



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

November 28, 2023

Michael Piccirillo  
345 Kear Street  
Yorktown Heights, NY 10598

Re: Notice of Denial  
103 Grove Street  
Mount Kisco, NY 10549  
(SBL) 80.25-4-6

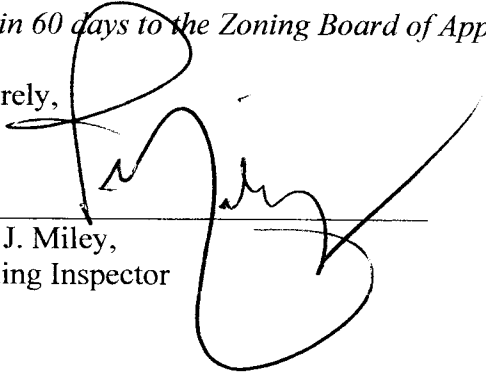
Dear Ms. Piccirillo:

Your recent submission of a building permit application for the proposed construction of a detached, two-car garage located in the RT-6 One and Two-Family Zoning District has been denied for the following reasons:

1. No accessory structure, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot. The proposed detached garage is located 4.83' from the southerly side yard property line. The principal structure (house) is located 10.4' from the southerly side yard property line – a difference of 5.57'. The proposed accessory structure is 5.57' closer to the side lot line than the principal structure and therefore; variance is required in accordance with §110-31 G (1) of the Village/Town of Mount Kisco Code.
2. Chapter 110. Zoning Article III. District Regulations § 110-11. RT-6 One- and Two-Family Residence District. C. Development regulations. (1) Each site in the RT-6 District shall be subject to the following development regulations: [3] Side: [b] For lots with a width greater than 60 feet but less than 70 feet: eight feet for one side yard, with a total of 18 feet for both side yards. Proposed is a side yard setback of 4.83' where 8' is required and a combined side yard setback of 16.83' where 18' is required for a lot that is greater than 60' in width but less than 70' and therefore; a 3.17' side yard and a 1.17' combined (both) side yards setback variance is required.

*You have the right to appeal this decision within 60 days to the Zoning Board of Appeals.*

Sincerely,

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



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

NOV 15 2023

RECEIVED

Application #: \_\_\_\_\_

Permit #: \_\_\_\_\_

**BUILDING PERMIT APPLICATION**

**Note: Three sets of construction drawings and a digital copy must be submitted with application.**

Project Address: 103 Grove Street, Mount Kisco, NY 10549

Zoning District: RT-6 Section/Block/Lot(s): 80.25-4-6

Applicant's Name: MICHAEL PILLIRI

Address: 345 KANE STREET SUITE 203

YORKTOWN HILLS, NY 10593

Email address: MICHAEL@M.PILLIRIARCHITECT.COM Phone #: 914-368-9838

Name of Property Owner: Erica Charpentier & Michael McGuirk Phone #: 718-788-1605

(If Different)

Present Address of Owner: 103 Grove Street, Mount Kisco, NY 10549

Email address: mikemcguirk@gmail.com Phone # 718-788-1605

**Description of Improvement and Proposed Use in Detail:**

EXISTING WOOD FRAME GARAGE TO BE REMOVED & REPLACED WITH AN  
ENCLOSED 1 1/2 STORY GARAGE WITHIN SAME FOOTPRINT.

**Total Estimated Cost of Improvement:** \_\_\_\_\_

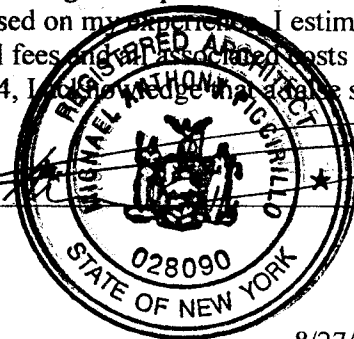
**AFFIDAVIT OF CONSTRUCTION COST:** This affidavit must be completed by the Design Professional if the estimated cost is \$20,000.00 or more, or the project is a legalization.

I MICHAEL PILLIRI do hereby affirm and certify as follows: (i) I am the architect/engineer (circle one) licensed by the State of New York; (II) I have reviewed the plans, drawings and specifications of this application and am fully familiar with the proposed construction; (III) based on my experience, I estimate the total cost of construction, including all labor, all material, all professional fees and associated costs to be approximately \$ 22,000.-, and (IV) pursuant to Penal Law 210.4, I acknowledge that the above statement made knowingly is a Class A Misdemeanor.

Signature: [Signature]

Date: 11-7-23

Sign & Affix Seal





**Property Use: (please answer all questions)**

Existing use Residential:

☒ Single Family    ☐ 2 Family    ☐ Other (Please specify) \_\_\_\_\_

Intended use:

☒ Single Family    ☐ 2 Family    ☐ Other (Please specify) \_\_\_\_\_

Existing Use Commercial:

☐ Multi Family (How Many) \_\_\_\_ ☐ Retail    ☐ Restaurant    ☐ Other (Please specify) \_\_\_\_\_

Intended Use:

☐ Multi Family (How Many) \_\_\_\_ ☐ Retail    ☐ Restaurant    ☐ Other (Please specify) \_\_\_\_\_

Is there an approved site plan for this property?

Is this a new residential house?    ☐ Yes    ☒ No    ☒ Addition    ☐ Alteration

Is this a new commercial building?    ☐ Yes    ☒ No    ☐ Addition    ☐ Alteration

Municipal sewer? ☒ Yes    ☐ No    Septic System? ☐ Yes    ☐ No (if applicable, attach Health Dept. Approval)

Is this structure within the flood plain?    ☐ Yes    ☒ No (If yes, please file a Flood Development Permit)

Is this project within any wetlands, buffer or water course?    ☐ Yes    ☒ No (If yes, file a Wetlands application)

Topography:    ☐ Flat    ☒ Hilly    ☐ Rocky    ☐ Steep Incline    ☐ Other (please specify) \_\_\_\_\_

Will the land disturbance affect any steep slopes?    ☐ Yes    ☒ No (if yes, please file Planning Board application)

How many square feet of land disturbance is there? 400 SF. (ASPHALT)

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Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email address : \_\_\_\_\_

Westchester County Home Improvement License #: \_\_\_\_\_

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Architect or Engineer: MICHAEL PICCIRILLO    NYS Lic. #: 022090

Address: 345 KOOL STREET SUITE 207

Phone #: 914-362-9338    Fax #: \_\_\_\_\_

Email address : MICHAEL@MPICCIRILLOARCHITECT.COM

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Electrician: \_\_\_\_\_ Phone #: \_\_\_\_\_ WC Lic. #: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email address : \_\_\_\_\_

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Plumber: \_\_\_\_\_ Phone #: \_\_\_\_\_ WC Lic. #: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email address : \_\_\_\_\_



The undersigned applicant hereby agrees with all applicable provisions of the Code of the Village/Town of Mount Kisco and all other laws, codes, rules and requirements applicable to the proposed construction and that statements contained herein are true to the best of his/her knowledge.

[Signature]  
Applicant's Signature

Sworn to before me this 15<sup>th</sup> day of Nov 2023

Notary Public, Westchester County: [Signature]

KRIS H KRISTENSEN  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01KR6351693  
Qualified in WESTCHESTER County  
Commission Expires DECEMBER 12 2024 29

**Affidavit of Owner Authorization:**

If the applicant is not the owner in fee of the premises:

The applicant Michael Piccirillo, AIA has my consent from to make this application as submitted.

Michael McGuirk  
Owner's Name Printed

[Signature]  
Owner's Signature

Sworn to before me this 25<sup>th</sup> day of October, 2023

Notary Public, Westchester County: [Signature]

PAVITA RANGLAL ONATE  
Notary Public - State of New York  
No. 01RA5087674  
Qualified in Westchester County  
My Commission Exp. 11/02/2025

Name of Project Contact Person: \_\_\_\_\_  
Daytime Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

**DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY**

Received by: [Signature]

- ☒ Application/Permit Fee 100.00 ch # 1482  
rec 31512
- ☐ License:
- ☐ Insurance:
- ☐ 3 sets of drawings:
- ☐ Digital drawing:
- ☐ Flood Plain Development Application (if required)

**Board Approvals:**

- ☐ Planning
- ☐ Zoning
- ☐ ARB
- ☐ Other

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Building Inspector Approval: \_\_\_\_\_

Date approved: \_\_\_\_\_

Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





December 20, 2023

Village of Mount Kisco  
Zoning Board of Appeals  
104 Main Street  
Mount Kisco, NY 10549

**RECEIVED**

**DEC 26 2023**

Zoning Board of Appeals  
Village/Town of Mount Kisco

Re: New Garage  
McGuirk Residence  
103 Grove Street  
Mt Kisco, New York 10549

Chairman,

My Client, Michael McGuirk, at 103 Grove Street seek a Zoning variance for their proposed Detached 2 car Garage. The existing carport which is being replaced by the garage has an existing non-conforming side yard that requires variances.

The proposed structure is 5.57' closer to the side lot line than the principal structure.

The proposed structure has a side yard setback of 4.83' where 8' is required and a combined setback of 16.83' where 18' is required.

Sincerely,

Michael Piccirillo, AIA



RECEIVED

Date: \_\_\_\_\_

Case No.: ZBA24-2

DEC 26 2023

Fee: \_\_\_\_\_

Date Filed: \_\_\_\_\_

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

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

**Zoning Board of Appeals  
Application**

Appellant: MICHAEL PICCARILLO ARCHITECTURE PLLC  
Address: 345 KOPAR STREET SUITE 203 YORKTOWN HEIGHTS, NY 10598  
Address of subject property (if different): 103 GROVE STREET

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

Property owner (if different): MICHAEL McGUIRK  
Address: 103 GROVE STREET

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, PETER J. MILEY dated Nov. 28 2023. Application is hereby made for the following:

☒ Variation **or** \_\_\_\_\_ Interpretation of Section \_\_\_\_\_ of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance of DETACHED TWO-CAR GARAGE

\_\_\_\_\_ in accordance with plans filed on (date) 11/3/23 for Property ID # 80.25-4-6 located in the RT-6 Zoning District. The subject premises is situated on the EAST side of (street) GROVE ST. 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.) 1966 & 2004

Size of Lot: ~~35'~~<sup>35'</sup> feet wide 226.38 feet deep Area 11,590

Size of Building: at street level 23'6" feet wide 22 feet deep

Height of building: 11'2" Present use of building: CARPORT w/  
SINGLE FAMILY DWELLING

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

Is this building classified as a non-complying use? Y Please identify and explain: SIDEYARD SETBACK,

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? N/A 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 Nov. 28, 2023 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: Dec 22<sup>nd</sup>, 20 23

Notary Public, [Signature], County, NY

CHRISTOPHER J VECE  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01VE6376657  
Qualified in WESTCHESTER County  
Commission Expires JUNE 18, 2026

[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 103 GROVE STREET 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 80.25-4-6 and that he hereby authorized Miguel P. [Signature] to make the annexed application in his behalf and that the statements contained in said application are true.

[Signature]  
(sign here)





December 20, 2023

Village of Mount Kisco  
Zoning Board of Appeals  
104 Main Street  
Mount Kisco, NY 10549

Re: New Garage  
McGuirk Residence  
103 Grove Street  
Mt Kisco, New York 10549

Chairman,

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 existing carport has been in place since 2004. The proposed garage will be more in keeping with the neighborhood.**

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.

**There is no other location for the Garage due to the narrow site**

3. Whether the requested area variance is substantial.

**The variances are not substantial in compared to the overall benefit**

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

**The Garage is in the same footprint as the existing carport. So, no advise effect of the environment**

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.

**The Garage is to be constructed on the same footprint as the existing carport with has a permit and CO.**

Sincerely,

  
Michael Piccirillo, AIA



**AFFIDAVIT OF MAILING**

**STATE OF NEW YORK**

**COUNTY OF WESTCHESTER**

}  
} **SS.:**  
}

MICHAEL PICCIRILLO being duly sworn, deposes and says:

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

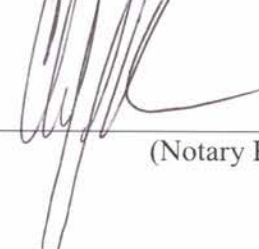
On DEC. 22 20 23 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached 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

22 day of Dec 20 23

  
\_\_\_\_\_  
(Notary Public)

CHRISTOPHER J VECE NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01VE6376657 Qualified in WESTCHESTER County Commission Expires JUNE 18, 20 <u>26</u>
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## **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 January, 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Michael Piccirillo Architecture, PLLC, 345 Kear Street, Suite 203, Yorktown Heights, NY 10598 from the decision of Peter J. Miley, Building Inspector, dated November 28, 2023 denying the application dated to permit construction of a two car garage. The property involved is known as 103 Grove Street and described on the Village Tax Map as Section 80.25, Block 4, Lot 6 and is located on the East side of Grove Street in a RT-6 Zoning District. Said Appeal is being made to obtain a variance from Sections 110-31 G(1) and 110-11 C(1)(f)[3][b] of the Code of the Village/Town of Mount Kisco, which requires that no accessory structure shall be located or project nearer to any street line or side lot line than does the principal structure on the lot and for lots with a width greater than 60 feet but less than 70 feet: eight feet for one side yard, with a total of 18 feet for both side yards.

Wayne Spector, Chair

Zoning Board of Appeals

Village/Town of Mount Kisco



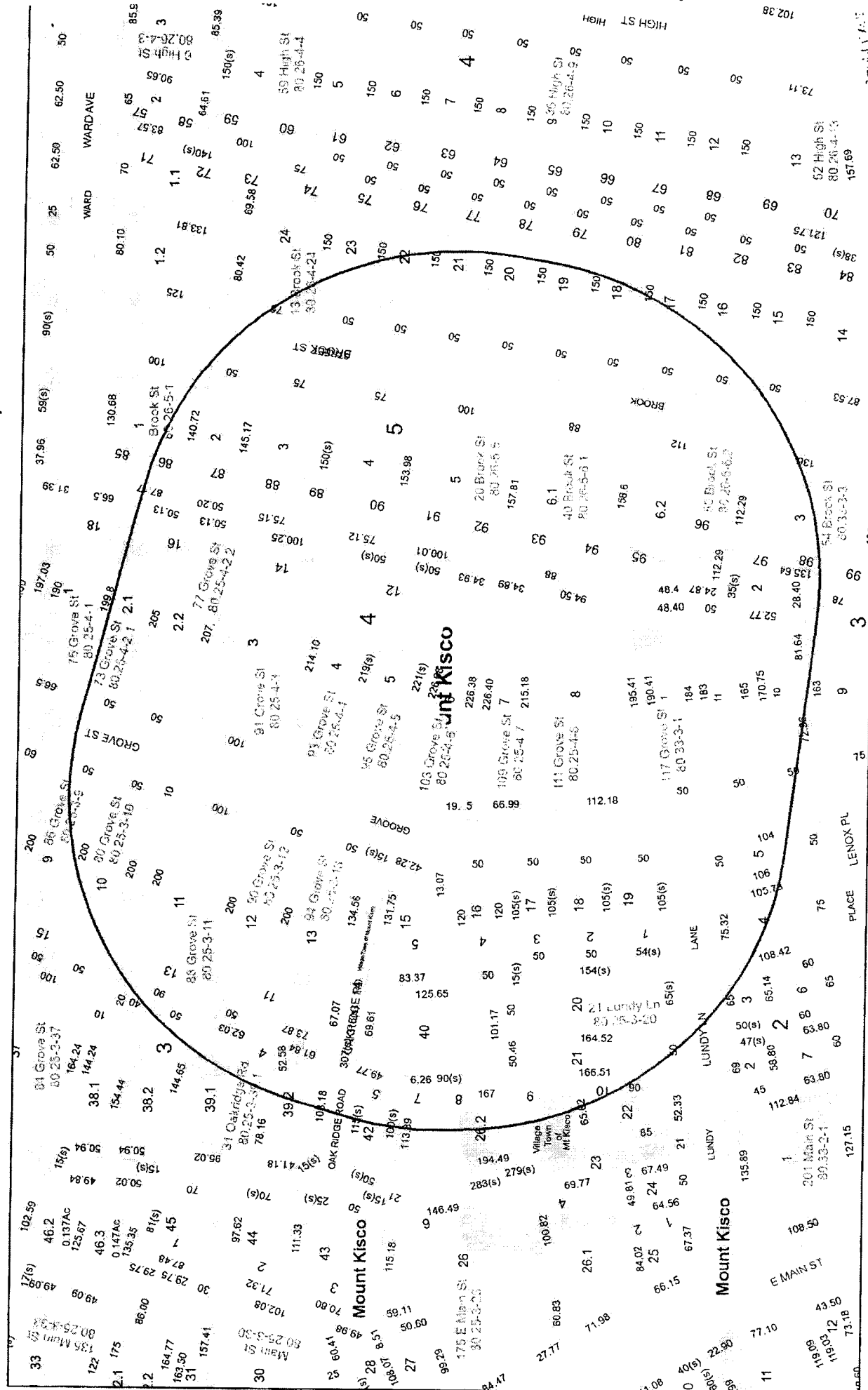
OWNERNAME	PROPADRESS	PROPCITY	PROFZIP	PROPRINTKEY	C/o	Mailing Address	City	State	Zip					
23 Lenox Place LLC	23 Lenox Pl	MOUNT KISCO	10549	80.33-2-4	Robert Gasparni	502 Stonewall Lane	Brewster	NY	10509					
Hudson Valley Proppert Developm	104 Grove St	MOUNT KISCO	10549	80.25-3-16		20 Benedict Avenue	White Plains	NY	10603					
Apropos Housing Opp.	114 Grove St	MOUNT KISCO	10549	80.25-3-18		86 Smith Avenue	Mt. Kisco	NY	10549					
Oliveri, Antonio	121 Grove St	MOUNT KISCO	10549	80.33-3-11		54 Brook Street	Mt. Kisco	NY	10549					
Stern, Angela	131 Grove St	MOUNT KISCO	10549	80.33-3-9	Antonio Oliveri	25-506 Barker Street	Mt. Kisco	NY	10549					
Albanese Carmelo	109 Grove St	MOUNT KISCO	10549	80.25-4-7		122 McClain Street	Mt. Kisco	NY	10549					
Oliveri, Antonio	54 Brook St	MOUNT KISCO	10549	80.33-3-3		10 Brook Street	Mt. Kisco	NY	10549					
Mann, Matthew	12 Brook St	MOUNT KISCO	10549	80.26-5-2										
O'Reilly Moira A	21 Brook St	MOUNT KISCO	10549	80.26-4-21	Ann & Donald Merlini									
Giamo, Daniel V	13 Brook St	MOUNT KISCO	10549	80.26-4-24										
Merlini Family Irrev Trust	24 Oakridge Rd	MOUNT KISCO	10549	80.25-3-42		24 Oakridge Rd	Mt. Kisco	NY	10549					
Pinnetti, Nicola	31 Oakridge Rd	MOUNT KISCO	10549	80.25-3-39.1		27 Manchester Drive	Mt. Kisco	NY	10549					
Byrne, Patrick	16 Oakridge Rd	MOUNT KISCO	10549	80.25-3-40		6206 Villa At the Woods	Peekskill	NY	10566					
Village Of Mount Kisco	Oakridge Road	MOUNT KISCO	10549	80.25-3-14		104 Main Street	Mt. Kisco	NY	10549					
Fontecchio Cullen, Mary	94 Grove St	MOUNT KISCO	10549	80.25-3-13	16 Lawrence Street	Mt. Kisco	NY	10549						
175 Main St of Mount Kisco LLC	175 E Main St	MOUNT KISCO	10549	80.25-3-26.2						Edward Coku				
Luppino, Antonio	88 Grove St	MOUNT KISCO	10549	80.25-3-11										
Lasner Michael E	20 Brook St	MOUNT KISCO	10549	80.26-5-5										
Berliner Richard	80 Grove St	MOUNT KISCO	10549	80.25-3-10	9 Fisher Lane	Ridgefield	CT	06877						
Kerrigan, Harry J III	35 Brook St	MOUNT KISCO	10549	80.26-4-18										
17 Lundy LLC	17 Lundy Ln	MOUNT KISCO	10549	80.25-3-21										
Ferraro, Joseph	125 Grove St	MOUNT KISCO	10549	80.33-3-10										
Swanson, Benjamin	40 Brook St	MOUNT KISCO	10549	80.26-5-6.1	Mary Farrell	30 Emery Street	Mt. Kisco	NY	10549					
Freedman Janet E	22 Brook St	MOUNT KISCO	10549	80.26-5-4										
Buco Matthew	75 Grove St	MOUNT KISCO	10549	80.25-4-1										
Fermann Lois G	45 Brook St	MOUNT KISCO	10549	80.26-4-15										
Yang Nan Chun	29 Oakridge Rd	MOUNT KISCO	10549	80.25-3-39.2		104 Main Street	Mt. Kisco	NY	10549					
Gomez, Guillermo	108 Grove St	MOUNT KISCO	10549	80.25-3-17										
Erkan, Mary Jean	116 Grove St	MOUNT KISCO	10549	80.25-3-19										
Charpentier, Erica H	103 Grove St	MOUNT KISCO	10549	80.25-4-6										
Village/Town of Mount Kisco	Grove, Back of St	MOUNT KISCO	10549	80.33-3-2	6 Little Pine Road	50 St. Marks Place	Mt. Kisco	NY	10549					
Grimes, Eugene P	95 Grove St	MOUNT KISCO	10549	80.25-4-5										
John A O'Reilly Irrev. Trust	25 Brook St	MOUNT KISCO	10549	80.26-4-20										
Morgano Matthew	100 Grove St	MOUNT KISCO	10549	80.25-3-15										
Arias Sergio L	90 Grove St	MOUNT KISCO	10549	80.25-3-12	50 St. Marks Place	Mt. Kisco	NY	10549						
Demaio Antonia	124 Grove St	MOUNT KISCO	10549	80.33-2-5										
Ciliberto, Francis	111 Grove St	MOUNT KISCO	10549	80.25-4-8										
Loffa Pierina	77 Grove St	MOUNT KISCO	10549	80.25-4-2.2										
Tesone Iris	16 Brook St	MOUNT KISCO	10549	80.26-5-3	4 Brook Street	Mt. Kisco	NY	10549						
Ford, Donald G	Brook St	MOUNT KISCO	10549	80.26-5-1										
Tiber Enterprises Corp Inc	35 Oakridge Rd	MOUNT KISCO	10549	80.25-3-38.1										
Sharpe Oliver C	73 Grove St	MOUNT KISCO	10549	80.25-4-2.1										



Markus Anthony C	29 Brook St	MOUNT KISCO	10549	80.26-4-19					
Beck Nancy J	15 Brook St	MOUNT KISCO	10549	80.26-4-23					
Twelve-Five Inc	13 Lundy Ln	MOUNT KISCO	10549	80.25-3-22	TD Union LLC	176 Union Street	Brooklyn	NY	11231
Batha, Eleftheria	33 Oakridge Rd	MOUNT KISCO	10549	80.25-3-38.2		5 Jean Lane	Hartsdale	NY	10530
Ford Family Trust	20 Lundy Ln	MOUNT KISCO	10549	80.33-2-3		26 Pines Bridge Road	Mt. Kisco	NY	10549
Gasparri, Robert J	21 Lundy Ln	MOUNT KISCO	10549	80.25-3-20		502 Stonewall Lane	Brewster	NY	10509
Kusisto Patricia	93 Grove St	MOUNT KISCO	10549	80.25-4-4					
Patino, Angel R	91 Grove St	MOUNT KISCO	10549	80.25-4-3					
Sacchetti, Rocco	41 Brook St	MOUNT KISCO	10549	80.26-4-16		54 Brook Street	Mt. Kisco	NY	10549
Oliveri, Antonio	117 Grove St	MOUNT KISCO	10549	80.33-3-1					
Oliveri, Giuseppe	50 Brook St	MOUNT KISCO	10549	80.26-5-6.2					
Ramon Luis G	86 Grove St	MOUNT KISCO	10549	80.25-3-9					
Kearin Madeline B	37 Brook St	MOUNT KISCO	10549	80.26-4-17	Andrew Schaferan	3 Mt. Holly Road East	Katonah	NY	10536
Torchia, Daniela	19 Brook St	MOUNT KISCO	10549	80.26-4-22					

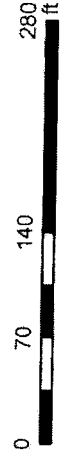


# 103 Grove St. ID: 80.25-4-6 (Mount Kisco)



December 20, 2023

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**

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



**AFFIDAVIT OF PUBLICATION**

**RECEIVED**

**JAN 10 2024**

State of Wisconsin  
County of Brown

K. Felty being duly sworn, deposes and says she is the Principal Clerk of The Journal News, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated: **Zoning Board of Appeals Village/Town of Mount Kisco**

12/28/2023

K. Felty

Subscribed and sworn to before me this 28 day of December, 2023

Mariah Verhagen

exp. 8.25.26

Notary Public  
State of Wisconsin, County of Brown

MARIAH VERHAGEN  
Notary Public  
State of Wisconsin



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

AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 9<sup>th</sup> day of January 2024, 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

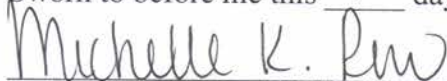
X

Leonard Park Multi Purpose Bldg

X

  
 Gilmar Palacios Chin

Sworn to before me this 9<sup>th</sup> day of January 2024



Notary Public MICHELLE K. RUSSO  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01RU6313298  
 Qualified in Putnam County  
 My Commission Expires 10-20-2026

RECEIVED

JAN 09 2024

Zoning Board of Appeals  
 Village/Town of Mount Kisco



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

THIS INDENTURE, made the 20 day of December, 2004 and  
BETWEEN

CHRISTINE BUETI, residing at 85 Buxton Lane, Boynton Beach,  
FL 33426

party of the first part, and

H  
ERICA ~~HOPE~~ CHARPENTIER and MICHAEL P. McGUIRK residing at  
346 6th Street, Brooklyn, NY 11215

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  
See Schedule "A" annexed hereto and made a part hereof

AND BEING AND INTENDED TO BE the same premises as conveyed to the party of the first part by deed dated 8/13/92 and recorded 9/15/92 in Liber 10408 cp 179.

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.

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:

Christine Bueti by Richard Cade  
CHRISTINE BUETI

Attorney in fact



**Acknowledgement taken in New York State**

State of New York, County of **WESTCHESTER**, ss:

On the 20<sup>th</sup> day of December, in the year 2004, before me, the undersigned, personally appeared

~~CHRISTINE BUETT~~ Richard Scandee  
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 Public for the State of New York  
My Commission Expires on 12/31/2006

**Acknowledgement by Subscribing Witness taken in New York State**

State of New York, County of \_\_\_\_\_, ss:

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, before me, the undersigned, 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

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.

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



**The Judicial Title Insurance Agency LLC**

New York City	Westchester
888 Seventh Ave., Ste 300 New York, NY 10108 800-281-TITLE (8465) Tel: (212) 432-3272 Fax: 800-FAX-9396	550 Mamaroneck Avenue Suite 204 Harrison, NY 10528 Tel: (914) 381-6700 Fax: (914) 381-3131
	152 South Highland Avenue Suite 202 Ossining, NY 10562 Tel: (914) 923-2300 Fax: 800-FAX-9396

www.judicialtitle.com

**Acknowledgement taken in New York State**

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.

**Acknowledgement taken outside New York State**

\* State of \_\_\_\_\_, County of \_\_\_\_\_, ss:  
\* (or insert District of Columbia, Territory, Possession or Foreign Country)

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), 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

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION 80.25

BLOCK 4

LOT 6

COUNTY OR TOWN Town of mt kisco

**RETURN BY MAIL TO:**

Phyllis Marcus, Esq.  
Marcus & Wolper, LLP  
22 Saw Mill River Road, 3rd Floor  
Hawthorne, NY 10532

Zip No.

VE THIS SPACE FOR USE OF RECORDING OFFICE



File No: CW04201061

**SCHEDULE A - DESCRIPTION**

**ALL** that certain plot, piece or parcel of land, with the building thereon erected, situate, lying and being in the Village/Town of Mount Kisco, County of Westchester and State of New York, bounded and described as follows:

**BEGINNING** at a point on the easterly side of Grove Street adjoining land of Frederick Christensen;

**THENCE RUNNING** along the southerly line of said land of Christensen, South 64 degrees 53 minutes East 226.68 feet to land now or formerly of the Estate of Moses W. Fish, deceased, and a stone wall standing on said boundary line;

**THENCE** along said land now or formerly of Fish, South 20 degrees 55 minutes 00 seconds West 8.75 feet and South 17 degrees 34 minutes West 26.18 feet to other land now or formerly of Celia Baskind;

**THENCE** along said land now or formerly of Celia Baskind, in a straight line on a course, North 72 degrees 48 minutes 30 seconds West 226.38 feet to the easterly side of Grove Street aforesaid;

**THENCE** along the easterly side of said Grove Street, North 5 degrees 49 minutes 19.15 feet and North 24 degrees 54 minutes East 47.84 feet to the point and place of **BEGINNING**.



# VILLAGE OF MOUNT KISCO

WESTCHESTER COUNTY, N. Y.

SITE PLAN APPROVAL BY THE  
PLANNING BOARD IS REQUIRED  
IN ALL ZONES EXCEPT ONE AND  
TWO FAMILY RESIDENCE ZONES.

Permit No. 2287

N. B.

ALT.

ADD. ☒

7 1 18 1966

TO THE BUILDING INSPECTOR:

TOWN OF BEDFORD

~~TOWN OF NEW CASTLE~~

Application is hereby made for permission to perform the work in accordance with the plans and specifications herewith submitted and in compliance with the information given below:

It is agreed that if such permission is granted said building will conform in all respects to said plans and specifications and shall comply with all provisions of the local Building, Plumbing, and Building Zone Ordinance, and all state or federal laws or regulations pertaining in any way thereto.

Attached hereto are triplicate copies of plot plan showing to scale position of building on the plot; also triplicate copies of the plans and specifications for said building.

Accompanying this application is the required fee of \$ ~~75~~ 22.00, being the sum of Ten dollars plus ~~1~~ 4 dollar for each one thousand dollars of estimated cost or part thereof.

Owner SAM BUETI Address 103 GROVE ST

Applicant SAM BUETI Address 103 GROVE ST

Architect \_\_\_\_\_ Address \_\_\_\_\_

Builder SAM BUETI Address 103 GROVE ST.

Building is to be located on plot known as No. 10 E 11  
on the \_\_\_\_\_ side thereof, \_\_\_\_\_ FT. distant from the corner of \_\_\_\_\_  
Section \_\_\_\_\_, Sheet 115, Block 9702, Lot 10, Lot 11 6-36A-1

Estimated Cost \$2500.00

Proposed use: CAR PORT

If a tenement house, how many families on each floor? \_\_\_\_\_ How many in the building? \_\_\_\_\_

Number of stories \_\_\_\_\_: height \_\_\_\_\_ feet.

Front yard \_\_\_\_\_ feet.

Rear yard \_\_\_\_\_ feet.

Side yards \_\_\_\_\_ feet (Total) Minimum side yard \_\_\_\_\_ feet.

Type of Construction—Fireproof—Semi-Fireproof—Frame. (Cross out all but one.)

(over)



I hereby certify that the statements and data on the reverse side of this sheet are correct and true to the best of my knowledge and belief.

(Signed) Sam Buetti, Jr.

Business Address 103 GROVE ST

Residence Address 103 GROVE ST

Date July 12 19 66

NOTES: Before the building for which a permit is issued can be used for any purpose the owner or lessee thereof must obtain a Certificate of Occupancy from the Building Inspector as provided in Section 18 (C) of the Building Zone Ordinance.

Separate application must be made for plumbing on forms obtainable from the Plumbing Inspector.

Satisfactory evidence must be submitted that Compensation Insurance has been provided in accordance with the Workmen's Compensation Law before a permit is issued by the Building Inspector.

#### ACTION BY BUILDING INSPECTOR

The foregoing application and accompanying plans and specifications have been examined and considered, and the following action taken by me:

SITE PLAN APPROVED BY  
PLANNING BOARD \_\_\_\_\_

- ☐ Application Rejected.  
☐ Application Granted.  
☐ Referred to Board of Appeals.  
☐ Referred to Board of Trustees.

Reasons or Remarks: \_\_\_\_\_

Date \_\_\_\_\_ 19 \_\_\_\_\_

BUILDING INSPECTOR for the Village of Mt. Kisco, N. Y.

### VILLAGE OF MOUNT KISCO

#### APPLICATION FOR BUILDING PERMIT

Application No. \_\_\_\_\_

Date Revised \_\_\_\_\_ 19 \_\_\_\_\_ Date Approved \_\_\_\_\_ 19 \_\_\_\_\_

Date Denied \_\_\_\_\_ 19 \_\_\_\_\_ Date Referred \_\_\_\_\_ 19 \_\_\_\_\_

Applicant Notified \_\_\_\_\_ 19 \_\_\_\_\_

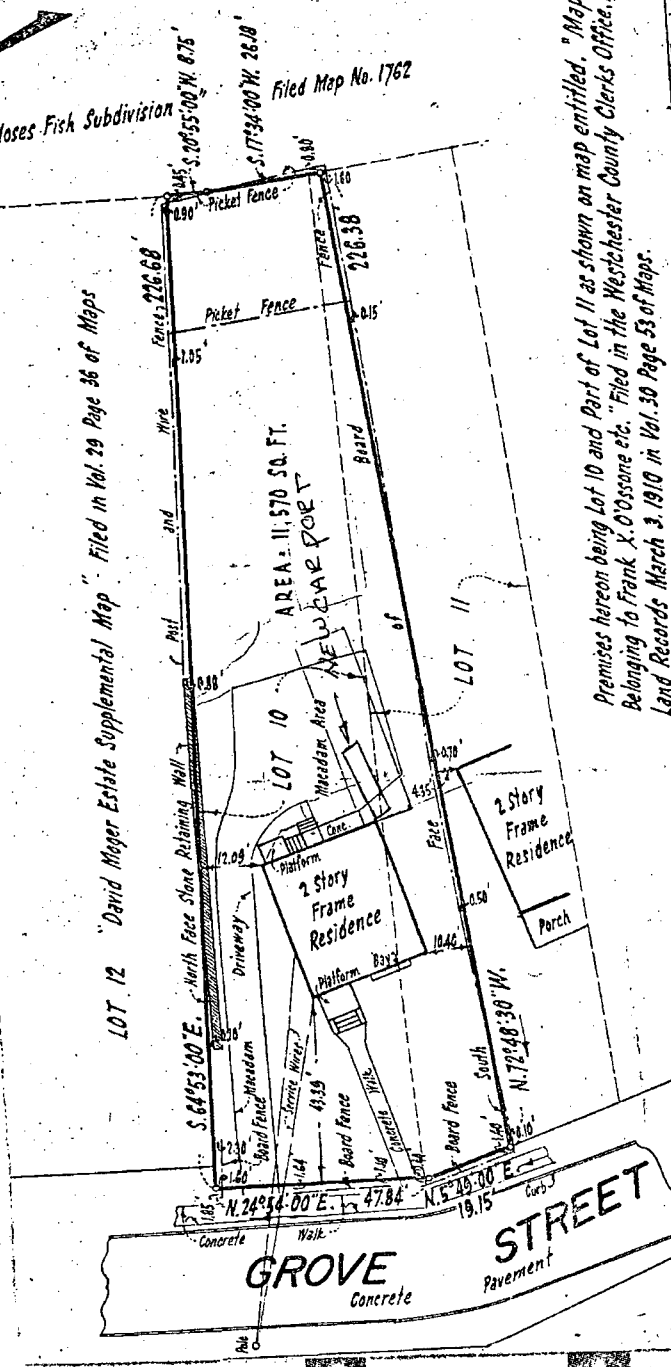
(over)



Moses Fish Subdivision

Filed Map No. 1762

LOT 12 "David Mager Estate Supplemental Map" Filed in Vol. 29 Page 36 of Maps



Premises hereon being Lot 10 and Part of Lot 11 as shown on map entitled, "Map of Property Belonging to Frank X. O'Donnore etc." Filed in the Westchester County Clerk's Office, Division of Land Records March 3, 1910 in Vol. 30 Page 53 of Maps.

NEW CARPORT  
FOR  
S. 240 BLUEI  
103 GROVE ST  
MT KISSA NY  
OWN BY REC. 7/15/66

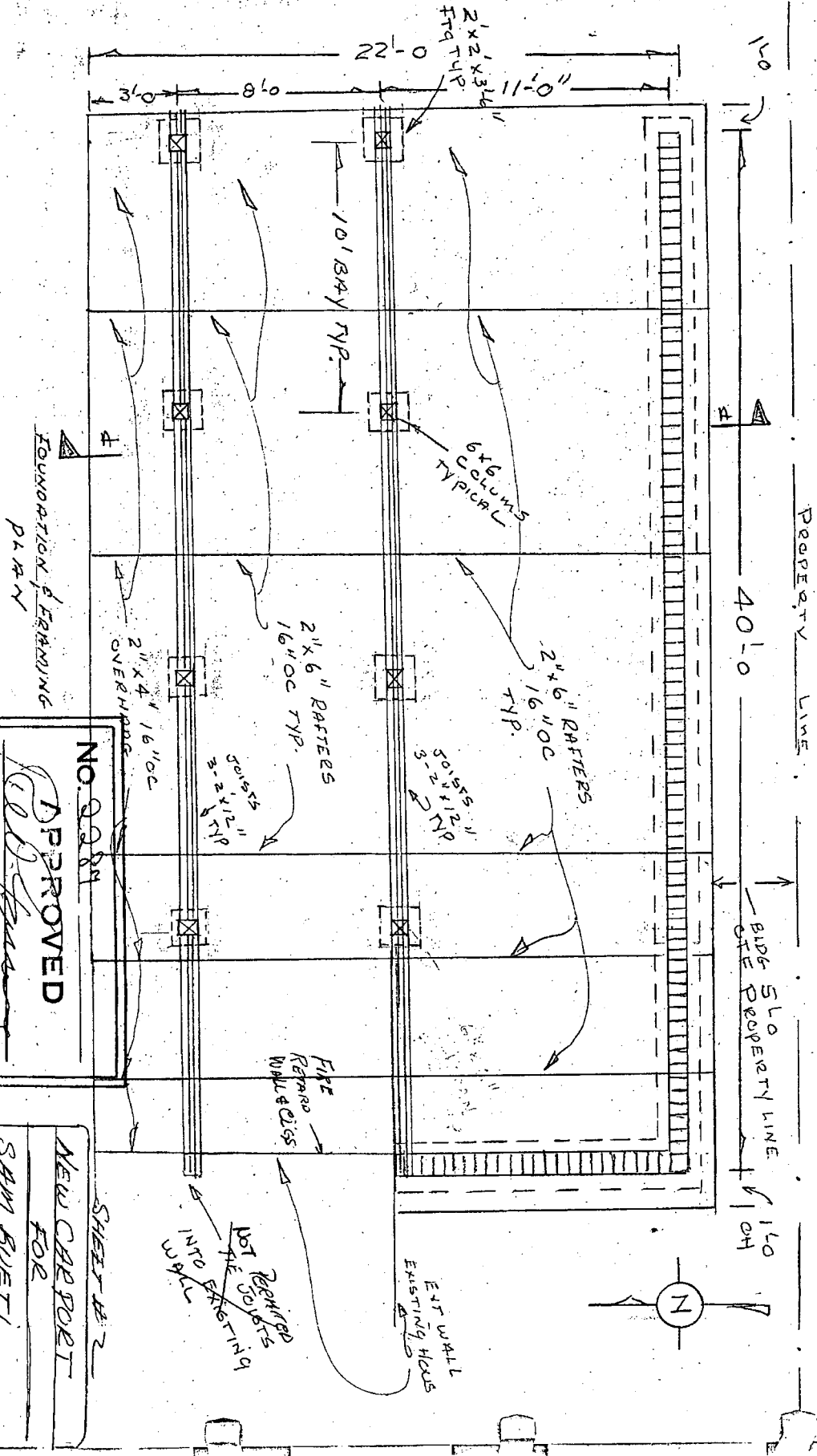
LOCATION PLAN SHEET #1

PREMISES HEREON BEING LOCATED ON SHEET NO. 175  
BLOCK 9702 IN WESTCHESTER COUNTY BLOCK INDEX MAPS.

The Guarantee Company  
of Ossining  
PHAS. H. SELLS, INC.

*Handwritten signature*

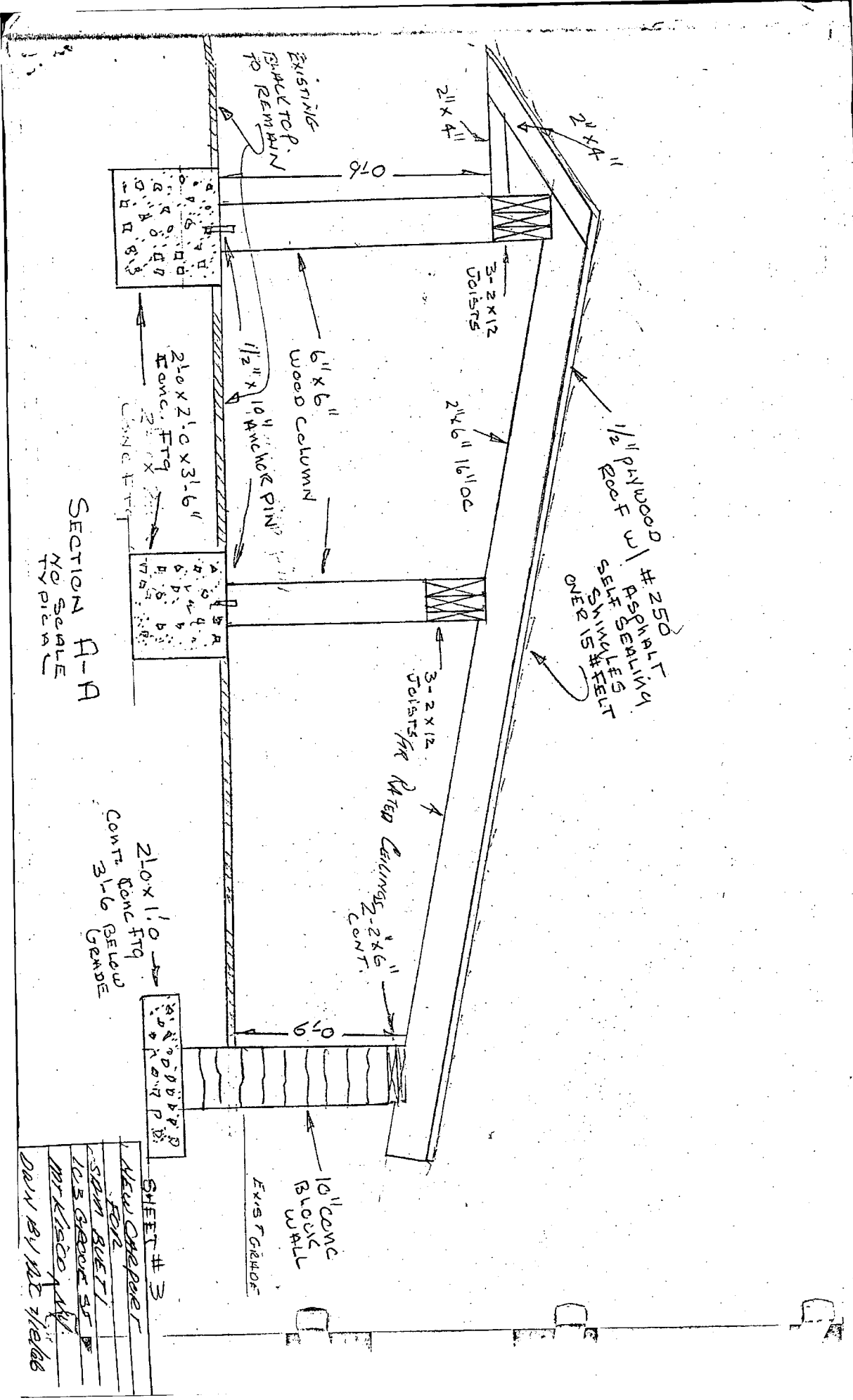




NO. 0084  
**APPROVED**  
*[Signature]*  
 BUILDING AND PLUMBING INSPECTOR  
 DATE August 8, 1966

SHEET # 2  
 NEW CARPORT  
 FOR  
 SHAW BUELL  
 103 LEROUE ST  
 MT. KISCO, NY  
 DRAWN BY AUC 7/16/66





SECTION A-A  
NO SCALE  
TYPICAL

2'-0" x 1'-0" CONC. FTG.  
CONT. 3'-6" BELOW GRADE

SHEET # 3  
NEW SHEET  
FOR  
SHEET  
103 ABOVE  
MK 1030  
DRAWN BY MLC 7/12/66



VILLAGE/TOWN of MOUNT KISCO  
104 MAIN STREET  
MOUNT KISCO, NY 10549

5143

CERTIFICATE of OCCUPANCY

Building Permit # 2287, 17622, 17623, 17624

Date 9/7/04

Permission is hereby granted to

(Applicant) Christine Bueti

(Address) 103 Grove Street

to occupy the premises identified as:

Section 80.25- Sheet \_\_\_\_\_ Block 4 Lot 6

and known as: 103 Grove Street

in its entirety or in the portion or space described as: Carport, Finished Basement w/Full Bath,  
Kitchen in Basement for Family Use, Screened in Patio & Roofing, Rear Deck. *HC*  
for the proposed use of a Single Family Residence

as permitted in the RT-6 One & Two Family Residence zoning district  
and so specified in Chapter 110 of the Code of the Village/Town of Mt. Kisco.

*This Certificate Is Issued Pursuant To Section 51-14 And 110-39 of The Code of The Village/Town of Mount Kisco And Is Subject to Any And All of The Conditions That May Be Listed Below.*

Conditions: Inspected and approved as appearing compliant with the building and  
zoning codes applicable at the time of issue of said permit(s)  
listed above.

