

**MOUNT KISCO PLANNING BOARD**  
**Agenda**  
**Tuesday, June 28, 2016**  
**Planning Board Work Session 6:30 PM**  
**Meeting 7:30 PM**

**Minutes**

- a. *May 12, 2015*

**Formal Applications:**

- b. **Bareburger – 441 Main Street (Former Friendly's)**  
**PB2016-0322, 80.50-4-4**  
**Amended Site Plan**
- *Draft Resolution dated June 28, 2016*
  - *Friedrich Letter, dated June 20, 2016*
  - *Site Plan prepared by VKS Architects, revised May 25, 2016 ( 5 sheets)*
- c. **Mt. Kisco Supply – 369 & 375 Lexington Avenue**  
**PB2015-0300, 80.48-4-13, 16, 17 (SBL)**  
**Site Plan**
- *Draft Resolution dated June 28, 2016*
- d. **Hudson Riley, LLC – 179 Main Street (Former Leisure Living)**  
**PB2016-0323, 80.25-3-26.1 (SBL)**  
**Change of Use**
- *Draft Resolution, dated June 28, 2016*
  - *Memorandum from Peter J. Miley, Building Inspector, dated June 23, 2016*
  - *Floor Plans prepared by Grandberg & Associates, dated June 22, 2016 (2 Sheets)*
- e. **EK Construction – 35 & 39 Kisona Road (Former Whalen's)**  
**PB2016-0324, 80.48-5-1 & 11 (SBL)**  
**Site Plan and Change of Use**
- *Memorandum from Peter J. Miley, Building Inspector, dated June 21, 2016*
  - *Memorandum from Jan K. Johannessen, AICP, dated (pending)*
  - *Memorandum from Anthony Oliveri, P.E., dated June 22, 2016*
  - *Memorandum from Charles V. Martabano, dated June 7, 2016*
  - *Formal Application*
  - *Site Plan Checklist*
  - *Short EAF*
  - *Memorandum from Insite Engineering, dated June 7, 2016*
  - *Site Plan prepared by Insite Engineering, dated June 7, 2015 (5 Sheets)*
- f. **Win Development – 77-91 S. Moger (Former Eduardo's)**  
**PB2016-0320, 80.25-1-2**  
**Site Plan**
- *Memorandum from Peter J. Miley, Building Inspector, dated June 21, 2016*
  - *Memorandum from Jan K. Johannessen, AICP, dated (pending)*
  - *Memorandum from Anthony Oliveri, P.E., dated June 22, 2016*

- *Memorandum from Charles V. Martabano, dated June 7, 2016*
- *Memorandum from Insite Engineering, dated June 7, 2016*
- *Formal Application*
- *Site Plan Checklist*
- *Wetlands Application*
- *Short EAF*
- *Wetlands Survey*
- *Site Plan prepared by Insite Engineering, dated June 7, 2016 (6 sheets)*

**Correspondence:**

- *Memorandum from Chairman Cosentino regarding a field change at Timber Ridge*
- *New York Metropolitan Transportation Council Notice of Public Meeting and Comment Period*

**DRAFT**

**PLANNING BOARD RESOLUTION  
VILLAGE OF MOUNT KISCO**

**AMENDED SITE PLAN APPROVAL  
SPECIAL USE PERMIT APPROVAL (OUTDOOR SEATING)**

**BAREBURGER  
441 MAIN STREET  
Section 80.50, Block 4, Lot 4  
Application No: PB2016-00322**

Village/Town of Mount Kisco  
Planning Board

**JUN 23 2016**

**RECEIVED**

**June 28, 2016**

**WHEREAS**, the subject property is comprised of  $\pm 0.58$  acres of land, is located at 441 East Main Street within the General Retail (GR) Zoning District, and contains a 1-story building formerly occupied by Friendly's ("the subject property"); and

**WHEREAS**, BareBurger Restaurant ("the applicant"), is currently renovating the space and is proposing amendments to the previously approved site plan, including outdoor seating, landscaping, lighting, and other site improvements ("the proposed action"); and

**WHEREAS**, the applicant is proposing seasonal outdoor seating which is subject to Chapter 93, Streets and Sidewalks, and Section 110-46, Special Permits, of the Village Code; and

**WHEREAS**, reference is made to the site plan of record, prepared by Bryce A. Norwood, P.E., signed by the Planning Board Chairman on February 28, 1983; and

**WHEREAS**, reference is made to an existing conditions survey, entitled Survey of Property Prepared for BareBurger Restaurant, prepared by Stephen T. Johnson, PLS and dated February 12, 2016; and

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

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

**WHEREAS**, reference is made to memorandums issued by the Building Inspector dated March 17, 2016 and April 19, 2016; the Village Engineer dated April 21, 2016; and the Village Planner dated March 16, 2016, April 20, 2016 and May 18, 2016; and

**WHEREAS**, a duly noticed public hearing was opened and closed on May 24, 2016, at which time all interested parties were afforded an opportunity to be heard; and

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

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board hereby grants Amended Site Plan Approval and a Special Use Permit, subject to the below conditions; and

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

Plans prepared by VKS Architects, dated (last revised) May 25, 2016:

- Proposed Site Plan, Key Map, Zoning Table & Notes (S1)
- Propose Floor Plan & Elevation (A1)
- Section Details (A2)
- Photometric Plan and Details (P1)

Plan prepared by A2 Land Consulting, LLC, dated (last revised) June 20, 2016:

- Landscape Plan

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

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

1. It is the applicant’s responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals (if any) shall be submitted to the Planning Board and the Building Department. In the event that such permit(s) require modification to the plans approved herein, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification(s) is substantive and should be returned to the Planning Board for review.
2. This resolution is contingent upon the issuance of any and all required variances as issued by the Zoning Board of Appeals.
3. The applicant shall satisfy any outstanding written comments provided by the Building Inspector, Village Engineer and/or Village Planner.
4. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

5. The applicant shall submit a "check set" (4 copies) of the approved plat prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
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 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 applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
9. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS Licensed Land Surveyor, as determined necessary by the Village Engineer.
10. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector and Village Engineer.

**Conditions to be Satisfied During Construction:**

11. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.
12. In the event that land disturbance exceeds 5,000 s.f., the applicant shall obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

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

13. A Backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.

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

**Other Conditions:**

19. The Planning Board is to retain original jurisdiction.
20. The outdoor dining area shall comply with Chapter 93 of the Village Code.
21. All loading, unloading and deliveries shall occur solely within the site. No loading, unloading or transfer operations shall be permitted on any public street.
22. All interior and exterior lighting on the subject property shall be turned off during non-operating hours, with the exception of exterior security lighting which luminance levels shall be reduced by 30% during non-operating hours.
23. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
24. 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.
25. 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.

26. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan, or certificates of occupancy issued in conjunction therewith, null and void.

#### **ADOPTION OF RESOLUTION**

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

The motion was moved by: \_\_\_\_\_

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

The vote was as follows:

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

---

**Joseph Cosentino**

**June 28, 2016**

**Michelle Lailer**

---

**From:** PETE FRIEDRICH <petefriedrich@icloud.com>  
**Sent:** Monday, June 20, 2016 11:29 AM  
**To:** Michelle Lailer  
**Subject:** Neighbor support for Bareburger renovation / construction plans

Village/Town of Mount Kisco  
Planning Board

JUN 20 2016

**RECEIVED**

Hello Michelle,

I dropped by your office last week to inquire about adding some comments to the beer burger application, so here they are - thank you.

Below please find my response I would like to submit to the email that was calling for community feedback regarding the new Bareburger restaurant at the former Friendly's location.

To whom it may concern,

We have read about the new Bareburger restaurant being built in the former Friendly's restaurant location on route 117. My family has eaten at other Bareburgers, and it's very good food and a very well run business.

We are very excited about this development, it will be a terrific addition to this end of town, will provide jobs and will provide a vibrancy that has been lacking since the closing of Q and Meyong, the other former nearby higher end dining restaurants.

We are also very excited by their proposal to put a patio outside the restaurant. If you look at other restaurants such as Village Social, or Mount Kisco diner across the street, they have been very successful in integrating a lively dining experience with the sidewalk traffic.

There apparently is some concern about drinks being served on a patio at the restaurant. I'd like to state that we are nearly neighbors with the restaurant, living right down the street at Byram Lake Road. The Bareburger hamburger franchise strikes me as a very ethical and concerned company, using locavore foods as much as possible and organic foods, and I have no doubt they would handle any sales of alcoholic drinks with responsibility.

I also see our neighborhood as a very family-based, mature and responsible neighborhood and the addition of getting a nice glass of wine or a beer with ones meal matches the personality of our neighborhood.

So this is my way of saying myself and my family strongly support a proposal to have a street side patio, or even better a patio that overlooks the beautiful park as part of their new construction. It was always such a tragedy that Friendly's had no view of the park. Such a waste. And we completely support the idea of serving beer or wine or other drinks as part of the restaurants offerings.

Thank you for considering our opinion and our feedback, and we look forward to their opening day!

Pete Friedrich and family  
75 Byram Lake Rd.  
Mount Kisco, NY 10549  
914-242-8543



**DRAFT**

**PLANNING BOARD RESOLUTION  
VILLAGE OF MOUNT KISCO**

**FINAL SUBDIVISION PLAT APPROVAL  
SITE PLAN APPROVAL  
WETLAND PERMIT APPROVAL  
CHANGE OF USE PERMIT APPROVAL**

Village/Town of Mount Kisco  
Planning Board

**JUN 23 2016**

**RECEIVED**

**369 LEXINGTON AVENUE**

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

**June 28, 2016**

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

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

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

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

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

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

1. Removal of the nonconforming two-family residence and detached garage on Tax Lot 16; and
2. Removal of the nonconforming parking area on Tax Lot 13, located in the RT-6 Zone; and

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

**WHEREAS**, the Village Board has approved the realignment of the CL and RT-6 Zoning District boundary line; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. It is the applicant's responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals (if any) shall be submitted to the Planning Board and the Building Department. In the event that such permit(s) require modification to the plans approved herein, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification(s) is substantive and should be returned to the Planning Board for review.
2. All necessary easements shall be prepared to the satisfaction of the Village Attorney and shall be filed with the County simultaneously with the filing of the Final Subdivision Plat; proof of filing shall be provided.
3. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.
4. The applicant shall submit a "check set" (4 copies) of the approved plat prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
5. Following review and revision (if necessary) of the final plat, the applicant shall furnish the Planning Board with a final plat produced on mylar for final review by Village staff and endorsement by the Planning Board Chairman. Prior to the signing of the plat by the Planning Board Chairman, the plat shall have been previously signed by the appropriate licensed design professional(s), the property owner, and the Westchester County Department of Health.
6. The approved site plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved plans, signed and sealed by the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman. All plans shall have a common revision date. The approved site plans shall not be signed until the Final Subdivision Plat has been signed and filed with the County Clerk and proof of filing has been provided to the Planning Board Secretary. The applicant shall provide four (4) copies of the signed and filed plat bearing the County file map or control number.

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

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

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

8. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
9. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS Licensed Land Surveyor, as determined necessary by the Village Engineer.
10. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector and Village Engineer.

**Conditions to be Satisfied During Construction:**

11. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.
12. In the event that land disturbance exceeds 5,000 s.f., the applicant shall obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002).

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

13. A Backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.
14. There shall be no Certificate of Occupancy issued until there is full compliance with the plans approved herein and all conditions of this Resolution.
15. Prior to the issuance of a Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall be prepared to the satisfaction of the Village Engineer.
16. Prior to the issuance of a Certificate of Occupancy, all required landscaping installations shall be completed and inspected by the Village Planner; any plant substitutions shall be approved by the Village Planner prior to being installed.

