

MOUNT KISCO PLANNING BOARD

Agenda

Tuesday, February 23, 2016

7:30 PM

Minutes

- a. *April 28, 2015*
- b. *November 10, 2015*
- c. *November 24, 2015*

Public Hearing:

- d. **Mercedes Benz of Mount Kisco – 333 North Bedford Rd (Former Wine Enthusiast)**
PB2014-0285, 69.50-2-1 (SBL)
Amended Site Plan and Change of Use

Formal Applications:

- e. **Mt. Kisco Supply – 369 Lexington Avenue**
PB2015-0300, 80.48-4-17 (SBL)
Site Plan
 - *Memorandum from Peter Miley, Building Inspector, dated February 19, 2016*
 - *Memorandum from Catizone Engineering, dated January 26, 2016*
 - *Copy of Village Board Zoning Petition, dated December 10, 2015*
 - *Plans prepared by Catizone Engineering, revised January 26, 2016*

Conceptual Applications:

- f. **Westchester Foundation for the Disabled – 135 Radio Circle Drive**
PB2016-0321, 80.63-1-1.2
Amended Site Plan
 - *Memorandum from Peter Miley, Building Inspector, dated February 19, 2016*
 - *Memorandum from Jan K. Johannessen, AICP, dated February 12, 2015*
 - *Memorandum from Insite Engineering, dated February 2, 2016*
 - *Application for Conceptual Review*
 - *Site Plan prepared by Insite Engineering, revised February 2, 2016 (3 Sheets)*

Special Discussion:

- *Holiday Inn – Request for Extension of Approval*



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 Planning Board Members

FROM: Peter Miley, Building Inspector *pm*

DATE: February 19, 2016

SUBJECT: Mount Kisco Supply
369 Lexington Avenue, ID #80.48-4-17

The applicant submitted a request to the Planning Board requesting the authorization to issue a demolition permit prior to Planning Board Approval. The issuance of a building permit would be at the applicants' own risk. A Hold Harmless and Indemnification Agreement is attached and has been submitted to the Village Attorney for comment.

This memo and zoning analysis is based on the proposed zoning adjustment. The RT-6 Zoning District and subdivision approval indicates the following:

Residential RT-6 review of the proposed plans reveals the following:

The applicant proposes to construct two single family residences in the RT-6 One-and Two-Family Residence District and shall be required to comply with the following:

1. Village/Town of Mount Kisco Code §110-28 (D) (2) Ingress and egress to parking areas; *No parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk in order to vacate the space*; proposed driveway shall require modification to comply with this section of the Code.
2. Village/Town of Mount Kisco Code § 93-33 (B) (2) (b): *Maximum width of curb cut. No curb cut shall be wider than as follow: Serving a two-car garage: 18 feet.* The applicant proposes a 20' wide curb cut, where 18' maximum is permitted. Applicant shall adjust or be required to seek a variance. After modifying the driveway design, the applicant shall revise their development coverage calculations.

CL Zoning District review of the proposed plans reveals the following:

The parking analysis provided by Catizone Engineering, P.C. requires Planning Board approval in accordance with Village/Town of Mount Kisco Code §110-28 (K): Minimum off-street parking standards.

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

3. The property falls within the Designate Main Street Area and may require DEP and DEC permits.
4. The property is located within the wetland buffer and shall require a wetlands permit.
5. The curb cut for the commercial driveway shall be in accordance with §93-33 (B) (2) (f): Maximum width of curb cut. *No curb cut shall be wider than as follows: Serving a commercial or industrial use: as determined by the Planning Board during the site plan review process.*
6. The maximum building coverage for the CL zoning district is 30%. The applicant proposes 35% maximum building coverage. Therefore; a 5% maximum building coverage variance shall be required.

**HOLD HARMLESS AND INDEMNIFICATION AGREEMENT
OF
MT. KISCO SUPPLY COMPANY, INC.
TO
VILLAGE OF MOUNT KISCO**

This agreement is dated the day of February, 2016, and executed by **Mt. Kisco Supply Company, Inc. (MKSC Inc.)** with offices located at 369 Lexington Avenue, Mount Kisco, New York and provided to the **The Village of Mount Kisco (Village)**, with offices located at 104 Main Street, Mount Kisco, New York.

WHEREAS, Mt. Kisco Supply Company, Inc. has an application pending for site plan approval of its property located at 369 Lexington Avenue; and

WHEREAS, part of the application includes the Tenant, **Davis & Warshow**, (Owned by Ferguson and hereinafter referred to as D & W) expanding its kitchen and bath fixture showroom into adjoining space; and

WHEREAS, that adjoining space is zoned CL, the same as the current showroom and is a permitted use; and

WHEREAS, D & W has submitted plans for said showroom expansion to the Village of Mount Kisco Building Dept. for review and acceptance; and

WHEREAS, said plans have been reviewed and approved, as revised.

NOW, THEREFORE, the Village will issue a building permit for said showroom expansion at this time, provided that MKSC Inc. provide the Village with certain written guarantees, assurances, hold harmless and indemnifications and MKSC Inc. agrees to provide same and said MKSC Inc. hereby represents and agrees to the following:

1. Notwithstanding the issuance of the building permit, (a) the Village does

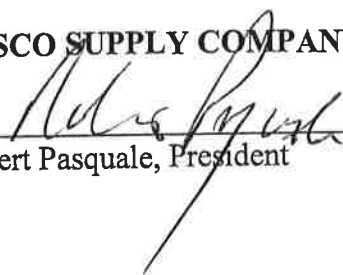
not guarantee that said expansion and use will be approved by the Building Dept. for issuance of a Certificate of Occupancy; and (b) the Village gives no assurances that the Village Planning Board will approve said showroom use and/or approve the pending application for site plan approval of the entire 369 Lexington Avenue site; and

2. That all work performed by MKSC Inc. and its tenant, D & W) and the costs incurred in performing said work will be entirely at the risk of MKSC Inc. and D & W.

