

MOUNT KISCO PLANNING BOARD
Agenda
Tuesday, May 24, 2016
Planning Board Work Session 6:30 PM
Meeting 7:30 PM

Minutes

- a. *November 24, 2015*
- b. *November 10, 2015*
- c. *June 23, 2015*
- d. *February 10, 2015*
- e. *July 8, 2014*

Public Hearing:

- f. **Bareburger – 441 Main Street (Former Friendly's)**
PB2016-0322, 80.50-4-4
Amended Site Plan
 - *Memorandum from Peter J. Miley, Building Inspector, dated May 16, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated May 18, 2016*
 - *Memorandum from VKS Architects, dated May 3, 2016*
 - *Public Hearing Notice*
 - *Property Owners within 300 feet*
 - *Affidavit of Mailing*
 - *Affidavit of Publication*
 - *Affidavit of Posting*
 - *Site Plan, prepared by VKS Architects, revised May 3, 2016*

Formal Application:

- g. **HVA Realty, LLC – 299 Kisco Avenue (Volvo)**
PB2015-0310, 69.44-2-1 (SBL)
Amended Site Plan
 - *Draft Resolution, dated May 24, 2016*
 - *Draft Negative Declaration of SEQRA, dated May 24, 2016*
 - *Memorandum from Peter J. Miley, Building Inspector, dated May 16, 2016*
 - *Memorandum from Langan Engineering, dated April 29, 2016*
 - *Site Plan prepared by Langan Engineering, revised April 29, 2016 (4 sheets)*
- h. **Hudson Riley, LLC – 179 Main Street (Former Leisure Living)**
PB2016-0323, 80.25-3-26.1 (SBL)
Change of Use
 - *Memorandum from Peter J. Miley, Building Inspector May 20, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated May 18, 2016*
 - *Memorandum from Charles V. Martabano, Esq, dated May 3, 2016*
 - *Formal Application*

- *Approved Site Plan prepared by Grandberg & Associates, dated September 23, 2016*

Conceptual Application:

- i. **EK Construction – 35 & 39 Kiskon Road (Former Whalen's)**
PB2016-0324, 80.48-5-1 & 11 (SBL)
Site Plan and Change of Use
 - *Memorandum from Peter J. Miley, Building Inspector, dated May 18, 2016*
 - *Denial Letter from Peter J. Miley, Building Inspector, dated May 13, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated May 18, 2016*
 - *Memorandum from Charles V. Martabano, dated May 3, 2016*
 - *Memorandum from Insite Engineering, dated May 3, 2016*
 - *Conceptual Application*
 - *Site Plan prepared by Insite Engineering, revised May 3, 2016*
- j. **Bagnato – 205/215 Lexington Avenue**
PB2016-0328, 80.32-4-6 (SBL)
Site Plan
 - *Memorandum from Peter J. Miley, Building Inspector, dated May 17, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated April 20, 2016*
 - *Memorandum from Bagnato 205 Lexington Ave Corp., dated April 5, 2016*
 - *Conceptual Application*
- k. **461 Lexington Avenue , LLC**
PB2016-0329, 80.64-2-15 (SBL)
Site Plan
 - *Memorandum from Peter J. Miley, Building Inspector, dated May 16, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated May 4, 2016*
 - *Conceptual Application*
 - *Site Plan prepared by DiBiase Filkoff Architects, dated April 19, 2016 (11 Sheets)*
- l. **Sani Sherpa – 68 Woodland Street**
PB2016-0330, 80.49-1-11 (SBL)
Site Plan
 - *Memorandum from Peter J. Miley, Building Inspector, dated May 16, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated May 18, 2016*
 - *Conceptual Application*
 - *Plot Plan*
 - *Floor Plans*
 - *As Built Survey prepared by David L. Odell, PLS, dated October 21, 2010*

Correspondence:

- *Village/Town of Mount Kisco Beautification Committee Minutes of April 6, 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 *pm*.

SUBJECT: Bare Burger
441 Main Street, Property ID #80.50-4-4

DATE: April 19, 2016

The applicant has applied to the Zoning Board of Appeals for the required variances.

The applicant has addressed all comments from the Building Department.

Update 5/16/16 – No additional comments.

\mkl



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

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector

SUBJECT: Bare Burger
441 Main Street, Property ID #80.50-4-4

DATE: April 19, 2016

The applicant has applied to the Zoning Board of Appeals for the required variances.

The applicant has addressed all comments from the Building Department.

\mkl



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

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector

SUBJECT: Bare Burger
441 Main Street, Property ID #80.50-4-4

DATE: March 17, 2016

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


1. The applicant needs to provide a coverage calculations worksheet.
2. The applicant shall provide a landscaping plan, the Building Department shall defer to the Village Planner for required landscaping.
3. Exterior lighting shall meet section §110-32 of the Village/Town of Mount Kisco Code, the Building Department shall defer all lighting specifications to the Planning Board, Village Planner, and Village Engineer.
4. All new exterior changes will require additional ARB approvals.
5. The proposed dumpster enclosure: the applicant is proposing a 4 ft-6 in rear yard setback where 6 ft rear yard setback is required, therefore; a 1 ft-6 in rear yard setback variance is required.
6. The applicant is proposing a 8ft high fence where a 6 ft-6 in high fence is permitted, therefore; a 1 ft-6in fence height variance is required.
7. The applicant is proposing 10 exterior tables for outdoor dining where 4 tables are permitted, therefore; a 6 table variance is required.
8. The proposed outdoor dining will require a Special Use Permit.
9. The outdoor dining shall comply with §93-4 D (2) and should be reflected on the plans.

\mkl

MEMORANDUM

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

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: May 18, 2016

RE: Site Plan and Special Use Permit Application – Formal
BareBurger Restaurant
441 East Main Street
Sheet 80.50, Block 4, Lot 4

Village/Town of Mount Kisco
Planning Board

MAY 18 2016

RECEIVED

Project Description

The subject property is comprised of ±0.58 acres of land, is located at 441 East Main Street within the General Retail (GR) Zoning District, and contains a 1-story building formerly occupied by Friendly's. The applicant, BareBurger Restaurant, is currently renovating the space and is proposing amendments to the previously approved site plan, including outdoor seating, landscaping, lighting, and other site improvements.

SEQRA

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

Comments:

1. The configuration of the front seating area has been adjusted and the previously proposed railing has been replaced with a proposed 30-36" evergreen hedge. To alleviate concerns mentioned at the last Planning Board meeting relating to the front seating area being used as a secondary means of ingress/egress to the restaurant or an overflow area from the bar, consideration should be given to separating the main entrance to the restaurant from the outside seating area by extending the evergreen hedge along the southern edge of the seating area and connecting the hedge to the building.
2. The following outstanding comments pertain to the submitted lighting plan:
 - The lighting plan shall be revised to identify that the existing floodlight located at the rear of the building will be exchanged with a downward facing shielded fixture, as identified in the applicant's cover memo.
 - The lighting plan shall be revised to specify that the parking lot lighting will be turned off at the close of business (currently identified as 6:00 p.m – 6:00 a.m.), as identified within the applicant's cover memo.
3. As previously noted, the dumpster enclosure construction detail is not consistent with the Planning Board's standard detail. The applicant is proposing to install a chain link fence with green privacy slats; the enclosure will be surrounded on three (3) sides by landscaping. The Planning Board should determine if the dumpster enclosure, as proposed, is acceptable.

Plans Reviewed, prepared by VKS Architects and dated May 3, 2016:

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

Other Plans and Documents Reviewed:

- Landscape Plan, prepared by A2 Land Consulting, LLC and dated May 3, 2016
- Letter, prepared by VKS Architects, dated May 3, 2016

JKJ/dc

May 3, 2016

VKS Architects

P.O. Box 696
Katonah NY 10536
914-232-9828
vks@vksa.com

To: Village/Town of Mt Kisco
104 Main Street
Mt. Kisco NY 10549

Attn. Planning Board

Village/Town of Mount Kisco
Planning Board

Re: 441 East Main Street (Bareburger)
Tax ID 80.50-4-4

MAY 03 2016

RECEIVED

Dear Sir or Madam:

We hereby submit the revised plans for the Site Plan Approval and Special Use Permit for the property located at 441 East Main Street (the former Friendly's site), in accordance with the comments provided by the Planning Board at the meeting on 4/26/2016, Peter Miley the Building Inspector (dated 4/19/2016), Jan K. Johannessen, AICP, Kellard Sessions Consulting PC, Village Planner (dated 4/20/2016) and Anthony Oliveri, PE; Dolph Rotfeld Engineering PC (dated 4/21/2016) for our Formal Site Plan Submission.

Response to comments from the Planning Board:

1. The majority of discussion was concerning the proposed front patio. While we have limited its size from the previous submission, some of the Board members felt it might create problems being too close to the street. We have reviewed the concept and further modified the patio design, removing the railing and substituting it with more landscaping, further modifying the size and shape and changing the surface from stone paver over concrete to flagstone in stone dust (see revised plans S1 and A2)
2. The Board requested a full rendering of the front façade and the patio area to better understand and evaluate the proposed design. The rendering will be available at the new meeting.

Response to comment from the Building Inspector:

1. Application to the ZBA for required variances for outdoor seating and dumpster enclosure is scheduled to be heard on May 31, 2016.

Response to comments from the Village Planner:

1. The revised lighting plan complies with Chapter 110-32C94) and (5) of the Village Zoning Code.
2. Existing light poles that are scheduled to remain are in good condition. They are installed on elevated bases which has kept the poles in good shape. The poles that are closer to the ground and near the sidewalk are being removed as per plan.
3. The removed light pole bases will be removed.
4. The floodlight on the rear of the building will be replaced with a downward facing shielded light fixture.

5. The hours of operation of the parking lot lighting will coincide with the restaurant operating hours, plus approx. 1 hour before opening and 1 hour after closing.
6. The proposed dumpster enclosure is chain link fence with green privacy inserts. Because of the electrical connection for the compactor, we feel it is unduly cumbersome to install a masonry wall. Also the fencing will provide better access around the dumpster to keep the area clean. The remote location of the dumpster, with the added enclosure and surrounding landscaping seems to fit well on the site.

Response to comments from Village Engineer:

1. The "Permalok" curbing has been replaced with concrete curbs
2. Additionally concrete curbs are now shown around the entire parking lot area.
3. It is confirmed that the drainage off the parking lot is directed predominantly into the centrally located catch basin off the southeast corner of the building. Some overflow will continue to run off the site on the south side, where openings in new curbing will be strategically provided.
4. Additional steel bollards will be provided around the trash enclosure.
5. We have been in contact with the NYC DEP East of Hudson office and will be reviewing the proposed patio in the front of the building, to comply with the RULES AND REGULATIONS FOR THE PROTECTION FROM CONTAMINATION, DEGRADATION AND POLLUTION OF THE NEW YORK CITY WATER SUPPLY AND ITS SOURCES. More information to follow.

