

**MOUNT KISCO PLANNING BOARD**  
**Agenda**  
**Tuesday, December 13, 2016**  
**Planning Board Work Session 6:30 PM**  
**Meeting 7:30 PM**

**Minutes:**

- a. *April 26, 2016*
- b. *May 24, 2016*
- c. *June 14, 2016*
- d. *June 28, 2016*
- e. *July 12, 2016*
- f. *September 27, 2016*
- g. *October 25, 2016*

**Public Hearing:**

- a. **461 Lexington Avenue , LLC (Polaner Selections)**  
**PB2016-0329, 80.64-2-15 (SBL)**  
**Site Plan and Wetlands Permit**
  - *Draft Resolution dated December 13, 2016*
  - *Public Hearing Notice*
  - *Property Owners within 300 feet*
  - *Affidavit of Mailing*
  - *Affidavit of Posting*
  - *Affidavit of Publication*
  - *Pieragostini Letter, dated November 11, 2016*
  - *Memorandum from New York City DEP, dated November 7, 2016*

**Formal Application:**

- b. **68 Woodland Street**  
**PB2016-0330, 80.49-1-11 (SBL)**  
**Site Plan**
  - *Memorandum from Peter J. Miley, Building Inspector, dated December 8, 2016*
  - *Memorandum from Jan K. Johannessen, AICP, dated December 7, 2016*
  - *Memorandum from Anthony Oliveri, P.E., dated December 7, 2016*
  - *Formal Application*
  - *Coverage Calculations Worksheet*
  - *Memorandum from Tim Dunphy, dated September 5, 2016*
  - *Memorandum from Tim Dunphy, dated November 22, 2016*
  - *Site Plan prepared by Tim Dunphy, AIA, received September 20, 2016 (2 Sheets)*
  - *Survey prepared by David L. O'Dell, PLS, dated October 21, 2010*
  - *Site Plan prepared by Tim Dunphy, dated November 18, 2016*

**Special Discussion:**

- *2017 Meeting Schedule*
- *Memorandum from DEP Regarding BDM Properties (74 S. Moger), dated November 21, 2016*
- *Mount Kisco Supply Request for 6 Month Extension, dated November 22, 2016*
- *Memorandum from CAC to Village Board Regarding WIN Development, dated December 4, 2016*

**Correspondence:**

- *Village/Town of Mount Kisco Beautification Committee Minutes of October 12, 2016*
- *Memorandum from New York City DEP for EK Construction, dated October 2, 2016*
- *New York Metropolitan Transportation Council Public Comment Period 2017-18*
- *New York Metropolitan Transportation Council Public Comment Period 12/5-12/14/16*
- *New York Metropolitan Transportation Council Meeting Notice for 12/15/16*

**PLANNING BOARD RESOLUTION  
VILLAGE OF MOUNT KISCO**

**SITE PLAN APPROVAL  
CHANGE OF USE PERMIT  
WETLAND PERMIT**

**POLANER SELECTIONS  
461 LEXINGTON AVENUE, LLC**

**Section 80.64, Block 2, Lot 15  
Application No: PB2016-0329**

**December 13, 2016**

Village/Town of Mount Kisco  
Planning Board

DEC 08 2016

**RECEIVED**

**DRAFT**

**WHEREAS**, the subject property consists of ±21,690 s.f. of land and is located at 461 Lexington Avenue within the General Retail (GR) Zoning District (“the subject property”); and

**WHEREAS**, reference is made to a “Topographic Survey and Survey of Property Prepared for 461 Lexington Ave, LLC”, prepared by H. Stanley Johnson and Company, dated (last revised) December 4, 2015; and

**WHEREAS**, the subject property formerly contained a residential structure and a motor vehicle garage/repair station, both of which have been removed and the site is presently vacant; and

**WHEREAS**, 461 Lexington Avenue, LLC (“the applicant”) is proposing to redevelop the site and construct a 40’ x 57’ (2-story) professional office building and a parking lot to accommodate 18 parking spaces, three (3) of which are proposed to be land-banked (“the proposed action”); and

**WHEREAS**, reference is made to a set of architectural floor plans and elevations presented to the Planning Board and consisting of eight (8) sheets, prepared by DiBiase Filkoff Architects, dated June 21, 2016; and

**WHEREAS**, the business use, Polaner Selections, has been in operation at 19 North Moger Avenue in the Village of Mount Kisco for the past 16 years; and

**WHEREAS**, Polaner Selections is a wine importer and distributor and the business imports wines from Europe and distributes them in the States of New York and New Jersey; the proposed office building will be used for business administration purposes and no wine or other products will be stored or warehoused in the subject facility; and

**WHEREAS**, reference is made to the applicant’s business plan (undated), stamped received by the Planning Board on June 21, 2016; and

**WHEREAS**, the proposed action requires Site Plan Approval, a Change of Use Permit and a Wetland Permit from the Village of Mount Kisco Planning Board; and

**WHEREAS**, while a total of 18 off-street parking spaces are required per Code, given the nature of the business and the intensity of the use, in accordance with Section 110-28G of the Zoning Code, the applicant has requested that the Planning Board waive ("land-bank") the installation of three (3) parking spaces; and

**WHEREAS**, a side yard setback variance is required from the Zoning Board of Appeals (30-feet required/10-feet proposed); and

**WHEREAS**, the Zoning Board of Appeals approved the requested variance on October 18, 2016; and

**WHEREAS**, the adjacent parcel to the south and east is owned by the Village of Mount Kisco and the applicant is proposing the construction of a portion of its driveway over a portion of Village owned land; a Village nature trail is located on Village-owned property located adjacent to and to the west of the subject property; and

**WHEREAS**, the applicant is proposing a reciprocal easement between the property owner and the Village of Mount Kisco for access purposes, which is subject to Village Board approval; and

**WHEREAS**, off-site wetlands that are jurisdictional to the Village of Mount Kisco are located to the east of the subject property and improvements are proposed within the Village's 100-foot regulated wetland buffer; and

**WHEREAS**, reference is made to a Wetland Delineation Report prepared by Evans Associates, dated August 17, 2015; and

**WHEREAS**, the proposed action will result in 21,180 s.f. of land disturbance, 3,995 s.f. of which is proposed within the Village's 100-foot regulated wetland buffer. A portion of the parking lot (527 s.f.) is proposed within the wetland buffer as is a proposed stormwater planter designed to treat stormwater runoff from the subject property before discharging off-site to the wetland buffer; and

**WHEREAS**, the proposed parking lot will be constructed using porous asphalt and the portion of the property located within the wetland buffer will be revegetated with native plantings. A portion of the former garage/service station and shed (434 s.f.) was located within the wetland buffer and, therefore, the proposed action will result in a 93 s.f. increase in impervious cover within the wetland buffer; and

**WHEREAS**, stormwater runoff from the former use and structures was unregulated. Given the proposed use, proposed construction materials, and proposed wetland buffer restoration efforts, the proposed action is considered an enhancement when compared to the former/existing condition; and

**WHEREAS**, the applicant will be required to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Reference is made to the applicant's "Preliminary Stormwater Pollution Prevention Plan (SWPPP)", prepared by Insite Engineering and dated August 23, 2016; and

**WHEREAS**, the subject property is located within the New York City Department of Environmental Protection (NYCDEP) East of Hudson Watershed and Designated Main Street Area and the proposed action requires Stormwater Pollution Prevention Plan (SWPPP) approval from the NYCDEP; and

**WHEREAS**, reference is made to a letter from the NYCDEP, dated September 12, 2016, which will be addressed by the applicant as a condition of approval; and

**WHEREAS**, reference is made to a letter prepared by JM Associates, Inc., On-Site Environmental Services, dated September 20, 2016, which summarizes the environmental remediation work that has been completed on-site, including the removal of three (3) 330-gallon above ground storage tanks; and

**WHEREAS**, reference is made to the Building Permit (Permit #20160159) issued for the demolition of the former residence and garage, dated May 6, 2016, and supporting information submitted by the applicant in connection with said permit; and

**WHEREAS**, the application was referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law. Reference is made to letters from the County Planning Board, dated August 22, 2016 and October 7, 2016; and

**WHEREAS**, the comments provided by the Westchester County Planning Board have been addressed and or considered by the Planning Board; and

**WHEREAS**, regarding sewage flows as addressed in the County's October 7, 2016 correspondence, the Village Engineer has determined that the proposed action will not significantly increase sewage flow and, therefore, the Planning Board will not require the applicant to provide mitigation in this regard; and

**WHEREAS**, reference is made to review letters prepared by the Building Inspector (dated May 13, 2016, July 6, 2016 and September 7, 2016); the Village Planner (dated May 4, 2016 and July 6, 2016); and the Village Engineer (dated July 5, 2016 and September 21, 2016); and

**WHEREAS**, reference is made to a letter prepared by the applicant's Attorney, Charles V. Martabano, Esq., dated September 14, 2016; and

**WHEREAS**, reference is made to letters prepared by the applicant's design engineer, Insite Engineering, dated June 21, 2016, July 19, 2016, August 23, 2016, and October 4, 2016; and

**WHEREAS**, the proposed action is an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Planning Board, as Lead Agency, issued a Negative Declaration of Significance pursuant to SEQRA on September 27, 2016; and

**WHEREAS**, the Planning Board conducted a duly noticed public hearing which was opened and closed on December 13, 2016 at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Planning Board has determined that the submitted site plan is in substantial conformance with the requirements outlined under Section 110-45D of the Zoning Code; and

**WHEREAS**, the Planning Board has determined that the improvements proposed within the Village's 100-foot buffer area will not result in an adverse environmental impact; and

**WHEREAS**, the Planning Board has considered the criteria for granting a wetland permit provided under Sections 107-8B, D and E of the Wetlands and Drainage Control Law.

**NOW THEREFORE BE IT RESOLVED THAT**, in accordance with Section 110-28G of the Zoning Code, the Planning Board hereby determines that the number of parking spaces proposed to be installed by the applicant (15 spaces) is sufficient (at the present time) to serve the demand of the use and the number of required spaces (18 spaces) would be in excess of the applicant's present needs. Therefore, the Planning Board hereby waives the installation of three (3) parking spaces, subject to the provision that, at any future time should the Planning Board determine that the intensity of the use warrants the additional parking spaces, the Planning Board may require the paving of all or a portion of the waived (land banked) parking spaces; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby grants Site Plan Approval, a Change of Use Permit, and a Wetland Permit subject to the below conditions; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby approves the following drawings hereafter referred to as "the approved plans", subject to the below conditions; and

Plans, prepared by Insite Engineering, dated (last revised) October 4, 2016:

- Existing Conditions and Removals Plan (EX-1)
- Layout & Landscape Plan (SP-1)
- Grading & Utilities Plan (SP-2)
- Erosion & Sediment Control Plan (SP-3)
- Lighting Plan (LP-1)
- Tree Preservation Plan (TP-1)
- Details (D-1)

**BE IT FURTHER RESOLVED THAT**, unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution and shall be completed within one (1) year of commencement of construction.

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

1. 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 applicant has identified the following outside agency approvals:
  - a. Mount Kisco Village Board
  - b. Zoning Board of Appeals (ZBA)
  - c. Architectural Review Board (ARB)
  - d. Approval from the Westchester County Department of Public Works or notice from said Department that a Permit is not required
  - e. New York City Department of Environmental Protection (NYCDEP)
  - f. New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit-to be obtained prior to the commencement of site work
2. A reciprocal access easement between the owner of the subject property and the Village of Mount Kisco shall be prepared to the satisfaction of the Village Attorney, shall be approved by the Village Board, and shall be filed in the office of the Westchester County Clerk; proof of recording shall be provided.
3. A temporary grading and construction easement between the owner of the subject property and the Village of Mount Kisco shall be prepared to the satisfaction of the Village Attorney, shall be approved by the Village Board, and shall be filed in the office of the Westchester County Clerk; proof of recording shall be provided.
4. The applicant shall provide a Final Stormwater Pollution Prevention Plan (SWPPP), prepared to the satisfaction of the Village Engineer. Four (4) copies, signed and sealed, shall be submitted to the Planning Board.
5. The Tree Preservation Plan must include a calculation of trees to be removed versus trees to be replanted and shall demonstrate compliance with the tree replacement schedule as provided under Chapter 99, Article II, of the Village Code.
6. The Lighting Plan shall be revised to include the hours of operation of each light fixture and to clarify which fixtures will include shields.

