

MOUNT KISCO PLANNING BOARD

Agenda

Tuesday, February 9, 2016

7:30 PM

Minutes

- a. April 14, 2015
- b. November 10, 2015*
- c. November 24, 2015

Public Hearing:

- d. **Michael & Justine Rutherford – 87 Beverly Road**
PB2015-0318, 80.23-3-40
Steep Slopes Permit
 - *Draft Resolution, dated February 9, 2016*
 - *Public Hearing Notice**
 - *Affidavit of Mailing**
 - *Affidavit of Publication**
 - *Affidavit of Posting**
- e. **Mavis Discount Tire – 182 & 90 N. Bedford Road**
PB2015-0305, 69.66-3-22 & 23
Site Plan and Special Use Permit
 - *Draft Resolution, dated February 9, 2016*
 - *Draft Negative Declaration of SEQRA, dated February 9, 2016*
 - *Memorandum from Albert J. Pirro, Jr, dated January 27, 2016*
 - *Memorandum from Albert J. Pirro, Jr, dated January 25, 2016*
 - *Memorandum from DCAK-MSA, dated January 4, 2016**
 - *Memorandum from Albert J. Pierro, Jr, dated January 12, 2016**
 - *Memorandum from New York City DEP, dated December 31, 2015**
 - *Public Hearing Notice**
 - *Affidavit of Mail**
 - *Affidavit of Publication**
 - *Affidavit of Posting**
 - *Survey prepared by The Munson Company, revised July 13, 2015**
 - *Site Plan prepared by DCAK-MSA, revised January 4, 2016 (7 Sheets)**
- f. **Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)**
PB2014-0285, 69.50-2-1 (SBL)
Amended Site Plan and Change of Use
 - *Memorandum from Jan K. Johannessen, AICP, dated January 20, 2016*
 - *Memorandum from Anthony Oliveri, P.E., dated January 21, 2016*
 - *Memorandum from Philip Habib & Associates, dated January 25, 2016*
 - *Affidavit of Mailing*
 - *Affidavit of Posting*
 - *Affidavit of Publication*
 - *Memorandum from Catizone Engineering, dated January 11, 2016**
 - *Permit to Disturb Sensitive Natural Areas**
 - *Full EAF**

- *Field House Plan prepared by Gallin Beeler Design Studio, PLLC, dated January 11, 2016**
- *Site Plan prepared by Catizone Engineering, revised January 11, 2016 (19 Sheets)**

Formal Applications:

**g. Estate Motors Warehouse -19 Kensico Drive
PB2015-0307, 69.50-1-4 & 5
Amended Site Plan**

- *Draft Resolution, dated February 9, 2016*
- *Memorandum from Catizone Engineering, dated January 5, 2016*
- *Amended Site Plan prepared by Catizone Engineering, revised January 5, 2016 (2 Sheets)*

**h. Tesla Motors – 115 Kisco Avenue
PB2013-0252, 69.65-2-3 (SBL)
Site Plan**

- *Memorandum from Robert Melillo, Assistant Building Inspector, dated January 7, 2016*
- *Memorandum from Jan K. Johannessen, AICP, dated January 6, 2016*
- *Memorandum from Anthony Oliveri, P.E. dated January 7, 2016*

**i. Devereux NY Cares – 27 Radio Circle (Former Little Garden Day Care)
PB2015-0304, 80.64-1-2 (SBL)
Special Permit and Change of Use**

- *Memorandum from Zarin & Steinmetz, dated January 26, 2016*
- *Memorandum from Insite Engineering, dated January 27, 2016*
- *Traffic management Plan prepared by Maser Consulting, dated January 27, 2016*
- *Van Arrival/Departure/Queuing Plan prepared by Insite Engineering, revised January 26, 2016*
- *Existing Floor Plans prepared by Insite Engineering, revised January 26, 2016*
- *Site Plan prepared by Insite Engineering, revised January 26, 2016*

Conceptual Applications:

**j. Maplewood Senior Living – 2 Morgan Drive
PB2013-0247, 80.55-1-2.1/4
Site Plan and Special Permit**

- *Draft Resolution Intent for Lead Agency, dated February 9, 2016*
- *Draft Negative Declaration of SEQRA, dated February 9, 2016*
- *Conceptual Application**
- *Memorandum from Insite Engineering, dated January 6, 2015**
- *Zoning Text Petition**
- *Full EAF**
- *Conceptual Site Plan prepared by Insite Engineering, dated August 4, 2015**

**k. Win Development – 77-91 S. Moger (Former Eduardo's)
PB2016-0320, 80.25-1-2
Site Plan**

- *Memorandum from Peter Miley, dated January 21, 2016*
- *Memorandum from Jan K. Johannessen, AICP, dated January 20, 2016*

- *Conceptual Application**
- *Memorandum from Insite Engineering, dated January 5, 2016**
- *Memorandum from Charles V. Martabano, dated January 4, 2016**
- *Memorandum from Charles V. Martabano, dated January 20, 2016**
- *Site Plan prepared by Insite Engineering, revised January 18, 2016**
- *Floor Plans prepared by Grandberg & Associates, dated December 3, 2015**

*Items with * were included in the January 26, 2016 agenda packet*

DRAFT

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

STEEP SLOPES PERMIT

Village/Town of Mount Kisco
Planning Board

**MICHAEL AND JUSTINE RUTHERFORD
87 BEVERLY ROAD**

FEB 03 2016

Section 80.23, Block 3, Lot 40
Application No: PB2015-0318

RECEIVED

February 9, 2016

WHEREAS, the subject property consists of approximately 0.47 acres of land, is located at 87 Beverly Road and is identified on the Town/Village tax rolls as Section 80.23, Block 3, Lot 40 ("the subject property"); and

WHEREAS, the subject property is located within the Moderate Density (RS-9) One-Family Residence Zoning District and is currently developed with a single-family residence, asphalt driveway, walkways, a deck and various stone retaining walls; and

WHEREAS, the subject property contains steep slopes, as defined under Section 110-59 of the Zoning Code; and

WHEREAS, Michael and Justine Rutherford ("the applicant") are proposing the construction of a stone retaining wall to establish a flatter more usable back yard; and

WHEREAS, the proposed stone retaining wall will have a maximum length of 59.4 feet, a maximum height of 5.6 feet, and will result in $\pm 3,054$ s.f. of land disturbance; and

WHEREAS, the proposed action will result in $\pm 1,072$ s.f. of land disturbance on 15% - 25% slopes and $\pm 1,202$ s.f. of land disturbance on slopes in excess of 25%; and

WHEREAS, in accordance with the project plans, with the exception of drainage and foundation materials, no fill is required to construct the proposed wall; and

WHEREAS, the applicant has applied for a Steep Slopes Permit in accordance with Section 110-33.1A.2 of the Zoning Code; and

WHEREAS, the application and project plans have been reviewed by the Village Engineer and reference is made to his memorandum, dated December 2, 2015; and

WHEREAS, reference is made to a letter prepared by the applicant's design engineer, Michael Bodendorf, P.E. of Hudson Land Design, dated November 4, 2015; and

WHEREAS, the plans submitted include engineered grading, erosion and sediment controls, construction details and notes, and landscaping; and

WHEREAS, the proposed action is a Type II Action and is categorically exempt from the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617; and

WHEREAS, a duly noticed public hearing was opened and closed on January 26, 2016, at which time all interested parties were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board of the Village of Mount Kisco hereby grants a Steep Slopes Permit and approves the following plans (hereafter referred to as "the approved plans"), subject to the below conditions:

The following plans, prepared by Hudson Land Design, dated (last revised) November 4, 2015:

- Existing Conditions Plan (Sheet 1 of 3)
- Retaining Wall Plan (Sheet 2 of 3)
- Erosion Control and Construction Details (Sheet 3 of 3)

BE IT FURTHER RESOLVED THAT, unless extended by the Planning Board, this Steep Slopes Permit shall expire upon the completion of the activities specified and shall be valid for a period of one (1) year from the date of this Resolution.

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

1. The applicant shall satisfactorily address any outstanding written comments provided by the Building Inspector and/or the Village Engineer.
2. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.
3. In accordance with Section 110-33.1A.2.e of the Zoning Code, the applicant shall supply a security in the amount equal to the total cost of construction, as estimated by the applicant's Design Professional and approved by the Village Engineer; the form of the security shall be to the satisfaction of the Village Attorney.
4. 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 site 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.

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

5. 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:

6. The applicant shall have addressed the above conditions and shall have obtained a Building Permit.
7. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The owner/applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
8. 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.
9. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector and Village Engineer.

Conditions to be Satisfied During Construction:

10. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer 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:

11. There shall be no Certificate of Occupancy issued until there is full compliance with the plans approved herein and all conditions of this Resolution.
12. 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.
13. A final site inspection shall be completed by the Building Inspector and Village Engineer.
14. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Other Conditions:

15. The Planning Board is to retain original jurisdiction.
16. In the event that fill is required (other than that associated with drainage or the wall foundation), an amended plan shall be developed to the satisfaction of the Village Engineer for approval by the Village Engineer.
17. 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).

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	_____

Joseph Cosentino

February 9, 2016

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

**AMENDED SITE PLAN APPROVAL
SPECIAL USE PERMIT APPROVAL
STEEP SLOPES PERMIT**

**MAVIS DISCOUNT TIRE
182 AND 190 NORTH BEDFORD ROAD**

**Section 69.66, Block 3, Lots 22 & 23
Application No: PB2015-0305**

February 9, 2016

DRAFT

Village/Town of Mount Kisco
Planning Board

FEB 03 2016

RECEIVED

WHEREAS, the subject property currently consists of two (2) tax parcels totaling approximately 0.94 acres of land, located on North Bedford Road and within the Limited Commercial (CL) Zoning District (“the subject property”); and

WHEREAS, the subject property is owned by AAK Realty, LLC and is identified on the Village/Town tax rolls as Section 69.66, Block 3, Lots 22 and 23; and

WHEREAS, the subject property is currently developed with a 3-story building with access onto North Bedford Road via a single curb cut and a parking lot that accommodates 23 vehicles; and

WHEREAS, a trailer is located on the north side of the existing building, is used for the storage of scrap tires, and is picked-up and replaced approximately twice per week; and

WHEREAS, the existing building, which includes six (6) service bays, is occupied by Mavis Discount Tire (“the applicant”) and is considered an automotive repair shop; and

WHEREAS, automotive repair shop is a Special Permit Use within the underlying CL Zoning District and is subject to Article V, Supplementary Regulations, of the Zoning Code; and

WHEREAS, the existing use predates the Village’s requirement for a Special Use Permit and, therefore, a Special Use Permit was never granted for the existing automotive repair shop; and

WHEREAS, the site plan of record for the subject property only incorporates Tax Lot 22; Tax Lot 23, which contains a portion of the access driveway and parking, does not appear on the site plan or record; and

WHEREAS, the applicant is proposing interior and exterior building improvements and exterior site-related improvements and has made application to the Planning Board for Amended Site Plan Approval, Special Use Permit Approval and a Steep Slopes Permit (“the proposed action”); and

WHEREAS, more specifically, the proposed action includes, but is not necessarily limited to:

- Incorporation of the existing lot configuration and existing as-built conditions on the site plan; and
- Modifications to the layout of the interior space relating to the show room, waiting area, service desk, bathrooms, and staff and storage areas; and
- Modifications to the exterior building façade and building signage and treatments; and
- Modifications to the parking layout and configuration resulting in a net increase of two (2) parking spaces (23 exterior spaces existing/25 exterior spaces proposed); and
- Incorporation of a handicap accessible parking spaces and associated aisle; and
- Incorporation of a handicap accessible ramp to provide access from the parking area into the building; and
- Construction of a dumpster enclosure; and
- Construction of a concrete retaining wall and pervious trailer pad located on the north side of the building; the purpose of the wall is to allow the storage trailer to be pushed back into the slope so that the trailer is flush with the front of the building; and
- A net reduction in impervious cover from 26,292 s.f. to 25,765 s.f. total; and
- Restriping of all parking spaces; and
- Landscaping along the northerly property line and along the existing planter island along North Bedford Road; and
- Replacement of all exterior light poles and light fixtures; and
- Merger of the two (2) existing tax parcels; and

WHEREAS, the subject property contains steep slopes, as defined under Section 110-59 of the Zoning Code; and

WHEREAS, the proposed action will result in ± 100 s.f. of land disturbance on 15% - 25% slopes and ± 600 s.f. of land disturbance on slopes in excess of 25%; and

WHEREAS, the applicant has applied for a Steep Slopes Permit in accordance with Section 110-33.1A.2 of the Zoning Code; and

WHEREAS, the subject property is located within the New York City East of Hudson Watershed and within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and is subject to the NYCDEP's Rules and Regulations; and

WHEREAS, reference is made to a letter prepared by the NYCDEP, dated December 31, 2015, which states that no approvals or permits are required from the NYCDEP; and

WHEREAS, reference is made to memorandums issued by the Assistant Building Inspector dated November 18, 2015; the Village Engineer dated November 19, 2015; and the Village Planner dated October 7, 2015 and November 18, 2015; and

WHEREAS, reference is made to an existing condition survey, prepared by The Munson Company, dated (last revised) July 13, 2015; and

WHEREAS, reference is made to the following architectural floor plans and elevations prepared by DCAK-MSA Architecture and Engineering, dated (last revised) November 4, 2015:

- Proposed & Existing Floor Plans (Sheet A-101)
- Exterior Elevations (Sheet A-200)

WHEREAS, the application was referred to the Westchester County Planning Board (Notification Only Referral) in accordance with Section 239-m of the General Municipal Law; and

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

WHEREAS, the applicant has submitted the Short Environmental Assessment Form (EAF), dated September 9, 2015; and

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

WHEREAS, to the extent applicable, the Planning Board has determined that the proposed action is in conformance with the requirements outlined under Section 110-30G, "Gasoline Stations, Commercial Garages and Motor Vehicle Repair Shop," Section 110-33.1A, "Steep Slopes," Section 110-45, "Site Plan Approval," and Section 110-46, "Special Permits," of the Zoning Code.

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

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

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

BE IT FURTHER RESOLVED THAT, the Planning Board of the Village of Mount Kisco hereby grants Amended Site Plan Approval, a Special Use Permit and a Steep Slopes Permit and approves the following plans (hereafter referred to as "the approved plans"), subject to the below conditions:

The following plans, prepared by DCAK-MSA Architecture and Engineering:

- Title Sheet (TS-1), dated (last revised) January 4, 2016
- Existing Survey (C-100), dated (last revised) September 21, 2015
- Slopes Analysis (C-101), dated (last revised) September 21, 2015
- Proposed Site Plan & Notes (C-102), dated (last revised) January 4, 2016
- Site Details (C-500), dated January 4, 2016
- Site Lighting Details (C-501), dated (last revised) January 4, 2016
- Proposed Site Lighting Plan (LS-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 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 following outside agency permits/approvals have been identified by the applicant:
 - ARB Approval for Building and Signage Improvements

2. The site plan and lighting plan shall be revised to clarify compliance with Section 110-32C.3.e of the Zoning Code, which involves the location and height of the light pole foundation; appropriate construction details shall be provided.
3. The color of the proposed light pole and light fixture shall be identified as being black; the appropriate construction details shall be revised accordingly.
4. The site plan shall be revised to identify the height of the proposed American Boxwood hedge; these shrubs shall be specified as being between 30 - 36 inches in height. This hedge row shall be shifted (slightly) in a westerly direction, so that the hedge row is located between the curb line and the tree line thus providing some snow storage space, to the satisfaction of the Village Planner.
5. All planting beds shall be specified to be mulched with woodchips, minimum 2-inches in depth and dyed brown or black.
6. The dumpster enclosure detail shall be revised to include protective bollards within the interior of the enclosure to protect the enclosure walls; this detail shall be revised to the satisfaction of the Village Engineer.
7. The applicant shall satisfactorily address any outstanding written comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
8. In accordance with Section 110-33.1A.2.e of the Zoning Code, the applicant shall supply a security in the amount equal to the total cost of construction associated with the retaining wall and work conducted within steep slopes, as estimated by the applicant's design professional and approved by the Village Engineer; the form of the security shall be to the satisfaction of the 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 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 site 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:

11. 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:

12. The owner/applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The owner/applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
13. 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.
14. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector and Village Engineer.

Conditions to be Satisfied During Construction:

15. 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.
16. 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 Final Certificate of Occupancy:

17. A Backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.
18. Tax Parcels 22 and 23 shall be merged; written confirmation shall be provided by the Village Assessor.
19. 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.
20. Prior to the issuance of a Final Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall be prepared to the satisfaction of the Village Engineer.
21. Prior to the issuance of a Final Certificate of Occupancy, all required landscaping installations shall be completed and inspected by the Village Planner; any plant substitutions shall be approved by the Village Planner prior to being installed.

22. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
23. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Special Use Permit Conditions:

24. The Planning Board is to retain original jurisdiction.
25. The subject property and uses contained thereon are subject to the supplemental use regulations outlined under Section 110-30G of the Zoning Code.
26. The storage trailer, which is replaced twice weekly, shall be neutral in color (white or beige).
27. The storage trailer shall not extend beyond the front façade of the building.
28. All repairs and service conducted on the subject property shall be performed within a totally enclosed building.
29. Backing up of delivery vehicles from or onto North Bedford Road shall be prohibited.
30. All loading, unloading and deliveries shall occur solely within the site. No loading, unloading or transfer operations shall be permitted on any public street.
31. All interior and exterior lighting on the subject property shall be turned off by 10 p.m., with the exception of exterior security lighting which luminance levels shall be reduced by 30% during non-operating hours.
32. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
33. 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.
34. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan. In the event that landscaping is not maintained to the satisfaction of the Village Engineer and/or Building Inspector, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.

35. Site lighting shall be consistent with the approved lighting plan. If site lighting is not consistent with the approved lighting plan, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.
36. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan and special use permit approval and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this Site Plan, Special Use Permit and Steep Slopes 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

Joseph Cosentino

February 9, 2016

FEB 03 2016

RECEIVED

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

Date: February 9, 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: Mavis Discount Tire - Amended Site Plan, Special Use Permit and Steep Slopes Permit

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☐ Yes

☒ No

Description of Action: The subject property is currently developed with a 3-story building with access onto North Bedford Road via a single curb cut and a parking lot that accommodates 23 vehicles. A trailer is located on the north side of the existing building, is used for the storage of scrap tires, and is picked-up and replaced approximately twice per week. The applicant is proposing interior and exterior building improvements and exterior site-related improvements and has made application to the Planning Board for Amended Site Plan Approval, Special Use Permit Approval and a Steep Slopes Permit ("the proposed action").

Location: 182 and 190 North Bedford Road, 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.

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.
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).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.
6. The proposed action will not result in a major change in the use of either the quantity or type of energy.
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, New York 10549

ALBERT J. PIRRO, JR.
ATTORNEY AT LAW

ONE NORTH LEXINGTON AVENUE
WHITE PLAINS, NEW YORK 10601
914-287-6444 • FAX 914-287-6443
ajp@pirrogroup.com • www.pirrolaw.com

Village/Town of Mount Kisco
Planning Board

JAN 28 2016
RECEIVED

January 27, 2016

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

Re: Mavis Supply Company, LLC, 190 North Bedford Road, Mount Kisco, NY and
AAK Realty, LLC, 182 North Bedford Road, Mount Kisco, NY
Section 69.66, Block 3, Lots 22 and 23

Dear Honorable Chairman Cosentino and Members of the Planning Board:

The undersigned is the attorney for Mavis Supply Company, LLC and AAK Realty, LLC (hereinafter "Mavis"). Mavis is scheduled to appear before the Planning Board on February 9, 2016 for purposes of submission of documentary and testimonial evidence at the adjourned public hearing.

In that regard, I have reviewed the proposed Planning Board Resolution. I have expressed my concern with condition 26 regarding the color of the trailer. While not unmindful that DCAK has indicated it will be white or neutral, I have since learned that Mavis does not control the color of the trailer delivered by the supplier. Rather, it is a question of what the supplier has in rotation.

In addition, condition 27 is not reasonable since the trailer transport deliverer may in fact set the trailer several feet beyond the façade of the building. While Mavis will make all reasonable efforts to have the trailer not beyond the façade, it cannot guarantee some deviation.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be 'AJP', written over the typed name.

Albert J. Pirro, Jr.

AJP:dat

cc: David Sorbaro
Charity Dillon
Michael Manes
Julia Khomut
Matthew Sheffield
David Squirrel, Esq.
Jan K. Johannessen, AICP

ALBERT J. PIRRO, JR.
ATTORNEY AT LAW

ONE NORTH LEXINGTON AVENUE
WHITE PLAINS, NEW YORK 10601
914-287-6444 • FAX 914-287-6443
ajp@pirrogroup.com • www.pirrolaw.com

Village/Town of Mount Kisco
Planning Board
JAN 28 2016
RECEIVED

January 25, 2016

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

Re: Mavis Supply Company, LLC, 190 North Bedford Road, Mount Kisco, NY and
AAK Realty, LLC, 182 North Bedford Road, Mount Kisco, NY
Section 69.66, Block 3, Lots 22 and 23

Dear Honorable Chairman Cosentino and Members of the Planning Board:

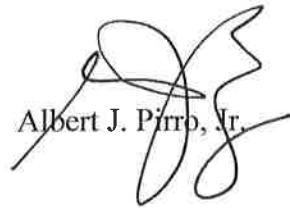
The undersigned is the attorney for Mavis Supply Company, LLC and AAK Realty, LLC (hereinafter "Mavis"). Mavis is scheduled to appear before the Planning Board on February 9, 2016 for purposes of submission of documentary and testimonial evidence at the adjourned public hearing.

In that regard, I have reviewed the proposed Planning Board Resolution. My primary concern is with condition 26 regarding the color of the trailer. While not unmindful that DCAK has indicated it will be white or neutral, I have since learned that Mavis does not control the color of the trailer delivered by the supplier. Rather, it is a question of what the supplier has in rotation.

Accordingly, it is requested that this be changed to "shall, to the extent Mavis is able to control the color, be neutral in color."

Thank you for your attention to this matter.

Very truly yours,


Albert J. Pirro, Jr.