We look forward to attending the next Planning Board meeting and to discussing the application with the Board.

Respectfully submitted,


Viktor K. Solarik, AIA LEED AP
VKS Architects

cc. file,
Jill Pescatore, Owner
George Rodas, Bareburger

PUBLIC NOTICE

Please Take Notice that in accordance with Sections 93-4D and 110-46 of the Code of the Village of Mount Kisco Code, a public hearing has been scheduled in connection with site plan and special use permit applications submitted by the applicant. The subject property is comprised of ± 0.58 acres of land, is located at 441 East Main Street within the General Retail (GR) Zoning District, and contains a 1-story building formerly occupied by Friendly's Restaurant. The applicant, BareBurger Restaurant, is currently renovating the space and is proposing amendments to the previously approved site plan, including outdoor seating (9 outdoor tables and 22 seats), landscaping, lighting, and other site improvements. The Planning Board of the Village of Mount Kisco will hold a public hearing on May 24, 2016 at 7:30 PM, or as soon thereafter as possible, in the Frank J. DiMicco, Sr. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment.

All interested parties are invited to attend and be heard.

By order of:

Chairman Joseph Cosentino
Mount Kisco Planning Board

Roemer Betty J
421 Main St
MOUNT KISCO, NY 10549

Village Of Mount Kisco
Main St
MOUNT KISCO, NY 10549

Roemer, Betty J
16 S Bedford Rd
MOUNT KISCO, NY 10549

No West Hosp Assoc
400 Main St
MOUNT KISCO, NY 10549

480 Main Street LLC
480 Main St
MOUNT KISCO, NY 10549

Unknown, Owner
East Side Main St
MOUNT KISCO, NY 10549

IPERS 34 S Bedford Rd Inc
34 S Bedford Rd 207
MOUNT KISCO, NY 10549

Conte, Carmine
460 Main St
MOUNT KISCO, NY 10549

Village Of Mount Kisco
2-24 St Marks Pl
MOUNT KISCO, NY 10549

Jilly C, LLC
441 Main St
MOUNT KISCO, NY 10549

Northern West. Hospital Assoc.
454 Main St
MOUNT KISCO, NY 10549

439 E Main Realty Corp.
439 Main St
MOUNT KISCO, NY 10549

Norcorp Inc
444 Main St
MOUNT KISCO, NY 10549

Country Floral Inc
431 Main St
MOUNT KISCO, NY 10549

Village/Town of Mount Kisco
Planning Board

MAY 03 2016
RECEIVED

AFFIDAVIT OF MAILING

Village/Town of Mount Kisco
Planning Board

STATE OF NEW YORK

COUNTY OF WESTCHESTER

}
} SS.:
}

MAY 04 2016

RECEIVED

Viktor Solarik being duly sworn, deposes

and says:

I reside at 89 Edgemont Rd., Katonah NY 10536

On May 3rd 2016 I served a notice of hearing, a copy of which is annexed hereto and marked Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is annexed hereto as Exhibit B. I deposited a true copy of such notice in a postpaid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.



Sworn to before me on this:

3rd day of May 2016

Ann Bojstrup
Notary Public

ANN BOJSTRUP
NOTARY PUBLIC-STATE OF NEW YORK
No. 01806335579
Qualified In Dutchess County
and Westchester County
My Commission Expires January 19, 2020

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

AFFIDAVIT OF POSTING

Guillermo Gomez, being duly sworn, says that on the 16th day of May 2016, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

_____X_____

Public Library
100 Main Street

_____X_____

Fox Center

_____X_____

Justice Court – Green Street
40 Green Street

_____X_____

Mt. Kisco Ambulance Corp
310 Lexington Ave

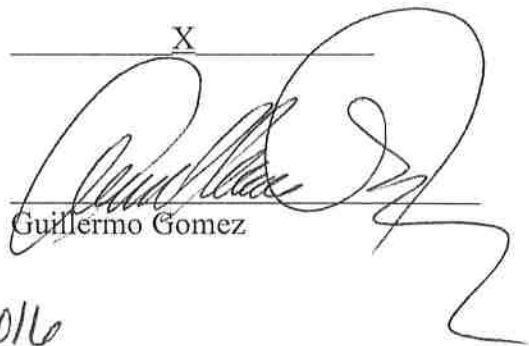
_____X_____

Carpenter Avenue Community House
200 Carpenter Avenue

_____X_____

Leonard Park Multi Purpose Bldg

_____X_____


Guillermo Gomez

Sworn to before me this 16 day of May 2016

Michelle K. Lailer
Notary Public

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

Village/Town of Mount Kisco
Planning Board of Appeals

MAY 16 2016
RECEIVED

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

**AMENDED SITE PLAN APPROVAL
WETLAND PERMIT APPROVAL**

**HVA REALTY, LLC
299 KISCO AVENUE**

**Section 69.49, Block 2, Lot 1
Application No: PB2015-0310**

May 24, 2016

Village/Town of Mount Kisco
Planning Board

MAY 18 2016

RECEIVED

WHEREAS, the subject property, owned by HVA Realty, LLC (“the applicant”), consists of ±1.6 acres of land and is located at 299 Kisco Avenue within the General Commercial (GC) Zoning District (“the subject property”); and

WHEREAS, the subject property is currently developed and used as an automobile dealership, which is a permitted use within the underlying GC Zoning District; and

WHEREAS, the applicant has submitted an application to pave the existing gravel vehicle storage area with porous pavement which necessitates an amendment to the previously approved site plan (“the proposed action”); and

WHEREAS, the proposed action also includes other ancillary improvements such as the reconfiguration of portions of the existing parking layout, the installation of fencing and landscaping, the removal of a storage trailer, and the installation of a dumpster enclosure; and

WHEREAS, an off-site watercourse is located to the north of the subject property and is jurisdictional to the Village of Mount Kisco; and

WHEREAS, improvements are proposed within the Village’s 100-foot buffer area and a Wetland Permit is required from the Planning Board; and

WHEREAS, 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; and

WHEREAS, reference is made to the Stormwater Pollution Prevention Plan, prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC, dated (last revised) April 2016; and

WHEREAS, the proposed action involves filling within the 100-year floodplain and a Floodplain Development Permit will be required from the Building Inspector; and

WHEREAS, reference is made to memorandums issued by the Building Inspector dated December 3, 2015, March 17, 2016 and April 19, 2016; the Village Engineer dated March 17, 2016 and April 21, 2016; and the Village Planner dated March 16, 2016 and April 20, 2016; and

WHEREAS, reference is made to a Planning Board Resolution for Nutrend Motors (Application No. 92-4), dated September 14, 1992; and

WHEREAS, reference is made to prior site plans of record entitled "Proposed Site Plan for J.S. Realty Company", prepared by Petruccelli Engineering, dated (last revised) August 14, 1992 and "Landscape Plan", prepared by John Slaker Design Group, dated (last revised) August 29, 1997; and

WHEREAS, the Village of Mount Kisco Zoning Board of Appeals granted area variances on July 28, 1992, which are identified and described in a memorandum from Austin Cassidy, former Building Inspector, dated August 19, 1992; and

WHEREAS, the proposed action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617.4; and

WHEREAS, the applicant has submitted the Short Environmental Assessment Form (EAF), dated March 1, 2016; and

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

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

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

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

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

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

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

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

The following plans, prepared by Langan, dated (last revised) April 29, 2016:

- Site Plan (CS101)
- Existing Conditions & Site Removals Plan (EX101)
- Existing Conditions Lighting Plan (LL101)
- Details (CS501)

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

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

1. It is the applicant’s responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. The applicant shall obtain/maintain the following identified outside agency approvals, as necessary; copies of said permits/approvals shall be submitted to the Planning Board and Building Department. In the event that such permit(s) require any 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:
 - NYCDEP Stormwater Pollution Prevention Plan Approval
2. The landscaping planter located at the southwest corner of the subject property shall be shown to extend to meet the proposed reconfigured curb line.
3. The cloud denoting the landscaped area to be restored (located between the proposed porous pavement area and Holiday Inn Drive) shall be revised to include a strip of land ±70 feet long extending in a westerly direction from the Holiday Inn right-of-way, consistent with the site plan of record.
4. The following note shall be added to the Existing Conditions Lighting Plan (LL101): “All exterior adjustable light fixtures shall be positioned in the downward facing position”.
5. The applicant shall satisfactorily address any outstanding written comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.

6. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.
7. 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.
8. The approved plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved site plan, signed and sealed by a NYS Professional Engineer, for final review by Village staff and for signature by Village staff and the Planning Board Chairman.

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

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

Conditions to be Satisfied Prior to Commencement of Any Work:

10. The applicant shall obtain a Floodplain Development Permit from the Building Inspector.
11. To the extent determined necessary, the applicant shall submit the Notice of Intent (NOI) and MS4 SWPPP Acceptance Form to the Village Engineer. Following the Village Engineer's review and approval of these documents, the Village's MS4 Official shall sign the SWPPP Acceptance Form. The applicant shall submit the completed Acceptance Form, along with the Notice of Intent (NOI), to the NYSDEC, Division of Water and copy the Village Engineer with same. The applicant shall demonstrate coverage under SPDES General Permit GP-0-15-002.
12. 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.
13. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS licensed land surveyor.
14. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector, and Village Engineer.

Conditions to be Satisfied During Construction:

15. The applicant shall comply with Chapter 92A of the Village Code and the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity.

16. All construction activities shall be performed during the times permitted under the Village Code.

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

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

Other Conditions:

23. The Planning Board is to retain original jurisdiction.
24. Nothing herein shall be construed as approving a change of use, or intensification of use; the purpose and intent of the subject application is pave the existing gravel vehicle storage area with porous pavement.
25. Reference is made to prior site plans of record entitled "Proposed Site Plan for J.S. Realty Company", prepared by Petruccelli Engineering, dated (last revised) August 14, 1992 and "Landscape Plan", prepared by John Slaker Design Group, dated (last revised) August 29, 1997. All construction, design, approvals, conditions, notes, restrictions and requirements of any previously approved site plan shall remain applicable except and only to the extent that same is proposed to be modified.
26. 7,000 s.f. of the porous pavement area shall be converted back to green space if the use of the subject property changes.
27. All vehicles stored on the subject property shall be automotive inventory for the purpose of sale or lease by the on-site dealership.