7. The dumpster enclosure detail shall be revised to comply with the Planning Board's standard detail, to the satisfaction of the Village Engineer.
8. The applicant shall satisfy any outstanding comments provided by the Building Inspector, Village Engineer, Village Planner, or Village Attorney.
9. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.
10. 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.
11. 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 the Issuance of a Building Permit:**

12. The applicant shall satisfy the above conditions and the approved plans shall be signed by Village staff and the Planning Board Chairman.

**Conditions to be Satisfied Prior to Commencement of Any Work:**

13. The applicant shall obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002); proof of coverage shall be submitted to the Planning Board, Building Inspector and Village Engineer.
14. 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.
15. 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.
16. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector, Village Engineer and Village Planner/Wetland Consultant.



**Conditions to be Satisfied During Construction:**

17. 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.

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

18. A backflow preventer device shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.
19. The existing chain link and stockade fence located along the southern property line shall be removed and replaced with a 6-foot high solid fence. Village Board approval is required for any work proposed on Village Property and mutual agreement must be made between the applicant, the Village and the owner of N/F Joseph Lombardo, Jr as to the fence design and location.
20. There shall be no Certificate of Occupancy issued until there is full compliance with the plans approved herein and all conditions of this Resolution.
21. Prior to the issuance of a 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.
22. Prior to the issuance of a 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.
23. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
24. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

**Other Conditions:**

25. The Planning Board is to retain original jurisdiction.
26. The three (3) waived or "land-banked" parking spaces shall not be installed without prior approval of the Planning Board.
27. There shall be no on-site production, storage or warehousing of wine or any other business related products.

28. The proposed operation shall comply with the Statement of Use referenced herein. To the extent that information contained with the Statement of Use differs from that contained within this Resolution, this Resolution shall govern.
29. There shall be no parking, storage, loading, or unloading of vehicles or trucks within any Village or County right-of-way.
30. There will be no overnight outside storage of trucks or fleet vehicles.
31. No change, expansion or intensification of use shall be permitted without Planning Board approval.
32. All interior and exterior lighting on the subject property shall be turned off during non-operating hours, with the exception of exterior security lighting which luminance levels shall be reduced by 30% during non-operating hours.
33. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
34. All signage, including within windows, shall be fully compliant with Chapter 89 of the Village Code. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds.
35. 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.
36. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan 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: \_\_\_\_\_

The motion was seconded by: \_\_\_\_\_

The vote was as follows:

<b>DOUGLAS HERTZ</b>	_____
<b>ANTHONY STURNIOLO</b>	_____
<b>RALPH VIGLIOTTI</b>	_____
<b>ENRICO MARESCHI</b>	_____
<b>MICHAEL BONFORTE</b>	_____
<b>JOHN BAINLARDI</b>	_____

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<b>Douglas Hertz</b>	<b>December 13, 2016</b>
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# EXHIBIT A

## PUBLIC NOTICE

Village/Town of Mount Kisco  
Planning Board

NOV 29 2016

**RECEIVED**

**Please Take Notice** that in accordance with Section 107 of the Code of the Village of Mount Kisco Code, a public hearing has been scheduled in connection with a Wetlands Application submitted by the applicant. The subject property is comprised of  $\pm 21,960$  s.f. acres of land, is located at 461 Lexington Avenue (SBL 80.64-2-15) within the General Retail (GR) Zoning District, and formerly contained a residential structure and motor vehicle garage/repair station, both of which have been removed. The applicant, 461 Lexington Avenue, LLC, is currently proposing to redevelop the site and construct a 40' x 57' (2-story) professional office building and parking lot to accommodate 18 parking spaces, landscaping, lighting, and other site improvements, some of which is proposed within the Village of Mount Kisco 100-foot regulated wetland buffer area. The Planning Board of the Village of Mount Kisco will hold a public hearing on Tuesday, December 13, 2016 at 7:30 PM, or as soon thereafter as may be heard, in the Frank J. DiMicco, Sr. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment.

All interested parties are invited to attend and be heard.

By order of:

Chairman Joseph Cosentino

Mount Kisco Planning Board

# EXHIBIT B

King, Brian T  
300-10 West St  
Mount Kisco NY 10549

Pagliaro, Mark  
300-11 West St  
Mount Kisco NY 10549

Shaw, Ashley  
300-12 West St  
Mount Kisco NY 10549

Mahon Jeremiah P  
300-13 West St  
Mount Kisco NY 10549

Osofsky, Linda D  
300-14 West St  
Mount Kisco NY 10549

Mistry Ruzbeh K  
300-8 West St  
Mount Kisco NY 10549

Pizzuti Jessica  
300-9 West St  
Mount Kisco NY 10549

Steenman, Maarten  
c/o La Tulipe Pastry Shop  
455 Lexington Ave  
Mount Kisco NY 10549

Cambareri Antonio  
16 Lawrence St  
Mount Kisco NY 10549

443 Lex Ave of Mt. Kisco LLC  
c/o Terrapin  
PO Box 593  
Mount Kisco NY 10549

Twigs-Thriftree Inc  
Attn: Treasurer  
449-451 Lexington  
Mount Kisco NY 10549

440 Lexington Ave Mt Kisco Co  
27 Radio Circle Dr  
Mount Kisco NY 10549

440 Lexington Ave Mt Kisco Co  
27 Radio Circle Dr  
Mount Kisco NY 10549

27 Radio Circle LLC,  
Attn: MRE Mgmt. Corp.  
27 Radio Circle Dr  
Mount Kisco NY 10549

~~Unknown Owner  
Vacant Land  
Cottage St  
Mount Kisco NY 10549~~

~~Unknown Owner  
Vacant Land  
Lindy St  
Mount Kisco NY 10549~~

Winkler's Nurseries Inc.,  
Attn: Kay Anderson  
3 Jeanne Pl  
Armonk NY 10504

1261 Baldwin Road Realty  
466 Lexington  
Mount Kisco NY 10549

474 Lex, LLC  
474 Lexington Ave  
Mount Kisco NY 10549

Arco Cottage LP  
2 Cottage Pl  
Mount Kisco NY 10549

Smilkstein, Edward  
330 Spring St  
Mount Kisco NY 10549

Petersville Land Company LLC  
31 Petersville Rd  
Mount Kisco NY 10549

Frances Kuritzky Testamentary  
c/o David Kuritzky  
17 Haven Rd  
Mahopac NY 10541

Reilly, Patricia M  
100 Woodcrest Ln, # 130  
Mount Kisco NY 10549

Lombardo, Joseph Jr  
188 Valley Rd  
Katonah NY 10536

Applicant  
461 Lexington Ave., LLC  
att: G Monteleone  
19 N Moger Ave  
Mount Kisco NY 10549

LaTulipe Desserts, Inc.  
455 Lexington Ave  
Mount Kisco NY 10549

Smilkstein, Sharon  
c/o Sharon Smilkstein  
340 Spring St  
Mount Kisco NY 10549

Village of Mount Kisco  
re: 634 Main St  
104 Main St  
Mount Kisco NY 10549

Village/Town of Mount Kisco  
Planning Board

NOV 28 2013

**RECEIVED**

Village/Town of Mount Kisco  
Planning Board

NOV 29 2016

RECEIVED

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

Jamie LoGiudice, RIA being duly sworn, deposes and says:

has an office at Insite Engineering Surveying and Landscape  
I reside at Architecture, P.C. 3 Garrett Place, Carmel, NY 10512

On November 23, 2016 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.

Jamie LoGiudice

Sworn to before me on this

28th day of November 20 16

Alicia Hansen  
(Notary Public)

Alicia Hansen  
Notary Public, State of New York  
Reg. # 01H46086470  
Qualified In Dutchess County  
Commission Expires January 21, 20 19

DEC 06 2016

AFFIDAVIT OF POSTING

RECEIVED

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

**Guillermo Gomez**, being duly sworn, says that on the 6<sup>th</sup> day of December 2016, 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

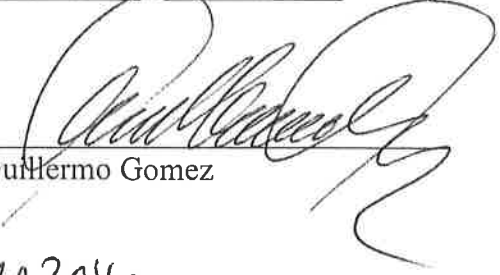
\_\_\_\_\_X\_\_\_\_\_

Carpenter Avenue Community House  
200 Carpenter Avenue

\_\_\_\_\_X\_\_\_\_\_

Leonard Park Multi Purpose Bldg

\_\_\_\_\_X\_\_\_\_\_

  
Guillermo Gomez

Sworn to before me this 6 day of December 2016

Michelle K. Lailer  
Notary Public

MICHELLE K. LAILER  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01LA6313298  
Qualified in Westchester County  
My Commission Expires October 20, 2018



Village/Town of Mount Kisco  
Planning Board

DEC 06 2016

RECEIVED

## AFFIDAVIT OF PUBLICATION FROM

State of New York  
County of Westchester, ss.:

CECILIA HERNANDEZ

\_\_\_\_\_ 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 date (s) below:

Zone:  
Westchester

Run Dates:  
11/22/16

Signature

Sworn to before me, this 25<sup>th</sup> day of November 2016

Notary Signature

Vilma Avelar  
Notary Public State of New York  
NO. 01AV6318411  
Qualified In Westchester County  
Commission Expires January 26, 2019

### 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, Mohagan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdy, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

#### ROCKLAND:

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

Ad Number: 0001745097



**PUBLIC NOTICE**

Please Take Notice that in accordance with Section 107 of the Code of the Village of Mount Kisco Code, a public hearing has been scheduled in connection with a Wetlands Application submitted by the applicant. The subject property is comprised of ±21,960 s.f. acres of land, is located at 461 Lexington Avenue (SBL80.64-2-15) within the General Retail (GR) Zoning District, and formerly contained a residential structure and motor vehicle garage/repair station, both of which have been removed. The applicant, 461 Lexington Avenue, LLC, is currently proposing to redevelop the site and construct a 40' x 57' (2-story) professional office building and parking lot to accommodate 18 parking spaces, landscaping, lighting, and other site improvements, some of which is proposed within the Village of Mount Kisco 100-foot regulated wetland buffer area. The Planning Board of the Village of Mount Kisco will hold a public hearing on Tuesday, December 13, 2016 at 7:30 PM, or as soon thereafter as may be heard, in the Frank J. DiMicco, Sr. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment.

All interested parties are invited to attend and be heard.

By order of:  
Chairman Joseph Cosentino  
Mount Kisco Planning Board

1745097

**ANTHONY J. PIERAGOSTINI**

ATTORNEY AND COUNSELLOR AT LAW

126 BARKER STREET  
MOUNT KISCO  
NEW YORK  
10549

TELEPHONE NUMBER (914) 666-4321  
FAX NUMBER (914) 666-2325  
E-MAIL [pieragostiniesq@aol.com](mailto:pieragostiniesq@aol.com)

Village/Town of Mount Kisco  
Planning Board

NOV 14 2016

**RECEIVED**

November 11, 2016

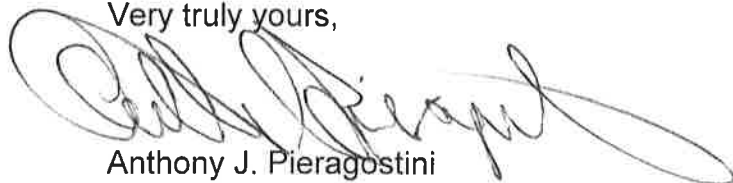
Mount Kisco Planning Board  
104 Main Street  
Mount Kisco, New York 10549

Re: ***Application of 461 Lexington Avenue, LLC  
Developing Office Building***

Gentlepersons:

I have received a Public Notice since I live nearby the premises above, and hereby would like to go on record that my wife Catherine and I agree with and support the approval of the Applicant's request before the Board in all respects.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Anthony J. Pieragostini', written over a horizontal line.

