



# Final Generic Environmental Impact Statement

## Village/Town of Mount Kisco Comprehensive Plan Update & Zoning Code Amendments



Village/Town of Mount Kisco, Westchester County, New York  
Accepted: December 17, 2018





**FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)**

**VILLAGE/TOWN OF MOUNT KISCO**

**COMPREHENSIVE PLAN UPDATE AND ZONING CODE AMENDMENTS**

**Village/Town of Mount Kisco**  
**Westchester County, New York 10549**

**December 17, 2018**

*SEQRA Classification:* Type I Action

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

*For Information Contact:* Ed Brancati, Village Manager  
Village of Mount Kisco  
104 Main Street  
Mount Kisco, NY 10549  
(914) 241-9018

*Prepared by:* See following page

Date the DGEIS was accepted by the Lead Agency: **September 17, 2018**

Closing Date of Comment Period: **October 26, 2018**

Date FGEIS was Accepted by the Lead Agency: **December 17, 2018**

Closing Date of Comments on FGEIS: **January 11, 2019**

Website where FGEIS can be viewed: [www.envisionmk.org](http://www.envisionmk.org)



## LEAD AGENCY

### *Mount Kisco Board of Trustees*

Gina D. Picinich, Mayor

Jean M. Farber, Deputy Mayor

Isidoro Albanese, Trustee

Peter F. Grunthal, Trustee

Karen B. Schleimer, Trustee

## PREPARERS

### *BFJ Planning*

115 5<sup>th</sup> Avenue

New York, NY 10003

(212) 353-7476

Frank Fish, FAICP, Principal

Sarah Yackel, AICP, Principal

Gillian Cowley, Planner

Simon Kates, AICP, Senior Associate

Ariana Branchini, AICP, Planner

Georges Jacquemart, PE, AICP, Principal

### *JMC Site Development Consultants*

120 Bedford Road

Armonk, NY 10504

(914) 273-2102

James A. Ryan, RLA

Richard Pearson, PE

### *Delaware Engineering*

28 Madison Ave. Extension

Albany, NY 12203

(518) 452-1335

John Brust, Principal



## Table of Contents

<b>1.0</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Generic Environmental Impact Statement .....	2
1.2	Project Location .....	2
1.3	Environmental Setting .....	5
<b>2.0</b>	<b>CHANGES TO THE PROPOSED ACTION.....</b>	<b>6</b>
2.1	Comprehensive Plan.....	6
2.2	Proposed Zoning Code Amendments .....	7
2.3	Revised Build-Out Analysis of Proposed Zoning .....	12
<b>3.0</b>	<b>COMMENTS AND RESPONSES ON THE DGEIS .....</b>	<b>14</b>
3.1	Public Comment Period Process .....	14
3.2	Comments and Responses .....	14

## LIST OF FIGURES

Figure I-1:	Regional Map
Figure I-2:	Village of Mount Kisco
Figure 2-1:	Proposed Changes to Proposed Downtown Overlay Zone Boundary
Figure 2-2:	Revised Downtown Overlay Zone Boundary
Figure 2-3:	Proposed Changes to Proposed CL-1 Boundary
Figure 2-4:	Revised CL-1 Boundary
Figure 3-1:	Projected TOD Units

## APPENDIX

Appendix A:	DGEIS Comment Letters
Appendix B:	Village Assessor – Estimates of Tax Revenues from Proposed Zoning Code Amendments





## 1.0 INTRODUCTION

This Final Generic Environmental Impact Statement (FGEIS) has been prepared pursuant to the State Environmental Quality Review Act (SEQR) and its implementing regulations (6 NYCRR Part 617). Under those regulations, the FGEIS serves as the basis for the Lead Agency Findings; the Village/Town of Mount Kisco Board of Trustees (hereafter referred to as the Village or Village of Mount Kisco) is the Lead Agency for this environmental review. This FGEIS has been prepared to respond to all substantive environmental comments made on the Draft Generic Environmental Impact Statement (DGEIS). In accordance with Section 617.9(b)(7) of the SEQR regulations, this FGEIS incorporates by reference the DGEIS. The proposed action analyzed in the DGEIS is the adoption the 2018 Comprehensive Plan Update (“Comprehensive Plan”) and related amendments to the Village’s Zoning Code (hereinafter referred to as the “Proposed Action”). The Comprehensive Plan and corresponding zoning is incorporated herein by reference<sup>1</sup>.

The following steps have been or will be undertaken during this SEQR review process:

- **Environmental Assessment Form (EAF)** – An EAF was prepared and submitted to the Village Board of Mount Kisco in April of 2018. The Board declared itself lead agency on April 16, 2018. The EAF provided preliminary analysis of the potential impacts associated with the Proposed Action. Following review, the Village Board determined that the Proposed Action had the potential for significant adverse environmental impacts and would require the preparation of a GEIS. Pursuant to this determination, the Village Board (SEQR lead agency) issued a positive declaration for the Proposed Action.
- **DGEIS** – a draft document accepted by the Village Board of Trustees and released for public and agency review and comment. On September 17, 2018, the Village Board accepted the DGEIS as adequate and complete for the purpose of commencing public review and comment regarding issues addressed in the Final Scope of Work for the Proposed Action.
- **Public Review** of at least 30 days during which any individual, group or agency may comment on the DGEIS. Written public comments were accepted from September 17<sup>th</sup> until October 26, 2018.
- **Final GEIS (FGEIS)** – acceptance and publication by the Village Board of Trustees as Lead Agency, which incorporates relevant comments and responses, if any, made during public review of the DGEIS.
- **Findings Statement** – adopted and passed by the Village Board of Trustees as Lead Agency no sooner than 10 days, nor more than 30 days after publication of the FGEIS. The Findings Statement must: 1) consider the relevant environmental impacts, facts and conclusions presented in the GEIS; 2) provide a rationale for the agency’s decision; 3) certify that SEQR’s requirements have been met; and 4) certify that consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable,

---

<sup>1</sup> The Draft 2018 Comprehensive Plan can be found here: <https://www.envisionmk.org/>

and that the adverse environmental impacts will be avoided or minimized to the maximum extent practicable.

This FGEIS is organized into three sections: Section 1.0 describes the purpose of the Generic Environmental Impact Statement, summarizes the Proposed Action and identifies the project location and environmental setting; Section 2.0 describes changes that have been made to the Proposed Action in response to concerns raised during the public comment period; Section 3.0 contains a summary of all relevant written comments received on the DGEIS during the public comment period and responses to each of those comments (public comment letters are located in Appendix A).

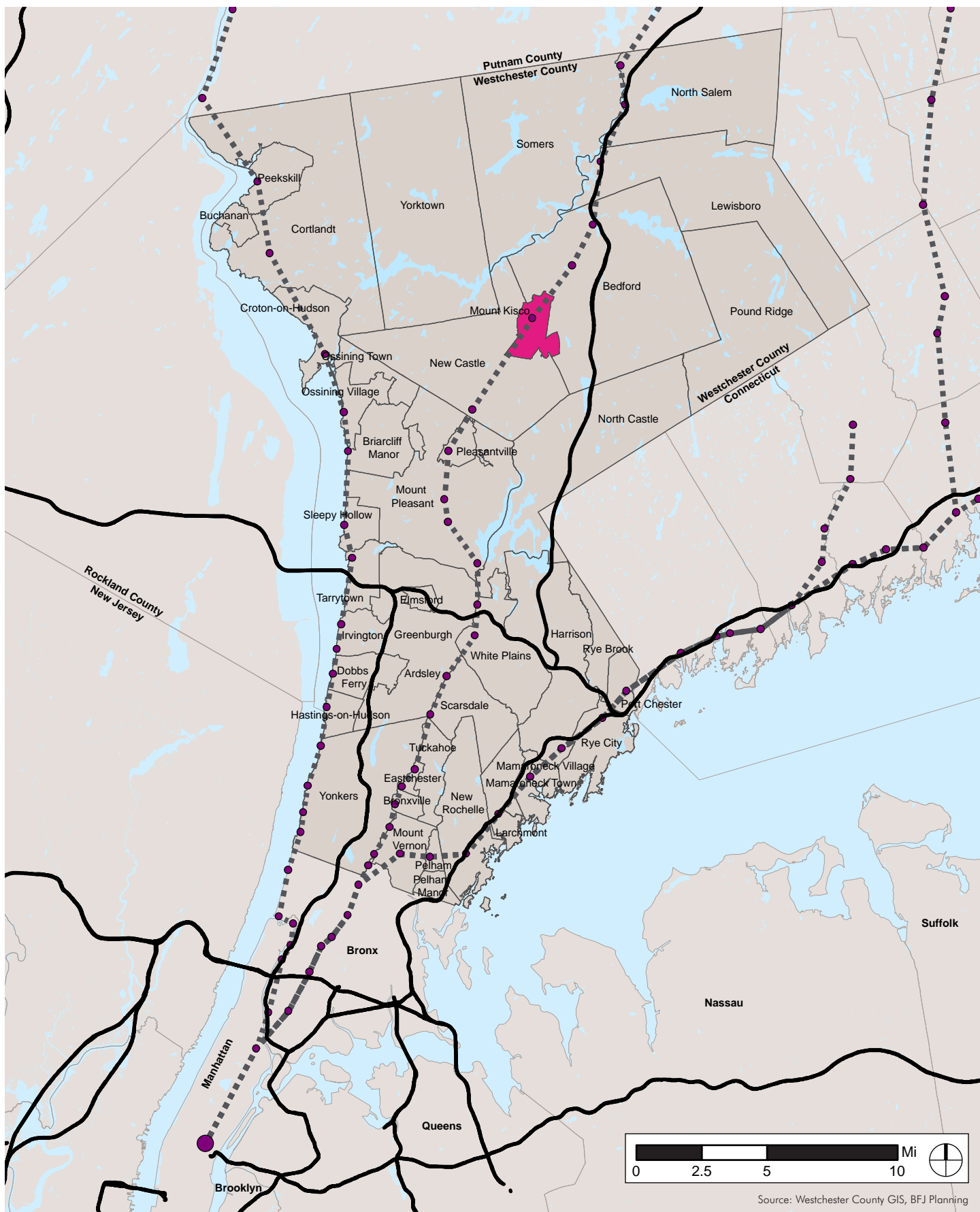
### **1.1 Generic Environmental Impact Statement**

This environmental impact statement for the adoption of the Comprehensive Plan Update and proposed Zoning Code amendments has been prepared as a Generic Environmental Impact Statement (GEIS). Importantly, the Proposed Action is legislative and generic in nature, not project-specific, and does not directly result in physical changes to the environment. The proposed adoption of the updated Comprehensive Plan and updates to the Zoning Code may affect the size, type and form of development permitted to be developed in the Village. As such, the Proposed Action is “generic” in nature in that it is not a specific development change, but rather it constitutes policy and regulatory changes that would alter the range of future development options for the Project Site.

Under SEQR (§617.10), a “Generic” EIS, or GEIS, is prepared when a proposed action represents a comprehensive program having wide application and defining the range of future projects in the affected area. A Generic EIS, according to New York State Department of Environmental Conservation (NYSDEC) SEQR handbook, is “...A type of EIS that is more general than a site-specific EIS, and typically is used to consider broad-based actions or related groups of actions that agencies are likely to approve, fund, or directly undertake.” As noted in the SEQR handbook, “... A Generic EIS differs from a site or project specific EIS by being more general or conceptual in nature....” In addition, Section 617.10(c) of the SEQR regulations requires that a GEIS set forth the specific conditions under which future actions will be undertaken or approved.

### **1.2 Project Location**

The Comprehensive Plan extends over the entire geographic area of the Village of Mount Kisco. The Village is located in Westchester County, New York and is just more than three square miles in size. Located approximately 45 miles north of Midtown Manhattan, Mount Kisco is bordered by Bedford and New Castle (see Figure 1-1 and 1-2).



**Figure 1-1: Regional Map**

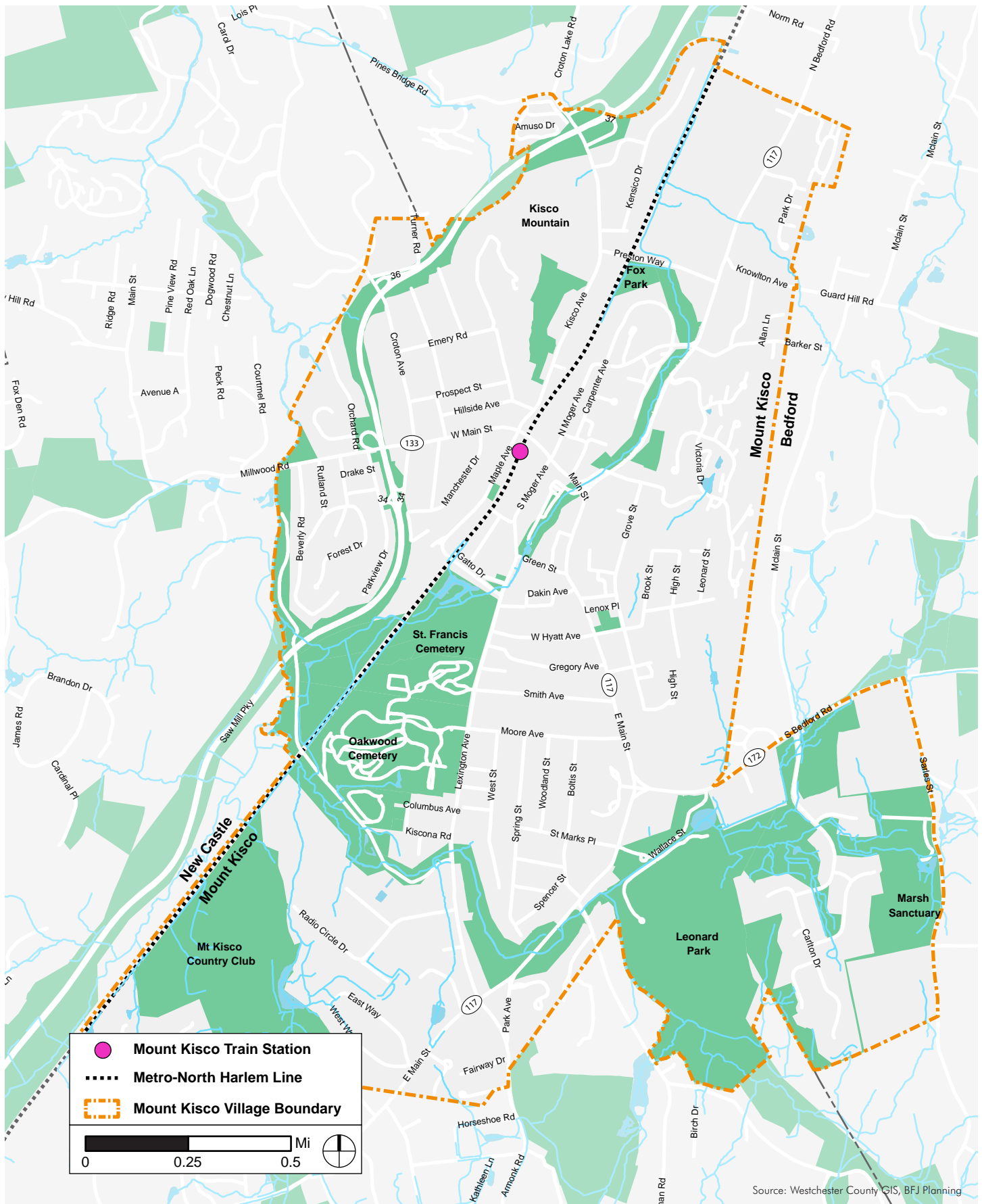


Figure 1-2: Village of Mount Kisco

With 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.<sup>2</sup> Population has been steadily increasing in Mount Kisco since 1950 excepting a slight decrease in population between 1970 and 1990, and has concurrently become more ethnically diverse with a growing Hispanic population; since the 1990s the Hispanic population has increased from 12% to 45% of the population.<sup>3</sup>

### **1.3 Environmental Setting**

Mount Kisco is connected to neighboring communities and the New York Metropolitan Area via highways and the Metro-North Harlem rail line. The Saw Mill River Parkway runs north/south through the western portion of the Village, providing connections to the Sprain Brook Parkway and I-287 to the south and I-684 to the north. The railroad came to Mount Kisco in 1850, and remains one of the most important connections the Village has to the region and New York City. Metro-North is an important regional resource connecting Mount Kisco to the rest of the region. The Mount Kisco train station is approximately an one hour ride to Grand Central at peak hour, with trains running every 15 minutes at peak times and twice an hour during the off peak schedule. Metro-North has experienced record high ridership in recent years, including a new high exceeding 16.6 million riders on the Harlem Line in 2016.

Mount Kisco is predominantly characterized by its suburban, single-family residential neighborhoods and transit-oriented commercial downtown with nearby multi-family residential uses. Single-family homes comprise the greatest percentage of the Village's land area, representing 21% of the total land area, and the majority of all residential land area. Multi-family residences and two- and three-family homes make up 7% of the Village's land area, a relatively high percentage compared to surrounding lower density communities such as Bedford and New Castle. Higher density residential areas are primarily clustered near the Village's Metro-North train station.

The largest total land use by area in Mount Kisco is parks and open space (31.4%), consisting of public parks such as Leonard Park, private recreation such as Mount Kisco Country Club, and protected areas including water supply lands (see Figure 2-3). Further, the Village is home to a number of mixed use and retail developments (6.4%) found mostly in the downtown area; various institutional uses (4.4%) such as government buildings, schools, and health care facilities; industrial uses (5.3%) that are concentrated at the northern edge and southern section of the Village; and a small area of office spaces (2.1%) that are located throughout the commercial areas of the Village. The Village of Mount Kisco also has 8.4% of land area that is vacant, some of which serves as potential development sites within the Village.

---

<sup>2</sup> US Decennial Census (1950-2010), American Community Survey (2011-2015 5-year Estimate).

<sup>3</sup> American Community survey (2011-2015 5-year estimate)



## **2.0 CHANGES TO THE PROPOSED ACTION**

Several revisions have been made to the draft Comprehensive Plan and draft Zoning Code and Map Amendments set forth in the DGEIS as a result of comments received during the public hearings held on each of these items.

The following summarizes changes made to the Comprehensive Plan and Zoning Code Amendments in response to comments made during the public hearing period for these documents. The revised Final Comprehensive Plan Update with changes shown in ~~underline/strikeout~~ can be viewed here: [www.envisionmk.org](http://www.envisionmk.org).

### **2.1 Comprehensive Plan**

In response to comments received by members of the public and interested agencies, the Village Board of Trustees has made revisions to the Comprehensive Plan to include additional recommendations, reflect existing efforts the Village has undertaken, and make clarifications to the Public Hearing Draft.