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

**Other Conditions:**

19. The Planning Board is to retain original jurisdiction.
20. The development of Lots 13A and 13B shall be limited to single-family detached homes.
21. Tax Lots 16 and 17 shall be considered merged as of the filing of the Final Subdivision Plat with the County Clerk.
22. The existing asphalt pavement and development coverage on Lots 13A and 13B shall be removed and these lots shall be maintained as lawn until developed in the future.
23. The proposed removals of all buildings and development coverage and restoration of these areas with landscaping, as specified on the approved plans, shall be completed prior to the issuance of any certificate of occupancy associated with the commercial building located on Tax Lot 17 or for the tenants located therein.
24. The northerly parking lot shall be restricted to employees only and the storage of fleet vehicles (10 maximum).
25. All loading, unloading and deliveries shall occur solely within the site. No loading, unloading or transfer operations shall be permitted on any public street.
26. All interior and exterior lighting on the subject property shall be turned off during non-operating hours, with the exception of exterior security lighting which luminance levels shall be reduced by 30% during non-operating hours.
27. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
28. All signage, including within windows, shall be fully compliant with Chapter 89 of the Village Code. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds.
29. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan.

30. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan, or certificates of occupancy issued in conjunction therewith, null and void.

#### **ADOPTION OF RESOLUTION**

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

The motion was moved by: \_\_\_\_\_

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

The vote was as follows:

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

---

**Joseph Cosentino**

**June 28, 2016**

**DRAFT**

**PLANNING BOARD  
VILLAGE OF MOUNT KISCO**

**CHANGE OF USE PERMIT APPROVAL**

**MATTHEW TYNAN  
HUDSON RILEY, LLC  
179 EAST MAIN STREET**

Village/Town of Mount Kisco  
Planning Board

**JUN 23 2016**

Section 80.25, Block 3, Lot 26.1  
Application No: PB2016-0323

**RECEIVED**

**June 28, 2016**

**WHEREAS**, the subject property is owned by Hudson Riley, LLC ("the owner/applicant"), consists of ±9,780 s.f. of land, is identified as Tax Parcel 80.25-3-26.1 on the Town/Village tax rolls, and is located at 179 East Main Street within the Central Business (CB-2) Zoning District (hereafter referred to as "the subject property"); and

**WHEREAS**, the subject property is developed with a 3-story building with a gross floor area of 15,210 s.f., an asphalt parking area that accommodates four (4) vehicles, and a concrete ramp that provides vehicular access to the third floor of the building; and

**WHEREAS**, the rear parking lot and ramp are accessed via a Village owned 20-foot wide traveled way which extends off Lundy Lane; and

**WHEREAS**, the subject building is currently vacant and was formerly occupied by Leisure Living, which specialized in the retail sale and storage of outdoor patio furniture; and

**WHEREAS**, via resolution dated June 9, 2015, the Planning Board granted Site Plan Approval; and

**WHEREAS**, Condition #12 of the Planning Board's June 9, 2015 resolution requires the applicant to obtain a Change of Use Permit from the Planning Board prior to the occupation of the building by any tenant or use; and

**WHEREAS**, the applicant has applied to the Planning Board for a Change of Use Permit to allow for the following uses:

1 <sup>st</sup> Floor	Retail and storage associated with a tenant known as the "Pottery Factory"; and
2 <sup>nd</sup> Floor	Physical therapy office and studio known as Upwards Pediatric Therapy; and
3 <sup>rd</sup> Floor	Storage of the owner/applicant's personal car collection; and



**WHEREAS**, the proposed uses are more fully described in a letter prepared by the applicant's Attorney, Charles V. Martabano, dated May 3, 2016; and

**WHEREAS**, the Planning Board's June 9, 2015 resolution establishes an off-street parking credit based on the last approved use of the building; and

**WHEREAS**, the physical therapy office and studio proposed on the second floor will be limited to a maximum of two (2) staff members and two (2) participants at any given time and, as such, the Planning Board has determined this use to be unique and has developed the following parking formula for Upwards Pediatric Therapy in accordance with Section 110-28K(2) of the Zoning Code; and

Upwards Pediatric Therapy: 1 space per 2 participants plus 1 space per employee

**WHEREAS**, the last approved use of the building required a total of 30 parking spaces, where the proposed use of the building requires a total of 29 parking spaces; and

**WHEREAS**, the proposed use of the building complies the terms and conditions of the Planning Board's June 9, 2015 resolution; and

**WHEREAS**, reference is made to review memorandums prepared by the Building Inspector, dated May 20, 2016, and the Village Planner, dated May 18, 2016; and

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

**NOW THEREFORE BE IT RESOLVED THAT**, the Planning Board of the Village of Mount Kisco hereby grants Change of Use Permit Approval, subject to the below conditions; and

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

**Conditions of Approval:**

1. This Change of Use Permit Approval is contingent on the owner/applicant obtaining all necessary and required variances from the Zoning Board of Appeals.
2. The use of the building shall be as described in a letter prepared by the applicant's Attorney, Charles V. Martabano, dated May 3, 2016. Given the unique use of the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the building, and the parking requirement associated with these uses, any change of tenancy on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the subject building shall require a Change of Use Permit from the Planning Board.

3. The 2<sup>nd</sup> floor physical therapy office and studio shall be limited to a maximum of two (2) staff members and two (2) participants at any given time.
4. The 3<sup>rd</sup> floor shall be used for the storage of the owner/applicant's personal car collection; there shall be no maintenance or service of vehicles on premises and there shall be no employees associated with the 3<sup>rd</sup> floor use.
5. Prior to the issuance of any Certificate of Occupancy, the applicant must fully comply with the terms and conditions of the underlying site plan approval and those contained within this resolution.
6. To the extent not superseded by this resolution, the terms and conditions of the Planning Board's June 9, 2015 resolution shall remain in full force and effect.
7. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
8. Failure to comply with any of the aforesaid conditions shall constitute a violation of this Change of Use Permit and shall subject the owner/applicant to prosecution, penalties and/or permit revocations pursuant to applicable law.
9. Deviation from any such approvals may render this Change of Use Permit, building permits or certificates of occupancy issued in conjunction therewith null and void.

#### **ADOPTION OF RESOLUTION**

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

The motion was moved by: \_\_\_\_\_

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

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

---

**Joseph Cosentino, Chairman**

**June 28, 2016**



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

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter J. Miley, Building Inspector *PJM*

SUBJECT: Hudson Riley, LLC  
179 Main Street, Property ID #80.25-3-26.1

DATE: June 23, 2016 (update)

---

1. A change of use permit is required. 1<sup>st</sup> floor: Retail Sales of Bulk Household Items to General Retail Sales. 2<sup>nd</sup> floor: Retail Sales of Bulk Household Items to hybrid professional office/ therapeutic studio for children with special needs. The third floor remains as storage.
2. Based on previously approved historical parking calculation, the applicant has a credit of 39 parking spaces. The total number of required spaces in the CB-2 Zoning District is "75%" of the required spaces, (29) parking spaces.
3. The applicant is providing 4 off-street parking spaces with a remaining off-street parking credit of 25 spaces.
4. The proposed use for the first floor is general retail (4270 sq. ft.) requiring 28.46 spaces and (800 sq. ft.) of storage thereby requiring .80 spaces. The proposed use on the second floor is a "hybrid" professional office/ therapeutic studio for children with special needs congruently combined "and with specific and unique demands/ limitations" of said use thereby establishing "a variation and/or unique use category." Accordingly, § 110-28 Off-street Parking states:

K. (2) Other uses not mentioned. Parking requirements for the other uses or variations of the above uses shall be as determined by the Planning Board in the course of its review of site plans for facilities proposed hereunder. In making its determination, the Planning Board shall consider the following factors: the number of persons for whose use the facility is designed or intended; the hours of operation which are proposed; the type and extent of proposed accessory uses; the likelihood, nature and frequency of special events utilizing the facilities and to which either the general public or large numbers of people might be invited or encouraged to attend; the nature of the principal use; and other permitted uses for which the facility or structure is designed and to which it might be put if the designated activity should cease as the principal use.

Applicant proposes a parking need similar to that of a physical training studio requirement. Applicant proposes (1) space per (2) participants and per staff member, a total of 3 spaces required. Applicant states that because of the uniqueness of the proposed use, "at most," there will only be (2) participants and (2) staff members present at the same time; the board shall opine on parking requirement provided. The third floor space, as proposed, will be used for storage (5070 sq. ft.) for a personal car collection thereby requiring 5.07 spaces.

The total required parking space requirement for all uses as proposed is 37.33 spaces (38). The required parking in the CB-2 zoning district is 75% (28.5) less (4) off-street parking spaces provided (24.5) or 25. As proposed, should the Planning Board approve, no variance shall be required.

/mkl



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

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector *pm*

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

DATE: June 21, 2016

---

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

1. The proposed building exceeds 20,000 square feet of gross floor area. 110 -24.1 SC Service Commercial District B. Permitted uses (F) Building supply and lumber yards, but excluding secondhand lumber and junkyards, not to exceed 20,000 square feet of gross floor area. Proposed building is 23,222 sq. ft., therefore a 3,222 sq. ft. variance as per §110-24.1 b (f) is required.
2. Development regulations, 6. Minimum Building Setbacks. The minimum required side-yard setback is 10 feet, proposed is .45 feet therefore: a 9.55 feet side-yard variance is required.
3. The proposed maximum development coverage is 83% where 70% is permitted; therefore a variance of 13% maximum development coverage shall be required as per §110-24.1 C (3).
4. The property is located within a Designated Main Street Area
5. Article 6 nonconforming uses and noncomplying buildings §110-35 D *"Noncomplying buildings and structures may not be enlarged without a variance being obtained from the Zoning Board of Appeals pursuant to this chapter. No building or structure which is noncomplying with respect to applicable developmental regulations (by illustration, but not by limitation, height, setbacks, building and development coverage, lot area or lot width) shall be enlarged or altered in such a manner as to increase any such noncompliance or so as to enlarge or increase the area of such building or structure, including but not limited to the alteration of roof or floor levels or the addition of area above, below or adjacent to such noncomplying building or structure."* The proposed addition adds 1,250 square feet to an existing noncomplying building, therefore a variance is required.

/mkl

MEMORANDUM


Village/Town of Mount Kisco  
Planning Board

JUN 23 2016

**RECEIVED**

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: June 22, 2016

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

Project Description

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

SEQRA

The proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a coordinated review is recommended. Prior to making a decision on this pending application, the Planning Board must issue a Determination of Significance.

**Plan Comments**

1. The proposed action requires Amended Site Plan Approval and a Change of Use Permit from the Planning Board.
2. As previously requested, the applicant shall submit the site plan of record (approved in 1978) and any associated Planning Board resolutions.
3. As previously requested, existing and proposed floor plans and building elevations must be provided. The proposed floor plans shall graphically illustrate and clearly decipher the floor area devoted to office, sales, display and storage; the gross floor area for each shall be provided and shall coincide with the parking tabulation.
4. While we defer to the Building Inspector regarding zoning compliance, as previously requested, we recommend that the zoning table be revised, as follows:
  - a) The zoning table should include the gross lot area, in addition to net lot area.
5. Please identify whether any fleet vehicles (delivery trucks) will be stored or parked on premises. If so, please identify the number and location of fleet vehicle parking.
6. The proposed illuminance levels as provided on the lighting plan do not appear to comply with the Village's minimum and average illuminance level requirements. Further, Note #2 on the lighting plan shall be removed as all styles and finishes must be as approved by the Planning Board. A note should be added to the plan stating that all interior and exterior lights will be turned off during non-operating hours, with the exception of security lights which shall be reduced by 30% of thire normal operating level. The hours of operation of all exterior lights shall be noted on the plan.
7. The landscaping plan shall be revised to identify the quantity of all proposed plant material. Further, as required by code, all shade trees (the proposed Red maple and Hackberry trees) shall have a 4-inch minimum caliper at planting.
8. It is recommended that the proposed above-ground propane tank either be buried or screened with landscaping.
9. As previously requested, an existing conditions survey should be submitted.
10. As previously requested, the site plan should illustrate adjacent property lines, parcel ownership, structures, driveways, etc.

11. The subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and the NYCDEP will need to review and approve the Stormwater Pollution Prevention Plan (SWPPP).

