

VILLAGE/TOWN OF MOUNT KISCO
COMPREHENSIVE PLAN UPDATE AND ZONING CODE AMENDMENTS
STATE ENVIRONMENTAL QUALITY REVIEW ACT
FINDINGS STATEMENT
Adopted January 14, 2019

Pursuant to Article 8 of the New York State (“NYS”) Environmental Quality Review Act (“SEQRA”) of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations (“6 NYCRR”) Part 617, the Board of Trustees of the Village/Town of Mount Kisco (hereafter referred to as the “Village of Mount Kisco” or “Village”) makes the following findings:

Name of Proposed Action: Village of Mount Kisco Comprehensive Plan Update and Zoning Code Amendments

Description of Action:

The Village of Mount Kisco proposes to adopt the 2018 Comprehensive Plan Update (“Comprehensive Plan”) and subsequent amendments to the Village’s Zoning Code (hereinafter referred to as the “Proposed Action”). The Village’s existing Comprehensive Plan was adopted in 2000; local and regional conditions in the community have evolved, and therefore require an updated strategy for sustainable growth, economic development, and natural resource management. The Comprehensive Plan and corresponding zoning is incorporated herein by reference¹.

The Comprehensive Plan extends across the entire geographic area of the Village of Mount Kisco. The Village is located in Westchester County, New York and is a little more than three square miles in size. Located approximately 45 miles north of Midtown Manhattan, Mount Kisco is bordered by Bedford and New Castle. With slightly more than 3,500 people per square mile in 2010, Mount Kisco has a higher population density than surrounding communities in the area and has a total population of 11,062 residents.

The Comprehensive Plan is a document that reflects the Village today and establishes the direction for the Village during the next 10 years. The plan is a guide to future municipal decisions on land use, zoning, housing, economic development, parks and open space, transportation, infrastructure, natural and cultural resources, and capital spending. It should enable the Village to influence decisions by state agencies and strengthen its ability to attract funding for projects that support the Plan. The Comprehensive Plan includes a set of zoning recommendations aimed at strengthening the Village’s downtown, the Lexington Avenue corridor, and the Radio Circle area. In addition, the Zoning Code Amendments bring the existing parking requirements up to appropriate modern standards.

As described above, the Proposed Action includes:

¹ The Draft Comprehensive Plan can be found here: <https://www.envisionmk.org/>

- Adoption of the Village of Mount Kisco Comprehensive Plan Update; and
- Adoption of Zoning Code and Map changes to implement certain Comprehensive Plan recommendations.

Comprehensive Plan

The purpose of the Plan vision is to provide a series of guiding concepts to ensure that the Comprehensive Plan recommendations remain closely tied to the most important objectives expressed by all of the Village’s stakeholders, including residents, business owners, community organizations, and Village officials.

The following eight goals developed through the comprehensive planning process highlight the needs of the Village and shape the Comprehensive Plan:

Land Use and Zoning

Promote a balanced pattern of land use while facilitating development that respects the natural environment and responds to evolving needs of residents based on shifts in technology and market demand.

Population and Housing

Ensure that Mount Kisco is a community of safe and accessible neighborhoods, with a variety of housing appropriate for local workers, young professionals, and empty nesters.

Downtown

Leverage opportunities for new and infill development downtown to create a pedestrian and bike-friendly destination with active streets, easy transportation access, sufficient parking, and civic space to promote a high quality of life for residents, and a draw for entrepreneurs and visitors.

Economy

Support existing service sector industries and seek to attract new industry, business, and entrepreneurship to stimulate the local economy, with a mixed-use downtown.

Environmental Resources, Parks, and Open Space

Protect the Village’s natural resources and mitigate factors that contribute to flooding. Provide a range of recreational programs, services, and facilities to address the needs and interests of the current and future population of the Village.

Community Facilities, Cultural and Historic Resources

Enhance Mount Kisco’s quality of life by ensuring that educational and community services, cultural programs, and facilities are sufficiently provided to meet the needs of the current and future population.

Transportation

Reduce traffic congestion, accommodate parking needs, promote public transit, and improve pedestrian and bicycle connections throughout the Village.

