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April 27, 2021

Harold Boxer, Chair
Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 27 2021

RECEIVED

Re: **215 Lexington Avenue**
Parcel Id. # 80.32-4-6

Honorable Chair and Members of the Board:

I. INTRODUCTION

This firm represents the Bagnato 205 Lexington Ave Corp (the "Applicant"), owner of the property located at 215 Lexington Avenue, Mount Kisco, New York (the "Subject Property") in connection with this area variance application. On March 9, 2021, the Applicant received site plan approval from the Planning Board for the renovation of a mixed-use building, construction of three attached townhouses, and related site improvements. Pursuant to the resolution of approval (attached hereto as **Exhibit A**), the Applicant must satisfy several conditions, including obtaining area variances from your Board. The purpose of this letter is to transmit an application for the requested area variances and to request placement on your May 18, 2021 agenda.

For the reasons set forth below, we submit that the requested variances, if granted, are the minimum relief required and will not have an adverse impact on the neighborhood.

II. SUBJECT PROPERTY

The Subject Property is located at 215 Lexington Avenue and is identified on the Tax Assessment map of the Town/Village of Mount Kisco as Tax Parcel # 80.32-4-6. The relevant Portion of the tax map is attached hereto as **Exhibit B**. Aerial images of the site are attached hereto as **Exhibit C**. The Subject Property is located in the CN Neighborhood Commercial Zoning District, which permits residences above commercial retail and townhomes as principal permitted uses.

The Subject Property is approximately 0.26 acres and is currently improved with an approximately 4,315 s.f. four-family mixed use building, which contains a retail store on the ground floor and four apartments above. In addition to the existing building, the Subject Property had previously been improved with a single-family dwelling and garage that fronted on Maplewood Drive. Unfortunately, approximately 6 years ago, the single-family dwelling was

destroyed in a fire. Just south of the existing mixed-use building is a small, previously approved, parking area.

III. PROPOSED DEVELOPMENT

The Applicant is proposing to retain the mixed-use building in its current location and to add three new attached townhomes with parking for both the townhomes and the mixed-use building on the rear of the property. The proposed townhomes will be attached to the existing building via a covered walkway and the exterior finishes of the buildings will be identical. This proposal also includes improvements to the sidewalk, curbing, landscaping, elimination of all curb cuts on Lexington Avenue and restoration of 3 on-street parking spaces.

Prior to submitting this application to your Board for the required variances, the Applicant spent several months before the Planning Board obtaining Site Plan Approval. The Applicant's initial submission to the Planning Board proposed a 6-8-unit apartment building. After several meetings with the Town/Village's staff and the Planning Board, the Applicant, with input and direction, from both staff and the Planning Board, modified its plans to reflect the current proposal. On March 9, 2021, the Planning Board, by a vote of 6-1, granted final site plan approval, subject to, among other things, receipt of the required area variances from your Board.

In support of this variance application, the following plans are enclosed herewith:

1. Existing Conditions, Demolition and Layout Plan, prepared by Alfonzetti Engineering, P.C., dated June 8, 2020, last revised December 8, 2020;
2. Turning Radius Study Plan, prepared by Alfonzetti Engineering, P.C., dated August 11, 2020, last revised December 8, 2020;
3. Sheet A1 – Streetscape Elevations Lexington Ave, prepared by Federico Associates, dated June 5, 2020, last revised January 13, 2021;
4. Sheet A2 – Streetscape Elevations Maplewood Ave, prepared by Federico Associates, dated June 5, 2020, last revised January 13, 2021;
5. Sheet A3 – Rear & Right Elevations (East & South), prepared by Federico Associates, dated June 5, 2020, last revised January 13, 2021;
6. Project Rendering
7. Survey, prepared by TC Merritts Land Surveyors, dated February 22, 2013, last revised November 10, 2020; and
8. Landscape Plan, prepared by Stephen Lopez, AICP, RLA, dated October 26, 2020, last revised November 16, 2020.

IV. ZONING REQUIREMENTS AND NEED FOR A USE VARIANCE

The Subject Property is located in the CN Neighborhood Commercial Zoning District. Pursuant to § 110-18(A), “[t]he CN District is intended to provide for a mix of residential and highly restricted commercial uses.” Permitted uses in the CN district include residences above stores (*see* § 110-18(B)(1)(h)) and townhouses (*See* § 110-18(B)(1)(k)). As shown on the zoning compliance chart on the Site Plan enclosed herewith, the following variances are required:

1. **Front Yard Setback:** Pursuant to § 110-18(C)(7), the required front yard setback in the CN zone is 20 feet. In this case, the Applicant is proposing a front yard setback of 4.1 feet. Therefore, a variance of 15.9 feet is required.
2. **Parking Aisle Width:** Pursuant to Chapter 110 – Attachment 1 Parking Facility Standards, the required aisle width for parking spaces at 90 degrees is 25 feet. While the aisle width for 60% of the proposed parking spaces is 25 feet, the aisle width at parking spaces 7, 8, 9, and 10 is 19.5 feet. Accordingly, a 5.5 feet drive aisle width variance is necessary.
3. **Parking:** Pursuant to Chapter 110 Attachment 2, a total of 18¹ parking spaces are required for the proposed development.
 - 6.75 spaces for the new townhouses (2 per unit and .75 guests)
 - 9 for existing four family (2 per unit and 1 for guests)(4 spaces have been credited for the existing two-family dwelling.
 - 6 spaces for the 1,200 s.f. retail store (1 per each 200 s.f.)

In this case, 10 parking spaces are being provided. Therefore, a variance for 8 spaces is required.

4. **Building Coverage:** Pursuant to § 110-18(C)(7)(b)(2), the maximum building coverage for townhomes is 35%. The proposed development has a building coverage of 35.47%. Therefore, a variance of 0.47% is required.
5. **Development Coverage:** Pursuant to § 110-18(C)(7)(b)(3), the maximum development coverage is 65%. The proposed development coverage is 78.7%. Accordingly, a variance of 13.7% is required.

V. STANDARDS FOR GRANTING AN AREA VARIANCE

A. Statutory Provisions: New York State Town Law § 267-B(3) and New York State Village Law § 7-712(B)(3): These sections of the State’s Town and Village Law provide the framework

¹ Please note that the Applicant has received a credit of four (4) parking spaces for the previously existing 2-family house.

and statutory underpinning for the Zoning Board's review of area variances. These sections provide as follows:

"3. Area variances. (a) The zoning board of appeals shall have the power, upon an appeal from a decision or determination of the administrative official charged with the enforcement of such local law, to grant area variances as defined herein.

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

(c) The board of appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

B. Application of Area Variance Standards to the Present Application:

1. Overall Standard: The overall standard that governs the Zoning Board's review of area variances is a balancing test set forth in Town Law § 267-B(3) and Village Law § 7-712(B)(3). This standard requires the Zoning Board of Appeals to balance "...the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant." The State statute then provides the Zoning Board with five specific considerations to take into account in evaluating the balancing test set forth above.

It is respectfully submitted that the granting of these variances will not be a detriment to the health, safety, and welfare of the neighborhood or community, but it will be a great benefit to the Applicants.

On balance, and for the reasons set forth below, we feel that the Applicant is entitled to the requested variance.

2. Specific Standards for Zoning Board Review:

a. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance:*

It is respectfully submitted that the granting of the requested area variances will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The Subject Property is located in the CN zoning district. The stated intent of the CN district is "to provide for a mix of residential and highly restricted commercial uses." Further, in 2019, the zoning code was amended to include townhouses as a principal permitted use. In this case, the Applicant is renovating the exterior of the existing structure, which contains retail on the first floor with apartments above, and proposing three new 2-bedroom townhomes. This development proposal is in keeping with intent and character of the CN district.

First, with respect to the front yard setback, the proposed development is in keeping with the character of the surrounding neighborhood. To the north are multi-family houses that are built right up to the sidewalk. In this case, the proposed setback is in keeping with the surrounding properties and will not result in an undesirable change in the character of the neighborhood or be a detriment to nearby properties.

Second, the deficient parking aisle width will not result in an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties.

Third, the development proposal requires a total of 18 parking spaces and 10 are being provided. The need for parking in this area is mitigated by the fact that the Subject Property is within walking distance to public transportation; the train station is just over one-half mile away and the nearest bus stop is approximately one quarter mile away. Further, the Subject Property is within walking distance to the downtown area. Finally, for foregoing reasons, the Applicant is willing contractually limit the number of cars that a tenant can have to one per residential unit.

Fourth, with respect to building coverage, the applicant is over the maximum allowable limit by 0.47%. This slight increase in building coverage will not have an undesirable change in the character of neighborhood nor will it be a detriment to nearby properties.

Fifth, with respect to development coverage, it is respectfully submitted that the additional development coverage over what is allowable will have a positive impact on the character of the community and be a benefit to neighboring properties. The addition of three new townhouses, the exterior renovations to the existing structure, and the restoration of

sidewalk, curbing, and landscaping will create a beautiful and cohesive street scape that will benefit not only the applicant, but also the entire neighborhood.

For the foregoing reasons, the granting of the requested variances will not result in a change in the character of the neighborhood or be a detriment to nearby properties.

b. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance:*

It is respectfully submitted that in order to re-develop the Subject Property incorporating the existing building into the townhouse design and create a cohesive street scape, there is no feasible alternative to pursue other than the area variances.

c. *Whether the requested area variance is substantial:*

- i. **Minimum Front Yard Setback:** As stated above, the minimum front yard setback requirement is 20 feet. Currently, the existing building has a front yard setback of 0.5 feet. This is considered a pre-existing legal non-conformity. The proposed front yard setback for the new townhouses is 4.1 feet, a deficiency of 15.9 feet. While this variance could be considered substantial, it is respectfully submitted that the proposed setback is in keeping with the character of the properties to the north and south of the subject property. As you can see on our plans, the townhouse buildings were placed so as to line up with the building on the adjoining property. To set the townhomes back further would create an undesirable "sawtooth" effect.
- ii. **Aisle Width:** It is respectfully submitted that the requested variance from the minimum aisle width is not substantial. The required parking aisle width is 25 feet. In this case, the parking the aisle width at parking spaces # 7, 8, 9, and 10 is only 19.5, a deficiency of 5.5. feet. Further, in order to ensure that access into and out of those 4 parking spaces is adequate, the width of the spaces has been increased from 9 feet to 11 feet.
- iii. **Required Number of Parking Spaces:** Pursuant to Chapter 110 Attachment 2, the development proposal requires a total of 18 parking spaces and 10 are being provided. While this requested variance represents a 45% reduction in the parking that is required, which is substantial, there are extenuating circumstances that mitigate any impacts associated with the granting of the variance. As stated above, the need for parking in this area is alleviated by the fact that the Subject Property is within in walking distance to public transportation; the train station is just over one-half mile away and the nearest bus stop is just over a quarter mile away. Further, the Subject Property is within walking distance to the downtown area. Finally, for foregoing reasons, the Applicant is willing contractually limit the number of cars that a tenant can have to one per residential unit.

- iv. **Maximum Building Coverage:** Pursuant to § 110-18(C)(7)(b)(2), the maximum allowable building coverage is 35%. In this case, the Applicant is proposing a total building coverage of 35.47%. It is respectfully submitted that a variance of 0.47% is not substantial. Further, it should be noted that but for the roof connecting the existing building to the proposed new townhomes, the building coverage would be under 35%.
- v. **Maximum Development Coverage:** Pursuant to § 110-18(C)(7)(b)(3), the maximum development coverage is 65%. The Applicant is seeking a development coverage of 78.7%, which requires a 13.7% maximum development coverage variance. It is respectfully submitted that this is not a substantial variance.

d. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental condition in the neighborhood or district:*

It is respectfully submitted that the requested variance will have no adverse effect or impact on the physical or environmental condition in the neighborhood or district.

e. *Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the area variance:*

It is respectfully submitted that the alleged difficulty was not self-created. The redevelopment of the Subject Property is being driven by the location of the existing building, the neighboring building to the south, and the desire to create a cohesive street scape that blends into the surrounding neighborhood. It should be noted that pursuant to both the State Statute and case law, this criterion shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Based on the foregoing, a balancing of all the factors supports the granting of the requested variance. There will be a significant benefit to the Applicant if the requested variance is granted with no harm to the neighboring properties. Therefore, the interests of justice will clearly be served by the granting of the area variance.

3. **Application of Balancing Tests:** The standard that the Zoning Board of Appeals must use in evaluating this request for an area variance is the benefit to the Applicant if the variance is granted, compared to any detriment to the health, safety and welfare of the neighborhood or community created by such grant. In this case, there will be no detriment to the health, safety and welfare of the neighborhood, while the benefit to the Applicant is significant.

The analysis of the specific factors set forth above clearly demonstrates that the benefit to the Applicant outweighs any detriment to the health, safety and welfare of the neighborhood. For all of the foregoing reasons, it is respectfully requested that the variances sought herein be granted.


VI. CONCLUSION

Attached hereto as **Exhibits D and E**, please find a completed application form for this variance request and a Short Environmental Assessment Form, respectively, together with the application fee in the amount of \$500.

Please place this matter on the agenda for the Zoning Board's May 18, 2021 meeting and advise if any additional information is required.

If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Kory Salomone

EXHIBIT A

RECEIVED

APR 26 2021

Mount Kisco
Office of the Village Clerk

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

**SITE PLAN APPROVAL
CHANGE OF USE PERMIT
215 LEXINGTON AVENUE**

**Sheet 80.32, Block 4, Lot 6
Cal #2016-0328**

March 9, 2021

WHEREAS, the subject property consists of ± 0.26 acre of land and is located at 215 Lexington Avenue within the Neighborhood Commercial (CN) Zoning District; and

WHEREAS, the subject property is located on the corner of Lexington Avenue and Maplewood Drive; and

WHEREAS, the subject property is owned by Bagnato 205 Lexington Avenue Corp. ("the applicant"); and

WHEREAS, the subject property is developed with a unlawful, dimensionally noncomplying three-story (4-family) apartment building with $\pm 1,200$ s.f. of commercial use on the ground floor and an attached 1-story commercial building located immediately to its south; an existing non-complying parking area is located adjacent to Lexington Avenue and consists of six (6) perpendicular spaces; and

WHEREAS, a residence and garage had been located on the subject parcel but have since been demolished and removed; and

WHEREAS, the applicant is proposing the legalization and exterior renovation of the existing 4-family apartment building and the construction of three (3) new townhomes to be located along Lexington Avenue; a parking area consisting of 10 spaces is proposed to the rear of the building, with access from Maplewood Drive ("the proposed action"); and

WHEREAS, a proposed covered walkway will connect the existing building to the proposed townhomes; and

WHEREAS, the proposed action includes landscaping, lighting, installation of accessible parking, the increase of greenspace along Maplewood Drive, the installation of street trees, and the ability to provide three (3) new on-street parking spaces on Lexington Avenue; and

WHEREAS, reference is made to the following drawings prepared by Federico Associates, dated (last revised) January 13, 2021:

- Streetscape Elevations Lexington Ave (A1)
- Streetscape Elevations Maplewood Ave (A2)
- Rear & Right Elevations (East & South) (A3)
- Ground Floor/Basement Plans (A4)
- First Floor Plans (A5)
- Second Floor Plans (A6)

WHEREAS, reference is made to review memoranda prepared by the Building Inspector, Village Planner, and Village Engineer of various dates; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review was not conducted; and

WHEREAS, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants site plan approval and approves the following plans (hereafter referred to as "the approved plans"), subject to the below conditions:

1. The following plans, prepared by Alfonzetti Engineering, P.C., dated (last revised) December 8, 2020:
 - Existing Conditions, Demolition and Layout Plan
 - Proposed Grading and Utility Plan
 - Erosion Control & Green Areas Plan
 - Site Details

- Turning Radius Study Plan
2. Lighting Plan, prepared by e-conolight, signed by Ralph Alfonzetti, P.E., dated (last revised) December 8, 2020
 3. Landscape Plan, prepared by Stephen Lopez, AICP, RLA, dated November 16, 2020; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants a waiver to permit permanent encroachments into the landscape buffer, as shown on the approved plans referenced herein; and

BE IT FURTHER RESOLVED THAT, in accordance with Section 110-38 of the Zoning Code, the Planning Board hereby grants a Change of Use Permit; and

BE IT FURTHER RESOLVED THAT, unless extended by the Planning Board within 6-months of the filing of this resolution, Conditions #1 – #6 shall be satisfied and approved plans shall be signed by the Planning Board Chairman. Construction shall commence within six (6) months of the date of this Resolution and all remaining conditions contained herein shall be satisfied within one (1) year of commencement of construction.

Conditions to be Satisfied Prior to the Signing of the Approved Plans:

1. Prior to the signing of the approved plans, it is the applicant's responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals shall be submitted to the Planning Board and the Building Department. In the event that such permit(s) require modification to the plans approved herein, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification(s) is substantive and should be returned to the Planning Board for review. The following outside agency permits/approvals have been identified by the applicant:
 - Area variances from the Village of Mount Kisco Zoning Board of Appeals (ZBA)
 - Village of Mount Kisco Architectural Review Board (ARB)
 - Village of Mount Kisco Department of Public Works (DPW) – to be issued prior to the commencement of work
 - Westchester County Department of Public Works
 - New York City Department of Environmental Protection (NYCDEP) Stormwater Pollution Prevention Plan (SWPPP) approval
 - New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) – to be issued prior to the commencement of work
2. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.

3. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
4. Payment of a recreation fee (3 units) in the amount required by the Village Board's schedule of fees, as applicable.
5. The applicant shall submit a "check set" (4 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
6. The approved plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved plans, signed and sealed by the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman. All plans shall have a common revision date.

Conditions to be Satisfied Prior to Commencement of Any Work:

7. The applicant shall obtain a Building Permit. A Building Permit shall not be issued until the Approved Plans have been signed by the Village staff and the Planning Board Chairman.
8. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
9. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS Licensed Land Surveyor, as determined necessary by the Village Engineer.
10. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector, and Village Engineer.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

11. The owner/applicant shall satisfy the above conditions and the approved plans shall be signed by Village staff and the Planning Board Chairman.
12. A pre-construction meeting shall be conducted with the applicants, contractor, Building Inspector, Village Engineer and Village Planner.
13. The Diamond Applicant shall demonstrate that coverage has been obtained under the NYSDC SPDES General Permit (GP-0-20-001).

Conditions to be Satisfied During Construction:

14. The Village Engineer and Village Planner shall have the right to inspect the property during construction.
15. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.
16. All proposed retaining walls more than four (4) feet in height shall be fully designed by a New York State Licensed Professional Engineer and to the satisfaction of the Building Inspector. Design drawings, details, and calculations shall be submitted to the Village Engineer and Building Inspector for review and approval.
17. All development activities shall be completed in accordance with the Approved Plans, subject to potential, non-substantive "field changes". For any reason, should modification to these plans be deemed necessary, the applicants shall contact the Building Inspector to review same and to determine if Amended Site Plan Approval is required. Any change to the construction details approved as part of the Approved Plans shall be reviewed and approved by the Building Inspector or Village Staff, as applicable.
18. Construction-related exterior lighting, equipment, and generators shall be turned off during non-working hours.
19. Construction activities shall be supervised by a NYS Licensed Professional Engineer.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

20. There shall be no Final Certificate of Occupancy issued, until there is full compliance with the plans approved herein and all conditions of this Resolution.
21. Prior to the issuance of a Final Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall be prepared to the satisfaction of the Village Engineer.
22. Prior to the issuance of a Final Certificate of Occupancy, all required landscaping installations shall be completed and inspected by the Village Planner; any plant substitutions shall be approved by the Village Planner prior to being installed.
23. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.

24. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Other Conditions:

25. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.
26. The Planning Board is to retain original jurisdiction.
27. The applicant shall be responsible for the installation (material/labor) associated with any improvements proposed on Village property, including the installation of landscaping, sidewalks, curbing, utilities, and the three (3) on-street parking spaces (if approved by the Village Manager).
28. All aspects regarding use, construction and operations at this site shall be fully compliant with Village Code, covenants, restrictions, and easements, and any other local, state or federal regulations.
29. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan. In the event that landscaping is not maintained to the satisfaction of the Village Engineer and/or Building Inspector, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.
30. No change of use and no expansion or intensification of use shall be permitted without Planning Board approval.
31. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan approval and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan or certificates of occupancy issued in conjunction therewith, null and void.

ADOPTION OF RESOLUTION


WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: John Bainlardi

The motion was seconded by: Crystal Pickard

The vote was as follows:

JOHN BAINLARDI	<u>AYE</u>
RALPH VIGLIOTTI	<u>NAY</u>
MICHAEL BONFORTE	<u>AYE</u>
WILLIAM POLESE	<u>AYE</u>
CRYSTAL PICKARD	<u>AYE</u>
JOHN HOCHSTEIN	<u>AYE</u>
BARBARA ROPPOLO	<u>AYE</u>



John Bainlardi, Acting Chairman

March 4, 2021

9

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Date: March 9, 2021

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Mount Kisco Planning Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Bagnato 205 Lexington Avenue Corp./The Crecco Companies

Lead Agency: Village/Town of Mount Kisco Planning Board

SEQRA Status: ☐ Type 1
 ☒ Unlisted

Conditioned Negative Declaration: ☐ Yes
 ☒ No

Coordinated Review: ☐ Yes
 ☒ No

Description of Proposed Action: the subject property is developed with a unlawful, dimensionally noncomplying three-story (4-family) apartment building with $\pm 1,200$ s.f. of commercial use on the ground floor and an attached 1-story commercial building located immediately to its south; an existing non-complying parking area is located adjacent to Lexington Avenue and consists of six (6) perpendicular spaces. A residence and garage had been located on the subject parcel but have since been demolished and removed. The applicant is proposing the legalization and exterior renovation of the existing 4-family apartment building and the construction of three (3) new townhomes to be located along Lexington Avenue; a parking area consisting of 10 spaces is proposed to the rear of the building, with access from Maplewood Drive.

Location: 215 Lexington Avenue, Mount Kisco, Westchester County, New York

Reasons Supporting This Determination: The Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c). Specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production.

The subject property is currently developed and has been previously disturbed. The proposed action will result in the legalization of a four-unit multifamily residence within an existing building and the construction of three (3) new townhome units. Approximately 40 trees are proposed to be removed; however, none of the trees are considered significant and the majority of the tree removal is associated with removing a row of evergreen trees along the southerly and easterly boundary lines. A landscape plan has been developed and efforts have been made to increase greenspace to the extent possible. Traffic safety will be improved via the removal of a noncomplying parking area along Lexington Avenue which requires the driver to back out onto a busy County road. Three (3) new on-street parking spaces are proposed along Lexington Avenue, in addition to the proposed 10 off-street spaces proposed to the rear of the building. The proposed action will result in limited land disturbance and new impervious cover and will have no negative impact on traffic, water/sewer demand, noise, air quality, ground or surface water or solid waste. On-site lighting has been designed in compliance with Village standards and refuse and recycling will be collected by the Village of Mount Kisco. The multifamily dwelling is presently served by municipal water and sewer services.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.

The proposed area of development has been previously disturbed. Approximately 40 trees are proposed to be removed; however, none of the trees are considered significant and the majority of the tree removal is associated with removing a row of evergreen trees along the southerly and easterly boundary lines. A landscape plan has been developed and efforts have been made to increase greenspace to the extent possible.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).

The subject property is not located within a Critical Environmental Area.

4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.

The proposed action is a permitted use within the underlying Zoning District and the proposed plan has been determined to be compliant with Village's Comprehensive Plan. Several area variances are required from the Zoning Board of Appeals; however, the variances are not substantial and

will not result in a negative impact to the neighborhood or community.

5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood.

The proposed action is not located in proximity to a protected historic, archeological or aesthetic resource. The exterior appearance of the existing apartment building will be made to match that of the new townhomes and the applicant is proposing streetscape improvements that will result in a positive change to the Lexington Avenue corridor.

6. The proposed action will not result in a major change in the use of either the quantity or type of energy.

The three (3) new townhomes will not result in a demand in electricity/energy that cannot be accommodated by the existing service.

7. The proposed action will not create a hazard to human health.

8. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.

9. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.

10. The proposed action will not create a material demand for other actions that would result in one of the above consequences.

11. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

12. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).

13. The Planning Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.


WHEREUPON, this Negative Declaration of Significance was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: John Bainlardi

The motion was seconded by: Crystal Pickard

The vote was as follows:

JOHN BAINLARDI	<u>AYE</u>
RALPH VIGLIOTTI	<u>NAY</u>
MICHAEL BONFORTE	<u>AYE</u>
WILLIAM POLESE	<u>AYE</u>
CRYSTAL PICKARD	<u>AYE</u>
JOHN HOCHSTEIN	<u>AYE</u>
BARBARA ROPPOLO	<u>AYE</u>

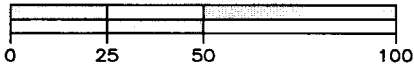
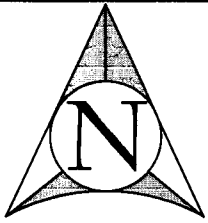


John Bainlardi, Acting Chairman

March 4, 2021

9

EXHIBIT B



SCALE: 1" = 50'

LEXINGTON AVE

203
LEXINGTON AVE
80.32-4-7

MAPLEWOOD DR

215
LEXINGTON AVE
80.32-4-6

10
MAPLEWOOD DR
80.32-4-5

4
MAPLEWOOD DR
80.32-4-4

227
LEXINGTON AVE
80.40-2-1

SMITH
AVENUE

ALFONZETTI ENGINEERING, P.C.
1100 ROUTE 52, CARMEL, N.Y. 10512
845 - 228 - 9800

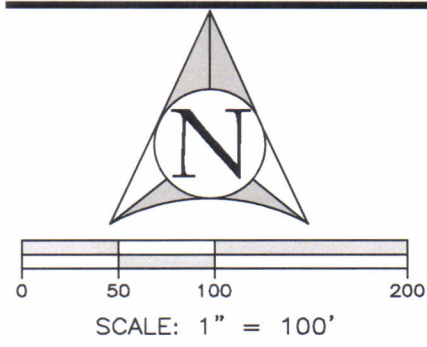
PROJECT:

215 LEXINGTON AVE
TOWN/VILLAGE OF MT. KISCO
WESTCHESTER COUNTY, NY

DRAWING:

TAX MAP EXHIBIT
APRIL 23, 2021

EXHIBIT C



ALFONZETTI ENGINEERING, P.C.
1100 ROUTE 52, CARMEL, N.Y. 10512
845 - 228 - 9800

PROJECT:

215 LEXINGTON AVE
TOWN/VILLAGE OF MT. KISCO
WESTCHESTER COUNTY, NY

DRAWING:

AERIAL EXHIBIT
APRIL 23, 2021

EXHIBIT D

Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

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

Zoning Board of Appeals
Application

Appellant: Bagnato 205 Lexington Ave Corp

Address: 215 Lexington Avenue, Mount Kisco, New York 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 February 24, 2021. Application is hereby made for the following:

☒ Variation or _____ Interpretation of Section 110-18(C)(7)
of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance
of three (3) townhouses and associated parking.

