



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

September 16, 2020

Inderjit Singh
192 No. Bedford Road
Mount Kisco, NY 10549

Re: Notice of Denial – Sign Permit Application for Mobil
192 No. Bedford Road, Property ID#: 69.58-4-2

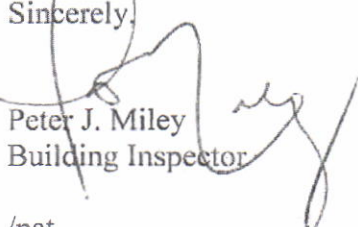
Dear Mr. Singh:

Please be notified that your sign permit application for Mobil canopy signage at the above captioned property is hereby denied. This denial is based on the following facts:

- **Section 89-11A(4)** of the Code of the Village/Town of Mount Kisco states that “The types of signs permitted and the regulation of the number, placement, and use of signs is hereby established. No sign shall be erected unless it conforms with the specifications for signs in that sign district, nor shall any sign be used for any purpose or in any manner except as permitted by the regulations for the district in which such sign is to be located or maintained.”
- The subject property is located in the CL Zoning District and is an Automotive Fuel Station is therefore subject to the sign regulations of the **Section 89-10** of the Code of the Village/Town of Mount Kisco.
- **Section 89-10 I Fuel Service Canopy Signs (2)** states: A canopy sign shall not exceed 16 square feet in area. You are proposing to install two Mobil signs on the canopy that each exceed 24 square feet in area. You will need a variance for each of these signs.

A sign permit cannot be issued for any sign application that does not comply with the Village Sign Code. You have a right to appeal this decision within 60 days.

Sincerely,


Peter J. Miley
Building Inspector

/pat

Date: _____

Case No.: 21-1

Fee: \$130

Date Filed: _____

Village/Town of Mount Kisco
Municipal Building
104 Main Street, Mt. Kisco, NY 10549

**Zoning Board of Appeals
Application**

Appellant: CHESTNUT MARTS INC.

Address: 536 MAIN ST. NEW PALTZ NY 12561

Address of subject property (if different): 192 N BEDFORD RD. Mt. Kisco (MOBIL)

Appellant's relationship to subject property: _____ Owner ☒ Lessee _____ Other _____

Property owner (if different): GAS 21 REALTY

Address: 192 N BEDFORD RD., Mt. Kisco, NY 10549

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, PETER MILEY
dated SEPT 16, 2020. Application is hereby made for the following:

AREA Variation or _____ Interpretation of Section 89-10(I)
of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance
of TWO (2) MOBIL GAS BRANDED CANOPY SIGNS (ALREADY INSTALLED)
MEASURING 25 SF EACH.

_____ in accordance with plans filed on (date) 09-09-2020

for Property ID # 69.58-4-2 located in the CL Zoning District.

The subject premises is situated on the EAST side of (street) N BEDFORD RD. (RT. 117)
+ South of KNOWLTON AVE. in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes/No N BEDFORD RD AND
(If on two streets, give both street names) KNOWLTON AVE.

Type of Variance sought: _____ Use ☒ Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? No

Is there an approved site plan for this property? YES in connection with a
 Proposed or X Existing building; erected (yr.) 2020 (RENOVATION)

Size of Lot: feet wide feet deep Area

Size of Building: at street level 43.5 feet wide 20.5 feet deep

Height of building: 18.0 Present use of building: GAS STATION + CONVENIENCE STORE.

Does this building contain a nonconforming use? No Please identify and explain:

Is this building classified as a non-complying use? No Please identify and explain:

Has any previous application or appeal been filed with this Board for these premises?
Yes/No? YES

Was a variance ever granted for this property? YES If so, please identify and explain:

Are there any violations pending against this property? No If so, please identify and explain:

Has a Work Stop Order or Appearance Ticket been served relative to this matter?
 Yes or X No Date of Issue:

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? N/A.

Indrajit Singh
Indrajit Singh.
11/24/20

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) A copy of the Notice of Denial issued by the Building Inspector or duly authorized administrative official issued on Sept. 14, 2020 upon which this application is based.
- b) Written notice of your intent to appeal a Notice of Denial.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.
- i) Applicant is required to have a true copy of the public notice to be published in the official newspaper of the Village of Mount Kisco (The Journal News) at least 15 days prior to the public hearing. The applicant must also provide a true copy of the public notice to be published in the official newspaper of the Village at least 15 days prior to the public hearing.
- j) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *k) 10 copies of photographs, printed in color on plain paper with 2-4 photos shown on each sheet, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *l) A floor plan of the subject building with all the necessary measurements.
- *m) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

* Optional - As Needed

I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true.

Michael Bonforte

(Appellant to sign here)

Sworn to before me this day of:

November 24

2002, MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298

Notary Public,

Michelle K. Russo

County, NY
Qualified In Putnam County
My Commission Expires 10-20-2022

[TO BE COMPLETED IF APPELLANT IS NOT THE PROPERTY OWNER IN FEE]

State of New York }

County of Westchester } ss

Being duly sworn, deposes and say that he resides at 192 N. Bedford Rd in the County of Westchester, in the State of New York, that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Mount Kisco, County of Westchester aforesaid and known and designated as number 69.58-4-2 and that he hereby authorized MICHAEL BONFORTE to make the annexed application in his behalf and that the statements contained in said application are true.

Indyjit Singh
(sign here)

November 18, 2020

Zoning Board of Appeals
c/o Mr. Harold Boxer
104 Main Street
Mt. Kisco, NY 10549

RE: GAS21 Realty (Mobil Gas Station)
192 N Bedford Rd
Tax Map 69.58-4-2

Re: Statement of Principal Points in Regard to Notice of Denial dated Sept. 16, 2020 – Sign Permit Application

Dear Mr. Boxer and ZBA Board members,

I am writing to request a Public Hearing on December 15, 2020 and concurrently file the appeal for a signage variance at the recently renovated Mobil gas station located on 192 N Bedford Rd that received a Notice of Denial dated September 16, 2020 from the Building Inspector.

The two (2) Mobil branded emblems/signs in violation of code was self-created since both emblems/signs were pre-designed by Mobil corporation headquarters staff and are embedded into the total 78' by 24' canopy structure, one emblem facing eastward across N Bedford Rd and the other emblem facing southbound onto N Bedford Rd. Color photos enclosed.

These branded Mobil emblem signs, 25 square feet each, are consistent with the Mobil Corporation's existing signage throughout the region for similarly sized canopies, and designed to be sized proportionally for the total signage surface areas facing east and south onto N Bedford Rd. The Mobil emblem portion of the total surface area facing N Bedford Rd measures 25 square feet each, but is only 11% of the surface area facing eastward onto North Bedford Rd, and is 35% of the total surface area facing south along N Bedford Rd.

Applicant believes the installed dimensions provide an adequate line of sight for approaching traffic, allows sufficient time for a motorist to safely enter off N Bedford Rd without the signage being too big, or considered out of character and size for existing fuel station signage located along that portion of N Bedford Rd, or, compared to other commercial signage located along the same route.

A variance of 9 square feet is requested for both signs, which is a 56% increase by surface area of just the emblem portion of each sign compared to code (25 square feet), but only an 11% increase of the total surface area of entire signage facing eastward onto North Bedford Rd, and respectively a 35% increase of the total surface area facing south along N Bedford Rd.

Applicant submits the requested increase is not substantial in light of these proportional dimensions, location in the commercial district and lack of visual proximity to any residential neighborhood. The existing signage, also non-illuminated, does not directly face any residential neighborhoods, and being non-illuminated both signs do not interfere or distract nearby properties or passing motorists in an adverse or undesirable manner given the heavy commercial district environment directly to the west, south and north (i.e., Mt. Kisco Square Mall with Stop & Shop, Target, Burger King, Mavis Tire, and Burger King respectively).

To the East there is a residential neighborhood (Knowlton Ave and Valley View Terrace), but those homes sit at an elevation over 45' above the elevation of the canopy signage sitting at the 300' elevation – see attached topographical mapping. The signage is reflective but non-illuminated. Under mount canopy lighting is directed downwards and does not impact any residential neighborhood, or negatively distract passing motorists. The re-designed and updated facility overall has a positive impact on the commercial district.

The Applicant therefore respectfully requests a signage variance of 9 square feet for both signs.

