

**MOUNT KISCO PLANNING BOARD**  
**Agenda**  
**Tuesday, April 12, 2016**  
**Planning Board Work Session 6:30 PM**  
**Meeting 7:30 PM**

**Minutes**

- a. *March 24, 2015*
- b. *April 28, 2015*
- c. *May 26, 2015*
- d. *November 10, 2015*
- e. *November 24, 2015*

**Formal Applications:**

- f. **Mt. Kisco Supply – 369 & 375 Lexington Avenue**  
**PB2015-0300, 80.48-4-13, 16, 17, (SBL)**  
**Site Plan**
  - *Draft Negative Declaration Resolution, dated April 12, 2016*
- g. **Westchester Foundation for the Disabled – 135 Radio Circle Drive**  
**PB2016-0321, 80.63-1-1.2**  
**Amended Site Plan and Change of Use Permit**
  - *Draft Resolution, dated April 12, 2016*
- h. **Luppino Landscaping & Masonry Supply – 15-21 Armonk Road**  
**PB2015-0289, 80.73-1-1 (SBL)**  
**Amended Site Plan and Change of Use**
  - *Draft Resolution, dated April 12, 2016*
- i. **Exit 4 Food Hall – 149-157 Main Street**  
**PB2016-0326, 80.25-3-30 (SBL)**  
**Special Use Permit**
  - *Memorandum from Peter J. Miley, Building Inspector, dated April 8, 2016*
  - *Formal Application*
  - *Outdoor Seating Plan*
  - *Indoor Seating Plan*
  - *Umbrella Specification*
  - *Previously Approved Site Plan prepared by Franz & Franz, revised July 9, 2014*

**Conceptual Applications:**

- j. **EK Construction – 35 & 39 Kisona Drive (Former Whalen's)**  
**PB2016-0324, 80.48-5-1 & 11 (SBL)**  
**Amended Site Plan and Change of Use Permit**
  - *Memorandum from Peter J. Miley, Building Inspector, dated April 8, 2016*
  - *Memorandum from Jan K. Johannessen, AICP, dated April 6, 2016*
  - *Memorandum from Insite Engineering, dated March 22, 2016*
  - *Conceptual Application*
  - *Conceptual Site Plan prepared by Insite Engineering, dated March 22, 2016*

**Special Discussion:**

- *Suburban Floors – Installation of Land Banked parking spaces*
- *Towne Bus request for a 6 Month extension of approval*

**Correspondence:**

- *Village/Town of Mount Kisco Beautification Committee Minutes of March 2, 2016*

**DRAFT**

Village/Town of Mount Kisco  
Planning Board

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

APR 06 2016

**RECEIVED**

**Date:** April 12, 2016

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

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

**Name of Action:** 369 Lexington Avenue

**SEQRA Status:** ☐ Type I

☒ Unlisted

**Conditioned Negative Declaration:** ☐ Yes

☒ No

**Coordinated Review:** ☐ Yes

☒ No

**Description of Action:** The subject property consists of three (3) tax lots totaling  $\pm 1.6$  acres of land fronting on Lexington Avenue and West Street. Tax Lot 16 and 17 are located off of Lexington Avenue and are located within the CL Zoning District; Tax Lot 13 fronts on West Street and is located within the RT-6 Zone. Tax Lot 16 contains an existing nonconforming two-family residence, detached garage, and an asphalt parking area, all accessed off of Lexington Avenue. 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. 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.

The proposed action includes the following, hereafter collectively referred to as “the proposed action”:

1. Removal of the nonconforming two-family residence and detached garage 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”, 6,272 s.f. of which will consist of storage and 788 s.f. of which will consist of an accessory office space; 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 realignment 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.

**Location:** 369 Lexington Avenue, Mount Kisco, New York

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

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

*The proposed action is not anticipated to result in any adverse impact to air quality or ambient noise levels; any impacts will be minor and will only result during construction. The proposed action will result in positive environmental impacts such as a reduction of impervious cover, elimination of existing*

*structures located within the wetland buffer, and additional green space. The utilization of site is not expected to significantly increase and, therefore, no significant impacts in solid waste production, water usage, sewage flows, and traffic is anticipated.*

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

*The entire site is either developed or previously disturbed; the proposed action will result in added green space and landscaping when compared to the existing condition.*

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

*There are no Critical Environmental Areas within the vicinity of the project.*

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

*The proposed action results in a more zoning compliant site when compared to the existing condition. The existing non-conforming two-family residence and non-conforming rear parking lot is proposed to be removed and development coverage on the commercially zoned parcel will decrease. The proposed 2-lot subdivision conforms to underlying zoning requirements in all respects and the applicant has proposed to restrict these lots to single-family homes.*

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

*The subject property is not known to contain or be in proximity to, a State or Nationally listed historic or archeologically sensitive site. Prior to the issuance of a Building Permit for the proposed homes, the application will be referred to the ARB for review.*

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

*The proposed action is not anticipated to change the type or quantity of energy used.*