Infrastructure

Effectively manage water, utility, and sewer infrastructure to ensure that the Village has the capacity to accommodate projected future growth.

Proposed Zoning Code Amendments

The proposed Zoning Code Amendments were prepared in coordination with the Comprehensive Plan update to ensure that they are fully consistent with the land use recommendations contained in the Plan. The proposed Zoning Text and Map Amendments would apply to the downtown ("Downtown Overlay District"), a section of Lexington Avenue, and Radio Circle.

Downtown Overlay District

The objective of these proposed zoning changes is to transform the downtown into a more active destination. The proposed Zoning Code Amendments implement a recommendation from the Comprehensive Plan update to create a downtown overlay district to incentivize contextual mixed-use development according to form based standards. This approach will encourage and tailor transformation of the area while not affecting property rights. The purpose of the Downtown Overlay District is to encourage traditional mixed-use downtown development and redevelopment to occur within the downtown area that is consistent with historic village development patterns and provide a scale and mix of uses appropriate for the Village. The Downtown Overlay Zone will specifically allow residential uses as a principal permitted use. Residential is currently not allowed in the underlying CB-1 and CB-2 zones.

The Downtown Overlay District seeks to incentivize contextual mixed-use development according to form based standards. Site plan approval will be granted for a form-based development only if the applicant meets the overlay district's design guidelines (see Appendix A: Zoning Code Amendments). These form-based standards provide guidelines on frontage standards, building form standards, and building setback.

The overlay is made up of four districts, the Downtown Area, Main Street Area, Neighborhood Preservation Area, and Greenway Area. The district boundaries largely follow the existing boundary of the CB-1 and CB-2 zones, while the Neighborhood Preservation Area also captures the east side of Maple Avenue (currently zoned RT-6). The Downtown Overlay Zone would not replace the existing zoning districts. Rather, a property owner would have the option of redeveloping a site under the existing zoning or opting into the overlay zone. Opting into the overlay zone provides the property owner with development incentives in exchange for complying with the form-based design guidelines included in the overlay zone.

The proposed zoning changes would increase the allowable building height from 40 feet or 3 stories to 50 feet or 4 stories in the Downtown area and 45 feet or 3.5 stories in the Main Street area.

Lexington Avenue

The Lexington Avenue corridor is currently split into three distinct sections on the existing Mount Kisco Zoning Map. The northern section (from Sarles Avenue to Smith Avenue) is zoned Neighborhood Commercial (CN), which allows a combination of ground floor commercial use with residential above. The middle section (from Smith Avenue to Kisona Road) is zoned Limited Commercial (CL), which is more restrictive and does not allow upper floor residential. Further south, Lexington is zoned General Retail (GR), which only allows pre-existing upper floor residential.

The Zoning Code Amendments along Lexington Avenue would allow the corridor to evolve into a more fully mixed-use corridor, by allowing new townhome residential uses. The proposed zoning would create a new zone, the CL-1, in place of the existing CL zone between Smith Avenue and Kisona Road, plus parcels between Pumphouse Road and past Radio Circle Drive currently located in the GR zone. The CL-1 would allow all of the uses permitted in the CL, with the addition of townhomes. The CN would be amended to allow townhome development. The expectation is that Lexington Avenue would gradually change over time to include more residential use.

Radio Circle

The existing RD Research and Development District, which covers the Radio Circle area, was intended to encourage research, design and development activities in an industrial park setting. The allowable uses have proven to be somewhat restrictive, stunting growth in Radio Circle.