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

**Plans Reviewed, prepared by Insite Engineering and dated June 7, 2016:**

- Layout & Landscape Plan (SP-1)
- Grading & Drainage Plan (SP-2)
- Erosion & Sediment Control Plan (SP-3)
- Lighting Plan (LP-1)
- Details (D-1)

**Documents Reviewed:**

- Letter, prepared by Insite Engineering, dated June 7, 2016
- Letter, prepared by Charles V. Martabano, dated June 7, 2016
- Application for Site Plan Approval, Change of Use Permit
- Short Environmental Assessment Form, dated June 7, 2016
- Preliminary Stormwater Pollution Prevention Plan Report, prepared by Insite Engineering, dated June 7, 2016

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

Village/Town of Mount Kisco  
Planning Board

JUN 22 2016

**RECEIVED**

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

**Date:** June 22, 2016

**Re:** Site Plan and change of Use Application  
E.K. Construction  
35 & 39 Kisona 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 "E.K. Construction, 35 & 39 Kisona Road," prepared by "Insite", last dated 6/7/16;
- Report entitled "Preliminary Stormwater Pollution Prevention Plan (SWPPP) for E.K. Construction", prepared by "Insite", last dated 6/7/16;

Our preliminary comments are as follows:

1. Parking and zoning requirements/analysis to be reviewed by the Village Planner and the Building Inspector, we note that variances are required for the proposed work.
2. An existing conditions survey must be submitted for review.
3. the proposed curb along Lincoln Place should be aligned to make a more consistent road width; the Board should consider continuing the proposed curb improvements along Kisona Road as well.
4. The subject property is in the Designated Main Street area of the Village and thus will require NYCDEP SWPPP approval as well as coverage under the NYSDEC General Permit GP 0-15-002.
5. the proposed drainage design is preliminary; a detailed review will be conducted once final design is received.
6. The proposed infiltration galleries require test pits and percolation tests to confirm the feasibility of the system.

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

Mr. Joseph Cosentino, Chairman

June 22, 2016

Page 2 of 2

7. Pretreatment of the proposed stormwater infiltration galleries is required.
8. All stormwater runoff from the proposed parking lot should be captured before entering the Village ROW.
9. The connection point of the existing drain inlet in the parking area should be investigated and detailed.

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

Thank you

**CHARLES V. MARTABANO**  
Attorney at Law

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

June 7, 2016

Village/Town of Mount Kisco  
Planning Board

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

JUN 08 2016

**RECEIVED**

Re: Application of Elliot Kracko (EK Construction)  
35-39 Kisona Road, Mount Kisco, New York  
Service Commercial SC Zoning District  
Property ID Number - 80.48-5-1 & 80.48-5-11  
Formal Site Plan Submission

Dear Chairman Cosentino and Members of the Planning Board:

I am pleased to present for your Board's review the above referenced Applicant's formal site plan submission. By way of brief review, this application proposes redevelopment of 39 Kisona Road (the former long-term location of Whalen's Moving and Storage) and 35 Kisona Road (previously undeveloped) so that said properties can be combined and utilized for lumber and building equipment sales, storage and service as well as storage and warehouse distribution, all permitted uses in the Service Commercial SC Zoning District. The Applicant made an initial conceptual site plan submission to your Board and then, prior to meeting with your Board, significantly modified its conceptual site plan, thereafter appearing before your Board in support of the revised conceptual site plan at your meeting of May 24, 2016. Said revised conceptual site plan was reviewed before your Board at such meeting and members of the Board made note of the significant modifications/improvements that the revised conceptual site plan demonstrated as compared to the initial conceptual plan. At such times members of your Board also reviewed a proposed rendering of the renovated building, including the small proposed addition.

In connection with the Applicant's formal submission, a further revision/refinement to the proposal has been made and is reflected in the current submission. With respect to the proposed addition, the Applicant now proposes to construct a two-story addition. The purpose of the second story addition is to provide necessary office space which was previously proposed as an internal mezzanine within the existing building. In other words, the vast majority of the space


to be provided as part of a second story addition was space already proposed to be created within the existing building at 39 Kiskon Road. In terms of the total amount of square footage of the existing proposal, the net effect of the second story addition therefore is to only add 274 S.F. of office space over the amount initially proposed by the Applicant's revised conceptual submission. With the additional office space referenced above, the parking requirements are increased to 44 parking spaces (the revised conceptual submission required in proposed 43 parking spaces) and the site plan included as part of the formal submission provides 45 parking spaces. A revised rendering showing the visual appearance of the building with the proposed two-story addition will be provided at the meeting of your Board to be held on June 28, 2016.

It is to be noted in this regard that the proposed modifications do affect two of the zoning determinations set forth in the letter issued by Building Inspector Peter Miley on May 13, 2016. In such letter Mr. Miley correctly points out that there exists a limitation on the size of building supply and lumber yards in the SC Service Commercial District such that the maximum size of same is limited to 20,000 SF. Because the original plans submitted by the Applicant showed a building size of 22,948 S.F., the Building Inspector opined that a variance of 2948 gross S.F. was required. With the additional 274 S.F. proposed by the current formal submission, the magnitude of the variance would be increased to 3222 SF. Additionally, in connection with Code Section 110-30 5D, the Building Inspector previously pointed out that the proposed addition would add 1500 SF to an existing noncomplying building. That figure would now be increased to 1774 S.F. It is respectfully submitted that such modifications are minor in nature because the total net effect of all proposed modifications is to add 274 S.F. to the prior proposal and the additional required parking space has been accommodated and in fact an additional parking space added beyond the amount required.

The applicant's submission also includes detailed plans pertaining to landscaping, lighting, stormwater management, grading and erosion control.

We look forward to appearing before your Board at its meeting of June 28, 2016 for the purpose of reviewing the revised plans with your Board. We look forward to any comments that members of the Board or its consultants may have with respect to our formal submission at such time or any time prior thereto.

Yours very truly,

  
Charles V. Martabano

cc: Elliott Kracko  
Insite Engineering  
Grandberg and Associates

Whitney Singleton Esq.  
Building Inspector Peter Miley  
Village Planning Consultant Jan Johannessen  
Village Engineering Consultant Anthony Oliveri

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

Village/Town of Mount Kisco  
Planning Board

Submission Date 6-7-16

(Due 21 Days in advance of Planning Board Meeting)

JUN 07 2016

RECEIVED

Application Fee \$3,800.<sup>00</sup>

Escrow Fee \$1,500.<sup>00</sup> \$5,000

Paid 4/15/2016

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

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

New Construction ☒ Addition ☐

**Applicant Information:**

Applicant Name: Elliot Kracko

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

Phone Number: (914) 654-8880

Fax: (914) 654-8881

Email: ekracko628@aol.com

Applicant's relationship to property: Contract Vendee

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

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

Phone Number: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

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

**Application Information:**

Project Name: E. K. Construction

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

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

Proposed Use (be specific): Lumber, Paint & Hardware Store

Proposed New Floor Area(s) (square feet): 2,884 SF Addition & 2,000 SF Storage Building

Number of newly created parking spaces: 45

Number of newly created building lots: 0

Number of newly created curb cuts: 0

Number of newly created water connections: 0

Number of newly created sewer connections: 0

**Conformance with Lot and Bulk Requirements:**

What is the Zoning Classification of the site? SC - Service Commercial

	Required	Proposed
Minimum Gross Site Area	10,000 SF	54,000 SF
Minimum Lot Area	10,000 SF	54,000 SF
Maximum Building Coverage	45%	39%
Maximum Site Development Coverage	70%	83%
Minimum Lot Depth	75 FT	300 FT
Maximum Lot Width	75 FT	200 FT
Yard Setbacks:		
Front	10 FT	9.5 FT * / 139 FT
Rear	N/A	N/A
Side	10 FT	0.45 FT ** / 10 FT MIN.
Buffer:		
Front	10 FT	9.5 FT *
Rear	N/A	N/A
Side	10 FT	1 FT *
Maximum Building Height	2 1/2 STORIES or 35 FT	LESS THAN 2 1/2 STORIES or 35 FT
Required Parking Spaces	43.47	45
Other	-	-

\* Pre-existing Non-conformance \*\*Variance Required

Do any easement agreements, property covenants or deed restrictions apply to this property? Yes \_\_\_ No X

If yes, please list these documents and attach copies.

Will action require approval from the New York State Department of Transportation? Yes \_\_\_ No XWill action require approval from the New York City Department of Environmental Protection? Yes X No \_\_\_Will action require approval from the New York State Department of Environmental Conservation? Yes \_\_\_ No XWill action disturb any wetlands or wetland buffer? Yes \_\_\_ No X

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

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

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

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

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

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

Applicant's Signature

Elliot Kracko

date 06/03/2016

Owner's Signature

date

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

SITE PLAN CHECKLIST

JUN 07 2016

Site plans shall contain the following information, as per Section 110-45 of the Village Code

**RECEIVED**LEGAL DATA

1. ☒ Location of project/development by street address
2. ☒ The section, block, and lot number of the property taken from the latest tax records
3. ☒ A vicinity map identifying the location of the site in context to the surrounding area
4. ☒ Name and mailing address of the owner of record and applicant if not the same.
5. ☒ Name and mailing address of the person, firm, or organization preparing the plan.
6. ☒ Date of the plan preparation
7. ☒ North arrow
8. ☒ Scale (1 inch equals 30 feet)
9. ☒ Boundary line of property with dimensions (all distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest (10) seconds or closer. The error of closure shall not exceed one (1) in ten thousand (10,000).
10. ☒ The location, names and existing widths of adjacent streets and curblines.
11. ☒ The locations and owners of all adjoining lands, as shown on the latest tax records.
12. ☒ The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjacent to the property.
- N/A 13. ☒ A complete outline of existing deed restrictions or covenants applying to the property.
14. ☒ Existing zoning district boundaries.

NATURAL FEATURES

1. ☒ Existing contours with intervals of two (2) feet or less, referred to a datum satisfactory to the Village Engineer.
2. ☒ The location of existing watercourses, wetlands, wooded areas, rock outcrops, areas of slope in excess of (20 percent), trees with a diameter of eight (8) inches or more, measured three feet above the base of the trunk, and other significant environmental features.

EXISTING STRUCTURES AND UTILITIES

1. ☒ The location of uses and outlines of structures, drawn to scale, on and within fifty (50) feet of the lot.



2. ☒ Paved areas, sidewalks, and vehicular access between the site and public streets.
3. ☒ Locations, dimensions, grades and flow directions of existing sewers, culverts, and waterlines, as well as other underground and aboveground utilities within and adjacent to the property.
4. ☒ Other existing development, including fences, landscaping, and screening.

#### PROPOSED DEVELOPMENT

1. ☒ The location of proposed building or structural improvements
2. ☒ The location and design of all uses not requiring structures, including off-street parking and loading areas.
3. ☒ The location, direction, power and time of use for any proposed outdoor lighting or public address systems.
- N/A 4. ☐ The location and plans for any freestanding signs.
5. ☒ The location and arrangement of proposed means of pedestrian and vehicular access, including curbs, sidewalks, driveways or other paved areas, and profiles indicating grading and cross sections showing the width of roadways and the location and width of sidewalks and curbs.
6. ☒ Any proposed screening and other landscaping, including types and locations of proposed street trees, on a landscape plan prepared by a licensed architect or landscape architect.
7. ☒ The location of all proposed waterlines, valves and hydrants, the location of storm sewers and drainage facilities and the location of all sewer lines and appurtenances or the location of alternate means of water supply and sewage disposal and treatment.
- N/A 8. ☒ An outline of any proposed easements, deed restrictions or covenants.
9. ☒ A quantitative summary of proposed site plan features to include the gross lot area, net lot area, site development coverage, building coverage and building square footage.
- N/A 10. ☐ Any contemplated public improvements on adjoining properties.
11. ☒ Any proposed new grades, indicating clearly how such grades will meet existing grades.

Upon findings of the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary or unnecessary hardships, the Board may vary or waive the provision of such information, provided that such waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the site plan submission, Official Map, Village Comprehensive Plan or Chapter 110-45.