28. The porous pavement area shall not be re-paved with an impervious surface.
29. All repairs and service shall be performed within a totally enclosed building.
30. With the exception of building mounted security lights, all exterior on-site lighting shall be turned off during non-operating hours.
31. All exterior adjustable light fixtures shall be positioned in the downward facing position.
32. Motor vehicles stored or displayed on the exterior of the building shall not contain or bear advertising gimmicks or devices.
33. Storage and display of motor vehicles shall be located in areas designated as such on the approved plans.
34. The loading and unloading of transported vehicles is prohibited from occurring on the subject property or within the public right-of-way. Vehicle deliveries shall take place at an approved off-site location. Acceptance of vehicle deliveries in any unauthorized fashion shall constitute a violation of the site plan and special use permit.
35. 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.
36. On-site and off-site landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant/property owner 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.
37. Site lighting shall be consistent with the approved lighting plan.
38. 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 permit revocations pursuant to applicable law. Deviation from any such approvals may render this Site Plan and Wetland Permit or certificates of occupancy issued in conjunction therewith null and void.

ADOPTION OF RESOLUTION

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

The motion was made by: _____

The motion was seconded by: _____

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

Joseph Cosentino, Chairman

May 24, 2016

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

Village/Town of Mount Kisco
Planning Board

MAY 18 2016

RECEIVED

Date: May 24, 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: HVA Realty, LLC

SEQRA Status: ☐ Type I

☒ Unlisted

Conditioned Negative Declaration: ☐ Yes

☒ No

Coordinated Review: ☐ Yes

☒ No

Description of Action: The subject property, owned by HVA Realty, LLC ("the applicant"), consists of ± 1.6 acres of land and is located at 299 Kisco Avenue within the General Commercial (GC) Zoning District ("the subject property"). The subject property is currently developed and used as an automobile dealership, which is a permitted use within the underlying GC Zoning District. The applicant has submitted an application to pave the existing gravel vehicle storage area with porous pavement which necessitates an amendment to the previously approved site plan ("the proposed action"). The proposed action also includes other ancillary improvements, such as the reconfiguration of portions of the existing parking layout, the installation of fencing and landscaping, the removal of a storage trailer, and the installation of a dumpster enclosure.

Location: 299 Kisco Avenue, Mount Kisco, New York

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

1. The proposed action will not result in a substantial adverse change in the existing

air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

The proposed action involves the paving of an existing gravel parking lot with porous pavement; the extent of the parking area and the intensity of the use is not proposed to change. An off-site watercourse is located to the north of the subject property and the improvements are proposed within the Village's 100-foot buffer area; a Wetland Permit is required from the Planning Board. Further, 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 Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC, dated (last revised) April 2016. The installation of porous pavement in lieu of a gravel surface will not have a significant impact on the adjacent watercourse and, in some respects, will result in an environmental benefit.

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

The limits of the parking area are not proposed to change; all work areas are previously disturbed and developed.

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

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

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

The proposed action will not require a zoning variance or result in a zoning or Master Plan inconsistency.

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

The limits of the parking area are not proposed to change; all areas are previously disturbed and developed. Existing fencing, landscaping and lighting improvements will either be restored or replaced.

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

This notice is being filed with:

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



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

MEMORANDUM

TO: Chairman Cosentino and Members of the Planning Board

FROM: Peter Miley, Building Inspector *pm*

SUBJECT: HVA Realty, LLC
299 Kisco Avenue, Property ID #69.49-2-1

DATE: April 19, 2016

The applicant is applying for Formal Amended Site Plan to install pervious pavement to replace existing gravel.

At this time the applicant has addressed all comments from the Building Department.

May 16, 2016: No additional comments.

/mkl

MEMORANDUM

TO: Chairman Cosentino and Members of the Planning Board

FROM: Peter Miley, Building Inspector

SUBJECT: HVA Realty, LLC
299 Kisco Avenue, Property ID #69.49-2-1

DATE: April 19, 2016

The applicant is applying for Formal Amended Site Plan to install pervious pavement to replace existing gravel.

At this time the applicant has addressed all comments from the Building Department.

May 16, 2016: No additional comments are this time

/mkl



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

MEMORANDUM

TO: Chairman Cosentino and Members of the Planning Board

FROM: Peter Miley, Building Inspector *pm*

SUBJECT: HVA Realty, LLC
299 Kisco Avenue, Property ID #69.49-2-1

DATE: April 19, 2016

The applicant is applying for Formal Amended Site Plan to install pervious pavement to replace existing gravel.

At this time the applicant has addressed all comments from the Building Department.

/mkl



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

MEMORANDUM

TO: Chairman Cosentino and Members of the Planning Board

FROM: Peter Miley, Building Inspector *P M*

SUBJECT: HVA Realty, LLC
299 Kisco Avenue, Property ID #69.49-2-1

DATE: March 17, 2016

The applicant is applying for Formal Amended Site Plan to install pervious pavement to replace existing gravel.

A review of the proposed application for Formal Amended Site Plan reveals the following items:

1. The property is located within the Designated Main Street area and will require additional approvals.
2. As per the note of 1992, the originally approved site plan "During life of graveled storage age, area is not to be paved."
3. Prior approved variance indicates a maximum of 92% development coverage. Proposed site plan adheres to variance dated July 28, 1992.
4. The proposed site plan reflects parking dimensions of the August 14, 1992 site plan, new striping of parking area is proposed to adhere to those dimensions.
5. The site plan should include an area for off-loading of off-street vehicles.

/mkl




VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

MEMORANDUM

TO: Chairman Cosentino and Members of the Planning Board

FROM: Robert Melillo, Assistant Building Inspector 

SUBJECT: HVA Realty, LLC
299 Kisco Avenue, Property ID #69.44-2-1

DATE: December 3, 2015

The applicant is applying for Conceptual Amended Site Plan to install pervious pavement to replace existing gravel.

A review of the proposed application for Conceptual Amended Site Plan reveals the following items that need to be addressed:

- The property is located within the Designated Main Street area and will require additional approvals
- The applicant needs to provide the last approved site plan
- The applicant needs to supply detailed drawings of the proposed dumpster enclosure
- The unloading of vehicles should be shown on the plans
- Handicap parking should be located as close to the entrances as possible
- The applicant needs to provide an existing site condition survey
- Parking spaces on the northern end of the property are required to have a depth of 18' 6" as per Code
- Proposed circulation arrows should be included in the plans
- The applicant is proposing to comply to the proposed landscaping plans of record
- The applicant needs to file a Flood Plain Development Permit in addition to their application
- The applicant is proposing a 12" high knee wall around the perimeter of the vehicle storage area
- As per the note of 1992, the originally approved site plan "During life of graveled store area, area not to be paved"
- A coverage calculation worksheet needs to be filled out and submitted to ensure no variances are required

April 29, 2016

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

Village/Town of Mount Kisco
Planning Board

APR 29 2016

RECEIVED

**Re: Application of HVA Realty, LLC for Amended Site Plan Approval
299 Kisco Avenue
Mount Kisco, New York 10549
Langan Project No.: 190015202**

Dear Chairman Cosentino and Members of the Planning Board:

In response to the review comments received by the village consultants for the above referenced application for Amended Site Plan Approval. We are submitting revised documents that address all outstanding comments:

Attached please find the following items:

- 14 copies of Site Plans last revised April 29, 2016 (4 sheets).

The following is an itemized response to the comments highlighted in your review letter (comments are italicized and responses are in bold text):

A. Comment Memorandum from Jan K. Johannessen, dated April 20, 2016:

Comment 1. The applicant has satisfactorily addressed the majority of the comments contained within our March 16, 2016 memorandum.

Response: Comment Noted.

Comment 2. It is recommended that the lighting plan be revised to demonstrate compliance with the Village's exterior lighting requirements. It is recommended that a table be added to the plan which compares the existing/proposed condition to the lighting requirements outlined under Chapter 110-32C(4) and (30) of the Village Zoning Code.

Response: A site illuminance table has been provided on the Lighting Plan.

Comment 3. What is the purpose/use of the existing metal container located in the northeast corner of the subject property? Is the container proposed to be removed? If so, the plan should be revised to note its removal.

Response: A label has been provided on the Existing Conditions & Site Removals Plan that states the metal container will be removed.

B. Comment Memorandum from Anthony Oliveri, P.E. dated April 21, 2016

Comment 4. As noted previously, parking striping is being reconfigured and it appears to all be 9'-0" width, this width is allowed for long term parking, if any parking is designated as short-term, it should be 9'-6" in width.

Response: As requested, a note has been provided for the short term parking spaces along Holiday Inn Drive and the parking striping has been revised to 9'-6" in width on the Site Plan.

Comment 5. As noted previously, the parking along the north vehicle storage area utilized a 2' overhang per the last approved site plan. The current proposal should note this same overhang provision.

Response: A note has been provided to identify the 16'-6" long spaces with the 2'-0" overhang on the Site Plan.

Should you have any questions or require any additional information please do not hesitate to contact this office. Thank you.

Sincerely,

**Langan Engineering, Environmental, Surveying
and Landscape Architecture, D.P.C.**



W. Charles Utschig Jr., PE
Associate

cc: Tom Kriz (electronic copy)
Charles Martabano (electronic copy)

\\Langan.com\data\WPW\data2\190015202\Office Data\Correspondence\Letter\2016-04-29 - Response Letter to PB.docx



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

MEMORANDUM

TO: Mount Kisco Planning Board

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

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

DATE: May 20, 2016

A review of the formal application for a Change of Use permit reveals the following:

1. Based on the historical parking calculation based on previous approvals, the applicant has a credit of 39 parking spaces. The total required of "75%" is 30 parking spaces.
2. The applicant is providing 4 off-street parking spaces. The credit of street parking is 26 spaces.
3. The proposed use for the first floor is general retail with storage.
4. The proposed use for the second floor is physical training studio.
5. The original use for spaces A and B, level 1 and 2 was retail sales of bulk household items. Proposed use for floor 1 is general retail and floor 2 is physical training studio therefore; a Change of Use permit is required.
6. Floor 2 is a proposed physical training studio with a maximum allowed, not to exceed 2,500 square feet of gross floor area. The proposed is 5,070 square feet therefore; a variance of 2,570 square feet of gross floor area is required as per the *Village/Town of Mount Kisco §110-16 B O*.