The Plan has been amended with added language to reflect the Village's commitment to sustainability and efforts to reduce the impact of climate change. New recommendations include encouraging green roofs on existing buildings, mitigating flood damage, and reducing solid waste by using modern collection and recycling strategies where economically feasible. The Plan now recommends that the Village consider participating in New York State's Climate Smart Communities program. Through this program, the Village aims to complete studies to identify appropriate goals the Village can set to reduce Mount Kisco's energy usage and carbon footprint. Additional actions named in the Plan that could be completed to advance Climate Smart principles include encouraging solar panels, green building codes, geothermal heating and cooling, and transitioning away from fossil-fuel based equipment.

The Board of Trustees have added recommendations to address comments on housing, infrastructure, the preservation of natural resources, and efforts to reduce light and noise pollution, including continuing to seek additional water sources to reduce the demand on Byram Lake and the Leonard Park wells. In addition, the Plan now recommends that the Village pursue funding to complete additional studies regarding bicycle and pedestrian infrastructure, and housing to meet the needs of low income and rent burdened residents.

Revisions were made to clarify existing agreements and capacity of community resources. The section of the Community Facilities chapter that discusses public safety has been revised to reflect the Village's five year contract with the Westchester County Police Department to provide additional police services in Mount Kisco. The Plan now states that the arrangement has been in place for the past three years without any transitional setbacks. In the same chapter, the Plan was amended to include the average amount of solid waste the Village produces (approximately 6,500

tons per year), and the average daily sewer usage (1.5-1.6 MGD).

The Comprehensive Plan has also been adapted to reflect changes to the Zoning Code discussed below.

In addition, a redlined version of the draft Comprehensive Plan showing the revised text discussed above can be found here: <https://www.envisionmk.org/>.

### 2.2 Proposed Zoning Code Amendments

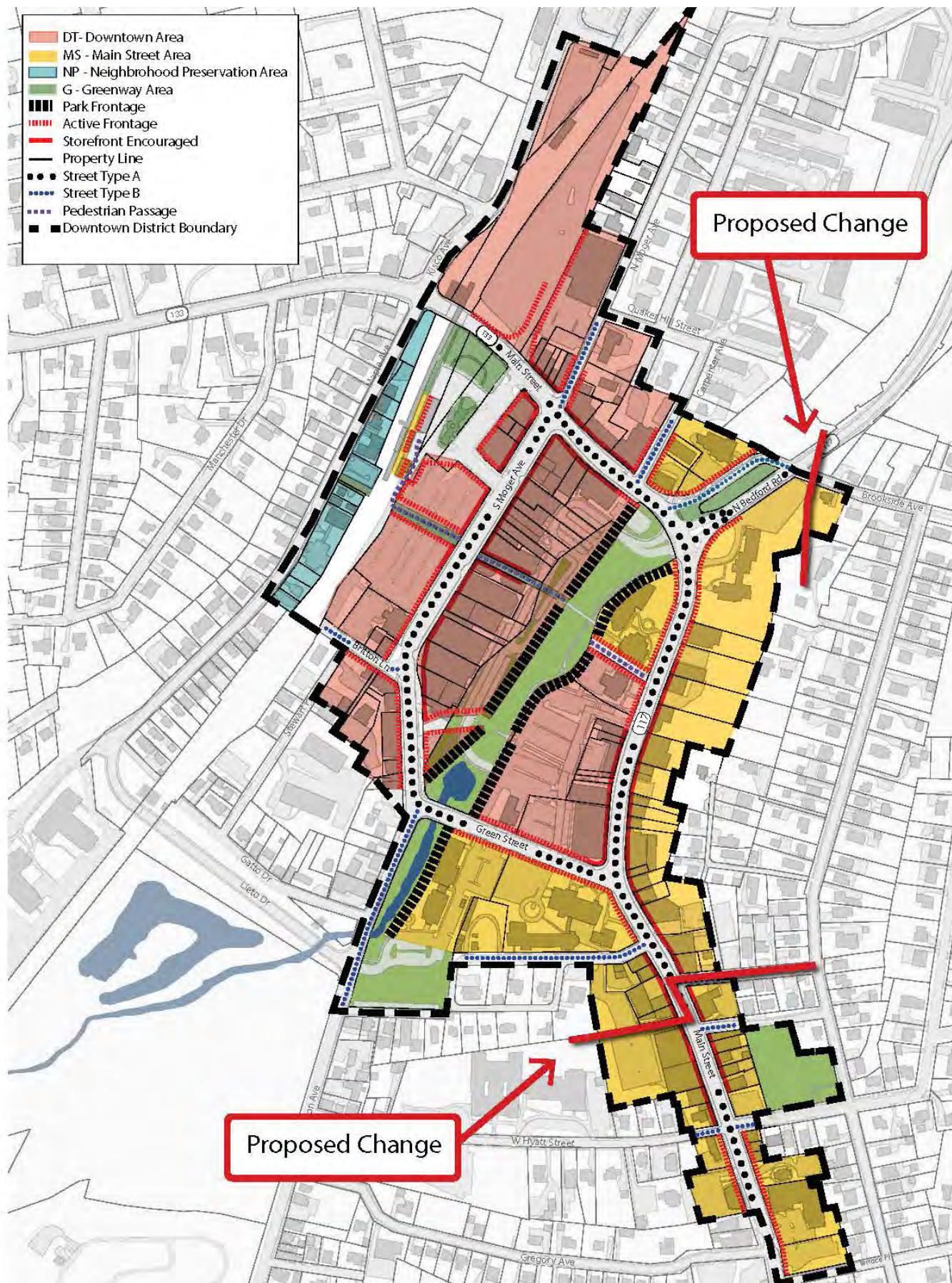
Changes to the proposed Zoning Code Amendments include a reduction in the boundary of the Downtown Overlay Zone, extension of the CL-1 with additional uses, use changes in the RDX, and adjustments to parking requirements, including fee-in-lieu payment. The Downtown Overlay Zone has been reduced to address concerns regarding lack of parking heading south on Main Street. The overlay was initially proposed to go to Terrace Place, but was altered to go only as far south as Lundy Place. A single parcel at the eastern boundary of the overlay zone, located on Brookside Avenue, has been removed from the boundary, as its current use is a single family home. Figures 2-1 and 2-2 below show the proposed changes to the proposed Downtown Overlay Boundary and the final revised boundary. This change reduces the number of potential residential units within the Downtown Overlay Zone from 388 to 338 (see Section 2.3 below).

The CL-1 district has been extended past Radio Circle Drive to include additional parcels appropriate for this rezoning (see Figures 2-3 and 2-4 below). As a result of this change, the housing unit projection has been revised from 35 townhomes to 50 townhomes. In addition, the CL-1 district now allows contractors/roofers as a permitted use. In order to avoid making sites that were previously in the GR district noncompliant, the CL-1 district was revised to reflect the use-specific minimum lot sizes of GR, and remove use-specific minimum lot sizes from the CL-1 that don't currently apply in the GR.

The RDX was amended to replace auto dealerships as a permitted use with indoor auto storage by special permit. The RDX zone now includes hi-tech/start-up incubators and educational institutions as permitted uses.

In addition, a redlined version of the proposed Zoning Code Amendments showing the revised text discussed above can be found here: <https://www.envisionmk.org/>.





**Figure 2-1: Proposed Changes to Proposed Downtown Overlay Zone Boundary**



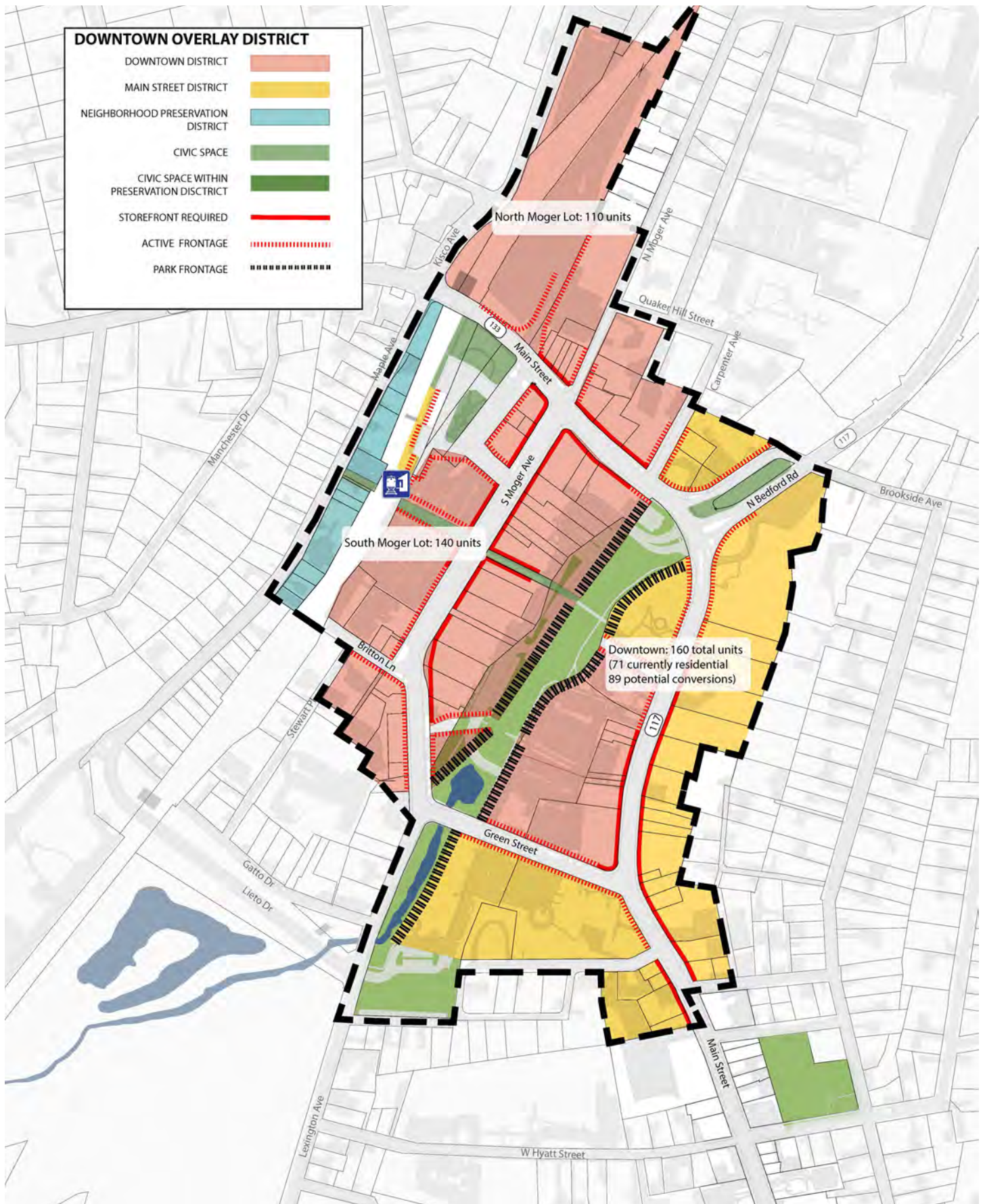


Figure 2-2: Revised Downtown Overlay Zone Boundary

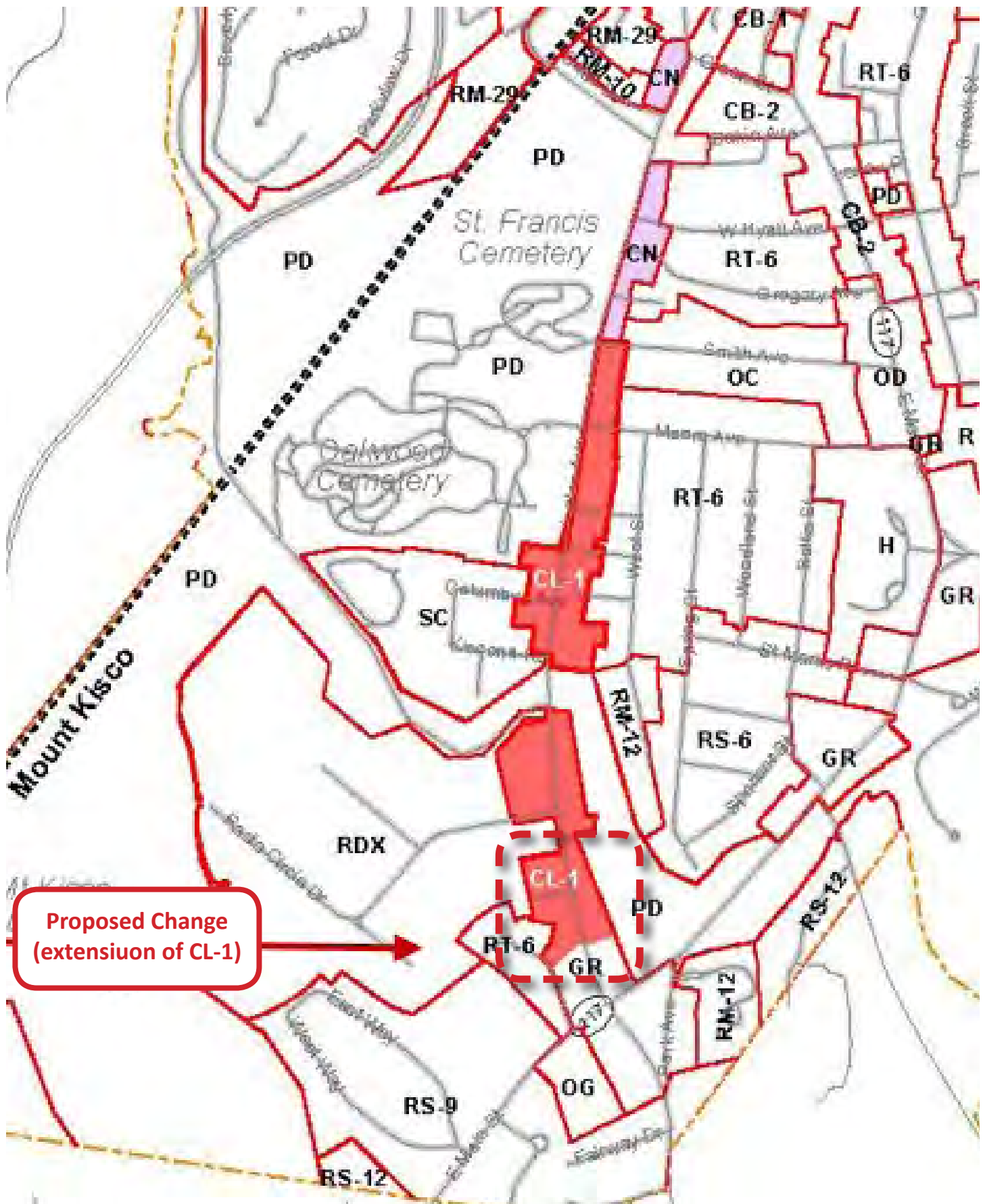


Figure 2-3: Proposed Changes to Proposed CL-1 Boundary





The parking regulations have been altered to revise the fee-in-lieu to \$12,000 per space (previously recommended to be \$10,000). In addition, the zoning in the CB-1 was changed to permit only 50% of required spaces to be bought out using the fee-in-lieu, rather than 100%. Further, the zoning of the CB-2 was amended so that only those properties that opt into the overlay zone are exempt from first-floor parking requirements. Previously, the zoning stated that all owners in the CB-2 were exempt from providing parking for first-floor uses. The overlay was also amended to state that in the CB-2 only properties that opt-into the overlay zone will receive the benefit of paying a fee-in-lieu of parking for 50% of the required spaces. In addition, a special permit from the Planning Board is now required if a property owner who opts into the overlay zone (in either the CB-1 or CB-2) wishes to discharge above 50% of its parking requirement, if the property is within 300 feet of a public parking lot and/or the owner provides a parking study demonstrating the owner has secured a shared-parking agreement with a private lot within 300 feet of the property. In this case, the owner must also submit a payment-in-lieu for all discharged spaces.

### **2.3 Revised Build-Out Analysis of Proposed Zoning**

Based on the zoning changes described above, the build-out analysis described in DGEIS Section 2.6 has been revised accordingly. The Village Board of Trustees has reduced the extent of the Downtown Overlay District on East Main Street. The overlay zone now ends at Lundy Lane and east Main Street rather than further south at Terrace Place, which was previously proposed and analyzed in the DGEIS. In addition, a second soft site analysis, conducted by the Village Manager, looked at the ability to meet the parking regulations for the number of units projected on each soft site included in the DGEIS Build-Out Analysis. It is estimated that the reduction in the boundaries of the Downtown Overlay District combined with restrictions on redevelopment due to parking requirements will reduce the total number of projected residential units within the Downtown by 50 units. The DGEIS projected a total of 388 units within the Downtown under the Proposed Rezoning and based on the changes outlined above, this FGEIS now projects 338 new units within the Downtown. Of these, 250 are projected for the North and South Moger Lots.

As discussed above, the Village Board of Trustees have also expanded the extent of the proposed Lexington Avenue zoning changes for the CL-1 District south from Radio Circle Drive toward Rt. 117 picking up an additional 17-18 parcels. This is estimated to increase the potential number of units on soft sites by approximately 15 townhome units.

As a result of the revisions to the Proposed Zoning Amendments, 50 fewer units are expected Downtown and an additional 15 units are expected on Lexington Avenue. Thus there is a net overall reduction of 35 units. The revised build-out is summarized in Table 2-1 below.

Table 2-1: Revised Build-Out Analysis for Proposed Rezoning

Location	DGEIS Build-Out Analysis		FGEIS Build-Out Analysis		Increment
	Residential Units		Residential Units		
Downtown	S. Moger Lot <sup>1</sup>	140	S. Moger Lot <sup>1</sup>	140	-50
	N. Moger Lot <sup>1</sup>	110	N. Moger Lot <sup>1</sup>	110	
	Soft Sites	138	Soft Sites	88	
Lexington Avenue		35		50	+15
Radio Circle		100		100	
Total		523		488	-35

Notes:

1. The Village has released an RFP for developments in the South and North Moger lots, which are within the Downtown Zone of the Proposed Downtown Overlay District. These developments are expected to be primarily residential, with a total of approximately 250 residential units between the two developments. These soft sites have been singled out from other soft sites in the Village as the potential for development in these two parcels is very high and the Village is currently engaged in the RFP process. Further site specific analysis will be required of these two development projects as per SEQR regulations.

### 3.0 COMMENTS AND RESPONSES ON THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

#### 3.1 Public Comment Period Process

The public comment period on the DGEIS opened on September 17, 2018 and extended through October 26, 2018. Written comments were received from the public during this time and submitted to the Village of Mount Kisco Board of Trustees. 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, in the Village Hall, 104 Main Street, Mount Kisco, New York. The DGEIS public hearing was undertaken as a joint public hearing on both the DGEIS and the Zoning Code Amendments. This FGEIS includes responses to written comments received during the DGEIS comment period.

#### 3.2 Comments and Responses

The following summarizes and responds to substantive comments received on the DGEIS; copies of all DGEIS comments received are provided in Appendix A. A summary of the substantive comments made in each of the referenced comment letters is presented in this section, where applicable, and a response to each substantive comment is also provided.