*[Signature]*  
BUILDING INSPECTOR



VILLAGE OF MT. KISCO, NEW YORK

PERMIT FEE RECEIPT

No 713

(Date) 8/8/66

Received of: Sam Bute

Address: 94 Grace Street

Mount Kisco New York

Amount: \$22.00 (words) Twenty-Two and 00/100 Dollars

For: Bldg. Permit 2287

Remarks: (Addition - Corport)

(Stamp)

Received by B. Bute (Date) 8/8/66

INSTRUCTIONS: All fees and deposits must be paid in the village clerk's office before the permit issuing authority can issue the permit requested. After payment, please return the blue copy to the office to which you applied for a permit so that the permit can be issued.

PERMIT ISSUING AUTHORITY COPY



VILLAGE/TOWN of MOUNT KISCO  
104 MAIN STREET  
MOUNT KISCO, NY 10549

5143

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Conditions: Inspected and approved as appearing compliant with the building and  
zoning codes applicable at the time of issue of said permit(s)  
listed above.

*[Signature]*  
BUILDING INSPECTOR



TITLE NO. 04201061

This is to certify that I have surveyed

LOT NO. 10 AND PORTION OF LOT NO. 11 AS SHOWN ON "MAP OF PROPERLY BELONGING TO FRANK X. O'OSSONE ETC.", SITUATED IN THE VILLAGE OF MOUNT KISCO, TOWN OF BEDFORD, WESTCHESTER COUNTY, NEW YORK.

Filed in the Westchester County Clerk's Office, Division of Land Records ON MARCH 3, 1910 as Map No.VOL.30, PG. 53

I have located all existing buildings and lines of possession and have shown their positions hereon.

Survey completed: DEC. 15, 2004

Map Drafted: DEC. 14, 2004 on scale of one inch to 25 feet.

Addition located: Feb. 21, 2017

I hereby certify this survey to: COMMONWEALTH LAND TITLE INSURANCE COMPANY  
NORTH AMERICAN SAVINGS BANK  
ERICA HOPE CHARPENTIER AND MICHAEL P. MCGUIRK

ARISTOTLE BOURNAZOS, P.C.

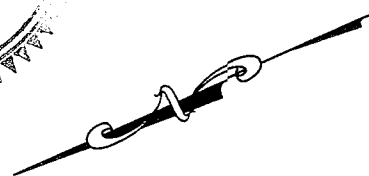
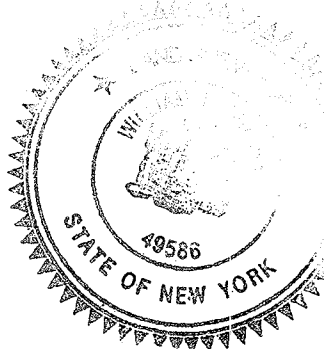
LAND SURVEYORS - PLANNERS

20 CEDAR STREET  
NEW ROCHELLE  
NEW YORK 10801  
(914) 633-0100



LICENSED IN  
NEW YORK  
NEW JERSEY  
CONNECTICUT

*William J. Bournazos*  
N.Y.S. Lic. 49586



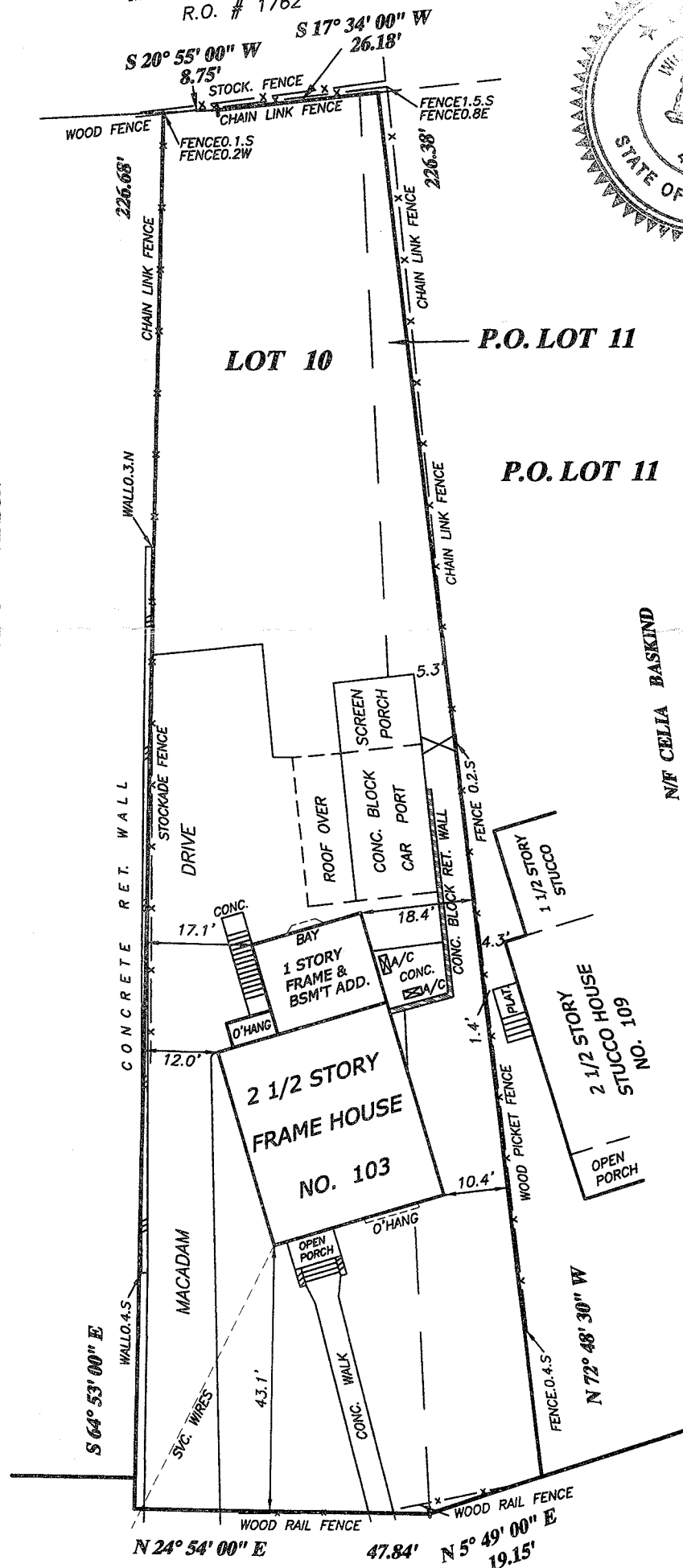
LOT 12

"DAVID MOGER ESTATE SUPPLEMENTAL MAP"

R.O. # VOL. 29, PG. 36

N/F FREDERICK CHRISTENSON

"MOSES FISH SUBDIVISION"  
R.O. # 1762



GROVE STREET

Unauthorized alteration or additions to this survey map is a violation of section 7209 sub-section 2, of the New York State Education Law.

No guarantee is implied by this map as to the existence or non-existence of any easements of record that would affect subject property, unless surveyor has been furnished a complete copy of the title report.

Dimensions shown from structures to property lines are not intended to be used for construction of fences, structures or other improvements.





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 CT STATE EDUCATION LAW.  
© Copyright 2023 MICHAEL PICCIRILLO ARCHITECTURE PLLC

No.	DATE:	ISSUE:
1	12/22/23	ISSUED FOR ZBA

PROJECT NAME:  
McGUIRK RESIDENCE  
NEW GARAGE

PROJECT ADDRESS:  
103 GROVE STREET  
MOUNT KISCO, NY 10549



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

PHOTOS

SCALE:	AS NOTED	DATE:	12-22-23
DRAWN BY:	MAP	T-101	
CHKD BY:	MAP		
1	OF 2		



DETACHED GARAGE  
103 GROVE STREET  
MT.KISCO, NY

APPLICABLE CODES:  
2020 RCNYS

SCOPE OF WORK:  
DETACHED GARAGE

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA								
TABLE R301.2(1)								
GROUND SNOW LOAD	WIND	SEISMIC	SUBJECT TO DAMAGE FROM			WINTER	ICE SHIELD	FLOOD
	SPEED (MPH)	DESIGN CATEGORY	WEATHERING	FROST DEPTH LINE	TERMITE	DECAY	UNDERLAYMENT REQUIREMENT	HAZARDS
30 PSF	115 MPH	C	SEVERE	42"	MODERATE HEAVY	SLIGHT MODERATE	7" F	YES NO

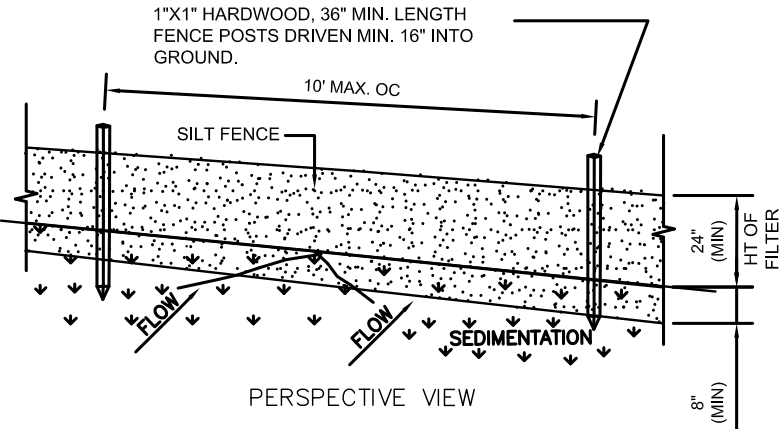
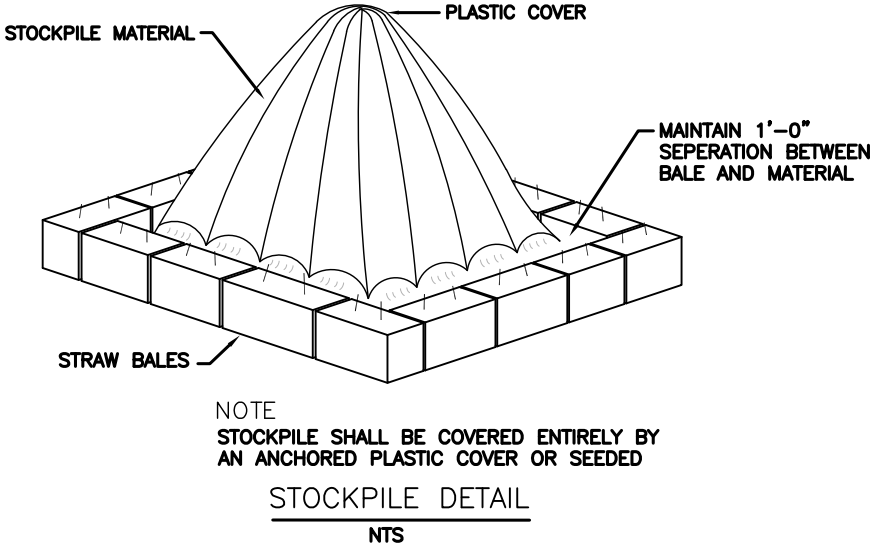
GENERAL NOTES

1. ALL WORK SHALL CONFORM TO 2020 RCNYS, AND LOCAL CODES; ALL ELECTRICAL, PLUMBING, AND MECHANICAL WORK SHALL CONFORM TO ALL NATIONAL, STATE, AND LOCAL CODES.
2. MATERIALS, WORKMANSHIP AND INSTALLATION SHALL BE IN STRICT COMPLIANCE WITH NOT ONLY MANUFACTURERS' PRINTED INSTRUCTIONS, BUT ALSO THE STANDARDS OF RECOGNIZED AGENCIES OR ASSOCIATIONS.
3. ALL MATERIALS SHALL BE NEW, UNLESS OTHERWISE SPECIFIED.
4. PROVIDE TEMPORARY PROTECTION OF MATERIALS AND EQUIPMENT.
5. IT IS INTENDED THAT THE CONTRACTOR PROVIDE A COMPLETE JOB. ANY OMISSIONS IN THESE GENERAL INSTRUCTIONS OR THE OUTLINE OF WORK ARE NOT TO BE CONSTRUED AS REMOVING SUCH ITEMS FROM THE RESPONSIBILITIES OF THE CONTRACTOR.
6. ALL WORK SHALL BE PERFORMED BY SKILLED AND QUALIFIED WORKMEN IN THE APPROPRIATE TRADES. CONTRACTOR SHALL KEEP SUFFICIENT WORKMEN ON THE JOB AT ALL TIMES TO PERFORM THE WORK IN THE MOST EXPEDITIOUS MANNER CONSISTENT WITH GOOD WORKMANSHIP, SOUND BUSINESS PRACTICE AND IN THE BEST INTERESTS OF THE
7. CONTRACTOR AGREES THAT HE IS SKILLED AND EXPERIENCED IN THE USE AND INTERPRETATION OF PLANS AND SPECIFICATIONS. HE HAS CAREFULLY REVIEWED THE PLANS AND SPECIFICATIONS FOR HIS PROJECT AND HAS FOUND THEM TO BE FREE OF AMBIGUITIES. FURTHER, HE HAS CAREFULLY EXAMINED THE SITE OF THE WORK AND FROM HIS OWN OBSERVATIONS HAS SATISFIED HIMSELF AS TO THE NATURE AND LOCATION OF THE WORK; THE CHARACTER, QUALITY, AND QUANTITY OF MATERIALS; THE DIFFICULTIES LIKELY TO BE ENCOUNTERED AND OTHER ITEMS FOUND ON THE JOB.

ZONING DATA

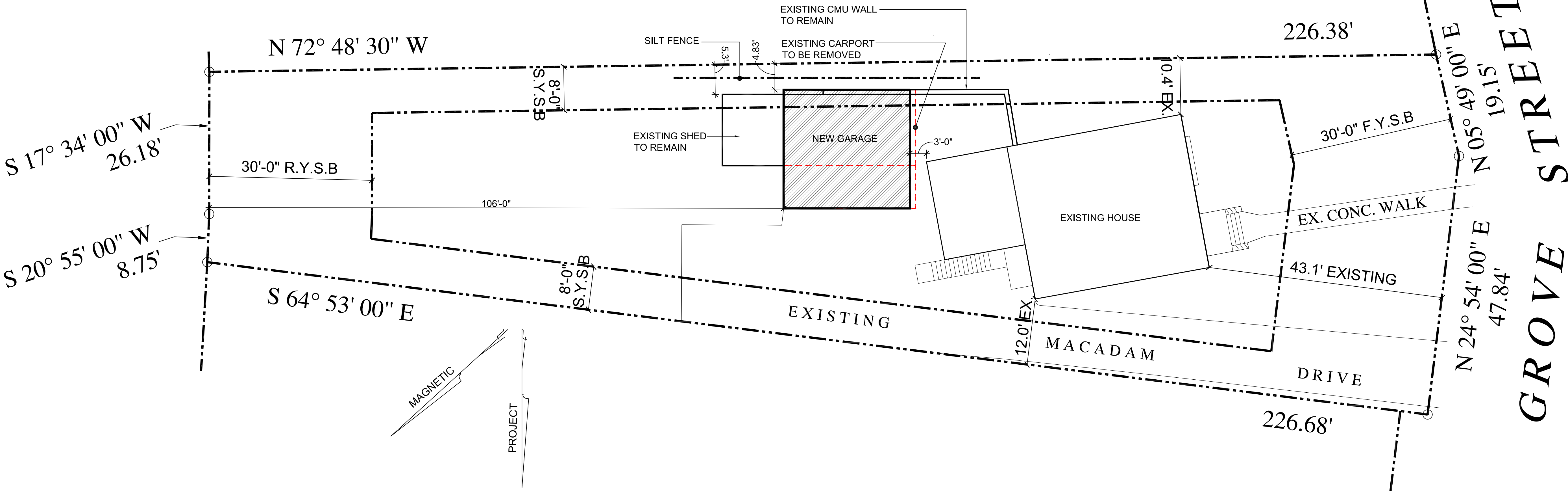
TAX MAP #: 80.25-4-6					
ZONE: RT-6					
TABLE BUILDING REQUIREMENTS					
	REQUIRED	EXISTING	PROPOSED	OVERAGE	VARIANCE
MINIMUM LOT AREA	6,250 SF	11,590 S.F.	NO CHANGE	NONE	NO
MAX. HEIGHT/ACCESSORY	15'		11'-2"	NONE	NO
MAXIMUM BUILDING COVERAGE	2,668 SF	1,890 SF	1,866 SF	NONE	NO
MAXIMUM DEVELOPMENT COVERAGE	4,636 SF (40%)	4,651 SF (40.1%)	NO CHANGE	NONE	NO
ACCESSORY GARAGE COVERAGE	75% PRCP. BLDG. (906 SF)	533 SF (44%)	509 SF (42%)	NONE	NO
SETBACK REQUIREMENTS					
MIN. FRONT (WEST)	30 FT	NA	NA		
MIN. SIDE (SOUTH)	8 FT	4.83 FT	4.83 FT	3.17"	YES
MIN. SIDE COMBINED	18 FT (TOTAL)	16.83 FT	16.83 FT	1.17"	YES
MIN. REAR (EAST)	30 FT	106 FT	106 FT	NONE	NO

\* PRINCIPAL BUILDING: 1209 SF



- 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 M8F180, M8AF1 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



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



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 2023 MICHAEL PICCIRILLO ARCHITECTURE

No.	DATE:	ISSUE:
1	10/25/23	ISSUED
2	11/1/23	ISSUED FOR BIDDING

PROJECT NAME:

PROJECT ADDRESS:

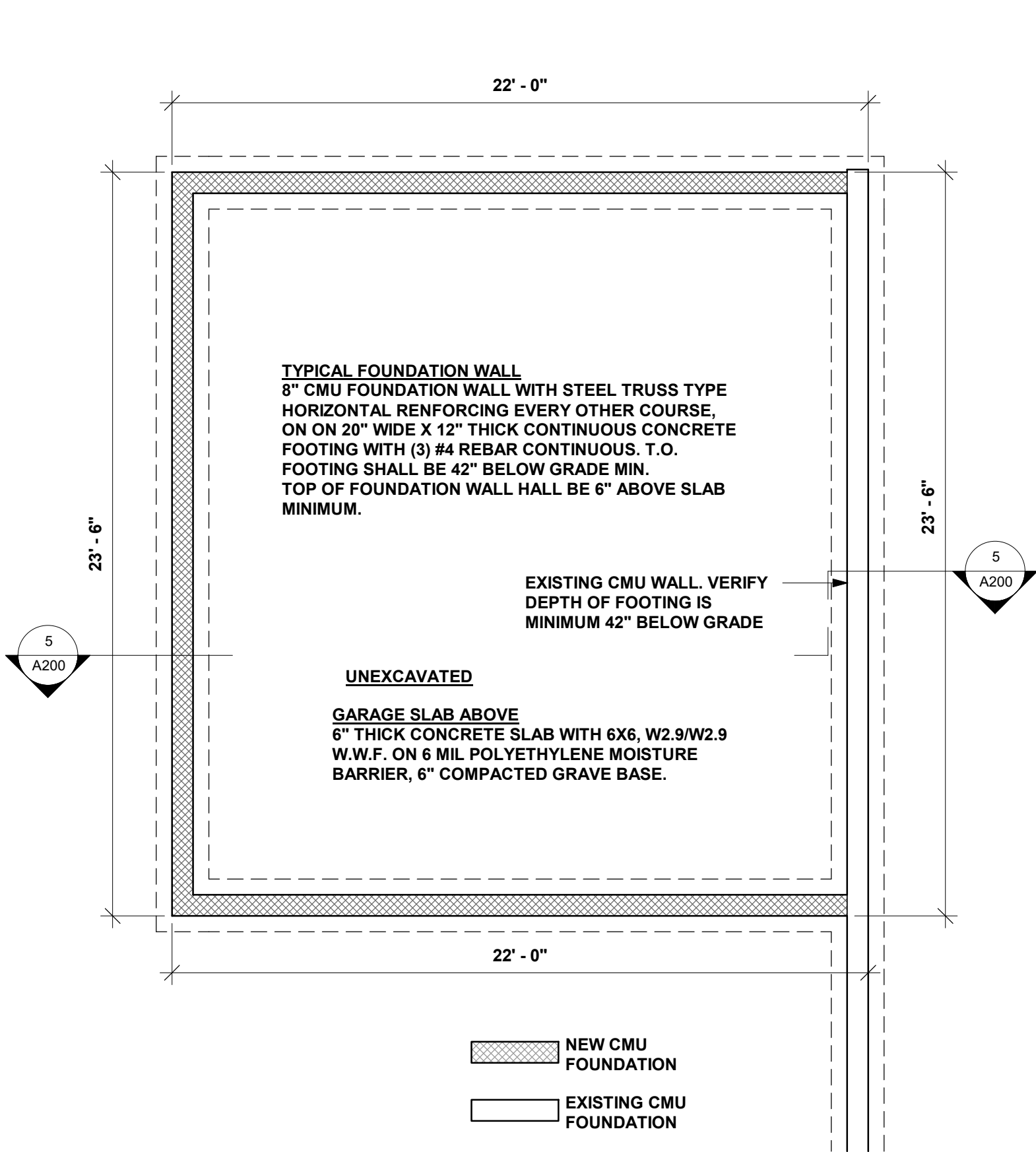
103 GROVE STREET  
MT.KISCO, NY



MICHAEL A. PICCIRILLO, AIA  
345 KEAR STREET, SUITE 203  
YORKTOWN HEIGHTS, NY 10598

TELEPHONE: 914-368-9838  
FACSIMILE: 914-368-9839  
michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com





1 FOUNDATION  
1/4" = 1'-0"

FOUNDATIONS:

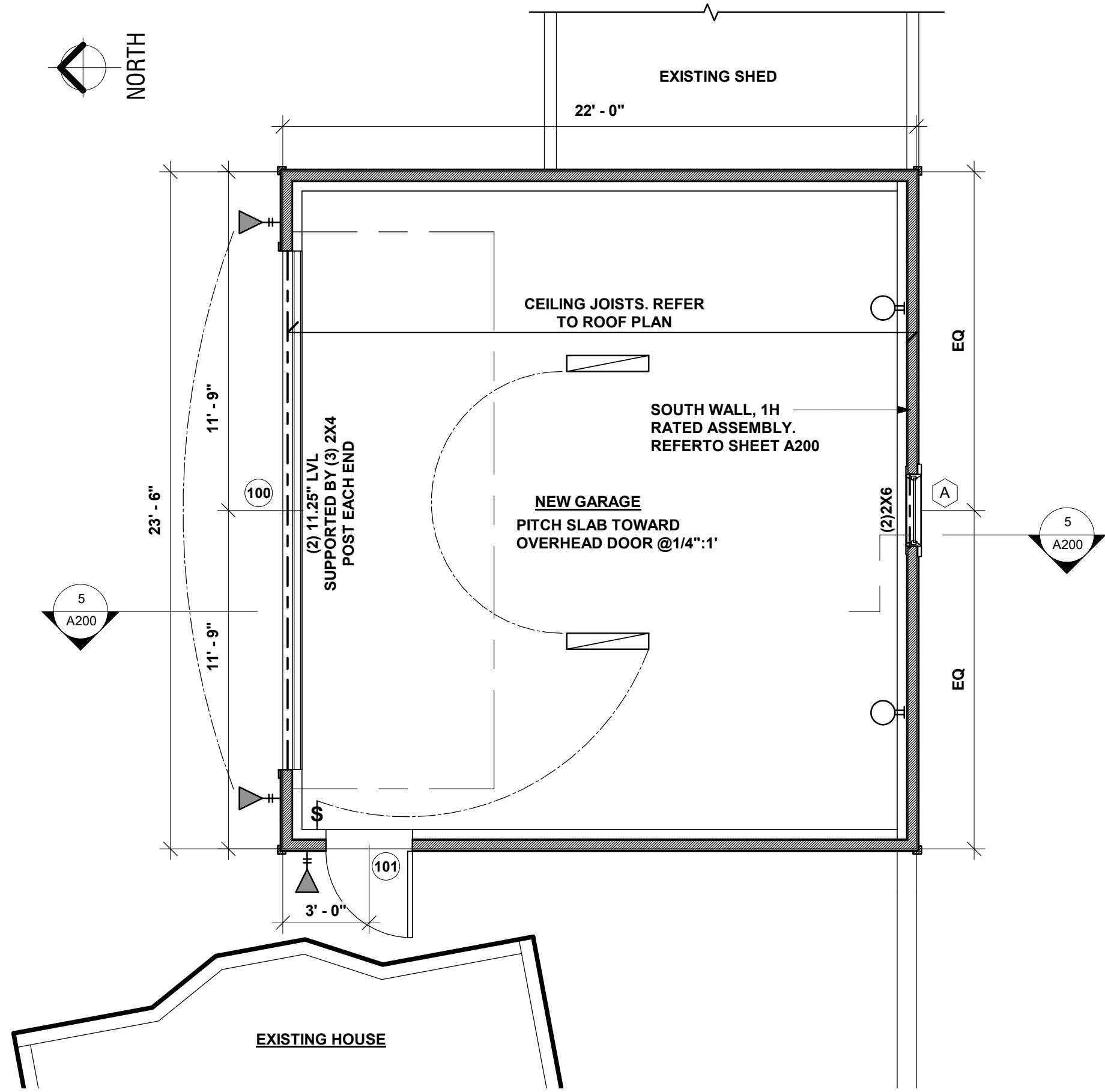
- FOUNDATIONS HAVE BEEN DESIGNED TO BEAR ON UNDISTURBED SOILS. ASSUMED SOIL BEARING PRESSURE: 1,600 POUNDS PER SQUARE FOOT. SHOULD IT BE NECESSARY TO LOWER FOOTINGS, ELEVATIONS OF ADJACENT FOOTINGS SHALL BE ADJUSTED TO LIMIT STEPPING TO 1 VERTICAL TO 2 HORIZONTAL. PLACE LOWEST FOOTING FIRST. SEE "STEPPED FOOTING DETAIL."
- KEEP FOOTING BOTTOMS WELL DRAINED UNTIL FOOTINGS ARE IN PLACE. PUMP AS REQUIRED.
- DO NOT BACKFILL AGAINST RETAINING WALLS UNLESS WALLS ARE SHORED OR UNTIL CONCRETE HAS ATTAINED SPECIFIED 28 DAY STRENGTH. SLABS ON GROUND SHALL BE PLACED IN ALTERNATIVE STRIP FASHION TO MINIMIZE SHRINKAGE.
- PROVIDE ALL NECESSARY SHORING, SHEETING AND BRACING FOR DEEP FOOTING EXCAVATIONS. ALL RETAINING WALLS SHALL HAVE 12" OF FREE-DRAINING GRANULAR BACKFILL BEHIND WALL FULL HEIGHT. PROVIDE CONTROL JOINTS IN RETAINING WALLS EVENLY SPACED NO MORE THAN 30 FEET O. C. SEE "CONCRETE" NOTES FOR ADDITIONAL REQUIREMENTS.

CONCRETE (AS APPLICABLE):

- ALL CONCRETE DESIGN AND PLACEMENT SHALL COMPLY WITH THE LATEST EDITION OF THE ACI 301, "SPECIFICATION FOR STRUCTURAL CONCRETE FOR BUILDINGS". HOT WEATHER CONCRETING SHALL BE IN ACCORDANCE WITH ACI 305. COLD WEATHER CONCRETING SHALL BE IN ACCORDANCE WITH ACI 306. ALL OTHER APPLICABLE CODES SHALL ALSO BE FOLLOWED.
- CONCRETE SHALL BE NORMAL WEIGHT CONCRETE EXCEPT LIGHT WEIGHT CONCRETE SHALL BE USED FOR SLABS ON STEEL DECK UNLESS NOTED OTHERWISE. CONCRETE SHALL DEVELOP A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS FOR FOUNDATIONS AND 4,000 PSI WITH A MINIMUM OF 4% AIR ENTRAINMENT FOR ALL OTHER CONCRETE. (INCLUDING SLABS ON GROUND).
- REINFORCEMENT SHALL BE DEFORMED INTERMEDIATE GRADE NEW BILLET STEEL CONFORMING TO ASTM DESIGNATION A-615, GRADE 60. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A-185. THE USE OF POLYPROPYLENE FIBERS MAY ONLY BE USED IN ADDITION TO MESH AND REINFORCEMENT CALLED OUT FOR SLABS.
- FOLLOW ACI RULES AS TO TIES, ANCHORAGE, SPLICES, CONCRETE COVERAGE AND REINFORCEMENT SUPPORTS. REINFORCEMENT MARKED "CONTINUOUS" (CONT.) SHALL BE LAPPED 36 BAR DIAMETERS AT SPLICES AND CORNERS, AND HOOKED AT NON-CONTINUOUS ENDS OR EXTENDED 36 BAR DIAMETERS UNLESS OTHERWISE NOTED.
- CONSTRUCTION JOINTS SHALL BE LOCATED AT POINTS OF ZERO SHEAR. NO CONSTRUCTION JOINTS SHALL BE LOCATED IN MEMBERS CARRYING A CONCENTRATED LOAD. PROVIDE SHEAR BARS AS DIRECTED BY THE ENGINEER. LOCATIONS OF CONSTRUCTION JOINTS SHALL BE ACCEPTED BY THE ENGINEER.
- PROVIDE SLEEVES AND BOX OUT FOR OPENINGS FOR MECHANICAL TRADES. FOR SIZE AND LOCATION OF ALL OPENINGS, SEE ARCHITECTURAL AND MECHANICAL DRAWINGS IN ADDITION TO STRUCTURAL DRAWINGS. OPENINGS SHALL BE PLACED SO AS NOT TO AFFECT THE STRENGTH OF THE STRUCTURAL MEMBERS.
- CONTRACTOR SHALL VERIFY DIMENSIONS AND LOCATIONS OF ALL OPENINGS, PIPE SLEEVES, ANCHOR BOLTS, ETC., AS REQUIRED BY ALL TRADES, BEFORE CONCRETE IS PLACED.

CONCRETE MASONRY UNITS: SHALL CONFORM TO ATSM C90

- MORTAR SHALL BE TYPE M OR TYPE S MORTAR.
- MORTAR SHALL BE SUFFICIENTLY PLASTIC AND UNITS SHALL BE PLACED WITH SIFFICIENT PRESSURE TO EXTRUDE MORTAR FROM THE JOINT AND PRODUCE A TIGHT JOINT
- REINFORCEMENT BARS SHALL BE COMPLETELY EMBEDDED IN MORTAR.
- CELLS CONTAINING REINFORCEMENT SHALL BE FILLED SOLID WITH GROUT
- JOINT REINFORCEMENT SHALL BE ASTM A153, CLASS B-2
- GROUT SHALL BE A PLASTIC MIX SUITABLE FOR PUMPING WITHOUT SEGREGATION OF THE CONSTITUENTS.
- GROUT SHALL BE CONSOLIDATED BY PUDDLING OR MECHANICAL VIBRATING DURING PLACING AND RECONSOLIDATED AFTER EXCESS MOISTURE HAS BEEN ABSORBED BUT BEFORE PLASTICITY IS LOST



2 GARAGE FLOOR PLAN  
1/4" = 1'-0"

WINDOW SCHEDULE				
TAG	WIDTH	HEIGHT	WINDOW TYPE	COMMENTS
A	2' - 6"	2' - 6"	FIXED	

NOTES:

- WINDOW MANUFACTURER: ANDERSEN 200 SERIES
- WINDOW SIZES INDICATED ON SCHEDULE ARE NOMINAL SIZES. G.C. SHALL PROVIDE SHOP DRAWINGS WITH ACTUAL MANUFACTURER WINDOW SIZES.
- WINDOWS SHALL BE INSTALLED ACCORDING TO: ASTM E-2112-07 STANDARDS FOR WINDOW AND DOOR INSTALLATION.

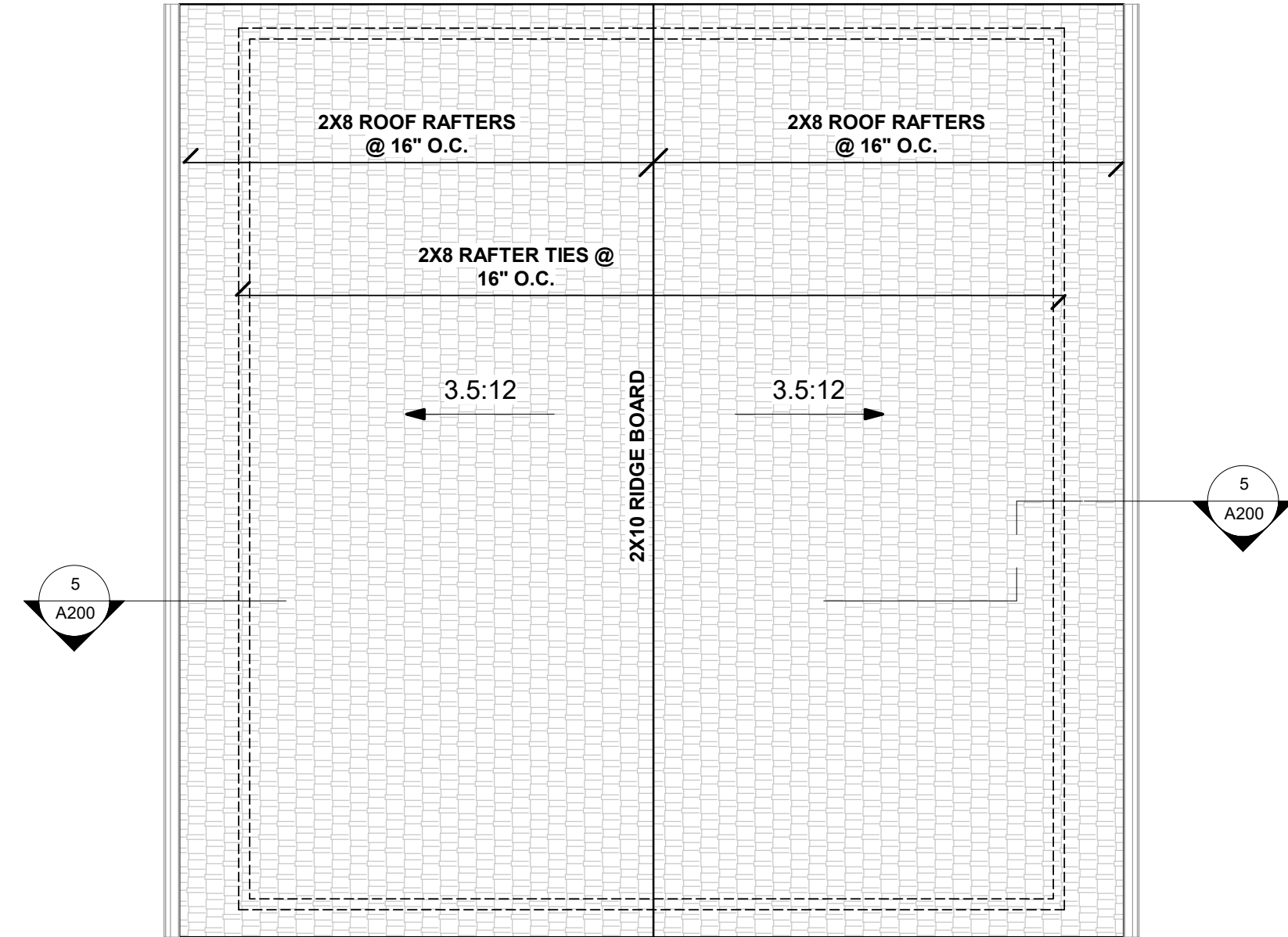
THE G.C. SHALL REVIEW ALL WINDOW AND DOOR ORDERS WITH THE MANUFACTURER'S REPRESENTATIVE TO COORDINATE SPECIFIED WINDOWS AND DOORS WITH INTENDED RESULTS SHOWN AND INDICATED ON DRAWINGS. G.C. SHALL PROVIDE SHOP DRAWINGS INDICATING STANDARD WINDOW MODEL SIZES FOR REVIEW AND APPROVAL BY ARCHITECT PRIOR TO ORDERING WINDOWS. G.C. ASSUMES ALL RESPONSIBILITY FOR WINDOW ORDER IF SHOP DRAWING ARE NOT APPROVED BY ARCHITECT PRIOR TO ORDERING WINDOWS

DOOR SCHEDULE					
NO.	WIDTH	HEIGHT	DOOR TYPE	LOCK FUNCTION	COMMENTS
100	18' - 0"	7' - 0"	OVER HEAD		\$4000 ALLOWANCE
101	3' - 0"	6' - 8"	SWING	ENTRY	\$1500 ALLOWANCE

- PROVIDE CHAIN DRIVE 3/4 HP AUTOMATIC GARAGE DOOR OPENER, WITH KEYLESS ENTRY PAD, (2) CAR REMOTE CONTROLS, AND SAFETY SENSORS.
- VERIFY GARAGE DOOR WEIGHT WITH AUTOMATIC DOOR OPENER WEIGHT CAPACITY.

INTERIOR FINISH NOTES:

- INTERIOR WALL AND CEILING FRAMING SHALL BE UNFINISHED/ EXPOSED
- CONCRETE SLAB SHALL BE FINISHED WITH AN EPOXY FLOOR COATING. PROVIDE MANUFACTURER CUT SHEET FOR OWNER APPROVAL

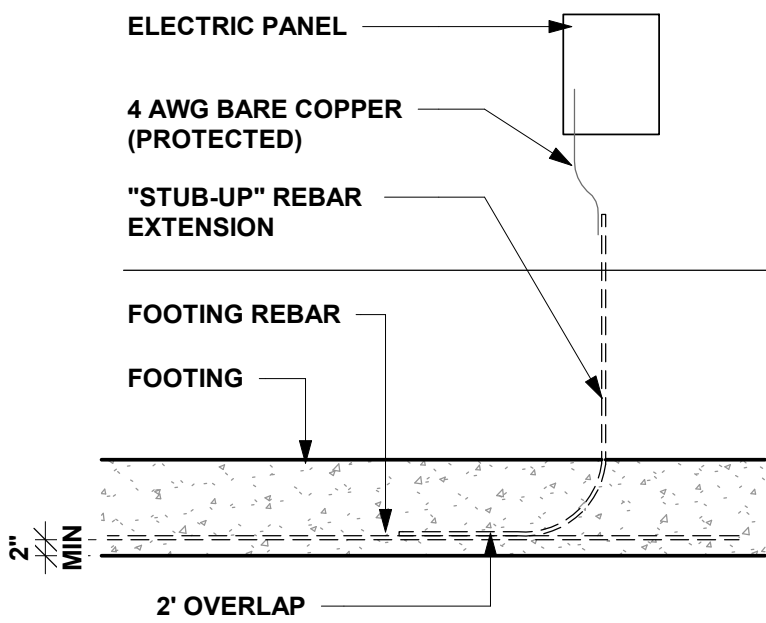
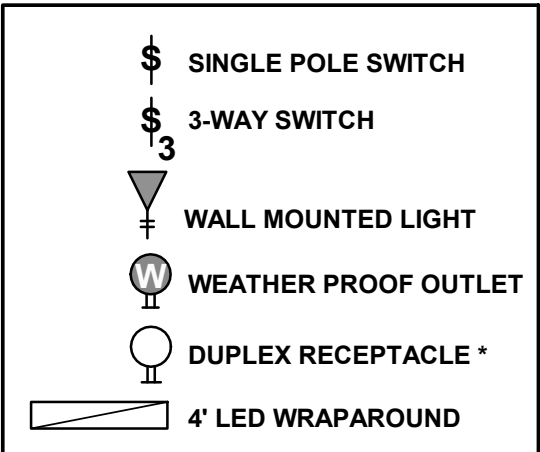


3 ROOF  
1/4" = 1'-0"

ASPHALT ROOF:

- TIMBERLINE ULTRA HD MANUFACTURED BY GAF. COLOR TO BE DETERMINED (OR EQUAL)
- ROOFING SHALL BE INSTALLED WITH MANUFACTURERS SPECIFIED UNDERLAYMENT(S), FLASHING, ACCESSORIES, ETC. TO MAINTAIN WARRANTY
- GUTTERS SHALL BE K-STYLE ALUMINUM, WITH 4" LEADERS CONNECTED TO EXISTING STORMWATER MANAGEMENT SYSTEM.

ELECRICAL LEGEND



4 GROUNDING ELECTRODE  
1/2" = 1'-0"

NOTE: PRIOR TO COMMENCING ANY ELECTRICAL WORK, A COMPLETE WALK-THRU WITH THE ELECTRICAL CONTRACTOR IS REQUIRED, TO REVIEW SWITCHING, LIGHTING ETC. ON A ROOM-BY-ROOM BASIS. THIS SHALL BE DONE WELL ENOUGH IN ADVANCE OF THE WORK TO ALLOW FOR CHANGES TO MATERIAL ORDERS.