/mkl

MEMORANDUM

Village/Town of Mount Kisco
Planning Board

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

MAY 18 2016

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

RECEIVED

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: May 18, 2016

RE: Conceptual Review – Change of Use Application
Hudson Riley, LLC
179 East Main Street
Section 80.25, Block 3, Lot 26.1

Project Description

The Planning Board granted Site Plan Approval via Resolution dated June 9, 2015 and the Site Plan was signed on September 23, 2015 by the Planning Board Chairman. The use of the building at time of Site Plan Approval was unknown and, therefore, a condition of the Planning Board's Resolution required the applicant to re-appear before the Planning Board for a Change of Use Permit before any use is established. The applicant is proposing significant improvements to the building and has identified a proposed use for each of the building's three (3) floors. The first floor is proposed to be occupied by a retail use, the second floor is proposed to be occupied by a specialty physical training studio and the third floor is intended to be used for the storage of the owner's personal car collection.

SEQRA

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

Chairman Joseph Cosentino
May 18, 2016
Page 2 of 2

Plan Comments

1. While we defer to the Building Inspector regarding zoning and parking compliance, the proposed use(s) appear to be permitted and the parking calculation appears consistent with that outlined in the Planning Board's June 9, 2015 Resolution.
2. Proposed floor plans (each floor) must be submitted for review; floor area calculations should be provided so as to verify the parking calculation.

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

Plans Reviewed:

- Historical Parking Calculations, Site Plan (PC-1), prepared by Grandberg & Associates, dated (last revised) September 18, 2015 (Signed Site Plan)
- Proposed Lighting Plan, prepared by JMC, dated (last revised) September 1, 2015

Documents Reviewed:

- Conceptual Review Application – Change of Use
- Letter, prepared by Charles V. Martabano, dated May 3, 2016
- Planning Board Resolution, dated June 9, 2015

JKJ/dc

Application for Site Plan/Subdivision/Special Use Permit Approval

Village/Town of Mount Kisco
~~PLANNING~~ Board of Appeals

Submission Date 5/3/16

MAY 17 2016

Application Fee 500-

(Due 21 Days in advance of Planning Board Meeting)

Escrow Fee 5,000-

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: HUDSON RILEY, LLC

Address: 700 OLD POST ROAD, BEDFORD, NY

Phone Number: 914.439.2074 Fax: _____

Email: MATTHEW.TYNAN@PRKELINE.COM

Applicant's relationship to property: OWNER

Name of Property Owner: (if different from above) MATTHEW TYNAN, SUB MEMBER OF HUDSON RILEY, LLC

Address: SAME AS ABOVE

Phone Number: _____ Fax: _____ Email: _____

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

Application Information:

Project Name: HUDSON RILEY, LLC

Project Address/Location: 179 EAST MAIN STREET

Property Tax #: 80.25 / 3 / 26.1

Proposed Use (be specific): RETAIL / PHY. THERAPY / STORAGE

Proposed New Floor Area(s) (square feet): GROSS 5070 EA. FLR. / 3 FLOORS

Number of newly created parking spaces: 0

Number of newly created building lots: 0

Number of newly created curb cuts: 0

Number of newly created water connections: 1 (FIRE SPRINKLER)

Number of newly created sewer connections: 0

Conformance with Lot and Bulk Requirements:

What is the Zoning Classification of the site?

CB-2

	Required	Proposed
Minimum Gross Site Area		
Minimum Lot Area		9,780 sq exist'g
Maximum Building Coverage	75%	52% NO CHANGE
Maximum Site Development Coverage	90%	90% NO CHANGE
Minimum Lot Depth	-	-
Maximum Lot Width	-	-
Yard Setbacks:		
Front	NONE	6.9' exist'g
Rear	20'	51' exist'g
Side	NONE	1.8' exist'g
Buffer:		
Front		
Rear		
Side		
Maximum Building Height	3 stories / 40'	3 stories / 38' ±
Required Parking Spaces	39	39
Other		

Do any easement agreements, property covenants or deed restrictions apply to this property?

Yes ☒ No ☐

If yes, please list these documents and attach copies.

12' TURN AROUND EASEMENT
6' FIRE ESCAPE EASEMENT

Will action require approval from the New York State Department of Transportation?

Yes ☐ No ☒

Will action require approval from the New York City Department of Environmental Protection?

Yes ☐ No ☒

Will action require approval from the New York State Department of Environmental Conservation?

Yes ☐ No ☒

Will action disturb any wetlands or wetland buffer?

Yes ☐ No ☒

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

Will action disturb any steep slopes greater than 20 percent?

Yes ☐ No ☒

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

Note: APPLICATION WILL ONLY BE PROCESSED WHEN:

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

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

Applicant's Signature

M. Jan

date

5/17/16

Owner's Signature

M. Jan

date

5/17/16

Application reviewed by: _____ Date: _____

CHARLES V. MARTABANO
Attorney at Law

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

May 3, 2016

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

Village/Town of Mount Kisco
Planning Board

MAY 03 2016

RECEIVED

Re: Application of Matthew Tynan/Hudson Riley, LLC for Change of Use
relating to 179 East Main Street, Mount Kisco, New York
Section 80.25, Block 3, Lot 26.1

Dear Chairman Cosentino and Members of the Planning Board:

We are pleased to present to you an application by Hudson Riley, LLC for change of use of the above referenced property in the manner hereinafter described. By way of review, I am certain that most of you are familiar with this building as the very long-term home of Leisure Living, a company which utilized the building for retail sales of bulk household items (primarily patio furniture) and associated storage. Regrettably, for as long as I can remember, the building has remained essentially unimproved and ill maintained in all respects and, as a consequence thereof, the building became very deteriorated, not merely in connection with its exterior appearance (which, as I am certain Board members agree, resembles almost a blighted condition) but also in connection with building infrastructure which precludes it from being rentable. The present owner acquired the property in March of 2015 and has, since that date, been contemplating making significant improvements to the building which, in turn, necessitates occupancy of the building or a significant portion thereof, by rent paying tenants. The planned improvements include:

- design and installation of cores for each floor;
- installation of a new domestic water distribution system;
- installation of new boilers and hot water heaters;
- installation of a new sprinkler system;
- installation of new HVAC systems for each floor;
- installation of new electrical distribution systems;

- installation of new insulated perimeter walls together with interior partitioning;
- installation of new aluminum and glass storefront on the ground floor of the East Main Street side;
- installation of new windows;
- sandblasting of painted brick façade to reveal underlying brick façade
- masonry repair;
- installation of new marble bulkheads;
- installation of new awnings;
- repair and repaint concrete party walls to harmonize with brick façade.

Representatives of Grandberg and Associates will be present at the meeting of your Board to review the planned improvements with you.

In determining future tenancies, the applicant has been guided by the content of the Resolution of site plan approval issued by your Board on June 9, 2015 (hereinafter "Resolution") which such Resolution established the parking credit applicable to the building by reason of its status as a pre-existing nonconforming structure. That Resolution also provided, *inter alia*, that the future occupancy of the building would be the subject matter of an application to your Board for a change of use. This letter shall serve to advise the Board of the planned future occupancy of the building so as to obtain your Board's consent to the planned change of use so that the structure can be rehabilitated and become part of the trend of revitalization of the downtown Mount Kisco area.

Establishment of the Parking Credit under the Resolution

Your Board properly approached the issue of the future use of the building and the parking applicable thereto by determining what was described in the Resolution as a parking credit predicated upon a stated determination by the Building Department referenced therein. In this regard, after acknowledging that the building was located in the CB-2 zoning district and therefore required to provide only 75% of the off-street parking requirements otherwise specified in the Code, the recitals of the Resolution confirm the existence of a Building Department determination whereby "the subject building and shortfall of required off-street parking spaces is an existing nonconforming condition and, in establishing an off-street parking credit for the subject property, [the Building Department] will rely on the parking requirement specified for the last approved use". Immediately following this recital, the Resolution included the following table for determination of the off-street parking credit:

Floor Level	Use	Floor Area	Calculation	Number of Required Spaces
1	Retail Sales of Bulk Household Items	5,070 s.f.	1 space per 300 s.f.	17 Spaces
2	Retail Sales of Bulk Household Items	5,070 s.f.	1 space per 300 s.f.	17 Spaces
3	Storage	5,070 s.f.	1 space per 1,000 s.f.	5 spaces
Total				39 Spaces
Total Required (75%)				30 spaces
Off-Street Parking Provided				5 Spaces¹
Off-Street Parking Credit				25 Spaces²

In view of the determination of the Board, the applicant sought to obtain tenants whose proposed uses and business plans would allow for the rental of the building in a manner which would fit within the parking parameters previously applicable to the prior use of the building as detailed in the chart included in the Resolution. After multiple meetings with staff, the applicant has settled upon and provided detailed analysis for specific uses for all three floors of the building and the parking requirements applicable to the building as contemplated to be utilized in fact fit well within the parameters established by the Resolution. In this regard, the applicant proposes:

1. a retail and storage use on the first floor;
2. a highly specialized, exceedingly low volume physical training/therapy use for special needs children on the second floor;
3. storage of the personal car collection (all modern vehicles) of the sole member of the ownership entity on the third floor.

As will be demonstrated below, based upon the details of the operations of the proposed tenants and determination of the required number of parking spaces utilizing the chart format adopted by the Planning Board, the proposed change of use and the parking requirements associated

¹ In point of fact, the site plan was required to be revised to provide a handicapped parking space in the previously five space parking lot. Unfortunately, the provision of this handicapped space actually required elimination of one of the remaining four spaces with the result that only four parking spaces are provided. The resultant off-street parking credit is therefore 26 spaces under the revised site plan and will be used in the computations below.

² Same comment.

therewith clearly fall within the ambit of the combination of the parking provided and off-street parking credit applied to the subject property pursuant to the Resolution.

Details of Proposed Uses

1. Storage of Personal Car Collection of Single Individual - Third Floor

Dealing first with the simplest of the uses, as set forth above, the third floor of the subject building will be utilized for the storage of the personal car collection of the sole member of the ownership entity, Matthew Tynan. It is imperative for the Board to understand in this regard that although classification of this use most nearly fits the storage use category as set forth in the Code (and which was the classification previously applied to the use of the third floor of the building under the Resolution resulting in a determination of a parking requirement of five (5) parking spaces at one space per 1000 SF), the storage used by Mr. Tynan is in fact nowhere near as intensive as a "conventional" storage use. In fact, although we have utilized the same storage parking standard for purposes of establishment of what we believe to be unequivocal compliance of the application with the combination of off-street parking provided and the off-street parking credit established by the Resolution, we believe that upon proper analysis, your Board could exercise its discretion to require a lesser parking standard for this use under these unusual conditions. We make this statement in view of the fact that Mr. Tynan is the only user of this facility as it is for his personal car collection. The vehicles are merely stored on the third floor. They are not serviced or maintained in the building. There is no need for any other person to have access to the third floor of the building. The point is that, in complete contrast to a conventional storage use, this use (storage of the personal car collection of one individual) can hardly be said to justify a parking requirement of five (5) off-street parking spaces. Nevertheless, we are going to utilize the designated figure for this purpose.