**Table 3-1: Written Comments Received on the DGEIS**

<b>Letter Author</b>	<b>Author Affiliation</b>	<b>Date of Letter</b>
<b>1. Lee Zimmer, Traffic Signals &amp; Highway Work Permits</b>	New York State Department of Transportation	October 19, 2018
<b>2. Brian Liebman</b>	Village/Town of Mount Kisco Resident	October 20, 2018
<b>3. Norma V. Drummond, Commissioner</b>	Westchester County Planning Board	October 22, 2018
<b>4. Cynthia Garcia, SEQRA Coordination Section</b>	New York City Department of Environmental Protection	October 23, 2018
<b>5. Karen B. Schleimer, Trustee</b>	Village/Town of Mount Kisco Board of Trustees	October 26, 2018
<b>6. John Rhodes</b>	Village/Town of Mount Kisco Conservation Advisory Committee	October 26, 2018
<b>7. Alice Hagemeyer DuBon</b>	Village/Town of Mount Kisco Resident	October 30, 2018

**Written Comments****1. Lee Zimmer, Traffic Signals & Highway Work Permits, New York State Department of Transportation – October 19, 2018 email to the Village of Mount Kisco.**

1-1 *Comment:* The primary recommendation would be for the municipality to establish a transportation district for the areas that receive the revised zoning. This would ensure that all individual projects that have a “de minimus” impact on traffic i.e. adding a second story apartment could make a fair share contribution to an improvement listed in section 3.6.3.

1-1 *Response:* Regarding the recommendation of instituting a Transportation Improvement District, Mount Kisco already has a Downtown Improvement District (Chapter 80 of the Town legislation<sup>4</sup>).

1-2 *Comment:* The trip generation contained in the traffic study is significantly over optimistic. The 388 dwelling units in study in the “Downtown” area have 7 in trips, 46 out trips for a total 53 trips generated (table 3.6-1). The ITE code 221 for low rise apartment (388 DU’s) would have 33 in’s /141 out’s, for a total of 178 trips and the apartment ITE code 220 (388 DU’s) would have 40 in’s / 158’s out for a total of 198 trips. The difference between the two ITE codes and the study is on the order of 120 to 150 additional trips in the morning and 100 to 130 additional trips in the afternoon. The Department objects evaluating the “Downtown” zone as a transportation oriented development because the State Route 133 bisects the generator and the receiver, i.e. the state highway is between the apartments in the downtown zone and the train station. The 388 additional dwelling units are going to have to cross the state highway one way or another. These additional trips will degrade the level of service as the side road traffic volume will increase. Winter months also increase the number of vehicle trips as inclement weather causes pedestrian activity to decrease. The Department would like to see the trip generation reevaluated and the corresponding mitigations revised for this impact.

1-2 *Response:* Figure 3-1 below shows the locations of the potential future downtown units. Note that the total number of units projected for the Downtown has decreased from 388 in the DGEIS to 338 in the FGEIS (see FGEIS Chapter 2.0). Note also that 250 of the downtown units are proposed to be built on current rail commuter parking lots, the south and north Moger lots. In addition, the north Moger lot is connected to the Metro North station via a pedestrian passage under Route 133. The remaining units are within a .4 mile distance to the station. We believe that all these units can be considered transit-oriented development.

---

<sup>4</sup> <https://ecode360.com/10861448>



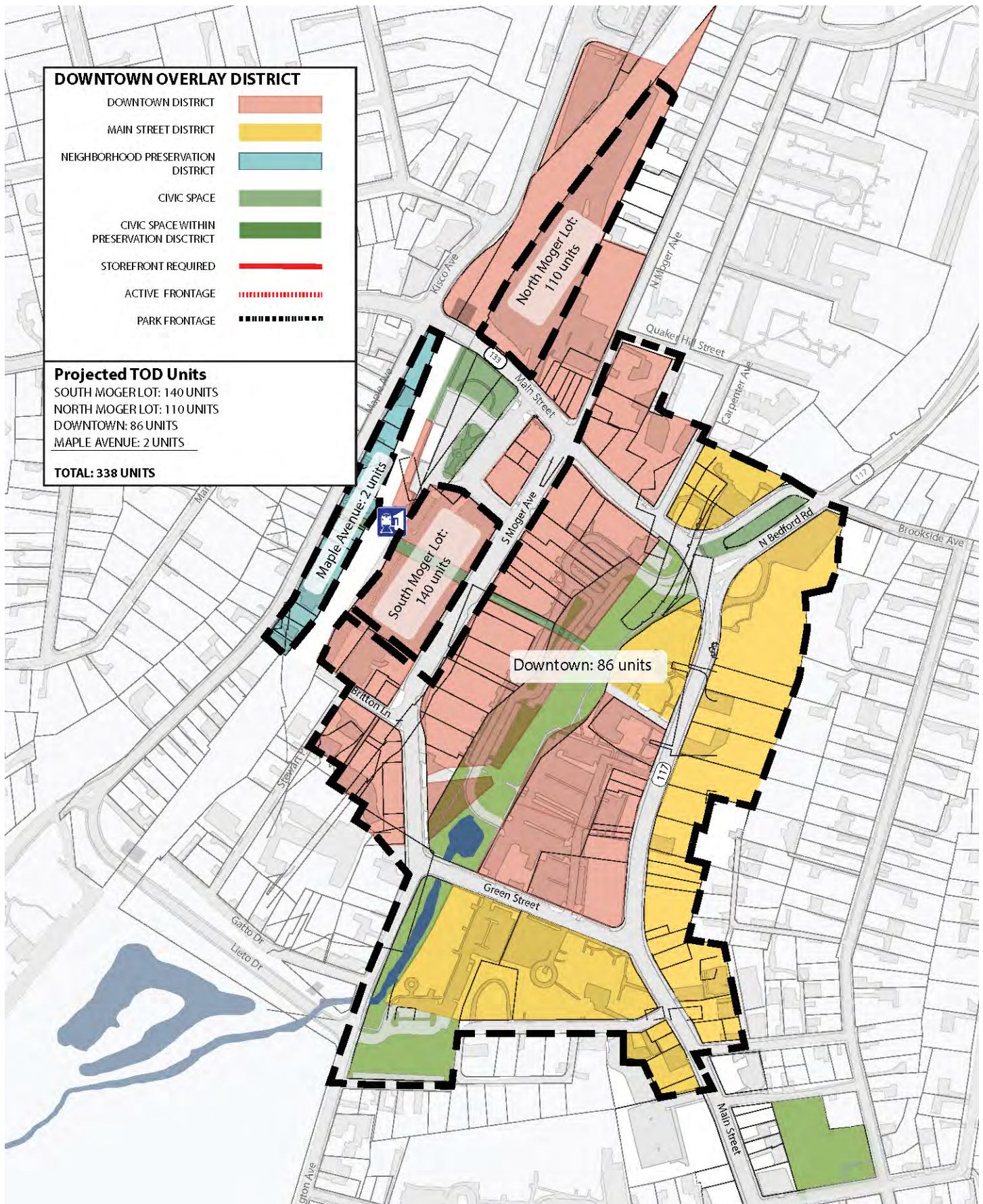


Figure 3-1: Proposed Zoning

In addition all the units are clearly within a relatively dense, mixed-use, active downtown area that lends itself to a substantial portion of trips being made on foot, independently of the presence of the station. The traffic generation rates that we used for these units are based on traffic counts that we performed at a TOD project: the Avalon Building on Barker Avenue in Downtown White Plains about 0.45 miles from the Station.

- 1-3 *Comment:* In section 3.6.3 mitigation measures, Item #1, the conversion of signal # W-101 Main Street (Route 133) and Moger Avenue from the exclusive pedestrian to the leading pedestrian interval will require a traffic study to be performed. It is very difficult to remove the exclusive pedestrian one installed due to liability concerns. Other locations may be easier. If the town or the village would like to provide a list in priority order the department will make changes as time permits.
- 1-3 *Response:* BFJ Planning, the Village's planning and transportation consultant, has explained the pros and cons of replacing the exclusive pedestrian phase with a leading pedestrian interval signal (LPI) to the Village Board of Trustees and they have expressed a preference for the LPI. It appears that the City of New York has good safety experience with LPIs. The advantage of the LPIs, besides increasing the intersection capacity fairly significantly, is that the cycle length and therefore the wait times can be shortened for all users and will thus make the downtown area more pedestrian friendly. The Village has heard anecdotally that pedestrians sometimes push the button, wait for a while for the WALK signal and then because the WALK signal does not come on right away, they jaywalk. The Village would prefer to replace all exclusive pedestrian phases along Routes 117 and 133 with LPIs.
- 1-4 *Comment:* In section 3.6.3 mitigation measures, Item #2, this may involve a highway work permit. Parking may have to be restricted along Route 117 to gain sufficient space for the additional lane (W-393).
- 1-4 *Response:* Comment noted. The Village will coordinate with NYSDOT on the implementation of this mitigation measure and all necessary permits will be obtained.
- 1-5 *Comment:* A final recommendation would be a post implementation study to validate the assumptions made during the initial study and how these can be fine-tuned for future development.
- 1-5 *Response:* Comment noted. The Village would be willing to undertake such a study if funding for such a study can be secured.



**2. Brian Liebman, Village of Mount Kisco Resident – October 20, 2018 letter to the Village of Mount Kisco**

2-1 *Comment:* The document in question advocates that the addition of 881 residents to the population of Mount Kisco through the allowance of residential apartments in the downtown, townhouses on Lexington Avenue, and senior living facilities in Radio Circle will not have any significant adverse impact on Mount Kisco. Yet, this document leaves out many costs, complications and externalities which would result from the proposed changes in its analysis. For example, there is no mention of the cost of expanding the water supply to accommodate the estimated 4.6% annual increase in water demand.

2-1 *Response:* The total proposed number of units generated by the Proposed Rezoning has decreased by 35, or a decrease of 50 units in the Downtown and an increase of 15 units along Lexington Avenue. These changes are a result of revisions to the Proposed Zoning amendments outlined in FGEIS Chapter 2.0. These changes will result in a decrease in the total population projected to be generated by the Proposed Rezoning of 42, or a total of 839 residents (see Table 3-1 below).

**Table 3-1:** Potential Incremental Increase in Residential Development: Residents and Residential Units Generated by the Proposed Action

	Unit Type	Incremental Unit Yield	Residential Demographic Multiplier	Residents Generated
Downtown	Studio (35%)	118	1	118
	1-Bedroom (40%)	135	1.67	225
	2-Bedroom (15%)	51	2.31	118
	3-Bedroom (10%)	34	3.81	130
	<b>Total</b>	<b>338</b>	-	<b>591</b>
Lexington	2-Bedroom (50%)	25	2.09	52
	3-Bedroom (50%)	25	3.83	96
	<b>Total</b>	<b>50</b>	-	<b>148</b>
Radio Circle	Studio	100	1	100
	<b>Total</b>	<b>100</b>	-	<b>100</b>
<b>Total</b>	-	<b>488</b>	-	<b>839</b>

Source: Population was calculated using New York State per capita multipliers from "Residential Demographic Multipliers, Estimates of Occupants of New Housing," Rutgers University Center for Urban Policy Research, June 2006.

The DGEIS included a projection of tax revenue to be generated by the projected development sites using the National Association of Home Builders economic model. Based on comments received this analysis was re-analyzed using actual tax projections

for each unit type prepared by the Village's Tax Assessor. This new analysis is described in detail under Responses 2-4 and 2-5 below. It is important to note that the analysis provided by the Assessor, is an example of one type of revenue that could be generated by this type of development; revenue could also come from other sources such as lease payments and/or Payment in Lieu of Taxes (PILOT) to be negotiated with Westchester County and the Industrial Development Agency. The property tax analysis is provided to demonstrate that the Proposed Action will not result in any negative fiscal impacts to the Village.

Finally, with respect to the potential increase in water demand, the Comprehensive Plan (pp 154-155), states that NYS DEC permit WAS#9929, 2000 allows the Village to withdraw an average of 2.0 million gallons per day, daily peak withdrawals of no more than 4.0 mgd, a monthly average of no more than 2.6 mgd, and a 12-month rolling average of no more than 2.0 mgd from Byram Lake Reservoir. In addition, NYS DEC permit WSA#9136, 1995 authorizes the Village to draw a 12-month rolling average of no more than 0.467 mgd from the Leonard Park well field. The Village Manager stated that at present, the highest monthly average has peaked between 1.7 and 1.8 mgd. The analysis completed in the DGEIS identifies an average daily waste water generation of 78,210 gallons per day. Given the Village's current usage, this additional projected water demand is not significant enough to approach the maximum permitted withdrawal at Byram Lake Reservoir alone, and remains significantly under the total capacity of the reservoir and wells combined (2.46 mgd). Therefore, the Village does not anticipate that the Proposed Action will result in any increased costs to the Village to accommodate increased water demand.

2-2 *Comment:* There is also no mention of the change in traffic flow which would necessarily need to occur if the parking in the South Moger lot was removed to allow for a residential development and that parking was moved to the North Moger Lot. This shift in parking may require new exits from that parking deck onto Barker Street and Kisco Avenue and could have particularly adverse effects on those streets as well as East Main Street, as well as the overall traffic congestion of the downtown.

2-2 *Response:* The Moger Lots Request for Proposals (RFP) states that "It is essential that the design concept for these two parcels [South and North Moger Lots] not only maintain existing parking capacity, but also accommodate the parking needs of new residential units in the developments." It has yet to be determined if the commuter parking will be maintained on each lot or if some other parking configuration (shifting spaces from one lot to another) will be proposed. This parking issue, as well as all other site-specific environmental issues, are site-specific issues related to future redevelopment of the Moger Lots and will be addressed as part of future Site Plan Review and site-specific review under SEQR.

2-3 *Comment:* Further, there is no mention of the potential for residents who live along

Lexington Avenue, an already overcrowded neighborhood, to be displaced if their modestly priced living spaces are replaced with more expensive townhouses which will likely be filled with a different demographic entirely. Such a displacement not only would negatively impact the cultural balance that Mount Kisco has, it would also potentially drive the displaced people into even more crowded living situations as well as driving some of them to live in the woods, a problem which is already occurring. Both of these scenarios will be both costly and undesirable for the village.

2-3 *Response:* The soft sites included in the build-out analysis along Lexington Avenue are comprised of predominantly vacant sites. As outlined in FGEIS Chapter 2.0, the Village is expanding the CL-1 District south of Radio Circle to include additional large vacant and underutilized commercial sites that do not contain individual homes in an effort to alleviate any potential displacement concerns. Homes located to the north of Radio Circle tend to be under single-ownership and are doing well on rental income making any future property assemblages needed to redevelop with townhomes difficult and any associated displacement unlikely. The combination of these two factors (large underutilized/vacant commercial properties and established single-ownership homes) serve to alleviate any potential for significant residential displacement along Lexington Avenue.

2-4: *Comment:* The document in question predicts that out of a hypothetical 423 new units allowed by the proposed zoning changes only a mere 15 to 20 school children will be added to the school system. The justification for such an incredibly low rate is based on a study using developments in places which are completely unlike Mount Kisco. They include: Fleetwood, Mamaroneck, White Plains, Stanford, and Pelham; all of which are either located much closer to New York City than Mount Kisco or are cities in their own right. Furthermore, none of them are widely recognized family towns like Mount Kisco where the main appeal of its location is that it would make a good place to raise a family. Further, all of the developments used in the study are high priced, luxury oriented living and in some cases such as 15 Bank Street, are specifically advertising nightlife and singles culture, this is a market which is highly improbable to be viable in Mount Kisco, and so the use of this study to predict how many children would enter the school system if the 423 units were added seems unjustified, especially without explicitly stating the differences just described. Here is then another cost which goes unmentioned which is the cost to the school district if in fact there are more than 20 school children added. As \$1,243,000 is predicted to go to the school district annual out of the predicted \$2,302,000 generated in taxes by the proposed changes, it should be mentioned that if in fact approximately more than 40 children are generated by the added 423 units that the cost for those children will require additional tax revenue beyond what is predicted to be generated by the proposed changes. Furthermore, it should be mentioned that if 40 or more of the children will attend Mount Kisco Elementary than there may be overcrowding in that school.

- 2-4 *Response:* The Village has reviewed the school generation rates used in the DGEIS in light of the above comments and has made a few tweaks to account for variations in the distance from the Mount Kisco Train station. The Rutgers Transit Oriented Development (TOD) multipliers used in the DGEIS along with actual school children generation rates generated by newly constructed residential rental buildings in TOD locations have still been applied to the projected units at the South and North Moger Lots as these are true TOD sites proposed to be developed with new market-rate residential rental units. The remaining 88 units projected for the Downtown are anticipated to largely be comprised of conversions of existing second floor vacant office space located on sites slightly farther afield than the Moger Lots. Therefore, the generation rates used for these soft sites have been revised to better reflect these factors. As presented in Table 3-2 below, the Downtown Other category now uses rates obtained from the “School-Age Children in Rental Units in New Jersey: Results from a Survey of Developers and Property Managers,” prepared by the Rutgers Center for Real Estate dated July 2018. The 2018 Rutgers study is based on the results of 251 surveys covering more than 40,000 market-rate units in the Metropolitan region. The study includes school children multipliers for different unit types at different levels of affordability; the multipliers for market-rate low-rise units were used for the Downtown Other units. The generation rates used for the Lexington Avenue (ownership) units are based on the “Residential Demographic Multipliers, Estimates of the Occupants of Housing” for New York prepared by the Rutgers University Center for Urban Policy Research dated June 2006. However, a minor adjustment to the numbers were made to reflect actual private school enrollment in Mount Kisco. The multipliers used for the Downtown Other and Lexington Avenue are for all school children (both public and private). The rates were then discounted by 7% as according to the US Census (2016) approximately 7% of Mount Kisco school children attend private school. This is a more conservative approach than that used by Rutgers as they assume a discount of 12% to account for private school attendance.

Table 3-2 below presents an update in the projection of public school children anticipated to be generated by the Proposed Action. The table uses more specific multipliers based on location, unit type (rental vs. ownership), and actual private school enrollment rates in Mount Kisco. Revisions to the build-out analysis (-35 units) outlined in FGEIS Chapter 2.0 have also been accounted for in the revised projection. The DGEIS projected a total of 15-20 new public school children, while the revised build-out is anticipated to result in approximately 24-27 school, an increase of 7 to 9 students, despite a decrease in the total number of units.

