

MOUNT KISCO PLANNING BOARD
Agenda
Tuesday, September 27, 2016
Planning Board Work Session 6:30 PM
Meeting 7:30 PM

Minutes:

- a. *February 9, 2016*
- b. *February 25, 2016*

Formal Application:

- c. **461 Lexington Avenue , LLC**
PB2016-0329, 80.64-2-15 (SBL)
Site Plan
 - *Draft Declaration of Lead Agency, dated September 27, 2016*
 - *Draft SEQRA Negative Declaration, dated September 27, 2016*
 - *Memorandum from Peter J. Miley, Building Inspector, dated September 7, 2016*
 - *Memorandum from Anthony Oliveri, P.E., dated September 21, 2016*
 - *Formal Site Plan Application*
 - *Memorandum from Insite Engineering, dated August 23, 2016*
 - *Site Plan prepared by Insite Engineering, revised August 23, 2016 (7 Sheets)*
- d. **EK Construction – 35 & 39 Kisco Road (Former Whalen's)**
PB2016-0324, 80.48-5-1 & 11 (SBL)
Site Plan and Change of Use
 - *Draft Amended Negative Declaration, dated September 27, 2016*
 - *Memorandum from Peter J. Miley, Building Inspector, dated September 7, 2016*
 - *Memorandum from Anthony Oliveri, P.E., dated September 21, 2016*
 - *Memorandum from New York City DEP, dated September 15, 2016*
 - *Memorandum from New York City DEP, dated August 23, 2016*
 - *Memorandum from Insite Engineering, dated August 23, 2016*
 - *Truck Maneuvering Plan prepared by Insite Engineering, dated August 23, 2016*
 - *Floor Plans, Use & Parking Plan prepared by Insite Engineering, dated July 19, 2016*
 - *Site Plan Prepared by Insite Engineering, revised August 23, 2016 (5 Sheets)*
- e. **GBD Realty, Inc. – 556 Main Street (Manara Laundromat)**
PB2016-0332, 80.57-4-6.1 (SBL)
Amended Site Plan
 - *Draft Resolution, dated September 27, 2016*
 - *Memorandum from O'Neill Architects, dated August 23, 2016*
 - *Site Plan prepared by O'Neill Architects, dated August 23, 2016 (6 Sheets)*

Conceptual Application:

**f. 487 Silverman Corp. – 487 Main Street
PB2016-0337, 80.57-3-2 (SBL)**

Amended Site Plan

- *Memorandum from Jan K. Johannessen, AICP, dated September 21, 2016*
- *Conceptual Application*
- *Memorandum from 487 Silverman Corp., dated August 23, 2016*
- *Memorandum from 487 Silverman Corp., dated September 8, 2016*
- *Memorandum from Neil Carnow, AIA, dated February 11, 2013*
- *Amended Site Plan prepared by Insite Engineering, dated August 23, 2016*

Correspondence:

- *BDM Properties (Tommie Copper) – Memorandum from New York City DEP, dated August 24, 2016*
- *BDM Properties (Tommie Copper) – Memorandum from New York City DEP, dated September 15, 2016*
- *BareBurger (441 Main Street) – Memorandum from New York City DEP, dated August 22, 2016*
- *WIN Development (77-91 S. Moger Ave) – Memorandum from New York State DEC, dated August 12, 2016*
- *Philar Realty Co., LLC – 383 N. Bedford Road – Request for 1 year extension of review process*
- *New York Metropolitan Transportation Council Public Notice for October 21, 2016*

DRAFT

**PLANNING BOARD
VILLAGE OF MOUNT KISCO**

Village/Town of Mount Kisco
Planning Board

LEAD AGENCY DECLARATION

SEP 21 2016

461 LEXINGTON AVENUE, LLC

RECEIVED

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

September 27, 2016

WHEREAS, the subject property consists of $\pm 21,690$ s.f. of land and is located at 461 Lexington Avenue within the General Retail (GR) Zoning District ("the subject property"); and

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

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

WHEREAS, the applicant will require Site Plan Approval and a Wetland Permit from the Village of Mount Kisco Planning Board; and

WHEREAS, the adjacent parcel to the south and east is owned by the Village of Mount Kisco and the applicant is proposing the construction of a portion of its driveway over a portion of Village owned land; and

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

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

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

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

WHEREAS, on August 9, 2016, the Planning Board declared its intent to serve as Lead Agency;
and

WHEREAS, after 30 days of mailing the Lead Agency Agreement, no Involved Agency
objected to the Planning Board acting as the Lead Agency.

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board of the Village of Mount
Kisco hereby declares itself Lead Agency for the coordinated SEQRA review of the proposed
action.

ADOPTION OF RESOLUTION

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

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:

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

Joseph Cosentino

September 27, 2016

DRAFT

Village/Town of Mount Kisco
Planning Board

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

SEP 21 2016

RECEIVED

Date: September 27, 2016

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

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

Name of Action: Polaner Selections - 461 Lexington Avenue, LLC

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☒ Yes

☐ No

Description of Action: The subject property consists of ±21,690 s.f. of land and is located at 461 Lexington Avenue within the General Retail (GR) Zoning District ("the subject property"). The subject property formerly contained a residential structure and a motor vehicle garage/repair station, both of which have been removed and the site is presently vacant. 461 Lexington Avenue, LLC ("the applicant"), is proposing to redevelop the site and construct a 40' x 57' (2-story) professional office building and a parking lot to accommodate 18 parking spaces, three (3) of which are proposed to be land-banked ("the proposed action"). The adjacent parcel to the south and east is owned by the Village of Mount Kisco and the applicant is proposing the construction of a portion of its driveway over a portion of Village owned land. The applicant is proposing a reciprocal easement between the property owner and the Village of Mount Kisco for access purposes, which is subject to Village Board approval. Off-site wetlands that are jurisdictional to the Village of Mount Kisco are located to the east of the subject property and improvements are proposed within the Village's 100-foot regulated wetland buffer. The subject property is located within the New York City Department of Environmental Protection (NYCDEP) East of Hudson Watershed and Designated Main Street Area.

Location: 461 Lexington Avenue, Mount Kisco, New York

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

- I. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.
 - a) The applicant will require Site Plan Approval and a Wetland Permit from the Village of Mount Kisco Planning Board; reference is made to applications on file with the Planning Board Secretary.
 - b) Reference is made to the Short Environmental Assessment Form (EAF), dated (last revised) July 19, 2016.
 - c) Reference is made to the applicant's Statement of Use, prepared by Polaner Selections (undated), received by the Planning Board on June 21, 2016.
 - d) Reference is made to a Wetland Delineation Report prepared by Evans Associates, dated August 17, 2015.
 - e) The proposed action will result in 21,180 s.f. of land disturbance, 3,995 s.f. of which is proposed within the Village's 100-foot regulated wetland buffer. A portion of the parking lot (527 s.f.) is proposed within the wetland buffer as is a proposed stormwater planter designed to treat stormwater runoff from the subject property before discharging off-site to the wetland buffer. The proposed parking lot will be constructed using porous asphalt and the portion of the property located within the wetland buffer will be revegetated with native plantings. A portion of the former garage/service station and shed (434 s.f.) was located within the wetland buffer and, therefore, the proposed action will result in a 93 s.f. increase in impervious cover within the wetland buffer. Further, the stormwater runoff from the former use and structures was completely unregulated. Given the proposed use, proposed construction materials, and proposed wetland buffer restoration efforts, the proposed action is considered an enhancement when compared to the former/existing condition.
 - f) The adjacent parcel to the south and east is owned by the Village of Mount Kisco and the applicant is proposing the construction of a portion of its driveway over a portion of Village owned land. The applicant is proposing a reciprocal easement between the property owner and the Village of Mount Kisco for access purposes, which is subject to Village Board approval. Included within the proposed easement agreement will

be public access over a portion of the subject property to access Village property and a Village trail system.

- g) The applicant will be required to obtain coverage under the New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002). Reference is made to the applicant's "Preliminary Stormwater Pollution Prevention Plan (SWPPP)", prepared by Insite Engineering and dated August 23, 2016.
- h) The subject property is located within the NYCDEP East of Hudson Watershed and Designated Main Street Area and the application requires SWPPP approval from the NYCDEP. Reference is made to a letter from the NYCDEP, dated September 12, 2016, which will be addressed by the applicant during the site plan review process.
- i) As noted above, the subject property was formerly used, in part, as a motor vehicle repair station. Reference is made to the NYSDEC Spill Incident Database Spill Record, which identifies a spill date of July 31, 2015 and a spill closure date of May 5, 2016. The NYSDEC assigned Spill Number 15-04692, which has since been closed.
- j) Reference is made to a letter prepared by JM Associates, Inc., On-Site Environmental Services, dated September 20, 2016 which summarizes the environmental remediation work that has been completed on-site, including the removal of three (3) 330-gallon above ground storage tanks.
- k) Reference is made to the Building Permit (Permit # 20160159) issued for the demolition of the former residence and garage, dated May 6, 2016, and supporting information submitted by the applicant in connection with said permit.
- l) While there is an off-site FEMA floodplain associated with the Kisco River, no development is occurring within any mapped FEMA floodplain.
- m) The proposed action is not anticipated to result in an adverse traffic impact. The applicant is proposing a total of 15 paved parking spaces (plus three (3) land-banked spaces). According to the applicant, on average seven (7) to 10 employees will work on premises each day and the hours of operation will be from 8:30 a.m. – 6:00 p.m., Monday through Friday. The office will not be open on the weekends and the office rarely receives customers or suppliers.
- n) The proposed action is not anticipated to generate a significant amount of solid waste. A refuse enclosure is proposed on-site and solid waste will be picked-up by a private carter.

- o) Following construction, noise levels generated from the proposed facility are not expected to exceed the ambient noise levels of the surrounding facilities and uses.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.
 - a) The loss of vegetation is not significant and there is no known occurrences of sensitive plants or animals utilizing the site. The majority of the subject property has either been previously developed or disturbed. The plan calls for the preservation of as many existing trees as practicable, including the preservation of a 36-inch diameter Catalpa tree. The proposed action also includes the planting of native vegetation both within and outside the wetland buffer.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
 - a) There are no Critical Environmental Areas within the vicinity of the project.
4. The proposed action will not result in a material conflict with the Village's officially approved or adopted plans or goals.
 - a) The proposed use is a principally permitted use within the underlying General Retail (GR) Zoning District.
 - b) The application was referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law. Reference is made to a letter from the County Planning Board, dated August 22, 2016, which will be addressed and consider by the Planning Board during the site plan review process.
 - c) The applicant requires the following area variance from the Zoning Board of Appeals:
 - Side yard setback variance (30 feet required/10 feet proposed)
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the

existing character of the community or neighborhood.

- a) References is made to architectural floor plans and elevations submitted to the Planning Board and prepared by DiBiase Filkoff Architects, dated June 21, 2016 (consisting of 8 sheets).
 - b) The majority of the subject property has either been developed or disturbed. The subject property is of no cultural or historical importance and contains no known archaeological or historic site. The proposed action will require the approval of the Village of Mount Kisco Architectural Review Board (ARB).
6. The proposed action will not result in a major change in the use of either the quantity or type of energy.
 7. The proposed action will not create a hazard to human health.
 8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
 9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
 10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
 11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
 12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
 13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

ADOPTION OF NEGATIVE DECLARATION

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

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:

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

Joseph Cosentino

September 27, 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 Miley, Building Inspector

SUBJECT: 461 Lexington Avenue, LLC
461 Lexington Avenue, Property ID #80.64-2-15

DATE: May 13, 2016
Updated July 6, 2016
Updated September 7, 2016

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

1. The property is located within the GR (General Retail) zoning district.
2. The applicant proposes to demolish the existing building and construct a new 3,995 square foot, single tenant office building. (*completed*)
3. The property is located within the Designated Main Street Area. The parking lot and parking area, in the northeast corner is located within the 100' New York State DEC wetland buffer.
4. The revised application requires an area variance for a side yard setback; denial letter is attached.

