

PLANNING BOARD APPLICATION
SITE PLANS

PB 25-19

Project Name, If Applicable: _____

Project Street Address: 122 Montgomery Avenue Scarsdale NY 10583

Section: 59 Block: 5 Lot(s): 7 Zone: GB

Applicant: 1037 Kiwi Holding LLC

Address: c/o Elide Brook St LLC 505 White Plains Road Eastchester NY 10709

Phone #: 914-490-2674 Email: john@elide.com

Owner: 1037 Kiwi Holding LLC

Address: c/o Elide Brook St LLC 505 White Plains Road Eastchester NY 10709

Phone #: 914-490-2674 Email: john@elide.com

Architect/Engineer: Leonard Brandes

Address: Two Spencer Place Suite 12 Scarsdale NY 10583

Phone #: 914-472-8421 Email: brandesarchitect@aol.com

Attorney: Steven Accinelli

Address: 35 E Grassy Sprain Road Ste 400 Yonkers NY 10583

Phone #: 914-779-1100 x320 Email: saccinelli@vcsclaw.com

Application is for:

New Construction (check type below):

One Family Residence _____
Two-Family Residence _____
Multi-Family Residence _____
Commercial Building ☒

TOWN OF EASTCHESTER

Planning Department

MAR 13 2025

RECEIVED

Additions and Alterations:

One Family Residence _____
Two Family Residence _____
Multi-Family Residence _____
Commercial Building _____

Special Permit Use: _____ Specify Use: _____

Other (Describe): _____

Description of Proposed Project: Existing structure will be removed and replaced with new 1 -1/2 story commercial structure

Are any approvals and/or variances required from the ZBA? ☒ Yes _____ No
If yes, list all necessary approvals from the ZBA and/or variances:

Is any portion of the subject property within 500 feet of any of the following (check all that apply):

<input type="checkbox"/>	State or County Road	<input type="checkbox"/>	Municipal Boundary
<input type="checkbox"/>	State or County Park	<input type="checkbox"/>	County stream or drainage channel
<input type="checkbox"/>	County Building or Facility	<input type="checkbox"/>	

APPLICATION CHECKLIST FOR SITE PLANS

Submission Items	
Completed Planning Board Application, Application Checklist, Plan Checklist and Application Fee	✓
General Municipal Law 809 Statement	✓
Cover letter including a clear description of the proposed project and a list of the materials submitted	✓
Escrow agreement form and deposit (for all new construction and for applications proposing an additional impervious surface area of 1500 square feet or more)	N/A
Completed Zoning Compliance Table (see attached tables)	✓
Notice of Denial Letter, if applicable	N/A
Short Environmental Assessment Form Part 1 (<i>not</i> required for single-family residences). The SEAF is available at the NYSDEC website: seafpartone.pdf (ny.gov) ** For TYPE I Actions, please submit the Full EAF: feafpart1.pdf (ny.gov)	✓
Site Location Map - showing the project site and all properties within 200 feet of the site boundaries. May be printed from Westchester GIS.	✓
List of properties within 200 feet of the site boundaries as generated by the Westchester GIS system.	✓
List of the Mailing addresses for the owners of the properties within 200 feet of the subject property—Must be compiled using the Westchester GIS information and information on the Town's assessment roll.	✓
Copy of the completed legal notice (to be sent to the newspaper and property owners within 200 ft of the site boundaries)	✓
Color photographs of the project site – labeled "Project Site" and where appropriate indicating views (e.g., front elevation, rear elevation, etc.).	✓
Color photographs of properties within the immediate vicinity of the project site to provide context for the application. Photographs <u>must</u> be keyed to a Map (labeled by street address and indicating the photo view (arrow showing the direction in which the photo is taken)).	✓
Plans, signed and sealed by an Architect, Engineer, Landscape Architect or Land Surveyor licensed in the State of New York, that meet the requirements provided on the <u>Plan Checklist</u> included in this application package.	✓
Physical samples of proposed materials, finishes and colors. (must be brought to the meeting).	N/A
PDF of Complete Submission (see last page of application for instructions)	✓