AJP:dat

cc: David Sorbaro
Charity Dillon
Michael Manes
Julia Khomut
Matthew Sheffield
David Squirrel, Esq.
Jan K. Johannessen, AICP

MEMORANDUM

TO: Honorable Joseph Cosentino and
Members of the Mount Kisco Planning Board

CC: Michelle Lailer
Peter Miley
Whitney Singleton, Esq.
Anthony Oliveri, P.E.
Seth Wright, P.E.

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: January 20, 2016

RE: Formal Review - Site Plan and Change of Use
Estate Motors
333 North Bedford Road
Section 69.50, Block 2, Lot 1

Project Description

The applicant is proposing a change of use and the redevelopment of the northern portion of the existing building, currently occupied by the Wine Enthusiast, with a Mercedes Benz automobile dealership and service center. While the entire building is located within the Village of Mount Kisco and within the Light Manufacturing (ML) Zoning District, a portion of the northern parking lot extends into the Town of Bedford. In addition to the reconfiguration of the northern parking lot, the applicant is proposing the construction of a 7,000 s.f. certified pre-owned sales dealership and associated parking on an adjacent parcel located within the Town of Bedford. It is noted that the application was recently amended to include the construction of a field house (previously proposed under a separate application) and a deck associated with Cosentino Tile, an existing tenant.

SEORA

Our preliminary assessment of the project is that it qualifies as an Unlisted Action under the State Environmental Quality Review Act (SEORA). The Planning Board has declared itself Lead Agency and a coordinated review is underway.

The applicant has satisfactorily addressed the majority of the comments pertaining to the EAF, as outlined in our June 17, 2015 memorandum; the following EAF items remain:

Part 1 EAF

1. Page 2, Question B: As previously requested, please include the Village of Mount Kisco ARB under "other local agencies"; please also update the attached "Required Approvals and Status" table.

Plan Comments

1. It is our understanding that the traffic impact study is nearing completion and has been developed to the satisfaction of the Village's consulting Traffic Engineer. With the study now complete, the Planning Board must evaluate the impacts identified and determine if the mitigation proposed is sufficient. Further, as previously discussed, the proposed action will result in an increase to the maximum permitted peak vehicle trips (established as part of a previous approval for the 333 North Bedford Road). The Planning Board had previously established a 450 peak hour trip maximum (total inbound and outbound volume per hour) and stipulated that owner would need to return to the Planning Board to discuss potential traffic improvements, if the volume were to exceed the cap by 10% or more (495 peak hour trips). According to the applicant, the site currently generates 447 peak AM trips, 501 peak PM trips and 481 peak Sunday trips and, therefore, currently exceeds the cap. According to the study submitted, under proposed conditions, the anticipated site generation would be 489 peak AM trips, 539 peak PM trips and 539 peak Saturday trips. The Planning Board must determine whether the proposed trip exceedance, associated impacts and proposed mitigation is acceptable.
2. It is recommended that the landscaping plan be prepared by a Landscape Architect. Further, the landscaping plans do not currently identify the specie type of all proposed plantings and the planting schedule should be revised to identify the size of all proposed plant material (trees size should be identified in DBH and shrubs by height in inches). It is noted that the Planning Board generally requires all shade trees to have a minimum DBH of 4-inches at planting. Lastly, portions of existing/proposed landscaping islands not proposed to be planted with trees/shrubs should be specified as being lawn.
3. Given the Board's concern relative to the proximity of display vehicles along North Bedford Road (associated with the CPO) and the fact that these vehicles are proposed to be tandem parked, it is recommended that a more robust planting plan be considered for this area.

4. Updated floor plans and elevations for the primary dealership and the CPO should be provided.
5. It is understood that the primary dealership and the CPO will likely be under construction at the same time. A detailed construction schedule should be provided to better understand the sequence of construction; this schedule should include the construction of the field house.
6. It is understood that much of the physical site improvements are taking place outside of the Village of Mount Kisco, but on the 333 North Bedford Road site plan nonetheless. We defer to the Village Attorney as to whether the Village's supplementary use regulations pertaining to "Motor vehicles sales, rentals, service and storage", as well as the Village's landscaping and lighting requirements, apply to portions of the property located within the Town of Bedford but on the site plan.
7. The following comments pertain to the lighting plan:
 - Details of the light pole and light pole foundation should be provided.
 - The lighting plan should include any wall-mounted or canopy lights. All exterior lighting must be illustrated and detailed on plan.
 - What interior lighting will be left on during non-operating hours (primary facility and CPO)?
 - Regarding the light pole located on the CPO parcel and immediately adjacent to North Bedford Road, the applicant should consider a back-side shield for the fixture and possibly reducing the height of this pole.
 - While located within the Town of Bedford, illuminance levels along portions of the property exceed the Village maximum (0.5 fc).
 - We note that lighting tables provided do not demonstrate compliance with Village lighting standards for a "high" level use (see 110-32C.4 of the Zoning Code).
 - The Numeric Summary Table must be completed; columns labeled N/A should be revised to include a numeric value.
 - We note that the lighting plan does not include all information required under 110-32C.5 of the Zoning Code.
8. It is recommended that pavement markings on North Bedford Road and on adjacent roads and major driveways, as applicable, be illustrated on Sheet C1.01; the internal circulation pattern within the site should be illustrated by use of arrows (for demonstration purposes only).

9. All proposed free-standing signs must be shown and detailed on the plans (monument signs, way-finding signs, etc.).
10. The dumpster enclosure detail does not meet Village standards; further, it is recommended that protective bollards be provided within the enclosure to protect the enclosure walls from damage.
11. Regarding Cosentino Tile outdoor display, additional information and details associated with the outdoor display area is required.
12. Regarding the field house, please identify whether any exterior lighting or tree removal/replacement is proposed. The level of detail associated with the field house should be comparable to what has been previously submitted and all architectural floor plans and elevations should be signed and sealed.
13. As previously discussed, the Planning Board may wish to refer the plans to the Fire Department for review and comment.

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

Plans Reviewed, prepared by Catizone Engineering, P.C. and dated (last revised) January 11, 2016:

- Existing Conditions Plan (Sheet C1.01)
- Historic Site Plan (Sheet C1.02)
- Overall Site Plan (Sheet C1.11)
- Overall Site Zoning Notes (Sheet C1-12)
- Grading and Utility Plan (Sheet C2.21, C2.22, C2.23)
- Erosion and Sediment Control Plan (Sheet C2.31, C2.32, C2.33)
- Activities Within Sensitive Natural Areas (C2.42)
- Photometric Plan (C2.51, C2.52)
- Landscape Plan (C2.61, C2.62, C2.63)
- Pavement Plan (C2.72)
- Details (C4.01, C4.02)

Chairman Joseph Cosentino
January 20, 2016
Page 5 of 5

Documents Reviewed:

- Letter from Catizone Engineering, P.C., dated January 11, 2016
- Planning Board Application for Permits to Disturb Sensitive Natural Areas
- Full Environmental Assessment Form, December 6, 2015 (Parts 1, 2, 3)
- Letter from Maser Consulting, P.A., dated January 11, 2016
- *Traffic Impact Study* Report, prepared by Maser Consulting, P.A. and dated (last revised) January 11, 2016

JKJ/dc

T:\Mount Kisco\Correspondence\MK2059JJ-MKPB-333NBedford(EstateMotors)-Review-Memo-1-20-16.docx

Dolph Rotfeld Engineering, P.C.

MEMORANDUM

To: Joseph Cosentino, 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: January 21, 2016

Re: Site Plan Review
Estate Motors
333 North Bedford Road
Village/Town of Mount Kisco

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

- Plan set entitled: "Mercedes Benz of Mount Kisco", prepared by Catizone Engineering PC, last dated 1/11/16;
- Stormwater Pollution Prevention Plan (SWPPP), The Park at Mount Kisco, prepared by Catizone Engineering PC, last dated 12/18/15;

Our comments are as follows:

1. Architectural plan for the field house needs to be signed and sealed by the design professional. All details from the previous fieldhouse submission should be reflected on this current site plan.
2. The area of gravel parking in the existing condition should be better delineated.
3. Site specific details including cross sections of the proposed stormwater management practices must be included in addition to "typical" details. The cross sections should denote design storm elevations in agreement with the SWPPP report. This should include detention structures, quality units, diversion structures, outlet structures, rain garden and sand filter.
4. The flood storage structure should be included in the Hydraflow program.

Dolph Rotfeld Engineering, P.C.

Mr. Joseph Cosentino, Chairman
January 21, 2016
Page 2 of 2

5. An additional catch basin located in the front area of the CPO may be advisable to reduce overland sheet flow during storm events.
6. The grading and utility plan should have more proposed topography info to better evaluate the drainage patterns.
7. The extents of the 100 year flood plain as per the latest FIRM mapping should be shown on the plan, documentation of the mapping and flood elevations should be provided.
8. A more detailed phasing and construction plan is required and should include the staging and installation of the storm detention structures and sequence of activation.
9. The proposed connection of the flood storage structure is at an acute angle to the existing drainage flows, this is not recommended.
10. It is unclear from the utility plan if the existing 18" RCP discharges into the brook?
11. It is unclear why two discharge points need to be maintained in the drainage system, can this be combined?
12. Additional silt fence is needed at the perimeter of the disturbance are on sheet C2.31.
13. Temporary sediment basins and/or traps should be utilized during construction.
14. The proposed limits of disturbance and the pavement plan do not agree.
15. If "pervious pavements" are to be utilized, they must be detailed; this will also change the disturbance areas.

We will be happy to continue our review once additional information is provided. Please feel free to contact me if you have any questions.

Thank you,



333 N Bedford Rd - Mercedes



Philip Habib & Associates

Engineers and Planners • 102 Madison Avenue • New York, NY 10016 • 212 929 5656 • 212 929 5605

Village/Town of Mount Kisco
Planning Board

To: Edward W. Brancati, Village Manager, Mount Kisco, NY

From: Philip Habib & Associates

Date: January 25, 2015

Subject: Comments on the Traffic Impact Study for 333 North Bedford Road -
Proposed Mercedes Benz of Mount Kisco with 27 service bays

JAN 25 2016
RECEIVED

Philip Habib & Associates (PHA) has reviewed the revised Traffic Impact Study (TIS) for the proposed Mercedes Benz dealership at 333 North Bedford Road dated January 11, 2016. The document states that the proposed facility square footage is 113,000 with 27 service bays, three prep bays and a washing bay. The conclusion states that the Levels of Service (LOS) and seconds of delay on the area roadways would be maintained under future no-build and build conditions with the proposed Mercedes Benz dealership with a slight modification to the signal timing during the Weekday PM peak hour.

With the addition of the proposed Mercedes, the traffic analysis shows that the level of service for the eastbound approach at the intersection of Ice House Road and Route 117 degrades from E to F during the weekday PM peak hour. A signal modification to the reallocate two seconds of green time from 309 N. Bedford Road to Ice House Road results in reducing the delay and LOS back to No-Build Condition. The Saturday peak hour remained at LOS E in the Build condition, however, there was an increase of 6.1 seconds of delay between No-Build and Build. No signal modifications are being proposed for the Saturday peak hour.