In July 2018, the Village Board amended the RD to allow Family Entertainment uses, which is consistent with the Comprehensive Plan objective to make the zoning code more flexible to market demand in order to attract new businesses to Mount Kisco. The Zoning Amendments proposed by the Comprehensive Plan would change the name of this district to RDX to reflect the recommendation to expand the RD's allowable uses to include a greater mix of uses. In addition to the existing uses allowed in the RD, the RDX will include:

- All forms of senior housing, including senior assisted-living housing, and senior enriched-/independent-living housing.
- Biotech and pharmaceutical services and offices
- Educational institutions
- Hi-tech/Start-up incubators
- Hotel and conference centers
- Indoor storage
- Indoor auto storage by special permit

Parking Standards

A review of parking standards in Mount Kisco found several categories of regulations that represent old post war zoning standards rather than modern regulations. The Comprehensive Plan is supportive of reasonable reductions in parking standards for some multi-family and commercial uses. In addition, the plan supports treating parking for ground floor uses in the CB-2 district the same as in the CB-1 district. Finally, the Village code currently allows new developments to make a payment in lieu of providing parking, however the amount of the current payment is too high and serves as an impediment to potential development. The Comprehensive Plan supports reducing the payment in lieu of parking to an amount that is high enough to assist the Village in continuing to build a parking fund, but not too high so as to unreasonably limit future development in the downtown area.

SEQR Classification: Type I Action

Location: Entire geographic area of the Village/Town of Mount Kisco, Westchester County, New York

Lead Agency: Village of Mount Kisco, Village Board of Trustees, 104 Main Street, Mount Kisco, NY 10549

Date Final Generic Environmental Impact Statement (FGEIS) Filed: December 17, 2018

Contact for Additional Information:

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Facts and Conclusions in the GEIS Relied Upon to Support the Decision:

WHEREAS, The Village/Town of Mount Kisco (hereafter referred to as the Village or Village of Mount Kisco) sought to update its Comprehensive Plan for the first time since 2000 in order to encourage and facilitate sustainable growth, economic development, and natural resource management; and

WHEREAS, State municipal law provides that a Village board may prepare a comprehensive plan with the assistance of a special committee. Accordingly, in 2017 the Village of Mount Kisco Board of Trustees appointed a steering committee of eleven members to assist with the preparation of the Plan update. The committee included representatives from Village government, the Zoning Board of Appeals, the Planning Board, the Conservation Advisory Council, the Recreation Commission, the Economic Development Council, and the community at-large, and met regularly to provide direction in drafting of the Comprehensive Plan. The committee also hosted a series of public workshops and design workshops to collect and incorporate community input; and

WHEREAS, through the Comprehensive Plan Update process, the Village of Mount Kisco's Comprehensive Plan Update is a reflection of the importance of the Village's regional connectivity and opportunity for transit oriented development around its Metro-North train station. Through adoption of

the Plan, the Village intends to conserve natural areas, promote commercial vitality downtown, preserve neighborhoods, and address housing needs. It also intends to generate new opportunities through a zoning overlay downtown; and

WHEREAS, in compliance with the New York State Environmental Conservation Law, Article 8 and the rules and regulations promulgated there under (6 NYCRR 617) (hereinafter referred to as “SEQR”) the Village of Mount Kisco Board of Trustees adopted a Lead Agency Declaration on April 16, 2018 declaring their intent to serve as Lead Agency for the SEQRA review of the Village’s planned action to adopt a Comprehensive Plan Update and associated amendments to the Village Zoning Code; and

WHEREAS, the Village of Mount Kisco Board of Trustees as lead agency (hereinafter referred to as “Lead Agency”) filed a Positive Declaration and Notice of a Public Scoping Session for the Draft Comprehensive Plan and Zoning Code Amendments. Such notice appeared in the New York State Department of Environmental Conservation Environmental Notice Bulletin (ENB) on July 3, 2018. Such action is considered to be a Type I Action under SEQRA since it is a comprehensive resource plan which proposes policies to guide future actions affecting the Village of Mount Kisco and specific actions to implement those policies, including amendments to the Zoning Code; and

WHEREAS, the Village’s Planning Consultants, BFJ Planning, prepared and submitted to the Village of Mount Kisco Board of Trustees a Draft Comprehensive Plan Update dated September 17, 2018, draft Zoning Code Amendments dated September 17, 2018 and a Draft Generic Environmental Impact Statement (DGEIS) dated September 17, 2018; and

WHEREAS, the Mount Kisco Board of Trustees as Lead Agency accepted the DGEIS as complete on September 17, 2018 and a Notice of Completion was filed and made to appropriate agencies and interested parties. The Notice of Completion appeared in the ENB on September 26, 2018; and