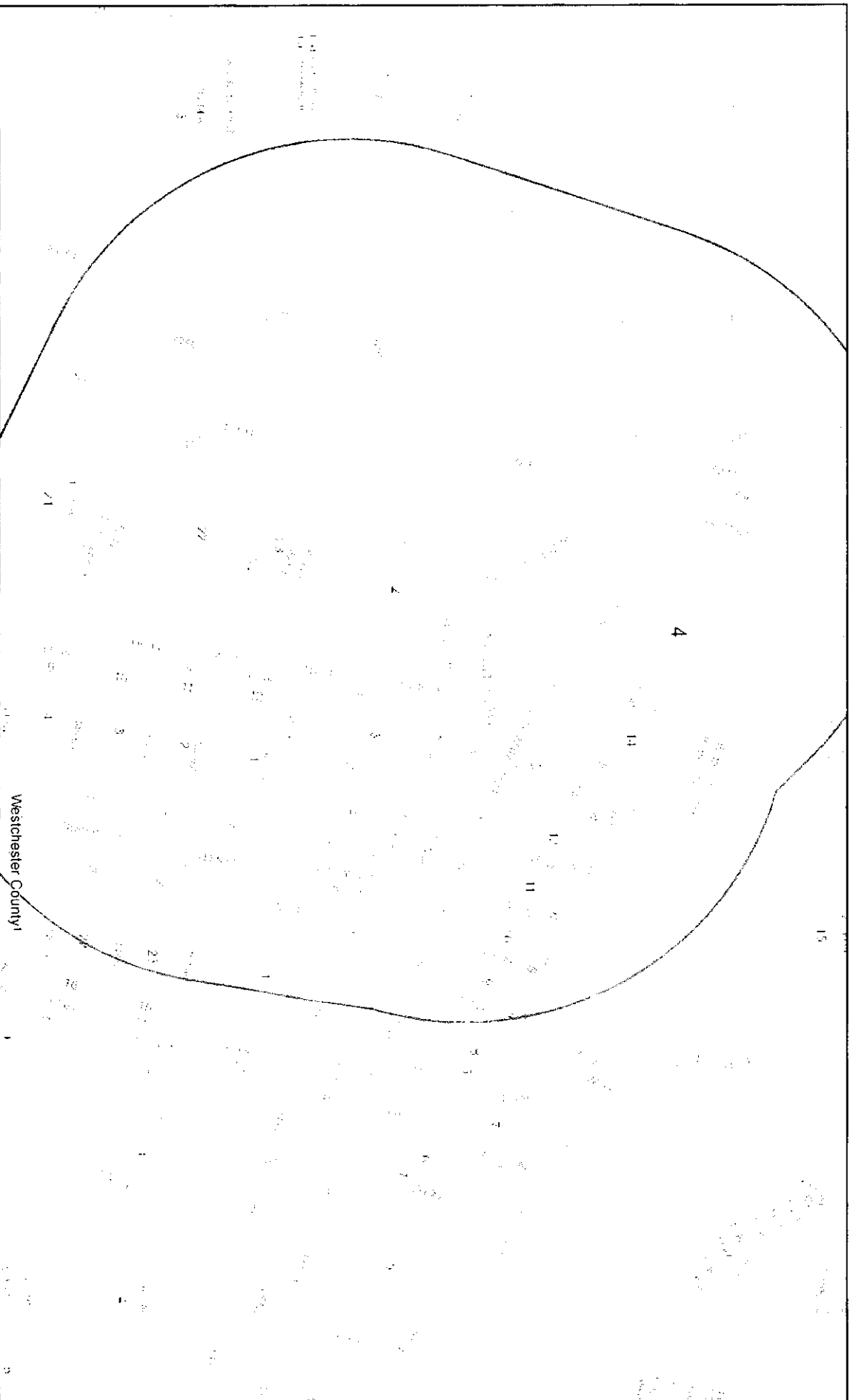
Sincerely,

A handwritten signature in blue ink that reads "Michael Bonforte". The signature is fluid and cursive, with the first name and last name clearly legible.

Michael Bonforte
CPD Group (Chestnut Marts)
536 Main Street
New Paltz, NY 12561
Direct: 914-217-8804
Email: mikebonforte@gmail.com
Website: <https://www.cpdenergy.biz/>

OWNERNAME	PROPADDRESS	PROPCITY	PROFZIP	PROPRINTK	Mailing Address	City	State	Zip
Argonaut Holdings Inc	175 N Bedford Rd	MOUNT KISCO	10549	69.66-2-3	c/o Cushman & Wakefield IN GMLA 8875 Hidden River Pkwy, Ste 300	Tampa	FL	33637
DeMarco Jonathan Z - Deena E DeMarco	31 Valley View Terr	MOUNT KISCO	10549	69.66-3-5				
Palazzo, Albert - Judith Palazzo	39 Valley View Terr	MOUNT KISCO	10549	69.66-3-3				
Jackson Thomas F - Leslie J Jackson	31 Knowlton Ave	MOUNT KISCO	10549	69.59-1-10				
Notaro, Marci - Anthony Notaro	20 Knowlton Ave	MOUNT KISCO	10549	69.58-4-3				
Amodeo, James F - Carolyn A Amodeo	47 Valley View Terr	MOUNT KISCO	10549	69.66-3-1				
Drapala Mark - Jennifer Drapala	40 Valley View Terr	MOUNT KISCO	10549	69.67-1-22				
Pennessi Christopher - Danielle Pennessi	19 Knowlton Ave	MOUNT KISCO	10549	69.59-1-13				
AAK Realty LLC	190 N Bedford Rd	MOUNT KISCO	10549	69.66-3-23	c/o Mavis Tire Supply 358 Saw Mill River Rd	Millwood	NY	10546
Umanoff Heywood - Aleta Umanoff	36 Valley View Terr	MOUNT KISCO	10549	69.67-1-21				
Burger King Corp #825	230 N Bedford Rd	MOUNT KISCO	10549	69.58-4-1	c/o Ryan LLC PO Box 460189	Houston	TX	77056
Fasulo Gaspare - Anna Fasulo	35 Knowlton Ave	MOUNT KISCO	10549	69.59-1-9				
Mt. Kisco Associates X, LLC	176 N Bedford Rd	MOUNT KISCO	10549	69.66-3-21	19 Benedict Place	Greenwich	CT	6830
Bradley, Francis Jr - Dorothy Bradley	43 Valley View Terr	MOUNT KISCO	10549	69.66-3-2				
Waters Kieran M - Amelia M Waters	27 Knowlton Ave	MOUNT KISCO	10549	69.59-1-11				
Dileo, Gina	39 Knowlton Ave	MOUNT KISCO	10549	69.59-1-8				
AAK Realty LLC	182 N Bedford Rd	MOUNT KISCO	10549	69.66-3-22	c/o Mavis Tire Supply 358 Saw Mill River Rd	Millwood	NY	10546
Keeler, James R - Concetta Keeler	27 Valley View Terr	MOUNT KISCO	10549	69.66-3-6				
Hyatt, Joyce - Sharon Luppino	35 Valley View Terr	MOUNT KISCO	10549	69.66-3-4				
Bellantoni, Thomas O	32 Valley View Terr	MOUNT KISCO	10549	69.67-1-20				
Anderson Troy R - Catherine W Anderson	51 Valley View Terr	MOUNT KISCO	10549	69.58-4-4				
Weiner Jonathan - Audrey G Weiner	44 Valley View Terr	MOUNT KISCO	10549	69.67-1-23				
Torre Robert CJr	40 Knowlton Ave	MOUNT KISCO	10549	69.67-1-1				
11 Knowlton LLC	234 N Bedford Rd	MOUNT KISCO	10549	69.59-1-14	c/o Pamela Healey 40 Foxwood Circle	MT KISCO	NY	10549
Gas21 Realty Inc	192 N Bedford Rd	MOUNT KISCO	10549	69.58-4-2	NA			
Hunter Beryl	23 Knowlton Ave	MOUNT KISCO	10549	69.59-1-12				

192 N Bedford Rd. ID: 69.58-4-2 (Mount Kisco)



November 23, 2020

Tax parcel data was provided by local municipality. This map is generated 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 local municipality assessor's office.

1:1,500



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ft

Westchester County GIS

<http://giswww.westchestergov.com>

Michaelian Office Building
148 Martine Avenue, Rm 214
White Plains, New York 10601

Public Notice

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 16th of February 2021 at the Municipal Building in Mount Kisco NY beginning at 7:00PM pursuant to Zoning Ordinance on the Appeal of CPD Group locate at 536 Main Street, New Paltz, NY 12561 from the decision of Peter J. Miley, Building Inspector, dated September 16, 2020 denying the application dated to permit the installed Mobil branded canopy signage. The property is located at the 192 N Bedford Rd, Mount Kisco, NY 10549 and described on the Village Tax Map as 69.58-4-2, which is located on the east side of N Bedford Rd, also known as Route 117 in the CL Zoning District. Said appeal is being made to obtain a variances from Section 89-10 and Section 89-10 (I) Fuel Service Canopy Sign codes of the Village of Mount Kisco, which requires the number, placement and use of signs to conform with the existing specifications for signs in that District, including but not limited to, 16 square feet maximum in area dimension. There are two Mobil branded signs on the canopy, each measuring 25 square feet. Applicant is seeking a variance of 9 square feet for each sign per Village Code.

By the Order of:

Harold Boxer, Chair Zoning Board of Appeals Village of Mount Kisco

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

MICHAEL BONFORTE being duly sworn, deposes and says:

I reside at 102 FOXWOOD CIRCLE, Mt. Kisco, NY 10549

On FEBRUARY 4TH 2021 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.

I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.