7. The proposed action will not create a hazard to human health.
8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

**This notice is being filed with:**

Village of Mount Kisco Planning Board  
104 Main Street  
Mount Kisco, NY 10549

**DRAFT**

**PLANNING BOARD  
VILLAGE OF MOUNT KISCO**

**CHANGE OF USE AND AMENDED SITE PLAN APPROVAL**

**WESTCHESTER FOUNDATION FOR THE DISABLED, INC.**

**135 RADIO CIRCLE DRIVE**

Village/Town of Mount Kisco  
Planning Board

Section 80.63, Block 1, Lot 1.2

Application No: PB2016-0321

APR 06 2016

April 12, 2016

**RECEIVED**

**WHEREAS**, the subject property consists of ±2.61 acres of land and is located at 135 Radio Circle Drive within the Research and Development (RD) Zoning District; and

**WHEREAS**, the subject property is currently developed with a two-story commercial building, a parking lot which accommodates a total of ±63 vehicles (in addition to two (2) interior parking spaces), walkways, landscaping, lighting, and associated drainage infrastructure; and

**WHEREAS**, the subject property is owned by the Westchester Foundation for the Disabled, Inc. ("the owner/applicant"), a 501(c)(3) not-for-profit organization which provides support for artistic, recreational, residential and vocational programs for developmentally disabled adults and children; and

**WHEREAS**, via Resolution dated May 13, 2014, the Planning Board granted a Change of Use Permit and Amended Site Plan Approval in connection with the reallocation of office and storage space on the first and second floors and minor modifications to the parking layout. While no exterior site improvements are proposed, the applicant is seeking to reallocate space within the building, as follows:

- a) Convert 1,590 s.f. of space located on the 1<sup>st</sup> floor from storage to office; and
- b) Convert 2,990 s.f. of space located on the 1<sup>st</sup> floor from storage to indoor parking; and
- c) Convert 2,399 s.f. of space located on the 2<sup>nd</sup> floor from storage to office; and

**WHEREAS**, as a result of the proposed action, the subject property will contain a total of 71 off-street parking spaces, eight (8) of which are proposed to be located indoors; and

**WHEREAS**, the proposed action will not result in any new development or land disturbance; and

**WHEREAS**, reference is made to two (2) letters prepared by Insite Engineering, dated February 2, 2016 and March 1, 2016; and

**WHEREAS**, reference is made to review memorandums prepared by the Building Inspector (dated February 18, 2016), the Village Engineer (dated March 16, 2016) and the Village Planner (dated February 12, 2016 and March 16, 2016); 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 proposed action is a Type II Action and is categorically exempt from the State Environmental Quality Review Act (SEQRA).

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board of the Village of Mount Kisco hereby grants a Change of Use Permit and Amended Site Plan Approval and approves the following plans (hereafter referred to as “the approved plans”), prepared by Insite Engineering, dated (last revised) February 29, 2016, subject to the below conditions:

- “Site Plan” (Sheet SP-1)
- “First Floor Plan” (Sheet FF-1)
- “Second Floor Plan” (SF-1), dated February 2, 2015

**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 all conditions contained herein shall be satisfied within one (1) year of commencement of construction.

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

1. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
2. The owner/applicant shall demonstrate, to the satisfaction of the Building Inspector and/or Building Inspector, that the interior garage meets all applicable NYS Building and Fire Codes.
3. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
4. The proposed dumpster enclosure shall be removed from the site plan and the dumpster shall be shown to be located within indoor parking area, unless otherwise approved by the Planning Board.
5. 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 a NYS Professional Engineer, for final review by Village staff and for signature by Village staff and the Planning Board Chairman.



**Conditions to be Satisfied Prior to the Issuance of a Building Permit or Commencement of Work Associated with the Proposed Action:**

6. The owner/applicant shall have complied with the above conditions.

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

7. A final site inspection shall be completed by the Building Inspector and Village Engineer.
8. There shall be no Certificate of Occupancy issued until there is full compliance with the approved plans and all conditions of this Resolution.
9. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.

**Other Conditions:**

10. Any new signage shall be approved by the ARB.
11. The use of the building shall be restricted to administrative, business or professional office (non-medical) and non-hazardous storage of dry/nonperishable items and materials that support the subject use; all other uses, including programs, events, shows, classroom instruction, etc. shall be deemed prohibited.
12. Any future change of use or reallocation of office/storage space within the building shall require Planning Board Approval.
13. All dumpsters shall remain indoors and shall be accessible from the overhead doors.
14. The use of the eight (8) interior parking spaces shall not be permitted unless the Building Inspector determines that said area meets all applicable NYS Building and Fire Codes.
15. The on-site parking of fleet vehicles is prohibited.
16. On-street parking is prohibited.
17. The owner shall maintain the site in accordance with the plans approved herein. This includes, but is not limited to, the proper maintenance and appearance of the parking lot, walkways, landscaping, lighting, parking lot striping, loading areas, signage and drainage infrastructure.
18. Failure to comply with any of the aforesaid conditions shall constitute a violation of this site plan pursuant to Section 110-45 and shall subject the applicant, property owner and/or tenant to prosecution, penalties and/or permit revocations pursuant to applicable law.