WHEREAS, the public comment period on the DGEIS opened on September 17, 2018 and extended through October 26, 2018 during which written comments on the DGEIS, Draft Comprehensive Plan Update and Draft Zoning Code Amendments were received by the public and involved and interested agencies; and

WHEREAS, a joint public hearing on the draft Comprehensive Plan Update and Zoning Code Amendments was held on October 15, 2018, which was continued to October 29, 2018 and November 5, 2018, by the Village of Mount Kisco Board of Trustees pursuant to legal notice, providing an opportunity for the general public to comment on the Draft Comprehensive Plan Update and Zoning Code Amendments; and

WHEREAS, the Lead Agency did consider the following items and issues, among others:

- The Draft Comprehensive Plan Update;
- The Draft Zoning Code Amendments;

- The environmental setting, impacts and mitigation measures set forth on the DGEIS;
- Existing conditions and impact analyses related to:
 - Land use and zoning;
 - Population and housing;
 - Economy;
 - Natural and environmental resources;
 - Community facilities, historic and cultural resources;
 - Transportation; and
 - Infrastructure
- The current and proposed zoning of the land within the Downtown, Lexington Avenue corridor and Radio Circle portions of the Village;
- The importance and significance of the Village's scenic resources and important view sheds, historic resources, natural resources, and the desirable economic, social and aesthetic benefits provided to the Village by these resources;
- Initiation of various regulatory measures associated with adoption and implementation of a Comprehensive Plan, including amendments to the Zoning Code and Official Zoning Map; and

WHEREAS, the Lead Agency has identified possible environmental impacts of adoption of the Proposed Action upon local land use, natural, economic, and social resources, as well as upon local infrastructure and transportation systems; and

WHEREAS, the Lead Agency prepared a Final Generic Environmental Impact Statement ("FGEIS") to fully address any concerns raised through the DGEIS review process;

WHEREAS, the Lead Agency determined the FGEIS to be complete and thereby filed a Notice of Completion on December 18, 2018 and caused the Notice of Completion and FGEIS to be properly circulated and published in the ENB; and

NOW, THEREFORE, BE IT RESOLVED, that the Lead Agency finds that the Village of Mount Kisco Comprehensive Plan and Zoning Code Amendments would not result in significant adverse impacts and would have in some instances beneficial impacts on the natural and man-made environment, and social and economic conditions in the Village of Mount Kisco; and

BE IT FURTHER RESOLVED, that the Lead Agency finds and determines, based on the entire record of the environmental review process, including all relevant State and Village Laws and records of Village bodies, as well as all correspondence received regarding the local comprehensive planning process, that the Village of Mount Kisco Comprehensive Plan Update and Zoning Code Amendments as described herein, will have a beneficial impact upon the Village of Mount Kisco and will enhance and protect the health and welfare of the residents of the Village, and thus should be adopted; and

BE IT FURTHER RESOLVED, that since the adoption of the Comprehensive Plan is expected to have a beneficial impact on the Village of Mount Kisco as a whole and that the proposed Zoning Code Amendments are not anticipated to have a significant adverse impact and neighborhood-wide mitigation measures are not necessary. Future projects within Mount Kisco will require site specific analysis and future site specific review under SEQR. Site specific mitigation measures will be developed as appropriate during future site specific SEQR review of development actions.

BE IT FURTHER RESOLVED, that based on the generic/area-wide analysis conducted in the GEIS, the following site-specific studies may be required for projects developing under the proposed Zoning Code Amendments; many of these studies would also be required as part of site-specific review of future projects under existing zoning:

- **Hazardous Materials:** New in-ground construction of vacant parcels and/or demolition of existing structures may require the preparation of Phase 1 Environmental Site Assessment. If remediation is required, such activities shall commence prior to the initiation of construction activities. Remediation activities are required to be completed according to the protocols, procedures, standards, and documentation requirements of the appropriate supervising entity, Village of Mount Kisco, NYS Department of Labor, County Fire Marshal and/or NYSDEC.
- **Police Protection:** The Police Department will have the opportunity to provide input on site-specific plans, thereby requiring any site-specific mitigation measures necessary.
- **Fire Protection:** The Fire Department will have the opportunity to review future proposed site plans to ensure that firefighting needs, including provisions for emergency access, hydrant locations, sprinkler systems, fire alarms, and smoke and carbon monoxide detection, are properly addressed.
- **Stormwater/Wastewater:** New development will be required to retain 3½ inches of stormwater runoff on site. For those individual projects that involve one or more acres of disturbance, a SWPPP must be prepared pursuant to NYSDEC requirements pursuant to the 2015 NYS Stormwater Management Design Manual.
- **Floodplains:** Development that is located within the 100-year floodplain will be reviewed to ensure that it meets Village regulations regarding minimizing and mitigating potential damage from flood flows. This is true of the South Moger Lot where any redevelopment will need to be designed appropriate to its location in the 100-year floodplain.
- **Storm Surge:** As part of any site-specific review, the potential for development which could be inundated by storm surges would specifically need to be evaluated and appropriate measures incorporated to mitigate against damage.
- **Geotechnical Evaluation:** Subsurface soil conditions will be assessed for the purpose of structural and drainage system design as part of the site plan application review. If unsuitable subsoils are found in connection with site-specific development, techniques including deep

compaction or over-excavation and replacement of unsuitable fill materials may be utilized. Development areas would be stabilized, as determined by a Geotechnical Engineer, prior to construction of structural elements.

- **Erosion Control:** Erosion Control and Construction Phasing Plans will be prepared for individual site developments during site plan review that will provide protection methods that will be utilized during construction to control transport of sediment and stormwater runoff during construction activities.
- **Energy:** Developments will be reviewed in accordance with NYS Energy Code requirements, and specifically for solar orientation so that they can take advantage of energy use reduction through this method.
- **Traffic:** Future projects located in the Village may result in localized impacts at certain intersections. In addition, traffic and pedestrian safety issues may arise from the location of new vehicle ingress and egress points at new developments. These impacts and other traffic-related impacts may need to be assessed in a traffic impact study as part of future project approvals. This is especially true with the development of the Moger Lots. A site specific Environmental Assessment Form (EAF) shall be required of any development at these sites to assess specific localized traffic impacts.
- **Air Quality:** If a site-specific development application is proposed that may have a greater potential impact on air resources as a result of the introduction of a regulated point source of air emissions or the generation of unmitigated traffic which exceeds that set forth in the site-specific traffic impact study, supplemental air impact evaluation may be required.
- **Noise:** A Noise Impact Analysis, including both long-term and short-term noise impacts (i.e. construction noise) on the ambient noise environment as well as impacts to nearby sensitive receptors, if deemed necessary, may be needed as part of project approvals and SEQRA review of future projects.
- **Archeology:** Future development projects located in the Village that propose new in-ground construction and are located within a State Historic Preservation Office Area of Archeological Sensitivity (see Figure 3.7-1) may require the preparation of a Phase IA Archeological Survey Report and if necessary a Phase IB Cultural Resources Inventory.
- **Construction:** A construction management plan may be required for each site-specific development project under the proposed action. A Construction Management Plan would be comprised of a number of lower-order plans as necessary, and may include a Construction Traffic Management Plan, a SWPPP (for erosion and stormwater control both during and post construction), a Parking Management Plan, and/or a Remediation Plan. Other potential site-specific plans related to construction activities such as noise, soil erosion, and stormwater, are addressed elsewhere above.

BE IT FURTHER RESOLVED, that the Lead Agency, having considered the Draft and Final Generic Environmental Impact Statements and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6NYCRR 617.11, makes the following certification of findings:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all substantive public and agency comments on the DGEIS and FGEIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with the social, economic, and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable; including the effects disclosed in the environmental impact statement; and
- Consistent with the applicable policies of Article 42 of the Executive Law, as implemented by 19 NYCRR 600.5, this action will achieve a balance between the protection of the environment and the need to accommodate social and economic considerations.

Facts and Conclusions Relied on to Support the Decision: The DGEIS and FGEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above.

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the GEIS, having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