Anthony J. Pieragostini

AJP/pah



November 7, 2016

Mr. Jeffrey Contelmo, P.E.  
Principal Engineer  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512

Vincent Sapienza P.E.  
Acting Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner  
Bureau of Water Supply  
prush@dep.nyc.gov

465 Columbus Avenue  
Valhalla, New York 10595

T: (845) 340-7800  
F: (845) 334-7175

Re: Polaner Selections  
461 Lexington Avenue  
(T) Mount Kisco, (C) Westchester  
New Croton Reservoir Basin  
DEP Log #2016-CNC-0470-SP.1

Village/Town of Mount Kisco  
Planning Board  
NOV 07 2016  
**RECEIVED**

Dear Mr. Contelmo:

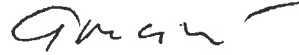
The New York City Department of Environmental Protection (DEP) has received your October 27, 2016 letter with enclosures concerning the above-referenced application for approval of a Stormwater Pollution Prevention Plan (SWPPP). Upon review of the additional documents submitted, DEP has determined that the application is now *complete*.

The Department will notify you of its determination by December 22, 2016. If the Department fails to notify you within the above-referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the address noted to the left. The notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with section 18-23(d)(6) of the Watershed Regulations. If the department fails to notify you within 10 business days of the receipt of such notice, the application will be deemed approved, subject to the standard terms and conditions as set forth in the regulations applicable to such an approval.

As required by the Watershed Regulations, the Stormwater Review Committee is given an opportunity to review and or comment on this application. The Stormwater Review Committee has 30 days to respond to this application.

If you have any questions, please do not hesitate to contact me at (914) 773-4411.

Sincerely,



Andreea A. Oncioiu  
Associate Project Manager II  
Regulatory & Engineering Programs

c: (V) Mount Kisco Planning Board - [planning@mountkisco.org](mailto:planning@mountkisco.org)  
Anthony Oliveri, P.E., Dolph Rotfeld Engineering PC - [anthony@drepc.com](mailto:anthony@drepc.com)  
Armand DeAngelis, NYS DEC - [armand.deangelis@dec.ny.gov](mailto:armand.deangelis@dec.ny.gov)

Stormwater Review Committee  
Village of Mt. Kisco Engineer  
Armand DeAngelis, NYSDEC



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: Chairman Douglas Hertz and Planning Board Members

FROM: Peter J. Miley, Building Inspector

RE: Chhiring & Sani Sherpa  
68 Woodland Street  
80.49-1-11 (SBL)

DATE: May 17, 2016

---

A review of the proposed site plan application for the legalization of two-family dwelling reveals the following:

The applicant is before the Planning Board to restore an unlawful 3 family dwelling back to a 2 family dwelling. In addition, the applicant received a violation for performing work without a building permit. According to § 110-45 A. General Requirements. (1) Site plan approval shall be required for all uses other than one-family residences and the buildings accessory thereto. [Amended 4-7-2014 by L.L. No. 2-2014] ~~and~~ (3) No building permit or change of use permit shall be issued for any building or use subject to this section until an approved site plan or amendment of any such plan has been secured by the applicant and presented to the Building Inspector.

The applicant, notwithstanding the fact that the code requires new driveways to comply with **110-28 Off Street Parking D**. Ingress and egress to parking areas and, (2) No parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk in order to vacate the space. The driveway and garage located at 68 Woodland Street have been in existence prior to the requirement of the above sections of the code. The current parking arrangement of the driveway and garage provides for adequate parking. The proposed addition of (2) gravel spaces will not completely comply with the above code requirement(s) In addition, in its current design, the gravel area would require an area variance for development coverage and this will further exacerbate an existing non-conformity, lessen a rear-yard that is currently providing open space, and the new design may invite additional parking. Therefore, I recommend that the driveway remain its original form.

**MEMORANDUM**


Village/Town of Mount Kisco  
Planning Board

DEC 08 2016

**RECEIVED**

TO: Honorable Douglas Hertz and  
Members of the Mount Kisco Planning Board

CC: Michelle Lailor  
Whitney Singleton, Esq.  
Anthony Oliveri, P.E.  
Peter Miley

FROM: Jan K. Johannessen, AICP   
Village Planner

DATE: December 7, 2016

RE: Chhiring Sherpa-Site Plan  
68 Woodland Court  
Section 80.49, Block 1, Lot 11

**Project Description**

The subject property is located at 68 Woodland Street and within the RT-6 Zoning District. The applicant is proposing improvements and the legalization of a two-family residence thus requiring Site Plan Approval.

**SEQRA**

The proposed action is a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA).

**Plan Comments**

1. The applicant has addressed our previous comments. While the subject property contains a detached garage and driveway which can accommodate the required four (4) off-street parking spaces, there is currently no turn-around area and vehicles must back-out into a public street. The applicant is proposing to address this issue by proposing two (2) new gravel parking spaces adjacent to the residence and perpendicular to the existing driveway. While this may solve the parking concern, it further exacerbates the development coverage

nonconformity (2,362 s.f. permitted/3,019 s.f. existing/3,330 s.f. proposed) and greatly reduces the backyard. A determination should be made as to whether the additional parking area is necessary or required from a zoning standpoint. Should it be determined that the parking area is needed, a variance from the Zoning Board of Appeals will be required for exceeding the maximum allowable development coverage.

**Plan Reviewed, prepared by Tim Dunphy, R.A. and dated November 18, 2016:**

- Site Plan Application (S-1)

**Plan Reviewed, prepared by David L. Odell, P.L.S. and dated October 21, 2010:**

- Survey of Property

**Document Reviewed:**

- Letter, prepared by Tim Dunphy, dated November 22, 2016

JKJ/dc

**Dolph Rotfeld Engineering, P.C.**

Village/Town of Mount Kisco  
Planning Board

DEC 08 2016

**RECEIVED**

**MEMORANDUM**

---

**To:** Douglas Hertz, Planning Board Chairman

**C:** Edward W. Brancati, Village Manager  
Planning Board Members  
Peter Miley, Building Inspector  
Whitney Singleton Esq., Village Attorney,  
Jan K. Johannessen AICP, Village Planner

**From:** Anthony Oliveri, P.E.

**Date:** December 7, 2016

**Re:** Site Plan Application  
Chhiring Sherpa  
68 Woodland Street  
Village/Town of Mount Kisco

With regard to the above mentioned project, this office has reviewed the following plans and submittals:

- Survey of Property for Chhiring Sherpa & Phurba Sherpa, prepared by David L. Odell, PLS, dated 10/21/2010;
- Plan entitled "Site Plan Application for Approval of Existing Two-family Residence at: 68 Woodland Street, Mount Kisco NY," prepared by Tim Dunphy, architect, dated 11/18/16;

Our comments are as follows:

1. The submitted site plan lacks certain information as required under §110-45 such as topography, underground utilities, landscaping and illumination; however the applicant has requested a waiver of such details. In our opinion this waiver would be reasonable considering the limited scope of proposed exterior work (if any).
2. It is noted that a gravel parking area is proposed in the rear yard so as to bring the property into conformance with §110-28 of the zoning code prohibiting vehicles from backing out onto a public street. However this may not completely eliminate this condition, i.e. when 2 cars are parked in the spaces the turn-around area is lost. the Building Inspector should determine if this pre-existing non-conformity of the zoning code would require a variance to allow the existing condition to remain, which is common to the majority of properties on this street. Bringing this property into



**Dolph Rotfeld Engineering, P.C.**

Mr. Douglas Hertz, Chairman

December 7, 2016

Page 2 of 2

conformance with §110-28 seems impractical and will further exacerbate building and development coverage non-conformities which will require a zoning variance.

We will be happy to continue our review once additional information is received.

Thank you

# Application for Site Plan/Subdivision/Special Use Permit Approval

Village/Town of Mount Kisco  
Planning Board

Submission Date 9/20/16

(Due 21 Days in advance of Planning Board Meeting)

SEP 20 2016 Application Fee \$00.00

Escrow Fee \$000.00
**RECEIVED**

## Type of Application: (Please Check All that Apply)

Site Plan Approval ☒ Land Subdivision Approval ☐ Special Use Permit ☐ Change of Use ☐  
New Construction ☐ Addition ☐

## Applicant Information:

Applicant Name: Tim Donphy  
Address: 17 Abbott Avenue, # 2; Ridgely CT 06877  
Phone Number: 917-488-7182 Fax:  Email: TimDNYCT@gmail.com  
Applicant's relationship to property: Architect/Attorney

Name of Property Owner: (if different from above) Chhiring Sherpa  
Address: 200 Diplomat Drive, Apt. 6H; Mt. Kisco, NY 10549  
Phone Number: 914-906-9209 Fax:  Email: chhiringse@gmail.com  
Has property owner been notified of proposed action? Yes ☒ No ☐

## Application Information:

Project Name: 68 Woodland Street  
Project Address/Location: 68 Woodland Street  
Property Tax #: 80,49-1-11  
Proposed Use (be specific): Two-family residence  
Proposed New Floor Area(s) (square feet): 0  
Number of newly created parking spaces: 0  
Number of newly created building lots: 0  
Number of newly created curb cuts: 0  
Number of newly created water connections: 0  
Number of newly created sewer connections: 0

Conformance with Lot and Bulk Requirements:

What is the Zoning Classification of the site? RT-6

	Required	Proposed
Minimum Gross Site Area	5,000 $\pm$	5,904.10 $\pm$
Minimum Lot Area	5,000 $\pm$	5,904.10 $\pm$
Maximum Building Coverage	1,466.98 $\pm$	1,665.50 $\pm$
Maximum Site Development Coverage	2,361.64 $\pm$	3,018.50 $\pm$
Minimum Lot Depth	100'	115.1'
Maximum Lot Width	50'	51.34'
Yard Setbacks:		
Front	25'	21.5'
Rear	26'	47.5'
Side	6' one side, 16' total	3.8' one side, 18.3' total
Buffer:		
Front	-	-
Rear	-	-
Side	-	-
Maximum Building Height	2.5 stories	2 stories
Required Parking Spaces		4
Other		

Do any easement agreements, property covenants or deed restrictions apply to this property? Yes \_\_\_ No ☒  
If yes, please list these documents and attach copies.

Will action require approval from the New York State Department of Transportation? Yes \_\_\_ No ☒

Will action require approval from the New York City Department of Environmental Protection? Yes \_\_\_ No ☒

Will action require approval from the New York State Department of Environmental Conservation? Yes \_\_\_ No ☒

Will action disturb any wetlands or wetland buffer? Yes \_\_\_ No ☒

If yes, please fill out a permit to disturb sensitive natural areas.

Will action disturb any steep slopes greater than 20 percent? Yes \_\_\_ No ☒

If yes, please fill out a permit to disturb sensitive natural areas.