19. Deviation from any such approvals may render this site plan approval and change of use permit or building permits 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>JOSEPH COSENTINO</b>	_____
<b>ANTHONY STURNIOLO</b>	_____
<b>STANLEY BERNSTEIN</b>	_____
<b>DOUGLAS HERTZ</b>	_____
<b>SOL GIBBONS</b>	_____
<b>ENRICO MARESCHI</b>	_____
<b>RALPH VIGLIOTTI</b>	_____

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**Joseph Cosentino, Chairman**      **April 12, 2016**

**DRAFT**

**PLANNING BOARD RESOLUTION  
VILLAGE OF MOUNT KISCO**

**AMENDED SITE PLAN APPROVAL  
CHANGE OF USE APPROVAL**

Village/Town of Mount Kisco  
Planning Board

**15-21 ARMONK ROAD MT. KISCO, LLC  
15-21 ARMONK ROAD**

**APR 06 2016**

**Section 80.73, Block 1, Lot 1  
Application No: PB2015-0289**

**RECEIVED**

**October 13, 2015**

**Amended: November 10, 2015**

**Amended: April 12, 2016**

**WHEREAS**, the subject property, owned by 15-21 Armonk Road Mt. Kisco, LLC (“the owner/applicant”), consists of ±0.39 acres of land and is located at 15-21 Armonk Road within the General Retail (GR) Zoning District (“the subject property”); and

**WHEREAS**, the subject property is currently developed with a 1-story commercial building consisting of a variety of businesses including retail, deli, and personal service businesses; and

**WHEREAS**, the owner/applicant is proposing to establish a site plan and proposes to convert Unit 1 from retail (flooring) to an office associated with a landscape and masonry business; Unit 5 is to consist of storage space used in connection with the landscape business; and

**WHEREAS**, the owner/applicant is proposing certain site improvements, such as the installation of three (3) parallel parking spaces in front of the building, the installation of a code-compliant handicap accessible parking space, the removal of an existing non-compliant shed located at the rear of the building, replacement of existing spot lights with code-compliant shielded light fixtures, and aesthetic improvements to the front of the building; and

**WHEREAS**, parking located within the front of the building is primarily located within the NYS Right-of-Way; and

**WHEREAS**, the applicant is proposing to remove the existing shed as it was installed without site plan approval or a building permit, is located within the rear and side yard setbacks, and exacerbates the site’s noncompliant building coverage; and

**WHEREAS**, reference is made to a survey, prepared by H. Stanley Johnson and Company entitled “Survey of Property Prepared for 15-21 Armonk Road Mount Kisco, LLC”, dated February 13, 2015; and

**WHEREAS**, reference is made to a floor plan entitled "Floor Plans" (Sheet FP-1), prepared by Bibbo Associates, LLP, dated (last revised) August 25, 2015; and

**WHEREAS**, reference is made to memorandums issued by the Building Inspector (dated July 9, 2015 and September 10, 2015) and the Village Planner (dated September 14, 2015 and March 16, 2016); and

**WHEREAS**, the proposed action is a Type II Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.5; 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.

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board of the Village of Mount Kisco hereby grants Site Plan Approval and Change of Use Approval and approves the following plan (hereafter referred to as "the approved site plan"), subject to the below conditions:

- "Site Plan" (Sheet SP-1), prepared by Bibbo Associates, LLP, dated (last revised) February 16, 2016

**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 be completed within one (1) year of commencement of construction.

**Conditions to be Satisfied Prior to the Signing of the Approved Site Plan:**

1. If deemed necessary by the New York State Department of Transportation (NYSDOT), the applicant shall obtain a permit from the NYSDOT associated with the installation of parallel parking spaces within the NYS right-of-way.
2. The following changes, notes and/or details shall be added to the approved site plan, to the satisfaction of Village staff:
  - a) A parallel parking striping detail shall be added to the site plan, to the satisfaction of the Village Engineer and Building Inspector.
  - b) Two "Parallel Parking Only" signs shall be shown to be located and affixed to the front elevated walkway; the detail shall be revised and shall specify the sign size, material and color.
  - c) The handicap parking space and associated loading area shall be relocated to the front and perpendicular to the rear garage (Luppino Landscaping - Unit 5); the handicap parking space shall be shown to be 9.5' wide and the loading area 8' wide. Details associated with handicap signage (to be mounted on the building or garage door) and striping shall be provided.

3. The floor plan referenced herein shall be revised to identify how the storage area associated with Unit 5 will be accessed; this plan shall be signed and sealed by the design professional and resubmitted (4 copies).
4. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
5. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
6. The approved site plan 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 site plan, signed and sealed by a NYS Professional Engineer, for final review by Village staff and for signature by Village staff and the Planning Board Chairman.

**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.

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

8. A Backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as needed.
9. There shall be no Final Certificate of Occupancy issued until there is full compliance with the plans approved herein and all conditions of this Resolution.
10. A final site inspection shall be completed by the Building Inspector and Village Engineer.
11. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

**Other Conditions:**

12. The Planning Board is to retain original jurisdiction.
13. All work, repair and/or service shall be performed within a totally enclosed building.
14. All exterior lighting shall be turned off during non-operating hours; exterior lights shall be on motion detection.
15. Outdoor display is prohibited.
16. No vehicle shall back out onto the public right-of-way.

