours,

STERLING ENVIRONMENTAL ENGINEERING, P.C.

Mark P. Millspaugh, P.E.
President

mark.millspaugh@sterlingenvironmental.com

MPM/bc
Email/Federal Express
Attachments (Public Notice, Affidavits of Mailing & Publication)

cc: John Bainlardi, Planning Board Chairman
Peter Miley, Code Enforcement Officer
Kevin Young
Richard Breck

S:\Sterling\Projects\2018 Projects\Mt Kisco - Thuesen Mechanical - 2018-39\Correspondence\2021\2021-12-07_ZBA Application for Area Variance-Public Notice & Affidavits_Ltr.docx

"Serving our clients and the environment since 1993"

24 Wade Road ♦ Latham, New York 12110 ♦ Tel: 518-456-4900 ♦ Fax: 518-456-3532
E-mail: sterling@sterlingenvironmental.com ♦ Website: www.sterlingenvironmental.com

AFFIDAVIT OF MAILING

RECEIVED

DEC 07 2021

Zoning Board of Appeals
Village/Town of Mount Kisco

STATE OF NEW YORK

}

}SS.:

COUNTY OF ALBANY

}

Catherine J. Contompasis being duly sworn, deposes and says:

I reside at 1380 Tracy Avenue, Miskayuna, NY 12309

On November 30, 2021 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B. I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Albany.

Catherine J. Contompasis

Sworn to before me on this

2nd day of December 20 21

Beverly Commerford
(Notary Public)

BEVERLY COMMERFORD
Notary Public - State of New York
No. 01CO6175177
Qualified in Albany County
Commission Expires Oct. 9, 20 23

DEC 07 2021

PUBLIC NOTICEZoning Board of Appeals
Village/Town of Mount Kisco

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the **21st** day of **December 2021** beginning at 7:00 PM, or as soon thereafter as the matter may be heard, on the Appeal of **2 Morgan Drive LLC**, 2 Morgan Drive, Mount Kisco, NY 10549, for property located at **2 Morgan Drive**, Mount Kisco, NY 10549, described on the Village Tax Map as Section 80.55 Block 1 Lot 2.1 and located on the north side of Morgan Drive in a Research and Development (RDX) Zoning District.

The meeting will be held in a hybrid format, with the public able to participate in person at the Municipal Building, 104 Main Street, Mount Kisco, New York, or remotely via Zoom videoconferencing and via telephone. The public may participate in the public hearing via Zoom by clicking the following link: <https://us02web.zoom.us/j/82409401749> or by accessing the meeting from the Zoom website using the following Meeting ID and Passcode: Meeting ID: 824 0940 1749 Passcode: 82409401749#, or by telephone at +16465588656, 82409401749# US (New York) using the same Meeting ID and Passcode. The public hearing also will be streamed live on Facebook on the Town/Village's Facebook page, and the public may provide comments during the live stream.

The Applicant is seeking to subdivide a lot into two, but requires variances from § 110-23.C.6 of the Code of the Village/Town of Mount Kisco, which mandates minimum side yard setbacks for buildings of 20 feet, to allow four (4) structures to remain on the site which, upon subdivision, will have setbacks of 18.8-ft, 12.9-ft, 9.60-ft, and 17.1 feet, requiring variances of 1.2-ft, 7.1-ft, 10.4-ft, and 2.9 feet, respectively.

All interested parties are invited to attend and be heard.

Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

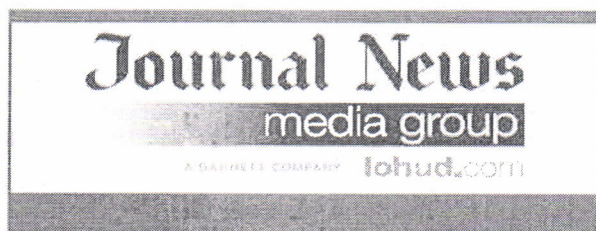
EXHIBIT B

OWN/ERNAME	PROPADDRESS	PROPCITY	PROZIP	PROPPRINTKEY	c/o	Mailing Address	City	State	Zip
Creme de la Creme (Mt Kisco)	6 Morgan Dr	MOUNT KISCO	10549	80.55-1-2.1/3		6400 S. Fiddler's Green Cir	Greenvillage	CO	80111
Fedele, Felice - Rosaria Fedele	18 Kisona Rd	MOUNT KISCO	10549	80.56-2-4		64 Woodland St	Mt Kisco	NY	10549
Village of Mount Kisco	1 Lexington Ave	MOUNT KISCO	10549	80.55-1-2.2		104 Main Street	Mt Kisco	NY	10549
Cosentino Joseph C	22 Kisona Rd	MOUNT KISCO	10549	80.56-2-3		64 Boltis Street	Mt Kisco	NY	10549
Lopez Diaz Manuel	411 Lexington Ave	MOUNT KISCO	10549	80.56-5-3					
Holohan, Donal	421 Lexington Ave	MOUNT KISCO	10549	80.56-5-4					
Cambareri Antonio - Carmela Cambareri	431 Lexington Ave	MOUNT KISCO	10549	80.56-5-6		16 Lawrence Street	Mt Kisco	NY	10549
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Cambareri, Carmelo - Maria Cambareri	370 Lexington Ave	MOUNT KISCO	10549	80.56-2-6		42 Woodland Street	Mt Kisco	NY	10549
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RECEIVED

DEC 07 2021

Zoning Board of Appeals
Village/Town of Mount Kisco



RECEIVED

DEC 07 2021

**AFFIDAVIT OF PUBLICATION
FROM**

**Zoning Board of Appeals
Village/Town of Mount Kisco**

State of Wisconsin
County of Brown, ss.:

On the 3 day of December in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Shelly Hora, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Shelly Hora being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the editions dated below:

Zone:
Westchester

Edition Dates:
12/01/2021

Signature

Sworn to before me, this 3 day of December, 2021

Kathleen Allen
Notary Public, State of Wisconsin, County of Brown

KATHLEEN ALLEN
Notary Public
State of Wisconsin

1-7-25
My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Talmun, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005024945

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 21st day of December 2021 beginning at 7:00 PM, or as soon thereafter as the matter may be heard, on the Appeal of 2 Morgan Drive LLC, 2 Morgan Drive, Mount Kisco, NY 10549, for property located at 2 Morgan Drive, Mount Kisco, NY 10549, described on the Village Tax Map as Section 80.55 Block 1 Lot 2.1 and located on the north side of Morgan Drive in a Research and Development (RDX) Zoning District.