**Table 3-2: Potential School Aged Children Generated from Proposed Action<sup>5</sup>**

	Number of Units	Public School Children Generation Rate <sup>1</sup>	Public School-Age Children Generated
<b>Downtown – Moger Lots (rentals)</b>			
Rutgers TOD data	250	0.021	6
Comparable Rental Market data	250	0.034	9
<b>Downtown – Other (rentals)</b>			
Rutgers TOD Adjacent - Studio	10	0.0177	1
Rutgers TOD Adjacent – 1-bed	30	0.0177	1
Rutgers TOD Adjacent – 2-bed	10	0.26	3
<b>Lexington Avenue (ownership)</b>			
Rutgers Single-Family Attached 2-bed	26	0.13	4
Rutgers Single-Family Attached 3-bed	24	0.36	9
<b>Total</b>	<b>250</b>		<b>24-27</b>

**Notes:**

1. The Public School Children Generation rates for the proposed units are as follows:

- Moger Lots – the generation rates are comprised of both the Rutgers TOD multipliers and from comparable rental units in TOD locations (“A Quick Guide to New Jersey Residential Demographic Multipliers.” Rutgers Center for Urban Policy, November 2006).
- Downtown Other (rentals) – the generation rates used are from the “School-Age Children in Rental Units in New Jersey: Results from a Survey of Developers and Property Managers,” prepared by the Rutgers Center for Real Estate dated July 2018. The multipliers for market-rate low-rise units was used.
- Lexington Avenue (ownership) – the generation rates used are from the “Residential Demographic Multipliers, Estimates of the Occupants of Housing” for New York prepared by the Rutgers University Center for Urban Policy Research dated June 2006.

The multipliers used for the Downtown Other and Lexington Avenue are for all school children (both public and private). The rates have been discounted by 7% as according to the US Census (2016) approximately 7% of Mount Kisco school children attend private school. This is a more conservative approach that used by Rutgers as they assume a discount of 12% to account for private school attendance.

The public school students generated by the revised residential build-out under the Proposed Zoning Amendments would increase total student enrollment by 0.6%-0.7% in the Bedford Central School District. Based on this analysis, total enrollment in the Bedford Central School District would increase to 4,072-4,075 students. However, this increase is not considered to be significant as it is well below peak enrollment during the last 10 years

<sup>5</sup> It is unlikely that the proposed Zoning Text Amendments in Radio Circle that will allow Assisted-Care by special permit will generate any School-Aged Children and thus the residential unit increment has been excluded from this analysis.

(4,471 students), as well as enrollment in 2016 (4,180 students) (see Table 3-3 below). The maximum predicted total enrollment as a result of the Proposed Action is 8.8% less than peak enrollment in 2012. Therefore, it is concluded that the Bedford Central School District has the capacity to accommodate the potential students generated from the Proposed Action.

**Table 3-3: Student Enrollment in the Bedford Central School District, Mount Kisco Elementary and West Patent Elementary**

Year	Bedford Central School District	Mount Kisco Elementary	West Patent Elementary
2008-09	4,329	500	345
2009-10	4,362	482	360*
2010-11	4,419	532	357
2011-12	4,424	528	355
2012-13	4,471*	554	353
2013-14	4,412	563	348
2014-15	4,374	582	358
2015-16	4,371	596*	335
2016-17	4,180	581	344
2017-18	4,048	549	325

Source: NYSED, 2018; Bedford Central School District, 2017.

\*Peak Enrollment

The School District will determine which of the two nearby elementary schools students would attend. As demonstrated above, both Mount Kisco Elementary and West Patent Elementary have existing capacity to accommodate the additional 24-27 students. Enrollment at Mount Kisco Elementary School in 2017 was 549 students, which is a 7.9% decrease from peak enrollment in 2015. Therefore, as total enrollment under the Proposed Action is estimated to be 573-576 students, Mount Kisco Elementary has the capacity to accommodate the students potentially generated by the Proposed Action. In addition, enrollment at West Patent Elementary in 2017 was 325 students, which is a 9.7% decrease from peak enrollment in 2010. Therefore, as total enrollment under the Proposed Action is estimated to be 349-352 students, West Patent Elementary has the capacity to accommodate the students potentially generated by the Proposed Action. It is also unlikely that all school children generated by the Proposed Action would all attend the same school. Further, according to the Bedford Central School District, 43% of students enrolled in the District during the 2016-2017 year were enrolled in elementary school. Using this rate of enrollment in elementary school, it is predicted that only approximately 10-12 elementary school-aged children could be generated as a result of the proposed Zoning Amendments. Therefore, it is clear that Mount Kisco and West Patent Elementary Schools have the capacity to enroll students generated from the



Proposed Action.

- 2-5 *Comment:* The justification for the mentioned \$2,302,000 of annually occurring tax revenue is based on a model created by the National Association of Home Builders. This seems like a poor choice for an objective model as that organization exists to promote development. Therefore, it would be far more appropriate if the numbers from other models were included to give a range of possibilities.
- 2-5 *Response:* In response to the above comment, the Village asked the Village Assessor, Roger Miller, to estimate potential taxes to be generated by each of the housing types to be generated under the Proposed Action: 1) New construction at the South and North Moger Lots; 2) Residential conversions of upper floor commercial space; and 3) Townhomes along Lexington Avenue. The Assessor's estimates for each housing type are provided in Appendix B and summarized in Table 3-4 below.

**Table 3-4: Village's Assessor's Estimate of Tax Revenues to be Generated by Residential Development Under the Proposed Zoning Amendments**

Locations	Number of Units/SF	Taxes
<b>Moger Lots</b>	250	<b>\$1,507,953 Total</b>
		\$497,624 - Village
		\$814,295 – School District
		\$196,034 - County
<b>Downtown Other</b>	50 (60,000 SF)	<b>\$295,075 Total</b>
		\$97,375 - Village
		\$159,341 – School District
		\$38,360 - County
<b>Lexington Avenue</b>	50	<b>\$714,250 Total</b>
		\$235,703 - Village
		\$385,695 – School District
		\$92,852 - County
<b>Total</b>	Total Taxes	<b>\$2,517,278 TOTAL</b>
	Village	\$830,702
	School District	\$1,359,330
	County	\$327,246

Notes:

1. It is important to note that the estimates contained in Table 3-4 have been adjusted to reflect the actual number of units projected under the revised Build-out Analysis.

The projection using the estimates provided by the Village Tax Assessor are actually higher than those estimated using the National Association of Home Builders model. The DGEIS projected an additional \$2.303 million in total annual taxes, while the Village

Assessor's estimates approximately \$2.5 million in additional annually recurring tax revenue despite a decrease of 35 residential units. It is important to note that the analysis provided by the Assessor, is an example of one type of revenue that could be generated by this type of development; revenue could also come from other sources such as lease payments and/or Payment in Lieu of Taxes (PILOT) to be negotiated with Westchester County and the Industrial Development Agency. The property tax analysis is provided to demonstrate that the Proposed Action will not result in any negative fiscal impacts to the Village.

As stated in the DGEIS (page 90), the cost to educate a public school child on a per capita basis in the Bedford Central School District is approximately \$29,596. The per capita method of calculating costs is a very conservative approach as it includes costs that would not increase with the addition of new school children such as administrative services and other program and capital expenses. For example, the addition of 24-27 new students would not require an additional Superintendent or other new administrative staff nor would it require additional classroom or school facility space. The per capita method is used in this analysis as it provides the most conservative approach to assessing potential impacts.

Therefore, the revised build-out analysis has the potential to generate 24-27 additional public school children. These additional public school children would have an annual cost to educate ranging from \$710,304 to \$799,092 in total. According to the Village Assessor, approximately \$1.36 million would go to the School District annually. As the incremental taxes paid to the School District under the Proposed Action is significantly more than the cost to educate the 24-27 public school children projected, the proposed project therefore is not anticipated to result in any impacts to the Bedford Central School District. Further, the Proposed Action would generate an additional \$830,702 in annual tax revenue to the Village, and \$327,246 to the County.

**3. Norma V. Drummond, Commissioner, Westchester County Planning Board – September 20, 2016 letter to Village of Mount Kisco**

- 3-1 *Comment:* County sewer impacts. The draft GEIS notes that the potential buildout that could occur due to the changes in zoning regulations recommended by the Comprehensive Plan would increase average daily wastewater generation in the Village/Town by 78,210 gallons per day which will require treatment at the Yonkers Joint Water Resource Recovery Facility operated by Westchester County. The final GEIS should reference the County Department of Environmental Facilities' policy requiring mitigation that will offset the projected increase in flow as new developments are proposed under the new zoning regulations. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three for one. A

ratio of one for one may be used for any affordable units that are constructed.

The County Planning Board further recommends that the Village/Town implement a program that requires inspection of sewer laterals from private structures for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, we encourage the Village/Town to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.

- 3-1 *Response:* The projected redevelopment sites are all located within the City of Yonkers Sewer District, and have been paying County sewer taxes since the creation of the district more than 50 years ago. Inflow and infiltration issues within the district have obviously developed over the past decades due to a lack of maintenance and upkeep by the district. The imposition of a funding mandate on any project sponsor who is pursuing the redevelopment of underutilized properties, which will bring jobs to the Village, increase the Village's and County's tax base, bring a mix of housing opportunities to the Village and introduce a population which will help support the merchants in the downtown area, seems to be counterproductive.

In addition, the Village has been running an average of 1.5-1.6 mgd at the sewage treatment plant, which is down from approximately 1.8 mgd prior to I&I work undertaken and completed by the Village in the past few years. The Village continues to work to reduce I&I in the system and reduce this number, but as outlined in the Comprehensive Plan (page 156) it is still well below the figure of 3.227 mgd.

Further, there is adequate capacity in the Village and County sewer infrastructure to service the projected redevelopment sites. In addition, as discussed in the DGEIS (page 111), the Proposed Zoning is not anticipated to result in a significant increase in impervious surface cover in the downtown, and it may actually result in a decrease in potential impervious surface cover. Further, during site specific review of future projects any site specific stormwater or sewer infrastructure issues will be studied and any necessary mitigation measures will be developed.

4. **Cynthia Garcia, SEQRA Coordination Section, New York City Department of Environmental Protection – October 23, 2018 letter to the Village of Mount Kisco**
- 4-1 *Comment:* In addition to recognizing the importance of trees to the community's character, wildlife habitat, and stormwater management, DEP encourages the Village to recognize the importance of forest management to the conservation of forest resources

and pursue opportunities to support science-based, sustainable forest management in its Plan and Zoning Code Amendments. Healthy, diverse and vigorous forests help to protect surface water quality by minimizing the risk of erosion, sustaining high stormwater infiltration rates and consistent water yields, filtering suspended sediments and accumulated nutrients from run-off. Tree removal can be beneficial when properly planned and executed, need not be limited to cases of hardship, public safety, interference with property, or a threat to the health of other trees. An example of a professionally prepared forest management or stewardship plans is the New York State Forest Tax Law.

4-1 *Response:* A recommendation has been added to Chapter 7 of the Comprehensive Plan stating that, “The Village should continue to recognize the importance of forest management.” In addition, a survey of all street trees in the Village has been conducted with the help of an Urban Forestry Grant, and this will lead to the development of a Village-wide tree preservation and management plan. The Village is also proud to be a designated Tree City USA.

4-2 *Comment:* DEP applauds the Village's recommendations with respect to flood management, hazard mitigation, sewer repairs and the improvements of stormwater management.

4-2 *Response:* Comments noted.

**5. Karen B. Schleimer, Trustee, Village of Mount Kisco Board of Trustees – October 26, 2018 letter to the Village of Mount Kisco.**

5-1 *Comment:* Page 1. 1.1 “The Comprehensive Plan extends across the entire geographic area ...” The Plan only covers the Downtown area, Lexington Avenue and Radio Circle. This is repeated on P. 9 in 2.1.

5-1 *Response:* The Proposed Zoning text amendments only cover the Downtown area, Lexington Avenue and Radio Circle. The Comprehensive Plan, however, is a plan for the entire geographic area of the Village of Mount Kisco.

5-2 *Comment:* 2. P. 14. 2.3 The plan “prioritizes downtown development while simultaneously maintaining the existing neighborhood character of the Village.” No changes were made to any residential neighborhoods regardless of need, except in the Lexington Avenue corridor which will be substantially changed if the proposed zoning amendments are approved.

5-2 *Response:* Comment noted.

- 5-3 *Comment:* Pps 14-15 2.5 goals: Land Use: “Promote...balanced...land use...that respects the natural environment...”-downtown development ignores issues of light and air, blocking viewsapes and flood plains. Transportation: “Reduce traffic congestion, accommodate parking needs...” Limited proposals to reduce existing traffic issues with existing substantial downtown store vacancies. To be exacerbated if more stores and more occupied existing stores and 1000 new residents.
- 5-3 *Response:* The above comments pertain to the Draft Comprehensive Plan and have been reviewed by the Village Board of Trustees as part of their review of potential changes to that document (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan changes). In addition, as noted above in Response 2-1, the revised Zoning Code Amendments will result in approximately 839 new residents over a more than projected 10-year build-out period. Further, this GEIS is generic in nature and cannot anticipate all future site-specific impacts. Future site-specific transportation impacts will be assessed, as necessary, in a traffic impact study as part of future project approvals. All future site-specific development under the proposed Zoning Code Amendments will be subject to site plan review by the Planning Board and site-specific review under SEQR. These subsequent reviews will ensure that future projects do not result in any unmitigated site specific traffic impacts.
- 5-4 *Comment:* P. 19 says increase in residential units in Downtown Mount Kisco of approximately 388 multifamily units.
- 5-4 *Response:* Comment noted. The Proposed Rezoning area within the Downtown has been decreased from what was analyzed in the DGEIS (see FGEIS Chapter 2.0). Based on the reduction in the rezoning area, the total number of residential units projected by the Proposed Rezoning is 338.
- 5-5 *Comment:* P. 19-Radio Circle-are Family Recreation, childcare, office buildings, warehouse, auto dealerships and senior living compatible uses?
- 5-5 *Response:* The above comments pertain to the Draft Comprehensive Plan and proposed Zoning Code Amendments and have been reviewed by the Village Board of Trustees as part of their review of potential changes to these documents (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan and Zoning Code changes). The zoning recommendations for Radio Circle have been amended to remove auto dealerships and to add indoor car storage by special permit.
- 5-6 *Comment:* P.20. Parking Standards. Reduction of payment in lieu will not permit the Village to cover costs to build a parking structure if needed in the future. Will this cover property acquisition costs for on grade parking? Is this being considered?

- 5-6 *Response:* The reduced payment-in-lieu fee is comparable to surrounding municipalities. The funds generated by the payment-in-lieu fee will enable the Village to consider all options to either make improvements to the existing municipal lots to accommodate increased future parking demand or identify opportunities for additional surface parking. The payment-in-lieu fee is one revenue source available to the Village, but may not be the only source used to build a new parking structure. Grants, developer contribution, bonds, parking revenue, etc. may also be utilized.
- 5-7 *Comment:* 7. P. 21-have we considered the effects of a possible condominium development off of Hickory Lane and the luxury home sites off of McClain? How many additional residential units? Cars? Water and sewer usage? Ambulance and fire?
- 5-7 *Response:* The proposed Zoning Code Amendments do not include changes to the zoning along Hickory Lane and McClain Street. Existing development at these two locations allowed under the Village's existing zoning regulations is outside of the scope of this GEIS.
- 5-8 *Comment:* P.32. 2013 Multi-Hazard Mitigation Plan. Does this need to be updated in light of the approval of 2015 Westchester County Hazard Mitigation Plan at the Village Board Meeting held 10/22/18?
- 5-8 *Response:* All references to the Village's 2013 Hazard Mitigation Plan have been replaced in the Comprehensive Plan with the 2015 Westchester County Hazard Mitigation Plan.
- 5-9 *Comment:* P. 35 5. Downtown says "Keep Contextual Scale". I am not sure what "Contextual" means here. We are going from primarily 1 story with some two story buildings to 4 and possibly 5. We say there are no environmental impacts-see Ch. 3-:
- Loss of viewscales towards Kisco Mountain and across Maple. See behind development on east side of Main Street.
  - Dark-loss of sunlight due to increased height of buildings downtown and Main Street.
  - Increased possible flooding Parking
  - Traffic
- 5-9 *Response:* Comments noted. The changes in allowable height under the proposed Downtown Overlay District are generally in keeping with the context of the heights currently permitted within the Downtown. Specifically, 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.
- 5-10 *Comment:* 10. What about increase in school children and school busses, traffic and demand on infrastructure-not deemed significant.

- 5-10 *Response:* The DGEIS analyses the potential impact on the Bedford Central School District in DGEIS Chapter 3.5: Community Facilities, Historic and Cultural Resources. Transportation impacts are analyzed in DGEIS Chapter 3.6: Transportation, and infrastructure impacts are analyzed in DGEIS Chapter 3.7: Infrastructure. Based on the analysis contained in each DGEIS chapter it was determined that no potentially adverse significant impacts would occur as a result of the Proposed Rezoning. Further, the school children and transportation analyses have been updated based on the reduction of projected residential units from 388 to 338 – see Responses 1-2, 2-4 and 2-5 above.
- 5-11 *Comment:* Fig 3.1-5 Why CB-1 across tracks on Kisco Ave.? Is there a proposed change across tracks on Maple? Thought it was to be 3 story-not sure what the zoning is-3.1.5 seems to suggest still RT-6. Is this correct? If the overlay applies, what is possible building height? Would this be consistent with the RT-6 neighborhood? Can the neighborhood support more dense development in terms of traffic/parking, access for fire/ambulance?
- 5-11 *Response:* The Downtown Overlay District has been extended across the railroad tracks along Kisco Avenue to include several parcels that are underutilized and/or Village-owned. Opportunities for redevelopment exist at these sites as well as the potential for connections across the tracks to the train station platform or the North Moger lot. Within the existing GC District the Downtown Overlay District is only being mapped on parcels located to the north of West Main Street. It is important to note that property in an overlay zone continues to be subject to all of the regulations, responsibilities, and controls associated with the underlying zone (in this case the GC District) unless the property owner applies for a variance, or “opts in” to the overlay zoning, which would allow additional uses of the property and building heights not normally allowed in the underlying zone. In exchange, any property owner who chooses to opt into the Downtown Overlay District will be required to comply with design standards set forth in the overlay district code. All underlying zoning will remain in place, including the GC and RT-6 Districts. The height limit within the Neighborhood Preservation Area along Maple Avenue would remain at three-stories.
- 5-12 *Comment:* P. 40. States that 388 multifamily units represent a “modest” increase in allowable density. The plan states elsewhere that the increase is in the neighborhood of 12% which does not seem modest in light of the fact that the area of the Downtown is \_\_\_\_\_ acres. Further it states that: “The proposed amendments to the Downtown Mount Kisco will allow denser future economic growth in a concentrated area...” Does this not raise questions of traffic?
- 5-12 *Response:* As outlined in FGEIS Chapter 2.0, the number of proposed residential units projected to be developed under the Rezoning has been reduced from 388 to 338 to account for a reduction in the rezoning area within the Downtown. In addition, potential traffic impacts related to the Proposed Rezoning were studied in the DGEIS Chapter 3.6:

Transportation. Also, any future development under the Proposed Rezoning will require Site Plan Review and site specific review under SEQR, which will require a site specific analysis of traffic impacts.

5-13 *Comment:* 13. P. 46-Check reference to Multi-Hazard Mitigation Plan. See Comment 5-8 herein.

5-13 *Response:* See Response 5-8 above.

