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VILLAGE/TOWN OF MOUNT KISCO

WESTCHESTER COUNTY, NEW YORK

104 Main Street, Mount Kisco, NY 10549-0150

Tel (914) 241-0500 • Fax (914) 241-9018

www.mountkisco.ny.gov

Planning Board and Village Board of Trustees Work Session Agenda

Thursday - January 18, 2018 at 6:30 pm

Zoning Text Amendments For:

2 Morgan Drive

333 N. Bedford Road

Oakwood Cemetery

Proposed NRI Local Law

July 14, 2017

Planning Board
c/o Michelle Russo
Building Department
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, NY 10549

RE: Mount Kisco Retirement Residence - Conceptual Site Plan Review

Dear Planning Board Members,

On behalf of our client, Hawthorn Development LLC, we'd like to submit the following application for Conceptual Site Plan Review to be addressed at your August 8th, 2017 meeting. Our client is currently under contract to purchase the property located at 2 Morgan Drive and would like to develop the proposed Mount Kisco Retirement Residence.

CONCEPT

The Mount Kisco Retirement Residence is a 142-suite facility for seniors. Our senior housing concept is designed for those who are still ambulatory, but in need of some support. Private rooms afford the advantages of independent living while the services included provide support, security, and friendship. The private suites include studio, one, and two bedroom versions. Each is similar to a conventional dwelling unit except a kitchen is not included. The square footage of suites varies from a minimum of 350 SF for smaller studios to over 1000 SF for larger two bedrooms.

Services include three prepared meals daily, housekeeping, laundering, private bus transportation, and various activities. Staff is "in house" 24 hours a day. The monthly rent payment covers the private room, all services and utilities. This will be month-to-month tenancy, not a "buy in".

Typically, our resident will be a single person in their late 70's or 80's. We estimate 10% of the rooms will be rented by couples which would result in a total building population of roughly 160. Fewer than 25% of the residents will be driving their own cars.

TRAFFIC

The Retirement Residence will generate approximately 250 trips per day with less than 30 peak hour trips.

These numbers are based upon the "Congregate Care Facility (253)" classification from the Institute of Transportation Engineers "Trip Generation" report, which states a 2.02 average Trip Generation per suite per day. This report concludes that the Retirement Residence would generate only 7 weekday morning and 20 weekday afternoon peak hour trips. This is significantly lower than a conventional residential or commercial development.

To help you understand the traffic loadings, we have provided examples of the types of traffic existing facilities generate:

service trips	5 deliveries per day
van trips	3 or 4 excursions with around 20 residents each time
resident trips	under 25% of residents may have cars
resident visitors	approximately 20% have visitors per day
staff trips	18 staff members to and from work

PARKING

Because most of our residents do not drive, we provide private van transportation for their use. The van is available to take the residents to places they need to visit, such as banks, medical offices, shopping areas, etc.

Normally we request a parking ratio of .70, parking spaces per suite. The principals of Hawthorn Development LLC have developed over 350 retirement residences. Experience from this extensive portfolio has shown that .70 parking space per suite is adequate for our residents, staff and visitors.

The parking ratio allows us to increase landscaping and open space to create a better residential environment for our residents and adjacent property owners.

BUILDING DESIGN

The exterior siding materials will include brick/stone, stucco and horizontal siding. The roof will be architectural composition shingle.

The building interior design has common areas for a variety of uses. There will be a common dining room and kitchen for shared meals. There will be a multi-purpose room, beauty shop, crafts room, TV room, media/computer room, movie theater lounges, and an exercise room. The interior circulation is organized around a central atrium.

Residents will be able to contact the manager with both emergency pull cords and voice communications in each room. The building will be fully fire sprinklered.

SITE DESIGN

Neighborhood compatibility is achieved in the site planning and building design. The wing ends and building center step down from three to two and one story. This arrangement provides for privacy and a gentle change of scale. Care is taken to minimize the impact to the existing community.

The site is to be highly landscaped. Usable outdoor spaces include extensive lawn and a partially covered patio off the craft/exercise room. There will be paths, which connect all exits from the building to provide walking areas for the residents.

Included in this submission packet is a Concept Letter outlining the Hawthorn model with a detailed description of the proposed use and operations.

ZONING

Per the Mount Kisco Village Zoning Ordinance the development would be considered the following:

Senior Enriched-/Independent -Living Housing

A category of senior housing in which senior citizen residents are provided with services that may include meals, housekeeping, shopping, transportation, social activities and some personal care assistance.

The site is currently zoned Research and Development District (RD). The proposed use is currently not allowed within this Zone and a Text Amendment is being proposed concurrently to add the use to the RD zone. Below is a table of the proposed standards per the text amendment and how the proposed site plan complies.

Zoning Standards

	Standard per Text Amendment	Proposed
Minimum net lot area:	five (5) acres	5.716 acres
Maximum building coverage:	25%	17.9%
Maximum development coverage:	65%	39.6%
Minimum lot width:	250'	±533 feet
Minimum lot depth:	250'	±415 feet
Front Building Setback:	10'	57'-11"
Rear Building Setback:	10'	59'-10"
Side Building Setback:	10'	40'-0"/ 153'-3"
Maximum Height:	Four stories, 48 feet	Four stories, 48 feet
Building Length:	400' provided a max of 100' without a 5' deep offset or stagger in the building plane	400' provided a max of 100' without a 5' deep offset or stagger in the building plane
Front Buffer:	10'	10'+
Rear Buffer:	10'	10'+
Side Buffer:	10'	10'+

Parking Standard


Use	Standard	Proposed
Senior enriched/independent-living housing	Minimum 1.40 spaces per dwelling unit	Minimum 0.70 spaces per suite <i>142 suites x 0.70 = 99</i> <i>Provided = 101</i>

CONCLUSION

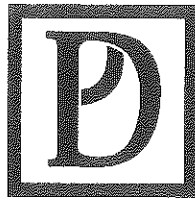
The Mount Kisco Retirement Residence meets the development standards of the text amendment, is compatible with the existing zone and will be of great benefit to the Town/Village of Mount Kisco residents. We respectfully submit the enclosed Conceptual Site Plan Review documentation for your review and approval. We look forward to discussing the proposal in more detail.

Please let me know if you have any questions about our project, I can be reached directly at 503-798-4383 or by email at kristinez@lenityarchitecture.com.

Sincerely,



Kristi Neznanski
Project Captain



November 8, 2017

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

Attention: Mayor J. Michael Cindrich and Members of the Village Board

Re: ML Light Manufacturing District (Zoning Law Section 110-24)
Premises: 333 North Bedford Road, Mount Kisco, NY 10549
Tax Parcel: Section 69.50 Block 2 Lot 1

Dear Mayor Cindrich and Village Board Members:

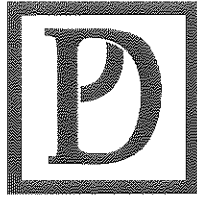
We respectfully request that this board consider adding to the list of principally permitted uses in the ML Light Manufacturing District the following:

- “Stores and shops for the conduct of retail business, not to exceed 80,000 square feet of gross floor area, on lots of 1,000,000 square feet or greater.”
- “Amusement/Recreation Facility, on lots of 1,000,000 square feet or greater.”

333 North Bedford Road is a unique property within the Village/Town of Mount Kisco, in that it is the only property within the ML zoning district, includes the largest building in the Village, and is one of the largest land parcels. It also straddles the border between the Town of Bedford and the Village/Town of Mount Kisco, with 31 acres within Mount Kisco and the other 6.5 acres within Bedford (the entire building is within Mount Kisco).

The 333 North Bedford Road building was constructed and used by the Grand Union Supermarket company as their corporate headquarters and warehouse for nearly 40 years. For over ten years thereafter, the building remained dormant and in disrepair before finally being redeveloped and repurposed by Diamond Properties with a mix of office, warehouse, fitness, recreation, personal service, and retail businesses, making the property once again a significant real estate tax and economic activity generator for Mount Kisco.

The redevelopment was initially very successful, but market changes have negatively impacted our ability to lease space. In 2016, Wine Enthusiast, who had occupied 20% of the building, shifted their warehousing operations to New Jersey in order to be closer to a freight port. Earlier this year, HCLI vacated their offices, and It's About Time Publishing vacated their office/warehouse. Cosentino has advised that they are closing

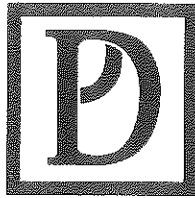


their marble and quartz showroom and warehouse early in 2018. Seaport Lighting is vacating as their lighting contract for the Mario M. Cuomo Bridge comes to an end. Target Corporation, who occupies warehouse space at the property, is considering vacating as well. Another office/warehouse tenant, whose name is still confidential, will be vacating in 2018. These big blocks of warehouse spaces have proven difficult to fill with other warehouse users, and none of these tenants have yet been replaced with new tenants. From 100% occupancy in 2015, we dropped to 80% in 2016, and would be at 57% by the end of 2018 if there is no new leasing. With 7 office/warehouse tenants vacating or having vacated over a 2-year period, the trend is clear: the demand for large office/warehouse spaces in our local market is declining, and this will soon have a highly negative impact on the positive economic contribution that 333 North Bedford Road is able to make to Mount Kisco through real estate taxes and economic activity. We are working aggressively to re-tenant space, but we respectfully ask for your immediate support to make 333 North Bedford Road more competitive for the market by bringing it into alignment with its surrounding neighbors with a zoning text amendment adding a general retail use category to the ML zone.

Time is of the essence in the process. As discussed below, we have a plan to rapidly respond to rapidly changing market conditions, but this plan can be derailed by a delayed municipal review process. As you are aware, we previously had the former Wine Enthusiast space leased to Estate Motors for a new Mercedes-Benz automotive sales and service dealership, but that opportunity imploded after 18 months in front of the Mount Kisco Planning Board, reinforcing the old business adage that “time kills all deals”.

The ML zone currently permits various types of retail and personal service uses, such as big box home improvement stores, furniture stores, appliance stores, bedding stores, nail salons, hair salons, tanning salons, automotive dealerships and repair shops, laundry and dry-cleaning plants, veterinarians, physical training studios, health and recreation and membership clubs, among other uses. However, our zoning does not currently include a general ‘retail business’ category that would include a supermarket, which is our focus right now.

A general retail sales use is appropriate within the ML zone since 333 North Bedford Road is located within the major North Bedford Road (Bedford Road within Bedford) retail corridor. This corridor is approximately 1.4 miles long, nearly split between the portion in Mount Kisco and the portion in Bedford. The Mount Kisco CL zone, which already permits general ‘stores and shops for the conduct of retail business’ surrounds 333 North Bedford Road to the south and east. Directly to the north is the Town of Bedford Light Industrial district and the Roadside Business district (within which lie 6.5 acres of 333 North Bedford Road), which both similarly permit general “Retail Sales” as a permitted principal use. Target and Stop & Shop border us to the south in Mount Kisco; Kohl’s and Shoprite border us to the north Bedford, along with numerous other retail uses. So, in summary, while our current zoning would permit a Home



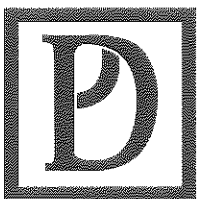
Depot to be constructed in our building on the Mount Kisco side and a supermarket in our parking lot on the Bedford side, it strangely does not currently permit a supermarket in the building on the Mount Kisco side. 333 North Bedford Road is in fact the only property along the entire distance of North Bedford Road between Simone Classic Auto to the south in Mount Kisco and Arroway Ford to the north in Bedford wherein general retail sales is not a currently zoned use, subject in some cases to a minimum lot size requirement.

ShopRite has signed a lease with us (contingent on municipal approvals) to move their store from their current location in Bedford down just one-quarter mile south to 333 North Bedford Road in Mount Kisco. Their desire for this move is driven by their need to secure space for a 70,000-square foot store that meets today's modern supermarket requirements, something that they are unable to do in their current location.

There are numerous reasons why the contemplated move of ShopRite from 747 Bedford Road to 333 North Bedford Road makes sense, and these benefits would be reviewed in detail by the Planning Board during its SEQRA review process. The Planning Board would also review several substantive roadway improvements dramatically improving ingress and egress to our property from multiple locations. However, the first step required is for the same general "retail sales" category that applies to every other property along the North Bedford Road commercial corridor in Mount Kisco and in Bedford to be added to the ML district.

With respect to our second proposed zoning text change, we believe that Amusement/Recreation Facility as a principally permitted use better reflects the direction in which the Grand Prix New York business is going than the current special use permit category of "Membership clubs conducting leisure-time and recreation activities for use by members, customers or clients on a periodic or seasonal basis," a category within which the Saw Mill East health club currently falls.

While Grand Prix was started as a membership club a decade ago, the recreation market is evolving very quickly, business models are blending, and we're making changes consistent with today's world. Whereas to most casual observers, Rockin' Jump at 333 North Bedford Road and Grand Prix would seem like similar businesses with slightly different products, Rockin' Jump is considered a physical training studio and Grand Prix is considered a membership club conducting leisure-time and recreation activities. The reality is that the paradigm of a membership club is not something that makes sense for Grand Prix in the long run, and we therefore believe that the amusement/recreation facility concept would better reflect the evolution of the overall family recreation market.



We respectfully request an opportunity to discuss these proposed changes to the ML Light Manufacturing District during an upcoming Village Board meeting. For your consideration, we have attached as Exhibit A to this submission a mark-up of Zoning Law Section 110-24 showing our proposed changes as 110-24B(1)(k) and 110-24B(1)(l).

Thank you for your consideration.

Best Regards,

Diamond Properties

A handwritten signature in black ink, appearing to read 'Jim Diamond', written in a cursive style.

Jim Diamond

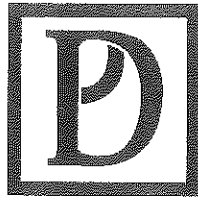


EXHIBIT A

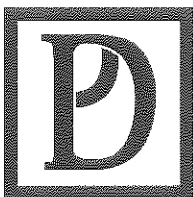
Chapter 110. Zoning

Article III. District Regulations

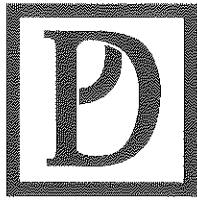
§ 110-24. ML Light Manufacturing District.

[Amended 11-16-1987 by L.L. No. 11-1987; 8-14-1989 by L.L. No. 8-1989; 4-16-1990 by L.L. No. 4-1990; 5-20-1991 by L.L. No. 5-1991; 9-3-1991 by L.L. No. 9-1991; 5-24-1993 by L.L. No. 5-1993; 6-15-1998 by L.L. No. 3-1998; 4-21-2003 by L.L. No. 2-2003]

- A. Purpose and intent. The ML District is intended to provide for a wide range of service, light industrial, manufacturing or warehousing uses and could include the fabrication, manufacturing, assembly or processing of materials that may, to a limited extent, be produced on site. Such uses may produce smoke, noise, vibration, light, heat, glare or fumes, provided that measures are taken to minimize the impact beyond the boundaries of the property upon which the use is located.
- B. Permitted uses. No building or premises shall be used and no building shall be erected, altered or added to unless otherwise provided in this chapter, except for the following:
- (1) Principal uses.
 - (a) Any use permitted in the RD Research and Development District, as specified in § 110-23B(1) of this chapter.
 - (b) Automotive and equipment sales, service and repair, subject to the requirements set forth in Article V of this chapter.
 - (c) Wholesale, indoor storage and warehousing establishments, but excluding the storage, processing or handling of junked automobiles, tires or other automobile parts; discarded appliances; scrap metal; construction and demolition debris; garbage, refuse or residential, commercial or industrial or other waste, except the storage, in compliance with § 69-7 of this Code, of such material as is generated on the premises.
 - (d) Lumber and building equipment sales, storage and service.
 - (e) Veterinary clinics and hospitals.



- (f) Educational and training facilities.
 - (g) Public utilities.
 - (h) Laundry or dry-cleaning plants.
 - (i) Retail sales of bulk household items related to home improvement and maintenance, such as furniture, major appliances, carpeting, rugs, flooring, fireplace equipment, beds and bedding, pianos and organs, garage doors and similar bulk household items.
 - (j) Limited personal service uses, with scheduled and/or restricted customer access, such as major appliance service, carpet and flooring service, garage door service, interior decorating service, photography studios, beauty shops, barbershops, nail salons, tanning salons, weight control clinics and similar personal service uses.
 - (k) *Stores and shops for the conduct of retail business, not to exceed 80,000 square feet of gross floor area, on lots of 1,000,000 square feet or greater.*
 - (l) *Amusement/recreation Facility, on lots of 1,000,000 square or greater.*
- (2) Special permit uses.
- (a) Membership clubs conducting leisure-time and recreation activities for use by members, customers or clients on a periodic or seasonal basis, subject to the provisions of §§ 110-30J and 110-46 of this chapter, as well as the following:
 - [1] Submission at the time of application of a detailed exterior and interior layout plan and a schedule of activities and maximum capacities;
 - [2] Demonstration by the applicant that potential traffic generation shall be within the reasonable capacity of the existing or planned road or street providing access, and that traffic circulation, exit and entrance drives are laid out to minimize traffic hazards and nuisances; and
 - [3] Demonstration by the applicant that the membership club will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size for the use.
- (3) Accessory uses.



- (a) Parking or storage of vehicles regularly used in conjunction with the use made of the principal structure on the lot, but no such parking or storage shall be permitted in the area between the street line and the front of any such structure or on more than 50% of the lot.
- (b) Other customary accessory uses incidental to the principal use on the site.

C. Development regulations. Each site in the ML District shall be subject to the following development regulations:

- (1) Minimum lot area: 10,000 square feet.
- (2) Maximum building coverage: 45%.
- (3) Maximum development coverage: 70%.
- (4) Minimum lot width: 75 feet.
- (5) Minimum lot depth: 75 feet.
- (6) Minimum building setback:

Location	Lot Abutting Nonresidential District	Lot Abutting Residential District
Front	10 feet	10 feet
Rear	10 feet	30 feet
Side	10 feet	30 feet

- (7) Buffer:
 - (a) Front: 10 feet.
 - (b) Rear: 10 feet.
 - (c) Side: 10 feet.
- (8) Maximum height of principal structure: 2 1/2 stories or 35 feet, whichever is less.



914.762.7622
www.sunrisesolarllc.com

Mayor Picinich and Members of the Mount Kisco Village Board
104 Main Street
Mount Kisco, NY 10549

January 10, 2018

Re: Zoning Change for Community Solar Farm

Mayor Picinich and the Board,

My firm, Sunrise Solar Solutions, LLC, is the contract vendee for a 4.2 to 5.2 acre parcel in the rear of Oakwood Cemetery on Lexington Avenue. We are proposing to install a 1+ megawatt community solar farm at that location. We are asking your board to review the concept of a text change to the zoning code to allow for this as an accessory use. As you know solar is not called out as an accessory use in the code in any district and is therefore not allowed. We propose that an overlay district for this purpose be created in a similar fashion as that for the Personal Wireless Services Facilities Overlay District, 110-27.1.

This project will be located at the rear of the property, adjacent to the Metro North tracks, and distant from any residential use. Indeed, because of the topography, the site cannot be seen from anywhere else in town. This system will create clean, renewable energy which will be sold to Con Edison customers in Northern Westchester. This furthers the stated goals of the Village to install solar and help reduce dependence on non-renewable resources for its residents as was stated during the Solarize campaign. This also furthers the stated goals of New York State with its 40 by 2030 goal. It also mirrors the project anticipated on the capped village landfill which is nearly adjacent. We would be happy to allow Mt Kisco residents and small business customers the option of a subscription prior to opening up the offering to other areas, keeping the benefits as local as possible. We believe this code update is in the best interest of the Village.

The project will not produce any negative effects on the community once operational - no noise, no pollution, no additional traffic or need for services, etc. Indeed, it will create renewable energy, a net positive effect. In fact the project will offset an astonishing thirty million pounds of CO2 over its lifetime. We also intend to install a pollinator garden on the site, allowing for a pollinator friendly habitat for our much beleaguered bee population. These plantings, being deep rooted, have the added benefit of enhancing the water and soil retention and filtration properties of the site, compared to its current state as a mowed grass



914.762.7622

www.sunrisesolarllc.com

field. The project will require a permit from the Mt Kisco Planning Board for site plan. It will also require a permit from the New York Cemetery Board who has already given its conceptual approval of the project.