_____ in accordance with plans filed on (date) _____
for Property ID # 80.32-4-6 located in the CN _____ Zoning District.
The subject premises is situated on the East _____ side of (street) Lexington Avenue
_____ in the Village/Town of Mount Kisco, County of Westchester, NY.
Does property face on two different public streets? Yes/No yes
(If on two streets, give both street names) Lexington Avenue and Maplewood Drive

Type of Variance sought: _____ Use ☒ Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Site Plan approval granted on March 9, 2021, subject to receipt of the required variances.

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

Size of Lot: 117 feet wide 98 feet deep Area 0.8

Size of Building: at street level 46 feet wide 55 feet deep

Height of building: 31'-10" Present use of building: Mixed-use. Residential above retail.

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? 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 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? 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 _____ 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.

[Signature]
(Appellant to sign here)

Sworn to before me this day of: April 26, 2021

Notary Public, Westchester, County, NY

[Signature]

KORY SALOMONE
Notary Public, State of New York
No. 02SA6246270
Qualified in Westchester County
Commission Expires Aug. 22, 2023

[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)

EXHIBIT E

617.20
Appendix B
Short Environmental Assessment Form

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			
215 Lexington Ave			
Name of Action or Project: Site Plan			
Project Location (describe, and attach a location map): 215 Lexington Avenue			
Brief Description of Proposed Action: Portion of the site to be demolish and to be replaced with a driveway/parking and 3 unit townhouse.			
Name of Applicant or Sponsor: The Crecco Companies		Telephone: 914-222-1095 E-Mail: anthony@thecreccocompanies.com	
Address: 871 Commerce Street			
City/PO: Thornwood	State: NY	Zip Code: 10594	
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 governmental Agency? If Yes, list agency(s) name and permit or approval: Westchester Department of Health.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		0.26 acres	
b. Total acreage to be physically disturbed?		.20 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		.26 acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) 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 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? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 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 <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES If Yes, briefly describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	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 AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Anthony J. G. LLC</u>		Date: <u>6-8-20</u>
Signature: <u>[Signature]</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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 type="checkbox"/>	<input checked="" type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input checked="" 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"/>

	No, or small impact may occur	Moderate to large impact may occur
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"/>

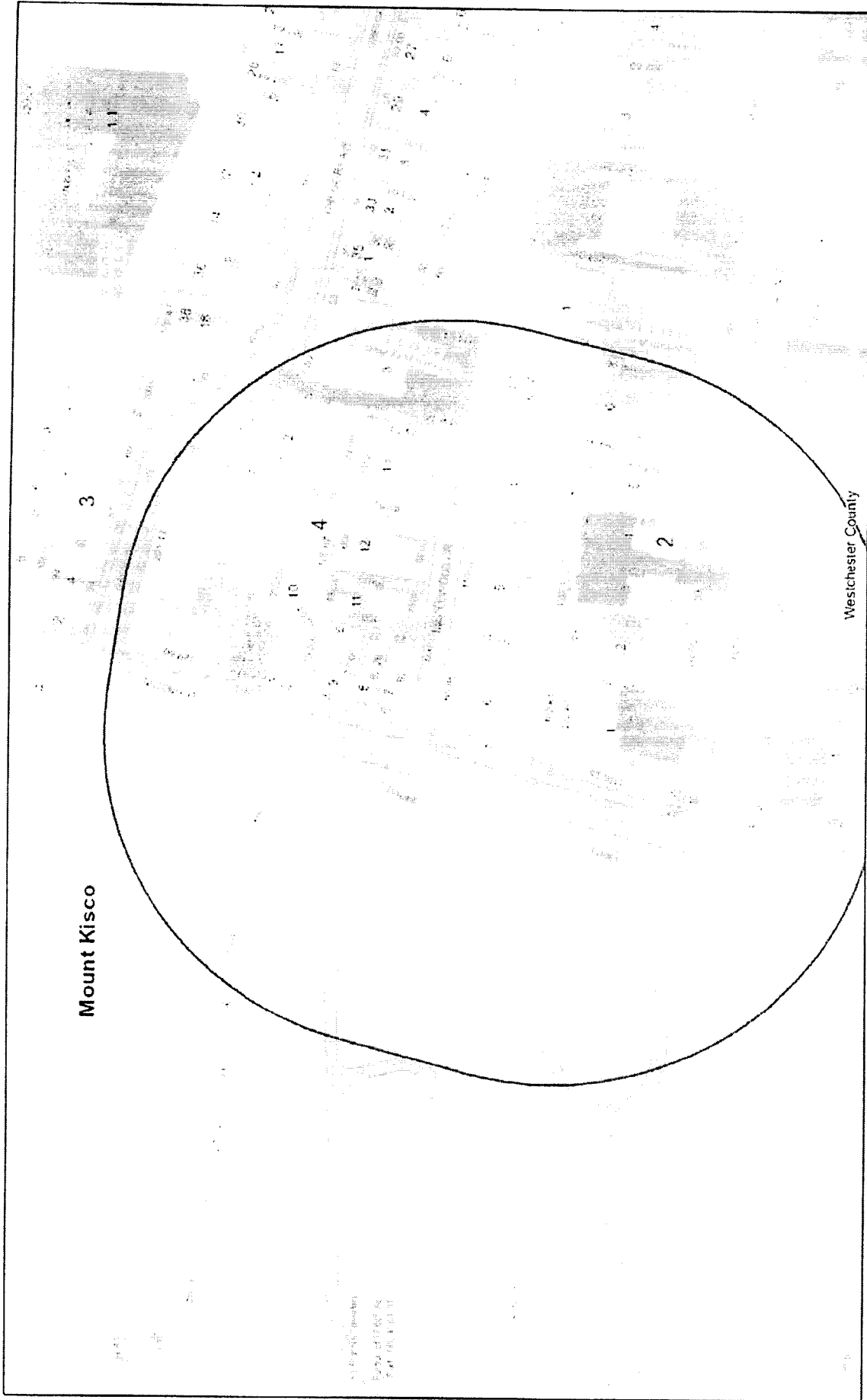
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant 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 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.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT

RESET

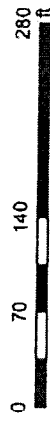
215 Lexington Ave. ID: 80.32-4-6 (Mount Kisco)



April 15, 2021

1:1,500

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.



Westchester County GIS
GIS
<http://giswww.westchester.gov.com>
Michaelian Office Building
148 Marine Avenue Rm 214
White Plains, New York 10601

OWNERNAME	PROPADDRESS	PROPCITY	PROFZIP	PROPRINTKEY	C/O	Mailing address	City	State	Zip
Reber John F - John F Reber Trust	122 Smith Ave	MOUNT KISCO	10549	80.40-3-2					
Amuso, Dominic	15 Maplewood Dr	MOUNT KISCO	10549	80.32-4-11			Norwalk	CT	06851
Bagnato Holding Co Inc	197 Lexington Ave	MOUNT KISCO	10549	80.32-4-10	Edward Bagnato	18 Overlook Rd			
St Francis Cemetery	Lexington Ave	MOUNT KISCO	10549	80.40-1-1		2 Green St	Mt Kisco	NY	10549
121 Smith Ave LLC	121 Smith Ave	MOUNT KISCO	10549	80.40-2-3		108 Smith Avenue	Mt.Kisco	NY	10549
Pugliese Matthew - Meghan Pugliese	108 Smith Ave	MOUNT KISCO	10549	80.40-3-3					
113 Smith Avenue Assoc	113 Smith Ave	MOUNT KISCO	10549	80.40-2-5					
Peralta Guido G - Lucia Peralta	4 Maplewood Dr	MOUNT KISCO	10549	80.32-4-4					
Delgado Julio	201 Lexington Ave	MOUNT KISCO	10549	80.32-4-8		465 Doansburg Rd	Brewster	NY	10509
People of the State of NY	1 Lex Ave-Smith Ave	MOUNT KISCO	10549	80.40-3-1.1	Dir. Real Estate Westchester Co.	148 Martine Ave, 9th Floor	White Plains	NY	10601
Bagnato 205 Lexington Ave Cor	215 Lexington Ave	MOUNT KISCO	10549	80.32-4-6	NA				
Jadan Enrique - Teresa Jadan	200 Lexington Ave	MOUNT KISCO	10549	80.32-4-9					
Bagnato Holding Co Inc	189 Lexington Ave	MOUNT KISCO	10549	80.32-4-1					
Reberville, LLC	227 Lexington Ave	MOUNT KISCO	10549	80.40-2-1	Edward Bagnato	18 Overlook Rd	Norwalk	CT	06851
Mathias Family Corporation	104 Smith Ave	MOUNT KISCO	10549	80.40-3-4		122 Smith Avenue	Mt.Kisco	NY	10549
Three Girls, LLC	241 Lexington Ave	MOUNT KISCO	10549	80.40-3-1					
Reber John F - John F Reber Trust	125 Smith Ave	MOUNT KISCO	10549	80.40-2-2					
Thomas Fatato Realty Corp	90 Gregory Ave	MOUNT KISCO	10549	80.32-4-3		122 Smith Avenue	Mt. Kisco	NY	10549
Lago, Bertha - Oswell Romero	10 Maplewood Dr	MOUNT KISCO	10549	80.32-4-5		592 Pacific Street	Brooklyn	NY	11217
Bon Ann LLC	117 Smith Ave	MOUNT KISCO	10549	80.40-2-4					
105 Smith Avenue LLC	105 Smith Ave	MOUNT KISCO	10549	80.40-2-6	Attn: Luigi Demasi	75 Grove Street	Mt. Kisco	NY	10549
Pinnetti, Nicola	99 Smith Ave	MOUNT KISCO	10549	80.41-1-1		16 Oakbrook Rd	Ossining	NY	10562
Gonzales Gustavo - Rosa E Gonzales	5 Maplewood Dr	MOUNT KISCO	10549	80.32-4-13		27 Manchester Dr	Mt. Kisco	NY	10549
Bermeo Claudio	100 Gregory Ave	MOUNT KISCO	10549	80.32-4-2		3 Maplewood Dr	Mt. Kisco	NY	10549
People of the State of NY	1 Lex Ave-Smith Ave	MOUNT KISCO	10549	80.40-2-1.1	c/o Dir. Real estate Westchester Co.	148 Martine Ave, 9th Floor	White Plains	NY	10601
Tapia, Alberto - Angelica Z Tapia	203 Lexington Ave	MOUNT KISCO	10549	80.32-4-7					
Amuso, Dominic Steven	9 Maplewood Dr	MOUNT KISCO	10549	80.32-4-12		200 Woodcrest Dr. unit 221	Mt. Kisco	NY	10549

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 18th day of May 2021 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Bagnato 205 Lexington Avenue Corp

(Name of Applicant)

c/o The Crecco Companies, 871 Commerce Street, Thornwood, New York 10594

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated February 24, 2021

(Date of Denial Letter)

denying the application dated to permit the renovation of an existing structure and the construction of three new townhouses with associated parking and landscaping.

(Proposed Work)

The property involved is known as 215 Lexington Avenue, Mount Kisco, New York

(Address of Property)

and described on the Village Tax Map as Section 80.32 Block 4 Lot 6

and is located on the east side of Lexington Avenue in a

east/west/n/s (Street Name)

CN Neighborhood Commercial Zoning District. Said Appeal is being made to obtain a

variance from Section(s): 118(C)(7)(b)(6)[a], Chapter 110-Attachment 1, Chapter 110-Attachment 2, 110-18(C)(7)(b)(2), and 110-18(C)(7)(b)(3) of the

(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires

- 110-18(C)(7)(b)(6)[a] requires a front yard setback of 20ft. 4.1 ft. are being provided; therefore, a 15.9ft. front-yard setback variance is required
- Chapter 110 – Attachment 1 requires that the aisle width for parking at 90 degrees shall be 25ft. The proposed drive-aisle width is 19.5; therefore, a 5.5 ft. drive-aisle width variance is required.
- Chapter 110 – Attachment 2 requires that 18 parking spaces be provided for the project. 10 parking spaces are being provided; therefore; an 8 parking space variance is required.
- 110-18(C)(7)(b)[2] limits the maximum building coverage to 35%. The proposed building coverage is 35.47%; therefore, a .47% maximum building coverage variance is required.

- 110-18(C)(7)(b)[3] limits the maximum development coverage to 65%. The proposed development coverage is 78.7%; therefore, a 13.7% maximum development coverage variance is required.
-

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



452000230DED5

Control Number
452000230

WIID Number
2005200-000098

Instrument Type
DED



**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	\$6.00
RECORDING CHARGE	\$15.00
RECORD MGT. FUND	\$19.00
RP 5217	\$75.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$120.00

TRANSFER TAXES

CONSIDERATION	\$479,000.00
TAX PAID	\$1,916.00
TRANSFER TAX #	22182

RECORDING DATE 07/22/2005
TIME 11:31:00

MORTGAGE TAXES

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

SERIAL NUMBER
DWELLING

THE PROPERTY IS SITUATED IN
WESTCHESTER COUNTY, NEW YORK IN THE:

TOWN OF NEW CASTLE

WITNESS MY HAND AND OFFICIAL SEAL

LEONARD N. SPANO
WESTCHESTER COUNTY CLERK

Record & Return to:
BLACKACRE TITLE AGENCY CORP
399 KNOLLWOOD RD STE 201

WHITE PLAINS, NY 10603

230

DAW+ - WSSU

4p
mtu

Form 6004

— Quitclaim Deed — Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

SC-8037
AKK-4
6-6

THIS INDENTURE, made the 20th day of April in the year 2005

BETWEEN

205 Lexington Ave. Mt. Kisco, LLC

party of the first part, and

Bagnato 205 Lexington Avenue Corp.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby remise, release and quitclaim unto the party of the part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See attached schedule "A"

This conveyance is made with the unanimous consent of the Limited Liability Company.

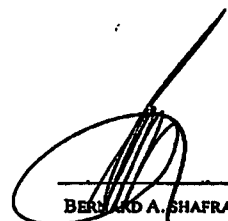
TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



BERNARD A. SHAFRAN, AS SOLE MEMBER OF
205 LEXINGTON AVE. MT. KISCO, LLC.

Blackacre Title Agency Corp.

399 Knollwood Road
White Plains, N.Y. 10608
Tel (914) 993-3344 Fax (914) 993-1433

SCHEDULE A

DESCRIPTION

Title Number: **BA-04-07-0552**

Section 80.32, Block 4, Lot 6, in the Town of Mount Kisco, County of Westchester.

ALL that certain plot, piece or parcel of land, situate lying and being in the Village of Mount Kisco, ~~Town of New Castle~~, Westchester County, New York, bounded and described as follows:

Parcel 1

BEGINNING at a point on the easterly side of Lexington Avenue distant northerly 244.47 feet measured along the easterly side of Lexington Avenue from the northerly side of Smith Street, said place of beginning being also the point of intersection of the easterly side of Lexington Avenue with the southerly side of a proposed street, running easterly from Lexington Avenue to land of one C.H. Mead;

RUNNING THENCE along the southerly side of said proposed street, South 67 degrees 4 minutes East 95.65 feet;

RUNNING THENCE South 28 degrees 8 minutes 10 seconds West to the northerly side of land now or formerly of Amuso Dominico and Pulicarø Teresa Dominico, his wife, as described in a certain deed recorded in the Office of the Register of Westchester County in Liber 2306 of Deeds at page 356, on the 7th day of May 1921;

RUNNING THENCE Northerly by and along the easterly side of Lexington Avenue 35 feet more or less to the point of beginning.

TOGETHER with an easement or right of way through and over said proposed street to and from Lexington Avenue, said proposed street to be 30 feet in width

Parcel 2

BEGINNING at a point on the easterly side of Lexington Avenue, which point is distant 35 feet southerly from the point formed by the intersection of the easterly side of Lexington Avenue with the southerly side of a proposed street, which said proposed street is more particularly shown on a survey entitled, "Map of property in possession of Mary U. Mackey, Village of Mount Kisco, Westchester County, N.Y." made and surveyed May 1907 by Frank G. Fowler, Civil Engineer and surveyor, Mt. Kisco, N.Y.;

Blackacre Title Agency Corp.

**399 Knollwood Road
White Plains, N.Y. 10608
Tel (914) 993-3344 Fax (914) 993-1433**

THENCE RUNNING in an easterly direction by and along other land now or formerly of Amuso Dominico and Pulicaró Teresa Dominico, his wife, 95.65 feet more or less to land now or formerly of Amuso Dominico and Pulicaró Teresa Dominico, his wife;

THENCE RUNNING South 28 degrees 8 minutes 10 seconds West 30 feet to the other land now or formerly of Amuso Dominico and Pulicaró Teresa Dominico, his wife;

THENCE RUNNING in a westerly direction to the easterly side of Lexington Avenue at a point 30 feet measured along the easterly side of Lexington Avenue from the point or place of BEGINNING.

THENCE in a northerly direction along the easterly side of Lexington Avenue 30 feet to the point or place of BEGINNING.

Parcel 3

BEGINNING at a point on the easterly side of Lexington Avenue, which point of beginning is distant northerly 127.25 feet as measured along the easterly side of Lexington Avenue from the northerly side of Smith Avenue and which point of beginning is the northwest corner of lands now or formerly of William Reber;

THENCE RUNNING along the easterly side of Lexington Avenue North 34 degrees 19 minutes 20 seconds East 52.22 feet to other lands of the party of the second part;

THENCE RUNNING along last mentioned land South 63 degrees 50 minutes 10 seconds East 99.26 feet to lands now or formerly of Sam Pasquale;

THENCE RUNNING in a southwesterly direction along last mentioned land South 31 degrees 07 minutes 00 seconds West 46.10 feet to the northerly line of lands of Reber aforesaid;

THENCE RUNNING in a northwesterly direction along last mentioned land North 67 degrees 03 minutes 10 seconds West 102.85 feet to the point and place of BEGINNING.

STATE OF NEW YORK, COUNTY OF

On the 20th day of April in the year 2005

, before me, the undersigned, personally appeared

Bernard A. Shafran

Bernard A. Shafran
, 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 on behalf of which the individual(s) acted, executed the instrument.

[Signature]
BARRY HANDEL
Notary Public, State of New York
No. 41-4821126
Qualified in Queens County
Commission Expires Jan. 30, 2008

STATE OF , COUNTY OF

On the day of in the year

before me, the undersigned, a Notary Public in and for said State, personally appeared

, the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

[add the following if the acknowledgment is taken outside NY State] and that said subscribing witness made such appearance before the undersigned in the (insert the city or other political subdivision and the State or country or other place the proof was taken).

Quitclaim Deed

TITLE NO. BA-04-07-0552

205 Lexington Ave. Mt. Kisco, LLC

TO

Bagnato 205 Lexington Avenue Corp.

Distributed By
Blackacre Title Agency Corp.

STATE OF

On the day of April in the year

2005, before me, the undersigned, personally appeared

, 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 on behalf of which the individual(s) acted, executed the instrument

[add the following if the acknowledgment is taken outside NY State] and that said individual made such appearance before the undersigned in the (insert the city or other political subdivision and the State or country or other place the acknowledgment was taken).

STATE OF , COUNTY OF

On the day of in the year

before me personally came

to me known, who, being by me duly sworn, did depose and say

that he resides at

that he is the

of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

SECTION 80.32

BLOCK 4

LOT 6

COUNTY OR TOWN WESTCHESTER

Recorded at Request of Blackacre Title Agency Corp.

RETURN BY MAIL TO:

PAUL COOPER
2 EXECUTIVE DRIVE
SUITE 201

Village/Town of Mount Kisco
Zoning Board of Appeals
MAY 11 2021

RECEIVED

AFFIDAVIT OF MAILING

STATE OF NEW YORK }
COUNTY OF WESTCHESTER } SS.:
}

Kory Salomone being duly sworn, deposes and says:

I reside at Ridgefield, CT 06877

On May 6 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.

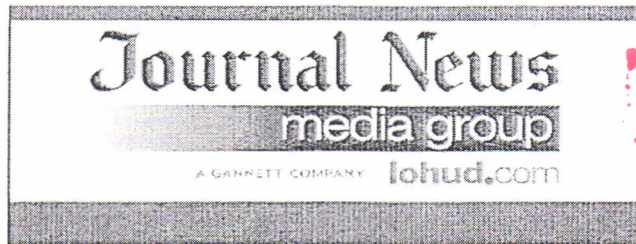
Kory Salomone

Sworn to before me on this

11th day of May 2021

Andrea Arrigoni
(Notary Public)

ANDREA ARRIGONI
Notary Public, State of New York
No. 01AR6147269
Qualified in Westchester County 22
Commission Expires May 30, 2022



Village/Town of Mount Kisco
Zoning Board of Appeals

MAY 11 2021

RECEIVED

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 2 day of May in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Penstrom, 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 Penstrom 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:
05/02/2021

Signature

Sworn to before me, this 2 day of May, 2021

Nancy Heyrman
Notary Public, State of Wisconsin, County of Brown

5.15.23
My commission expires

Legend:

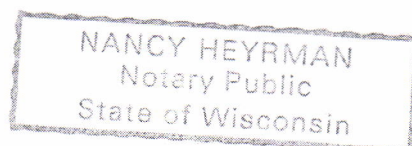
WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briardliff 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, Lincolnville, 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, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004712177



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 18th day of May 2021 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Bagnato 205 Lexington Avenue Corp

c/o The Crecco Companies, 871 Commerce Street, Thornwood, New York 10594

from the decision of Peter J. Miley, Building Inspector, dated February 24, 2021 denying the application to permit the renovation of an existing structure and the construction of three new townhouses with associated parking and landscaping.

The property involved is known as 215 Lexington Avenue, Mount Kisco, New York and described on the Village Tax Map as Section 80.32 Block 4 Lot 6 and is located on the east side of Lexington Avenue in a CN Neighborhood Commercial Zoning District. Said Appeal is being made to obtain a variance from Section(s): 118(C)(7)(b)(6)(a), Chapter 110-Attachment 1, Chapter 110-Attachment 2, 110-18(C)(7)(b)(2), and 110-18(C)(7)(b)(3) of the

Code of the Village/Town of Mount Kisco, which requires

- 110-18(C)(7)(b)(6)(a) requires a front yard setback of 20ft. 4.1 ft. are being provided; therefore, a 15.9ft. front-yard setback variance is required
- Chapter 110 – Attachment 1 requires that the aisle width for parking at 90 degrees shall be 25ft. The proposed drive-aisle width is 19.5; therefore, a 5.5 ft. drive-aisle width variance is required.
- Chapter 110 – Attachment 2 requires that 18 parking spaces be provided for the project. 10 parking spaces are being provided; therefore, an 8 parking space variance is required.
- 110-18(C)(7)(b)(2) limits the maximum building coverage to 35%. The proposed building coverage is 35.47%; therefore, a .47% maximum building coverage variance is required.
- 110-18(C)(7)(b)(3) limits the maximum development coverage to 65%. The proposed development coverage is 78.7%; therefore, a 13.7% maximum development coverage variance is required.

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

4712177

215 Lexington

Village/Town of Mount Kisco
Zoning Board of Appeals

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

AFFIDAVIT OF POSTING MAY 11 2021

RECEIVED

Gjon Rrotaj, being duly sworn, says that on the 11th day of May 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

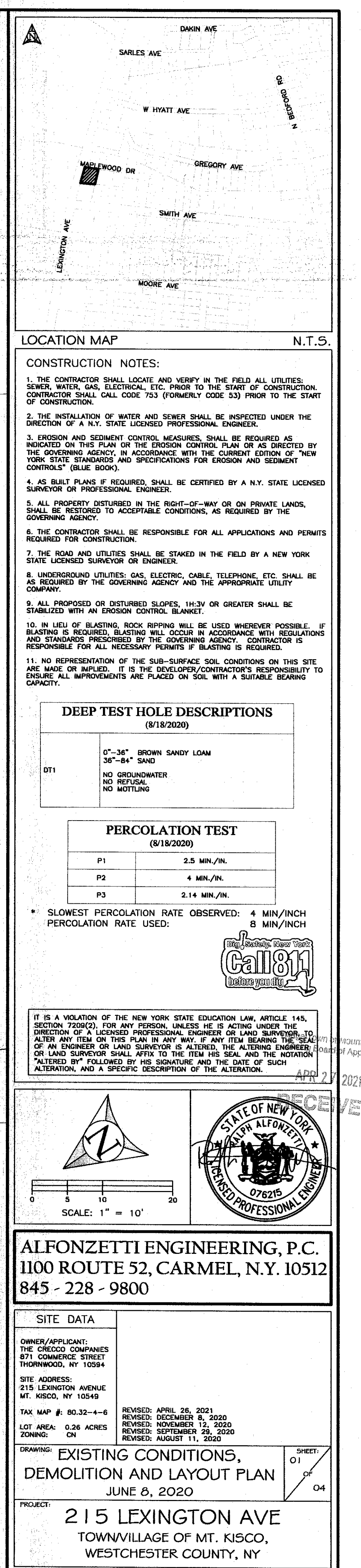
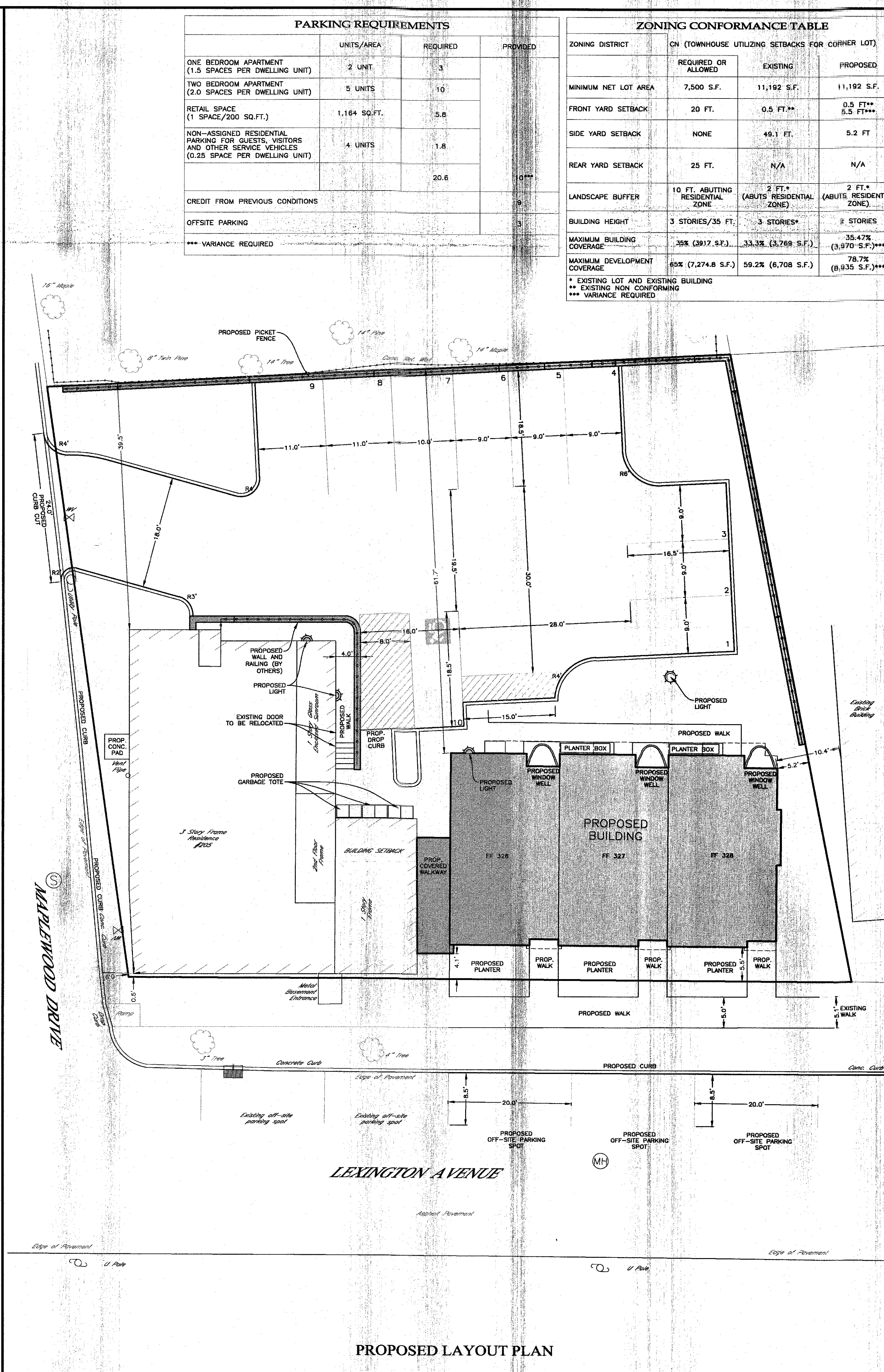
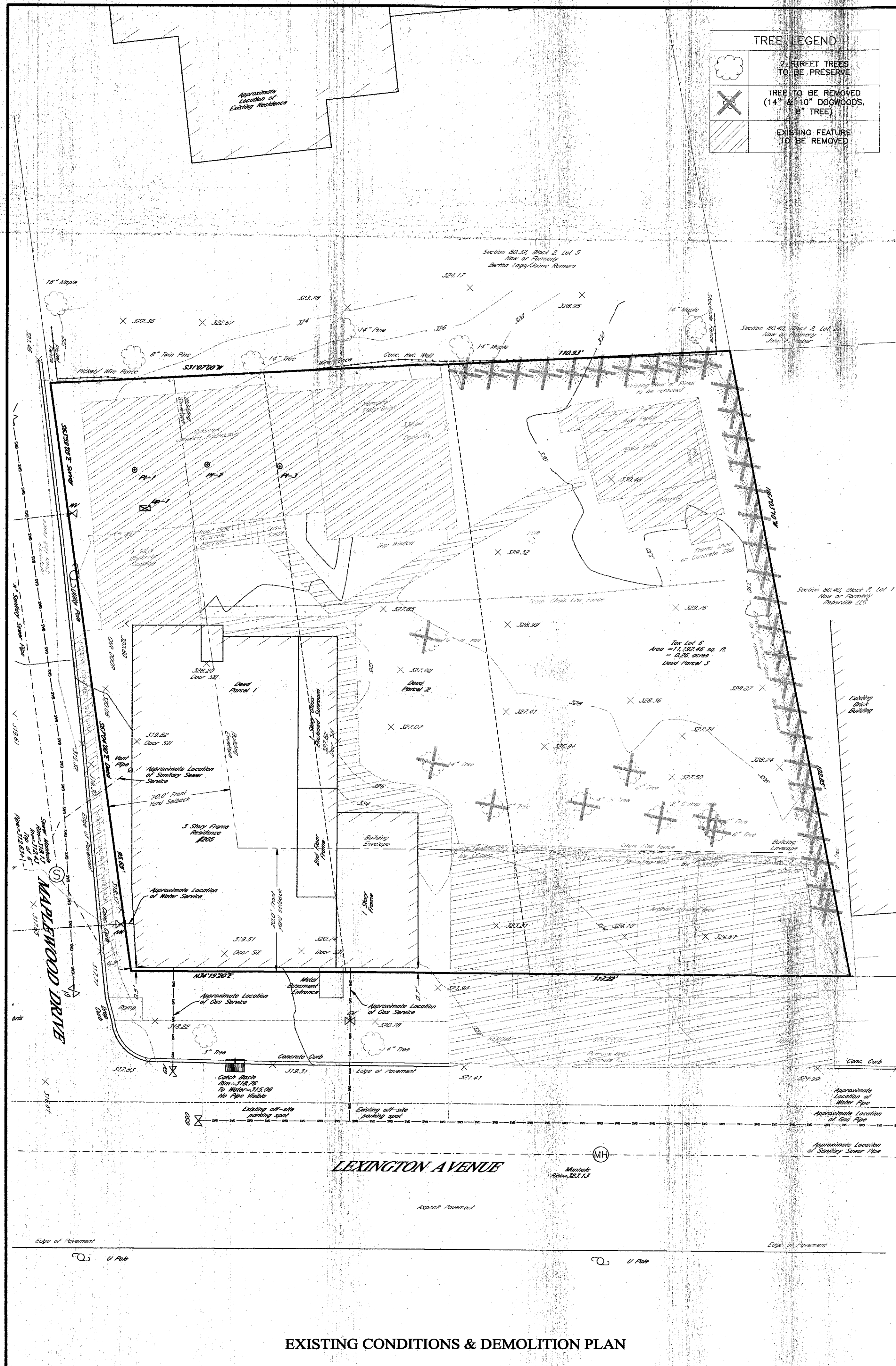
X

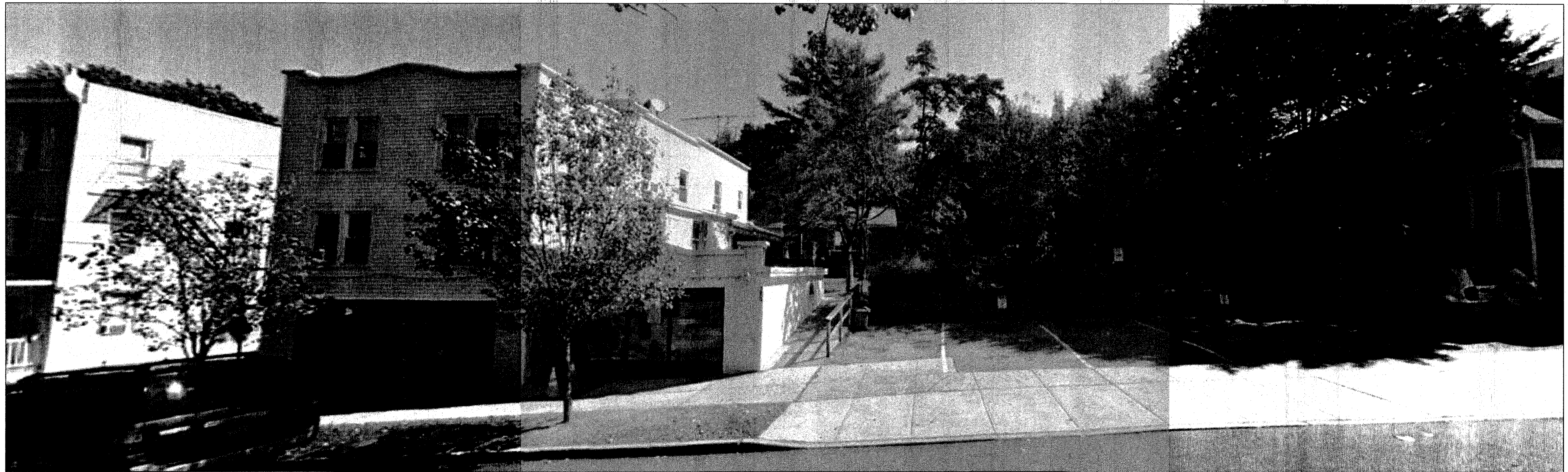

Gjon Rrotaj

Sworn to before me this 11th day of May 2021


Notary Public

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





EXISTING STREETScape ALONG LEXINGTON AVENUE

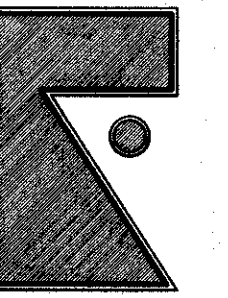


EXISTING BUILDING

PROPOSED TOWNHOUSE

PROPOSED STREETScape ALONG LEXINGTON AVENUE

SCALE: 1/4" = 1'-0"



FEDERICO
ASSOCIATES
295B South Broadway, Tarrytown
New York, 10591

phone: 914-693-5401

client:

Kensico
Development, LLC

871 Commerce Street
Thornwood, NY 10594

project:

Proposed
Redevelopment
of 215
Lexington Avenue

215 Lexington Avenue
Mount Kisco, NY

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS
DRAWING ARE A VIOLATION OF SECTION 9028 OF
THE REGULATIONS OF THE COMMISSIONER OF EDUCATION,
NEW YORK STATE EDUCATION LAW.

drawing title: VISION 100M - 100M IN 1000
Zoning Board of Appeals

APR 21 2021

RECEIVED
Streetscape
Elevations
Lexington Ave

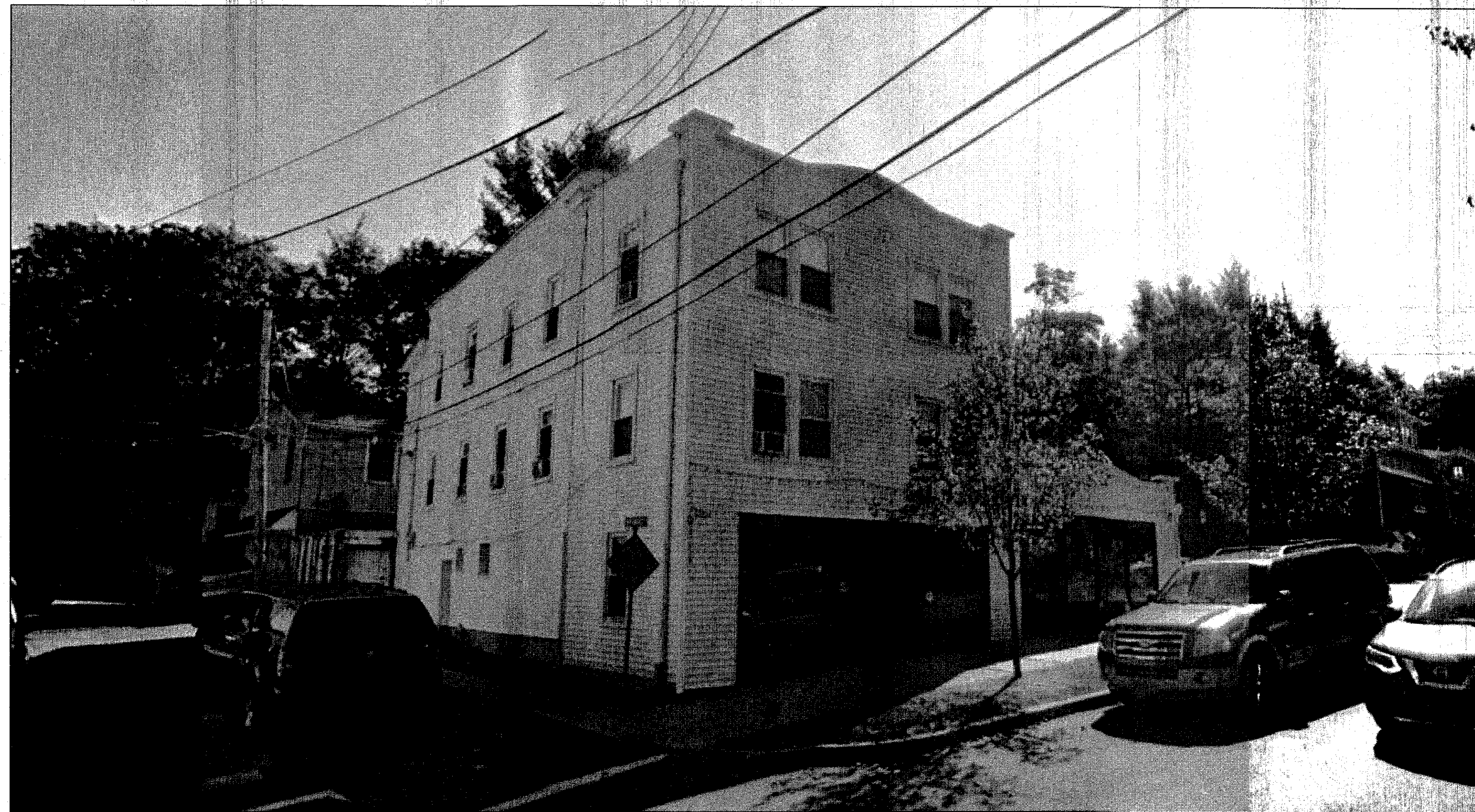
scale: 1/4" = 1'-0"
original date: June 5, 2020



Jan. 13, 2021 Added Right & Rear Elevations
Dec. 9, 2020 General Revisions
Aug 13, 2020 Existing Building Floor Plan
date: revision:

drawing number:

A1

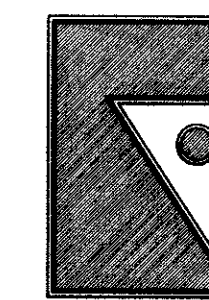


EXISTING STREETSCAPE ALONG MAPLEWOOD AVENUE



EXISTING BUILDING
PROPOSED STREETSCAPE ALONG MAPLEWOOD AVENUE

SCALE: 1/4" = 1'-0"



FEDERICO
ASSOCIATES
295B South Broadway, Tarrytown
New York, 10591

phone: 914-693-5401

client:

Kensico
Development, LLC

871 Commerce Street
Thornwood, NY 10594

project:

Proposed
Redevelopment
of 215
Lexington Avenue

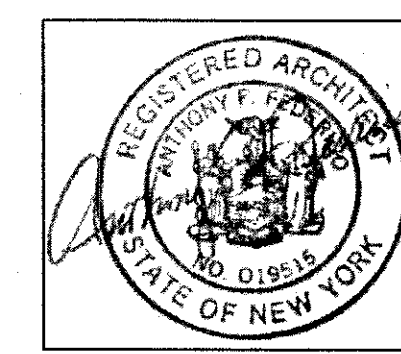
215 Lexington Avenue
Mount Kisco, NY

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS
DRAWING ARE A VIOLATION OF SECTION 86.05 OF
THE REGULATIONS OF THE COMMISSIONER OF EDUCATION,
NEW YORK STATE EDUCATION LAWS.

drawing title:

Streetscape
Elevations
Maplewood Ave

scale: 1/4" = 1'-0"
original date: June 5, 2020



Jan. 13, 2021 Added Right & Rear Elevations
Dec. 9, 2020 General Revisions
Aug. 13, 2020 Existing Building Floor Plan
date: revision:

drawing number:

A2

OF 6



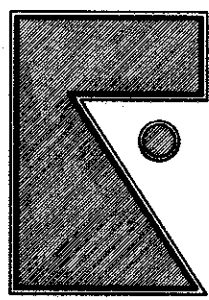
PROPOSED EAST (REAR) ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED SOUTH (RIGHT) ELEVATION

SCALE: 1/4" = 1'-0"



FEDERICO
ASSOCIATES
295B South Broadway, Tarrytown
New York, 10591

phone: 914-693-5401
client:

Kensico
Development, LLC

871 Commerce Street
Thornwood, NY 10594

project:

Proposed
Redevelopment
of 215
Lexington Avenue

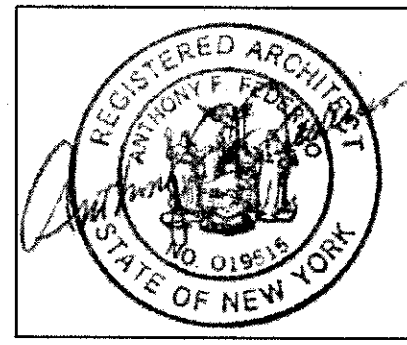
215 Lexington Avenue
Mount Kisco, NY

UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS
DRAWING ARE A VIOLATION OF SECTION 68.03 OF
THE REGULATIONS OF THE COMMISSIONER OF EDUCATION
NEW YORK STATE EDUCATION LAWS.

drawing title

Rear & Right
Elevations
(East & South)

scale: 1/4" = 1'-0"
original date: June 5, 2020



Jan. 13, 2021 Added Right & Rear Elevations
Dec. 9, 2020 General Revisions
Aug. 13, 2020 Existing Building Floor Plan
date: revision:

drawing number:

A3

Village/Town of Mount Airy
Zoning Board of Appeals

APR 27 2021

RECEIVED



Only copies from the original of this topography map marked with an original of the Land Surveyors embossed seal or red colored seal shall be considered to be true, valid copies.

Unauthorized alteration or addition to a map bearing a licensed Land Surveyors seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

Possession only where indicated.

Adjacent property lines and easements not surveyed or certified.
Access to adjacent rights of way, easements and public or private lands not guaranteed or certified.

Underground utilities shown hereon are approximate and should be verified before excavating.
Additional underground utilities are not shown or certified.
Encroachments and structures below grade, if any, not shown or certified.

Subject to covenants, easements, restrictions, conditions and agreements of record.

This map is prepared to show topography only and is not to be used for title transfer purposes. Map may not be certified to title companies and/or banks.

Tree species shown hereon to be verified by a licensed arborist and are not certified by surveyor.

Elevations shown hereon generally in accordance with North American Vertical Datum 88.

Reference: Deed Control No. 452000230.

Premises hereon being designated on the Village of Mount Kisco tax map as Section 80.32, Block 4, Lot 6

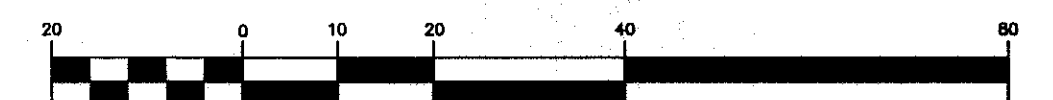
Property Address:
215 Lexington Avenue
Mount Kisco, NY 10549

TOPOGRAPHY OF PROPERTY PREPARED FOR BAGNATO 205 LEXINGTON AVENUE CORP.

SITUATE IN THE
VILLAGE OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 20'

GRAPHIC SCALE



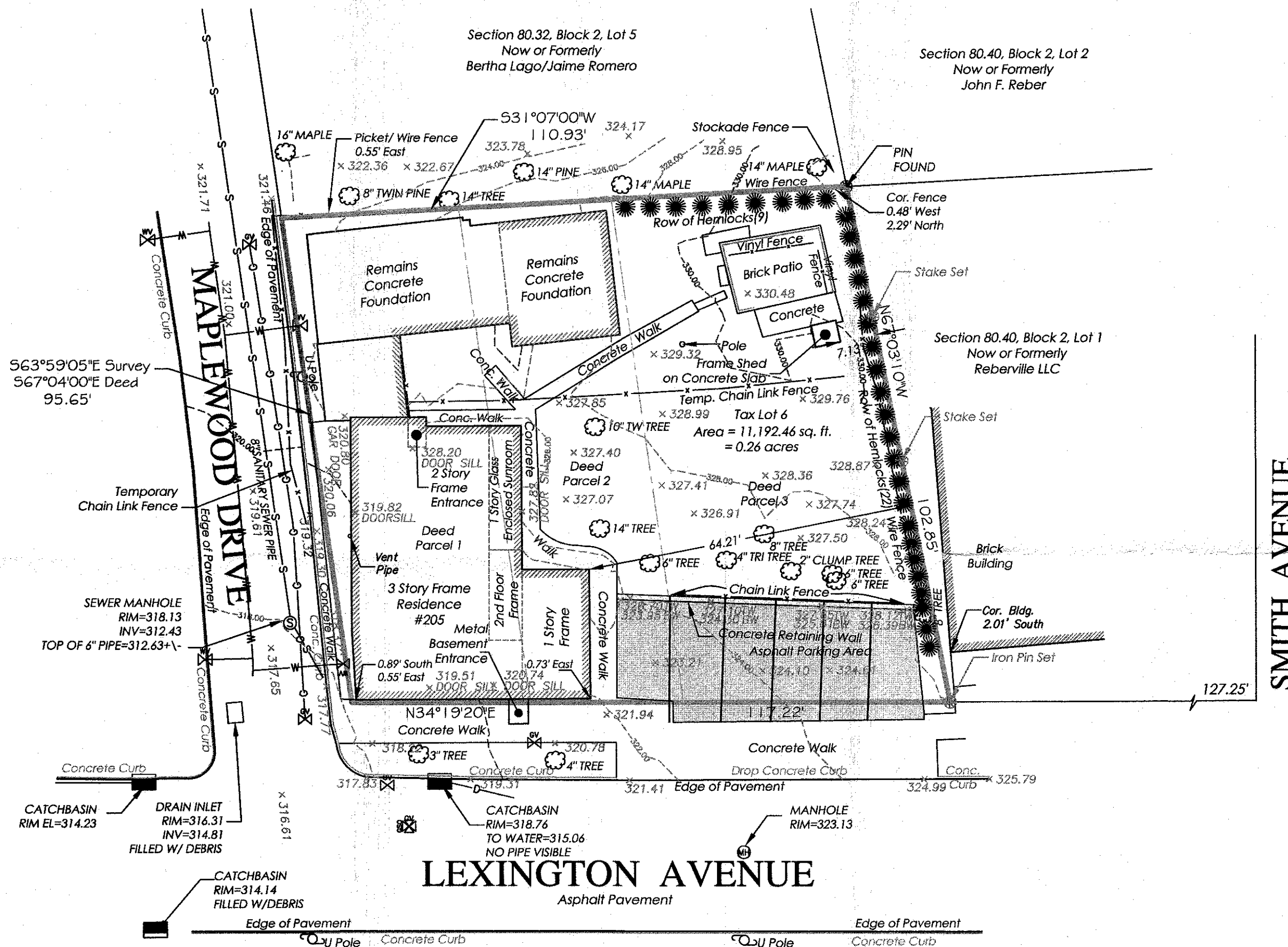
(IN FEET)
1 inch = 20 ft.

