Minutes of the ***Regular Meeting***of the Board of Trustees of the Village/Town of Mount Kisco held on ***Monday, September 17, 2018 at 7:00 pm*** in the Frank J. DiMicco Board Room, Village Hall, and 104 Main Street, Mount Kisco, New York.

Present: Mayor Gina Picinich

Deputy Mayor Jean Farber

Trustee Isidoro Albanese

Trustee Peter Grunthal

Trustee Karen Schleimer

Also Present: Whitney Singleton, Village Attorney

Edward W. Brancati, Village Manager

Prior to the start of tonight’s meeting Mayor Picinich and the Village Board of Trustees held an Advice of Counsel Session.

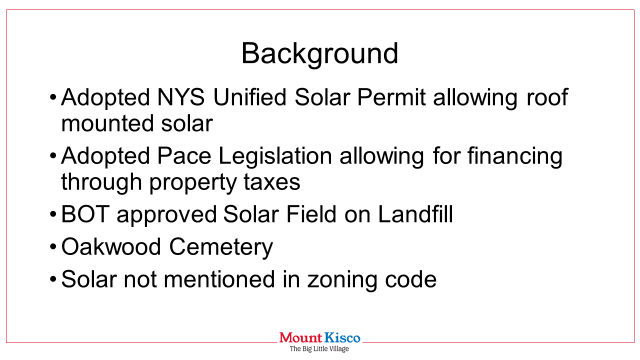
Mayor Picinich opened the Village Board Meeting and led everyone in the Pledge of Allegiance. Mayor Picinich asked everyone to remain standing for just one moment. We think tonight about all of those on the Carolina Coast, who are in harm’s way, we wish them well, both residents and first responders.

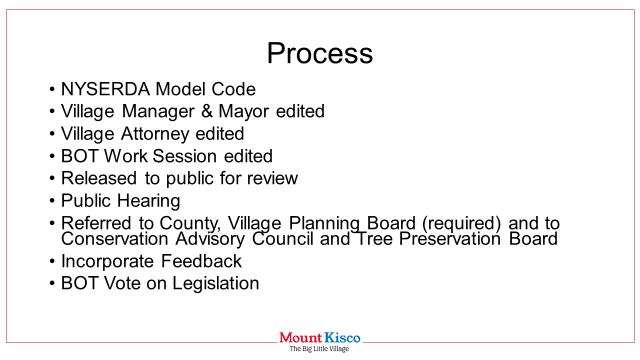
***Public Hearing to discuss a proposed Solar Energy Law***

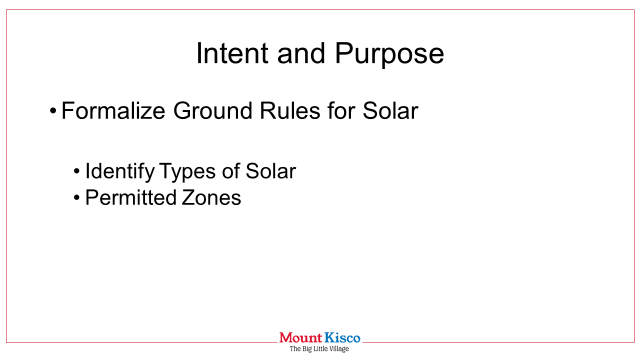
Mayor Picinich noted that the Board was in receipt of the proper affidavits of service and the proper affidavits of public notice regarding the public hearing to discuss a proposed Solar Energy Law.

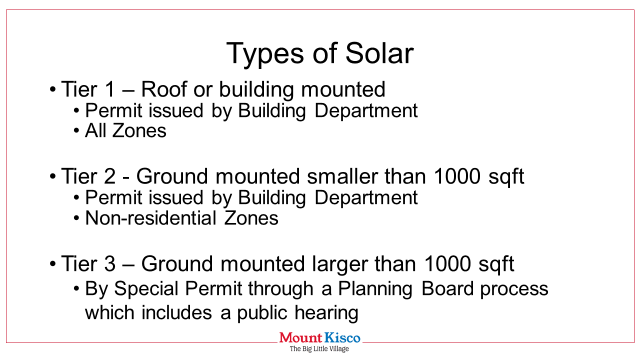
Mayor Picinich stated that she wanted to share the following slides with the public so that we are all talking about the same thing.

Mayor Picinich stated that we are going to start off with some background information and she reviewed the following slides.









Mayor Picinich stated its important that everyone understands what it is that we are trying to achieve and how we are seeking to achieve it. I just want to make sure that we share with you what we are dealing with so that we are all talking about the same thing. We are going to start off with some background information. The Village/Town of Mount Kisco adopted the New York State Unified Solar Permit which allows roof mounted solar, so that is permitted in our community right now. We also adopted PACE Legislation which allows property owners to finance the installation of solar array’s on their property through their property tax bill. Our Board of Trustees approved a solar field on our landfill and that is property that the Village owns. At the beginning of this year, Oakwood Cemetery requested the ability to put in a solar field on a back piece of their property. Solar is not mentioned in our Village Code and that is because our Code was written sometime ago when solar wasn’t a thing. So as a result, the way our Code is written, if something is not mentioned, it’s prohibited. So by virtue of the fact that it would be prohibited we sought to find a way to address this issue. So here is what a process looks like, and the process looks like what we walk through. We are talking about making a text change in our code and also zoning changes. There is a law in this process that we have to go through to enable us to formally permit solar. First thing that we did was to start with the New York State Energy and Research Development Authority (NYSERDA) model solar code, and then the Village Manager and myself sat down and we edited the NYSERDA model code in order to try to adapt it to what would work for our Village. Then we passed it along to our Village Attorney and he made further edits, to apply it very specifically to our Code here in our Village. Then we had a Board of Trustees Work Session where all of the Trustee sat together and we went through line by line, and zoning district by zoning district in order to come up with what was released to the public for review. We opened a public hearing so that we can hear what everyone in the community thinks about the proposed legislation. We are also required to refer any zoning code changes to our Planning Board as well as Westchester County Planning. In addition, while it is not required by law, we wanted to also hear from our Conservation Advisory Council and our Tree Preservation Board. From our view and prespective the value of these referals and the value of a pubic hearing is to incorporate comments and ideas so that we can get to the best legislation possible. So that is what we are seeking to achieve. Utilmately, once we’ve heard from everyone and we go back and we re-edit and modify then we’ll seek to take action and vote on this legislation. We’ve gotten a couple of comments from folks that we should not close this public hearing this evening, and we don’t have any intention of closing this tonight. This will remain open at least for 30 days, so that will be two (2) televised public hearings. We’ll keep it open even longer than that if folks have something new or different to add to what has already been said. The first time we will consider even voting on the legislation, and I’m not saying that we will, but the first time we would even consider this is the Board Meeting on maybe November 5, 2018, so we’ve got at the very least, the month of October to continue this conversation. Again, the intent and purpose of this Board was to be able to formalize the ground rules in this Village for solar. So what we sought to do, using the model legislation from NYSERDA was identify the different types of solar and also the zoning districts where that might be permitted. Here’s the summary of what the proposed legislation says at very high level. Tier 1 solar is roof or building mounted installation and this is to be permitted by the Building Department as we did not want a homeowner or a property owner to have to go through the expense of a Planning Board process since this is already permited in the Village with the permit issued by the Building Inspector. Tier 2 is a ground mounted solar system that is smaller than 1,000 sq. ft. and this would also be permitted by our Building Department and there was a lot of discussion about whether to allow it or not allow it in residential zones. Where the Board utilmately stood was that since there are many small lots in Mount Kisco on which homes are currently located, there is not a lot of space between the house and property boundaries such that solar arrays of this size could be disruptive to neighbors because of the smaller lots. So the Board ultimately recommended and wrote in that these smaller ground mounted systems would not be permitted in residential zones. Then, Tier 3 systems, which are larger ground mounted arrays that would be larger than 10,000 sq. ft. and could cover 5 to 6 acres. These are larger arrays. These systems would only be allowed through special permit, so these would not be prinicpal uses in a zone. They would only be allowed by special permit. So what does that mean, a special permit is a far more rigerious process that someone has to go through with the Planning Board, and it also requires a public hearing. So again, these arrays would go through the full planning process. Next, I want to bring up our zoning map. I know some concerns have been raised because we said we would permit thes Tier 3 arrays in the Preservation District (PD) and in the Conservation District (CD). So let’s just look where these are and what we are speaking about, again, so we are all on the same page. There are five (5) parcels in the Preservation District that are not owned by the Village and so those parcels are a piece of the Mount Kisco Country Club Golf Course, a piece on the back of Radio Circle which is essentially wetlands that is privately owned. These two parcels here which are Oakwood Cemetery and St. Francis Cemetery. This parcel over here which is owned by Marsh Santuary and then a piece all the way up here that is owned by New York State. Now, the reason I’m showing you the parcels that are not owned by the Village, is because any municipaly is not bound by it’s zoning.

Village Attorney Singleton stated as the public might be aware, generally speaking, a municipality is not subject or bound by the terms of the zoning ordinance as those are intended to be for private properties and public properties owned by other entities for which use is sought in the Village. Instances of this include the Library, as you will recall the Library was built at the direction of the Village Board of Trustees without site plan review by the Planning Board. There is the solar project to be done on the former landfill near the Highway Department area, again, that was done without any review or approval by any boards other than the Village Board. So it is pretty customary in the world of zoning for a municipality not to be bound by it’s own zoning regulations. The Village can do what is deemed to be in it’s best interest for the benefit of the public, so with regard to any uses on Village property, whether it is zoned PD, CD,or CL, the Village is not bound by zoning regulations and therefore restricting those properties by zoning would not necessarly prohibit the Village from developing them in a different fashion. The only caveat I put on that is that properties which are owned in pubic trust, subject to the public trust doctrine, which would include parks, are entrusted to the Village subject to State Law and you can’t just go ahead and develop parks and properties that are subject to the public trust doctrine without getting special relief from the State Legislature. Other than that a municipality is free to devleop its owned properties in any fashion that is appropriate.