A. SCOPE OF WORK:

- EXTEND ELECRICAL SERVICE FROM EXISTING HOUSE TO NEW GARAGE
- INTENT IS TO PROVIDE A COMPLETE AND PROPER SYSTEM OF ELECTRIC WIRING, CONFORMING TO THE LATEST EDITION OF THE NATIONAL ELECTRIC CODE. AT COMPLETION, FURNISH CERTIFICATE OF INSPECTION OF NATIONAL BOARD OF FIRE UNDERWRITERS.
- PROVIDE ALL ELECTRICAL SERVICE EQUIPMENT REQUIRED BY THE POWER COMPANY.
- INSTALL ALL LIGHT FIXTURES SHOWN ON PLAN AND IN SPECIFICATIONS
- PROVIDE ANY AND ALL OUTLETS REQUIRED BY CODE AND NOT NOT SHOWN ON PLANS.
- PROVIDE MIN. 1 GFCI RECEPTACLE IN GARAGE.
- RELOCATE EXISTING CAR CHARGER

B. MATERIALS

- ALL LIGHTING AND ELECTRICAL CONTROLS INCLUDING SWITCHES, DIMMERS, OUTLETS AND WALLPLATES SHALL BE DECORA BY LEVITON.
  - SWITCHES: ROCKER W/ SLIDE DIMMER, WHITE
  - WALL PLATES: DECORA PLUS SCREWLESS, WHITE
  - OUTLETS: DECORA, WHITE
- WRAPAROUND LIGHT SHALL BE CONTRACTOR SELECT LED WRAP LINEAR FLUSH MOUNT BY LITHONIA LIGHTING (OR APPROVED EQUAL)
- EXTERIOR DECORATIVE LIGHT FIXTURES SHALL BE PROVIDED BY OWNER, INSTALLED BY CONTRCATOR



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:
1	10/25/23	ISSUED
1	11/1/23	ISSUED FOR BIDDING

PROJECT NAME:

DETACHED GARAGE

PROJECT ADDRESS:

103 GROVE STREET  
MT.KISCO, NY



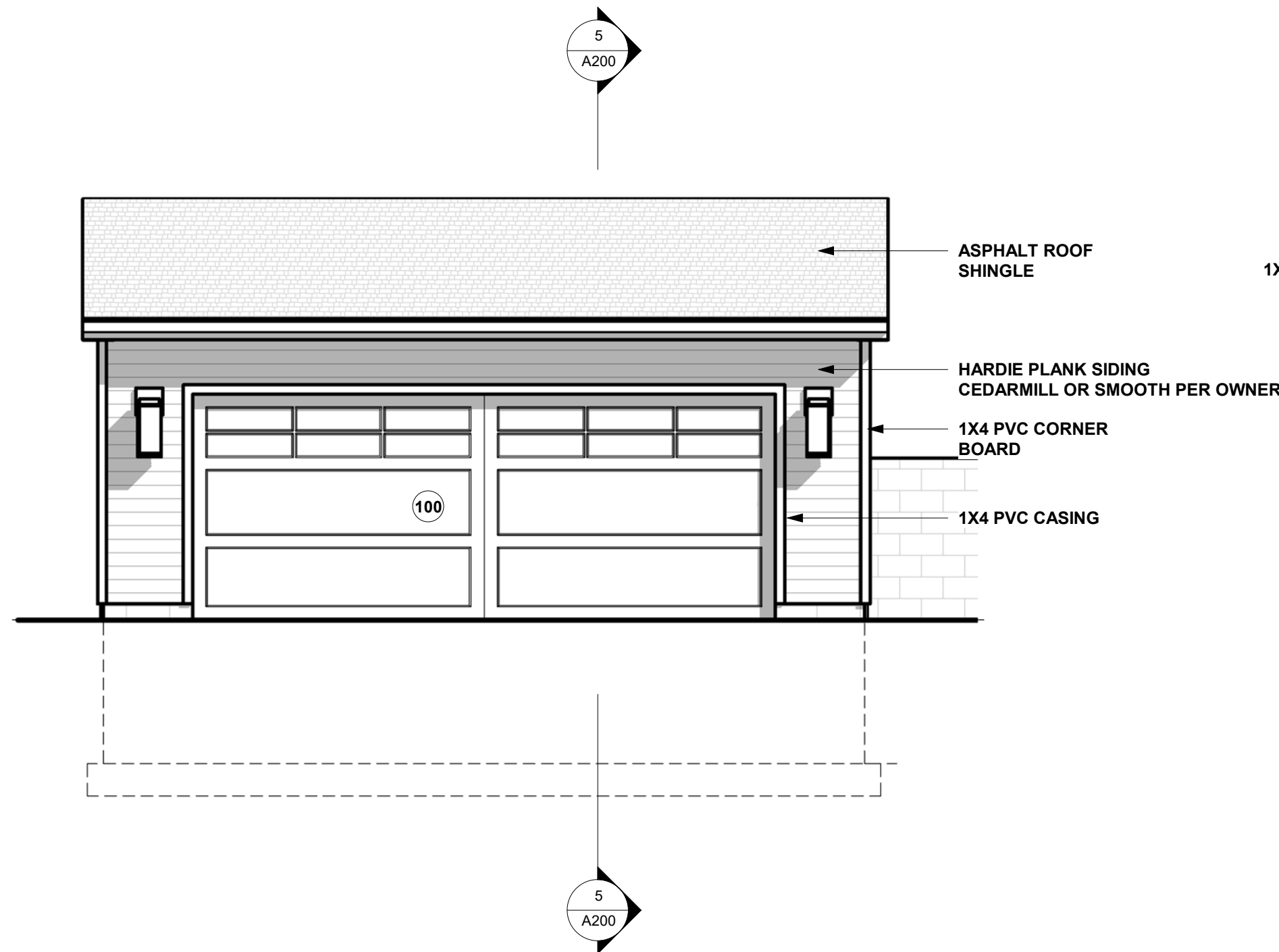
MICHAEL A. PICCIRILLO, AIA  
345 KEAR STREET, SUITE 203  
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michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com

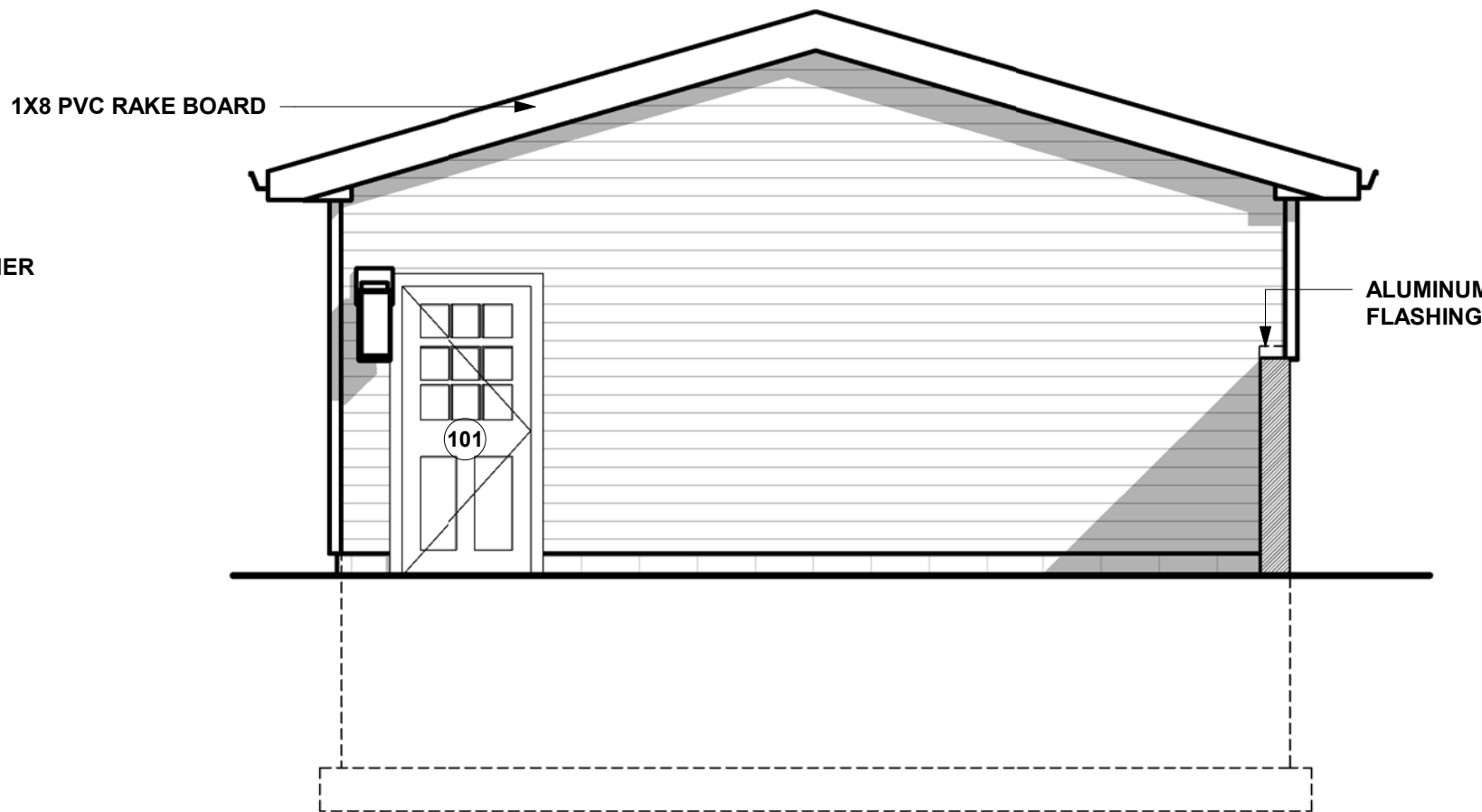
PLAN

A100

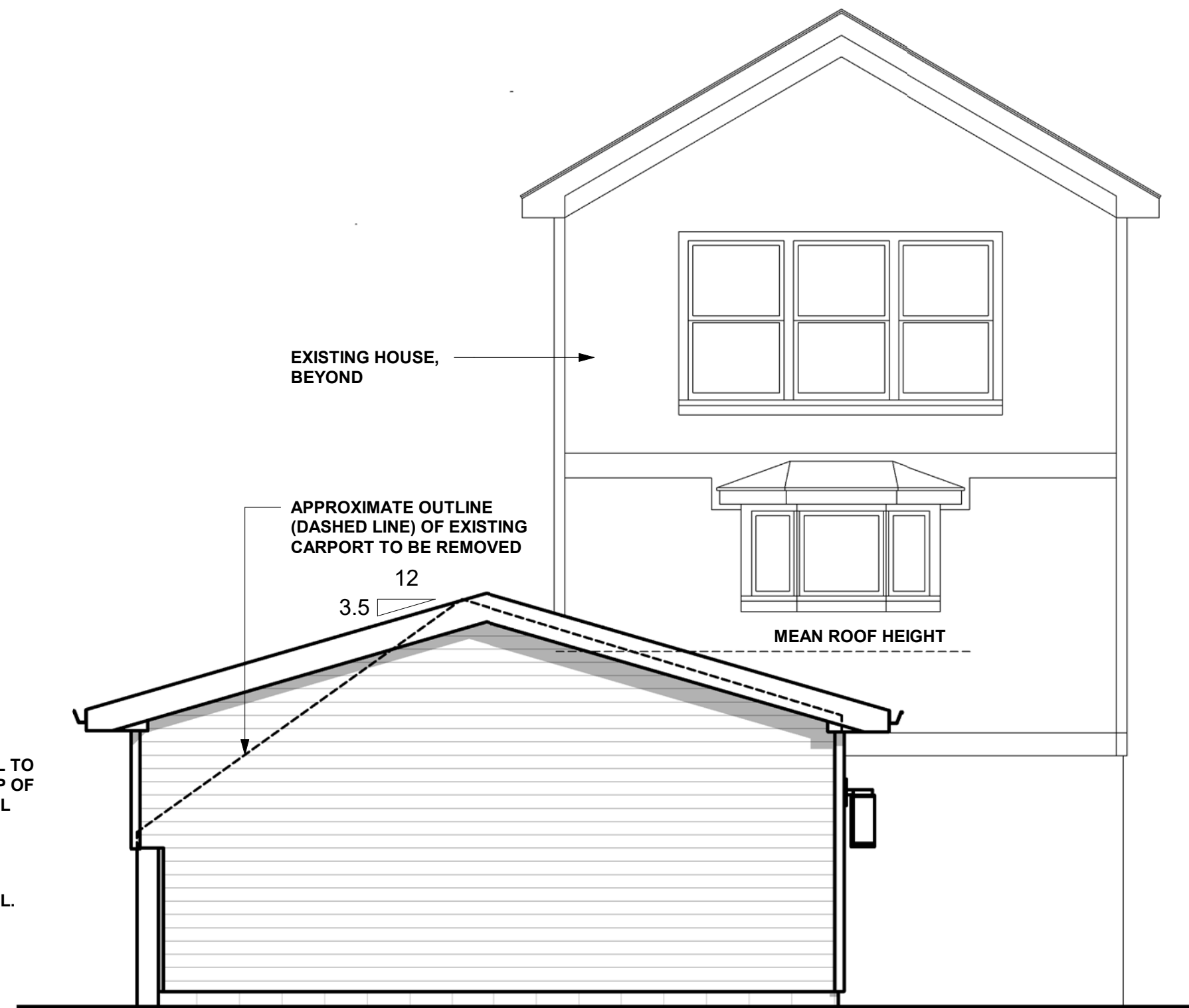




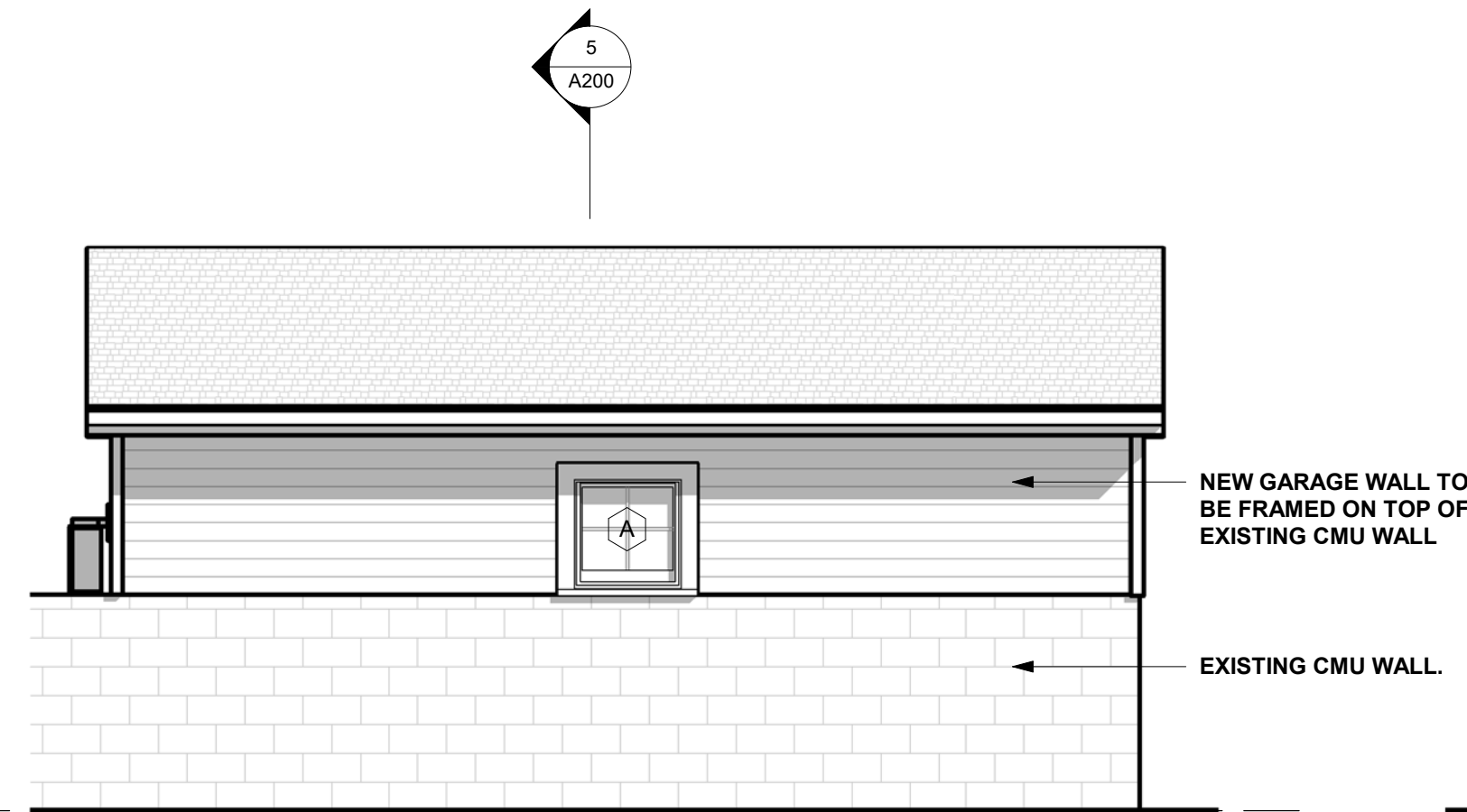
1 NORTH ELEVATION  
1/4" = 1'-0"



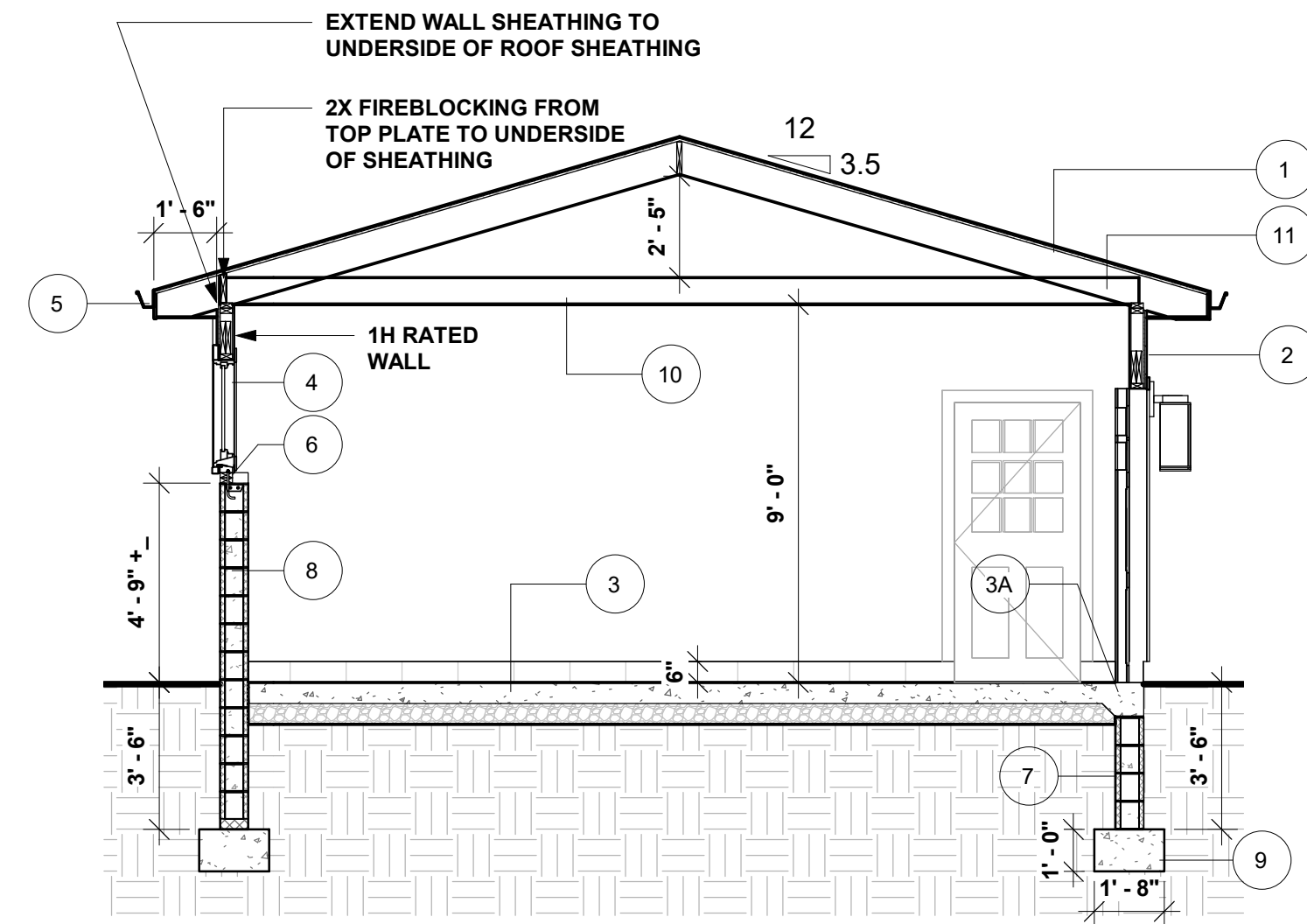
2 WEST ELEVATION  
1/4" = 1'-0"



4 EAST ELEVATION  
1/4" = 1'-0"



3 SOUTH ELEVATION  
1/4" = 1'-0"

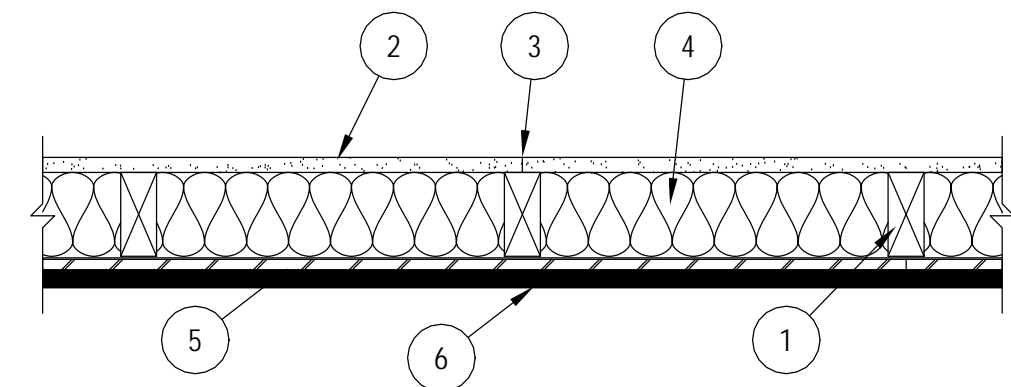


5 BUILDING SECTION  
1/4" = 1'-0"

GENERAL FRAMING NOTES:

1. THE FRAMING PLANS ARE DIAGRAMATIC ONLY AND DO NOT REPRESENT EVERY PIECE OF LUMBER REQUIRED FOR A COMPLETE PROJECT. THE CONTRACTOR MUST DETERMINE THE CORRECT QUANTITIES OF MATERIALS REQUIRED FOR THE PROJECT INCLUDING BLOCKING, NAILERS, JOIST/BEAM HANGERS, ETC. CONTRACTOR SHALL BE EXPERIENCED AND SKILLED IN WOOD FRAME CONSTRUCTION AND BE FAMILIAR WITH TYPICAL METHODS OF PRESCRIPTIVE WOOD FRAME CONSTRUCTION AS DESCRIBED IN 2020 RCNYS. THE CONTRACTOR MUST ALSO COMPLY WITH BUILDING CODE REQUIREMENTS GOVERNING THE OVERALL PROJECT.
2. THE FRAMING LAYOUTS DEPICTED DO NOT ACCOUNT FOR SPECIFIC PROJECT REQUIREMENTS SUCH AS PLUMBING FIXTURE LOCATIONS, HVAC REGISTER LOCATIONS, LIGHTING LAYOUTS, ETC. CONTRACTOR MUST COORDINATE THE STARTING POINTS AND LAYOUT OF THE FRAMING IN ORDER TO MINIMIZE THE IMPACT OF THOSE ITEMS.
3. DIMENSIONS INDICATED ARE ONLY A GUIDE TO INDICATE THE DESIGN MAXIMUM DESIGN SPANS USED. REFER TO THE ARCHITECTURAL DRAWINGS FOR ALL DIMENSIONS AND OVERALL CONSTRUCTION DETAILS.
4. ALL WOOD FRAMING MATERIAL SHALL BE SURFACED DRY AND USED AT 19% MAXIMUM MOISTURE CONTENT.
5. WALL STUDS SHALL BE DOUGLAS FIR STUD GRADE UNLESS CALLED OUT OTHERWISE.
6. ALL JOIST, RAFTER & MISC. FRAMING SHALL BE NO. 1 GRADE, DOUGLAS FIR-L. PROVIDE FULL-DEPTH (OR METAL) BRIDGING AT MIDSPAN AND AT A MAXIMUM SPACING OF 8'-0" O.C. IN BETWEEN.
7. ALL SHEATHING SHALL BE APA RATED PRODUCTS.
8. UNLESS OTHERWISE NOTED FASTEN MEMBERS PER THE BUILDING CODE FASTENER SCHEDULE.
9. ALIGN ROOF RAFTERS WITH BEARING WALL STUDS. IF A RAFTER IS MORE THAN 4" FROM THE FACE OF A STUD, INSTALL A WALL STUD UNDER THE JOIST.
10. ANY NEW WOOD IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED OR BE ISOLATED FROM THE CONCRETE.
11. ALL FASTENERS IN CONTACT WITH PRESSURE TREATED WOOD SHALL BE HOT DIPPED GALVANIZED, STAINLESS STEEL, OR BE COMPATIBLE WITH THE PRESERVATIVE USED.
12. PREFABRICATED METAL JOIST HANGERS, HURRICANE CLIPS, HOLD-DOWN ANCHORS AND OTHER ACCESSORIES SHALL BE A MANUFACTURED BY SIMPSON STRONG-TIE. INSTALL ALL ACCESSORIES PER THE MANUFACTURER'S REQUIREMENTS.
13. ALL FASTENERS FOR METAL CONNECTORS SHALL BE IN ACCORDANCE WITH THE MANUFACTURER LITERATURE.
14. ALL METAL CONNECTORS SHALL BE HOT DIPPED GALVANIZED TO THE MANUFACTURERS MAXIMUM TREATMENT.
15. ALL NAILING NOT OTHERWISE INDICATED SHALL BE IN ACCORDANCE WITH TABLE R602.3(1) OF THE IRC 2020

1. TYPICAL ROOF CONSTRUCTION: ASPHALT ROOFING SHINGLE ON UNDERLAYMENT, 5/8" CDX PLYWOOD SHEATHING, 2X RAFTERS @ 16" O.C., 1/2 GYP. BRD. CEILING PROVIDE ICE & WATER SHIELD AND ALUMINUM DRIP EDGE AT EAVE.
2. TYPICAL WALL: 8" EXPOSURE HARDIE PLANK SIDING, TYVEK HOUSE WRAP, 1/2" CDX PLYWOOD SHEATHING, 2X4 STUDS @ 16" O.C. NO WALL FINISH, EXPOSED STUDS.
3. CONCRETE SLAB: REFER TO FOUNDATION PLAN.
- 3A. HAUNCH SLAB AT OVERHEAD DOOR.
4. WINDOW: REFER TO SCHEDULE FOR SIZE AND TYPE. INSTALL W/ PEAL AND STICK FLASHING 1 X 4 PVC CASING.
5. TYPICAL EAVE/SOFFIT: 5/4 X 7 1/4" PVC FASCIA, WITH ALUMINUM GUTTER, AND 1/4" NON-VENTED SMOOTH PVC SOFFIT. EAVE DETAIL TO MATCH HOUSE.
6. (2) 2X4 PRESSURE TREATED PLATE ON SILL SEAL, ANCHORED TO FOUNDATION WITH 1/2" DIA. ANCHOR BOLTS @ 48" O.C., 12" MAX. FROM EACH CORNER. PROVIDE NON-ALUMINUM TERMITE SHIELD BY YORK OR APPROVED EQUAL.
7. CMU FOUNDATION: REFER TO FOUNDATION PLAN.
8. EXISTING CMU FOUNDATION. VERIFY DEPTH OF EXISTING FOOTING. FILL CELLS SOLID. INSTALL VERTICAL REBAR @ 48" O.C.
9. CONCRETE FOOTING REFER TO FOUNDATION PLAN.
10. GARAGE CEILING: 2X RAFTER TIES @ 16" O.C., ATTACHED TO RAFTERS. NO CEILING FINISH.
11. HEEL JOINT: (4) 16D COMMON NAILS.

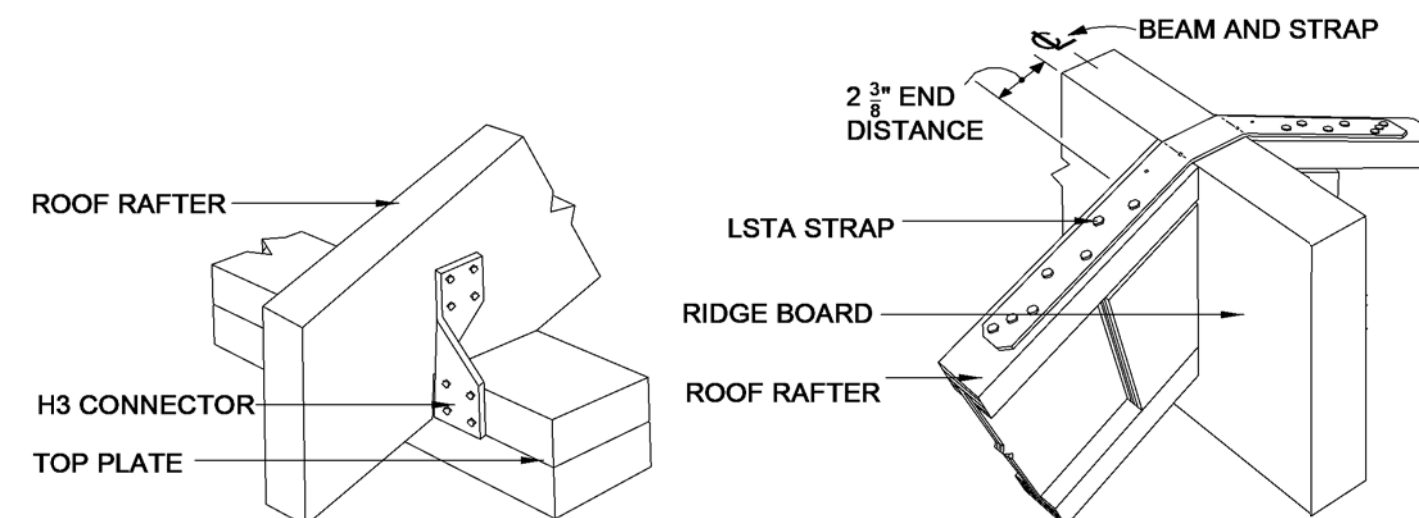


U348 WOOD STUD  
1-HOUR FIRE FROM INTERIOR ONLY

1. 2x4 STUDS AT 16"oc (MAX)
2. 5/8" TYPE X GYPSUM
3. TAPE AND MUD JOINTS
4. FIBERGLASS OR MINERAL WOOL INSULATION
5. LP FLAMEBLOCK 1-SIDED FIRE RATED OSB WITH COATED SIDE FACING STUDS
6. ANY EXTERIOR FACING APPROVED BY THE AUTHORITY HAVING JURISDICTION, INSTALLED IN ACCORDANCE WITH THE MANUFACTURER SPECIFICATIONS.

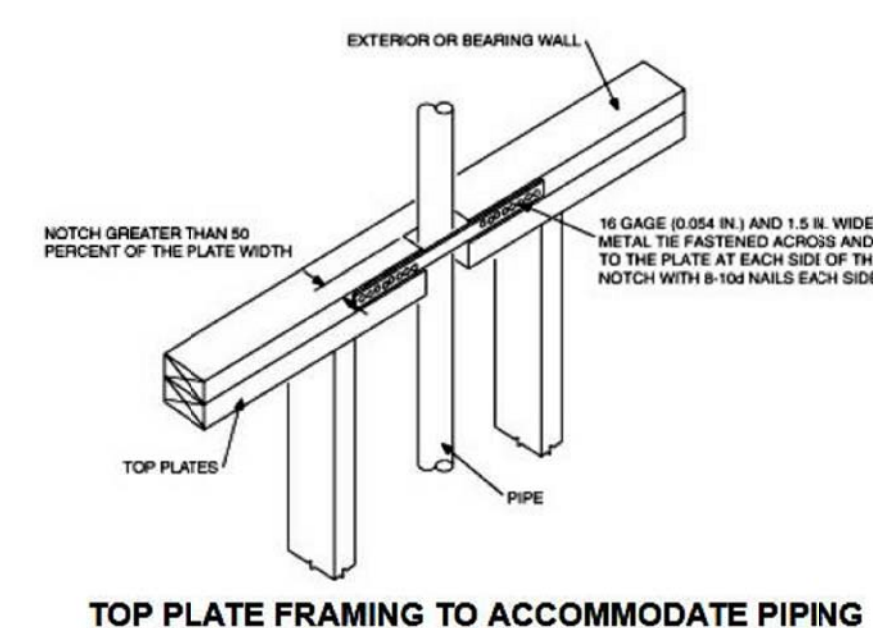
NOTE: REFER TO UL LISTING OF DESIGN NO. U348 FOR FULL ASSEMBLY DETAILS

6 1 HOUR WALL ASSEMBLY  
1 1/2" = 1'-0"

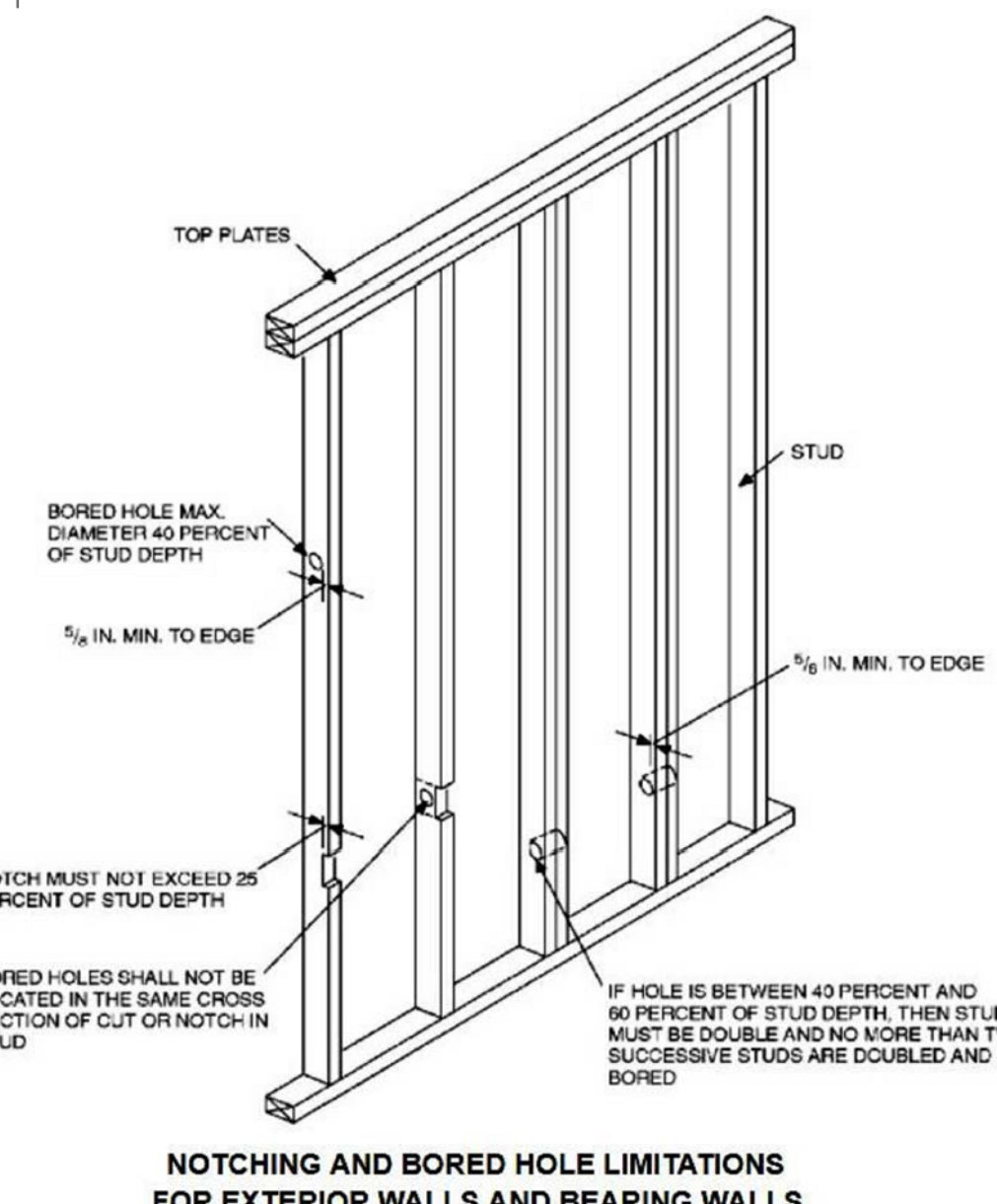


UPLIFT @ PLATE

UPLIFT @ RIDG



TOP PLATE FRAMING TO ACCOMMODATE PIPING



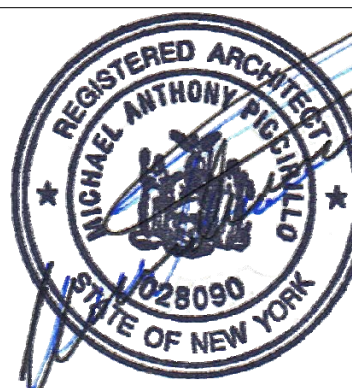
No.	DATE:	ISSUE:
1	10/25/23	ISSUED
1	11/1/23	ISSUED FOR BIDDING

PROJECT NAME:

DETACHED GARAGE

PROJECT ADDRESS:

103 GROVE STREET  
MT.KISCO, NY



MICHAEL A. PICCIRILLO, AIA  
345 KEAR STREET, SUITE 203  
YORKTOWN HEIGHTS, NY 10598

TELEPHONE: 914-368-9838  
FACSIMILE: 914-368-9839  
michael@mpiccirilloarchitect.com  
www.mpiccirilloarchitect.com

ELEVATIONS/  
SECTION

A200





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

December 19, 2023

Mr. Viktor Solarik  
P.O. Box 696  
Katonah, NY 10536

Re: Notice of Denial  
346 Spring Street  
Mount Kisco, NY 10549  
(SBL) 80.64-2-4

Dear Mr. Solarik,

Your recent submission of a building permit application for the proposed construction of a detached, three-car garage located in the RS-6 Medium-Density One-Family Residence District has been denied for the following reasons:

1. No accessory structure shall be located or project nearer to any street line or side lot line than does the principal structure on the lot. The principal structure is located 55.0 feet from the north westerly side lot line and the proposed detached garage is located 12.0 feet from the north westerly side lot line. Therefore, a 43.0 foot variance is required in accordance with *§110-31 G (1) of the Village/Town of Mount Kisco Code*.
2. An accessory structure shall not exceed 15 feet in height. The overall height of the proposed detached garage is 18'-6". Therefore, a 3'-6" variance is required in accordance with *§110-31 G (4) 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

PJM/mkr



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

AUG 08 2023

RECEIVED

Application #: \_\_\_\_\_

Permit #: \_\_\_\_\_

**BUILDING PERMIT APPLICATION**

**Note: Three sets of construction drawings and a digital copy must be submitted with application.**

Project Address: 346 SPRING STREET MT. KISCO NY 10549

Zoning District: RS-6 Section/Block/Lot(s): 80.64-2-4

Applicant's Name: VIKTOR SOLARIK

Address: P.O. BOX 696, KATONAH NY 10536

Email address: VB3@VKS4.COM Phone #: 914-232-9828

Name of Property Owner: JOSE & THERESA FLORA Phone #: 914-671-1023  
(If Different)

Present Address of Owner: 346 SPRING STREET, MT KISCO NY 10549

Email address: JOSEFLORA@GMAIL.COM Phone #: 914-671-1023

Description of Improvement and Proposed Use in Detail: NEW DETACHED GARAGE

Total Estimated Cost of Improvement: \$ 200,000.00

**AFFIDAVIT OF CONSTRUCTION COST:** This affidavit must be completed by the Design Professional if the estimated cost is \$20,000.00 or more, or the project is a legalization.

I VIKTOR SOLARIK do hereby affirm and certify as follows: (i) I am the architect/engineer (circle one) licensed by the State of New York; (II) I have reviewed the plans, drawings and specifications of this application and am fully familiar with the proposed construction; (III) based on my experience, I estimate the total cost of construction, including all labor, all material, all professional fees and all associated costs to be approximately \$ 200,000.00, and (IV) pursuant to Penal Law 210.4, I acknowledge that a false statement made knowingly is a Class A Misdemeanor.

Signature: [Signature]  
Date: 8/7/2023

Sign & Affix Seal





**Property Use: (please answer all questions)**

Existing use Residential:

☒ Single Family    ☐ 2 Family    ☐ Other (Please specify) \_\_\_\_\_

Intended use:

☒ Single Family    ☐ 2 Family    ☐ Other (Please specify) DETACHED GARAGE

Existing Use Commercial:

☐ Multi Family (How Many) \_\_\_\_ ☐ Retail    ☐ Restaurant    ☐ Other (Please specify) \_\_\_\_\_

Intended Use:

☐ Multi Family (How Many) \_\_\_\_ ☐ Retail    ☐ Restaurant    ☐ Other (Please specify) \_\_\_\_\_

Is there an approved site plan for this property?

Is this a new residential house?    ☐ Yes    ☐ No    ☒ Addition    ☐ Alteration

Is this a new commercial building?    ☐ Yes    ☒ No    ☐ Addition    ☐ Alteration

Municipal sewer? ☒ Yes    ☐ No    Septic System? ☐ Yes    ☐ No (if applicable, attach Health Dept. Approval)

Is this structure within the flood plain?    ☐ Yes    ☒ No (If yes, please file a Flood Development Permit)

Is this project within any wetlands, buffer or water course?    ☐ Yes    ☐ No (If yes, file a Wetlands application)

Topography: ☐ Flat    ☐ Hilly    ☐ Rocky    ☐ Steep Incline    ☐ Other (please specify) \_\_\_\_\_

Will the land disturbance affect any steep slopes?    ☐ Yes    ☒ No (if yes, please file Planning Board application)

How many square feet of land disturbance is there? 3,650 SF

---

Contractor: KATONAH BUILDING CORP.

Address: P.O. BOX 696 KATONAH NY 10536

Phone #: 914-232-9828

Fax #: \_\_\_\_\_

Email address: VKS@VKSA.COM

Westchester County Home Improvement License #: WC-20034-H08

---

Architect or Engineer: VKS ARCHITECTS NYS Lic. #: 23176

Address: P.O. BOX 696 KATONAH, NY 10536

Phone #: 914-232-9828

Fax #: \_\_\_\_\_

Email address: VKS@VKSA.COM

---

Electrician: JEFF THE ELECTRICIAN INC Phone #: 914-262-8676 WC Lic. #: \_\_\_\_\_

Address: 19 CAROL DR., MT. KISCO NY 10549

Phone #: 914-262-8676

Email address: JEFFELECINC@AOL.COM

---

Plumber: N/A Phone #: \_\_\_\_\_ WC Lic. # \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email address: \_\_\_\_\_



The undersigned applicant hereby agrees with all applicable provisions of the Code of the Village/Town of Mount Kisco and all other laws, codes, rules and requirements applicable to the proposed construction and that statements contained herein are true to the best of his/her knowledge.

[Signature]  
Applicant's Signature

Sworn to before me this 4<sup>th</sup> day of August 2023

Notary Public, Westchester County: [Signature]

DAVID C SLOAN  
Notary Public - State of New York  
NO. 01SL6318303  
Qualified in Putnam County  
My Commission Expires Feb 28, 2027

### Affidavit of Owner Authorization:

If the applicant is not the owner in fee of the premises:

The applicant VIKTOR SOLARIK has my consent from to make this application as submitted.

JOSE FLORA

Owner's Name Printed

[Signature]

Owner's Signature

Sworn to before me this 4<sup>th</sup> day of August 2023

Notary Public, Westchester County: [Signature]

DAVID C SLOAN  
Notary Public - State of New York  
NO. 01SL6318303  
Qualified in Putnam County  
My Commission Expires Feb 28, 2027

Name of Project Contact Person: \_\_\_\_\_

Daytime Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

### DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Received by: \_\_\_\_\_

- ☐ Application/Permit Fee \_\_\_\_\_
- ☐ License:
- ☐ Insurance:
- ☐ 3 sets of drawings:
- ☐ Digital drawing:
- ☐ Flood Plain Development Application (if required)

Board Approvals:

- ☐ Planning
- ☐ Zoning
- ☐ ARB
- ☐ Other

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Building Inspector Approval: \_\_\_\_\_

Date approved: \_\_\_\_\_

Conditions:



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: VIKTOR K. SOLARIK, AIA / VKS ARCHITECTS  
Address: P.O. BOX 696, KATONAH NY 10536  
Address of subject property (if different): 346-348 SPRING STREET, MT. KISCO

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

Property owner (if different): JOSE + THERESA FLORA  
Address: 346-348 SPRING STR., MT. KISCO NY 10549

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

✓ Variation or \_\_\_\_\_ Interpretation of Section § 110-31 G.(4)  
of the Code of the Village/Town of Mount Kisco, § 110-31 G.(1)

to permit the: ✓ Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of DETACHED GARAGE

\_\_\_\_\_ in accordance with plans filed on (date) 11/24/2023  
for Property ID # 80.64-2-4 located in the RS-6 Zoning District.  
The subject premises is situated on the WEST side of (street) SPRING STR.  
\_\_\_\_\_ 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: X 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? \_\_\_\_\_ in connection with a  
\_\_\_\_\_ Proposed or \_\_\_\_\_ Existing building; erected (yr.) ~ 1940's

Size of Lot: 100 feet wide 150 feet deep Area 14,938 SF

Size of Building: at street level 33'-9" feet wide 22'-8" feet deep

Height of building: 18'-6" Present use of building: PROPOSED NEW

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

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

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

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

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

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

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



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

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on \_\_\_\_\_ 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**

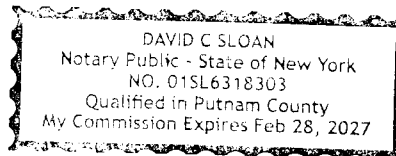


I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true.

[Signature]  
(Appellant to sign here)

Sworn to before me this day of: 12 - 06, 2023

Notary Public, [Signature] Westchester, County, NY



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

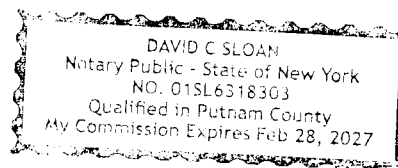
State of New York                    }  
County of Westchester            } ss

Being duly sworn, deposes and say that he resides at 348 SPRING ST MOUNTAIN <sup>10549</sup> 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 BC 64-2-4 and that he hereby authorized VICTOR SOLARIK to make the annexed application in his behalf and that the statements contained in said application are true.

[Signature]  
(sign here)

Subscribed and sworn to me by Jose Flore  
on the 6<sup>th</sup> of December 2023.

[Signature]





December 26, 2023

**VKS Architects**  
P.O. Box 696  
Katonah NY 10536  
914-232-9828  
[vks@vksa.com](mailto:vks@vksa.com)

to: Town/Village of Mount Kisco  
104 Main Street  
Mt. Kisco NY 10549

Attn. **Zoning Board of Appeals**

Re: **346-348 Spring Street** – Application for area variances for proposed detached garage

Ladies and Gentlemen,

We submit the application for height variance for the proposed detached garage at 346 -348 Spring Street, Mt. Kisco NY, Tax ID 80.64-2-4. The proposed height is 18'-6" where 15'-0" is allowed to the top of the roof/ ridge. We also request a variance from Par. 110-31 G (1) to be allowed to locate the proposed garage closer to the side lot line than the principal structure.

The reasons for the height variance request are as follows:

1. The proposed garage is located towards the rear of the property, far away from any neighboring structures.
2. The property slopes down towards the rear, so when viewed from the street, the garage will appear much lower,
3. The proposed attic in the new garage will only be accessible with a pull-down attic access stair, and the headroom in the attic is only 5'-3", preventing it from being converted into a usable/habitable space.

The reasons for the variance request to locate the accessory structure closer to the side lot line than the principal structure are following:

1. The property is twice as wide as the minimum required, providing ample space and adequate side yard setback of 12'-0" where minimum 10' is required from the side / northern property line.
2. The proposed location provides adequate driveway access and turn around area in front of the garage as well as logical and safe access to and from the property.
3. The proposed layout meets the building and lot coverage requirements, creating a pleasant and un-clustered design, with ample space for landscaping, recreation, and other incidental uses of the property.

We feel that:

- a. The new garage will not produce an undesirable change in the character of the neighborhood,
- b. The benefit sought (sufficient storage in attic) cannot be achieved by some other feasible method,
- c. The height variance is not substantial, seeking 18'-6" height to the top of the roof where 15' is allowed, as per **Section 110-31 par. G. (4)**



- d. While the placement variance relative to the principal structure is numerically substantial, this fact is mitigated by the double width of the property, which does not put the new garage any closer to the side property line than a principal structure, if the lot was only 50' wide as is the case in many of the neighboring properties.
- e. The proposed variances will not have an adverse effect on the physical environmental conditions in the neighborhood
- f. While the alleged difficulty is self-created, it will not preclude the granting of the area variance.

We look forward to presenting the application to the Board and discussing the proposed project.

Respectfully submitted,

  
Viktor Solarik, AIA LEED AP  
VKS Architects



**AFFIDAVIT OF MAILING**

**STATE OF NEW YORK**

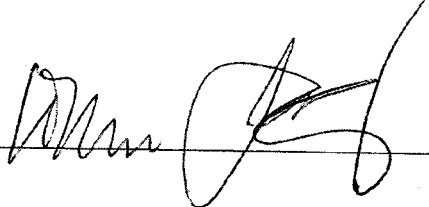
**COUNTY OF WESTCHESTER**

}  
}SS.:  
}

VIKTOR SOLARIK being duly sworn, deposes and says:

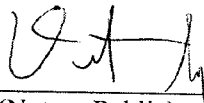
I reside at P.O. BOX 696, KATONAH NY 10536

On DECEMBER 27<sup>TH</sup> 2023 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.

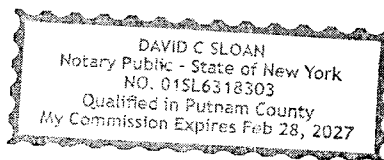


Sworn to before me on this

4<sup>th</sup> day of January 2024



(Notary Public)





## **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 **16<sup>th</sup>** day of **January 2024** at the Municipal Building, Mount Kisco, New York, beginning at 7:00 pm pursuant to the Zoning Ordinance, on the appeal of **Viktor Solarik – VKS Architects, P.O. Box 696, Katonah, NY 10536**, against the decision of Peter J. Miley, Building Inspector dated **December 19, 2023**, to deny the application to permit the **erection of a new garage to be located 12.0 feet from the north-westerly side lot line, where the principal structure is located 55.0 feet from the same lot line, requiring a 43.0 foot variance, and the proposed roof height is 18'-6" where 15'-0" maximum is permitted by the code.**

The property involved is known as **346 Spring Street, Mount Kisco, NY, 10549** and is described on the Village Tax Map as **Section 80.64 Block 20 Lot 4** and is located on the **West** side of **Spring Street** in a RS-6 Zoning District.