Michael Bonforte *subscribed*

Sworn to before me on this

4th day of February 2021

Michelle K. Russo
(Notary Public)

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022



Village/Town of Mount Kisco
Planning Board

FEB 04 2021

RECEIVED

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 1 day of December, in the year 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Penton, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nicholas Penton being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

Run Dates:
12/01/2020

Signature

Sworn to before me, this 1 day of December, 2020

Shelly Hora
Notary Public, State of Wisconsin, County of Brown

8-25-23
My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincoln Dale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004487268

SHELLY HORA
Notary Public
State of Wisconsin

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING

Village/Town of Mount Kisco
Zoning Board of Appeals

FEB 09 2021

RECEIVED

Gjon Krotaj
~~Guillermo Gomez~~, being duly sworn, says that on the 9th day of February 2021, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

X

Public Library
100 Main Street

X

Fox Center

X

Justice Court – Green Street
40 Green Street

X

Mt. Kisco Ambulance Corp
310 Lexington Ave

X

Carpenter Avenue Community House
200 Carpenter Avenue

X

Leonard Park Multi Purpose Bldg

X


Guillermo Gomez

Sworn to before me this 9th day of February 2021


Notary Public

Gjon Krotaj
MITCHELL K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022

GROUND LEASE

THIS LEASE made on the 9th day of AUGUST, 2019, between **GAS21 REALTY, INC.**, a New York corporation having an address at 192 N. Bedford Rd., Mount Kisco, NY 10549 (hereinafter called "Landlord"), and **GUNKS HOLDINGS CORP.**, a New York corporation having an address at 536 Main Street, New Paltz, NY 12561 (hereinafter called "Tenant").

1. Premises. Landlord, for and in consideration of the covenants contained in this Lease that are made by Tenant, hereby leases to Tenant, and Tenant hereby leases from Landlord, the following described lands situated at 192 North Bedford Road, Mt. Kisco, New York 10549 County of Westchester, State of New York (Tax Map No: 69.58-4-2) including the restaurant building situated thereon, said land being described in Schedule A attached hereto and made a part hereof, together with all of Landlord's easements, rights, hereditaments, privileges and appurtenances thereto, and all necessary easements and appurtenances in adjoining or adjacent land, highways, roads, streets, and lanes, whether public or private, reasonably required for the installation, maintenance, operation and service of sewers, water, gas, drainage, electricity and other utilities and for driveways and approaches to and from abutting highways, roads, streets, and lanes, whether public or private, for the use and benefit of the above described lands (collectively referred to as the "Premises"). Under no circumstances shall this Lease be recorded by either party, however Tenant shall be allowed to record a memorandum of Lease executed by both parties herein on or after the Commencement Date.

2. Improvements/Facilities. Landlord shall provide Tenant with site plans of the Premises as set forth on Schedule "B" attached hereto (the "Site Plans"). It is the intent of both parties herein to avoid any confusion and thus the Site Plans shall describe in detail the entire Premises to be leased by Tenant including but not limited to parking spaces, buildings, canopy, motor fuel dispenser, entrances, exits, rights of way, easements, etc.

3. Parties' Tax Compliance. The Parties shall provide one another with a duly completed W-9 form upon the Lease Commencement.

4. Definitions. Wherever used in this Lease, "Facility" means any establishment of such type as Tenant may select from time to time, including but not limited to, facilities for the retail sale of fuel, fuel products, automotive accessories and any associated uses, and/or facilities for motor vehicle fueling, repairs and services and any associated uses, and/or any convenience store, co-branded facility, food mart, restaurant, fast-food restaurant, and/or car wash, including any one of the foregoing uses or any combination thereof, provided that any of the foregoing uses are legally permissible uses pursuant to the Code of the Village/Town of Mount Kisco, the municipality in which the premises is

Page 2 of **GROUND LEASE** btw GAS21 Realty and GUNKS Holdings Corp (a wholly owned subsidiary of Chestnut Marts, Inc)...

This page left intentionally blank representing several pages of detailed lease agreement terms & conditions between the parties, including pricing, terms which the parties consider private.

25.24 *Counterparts*. This Agreement may be executed in any number of counterparts and any parties hereto may execute any such counterpart, each of which when executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument. This Agreement shall become binding when one or more counterparts taken together shall have been executed and delivered by the parties. It shall not be necessary in making proof of this Agreement or any counterpart hereof to produce or account for any of the other counterparts.

IN WITNESS WHEREOF, Landlord and Tenant have duly executed this Lease as of the day and year first written above.

GAS21 REALTY, INC.,
Landlord

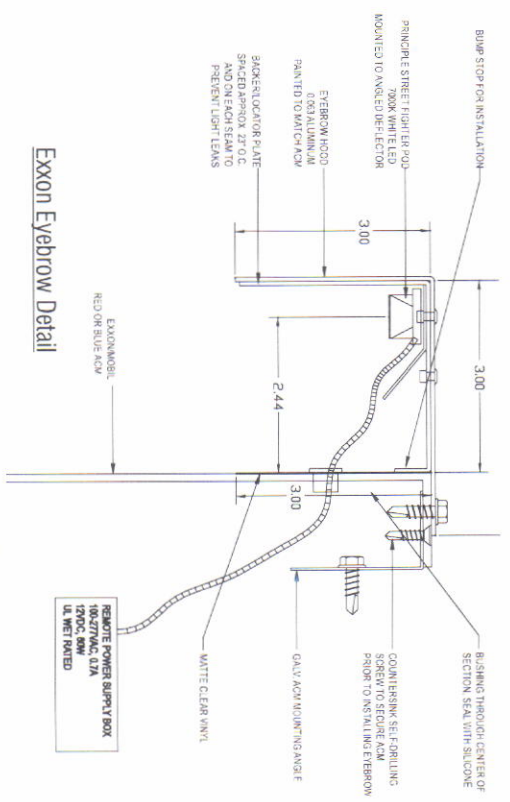
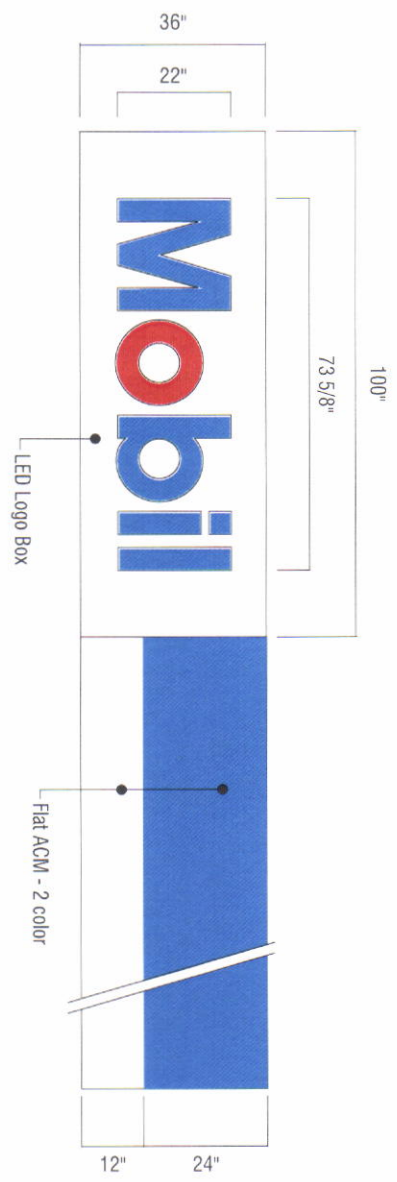
By: Indrajit Singh
Name: INDERJIT SINGH,
Title: PRESIDENT,

GUNKS HOLDINGS CORP.,
Tenant

By: Ric Etherly
Name: Ric Etherly
Title: General Manager

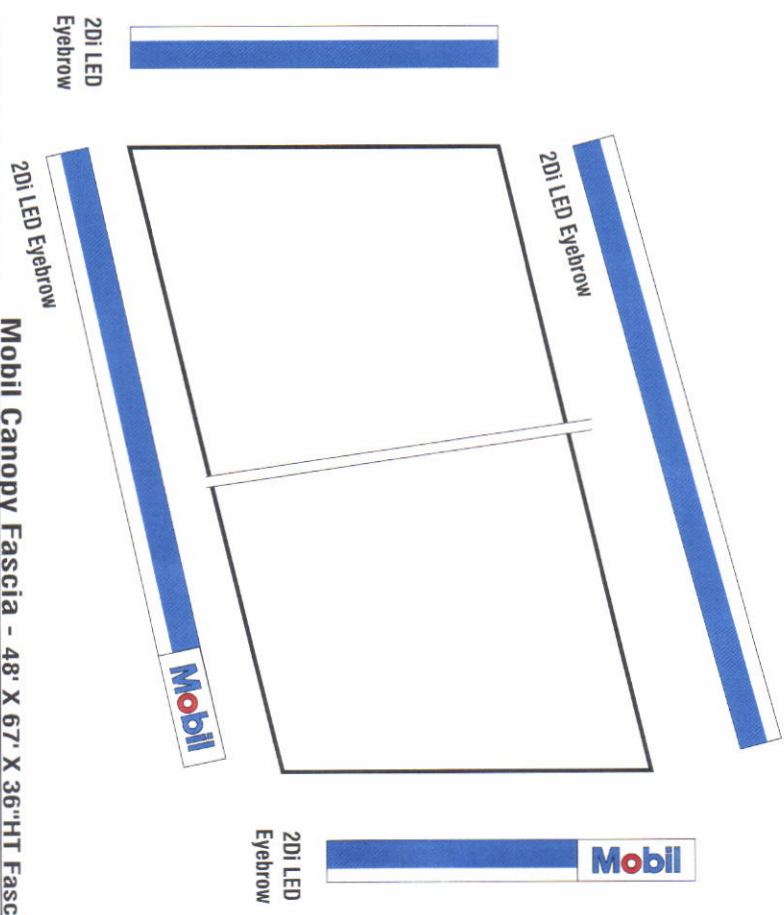






EXISTING

PROPOSED





Village/Town of Mount Kisco Building Department
104 Main Street
Mount Kisco, New York 10549
Ph. (914) 864-0019-fax (914) 864-1085