5-14 *Comment:* P. 48. 3.2.2 Strategies says “1. Preserve the character of existing residential neighborhoods.” With the possibility of development on Maple Avenue under the overlay, this RT-6 neighborhood could/would be effected.

5-14 *Response:* Comment noted. The difference between the current allowances under RT-6 and the Neighborhood Preservation District are relatively minor and design standards required for opting into the Downtown Overlay Zone are intended to reflect the existing neighborhood character.

5-15 *Comment:* P. 49. 3.2.2 Recommendations. 6. “...encourage new mixed use residential development targeted at segments of the population targeted to grow in the future, especially in the downtown.” P. 48 says 73.5% of Hispanics are renters. P. 49 states that Hispanics were the “largest and fastest growing “group in the Village. The goal as stated here is to ensure “...a variety of housing types appropriate for local workers, young professionals, and empty nesters.” Where is housing for Hispanics considered?

5-15 *Response:* The above comments pertain to the Draft Comprehensive Plan and proposed Zoning Code Amendments and have been reviewed by the Village Board of Trustees as part of their review of potential changes to these documents (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan and Zoning Code changes). Specifically, a recommendation that the Village pursue funding to complete a housing study to help identify resources to help residents who are rent burdened has been added to the Comprehensive Plan.

5-16 *Comment:* P. 51. Says “preserving “small town character”. There are numerous references to urban environment.-see also P. 51- the downtown is “well suited for dense development.” Inconsistent.

5-16 *Response:* Comment noted.

5-17 *Comment:* P. 59. Is Byram Lake part of the NYC water supply?

5-17 *Response:* No, Bryam Lake is not part of the NYC Water Supply.



- 5-18 *Comment:* P. 64. Air Quality. Reference to major roadways. Does not include Route 133.
- 5-18 *Response:* Comment noted. The FGEIS notes that a potential source of negative air quality impacts for Mount Kisco is traffic congestion on major roadways, notably the Saw Mill River Parkway, SR 117, and Route 133.
- 5-19 *Comment:* P. 64. Hazard Mitigation Plan. See Comment 5-8.
- 5-19 *Response:* See Response 5-8 above.
- 5-20 *Comment:* P. 67. Hazard Mitigation. See Comment 5-8.
- 5-20 *Response:* See Response 5-8 above.
- 5-21 *Comment:* P. 70 Leonard Park-no discussion of possible cell tower in Leonard Park.
- 5-21 *Response:* While the Comprehensive Plan and DGEIS do not specifically call out the possible cell tower in Leonard Park, such a cell tower would not be precluded by the Plan or DGEIS.
- 5-22 *Comment:* P. 72. Scenic Views: "...the potential increase in building height may reduce the visibility of some surrounding natural resources, this impact is not expected to be significant." First, part of what is impacted is Kisco Mountain-the namesake of our town and the crown jewel. Blocking the view is significant. "An addition of five to ten feet of building height in Downtown, where buildings already reach up to three stories in height, is not expected to significantly or adversely impact the local viewshed." Firstly, much of the development is proposed on a surface open parking lot that has no buildings and is expected to go 4-5 stories. Secondly, in the areas on South Moger where there are existing buildings that while the zoning permits three stories, the majority are one story with a few at 2 stories. A change therefore is in fact significant.
- 5-22 *Response:* Comments noted.
- 5-23 *Comment:* P. 73. States 1087 new residents over 10 years. Page 47 says 1000 by 2030.
- 5-23 *Response:* The projection of 1,000 additional residents by 2030 is a projection based on growth under current zoning, while the estimate of 1,087 residents over the next ten years is based on growth/development under the proposed Zoning Code Amendments.
- 5-24 *Comment:* P.75. Village Attorney should review/revise Police section. Not accurate.

- 5-24 *Response:* Whitney Singleton, Village Attorney reviewed the police section of the Comprehensive Plan and the Plan reflects revisions based on this review.
- 5-25 *Comment:* P. 84. 3.5.2-Recommendations-Fire Departments: Not currently undergoing renovations-work has not commenced as of this time.
- 5-25 *Response:* Comments noted.
- 5-26 *Comment:* P. 84. Village Attorney should review/revise Police section.
- 5-26 *Response:* See Response 5-24 above.
- 5-27 *Comment:* P. 84. Inappropriate to advocate to pre-K. See also P. 85.
- 5-27 *Response:* Comments noted. This recommendation was developed in response to concerns raised at the Neighbors Link focus group meeting. The Comprehensive Plan has been amended to reflect the Board's desire to specify that the Village should advocate with community organizations to provide pre-K.
- 5-28 *Comment:* P. 85. Where is there provision in the Comprehensive Plan that "address the needs of the Hispanic community? Where does it show that the Village is "...working with the Hispanic population to improve the existence and accessibility of important resources..."?
- 5-28 *Response:* See Response 5-15. In addition, Chapter 8 of the draft Comprehensive Plan includes a recommendation that "Mount Kisco should continue to work with community organizations, schools, the library, and faithbased organizations to serve its large Hispanic population. Many in the Spanish-speaking community would benefit from job-skills training, daycare, pre-school, English language, and adult education programs."
- 5-29 *Comment:* P. 85-Police-Village Attorney review language.
- 5-29 *Response:* See Response 5-24 above.
- 5-30 *Comment:* P. 93-94. No numbers shown for Route 133 up Captain Merritt's Hill which has substantial traffic backups.
- 5-30 *Response:* DGEIS Figure 3.6-2 and Comprehensive Plan Figure 60 include the traffic volumes for Route 133 between Kisco Avenue and the Saw Mill Parkway – 15,286 average annual daily traffic count.

5-31 *Comment:* P. 96. Should taxi services be mentioned here or elsewhere?

5-31 *Response:* Taxi relocation may be addressed in the development proposals in response to the South and North Moger Lots RFP and is not necessary to address in the Comprehensive Plan.

5-32 *Comment:* P. 100. Parking. Says no adverse environmental impact-overall result in “beneficial impact to environment.” Increased parking-more cars-how beneficial?

5-32 *Response:* The implementation of the Downtown parking recommendations are not expected to result in any significant adverse environmental impacts. Development in the North Moger lot will require site specific review under SEQR that will examine the impact of increased parking in the North Moger lot in tandem with the impact of redevelopment in both the South and North Moger Lots.

Taken as a whole, both the Village-wide and Downtown-specific recommendations included in the Comprehensive Plan seek to enhance the quality of life for Mount Kisco residents in terms of safety, mobility, and accessibility, while also encouraging economic vitality, social interaction, and healthier lifestyles. Implementation of any of the Downtown parking recommendations that result in the physical alteration of the Village’s parking, roadway or transportation infrastructure will require detailed design and engineering studies, review by the Village’s traffic engineer as well as site specific review under SEQR. Overall, the transportation recommendations are expected to result in a beneficial impact to the environment.

5-33 *Comment:* P. 101. Stment: zoning changes preserve “the neighborhood character of the Village.” The zoning entirely changes the character of each of the neighborhood where there is a change.

5-33 *Response:* Comments noted.

5-34 *Comment:* P. 101. Says figures reflect full residential buildout. What about full commercial occupancy to be added to those figures?

5-34 *Response:* The build-out analysis presented in the DGEIS assumed that under both the existing zoning and proposed Downtown Overlay District that the first floor of developments in the Downtown and Main Street districts will largely be retail/commercial, and therefore there is no expected change in retail/commercial growth as a result of the proposed zoning changes. Under existing zoning, the Village could still seek to redevelop the South and North Moger lots with commercial uses. Therefore, as stated above, the build-out assumed that under both existing zoning and

- the proposed zoning that the same amount of groundfloor commercial/retail uses could be built under either scenario and that no expected change in retail/commercial growth is expected to occur. As a result, the build-out analysis of potential development focused on the residential increment between the existing and proposed zoning.
- 5-35 *Comment:* P. 101. Says zoning changes-Para 2-will result in 88 add'l vehicle trips in am peak and 106 in PM peak. "The traffic ...is well below the DOT's 100-trip threshold of significant impact..." Isn't 106 over 100 and thus a "significant impact"? There also is no mention of Route 133 traffic which is already at a standstill.
- 5-35 *Response:* DOT's 100 trip threshold is per intersection. The 106 PM peak trips is the total number of trips expected to permeate through the Village's transportation network through all intersections as a result of the proposed Zoning Code Amendments. Therefore, no one intersection will experience more than a 100 trip increase. In addition, see Response 5-32 above.
- 5-36 *Comment:* P. 103. No mention of effects of construction on traffic, drainage and soil compaction.
- 5-36 *Response:* The DGEIS and FGEIS are generic in nature and do not analyze site specific impacts of any actual future development. Potential construction impacts related to any future site specific redevelopment project will be addressed during Site Plan Review and the required site specific SEQR review process.
- 5-37 *Comment:* P. 106. No mention of the fact that Mount Kisco is on level 1 water restrictions in excess of the past 5 years.
- 5-37 *Response:* Level 1 water restrictions were imposed in the 1990s and the Village has continued the water restriction practices because it considers this to be good water policy.
- 5-38 *Comment:* P. 106 In prior version at P. 105 there was a statement as to usage. Current usage has been omitted. Following statement from prior draft. Water: safe yield is 1.5mgd winter-we are currently using 1.75mgd. Don't we already exceed safe yields before additional housing units?
- 5-38 *Response:* As stated in the Comprehensive Plan (pp 154-155), NYS DEC permit WAS#9929, 2000 allows the Village to withdraw an average of 2.0 million gallons per day, daily peak withdrawals of no more than 4.0 mgd, a monthly average of no more than 2.6 mgd, and a 12-month rolling average of no more than 2.0 mgd from Byram Lake Reservoir. In addition, NYS DEC permit WSA#9136, 1995 authorizes the Village to draw a 12-month rolling average of no more than 0.467 mgd from the Leonard Park well field. The Village

Manager stated that at present, the highest monthly average has peaked between 1.7 and 1.8 mgd. The analysis completed in the DGEIS identifies an average daily waste water generation of 78,210 gallons per day. Given the Village's current usage, this additional projected water demand is not significant enough to approach the maximum permitted withdrawal at Byram Lake Reservoir alone, and remains significantly under the total capacity of the reservoir and wells combined (2.46 mgd).

In addition, according to the Village Manager, the Village has been running an average 1.5-1.6 mgd at the sewage treatment plant, but this is down from approximately 1.8 mgd prior to I&I work undertaken and completed by the Village in the past few years. The Village continues to work to reduce I&I in the system and reduce this number, but as outlined in the Comprehensive Plan (page 156) it is still well below the figure of 3.227 mgd.

5-39 *Comment:* P. 107. Sewer. No mention of current usage. Are we exceeding? Will new development in downtown and Main and possible other-Hickory and McLain overburden system? See also 38. With respect to water usage. P. 110 mentions an increase of 78,210 gpd due to increase in residential uses. Does this cause us to exceed maximum?

5-39 *Response:* See Response 5-38 above.

5-40 *Comment:* P. 107. I believe there are charges re sewer if we exceed maximum. Should be included.

5-40 *Response:* See Response 5-38. The Village has never come close to exceeding the maximum limit that would require a fee; therefore, the Board of Trustees does not feel it necessary to include information on a potential fee in the Comprehensive Plan.

5-41 *Comment:* P. 107. Electric. Do we need to mention alternate energy suppliers? Is this where we should talk about solar?

5-41 *Response:* This comment pertains to the Comprehensive Plan and is outside the scope of the environmental review process.

5-42 *Comment:* P. 107. Electric. Can Con Ed support additional development?

5-42 *Response:* Con Ed is a private utility company in the business of supplying energy to private development. No Con Ed supply issues are anticipated as a result of the Proposed Action.

5-43 *Comment:* P. 108. "4." Has no text.

- 5-43 *Response:* DGEIS Page 108, #4 states “Conduct necessary upgrades to the Village’s sewer infrastructure.”
- 5-44 *Comment:* P. 108. Water recommendations. Sodium in water recently exceeded safe level for certain residents. Suggestion was to talk to DOT about use of salt on 684 near Byram Lake since it is believed that the road salt flows down into Byram Lake. Should we include?
- 5-44 *Response:* Chapter 7: natural Resources of the draft Comprehensive Plan includes strategies to protect drinking water at Byram Lake including the “Reduction of road salt use at interstate 684 and Byram Lake Road.” Nothing in the Comprehensive Plan would preclude the Village from discussing limiting the use of road salt along 684 with the New York State Department of Transportation.
- 5-45 *Comment:* P. 109. Sewer-repeat. Will new development exceed maximums before fees are imposed? See also P.110.
- 5-45 *Response:* See Response 5-38 above.
- 5-46 *Comment:* P. 111. Prior DGEIS said that impervious surfaces increased by 10% in the downtown? Drainage? Flooding? Plan says that there will be “decreases in impervious surfaces” under the proposed Zoning Code Amendments. Plan now says that in the “Downtown Overlay Zone, the Zoning Amendments have the potential to reduce surface cover...” Which is correct?
- 5-46 *Response:* As stated in the DGEIS accepted by the Village Board of Trustees on September 17, 2018 states the following:
- “The proposed Zoning Code Amendments could result in decreases in impervious surfaces and the redevelopment of underutilized and potentially contaminated sites. The Zoning Text and Map Amendments in Radio Circle and Lexington Avenue do not change the maximum building and development coverage requirements and therefore will not impact impervious surface cover. Within the Downtown Overlay Zone, the Zoning Amendments have the potential to reduce surface cover in this area in the Downtown (DT) and Main Street (MS) areas, while it may potentially increase surface cover in the Neighborhood Preservation (NP) area. The current zone allows 90% building coverage and 100% development coverage in the CB-1 District, while the new DT District allows only 80% building coverage and 90% development coverage, decreasing the required amount of impervious surface coverage by 10%. There is no difference between CB-2 and MS in building and development coverage between the proposed and existing zoning. On the other hand, the existing RT-6 District allows 25% building coverage and 40% development coverage while the new NP District allows 50% building coverage and 80% development

coverage, decreasing the required amount of impervious surface coverage by 40%. However, as the land area in the DT and MS Districts is much greater than that of the NP District, it is expected that the Proposed Zoning will not lead to a significant increase in potential impervious surface cover in this area, and may in fact result in a decrease in potential impervious surface cover. No impacts to stormwater are anticipated.

5-47 *Comment:* Perhaps the proper name is “Byram Reservoir”. I have always heard it referred to as “Byram Lake”.

5-47 *Response:* Comment noted. The reference to “Byram Reservoir” has been changed to “Byram Lake” in the Comprehensive Plan.

5-48 *Comment:* P. 112. Water. Speaks of permitted amount of water to be withdrawn. Then compares it to amount treated and amount consumed. Should be consistent and talk about amount withdrawn to determine if we exceed permitted.

5-48 *Response:* Comments noted. See Response 5-38.

5-49 *Comment:* P. 115. Have concerns about conclusions under 4.3, Para 2. Differ as to conclusion that “scenic...resources will be preserved.”

5-49 *Response:* Comments noted.

5-50 *Comment:* P. 117. 5.1 Statement that “Proposed Action will generate positive impacts, such as the retention of Mount Kisco’s unique qualities, including a diverse population...” There is no discussion of the retention of Mount Kisco’s diverse population.

5-50 *Response:* DGEIS Chapter 3.2 Population and Housing provides a discussion of Mount Kisco’s population and housing characteristics. In addition, a more detailed discussion of diversity in Mount Kisco can be found in Chapter 4: Population and Housing of the Comprehensive Plan.

5-51 *Comment:* There is no discussion of the appropriate implementation of a solar policy.

5-51 *Response:* Chapter 10. Infrastructure of the draft Comprehensive Plan includes policies encouraging the Village to continue to work with public and private organizations to promote solar and other forms of renewable energy. The Village will be responsible for implementing the solar policy.

5-52 *Comment:* There is no provision for the implementation of additional cell tower placement or future needs.

5-52 *Response:* See Response 5-21 above.

5-53 *Comment:* DGEIS mention more monies for fire and ambulance but we have an all-volunteer corps in both cases. Availability of volunteers? Necessity of a paid force?

5-53 *Response:* The additional Village tax revenue generated by any proposed future development under the proposed Zoning Code Amendments would support Village essential services, including ongoing operational expenses of the Village fire and ambulance services. How future monies are spent will be part of the Village's annual budgeting process.

**6. John Rhodes, Village/Town of Mount Kisco Conservation Advisory Committee – October 26, 2018 letter to the Village of Mount Kisco.**

6-1 *Comment:* There were several areas where the CAC believes that the DGEIS does not completely reflect all the actual conditions, the impact of planned or recommended actions, and the extent of remediation required to offset the expected impacts. We believe that the following areas include issues not completely addressed in the DGEIS and may require remediation measures in addition to those included in the DGEIS: Traffic, Parking, and Pedestrian Safety; Water Supply; Water Quality; Flood Prevention and Control; Residential Neighborhoods in and near Downtown; Carbon Footprint and Energy Policy; Waste Reduction; Noise and Light Pollution.

6-1 *Response:* Comment noted. The DGEIS is a generic document analyzing the area-wide impact of future policy and zoning decisions, it does not provide site-specific analysis of project-specific impacts. All future site-specific development under the proposed Zoning Code Amendments, as well as any discretionary actions arising from implementation of the Comprehensive Plan will be subject Village approvals processes, whether it be a Board of Trustees action or site plan review by the Planning Board. All future projects will require site-specific review under SEQ. These subsequent reviews will ensure that future projects do not result in any unmitigated site specific impacts to the areas identified in the comment above.

6-2 *Comment:* The Impact of proposed zoning changes on traffic, parking, and pedestrian safety in the downtown and surrounding areas may be greater than reflected in the DGEIS, and the corrective measures suggested may not effectively remediate both the current traffic congestion and the negative effects of the development that would likely follow the recommended zoning changes. We believe that, to avoid significant, unintended consequences, a more thorough and extensive study of current conditions needs to be conducted in order to create a baseline, which would then provide a more reliable and scientific basis to evaluate the effect of the proposed zoning changes,



potential and proposed development, and proposed remediation measures.\_

- 6-2     *Response:* Comments noted. See Response 6-1 above.
- 6-3     *Comment:* The Impact of proposed zoning changes and the increased population that would likely result could put a significant strain on the Village's water supply, further exceeding the seasonal Safe Yield of our current water supply sources. There are, of course, some potential additional sources of water (e.g. new wells) identified in the Plan and DGEIS that might remediate this impact. We believe that both the Safe Yield situation and the potential new sources should be carefully evaluated by an independent hydrological consultant, and that the findings of that report should be used to establish limits and a timeline for both development and creation of additional water supply infrastructure.
- 6-3     *Response:* Comment noted. See Response 5-38 above. In addition, Chapter 10: Infrastructure of the Comprehensive Plan has been revised to include a recommendation to address the need for exploration and investigation of additional water sources.
- 6-4     *Comment:* We agree with most of the findings regarding bodies of water in the Village, and also recommend that stronger measures and language be included in the FGEIS and Plan to assure the protection of Byram Lake, the Kisco River, and Branch Brook from pollution and encroachment. There will be an increasing threat of water pollution as a result of expected development and other factors.
- 6-4     *Response:* Comments noted. The above comments pertain to the Draft Comprehensive Plan and have been reviewed by the Village Board of Trustees as part of their review of potential changes to this document (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan changes).
- 6-5     *Comment:* p.108 (3.7.2.1) We recommend that listed remediation measures should also include additional water quality testing (including regular chemical and macroinvertebrate testing for the effects of pesticide, fertilizer, and other chemical pollution) at the Pond in Leonard Park, the Kisco River, Branch Brook, and Byram Lake. Research has shown that the excrement of geese, encourages excessive algae growth and contains a wide variety of pathogens capable of infecting humans. Aggressive measures to control large populations of Canada Geese on Branch Brook and in Leonard Park should be studied and implemented.
- 6-5     *Response:* Comments noted. The above comments pertain to the Draft Comprehensive Plan and have been reviewed by the Village Board of Trustees as part of their review of potential changes to this document (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan changes). The Village Board of Trustees finds that the

Comprehensive Plan is not the appropriate place to recommend measures to control the population of Canada geese on Branch Brook and in Leonard Park, recognizing that it is an issue for the Village.