Said Appeal is being made to obtain a variance from **Sections §110-31.G(1) and §110-31.G(4)** of the Code of the Village/Town of Mount Kisco, which require that **“no accessory structure shall be located or project nearer to any street line or side lot line than does the principal structure on the lot” [§110-31.G(1)], and “an accessory structure shall not exceed 15 feet in height.” [§110-31.G(4)]**

All interested parties are invited to attend and to be heard.

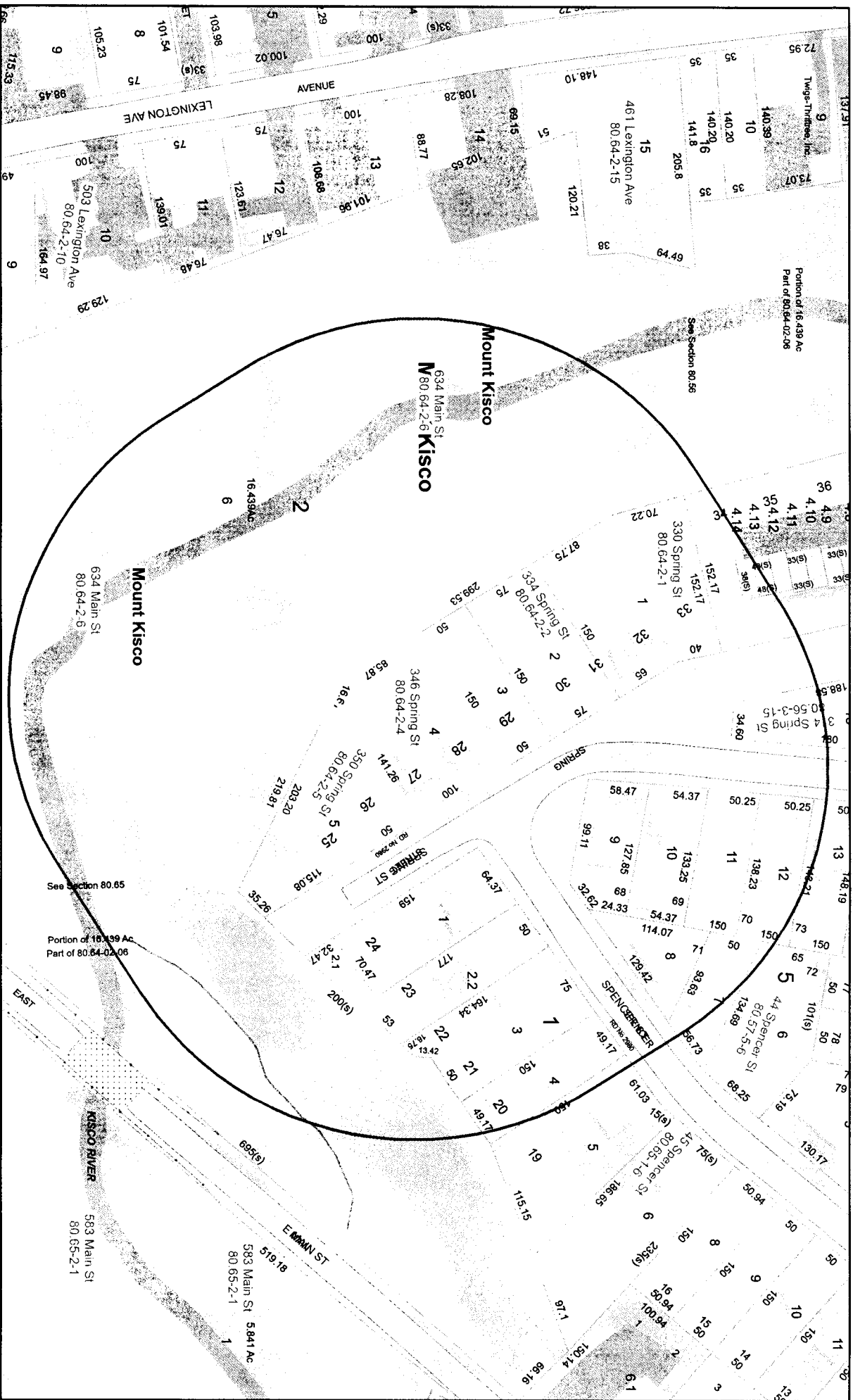
By order of:  
Harold Boxer, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco



346 Spring Street Mailing List for Public Hearing										
OWNERNAME	PROPADRESS	PROPCITY	PROPIZIP	PROPRINTKEY	c/o	Mailing Address	City	State	Zip	
Navarroja Jeyadoss	311 Spring St	MOUNT KISCO	10549	80.57-5-13		639 W. Tremolo LN	Oro Valley	AZ	85737	
Michael Levy	310 Spring St	MOUNT KISCO	10549	80.56-3-15.2		310 Spring St	Mount Kisco	NY	10549	
David & Frances H Urbanik	314 Spring St	MOUNT KISCO	10549	80.56-3-15.3		7 Spring St	Mount Kisco	NY	10549	
Sylvia C Cardillo	315 Spring St	MOUNT KISCO	10549	80.57-5-12		315 Spring St	Mount Kisco	NY	10549	
John H Sisk & Julie A Verville	321 Spring St	MOUNT KISCO	10549	80.57-5-11		321 Spring St	Mount Kisco	NY	10549	
Nicholas & Whitney Hale McDermott	323 Spring St	MOUNT KISCO	10549	80.57-5-10		323 Spring St	Mount Kisco	NY	10549	
Edward Smilkstein	330 Spring St	MOUNT KISCO	10549	80.64-2-1		330 Spring St	Mount Kisco	NY	10549	
Edward Smilkstein	334 Spring St	MOUNT KISCO	10549	80.64-2-2		330 Spring St	Mount Kisco	NY	10549	
Sharon Smilkstein	340 Spring St	MOUNT KISCO	10549	80.64-2-3		340 Spring St	Mount Kisco	NY	10549	
Theresa & Jose Flora	346 Spring St	MOUNT KISCO	10549	80.64-2-4		346 Spring St	Mount Kisco	NY	10549	
Marianne J Larzelere Rev. Trust	350 Spring St	MOUNT KISCO	10549	80.64-2-5	Larzelere Marianne	350 Spring St	Mount Kisco	NY	10549	
Bert J Brugger	44 Spencer St.	MOUNT KISCO	10549	80.57-5-6		44 Spencer St.	Mount Kisco	NY	10549	
Lindsay Munroe	48 Spencer St.	MOUNT KISCO	10549	80.57-5-7		143 Grove St.	Mount Kisco	NY	10549	
Salvatore Albanese	51 Spencer St.	MOUNT KISCO	10549	80.65-1-5		51 Spencer St.	Mount Kisco	NY	10549	
Krzysztof Gorzkowicz	55 Spencer St.	MOUNT KISCO	10549	80.65-1-4		55 Spencer St.	Mount Kisco	NY	10549	
The Carol M Bingham Rev. Trust	56 Spencer St.	MOUNT KISCO	10549	80.57-5-8	Carol Bingham	56 Spencer St.	Mount Kisco	NY	10549	
Thomas Barisic	61 Spencer St.	MOUNT KISCO	10549	80.65-1-3		61 Spencer St.	Mount Kisco	NY	10549	
Village of Mount Kisco.	634 Main St.	MOUNT KISCO	10549	80.64-2-6		104 Main St.	Mount Kisco	NY	10549	
Peter Moore	66 Spencer St.	MOUNT KISCO	10549	80.57-5-9		66 Spencer St.	Mount Kisco	NY	10549	
Mary Lynn Windsor	71 Spencer St.	MOUNT KISCO	10549	80.65-1-1		71 Spencer St.	Mount Kisco	NY	10549	
Mary Lynn Windsor	71 Spencer St.	MOUNT KISCO	10549	80.65-1-2.1		71 Spencer St.	Mount Kisco	NY	10549	
Mary Lynn Windsor	71 Spencer St.	MOUNT KISCO	10549	80.65-1-2.2		71 Spencer St.	Mount Kisco	NY	10549	
Allison A Fortenza	300-13 West St	MOUNT KISCO	10549	80.56-4-4.13		300-13 West St	Mount Kisco	NY	10549	
Dawn Gray	300-14 West St	MOUNT KISCO	10549	80.56-4-4.14		300-14 West St	Mount Kisco	NY	10549	



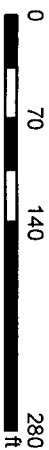
# 346 Spring St. ID: 80.64-2-4 (Mount Kisco)



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.

December 5, 2023

1:1,500



Westchester County GIS

<http://giswww.westchester.gov.com>

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



## AFFIDAVIT OF PUBLICATION

State of Wisconsin  
County of Brown

Linda Felt being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

12/31/2023

Linda Felt

Subscribed and sworn to before me this 31 day of December, 2023

Notary Public  
State of Wisconsin, County of Brown

Vicky Felty

VICKY FELTY  
Notary Public  
State of Wisconsin

9/19/25 ep

**RECEIVED**

**JAN 09 2024**

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



346-348 Spring

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

AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 9<sup>th</sup> day of January 2024, 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 – \_\_\_\_\_ X  
104 Main Street

Public Library \_\_\_\_\_ X  
100 Main Street

Fox Center \_\_\_\_\_ X

Justice Court – Green Street \_\_\_\_\_ X  
40 Green Street

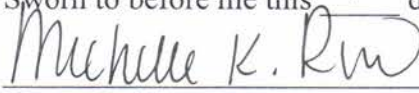
Mt. Kisco Ambulance Corp \_\_\_\_\_ X  
310 Lexington Ave

Carpenter Avenue Community House \_\_\_\_\_ X  
200 Carpenter Avenue

Leonard Park Multi Purpose Bldg \_\_\_\_\_ X

  
\_\_\_\_\_  
**Gilmar Palacios Chin**

Sworn to before me this 9<sup>th</sup> day of January 2024

  
\_\_\_\_\_  
Notary Public

MICHELLE K. RUSSO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RU6313298  
Qualified in Putnam County  
My Commission Expires 10-20-2026

RECEIVED

JAN 09 2024

Zoning Board of Appeals  
Village/Town of Mount Kisco



# EROSION CONTROL NOTES:

CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH ALL SEDIMENT AND EROSION CONTROL PRACTICES. THE SEDIMENT AND EROSION CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO ANY MAJOR SOIL DISTURBANCES AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.

TIMELY MAINTENANCE OF SEDIMENT CONTROL STRUCTURES IS THE RESPONSIBILITY OF THE CONTRACTOR. ALL STRUCTURES SHALL BE MAINTAINED IN GOOD WORKING ORDER AT ALL TIMES. THE SEDIMENT LEVEL IN ALL SEDIMENT TRAPS SHALL BE CLOSELY MONITORED AND SEDIMENT REMOVED PROMPTLY WHEN MAXIMUM LEVELS ARE REACHED, OR AS ORDERED BY THE ARCHITECT/ENGINEER. ALL SEDIMENT CONTROL STRUCTURES SHALL BE INSPECTED ON A REGULAR BASIS BY THE CONTRACTOR, AND AFTER EACH HEAVY RAIN TO INSURE PROPER OPERATION AS DESIGNED. AN INSPECTION SCHEDULE SHALL BE SET FORTH PRIOR TO THE START OF CONSTRUCTION.

THE LOCATIONS AND THE INSTALLATION TIMES OF THE SEDIMENT AND EROSION CONTROL MEASURES SHALL BE AS ORDERED BY THE ARCHITECT/ENGINEER, AND IN ACCORDANCE WITH THE STANDARDS SET FORTH.

ALL TOPSOIL, NOT TO BE USED FOR FINAL GRADING SHALL BE REMOVED FROM THE SITE IMMEDIATELY AND PLACED IN A STABILIZED STOCKPILE OR FILL AREA. ALL TOPSOIL REQUIRED FOR FINAL GRADING AND STORED ON SITE SHALL BE LIMED, FERTILIZED, TEMPORARILY SEEDED AND MULCHED WITHIN 14 DAYS.

ANY DISTURBED AREAS THAT WILL BE LEFT EXPOSED MORE THAN 21 DAYS AND NOT SUBJECT TO CONSTRUCTION TRAFFIC SHALL IMMEDIATELY RECEIVE TEMPORARY SEEDING. MULCH SHALL BE USED IF THE SEASON PREVENTS THE ESTABLISHMENT OF A TEMPORARY COVER. DISTURBED AREAS SHALL BE LIMED AND FERTILIZED PRIOR TO TEMPORARY SEEDING.

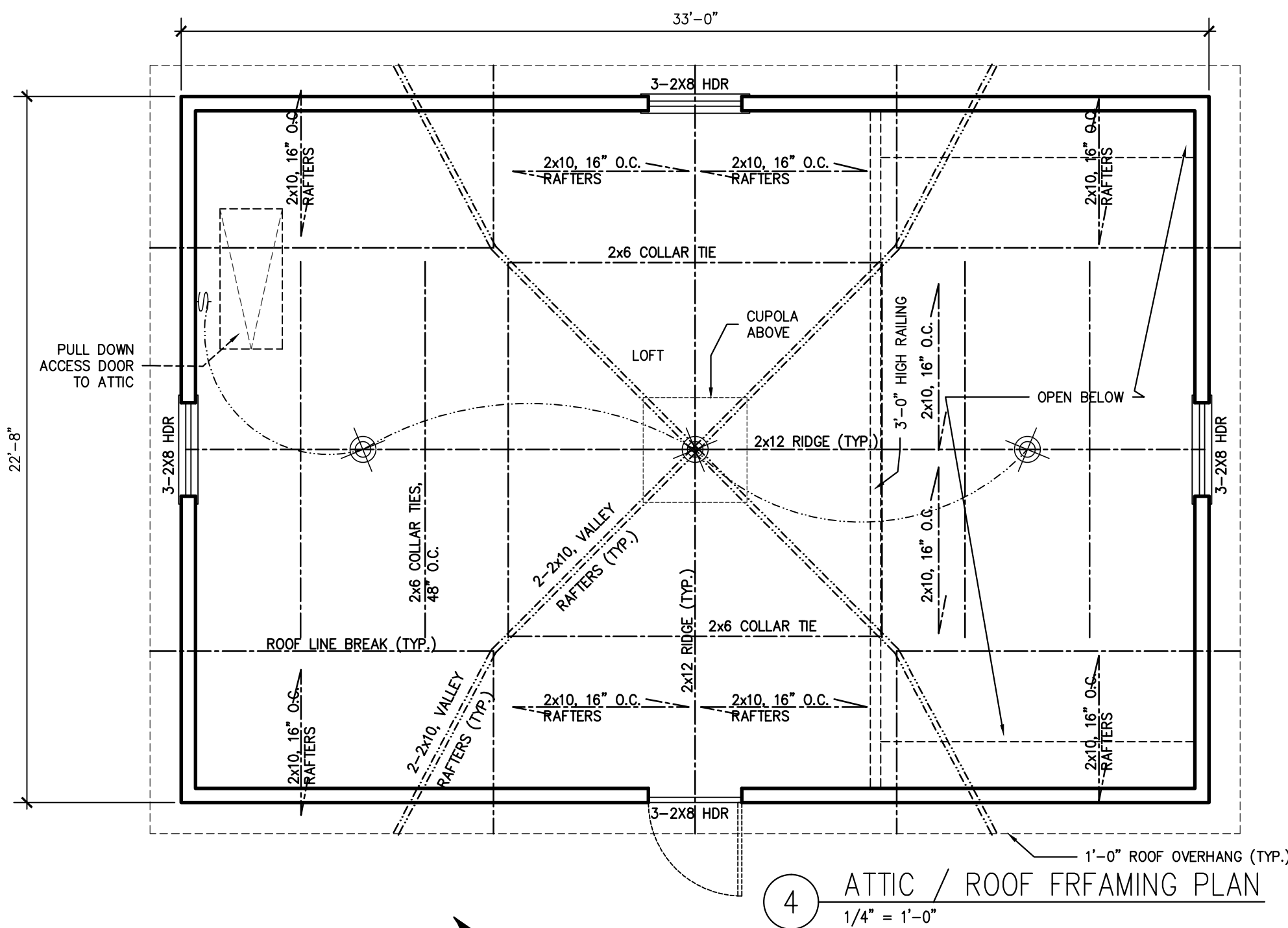
ALL DISTURBED AREAS ON THE PROPERTY SHALL BE WETTED AS NECESSARY TO PROVIDE DUST CONTROL.

THE CONTRACTOR SHALL KEEP THE ROADWAYS WITHIN THE PROJECT CLEAR OF SOIL AND DEBRIS AND IS RESPONSIBLE FOR ANY STREET CLEANING NECESSARY DURING THE COURSE OF THE PROJECT.

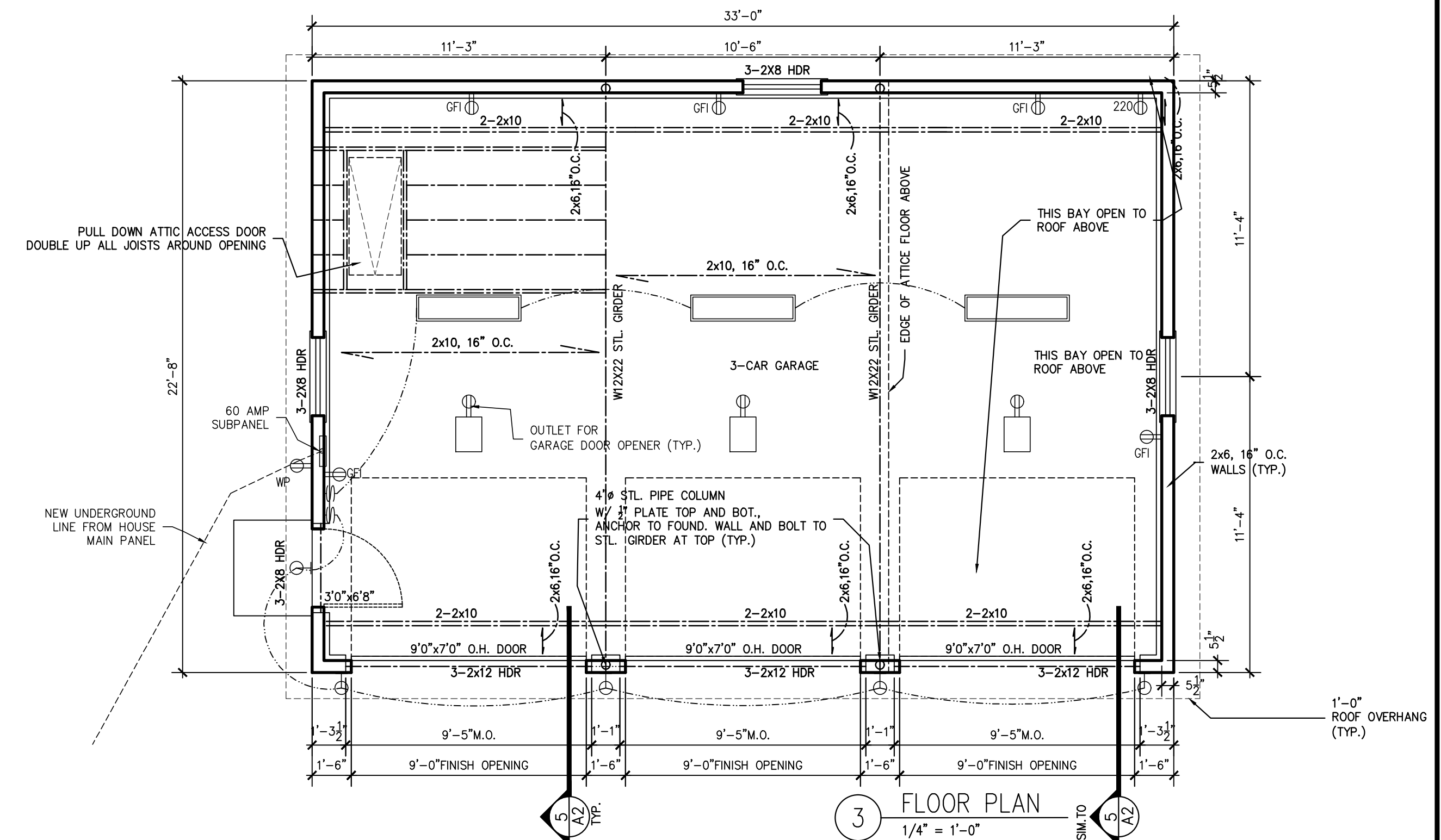
ALL EROSION AND SEDIMENT CONTROLS MUST BE PROPERLY INSTALLED AND MAINTAINED UNTIL THE SITE HAS BEEN STABILIZED AND THE RISK OF EROSION ELIMINATED. FINAL STABILIZATION IS DEFINED AS: ALL SOIL DISTURBING ACTIVITIES AT THE SITE HAVE BEEN COMPLETED, AND THAT A UNIFORM PERENNIAL VEGETATIVE COVER WITH A DENSITY OF 70% COVER FOR THE AREA HAS BEEN ESTABLISHED OR EQUIVALENT STABILIZATION MEASURES (SUCH AS THE USE OF MULCHES OR GEOTEXTILES) HAVE BEEN EMPLOYED.

SEDIMENT AND EROSION CONTROL STRUCTURES SHALL BE REMOVED AND THE AREA STABILIZED WHEN THE DRAINAGE AREA HAS BEEN PROPERLY STABILIZED BY PERMANENT MEASURES.

ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH CURRENT EDITION OF "NEW YORK GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROLS".

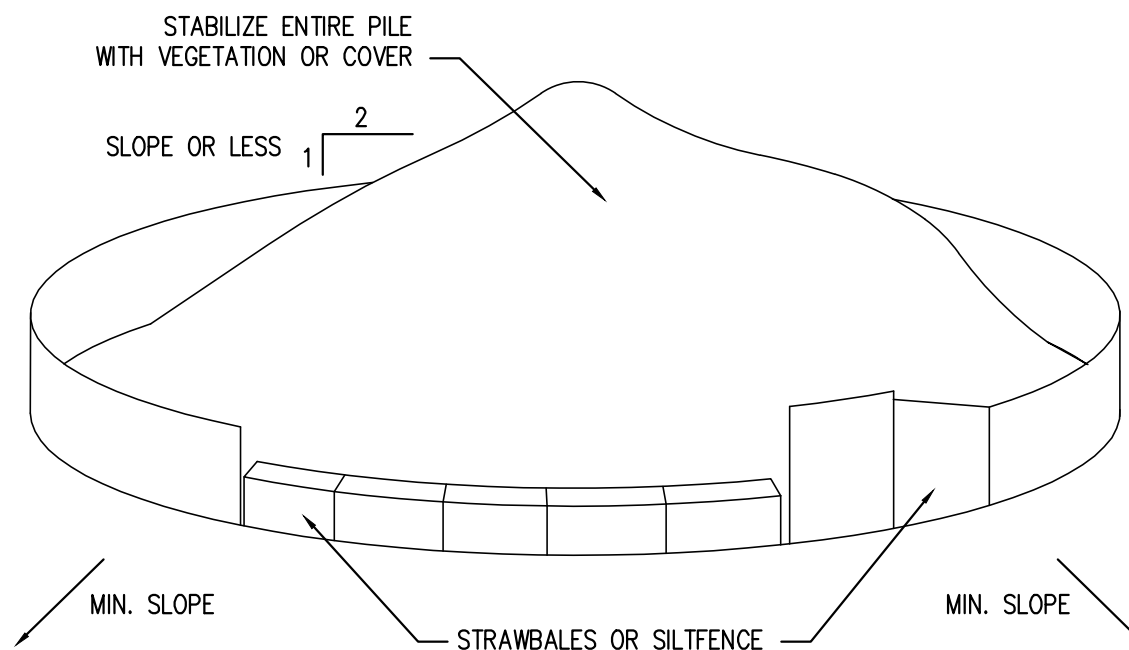


4 ATTIC / ROOF FRAMING PLAN  
1/4" = 1'-0"



3 FLOOR PLAN  
1/4" = 1'-0"

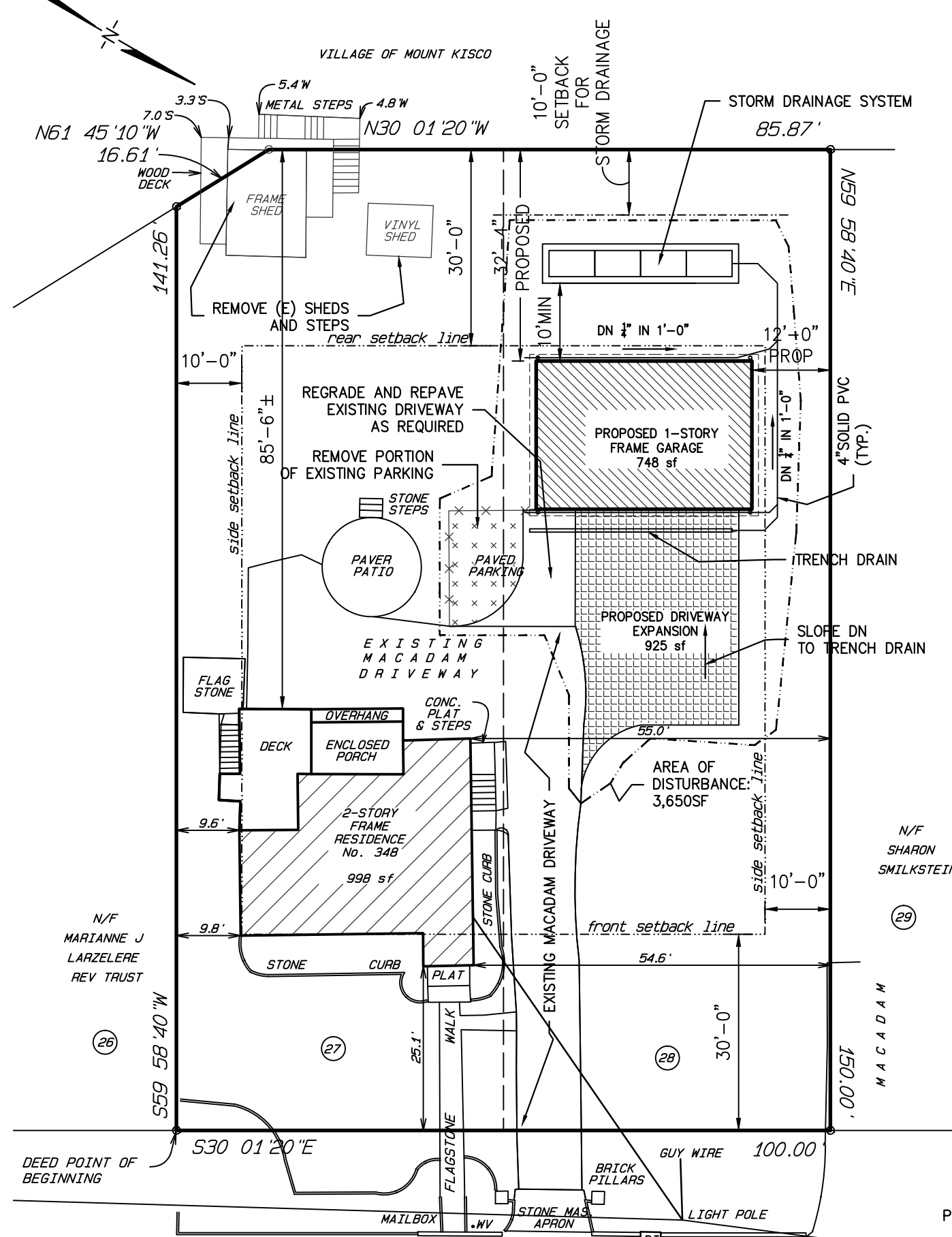
<b>STORM DRAINAGE SYSTEM</b>	
AREA OF PROPOSED GARAGE AND EXTENDED DRIVEWAY: 1,830 SF	
RAINFALL IN 24 HRS. - 25 YR. STORM: 6.48 INCHES (.54 FT)	
REQUIRED RETAINAGE VOLUME: 1,830 SF x .54FT = 988 CF	
<b>INFILTRATION RATE CALCULATION:</b>	
LOCAL SOILS: "Uhb" Urban land Chertion, and "Chd" Chertion loam (containing well drained Paxton soils, Chertfield and Hollis soils)	
Permeability: 0.6 to 6.0"/hr.	
Assumed average percolation rate: 1"/hr./sf of infiltration area	
Assumed surface area of infiltration: Provide one area with four R330XL infiltrators.	
Surface area of one infiltration pit:	
side walls: 3.5' deep x 28' long x 2	= 196 sf
bottom: 5' wide x 28' long	= 140 sf
head walls: 5' wide x 3.5' deep x 2	= 35 sf
Total	= 371 sf
Total infiltration capacity: 0.083' x 371 sf = 30.7 cf/hr	
30.7 x 24 = 739 cf / 24 hrs.	
TOTAL INFILTRATION REQUIRED (SEE ABOVE): 988 CF / 24 hrs.	
PROVIDE INFILTRATION SYSTEM WITH A CAPACITY OF INFILTRATION OF 739 CF IN 24 HR PERIOD.	
CULTEC RECHARGER 330 XL CAPACITY W/ STONE SURROUND: 79.26 CF	
PROVIDE 4 (FOUR) CULTEC RECHARGERS 330XL UNITS W/ STONE SURROUND AS SHOWN.	
FOUR CULTEC RECHARGERS PROVIDE STORM WATER RETAINAGE CAPACITY OF 317 CF.	
TOTAL COMBINED CAPACITY OF THE PROPOSED STORMWATER SYSTEM IS:	
INFILTRATION: 739 CF	
RETAINAGE: 317 CF	
TOTAL: 1,056 CF	



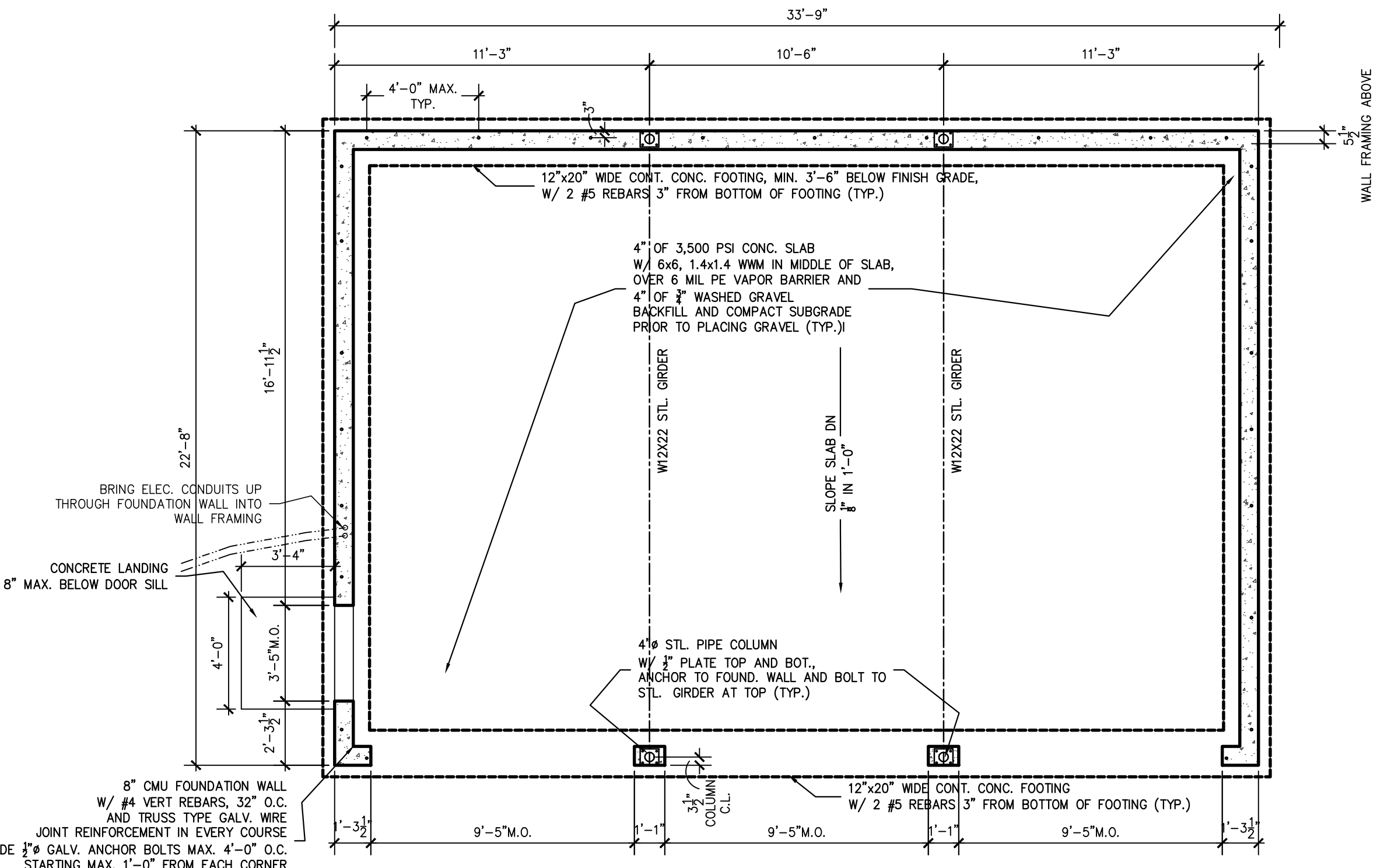
# INSTALLATION NOTES:

1. AREA CHOSEN FOR STOCKPILING OPERATIONS SHALL BE DRY AND STABLE
2. MAXIMUM SLOPE OF STOCKPILE SHALL BE 1:2
3. UPON COMPLETION OF SOIL STOCKPILING, EACH PILE SHALL BE SURROUNDED WITH EITHER SILT FENCING OF STRAIMBALES, THEN STABILIZED WITH VEGETATION OR COVERED FOR THE DURATION OF THE PROJECT.
4. SEE SILT FENCE DETAIL FOR INSTALLATION.

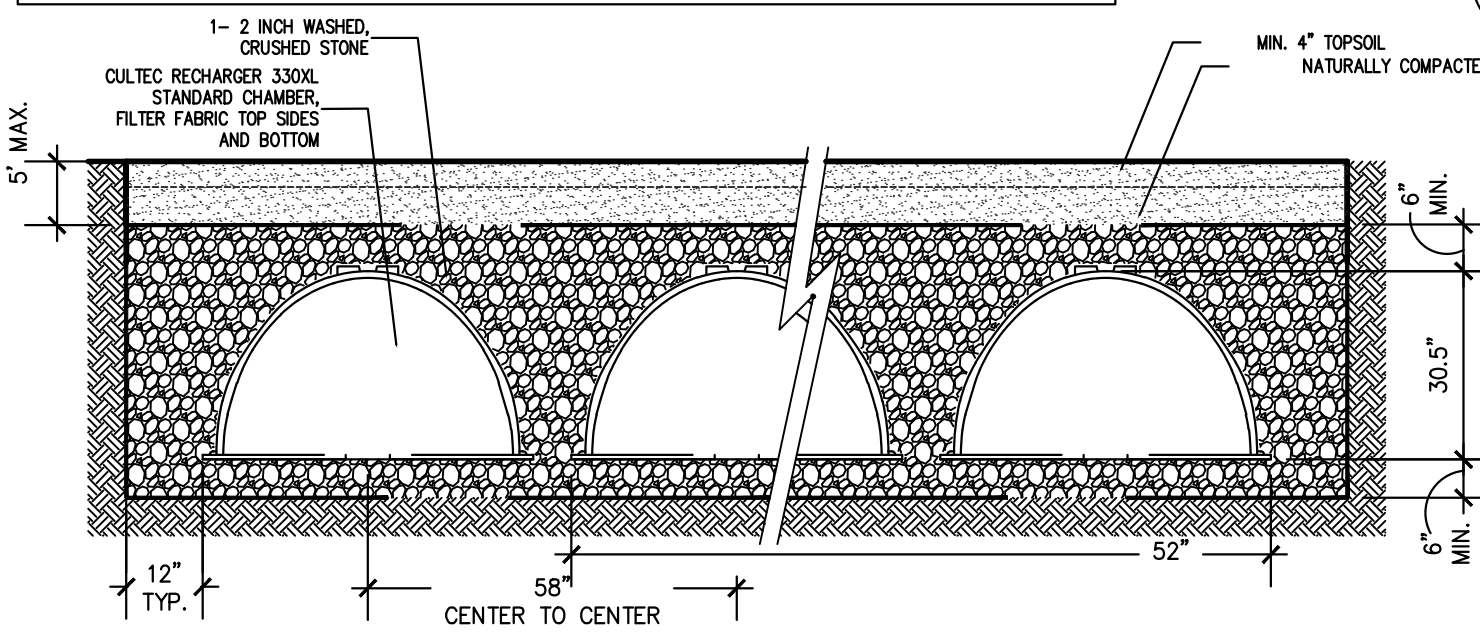
6 STOCK PILE DETAIL  
N.T.S.



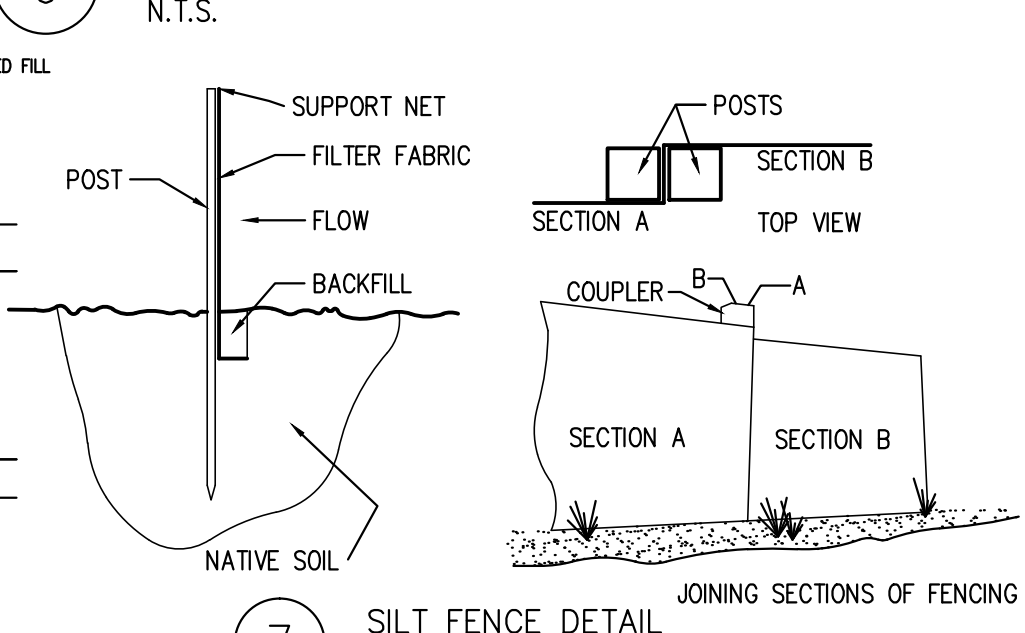
1 SITE PLAN  
1" = 20'-0"



2 FOUNDATION PLAN  
1/4" = 1'-0"



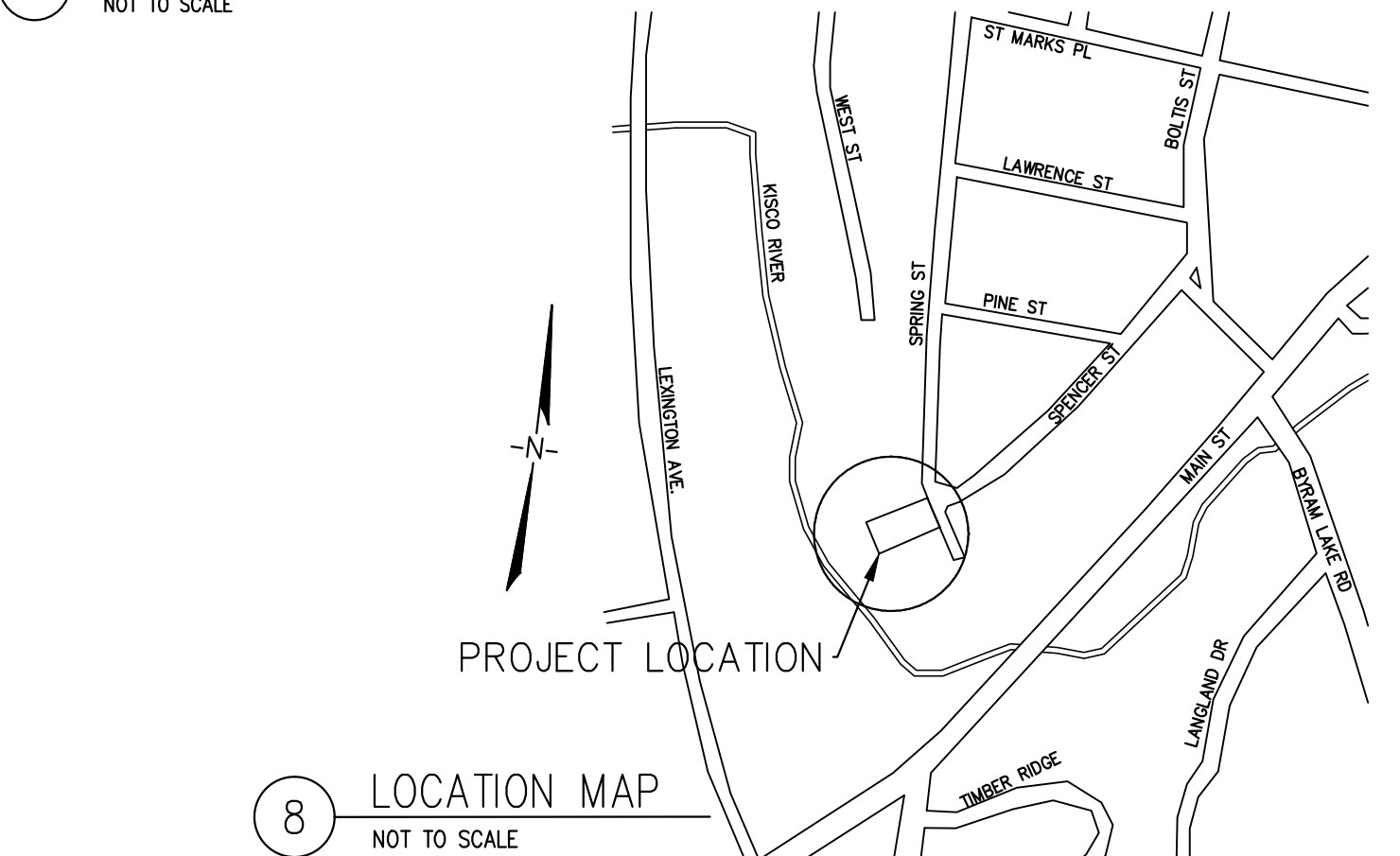
5 TYPICAL 330 INFILTRATOR INSTALLATION DETAIL  
NOT TO SCALE



7 SILT FENCE DETAIL  
N.T.S.

# TOE - IN METHOD INSTALLATION NOTES:

1. EXCAVATE 4"x4" TRENCH ALONG THE LOWER PERIMETER OF SITE.
2. UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM) WALL OF THE TRENCH (NET SIDE AWAY FROM DIRECTION OF FLOW)
3. DRIVE THE POST INTO GROUND UNTIL THE NETTING IS APPROX. 2" FROM THE TRENCH BOTTOM
4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH, BACKFILL THE TRENCH AND TAMP THE SOIL.
5. JOIN SECTIONS AS SHOWN ABOVE.



8 LOCATION MAP  
NOT TO SCALE

ZONING TABLE - VILLAGE/TOWN OF MOUNT KISCO NY			
ZONING DISTRICT: RS-6			
LOT SIZE	REQUIRED	EXISTING	PROPOSED
6,250 SF MIN	6,250 SF MIN	14,938.65 SF	SAME
MIN. LOT WIDTH AND DEPTH	50' / 100' MIN	100' / 150'	SAME
MIN. FRONT YARD SETBACK	30'	25.1'	71'0" (GARAGE)
MIN. SIDE YARD SETBACK	10' MIN	9.6' (HOUSE)	11' (GARAGE)
MIN. REAR YARD SETBACK	30'	85'-6"± (HOUSE)	31' (GARAGE)
MAX. BLDG. HEIGHT	35'	25'± (HOUSE)	14'10"± (GARAGE)
MAX. BLDG. STORIES	2½	2	1-1/2 (GARAGE)
MAX. BLDG. COVERAGE	25% (3,734sf)	3.53% (1,274sf)	12.46% (1,862sf)
MAX. DEVELOP. COVERAGE	40% (5,975sf)	13.7% (2,941 sf)	36.5% (5,456sf)

NOTE: ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF VKS ARCHITECTS, AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON, AND IN CONNECTION WITH, THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PURSUANT WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF VKS ARCHITECTS.

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NOTES:  
1. THESE PLANS WERE PREPARED IN COMPLIANCE WITH THE 2023 RESIDENTIAL CODE OF NEW YORK STATE.  
2. DESIGNATED PLACARD TYPE V/FR FOR FLOOR & ROOF. PRE-ENGINEERED WOOD CONSTRUCTION SHALL BE INSTALLED ON AN EXTERIOR WALL IN LOCATION APPROVED BY INSPECTOR.