\mkl



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

August 29, 2016

Polaner Selections
461 Lexington Avenue
Mount Kisco, New York 10549

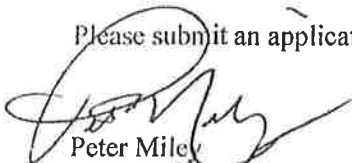
Re: Application to the Village/ Town of Mount Kisco Zoning Board of Appeals (ZBA)
Purpose: Variances Required

Dear Applicant:

The application to the Mount Kisco Planning Board to redevelop the site located at 461 Lexington Avenue, Mount Kisco New York Property, Tax ID Number 80.64-2-15 is hereby denied. The proposed project requires that you obtain relief from the Village/ Town of Mount Kisco Zoning Board of Appeals, the variance required are as follows:

1. Property is located in the GR Zoning District. According to §110-17 C. Development regulations, (5.) Minimum Building Setbacks. The minimum required side-yard setback abutting a residential zoning district (PD) is 30 feet, proposed is 10 feet and therefore; a 20 feet side-yard variance is required.

Please submit an application to the ZBA upon receipt of this letter of denial.


Peter Mile
Building Inspector

Cc: Planning/ Zoning File

Dolph Rotfeld Engineering, P.C.

MEMORANDUM

To: Joseph Cosentino, Planning Board Chairman

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

From: Anthony Oliveri, P.E.

Date: September 21, 2016

Re: Site Plan Application
Polaner Selections
461 Lexington Avenue
Village/Town of Mount Kisco

Village/Town of Mount Kisco
Planning Board
SEP 22 2016
RECEIVED

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

- Plan set entitled "Polaner Selections, 461 Lexington Avenue," prepared by "Insite", last dated 8/23/16;
- Report entitled "Preliminary Stormwater Pollution Prevention Plan (SWPPP) for Polaner Selections", prepared by "Insite", last dated August 23, /2016;

Comments from our memo of July 5th have not yet been addressed and are as follows:

1. 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.
2. The proposed drainage design is preliminary; a detailed review will be completed once final design is received.
3. The assumed exfiltration rates for the proposed stormwater planter and pervious pavement design will require test pits and percolation tests for confirmation as well as ground water level verification.
4. It is unclear how the proposed trench drain will function, it appears that the pavement underdrains are pitched toward the trench drain with no apparent outlet. The drain should be modeled as an outlet in the stormwater calculations to ensure that no water will leave the grate during larger storm events. No discharge of water to the ROW is permitted.

Dolph Rotfeld Engineering, P.C.

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

5. The discharges from the proposed underdrains should have energy dissipaters.

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

Thank you

Village/Town of Mount Kisco
Planning Board

Application Number PB2016-0329

AUG 23 2016

RECEIVED

Application for Site Plan/Subdivision/Special Use Permit Approval

Submission Date 6-21-16, Revised 8-11-16, Revised 8-23-16

Application Fee \$2,225.00

(Due 21 Days in advance of Planning Board Meeting)

Escrow Fee \$7,500.00

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: Polaner Selections c/o Tina Fischer

Address: 461 Lexington Avenue, Mt. Kisco, NY 10549

Phone Number: 914-244-0404

Fax: _____

Email: tfischer@polanerselections.com

Applicant's relationship to property: Owner

Name of Property Owner: (if different from above) _____

Address: _____

Phone Number: _____

Fax: _____

Email: _____

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

Application Information:

Project Name: Polaner Selections

Project Address/Location: 461 Lexington Avenue

Property Tax #: 80.64-2-15

Proposed Use (be specific): Administrative Office

Proposed New Floor Area(s) (square feet): 0

Number of newly created parking spaces: X 18 (indicate 3 in reserve)

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? GR (General Retail)

| | Required | Proposed |
|-----------------------------------|---|-----------------------------------|
| Minimum Gross Site Area | 10,000 SF | 21,690 SF |
| Minimum Lot Area | 10,000 SF | 21,690 SF |
| Maximum Building Coverage | 30% | 11% |
| Maximum Site Development Coverage | 80% | 55% 42% |
| Minimum Lot Depth | - | - |
| Maximum Lot Width | 75 FT | 100 FT |
| Yard Setbacks: | Nonresidential / Residential | |
| Front | 20 FT / 20 FT | 21 FT |
| Rear | NONE (but 6 FT if provided) / 30 FT | 100 FT |
| Side | NONE (but 6 FT if provided) / 30 FT | 30 FT 50 FT / 10 FT* |
| Buffer: | | |
| Front | 20 FT | 21 FT |
| Rear | 5 FT | 30 FT 30 FT |
| Side | 5 FT | 5 FT |
| Maximum Building Height | 2 Stories or 30 FT | 2 Stories / Less than 30 FT |
| Required Parking Spaces | 22.45 Parking Spaces = 17.45 | 22 Parking Spaces = 18 |
| Other | - | - |

***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 X

Will 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 X No ___

Will action disturb any wetlands or wetland buffer? Yes X 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 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

[Signature]

date 4.16.16

Owner's Signature

[Signature]

date 6.16.16

Application reviewed by: _____ Date: _____

Revised 8-11-16
Revised 8-23-16



August 23, 2016

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

Village/Town of Mount Kisco
Planning Board

RE: Polaner Selections
461 Lexington Avenue
Mt. Kisco, New York

AUG 23 2016
RECEIVED

Dear Chairman Cosentino and Members of the Board:

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

- Drawing EX-1, "Existing Conditions and Removals Plan", latest revision dated August 23, 2016.
- Drawing SP-1, "Layout and Landscape Plan", latest revision dated August 23, 2016.
- Drawing SP-2, "Grading and Utilities Plan", latest revision dated August 23, 2016.
- Drawing SP-3, "Erosion and Sediment Control Plan", latest revision dated August 23, 2016.
- Drawing LP-1, "Lighting Plan", latest revision dated August 23, 2016.
- Drawing TP-1, "Tree Preservation Plan", dated August 23, 2016.
- Drawing D-1, "Details", latest revision dated August 23, 2016.
- Application for Site Plan Approval, latest revision dated August 23, 2016.
- Stormwater Pollution Prevention Plan (SWPPP) revised August 23, 2016.

The design drawings have been revised and updated to include the Alternative Plan layout previously presented to the Planning Board at the last meeting. Revisions to the layout include shifting the proposed building south to the vicinity of the previously demolished building, shifting the proposed access drive south to utilize the existing curb cut, and shifting the proposed level spreader onto the subject property. In shifting the proposed building, a variance is required for a side yard building setback. Said side yard abuts a residential district (PD zone); therefore, a 30-foot side yard setback is required. The project proposes 10-feet similar to the existing conditions onsite prior to the demolition of the previous building.

Based on the enclosed information, we respectfully request a SEQRA Determination be acted upon at the September 13, 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/jil

Enclosures

cc: Tina Fischer, Polaner Selections, w/enclosures
Armand Di Biase, Di Biase Fillkoff Architects, PC, w/enclosures
Charles Martabano, w/enclosures

Insite File No. 16150.100

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717
www.insite-eng.com

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DRAFT

Village/Town of Mount Kisco
Planning Board

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

SEP 21 2016
RECEIVED

Date: September 27, 2016

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

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

Name of Action: EK Construction - 35 & 39 Kisona Road

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☒ Yes

☐ No

Description of Action: The subject property consists of ± 1.2 acres of land and is comprised of two (2) lots located at the corner of Columbus Avenue, Lincoln Place and Kisona 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. attached 1-story addition for material storage, and associated parking, lighting, landscaping and site improvements. The subject buildings will total 23,222 s.f. including space associated with the proposed additions. The proposed use currently operates 105 Kisco Avenue.

The subject property is proposed to be utilized as a lumber, hardware, paint, window, door, sales and distribution business. The facility will also sell grills, bagged mulch, gravel, concrete, peat moss, concrete products, insulation and will refill 20 lb. propane tanks.

Location: 35 & 39 Kisona Road, Mount Kisco, New York

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

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.
 - a) Reference is made to the Short Environmental Assessment Form (EAF), dated (last revised) July 5, 2016.
 - b) Reference is made to the applicant's Statement of Use, prepared by Insite Engineering and dated (last revised) August 2, 2016.
 - c) The subject property consists of two parcels, located at 39 and 35 Kisona Road, totaling ± 1.2 acres. 39 Kisona Road is currently developed with an 18,338 s.f. building which was formerly occupied by Whalen's Moving and Storage. 39 Kisona contains an off-street parking area that accommodates ± 40 vehicles and is accessible from Lincoln Place and Kisona Road; $\pm 97\%$ of the 39 Kisona Road parcel is considered impervious. 35 Kisona Road is vacant and contains trees and lawn area.
 - d) The subject property is not located within any regulated wetland or wetland buffer area nor is it located within an FEMA floodplain.
 - e) While the subject property contains storm drains that discharge off-site, there are no formal on-site stormwater practices that mitigate runoff from a water quality or water quantity perspective. The subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and the proposed action requires approval from the NYCDEP. Reference is made to the Stormwater Pollution Prevention Plan, prepared by Insite Engineering, dated (last revised) July 19, 2016. Further, coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) will be required, as will compliance with the NYSDEC Stormwater Management Design Manual.
 - f) The newly created impervious area associated with the proposed action totals $\pm 13,600$ s.f. Stormwater treatment for all of the newly created impervious area will be provided via a proposed on-site stormwater infiltration system.
 - g) Following construction, noise levels generated from the proposed facility are not expected to exceed the ambient noise levels of the surrounding facilities and uses. The business will be open seven (7) days a week,

Monday thru Saturday 7:00 a.m. – 5:00 p.m. and Sunday 9:00 a.m. – 2:00 p.m.

- h) According to the applicant, there will be seven (7) employees on-site at any given time. The applicant anticipates that there will be approximately 75-125 customers per day.
- i) The applicant has agreed to work and coordinate with the U.S. Postal Service to establish a Columbus Avenue address for the subject premises. This is intended to reduce traffic on Kisona Road.
- j) The two (2) curb cuts on Kisona Road are proposed to be eliminated with access to the parking area to be provided via two (2) one-way curb cuts on Lincoln Place with curbing designed to prevent left hand turns from the egress lane; access to the overhead garage doors on the north side of the building will be provided via Columbus Avenue. A “No Left Turn” restriction will be placed at the Lincoln Place driveways so as to reduce the amount of traffic on Kisona Road.
- k) According to the applicant, approximately 60% of sales will result in a customer purchasing and picking up product on-site, while 40% will result in deliveries from the subject property directly to the jobsite.
- l) Vehicle trip generation rates published by the Institute of Traffic Engineers (ITE) were researched along with data collected at the applicant’s existing facility located at 105 Kisco Avenue. According to the ITE, peak traffic times occur from 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 5:00 p.m. on weekdays and from 1:00 p.m. – 3:00 p.m. on Saturdays. According to the applicant, the ITE trip data is consistent with the vehicle trips occurring at the applicant existing facility.

Anticipated Peak Traffic-Customers

| | Weekday A.M. Peak | Weekday P.M. Peak | Saturday Peak |
|---|------------------------------|------------------------------|----------------------|
| Actual Visitor Trips* to 105 Kisco Avenue Site | 25 | 40 | 50 |
| ITE Estimated Trips* (based on 7 employees) | 30 | 30 | 40 |
| ITE Estimated Trips* (based on GFA) | 75 | 80 | 115 |

Source: Insite Engineering

**Trip equals one (1) vehicle trip to or from the site (a customer driving to and from the site equals two (2) trips)*

- m) According to the applicant, tractor trailers and single unit trucks will make deliveries on-site approximately 2-3 times per day. The tractor trailers

will be no more than 64 feet in length (upper level parking lot restricted to use by tractor trailers of 55 feet in length) and the single unit trucks will be 25-30 feet in length. Propane filling trucks will also deliver to the site; the propane truck is expected to fill the on-site propane tank approximately once every 60-90 days.