2. Highly Specialized Physical Training Use – Second Floor

Upwards Pediatric Therapy will utilize the second floor of the building for a most unique and extremely limited use physical training/therapy studio. Upwards Pediatric Therapy provides services for children (infants to 18 years of age) who have physical, neurological and developmental challenges that affect core strength, coordination, learning, motor planning, movement and sensory planning. These challenges may include:

- ADHD
- Acquired Brain Injury
- Apraxia & Dyspraxia
- Auditory Processing Disorders
- Autism Spectrum Disorders
- Cerebral Palsy
- Congenital Disorders

- Down Syndrome
- General Developmental Delay
- Hemiparesis & Hemiplegia
- Hydrocephalus
- Hypertonia & Hypotonia
- Juvenile Rheumatoid Arthritis
- Leukodystrophy
- Motor Delay
- Muscular Dystrophy
- Pervasive Developmental Disorders
- Rasmussen Encephalitis
- Rett Syndrome
- Seizure Disorders
- Sensory Processing Disorders
- Spastic Diplegia & Quadriplegia
- Stroke Damage
- Traumatic Brain Injury
- Visual Perceptual Disorders
- Williams Syndrome

An understanding of this use cannot be fully grasped until one examines the proposed floor plan and understands the business model. First, in terms of staffing, there will generally not be more than two staff members on site at any time and, in confirmation of the foregoing, the floor plan provides for only two offices³. In terms of participants, there will never be more than two participants receiving training/therapy at any given time. The physical training/therapy provided is, as you might expect, very highly specialized and very "custom tailored" to the client. The entirety of the physical training/therapy facilities includes what is referred to as a "dark room" (utilized to calm and acclimate the child prior to training/therapy) and a very large gym which provides for a multiplicity of physical training/therapy routines and equipment. The nature and means of the physical training/therapy services vary from client to client as aforesaid and the facility is designed to accommodate various different disciplines. It is a highly specialized training facility and provides a very necessary service in a very low volume context which is an essential component of the services provided i.e. one on one physical training/therapy. Additional details can be provided by one of the principals of Upwards Pediatric Therapy if deemed necessary by the Board. In terms of the parking standard applicable to physical training studios, the parking required is one space per two participants, plus one space per staff member at peak utilization. Based upon the representations set forth above, and understanding that such representations may be imposed as conditions on the use, we believe the appropriate parking requirement to be three (3) parking spaces for this most unique and necessary use.

3. Retail Use-Pottery Factory-First Floor

³ Occasionally, the two partners of Upwards Therapy may have a third trainee staff member, typically a college or post-graduate student that is learning the profession through an apprentice-like model. As shown below, was this to occur, the use would still fall within the parking parameters set forth in the chart below.

The first floor will be occupied by the Pottery Factory, a retail use which sells a wide variety of what perhaps best can be described as "creativity based" consumer goods (pottery, canvass and art supplies, glass fusing supplies, candle making components etc.) which are sold to customers who thereafter are encouraged to create their own personalized end products whether same be a custom painted ceramic piece or a personalized painting, candle or glass artwork. As can be seen by reference to the floor plan, the majority of the space is dedicated to retail shelving and seating for customers to create their personalized artwork. Basic instructional assistance is provided to help customers select their paints or other types of supplies. Parties are available for both children and adults and can include an instructor with almost all such parties being "off-hours" in terms of traffic generation. In fact, most of the busiest times of use of the facility may well be considered to be "off-hours" because these hours include:

- Saturday 2:00 PM to 4:00 PM/6:00 PM to 9:00 PM
- Friday 6:00 PM to 9:00 PM
- Sunday 1:00 PM to 3:00 PM
- Thursday 6:00 PM to 9:00 PM

Members of the Board who have been long-term residents of the Village are very familiar with this type of use. In fact, a virtually identical use previously existed within a stone's throw from the subject property. Board members may recall a business located at 217 E. Main Street known as "The Paint Bar". My children attended parties at this business which, as you may recall, in virtually identical manner to the Pottery Factory, sold ceramic figures and painting supplies (among other items) and provided tables and chairs for the purchasers to personalize their purchases.

Because the vast majority of the space will be utilized for the retail purposes hereinabove described, other than the space utilized for storage, we have applied the retail parking standard to this use. It should be noted in this regard that, because the Resolution utilized outside wall measurements for computation of required parking, we have continued to utilize those numbers although, in fact, detailed measurements of the relevant floor space result in far lesser numbers to be applied. However, and solely for the purpose of demonstrating compliance with the Resolution, we have arrived at a parking requirement of 29.46 parking spaces based upon 4270 SF of retail space and 800 SF of storage space. Were it not for the desire to demonstrate unequivocal compliance with the Resolution, we would have utilized actual measurements which would have resulted in a requirement of 26 parking spaces. However, even utilizing these higher numbers, the comparative parking chart reveals the following in terms of compliance with the required parking plus off-street parking credit as set forth in the Resolution. As you may recall, the chart utilized in that Resolution provided for 30 parking spaces (provided and as a consequence of application of the credit) for future uses based upon historical uses at the 75% parking standard applicable to the CB-2 zoning district. The corresponding numbers based upon the uses described above would be as follows:

Floor Level	Use	Floor Area	Calculation	Number of Required Spaces
1	General retail Storage	4270 SF 800 SF	1 space per 150 SF 1 space per 1000 SF	29. ⁴ Spaces 1 Space
2	Physical Training Studio	5,070 SF	1 space per 2 participants and per staff member.	3 Spaces
3	Storage	5,070 SF	1 space per 1,000 SF	5 spaces
Total				38⁵ Spaces
Total Required (75%)				29⁶ spaces
Off-Street Parking Provided				4 Spaces
Off-Street Parking Credit				26 Spaces

It is therefore respectfully requested that the unique admixture of uses contemplated by the business owner and as described above clearly comply with the terms of the Resolution of the Planning Board without any necessity for issuance of a variance.

As I would hope that members of the Board would recognize, this applicant has gone to great lengths to obtain and propose for your Board's consideration a most unique admixture of uses which fall within the purview of the Resolution as aforesaid and minimize the impact of tenancing a building of this size in the downtown area while the same time providing a basis for the applicant to invest money in the rehabilitation of a building which has heretofore been left to deteriorate notwithstanding its prominent location in the Village. As set forth above, Grandberg and Associates will provide for your Board a description of the improvements to the building as planned by the applicant which will clearly inure to the benefit of the Village of Mount Kisco most notably in connection with the exterior appearance of a building located in a highly visible location. We would therefore request that your Board approve the requested change of use based upon the tenant mix referenced above. As also indicated above, the applicant understands that the representations set forth herein may well be incorporated as part of your Resolution.

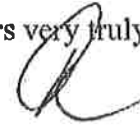
We look forward to appearing before your Board at its meeting of May 24, 2016. If, prior to that time, any member of the Board or any consultant to the Board requires any further information or specification with respect to the information set forth above, we would appreciate being advised as to that fact prior to the meeting so that we can be certain to respond to any identified questions or concerns at the time of the meeting.

⁴ rounded up from 28.46

⁵ rounded up from 37.46

⁶ rounded up from 28.09

Yours very truly,



Charles V. Martabano

cc: Matthew Tynan/Hudson Riley, LLC
Pottery Factory
Upwards Pediatric Therapy
Grandberg and Associates
Building Inspector Peter Miley
Village Planning Consultant Jan Johannessen

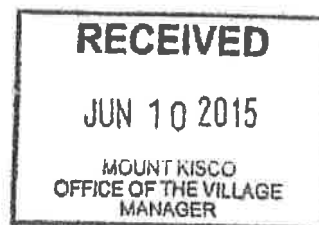
**PLANNING BOARD
VILLAGE OF MOUNT KISCO**

SITE PLAN APPROVAL

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

**Section 80.25, Block 3, Lot 26.1
Application No: PB2015-0301**

June 9, 2015



Village/Town of Mount Kisco
Planning Board

MAY 04 2016

RECEIVED

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

WHEREAS, the subject property is developed with a 3-story building with a gross floor area of 15,210 s.f., an asphalt parking area that accommodates six (6) vehicles, and a concrete ramp that provides vehicular access to the third floor of the building; and

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

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

WHEREAS, all uses within the CB-2 Zoning District are required to provide 75% of the off-street parking requirement specified under Section 110-28K of the Zoning Code; and

WHEREAS, the last approved use of the subject building consisted of "retail sales of bulk household items" on the first and second floors and "storage" on the third floor, which results in the below off-street parking requirement as determined by the Building Inspector; and

WHEREAS, the Building Department has determined that the subject building and shortfall of required off-street parking spaces is an existing nonconforming condition and, in establishing an off-street parking credit for the subject property, will rely on the parking requirement specified for the last approved use; and

Floor Level	Use	Floor Area	Calculation	Number of Required Spaces
1	Retail Sales of Bulk Household Items	5,070 s.f.	1 space per 300 s.f.	17 Spaces
2	Retail Sales of Bulk Household Items	5,070 s.f.	1 space per 300 s.f.	17 Spaces
3	Storage	5,070 s.f.	1 space per 1,000 s.f.	5 spaces
Total				39 Spaces
Total Required (75%)				30 spaces
Off-Street Parking Provided				5 Spaces
Off-Street Parking Credit				25 Spaces

WHEREAS, pursuant to Section 110-45A(3) of the Zoning Code, no Building Permit or change of use shall be issued until a site plan or site plan amendment is approved by the Planning Board; and

WHEREAS, the subject property contains no site plan of record and; therefore, the applicant has applied to the Planning Board for site plan approval; and

WHEREAS, as stated previously, the subject building is currently vacant and the future tenancy of the building is unknown; and

WHEREAS, the owner/applicant has agreed that prior to the occupation of the building by any tenant or use, the owner/applicant will make application to the Planning Board for a Change of Use Permit and/or an Amended Site Plan, as applicable; and

WHEREAS, reference is made to review memorandums, prepared by the Village Engineer (dated April 22, 2015) and the Village Planner (dated April 22, 2015); and

WHEREAS, reference is made to an existing conditions survey entitled "Survey of Property Prepared for Hudson Riley, LLC", prepared by H. Stanley Johnson and Company, dated April 6, 2015; and

WHEREAS, the Planning Board has determined that the submitted site plan, once revised to address the conditions contained herein, is in substantial conformance with the requirements outlined under Section 110-45D of the Zoning Code; and

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

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board of the Village of Mount Kisco hereby grants Site Plan Approval and approves the following plan (hereafter referred to as "the approved site plan"), prepared by Grandberg & Associates and dated (last revised) April 28, 2015, subject to the below conditions:

- "Historical Parking Calculations" (Sheet PC-1)

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

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

1. The title of the plan approved herein shall be revised to include the words "site plan" and shall be revised to satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
2. The approved site plan shall be revised to remove all "clouds" and the parking tabulation shall be revised to be consistent with that provided within this Resolution.
3. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
4. The approved site plan referenced herein shall be revised to conform to the above conditions and to the satisfaction of Village staff. The owner/applicant shall submit four (4) original copies of the approved site plan referenced herein, signed and sealed by a the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman.