3. Both MKSC Inc. and D & W agree that they will hold the Village and its Building Dept. harmless and indemnify it from all risk and costs incurred by MKSC Inc. and D & W in the event final approval for said work is not granted by the Village, provided that the denial of said approval is made in good faith and based upon valid reasons for denying the issuance of a Certificate of Occupancy for said showroom expansion.

Dated: Mount Kisco, New York
February , 2016

MT. KISCO SUPPLY COMPANY, INC.

By: 
Robert Pasquale, President

January 26, 2016

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

Re: 369 Lexington Avenue
Sec. 80.48 Bl. 4 Lots 13, 16 and 17



Dear Chairperson Cosentino and Planning Board Members;

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

No. Copies	Title	Date
15	C-1.2 Site Plan	01/26/2016

The Plans have been revised based on a staff meeting on December 16, 2015. During the meeting, we were advised by Village consultants and the Building Inspector that the site did not meet the criteria for "shared parking" provision since the hours of operation of each use did not vary significantly enough. While this is a departure from previous conversations and applications we understand that the "shared parking" provision is often misinterpreted by other applicants; therefore, we agreed to look at other provisions. We discussed how parking, in general, for the subject site has not been a problem historically and that it is not anticipated to become a problem with the uses outlined.

Per 110-28K.(2), parking requirements for other uses or variations of uses shall be considered by the Planning Board. The Ferguson "Showroom" use was not specifically outlined in the Zoning code and did not specifically fall under a conventional "Retail" use as:

- The products displayed in the showroom are for demonstration purposes and are not stocked at the facility.
- That the items displayed are mock-ups of kitchen and bath configurations, which include actual cabinetry, fixtures and appliances, occupying more area than the individual items stocked in a "Cash and Carry" retail environment.
- The facility functions as a design center with services tailored to individual customers and projects including but not limited to, providing guidance on layout and dimensional requirements, providing product comparisons for selection, providing technical information including rough-in, energy and/or fuel requirements, providing information on product options including color, configuration and finish and coordinating project timeline for delivery.
- Based on current use that the parking generated is much lower than required under retail use and warranting a less restrictive parking demand than retail.

We ask that the Planning Board consider a parking requirement for the Ferguson of 1 space per 500 sf of showroom. This does not impact any of the other uses proposed for the property and is consistent with the existing and historic low volume parking demands.

We hope that this Project can be included on your February 23, 2016 agenda.

Sincerely,

Pietro A. Catizone, P.E.
Principal

PAC X:\Project\2015\15011 369 Lexington Ave\Correspondence\Outgoing\Planning Board\Cosentino_PB 160119.docx

MAYOR
J. Michael Cindrich

VILLAGE TRUSTEES
Anthony C. Markus
DEPUTY MAYOR

Jean M. Farber
Peter F. Grunthal
Karen B. Schleimer



VILLAGE MANAGER
Edward W. Brancati

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK
104 Main Street, Mount Kisco, NY 10549-0150
Tel (914) 241-0500 • Fax (914) 241-9018
www.mountkisco.org

MEMORANDUM

RECEIVED
DEC 10 2015
PLANNING BOARD

To Chairman Joseph Cosentino and Members of the Planning Board

From: Edward W. Brancati, Village Manager

Date: December 10, 2015

RE: Public Hearing – Zoning Petition
Mount Kisco Supply Company, Inc.

Attached please find a copy of a Zoning Petition to move a zoning line in regards to Mount Supply. I am enclosing for your review and comment a copy of the Zoning Petition relating to the property know as 369 Lexington Ave. The public hearing regarding this matter will be held on Monday, January 4, 2016 at 7:30 pm.

This petition was also referred to the Westchester County Planning Department on November 19, 2015 and I have enclosed a copy of their response dated December 3, 2015.

If you have any questions or need additional information, please let me know.

Cc: Whitney Singleton, Village Attorney
Peter Miley, Building Inspector
Michelle Lailer, Planning Board Secretary

LAW OFFICES

Monteleone and Monteleone

19 NORTH MOGER AVENUE
MOUNT KISCO, NEW YORK 10549

(914) 666-2118

FAX: (914) 666-0509

E-MAIL: Info@Monteleone-law.com

ANTHONY J. MONTELEONE
GREGORY A. MONTELEONE*

of counsel:
EDWIN WINDER*

*MEMBER NY AND CT BAR

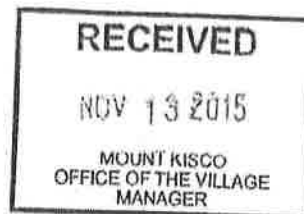
CONNECTICUT OFFICE:
470 MAIN STREET
RIDGEFIELD, CONNECTICUT 06877
(BY APPOINTMENT ONLY)

BY HAND

November 13, 2015

Edward Brancati
Village Manager
Village of Mount Kisco
104 Main Street
Mount Kisco, NY 10549

Re: Mt. Kisco Supply Company Inc.
369 Lexington Avenue, Mount Kisco



Dear Ed:

Enclosed please find Petition to move zoning line in regard to Mt. Kisco Supply Company, Inc. I am also enclosing five (5) copies of the full-sized survey for the convenience of the Village Board and staff.