17. All loading and unloading shall occur solely within the site. Deliveries in any unauthorized fashion shall constitute a violation of the site plan.
18. 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.
19. Failure to comply with any of the aforesaid conditions shall constitute a violation of this site plan pursuant to Section 110-45 of the Zoning Code and shall subject the owner/applicant and tenant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render the site plan, change of use permit 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:

**JOSEPH COSENTINO**  
**ANTHONY STURNIOLO**  
**RALPH VIGLIOTTI**  
**DOUGLAS HERTZ**  
**ENRICO MARESCHI**  
**MICHAEL BONFORTE**  
**JOHN BAINLARDI**

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Joseph Cosentino, Chairman

April 12, 2016



VILLAGE/TOWN OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK

104 Main Street  
Mount Kisco, New York 10549-0150

*Telephone*  
(914) 241-0500

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector *fm*

SUBJECT: Exit 4 Food Hall  
149-157 Main Street, Property ID #80.25-3-30

DATE: April 8, 2016

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A review of the formal application for the above reference application reveals the following:

1. The applicant is applying for a special use permit for an outdoor café as required by §110-46 Special permits. The applicant is proposing 22 seats where seating above 10 seats requires Planning Board approval.
2. The applicant is required to conform to all requirements of §93-4 D (2).

/mkl

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

Village/Town of Mount Kisco  
Planning Board

APR 06 2016

Submission Date \_\_\_\_\_

(Due 21 Days in advance of Planning Board Meeting)

RECEIVED

Application Fee 500

Escrow Fee 5,000

## 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: EXIT 4 Food Hall

Address: 153 E. MAIN ST. MT. KISCO NY 10549

Phone Number: 914-755-5147 Fax: 914-241-1371 Email: ISAALBANER@icloud.com

Applicant's relationship to property: Lessee

Name of Property Owner: (if different from above) 330 Realty

Address: P.O. BOX 320545 FAIRFIELD CT 06825

Phone Number: 203-969-4444 Fax: — Email: hmozi@icloud.com

Has property owner been notified of proposed action? Yes ☒ No ☐

## Application Information:

Project Name: EXIT 4 Food Hall

Project Address/Location: 153 E. MAIN ST. MT. KISCO

Property Tax #: 80.25-3-30

Proposed Use (be specific): outdoor seating -

Proposed New Floor Area(s) (square feet): —

Number of newly created parking spaces: —

Number of newly created building lots: —

Number of newly created curb cuts: —

Number of newly created water connections: —

Number of newly created sewer connections: —



**Conformance with Lot and Bulk Requirements:**

What is the Zoning Classification of the site? \_\_\_\_\_

	Required	Proposed
Minimum Gross Site Area		
Minimum Lot Area		
Maximum Building Coverage		
Maximum Site Development Coverage		
Minimum Lot Depth		
Maximum Lot Width		
Yard Setbacks:		
Front		
Rear		
Side		
Buffer:		
Front		
Rear		
Side		
Maximum Building Height		
Required Parking Spaces		
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 3/24/16