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

5. The owner/applicant shall satisfy the above conditions and the approved site plan shall be signed by Village staff and the Planning Board Chairman.
6. All applicable Village, County, State, and Federal permits/approvals (if any) shall be obtained by the owner/applicant and copies of same submitted to the Planning Board and Building Department. In the event that such permit(s) require any modification to the site plan approved herein, a determination shall be made by the Building Inspector and

Village Engineer as to whether the modification is substantive and should be returned to the Planning Board.

Prior to the Commencement of Work:

7. At the discretion of the Building Inspector, a pre-construction meeting shall be conducted with the owner/applicant, contractor, and Building Inspector.

Conditions to be Satisfied Prior to the Issuance of any Final Certificate of Occupancy Associated with the Subject Building:

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

Other Conditions:

12. Prior to the occupation of the building by any tenant or use, the owner/applicant shall make application to the Planning Board for a Change of Use Permit and/or an Amended Site Plan, as applicable.
13. Any new signage and building façade modifications shall be approved by the ARB.
14. There shall be no further demising of space, expansion, or increased utilization of space unless otherwise approved by the Planning Board.
15. All refuse storage and pick-up shall comply with the Code of the Village/Town of Mount Kisco.
16. No deliveries, pickups, refuse storage, or other external operations shall be conducted in a manner that at any time, interferes with the free flow of vehicular or pedestrian traffic, creates a potential hazard or results in an offensive or unsanitary condition. It shall be a violation of this site plan to accept deliveries or have pick-ups by vendors, service providers, purveyors, employees, agents and patrons that impede ingress/egress or in any way interfere with normal business operations of adjacent property owners. The

owner/applicant shall not permit deliveries or pick-ups in unauthorized locations or traffic lanes.

17. 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 owner/applicant to prosecution, penalties and/or permit revocations pursuant to applicable law.
18. Deviation from any such approvals may render this site plan approval, building permits or certificates of occupancy issued in conjunction therewith null and void.

ADOPTION OF RESOLUTION

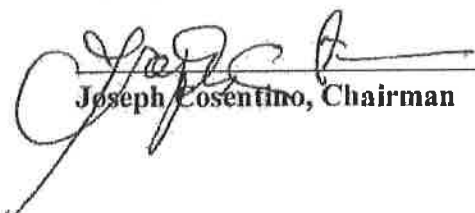
WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: **RALPH VIGLIOTTI**

The motion was seconded by: **ANTHONY STURNIOLO**

The vote was as follows:

JOSEPH COSENTINO	<u>AYE</u>
ANTHONY STURNIOLO	<u>AYE</u>
STANLEY BERNSTEIN	<u>ABSENT</u>
DOUGLAS HERTZ	<u>AYE</u>
SOL GIBBONS	<u>AYE</u>
ENRICO MARESCHI	<u>ABSENT</u>
RALPH VIGLIOTTI	<u>AYE</u>


Joseph Cosentino, Chairman

June 9, 2015



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

May 13, 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. The proposed building exceeds 20,000 square feet of gross floor area. As per §110-24.1 b (f) a variance of 2,948 gross square feet variance shall be 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 83% where 70% is permitted; therefore a variance of 13% 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 1,500 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

MEMORANDUM

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

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: May 18, 2016

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

Village/Town of Mount Kisco
Planning Board
MAY 18 2016
RECEIVED

Project Description

The subject property consists of ± 1.2 acres of land and is comprised of two (2) lots located at the corner of Columbus Avenue, Lincoln Place and 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 $\pm 1,500$ s.f. addition to the existing building, a $\pm 2,000$ s.f. detached storage building, and associated parking and site improvements.

SEQRA

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

Plan Comments

1. The proposed action requires Amended Site Plan Approval and a Change of Use Permit from the Planning Board.
2. As the project will require approvals and/or permits from outside agencies which will also be subject to SEQRA, it is recommended that a coordinated review be conducted and that the Planning Board take the necessary steps to establish itself as the Lead Agency. The applicant shall prepare and submit Parts 1 and 2 of the Short Environmental Assessment Form (EAF) to commence the SEQRA process.
3. The applicant shall submit the site plan of record (approved in 1978) and any associated Planning Board resolutions.
4. Existing and proposed floor plans and building elevations must be provided. The proposed floor plans shall graphically illustrate and clearly decipher the floor area devoted to office, sales, display and storage; the gross floor area for each shall be provided and shall coincide with the parking tabulation.
5. While we defer to the Building Inspector regarding zoning compliance, we recommend that the zoning and parking tables be revised, as follows:
 - a) The zoning table should include the gross lot area, in addition to net lot area.
6. A detailed lighting and landscaping plan, demonstrating compliance with Section 110-32 of the Zoning Code, should be submitted for review.
7. An existing conditions survey should be submitted; it is recommended that the survey include all existing improvements located within the adjacent Village rights-of-way.
8. The site plan should illustrate adjacent property lines, parcel ownership, structures, driveways, etc.
9. The subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and the NYCDEP will need to review and approve the Stormwater Pollution Prevention Plan (SWPPP).

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

Chairman Joseph Cosentino
May 18, 2016
Page 3 of 3

Plan Reviewed, prepared by Insite Engineering and dated May 3, 2016:

- Conceptual Site Plan (CP-1)

Documents Reviewed:

- Letter, prepared by Insite Engineering, dated May 3, 2016
- Letter, prepared by Charles V. Martabano, dated May 3, 2016

JKJ/dc

T:\Mount Kisco\Correspondence\MK2102JJ-MKPB-35&39Kiscona(EKConstr)-Review-Memo-5-18-16.docx

CHARLES V. MARTABANO
Attorney at Law

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

May 3, 2016

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

Village/Town of Mount Kisco
Planning Board

MAY 03 2016
RECEIVED

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

Dear Chairman Cosentino and Members of the Planning Board:

I am pleased to present to your Board the above referenced application relating to the redevelopment of 39 Kisona Road (the former long-term location of Whalen's Moving and Storage) and 35 Kisona Road (previously undeveloped) so that said properties can be combined and utilized for lumber and building equipment sales, storage and service as well as storage and warehouse distribution, all permitted uses in the Service Commercial SC Zoning District. I would like to point out, as I have with respect to several other applications presently before your Board for consideration, that this application once again presents an opportunity for redevelopment of properties which were previously developed decades ago and which have, unfortunately, become neglected and deteriorated over time. I am hopeful that upon review of the conceptual site plan being submitted herewith as well as renderings to be presented to your Board at the meeting of May 24, 2016, we will be able to adequately convey your Board the magnitude of the improvements proposed by the applicant and how they will benefit the area while at the same time protecting pre-existing nonconforming residential uses. It is hoped in this regard that such redevelopment effort may likewise provide the catalyst for redevelopment of other properties in the immediate area.

With respect to 39 Kisona, the last approved site plan (1978) was for an addition to the pre-existing structure. Although no site development coverage factors are set forth on the approved site plan, a review of this site plan (which we will demonstrate to the Board at its

meeting of May 24, 2016) reveals that approximately 97% of the site was covered by the building and associated parking areas¹. With respect to 35 Kiskon Road, the applicant recently acquired this property which heretofore has been undeveloped. A prior iteration of the conceptual site plan was submitted to your Board and was scheduled to be reviewed at your last meeting. However, we withdrew the plan from consideration for that evening as we desired to redesign the plan and because the prior plan was affected by a misunderstanding on our part as to limitations on use of Kiskon Road and a misunderstanding as to a portion of our client's business plan for the interior of the property². We therefore elected to revisit the site plan and have caused same to be redesigned in a manner which I believe enhances the project and further enhances and protects surrounding properties.

For purposes of this memorandum, I will assume that members of the Board have had the opportunity to review the prior conceptual site plan so I will focus on the current conceptual site plan both in the abstract and by comparison. Initially, and as indicated above, this plan brings with it the ability of this Board to facilitate a significant improvement over existing conditions which in turn we believe will greatly enhance the overall area and perhaps provide a catalyst to future redevelopment of properties in the area. With respect to 39 Kiskon Road, the building itself has existed in one form or another for many decades and, quite frankly, shows its age. There have been no improvements to this building or the site since 1978. It is, as indicated above, a situation where approximately 97% of the site is covered by building or impervious surface. The building has been vacant and unused for years. While the last approved site plan indicates the existence of 40 approved parking spaces, application of current design standards indicates that the true ability of 39 Kiskon Road, standing alone, to support anywhere near that number of parking spaces is, simply stated, unrealistic. This applicant, who is experienced in a construction context as well as the owner of multiple similar businesses, desires to truly upgrade the building and to provide at this location a business which certainly serves a community need as it has for many decades in the Village³. In order to conduct his type of business at this location, the applicant will be required to expend significant monies to renovate the existing structure; implement an appropriate up-to-date site plan with compliance with today's standards both in a zoning context and in a drainage and stormwater context; to make the property more customer friendly; and to

¹ There is no indication on the approved site plan as to the resultant development coverage but, as can be seen from the 1978 site plan itself, the only unimproved portions of the property was a small sliver of property in front of the proposed addition consisting of approximately 800 SF and a small planting area on Kiskon Road measuring approximately 200 SF. Assuming this to be accurate, total development coverage of 39 Kiskon Road appears to be in the order of magnitude of 97%.

² Specifically, it was previously thought that customers would have access to the former warehouse portion of the building. This was an inaccurate assumption as the former warehouse portion will be utilized solely for warehouse and distribution purposes. This enabled the applicant to not be in a position to require either a variance in connection with required parking or a request to waive the improvement of parking spaces.

³ He is presently operating his business from 105 Kisco Avenue.

present a greatly improved physical presence in Mount Kisco which will include exterior upgrades and renovations and significant landscaping.