In short, we ask that you consider the benefits this zoning change will have for the project, for Oakwood, and for the community. These projects have proliferated in other areas of the state and the only objections raised are due to agricultural land being taken out of use. This is not the case here. We believe this type of project can raise the profile of the village as a leader in sustainability and this zoning text change will be a positive one for the community.

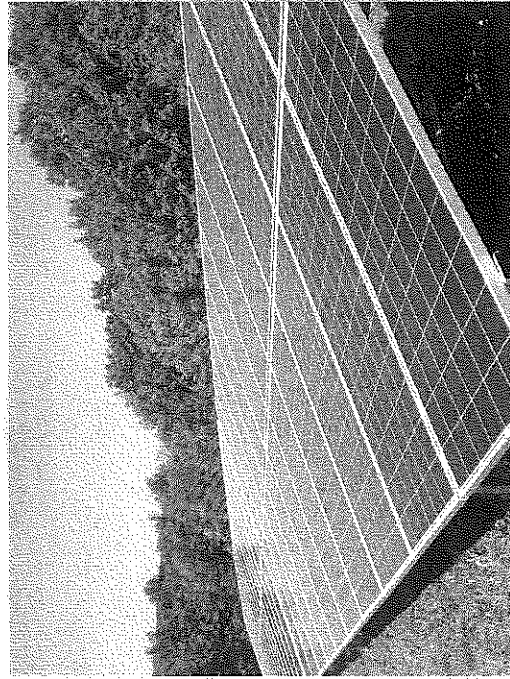
Yours,

Doug Hertz, President
Sunrise Solar Solutions, LLC

cc: Mount Kisco Planning Board
Ed Brancatti, Village Manager
Whitney Singleton, Village Attorney



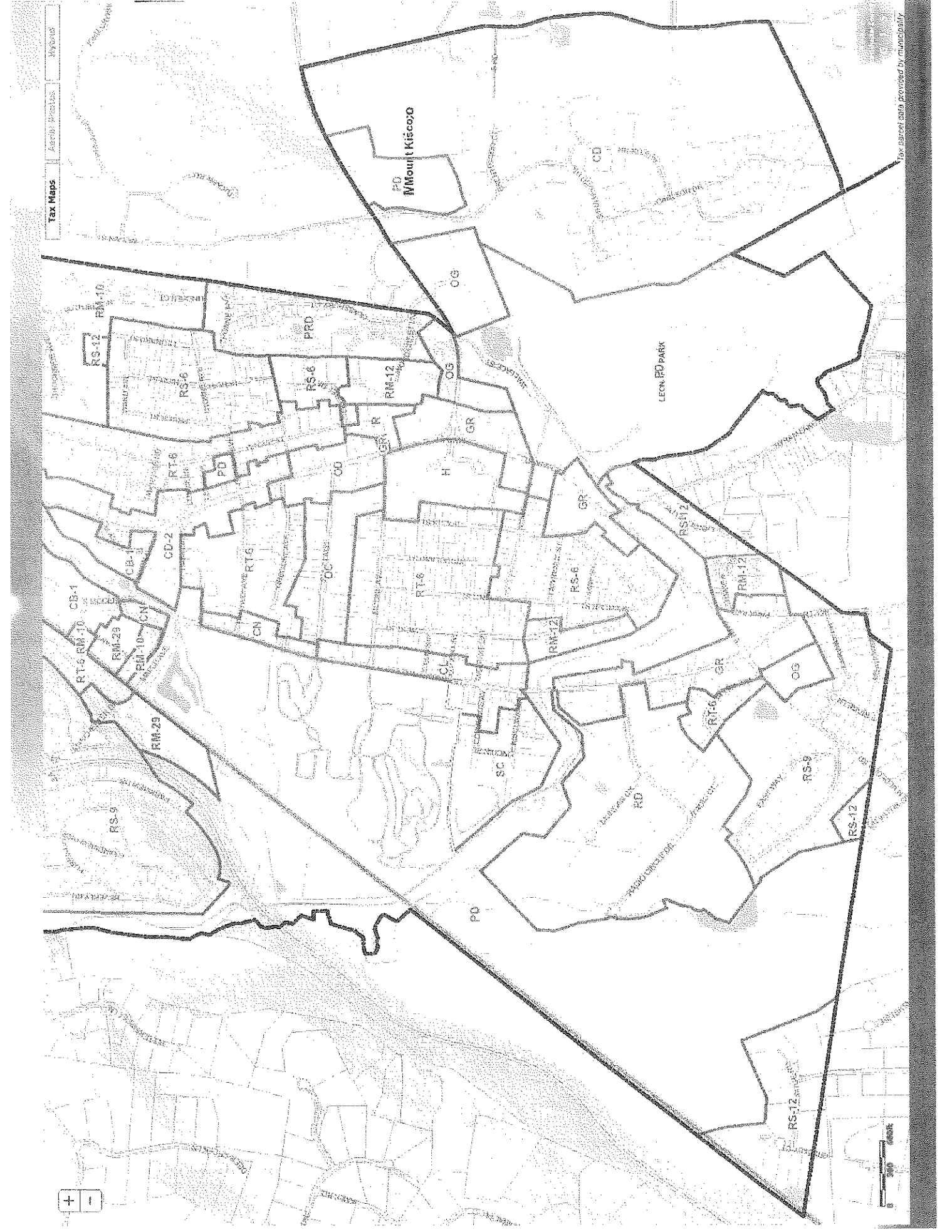
COMMUNITY SOLAR For Mount Kisco



*Doug Hertz, President
Sunrise Solar Solutions, LLC
914 762-7622
doug@sunrisesolarllc.com*