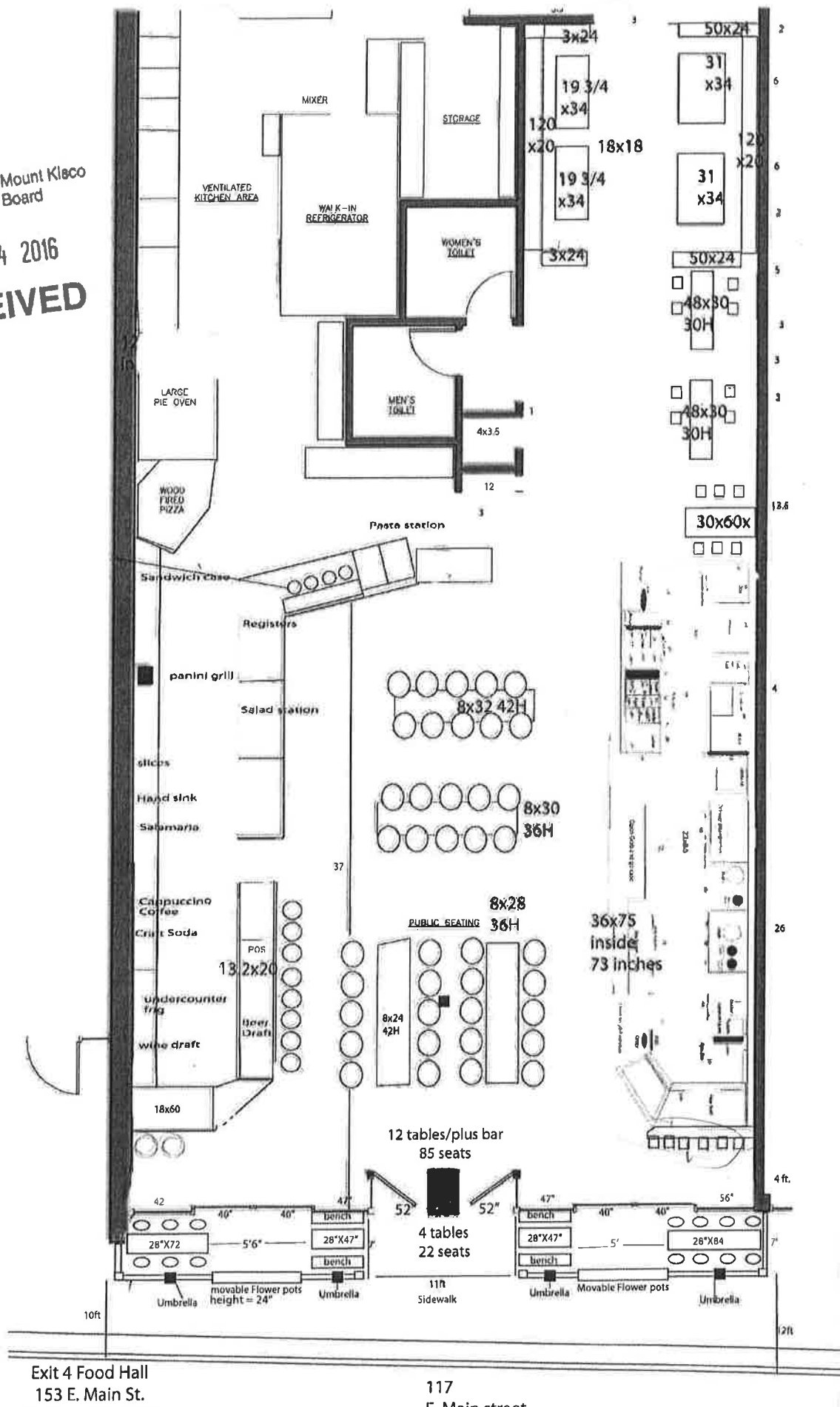
date 3/24/16

Application reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_



Village/Town of Mount Kisco  
Planning Board

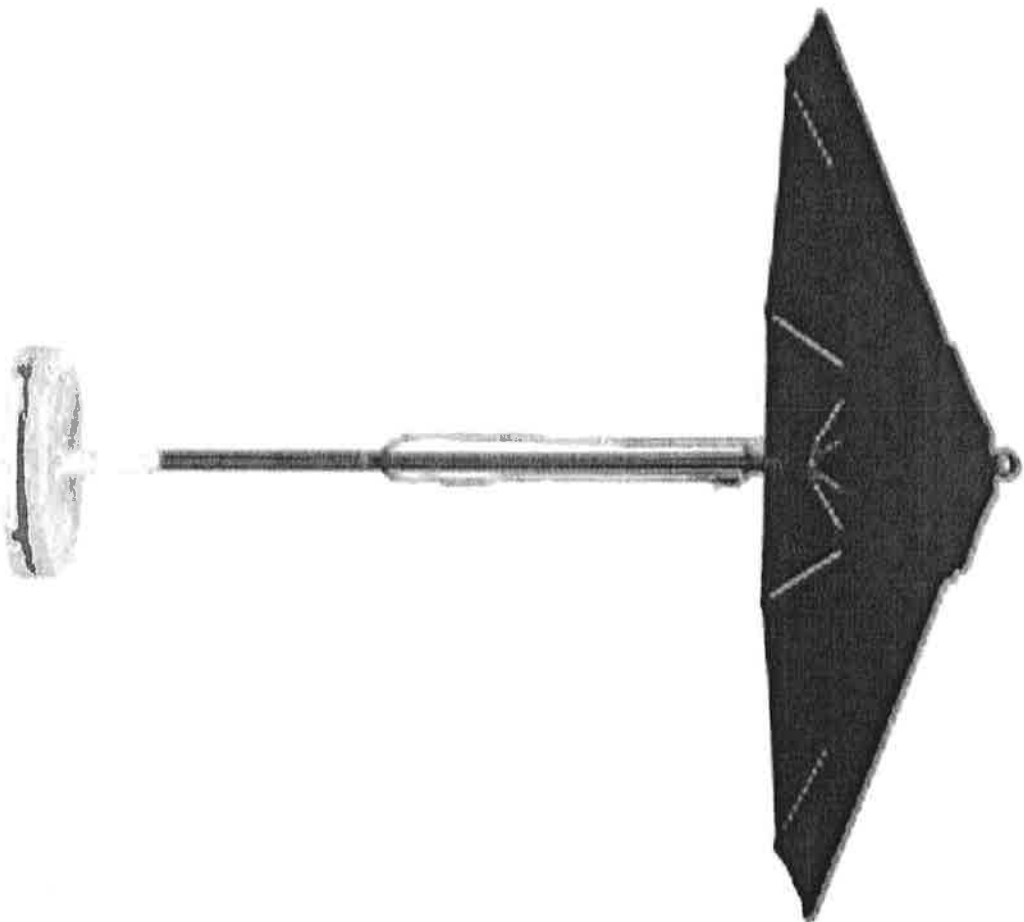
MAR 24 2016  
RECEIVED



Exit 4 Food Hall  
153 E. Main St.  
Mt. Kisco NY 10549  
Isi albanese  
914.755.5147

117  
E. Main street

7.5 feet octagon  
7' height



Village/Town of Mount Kisco  
Planning Board

MAR 24 2016

**RECEIVED**



VILLAGE/TOWN OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK

104 Main Street  
Mount Kisco, New York 10549-0150

Telephone  
(914) 241-0500

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector *pm*

SUBJECT: E. K. Construction  
39 & 35 Kisona Road, Property ID #80.48-5-1 & 11

DATE: April 8, 2016

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A review of the formal application for the above reference application reveals the following:

1. The proposed building exceeds 20,000 square feet of gross floor area; therefore a variance of 3,756 gross square feet shall be required as per §110-24.1 b (f)
2. The applicant needs to revise their zoning analysis to reflect the property unique to having (3) fronts however that, two front yards and two side yards are indicated as required and as per §110-58 Change zoning analysis to reflect two front yards and two side yards
3. The applicant needs to provide a coverage calculation worksheet
4. The property is located within a Designated Main Street Area
5. The proposed maximum development coverage is 89% where 70% is permitted; therefore a variance of 19% maximum development coverage shall be required as per §110-24.1 C (3).
6. Revise parking calculations in accordance with 110-28 Parking facility standards and revise analysis to be based on gross floor area, not square footage.
7. The applicant should revise the proposed parking and loading requirements. Please revise retail display to sales, change bulk/display storage to display storage, and change storage to interior storage to reflect one space per 500 gross floor area.
8. The required parking is 57 spaces, the applicant has provided 55 parking spaces; therefore a 2 parking space variance will be required or delineate additional land banked

9. parking spaces. Land banked spaces shall directionally show how they will egress without backing into the Town right of way.
10. Article 6 nonconforming uses and noncomplying buildings §110-35 D *“Noncomplying buildings and structures may not be enlarged without a variance being obtained from the Zoning Board of Appeals pursuant to this chapter. No building or structure which is noncomplying with respect to applicable developmental regulations (by illustration, but not by limitation, height, setbacks, building and development coverage, lot area or lot width) shall be enlarged or altered in such a manner as to increase any such noncompliance or so as to enlarge or increase the area of such building or structure, including but not limited to the alteration of roof or floor levels or the addition of area above, below or adjacent to such noncomplying building or structure.”* The proposed addition adds 1,250 square feet to an existing noncomplying building, therefore a variance is required.

/mkl

MEMORANDUM

Village/Town of Mount Kisco  
Planning Board

TO: Honorable Joseph Cosentino 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 *JK*  
Village Planner

DATE: April 6, 2016

RE: Conceptual Review – Amended Site Plan and Change of Use  
E.K. Construction  
35 & 39 Kisco Road (former Whalen's Moving and Storage)  
Section 80.48, Block 5, Lots 1 & 11

APR 06 2016

**RECEIVED**

Project Description

The subject property consists of ±1.2 acres of land and is comprised of two (2) lots located at the corner of Columbus Avenue, Lincoln Place and Kisco Road. The subject property is located within the Service Commercial (SC) Zoning District and the existing building was the former home of Whalen's Moving and Storage. The applicant is proposing to convert the space to a paint, hardware and indoor lumber yard, is proposing a 1,250 s.f. addition to the existing building, a 2,000 s.f. detached storage building, and associated parking and site improvements.

SEQRA

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a coordinated review is not required. Prior to making a decision on this pending application, the Planning Board must issue a Determination of Significance.

**Plan Comments**

1. The proposed action requires Amended Site Plan Approval and a Change of Use Permit from the Planning Board.
2. The applicant shall submit the site plan of record (approved in 1978) and any associated Planning Board resolutions.
3. Building supply and lumber yards are listed as a principally permitted use within the underlying SC Zoning District, provided the gross floor area does not exceed 20,000 s.f. While the use appears to be permitted, it appears that the proposed gross floor area exceeds the maximum allowable.
4. Existing and proposed floor plans and building elevations must be provided. The proposed floor plans shall graphically illustrate and clearly decipher the floor area devoted to office, sales, display and storage; the gross floor area for each shall be provided and shall coincide with the parking tabulation.
5. While we defer to the Building Inspector regarding zoning compliance, we recommend that the zoning and parking tables be revised, as follows:
  - a) The zoning table should include the gross lot area, in addition to net lot area.
  - b) The existing and proposed building height (measured in feet and stories) should be identified.
  - c) The parking table identifies a total office area of 16,206 s.f., is this correct?
  - d) Regarding the parking tabulation, please insert the word "indoor" before the words "retail display" and "bulk/display storage"; insert the word "outdoor" before the word "storage".
6. It appears that the total development coverage will exceed the maximum allowed and a variance will be required from the Zoning Board of Appeals (70% maximum allowed/89% proposed).
7. Per Section 110-29A of the Zoning Code, loading spaces are prohibited within any front yard; the Building Inspector should determine if the proposed loading space location is permissible.



8. It appears that the applicant is proposing to "land-bank" five (5) parking spaces within the existing paved apron adjacent to Columbus Avenue. The applicant should demonstrate that these spaces meet minimum code provisions in all respects; typically land banked parking spaces are landscaped until their installation is determined necessary.
9. Dimensions should be provided between existing/proposed buildings and corresponding property lines.
10. Any proposed outdoor storage will need to comply with Section 110-30H of the Zoning Code.
11. The applicant is proposing three (3) separate curb cuts from the parking lot to Lincoln Place and Kisona Road; it appears that two-way traffic is proposed in all directions. The Planning Board should determine if this is acceptable and may wish to evaluate alternative circulation patterns. We note that Kisona Road has a vehicle weight restriction and sending additional traffic (particularly trucks) to the Kisona Road/Lexington Avenue intersection should be discouraged.
12. A detailed lighting and landscaping plan, demonstrating compliance with Section 110-32 of the Zoning Code, should be submitted for review. It is recommended that additional green space and landscaping be provided along the Columbus Avenue façade; additional landscape islands should be considered between the overhead garage doors.
13. Is a sidewalk proposed along the southern façade of the building? If so, the applicant should consider increasing the width between the southern façade of the building and the adjacent row of parking spaces so as to provide more space for pedestrians. Please identify the main customer entrance on this side of the building and a clear walkway between the entrance and the parking lot.
14. Please identify where refuse and recycling will be stored.
15. All existing (to remain) and proposed building entrances should be identified on the site plan.
16. The existing loading berth located at the northwest corner of the building is depressed (sunken); the applicant should identify whether this is to remain or be filled in.
17. An existing conditions survey should be submitted; it is recommended that the survey include all existing improvements located within the adjacent Village rights-of-way.