- n) Deliveries made by the applicant to the jobsite will be conducted via three (3) delivery vehicles consisting of two (2) flatbed trucks (20' and 24' in length) and one (1) van. Three (3) – six (6) deliveries are anticipated daily.

Anticipated Truck Deliveries To and From the Site

| Vehicle Type | Type of Delivery | Number of Deliveries/Day | Number of Deliveries Other |
|--|---|--------------------------|----------------------------|
| Tractor Trailer and Single Unit Trucks | To Site-Building Material Delivery | 2-3/Day | |
| Propane Trucks | To Site-Bulk Propane Delivery | | 1/60 Days |
| Flatbed/Van Delivery | From Site-Building Material Delivery to Jobsite | 3-6/Day | |

Source: Insite Engineering

- o) All building materials and supplies will be stored and sold within a fully enclosed building.
 - p) All loading and unloading of materials via the overhead doors located on Columbus Avenue will be conducted so that the truck or vehicle is positioned entirely within the building.
 - q) The applicant has committed that no deliveries, loading or unloading within the southerly parking lot will be conducted via a truck in excess of 55 feet.
 - r) There will be no parking, storage, loading, or unloading of vehicles or trucks within any Village right-of-way.
 - s) There will be no overnight outside storage of trucks or fleet vehicles.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

- a) The loss of vegetation is not significant and there is no known occurrences of sensitive plants or animals utilizing the site. The majority of the subject property is currently developed and consists of impervious cover. 35 Kisona Road consists of ±15,000 s.f. of vacant land comprised of trees and lawn area; the majority of this parcel will be converted to pavement and building area.
- 3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
 - a) There are no Critical Environmental Areas within the vicinity of the project.
- 4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
 - a) The proposed use is a principally permitted use within the underlying SC Zoning District.
 - b) The applicant requires the following area variances from the Zoning Board of Appeals:
 - i. Gross floor area devoted to a building supply/lumber yard use (20,000 s.f. maximum permitted/23,222 s.f. proposed).
 - ii. Side yard setback variance (10 feet minimum required/0.45 feet proposed).
 - iii. Maximum development coverage (70% maximum allowed/85% proposed).
 - iv. Expansion of an existing noncomplying building by 4,884 s.f.
- 5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.
 - a) The subject property is of no cultural or historical importance and contains no known archaeological or historic site. The subject building and site are in a state of decline and the proposed action will bring significant aesthetic improvement to both the building and the overall property. The proposed action will require the approval of the ARB.
- 6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

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

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

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:

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

Joseph Cosentino

September 27, 2016

DRAFT

Village/Town of Mount Kisco
Planning Board

SEP 21 2016

RECEIVED

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

Date: ~~August 9~~ September 13, 2016

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

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

Name of Action: EK Construction – 35 & 39 Kisona Road

SEQRA Status: ☐ Type 1

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☒ Yes

☐ No

Description of Action: The subject property consists of ±1.2 acres of land and is comprised of two (2) lots located at the corner of Columbus Avenue, Lincoln Place and Kisona 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 ±2,000 s.f. detached-attached 1-story addition for material storage building addition, and associated parking, lighting, landscaping and site improvements. The subject buildings will total 23,222 s.f. including space associated with the proposed additions, ~~and detached storage building~~. The proposed use currently operates 105 Kisco Avenue.

The subject property is proposed to be utilized as a lumber, hardware, paint, window, door, sales and distribution business. The facility will also sell grills, bagged mulch, gravel, concrete, peat moss, concrete products, insulation and will refill 20 lb. propane tanks.

Location: 35 & 39 Kisona Road, Mount Kisco, New York

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

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.
 - a) Reference is made to the Short Environmental Assessment Form (EAF), dated (last revised) July 5, 2016.
 - b) Reference is made to the applicant's Statement of Use, prepared by Insite Engineering and dated (last revised) August 2, 2016.
 - c) The subject property consists of two parcels, located at 39 and 35 Kisona Road, totaling ± 1.2 acres. 39 Kisona Road is currently developed with an 18,338 s.f. building which was formerly occupied by Whalen's Moving and Storage. —39 Kisona contains an off-street parking area that accommodates ± 40 vehicles and is accessible from Lincoln Place and Kisona Road; $\pm 97\%$ of the 39 Kisona Road parcel is considered impervious. 35 Kisona Road is vacant and contains trees and lawn area.
 - d) The subject property is not located within any regulated wetland or wetland buffer area nor is it located within an FEMA floodplain.
 - e) While the subject property contains storm drains that discharge off-site, there are no formal on-site stormwater practices that mitigate runoff from a water quality or water quantity perspective. The subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and the proposed action requires approval from the NYCDEP. Reference is made to the Stormwater Pollution Prevention Plan, prepared by Insite Engineering, dated (last revised) July 19, 2016. Further, coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) will be required as will compliance with the NYSDEC Stormwater Management Design Manual.
 - f) The newly created impervious area associated with the proposed action totals ~~$\pm 12,600$~~ 13,600 s.f. Stormwater treatment for all of the newly created impervious area will be provided via a proposed on-site stormwater infiltration system.
 - g) Following construction, noise levels generated from the proposed facility are not expected to exceed the ambient noise levels of the surrounding facilities and uses. The business will be open seven (7) days a week,

Monday thru Saturday 7:00 a.m. – 5:00 p.m. and Sunday 9:00 a.m. – 2:00 p.m.

- h) According to the applicant, there will be seven (7) employees on-site at any given time. The applicant anticipates that there will be approximately 75-125 customers per day.
- i) The applicant has agreed to work and coordinate with the U.S. Postal Service to establish a Columbus Avenue address for the subject premises. This is intended to reduce traffic on Kisona Road.
- j) The two (2) curb cuts on Kisona Road are proposed to be eliminated with access to the parking area to be provided via two (2) one-way curb cuts on Lincoln Place with curbing designed to prevent left hand turns from the egress lane; access to the overhead garage doors on the north side of the building will be provided via Columbus Avenue. A “No Left Turn” restriction will be placed at the Lincoln Place driveways so as to reduce the amount of traffic on Kisona Road.
- k) According to the applicant, approximately 60% of sales will result in a customer purchasing and picking up product on-site, while 40% will result in deliveries from the subject property directly to the jobsite.
- l) Vehicle trip generation rates published by the Institute of Traffic Engineers (ITE) were researched along with data collected at the applicant’s existing facility located at 105 Kisco Avenue. According to the ITE, peak traffic times occur from 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 5:00 p.m. on weekdays and from 1:00 p.m. – 3:00 p.m. on Saturdays. According to the applicant, the ITE trip data is consistent with the vehicle trips occurring at the applicant existing facility.

Anticipated Peak Traffic-Customers

| | Weekday A.M. Peak | Weekday P.M. Peak | Saturday Peak |
|---|------------------------------|------------------------------|----------------------|
| Actual Visitor Trips* to 105 Kisco Avenue Site | 25 | 40 | 50 |
| ITE Estimated Trips* (based on 7 employees) | 30 | 30 | 40 |
| ITE Estimated Trips* (based on GFA) | 75 | 80 | 115 |

Source: Insite Engineering

**Trip equals one (1) vehicle trip to or from the site (a customer driving to and from the site equals two (2) trips)*

- m) According to the applicant, tractor trailers and single unit trucks will make deliveries on-site approximately 2-3 times per day. The tractor trailers will

be no more than 60 feet in length (upper level parking lot restricted to use by tractor trailers of 55 feet in length) and the single unit trucks will be 25-30 feet in length. Propane filling trucks will also deliver to the site; the propane truck is expected to fill the on-site propane tank approximately once every 60-90 days.

- n) Deliveries made by the applicant to the jobsite will be conducted via three (3) delivery vehicles consisting of two (2) flatbed trucks (20' and 24' in length) and one (1) van. Three (3) – six (6) deliveries are anticipated daily.

Anticipated Truck Deliveries To and From the Site

| Vehicle Type | Type of Delivery | Number of Deliveries/Day | Number of Deliveries Other |
|--|---|--------------------------|----------------------------|
| Tractor Trailer and Single Unit Trucks | To Site-Building Material Delivery | 2-3/Day | |
| Propane Trucks | To Site-Bulk Propane Delivery | | 1/60 Days |
| Flatbed/Van Delivery | From Site-Building Material Delivery to Jobsite | 3-6/Day | |

Source: Insite Engineering

- o) All building materials and supplies will be stored and sold within a fully enclosed building.
 - p) All loading and unloading of materials via the overhead doors located on Columbus Avenue will be conducted so that the truck or vehicle is positioned entirely within the building.
 - q) The applicant has committed that no deliveries, loading or unloading within the southerly parking lot will be conducted via a truck in excess of 24-55 feet. ~~This provision may be reconsidered during the site plan review and approval process, provided the applicant demonstrates to the satisfaction of the Planning Board that a larger truck could perform this function without negatively impacting the surrounding neighborhood.~~
 - r) There will be no parking, storage, loading, or unloading of vehicles or trucks within any Village right-of-way.
 - s) There will be no overnight outside storage of trucks or fleet vehicles.
2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat

area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

- a) The loss of vegetation is not significant and there is no known occurrences of sensitive plants or animals utilizing the site. The majority of the subject property is currently developed and consists of impervious cover. 35 Kisona Road consists of $\pm 15,000$ s.f. of vacant land comprised of trees and lawn area; the majority of this parcel will be converted to pavement and building area.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
 - a) There are no Critical Environmental Areas within the vicinity of the project.
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
 - a) The proposed use is a principally permitted use within the underlying SC Zoning District.
 - b) The applicant requires the following area variances from the Zoning Board of Appeals:
 - i. Gross floor area devoted to a building supply/lumber yard use (20,000 s.f. maximum permitted/23,222 s.f. proposed).
 - ii. Side yard setback variance (10 feet minimum required/0.45 feet proposed).
 - iii. Maximum development coverage (70% maximum allowed/835% proposed).
 - iv. Expansion of an existing noncomplying building by 48841,774 s.f.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.
 - a) The subject property is of no cultural or historical importance and contains no known archaeological or historic site. The subject building and site are in a state of decline and the proposed action will bring significant aesthetic improvement to both the building and the overall

property. The proposed action will require the approval of the ARB.

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

ADOPTION OF NEGATIVE DECLARATION

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

The motion was moved by: _____

The motion was seconded by: _____

The vote was as follows:

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

Joseph Cosentino

~~August 9~~ **September 13, 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 Miley, Building Inspector

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

DATE: June 21, 2016
Updated September 7, 2016

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

1. The property is located within a Designated Main Street Area
2. The proposed above ground propane tank is required to be 10 feet from any structure and property line. The propane tank location is to be revised.
3. Variances are required; please see the attached denial letter dated August 29, 2016.

/mkl



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

August 29, 2016

Eliot Kracko (EK Construction)
35-39 Kisona Road
Mount Kisco, New York 10549

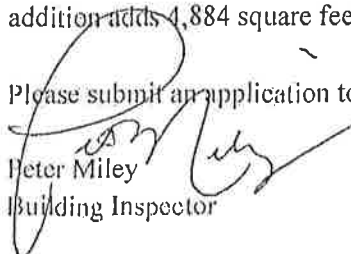
Re: Application to the Village/ Town of Mount Kisco Zoning Board of Appeals (ZBA)
Purpose: Variances Required

Dear Mr. Kracko:

The application to the Mount Kisco Planning Board to redevelop the site located at 35-39 Kisona Road, Mount Kisco New York Property ID Number 80.48-5-1 & 80.48-5-11 is hereby denied. Prior to any approvals, the proposed project requires that you obtain relief from the Village/ Town of Mount Kisco Zoning Board of Appeals. The Variances required are as follows:

1. 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. C. 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 85% where 70% is permitted; therefore a variance of 15% maximum development coverage shall be required as per §110-24.1 C (3).
4. 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 4,884 square feet to an existing noncomplying building, therefore a variance is required.

