

**CHARLES V. MARTABANO**  
Attorney at Law

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Katonah, New York 10536  
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**RECEIVED**

December 10, 2021

**DEC 10 2021**

Zoning Board of Appeals  
Village/Town of Mount Kisco

VIA HAND DELIVERY  
Michelle Russo, Secretary  
Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

Re: Application of Eugene Gilyard  
Premises known as 89 Maple Avenue, Mount Kisco, New  
York; Tax ID Number: 69.80-5-13

Dear Michelle:

In connection with the above referenced application, I herewith enclose the following:

1. Ten (10) copies of completed, executed and notarized application;
2. Ten (10) copies of the deed to the premises;
3. Ten (10) copies of my client's Notice of Appeal;
4. Ten (10) copies of the typewritten full statement of the principal points upon which the application is based;
5. Ten (10) copies of the block diagram provided by the Village for notice purposes;
6. Ten (10) copies of a full list of the names and addresses of owners of all property shown on the block diagram located within 300 feet of the subject property;
7. Ten (10) copies of the Public Notice;
8. My client's check in the amount of \$750 representing the application fee.

In addition to the foregoing, we are delivering herewith for informational purposes ten (10) copies of my client's previously proposed site plan (see narrative).

I will arrange for the publication of the public notice and will await advice from LOHUD as to whether the affidavit of publication will be delivered directly to you or to me in which case, I will subsequently provide it to you. When the public notices are served by mail, an appropriate affidavit will be provided to you. If you have any questions with respect to the foregoing or the enclosed, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in dark ink, appearing to be 'C. Martabano', written over the closing 'Yours very truly,'.

Charles V. Martabano

cc: Eugene Gilyard



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: Eugene Gilyard

Address: 3171 Court Street, Yorktown Heights, NY 10598

Address of subject property (if different): 89 Maple Avenue, Mt. Kisco, NY 10549

Appellant's relationship to subject property: X 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 10/14/21. Application is hereby made for the following:

Approval of change of use pursuant to section 110-34 D  
of the Code of the Village/Town of Mount Kisco,

to permit the: \_\_\_\_\_ Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of change of prior legal non-conforming personal service use to  
food-retail use

in accordance with plans filed on (date) 10/05/21  
for Property ID # 69.80-5-13 located in the RT-6 Zoning District.

The subject premises is situated on the EAST side of (street) MAPLE  
AVENUE in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes (No)  
(If on two streets, give both street names) \_\_\_\_\_

Type of Variance sought: \_\_\_\_\_ Use \_\_\_\_\_ Area **AUTHORIZATION PURSUANT TO  
SECTION 110-34 D**

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

Is there an approved site plan for this property? NO in connection with a \_\_\_\_\_ Proposed or \_\_\_\_\_ Existing building; erected (yr.) \_\_\_\_\_

Size of Lot: 149 feet wide 70 feet deep Area 11,128 SF

Size of Building: at street level 30 feet wide 62 feet deep

Height of building: 2 stories Present use of building: \_\_\_\_\_  
FOOD RETAIL (DELI) AND STORAGE

Does this building contain a nonconforming use? YES Please identify and explain: \_\_\_\_\_  
SEE ATTACHED NARRATIVE

Is this building classified as a non-complying use? YES Please identify and explain: \_\_\_\_\_  
SEE ATTACHED NARRATIVE

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

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

Are there any violations pending against this property? YES If so, please identify and explain: \_\_\_\_\_  
SEE ATTACHED NARRATIVE

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? YES

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 10/14/21 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.

Eugene Lyall  
(Appellant to sign here)

Sworn to before me this day of: December 9, 2021

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

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

State of New York                      }  
County of Westchester               } ss

Being duly sworn, deposes and say that he resides at \_\_\_\_\_ 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)

JUSTICE COURT: VILLAGE/ TOWN OF MOUNT KISCO  
COUNTY OF WESTCHESTER: STATE OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-Against-

Gilyard, Eugene & Gilyard, Bertha

Defendant(s),

APPEARANCE TICKET

& INFORMATION

FILE # 2016-2309

APPEARANCE TICKET

Justice Court, Village/ Town of Mount Kisco  
40 Green Street Mount Kisco, New York

Defendant(s) Name Gilyard, Eugene & Gilyard, Bertha  
Address 3174 Court St, Yorktown Heights, NY 10598  
Address of Violation 87 Maple Ave Mount Kisco, NY 10549  
Tax Information 69.80-5-13

TO THE ABOVE NAMED DEFENDANT(S)

You are hereby directed to appear in the Justice Court of the Village/ Town of Mount Kisco located at 40 Green Street, Mt. Kisco, Westchester Count, State of New York at the below date and time in connection with your alleged commission of offences stated below.

Date of Court Appearance 5:00 PM on 7/10/2017

Thursday, June 15, 2017

HENRY SENNO

Fire Inspector

Offenses:

In violation of the 2015 International Fire Code, sections 305.1 (1 count), 313.1 (2 counts), 315.3.2 (1 count) and 315.3.3 (1 count), the Mount Kisco Village Code, sections 51.6 (1 count), 51.7A (1 count), 51 9A (1 count) and 51-9I (1 count).

COUNT(S)

Code of Village/ Town of Mount Kisco

51-6

Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer.

Code of Village/ Town of Mount Kisco

51-7 A

Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an Inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.

**Code of Village/ Town of Mount Kisco****51-9 A**

Certificates of occupancy or certificates of compliance required. A certificate of occupancy or certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or sub-classification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or certificate of compliance.

**Code of Village/ Town of Mount Kisco****51-9 I**

No change shall be made in the use or type of occupancy of an existing building unless a certificate of occupancy authorizing such change shall have been issued by the Building Inspector.

**2015 International Fire Code****305.1**

Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

**2015 International Fire Code****313.1**

Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment, portable generators and portable cooking equipment, shall not be stored, operated or repaired within a building.

**2015 International Fire Code****315.3.3**

Combustible material shall not be stored in boiler rooms, mechanical rooms, electrical equipment rooms or in fire command centers as specified in Section 508.1.5.

**2015 International Fire Code****315.3.2**

Combustible materials shall not be stored in exits or enclosures for stairways and ramps.

**FACTS**

I, Henry Senno, Fire Inspector for the Village/Town of Mount Kisco being duly sworn deposes and says that on 11/29/2016, I conducted a mandatory Fire Inspection at 89 Maple Ave (Vacant Store). The property owner's daughter was present for the inspection and witnessed the inspection where the following violations were identified: The flue pipe for the boiler is too close to combustibles (ceiling). There is Fueled fired equipment stored in the rear room (a lawn mower and blower). There is storage of merchandise located in the mechanical room. The means of egress (front door) is blocked by storage. According to building department records there are no building permit, inspections during construction or a Certificate of Occupancy issued for the construction of an opening in the firewall between the two stores. According to the Building department records, there are no approvals for the Change of Use from a personnel service to a retail store.

The foregoing is based upon an inspection and/or information contained in the files of the Building Department of the Village of Mount Kisco, N.Y. FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR UNDER SECTION 210.45 OF THE PENAL LAW.

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**THIS APPEARANCE TICKET REQUIRES PERSONAL APPEARANCE. PLEASE BRING THIS TICKET WITH YOU. FAILURE TO APPEAR IN COURT ON RETURN DATE WILL RESULT IN THE ISSUANCE OF A WARRANT FOR YOUR ARREST**

F4T1

BETWEEN

JENNIFER H. HICKS and JUNE H. HICKS, both residing at  
1 Everett Avenue, Ossining, New York 10566,

party of the first part, and

EUGENE GILYARD and BERTHA M. GILYARD, his wife, both residing at 3174 Court Street, Yorktown Heights, New York 10598.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN and 00/100 or other valuable consideration-----(\$10.00) dollars 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 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

TOGETHER with all right, title and interest, if any, of the party of the first part 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 covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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:

*James H. Hicks*  
JAMES H. HICKS  
*June H. Hicks*  
JUNE H. HICKS



STATE OF NEW YORK, COUNTY OF WESTCHESTER ss:

On the 21 day of December 19 93, before me personally came

JENNIFER H. HICKS & JUNE H. HICKS

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Notary Public

JOSEPH J. CERBONE  
NOTARY PUBLIC, State of New York  
No. 80-5039161  
Qualified in Westchester County  
Commission Expires May 31, 19 94

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , 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.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

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 resides at

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

execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

## BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. Future title 543-1993

JENNIFER H. HICKS and  
JUNE H. HICKS

TO  
EUGENE GILYARD and BERTHA M. GILYARD



Distributed by

**STEWART TITLE**  
INSURANCE COMPANY  
350 PARK AVENUE  
NEW YORK, NEW YORK 10177

Sheet 80

SECTION 69

BLOCK 5

LOT 13

COUNTY ~~SECON~~ of Westchester

STREET ADDRESS 87-89 Maple Avenue  
Mount Kisco, N.Y. 10549

Village/Town of Mount Kisco

Recorded at Request of STEWART TITLE INSURANCE  
COMPANY

RETURN BY MAIL TO

JOHN'T. WARD, ESQ.  
98 Park Drive  
Mount Kisco, New York 10549  
(914) 241-0460

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



## M. J. ALLEN &amp; SONS • DON

BEGINNING at the corner formed by the intersection of the southeasterly side of Maple Avenue with the southwesterly side of Lexington Avenue;

RUNNING THENCE along the last mentioned land, South 48 degrees 03' 20" West 164.42 feet to land now or formerly of DeSalvo;

RUNNING THENCE northeasterly along said side of Maple Avenue on a curve to the left having a radius of 1100 feet a distance of 149.76 feet to the point or place of BEGINNING.

Eugene Gilyard  
3174 Court Street  
Yorktown Heights, New York 10598

December 9, 2021

Chairman Harold Boxer  
Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

Re: Appeal of Determination of Building Inspector dated  
October 14, 2021 (received October 15, 2021) relating to 87 (89)  
Maple Ave., Mount Kisco New York

Dear Chairman Boxer:

In accordance with the procedures specified for appeals to the Zoning Board of Appeals of the Village of Mount Kisco, I am hereby providing you with notice of my intent to appeal the above referenced Denial Letter/Notice of Denial issued by the Building Inspector (copy attached) to your Board. The appeal will be submitted seeking relief in the form of an authorization pursuant to the provisions of §110-34 D of the Code of the Village of Mount Kisco to change one nonconforming use (personal service/beauty parlor) to another nonconforming use (food retail/storage).

I will submit the application and all other required materials within the time period specified by the Code i.e. on or before December 14, 2021. I look forward to appearing before your Board.

Sincerely,

  
Eugene Gilyard



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

October 14, 2021

Eugene Gilyard  
3174 Court Street  
Yorktown Heights, New York 10598

Re: Change of use application  
87 Maple Avenue  
Mount Kisco, New York 10549  
Tax Id # 69.80-5-13

Dear Mr. Gilyard:

We received a building permit application to open a demising wall (separating two spaces) in a commercial building and a change of use request from personal service to food-retail. We note that an existing food-retail establishment is currently located at the above address and that your request is to expand the existing food-retail business into the adjacent space formerly occupied by a barber shop.

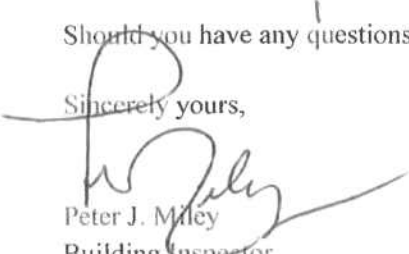
The property is located in the § 110-11. RT-6 One- and Two-Family Residence District. The existing businesses are both nonconforming uses and pursuant to Chapter 110. Zoning Article VI. Nonconforming Uses and Noncomplying Buildings § 110-34. Nonconforming uses. D. said nonconforming use shall not be changed to another nonconforming use without approval by the Zoning Board of Appeals, and then only to a use which, in the opinion of the Board of Appeals, is of the same or of a less restrictive nature.

Unfortunately, your application to expand an existing – nonconforming use into the space of another nonconforming use is *hereby denied*.

You have the right to appeal this decision to the Zoning Board of Appeals within 60 calendar days. If you wish to appeal this decision, please complete an application to the Zoning Board of Appeals within the required timeframe.

Should you have any questions, please feel free to contact me.

Sincerely yours,

  
Peter J. Miley  
Building Inspector

**CHARLES V. MARTABANO**  
**Attorney at Law**

9 Mekeel Street  
Katonah, New York 10536  
[cmartabano@gmail.com](mailto:cmartabano@gmail.com)  
(914) 242-6200 Telephone  
(914) 242-3291 Facsimile  
(914) 760-9241 Cell

December 9, 2021

VIA HAND DELIVERY  
Chairman Harold Boxer, and  
Members of the Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

Re: Application of Eugene Gilyard  
Premises known as 89 Maple Avenue, Mount Kisco, New York  
Tax ID Number: 69.80-5-13

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

Please be advised that the undersigned has been retained to represent the interests of Eugene Gilyard, owner of premises known as 89 Maple Avenue, Mount Kisco, New York. This letter shall constitute the Applicant's statement of the principal points upon which this application is based.

After operating a beauty parlor at 89 Maple Ave. for many years as described below, the Applicant purchased the property known as 87-89 Maple Ave. in 1993 (deed submitted with the application). For informational/orientation purposes, we have submitted a draft site plan prepared in 2019. As can be seen from the content thereof, the total property owned by the Applicant (87-89 Maple Ave. as aforesaid), contains both a multifamily residence on the northern portion of the property and a small two-story commercial building in the southern portion of the property. As confirmed by the Denial Letter issued by the Building Inspector, this application, however, pertains solely to the commercial uses located on the first floor of the small commercial building.

As a consequence of one or more rezonings subsequent to the establishment of both the beauty parlor and delicatessen use (see below) located on the first floor of the commercial building, the zoning applicable to the property is currently RT- 6 One and Two Family Residence District. By reason of the foregoing, the uses located on the first floor of the commercial building represent prior legal nonconforming uses. The commercial building is very small in area, measuring approximately 30 x 62. For many years/decades, the first floor of the

commercial building has been utilized for two specific commercial uses predating the change in zoning. As indicated above, until approximately 2017, Mr. Gilyard himself operated a beauty parlor in the northern portion of the first floor of the commercial building in a space measuring approximately 750 square feet. He operated that beauty parlor for a continuous period of 38 years, including a significant period of time predating his acquisition of the property. When he first entered into business at this location, the food retail/delicatessen use preexisted his beauty parlor use and it is clear from Village records that this use has been continuously operated at this location for well more than 40 years and has become an essential component of the fabric of the community in this area. Prior to 2017, the delicatessen use occupied approximately 860 SF in the southern portion of this building. In or about 2017, Mr. Gilyard retired and leased the former beauty parlor space to the delicatessen owner and said additional space has been utilized by the delicatessen since that time.

Unfortunately, at the time that Mr. Gilyard retired and leased the former beauty parlor space to the delicatessen owner, no application was made for a building permit or for a change of use as would be permitted under the terms of the Mount Kisco Code as referenced by the Denial Letter<sup>1</sup>. Mr. Gilyard received a notice of violation (attached to the application) referencing the lack of issuance of a building permit and certificate of occupancy (all other itemized code violations previously addressed).

At issue therefore is the change from one prior legal nonconforming use (personal service) to another prior legal nonconforming use (food retail). In this regard, §110-34D, as cited by the Building Inspector in his Denial Letter, dealing with nonconforming uses, provides in pertinent part as follows:

Any nonconforming use may be continued, subject to compliance with the conditions set forth below:

Said nonconforming use shall not be changed to another nonconforming use without approval by the Zoning Board of Appeals<sup>2</sup>, and then only to a use which, in the opinion of the Board of Appeals, is of the same or of a less restrictive nature.

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<sup>1</sup> As a non-attorney unfamiliar with the nuances/requirements of the Mount Kisco Code, I can assure you that Mr. Gilyard did not deliberately violate the Code and made the reasonable non-attorney assumption that a pre-existing commercial use (his beauty parlor use) could be changed to another pre-existing commercial use without the necessity of seeking authorization for such change of use.

<sup>2</sup> It is most significant to note that this subsection of §110-34D, as contrasted with other subsections of §110-34D, requires only the "approval" of the Zoning Board of Appeals as opposed to requiring issuance of a variance which, indeed, is appropriate given the circumstances. As your Board is aware, the terms of the Zoning Code of the Village of Mount Kisco must be construed strictly in favor of the property owner and against the drafter with any ambiguity being resolved in favor of the property owner. Accordingly, I would hope that it would be clear to the members of the Board that only the approval of the Zoning Board of Appeals is required to permit the change of the former personal services/beauty parlor use to a food retail use.

It is respectfully submitted that the change of the nonconforming personal service/beauty parlor use to a food retail use represents a change of use which is of the same nature as the food retail use. Indeed, as confirmed by reference to 110 Attachment 2 to Chapter 110 of the Mount Kisco Code, the food retail use sought to be expanded to the former personal service use premises, requires exactly the same amount of parking spaces as the personal service use, thereby being indicative of the fact that the food retail use is indeed of the same nature as the personal service use. Indeed, as shown below, I think it is reasonable to assume that, given the nature of the former beauty parlor use, the expanded food retail use may well be significantly less impactful.

In further verification of the foregoing, at the hearing to be held on this matter Mr. Gilyard will provide testimony to your Board, confirming that his beauty parlor was an extremely active use at this location. He operated with six chairs and had a loyal customer base as confirmed by the fact that he operated at this location for 38 consecutive years. It is respectfully submitted that conversion of the former personal service/beauty parlor space to a food retail use could not in any way be construed under the circumstances as increasing patron flow/business intensity to an extent that would exceed the patron flow/business intensity that pertained when Mr. Gilyard operated the beauty parlor at this location.

As set forth above, §110-34D specifically confers upon your Board the ability to authorize the change of one prior legal nonconforming use to another prior legal nonconforming use subject to the condition that the “new” prior legal nonconforming use be, in the opinion of the Board of Appeals, of the same or of a less restrictive nature. As indicated above, and as I believe will be established through testimony at the meeting of the Zoning Board of Appeals to be held on this application, I believe that it is clear that the use of this small space by the delicatessen for the food retail purposes will, in fact, clearly be of the same nature/business intensity as that which pertained with respect to the beauty parlor use.

Although it is clear that §110-34D contains no requirement for the presentation of proof of entitlement to issuance of a variance and most certainly does not require proof of economic hardship, I would ask that the Zoning Board of Appeals take into account the economic hardship that the Applicant would endure if he is prevented from receiving income from this building in connection with the lease of the former beauty parlor premises to the delicatessen. At present, the 2<sup>nd</sup> floor of the commercial building is vacant and its future use may require authorization by your Board. Under these present circumstances therefore, the decision not to allow use of the former beauty parlor premises for the delicatessen would essentially deprive the owner of revenue from over 70% of the floor area of the commercial building which would be a grave injustice. Additionally, I would ask the Board to take into account the fact that the delicatessen use at this location has and still continues to serve a very significant function for an underserved population in this area and has truly become part of the fabric of this “community within a community” of the Village of Mount Kisco.

We look forward to appearing before your Board to provide further information in support of this application. In the interim, if any member of the Board would desire that we be prepared to address any specific aspect of this application, please feel free to contact me for this purpose.

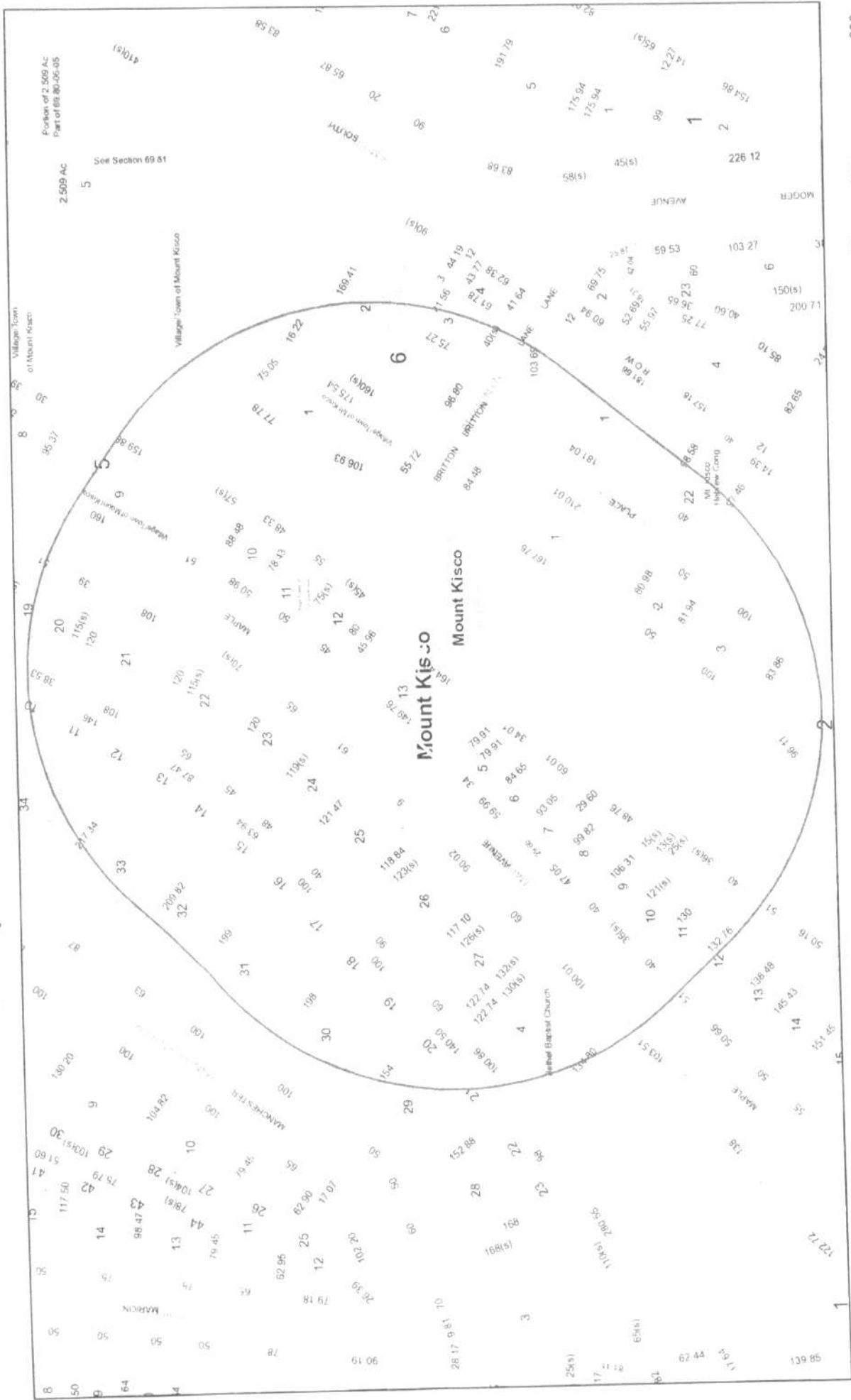
Yours very truly,

A handwritten signature in black ink, appearing to be 'C. Martabano', written over the closing 'Yours very truly,'.

Charles V. Martabano

cc: Eugene Gilyard

# 87 Maple Ave. ID: 69.80-5-13 (Mount Kisco)



December 6, 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 Martine Avenue Rm 214  
White Plains, New York 10601



OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	c/o	Mailing Address	City	State	Zip
200 Diplomat Dr Corp	100-200 Diplomat Dr	MOUNT KISCO	10549	80.24-1-16	Hudson Mgmt Group	444D Old Post Rd	Bedford	NY	10506
Chamberlain Adrienne	91 Manchester Dr	MOUNT KISCO	10549	69.80-4-29					
Ruiz Modesto - Angela Estella Bautista	115 Maple Ave	MOUNT KISCO	10549	80.24-1-11					
Johnston Joann B	105 Maple Ave	MOUNT KISCO	10549	80.24-1-8		POB 913	Bedford	NY	10506
97 Maple Ave. Mt. Kisco Corp.	97 Maple Ave	MOUNT KISCO	10549	80.24-1-6	PAL 97 Maple Ave LLC	POB 367	Mt. Kisco	NY	10549
Palacio, Jesus E - Christina Palacio	86 Maple Ave	MOUNT KISCO	10549	69.80-4-24		2 Broadway	New York	NY	10004
NewYork and Harlem Railroad Co	Depot Plz	MOUNT KISCO	10549	80.39-3-1					
Elder Josh - Jessica Franchi Elder	69 Manchester Dr	MOUNT KISCO	10549	69.80-4-32					
Hughes, Peter W - Frances D Hughes	57 Manchester Dr	MOUNT KISCO	10549	69.80-4-34					
Stewart Heights Corp	25-35 Stewart Pl	MOUNT KISCO	10549	80.24-3-21	Valley National Bank	1720 Rt 23 N	Wagner	NJ	074470
BDM Properties, LLC	28 Britton Ln	MOUNT KISCO	10549	80.24-3-1		74 S Moger Ave	Mt. Kisco	NY	10549
27 britton lane LLC	27 Britton Ln	MOUNT KISCO	10549	69.80-6-3					
Village Of Mount Kisco	S Moger Ave	MOUNT KISCO	10549	69.80-6-5					
Severini Albert E - David Severini	62 Maple Ave	MOUNT KISCO	10549	69.80-4-20	AES Properties	104 Main Street	Mt. Kisco	NY	10549
Bethel Baptist Church	106 Maple Ave	MOUNT KISCO	10549	80.24-1-4		13 Pines Bridge Rd	Mt. Kisco	NY	10549
100 Maple Ave Mt Kisco Corp	100 Maple Ave	MOUNT KISCO	10549	69.80-4-27	PAL 100 MAPLE Ave LLC				
Marshall, John A Jr - John A Marshall III	95 Maple Ave	MOUNT KISCO	10549	80.24-1-5		23 Woodland Ave	Mt. Kisco	NY	10549
LaMothe Philippe Clayvin - Jennifer M D LaMothe	32 Stewart Pl	MOUNT KISCO	10549	80.24-2-3					
Severini Albert E - David Severini	58 Maple Ave	MOUNT KISCO	10549	69.80-4-19	AES Properties	13 Pines Bridge Rd	Mt. Kisco	NY	10549
Lopez, Ramiro - Flor Lopez	85 Manchester Dr	MOUNT KISCO	10549	69.80-4-30					
Bordeaux, Vernon - Patricia Bordeaux	117 Maple Ave	MOUNT KISCO	10549	80.24-1-12					
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72-74 Maple Ave Mt Kisco Corp	74 Maple Ave	MOUNT KISCO	10549	69.80-4-22	PAL 72-74 Maple Ave LLC	POB 367	Mt. Kisco	NY	10549
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Delgado, Luis D - Rosa I Tapia	103 Maple Ave	MOUNT KISCO	10549	80.24-1-7		9 W Hyatt Avenue	Mt. Kisco	NY	10549
Stewart Heights Corp	40 Stewart Pl	MOUNT KISCO	10549	80.24-2-4	Westchester Prop Mgmt	520 White Plains Rd, Ste 540	Tarrytown	NY	10591
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Village Of Mount Kisco	55 Maple Ave	MOUNT KISCO	10549	69.80-5-9		31-74 Court Street	Yorktown Heights	NY	10598
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18 Britton Lane Corp	18 Britton Ln	MOUNT KISCO	10549	80.24-2-1					
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Case, Norma	107 Maple Ave	MOUNT KISCO	10549	80.24-1-9					
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Village/Town of Mount Kisco	79 Maple Ave	MOUNT KISCO	10549	69.80-5-12		87 Bedford Road	Katonah	NY	10536
						104 Main Street	Mt. Kisco	NY	10549

PUBLIC NOTICE

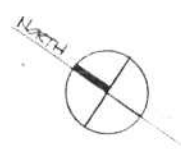
PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 18<sup>th</sup> day of January, 2022 at the Municipal Building, Mount Kisco, New York beginning at 7:00 PM pursuant to the Zoning Ordinance on the Application of

Eugene Gilyard  
3171 Court St.  
Yorktown Heights, NY 10598

to appeal the determination of the Building Inspector dated October 14, 2021 (received October 15 2021) rejecting Appellant's application to replace/change a prior legal nonconforming use from personal service to food-retail. Appellant seeks authorization from the Zoning Board of Appeals to effectuate such change of use in accordance with the provisions of §110-34 D of the zoning provisions of the Mount Kisco Code (Chapter 110, Article VI). The property involved is known as 89 Maple Avenue, Mount Kisco, New York and is described on the Village Tax Map as Section 69.80 Block 5 Lot 13 and is located on the East side of Maple Avenue in a RT-6 Zoning District.

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

JOB NO. 18-14



Scale: 1" = 10'

AFFIDAVIT OF MAILING

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

Maryanne Martabano being duly sworn, deposes and says:

I reside at 9 Mekeel Street

On January 7 2022 I served a notice of hearing, a copy of which is annexed hereto and marked 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 annexed hereto as Exhibit B. I deposited a true copy of such notice in a registered postpaid 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.

Maryanne Martabano

Sworn to before me on this

8<sup>th</sup> day of January 2022

[Signature]

(Notary Public)

CHRISTINA M. MARTABANO  
Notary Public-State of New York  
No. 02MA4949038  
Qualified in Westchester County  
Commission Expires May 17, 2023

## **EXHIBIT A**

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 18<sup>th</sup> day of January, 2022 at the Municipal Building, Mount Kisco, New York beginning at 7:00 PM pursuant to the Zoning Ordinance on the Application of

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

## **EXHIBIT B**

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BDM Properties, LLC	28 Britton Ln	MOUNT KISCO	10549	80.24-3-1		74 S Mogger Ave	Mt. Kisco	NY	10549
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Case, Norma	15 Stewart Pl	MOUNT KISCO	10549	80.24-3-22	PAL 82 Britton Ln LLC				
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	79 Maple Ave	MOUNT KISCO	10549	69.80-5-12		87 Bedford Road	Katonah	NY	10536
						104 Main Street	Mt. Kisco	NY	10549





## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin  
County of Brown, ss.:

On the 3 day of January in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, 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.

Linda Tutt 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, on the editions dated :

Zone:  
Westchester

Run Dates:  
01/03/2022

Linda Tutt  
Signature

Sworn to before me, this 3 day of January, 2022

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, 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, 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: 0005044543

NANCY HEYRMAN  
Notary Public  
State of Wisconsin

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 January, 2022 at the Municipal Building, Mount Kisco, New York beginning at 7:00 PM pursuant to the Zoning Ordinance on the Application of

Eugene Gilyard

3171 Court St.

Yorktown Heights, NY 10598

to appeal the determination of the Building Inspector dated October 14, 2021 (received October 15 2021) rejecting Appellant's application to replace/change a prior legal nonconforming use from personal service to food-retail. Appellant seeks authorization from the Zoning Board of Appeals to effectuate such change of use in accordance with the provisions of §110-34 D of the zoning provisions of the Mount Kisco Code (Chapter 110, Article VI). The property involved is known as 89 Maple Avenue, Mount Kisco, New York and is described on the Village Tax Map as Section 69.80 Block 5 Lot 13 and is located on the East side of Maple Avenue in a RT-6 Zoning District.

Harold Boxer, Chair

Zoning Board of Appeals

0005044543Village/Town of Mount Kisco

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

## AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 11 day of January 2022, 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

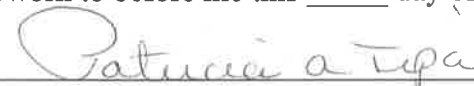
X

Leonard Park Multi Purpose Bldg

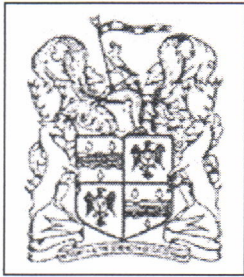
X

  
**Gilmar Palacios Chin**

Sworn to before me this 11 day of January 2022

  
 Notary Public

PATRICIA A TIPA  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01T16170206  
 Qualified in Westchester County  
 My Commission Expires 07-02-2023



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

MEMORANDUM

November 30, 2021

Thomas & Erin Comito  
60 Woodland Street  
Mount Kisco, NY 10549

Re: Notice of Denial  
60 Woodland Street  
Mount Kisco, NY 10549  
(SBL) 80.49-1-9

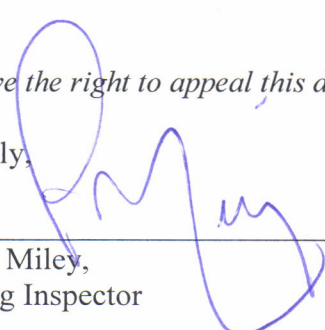
Dear Mr. & Mrs. Comito,

Your recent Building permit application for the proposed construction of a second floor addition, first floor and basement alterations has been denied for the following reasons:

1. As per *Village/Town of Mount Kisco Code §110-35 (D) Noncomplying buildings and structures may not be enlarged without a variance being obtained from the Zoning Board Appeals*. Therefore; the following variances are required prior to constructing the second story addition on the existing noncomplying building.
2. The property is located within the RT-6 (One and Two Family residence) Zoning District where the required front yard setback is 25 feet and the proposed building is located 23.4 feet from the east front property line. Therefore; a 1.6 ft. front yard setback variance is required as per *§110-11 C (1) (f) [1] [b] of the Village/Town of Mount Kisco Code*.
3. The required side yard setback is 6 feet with a total of 16 feet for both side yards and the proposed building is located 5 feet from the south side yard property line. Therefore; a 1 ft. side yard setback variance is required as per *§110-11 C (1) (f) [3] [c] of the Village/Town of Mount Kisco Code*.

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

Sincerely,

  
\_\_\_\_\_  
Peter J. Miley,  
Building Inspector

\mkr

December 16, 2021

To: Village of Mount Kisco  
Zoning Board of Appeals  
Village Hall, 1<sup>st</sup> Floor  
104 Main Street, Mount Kisco NY 10549

Re: 60 Woodland Street,  
Mount Kisco, NY 10549  
Section: 80.49, Block: 1, Lot: 9  
Zone District: RT-6 One and Two Family District

Dear Mr. Chairperson and Honorable Members of the Zoning Board of Appeals:

On Behalf of our client, Thomas and Erin Comito, we are pleased to submit applications and drawings requesting an area variance of the Village of Mount Kisco Zoning Ordinance to permit the construction of a second story addition and front portico to a one- and one-half story single family cape style dwelling located at 60 Woodland Street as indicted on the submitted drawings.

The existing house was constructed in 1954 and the size of the existing house is 1,782 s.f. between the unfished basement and the first floor; the first floor consists of a kitchen/ dining area, living area, two bedrooms and one bathroom, the unfinished basement is used for storage and laundry area.

Our proposed second story addition will have a total of three (3) bedrooms, two bathrooms and a laundry closet and we are proposing to remove one of the bedrooms on the first floor to create a larger living area and a formal dining area, the resulting proposed house will have a total of (4) bedrooms (1 on the first floor and 3 on the second floor) and three (3) bathrooms.

The second story addition will be in character with the surrounding area of existing two-story single-family dwellings.

We respectfully request that the Zoning Board of Appeals take up the matter for review

Sincerely,

Luigi Landi, Project Manager  
Cc: Mang Wong, P.E.

60 Woodland Street,  
Mt Kisco, NY 10549

December 16, 2021

To: Village of Mount Kisco  
Zoning Board of Appeals  
Village Hall, 1<sup>st</sup> Floor  
104 Main Street, Mount Kisco NY 10549

Re: 60 Woodland Street,  
Mount Kisco, NY 10549  
Section: 80.49, Block: 1, Lot: 9  
Zone District: RT-6 One and Two Family District

Dear Mr. Chairperson and Honorable Members of the Zoning Board of Appeals:

Area Variances. The new law requires the Board of Appeals to balance two elements: the benefit to the applicant from the variance, and the detriment to the health, safety and welfare of the community or neighborhood that would occur if the variance was to be granted.

Area Variances are required for Front Yard (1.6 ft for proposed Front Portico) and side yard setback (1.0 ft for proposed second story addition).

We respectfully request these Variances to be granted based on the following five factors:

1. **Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.**  
Granting the area variance will not create an undesirable change in the character of the neighborhood, nor will it be a detriment to nearby properties. The proposed second story is designed to rest on the existing house footprint with no increase in building coverage. The existing front façade is dated, and we feel the proposed second story addition and alterations are in keeping with the scale and character of the existing neighborhood and would be an improvement to the area.
2. **Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.**  
The benefit sought cannot be achieved by any other feasible method other than what is proposed. The existing 1-1/2 story is pre-existing non-conforming with respect to having insufficient side yard setback and extending the house to the rear yard will make the project too costly and not feasible from a layout point of view. Therefore, we believe that a second story addition makes the most sense by utilizing the existing building footprint.

**3. Whether the requested variance is substantial.**

Based upon the existing site conditions and constraints we feel the requested variances are not substantial since the second story addition and new roof lines does not increase nor change the pre-existing non-conforming side yard setback. There is no increase in building footprint or increase in encroachment.

**4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.**

The proposed variances will not have any adverse effect or impact on the physical or environmental conditions of the neighborhood. The existing footprint does not change and the enlargements only take place over the existing footprint with the exception of the slight enlargement of the front portico to be within the width of portion of the existing front of the house.

**5. Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance).**

Although the difficulty may be constructed as self-created, the existing building which was constructed in 1954 will be significantly improved, benefiting the owner, his family and the entire neighborhood by improving the overall character and property values of the neighborhood. Nonetheless the self-created hardship does not preclude the granting of the area variances.

Sincerely,

Luigi Landi, Project Manager  
Cc: Mang Wong, P.E.

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: Thomas and Erin Comito  
Address: 60 Woodland St  
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. MUEY  
dated 11/30/2021. Application is hereby made for the following:  
110-11 C(1)(f) [3] [C]  
X Variation or \_\_\_\_\_ Interpretation of Section 110-11 C(1)(f)(1) [b]  
of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; ☒ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of CONSTRUCTION OF A SECOND FLOOR ADDITION AND  
ALTERATIONS TO THE FIRST FLOOR  
\_\_\_\_\_ in accordance with plans filed on (date) 11/16/2021  
for Property ID # 80.49-1-9 located in the RT-6 Zoning District.  
The subject premises is situated on the WEST side of (street) Woodland  
Street 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 ☒ Area



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

Is there an approved site plan for this property? YES in connection with a  
\_\_\_\_ Proposed or ☒ Existing building; erected (yr.) 1954

Size of Lot: 50 feet wide 115 feet deep Area 5,750

Size of Building: at street level 32 feet wide 29'6" feet deep

Height of building: 13'-0" Present use of building: residential / SINGLE FAMIL.  
PROPOSED HEIGHT 24'-9" - PROPOSED USE: SINGLE FAMILY

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

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

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

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

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

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

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 NOVEMBER 30, 2021 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.

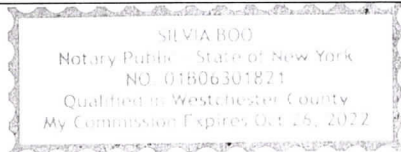
**\* Optional - As Needed**

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

Elin Coiro  
(Appellant to sign here)

Sworn to before me this day of: November 30<sup>th</sup>, 2021

Notary Public, Silvia Boo Westchester County, NY



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

State of New York                    }  
County of Westchester            } ss

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

\_\_\_\_\_  
(sign here)

**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 January 20 22 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Thomas and Erin Comito

\_\_\_\_\_  
(Name of Applicant)

60 Woodland Street, Mt. Kisco NY 10549

\_\_\_\_\_  
(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated November 30th, 2021  
(Date of Denial Letter)  
denying the application dated to permit the Proposed Second Story Addition and Front Portico  
(Proposed Work)

The property involved is known as 60 Woodland Street, Mt. Kisco NY 10549  
(Address of Property)

and described on the Village Tax Map as Section 80.49 Block 1 Lot 9

and is located on the west side of Woodland Street in a  
east/west/n/s (Street Name)

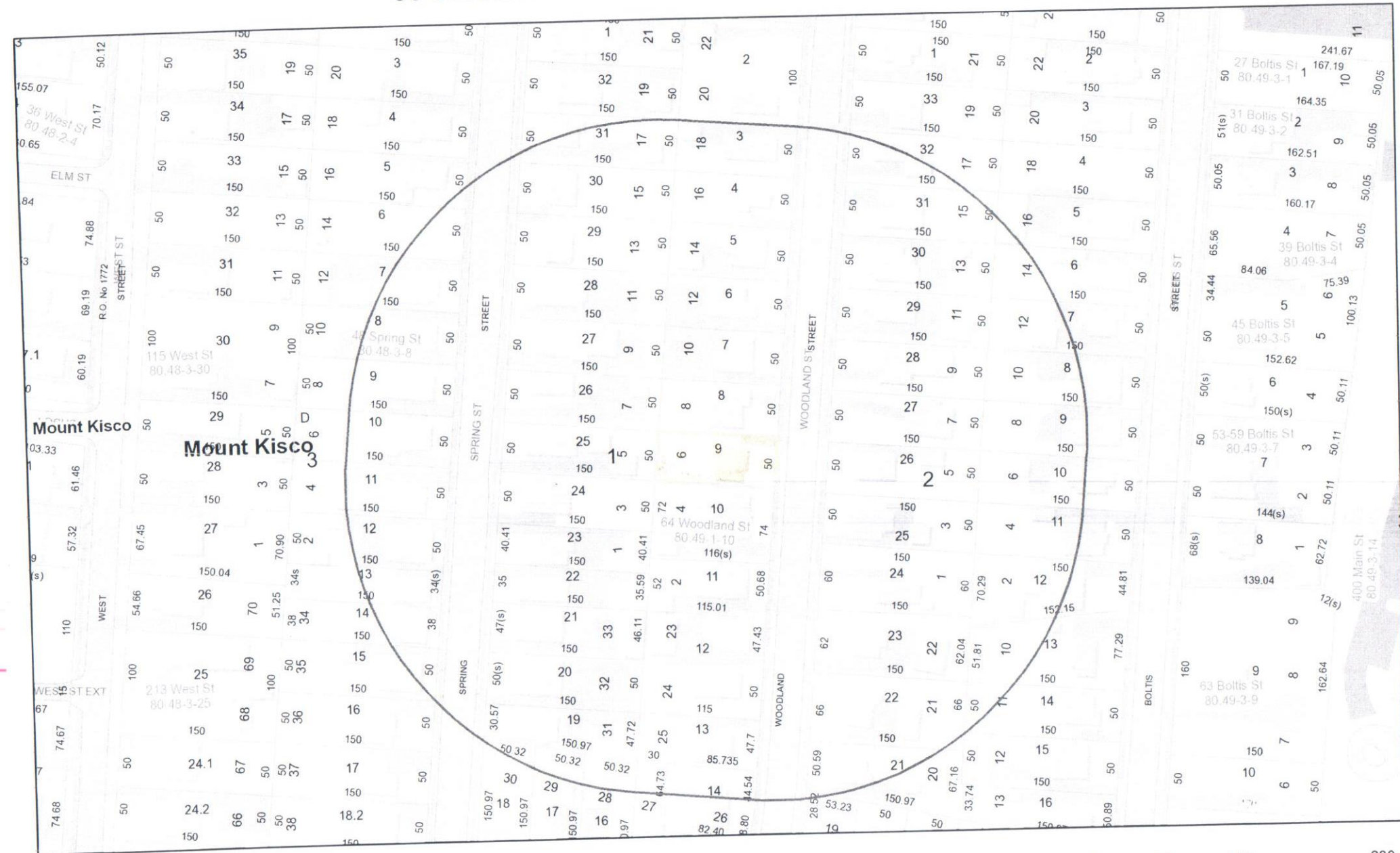
RT-6 Zoning District. Said Appeal is being made to obtain a  
variance from Section(s) 110-11 C (1)(f)[1][b] , 110-11 C (1)(f)[3][c] of the  
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires Front and side yard variances  
No increase in building footprint.

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



# 60 Woodland St. ID: 80.49-1-9 (Mount Kisco)



November 22, 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.westchestergov.com>  
 Michaelian Office Building  
 148 Martine Avenue Rm 214  
 White Plains, New York 10601

OWNERNAME	PROPADRESS	PROPCITY	PROPZIP	PROPPRINTKEY	C/O	Mailing Address	City	State	Zip
Bueti, Giuseppe - Filomena Bueti	50 Spring St	MOUNT KISCO	10549	80.48-3-9		1 Stephen Rd	North Salem	NY	10560
Spring 61, LLC	61 Spring St	MOUNT KISCO	10549	80.49-1-20		38 S Broadway	Tarrytown	NY	10595
Sickles George H	37 Spring St	MOUNT KISCO	10549	80.49-1-31		POB 363	Mt Kisco	NY	10549
Mendes Angelina	121 St Marks Pl	MOUNT KISCO	10549	80.49-2-20					
Cosentino, Joseph	64 Boltis St	MOUNT KISCO	10549	80.49-2-12					
Carrozza, Pasquale	46 Woodland St	MOUNT KISCO	10549	80.49-1-6		28 Cortkand Manor Rd	Katonah	NY	10536
Bueti, Pasquale - Kathleen M Bueti	43 Woodland St	MOUNT KISCO	10549	80.49-2-30					
Valvano, Dominick - Patriza Valvano	57 Spring St	MOUNT KISCO	10549	80.49-1-22		75 Moore Street	Mt Kisco	NY	10549
ABLT, LLC	44 Spring St	MOUNT KISCO	10549	80.48-3-6		POB 64	Schenorock	NY	10587
ABLT, LLC	40 Spring St	MOUNT KISCO	10549	80.48-3-5	Alexander Vigliotti Jr	POB 64	Schenorock	NY	10587
Marple James A - Mey-Gui R Marple	80 Woodland St	MOUNT KISCO	10549	80.49-1-13					
DiDona, Raymond A - Joanna M Didona	52 Boltis St	MOUNT KISCO	10549	80.49-2-9					
DosSantos, Jeanne	34 Woodland St	MOUNT KISCO	10549	80.49-1-3	Jeanne Dos Santos	6 Tonys Road	Katonah	NY	10536
Knudsen John W - Ellen K Knudsen	30 Woodland St	MOUNT KISCO	10549	80.49-1-2		452 W 19th St Apt. 2D	New York	NY	10011
Hall, Augustus T	62 Spring St	MOUNT KISCO	10549	80.48-3-15					
Karpel Mary-Ann	58 Spring St	MOUNT KISCO	10549	80.48-3-13		260 Mountain Rd	Pleasantville	NY	10570
Di Matteo, Vito	52 Spring St	MOUNT KISCO	10549	80.48-3-10		367 Birdsaill Drive	Yortown Heights	NY	10598
Mayer, Dolores A	59 Spring St	MOUNT KISCO	10549	80.49-1-21		59 Spring Street	Mt Kisco	NY	10549
Abzun, Jose	49 Spring St	MOUNT KISCO	10549	80.49-1-26					
Valvano, Vincent J	47 Spring St	MOUNT KISCO	10549	80.49-1-27		25 Birch Drive	Mt Kisco	NY	10549
Lombardi, Janet R	61 Woodland St	MOUNT KISCO	10549	80.49-2-25					
Johannessen, Thor J - Doris A Johannessen	53 Woodland St	MOUNT KISCO	10549	80.49-2-27					
Lieto, John R Sr - John R Lieto Sr.Declar of Trus	45 Woodland St	MOUNT KISCO	10549	80.49-2-29					
Singh, Mohinder - Navneet Singh	39 Woodland St	MOUNT KISCO	10549	80.49-2-31		40 Carlton Drive	Mt Kisco	NY	10549
Videla, Michelle A - Marcelo N Videla	31 Woodland St	MOUNT KISCO	10549	80.49-2-32					
Lopez Alejandro Andres - Lucila E Ramon	54 Spring St	MOUNT KISCO	10549	80.48-3-11		12 Spencer Drive	Mt Kisco	NY	10549
Fannie Mae	213 St Marks Pl	MOUNT KISCO	10549	80.49-1-17		70 Arbutus Rd	Greenlawn	NY	11740
Rossi, Derek	46 Spring St	MOUNT KISCO	10549	80.48-3-7		16 Lee Road	Somers	NY	10589
Lopez, Zulay R - Erika R Rodrigues	45 Spring St	MOUNT KISCO	10549	80.49-1-28					
Roppolo Peter - Barbara Roppolo	57 Woodland St	MOUNT KISCO	10549	80.49-2-26					
Martinez David - Catalina Martinez	58 Boltis St	MOUNT KISCO	10549	80.49-2-10					
Sairitupa, Simon - Celia Sairitupa	50 Boltis St	MOUNT KISCO	10549	80.49-2-8					
51 Spring St Mt Kisco NL LLC - 51 Spring St Mt Kisco MT LLC	51 Spring St	MOUNT KISCO	10549	80.49-1-25		305 Spring Street	Mt Kisco	NY	10549
Nolan Donal	70 Woodland St	MOUNT KISCO	10549	80.49-1-14					
Pellow Ryan - Meghan Finn	69 Woodland St	MOUNT KISCO	10549	80.49-2-21					
Ciccarelli Antonio - Domenica Ciccarelli	67 Woodland St	MOUNT KISCO	10549	80.49-2-22					
Farrington, Margaret A - Joseph R Sgrulletta	51 Woodland St	MOUNT KISCO	10549	80.49-2-28					
Cambereri, Carmelo - Maria Cambereri	38 Woodland St	MOUNT KISCO	10549	80.49-1-4		42 Woodland St	Mt Kisco	NY	10549
Reed Joyce E	60 Spring St	MOUNT KISCO	10549	80.48-3-14					
Fannie Mae	217 St Marks Pl	MOUNT KISCO	10549	80.49-1-18					
Alexander Richard - Diane Alexander	55 Spring St	MOUNT KISCO	10549	80.49-1-23		100 West Way	Mt Kisco	NY	10549
Bueti, Giuseppe - Filomena Bueti	53 Spring St	MOUNT KISCO	10549	80.49-1-24		1 Stephen Road	North Salem	NY	10560
Witmer Thomas B - Elizabeth V Witmer	43 Spring St	MOUNT KISCO	10549	80.49-1-29					
Beltsyk Ruslan - Lucia Pons	205 St Marks Pl	MOUNT KISCO	10549	80.49-1-15					
68 Woodland Street LLC	68 Woodland St	MOUNT KISCO	10549	80.49-1-11	c/o Loans Dept	POB 11733	Newark	NJ	07101-4733
Comito Thomas Jr - Erin Comito	60 Woodland St	MOUNT KISCO	10549	80.49-1-9	NA				
Mc Ghie, Brenda	44 Boltis St	MOUNT KISCO	10549	80.49-2-6					
Carbone 2018 Irrev Trust - Dominick Carbone	40 Boltis St	MOUNT KISCO	10549	80.49-2-5					
Maria G Valvano Irrev Trust - Vincent Valvano	56 Spring St	MOUNT KISCO	10549	80.48-3-12		25 Birch Lane	Mt Kisco	NY	10549
48 Spring Street Corp.	48 Spring St	MOUNT KISCO	10549	80.48-3-8	Pietro DiSisto	21 Deer Creek Lane	Mt Kisco	NY	10549
Fedele, Felice - Rosaria Fedele	64 Woodland St	MOUNT KISCO	10549	80.49-1-10					
Ortiz Cesar - Maria Ortiz	56 Woodland St	MOUNT KISCO	10549	80.49-1-8					

Chhay, Kim - Kim Peng Nhan	46 Boltis St	MOUNT KISCO	10549	80.49-2-7	25 Lajoie Lane	Milford	CT	0641	
Pitrulle, Salvatore	209 St Marks Pl	MOUNT KISCO	10549	80.49-1-16					
Akrongold, Bruce	63 Spring St	MOUNT KISCO	10549	80.49-1-19	POB 729	Rye	NY	10580	
Rice John F - Wendy Morosoff	39 Spring St	MOUNT KISCO	10549	80.49-1-30					
Antonio Bueti Irrev Trust - Rocco Bueti Jr	50 Woodland St	MOUNT KISCO	10549	80.49-1-7	20 Avenue A	Mt Kisco	NY	10549	
Ciccarelli Antonio - Domenica Ciccarelli	65 Woodland St	MOUNT KISCO	10549	80.49-2-23					
Johnson, Kent A - Josephine Johnson	63 Woodland St	MOUNT KISCO	10549	80.49-2-24					
Glazer, Arthur D - Lenore Jill Glazer	70 Boltis St	MOUNT KISCO	10549	80.49-2-15	Sterling Property Solutions	77 Tarrytown Rd	White Plains	NY	10607
George N Rubin Sr Irrev Trst - James A Rubin	68 Boltis St	MOUNT KISCO	10549	80.49-2-14		125 Prospect Park W. Apt. 5F	Brooklyn	NY	11215
Reed George A	66 Boltis St	MOUNT KISCO	10549	80.49-2-13					
Oliveira, Eduardo M - Maria F Oliveira	62 Boltis St	MOUNT KISCO	10549	80.49-2-11					
Cambareri, Carmelo - Maria Cambareri	42 Woodland St	MOUNT KISCO	10549	80.49-1-5					

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK

}  
}SS.:  
}

COUNTY OF WESTCHESTER

Erin Comito being duly sworn, deposes and says:

I reside at 60 Woodland St Mount Kisco, NY 10549

On 11/30/2021 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.

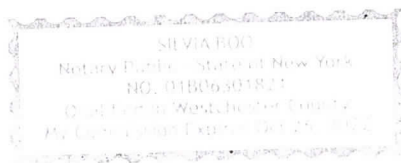
I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.

Erin Comito

Sworn to before me on this

30<sup>th</sup> day of November 2021

[Signature]  
(Notary Public)





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

THIS INDENTURE, made the 13<sup>th</sup> day of April in the year 2015

BETWEEN HELEN L. HOROWITZ,  
As Surviving Tenant by the Entirety of Julius L. Horowitz, deceased April 23, 2012

residing at 60 Woodland Street  
Mount Kisco, New York 10549

party of the first part, and  
THOMAS COMITO, JR. and ERIN COMITO, husband + wife

residing at 126 Foxwood Circle  
Mount Kisco, New York 10549

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Two Hundred Seventy Thousand (\$270,000.00) Dollars 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 that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village/Town of Mount Kisco

See Schedule A attached hereto.

BEING AND INTENDED TO BE the same premises conveyed to the Grantor and her deceased husband, Julius L. Horowitz by Deed dated the 15<sup>th</sup> day of May 1956; and recorded in the Office of the County Clerk, County of Westchester on the 16<sup>th</sup> day of May 1956; in Liber 5583, Page 15. The Grantors are the same persons as Grantees described in said Deed.

TOGETHER with all right, title and interest, if any, of the party of the first part 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 covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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:

X Helen L. Horowitz  
Helen L. Horowitz

# CHICAGO TITLE INSURANCE COMPANY

## SCHEDULE A DESCRIPTION OF PREMISES

Title No.      FLT-33738

ALL that certain plot piece or parcel of land, situate, lying and being in the Village of Mount Kisco, Town of New Castle, County of Westchester and State of New York, known and designated as lot number 6 in Section E on a certain map entitled, "Subdivision of the property of Josephine H. Moore", Village of Mount Kisco, Town of New Castle, Westchester County, New York, as made by Frank G. Fowler, Surveyor, and filed in the Office of the Register of the County of Westchester, now County Clerk of the County of Westchester, Division of Land Records, as map number 1772, and amended by a map entitled, "Map of Alteration in Subdivision of the property of Josephine H. Moore", in the Village of Mount Kisco, Town of New Castle, Westchester County, New York, as made by Frank G. Fowler, dated July 20, 1907 and filed in the said Register's Office, now Clerk's Office, as map number 2239, bounded and described as follows;

BEGINNING at a point on the westerly side of Woodland Street, at the division line between Lot Nos. 6 and 4 on the above mentioned file map;

RUNNING THENCE North 82 degrees 35 minutes 30 seconds West, along said division line, 115.0 feet;


THENCE North 07 degrees 24 minutes 30 seconds East, 50.0 feet;

THENCE South 82 degrees 35 minutes 30 seconds East, 115.0 feet to the westerly side of Woodland Street;

THENCE South 07 degrees 24 minutes 30 seconds West, along the westerly side of Woodland Street, 50.0 feet to the point or place of Beginning.

FOR INFORMATION ONLY: Said premises being more commonly known and designated by the street address 60 Woodland Street, Mount Kisco, New York; tax map designation Section 80.49; Block 1; Lot 9.

SCHEDULE A

<b>ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE</b>  State of New York, County of _____, ss:  On the _____ day of _____ in the year 2009, 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 upon behalf of which the individual(s) acted, executed the instrument.  _____ Notary	<b>ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE</b>  State of New York, County of _____, ss:  On the _____ day of _____ in the year _____, 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 upon behalf of which the individual(s) acted, executed the instrument.  _____ Notary
<b>ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE</b>  State of New York, County of _____, ss: 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	<b>ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK STATE</b>  *Commonwealth of Massachusetts, County of Norfolk _____, ss: *(Or insert District of Columbia, Territory, Possession or Foreign County)  On the 13 <sup>th</sup> day of April in the year 2015, before me the undersigned personally appeared <b>HELEN L. HOROWITZ</b> Personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument, and that such individual make such appearance before the undersigned in the City of Medfield, Massachusetts (add the city or political subdivision and the state or country or other place the acknowledgement was taken).  x  _____ Notary Marc S. Levy Commission expires 9/14/18
<b>Bargain and Sale Deed With Covenants</b>  Title No. _____  HOROWITZ  to COMITO	SECTION: TM 80.49-1-9 BLOCK: LOT: COUNTY Westchester VILLAGE/TOWN: Mount Kisco 60 Woodland Street Mount Kisco, New York 10549  RETURN BY MAIL TO:
	<b>RICHARD I. GOLIO, ESQ.</b> 75 South Broadway, 4 <sup>th</sup> Floor White Plains, New York 10601

**AFFIDAVIT OF MAILING**

**RECEIVED**

**DEC 21 2021**

**STATE OF NEW YORK**

}

}SS.:

**COUNTY OF WESTCHESTER**

}

Zoning Board of Appeals  
Village/Town of Mount Kisco

Thomas Comito being duly sworn, deposes and  
says:

I reside at 60 Woodland St Mt Kisco NY 10549

On Dec 21 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.

Tom Comito

Sworn to before me on this

21<sup>st</sup> day of December 20 21

Michelle K. Russo

(Notary Public)

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

# Journal News

media group

A GANNETT COMPANY | lohud.com

## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin

County of Brown, ss.:

On the 28 day of December in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttt, 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.

Linda Tuttt 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, on the editions dated :

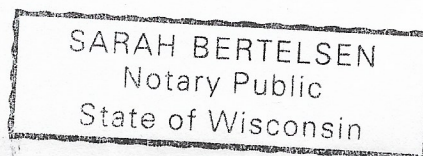
Zone:  
Westchester

Run Dates:  
12/28/2021

Linda Tuttt  
Signature

Sworn to before me, this 28 day of December, 2021

Sarah Bertelsen  
Notary Public. State of Wisconsin. County of Brown



7/27/25  
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, Lincolnale, 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: 0005059425



**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 18th day of January, 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of  
Thomas and Erin Comito  
60 Woodland Street  
Mt Kisco NY 10549

from the decision of Peter J. Miley, Building Inspector, dated November 30, 2021 denying the application of proposed second story addition and front portico dated to the permit the proposed Second Story Addition and Front Portico.

The property involved is known as 60 Woodland Street Mt. Kisco, NY 10549 and described on the Village Tax Map as Section 80.49 Block 1, Lot 9 and is located on the West of Woodland Street in a RT-6 Zoning District. Said Appeal is being made to obtain a variance from Section(s) 110-11C(1)(b)(1)[6]. 110-11C(1)(b)(3)[c] of the Code of the Village/Town of Mount Kisco, which requires Front and side yard variances. No increase in building footprint

Harold Boxer, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco 5059425

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

AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 11 day of January 2022, 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

Gilmar Palacios Chin  
**Gilmar Palacios Chin**

Sworn to before me this 11 day of January 2022

Patricia A Tupa  
Notary Public

PATRICIA A TIPA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01T16170206  
Qualified in Westchester County  
My Commission Expires 07-02-2023



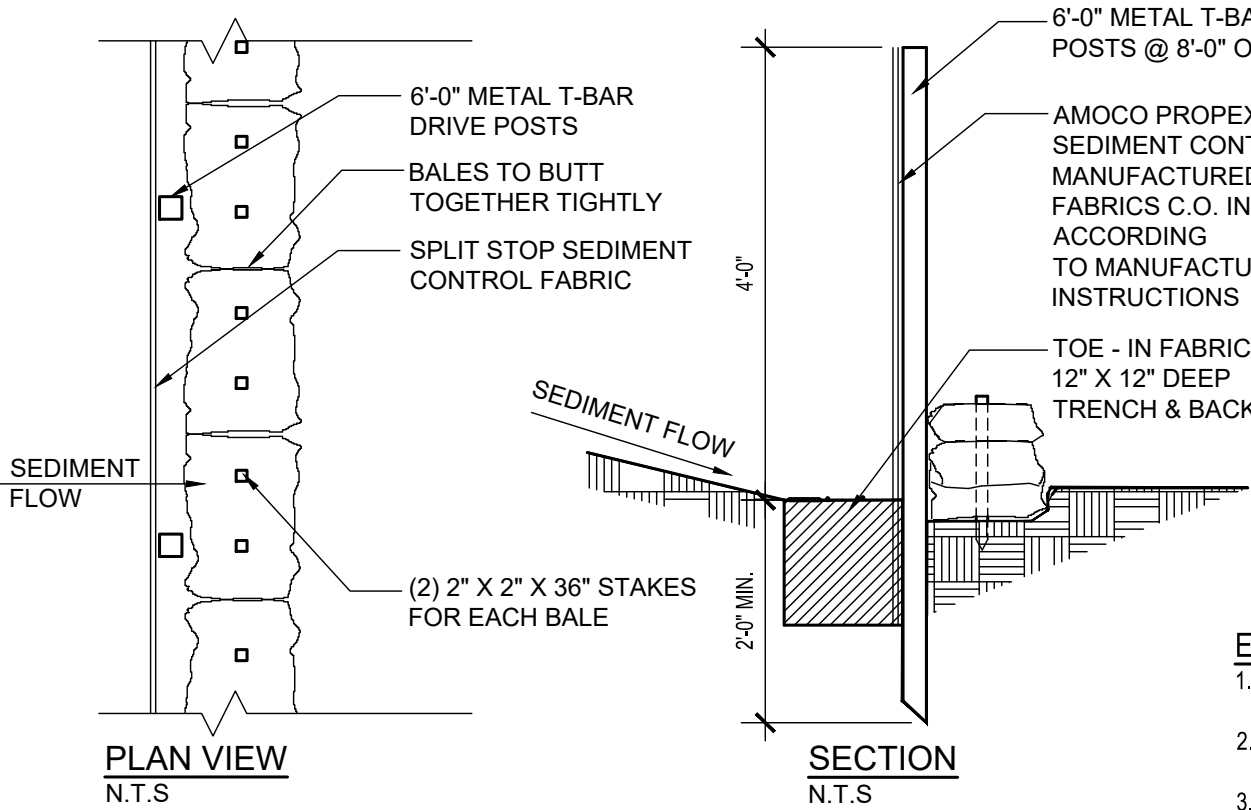
GENERAL NOTES

- CONDITIONS:
- ALL WORK MUST BE PERFORMED IN ACCORDANCE WITH THE VILLAGE OF MOUNT KISCO BUILDING CODE, THE 2020 INTERNATIONAL CODE OF NEW YORK STATE, THE 2020 NYS ECCO AND ALL OTHER APPLICABLE ORDINANCES, REGULATIONS, AND STANDARDS REQUIRED. REQUIRED.
  - ALL MANUFACTURED ITEMS SHALL BE INSTALLED OR APPLIED AS DIRECTED BY THE MANUFACTURERS RECOMMENDATIONS.
  - CONTRACTOR TO INCLUDE ALL MATERIALS, LABOR, INCIDENTALS AND SERVICES FOR SATISFACTORY COMPLETION OF THE WORK.
  - CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS IN THE FIELD AND SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES BEFORE STARTING THE WORK.
  - CONTRACTOR SHALL PERFORM ALL WORK REQUIRED FOR THE TOTAL COMPLETION OF THE PROJECT, WHETHER OR NOT INDICATED ON THE DRAWINGS. THE INTENTION OF THE DRAWINGS IS FOR A COMPLETE AND PROPER FUNCTIONING OF THE ENTIRE PROJECT.
- INSURANCE:
- CONTRACTOR, AND HIS SUBCONTRACTORS, SHALL MAINTAIN WORKMEN'S COMPENSATION INSURANCE AS WELL AS ADEQUATE LIABILITY INSURANCE DURING THE ENTIRE LENGTH OF THE JOB.
  - OWNER SHALL PROVIDE ADEQUATE PROPERTY INSURANCE ON VALUE OF THE CONSTRUCTION, INCLUDING FIRE & VANDALISM.
- PERMITS & SURVEYS
- CONTRACTOR SHALL FURNISH ALL PERMITS, LICENSES AND APPROVALS NECESSARY TO COMPLETE THE WORK.
  - BUILDING SHALL BE STAKED OUT BY A LICENSED SURVEYOR WHO SHALL FILE A FINAL SURVEY AT THE COMPLETION OF WORK.
  - CONTRACTOR SHALL PROVIDE THE OWNER WITH A CERTIFICATE OF OCCUPANCY UPON COMPLETION OF WORK.
- SITE MAINTENANCE:
- JOB SITE TO BE KEPT CLEAN AT ALL TIMES. TRASH TO BE REMOVED FROM THE SITE WEEKLY OR STORED IN APPROVED DUMPSTER UNTIL FULL THAN THAN CARTED AWAY FROM THE SITE.
  - CARE SHALL BE TAKEN TO PROTECT THE TREES ON THE PROPERTY FROM THE METHODS AND MANNERS OF CONSTRUCTION, TRAFFICKING AND STORAGE OF MATERIALS. RETURN THOSE AREAS DAMAGED BY SUCH TO THEIR ORIGINAL CONDITION.
- EXCAVATION:
- FOUNDATION DESIGN BASED ON A MINIMUM 2 TON SOIL.
  - EXCAVATE TO FROST LINE (3'-0" MIN.) FOR ALL FOOTINGS PADS AND PIERS. NOTIFY THE ENGINEER OF ANY UNSUITABLE SUB-SOIL CONDITIONS IF ENCOUNTERED DURING EXCAVATION.
  - STOCKPILE ALL EXCAVATED SOIL FOR FUTURE REUSE AS FILL MATERIAL OR REMOVE AND DISPOSE OF AS REQUIRED.
- CONCRETE:
- ALL CONCRETE FOR FOOTINGS SHALL BE 4,000 PSI CONCRETE.
  - PROVIDE CONCRETE FOOTINGS AND PIERS OF SIZES AS SHOWN ON THE DRAWINGS.
  - ALL WORK SHALL BE IN ACCORDANCE WITH THE A.C.I. CODE 318 (LATEST EDITION).
  - ALL REINFORCEMENT SHALL BE PLACED FREE FROM RUST OR OTHER COATINGS THAT SHALL DESTROY THE BOND.
  - WIRE FABRIC SHALL BE IN ACCORDANCE WITH ASTM A185 (LATEST EDITION).
- MASONRY:
- CONCRETE BLOCK TO BE HOLLOW LOAD BEARING BLOCK ASTM C-90-1985, TYPE N-1.
  - MORTAR SHALL COMPLY WITH ASTM C270-1986, TYPE N.
  - LIME SHALL BE TYPE S OR N A PER ASTM C207-1979.
  - SAND SHALL CONFORM TO ASTM C144-1984.
  - WATER SHALL BE CLEAN AND POTABLE.
  - ALL MASONRY TO BE LAID UP IN PORTLAND CEMENT MORTAR 1:3 MIX WITH 15% LIME MAXIMUM.
  - ANCHOR BOLTS TO BE 1/2" DIAMETER X 18" LONG AT 8'-0" O.C.
- STEEL:
- ALL STEEL SHALL CONFORM TO ASTM A-36 AND CONNECTIONS CONFORM TO A.I.S.C. LATEST EDITION.
  - ALL WELDING SHALL BE IN CONFORMANCE WITH THE AMERICAN WELDING SOCIETY STANDARDS.
  - ALL LINTELS SHALL BE 4" X 3-1/2" X 1/2" FOR MASONRY AND BRICK UNLESS OTHERWISE NOTED.
- FRAMING:
- ALL FRAMING LUMBER SHALL BE DOUGLAS FIR No. 1 AND No. 2 COMMON HAVING A MIN. ALLOWABLE BENDING STRESS OF 900 PSI.
  - FLOOR LIVE LOAD 40 LBS/ SF.
  - ALL 2 X 4 WOOD SILLS SET ON CONCRETE TO BE PRESSURE TREATED. APPLY SILL SEAL.
  - DOUBLE ALL JOISTS UNDER ALL PARTITIONS PARALLEL TO FRAMING. ALL GIRDERS TO BE BOLTED 2'-0" HIGH AND LOW WITH GALV. BOLTS 1/2" X LENGTH REQUIRED.
  - BRIDGING SHALL BE METAL SPACED 7'-0" O.C. MAXIMUM OR AS REQUIRED BY JOIST MANUFACTURER.
  - BLOCKING, BRIDGING, NAILERS, AND FURRING TO BE NO. 1 COMMON DOUGLAS FIR OR SOUTHERN PINE. LEDGER BOARDS WHERE REQUIRED SHALL BE SECURELY SET WITH JOISTS NOTCHED SLIGHTLY.
  - PROVIDE SOLID BLOCKING FOR BEARING OF ALL BEAMS AND POSTS.
  - SUBFLOORING: 1 LAYER OF 3/4" T & G APA RATED SHEATHING EXP-1 UNDERLAYMENT, FOR ALL FLOORS.
  - ALL EXTERIOR AND PLUMBING WALL STUDS TO BE 2 X 4 @ 16" O.C.
  - INTERIOR WALL S TO BE 2 X 4 @ 16" O.C.
  - (2) 2 X 10 HEADER OVER ALL OPENINGS UNLESS OTHERWISE NOTED.
  - PLYWOOD SHEATHING TO BE 1/2" APA RATED SHEATHING EXT.
  - INTERIOR TRIM, SOFFITS & FASCIA TO BE NO. 2 COMMON PINE.
- MOISTURE PROTECTION:
- ALL EXTERIOR OPENINGS TO RECEIVE ALUMINUM DRIP CAPS.
- DOORS:
- ALL DOORS TO BE SELECTED BY OWNER
- WINDOWS:
- WINDOWS SHALL BE MANUFACTURED BY MARVIN OR APPROVED EQUAL, IN SIZES AND MODELS AS CALLED FOR IN THE WOOD ULTIMATE COLLECTION. PROVIDE ALL INTEGRAL SCREENS. COLOR TO BE SELECTED BY OWNER. SEE WINDOW SCHEDULE.
- FINISHES:
- INTERIOR FINISHES: 5/8" GYPSUM DRYWALL, TAPED, SPACKLED, AND SANDED. THREE COATS WITH METAL CORNER BEADS. WATERPROOF SHEETROCK OR "WONDERBOARD" AT ALL SHOWER AND TUB SURROUNDS WALLS AND CEILING OF GARAGE AND BOILER ROOM SHALL BE FINISHED WITH 5/8" FIRE CODE WALL BOARD.
  - INTERIOR TRIM: TO MATCH EXISTING.
  - CERAMIC TILE: THIN SET ORGANIC ADHESIVE, ON 1-1/2" CONCRETE BASE, COLORS AND PATTERNS AS SELECTED. MARBLE SADDLES AT BATHROOM DOOR. OWNER TO DETERMINE EXTENT OF TILE WORK.
- MILLWORK:
- KITCHEN CABINETS AND TOPS AND BATHROOM VANITIES AND TOPS TO BE FURNISHED BY THE OWNER AND INSTALLED BY THE CONTRACTOR.
- PLUMBING:
- PROVIDE AND INSTALL NYLON COATED METAL SHELVING, AS REQUIRED FOR CLOSETS. DETAILS TO BE WORKED OUT IN THE FIELD BY OWNER.
  - CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIAL TO SUPPLY A COMPLETE PLUMBING SYSTEM FOR THE ENTIRE ADDITION AND SHALL INCLUDE:
    - ALL WASTE AND VENT PIPING (COPPER -CASTIRON) INCLUDING:
      - WASTE AND VENT PIPING TO ALL FIXTURES.
      - TRAPS, HANGERS, ETC., AS REQUIRED.
      - HOUSE TRAP.
    - ALL HOT AND COLD WATER PIPING INCLUDING:
      - COPPER PIPING FOR HOT AND COLD WATER (1/2" MIN.) TO ALL FIXTURES AT BATHROOMS, KITCHEN AND WASHING MACHINE.
      - VALVES AT ALL FIXTURES.
      - INSULATION FOR ALL HOT AND COLD WATER PIPING.
    - ALL GAS PIPING INCLUDING: (IF APPLICABLE)
      - PIPING TO RANGE.
      - ALL CONTROLS, VALVES AND MISCELLANEOUS EQUIPMENT REQUIRED.
  - PROVIDE ALL PERMITS, PAY ALL FEES AND OBTAIN ALL CERTIFICATES OF COMPLETION AS REQUIRED BY THE LOCAL CODES. ALL WORK TO BE DONE BY PLUMBER'S PROPERLY LICENSED.
  - ADHERE TO ALL APPLICABLE STATE, NATIONAL AND LOCAL CODES. ALL PIPING IN UNHEATED AREAS SHALL BE INSULATED.
  - GUARANTEE ALL WORK AND MATERIALS FOR A PERIOD OF ONE (1) YEAR.

- ELECTRICAL:
- CONTRACTOR SHALL PROVIDE ALL LABOR AND MATERIAL TO SUPPLY A COMPLETE ELECTRICAL SYSTEM FOR THE ENTIRE ADDITION AND SHALL INCLUDE:
    - WIRING FOR ALL CEILING LIGHTS AND OUTLETS AS REQUIRED BY CODE AND AS DIRECTED BY OWNER
  - ALL WORK SHALL CONFORM TO THE NEC, AND ANY AND ALL OTHER CODES OR AGENCIES HAVING JURISDICTION.
  - INSTALL ALL LIGHT FIXTURES, OUTLETS AND SWITCHES AS CALLED FOR ON THE DRAWINGS. INSTALL GROUND FAULT CIRCUIT IN KITCHEN, OUTSIDE AND OTHER LOCATIONS AS REQUIRED BY CODE. PROVIDE ALL RECEPTACLES, SWITCHES, COVERPLATES AND DEVICES. WIRING TO EQUIPMENT, EXHAUST FANS, TV ANTENNA OR CABLE, ETC.
  - COORDINATE THE INSTALLATION OF THE TELEPHONE BEFORE CLOSING UP THE WALLS.
  - PROVIDE AND INSTALL ALL ELECTRICAL WORK AS REQUIRED BY OWNER INDICATED HEREIN. ALL WORK SHALL CONFORM TO ALL CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION. CONTRACTOR IS RESPONSIBLE FOR PROCUREMENT OF ALL INSPECTION CERTIFICATES, CONNECTING ALL APPLIANCES, FIXTURES AND ELECTRICAL EQUIPMENT SUPPLIED BY OWNER.



VILLAGE OF MOUNT KISCO GIS MAP  
SCALE: N.T.S.



- INSTALLATION NOTES:
- BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING THE ADJACENT BALES.
  - EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF 4".
  - BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR RE-BAR DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARD PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
  - BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

SEDIMENT CONTROL NOTE:  
SEDIMENT CONTROL AT INDICATED PROPERTY LINES SHALL BE PERFORMED DURING PROPERTY EXCAVATION AND GRADING, AND SHALL REMAIN UNTIL PROPER FINAL CURBING, DRAINAGE, AND GRADING IS COMPLETED.

INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENTS

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT U-FACTOR	GLAZED FENESTRATION SHC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT WALL R-VALUE	SLAB R-VALUE & DEPTH	CRAWL SPACE WALL R-VALUE
TABLE R402.1.2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT										
4	0.32	0.55	0.4	49	20 OR 13+5	8 / 13	19	10 / 13	10, 2 FT	10 / 13
TABLE R402.1.4 EQUIVALENT U-FACTORS										
4	0.32	0.55		0.026	0.06	0.098	0.047	0.059		0.065

Table R 301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY, I	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP °	ICE BARRIER UNDERLAYMENT REQUIRED °	FLOOD HAZARDS °	AIR FREEZING INDEX °	MEAN ANNUAL TEMP °
	SPEED ° (mph)	TOPOGRAPHIC EFFECTS °	SPECIAL WIND REGION °	WIND BORNE DEBRIS ZONE °		WEATHERING °	FROST LINE DEPTH °	TERMITE °					
20	115	NO	YES	NO	B	Severe	3'-6"	Moderate To Heavy	15 deg °	Yes	see below	1500	52 deg F

FLOOD HAZARDS:

(a) first code date of adoption July 9, 1960  
(b) date of Flood Insurance Study Jan. 21, 1998  
(c) map panel numbers 36119C0307F through 36119C0338F effective Sept. 28, 2007

PROPOSED SECOND STORY ADDITION AND RENOVATION TO EXISTING SINGLE FAMILY DWELLING LOCATED AT : 60 WOODLAND STREET, MT KISCO NY 10549

OWNER: TOM COMITO,  
60 WOODLAND STREET,  
MT KISCO NY 10549

PROPERTY INFORMATION

EXISTING ONE (1) FAMILY DWELLING  
ADDRESS OF PROJECT: 60 WOODLAND STREET,  
MOUNT KISCO N.Y. 10549

ZONE: RT-6 ONE AND TWO FAMILY DISTRICT  
SECTION : 80.49 BLOCK: 1 LOT: 9

SCOPE OF WORK

PROPOSED SECOND STORY ADDITION AND INTERIOR RENOVATIONS TO EXISTING SINGLE FAMILY DWELLING

MUNICIPALITY:

VILLAGE OF MOUNT KISCO, BUILDING DEPARTMENT  
104 MAIN STREET, MOUNT KISCO N.Y. 10549

ZONING SCHEDULE

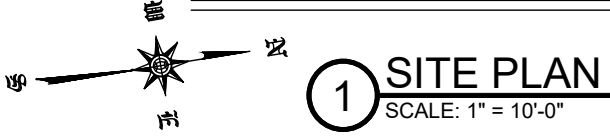
CHAPTER 110

MUNICIPALITY: TOWN/VILLAGE OF MOUNT KISCO, DEPARTMENT OF BUILDINGS 104 MAIN STREET, MOUNT KISCO NY 10549 ADDRESS OF PROJECT: 60 WOODLAND STREET, MOUNT KISCO N.Y. 10549 ZONE: RT-6 ONE AND TWO FAMILY DISTRICT SECTION: 80.49 BLOCK: 1 LOT: 9	BUILDING AREA ANALYSIS			
	GROSS LOT AREA = 5,750 S.F. or 0.132 acres			
	EXISTING BUILDING COVERAGE	891 S.F.		
	EXISTING BASEMENT FLOOR AREA	891 S.F.		
	EXISTING FIRST FLOOR AREA	891 S.F.		
AVERAGE GROUND ELEVATION CALCULATIONS	PROPOSED SECOND FLOOR AREA	=	971 S.F.	
	TOTAL PROPOSED LIVABLE AREA	=	1,862 S.F.	
	$\frac{100.0 + 100.2 + 99.8 + 101.1}{4} = 100.275'$			
REGULATIONS	PERMITTED /REQUIRED	EXISTING	PROPOSED	VARIANCE
USE & DISTRICT	SINGLE AND TWO FAMILY DISTRICT RT-6	NO CHANGE	NO CHANGE	N/A
MINIMUM LOT AREA (S.F.)	6,250 S.F.	5,750 S.F.	NO CHANGE	N/A
MAXIMUM BUILDING COVERAGE	5,000 TO 6,000 LOT - (1,250 S.F. + 24% IN EXCESS OF 5,000 S.F. ) 1,250 + 180 = 1,430 S.F.	891 S.F.	NO CHANGE	N/A
MAXIMUM DEVELOPMENT COVERAGE	40 %	1,308 / 5,750 = 22.7%	NO CHANGE	N/A
MINIMUM LOT WIDTH (FEET)	50	50	NO CHANGE	N/A
MINIMUM LOT DEPTH (FEET)	100	115'	NO CHANGE	N/A
MINIMUM FRONT YARD (FEET)	25	28.8'	23.4' TO PROPOSED FRONT COVERED PORCH	(1.6') YES MIN. FRONT YARD SETBACK §110-11C (1) (f)(i) §
MINIMUM REAR YARD (FEET)	26	57'	54.5' TO PROPOSED SECOND STORY CANTILEVER	N/A
MINIMUM SIDE YARD (FEET)	6 TOTAL OF 16	5 / 18	5 / 18	(1.0') YES MIN. SIDE YARD SETBACK §110-11 C (1)(f) (i) §
HEIGHT (FEET)	2 1/2 - 35	1 1/2 - +/- 12.5'	2 1/2 - 24'-9"	N/A

SITE LEGEND AND SYMBOLS

- +152.48 EXISTING SPOT GRADE  
+286 PROPOSED SPOT GRADE  
136 EXISTING GRADE CONTOUR  
T.D. EXISTING TRENCH DRAIN  
EROSION AND SEDIMENTATION CONTROL INSTALLED IN ACCORDANCE WITH THE CITY CODE AND W.C. BEST MANAGEMENT PRACTICES MANUAL.

- EXISTING REAR YARD TO PROPOSED SECOND FLOOR  
PROPOSED REAR YARD TO PROPOSED SECOND FLOOR  
PROPOSED SIDE YARD SET BACK TO PROPOSED SECOND FLOOR  
TEMPORARY EROSION AND SEDIMENTATION CONTROL INSTALLED IN ACCORDANCE WITH THE LOCAL CODE AND W.C. BEST MANAGEMENT PRACTICES MANUAL.  
PROPOSED SECOND FLOOR CANTILEVER  
PROPOSED SIDE YARD SET BACK TO PROPOSED SECOND FLOOR  
EXISTING SIDE STAIRS TO REMAIN  
PROPOSED FRONT PORCH EXTENSION  
EXISTING FRONT STONE STEPS AND STOOP TO BE REMOVED  
PROPOSED FRONT YARD SETBACK TO FRONT COVERED PORCH



1 SITE PLAN  
SCALE: 1" = 10'-0"

INFORMATION TAKEN FROM SURVEY PREPARED BY:  
GERALD T. O'BURKE - PROFESSIONAL LAND SURVEYORS  
43-14 162ND STREET, FLUSHING, NY 11358 718-321-1231

LAL DESIGN

Design • Expediting • Consulting

MANG WONG, P.E.

16 TURNER LANE, BEDFORD, NY 10549

tel: 914.441.4834

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GENERAL NOTE

IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER ANY ITEM ON THIS DRAWING AND/OR RELATED SPECIFICATION. ALL ALTERATIONS MUST BE MADE IN COMPLIANCE WITH THE NEW YORK STATE EDUCATION LAW. THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS HEREON ASSUMES NO RESPONSIBILITY FOR ANY SUCH ALTERATION OR RE-USE WITHOUT HIS CONSENT.

KEY PLAN:

LOCATION OF WORK:  
60 WOODLAND STREET



REVISION #	REVISION	DATE
1	CLIENT REVIEW	10/21/2020
2	CLIENT REVIEW	01/12/2021
3	CLIENT REVIEW	06/30/2021
4	CLIENT REVIEW	07/14/2021
5	BUILDING DEPT FILING	11/19/2021
6	ZBA FILING SET	12/20/2021
7		
8		
9		
10		

LIST OF DRAWINGS	
NO.	NAME
T-1.0	TITLE SHEET, GENERAL NOTES MAPS, SITE PLAN, ZONING ANALYSIS AND PROPERTY INFO
D-1.0	REMOVAL FLOOR PLANS
A-1.0	PROPOSED BASEMENT, FIRST FLOOR PLAN AND LEGEND
A-2.0	PROPOSED SECOND FLOOR, ATTIC FRAMING PLAN, ROOF PLAN WINDOW / DOOR SCHEDULES AND DETAILS
A-3.0	PROPOSED ELEVATIONS, MATERIAL LIST AND EXISTING FRONT ELEVATION
A-4.0	CROSS SECTION, WALL DETAIL AND FRONT PORCH DETAILS
A-5.0	FRAMING DETAILS
A-6.0	PROPOSED POWER AND LIGHTING PLANS
ITEMS CROSSED NOT PART OF THIS SUBMISSION	

OWNER:

THOMAS & ERIN COMITO  
60 WOODLAND STREET,  
MOUNT KISCO NY 10549

SCOPE OF WORK:

PROPOSED SECOND STORY ADDITION AND RENOVATIONS TO EXISTING SINGLE FAMILY DWELLING LOCATED AT:  
60 WOODLAND STREET, MOUNT KISCO NY 10549  
SBL: 80.49-1-9

TITLE OF DRAWING:

TITLE SHEET, GENERAL NOTES  
MAPS, SITE PLAN, ZONING  
ANALYSIS AND PROPERTY INFO

SEAL / SIGNATURE:



PROJECT NO:

20-074

DATE:

10/14/2020

DWG SCALE:

AS INDICATED ON PLANS  
DO NOT SCALE DRAWINGS

DRAWN BY/CHECKED BY:  
LL / MW

DRAWING NO:

T-1.0



DEMOLITION LEGEND	
SYMBOL	DESCRIPTION
	EXISTING EXTERIOR WALLS TO REMAIN.
	EXISTING INTERIOR WALLS TO REMAIN.
	EXISTING WALLS AND ITEMS TO BE REMOVED. REFER TO DEMOLITION NOTES AND PLANS FOR SCOPE OF SPECIFICATIONS
<b>NOTE:</b> CONTRACTOR SHALL OBTAIN A PERMIT WITH THE VILLAGE OF MOUNT KISCO FOR AN ON-STREET CONTAINER FOR DEMOLITION DEBRIS.	

DEMOLITION NOTES:

1. GENERAL
- a.

THE CONTRACTOR SHALL THOROUGHLY INSPECT THE PREMISES TO VERIFY EXISTING CONDITIONS AND THE FULL SCOPE OF THE WORK.
- b.

THE SCOPE OF DEMOLITION, REMOVAL, AND PATCHING WORK TO BE PERFORMED SHALL NOT BE LIMITED TO THAT WHICH IS INDICATED ON THE DRAWINGS OR NOTED IN THE SPECIFICATIONS. TO FACILITATE THE NEW CONSTRUCTION WORK SHOWN ON THE DRAWINGS AND DESCRIBED IN THE SPECIFICATIONS.
2. DEMOLITION AND REMOVALS
- a.

PROCEDURES: THE PROCEDURES INVOLVING ALL TRADES, PROPOSED FOR THE ACCOMPLISHMENT OF THE REMOVAL AND REPLACEMENT WORK SHALL PROVIDE FOR SAFE CONDUCT OF THE WORK. CAREFUL REMOVAL AND DISPOSAL OF MATERIALS SPECIFIED TO BE DISPERSED OF OR SALVAGED, PROTECTION OF PROPERTY WHICH IS TO REMAIN UNDISTURBED, COORDINATION WITH OTHER WORK IN PROGRESS AND TIMELY DISCONNECTION OF UTILITY SERVICES. ANY UTILITY SERVICE, ELECTRIC OR MECHANICAL WORK DISCONNECTED SHALL BE RECONNECTED OR RE-INSTALLED WITH ALL NECESSARY MODIFICATIONS TO SUIT NEW WORK. SPECIAL CARE AND PROTECTION SHALL BE EXERCISED AT OCCUPIED SECTIONS OF THE BUILDING AND ESPECIALLY IN MAINTAINING PROPER OCCUPANT SAFETY AND ACCESSIBILITY.
- b.

PORTIONS OF THE EXISTING STRUCTURE WHERE EXISTING WORK IS TO BE DEMOLISHED OR REMOVED, AND WHERE NEW WORK IS TO BE DONE, CONNECTIONS MADE, MATERIALS HANDLED, OR EQUIPMENT MOVED AND RELOCATED, SHALL BE TEMPORARILY PROTECTED. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGE TO THE EXISTING STRUCTURES AND THE INTERIORS INCLUDING MECHANICAL-ELECTRICAL WORK OR CONTENTS BY REASON OF INSUFFICIENCY OF SUCH PROTECTION.
- c.

PROVIDE AND MAINTAIN ADEQUATE LIGHTS, GUARDS, BARRICADES AND OTHER TEMPORARY PROTECTION TO PREVENT INJURY TO PERSONS AS REQUIRED BY FEDERAL AND/OR LOCAL LAWS.
- d.

WHERE ALTERATIONS AND/OR REMOVALS OCCUR, OR NEW AND OLD WORK JOIN, THE LOCAL AREAS OF SURFACES AND IMMEDIATE ADJACENT SURFACES OR SO MUCH THEREOF AS IS REQUIRED BY THE INVOLVED CONDITIONS, SHALL BE CUT, REMOVED PATCHED TO MATCH ADJACENT SURFACES REAPAIRED, OR REFINISHED. THE MATERIALS AND WORKMANSHIP EMPLOYED IN THE WORK INVOLVING NEW CONSTRUCTION UNLESS OTHERWISE SHOWN OF SPECIFIED, SHALL CONFORM TO THAT OF ORIGINAL WORK.
- e.

EXISTING UTILITIES: REMOVE ALL EXISTING UTILITIES AS INDICATED OR AS NECESSARY IN ORDER TO PROPERLY PROCESS THE WORK. WHEN UTILITY LINES ARE ENCOUNTERED THAT ARE NOT INDICATED ON THE DRAWINGS, THEY SHALL BE RELOCATED WHEN NECESSARY TO PREVENT INTERFERENCE WITH THE NEW CONSTRUCTION. CONTRACTOR SHALL CONSULT ARCHITECT PRIOR TO REPLACEMENTS SUBSEQUENT TO COMPLETION OF THE WORK.
- f.

DISPOSITION OF TREES IF REQUIRED SHALL BE COORDINATED WITH OWNER.
- g.

ALL EXISTING TREES TO REMAIN SHALL BE PROTECTED AGAINST ANY DAMAGE DURING DEMOLITION AND CONSTRUCTION.

SHORING NOTES:

1. CONTRACTOR SHALL PROVIDE ADEQUATE SHORING AS REQUIRED BY CODE PRIOR TO REMOVAL OR DEMOLITION OF ANY EXISTING LINTELS, BEAMS, BEARING WALLS, ETC.
2. CONTRACTOR SHALL PROPERLY SHORE, BRACE, SUPPORT AND MAKE SAFE ALL FLOORS, ROOF, WALLS AND FOUNDATIONS DURING CONSTRUCTION AS JOB CONDITION REQUIRE.
3. CONTRACTOR SHALL PROVIDE SHORING SYSTEMS AND SEQUENCE OF CONSTRUCTION TO THE ENGINEER FOR APPROVAL.
4. CONTRACTOR SHALL SUBMIT DESIGN CALCULATIONS AND DRAWINGS AS PREPARED BY LICENSED PROFESSIONAL ENGINEER FOR REVIEW AND APPROVAL BY ARCHITECT OF RECORD.
5. CONTRACTOR SHALL PROCEED WITH FABRICATION AND ERECTION OF SHORING ONLY AFTER ARCHITECT'S REVIEW IS FINALIZED.
6. SHORING DESIGN SHALL ADDRESS CONSTRUCTION SEQUENCE AND SHALL BE DESIGNED TO SUPPORT THE ENTIRE WEIGHT OF THE FLOORS PRIOR TO LOAD TRANSFER WITH APPROPRIATE FACTORS OF SAFETY.
7. CONTRACTOR SHALL NOTIFY ENGINEER AT LEAST 48 HOURS IN ADVANCE OF ALL OPERATIONS WHICH REQUIRE CONTROLLED INSPECTIONS.
8. HEAVY DUTY SHORING POSTS, MIN. 25 K CAPACITY SHALL BE USED AS ACTIVE SHORING SYSTEM TO SUSTAIN GRAVITY LOAD DURING CONSTRUCTION.
9. SHORING REMOVAL SEQUENCE SHALL BE CLEARLY INDICATED ON SHORING DRAWINGS.

GENERAL SYMBOLS:

NORTH ARROW

DATUM

285.42

EXISTING GRADE

+286

PROPOSED GRADE

1

A-00

BOX NUMBER

PAGE NUMBER

SECTION MARK

1

A-00

BOX NUMBER

PAGE NUMBER

ELEVATION MARK

2

A-00

BOX NUMBER

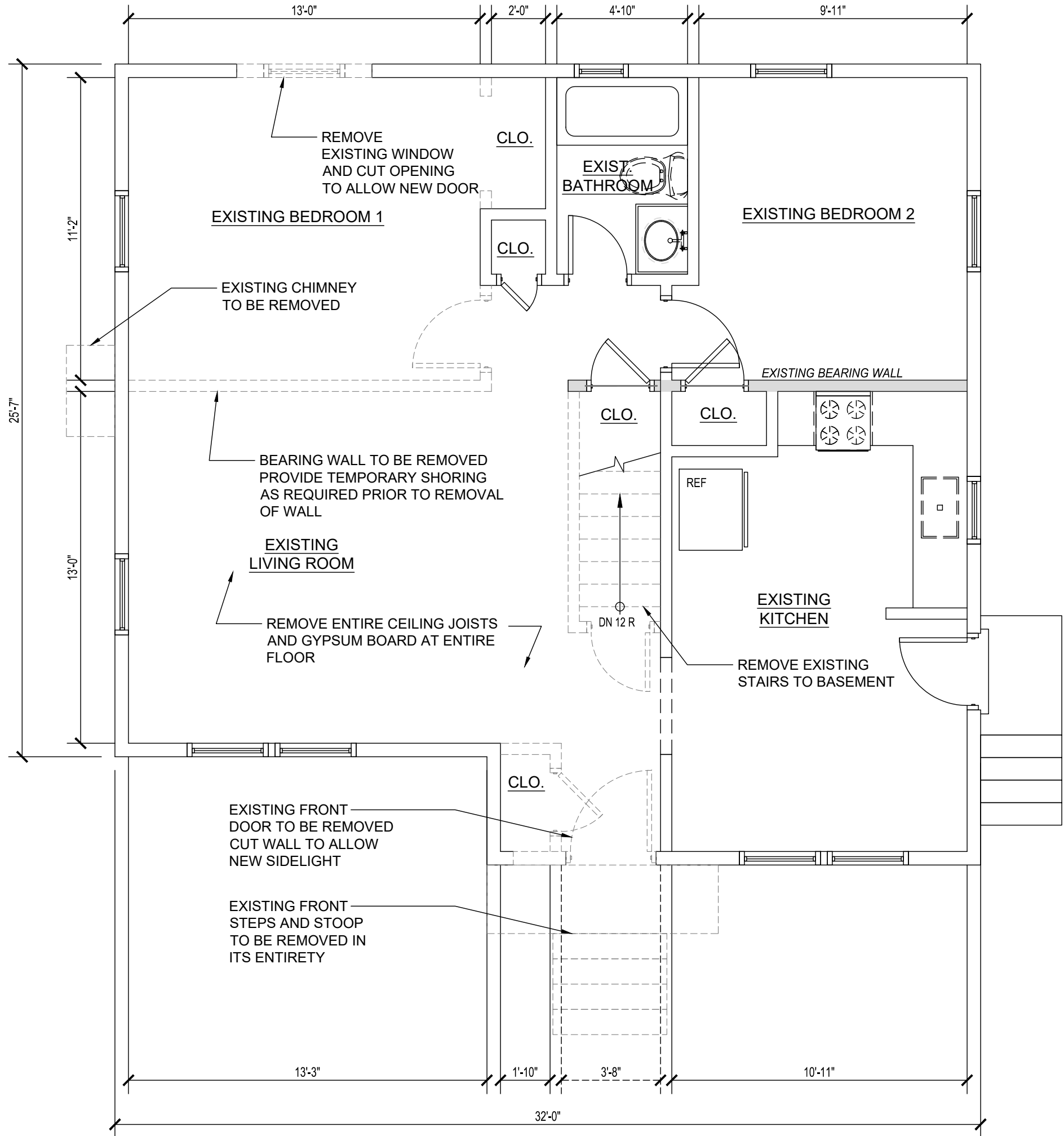
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ENLARGED PLAN VIEW

10

PARTITION TYPE MARK

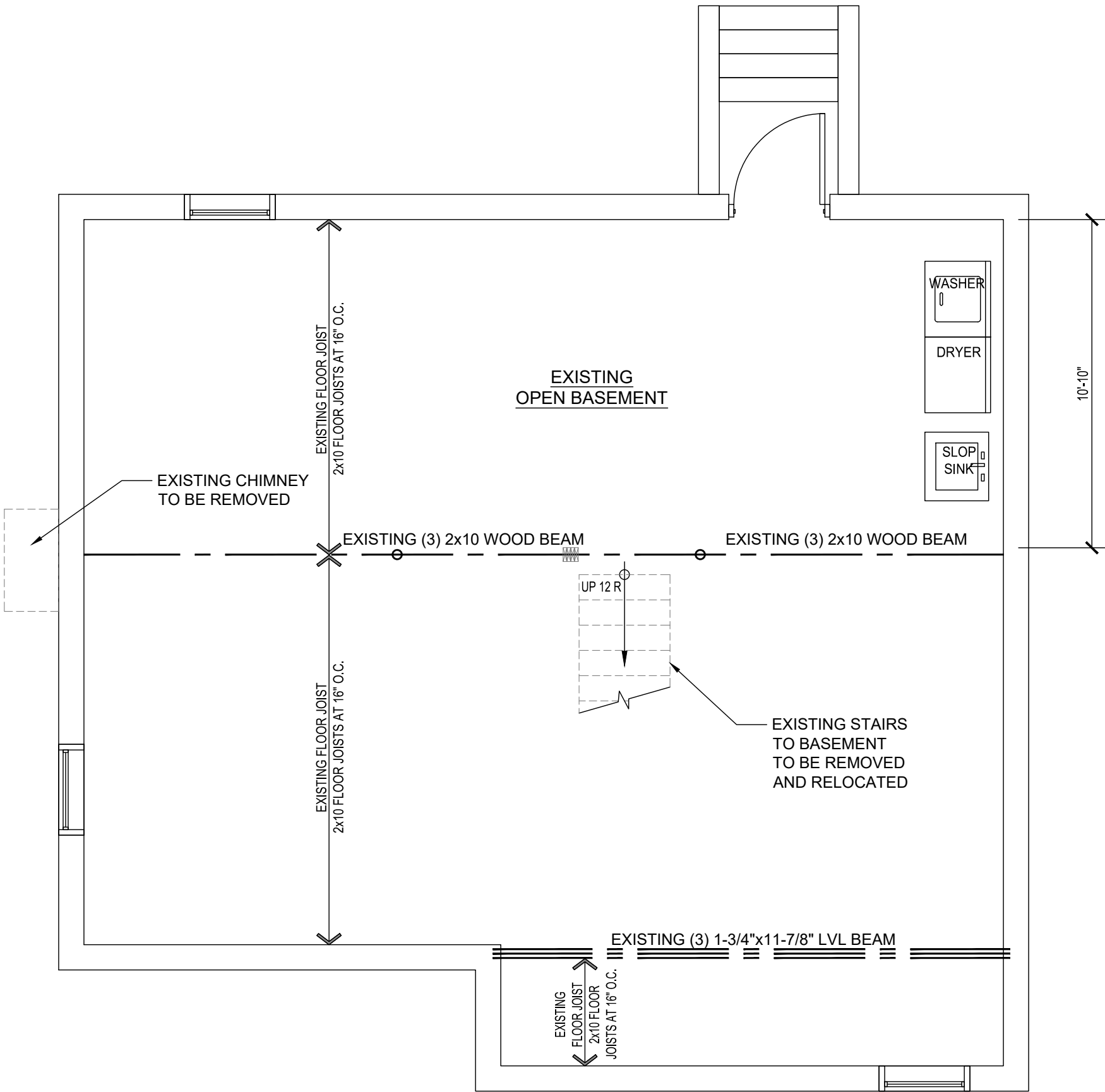
REVISION CLOUD



EXISTING FIRST FLOOR REMOVAL PLAN

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

NOTE: ALL DIMENSION TO BE FIELD VERIFIED BY ALL TRADES AND VENDORS



EXISTING LOWER FLOOR REMOVAL PLAN

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

NOTE: ALL DIMENSION TO BE FIELD VERIFIED BY ALL TRADES AND VENDORS

LAL DESIGN

Design • Expediting • Consulting

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GENERAL NOTE

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KEY PLAN:

LOCATION OF WORK:

60 WOODLAND STREET

REVISION #	REVISION	DATE
1	CLIENT REVIEW	10/21/2020
2	CLIENT REVIEW	01/12/2021
3	CLIENT REVIEW	06/30/2021
4	CLIENT REVIEW	07/14/2021
5	BUILDING DEPT FILING	11/19/2021
6	ZBA FILING SET	12/20/2021
7		
8		
9		
10		

LIST OF DRAWINGS	
NO.	NAME
T-1.0	TITLE SHEET, GENERAL NOTES MAPS, SITE PLAN, ZONING ANALYSIS AND PROPERTY INFO
D-1.0	REMOVAL FLOOR PLANS
A-1.0	PROPOSED BASEMENT, FIRST FLOOR PLAN AND LEGEND
A-2.0	PROPOSED SECOND FLOOR, ATTIC FRAMING PLAN, ROOF PLAN WINDOW / DOOR SCHEDULES AND DETAILS
A-3.0	PROPOSED ELEVATIONS, MATERIAL LIST AND EXISTING FRONT ELEVATION
A-4.0	CROSS SECTION, WALL DETAIL AND FRONT PORCH DETAILS
A-5.0	FRAMING DETAILS
A-6.0	PROPOSED POWER AND LIGHTING PLANS

ITEMS CROSSED NOT PART OF THIS SUBMISSION

OWNER:

THOMAS & ERIN COMITO

60 WOODLAND STREET,

MOUNT KISCO NY 10549

SCOPE OF WORK:

PROPOSED SECOND STORY ADDITION AND RENOVATIONS TO EXISTING SINGLE FAMILY DWELLING LOCATED AT:

60 WOODLAND STREET, MOUNT KISCO NY 10549

SBL: 80.49-1-9

TITLE OF DRAWING:

REMOVAL FLOOR PLANS

SEAL / SIGNATURE:

PROJECT NO:

20-074

DATE:

10/14/2020

DWG SCALE:

AS INDICATED ON PLANS

DO NOT SCALE DRAWINGS

DRAWN BY/CHECKED BY:

LL / MW

DRAWING NO:

D-1.0

PAGE NUMBER:

2 OF 8



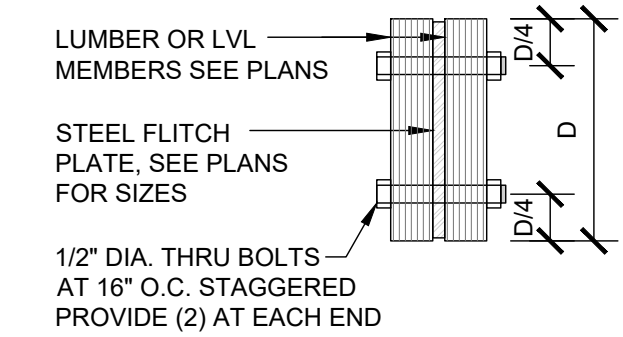
WOOD HEADER SCHEDULE - U.O.N. - SEE PLANS FOR ADDITIONAL INFORMATION	
OPENING WIDTH	SIZE
2'-0" TO 3'-11"	(2)2X10
4'-0" TO 6'-0"	(2)2X12

BEAM SCHEDULE - U.O.N. - SEE PLANS FOR ADDITIONAL INFORMATION	
BEAM DEFINITION	SIZE
#BM1	(2) 1-3/4"x8-1/4" 2.0E FLUSH LVL W/ 1/2"x6" STL FLITCH PLATE B/W
#BM2	(2) 1-3/4"x8-1/4" 2.0E FLUSH LVL
#BM3	3-2x10 FLUSH BM
#BM4	2-2x10 FLUSH STAIR HEADER
#BM5	(2) 1-3/4"x7-1/4" 2.0E FLUSH LVL W/ 1/2"x7" STL FLITCH PLATE B/W

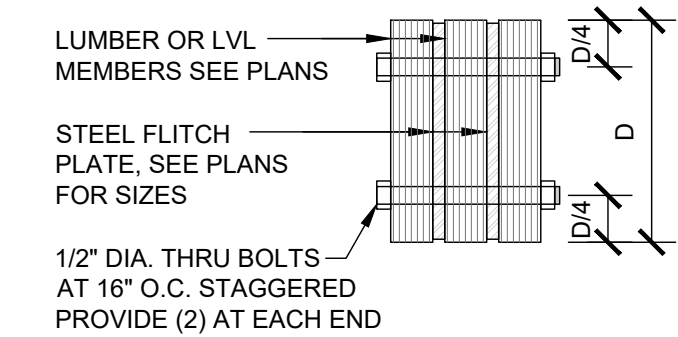
  

FRAMING LEGEND:	
	DENOTES SOLID STUDS FROM ABOVE PROVIDE SOLID BLOCKING UNDER
	DENOTES SOLID STUDS AT FLOOR LEVEL. GC TO PROVIDE 8" OR VERIFY SOLID BLOCKING UNDER STUDS TO TRANSFER LOADS TO FOOTINGS
U.O.N. UNLESS OTHERWISE NOTED ON PLANS	



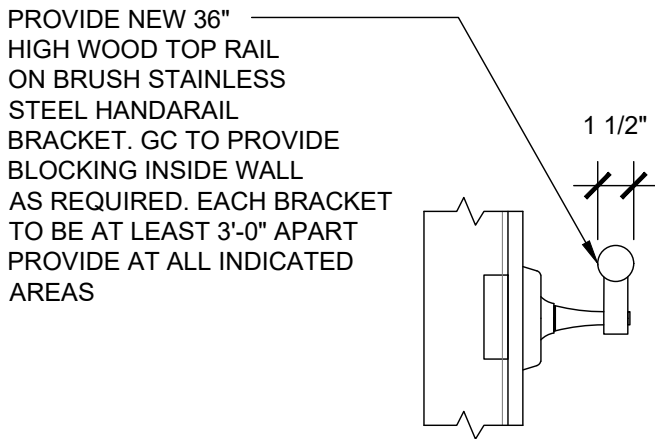
### STEEL FLITCH BEAM DETAIL - 2 PLIES / 1 PLATE

NTS



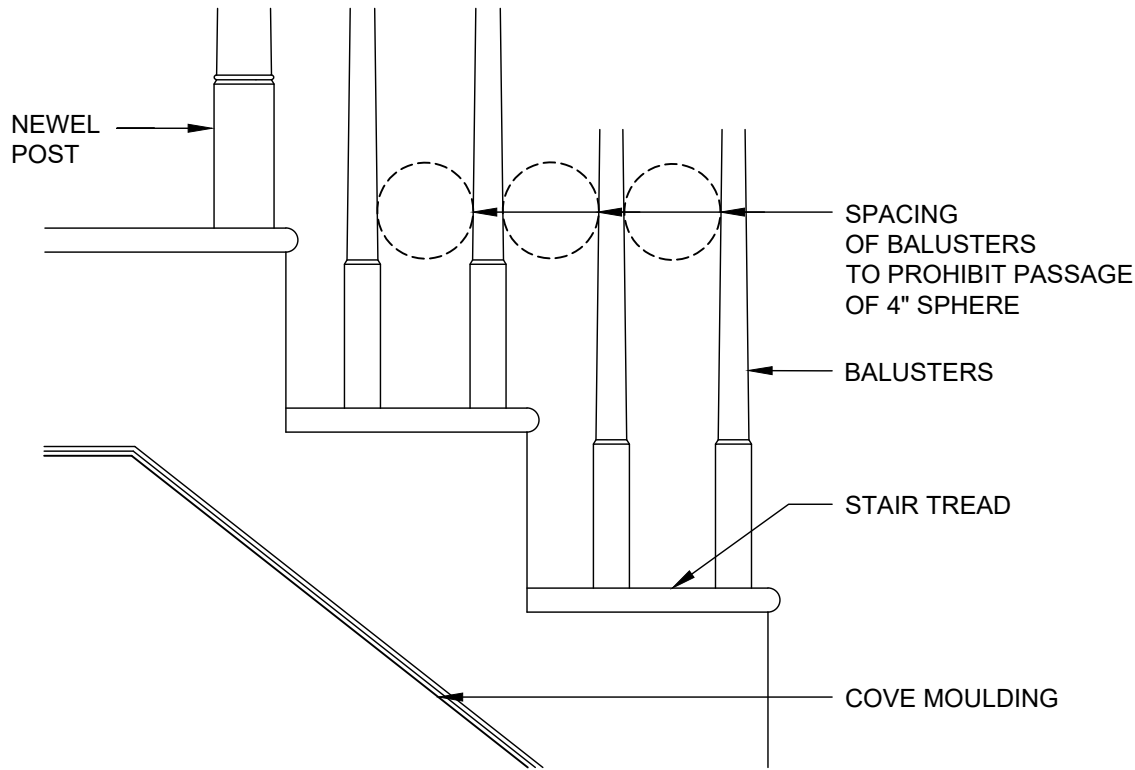
### STEEL FLITCH BEAM DETAIL - 3 PLIES / 2 PLATES

NTS



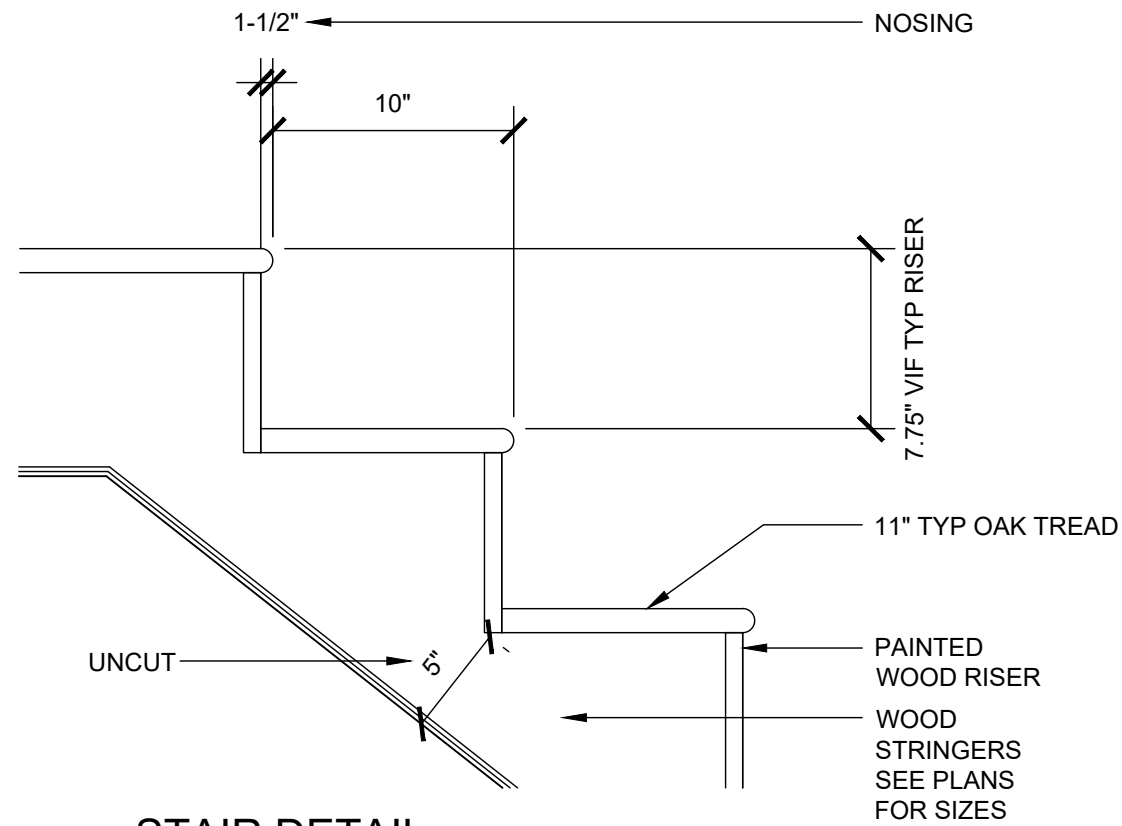
### TYPICAL WALL MOUNT RAIL DETAIL

NTS



### TYPICAL RAIL BALUSTER DETAIL

NTS



### STAIR DETAIL

NTS

FRAMING PLAN LEGEND:	
	INDICATES FLOOR, CEILING, OR ROOF FRAMING DIRECTION AND SPACING
	INDICATES STEEL BEAM OR LVL BEAM (AS NOTED ON PLANS)
PA	CONTINUOUS POST FROM ABOVE - SEE NOTES ON PLANS FOR SIZE
P1	BUILT-UP SOLID WOOD POST - SEE NOTES ON PLANS FOR SIZE
PU	POST-UP SOLID WOOD POST FROM ABOVE - SEE NOTES ON PLANS FOR SIZE
	STEEL COLUMN - DIAMETER AS INDICATED ON PLANS AND DETAILS
	BEARING PLATE LOCATION & BEAM POCKET LOCATION -SEE NOTES AND DETAILS FOR SIZE AND BOLTING INFO.
	WOOD PARTITIONS
	BEARING WALL

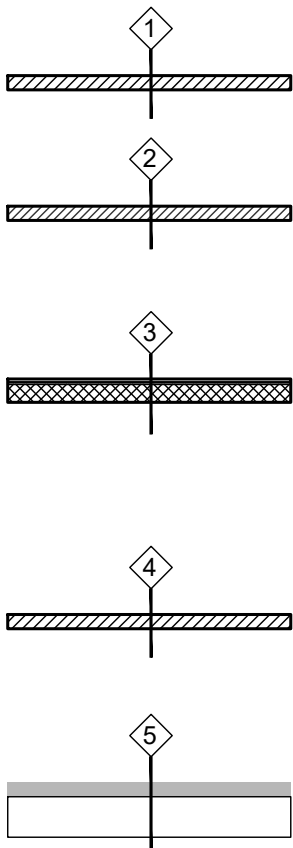
POST SCHEDULE (U.O.N.) :		
MARK	SIZE	TOP CONNECTION
P1	4X4 or 2 -2X6 or 2-2X4	2 - SIMPSON "A35" FRAMING ANCHORS
P2	4X6 or 2 -2X6 or 3-2X4	2 - SIMPSON "A35" FRAMING ANCHORS
P3	6X6 or 3 2x6 or 5- 2x4	4 - SIMPSON "A35" FRAMING ANCHORS
P4	5½ x 5½ PSL	4 - DIAGONAL LEDGER LOCK SCREWS
PU	POST UP (SEE SIZE FRAMING ON PLANS & ABOVE)	
JACK & STUDS ARE CONSIDERED PART OF HEADERS POSTS. PSL = PARALLAN BY TRUSJOIST OR APPROVED EQ. POSTS SHALL REST ON GIRDERS, FOUNDATION OR APPROVED SOLID BLOCKING. ALL OTHER POSTS NOT SHOWN ON PLAN SHALL BE A MINIMUM 2 - 2X4 STUDS.		

WOOD HEADER SCHEDULE:		
OPENING	WIDTH	FLOOR SIZE
UP TO 4'-1"	FIRST	(2) 2x10 or (2)1 3/4" X 7 1/4" LVL'S
4'-1" TO 6'-1"	FIRST	(3)2x10 or (2)1 3/4" X 9 1/2" LVL'S
6'-1" TO 8'-1"	FIRST	(2)1 3/4" X 11 7/8" LVL'S or (3)1 3/4" X 9 1/2" LVL'S
UP TO 4'-1"	SECOND	(2)2x8 or (2)1 3/4" X 7 1/4" LVL'S
4'-1" TO 6'-1"	SECOND	(2) 2x10 or (2)1 3/4" X 9 1/2" LVL'S
6'-1" TO 8'-1"	SECOND	(2)1 3/4" X 11 7/8" LVL'S or (3)1 3/4" X 9 1/2" LVL'S
G.C. TO DETERMINE IN FIELD, AVAILABLE ROOM HEADER, AS INDICATED PRIOR TO FRAMING ROUGH OPENING. SEE PLANS FOR HEADERS WITH SPANS GREATER THAN 8'-1" OR WITH LARGER POINT LOADS.		

LVL NOTE :	
ALL DESIGNATED LVL'S SHALL BE 1.9E "MICROLAM" BY "TRUS JOIST" WITH A FIBER STRESS OF Fb = 2,600 P.S.I.	

COLUMN FOOTING SCHEDULE:			
MARK	SIZE	THICKNESS	BOTTOM REINFORCING
F 1	1'-8" X 1'-8"	10"	(3) - #3 EACH WAY

#### LEGEND AND SYMBOLS:



**NON RATED INTERIOR WALLS:**  
2x4 WOOD STUDS AT 16" O.C. W/  
ONE LAYER OF 5/8" GYPSUM BOARD ON EACH SIDE. **NON RATED**

**NEW 1 HOUR FIRE RATED WALLS:**  
2x4 WOOD STUDS AT 16" O.C. W/  
ONE LAYER OF 5/8" F.C.X. GYPSUM BOARD ON EACH SIDE.  
U.L. DESIGN NO. U305 OR U311

**NEW EXTERIOR WALLS AT SECOND FLOOR ADDITION:**  
2x4 WOOD STUDS AT 16" O.C. W/ CLOSED CELL SPRAY FOAM INSULATION 3.5" THICK R-22.7 (R6.5 PER INCH). (1) LAYER OF 5/8" GYPSUM WALL BOARD INTERIOR FINISH. "TYVEK" BUILDING WRAP OVER CDX PLYWOOD SHEATHING AND NEW 5" EXPOSURE COMPOSITE SIDING EXTERIOR FINISH.

**INTERIOR PLUMBING WALLS:**  
2x6 WOOD STUDS AT 16" O.C. W/  
ONE LAYER OF 5/8" MOISTURE RESISTANT GYPSUM BOARD ON EACH SIDE. **NON RATED**

**MASONRY FURR OUT WALLS:**  
2x4 WOOD FURRING STUDS STUDS AT 16" O.C. W/ ONE LAYER OF 5/8" MOISTURE RESISTANT GYPSUM BOARD ON EACH SIDE WHERE REQUIRED AT WET LOCATIONS OR 5/8" GYPSUM BOARD AT ALL OTHER LOCATIONS WITH W/ CLOSED CELL SPRAY FOAM INSULATION 3.5" THICK R-22.7 (R6.5 PER INCH).

FLOOR DRAIN

DOOR TAG

WINDOW TAG

SMOKE DETECTOR (110v)  
HARD-WIRED INTERCONNECTED  
W/ ALL OTHER SMOKE DETECTORS  
WITH BATTERY BACK-UP

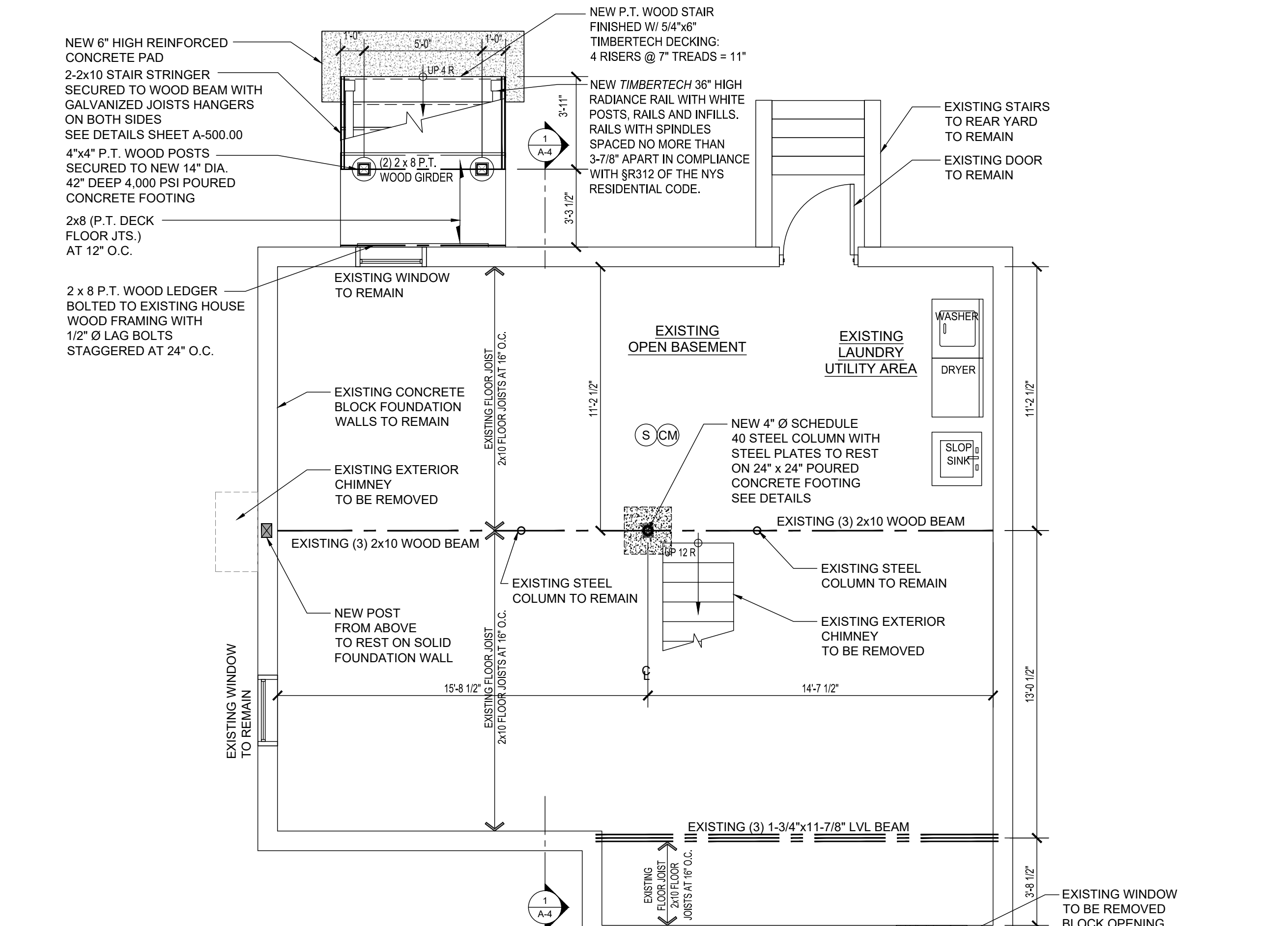
CARBON MONOXIDE  
DETECTOR W/ DIGITAL  
DISPLAY AND BATTERY BACK-UP

HEAT DETECTOR (110v)  
HARD WIRED W/ BATTERY BACK UP

50 CFM BATHROOM  
EXHAUST FAN DUCTED  
TO EXTERIOR

EXISTING WINDOW AND DOORS TO REMAIN

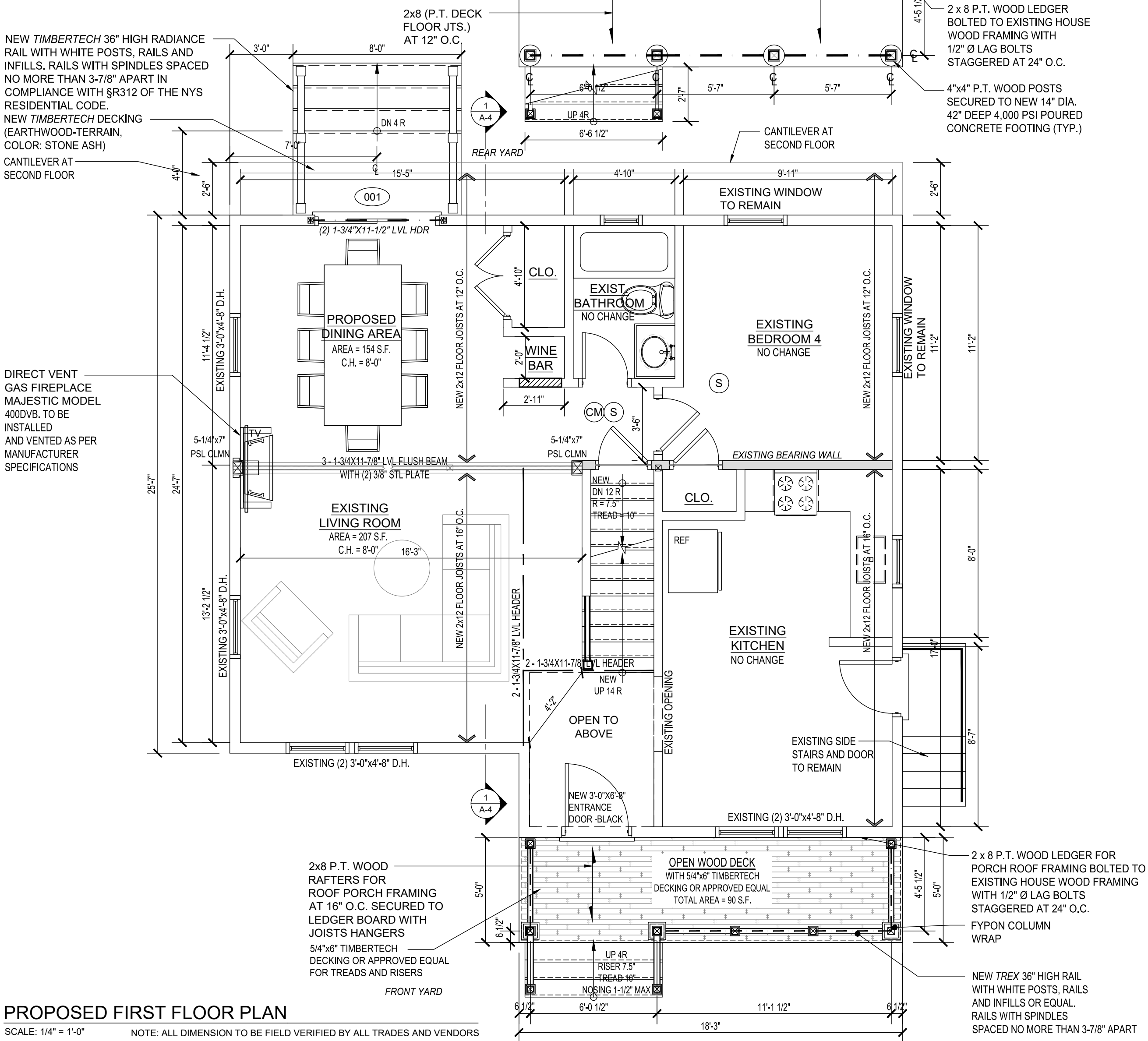
EXISTING WINDOWS AND DOORS TO BE REMOVED.  
REMOVE HEADERS AS REQUIRED.  
PROVIDE SHORING AS REQUIRED



#### PROPOSED LOWER FLOOR PLAN

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

NOTE: ALL DIMENSION TO BE FIELD VERIFIED BY ALL TRADES AND VENDORS



#### PROPOSED FIRST FLOOR PLAN

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

NOTE: ALL DIMENSION TO BE FIELD VERIFIED BY ALL TRADES AND VENDORS

Design • Expediting • Consulting

**MANG WONG, P.E.**

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**KEY PLAN:**

LOCATION OF WORK:  
60 WOODLAND STREET

REVISION #	REVISION	DATE
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<b>ITEMS CROSSED NOT PART OF THIS SUBMISSION</b>	

OWNER:  
THOMAS & ERIN COMITO  
60 WOODLAND STREET,  
MOUNT KISCO NY 10549

SCOPE OF WORK:  
PROPOSED SECOND STORY ADDITION AND RENOVATIONS TO EXISTING SINGLE FAMILY DWELLING LOCATED AT:  
60 WOODLAND STREET, MOUNT KISCO NY 10549  
SBL: 80.49-1-9

TITLE OF DRAWING:  
**PROPOSED BASEMENT,  
FIRST FLOOR PLANS AND LEGEND**

SEAL / SIGNATURE:

PROJECT NO:

20-074

DATE:

10/14/2020

DWG SCALE:

AS INDICATED ON PLANS  
DO NOT SCALE DRAWINGS

DRAWN BY/CHECKED BY:

LL / MW

DRAWING NO:

**A-1.0**

PAGE NUMBER:

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ANDERSON WINDOWS & PATIO DOORS 400 SERIES OR AS SELECTED BY OWNER  
HIGH-PERFORMANCE GLAZING VINYL-CLAD & WOOD FRAME  
FULL INSECT SCREEN INTERIOR GRILLES  
COLOR: WHITE TILT-WASH 400 SERIES  
ROUGH OPENING AND MODEL NUMBER AS SHOWN  
FOR ALL REPLACEMENT WINDOWS OPENINGS SHALL BE VERIFIED IN FIELD

DOUBLE HUNG WINDOWS: U-FACTOR : 0.30 ; SHGC: 0.32  
GLIDING WINDOWS: U-FACTOR: 0.31 ; SHGC : 0.32

EGRESS WINDOW OPENING SHALL HAVE:

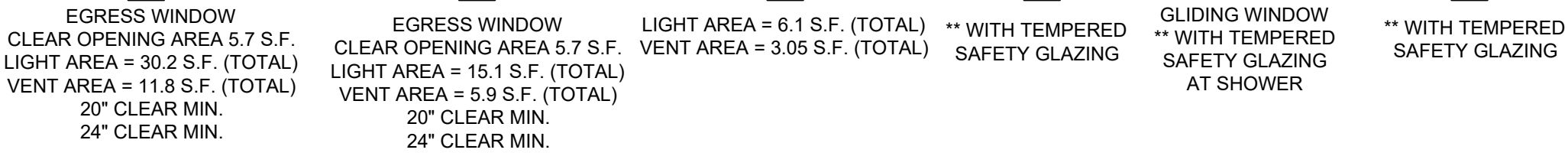
- MINIMUM NET CLEAR OPENING OF 5.7 SQUARE FEET
- MINIMUM NET CLEAR OPENING HEIGHT OF 24 INCHES
- MINIMUM NET CLEAR OPENING WIDTH OF 20 INCHES
- OPENING SHALL BE OPERATIONAL FROM THE INSIDE OF THE ROOM WITHOUT THE USE OF KEYS, TOOLS OR SPECIAL KNOWLEDGE.
- SILL HEIGHT SHALL BE NO MORE THAN 44" A.F.F.

TEMPERED GLASS SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS:

- WITHIN 24" OF A DOOR IN A CLOSED POSITION
- IN ANY ROOM CONTAINING A BATHTUB OR SHOWER
- WITHIN 60" OF A STAIRCASE
- WITHIN 36" OF AN EXTERIOR WALKING SURFACE

1. GC TO VIF ALL WINDOWS SIZES PRIOR TO ORDERING AND  
INFORM DESIGNER OF RECORD IMMEDIATELY OF ANY DISCREPANCIES.
2. ALL HARDWARE AND ACCESSORIES TO BE PRICED SEPARATELY & PRESENTED  
OWNER FOR APPROVAL.
3. ALL NEW DOORS SHALL BE FINISHED AS PER OWNERS REQUIREMENTS
4. ALL HARDWARE & RELATED MATERIAL FINISH ACCESSORIES SHALL BE  
SELECTED & CONFIRMED BY OWNER PRIOR TO ORDERING.
5. GC SHALL BE RESPONSIBLE FOR ORDERING AND DELIVERY, ACCORDING TO  
OWNER REQUIREMENTS. COORDINATE WITH OWNER.
6. ALL DOORS SHALL BE UNDERCUT. CONTRACTOR SHALL BE RESPONSIBLE  
FOR DETERMINING THE THICKNESS OF THE FLOORING MATERIAL AND  
COORDINATE WITH THE EXISTING SLAB / FLOOR CONDITIONS TO DETERMINE  
THE TOTAL UNDERCUT THICKNESS OF THE UNDERCUT OF 3/8" AT P.F.
7. PROVIDE STRIKE PLATES AT EVERY JAMB AND ARMOR FRONTS AT EVERY  
DOOR EDGE ALL ACCESSORIES TO MATCH

AS PER SECTION R303.1 OF THE NYS RESIDENTIAL CODE, EXCEPTION 2: ARTIFICIAL LIGHT IS PROVIDED CAPABLE OF PRODUCING AN AVERAGE ILLUMINATION OF 6 FOOT-CANDLES (65 lux) OVER THE AREA OF THE ROOM AT THE HEIGHT OF 30 INCHES (762 mm) ABOVE THE FLOOR LEVEL.



ANDERSON WINDOWS & PATIO DOORS  
HIGH-PERFORMANCE GLAZING VINYL-CLAD & WOOD FRAME  
INTERIOR GRILLES COLOR: WHITE 400 SERIES  
ROUGH OPENING AND MODEL NUMBER AS SHOWN



1. PROVIDE MIN. 18" "WEATHER-WATCHED" SELF-ADHERING ICE-SHIELD BY GAP CORP. OR APPROVED EQUAL AT VALLEYS (MIN. 18" RETURN RICH RICE-ICE-SHIELD MIN 12" ON ALL VERTICAL WALLS (TYP.))
2. ALL JOISTS/CEILING OF SOUD FRAMING SHALL EXTEND DOWN THRU ALL LEVELS. AND TERMINATE AT FOUNDATION DESIGNED TO CARRY LOADS. ALL CEILING JOISTS AND RAFTERS BRACING TO BEAR ON LOAD BEARING WALLS DESIGNED TO CARRY LOAD THRU ALL LEVELS AND TERMINATE AT FOUNDATION DESIGNED TO CARRY LOADS.
3. PROVIDE COLLAR TIES AT LOWER 1/3 OF VERTICAL DISTANCE BETWEEN RIDGE BEAM AND CEILING JOISTS.
4. HIP, VALLEY RAFTERS AND RIDGE BEAMS SHALL BE ONE "2X" SIZE LARGER THAN RAFTERS OR RIDGE BEAMS NOTED ON PLANS.
5. WALL AND ROOF SHEATHING SHALL BE 5/8" CD PLYWOOD U.O.N. FOR A MAXIMUM SPAN OF 24". GAPS BETWEEN PLYWOOD PANELS SHALL BE MAX 1/8".
6. SOLID SAWN ROOF FRAMING SIZE SPACING AS PER PLANS. ALL WALL SHAL BE 2X4 OR 2X6 OR 2X8 OR 2X10 OR 2X12 OR 2X14 OR 2X16 OR 2X18 OR 2X20 OR 2X22 OR 2X24 THICK AND DEPTH SHALL BE NOT LESS THAN CUT END OF RAFTER. SUD BLOCKING SHALL BE PROVIDED AT MID SPAN BUT SHALL NOT DISRUPT AIR FLOW.
7. PROVIDE METAL CONTINUOUS FLASHING AT ALL ROOF/WALL INTERSECTIONS (TYPICAL)
8. INSTALL NEAR ALUMINUM GUTTERS AND LEADER AT ALL ROOF EDGES.
9. GUTTER PROFILE TO BE SELECTED BY OWNER. SOLDER ALL GUTTER SEAMS AND JOINTS ON SPOTS.
10. PROVIDE DOUBLE 2X8 STRONGBACK AT MID SPAN FOR CEILING JOISTS/COLLAR TIES SPAN GREATER THAN 10'-0"

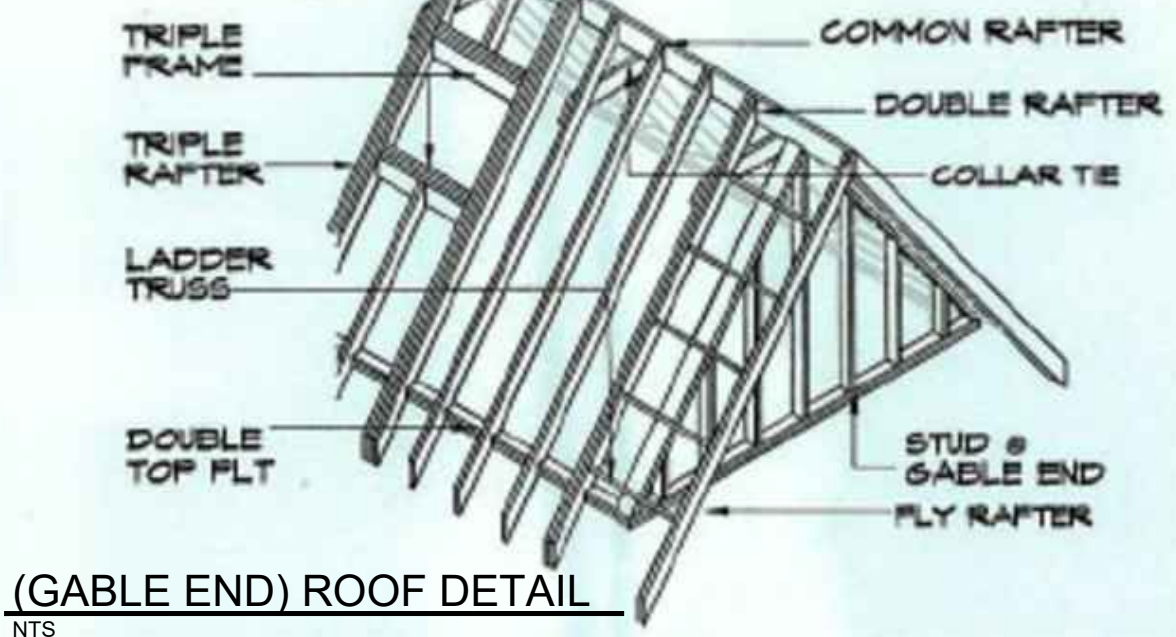
1. SHOWER FLOORS AND WALLS SHALL BE FINISHED WITH A NON-ABSORBENT SURFACE EXTENDED TO A HEIGHT OF NOT LESS THAN 6 FEET ABOVE THE FLOOR.
2. GC TO PROVIDE CEMENT BOARD AT ALL SHOWER WALLS & GREENBOARD (M.R.) AT ALL OTHER BATH WALLS.

VENTILATION AREA SHALL BE NOT LESS THAN 1:150 RATIO (0.006667)

ROOF AREA = 1,824 S.F. VENT AREA REQUIRED = 12 S.F.  
VENT AREA PROVIDED = (APPROX.) 17.5 S.F. RIDGE VENT= 35' L.F X 0.5' WIDE

**R806.1 Ventilation required.** Enclosed attics and enclosed rafters spaces formed where ceilings are applied directly to the underside of roof rafters shall have cross ventilation for each separate space by ventilating openings protected against the entrance of rain or snow. Ventilation openings shall have a least dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Ventilation openings having a dimension greater than 1/4 inch (6.4 mm) shall be provided with corrosion-resistant wire cloth screening, hardware cloth, or similar material with openings having a minimum dimension of 1/16 inch (1.6 mm) minimum and 1/4 inch (6.4 mm) maximum. Openings in roof framing members shall conform to the requirements of Section R802.7.

**R806.2 Minimum area.** The total net free ventilating area shall not be less than 1/150 of the area of the space ventilated except that reduction of the total area to 1/300 is permitted provided that at least 50 percent and not more than 80 percent of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated at least 1 foot (914 mm) above the eave or cornice vents with the balance of the required ventilation provided by eave or cornice vents. As an alternative, the net free cross-ventilation area may be reduced to 1/300 when a Class I or II vapor barrier is installed on the warm-in-winter side of the ceiling.



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

NOTE: ALL DIMENSION TO BE FIELD VERIFIED BY ALL TRADES AND VENDORS



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LOCATION OF WORK: —  
60 WOODLAND STREET



NO.	NAME
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A-6.0	PROPOSED POWER AND LIGHTING PLANS

**ITEMS CROSSED NOT PART OF THIS SUBMISSION**

THOMAS & ERIN COMITO  
60 WOODLAND STREET,  
MOUNT KISCO NY 10549

SCOPE OF WORK:  
PROPOSED SECOND STORY ADDITION AND  
RENOVATIONS TO EXISTING SINGLE FAMILY  
DWELLING LOCATED AT:  
60 WOODLAND STREET, MOUNT KISCO NY 1054  
SBL: 80.49-1-9

TITLE OF DRAWING:  
PROPOSED SECOND FLOOR  
ATTIC FRAMING PLAN, ROOF PLAN,  
WINDOW / DOOR SCHEDULES AND  
DETAILS

SEAL /  
SIGNATURE:

PROJECT NO:

DATE: \_\_\_\_\_

10/14/2020

DWG SCALE:  
AS INDICATED ON PLANS  
DO NOT SCALE DRAWING

DRAWN BY/CHECKED BY:  
LL / MW

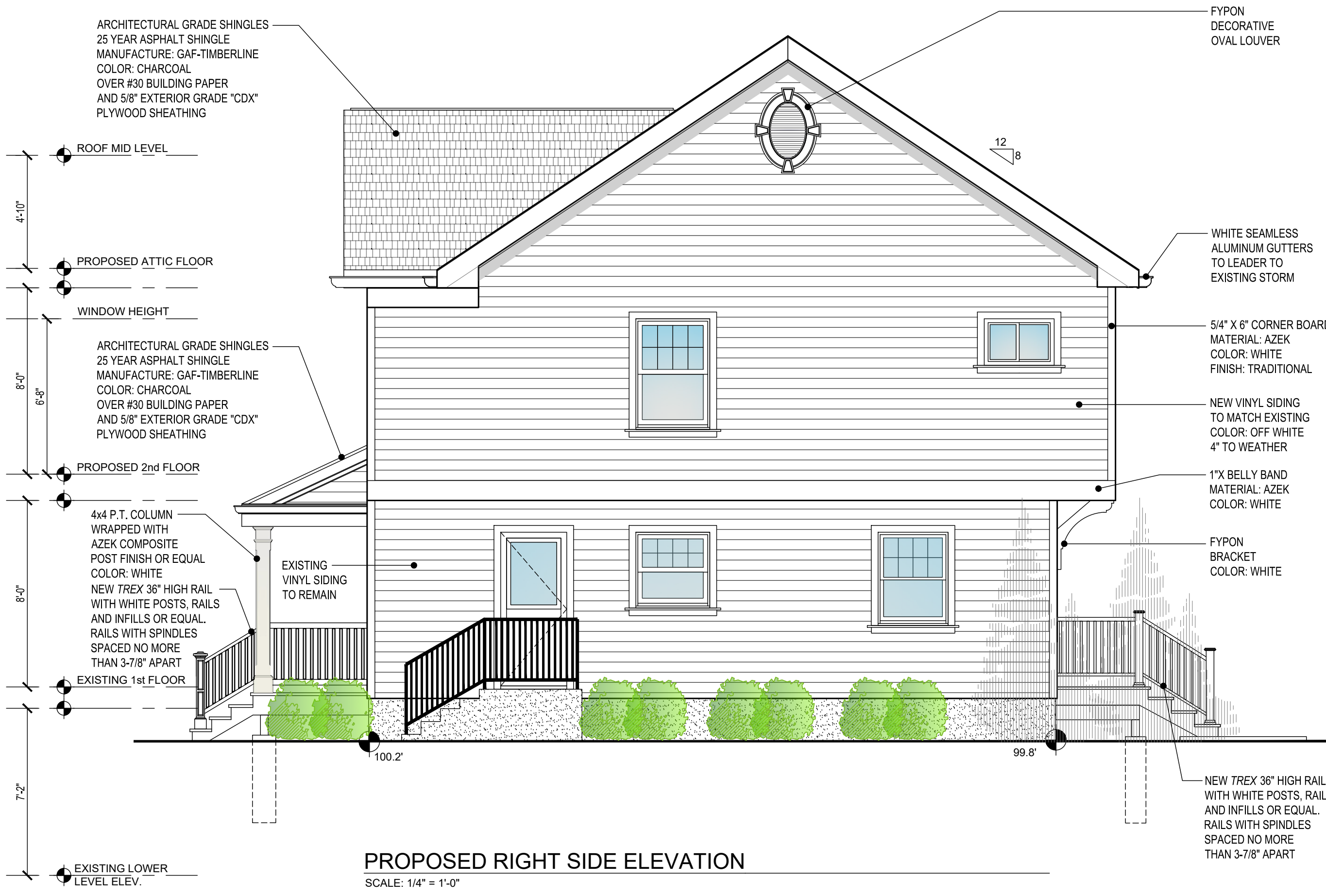
DRAWING NO

A-2.0

PAGE NUMBER

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PROPOSED RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



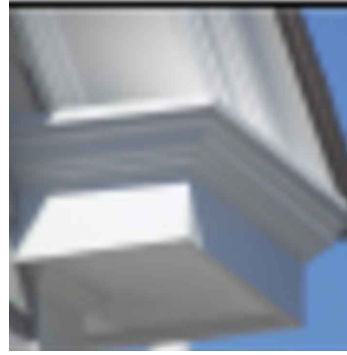
PROPOSED FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

MATERIAL LIST

ARCHITECTURAL GRADE SHINGLES  
25 YEAR ASPHALT SHINGLE  
MANUFACTURE: GAF-TIMBERLINE  
COLOR: CHARCOAL  
OVER #30 BUILDING PAPER  
AND 5/8" EXTERIOR GRADE "CDX"  
PLYWOOD SHEATHING



AZEK FASCIA & SOFFIT  
COLOR: WHITE



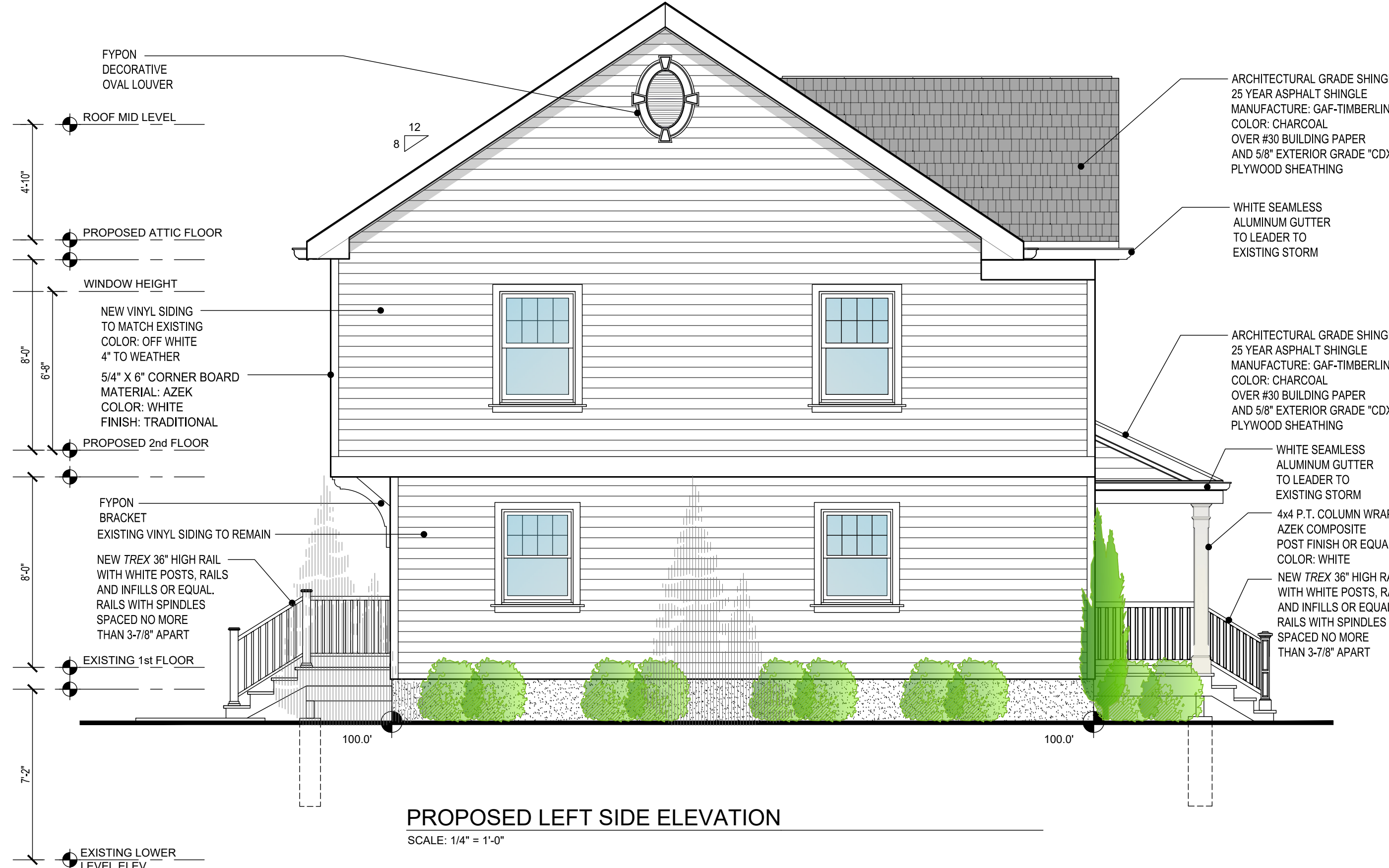
FYPON BRACKET



EXTERIOR WALL SCENCE



EXISTING FRONT ELEVATION



PROPOSED LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"



PROPOSED REAR ELEVATION  
SCALE: 1/4" = 1'-0"

**LAL DESIGN**  
Design • Expediting • Consulting  
**MANG WONG, P.E.**  
16 TURNER LANE, BEDFORD, NY 10549  
tel: 914.441.4834  
laldesign77@gmail.com

GENERAL NOTE  
IT IS A VIOLATION OF THE NEW YORK STATE EDUCATION LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER ANY ITEM ON THIS DRAWING AND/OR RELATED SPECIFICATION. ALL ALTERATIONS MUST BE MADE IN COMPLIANCE WITH THE NEW YORK STATE EDUCATION LAW. THE PROFESSIONAL ENGINEER WHOSE SEAL APPEARS HEREON ASSUMES NO RESPONSIBILITY FOR ANY SUCH ALTERATION OR RE-USE WITHOUT HIS CONSENT.

KEY PLAN:  
LOCATION OF WORK:  
60 WOODLAND STREET




REVISION #	REVISION	DATE
1	CLIENT REVIEW	10/21/2020
2	CLIENT REVIEW	01/12/2021
3	CLIENT REVIEW	06/30/2021
4	CLIENT REVIEW	07/14/2021
5	BUILDING DEPT FILING	11/19/2021
6	ZBA FILING SET	12/20/2021
7		
8		
9		
10		

LIST OF DRAWINGS	
NO.	NAME
T-1.0	TITLE SHEET, GENERAL NOTES, MAPS, SITE PLAN, ZONING ANALYSIS AND PROPERTY INFO
D-1.0	REMOVAL FLOOR PLANS
A-1.0	PROPOSED BASEMENT, FIRST FLOOR PLAN AND LEGEND
A-2.0	PROPOSED SECOND FLOOR, ATTIC FRAMING PLAN, ROOF PLAN WINDOW / DOOR SCHEDULES AND DETAILS
A-3.0	PROPOSED ELEVATIONS, MATERIAL LIST AND EXISTING FRONT ELEVATION
A-4.0	CROSS SECTION, WALL DETAIL AND FRONT PORCH DETAILS
A-5.0	FRAMING DETAILS
A-6.0	PROPOSED POWER AND LIGHTING PLANS
ITEMS CROSSED NOT PART OF THIS SUBMISSION	

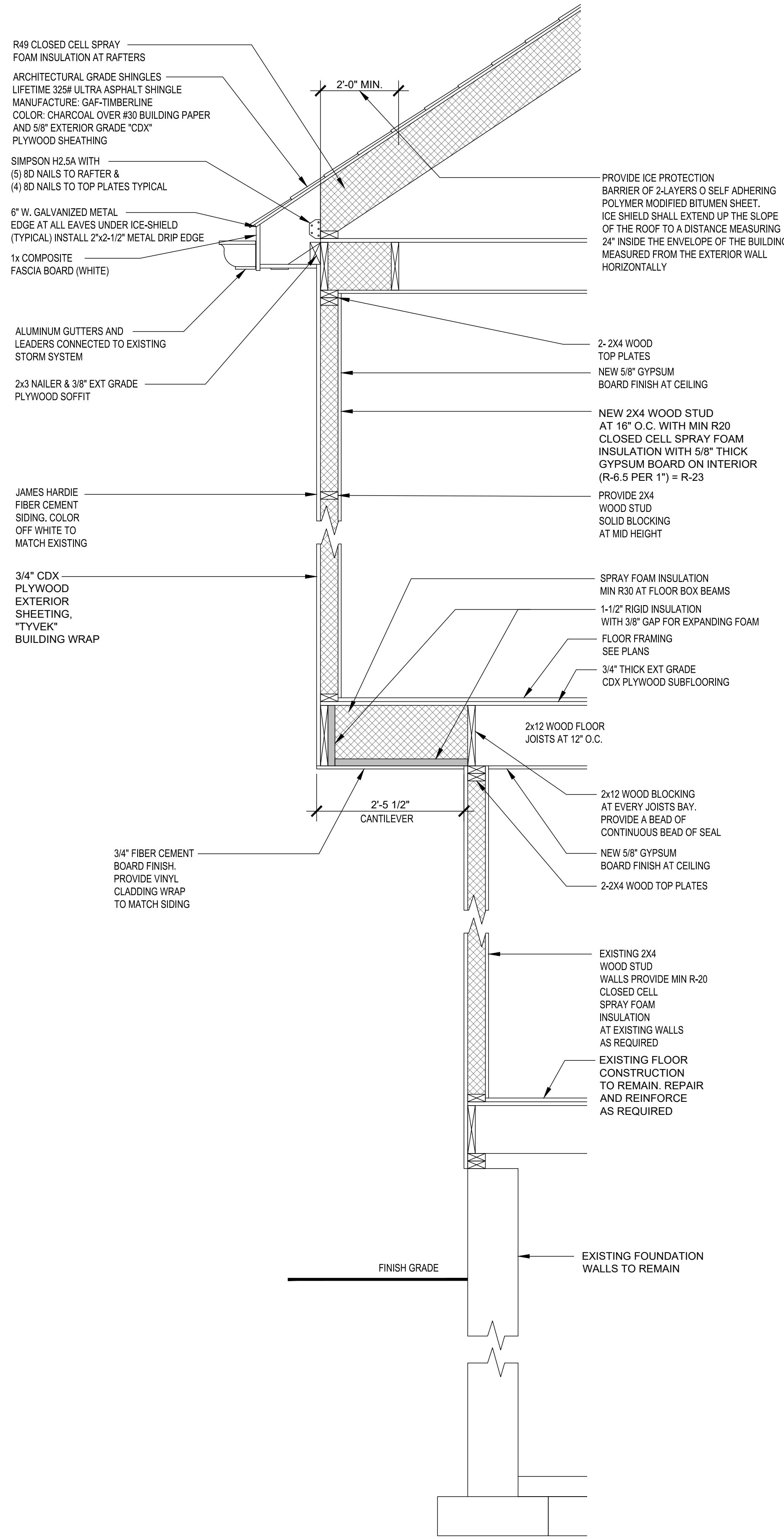
OWNER:  
THOMAS & ERIN COMITO  
60 WOODLAND STREET,  
MOUNT KISCO NY 10549

SCOPE OF WORK:  
PROPOSED SECOND STORY ADDITION AND  
RENOVATIONS TO EXISTING SINGLE FAMILY  
DWELLING LOCATED AT:  
60 WOODLAND STREET, MOUNT KISCO NY 10549  
SBL: 80.49-1-9

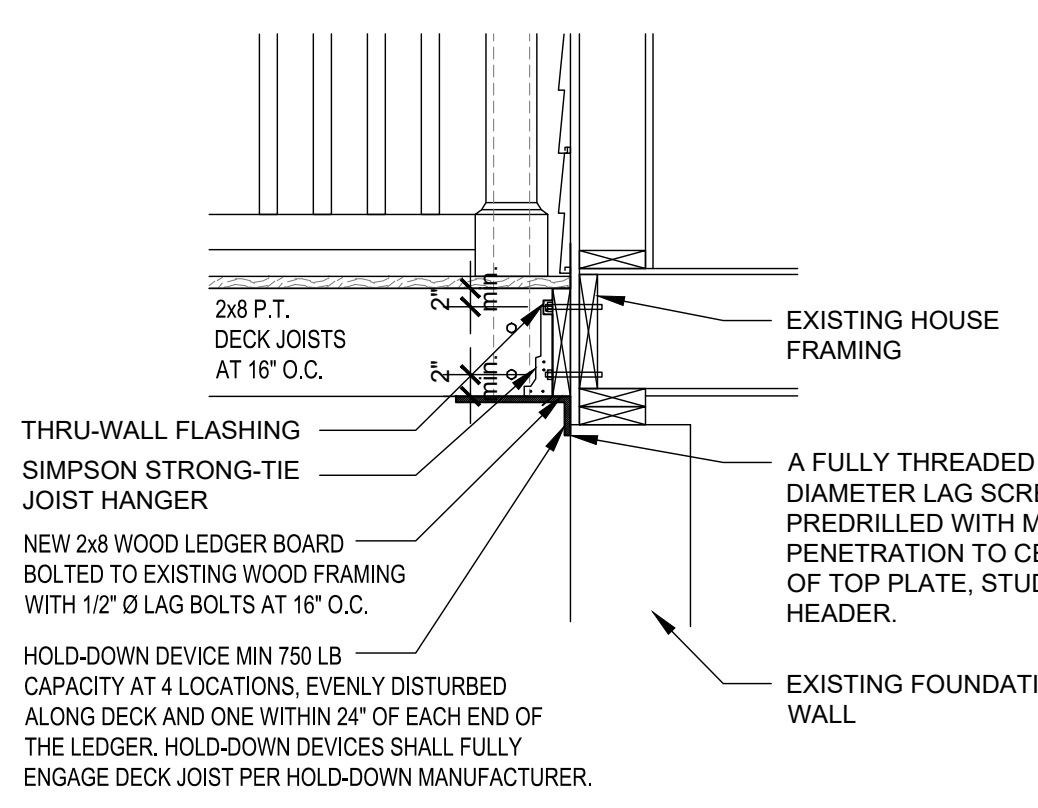
TITLE OF DRAWING:  
PROPOSED ELEVATIONS  
MATERIAL LIST AND EXISTING  
FRONT ELEVATION

SEAL / SIGNATURE:  PROJECT NO: 20-074  
DATE: 10/14/2020  
DWG SCALE: AS INDICATED ON PLANS  
DO NOT SCALE DRAWINGS  
DRAWN BY/CHECKED BY: LL / MW

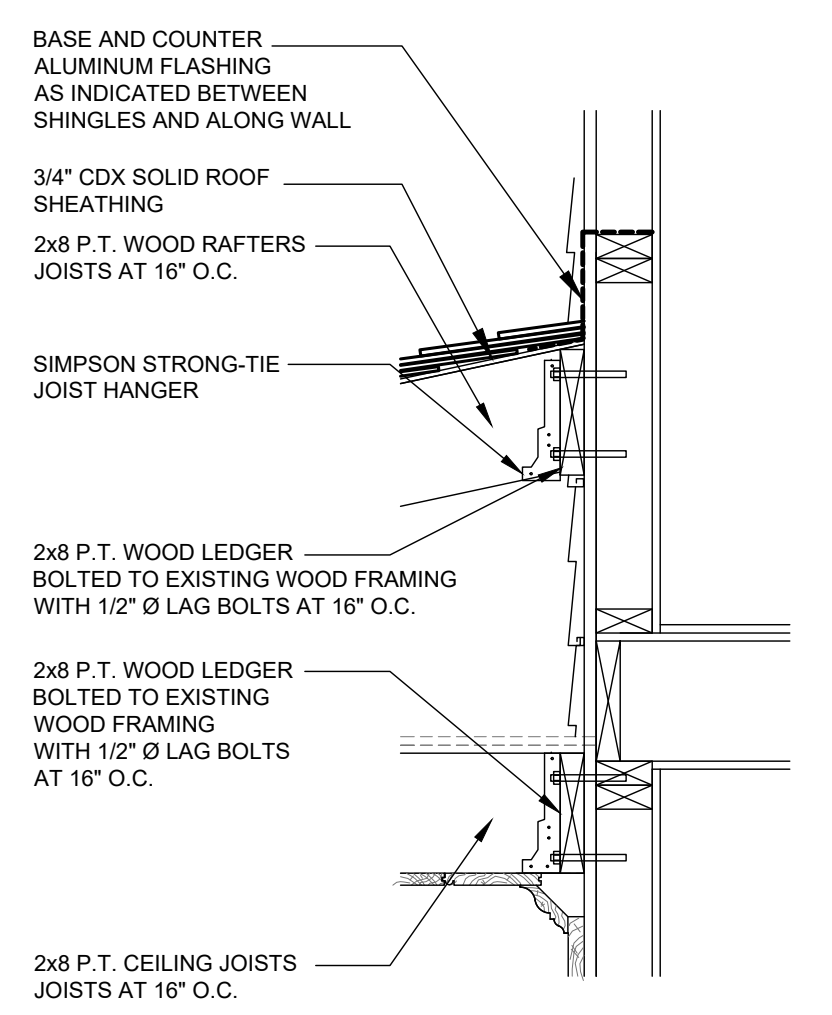




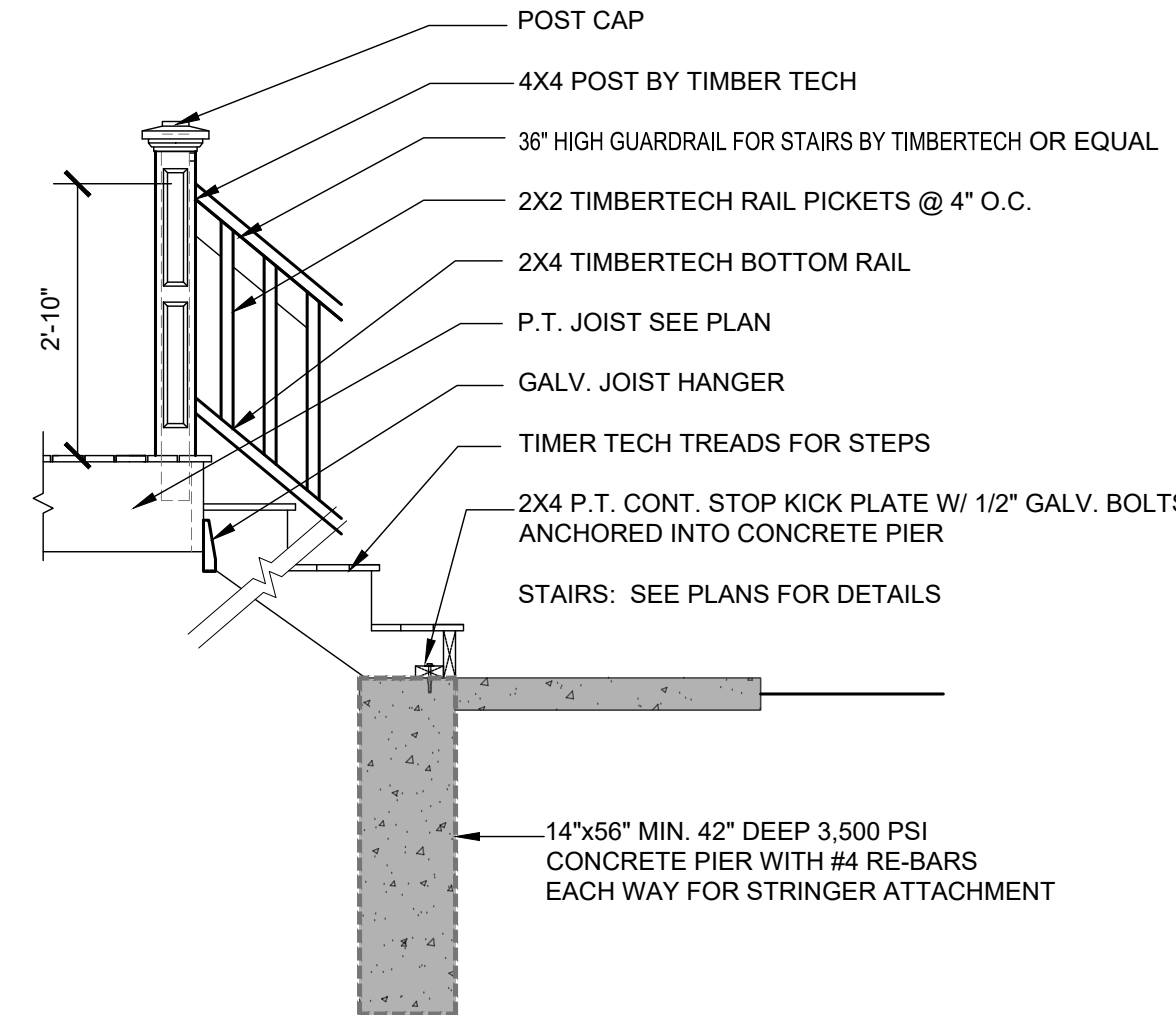
1 WALL DETAIL  
SCALE: 3/4" = 1'-0"



C DETAIL AT HOUSE CONNECTION  
SCALE: 3/4" = 1'-0"

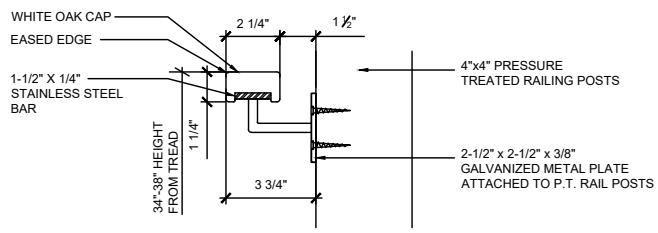


E ROOF CONNECTION DETAIL  
SCALE: 1" = 1'-0"

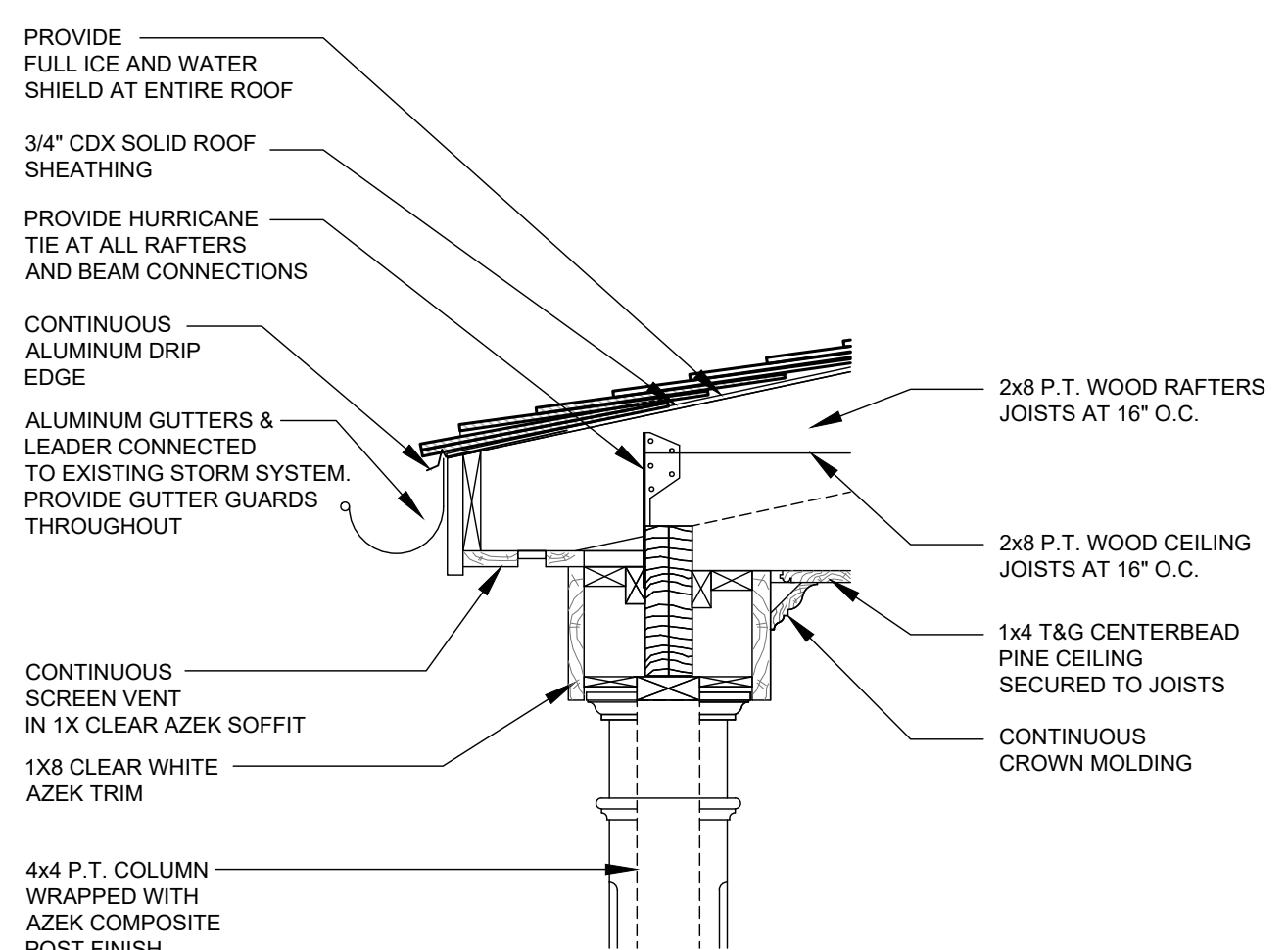


F TYPICAL RAILING DETAIL  
SCALE: 1" = 1'-0"

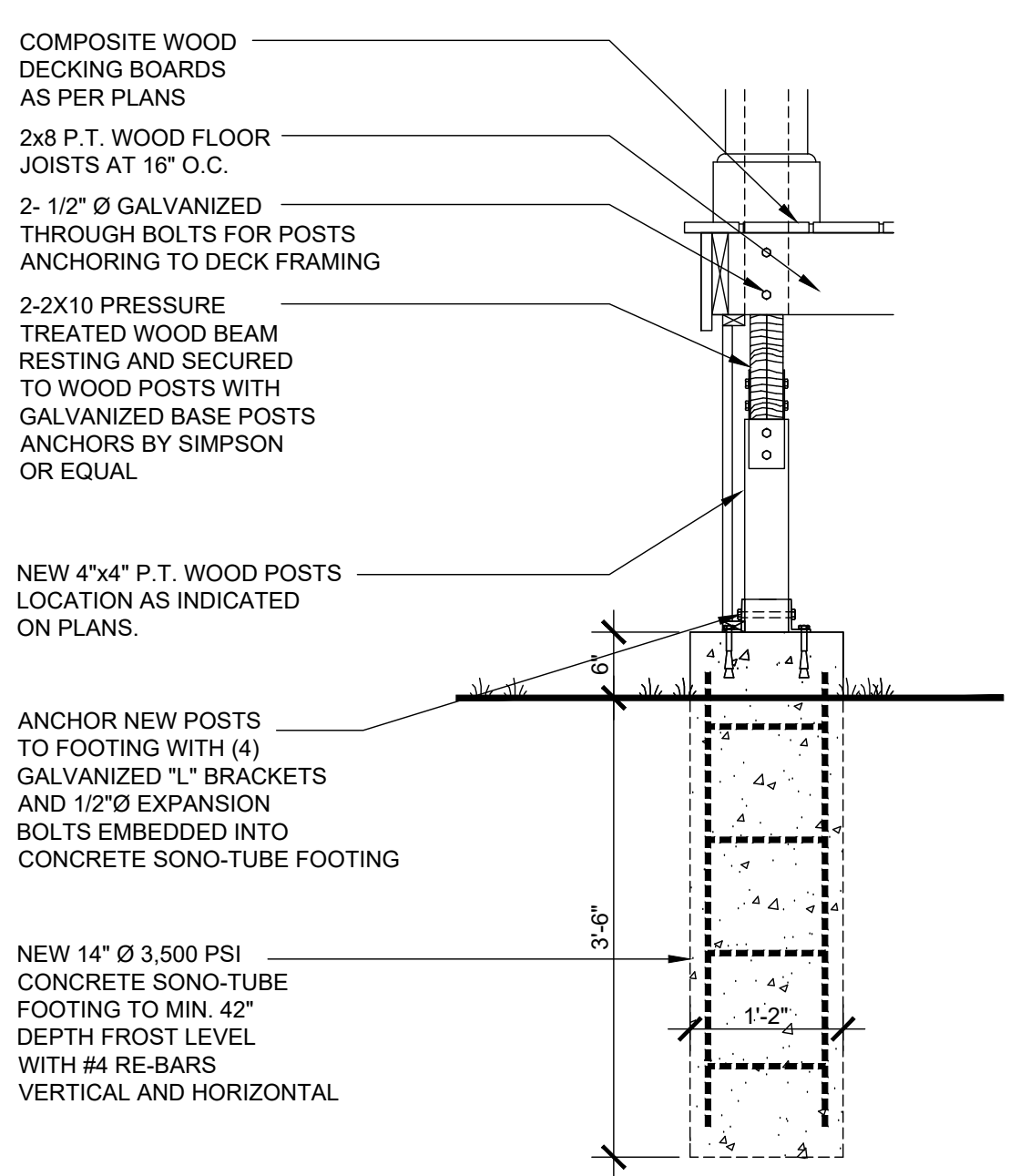
**R311.7.8.1 HEIGHT.** HANDRAIL HEIGHT, MEASURED VERTICALLY FROM THE SLOPED PLANE ADJOINING THE TREAD NOSING, OR FINISH SURFACE OF RAMP SLOPE, SHALL NOT BE LESS THAN 34 INCHES AND NOT MORE THAN 38 INCHES.  
**R311.7.8.2 HANDRAIL PROJECTION.** HANDRAILS SHALL NOT PROJECT MORE THAN 4-1/2" ON EITHER SIDE OF THE STAIRWAYS.  
**R311.7.8.3 HANDRAIL CLEARANCE.** HANDRAILS ADJACENT TO A WALL SHALL HAVE A SPACE NOT LESS THAN 1-1/2" BETWEEN WALL AND THE HANDRAILS.  
**R311.7.8.4 CONTINUITY.** HANDRAILS SHALL BE CONTINUOUS FOR THE FULL LENGTH OF THE FLIGHT, FROM A POINT DIRECTLY ABOVE THE TOP RISER OF THE FLIGHT TO A POINT DIRECTLY ABOVE THE LOWEST RISER OF THE FLIGHT. HANDRAILS ENDS SHALL BE RETURNED OR SHALL TERMINATE IN NEWEL POSTS OR SAFETY TERMINALS.  
**R311.7.8.5 GRIP-SIZE.** REQUIRED HANDRAILS SHALL BE OF ONE OF THE FOLLOWING TYPES OR PROVIDE EQUIVALENT GRASPABILITY:  
Type I. Handrails with a circular cross section shall have an outside diameter of not less than 1-1/4 inches (32 mm) and not greater than 2 inches (51mm). If the handrail is not circular, it shall have a perimeter dimension of not less than 4 inches (102mm) and not greater than 6-1/4 inches (160 mm) with a cross section of dimension of not more than 2-1/4 inches (57 mm). Edges shall have a radius of not less than 0.01 inch (0.25 mm).



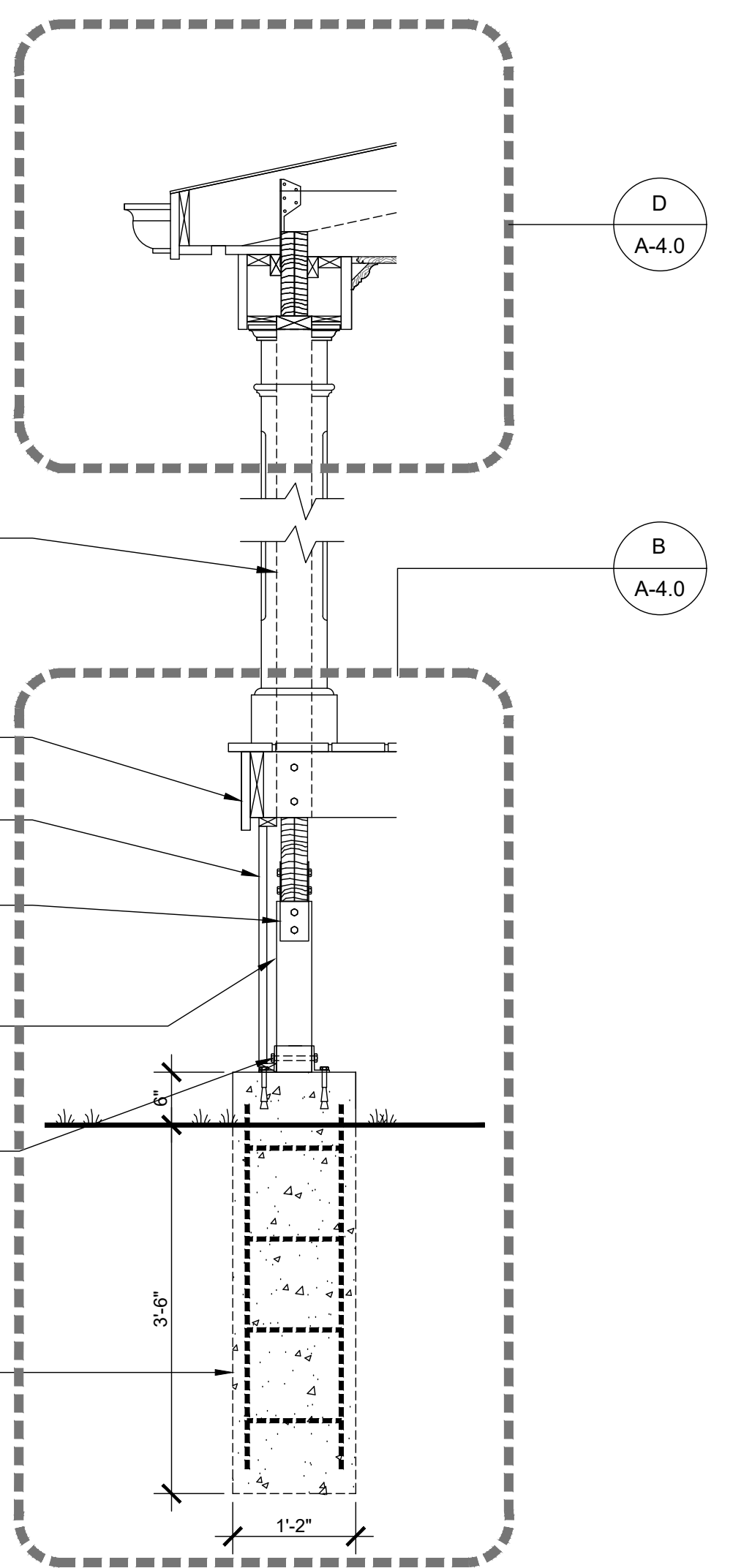
E HANDRAIL DETAIL  
SCALE: 1" = 1'-0"



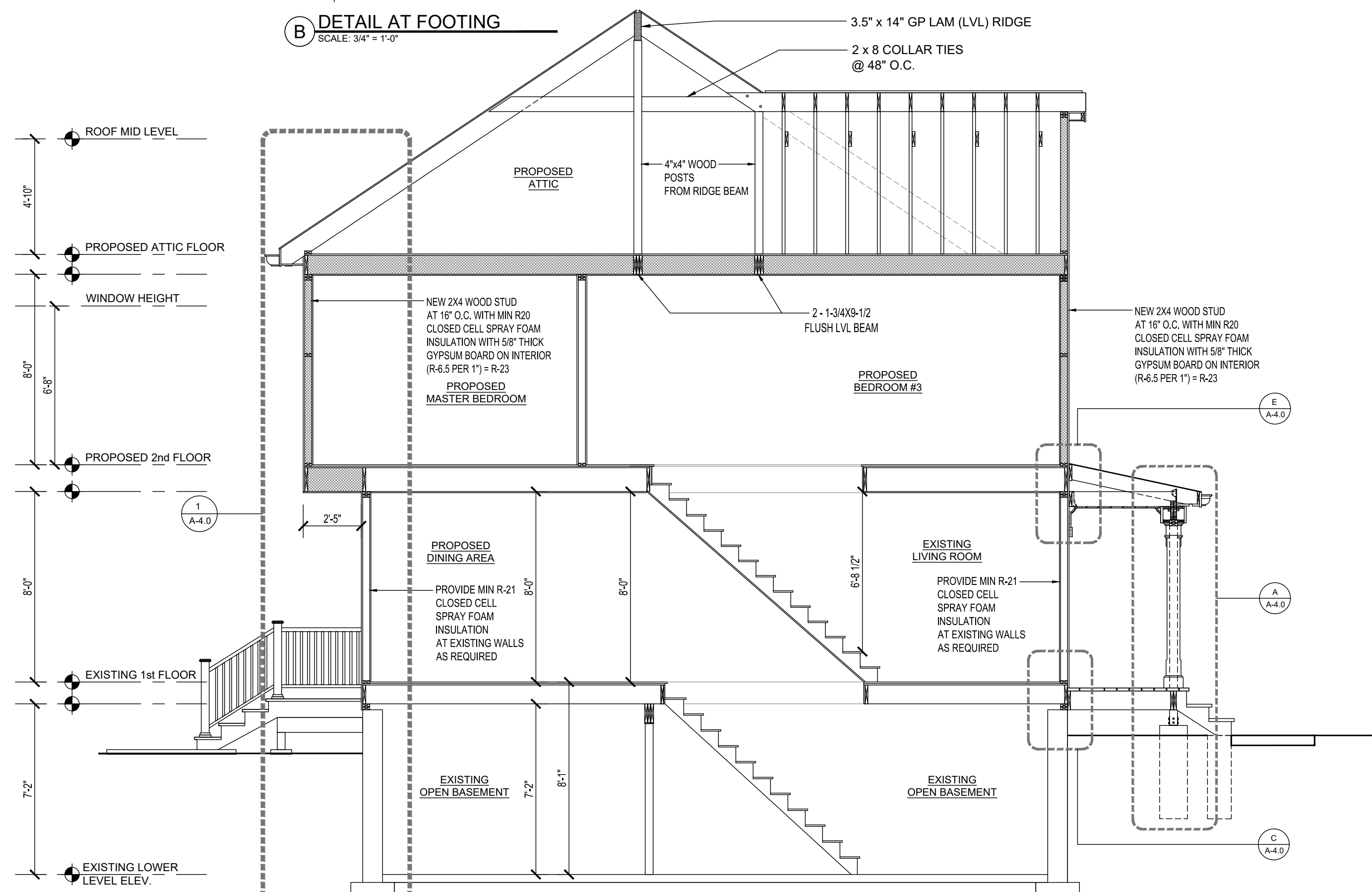
D DETAIL AT HOUSE CONNECTION  
SCALE: 1" = 1'-0"



B DETAIL AT FOOTING  
SCALE: 3/4" = 1'-0"



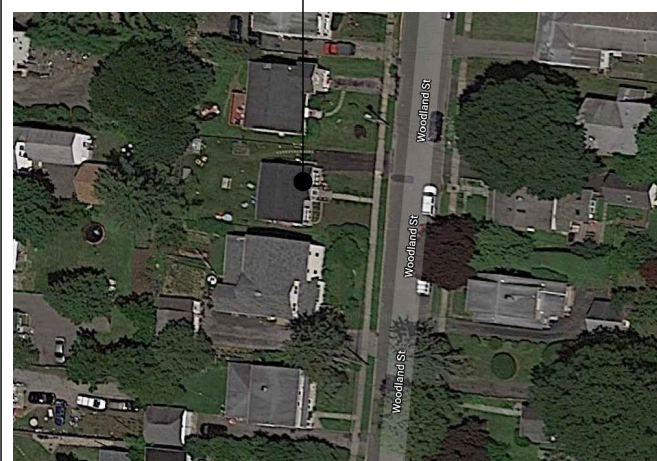
A DETAIL AT FRONT PORCH  
SCALE: 3/4" = 1'-0"



CROSS SECTION A - A  
SCALE: 1/4" = 1'-0"

**GENERAL NOTE**  
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LOCATION OF WORK:  
60 WOODLAND STREET




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A-6.0	PROPOSED POWER AND LIGHTING PLANS
ITEMS CROSSED NOT PART OF THIS SUBMISSION	

**OWNER:**  
THOMAS & ERIN COMITO  
60 WOODLAND STREET,  
MOUNT KISCO NY 10549

**SCOPE OF WORK:**  
PROPOSED SECOND STORY ADDITION AND RENOVATIONS TO EXISTING SINGLE FAMILY DWELLING LOCATED AT:  
60 WOODLAND STREET, MOUNT KISCO NY 10549  
SBL: 80.49-1-9

**TITLE OF DRAWING:**  
CROSS SECTION, WALL DETAIL AND FRONT PORCH DETAILS

**SEAL / SIGNATURE:**  
  
**PROJECT NO:** 20-074  
**DATE:** 10/14/2020  
**DWG SCALE:** AS INDICATED ON PLANS  
DO NOT SCALE DRAWINGS  
**DRAWN BY/CHECKED BY:** LL / MW

**DRAWING NO:**  
**A-4.0**  
**PAGE NUMBER:** 6 OF 8



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: MICHAEL PICCIRILLO, ARCHITECTURE PLLC  
Address: 345 KENT ST., SUITE 203, YORKTOWN HEIGHTS, NY 10598  
Address of subject property (if different): 43, MOORE AVE, MT KISCO, 10549

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

Property owner (if different): B GREEN HOLDINGS, LLC  
Address: 126 LE PARC PLAZA, MT. KISCO, NY 10549

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, BILL SEELHUISER dated 11/5/21. Application is hereby made for the following:

☒ Variation or \_\_\_\_\_ Interpretation of Section 110-11c of the Code of the Village/Town of Mount Kisco,

to permit the: \_\_\_\_\_ Erection; ☒ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance of A SECOND STORY ADDITION & ALTERATION TO THE 1st Floor

\_\_\_\_\_ in accordance with plans filed on (date) 11-20-21  
for Property ID # 80.41-3-10 located in the RFC Zoning District.  
The subject premises is situated on the NORTH side of (street) MOORE AVE 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 ☒ Area

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

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

Size of Lot: 96.66 feet wide 136.64' feet deep Area 7,143.84

Size of Building: at street level 22'-1" feet wide 27'-11 3/4" feet deep

Height of building: 30'-0" Present use of building: Sinbow Family

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

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

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

Was a variance ever granted for this property? No If so, please identify and explain: \_\_\_\_\_

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

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

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 11/5/21 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: November 19, 2021

Notary Public, Westchester, County, NY

[Signature]

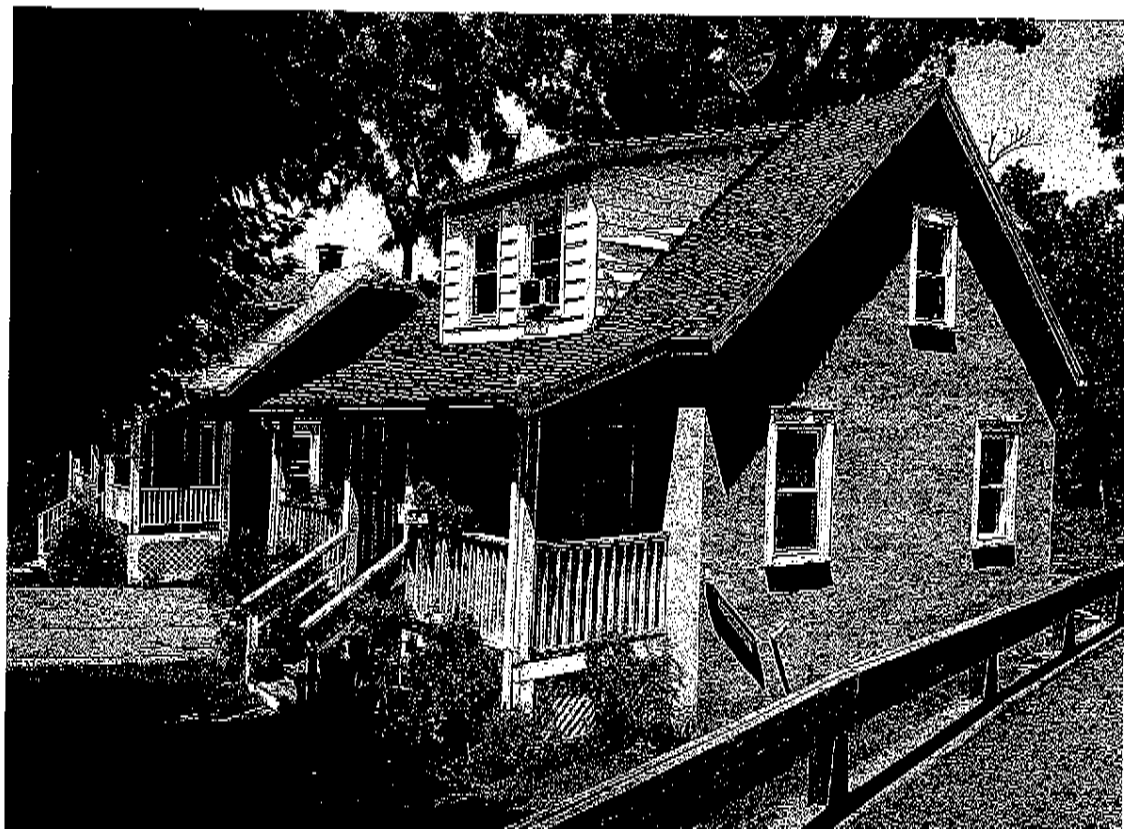
LISA M.S. KATZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02KA6242350  
Qualified in Westchester County  
My Commission Expires 05-31-2023

[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 5 KITCHEN RD <sup>MT</sup> KISCO 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 43 MOUNT AVE and that he hereby authorized MICHAEL PICCOLI to make the annexed application in his behalf and that the statements contained in said application are true.

by Paula Bernard  
(sign here)  
B Green Holdings, LLC





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

MEMORANDUM

November 5, 2021

Paula Bernard  
43 Moore Avenue  
Mount Kisco, NY 10549

Re: Notice of Denial  
43 Moore Avenue  
Mount Kisco, NY 10549  
(SBL) 80.41-3-10

Dear Ms. Bernard,

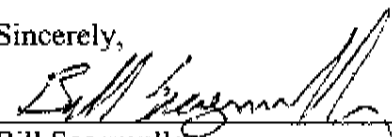
Your recent Building permit application for the proposed construction of first and second floor alterations has been denied for the following reasons:

As per *Village/Town of Mount Kisco Code §110-35 (D) Noncomplying buildings and structures may not be enlarged without a variance being obtained from the Zoning Board Appeals*. Therefore; the following variances are required prior to constructing the second-story addition on an existing noncomplying building.

1. The property is located within the RT-6 (One and Two Family residence) Zoning District where the required front yard setback is 30 feet and the existing building is located 19 feet from the south front property line. Therefore; an 11 ft. front yard setback variance is required as per *§110-11 C (1) (f) [1] [a] of the Village/Town of Mount Kisco Code*.
2. The required side yard setback is 6 feet with a total of 16 feet for both side yards and the existing building is located 3.7 feet from the east side yard property line with a total of 10.87 feet for both side yards. Therefore; a 2.3 ft. side yard setback variance and a 5.13 ft. total side yard setback variance is required as per *§110-11 C (1) (f) [3] [c] of the Village/Town of Mount Kisco Code*.

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

Sincerely,

  
Bill Seegmuller,  
Assistant Building Inspector

**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 18 day of  
January 2022 at the Municipal Building, Mount Kisco, New York,  
 beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of  
Paula Bernard

43 Moore Avenue (Name of Applicant)  
 (Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated Nov.5, 2021  
 (Date of Denial Letter)  
 denying the application dated to permit the first and second floor alterations  
 (Proposed Work)

The property involved is known as 43 Moore Avenue  
 (Address of Property)

and described on the Village Tax Map as Section 80.41 Block 3 Lot 10  
 and is located on the north side of Moore Avenue in a  
 east/west/n/s (Street Name)

RT-6 Zoning District. Said Appeal is being made to obtain a  
 variance from Section(s) 110-11C(1)(f)[1][a] and 110-11C(1)(f)[3][c] of the  
 (Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires front yard setback of 30 feet and the existing building is located 19 feet from the south front property line. Therefore; an 11 ft. front yard setback variance is required. And

The required side yard setback is 6 feet with a total of 16 feet for both side yards and the existing building is located 3.7 feet from the east side yard property line with a total of 10.87 feet for both side yards.

Therefore; a 2.3 ft. side yard setback variance and  
 a 5.13 ft. total side yard setback variance is required.

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

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S ACTS  
(INDIVIDUAL OR CORPORATION)**

225.00

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND PURCHASER BEFORE SIGNING.

THIS INDENTURE, made the 30<sup>th</sup> day of September, 2014,

BETWEEN DANIEL FIGA, of 39 Deans Bridge Road, Somers, New York 10589, party of the first part, and

B GREEN HOLDINGS, LLC of 126 LeParc Plaza, Mount Kisco, New York 10549, party of the second part;

WITNESSETH, that the party of the first part, in consideration of One Hundred Seventy-Three Thousand Dollars and No Cents (\$173,000.00), lawful money of the United States, 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 that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village and Town of Mount Kisco, County of Westchester and State of New York, more particularly shown on Schedule A attached hereto and made a part hereof;

TOGETHER with all right, title and interest, if any, of the party of the first part 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, covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

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.

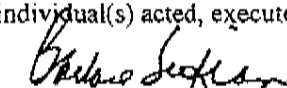
  
DANIEL FIGA

IN PRESENCE OF:

## Acknowledgment by a Person Within New York State (RPL § 309-a)

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

On the 31<sup>st</sup> day of September in the year 2014, before me, the undersigned, personally appeared DANIEL FIGA, 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 executed the same in his capacity(ies), and that by his signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Barbara Sufian *Barbara Sufian*  
Notary Public, State of New York  
No: 4912633  
Qualified in Westchester County  
Commission Expires April 11, 2018

(signature and office of individual taking acknowledgment)

## Bargain and Sale Deed w/ Covenants

Title No. F414-9489W

Section 80

Block 3

DANIEL FIGA

Lot 16

To

County or Town Westchester

B GREEN HOLDINGS LLC

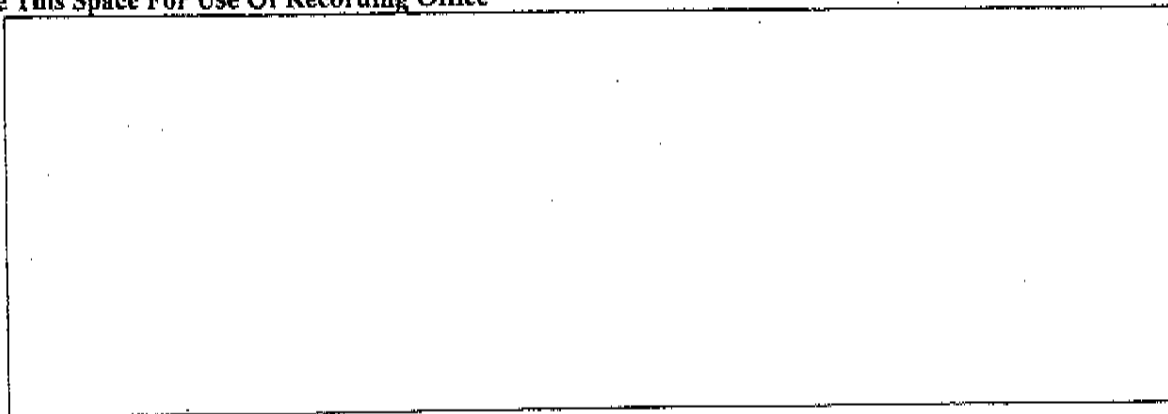
Street Address 43 Moore Avenue

Mount Kisco, New York 10549

## Return By Mail To:

Thomas M. Geiger, Esq.  
Oxman Tulis Kirkpatrick Whyatt & Geiger LLP  
120 Bloomingdale Road, Suite 100  
White Plains, New York 10605

Reserve This Space For Use Of Recording Office




The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document



\*542663049DED0023\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Fidelity Title, Ltd.	Phone: 914-669-0015
Address 1: P.O. Box 512	Fax: 914-669-0018
Address 2: 62 June Road	Email: sbobolia@bestweb.net
City/State/Zip: North Salem NY 10560	Reference for Submitter: Figa to B Green

### Document Details

Control Number: <b>542663049</b>	Document Type: <b>Deed (DED)</b>	
Package ID: 2014092300037001002	Document Page Count: <b>3</b>	Total Page Count: <b>4</b>

### Parties

☐ Additional Parties on Continuation page

1st PARTY		2nd PARTY
1: FIGA DANIEL	Individual	1: B GREEN HOLDINGS LLC
2:		2:

### Property

☐ Additional Properties on Continuation page

Street Address: 43 MOORE AVENUE	Tax Designation: Sec 80 Shl 41 Bl 3 Lot 16
City/Town: MOUNT KISCO	Village:

### Cross-References

☐ Additional Cross-Refs on Continuation page

1:	2:	3:	4:
----	----	----	----

### Supporting Documents

1: RP-5217	2: TP-584
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### Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$20.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$125.00
TP-584 Filing Fee:	\$5.00
<b>Total Recording Fees Paid:</b>	<b>\$190.00</b>

### Transfer Taxes

Consideration:	\$173,000.00
Transfer Tax:	\$692.00
Mansion Tax:	\$0.00
Transfer Tax Number:	3029

### Mortgage Taxes

Document Date:	
Mortgage Amount:	
Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
<b>Total Mortgage Tax:</b>	<b>\$0.00</b>
Dwelling Type:	Exempt: <input type="checkbox"/>
Serial #:	

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 10/06/2014 at 10:52 AM  
Control Number: **542663049**  
Witness my hand and official seal

*Timothy C. Idoni*

Timothy C. Idoni  
Westchester County Clerk

### Record and Return To

☐ Pick-up at County Clerk's office

Oxman Tulis Kirkpatrick Whyatt & Geiger LLP  
120 Bloomingdale Road, Suite 100

White Plains, NY 10605  
Attn: Thomas M. Geiger, Esq.

Title No.: FY14-9489W

**Schedule A**

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village and Town of Mount Kisco, County of Westchester and State of New York, being part of Lot No. 56 on a certain map entitled, "Subdivision of Property Belonging to Boltis Moore" and filed in the Westchester County Clerk's Office, Division of Land Records on October 30, 1896 in Volume 11 of Maps at page 74; being bounded and described as follows:

BEGINNING at a point on the Northerly side of Moore Avenue, where same is intersected by the Easterly line of Lot No. 56, as shown on the aforementioned map; said point being also where said Northerly side of Moore Avenue is intersected by the Westerly line of lands formerly of Goeltz, now or formerly of Edna DeGregorio;

RUNNING THENCE along said Easterly line of Lot No. 56 and along lands formerly of Goeltz, now or formerly of Edna DeGregorio and along lands formerly of Goeltz, now or formerly of Vincent T. Cerbone, et al, North 1 degree 22' 20" West, a distance of 239.00 feet to a point and the intersection of the Northeasterly corner of Lot No. 56, lands now or formerly of Goeltz, now or formerly of Vincent T. Cerbone, et al and lands formerly of E.A. Walker, now or formerly of Shirley Stokes;

RUNNING THENCE along the dividing line between Lot No. 56 and lands formerly of E.A. Walker, now or formerly of Shirley Stokes, North 73 degrees 26' 40" West, a distance of 32.51 feet to a point on said dividing line;

RUNNING THENCE through Lot No. 56, the following two (2) courses and distances: South 7 degrees 45' 46" East, a distance of 98.30 feet; South 9 degrees 27' West, a distance of 138.03 feet to a point on the Northerly side of Moore Avenue;

RUNNING THENCE along said Northerly side of Moore Avenue, South 72 degrees 27' East, a distance of 48.53 feet to the point and place of BEGINNING.

For Conveyancing Only, if intended to be conveyed.

Together with all right, title and interest of, in and to any street and roads abutting the above described premises, to the center line thereof.





December 16, 2021

Zoning Board of Appeals  
Mount Kisco, NY 10549

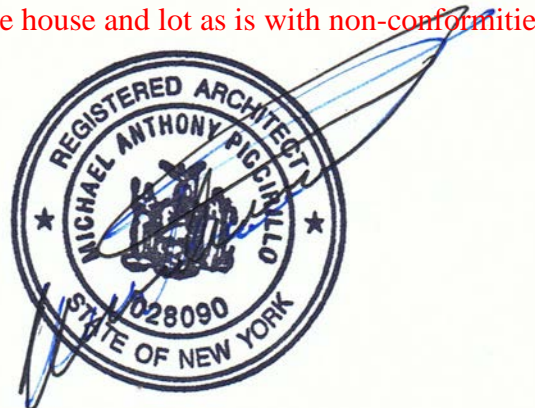
Re:               Renovation  
                    Bernard Residence  
                    43 Moore Avenue  
                    Mount Kisco, New York 10549

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.  
**The scale of the proposed house is in keeping with the scale of the surrounding houses. Other houses of similar footprints have two stories.**
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.  
**No. The existing house is modest in size, in scale with other houses in the neighborhood, and as is on a non-conforming irregular lot.**
3. Whether the requested area variance is substantial.  
**The setback variance is minor since they are existing non-conforming.**
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.  
**The proposed design would not affect the traffic circulation, would not affect the views of neighbors across the street.**
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.  
**No. Current owners bought the house and lot as is with non-conformities**

Sincerely,

Michael Piccirillo, AIA

345 Kear Street - Suite 203  
Yorktown Heights, New York 10598



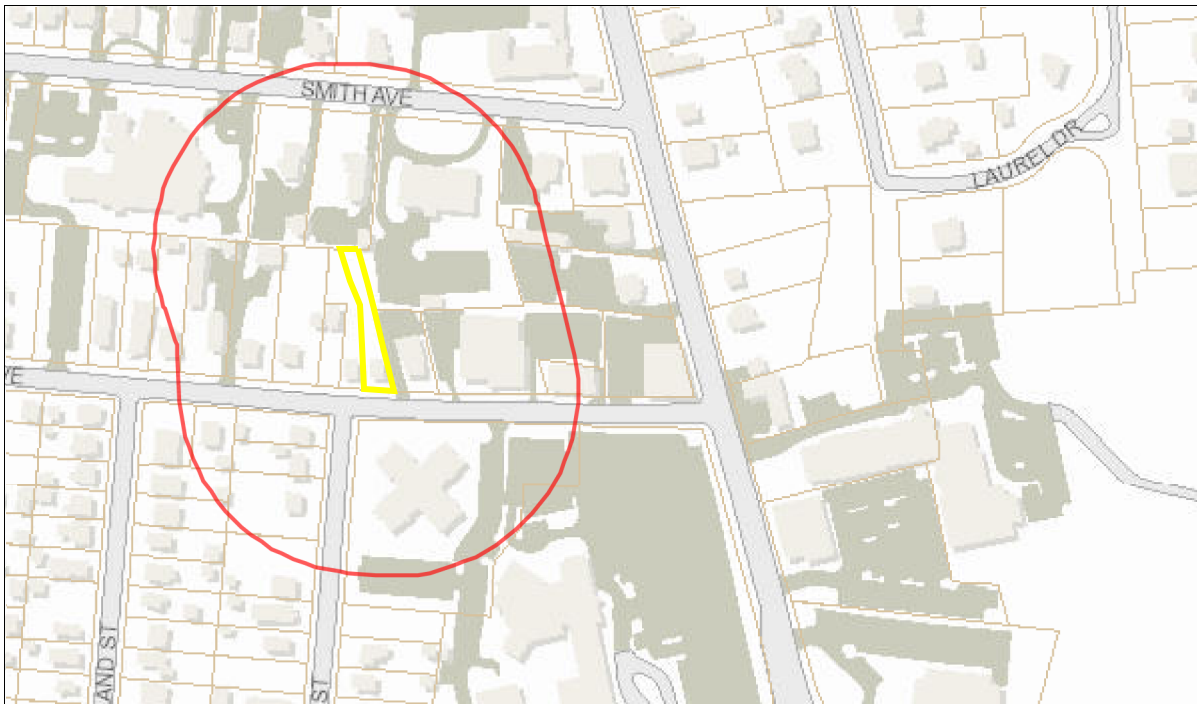
(telephone)  
rchitect.com

# Tax Parcel Maps

**Address:** 43 Moore Ave

**Print Key:** 80.41-3-16

**SBL:** 08004100030160000000



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

**Natale, Irene - Biase Natale**  
5 Woodland St  
MOUNT KISCO, NY 10549

**Dimatteo, Vito - Angela Dimatteo**  
59 Moore Ave  
MOUNT KISCO, NY 10549

**Northern West. Hosp Assn**  
400 Main St  
MOUNT KISCO, NY 10549

**Bet Torah, Inc.**  
60 Smith Ave  
MOUNT KISCO, NY 10549

**Cerbone, Lucy A - Lucy A Cerbone Rev  
Lvng Trst**  
42 Smith Ave  
MOUNT KISCO, NY 10549

**Pitta, Michael - Lisa Bryan**  
6 Boltis St  
MOUNT KISCO, NY 10549

**Nyitray, Joseph - Anna Nyitray**  
14 Smith Ave  
MOUNT KISCO, NY 10549

**Reilly, Patricia M - Joan Stewart**  
322 Main St  
MOUNT KISCO, NY 10549

**Valvano, Rosario - Angela Valvano Irrev.  
Trust**  
67 Moore Ave  
MOUNT KISCO, NY 10549

**Ververis Vasili - Elizabeth Zadrma**  
15 Woodland St  
MOUNT KISCO, NY 10549

**B Green Holdings LLC**  
43 Moore Ave  
MOUNT KISCO, NY 10549

**36 Smith Avenue Owners LLC**  
36 Smith Ave  
MOUNT KISCO, NY 10549

**Cerbone Lucy A - Lucy A Cerbone Rev  
Lvng Trst**  
24 Smith Ave  
MOUNT KISCO, NY 10549

**DiFrancia James Jr - Laurie DiFrancia**  
64 Moore Ave  
MOUNT KISCO, NY 10549

**Padovani, Albert**  
12 Boltis St  
MOUNT KISCO, NY 10549

**Dimatteo, Vito - Angela Dimatteo**  
55 Moore Ave  
MOUNT KISCO, NY 10549

**Bauco Realty Inc**  
15 Moore Ave  
MOUNT KISCO, NY 10549

**Kurkhill, Rose**  
22 Boltis St  
MOUNT KISCO, NY 10549

**Valvano Joseph - Vincent Valvano**  
71 Moore Ave  
MOUNT KISCO, NY 10549

**Hughes Mary A - James P Hughes**  
9 Woodland St  
MOUNT KISCO, NY 10549

**EBS Inc**  
63 Moore Ave  
MOUNT KISCO, NY 10549

**Avellaneda-Mendez, Roxana A**  
2 Boltis St  
MOUNT KISCO, NY 10549

**Mattoni Mary F**  
47 Moore Ave  
MOUNT KISCO, NY 10549

**Mt Kisco Properties, LLC**  
39 Smith Ave  
MOUNT KISCO, NY 10549

**Methodist Church**  
300 Main St  
MOUNT KISCO, NY 10549

**Westchester County**  
25 Moore Ave  
MOUNT KISCO, NY 10549

**Village of Mount Kisco**  
49 Moore Ave  
MOUNT KISCO, NY 10549

**William A Degregorio Med Bldg**  
37 Moore Ave  
MOUNT KISCO, NY 10549

**Northern Westch Hospital Asscl**  
40 Moore Ave & Boltis  
MOUNT KISCO, NY 10549

**Alpha Trimar, LLC**  
332 Main St  
MOUNT 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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

\_\_\_\_\_  
(Name of Applicant)

\_\_\_\_\_  
(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated \_\_\_\_\_  
(Date of Denial Letter)  
denying the application dated to permit the \_\_\_\_\_.  
(Proposed Work)

The property involved is known as \_\_\_\_\_  
(Address of Property)

and described on the Village Tax Map as Section \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
and is located on the \_\_\_\_\_ side of \_\_\_\_\_ in a  
east/west/n/s (Street Name)

\_\_\_\_\_ Zoning District. Said Appeal is being made to obtain a  
variance from Section(s) \_\_\_\_\_ of the  
(Identify specific zoning code section number(s))

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

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

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

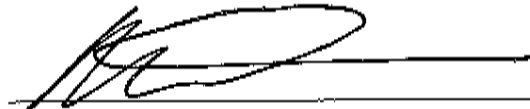
}

MICHAEL PICCIRILLO, AIA being duly sworn, deposes and says:

I reside at 125 JEFFERSON COURT, YORKTOWN HTS, NY 10598

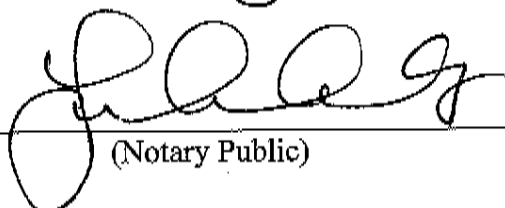
On DEC 29 2021 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached 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

13<sup>th</sup> day of January 2022

  
(Notary Public)

LISA M.S. KATZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02KA6242350  
Qualified in Westchester County  
My Commission Expires 05-31-2023



**Agency:**  
 MICHAEL PICCIRILLO ARCHITECTURE  
 345 KEAR STREET, SUITE 203  
 YORKTOWN HEIGHTS, NY 10598  
 ATTN: Michael Piccirillo  
**Acct:** 9144191469MICH

**Client:** MICHAEL PICCIRILLO ARCHITECTURE  
 345 KEAR STREET, SUITE 203,  
 YORKTOWN HEIGHTS, NY 10598  
 Acct No: 9144191469MICH

**This is not an invoice**

Order #	Advertisement/Description	Items	# Col x # Lines	Cost
0005068224	PUBLICNOTICEPLEASETAKENOTICETHATTHEZON INGROARDOFAPPEAL SOFTHEVILLI AGETOWNNOEM	Legal Notices	2 col x 20 lines	\$80.00
		Affidavit of Publication Charge	1	\$30.00
		Tearsheet Charge	0	\$0.00
		<i>Subtotal:</i>		\$110.00
		Agency Commission	0	\$0.00
<b>Net Total Due:</b>				<b>\$110.00</b>

Edition Dates: 01/04/2022

**The Journal News**  
 P. O. Box 822883  
 Philadelphia, PA 19182-2883



## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin

County of Brown, ss.:

On the 13 day of January in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicole Jacobs, 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.

Nicole Jacobs 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 editions dated below:

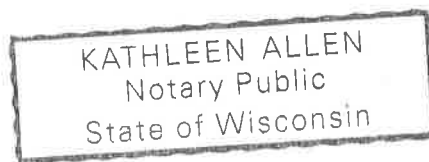
Zone:  
Westchester

Edition Dates:  
01/04/2022

Nicole Jacobs  
Signature

Sworn to before me, this 13 day of January, 2022

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



1-7-25  
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, 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: 0005068224

**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 18 day of January 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Paula Bernard, 43 Moore Avenue from the decision of Peter J. Milley, Building Inspector, dated Nov. 5, 2021 denying the application dated to permit the first and second floor alterations.

The property involved is known as 43 Moore Avenue and described on the Village Tax Map as Section 80.41 Block 3 Lot 10 and is located on the North side of Moore Avenue in a RT-6 Zoning District.

Said Appeal is being made to obtain a variance from Section(s) 110-11C(1)(f)(1)[a] and 110-11C(1)(f)(3)[c] of the Code of the Village/Town of Mount Kisco, which requires front yard setback of 30 feet and the existing building is located 19 feet from the south front property line. Therefore, an 11 ft. front yard setback variance is required. And the required side yard setback is 6 feet with a total of 16 feet for both side yards and the existing building is located 3.7 feet from the east side yard property line with a total of 10.87 feet for both side yards. Therefore a 2.3 ft. side yard setback variance and a 5.13 ft. total side yard setback variance is required.

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

5068224



43 Moore Ave

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

**AFFIDAVIT OF POSTING**

**Gilmar Palacios Chin**, being duly sworn, says that on the 11<sup>th</sup> day of January 2022, 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

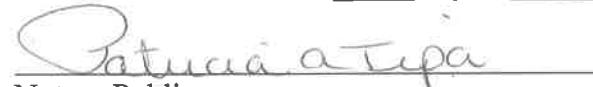
\_\_\_\_\_X\_\_\_\_\_

Leonard Park Multi Purpose Bldg

\_\_\_\_\_X\_\_\_\_\_

  
**Gilmar Palacios Chin**

Sworn to before me this 11<sup>th</sup> day of January 2022

  
Notary Public

PATRICIA A TIPA  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01TI6170206  
Qualified in Westchester County  
My Commission Expires 07-02-2023

O. 08-18259

ED TO: AMERICAN TITLE  
ANCE COMPANY AND TO  
'KEEPSIE SAVINGS BANK  
ANCE WITH THE EXISTING CODE OF PRAC.  
AND SURVEYS ADOPTED BY THE NEW YORK  
C. OF PROFESSIONAL LAND SURVEYORS,  
DANIEL FIGA.

IES SHOWN HEREON  
1 PORTION OF LOT 56.  
T SHOWN ON MAP  
ED "SUBDIVISION OF  
PTY BELONGING TO  
MOORE," FILED IN  
STCHESTER COUNTY  
S OFFICE ON  
, 1896 IN VOL. II, P. 74.

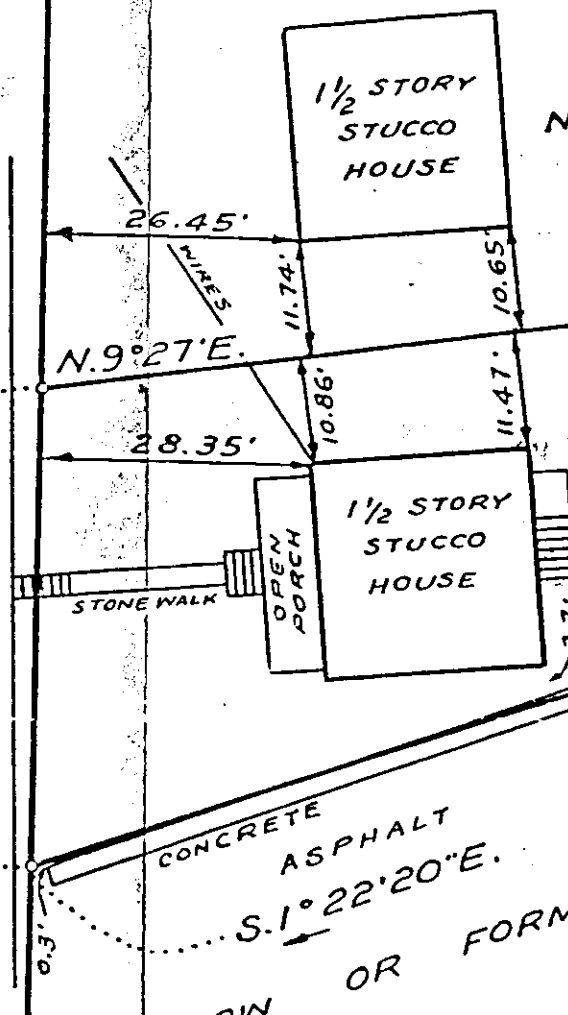
ns shall run only to those individuals and institutions  
n under the title policy No. shown above. Said certi-  
not transferable

SURVEYED & PREPARED BY  
BUNNEY ASSOCIATES  
LAND SURVEYORS  
BRIDGE ROAD ROUTE 117

MOORE AVENUE

N. 72° 27' W. 48.53'

CONC. WALK



Dan Figa  
43 Moore 666  
666-8036-8036  
house store

NOW OR FORMERLY LILLIAN  
REMAINDER OF LOT 56

AREA = 0.164 AC.

NOW OR FORMERLY EDNA DE GREGORIO

NOW OR FORMERLY VINCENT T., JOSEPH J. & LUCY CERBONE

NOTE:  
BEARINGS & DISTANCES ALONG THE SOUTHERLY,  
EASTERLY & NORTHERLY BOUNDARY LINES ARE  
IN ACCORDANCE WITH THE BALTIMORE MOORE SUB-  
DIVISION MAP. THE WESTERLY BOUNDARY HAS  
BEEN ESTABLISHED BY A DIRECT TIE IN WITH  
A SURVEY PREPARED BY OLIVER KNAPP  
DATED MAR. 3, 1947.

SCALE: 1" = 20'

"All certifications hereon are valid for the map and copies  
thereof only if said map or copies bear the impressed  
seal of the surveyor whose signature appears hereon."

SURVEY OF PROPERTY  
SITUATE IN THE  
VILLAGE-TOWN OF MOUNT KISCO  
WESTCHESTER COUNTY  
NEW YORK

DATE: SEPT. 1, 1983

80.41-3-16

N/E SHIRLEY STOKES

S. 73° 26' 40" E. 32.51'

98.30'

CHAIN LINK FENCE

GARAGE

FENCE

FORD

N. 7° 45' 46" W.

138.03'

N. 9° 27' E.

28.35'

26.45'

WIRE

STONE WALK

CONCRETE ASPHALT

CONCRETE

CHAIN

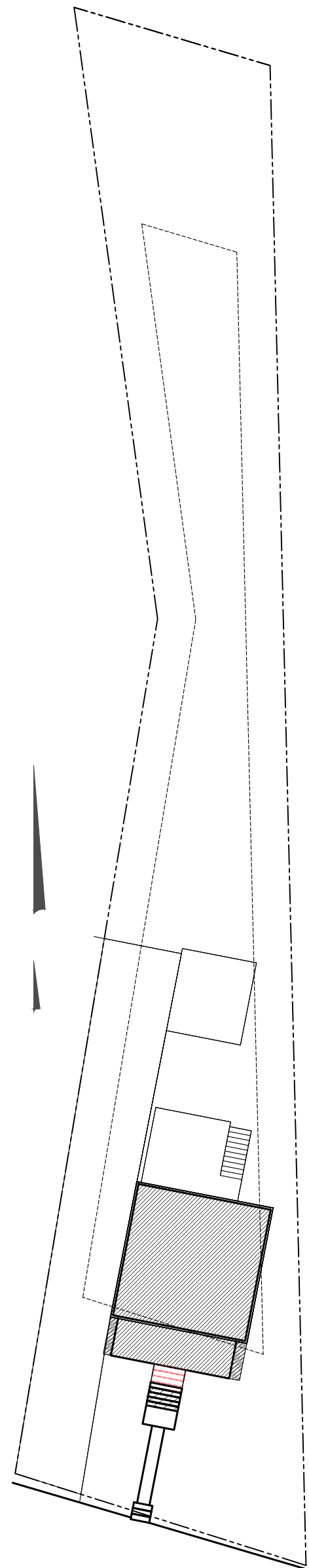
DRIVE

WALL

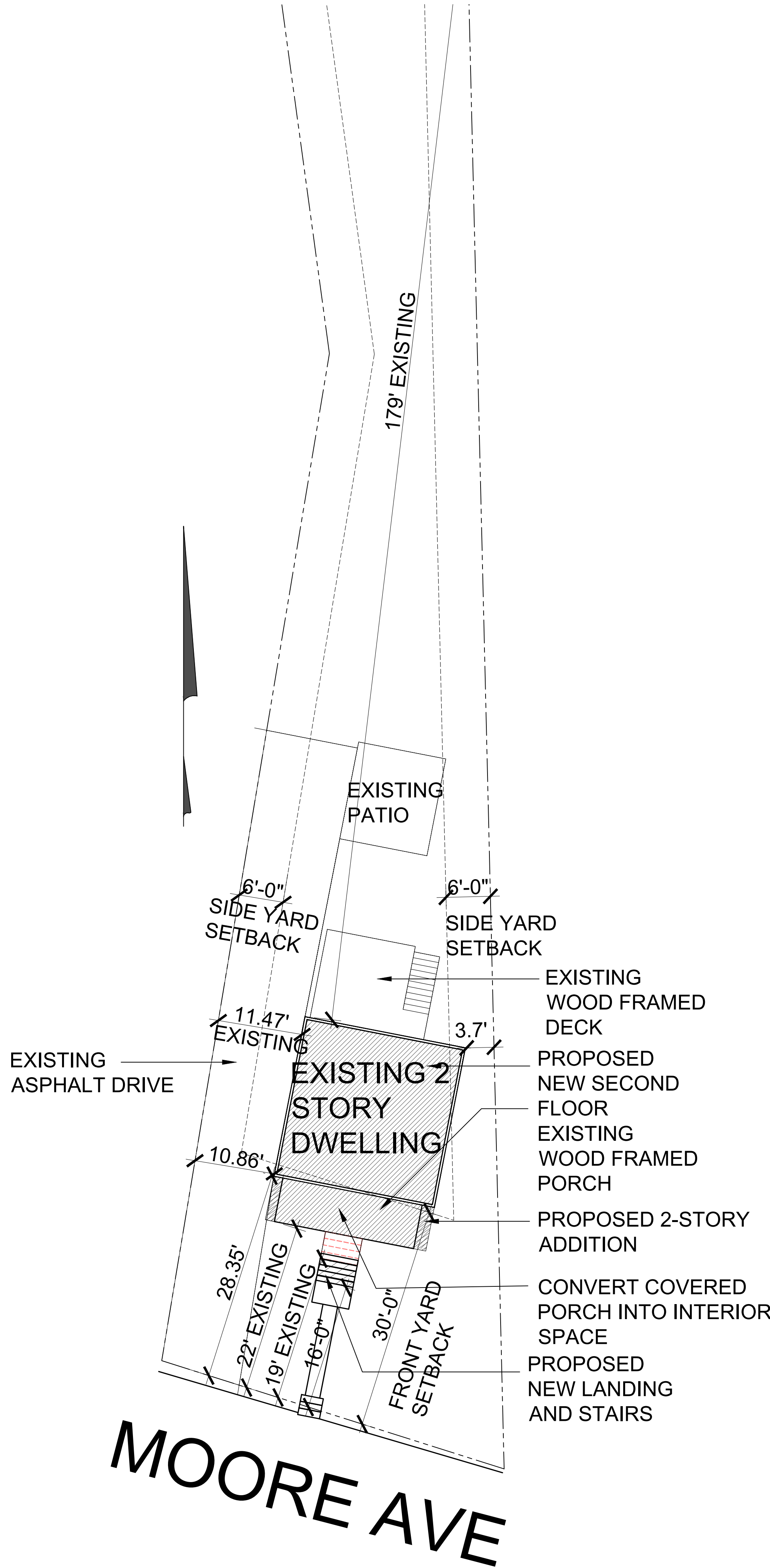
LINK

NOTE:

BEARINGS & DISTANCES ALONG THE SOUTHERLY,  
EASTERLY & NORTHERLY BOUNDARY LINES ARE  
IN ACCORDANCE WITH THE BALTIMORE MOORE SUB-  
DIVISION MAP. THE WESTERLY BOUNDARY HAS  
BEEN ESTABLISHED BY A DIRECT TIE IN WITH  
A SURVEY PREPARED BY OLIVER KNAPP  
DATED MAR. 3, 1947.



**B** SITE PLAN  
SCALE: 1" = 20'



**C** ENLARGED SITE PLAN  
SCALE: 1" = 10'

ZONING DATA: MOUNT KISCO				
TAX MAP #: 80.41-3-10				
ZONE: RT-6				
TABLE BUILDING REQUIREMENTS				
	REQUIRED	EXISTING	PROPOSED	VARIANCE
MINIMUM LOT AREA	6,250 SF	7,143.84 SF	NO CHANGE	NO
MINIMUM LOT WIDTH	50 FT	96.66 FT	NO CHANGE	NO
MINIMUM LOT DEPTH	100 FT	136.64 FT	NO CHANGE	NO
MAX HEIGHT	2.5 STORIES 35 FEET	2 STORIES 22 FEET	2.5 STORIES 31 FEET	NO
MAX BUILDING COVERAGE	1,751.64 SF	807 SF	826.31 SF	NO
MAX DEV COVERAGE	40% 2,857.536 SF	27.45% 1,961 SF	27.82% 1,987.72 SF	NO
SETBACK REQUIREMENTS				
MIN. FRONT	30'-0"	19'-0" *	16'-0"	YES
MIN. REAR	30'-0"	± 179'	NO CHANGE	NO
MIN. SIDE	6'-0"	3.7' *	NO CHANGE	YES
MIN. SIDE (WEST)	6'-0"	10.86'	NO CHANGE	NO
BOTH SIDES	16'-0"	14.56' *	NO CHANGE	YES
* EXISTING NON-CONFORMING				

**EROSION CONTROL BLANKETS**

**CONSTRUCTION SPECIFICATIONS**

- SILT FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH STAPLES. POSTS SHALL BE 1"x1" HARDWOOD, OR APPROVED EQUAL.
- WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE WRAPPED AROUND 2 STAKES, MIN 2X. FILTER CLOTH SHALL BE EITHER FILTER USCF M5F180, M5F41 100X OR APPROVED EQUIVALENT.
- MAINTENANCE SHALL BE PERFORMED AS NEEDED, REINFORCE AREA LOW POINTS WITH ADDITIONAL STAKES OR OTHER MATERIALS (AS RECOMMENDED BY ENGINEER). MATERIAL SHALL BE REMOVED WHEN SEDIMENT LOAD REACHES 50% HEIGHT OF FENCE.

**SILT FENCE INSTALLATION DETAIL**  
NTS

**STOCKPILE DETAIL**  
NTS

**PROJECT NAME:**  
BERNARD RESIDENCE  
ADDITION

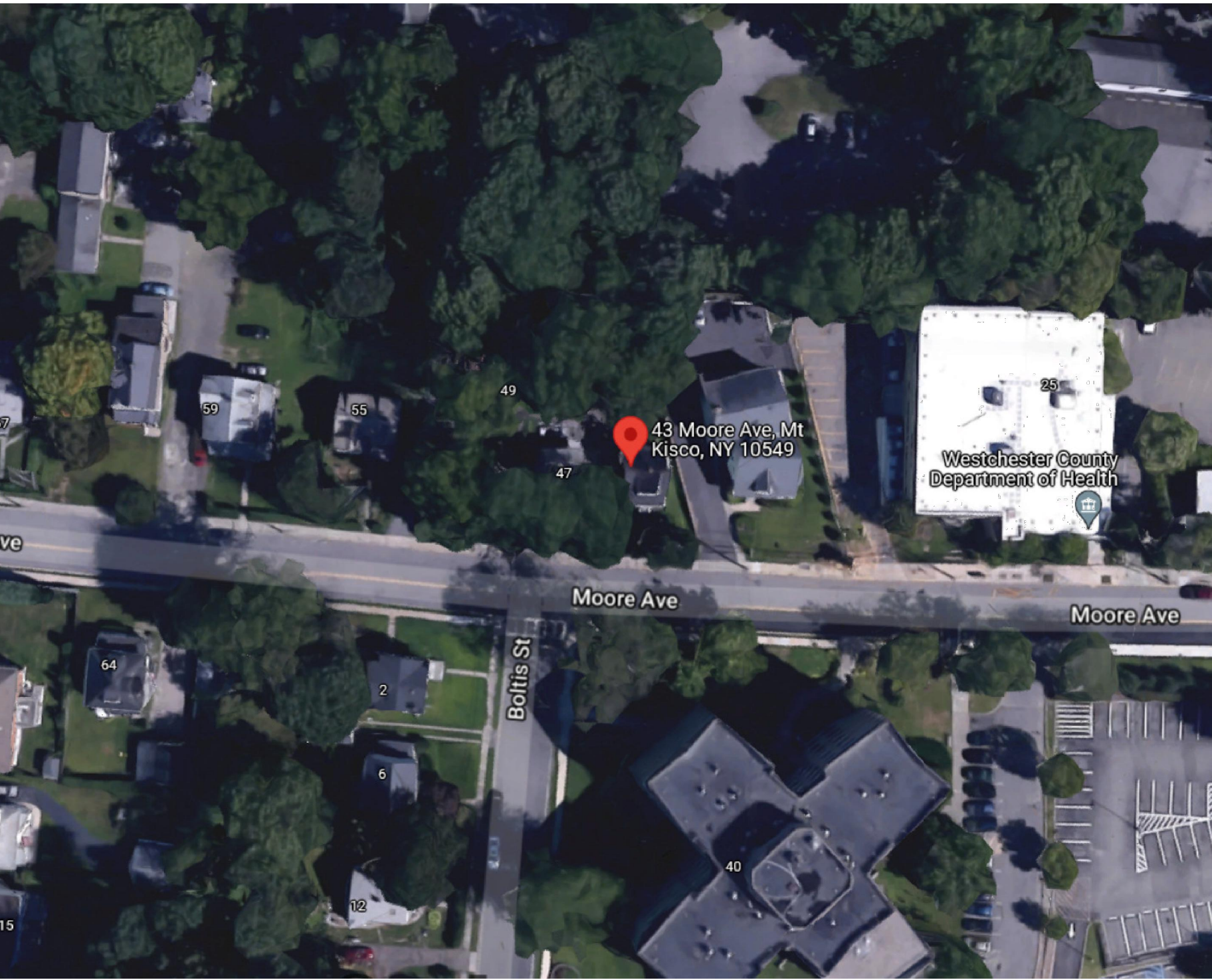
**PROJECT ADDRESS:**  
43 MOORE AVENUE  
MOUNT KISCO, NY

**MICHAEL A. PICCIRILLO, AIA**  
345 KEAR STREET - SUITE #203  
YORKTOWN HEIGHTS, NEW YORK 10598  
TELEPHONE: 914-368-9838  
FACSIMILE: 914-302-2933  
michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com

**SITE PLAN  
ZONING ANALYSIS**

SCALE: AS NOTED	DATE: 11-2-21
DRAWN BY: MAP	<b>SP-1</b>
CHK'D BY: MAP	
1 OF 1	





43 Moore Ave  
Mt Kisco, NY 10549



Michael Piccirillo Architecture

NOTE:  
DO NOT SCALE DRAWINGS. REFER TO WRITTEN MEASUREMENTS FOR ACCURACY, OR CONTACT ARCHITECT. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES. UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A VIOLATION OF NEW YORK STATE EDUCATION LAW.  
Copyright 2020 MICHAEL PICCIRILLO ARCHITECTURE

No.	DATE:	ISSUE:

PROJECT NAME:  
BERNARD RESIDENCE  
ADDITION

PROJECT ADDRESS:  
43 MOORE AVENUE  
MOUNT KISCO, NY



MICHAEL A PICCIRILLO, AIA

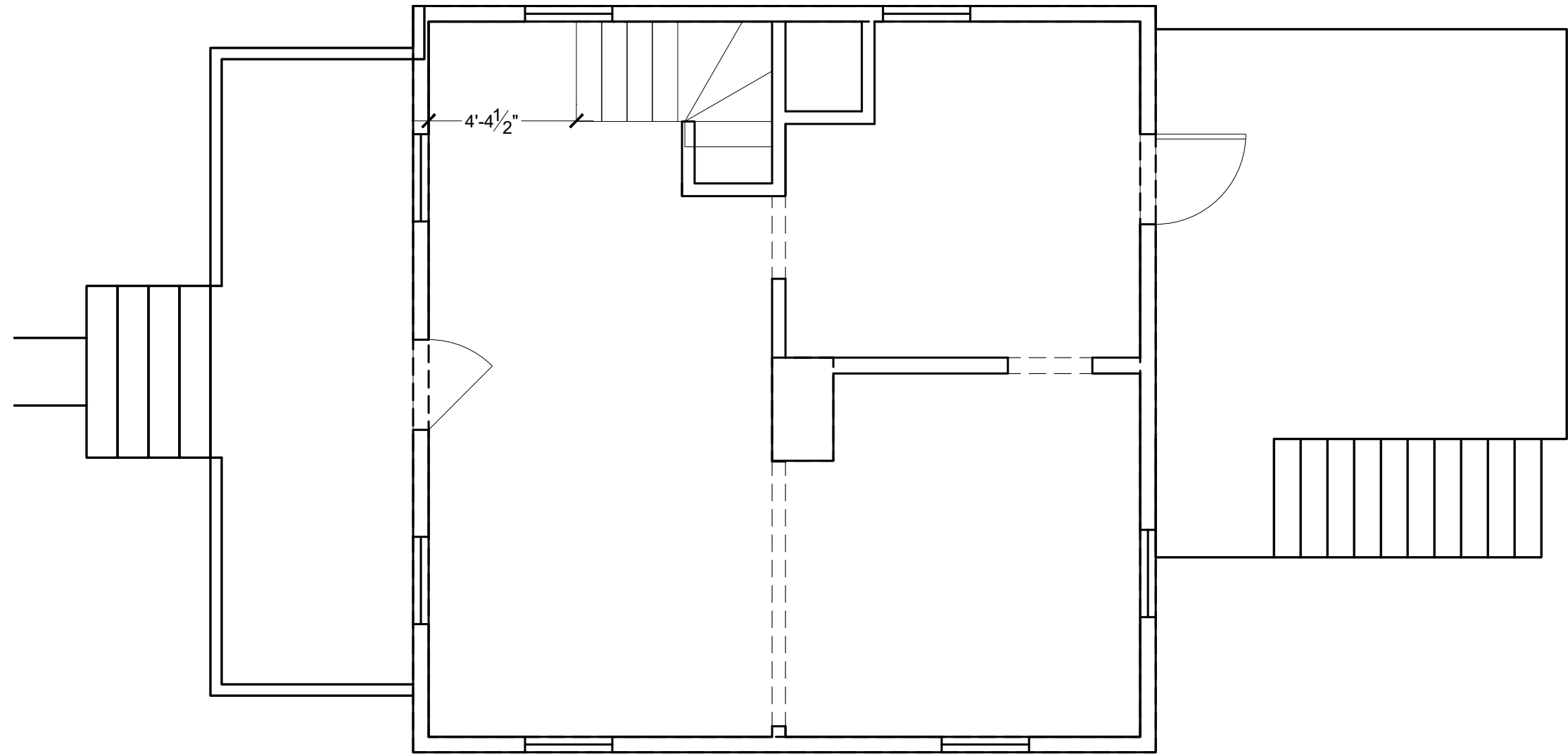
345 KEAR STREET - SUITE #203  
YORKTOWN HEIGHTS, NEW YORK 10598

TELEPHONE: 914-368-9838  
FACSIMILE: 914-302-2933  
michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com

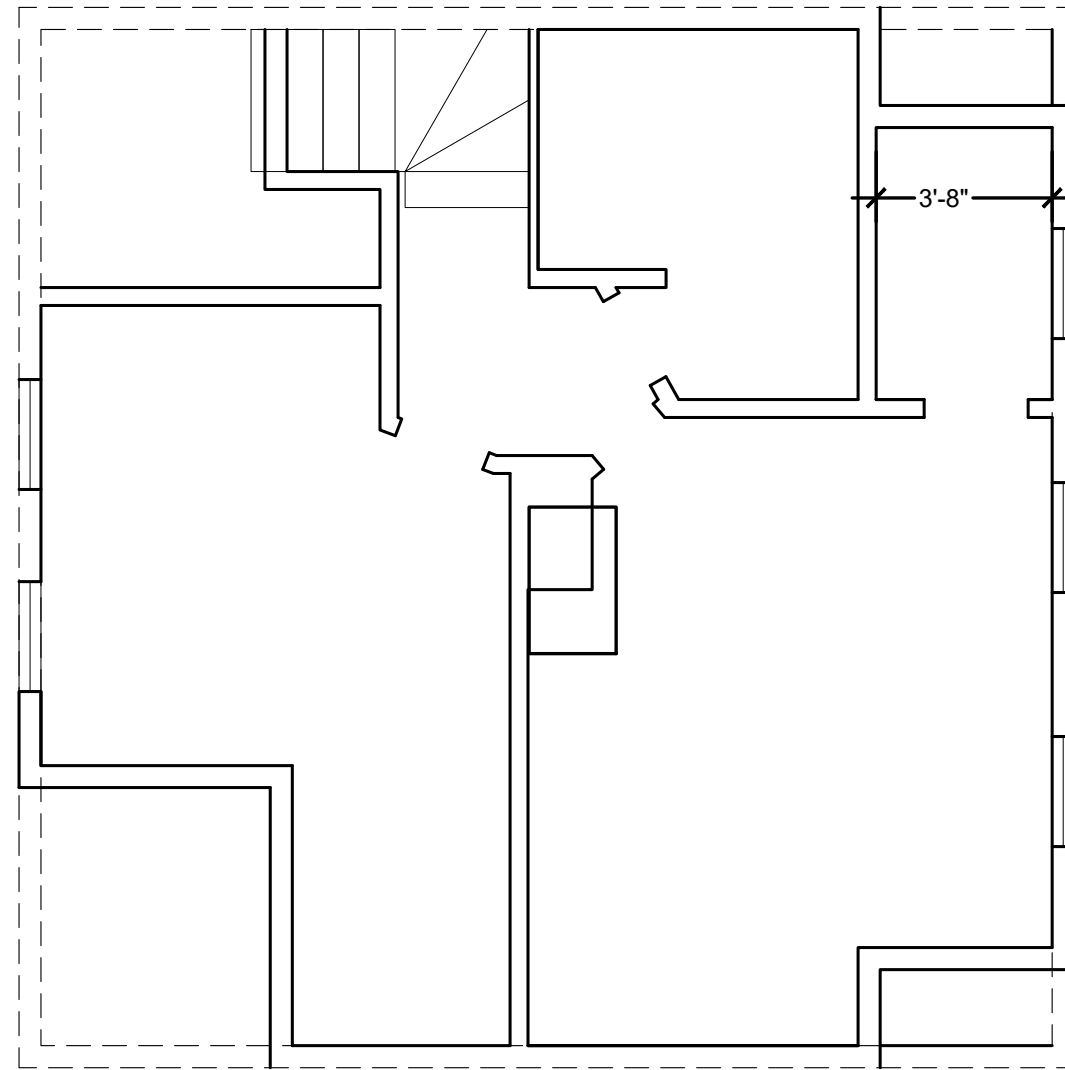
LOCATION MAP  
PHOTOS

SCALE:	AS NOTED	DATE:	11-2-21
DRAWN BY:	MAP	T-101	
CHK'D BY:	MAP		
1	OF 1		

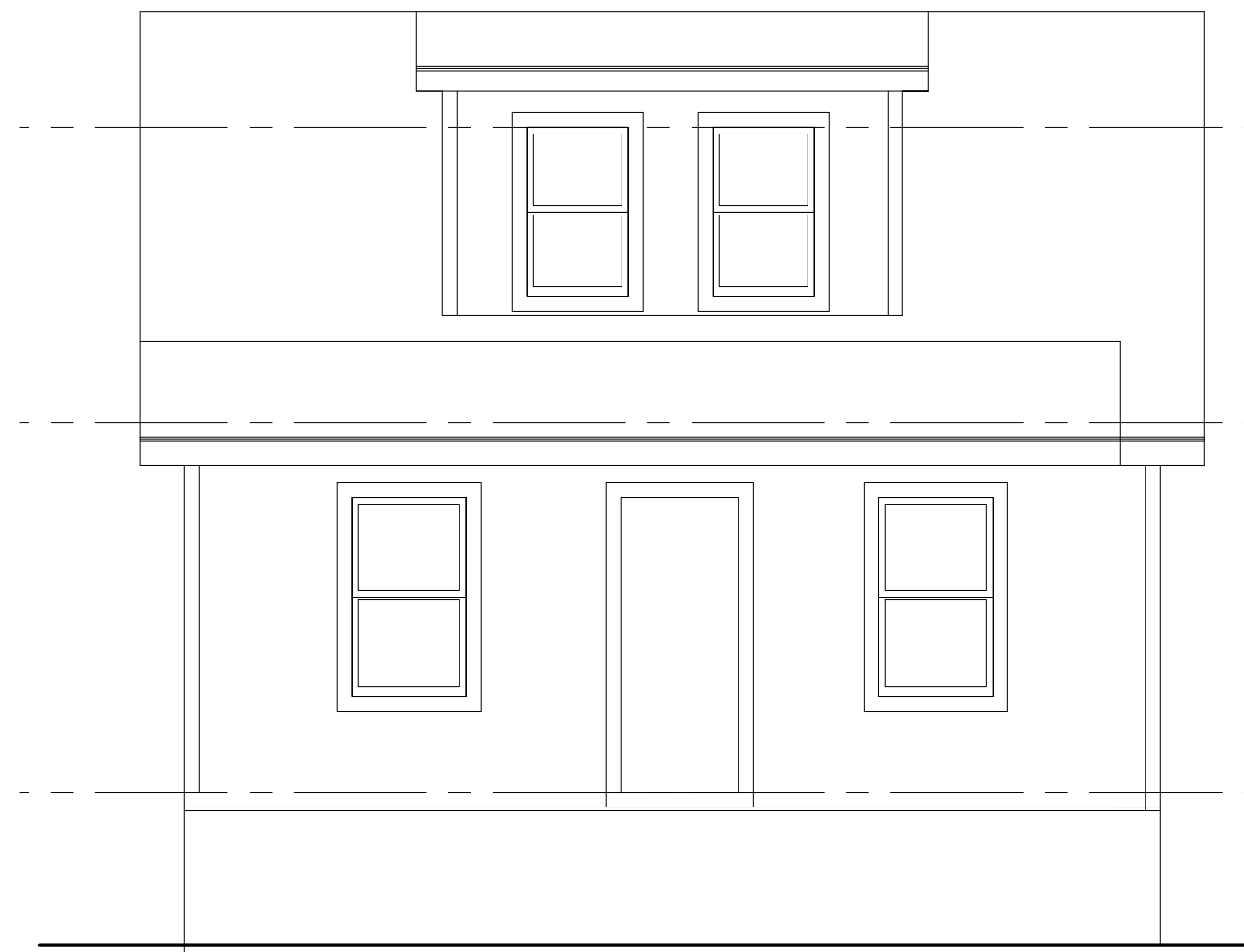




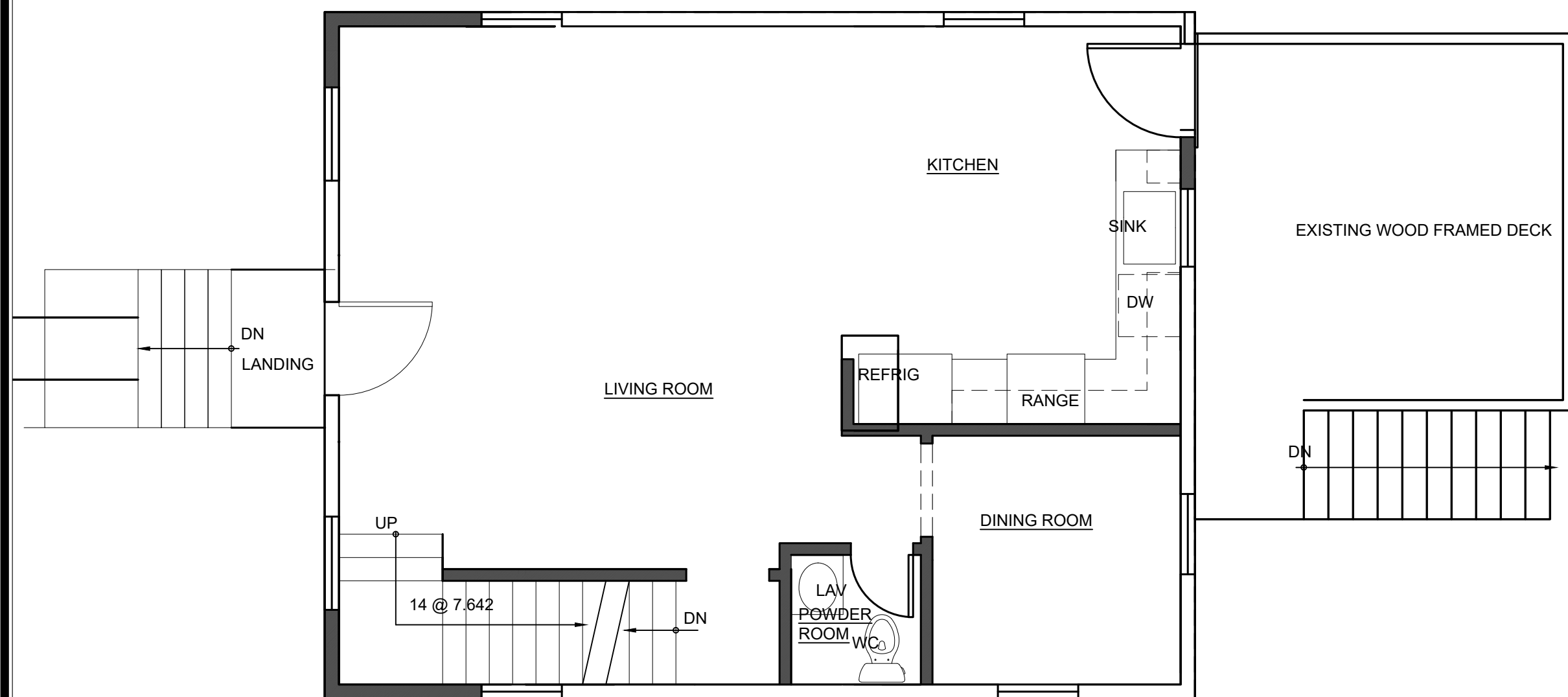
**A** EXISTING FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



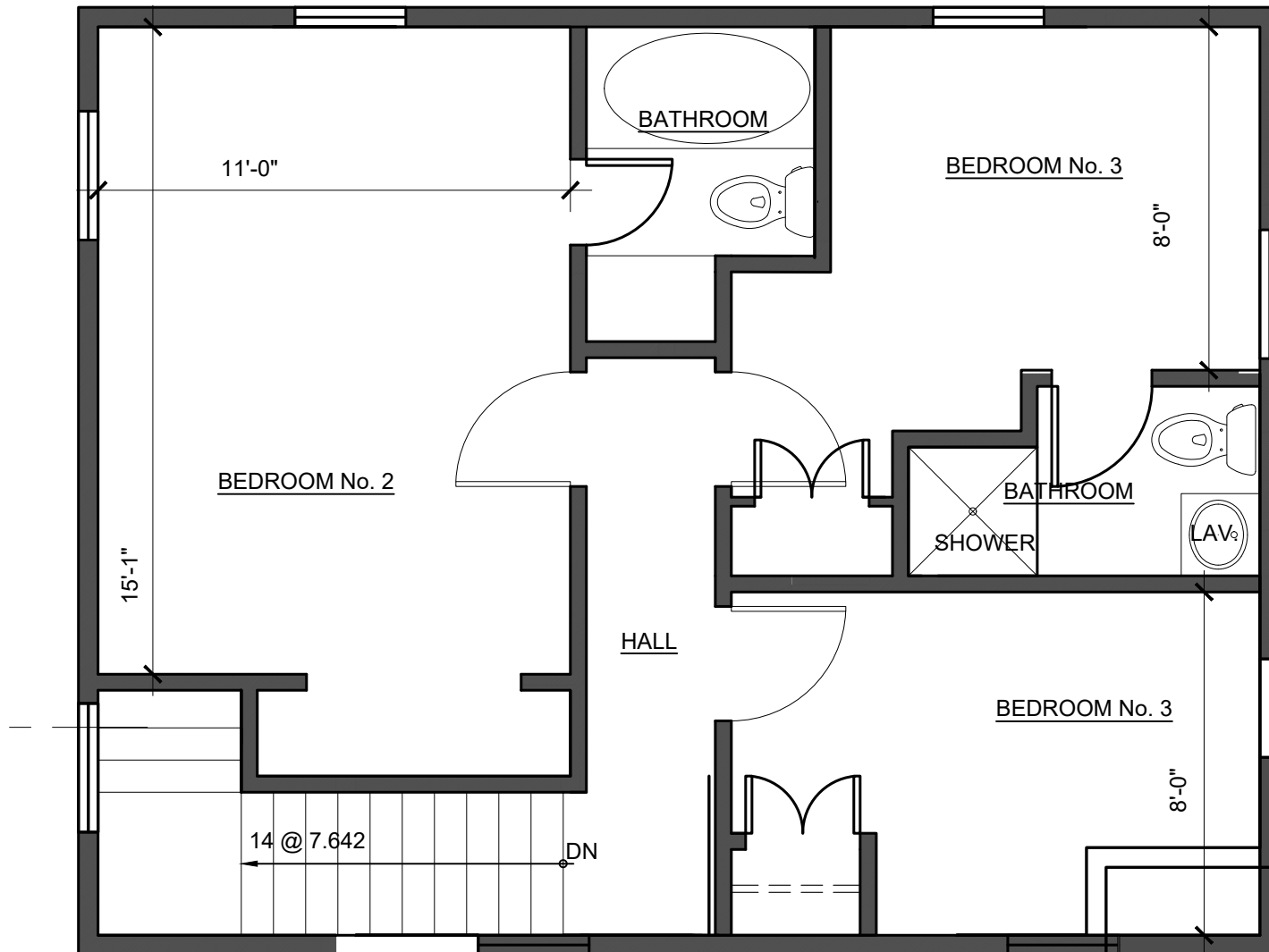
**B** EXISTING SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**1** EXISTING ELEVATION  
SCALE: 1/4" = 1'-0"



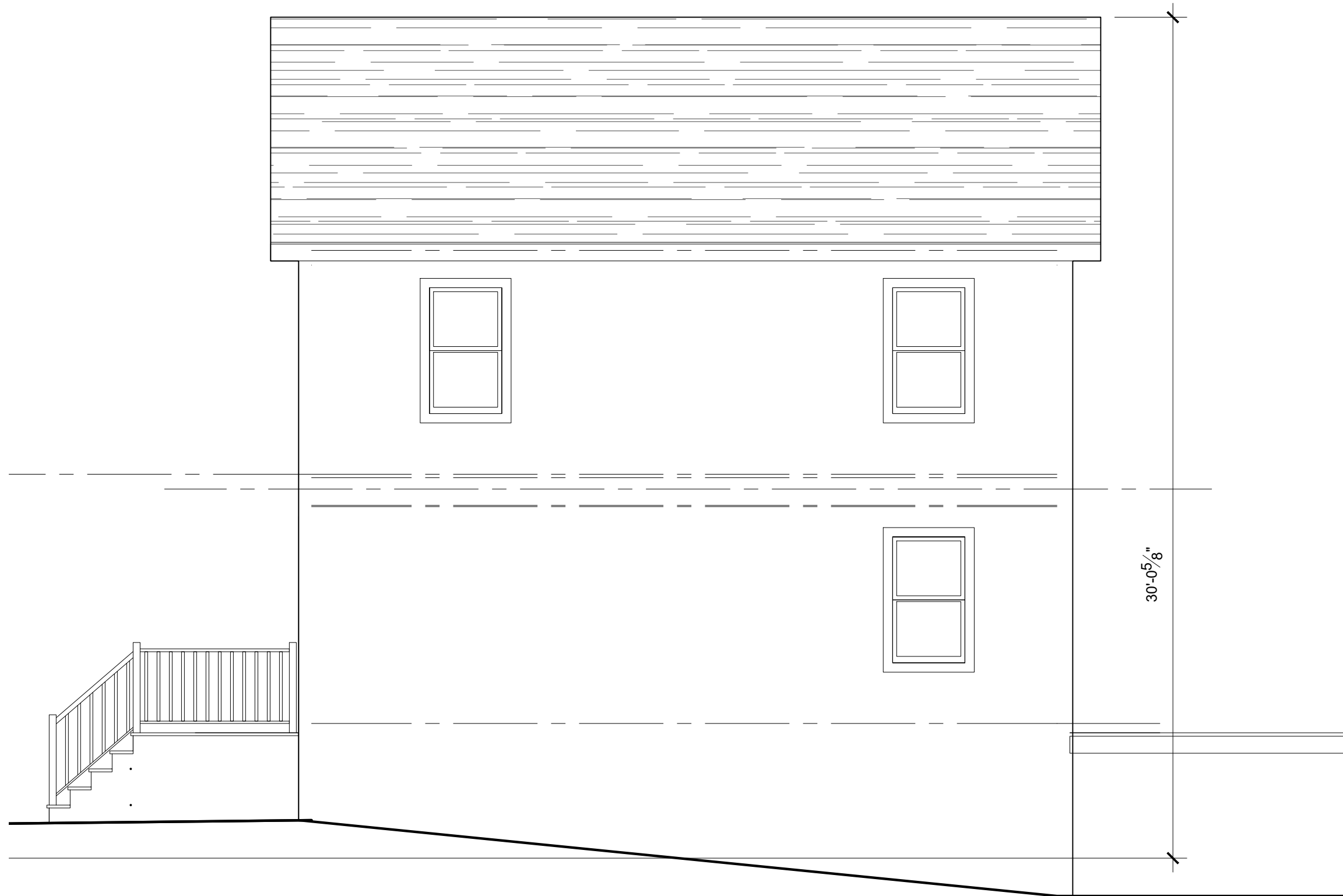
**C** PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**D** PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**2** PROPOSED ELEVATION  
SCALE: 1/4" = 1'-0"



**3** PROPOSED ELEVATION  
SCALE: 1/4" = 1'-0"

NOTE:  
DO NOT SCALE DRAWINGS. REFER TO WRITTEN MEASUREMENTS  
FOR ACCURACY, OR CONTACT ARCHITECT. CONTACT ARCHITECT  
IF THERE ARE ANY DISCREPANCIES  
UNAUTHORIZED ALTERATIONS OR ADDITIONS TO THIS DRAWING IS A  
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**WALL AND DOOR SYMBOLS**

- EXISTING WALL TO REMAIN
- NEW WALLS TO BE CONSTRUCTED.  
SEE BUILDING SECTION FOR DETAILS
- EX. DOOR TO REMAIN.
- NEW DOOR TO BE INSTALLED
- NEW CONCRETE FOUNDATION WALL
- EX. FOUNDATION WALL TO REMAIN
- EX. WALL TO BE REMOVED

DATE:	ISSUE:

PROJECT NAME:  
BERNARD RESIDENCE  
RENOVATION

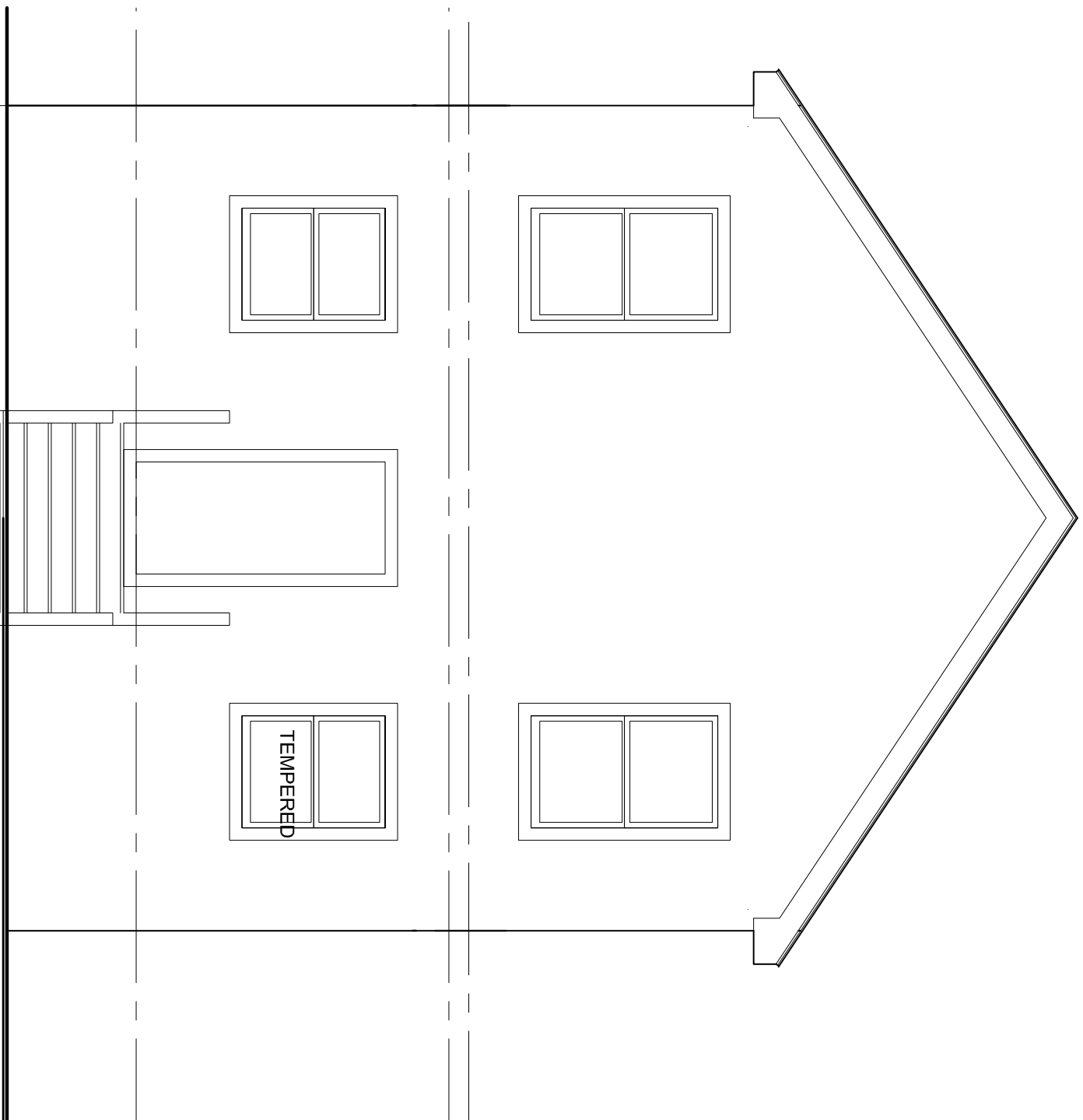
PROJECT ADDRESS:  
43 MOORE AVENUE  
MOUNT KISCO, NY 10549

MICHAEL A PICCIRILLO, AIA  
345 KEAR STREET SUITE #203  
YORKTOWN, NEW YORK 10598  
TELEPHONE: 914-368-9838  
FACSIMILE: 914-368-9839  
michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com

PROPOSED FLOOR PLANS  
NOTES  
PROPSOED E;EVATION

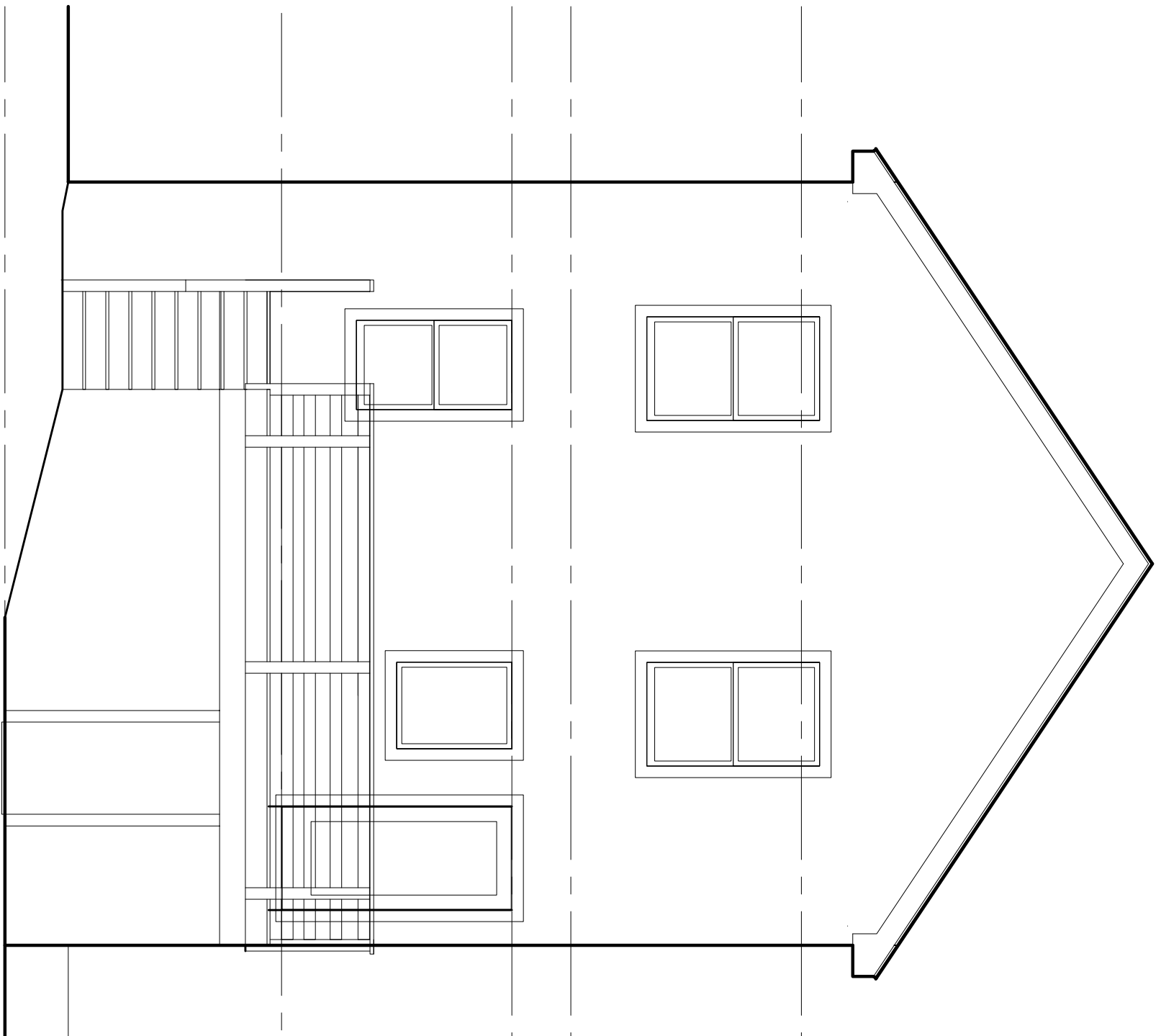
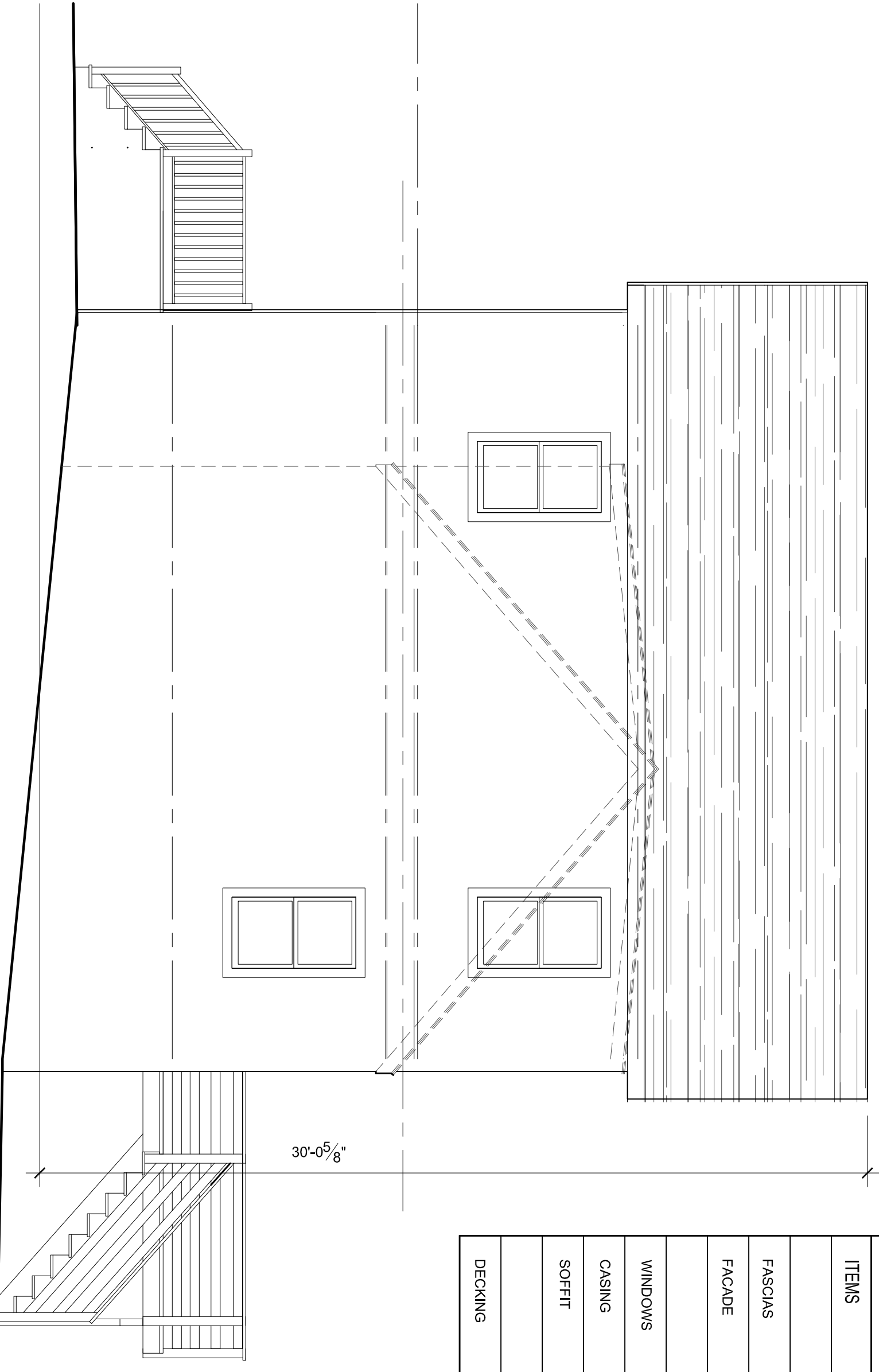
SCALE:	AS NOTED	DATE:	08-22-21
DRAWN BY:	MAP	<b>A-100</b>	
CHKD BY:	MAP		
1	OF 1		

EXTERIOR FINISHES		
ITEMS	MATERIAL	COLOR
FASCIAS	1x8 AZEK	MATCH MAIN HOUSE
FACADE	STUCCO TO MATCH EXISTING	MATCH HOUSE
WINDOWS	VINYL CLAD	WHITE
CASING	AZEK	WHITE
SOFFIT	VINYL	WHITE
DECKING	EXISTING TO REMAIN	



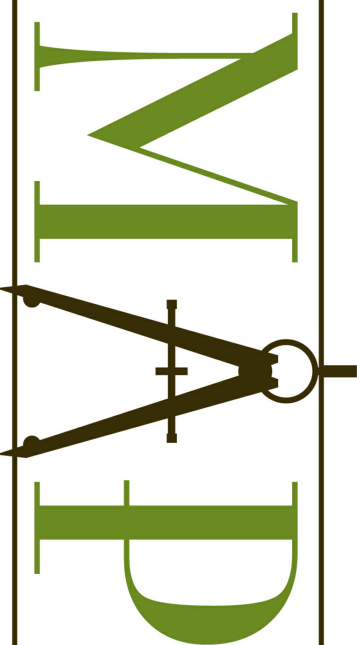
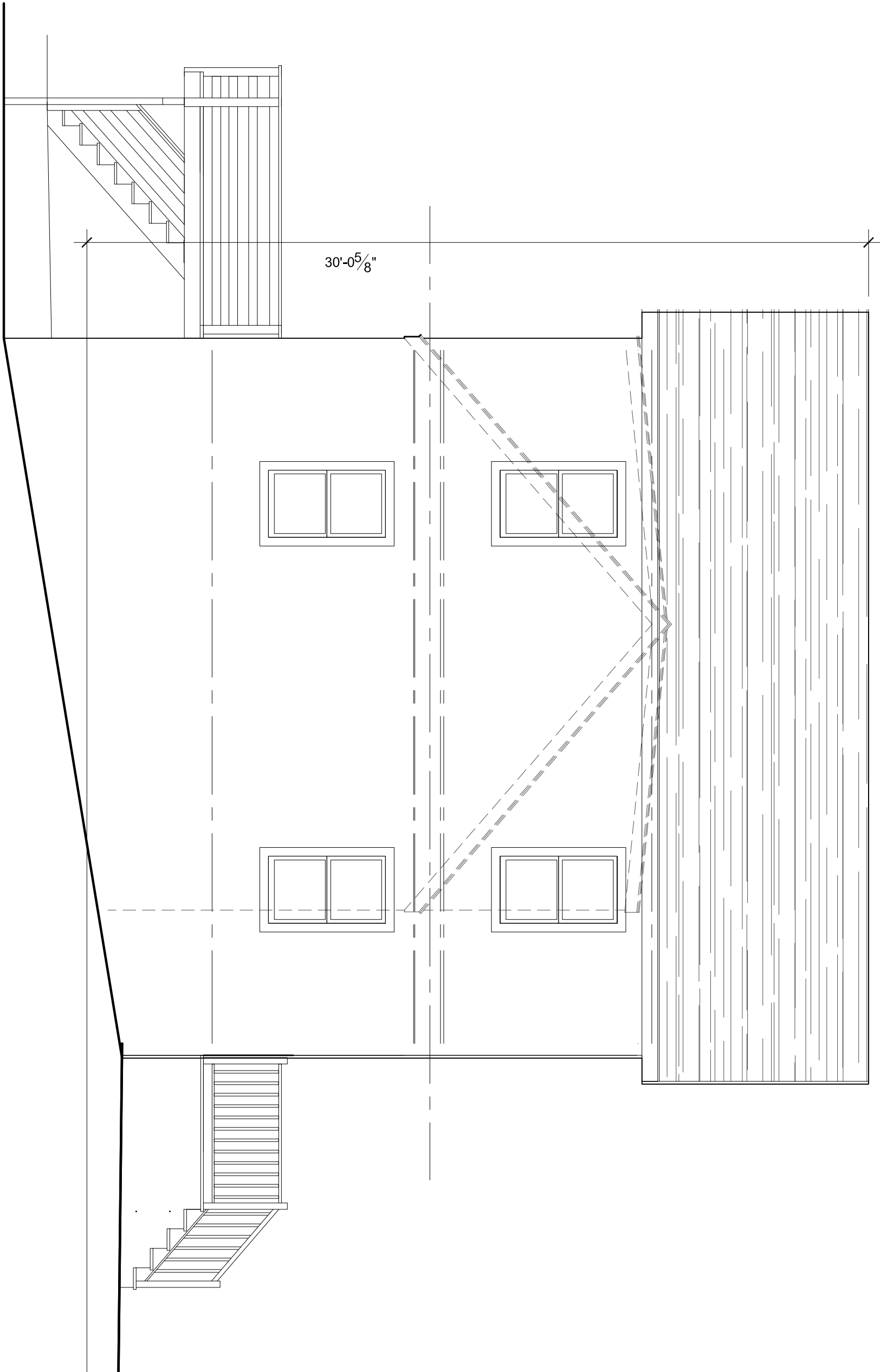
1 FRONT ELEVATION (SOUTH)

2 SIDE ELEVATION (EAST)



3 REAR ELEVATION (NORTH)

4 SIDE ELEVATION (WEST)



Michael Piccirillo Architecture

NOTE:  
DO NOT SCALE DRAWINGS. REFER TO WRITTEN MEASUREMENTS FOR ACCURACY. OR CONTACT ARCHITECT. CONTACT ARCHITECT IF THERE ARE ANY DISCREPANCIES. CONTACT ARCHITECT IMMEDIATELY FOR ANY DISCREPANCIES. THIS DRAWING IS A VISION OF THE PROPOSED SOLUTION AND NOT A GUARANTEE.  
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WALL AND DOOR SYMBOLS

- EXISTING WALL TO REMAIN
- NEW WALLS TO BE CONSTRUCTED. SEE BUILDING SECTION FOR DETAILS
- EX. DOOR TO REMAIN.
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- EX. FOUNDATION WALL TO REMAIN
- EX. WALL TO BE REMOVED

DATE	ISSUE

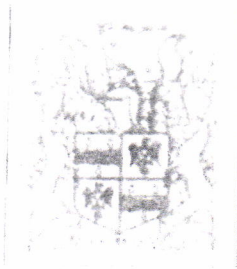
PROJECT NAME:  
BERNARD RESIDENCE  
RENOVATION

PROJECT ADDRESS:  
43 MOORE AVENUE  
MOUNT KISCO, NY 10549

MICHAEL A PICCIRILLO, AIA  
345 KEAR STREET SUITE #203  
YORKTOWN, NEW YORK 10598  
TELEPHONE: 914-368-9838  
FACSIMILE: 914-368-9839  
michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com

NOTES  
PROPOSED ELEVATION

SCALE	AS NOTED	DATE	08-22-21
DRAWN BY:	MAP		
CHECKED BY:	MAP		
1 OF 1			A-200



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

September 23, 2021

Anthony Giardina  
P.O. Box 158  
Mount Kisco, New York 10549

Re: Permit Denial Letter  
79 North Moger Avenue  
Mount Kisco, NY Tax ID: 69.73-3-5  
Building Permit Application to convert the second –  
floor storage of an existing garage into an efficiency apartment

Dear Mr. Giardina:

We received a Building Permit application to "Legalize an existing efficiency apartment located on the second floor of an accessory building." Proposed is the conversion of the second floor storage area into a 450 +/- sf efficiency apartment.

Unfortunately, we are unable to issue a Building Permit and reject this application for the following reason(s):

1. Pursuant to Chapter 110, Zoning Article III, District Regulations § 110-12, RM-10 Moderate-Density Multifamily District (G) Other customary accessory uses, buildings or structures, subject to the applicable provisions of Article V hereof, such as playhouses, greenhouses, cabanas, trash containers, outdoor air conditioners and the like, provided that said uses and buildings or structures are incidental to the principal use and further provided that said uses shall not include any activity conducted as a business or as a separate residence. A separate residence is proposed and therefore; a variance issued by the Zoning Board of Appeals from this section is required.
2. Pursuant to §110-31 Supplementary development regulations. A. Lot for every building. Except for designed multistructure developments, such as but not limited to shopping centers, office parks or multifamily or townhouse developments, not more than one principal building hereinafter erected shall be permitted on any lot in the Village of Mount Kisco. The conversion of the garage thereby creates a second principle structure and therefore; a variance issued by the Zoning Board of Appeals from this section is required.

In addition, we note the following:

3. Three parking spaces are located adjacent and south of the garage, pursuant to Chapter 110, Zoning Article IV, Off-Street Parking and Loading Regulations § 110-28. Off-



street parking. A. General parking requirements. (1) All off-street parking shall be subject to the requirements set forth in this article. D. Ingress and egress to parking areas. (2) No parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk in order to vacate the space. The proposed parking areas require that the cars back out onto Carpenter Avenue and therefore; a variance issued by the Zoning Board of Appeals from this section is required.

Note\* All parking spaces must be designed in accordance with the Village Parking Standards for residences measuring 9 ft. wide by 18.5 ft. long.

### History

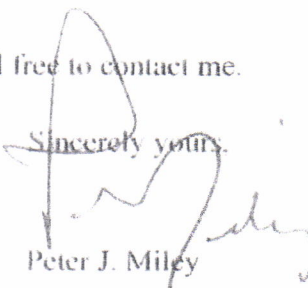
The original building was constructed in the late 1800's on a two-front – 12,803 sf lot that extends through, and fronts on two streets – N. Moger and Carpenter Avenue. On September 11, 1940, a building permit (permit No. 762) was issued for alterations and an addition of a new dormer located on the third floor of the building. Tax card(s) dated September 1954 and 1966 indicate a four (4) family conversion on three levels, and a four (4) car garage.

We looked back at the previous codes to determine if there were any parking requirements at that time. Pursuant to Building Zone Ordinance dated February 15, 1954, Section 10. Garages, stables and service stations (d) Garages in Residence "C" Districts. In Residence "C" districts, private garage space may be provided for three motor vehicles on any adequate lot; and space for one additional motor vehicle for each 1,250 sf by which the area of the lot exceeds 1,250 sf; but if space is provided for more than 6 motor vehicles, the total number of vehicles for which space is provided shall not exceed the number of families for which the principal building is designed. Although not required, we are assuming, given the current two-space code requirement, that the four (4) car garage was constructed to provide a minimum of one parking space for each of the existing dwelling units.

Last, Planning Board approval is also required.

Should you have any questions, please feel free to contact me.

Sincerely yours,

  
Peter J. Miley  
Building Inspector



Date: 11.16.21  
Fee: \$750

Case No.: 21-2D  
Date Filed: 10.26.21

RECEIVED Village/Town of Mount Kisco  
Municipal Building  
OCT 26 2021 Main Street, Mt. Kisco, NY 10549

Zoning Board of Appeals  
Village/Town of Mount Kisco

**Zoning Board of Appeals  
Application**

Appellant: Anthony Giardina Jr. and Angela Giardina as Trustees of the Giardina Living Trust  
Address: PO Box 158, Mount Kisco, NY 10549  
Address of subject property (if different): 79 North Moger Avenue, Mount Kisco, NY 10549

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

Property owner (if different): 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 September 23, 2021. Application is hereby made for the following:

X Variation or X Interpretation of Sections 110-12 G; 110-31 A; and 110-28 (1) and (  
of the Code of the Village/Town of Mount Kisco,

to permit the: \_\_\_\_\_ Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
XX Legalization of pre-existing efficiency apartment

\_\_\_\_\_ in accordance with plans filed on (date) August 9, 2021  
for Property ID # 69-73-3-5 located in the RM-10 Zoning District.  
The subject premises is situated on the East side of (street) North Moger  
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) North Moger Avenue and Carpenter Avenue

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? not presently

Is there an approved site plan for this property? No in connection with a  
Proposed or X Existing building; erected (yr.) circa 1870

Size of Lot: 100 feet wide 126.36 feet deep Area 12,803 SF; 2939 acres

Size of Building: at street level see plans feet wide see plans feet deep

Height of building: 2 1/2 stories Present use of building: residential

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

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

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

Was a variance ever granted for this property? No If so, please identify and explain: \_\_\_\_\_

Are there any violations pending against this property? yes If so, please identify and explain: Lack of certificate of occupancy for apartment (All other violations addressed)

Has a Work Stop Order or Appearance Ticket been served relative to this matter?  
X Yes or No Date of Issue: April 10, 2019

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

**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 September 23, 2021 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)  
Anthony Giardina as Trustee of the Giardina Living Trust

Sworn to before me this day of: October, 2021

Notary Public, Westchester, County NY

SELIKA E MURCHISON LISCHKE  
Notary Public - State of New York  
NO. 01MU6184897  
Qualified in Putnam County  
My Commission Expires Apr 7, 2024

[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 Anthony Ga to make the annexed application in his behalf and that the statements contained in said application are true.

(sign here)

CHARLES V. MARTABANO  
Attorney at Law

9 Mekeel Street  
Katonah, New York 10536  
[cmartabano@gmail.com](mailto:cmartabano@gmail.com)  
(914) 242-6200 Telephone  
(914) 242-3291 Facsimile  
(914) 760-9241 Cell

October 26, 2021  
**RECEIVED**

OCT 26 2021

Zoning Board of Appeals  
Village/Town of Mount Kisco

VIA HAND DELIVERY  
Michelle Russo, Secretary  
Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

Re: Application of Anthony Giardina Jr .and Angela Giardina  
as Trustees of the Giardina Living Trust  
Premises known as 79 North Moger Avenue, Mount Kisco New  
York; Tax ID Number: 69.73-3-5

Dear Michelle:

In connection with the above referenced application, I herewith enclose the following:

1. Ten (10) copies of completed, executed and notarized application;
2. Ten (10) copies of the deed to the premises;
3. Ten (10) copies of my clients' Notice of Appeal;
4. Ten (10) copies of the typewritten full statement by the owners of the principal points upon which the application is based;
5. Ten (10) copies of a letter from the undersigned regarding strict construction of zoning codes;
6. Ten (10) copies of a copy of the block diagram provided by the Village for notice purposes;
7. Ten (10) copies of a full list of the names and addresses of owners of all property shown on the block diagram located within 300 feet of the subject property;
8. Ten (10) copies of the Public Notice;
9. My client's check in the amount of \$750 representing the application fee.

In addition to the foregoing, we are delivering herewith ten (10) sets of my client's site plan.

I have arranged for the publication of the public notice and I am awaiting advice from LOHUD as to whether the affidavit of publication will be delivered directly to you or to me in which case, I will subsequently provide it to you. When the public notices are served by mail, an appropriate affidavit will be provided to you. If you have any questions with respect to the foregoing or the enclosed, please do not hesitate to contact me.

Yours very truly,

A handwritten signature in dark ink, appearing to be 'C. Martabano', written over the closing 'Yours very truly,'.

Charles V. Martabano

cc: Anthony and Angela Giardina

CHARLES V. MARTABANO  
Attorney at Law

9 Mekeel Street  
Katonah, New York 10536  
[cmartabano@gmail.com](mailto:cmartabano@gmail.com)  
(914) 242-6200 Telephone  
(914) 242-3291 Facsimile  
(914) 760-9241 Cell

October 26, 2021

VIA HAND DELIVERY  
Chairman Harold Boxer and  
Members of the Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

**RECEIVED**

OCT 26 2021

Zoning Board of Appeals  
Village/Town of Mount Kisco

Re: Application of Giardina Living Trust  
Premises Known as 79 North Moger Avenue, Mount Kisco, New York  
Section 69.73 Block 3 Lot 5

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

As referenced in the Owner's Statement in support of their request for interpretations or, in the alternative, for a variance of the sections cited in the Denial Letter issued by the Building Inspector and referenced in the public notice, I wanted to provide to your Board some of the caselaw regarding the interpretation of zoning codes. This is of particular import with respect to the owner's application as your Board is being requested to interpret the Building Inspector's application of regulations to structures which have been in existence since approximately 1870 and uses which have been in existence for many decades predating the existing regulations.

As I am certain that all of you are aware, decisional law of the State of New York is such as to require that zoning codes or regulations be construed strictly against the drafter (the municipality) and in favor of the property owner with any ambiguity to be resolved in favor of the property owner. The leading case on the proper manner of interpretation of zoning codes was decided by the Court of Appeals in *Allen v. Adami* 39 N.Y.2d 275 (1976). In that case, the municipality sought to "read into the zoning code" a condition which did not exist in the actual verbiage of the applicable code. In striking down the interpretation urged by the municipality and affirmatively stating that had the municipality desired to impose such a condition, it could easily have done so, the Court of Appeals held:



Since zoning regulations are in derogation of the common law, *they must be strictly construed against the municipality which has enacted and seeks to enforce them.* (Citations omitted) *Any ambiguity in the language used in such regulations must be resolved in favor of the property owner.* (Citation omitted.)

(Emphasis added)

This case therefore stands for the proposition that zoning regulations must be interpreted and applied as drafted, and cannot be “extended” or “expanded” to apply to situations not contemplated by the language of the regulation as strictly construed, which we believe to be particularly important with respect to the current application.

Subsequent to the issuance of the Court’s decision in *Allen v. Adami, supra*, the Court of Appeals consistently adhered to the principle of strict construction of zoning codes. For example, in *FGL & L Property Corp. v. City of Rye*, 66 N.Y.2d 111 (1985), the Court stated:

Zoning laws are to be given a strict construction because they are in derogation of common-law rights (*citations omitted*).

Similarly, in *City of New York v. Les Hommes*, 94 N.Y.2d 267 (1999), the Court of Appeals held:

The cases guiding our analysis in this area require that we show a healthy respect for the plain language employed and that it be construed in favor of the property owner and against the municipality which adopted and seeks to enforce it (*citations omitted*).

For decades, Courts have consistently adhered to the holding of *Allen v. Adami*. The Appellate Division for the Second Department has been particularly active in this respect and clearly and consistently adheres to the doctrine of strict construction of zoning codes against a municipality with ambiguity resolution in favor of the property owner. For example, in *Sposato v. Zoning Bd. Of Appeals of Village of Pelham*, 287 A.D.2d 639 (2<sup>nd</sup> Dept, 2001) the Appellate Division stated:

Zoning Codes, being in derogation of the common law, must be strictly construed against the enacting municipality (*citation omitted*). Ambiguities in a zoning ordinance must be resolved in favor of the property owner (*Citation omitted*).

See also *Barkus v. Kern*, 160 A.D.2d 694 (2<sup>nd</sup> Dept. 1990) “(s)ince zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them and any ambiguity in the language used in such regulations must be resolved in favor of the property owner”; *KMO-361 Realty Assocs. V. Davies*, 204 A.D.2d 547 (2<sup>nd</sup> Dept, 1994) “(z)oning regulations are in derogation of the common law and must be strictly construed against the municipality. Thus, any ambiguity in the language used in zoning regulations must be resolved in favor of the property owner”; *Hogg v. Cianciulli*, 247 A.D.2d 474 (2<sup>nd</sup> Dept, 2004) “...any ambiguity in the language of the zoning ordinance must be resolved in favor of the property owner”; *Ferraris v. Zoning Bd. Of Appeals of Village of Southampton* 7 A.D.3d 710 (2<sup>nd</sup> Dept, 2004) “Any ambiguities in a zoning ordinance must be resolved in favor of the property owner”; *Town of Riverhead v. Gezari*, 63 A.D.3d 1042 (2<sup>nd</sup> Dept. 2009 “Since zoning regulations are in derogation of the common law, they must be strictly construed against the municipality which has enacted and seeks to enforce them”; *Mamaroneck Beach & Yacht Club, Inc. v. Zoning Board of Appeals of Village of Mamaroneck*, 53 A.D.3d 494 (2<sup>nd</sup> Dept. 2008) “ ‘It is well settled that zoning codes, being in derogation of the common law, must be strictly construed against the enacting municipality and in favor of the property owner’”; *Baker v. Town of Islip Zoning Bd. Of Appeals*, 20 A.D.3d 522 (2<sup>nd</sup> Dept, 2005).

Accordingly, as we present our arguments to your Board at the public hearing to be held on November 16, 2021, we respectfully request that, in interpreting the zoning regulations which form the basis for the Denial Letter to the facts of the application before you, you apply the rule of strict construction of zoning codes in favor of the property owner and against the municipality with any ambiguity being resolved in favor of the property owner. As set forth in the Owner’s Statement, we believe that the rules of strict construction as applied to the particular facts and circumstances pertaining to this unique application should result in a determination to the effect that, most particularly with respect to items 2 and 3 of the Denial Letter, no variance is necessary.

We will provide additional information and arguments at the public hearing to be held with respect to this matter and look forward to appearing before your Board

Yours very truly,



Charles V. Martabano

cc: Giardina Living Trust



Anthony Giardina Jr .and Angela Giardina  
as Trustees of the Giardina Living Trust  
PO Box 158  
Mount Kisco, NY 10549

October 19, 2021

VIA HAND DELIVERY  
Chairman Harold Boxer and  
Members of the Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

Re: Application of Giardina Living Trust  
Premises Known as 79 North Moger Avenue,  
Mount Kisco, New York

Section 69.73 Block 3 Lot 5

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

We submit this document as our required typewritten statement of the principal points (facts and circumstances) on which we base our application. As confirmed by the deed that we are submitting as part of our application, prior to the transfer of this property to our Living Trust, my wife Angela and I purchased the property known as 79 North Moger Avenue, Mount Kisco, New York, taking title in March 1990, more than 30 years ago. Prior to purchasing the property, I spoke with former Building Inspector Austin Cassidy in an effort to determine whether there existed any violations or any other issues with respect to the property and I was advised that there was none. I was also advised that it appears as though the improvements on the property were constructed circa 1870, with the result that these structures and the associated parking areas have existed for many decades predating the adoption of zoning in Mount Kisco and, of course, many decades before the current zoning.

Over the years I have made an effort to maintain the properties in what I believe to be a first-class condition and I have made numerous improvements since taking ownership. I've complied with all fire and safety code requirements and I have filed the Landlord Registry forms annually, identifying all of the registered apartments including one two-bedroom apartment and three one-bedroom apartments in the main building and a small studio apartment over the detached garage. In other words, both in purchasing this property and subsequently thereafter, I made the appropriate inquiries regarding the legality of all structures and uses on the property, which I obviously presumed were either legally conforming (given that our property was located in a multifamily residential district) or grandfathered as a consequence of the age of the structures and my conversations with the then Building Inspector. I also want to confirm that, in addition to multiple conversations that I had with former Building Inspector Austin Cassidy prior to the purchase of this property, I also consulted with him regarding repairs and improvements, including interior repairs/upgrades made to the specific apartment which is the subject matter of this appeal.

However, as a consequence of a fire inspection which took place in 2019, I was advised that the small studio apartment over the garage did not have a certificate of occupancy. I went to the Building Department in an effort to review the applicable files to ascertain whether there existed a certificate of occupancy but, despite all of the efforts of myself, Building Inspector Peter Miley and our attorney, Charles V. Martabano, Esq., we were unable to find a certificate of occupancy for the apartment over the garage despite the existence of the apartment when we purchased the property. Unfortunately, when I renovated the apartment subsequent to our acquisition of the property and sought the advice of the then Building Inspector as referenced above, I was advised by Mr. Cassidy that I did not have to obtain a permit for the limited work that I was doing with the result that I naturally did not seek a certificate of occupancy believing there was no need for same. I also did not maintain the records for the work done decades ago which would have otherwise possibly assisted Mr. Miley in being able to issue a certificate of occupancy or other evidence of compliance. I also want to point out for the record that, at all times, Building Inspector Peter Miley has been most professional and cooperative to work with and truly attempted to assist us in legalizing the apartment



without the necessity of an application to your Board. However, when we were unable to find proof in the record, we decided to legalize the apartment through an application to your Board.

Mr. Miley issued a Denial Letter on September 23, 2021, which we will refer to in this letter as the "Denial Letter". We are therefore required to submit an application in the alternative: i.e. either for an interpretation that the zoning code sections cited by the Building Inspector do not apply to our application or, in the alternative for a variance from the referenced sections cited by the Building Inspector.

With respect to the requested interpretations, we are advised by our attorney, Charles V. Martabano, that the terms of the zoning code of the Village of Mount Kisco are required to be construed strictly against the drafter of the code (the Village of Mount Kisco) and in favor of the property owners with any ambiguity, if any, required to be construed in the favor of the property owners (see letter from Charles V. Martabano, also being submitted with our application). We presume that the Village Attorney will agree with Mr. Martabano's citations to applicable law and provide guidance to your Board accordingly.

Throughout all the arguments that follow below, we are requesting that the Board not lose sight of the fact, as established by the record and confirmed by the content of the Denial Letter, that all of the structures on the site date back to the late 1870s; the footprints have not been altered; no new structures have been erected; and the uses have not been changed, at least since we acquired the property. While we reluctantly are forced to accept responsibility for not previously obtaining a certificate of occupancy based upon our conversations with the then Building Inspector, we are hopeful that the Board will accept our representations as to what transpired in connection with our acquisition of the subject property and subsequent renovation of the pre-existing apartment and issue the necessary interpretations or variances so that the property can be fully legalized. My wife and I, aged 78 and 81 respectively, depend upon the income from this property for our retirement. Again, we always acknowledged the existence of this apartment and duly registered the apartment with the Landlord Registry. Our neighbors will attest to the existence of this apartment for decades. We look at this process as simply legalizing a pre-existing condition and hope that the Board will agree with our position. We also ask the Board to consider the fact that, while



we are benefited by the existence of the RM-10 Medium-Density Multifamily District Regulations in a use context, those same regulations, as well as other regulations, being applied to our property more than a century after the construction of the existing structures and many decades subsequent to the establishment of the uses, places us in the position of having to attempt to apply or comply with regulations on an “after-the-fact basis”, where compliance may be very difficult or impossible and therefore issuance of variances would be appropriate. I have been a member of the Zoning Board of Appeals in the Town of New Castle for 20 years and I have dealt with legalization situations such as this on many occasions and, from my perspective, a zoning board of appeals plays a most important role in the legalization of pre-existing structures and uses under appropriate circumstances.

As set forth below, all of the requested variances are area variances as none of the denial items represent a prohibited use but instead refer to dimensional or physical constraints. In this regard I am advised that Village Law section 7-712 b (3), as amended in 1993, provides in pertinent part as follows:

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 ordinance or 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.

With the foregoing as background, the first item set forth in the Denial Letter indicates that we require a variance from section 110-12 (G) because the apartment in issue is physically located within an accessory structure and section 110-12 (G) indicates that an accessory structure should not be utilized for a “separate residence”. It is imperative that the Board understand that there is no question as to the legality of the underlying residential apartment use in the RM-10 Modern-Density Multifamily District which allows for multifamily uses on lots of 10,000 SF or more. As set forth in our application and confirmed by the Denial Letter, our property is 12,803 SF and therefore multifamily uses are permitted. Accordingly, this is not a situation where we are dealing with a use variance because the underlying apartment/multifamily use is a permitted use. Therefore, this is a question of allowing an otherwise permitted use to be physically located within an accessory structure, a physical constraint for which we will seek a variance. Application of the variance standards to our request in this regard is set forth below.

Item 2 of the Denial Letter indicates that we require a variance of section 110-31, supplementary development regulations, whereby the code requires that “[e]xcept for designed multistructure developments, such as but not limited to shopping centers, office parks or multifamily or townhouse developments, not more than one principal building hereinafter erected shall be permitted on any lot in the Village of Mount Kisco”. It is the position of the Building Inspector that the “conversion” of the garage creates a second principal structure and therefore a variance is required.

Initially we want to set forth our position that, based upon the rules of strict construction of zoning codes as set forth in our attorney’s letter, we do not believe that this section is applicable to our situation at all. Initially, and as indicated above and as set forth in the Denial Letter, all structures in issue were erected circa 1870. The code section in issue says that “not more than one principal building *hereinafter erected* shall be permitted on any lot...”. The erection of structures on our lot occurred long before the adoption of any zoning codes and therefore the



structure in issue cannot be said to be “hereinafter erected” i.e. erected subsequent to the adoption of the code section in issue. The Denial Letter speaks in terms of a “conversion” of the garage building into a second principal structure and, had the drafters of the code desired to insert that prohibition, they could have done so. They did not. The conversion of a pre-existing structure is not, we believe, in any way equivalent to the “erection” of a new structure. We therefore believe it is clear that this section does not apply to us and request your interpretation to that effect.

Additionally, we believe that this section, again subject to the doctrine of strict construction, clearly by its terms exempts multifamily housing developments from the purview of the prohibition because the code section states that the prohibition applies except in connection with designed multistructure developments which explicitly identifies “multifamily developments” as a specified example. Even though it is clear that our structures were constructed many decades before the effective date of this code section, it also appears clear that our structures would have been perceived to be part of a multifamily development and therefore again the code section would not apply. Accordingly, separate and apart from our request for variance relief in the alternative, we would request that your Board find that this section does not apply to our situation based on the doctrine of strict construction of zoning codes.

Item 3 of the Denial Letter references the fact that three (3) parking spaces are located adjacent to and south of the pre-existing garage and asserts that section 110-28 regarding off-street parking and loading regulations specifies that (1) all off-street parking shall be subject to requirements set forth in this article (Article IV) and that subsection D (2) indicates that “no parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk” and therefore asserts that a variance is required. As indicated above, the structures at 79 North Moger Avenue were constructed circa 1870. While we do not know when the parking spaces in question were constructed (long before our ownership) these parking spaces have been existing and utilized in this manner for many decades. We believe that it is clear that this section was intended to apply prospectively as it specifically references the design of parking spaces, clearly referring to the prospective construction of parking spaces, not parking spaces which have been in place for decades. Were it to be otherwise, we believe that a survey of



existing conditions throughout the Village would result in determinations of noncompliance of significant proportions and we believe that constitutional protections apply to pre-existing conditions.

It is important to note that this aspect of the Denial Letter does not indicate that we have inadequate parking. Accordingly, if your Board were to find that any variance were required, it does not relate to the required number of parking spaces and we are not required to install any additional parking spaces for which we would have the opportunity to “design” such parking spaces. The Denial Letter also indicates that, subsequent to the construction of the original structures, building permits were applied for and issued. In this regard, we do wish to note that section 110-28 J (1) does provide that “[s]tructures and land uses in existence for which building permits and site plans have been previously approved shall not be subject to the revised requirements for off-street parking spaces set forth in this chapter, provided that any parking facilities currently existing and serving such structures or uses shall not, in the future, be reduced except where they exceed such requirements”. It appears that the code section relied upon by the Building Inspector was adopted in 1987 and there exists no doubt whatsoever that the parking arrangements that existed with respect to this property existed in precisely the same manner as now existing prior to the adoption of the code provision. We therefore believe that where, as here, we do not require a parking variance as to the number of spaces and therefore nothing about this application actually triggers the need for additional parking or for the design of new parking spaces, we believe that the Building Inspector’s reliance on this section is misplaced as nothing that we are doing in any way calls into question the existing parking, which we believe need to be viewed as grandfathered by reason of their prior existence in exactly the same condition (other than necessary maintenance and repair) for many decades. While the provisions of the code governing noncomplying buildings and structures do not appear to specifically address the issue of parking spaces, we believe that the intent of the provisions governing noncomplying buildings and structures combined with the provisions of section 110-28 J (1), clearly evidence an intent to protect parking arrangements which have been in place for many decades such as is the case with our application. We hope you will agree that we are entitled to an interpretation that the requirements of section 110-28 A do not apply to our specific situation.

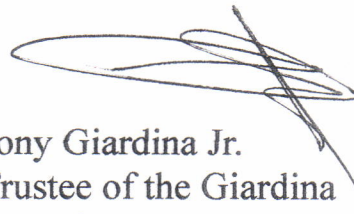


To the extent that your Board determines that we require any variances, as indicated above, these variances represent area variances because none of the use aspects of the application represent prohibited uses and, as indicated above, we are entitled to the protection accorded grandfathered structures and uses. However, to the extent that you determine that variances are required, we would desire to point out that in our opinion, application of the 5 factors referenced in the Village Law should result in a determination on the part of your Board to grant the requested variances. Once again, in considering the 5 factors, it must be remembered that our property has been utilized in precisely the same manner as now requested for many decades. The area in which our property is located (Carpenter Ave., Barker Street) has many residential multi-structure multifamily developments. Legalization of the accessory apartment will not in any way bring about an undesirable change in the character of the neighborhood or present a detriment to nearby properties. Unfortunately, as a consequence of the content of the Denial Letter, the benefit that we seek cannot be achieved by some method, feasible for us to pursue, other than an area variance. Our property does not contain sufficient area to modify the parking so as to prevent the need to utilize the parking spaces in the manner which they have been utilized for decades (see site plan being submitted with our application). We do not believe that any of the requested variances are substantial in nature under the unique circumstances applicable to our application because the granting of these variances will not in any way effectuate any change whatsoever to existing conditions. The requested variances will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood or district because, as indicated above, our property has been operated in exactly the same manner for many decades without any incident or complaint, many properties in the area have similar circumstances (we will be bringing pictures to the meeting to demonstrate this fact) and we are not introducing any new nonconformities by reason of our requested relief which is, as indicated above, sought solely to legalize existing conditions. The same is true with respect to the factor which indicates that the granting of the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. These same conditions have existed for many decades; no changes being introduced whatsoever. We will also be presenting letters of support from our neighbors. With respect to the fifth factor, to the extent that your Board

finds that we could be chargeable with a self-created hardship by reason of our failure to obtain a certificate of occupancy, we would respectfully point out that self-created hardship is a factor that could be relevant to your decision but not necessarily preclude the granting of the requested area variances.

We therefore believe that to the extent that your Board finds that the code sections relied upon by the Building Inspector necessitate the granting of one or more variances, we believe that we have met the requirements for issuance of the necessary variances. We look forward to appearing before your Board.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Anthony Giardina Jr.', with a large, sweeping flourish extending from the end of the signature.

Anthony Giardina Jr.  
Trustee of the Giardina  
Living Trust

Anthony Giardina, as Trustee of the Giardina Living Trust

PO Box 158

Mount Kisco, NY 10549

October 18, 2021

Chairman Harold Boxer  
Zoning Board of Appeals  
Village of Mt. Kisco  
104 Main Street  
Mt. Kisco, New York 10549

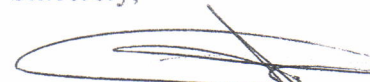
Re: Appeal of Determination of Building Inspector dated  
September 23, 2021 relating to 79 N. Moger Ave., Mount Kisco  
New York

Dear Chairman Boxer:

In accordance with the procedures specified for appeals to the Zoning Board of Appeals of the Village of Mount Kisco and as trustee of the Giardina Living Trust (owner of 79 North Moger Ave., Mount Kisco New York), I am hereby providing you with notice of the Trust's intent to appeal the above referenced Denial Letter/Notice of Denial issued by the Building Inspector (copy attached) to your Board. The appeal will be submitted seeking relief in the alternative i.e. requesting interpretations of the Code contrary to the determinations made by the Building Inspector and/or in the alternative, requesting issuance of variances in connection with same.

I will submit the application and all other required materials within the time period specified by the Code i.e. on or before October 22, 2021. I look forward to appearing before your Board.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Giardina', written over a horizontal line.

Anthony Giardina, Trustee



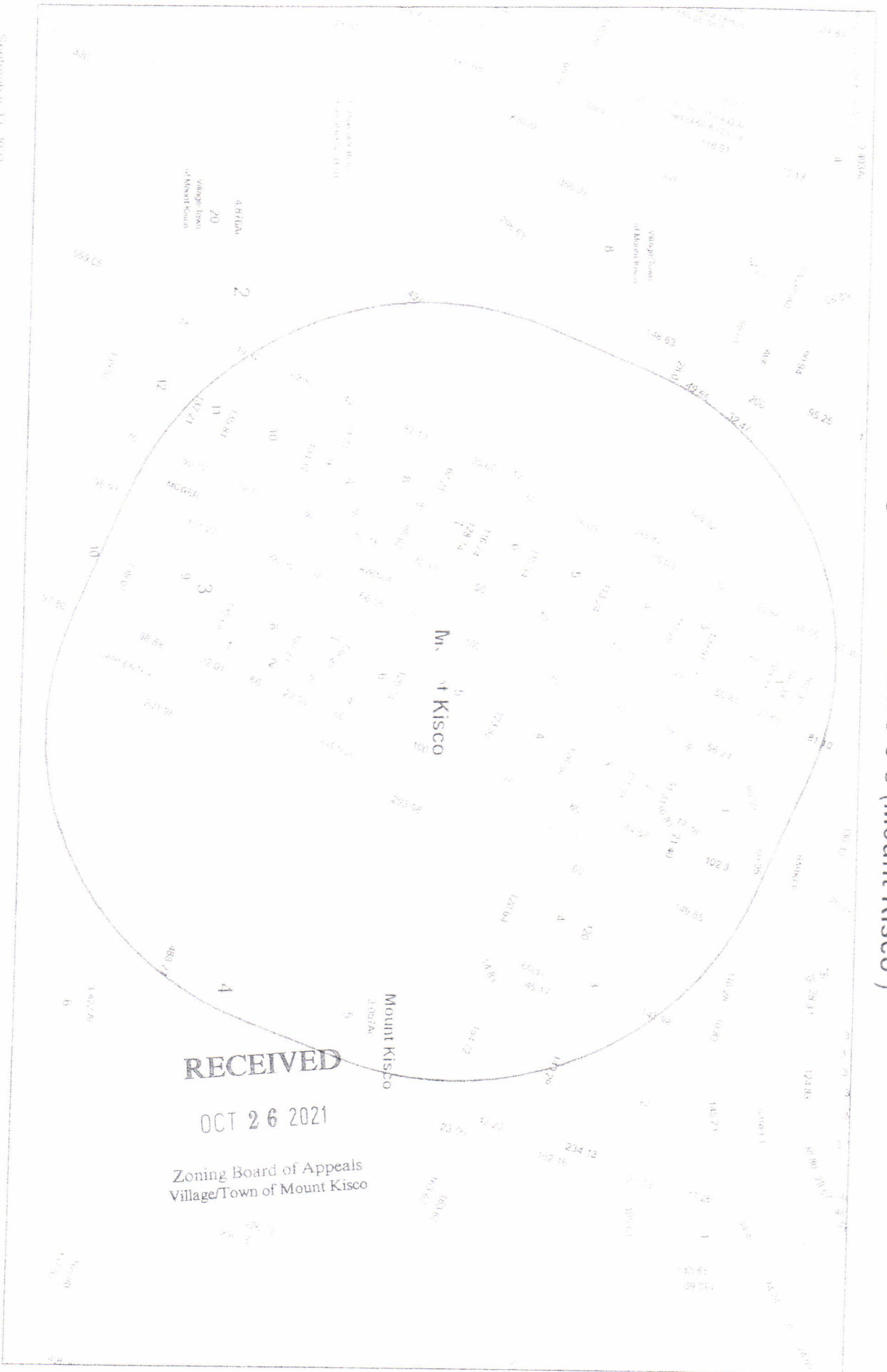
OWNERNAME	PROPADDRESS	PROPCITY	PROPIZIP	PROPRINTKEY	C/O	Mailing Address	City	State	Zip
Montesdeoca, Manuel - Dora Montesdeoca	50 N Moger Ave	MOUNT KISCO	10549	69.73-2-11		58 Hillside Park	Brewster	NY	10509
Ridgecrest Owners Corp.	57 Carpenter Ave	MOUNT KISCO	10549	69.73-4-7	Sequoia Property Mgmt	241 Lexington Ave	Mt Kisco	NY	10549
Tara Close Apts. Corp.	77 Carpenter Ave	MOUNT KISCO	10549	69.73-4-6	Westchester Property Mgmt	520 White Plains Rd, Ste 450	Tarrytown	NY	10591
87 N Moger Ave Realty Corp	87 N Moger Ave	MOUNT KISCO	10549	69.73-3-4	Mr. Frank Surace	65 Pines Bridge Rd	Bedford Corners	NY	10549
Brooks, Greg	64 N Moger Ave	MOUNT KISCO	10549	69.73-2-8					
Giardina, Anthony - Angela Giardina	79 N Moger Ave	MOUNT KISCO	10549	69.73-3-5		POB 158	Mt Kisco	NY	10549
Cambareti, Pat	44 N Moger Ave	MOUNT KISCO	10549	69.73-2-12		5 Chestnut Ridge Rd	Mt Kisco	NY	10549
84 Carpenter Avenue LLC	67 N Moger Ave	MOUNT KISCO	10549	69.73-3-8		16 Lawrence St	Mt Kisco	NY	10549
Pinto, Robert	88 N Moger Ave	MOUNT KISCO	10549	69.73-2-4		93 10th Street	Staten Island	NY	10306
VMB Capital Group LLC	96 N Moger Ave	MOUNT KISCO	10549	69.73-2-2		121 Rye Bridge Rd	Harrison	NY	10528
101 Carpenter Ave. Owners	101 Carpenter Ave	MOUNT KISCO	10549	69.73-4-5	Putnam Mgmt Attn:Jon Stark	POB 729	Rye	NY	10580
S.t.e.c.k. Properties Inc	101 N Moger Ave	MOUNT KISCO	10549	69.73-3-1	William A Kelly Co	87 Bedford Rd	Katonah	NY	10536
105 Mt Kisco Associates LLC	95 Kisco Ave	MOUNT KISCO	10549	69.65-2-5		1955 Central Park Ave	Yonkers	NY	10710
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Cambareti, Joseph	49 N Moger Ave	MOUNT KISCO	10549	69.73-3-10					
Thomas, Margaret	93 N Moger Ave	MOUNT KISCO	10549	69.73-3-3					
Boylan, Sean - Deborah Tooma	56-58 N Moger Ave	MOUNT KISCO	10549	69.73-2-10					
Larizza, Giuseppe - Vincenza Larizza	57 N Moger Ave	MOUNT KISCO	10549	69.73-3-9		6 Pine View Rd	Mt Kisco	NY	10549
Singh Sukhwinder - Jagroop Singh Cheema	50-52 Carpenter Ave	MOUNT KISCO	10549	69.73-3-7					
Zhao, Sunny Liang - Ivy Stacie Wong	71 N Moger Ave	MOUNT KISCO	10549	69.73-3-6					
Tracey Associates, Inc.	116 Carpenter Ave	MOUNT KISCO	10549	69.73-3-2					
Ellington, Stanley C Jr - Lees Minda	111 Carpenter Ave	MOUNT KISCO	10549	69.73-4-4		76 Chestnut Ridge RD	Armonk	NY	10504
28 Barker Owners Corp	28 Barker St	MOUNT KISCO	10549	69.73-4-2	Lions Gate Property Mgmt	37 Fair Street, PO Box 580	Carmel	NY	10512
Cohen, Julius - Rebecca Cohen	72 N Moger Ave	MOUNT KISCO	10549	69.73-2-7					
Village Of Mount Kisco	1 Main St	MOUNT KISCO	10549	69.73-2-20		104 Main Street	Mt Kisco	NY	10549
Pinto, Robert - Francine Schwartz	82 N Moger Ave	MOUNT KISCO	10549	69.73-2-5		93 10th Street	Staten Island	NY	10306
Vigliotti, Ralph M - Greg W Vigliotti	60 N Moger Ave	MOUNT KISCO	10549	69.73-2-9		26 Meadowbrook Lane	Mt Kisco	NY	10549
Delarosa (Garcia), Hilda	90 N Moger Ave	MOUNT KISCO	10549	69.73-2-3		POB 431	Katonah	NY	10536
Mop One LLC	98 N Moger Ave	MOUNT KISCO	10549	69.73-2-1		194 McClain St	Bedford Corners	NY	10549
Mt Kisco Middle Income Housing	1 Barker St	MOUNT KISCO	10549	69.65-3-2	Ferrara Mangement Group	50 Plainfield Ave	Bedford Hills	NY	10507
Mt Kisco-Moger LLC	119 Carpenter Ave	MOUNT KISCO	10549	69.73-4-3	Rothner Mgmt Corp	Lenox Hill Station , PO Box 613	New York	NY	10021

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OCT 26 2021

Zoning Board of Appeals  
Village/Town of Mount Kisco





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OCT 26 2021

Zoning Board of Appeals  
Village/Town of Mount Kisco

September 22, 2021

This source 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 information and should NOT be interpreted as a survey or deed of a survey for property boundary determination. Property descriptions must be obtained from surveys of record. For more information please contact local municipality assessor's office.

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0 70 140 280  
feet

Westchester County GIS

GIS: <http://gis.westchester.org>

Map: <http://map.westchester.org>

Map: <http://map.westchester.org>

Map: <http://map.westchester.org>

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OCT 26 2021

Zoning Board of Appeals  
Village/Town of Mount Kisco

PUBLIC NOTICE

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

Anthony Giardina Jr .and Angela Giardina  
as Trustees of the Giardina Living Trust  
PO Box 158  
Mount Kisco, NY 10549

to appeal the determination of the Building Inspector dated September 23, 2021 rejecting Appellants' application to legalize a pre-existing efficiency apartment at 79 North Moger Avenue, Mount Kisco, New York. Appellants seek an interpretation of the cited Code provisions (§§110-12 G; 110-31 A; and 110-28 (1) and (2)) determining that they do not preclude the application or, in the alternative, a variance of whatever sections are determined to be applicable to the application. The property involved is known as 79 North Moger Avenue, Mount Kisco, New York and is described on the Village Tax Map as Section 69.73 Block 3 Lot 5 and is located on the East side of North Moger Avenue in the RM-10 Zoning District.

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

RECEIVED

NOV 05 2021

AFFIDAVIT OF MAILING

Zoning Board of Appeals  
Village/Town of Mount Kisco

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

Maryanne Martabano being duly sworn, deposes and says:

I reside at 9 Mekeel Street, Katonah, NY 10536

On October 29 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.

Maryanne Martabano

Sworn to before me on this

3 day of November 20 21

Regina DiMenna  
(Notary Public)

REGINA DIMENNA  
Notary Public, State of New York  
Qualified in Putnam County  
Reg. No. 01044069351  
My Commission Expires Nov. 27, 2024

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	C/O	Mailing Address	City	State	Zip
Montesdeoca, Manuel - Dora Montesdeoca	50 N Moger Ave	MOUNT KISCO	10549	69.73-2-11		58 Hillside Park	Brewster	NY	10509
Ridgecrest Owners Corp	57 Carpenter Ave	MOUNT KISCO	10549	69.73-4-7	Sequoia Property Mgmt	241 Lexington Ave	Mt Kisco	NY	10549
Tara Close Apts. Corp.	77 Carpenter Ave	MOUNT KISCO	10549	69.73-4-6	Westchester Property Mgmt	520 White Plains Rd, Ste 450	Tarrytown	NY	10591
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Giardina, Anthony - Angela Giardina	79 N Moger Ave	MOUNT KISCO	10549	69.73-3-5		POB 158	Mt Kisco	NY	10549
Cambareri, Pat	44 N Moger Ave	MOUNT KISCO	10549	69.73-2-12		5 Chestnut Ridge Rd	Mt Kisco	NY	10549
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S.t.e.c.k. Properties Inc	101 N Moger Ave	MOUNT KISCO	10549	69.73-3-1	William A Kelly Co	87 Bedford Rd	Katonah	NY	10536
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Tracey Associates, Inc.	116 Carpenter Ave	MOUNT KISCO	10549	69.73-3-2		76 Chestnut Ridge Rd	Armonk	NY	10504
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Village Of Mount Kisco	1 Main St	MOUNT KISCO	10549	69.73-2-20					
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Vigliotti, Ralph M - Greg W Vigliotti	60 N Moger Ave	MOUNT KISCO	10549	69.73-2-9		93 10th Street	Staten Island	NY	10305
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Mt Kisco-Moger LLC	119 Carpenter Ave	MOUNT KISCO	10549	69.73-4-3	Rother Mgmt Corp	50 Plainfield Ave	Bedford Hills	NY	10507
						Lenox Hill Station , PO Box 613	New York	NY	10021





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NOV 12 2021

AFFIDAVIT OF PUBLICATION  
FROM

Zoning Board of Appeals  
Village/Town of Mount Kisco

State of Wisconsin  
County of Brown, ss.:

On the 11 day of November in the year 2021, before me, the undersigned, a Notary Public in and for said State, personally appeared Denise Roberts, 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.

Denise Roberts 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 editions dated below:

Zone:  
Westchester

Edition Dates:  
10/23/2021

Denise Roberts  
Signature

Sworn to before me, this 11 day of November, 2021

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

1-7-25  
My commission expires

Legend:

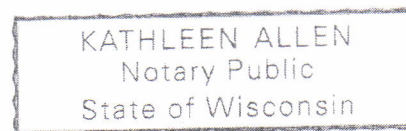
WESTCHESTER:

Amewalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Cheappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Harlsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaronock, 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: 0004967714





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

AFFIDAVIT OF POSTING

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

Municipal Building –  
 104 Main Street

X

Public Library  
 100 Main Street

X

Fox Center

X

Justice Court – Green Street  
 40 Green Street

X

Mt. Kisco Ambulance Corp  
 310 Lexington Ave

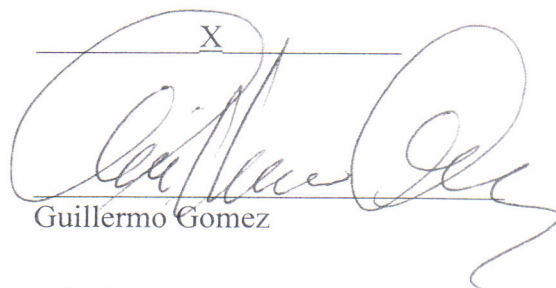
X

Carpenter Avenue Community House  
 200 Carpenter Avenue

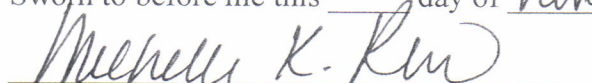
X

Leonard Park Multi Purpose Bldg

X

  
 Guillermo Gomez

Sworn to before me this 9<sup>th</sup> day of November 2021

  
 Notary Public

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



\*481230086DED1\*

Control Number  
481230086

RECEIVED

OCT 26 2021

Zoning Board of Appeals  
Instrument Type Village/Town of Mount Kisco  
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	\$165.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$210.00

TRANSFER TAXES

CONSIDERATION	\$0.00
TAX PAID	\$0.00
TRANSFER TAX #	11523

MORTGAGE TAXES

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

SERIAL NUMBER:

DWELLING:

RECORDING DATE: 5/8/2008  
TIME: 12:45:00

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

WITNESS MY HAND AND OFFICIAL SEAL

TIMOTHY C. IDONI  
WESTCHESTER COUNTY CLERK

Record & Return to:  
ANTHONY & ANGELA GIARDINA  
186 CROTON LAKE RD

MT KISCO, NY 10549

8-4

THIS INDENTURE, made the 2nd day of January, two thousand and eight

BETWEEN ANTHONY GIARDINA<sup>JR.</sup> and ANGELA GIARDINA, his wife, residing at

186 Croton Lake Road, Mt. Kisco, New York 10549

party of the first part, and,

ANTHONY GIARDINA, JR. and ANGELA GIARDINA, Trustees, or their successors in trust, under the GIARDINA LIVING TRUST, dated SEPTEMBER 6, 2000, and any amendments thereto, residing at 186 Croton Lake Road, Mt. Kisco, New York 10549

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 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 that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village and Town of Mt. Kisco, County of Westchester and State of New York more particularly bounded and described as set forth in Schedule A which is annexed hereto.

The premises above described are also shown and designated on the official tax assessment map and roll of the Village/Town of Mt. Kisco as Section 69, Sheet 73, Block 3, Lot 5.

SECTION 69.73 BLOCK 3 LOT 5

BEING AND INTENDED TO BE the same premises as conveyed to the party of the first part by deed dated March 14, 1990, and recorded in the county clerk's office in Liber 9776 Page 79.

SUBJECT to mortgages of record, if any.

SUBJECT to any state of facts an accurate survey may show.

SUBJECT to any covenants, easements and restrictions of record, if any.

TOGETHER with all right, title and interest, if any, of the party of the first part 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.

AND the party of the first part covenants as follows: that said party of the first part is seized of the said premises in fee simple, and has good right to convey the same; that the party of the second part shall quietly enjoy the said premises; that the said premises are free from encumbrances, except as aforesaid; that the party of the first part will execute or procure any further necessary assurance of the title to said premises; and that said party of the first part will forever warrant the title to said premises.

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:

  
ANTHONY GIARDINA, JR.

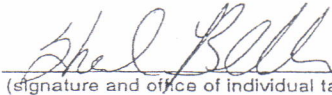
  
ANGELA GIARDINA



On the 2<sup>nd</sup> day of January in the year 2008  
before me, the undersigned, personally appeared

ANTHONY GIARDINA and ANGELA GIARDINA  
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.

SHEILA L. PANZELLA  
Notary Public, State of New York  
No. 01PA6031197  
Qualified in Nassau County  
Commission Expires Sept. 27, 2009



(signature and office of individual taking acknowledgment)

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_  
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 upon behalf of which  
the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

**TO BE USED ONLY WHEN THE ACKNOWLEDGMENT IS MADE OUTSIDE NEW YORK STATE**

State (or District of Columbia, Territory, or Foreign Country)

SS:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ 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 upon behalf of which the individual(s)  
acted, executed the instrument, and that such individual made such appearance before the undersigned in the

in

(insert the City or other political subdivision)  
taken)

(and insert the State or Country or other place the acknowledgment was  
taken)

(signature and office of individual taking  
acknowledgment)

**WARRANTY DEED  
WITH FULL COVENANTS**

Title No. \_\_\_\_\_

ANTHONY GIARDINA and ANGELA GIARDINA

TO

GIARDINA LIVING TRUST

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS  
Distributed by

**Commonwealth**

A LANDAMERICA COMPANY

COMMONWEALTH LAND TITLE INSURANCE COMPANY

SECTION 63.73  
BLOCK 3  
LOT 5  
COUNTY OR TOWN WESTCHESTER  
STREET ADDRESS 79 Moger Avenue, Mt.  
Kisco

Recorded at Request of COMMONWEALTH LAND  
TITLE INSURANCE COMPANY

RETURN BY MAIL TO:

ANTHONY and ANGELA GIARDINA  
186 CROTON LAKE ROAD  
MT. KISCO, NY 10549

SCHEDULE A-

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

BEGINNING at a point on the Southeasterly side of North Moger Avenue where the same is intersected by the division line between lands now or formerly of Mary J. Reynolds and lands now or formerly of Fisher (premises herein described);

RUNNING THENCE along said division line South  $56^{\circ} 41' 00''$  East 129.74 feet to the northwesterly side of Carpenter Avenue;

RUNNING THENCE along the same North  $32^{\circ} 13' 40''$  East 100.00 feet to the division line between premises herein described and lands now or formerly of John H. Johnson;

RUNNING THENCE along said division line North  $56^{\circ} 40' 50''$  West 126.36 feet to the southeasterly side of North Moger Avenue;

RUNNING THENCE along the same South  $34^{\circ} 09' 40''$  West 100.00 feet to the point or place of BEGINNING.





CARPENTER AVE SIDE 87. NO MOGER

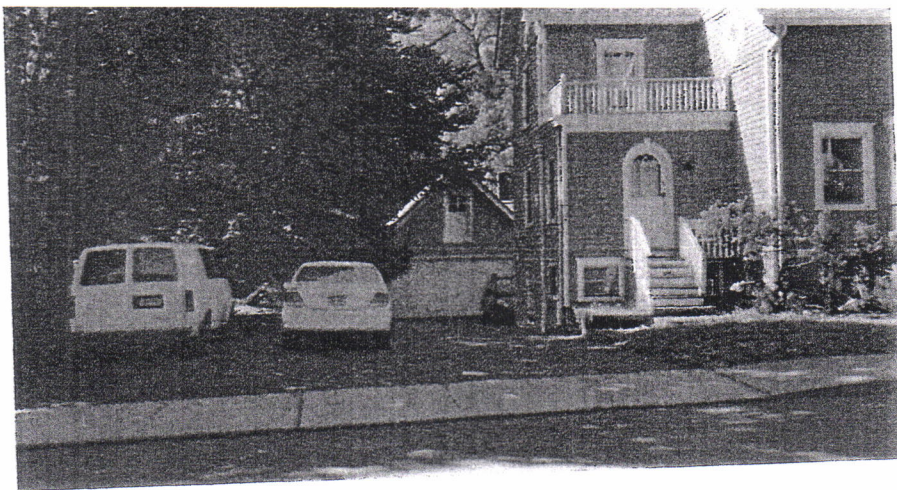


CARPENTER AVE SIDE 93 NO MOGER

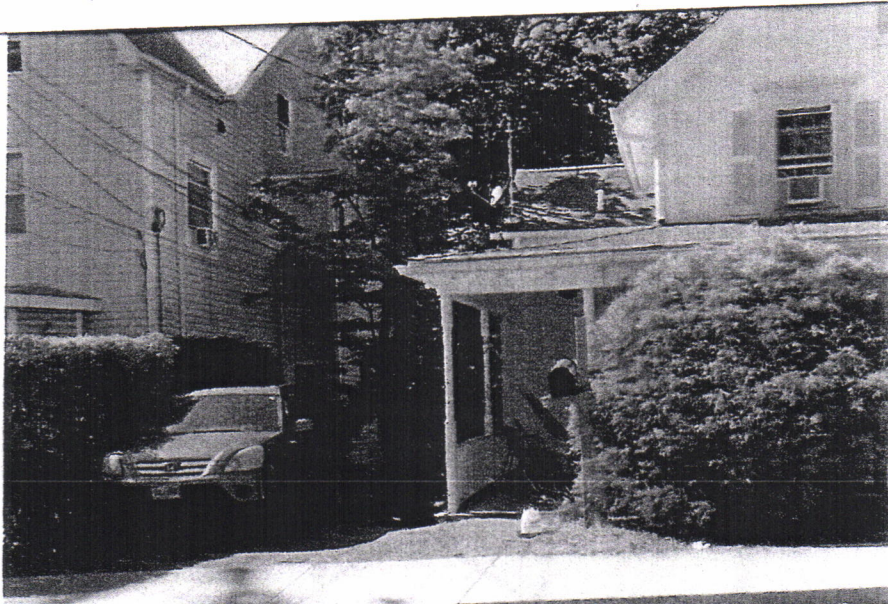


CARPENTER AVE SIDE 101 NO MOGER





72 NO MOGER AVE

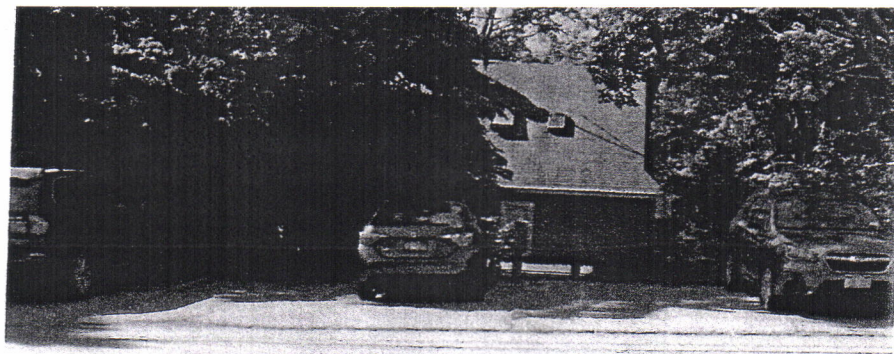


96 NO. MOGER AVE



98 NO MOGER

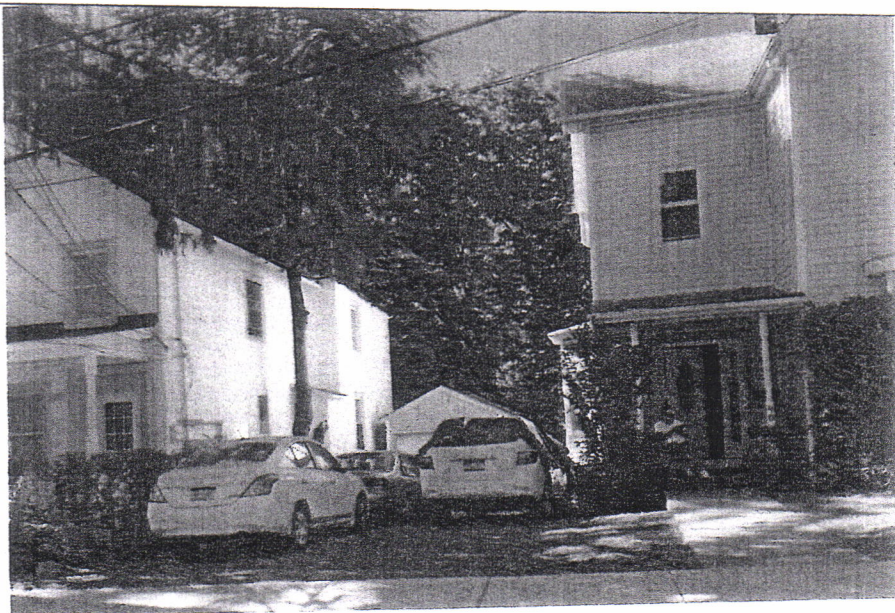




CARPENTER AVE SIDE 49 NO. MOGER

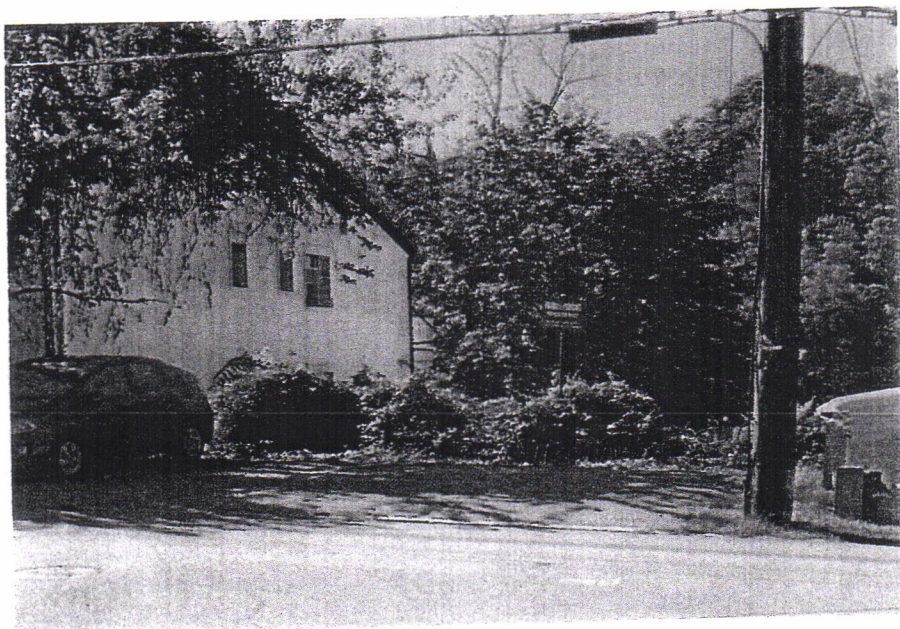


CARPENTER AVE SIDE 57 NO MOGER



90 NO MOGER





CARPENTER AVE SIDE 79 NO. MOGER

---



Date. 11/13/19

To whom it may concern,

As a resident/owner of property on North Moger Ave. I am familiar with the barn apartment at 79 North Moger Ave.

To the best of my knowledge the apartment has always been there.

Name

*[Signature]*

Address

87 North Moger Ave  
Mt. Kisco, N.Y. 10549

Date. 11/14/19

To whom it may concern,

As a resident/owner of property on North Moger Ave. I am familiar with the barn apartment at 79 North Moger Ave.

To the best of my knowledge the apartment has always been there.

Name

*Julius Cohen*

Address

72 North Moger Ave.  
Mt. Kisco, N.Y.

Date. 11/13/19.

To whom it may concern,

As a resident/owner of property on North Moger Ave. I am familiar with the barn apartment at 79 North Moger Ave.

To the best of my knowledge the apartment has always been there.

Name William C. Brer

Address 76 N. Moger Ave.  
Mt. Kisco NY

Date. 11/18/2019.

To whom it may concern,

As a resident/owner of property on North Moger Ave. I am familiar with the barn apartment at 79 North Moger Ave.

To the best of my knowledge the apartment has always been there.

Name Simon / Zhou

Address 71 North Moger Ave  
Mount Kisco NY 10549.

## **Zoning Board of Appeals 2022 Schedule**

*Meetings are held the 3<sup>rd</sup> Tuesday of Each Month, as Needed*  
**7:00 pm**

Submission deadline is 21 days prior to Meeting Date  
Schedule is subject to change without notice

<b>Submission Deadline</b>	<b>Meeting Date</b>
December 28, 2021	January 18, 2022
January 18, 2022	February 9, 2022**
February 22, 2022	March 15, 2022
March 29, 2022	April 19, 2022
April 26, 2022	May 17, 2022
May 31, 2022	June 21, 2022
June 28, 2022	July 19, 2022
<i>August - No Meeting</i>	<i>August - No Meeting</i>
August 30, 2022	September 20, 2022
September 27, 2022	October 18, 2022
October 25, 2022	November 15, 2022
November 29, 2022	December 20, 2022
December 27, 2022	January 17, 2023

\*\*Please be advised that the February 9<sup>th</sup> meeting is a Wednesday evening.