Village/Town of Mount Kisco
Zoning Board of Appeals

JAN 26 2021

RECEIVED

December 2, 2020

Mr. Robert Kimsal
132 Forest Drive
Mount Kisco, NY 10549

Re: Notice of Denial
132 Forest Drive
Mount Kisco, NY 10549
(SBL) 80.23-3-6

Dear Mr. Kimsal,

Your recent Building Permit application for the proposed driveway replacement with an additional side section has been denied for the following reasons:

1. The property is located in the RS-9, Moderate-Density One Family Residence District. It should be noted that the existing residence is non-complying, as it is located within the side yard setback where a minimum 10 foot side yard setback is required.
2. The proposed driveway/parking spot allows for a car to park within the building front and side yard setback. Therefore, a variance is required in accordance with §110-28 H (4) (a) of the *Village/Town of Mount Kisco Code*.
3. The proposed driveway/parking spot design allows for a car to park between the street line and the front wall of the principal structure on the lot. Therefore, a variance is required in accordance with §110-28 H (4) (c) of the *Village/Town of Mount Kisco Code*.
4. The proposed driveway/parking spot design requires a car to back out onto a public street. Therefore, a variance is required in accordance with §110-28 D (2) of the *Village/Town of Mount Kisco Code*.

You have the right to appeal this decision within 60 days.

Sincerely,

Peter J. Miley,
Building Inspector

\pat

Village/Town of Mount Kisco
Zoning Board of Appeals

Date: Feb 16, 2021

JAN 26 2021

Case No.: _____

Fee: \$130

RECEIVED

Date Filed: Jan 26, 2021

Village/Town of Mount Kisco
Municipal Building
104 Main Street, Mt. Kisco, NY 10549

Zoning Board of Appeals
Application

Appellant: ROBERT D. KIMSAL
Address: 132 FOREST DRIVE MOUNT KISCO 10549
Address of subject property (if different): _____

Appellant's relationship to subject property: ☒ Owner _____ Lessee _____ Other _____

Property owner (if different): _____
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, PETER J. MILEY
dated DEC 02, 2020. Application is hereby made for the following:

☒ Variation or _____ Interpretation of Section 110-28 H (4) (a), H (4) (c), + D(2)
of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance
of EXISTING DRIVEWAY w/ ADDITION OF SIDE SECTION

_____ in accordance with plans filed on (date) 10/26/2020
for Property ID # 80.23-3-6 located in the RS-9 Zoning District.
The subject premises is situated on the WEST side of (street) FOREST DRIVE
_____ in the Village/Town of Mount Kisco, County of Westchester, NY.
Does property face on two different public streets? Yes/No NO
(If on two streets, give both street names) N/A

Type of Variance sought: _____ Use ☒ Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? NO

Is there an approved site plan for this property? N/A in connection with a
_____ Proposed or _____ Existing building; erected (yr.) _____

Size of Lot: 75 feet wide 155 feet deep Area 11,625 (est.)

Size of Building: at street level 49 feet wide 33 feet deep

Height of building: 1 1/2 STORY Present use of building: SINGLE
FAMILY RESIDENCE

Does this building contain a nonconforming use? NO Please identify and explain: _____

Is this building classified as a non-complying use? NO Please identify and explain: _____

Has any previous application or appeal been filed with this Board for these premises?
Yes/No? NO

Was a variance ever granted for this property? NO If so, please identify and explain: _____

Are there any violations pending against this property? NO If so, please identify and explain: _____

Has a Work Stop Order or Appearance Ticket been served relative to this matter?
_____ Yes or ☒ No Date of Issue: N/A

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? NO

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on DECEMBER 2, 2022 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

*** Optional - As Needed**

I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true.

Robert D. Kinsor

(Appellant to sign here)

Sworn to before me this day of:

January 26, 20 21

NOTARY PUBLIC-STATE OF NEW YORK

No. 01RU6313298

Qualified In Putnam County

Commission Expires 10-20-2022

Notary Public,

Michelle K. Russo

, County, NY

[TO BE COMPLETED IF APPELLANT IS NOT THE PROPERTY OWNER IN FEE]

State of New York }

County of Westchester }

ss

Being duly sworn, deposes and say that he resides at _____ in the County of Westchester, in the State of New York, that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Mount Kisco, County of Westchester aforesaid and known and designated as number _____ and that he hereby authorized _____ to make the annexed application in his behalf and that the statements contained in said application are true.

(sign here)

Mr. Peter J. Miley
Building Inspector
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, NY 10549

January 26, 2021

Village/Town of Mount Kisco
Zoning Board of Appeals

JAN 26 2021

RECEIVED

Re: Appeal of Notice of Denial
132 Forest Drive
Mount Kisco, NY 10549
(SBL) 80.23-3-6

Dear Mr. Miley,

Please accept this notice that I would like to appeal the Notice of Denial, dated December 2, 2020, of my application to replace and add on to the existing driveway of our property at 132 Forest Drive and would like the attached application of appeal to be scheduled for a public hearing to request necessary variances.

- The Notice pointed out that the existing residence is non-complying since it is located in District RS-9 and does not have a 10 foot side yard setback. I request that an official variance be noted in the town's records for this non-conformance, which was as is when we purchased the property in 2009, and likely from the time of construction in 1961.
- The existing driveway is a one lane driveway and we are proposing to add a side parking pad to the south of the existing driveway, which would require adding a paved surface within 2 feet of the existing property line. This would require a variance from the requirement in Section 110-28 H (4) (a) that vehicles not be parked within the required side yard setback.
- The proposed driveway with side parking pad would allow for a car to be parked between the road and the front wall of the principal structure. This would require a variance from the requirement in Section 110-28 H (4) (c).
- The existing driveway is a one lane driveway and the proposed additional side parking pad would not allow room for a vehicle to turn around, so the driveway would require a car to back out onto Forest Drive in order to exit the driveway. This would require a variance from the requirement in Section 110-28 D (2).

I ask for these variances on the grounds that the modification to the existing driveway is minor, adding approximately 270 square feet, and results in a driveway that would be more functional for our use and would be consistent with the majority of homes in our neighborhood with respect to narrow setbacks from the side property lines and the need to back out onto public streets to exit the driveway.

Sincerely,

Robert D. Kimsal
Property Owner and Resident, 132 Forest Drive

JAN 26 2021

RECEIVED

Principal Points on Which this Application is Based

My understanding of the causes for the denial of my permit application to replace and add on to the driveway at 132 Forest Drive are that the driveway would not be far enough from the property line on the south side of the property, that the driveway should only be between the road and the garage door and that it would require a car exiting the driveway to back into Forest Drive, which is a public road.

The proposed work is to remove the existing driveway surface (asphalt) and replace with same, adding an additional area (nearest the garage) of about 20 feet long and 9 feet wide, then tapering into the existing driveway toward the road to the south of the existing driveway that would place it within 2 feet of the southern property line.

- The existing driveway, which was likely positioned due to the existence of native rock on the property, is already within the setback area on the south side of the property.
- Nearly all of the houses in the neighborhood have driveways located adjacent, or nearly adjacent, to a neighboring property, so the proposed plan would not look out of place.
- The existing driveway and nearly all of the driveways in the neighborhood require a car parked in the driveway to back out onto the street to exit the driveway.
- The additional parking pad allows for us to park two cars in the driveway and avoid parking on the road in the winter and from having to shuffle cars when two cars are parked in a line in the driveway and the first car in needs to exit.