Very truly yours,

MONTELEONE & MONTELEONE


ANTHONY J. MONTELEONE

AJM/ds
Encs.

**VILLAGE BOARD: VILLAGE OF MOUNT KISCO
COUNTY OF WESTCHESTER: STATE OF NEW YORK**

In the Application of

MOUNT KISCO SUPPLY COMPANY, INC.

PETITION

**For an amendment to the Zoning Map and the Zoning Code
of the Village of Mount Kisco**

TO THE VILLAGE BOARD OF THE VILLAGE OF MOUNT KISCO:

The Petitioner, **Mt. Kisco Supply Company, Inc.** by its attorney, Anthony J. Monteleone, of Monteleone & Monteleone, 19 North Moger Avenue, Mount Kisco, New York 10549, as and for its Petition, states as follows:

Mt. Kisco Supply Company, Inc. by and through its attorney, Anthony J. Monteleone of Monteleone & Monteleone, hereby petitions the Board of Trustees of the Village of Mount Kisco, to amend the text of the Zoning Code ("Zoning Code") of the Village of Mount Kisco (being Chapter 110 of the Village Code) and to amend the Village of Mount Kisco's Zoning Map ("Zoning Map"), as enumerated below.

1. The Petitioner is **Mt. Kisco Supply Company, Inc.**, which is the owner of the following tax lots: Section 80.48, Block 4, Lots 13, 16 and 17 (the "Property"). The Property includes the lands that are affected by the proposed changes to the Zoning Map.


2. The Petitioner requests that the Zoning Map be amended with respect to Section 80.48, Block 4, Lots 17 and 13, by changing the zoning line of a portion of said property.

3. The reason for said request is that as the Zoning Map presently exists, the subject property and building, which is comprised of a hardware store and a kitchen and bath fixtures and appliance showroom fronting on Lexington Avenue and warehouse space in the rear, has the zoning line running through the existing building causing a large portion of the warehouse to be in a two family residential zone (RT-6 while the front part of the building is in a CL zoning district. See Exhibit A, portion of zoning map with subject property marked with "X". It is believed that the zoning district line is a mapping error as the entire existing commercial building should have been included within the CL District. The entire building and its use currently conforms to the CL zone (see Exhibit B, Survey). The zoning line as currently exists is shown on the Survey. Accordingly, by moving the zoning line of the two-family zone to the east 30 feet beyond the building footprint, the entire building would be properly zoned in the CL zone with proper setback. The area involved is approximately 11,500 square feet of the 1.5 acre site. In addition, the relocating of the zoning line to the east is more consistent with the existing zoning lines in the two-family zone. See current zoning map. This request is consistent with and supported by the Village Planners and the Planning Board of the Village of Mount Kisco and is part of a pending site plan approval for the subject property, which site plan application includes the demolition and removal of the existing non-conforming two-family residence also owned by the Petitioner, which is adjacent to the aforementioned commercial building. Finally, the proposed site plan and subdivision application also creates two one-family residential lots on West Street also owned by the Petitioner, which are also shown on the survey in Exhibit B.

WHEREFORE, it is respectfully requested that the instant matter be placed on the Village Board agenda for November __, 2015 and that the relief sought herein be, in all respects, granted.

Dated: November 12, 2015
Mount Kisco, New York

Respectfully submitted,



Anthony J. Monteleone
Monteleone & Monteleone
Attorneys for Petitioner
19 North Moger Avenue
Mount Kisco, NY 10549
914-666-2118