617.20  
Appendix B  
Short Environmental Assessment Form

JUN 07 2016

**RECEIVED**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: E. K. Construction			
Project Location (describe, and attach a location map): 39 Kisona Road (See Location Map on Site Plan)			
Brief Description of Proposed Action: Redevelopment of an existing storage and warehouse facility to a paint, hardware and lumber store with associated parking, stormwater management improvements and extensive building and landscape improvements.			
Name of Applicant or Sponsor: Elliot Kracko		Telephone: 914-654-8880 E-Mail: ekracko628@aol.com	
Address: 34 Evans Street, 2nd Floor			
City/PO: New Rochelle		State: NY	Zip Code: 10801
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Village of Mount Kisco: Building Department-Building Permit, Planning Board-Site Plan, Zoning Board of Appeals-Area Variances. NYCDEP: SWPPP. NYSDEC: General Permit Coverage GP-0-15-002		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		1.2 acres	
b. Total acreage to be physically disturbed?		0.6 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.2 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: To the best of the Applicant's knowledge _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ Connection exists.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ Connection exists.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? * Located offsite beyond limiting distances and setbacks.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>Proposed onsite Stormwater Management Practices to be designed in accordance with NYSDEC, NYCDEP &amp; Village of Mt. Kisco requirements.</u>	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ The adjoining property across Lincoln Place is a Village of Mt. Kisco Solid Waste Management Facility.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ Per the online EAF Mapper. Our site is not part of an ongoing or completed hazardous waste site.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Scott W. Blakely, RLA  
Insite Engineering, Surveying & Landscape Architecture, P.C. Date: 6-7-16  
 Signature: [Signature]

**Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2.** Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

**PRINT**



June 7, 2016

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

Village/Town of Mount Kisco  
Planning Board

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

JUN 07 2016

**RECEIVED**

Dear Chairman Cosentino and Members of the Board:

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

- Drawing SP-1, "Layout and Landscape Plan", dated June 7, 2016.
- Drawing SP-2, "Grading and Drainage Plan", dated June 7, 2016.
- Drawing SP-3, "Erosion and Sediment Control Plan", dated June 7, 2016.
- Drawing LP-1, "Lighting Plan", dated June 7, 2016.
- Drawing D-1, "Details", dated June 7, 2016.
- Application for Site Plan Review, dated June 3, 2016.
- Site Plan Checklist.
- Short EAF, dated June 7, 2016.
- Project Description Letter by Charles Martabano, Esq.
- Stormwater Pollution Prevention Plan, dated June 7, 2016.

The Site Plan Review Application Fee in the Amount of \$3,800.00 is enclosed. The Escrow Review Fee in the Amount of \$5,000.00 was previously submitted.

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

We trust you will find the enclosed Site Plan Review Application package in order and we look forward to presentation of the project at the Board's June 28, 2016 agenda. Should you have any questions or comments or require additional copies of the enclosed information, please feel free to contact our office.

Very truly yours,

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

By:

  
Scott W. Blakely, RLA  
Senior Principal Landscape Architect

SWB/jll

Enclosures

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

Insite File No. 16124.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717

[www.insite-eng.com](http://www.insite-eng.com)

Z:\E\16124100\Correspondence\Admin\2016\060716vmkpb.docx



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

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector *PM*

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

DATE: June 21, 2016

---

The review of the formal application submission reveals the following:

1. The property is located within the CB-1 (Central Business District 1) zoning district
2. The proposed improvement/use requires that the applicant enters into an agreement with the Village for the use of Village owned property. The proposed use of Village owned property shall be for vehicular ingress, egress, and development coverage to provide an adequate, code compliant parking area.
3. The applicant proposes stormwater management area to be located on Village owned property.
4. The property falls within the Designated Main Street Area requiring DEP and DEC approvals.
5. ~~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. The applicant has revised the structure to 7,432 square feet.~~
6. Proposed is 12 parking spaces where 13 parking spaces are required; therefore a variance for 1 parking space shall be required or payment in lieu of the parking requirement maybe considered.
7. A Flood Development Permit shall be required
8. A Wetlands Permit shall be required for encroachment into the buffer area
9. Proposed requires a Change of Use permit.

\mkl

MEMORANDUM


Village/Town of Mount Kisco  
Planning Board

JUN 23 2016

**RECEIVED**

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: June 22, 2016

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

Project Description

The subject property is comprised of  $\pm 0.26$  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 (7,432 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; parking and stormwater management facilities are also proposed on Village property. 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. We note that the proposed driveway, parking and stormwater management improvements proposed on Village land require the approval of the Village Board. As these components are critical to the application, the applicant should update the Board on its status with the Village Board in this regard.
2. 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 one (1) off-street parking spaces as currently designed.
3. A lighting plan demonstrating compliance with Village lighting requirements shall be prepared and submitted for review.
4. Floor plans and elevations of the proposed building shall be provided.
5. 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 and the NYSDEC validation block must be added to the plan. The applicant must prepare and submit a wetland mitigation plan.
6. 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.
7. Part 1 of the EAF should include the Village Board and Highway Department among the list of permitting agencies. The applicant should complete and submit Part 2 of the EAF for the Board's consideration.

Chairman Joseph Cosentino  
June 22, 2016  
Page 3 of 3

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 Insite Engineering and dated June 7, 2016:**

- Layout Plan (SP-1)
- Existing Conditions & Removals Plan and Grading, Drainage & Utilities Plan (SP-2)
- Erosion & Sediment Control Plan (SP-3)
- Landscape Plan (LP-1)
- Details (D-1 and D-2)

**Documents Reviewed:**

- Letter, prepared by Insite Engineering, dated June 7, 2016
- Letter, prepared by Charles V. Martabano, dated June 7, 2016
- Short Environmental Assessment Form, dated June 7, 2016
- Application for Site Plan Approval, Special Use Permit
- Planning Board Application for Permits to Disturb Sensitive Natural Areas
- Wetlands Survey, prepared by Paul J. Jaehnig, dated December 10, 2015
- Preliminary Stormwater Pollution Prevention Plan Report, prepared by Insite Engineering, dated June 7, 2016

JKJ/dc

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

## **MEMORANDUM**

---

**To:** Joseph Cosentino, Planning Board Chairman

Village/Town of Mount Kisco  
Planning Board

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

JUN 22 2016

**RECEIVED**

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

**Date:** June 22, 2016

**Re:** Site Plan Application  
Winn Development  
77-91 South Moger Avenue  
Village/Town of Mount Kisco

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

- Plan set entitled "Winn Development, 77-91 South Moger Avenue," prepared by "Insite", last dated 6/7/16;
- Report entitled "Preliminary Stormwater Pollution Prevention Plan (SWPPP) for Winn Development", prepared by "Insite", last dated 6/7/16;

Our preliminary comments are as follows:

1. Parking and zoning requirements/analysis to be reviewed by the Village Planner and the Building Inspector, we note that a variance is required for the proposed parking.
2. An existing conditions survey must be included in the plan set.
3. The stormwater mitigation measures necessary to this development as well as a portion of the required parking areas are proposed to be installed on Village lands, this will need approval of the Village Board of Trustees and appropriate access agreements established.
4. The subject property is in the Designated Main Street Area of the Village and thus will require NYCDEP SWPPP approval as well as coverage under the NYSDEC General Permit GP 0-15-002.
5. The proposed drainage design is preliminary; a detailed review will be conducted once final design is received.

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

Mr. Joseph Cosentino, Chairman

June 22, 2016

Page 2 of 2

6. The assumed exfiltration rates for the proposed stormwater planters will require test pits and percolation tests for confirmation.
7. The use of porous pavements should be considered as discussed in our pre-submission meeting.
8. All stormwater runoff from the proposed parking lot should be captured before entering the Village ROW.
9. The proposed connection of the new building directly to the existing drain inlet in the northeast corner must be investigated and capacity of the system confirmed; the designer should look into routing all stormwater runoff through the proposed water quality practices with overflows connected to the Village system or the existing brook.
10. It is not clear how overflows from the stormwater planters will be handled; also the underdrain piping connections are not illustrated.

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

Thank you

CHARLES V. MARTABANO  
Attorney at Law

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

June 7, 2016

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

Re: Application of Win Development for Review of Proposed Site Plan (formal submission) for Redevelopment of 77-91 South Moger Avenue (existing site of Eduardo's restaurant) for Office/Office with Retail Component Use  
CB-1 Zoning District  
Property ID number 80.25-1- 2

Dear Chairman Cosentino and Members of the Planning Board:

By way of review, the above referenced Applicant applied to your Board in January 2016 for conceptual review of a proposed site plan for the redevelopment of 77-91 South Moger Avenue for a two story building proposed to be utilized for an office/office with retail component use consistent with the regulations applicable to the CB-1 Zoning District. At that time we presented a conceptual site plan and, at a meeting of your Board held on January 26, 2016, we also presented an architectural rendering showing the unique architectural design for what I characterized as a true gateway building for Mount Kisco. My letter accompanying our conceptual submission set forth my belief that as this Applicant desired to make a most significant investment in the redevelopment of what I characterized as an "under-developed property" in a qualitative context and was willing to do so in a manner which I believed to result in significant benefits to the Village (replacement of an underdeveloped property with a gateway building with potential catalytic effects for redevelopment of surrounding properties), I was hopeful that members of your Board would appreciate the benefits of the application in a qualitative context. I also pointed out, as was confirmed at the meeting, that, subject to utilization of a proposed access to Shoppers Park across Village-owned property, the proposal clearly promoted far better traffic safety via elimination of one of the two existing two-way access points /curb cuts and replacement with a single, one way access from South Moger Avenue with exiting through Shoppers Park. As I am certain that you may recall, our

presentation was met with what I can best describe as a most enthusiastic response on the part of members of your Board.

The Applicant also benefited from receiving input from the Planning Board and its consultants and, as a consequence thereof, further modified its conceptual site plan by eliminating angled parking and improving vehicular circulation (requiring an encroachment onto Village-owned property) and providing for pedestrian access through the proposed development into Shoppers Park. As this application required use of Village-owned property for certain minimal encroachments, vehicular access and stormwater measures, we revised our plan based upon Planning Board and Village consultant feedback and made a further presentation to the Village Board of Trustees on February 29, 2016. This revised plan was met with a similar enthusiastic response at such time.

Since the submission of our original conceptual site plan and submission of our revised conceptual site plan to the Village Board, certain additional modifications have been made to the building and the resultant site plan and detailed plan components have been prepared, all of which are reflected in our formal submission. These modifications include the following:

1. The building size has been reduced as follows:

- i. ground floor - 4,260 SF
- ii. second floor - 3,172 SF
- Total 7,432 SF

2. Detailed landscaping plans have been submitted;

3. Detailed plans of the proposed stormwater improvements have been submitted;

4. Detailed grading and erosion control plans have been submitted.

All of the foregoing will be reviewed with your Board at its meeting of June 28, 2016.

The proposed change to the building size does affect certain prior determinations made by the Building Inspector in his memorandum of January 21, 2016. As the earlier iteration of the plan proposed a building of 8164 SF, the Building Inspector correctly pointed out that a special use permit would have been required pursuant to Section 110-15 B (2) (e) because such Code section requires a special permit for such uses where they exceed 8000 SF. However, as the building square footage has been reduced to below the 8000 SF threshold, the need for a special permit has been eliminated. Additionally, parking requirements are predicated upon the square footage of the second floor of a structure in the CB-1 Zoning District. As the square footage of

the second floor has been decreased to 3172 SF, required parking has been reduced from 14 spaces to 13 spaces.

We believe that the revised site plan submitted as part of the Applicant's formal submission represents a significant upgrade from the conceptual site plan which was previously submitted and reviewed by your Board. We look forward to presenting the revised site plan at your meeting of June 28, 2016. If, prior to that time, any member of the Board or any consultant thereto has any questions with respect to the submission which they would desire to be responded to at the meeting, please feel free to contact me directly.