Chairman Joseph Cosentino

April 6, 2016

Page 4 of 4

18. The site plan should illustrate adjacent property lines, parcel ownership, structures, driveways, etc.
19. The subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and the NYCDEP will need to review and approve the Stormwater Pollution Prevention Plan (SWPPP).

In order to expedite the review of subsequent submissions, the applicant should provide annotated responses to each of the comments outlined herein.

**Plan Reviewed, prepared by Insite Engineering and dated March 22, 2016:**

- Conceptual Site Plan (CP-1)

**Documents Reviewed:**

- Letter, prepared by Insite Engineering, dated March 22, 2016
- Application for Conceptual Review -- Site Plan Approval

JKJ/dc

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March 22, 2016

Village of Mt. Kisco Planning Board  
104 East Main Street  
Mt. Kisco, New York 10549

RE: E. K. Construction.  
35 and 39 Kisona Road  
Mt. Kisco, New York

Village/Town of Mount Kisco  
Planning Board

MAR 22 2016  
**RECEIVED**

Dear Chairman Cosentino and Members of the Board:

Enclosed please find fourteen (14) copies of the following:

- Drawing CP-1, "Conceptual Site Plan", dated March 22, 2016.
- Application for Conceptual Review, dated March 21, 2016.
- Project Description Letter by Charles Martabano, Esq. (to be provided under separate cover).

Also enclosed is the Conceptual Review Application Fee in the Amount of \$400.00 and the Escrow Review Fee in the Amount of \$500.00.

The enclosed information is being submitted to your Board in support of a Conceptual Review Application for E. K. Construction for conversion of the existing building to a proposed paint, hardware and lumber store with associated parking areas and site improvements.

We trust you will find the enclosed Conceptual Review Application package in order and we look forward to presentation of the project at the Board's April 12, 2016 agenda. Should you have any questions or comments or require additional copies of the enclosed information, please feel free to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By:

  
Scott W. Blakely, RLA  
Senior Principal Landscape Architect

SWB/jll

Enclosures

cc: Elliot Kracko, w/enclosures  
Charles Martabano, Esq., w/enclosures  
Ira Grandberg, w/enclosures  
George Gaspar, w/enclosures

Insite File No. 16124.100

MAR 22 2016

Application for Conceptual Review

RECEIVED

Submission Date 3-22-16

(Due 21 days in advance of Planning Board Meeting)

Fee \$400

**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: Elliot Kracko

Address: 34 Evans Street, 2nd Floor, New Rochelle, NY 10801

Phone Number: (914) 654-8880 Fax: (914) 654-8881 Email: ekracko628@aol.com

Applicant's relationship to property: Contract Vendee

Name of Property Owner: (if different from above) Kiscona Properties, LLC c/o Michael Whalen and Antoinette P. Whalen

Address: M. Whalen, 11 Deersfield Road, Pound Ridge, NY 10576, A. Whalen, 21 Willetts Road, Mount Kisco, NY 10549

Phone Number: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Has property owner been notified of proposed action? Yes ☒ No ☐

Owner's authorization \_\_\_\_\_ date \_\_\_\_\_

**Project Information:**

Project Name: E. K. Construction

Project Address/Location: 39 Kiscona Road and 35 Kiscona Road

Any locally recognized name of building or site: \_\_\_\_\_

Description of Project (be specific): Construction of 1,250 sf addition to the existing warehouse building, construction of a 20' x 100' storage building, 50 space parking lot with associated landscaping.

Property Tax #: 80.48-5-1 & 80.48-5-11

Property Acreage: 0.9 AC & 0.3 AC (1.2 AC Total) Zoning District: SC - Service Commercial

Current Land Use: Warehouse Proposed Land Use: Lumber, Paint & Hardware Store

Size of Building or Addition: 1,250 SF Addition (square feet) Height: \_\_\_\_\_

Map or Plan Preparer: Scott W. Blakely, RLA, Insite Engineering, Surveying & Landscape Architecture, P.C.

Phone Number: (845) 225-9690 Fax: (845) 225-9717 Email: sblakely@insite-eng.com

Please attach any easement agreements, property covenants or deed restrictions.

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

Applicant's Signature Elliot Kracko date 03/21/2016

Owner's (or designated agent's) signature \_\_\_\_\_ date \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

Village/Town of Mount Kisco  
Planning Board

MAR 24 2016

**RECEIVED**

March 23, 2016

Town Of Mount Kisco

104 Main Street

Mount Kisco, NY 10549

RE: Additions/Alterations at 221/223 Lexington Avenue (new site of Suburban Floors)

Village Planning Board:

Site plan was approved to land-bank four parking spaces. We realize now that while the site is being worked on, that it would be best to complete the parking area in full. So we ask for your approval to un-bank the four parking spots.

Thank you for your consideration.

Emily Carpentieri

A handwritten signature in cursive script that reads "Emily A. Carpentieri".