Color renderings for significant additions/alterations and new construction are strongly recommended



Est. 1965

**1037 Kiwi Holdings LLC & 103-107 Montgomery Ave LLC
c/o Elide Brook Street LLC**

505 White Plains Road, Eastchester, New York 10709
Office: (914) 961-8875 Fax: (914) 961-8939

3/12/2025

Town of Eastchester
Planning Board Chairman and Members
40 Mill Road
Eastchester, NY 10709

Dear Chairman and Members:

The attached application was previously approved and expired without my knowledge. I respectfully resubmit the application for your approval.

Thank you for your consideration.

Warm regards,

John Seminara
1037 Kiwi Holdings LLC

AFFIDAVIT OF OWNERSHIP

State of New York)
County of Westchester) SS:

I, John Seminara, being duly sworn, deposes and says:
(clearly print first and last name of property owner, or if property owner is not an individual, the name of the individual making this affidavit on the owner's behalf)

(check appropriate box)

- ☐ I am the owner of the property for which this application is being submitted.
☒ I am a member, partner, owner, officer or other authorized person of the entity that owns the property for which this application is being submitted and I have been authorized by the owner-entity to make this application.

Certification:

To the best of my knowledge, information and belief, all statements contained in this application are true, complete and correct, and all work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all resolutions of the Town of Eastchester Planning Board, Architectural Review Board and/or Zoning Board of Appeals, and applicable laws, ordinances and regulations.

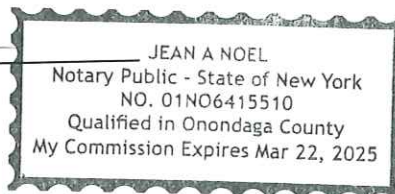
✓ *John Seminara*
(Signature of Affiant)

John Seminara

(Print Name of Affiant)

Sworn to before me this 12 day of March, 2025

Jean A Noel
(Signature of Notary Public)



**TOWN OF EASTCHESTER
GENERAL MUNICIPAL LAW 809 STATEMENT**

Application No:

APPLICANT NAME: 1037 Kiwi Holding LLC

PROPERTY ADDRESS: 122 Montgomery Avenue Scarsdale NY 10583

TAX ID. NO: _____

BOARD REVIEW REQUIRED (CIRCLE ALL THAT APPLY)

PLANNING BOARD ZONING BOARD OF APPEALS ARCHITECTURAL REVIEW BOARD

STATE OF NEW YORK) ss:
COUNTY OF Westchester)

John Seminara, being duly sworn, deposes and says:
(deponent name)

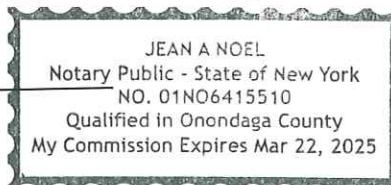
1. Your deponent is over 18 years of age and (resides at) or (maintains an office at) [circle one]:
_____.

2. Deponent is the (a) applicant, (b) one of the applicants, (c) officer of applicant
_____ (state office held), (d) partner, member or principal of the
applicant; (e) other, describe _____. [circle applicable status].

3. To deponent's knowledge, the following state, county, or Town of Eastchester officers or employees have an
interest in the applicant as defined in General Municipal Law § 809¹ (for each person identified state his or her
name, residence address and the nature and extent of his or her interest in the applicant; if none, so state):

Sworn to before me this 12 day of March, 2025

(Signature of Notary Public)



✓
(Signed) John Seminara

¹ An officer or employee has an interest in the applicant when he, his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them: (a) is the applicant, or (b) is an officer, director, partner or employee of the applicant, or (c) legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association applicant, or (d) is a party to an agreement with such an applicant, express or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request. Ownership of less than 5% of the stock of a corporation whose stock is listed on the New York or American Stock Exchanges shall not constitute an interest.