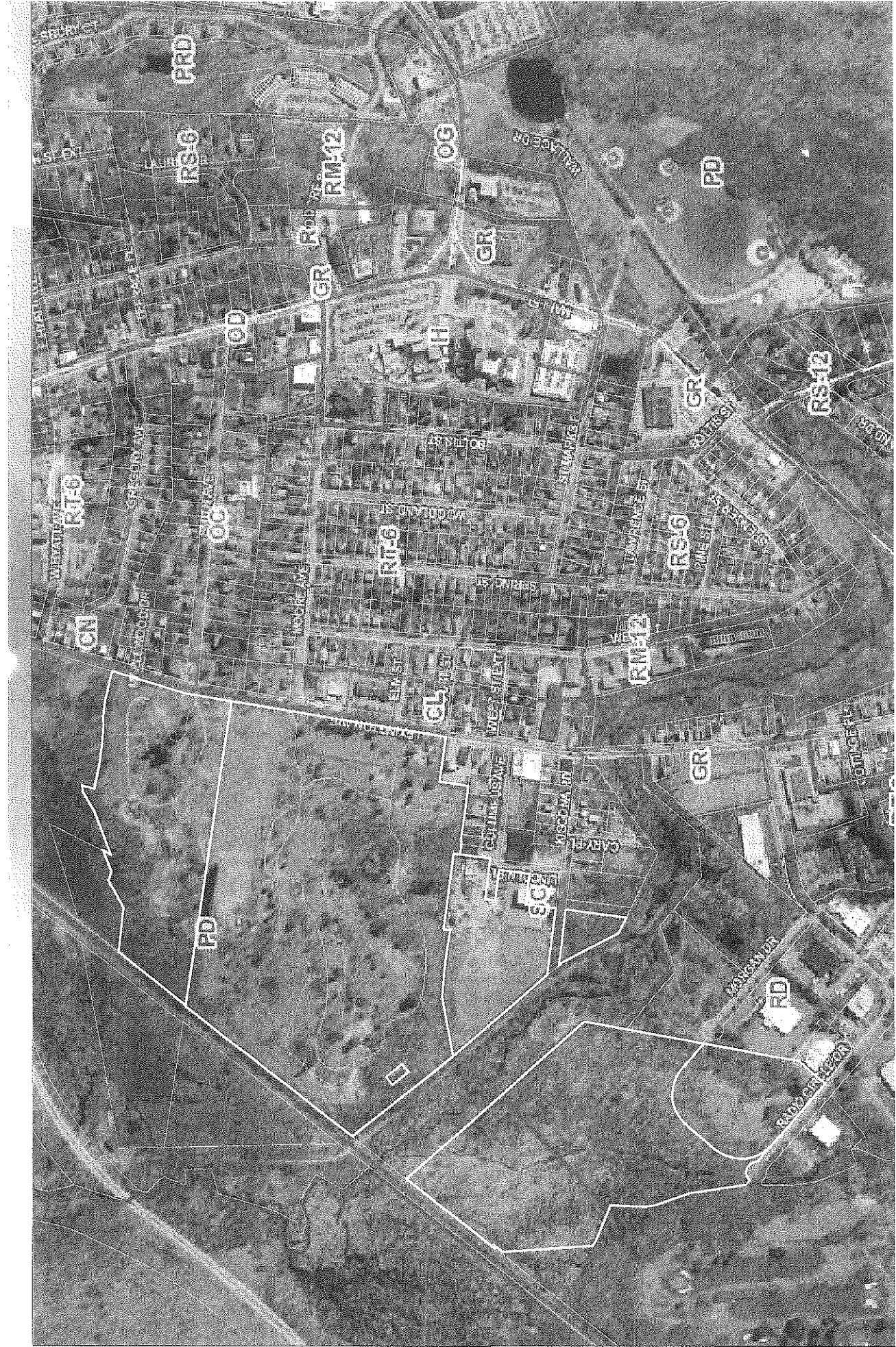
COMMUNITY SOLAR

- Community Solar or CDG (Community Distributed Generation) is a system where solar is installed at one location and the energy fed into the grid, and members (subscribers) at another location within the same utility territory can have that energy credited to their accounts
- Energy is typically sold at a discount to what the utility charges
- The Public Service Commission has created a set amount of CDG for each public utility company in NY
- Many zoning codes did not anticipate such a use and therefore have not addressed it, ours included
- We are suggesting a Solar Farm Facilities Overlay District, similar to the Personal Wireless Services Facilities Overlay District, 110-27.1 to allow for this type of use in the Village.
- The Village is already working on this type of project on Village-owned land



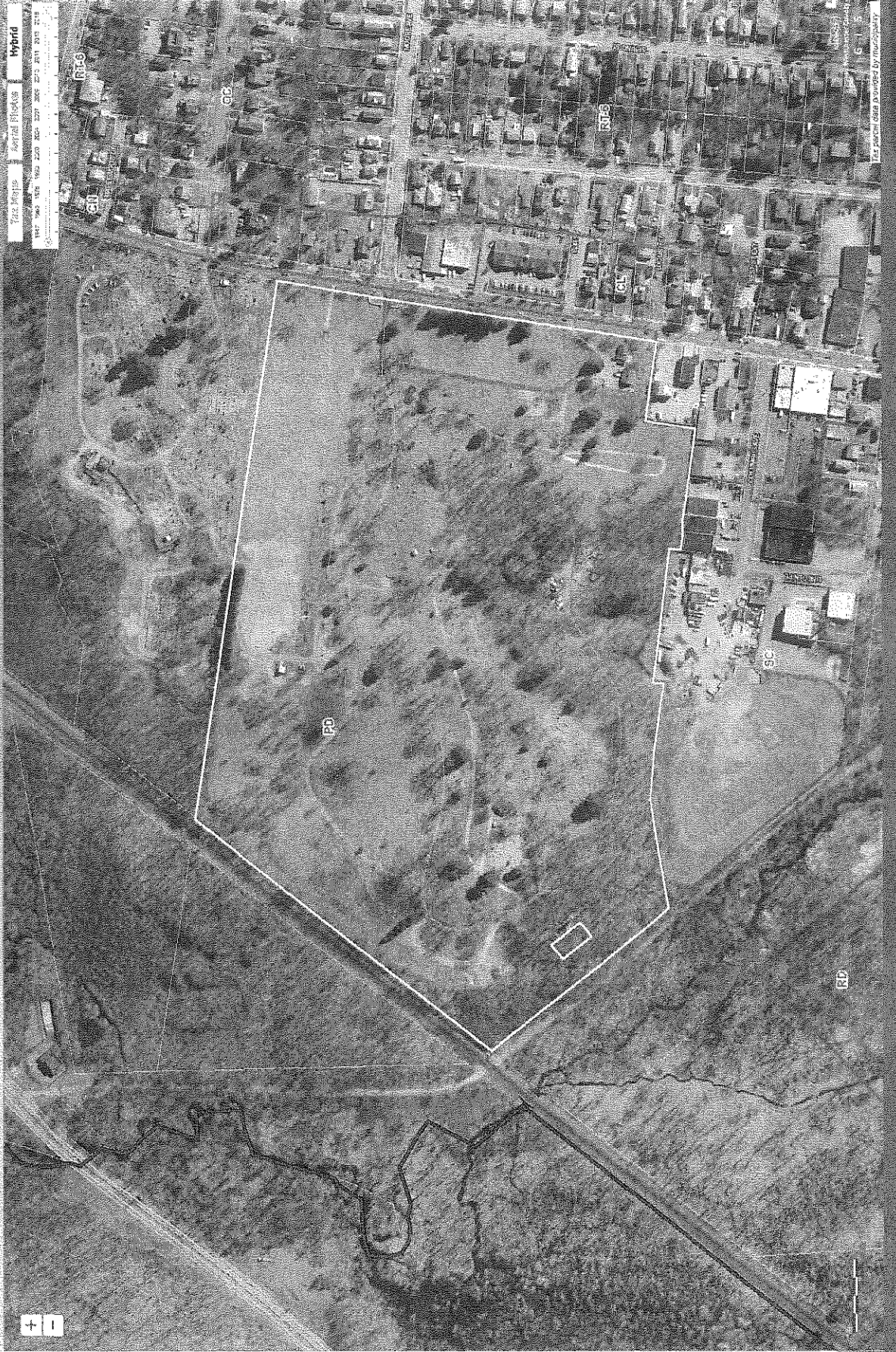


Site with zoning boundaries



Proposed Solar Farm Overlay District

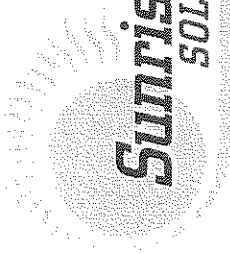
Sunrise Solar SOLUTIONS



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Hybrid

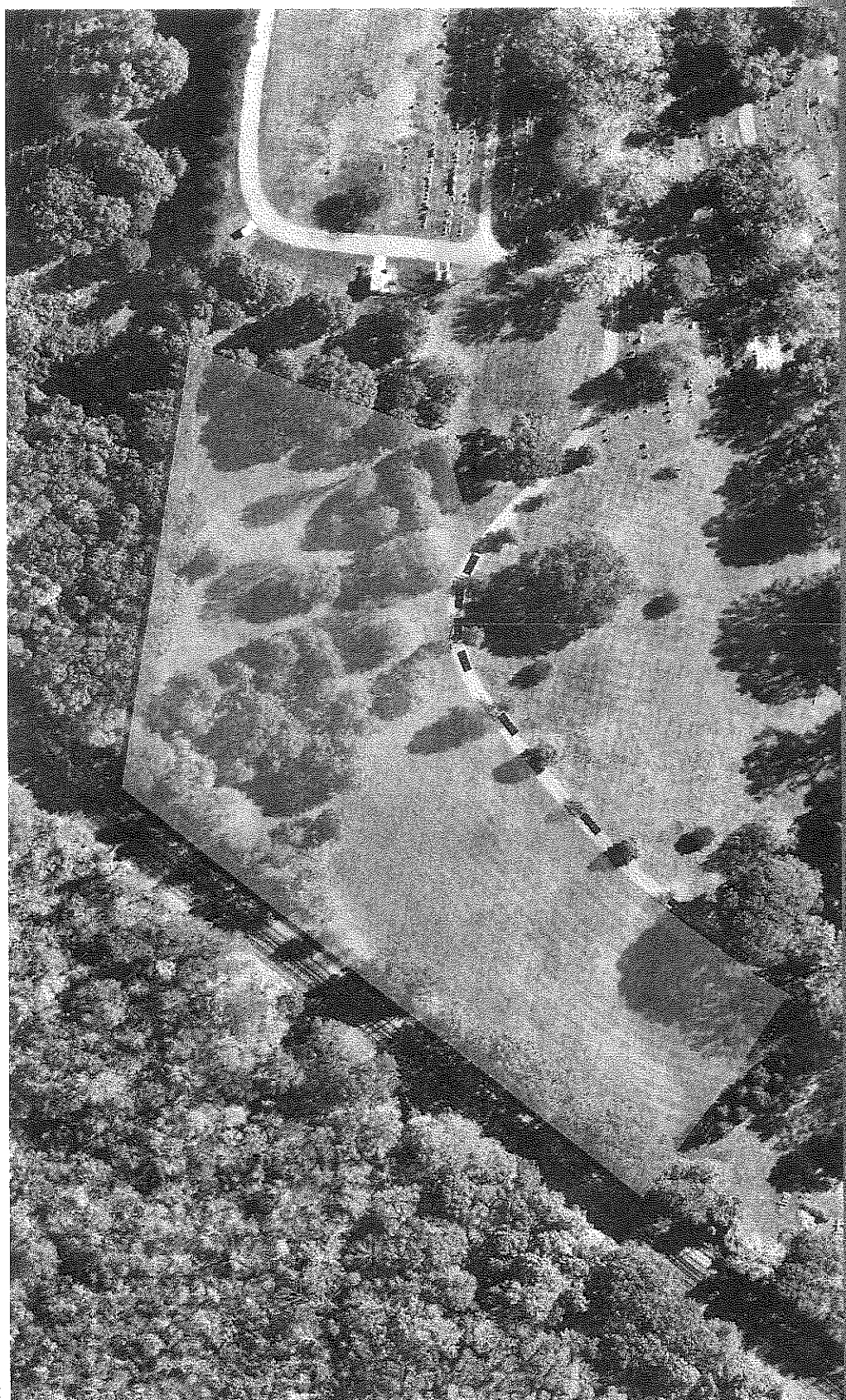
Map data © 2015 Google

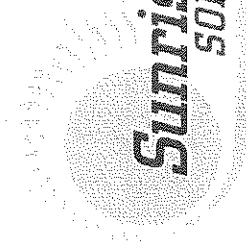




Sunrise Solar
SOLUTIONS

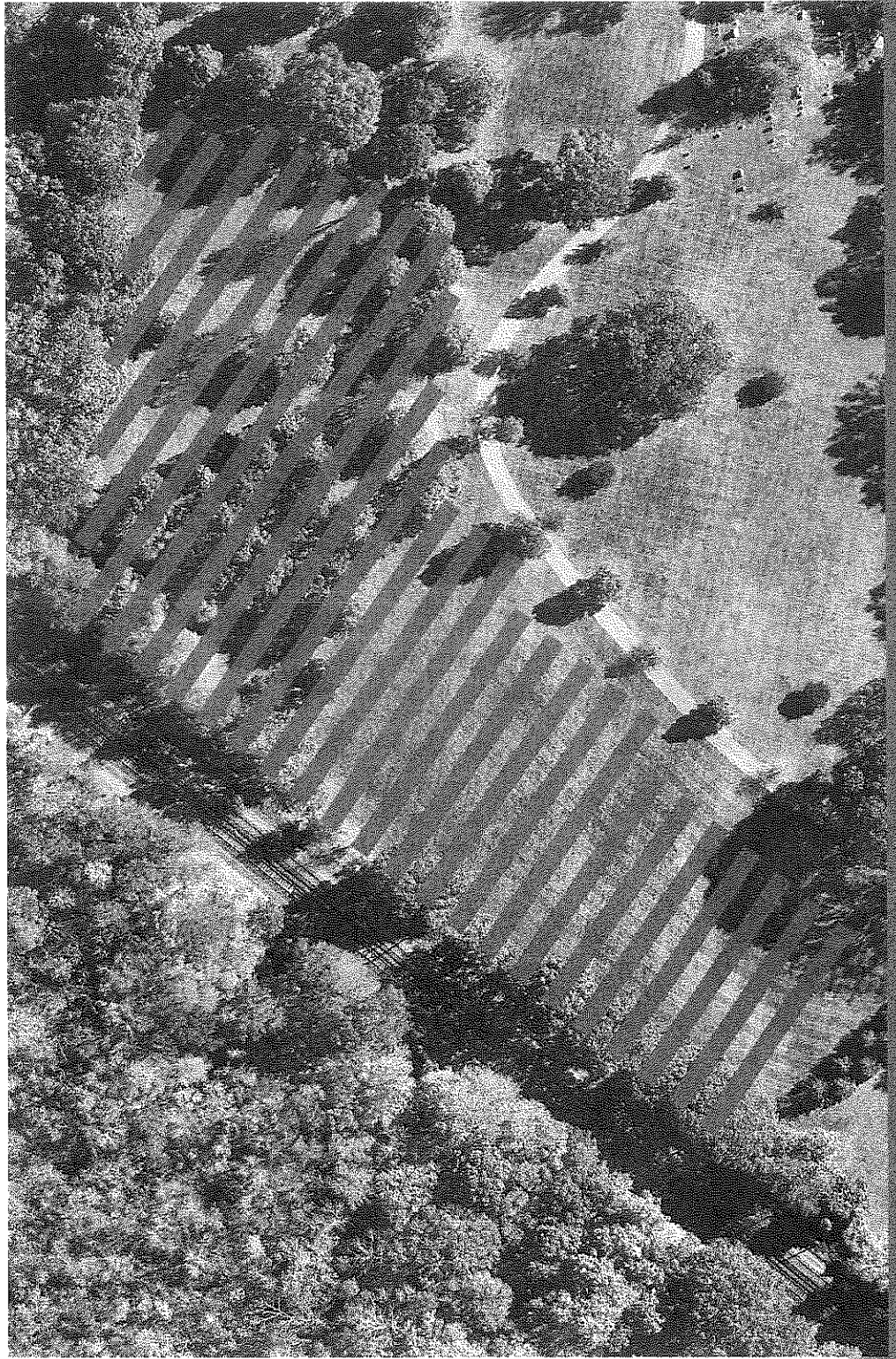
PROPOSED SITE 4.2 ACRES





Sunrise Solar
SOLUTIONS

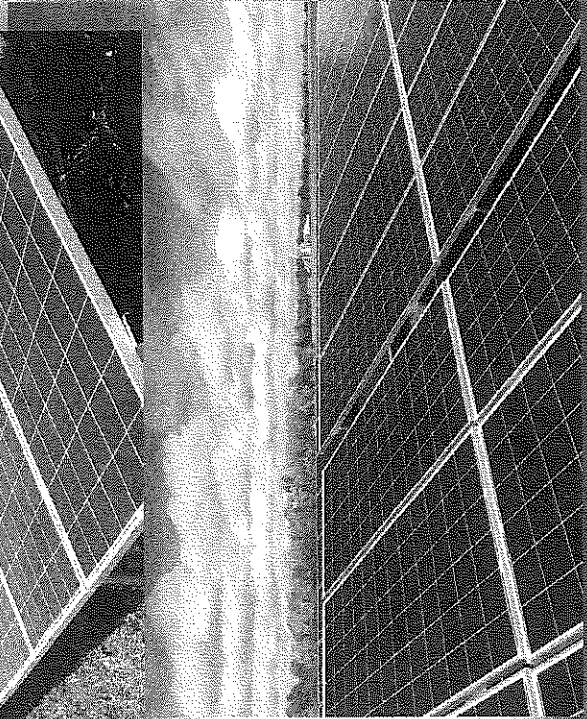
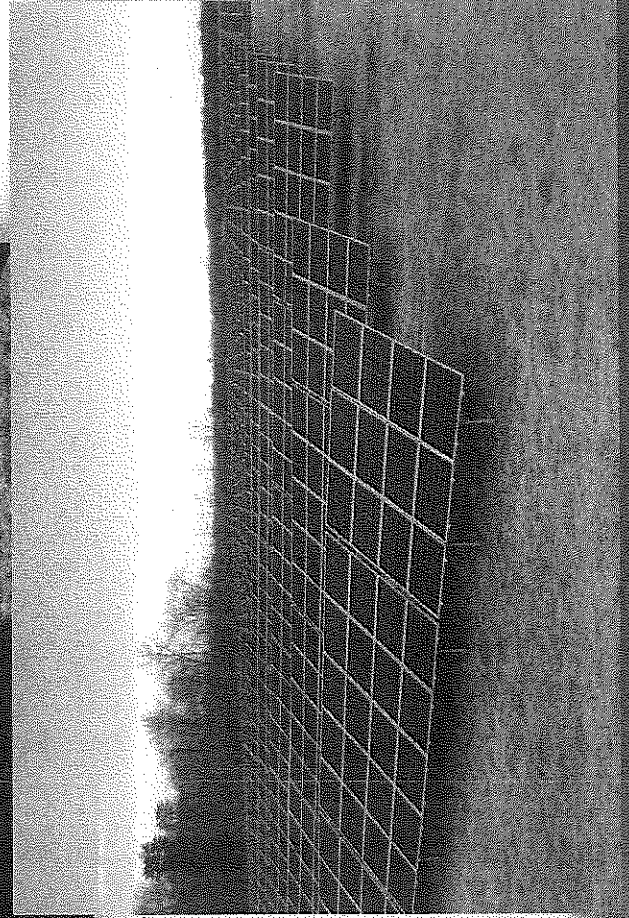
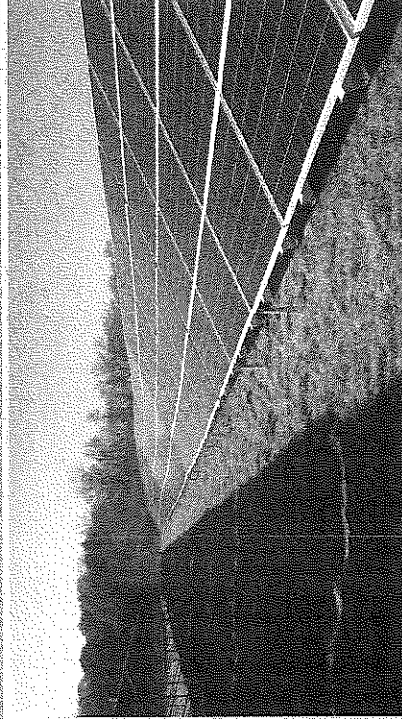
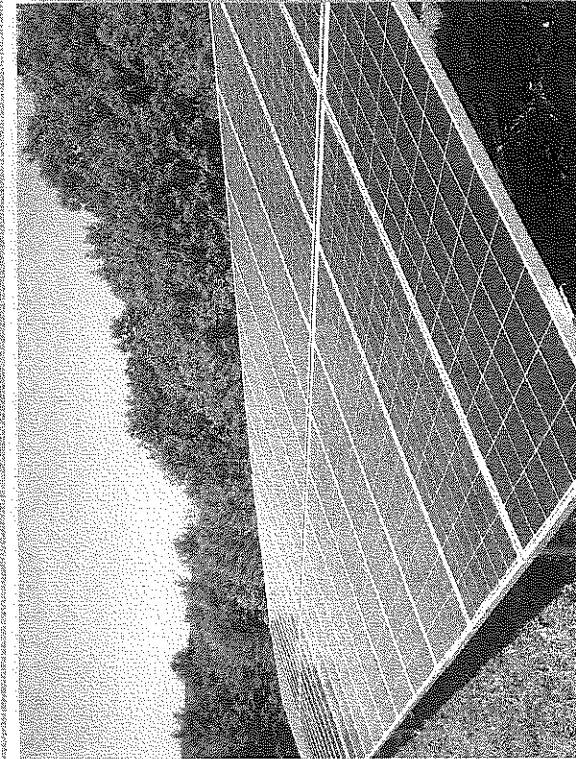
PROPOSED SITE - 4.2 ACRE ARRAY LAYOUT





Sunrise Solar
SOLUTIONS

TYPICAL GROUND MOUNTS





Sunrise Solar
SOLUTIONS

TIME SENSITIVE

- NYSERDA Rebates Declining
 - Currently in Block 2 - 30% remaining
 - Next drop will cost project \$26,000
- Con Ed CDG Tranche 1 is a requirement
 - Still availability left, hard to tell how fast it will move
 - Next drop will cause project revenue to fall 5%
- Moving quickly is the best defense against these declines

VILLAGE/TOWN OF MOUNT KISCO

LOCAL LAW ____ OF 2018

A local law to adopt the Village/Town of Mount Kisco Natural Resources Inventory.
Be it enacted by the Village Board of the Village/Town of Mount Kisco as follows:

SECTION 1. LEGISLATIVE INTENT

This local law amends the Code of the Village/Town to adopt the Natural Resources Inventory prepared by Conservation Advisory Council and to expressly integrate use of such Inventory into land use decision making within the Village/Town of Mount Kisco.

SECTION 2. AMENDMENTS TO THE VILLAGE/TOWN CODE.

A new Chapter 75A, adopting and implementing the Village/Town of Mount Kisco Natural Resources Inventory, is added to the Code of the Village/Town of Mount Kisco as follows:

75A-1. Purpose.

The purpose of this Chapter is to protect natural resources in the Village/Town of Mount Kisco by adopting a Natural Resources Inventory, as it may be amended from time to time, thereby enabling management and use of natural resources to protect the rights of residents, both present and future, to clean air, pure water, and the natural, scenic, and aesthetic values of the environment, as set forth in Article XIV, Section 4 of the New York State Constitution. The mapping of natural resources by the Village/Town of Mount Kisco, in accordance with the New York General Municipal Law § 239-y and the Village/Town of Mount Kisco Comprehensive Plan, constitutes the Village/Town of Mount Kisco's Natural Resources Inventory (NRI). This Local Law, adopted pursuant to New York Municipal Home Rule Law, § 10(1)(ii)(a)(11), requires that all new development subject to approvals by any Mount Kisco agency, shall take into consideration the Village/Town of Mount Kisco NRI when the application has been determined to require either an Environmental Impact Statement (EIS) or a Supplemental Environmental Impact Statement (SEIS).

75A-2. Intent.

It is the intent of the Village/Town of Mount Kisco to establish and continue with its NRI review process to guide land use development decision-making, by facilitating New York State Environmental Quality Act (SEQR) requirements during reviews of proposed subdivision, site plan, special use permit, wetlands, variance and rezoning applications that have been required to include the preparation of an EIS or SEIS, and by incorporating protection of natural resources into the design of projects. The NRI shall be used as a basis for identifying natural and cultural resources on a property subject to Village/Town of Mount Kisco where such review has required the preparation of an EIS or SEIS, but due to its generalized nature, additional onsite assessment surveys may be necessary.

75A-3. Natural Resource Identification.

Specific resources identified in the NRI shall be incorporated into the Lead Agency's review process. These NRI resources are to include, but are not limited to:

- (A) Water resources including aquifers; streams and waterbodies with their State water quality classification; floodplains; wetlands and vernal pools, whether or not they are protected by local, state or federal regulations.
- (B) Vegetation including community types; forested areas; grasslands, meadows, and shrublands; significant trees defined as all trees over 4 inches in diameter at 4 feet above the natural grade, trees at the limit of their range, and trees over 100 years old; New York State listed endangered, threatened, rare, and exploitable vulnerable plants or the New York State rare plant status lists; locally significant vegetation; rare or high quality examples of natural ecological communities; streams and riparian habitats; tidal wetlands and shoreline habitats; unfragmented habitat blocks and significant biodiversity areas; and vegetation resources on parcel that connect to such resources on adjoining or nearby public lands/protected areas.
- (C) Wildlife "Species of Greatest Conservation Need," as defined by the State of New York, including but not limited to breeding birds, reptiles, amphibians and mammals.
- (D) Geology and soils with particular attention to hydric, prime farmland, and soils of statewide significance.
- (E) Elevation, aspect and slope including rock outcrops, steep slopes of 10% to 15% and 15% or greater, ridgelines, stone walls, and unique geologic features.

- (F) Cultural resources including locally significant as well as State and National historic sites, buildings, and districts; scenic resources; recreation resources; agricultural districts; active farmland; and lands conserved through public ownership or private conservation restrictions.

75A-4. Applicability.

Use of the NRI review process is required for all subdivision, special permit uses, uses requiring site plan approval, or other Village/Town of Mount Kisco development reviews that are subject to any application for which an EIS or SEIS is required by the Lead Agency. Each application shall contain a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features identified from the NRI. The conservation analysis shall show lands with conservation value, including but not limited to: Land exhibiting recreational historic, ecological, water resource, scenic or other natural resource value, as shown in the NRI.

75A-5. Interpretation.

This chapter shall be deemed an exercise of power of the Village/Town of Mount Kisco to preserve and improve the quality of the physical and visual environment on behalf of the present and future inhabitants thereof. This chapter is not intended and shall not be deemed to impair the powers of any other public corporation.

75A-6. Definitions.

Except as defined herein, all words used in this Local Law shall carry their everyday dictionary definition. Unique terms used throughout this Local Law are defined as follows:

Open Space Inventory. An inventory of open areas within the Village/Town of Mount Kisco with each such area identified, described and listed according to priority of acquisition or preservation.

Open Space Index. The open space inventory and natural resources inventory maps after acceptance and approval by the Board of Trustees of the Village/Town of Mount Kisco.

Natural Resources Inventory. Any area characterized by natural scenic beauty or, whose existing openness, natural conditions or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the Village/Town of Mount Kisco or would maintain or enhance the conservation of natural or scenic resources.

SECTION 3. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

SECTION 4. EFFECTIVE DATE.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.