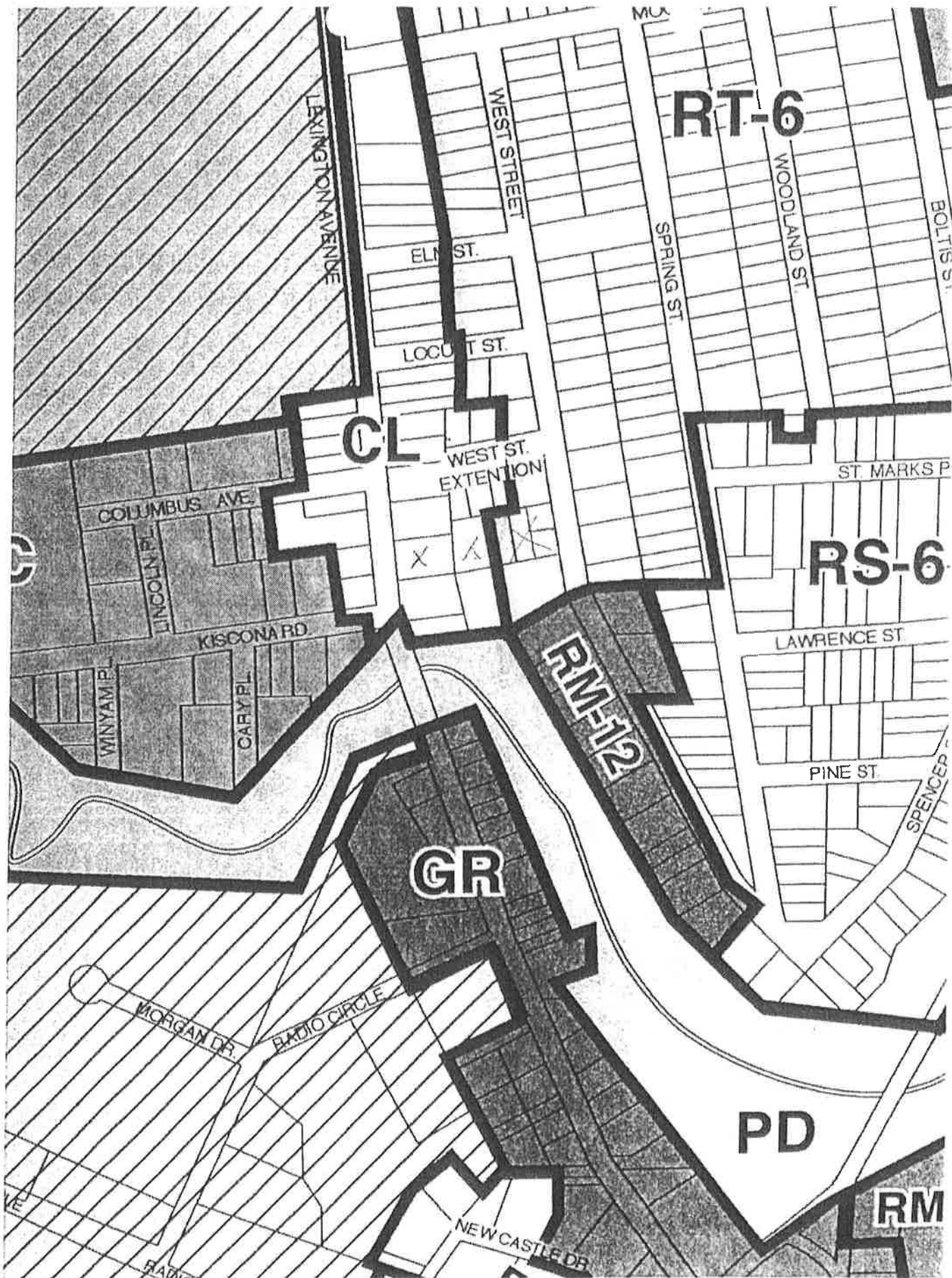


Exhibit A



Referral Review
Pursuant to Section 239 L, M and N of the General Municipal Law and
Section 277.61 of the County Administrative Code

Robert P. Astorino
County Executive

County Planning Board

December 3, 2015

Edward Brancati, Village/Town Manager
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, NY 10549

**Subject: Referral File No. MTK-15-004 — Mount Kisco Supply Company
Zoning Map Amendment**

Dear Mr. Brancati:

The Westchester County Planning Board has received a copy of a petition to amend the Mount Kisco Zoning Map to adjust a zoning boundary that currently runs through an existing commercial building. As proposed, the boundary of the CL District would be moved east by 30 feet to add 11,500 square feet of an existing 1.5-acre site to the CL District. The proposed petition is part of a pending site plan under consideration by the Mount Kisco Planning Board.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that there are no County or intermunicipal planning issues of concern to the County Planning Board with respect to the zoning map amendment. This action is a matter for local determination in accordance with your community's planning and zoning policies.

We look forward to reviewing the site plan when this application moves into that phase of review.

Thank you for calling this matter to our attention.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

For:
By:

Edward Burroughs, AICP
Commissioner

EEB/LH

MAYOR
J. Michael Cindrich

VILLAGE TRUSTEES

Anthony C. Markus
DEPUTY MAYOR

Jean M. Farber
Peter F. Grunthal
Karen B. Schleimer



VILLAGE MANAGER
Edward W. Brancati

VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150
Tel (914) 241-0500 • Fax (914) 241-9018
www.mountkisco.org

November 19, 2015

Mr. Edward Burroughs, Planning Commissioner
Westchester County Department of Planning
Michaelian Office Building
148 Martine Avenue Room 432
White Plains, New York 10601

Re: Municipal Referral – Mount Kisco Supply Company

Dear Commissioner Burroughs:

In accordance with the requirements of the Westchester County Administrative Code and the General Municipal Law, I am enclosing for your review and comment a copy of the Petition in the Application of Mount Kisco Supply Company, Inc. The Public Hearing regarding this matter will be held on Monday, December 22, 2015 at 7:30 pm.

If you have any questions or need additional information please let me know.
Thank you.

Sincerely,

Edward W. Brancati
Village Manager

Cc: Mayor Cindrich and Board of Trustees
Whitney Singleton, Village Attorney



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: Westchester Foundation for the Disabled
135 Radio Circle, Property ID #80.63-1-1.2

DATE: February 18, 2016


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

1. The property is located within the RD (Research and Development) zoning district.
2. The applicant proposes a change of use from existing storage spaces into office space and *usable* indoor parking spaces to meet the required number of parking spaces as per Village/Town of Mount Kisco Code §110-28 K. Minimum off-street parking standards, as proposed; parking is adequate.
3. Applicant shall confirm the dumpster location which is to be identified on the first floor plan.