**Note: APPLICATION WILL ONLY BE PROCESSED WHEN:**

1. APPLICATION FEE / ESCROW FEE IS PAID
2. COMPLETED APPLICATION FORM IS SIGNED AND SUBMITTED
3. FOLDED COPIES OF REQUIRED NUMBER OF DRAWINGS ARE SUBMITTED

The above information is complete and factually correct to the best of my knowledge:

Applicant's Signature

Owner's Signature ☒

date 9.5.16

date 9.5.16

Application reviewed by:

Date:

VILLAGE/TOWN OF MOUNT KISCO  
Building Department  
104 Main Street  
Mount Kisco, NY 10549  
(914) 864-0019

Village/Town of Mount Kisco  
Planning Board

SEP 20 2016  
RECEIVED

Application Name or Identifying Title: SHERPA SITE PLAN  
Tax Map Designation (Section/Block/Lot) or Proposed Lot No. 80.49-1-11

**COVERAGE CALCULATIONS WORKSHEET**

(See next page for pertinent definitions and other related provisions)

**A. BUILDING COVERAGE** [Enter "0" below if category is not applicable]

1. Total lot area (sq. ft) = 5,904.1
2. Maximum permitted building coverage (sq. ft) = 1,466.98
3. Amount of lot area covered by principal building:  
1,305.5 existing (sq. ft) + 0 proposed (sq. ft) = 1,305.5
4. Amount of lot area covered by accessory buildings:  
360.0 existing (sq. ft) + 0 proposed (sq. ft) = 360.0
5. Amount of lot area covered by porches:  
0 existing (sq. ft) + 0 proposed (sq. ft) = 0
6. Total building coverage: Lines 3 + 4 + 5 (sq. ft) = 1,665.5

If line 6 is less than or equal to Line 2, your proposal complies with the Village's regulations; if Line 6 is greater than Line 2, your proposal does not comply with the Village's regulations.

**B. DEVELOPMENT COVERAGE** [Enter "0" below if category is not applicable]

1. Total lot area (sq. ft.) = 5,904.1
2. Maximum permitted development coverage (sq. ft.) = 2,361.64
3. Amount of building coverage from Line 6 in Section A above (sq. ft.) = 1,665.5
4. Amount of lot area covered by driveway, parking areas, walkway and areas covered with gravel:  
1,353 existing (sq. ft) + 0 proposed (sq. ft) = 1,353.0
5. Amount of lot area covered by terraces, patio, decks:  
0 existing (sq. ft) + 0 proposed (sq. ft) = 0
6. Amount of lot area covered by tennis court, platform tennis court, And related mechanical equipment:  
0 existing (sq. ft) + 0 proposed (sq. ft) = 0
7. Amount of lot area covered by all other structures, not including pre-existing stone walls:  
0 existing (sq. ft) + 0 proposed (sq. ft) = 0
8. Total development covered: Lines 3 + 4 + 5 + 6 + 7 (sq. ft) = 3,018.5

If line 8 is less than or equal to Line 2, your proposal complies with the Village's regulations. If Line 8 is greater than Line 2, your proposal does not comply with the Village's regulations.

**TIM DUNPHY**  
ATTORNEY · ARCHITECT · PLANNER  
17 Abbott Avenue, #2  
Ridgefield, CT 06877  
(917) 488-7182  
[TimDNYCT@gmail.com](mailto:TimDNYCT@gmail.com)

September 5, 2016

Village/Town of Mount Kisco  
Planning Board  
SEP 20 2016  
RECEIVED

Mr. Joseph Cosentino and  
Members of the Mount Kisco Planning Board  
104 Main Street  
Mount Kisco, NY 10549

Re: Site Plan Application  
Chhiring Sherpa  
68 Woodland Court  
Section 80.49, Block 1, Lot 11

Dear Mr. Cosentino and Board Members:

This letter is to serve as a narrative of the subject application, and a request of waivers from certain site plan application requirements. On February 2, 2016, a building permit application for work was denied for work to be performed on the subject premises, citing §110-45 [A][1] & [3] of the Village Code, as follows:

A. General requirements.

(1) Site plan approval shall be required for all uses other than one-family residences and the buildings accessory thereto.  
[Amended 4-7-2014 by L.L. No. 2-2014]

(3) No building permit or change of use permit shall be issued for any building or use subject to this section until an approved site plan or amendment of any such plan has been secured by the applicant and presented to the Building Inspector. No certificate of occupancy may be issued for any building or use of land subject to this section unless the building is constructed or used or the land is developed or used in conformity with an approved site plan or an amendment of any such plan.

My client was directed to submit an application for site plan approval, as a condition for building permit application acceptance. However, as outlined below, official records show that the building has been used as a two-family residence since 1917, and has not abandoned that use. Therefore, I believe that the property enjoys preexisting nonconforming status, and should not require site plan approval.

### Status of the premises

The property currently enjoys legal status as a two-family residence since 1946.<sup>1</sup> In addition, on June 11, 2009, Mr. Austin Cassidy, (the Building Inspector at that time) issued a letter stating that a Certificate of Occupancy was not required for the building as its use as a two-family residence predated the 1929 origin of local zoning regulations.<sup>2</sup>

### The proposed work

The proposed improvements to the building are internal. No exterior or site improvements are to be made.<sup>3</sup> All existing site improvements and parking spaces are to remain.

Work on the second floor is limited to the replacement of a kitchen sink, the reconnection of the existing cooktop/oven, and the relocation of a door to comply with the applicable code. Work on the first floor consists of the removal of one interior door, and the installation of a new door to connect the nursery to the master bedroom. No structural walls or load bearing elements are to be disturbed.

In addition to the preexisting status of the premises, there are no planned site work or changes to the use or size of the building. Therefore, I believe that site plan approval is not warranted.

However, please note that I have attached a site plan application. Should the Board not agree with the above analysis, please accept the attached application and place this item on the September 27 agenda for review.

Request for waivers:

As no site improvements or external work are to be performed, I respectfully request that the Board find the following information unnecessary:

### LEGAL DETAILS

10. No curb cuts or changes in parking requirements are to be performed
11. No change of use, coverage, building size or configuration is to be performed

### NATURAL FEATURES

1. No grading of the site is proposed

---

<sup>1</sup> Please see the current certificate of occupancy, issued on August 11, 2010, attached hereto as Exhibit A.

<sup>2</sup> Please see Exhibit B attached hereto.

<sup>3</sup> In his letter of May 18, 2016, Jan K. Johannessen, AICP, Village Planner, suggested the installation of a "hammerhead" turnaround adjacent (to the north) of the existing driveway. The suggested turnaround would require an additional 30 feet of paving to comply with industry recommendations. Therefore, the parking configuration shall remain as it is: two parking units within the garage and two immediately to the east of the garage (in front of the existing garage door).

2. No modifications are to be made to the site, no grading is to be performed and no trees are to be removed

#### EXISTING STRUCTURES AND UTILITIES

1. There will be no impact to any adjacent property
3. No additional buildings or structures are to be installed or improved
4. No landscaping or fencing is to be altered or installed

#### PROPOSED DEVELOPMENT

1. No exterior work or change of site egress is to be performed
5. No exterior lighting is to be installed
6. No signs are to be installed
7. Existing egress and ingress shall not be changed
8. No landscaping is to be performed
9. No changes in existing utility services is to be performed
10. No deeds or easements are contemplated
10. No public improvements are to be performed
11. No regrading is to be performed

Again, I respectfully hope that the Board concludes that site plan approval of an existing, permitted use, and approved, preexisting building is not required. Failing that, Please place this item of the September 27 Planning Board agenda. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Dunphy', with a stylized, flowing script.

Tim Dunphy

# **Exhibit A**



## **Exhibit B**



VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street

Mount Kisco, New York 10549

*Telephone*  
(914) 241-0500

June 11, 2009

TO FILE

Re: 68 Woodland Street  
80.49-1-11

A review of Village records indicates that the above captioned two-family residence was built circa 1917. This original building predates the 1929 origin of local zoning regulations. A Certificate of Occupancy is therefore not required for the original building.

This property is located in the RT-6 zone, One and Two Family Residence District.

Sincerely,

*Austin F. Cassidy*

Building Inspector

AFC/jmt

**TIM DUNPHY**  
ATTORNEY · ARCHITECT · PLANNER  
17 Abbott Avenue, #2  
Ridgefield, CT 06877  
(917) 488-7182  
TimDNYCT@gmail.com

November 22, 2016

Mr. Joseph Cosentino and  
Members of the Mount Kisco Planning Board  
104 Main Street  
Mount Kisco, NY 10549

Village/Town of Mount Kisco  
Planning Board

NOV 22 2016

**RECEIVED**

Re: Site Plan Application  
Chhiring Sherpa  
68 Woodland Court  
Section 80.49, Block 1, Lot 11

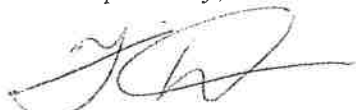
Dear Mr. Cosentino and Board Members:

This letter is to serve as an addendum to my letter of September 5, 2016. After meeting with the Town Building Inspector and Town Planner, I am submitting copies of a sealed survey and a sealed proposed site plan to be added to my original application package. Both documents have been drawn to the required scale.

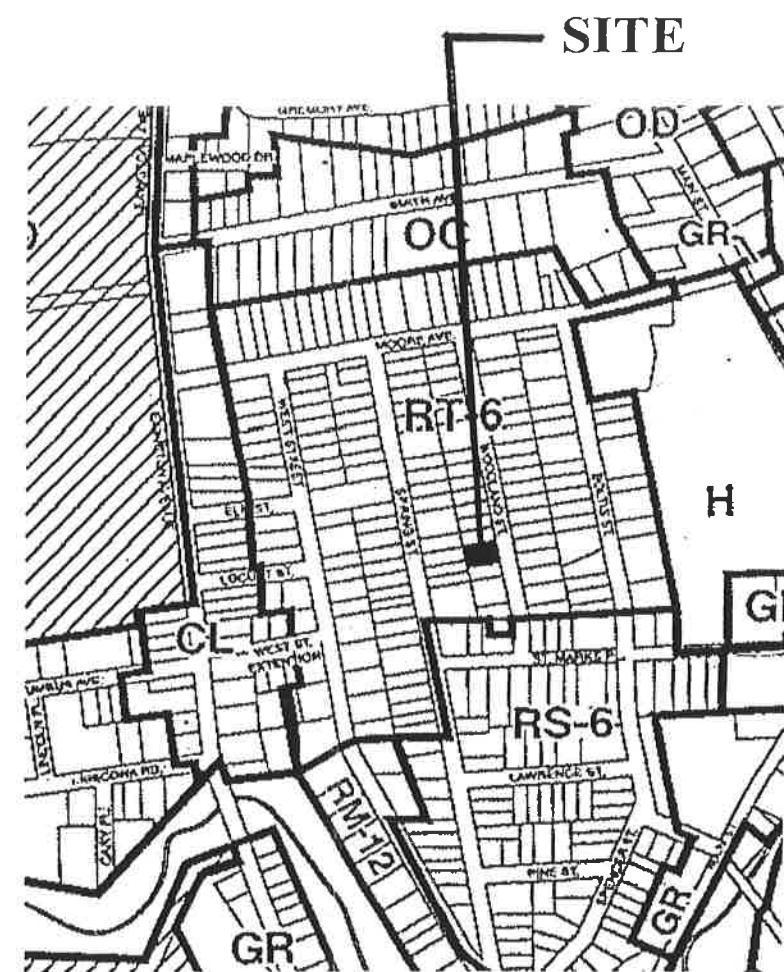
Please note that the only change to existing site is the addition of two parking units. This revision has been made to satisfy the required relocation of two existing parking spaces. The area of the parking is to be paved with 4" of crushed gravel, over 2" of compacted sand, over geotechnical fabric. This is a porous paving system, which will not change the site hydrology and will be installed at the existing grade level. Therefore, I request that the topological information of the existing and proposed grading not be required.

Thank you for your consideration.