Mayor Picinich stated and the reason why I point this out is because I know there’s concern about the property that is owned by the Village. Particually all of the incredible hard work that has been done by folks on the Conservation Advisory Council, the Tree Preservation Board, and the Trail Tream, and I first want to say that this Board and prior Boards are supportive of those efforts and there’s no intention to attempt to do anything that impacts those trails in that space. I just also want to again point out that there is nothing to write in that couldn’t be voted on by another Board in the future to change this as it relates to solar legislation. So this legislation puts those places at no more or less risk than they currently are right now. So I just want to point that out from my perspective.

Trustee Schleimer asked with respect to Village owned property that might be sold in the future, I assume once that property is sold it is then subject to the zoning laws.

Mayor Picinich replied absolutely.

Mayor Picinich stated the other areas that I want to point out are in the Conservation District (CD). Now what is the purpose and intent of the Conservation District, single-family low density. Mount Kisco Chase is in the Conservation District, so I want to point that out because there are private parcels here that are in the Conservation District. So they could be developed as single-family low density houses such that this corner parcel right here is about 25 acres and is owned by Marsh Santuary which has some substantial deed restrictions on it for what could be done there. Here is another privately held parcel of about 25 acres which is currently on the market for $26 million dollars. So these are the other areas in the Village where the CD is not owned by the Village. Again, I point this out because there is concern that what could be developed right now is a substanial number of single-family low density houses. On 25 acres that means 20 homes could be developed, including roads with lots of impervious surface, greater density with school children, and having to bring in sewer and water lines as well as all other public improvements. So that is currently permitted in those spaces right now. I just want to make sure, and the reason why I share all of this is because it’s important that we are all understanding and talking about the same thing. I appreciate you patience for allowing me to provide that information. Our goal is to come up with the legislation that best benefits the community and we all believe that the only way to do that is to hear from the community as well as the Boards to which we referred this legislation so that we might incorporate the input received to ensure that we achieve legislation that is best for the whole community. Thank you again for your patience.

Mr. Brian Liebman (Barker Street) read the following statement into the record.

I would like to start out this evening by digging into a little bit of history. As many of you know, around 10 years ago, Oakwood Cemetery applied to construct a crematorium on their property and they were denied permission to do this by the Village. This led to a legal battle, which went as far as the New York State Supreme Court who upheld the town's rejection of the crematorium on the basis that the status of the Preservation District zoning of which Oakwood Cemetery is part, did not allow them the right to build their desired project.

If you hear me or anyone else tonight clamoring about zoning, that anecdote right there is the reason why, what we let into our zoning we effectively let into our town, and what we keep out of our zoning we keep out of our town.

The open space in our town is protected by the Preservation District zoning, and the strictness of its stature is a matter of great importance, not only for the safekeeping of our natural resources, but for the very integrity and respect towards all zoning.

I do not ask anyone here to take my word for it, because I have here the minutes of the June 13, 2011 Village Board meeting when a resolution was passed to change the definition of cemetery to exclude crematoriums, so that there would be even stricter standards for the Preservation District.

I will now proceed to read three quotes from that meeting, which relate to the matter at hand here tonight:

Then Mayor Cindrich said: "So to me it's clear that a cemetery is a cemetery and a crematorium is a crematorium. Then there is the purpose of the zoning ordinance...so the purpose of zoning is simply to preserve and protect environmentally sensitive areas and to encourage the sound management of the Village's natural resources in order to protect the integrity, stability, and aesthetics of the Village...I place great respect in the Zoning Ordinance. I do not believe that the Preservation District was ever intended to be an aggressive active use...The Village is extremely fortunate to have Oakwood Cemetery and also Saint Francis Cemetery in our Village. They are not-for-profit uses, and they do provide significant green space to our community. It is basically sacred hallow ground and it should be preserved as rural cemeteries and I hope that's what we accomplish here this evening."

Then Trustee Markus said: "the purpose of the Preservation District was to preserve natural resources, scenic beauty, and other land and community resources whose retention is necessary for the continued maintenance of the quality of the environment...Therefore, my opinion of this particular amendment for clarification and/or otherwise does reflect the spirit, intent, and purpose of the Preservation District. The establishment of a crematory on an existing cemetery is in conflict with the operation of a cemetery envisioned under the Village's current zoning in the PD district, which was to serve as a place of quiet reflection and contemplation on the nature of life and death. I believe we need to maintain open spaces particularly in this district. We have very few areas of open space remaining."

Then Deputy Mayor Griffin said: "The whole intent of the PD zoning and the Open Space zone was to maintain that little bit left of Open Space that is left in the Village. Our intent was green space, open space, clear vistas, that was all part of the adoption of this Master Plan."

What these three gentlemen said seven years ago applies equally today, but the Solar Law which has been proposed, pays no respect to these notions with its inclusion of a clause allowing Tier III Solar Energy Systems into the Preservation District, and I do not understand why there has been such a shift in attitude to allow this clause.

Especially with regard to the proposed 4.2-acre solar farm that would be installed in the northwestern corner of Oakwood Cemetery. I think it is fair to discuss this proposal specifically tonight because the way the Solar Law is written, if it were to pass without modification, would be the last chance the Village Board has to weigh in on that proposal.

The area in question where this solar farm would be built is one of the most beautiful and serene locations in our town. It is uniquely located in a slight depression which brings a visitor into an atmosphere of 360 degrees of gently cultivated nature, it is a true escape for the necessary reflection and contemplation which Trustee Markus spoke of, and were a solar farm to be constructed there it would be irreparably damaged and have the exact opposite effect on anyone who came to visit.

I have taken a few pictures of the site to give you a visual impression of what I described, and I hope this serves as a reminder that there are many places like this worth protecting in our Preservation District.

I would like to say one more thing, thank you to everyone who came here tonight to support this important cause. We needed all of you here tonight and we will need all of you and more on the night of October 15th when we have the public hearing for the Comprehensive Plan. Thank you.

Ms. Ellen Conrad, Co-President Bedford 2020 read the following statement into the record.

My name is Ellen Conrad. I am Co-Founder and Co-President of Bedford 2020. I am proud to be here tonight to speak in support of Mount Kisco’s proposed Solar Energy Law.

As many of you know, Bedford 2020’s mission is twofold -- reduce greenhouse gas emissions 20% by 2020 and preserve our natural resources. This new zoning law does both.

Over the past 9 years, Bedford 2020 has partnered with Mount Kisco on energy efficient buildings, electric vehicles, and rooftop solar. The common theme -- find a solution and make it happen.

In today’s climate, our work is more vital than ever. This Solar Energy Law is so important – because it reduces greenhouse gas emissions and preserves our natural resources.

We can speak forever about the dangers of fossil fuels, but until we create local sources for renewable energy, we cannot solve this problem.

As you know, Bedford 2020 led the Mount Kisco/Bedford Solarize campaign in 2015 to promote rooftop solar for residents and businesses.

During the campaign, 250 customers indicated an interest in rooftop solar. However, only 10% - 25 customers - actually signed contracts. The problem -- rooftop solar does not work for homes with too much shade, nor does it work for people who rent or own apartments.

Indeed, in Westchester County, it is estimated that only 20% of residents can install rooftop solar. So what about the 80% of the population that wants renewable energy? That is why we are here tonight.

Community Solar is the answer to this issue. Citizens can sign up for solar energy as if it were installed on their own rooftops. It does not matter if their homes are shady or if they live in apartments, condominiums, or coops – everyone can sign up. In addition, all residents can benefit from the lower cost of renewable energy.

Mount Kisco’s proposed Solar Energy Law goes even further. It puts the preservation of our natural resources front and center. The law specifically provides for owners to create and maintain native vegetation and foraging habitat to benefit birds, insects, and pollinators. This is impressive thinking by your Village Board.

These pollinator habitats preserve biodiversity, protect pollinators, and completely regenerate the soil under a solar array. The root systems of native plants are about 6 to 10 feet in length compared to 4 inches for turf grass. The root systems absorb water runoff, stop erosion, and regenerate the micro bacterial components of soil. In addition, native plants protect pollinator populations that are threatened statewide. The loss of managed pollinator colonies in the state has exceeded 50%. Habitat loss is one of the major contributing factors to the problem.

Now, community solar is a new concept, so there are many barriers to be worked out. One such barrier is the zoning law, but zoning laws are being revised all over the state to permit solar arrays. I personally want to congratulate the Village/Town of Mount Kisco for leading this movement in Westchester County. Our future depends on it.

Mount Kisco is setting the standard for smart land use. Creating a pathway for 100% renewable energy, allowing solar that benefits all residents, protecting pollinators, ensuring biodiversity, and regenerating soil under solar arrays. The proposed Solar Energy Law is the essence of wise conservation and stewardship. So personally, I am so proud to know Gina Picinich, Ed Brancati, and the members of the Village Board who are leading the way for a future of which we can all be proud.

Mr. Doug Hertz read the following statement into the record.

My name is Doug Hertz. I am a resident of Mount Kisco for the last 25 years and I have served on the Planning Board for nearly 20 of those, most recently as its Chairman. I am also on the Energy Advisory Panel and was its first Chairman. Tonight I am speaking as a private citizen, but one who has been informed by my public roles.

My day job is as the president of a solar energy company. We have installed solar in nearly every town in Westchester and I have worked with the Village for the last few years, consulting on solar for the village landfill and other properties, and I’m very pleased to see that the landfill project is moving forward.

As I wear many hats, some public and some private, I have been extremely careful to disclose my roles to avoid any appearance of a conflict of interest. As my firm has a solar project before the Planning Board, the Oakwood project that has been discussed, I am, of course, recused from that matter. However, as I am one of the experts in solar in town, I feel it is very important that I make my personal views heard. These views are mine alone as a solar expert and private citizen and they do not represent my position on any of the Boards. Here are a couple of interesting facts:

* NY State goal: 50% renewable by 2030. We are currently at 23%, largely existing hydro from the Canadian border. Solar and wind are the main options to meet that goal. As of this year, solar was not yet 1% of the mix.
* 1 acre of solar can produce about 500,000 kWh per year. According to the EPA Greenhouse Gas Equivalencies calculator, this is the same amount of CO2 that 438 acres of mature forest would sequester each year.
* Without this code change, we cannot do solar on carports or solar farms. This means that community solar projects would simply not happen in town. So, the 80% that was just spoken about by Ms. Conrad could not happen.