Please submit an application to the ZBA upon receipt of this letter of denial.


Peter Miley
Building Inspector

Cc: Planning/ Zoning File

Dolph Rotfeld Engineering, P.C.

Village/Town of Mount Kisco
Planning Board

SEP 22 2016

RECEIVED

MEMORANDUM

To: Joseph Cosentino, Planning Board Chairman

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

From: Anthony Oliveri, P.E.

Date: September 21, 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 8/23/16;
- Report entitled "Stormwater Pollution Prevention Plan (SWPPP) for E.K. Construction", prepared by "Insite", last dated 8/23/16;
- Plan entitled "Truck Maneuvering Plan," prepared by "Insite", dated 8/23/16;

Our comments are as follows:

1. The truck maneuvering plan utilizes a truck template for 43' trailers, not the more common 53' trailer; this should be noted and made conditional, however this will be problematic to enforce. The turning movement for the 43' long trailer is very tight and would require some parking to be vacant, otherwise the truck will need to back in or out of the lot.
2. The revised SWPPP notes a 6" connection from drain inlet #1 to the detention system, however the plan shows 8". A larger inlet into the detention system should be examined so as to better utilize the detention capacity of the infiltration system and maximize the volume of water recharge.

Dolph Rotfeld Engineering, P.C.

Mr. Joseph Cosentino, Chairman

September 21, 2016

Page 2 of 2

3. The SWPPP should note the method of percolation testing used (NYSDEC accepted practice).
4. The SWPPP notes that the infiltration system is sized in accordance with the NYSDEC Design Manual, however the pretreatment volume as required by the Design Manual is not provided. Since NYSDEC post stormwater practices are not a requirement of this project (less than 1 acre disturbance), a smaller pretreatment volume would be acceptable if adequate access is provide to the detention system for future inspection and maintenance.
5. As noted previously, all stormwater runoff from the proposed parking lot should be captured before entering the Village ROW. It is preferable to route all of the parking lot through the detention system since ample capacity exists and is not being utilized.
6. Details for the proposed retaining wall should be included on the plan.

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

Thank you



Environmental
Protection

Vincent Sapienza
Acting Commissioner

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

465 Columbus Avenue
Valhalla, New York 10595

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

September 15, 2016

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

Village/Town of Mount Kisco
Planning Board

SEP 16 2016
RECEIVED

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

Dear Mr. Contelmo:

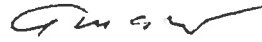
The New York City Department of Environmental Protection (DEP) has received your September 2, 2016 letter with enclosures concerning the above-referenced application for approval of a Stormwater Pollution Prevention Plan (SPPP). Upon review of the additional documents submitted, DEP has determined that the application is now *complete*.

The Department will notify you of its determination by October 30, 2016. If the Department fails to notify you within the above-referenced time frame, you may notify the Department of its failure by certified mail, return receipt requested. The notice should be sent to my attention at the address noted to the left. The notice must include your name, the location of the project, the office with which you filed the application originally, and a statement that a decision is sought in accordance with section 18-23(d)(6) of the Watershed Regulations. If the department fails to notify you within 10 business days of the receipt of such notice, the application will be deemed approved, subject to the standard terms and conditions as set forth in the regulations applicable to such an approval.

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

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

Sincerely,



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

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

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



August 23, 2016

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

Village/Town of Mount Kisco
Planning Board

AUG 24 2016
RECEIVED

Vincent Sapienza
Acting Commissioner

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

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

465 Columbus Avenue
Valhalla, New York 10595

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

Dear Mr. Contelmo:

The New York City Department of Environmental Protection (DEP) has received your August 4, 2016 letter with enclosures concerning the above-referenced application for approval of a Stormwater Pollution Prevention Plan (SWPPP). Upon review of the submitted documentation and the associated drawings, DEP has determined that the application is *incomplete*. The following information is required before review of the application may commence:

1. For completeness, a Draft Environmental Impact Statement or Determination of Non-significance by the Lead Agency must be provided.
2. A New York State Department of Environmental Conservation General Permit for Stormwater Discharges Notice of Intent (NOI) is required as the proposed land disturbance for the project is greater than 5,000 square feet and is located in the East of Hudson Watershed (EOH).

If you have any questions or would like to further discuss these comments, please do not hesitate to call me at (914) 773-4411.

Sincerely,

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

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



August 23, 2016

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

Village/Town of Mount Kisco
Planning Board

RE: E.K. Construction
39 & 35 Kiskon Road
Village of Mt. Kisco
Tax Map No. 80.48-5-1 & 80.48-5-11

AUG 23 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 August 23, 2016.
- Drawing SP-2, "Grading and Drainage Plan", dated August 23, 2016.
- Drawing SP-3, "Erosion and Sediment Control Plan", dated August 23, 2016.
- Drawing LP-1, "Lighting Plan", dated August 23, 2016.
- Drawing D-1, "Details", dated August 23, 2016.
- Drawing FP-1, "Floor Plans, Use & Parking Plan", dated August 23, 2016.
- Drawing TM-1, "Truck Maneuvering Plan", dated August 23, 2016.
- Stormwater Pollution Prevention Plan, dated August 23, 2016 (4 copies).

With regard to comments received from the Village Consultants, we offer the following:

Memorandum from Anthony Oliveri, PE, Dolph Rotfeld Engineering, P.C., dated August 3, 2016:

1. The proposed curb along Lincoln Place has been re-aligned to be more consistent with the existing curbing. It was determined at past Planning Board meetings that extending the proposed curb along Kiskon Road was not necessary. The plans have been revised to illustrate the one-way direction through the site parking area along Kiskon Road as discussed at the previous meeting.
2. The SWPPP has been revised and enclosed for review. Logs of the percolation tests and deep test pits have been included as requested.
3. Pretreatment has been included within the stormwater management system as requested.
4. The site has been regraded so that the majority of the stormwater runoff from the proposed parking lot has been captured before entering the Village right-of-way. There is a significant reduction in the amount of stormwater runoff that now enters the Village right-of-way from the site parking area. It is our opinion that installing trench drains for the remaining extremely small area that drains to the Village right-of-way is not appropriate in this situation.
5. A note has been added to Drawing SP-2 stating the existing drain pipe connection down to the corner of Columbus Avenue will be inspected to verify functionality of the pipeline.

Memorandum from Peter Miley, Building Inspector, updated August 8, 2016:

1. We understand the proposed building exceeds the 20,000 square feet of gross floor area per §110-24.1(b)(f); therefore, a 3,222 sf variance is requested for square footage in excess of 20,000.
2. A 9.55 ft side yard variance is required, where 10 ft is required and 0.45 ft is provided.
3. Per §110-24.1C(3) of the Village Code, 70% maximum development coverage is permitted. 85% development coverage is proposed; therefore, a 15% maximum development coverage variance is required. The plans have been revised to attach the standalone storage building to the existing building. The development coverage increased as a result by 2%.
4. We understand the property is located within the NYCDEP Designated Main Street Area.
5. A variance is required for increasing a nonconforming building or use per §110-35D.

Revisions to the plans include the proposed standalone storage building being attached to the existing building, the inclusion of a one-way traffic flow through the parking area, and the propane being buried. Due to these revisions, the development coverage has gone up to 85% from the previously proposed 83%. As discussed with Peter Miley, the variance requested for development coverage will be revised to be 15%, where 70% of development coverage is permitted.

We respectfully request being placed on your Board's September 13, 2016 meeting for continued review of this project. We trust you will find the above information in order. Should you have any questions or comments regarding this 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: Charles Martabano, Esq.
Elliot Kracko
Ira Grandberg

Insite File No. 16124.100

DRAFT

Village/Town of Mount Kisco
Planning Board

SEP 22 2016

RECEIVED

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

AMENDED SITE PLAN APPROVAL

**MANARA LAUNDROMAT
GBD REALTY, INC
556 MAIN STREET
Section 80.57, Block 4, Lot 6.1
Application No: PB2016-0332**

September 27, 2016

WHEREAS, the subject property consists of 15,278 s.f. of land located at 556 Main Street within the General Retail (GR) Zoning District ("the subject property"); and

WHEREAS, the subject property is developed with a 1-story laundromat and associated parking; and

WHEREAS, the applicant is proposing the following improvements, collectively referred to hereafter as "the proposed action":

1. A $\pm 9' \times 14'$ addition on the north side of the building for mechanical and the interior storage of refuse; and
2. New exterior parking lot lighting and landscaping; and
3. The removal of existing windows on the south side of the building; and
4. Interior renovations and upgrades, including the installation of new machines; and

WHEREAS, reference is made to the site plan of record, prepared by Jack P. Fermery & Associates, dated (last revised) on September 6, 1984 and signed by the Planning Board Chairman on November 26, 1984; and

WHEREAS, reference is made to an existing conditions survey, entitled "Survey of Property Prepared for GBD Realty, Inc.", prepared by H. Stanley Johnson and Company Land Surveyors, P.C. and dated (last revised) May 19, 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, reference is made to a letter from the NYCDEP, dated July 12, 2016, which states that the proposed action does not require approvals from the NYCDEP; and

WHEREAS, reference is made to memorandums issued by the Building Inspector, dated June 9, 2016 and August 4, 2016; the Village Planner, dated June 8, 2016 and August 3, 2016; and the Village Engineer, dated August 3, 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 hereby grants Amended Site Plan Approval, 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 O’Neill Architects and dated August 23, 2016:

- Title Sheet, Plot Plan, Zoning Table (A.01)
- Proposed Floor Plan, Reflected Ceiling Plan (A.02)
- Details (A.03)
- Lighting Plan (A.04)
- Elevations (A.05)

Plan, prepared by Robert Sherwood Landscape Architect and dated August 22, 2016:

- Landscape Plan (LP-1.0)

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

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

1. It is the applicant’s responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals (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. The applicant shall obtain ARB approval (if required).

3. The approved plans shall be revised, as follows:
 - a) The landscaping and site plans shall be revised to include additional planting beds on the south and west sides of the building, to the satisfaction of the Village Planner.
 - b) The landscaping plan shall be revised to note that the hillside area will be supplemented with pachysandra and ivy, as needed, to provide full ground coverage.
 - c) A light pole foundation detail shall be included to the satisfaction of the Village Engineer.
 - d) The proposed bench detail shall be clarified on Sheet A.01.
 - e) All necessary and required accessible signage shall be detailed on the plan to the satisfaction of the Building Inspector; the symbol of accessibility shall be rotated and relocated to the front of the parking space (Space #11).
 - f) The building elevation (Sheet A.05) shall be revised to identify that windows shall remain tinted.
4. The applicant shall satisfy any outstanding written comments provided by the Building Inspector, Village Engineer and/or Village Planner.
5. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.
6. The applicant shall submit a "check set" (4 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
7. The approved plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved plans, signed and sealed by the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman. All plans shall have a common revision date.

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

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

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

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

Conditions to be Satisfied During Construction:

12. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.

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

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

sewer fees associated with the installation of washing machines as provided under Section A112-103 of the Village Code.

Other Conditions:

20. The Planning Board is to retain original jurisdiction.
21. Any intensification of use, including the installation of additional machines beyond that approved herein, shall require the prior approval of the Planning Board.
22. Outdoor seating shall be limited to that shown on the approved plans.
23. All loading, unloading and deliveries shall occur solely within the site. No loading, unloading or transfer operations shall be permitted on any public street.
24. 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.
25. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
26. 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.
27. 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.
28. 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:

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

Joseph Cosentino

September 27, 2016

◆ ◆ ◆

O'Neill Architects

August 23, 2016

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

Village/Town of Mount Kisco
Planning Board

AUG 23 2016

RECEIVED

Re: GBD Realty, LLC (Manara Laundry)
556 Main Street
80.57-4-6.1

Dear Chairman Cosentino and Planning Board Members

I am in possession of three memos prepared for the August 9th meeting of the Planning Board. The one from Mr. Miley does not require any comment from me. The memos from Mr. Johannessen and Mr. Rotfeld require line by line responses. I will make those responses here beginning with Mr. Rotfeld's memo.