APR 07 2016

**RECEIVED**

9 Mekeel Street  
Katonah, New York 10536  
[cmartabano@gmail.com](mailto:cmartabano@gmail.com)  
(914) 242-6200 Telephone  
(914) 242-3291 Facsimile  
(914) 760-9241 Cell

April 7, 2016

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

Re: Application of Towne Bus Corp.

Dear Chairman Cosentino and Members of the Planning Board:

By this letter I wish to request an extension of the Amended Site Plan Approval Resolution with respect to the above referenced application. The Amended Site Plan Approval Resolution, which was a component part of a Stipulation of Settlement filed with Supreme Court, Westchester County, can potentially be viewed as having been issued, at the earliest, on November 2, 2015, the date of execution of the Stipulation of Settlement. The Resolution indicates, in like manner to other site plan approval resolutions, that "unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution..."

In November 2015, plans were submitted to the Village of Mount Kisco Building Department for review. Due to the fact that the Building Department was understandably understaffed at that time (as the position of Building Inspector was vacant at such time), it was suggested to the applicant that the applicant should submit the plans for review instead by the Interstate Code Council. Plans were submitted and were subject to multiple levels of review and resubmission with the result that such review by ICC was only completed three weeks ago. Village officials and consultants must now review plans and specifications revised in accordance with ICC review.

By reason of the foregoing, it is not expected that the applicant will be able to comply with a requirement to commence construction by May 2, 2016, a date six (6) months from issuance of the Resolution in issue. By reason of the foregoing, the applicant respectfully requests that the Amended Site Plan Approval Resolution be extended for a period of time not less than ninety (90) days from the date hereof.

I thank you for your attention to this matter. If any member of the Board or any consultant thereto has any questions with respect to the foregoing, please do not hesitate to contact me.

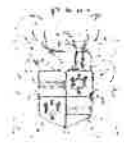
Yours very truly,



Charles V. Martabano

cc: 343 Bedford Realty LLC  
Towne Bus Corp.  
Ira Grandberg  
Diego Villareale  
Whitney Singleton, Esq.  
Kellard-Sessions

**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

MAR 24 2016

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

*Beautification Committee*

**Minutes of the Beautification Committee Meeting  
March 2, 2016**

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

Present: Joan Stewart, Chairman, Pat Reilly, Treasurer, Joanne Hauser, Secretary, Joanne Hack, Harold Hochstein, Carol Welch, Cece Yozzo, Maureen Zaccari

Guests: Paula Maiorano, Joe Luppino

Excused: Jeanne Zipp

Absent: Andre Ferrara, Pat Thompson, Antoinette Whalen

Joan Stewart Called the Meeting to Order at 1:07 p.m.

Motion to Accept Minutes of February 3 Meeting:

Please note: Treasurer's Report on February 3 for Friends of the Beautification Committee had a balance of \$3449.53. Cece Motioned to Accept, seconded by Harold.

Treasurer's Report: Friends of the Beautification Committee Account remains the same: \$3449.53. Pat will provide Village Account balance at next meeting. Maureen Motioned to Accept, seconded by Cece.

MKES Planting Project: Joan met with Marci and has her files; she also called Joe Luppino and Bill Hunter, MKES Coordinator, who advised her that teachers will send schedule for classroom planting and Leonard Park planting. Joanne Hack volunteered to Chair this project; she is communicating with Bill Hunter and will contact teachers re: planting with students in late April. Joe joined our meeting and said that Michael's Nursery will donate planting products for the project; Michelle knows what we need in terms of potting soil, planting trays/lids, fertilizer and seeds. We need to bring sharpie pens and wooden sticks for each student. Joanne found a book to read about seeds and will bring live samples for the children to see. Members will volunteer to help at school and park.

Pat noted that the Bedford Central School District will not have a Pre-School program next year, except for children at risk, which will be discussed at a later date.

Residential Garden Contest: Cece, Maureen and Joanne Hack will be involved in this project. Joanne will monitor inquiries and flyers will be available at Town Hall, Library,



Michael's Nursery and on-line. Paula joined our meeting; she and Joanne will coordinate exposure on Village website [www.mountkisco.org](http://www.mountkisco.org) where one can click on Beatification Committee for information and applications. Inquiries can be sent to [mtkiscobeautification@gmail.com](mailto:mtkiscobeautification@gmail.com).

Pat suggested that we attend Board Meeting to announce Residential Garden Contest; Joan will contact Paula, requesting we be on Agenda for the 2<sup>nd</sup> meeting in April or early May.

Planters: Paula advised that Village has ordered 6 new plant containers for the spring. Crosswalks in the Village were the first priority, with business owners encouraged to include their name in planters throughout Village as sponsors. She ordered Red Geraniums last September from an upstate farm and they will be planted before Memorial Day.

Spring Clean Up: Cece will contact all volunteers in April.

Spring Planting: Members will weed, fertilize, mulch and plant around Fountain, prior to Memorial Day. Andre will do the same at Clock, purchasing plants from Michael's Nursery. Joan has Marci's diagram for planting and Michael's Nursery has a list of plants.

Highway Department will address Rose McGrath Garden.

Motion to Adjourn at 2 p.m. made by Carol, Seconded by Harold.

Respectfully submitted,

Joanne Hauser

Next Meeting  
April 6, 2016

#### AGENDA

Treasurer's Report  
Clock  
MKES Planting Project  
Residential Garden Contest  
Spring Clean Up  
Spring Planting