ZONING COMPLIANCE TABLE

COMMERCIAL APPLICATIONS

(New Construction and Additions)

ZONE: GB

TOTAL LOT AREA (SF): 7,500 Sq Ft

TOTAL GROSS FLOOR AREA (GFA): 4,170 Sq Ft, INCLUDING:

- EXISTING GFA: 2050 Sq Ft (Including Garage)
- PROPOSED GFA: 4,170 Sq Ft

Notes: Information must be based on definitions in the current Zoning Law of the Town of Eastchester. If not applicable, leave box blank. Check box in far right column if variance is required.

	Existing	Required/Permitted	Proposed	Variance Required
Yard Setbacks:				
Front Yard	9.5'	10'	20.0	N
Rear Yard (from principal building)*	47.2'	30'	5'	Y
Rear Yard (from parking area)*				
First Side Yard	24.6'	12.0'	12'	N
Second Side Yard	50.0'	12.0'	23'	N
Side Yard Adjoining a Street				
Principal Building Coverage (sf)	790 sq ft	3,750 SF	3,000 SF	
Principal Building Coverage (%)	10.5%	50%	40%	
Principal Building Height (stories)*				
Principal Building Height (ft)*				
Accessory Building Height (stories)				
Accessory Building Height (ft)				
Total Parking Spaces	3	2	3	
HC Accessible Parking Spaces				
Loading Spaces				

Note: See Section 13 of the Zoning Law for additional requirements related to landscaping, loading, parking, and driveways. See Section 8 of the Zoning Law for requirements related to fences and walls.

*Is the Site within 150 feet of a One- or Two-Family Residence District? ☒ No ☐ Yes

If yes, see Section 7.C of the Town of Eastchester Zoning Law and provide zoning compliance information accordingly.

Are any variances required that are not listed on the table above? ☒ No ☐ Yes

If yes, indicate what additional variances are required; or provide additional information as necessary:

**TOWN OF EASTCHESTER
PLANNING DEPARTMENT**

40 Mill Road
Eastchester, NY 10709

Phone: (914) 771-3319
(914) 771-3393

www.eastchester.gov

**NOTICE OF PUBLIC HEARING
TOWN OF EASTCHESTER PLANNING BOARD**

NOTICE IS HEREBY GIVEN that the Planning Board of the Town of Eastchester will hold a public hearing on:

Thursday, March 27, 2025, at 7:00 p.m.
(day of week) (month and date) (year) (time)

at the Town of Eastchester Town Hall, 40 Mill Road, Eastchester, New York, in the Court Room/Auditorium on the application of:

1037 Kiwi Holding LLC and 103-7 Montgomery Avenue LLC
(name of application/applicant)

for:

Site Plan - resubmission for previous approval
(site plan, architectural review, and/or special permit approval)

related to:

122 Montgomery Avenue Scarsdale NY 10583
(describe the proposed project)

affecting the premises identified as the following Section(s), Block(s) and Lot(s) on the Tax Map of the Town of Eastchester:

Sec 59 Block 5 Lot 7

and located at the following address:

122 Montgomery Avenue Scarsdale NY 10583
(street address)

Notes:

1. Visit the town's website (www.eastchester.gov) to access the most current agenda prior to each meeting. If you have any questions regarding the Public Hearing or any of the agenda items, you can contact the Planning Department at (914) 771-3319. Applications are available for review electronically by clicking the link at the top of the agenda and physically in the Planning Department.