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: February 12, 2016

RE: Conceptual Review
Westchester Foundation for the Disabled
135 Radio Circle
Sheet 80.63, Block 1, Lot 1.2

Village/Town of Mount Kisco
Planning Board

FEB 12 2016
RECEIVED

Project Description

The subject property consists of ± 2.61 acres of land, is located within the Research and Development (RD) Zoning District and is developed with a 2-story building and off-street parking for 65 vehicles. Via Resolution dated May 13, 2014, the Planning Board granted a Change of Use Permit and Amended Site Plan Approval in connection with the reallocation of office and storage space on the first and second floors and minor modifications to the parking layout. While no exterior site improvements are proposed, the applicant is seeking to reallocate space within the building, as follows:

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

SEQRA

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

Comments:

1. The proposed action requires a Change of Use Permit and Amended Site Plan Approval from the Planning Board.
2. While we defer to the Building Inspector regarding off-street parking requirements and zoning, we note that office space (beyond 10,000 s.f.), as noted on Sheet SP-1 appears to be incorrect (change 6,154 s.f. to 6,206 s.f.); the remaining mathematical calculation appears correct.
3. We note that the prior approval included interior parking for two (2) vehicles. With the addition of six (6) new interior spaces, the total number of off-street parking spaces provided will increase from 65 (existing) to 71 spaces (proposed), where a minimum of 67.4 spaces is required.
4. How do the overhead doors operate? Are they manual or electronically/mechanically operated? Will the two (2) overhead doors on the north side of the building be designated "in" and "out"? Will any upgrades to the interior of the parking area be required for ventilation, Building Code, etc.
5. The proposed interior parking garage must be reviewed for compliance. The plans should be revised to dimension the overhead door openings (height and width), width and length of parking stalls, width of driveway aisle, etc. The proposed dumpster location shown on Sheet SP-1 should be shown on the First Floor Plan (Sheet FF-1).

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

Plans Reviewed, prepared by Insite Engineering and dated February 2, 2016:

- Site Plan (Sheet SP-1)
- First Floor Plan (Sheet FF-1)
- Second Floor Plan (Sheet SF-1)

Documents Reviewed:

- Letter, prepared by Insite Engineering and dated February 2, 2016
- Conceptual Review Application (Site Plan)

JKJ/dc



February 2, 2016

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

RE: Westchester Foundation for the Disabled Inc.
135 Radio Circle
Mt. Kisco, New York

Village/Town of Mount Kisco
Planning Board
FEB 02 2016
RECEIVED

Dear Chairman Cosentino and Members of the Board:

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

- Drawing SP-1, "Site Plan", latest revision dated February 2, 2016.
- First Floor Plan dated February 2, 2016.
- Second Floor plan dated February 2, 2016.
- Application for Conceptual Review dated February 1, 2016.
- Conceptual Review Application Check in the Amount of \$400.00.
- Escrow Review Fee Check in the Amount of \$500.00.

The enclosed information is being submitted to your Board in support of an Amended Site Plan Application for Westchester Foundation for the Disabled for conversion of portions of the existing two story office building from existing storage space to office space and conversion of existing first floor storage space to interior parking for 6 vehicles. The proposal includes the conversion of 2,399 sf of 2nd floor existing storage to 2,399 sf of proposed office, the conversion of 1,590 sf of 1st floor storage to 1,590 sf of proposed office and the conversion of 2,990 sf of existing 1st floor storage to parking for 6 vehicles. These proposed modifications are indicated on the enclosed floor plans. The enclosed site plan has been modified in accordance with proposed building modifications to indicate the required parking along with the provided parking for the new application. As can be seen from the enclosed site plan, 67.4 parking spaces are required where 71 parking spaces are provided.

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 February 23, 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/amh

Enclosures

cc: John Signorelli w/enclosures
Pete Groenendaal w/enclosures
Tarryn Kamrowski w/enclosures

Insite File No. 14118.100

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

Z:\E\14118100\Correspondence\Admin\2016\020216vmkpb.docx

FEB 02 2016

RECEIVED

Application for Conceptual Review

Submission Date 2-1-16

(Due 21 days in advance of Planning Board Meeting)

Fee \$400

Type of Application: (Please Check All That Apply)

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

Applicant Information:

Applicant Name: Westchester Foundation for the Disabled, Inc. c/o John Signorelli

Address: 600 Bedford Road, Mt. Kisco, NY 10549

Phone Number: 914-241-2076 Fax: 914-242-3516 Email: john@clcfoundation.org

Applicant's relationship to property: Owner

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

Address: _____

Phone Number: _____ Fax: _____ Email: _____

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

Owner's authorization _____ date _____

Project Information:

Project Name: Westchester Foundation for the Disabled, Inc.

Project Address/Location: 135 Radio Circle Drive, Mt. Kisco, NY 10549

Any locally recognized name of building or site: _____

Description of Project (be specific): Change of Use for portions of the existing building from storage to office.