The meeting will be held in a hybrid format, with the public able to participate in person at the Municipal Building, 104 Main Street, Mount Kisco, New York, or remotely via Zoom videoconferencing and via telephone. The public may participate in the public hearing via Zoom by clicking the following link: <https://us02web.zoom.us/j/82409401749> or by accessing the meeting from the Zoom website using the following Meeting ID and Passcode: Meeting ID: 824 0940 1749 Passcode: 82409401749# or by telephone at +16465580656, 82409401749# US (New York) using the same Meeting ID and Passcode. The public hearing also will be streamed live on Facebook on the Town/Village's Facebook page, and the public may provide comments during the live stream.

The Applicant is seeking to subdivide a lot into two, but requires variances from § 110-23.C.6 of the Code of the Village/Town of Mount Kisco, which mandates minimum side yard setbacks for buildings of 20 feet, to allow four (4) structures to remain on the site which, upon subdivision, will have setbacks of 18.8-ft, 12.9-ft, 9.60-ft, and 17.1 feet, requiring variances of 1.2-ft, 7.1-ft, 10.4-ft, and 2.9 feet, respectively.

All interested parties are invited to attend and be heard.

Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

5024945

RECEIVED

DEC 13 2021

Zoning Board of Appeals
Village/Town of Mount Kisco

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING

Gilmar Palacios Chin, being duly sworn, says that on the 13th day of December 2021, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

X

Public Library
100 Main Street

X

Fox Center

X

Justice Court – Green Street
40 Green Street

X

Mt. Kisco Ambulance Corp
310 Lexington Ave


X

Carpenter Avenue Community House
200 Carpenter Avenue

X

Leonard Park Multi Purpose Bldg

X


Gilmar Palacios Chin

Sworn to before me this 13th day of December 2021


Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022



**ZARIN &
STEINMETZ**

Kory Salomone •
ksalomone@zarin-steinmetz.com
• Also admitted in CT

September 27, 2021

Via Hand Delivery and Email

Harold Boxer, Chair
Village/Town of Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

RECEIVED

SEP 28 2021

**Zoning Board of Appeals
Village/Town of Mount Kisco**

**Re: 215 Lexington Avenue
Parcel Id. # 80.32-4-6**

Honorable Vice-Chair and Members of the Board:

I. INTRODUCTION

This firm represents the Bagnato 205 Lexington Ave Corp ("Applicant"), owner of the property located at 215 Lexington Avenue, Mount Kisco, New York ("Subject Property") in connection with this area variance application. We initially appeared before your Board on May 18th and again on June 15th. As you will recall, on March 9, 2021, the Applicant received site plan approval from the Planning Board for the renovation of a mixed-use building, construction of three attached townhouses, and related site improvements. Pursuant to that resolution of approval the Applicant was required to satisfy several conditions, including obtaining area variances from your Board. Based on discussions that we had with your Board on May 18th and June 15th, certain plan revisions were suggested, triggering the need for amended site plan approval.

Accordingly, the Applicant submitted revised plans to the Planning Board on June 22, 2021, and appeared before the Planning Board on July 13th, August 10th, and September 14th. At the conclusion of the September 14th meeting, the Planning Board granted amended site plan

approval. A copy of the Planning Board resolution of approval is attached hereto as **Exhibit A**. The purpose of this letter is to transmit a revised area variance application and to request placement on your October 19, 2021 agenda.

II. SUBJECT PROPERTY

The Subject Property is located at 215 Lexington Avenue and is identified on the Tax Assessment map of the Town/Village of Mount Kisco as Tax Parcel # 80.32-4-6. The site is located in the CN Neighborhood Commercial Zoning District, which permits residences above commercial retail and townhomes as principal permitted uses.

The Subject Property is approximately 0.26 acres and is currently improved with a roughly 4,315 s.f. four-family mixed use building, which contains a retail store on the ground floor and four apartments above. Just south of the existing mixed-use building is a small, previously approved, parking area.

III. PROPOSED DEVELOPMENT AND PRIOR DISCUSSIONS WITH THE ZBA

As you know, the Applicant is proposing to retain the mixed-use building in its current location and to add three new attached townhomes with parking for both the townhomes and the mixed-use building on the rear of the property. The exterior finishes of the proposed townhomes and the existing mixed-use building will be identical. This proposal also includes improvements to the sidewalk, curbing, landscaping, elimination of all curb cuts on Lexington Avenue and restoration of 3 on-street parking spaces.

During our discussions at the May 18th ZBA meeting, it became clear that your board was generally comfortable with all the variances except the request for an 8-space parking variance. At the conclusion of the May 18th meeting, you requested that we prepare a plan adding additional parking spaces, thereby reducing the parking variance requested.

Accordingly, on June 15th, we presented a plan that increased the number of parking spaces provided to 12, thereby reducing the variance needed from 8 spaces to 6 spaces. In order to provide these additional spaces, the proposed townhomes were pushed 2.5 ft. closer to Lexington Avenue and 188 s.f. of "green" space was eliminated. After discussing this plan, your Board noted its comfort in granting a parking variance of 6 spaces, subject to receipt of amended site plan approval from the Planning Board.

In addition to the revised parking layout, your Board also requested that we remove the covered walkway between the buildings. By removing the covering to the walkway, we reduce the total building coverage and eliminate the need for a variance from the building coverage requirement.

IV. AMENDED SITE PLAN APPROVAL

The revisions made to the plans, based on our discussions with your Board, include:

- (i) an increase in the number of parking spaces from 10 to 12;
- (ii) the relocation of the proposed townhomes 2.5 feet closer to Lexington Avenue;
- (iii) the elimination 188 s.f. of “green” space; and
- (iv) the elimination of the covered walkway between the existing building and proposed townhomes.

In order to address these plan revisions, pursuant to § 110-45(C)(6) of the Mount Kisco Zoning Code, we submitted an application for amended site plan approval to the Planning Board. In support of that application and this area variance application, enclosed herewith please find the “Existing Conditions, Demolition & Layout Plan”, prepared by Alfonzetti Engineering P.C., dated June 8, 2020, Revised September 23, 2021. As stated above, based on the revised layout plan, the Planning Board granted amended site plan approval on September 14, 2021.