RECEIVED
APR 27 2021
VILLAGE OF MOUNT KISCO
Zoning Board of Appeals

Surveyed: February 22, 2013
Map Prepared: March 11, 2013
Map Prepared: April 10, 2013 Deed Reference
Map Revised: April 6, 2018 to show topography
Map Revised: February 14, 2020 to show additional topography and trees within designated area
Map Revised: November 10, 2020 to show additional trees and stakes set

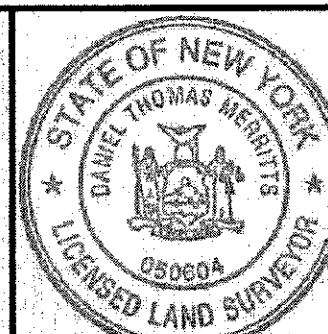
By: *Daniel T. Merritt*
New York State Licensed Land Surveyor No. 050604

Project: 13-035	Field Survey By: BC/DJM
Drawn By: CMP	Checked By: DTM



TC MERRITTS LAND SURVEYORS

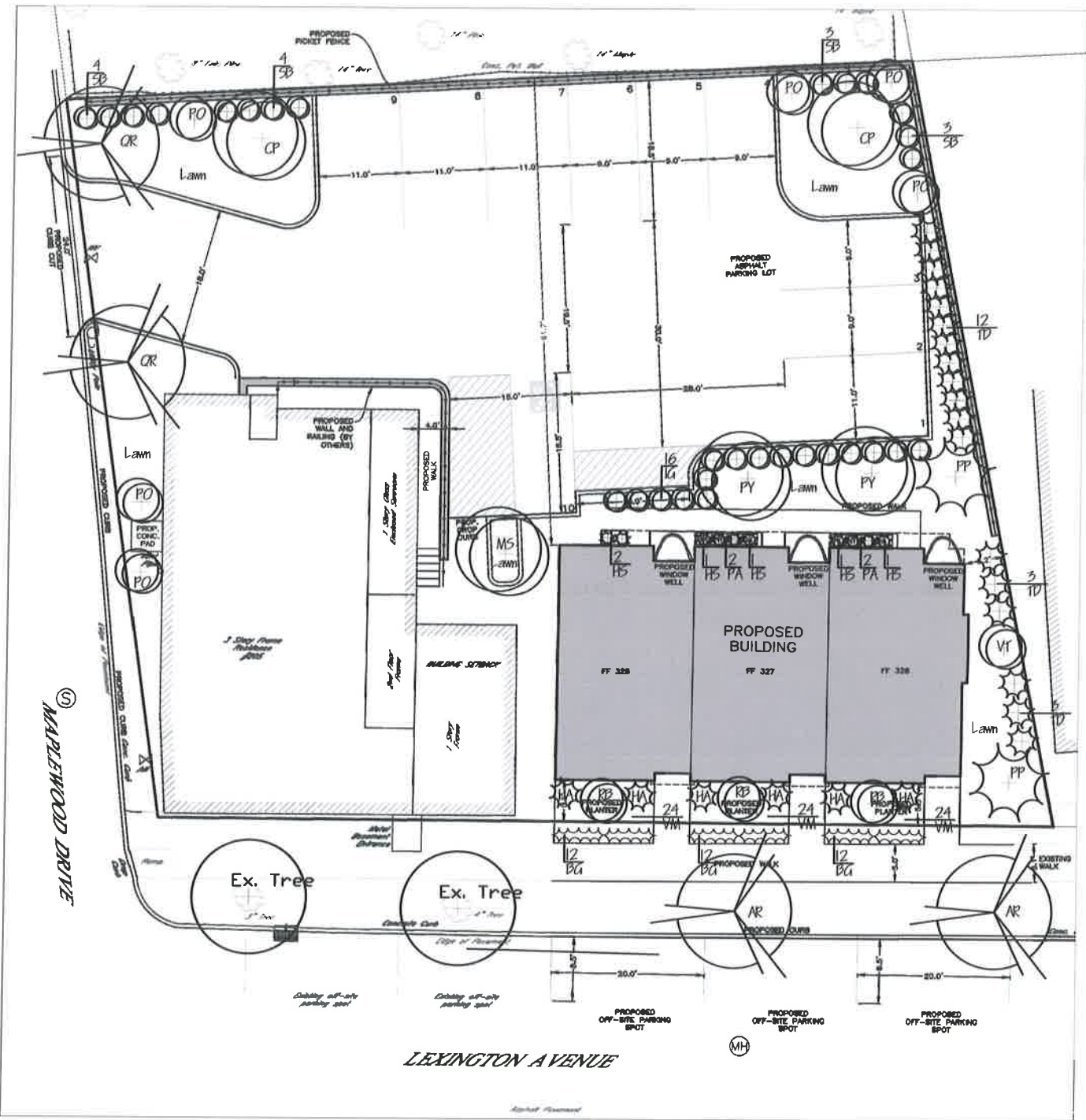
394 BEDFORD ROAD • PLEASANTVILLE • NY 10570
(914) 769-8003 • (203) 622-8899



COPYRIGHT © 2020
TC MERRITTS LAND SURVEYORS
ALL RIGHTS RESERVED. UNAUTHORIZED DUPLICATION OR
ELECTRONIC TRANSMISSION WITHOUT PRIOR PERMISSION
IS A VIOLATION OF APPLICABLE LAWS.

APR 2 / 2021

RECEIVED



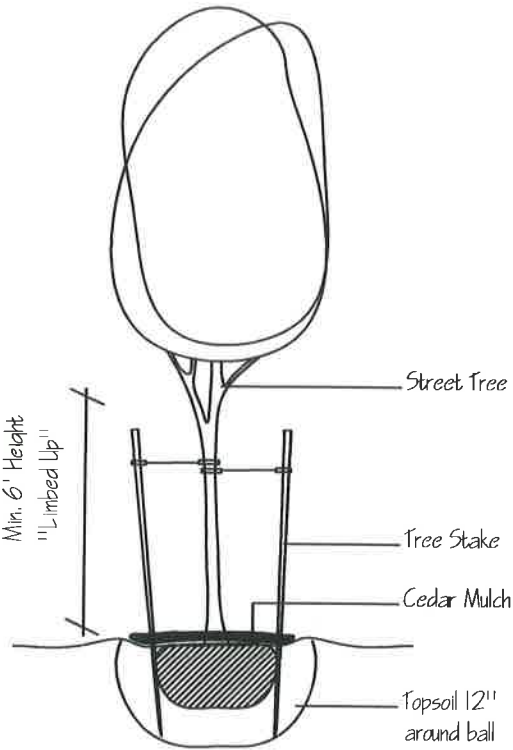
Plant List

215 Lexington Ave., Mt. Kisco, NY

Abb.	Scientific Name	Common Name	Size	Quan.
Major Trees				
AR	Acer rubrum	Red Maple	4" cal.	2
QR	Quercus rubrum	Red Oak	4" cal.	2
Conifers				
PP	Picea pungens	Blue Spruce	9-10' ht.	2
Minor Trees				
CP	Crataegus phaen.	Washington Hawthorn	7-8' ht.	2
MS	Magnolia soulangeana	Saucer Magnolia	7-8' ht.	1
PY	Prunus yeodensis	Yoshino Cherry	7-8' ht.	2
Shrubs				
BG	Buxus 'Green Mtn.'	Green Mtn. Boxwood	2-2.5' ht.	36
HA	Hydrangea 'Annabelle'	White Hydrangea	3.5-4' ht.	6
IG	Ilex glabra	Compact Inkberry	2-2.5' ht.	16
PO	Physocarpus 'Seward'	Summer Wine Ninebark	3-3.5' ht.	6
RB	Rhododendron Boursalt	Purple Rhododendron	3.5-4' ht.	3
SB	Spirea bumalda	Anthony Waterer Spirea	2-2.5' ht.	14
TD	Taxus densiformis	Dense Yew	2.5-3' ht.	18
VT	Viburnum tomentosum	Doublefile Viburnum	5-6' ht.	1
Ground Cover				
VM	Vinca minor	Vinca	4" pots	72
Grasses, Perennials				
HS	Hemerocallis Stella Doro	Stella Doro Daylily	Gal. Cont.	6
PA	Pennisetum a. hameln	Dwarf Fountain Grass	Gal. Cont.	4

Notes

1. All plants to conform to the American Nurserymen Standards specs.
2. All plants to be typical of the species shape and form, and free of disease.
3. Plants to be warranted healthy and in good form for 1 year or 2 growing seasons.
4. Seed or sod lawn areas with a 50-50 mix of Bluegrass and Perennial Rye.
5. Soak all plants with water at planting, and continue watering as necessary for the full warranty period.

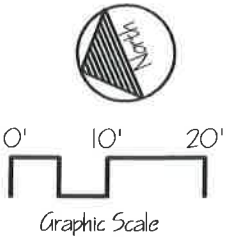


Tree Planting Detail

0' 2' 4'
Graphic Scale

Notes:

1. This drawing is for plant material specification only. All base data, including survey and site plan, by others. No representation or warranty is express or implied as to accuracy of same.
2. Contractor is responsible for safety of site during installation of all improvements. Thereafter the owner is responsible for maintaining a safe site.
3. All approvals subject to local, state and/or federal jurisdiction must be reviewed and approved by appropriate agencies.



Landscape Plan

Stephen Lopez, AICP, RLA
254 Bedford Road, Pleasantville, NY 10570

The Crecco Companies
215 Lexington Avenue
Mt. Kisco, NY

Date: 10-26-20 Rev. 11-16-20 Scale: 1" = 20'



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

March 25, 2021

Mr. Jim Diamond
DP 21 LLC
333 No. Bedford Road
Mount Kisco, NY 10549

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

Re: Notice of Denial – Sign Permit Application for 333 No. Bedford Rd Monument Signage
333 No. Bedford Road, Property ID#: 69.50-2-1

Dear Mr. Diamond:

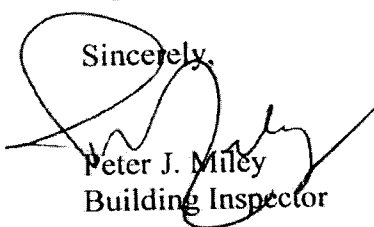
Please be notified that your sign permit application for monument signage at the above captioned property is hereby denied. This denial is based on the following facts:

- 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 to 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 ML Zoning District. The proposed signage is to be located in the CL Zoning District and is therefore subject to the sign regulations of the Commercial District #2b for building locations between 75 and 150 feet from the public right-of-way.
- Your application proposes the installation of two double-sided, monument signs, one to be located at each of the entrances to the property. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: “maximum structure height above grade is 8 feet.” Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8 foot height variance is required for each sign.
- Your application proposes individual sign faces for 5 tenants on each monument, totaling 10 faces per monument. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: “maximum face area is 20 square feet. The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet; therefore, a 12 square foot variance is required for

- each of the ShopRite sign face(s) on each monument sign. The remaining tenant sign faces fall within the 20 square foot limit and do not require additional variances.
- Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Free Standing/Monument signs: "maximum letter height 6" inches. Your application proposes 18 inch high letters for 333; therefore, a 12 inch variance is required for each set of the 333 numbers on both monument signs. Your application proposes 16 inch high letters for the ShopRite signs; therefore a 10 inch variance is required for each set of the ShopRite letters on both monument signs. Your application proposes 9-3/4" letters for Safe Haven Self Storage; therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs. All remaining proposed lettering is compliant with the regulations.
 - Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states: "*** In some cases, accompanying artwork (logos/graphics) may be proposed to be larger than maximum letter height and shall be subject to review and approval for appropriateness by the Architectural Review Board." All proposed signage with logos do not require variances but do require review and approval by the Architectural Review Board.
 - Section 89-11 Sign Districts, A. General Provisions (7) states: "All ground signs and all of their elements are to be entirely located within the metes and bounds of the property which they serve. The northernmost monument sign is proposed to be outside of the property which it serves; therefore, a variance for an off premise sign will be required. Since the northern most monument sign is proposed to be located at 383 No. Bedford Road, which is a separate tax lot from 333 No. Bedford Road, a separate ZBA application by the property owner is required for this additional parcel.

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

Village/Town of Mount Kisco
Zoning Board of Appeals

Date: _____

Case No.: _____

Fee: _____

APR 26 2021

Date Filed: _____

RECEIVED

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

**Zoning Board of Appeals
Application**

Appellant: DP21, LLC (Jim Diamond)
Address: 333 NORTH BEDFORD RD, SUITE 145, MOUNT KISCO, NY 10549
Address of subject property (if different): 333 N. BEDFORD RD, MOUNT KISCO, NY 10549

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

Property owner (if different): PRILAE REALTY CO., LLC
Address: 116 WOODRIDGE RD., MOUNT KISCO, NY 10549

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, PETER J. MILEY
dated 3.25.21. Application is hereby made for the following:

X Variation or _____ Interpretation of Section _____
of the Code of the Village/Town of Mount Kisco,

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of 333 N. BEDFORD ROAD MONUMENT SIGNAGE. REFER TO THE
LIST OF PER'D VARIANCES IN COVER LETTER, PROJECT NARRATIVE & MEMO FROM
VILLAGE BLDG. INSPECTOR in accordance with plans filed on (date) 2.24.21
for Property ID # 69.43-1-2/3 located in the CL Zoning District.
The subject premises is situated on the WEST side of (street) N. BEDFORD RD.
_____ 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) _____

Type of Variance sought: _____ Use X Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Y

Application is part of the final site plan approval conditions @ 353 N. Bedford Rd. Approved on 1.12.21

Is there an approved site plan for this property? Y in connection with a

Proposed or X Existing building; erected (yr.) _____

Size of Lot: 125 feet wide 120 feet deep Area 0.58

Size of Building: at street level 135 feet wide 45 feet deep

Height of building: 21'-0" Present use of building: RETAIL

Does this building contain a nonconforming use? N Please identify and explain: _____

Is this building classified as a non-complying use? N Please identify and explain: _____

Has any previous application or appeal been filed with this Board for these premises?

Yes/No? N

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

Are there any violations pending against this property? N 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? 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 3.25.21 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.

[Signature]
(Appellant to sign here)

Sworn to before me this day of: April 23rd, 2021

Notary Public, Alfred J. Blach, Westchester, County, NY
#02BL0203256, exp. 9/11/2021

[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 116 Woodbridge Rd
Mount Kisco, NY 10549 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
643-1-2/3 and that he hereby authorized Joe DiMarco to make
the annexed application in his behalf and that the statements contained in said application
are true.

[Signature]
(sign here)

April 22, 2021

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

Via Direct Submission

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

Re: Sign Permit Application for 333 No. Bedford Rd. Monument Signage

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

We submit this letter as an appeal to the Notice of Denial from the Village of Mount Kisco Building Inspector, dated March 25th, 2021, regarding our sign permit application for 333 No. Bedford Rd. Monument Signage. As such, we are seeking the appropriate variances as outlined in this cover letter and supporting narrative to provide the adequate signage to clearly designate the site's northern entrance.

As the Appellant (DP-21, LLC), we are the Tenant of 383 North Bedford Rd., Mount Kisco, NY, identified on the Tax Map of the Village as Section 69.43, Block 1, Lot 2 & 3, a 0.58-acre parcel. The parcel is located within the Limited Commercial district, and based on planning board approval on January 12, 2021, includes an easement through the north eastern section of the site to provide access for a reconfigured northern entrance of 333 North Bedford Rd., Mount Kisco, NY, identified on the Tax Map of the Village as Section 69.5, Block 2, Lot 1, a 37.7-acre parcel. The variances we seek is for the proposed off premises monument signage for 333 North Bedford Road, to be located within the easement area of the site and as shown in the monument signage drawings includes with this application. The variances requested are as follows.

- Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8-foot height variance is required for each sign;
- The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign;
- Application proposes 18-inch-high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on the monument sign;
- Application proposes 16-inch-high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs;
- and the northernmost monument sign is proposed to be outside of the property which it serves, therefore, a variance for an off-premise sign will be required.

The variances requested for the proposed monument signage situated at the north eastern portion of the site and located within the approved access easement area will play a critical role to properly distinguish the entrance of 333 North Bedford Road, due to the significant setback of the building from North Bedford Road. Additionally, this off premise signage would act as a key component to support the continued growth and success of the site's tenant businesses as a key

destination in the Village of Mount Kisco. This includes office, retail, recreational activity, and soon to be, grocery, with the highly anticipated addition of ShopRite's premier store to be located at the northerly end of the 333 North Bedford Road complex.

As part of the recent site plan approval, received on January 12, 2021, the development of The Park, 333 North Bedford Rd, ShopRite Expansion, includes the reconfiguration of the northern complex entrance to create an aligned traffic light condition. As part of this reconfiguration, we believe this is an opportunity to replace the existing northern monument signage for 333 North Bedford, which is way too low and as a result, is visually obscured to properly mark the site entrance and showcase its premier tenants. The requested variance to increase the proposed signage height to 16'-0", provides a clear and effective designation of the site entrance, creates a scale that is in keeping with other large retail complexes in the area, and provides an important visible feature to significantly improve way finding for vehicular traffic looking to enter the as they approach along North Bedford Road. This approach is further supported by the variances requested to increase specific sign face area and tenant lettering height, represented on each side of the monument sign, adding another layer of clear way finding for vehicular traffic.

Given the number of tenants within the 333 North Bedford Road complex, we felt it was important to maintain a realistic and reasonable approach to the design of the proposed monument signage to minimize the number of variances required and limit any negative impacts to the surrounding area. To achieve this, we elected to only represent five of the complex's key tenant businesses, notably grocery, retail, and recreational activities, based on clout and volume of business, providing signage area for their logos and lettering. However, we have always made every effort to support the success and visibility of all our tenants. To achieve this, the proposed monument signage includes the numbers "333" as a representation of the complex address, providing another layer of important way finding for those visiting our tenant businesses not represented on the signage. We are requesting the variance necessary to increase the height of the address lettering to 1'-6", which we believe will provide the scale necessary for approaching vehicular traffic to easily identify the site entrance at a reasonable distance.

Thank you for your time and consideration and we look forward to discussing the merits of this application in further detail at your May 18th meeting.

Sincerely,



Jim Diamond
CEO
Diamond Properties.

EXHIBIT B

OWNERNAME	PROPADRESS	PROPCITY	PROPZI (PROPPRINTKEY	C/O	Mailing Address	Additional ste, flt, unit	Cty	State	Zip
Buonanno, Anthony - Evelyn Buonanno	234 Grove St	MOUNT KISCO	10549 80 41-2-8		1 Eastview Ct		Valhalla	NY	10595
Fraioli, Carlo - Maria Fraioli	323 Main St	MOUNT KISCO	10549 80 41-2-13		1 Stoney Point West		Westport	CT	06880
Fraioli, Carlo	317 Main St	MOUNT KISCO	10549 80 41-2-14		1 Stoney Point West		Westport	CT	06880
Nyitray, Joseph - Anna Nyitray	14 Smith Ave	MOUNT KISCO	10549 80 41-3-8		100 Woodcrest Lane	Unit 116	Mt. Kisco	NY	10549
Reilly, Patricia M - Joan Stewart	322 Main St	MOUNT KISCO	10549 80 41-3-10		100 Woodcrest Lane	Unit 130	Mt. Kisco	NY	10549
Village of Mount Kisco	49 Moore Ave	MOUNT KISCO	10549 80 41-3-18		104 Main St		Mt.Kisco	NY	10549
B Green Holdings LLC	43 Moore Ave	MOUNT KISCO	10549 80 41-3-16		126 Le Parc Plaza		Mt. Kisco	NY	10549
Westchester County	25 Moore Ave	MOUNT KISCO	10549 80 41-3-14	Barton Walsh	145 Huguenot St		New Rochelle	NY	10801
Cerbone Lucy A - Lucy A Cerbone Rev Lvng Trst	24 Smith Ave	MOUNT KISCO	10549 80 41-3-7		27 Grandview Dr.		Mt. Kisco	NY	10549
Marabona Real Estate LLC	295 Main St	MOUNT KISCO	10549 80 41-2-17		27 Radio Circle Dr		Mt. Kisco	NY	10549
Carrozza, Jean	301 Main St	MOUNT KISCO	10549 80 41-2-16		28 Cortland Manor Rd		Katonah	NY	10536
Espinosa, Anderson	331 Main St	MOUNT KISCO	10549 80 41-2-12		31 Wood St		Katonah	NY	10536
Boys & Girls Club of N West.	250 Grove St	MOUNT KISCO	10549 80 41-2-9		351 Main Street		Mt. Kisco	NY	10549
Dimatteo, Vito - Angela Dimatteo	55 Moore Ave	MOUNT KISCO	10549 80 41-3-19		367 Birdsaill Drive		Yorktown Heights	NY	10598
Northern Westch Hospital Asscl	40 Moore Ave & Bolits	MOUNT KISCO	10549 80 41-4-1	N Westchester Hospital Housing Corp	40 Moore		Mt. Kisco	NY	10549
Polmar Inc.	4 Smith Ave	MOUNT KISCO	10549 80 41-3-9	Christine Monteleone	592 Rt 22		Pawling	NY	12564
Alpha Trimar, LLC	344 Main St	MOUNT KISCO	10549 80 41-3-12	Buckingham Properties	657 E Main Street		Mt. Kisco	NY	10549
Alpha Trimar, LLC	332 Main St	MOUNT KISCO	10549 80 41-3-11	Buckingham Properties	657 E Main Street		Mt. Kisco	NY	10549
Cambareri, Diego - Giuseppa Cambareri	337 Main St	MOUNT KISCO	10549 80 41-2-11		8 Pine St		Mt. Kisco	NY	10549
William A Degregorio Med Bldg	37 Moore Ave	MOUNT KISCO	10549 80 41-3-15		823 Warren St		Thorntwood	NY	10594
Lillian R Fruithandler Trust	303 Main St	MOUNT KISCO	10549 80 41-2-15		PO Box 354		Mt. Kisco	NY	10549
Bauco Realty Inc	15 Moore Ave	MOUNT KISCO	10549 80 41-3-13		PO Box 661		Baldwin Place	NY	10505
Northern West Hosp Assn	400 E. Main St	MOUNT KISCO	10549 80 49-3-14						
Teixeira, Margaret Ann	228 Grove St	MOUNT KISCO	10549 80 41-2-7						
36 Smith Avenue Owners LLC	36 Smith Ave	MOUNT KISCO	10549 80 41-3-6						
Boys & Girls Club of N West.	351 Main St	MOUNT KISCO	10549 80 41-2-10						
Mattoni Mary F	47 Moore Ave	MOUNT KISCO	10549 80 41-3-17						
Methodist Church	300 Main St	MOUNT KISCO	10549 80 41-1-11						
DP 21 LLC	799 Bedford Rd	BEDFORD	10507 71.12-2-36	attn: Diamond Properties	333 N. Bedford Rd		Mt. Kisco, NY 10549	MOUNT KISCO	10549
Charisma Associates LLC	Bedford Rd	BEDFORD	10507 71.12-2-32		P.O. Box 324		Somers, NY 10589	MOUNT KISCO	10549
Sunoco LLC	791 Bedford Rd	BEDFORD	10507 71.12-2-33	c/o K E Andrews & Company	1900 Dairock Rd.		Rowlett TX 75088	MOUNT KISCO	10549
Charisma Associates LLC	793 Bedford Rd	BEDFORD	10507 71.12-2-31		P.O. Box 324		Somers, NY 10589	MOUNT KISCO	10549
792 North Bedford Rd LLC	794 Bedford Rd	BEDFORD	10507 71.12-2-27	c/o Unicorn Contracting CO	10 Julia Ln, Suite 103		Cold Spring NY 10511	BEDFORD HILLS	10507
A & L Bedford Road Realty LLC	796 Bedford Rd	BEDFORD	10507 71.12-2-26		358 North Broadway		Sleepy Hollow, NY 11	MOUNT KISCO	10549

383 N Bedford Rd. ID: 69.43-1-2 (Mount Kisco)



April 23, 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.

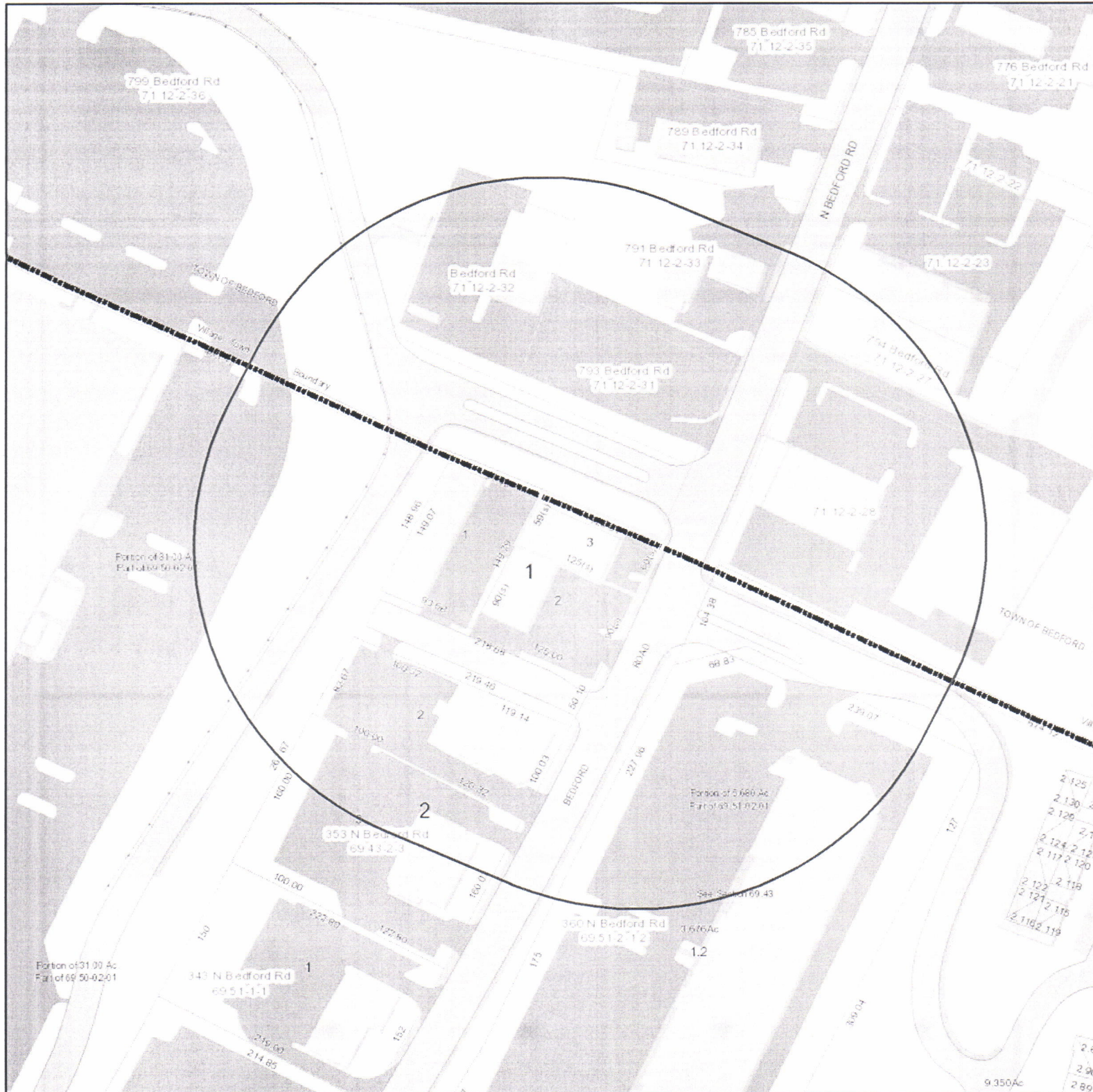
Village/Town of Mount Kisco
Zoning Board of Appeals
0 70 140 280
1:1,500
ft

APR 26 2021
RECEIVED

Westchester County GIS

GIS
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

383 N Bedford Rd. ID: 69.43-1-3 (Mount Kisco)



April 23, 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.