I would like to read the statement of purpose for this law:

B. **Statement of Purpose**. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the people of the Village by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

(1) To take advantage of a safe, abundant, renewable, and non-polluting energy resource;

(2) To decrease the cost of electricity to the owners of residential and commercial

properties, including single-family houses;

(3) To increase employment and business development in the Village, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;

(4) To mitigate the impacts of Solar Energy Systems on environmental resources such as forests, wildlife, and other protected resources;

(5) To create synergy between solar and the stated goals of the community pursuant to its Comprehensive Plan, such as the protection of environmental resources, assuring that community services sufficiently meet the needs of the Village’s current and future population, and promote a balanced pattern of future land use;

(6) To invest in a locally generated source of energy and to increase local economic value, rather than importing non-local fossil fuels;

(7) To align the laws and regulations of the community with several policies of the State of New York, particularly those that encourage distributed energy systems;

(8) To diversify energy resources to decrease dependence on the grid;

(9) To make the community more resilient during storm events, and;

(10) To encourage investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites.

This law brings the proper balance between solar energy systems and environmental protections. Large systems, called Tier 3, would still be subject to special use permits and therefore public hearings on all of those projects and the Planning Board would still have to apply the State Environmental Quality Review Act (SEQRA) to each and every project. Mount Kisco should embrace renewable energy and community solar and all the benefits that it can bring including savings for residents and the lessening of our carbon footprint. Renewable energy and conservation are partners, not antagonists, and this law recognizes and balances those efforts. Therefore, I strongly support the passage of this zoning code change. Thank you very much.

Mr. James Gmelin (60 Leonard Street) I wear many hats in town. I’m not here to speak for any one faction of one group that I’m involved with. Full disclosure I’m on the Board of Oakwood Cemetery so I’m a little bit confused here, because I’m also a member of the Conservation Advisory Council (CAC) and the Tree Preservation Board. Let’s just say that I’m going to speak for the trees. So make believe that you are looking at a big oak tree. First of all, I’m not here to say anything pro or con solar. As a matter-of-fact, I am for solar; I think it’s a very important component of renewable energy along with wind, geo-thermal, and everything else that is being proposed now. So I’m for that. I think we need more time. I’m glad and thank you Ms. Mayor for explaining the differences between CD and PD and so forth. So let’s go back to a time in the late 50’s and early 60’s when the seeds were planted in this Country for the environmental movement as we have come to understand it. We are not passing a Wilderness Act here, but the same thinking can apply. What’s wilderness in wild land is the preservation of the world Thoreau said. So people in various parts of the country started looking at their land and saying this is too valuable to trample, to upset, to have man do something that ruins this environment that we all love so well. So that’s what is going on here. Again, speaking for the trees I’m on a basis of visiting maybe two (2) to three (3) trees a week and people are coming in and asking to remove some of these trees and want permits to do so and I honestly say that most of the people are upset that that tree has to come down. I look at these people and say that everything comes to an end, and your tree has to come down now. I was also on the group that formulated the Natural Resources Inventory in town and one of the things that was pointed out in that document is that most studies are saying over the immediate future or projecting out a number of years we are going to get more rain and precipitation and we are going to get hotter temperatures. I will say one thing to Mr. Hertz’s comment about the trade off on CO2 you are absolutely correct, however what you are forgetting is that trees serve other purposes. They are going to combat this excess precipitation because of the absorption of water and they are going to help create shade that will cool the environment. Finally, SEQRA law provides for mitigation, which means that if you take something away you have to give something in return for it. If a tree is taken down imagine a 100 year old big white oak tree that is take down you don’t replace a 100 year old tree. So I’m asking the Village, whatever you do in adopting this solar legislation, which I think we need, that you keep in mind trees and the environment and speak for the environment and protect our trees and I think we will all benefit from it. Thank you.

Mr. Nigel Sizer, (Stockbridge Road) I’ve been a resident of Mount Kisco for three (3) years and I’m also the Chief Program Officer of Rainforest Alliance in New York City, one of the largest environmental groups in the country. I also served as an advisor to President Clinton on renewable energy. So I kind of bridge the issues here. I love renewable energy, huge fan of solar, and really applaud you for taking on this issue. But I’m a conservation biologist as well and that kind of gets to the heart of this and that very much reinforces what Jim was saying. The idea that there is some kind of trade-off here between conserving nature and restoring habitat and transmitting more renewable energy is deeply flawed. There is no trade-off here at all. Unless you look at a very narrowly defined geographic area. So if you say we’ve got to meet our renewable energy need for Mount Kisco by developing solar farms only in Mount Kisco then you have a challenge and the map which was up there shows you very clearly there is a lot of stuff already in Mount Kisco. There are significant green spaces, but I think many of us came to live here precisely because of those green spaces and therefore as this discussion proceeds we need to be clear that we are not going to start interfering with those green spaces. I appreciate what you said Mayor, but I’m hearing significant concern about that and so I think we need crystal clear clarity on what’s going on here and really what is being proposed. It’s false to say if you’re in Mount Kisco you can’t put solar on your roof and if we don’t build solar farms in Mount Kisco you can’t have solar. I’ve just signed up for community solar and the solar farm is not in Mount Kisco. It doesn’t have to be in the Village. This is a huge state with a well-developed electrical grid so the farms could be quite far away from where we are now and still off set and generate credits for the power that they consume here in Mount Kisco. So there is not a trade-off locally. Now if you still have to find somewhere to build them, surely there are places that don’t interfere with the kinds of values of the trees, the habitat, and the esthetic values that other speakers have talked about far more eloquently than I can. That’s the assurances that we are looking for, just explain to us how this proposed legislation or adjustments to it really satisfy the fact that these areas would continue to be preserved and it doesn’t start to create a slippery slope that you, or perhaps more likely others that follow you, would then facilitate.

Ms. Carol Leibman (100 Diplomat Drive) stated I’m also for solar energy and I subscribe to an electrical company that has no fossil fuel so I’m all for it. I’m also for more trees as well. I just have a few comments and questions to ask to clarify the process you are going through. The first thing that I wanted to get clarified for myself is that the proposal of Doug Hertz’s company Sunrise Solar is not tied into this solar law, is that right? The law just exists to give permission to future solar projects of that nature in that tier, correct? We are not approving a contract with Doug Hertz’s company.

Mayor Picinich replied you are absolutely correct, what we are talking about is permitting solar and the types of solar in different areas of the Village and then putting a structure around what would and would not be permitted and what is the process for getting that project through. So a tier 3 project would need to go through a full planning process as a special permit. So we are not approving any individual project, we’re permitting solar in different zones in the Village at different levels.

Ms. Leibman replied thank you, that’s good news. I was pleased to hear Doug Hertz say that he is recusing himself. I presume of any votes that the Planning Board might make, that he might advise and consult, and that he would abstain from voting.

Mayor Picinich replied yes he has. If the legislation is approved, then his firm could bring forward the project, which would go through a full planning process before the Planning Board and that would actually require a separate public hearing in front of the Planning Board.

Ms. Liebman stated that she would summarize some of the things that were on her mind. When we get to that point I hope you will keep in mind where the employees for constructing this solar farm will be drawn from along with the employees who will keep it running are, will they be Mount Kisco residents? Or will they be imported from somewhere else? I think that is an important concern. There are people here who could use that work and I would like to see them hired for that job. The second thing that I want to point out is that when it becomes time for you to select your pollinator plantings I hope you will urge whatever company you hire to do that to plant a lot of milkweed so we can have a lot of butterflies. Thanks a lot.

Mr. Harry McCartney, Town Historian stated that we are back again standing up here to continue the preservation of pristine green space throughout this town. Mount Kisco is three (3) square miles it’s not Bedford, it’s not Chappaqua with quite a lot of acreage. It’s three square miles, now what does that mean. When Gina flashed up the map, it’s built out already. The Natural Resource Inventory told the town, that’s why we paid for it, there is no space here. And oh by the way, you do have pocket pop-up real estate that if you preserve it and continue to enable the educational programs that the historical society does, that the CAC does, and that the Mount Kisco volunteer trail team does as our plan was to roll out eight (8) trails using this pop-up green space. Where are they? They are in the preservation areas, the PD, the CD, and the PRD. Who are our customers? The Boys and Girls Club, we’ve done nature and historical walks with the kids on these trails. This is the greenspace that we are talking about. This is going to be a change here, you guys on the board are going to be gone, you start changing stuff, you should be changing it to put a lock on this stuff. I shouldn’t keep on saying stuff, it’s a gem, it’s a pristine environmental gem. 80 to 100 foot tree canopies, river lands, woodlands, wet lands, streams – 3 square miles all within walking distance from your house. Now the gentleman before me talked about why people come to Mount Kisco. Let’s talk about money – yeah I’m a tree hugger, but I also like to have money in my pocket. Well real estate values go up. The Builders Associate of Real Estate Associations have done studies on that, real estate values go up; commercial activity goes up. So the Mount Kisco Boys and Girls Club these are all of our customers on our docent lead walks, educational nature historic walks. Let me just tell you about the ages of the folks, 4-year old kids and their mothers from Neighbor’s Link, and Jim Gmelin has made a little nature treasure hunt as the kids run along there is a whole interactive educational experience. So we have 4-year old kids with their mothers, we have our 92-year old, Mrs. Eva Marshall, the Mount Kisco Historical Society President who walked the trails. All five (5) of those board members when we were fighting and the effort in a very short period to time, but Karen, Jean, Gina, Isi and Peter, we asked them to come out and see what we are talking about. See what we are building, see this beauty, see this beautiful environment that we have here and what we are trying to do. They all came back and that’s why your open attitudes is critical in making volunteers like myself or any of our team feel that you care, that its worth something. We also take the little senior citizens bus and we ride over to Byram Lake Road where the historic gristmill and dam is and we get out and it’s a stream, the Kisco River comes right by there, that’s where the gristmill was and I give a whole talk on there. The other one is riding around town with the little blue bus doing a historic tour on different houses, Captain Merritt’s Hill, the trees and the environment up there. So Horace Greeley High School, the Rotary Club, the Italian-American Club, we’ve given talks about our trails trying to get people out. Here is the thing, you know Doug mentioned about solar on houses and in Rochester, New York the public schools they installed solar panels on all of the public schools, which was a major investment on the roof tops. I’m just using this as an example in terms of space since we have limited space, there is two (2) acres of open space on twelve (12) apartment buildings here in Mount Kisco just as an example, and that’s the apartment buildings not the commercial buildings. Business could also put solar on their roofs. So the Tier 3 industrial solar farms, in terms of needing that space, absolutely does not make sense in Mount Kisco based on the limited amount of space and based on the pristine contiguous greenspace that you have now. Once you put something industrial there from a visual standpoint, when you’re out in the woods and you’re walking along you’ve got the stream, you’ve got the trees and everything, and now all of a sudden you see an industrial thing. I’m going to end on this because my wife is telling me to cut it off, right now. There is mental and physical health benefits from being in mother nature. It’s scientifically proven and if we do not put a zoning lock on what we have now, for our children and our children’s children here in Mount Kisco, we are not giving them the gift that is priceless for the rest of our lives. Thanks again for the opportunity all of the time.