In order to achieve these goals, the applicant acquired 35 Kisona Road which, as indicated above, is presently unimproved. As can be seen by reference to the revised conceptual plan, addition of 35 Kisona enables the applicant to design a more functional and up-to-date site plan while significantly increasing greenspace over existing conditions applicable to 39 Kisona. He has engaged Insite Engineering to design an appropriate site plan taking into account planned business operations; customer convenience; overall site appearance and functionality; drainage and provisions for stormwater management; and landscaping. He has engaged Grandberg and Associates to design a very small addition and a new storefront⁴ to greatly enhance the visual appearance of this building and the area in general.

On a comparative basis, this conceptual site plan represents a significant improvement over the previously submitted conceptual site plan. One significant change is the closure of a planned access onto Kisona Road. During meetings held with Village staff, we were advised that there was a limitation prohibiting trucks from Kisona Road. To respect that limitation and to protect pre-existing nonconforming residential uses in that area, this plan eliminates the access onto Kisona Road. Moreover, the elimination of this planned access enabled the applicant to adjust the grades of the parking area to minimize the gradient differentials enabling better functionality and drainage as well as making the parking areas more "user-friendly". With respect to the theme of protecting uses along Kisona Road, although not capable of being displayed through this site plan, it will be the intention of the applicant to identify the business with Columbus Avenue as opposed to Kisona Road. To this end, the applicant will meet with representatives of the Post Office in an attempt to effectuate a change of address so that the property is given a Columbus Avenue address. In furtherance of the foregoing, this site plan shows significant improvements to the Columbus Avenue portion of the site plan with increased greenspace which is an overall feature of the site plan as a whole. Additionally, the applicant will make efforts to obtain signage at the intersection of Lexington Avenue and Columbus Avenue which will again assist in the identification of the property as being located on Columbus Avenue.

With respect to the issue of greenspace and site development coverage, I would respectfully point out that whereas 39 Kisona was developed with approximately 97% site development coverage, the site development coverage applicable to this combined property, while remaining in excess of applicable standards by reason of the pre-existing conditions applicable to 39 Kisona, represents a most significant improvement over existing conditions as same pertain to 39 Kisona. It is for this reason that, although site development coverage on an overall basis exceeds the applicable standard, the site plan illustrates that the applicant clearly seeks to enhance the overall appearance of this commercial property by proposing multiple

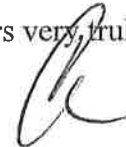
⁴ Renderings will be presented to your Board at the meeting of May 24th, 2016

landscaping and planting areas with the provision of trees along Kisona Road. Even on a comparative basis to the previously submitted conceptual plan, additional greenspace has been added on the Columbus Avenue portion of the site plan; the entrance to the building; the parking area and other locations including along Kisona Road. With respect to the building entrance, in addition to the façade improvements which will be reviewed at the meeting as aforesaid, great care has been taken to ensure convenient handicap accessibility, appropriate landscaping and an attractive walkway in front of the building. It should also be pointed out in this regard that, at present, there exists perpendicular parking along Lincoln Place, the existence of which may be questionable in a compliance context. All such parking will be eliminated with implementation of the site plan and landscaping will appear in its place.

As we will discuss at the meeting, in order to effectuate this plan, several variances will be necessary. However, we feel that the benefits to be achieved by approval of this plan clearly justify the granting of the variances. We hope that members of the Board will agree that this plan, which will result in a multitude of significant improvements over existing conditions, and hands the overall appearance of the area and potentially revitalize the area, clearly represents the type of development that should have the support of your Board.

We look forward to appearing before your Board at the meeting in question and will respond to any questions at that time. In the interim, should any member of the Board or any consultant have any questions regarding any aspect of the plan, please advise me so that we can be prepared to respond to any questions or issues at the meeting of May 24, 2016.

Yours very truly,



Charles V. Martabano

cc: Elliott Kracko
Insite Engineering
Grandberg and Associates
Building Inspector Peter Miley
Village Planning Consultant Jan Johannessen



May 3, 2016

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

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

Village/Town of Mount Kisco
Planning Board

MAY 03 2016
RECEIVED

Dear Chairman Cosentino and Members of the Board:

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

- Drawing CP-1, "Conceptual Site Plan", dated May 3, 2016.
- Application for Conceptual Review, dated May 3, 2016.
- Project Description Letter by Charles Martabano, Esq. (to be provided under separate cover).

The Conceptual Review Application Fee in the Amount of \$400.00 and the Escrow Review Fee in the Amount of \$500.00 was previously submitted.

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

We trust you will find the enclosed Conceptual Review Application package in order and we look forward to presentation of the project at the Board's May 24, 2016 agenda. Should you have any questions or comments or require additional copies of the enclosed information, please feel free to contact our office.

Very truly yours,

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

By:


Scott W. Blakely, RLA
Senior Principal Landscape Architect

SWB/jll

Enclosures

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

Insite File No. 16124.100

MAY 03 2016

Application for Conceptual Review
RECEIVED

Submission Date _____
(Due 21 days in advance of Planning Board Meeting)

Fee _____

Type of Application: (Please Check All That Apply)

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

Applicant Information:

Applicant Name: Elliot Kracko

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

Phone Number: (914) 654-8880

Fax: (914) 654-8881

Email: ekracko628@aol.com

Applicant's relationship to property: Contract Vendee

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

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

Phone Number: _____

Fax: _____

Email: _____

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

Owner's authorization _____ date _____

Project Information:

Project Name: _____

E. K. Construction

Project Address/Location: _____

39 Kiscona Road and 35 Kiscona Road

Any locally recognized name of building or site: _____

Description of Project (be specific): Construction of 1,500 sf addition to the existing warehouse building,
construction of a 20' x 100' storage building, 43 space parking lot with associated landscaping.

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

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

Current Land Use: Warehouse

Proposed Land Use: Lumber, Paint & Hardware Store

Size of Building or Addition 1,250 SF Addition (square feet) Height _____

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

Phone Number: (845) 225-9690

Fax: (845) 225-9717

Email: sblakely@insite-eng.com

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

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

Applicant's Signature _____

Elliot Kracko

date

5/3/16
03/21/2016

Owner's (or designated agent's) signature _____

date _____


Reviewed by: _____

Date: _____

MEMORANDUM

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

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: April 20, 2016

RE: Bagnato - Site Plan Application – Conceptual
205 Lexington Avenue
Sheet 80.32, Block 4, Lot 6

The subject application does not appear to involve any new development, significant change to the subject property, or intensification of use and we defer zoning and off-street parking compliance to the Building Inspector. We note, however, that while the existing off-street parking lot was approved by the Planning Board and appears on a 1965 site plan, the parking lot was approved with two (2) individual curb cuts and a total of three (3) parking spaces, designed so that a vehicle could turnaround on-site without backing out onto the street. The existing parking lot layout includes one (1) continuous drop curb and allows perpendicular parking for approximately six (6) vehicles.

While the proposed site plan re-establishes the previously approved three (3) space configuration, the continuous drop curb is proposed to remain. Subject to the Village Engineer's input, consideration should be given to the reestablishment of a full height curb along portions of the parking lot to provide a physical barrier and to prevent motorists from backing out into the street.

Plans Reviewed, prepared by Goewey & DeMasi AIA and dated April 1, 2016:

- Site Plan/Parking (SP 1 of 1)
- As-Built (1 of 3 through 3 of 3)
- Repair/Renovation (1 of 1)

Chairman Joseph Cosentino
April 20, 2016
Page 2 of 2

Other Plan Reviewed:

- Survey of Property, prepared by Thomas C. Merritts Land Surveyors, P.C., dated (last revised) April 10, 2013

Documents Reviewed:

- Letter, prepared by Bagnato 205 Lexington Aver Corp., dated April 5, 2016
- Application for Site Plan Approval - Conceptual

JKJ/dc

T:\Mount Kisco\Correspondence\MK2104JJ-MKPB-205Lexington(Bagnato)-Review-Memo-4-20-16.docx

Village/Town of Mount Kisco
Planning Board

APR 05 2016

Application for Conceptual Review

Submission Date
(Due 21 days in advance of Planning Board Meeting)**RECEIVED**450 app
500 excrow
FeeType 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: Bagnato 205 Lexington Ave Corp
Address: 871 Commerce St Thornwood NY 10594
Phone Number: 914 861 3535 Fax: Email: Anthony@thecfcr.com
Applicant's relationship to property: 1 OWNERName of Property Owner: (if different from above) Address: 871 Commerce St Thornwood NY 10594
Phone Number: 516 Fax: Email: Has property owner been notified of proposed action? Yes ☐ No ☐Owner's authorization [Signature] date 4/1/16Project Information:Project Name: Bagnato Corp 215 Lexington Ave
Project Address/Location: 205 Lexington Ave Mt Kisco NY 10549
Any locally recognized name of building or site:
Description of Project (be specific): 2 BLDG - 4 ARTS + Retail, 1 SF RESTO.Property Tax #: SEL- 80 32 BUL 4, LOT 6Property Acreage .26 Zoning District CNCurrent Land Use: CN Proposed Land Use: CNSize of Building or Addition (square feet) Height Map or Plan Preparer Lou DemasiPhone Number: 914 666 3858 Fax: Email:

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 [Signature]date 4/1/16Owner's (or designated agent's) signature [Signature]date 4/1/16Reviewed by: Date:



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

MEMORANDUM

TO: Mount Kisco Planning Board

FROM: Peter Miley, Building Inspector *PM*

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

DATE: May 13, 2016

A review of the conceptual 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.
3. The property is located with the Designated Main Street Area and will require review by the DEP.
4. The applicant shall determine whether all proposed parking will be long term or if there is short term parking for the site, as well. Long term parking spaces require at 9ft width; short term parking spaces require at 9ft-6in width.
5. The applicant proposed paring at 1 space per 275 square feet of gross floor area. The required parking shall be calculated at 1 space per 250 square feet of gross floor area. The applicant is deficient by 2 parking spaces; therefore a variance of 2 parking spaces shall be required.

\mkl

MEMORANDUM

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

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: May 4, 2016

RE: Site Plan Application – Conceptual
461 Lexington Avenue
Sheet 80.64, Block 2, Lot 15

Project Description

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 contains a vacant residence and detached garage, both of which are proposed to be removed. 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 21 parking spaces (six (6) of which are proposed to be land-banked).