V. ZONING REQUIREMENTS AND NEED FOR AN AREA VARIANCE

The Subject Property is located in the CN Neighborhood Commercial Zoning District. Pursuant to § 110-18(A), “[t]he CN District is intended to provide for a mix of residential and highly restricted commercial uses.” Permitted uses in the CN district include residences above stores (*see* § 110-18(B)(1)(h)) and townhouses (*See* § 110-18(B)(1)(k)). As shown on the zoning compliance chart on the Layout Plan enclosed herewith, the following variances are required:

1. Front Yard Setback: Pursuant to § 110-18(C)(7), the required front yard setback in the CN zone is 20 feet. In this case, the Applicant is proposing a front yard setback of 3.0 feet. Therefore, a variance of 17 feet is required.
2. Parking Aisle Width: Pursuant to Chapter 110 – Attachment 1 Parking Facility Standards, the required aisle width for parking spaces at 90 degrees is 25 feet. The aisle width provided ranges from 19.2 feet to 22.9 feet. Accordingly, a 5.8 feet drive aisle width variance is necessary.
3. Parking: Pursuant to Chapter 110 Attachment 2, a total of 18¹ parking spaces are required for the proposed development.
 - 6.75 spaces for the new townhouses (2 per unit and .75 guests)
 - 9 for existing four family (2 per unit and 1 for guests)(4 spaces have been credited for the existing two-family dwelling.
 - 6 spaces for the 1,200 s.f. retail store (1 per each 200 s.f.)

In this case, 12 parking spaces are being provided. Therefore, a variance for 6 spaces is required.

¹ Please note that the Applicant has received a credit of four (4) parking spaces for the previously existing 2-family house.

4. Development Coverage: Pursuant to § 110-18(C)(7)(b)(3), the maximum development coverage is 65%. The proposed development coverage is 80.9%. Accordingly, a variance of 15.9% is required.

VI. STANDARDS FOR GRANTING AN AREA VARIANCE

A. Statutory Provisions: New York State Town Law § 267-B(3) and New York State Village Law § 7-712(B)(3): These sections of the State’s Town and Village Law provide the framework and statutory underpinning for the Zoning Board’s review of area variances. These sections provide as follows:

“3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

B. Application of Area Variance Standards to the Present Application:

1. Overall Standard: The overall standard that governs the Zoning Board’s review of area variances is a balancing test set forth in Town Law § 267-B(3) and Village Law § 7-712(B)(3). This standard requires the Zoning Board of Appeals to balance “...the benefit to

the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.” The State statute then provides the Zoning Board with five specific considerations to take into account in evaluating the balancing test set forth above.

It is respectfully submitted that the granting of these variances will not be a detriment to the health, safety, and welfare of the neighborhood or community, but it will be a great benefit to the Applicants.

On balance, and for the reasons set forth below, we feel that the Applicant is entitled to the requested variance.

2. Specific Standards for Zoning Board Review:

a. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:*

It is respectfully submitted that the granting of the requested area variances will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The Subject Property is located in the CN zoning district. The stated intent of the CN district is “to provide for a mix of residential and highly restricted commercial uses.” Further, in 2019, the zoning code was amended to include townhouses as a principal permitted use. In this case, the Applicant is renovating the exterior of the existing structure, which contains retail on the first floor with apartments above and proposing three new 2-bedroom townhomes. This development proposal is in keeping with intent and character of the CN district.

First, with respect to the front yard setback, the proposed development is in keeping with the character of the surrounding neighborhood. To the north are multi-family houses that are built right up to the sidewalk. In this case, the proposed setback is in keeping with the surrounding properties and will not result in an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

Second, the deficient parking aisle width will not result in an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties.

Third, the development proposal requires a total of 18 parking spaces and 12 are being provided. The need for parking in this area is mitigated by the fact that the Subject Property is within walking distance to public transportation; the train station is just over one-half mile away and the nearest bus stop is approximately one quarter mile away. Further, the Subject Property is within walking distance to the downtown area. Finally, for foregoing reasons, the Applicant is willing contractually limit the number of cars that a tenant can have to one per residential unit.

Fourth, with respect to development coverage, it is respectfully submitted that the additional development coverage over what is allowable will have a positive impact on the character of the community and be a benefit to neighboring properties. The addition of three new townhouses, the exterior renovations to the existing structure, and the restoration of sidewalk, curbing, and landscaping will create a beautiful and cohesive street scape that will benefit not only the applicant, but also the entire neighborhood.

For the foregoing reasons, the granting of the requested variances will not result in a change in the character of the neighborhood or be a detriment to nearby properties.

b. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:*

It is respectfully submitted that in order to re-develop the Subject Property incorporating the existing building into the townhouse design and create a cohesive street scape, there is no feasible alternative to pursue other than the area variances.

c. *Whether the requested area variance is substantial:*

- i. **Minimum Front Yard Setback:** As stated above, the minimum front yard setback requirement is 20 feet. Currently, the existing building has a front yard setback of 0.5 feet. This is considered a pre-existing legal non-conformity. The proposed front yard setback for the new townhouses is 3 feet, a deficiency of 17 feet. It is respectfully submitted that the proposed setback is in keeping with the character of the properties to the north and south of the subject property. As you can see on our plans, the townhouse buildings were placed so as to line up with the building on the adjoining property. To set the townhomes back further would create an undesirable "sawtooth" effect.
- ii. **Aisle Width:** It is respectfully submitted that the requested variance from the minimum aisle width is not substantial. The required parking aisle width is 25 feet. In this case, the parking the aisle width ranges from 19.2 feet to 22.9 feet. Accordingly, a variance of 5.8 feet is required.
- iii. **Required Number of Parking Spaces:** Pursuant to Chapter 110 Attachment 2, the development proposal requires a total of 18 parking spaces and 12 are being provided. While this requested variance represents a 33% reduction in the parking that is required, there are extenuating circumstances that mitigate any impacts associated with the granting of the variance. As stated above, the need for parking in this area is alleviated by the fact that the Subject Property is within in walking distance to public transportation; the train station is just over one-half mile away and the nearest bus stop is just over a quarter mile away. Further, the Subject Property is within walking distance to the downtown area. Finally, for foregoing reasons, the Applicant is willing contractually limit the number of cars that a tenant can have to one per residential unit.

- iv. Maximum Development Coverage: Pursuant to § 110-18(C)(7)(b)(3), the maximum development coverage is 65%. The Applicant is seeking a development coverage of 81.7%, which requires a 16.7% maximum development coverage variance. It is respectfully submitted that this is not a substantial variance.

d. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district:*

It is respectfully submitted that the requested variance will have no adverse effect or impact on the physical or environmental condition in the neighborhood or district.

e. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance:*

It is respectfully submitted that the alleged difficulty was not self-created. The re-development of the Subject Property is being driven by the location of the existing building, the neighboring building to the south, and the desire to create a cohesive street scape that blends into the surrounding neighborhood. It should be noted that pursuant to both the State Statute and case law, this criterion shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Based on the foregoing, a balancing of all the factors supports the granting of the requested variance. There will be a significant benefit to the Applicant if the requested variance is granted with no harm to the neighboring properties. Therefore, the interests of justice will clearly be served by the granting of the area variance.