Property Tax #: 80.63-1-1.2

Property Acreage 2.61 Zoning District RD

Current Land Use: Office and Storage Building Proposed Land Use: Office and Storage Building

Size of Building or Addition 12,362 SF Footprint (square feet) Height Less than 40'

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

Phone Number: 845-9690 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 _____ date _____

☒ Owner's (or designated agent's) signature [Signature] ☒ date 2/1/2016

Reviewed by: _____ Date: _____



February 12, 2016

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

Village/Town of Mount Kisco
Planning Board

FEB 16 2016

RECEIVED

RE: Holiday Inn at Mt. Kisco
Amended Site Plan Application
1 Holiday Inn Drive
Mt. Kisco, New York

Dear Chairman Cosentino and Members of the Board:

We respectfully request a 6 month extension of the Amended Site Plan Approval in order to satisfy the conditions listed in the Planning Board Resolution, dated July 14, 2015. The majority of the conditions have been addressed. The two outstanding issues are the NYCDEP SWPPP approval and final signoff on the Lighting Plan. Our office has been coordinating with the Village Planner regarding the proposed lighting plan. The NYCDEP SWPPP package has been submitted to the NYCDEP and approval is pending. Said approval will be forwarded to the Board upon receipt. Our office has addressed the remaining conditions as outlined below:

1. The applicant has submitted the required SWPPP to the NYCDEP. At this time, the applicant does not wish to conduct the renovations to the pool requiring Health Department approval. The unanticipated costs associated with the lighting modifications and other improvements have moved the pool renovation project to a future phase. Our office confirmed with the Village Planner that the Westchester County Department of Health Approval shall be obtained prior to the issuance of a building permit for the pool renovations. The work exterior of the pool shall be completed as shown on the approved site plan. NYCDEP approval will be forwarded upon receipt. ARB approval is not required as part of this project.
2. Enclosed is a copy of the Abandonment of the Subdivision that was filed with the County Clerk.
3. Enclosed is a draft copy of the License Agreement for the existing monument sign located in the Village Right-of-Way for review by the Village Attorney. Once deemed satisfactory by the Village Planning Board Attorney, the agreement will be submitted formally to the Village Board for review and approval.
4. Our office has been coordinating with the Village Planner regarding the proposed lighting plan. All exterior lighting fixtures are proposed to be replaced with full cut-off/shielded LED fixtures. New light poles are proposed so the lighting throughout the site matches aesthetically. Upon the satisfaction of the Village Planner and Engineer, the proposed lighting plan will be provided.
5. It is our understanding the Village Attorney comments have been addressed. Responses to the written comments from the Village Planner, Building Inspector, and Village Engineer are addressed below.

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

6. The applicant has paid all application fees and fees associated with professional legal, engineering, and planning consultation.
7. The site plans have been revised to address the conditions above and the comments from the Village staff. We will submit the revised plans upon receipt of NYCDEP SWPPP approval.

In response to the written comments from Jan K. Johannessen, AICP dated June 17, 2015 we offer the following:

1. The applicable zoning and landscape buffer setback lines have been added to the plans.
2. The plant schedule has been revised to identify a minimum caliper size of 4 inches for all proposed shade trees. The Site Plan has been revised to identify all existing landscaped areas to remain.
3. See Amended Site Plan Resolution response number 4 above.
4. The enclosed License Agreement was submitted to the Village Attorney for review.
5. See Amended Site Plan Resolution response number 1 above.
6. It is our understanding that a referral has been made to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law.

In response to the written comments from John H. Landi, Building Inspector dated June 16, 2015 we offer the following:

1. As discussed with the Planning Board there is a net reduction in coverage and this reduction is acceptable to the Planning Board.
2. As discussed with the Planning Board 9' wide parking spaces are provided.
3. A previously approved Site Plan was already provided.
4. Information regarding the proposed terrace was already provided.
5. The current dumpster location is shown on the enclosed plans.

In response to the written comments from Anthony Oliveri, P.E. dated June 17, 2015 we offer the following:


1. Dimensions of the newly striped parking stalls have been labeled as 9' wide by 18'-6" deep, including the parking stalls on the eastern side of the property. The aisles have been labeled as 24' wide.
2. The applicant has submitted the required SWPPP to the NYCDEP for the proposed dining terrace. The NYCDEP approval will be submitted upon receipt.
3. Details for the stormwater planter and drainage for the new dining terrace are included on the plans. Details and calculations for these features are included in the SWPPP.
4. The Lighting photometrics plan has been revised to comply with Section 110-32 of the Code. This plan will be submitted to the Village Planner for signoff.
5. As noted above, the proposed pool renovation project has been moved to a future phase.
6. A note has been added to the plan indicating that the new gates for the pool will be self-closing/self-latching.

We respectfully request being placed on the next available agenda for review and approval of the requested approval extension. If you have any questions or comments regarding this information, please do not hesitate to contact our office.

Very truly yours,

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

By:



Scott W. Blakely, RLA
Principal Landscape Architect

SWB/jlk

Enclosures

cc: Tad Schrantz, ROK Builders
David Roedel, Roedel Partners of Mt. Kisco, LLC.
Melody Lloyd, Holiday Inn at Mt. Kisco

Insite File No. 14163.100

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of recording this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



550783214DLR005Z

Westchester County Recording & Endorsement Page

Submitter Information

Name: Fernald, Taft, Falby & Little, P.A. Phone: 6039243364, Ext. 15
Address 1: 14 Grove Street Fax: 6039244277
Address 2: PO Box 270 Email: mferald@ftfl-law.com
City/State/Zip: Peterborough NH 03458 Reference for Submitter: Mt. Kisco Subdivision Abandonment

Document Details

Control Number: **550783214** Document Type: **Declaration (DLR)**
Package ID: 2015031900106001003 Document Page Count: 4 Total Page Count: 5

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: KISCO MOTEL ASSOC - Other 1: KISCO MOTEL ASSOC - Other
2: SYDMAR CORP - Other 2: SYDMAR CORP - Other

Property

☐ Additional Properties on Continuation page

Street Address: 0 KENSICO DRIVE Tax Designation: 69.42-1-2
City/Town: MOUNT KISCO Village:

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$25.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$0.00
TP-584 Filing Fee: \$0.00
Total Recording Fees Paid: **\$65.00**

Transfer Taxes

Consideration: \$0.00
Transfer Tax: \$0.00
Mansion Tax: \$0.00
Transfer Tax Number:

Mortgage Taxes

Document Date:
Mortgage Amount:
Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 05/08/2015 at 11:10 AM
Control Number: **550783214**
Witness my hand and official seal

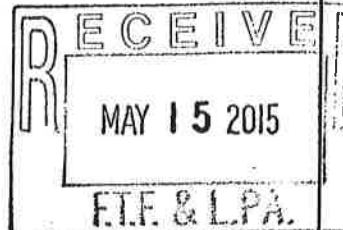
Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

Record and Return To

☐ Pick-up at County Clerk's office

Mark D. Fernald, Esquire
Fernald, Taft, Falby & Little, P.A.
PO Box 270
Peterborough, NH 03458



*

ABANDONMENT OF SUBDIVISION

Reference is made to the plan entitled "Resubdivision of Parcel 1A Prepared for Kisco Motel Associates, Revised March 26, 1984" which plan was filed in the office of the County Clerk of Westchester County (Division of Land Records) on June 27, 1984 as Map Number 21612.

Said plan shows the subdivision of property of Kisco Motel Associates on Kensico Drive subdivided into Parcel A of 0.348 acres and Parcel B of 0.652 acres.

Kisco Motel Associates and Sydmar Corporation, the owners of the property shown on the above-referenced plan, hereby disclaim and abandon the subdivision shown on said plan. Hereafter, the lands shown on the above-referenced plan shall be regarded as a single tract pursuant to New York Real Property Tax Law § 560.

Signed this 8th day of January, 2015.

KISCO MOTEL ASSOCIATES, A New York General Partnership

By: AIM Management Corporation, Its Managing Partner

In the witness of

Nancy Scardelli

Nancy Scardelli
Print name

By: 

William A. Meyer, President

In the witness of

Barbara Rickson
BARBARA RICKSEN

Print Name

By: TRJ V, LLC, Its Managing Partner

In the witness of

Nancy Scardelli
Nancy Scardelli

Print name

By: 

Richard Jabara, President

In the witness of

Barbara Rickson
BARBARA RICKSEN

Print Name

*Kisco Motel Associates
1601 Belvedere Road, Suite 407, South
West Palm Beach, Florida 33406

Sydmar Corporation
1601 Belvedere Road, Suite 407, South
West Palm Beach, Florida 33406

GRANTOR

Kisco Motel Associates

1601 Belvedere Road, Suite 407, South
West Palm Beach, FL 33406

and

Sydmar Corporation

1601 Belvedere Road, Suite 407, South
West Palm Beach, FL 33406

In the witness of

Nancy Scardelli
Nancy Scardelli
Print name

By: SYDMAR Corporation, a Florida Corporation

By: [Signature]
William A. Meyer, President

In the witness of

Barbara Rickse
BARBARA RICKSEN
Print Name




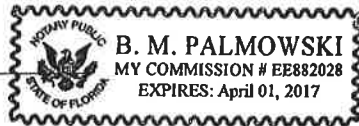
STATE OF FLORIDA

SS:

COUNTY OF PALM BEACH

On the 8th day of January, 2015 before me, the undersigned, personally appeared William A. Meyer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that he executed the same in his capacity as President of **AIM MANAGEMENT CORPORATION** the Managing Partner of **Kisco Motel Associates**, and that by his signature on the instrument, he, or the person upon behalf of which he acted, executed the instrument.


Notary Public




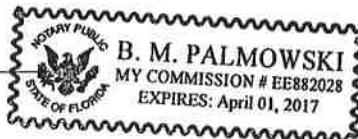
STATE OF FLORIDA

SS:

COUNTY OF PALM BEACH

On the 8th day of January, 2015 before me, the undersigned, personally appeared Richard Jabara, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that he executed the same in his capacity as Manager of **TRJ V, LLC**, the Managing Partner of **Kisco Motel Associates** and that by his signature on the instrument, he, or the person upon behalf of which he acted, executed the instrument.


Notary Public




STATE OF FLORIDA

SS:

COUNTY OF PALM BEACH

On the 8th day of January, 2015 before me, the undersigned, personally appeared William A. Meyer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to within instrument and acknowledged to me that he executed the same in his capacity as President of **SYDMAR CORPORATION**, and that by his signature on the instrument, he, or the person upon behalf of which he acted, executed the instrument.


Notary Public



LICENSE AGREEMENT

LICENSE AGREEMENT made as of _____, 2015 between The Village/Town of Mount Kisco, a municipal corporation duly organized and existing under the laws of the State of New York, with its offices at 104 Main Street, Mount Kisco, New York 10549 (hereinafter, the "Village"), and Roedel Partners of Mt. Kisco II, LLC with offices at PO Box 598, 1134 Gibbons Highway, Wilton, New Hampshire 03086 ("Adjoining Owner") and Roedel Partners of Mt. Kisco, LLC ("Tenant"); and

WHEREAS, the Adjoining Owner is the owner of certain real property known as 1 Holiday Inn Drive, Mount Kisco, New York, acquired by deed dated August 1, 2013, and recorded in the Westchester County Clerk's office, Division of Land Records on August 20, 2013 at Control Number 532053158, and which is shown on the tax map of the Village/Town of Mount Kisco as Section 69.42, Block 1, Lot 1, and which is more fully described on Schedule A annexed hereto and made a part hereof (the "Premises"); and