Mr. John Rhodes summarized the following statement into the record:

Hi, I’m John Rhodes, Chairman of your Conservation Advisory Council (CAC).

I have a few specific comments and suggestions about this proposed law. These ideas and observations represent the consensus views of the CAC. We’ll send a more in-depth analyses to the Board after we all have had a chance to examine the revised draft and do some more research as to what other towns have done and what best practices are recommended by independent experts.

First I’d like to say that this proposal is not just a “Solar Law,” it is a major change in the Village’s basic Zoning Law, one that would allow the construction of various solar energy installations in Mount Kisco. This would be the biggest change in our conservation-related zoning since the creation of the current laws more than thirty (30) years ago.

If this proposal is approved, large, industrial-scale solar farms would be allowed on land now zoned for conservation and preservation. It would allow for the construction of large "Tier 3" solar farms on land that is currently protected by law for environmental and conservation purposes, including land with current or planned nature/historic trails, and other recreational uses. These protections have been in place for many decades, are based on well-established scientific principles, and our common values for the public good.

These large “Tier 3” solar farms would be allowed in the Preservation District (PD), Conservation District (CD), Planned Residential District (PRD), Research and Development District (RD) as well as other commercial and residential zoning districts.

This proposed law would even allow solar farms to be built on Kisco Mountain, and in other pristineareas. In the future, permits could be granted for Tier 3 solar farms on many wooded sites, including all of the undeveloped land on Kisco Mountain, the woods adjacent to Marsh Sanctuary, the wild and forested areas near the Kisco River, and other similar locations.

Now some people say, “this current Village Board would never allow that to happen,” and I agree with that opinion. A major zoning law change needs to take into consideration what might happen in the future—in different economic and political conditions—and not leave big loopholes that could lead to serious unintended circumstances. For example, if the Country Club were to close down (it’s unlikely, but many famous golf clubs have gone under in the past decades) this proposed law would allow for a giant solar farm, the size of twenty-five (25) football fields or more, to be developed on that property. This is not the intention here, but it could be the result unless the proposal is modified, in this case to limit the coverage and size of Tier 3 systems in the Preservation District (PD) zoned land.

Many protections for environmentally sensitive private land would be removed or drastically reduced. Too many areas would be affected to examine carefully tonight, but let me give you one more example where some details of this proposed law could have bad, unintended consequences.

Currently, the Conservation Development District (CD) areas are limited to a minimum site size of twenty-five (25) acres, and developers must reserve at least 35% of that area for open space and woods—in addition to allowing for steep slopes, streams, and wetlands. In this way, our existing law protects natural habitats and greatly reduces the chance of severe flooding. The proposed law would further reduce these coverage limits, by also excluding the actual area of the broad solar arrays from the calculations, and only counting the area of small support struts, electrical sheds, and other accessories.

Another thing that concerns us is that this proposed law could allow for major changes in our town, without real accountability. Under the proposed law, only a special use permit from the Planning Board would be required to build Tier 3 solar farms in Preservation, Conservation, Commercial, Residential, and other zones. This leaves the fate of our open spaces and neighborhood woods entirely in the hands of a non-elected body. We strongly recommend that any Tier 3 solar project application require a special use permit that may only be approved by a majority vote of the elected Village Board of Trustees, and only after a public hearing is conducted to thoroughly examine that proposal.

This proposed law would make it much less likely that land could be protected and preserved for the benefit of future generations. By removing barriers to virtually unlimited solar development, the value of currently protected, marginally developable land would increase substantially, thereby reducing the probability that the land could ever be preserved for public use or conserved for environmental protection. Also, as solar power grids become more profitable over the years, first commercial districts and then even residential neighborhoods would begin to look good to solar developers. All they’d need under this radical proposed rezoning law would be a green light from a future, appointed planning board

This proposed law is a major zoning change that is contrary to our Comprehensive Plan and Natural Resources Inventory (NRI). Nowhere in past or current Comprehensive Plans has this sort of wholesale zoning change and deregulation of conservation or preservation areas been proposed, or even contemplated. To the contrary, our past and currently accepted-draft Comprehensive Plans strongly recommend the preservation and protection of open space in the Village—for conservation, recreation, health, flood prevention, and many other good reasons. Although the proposed "Solar Law" does suggest compliance with the Comprehensive Plan, this is a largely empty statement, with no concrete limits. New York State Law also requires that any significant zoning changes such as this be “consistent with a well-considered Comprehensive Plan.” This is clearly not the case with this proposed new zoning law.

Not only is this type of change to our current zoning law not consistent with past plans and our recent Draft Comprehensive Plan, it was never proposed, discussed, or considered during more than six months of committee meetings and public workshops that went into the development of the Draft Comprehensive Plan recently accepted by our Board of Trustees. This plan was developed by a committee composed of Village Trustees, the Village Manager, Village Planner, a consulting planning firm, members of our Planning Board, Zoning Board of Appeals, Conservation Advisory Council, Energy Action Council, Recreation Commission, and others. Hundreds of Village residents also participated in a number of workshops, surveys, and a Comprehensive Plan Steering Committee Public Hearing.

We are not opposed to Solar Power and other green energy initiatives. Of course not, we are a hard-working part of the environmental conservation community, and many of us have been advocates for renewable energy long before it was so profitable. However, we do not support "greenwashing" proposals that seek to exploit the environment for profit under the cover of trendy environmental language and publicity. We do support the smaller, beneficial, rooftop, and ‘back-yard” solar installations permitted under the proposed law in many residential and commercial zones. We also support the idea of a limited number of Tier 3 solar installations in Mount Kisco—where they can be sustainably developed without significant negative environmental impact. A good example of this type of sustainable development is the proposed project on the Village’s former landfill site.

The Union of Concerned Scientists and other major scientific and conservation organizations suggest that solar farms be located or brownfields or disused industrial or commercial sites to preserve natural habitat, preclude long term damage to soil and aquifers, and avoid squandering “irreplaceable environmental capital," such as wooded hills, streams, and meadows.

We appreciate that the Village Board has extended the public hearing on this proposed law and recommend that they use this time to substantially rewrite the law, incorporating input from residents, the CAC, Trail Team, and other stakeholders. The Board has set Monday, November 5, 2018 for a second Public Hearing session, and we strongly encourage residents who could not be here tonight because of School Night, work, or family obligations, to take advantage of this opportunity to review the updated draft and provide their feedback in person to the Board and fellow citizens.

Here are a few of our preliminary recommendations:

The CAC will continue to examine the proposed law, do additional research, consult with experts, and provide the Board with more detailed recommendations before the second public hearing session.

We recommend that the Village Board of Trustees modify the proposed legislation as follows:

Allow Tier 3 projects on PD, CD, and other zoned land only if:

All the underlying coverage restrictions of the original district are left intact, along with conservation, setback, and other requirements—with no variances permitted.In addition, the total surface area of the proposed solar farm should be included in coveragecalculations. Where coverage requirements are not yet clearly defined, such as in preservation areas, we recommend that strict coverage limits and enhanced setback limitations be imposed to preserve environmental integrity.

Each Tier 3 project should be discussed in a formal public hearing, and voted on by the Village Board of Trustees. Only after approval by a majority of the Trustees would the application be subject to review and approval by the Planning Board,with no exceptions allowed to the basic underlying restrictions.

The Project must be subject to a Full Environmental Impact Study, and complete remediation plans must be confirmed for all significant impacts.

If the property is owed by any local, county, state or non-profit agency—the project may only be approved if there are no current, proposed, or planned public recreational or educational uses for that property.

No Trees greater than 8” in diameter are to be removed from any property in order to facilitate any solar installation without an approved landscaping or tree removal plan.

Thank you for your time and consideration.

Mr. Robert Liebman (Barker Street) member of the Conservation Advisory Council and many years as the Chairman.

There is no question that much more solar energy is needed to replace energy from burning fossil fuels, the main cause of climate change, which is a widely acknowledged existential threat. The need to address climate change is urgent as the average annual global temperature has already reached one degree Celsius above the pre-industrial level and global emissions of greenhouse gases continue to trend upward. As the one degree Celsius level is passed, tipping points for positive feedbacks could be triggered and it could become impossible to limit global warming even with a dramatic reduction in greenhouse gas emissions from human sources. Already we are seeing vast destruction from powerful storm surges added to rising sea levels, droughts leading to vast destructive wildfires, record-setting floods, and so on. One way to try to grasp this rapid change in climate locally is to realize that it is predicted that near the end of this century the climate of Mount Kisco will be similar to present day Georgia. Athens, Georgia averages 50 days a year over 90 degrees Fahrenheit and Augusta, Georgia averages 76 days a year over 90 degrees. Mount Kisco now averages only about 10 days over 90 degrees, but according to the Responding to the Climate Change in New York State ClimAID Report that was updated in 2014, by the 2080’s our area is projected to experience 44 to 76 days over 90 degrees, which is similar to the current numbers for Georgia. Therefore, even the hottest summers now in Mount Kisco are far short of what is projected to be ahead in several decades. To avoid the worst effects of climate change much more solar energy is needed. However, decisions need to be made about where to site solar panels to minimize adverse effects on the local environment and on the quality of life in general. This proposed law addresses the need for government to regulate where solar panels are sited on the ground.

While I agree with many aspects of the law, I find the portion that allows what are called Tier 3 Solar Energy Systems to be sited in areas zoned as Preservation District to be very problematic. Tier 3 Solar Energy Systems are more than 1,000 square feet of solar panels and can be what are sometimes called solar farms. These solar farms consist of numerous rows of solar panels covering several acres or more. Solar panels do produce renewable energy and reduce carbon dioxide emissions by replacing fossil fuels assuming the additional energy from the solar panels isn’t used to meet increased demand for energy. However, some of this benefit is lost if trees have to be removed to install the solar panels because trees sequester carbon dioxide. Also, the benefit is diminished by carbon emissions associated with mining, manufacturing, and transportation of solar panels and the construction of the solar panel array, and while this is probably unavoidable with any solar farm, cutting down trees to construct a solar farm is avoidable by selecting sites without trees. Typically, our areas zoned as Preservation District contain a lot of trees. The Preservation District is intended to preserve natural resources, scenic beauty, and other land and community resources whose retention is necessary for the continued maintenance of the quality of the environment. Land in this category is either considered unsuitable for development because of flood susceptibility, wetlands, or steep slopes or it is presently utilized for park or open space uses. I believe the definition of the Preservation District is incompatible with Tier 3 Solar Energy Systems. This law should therefore not include allowing Tier 3 Solar Energy Systems in the Preservation District under any circumstances.

One way to make decisions about the role of solar energy within a local community is to put together a climate action plan, but unlike the bordering Towns of Bedford and New Castle, Mount Kisco has not done so. Such a plan sets a goal for reducing greenhouse gas emissions and provides a plan for trying to meet the goal by a specific date such as 2030. Also, Mount Kisco has not taken full advantage of New York State’s Climate Smart Communities program. This program includes a certification manual with more than a hundred actions that local governments can carry out and is designed to serve as a valuable framework for local governments taking actions. Points can be awarded for each of these actions and a local government can apply for certification and attempt to get enough points to obtain it. In Westchester, the Town of Cortlandt, the Village of Dobbs Ferry, and the Town of Mamaroneck have achieved certification. For governments that want to take action on climate change such as ours, sustainability coordinators have become important members of the staff. Many towns have hired a sustainability coordinator, however, Mount Kisco has not done so which in my opinion has significantly hampered its efforts. Also, although Mount Kisco is taking part in the Community Choice Aggregation electricity program run by Sustainable Westchester, when given the choice of 100% renewable energy or the basic supply, Mount Kisco chose the basic supply. Some of us as individuals have nevertheless chosen the 100% renewable energy option, which takes a small effort of signing up on a website. Mount Kisco has taken a number of actions to address climate change, which I will not go into here, but it seems clear that many important actions have not yet been taken to reduce our emissions, which for the year 2010 were estimated to be 122,765 metric tons carbon dioxide equivalent according to the most recent greenhouse gas inventory available. One metric ton equals about 2,205 pounds, which would make the estimated annual emissions in 2010 for Mount Kisco 270,696,825 pounds. The greenhouse gas inventory for 2010 found about 40% of Mount Kisco’s emissions are attributable to transportation, about 30% to commercial buildings, and about 20% to residential buildings. The remaining 10% is attributable to several other sources. Putting these numbers into some context, the New York State goal is 80% reduction in emissions below 1990 levels, which were nationally well below 2010 levels, by 2050. To achieve this goal in Mount Kisco I would guess that we need to reduce our emissions very roughly to about 20,000 tons over the next thirty-two (32) years, which would require an average of about 3% reduction in emissions annually over that period. To me, a review of the situation in Mount Kisco indicates a need for a much greater sense of urgency and better planning to reduce greenhouse gas emissions.

It seems clear that the attempt to pass this law is being done without proper planning on how to locally address the problem of climate change. There has been no analysis on the best ways to reduce our emissions. Using sites in the Preservation District for solar farms might be one of the worst ways, but not all the options detailed. The groundwork for making decisions has not been done. This law should not allow Tier 3 Solar Energy Systems to be sited in the Preservation District. To pass this law as is would be a terrible decision. The law clearly needs to be revised before being voted on by the Village Board.

Judge Farrell thanked the Mayor and Trustees. There are many hats in this room, many more than there are people, in my short life I’ve worn a few. I am intimately familiar with the Comprehensive Development Plan process having been very much involved in the last go around twenty (20) years ago and I am acutely aware that zoning law is not static. That’s the whole reason why we need to have updates to the Comprehensive Plan. Life changes, the number of people changes, and technology changes. The Oakwood Cemetery has a life of more than one hundred twenty-five (125) years, much longer than Mount Kisco’s zoning code. I am gratified to hear people say that it is a pristine place. That it is a beautiful place to walk and ponder nature and enjoy it. We have tried very hard to make it such, it didn’t happen by accident and it costs a lot of money. Oakwood Cemetery is a not-for-profit, non-sectarian institution governed by the Cemetery Laws of the State of New York among other laws of the State of New York. We are very limited in the activities that we can undertake to generate revenue. We cannot sell gravestones, we cannot sell flowers, we can sell graves. In recent years we have seen a significant diminishment in the number of people seeking ground burials and that’s why we started the process of trying to build and operate a crematory approximately ten years ago, because we saw that’s what society wanted and seemed to mesh with what we did. In fact in the State of New York, the only place one can open and operate a crematory is in a cemetery. Mount Kisco thought we shouldn’t have one, I won’t say that I agreed with the decision, but I certainly could give great dispute to the logic that was applied to reach the decision that was reached, but there it is. So we at Oakwood are challenged with meeting our mandate to preserve land for burial use, for the respectful distribution of human remains in whatever way society thinks is appropriate. Our history has been ground burial. Now, that takes money, we need to provide certain services, we need to provide certain equipment, requirements on the cemetery like requirements on government and business increase over time. We are very mindful that our name is “Oakwood” trees mean something to us. If you were to go through our cemetery, I think you will find that the trees that we have are well maintained, they grow, they get disease, they die, and we replace. If you look at Oakwood Cemetery from Lexington Avenue, the boundary line between St. Francis and Oakwood you will see a long line of recently planted deciduous trees, maples, oaks, and other hardwoods. It didn’t happen by accident, we choose to plant them, nobody made us do it, that was our choice. You will see other trees that have been planted over the years. I’ve been on the Oakwood Board for twenty-five (25) years, I’m one of the short-timers on the Oakwood Board. We are an all-volunteer board of trustees and we take our job seriously. Most of us, if not all of us, have grown up in Mount Kisco or very close to Mount Kisco. How did we get here with respect to this solar proposal that is being considered by the Planning Board and maybe an impetus for this Board’s consideration of this law. I was watching the Village Board Meeting one evening and I saw that there was a discussion about solar on the landfill. I thought, we have a lot of fields, it is surplus land now and it is not generating any income now. The solar farm idea to me is a way of preserving the land for future cemetery use, while generating some income, which we desperately need. I look at it as preserving the land, we are not looking to build buildings. The improvements that will be installed can easily be uninstalled and they will be uninstalled. The pollinator and plants that are proposed I think are a considerable upgrade from the grass that we have right now, we mow it. Trees will be removed, but there will be some trees planted. Overall, I think it’s within a reasonable realm of boundaries, which the zoning code has to try and balance. Our cemetery predates the zoning code and the preservation code, I don’t know why Oakwood was designated Preservation District, does it fit? It’s going to be a cemetery, but the notion that we can never do anything other than look at it and plant headstones and human remains under those headstones. Why should we be treated differently than any other property owner who can seek some relief from the zoning code. Why is it that properties that once only had a two-story building can now have a three-story building, it’s change. We are just looking for a change that will help us continue to generate money that will allow us to maintain a cemetery. The improvements will not be visible to anyone other than those going into the cemetery or riding by on the train. We are in favor of the law. If this project were not to proceed because we are in the PD zone, maybe we shouldn’t be in the Preservation District. That is a whole other discussion, which we do not really need to get to. We are asking that you adopt this ordinance.

Ms. Patricia Lee (Barker Street) read the following statement into the record.

Good evening. My name is Patricia Lee and I want to assure you that I completely support sustainable energy. I believe that the decision to explore Solar Energy Systems in Mount Kisco is a wise one. However, a few things trouble me about the way we are going about this process.

First of all, this is not a stand-alone issue; it is a major revision of our Zoning Code. Of the twenty-seven (27) districts enumerated in Section 110 of the Zoning Code, twenty-four (24) districts have added Tier 1 and/or Tier 2 Solar Energy Systems to their code under the heading of Accessory Use. An additional seven (7) of those same twenty-four (24) districts have also added Tier 3 Solar Energy Systems under the heading of Special Permits. I believe that we are diving into the deep end of the pool before checking the water. There is still much to be learned about solar energy systems and their potential environmental effects.

I also firmly believe that since this Solar Law is a major revision of the Zoning Code, a **Pilot Project** would be the wise way to proceed in order to ascertain viability. Mount Kisco has excellent opportunities to conduct a meaningful pilot project on some of its own property.

* For example, the Village landfill site has already been proposed for a Tier 3 installation.
* Since the Village is in the midst of renovating our Fire Houses; perhaps one of these would be a perfect candidate for a Tier 1 installation.
* Other options could include the building on Maple Avenue that has a leaky roof. We could replace that roof and install Tier 1 panels to determine the feasibility at that location.
* The Fox Center also has a nice south facing slanted roof and there are no nearby trees shading the property.
* Since we are using electric cars, why not try Tier 2 panels in that venue.
* Tesla is working on a new storage battery product. They might be more than willing to participate in a local pilot project.

Overall, a two or three year pilot project could provide us with some solid data rather than just depending on the data from other installations in other areas. I would also be interested in hearing how our neighbors are approaching sustainable energy such as the Bedford 2020 endeavor.

Next, I am deeply concerned about toxicity. In the short amount of time available before this hearing, I was able to do a bit of research on some of the components of the solar panels. To be sure, not all solar panels and/or storage batteries are alike. I limited my sources to hospitals such as the Mayo Clinic and to government resources such as the National Institute of Health.

