

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, April 16, 2019 at 7:04 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Chairman Harold Boxer
Nancy Coyne
Wayne Spector
George Hoyt
Arthur Weise

Staff Present: Whitney Singleton, Board Counsel
Peter J. Miley, Building Inspector

Chairman Boxer stated okay, this is the April 16th meeting. We have one case on the agenda, before that we have some minutes to approve. Can we do a onibus approval?

Whitney Singleton stated sure.

Mr. Spector stated I don't think we were all there at all the meetings though.

Chairman Boxer stated let's see who was where. Okay, the first one I have is July 17th, so we're only going to, three of us can do it.

Mr. Spector made a motion to accept the minutes of July 17th meeting. Ms. Coyne seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 3 to 0.

Chairman Boxer stated okay, the second one, October 16th, so Nancy and George? Do I have a motion to approve?

Mr. Hoyt stated I move to approve the minutes. Ms. Coyne seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 2 to 0.

Mr. Spector stated can we vote if we weren't at the meeting? We can't, so abstain.

Whitney Singleton stated you're never going to have the mix, so I would just vote to approve it and let it pass.

Chairman Boxer stated so May 15th is going to be Nancy and me.

Whitney Singleton stated so moved. Ms. Coyne seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 2 to 0.

Chairman Boxer stated okay.

Mr. Weise stated so the chance of everybody who has attended will also be here, is so low that...

Chairman Boxer stated we've had a lot of changes.

Whitney Singleton stated we've had a lot of changes. It used to be a very steady Board for a long time.

Mr. Weise stated okay.

Whitney Singleton stated once Harold took over as Chairman, everything went to hell.

Mr. Weise stated that's the first thing he did as Chairman, cleaned house and start over.

Chairman Boxer stated okay, we have one case today, ZBA 18-11, 70 Woodland Street.

**1. Patrick Croke
70 Woodland Street
Mount Kisco, NY 10549
(SBL) 80.49-1-14**

**Case# ZBA 18-11
Area**

Mr. Patrick Croke was present to represent the application.

Mr. Croke stated sorry for making everyone come in for one thing. Good evening, Patrick Croke, architect for the project. Based on discussions with the Board at the last meeting, we went back and looked at redesigning the apartments. Originally both apartments A in the front, B in the back, were proposed as 3 bedroom apartments. Apartment A has a kitchen and living area on the first floor and three bedrooms proposed on the second floor, one two three. The rear apartment had one bedroom on the first floor and two bedrooms on the second. We've redesigned both of the apartments to be two bedroom. On the rear apartment, we actually removed the bedroom on the first floor to create a much larger living area. The rest of the first floor remained the same. We organized a little bit on the second floor, creating two nicer bedrooms in the rear, shared hall and bathroom and laundry area. In the front apartment, the first floor remained the same, living and kitchen area, and bedroom on this corner bedroom and on that corner and a large open study area on the remaining area of the space, shared bathroom in the hallway. In addition we've enhanced the exterior a little bit, added some detail, added a cover over the front entry, shutters, rearranged some windows appropriate to the changes in the floor plans and I think brought everything up to a much better level of detail. On the site plan, nothing has changed in the layout, we've prepared some additional details that have been submitted to the Planning Board which they will be reviewing next week for drainage and other things but there are no changes at all, as far as this Board is concerned from the exterior of the house.

Chairman Boxer stated what type of privacy fence do you propose?

Mr. Croke stated we're proposing just a chain link fence along the edge of the property right now, there's a 4 foot fence there, and we will be replacing it with a new 4 foot fence. I believe the existing fence goes off onto the neighbor's property, so the new one will go along the property line.

Chairman Boxer stated I don't know that chain link is privacy.

Mr. Croke stated no, it's not.

Chairman Boxer stated I think what we have here...

Mr. Spector stated there is something in the resolution.

Mr. Croke stated I just saw the resolution, just now for the first time.

Chairman Boxer stated want to change it?

Mr. Croke stated change the fence?

Chairman Boxer stated the fence.

Mr. Croke stated we can certainly provide a privacy fence, I don't have a sample of something that I can submit to you this evening.

Chairman Boxer stated I understand, as long as you make it a privacy fence.

Mr. Croke stated we can certainly make it a privacy fence, I would like to leave it as a low fence for the first 10 feet or so, so that you have sight distance for the cars.

Chairman Boxer stated okay.

Mr. Croke stated if the Board prefers we can go to a higher fence beyond that.

Mr. Miley stated a code compliant, solid fence.

Mr. Croke stated that's fine.

Chairman Boxer stated I guess, what is it, 6 foot is the limit on that fence?

Mr. Miley stated from the rear yard back, 4 foot in the front.

Chairman Boxer stated okay.

Mr. Croke stated so, would you prefer the tall fence just for the depth of the driveway or for the entire property line?

Chairman Boxer stated well you have trees on the back, so...

Mr. Croke stated yes, there's natural screening here.

Chairman Boxer stated just for the driveway area. Now that's there no more entrance there, you don't have to worry about that. Any other questions? Time to read the...

Mr. Croke stated I do have a couple questions myself, on the resolution. Item 5, apartment A is relocating the washer/dryer to the second floor, [inaudible] show that on the first floor in the powder room, you can correct that. Removed bedroom, removing one of the bedrooms on the second floor. First floor powder room which we're showing. Item 6, I'm not showing bedrooms on the first floor, however we're keeping the shower on the first floor.

Whitney Singleton stated I didn't hear that last part.

The Secretary stated you're going to have to speak up because I won't be able to hear you on the record, I'll only hear the horn, please.

Mr. Croke stated of course.

Whitney Singleton stated item 5, you're only removing one of the bedrooms, correct?

Mr. Croke stated right, correct. We're removing one bedroom, 2 bedrooms will remain on the second floor. The washer and dryer is on the first floor, in the powder room, not moving to the second floor. The rear apartment has the washer/dryer on the second floor, that's apartment B. And in item number 6, it says we have a powder room only on the first floor that did have a shower. So if that's a requirement, the Board is going to insist on...

Whitney Singleton stated it says shower shall be removed.

Chairman Boxer stated right, you have to have, just, the downstairs has to be just a powder room.

Mr. Croke stated okay, that's just a requirement of the Board, that's not a Code requirement?

Chairman Boxer stated right, there doesn't seem to be any sense to have a full bath downstairs.

Mr. Spector stated it's not a bedroom.

Mr. Croke stated okay.

Whitney Singleton stated anything else?

Chairman Boxer stated no, anything?

Mr. Spector stated looks good.

Chairman Boxer stated okay, who's the lucky proposer? Let's go through the 5 things, then we'll get to that. They're all in here, let's see 5 things. No undesirable change would occur to the character of the neighborhood. The benefits cannot be achieved by other than a variance upon the existing configuration. The variances are substantial. The setback and lot width, nonconformities are preexisting and will not be increased. And we make it so the variances under the Village Code of 100-35 C, as long as the variances are in harmony with the pattern of development prevailing along the street which the requested variances appear to do. There does not appear to be any adverse impact on the environment. And as always it was self-created but it is no fatal to the application. Alright...

Mr. Spector stated I'm comfortable that this fits within the requirements and standards for issuance of a variance, as noted. Wat me to make a motion?

Chairman Boxer stated yeah, make a motion.

Mr. Spector stated I would make a motion to approve the resolution which grants the variance upon the conditions stated in the resolution.

Mr. Hoyt seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated okay, you got it.

Mr. Croke stated thank you very much. I apologize again for making you all come in for a short meeting.

Chairman Boxer stated do you want the plans back?

Mr. Croke stated no thanks, I need to make some changes on them anyway.

Chairman Boxer stated that's okay, tomorrow is paper recycling.

The Secretary stated just need a motion to adjourn if you're all set.

Mr. Spector proposed a motion to adjourn, seconded by Mr. Hoyt.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:15 pm.