The intersection of Route 117 and Foxwood Circle remains an overall Level of Service A.

Conclusion

PHA has fully reviewed the Traffic Impact Study and has no further comments on the analysis as completed. As described in the document, the proposed Mercedes dealership would degrade the eastbound approach of Ice House Road/Park Drive and Route 117 during the Weekday PM peak hour to LOS F. With the signal timing modification, the Level of Service for the eastbound approach of Ice House road would be back to the No-Build condition of LOS E during the weekday PM period. No signal improvements are being made to Saturday.

The signal timing modification would need to be reviewed and approved by NYSDOT.

AFFIDAVIT OF MAILING

Village/Town of Mount Kisco
Planning Board

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

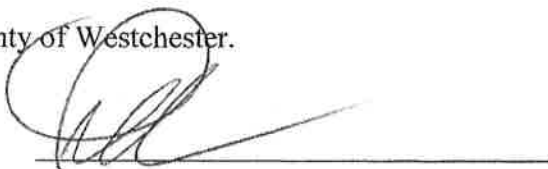
JAN 27 2016

RECEIVED

Pietro A. Catizone, P.E. being duly sworn, deposes and says:

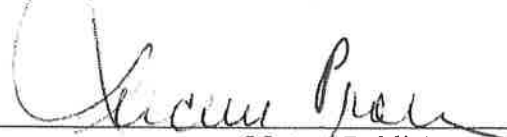
I reside at 9 Overlook Ter. Larchmont, NY 10538

On January 19 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.



Sworn to before me on this

19th day of JANUARY 2016


(Notary Public)

LUCILLE PROIA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01PR4869937
Qualified in Orange County
My Commission Expires September 02, 2018

Miranda Benz

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

AFFIDAVIT OF POSTING

Guillermo Gomez, being duly sworn, says that on the 2nd day of February 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

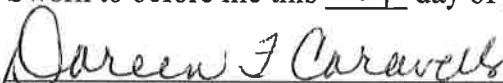
X

Leonard Park Multi Purpose Bldg

X


Guillermo Gomez

Sworn to before me this 2 day of February 2016


Notary Public

DOREEN F. CARAVELLO
Notary Public, State of New York
No. 01CA6170202
Qualified in Westchester County
Term Expires July 2, 2019

Village/Town of Mount Kisco
Planning Board

FEB 02 2016
RECEIVED

**A FIDAVIT OF PUBLICATION
FROM**



Village/Town of Mount Kisco
Planning Board

JAN 27 2016
RECEIVED

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:
01/18/16

Cecilia Hernandez
Signature

Sworn to before me, this 21st day of January 2016

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

ROCKLAND:

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

Ad Number: 0000984332

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Planning Board of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 9th day of February 2016 at the Municipal Building, Mount Kisco, New York, beginning at 7:30PM pursuant to the Zoning Ordinance on the Application of Estate Motors and DP-21 321 Route 22, Goldens Bridge, NY 10526 and 333 N. Bedford Road, Mount Kisco, NY 10549 to allow for the application to permit the Amended site plan approval and Change of Use of 333 N. Bedford Road (The Park) to include (1) Change of Use of 113,280 SF of existing office/warehouse to automotive sales, service and related uses (2) improvements and expansion to existing parking lot to accommodate the change of use and proposed 7,000 sf building on adjacent parcel, (3) development of adjacent 793/795 Bedford Road parcel (Town of Bedford) to accommodate a 7,000 sf Certified Pre-Owned sales building with access through 333 N. Bedford Road site (4) Construction of a 378 SF field house building (5) update development coverage to include expansion of an existing access roadway and installation of a non-permanent display platform (6) Permit to Disturb Sensitive Natural Areas for disturbance within Wetland buffer.

The property involved is known as 333 N. Bedford Road, Mount Kisco, NY 10549 and described on the Village Tax Map as Section 71.12 Block 2 Lot(s) 36 and is located on the West side of North Bedford Road in a east/west/n/s ML and CL Zoning District. Said Application is being made to obtain an approval from Section(s) 110-31, 110-45 and 110-33.1 of the Code of the Village/Town of Mount Kisco.

Joseph Cosentino, Chair
Planning Board
Village/Town of Mount

98433

DRAFT

Village/Town of Mount Kisco
Planning Board

FEB 03 2016

RECEIVED

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

AMENDED SITE PLAN APPROVAL

**ESTATE MOTORS
19 KENSICO DRIVE**

**Section 69.50, Block 1, Lots 4 & 5
Application No: PB2015-0307**

February 9, 2016

WHEREAS, the subject property currently consists of two (2) Tax Parcels totaling approximately 19,022 s.f. of land, located at 19 Kensico Drive and within the general Commercial (GC) Zoning District ("the subject property"); and

WHEREAS, the subject property is owned by Charisma Associates, LLC (AKA Estate Motors), hereafter referred to as "the applicant", and is identified on the Village/Town tax rolls as Section 69.50, Block 1, Lots 4 and 5; and

WHEREAS, the subject property is developed with a 1-story building and is used for the detailing and storage of motor vehicles prior to final delivery to the Estate Motors car dealership; and

WHEREAS, reference is made to the site plan of record entitled "Proposed Floor Plan and Front & Side Elevations", prepared by Sullivan Architecture, P.C. and dated (last revised) June 25, 2007, and the Planning Board's approving Resolution, dated July 10, 2007 (PB2006-23); and

WHEREAS, the site plan of record allows for 23 indoor vehicle lifts, six (6) interior parking spaces, and three (3) exterior parking spaces; and

WHEREAS, the applicant has installed and is seeking retroactive approval for seven (7) additional indoor vehicle lifts ("the proposed action"); and

WHEREAS, the applicant is also proposing to expand the landscape bed and associated curbing along the north side of the building, the construction of a refuse enclosure, and is proposing to merge Tax Lots 4 and 5; and

WHEREAS, the applicant is proposing to grant an access easement over Tax Lots 4 and 5 (to be merged) to benefit the adjacent Tax Lot 6 located to the south of the subject property; and

+WHEREAS, the proposed action would result in a reduction of the number of interior parking spaces from six (6) to one (1) space and the exterior parking spaces, located to the rear of the building, would be reconfigured but would continue to consist of three (3) parking spaces; and

WHEREAS, while the subject use requires a total of nine (9) off-street parking spaces, only four (4) spaces will be provided; and

WHEREAS, given the nature and intensity of the use, the applicant has requested that the Planning Board waive the installation of five (5) off-street parking spaces under Section 110-28G of the Zoning Code, essentially land-banking these spaces until such time as their installation is determined necessary; and

WHEREAS, the “land-banked” parking spaces are located inside the subject building and will be occupied by vehicle lifts until such time as the installation of these spaces is deemed necessary; and

WHEREAS, the subject use has been determined to be a permitted use within the underlying GC Zoning District; and

WHEREAS, reference is made to memorandums issued by the Building Inspector, dated July 9, 2015 and August 21, 2015, and by the Village Planner, dated August 21, 2015; and

WHEREAS, the applicant has obtained a lot coverage variance from the Zoning Board of Appeals; and

WHEREAS, reference is made to an “Existing Condition Survey”, prepared by H. Stanley Johnson and Company and dated (last revised) December 11, 2008; and

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

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board of the Village of Mount Kisco hereby grants Amended Site Plan Approval and approves the following plans (hereafter referred to as “the approved plans”), subject to the below conditions:

The following plans, prepared by Catizone Engineering, P.C. and dated (last revised) January 5, 2016:

- Amended Site Plan (Sheet C-1.0)
- Site Details (Sheet C-2.0)

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 whether the application should be returned to the Planning Board for review. The following outside agency permits/approvals have been identified by the applicant:
 - Zoning Board of Appeals - Land Development Coverage Variance
2. The applicant shall prepare all necessary access easement documents and maps allowing access to adjacent Tax Lot 6 over the subject property; these documents and maps shall be prepared to the satisfaction of the Village Attorney and proof of recording with the County Clerk shall be provided.
3. The Building Inspector shall determine whether the proposed dumpster enclosure is shown in a code-compliant location. If not, the enclosure shall either be relocated or a variance obtained. The dumpster enclosure detail shall be revised to be consistent with Village standards, to the satisfaction of the Village Engineer.
4. The applicant shall satisfactorily address any outstanding written 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 applicant.
6. 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 site 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:

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 Commencement of Any Work:

8. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The owner/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.
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 Final 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. Tax Parcels 4 and 5 shall be merged; written confirmation shall be provided by the Village Assessor.
15. 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.
16. Prior to the issuance of a Final Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall be prepared to the satisfaction of the Village Engineer.
17. Prior to the issuance of a Final Certificate of Occupancy, all required landscaping installations shall be completed and inspected by the Village Planner; any plant substitutions shall be approved by the Village Planner prior to being installed.

18. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
19. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Other Conditions:

20. The Planning Board is to retain original jurisdiction.
21. The facility shall be used for vehicle storage, washing and preparation only.
22. The facility shall only service vehicles to be sold at the Estate Motors car dealership.
23. The sale, display, or repair of vehicles shall be prohibited.
24. The outdoor storage of vehicles is prohibited, with the exception of temporary vehicle storage within the two (2) standard parking spaces as shown on the site plan.
25. The car wash shall utilize recycled water.
26. All work shall be performed within a totally enclosed building.
27. Vehicles to be cleaned or stored on-site shall be driven onto the property individually; the delivery of motor vehicles by truck or trailer is prohibited.
28. Vehicles shall be transported by Estate Motors; customer pick-up or drop-off is prohibited.
29. Loaner vehicles of cars being serviced shall not be given out at this site.
30. All aspects regarding use, construction and operations at this site shall be fully compliant with Village Code, covenants, restrictions, and easements, and any other local, state or federal regulations.
31. All exterior lighting on the subject property shall be turned off by 10:00 p.m., with the exception of exterior security lighting which luminance levels shall be reduced by 30% during non-operating hours.
32. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
33. 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.

34. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan. In the event that landscaping is not maintained to the satisfaction of the Village Engineer and/or Building Inspector, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.
35. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan approval and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan or certificates of occupancy issued in conjunction therewith, null and void.