- 6-6 *Comment:* We have specific recommendations for remediation measures to be added to the section regarding Byram Lake Reservoir: p.108 (3.7.2.1) and p.68 (3.4.2.1 d.) Maintain and strengthen the current long-term comprehensive reservoir monitoring program at Byram Lake. There are presently twelve tributary sampling stations surrounding the reservoir. Continued maintenance and upkeep of these stations is imperative, with special attention being given to Tributary BLT-1, which delivers water captured via a stone sluiceway from a watershed area west of the reservoir.
- 6-6 *Response:* Comments noted. The above comments pertain to the Draft Comprehensive Plan and have been reviewed by the Village Board of Trustees as part of their review of potential changes to this document (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan changes). Specifically, Chapter 7: Natural Resources of the Comprehensive Plan has been revised to add a recommendation to “Maintain and strengthen the current long-term comprehensive reservoir monitoring program at Byram Lake. There are currently twelve tributary sampling stations surrounding the reservoir. Continued maintenance and upkeep of these stations is imperative, with special attention being given to Tributary BLT-1, which delivers water captured via a stone sluiceway from a watershed area west of the reservoir.”
- 6-7 *Comment:* Downtown - A significant portion of the new development that would likely result from the proposed zoning changes, particularly those is the South Moger lot, could have a significant, adverse effect on flooding in the downtown flood plain. We believe that the plan should include stronger provisions to prevent and remediate these potential risks both in the Moger lot and in the entire downtown floodplain. New, development related flooding could compound the already severe periodic flooding that already occurs in the downtown area and elsewhere in the Village (including the areas near Barker Street), and there are authoritative forecasts for significantly increased flooding and extreme weather events in our area over the next 10-25 years. Therefore, we strongly recommend that stronger and more extensive flood prevention and remediation measures be included in the FGEIS and the final Comprehensive Plan. These remediation measures should include both relevant green infrastructure projects, as well as (p.69 - 3.4.2.1.5 a) require that any new development in or near the 100 year flood plain substantially exceed the minimum currently required storm-water control and other flood prevention measures and standards.
- 6-7 *Response:* Comments noted. The DGEIS is a generic document analyzing the area-wide impact of future policy and zoning decisions, it does not provide site-specific analysis of project-specific impacts. All future site-specific development under the proposed Zoning

Code Amendments, as well as any discretionary actions arising from implementation of the Comprehensive Plan will be subject Village approvals processes, whether it be a Board of Trustees action or site plan review by the Planning Board. All future projects will require site-specific review under SEQR. These subsequent reviews will ensure that future projects do not result in any unmitigated site specific impacts to the areas identified in the comment above. In addition, the Comprehensive Plan has been amended with added language to reflect the Village's commitment to sustainability and efforts to reduce the impact of climate change. New recommendations include encouraging green roofs on existing buildings, mitigating flood damage, and reducing solid waste by using modern collection and recycling strategies where economically feasible. The Plan now recommends that the Village consider participating in New York State's Climate Smart Communities program. Through this program, the Village aims to complete studies to identify appropriate goals the Village can set to reduce Mount Kisco's energy usage and carbon footprint. Additional actions named in the Plan that could be completed to advance Climate Smart principles include encouraging solar panels, green building codes, geothermal heating and cooling, and transitioning away from fossil-fuel based equipment.

Specifically, the Comprehensive Plan has been revised to include the following recommendations:

- Encourage 'green' roofs on new and existing buildings. Encourage the use of solar panels on rooftops and parking-area / car-port rooftops for electricity.
- Ensure that new construction projects in the floodplain areas are raised or otherwise designed to avoid flood damage.
- The Village should take whatever steps are available and economically feasible to reduce solid waste collection and disposal by using modern collection and recycling strategies. It is increasingly recognized that food scrap recycling and composting have become an important part of sustainability. It also decreases pressure on landfills, and reduces the costs of solid waste collection and disposal.
- Establish the most effective recycling methods, including food scrap recycling and composting. Involve the community as much as possible.

- 6-8 *Comment:* We believe that the DGEIS and the draft Plan both underplay the impact of proposed zoning changes and subsequent development on the neighborhoods near to downtown, including North Moger, Carpenter and Barker Avenues, Stewart Heights and Gato Drive. The impact may be even greater for Village's Potential Environmental Impact Area (PEJA). We recommend that additional remediation measures be included to minimize the effects of increased traffic, noise, and air pollution on those areas. We also

- recommend that special SEQRA processes related to Potential Environmental Justice Areas (PEJA) be included in the FGEIS and Comprehensive Plan, specifically in reference to the PEJA currently identified by NYS-DEC as existing in the areas surrounding Lexington Avenue. (an updated map of Mount Kisco's PEJA can be seen at Google Earth under Potential Environmental Justice Areas). The increase in downtown rental housing, the addition of pocket parks, improved crosswalks, and other changes envisioned in the plan may actually have a beneficial on residents of this PEJA—but these effects need to be evaluated in-total along with potential gentrification and the likely reduction of low-cost housing in this areas. We also recommend that the services in the area be upgraded, including the addition of a Pocket Park across Lexington Avenue from Gregory St. and add a crosswalk so that children and families can safely access this park. P.71 (3.4.13)
- 6-8 *Response:* The above comments pertain to the Draft Comprehensive Plan and have been reviewed by the Village Board of Trustees as part of their review of potential changes to this document (see FGEIS Chapter 2.0 for a summary of Comprehensive Plan changes). The Village Board finds that the Comprehensive Plan does not need to address Potential Environmental Justice Areas (PEJA) as there was never any action taken by New York State on this matter.
- 6-9 *Comment:* We believe that the DGEIS and Plan do not sufficiently address the need for the Village to reduce the carbon footprint of the Village, and they should include a specific target, plan, or at least a process to develop and implement a updated carbon inventory and plan to reduce Mount Kisco's carbon footprint. (P.115 - 4.4) A comprehensive energy plan should be developed for the Village, along with a detailed strategy and specific commitment target to reduce the Village's carbon footprint, and make the Village Carbon Neutral by 2030. Any strategy, planned measures, or zoning changes should include specific targets and strategies along with a holistic approach that balance the need for energy conservation with the need to preserve local green space and biodiversity.
- 6-9 *Response:* See Response 6-7 above. In addition, after adoption of the Comprehensive, if funding can be secured, the Village will consider an energy study to determine carbon footprint goals. Language to this effect has been added to the Comprehensive Plan Natural Resources Chapter, FGEIS Chapter 2.0.
- 6-10 *Comment:* Also, contrary to the statement made on P.126 of the DGEIS, the addition of several hundred living units to the downtown area, along with the like reduction in air circulation due to the proposed construction of multi-story buildings on the Moger Lots, will like increase the heat island effect in the downtown area. (P.126 – 4.4) We recommend that any downtown construction include green infrastructure, such as green roofs, fountains, and extensive areas of ground level plantings
- 6-10 *Response:* See Responses 6-7 and 6-9 above.

6-11 *Comment:* (P.123 - 3.7.2) Another key environmental factor that does not receive sufficient emphasis in the Plan and DGEIS is the issue of waste reduction. The Village lags far behind other towns in the area-with virtually no public area recycling, no composting program, and no reusable bag law. This has many major impacts on the local and area environment-including increased water pollution, litter, habitat degradation, and increased costs. Mt Kisco already has a significant litter problem, along with plastic bags and other waste in the open spaces, streams, ponds, and reservoirs. The increased population, commerce, and traffic predicted to result from the zoning changes specified in the Comprehensive Plan and DGEIS will certainly increase the severity of this problem, with an estimated 477.88 tons of additional solid waste per year.(P.123 – 3.7.3 ) We recommend that the FEIS and final Plan include a commitment to remediate this condition by creation and deployment of a comprehensive waste reduction strategy—including solid waste reduction targets, public area recycling, a compostable waste program, public education, and a ban on single use plastic bags, Styrofoam take-out containers, and other significant sources of waste., as well as establishing a task force to develop a concrete waste reduction and recycling strategy.

6-11 *Response:* See Responses 6-7 and 6-9 above. In addition, the Comprehensive Plan has also been amended to include the average amount of solid waste the Village produces (approximately 6,500 tons per year).

6-12 *Comment:* Increased noise and light pollution are predictable effects of any development—with scientifically established negative impact on health, quality of life, and the natural environment. Since the Plan and DGEIS include a significant increase in development, traffic, and other sources of noise and light (3.2- 3.7) they should also identify these effects and include specific remediation measures for them. Even though individual future developments will be required to comply with the Village’s Noise Control law, the cumulative effect of these development and related traffic and construction noise will certainly increase the level of noise pollution in the downtown and surrounding areas.

6-12 *Response:* Comments noted. As summarized in FGEIS Chapter 2, the Comprehensive Plan has been revised to add recommendations to address efforts to reduce light and noise pollution. Specifically, Chapter 7 of the Plan has been revised to include the following language:

“Quality of life in urban communities requires more attention to be paid to noise and light pollution, which is increasingly recognized as a hazard to health. The Village will initiate and accelerate initiatives to mitigate this.”

6-13 *Comment:* (P.73 – 3.4.2.2. and 3.4.2.1, and P.30) Light Pollution and Noise Pollution)

Specific remediation measures should include: Updated lighting and noise regulations to reflect increased downtown housing and activity that would reflect the framework and standards established in the updated Model Community Noise Ordinance developed by the Noise Pollution Clearinghouse (<http://www.nonoise.org/>) and the Joint IDA/IES Model Lighting Ordinance ([http://darksky.org/wp-content/uploads/2015/06/MLO\\_FINAL\\_June2011.pdf](http://darksky.org/wp-content/uploads/2015/06/MLO_FINAL_June2011.pdf)). One specific remediation that would have a major positive effect on noise pollution would have an immediate significant positive impact is to (p.30 Noise Pollution) complete the transition from a “fog-horn” fire alert system to an entirely electronic system. This was discussed in the Comp Plan Committee meeting and workshops, with unanimous approval, but is not present in the Draft Plan or DGEIS.

6-13 *Response:* See Response 6-12 above.

**7. Alice Hagemeyer DuBon, Village/Town of Mount Kisco Resident – October 30, 2018 email to the Village of Mount Kisco.**

7-1 *Comment:* I’m sure others have pointed out that there are some errors regarding the distance from Grand Central, the frequency of trains, the fact that peak usage of the train extends beyond 7:30 until the 8:33 train, and so forth.

7-1 *Response:* The errors in the draft Comprehensive Plan relating to train times have been corrected.

7-2 *Comment:* I regularly work in Yonkers. On page 101 there is a comparison to development by the Yonkers train station. I’m not sure when the study was done, but those units are not fully occupied.

7-2 *Response:* The trip generation rates obtained from the study of the Hudson Park apartments at the Yonkers train station were conducted on a per occupied unit basis not on the total number of units in the development regardless of occupancy. For example, if only 75 units out of 100 were occupied, the trip generation rates were based on the occupied 75 units and not on the total of 100 units. Using only the occupied units provided an accurate assessment of trip generation while using the total number of units (occupied or not) would not provide an accurate trip generation number.

7-3 *Comment:* The idea of getting a generator, ideally hooked into the gas line, for the Village Hall and Library is excellent. These could be used as emergency shelter or at least warming and recharging stations. Residents could be organized to provide staff in times of emergency. I have some experience with this from working for the Putnam County Department of Health in emergency planning and would be willing to help.

- 7-3     *Response:* Comments noted.
- 7-4     *Comment:* The vegetative buffer idea on page 108 is terrific. The CAC could work on this, I believe.
- 7-4     *Response:* Comments noted.
- 7-5     *Comment:* Will the final Environmental Impact Statement address the issues of solid waste and sewage more thoroughly? It's not clear how close to our maximum allowed sewage discharge we are now. The same for solid waste. 477.88 tons seems like a lot of waste. However, there is no information in the draft document as to the percentage of our current annual waste this represents. In the same vein, on page 20 there is discussion of payment in lieu of providing appropriate parking. Regardless of the amount to be paid, where would this parking be located? Hopefully, these loose ends will be tied up in the final document.
- 7-5     *Response:* According to the Village Manager, the Village currently generates approximately 6,500 tons of solid waste per year. The Proposed Action would increase the Village's generation of solid waste by approximately 7%. The Yonkers Materials Recovery Facility (MRF) currently has adequate capacity to handle any increase in waste generated by the Proposed Action.
- 7-6     *Comment:* In general, the comprehensive plan could be environmentally positive. The Moger lots are impermeable surfaces. It wouldn't be hard, with proper planning, to use greenscaping roofs, etc. to make these spaces more environmentally friendly. Urban/dense housing with public transportation access provides homes for people in a way that doesn't destroy existing natural environments while allowing residents to reduce their carbon footprints by using personal vehicles less.
- 7-6     *Response:* Comments noted.
- 7-7     *Comment:* I'd love to see our Village present itself right at the train station instead of across a sea of tarmac. Mount Kisco is a welcoming community. Our physical layout should reflect that. We can move forward with a plan that makes this a reality while not only preserving, but improving our natural resources.
- 7-7     *Response:* Comments noted.





## **Appendix A: DGEIS Comment Letters**



---

**From:** Zimmer, Lee (DOT)

Edward:

Thank you for including The Department of Transportation on the circulation of the proposed zoning changes in the village and town of Mount Kisco. I have some recommendations and some general comments on the submission received September 21<sup>st</sup> 2018.

The primary recommendation would be for the municipality to establish a transportation district for the areas that receive the revised zoning. This would ensure that all individual projects that have a “de minimus” impact on traffic i.e. adding a second story apartment could make a fair share contribution to an improvement listed in section 3.6.3.

The trip generation contained in traffic study is significantly over optimistic. The 388 dwelling units in study in the “Downtown” area have 7 in trips, 46 out trips for a total 53 trips generated (table 3.6-1). The ITE code 221 for low rise apartment (388 DU’s) would have 33 in’s /141 out’s, for a total of 178 trips and the apartment ITE code 220 (388 DU’s) would have 40 in’s / 158’s out for a total of 198 trips. The difference between the two ITE codes and the study is on the order of 120 to 150 additional trips in the morning and 100 to 130 additional trips in the afternoon. The Department objects evaluating the “Downtown” zone as a transportation oriented development because the State Route 133 bisects the generator and the receiver, i.e. the state highway is between the apartments in the downtown zone and the train station. The 388 additional dwelling units are going to have to cross the state highway one way or another. These additional trips will degrade the level of service as the side road traffic volume will increase. Winter months also increase the number of vehicle trips as inclement weather causes pedestrian activity to decrease. The Department would like to see the trip generation reevaluated and the corresponding mitigations revised for this impact.

In section 3.6.3 mitigation measures, Item #1, the conversion of signal # W-101 Main Street (Route 133) and Moger Avenue from the exclusive pedestrian to the leading pedestrian interval will require a traffic study to be performed. It is very difficult to remove the exclusive pedestrian one installed due to liability concerns. Other locations may be easier. If the town or the village would like to provide a list in priority order the department will make changes as time permits.

In section 3.6.3 mitigation measures, Item #2, This may involve a highway work permit. Parking may have to be restricted along Route 117 to gain sufficient space for the additional lane (W-393).

A final recommendation would be a post implementation study to validate the assumptions made during the initial study and how these can be fine-tuned for future development.

Any questions or comments please let me know.

**Lee A. Zimmer P.E.**

Traffic Signals & Highway Work Permits

**New York State Department of Transportation, Hudson Valley**

4 Burnett Boulevard, Poughkeepsie, NY 12603

(845) 437-3320 | [lee.zimmer@dot.ny.gov](mailto:lee.zimmer@dot.ny.gov) | [www.dot.ny.gov](http://www.dot.ny.gov)



The following is a commentary on the Draft Environmental Impact Statement for the Comprehensive Plan and Zoning Code Amendments which were publicly released September 17, 2018.

The document in question advocates that the addition of 881 residents to the population of Mount Kisco through the allowance of residential apartments in the downtown, townhouses on Lexington Avenue, and senior living facilities in Radio circle will not have any significant adverse impact on Mount Kisco. Yet, this document leaves out many costs, complications and externalities which would result from the proposed changes in its analysis. For example, there is no mention of the cost of expanding the water supply to accommodate the estimated 4.6% annual increase in water demand. There is also no mention of the change in traffic flow which would necessarily need to occur if the parking in the South Moger lot was removed to allow for a residential development and that parking was moved to the North Moger Lot. This shift in parking may require new exits from that parking deck onto Barker Street and Kisco Avenue and could have particularly adverse effects on those streets as well as East Main Street, as well as the overall traffic congestion of the downtown. Further, there is no mention of the potential for residents who live along Lexington Avenue, an already overcrowded neighborhood, to be displaced if their modestly priced living spaces are replaced with more expensive townhouses which will likely be filled with a different demographic entirely. Such a displacement not only would negatively impact the cultural balance that Mount Kisco has, it would also potentially drive the displaced people into even more crowded living situations as well as driving some of them to live in the woods, a problem which is already occurring. Both of these scenarios will be both costly and undesirable for the village.

The document in question predicts that out of a hypothetical 423 new units allowed by the proposed zoning changes only a mere 15 to 20 school children will be added to the school system. The justification for such an incredibly low rate is based on a study using developments in places which are completely unlike Mount Kisco. They include: Fleetwood, Mamaroneck, White Plains, Stanford, and Pelham; all of which are either located much closer to New York City than Mount Kisco or are cities in their own right. Furthermore, none of them are widely recognized family towns like Mount Kisco where the main appeal of its location is that it would make a good place to raise a family. Further, all of the developments used in the study are high priced, luxury oriented living and in some cases such as 15 Bank Street, are specifically advertising nightlife and singles culture, this is a market which is highly improbable to be viable in Mount Kisco, and so the use of this study to predict how many children would enter the school system if the 423 units were added seems unjustified, especially without explicitly stating the differences just described. Here is then another cost which goes unmentioned which is the cost to the school district if in fact there are more than 20 school children added. As \$1,243,000 is predicted to go to the school district annual out of the predicted \$2,302,000 generated in taxes by the proposed changes, it should be mentioned that if in fact approximately more than 40 children are generated by the added 423 units that the cost for those children will require additional tax revenue beyond what is predicted to be generated by the proposed changes. Furthermore, it should be mentioned that if 40 or more of the children will attend Mount Kisco Elementary than there may be overcrowding in that school.