WHEREAS, the Adjoining Owner and/or Tenant has encroached or desires to encroach upon a portion of the Village's property located immediately to the southern corner of the Adjoining Property (hereafter to be referred to as "Village Property"), such encroachment consisting of utilization of Village property for its existing monument sign, all as is more particularly depicted on the Adjoining Owner's approved site plan attached as Schedule B; and

WHEREAS, the Adjoining Owner and Tenant have requested that the Village grant to them a license to permit the Adjoining Owner and Tenant to improve and maintain said monument sign to the extent that such improvements or uses are located within the Village's Property, and;

WHEREAS, the Village has determined that the area of the Village's Property, on which the surface encroachment is not incompatible with the Village's current public use and is not presently needed for any additional Village purposes.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, it is agreed as follows:

1. **License /No Lease**. This agreement although similar in some respects to a lease, is not a lease. It is a license or permission by an owner to another for a very limited purpose on a day-to-day basis, revocable at will by the owner of the licensed property without cause or reason. Its terms are strictly limited to the provisions set forth herein.

2. **License Area**. The Village as the owner of lands to the immediate south of the southern boundary line of the Adjoining Owner does hereby grant to the Adjoining Owner and Tenant a limited revocable non-exclusive license to use and maintain a certain area presently existing for the monument sign within and on the surface only of such area owned by the Village and shown on Schedule B. Such licensed area shall be limited to the area located south of the southern line adjoining Owner's property. Such area shall not be enlarged or expanded beyond the area depicted on the plan.

3. **Maintenance Licensed Area**. To the extent that they do not presently exist, the Adjoining Owner and/or Tenant shall install such improvements as are depicted and required by the approved site plan of record. Adjoining Owner and Tenant agree not to use any herbicides, pesticides or other chemicals in or near the licensed area. No materials, structure or impervious surface of any kind shall be erected, built upon or placed upon the licensed area, except to the extent expressly set forth on the approved plan. Adjoining Owner and Tenant shall maintain the licensed area in a clean sightly

condition free of garbage, debris and non-permitted objects. No motor vehicles shall be parked in such area.

4. **No Claim.** The Adjoining Owner and Tenant both affirm that they have no present prescriptive rights or claims of adverse possession based on any prior use of the area and that this agreement shall not itself create any rights whatsoever, except as is set forth herein.

5. **Indemnification/Insurance.** The adjoining Owner and Tenant hereby agree to indemnify and save harmless the Village, its officers and employees from any and all claims, damages, or costs of whatever nature arising directly or indirectly from the existence of the licensed area on the Village Property, including but not limited to the maintenance of same. The Adjoining Owner and Tenant shall notify their respective insurers that their use of land has been increased by reason of this license and its liability insurance in the amount of \$1,000,000.00 to protect the Village, and which shall name the Village as an additional insured. The Village reserves the right to examine the Owner's policy on request and to require greater minimum policy coverage as is deemed necessary or advisable, to the extent that additional coverage is available through a reputable insurance company. The duty to indemnify and insure shall be a continuing condition so long as such encroachment and licensed area remain.

6. **Termination.** The Adjoining Owner and Tenant agree that should the Village determine in its sole and absolute discretion that all or any portion of the Village Property which is subject to this Agreement should no longer be subject to this license, this license shall terminate and the area shall be restored to its natural condition within ninety (90) days of written notice from the Village by the Adjoining Owner and Tenant at their sole cost and expense as directed by the Village Board. The Adjoining Owner and Tenant

shall either return the affected area of the Village Property to its pre-licensed natural condition or leave same in its existing state at the election and direction of the Village. The Adjoining Owner and Tenant further agree that should the Adjoining Owner fail to remove the said improvements, the Village may remove same and the cost of such work shall be assessed against the adjoining premises as a lien collectable in the same manner as general real estate taxes, if not paid with thirty (30) days from the Village's request for payment.

7. **Reservation of Rights.** Nothing contained herein shall serve to abrogate any rights of the Village in and to the Village Property, or any portion thereof

8. **Non-Recording/Non-Assignable.** This license agreement shall not be filed or recorded in the office of the County Clerk of the County of Westchester or elsewhere, and any party that so attempts to file or record same shall be deemed to be in default hereunder, and at the option of the other non-filing/non-recording party, this agreement shall terminate. Furthermore, the Adjoining Owner and Tenant may not assign this license without the written consent of the Village.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement the day and year first above written.

VILLAGE OF MOUNT KISCO

By: _____
J. Michael Cindrich, Mayor

Roedel Partner of Mt. Kisco II, LLC, Owner

By: _____
David W. Roedel, Managing Member

Roedel Partners of Mt. Kisco, LLC, Tenant

By: _____
David W. Roedel, Managing Member

STATE OF NEW YORK
COUNTY OF WESTCHESTER

ss.:

On the day of , in the year 2010 , before me, the undersigned, a Notary Public in and for said State, personally appeared **J. Michael Cindrich**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

ss.:

On the day of , in the year 2015 , before me, the undersigned, a Notary Public in and for said State, personally appeared **David W. Roedel**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual

whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Managing Member of Roedel Partners of Mt. Kisco II, LLC and as Managing Member of Roedel Partners of Mt. Kisco, LLC, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public