Mr. Rotfeld's memo is dated August 3, 2016. He makes three numbered comments.

1. The original site plan showed a dumpster enclosure where the new building addition is proposed and planting areas to the side and front of the building. This proposal should consider re-establishment of the planting areas and locate a new dumpster location.

There is no dumpster location because this business does not utilize a dumpster. The floor plan shows the location of a trash room. This is fully inclosed within the building and no trash is stored outdoors.

The new landscape plan submitted herewith shows a complete planting plan including the re-establishment of the planting bed along the building.

2. It is noted that the subject property is in the Designated Main Street Area however the addition is over existing impervious areas and the NYCDEP has determined that a SWPPP is not required.
3. The original site plan shows a drywell at the Southeast corner of the property, this should be verified and cleaned if necessary to ensure the functionality of the storm drainage system.

The site plan now has a not indicating that the drywell be cleaned and inspected.

Mr. Johannessen memo is dated August 3, 2016. I will make reference to his eight numbered comments, but not restate each one here.

1. No comment needed.
2. Landscaping Plan.
 - A new landscape plan is attached.
 - See new landscape plan.
 - New plantings are proposed for the area near the sign.
 - Weeding and maintenance will be done, see landscape plan for details.
 - A planting schedule is included on the landscape plan.
3. Lighting Planning: A revised lighting plan is submitted herewith.

4 Quicks Lane
Katonah, NY 10536
914 232-7373 ph

- The power of the lamps and the color temperature has been reduced in the new proposal.
 - House side shields are now specified.
 - The hours of operation are now stated on the site plan.
 - Two of the three lights are to be mounted on top of the concrete retaining wall. A concrete foundation, 24" high, will be provided for the remaining light.
4. Elevations: Building elevations are provided in this submission.
 5. There is no substantial increase in interior lighting. The windows are currently tinted. If so directed by the planning board, the windows will be further tinted. But as there is not currently a problem with drivers being distracted by the Laundromat, we request that this recommendation be withdrawn.
 6. There are two benches located outside now. These will remain and be relocated as shown on the site plan. There is currently a trash receptacle outside, but this will be replaced with a new one as show on the site plan.
 7. The accessible parking sign is now shown on the site plan.
 8. A note has been added to the site plan regarding re-striping.

Thank you,

A handwritten signature in dark ink, appearing to read 'William F. O'Neill', with a stylized flourish at the end.

William F. O'Neill, RA

MEMORANDUM

Village/Town of Mount Kisco
Planning Board

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

SEP 21 2016

RECEIVED

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: September 21, 2016

RE: Conceptual Review Application
Silverman Corp.
487 Main Street
Sheet 80.57, Block 3, Lot 2

Project Description

The subject property consists of ± 0.78 acres of land located at 487 Main Street and within the General Retail (GR) Zoning District. The subject property is developed with a 1-story commercial building consisting of a variety of uses. The subject building has historically included a restaurant, last occupied by Myong Gourmet, consisting of 60 seats; Myong Gourmet has recently vacated the space and there is currently no restaurant use in operation. The applicant is proposing to increase the seating capacity of the restaurant to 84 seats; no physical changes to the site are proposed.

SEQRA

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

Comments:

1. As indicated above, the subject building has historically included a restaurant use with varying seating capacities. According to the information provided, the former Chinese Restaurant had 93 seats, the former Q Restaurant had 89 seats and the former Myong Gourmet had 60 seats. The applicant is proposing to increase the approved seating capacity associated with the former Myong Gourmet space to 84 seats. According to the Planning Board Resolution for Lacrosse Unlimited (PB2013-6), dated February 13, 2013, the Planning Board has previously approved the joint use of seven (7) parking spaces for the subject property.

Provided the Planning Board continues to allow the joint use of seven (7) parking spaces and provided the applicant is credited the three (3) parking spaces lost to restriping, as apparently agreed upon by a former Building Inspector and as discussed in Neil Carnow, AIA, letter, dated February 11, 2013, the proposed action appears to be consistent with the Village's parking regulations and prior resolutions (to be confirmed by the Building Inspector). In the event the Planning Board does not credit the three (3) spaces and evaluates this application based upon the actual number of spaces provided, than the applicant would have a shortfall of 10 parking spaces and the Board would need to consider increasing the number of spaces to be used jointly under Section 110-28C(2) of the Zoning Code.

| 487 Main Street – Parking Tabulation | |
|--|-----------------------|
| Parking Spaces Provided | 45 spaces |
| Parking Space Striping Credit | 3 spaces ¹ |
| Previously Approved Joint-Use of Parking | 7 spaces ² |
| Total | 55 spaces |
| Total Number of Spaces Required-Includes the Existing Uses and an 84 Seat Restaurant | 55 Spaces |

¹ See letter from Neil Carnow, AIA, dated February 11, 2013 and the February 13, 2013 Planning Board minutes.

² See the Change of Use Permit Resolution for Lacrosse Unlimited (PB2013-6), dated February 13, 2012

2. As the applicant is requesting the Joint Use of Parking Spaces per Section 110-28C(2) of the Zoning Code, the hours of operation for each of the existing uses shall be added to the plan.
3. The site plan of record and any relevant Planning Board resolutions/correspondence should be provided for review.

4. A detailed floor plan of the building should be provided which identifies and quantifies areas (s.f.) of space devoted to retail, office, service, storage, etc.; this floor plan should correspond and support the parking tabulation provided on the site plan.
5. While the resulting calculation is correct on the site plan, the parking formula for Leonard Park Wine and Spirits (amended site plan) is miscalculated (10.49 spaces + 1.04 spaces = 11.53 spaces).
6. While it is understood that no physical site work is proposed at this time, we note that the subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and any new impervious cover will require NYCDEP approval.

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

Plan Reviewed, prepared by Insite Engineering and dated August 23, 2016:

- Amended Site Plan (SP-1)

Documents Reviewed:

- Letter, prepared by 487 Silverman Corp., dated August 23, 2016
- Application for Conceptual Review

JKJ/dc

Village/Town of Mount Kisco
Planning Board**Application for Conceptual Review**Submission Date 8/23/16
(Due 21 days in advance of Planning Board Meeting)

AUG 23 2016

Fee \$400.00**RECEIVED****Type of Application:** (Please Check All That Apply)Site Plan Approval ☒ Land Subdivision Approval ☐ Special Use Permit ☐ Change of Use ☐
New Construction ☐ Addition ☐**Applicant Information:**Applicant Name: 487 Silverman Corp., c/o Silverman Realty Group, Inc., Bonnie SilvermanAddress: 237 Mamaroneck Avenue, White Plains, NY 10605Phone Number: (914) 683-8000 Fax: (914) 683-8935 Email: bonnie@silvermanrealty.comApplicant's relationship to property: OwnerName of Property Owner: (if different from above) Same as ApplicantAddress: Same as ApplicantPhone Number: Same as Applicant Fax: Same as App. Email: Same as App.Has property owner been notified of proposed action? Yes ☒ No ☐Owner's authorization Not Applicable, Owner is Applicant date Not Applicable, Owner is Applicant**Project Information:**Project Name: Amended Site Plan for 487 Silverman Corp.Project Address/Location: 487 Main Street, Mt. Kisco, New York 10549Any locally recognized name of building or site: UPS Store, Lacrosse Unlimited, Leonard Park Wines & Spirits, Myong GourmetDescription of Project (be specific): Amended Site Plan application to modify the amount of parking in order to increase the amount of seating at the existing restaurant. No physical site plan modifications are proposed.Property Tax #: 80.57-3-2Property Acreage 0.783 AC Zoning District GRCurrent Land Use: Commercial Proposed Land Use: CommercialSize of Building or Addition Ex. Approx. 9,700 SF (square feet) Height <45'Map or Plan Preparer Insite Engineering, Surveying & Landscape Architecture, P.C.Phone Number: (845) 225-9690 Fax: (845) 225-9717 Email: rwilliams@insite-eng.com

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

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

Applicant's Signature Bonnie Silverman Vice President date 8/23/16Owner's (or designated agent's) signature Bonnie Silverman Vice President date 8/23/16

Reviewed by: _____ Date: _____

AUG 23 2016

RECEIVED

**487 Silverman Corp.
C/O Silverman Realty Group, Inc.
237 Mamaroneck Avenue
White Plains, New York 10605
(914) 683-8000**

August 23, 2016

Village Of Mt. Kisco
Village Hall
104 Main Street
Mt. Kisco, New York 10549
Attention: Planning Board Chair and Members; Village Planning Staff

Re: Conceptual Site Plan Review-487 Main Street, Village of Mt Kisco, New York

Dear Members of the Board:

Please find enclosed the following relative to the above site:

- Application for Conceptual Site Plan Review
- Check for application fee totaling \$400 and check for professional review escrow totaling \$500 as per statute
- Drawing SP-1, Amended Site Plan, dated August 23, 2016, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.

This application was filed for your consideration following a meeting earlier in August by and between site owner 487 Silverman Corp., by Bonnie Silverman, Vice President and staff with Village Manager Ed Brancati, Building Inspector Peter Miley and Village Consulting Planner Jan Johannessen. The meeting was to review the permitted seating in the vacant restaurant formerly occupied by Myong at 487 Main.

The owner's concern arose over an inability to rent the premises as potential tenants have been unable to ascertain the exact permitted seating. Some of the confusion may be the result of different notes on earlier filed site plans for various restaurants on the site. Those site plans clearly show both 89 and 92 permitted seats based on then applicable parking regulations.

This conceptual review will look for updating the permitted restaurant seating by focusing on the permitted and allocated parking.

To supplement the eventual review of the site with that particular attention to parking, the owner has, in accord with village staff's suggestion, re-measured the interior configuration of each commercial unit on site to determine the current ratio of storage to retail space. Same is reflected on the current conditions filed herewith by Insite Engineering and Surveying on the owner's behalf.

For comparison purposes, the Insite Drawings also provide parking calculations for the spaces stated in the previous resolution of approval. It should be noted the previous resolution of approval for the site acknowledged the joint use of parking spaces on the site. As the overall uses are not changing the continued joint use of spaces will still be sought.

Any input we receive at a first conceptual review meeting would be most valuable for the owner, current and future tenants.

Thank you for your consideration,

487 Silverman Corp.

A handwritten signature in dark ink, appearing to read "Bonnie Silverman", written in a cursive style.

Bonnie Silverman
Vice-President

**487 Silverman Corp.
C/O Silverman Realty Group, Inc.
237 Mamaroneck Avenue
White Plains, New York 10605
(914) 683-8000**

Village/Town of Mount Kisco
Planning Board
SEP 14 2016
RECEIVED

September 8, 2016

Village Of Mt. Kisco
Village Hall
104 Main Street
Mt. Kisco, New York 10549
Attention: Planning Board Chair and Members; Village Planning Staff

Re: 487 Main Street-Hours of Operation – Retail Tenants

Dear Members of the Board:

Please find below hours of operations pertaining to the retail tenants of 487 E Main Street:

The UPS Store

Monday-8:00am-6:30pm
Tuesday-8:00am-6:30pm
Wednesday-8:00am-6:30pm
Thursday-8:00am-6:30pm
Friday-8:00am-6:30pm
Saturday-9:00am-3:00pm
Sunday-CLOSED

Lacrosse Unlimited

Monday-10:00am-7:00pm
Tuesday-10:00am-7:00pm
Wednesday-10:00am-7:00pm
Thursday-10:00am-7:00pm
Friday-10:00am-7:00pm
Saturday-10:00am-7:00pm
Sunday-11:00am-5:00pm

Leonard Park Wine & Spirits

Monday-9:00am-9:00pm
Tuesday-9:00am-9:00pm
Wednesday-9:00am-9:00pm
Thursday-9:00am-9:00pm
Friday-9:00am-9:00pm
Saturday-9:00am-9:00pm
Sunday-12:00pm-5:00pm

neil carnow a.i.a. architect

52 blair heights carmel, new york 10512

845-704-1622

February 11, 2013

Village/Town of Mount Kisco
Planning Board

Mr. Joseph Cosentino, Chairman
Village/Town of Mount Kisco Planning Board
104 Main Street
Mount Kisco, New York 10549

SEP 07 2016

RECEIVED

RECEIVED

Re: 487 Main Street
Proposed Lacrosse Unlimited, Inc. tenancy

FEB 12 2013

PLANNING BOARD

Dear Chairman Cosentino and Planning Board members:

On behalf of my client, Coolidge Mt. Kisco Equities, L.P., I have prepared this letter and associated documents for your review/approval with regard to the above referenced proposed tenancy.