Village/Town of Mount Kisco
Zoning Board of Appeals

1:1,500

APR 26 2021

RECEIVED

70 140 280
ft

Westchester County GIS

GIS
<http://giswww.westchestergov.com>
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

EXHIBIT A

PUBLIC NOTICE

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

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 18th day of May 20 21 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

DP 21, LLC

333 N. Bedford Road Mount Kisco, NY 10549

from the decision of Peter J. Miley, Building Inspector, dated March 25, 2021 denying the application dated to permit the installation of two double-sided, monument signs, one to be located at each of the entrances to the property.

The Property involved is known as 383 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.43 Block 1 Lot 3 and is located on the west side of N. Bedford Road in a CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) 89-11 Table 1, Page 4 of the Code of the Village/Town of Mount Kisco, which requires (1) each monument sign is proposed to have a maximum structure height of 16 feet, therefore, an 8-foot height variance is required for each sign; (2) the proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign; (3) application proposes 18-inch high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on both monument signs; (4) application proposes 16 inch high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs; (5) application proposes 9-3/4" letters for Safe Haven Self Storage, therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs; and (6) the northernmost monument sign is proposed to be outside of the property which it serves, therefore, a variance for an off premise sign will be required.

AFFIDAVIT OF MAILING

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

Jim Diamond being duly sworn, deposes and says:

I reside at DP-21, LLC, 333 N. BEDFORD RD, SUITE 145, MOUNT KISCO, NY 10549

On April 26 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.



Sworn to before me on this

26th day of April 2021

M. Black
(Notary Public)

Meredith Black, Esq.
Notary Public, State of New York
No. 02BL6203286
Qualified in Westchester County
Commission Expires 4/28/2017



Village/Town of Mount Kisco
Zoning Board of Appeals

MAY 04 2021

RECEIVED

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 29 day of April in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Reutron, 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 Reutron 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:
04/29/2021

Signature [Signature]

Sworn to before me, this 29 day of April, 2021

[Signature]
Notary Public, State of Wisconsin, County of Brown

1-7-25

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, 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: 0004708996

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 18th day of May 2021 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of DP 21, LLC 333 N. Bedford Road Mount Kisco, NY 10549 from the decision of Peter J. Miley, Building Inspector, dated March 25, 2021 denying the application dated to permit the installation of two double-sided, monument signs, one to be located at each of the entrances to the property. The Property involved is known as 383 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.43 Block 1 Lot 3 and is located on the west side of N. Bedford Road in a CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) 89-11 Table 1, Page 4 of the Code of the Village/Town of Mount Kisco, which requires (1) each monument sign is proposed to have a maximum structure height of 16 feet, therefore, an 8-foot height variance is required for each sign; (2) the proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign; (3) application proposes 18-inch high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on both monument signs; (4) application proposes 16 inch high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs; (5) application proposes 9-3/4" letters for Safe Haven Self Storage, therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs; and (6) the northernmost monument sign is proposed to be outside of the property which it serves, therefore, a variance for an off premise sign will be required.

4708996

383 N. Bedford

Village/Town of Mount Kisco
Zoning Board of Appeals

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

AFFIDAVIT OF POSTING

MAY 11 2021
RECEIVED

Gjon Rrotaj, being duly sworn, says that on the 11th day of May 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

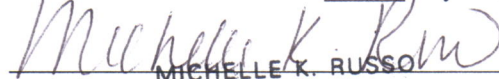
X

Leonard Park Multi Purpose Bldg

X


Gjon Rrotaj

Sworn to before me this 11th day of May 2021


MICHELLE K. RUSSO

Notary Public PUBLIC-STATE OF NEW YORK

No. 01RU6313298

Qualified In Putnam County

My Commission Expires 10-20-2022

APR 26 2021

RECEIVED

MEMORANDUM OF LEASE

MEMORANDUM OF LEASE (this "Memorandum") made as of this 1st day of April, 2018, between **PHILAR REALTY CO. LLC** ("Landlord"), a New York limited liability company, having an address at P.O. Box 599, Bedford, New York 10506 and **DP 102 LLC** ("Tenant"), a New York limited liability company, having an office at 333 North Bedford Road, Mount Kisco, New York 10549.

Statement of Facts

Landlord hereby grants, demises and leases the Land described below to Tenant upon the following terms:

1. Date of Lease: as of April 1, 2018.
2. Description of Land: That certain parcel of land, together with the building and any other improvements erected or constructed thereon or (thereunder) commonly known by the street address of 383 North Bedford Road consisting of Mount Kisco tax parcels 69.43-1-2 (hereinafter referred to as the "South Parcel") and 69.43-1-3 (hereinafter referred to as the "North Parcel") and collectively with the South Parcel, the "Land"). A metes and bounds description of the Land is attached hereto and made part hereof as Exhibit A.
3. Date of Term Commencement: The term of the Lease shall commence on April 1, 2018.
4. Term: Twenty-five years and three months, unless earlier terminated in accordance with the provisions of the Lease.
5. Resubdivision of the Land: Pursuant to the terms and conditions of ARTICLE 5 of the Lease, Landlord and Tenant intend to resubdivide the Land, as more particularly described therein, and upon satisfaction of certain conditions set forth in Section 5.01(E), a fee interest in a portion of the Land will be conveyed by Landlord to an affiliate of Tenant and an affiliate of Tenant will convey certain premises adjoining the southerly boundary of the Land to Landlord.
6. Landlord's Put Option. Pursuant to the terms and conditions of ARTICLE 36 of the Lease, Landlord has the option to compel Tenant to purchase the Land in certain circumstances more particularly described therein.
7. Terms of Lease Govern: The rights, obligations and remedies of Landlord and Tenant, respectively, with reference to each other and the Land shall be fixed, determined and governed solely by the terms of the Lease, this being a Memorandum of Lease executed by the parties hereto solely for the purpose of providing an

instrument for recording pursuant to Section 291-c of the New York Real Property Law in lieu of recording the Lease. Nothing contained in this Memorandum shall be deemed, under any circumstances, to modify or to change any of the provisions of the Lease, to which reference is made for all purposes. In the event there shall be any discrepancy or variation between the terms described in this Memorandum and those contained in the Lease, the terms of the Lease shall control.

This Memorandum may be executed by the parties hereto in any number of counterparts and by different parties to this Memorandum on separate counterparts, each of which, when so executed shall be deemed an original, and all of which taken together shall constitute one and the same instrument.

[Signature Page Follows]

(Signature Page to Memorandum of Lease)

IN WITNESS WHEREOF, the parties have respectively executed this Memorandum as of the day and year first above written.

LANDLORD:

PHILAR REALTY CO. LLC,
a New York limited liability company

By: _____

Name:

Title:

TENANT:

DP 102 LLC,
a New York limited liability company
By: Diamond Properties, LLC, its sole member

By:  _____

Name: James Diamond

Title: Co-Manager

(Signature Page to Memorandum of Lease)

IN WITNESS WHEREOF, the parties have respectively executed this Memorandum as of the day and year first above written.

LANDLORD:

PHILAR REALTY CO. LLC,
a New York limited liability company

By: 

Name: PHILIP SKRILOFF

Title: Managing ~~Partner~~ Member

TENANT:

DP 102 LLC,
a New York limited liability company
By: Diamond Properties, LLC, its sole member

By: _____

Name: James Diamond

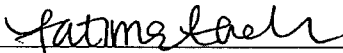
Title: Co-Manager

ACKNOWLEDGEMENTS

STATE OF NEW YORK)

COUNTY OF Westchester

On the 1st day of April in the year 2018, before me, the undersigned, personally appeared James Diamond, 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.


Signature and Office of
individual taking acknowledgment

FATIMA ARASH
NOTARY PUBLIC-STATE OF NEW YORK
No. 02AR6345791
Qualified In Queens County
My Commission Expires 08-01-2020

STATE OF NEW YORK)

COUNTY OF) : ss.:

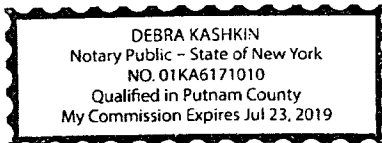
On the ___ day of _____ in the year 2018, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), 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.

Signature and Office of
individual taking acknowledgment

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
COUNTY OF Westchester ss.:

On the 29 day of March in the year 2018, before me, the undersigned, personally appeared Philip Skriloff, 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.



Debra Kashkin
Signature and Office of
individual taking acknowledgment

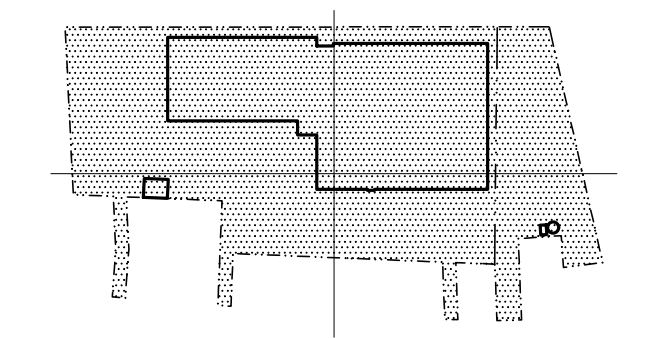
STATE OF NEW YORK)
 : ss.:
COUNTY OF)

On the ___ day of _____ in the year 2018, before me, the undersigned, personally appeared _____, 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), 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.

Signature and Office of
individual taking acknowledgment

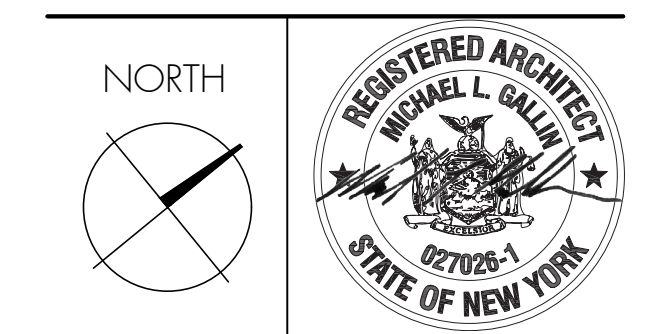
These drawings are instruments of service and are protected by copyright. These designs and drawings may not be reproduced or copied without written permission from Gallin Beeler Design Studio, PLLC.

Key Plan:



Sheet Scale:

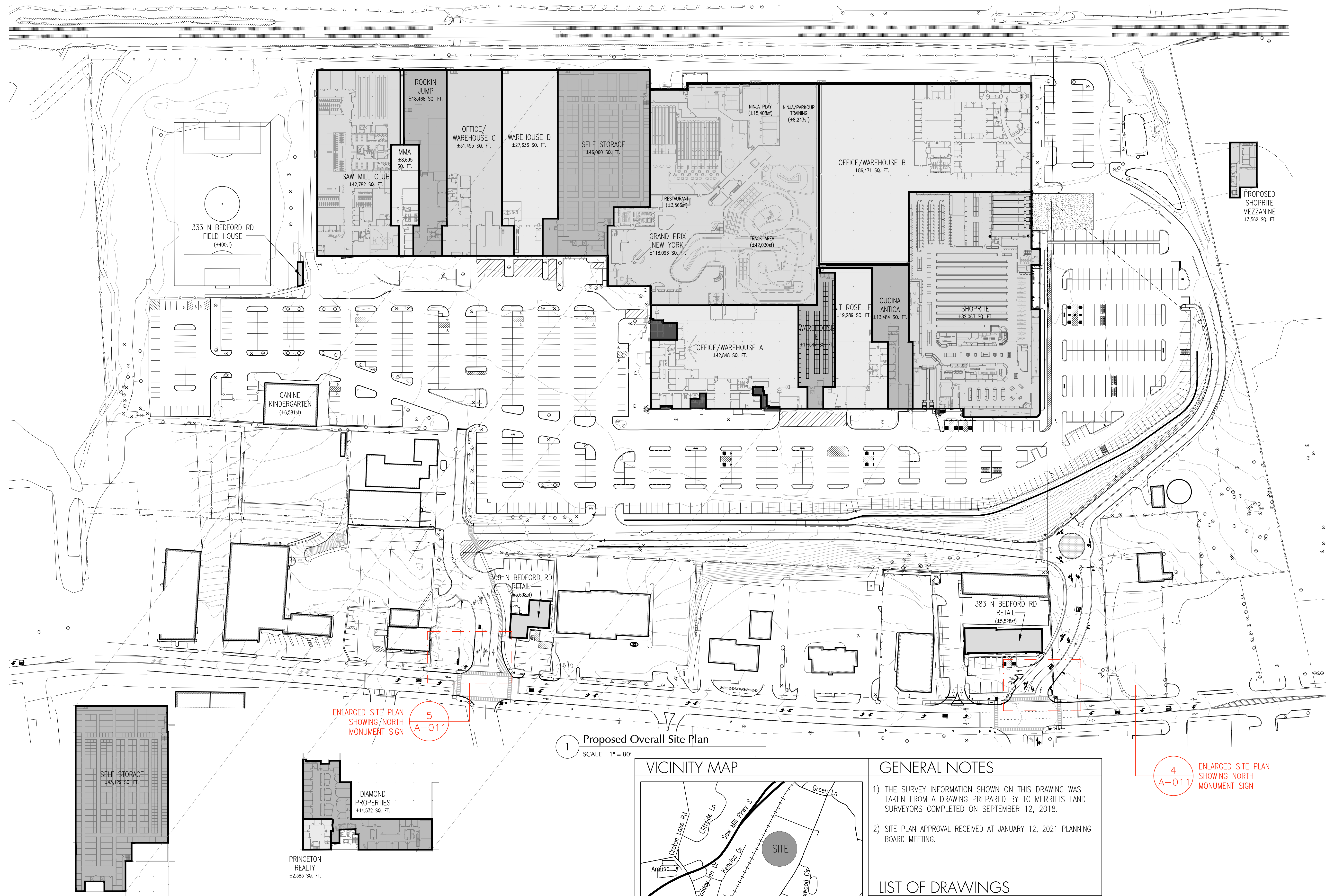
A horizontal scale bar with alternating black and white segments. It is marked with the values 0, 80', 160', and 240'.



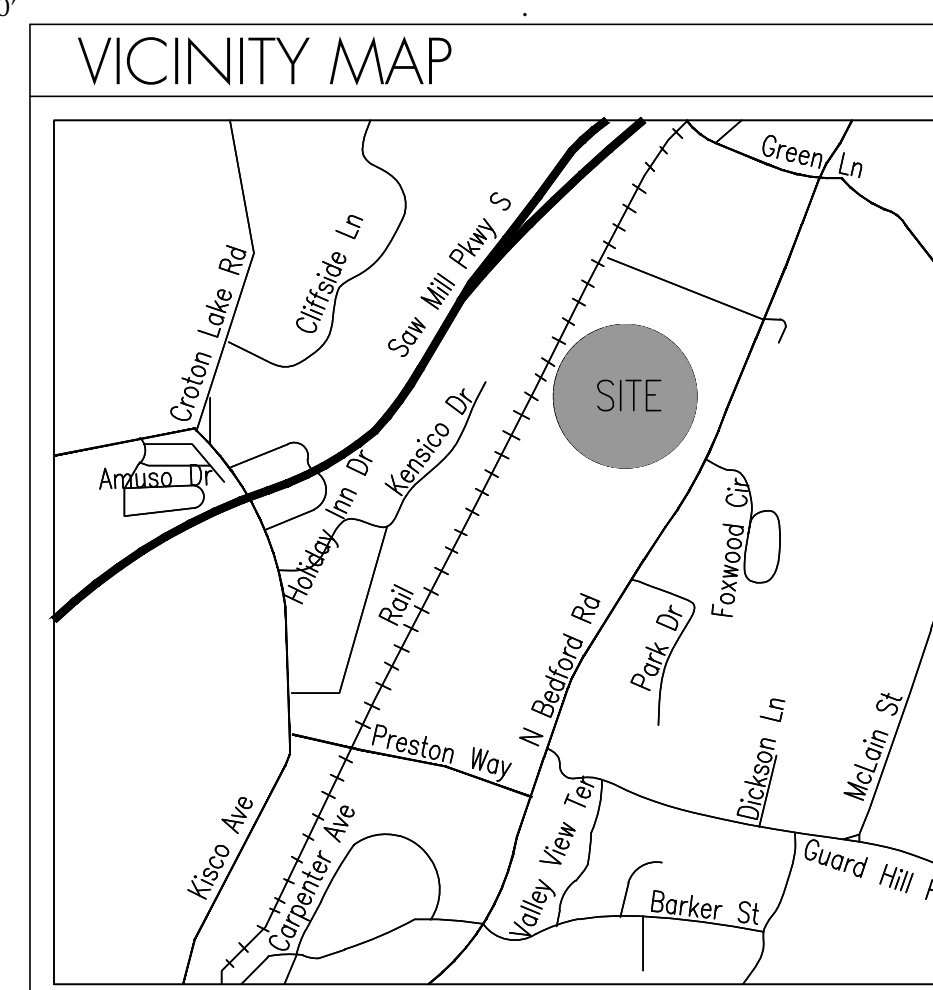
-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Sheet Title:
General Information
& Proposed Overall
Site Plan

Project #: 1641	Sheet No.:
Drawn: TMM	A-001
Checked: MLG	
Print Date: 04-26-21	



1 Proposed Overall Site Plan
SCALE 1" = 80'

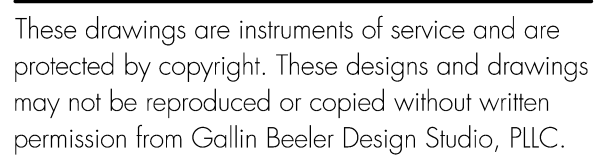


GENERAL NOTES

- 1) THE SURVEY INFORMATION SHOWN ON THIS DRAWING WAS TAKEN FROM A DRAWING PREPARED BY TC MERRITTS LAND SURVEYORS COMPLETED ON SEPTEMBER 12, 2018.
- 2) SITE PLAN APPROVAL RECEIVED AT JANUARY 12, 2021 PLANNING BOARD MEETING.

LIST OF DRAWINGS

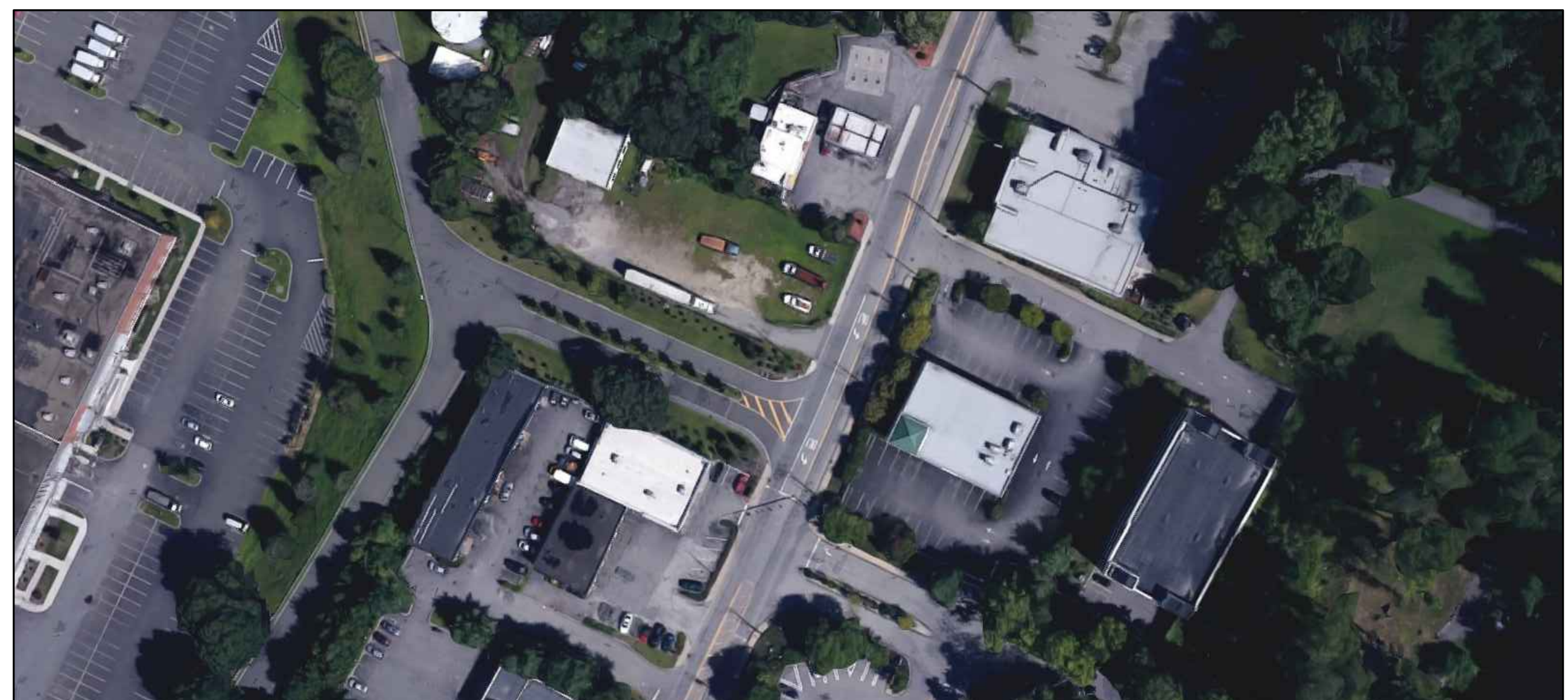
- A-001 General Information & Proposed Overall Site Plan
- A-011 Freestanding Entrance Sign
- A-020 Property Photos - North Entrance
- A-021 Property Photos - South Entrance



3 Freestanding Sign Side Elevation
SCALE 1/2" = 1'-0"

2 Freestanding Sign Front Elevation
SCALE 1/2" = 1'-0" 1 OF 2

1 Freestanding Sign Side Elevation
SCALE 1/2" = 1'-0"



Owner _____

DP21, LLC (Diamond Properties)

333 N. Bedford Road
Mt. Kisco, New York 10549

Project Architect

Gallin Beeler Design Studio, PLLC

23 Washington Ave
Pleasantville, NY 10570

Civil Engineer

JMC Site Development Consultants

120 Bedford Road
Armonk, NY 10504

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-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Sheet Title:

Property Photos - North Entrance

Project #: 1641

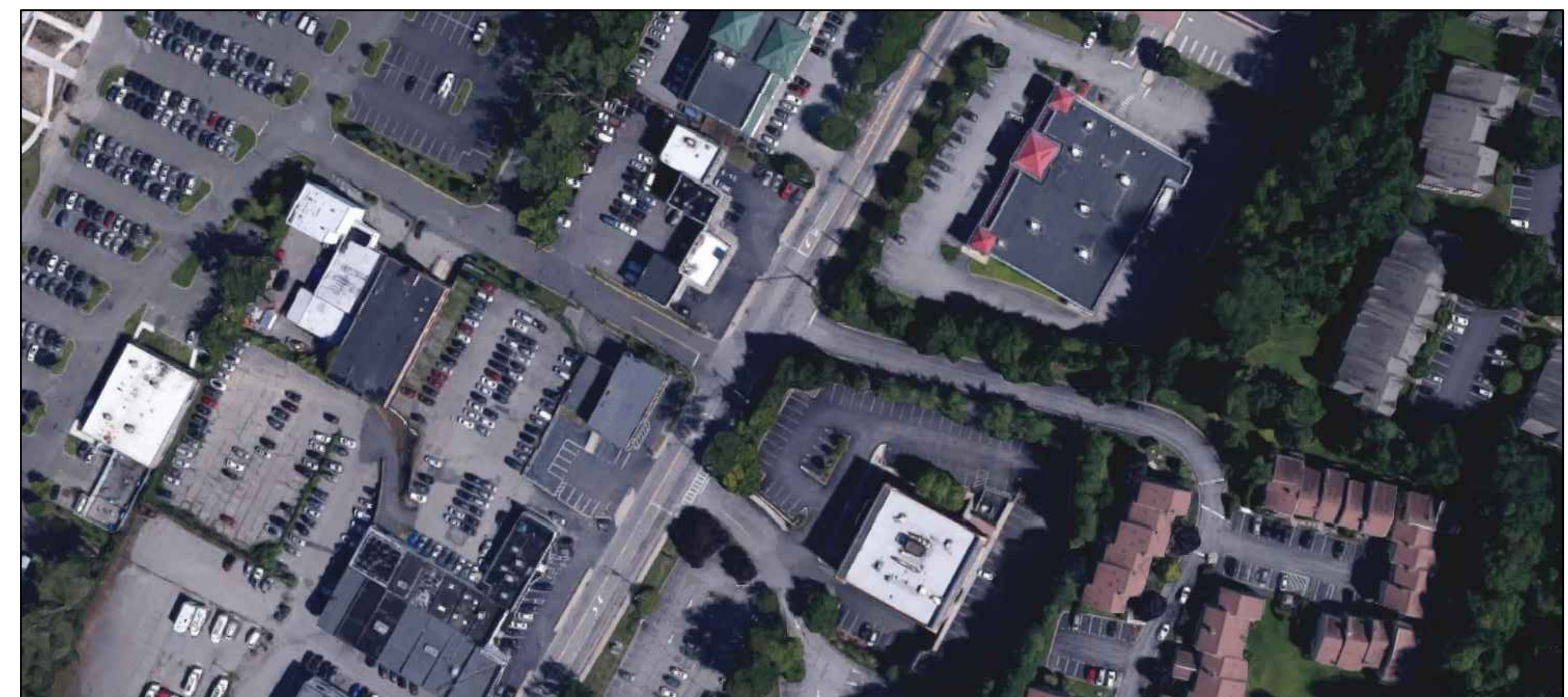
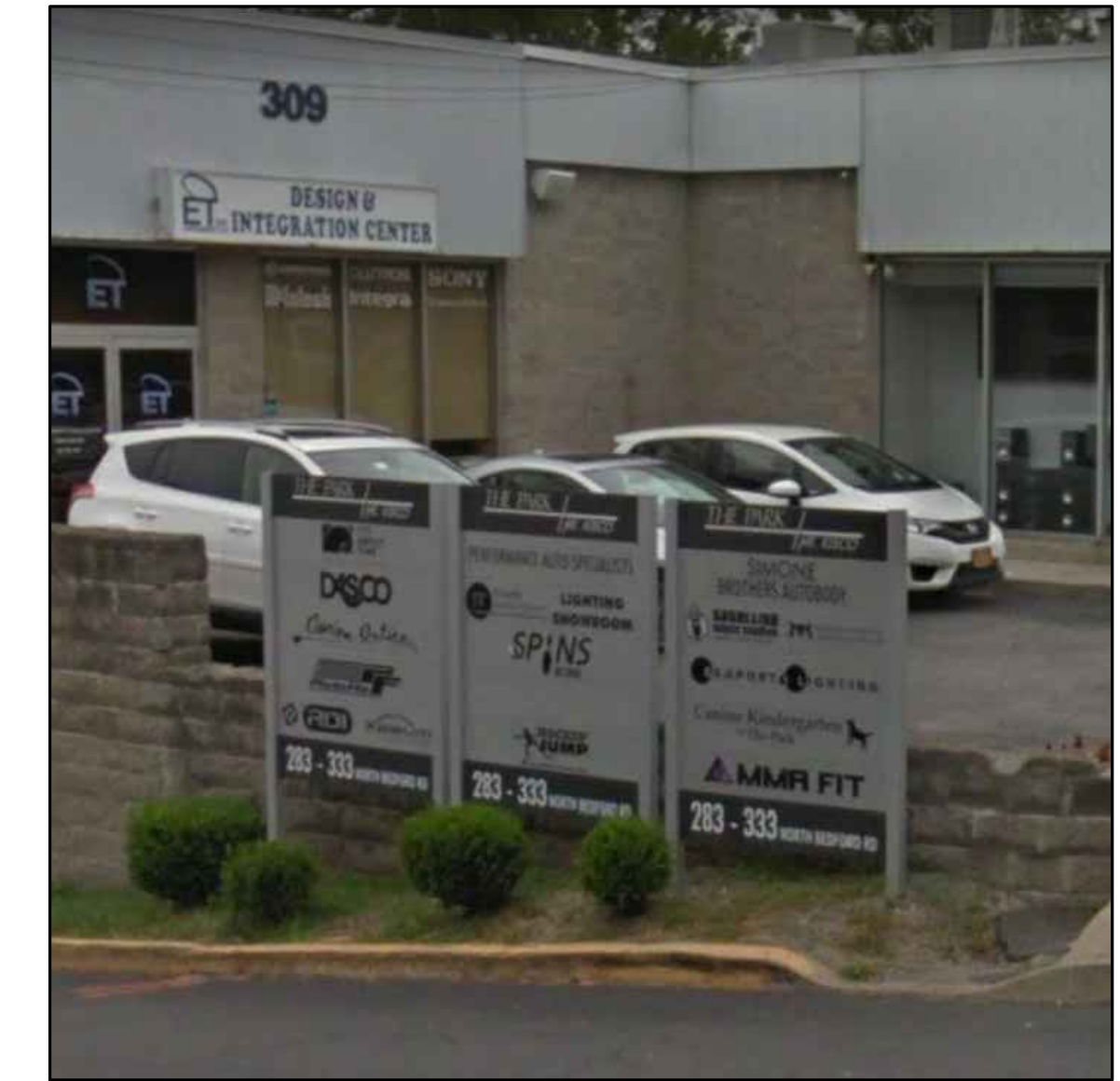
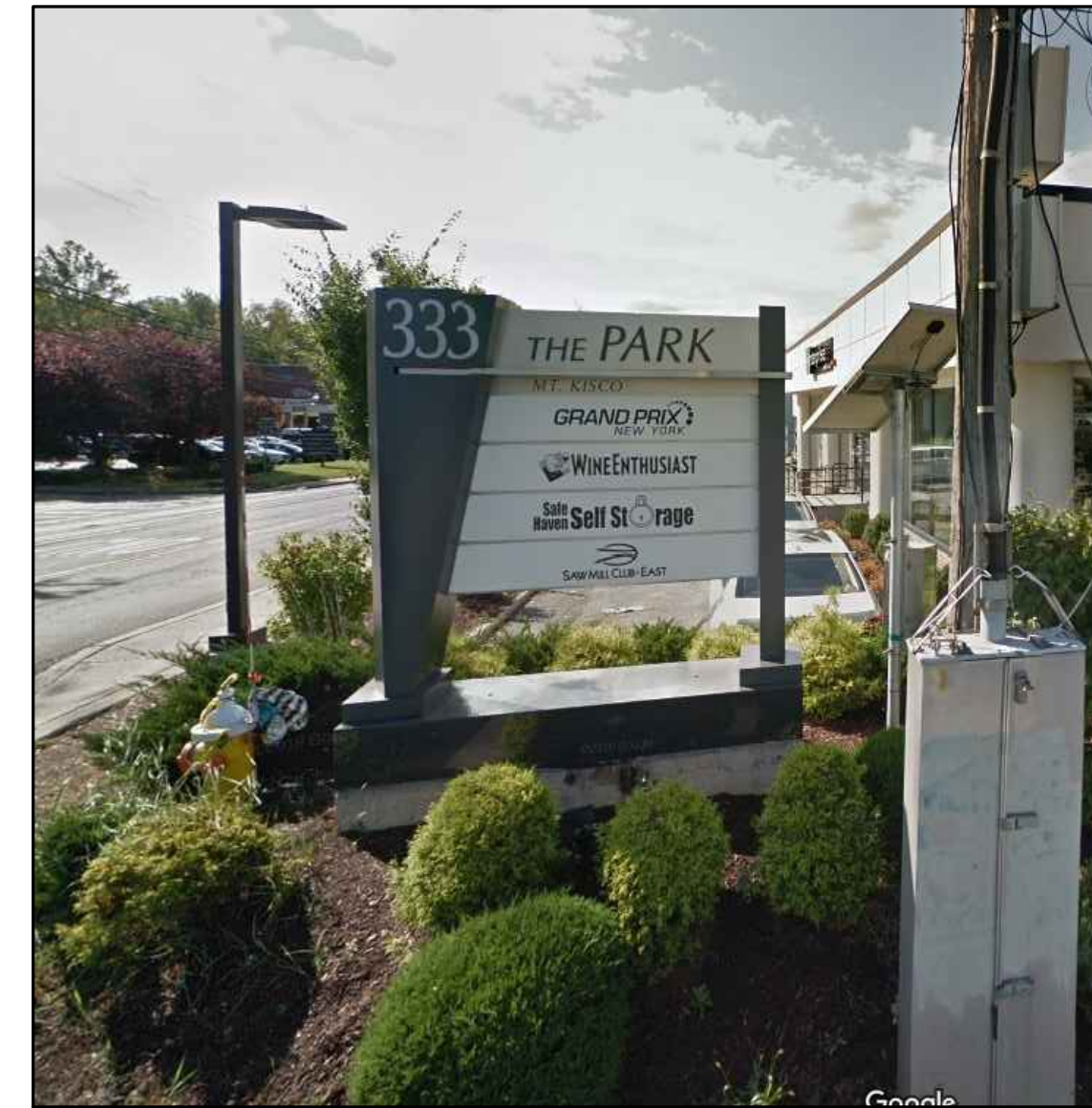
Drawn: TMM

Checked: MLG

Print Date: 04-26-21

Sheet No.:

A-020



Owner
DP21, LLC (Diamond Properties)
333 N. Bedford Road
Mt. Kisco, New York 10549

Project Architect
Gallin Beeler Design Studio, PLLC
 23 Washington Ave
 Pleasantville, NY 10570

Civil Engineer

JMC Site Development Consultants
120 Bedford Road
Armonk, NY 10504

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-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Sheet Title:

Property Photos - South Entrance

Project #: 1641
Drawn: TMM
Checked: MLG
Print Date: 04-26-21

Sheet No.:
A-021



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

March 25, 2021

Mr. Jim Diamond
DP 21 LLC
333 No. Bedford Road
Mount Kisco, NY 10549

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021
RECEIVED

Re: Notice of Denial – Sign Permit Application for 333 No. Bedford Rd Monument Signage
333 No. Bedford Road, Property ID#: 69.50-2-1

Dear Mr. Diamond:

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

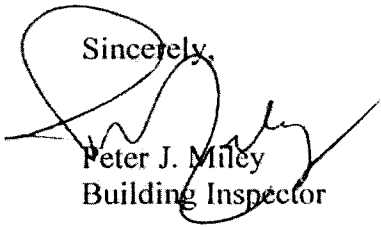
- Section 89-11A (4) of the Code of the Village/Town of Mount Kisco states that “The types of signs permitted and the regulation of the number, placement, and use of signs is hereby established. No sign shall be erected unless it conforms to the specifications for signs in that sign district, nor shall 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 ML Zoning District. The proposed signage is to be located in the CL Zoning District and is therefore subject to the sign regulations of the Commercial District #2b for building locations between 75 and 150 feet from the public right-of-way.
- Your application proposes the installation of two double-sided, monument signs, one to be located at each of the entrances to the property. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: “maximum structure height above grade is 8 feet.” Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8 foot height variance is required for each sign.
- Your application proposes individual sign faces for 5 tenants on each monument, totaling 10 faces per monument. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: “maximum face area is 20 square feet. The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet; therefore, a 12 square foot variance is required for

each of the ShopRite sign face(s) on each monument sign. The remaining tenant sign faces fall within the 20 square foot limit and do not require additional variances.

- Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Free Standing/Monument signs: "maximum letter height 6" inches. Your application proposes 18 inch high letters for 333; therefore, a 12 inch variance is required for each set of the 333 numbers on both monument signs. Your application proposes 16 inch high letters for the ShopRite signs; therefore a 10 inch variance is required for each set of the ShopRite letters on both monument signs. Your application proposes 9-3/4" letters for Safe Haven Self Storage; therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs. All remaining proposed lettering is compliant with the regulations.
- Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states: "*** In some cases, accompanying artwork (logos/graphics) may be proposed to be larger than maximum letter height and shall be subject to review and approval for appropriateness by the Architectural Review Board." All proposed signage with logos do not require variances but do require review and approval by the Architectural Review Board.
- Section 89-11 Sign Districts, A. General Provisions (7) states: "All ground signs and all of their elements are to be entirely located within the metes and bounds of the property which they serve. The northernmost monument sign is proposed to be outside of the property which it serves; therefore, a variance for an off premise sign will be required. Since the northern most monument sign is proposed to be located at 383 No. Bedford Road, which is a separate tax lot from 333 No. Bedford Road, a separate ZBA application by the property owner is required for this additional parcel.

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

Village/Town of Mount Kisco
Zoning Board of Appeals

Date: _____

Case No.: _____

Fee: _____

APR 26 2021

Date Filed: _____

RECEIVED

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

**Zoning Board of Appeals
Application**

Appellant: DP 21, LLC (Jim Diamond)
Address: 333 North Bedford Rd, Suite 145, Mount Kisco, NY 10549
Address of subject property (if different): _____

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

Property owner (if different): SAME AS ABOVE
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, PETER J. MILEY
dated 3.25.21. Application is hereby made for the following:

X Variation or _____ Interpretation of Section _____
of the Code of the Village/Town of Mount Kisco,

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of 333 No. Bedford Rd. Monument Sign. Refer to the list of
PER'D VARIANCES IN COVER LETTER, PROJECT NARRATIVE & MEMO FROM VILLAGE
BLDG INSPECTOR in accordance with plans filed on (date) 2.24.21
for Property ID # GA-50-2-1 located in the ML/CL Zoning District.
The subject premises is situated on the West side of (street) N. Bedford Rd.
_____ 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) _____

Type of Variance sought: _____ Use X Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Y (Application is part of final site plan approval conditions to be satisfied prior to signing the approved plan)

Is there an approved site plan for this property? Y in connection with a ON 1.12.21
Proposed or X Existing building; erected (yr.) _____

Size of Lot: 1964.5 feet wide 1124.3 feet deep Area ML 1,309,939 SF / CL 40,342 SF

Size of Building: at street level 1,240 feet wide 595 feet deep 610,723 SF

Height of building: SEE BELOW Present use of building: GROCERY, RETAIL, FAMILY REC.
Top of Shoprite Sign Wall: 35'-0", Top of Main Building: 27'-3"

Does this building contain a nonconforming use? N Please identify and explain: _____

Is this building classified as a non-complying use? N 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? N If so, please identify and explain: _____

Are there any violations pending against this property? N 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

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 3.25.21 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.


(Appellant to sign here)

Sworn to before me this day of: April 23, 2021

Notary Public, Meredith Black, Westchester, County, NY
*02BL6203256, exp. 09/11/2021

[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)

April 22, 2021

Via Direct Submission

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

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

Re: **Sign Permit Application for 333 No. Bedford Rd. Monument Signage**

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

We submit this letter as an appeal to the Notice of Denial from the Village of Mount Kisco Building Inspector, dated March 25th, 2021, regarding our sign permit application for 333 No. Bedford Rd. Monument Signage. As such, we are seeking the appropriate variances as outlined in this cover letter and supporting narrative to provide the adequate signage to clearly designate the site's southern entrance.

As the Appellant (DP-21, LLC), we are the owner of 333 North Bedford Rd., Mount Kisco, NY, identified on the Tax Map of the Village as Section 69.5, Block 2, Lot 1, a 37.7-acre parcel. The parcel is located within the Light Manufacturing and Limited Commercial districts. A portion of the northern area of the site is located within the Town of Bedford, NY, identified on the Tax Map of the Town as Section 71.12, Block 2, Lot 36. This parcel is located within Light Industrial and Roadside Business districts. The complex, in its entirety is currently set back from the westerly side of North Bedford Road, accessed by existing north and south entrances. The variances we seek are based on the monument signage drawings submitted with this application, and are as follows:

- Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8-foot height variance is required for each sign;
- The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign;
- Application proposes 18-inch-high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on the monument sign;
- Application proposes 16-inch-high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs;

The variances requested for the proposed monument signage at the southern site entrance (Ice House Road) will play a critical role to properly distinguish the entrance of this unique site, with the building significantly setback from North Bedford Road. Additionally, this signage would act as a key visual component, supporting the continued growth and success of our tenant's businesses located within this key destination in the Village of Mount Kisco. This includes office, retail, recreational activity, and soon to be, grocery, with the highly anticipated addition of ShopRite's premier store to be located at the northerly end of the complex.

As part of the recent site plan approval, received on January 12, 2021, the development of The Park, 333 North Bedford Rd, ShopRite Expansion, includes the reconfiguration of the southern complex entrance (Ice House Road) to create an aligned traffic light condition. As part of this reconfiguration, we believe it is an opportunity to replace the existing monument signage, which is way too low and as a result, is visually obscured to properly mark the site entrance and showcase its premier tenants. The requested variance to increase the proposed signage height to 16'-0", provides a clear and effective designation of the site entrance, creates a scale that is in keeping with other large retail complexes in the area, and provides an important visible feature to significantly improve way finding for vehicular traffic looking to enter the as they approach along North Bedford Road. This approach is further supported by the variances requested to increase specific sign face area and tenant lettering height, represented on each side of the monument sign, adding another layer of clear way finding for vehicular traffic.

Given the number of tenants within the complex, we felt it was important to maintain a realistic and reasonable approach to the design of the proposed monument signage that minimizes the number of variances required and limits any negative impacts to the surrounding area. To achieve this, we elected to only represent five of the complex's key tenant businesses, notably grocery, retail, and recreational activities, based on clout and volume of business, providing signage area for their logos and lettering. However, we have always made every effort to support the success and visibility of all our tenants. To achieve this, the proposed monument signage includes the numbers "333" as a representation of the complex address, providing another layer of important way finding for those visiting our tenant businesses not represented on the signage. We are requesting the variance necessary to increase the height of the address lettering to 1'-6", which we believe will provide the scale necessary for approaching vehicular traffic to easily identify the site entrance at a reasonable distance.

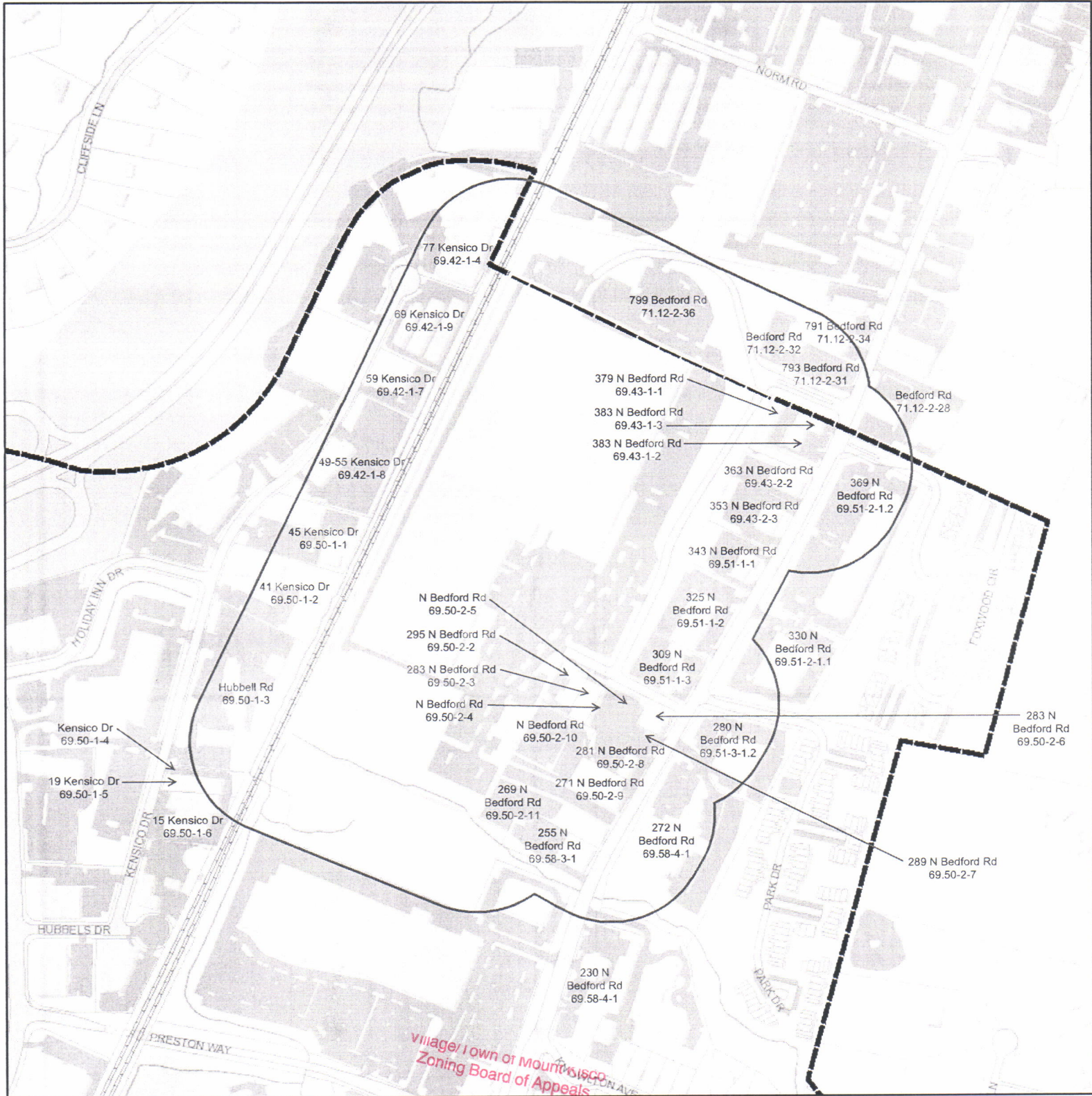
Thank you for your time and consideration and we look forward to discussing the merits of this application in further detail at your May 18th meeting.

Sincerely,



Jim Diamond
CEO
Diamond Properties.

333 N Bedford Rd. ID: 69.50-2-1 (Mount Kisco)



April 23, 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.

1:5,000

0 240 480 960 ft

Westchester County GIS

GIS
http://giswww.westchestergov.com
Michaelian Office Building
148 Martine Avenue Rm 214
White Plains, New York 10601

EXHIBIT B

OWNER/NAME	PROPADRESS	PROPCITY	PROPPZIP	PROPPRINTKEY	c/o	Mailing Address	Additional, Ste. Fl	City	State	Zip
Martabano, William T	353 N Bedford Rd	MOUNT KISCO	10549 69.43-2.3			10 Broad Street	PO Box 658	Pawling	NY	12564
WDL Realty LLC	330 N Bedford Rd	MOUNT KISCO	10549 69.51-2-1.1		Donald Zucker Co.	101 W 55th Street		New York	NY	10019
Brooks Realty of Mt. Kisco LLC	15 Kensico Dr	MOUNT KISCO	10549 69.50-1-6		Richard Brooks	15 Kensico Drive		Mt. Kisco	NY	10549
Townsend St Assoc's LP	360 N Bedford Rd	MOUNT KISCO	10549 69.51-2-1.2		Mosbacher Properties	18E 48 St	19th Floor	New York	NY	10017
Mac Marty Inc	255 N Bedford Rd	MOUNT KISCO	10549 69.58-3-1		Patricia Macaulay	20 Shore Drive		Kingston	MA	02364
NY Luxury Motors of Mt Kisco I	41 Kensico Dr	MOUNT KISCO	10549 69.50-1-2		c/o Auto Nation	200 SW 1st Avenue	Floor #4	Fort Lauderdale	FL	33301
Martabano, John R	N Bedford Rd, Back of	MOUNT KISCO	10549 69.50-2-10		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
DP 47, LLC	283 N Bedford Rd	MOUNT KISCO	10549 69.50-2-3		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
269 N Bedford Rd Mt Kisco Corp - 271 N Bedford Rd Mt Kisco Corp	271 N Bedford Rd	MOUNT KISCO	10549 69.50-2-9		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
283 N Bedford Rd Corp	289 N Bedford Rd	MOUNT KISCO	10549 69.50-2-7		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
59 Kensico LLC	59 Kensico Dr	MOUNT KISCO	10549 69.42-1-7		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
269 N Bedford Rd Mt Kisco Corp	269 N Bedford Rd	MOUNT KISCO	10549 69.50-2-11		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
383 No Bedford Rd Corp	379 N Bedford Rd	MOUNT KISCO	10549 69.43-1-1		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
Martabano, John R	N Bedford Rd	MOUNT KISCO	10549 69.50-2-4		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
283 N Bedford Rd Corp	N Bedford Rd	MOUNT KISCO	10549 69.50-2-5		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
271 No Bedford Rd, Mt. Kisco	281 N Bedford Rd	MOUNT KISCO	10549 69.50-2-8		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
283 N Bedford Rd Corp	283 N Bedford Rd	MOUNT KISCO	10549 69.50-2-6		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
DP 44, LLC	N Bedford, Back of	MOUNT KISCO	10549 69.50-2-12		Diamond Properties	27 Radio Circle Dr		Mt. Kisco	NY	10549
DP 46, LLC	295 N Bedford Rd	MOUNT KISCO	10549 69.50-2-2		Diamond Properties	27 Radio Circle Dr		Mt. Kisco	NY	10549
DP 62, LLC	309 N Bedford Rd	MOUNT KISCO	10549 69.51-1-3		DP102 LLC	333 N Bedford Rd		Mt. Kisco	NY	10549
Philhar Realty Co	383 N Bedford Rd	MOUNT KISCO	10549 69.43-1-2		DP102 LLC	333 N Bedford Rd		Mt. Kisco	NY	10549
Philhar Realty Co - 271 N Bedford Rd Mt Kisco Corp	383 N Bedford Rd	MOUNT KISCO	10549 69.43-1-3		Diamond Properties	333 N Bedford Rd		Mt. Kisco	NY	10549
DP 21 LLC	333 N Bedford Rd	MOUNT KISCO	10549 69.50-2-1		Diamond Properties	333 N Bedford Rd		Mt. Kisco	NY	10549
2701 Marlon LLC	272 N Bedford Rd	MOUNT KISCO	10549 69.51-3-1.1		East Gashi	345 Keat Street		Yorktown Heights	NY	10598
Kensico Park Realty, LLC	45 Kensico Dr	MOUNT KISCO	10549 69.50-1-1		Victor Camistra	43 Kensico Drive	Ste 200	Mt. Kisco	NY	10549
Chappaqua Road Co LLC	280 N Bedford Rd	MOUNT KISCO	10549 69.51-3-1.2		Anthony Beldotti	500 Executive Blvd	Ste 203	Ossining	NY	10562
John A. Martabano Trust No. 1	343 N Bedford Rd	MOUNT KISCO	10549 69.43-2-2			5515 Lake Ridge Dr.		Brighton	MI	48116
343 Bedford Realty, LLC	70 Kensico Dr	MOUNT KISCO	10549 69.51-1-1			75 Commercial St		Plainview	NY	11803
Tennis Equities, Inc.	77 Kensico Dr	MOUNT KISCO	10549 69.42-1-3			77 Kensico Dr		Mt. Kisco	NY	10549
Tennis Equities Inc	65 Kensico Dr	MOUNT KISCO	10549 69.42-1-4			PO Box 198		Stillwater	MIN	55082
Mt Kisco Self Storage	49-55 Kensico Dr	MOUNT KISCO	10549 69.42-1-9		Storage Investment Mgmt	PO Box 2749		Addison	TX	75001
Verizon New York Inc.	Kensico Dr	MOUNT KISCO	10549 69.50-1-8		Duff & Phelps	PO Box 324		Somers	NY	10589
Charisma Associates LLC	19 Kensico Dr	MOUNT KISCO	10549 69.50-1-5			PO Box 324		Somers	NY	10589
Burger King Corp #825	230 N Bedford Rd	MOUNT KISCO	10549 69.58-4-1			PO Box 460189		Houston	TX	77056
Suburban Propane L.P.	Hubbell Rd	MOUNT KISCO	10549 69.50-1-3		Ryan LLC					
J-Etc Corp	325 N Bedford Rd	MOUNT KISCO	10549 69.51-1-2							

village/town of Mount Kisco
Zoning Board of Appeals
APR 26 2021
RECEIVED

EXHIBIT A

PUBLIC NOTICE

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

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 18th day of May 20 21 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

DP 21, LLC

333 N. Bedford Road Mount Kisco, NY 10549

from the decision of Peter J. Miley, Building Inspector, dated March 25, 2021 denying the application dated to permit the installation of two double-sided, monument signs, one to be located at each of the entrances to the property.

The Property involved is known as 333 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.50 Block 2 Lot 1 and is located on the west side of N. Bedford Road in a CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) 89-11 Table 1, Page 4 of the Code of the Village/Town of Mount Kisco, which requires (1) each monument sign is proposed to have a maximum structure height of 16 feet, therefore, an 8-foot height variance is required for each sign; (2) the proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign; (3) application proposes 18-inch high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on both monument signs; (4) application proposes 16 inch high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs; and (5) application proposes 9-3/4" letters for Safe Haven Self Storage, therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs.

AFFIDAVIT OF MAILING

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

STATE OF NEW YORK

}

}SS.:

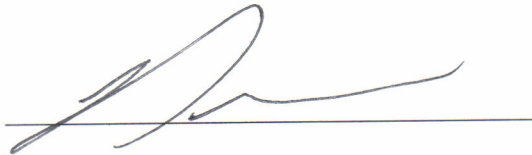
}

COUNTY OF WESTCHESTER

Jim Diamond being duly sworn, deposes and says:

I reside at DP-21, LLC, 393 N. BEDFORD RD, SUITE 145, MOUNT KISCO, NY

On April 26 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.



Sworn to before me on this

26th day of April 20 21

M. Black
(Notary Public)

Meredith Black, Esq.
Notary Public, State of New York
No. 028L6203286
Qualified in Westchester County
Commission Expires 4/06/2017



Village/Town of Mount Kisco
Zoning Board of Appeals

MAY 04 2021

RECEIVED

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 29 day of April in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas Runtz, 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 Runtz 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:
04/29/2021

Signature

Sworn to before me, this 29 day of April, 2021

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

1-7-25

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, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0004708996

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 18th day of May 2021 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of DP 21, LLC 333 N. Bedford Road Mount Kisco, NY 10549 from the decision of Peter J. Miley, Building Inspector, dated March 25, 2021 denying the application dated to permit the installation of two double-sided, monument signs, one to be located at each of the entrances to the property.

The Property involved is known as 333 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.43 Block 1 Lot 3 and is located on the west side of N. Bedford Road in a CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) 89-11 Table 1, Page 4 of the Code of the Village/Town of Mount Kisco, which requires (1) each monument sign is proposed to have a maximum structure height of 16 feet, therefore, an 8-foot height variance is required for each sign; (2) the proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign; (3) application proposes 18-inch high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on both monument signs; (4) application proposes 16 inch high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs; (5) application proposes 9-3/4" letters for Safe Haven Self Storage, therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs; and (6) the northernmost monument sign is proposed to be outside of the property which it serves, therefore, a variance for an off premise sign will be required.

4708996

333 N. Bedford

Village/Town of Mount Kisco
Zoning Board of Appeals

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

MAY 11 2021
AFFIDAVIT OF POSTING
RECEIVED

Gjon Rrotaj, being duly sworn, says that on the 11th day of May 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


Gjon Rrotaj

Sworn to before me this 11th day of May 2021


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

8P

First American Title Ins. Co. of New York
188 East Post Road
White Plains, New York 10601
(914) 428-3433 (800) 942-1893

3008-55985

8P

**NEW YORK BARGAIN AND SALE DEED WITH COVENANTS
AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made as of the 7 day of February, 2005

BETWEEN AMERICAN REAL ESTATE HOLDINGS LIMITED PARTNERSHIP, a Delaware limited partnership, having an office at 100 South Bedford Road, Mount Kisco, New York 10549

party of the first part, and

DP 21, LLC, a New York limited liability company, having an address at 400 Columbus Avenue, Valhalla, New York 10595

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL right, title and interest of the party of the first part, in and to all that certain plot, piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Town of Mount Kisco and the Town of Bedford, County of Westchester and State of New York bounded and described as follows:

SEE ATTACHED EXHIBIT A

TOGETHER with all right, title and interest, if any, of the party of the first part in and to the above described parcel of land lying in the bed of any street adjoining such parcel to the center line thereof, any rights easements and appurtenances pertaining to such parcel or the building erected thereon or any part thereof, and any strips and gores adjacent to or abutting such parcel or any part thereof and all right, title and interest of the party of the first part, if any, in and to the fixtures, equipment and other personal property appurtenant to the building erected on such parcel.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the successors and assigns of the party of the second part forever. And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

This conveyance is made in the ordinary course of business actually conducted by the Grantor.

This conveyance is made subject to all matters of record.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 26 2021

RECEIVED

Sec. 69.50 Blk 2 Lot 1
Town of Mt. Kisco
Sec. 71.12 Blk 2 Lot 36
Town of Bedford

IN WITNESS WHEREOF, THE PARTY OF THE FIRST PART HAS DULY EXECUTED THIS DEED THE
DAY AND YEAR FIRST ABOVE WRITTEN.

IN PRESENCE OF:

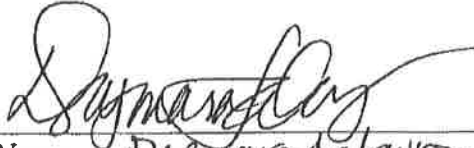
AMERICAN REAL ESTATE HOLDINGS
LIMITED PARTNERSHIP
a Delaware limited partnership

By: American Property Investors, Inc., it's ✓
general partner

By: John P. Saldarelli
Name: John P. Saldarelli
Title: Vice President

STATE OF New York)
COUNTY OF Westchester)
ss.:

On the 4 day of January in the year 2005 before me, the undersigned, personally appeared John P. Saldarelli, 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.


Name: Dagmara Lalewicz
Notary Public
Qualified in Westchester County
My Commission Expires: 8/23/05

DAGMARA LALEWICZ
Notary Public, State of New York
No. 01LA6029531
Qualified in Westchester County
Commission Expires August 23, 20 05

Bargain and Sale Deed
WITH COVENANTS AGAINST GRANTOR'S ACTS

AMERICAN REAL ESTATE HOLDINGS LIMITED PARTNERSHIP

TO
DP 21, LLC

	<i>Town</i>	<i>Town/Village</i>
SECTION:	71.12	69.50
BLOCK:	2	2
LOT:	36	1
COUNTY OR TOWN:	Bedford	MT. Kisco
STREET ADDRESS:	799 BEDFORD RD	369 N. BEDFORD Rd
TAX BILLING ADDRESS:		

RETURN BY MAIL TO:

DORF, KARLEN & STOLZAR, LLP

WHITE PLAINS PLAZA

ONE NORTH BROADWAY -- SUITE 800

WHITE PLAINS, NEW YORK, 10601

ATTENTION: ANDREW N. KARLEN, ESQ.

EXHIBIT "A"
Legal Description

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF BEDFORD PARTLY IN THE TOWN AND VILLAGE OF MOUNT KISCO, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD AT ITS INTERSECTION WITH THE DIVISION LINE BETWEEN PREMISES HEREIN DESCRIBED AND LANDS CONVEYED TO JAMES W. FITZGERALD BY DEED RECORDED IN LIBER 5109 CP 388; SAID POINT OF BEGINNING BEING DISTANT IN A NORTHEASTERLY DIRECTION AS MEASURED ALONG THE WESTERLY SIDE OF BEDFORD ROAD 2290.05 FEET FROM THE NORTHERLY SIDE OF HUBBEL'S CROSS ROAD;

THENCE RUNNING ALONG THE WESTERLY SIDE OF BEDFORD ROAD, SOUTH $37^{\circ} 20' 20''$ WEST 93.64 FEET TO LANDS NOW OR FORMERLY OF MCCORMACK;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS OF MCCORMACK AND ALONG THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF MARTABANO, NORTH $52^{\circ} 57' 30''$ WEST 188.62 FEET AND NORTH $54^{\circ} 31' 00''$ WEST 27.66 FEET TO THE NORTHWEST CORNER OF SAID LANDS NOW OR FORMERLY OF MARTABANO;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS OF MARTABANO, SOUTH $41^{\circ} 38' 10''$ WEST 148.96 FEET TO THE SOUTHWEST CORNER OF SAID LANDS;

THENCE RUNNING ALONG THE SOUTHERLY LINE OF SAID LANDS AND LANDS NOW OR FORMERLY OF LOVELESS, SOUTH $52^{\circ} 54' 00''$ EAST 218.68 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE RUNNING ALONG SAID SIDE OF BEDFORD ROAD, SOUTH $40^{\circ} 44' 50''$ WEST 50.10 FEET TO THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF GRAVELEY EASTON, INC.;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO, NORTH $52^{\circ} 54' 00''$ WEST 219.46 FEET TO THE NORTHWEST CORNER OF SAID OTHER LAND OF MARTABANO;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS AND LANDS NOW OR FORMERLY OF DESILVA INC. AND FUEL CO., INC., AND OTHER LANDS NOW OR FORMERLY OF MARTABANO AND LANDS NOW OR FORMERLY OF STOORZA, SOUTH $41^{\circ} 38' 10''$ WEST 802.66 FEET TO THE SOUTHWEST

CORNER OF SAID LANDS OF STOORZA;

THENCE RUNNING ALONG THE SOUTHERLY LINE OF SAID LANDS SOUTH $48^{\circ} 21' 50''$ EAST 202.05 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE RUNNING ALONG SAID SIDE OF BEDFORD ROAD, SOUTH $43^{\circ} 59' 00''$ WEST 50.04 FEET TO THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OF THIEBAUTH;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO AND LANDS NOW OR FORMERLY OF SIMON AND RUBEL CORP., NORTH $48^{\circ} 21' 50''$ WEST 400 FEET TO THE NORTHWEST CORNER OF SAID LANDS OF RUBEL CORP.;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO, SOUTH $41^{\circ} 38' 10''$ WEST 366.86 FEET TO THE SOUTHWEST CORNER OF SAID LANDS OF MARTABANO;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS AND LANDS NOW OR FORMERLY OF MARTY MOTORS CORP., SOUTH $53^{\circ} 30' 00''$ EAST 199.35 FEET AND SOUTH $46^{\circ} 32' 40''$ EAST 188.54 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE RUNNING ALONG SAID SIDE OF BEDFORD ROAD, SOUTH $44^{\circ} 19' 00''$ WEST 50.01 FEET TO THE NORTHEAST CORNER OF OTHER LANDS NOW OR FORMERLY OF MARTABANO;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS NORTH $46^{\circ} 32' 40''$ WEST 184.75 FEET AND NORTH $53^{\circ} 30' 00''$ WEST 200.80 FEET TO THE NORTHWEST CORNER OF SAID LANDS;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS SOUTH $41^{\circ} 38' 10''$ WEST 152.73 FEET TO LANDS OF THE CONSOLIDATED EDISON COMPANY;

THENCE RUNNING ALONG SAID LANDS NORTH $53^{\circ} 30' 00''$ WEST 641.93 FEET TO THE HARLEM DIVISION OF THE NEW YORK CENTRAL RAILROAD LANDS;

THENCE RUNNING ALONG SAID LANDS NORTH $39^{\circ} 15' 40''$ EAST 1852.53 FEET TO LANDS NOW OR FORMERLY OF MARSHALL;

THENCE RUNNING ALONG SAID LANDS SOUTH $63^{\circ} 28' 20''$ EAST 924.71 FEET TO LANDS NOW OR FORMERLY OF SCHULZ;

THENCE RUNNING ALONG SAID LANDS SOUTH $32^{\circ} 09' 00''$ WEST 151.73 FEET TO LANDS NOW OR FORMERLY OF FITZGERALD;

THENCE RUNNING ALONG SAID LANDS THE FOLLOWING COURSES AND DISTANCES: NORTH 54° 39'00" WEST 121.51 FEET; SOUTH 35° 21'00" WEST 164.38 FEET; AND SOUTH 52° 57'30" EAST 310.64 FEET TO THE POINT OR PLACE OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER LANDS OF MARTABANO 10 FEET IN WIDTH FROM THE END OF THE EXISTING SEWER EASEMENT AS DEDICATED TO THE VILLAGE OF MOUNT KISCO NORTHERLY TO LANDS ABOVE DESCRIBED, A DISTANCE OF ABOUT 20.00 FEET.

RESERVING, HOWEVER, TO ALFRED MARTABANO, JOHN MARTABANO, PATRIZIA MARTABANO, GEORGE MARTABANO, ROSE TARRACCIAMO, DORIS M. CAWLEY AND WILLIAM MARTABANO AND OTHERS, AND EASEMENT FOR INGRESS AND EGRESS OVER THREE PROPOSED ROADS RUNNING FROM BEDFORD ROAD TO THE PREMISES ABOVE DESCRIBED, WHICH ROADS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ROAD NO. 1: BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD AT A POINT WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN PREMISES ABOVE DESCRIBED AND LANDS NOW /OR FORMERLY OF MARTABANO, SAID POINT BEING DISTANT 185.93 FEET AS MEASURED NORTHERLY ALONG THE WESTERLY SIDE OF BEDFORD ROAD FROM THE POINT FORMED BY THE INTERSECTION THEREOF WITH THE DIVIDING LINE BETWEEN LANDS FORMERLY OF WESTCHESTER LIGHTING CO., NOW OF CONSOLIDATED EDISON COMPANY AND LANDS FORMERLY OF MARTABANO;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG LANDS NOW OR FORMERLY OF MARTABANO, NORTH 46° 32'40" WEST 184.75 FEET AND NORTH 53° 30'00" WEST 200.80 FEET TO PREMISES ABOVE, DESCRIBED;

THENCE ALONG SAID LANDS NORTH 41° 38' 10" EAST 50.20 FEET TO OTHER LANDS NOW OR FORMERLY OF MARTABANO;

THENCE ALONG SAID LANDS OF MARTABANO AND LANDS NOW OR FORMERLY OF MARTY MOTORS CORP., SOUTH 53° 30'00" EAST 199.35 FEET AND SOUTH 46° 32'40" EAST 188.54 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE ALONG THE WESTERLY SIDE OF BEDFORD ROAD, SOUTH 44° 19' 00" WEST, 50.01 FEET TO THE POINT OR PLACE OF BEGINNING.

ROAD NO. 2: BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN LANDS NOW OR FORMERLY OF JOHN STOOZRA AND LANDS ABOVE DESCRIBED;

THENCE RUNNING ALONG THE WESTERLY SIDE OF BEDFORD ROAD, SOUTH 43° 59' 00" WEST 50.04 FEET TO LANDS NOW OR FORMERLY OF THIEBOUTH;

THENCE ALONG SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO AND LANDS NOW OR FORMERLY OF SIMON AND RUBEL CORP., NORTH 48° 21' 50" WEST 400.00 FEET TO PREMISES ABOVE DESCRIBED; THENCE THROUGH SAID PREMISES NORTH 41° 38' 10" EAST 50.00 FEET; AND;

THENCE SOUTH 48° 21' 50" EAST AND PART OF THE DISTANCE ALONG THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF STOORZA, 402.05 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD TO THE POINT OR PLACE OF BEGINNING.

ROAD NO. 3: BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN PREMISES ABOVE DESCRIBED AND LANDS NOW OR FORMERLY OF LOVELESS;

RUNNING THENCE ALONG SAID LANDS OF LOVELESS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO NORTH 52° 54' 00" WEST 218.68 FEET TO PREMISES ABOVE DESCRIBED;

THENCE RUNNING ALONG SAID LANDS SOUTH 41° 38' 10" WEST 50.16 FEET TO OTHER LANDS NOW OR FORMERLY OF MARTABANO;

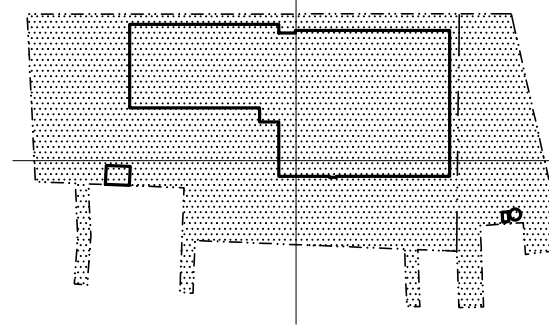
THENCE ALONG SAID LANDS OF MARTABANO AND LANDS NOW OR FORMERLY OF GRAVELEY EASTON, INC., SOUTH 52° 54' 00" EAST 219.46 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE ALONG THE WESTERLY SIDE OF BEDFORD ROAD, NORTH 40° 44' 50" EAST 50.10 FEET TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING THEREFROM PORTIONS OF LAND WHICH MAY HAVE BEEN TAKEN PURSUANT TO NOTICE OF APPROPRIATION NOS. 5344 AND 5345 RECORDED 8/23/82 IN LIBER 7553 PAGE 604.

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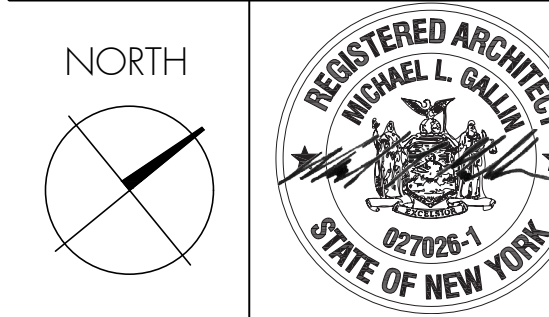
Key Plan:



Sheet Scale:



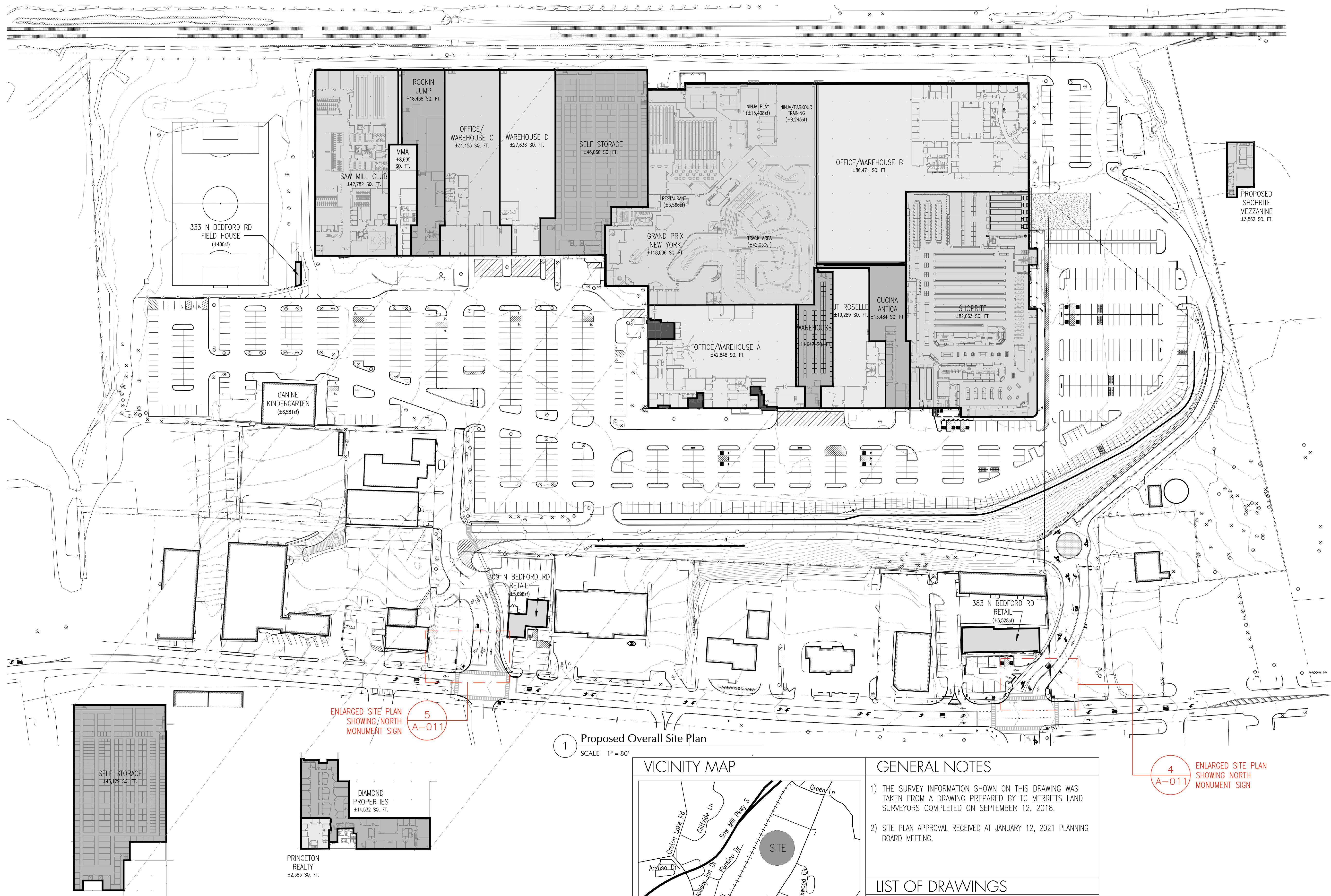
A horizontal scale bar with four segments. The first segment is labeled '0', the second '80'', the third '160'', and the fourth '240''. The segments are shaded in alternating light and dark gray.



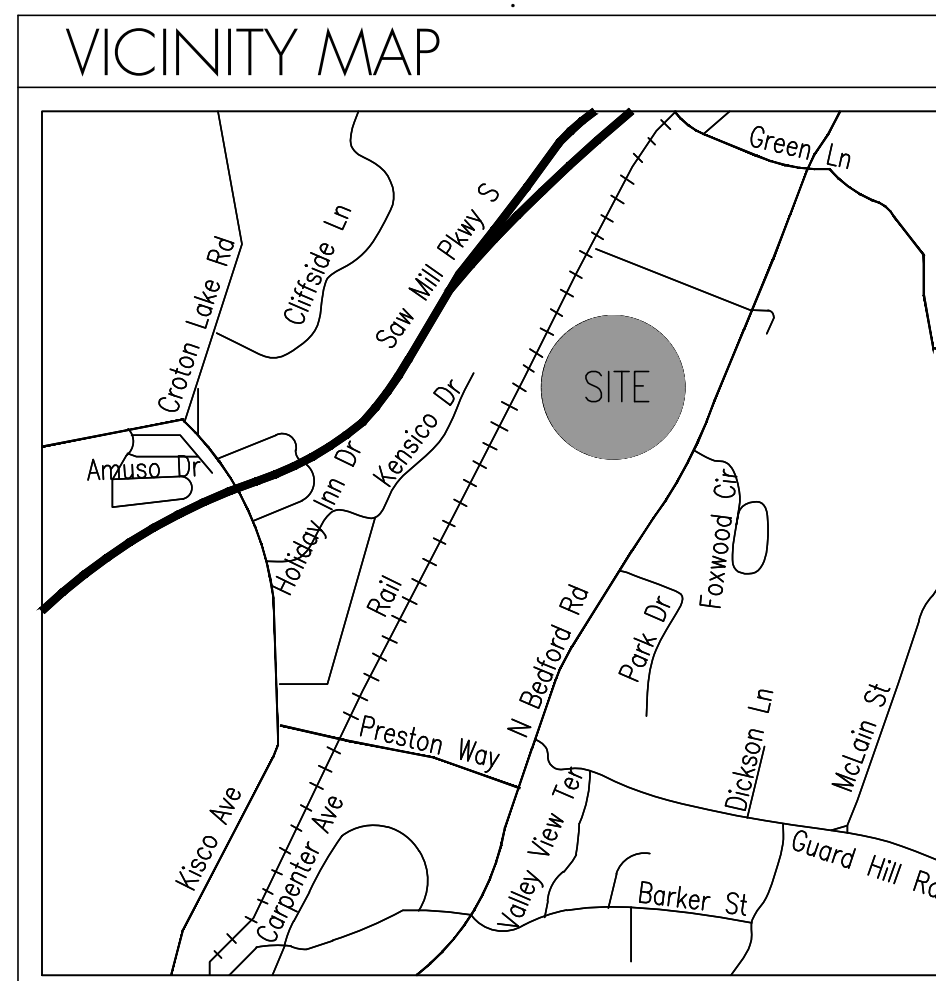
-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Sheet Title:
**General Information
& Proposed Overall
Site Plan**

Project #: 1641	Sheet No.:
Drawn: TMM	A-001
Checked: MLG	
Print Date: 04-26-21	



1 Proposed Overall Site Plan
SCALE 1" = 80'



GENERAL NOTES

- 1) THE SURVEY INFORMATION SHOWN ON THIS DRAWING WAS TAKEN FROM A DRAWING PREPARED BY TC MERRITTS LAND SURVEYORS COMPLETED ON SEPTEMBER 12, 2018.
- 2) SITE PLAN APPROVAL RECEIVED AT JANUARY 12, 2021 PLANNING BOARD MEETING.