The justification for the mentioned \$2,302,000 of annually occurring tax revenue is based on a model created by the National Association of Home Builders. This seems like a poor choice for an objective model as that organization exists to promote development. Therefore, it would be far more appropriate if the numbers from other models were included to give a range of possibilities.

Attached is an annotated version of the Draft Environmental Impact Statements specifically highlighting where the above issues occur.

Thank you,

Brian Liebman



George Latimer  
County Executive

County Planning Board

October 22, 2018

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

**Subject: Referral File No. MTK 18-010 – Village/Town of Mount Kisco Comprehensive Plan  
Zoning Text and Map Amendments  
Draft Generic Environmental Impact Statement**

Dear Mr. Brancati:

The Westchester County Planning Board has received a copy of the proposed *Village/Town of Mount Kisco Comprehensive Plan* along with a package of proposed zoning text and map amendments which are associated with the implementation of the new plan. We have also received a copy of a draft generic environmental impact statement (GEIS) (dated accepted September 17, 2018) and prepared pursuant to the NYS Environmental Quality Review Act.

The Comprehensive Plan, which is an update of the Village/Town's 2000 plan, outlines eight planning goals: 1) Promote a balanced pattern of land use; 2) Ensure safe and accessible neighborhoods with a variety of housing types; 3) Leverage opportunities for new and infill development in the downtown; 4) Support existing anchor industries and seek to attract new business; 5) Protect the Village/Town's natural resources and provide recreational services; 6) Ensure that educational, community service, and cultural programs are sufficient for the needs of the population; 7) Reduce traffic congestion, accommodate parking, promote public transit, and improve pedestrian and bicycle connections; and 8) Manage infrastructure capacity to accommodate future growth.

Associated with the Comprehensive Plan are a package of zoning text and map amendments which are intended to implement the plan. These amendments include:

- The creation of a Downtown Overlay District that would cover Mount Kisco's downtown core. This overlay zone would allow property owners and applicants to opt in to form-based regulations.
- The creation of a new CL-1 Limited Commercial District and the rezoning of several parcels along Lexington Avenue to CL-1. The CL-1 District would allow all of the uses permitted in the existing CL District, plus townhomes. The existing CN District would also be amended to permit townhomes.

- Amend the regulations for the RD – Research and Development District and rename it RDX. The new regulations would add senior housing (including assisted living), biotech, hotel, auto dealership and indoor storage uses as permitted uses in the RDX District.
- Amend parking regulations to reduce parking requirements for targeted residential and commercial uses. The fee-in-lieu for required parking in the CB1, CB2 and OD Districts would be reduced from \$25,000 to \$10,000.

We have reviewed the draft Comprehensive Plan, zoning amendments and draft GEIS under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code. We commend the Village/Town for undertaking this Comprehensive Plan update, and we offer the following comments:

1. **Consistency with County Planning Board policies.** The proposed Comprehensive Plan is generally consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, because it calls for future growth to be directed towards Mount Kisco's downtown and other areas where existing infrastructure can support growth.

2. **Downtown Overlay District.** The new Downtown Overlay District will allow upper-story residential uses in the downtown, which is currently prohibited, and give developers the ability to build to four stories instead of three. We are supportive of this change, as form based codes have proven to be an excellent practice in establishing a central aesthetic to downtown centers without causing excessive regulations for the use of the buildings. Form-based codes also help downtown businesses better flow with economic tides while still keeping to the character of the downtown.

3. **Downtown activation.** The Comprehensive Plan discusses ways in which the downtown core of Mount Kisco could be further activated to public use and engagement. A recommendation is made to establish an area-wide signage pattern for visitor wayfinding and to give a cohesive feel to the downtown. The Plan's recommendation to develop the North and South Moger Parking Lots is of note, as development here would seamlessly connect the downtown with the train station and provide more transit-oriented housing. Creating spaces for more programmed activities will help establish a sense of place within the downtown, and if managed correctly, can be an economic generator for Mount Kisco.

4. **Reuse of commercial and industrial areas.** The Comprehensive Plan recognizes the region-wide trend of increasing office and industrial park vacancies and offers potential solutions. Specifically, the proposed RDX zoning district revisions would allow senior housing, as well as hotel, biotech, auto dealerships and indoor storage uses in these areas. The Comprehensive Plan also recognizes the redevelopment potential of vacant and commercial properties for new housing through the proposed zoning changes along Lexington Avenue, which would allow the corridor to evolve into a mixed-use corridor. We agree with these strategies and we offer our support. We also call attention to the County Planning Department's 2008 Office Park Housing report which could provide additional guidance to the Village/Town. This report is located on the County website at:

<https://homes.westchestergov.com/images/stories/settlementpdfs/AppendixD-1-iii.pdf>



**5. County sewer impacts.** The draft GEIS notes that the potential buildout that could occur due to the changes in zoning regulations recommended by the Comprehensive Plan would increase average daily wastewater generation in the Village/Town by 78,210 gallons per day which will require treatment at the Yonkers Joint Water Resource Recovery Facility operated by Westchester County. The final GEIS should reference the County Department of Environmental Facilities' policy requiring mitigation that will offset the projected increase in flow as new developments are proposed under the new zoning regulations. The best means to do so is through the reduction of inflow and infiltration (I&I) at a ratio of three for one. A ratio of one for one may be used for any affordable units that are constructed.

The County Planning Board further recommends that the Village/Town implement a program that requires inspection of sewer laterals from private structures for leaks and illegal connections to the sewer system, such as from sump pumps. These private connections to the system have been found to be a significant source of avoidable flows. At a minimum, we encourage the Village/Town to enact a requirement that a sewer lateral inspection be conducted at the time property ownership is transferred and any necessary corrective action be enforceable by the municipal building inspector.

**6. Circulator trolley/shuttle service.** The Comprehensive Plan advocates for the creation of a local trolley system within Mount Kisco's center to facilitate public transit usage and augment the nearby Metro North station and Bee-Line bus stops. The County appreciates local solutions to "last mile" transit issues that help passengers bridge the gap between regional transit systems and their homes or places of business.

**7. Bicycle and pedestrian improvements.** The Comprehensive Plan discusses various deficiencies in local sidewalk networks throughout Mount Kisco and recommends they be completed to ensure the continuity of adequate pedestrian facilities where they are needed. The Comprehensive Plan also discusses an initiative to provide an off-street bicycle path along part of Lexington Avenue and along North Bedford Road, as well as exploring new bicycle routes throughout the Mount Kisco. Further, the Downtown Overlay District document considers a requirement of bicycle parking in the Downtown design standards. We are supportive of these aspects of the plan.

In addition, we encourage the Village/Town to develop a specific bicycle and pedestrian plan document. Such a document, which could also simply be a separate chapter of the Comprehensive Plan, could assist the Village/Town with applying for funding for new bicycle and pedestrian facilities. It would also help to identify the Village/Town's needs when transportation improvements are undertaken by other agencies within the boundaries of the Village/Town, such as NYS DOT road projects.

**8. Green building technology.** The Village/Town should encourage potential applicants, through the proposed form-based code in the downtown, to incorporate as many "green" or sustainable building methods and technologies as possible into any proposed development. Such efforts are increasingly common – and expected. Many communities have begun to amending local codes to make "green" design and building practices mandatory. Further, developments that have a type of environmental certification are recognized as environmentally responsible, profitable and healthy places to live and work. These developments are often seen as premium properties.

Nationally recognized systems (i.e. Energy-Star, LEED or Passive House certification) and organizations can assist the Village/Town in recommending sustainable elements of building and site design and in the ongoing assessment of the projects. Site elements include reduced site disturbance, alternative transportation opportunities and stormwater treatment. Building elements include energy and water efficiencies, environmentally sensitive building materials and green rooftops.

Thank you for calling this matter to our attention.

Respectfully,  
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond  
Commissioner

NVD/MV



*Vincent Sapienza P.E.  
Acting Commissioner*

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

165 Columbus Avenue  
Alhambra, NY 10595

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

October 23, 2018

Mr. Edward Brancati, Village Manager  
Village of Mount Kisco  
104 Main Street  
Mount Kisco, New York 10549

**Re: Mount Kisco - Draft Comprehensive Plan  
Village of Mount Kisco, Westchester County  
DEP Log#: 2000-CNC-0480-SQ.1**

Dear Mr. Brancati and Members of the Board of Trustees:

The New York City Department of Environmental Protection (DEP) has reviewed the Village/Town of Mount Kisco's (Village) Draft Comprehensive Plan (Plan).

DEP respectfully submits the following comment for the Village's consideration:

In addition to recognizing the importance of trees to the community's character, wildlife habitat, and stormwater management, DEP encourages the Village to recognize the importance of forest management to the conservation of forest resources and pursue opportunities to support science-based, sustainable forest management in its Plan and Zoning Code Amendments. Healthy, diverse and vigorous forests help to protect surface water quality by minimizing the risk of erosion, sustaining high stormwater infiltration rates and consistent water yields, filtering suspended sediments and accumulated nutrients from run-off.

Tree removal can be beneficial when properly planned and executed, need not be limited to cases of hardship, public safety, interference with property, or a threat to the health of other trees. An example of a professionally prepared forest management or stewardship plans is the New York State Forest Tax Law.

Overall, the Plan is well researched and developed. DEP applauds the Village's recommendations with respect to flood management, hazard mitigation, sewer repairs and the improvements of stormwater management.

Thank you for the opportunity to provide comments. You may reach the undersigned at [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov) or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,

Cynthia Garcia  
SEQRA Coordination Section

X: WCPD

## MEMORANDUM

From: Karen B. Schleimer  
To: Frank Fish  
cc.: Mayor Gina Picinich, Deputy Mayor Jean Farber,  
Trustee, Peter Grunthal, Trustee Isidore Albanese, Whitney  
Singleton, Esq., Ed Brancati, Village Manager  
Re: DGEIS Comments  
Dated: October 26th, 2018

---

General comment-The Executive Summary states that neither the Comprehensive Plan nor the proposed Zoning Code Amendments are "...anticipated to have a significant adverse impact..." Firstly, since some of this, certainly the Zoning Amendments concerning Radio Circle and Lexington Avenue are in the process of being reviewed and developed and contain major changes, it is premature to determine what the adverse impacts are at this time.

1. Page 1. 1.1 "The Comprehensive Plan extends across the entire geographic area ..." The Plan only covers the Downtown area, Lexington Avenue and Radio Circle. This is repeated on P. 9 in 2.1
2. P. 14. 2.3 The plan "prioritizes downtown development while simultaneously maintaining the existing neighborhood character of the Village." No changes were made to any residential neighborhoods regardless of need, except in the Lexington Avenue corridor which will be substantially changed if the proposed zoning amendments are approved.
3. Pps 14-15 2.5 goals:  
Land Use: "Promote...balanced...land use...that respects the natural environment..."-downtown development ignores issues of light and air, blocking viewscapes and flood plains.

Transportation: "Reduce traffic congestion, accommodate parking needs..." Limited proposals to reduce existing traffic issues with existing substantial downtown store vacancies. To be exacerbated if more stores and more occupied existing stores and 1000 new residents.

4. P. 19 says increase in residential units in Downtown Mount Kisco of approximately 388 multifamily units.
5. P. 19-Radio Circle-are Family Recreation, childcare, office buildings, warehouse, auto dealerships and senior living compatible uses?
6. P.20. Parking Standards. Reduction of payment in lieu will not permit the Village to cover costs to build a parking structure if needed in the future. Will this cover property acquisition costs for on grade parking? Is this being considered?

7. P. 21-have we considered the effects of a possible condominium development off of Hickory Lane and the luxury home sites off of McClain? How many additional residential units? Cars? Water and sewer usage? Ambulance and fire?
8. P.32. 2013 Multi-Hazard Mitigation Plan. Does this need to be updated in light of the approval of 2015 Westchester County Hazard Mitigation Plan at the Village Board Meeting held 10/22/18?
9. P. 35 5. Downtown says "Keep Contextual Scale". I am not sure what "Contextual" means here. We are going from primarily 1 story with some two story buildings to 4 and possibly 5.  
We say there are no environmental impacts-see Ch. 3-:  
Loss of viewsapes towards Kisco Mountain and across Maple. See behind development on east side of Main Street.  
Dark-loss of sunlight due to increased height of buildings downtown and Main Street.  
Increased possible flooding  
Parking  
Traffic
10. What about increase in school children and school busses, traffic and demand on infrastructure-not deemed significant.
11. Fig 3.1-5 Why CB-1 across tracks on Kisco Ave.? Is there a proposed change across tracks on Maple? Thought it was to be 3 story-not sure what the zoning is-3.1.5 seems to suggest still RT-6. Is this correct? If the overlay applies, what is possible building height? Would this be consistent with the RT-6 neighborhood? Can the neighborhood support more dense development in terms of traffic/parking, access for fire/ambulance?
12. P. 40. States that 388 multifamily units represent a "modest" increase in allowable density. The plan states elsewhere that the increase is in the neighborhood of 12% which does not seem modest in light of the fact that the area of the Downtown is \_\_\_\_ acres. Further it states that: "The proposed amendments to the Downtown Mount Kisco will allow denser future economic growth in a concentrated area..." Does this not raise questions of traffic?
13. P. 46-Check reference to Multi-Hazard Mitigation Plan. See No. 8 herein.
14. P. 48. 3.2.2 Strategies says "1. Preserve the character of existing residential neighborhoods." With the possibility of development on Maple Avenue under the overlay, this RT-6 neighborhood could/would be effected.
15. P. 49. 3.2.2 Recommendations. 6. "...encourage new mixed use residential development targeted at segments of the population targeted to grow in the future, especially in the downtown." P. 48 says 73.5% of Hispanics are renters. P. 49 states that Hispanics were the "largest and fastest growing "group in the Village. The goal as stated here is to ensure "...a variety of

- housing types appropriate for local workers, young professionals, and empty nesters.” Where is housing for Hispanics considered?
16. P. 51. Says “preserving “small town character”. There are numerous references to urban environment.-see also P. 51- the downtown is “well suited for **dense** development.” Inconsistent.
  17. P. 59. Is Byram Lake part of the NYC water supply?
  18. P. 64. Air Quality. Reference to major roadways. Does not include Route 133.
  19. P. 64. Hazard Mitigation Plan. See #8.
  20. P. 67. Hazard Mitigation-see #8.
  21. P. 70 Leonard Park-no discussion of possible cell tower in Leonard Park.
  22. P. 72. Scenic Views: “...the potential increase in building height may reduce the visibility of some surrounding natural resources, this impact is not expected to be significant.” First, part of what is impacted is Kisco Mountain-the namesake of our town and the crown jewel. Blocking the view is significant.  
 “An addition of five to ten feet of building height in Downtown, where buildings already reach up to three stories in height, is not expected to significantly or a adversely impact the local viewshed.” Firstly, much of the development is proposed on a surface open parking lot that has no buildings and is expected to go 4-5 stories. Secondly, in the areas on South Moger where there are existing building that while the zoning permits three stories, the majority are one story with a few at 2 stories. A change therefore is in fact significant.
  23. P. 73. States 1087 new residents over 10 years. Page 47 says 1000 by 2030.
  24. P.75. Village Attorney should review/revise Police section. Not accurate.
  25. P. 84. 3.5.2-Recommendations-Fire Departments: Not currently undergoing renovations-work has not commenced as of this time.
  26. P. 84. Village Attorney should review/revise Police section.
  27. P. 84. Inappropriate to advocate to pre-K. See also P. 85.
  28. P. 85. Where is there provision in the Comprehensive Plan that “address the needs of the Hispanic community? Where does it show that the Village is “...working with the Hispanic population to improve the existence and accessibility of important resources...”?
  29. P. 85-Police-Village Attorney review language.
  30. P. 93-94. No numbers shown for Route 133 up Captain Merritt’s Hill which has substantial traffic backups.
  31. P. 96. Should taxi services be mentioned here or elsewhere?
  32. P. 100. Parking. Says no adverse environmental impact-overall result in “beneficial impact to environment.” Increased parking-more cars-how beneficial?
  33. P. 101. Stment: zoning changes preserve “the neighborhood character of the Village.” The zoning entirely changes the character of each of the neighborhood where there is a change.



34. P. 101. Says figures reflect full residential buildout. What about full commercial occupancy to be added to those figures?
35. P. 101. Says zoning changes-Para 2-will result in 88 add'l vehicle trips in am peak and 106 in PM peak. "The traffic ...is well below the DOT's 100-trip threshold of significant impact..." Isn't 106 over 100 and thus a "significant impact"? There also is no mention of Route 133 traffic which is already at a standstill.
36. P. 103. No mention of effects of construction on traffic, drainage and soil compaction.
37. P. 106. No mention of the fact that Mount Kisco is on level 1 water restrictions in excess of the past 5 years.
38. P. 106 In prior version at P. 105 there was a statement as to usage. Current usage has been omitted. Following statement from prior draft. Water: safe yield is 1.5mgd winter-we are currently using 1.75mgd. Don't we already exceed safe yields before additional housing units?
39. P. 107. Sewer. No mention of current usage. Are we exceeding? Will new development in downtown and Main and possible other-Hickory and McLain overburden system? See also 38. With respect to water usage. P. 110 mentions an increase of 78,210 gpd due to increase in residential uses. Does this cause us to exceed maximum?
40. P. 107. I believe there are charges re sewer if we exceed maximum. Should be included.
41. P. 107. Electric. Do we need to mention alternate energy suppliers? Is this where we should talk about solar?
42. P. 107. Electric. Can Con Ed support additional development?
43. P. 108. "4." Has no text.
44. P. 108. Water recommendations. Sodium in water recently exceeded safe level for certain residents. Suggestion was to talk to DOT about use of salt on 684 near Byram Lake since it is believed that the road salt flows down into Byram Lake. Should we include?
45. P. 109. Sewer-repeat. Will new development exceed maximums before fees are imposed? See also P.110.
46. P. 111. Prior DGEIS said that impervious surfaces increased by 10% in the downtown? Drainage? Flooding? Plan says that there will be "decreases in impervious surfaces" under the proposed Zoning Code Amendments. Plan now says that in the "Downtown Overlay Zone, the Zoning Amendments have the potential to reduce surface cover..." Which is correct?
47. P. 112. Perhaps the proper name is "Byram Reservoir". I have always heard it referred to as "Byram Lake".
48. P. 112. Water. Speaks of permitted amount of water to be withdrawn. Then compares it to amount treated and amount consumed. Should be consistent and talk about amount withdrawn to determine if we exceed permitted.