SEQRA

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

Comments:

1. It is recommended that a business plan for the proposed office use be submitted, including hours of operation and number of employees.
2. We defer to the Building Inspector regarding zoning and parking compliance; however, we note that the rear property line appears to be adjacent to a residential district (PD Zone) and thus requires a 30-foot rear yard setback.
3. The applicant is proposing to land-bank six (6) parking spaces in accordance with Section 110-28G of the Zoning Code. The applicant should substantiate that these six (6) spaces are not required at this time and should confirm that these spaces have or will be included in any land development coverage calculation and drainage analysis.
4. The proposed action includes disturbance and construction within the Village's 100-foot wetland buffer and, therefore, a wetland permit and public hearing is required. A wetland delineation report must be submitted for review and this office will need to verify the wetland boundary line.
5. We note that the subject property is located within the New York City Department of Environmental Protection (NYCDEP) Designated Main Street Area and is subject to NYCDEP review and approval.
6. A detailed lighting and landscaping plan, demonstrating compliance with Section 110-32 of the Zoning Code, should be submitted for review. The landscaping plan should be prepared by a Registered Landscape Architect.
7. It is recommended that the site plan cover sheet include a location map including tax parcel and zoning district boundary lines.
8. A demolition plan should be included within the plan set.
9. It is recommended that the off-site shed located on Village property be shown to be removed.
10. The existing conditions survey must be signed and sealed by the preparer.
11. Given the history of the subject property, the applicant should submit any environmental reports that have or will be completed.
12. The Short Environmental Assessment Form (EAF) should be submitted (Parts 1 and 2).

Chairman Joseph Cosentino
May 4, 2016
Page 3 of 3

13. Pending the consent of the Planning Board, the applicant should submit a formal site plan application and site plan drawings, including all of the items required per the site plan submission checklist and Section 110-45 of the Zoning Code. Further, any comments contained in this memorandum and any memorandum provided by the Building Inspector should be responded to by the applicant in writing.

Plans Reviewed, prepared by DiBiase Filkoff Architects and dated April 19, 2016:

- Title Sheet (T-1)
- Site Plan (SY-101)
- Enlarged Site Plan (SY-102)
- Site Survey (SY-103)
- Basement Plan (A-101)
- First & Second Floor Plans (A-102)
- West Elevation (A-201)
- South Elevation (A-202)
- East Elevation (A-203)
- North Elevation (A-204)
- Square Footage Floor Plans (Sq-Ft)

Document Reviewed:

- Application for Conceptual Review – Site Plan

JKJ/dc

T:\Mount Kisco\Correspondence\MK2106JJ-MKPB-461LexingtonAvenueLLC-Review-Memo-5-4-16.docx

APR 19 2016 Application for Conceptual Review

Submission Date **RECEIVED**
(Due 21 days in advance of Planning Board Meeting)

Fee 400.00
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: TINA FISCHER / 461 LEXINGTON AVENUE LLC
Address: 19 NORTH MORGER AVE, MT. KISCO, NY 10549
Phone Number: (914) 244-0404 Fax: 244-0505 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 ☐

Owner's authorization _____ date _____

Project Information:

Project Name: 461 LEXINGTON AVENUE LLC

Project Address/Location: 461 LEXINGTON AVE, MT KISCO, NY 10549

Any locally recognized name of building or site: _____

Description of Project (be specific): _____

NEW SINGLE TENANT OFFICE BUILDING
(ADMINISTRATIVE OFFICES FOR POLANER SELECTIONS)

Property Tax #: SECTION 80.64 BLOCK 2 LOT 15

Property Acreage: .498 (21,605 SF) Zoning District: GR: GENERAL RETAIL

Current Land Use: CONDEMNED/VACANT Proposed Land Use: BUSINESS

Size of Building or Addition: 3995 SF (square feet) Height: 2 story

Map or Plan Preparer: Arman & DiBiase / DiBiase Filkoff Architects, PC.

Phone Number: (914) 234-7014 Fax: (914) 234-7309 Email: ad@debiasetilhoff.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: Gene Secho date: 4.12.14

Owner's (or designated agent's) signature: Gene Secho date: 4.12.14


Reviewed by: _____ Date: _____



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

MEMORANDUM

TO: Chairman Cosentino and Planning Board Members

FROM: Peter J. Miley, Building Inspector 

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

DATE: May 17, 2016

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

- The applicant is required to provide a development coverage worksheet

MEMORANDUM


Village/Town of Mount Kisco
Planning Board

MAY 18 2016

RECEIVED

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

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

FROM: Jan K. Johannessen, AICP 
Village Planner

DATE: May 18, 2016

RE: Conceptual Review – Site Plan Approval
Chhiring Sherpa
68 Woodland Court
Section 80.49, Block 1, Lot 11

Project Description

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

SEQRA

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

Plan Comments

1. The submitted survey is not to scale; the applicant should submit a full-size copy.
2. The Site Plan must be drawn to scale and must include the site plan elements required under Section 110-45D of the Zoning Code. Further, the Site Plan should include a zoning table comparing the requirements of the underlying RT-6 Zoning District to the existing and

proposed condition. The Site Plan must be prepared by an Architect or Engineer and shall be produced on a sheet containing the design professional's title block. All site plans and floor plans must be signed and sealed by the design professional.

3. A two-car parking area is proposed to the rear of the building, which will greatly diminish the backyard and will affect the site's development coverage. Alternatively, consideration should be given to locating the four (4) required parking spaces within and in front of the existing garage and installing a small hammerhead perpendicular to the driveway which would allow a vehicle to turnaround before exiting the driveway.

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

Plans Reviewed, prepared by Tim Dunphy:

- Plot Plan
- First Floor (SK-1)
- 2nd Floor (SK-2)
- Survey

Documents Reviewed:

- Conceptual Review Application – Site Plan Approval

JKJ/dc

MAY 02 2016

RECEIVED Application for Conceptual Review

Submission Date ✓ May 2, 2016
(Due 21 days in advance of Planning Board Meeting)

Fee 400/500

Type of Application: (Please Check All That Apply)

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

Applicant Information:

Applicant Name: TIM DUNPHY, RA
Address: 17 ABBOTT AVE, #2
Phone Number: (917) 488-7182 Fax: Email: TIMDNYE@aol.com

Applicant's relationship to property: ARCHITECT

Name of Property Owner: (if different from above) CHHIRING SHERPA

Address: 200 DIPLOMAT DRIVE, APT. #6H

Phone Number: (914) 906-9201 Fax: Email:

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

Owner's authorization [Signature] date

Project Information:

Project Name: RENOVATION

Project Address/Location: 68 WOODLAND ST

Any locally recognized name of building or site:

Description of Project (be specific): REMOVE CLOSET, REMOVE 2 DOORS,
DECREASE CLO - 1ST FIR; RENOVATE KITCHEN & BATH, RELOCATE
DR @ BRM #2 BRM; ADD 2 NEW GRAVEL PARKING UNITS

Property Tax #: 80,49 - 1-11

Property Acreage 0.135 Zoning District RT-

Current Land Use: 2 Family Res. Proposed Land Use: 2 Family Res

Size of Building or Addition N/A (square feet) Height N/A

Map or Plan Preparer

Phone Number: Fax: Email:

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 [Signature] date 5.2.16

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

Reviewed by: Date:

Planning Board



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK
104 Main Street
Mount Kisco, New York 10549

Village/Town of Mount Kisco
Planning Board

MAY 11 2016
RECEIVED
Telephone
(914) 241-0500

Beautification Committee

Minutes of Mount Kisco Beautification Committee
April 6, 2016

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

Present: Joan Stewart, President, Pat Reilly, Treasurer, Joanne Hauser, Secretary, Andre Ferrara, Joanne Hack, Harold Hochstein, Patricia Thompson, Carol Welch, Ann Whalen, Cece Yozzo, Maureen Zaccari, Jeanne Zipp,
Guest: Joe Luppino

Joan Stewart Called the Meeting to Order at 1:02 p.m.

Minutes of March 2, 2016 Meeting Approved by Maureen, Seconded by Harold.

Treasurer's Report: Village Account: Pat Reilly noted that since we have not had transaction activity on our Village Account, a bank statement is not available, and it is co-mingled with other Village accounts. Pat will work to provide an accurate Statement at May meeting.

Friends of the Beautification Account remains the same: \$3449.53.

After March meeting and on behalf of the Beautification Committee, Joan and Cece brought on orchid to Paula to celebrate her birthday, and she really appreciated it.

Clock: Carol said that in December the Clock Maintenance invoice was not received; when we receive by the end of December and submit payment, we get a discount. Joe Luppino said he received an email of the invoice last week. Carol emphasized that it is important for us to receive a Maintenance visit since it's free. Carol will continue to track.

Carillon will have to be changed twice annually.

Mount Kisco Elementary School Planting: Joan said that Joanne Hack has been a godsend – she arranged with teachers for us to plant with children on Tuesday, April 26 and all to go to Leonard Park to plant seedlings on Wednesday, May 25. Joe will bring all materials to school, compliments of Michael's Nursery. Joanne Hack will bring fruits and vegetables for children to see the seeds within, while they are read a book about

planting seeds. Joan will bring sticks and markers, so each child will have their own flower to plant at Leonard Park.

Residential Garden Contest: Joanne Hack and Paula Maiorano publicized the contest with all information and applications on the Village website. One submission has already been received. Joan, Maureen and Cece will distribute posters in mid-May to Building/Recreation/Tax Departments, the Library, Senior Group, Michael's Nursery.

On Monday, April 18 at the Town Board Meeting Pat and Joan (all members welcome) will speak about the Residential Garden Contest, and they will mention the Elementary School Planting Project.

Spring Clean Up: Cece has sent letters to all organizations that are involved. She needs gloves, and Joan will provide. All is under control, as always.

Highway Dept. Updates: Joe advised that they are beginning work at the 'Rose McGrath Memorial'. They are also working at the 'Veterans' Memorial', with approval from the American Legion. Bushes have been removed and will be replanted with low-growing, low-maintenance shrubbery. Cherry trees will be planted, and monument will be pressure washed. Paula Maiorano has researched cement planters, and our Committee was asked to be involved. Motion to approve the purchase of 2 urns made by Joanne Hauser, seconded by Andre. All members agree.

Spring Planting: Joe feels that shrubs directly surrounding Fountain should be removed, and he is willing to do it. They overshadow flowers we purchase and plant. He will contact a Landscape Architect for a complimentary analysis and present to members. Andre will plant around Clock with flowers purchased at Michael's Nursery. The Fountain itself needs to be recaulked (leaking water), scraped and painted; Highway Dept. will do this. Joan said to Joe: "We really can't thank you enough for all you do", and members agree - together we are beautifying the Village.

Motion to Adjourn at 2:10 made by Cece, Seconded by Patricia.

Next Meeting: May 4, 2016

AGENDA

Treasurer's Report
Clock Maintenance
Spring Clean Up
Fountain Plan for Spring Planting
Mt. Kisco Elementary School Planting Project
Residential Garden Contest

Respectfully submitted,
Joanne Hauser, Secretary