In order for you to properly review this proposal in context, I am providing a short description of the background of this project for your information.

Approximately 5 years ago this center underwent an extensive and costly renovation. None of the current tenants in the center except the UPS store existed at the time of the renovation. At the onset of the renovation, the existing Chinese Restaurant vacated their space and the carpet store vacated their space even earlier.

At the conclusion of the renovation, Q Restaurant occupied the former Chinese Restaurant space and was later replaced in 2010 by the current restaurant, Myong Gourmet. The Chinese Restaurant had 93 seats and Q Restaurant 89 seats. On the basis of a meeting on August 12, 2010 with the Planning Board Chairman, Building Inspector, broker for the center and myself, the Owner agreed to a maximum seating capacity for Myong Gourmet of 75 seats and also agreed, as requested, that no separate bar area would be provided. That agreement established the maximum parking for the restaurant at 25 spaces on the basis of 1 space/3 seats as identified in the Zoning Ordinance. Please remember that although the allowance for the restaurant is a maximum of 25 spaces, the current seating of 60 only generates 20 spaces.

The UPS store requires 5 spaces and the liquor store requires 10 spaces. When added to the 25 spaces for the restaurant, a total of 40 spaces is required for the three currently occupied tenant areas.

There are currently 45 striped parking spaces on the site. However, at the time that our renovation was under review, there were 48 parking spaces striped on the site. In response to a request from the Building Inspector, the Owner agreed to reconfigure the handicapped accessible parking spaces and to increase the size of the non handicapped spaces to comply with current dimensional regulations, at a loss of three (3) striped parking spaces. The Owner agreed to this because the Building Inspector agreed to allow the Owner the use of the (3) parking spaces in future calculations for having upgraded the accessibility and parking spaces of the center.

Therefore, there are (8) parking spaces available for the proposed tenant area, (13) if you consider the actual seating in the restaurant. As general retail use, the proposed tenant space generates 15 parking spaces (1space/150sf for 2200sf). This leaves a deficit of either 7 spaces or 2 spaces.

I prepared a memorandum to Austin Cassidy, dated September 18, 2012 (copy attached), which outlined the proposed use of the Lacrosse Unlimited, Inc. tenancy, its hours of operation and its minimal impact on traffic and parking. This memorandum notes that this use is seasonal and even in their peak times (March/April) they only generate approximately 2.5 transactions/hour.

While there may be some overlap in hours of operation, there are still many hours per day that the proposed tenancy is open while other tenants are not. This tenant is open 7 days a week and opens at 10am, at the earliest and closes at 9pm, at the latest. On the basis of Section 110-28(C)(2) of the Zoning Ordinance of Mount Kisco, we submit that this proposed tenancy is of such low impact and/or operates at different hours from other tenants in the center that it would not burden this site nor any adjacent properties in the area with traffic or parking concerns.

The Owner of this property has made a substantial financial investment in this property, which also serves to maintain the general appearance of the neighborhood. Over the last 5 years, this store has remained vacant in an effort to find a tenant with a low impact on traffic and parking. Over the last 5 years, the Owner has rejected many potential tenants, believing they did not fulfill the criteria necessary to be considered a low impact traffic and parking use for this site. We believe we have now found that low impact tenant with a proven track record of serving the Mount Kisco community. We believe it is in the best interests of all parties to keep this business in Mount Kisco and allow it to expand into this location to better serve its existing customer base.

We respectfully request that the Planning Board approve this use for the center and thank you for your thoughtful consideration in this matter.

Very truly yours,



Neil Carnow

cc: Jennifer Rabina
Neil Alexander

DRAFT

1 **Special Discussion**

2
3 **Sherman Williams**
4 **156 North Bedford Road**
5 **PB2009-15, 69.66-3-20**
6

7 Chairman Cosentino: That is the Finkelstein building.
8

9 Anthony Oliveri: If you remember, he was trying to satisfy some DOT
10 requirements. He had to clean and inspect storm drains on Route 117.
11 He had kind of a bad time with that, he had a bad contractor; but I
12 think he's finally gotten that done. He had gotten the information
13 back to the DOT, and now he is in the process of finalizing the permit
14 for that curb cut. We will keep tabs on it.
15

16 **Formal Application:**
17

18 **487 Main Street**
19 **Neil Carnow, Architect**
20 **PB2013-6 (SBL) 80.57-3-2**
21

DRAFT

22 Present: Neil Carnow
23

24 Chairman Cosentino: We have a letter from Mr. Carnow. For the
25 record, Whitney, please go through this.
26

27 Whitney Singleton: As your Board is aware, there was somewhat of a
28 disjointed review of this application and because of some
29 miscommunication they were led to the erroneous conclusion that they
30 could go in as of right now without being reviewed by your Board. I
31 subsequently had discussions with the building department and
32 pointed out some of the erroneous conclusions, and so they have -
33 with the extension - been placed on the agenda on an expedited basis.
34 They are looking to take existing square footage of 2,200 square feet
35 in the 487 building, which was formerly D'Agostino Carpet, or a portion
36 of D'Agostino Carpet, and convert it to another retail use. But it's a
37 general retail use. It is not retail sale of bulk household items, so it
38 has a higher parking requirement. Under 110-38 of the code, referral
39 to your Board is mandatory, and that is why they are here. They are
40 on a very tight schedule. They are proposing no exterior alterations.
41 It is simply a re-tenanting of the building with a tenant with whom you
42 are already familiar. It is Lacrosse Unlimited from 222 East Main
43 Street. He is relocating here. You should have familiarity as set forth
44 in the proposed resolution. You also have a familiarity with parking
45 demands for both Lacrosse Unlimited at the proposed tenant, and the
46 existing uses of Leonard Park Liquors, Myong Restaurant and the UPS
47 Store. The square footages that are shown before you in the
48 resolution, and the associated parking requirements are based upon in
49 part on representations from the applicant, but they have been
50 tweaked and they have been based entirely upon a confirmation of the
51 existing Certificates of Occupancy and approvals from the building
52 department records. It will result in a shortage without utilization of
53 the joint use of parking, it will result in a shortfall of approximately
54 seven spaces by code. But because of the different peak operating
55 hours, your Board has the discretion to authorize the joint use of
56 parking. The applicant has acknowledged that if your Board grants its
57 approval, that any future mix of tenants that would go into the site
58 that would constitute a new use, they would have to come back to this

1 Board. I know your Board has not had the benefit of a full ramp-up on
2 this, but because this has kind of gotten lost in the cracks, your
3 chairman has authorized an expedited review. Obviously the application
4 is 487 Main Street. I don't know the actual application number; I just
5 know its application from 2013. That was not on the information
6 provided. They have paid their fee for site plan application and for a
7 Change of Use Permit application. They have paid their escrow.
8 This is a Type II action, which is exempt from SEQRA. They have
9 submitted an application and a plan. I don't have the plan title.
10 There has been support from other officials of the boards. The
11 building inspector has reviewed and confirmed compliance with the
12 code. I would change the word "Referred" to "Confirm."
13 The planning consultant has not reported to the Board on this, so I
14 would delete that. The required parking spaces for the proposed use
15 are talked about in the next paragraph. I also talk about the parking
16 requirements for the previous use. I then talk about the lack of
17 occupancy for the past four or five years, due to the non-compatible
18 proposed uses. I mentioned the fact that there were previously 48
19 spaces, not 45. I also mention that the applicant would like to derive
20 the benefit from joint use of parking spaces pursuant to Section 110-
21 28-C-2, where the total parking requirements would be 52, and they
22 are only providing 45 or 48, depending on how you look at it, thereby
23 resulting in a shortfall. Then a determination by your Board that, due
24 to the fact that the parking is not fully utilized in its present form, the
25 Lacrosse Retail shop has demonstrated a history of low impact parking
26 demands, and the assemblage of uses resulting in different peak
27 operating hours that joint use of parking is appropriate for the site,
28 subject to the following conditions set forth in the code as 1-9. This
29 approval is only valid if the tenant actually goes in. All the prior
30 statements are incorporated by reference. Any prior approvals of
31 other boards is incorporated by reference. All fees shall be paid prior
32 to the issuance of the Certificate of Occupancy. All other permits to
33 the extent that they are applicable must be obtained from those
34 agencies. Your Board is basing this on the fact that there will in fact
35 be 45 spaces, and based upon the following allocation, and then (the
36 resolution) breaks it down by space or seating capacity or storage
37 capacity, and that is based upon the records from the village with the
38 bolded section being the proposed use.

39
40 *At this point, Mr. Singleton continued to read each item on the*
41 *proposed resolution.*

42
43 Whitney Singleton: Failure to comply with any of the aforesaid
44 conditions shall constitute a violation of this site plan pursuant to
45 Section 110-45 and shall subject the applicant/property owner and
46 tenant to prosecution, penalties and/or revocation of certificates of
47 occupancy pursuant to applicable law. Deviation from any such
48 approvals may render this Change of Use Permit or certificates of
49 occupancy issued thereunder null and void.

50
51 Doug Hertz: On Item t, where you go through the four stores and their
52 designations, one is restaurant. This will be retail and admin, the
53 liquor store is retail and storage. What could go in the UPS store?
54 You have this listed as a shipping or post office center.

55
56 Whitney Singleton: There are actually parking requirements for post
57 offices. One per 500, plus a space for every 40 (sic).

DRAFT

1 Doug Hertz: That is how this is being considered?

2

3 Whitney Singleton: That is how it was considered at the time it was
4 approved for that use.

5

6 Doug Hertz: Anything that is not specifically shipping or post office
7 would be looked at as a different use with a different parking count?

8

9 Whitney Singleton: Yes. It would have to come in at approximately
10 one to 200. It would have to come back to you anyway, because we
11 would now have a new mix of uses. This is identical to the
12 arrangement we have for 305 Lexington Avenue.

13

14 Ralph Vigliotti: I want to share an observation for the site. Across the
15 street there is a bagel shop and a nail salon. On occasion, I have seen
16 folks who use those facilities walk across the street to their car that
17 they are parking at that site-the site that is before us this evening.
18 Now that we are literally filling every space within the facility, the
19 parking should be very closely monitored now, because there are
20 people who use the bagel space and the nail salon that are parking
21 across the street. I don't know if you want to put up signage
22 indicating that this is parking for this particular site only.

23

24 Neil Carnow: Duly noted. If I might, I'd like to make two comments
25 about some minor changes in the calculations provided. One would be
26 for the restaurant itself. While there are 60 seats that were shown on
27 the submitted drawings, and that is what they currently have, they do
28 have up to 75 seats available for that restaurant.

29

30 Whitney Singleton: I am aware of that, and I originally had that in.
31 The additional parking requirement was five more spaces, but when it
32 was reviewed by the building department, they said the Certificate of
33 Occupancy for the restaurant was limited to 60.