- 49. P. 115. Have concerns about conclusions under 4.3, Para 2. Differ as to conclusion that “scenic...resources will be preserved.”
- 50. P. 117. 5.1 Statement that “Proposed Action will generate positive impacts, such as the retention of Mount Kisco’s unique qualities, including a diverse population...” There is no discussion of the retention of Mount Kisco’s diverse population.
- 51. There is no discussion of the appropriate implementation of a solar policy.
- 52. There is no provision for the implementation of additional cell tower placement or future needs.
- 53. DGEIS mention more monies for fire and ambulance but we have an all-volunteer corps in both cases. Availability of volunteers? Necessity of a paid force?

Thank you.

KBS

## **Comments from the Mount Kisco CAC on the Comprehensive Plan DGEIS**

### **Introduction**

What follows are the compiled comments from the Conservation Advisory Council.

### **Executive Summary**

In addition to a number of minor typographical and possible technical corrections, there were several areas where the CAC believes that the DGEIS does not completely reflect all the actual conditions, the impact of planned or recommended actions, and the extent of remediation required to offset the expected impacts. We believe that the following areas include issues not completely addressed in the DGEIS and may require remediation measures in addition to those included in the DGEIS: Traffic, Parking, and Pedestrian Safety; Water Supply; Water Quality; Flood Prevention and Control; Residential Neighborhoods in and near Downtown; Carbon Footprint and Energy Policy; Waste Reduction; Noise and Light Pollution.

Recommendation are underlined.

Following the summary section, we've included a list of detailed comments and recommendations regarding the DGEIS— and related aspects of the Plan.

### **Summary of Key Issues and Recommendations**

#### **1. Traffic and Pedestrian Safety**

The Impact of proposed zoning changes on traffic, parking, and pedestrian safety in the downtown and surrounding areas may be greater than reflected in the DGEIS, and the corrective measures suggested may not effectively remediate both the current traffic congestion and the negative effects of the development that would likely follow the recommended zoning changes. We believe that, to avoid significant, unintended consequences, a more thorough and extensive study of current these conditions needs to be conducted in order to create a baseline, which would then provide a more reliable and scientific basis to evaluate the effect of the proposed zoning changes, potential and proposed development, and proposed remediation measures.

#### **2. Water Supply**

The Impact of proposed zoning changes and the increased population that would likely result could put a significant strain on the Village's water supply, further exceeding the seasonal Safe Yield of our current water supply sources. There are, of course, some potential additional sources of water (e.g. new wells) identified in the Plan and DGEIS that might remediate this impact. We believe that both the Safe Yield situation and the potential new sources should be carefully evaluated by an independent hydrological consultant, and that the findings of that report should be used to establish limits and a timeline for both development and creation of additional water supply infrastructure.

### 3. Water Quality

We agree with most of the findings regarding bodies of water in the Village , and also recommend that stronger measures and language be included in the FGEIS and Plan to assure the protection of Byram Lake, the Kisco River, and Branch Brook from pollution and encroachment. There will be an increasing threat of water pollution as a result of expected development and other factors.

**p.108 (3.7.2.1 )** and **xxxxx** We recommend that listed remediation measures should also include additional water quality testing (including regular chemical and macroinvertebrate testing for the effects of pesticide, fertilizer, and other chemical pollution) at the Pond in Leonard Park, the Kisco River, Branch Brook, and Byram Lake. Research has shown that the excrement of geese, encourages excessive algae growth and contains a wide variety of pathogens capable of infecting humans. **p.108 (3.7.2.1 )** Aggressive measures to control large populations of Canada Geese on Branch Brook and in Leonard Park. should be studied and implemented."

We have specific recommendations for remediation measures to be added to the section regarding Byram Lake Reservoir:

**p.108 (3.7.2.1)** and **p.68 (3.4.2.1 d.)** Maintain and strengthen the current long-term comprehensive reservoir monitoring program at Byram Lake. There are presently twelve tributary sampling stations surrounding the reservoir. Continued maintenance and upkeep of these stations is imperative, with special attention being given to Tributary BLT-1, which delivers water captured via a stone sluiceway from a watershed area west of the reservoir.

### 3. Flood Prevention and Control

**downtown** A significant portion of the new development that would likely result from the proposed zoning changes, particularly those is the South Moger lot, could have a significant, adverse effect on flooding in the downtown flood plain. We believe that the plan should include stronger provisions to prevent and remediate these potential risks both in the Moger lot and in the entire downtown floodplain. New, development related flooding could compound the already severe periodic flooding that already occurs in the downtown area and elsewhere in the Village (including the areas near Barker Street), and there are authoritative forecasts for significantly increased flooding and extreme weather events in our area over the next 10-25 years.

**p.68 ( 3.4.2.1 b.) , p.69 3.4.2.1.5 a)** **downtown** Therefore, we strongly recommend that stronger and more extensive flood prevention and remediation measures be included in the FGEIS and the final Comprehensive Plan. These remediation measures should include both relevant green infrastructure projects, as well as (p.69 - 3.4.2.1.5 a) require that any new development in or near the 100 year flood

plain substantially exceed the minimum currently required storm-water control and other flood prevention measures and standards.

#### **4. Residential Neighborhoods in and near Downtown**

We believe that the DGEIS and the draft Plan both underplay the impact of proposed zoning changes and subsequent development on the neighborhoods near to downtown, including North Moger, Carpenter and Barker Avenues, Stewart Heights and Gato Drive. The impact may be even greater for Village's Potential Environmental Impact Area (PEJA). We recommend that additional remediation measures be included to minimize the effects of increased traffic, noise, and air pollution on those areas. We also recommend that special SEQRA processes related to Potential Environmental Justice Areas (PEJA) be included in the FGEIS and Comprehensive Plan, specifically in reference to the PEJA currently identified by NYS-DEC as existing in the areas surrounding Lexington Avenue. (an updated map of Mount Kisco's PEJA can be seen at Google Earth under Potential Environmental Justice Areas). The increase in downtown rental housing, the addition of pocket parks, improved crosswalks, and other changes envisioned in the plan may actually have a beneficial on residents of this PEJA—but these effects need to be evaluated in-toto along with potential gentrification and the likely reduction of low-cost housing in this areas. We also recommend that the services in the area be upgraded, including the addition of a Pocket Park across Lexington Avenue from Gregory St. and add a crosswalk so that children and families can safely access this park. P.71 (3.4.13)

#### **5. Energy Usage - Carbon Footprint and Energy Policy**

We believe that the DGEIS and Plan do not sufficiently address the need for the Village to reduce the carbon footprint of the Village, and they should include a specific target, plan, or at least a process to develop and implement a updated carbon inventory and plan to reduce Mount Kisco's carbon footprint. (P.115 - 4.4) A comprehensive energy plan should be developed for the Village, along with a detailed strategy and specific commitment target to reduce the Village's carbon footprint, and make the Village Carbon Neutral by 2030. **Any strategy, planned measures, or zoning changes should include specific targets and strategies along with a holistic approach that balance the need for energy conservation with the need to preserve local green space and biodiversity.**

Also, contrary to the statement made on P.126 of the DGEIS, the addition of several hundred living units to the downtown area, along with the like reduction in air circulation due to the proposed construction of multi-story buildings on the Moger Lots, will like increase the heat island effect in the downtown area.

(P.126 – 4.4) We recommend that any downtown construction include green infrastructure, such as green roofs, fountains, and extensive areas of ground level plantings

## 6. Solid Waste Reduction

(P.123 - 3.7.2. ) Another key environmental factor that does not receive sufficient emphasis in the Plan and DGEIS is the issue of waste reduction . The Village lags far behind other towns in the area-with virtually no public area recycling, no composting program, and no reusable bag law. This has many major impacts on the local and area environment-including increased water pollution, litter, habitat degradation, and increased costs. Mt Kisco already has a significant litter problem, along with plastic bags and other waste in the open spaces, streams, ponds, and reservoirs.

The increased population, commerce, and traffic predicted to result from the zoning changes specified in the Comprehensive Plan and DGEIS will certainly increase the severity of this problem, with an estimated **477.88 tons of additional solid waste per year.**

(P.123 – 3.7.3 ) We recommend that the FEIS and final Plan include a commitment to remediate this condition by creation and deployment of a comprehensive waste reduction strategy—including solid waste reduction targets, public area recycling, a compostable waste program, public education, and a ban on single use plastic bags, Styrofoam take-out containers, and other significant sources of waste., as well as establishing a task force to develop a concrete waste reduction and recycling strategy.

## 7. Noise and Light Pollution

Increased noise and light pollution are predictable effects of any development—with scientifically established negative impact on health, quality of life, and the natural environment. Since the Plan and DGEIS include a significant increase in development, traffic, and other sources of noise and light (3.2- 3.7) they should also identify these effects and include specific remediation measures for them. Even though individual future developments will be required to comply with the Village's Noise Control law, the cumulative effect of these development and related traffic and construction noise will certainly increase the level of noise pollution in the downtown and surrounding areas.

### **( P.73 – 3.4.2.2. and 3.4.2.1, and P.30) Light Pollution and Noise Pollution)**

Specific remediation measures should include: Updated lighting and noise regulations to reflect increased downtown housing and activity that would reflect the framework and standards established in the updated Model Community Noise Ordinance developed by the Noise Pollution Clearinghouse

(<http://www.nonoise.org/> ) and the Joint IDA/IES Model Lighting Ordinance [http://darksky.org/wp-content/uploads/2015/06/MLO\\_FINAL\\_June2011.pdf](http://darksky.org/wp-content/uploads/2015/06/MLO_FINAL_June2011.pdf)

One specific remediation that would have a major positive effect on noise pollution would have an immediate significant positive impact is to (p.30 Noise Pollution) complete the transition from a “fog-horn” fire alert system to an entirely electronic system. This was discussed in the Comp Plan Committee meeting and workshops, with unanimous approval, but is not present in the Draft Plan or DGEIS.

## **Other**

### **Page by Page Comments**

What follows is a chapter-by-chapter, and page-by-page listing of possible typographical and factual errors, as well as places where CAC members believed that the potential impact was greater than stated in the draft, or where the listed remediation measures might be less effective than expected or stated.



---

**Subject:**

FW: DGEIS

**From:** Alice DuBon <>

**Date:** October 30, 2018 at 8:21:15 PM EDT

**To:** Mayor Gina Picinich <

**Subject:** DGEIS

Dear Gina:

I apologize that this is a bit late.

I would like to commend the Village/Town government on the tremendous work done to bring forth the Comprehensive Plan. As a member of the Conservation Advisory Council, I read the Draft Environmental Impact Statement. I have 15 comments, which I forwarded to John Rhodes. You'll be please to know I won't bore you with all of them here. He has compiled all of the comments by CAC members. This email highlights a few thoughts I'd like to share as a concerned resident of this wonderful Village. We are all individuals and my personal thoughts may not come through in John's compilation.

I'm sure others have pointed out that there are some errors regarding the distance from Grand Central, the frequency of trains, the fact that peak usage of the train extends beyond 7:30 until the 8:33 train, and so forth.

I regularly work in Yonkers. On page 101 there is a comparison to development by the Yonkers train station. I'm not sure when the study was done, but those units are not fully occupied.

The idea of getting a generator, ideally hooked into the gas line, for the Village Hall and Library is excellent. These could be used as emergency shelter or at least warming and recharging stations. Residents could be organized to provide staff in times of emergency. I have some experience with this from working for the Putnam County Department of Health in emergency planning and would be willing to help.

The vegetative buffer idea on page 108 is terrific. The CAC could work on this, I believe.

Will the final Environmental Impact Statement address the issues of solid waste and sewage more thoroughly? It's not clear how close to our maximum allowed sewage discharge we are now. The same for solid waste. 477.88 tons seems like a lot of waste. However, there is no information in the draft document as to the percentage of our current annual waste this represents. In the same vein, on page 20 there is discussion of payment in lieu of providing appropriate parking. Regardless of the amount to be paid, where would this parking be located? Hopefully, these loose ends will be tied up in the final document.

Again, thank you for all the hard work. In general, the comprehensive plan could be environmentally positive. The Moger lots are impermeable surfaces. It wouldn't be hard, with proper planning, to use greenscaping roofs, etc. to make these spaces more environmentally friendly. Urban/dense housing with public transportation access provides homes for people in a way that doesn't destroy existing natural environments while allowing residents to reduce their carbon footprints by using personal vehicles less.

Personally, I'd love to see our Village present itself right at the train station instead of across a sea of tarmac. Mount Kisco is a welcoming community. Our physical layout should reflect that. We can move forward with a plan that makes this a reality while not only preserving, but improving our natural resources.

Respectfully,

*Alice Hagemeyer DuBon*  
30 Prospect Street



**Appendix B:**  
**Village Assessor - Estimates of Tax Revenues from Proposed Zoning Code Amendments**



---

---

## INTEROFFICE MEMORANDUM

---

---

**TO:** EDWARD BRANCATI, VILLAGE MANAGER  
**FROM:** ROGER D. MILLER, ASSESSOR  
**SUBJECT:** MOGER AVENUE DEVELOPMENT  
**DATE:** 9/20/2018

---

In response to your request, I have prepared a rough estimate of market value for tax purposes for the proposed development on Moger Avenue. The figures are attached. These are based on the rough data you provided, which call for a project of 350 apartments and 100,000 square feet of commercial space. Obviously, the final value and taxes will depend on the actual development as completed and further analysis of the income and expenses.

The figures are based on an average monthly rent of \$2,000 per apartment, and rents ranging from \$20 to \$40 per square foot for the commercial spaces, based primarily on size. After deductions for vacancy loss and operating expenses, the indicated market value for tax purposes is approximately \$83,000,000. Based on this value, total taxes would approximate \$2,100,000, including close to \$700,000 in village taxes.

Let me know if you have any questions or would like to discuss.

**PROJECTED STABILIZED INCOME AND EXPENSES**

**INCOME**

350 Apartments @	\$2,000	\$8,400,000	
70,000 sf Commercial @	\$20	\$1,400,000	
30,000 sf Commercial @	\$40	<u>\$1,200,000</u>	
<b>Potential Gross Income</b>			<b>\$11,000,000</b>
Vac/Coll Loss Resid @	0.05	\$420,000	
Vac/Coll Loss Comm @	0.12	<u>\$312,000</u>	
Total Vac/Coll Loss	6.65%		<u>\$732,000</u>
<b>Effective Gross Income</b>			<b>\$10,268,000</b>

**OPERATING EXPENSES**

Total @ 25% of PGI excluding taxes	\$2,750,000
<b>Total Expenses excl. taxes</b>	<b>\$2,750,000</b>
<b>NOI before Taxes</b>	<b>\$7,518,000</b>
<b>Base Cap Rate</b>	<b>6.50%</b>
Equalized Tax Rate	<u>2.54%</u>
<b>Equalized Cap Rate</b>	<b>9.04%</b>
<b>Indicated Value</b>	<b>\$83,163,717</b>
<b>Rounded</b>	<b>\$83,000,000</b>

**Taxes Based on Current Rates**

<b>School</b>	<b>\$1,144,976</b>
<b>County</b>	<b>\$273,586</b>
<b>Village</b>	<b><u>\$693,416</u></b>
<b>Total</b>	<b>\$2,111,979</b>

Total Expense Ratio incl Taxes	44%
--------------------------------	-----



---

---

## INTEROFFICE MEMORANDUM

---

---

**TO:** EDWARD BRANCATI, VILLAGE MANAGER  
**FROM:** ROGER D. MILLER, ASSESSOR  
**SUBJECT:** POTENTIAL RESIDENTIAL CONVERSION  
**DATE:** 11/1/2018

---

In response to your request, I have prepared a rough estimate of the potential additional tax revenue which could result from a conversion of certain existing office space to residential space. The estimate is based on the rough data you provided, which assumes that there is approximately 89,000 square feet of upper floor space located in various buildings in the central business district, and that these spaces could be converted to rental apartments.

In my opinion, in general, and disregarding any current possible over-assessments, overall assessed values would increase as a result of this conversion. This would be due to higher rent levels, lower vacancy rates, and lower capitalization rates.

Based on my rough analysis, the conversion of the space discussed from office to residential use could potentially result in a total annual tax increase of approximately \$95,000, including over \$31,000 in village taxes. The calculations are summarized on the following page.

Let me know if you have any questions or would like to discuss.

**POTENTIAL TAX IMPACT FROM RESIDENTIAL CONVERSION**

			<b><u>Commercial</u></b>	<b><u>Residential</u></b>	<b><u>Difference</u></b>
<b><u>INCOME</u></b>					
	<u>SF</u>	<u>R/SF</u>			
Offices	89,000	\$20.00	\$1,780,000		
Apartments	80,000	\$27.00	-	\$2,160,000	
Vac/Coll Loss Resid @		0.05		<u>-\$108,000</u>	
Vac/Coll Loss Comm @		0.12	<u>-\$213,600</u>		
<b>Effective Gross Income</b>			<b>\$1,566,400</b>	<b>\$2,052,000</b>	<b>\$485,600</b>
<b><u>OPERATING EXPENSES</u></b>					
Offices @	0.25		<u>-\$391,600</u>		
Apartments @	0.3			<u>-\$615,600</u>	
<b>Net Operating Income before taxes</b>			<b>\$1,174,800</b>	<b>\$1,436,400</b>	<b>\$261,600</b>
<b>Base Cap Rate</b>			7.50%	6.75%	
<b>Equalized Tax Rate</b>			2.54%	2.54%	
<b>Equalized Cap Rate</b>			10.04%	9.29%	
<b>Indicated Value</b>			<b>\$11,701,195</b>	<b>\$15,461,787</b>	<b>\$3,760,592</b>
<b>Indicated Taxes</b>					
<b>Village</b>			<b>\$97,757</b>	<b>\$129,174</b>	<b>\$31,417</b>
<b>School</b>			<b>\$161,417</b>	<b>\$213,294</b>	<b>\$51,877</b>
<b>County</b>			<b><u>\$38,570</u></b>	<b><u>\$50,965</u></b>	<b><u>\$12,395</u></b>
<b>Total Taxes</b>			<b>\$297,743</b>	<b>\$393,433</b>	<b>\$95,690</b>

---

**From:** Roger Miller

**Subject: RE: additional development calculations**

Ed,

Assuming that the 35 townhomes are not built as condominiums, then the taxes would not be calculated in the same way as we did previously for the apartments, but based on sale pricing. The new development in Pleasantville were all large 3 bedroom units and generally sold between \$800,000 and \$900,000, although some are now asking over \$1 MM. I did not see any recent sales of comparable 2 bedroom units. The 2 bedrooms in Guard Hill have been selling between \$500,000 and \$600,000.

Based on an overall average price of \$700,000 per unit, total taxes per unit would be about \$14,285; total taxes for 35 units at about \$500,000, broken down to \$158,000 for village, \$276,000 for school, and \$66,000 for county.

The conversion of the existing office space to apartments is a little more complicated and we should have a brief discussion about that.

Roger

Roger D. Miller, MAI, IAO  
Assessor  
Village/Town of Mount Kisco, NY  
914-864-0006