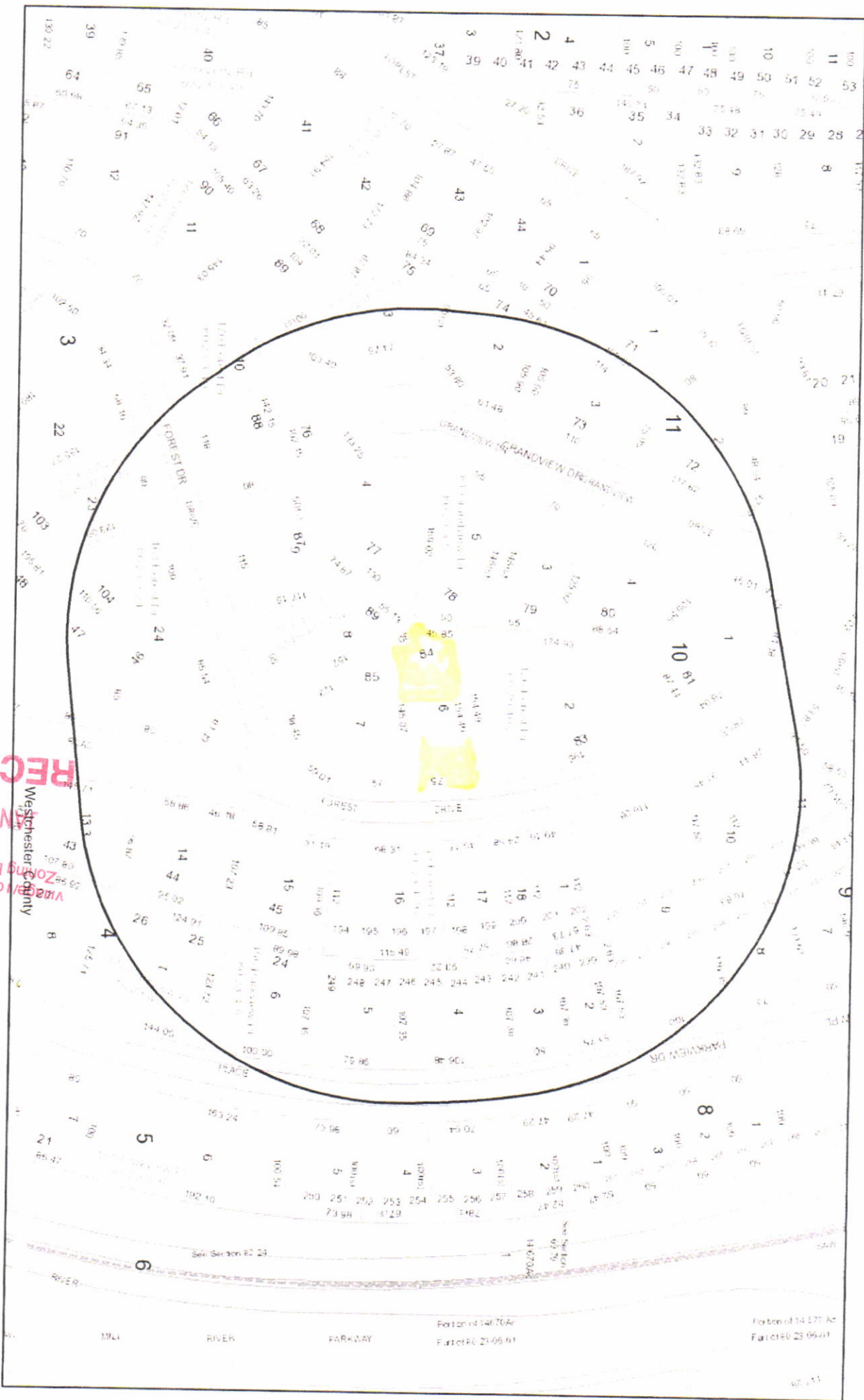
Specific to the factors that the Board considers, I believe there will be no undesirable change in the character of the neighborhood and no detriment to nearby properties. The requested variances are not substantial and I believe there will be no adverse impact on the physical or environmental conditions in the neighborhood.

Property Listing - Properties within 300' of 132 Forest Drive Mount Kisco, NY 10549

OWNERNAME	PROPADDRESS	PROPCITY	ZIP	PROPPRINTKEY	Mailing Address	City	State	Zip
Obrien, Susan M - Rev Trust of Susan M Obrien	82 Grandview Dr	Mt. Kisco	10549	80.23-3-2				
Alvarez Jose R - Luz Alvarez	88 Forest Dr	Mt. Kisco	10549	69.79-11-2				
Niedzwiedz, Robt - Ann Mary	81 Grandview Dr	Mt. Kisco	10549	80.23-3-5				
Miller Susan A - Helena M Montano	75 Grandview Dr	Mt. Kisco	10549	69.79-10-3				
Quiroz Erica - Andrew Connors	104 Forest Dr	Mt. Kisco	10549	69.79-10-1				
Spolzino, Robert A - Joan Spolzino	88 Grandview Dr	Mt. Kisco	10549	80.23-3-3				
Scopelliti Robert L	223 Beverly Rd	Mt. Kisco	10549	80.23-4-13.3	143 Moore Ave	Mt. Kisco	NY	10549
Scopelliti, Robert C - Barbara A Scopelliti	248 Beverly Rd	Mt. Kisco	10549	80.23-4-14	51 Ward Ave	Mt. Kisco	NY	10549
Bernstein, Stanley M - Marcia E Bernstein	120 Parkview Pl	Mt. Kisco	10549	69.79-9-8				
Goldberg, Michael - Kathleen Winterstein	128-130 Parkview Pl	Mt. Kisco	10549	69.79-9-9				
Wong, Caryna - Corwin Yu	132 Parkview Pl	Mt. Kisco	10549	80.23-4-2				
Vesei (fka Farago) Aniko - Carlos J Pacheco	171 Forest Dr	Mt. Kisco	10549	80.23-3-23				
Boucher, William J - Deborah A Boucher	85-93 Grandview Dr	Mt. Kisco	10549	80.23-3-4				
Porlanda, Alexander - Dorothy Porlanda	163 Forest Dr	Mt. Kisco	10549	80.23-3-24				
Palladino, Adriana - Christopher Palladino	28 Lafayette St	Mt. Kisco	10549	69.79-9-2				
Farrell Stephen J - Mizuho Farrell	140 Forest Dr	Mt. Kisco	10549	80.23-3-7				
Bernstein, Stanley M - Marcia Bernstein	117 Forest Dr	Mt. Kisco	10549	69.79-9-10	120 Parkview Dr	Mt. Kisco	NY	10549
Cook, James Scott - Alison Buck	135 Forest Dr	Mt. Kisco	10549	80.23-4-17	384 Succabone Rd	Mt. Kisco	NY	10549
Liebeck Glenn - Jill Resnick	72 Forest Dr	Mt. Kisco	10549	69.79-11-1				
Marie A Giardina Living Trust - Marie A Giardina	170 Forest Dr	Mt. Kisco	10549	80.23-3-10				
Porlanda Alexander K - Dorothy Porlanda	Beverly Rd	Mt. Kisco	10549	80.23-3-25	165 Forest Dr	Mt. Kisco	NY	10549
Kimsal, Robert D - Laurie A Kimsal	132 Forest Dr	Mt. Kisco	10549	80.23-3-6	N/A			
Tri-State Realty Assests LLC	160 Forest Dr	Mt. Kisco	10549	80.23-3-9				
Nahmias, Gil - Tina Nahmias	67 Grandview Dr	Mt. Kisco	10549	69.79-10-4				
Irrev. Trust, Andrew Brock - Andrew W Brock	126 Forest Dr	Mt. Kisco	10549	69.79-10-2				
Village/Town of Mount Kisco	47-53 Forest Dr	Mt. Kisco	10549	80.23-4-15	104 Main St	Mt. Kisco	NY	10549
Distefano Dolores - Patricia Castellone	116 Parkview Pl	Mt. Kisco	10549	69.79-9-7				
Ohare, Owen	170 Parkview Pl	Mt. Kisco	10549	80.23-4-7				
O'Connor, Patricia A	138 Parkview Pl	Mt. Kisco	10549	80.23-4-3				
Kilminster, Paul J - Rebecca L Kilminster	152 Parkview Pl	Mt. Kisco	10549	80.23-4-5				
Smith, David - Elizabeth P Duran-Smith	142 Parkview Pl	Mt. Kisco	10549	80.23-4-4				
Connors Jonathan	80 Grandview Dr	Mt. Kisco	10549	69.79-11-3				
Ruggiero, Michael - Denise Connolly	152 Forest Dr	Mt. Kisco	10549	80.23-3-8				
Distefano, Carmine - Dolores Distefano	111-115 Forest Dr	Mt. Kisco	10549	69.79-9-11	116 Parkview Pl	Mt. Kisco	NY	10549
Wong, Caryna - Corwin Yu	127 Forest Dr	Mt. Kisco	10549	80.23-4-1	132 Parkview Pl	Mt. Kisco	NY	10549
O'Connor, Patricia A	133 Forest Dr	Mt. Kisco	10549	80.23-4-18	138 Parkview Pl	Mt. Kisco	NY	10549
Cook, James Scott - Allison Buck	43 Forest Dr	Mt. Kisco	10549	80.23-4-16	384 Succabone Rd	Mt. Kisco	NY	10549
Duroapasad, Deepaul - latchman Duroapasad	176 Parkview Pl	Mt. Kisco	10549	80.23-4-8				
O'Connor, Richard - Marion O'Connor	156 Parkview Pl	Mt. Kisco	10549	80.23-4-6				

Village / Town of Mount Kisco
Zoning Board of AppealsJAN 26 2021
RECEIVED

132 Forest Dr. ID: 80.23-3-6 (Mount Kisco)



January 26, 2021

Tax parcel data was provided by local municipality. This map is generated 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 local municipality assessor's office.