ADOPTION OF RESOLUTION

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

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:

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

Joseph Cosentino, Chairman

February 9, 2016

January 5, 2016

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

Re: Estate Motors Warehouse, 19 Kensico Road
Sec. 69.50 Bl. 1 Lots 4 and 5

JAN 06

RD

Dear Chairperson Cosentino and Planning Board Members;

On behalf of our Client, Estate Motors, Catizone Engineering, P.C. is pleased to transmit the following:

No. Copies	Title	Date
15	C-1.0 Amended Site Plan	01/05/2016
15	C-2.0 Site Details	01/05/2016
15	Resolution of Approval (Prior Approval)	07/10/2007

The plans have been revised to address comments from the Village Planner dated August 21, 2015 and discussions from our Stapff meeting on December 16, 2015, as follows:

1. The facility is utilized as a vehicle preparation area where the vehicles are detailed prior to final delivery to the customer. The vehicles are either dropped off by a driver and the driver takes a prepared vehicle back, or two drivers drive to the facility, leaving the vehicle to be detailed and driving back in the second vehicle. Due to consistency in sales volumes and efficiency in operation the first option (once vehicle dropped off with return trip in a prepared vehicle) is utilized most often.
2. The site plan proposes an extension of the landscaping at the location of the former overhead door apron on the north side of the building. The plan also proposes extending the landscaping along the north side to the east, reducing the site development coverage. On November 17, 2015, the Zoning Board of Appeals granted a variance allowing site development coverage of 78.1% (reduced from 80.8%) where 75% is permitted.
3. We have shown existing and proposed landscaping on C-1.0 Amended Site Plan.
4. We have shown a dumpster enclosure on the C-1.0 Amended Site Plan, and enclosure details on C-2.0 Site Details.
5. We have added a General Note 12 on C-1.0 indicating that Lots 4 and 5 must be merged for conformance with site plan approval. We understand that this will also be included as a condition of approval in the Resolution of Approval. The project surveyor is preparing a new plat for merging of the parcels, including an access easement through the current Lot 4 benefiting Lot 6 to the south.
6. The prior Resolution of Approval has been attached.
7. We have revised Not 4 to identify only three exterior parking spaces.
8. Handicap signage has been shown on C-1.0. Additionally, HC signage striping and signage is shown on C-2.0.
9. At the November 17th ZBA meeting, a recommendation to the Planning Board was made to consider the installation of a fence along the rear property line. Per our conversation with the Village Planner we have verified that a fence along the rear property line (adjacent to MTA ROW) does not exist on the property to the North or property to the South. A fence would do very little to protect the MTA ROW as one could simply walk around it. For this reason we did not propose a fence.

Chairman Joseph Cosentino and Planning Board Members
January 5, 2016
Page 2 of 2

We hope that this Application can be placed on the January 26, 2016 Planning Board agenda. Please call should you have additional questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Pietro A. Catizone". The signature is fluid and cursive, with the first name "Pietro" being more prominent.

Pietro A. Catizone, P.E.
Principal

PAC

X:\Project\2015\15004 19 Kensico Drive\Correspondence\Outgoing\Planning Board\Cosentino_PB_19Kensico160105.docx

PLANNING BOARD
VILLAGE OF MOUNT KISCO

RECEIVED
AUG 20 2007
OFFICE OF THE
VILLAGE MANAGER

RESOLUTION OF APPROVAL FOR MODIFICATION TO SITE PLAN AND CHANGE OF USE
PERMIT

NAME OF PROJECT: Estate Motors Auto Storage Facility (aka Charisma Holding Corp)
(19 Kensico Drive)

APPLICATION NO. PB2006-23 DATE OF ACTION: July 10, 2007

TAX MAP IDENTIFICATION NO: 69.50-1-5

On a motion of D. Hertz, seconded by S. Gibbons, the following resolution was adopted:

WHEREAS in accordance with Chapters 110 of the Code of the Village/Town of Mount Kisco adopted April 21, 2003, and as last revised, a formal and complete application for **Modification to Approved Site Plan and Change of Use Permit** for the project known as **Estate Motors Auto Storage Facility** prepared by Janet Giris, Esq., DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, on behalf of **Charisma Holding Corporation, 19 Kensico Drive, Mount Kisco, NY** was submitted to the Planning Board on February 21, 2007 and the applicant has represented to this Board that they are the owner or the lawful contract vendee of the land to be developed; and

WHEREAS, the following fees have been received by this Board and;

- | | |
|-----------------------------------|----------------|
| 1. Conceptual Application Fee | <u>\$400</u> |
| 2. Site Plan Application Fee | <u>\$500</u> |
| 3. Parking Fee (\$75 x 18 spaces) | <u>\$1,350</u> |
| 4. Escrow Fee | <u>\$5,000</u> |

WHEREAS, pursuant to the State Environmental Quality Review Act (SEQRA):

1. The Village of Mount Kisco Planning Board has identified the proposed action as a(n) Unlisted Action;
2. On 2/21/07 A Full Environmental Assessment Form (EAF) was submitted;
3. On 7/10/07 The Village of Mount Kisco Planning Board declared itself to be lead agency;
4. On 7/10/07 The Village of Mount Kisco Planning Board, as lead agency, determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

WHEREAS, the applicant has submitted to this Board as part of this application the following maps and documents:

1. Proposed Floor Plan and Front & Side Elevations, prepared by Sullivan Architecture, P.C., dated 1/8/07 and last revised 6/25/07
2. Landscape Plan, prepared by John Meyer Consulting, P.C., dated 5/02/07
3. Landscape Section and Notes, prepared by John Meyer Consulting, P.C., dated 5/01/07
4. Property Survey, prepared by David L. Odell, P.L.S, dated 2/04/07
5. Commitment for Title Insurance, prepared by Fidelity National Title Insurance Company
6. Letter from Janet Giris to Chairman Cosentino, dated 11/16/06, Re: Conceptual Application
7. Letter from Janet Giris to Chairman Cosentino, dated 2/21/07, Re: Formal Application
8. Letter from Janet Giris to Chairman Cosentino, dated 4/10/07, Re: response to board's comments of the 3/12/07 meeting
9. Letter from Janet Giris to Chairman Cosentino, dated 5/29/07, Re: Application of Charisma Holding Corp. for the property located at 19 Kensico Drive, Mt. Kisco

10. Letter from Janet Giris to Chairman Cosentino, dated 6/26/07, Re: Application of Charisma Holding Corp. for the property located at 19 Kensico Drive, Mt. Kisco
11. Letter from Joseph Scaltro, P.E. to Chairman Cosentino, dated 4/30/07, Re: Estate Motors, Kensico Drive, Mount Kisco, NY

WHEREAS, this Board has referred this application to the following boards, commissions and agencies and has received and considered reports of the following:

BUILDING INSPECTOR	Memorandum 12/6/06
VILLAGE PLANNING CONSULTANT	Oral Report
VILLAGE ENGINEERING CONSULTANT	Memorandum 12/12/06
ARCHITECTURAL REVIEW BOARD	Approved 6/12/07
ZONING BOARD OF APPEALS	NA
FIRE COMMISSION	NA
CONSERVATION ADVISORY COMMISSION	NA
WESTCHESTER COUNTY PLANNING BOARD	NA
NYS DEPARTMENT OF TRANSPORTATION	NA
WESTCHESTER COUNTY DEPARTMENT OF HEALTH	NA
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION	NA
NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION	NA

WHEREAS, the applicant proposes a car storage facility in an existing warehouse building;

WHEREAS, the applicants has represented to the Planning Board that the facility shall be utilized solely for car storage, washing, and preparation;

WHEREAS, the applicant represented to the Planning Board that that the car wash shall utilize recycled water;

WHEREAS, the applicant has represented to the Planning Board that car service and repair will not be conducted on-site;

WHEREAS, the applicant has represented to the Planning Board that car sales will not be conducted onsite;

WHEREAS, the applicant has represented to the Planning Board that the site will not be utilized as a showroom;

WHEREAS, the applicant has stated to the Planning Board that there will be no trailer or any other type of transportation vehicle drop-off on the site;

BE IT THEREFORE NOW RESOLVED that the application for Modification to Approved Site Plan and Change of Use Permit for the project known as Estate Motors Auto Storage Facility prepared by Janet Giris, Esq. DelBello Donnellan Weingarten Wise & Wiederkehr, LLP, on behalf of Charisma Holding Corporation, 19 Kensico Drive, Mount Kisco, NY, be approved subject to the following modifications and conditions and that the Planning Board Chairman and the Building Inspector be authorized to endorse this Board's approval of said project upon compliance by the applicant of the modifications and additional requirements as noted.

1. Construction shall commence within six (6) months of the date of this resolution and be completed within one (1) year of commencement of construction.
2. The Planning Board is to retain original jurisdiction.
3. Furnish "as built" drawings when site work is completed.
4. Subject to conditions of the Architectural Review Board.
5. All Village application, professional engineering, and planning consulting fees shall be paid prior to the issuance of a Certificate of Occupancy, including any deficiencies in Planning Board application fees.
6. All applicable county, state and regional permits shall be obtained prior to the issuance of a

Building Permit. In the event that such permit(s) require any modification to the site plan approved by this resolution, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification is substantive and should be returned to the Planning Board.

7. Backing up of cars and delivery vehicles from or onto Kensico shall be prohibited.
8. No standing, parking, loading, or unloading shall be permitted on Kensico Drive.
9. The facility shall be utilized solely for car storage, washing, and preparation.
10. The car wash shall utilize recycled water.
11. Car service and repair shall not be conducted on-site, nor shall there be vehicle drop off or pick up by customers.
12. Car sales shall not be conducted onsite.
13. The site shall not be utilized as a new or pre-owned car showroom, or display vehicle area.
14. There shall be no trailer or any other type of transportation vehicle drop-off on the site.
15. The façade improvements shall continue around the entire building.
16. The provided parking shall be compliant with the Village of Mount Kisco Zoning Code.
17. All aspects regarding uses, construction, and operations at this site shall be fully compliant with the Village Code, covenants, restrictions and easements, and any other local, state, or federal regulations.
18. Landscaping shall be provided in the front, side and rear of the site, in accordance with the approved Landscaping Plan, prepared by John Meyer Consulting, P.C., dated 5/01/07. In the event that said landscaping is not installed to the satisfaction of the Village Engineer or Building Inspector, a Certificate of Occupancy shall not be issued until all required landscaping installations are complete.
19. There shall be no Final Certificate of Occupancy issued until there is full compliance with each condition contained within this resolution and the plans incorporated herein.
20. A bond shall be posted for the site improvements stated herein, in an amount and form satisfactory to the Village Engineer and the Village Planning Board Attorney.
21. Loaner vehicles for cars being serviced shall not be given out at this site.

BE IT FURTHER RESOLVED that upon due consideration by the Board, the following requirements of these regulations be modified (list or none): None

DATE OF RESOLUTION:

SIGNED BY:


Joseph Cosentino, Chairman

, Chairman

ROLL CALL:

AYES: D. Hertz, S. Gibbons, S. Bernstein, A. Sturniolo, and J. Cosentino

NAYS:

ABSTAIN:

ABSENT: J. Morreale, R. Vigliotti



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

TO: Chairman Cosentino and Planning Board Members
FROM: Robert Melillo, Assistant Building Inspector
DATE: January 7, 2016
RE: Tesla Motors
115 Kisco Avenue, ID# 69.65-2-3

In reviewing our files, we have found that Tesla Motors Planning Board approval expired on February 13, 2015. At the direction of the Building Department, Tesla reapplied for Site Plan approval and a Temporary Certificate of Occupancy until they are able to complete the site work.

/mkl



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

December 4, 2015

Tesla Motors
115 (125) Kisco Avenue
Mount Kisco, NY 10549

Re: Notice of Violation and Order to Correct
115 (125) Kisco Avenue, Property ID 69.65-2-3

Dear Tesla Corp:

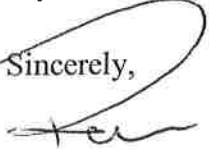
In reviewing our files, we have found that your Temporary Certificate of Occupancy for the subject property expired on June 18, 2014 and your Planning Board approval for change of use and amended site plan expired on February 13, 2015.

In order to continue operating your business at this location, you must resubmit a new Planning Board application, including plans and fees, by December 22, 2015 for the January 12, 2016 Planning Board meeting to have your approval re-approved and to request an additional Temporary Certificate of Occupancy. In addition, you are also required to resubmit a new Certificate of Occupancy/Compliance application, along with a fee of \$590.00, to renew your Temporary Certificate of Occupancy. This will only be granted for a period of 45 day period.

If we have not received the proper documentation by the time period listed above, we will be forced to take further action.

If you have any questions, you can contact me at the Building Department at 914-864-0019.

Sincerely,


Robert Melillo
Assistant Building Inspector


/pat

cc: Joseph C. Cosentino, Planning Board Chairman
Peter J. Miley, Building Inspector
Whitney Singleton, Village Attorney

MEMORANDUM

TO: Honorable Joseph Cosentino and
Members of the Mount Kisco Planning Board

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: January 6, 2016

RE: Tesla Motors
115 Kisco Avenue
Site Plan Application
Section 69.65, Block 2, Lot 3

The subject property consists of ± 0.912 acres of land and is located at 115 Kisco Avenue and within the GC Zoning District. On December 17, 2013, the Planning Board granted Amended Site Plan Approval and Change of Use Approval, subject to certain conditions. While Building Permits were issued, construction ensued, and the facility is in operation, it is our understanding that the Temporary Certificate of Occupancy that was issued by the Building Inspector has expired. Further, the Planning Board's approving resolution, which required project completion within 1-year of the commencement of construction, has also expired.

The applicant has submitted a site plan application and the originally approved plans and is requesting that the Planning Board re-approve the project.

Please note that the landscaping installed is not complete and in some cases certain shrubs and trees have died or are in poor condition and require replacement. Further, it is our understanding through the Village Engineer that the required rain garden was not installed. These items must be resolved.

Plans Reviewed, prepared by Finn Daniels Architects (Previously Approved Plans):

- Project Information (A0.0)
- Site Plan (A0.0b)
- Landscape Plan (A0.0c)
- Site Map & Property Key (A0.0d)
- Site Plan Details (A0.0f)
- Notes, Schedules & Accessibility (A0.2)
- Demolition Floor Plan (A1.1a)
- Demolition Reflected Ceiling Plan (A1.1b)
- First Floor Plan (A2.1a)
- Second Floor Plan and First Floor Finish Plan (A2.1b)
- Fixture/Equipment Plan (A2.2)
- Site Photometric Plan (E5.0)

Documents Reviewed:

- Change of Use Application
- Temporary Certificate of Occupancy
- Planning Board Resolution
- As-Built Survey, prepared by H. Stanley Johnson & Company, dated November 17, 2014

JKJ/dc

Dolph Rotfeld Engineering, P.C.

MEMORANDUM

To: Joseph Cosentino, 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: January 7, 2016

Re: Site Plan Review
Tesla
115 Kisco Avenue
Village/Town of Mount Kisco

RECEIVED
JAN 07 2016
PLANNING BOARD

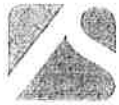
With regard to the above mentioned project, this office has reviewed the following plans and submittals:

- Approved Site Plan for Tesla, Mount Kisco, prepared by Fin Daniels Architects, last dated 1/7/14;
- As-built Survey, prepared by H. Stanley Johnson & Co, dated 11/14/14;

Our comments are as follows:

1. It should be noted that the rain garden that was detailed on the previously approved plan was never completed as required. This will need to be completed as well as any other site plan elements not in conformance with the approved plan prior to issuance of a Certificate of Occupancy.

Thank you.



ZARIN &
STEINMETZ

David J. Cooper
Jody T. Cross ●
Marsha Rubin Goldstein
Jeremy E. Kozin
Helen Collier Mauch ▲
Matthew R. Pisciotta
Daniel M. Richmond
Brad K. Schwartz
Lisa F. Smith ●
David S. Steinmetz ■
Krista E. Yacovone
Michael D. Zarin

■ Also admitted in D.C.
● Also admitted in CT
▲ Also admitted in NJ

January 26, 2016

Via Hand Delivery

Hon. Joseph Cosentino
Chairman of the Village of Mount Kisco Planning Board and
Members of the Planning Board
104 Main Street
Mt. Kisco, New York 10549

Re: *Devereux NY CARES ("Devereux")*
Amended Site Plan/Special Permit Application

Village/Town of Mount Kisco
Planning Board
JAN 26 2016
RECEIVED

Dear Chairman Cosentino and Members of the Planning Board:

As you know, we represent Devereux in connection with its Site Plan/Special Permit Application (the "Application") currently pending before the Board. The Applicant met with the Town's Professional Staff on January 19, 2016, to cooperatively work through any remaining issues that had been raised by the Board. The Applicant will make a formal presentation at the Board's February 9, 2016 meeting, but writes to provide the following technical materials for the Board's review in advance of the meeting:

- Exhibit A: Revised Site Plan, prepared by Insite Engineering, Surveying, & Landscape Architecture, P.C. ("Insite"), last revised January 26, 2016;
- Exhibit B: Revised School Van Arrival/Departure/Queuing Plan ("Revised Queuing Plan"), prepared by Insite, last revised January 26, 2016;
- Exhibit C: Traffic Management Plan, prepared by Maser Consulting P.A. ("Maser"), dated January 26, 2016;
- Exhibit D: Existing Floor Plans, prepared by Insite, last revised January 26, 2016;

- Exhibit E: Memorandum by Insite Responding to Memorandums From Town Planner and Town Engineer, dated January 26, 2016; and
- Exhibit F: Supplemental Parking Accumulation Study, prepared by Maser, dated January 6, 2016.

The Applicant submits that it has now fully resolved the Board's remaining concerns with the Project. Accordingly, the Applicant respectfully requests that the Board approve its Application as soon as possible, but no later than the Board's February 23, 2016 meeting.

With the input of the Town's Professional Staff at the January 19, 2016 meeting, the Applicant has created a Revised Queuing Plan. The Plan definitively addresses all of the Board's concerns relating to van queuing and traffic circulation on Site. See Exhibit B. Under this Plan, vans will enter at the Site's Radio Circle entrance, and circulate through the Site to the back parking lot. Id. Vans will begin to queue in a single line through the driveway connecting the Back Lot to the Site's Lexington Avenue entrance (the "Driveway"). No vans other than those in this queue line will be located in the Back Lot. Notably, this configuration will not block any of the parking spaces located along the Driveway or in the Site's Lexington Avenue parking lot. Id.

As requested by the Board, the Applicant has incorporated a connection from the Back Lot to Lindy Street to facilitate the orderly circulation of the Site during drop-offs and pick-ups.¹ In the Revised Queuing Plan, as vans drop off students they will proceed counter-clockwise through the Back Lot before exiting through the newly created connection onto Lindy Street.² The connection from the Back Lot to Lindy Street will be restricted to traffic exiting the Back Lot, with the exception of emergency services vehicles. Emergency services vehicles will be able to use this connection as an additional means of egress into the Back Lot.

Under the Revised Queuing Plan, during the morning drop off period vans will begin to queue at 8:05 A.M., and will continuously unload students until 8:50 A.M.³ Vans will be

¹ To offset any increase in Site Development Coverage as a result of this connection, the Applicant has incorporated additional landscaped areas on Site. As a result, total Site Development Coverage will remain at 71.6%, the same amount for which Little Garden Child Care Center obtained a variance from the Zoning Board of Appeals.

² The connection to Lindy Street will be accomplished with "Turfstone" concrete pavers. See Exhibit A, Turfstone Pavement Detail. This surface does not constitute additional impervious pavement. Its addition will not require the approval of any outside agency.

³ For an in-depth discussion of the Devereux's specific procedures and policies for pick-ups and drop-offs, the Board is referred to the attached Traffic Management Plan, as requested. See Exhibit C.

instructed to come at either 8:05 A.M. or 8:20 A.M. Vans arriving earlier or later than their assigned time will be permitted to make their drop-off. By spreading drop-offs over this extended time period, the number of vans on Site at any given time will be reduced. The Applicant will also restrict the maximum number of vans allowed on Site to twelve (12). As depicted on the Revised Queuing Plan, a Devereux staff member will be stationed at the Site's Radio Circle entrance. This staff member will coordinate with Devereux staff members located in the Back Lot to limit van access to the Site if twelve (12) vans are already on Site. Again, given the length of the drop off period, it is unlikely that even twelve (12) vans will be present on Site at any given time.

In the afternoon pickup period, vans will be instructed to arrive at 2:45 P.M. or 3:10 P.M. Again, vans will continuously load as they arrive on Site. Devereux will load two (2) vans simultaneously. This will further reduce the number of vans queuing on Site.

The Town's Professional Staff also raised several additional issues with the Applicant's Site Plan at the January 19, 2016 meeting, and in previously submitted Memorandums. The Applicant refers the Board to Exhibit E for full responses to each point raised in the latest Memorandums from the Town's Professional Staff. In addition, the Applicant's Revised Site Plan addresses many of these issues. Notably, the Applicant has redesigned its dumpster enclosure to comply with the Town's design standards. See Exhibit A. Further, the Revised Site Plan now depicts existing improvements on Lindy Street, as well as all required signage on Site. Id.

As the Applicant has repeatedly reminded the Board, Devereux is a School for students with autism spectrum disorder, and the uncertainty in the review process has had an adverse impact on Devereux's special needs students and their families' ability to plan for the future. Accordingly, we respectfully request that the Board bring its review of this Project to a close at its February 23, 2016 meeting.

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■ ZARIN & STEINMETZ

Hon. Joseph Cosentino
Chairman of the Village of Mount Kisco Planning Board and
Members of the Planning Board
January 26, 2016
Page | 4

Thank you for your attention.

Respectfully submitted,

ZARIN & STEINMETZ

By: 

Michael D. Zarin

cc: Scott W. Blakely, RLA
Michelle Lailer, Planning Board Secretary
Mr. Robert Melillo
Mr. Anthony Oliveri
MRE Management Corp.
Whitney Singleton, Esq.

TABLE P-1

SUMMARY OF MT. KISCO PARKING SPACE UTILIZATION (WEEKDAY AM & PM CONDITIONS)

JOB # 15002219A
 LOCATION: MT. KISCO, NY
 DAY: WEDNESDAY
 DATE: 1/6/16
 TIME: 8:00 AM - 4:00 PM

Village/Town of Mount Kisco
 Planning Board

	PARKING AREA CAPACITY (1)			TOTAL OCCUPIED SPACES	TOTAL UNOCCUPIED SPACES
	1 RADIO CIRCLE DRIVE	2 LEXINGTON AVENUE	3* BACK LOT		
TOTAL SPACES	27	25	59	111	
TIME	SPACES OCCUPIED				
8:00 AM	0	1	0	1	110
8:15 AM	0	1	0	1	110
8:30 AM	1	1	0	2	109
8:45 AM	2	4	0	6	105
9:00 AM	2	3	0	5	106
9:15 AM	4	5	0	9	102
9:30 AM	4	7	0	11	100
9:45 AM	5	7	0	12	99
10:00 AM	8	5	0	13	98
10:15 AM	10	7	0	17	94
10:30 AM	11	6	0	17	94
10:45 AM	13	8	1	22	89
11:00 AM	13	8	1	22	89
11:15 AM	14	7	1	22	89
11:30 AM	14	7	1	22	89
11:45 AM	15	7	2	24	87
12:00 PM	14	8	2	24	87
12:15 PM	12	8	4	24	87
12:30 PM	10	8	4	22	89
12:45 PM	12	9	4	25	86
1:00 PM	11	7	3	21	90
1:15 PM	13	8	3	24	87
1:30 PM	12	9	3	24	87
1:45 PM	14	9	3	26	85
2:00 PM	15	10	3	28	83
2:15 PM	16	10	3	29	82
2:30 PM	16	9	3	28	83
2:45 PM	15	7	4	26	85
3:00 PM	15	6	4	25	86
3:15 PM	17	7	4	28	83
3:30 PM	16	9	4	29	82
3:45 PM	18	9	6	33	78
4:00 PM	18	17	6	41	70

(1) *INCLUDES UNSTRIPED PARKING SPACES BY PRO SWING ENTRANCE.