CLIMATIC & GEOGRAPHIC DESIGN CRITERIA											
GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARD
	SPEED (MPH)	TOPOGRAPHIC EFFECTS	SPECIAL WIND REGION	WIND-BORNE DEBRIS ZONE		WEATHERING	FROST LINE DEPTH	TERMITES			
30 PSF	115 MPH	NO	YES	NO	B	SEVERE	3'-6" (42")	MODERATE TO HEAVY	10°F	YES	NO

**vks Architects**  
Post Office Box 696  
Katonah, NY 10536  
914-232-9828  
Fax: 914-232-9839  
vks@vks.com

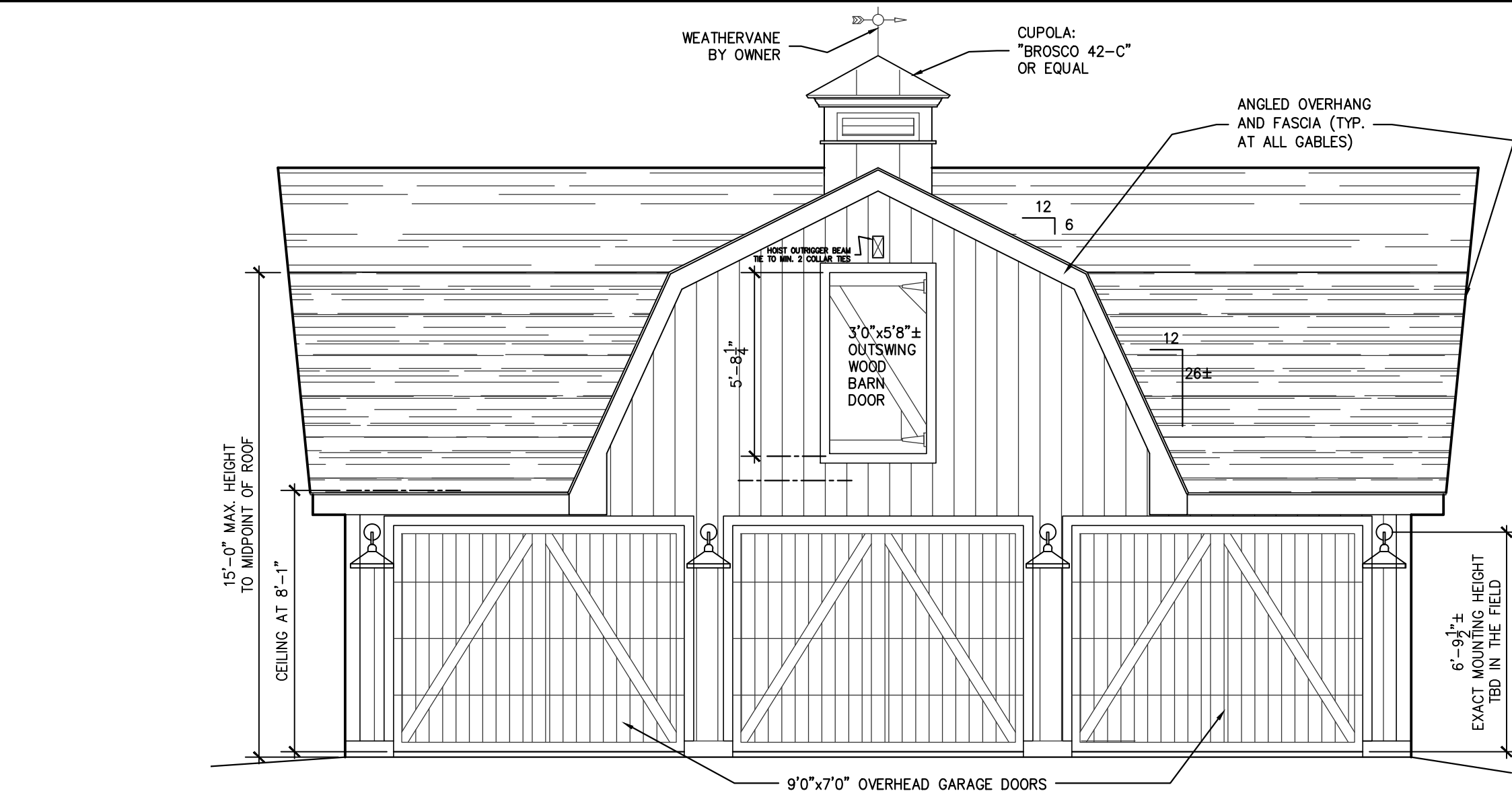
**NEW GARAGE  
FLORA RESIDENCE**  
348 Spring Street, Mt. Kisco NY 10549

**FLOOR PLANS, SITE PLAN, LOCATION MAP,  
ZONING TABLE, PROJECT INFORMATION**

JOB NO.	2023-130	DWG. NO.	
DATE	REV 11/24/2023		
SCALE	AS NOTED		
DRAWN / CHECKED BY	VKSA		
JOB NAME	Flora		

**A1**





1 FRONT ELEVATION  
1/4" = 1'-0"

GENERAL NOTES

CONCRETE

- General:** Work includes concrete footings, foundation walls, grade beams and piers, slabs on grade and all concrete work indicated on drawings or as hereinafter specified.
- Concrete:**
  - "Ready-Mix" product, proportioned to produce 3,500 psi ultimate strength at 28 days concrete for foundation walls and footings, grade beams and piers, floor slabs, batched at a central plant and transported dry to the site. Water for four inch (4") slump shall be added at the job site and mixing carried out for fifteen (15) minutes.
  - Concrete work shall conform to ACI-318-71.
  - All footings shall rest on undisturbed soil or rock having a minimum bearing capacity of (2) tons per square foot.
  - Footings shall not be placed on rock whose surface slopes more than 10 percent.
  - Bottom of exterior footings to be carried a minimum of 3'-6" below finish grade.
  - Where footings are stepped, bottom to be stepped not more than 2 feet vertical to four feet horizontal.
  - Steel concrete reinforcing bars: billet steel deformed bars, ASTM-A615 sizes noted on drawings. Welded wire mesh (WWM): Grade 40, ASTM 1-185 sizes on drawings.
  - Provide bearing plates leveled up with no shrink grout for all beams bearing on concrete masonry. All steel leveling plates to be 1/4" thick size to match base plates.
- Slabs on Grade: All floor slabs on grade shall be four inches (4") thick with 6x6, 1.4x1.4 wire mesh reinforcing, placed in middle steel trowel finish.

Sub-grades shall be maintained eight inches (8") below finish floor. Over entire area of sub-grade, fill with minimum four inches (4") compacted bank run gravel and sand topping to eliminate protrusions. Provide a 6 mil polyethylene film vapor barrier over the sand topping with 6" lap at joints.

MASONRY

Brick and concrete masonry walls shall conform to the "recommended practice for engineered brick masonry", latest edition by Structural Clay Products Institute, and "specifications for the design and construction of load bearing concrete masonry" by National Concrete Masonry Association.

- Concrete block shall be of the following types: ASTM C-90, Grade N-1  
ASTM C-145, Grade N-1
- Do not backfill against foundation walls until concrete has obtained maximum strength. Where backfill is placed against foundation walls before flooring construction is in place, provide temporary bracing.

**Material:** All mortar shall be ASTM - C270 type S. Bricks shall have a minimum strength of 6000 psi. Provide solid blocking at perimeter walls (2 courses in).

METALS

**General:** Steel construction shall conform to AISC manual of steel construction, latest edition. Contractor to verify all dimensions and heights of steel in field.

**Material:** All structural steel shall be new, clean, straight and shall conform to ASTM A-36. Columns unless otherwise noted shall be 3" I.D. tube columns with sizes and locations indicated. Furnish Mill Certificates.

Threaded anchor bolts shall be 1/2" x 12" long at 4'-0" O.C. maximum of A36 or A307 steel, placed in all foundation walls, and 12" from all corners set up high enough to attach the sill plates as indicated on sections and details. See sections for locations of bolts for proper alignment with wood plates.

All structural steel shall be shop painted with grey zinc chromatic primer 2.0 mils thick.

Shop connections shall be welded or bolted unless otherwise noted on the drawings. Field connections may be made with machine bolts, minimum bolt size 1/2" or as noted on the drawings.

WOOD

All framing lumber is to be "#2 or Better" Grade Douglas fir-larch. Provide built-up headers at all openings, regardless whether or not shown on drawings. Minimum size of built-up headers shall be 3-2x8 in 2x6 wall construction and 2-2x10 in 2x4 wall construction. Consult the Architect if you encounter difficulty installing specified headers. All load-bearing walls are to have two top plates and be blocked at mid height. All openings in floors and ceilings are to have double joists/rafters on all sides of opening. Block all floor joists at mid span, or 8'-0" o.c. min, whichever is less.

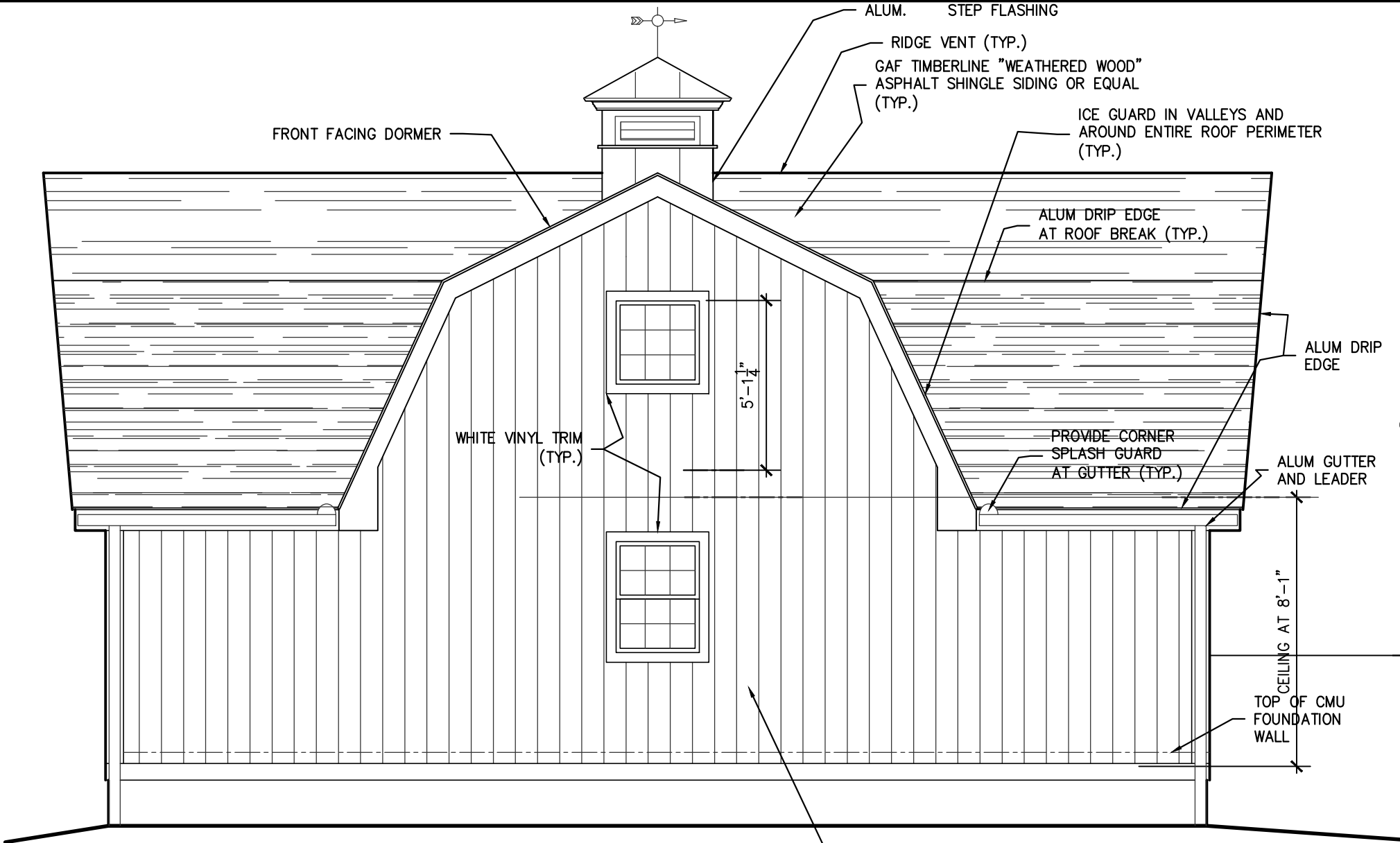
All framing for deck and exterior stairs, all base plates and all other members in contact with concrete, masonry or exposed to weather shall be pressure treated Pine, Construction Grade. All Sub-flooring is to be 3/4" thick Tongue & Groove Douglas Fir plywood glued and screwed to joists 8" o.c.

Provide additional layers of 5/8" plywood underlayment in areas to receive VCT flooring and 1/2" plywood underlayment in areas to receive ceramic or stone tile in "thin set". All exterior wall sheathing is to be ZIP sheathing and 5/8" CDX plywood for walls and roofs. USE OF "OSB" SHEATHING SHALL NOT BE PERMITTED ON THIS PROJECT.

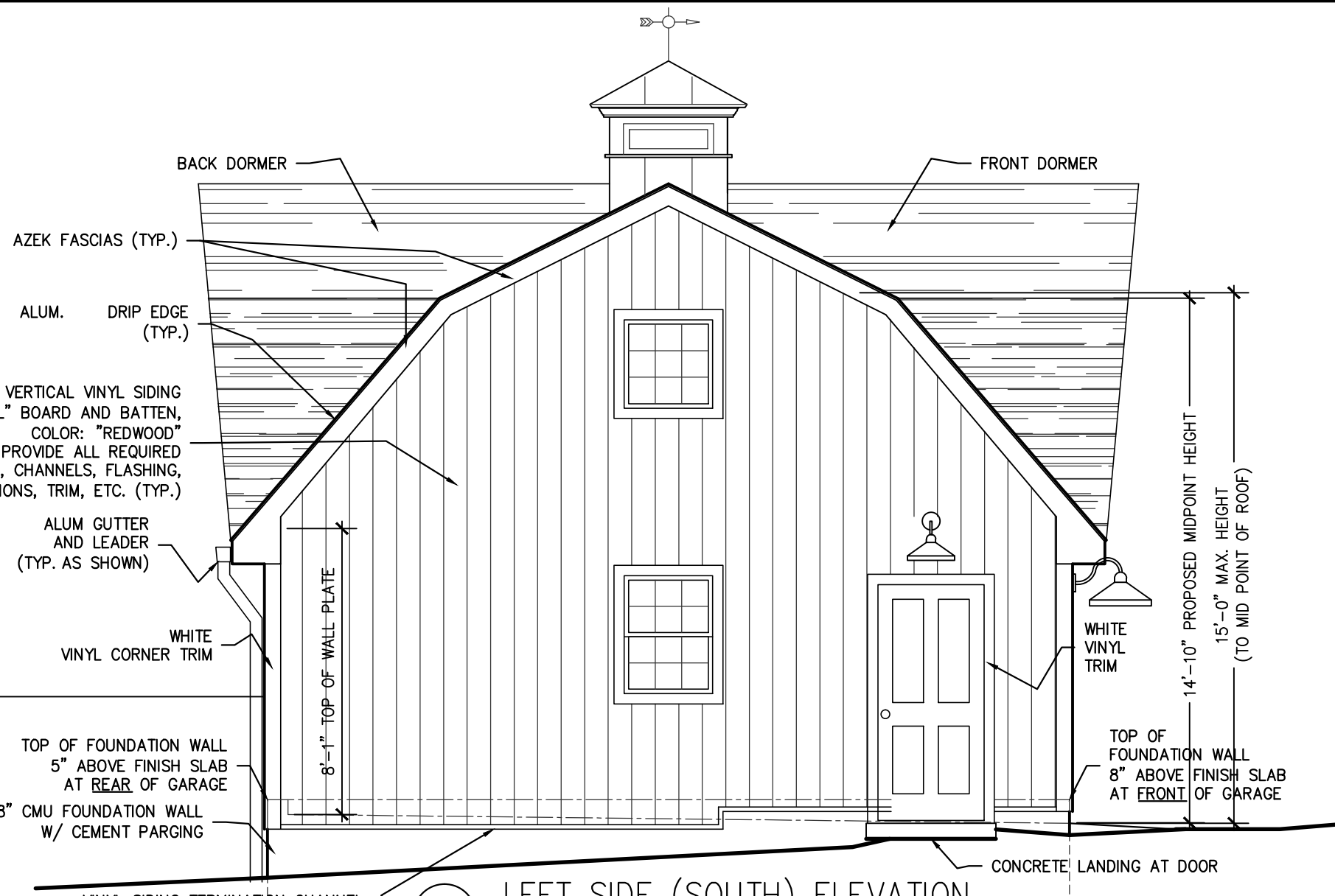
STEEL

Welding procedures, welders, welding operations and tackers shall be qualified in accordance with the AWS "Structural Welding Code". In addition, all welders must have been certified in accordance with the AWS for the welding position required within the 12 month period prior to the performance of each welding operation.

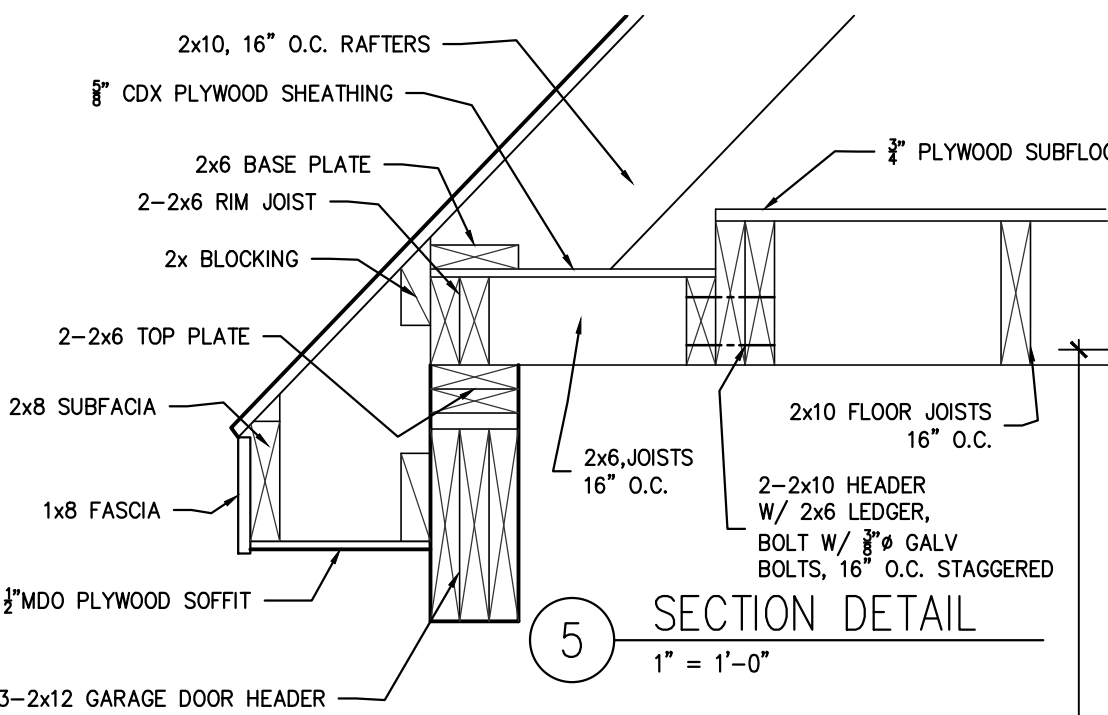
Inspection and testing of structural steel fabrication, erection and all steel bolt connections will be performed by an independent Testing Agency or certified inspector. Materials and workmanship shall be subject to inspection and testing in mill, shop and/or field by Architect and/or Testing Agency. The Contractor shall submit the name and location of fabricator, give notice of commencement of fabrication, allow full facilities for inspection, and shall provide such assistance to inspector as may be required for proper inspection. Ten days' written notice shall be given to Architect prior to delivery of steel to job and start of erection.



2 REAR ELEVATION  
1/4" = 1'-0"



3 LEFT SIDE (SOUTH) ELEVATION  
1/4" = 1'-0" (RIGHT SIDE SIMILAR, OPPOSITE HAND)



5 SECTION DETAIL  
1" = 1'-0"

**Work in Cold Weather:** No work with materials containing water shall be carried on during unreasonably cold weather.

Such work may be started when temperature is 28 degrees F and rising, and shall be stopped when temperature is 34 degrees F and falling. Furthermore, during such cold weather conditions the following precautions shall be taken:

- Water shall be heated and kept warm.
- Sand shall be heated and kept warm.
- An anti-freeze such as "Eucoc" made by Euclid Chemical Co. "Tri-Mix" by Sonneborn, or "No Freeze" by Horn shall be added to the mixture in proportions as recommended by the manufacturer.
- Material shall be placed as soon as possible and shall not be permitted to get cold.
- No material containing ice or frozen parts shall be used.

All work shall be protected against cold weather or frost by means of hay, straw, canvas, "salamander" heaters or other approved methods. Work damaged by cold weather or frost will not be accepted and shall be replaced at no additional cost to the Owner.

It shall be the Contractor's responsibility to correct all work damaged by cold weather or frost.

**Permits:** The Contractor is responsible for obtaining any and all permits, pay all fees, prepare and file all necessary forms, for all required approvals and inspections by all agencies having jurisdiction, including the general permit from the local building department. Construction trade shall be responsible for obtaining permits relevant to their respectable trades (i.e. UL - electrical permits and inspection; plumbing permits and inspections if applicable). The contractor shall provide the owner with a Certificate of Occupancy upon completed of the job.

SITING: EXCAVATION AND BACKFILL

**General:** The work under this section shall include all necessary labor, material, equipment and fees required for the proper execution of the site work as shown on the drawings and/or described herein. The work included building (foundation) excavation, retaining walls, backfill and rough grading.

**Ordinances:** All work shall be in conformance with all applicable codes and ordinances and shall be executed in a workmanlike manner.

At no time shall bulldozers, trucks or other heavy equipment be permitted to approach foundation walls, grade beams and piers closer than 8 feet, unless walls and piers are braced and/or first floor beams and joists are installed.

**Footing Trenches:** Excavate for all footings and proper sub-grades. Bottom of all footings shall be level and kept free of standing water at all times.

Where footings are stepped, bottoms to be stepped not more than two feet vertical to four feet horizontal.

Where rock is encountered, the contractor shall notify the Architect immediately. The Contractor shall expose all areas clearly for inspection. The Architect and his structural consultant will advise the Contractor of the measures for construction.

Backfill is to be comprised of clean earth, free from any wood or debris.

Backfill and sub-grades below slabs shall be placed in 6" lifts and to be compacted at every lift. Areas under concrete slabs to be backfilled shall be fully compacted to 95% of proctor density with power tamper.

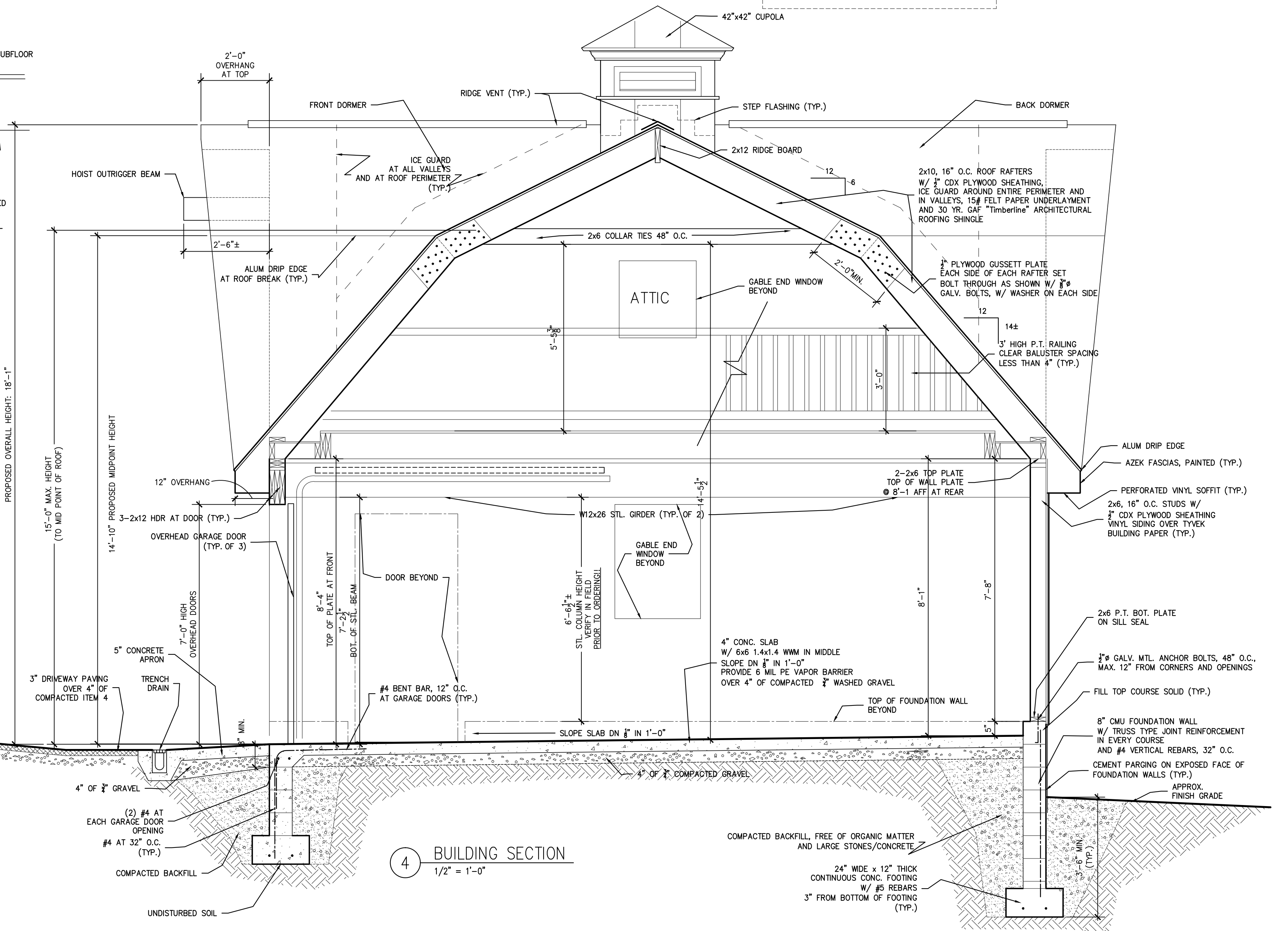
Do not backfill against foundation walls until the concrete has achieved design strength and/or until first floor framing is secured.

Termite and pest control: Upon the discovery of termites, borers, rodent and other pests, the contractor shall notify the Architect and the Owner immediately.

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4 BUILDING SECTION  
1/2" = 1'-0"

**vks Architects**  
Post Office BOX 696  
Katonah, NY 10536  
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vks@vksa.com

NEW GARAGE  
FLORA RESIDENCE  
348 Spring Street, Mt. Kisco NY 10549  
ELEVATIONS, SECTION, DETAILS

JOB NO.	2023-130	ENC. NO.
DATE	REV 11/24/2023	
SCALE	1/4"=1'-0"	
DRAWN / CHECKED BY	VKSA	
JOB NAME	Flora	OF

A2





Kory Salomone  
ksalomone@zarin-steinmetz.com  
Also admitted in CT

January 30, 2024

Wayne Spector, Chair  
Village/Town of Mount Kisco Zoning Board of Appeals  
104 Main Street  
Mount Kisco, NY 10549

Village/Town of Mount Kisco  
Planning Board

FEB 01 2024

**Re: *Walter Soto and Gilberto Antonio Soto Castaneda  
Request for Side Yard Setback Variance  
785 E. Main St. (80.80-1-3)***

**RECEIVED**

Dear Chairman Spector and Members of the Board:

## **I. INTRODUCTION**

This firm represents Gilberto Antonio Soto Castaneda, the owner of the property located at 785 E. Main St. ("Property"), and Mr. Soto (collectively, "Applicant"), in connection with this application for certain variances from the side yard setback requirements ("Application"). The Applicant is proposing to construct an approximately 315 s.f. addition to the existing single-family home on the Property. The purpose of the addition is to add a modest living room above the existing garage.

Currently, the existing garage encroaches into the side yard setback and is thus nonconforming. While the proposed addition does not increase the amount of encroachment into the side yard setback, it does add massing, and, therefore, requires an area variance.

The purpose of this letter is to transmit an application for the required area variance and to request placement on your February 20, 2024 agenda. For the reasons set forth below, we submit that the requested variance, if granted, is the minimum relief required and will not have an adverse impact on the surrounding community.

## **II. SUBJECT PROPERTY AND PROPOSED DEVELOPMENT**

The Property is located at 785 E. Main Street and is identified on the Tax Assessment Map of the Town/Village of Mount Kisco as Tax Parcel Id. 80.80-1-3. The relevant portion of the tax map is attached as **Exhibit A**.

The approximately 0.422 acre Property is located in the RS-9 zoning district and is currently improved with a single-family home. An aerial image of the site is attached as **Exhibit B**.



As noted above, the Applicant is proposing to construct a modest living room above the existing garage, which currently encroaches into the side yard setback. In support of this area variance application, we are pleased to submit the following plans:

1. Site Plan and Front Elevation (Drawing 1 of 3), prepared by DeMasi Architects, P.C., dated December 18, 2023;
2. First Floor Plan (Drawing 2 of 3), prepared by DeMasi Architects, P.C., dated December 18, 2023; and
3. Right and Left Side Elevations (Drawing 3 of 3), prepared by DeMasi Architects, P.C., dated December 18, 2023.

### **III. ZONING REQUIREMENTS AND NEED FOR AN AREA VARIANCE**

Pursuant to Section 110-9(C)(1)(f)(3) of the Mount Kisco Zoning Code, the minimum required side yard setback in the RS-9 Zoning District is 10 feet. In this case, the Applicant is proposing the addition of a 315 s.f. living room above an existing one car garage. The existing garage has a side yard setback of 6.30 feet and is classified as a pre-existing legal dimensional non-conformity. The Applicant proposes to construct the first-floor addition above the garage. Therefore, the proposed addition will similarly have a side yard setback of 6.30 feet, which is 3.70 feet less than what is required. Accordingly, the Applicant is seeking a 3.70 foot side yard setback variance from the minimum required side yard setback in the RS-9 Zoning District. A copy of the Building Inspector's Denial Letter is attached as **Exhibit C**.

### **IV. STANDARDS FOR GRANTING AN AREA VARIANCE**

**A. Statutory Provisions:** New York State Town Law § 267-B(3) and New York State Village Law § 7-712(B)(3): These sections of the State's Town and Village Law provide the framework and statutory underpinning for the Zoning Board's review of area variances. These sections provide as follows:

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

(b) In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the board shall also consider: (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the



applicant to pursue, other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

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

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

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

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

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

### 2. Specific Standards for Zoning Board Review:

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

It is respectfully submitted that the granting of the requested area variances will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties. The proposed addition will be constructed above the existing garage. The purpose of the addition is to provide the residence with a new living room, which is typical for a single-family home. Further, the addition does not expand the horizontal footprint of the house. For the foregoing reasons, the granting of the requested variances will not result in a change in the character of the neighborhood or be a detriment to nearby properties.



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

It is respectfully submitted that there is no feasible alternative to pursue other than the area variances. The proposed addition has been thoughtfully placed above the existing garage and connected directly to the existing dining room, which is typical in single-family homes. The need for the variance is driven by the fact that the existing garage already encroaches into the side yard setback. It is the most practical and cost-effective to build where the foundation and structural supports for the house already exist.

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

As stated above, the minimum side yard setback requirement is 10 feet. Currently, the existing building has a side yard setback of 6.30 feet. This is considered a pre-existing legal non-conformity. The Applicant is proposing an addition that maintains the existing side yard setback, which is approximately 37% less than required. While a 37% variance could be considered substantial, it is respectfully submitted that substantiality is not viewed in the abstract. See, Aydelott v. Town of Bedford Z.B.A., 6/25/2003, M.Y.L.J. 21 (Col 4) (Sup Ct. Westchester Cnty. 2003) (“The ZBA’s consideration of this percentage deviation alone, taken in a vacuum, is not an adequate indicator of the substantiality of Petitioners’ Variance application. Certainly, a small deviation can have a substantial impact or a large deviation can have little or no impact depending on the circumstance of the variance application.”).

Again, it is important to note that the proposed addition is being built above an existing garage. The construction of the living room addition will not increase the overall footprint of the house as it relates to the building’s encroachment into the side yard setback. The addition simply increases the area of the structure that is located within the required setback.

Even if this variance was to be deemed substantial, substantiality is not viewed in isolation, but rather, must be considered in the context of the requested variance. In particular, the actual impact that the requested variance would have on the surrounding community is critical to the overall analysis. See, e.g., Wambold v. Southhampton Z.B.A., 140 A.D.3d 891, 893, 32 N.Y.S.2d 628 (2d Dep’t 2016) (“While we agree with the petitioner that the proposed variance was substantial, there was no evidence that the granting of the variance would have an undesirable effect on the character of the neighborhood, adversely impact physical and environmental conditions, or otherwise result in a detriment to the health, safety, and welfare of the neighborhood or community.”).

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



It is respectfully submitted that the requested variance will have no adverse effect or impact on the physical or environmental condition in the neighborhood or district. The living room addition will be constructed above an existing portion of the house. The addition will not result in any additional building coverage or disturbance of the natural features of the Property. As mentioned above, the variance is only necessary because the existing portion of the house on which it would be built is nonconforming in that it encroaches into the side yard setback. Because Applicant does not intend to expand the horizontal footprint of the house with the addition, it is respectfully submitted that there will not be any adverse effect or impact on the physical or environmental conditions in the surrounding area

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

It is respectfully submitted that the alleged difficulty was not self-created. When the Applicants purchased the house in March of 2023, the garage that encroaches into the side yard setback already existed. It would have been reasonable for Applicant to believe that eventually adding an addition above this portion of the house would be feasible, provided that it complied with all other applicable local laws. Thus, the hardship is arguably not self-created. However, to the extent your Board considers the alleged hardship to be self-created, such a determination does not preclude the granting of the requested variance. See N.Y. Village Law § 7-712-b(3)(b)(5); De Sena v. Bd. Of Zoning Appeals of Inc. Vill. Of Hempstead, 45 N.Y.2d 105, 408 N.Y.S.2d 14, 15 (1978) (“A finding of self-created hardship normally should not in and of itself justify denial of an application.”).

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

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

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

## **VI. CONCLUSION**

Attached hereto as **Exhibits D and E**, please find a completed application form for this variance request and a Short Environmental Assessment Form, respectively, together with the application fee in the amount of \$130.00.



Please place this matter on the agenda for the Zoning Board's February 20, 2024 meeting and advise if any additional information is required.

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

Very truly yours,

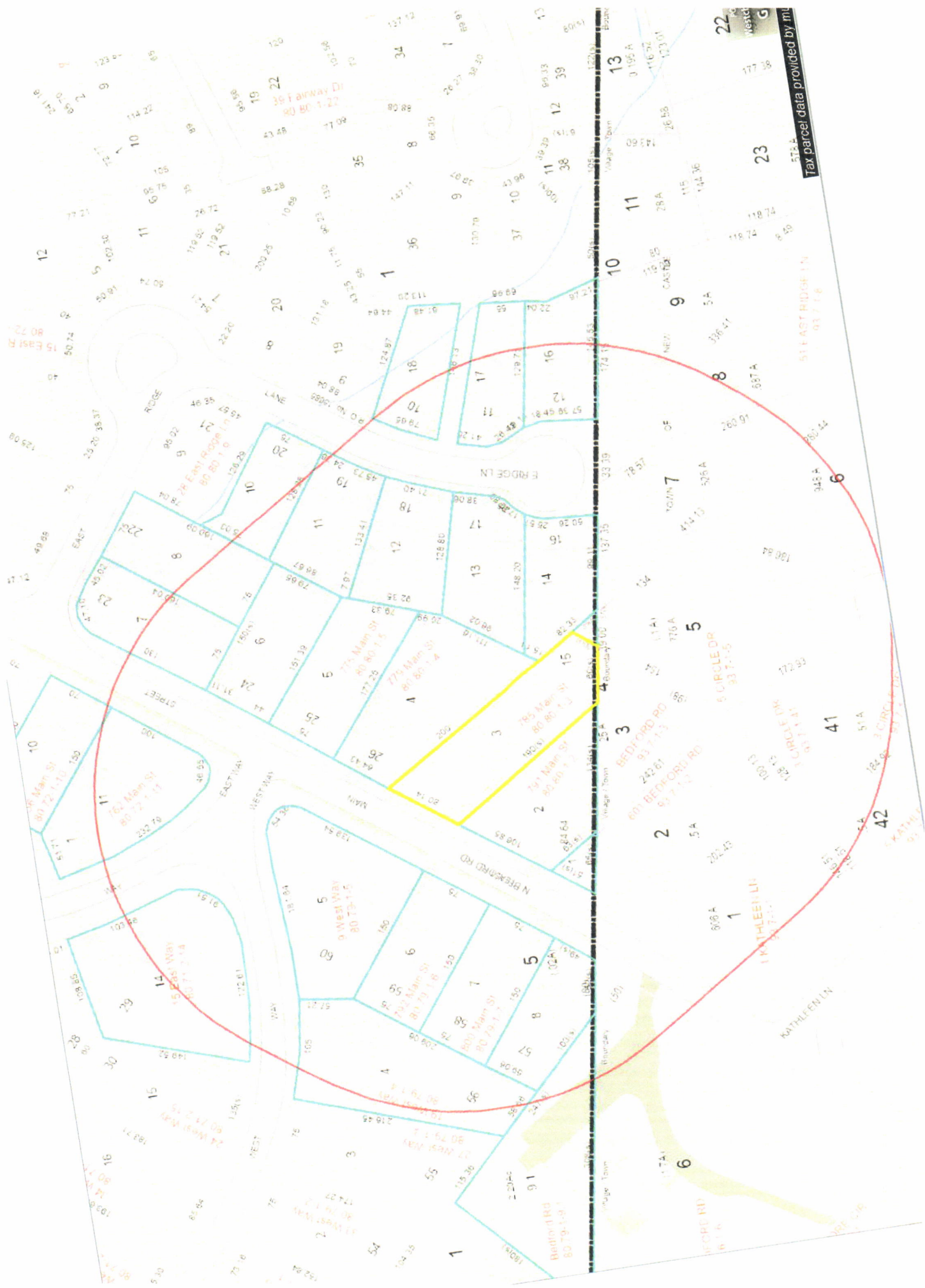
*Kory Salomone*  
Kory Salomone

cc: Client  
Lou DeMasi



# **EXHIBIT A**

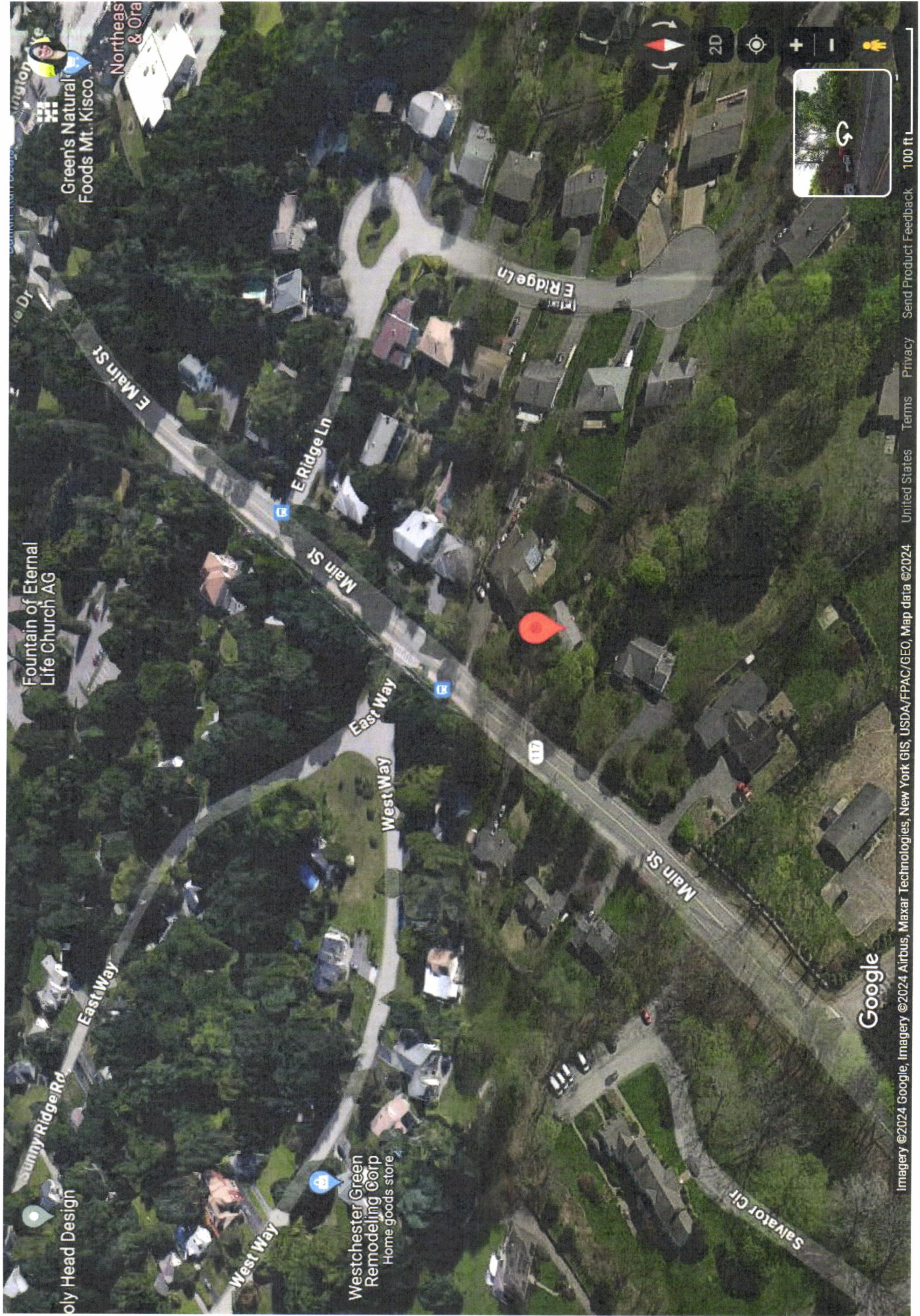






# **EXHIBIT B**





Fountain of Eternal  
Life Church AG

oly Head Design

Sunny Ridge Rd

East Way

West Way

East Way

West Way

Main St

E Ridge Ln

Main St

E Ridge Ln

Salvator Cir

Green's Natural  
Foods Mt. Kisco

Northeast  
& Ora

Westchester Green  
Remodeling Corp  
Home goods store



# **EXHIBIT C**





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

January 24, 2024

Walter Soto  
292 Route 6N  
Mahopac, New York 10541

Re: Notice of Denial  
785 East Main Street  
Mount Kisco, NY 10549  
(SBL) 80.80-1-3

Dear Mr. Soto:

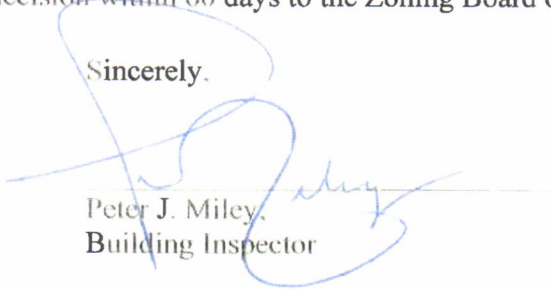
Your recent application to obtain a building permit for the proposed construction of a 1-story 315 +/- SF. addition above an existing – attached garage has been denied for the following reason/s:

Chapter 110. Zoning Article III. District Regulations § 110-9. RS-9 Moderate-Density One-Family Residence District. C. Development regulations. (1)(f) Minimum Building Setbacks [3] Side: 10 Feet.

Proposed is a side yard setback of 6.30 ft to the east where a minimum of 10 ft. is required; therefore, a 3.70 ft side yard setback variance is required.

You have the right to appeal this decision within 60 days to the Zoning Board of Appeals.

Sincerely,

  
Peter J. Miley,  
Building Inspector



# **EXHIBIT D**



Date: \_\_\_\_\_

Case No.: \_\_\_\_\_

Fee: \_\_\_\_\_

Date Filed: \_\_\_\_\_

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

---

**Zoning Board of Appeals**  
**Application**

Appellant: Walter Soto

Address: 292 Route 6N, Mahopac, NY 10541

Address of subject property (if different): 785 E. Main Street, Mt. Kisco

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

Property owner (if different): Gilberto Antonio Soto Castaneda

Address: 40 Boltis Street, Mt. Kisco, NY

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken  
from the decision of the Building Inspector, \_\_\_\_\_  
dated January 24, 2024. Application is hereby made for the following:

X Variation or \_\_\_\_\_ Interpretation of Section 110-9  
of the Code of the Village/Town of Mount Kisco.

to permit the: X Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of an addition over an existing garage.

\_\_\_\_\_ in accordance with plans filed on (date) \_\_\_\_\_  
for Property ID # 80.80-1-3 located in the RS-9 Zoning District.  
The subject premises is situated on the east side of (street) Main Street  
\_\_\_\_\_ 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 X 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? \_\_\_\_\_ in connection with a  
\_\_\_\_\_ Proposed or \_\_\_\_\_ Existing building; erected (yr.) \_\_\_\_\_

Size of Lot: 80 feet wide 195 feet deep Area 15,600

Size of Building: at street level 60 feet wide 38 feet deep

Height of building: \_\_\_\_\_ Present use of building: Single-family 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? \_\_\_\_\_ If so, please identify and explain: \_\_\_\_\_

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

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

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



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

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on January 24, 2024 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.

Walter Soto  
(Appellant to sign here)

Sworn to before me this day of: January 31<sup>st</sup>, 2024

Notary Public, Westchester, County, NY

Tracy A. Russo

TRACY A. RUSSO  
Notary Public, State of New York  
No. 01RU6364241  
Qualified in Westchester County  
Commission Expires 9/11/2025

[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 40 Bolt's Street  
Mt. Kisco, NY 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  
80-80-1-3 and that he hereby authorized Walter Soto to make  
the annexed application in his behalf and that the statements contained in said application  
are true.