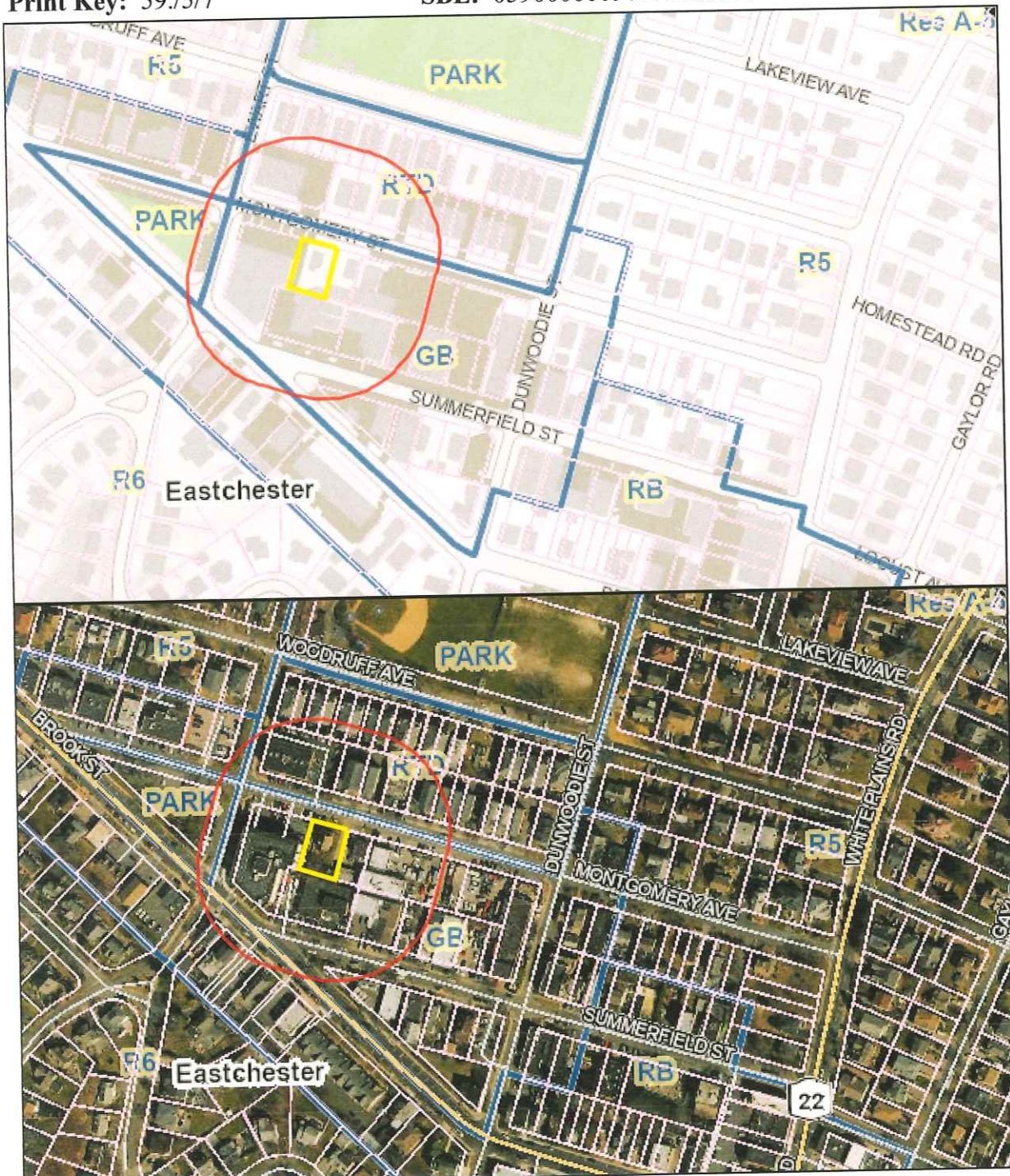
2. The purpose of this Notice is to notify you of the Public Hearing for the referenced project in case you would like to attend and/or participate in the meeting and/or comment on the application. However, you are not required to attend the meeting or to respond to this notice.

Tax Parcel Maps

Address: 122 MONTGOMERY AVE

Print Key: 59.15/7

SBL: 05900000050070000000



Disclaimer:

This tax parcel map is provided as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact the assessor's office of the municipality.

Submit AFTER Notice has been mailed and Publication of the Notice has been arranged.