Respectfully,

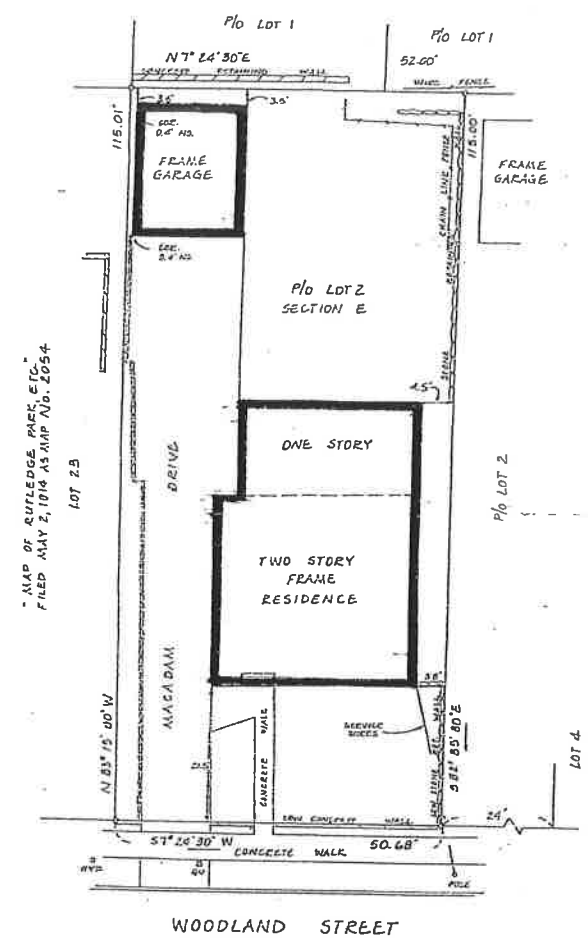


Tim Dunphy



PARTIAL ZONING MAP

N.T.S



PLOT PLAN

1" = 30'-0"

Zoning District:RT-6

	required		existing	
Lot Area (min.)	5,000.00	sf	5,904.50	sf
Building coverage (max)	1,466.98	sf	1,665.50	sf
Development coverage (max)	2,361.64	sf	3,018.50	sf
Lot depth (min)	100.00	lf	115.10	lf
Lot width (min)	50.00	lf	51.34	lf
Setbacks				
front	25.00	lf	21.50	lf
rear	26.00	lf	47.70	lf
side	6' one side	lf	3.8' one side	lf
	16' total	lf	18.3' total	lf
Building height	2.5 stories		2 stories	

Owner:  
Chhiring Sherpa  
200 Diplomat Drive  
Mount Kisco, NY 10459

Tax ID #:  
80.49-1-11

Drawing list:  
A-1 Site Plan & Notes  
A-2 Scope of Proposed Work



**TIM DUNPHY**  
ARCHITECT · ATTORNEY · PLANNER  
17 Abbot Avenue, #2  
Ridgefield, CT 06877

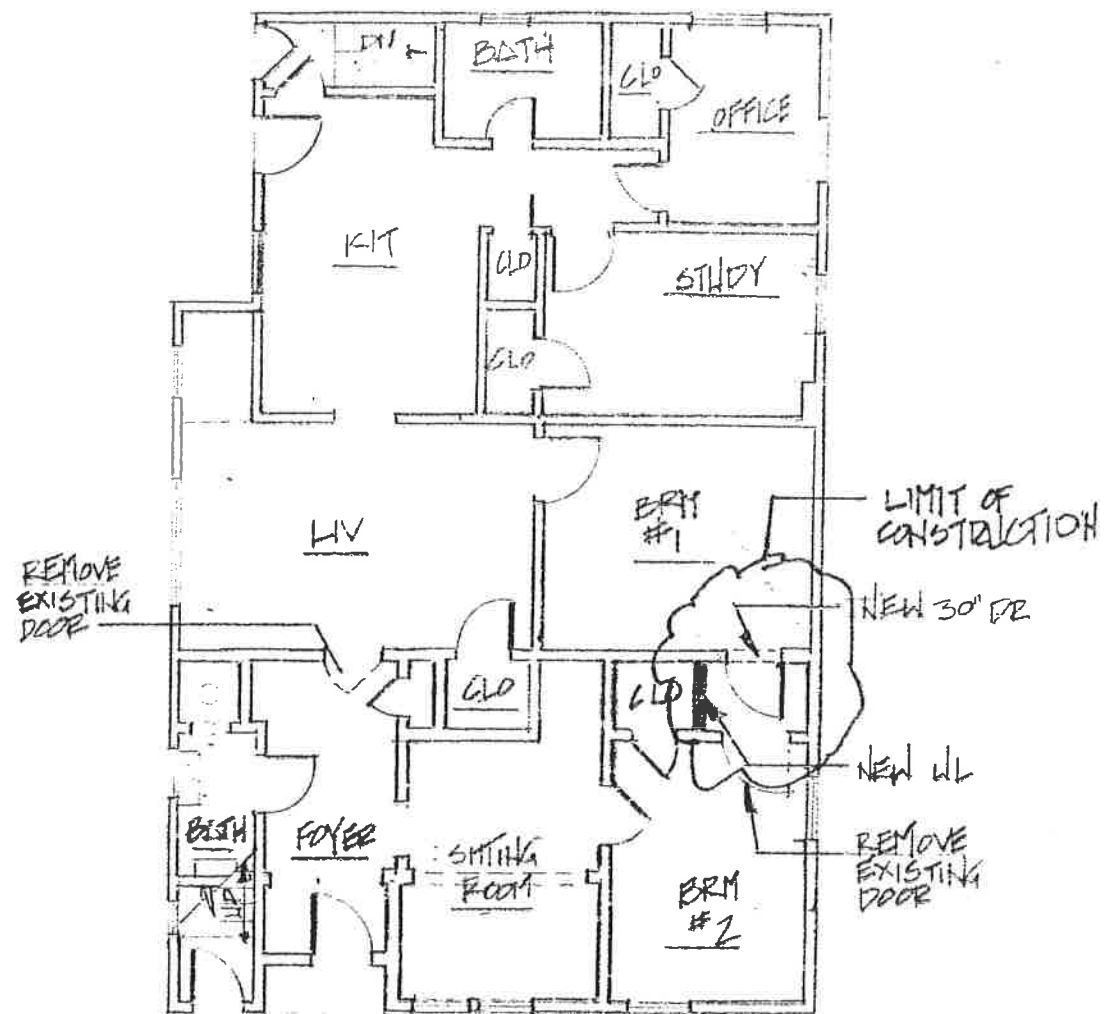
Village/Town of Mount Kisco  
Planning Board

SEP 20 2016  
**RECEIVED**

Site Plan Application for  
Approval of Existing Two-family Residence at:

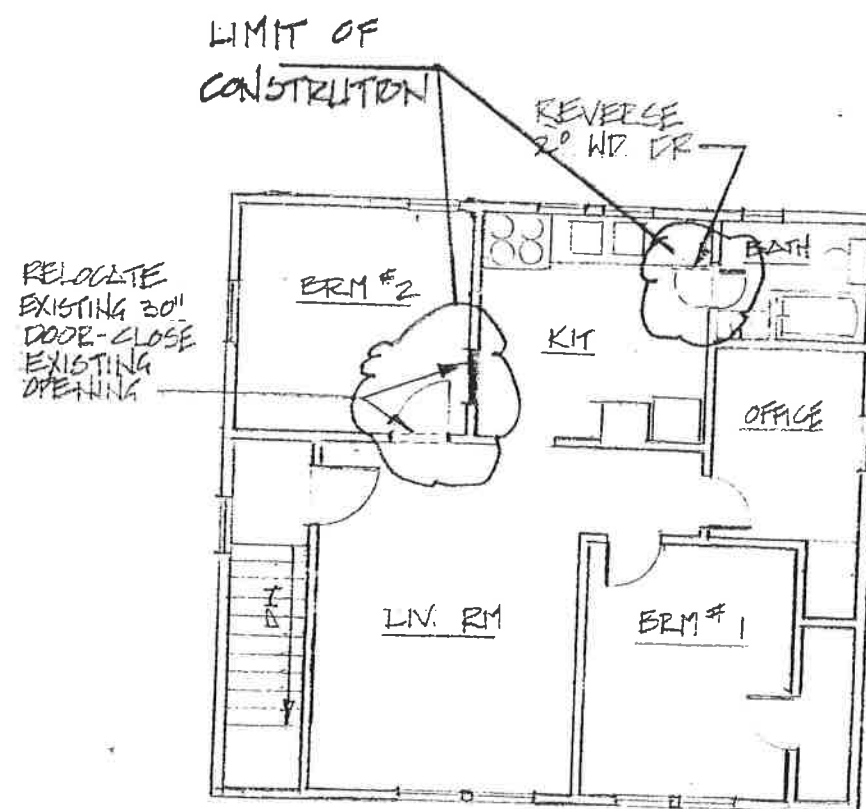
**68 Woodland Street  
Mount Kisco NY**

**A-1**



FIRST FLOOR

1/8" = 1'-0"



SECOND FLOOR

1/8" = 1'-0"



Site Plan Application for  
Approval of Existing Two-family Residence at:

68 Woodland Street  
Mount Kisco NY

**TIM DUNPHY**  
ARCHITECT · ATTORNEY · PLANNER  
17 Abbot Avenue, #2  
Ridgefield, CT 06877

**A-2**

**2017 Planning Board Calendar**  
**Submissions Deadlines are 21 Days before Meeting Dates**  
**Meetings are the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of Each Month**  
**7:30 p.m.**  
 Schedule is subject to change without notice

<b>Submission Deadlines</b>	<b>Meeting Date</b>
December 20, 2016	January 10, 2017
January 3, 2017	January 24, 2017
January 24, 2017	February 14, 2017
February 7, 2017	February 28, 2017
February 21, 2017	March 14, 2017
March 7, 2017	March 28, 2016
March 21, 2017	April 11, 2017
April 4, 2017	April 25, 2017
April 18, 2017	May 9, 2017
May 2, 2017	May 23, 2017
May 23, 2017	June 13, 2017
June 6, 2017	June 27, 2017
June 20, 2017	July 11, 2017
July 18, 2017	August 8, 2017
August 22, 2017	September 12, 2017
September 5, 2017	September 26, 2017
September 19, 2017	October 10, 2017
October 3, 2017	October 24, 2017
October 24, 2017	November 14, 2017
November 8, 2017	November 28, 2017
November 21, 2017	December 12, 2017
December 5, 2017	December 26, 2017
December 19, 2017	January 16, 2018



November 21, 2016

Mr. Peter J. Gregory, P.E.  
Keane Coppelman Gregory Engineers, P.C.  
113 Smith Avenue  
Mount Kisco, NY 10549

Village/Town of Mount Kisco  
Planning Board

NOV 21 2016  
**RECEIVED**

Vincent Saplenza P.E.  
Acting Commissioner

Paul V. Rush, P.E.  
Deputy Commissioner  
Bureau of Water Supply  
prush@dep.nyc.gov

Re: BDM Properties - SWPPP  
74 South Moger Avenue  
(V) Mount Kisco, (C) Westchester  
New Croton Reservoir Drainage Basin  
DEP Log #2016-CNC-0454-SP.1

465 Columbus Avenue  
Valhalla, New York 10595

T: (845) 340-7800  
F: (845) 334-7175

Dear Mr. Gregory:

The New York City Department of Environmental Protection (DEP) determined that the above referenced application was complete on October 17, 2016. In response to the Stormwater Pollution Prevention Plan (SWPPP) and drawings received, the DEP offers the following comments which must be satisfactorily addressed prior to an approval.

A. SWPPP Report & Analysis:

1. The anticipated project start and completion dates shall be updated and the Notice of Intent (NOI) form and the SWPPP report revised to reflect the new date.
2. Please provide separate plans showing the existing and proposed conditions of the project site, including grading and utilities.
3. Pre-development and post-development drainage maps must also be provided.
4. Sizing calculations for all stormwater conveyance structures (e.g., swales, pipes) must be provided in the SWPPP report in a tabular form.
5. Please include a comparison of the volume of runoff generated by the 1-year, 24-hour storm event and the water quality volume generated using the 90% rule.

6. The surface runoff from the proposed parking area is directed to an infiltration practice (Cultec Rechargers Model 900XLD). Pretreatment of the runoff to the infiltration system must be provided and designed in accordance with the New York State Stormwater Management Design Manual (SMDM).
7. There appears to be a discrepancy between the number of the proposed Cultec Rechargers Model 900XLD specified in the SWPPP report and the number shown on the drawing. Please revise for consistency.