3. Application of Balancing Tests: The standard that the Zoning Board of Appeals must use in evaluating this request for an area variance is the benefit to the Applicant if the variance is granted, compared to any detriment to the health, safety and welfare of the neighborhood or community created by such grant. In this case, there will be no detriment to the health, safety and welfare of the neighborhood, while the benefit to the Applicant is significant.

VII. CONCLUSION

The analysis of the specific factors set forth above clearly demonstrates that the benefit to the Applicant outweighs any detriment to the health, safety and welfare of the neighborhood. For all of the foregoing reasons, it is respectfully requested that the variances sought herein be granted.

Please place this matter on the Zoning Board of Appeals' October 19, 2021 meeting agenda and advise if any additional information is required.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Kory Salomone

EXHIBIT A

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

RECEIVED

**SITE PLAN APPROVAL
CHANGE OF USE PERMIT
215 LEXINGTON AVENUE**

SEP 15 2021

**Mount Kisco
Office of the Village Clerk**

**Sheet 80.32, Block 4, Lot 6
Cal #2016-0328**

September 14, 2021

WHEREAS, the subject property consists of ± 0.26 acre of land and is located at 215 Lexington Avenue within the Neighborhood Commercial (CN) Zoning District; and

WHEREAS, the subject property is located on the corner of Lexington Avenue and Maplewood Drive; and

WHEREAS, the subject property is owned by Bagnato 205 Lexington Avenue Corp. ("the applicant"); and

WHEREAS, the subject property is developed with a unlawful, dimensionally noncomplying three-story (4-family) apartment building with $\pm 1,200$ s.f. of commercial use on the ground floor and an attached 1-story commercial building located immediately to its south; an existing non-complying parking area is located adjacent to Lexington Avenue and consists of six (6) perpendicular spaces; and

WHEREAS, a residence and garage had been located on the subject parcel but have since been demolished and removed; and

WHEREAS, the applicant is proposing the legalization and exterior renovation of the existing 4-family apartment building and the construction of three (3) new townhomes to be located along Lexington Avenue; an off-street parking area is proposed to the rear of the building, with access from Maplewood Drive ("the proposed action"); and

WHEREAS, the proposed action includes landscaping, lighting, installation of accessible parking, the increase of greenspace along Maplewood Drive, the installation of street trees, and the ability to provide three (3) new on-street parking spaces on Lexington Avenue; and

WHEREAS, on March 9, 2021, the Planning Board issued a Negative Declaration of Significance and granted Site Plan Approval and a Change of Use Permit, subject to conditions; and

WHEREAS, Condition #1 of the approving resolution required the applicant to obtain all outside agency approvals, including certain area variances from the Zoning Board of Appeals; and

WHEREAS, the applicant appeared before the Zoning Board of Appeals and, as a result of their review, the applicant has made the following adjustments to the previously approved site plan:

1. The modified plan increases the number of parking spaces for 10 to 12 spaces; the configuration of the parking spaces has been adjusted; and
2. The location of the proposed townhomes has shifted toward Lexington Avenue by 2.5 feet; and
3. As a result of Items #1 and #2 above, the amount of greenspace has been decreased by 188 s.f.; and
4. The covered walkway has been eliminated and, therefore, a building coverage variance is no longer required.

WHEREAS, reference is made to a letter prepared by the applicant's Attorney, Zarin & Steinmetz, dated June 22, 2021; and

WHEREAS, according to the applicant, while the Zoning Board of Appeals did not act on the requested variances, the Zoning Board indicated that the plan changes described above would satisfy its concerns and would be viewed favorably when compared to the original proposal; and

WHEREAS, following its appearance before the Zoning Board, the applicant modified the site plan drawings to address comments provided by the Zoning Board of Appeals and re-applied to the Planning Board for amended site plan approval; and

WHEREAS, the applicant reviewed the amended site plan and associated revisions with the Planning Board at the Board's July 13, 2021 meeting; and

WHEREAS, reference is made to the following drawings prepared by Federico Associates, dated (last revised) June 22, 2021:

- Streetscape Elevations Lexington Ave (A1)
- Streetscape Elevations Maplewood Ave (A2)

- Rear & Right Elevations (East & South) (A3)
- Ground Floor/Basement Plans (A4)
- First Floor Plans (A5)
- Second Floor Plans (A6)

WHEREAS, reference is made to review memoranda prepared by the Building Inspector, Village Planner, and Village Engineer of various dates; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review was not conducted; and

WHEREAS, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants site plan approval and approves the following plans (hereafter referred to as "the approved plans"), subject to the below conditions:

1. The following plans, prepared by Alfonzetti Engineering, P.C., dated (last revised) June 15, 2021
 - Existing Conditions, Demolition and Layout Plan
 - Proposed Grading and Utility Plan
 - Erosion Control & Green Areas Plan
 - Site Details
 - Turning Radius Study Plan
2. Lighting Plan, prepared by e-conolight, signed by Ralph Alfonzetti, P.E., dated (last revised) June 15, 2021
3. Landscape Plan, prepared by Stephen Lopez, AICP, RLA, dated November 16, 2020; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants a waiver to permit permanent encroachments into the landscape buffer, as shown on the approved plans referenced herein; and

BE IT FURTHER RESOLVED THAT, in accordance with Section 110-38 of the Zoning Code, the Planning Board hereby grants a Change of Use Permit; and

BE IT FURTHER RESOLVED THAT, unless extended by the Planning Board within 6-months of the filing of this resolution, Conditions #1 – #7 shall be satisfied prior to the signing of the approved plans by the Planning Board Chairman. Construction shall commence within six (6) months of the date of this Resolution and all remaining conditions contained herein shall be satisfied within one (1) year of commencement of construction.

Conditions to be Satisfied Prior to the Signing of the Approved Plans:

1. Prior to the signing of the approved plans, it is the applicant's responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals shall be submitted to the Planning Board and the Building Department. In the event that such permit(s) require modification to the plans approved herein, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification(s) is substantive and should be returned to the Planning Board for review. The following outside agency permits/approvals have been identified by the applicant:
 - Area variances from the Village of Mount Kisco Zoning Board of Appeals (ZBA)
 - Village of Mount Kisco Architectural Review Board (ARB)
 - Village of Mount Kisco Department of Public Works (DPW) – to be issued prior to the commencement of work
 - Westchester County Department of Public Works
 - New York City Department of Environmental Protection (NYCDEP) Stormwater Pollution Prevention Plan (SWPPP) approval
 - New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) – to be issued prior to the commencement of work
2. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
3. The landscape plan shall be revised to incorporate the proposed modifications, to the satisfaction of the Village Planner.
4. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.