Yours very truly,



Charles V. Martabano

cc: Win Development  
Grandberg & Associates  
Insite Engineering  
Whitney Singleton, Esq.  
Jan Johannessen  
Anthony Oliveri  
Peter Miley



June 7, 2016

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

Village/Town of Mount Kisco  
Planning Board

RE: Win Development  
77-91 South Moger Avenue  
Village of Mt. Kisco  
Tax Map No. 80.25-1-2

JUN 07 2016  
RECEIVED

Dear Chairman Cosentino and Members of the Board:

Enclosed please find fourteen (14) copies (unless otherwise noted) of the following in support of an application for Site Plan Approval and a Wetland Permit for the above referenced project:

- Application for Site Plan Approval, dated June 7, 2016 (1 copy).
- Site Plan Checklist.
- Application for a Wetland Permit, dated June 7, 2016 (1 copy).
- Letter to the Village Planning Board prepared by Charles Martabano, Esq., dated June 7, 2016.
- 6 sheet Site Plan Set, dated June 7, 2016.
- Preliminary Stormwater Pollution Prevention Plan (SWPPP), dated June 7, 2016 (3 copies).
- Short Form EAF, dated June 7, 2016.
- Wetlands Survey Report, prepared by Paul J. Jaehnig, dated December 10, 2015.
- Check for \$1,475.00 Site Plan Application Fee (1 copy).
- Check for \$1,000.00 Wetland Permit Application Fee (1 copy).
- Check for \$7,500.00 for Escrow Fee (1 copy).

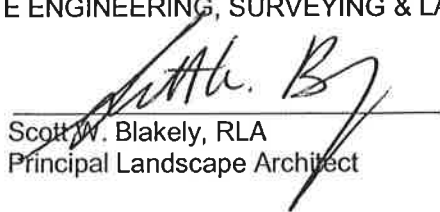
The above information is being submitted in support of an application for Site Plan Approval and a Wetland Permit for the proposed redevelopment of 77-91 South Moger Avenue. Refer to letter prepared by Charles Martabano, Esq. for additional information.

We respectfully request being placed on the Planning Board's June 28, 2016 agenda for continued discussion of the project with the Board. Should you have any questions or comments or require additional copies of the enclosed plan, please feel free to contact our office.

Very truly yours,

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

By:

  
Scott W. Blakely, RLA  
Principal Landscape Architect

SWB/dlm

Enclosures

cc: Win Development, w/enclosures (via email)  
Charles Martabano, Esq., w/enclosures (via email)  
Grandberg & Associates., w/enclosures (via email)  
Insite File No. 15302.100



Application Number PB2016-0320

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

Village/Town of Mount Kisco  
Planning Board

Submission Date 6/7/16

JUN 07 2016

Application Fee 2475

(Due 21 Days in advance of Planning Board Meeting)

**RECEIVED**

Escrow Fee 7560

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

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

### Applicant Information:

Applicant Name: WIN DEVELOPMENT, LLC ATTN: JESSE MCINERNEY  
Address: 2165 LOUISA DR., BELLEAIR BEACH, FL 33786  
Phone Number: 917-647-3872 Fax:  Email: Jesse@winddevelopment.net  
Applicant's relationship to property: CONTRACT VENDEE

Name of Property Owner: (if different from above) EDWARD E. ROSE LUBIC  
Address: 4 OLYMPUS DR., MATHEMAC, NY 10541  
Phone Number: 845-628-2537 Fax:  Email:   
Has property owner been notified of proposed action? Yes ☒ No ☐

### Application Information:

Project Name: WIN DEVELOPMENT  
Project Address/Location: 77-91 SOUTH MOGER AVENUE  
Property Tax #: 80.25-1-2  
Proposed Use (be specific): REDEVELOPMENT OF EXISTING COMMERCIAL SITE TO CONSTRUCT A NEW OFFICE/RETAIL BUILDING WITH (12) ON-SITE PARKING SPACES  
Proposed New Floor Area(s) (square feet): FIRST FLOOR 4,260 S.F. / SECOND FLOOR 3,172 S.F. / 7,432 S.F. TOTAL.  
Number of newly created parking spaces: (12) TWELVE  
Number of newly created building lots: NONE  
Number of newly created curb cuts: (1) ONE  
Number of newly created water connections: NONE  
Number of newly created sewer connections: NONE

**Conformance with Lot and Bulk Requirements:**

What is the Zoning Classification of the site? CB-1

	Required / ALLOWED	EXISTING	PROPOSED
Minimum Gross Site Area	—	—	UNCHANGED
Minimum Lot Area	—	—	UNCHANGED
Maximum Building Coverage	90%	32%	38%
Maximum Site Development Coverage	100%	96%	88%
Minimum Lot Depth	—	—	—
Maximum Lot Width	—	—	—
<b>Yard Setbacks:</b>			
Front (ADJ. NING. RESID. DISTRICT / ADJ. RESID. DIST.) (NONE / NONE)		0'	0'
Rear ( " " ) (NONE OR 6' IF NOT / 20')		0'	0'
Side ( " " ) (NONE OR 6' IF NOT / 20')		0'	8'±
<b>Buffer:</b>			
Front	—	—	—
Rear	—	—	—
Side	—	—	—
Maximum Building Height	3 STORIES OR 40'	UNKNOWN	2 STORIES / 30'
Required Parking Spaces	13	—	—
Other	—	—	—

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

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

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

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

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

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

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

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

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

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

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

Applicant's Signature

Owner's Signature

date 6-3-16

date 6-6-16

## SITE PLAN CHECKLIST

Site plans shall contain the following information, as per Section 110-45 of the Village Code:

### LEGAL DATA

1. ☒ Location of project/development by street address
2. ☒ The section, block, and lot number of the property taken from the latest tax records
3. ☒ A vicinity map identifying the location of the site in context to the surrounding area
4. ☒ Name and mailing address of the owner of record and applicant if not the same.
5. ☒ Name and mailing address of the person, firm, or organization preparing the plan.
6. ☒ Date of the plan preparation
7. ☒ North arrow
8. ☒ Scale (1 inch equals 30 feet)
9. ☒ Boundary line of property with dimensions (all distances shall be given in feet and tenths of a foot. All angles shall be given to the nearest (10) seconds or closer. The error of closure shall not exceed one (1) in ten thousand (10,000).
10. ☒ The location, names and existing widths of adjacent streets and curblines.
11. ☒ The locations and owners of all adjoining lands, as shown on the latest tax records.
12. ☐ The location, width and purpose of all existing and proposed easements, setbacks, reservations and areas dedicated to public use within or adjacent to the property.
13. ☐ A complete outline of existing deed restrictions or covenants applying to the property.
14. ☒ Existing zoning district boundaries.

to be  
modified

to be  
modified

### NATURAL FEATURES

1. ☒ Existing contours with intervals of two (2) feet or less, referred to a datum satisfactory to the Village Engineer.
2. ☒ The location of existing watercourses, wetlands, wooded areas, rock outcrops, areas of slope in excess of (20 percent), trees with a diameter of eight (8) inches or more, measured three feet above the base of the trunk, and other significant environmental features.

### EXISTING STRUCTURES AND UTILITIES

1. ☒ The location of uses and outlines of structures, drawn to scale, on and within fifty (50) feet of the lot.

2. ☒ Paved areas, sidewalks, and vehicular access between the site and public streets.
3. ☒ Locations, dimensions, grades and flow directions of existing sewers, culverts, and waterlines, as well as other underground and aboveground utilities within and adjacent to the property.
4. ☒ Other existing development, including fences, landscaping, and screening.

#### PROPOSED DEVELOPMENT

1. ☒ The location of proposed building or structural improvements
2. ☒ The location and design of all uses not requiring structures, including off-street parking and loading areas.
3. ☒ The location, direction, power and time of use for any proposed outdoor lighting or public address systems.
- N/A 4. ☐ The location and plans for any freestanding signs.
5. ☒ The location and arrangement of proposed means of pedestrian and vehicular access, including curbs, sidewalks, driveways or other paved areas, and profiles indicating grading and cross sections showing the width of roadways and the location and width of sidewalks and curbs.
6. ☒ Any proposed screening and other landscaping, including types and locations of proposed street trees, on a landscape plan prepared by a licensed architect or landscape architect.
7. ☒ The location of all proposed waterlines, valves and hydrants, the location of storm sewers and drainage facilities and the location of all sewer lines and appurtenances or the location of alternate means of water supply and sewage disposal and treatment.
- To Be Revisited 8. ☐ An outline of any proposed easements, deed restrictions or covenants.
9. ☒ A quantitative summary of proposed site plan features to include the gross lot area, net lot area, site development coverage, building coverage and building square footage.
10. ☒ Any contemplated public improvements on adjoining properties.
11. ☒ Any proposed new grades, indicating clearly how such grades will meet existing grades.

Upon findings of the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary or unnecessary hardships, the Board may vary or waive the provision of such information, provided that such waiver will not have detrimental effects on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of the site plan submission, Official Map, Village Comprehensive Plan or Chapter 11C 15.

# VILLAGE OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK  
104 Main Street  
Mount Kisco, New York 10549

Village/Town of Mount Kisco  
Planning Board

JUN 07 2016

RECEIVED

## PLANNING BOARD APPLICATION FOR PERMITS TO DISTURB SENSITIVE NATURAL AREAS (Including Wetland, Drainage Control, and Steep Slopes Permits)

Date 6-7-16

Case Number PB2016-0320

### Property Information:

Street Address 77-91 SOUTH MOSER AVE. Property Size (acres): 0.26 AC  
Tax Map Designation of Property: Section 80.25 Sheet: \_\_\_\_\_ Block: 1 Lot: 2  
Zoning District: CB-1 Flood Insurance Zone: ZONE X  
Type of Proposed Improvement: New Building (☒) Site Work Only ( ), Addition ( ), Demolition (☒)  
Other ( ) (REDEVELOPMENT)

### Applicant Information:

Applicant Name WIN DEVELOPMENT (CONTRACT VENDEE)  
Applicant Address 2165 LOUISA DR., BELLEAIR BEACH, FL 33786  
Day Phone Number 917-647-3812 Fax: \_\_\_\_\_ Email jesse@windevelopment.net

Owner Name (if different from above) EDWARD AND ROSE LUBIC  
Owner Address 4 OLYMPUS DR., MATHEPAC, NY 10541  
Day Phone Number 845-628-2537 Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### Architect/Landscape Architect/Engineer or Surveyor:

Firm: SCOTT W. BLAKELY, RLA  
INSITE ENGINEERING Contact: \_\_\_\_\_  
Address: 3 GARRETT PL., CARMEL, NY 10512  
Day Phone Number 845-225-9690 Fax: \_\_\_\_\_ Email: SBLAKELY@INSITE-ENG.COM

### AFFIDAVIT OF OWNERSHIP

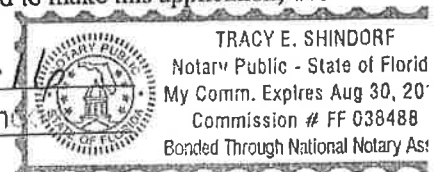
I, Jesse McInerney being duly sworn, depose and state that  
Win Development, LLC is the owner on fee or contract vendee of the  
premises to which this application applies; that he/she (the applicant) is duly authorized to make this application; and  
that the statements contained herein are true to the best of my knowledge and belief.

Signature of Applicant Jesse McInerney

Date 6-3-16

Notary Public, Westchester County Tracy E. Shindorf

Estimated Cost of Improvement \$ \_\_\_\_\_



In such cases where the total estimated market value of the proposed project, including labor and materials, exceed the sum of five thousands dollars (\$5,000.00), the plans and the specifications shall be prepared by a professional engineer or architect or landscape architect, all duly licensed for such work by the Education Department, State of New York, or by the U.S. Conservation Service or by an appropriate agency of the State of New York. A permit fee of \$500.00 is required for all projects valued under \$10,000.00. A permit fee of \$1,000.00 is required for all projects valued over \$10,000.00.

1. Does the subject property contain wetlands, wetland buffers, or drainage control systems as defined in §107 Wetlands and Drainage Control of the Mount Kisco Village Code?

Yes ☒ No ☐

2. Does the subject property contain steep slopes as defined by §110-33.1 Natural Resources Protection Regulations?

Yes ☐ No ☒

3. Will the proposed action or project disturb rock outcrop or ledge material? If yes, by what means?

NO

4. Will the proposed action or project result in a disturbance (permanent or temporary) to wetlands/wetlands buffer or other modification of natural topographic contours such as steep slopes, hilltops, or ridgelines?

Yes ☒ No ☐

- a. Provide the approximate area of disturbance that would occur as a result of the proposed action or project in wetlands/wetland buffers or on steep slopes, hilltops, or ridgelines:

Wetlands

Steep Slopes

Wetlands _____ acres/sq. feet	_____ acres/sq. feet with steep slopes 15-25%
Wetland Buffers <u>6,485 s.f. ON-SITE</u> acres/sq. feet	_____ acres/sq. feet with very steep slopes >25%
<u>TO BE DETERMINED s.f. OFF-SITE</u>	_____ acres/sq. feet within ridgeline or hilltop

5. Will the proposed action or project require materials (cut/fill) to be deposited or removed from the site?

Yes ☐ No ☐ TO BE DETERMINED

- a. Provide the nature and amount of material to be deposited or removed from the site (indicate with a +/- sign whether or not the material will be deposited or removed):

Type of material \_\_\_\_\_

Amount of material \_\_\_\_\_ cubic yards.

6. Will the proposed action or project include the construction of retaining walls greater than six feet in height or 60 feet in length?

Yes ☐ No ☒

*Please describe the proposed action or project and provide an explanation for why the proposed activity cannot be located outside of the sensitive natural area (i.e., wetland, watercourse, wetland buffer, steep slope, ridgeline, or hilltop). The objective being to first avoid such a resource, then if unavoidable, minimize the impact to the resource, and lastly mitigate such impact as a last resort.*

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

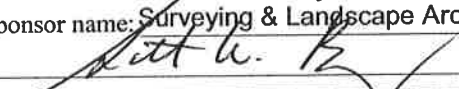
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

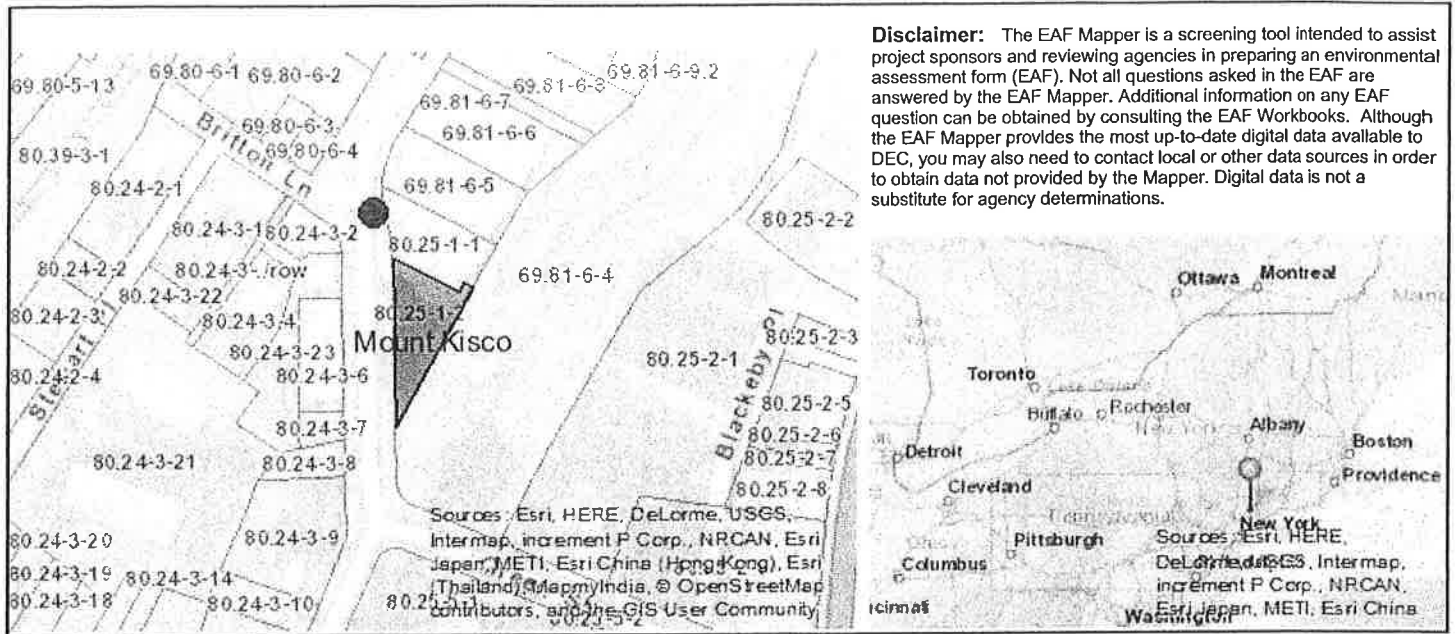
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>			
Name of Action or Project: Win Development			
Project Location (describe, and attach a location map): 77-91 South Moser Avenue, Village of Mount Kisco, Westchester County			
Brief Description of Proposed Action: Redevelopment project to remove existing commercial building and parking area and construct new (2) story office/retail building with associated on-site parking area and stormwater management.			
Name of Applicant or Sponsor: Win Development LLC Attn: Jesse McInerney		Telephone: 917-647-3872 E-Mail: jesse@windevelopment.net	
Address: 2165 Louisa Drive			
City/PO: Belleair Beach		State: FL	Zip Code: 33786
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Village of Mt. Kisco: Planning Board - Site Plan Approval and Wetland Permit; NYSDEC - Wetland Permit, GP-0-15-002 coverage; NYCDEP - SPPP Approval;		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.26 acres	
b. Total acreage to be physically disturbed?		0.26 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.26 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): wetland <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ NYSDEC FWW K-12 off-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain? Southern portion of site up to existing elevation of 282.0' NAVD88	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES Stormwater management facilities designed in accordance with Village of Mt. Kisco, NYSDEC and NYCDEP requirements.	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO  <input checked="checked" type="checkbox"/>	YES  <input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO  <input checked="checked" type="checkbox"/>	YES  <input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO  <input checked="checked" type="checkbox"/>	YES  <input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> <div style="display: flex; justify-content: space-between;"> <div> Applicant/sponsor name: <u>Scott W. Blakely, RLA / Insite Engineering, Surveying &amp; Landscape Architecture, PC</u>  Signature: <u></u> </div> <div> Date: <u>June 7, 2016</u> </div> </div>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

**Paul J. Jaehnig**

**Wetlands and Soils Consulting**

**Wetlands Survey**

***The Win Development Site***

77-91 South Moger Ave.  
Tax ID 80.25 - 1 - 2

Village/Town of Mount Kisco  
Planning Board

**Mt. Kisco, NY**

Approx. 0.26 Acre Study Area

JUN 07 2016

**RECEIVED**

*Prepared for  
Win Development, LLC*

Dec. 10, 2015



15windevelopment.77-91s.mogerave.mtkisconywlrep

**P.O. Box 1071**

**Ridgefield, CT 06877**

**tel. (203) 438-9993**

### **Introduction**

A wetland investigation was completed on property identified as 77-91 South Moger Ave. in the Village of Mt. Kisco, NY, on Dec. 10, 2015 by Paul J. Jaehnig, Certified Professional Geologist, Soil Scientist, and Wetland Scientist. The work consisted of the taking of soil borings to identify the presence of wetland or hydric soils, and the marking or flagging of the wetlands boundary. The work was conducted in accordance with the jurisdictional wetland law covering the Village of Mt. Kisco. The work was done at the request of the client Win Development LLC.

### **Site Description**

The site is an approx. 0.26 acre, triangular-shaped area on the eastern side of the South Moger Ave.

The site consists of: a restaurant with bar; paved parking area with a small lawn border (see enclosed *Wetlands and Soils Map* and *photos 1&2* in Appendix I). There is an off-site wetland / watercourse located to the east or southeast of the site (see *photos 3-6* in Appendix I). The site is located in a commercial / business zone with many stores and restaurants.

Slopes across the site are level, and topography of the site and adjacent lands have been modified completely by past man-made disturbances, including placement and grading of fills soils. These past disturbances were carried-out during the development of the site and adjacent lands in this commercial district.

The site is bordered by South Moger Ave. to the west, and to the east the site is bordered by a level lawn area with pedestrian public walkway and paved drive connecting parking space for the public (see *photo 2* in Appendix I).

### **Wetlands and Watercourse**

#### **Introduction**

The wetlands boundary was flagged in the field with consecutively numbered flagging (WL-A-1, WL-A-2, etc.) and the wetland boundary was plotted on the enclosed *Wetlands and Soils Map*.

There are no wetlands on the site, but there is a watercourse with narrow fringing wetland areas to the east or southeast of the site (see *photos 3-6* in Appendix I). Three wetland areas labeled wetland WL-"A" to "C" are plotted on the map. These wetlands are part of the same associated watercourse flowing southwest through Mt. Kisco and by the site. The open channel of the watercourse is interrupted where piped under urban landscape including an access drive and walkways.

#### **Wetland WL-"A"**

Wetland WL-"A" describes a linear section of the watercourse (see *photo 3* in Appendix I). The watercourse has a flat gradient and its flow is nearly laminar at this time. The side banks are generally steep leading up to the level public lands. The channel is approx. 10 to 15 ft. across and 3 to 4 ft. deep. Approx. 1-2 ft. deep water flows in the channel at this

time. There are local areas along the watercourse where narrow low-relief strips of wetland form at the base of the channel banks. These narrow wetland areas are level and have a cropped vegetative cover of sedges. The wetland areas are subject to inundation should the watercourse level rise at wetter periods of the year.

#### *Wetland WL-"B"*

Wetland WL-"B" describes a man-made, oval-shaped depression, approx. 30 ft. by 10 ft., located between the pedestrian walks and wetland WL-"C" (see *photo 4* in Appendix I). A headwall at the northern end of the wetland apparently conveys drainage from adjacent impervious areas. Excess drainage is apparently discharged to the southeast toward wetland WL-"C", however, the connecting pipe is covered over with vegetation. Wetland WL-"B" has approx. 1 to 0.5 ft. deep of water at its low point; a dense vegetative cover of goldenrod, phragmites, some soft rush grows in the remaining portion of the wetland.

#### *Wetland WL-"C"*

Wetland WL-"C" describes a section of the watercourse, which has been shaped into a nearly circular-shaped open water body approx. 120 ft. across (see *photos 5 & 6* in Appendix I). The depth of the water is not known, but appear to be over 2 ft. deep. A marshy wetland area with dense vegetative cover of cattail, phragmites, and goldenrod grows along the west side of the water body. Drainage from wetland WL-"A" and WL-"B" flow into the north end wetland WL-"C". Excess drainage in wetland WL-"C" flows southwest under an access drive and away from the site.

#### *Wetlands Buffer*

The wetlands are buffered by public lands consisting of level areas with paved parking, drives, pedestrian walks, and lawn area.

#### *Wetlands and Watercourse Functions*

The watercourse functions primarily to convey drainage through a small watershed. The watercourse and adjacent wetlands supports wildlife including waterfowl and small frogs. The adjacent wetlands provide some important flood attenuation during peak flow periods. Wetlands areas provide some water quality function in wetlands WL-"B" and "C" by trapping potential pollutants carried in run-off from adjacent non-wetland areas before reaching open waters. Small songbirds likely will utilize dense vegetative cover provided in wetland WL-"B" and "C" for habitat. The proximity of the watercourse and adjacent wetlands to public land does limit the importance of these areas for wildlife habitat.

#### *Regional Drainage*

Drainage is directed southwest from the site, piped and channeled through Mt. Kisco commercial district, and joins with the Kisco River just southwest of the Village. The Kisco River flows northwest and to a NY City Reservoir (see *Regional Drainage Map* in Appendix II).

### **NYSDEC Jurisdiction**

Wetlands adjacent to the site are identified as New York State Dept. of Environmental Conservation (NYSDEC) regulated wetland "K-12", according to a review of their published maps (see *NYSDEC Wetland Map* in Appendix III) and site visit by Heather Gierloff, NYSDEC Bureau of Habitat, on Dec. 10, 2015 to validate the wetland boundary.

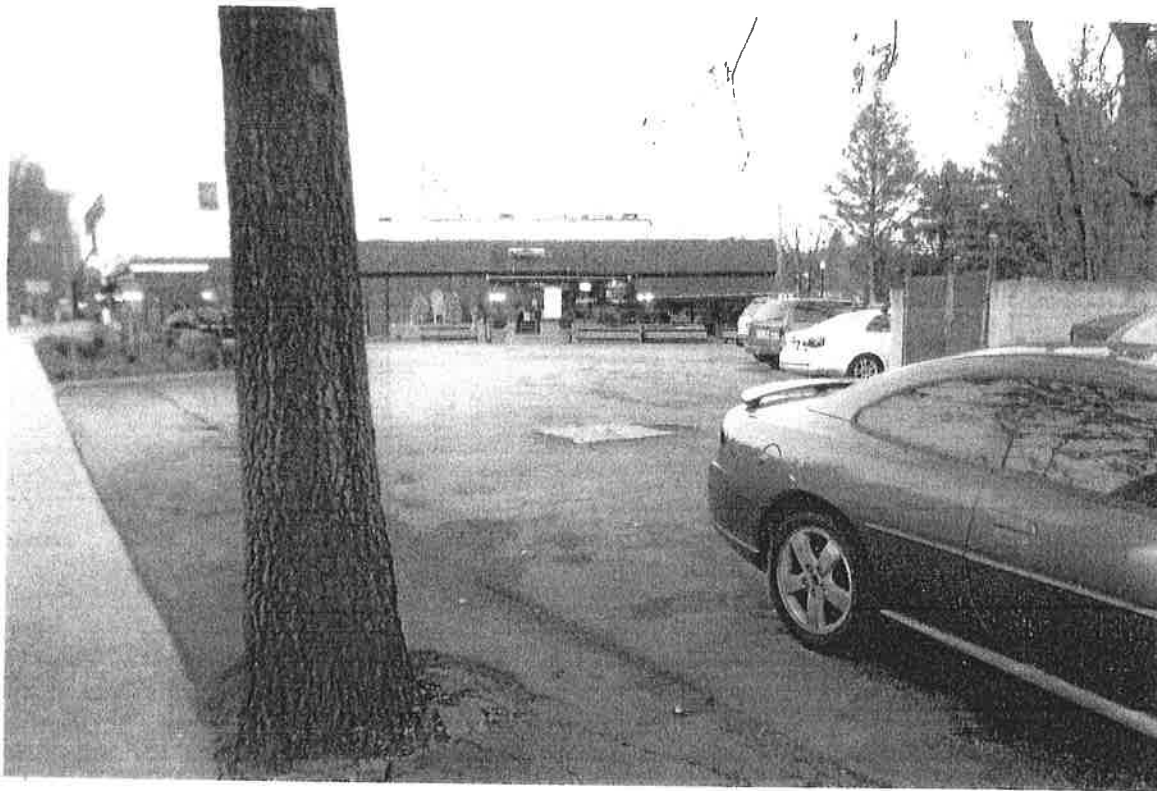
### **Soils**

Shallow soil borings were taken using a spade and Dutch auger at selected locations throughout the site in order to identify wetland soils. Soil boring locations (SS-1, SS-2, etc.) were plotted on the enclosed *Wetlands and Soils Map*. Soil borings were logged noting soil profile color, texture, redoximorphic (wetland soil) indicators, and water table. Detailed descriptions of soil borings are provided in Appendix IV.

Soils encountered on the study area include: non-wetland, well-drained Udorthents, cut, fill, & graded soil (Ub), to describe areas around the restaurant, parking area, access drives, and pedestrian walks where fill soil has been placed and machine graded in the course of developing the area; and wetland, very poorly-drained Fluvaquents soils (Ff), slopes 0 to 1 %, to describe the soils in the wetland areas flanking the watercourse. The distribution of these soil-types is depicted on the enclosed *Wetlands and Soils Map*.

## **Appendix I**

### **Selected Site Photos**



*Photo 1 Looking northeast across parking area and toward the restaurant on the site. Note South Moger Ave. is to the left of the photo.*



*Photo 2 Looking northeast along pedestrian walk between site and wetland area. Note restaurant on the site is in the left side of photo.*

***Dec. 2015-The Win Development Site, 77-91 South Moger Ave., Mt. Kisco, NY***





*Photo 3 Looking south and downstream along watercourse section in wetland WL- "A". Note narrow wetland area along base of slope.*



*Photo 4 Looking southeast toward wetland WL- "B". Note stone headwall in foreground of photo.*  
**Dec. 2015- Win Development Site, 77-91 South Moger Ave., Mt. Kisco, NY**



*Photo 5 Looking southwest and downstream along watercourse section in wetland WL-'C'.*



*Photo 6 Looking northeast across marshy wetland area along western side of wetland WL-'C'.*

**Dec. 2015- Win Development Site, 77-91 South Moger Ave., Mt. Kisco, NY**

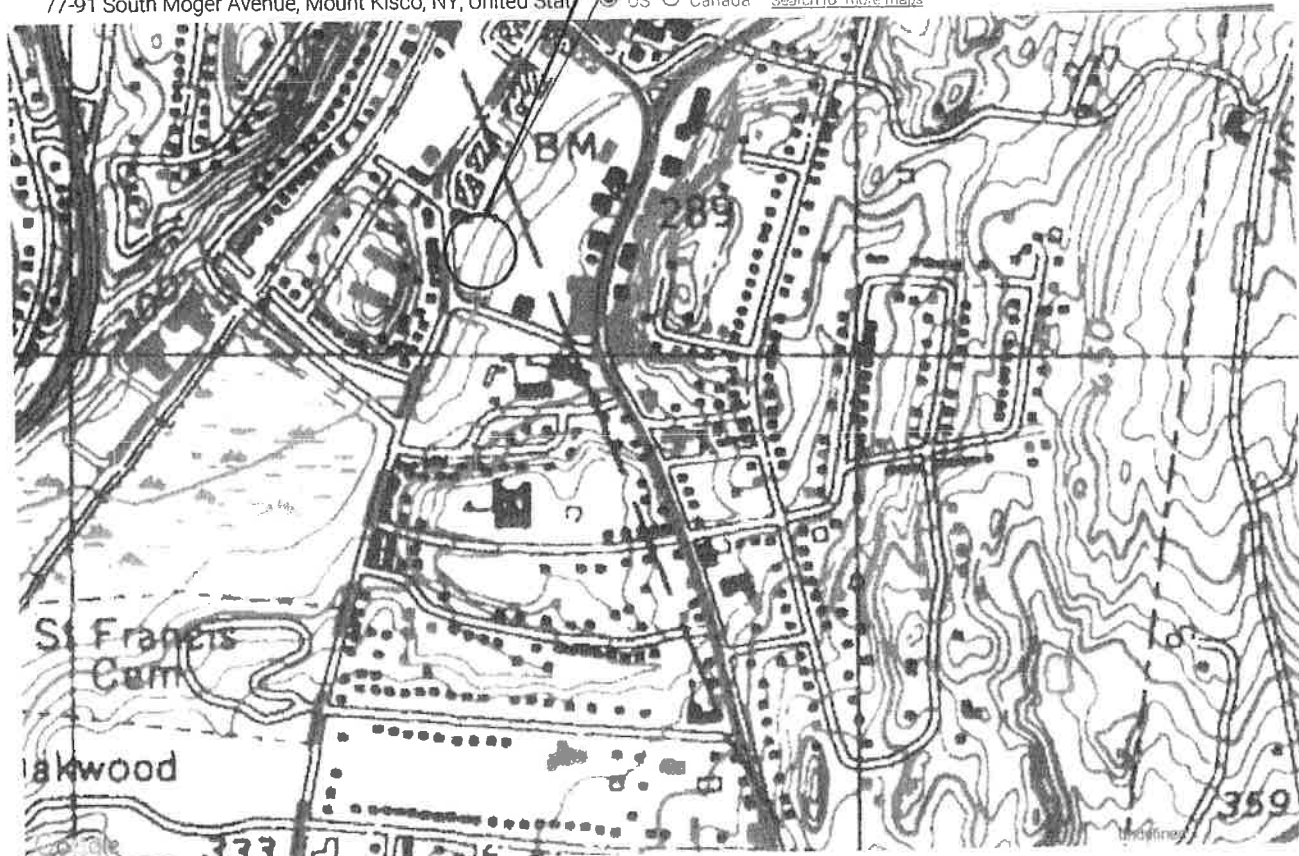
## **Appendix II**

### **Regional Drainage Map**

N  
2

Site

77-91 South Moger Avenue, Mount Kisco, NY, United States ☒ US ☐ Canada [Search for more maps](#)



GPS Coordinate of Mouse: 41 2045533 -73 727617 100m Elevation

**Appendix III**

New York State  
Dept. of Environmental Conservation  
Wetland Map



Search	Layers & Legend	Tell Me More...
Need a Permit?	Contacts	Help

### Map Layers & Legend

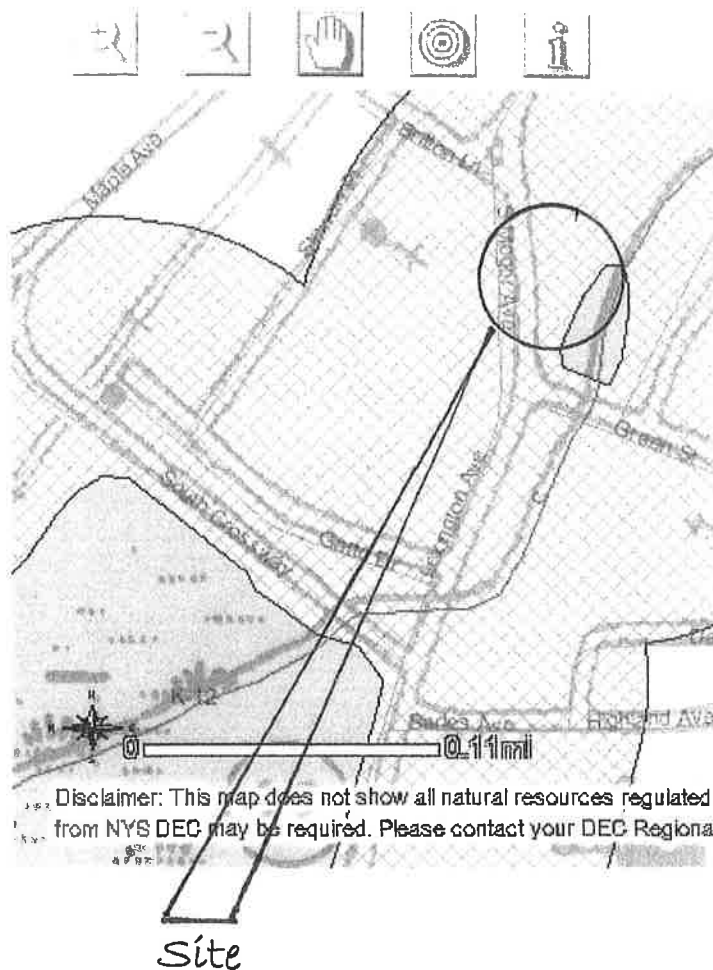
More layers appear as you zoom in.

- ☒ Classified Water Bodies
- ☒ Unique Geological Features
- ☒ Classified Water Bodies
- ☒ State-Regulated Freshwater Wetlands
- ☐ Wetland Checkzone ?
- ☐ Rare Plants and Rare Animals
- ☐ Significant Natural Communities
- ☐ Natural Communities Vicinity ?
- ☒ Background Map
- ☒ Adirondack Park Boundary
- ☒ Counties

Click "Refresh Layers" to activate and deactivate layers.

Refresh Layers

Location of field and potential records of...