B. Plans/Details:

1. Please revise Sheet 2 of 5: Proposed Parking Lot Plan to include a 'legend' for all items featured and line types used on the respective drawing.
2. In order to better understand the drainage areas considered in the analysis, existing topography at 2-foot contour intervals for the adjacent properties to the proposed project should also be provided and shown on the drawings.
3. The boundaries of any 100-year flood plains must be noted on the plans, if no such flood plains are located within the plan area, you must so note.
4. The location of the vegetation to be protected on site (if any) must be shown on the plans. In addition, a detail should be provided on the details drawing.

C. Erosion and Sediment Control Plan/Construction Sequence:

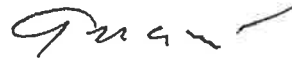
1. While the notes on drawing SP-3: Erosion & Sediment Control Plan may be intended to address some of the construction sequence for this project, the information provided is not sufficiently detailed. Please provide a detailed construction sequence to include all work items and all necessary erosion and sedimentation practices to be implemented. Consider providing this information in a checklist format.
2. The construction sequence must include a note indicating that the applicant must schedule a pre-construction conference prior to the start of construction. Present at the meeting should be the applicant, the engineer, the contractor, and DEP staff. In addition, the applicant must notify DEP at least forty-eight (48) hours prior to the commencement of construction activity so that inspections can be scheduled by DEP.
3. Words such as "immediately", "temporarily", "as practicable", "periodic" should be replaced with feasible and specific time periods.



4. All catch basins and manholes (as applicable) are to be protected using the stone and block inlet protection throughout the construction period and until all disturbed areas which drain to them are stabilized. The standard detail for stone & block inlet protection should be shown on the drawings.

If you have any questions, please do not hesitate to contact me at (914) 773-4411.

Sincerely,



Andreea A. Oncioiu  
Associate Project Manager II  
Regulatory & Engineering Programs

c: (V) Mount Kisco Planning Board - [planning@mountkisco.org](mailto:planning@mountkisco.org)  
Anthony Oliveri, P.E., Dolph Rotfeld Engineering PC - [anthony@drepc.com](mailto:anthony@drepc.com)  
Armand DeAngelis, NYS DEC - [armand.deangelis@dec.ny.gov](mailto:armand.deangelis@dec.ny.gov)



CIVIL ENGINEERING CONSULTANTS

November 22, 2016

Chairman Joseph Cosentino and Planning Board Members  
Planning Board, Village/Town of Mount Kisco  
104 Main Street  
Mount Kisco, NY 10549

Re: 369 Lexington Avenue  
Sec. 80.48 Bl. 4 Lots 13, 16 and 17

Village/Town of Mount Kisco  
Planning Board

NOV 23 2016

RECEIVED

Dear Chairperson Cosentino and Planning Board Members;

With respect to the "Final Subdivision Plat, Site Plan Approval, Wetland Permit Approval and Change of Use Permit Approval" granted by your Board on June 28, 2016, resolution attached, we respectfully request that the Planning Board grant a six-month extension to allow the Applicant, Mount Kisco Supply, to satisfy the conditions of approval.

The Applicant has been moving forward with the Project to the extent discussed with this Board and as permitted by the Building Department, including demolishing the non-conforming 2 family dwelling. The plat has been signed by WCDOH and it is anticipated that the plat will be filed in late January 2017. Once the plat has been filed the Applicant will be able to forward in satisfying the other conditions.

We hope that this letter is satisfactory and that this item can be heard at your December 13, 2016 planning board meeting.

Sincerely,

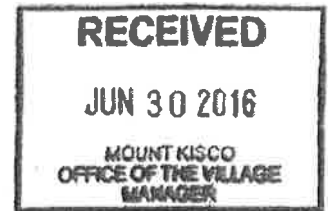
Pietro A. Catizone, P.E.  
Principal

cc: Robert Pasquale; Mt. Kisco Supply  
Anthony Monteleone, Esq; Monteleone and Monteleone

PAC

X:\Project\2015\15011 369 Lexington Ave\Correspondence\Outgoing\Planning Board\Cosentino\_PB 161122.docx

**PLANNING BOARD RESOLUTION  
VILLAGE OF MOUNT KISCO  
  
FINAL SUBDIVISION PLAT APPROVAL  
SITE PLAN APPROVAL  
WETLAND PERMIT APPROVAL  
CHANGE OF USE PERMIT APPROVAL**



**369 LEXINGTON AVENUE**

Section 80.48, Block 4, Lots 13, 16 and 17  
Application No: PB2015-00300

**June 28, 2016**

**WHEREAS**, the subject properties consist of three (3) tax lots totaling  $\pm 1.6$  acres of land fronting on Lexington Avenue and West Street. Tax Lot 16 is located off of Lexington Avenue and is partially within the CL Zoning District. Tax Lot 17 also fronts on Lexington Avenue and is partially within the CL Zoning District (western portion) and partially within the RT-6 Zoning District; Tax Lot 13 fronts on West Street and is located entirely within the RT-6 Zone ("the subject property"); and

**WHEREAS**, the subject properties are owned by Mt. Kisco Supply Company, Inc. ("the applicant") and is identified on the Village/Town tax rolls as Section 80.48, Block 4, Lots 13, 16 and 17; and

**WHEREAS**, Tax Lot 16 contains an existing nonconforming two-family residence, detached garage, and an asphalt parking area, all accessed off of Lexington Avenue; and

**WHEREAS**, Tax Lot 17 contains a  $\pm 20,500$  s.f. commercial building, which is currently occupied by a hardware store (Mt. Kisco Supply), a plumbing, kitchen, bathroom and appliance store (Ferguson), and an unoccupied storage/warehouse space; Tax Lot 17 also contains an asphalt driveway off of Lexington Avenue which provides access to an existing asphalt parking area located to the north and east of the building; and

**WHEREAS**, Tax Lot 13, located within the RT-6 Zoning District, contains an existing nonconforming parking area, which is accessed via the driveway serving Tax Lot 17; and

**WHEREAS**, the proposed action includes the following, hereafter collectively referred to as "the proposed action":

1. Removal of the nonconforming two-family residence, detached garage and impervious surface on Tax Lot 16; and

2. Removal of the nonconforming parking area on Tax Lot 13, located in the RT-6 Zone; and
3. The expansion of Ferguson's showroom space into its existing storage/warehouse area; and
4. The conversion of existing storage/warehouse space to storage/warehouse with an accessory office. Approximately 7,060 s.f. of space is proposed to be leased to a moving company known as "Two Men and a Truck", 788 s.f. of which will consist of office space and 6,272 s.f. of which will consist of accessory storage; and
5. The subdivision of Tax Lot 13 into two (2) residential single-family lots, identified as Lots 13A and 13B on the proposed preliminary plat; and
6. The realignment of the common property line between Tax Lot 13 and Tax Lot 17; and
7. The re-mapping of the CL and RT-6 Zoning District boundary line so as to coincide with the proposed common property line between Tax Lot 13 and Tax Lot 17; and
8. The merger of Tax Lots 16 and 17; and
9. Related drainage, site restoration, parking, lighting, screening, and landscaping.

**WHEREAS**, the Village Board has conditionally approved the modification of the zoning map so as to realig of the CL and RT-6 Zoning District boundary line; and

**WHEREAS**, the applicant obtained an area variance pertaining to development coverage from the Zoning Board of Appeals (see Case No.: ZBA 15-15); and

**WHEREAS**, the applicant has applied to the Planning Board for Subdivision Plat Approval, Site Plan Approval, a Wetland Permit and a Change of Use Permit; and

**WHEREAS**, the existing and proposed uses require a total of 39 off-street parking spaces; the proposed site plan illustrates a total of 40 parking spaces, not including 10 spaces devoted to fleet vehicle parking; and

**WHEREAS**, regarding the parking formula for Ferguson, the Planning Board has determined the proposed use to be unique and has developed the following parking formula for the Ferguson showroom space in accordance with Section 110-28K(2) of the Zoning Code; and

Ferguson Showroom: 1 space per 500 s.f. of gross floor area devoted to showroom space

**WHEREAS**, the subject property is located within the New York City East of Hudson Watershed and a portion of the site is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area; and

**WHEREAS**, according to the applicant, no new impervious cover is proposed within the portion of the site located within the NYCDEP's Designated Main Street Area and, therefore, the proposed action does not require NYCDEP approval; and

**WHEREAS**, reference is made to memorandums issued by the Building Inspector dated August 21, 2015 and February 19, 2016; the Village Engineer dated May 6, 2015 and August 19, 2015; and the Village Planner dated May 6, 2015, August 21, 2015, and June 8, 2016; and

**WHEREAS**, reference is made to an existing conditions survey, prepared by H. Stanley Johnson and Company, entitled "Survey and Topographic Survey Prepared for Mt. Kisco Supply Co., Inc.", dated June 24, 2015; and

**WHEREAS**, reference is made to floors plans entitled "Proposed Tenant Layout for 369 Lexington Avenue, Mt. Kisco" (Sheets A1 – A3), prepared by Goewey & Demasi, AIA, dated July 20, 2015; and

**WHEREAS**, the application has been referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law; and

**WHEREAS**, a duly noticed public hearing was opened on April 26, 2016 and was closed on June 14, 2016, at which time all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, via resolution dated April 26, 2016, the Planning Board issued a Negative Declaration of Significance under the State Environmental Quality Review Act (SEQRA) and granted Preliminary Subdivision Plat Approval, subject to conditions; and

**WHEREAS**, the applicant has satisfactorily addressed the conditions contained within the aforementioned resolution and the proposed Final Subdivision Plat is substantially similar to the approved Preliminary Subdivision Plat.

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board hereby waives the public hearing on the Final Subdivision Plat; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby grants Final Subdivision Plat Approval, Site Plan Approval, a Wetland Permit and a Change of Use Permit, subject to the below conditions; and

**BE IT FURTHER RESOLVED THAT**, the Planning Board hereby approves the following drawings hereafter referred to as "the approved plans", subject to the below conditions; and

Plans prepared by Catizone Engineering, P.C., dated (last revised) May 19, 2016:

- Demolition Plan (C1.1)
- Site Plan (C1.2), dated (last revised) January 26, 2016
- Grading, Utilities and Photometric Plan (C1.3)
- Erosion and Sediment Control Plan (C1.4)
- Landscape Plan (C1.5)
- Site Details (C1.6 – C1.7)

Plat prepared by H. Stanley Johnson and Company, dated May 19, 2016:

- Final Subdivision of Property Prepared for Mt. Kisco Supply Co., Inc.

**BE IT FURTHER RESOLVED THAT,** unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution and shall be completed within one (1) year of commencement of construction.

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

1. 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 (if any) 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.
2. All necessary easements and deed restrictions shall be prepared to the satisfaction of the Village Attorney and shall be filed with the County simultaneously with the filing of the Final Subdivision Plat; proof of filing of each such document shall be provided.
3. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant, including all applicable recreational fees and rezoning (re-mapping) fees.
4. The applicant shall submit a "check set" (4 copies) of the approved plat prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
5. Following review and revision (if necessary) of the final plat, the applicant shall furnish the Planning Board with a final plat produced on mylar for final review by Village staff and endorsement by the Planning Board Chairman. Prior to the signing of the plat by the Planning Board Chairman, the plat shall have been previously signed by the appropriate licensed design professional(s), the property owner, and the Westchester County Department of Health.

6. The approved site 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. The approved site plans shall not be signed until the Final Subdivision Plat has been signed and filed with the County Clerk and proof of filing has been provided to the Planning Board Secretary. The applicant shall provide four (4) copies of the signed and filed plat bearing the County file map or control number.

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

7. The applicant shall satisfy the above conditions and the approved plans shall be signed by Village staff and the Planning Board Chairman.
- 7.a. Notwithstanding the aforesaid, the Building Inspector may issue building permits for interior non-structural renovations consistent with the plans approved/referenced herein, provided such work is expressly acknowledged by the applicant as being undertaken at the applicants' sole risk of complying with all conditions of approval of this resolution and compliance with any requirements of any approvals/permits of other involved agencies.
- 7.b. No other building permits shall issue and no other work commenced until the applicant shall have satisfied all of the aforesaid conditions and the approved plans signed by the Village staff and the Planning Board Chairman.
- 7.c. No certificate of occupancy shall issue until there is compliance with all conditions of approval.