1:1,500

0 70 140 280
ft

Westchester County GIS

<http://gis.westchestergov.com>

Michaelan Office Building
148 Marine Avenue Rm 214
White Plains, New York 10601

RECEIVED
JAN 26 2021
Zoning Board of Appeals
Village of Mount Kisco
Westchester County

JAN 26 2021

RECEIVED

Public Notice

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 16th day of February 2021 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Robert Kimsal

132 Forest Drive Mount Kisco, New York 10549

from the decision of Peter J. Miley, Building Inspector, dated December 2, 2020 denying the application dated October 26, 2020 to permit the removal, replacement and enlargement of the existing driveway. The property involved is known as 132 Forest Drive Mount Kisco, New York 10549 and described on the Village Tax Map as Section 80 Block 23 Lot 3-6 and is located on the west side of Forest Drive in a Moderate-Density One Family Residence (RD-9) Zoning District. Said Appeal is being made to obtain a variance from Section 110 of the Code of the Village/Town of Mount Kisco, which requires certain setbacks from the property line, certain placement of a driveway and the ability to exit the driveway without backing out.

Due to public health concerns associated with COVID-19 and in accordance with the Executive Order issued by Governor Cuomo suspending portions of the Open Meetings Law. However, the public may observe the proceedings in real time on the Village of Mount Kisco's website's Facebook link and may provide comments in writing by mail or electronically, as follows: Mail -Village Clerk/Zoning Board Secretary/Planning Board Secretary, 104 Main Street, Mount Kisco New York 10549; Fax - 914-864-1085; email planning@mountkisco.ny.gov or by phone at 914-864-0022.

Harold Boxer
Zoning Board of Appeals
Village/Town of Mount Kisco

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

ROBERT D. KIMSAL being duly sworn, deposes and says:

I reside at 132 FOREST DRIVE MOUNT KISCO, NY 10549

On FEB 4 20 21 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.

I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.

Robert D. Kimsal

Sworn to before me on this

4th day of February 20 21

Michelle K. Russo
(Notary Public)

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022



AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 31 day of January in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Reustman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Nicholas Reustman being duly sworn says that he/she is the principal clerk of **THE JOURNAL NEWS**, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, was published in the newspaper area(s) on the date (s) below:

Zone:
Westchester

Run Dates:
01/31/2021

[Signature]
Signature

Sworn to before me, this 31 day of January, 2021

Kathleen Allen
Notary Public, State of Wisconsin, County of Brown

KATHLEEN ALLEN
Notary Public
State of Wisconsin

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Story Point, Suffern, Telford, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004574486

Ad Number: 0004574486

Run Dates: 01/31/2021

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Robert Kimsal

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Harold Boxer
Zoning Board of Appeals
Village/Town of Mount Kisco
0004574486

132 Forks + Dr.

State of New York)
) ss:
County of Westchester)

AFFIDAVIT OF POSTING

Village/Town of Mount Kisco
Zoning Board of Appeals

FEB 03 2021

RECEIVED

Guillermo Gomez, being duly sworn, says that on the 3rd day of February 2021, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

X

Public Library
100 Main Street

X

Fox Center

X

Justice Court – Green Street
40 Green Street

X

Mt. Kisco Ambulance Corp
310 Lexington Ave

X

Carpenter Avenue Community House
200 Carpenter Avenue

X

Leonard Park Multi Purpose Bldg

X


Guillermo Gomez

Sworn to before me this 3rd day of February

Michelle K. Russo
Notary Public

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022



492440833DED1

Control Number
492440833

Village/Town of Mount Kisco
Zoning Board of Appeals

JAN 26 2021

Instrument Type

DED

RECEIVED



WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE
(THIS PAGE FORMS PART OF THE INSTRUMENT)

*** DO NOT REMOVE ***

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT: **DED - DEED**

FEE PAGES: 5

TOTAL PAGES: 5

RECORDING FEES

STATUTORY CHARGE	\$21.00
RECORDING CHARGE	\$25.00
RECORD MGT. FUND	\$19.00
RP 5217	\$125.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$195.00

MORTGAGE TAXES

MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
COUNTY TAX	\$0.00
YONKERS TAX	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
TOTAL PAID	\$0.00

TRANSFER TAXES

CONSIDERATION	\$620,000.00
TAX PAID	\$0.00
TRANSFER TAX #	1050

SERIAL NUMBER:

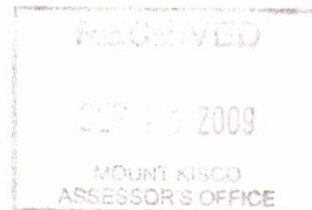
DWELLING:

RECORDING DATE: 9/16/2009

TIME: 11:27:00

THE PROPERTY IS SITUATED IN
WESTCHESTER COUNTY, NEW YORK IN THE:
TOWN OF MT. KISCO

TAXES PAID IN ALBANY



WITNESS MY HAND AND OFFICIAL SEAL

Timothy C. Idoni

TIMOTHY C. IDONI
WESTCHESTER COUNTY CLERK

8023-3-6 \$620,000.-
Record & Return to:
ROBYN L. ECKHAUS
2975 WESTCHESTER AVENUE

PURCHASE, NY 10577

T
V
Tx

County of Westchester and State of New York. Map was filed in the Westchester County Clerks Office, Division of Land Records, as map not subject to taxation.

Certified made in accordance with the Code of Practice of the NYSAPLS to: TitlePro Agency, LLC – New Jersey Title Insurance Company – Wells Fargo Bank, N.A.

—Robert Kimsal and Laurie Kimsal.

Surveyed: July 30, 2009

Title no: W-TP 904580

Scale is 1" to 20'

Survey 09-BL

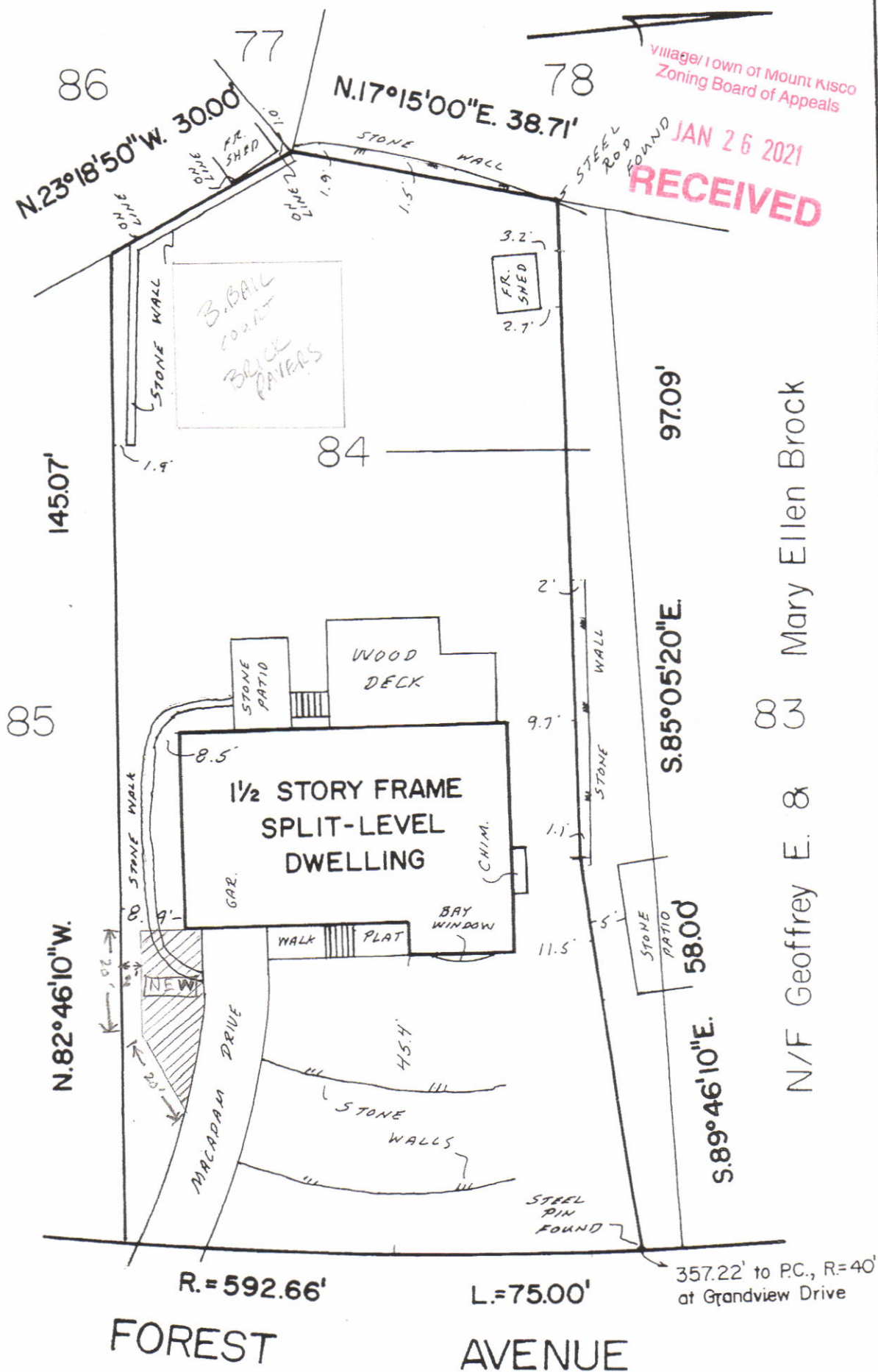
Philip A. Hall

NY LIC 49532

Christopher Crossland

P.O. Box 439

Fleetwood, NY 10552



Ken Alvarez
A & D Contracting
7 Garrity Blvd
Brewster, NY 10509

January 25, 2021

Village/Town of Mount Kisco
Zoning Board of Appeals

Peter Miley
Mount Kisco Building Inspector
104 Main Street
Mt. Kisco, NY 10549

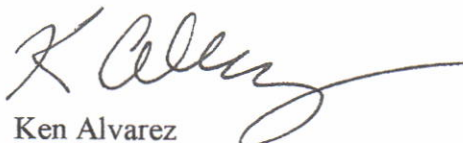
JAN 26 2021
RECEIVED

Re: Drainage under driveway at the Berger Residence, 55 Washburn Road, Mt. Kisco, NY

Dear Peter,

Regarding the drainage work in the driveway for 55 Washburn Road, we tied the leader line from the back of the house and the leader at the front/side of the garage into drainage lines that run under the median between the two neighboring driveways. We used 6-inch solid PVC pipe that ran down the median into 3 separate drywells, each one set deeper than the other. We then tied the drywell into the storm drain. A clean out valve was installed in the median as well.

Thank you,


Ken Alvarez

01

of 10

Boxwood (*Buxus*)



The Spruce / Cara Cormack

Boxwoods (*Buxus*) are broadleaf evergreens, meaning they have broad leaves like deciduous plants but keep their leaves in the winter. This makes them a very popular choice for hedges. They're fairly low maintenance, except for an annual pruning to maintain their shape and remove unhealthy portions. As a

bonus, boxwoods contain alkaloids that are distasteful to deer.

- ✦ **USDA Growing Zones:** 5 to 8
- ✦ **Color Varieties:** Dark green to yellowish-green foliage
- ✦ **Sun Exposure:** Full sun to part shade
- ✦ **Soil Needs:** Loamy, evenly moist, well-draining

Village/Town of Mount Kisco
Zoning Board of Appeals

JAN 26 2021

RECEIVED

W 91-1535

26140

SURVEY of LOT 72 as shown on:
MAP No. 3 AND A PORTION OF MAP No. 1
OF PROPERTY BELONGING TO MOUNT
KISCO HEIGHTS COMPANY" filed in West.
Co. Clerks Office, Division of Land Records
on Nov. 13, 1917 Volume 47 of Maps, Page 75.

DONALD R. CALABRESE ASSOC'S INC
LAND SURVEYORS
78 BROOK ST. SCARSDALE, N.Y. 10583
TEL(914) 723-0070 FAX(914) 723-8925

VILLAGE of MOUNT KISCO
TOWNS of BEDFORD & NEW
WESTCHESTER CO., N.Y.

Date: May 15, 1991 Scale: 1"=20' Job No.: 21,140

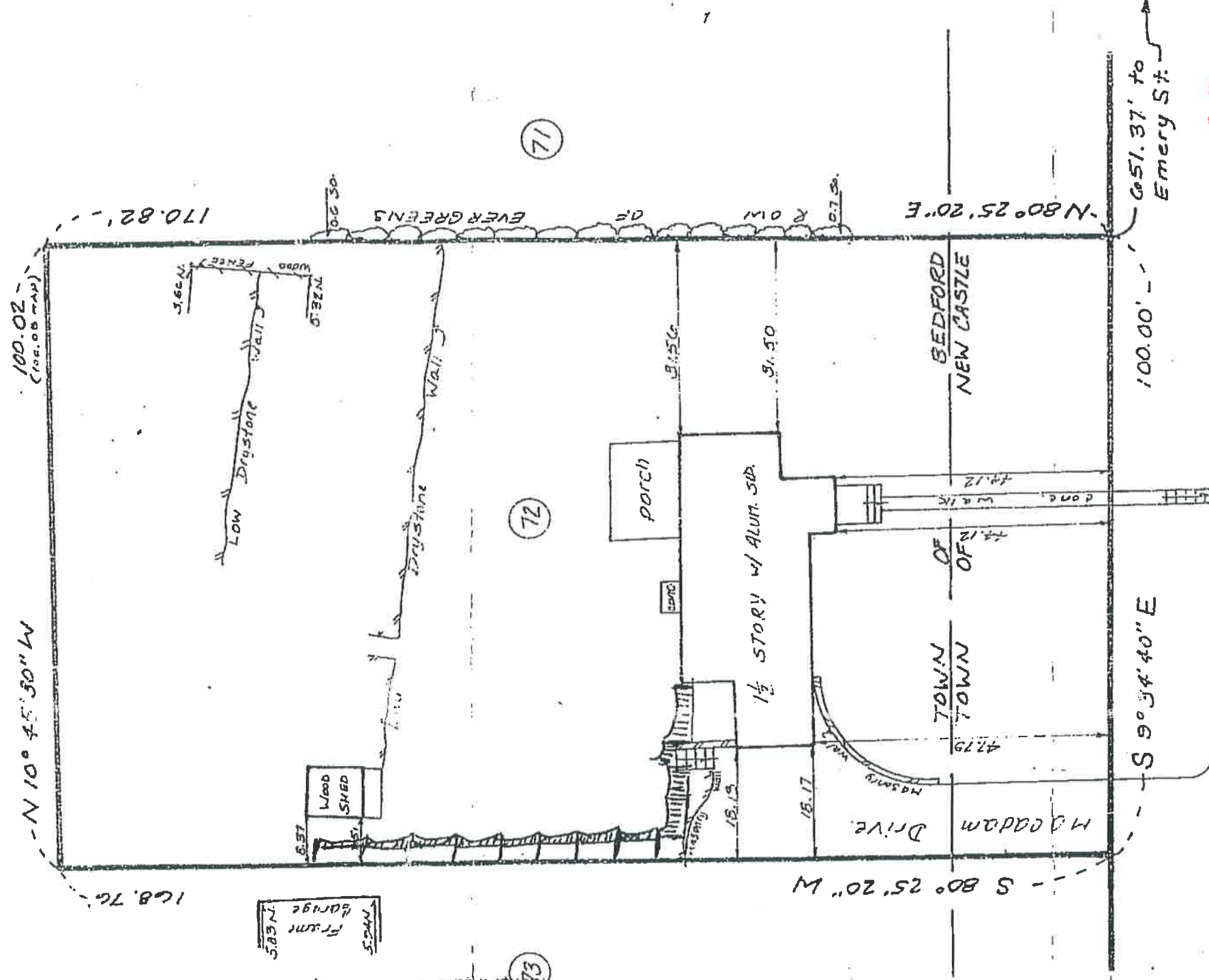
**"Unauthorized alteration or addition to a survey map
boasting a licensed land surveyor's seal is a violation of
section 7209, sub-division 2, of the New York State
Education Law."**

Certified to: Larry & Mary H. Palmerton
 -Poughkeepsie Savings Bank
 -Madison Abstract Inc.
 -Commonwealth Land Title Insurance Co.

In accordance with the minimum standards
 for title surveys of the N.Y.S. Land Title Assn.

11/2 The Swiss Benevolent Society

"Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the competent, governmental agency and lending institution. Certifications are not transferable to addressee institutions or subsequent owners."



**Village/Town of Mount Kisco
Zoning Board of Appeals**

JAN 26 2021

RECEIVED

WASHBURN ROAD

2640

DONALD R. CALABRESE ASSOC'S INC.
LAND SURVEYORS
78 BROOK ST.
SCARSDALE, N.Y. 10583
TEL(914) 723-0070 FAX(914) 723-8525

1971
 172
 N.Y.S.
 Paul E. Hughes
 105 NEW
 YORK
 STATE
 DEPARTMENT
 OF
 TAXATION
 NO. 46555

Certified true & correct H. Palmerston

- Fidelity Investments
- Fidelity Investments Bank
- Madison Abstract Inc.
- Commonwealth Land Title Insurance Co.