**AFFIDAVIT OF MAILING AND PUBLICATION
OF THE LEGAL NOTICE FOR A PUBLIC HEARING**

Check One:

☒ Planning Board (PB)
☐ Zoning Board of Appeals (ZBA)
☐ Architectural Review Board (ARB)

Name and Location of Project: 122 Montgomery Avenue Scarsdale NY 10583

Section 59, Block 5, Lot(s) 7

State of New York }
County of Westchester } ss:

I, John Seminara, being duly sworn, depose and say as follows:

1. I am the agent, owner or legal representative of the referenced property.
2. I have prepared a list of property owners located within 200 feet of the boundaries of the referenced property (including those in adjacent municipalities if applicable), by street address and section, block and lot in accordance with the instructions provided in the PB, ZBA, and ARB Application Packages.
3. I understand that individual condominium owners must be included on the list of property owners and it is my responsibility to verify if any condominiums are located within the 200-foot radius.
4. I have sent a copy of the legal notice to each and every property owner within 200 feet of the boundaries of the referenced property post-dated no less than 10 days prior to a PB or ZBA meeting and no less than 5 days prior to an ARB meeting. The notices were sent using PS Form 3877 by Certified Mail and I have obtained all postmarked PS Form(s) 3877 as proof of mailing (and as indicated in the PB, ZBA, and ARB Application Packages, did not request property owner signatures or return receipts).
5. I have attached the originals or copies of all postmarked PS Form(s) 3877 to this Affidavit.
6. I have arranged the publication of the Notice of Public Hearing in a newspaper of general circulation in the Town of Eastchester no less than 10 days prior to a PB or ZBA meeting and no less than 5 days prior to an ARB meeting.
7. As soon as it is provided to me, I will provide the Planning Department with the affidavit of publication from the publisher of the newspaper.
8. I understand that this signed and notarized Affidavit must be submitted, along with the originals or copies all postmarked PS Form(s) 3877, to the Planning Department prior to being heard by the PB, ZBA, or ARB.

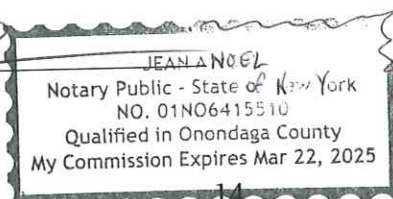
John Seminara

(print name)

John Seminara
(signature)

Sworn to me this 12 day of March, 2025

[Signature]
(Westchester County Notary Public)



Town of Eastchester

August 1, 2024

RESOLUTION
Application 23-39, 122 Montgomery Avenue
Town of Eastchester Planning Board
June 27, 2024

Site Plan and Architectural Review Approval

Description of the Project: The applicant is proposing to demolish an existing dwelling located on a 7,500 square foot lot within the GB – General Business district and replace it with a commercial building intended for the storage of materials and equipment.

The proposed commercial structure would have a building footprint of 3,000 square feet. However, the interior space would be configured with a mezzanine that would provide a total of 4,170 square feet of floor area in the building. The proposed building complies with the zoning setback regulations except for the rear yard setback requirements, where a setback of 5 feet will be provided whereas a minimum of 30 feet is required, a deficiency of 25 feet or 83.3%. The ZBA granted a variance for this deficient setback at its meeting on March 12, 2024.

The Architectural Review Board reviewed this application at its meeting on June 6, 2024. It recommended approval of the application on the condition that the applicant have its engineering plans revised to show the proposed location of a black chain link fenced in a manner consistent with the location of the proposed fence on the architectural drawings submitted in support of the application.

SEQRA Status: Unlisted Action; Uncoordinated Review. Negative Declaration adopted June 27, 2024.