5. Payment of a recreation fee (3 units) in the amount required by the Village Board's schedule of fees, as applicable.
6. The applicant shall submit a "check set" (4 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
7. The approved plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved plans, signed and sealed by the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman. All plans shall have a common revision date.

Conditions to be Satisfied Prior to Commencement of Any Work:

8. The applicant shall obtain a Building Permit. A Building Permit shall not be issued until the Approved Plans have been signed by the Village staff and the Planning Board Chairman.
9. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
10. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS Licensed Land Surveyor, as determined necessary by the Village Engineer.
11. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector, and Village Engineer.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

12. The owner/applicant shall satisfy the above conditions and the approved plans shall be signed by Village staff and the Planning Board Chairman.
13. A pre-construction meeting shall be conducted with the applicants, contractor, Building Inspector, Village Engineer and Village Planner.
14. The Applicant shall demonstrate that coverage has been obtained under the NYSDEC SPDES General Permit (GP-0-20-001).

Conditions to be Satisfied During Construction:

15. The Village Engineer and Village Planner shall have the right to inspect the property during construction.

16. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.
17. All proposed retaining walls more than four (4) feet in height shall be fully designed by a New York State Licensed Professional Engineer and to the satisfaction of the Building Inspector. Design drawings, details, and calculations shall be submitted to the Village Engineer and Building Inspector for review and approval.
18. All development activities shall be completed in accordance with the Approved Plans, subject to potential, non-substantive "field changes." For any reason, should modification to these plans be deemed necessary, the applicants shall contact the Building Inspector to review same and to determine if Amended Site Plan Approval is required. Any change to the construction details approved as part of the Approved Plans shall be reviewed and approved by the Building Inspector or Village Staff, as applicable.
19. Construction-related exterior lighting, equipment, and generators shall be turned off during non-working hours.
20. Construction activities shall be supervised by a NYS Licensed Professional Engineer.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

21. There shall be no Final Certificate of Occupancy issued, until there is full compliance with the plans approved herein and all conditions of this Resolution.
22. Prior to the issuance of a Final Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall be prepared to the satisfaction of the Village Engineer.
23. Prior to the Issuance of a Final Certificate of Occupancy, all required landscaping Installations shall be completed and inspected by the Village Planner; any plant substitutions shall be approved by the Village Planner prior to being installed.
24. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
25. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Other Conditions:

26. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.
27. The Planning Board is to retain original jurisdiction.
28. The applicant shall be responsible for the installation (material/labor) associated with any Improvements proposed on Village property, including the installation of landscaping, sidewalks, curbing, utilities, and the three (3) on-street parking spaces (if approved by the Village Manager).
29. All aspects regarding use, construction and operations at this site shall be fully compliant with Village Code, covenants, restrictions, and easements, and any other local, state or federal regulations.
30. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan. In the event that landscaping is not maintained to the satisfaction of the Village Engineer and/or Building Inspector, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.
31. No change of use and no expansion or intensification of use shall be permitted without Planning Board approval.
32. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan approval and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan or certificates of occupancy issued in conjunction therewith, null and void.

ADOPTION OF RESOLUTION


WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: JOHN BAINLARDI

The motion was seconded by: MICHAEL BONFORTE

The vote was as follows:

JOHN BAINLARDI	<u>AYE</u>
RALPH VIGLIOTTI	<u>NAY</u>
MICHAEL BONFORTE	<u>AYE</u>
WILLIAM POLESE	<u>AYE</u>
CRYSTAL PICKARD	<u>AYE</u>
BARBARA ROPPOLO	<u>AYE</u>
MICHAEL MCGUIRK	<u>NAY</u>



John Bainlardi, Acting Chairman

September 14, 2021

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
) ss:
COUNTY OF WESTCHESTER)

Village/Town of Mount Kisco
Zoning Board

NOV 04 2021

RECEIVED

Being duly sworn, Tracy A. Russo, hereby deposes and says as follows:

1. I am not party to this action and am over 18 years of age;
2. On November 3, 2021, I served the within Public Notice, via standard mail, addressed to the following people at the last known addresses set forth below:

See attached.

Tracy A. Russo
Tracy A. Russo

Sworn to and subscribed before me
this 4th day of November 2021

Laura McMahon
NOTARY PUBLIC

LAURA MCMAHON
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01MC6017348
QUALIFIED IN ROCKLAND COUNTY
COMMISSION EXPIRES 12/14/2022

NOV 04 2021

PUBLIC NOTICE

RECEIVED

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 16th day of November 2021 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Bagnato 205 Lexington Avenue Corp c/o The Crecco Companies, 871 Commerce Street, Thornwood, New York 10594 from the decision of Peter J. Miley, Building Inspector, dated July 7, 2021 denying the application dated to permit the renovation of an existing structure and the construction of three new townhouses with associated parking and landscaping.

The property involved is known as 215 Lexington Avenue, Mount Kisco, New York and described on the Village Tax Map as Section 80.32 Block 4 Lot 6 and is located on the east side of Lexington Avenue in a CN Neighborhood Commercial Zoning District. Said Appeal is being made to obtain a variance from Section(s): 118(C)(7)(b)(6)[a], Chapter 110-Attachment 1, Chapter 110-Attachment 2, and 110-18(C)(7)(b)(3) of the Code of the Village/Town of Mount Kisco, which requires

- 110-18(C)(7)(b)(6)[a] requires a front yard setback of 20 feet. 3.0 feet are being provided; therefore, a 17 foot front-yard setback variance is required
- Chapter 110 – Attachment 1 requires that the aisle width for parking at 90 degrees shall be 25ft. The proposed drive-aisle width is 19.2 feet; therefore, a 5.8 foot drive-aislewidth variance is required.
- Chapter 110 – Attachment 2 requires that 18 parking spaces be provided for the project. 12 parking spaces are being provided; therefore, a 6 parking space variance is required.
- 110-18(C)(7)(b)[3] limits the maximum development coverage to 65%. The proposed development coverage is 80.9%; therefore, a 15.9% maximum development coverage variance is required.

Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

Reber John F - John F Reber Trust
122 Smith Ave
MOUNT KISCO, NY 10549

121 Smith Ave LLC
108 Smith Avenue
Mt.Kisco, NY 10549

Jadan Enrique
Teresa Jadan
200 Lexington Ave
MOUNT KISCO, NY 10549

St Francis Cemetery
2 Green St
Mt Kisco, NY 10549

Peralta Guido G
Peralta, Maria T
4 Maplewood Dr
MOUNT KISCO, NY 10549

Mathias Family Corporation
104 Smith Ave
Mt.Kisco, NY 10549

113 Smith Avenue Assoc
113 Smith Ave
MOUNT KISCO, NY 10549

Bagnato 205 Lexington Ave Corp
c/o Capital R E Tax Services
1300 Combermere Dr
Troy, MI 48083

Lago, Bertha
Romero, Jaime
10 Maplewood Dr
Mt.Kisco, NY 10549

People of the State of NY
Dir. Real Estate Westchester Co.
148 Martine Ave, 9th Floor
White Plains, NY 10601

Reberville, LLC
122 Smith Avenue
Mt.Kisco, NY 10549

Pinnetti, Nicola
27 Manchester Dr
Mt. Kisco, NY 10549

Bagnato Holding Co Inc
Edward Bagnato
18 Overlook Rd
Norwalk, CT 06851

Thomas Fatato Realty Corp
592 Pacific Street
Brooklyn, NY 11217

Tapia-Garcia, Alberto
Tapia-Garcia, Angelica Z
203 Lexington Ave
Mt. Kisco, NY 10549

Three Girls, LLC
241 Lexington Ave
Mt.Kisco, NY 10549

105 Smith Avenue LLC
Attn: Luigi Demasi
16 Oakbrook Rd
Ossining, NY 10562

Bagnato Holding Co Inc
Edward Bagnato
18 Overlook Rd
Norwalk, CT 06851

Bon Ann LLC
75 Grove Street
Mt. Kisco, NY 10549

Bermeo Claudio
100 Gregory Ave
Mt. Kisco, NY 10549

Pugliese Matthew
Meghan Pugliese
108 Smith Avenue
Mt.Kisco, NY 10549

Gonzales Gustavo
Rosa E Gonzales
3 Maplewood Dr
Mt. Kisco, NY 10549

Tapia-Garcia, Alberto
Tapia-Garcia, Angelica Z
15 Maplewood Dr
MOUNT KISCO, NY 10549

Delgado Julio
465 Doansburg Rd
Brewster, NY 10509

Amuso, Dominic Steven
200 Woodcrest Dr. unit 221
Mt. Kisco, NY 10549

Village/Town of Mount Kisco
Zoning Board
NOV 04 2021

RECEIVED



RECEIVED

NOV 12 2021

Zoning Board of Appeals
Village/Town of Mount Kisco

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 31 day of October in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tatt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Tatt being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated :

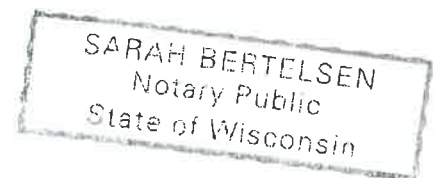
Zone:
Westchester

Run Dates:
10/31/2021

Linda Tatt
Signature

Sworn to before me, this 31 day of October, 2021

[Signature]
Notary Public, State of Wisconsin, County of Brown



7/27/25

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004972518

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Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco 0004972518

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING

Guillermo Gomez, being duly sworn, says that on the 9th day of November 2021, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

X

Public Library
100 Main Street

X

Fox Center

X

Justice Court – Green Street
40 Green Street

X

Mt. Kisco Ambulance Corp
310 Lexington Ave

X

Carpenter Avenue Community House
200 Carpenter Avenue

X

Leonard Park Multi Purpose Bldg

X


Guillermo Gomez

Sworn to before me this

9th

day of

November 2021


Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
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FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS
rgaudioso@snyderlaw.net

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:
TARRYTOWN OFFICE

November 24, 2021

Honorable Chairman Harold Boxer
and Members of the Zoning Board of Appeals
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: 180 S. Bedford Road
Public Utility Wireless Telecommunications Facility
Homeland Towers, LLC & Verizon Wireless

Honorable Chairman and
Members of the Zoning Board of Appeals:

As you are aware, we are the attorneys for Homeland Towers, LLC ("Homeland Towers") and Verizon Wireless (together "Applicants") in connection with their application to place a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property").

Enclosed please find 10 copies of a report from Saratoga Associates.

We thank you for your consideration. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: 
Robert D. Gaudioso

Enclosures

RDG/djk

cc: Planning Board
Applicants

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\ZBA Letter 11.24.21 (Guard Hill).rtf

SARATOGA ASSOCIATES

Landscape Architects, Architects,
Engineers, and Planners, P.C.

November 23, 2021

Honorable Chairman and Members of the Planning Board
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: Visual Assessment
Proposed Wireless Telecommunications Facility
180 South Bedford Road

Dear Honorable Chairman and Planning Board Members:

Saratoga Associates is writing on behalf of Homeland Towers regarding a proposed telecommunications tower and associated equipment (the "Facility") at the above referenced address. Saratoga Associates has been retained to evaluate potential visual impacts associated with this project.

During the presentation of the proposed Facility, comments received during the public comment period were made about the visual impact of the proposed facility as viewed from various viewpoints in Leonard Park and along Route 172, South Bedford Rd, Mount Kisco.

We would like to bring your attention an existing 140-foot tall (plus 20± foot whip antennas) lattice tall frame telecommunications tower located on Guard Hill approximately .75 miles east of the proposed Facility. This structure is not only directly visible from many of the same viewpoints as the proposed Wireless Facility, but appears substantially above the wooded ridgeline. This existing tower currently affects community views and establishes a precedent of telecommunications infrastructure within the Leonard Park and Route 172 viewshed.

It is important to point out the following:

- The existing 140-foot-tall Guard Hill is located at a significantly higher elevation than the proposed Facility; approximately 760 feet above sea level (ASL) as compared to 421.5 feet

SARATOGA ASSOCIATES

Village of Mount Kisco Planning Board

November 23, 2021

Page 2

ASL for the proposed Facility. Importantly, while the 140-foot-tall Guard Hill tower is positioned at the very top of Guard Hill (a regional highpoint), the proposed Facility is located in a valley location approximately 100 feet below the highpoint of the adjacent ridge in order to optimize the screening value of the surrounding landscape.

- The 140-foot-tall Guard Hill Tower is an unpainted 140 ft steel lattice tower. No effort was made to mitigate its visual impact or to integrate it with its surrounding environment. The proposed Facility utilizes a stealth monopine design with a dense nonuniform branching pattern that will help blend the structure with the visual characteristics of the surrounding landscape. In the alternative the applicant has offered to construct a 140-foot-tall steel monopole style structure painted brown to minimize visual contrast.

The existing 140-foot-tall Guard Hill tower is directly visible from key vantage points within Leonard Park and Route 172. The presence of telecommunications infrastructure is currently a component of the local community character. Unlike the Guard Hill Tower, the proposed Facility incorporates a stealth design to minimize visual contrast and is carefully sited at a low elevation to minimize visibility. While the proposed Facility will be visible from places in the surrounding area, the structure is not unique and will not adversely affect community character.

Thank you for your attention to this matter.

Matthew W. Allen, RLA

Principal

SARATOGA ASSOCIATES

Landscape Architects, Architects, Engineers, and Planners, P.C.





PHOTO LOCATION MAP

FIGURE 1
FACILITY VIEWS
180 SOUTH BEDFORD ROAD
MT. KISCO, NEW YORK

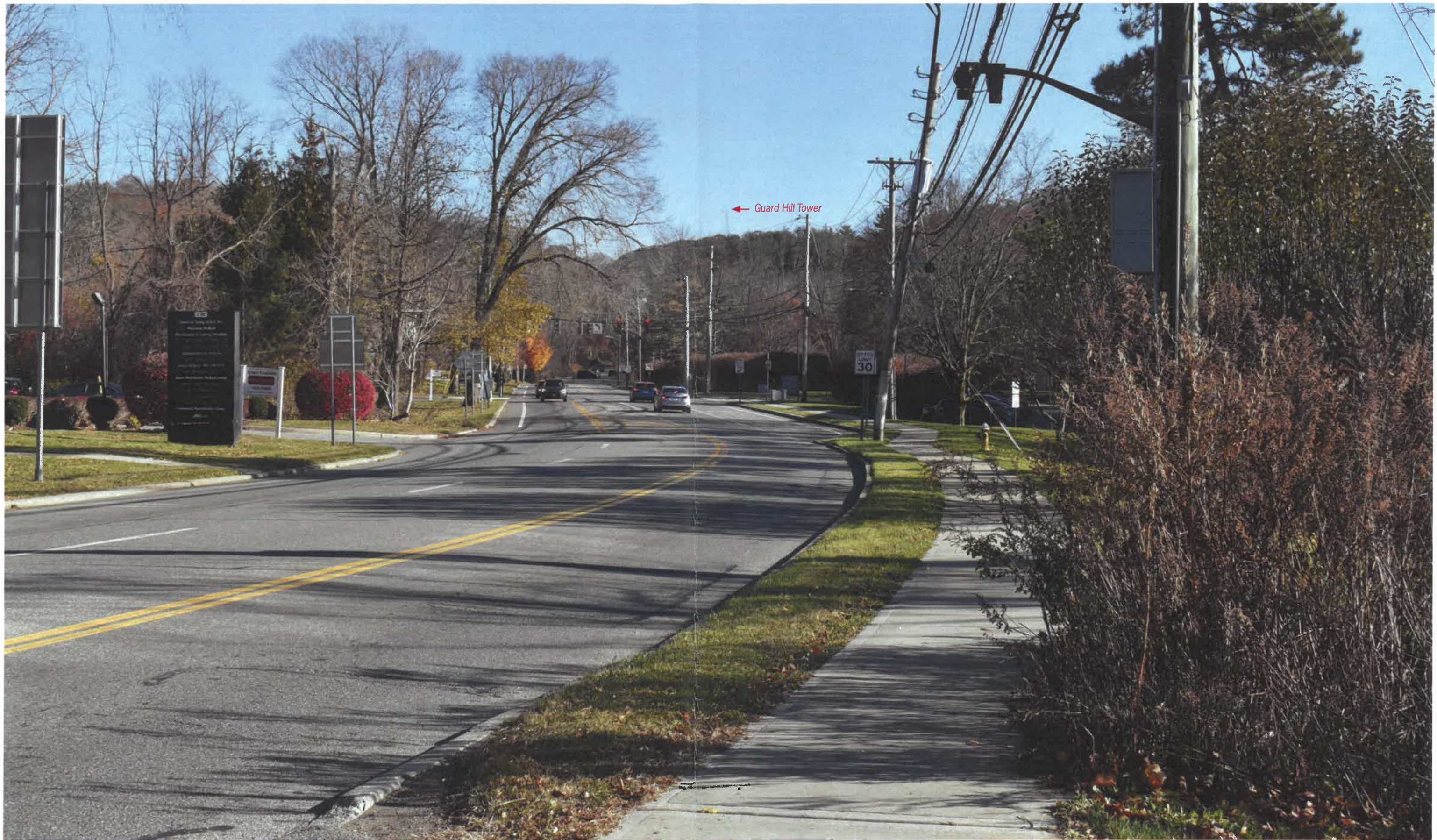


Photo 1 - Rte 172 at Wallace Drive (Leonard Park Entrance)
EXISTING 165FT LATTICE FRAME TOWER

SARATOGA
ASSOCIATES

This photograph was taken using a 50mm normal angle lens. To appear at the correct scale this page is intended to be viewed approximately 18 inches from the reader's eye when printed on 11"x17" paper.

FIGURE 2a

FACILITY VIEWS
180 SOUTH BEDFORD ROAD
MT. KISCO, NEW YORK

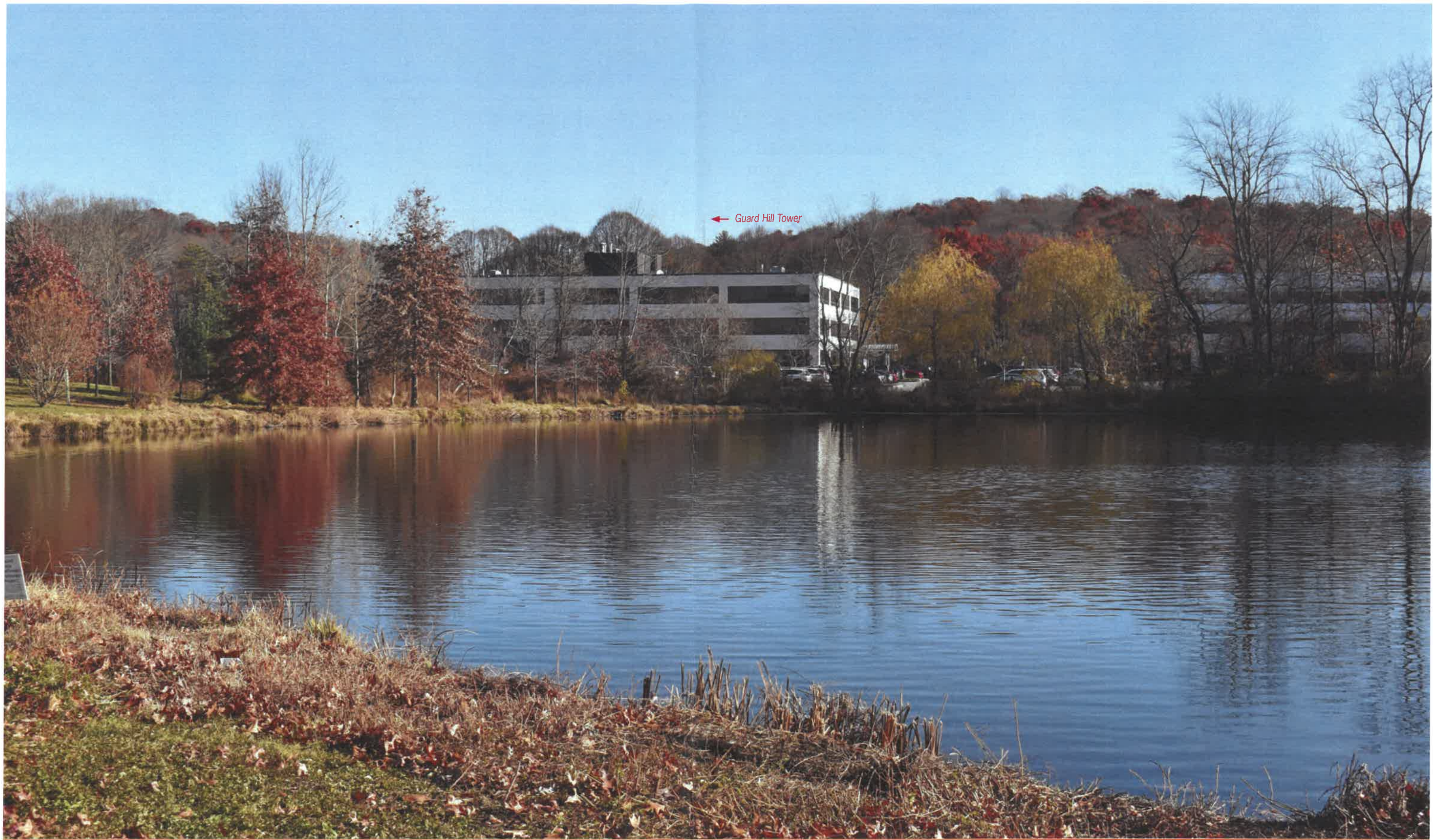


Photo 2 - Leonard Park near Tea House
EXISTING 165FT LATTICE FRAME TOWER

SARATOGA
ASSOCIATES

This photograph was taken using a 50mm normal angle lens. To appear at the correct scale this page is intended to be viewed approximately 18 inches from the reader's eye when printed on 11"x17" paper.

FIGURE 3a

FACILITY VIEWS
180 SOUTH BEDFORD ROAD
MT. KISCO, NEW YORK

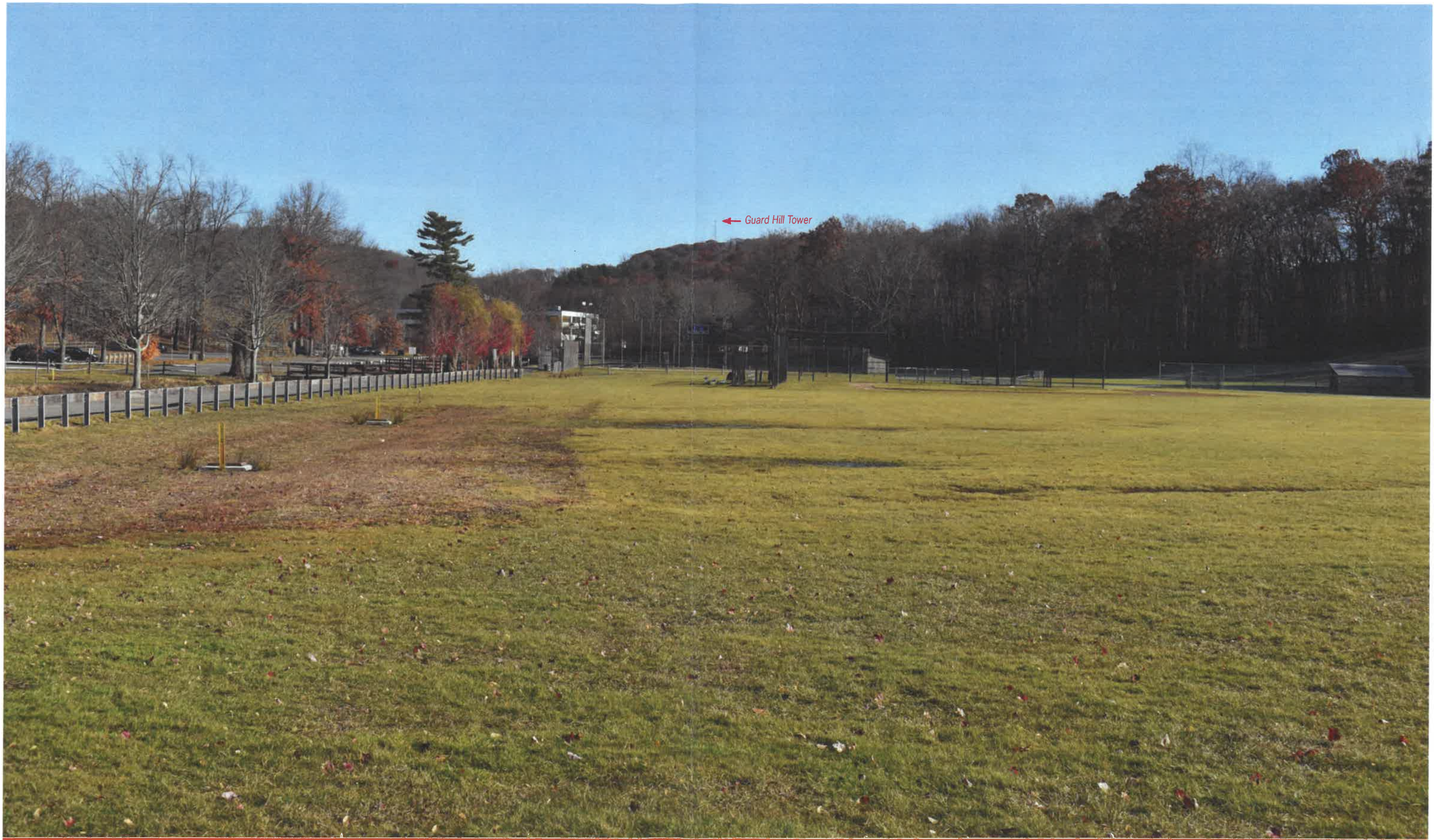


Photo 3 - Leonard Park Near Ball Fields
EXISTING 165FT LATTICE FRAME TOWER

SARATOGA
ASSOCIATES

This photograph was taken using a 50mm normal angle lens. To appear at the correct scale this page is intended to be viewed approximately 18 inches from the reader's eye when printed on 11"x17" paper.

FIGURE 4a

FACILITY VIEWS
180 SOUTH BEDFORD ROAD
MT. KISCO, NEW YORK