Some of the components in some solar panels include cadmium, lead, gallium arsenide, copper- indium-gallium-diselenide, hydrochloric acid, sulfuric acid, and so on. One National Institute of Health study states,

“After the mid-1990s, data became available indicating that indium compounds can be toxic to animals. In animal studies, it has been clearly demonstrated that indium compounds cause pulmonary toxicity and that the dissolution of indium compounds in the lungs is ... slow.... Thus, it is necessary to pay much greater attention to human exposure to indium compounds, and precautions against possible exposure to indium compounds are paramount with regard to health management... [*https://www.ncbi.nlm.nih.gov/pubmed/23718969*](https://www.ncbi.nlm.nih.gov/pubmed/23718969)”

Of course, there is still much more to be learned with respect to the chemical compounds and their interactions. However, to me, this is just one more reason to do a **Pilot Project** so that we can make sure to take every possible precaution to protect our citizens.

Finally, and this is strictly personal, I believe that the industrialization of our cemeteries borders on sacrilegious. I know if the cemetery where my parents were buried to rest in peace, started digging up large portions of the land and installing enormous rows of panels, I would be heartbroken. The installation of solar panels requires heavy-duty equipment, digging holes, pouring concrete, creating space for batteries as well as regular maintenance – that’s hardly peaceful. Thank you for your time. I’ll leave a list of my references on the table.

Ms. Shonan Noranha, (Stewart Heights) thanked the Mayor and Board of Trustees for allowing us to express our opinions and share our concern and the other thing for holding a second public hearing and read the following statement into the record.

I moved to Mount Kisco with my husband because of its natural beauty. I voted for this Board of Trustees because I truly believed you would work for the betterment of the entire community and protect our town’s beautiful environment. I’m convinced that you will do that and that’s why I would like to propose that the Village Board take direct responsibility for Tier 3 Special Use Permit Applications. I know you mentioned the Planning Board and I want to say that for any solar farm development in Tier 3 is a serious commitment and I want our elected members of the Board to take direct responsibility for that not by any other non-elected Boards appointed by the Trustees. Of course, you should seek advice from the Planning Board, the Conservation Advisory Council, and others, but the final decision should be made by the Village Board of Trustees.

I also want to assure you that I am in favor of solar energy implemented in a responsible way. I applaud you for identifying the landfill site as a planned solar farm site. I suggest that the landfill project be treated as a “pilot project,” monitored for data and findings that will inform future projects.

Now for a specific change in the version that was posted on Facebook this morning:

On the top of page 4 it reads: "All Tier 2 Solar Energy Systems shall be permitted in all non-residential zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:"

I recommend that Tier 2 systems should not be exempt from site plan review because that is a key process in determining the suitability of the site for such an installation.

I have not had the time to review the entire document so request that the voting on this important matter be postponed, and that another public hearing session be scheduled so that everyone will have the chance to publicly comment on the revised proposal.

Thank you for listening.

Ms. Mary Ellen Warden (Marion Avenue) stated that she has lived in Mount Kisco for thirty (30) years. So I just want to clarify my understanding of this, is that it opens the door so that we can, with some clarity, build Tier 3 installations. Then there is always a process and a hearing where a citizen can say oh well this project sounds good, this project we take issue with, this one we would support. I don’t really see where the problem is. I think that is a good regulation to have in town to give us guidelines about how we can move forward with Tier 3 installations. I think it’s a false dichotomy that some people have sort of pitted green space, and people who love green space against this kind of solar installation. I really don’t see why those two things need to be sort of pitted almost against each other. I think if you are taking 4-year olds out on walks or Boy Scouts on a walk, and you walk by the solar farm then that’s an amazing opportunity to say, you could be the kind of person that helps to make that happen in your community. I want to live in a community where you can go by on the train and you see a big solar farm and think those people are pretty forward thinking, those people had the future in mind. Thank you.

Mr. Mike Kirsch (Gerber Court) thanked the Mayor for educating us in the beginning, I needed that and I appreciate you having done that, I learned a lot tonight. I also appreciate being able to speak. I’m a proponent of alternative energy, I think it is critical, and I don’t think I’m going to talk about Oakwood tonight. But what I really haven’t understood is the areas of town, like Kisco Mountain and the Kirbyville area that we’ve worked so hard to improve and preserve. If you look at the zoning laws it seems to me that that could all be developed into solar energy. It was said earlier on that you can’t stop that if it’s part of the zoning law, but I’m not sure that I understood it correctly. So I’d like to know a little bit more about that and I would like you bright capable dedicated people to come up with a way to make sure that the historic parts of Mount Kisco remain as they are. I keep looking at 1875 on the Village Seal behind you and you think that really we are here only a moment in time and we are making decisions that will impact our children and grandchildren so we have to be really careful about what we do. The issue is very complicated. I certainly wouldn’t want somebody to say the area where the Swiss Home was is flat and there aren’t a whole lot of trees there, why don’t we put in a solar farm there so that we can pay for new sewer systems, new water pipes, or something else. If there is some way through a referendum or through some other manor that all of those limited areas that we have could be preserved, I think that would be a very good thing.

Mr. Dan Welsh (Sustainable Westchester) stated that he was not taking a position on the nuts and bolts of the proposal, but I just want to celebrate and applaud the Village for a great process. Along with the amazing input from the public and that you are out front because there are no other communities in Westchester that’s looking to put in place a law that goes this deep. From our standpoint, we obviously want to see renewable energy accelerated and developed, but it is great the way you are balancing all of the needs as a municipality. Thank you.

Mr. Ross Eatman (22 Year Resident of Mount Kisco). Stated that he didn’t have too much more to add in the way of expertise because I’ve heard some really thoughtful and intelligent expert opinions here. I’m a lawyer, I have an interest in the environment and in pollinators in particular. My wife and I are photographers and we won a grant from the New York State Environmental Fund for our work documenting wild species in Westchester. What I hear here is a bunch of committed interesting people, all of whom seem to agree that they care about and want to see more development of renewable energy sources. Mount Kisco has always dealt with this tension between development and what’s good for commerce and what’s good for the physical environment and often times those decisions have gone in the way against environmental interest. So what is interesting here is that everybody is on the same page and we have to avoid the we love it, but not in our back yard kind of thing that you hear about. Everybody is an advocate for renewable energy, except for perhaps the 1970’s when the oil industry was buying up copper production so that could stifle and control solar energy. If Mount Kisco is serious about being on the cutting edge or at least ahead of the curve in doing something that is progressive and forwards the important global cause of renewable energy we need to be open to doing it in a modest small-scale sustainable kind of way that does not stick our head in the sand. I think there seems to be a consensus that everybody wants something to happen. The question is not whether it should happen or whether we should change things, but how much discipline we show in making the changes. The discipline will be that we need to make sure the law protects against rogue solar developers, but also less progressive administrations of this very town. I would suggest that everybody put in their detailed hard work and make sure that the districts themselves are well defined and don’t make it so impossible that you can’t have any growth in this area. Get ahead of the curve and do things in an intelligent way and design a law the protects the town itself against being overrun by commercial interests, and also protects against the administration of the town being too eager to do things to save a buck. I do think from my point of view on the environmental side this is not a small thing, the areas around any kind of commercial growth or road, should have native plants to protect pollinators and the smaller animals. These things are important, the environmental things that probably have not been on the top of the list for Mount Kisco any time in the past twenty (20) years and this is a good time to take control of it. The idea of somebody like Doug Hertz being the person as an advocate for the development around here to me is just a wonderful thing. I cannot imagine a person or a company that has more of a sense of balancing these very interests in our own town. I have been impressed with my fellow constituents here with how much everybody has contributed, I think it is a great process. Thank you.

Mr. Tom Coleman (Captain Merritt’s Hill resident of Mount Kisco 60 years). I don’t come to these town meetings very often and I must say when I do I’m very impressed. Thank you Mayor Picinich for your excellent introduction and the Trustees for their efforts. I also think it interesting hearing from the speakers who said they were for solar, were against this zoning change. I’m committed to conserving open spaces. I’m a Doctor in biology and I support the Westchester Land Trust and the Nature Conversancy. I’m an avid gardener and I’ve planted hundreds of specimen trees and plants on our home. I have taken down trees when they are diseased, which is always a sad thing. I also oversee a family estate in Maine, with ninety (90) acres of land that will never be developed forty-five (45) acres is on the shore under easement by Frenchmen’s Bay Conservancy, and forty-five (45) acres are in a wood lock management, a small owners association in Maine. It has trails and is open to the public and will be that way for eternity. But the discussion here tonight is about a zoning change and I think we need to be flexible in modifying land laws to accommodate new opportunities. Times have changed, technologies change, and I think we need to embrace that. We are talking about renewable energy, we are not talking about putting a strip mine on this land. One thing that hasn’t been brought up tonight is that I think these kinds of changes are very good for the local economy. The employment that this will cause, the change to a diversified energy source, and it will also encourage investment. To me putting a solar farm in another town strikes me as a slippery slope. Are we so wealthy here that we can pay to have these nasty things in another area? No, I don’t think so. I think we need to embrace this and we need to show our children that we are looking forward in a positive way in our town and I think we should be proud of Mount Kisco’s efforts to do that. In sum I think this zoning change strikes me as a very good piece of legislation that balances and aligns interest in a very measured way. We are not making a decision tonight about the Oakwood Cemetery and I think a lot of the talks with all respect have been off target. We are talking about this particular zoning change, we are not talking about Oakwood Cemetery. Let’s face it, the cemetery is not a forest, there are no trails there that I could see there. It looked to me like a giant lawn and I respect the idea that Oakwood needs to have the income to maintain what is there in a positive way. Thank you.

Mr. Andre Scaliano, I’m not here for a comment, I’m here for a question because I’m thoroughly confused and I’d like to express my confusion about what’s going on. I think one of the things that was brought up before was the notion that it’s more or less about being able to monetize the land that he is managing and it’s for a good purpose for the people who are at rest. Now that makes me wonder about what the role of what we are allowing this for, is it so that we can make it cheaper in some sense to make non-profits available to us. Do we all think this isn’t how we should all be thinking about or for example we don’t tax the kids that go to school, we as adults pay taxes for the children. We pay for parks so that the children attend them so they don’t have to pay us back. So I guess my question is have we really been saying that. I wasn’t even planning on being here tonight, so maybe that’s why I’m so confused. I encourage the Board to step in or anyone else.

Mayor Picinich replied actually you address the Board and I’m not sure of your question, I’ll happily answer it, but if you can please ask it again.

Mr. Scaliano replied it’s not so much as a question, I’m just throwing a ball into the air and seeing if someone might like to hit it. It doesn’t have to be now we can all think about it later at home. I was thinking about, there seems to be some complication about what exactly laws are for. At least for my perspective it’s that we all consent to the democratic process to be restricted equally by the law and so that’s why we all participate in this thing and we all agree to not allow some people to do certain things. Before we had a law that you weren’t allowed to put a certain amount of solar panels on your lawn for example because we all consider that as negative to your neighbors and we’re considering maybe that we could open it up for people to live freer and to do what they like. I think that is fair. I just thought it was a little strange that we seem to be opening the considerations a little larger. As you can tell I’m meandering, but I guess what I was thinking. I don’t want to say that I don’t want solar, I just want whatever people want, and I think that’s what the law is fairly here for. It’s not to force people or encourage people to do things. People have motivations to do nice things, so I think it’s about preventing people from trying to do nice things and harming people in the process. I don’t think this should be a vehicle for manifesting vicarious benevolence I think that we can all just be benevolent directly. For example would we all be so pro-solar panels if we were just comparing that to growing corn and then just burning it for electricity. Also I think we have to wonder about, we have laws so that we don’t change them over time and end up with a mess on our hands that we could’ve prevented earlier. Part of what I was wondering, going to the first point, is monitoring things that we want in our town that are nice, for example a park. NYSERDA is just a public authority that I understand, and so I guess what I’m getting at is since economic times change, that’s why we have a democratic process, and we all update together. I guess what I wanted to put forward for consideration is looking out for the potential belief that weather only changes in one direction and climate change might be coming, but what about the economy. If we begin by development that is a little bit are we all going to be a little upset about it. That’s all. Thank you very much for your time everybody.

Mr. William Polese (15 year resident of Mount Kisco) stated for the last two (2) years I’ve been a member of the Planning Board and so I’m not weighing in on anything other than to say my experience has been that the members of the community who participate in the Planning Board, Zoning Board, and Architectural Review Board, are working hard and things are taking a turn for the good in promoting the Village. I think as we continue down this process it will continue. I wanted to say that Mr. Hertz has recused himself from the Planning Board for this application. He did bring a conceptual application to us a couple of weeks ago. Mr. Hertz has operated with the highest degree to integrity. That his proposal has come forth with a lot of sincerity, it’s thoughtful, and I think as we go through this process and if the law is passed, I’d welcome everyone to attend the Planning Board meetings and continue the discussion. I think there has been a lot of good input and a lot of good ideas and I think it should continue. As a member of the Planning Board I would like to reiterate that Mr. Hertz has operated beyond reproach and I think it’s a thoughtful conceptual application. I think that folks can participate in that as it moves forward. Thank you.

Deputy Mayor Farber stated that it’s a great process of public participation. This is really what it is all about. It’s wonderful to see so many people that care and I’m assuming that we are going to have several more public hearings. I also know that several people wanted to participate tonight, but for different reasons they couldn’t come here. It’s great information and again it’s a very fluid process that we are in the middle of. It has not been voted on at all yet, that’s why it’s so important to stress what your concerned with.

Trustee Albanese thanked everybody for coming to this important meeting. This is a very important law and I hear from all of you. A lot of care goes into this and you coming here shows how much you really care about our town. From my side, I don’t really know that much about alternate energy and solar, but I’m learning. In the end, the decision that we make is going to be what Mount Kisco wants, what’s best for the people of Mount Kisco. We don’t want to do this on the Mountain, we want to do this in other areas and each parcel that we pick has to be the right fit for this. I look forward to working with all of you, learning from you, coming out with a win-win, for all of us to be on the same page, and for Mount Kisco to become a better place.

Trustee Schleimer stated that she certainly appreciated everybody’s comments. I think the idea of a pilot program was brilliant. It was a new thought to me and I think it’s something to be considered. We are the first in this area and I think as the first, working off of a model law, we don’t know how this plays out. I think we need to take our time and really go zone by zone and check to make sure the different tiers work. We have to look and try things out before we make changes, because those changes will be forever. So I urge caution and deliberation. I urge anyone who has input, comment, and perspective to please come. I’m delighted that the hearing will remain open so that those people who couldn’t make it tonight could come another time and share with us their insights. Thank you all, this is a great democratic process. You have made the analysis and look at this forward thinking brand new law a much better process than I ever anticipated in doing so. Thanks.

Trustee Grunthal stated that he has been a supporter of solar installations for many years. I was part of the Mount Kisco team that selected the installer of the Bedford/Mount Kisco Solarize campaign so I think my record is pretty clear on the subject. I think what we need to do here is find the balance between as much effective solar installations as possible and preserving our natural physical space. We just have to work hard on that. I know we’ve already have done a lot of work on this direction along with a lot of discussions and we will continue to do so. We also need to think out of the box for solutions that are perhaps not in front of us right now, but we’ll work on this and we’ll get there.

Mayor Picinich stated that we look to find some specific recommendations, we know that there are broad thoughts and lots of really great thinking that everyone has brought to this tonight. We heard things like limiting lot coverage or development coverage so those specifics are what we can or should add to this to ensure that we come out on the other side with the most effective piece of legislation possible. It’s a good thing to be a leader, it’s a good thing to step forward, it’s a good thing to be a model for other communities, and we are all in agreement that we have to do this with great care and great regard. As we’ve said, this public hearing will remain open and written comments can be sent to our Village Manager, Edward Brancati via email, those will be given out to all Board Members. We did receive some comments via email earlier this week. Our next Board Meeting is Monday, October 1, 2018 and we encourage those who have not had the opportunity to speak to certainly do so then.

***Regular Village Board Meeting***

**1) Communications:**

a. Email from World Team Sports re: Liberty Bike Ride request.

The following motion was offered by Deputy Mayor Farber and seconded by Trustee Albanese authorizing World Team Sports to hold their annual Liberty Bike Ride event through a small portion of the Village of Mount Kisco on September 29, 2018 between 9:00 am and 10:00 am subject to the receipt of a certificate of insurance and that they coordinate this event with the Westchester County Police Department to ensure the safety of all participants; all in favor.

Motion Adopted

Mayor Picinich Aye

Deputy Mayor Farber Aye

Trustee Albanese Aye

Trustee Grunthal Aye

Trustee Schleimer Aye

b. Email from the Mount Kisco Volunteer Fire Department re: Open House Event.

The following motion was offered by Trustee Schleimer and seconded by Deputy Mayor Farber granting permission to the Mount Kisco Volunteer Fire Department to hold their annual Open House Event on Sunday, October 14th from 11am to 2pm at the Green Street Fire House and that they also be allowed to place no parking signs in the metered parking spots and permit parking area along Green Street; all in favor.

Motion Adopted

Mayor Picinich Aye

Deputy Mayor Farber Aye

Trustee Albanese Aye

Trustee Grunthal Aye

Trustee Schleimer Aye

**2) Petitions: None.**

**3) Board, Committee and Commission Reports: None.**

**4) Village Manager’s Reports:**

a. Monthly Report Byram Lake and Leonard Park Wells – August 2018.

Village Manager Brancati reported that the Byram Lake Water production for the month of August was 40,751,000 gallons for a daily average production of 1,314,548 gallons per day (gpd). This is down a little from our July average of 1,403,452 gpd. The bulk of that came from Byram Lake. The Leonard Park Wells have been in service producing on average 98,994 gpd. On August 1st Byram Lake Reservoir was at 95% of capacity. On August 31st the lake capacity was 99%. We will be looking to take the Leonard Park Wells off-line.

b. Resignation letter from Antoinette Morales, Staff Assistant Finance and Administration.

Village Manager Brancati stated that we have accepted a letter of resignation from Ms. Antoinette Morales. She has accepted an offer with the Village of Tarrytown, where she will become their Deputy Village Treasurer. It’s a wonderful opportunity for her and we will certainly miss her. Her last day of employment with the Village will be September 28, 2018.

Mayor Picinich stated Mr. Brancati we had discussed that you are going to take a look at the operations of the Finance Department, how we operate, what we are doing to ensure that we have everything allocated appropriately, and hire the right skills that are needed, whatever the position is.

Mr. Brancati replied correct, however we have not gotten to that point I’m just accepting her resignation at this point.

c. Revised Village Board Meeting Schedule.

Village Manager Brancati announced the revised Village Board Meeting Schedule and additional Comprehensive Development Plan meetings.

Monday - September 17th at 7:00 pm Regular Meeting no change

Monday - October 1st at 7:00 pm Regular Meeting no change

Thursday - October 4th at 7:30 pm Comprehensive Development Plan Informational Session

Monday - October 15th at 7:00 pm Public Hearing Comprehensive Development Plan

Monday - October 22nd at 7:00 pm Regular Meeting (was October 15th)

Monday - October 29th at 7:00 pm Public Hearing Comprehensive Development Plan

Monday - November 5th at 7:00 pm Regular Meeting no change

Monday - November 19th at 7:00 pm Regular Meeting no change

Monday - November 26th at 7:00 pm Regular Meeting (only if needed) no change

Monday - December 3rd at 7:00 pm Regular Meeting no change

Monday - December 17th at 7:00 pm Regular Meeting no change

d. Reminder School Taxes are due by Monday, October 1, 2018.

Village Manager Brancati announced that first half School Taxes are due by Monday, October 1, 2018 without penalty. You may pay your taxes in person during office hours from 8:30 am to 4:30 pm Monday through Friday. If you have any questions, please call the Tax Receiver, Joann Cerretani at 914-864-0034. For additional information concerning tax bills and payment schedule, please visit the Village’s Website at [www.mountkiscony.gov](http://www.mountkiscony.gov) and go to the Finance Department and click on Real Property Tax Collection.

**5) Board Reports:**

Mayor Picinich stated that she was so pleased to share that Mount Kisco has received again a Drug Free Community Grant. This is a $125,000.00 per year grant for a five (5) year period for a total of $625,000.00 in grant funding for this important effort. This program has allowed Mount Kisco to work in corporation, through Partners In Prevention, with the Bedford Central School District for the past six (6) years. They help to promote positive and healthy choices. The focus again is on substance abuse prevention and we thank Congresswoman Nita Lowey for her assistance to obtain this grant again. I think by being given this grant again it demonstrates the success of the Village’s efforts as well as the risks of substance abuse throughout our community and neighboring communities.

I want to remind seniors that they need to reapply for their Senior Enhanced Star Program. Even if you have the basic right now you have to become part of the Income Verification Program (IVP). There is going to be a meeting at the Fox Senior Center on October 10th at 11:30 am. Our Assessor, Roger Miller, will be there to explain the program and answer questions.

Mayor Picinich reminded everyone about the change in the Village Board Meeting Schedule and if you are looking to follow events and activities of the Comprehensive Plan October 4th is the informal session that we will be having. The Public Hearings will be separated out on the 15th and 29th. At our Village Board Meeting on October 1st I do want to point out that Westchester County Executive George Latimer is scheduled to join us that evening so we will look forward to him participating with us and sharing his insights.

Mayor Picinich stated I know others will talk about all of the things that happened in our community this past week. I just wanted to take a minute to talk about why. The Fire Department and 9/11 Committee, the Mount Kisco Chamber of Commerce and the Business Community, the Kisco Run; these are all volunteers and organizations who continue to care deeply about our community and to continue to reinvest. It’s because they care so much and give so much of themselves that all of us in this Village are enriched by their efforts. I just wanted to say a big thank you on behalf of our government, but also as a member of this community. Thank you all for the tremendous work you did in making this shining example of how a community comes together. So thank you.

Trustee Albanese noted, just like the Mayor said, it was an incredible week, with the 9-11 Ceremony speeches that reminded us never to forget. The Friday night block party, which kicked off Septemberfest was wonderful, it felt like the whole town came together in one place with the carnival, music, shopping, food, and lots of beer. There was something for everybody. At one point on Saturday night there was at least 1,000 people celebrating and listening to the Band Exit 5. I applaud the Mount Kisco Chamber of Commerce for having the vision and the hard work to make this such a success. It didn’t stop there as it continued on Sunday with the Annual 5K which had 650 participants. It all ended at my place, Exit 4, for breakfast and beer. Thank you all for your support and for coming.

Deputy Mayor Farber stated this past weekend was a super blow-out event as everyone has said. Septemberfest in Mount Kisco was three action packed filled days right in the middle of downtown Main Street. Sidewalk sales, Moger Avenue, Friday and Saturday tables lined the sidewalks filled with shopping deals and information. Then there was the addition of the carnival, which was the first time in a long time that the carnival has been in Shopper’s Park. People just loved it I’ve never seen so many happy faces. Sunday morning began with the 5th Annual 5K Run at 8:30am. This Village really rocked! You could definitely feel the excitement and the energy throughout the weekend. Again, many thanks to the Chamber of Commerce, the 5K Run Committee, and all of you who made this such a successful weekend. If was a huge effort and it really paid off.

Not to be forgotten was the moving 9-11 Ceremony, which took place at the 9-11 Memorial built and organized by our Volunteer Firefighters. We remember that fateful day seventeen (17) years ago when our Country was attacked with four hijacked airplanes, and yes, we will never forget.

Also, the Italian-American Club met on Wednesday, September 12th and confirmed plans for their Annual Dinner Dance which is scheduled for Sunday, December 2nd and the organization selected to be honored this year is the Mount Kisco Volunteer Fire Department. Congratulations to such a worthy organization.

The Columbus Day Ceremony will take place on Sunday, October 7, 2018 at 12pm right in front of the Christopher Columbus statue which is right next to the Library. We will have a short special ceremony this year.

The Mount Kisco Arts Council has two (2) concerts left of our very first summer series. This Wednesday, September 19th the Sun Kings will be performing at Fountain Park at 6:30 pm. Our final performance will be on Wednesday, September 26th when the Libertine Project will play. Please remember all of our concerts are FREE. We hope to return next year with a wonderful series again.

This past Wednesday, September 12th at the Mount Kisco Senior Center the Mayor and I were honored to be guests celebrating the culmination of an eight (8) week special creative writing program called “Stories of our Lives.” Fourteen seniors met weekly for one and a half (1 ½) hours and they wrote poems and essays all from their hearts. There really was not a dry eye in the audience as we heard selections narrated by the individual authors. This creative writing program was provided by a grant from the Westchester Community Foundation Lifetime Arts, which is a division of the New York Community Trusts. Thank you Liz Dieter and Joanne Aquilino for organizing this wonderful event. Another eight (8) week writing session is in the works so if you are interested, please contact the Senior Center.

Finally, a follow-up to my horror of the gigantic hornets nest that is hanging on the traffic light at the intersection of South Bedford Road and McLain Street. It is still there, I don’t know what we can do about this, but I have to remind all of the bike riders and pedestrians to be careful and please don’t get stung. If you have a convertible keep your top up!

Trustee Schleimer stated notwithstanding that everyone has said what an amazing week it was and it is all due to volunteer efforts, starting with the Firemen, the Chamber of Commerce and the 5K Committee. It was extraordinary and I don’t think Mount Kisco has ever seen a week like this. I hope we celebrate it every year, it was absolutely amazing. So thank you!

The Fox Senior Center is having their tag sale on September 28th and 29th from 10:00 am to 3:00 pm. They are accepting donations starting today and will continue until the 25th. So feel free to drop off items, they are not accepting clothing, but they are accepting items in good shape. So please come next week.

Trustee Grunthal noted that it has been an excellent few days, very enjoyable, but everything has been said about all of the activities already.

**6) Old Business:** **None.**

**7) New Business**:

a. Resolution to accept the Comprehensive Plan DGEIS for public distribution with a comment period open until October 26, 2018.

The following resolution was made by Trustee Grunthal and seconded by Trustee Albanese.

**WHEREAS,**  the Town/Village of Mount Kisco is preparing a Comprehensive Plan pursuant to Section 7-722 of New York State Village Law and concurrent Zoning Changes; and

**WHEREAS,** the adoption of a Comprehensive Plan is classified as a Type I Action under Part 617 of the State Environmental Quality Review Act (SEQRA); and

**WHEREAS,** the Mount Kisco Board of Trustees declared themselves lead agency for State Environmental Quality Review (SEQR) on April 16th, 2018; and

**WHEREAS,** the Mount Kisco Board of Trustees issued a Positive Declaration on June 18th, 2018, received a Draft Scope on June 21st, 2018, and held a Scoping Session on July 16th, 2018, and adopted the Final Scope for the DGEIS on August 13, 2018; and

**WHEREAS,** whereas the Mount Kisco Board of Trustees directed BFJ Planning to complete the DGEIS; now therefore be it

**RESOLVED,** the Mount Kisco Board of Trustees accepts the DGEIS for public distribution with a comment period open until October 26, 2018 and if there is a need to extend the deadline for comments then the Village Board can look at taking that action at their October 22, 2018 Village Board Meeting

On the question:

Trustee Schleimer stated that she voted nay because she has asked before and has objected before to receiving documents that are so substantial right before a meeting. We got an electronic version without red-lines of a one hundred twenty (120) page document on Friday, we got a red-lined version again on Sunday, and it’s really unfair to expect anyone to do a very good job of reviewing this in time for a Monday meeting. So I am going to vote nay because I would like to reiterate that if you are dealing with substantive stuff, and for me to go through it to make sure those comments were picked up, it was virtually impossible. So I will vote nay.

Trustee Grunthal stated that he made this motion because we have had much of this information in front of us for many months and the amount of changes that we had to review this weekend were really incredibly small. So I will still go forward with the resolution with complete confidence that we’ve had enough time.

Mayor Picinich stated that the objective at this point in time is for us to give this to the public.

Deputy Mayor Farber stated her hesitation is for giving the public enough time to read it. I’ve had an opportunity to read it and it’s very comprehensive. It’s so important, I’ll vote aye as long as I feel very comfortable that we can extend the public hearing beyond this one date, which I feel uncomfortable with.

Motion Adopted

Mayor Picinich Aye

Deputy Mayor Farber Aye

Trustee Albanese Aye

Trustee Grunthal Aye

Trustee Schleimer Nay

b. Resolution to set a public hearing on the Mount Kisco Comprehensive Plan and Concurrent Zoning Amendments for October 15, 2018.

The following motion was offered by Trustee Grunthal and seconded by Trustee Albanese to set a public hearing on October 15, 2018.

**WHEREAS,**  the Town/Village of Mount Kisco is preparing a Comprehensive Plan pursuant to Section 7-722 of New York State Village Law and concurrent Zoning Changes; and

**WHEREAS,** the adoption of a Comprehensive Plan is classified as a Type I Action under Part 617 of the State Environmental Quality Review Act (SEQRA); and

**WHEREAS,** Mount Kisco Board of Trustees declared themselves Lead Agency for this action on April 16, 2018, adopted a Positive Declaration on June 18, 2018, and directed its planning consultant, BFJ Planning, to prepare a Draft Generic Environmental Impact Statement; and

**WHEREAS,** the Comprehensive Plan Steering Committee met six times to discuss the proposed update of the Comprehensive Plan and concurrent Zoning Changes; and

**WHEREAS,** the Village held three public workshop and two interactive design workshops to gather input from the community; now therefore be it

**RESOLVED,** the Mount Kisco Board of Trustees set a public hearing about the Comprehensive Plan and concurrent Zoning Changes on October 15, 2018.

Motion Adopted

Mayor Picinich Aye

Deputy Mayor Farber Aye

Trustee Albanese Aye

Trustee Grunthal Aye

Trustee Schleimer Aye

**8) Bills –**

The following motion was offered by Trustee Grunthal and seconded by Trustee Deputy Mayor Farber to pay the bills; all in favor.

General Fund $105,132.43

Water Fund 186,294.35

Sewer Fund 7,318.69

Library Fund 15,999.68

Capital Fund 50,201.00

Trust Fund 3,325.00

TOTAL $368,271.15

Motion Adopted

Mayor Picinich Aye

Deputy Mayor Farber Aye

Trustee Albanese Aye

Trustee Grunthal Aye

Trustee Schleimer Aye

**9)** **Approval of Minutes** – None.

**10) Non-Local Business:** None.

**11) Public Comment:** None.

Meeting closed at 10:15 pm.

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Edward W. Brancati

Village Manager