Date of Public Hearing: April 25, 2024 and June 27, 2024

Drawings: During the review of the application, the Planning Board was provided with exhibits and materials that were accepted into the record and made a part thereof including, but not necessarily limited to, the following drawings prepared by:

1. Leonard H. Brandes, Architect, all dated October 24, 2023 with revisions as noted (collectively, the “Architectural Plans”):
 - SY-001, Location Map
 - SY-002, Existing and Proposed Site Plan, last revised May 17, 2024
 - A-100, Proposed Floor Plan & Section
 - A-200, Proposed Elevations
 - A-201, Proposed Elevations
2. F. Capparelli Landscape Design, dated January 30, 2024:
 - Landscape Plan
3. Badaly Engineering, PLLC, all dated July 10, 2023 (collectively, the “Engineering Plans”):
 - General Notes, GIS, & Flood Map (L-001.00)
 - Existing & Proposed Site Plan (L-100.00)
 - Impervious Surface Area Diagrams (L-101.00)
 - Stormwater Management Plan (L-200.00)
 - Erosion Control Plan (L-300.00)

Eastchester Town Clerk
JUL 2 2024 PM 1:40

RESOLUTION ADOPTING SEQRA NEGATIVE DECLARATION

Application 23-39, 122 Montgomery Avenue
Section 59, Block 5, Lot 7

Town of Eastchester Planning Board

June 27, 2024

WHEREAS, the Planning Board of the Town of Eastchester (the "Planning Board") is authorized under the Town of Eastchester Zoning Law, Section 11, to review and decide applications for site plan approval; and

WHEREAS, the applicant is seeking site plan approval to construct a commercial building intended for the storage of materials and equipment on an approximately 7,500 square foot lot within the GB – General Business district; and

WHEREAS, the application was submitted with a Short Environmental Assessment Form, Part 1 and the Planning Board determined the proposed Action as an Unlisted Action in accordance with Article 8 of the Environmental Conservation Law and the Rules and Regulations promulgated thereunder at 6 NYCRR Part 617 (collectively "SEQRA"); and

WHEREAS, the SEQRA review of this Action was an uncoordinated review; and

WHEREAS, after reviewing Parts 1, 2 and 3 of the Environmental Assessment Form the ("EAF") (Exhibit 1), and the applicant submissions, and holding a public hearing on the subject application, the Planning Board has sufficient information to make a determination of significance for this application under SEQRA

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby adopts a Negative Declaration for this Action under SEQRA, based on Parts 1, 2 and 3 of the EAF.

Vote:

James Bonanno	Yes
Michael Fortuno	Yes
Philip Nemecek	Yes
Joseph Rubino	Yes
Lauren Goodridge	Yes

Application approved.

Resolution adopted at the June 27, 2024, Planning Board meeting.


Robert M. Tudisco, Deputy Town Attorney

Eastchester Town Clerk
JUL 2 2 24 PM 1:40

Section 59, Block 5, Lot 7
Zone: GB

RESOLUTION
Application 23-39, 122 Montgomery Avenue
Town of Eastchester Planning Board
June 27, 2024

Site Plan and Architectural Review Approval

Description of the Project: The applicant is proposing to demolish an existing dwelling located on a 7,500 square foot lot within the GB – General Business district and replace it with a commercial building intended for the storage of materials and equipment.

The proposed commercial structure would have a building footprint of 3,000 square feet. However, the interior space would be configured with a mezzanine that would provide a total of 4,170 square feet of floor area in the building. The proposed building complies with the zoning setback regulations except for the rear yard setback requirements, where a setback of 5 feet will be provided whereas a minimum of 30 feet is required, a deficiency of 25 feet or 83.3%. The ZBA granted a variance for this deficient setback at its meeting on March 12, 2024.

The Architectural Review Board reviewed this application at its meeting on June 6, 2024. It recommended approval of the application on the condition that the applicant have its engineering plans revised to show the proposed location of a black chain link fenced in a manner consistent with the location of the proposed fence on the architectural drawings submitted in support of the application.

SEQRA Status: Unlisted Action; Uncoordinated Review. Negative Declaration adopted June 27, 2024.