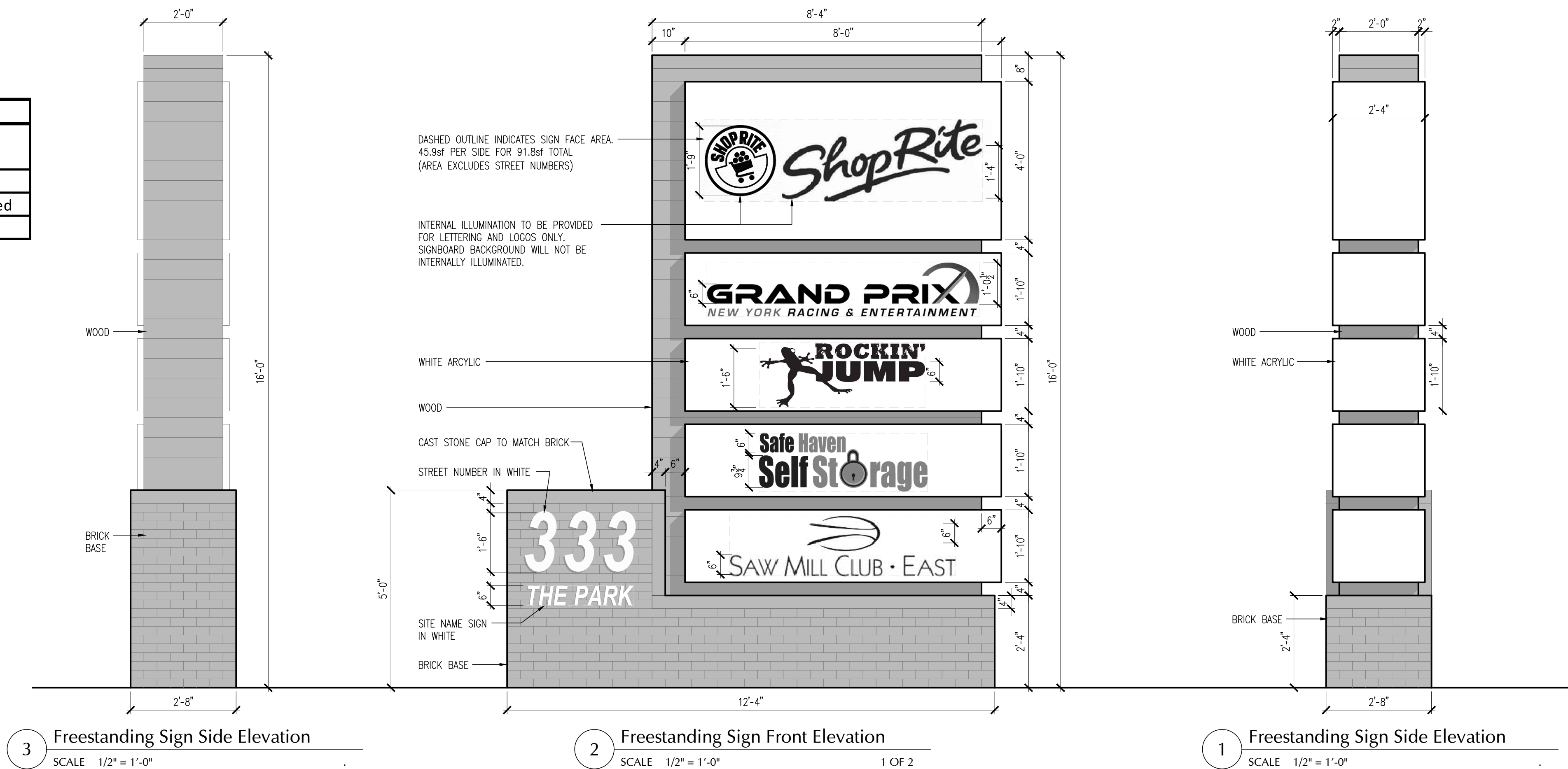
LIST OF DRAWINGS

- A-001 General Information & Proposed Overall Site Plan
- A-011 Freestanding Entrance Sign
- A-020 Property Photos – North Entrance
- A-021 Property Photos – South Entrance



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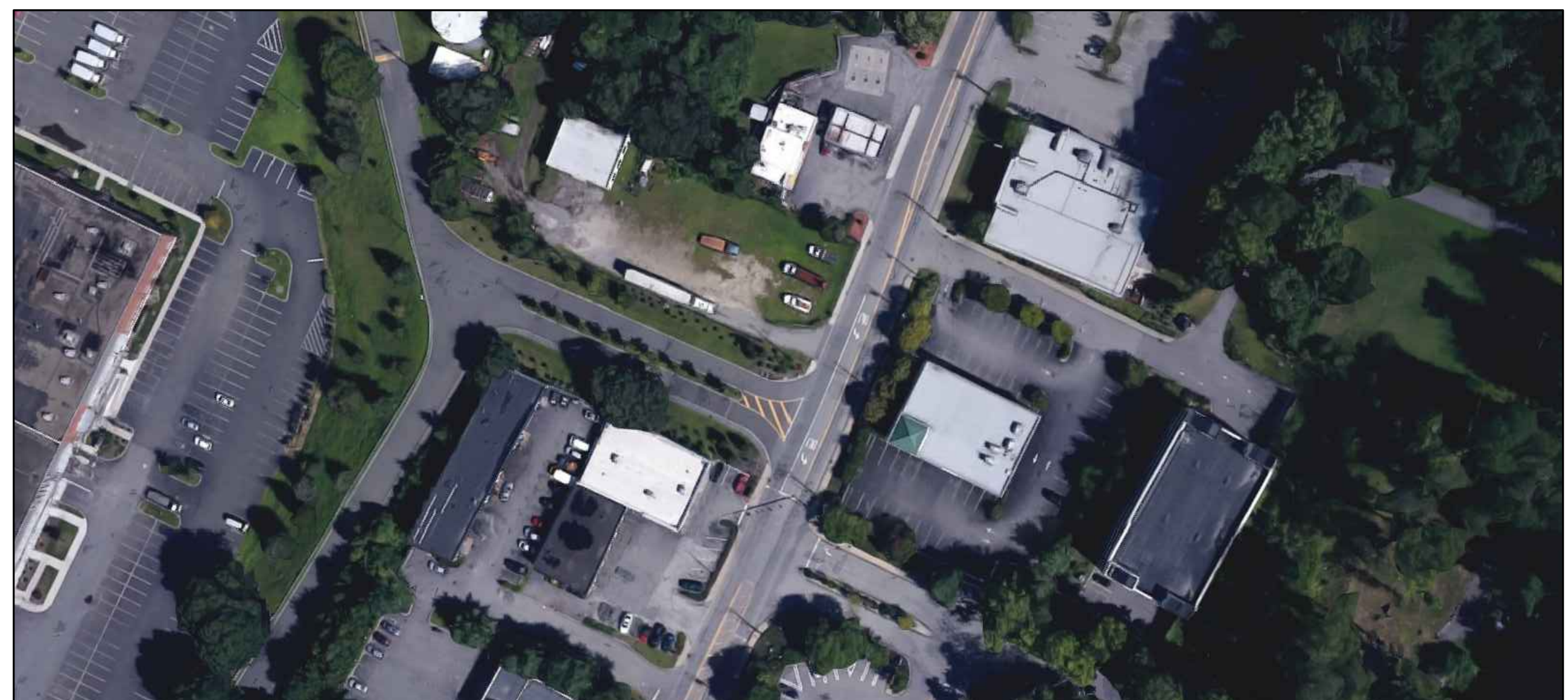
Zoning District CL (on Route 117)			
Permitted Sign Specifications	Required	Proposed	Compliant
Maximum Structure Height above Grade	8'	16'	No: 8' Variance Required
Maximum Letter Height	6"	16"	No: 10" Variance Required
Maximum Face Area	20sf	91.8sf	No: 71.8sf Variance Required
Accompanying Art Work Height	n/a	1'-9"	To be determined by ARB



-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Freestanding Entrance Sign

A-011

Owner

DP21, LLC (Diamond Properties)

333 N. Bedford Road
Mt. Kisco, New York 10549

Project Architect

Gallin Beeler Design Studio, PLLC

23 Washington Ave
Pleasantville, NY 10570

Civil Engineer

JMC Site Development Consultants

120 Bedford Road
Armonk, NY 10504

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-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Sheet Title:

Property Photos - North Entrance

Project #: 1641

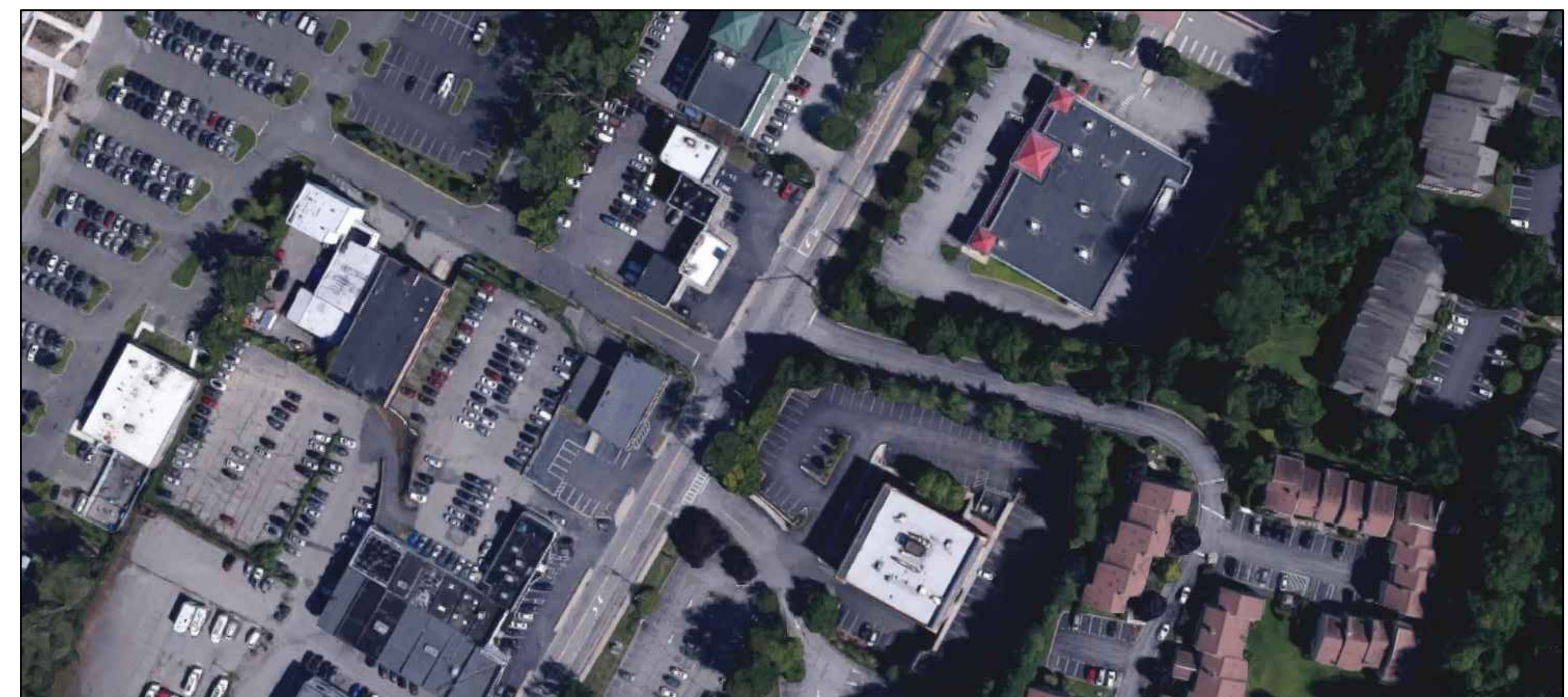
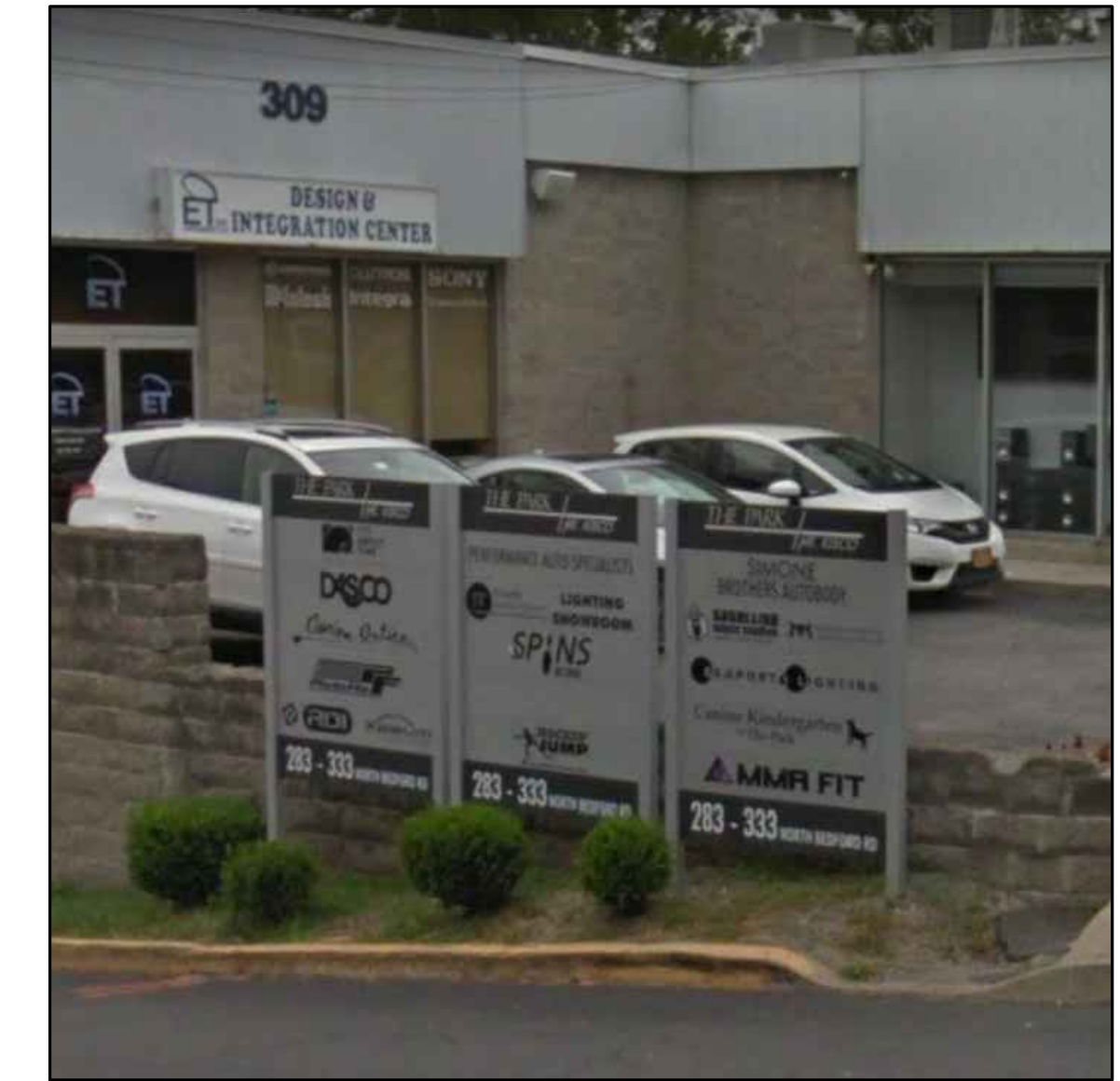
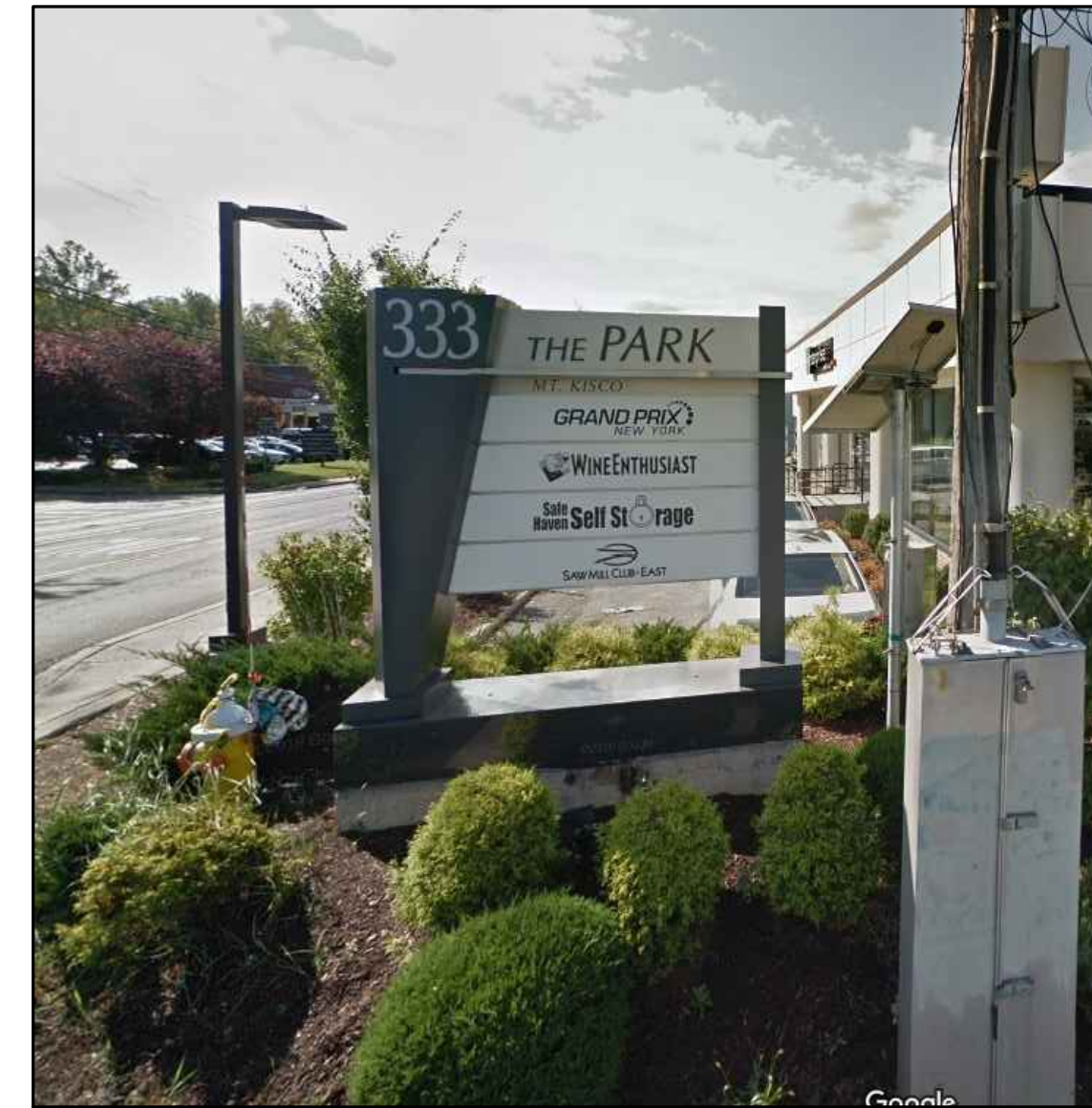
Drawn: TMM

Checked: MLG

Print Date: 04-26-21

Sheet No.:

A-020



Owner
DP21, LLC (Diamond Properties)
333 N. Bedford Road
Mt. Kisco, New York 10549

Project Architect

Gallin Beeler Design Studio, PLLC
 23 Washington Ave
 Pleasantville, NY 10570

Civil Engineer

JMC Site Development Consultants
120 Bedford Road
Armonk, NY 10504

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-	04-26-21	ZBA Submission
-	02-24-21	ARB Submission
Rev.	Date	Description

Sheet Title:

Property Photos -
South Entrance

Project #: 1641	Sheet No.:
Drawn: TMM	A-021
Checked: MLG	
Print Date: 04-26-21	

THE LAW OFFICE OF KORY SALOMONE, P.C.

118 NORTH BEDFORD ROAD, SUITE 100
MOUNT KISCO, NEW YORK 10549

Tel: (914) 219-0789

Fax: (914) 709-4605

ks@ksalomonelaw.com

Village/Town of Mount Kisco
Zoning Board of Appeals

APR 27 2021

RECEIVED

April 27, 2021

Harold Boxer, Chair
Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Re: **14 Smith Avenue**
Parcel Id. # 80.41-3-8

Honorable Chair and Members of the Board:

As you know, this firm represents the Estate of Anna Nyitray (the "Applicant" or "Estate"), owner of the property located at 14 Smith Avenue, Mount Kisco, New York (the "Subject Property") in connection with this use variance application. We made our initial presentation before you Board on April 20, 2021. At the conclusion of that meeting, your Board requested that we provide the following information: (i) the anticipated rental rate of the second story apartment, if the use variance is granted and (ii) a spreadsheet itemizing the yearly expenses of the Estate associated with its ownership of 14 Smith Street.

With respect to the anticipated rent, enclosed herewith please find a memorandum prepared by Karen Heller, CIREC, Realtor, which provides an estimate of the rental price per square foot based on similarly sized apartments listed in Mount Kisco. Based on Mrs. Heller's research and professional opinion, the average monthly rental for the proposed apartment at 14 Smith Avenue will be in the range of \$2.25-\$2.56 per square foot.

The Estate is currently preparing the requested expenses spreadsheet. Upon receipt, I will immediately forward to your Board.

We look forward to continuing our discussion of this application at your May 18, 2021 meeting. If you have any questions, comments, or concerns, please do not hesitate to contact me.

Very truly yours,


Kory Salomone

cc: Dr. Peter Nyitray
Matthew Worner, Esq.

KAREN HELLER
36 CROSSHILL ROAD
HARTSDALE, NY 10530
EMAIL: KARENHELLER@ME.COM
PHONE: 324-6074

To Whom It May Concern:

The following information is direct from the Hudson Gateway Association of Realtors on April 22, 2021.

Karen Heller, CIREC, Realtor
Licensed Associate Real Estate Broker, NY & CT
HOULIHAN LAWRENCE COMMERCIAL
800 Westchester Avenue
Rye Brook, NY 10573

https://karenheller.houlihanlawrence.com/agents_offices/

NY Licence: 103001210894
CT License: 0810867

**ACTIVE RENTALS IN THE SUBJECT AREA AND AT
SUBJECT SIZE = APPROX. 900 SF**

**ACTIVELY OFFERED AT \$2.25 TO \$2.56 PER SQUARE
FOOT**

700 SQUARE FOOT ONE BEDROOM RENTAL AT \$2.56 PSF

[260 West Street Unit#8A](#)

Mount Kisco, NY 10549, Mount Kisco

\$1,795

New Listing

Active

[VIEW DETAILS](#)

1Beds1Full Baths0Half Baths700Sq FtCo-opOther/See Remarks

One bedroom unit on second floor in The Gardens. Bright spacious apartment with living room, Da, Kitchen, bath, bedroom. Garage when available at extra fee. \$20.00 application fee. Sponsor unit, interview. Tenant pays electric, heat and hot water....

975 SQUARE FOOT TWO BEDROOM

RENTAL AT \$2.25 PSF

[260 West Street](#)

Mount Kisco, NY 10549, Mount Kisco

\$2,195

Active

[VIEW DETAILS](#)

2Beds1Full Baths0Half Baths975Sq FtCo-opOther/See Remarks

Spacious two bedroom, close to shopping, restaurants, medical. Sponsor unit, interview, tenant pays utilities. Second floor unit. Assigned space. Indoor garage when available for additional fee

LARGER UNITS ON THE MARKET AT APPROXIMATELY \$2.50 PSF

All information courtesy of Karen Heller

Address	Square Feet	Beds	Bath	Yr. Built	Price
63 Spring Street Unit#1, Mount Kisco	1,000	2	1	1900	\$2595
165/167 E Main Street Unit#2A, Mount Kisco	1,700	2	2	1960	\$2600
165 E Main Street Unit#3C, Mount Kisco	1,750	3	1	1960	\$2800
66 Gregory Avenue, Mount Kisco	1,500	2	1	1960	\$2950

**AFFIDAVIT OF PETER NYITRAY
APPOINTED EXECUTOR/FIDUCIARY OF
THE ESTATE OF ANNA NYITRAY**

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

PETER NYITRAY, MD being duly sworn, deposes and states the following under penalties of perjury:

1. I am the named Executor/Fiduciary of my deceased mother's Estate which is known as the Estate of Anna Nyitray (the "Estate").
2. I make this affidavit in further support of the Estate's pending application for a use variance before the Mount Kisco Zoning Board of Appeals and as such, I am fully familiar with all of the facts and circumstances contained in this affidavit.
3. The facts here are straightforward, at the time of her death, my mother was survived by her three (3) sons who are me, my brother, Joseph Nyitray (who lives locally here in Mt. Kisco) and my brother Paul Nyitray who lives full-time in Europe in the country of Slovakia.
4. Because I reside over an hour and a half away in Southern New Jersey, from the time my mother died, it was agreed that my brother, Joseph Nyitray was going to manage all affairs relating to the maintenance, repair and upkeep of the premises owned by my mother located at 14 Smith Avenue Mount Kisco, NY 10549 (hereinafter referred to as the "Subject Property").
5. From the time my mother died until very recently, I had been told by my brother Joseph Nyitray that he was properly taking care of paying all bills and handling all maintenance chores related to the Subject Property.
6. However, I recently became aware of the fact that my brother was not taking care of the Subject Property and in fact, many bills (including real estate taxes) were not being paid.
7. I believe that my brother was not able to take care of the property because of his diminished

medical and mental capacity as a result of a long-term illness.

8. Nevertheless, as soon as I learned that my brother was not taking care of the Subject Property, I immediately undertook to pay all past due real estate taxes and other outstanding bills.

9. I also explained to my brother that he needed to produce any and all receipts, invoices, canceled checks or other documents to prove the expenses that are needed to maintain the Subject Property.

10. However, despite my demands, my brother has been completely unable to produce any invoices for expenses related to the building including insurance, electricity and gas, landscaping or other repairs.

11. Nevertheless, by working with our Estate attorney, we were able to put together an estimate of the costs and expenses incurred by operating the Subject Property.

12. Therefore, below is an expense schedule I have constructed based upon the bank statements and canceled checks that my brother has provided to me thus far.

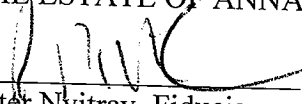
13. Needless to say, I believe that the actual expenses are higher, but below is what I believe to be a reasonably accurate list of annual expenses for the past 12-month period from May 1, 2020 up to and including May 1, 2021:

Real Estate Taxes	\$33,000.00
Lawncare, Landscaping & Snow removal	\$4,500.00
Con Edison (gas & Electric)	\$2,800.00
Insurance	\$3,400.00
Repairs (various plumbing & electric)	\$2,000.00
Total:	\$45,700.00.

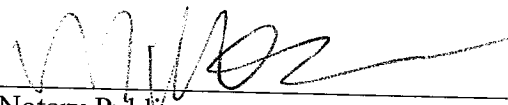
14. I hope this information is helpful in allowing the Board to recognize that to allow the Estate to realize a reasonable economic return on the property, a use variance is required so that the second floor can be used as a residential apartment, which is not currently permitted in the OD1 zoning district.

Dated: White Plains, New York
May 11, 2021

THE ESTATE OF ANNA NYITRAY


Peter Nyitray, Fiduciary

Sworn to before me this 12th day
of May, 2021


Notary Public