12 December 2023  
Michelle K. Russo

MICHELLE K. RUSSO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RU6313298  
Qualified in Putnam County  
My Commission Expires 10-20-2026

Gilberto A Soto C  
(sign here)



**AFFIDAVIT OF MAILING**

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

\_\_\_\_\_ being duly sworn, deposes and  
says:

I reside at \_\_\_\_\_

On \_\_\_\_\_ 20\_\_\_\_ 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

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

(Notary Public)



**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 20th day of February 20 24 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Gilberto Antonio Soto Castaneda

(Name of Applicant)

40 Boltis Street, Mt. Kisco, NY

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated January 24, 2024  
(Date of Denial Letter)  
denying the application dated to permit the addition over an existing garage.  
(Proposed Work)

The property involved is known as 785 E Main Street  
(Address of Property)

and described on the Village Tax Map as Section 80.80 Block 1 Lot 3

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

RS-9 Zoning District. Said Appeal is being made to obtain a  
variance from Section(s) 110-9 of the  
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires a minimum sideyard setback of 10ft. The proposed work has a sideyard setback of 6.30 ft, and requires a 3.70 ft side yard setback variance.

Wayne Spector, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco



# **EXHIBIT E**



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
<b>Name of Action or Project:</b> Soto Variance			
<b>Project Location (describe, and attach a location map):</b> 785 E. Main St., Mount Kisco NY			
<b>Brief Description of Proposed Action:</b> The Applicant is proposing to construct an approximately 315 s.f. addition to an existing single-family home. The property is located in the RS-9 zoning district, which requires a side yard setback of 10 feet. In this case, the proposed set =back of the addition is 6.30, a deficiency of 3.70 feet. Accordingly, the applicant is seeking a 3.7 foot side yard setback variance.			
<b>Name of Applicant or Sponsor:</b> Gilberto Antonio Soto Castaneda and Walter Soto		<b>Telephone:</b> 914-299-4013  <b>E-Mail:</b> waltersoto2009@gmail.com	
<b>Address:</b> 40 Bollis St			
<b>City/PO:</b> Mount Kisco		<b>State:</b> NY	<b>Zip Code:</b> 10549
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO  <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Building Dept - Building Permit			YES  <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?			0.422 acres 0 acres 0.422 acres
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			

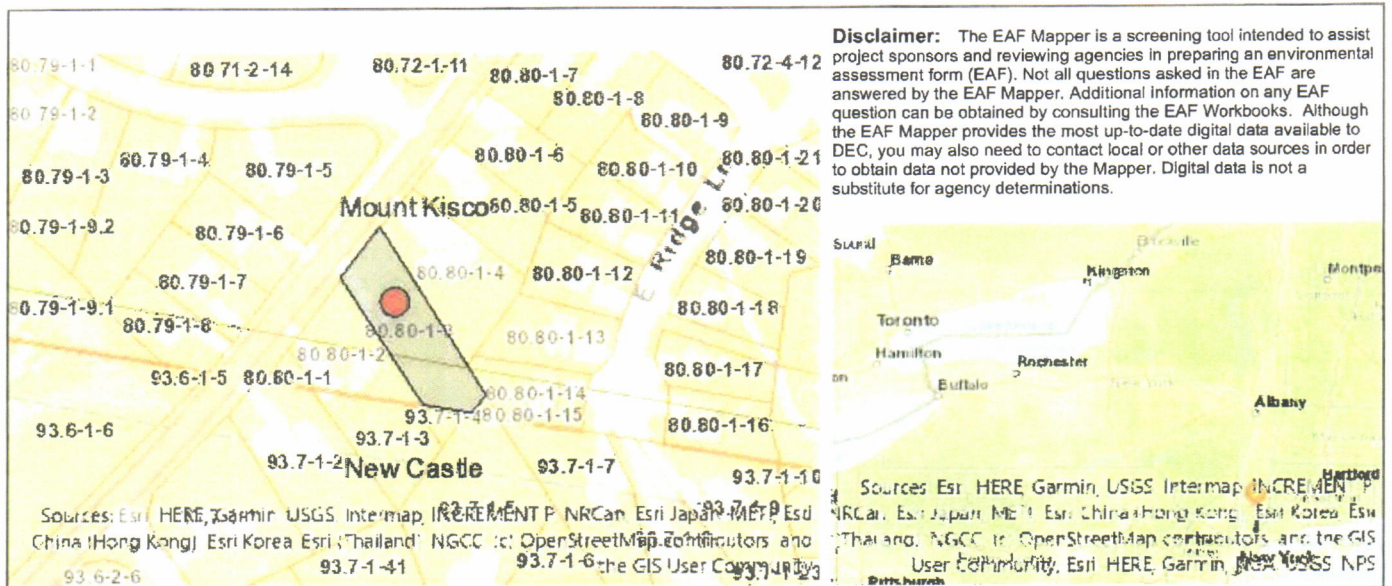


14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
<hr/> <hr/>		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
<hr/> <hr/>		
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
<hr/> <hr/>		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: <u>Walter Soto</u>		Date: <u>1/29/24</u>
Signature: <u>[Signature]</u>		Title: <u>AGENT/ATTORNEY</u>



# EAF Mapper Summary Report

Monday, January 29, 2024 9:31 AM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes



FEB 14 2024

Zoning Board of Appeals  
Village/Town of Mount Kisco

LAURA MCMAHON  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01MC6017348  
QUALIFIED IN ROCKLAND COUNTY  
COMMISSION EXPIRES 12/14/2026



Exhibit A

OWNERNAME	OWNERNAME2	OWNERADDRESS	OWNERAPT	OWNERCITY	OWNERSTATE	OWNERZIP	PROPRINTKEY
Gourlay Colin J	Gouylay Elizabeth A	15 East Way		Mt Kisco	NY	10549	80.71-2-14
Angi, Joseph J	Angi Lori A	40 E Ridge Ln		Mt Kisco	NY	10549	80.80-1-12
Attias Amir	Hill Selena	791 Main St		Mt Kisco	NY	10549	80.80-1-2
Attias Amir	Hill Selena	791 East Main St		Mt Kisco	NY	10549	93.7-1-3
Castaneda Gilberto A		785 Main St		Mt Kisco	NY	10549	80.80-1-3
Cazes, Albert N	Cazes, Rose V	9 West Way		Mt Kisco	NY	10549	80.79-1-5
Chandramoorthy Nandhini	Swaminathan Karthik	6 Circle Dr		Mt Kisco	NY	10549	93.7-1-6
Cocomello, John	Cocomello Lisa	44 E Ridge Ln		Mt Kisco	NY	10549	80.80-1-13
Community Living Corporation	Attn: John E. Porcella	135 Radio Circle		Mount Kisco	NY	10549	80.79-1-9.1
Community Living Corporation		135 Radio Circle		Mt Kisco	NY	10549	93.6-1-6
Coppola Jason G	Coppola, Elizabeth A	19 West Way		Mt Kisco	NY	10549	80.79-1-4
DiLeo Francesco	DiLeo Pierina	47 East Ridge Ln		Mt Kisco	NY	10549	80.80-1-16
Dulworth, Sherrie		800 E Main St		Mt Kisco	NY	10549	80.79-1-7
Giardina Living Trust	Giardina Wayne	601 Bedford Rd		Mt Kisco	NY	10549	80.80-1-1
Giardina Wayne & Sally		PO Box 55		Mt Kisco	NY	10549	93.7-1-2
Isik Mehmet U & Jakus Stephanie		49 East Ridge Ln		Mt Kisco	NY	10549	93.7-1-9
John & Barbara Francan Living Trust		3 Circle Dr		Mt Kisco	NY	10549	93.7-1-41
Lamper Natasha		804 Main St		Mt Kisco	NY	10549	93.6-1-5
Lamper, Natasha		804 Main St		Mt Kisco	NY	10549	80.79-1-8
Luppino, Antonio	Luppino Carmela	779 Main St		Mt Kisco	NY	10549	80.80-1-4
Meany Susan		5 Kathleen Ln		Mt Kisco	NY	10549	93.7-1-42
Miller Marc S & Anna M		51 East Ridge Ln		Mt Kisco	NY	10549	93.7-1-8
Minichetti, Nancy A		39 East Ridge La		Mt Kisco	NY	10549	80.80-1-18
Moroni Brian	Moroni Danielle Segno	8 East Ridge Ln		Mt Kisco	NY	10549	80.80-1-8
Nuzzo John Jr	Nuzzo Caryl A	32 East Ridge Ln		Mt Kisco	NY	10549	80.80-1-10
O'Brien, Joan F		762 Main St		Mt Kisco	NY	10549	80.72-1-11
Oliveri Francesco D		771 Main St		Mt Kisco	NY	10549	80.80-1-6
Petriello, Vito	Petriello Josephine	775 Main St		Mt Kisco	NY	10549	80.80-1-5
Powell Sydney	Powell Vivienne	4 East Ridge Ln		Mt Kisco	NY	10549	80.80-1-7
Pucila Robert P		36 East Ridge Ln		Mt Kisco	NY	10549	80.80-1-11
Rao Sathyaprakash & Sowmya		5 Circle Dr		Mt Kisco	NY	10549	93.7-1-5
Salazar Eber G	Salazar Rivas Suleyma B	1 Kathleen Ln		Mt Kisco	NY	10549	93.7-1-1
Samson, Donald	Samson, Ellen P	48 East Ridge Ln		Mt Kisco	NY	10549	80.80-1-14

RECEIVED

FEB 14 2024

Zoning Board of Appeals  
Village/Town of Mount Kisco



Sanz Enrique & Haunss Lisa	50 East Ridge Ln	Mt Kisco	NY	10549 93.7-1-7
Soto Castaneda Gilberto A	40 Boltis St	Mt Kisco	NY	10549 93.7-1-4
Stringer, Melbourne	756 Main St	Mt Kisco	NY	10549 80.72-1-10
Suarez Jose A II	43 East Ridge Ln	Mt Kisco	NY	10549 80.80-1-17
Swanko, William	792 Main St	Mt Kisco	NY	10549 80.79-1-6
Village/Town of Mount Kisco	104 Main St	Mt Kisco	NY	10549 80.80-1-15



**Exhibit B**

**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 **20<sup>th</sup>** day of **February 2024** at the Municipal Building, Mount Kisco, New York, beginning at **7:00 PM** pursuant to the Zoning Ordinance on the Appeal of **Gilberto Antonio Soto Castaneda, 40 Boltis Street, Mount Kisco, NY** from the decision of Peter J. Miley, Building Inspector, dated **January 24, 2024** denying the application dated to permit the **addition over an existing garage**.

The property involved is known as **785 E Main Street** and described on the Village Tax Map as Section **80.80** Block **1** Lot **3** and is located on the **east** side of **Main Street** in a **RS-9** Zoning District. Said Appeal is being made to obtain a variance from Section(s) **110-9** of the Code of the Village/Town of Mount Kisco, which requires a **minimum side yard setback of 10ft**. **The proposed work has a side yard setback of 6.30 ft, and requires a 3.70 ft side yard setback variance.**

Wayne Spector, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco

**RECEIVED**

**FEB 14 2024**

Zoning Board of Appeals  
Village/Town of Mount Kisco



**AFFIDAVIT OF PUBLICATION**

**RECEIVED**

**FEB 14 2024**

State of Wisconsin  
County of Brown

Linda Tuttle being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**,  
Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland  
Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said  
newspaper editions dated: **Planning Board of Appeals  
Village/Town of Mount Kisco**

02/05/2024

Subscribed and sworn to before me this 05 day of February, 2024

Notary Public  
State of Wisconsin, County of Brown

Linda Tuttle  
Amy Kokott  
AMY KOKOTT  
Notary Public  
State of Wisconsin

exp 6/30/2025



## PUBLIC NOTICE

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The property involved is known as 785 E Main Street and described on the Village Tax Map as Section 80.80 Block 1 Lot 3 and is located on the east side of Main Street in a RS-9 Zoning District. Said Appeal is being made to obtain a variance from Section(s) 110-9 of the Code of the Village/Town of Mount Kisco, which requires a minimum side yard setback of 10ft. The proposed work has a side yard setback of 6.30 ft, and requires a 3.70 ft side yard setback variance.

Wayne Spector, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco  
9781846



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

AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 14<sup>th</sup> day of February 2024, 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

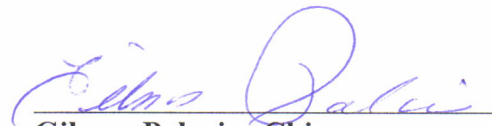
X

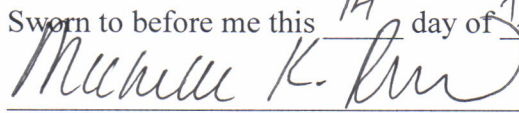
Carpenter Avenue Community House  
 200 Carpenter Avenue

X

Leonard Park Multi Purpose Bldg

X

  
 Gilmar Palacios Chin

Sworn to before me this 14<sup>th</sup> day of February 2024  
  
 Notary Public

MICHELLE K. RUSSO  
 NOTARY PUBLIC-STATE OF NEW YORK  
 No. 01RU6313298  
 Qualified in Putnam County  
 My Commission Expires 10-20-2026

Village/Town of Mount Kisco  
 Planning Board

FEB 14 2024

RECEIVED



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.



\*630793433DED0022\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: CobbleStone Abstract, Ltd Phone: 914-245-3222  
Address 1: 1929 Commerce Street Fax: 914-245-9229  
Address 2: Email: contact@cobblestoneabstract.com  
City/State/Zip: Yorktown Heights NY 10598 Reference for Submitter: Edwin Schreiner

### Document Details

Control Number: **630793433** Document Type: **Deed (DED)**  
Package ID: 2023032000170001002 Document Page Count: **3** Total Page Count: **5**

### Parties

☐ Additional Parties on Continuation page  
2nd PARTY

1st PARTY  
1: SCHREINER EDWIN H - Individual 1: CASTANEDA GILBERTO A S - Individual  
2: 2:

### Property

☒ Additional Properties on Continuation page

Street Address: 785 E. MAIN STREET Tax Designation: 80.80-1-3  
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

### Recording Fees

Statutory Recording Fee: \$40.50  
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  
RPL 291 Notice Fee: \$10.00  
Total Recording Fees Paid: **\$200.50**

### Transfer Taxes

Consideration: \$175,000.00  
Transfer Tax: \$700.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 10277

### Mortgage Taxes

Document Date:  
Mortgage Amount:  
  
Basic: \$0.00  
Westchester: \$0.00  
Additional: \$0.00  
MTA: \$0.00  
Special: \$0.00  
Yonkers: \$0.00  
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 03/28/2023 at 01:52 PM  
Control Number: **630793433**  
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

**MATTHEW N.L. ROACH**  
**1929 COMMERCE STREET**

**YORKTOWN HEIGHTS, NY 10598**



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.	*630793433DED0022*
--	--------------------

<b>Westchester County Recording &amp; Endorsement Page</b>
--

Document Details			
Control Number:	630793433	Document Type:	Deed (DED)
Package ID:	2023032000170001002	Document Page Count:	3
		Total Page Count:	5

**Properties Addendum**

0 BEDFORD RD 10549	NEW CASTLE	93.7-1-4
785 MAIN STREET 10549	MOUNT KISCO	80.80 1 3



**THIS INDENTURE**, made the 21<sup>ST</sup> day of March 2023

**BETWEEN**

EDWIN H. SCHREINER, as surviving tenant by the entirety (Sylvia C. Schreiner having died 01/06/2014) residing at 785 E. Main Street, Mount Kisco, NY 10549

party of the first part, and

GILBERTO A. SOTO CASTANEDA, residing at 40 Boltis Street, Mount Kisco, NY 10549

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$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 SCHEDULE A DESCRIPTION ANNEXED HERETO AND MADE A PART HEREOF

BEING AND INTENDED to be the same premises conveyed to the Grantor(s) by deed in Liber 6437, page 442.

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:

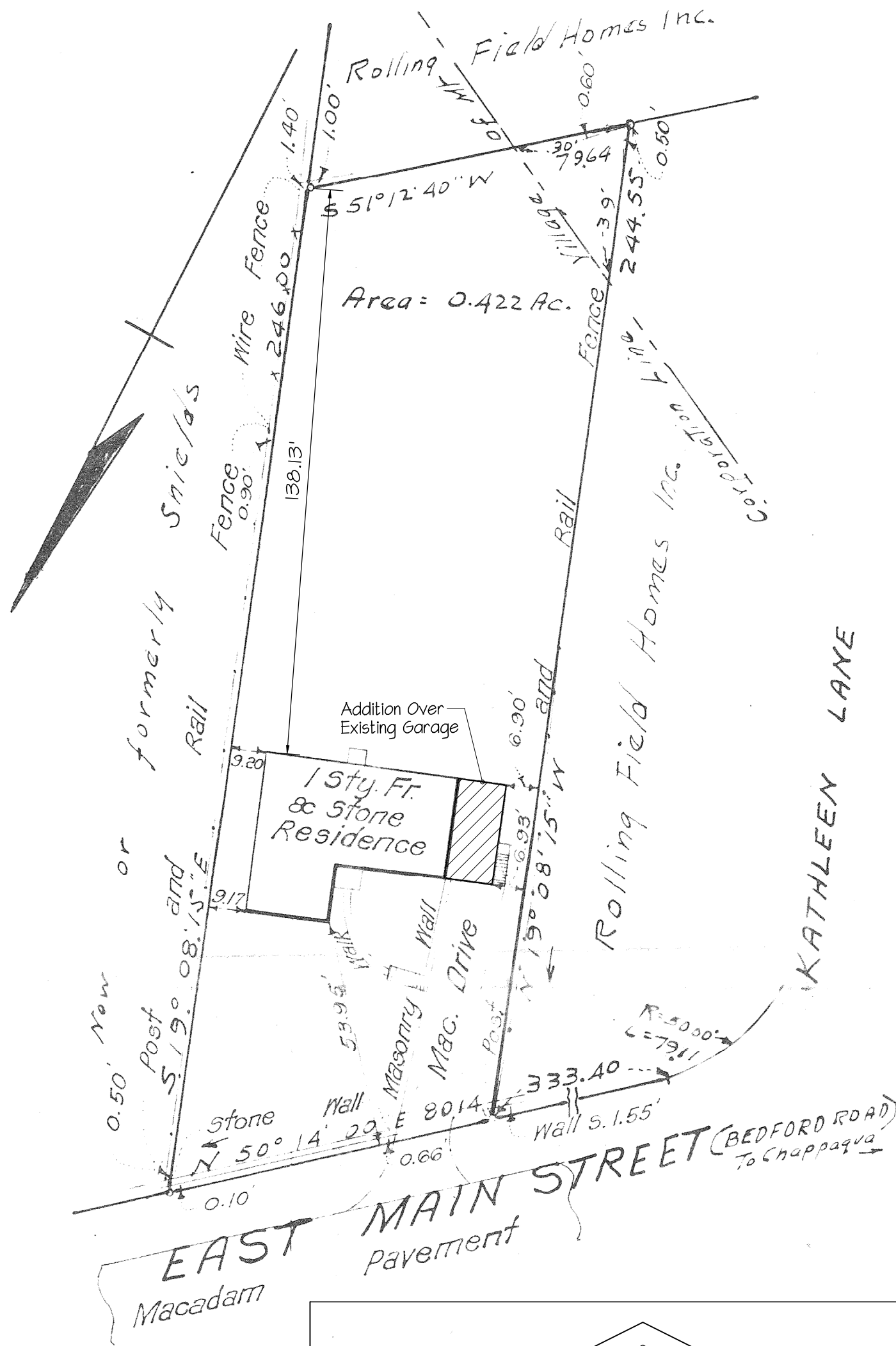
  
EDWIN H. SCHREINER



IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING LICENSED PROFESSIONAL SHALL AFFIX TO THEIR SEAL, AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION

THESE PLANS ARE NOT VALID FOR A BUILDING PERMIT UNLESS ORIGINALLY SIGNED AND SEALED BY THE ARCHITECT AND ARE FOR THE CONSTRUCTION OF ONE STRUCTURE ONLY BY THE PERSON WHOSE NAME APPEARS ON THE PLANS.

DO NOT SCALE PRINTS THESE PLANS ARE THE PROPERTY OF THE ARCHITECT. ANY USE OR REPRODUCTION IN WHOLE OR PART WITHOUT THE WRITTEN AUTHORIZATION OF THE ARCHITECT IS PROHIBITED. ANY PERSON OR CORPORATION USING PLANS WITHOUT PROPER AUTHORIZATION WILL BE RESPONSIBLE TO COMPENSATE THE ARCHITECT.



### Site Plan

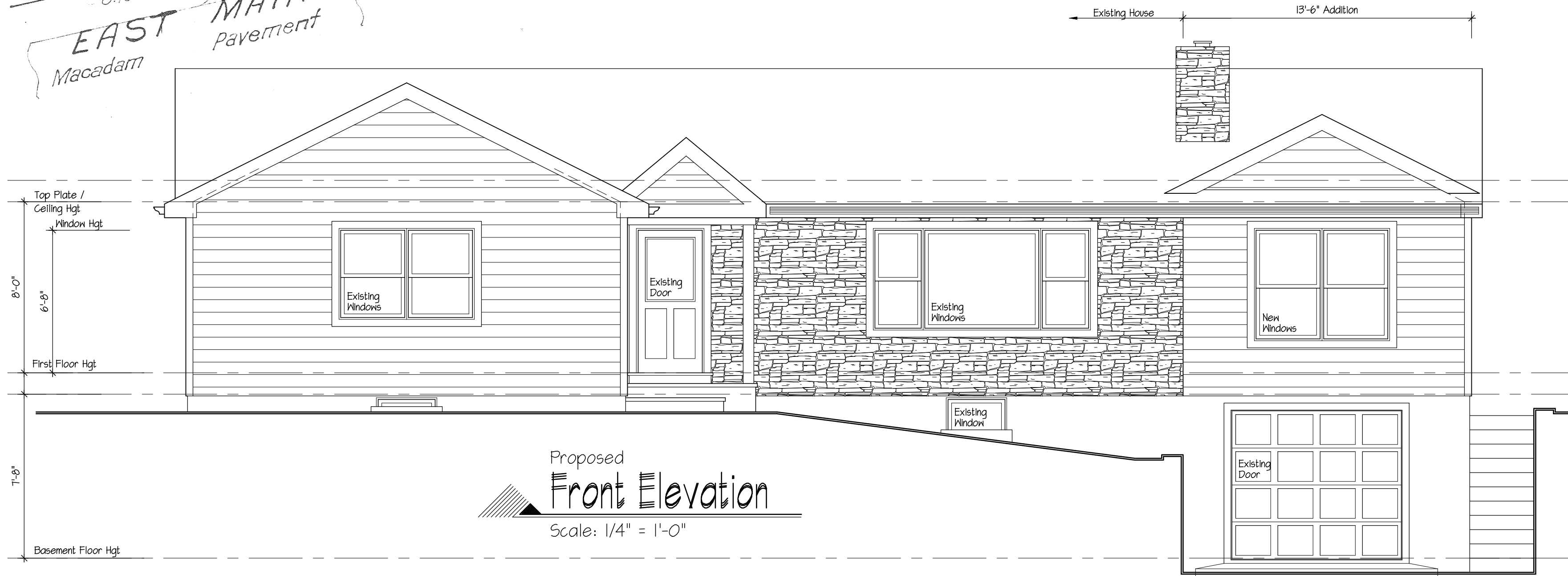
Scale: 1" = 30'-0"

Site Plan Is Based on Survey By  
Oliver A. Knapp Civil Engineer &  
Surveyor  
Dated May 23, 1952  
Which was provided by Owner

### Zoning Data

Mount Kisco

Zone:	RS-9	
Use:	Single Family Residence	
	Required By Code	Provided
Lot Area	9,375 sf	18,382.32 sf
Set Backs		
Front	30'	53.95'
Side	10'	6.30' Variance Required
Rear	30'	138.13'
Building Hgt	2 1/2 Sty or 35'	1 Sty or 17.67'
Building Coverage	4,026.5 sf	1,754 sf



### Proposed Front Elevation

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

Progress Set

Addition For

785 East Main St  
Mount Kisco, NY

Revision	Date
Date	Dec. 18, 2023
Job No	223-175
Drawing	1 OF 3

DeMasi Architects P.C.

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549

PHONE: (914) 666-3858

EMAIL: Lou@DemasiArchitects.com WEBSITE: DemasiArchitects.com

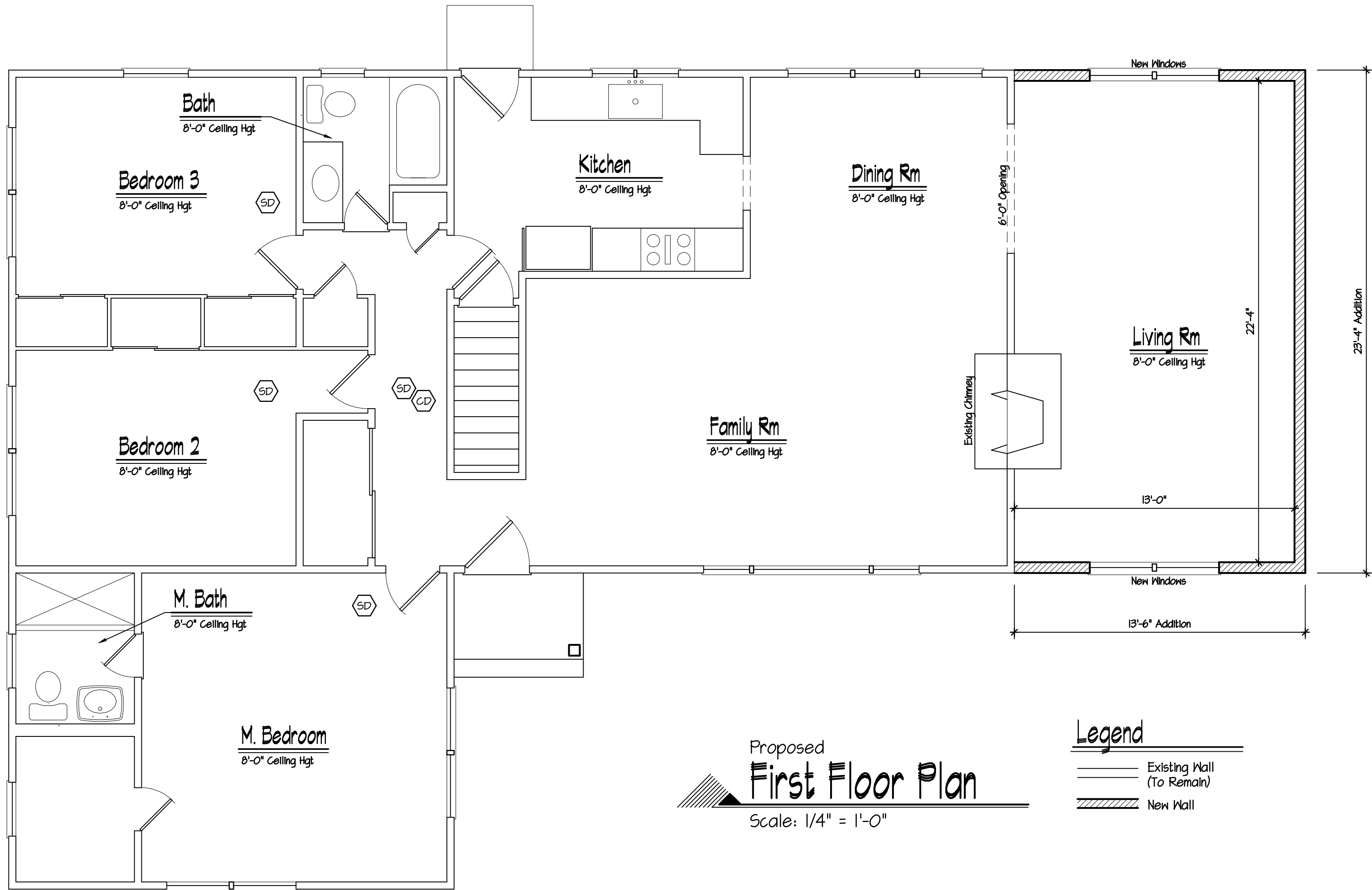




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Addition For

785 East Main St  
Mount Kisco, NY

Revision  
Date  
Job No  
Drawing

2 OF 3



**DeMasi Architects P.C.**

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549

PHONE: (914) 666-3858

EMAIL: Lou@DemasiArchitects.com WEBSITE: DemasiArchitects.com

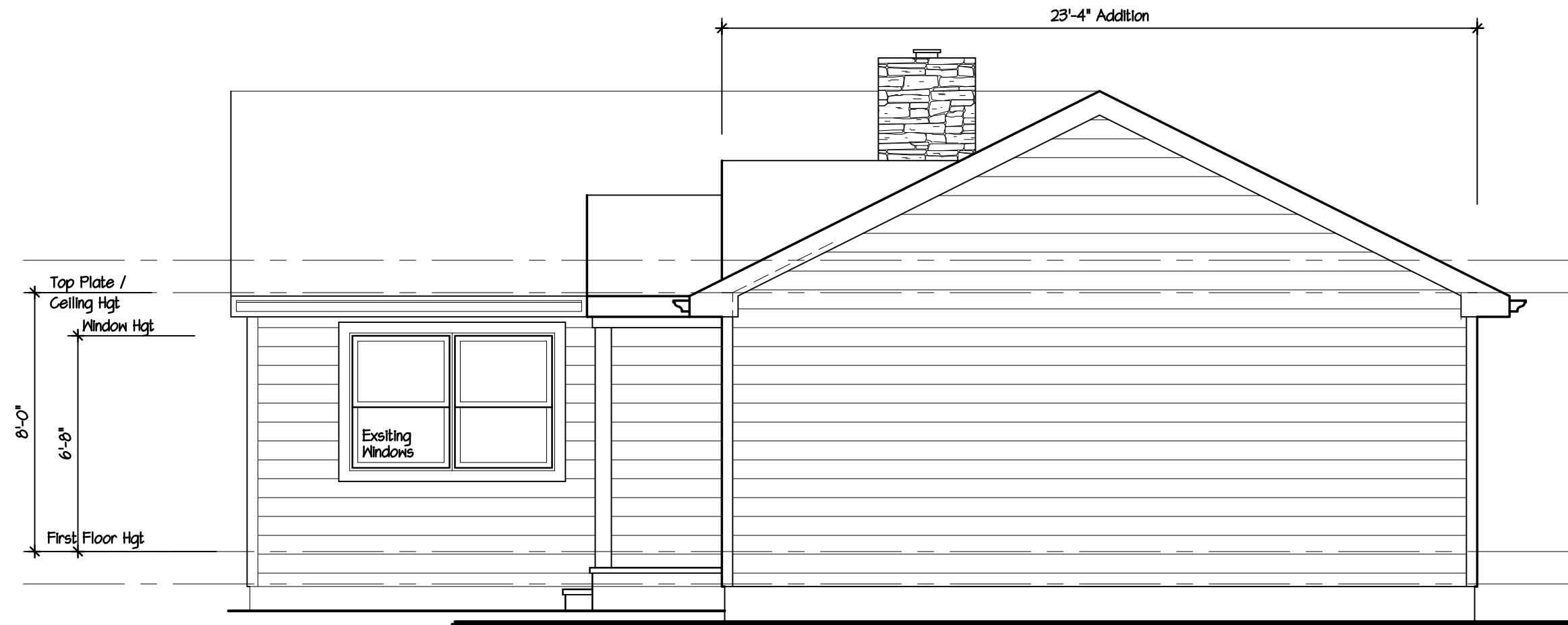
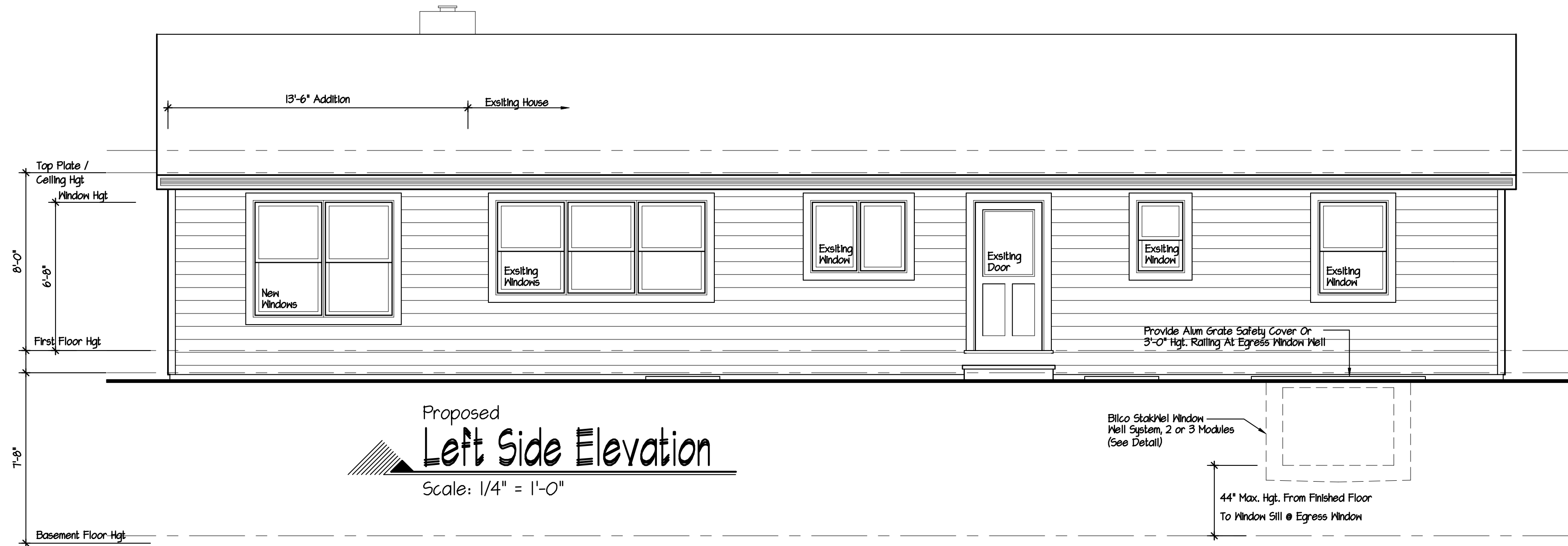




IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL, TO ALTER AN ITEM IN ANY WAY, IF AN ITEM BEARING THE SEAL OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING LICENSED PROFESSIONAL SHALL AFFIX TO THEIR SEAL, AND THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE AND DATE OF SUCH ALTERATION, AND A SPECIFIC DESCRIPTION OF THE ALTERATION

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Addition For

785 East Main St  
Mount Kisco, NY

Revision Date

Date Dec. 18, 2023

Job No 223-175

Drawing

3 OF 3



**DeMasi Architects P.C.**

105 SMITH AVENUE, MOUNT KISCO, NEW YORK 10549

PHONE: (914) 666-3858

EMAIL: Lou@DemasiArchitects.com WEBSITE: DemasiArchitects.com







VILLAGE/TOWN OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK

104 Main Street  
Mount Kisco, New York 10549-0150

Telephone  
(914) 241-0500

December 20, 2023

Tina Arcuri – Coastal Sign Services  
5374 Greggs Landing  
N Charleston, SC 29420

**RECEIVED**

**JAN 30 2024**

Re: Notice of Denial – Sign Permit Application for Rivera Toyota  
325 No. Bedford Road, Property ID#: 69.51-1-2

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

Dear Ms Arcuri:

Please be notified that your sign permit application on behalf of your client, Rivera Toyota, to install new and various signage at the above captioned property is hereby denied. This denial is based on the following facts:

- Section 89-11A(4) of the Code of the Village/Town of Mount Kisco states that “The types of signs permitted and the regulation of the number, placement, and use of signs is hereby established. No sign shall be erected unless it conforms to the specifications for signs in that sign district, nor shall any sign be used for any purpose or in any manner except as permitted by the regulations for the district in which such sign is to be located or maintained.”
- The subject property is located in the CL Zoning District, and is therefore subject to the regulations of the Commercial Signage District #2c for building locations less than 75 feet from the public right of way.
- Section 89-11 General Provisions A states: “Each business establishment shall be limited to one (1) principal sign of any type permitted within such district at the primary public entrance. In the event that a business has a secondary public entrance on a separate street frontage or parking lot, an additional sign may be permitted at the secondary public entrance. In no event will there be more than two (2) signs on any building for any establishment. Your application proposes to erect three signs on the eastern façade of the building at the primary public entrance: Toyota, a Toyoto Logo and Rivera. One of these sign will need a variance for location (having a second sign at the primary public entrance) and one sign will need a variance for placing a third sign on the building.
- Your application proposes to install individual channel letters for the Toyota sign that are 25-3/16” high. Section 89-11 Table 1 page 5 of the Code of the Village/Town of



Mt. Kisco states: maximum letter height 18 inches. A 7-3/16" variance is required for this sign. The proposed 6' x 9'-3-5/16" logo to be placed above the Toyota sign will not require a variance, as it is allowed to be larger than the maximum letter height. However, all signage will require Architectural Review Board Approval.

- Your application proposes to install individual channel letters for the Rivera sign that are 1'9" high. Section 89-11 Table 1 page 5 of the Code of the Village/Town of Mt. Kisco states: maximum letter height 18 inches. A 3" inch variance is required for this sign.
- Your application proposes to install a monument sign with a sign face area of 43.2 square feet. Section 89-11 Table 1 Page 5 of the Code of the Village/Town of Mt. Kisco States: maximum face area for a freestanding/monument sign is 20 square feet. A 23.2 square foot variance is required for this sign. As a single tenant on this sign, the proposed letter heights for this sign may be larger than the maximum letter height of 6" and shall be subject to review and approval for appropriateness by the Architectural Review Board.

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

Sincerely,

Peter J. Miley  
Building Inspector

/pat



January 29, 2024

Village of Mount Kisco  
104 Main Street  
Mount Kisco, NY 10549

Re: Rivera Toyota  
325 North Bedford Rd.  
Mount Kisco, NY 10549

To Whom it May Concern:

Please allow this letter to serve as intent to appeal the attached Notice of Denial received on December 20, 2023, from Building Inspector Peter Miley. I Tina Arcuri, would like to request a public hearing on the matter for the location referenced above.

We are seeking relief from the following:

- Section 89-11 General Provisions A states: Each business establishment shall be limited to one (1) principal sign of any type permitted within such district at the primary public entrance. We are proposing a total of three wall signs. The word Toyota, a Toyota Logo, and the Dealer name Rivera. One of these signs will need a variance for location (having a second sign at the primary public entrance) and one sign will need a variance for placing a third sign on the building.
- Section 89-11 Table I page 5 states: maximum letter height 18 inches. We are proposing a height of 25 3/16" for the word "Toyota" which requires a variance of 7-3/16".
- Section 89-11 Table 1 page 5 states: maximum letter height 18 inches. We are proposing a height for the Dealer name "Rivera" of 1'-9" which requires a variance of 3".
- Section 89-11 Table 1 Page 5 states: maximum face area for a freestanding/monument sign is 20 square feet. We are proposing a monument sign with an area of 43.2 square feet which requires a variance of 23.2 square feet.



**Statement of Principal Points:**

**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.**

*An undesirable change will not be produced by allowing this variance, nor will a detriment to nearby properties be created. Approving the variance will grant this business the necessary signage to notify customers of the location and allow them to navigate the property effectively.*

**2. Whether the benefit sought by the application can be achieved by some feasible method other than a variance.**

*There is no other option to achieve the requested signage. We are seeking to brand this location and enhance the design of this new building.*

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

*The requested variance is not substantial. We are proposing the minimum required to brand this site according to our national design standards for consistency.*

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

*Allowing this variance will not have an adverse effect on the neighborhood and district. We believe this will have a positive impact by enhancing the design of the new building and allowing us to bring to Mount Kisco our national design standards.*

**5. Whether the alleged difficulty was self-created.**

*This situation was not self-created. We are seeking to enhance the area and feel that allowing us to display our national brand standards, this would allow the neighborhood and district to see this location at its fullest design potential.*

Please do not hesitate to reach out to me if you have any questions or require additional information.

Sincerely,



Tina Arcuri

Coastal Sign Services Inc.



RECEIVED

Date: \_\_\_\_\_

JAN 30 2024

Case No.: 2BA24-5

Fee: \_\_\_\_\_

Zoning Board of Appeals  
Village/Town of Mount Kisco

Date Filed: \_\_\_\_\_

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

**Zoning Board of Appeals  
Application**

Appellant: Tina Arcuri - Coastal Sign Services Inc.

Address: 5374 Greggs Landing, N. Charleston, SC 29420

Address of subject property (if different): 325 N. Bedford Road, Mt. Kisco, NY 10549

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

Property owner (if different): Kenneth Hicks

Address: 325 N. Bedford Rd., Mt. Kisco, NY 10549

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken  
from the decision of the Building Inspector, Peter Miley  
dated December 20, 2023. Application is hereby made for the following:

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

to permit the: X Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of Signage

\_\_\_\_\_ in accordance with plans filed on (date) \_\_\_\_\_  
for Property ID # 69.51-I-2 located in the CL Zoning District.  
The subject premises is situated on the West side of (street) North Bedford Road  
\_\_\_\_\_ in the Village/Town of Mount Kisco, County of Westchester, NY.  
Does property face on two different public streets? Yes/No No  
(If on two streets, give both street names) \_\_\_\_\_

Type of Variance sought: \_\_\_\_\_ Use X Area \_\_\_\_\_



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

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

Size of Lot: 250.20 feet wide 218.85 feet deep Area 54756.27

Size of Building: at street level 160'-6 1/16" feet wide 75 feet deep

Height of building: 25'-10" Present use of building: Auto Dealership

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? \_\_\_\_\_

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

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

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

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



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

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on December 20, 2023 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

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

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

**\* Optional - As Needed**



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

(Appellant to sign here)

Sworn to before me this day of: JANUARY 29, 20 24

Notary Public, \_\_\_\_\_, County, NY

KINDRA A. SOUTHER  
Notary Public, State of South Carolina  
My Commission Expires 03/06/2033

[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.

ORIGINAL

(sign here)

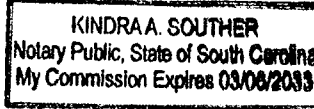


I hereby depose & say that all the above statements and the statements contained in the papers submitted herewith are true.

(Appellant to sign here)

Sworn to before me this day of: JANUARY 29<sup>th</sup>, 20 24

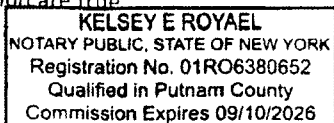
Notary Public, \_\_\_\_\_, County, NY



State of New York        }  
County of Westchester } ss

(Name) KENNETH HICKS

Being duly sworn, deposes and say that he resides at 325 N. Bedford Road 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 Section/Block/Lot 69.51-1-2 and that he hereby authorized Tina Arcuri to make the annexed application in his behalf and that the statements contained in said application are true.



Kelsey E. Royael  
01129174

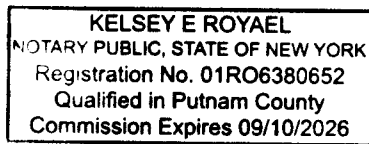
(sign here)



State of New York       }  
County of Westchester } ss

(Name) KENNETH HICKS

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Kelsey Royael  
01125124

(Signature)  
(sign here)



January 29, 2024

The Journal News  
Northern Addition

Re: Public Notice  
Rivera Toyota  
325 North Bedford Rd.  
Mount Kisco, NY 10549

To Whom it May Concern:

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 20<sup>th</sup> day of February 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00PM pursuant to the Zoning Ordinance on the Appeal of Tina Arcuri, 5374 Greggs Landing, N. Charleston, SC 29420 from the decision of Peter J. Miley, Building Inspector dated December 20<sup>th</sup>, 2023 denying the application dated December 6<sup>th</sup>, 2023 to permit the exterior signage at Rivera Toyota. The property involved is known as 325 N. Bedford Road, Mount Kisco NY 10549 and described on the Village Tax Map as Section 69.51-1-2 in a CL Zoning District as well as Commercial Signage District #2c. Said Appeal is made to obtain a variance from Section(s) 89-11 A(4): 89-11 General Provisions A: 89-11 Table 1 page 5: of the Code of the Village/Town of Mount Kisco, which requires: each business shall be limited to one (1) principal sign of any type permitted within such district at the primary public entrance. In no event will there be more than two (2) signs on any building for any establishment. (89-11 General Provisions A). Request is for three (3) exterior wall signs. Code requires the maximum letter height NTE 18" (8a-11 Table 1 page 5). Request is for one (1) of the signs to exceed maximum letter height by 7-3/16", and one (1) sign to exceed maximum letter height by 3". Code requires a maximum face area NTE 20SF for freestanding/monument signs (89-11 Table 1 page 5). Request is for one (1) sign to exceed the maximum face area by 23.2SF.