**Conditions to be Satisfied Prior to Commencement of Any Work:**

8. 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.
9. 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.
10. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector and Village Engineer.

**Conditions to be Satisfied During Construction:**

11. 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.
12. In the event that land disturbance exceeds 5,000 s.f., the applicant shall obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

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

13. A Backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.
14. There shall be no Certificate of Occupancy issued until there is full compliance with the plans approved herein and all conditions of this Resolution.
15. Prior to the issuance of a 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.
16. Prior to the issuance of a 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.
17. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
18. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

**Other Conditions:**

19. The Planning Board is to retain original jurisdiction.
20. The development of Lots 13A and 13B shall be limited to single-family detached homes.
21. Tax Lots 16 and 17 shall be considered merged as of the filing of the Final Subdivision Plat with the County Clerk.
22. The existing asphalt pavement and development coverage on Lots 13A and 13B shall be removed and these lots shall be maintained as lawn until developed in the future.



23. The proposed removals of all buildings and development coverage and restoration of these areas with landscaping, as specified on the approved plans, shall be completed prior to the issuance of any certificate of occupancy associated with the commercial building located on Tax Lot 17 or for the tenants located therein.
24. The northerly parking lot shall be restricted to employees only and the storage of fleet vehicles (10 maximum).
25. All loading, unloading and deliveries shall occur solely within the site. No loading, unloading or transfer operations shall be permitted on any public street.
26. All interior and exterior lighting on the subject property shall be turned off during non-operating hours, with the exception of exterior security lighting which luminance levels shall be reduced by 30% during non-operating hours.
27. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
28. All signage, including within windows, shall be fully compliant with Chapter 89 of the Village Code. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds.
29. 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.
30. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan 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: DOUGLAS HERTZ

The motion was seconded by: ENRICO MARESCHI

The vote was as follows:

<b>JOSEPH COSENTINO</b>	<u>ABSENT</u>
<b>ANTHONY STURNIOLO</b>	<u>AYE</u>
<b>RALPH VIGLIOTTI</b>	<u>ABSENT</u>
<b>DOUGLAS HERTZ</b>	<u>AYE</u>
<b>ENRICO MARESCHI</b>	<u>AYE</u>
<b>MICHAEL BONFORTE</b>	<u>AYE</u>
<b>JOHN BAINLARDI</b>	<u>ABSENT</u>

  
\_\_\_\_\_  
Anthony Sturniolo      June 28, 2016

DEC 05 2016

**RECEIVED**

12/4/16

To: Scott Blakely  
Insite Engineering  
CC; Ed Brancati, Town Board, Planning Board

Scott,

Thanks for meeting with the CAC last Wednesday to discuss the updated plans for the proposed development at 77 S. Moger Ave, and answering our remaining questions about the project.

We appreciate your team's collaborative approach to this process, and your continuing efforts to make the proposal more environmentally friendly.

Here is our summary of the points discussed, and our understanding of the conclusions reached during that meeting.

Previously Open Issues:

1. We were concerned that the new storm drain from South Moger would pass unfiltered, unbuffered storm drain water directly into Branch Brook.

We were satisfied, after our discussions on this point, that the proposed system would properly filter the runoff, and could even improve the quality of the current runoff from S.Moger. A consultation with the Town Manager confirmed that the town would be able to perform periodic cleaning of the catchment to maintain this filtering process.

2. We were concerned that the installation of the new crossdrain, which would provide some significant drainage advantages, might interfere with or damage the root systems of some existing trees.

We were satisfied, after examining and discussing the latest plans, that the new position of the crossdrain (nearer the walkway) would minimize possible root interference. We were further assured by your confirmation that special techniques and tools used to avoid root damage during the drain installation.

3. We were concerned regarding the extent to which existing trees on town land would be disturbed or removed, and that the shade, cooling, and water/flood treatment advantages of these mature trees would only be restored after the planned replantings had undergone decades of growth.

After some discussion it was agreed that Win would consult with Brendan Murphy (Hudson Wetlands Forester) to determine the best way to preserve:

- A. The mature evergreens not directly in the path of the proposed driveway and walkway.
  - B. Several hardwoods adjacent to the parking lot railing, including a quad Maple.
4. We were concerned about the lack of specifics regarding replanting plans, including the proposed assistance in replanting the Wetland riparian area after the Village completes planned bank repairs.

We were mostly very satisfied with the details provided on the new replanting plan drawings, and thank you for your team for their generous and thoughtful work on this part of the plan.

We requested that you discuss some of the details of the bank/wetlands replanting list with Mr. Murphy.

Subsequent to the meeting we went over the list with Jim Nordgren of Land Trust Services, who is working with the CAC on preparation of Mount Kisco's Natural Resources Inventory (NRI.)

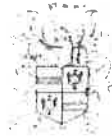
He observed that many of the proposed shrubs and grasses were not native, and might better be replaced with equivalent native species such as Panic Grass, Phlox, Manarda, Joe Pye Weed, Bearberry (for ground cover), Orange and Purple Milkweed (for pollinators), plus Ironweed and Blue Vervain. He also observed that non-native Viburnum Tormentosum/Doublefile Viburnum was proposed for the Buffer Enhancement replanting, and that it might be better to substitute a more local variant.

5. We were concerned that the proposed driveway exit and pedestrian walkway across Town land to Shopper's Park would negatively effect drainage and require the removal of more than a half-dozen mature trees in the flood zone/park area.
- A. We are satisfied the permeable driveway and walkway construction, as detailed in the latest plans, would probably have a positive impact on drainage in the area.
  - B. The revised plans still show two trees to be removed for driveway construction, and one for walkway construction on Town land. Three more would be removed between the walkway and driveway.  
We are satisfied that the one small Evergreen proposed to be removed for walkway construction is in very poor condition, and could be removed.  
We are resigned to the fact that two mature evergreen trees will be removed—if the Town Board finds that the driveway should be built (to improve traffic flow and safety, and to add street parking spaces.)  
We request that the developer does not remove the three large evergreen trees between the proposed driveway and walkway. The development team has agreed to consult with Wetlands Forester Murphy to determine the best way to accomplish this.

The plans overall represent a great improvement over the previous version (from a conservation perspective), and reflect many of the changes discussed during our meeting. The use of permeable surfaces, substantial improvements in drainage infrastructure, reduced need for town land, and the reduction in proposed tree removal are most welcome.

All the best,  
John Rhodes  
on behalf of the Mt. Kisco CAC

Planning Board



VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street

Mount Kisco, New York 10549

Village/Town of Mount Kisco  
Planning Board

OCT 24 2016

**RECEIVED** Telephone  
(914) 241-0500

*Beautification Committee*

MINUTES OF THE MOUNT KISCO BEAUTIFICATION COMMITTEE MEETING

October 12, 2016

To: Members of the Beautification Committee, Mayor Michael Cindrich, and Village Board of Trustees, Planning Board, Zoning Board

Present: Joan Stewart, Chair, Pat Reilly, Treasurer, Joe Cavallo, Senior Community Director for Arc of Westchester, Edward Brancati, Village Manager, Cece Yozzo, Maureen Zaccari, Carol Welch, Joanne Hack, Patricia Thompson, Jeanne Zipp

Excused: Joanne Hauser, Harold Hochstein

Absent: Antoinette Whalen, Andre Ferrara

Joan Stewart Called the Meeting to Order at 1:10p.m.

Motion to approve the September minutes made by Cece Yozzo, seconded by Carol Walsh.

Treasurer's Report: Pat said that the Friends Account remains the same at \$3,974.53. Village Account began at \$2500 as of June 1<sup>st</sup>. We had additional expenses of \$120 for the Fountain during the summer and spent \$207.68 for fall plantings at the Fountain leaving our account at \$2,172.32 Report approved by Maureen Zaccari, seconded by Cece Yozzo.

Fall Planting: On September 28 Cece Yozzo, Carol Welsh, Joan Stewart and Maureen Zaccari revitalized the Fountain planting with new plants.

Flower Basket Award: Members were asked to report on the names of businesses/public buildings that were given letters of commendation since our last meeting. Those submitted were Bethel Baptist Church, Blithewold, Plants and Things, Suburban Flooring, SH Davidson Interiors, Care Mount Medical Group and Mt. Kisco Seafood. Committee

discussed who would be the recipient of the yearly Flower Basket Award. Joanne Hack nominated Winston's for its rear entrance garden. Carol Welsh seconded. Jeanne Zip displayed the award picture and agreed to ask Andre to frame it. Carol Walsh volunteered to make a plaque. The award will be presented at the November 21<sup>st</sup> Village Board meeting along with the Residential Garden Award winners. It was decided not to do a Decade of Greenery Award this year.

ARC of Westchester: Joe Cavallo from ARC encouraged us to make use of his clients' skills especially in weeding. We agreed that we could use the help and plan to set up a closer relationship.

Kirby Plaza Landscaping Plan: Village Manager, Edward Brancati spoke to us about the Village's plan to revitalize Kirby Plaza. The Village is consulting with landscape architects to work on a plan. Irrigation of the area is a possibility. Carol Walsh brought up the current problems with the clock noting that it has cracks and needs repair. Paula has taken pictures and Carol is contacting the clock company's representative to discuss how to proceed. Ed Brancati assured us that the Village will cover any costs associated with the clock.

Harold Hochstein has contacted Joan Stewart to advise her that he has a Church conflict with our meeting time, however he would like to stay on the Committee to help with functions and plantings.

Chamber of Commerce members will attend our next meeting on November 2<sup>nd</sup>.

Motion to adjourn made by Carol Welsh, seconded by Maureen Zaccari.

Respectfully Submitted,

Joanne Hack



October 28, 2016

Mr. Jeffrey Contelmo, P.E.  
Principal Engineer  
Insite Engineering, Surveying & Landscape Architecture, P.C.  
3 Garrett Place  
Carmel, NY 10512

Village/Town of Mount Kisco  
Planning Board

Vincent Sapienza P.E.  
Acting Commissioner

Re: E. K. Construction  
35 & 39 Kisona Road  
(T) Mount Kisco, (C) Westchester  
New Croton Reservoir Basin  
DEP Log #2016-CNC-0385-SP.1

NOV 01 2016

**RECEIVED**

Paul V. Rush, P.E.  
Deputy Commissioner  
Bureau of Water Supply  
prush@dep.nyc.gov

465 Columbus Avenue  
Valhalla, New York 10595

T: (845) 340-7800  
F: (845) 334-7175

Dear Mr. Contelmo:

The New York City Department of Environmental Protection (DEP) determined that the above referenced application was complete on September 15, 2016. In response to the Stormwater Pollution Prevention Plan (SWPPP) and drawings received, the DEP offers the following comments which must be satisfactorily addressed prior to an approval.

A. SWPPP Report & Analysis:

1. The anticipated project start and completion dates shall be updated and the Notice of Intent (NOI) form and the SWPPP report revised to reflect the new date.
2. Please provide information showing the breakdown of the impervious area associated with the overall project as a function of the existing impervious area, to demonstrate that the proposed expansion is within 25%.
3. The roof runoff from the building addition and the bulk storage building and the surface runoff from the expanded parking and sidewalk areas is directed to an infiltration practice (Cultec Rechargers Model 280HD). Pretreatment of the runoff to the infiltration system must be provided and designed in accordance with the *New York State Stormwater Management Design Manual (SMDM)*.



A portion of the curb along Lincoln Place is proposed to be removed in order to facilitate access to the proposed project. Please consider pitching the driveway entrance in such a way that the post development runoff from Lincoln Place flows just as it does currently. If runoff from Lincoln Place will flow into the site through the proposed access, these flows must be included when sizing the stormwater management facilities.

B. Plans/Details:

1. Please revise Drawings SP-2: Grading & Drainage Plan and SP-3: Erosion & Sediment Control Plan to include "Legend" on the tables provided.
2. The location of the vegetation to be protected on site (if any) must be shown on the plans. In addition, a detail should be provided on the details drawing.