Date of Public Hearing: April 25, 2024 and June 27, 2024

Drawings: During the review of the application, the Planning Board was provided with exhibits and materials that were accepted into the record and made a part thereof including, but not necessarily limited to, the following drawings prepared by:

1. Leonard H. Brandes, Architect, all dated October 24, 2023 with revisions as noted (collectively, the “Architectural Plans”):
 - SY-001, Location Map
 - SY-002, Existing and Proposed Site Plan, last revised May 17, 2024
 - A-100, Proposed Floor Plan & Section
 - A-200, Proposed Elevations
 - A-201, Proposed Elevations
2. F. Capparelli Landscape Design, dated January 30, 2024:
 - Landscape Plan
3. Badaly Engineering, PLLC, all dated July 10, 2023 (collectively, the “Engineering Plans”):
 - General Notes, GIS, & Flood Map (L-001.00)
 - Existing & Proposed Site Plan (L-100.00)
 - Impervious Surface Area Diagrams (L-101.00)
 - Stormwater Management Plan (L-200.00)
 - Erosion Control Plan (L-300.00)

4. Link Land Surveyors P.C., dated January 27, 2023:
- Survey

(Collectively, the "Project Plans")

Determination: Based upon the foregoing and the record, the Planning Board hereby grants site plan approval for this application subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall have the Engineering Plans revised to depict the proposed fencing in a manner that is consistent with the fencing as shown on the Architectural Plans (Sheet SY-002, last revised 5/17/24).
2. This approval authorizes the applicant to undertake only the activities specifically depicted on the plans submitted for and reviewed at this meeting, subject only to the changes required to satisfy Condition 1 of this approval. Any other changes or modifications to such plans require amended site plan approval from the Planning Board.


Expiration of Approval: See Town of Eastchester Zoning Law Section 11-I regarding the expiration of this approval.

Vote:

James Bonanno	Yes
Michael Fortuno	Yes
Philip Nemecek	Yes
Joseph Rubino	Yes
Lauren Goodridge	Yes

Application approved.

Resolution adopted at the June 27, 2024, Planning Board meeting.



Robert M. Tudisco, Deputy Town Attorney

EXHIBIT 1

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 122 Montgomery Avenue			
Project Location (describe, and attach a location map): 122 Montgomery Avenue, Eastchester			
Brief Description of Proposed Action: Demolish existing structures and build new commercial structure as per plans			
Name of Applicant or Sponsor: 1037 Kiwi Holdings LLC & 103-107 Montgomery Avenue, LLC		Telephone: 914-961-8875 E-Mail: mike@elide.com	
Address: c/o Elide Brook Street, LLC - 505 White Plains Road			
City/PO: Eastchester		State: NY	Zip Code: 10709
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input checked="" type="checkbox"/> YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.1722 acres	
b. Total acreage to be physically disturbed?		0.1722 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.1722 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, <div style="margin-left: 20px;"> a. Will storm water discharges flow to adjacent properties? <div style="margin-left: 20px;"> b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? </div> </div> If Yes, briefly describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>1037 Kiwi Holdings, LLC & 103-107 Montgomery Avenue, LLC</u> Date: <u>2/9/2023</u> Signature: <u>[Signature]</u> Title: <u>Attorney, Legal Representative</u>		

DRAFT

Agency Use Only [If applicable]

Project: 122 Montgomery Ave

Date: 6-27-24

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

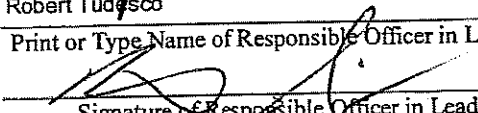
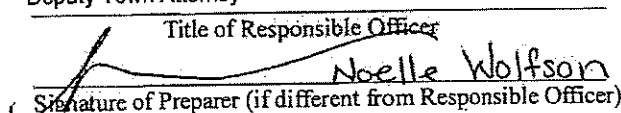
PRINT FORM

DRAFT

Agency Use Only (If applicable)	
Project:	122 Montgomery Ave
Date:	627-24

Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input checked="" type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
Eastchester Planning Board	June 27, 2024
Name of Lead Agency	Date
Robert Tudisco	Deputy Town Attorney
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM