

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, December 19, 2017 at 7:31 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Chairman Harold Boxer
Donald Rose
Linda Greenberg

Members Absent: Barbara Richards

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

Chairman Boxer stated okay, we'll open the meeting of the December 19th Zoning Board and the first order of business would be to approve minutes, I assume. We have two of them, we're missing.

The Secretary stated unfortunately we don't have a quorum for either set of minutes.

Chairman Boxer stated okay, scratch that, we won't approve any minutes. Mop One LLC, ZBA 17-8, come forward.

1. Mop One, LLC (Maria Ogg)
98 North Moger Avenue
Mount Kisco, NY 10549
(SBL) 69.73-2-1

Case# 17-8
Area Variance

Mr. Thomas Ogg and Mr. Manuel Quezada were present.

Mr. Ogg stated thanks for coming out on the holiday time to hear us.

Mr. Quezada stated I do appreciate that because I used to serve on the SSC Board, myself a couple years back, so I know what that means to do voluntary work, so appreciate you meeting for us here tonight.

Chairman Boxer stated no problem.

Mr. Quezada stated as you can see you have...

The Secretary stated sir, can you state your name please?

Mr. Quezada stated my name is Manuel Quezada, I'm representing Maria Ogg, project manager.

Mr. Ogg stated I'm Thomas Ogg.

Whitney Singleton stated I'm sorry could you just give your names again so that for resolutions, Thomas what?

Mr. Ogg stated Ogg, O-G-G. I'm the nephew.

Mr. Quezada stated Manuel Quezada, M-A-N-U-E-L, last name is Q-U-E-Z-A-D-A.

Chairman Boxer stated so you've only submitted a survey or did you submit something already?

Mr. Quezada stated no we have a survey, we have a site plan and a proposed plan for a driveway, for a parking space.

Chairman Boxer stated explain what you need then.

Mr. Quezada stated sure, what we have, what we'd like to ask, what we're asking of the Board is for an area variance for them to be able to park one, park on, the existing conditions, we have a small picture in here I will pass that to you. I apologize we don't have a bigger area photo of that space.

Chairman Boxer stated we've done this one before, haven't we?

Mr. Rose stated no, I don't think so.

Chairman Boxer stated it looks familiar, we had one like that.

Mr. Quezada stated I believe it was somewhere in 2014 you had another application. It's a very similar case but not this.

Chairman Boxer stated okay. And neither of you are the owner?

Mr. Quezada stated no, but we do have all the paperwork in here that was supplied. So I know some members may have some concerns so I would like to address some of those. I did speak to Peter, the Building Inspector, earlier today, he was onsite. We went over some of the concerns that he had, the assumption is that if we are allowed to obtain the variance, we will address those issues. One of them is pretty much adding a railing, moving the existing retaining wall and addressing one of the windows that is on the side of the building right now, at the basement level.

Mr. Miley stated we came up with an alternate solution where you do not need to do that. It actually works a little better, Chairman, if I could interject.

Chairman Boxer stated sure.

Mr. Miley stated we moved the car back more towards the sidewalk, this car is not parking on the most significant sloping area which is the 10% grade and then applying some sort of stop or some sort of curbing so that it can't go any further this way. It eliminates the need to park beside the window and you're more toward the 5% average including you know, the area that's going to be regraded.

Chairman Boxer stated so you're moving it...?

Mr. Quezada stated forward, towards the sidewalk.

Mr. Miley stated you would be in line with the front of the open porch, approximately.

Chairman Boxer stated okay, and how many cars is it?

Mr. Quezada stated just one.

Chairman Boxer stated okay, so I guess the problem is that you would have to back out to get out of the property.

Mr. Miley stated and that's the variance they're seeking.

Mr. Quezada stated correct.

Chairman Boxer stated and I assume, do we have a topo here, except you didn't give us any type...

Mr. Miley stated there is, on the corner down to the right.

Chairman Boxer stated that's a pretty good grade.

Mr. Rose stated and you're saying that's only a 2% grade from the...

Mr. Quezada stated it's actually part of the house...

Mr. Miley stated within that 10 feet. Or they will have to make the grade average 10%.

Mr. Quezada stated we'll work the grading.

Mr. Rose stated yeah it works, here it indicated 2% at 14 feet, or 20 feet...

Mr. Quezada stated we'll do some regrading so we can meet the requirements.

Chairman Boxer stated you're going to have to lower it then?

Mr. Quezada stated well we raise it a little bit.

Chairman Boxer stated so it will be even.

Mr. Quezada stated correct.

Chairman Boxer stated okay, what is the current use of the property.

Mr. Quezada stated it is a residential use right now.

Mr. Miley stated it's a single-family home.

Mr. Quezada stated it's a single-family home, someone is living in there, family.

Chairman Boxer stated okay, so the only thing missing is the variance, they have a CO and everything? Or you haven't checked that yet.

Mr. Miley stated I don't know about the CO yet.

Chairman Boxer stated we'll skip that for now, we don't control that anyway.

Mr. Rose stated it has how many bedrooms?

Mr. Quezada stated I believe two bedrooms, one bath, kitchen, dining room.

Chairman Boxer stated how many occupants?

Mr. Ogg stated one.

Mr. Miley stated yeah, Chairman, if there's any open permits we'll address them prior to issuing any new permits.

Chairman Boxer stated thanks.

Mr. Quezada stated whatever it is, if we do obtain the variance, we'll address anything and we'll revise the drawings obviously before a building permit is issued.

Chairman Boxer stated where do they currently park?

Mr. Quezada stated right now, the street.

Chairman Boxer stated and that gets to a problem when there's snow on the ground.

Mr. Rose stated most of the houses on that side have the same situation.

Mr. Quezada stated pretty much, we have some pictures of existing conditions of other neighborhoods, except for the lots across the street from the property because of the grade, some of them do not have driveways but along this side of this property, they do.

Mr. Rose stated okay.

Mr. Miley stated yes, quite a few of those houses have parking on Carpenter, a number of those big, multiple dwellings.

Chairman Boxer stated okay.

Mr. Rose stated I assume the Building Inspector took a look at the grading in the back of the building...

Mr. Miley stated yes, I was on site today.

Mr. Rose stated it's not really feasible to, I mean as a reasonable cost.

Mr. Miley stated the slope looks significant the last 6 to 8 feet, me and Whitney discussed earlier, you back the car up, and you create maybe a small, 2 foot retaining wall prior to it so you can raise the slope, the existing grade to meet and not allow the car to project any further or closer to the window that's right immediately to the right of it.

Mr. Rose stated right, where I was going with it is that it's not really feasible to level off something behind the house, big enough for parking...

Mr. Miley stated the wall would be significant, 10 or 12 feet high.

Mr. Rose stated too much earth work involved to build a retaining wall and so on.

Mr. Miley stated and you'd have to protect the adjacent property as well, so.

Chairman Boxer stated and going forward is this an owner occupied or a rental?

Mr. Quezada stated its actually family is going to be living in there, her son, so it's not really a rental.

Chairman Boxer stated so there's no worry about, you'll still only have one car for parking.

Mr. Quezada stated correct.

Chairman Boxer stated so it really doesn't change much of anything.

Mr. Quezada stated the character pretty much stays the same.

Chairman Boxer stated even on the property, you don't park there.

Mr. Rose stated they need a curb cut.

Chairman Boxer stated and by paving that are they still within the [inaudible] area.

Mr. Miley stated they're proposing a gravel driveway and it does meet the development coverage, yes.

Chairman Boxer stated okay, any other questions?

Whitney Singleton stated I have a couple things to go through on the plan, some of which Peter has identified. I don't think your disclosed lot coverage is accurate, I'm looking at a house that's 646 square feet on a lot that is 3900 square feet and I don't know how you're at 50% development coverage.

Mr. Quezada stated okay, I am going to apologize, I was not the person who worked on their drawings, it was the actually the engineer, I will make sure that this is addressed and if there is any coverage or anything we need to address in regards to coverage, we'll work it out, We'll put a drywell system into the property if that's the case to conserve any of that overflow water.

Whitney Singleton stated and as you go down on that box, it says the variances that you're requesting, the first two need to be eliminated, correct?

Mr. Quezada stated correct.

Whitney Singleton stated so they need to go out, the name of the property owner is not Mop One but Mop One LLC, so that should be corrected in two places, on the side and it should be a new curb cut, not a new curve cut. And I think your scale is 1 inch equals 10 feet, not 20 feet. We're not in the Town of Carmel, the bottom left, is that in there for any particular reason Peter, do we need that at all?

Mr. Miley stated where are you looking?

Mr. Quezada stated at the climate and geographic and site criteria.

Mr. Miley stated we don't need any of that, I didn't even look at it.

Mr. Quezada stated this is usually for construction.

Whitney Singleton stated and over on the side, it's just a typo, it says 215 Hilltop, Mahopac that needs to be corrected, unless that's where his office is.

Mr. Quezada stated that's where the office is.

Whitney Singleton stated and then it says project gravel drive and un curb cut, I don't know what the un means. The other part was where did you get your topographic, I see that you based your Johnson survey from '76, there's not attribute there.

Mr. Quezada stated the engineer pretty much, I am going to assume, I will double check, I don't want to assume anything at this point, not after seeing some errors but I will double check the grade, I will have the engineer give me the real topo and [inaudible] that we're required to revise the drawings.

Chairman Boxer stated can you have him put the distances along...

Mr. Quezada stated no problem.

Whitney Singleton stated and other than Chairman, just from other applications, just kind of outlined some considerations for you as conditions, it just says that, if you want to go through them, you want to cross them out, you want to amplify them, those would be things that you want to look at.

Chairman Boxer stated okay.

Whitney Singleton stated I think that if you make the modification that the Building Inspector proposed, some of these issues like the protection of the gas valve and utilities, and covering the window, they kind of go away if you limit the length of the driveway. As far as findings, I offered some suggestions in paragraph 10.

Chairman Boxer stated okay, let me see. So it would seem that they'll have to come back with their plans redrawn.

Mr. Quezada stated if that's the wish of the Board, yes.

Chairman Boxer stated I don't think you can do much excavating in January.

Mr. Quezada stated not at all, I mean if we do get the variance, we'll go through the Building department and make sure that everything you guys wanted is included in our plans. We'll resubmit a whole new site plan and everything according to what our discussion is here tonight.

Chairman Boxer stated personally, I don't have any problems with it.

Mr. Rose stated I don't either, I think we can grant the variance to allow them to go ahead, it would be subject to the changes as described and of course the final plan that meets all the approvals of the Building Department.

Chairman Boxer stated sounds good. When do you think you can have the plans redrawn?

Mr. Quezada stated I'm going to contact the engineers tomorrow and I'm assuming that next week is going to be a short week even for the Building Department, so I'm going to take before the end of the year we can definitely have that. That should not be a problem.

Chairman Boxer stated alright, so is there a problem, Whitney, with granting a variance subject to...

Whitney Singleton stated absolutely not, the question is to what extent if any do you want to incorporate any conditions under paragraph 11, I think the first three are, you know, pretty standard for you.

Chairman Boxer stated I agree.

Whitney Singleton stated after that I have a bunch of questions marks, they're just to trigger your thought of those based upon prior applications.

Chairman Boxer stated okay, number four...

Whitney Singleton stated that's to make sure that they don't rent it out for commuters.

Chairman Boxer stated I understand, it's for residents of the house, okay. Landscaping, lighting, support, that's all going to be discussed with you?

Mr. Miley stated not landscaping, that would be your Board, if you want to propose any screening for the neighbors or the rear yard, that's a condition you guys can apply. I'll deal with the lighting, there has to be one light on the side of the house, that's the Building Code.

Chairman Boxer stated we had no comments from the neighbors.

The Secretary stated no, we received nothing.

Chairman Boxer stated okay.

Mr. Rose stated personally, the lots are so narrow on that street, I really don't see any need for landscaping.

Chairman Boxer stated I like the fact that you're going to have pavers in the front and then gravel that will help the runoff.

Mr. Rose stated and that will make it look a lot neater as well.

Chairman Boxer stated I agree 1, 2, 3, and 4 will be part of the variance.

Mr. Rose stated number 8, is subject to the corrections.

Whitney Singleton stated there was discussion with the Planning, with number 6, just to tell you why I put that in there. There was discussion with the Planning Board for some lighting regulations that never eventually got adopted but the practice of the Planning Board and the direction that they were recommending that all be adopted was that the lighting element itself could not be seen by an adjoining property. So in other words, it's got to be shielded.

Chairman Boxer stated so it only shines down, not out.

Whitney Singleton stated and that's something that you can consider, it's not something you have to impose, I can't say where the neighbor's bedroom is and I recognize that there's not a lot of opportunity for landscaping there.

Chairman Boxer stated well I think it makes for a good neighbors if you don't shine any light in their house.

Mr. Quezada stated definitely not, we won't put spotlights, not a problem.

Chairman Boxer stated is the lighting required to be on all night.

Mr. Miley stated there's supposed to be one light facing down the driveway, yes.

Chairman Boxer stated can it be motion?

Mr. Miley stated it can be motion, yes.

Chairman Boxer stated we'll put in number 6, we'll put in that they have shield it.

Mr. Miley stated shield the downlight on motion.

Chairman Boxer stated how much above the neighbor is this going to be or is it going to be on grade with the neighbor?

Mr. Quezada stated it's going to be on grade.

Chairman Boxer stated so there's no need for support.

Mr. Quezada stated no.

Chairman Boxer stated and the driveway is being moved this way, do you know what the length of the driveway will be when you're done?

Mr. Quezada stated we were talking about a foot and a half, two feet.

Mr. Miley stated from the open porch line, it's going to be about 18 ½ feet forward.

Mr. Quezada stated correct.

Whitney Singleton stated so can we say what that is going to be from the front property line?

Mr. Miley stated not without a scale, give me one second.

Chairman Boxer stated it's really not scaled.

Mr. Miley stated from the front property line, it would be about 25 feet from the front property line.

Mr. Quezada stated so you want to go to the setback, 25 foot setback?

Mr. Miley stated from your actual property line toward the rear yard, 25 feet, that's where you're going to put...

Whitney Singleton stated which is the setback.

Mr. Quezada stated that's what we have, we have a line that says setback, so...

Mr. Miley stated correct.

Whitney Singleton stated is that going to keep you out of the gas valve because, are you going to be filling in the land? You're not going to raise the grade at all?

Mr. Quezada stated a portion of it but I don't think its going to affect that at all.

Mr. Miley stated it's going to be forward of that valve.

Chairman Boxer stated okay.

Whitney Singleton stated okay so the driveway length shall be limited to 25 feet from front lot line.

Mr. Miley stated correct.

Whitney Singleton stated and does that realistically does that, is there a proposed snow accumulation area, I mean, couldn't that now be behind it.

Mr. Miley stated the rear bumper of the car is going to start at the open porch so they'll still be an area that's available for snow.

Whitney Singleton stated I was saying couldn't they just plow it in?

Mr. Miley stated oh absolutely.

Mr. Quezada stated okay, so you want us to relocate that space?

Whitney Singleton stated that's what I'm asking.

Mr. Quezada stated the note that we have on the front, we can always...

Mr. Miley stated if you, you're going more towards the street about six feet, you're going to increase it by about 2 feet. If you make it flat, then yeah, they can push it right off to the next level, sure.

Mr. Quezada stated no problem.

Chairman Boxer stated so the total length is going to be 25 feet.

Mr. Quezada stated correct.

Mr. Miley stated from the front property line.

Chairman Boxer stated don't try to put 2 cars in there though, you can't put 2 mini's in. Smart cars you can have 2.

Mr. Quezada stated that's right.

Chairman Boxer stated that's what they do in Europe, the smart cars are parked straight in. It's just grass there now?

Mr. Quezada stated yes.

Chairman Boxer stated obviously the neighbor doesn't care, so.

Mr. Miley stated Chairman, I did take a picture, if you want to see it, and I can show it on my phone. This is today, that's the valve we were concerned about and that's the window I was concerned about, so the valve is after the window, so if we stay forward of the window, we avoid all of that.

Chairman Boxer stated so you're going to have to fill in, in the back of it.

Mr. Miley stated from here we're going to raise this a little bit, so you're not pulling forward 25 feet and eliminate some of that grade and this will be your new snow area.

Chairman Boxer stated it looks okay.

Mr. Rose stated okay.

Ms. Greenberg stated I went by today.

Chairman Boxer stated you went by today, you're better than me, I couldn't get out of the office today. Okay, then it appears that the conditions will 1, 2, 3, 4, 6, 8, 9.

Whitney Singleton stated okay.

Chairman Boxer stated we can require him to have a space for the, you have to have a space to put the snow when you shovel.

Mr. Quezada stated that's what we were talking about before, we do have one in the front right now which we're going to be relocating towards the back.

Chairman Boxer stated okay. Where does this walkway go? You don't know probably... That's called a title issue, someone else can walk on your property, they can walk onto yours. Okay, then I think as part of 9, we should add that they're going to have a dedicated space for the snow removal.

Whitney Singleton stated okay.

Chairman Boxer stated anybody else have any suggestions or comments? No?

Mr. Rose stated I think we're all set.

Chairman Boxer stated okay, then we can we have motion...

Mr. Rose stated I move that we grant the area variance in accordance with the application discussed and that it will incorporate the conditions 1, 2, 3, 4, 6, 8 and 9 as presented in a preliminary, formal approval. And that addition of the snow removal will be relocated.

Mr. Quezada stated and don't forget the light shield, as well.

Chairman Boxer stated we got the light, but the light, just to correct, the light will have to be shielded down lighting, can't go past the property line.

Mr. Rose stated on a motion detector.

Chairman Boxer stated okay, you want to move.

Mr. Rose stated I move.

Ms. Greenberg seconded the motion.

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

Mr. Quezada stated we appreciate that, thank you so much.

Whitney Singleton stated it was no very definitive. Who made the motion?

The Secretary stated Don, Linda seconded.

Chairman Boxer stated and then we all voted.

Off-topic discussion.

Mr. Rose made a motion to adjourn. Seconded by Ms. Greenberg.

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

The meeting adjourned at 8:00 p.m.