In accordance with the minimum standards for title surveys of the N.Y.S. Land Title Act

"Certifications indicated herein signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors. Said certification shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and landing institution listed herein, and to the assignees of the landing institution. Certifications are not transferable to addressees of such an institution."



JAN 26 2021

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William S. Null, Esq.,
wnull@cuddyfeder.com

02/08/2021

VIA EMAIL: planning@mountkisco.ny.gov

Mr. Harold Boxer, Chair, and
Members of the Zoning Board of Appeals
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: Application of SCS Sarles St. Community Solar Farm (180 S. Bedford Road)

Dear Chair Boxer and Members of the Zoning Board of Appeals:

On behalf of Sunrise Community Solar, LLC, we respectfully submit this letter requesting that this Board adjourn the Public Hearing on this Application from its February 16, 2021 meeting to the March 16, 2021 regularly scheduled meeting. At this time, the Planning Board, as Lead Agency under SEQRA has been continuing its review of the supplemental information submitted by our client. Based upon this Board's legal inability to act prior to the Planning Board's adoption of a SEQRA determination, we respectfully request this matter to be adjourned, as noted above.

Thank you for your consideration.

Respectfully yours,

William S. Null

William S. Null

cc: Doug Hertz, Sunrise Community Solar, LLC; Richard Williams, Jr., InSite Engineering; Peter Miley, Building Inspector; Whitney Singleton, Esq., Village Attorney; and Simon Kates, Buckhurst Fish & Jacquemart, Inc.

LAW OFFICES OF
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REPLY TO:
TARRYTOWN OFFICE

January 14, 2021

Honorable Chairman Harold Boxer
and Members of the Zoning Board of Appeals
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: 180 S. Bedford Road
Public Utility Wireless Telecommunications Facility
Homeland Towers, LLC & Verizon Wireless

Honorable Chairman and
Members of the Zoning Board of Appeals:

As you are aware, we are the attorneys for Homeland Towers, LLC ("Homeland Towers") and Verizon Wireless (together "Applicants") in connection with their application to place a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property").

In response to comments received from Andrew Campanelli, dated January 6, 2021, enclosed please find 10 copies of an Affidavit from Manny Vicente, President of Homeland Towers, confirming that Homeland Towers does not have the right or ability to relocate the Facility to other areas on the Property. Included as an attachment to the Affidavit is a copy of the letter from Skull Island Partners, LLC, the owner of the Property, marked received by the Village Planning Board on October 13, 2021 stating that "Homeland Towers has no right to relocate its use to another area of the Property."

We thank you for your consideration, and look forward to discussing this matter with the Zoning Board of Appeals at the public hearing on January 19, 2021. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: 

Robert D. Gaudio

RDG/djk

Enclosures

cc: Planning Board (14 copies under separate cover letter)

Applicants

Z:\SSDATA\WPDATA\SS3\RDG\Homelandtowers\Mount Kisco\NY172\ZBA Letter 1.13.21 (Skull Island Letter and VX Affidavit).rtf

PLANNING BOARD AND
ZONING BOARD OF APPEALS
TOWN/VILLAGE OF MOUNT KISCO

-----X
In the matter of the Application of

HOMELAND TOWERS, LLC and VERIZON WIRELESS

Premises: 180 S. Bedford Road
Mount Kisco, NY 10594

S-B-L: 80.44 – 1 – 1
-----X

**AFFIDAVIT OF MANUEL VICENTE IN SUPPORT OF APPLICATIONS FOR
SPECIAL PERMIT, SITE PLAN APPROVAL, STEEP SLOPE PERMIT,
AND APPEAL OF BUILDING INSPECTOR INTERPRETATION, OR IN THE
ALTERNATIVE A REQUEST FOR AREA VARIANCES, BY
HOMELAND TOWERS, LLC AND VERIZON WIRELESS
TO LOCATE A WIRELESS TELECOMMUNICATIONS FACILITY
AT 180 S. BEDFORD ROAD**

I, MANUEL VICENTE, make the following statement under oath and subject to penalty of perjury, and with the full understanding that this statement will be relied upon by the Mount Kisco Planning Board and Zoning Board of Appeals in connection with the above captioned matter:

1. Homeland Towers, LLC ("Homeland Towers") has a valid and binding lease agreement with Skull Island Partners, LLC ("Skull Island Partners") to lease space on its property at 180 S. Bedford Road, Mount Kisco, NY ("Property") for the installation of a wireless telecommunications facility ("Facility").
2. Homeland Towers does not have the right to install the Facility on any other location on the Property other than in the location depicted on the plans submitted to the Zoning Board and Planning Board. I have made this representation on numerous occasions in the past.
3. Homeland Towers has requested permission from Skull Island Partners to be able to place the Facility on other locations on the Property and Skull Island Partners refuses to allow the Facility on any other location on the Property other than in the location depicted on the plans. This was confirmed by Skull Island Partners in the letter, dated October 13, 2020, 2020, a copy of which is attached hereto as Exhibit 1.
4. I am in receipt of a letter with attachments from Andrew Campanelli, dated January 6, 2021.
 - a. The Homeland Towers lease in Bedford New York is irrelevant to its lease at the Property in Mount Kisco.

- b. Mr. Campanelli states: "... when Homeland Towers leases space to build a new cell tower, it *does not* lease a *specific location* on a proposed site." This statement is utterly false. In fact, Mr. Campanelli's arguments are based upon the false, misleading and incorrect reading of the irrelevant Bedford lease.
- c. Mr. Campanelli also incorrectly speculates that: "The Reason why Homeland Towers is refusing to produce its lease is likely because, under the terms of its standard lease, Homeland Towers has the contractual right to move its proposed tower to a less intrusive area on the 25-acre site at 180 S. Bedford Road." Mr. Campanelli's unsupported speculation is false. As noted above, Homeland Towers does not have the right to relocate the Facility on the Property. Homeland Towers considers its lease proprietary and as demonstrated by Mr. Campanelli's misleading speculation, we prefer to not submit our leases to the public record to avoid fishing expeditions and incorrect interpretations of its legal documents.
- d. Recital A of the Bedford lease defines the "Property" as the entire property at 43 Haines Road, Bedford NY. The Property is depicted on Exhibit A. Paragraph 2 defines the "Leased Premises" as the specific leased area on the Property as detailed by square footage and in the location depicted on Exhibit B. Homeland Towers does not have the right to simply relocated the Leased Premises on the Property. Section 7.b of the Bedford lease describes the "Telecommunications Facilities" as depicted in Exhibit C and provides Homeland Towers and its subtenants the ability to reconfigure the facilities (such as the equipment and antennas) within the Leased Premises. Nothing in Section 7.b allows Homeland Towers to relocate its Leased Premises on the Property. Speculation to the contrary is false.

Sworn to under penalty of perjury:


MANUEL VICENTE

President of Homeland Towers, LLC

January 13, 2021

Sworn to before me
this 14th day of January 2021


Notary Public

Exhibit 1

Rebecca Hall
Notary Public-Connecticut
My Commission Expires
August 31, 2023

Skull Island Partners letter dated October 13, 2020

SKULL ISLAND PARTNERS, LLC
1571 Oceanview Drive
Tierra Verde, Florida 33715-2538

Village/Town of Mount Kisco
Planning Board

October 13, 2020

OCT 13 2020

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Mr. John Bainlardi and Planning Board Members
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

RE: Site: 180 South Bedford Road, Mount Kisco, New York

Dear Mr. Bainlardi & Planning Board Members:

As the Manager of the owner of this 25-acre-plus Site, I am writing to confirm the following:

1. The Site is leased to SCS Sarles St. LLC and to Homeland Towers, LLC.
2. The portion of the Site that is leased to Homeland Towers is described in its Application to this Board. It is the only portion of the Site to which Homeland Towers has rights. Homeland Towers has no right to relocate its use to another area of the property.
3. In 2013, Skull Island Partners, LLC purchased the Site from Realis Development, LLC. There never was, and there is not now, any agreement for or any discussion of additional consideration to Realis Development or any of its owners or affiliates beyond the purchase price that was paid at closing.
4. I understand that Mr. Bainlardi was a member of Realis Development, LLC. I have never had, and do not now have, any business relationship, or personal relationship with Mr. Bainlardi other than the 2013 purchase of the Site from Realis.
5. Beginning in February 2018, Skull Island Partners, LLC negotiated with several solar operators interested in using the Site based upon Mt. Kisco's adoption of the Solar Energy regulations. For the record, SCS Sarles St. LLC was not one of those companies and Skull Island had no discussions with either it or Doug Hertz during that time.
6. It was not until more than a year later, in March 2019, that Skull Island held discussions with Doug Hertz and SCS Sarles St. LLC, which discussions began well after the Village's adoption of the Solar Energy regulations.

Please incorporate this letter in the record of the Planning Board's proceedings.

Sincerely,

SKULL ISLAND PARTNERS, LLC

By: _____
David Seldin, Manager