34

35 Neil Carnow: My only concern is that they not lose the ability to have
36 those seats available to them. Only because they simply are seating
37 less than what they are allowed to have, shouldn't prohibit them from
38 having those seats available in the future.

39

40 Whitney Singleton: There is a certain amount of discretion that goes
41 on here. I am going not based upon what there may be capacity for
42 within the building, as far as fair square footage. I am going based
43 upon the Certificate of Occupancy. If they were to exceed more than
44 60, they would have to come back and get an approval from the
45 building inspector. This is not tied to some sort of restriction that is
46 being imposed; this is being tied to their actual Certificate of
47 Occupancy. This can be addressed at a later point in time. I am just
48 going with what I have right now.

49

50 Neil Carnow: On the basis of the 1,400 feet for the liquor store, that
51 was done on the basis of one per 1,000 for warehouse. So rather than
52 the five spaces, it was two spaces, generating a total of 10.

53

54 Whitney Singleton: The plans that were submitted, correct. I had it
55 at 1 per 1,000, too, but the building department changed it, and I
56 can't recall what the reason was. You actually had the total parking
57 for the liquor store, one was higher and one was lower.

58

1 Chairman Cosentino: If I recall, there was seating, or tasting – a little
2 room in the back.

3
4 Whitney Singleton: I don't want to go down that slippery slope.

5
6 Chairman Cosentino: This is what it was all about.

7
8 Whitney Singleton: This was based upon the plans that were approved
9 by the building department.

10
11 Chairman Cosentino: So that's it. There is no discussion on it.

12
13 Whitney Singleton: We can clarify that with the building inspector as to
14 why he came up with that number.

15
16 Chairman Cosentino: We can't change it.

17
18 Neil Carnow: As long as we can go back to the Building Department to
19 clarify these two issues.

20
21 Chairman Cosentino: This Board has no authorization to change it, and
22 yes, you can go back to the Building Department.

23
24 Doug Hertz: If those numbers are revised, what does that do to all the
25 calculations in this resolution?

26
27 Whitney Singleton: It makes their request lesser than what the current
28 is.

29
30 Doug Hertz: One does, and one doesn't. For the liquor store, they are
31 suggesting they are over counting, but for Myong, if there is indeed
32 the ability to seat 15 more guests, then there are five more spots
33 required. So, you are assuming they are right on both – their net plus
34 three.

35
36 Whitney Singleton: They would require five more from Myong and
37 three or four less for the liquor store.

38
39 Doug Hertz: So they would be net positive two, which would change
40 this. (indicating)

41
42 Whitney Singleton: There is a certain fudge factor here. The fact of
43 the matter is, this site does not have the capacity to equate some
44 other uses in town to result in spillage and monopolization of off-street
45 parking. There is no on street parking in the area. There is not a
46 capacity for these people to start to load up a joint property on their
47 parcels. We specifically put a provision in here that they cannot put
48 another adjoining parcels across the street. As you know, someone
49 from Pound Ridge recently died in Bedford crossing Route 22 to get to
50 the new Mexican restaurant. We actually won't have this provision in
51 our approvals. We are trying to contain it on site, and the fact of the
52 matter is, I drive by here at least twice a day. Not that I vote. I think
53 Ralph drives by here – we all drive by here, and for a substantial
54 portion of the day, I think it's conceded that there is available parking
55 on site. Whether it's a plus two or minus one, your Board is ultimately
56 going to review any mix use on this site.

57

DRAFT

1 Doug Hertz: My concern is with a restaurant, if we up their potential
2 parking, if Mr. Carnow is right, and if there are 75 spots there, and
3 therefore we allot them five more, what if another restaurant were to
4 go in?

5
6 Whitney Singleton: If another restaurant goes in, they are going to
7 come back to you.

8
9 Doug Hertz: If that were substantially more successful, with a higher
10 turnover, we might be in trouble.

11
12 Whitney Singleton: They will come back to you. Just like 305 has come
13 back to you with every tenant they put in their space.

14
15 Doug Hertz: Understood.

16
17 Stanley Bernstein: Going a little bit further, it just precludes the
18 landlord from getting certain tenants that will upset the parking
19 situation. They have to look elsewhere. That is the burden of the
20 landlord, by agreeing to this resolution. You cannot rent to certain
21 uses. That's the price you pay for getting a Class A tenant.

22
23 **Motion for Resolution for Approval for Change of Use Permit**

24
25 **487 Main Street**
26 **PB2013-6, (SBL) 80.57-3-2**

27
28 **Date of Action: February 13, 2013**

29
30 **Motion: Ralph Vigliotti**
31 **Second: Stanley Bernstein**
32 **Aye: Sol Gibbons**
33 **Aye: Enrico Mareschi**
34 **Aye: Doug Hertz**
35 **Aye: Stanley Bernstein**
36 **Aye: Ralph Vigliotti**
37 **Aye: Chairman Cosentino**

38
39 **Administrative Discussion:**

40
41 **Planning Board Calendar**

42
43 Chairman Cosentino: I was not here for the meeting. I was hearing
44 something about the school calendar.

45
46 Stanley Bernstein: Tony asked Nancy to get the school district
47 calendar, which I have right here, and I really can't see any problems
48 with it. He thought, since a lot of days were changed, that it would be
49 good to compare (with the Planning Board calendar). The big issue, of
50 course, is when we have a joint meeting, regular session and work
51 session; one which requires a 15-day lead up for documents, and the
52 other requires a 21-day. We didn't vote, but we pretty much decided
53 that we would prefer to have a more stringent requirement of 21 days
54 in those instances where there are two different requirements.

55
56 Doug Hertz: Since we are merging the calendar and rules of procedure
57 into one discussion, we've had these meetings titled Regular Session
58 and Work Session. In practice, they've been identical. I wonder,

PLANNING BOARD
VILLAGE OF MOUNT KISCO
RESOLUTION OF APPROVAL FOR
CHANGE OF USE PERMIT



NAME OF PROJECT: 487 Main Street (Lacrosse Unlimited, Inc. Tenancy)
APPLICATION NO. PB 2013- 6 DATE OF ACTION: February 13, 2013
TAX MAP IDENT. NO: 80.57-3-2

On a motion of Mr. Viggliotti, seconded by Mr. Bernstein, the following resolution was adopted:

WHEREAS in accordance with Chapters 110 and 107 of the Code of the Village/Town of Mount Kisco adopted April 21, 2003, and as last revised, a formal and complete application for Change of Use Permit for the project known as Lacrosse Unlimited, Inc., prepared by Neil Carnow was submitted to the Planning Board on February 11, 2013 and the applicant has represented to this Board that they are the owner of the property to be re-tenanted; and

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

- | | |
|----------------------------------|--------------|
| 1. Conceptual Application Fee | <u>NA</u> |
| 2. Site Plan Application Fee | <u>\$500</u> |
| 3. Parking Fee (\$75 x __spaces) | <u>NA</u> |
| 4. Escrow Fee | <u>\$500</u> |

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

1. The Village of Mount Kisco Planning Board has identified the proposed action as a Type II action, exempt action under SEQRA.

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

A completed application for Change of Use Permit and associated fees signed by the owner or its duly authorized representative, untitled plans and various correspondence

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

| | |
|--|-------------------------|
| BUILDING INSPECTOR | Confirmation of parking |
| VILLAGE PLANNING CONSULTANT | NA |
| VILLAGE ENGINEERING CONSULTANT | Oral Report |
| ARCHITECTURAL REVIEW BOARD | NA |
| ZONING BOARD OF APPEALS | NA |
| FIRE COMMISSION | NA |
| CONSERVATION ADVISORY COMMISSION | NA |
| WESTCHESTER COUNTY PLANNING BOARD | NA |
| NYS DEPARTMENT OF TRANSPORTATION | NA |
| WESTCHESTER COUNTY DEPARTMENT OF HEALTH | NA |
| NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION | NA |
| NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION | NA |

WHEREAS, the applicant proposes to occupy 2,200 sf of space in an existing building; of which 1,700 sf for retail usage which requires 1 off street parking space per 150 square feet of gross floor area and 500 sf for office which requires 1 off street parking space per 250 square feet of gross floor area (referred to as demised space for "Lacrosse Unlimited");

WHEREAS, the former utilization of this space was retail sale of bulk household items (rugs) which requires 1 off street parking space per 300 square feet of gross floor area for retail sales, and 1 space per 1,000 square feet of area devoted to storage;

WHEREAS, the space proposed to be occupied has been unoccupied for the past four years due to the fact that additional high parking demand uses cannot compatibly coexist with the remaining tenant mix, nor can there be compliance with the Code requirements for off-street parking;

WHEREAS, the site has 45 total parking spaces (previously 48 prior to handicap reconfiguration and space widening per Building Department directive). The total required number of off-street parking spaces for the existing uses totals 38. Without the benefit of joint use of parking spaces pursuant to §110-28(C)(2), the total number of required off-street parking spaces for the existing and proposed uses would be 52.

WHEREAS, a review of the parking demand demonstrates: a) existing uses on the site do not fully utilize all available parking, b) the proposed lacrosse retail shop which has existed elsewhere in the Village for many years has a demonstrated history of low impact parking demands, and c) the assemblage of uses appears to result in differing peak hours of operation (restaurant, liquor sales and UPS storefront);

WHEREAS, assuming existing tenancies, the site contains sufficient parking for the proposed use;

BE IT THEREFORE NOW RESOLVED that the application for Change of Use Permit for the project known as 487 Main Street – Lacrosse Unlimited, prepared by Neil Carnow, dated February 11, 2013 be approved subject to the following modifications and conditions and that the Planning Board Chairman and the Building Inspector be authorized to endorse this Board's approval of said project upon compliance by the applicant of the modifications and additional requirements as noted.

1. The foregoing recitals herein are set forth as if at length and all references to the "applicant" shall include the applicant's successors and assigns. Construction shall commence within six (6) months of the date of this resolution and be completed within one (1) year of commencement of construction.
2. Any authorization herein shall expire should construction not commence within six (6) months of the date of this resolution and be completed within one (1) year of commencement of construction. The Planning Board shall retain original jurisdiction.
3. All prior conditions of any approvals of the Architectural Review Board and Zoning Board of Appeals shall be deemed incorporated herein by reference.
4. All Village application, professional engineering, and planning consulting fees shall be paid prior to the issuance of a Certificate of Occupancy, including any deficiencies in Planning Board application fees.
5. All applicable county, state and regional permits shall be obtained prior to the issuance of a Building Permit. In the event that such permit(s) require any modification to the site plan, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification is substantive and should be restored to the Planning Board's calendar.
6. As two or more of the establishments on-site have substantially different peak operating times, and as provided in Article IV Section 110-28(C)(2) of the Village Code, joint use of parking spaces shall be permitted. The site has 45 total available and approved parking spaces, and the total parking requirement under the Code is 52 spaces, thereby allowing joint use of 7 spaces based upon the following allocation:
 - Store 1(Myong Restaurant– restaurant 1 per 3 person seating capacity) 60 seats, 20 spaces as listed on approved building permit plan
 - Stores 2 (UPS shipping/post office center)– 1076 sf, 5 spaces

- Store 3 (Lacrosse Unlimited- retail/admin) 2,200 sf total, 14 spaces total; retail 1700 sf, 12 spaces; 500 sf office, 2 spaces
- Store 4 (Liquor Store- retail/storage) 2614 sf total; 13 spaces total; retail: 1200 sf, 8 spaces; storage: 1414 sf, 5 spaces

7. The present determination to allow joint utilization of 45 (previously 48) parking spaces pursuant to Section 110-28(C)(2) has been based upon an extraordinarily unique set of circumstances and imposed restrictions that may not likely exist under future tenant mixes. The discretionary determination of this Board that the current tenant mix has substantially different peak operating hours shall not be construed to create any vested right or expectation of future entitlement to any similar determinations. Any proposed change in the tenant mix which would result in any combination of uses that cannot satisfy the parking requirements of the Village Code on site and independent of the application of Section 110-28(C)(2) shall require further Planning Board review and approval for a change of use permit. Additionally; the following restrictions shall apply:

- a) There shall be no fleet parking, vehicle storage or outdoor storage permitted on the site;
- b) All vehicle parking on site shall be for on-site uses only;
- c) No off-site parking shall be permitted for on-site uses.