RECEIVED
 JAN 26 2016



MEMORANDUM

TO: Chairman Cosentino and
Members of the Board

FROM: Scott W. Blakely, RLA

DATE: January 27, 2016

JOB #: 15243.100

RE: Devereux Foundation
27 Radio Circle Drive

Village/Town of Mount Kisco
Planning Board

JAN 26 2016
RECEIVED

Below please find responses to memorandums prepared by the Village Planner and the Village Engineer.

Responses to Jan Johannessen, AICP, Village Planner Comments, dated January 6, 2016:

1. As noted the applicant has removed the existing Benefit Shop as a tenant. The applicant is currently proposing to leave the Benefit Shop space vacant.
2. The parking has been revised as requested. The total parking space count is now 109 spaces.
3. It is our understanding that the Village has agreed with the 54 parking spaces required for the Devereux use.
4. The expanded parking accumulation study results have been included with this submission for review.
5. The revised parking count indicated on Drawing EF-1 conforms to Village standards.
6. Devereux's hours of operation have been identified on all the provided plans and reports.
7. Devereux staff will be present prior to school vans dropping students off in the morning. Staff will remain onsite until students have been picked-up at the end of the day.
8. Maser's Traffic Management Plan notes student arrival and departure times.
9. The Queuing Plan has been revised and is included in this submission for review.
10. As discussed at the Planning Board Staff meeting, the total school districts contributing students will be between 20 and 24.
11. The hours of operation have been added to Drawing EF-1 as requested.
12. The revised dumpster enclosure detail is indicated on the revised site plan. There is currently a dumpster location with a rear and side retaining wall. It is proposed to enclose the sides and front with the Chainlink Fence Detail shown.
13. The revised site plan indicates replacement landscaping as requested.
14. Noted.

Responses to Anthony Oliveri, PE, Village Engineer Comments, dated January 7, 2016:

1. As discussed, at the January 12 Planning Board meeting, the decreased traffic level from B to C is not dramatic and represents a very minor delay and the study indicates that Devereux will have a minor effect on traffic.
2. The Van Queuing Plan has been revised and is included in this submission.

Responses to Building Inspector Comments at the January 19th, 2016 Staff Meeting:

1. The proposed fire lane signage has been revised in accordance with the NYS Fire Code as requested.



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

11 Bradhurst Avenue
Hawthorne, NY 10532
T: 914.347.7500
F: 914.347.7266
www.maserconsulting.com

January 27, 2016
MC Project No. 15002219A

Traffic Management Plan Devereux

Village/Town of Mount Kisco
Planning Board

JAN 27 2016

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General

To improve onsite circulation and minimize the queuing of school vans on-site, the following Traffic Management Plan will be used by the school during normal operation. This plan includes the use of Lindy Street for school vans to exit the site during drop off and pickup periods. For both drop off/pickup school vans will enter the site for Radio Circle Drive and exit through Lindy Street. To the extent that vans do queue on site, they will queue in the driveway to the rear lot and will block minimal parking spaces.

Staff

The school staff will arrive before 8:05 AM and park in the designated parking spaces in the rear parking area. They will leave the parking area after the school vans have picked up the students i.e. likely after 3:15 PM. As shown on the attached figure, only the spaces closest to the building will be blocked by school vans. Staff will be instructed that to the extent they anticipate leaving before buses have left the site, they should park in unblocked spaces in the rear lot.

Students Drop Off/Pickup

School vans will start drop off at 8:05 AM and continue through 8:45 with drop off scheduled for 8:05 AM and 8:20 AM. Vans will be accepted before and after these specified times. Vans will be instructed to arrive for pickup at 2:45 PM and 3:10 PM. However, vans will be accepted continuously throughout the pickup period. During pickup, two (2) vans will be loaded simultaneously to reduce the time needed to load students onto the vans.

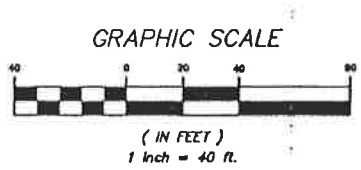
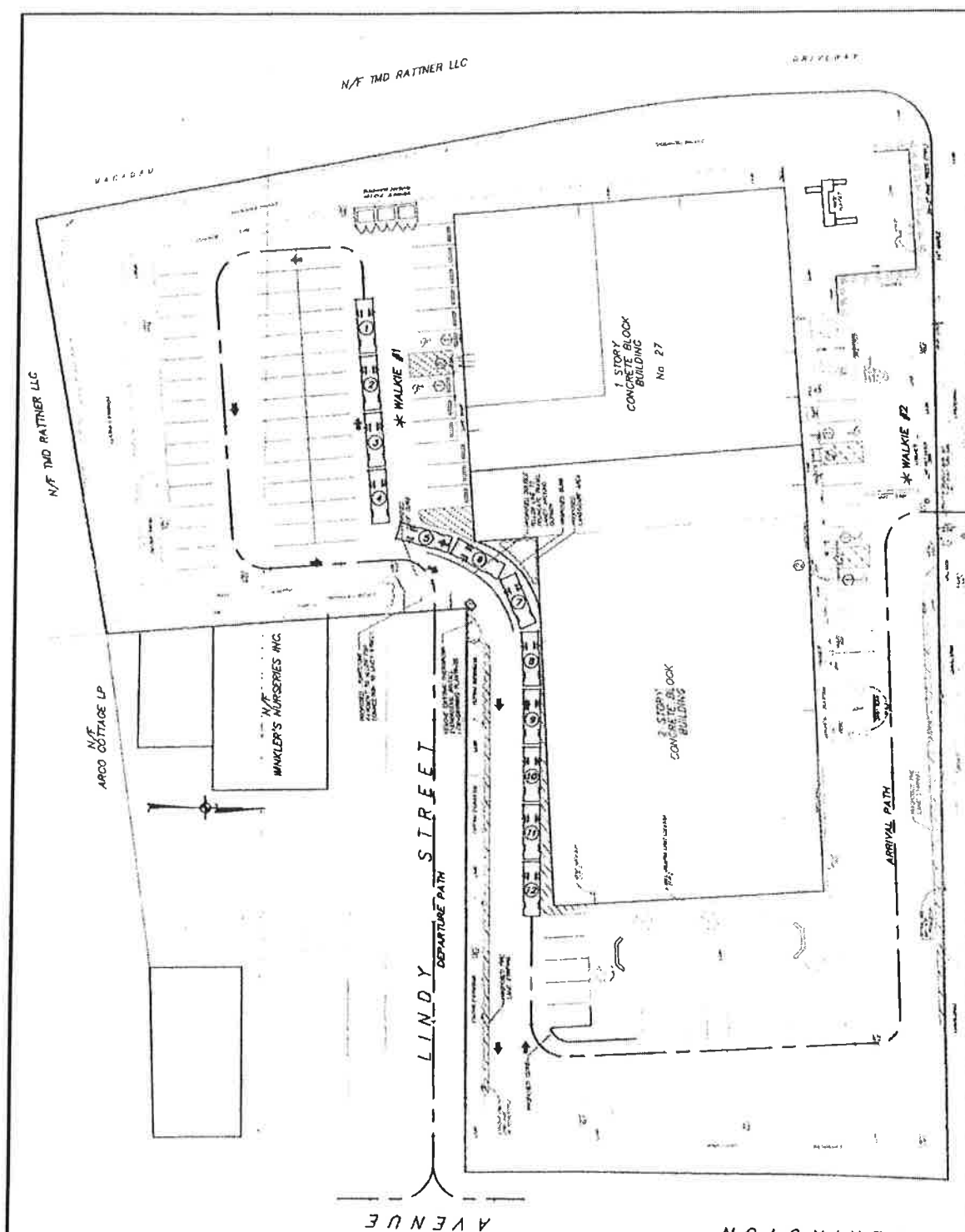
At no time will there be more than 12 school vans queued on site. During these time periods, school monitors with communication equipment will be stationed at the drop off point (near parking area marked as "Walkie # 1") and the access to Radio Circle Drive (marked as "Walkie #2"). These monitors will be in constant contact and will not permit more than 12 school vans to queue on site. If there are 12 queued vans on site any new arrivals (at the Radio Circle access) they will not be permitted to enter the site and will continue to circulate off site.



Traffic Management Plan
MC Project No. 15002219A
January 27, 2016

Devereux will maintain a list of all carriers transporting students to the school. A Devereux staff member will be designated to coordinate and distribute Devereux's procedures to all carriers. If this staff member finds that vans are not arriving at their assigned times, they will make the carriers aware of Devereux's traffic management procedures and coordinate the arrival times.

See attached Figure VQ-Alt.1 for proposed arrival/departure path for school vans.



23 FT LONG VAN
(TYP.)

<p>PROJECT: DEVEREUX NY CARES</p> <p>27 RADIO CIRCLE, VILLAGE OF MT. KISCO, WESTCHESTER CO., NY</p> <p>DRAWING: ALTERNATIVE SCHOOL VAN ARRIVAL/DEPARTURE/QUEUING PLAN</p>	<p>PREPARED BY: INSITE</p> <p>ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.</p> <p>3 Garrett Place • Carmel, New York 10512 Phone (845) 225-9690 • Fax (845) 225-9717 www.insite-eng.com</p>	<p>REVISION: 1-22-16</p> <p>DATE: 1-18-16</p> <p>SCALE: 1" = 40'</p> <p>PROJECT NO.: 15243.100</p> <p>FIGURE: VQ-ALT.1</p>
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**PLANNING BOARD
VILLAGE OF MOUNT KISCO**

INTENT TO BE LEAD AGENCY

**MAPLEWOOD SENIOR LIVING, LLC
2 MORGAN DRIVE**

**Section 80.55, Block 1, Lot 2.1
Application No: PB2013-0247**

February 9, 2016

DRAFT

Village/Town of Mount Kisco
Planning Board

FEB 03 2016

RECEIVED

WHEREAS, the subject property consists of ±5.72 acres of land and is located at the corner of Radio Circle and Morgan Drive within the Research and Development (RD) Zoning District (“the subject property”); and

WHEREAS, the subject property is the site of a former New York City sewage treatment plant and was transferred by the City of New York to the Village of Mount Kisco in or about 1985; the property was sold by the Village shortly thereafter; and

WHEREAS, Maplewood Senior Living, LLC (“the applicant”) is proposing the construction of a senior assisted living housing development consisting of 3-stories and 94 units, to be accessed via Morgan Drive, along with on-site parking, stormwater facilities, municipal water and sewer connections, lighting, landscaping and other site amenities (“the proposed action”); and

WHEREAS, the subject property is owned by Radio City Ventures, LLC; and

WHEREAS, the proposed use is not permitted within the underlying RD Zoning District and the applicant has petitioned the Village Board and is proposing a zoning text amendment to permit the proposed use by Special Permit; and

WHEREAS, wetlands are located on-site and in the vicinity of the subject property, including off-site wetlands regulated by the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the Planning Board has preliminarily identified the proposed action as a Type 1 Action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, for purposes of initiating the SEQRA process and establishing lead agency, the applicant has submitted Part 1 of the Full Environmental Assessment Form (EAF), dated January 5, 2016; and

WHEREAS, the Planning Board has preliminarily identified other potential Involved and Interested Agencies and wishes to conduct a coordinated environmental review under SEQRA.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617, the Planning Board of the Village of Mount Kisco concludes that it is the appropriate agency to serve as Lead Agency for the coordinated environmental review of the proposed action described above; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby declares its intent to be Lead Agency for the coordinated SEQRA evaluation of the proposed action described above; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby authorizes the circulation of the following documents to the Involved and Interested Agencies:

- a) Notice to Involved Agencies and Lead Agency Agreement Form; and
- b) Planning Board Application Forms; and
- c) Part 1 of the Full EAF; and
- d) The submitted conceptual site plans; and
- e) The submitted zoning petition; and

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	_____

Joseph Cosentino

February 9, 2016

DRAFT

**PLANNING BOARD
VILLAGE OF MOUNT KISCO, WESTCHESTER COUNTY, NY**

COORDINATED ENVIRONMENTAL REVIEW

**NOTICE TO INVOLVED AGENCIES
DECLARATION OF INTENT TO BE LEAD AGENCY**

Village/Town of Mount Kisco
Planning Board

**MAPLEWOOD SENIOR LIVING, LLC
2 MORGAN DRIVE**

FEB 03 2016

RECEIVED

Date Mailed: _____

PLEASE TAKE NOTICE, that at its meeting held on February 9, 2016, the Village of Mount Kisco Planning Board declared its intent to serve as Lead Agency for the coordinated environmental review of the proposed action described below; agreement among Involved Agencies is requested pursuant to the applicable requirements set forth in SEQRA, 6 NYCRR Part 617.

PROPOSED ACTION

The subject property consists of ± 5.72 acres of land and is located at the corner of Radio Circle and Morgan Drive within the Research and Development (RD) Zoning District ("the subject property"). The subject property is the site of a former New York City sewage treatment plant and was transferred by the City of New York to the Village of Mount Kisco in or about 1985; the property was sold by the Village shortly thereafter. Maplewood Senior Living, LLC ("the applicant") is proposing the construction of a senior assisted living housing development consisting of 3-stories and 94 units, to be accessed via Morgan Drive, along with on-site parking, stormwater facilities, municipal water and sewer connections, lighting, landscaping and other site amenities ("the proposed action"). The proposed use is not permitted within the underlying RD Zoning District and the applicant has petitioned the Village Board and is proposing a zoning text amendment to permit the proposed use by Special Use Permit.

SITE LOCATION

2 Morgan Drive, Village of Mount Kisco, Westchester County, New York

SEQRA CLASSIFICATION AND IDENTIFIED INVOLVED AND INTERESTED AGENCIES

The proposed action has been preliminarily classified as a Type 1 Action, pursuant to 6 NYCRR Part 617. The following potential Involved and Interested Agencies have been identified:

INVOLVED AGENCIES:

- Village of Mount Kisco Planning Board
- Village of Mount Kisco Village Board
- Village of Mount Kisco Architectural Review Board
- Village of Mount Kisco Highway Department
- Village of Mount Kisco Water Department
- New York City Department of Environmental Protection (NYCDEP)

- New York State Department of Environmental Conservation (NYSDEC)

INTERESTED AGENCIES

- Village of Mount Kisco Building Department
- Village of Mount Kisco Conservation Advisory Council
- Westchester County Department of Planning

COORDINATED ENVIRONMENTAL REVIEW PROCEDURES

Under the applicable standards of SEQRA, 6 NYCRR Part 617, the Village of Mount Kisco Planning Board has concluded that it is the appropriate agency to serve as Lead Agency for the coordinated environmental review of the proposed action discussed above. At its meeting held on January 26, 2016, the Planning Board declared its intent to serve as Lead Agency and authorized the circulation of this Notice to the Involved and Interested Agencies.

This Notice, along with a copy of the Planning Board Application Forms, Part 1 of the Full Environmental Assessment Form (EAF), and the submitted site plans, is being sent to all Involved and Interested Agencies. Each Involved Agency is hereby requested to fill out the attached Lead Agency Agreement. If any Involved Agency does not agree that the Village Mount Kisco Planning Board should be designated as the Lead Agency, it may follow the procedures set forth in SEQRA 6 NYCRR Part 617.

If you have any questions or comments, you may contact:

Michelle Lailer, Planning Board Secretary
104 Main Street
Mount Kisco, New York 10549
Phone: (914) 864-0022
Fax: (914) 864-1085
Email: planning@mountkisco.org

Please return the completed Lead Agency Agreement, and any comments you may have on the application, to the above address within 30 days of mailing. If you do not respond within 30 days, it will be interpreted as your consent that the Village of Mount Kisco Planning Board serve as Lead Agency.

VILLAGE OF MOUNT KISCO PLANNING BOARD
COORDINATED ENVIRONMENTAL REVIEW

LEAD AGENCY AGREEMENT

MAPLEWOOD SENIOR LIVING, LLC
2 MORGAN DRIVE

On behalf of _____
(INSERT NAME OF AGENCY)

The above named Involved Agency hereby:

(Please Check One)

- () AGREES that the Mount Kisco Planning Board serve as Lead Agency for the coordinated environmental review of the proposed action and requests that the undersigned continue to be notified of all filings and hearings on this matter.
- () DOES NOT AGREE to the Mount Kisco Planning Board serving as Lead Agency and wishes that _____ serve as Lead Agency. To contest Lead Agency designation, the undersigned intends to follow the procedures in accordance with SEQRA 6 NYCRR Part 617.6.

Please return within 30 days of the mailing of this correspondence. In addition, please specify the jurisdiction that your agency has over this project and what issues you believe are relevant in connection with this project.

Michelle Lailer, Planning Board Secretary
104 Main Street
Mount Kisco, New York 10549
Phone: (914) 864-0022
Fax: (914) 864-1085
Email: planning@mountkisco.org

Print Name

Title

Signature

Date




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 

SUBJECT: Win Development
77-91 S. Moger Avenue, Property ID #80.25-1-2

DATE: January 21, 2016


The review of the conceptual application submission reveals the following:

- The property is located within the CB-1 (Central Business District 1) zoning district
- The proposed improvement/use requires the use of Village owned property for vehicular ingress and egress
- This property falls within the Designated Main Street Area requiring DEP and DEC approvals
- A Special Use Permit will be required as per §110-15 B (2) (e) *Administrative, business and professional offices that have a retail component, such as opticians, travel agents or real estate agents, greater than 8,000 square feet of gross floor area and located on any floor of a building.* The applicant is proposing 8,164 square feet, thereby triggering this requirement.
- Applicant is required to adhere to conditions set forth in §110-46 Special permits
- Proposed is 12 parking spaces where 14 parking spaces are required; therefore a variance for 2 parking spaces is required
- A Flood Development Permit shall be required
- A Wetlands Permit shall be required for encroachment into the buffer area
- Proposed is a Change of Use

MEMORANDUM

TO: Honorable Joseph Cosentino and
Members of the Mount Kisco Planning Board

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: January 20, 2016

RE: 77-91 South Moger Avenue
Win Development
Site Plan - Conceptual Review
Section 80.25, Block 1, Lot 2

Project Description

The subject property is comprised of ± 0.26 acres of land and is located on South Moger Avenue, in proximity to its intersection with Green Street, within the CB-1 Zoning District. The subject property is developed with a 1-story building, which is currently occupied by a restaurant, and paved parking with two (2) curb cuts on South Moger providing a one-way circulation pattern. The application involves the redevelopment of the property, including demolition of the existing building, construction of a new 2-story (8,164 s.f.) building, elimination of one (1) curb cut on South Moger Avenue, and the construction of a one-way driveway and parking lot layout that would connect to Shopper's Park over Village owned land. The proposed use is identified as office on the second floor and office (with a retail component) on the ground floor.

SEQRA

The proposed action has been preliminarily identified as an Unlisted Action under the State Environmental Quality Review Act (SEQRA). It is recommended that a coordinate review be conducted and that the Planning Board seek to establish itself as Lead Agency. Prior to making a decision on this pending application, the Planning Board must issue a Determination of Significance.

Comments

1. The use of the building and how it falls within the list of permitted/special permit uses associated within the underlying CB-1 Zoning District must be clarified by the applicant and confirmed by the Building Inspector.
2. The applicant should complete and submit Parts 1 and 2 of the Short Environmental Assessment Form (EAF) for review.
3. While we defer compliance with the off-street parking provisions to the Building Inspector, according to the applicant's calculation, it appears that there will be a shortfall of two (2) off-street parking spaces as currently designed.
4. We note that the elimination of one (1) curb cut on South Moger Avenue will result in the ability to add two (2) on-street metered parking stalls along South Moger Avenue.
5. We note that access to Shoppers Park over Village-owned land will require the approval of the Village Board. Any other improvements proposed on Village-owned property would likewise require Village Board authorization.
6. At first glance, the parking layout and vehicular circulation appears to be tight and several of the parking spaces may be problematic given their proximity to access/exit driveways. It is recommended that the Village Engineer review the parking layout and that the applicant and staff meet to discuss the parking layout and circulation.
7. Given the open pedestrian walkway that is proposed to cut through the ground floor of the building, consideration should be given to linking on-site pedestrian walkways to Shoppers Park and adjacent sidewalks and pedestrian corridors. This application may present an opportunity to improve the aesthetic and functionality of adjacent green space located between Shoppers Park and the subject parcel and how it is used by the public.

Chairman Joseph Cosentino
January 20, 2016
Page 3 of 3

8. Off-site wetlands are jurisdictional to both the Village of Mount Kisco and the New York State Department of Environmental Conservation (NYSDEC). The off-site wetland boundary must be verified by this office and by the NYSDEC. Any formal site plan application should include a wetland mitigation plan.
9. We note that the subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and the proposed action will likely require NYCDEP approval.
10. A formal application should only be submitted after a complete zoning analysis has been conducted by the applicant and confirmed by the Building Inspector. Any formal submission should include a more fully engineered site plan, compliant with the site plan submission standards provided within the Village Code.

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 January 5, 2016:

- Concept Site Plan (Sheet CP-1)

Documents Reviewed:

- Letter, prepared by Insite Engineering, dated January 5, 2016
- Application for Conceptual Review
- Letter, prepared by Charles V. Martabano, dated January 4, 2016

JKJ/dc