## Appendix IV

### Soil Boring Logs

#### KEY TO BORING LOGS

SS-1	SOIL BORING
0-4"	DEPTH IN INCHES FROM THE GROUND SURFACE
COLOR	MUNSELL COLOR NOTATION
VERY DARK GRAY	HUE      VALUE/ CHROMA 10YR      3   /   1

SS-1

SITE: LEVEL NARROW STRIP OF WETLAND AT BASE OF SLOPE ALONG WATERCOURSE; VEGETATIVE COVER OF CROPPED SEDGES AND GRASSES.

0-18"          DARK GRAY 10YR 4/1 LOAM.

WATER TABLE AT 6".

SS-2

SITE: LEVEL WETLAND IN DEPRESSION APPROX. 30 FT. BY 10 FT.; STANDING WATER IN LOW POINT; DENSE VEGETATIVE COVER OF PHRAGMITES AND GOLDENROD WITH SOME SOFT RUSH TOWARD SOUTHEAST END OF WETLAND.

0-8"          DARK GRAY 10YR 4/1 LOAM.

8-15          DARK GRAY 10YR 4/1 AND PROCESSED STONE.

WATER TABLE AT 0".

SS-3

SITE: EDGE OF NARROW WETLAND BORDERING OPEN WATER; DENSE VEGETATIVE COVER OF PHRAGMITES, CATTAIL, AND SOME GOLDENROD.

0-24"          DARK GRAY 10YR 4/1 LOAM.

WATER TABLE AT 2".

SS-4

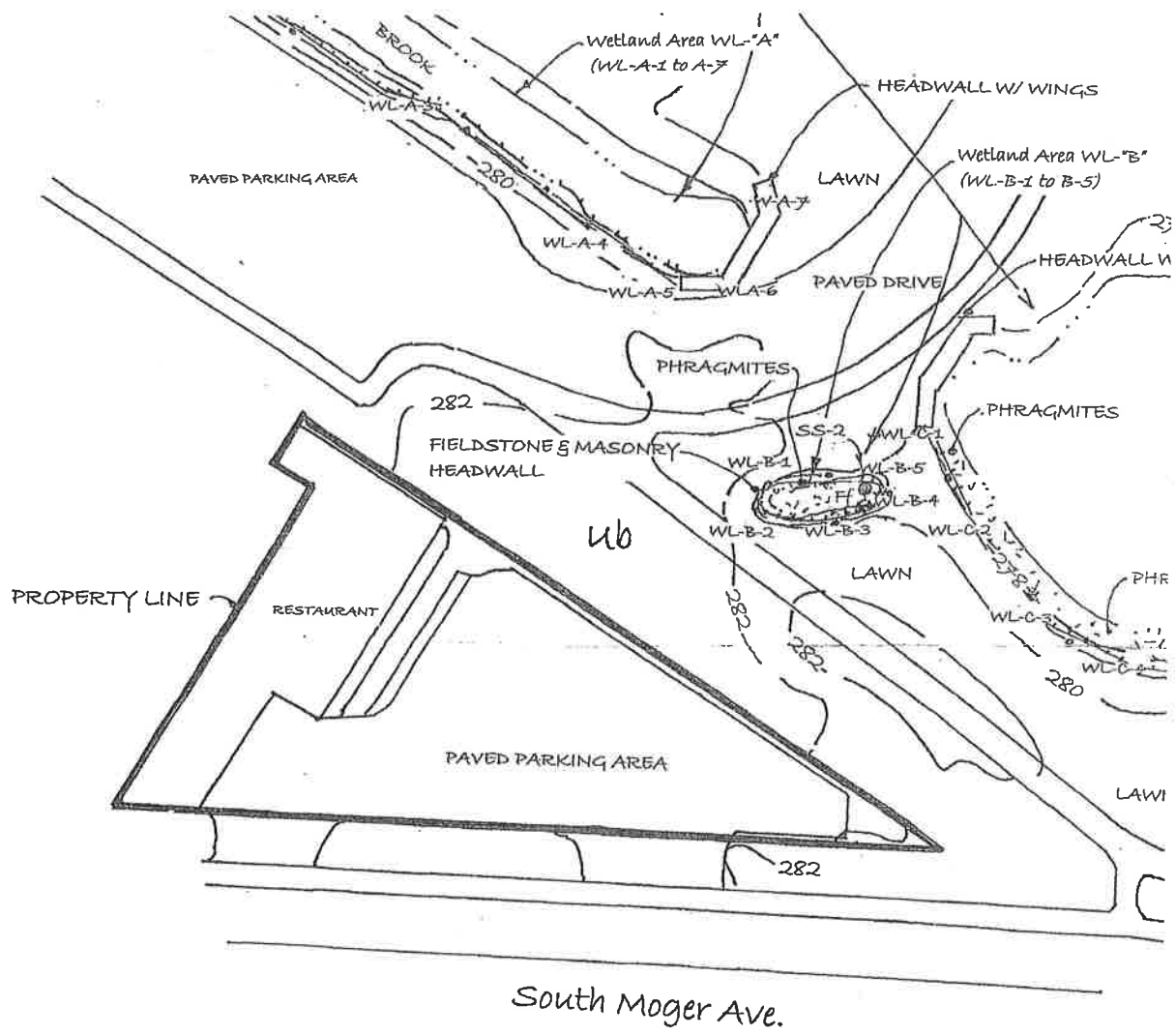
SITE: GENTLY SLOPED LAWN AREA BORDERING WETLAND.

0-3"          DARK GRAY 10YR 4/1 LOAM.

3-20"          MIXED LIGHT OLIVE BROWN 2.5Y 5/4 FINE SANDY LOAM AND LOAM.

WATER TABLE NOT ENCOUNTERED.





AP NOTES:

1. WETLAND INVESTIGATION BY PAUL J. JAETHNIG,

# KEY TO MAP

WL-A-1 WL-A-2 WL-A-3	FLAGGED WETLAND BOUNDARY
SS-1	SOIL BORING LOCATION
282	ELEVATION CONTOUR IN FEET

## SOILS INFORMATION

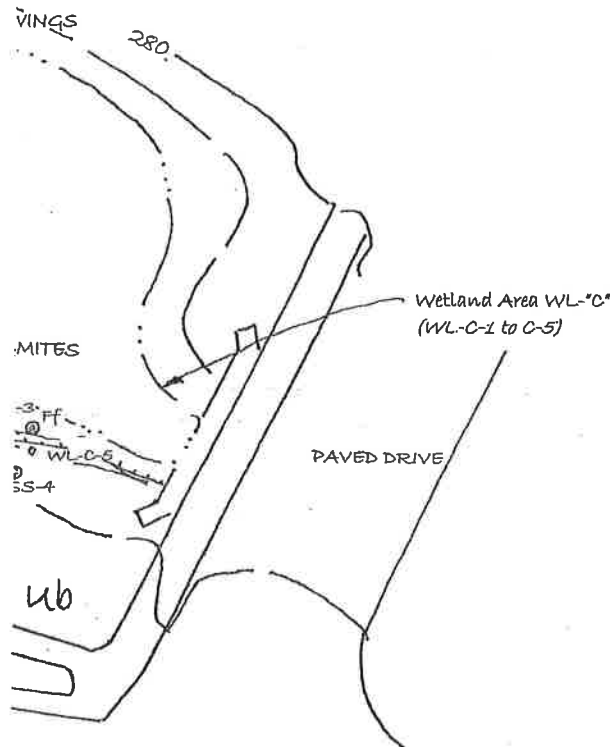
### NON-WETLAND SOILS

ub udorthents, cut, fill, and graded soils  
well drained, slopes varied

### WETLAND SOILS

Ff Fluvaquents soils  
very poorly drained, slopes varied

Ff  
ub  
Soils Boundary



## Wetland and Soils Map The Win Development LLC Site

77-91 South Moger Ave.  
TAX ID 80.25-1-2  
Mount Kisco, NY

Approx. 0.26 Acres

Prepared for  
Win Development LLC

Dec. 10, 2015



VILLAGE/TOWN OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK

104 Main Street  
Mount Kisco, New York 10549-0150

Telephone  
(914) 241-0500

June 16, 2016

Village/Town of Mount Kisco  
Planning Board

Mr. Stefan Vasilescu  
43 Timber Ridge  
Mount Kisco, NY 10549

JUN 16 2016

**RECEIVED**

*Re: Timber Ridge Site Plan Amendment*

Dear Mr. Vasilescu:

Please be advised that at a Planning Board staff meeting the topic of sufficient screening along Route 117 was discussed. Specifically, we examined whether or not plantings/trees could be utilized instead of fences for better consistency and natural appearance along the Route 117 corridor.

At a subsequent Planning Board public meeting this was presented to the entirety of the Planning Board and the Board authorized the Building Inspector and Village Planner to eliminate the fence where suitable screening could be planted in lieu of fencing. The Board unanimously authorized such modification.

Sincerely,

Joseph Cosentino  
Planning Board Chairman

JC:dds

c: Mount Kisco Planning Board

Lisa Daglian  
Interim Executive Director

JUN 20 2016

RECEIVED

**Notice of Public Meeting and Comment Period****Topic: Draft FFY 2017-2021 Transportation Improvement Program and  
Draft Transportation Conformity Determination****Dates: June 22, 2016 through July 21, 2016**

NYMTC has prepared a draft Transportation Conformity Determination for the draft FFY 2017-2021 Transportation Improvement Program (TIP) and any non-exempt actions to the 2014-2040 Regional Transportation Plan (Plan 2040), as amended. **The thirty day public comment period will begin on Wednesday, June 22, 2016 and end at 4 pm Thursday, July 21, 2016.**

The draft Conformity Determination is in accordance with U. S. Environmental Protection Agency regulation 40 CFR 93 Subpart A; and is being issued in response to NYMTC and Orange County Transportation Council's (OCTC) adoption of a new Transportation Improvement Program. All of the draft products will be available for download at <https://www.nymtc.org> at the start of the comment period. The comment period provides the opportunity for public feedback on the draft Transportation Conformity Determination and TIP.

**Public Review Meetings will be held at 3PM and 6:30PM as follows;  
webinars will also be offered for those unable to attend in person:**

July 12 Long Island	July 13 New York City	July 14 Lower Hudson Valley
Republic Airport Main Terminal 7150 Republic Airport Farmingdale, NY 11725	NYMTC 25 Beaver Street, Suite 201 New York, NY 10004	Westchester County Center 198 Central Ave, White Plains, NY 10606
3:00 PM Webinar Registration <a href="http://tinyurl.com/z8zqym6">http://tinyurl.com/z8zqym6</a>	3:00 PM Webinar Registration <a href="http://tinyurl.com/gs6coa3">http://tinyurl.com/gs6coa3</a>	3:00 PM Webinar Registration <a href="http://tinyurl.com/jyswgq9">http://tinyurl.com/jyswgq9</a>
6:30 PM Webinar Registration <a href="http://tinyurl.com/gtxyl4s">http://tinyurl.com/gtxyl4s</a>	6:30 PM Webinar Registration <a href="http://tinyurl.com/z5vnvsvr">http://tinyurl.com/z5vnvsvr</a>	6:30 PM Webinar Registration <a href="http://tinyurl.com/zh82kif">http://tinyurl.com/zh82kif</a>

To RSVP for in person meetings, and to request a hard copy of the draft Conformity Determination and draft 2017-2021 TIP, contact Toshema Johnson at 212-383-7256 or [Toshema.Johnson@dot.ny.gov](mailto:Toshema.Johnson@dot.ny.gov).

**Comment Submission:**

Written comments can be sent by mail, fax and e-mail by **4 pm on July 21, 2016 to:**

New York Metropolitan Transportation Council  
Attn: David Drits  
25 Beaver Street, Suite 201  
New York, NY 10004  
Fax: 212-383-7244

Email:

For the TIP: [comments@sharepointnymtc.org](mailto:comments@sharepointnymtc.org)

For draft Transportation Conformity Determination: [aqcomments@sharepointnymtc.org](mailto:aqcomments@sharepointnymtc.org)