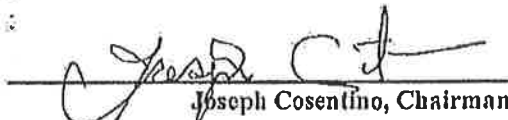
8. All construction, design, approvals, conditions, restrictions, and requirements of the previously approved site plan, and building permits shall still be applicable except and only to the extent that same are modified herein. The inclusion of certain previously adopted conditions in this resolution shall not be deemed as a waiver of past conditions not recited herein.

9. Failure to comply with any of the aforesaid conditions shall constitute a violation of this site plan pursuant to Section 110-45 and shall subject the applicant/property owner and tenant to prosecution, penalties and/or revocation of certificates of occupancy pursuant to applicable law. Deviation from any such approvals may render this Change of Use Permit or certificates of occupancy issued in conjunction therewith null and void

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

DATE OF RESOLUTION: February 13, 2013

SIGNED BY:


Joseph Cosentino, Chairman

, Chairman

AYES: S. Bernstein; S. Gibbons; J. Cosentino, R. Vigliotti; D. Hertz, E. Mareschi

NAYS:

ABSTAIN:

ABSENT: A. Sturniojo



August 24, 2016

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

Village/Town of Mount Kisco
Planning Board

AUG 24 2016

RECEIVED

Vincent Saplenza
Acting Commissioner

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

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

465 Columbus Avenue
Valhalla, New York 10595

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

Dear Mr. Gregory:

The New York City Environmental Protection (DEP) has received your August 5, 2016 letter with enclosures concerning the above-referenced application for approval of a Stormwater Pollution Prevention Plan (SWPPP). Upon review of the submitted documentation and the associated drawings, DEP has determined that the application is *incomplete*. The following information is required before review of the application may commence:

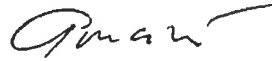
1. For completeness, a Draft Environmental Impact Statement or Determination of Non-significance by the Lead Agency under the State Environmental Quality Review Act (SEQR) must be provided. Please submit a short Environmental Assessment Form (EAF) so that DEP can make a determination as to SEQR type and significance.
2. A New York State Department of Environmental Conservation General Permit for Stormwater Discharges Notice of Intent (NOI) is required as the proposed land disturbance for the project is greater than 5,000 square feet and is located in the East of Hudson Watershed (EOH). Please provide a draft of the NOI to be filed.
3. Provide the status of the applications required from DEP and other agencies. A list of all valid permits and expiration dates must be included.
4. Provide a list of any enforcement actions commenced against the applicant for any alleged violations of law related to the site or the activity for which approval is sought. If no such actions exist, the SWPPP must so note.
5. Please provide the names, addresses and phone numbers of the parties responsible for the long-term maintenance plan.

6. The boundaries of any 100-year flood plains must be noted on the plans; if no such flood plains are located within the plan area, you must so note.
7. The project is located within the New Croton reservoir watershed. New Croton Reservoir is a terminal reservoir in the New York City water supply watershed. Therefore, in accordance with Section 18-39 (c) (1) of the Watershed Regulations, the SWPPP must include an analysis of coliform runoff.

The review of your application will not commence until DEP receives the requested information and determines that the application is complete. DEP will notify you within 10 days of its receipt of the requested information as to the completeness of your application. Please be advised that failure to submit information to DEP or to follow the DEP procedures is sufficient grounds to deny approval, pursuant to Section 18-23(b)(3).

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

Sincerely,



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

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



Environmental
Protection

September 15, 2016

Village/Town of Mount Kisco
Planning Board

SEP 16 2016

RECEIVED

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

Vincent Saplenza
Acting Commissioner

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

465 Columbus Avenue
Valhalla, New York 10595

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

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

Dear Mr. Gregory:

The New York City Department of Environmental Protection (DEP) has received your August 29, 2016 letter with enclosures concerning the above-referenced application for approval of a Stormwater Pollution Prevention Plan (SPPP). Upon review of the submitted documentation and the associated drawings, DEP has determined that the application is *incomplete*. For completeness, DEP must comply with the requirements of the State Environmental Quality Review Act (SEQR).

The DEP received a copy of the short Environmental Assessment Form (EAF) form, on September 1, 2016. DEP will notify you of the status of the application after conducting its SEQR review.

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

Sincerely,

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

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



August 22, 2016

Mr. Viktor K. Solarik, AIA LEED AP
VKS Architects
P.O. Box 696
Katonah, NY 10536

Village/Town of Mount Kisco
Planning Board

SEP 01 2016

RECEIVED

Vincent Sapienza
Acting Commissioner

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

465 Columbus Avenue
Valhalla, New York 10595

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

Re: Bareburger Restaurant
441 Main Street
(T) Mt. Kisco; (C) Westchester County, NY
DEP Log# 2016-CNC-0457-OT.1

Dear Mr. Solarik:

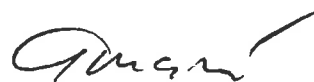
The New York City Department of Environmental Protection (NYC DEP) has received your August 12 and August 15, 2016 emails with attachments of the site plan drawings prepared by your office for the above-referenced property. The property is located within the New York City East of Hudson (EOH) Watershed and within the NYC DEP Designated Main Street Area (DMSA), in the Village of Mount Kisco, New York. The site is currently developed with a 2,700 square feet commercial building (former Friendly's Restaurant) and parking. The project proposes to reconfigure the inside of the existing building, parking area and install a small gravel patio on the west side of the building.

Upon review of the Proposed Site Plan Drawing S1, dated April 4, 2016, last revised May 25, 2016, and based on our site visit on May 12, 2016 and the fact that the project does not propose creation of any new impervious surface, the NYC DEP has determined that no regulatory permits or approvals are required pursuant to the Watershed Regulations.

NYC DEP strongly encourages the project sponsor to implement temporary best management practices (BMP's), including erosion and sediment controls (ESC) as necessary, for the duration of the project.

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

Sincerely,



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

c: (V) Mount Kisco Planning Board
Anthony Oliveri, P.E., Dolph Rotfeld Engineering PC - anthony@drepc.com
Armand DeAngelis, NYS DEC

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Platt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

August 12, 2016

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

Village/Town of Mount Kisco
Planning Board

AUG 17 2016

RECEIVED

RE: Win Development, 77-91 South Moger Avenue
DEC Tracking ID: 3-5556-00080/00001
Village of Mount Kisco, Westchester County

Dear Ms. Lailer:

The NYS Department of Environmental Conservation (DEC) has reviewed the request to establish Lead Agency pursuant to the State Environmental Quality Review (SEQR) of the proposed Win Development. In addition, the project sponsor submitted a pre-application request with plans to DEC on August 3, 2016. The plans were by Insite Engineering, titled Win Development, and dated 06/7/16.

Please note that response was delayed as the Lead Agency request was apparently directed to the DEC Bureau of Habitat. Please direct all Lead Agency requests to the Division of Environmental Permits. DEC jurisdiction is as follows:

PROTECTION OF WATERS & FRESHWATER WETLANDS

- ☒ The stream adjacent to the site is an unnamed tributary to the Kisco River, NYS Waters Index Number (WIN) H-31-P 44-43-8, Class C. This is not a protected stream and a stream disturbance permit is not required for any future physical disturbance to the bed or banks (up to 50 feet from stream).
- ☒ It appears that portions of the site are within the adjacent area of DEC-regulated freshwater wetland K-12, Class 1. The plans submitted to DEC show a portion of the building, parking lot, and stormwater management areas within the adjacent area. A permit will be required for all disturbances within the adjacent area. However as it appears that all proposed work is redevelopment within an already disturbed area, staff have determined that it is capable of meeting permit issuance standards. The applicant's wetland delineation must be validated by DEC staff; they must contact Kelly McKean, NYSDEC Bureau of Habitat at (845) 256-3087 regarding validation.
- ☒ The project sponsor should contact the United States Army Corps of Engineers in New York City, telephone (917) 790-8411, for any permitting they might require. If any disturbance is proposed to wetlands under the jurisdiction of the Army Corps of Engineers and requires a permit pursuant to Section 404 of the Clean Water Act, then



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a Water Quality Certification pursuant to Section 401 will also be required. Issuance of these certifications has been delegated in New York State to the DEC.

If a permit is not required, please note, however, the project sponsor is still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

STATE-LISTED SPECIES

☒ This site in the vicinity of known occurrences of the following state-listed species:

| Common Name | Scientific Name | NYS Status |
|------------------------|----------------------------------|-------------------|
| New England Cottontail | <i>Sylvilagus transitionalis</i> | Special Concern |

As this is a redevelopment within an existing urbanized area, it does not appear that there is any potential to impact this species.

The absence of data does not necessarily mean that any other rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources

State Pollutant Discharge Elimination System (SPDES) - Stormwater


Stormwater discharges from construction disturbing more than 5000 square feet within the NY City Department of Environmental Protection's East-of-Hudson Watershed requires a SPDES permit. The project may qualify for the SPDES General Permit for Stormwater Discharges from Construction Activity - GP-0-15-002. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>. This site is within an MS4 area (Municipal Separate Storm Sewer System), so the stormwater plan must be reviewed and accepted by the Village and the MS-4 Acceptance Form be submitted to the Department.

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and the project sponsor should, therefore, verify the need for permits if the project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

By copy of this letter, the project sponsor is informed of these DEC regulations and requirements. Please contact me at 845/256-3014 if you have questions regarding the above information. Thank you.

Sincerely,



Rebecca Crist

Deputy Regional Permit Administrator

Cc: Jesse McInerney, Win Development LLC

Ecc: Scott Blakely, Insite Engineering
Cynthia Garcia, NYCDEP
Kelly McKean, NYSDEC Bureau of Habitat

**RECEIVED
BUILDING DEPARTMENT**

**AUG 29 2016
VILLAGE/TOWN OF
MOUNT KISCO**

Village/Town of Mount Kisco
Planning Board

**SEP 01 2016
RECEIVED**

Philar Realty Co. LLC
P.O. Box 599
Bedford, NY 10506
August 26, 2016

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

Gentlemen,

We previously submitted an Application for Conceptual Review. Please accept this letter as a request for a one year extension for the review process.

Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Philip Skriloff", written over a light blue horizontal line.

Philip Skriloff
Managing Partner

José M. Rivera, P.E.
Executive Director

Public Notice

2016 Transportation Alternatives Program Solicitation Announced

The New York State Department of Transportation (NYSDOT) has issued a Notice of Funding Availability for project proposals under the Transportation Alternatives Program, or TAP. (<https://www.dot.ny.gov/divisions/operating/opdm/local-programs-bureau/tap-cmaq>)

TAP funding supports bicycle, pedestrian, multi-use path and transportation-related projects and programs as well as projects that reduce congestion and will help meet the requirements of the Clean Air Act. Applications for this funding opportunity must be received by **October 21, 2016**. For additional information on TAP, including eligible project activities, contacts and other program requirements, please refer to the program guidance and application resource materials.

To facilitate the development of applications, NYSDOT will be hosting four webinars/workshops around the State and providing opportunities to review pre-applications with Department staff. NYSDOT will also posting the webinars for potential project sponsors to view.

Please note that an associated solicitation for the Congestion Mitigation/Air Quality Improvement Program (CMAQ) that is mentioned in the NYSDOT announcement will **not** be undertaken for the NYMTC planning area.

Comments and questions regarding the TAP solicitation may also be submitted via email to TAP-CMAQ@dot.ny.gov