C. Erosion and Sediment Control Plan/Construction Sequence:

1. While the notes on drawing SP-3: Erosion & Sediment Control Plan may be intended to address some of the construction sequence for this project, the information provided is not sufficiently detailed. Please provide a detailed construction sequence to include all work items and all necessary erosion and sedimentation practices to be implemented. Consider providing this information in a checklist format.
2. The construction sequence must include a note indicating that the applicant must schedule a pre-construction conference prior to the start of construction. Present at the meeting should be the applicant, the engineer, the contractor, and DEP staff. In addition, the applicant must notify DEP at least forty-eight (48) hours prior to the commencement of construction activity so that inspections can be scheduled by DEP.
3. Words such as "immediately", "temporarily", "as practicable", "periodic" should be replaced with feasible and specific time periods.
4. Please provide alternative stabilization methods for use in cold weather that are consistent with the requirements of "New York Standards and Specifications for Urban Erosion and Sediment Control."
5. All catch basins and manholes (as applicable) are to be protected using the stone and block inlet protection throughout the construction period and until all disturbed areas which drain to them are stabilized. The standard detail for stone & block inlet protection should be shown on the drawings.

If you have any questions, please do not hesitate to contact me at (914) 773-4411.

Sincerely,



Andreea A. Oncioiu  
Associate Project Manager II  
Regulatory & Engineering Programs

c: (V) Mount Kisco Planning Board - [planning@mountkisco.org](mailto:planning@mountkisco.org)  
Anthony Oliveri, P.E., Dolph Rotfeld Engineering PC - [anthony@drepc.com](mailto:anthony@drepc.com)  
Armand DeAngelis, NYS DEC - [armand.deangelis@dec.ny.gov](mailto:armand.deangelis@dec.ny.gov)

# NEW YORK METROPOLITAN TRANSPORTATION COUNCIL

Jose M. Rivera, P.E.  
Executive Director

## Notice of Public Comment Period On the Draft State Fiscal Year (SFY) 2017-18 Unified Planning Work Program

The New York Metropolitan Transportation Council (NYMTC) announces a thirty day public comment period for the draft Unified Planning Work Program (UPWP) proposed for the State Fiscal Year (SFY) beginning April 1, 2017. The public comment period opens on **Monday, November 21, 2016** and closes at **5 p.m. on Tuesday, December 20, 2017**. The draft SFY 2017-18 UPWP document will be available for download from the NYMTC website ([www.NYMTC.org](http://www.NYMTC.org)) when the comment period opens, along with a summary dashboard.

The UPWP is a federally-mandated product of NYMTC's planning process. It defines planning activities in NYMTC's planning area and identifies federal planning funds to conduct these activities. NYMTC's members will take action to adopt the draft UPWP at their Annual Meeting in February 2017.

Comments on the draft SFY 2017-18 UPWP may be submitted in writing or by email by **5 p.m. on Tuesday, December 20, 2017** to the following contact:

New York Metropolitan Transportation Council  
ATTENTION: Seitu Allen  
25 Beaver St, 2<sup>nd</sup> Floor  
New York, NY 10004  
[Seitu.Allen@dot.ny.gov](mailto:Seitu.Allen@dot.ny.gov)  
(212) 383-1885

NYMTC will also hold two on-line public webinars during the comment period on **Wednesday December 14, 2016** to present the draft UPWP and gather public comment. Information on the webinars follows:

The public webinars will be held at 3:00 pm and 6:30 pm on December 14th	
For the 3:00 pm webinar: <a href="http://bit.ly/2gdWMJE">http://bit.ly/2gdWMJE</a> Meeting Number: 640 032 231 Meeting Password: Dec142016	For the 6:30 pm webinar: <a href="http://bit.ly/2fRTjgS">http://bit.ly/2fRTjgS</a> Meeting Number: 649 047 045 Meeting Password: Dec142016

### Background:

NYMTC is a regional council of governments that serves as the Metropolitan Planning Organization for New York City, Long Island and the lower Hudson Valley. NYMTC provides a collaborative planning forum to address transportation-related issues, develops regional plans and makes decisions on the use of federal transportation funds. In order to be more responsive to transportation planning needs at the local level, NYMTC is comprised of three Transportation Coordinating Committees (TCCs). The Mid-Hudson South TCC covers Putnam, Rockland and Westchester counties; the Nassau/Suffolk TCC covers Nassau and Suffolk counties; and the New York City TCC covers the five boroughs of New York City.

The New York Metropolitan Transportation Council complies with the Americans with Disabilities Act and federal Limited English Proficiency guidelines. If you need special accommodations to participate in this meeting, or translation services into Spanish, Russian, Chinese or American Sign Language, please contact [Andrea.Miles-Colea@dot.ny.gov](mailto:Andrea.Miles-Colea@dot.ny.gov) at least 72 hours prior to the webinar.

T H E M E T R O P O L I T A N P L A N N I N G O R G A N I Z A T I O N

25 BEAVER STREET ▼ SUITE 201 ▼ NEW YORK ▼ NEW YORK ▼ 10004 ▼ 212.383.7200 ▼ [WWW.NYMTC.ORG](http://WWW.NYMTC.ORG)

José M. Rivera, P.E.  
Executive Director

Village/Town of Mount Kisco  
Planning Board

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## Notice of Comment Period

**Topic: Proposed Transportation Improvement Program Amendments**

**Period: December 5, 2016 through December 14, 2016, 4:00 p.m.**

The New York Metropolitan Transportation Council (NYMTC) announces a public comment period for proposed amendments to the Federal Fiscal Year 2017-2021 Transportation Improvement Program (TIP). The comment period **begins on Monday, December 5, 2016 and ends at 4:00 p.m. on Wednesday, December 14, 2016**. The comment period provides the opportunity for public feedback on the proposed changes to the TIP. **The amendments propose programming funding for the following projects:**

- X09633 – West Shore Expressway Operational Improvement, Richmond County
- XM1853 – Bridge Rehabilitation, various locations, Queens County
- X82363 – Staten Island Ferry Deck Scow Replacement, Richmond County
- 011260 – NY110 Pedestrian Safety Improvements Phase 2, Towns of Huntington and Babylon, Suffolk County
- 004241 – NY25 Pedestrian Safety Improvements, Towns of Oyster bay, Huntington, Brookhaven, Riverhead, Southold, Nassau and Suffolk counties
- 076078 – Replacement/Widening of Hospital Road Bridge, Town of Brookhaven, Suffolk County
- 0T2556 – Construction of Shoulder along Bethpage State Pkwy, Towns of Oyster Bay and Islip, Nassau and Suffolk Counties
- 082741 – City of Long Beach Bus Preventive Maintenance, Nassau County
- 082742 – City of Long Beach Bus Program Administration, Nassau County
- 082743 – City of Long Beach Purchase of Security Cameras, Nassau County
- 082744 – Consulting for grant projects including bus shelters, bus signs, route tracking, and fare box projects
- 805812 – Traffic Signals Coordination on Route 312 @ I-84 Ramps, Town of Southeast, Putnam County
- 848040 – Innovative Intersection Reconfiguration on Route 202, Towns of Haverstraw and Ramapo, Rockland County
- 848041 – Traffic Signal Replacement on Route 202, Towns of Haverstraw, Rockland County
- 875476 – Ravensdale Avenue Bridge Replacement, Village of Hastings-on-Hudson, Westchester County
- 8TM080 – Fuel storage tank Installation, Pomona, Rockland County
- 8TM081 – Bee-Line Fare Box Replacement Program, Westchester County
- 8TM082 – Bus Replacement Program, Putnam County
- M603-02-12 – East-of-Hudson Overhead Bridge Improvement, System-wide
- M703-01-03 – East of Hudson Rock Slope Remediation Program, System-wide
- M703-01-04 – Cyclical Interlocking Switches Replacement Program, Metro-North Territory, System-wide

M703-01-10 – Cyclical Track Replacement Program for FY 2017, Metro-North Territory, System-wide  
M703-01-11 - Cyclical Track Replacement Program for FY 2018, Metro-North Territory, System-wide  
M703-01-12 – Cyclical Track Replacement Program for FY 2019, Metro-North Territory, System-wide  
M703-02-08 – Bridge Timber Replacement, Metro-North Territory, System-wide  
M703-02-09 – Harlem River Lift Bridge Improvement, Bronx County  
M703-02-10 - Hudson Line Tunnels Inspection for Improvement, Metro-North Territory, System-wide  
M703-02-11 – Installation of Right of Way Fencing, Metro-North Territory, System-wide  
M703-02-12 – Rehabilitation of Catenary Structures, Metro-North Territory, System-wide  
M703-03-05 – Improvement to Port Jervis Line, Pascack Valley Line & Hoboken Terminal, System-wide  
M704-01-03 – Installation of Positive Train Control, Metro-North Territory, System-wide  
M704-01-04 – Replacement Signal Office Equipment, Metro-North Territory, System-wide  
M704-01-05 – Replacement of Metro-North's Private Branch Exchange (PBX) Systems, System-wide  
M704-01-09 – Installation of Fire Alarm and Fire Suppression Systems, Metro-North Territory, System-wide  
M705-01-01 – Replacement of Motor Alternators in Signal Substations, Metro-North Territory, System-wide  
M705-01-02 – Transformers Rehabilitation on H&H Lines, Metro-North Territory, System-wide

Details on all the proposed changes to the TIP can be accessed through our website at: <https://www.nymtc.org/Get-Involved/Comment-Periods>.

Comments are due in writing by **4:00 p.m. on Wednesday, December 14, 2016** to:

New York Metropolitan Transportation Council  
Attn: Olu Folarin  
25 Beaver Street, Suite 201  
New York, NY 10004  
E-Mail: [Oluseye.Folarin@dot.ny.gov](mailto:Oluseye.Folarin@dot.ny.gov)  
Phone: 212-383-7246  
Fax: 212-383-7244

For translated documents go to [www.nymtc.org](http://www.nymtc.org)

Para los documentos traducidos ir a [www.nymtc.org](http://www.nymtc.org)

對於翻譯文件去 [www.nymtc.org](http://www.nymtc.org)

对于翻译文件去 [www.nymtc.org](http://www.nymtc.org)

Для получения переведенных документов перейти на [www.nymtc.org](http://www.nymtc.org)

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## NYMTC'S PFAC MEETING NOTICE

The New York Metropolitan Transportation Council (NYMTC) announces its next Program, Finance and Administration Committee meeting will be held on December 15, 2016 at 12:15 p.m. This meeting will be webcast and can be viewed through [www.NYMTC.org](http://www.NYMTC.org). For security purposes, RSVP either by calling NYMTC at (212) 383-7200 or by sending an email to [Andrea.Miles-Cole@dot.ny.gov](mailto:Andrea.Miles-Cole@dot.ny.gov). The meeting agenda follows.

## PROGRAM, FINANCE, AND ADMINISTRATION COMMITTEE (PFAC) MEETING

**December 15, 2016 @ 12:15 pm**NYMTC Office  
25 Beaver Street, Suite 201  
Lower Manhattan

## AGENDA

- A. CALL TO ORDER AND ROLL CALL
- B. EXECUTIVE DIRECTOR'S REPORT
- C. PUBLIC PARTICIPATION *(Reserved for registered speakers on a first come, first served basis. Each speaker will be limited to no more than three minutes. Total time available for public participation is 15 minutes.)*
- D. ACTION ITEMS (Action items are available to be downloaded at [www.nymtc.org](http://www.nymtc.org))
  - 1. Accept: November 17, 2016 Meeting Synopsis
  - 2. Adopt: Resolution #442 – Amendment to the Narrative Section of the Federal Fiscal Years (FFYs) 2017-2021 Transportation Improvement Program (TIP)
  - 3. Adopt: Resolution #443 – Amendments to the State Fiscal Year (SFY) 2016-2017 Unified Planning Work Program (UPWP)
- E. CONFIRMATION OF NEXT PFAC MEETING – Thursday January 19, 2017 @ NYMTC
- F. ADJOURN

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