**283 N Bedford Rd Corp**  
N Bedford Rd  
MOUNT KISCO, NY 10549

**283 N Bedford Rd Corp**  
283 N Bedford Rd  
MOUNT KISCO, NY 10549

**Martabano, William T**  
353 N Bedford Rd  
MOUNT KISCO, NY 10549

**DP 62, LLC**  
309 N Bedford Rd  
MOUNT KISCO, NY 10549

**325 N Bedford Rd LLC**  
325 N Bedford Rd  
MOUNT KISCO, NY 10549

**DP 21 LLC**  
333 N Bedford Rd  
MOUNT KISCO, NY 10549

**Townsend St Assoc's LP**  
360 N Bedford Rd  
MOUNT KISCO, NY 10549

**2701 Marion LLC**  
272 N Bedford Rd  
MOUNT KISCO, NY 10549

**Chappaqua Road Co LLC**  
280 N Bedford Rd  
MOUNT KISCO, NY 10549

**Martabano, John R**  
N Bedford Rd  
MOUNT KISCO, NY 10549

**Current Occupant**  
MOUNT KISCO, NY 10549

**DP 47, LLC**  
283 N Bedford Rd  
MOUNT KISCO, NY 10549

**283 N Bedford Rd Corp**  
289 N Bedford Rd  
MOUNT KISCO, NY 10549

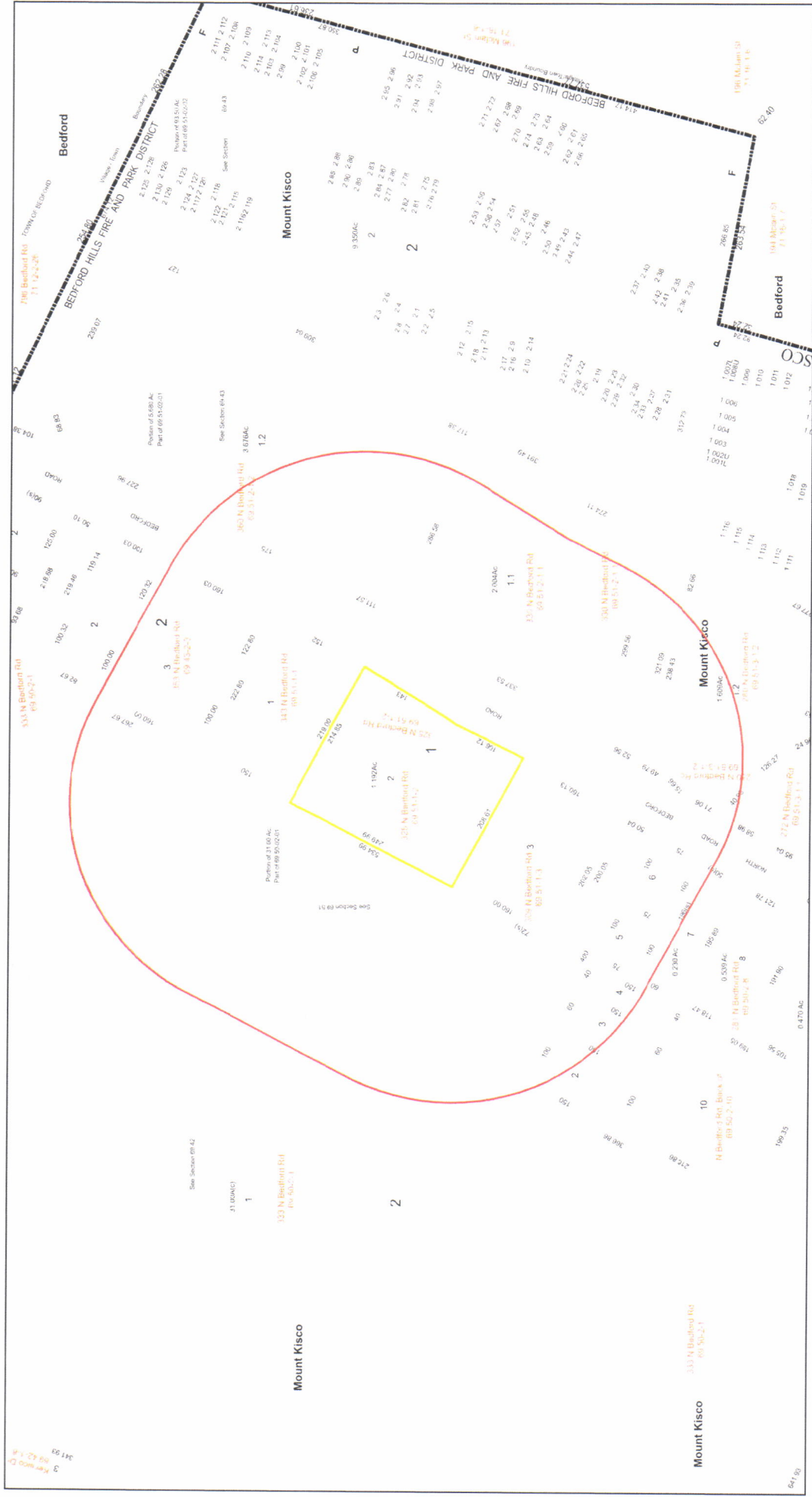
**DP 46, LLC**  
295 N Bedford Rd  
MOUNT KISCO, NY 10549

**WDL Realty LLC**  
330 N Bedford Rd  
MOUNT KISCO, NY 10549

**343 Bedford Realty, LLC**  
343 N Bedford Rd  
MOUNT KISCO, NY 10549



# 325 N Bedford Rd. ID: 69.51-1-2 (Mount Kisco )



January 29, 2024

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.



RECEIVED

FEB 08 2024

Zoning Board of Appeals  
Village/Town of Mount Kisco

AFFIDAVIT OF MAILING

STATE OF NEW YORK

COUNTY OF WESTCHESTER

}  
}SS.:  
}

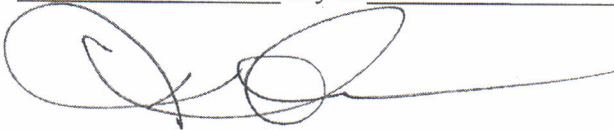
Tina Arcuri being duly sworn, deposes and says:

I reside at 5374 Greggs Landing, N. Charleston, SC 29420

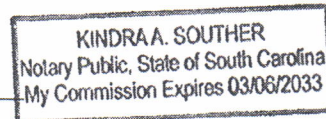
On February 7th 20 24 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached 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

7th day of February 20 24



(Notary Public)





January 29, 2024

The Journal News  
Northern Addition

Re: Public Notice  
Rivera Toyota  
325 North Bedford Rd.  
Mount Kisco, NY 10549

To Whom it May Concern:

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 20<sup>th</sup> day of February 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00PM pursuant to the Zoning Ordinance on the Appeal of Tina Arcuri, 5374 Greggs Landing, N. Charleston, SC 29420 from the decision of Peter J. Miley, Building Inspector dated December 20<sup>th</sup>, 2023 denying the application dated December 6<sup>th</sup>, 2023 to permit the exterior signage at Rivera Toyota. The property involved is known as 325 N. Bedford Road, Mount Kisco NY 10549 and described on the Village Tax Map as Section 69.51-1-2 in a CL Zoning District as well as Commercial Signage District #2c. Said Appeal is made to obtain a variance from Section(s) 89-11 A(4): 89-11 General Provisions A: 89-11 Table 1 page 5: of the Code of the Village/Town of Mount Kisco, which requires: each business shall be limited to one (1) principal sign of any type permitted within such district at the primary public entrance. In no event will there be more than two (2) signs on any building for any establishment. (89-11 General Provisions A). Request is for three (3) exterior wall signs. Code requires the maximum letter height NTE 18" (8a-11 Table 1 page 5). Request is for one (1) of the signs to exceed maximum letter height by 7-3/16", and one (1) sign to exceed maximum letter height by 3". Code requires a maximum face area NTE 20SF for freestanding/monument signs (89-11 Table 1 page 5). Request is for one (1) sign to exceed the maximum face area by 23.2SF.

## Exhibit A



**283 N Bedford Rd Corp**  
N Bedford Rd  
MOUNT KISCO, NY 10549

**283 N Bedford Rd Corp**  
283 N Bedford Rd  
MOUNT KISCO, NY 10549

**Martabano, William T**  
353 N Bedford Rd  
MOUNT KISCO, NY 10549

**DP 62, LLC**  
309 N Bedford Rd  
MOUNT KISCO, NY 10549

**325 N Bedford Rd LLC**  
325 N Bedford Rd  
MOUNT KISCO, NY 10549

**DP 21 LLC**  
333 N Bedford Rd  
MOUNT KISCO, NY 10549

**Townsend St Assoc's LP**  
360 N Bedford Rd  
MOUNT KISCO, NY 10549

**2701 Marion LLC**  
272 N Bedford Rd  
MOUNT KISCO, NY 10549

**Chappaqua Road Co LLC**  
280 N Bedford Rd  
MOUNT KISCO, NY 10549

**Martabano, John R**  
N Bedford Rd  
MOUNT KISCO, NY 10549

**Current Occupant**  
MOUNT KISCO, NY 10549

**DP 47, LLC**  
283 N Bedford Rd  
MOUNT KISCO, NY 10549

**283 N Bedford Rd Corp**  
289 N Bedford Rd  
MOUNT KISCO, NY 10549

**DP 46, LLC**  
295 N Bedford Rd  
MOUNT KISCO, NY 10549

**WDL Realty LLC**  
330 N Bedford Rd  
MOUNT KISCO, NY 10549

**343 Bedford Realty, LLC**  
343 N Bedford Rd  
MOUNT KISCO, NY 10549

## Exhibit B



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

AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 14<sup>th</sup> day of February 2024, 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

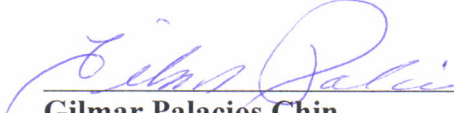
\_\_\_\_\_X\_\_\_\_\_

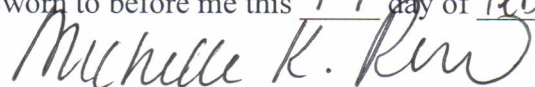
Carpenter Avenue Community House  
200 Carpenter Avenue

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

Leonard Park Multi Purpose Bldg

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

  
\_\_\_\_\_  
**Gilmar Palacios Chin**

Sworn to before me this 14<sup>th</sup> day of February 2024  
  
\_\_\_\_\_

Notary Public

MICHELLE K. RUSSO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RU6313298  
Qualified in Putnam County  
My Commission Expires 10-20-2026

Village/Town of Mount Kisco  
Planning Board

FEB 14 2024

RECEIVED



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

**THIS INDENTURE**, made the 23<sup>rd</sup> day of December, in the year 2020

**BETWEEN** J-ETC, CORP., a New York Corporation, having an address of 5515 Lake Ridge Drive, Brighton, Michigan 48116, party of the first part, and

325 N BEDFORD RD LLC, a New York limited liability company, having an address of 325 North Bedford Road, Mount Kisco, New York 10549, party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$10.00) 00/100 Dollars and other good and 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 Town of Mount Kisco, Village of Mount Kisco, County of Westchester and State of New York, being more particularly bounded and described according to the Schedule A attached hereto and made a part hereof.

Being the same premises as was acquired by the Grantor herein by deed from John A. Martabano dated June 1, 1993 and recorded June 23, 1993 in Liber 10606, Page 89 in the Westchester County Clerk's Office, Division of Land Records.

**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 and 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 has 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 received such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and will apply the same first to the payment of the cost of the improvements before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

The Remainder Of This Page Intentionally Left Blank

Westchester  
69.51  
1  
2



***Record and Return Title Agency, Inc.  
Old Republic Title Insurance Company***

Title Number: **RR-W-40126-20**

**SCHEDULE A DESCRIPTION**

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, and being more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly boundary line of Bedford Road (Route 117), where the same is intersected by the division line between other property belonging to Martabano Company on the southwest, and the premises herein described on the northeast, said point of beginning also being North 43 degrees 59 minutes 00 seconds East 160.13 feet as measured in a northeasterly direction along the aforesaid northwesterly boundary line of Bedford Road (Route 117), from its intersection with the northeasterly boundary line of property now or formerly belonging to American Property Investors IX;

RUNNING THENCE in a northwesterly direction along the first mentioned division line North 48 degrees 21 minutes 50 seconds West 208.61 feet to a point;

THENCE in a northeasterly direction along the boundary line of American Property Investors IX, North 41 degrees 38 minutes 10 seconds East 249.99 feet to a point;

THENCE in a southeasterly direction along the southwesterly boundary line of property now or formerly belonging to DeSilva Ice and Fuel Co., Inc. South 48 degrees 21 minutes 50 seconds East 218.85 feet to the northwesterly boundary line of Bedford Road (Route 117);

THENCE in a southwesterly direction along the same South 43 degrees 59 minutes 00 seconds West 250.20 feet to the point or place of BEGINNING.

**FOR CONVEYANCING ONLY:**

Together with an easement 30 feet in width running in a southwesterly direction from the southwesterly boundary line of the premises above described through other property now or formerly belonging to Martabano Company to property now or formerly belonging to American Property Investors IX, being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly boundary line of the premises above described, said point being distant North 48 degrees 21 minutes 50 seconds West 154.61 feet as measured along said southwesterly boundary line from its intersection with the northwesterly boundary line of Bedford Road (Route 117);

RUNNING THENCE in a southwesterly direction through other property belonging to Martabano Company South 41 degrees 38 minutes 10 seconds West 160.00 feet to the northeasterly boundary line of property now or formerly belonging to American Property Investors IX;



***Record and Return Title Agency, Inc.***  
***Old Republic Title Insurance Company***

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THENCE in a southeasterly direction along the same South 48 degrees 21 minutes 50 seconds East 30.00 feet to the point or place of BEGINNING.

for the following uses and purposes: (1) a perpetual and unobstructed right of way in, over, upon and across the 30 foot easement hereinabove more particularly described for ordinary purposes of ingress and egress at any and all times hereafter by vehicle and by foot so as to give the party of the second part, ingress and egress as aforesaid between a proposed street, now or formerly belonging to American Property Investors IX, on the southwesterly boundary line of the 30 foot easement hereinabove described and the parcel hereinabove described the fee ownership of which is being conveyed to the party of the second part by this Deed; and (2) the right at any and all times hereafter to make perpetual and unobstructed connections to any sewer line now or hereafter located in whole or in part within the 30 foot easement hereinabove described for the benefit of buildings and improvements now or hereafter erected on the parcel hereinabove described the fee ownership of which is being conveyed to the party of the second part by this Deed, and to repair, replace, operate and use any such sewer line in, under and across the 30 foot easement hereinabove described so as to give the party of the second part perpetual an unobstructed access at all times to such sewer line, with the party of the second part, and its agents, having the permanent right of ingress and egress, in, over, upon and across the 30 foot easement hereinabove described for the purpose of connecting to any such sewer line now or hereafter located within the 30 foot easement hereinabove described, and inspecting, maintaining, repairing and replacing any such sewer line located within the 30 foot easement hereinabove described.



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

J-ETC CORP.

By:

*John A. Martabano*

John Martabano

President

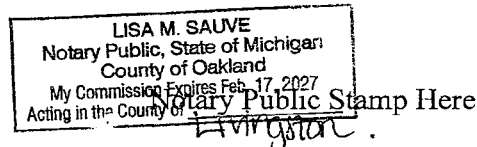
STATE OF MICHIGAN )

SS.:

COUNTY OF Livingston )

On the 18 day of December in the year 2020, before me, the undersigned, a **Notary Public in and for the State of Michigan** personally appeared John Martabano 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument **and that such individual made such appearance before the undersigned in the County of Livingston and State of Michigan.**

*Lisa M. Sauve*  
Notary Public Sign Here



Premises conveyed:

T/O Bedford, Westchester County

69.51 - 1 - 2

Record and Return:



Record and Return Title Agency, Inc.  
7 Dempsey Place  
Eastchester, NY 10709

**RECORDED AT THE REQUEST OF**  
**RECORD & RETURN TITLE AGENCY**  
TITLE# RR-W-40126-20  
THRU:   AMT   FA XORT  
  STIC   STG



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.



\*603523263DED003U\*

## Westchester County Recording & Endorsement Page

### Submitter Information

Name: Robin Schernitsch Phone: 914-395-2285  
Address 1: 7 Dempsey Place Fax: 914-395-1028  
Address 2: Email: PostClosing@recordandreturn.com  
City/State/Zip: Eastchester NY 10709 Reference for Submitter: RR-W-40126-20 RC

### Document Details

Control Number: 603523263 Document Type: Deed (DED)  
Package ID: 2020121700146001001 Document Page Count: 4 Total Page Count: 5

### Parties

☐ Additional Parties on Continuation page

1st PARTY  
1: J-ETC CORP - Other  
2: 325 N BEDFORD RD LLC - Other

### Property

☐ Additional Properties on Continuation page

Street Address: 325 NORTH BEDFORD ROAD Tax Designation: 69.51 - 1 - 2  
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

### Recording Fees

Statutory Recording Fee: \$40.00  
Page Fee: \$25.00  
Cross-Reference Fee: \$0.00  
Mortgage Affidavit Filing Fee: \$0.00  
RP-5217 Filing Fee: \$250.00  
TP-584 Filing Fee: \$5.00  
RPL 291 Notice Fee: \$0.00  
Total Recording Fees Paid: \$320.00

### Transfer Taxes

Consideration: \$8,500,000.00  
Transfer Tax: \$34,000.00  
Mansion Tax: \$0.00  
Transfer Tax Number: 22854

### Mortgage Taxes

Document Date:  
Mortgage Amount:  
Basic: \$0.00  
Westchester: \$0.00  
Additional: \$0.00  
MTA: \$0.00  
Special: \$0.00  
Yonkers: \$0.00  
Total Mortgage Tax: \$0.00

Dwelling Type: Exempt: ☐  
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK



Recorded: 12/31/2020 at 01:54 PM  
Control Number: 603523263  
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

RECORD AND RETURN TITLE AGENCY  
7 DEMSPEY PLACE

EASTCHESTER, NY 10709



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

**THIS INDENTURE**, made the 23<sup>rd</sup> day of December, in the year 2020

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Westchester  
69.51  
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Old Republic Title Insurance Company***

Title Number: **RR-W-40126-20**

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

J-ETC CORP.

By:

John A. Martabano

John Martabano

President

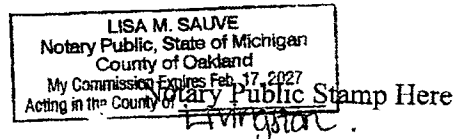
STATE OF MICHIGAN )

SS.:

COUNTY OF Livingston )

On the 18 day of December in the year 2020, before me, the undersigned, a **Notary Public in and for the State of Michigan** personally appeared John Martabano 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 he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument **and that such individual made such appearance before the undersigned in the County of** Livingston **and State of Michigan.**

Lisa M. Sauve  
Notary Public Sign Here



Premises conveyed:

T/O Bedford, Westchester County

69.51 - 1 - 2

Record and Return:



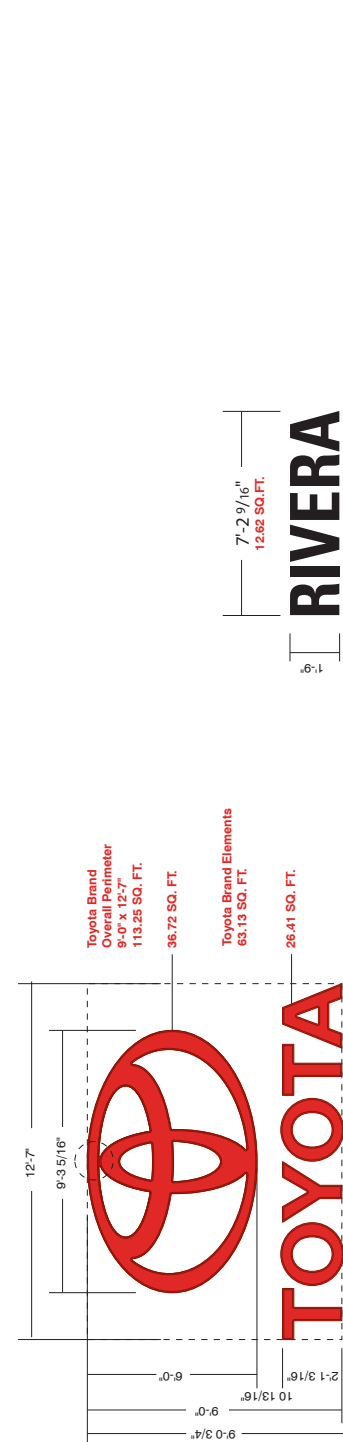
Record and Return Title Agency, Inc.  
7 Dempsey Place  
Eastchester, NY 10709

**RECORDED AT THE REQUEST OF  
RECORD & RETURN TITLE AGENCY**

TITLE# RL-W-40126-20

THRU: ☐ AMT ☐ FA ☒ ORT  
☐ STIC ☐ STG



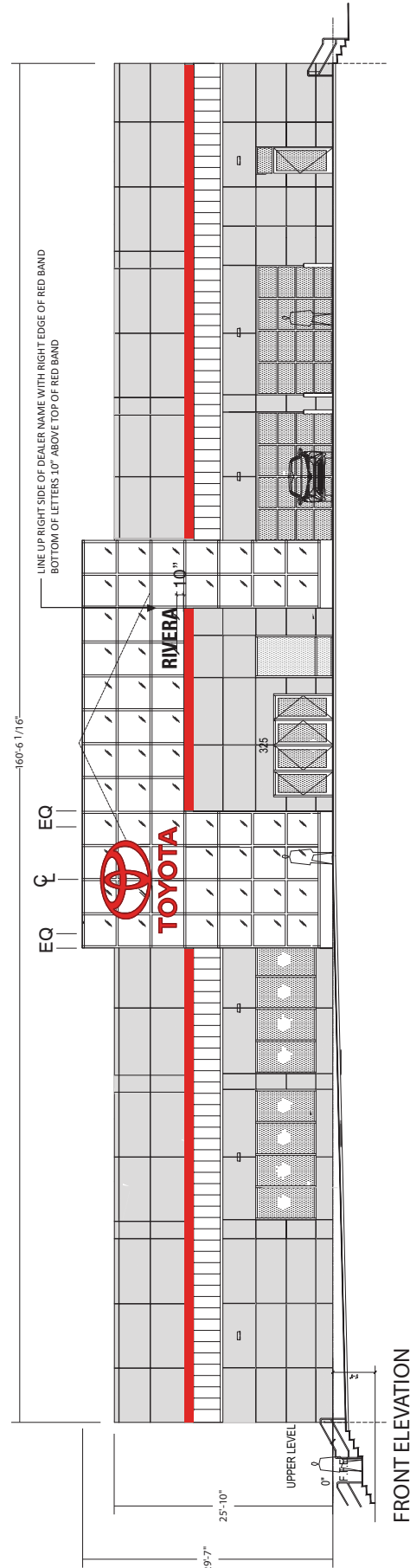


**PDNN-21**  
**Non-Illuminated Molded Letters**  
\* to be used when portal is illuminated

- molded black acrylic letters - 1 1/2" profile
- stood off glass portal 1/4"
- installation method pending approval

**SL72**  
**Illuminated Logo & Letters**

- panned & embossed clamshell trim
- lexan polycarbonate: Bayer Red D99
- aluminum coil pre-painted red
- 3M 3635-20B block out vinyl applied second surface
- illuminated with red LED
- electrical hook-up supplied by others



**Pattison Sign Group**  
Powering Your Brand

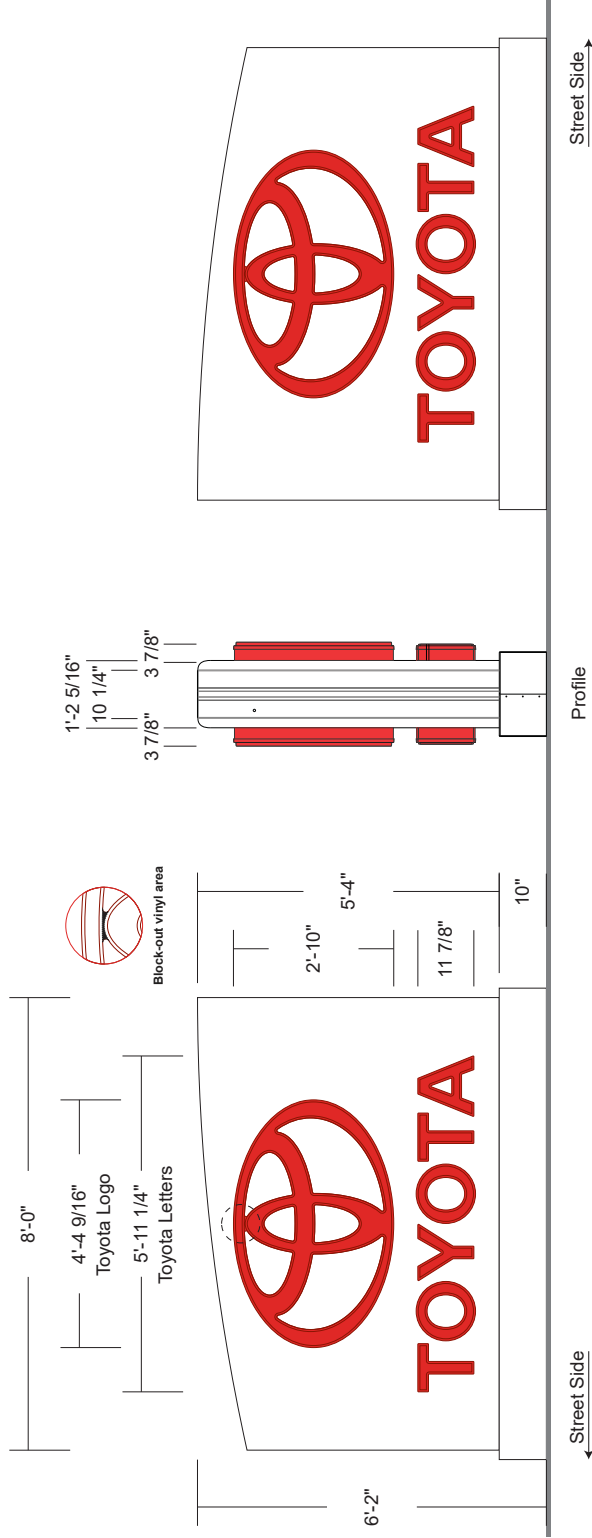
555 Ellesmere Road Toronto, Ontario, Canada M1R 4E8  
(Toll Free) 1.866.635.1110 (Fax) 1.855.759.4965  
www.pattisonsign.com

This sign to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Fluorescent, Neon and HID lamps contain Mercury (Hg).  
Dispose of the lamps according to Local, Provincial, State or Federal Laws.

<b>Project ID</b> SH7-42754	<b>Date:</b> DEC-23-2021 <b>Scale:</b> 3/16"= 1'-0" <b>Sales:</b> S Horler <b>Designer:</b> CSabathino	<b>Rev. #:</b> <b>Date:</b>	<b>Revision Note:</b>
<input checked="" type="checkbox"/> <b>Conceptual</b>	<b>Information Required:</b>		
<input checked="" type="checkbox"/> <b>Master</b>	<input type="checkbox"/> <b>Electrical</b>		
<input type="checkbox"/> 120V <input type="checkbox"/> 347V <input type="checkbox"/> Other			
<b>Customer Approval</b>	<b>Signature</b> MM/DD/YYYY		
It is the Customer's responsibility to ensure that the structure of the building is designed and constructed in accordance with the local building codes and the local building department. Please ask P&G to provide further details if required.			
All rights reserved. The artwork depicted herein are copyright and trademark of Toyota Motor Sales, U.S.A., Inc. and its subsidiaries. Pattison Sign Group and as such cannot be reproduced in whole or in part without written permission by Pattison Sign Group.			
<b>TOYOTA</b> 31885 Rivera Toyota 325 N. Bedford Rd. Mt. Kisco, NY			
<b>Sign Item</b>			





Specifications

Colors

- M86 D/F Illuminated Monument Sign**  
1/8" aluminum fabricated panels & base cover painted Toyota white  
Toy-3: Panned & embossed molded Toyota logo (2'-10"h x 4'-4 9/16"w) **9.74 sq.ft.**  
Clamshell trim  
Lexan polycarbonate: Bayer Red D99  
3M 3635-208 block out vinyl applied second surface  
Aluminum coil pre-painted red  
Illuminated with red LED  
Panned & embossed molded Toyota letters (11 7/8"h x 5'-11 1/4"w) **6.24 sq.ft.**  
Clamshell trim  
Lexan polycarbonate: Bayer Red D99  
Aluminum coil pre-painted red  
Illuminated with red LED  
Electrical hook-up by others
- Colors**  
☐ Toyota White  
☒ Bayer Red D99  
☒ 3M 3635-208 Block Out Vinyl

Project ID

SH7-42754

Date:

DEC-23-2021

Scale:

3/8"=1'

Sales:

S.Horler

Designer:

C.Sabathino

Rev. #:

Date:

Revision Note:

☒ Conceptual

Information Required:

☒ Master

☒ Electrical

☒ 120V

☐ 347V

☐ Other

Customer Approval

Signature

MM/DD/YYYY

It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to support the weight of the sign being ordered. Please ask P&G to provide further details if required.

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**TOYOTA**  
31885  
Rivera Toyota  
325 N. Bedford Rd.  
Mt. Kisco, NY

Sign Item

**Pattison Sign Group**  
Powering Your Brand

555 Ellesmere Road Toronto, Ontario, Canada M1R 4E8  
(Toll Free) 1.866.655.1110 (Fax) 1.855.759.4965  
www.pattisonsign.com

This sign to be installed in accordance with the requirements of Article 600 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

Fluorescent, Neon and HID lamps contain Mercury (Hg).  
Dispose of the lamps according to Local, Provincial, State or Federal Laws.











# INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	

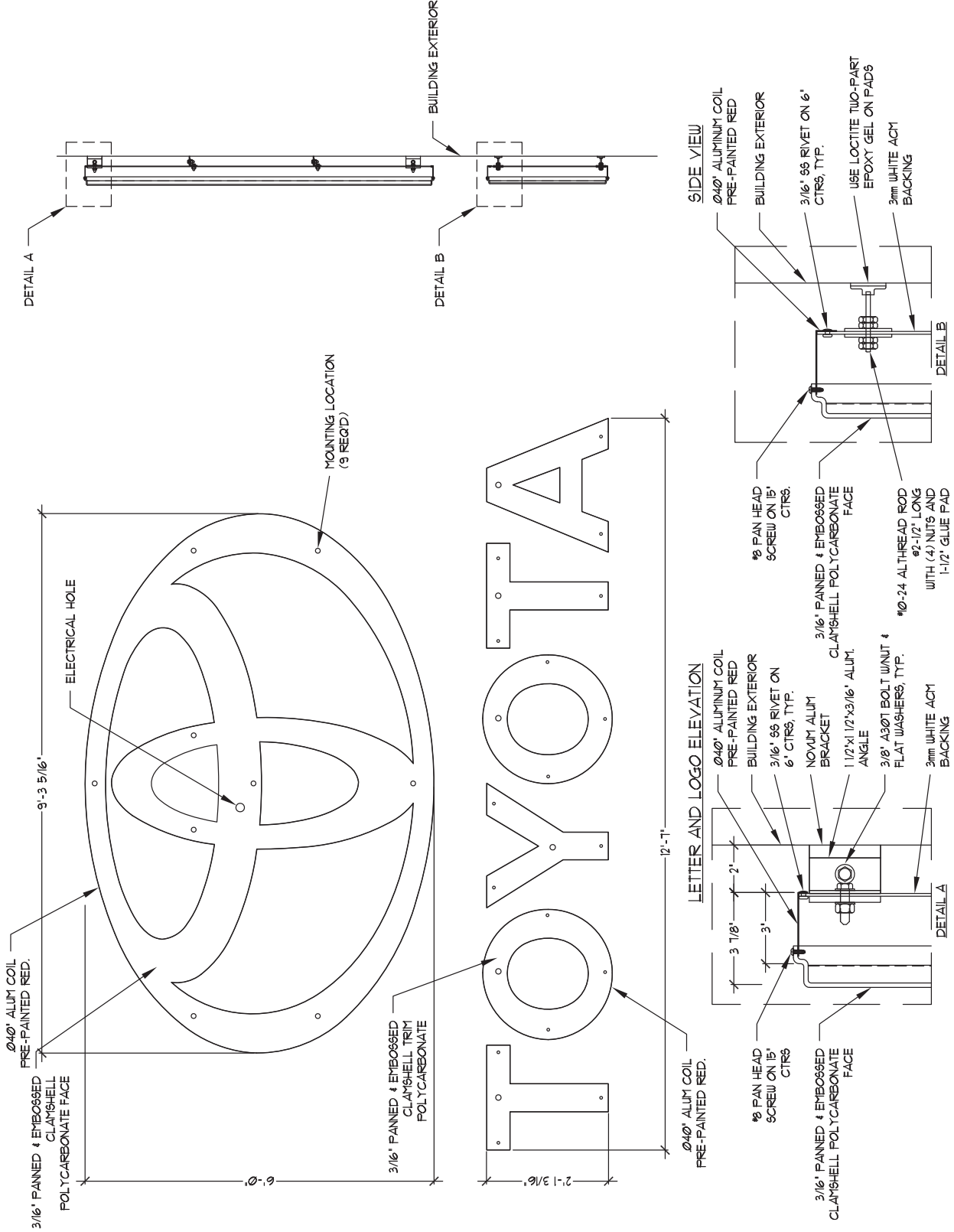
All designs and plans indicated on this drawing are created specifically for the client and are not to be used for any other project without the written consent of the designer. The client is responsible for obtaining all necessary permits and approvals for the installation of the signs. The designer is not responsible for the structural integrity of the signs or the building. The client is responsible for the safety of the installation and the safety of the building. The designer is not responsible for the safety of the installation and the safety of the building.

SEAL & SIGNATURE:



**IMAD KASHIF, P.E.**  
135 South Dixie Lane • Knoxville, Tennessee 37922  
Phone: (865) 538-4001

Project Number:	Drawing Number:
24-0026	B1372619
SHT. 2	OF 1
DATE: 1/15/24	BY: GHK





INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



Powering Your Brand

555 ELLENHIRE ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	

All designs and plans indicated on this drawing are created specifically for the installation and use of the sign system described herein. Any other use, modification, or alteration of the design or plans for any purpose other than the intended application shall be the responsibility of the user. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user shall be responsible for obtaining all necessary materials and components for the installation. The user shall be responsible for obtaining all necessary labor and services for the installation. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user shall be responsible for obtaining all necessary materials and components for the installation. The user shall be responsible for obtaining all necessary labor and services for the installation.

SEAL & SIGNATURE:

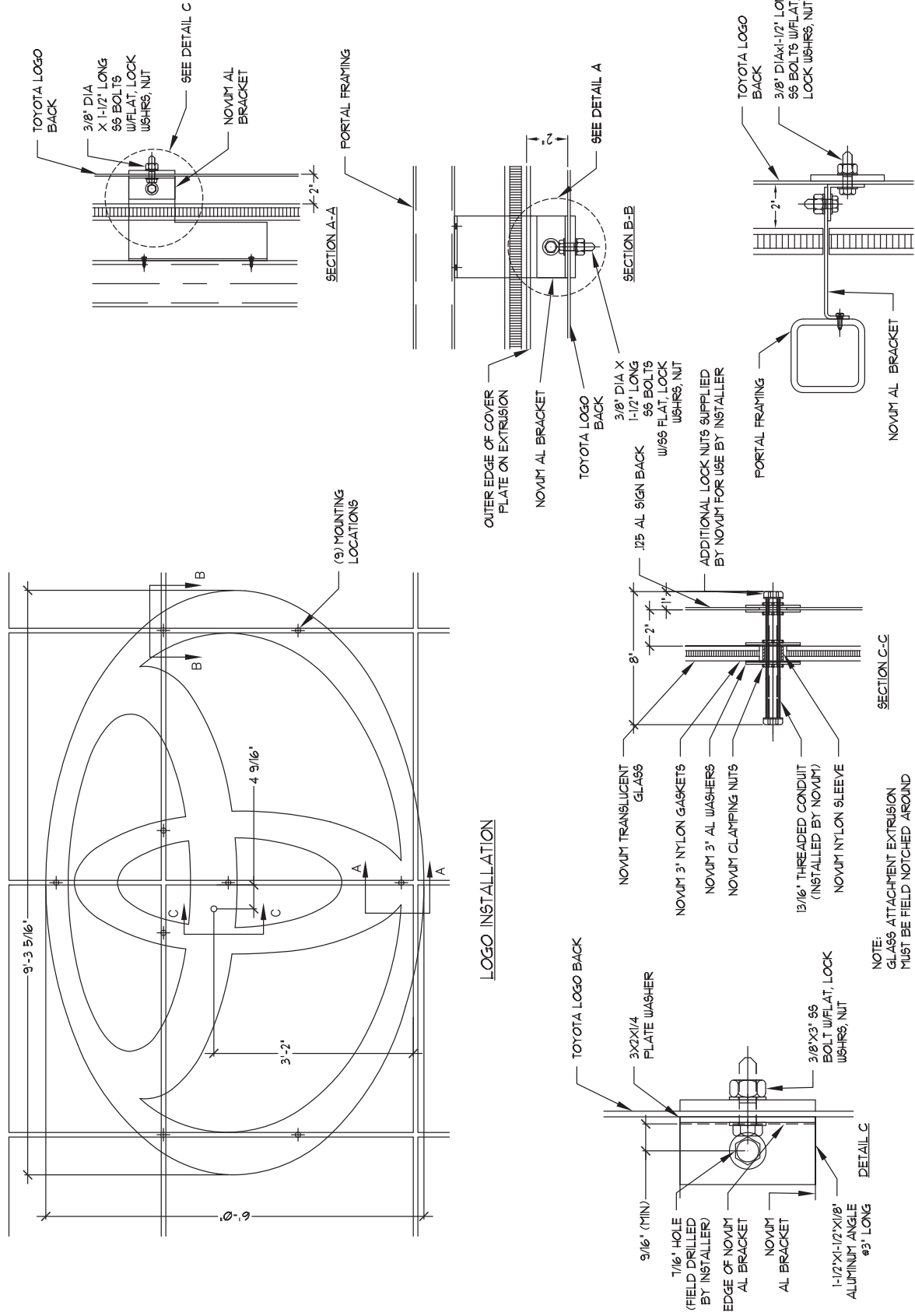


1/15/24

IMAD KASHIF, P.E.

135 South David Lane • Knoxville, Tennessee 37922  
Phone (865) 538-4001

Project Number:	Drawing Number:
24-0026	B1322619
SHT. 3	OF 1
DATE: 1/15/24	BY: GHK



SIDE VIEW OF SECTION A-A

NOTE:  
GLASS ATTACHMENT EXTRUSION  
MUST BE FIELD NOTCHED AROUND  
LOGO MOUNTING CLIP AS REQUIRED

NOTE:  
BRACKETS MUST BE FIELD CUT  
TO LENGTH BY SIGN INSTALLER



INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



Powering Your Brand  
555 ELLENHIRE ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	

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SEAL & SIGNATURE:

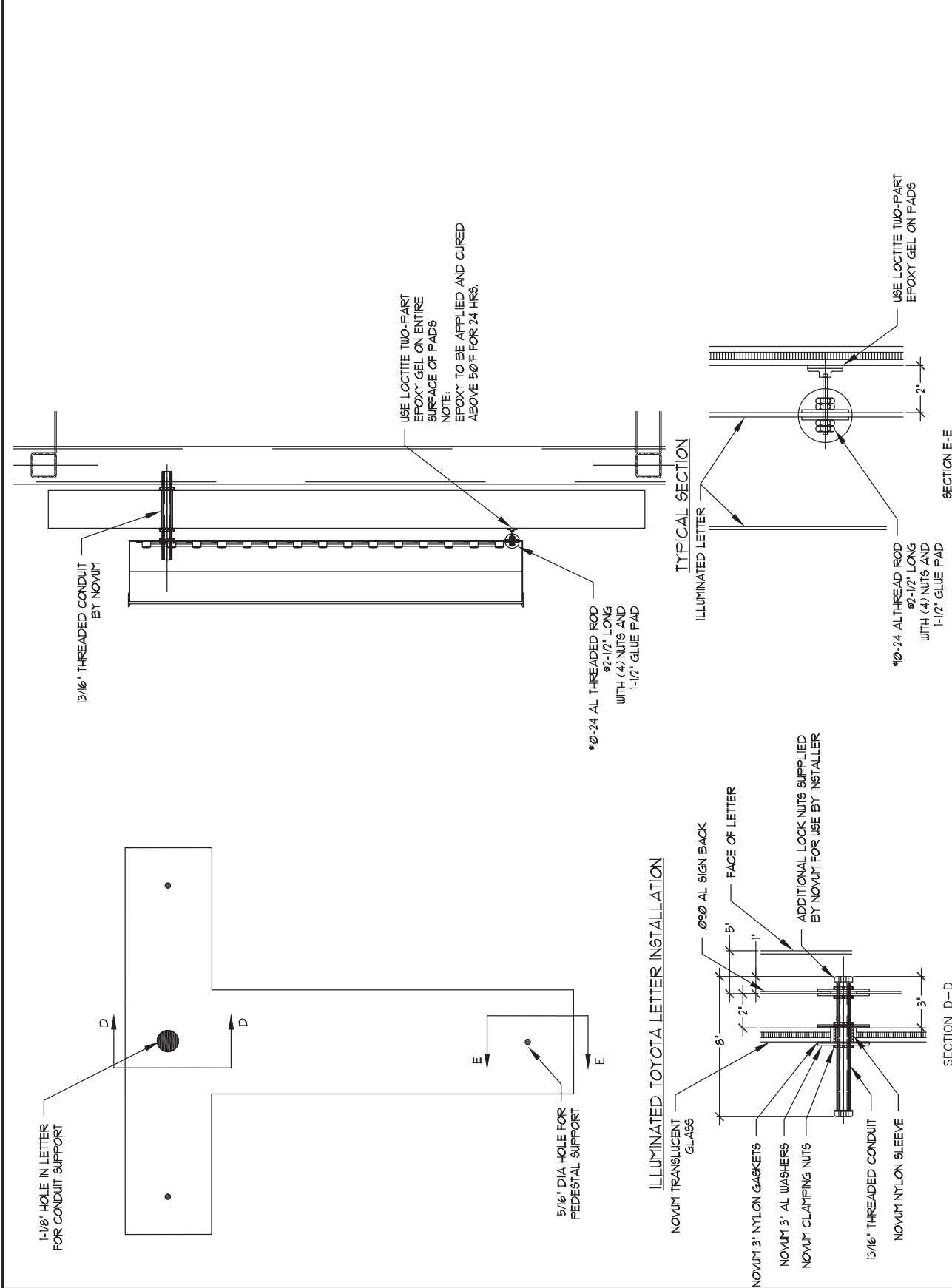


1/15/24

**IMAD KASHIF, P.E.**

135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 538-4001

Project Number:	Drawing Number:
24-0026	B1372619
SHT. 4	DATE: 1/15/24
OF 1	BY: GHK





INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



555 ELLESMERE ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
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-/-/-	
-/-/-	

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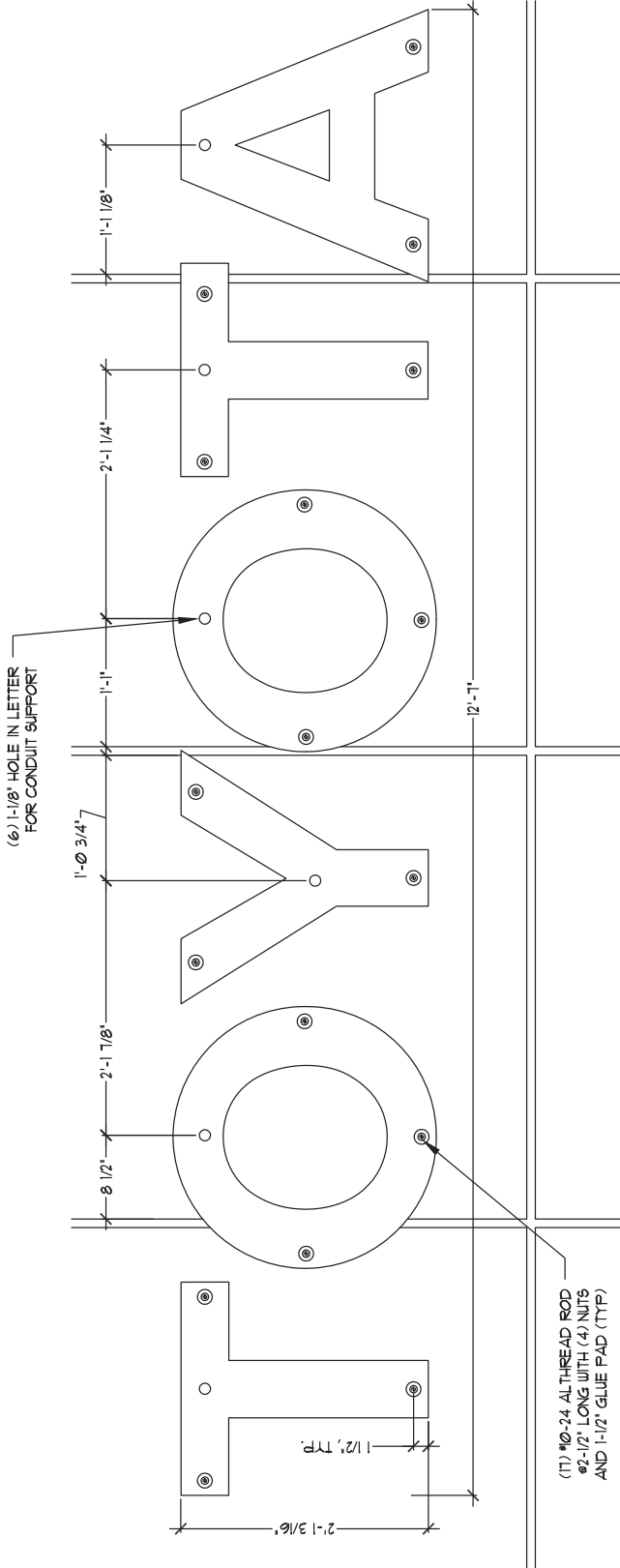
SEAL & SIGNATURE:



**IMAD KASHIF, P.E.**

135 South David Lane, Knoxville, Tennessee 37922  
Phone: (865) 538-4001

Project Number:	Drawing Number:
24-0016	B1321619
SHT. OF	DATE:
5 1	1/15/24
BY:	CHK



### ILLUMINATED TOYOTA LETTER INSTALLATION

#### LETTER INSTALLATION NOTES

- CLEAN GLASS THOROUGHLY TO ENSURE PROPER BOND.
- FOR ILLUMINATED LETTERS REMOVE TOP LOCKING NUT FROM THE CONDUIT AND SET RETAINING NUT TO A DEPTH OF 2" FROM THE GLASS.
- MIX SMALL AMOUNT OF EPOXY GEL, AND APPLY ACCORDING TO MANUFACTURER'S SPECIFICATIONS OVER ENTIRE SURFACE OF GLUE PADS.
- POSITION LETTER ON GLASS.
- HOLD LETTER IN PLACE FOR 24 HOURS UTILIZING CLEAR DUCT TAPE WHILE EPOXY GEL CURES.
- ONCE ILLUMINATED LETTER IS ATTACHED TO GLASS, REINSTALL THE LOCKING NUTS TO THE CONDUIT AND TIGHTEN.
- ATTACH WIRE THAT IS PULLED THROUGH CONDUIT TO EACH OF THE ENDS OF THE LED RUNS USING THE SPLICE CONNECTORS THAT ARE PROVIDED.
- DO NOT INSTALL FACE UNTIL YOU TEST LIGHT THE LED'S.
- REPEAT PROCESS FOR EACH LETTER TO BE INSTALLED.
- ONCE DUCT TAPE HAS BEEN REMOVED, CLEAN LETTERS OF ANY DEBRIS AND ANY TAPE ADHESIVE THAT REMAINS ON THE LETTERS FROM THE INSTALLATION PROCESS.
- CLEAN JOBSITE OF ALL INSTALLATION DEBRIS.



INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



DATE	DESCRIPTION
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-/-/-	-----
-/-/-	-----

All designs and plans indicated on this drawing are created specifically for the client and are not to be used for any other project without the written consent of the designer. The designer shall not be responsible for any errors or omissions in the design or for any damage or injury resulting from the use of the design or plans for any purpose other than the intended application and the designer shall not be responsible for any damage or injury resulting from the use of the design or plans for any purpose other than the intended application and the designer shall not be responsible for any damage or injury resulting from the use of the design or plans for any purpose other than the intended application.

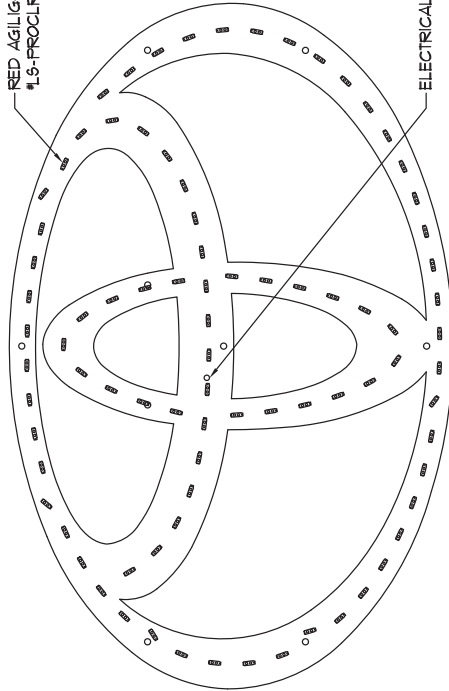
SEAL & SIGNATURE:



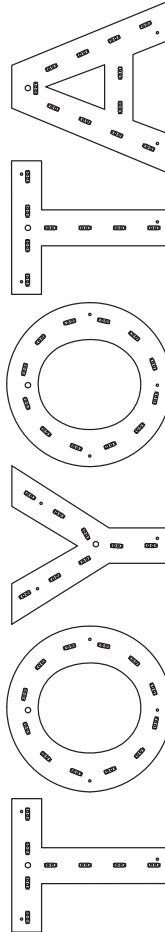
**IMAD KASHIF, P.E.**  
135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 539-4001

Project Number:	Drawing Number:
24-0016	B1321619
SHT. 6	OF 1
DATE: 1/15/24	BY: GHK

RED AGILIGHT SIGNRAYZ PRO LED  
#1S-PROCLR-TDR-2B5, TYP.



85 LED's



11 LED's

8 LED's

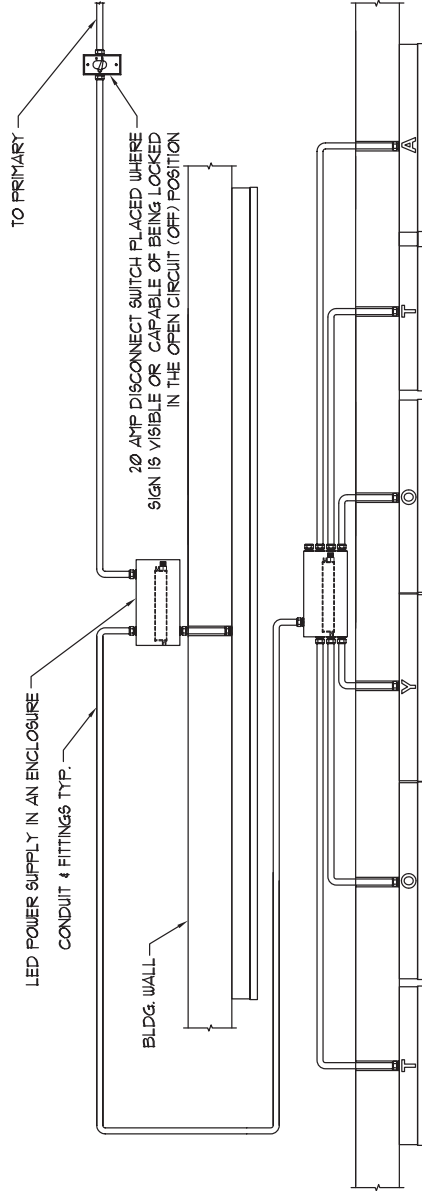
12 LED's

8 LED's

12 LED's

8 LED's

LED LAYOUT



TO PRIMARY

20 AMP DISCONNECT SWITCH PLACED WHERE  
SIGN IS VISIBLE OR CAPABLE OF BEING LOCKED  
IN THE OPEN CIRCUIT (OFF) POSITION

BLDG. WALL

WIRING DIAGRAM







INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



Powering Your Brand

555 ELLESMERE ROAD

SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	

All designs and plans indicated on this drawing are created specifically for the installation of signage and are not to be used for any other purpose. The design of signs is for informational purposes only and does not constitute a contract. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

SEAL & SIGNATURE:



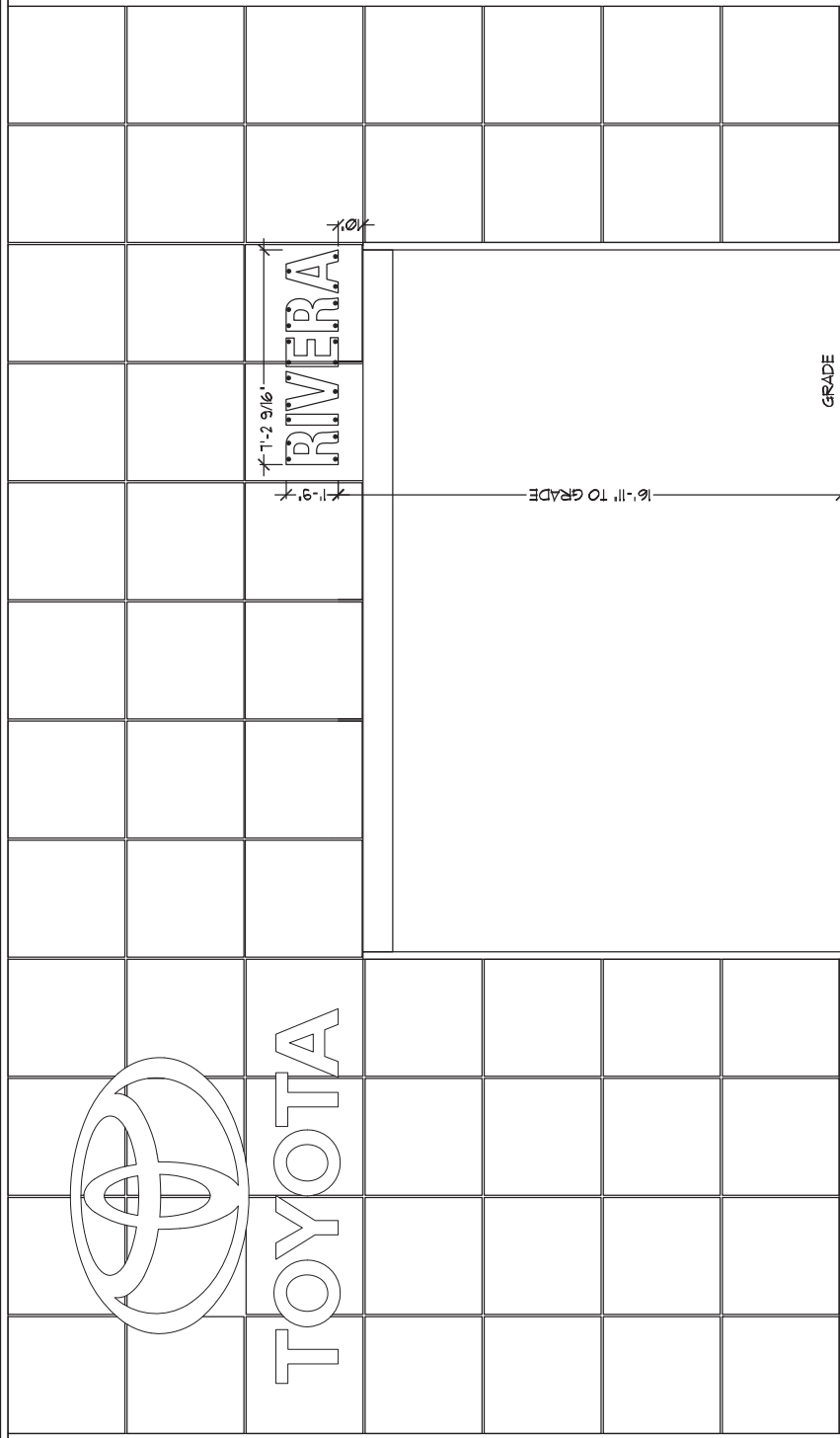
1/15/24

IMAD KASHIF, P.E.

130 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 538-4001

Project Number:	Drawing Number:
24-0016	B1321620
SHT.	OF
1	3
DATE:	BY:
1/15/24	GHK

STOREFRONT STRUCTURE  
BY NOVUM



DEALER NAME ELEVATION

LETTER INSTALLATION NOTES

- CLEAN GLASS THOROUGHLY TO ENSURE PROPER BOND.
- MIX SMALL AMOUNT OF EPOXY GEL AND APPLY ACCORDING TO MANUFACTURER'S SPECIFICATIONS OVER ENTIRE SURFACE OF GLUE PADS.
- POSITION LETTER ON GLASS.
- HOLD LETTER IN PLACE FOR 24 HOURS UTILIZING CLEAR DUCT TAPE WHILE EPOXY GEL CURES.
- ONCE DUCT TAPE HAS BEEN REMOVED, CLEAN LETTERS OF ANY DEBRIS AND ANY TAPE ADHESIVE THAT REMAINS ON THE LETTERS FROM THE INSTALLATION PROCESS.
- CLEAN JOBSITE OF ALL INSTALLATION DEBRIS.

DO NOT USE GRAPHICS  
SHOWN ON THIS DRAWING  
FOR PRODUCTION REFER TO  
PRODUCTION ELECTRONIC FILES



INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	
-/-/-	

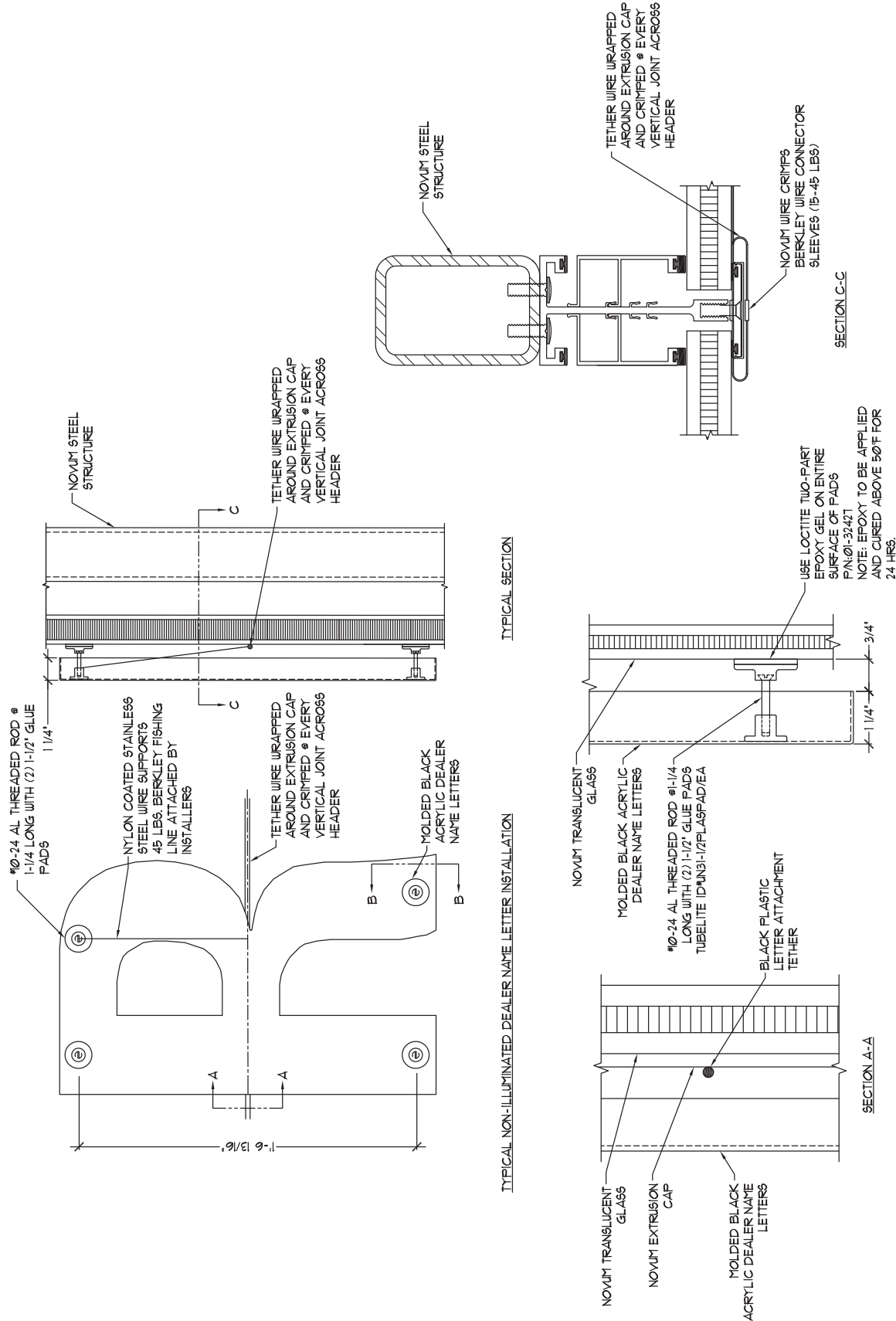
All designs and plans indicated on this drawing are created specifically for the client and are not to be used for any other project without the written consent of the designer. The designer shall not be responsible for any errors or omissions in the design or construction of the project. The client shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The designer shall not be responsible for any damage to the property or any other loss resulting from the use of the design or construction of the project.

SEAL & SIGNATURE:



**IMAD KASHIF, P.E.**  
135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 539-4001

Project Number:	Drawing Number:
24-0016	B1327620
SHT. 2	OF 3
DATE: 1/15/24	BY: GHK





INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:

Pattison Sign Group

Powering Your Brand

555 ELLENBERG ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE

DESCRIPTION

-/-/-

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-/-/-

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-/-/-

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All designs and plans indicated on this drawing are created specifically for the intended use and are not to be used for any other purpose. The engineer's design or plans for any proposed other than the intended application shall be the responsibility of the client. The engineer shall not be responsible for any of the conditions, use, or maintenance of the structure or any portion of the structure after the completion of the work, or for any violation of individual property and shall not be liable.

SEAL & SIGNATURE:

STATE OF NEW YORK

IMAD N. KASHIF

0796898

LICENSED PROFESSIONAL ENGINEER

1/15/24

IMAD KASHIF, P.E.

135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 539-4001

Project Number: 24-0026  
SHT. 3 OF 3

Drawing Number: B1322620  
DATE: 1/15/24  
BY: GHK

General Notes:

1. Design is based on a 115 mph, 3 second gust wind design per NYSEC 2020/IBC 2018.

2. Category II, Exposure C, Components and Cladding, Zone 5, 30'per ground Snow Load.

3. No additional wind catching surfaces are added to the building structure. The customer's building engineer is to determine the adequacy of the supporting structure.

4. All fasteners shall be zinc coated to prevent corrosion.

5. All penetrations shall be sealed to prevent water intrusion.

6. Existing site conditions are as reported by PATTISON SIGN GROUP. Should field conditions differ from what is shown on this drawing, cease all work and contact PATTISON SIGN GROUP immediately for direction. The scope of this engineer does not include on-site observations.

7. After installation of this structure, it is the responsibility of the owners, contractors and installers to ensure that the installation and erection of this structure is performed using methods that are in full compliance with OSHA regulations.

8. Any deviation from this design or from any part of this drawing, including the General Notes, without prior written consent from Imad Kashif, P.E., voids this drawing in its entirety.

9. The structure designed on this drawing is intended to be installed at the address shown and should not be used at any other location.

RIVERA

Area: 203.08 sq in    Area: 32.56 sq in    Area: 166.30 sq in    Area: 153.16 sq in    Area: 193.51 sq in

1'-1 3/8" x 1'-3 1/16" x 1'-3 1/16" x 1'-5 3/8" x 1'-5 3/8"

Calculations for Drawing B1322620 PDNH-21

24-0026  
1/15/2024  
GHK

NYSEC 2020/IBC 2018  
115 MPH    Exp C    Zone 5    18'-0" maximum above grade    Cat II

Treated as Components & Cladding    P = -21.32 PSF

Estimate weight    5,000 psf    30 psf Ground Snow Load    25.2 psf Calculated Ground Snow Load

Region	Area in <sup>2</sup>	Area ft <sup>2</sup>	Est Wt + Snow lb	Wind Load lb	Fastener Qty	Top Row Fastener Spacing in	Fastener Row Spacing in	Depth in	Max Tension lb	Average Shear lb	Avg Ten lb
R	203.08	1,410	11,733	-30,072	4	2	18.813	2,000	7,830	2,933	7,518
I	92.96	0.643	4,767	-13,706	2	1	18.813	2,000	7,106	2,384	6,853
V	166.30	1.155	11,309	-24,625	3	2	18.813	2,000	8,509	3,770	8,208
E	159.76	1.109	9,638	-23,657	4	2	18.813	2,000	6,170	2,409	5,914
A	191.51	1.330	12,731	-29,358	3	1	18.813	2,000	10,130	4,244	9,453

Maximum Fastener Tension = 10.1 LB

Maximum Fastener Shear = 4.2 LB

Wall Signage - Treated as Components & Cladding

Wind Speed 115 mph    From ASCE 7-16, Figure 26.5-1B

Exposure C    Z<sub>0</sub> = 900

Zone 5    Alpha = 9.5

Height 18 Ft

Fastener Area <10 Ft<sup>2</sup>

Determine wind pressure from ASCE 7-16 Chapter 30

Chapter 30: Wind Loads - Components & Cladding  
p = q \* (GCp - GCpi)  
q = 0.00256 \* K<sub>z</sub> \* K<sub>d</sub> \* K<sub>e</sub> \* V<sup>2</sup>    (eq. 26.10-1)  
K<sub>z</sub> = 0.88    (Table 26.10-1)  
K<sub>d</sub> = 0.85    (Table 26.6-1)  
K<sub>z1</sub> = 1.00    (Section 26.6)  
V = 115 mph  
K<sub>e</sub> = 1  
q = 25.38 psf  
GCp = -1.4    (From Figure 30.3-1 for h<= 60 ft and from Figure 30.5-1 for h> 60 ft)  
GCpi = 1  

p = -35.54 psf

Design Wind Pressure = 0.6W = -21.32 psf

Design Wind Pressure = 0.6W = 15.23 psf

Load Combination: D + 0.6W    (Section 2.4.1)



INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



Powering Your Brand  
555 ELLENBERG ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	

All designs and plans indicated on this drawing are created specifically for the client and are not to be used for any other project without the written consent of the designer. Any reuse or modification of this drawing without the written consent of the designer is strictly prohibited. The designer shall not be held responsible for any errors or omissions in this drawing or for any consequences arising therefrom. The client shall be responsible for obtaining all necessary permits and approvals for the installation of the signs and structures shown on this drawing.

SEAL & SIGNATURE:



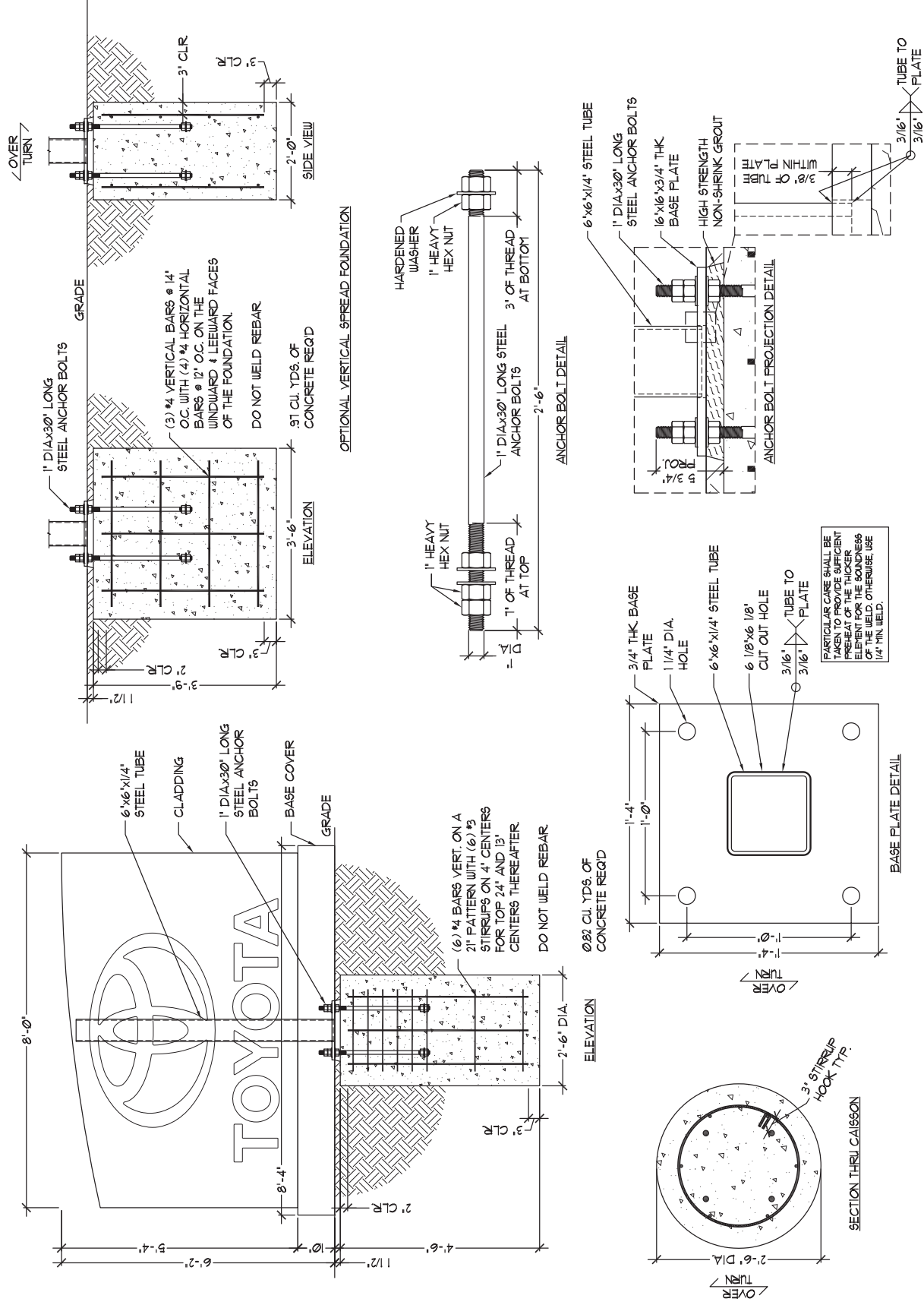
1/15/24

IMAD KASHIF, P.E.

135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 538-4001

Project Number: 24-0016  
Drawing Number: B1321621

SHT. 1 OF 4  
DATE: 1/15/24  
BY: GHK





INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



Powering Your Brand

555 ELLESMERE ROAD

SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
-/-/-	
-/-/-	
-/-/-	

All drawings and plans indicated on this drawing are created specifically for the project and are not to be used for any other project. The client is responsible for the design of the sign and the installation of the sign. The client is responsible for the design of the sign and the installation of the sign. The client is responsible for the design of the sign and the installation of the sign.

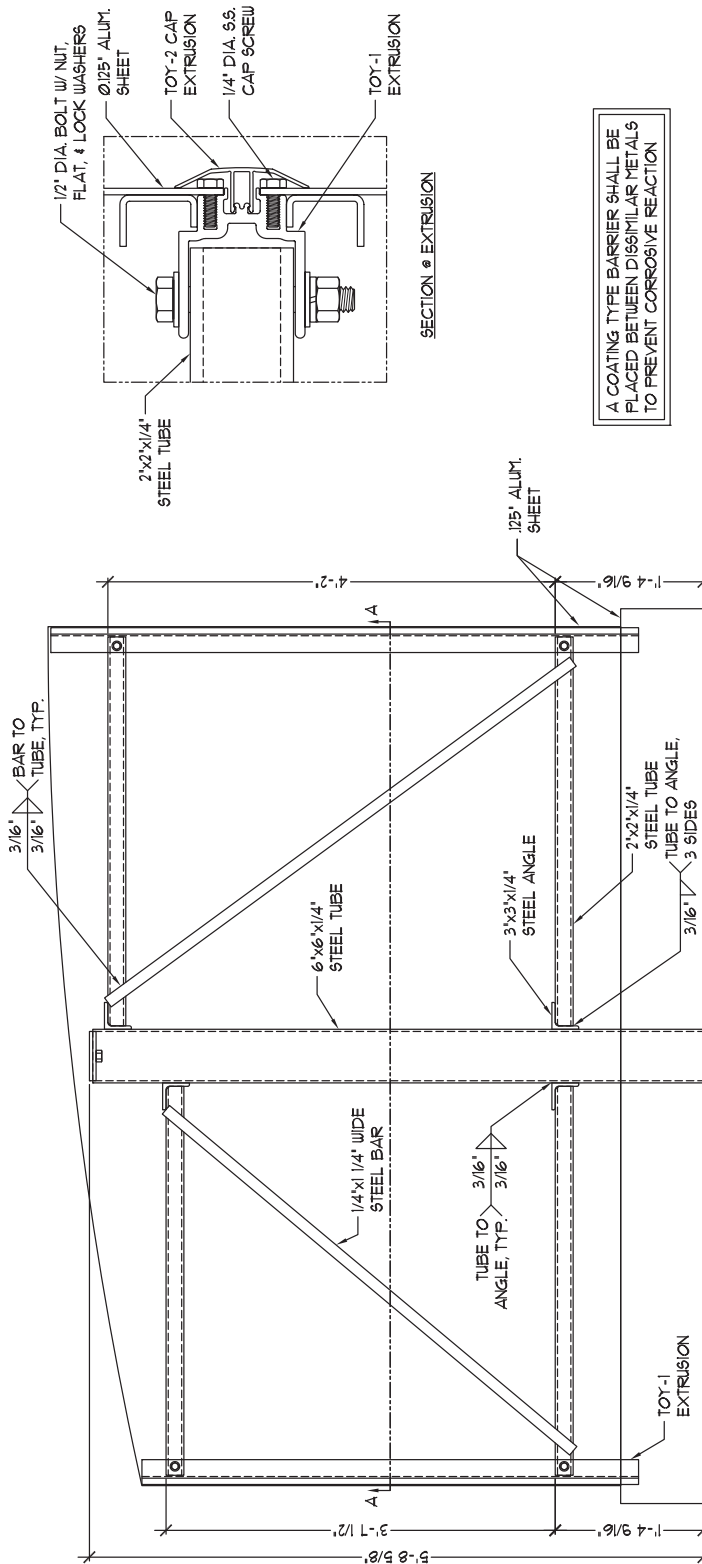
SEAL & SIGNATURE:



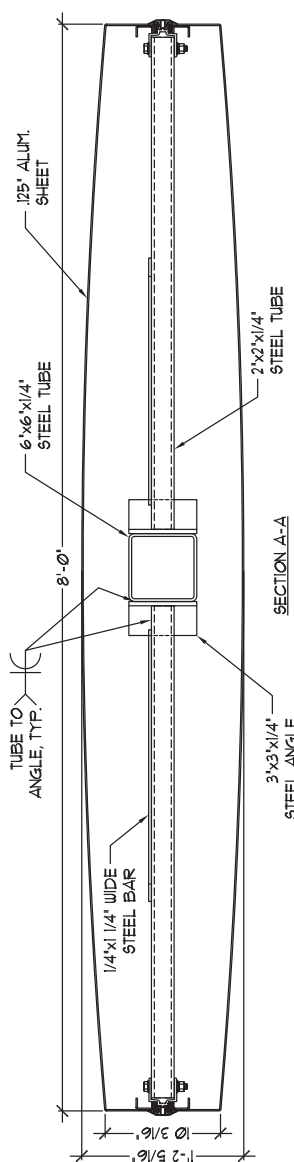
IMAD KASHIF, P.E.

135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 538-4001

Project Number:	Drawing Number:
24-0016	B1321621
SHT. 2	OF 4
DATE: 1/15/24	BY: GHK



A COATING TYPE BARRIER SHALL BE PLACED BETWEEN DISSIMILAR METALS TO PREVENT CORROSIVE REACTION





RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

**Pattison Sign Group**  
Powering Your Brand  
555 ELLESMERE ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

$R_{\text{SL}}$	DATE	DESCRIPTION
A	-/-/-	-----
A	-/-/-	-----
A	-/-/-	-----

All designs and plans indicated on this drawing are created specifically for the noted project and are the sole property of IMAD KASHF, P.E. Use of these designs or plans for any purpose other than the intended application shall be prohibited without the written consent of IMAD KASHF, P.E. Disclosure of any of the information enclosed within, without consent of the owner, is a violation of intellectual property and shall not be tolerated.

SEAL &amp; SIGNATURE:

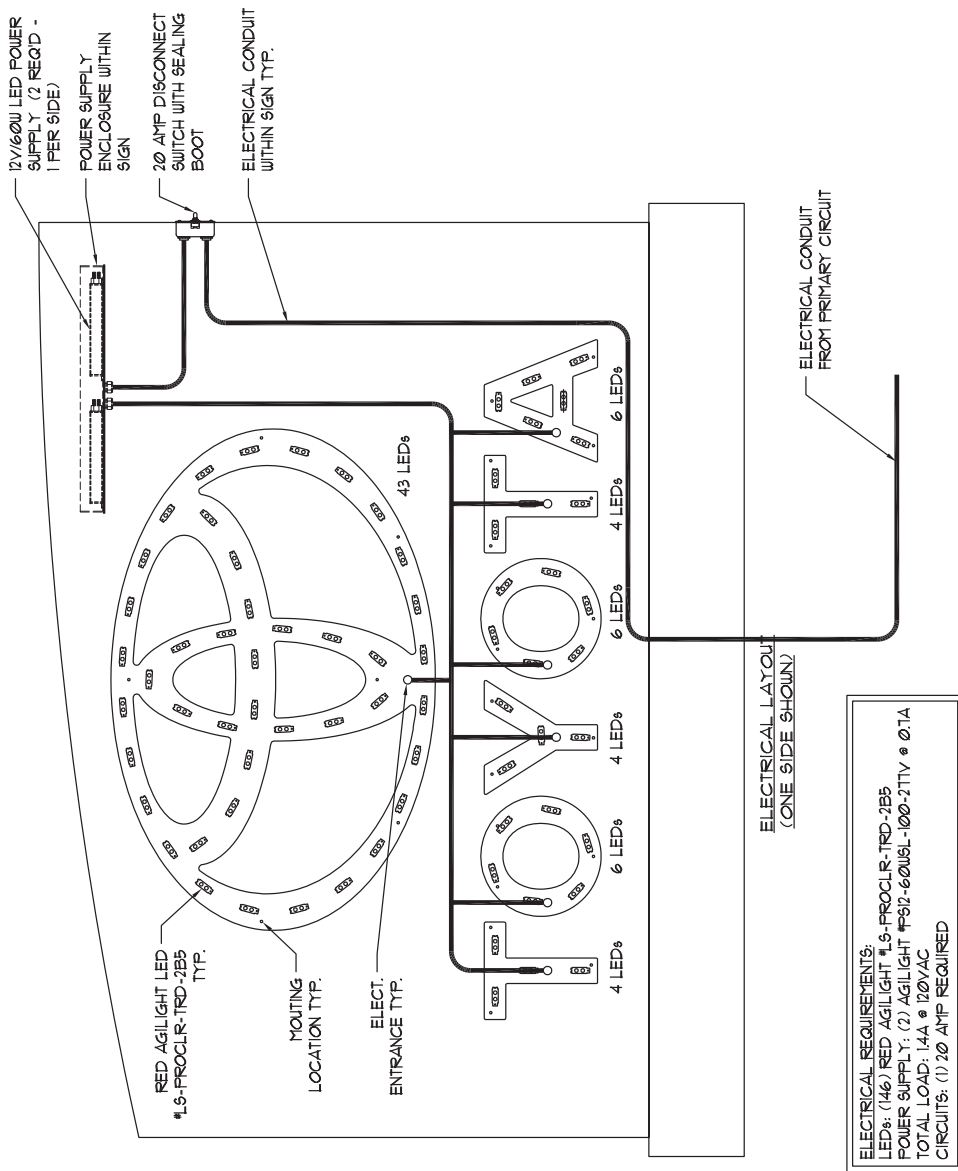
STATE OF NEW YORK  
M. N. KASHIF  
LICENSED PROFESSIONAL ENGINEER  
079686

1/15/24

**IMAD KASHIF, P.E.**  
135 South David Lane • Knoxville, Tennessee 37922

35 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 539-4001

Project Number: 24-0026		Drawing Number: B1322621	
ISHT.	OF	DATE:	BY:
3	4	1/15/24	GHK





INSTALLATION ADDRESS:

RIVERA TOYOTA OF MT. KISCO  
325 N. BEDFORD RD.  
MT. KISCO, NY 10549

CLIENT:



Powering Your Brand  
555 ELLISBURG ROAD  
SCARBOROUGH, ONTARIO, CANADA M1R 4E8

DATE	DESCRIPTION
-/-/-	-----
-/-/-	-----
-/-/-	-----

All designs and plans indicated on this drawing are created specifically for the project and site conditions. The design is based on the information provided and is not intended to be used for any other project or site conditions. The design is not intended to be used for any other project or site conditions. The design is not intended to be used for any other project or site conditions.

SEAL & SIGNATURE:



1/5/24

IMAD KASHIF, P.E.

135 South David Lane • Knoxville, Tennessee 37922  
Phone: (865) 539-4001

Project Number: 24-0026  
Drawing Number: B1321621

SHT. 4 OF 4  
DATE: 1/5/24  
BY: GHK

General Notes:

- Design is based on a 115 mph, 3 second gust wind design per NY5BC 2020/IBC 2018, Category II, Exposure C.
- Caisson 4 Vertical Slab foundations are based on a presumptive safe lateral soil bearing pressure minimum of 150 psi per foot of depth. Isolated lateral bearing footings subject to short-term lateral loads and not adversely affected by a 1/2" motion at grade are permitted to be designed using twice the tabulated value of the corresponding soil class.
- A soil report was not provided. Foundation analysis assumes Soil Classification 4. Allowable bearing pressure should be verified prior to placement of concrete. In the event that the stated requirements are not met and conditions appear deleterious, cease and secure excavation and immediately contact PATTISON SIGN GROUP.
- Foundation shall not be placed at the top of, or on the side of a slope exceeding 3:1, or adjacent to a fill slope unless re-evaluated by a competent Professional Engineer. Do not place foundation in fill. Concrete shall be mixed to attain a minimum 28 day compressive strength of 3500 psi.
- Steel reinforcing bars shall conform to ASTM A615, Grade 60 with deformations in accordance with ASTM A505. Welding of reinforcing bars is prohibited.
- All voids between column baseplate and foundation surface shall be completely filled with high-strength, non-shrink grout.
- Anchor bolts shall meet F1554 Grade 36. Exposed surfaces shall be galvanized or coated to prevent corrosion.
- All support members shall be free from defects. Steel tube shall meet ASTM A500 Grade C with a minimum yield strength of 50000 psi. Steel angle and channel shall meet ASTM A36. Steel plate shall meet ASTM A572 with a minimum yield strength of 42000 psi.
- Steel welds shall be made with E70xx low hydrogen electrodes by persons qualified in accordance with AWS standards within the past two years.
- All structural bolts shall conform to ASTM A325, and be zinc coated unless noted otherwise. When used with structural bolts, heavy hex nuts shall conform to ASTM A563, and washers shall conform to ASTM F436. Pretension all high strength bolts using the Turn-of-Nut method unless noted otherwise.
- The scope of this engineer does not include on-site observations.
- Imad Kashif, P.E., will not be responsible for the safety on this job site before, during or after installation of this structure. It is the responsibility of the owners, contractors and installers to ensure that the installation and erection of this structure is performed using methods that are in full compliance with OSHA regulations.
- Any deviation from this design or from any part of this drawing, including the General Notes, without prior written consent from Imad Kashif, P.E., voids this drawing in its entirety.
- The structure designed on this drawing is intended to be installed at the address shown and should not be used at any other location.

PROJECT # 24-0026										OWNER: RIVERA TOYOTA OF MT. KISCO													
January 15, 2024										135 N BEDFORD RD.													
DRAWING # B132261										UT. KISCO, NY 10549													
WIND LOAD 17.89										PSF													
WIND DIRECTION 115										N													
# COLUMN 1										PATTISON SIGN GROUP													
DESIGNER GHK										113.448441VPM													
										NY 5BC 2020/IBC 2018													
										EMERSON, LAKE CAN													
ITEM	HEIGHT	WIDTH	SHAPE	CENTROID	AREA	TOTAL FORCE	ADJUSTED MOMENT	BASE MOMENT	CENTROID	ADJUSTED MOMENT													
COLUMN CALCULATIONS												(CHECK REPEATED OTHER TUBES)											
ITEM	HEIGHT	WIDTH	SHAPE	CENTROID	AREA	TOTAL FORCE	ADJUSTED MOMENT	BASE MOMENT	CENTROID	ADJUSTED MOMENT													
1	5.33	8.00	0.945	2.785	40.347	3.722	2.017	2.017	2.800	2.739													
2	0.83	8.33	1.800	0.360	6.300	3.646	2.675	2.675	2.800	2.739													
3	0.125																						
4	6.167																						
SOLTCALCULATIONS												ALLOWABLE											
ITEM	HEIGHT	WIDTH	SHAPE	CENTROID	AREA	TOTAL FORCE	ADJUSTED MOMENT	BASE MOMENT	CENTROID	ADJUSTED MOMENT													
1	6.000	8.000	0.213	2.84	11.22	2.017	25.75	25.75	0.074	0.074													
2	0.500	8.000	0.213	2.84	11.22	2.739	25.75	25.75	0.158	0.158													
3	0.500	8.000	0.213	2.84	11.22	2.645	23.75	23.75	0.116	0.116													
SOLTCALCULATIONS												ALLOWABLE											
ITEM	HEIGHT	WIDTH	SHAPE	CENTROID	AREA	TOTAL FORCE	ADJUSTED MOMENT	BASE MOMENT	CENTROID	ADJUSTED MOMENT													
1	2.845	12.000	4.800	1.425	1.000	9.100	15.001	15.001															
PLATE CALCULATIONS												ALLOWABLE											
ITEM	HEIGHT	WIDTH	SHAPE	CENTROID	AREA	TOTAL FORCE	ADJUSTED MOMENT	BASE MOMENT	CENTROID	ADJUSTED MOMENT													
1	1.621	4.433	6.311	10.125	16.000	3.719	0.372	0.372															
ANCHOR BOLT PROJECTION												ANCHOR BOLT MIN. LENGTH											
1	3.150				4.000																		
VERTICAL SLAB												VERTICAL SLAB											
ITEM	HEIGHT	WIDTH	SHAPE	CENTROID	AREA	TOTAL FORCE	ADJUSTED MOMENT	BASE MOMENT	CENTROID	ADJUSTED MOMENT													
1	2.845	6.846	8.946	8.946	8.946	8.946	8.946	8.946															
REFERENCE B197.3.2 TABLE 100.2												REFERENCE B197.3.2 TABLE 100.2											
ASSUME SOL CLASS #4 10# 5#																							



LAW OFFICES OF  
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REPLY TO:

TARRYTOWN OFFICE

January 25, 2024

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

Re: 333 North Bedford Road ("Property")  
Public Utility Battery Energy Storage Facility  
New Leaf Energy

**RECEIVED**

**JAN 25 2024**

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

Honorable Chairman Spector and  
Members of the Zoning Board of Appeals:

We are the attorneys for New Leaf Energy ("New Leaf" or "Applicant") in connection with its efforts to develop a public utility battery energy storage facility ("Battery Energy Storage Facility" or "BESS Facility") which will become an integrated component of the region's energy grid and further New York State's goals to achieve state-wide at least 6 gigawatts (GW) of energy storage by the year 2030. The Battery Energy Storage Facility will play a significant role in helping to integrate renewable energy sources into the grid while also maintaining grid stability, and will assist in providing firm energy output during periods of peak usage, which prevents system outages during extreme weather conditions.

On December 28, 2023, New Leaf received an interpretation ("Interpretation") from the Village's Building Inspector that the BESS Facility is not a permitted use in any district in the Village. The Applicant respectfully files this application to appeal the Building Inspector's interpretation, or in the alternative to request a Use Variance for the BESS Facility at the Property. In addition, the Applicant hereby requests any additional variances that may be deemed required by the Village, including without limitation any necessary fence height variance. The Building Inspector is hereby copied on this filing and has been notified of this appeal.

The proposed BESS Facility at the Property is intended to support the utility grid during the daytime hours of 11:00 am to 3:00 pm. This 4-hour window was identified by Con Edison as the time of highest strain on the grid. A battery system on the utility grid will help to avoid the risk of blackouts in the area. In particular, the system will be connected to support the branch



(called “feeder”) marked in yellow, green and blue in the image attached hereto as Exhibit 1. This feeder provides all of the electricity to north Mount Kisco, east of the Metro North railroad.

In 2019, New York passed the nation-leading Climate Leadership and Community Protection Act (“Climate Act”), which codified the state’s aggressive energy and climate goals. These goals include rapid deployment of solar and offshore wind generation in order to meet a 70% renewable energy by 2030 goal and 100% carbon-free electricity by 2040 goal. Battery energy storage will play a crucial role in meeting these ambitious goals. For this reason, the Climate Act includes a 3,000 MW of energy storage by 2030 goal, which was further increased to 6,000 MW of Energy Storage by 2030 by Governor Kathy Hochul. Battery energy storage will help to integrate clean energy into the grid, reduce costs associated with meeting peak electric demands, and increase efficiency. Additionally, battery energy storage can stabilize supply during peak electric usage to avoid blackouts or costly damage to the grid.

In furtherance of the application, enclosed please find a check in the amount of \$750.00 representing the Zoning Board of Appeals application fee together with ten (10) copies of the following materials:

1. Building Inspector Determination, dated December 27, 2023 and received on December 28, 2023.
2. Notice of Appeal to Building Inspector;
3. Zoning Board Application Form;
4. Adjoiners map and list;
5. Deed;
6. Full EAF; and
7. Site Plans.

### **Statement of Principal Points**

#### **I. The BESS Facility Is a Permitted Use Under the Village Zoning Code.**

The Property is located in the Light Manufacturing District. Pursuant to the Village/Town of Mount Kisco Zoning Code (“Zoning Code”), “public utilities” are permitted principal uses in the Light Manufacturing District. Section 110-59 defines a “public utility facility” for purposes of the Zoning Code as follows:



“A facility other than a personal wireless service facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administration buildings. For purposes of this chapter, personal wireless service facilities, defined separately in this chapter, shall not be governed by the zoning regulations which apply to the broader definition of public utility facilities, but shall be governed by the regulations of the Personal Wireless Services Facilities Overlay District which specifically regulates this category of public utilities.”

The Applicant respectfully submits that the Battery Energy Storage Facility meets the definition of a “public utility facility” as set forth in §110-59 of the Zoning Code, and is a permitted use on the Property.

In accordance with the definition set forth in §110-59 of the Zoning Code, the Battery Energy Storage Facility includes a use constructed and maintained by a privately owned utility company, and such use is necessary for the provision of electricity, in particular strengthening resiliency in the electric grid through an interconnection directly with Consolidated Edison (“Con Edison”). In fact, the generation and distribution of electricity has long been held to be a public utility use. *See* “Zoning and the Expanding Public Utility,” 13 Syracuse L. Rev. 581 (1962)). And such uses are generally accorded special treatment under local zoning authority. *See Consolidated Edison Co. of N.Y., Inc. v. Hoffman*, 43 N.Y.2d 598 (1978); *see also* Salkin, *New York Zoning Law and Practice*, 4th Ed. Section 11:18. For purposes of electric generation and supply in New York, there is no meaningful distinction between a private or public entity which is a utility. *See Cellular Telephone Co. v. Rosenberg*, 82 N.Y.2d 364, 371 (1993) (stating that “a public utility has been defined to mean a private business...,” and that characteristics of public utilities include the essential nature of the services offered).

The rule of law is clear—energy facilities which connect to the underlying grid and help distribute energy to the public are “public utility facilities,” indistinguishable in all respects from traditional power generation facilities. *See West Beekmantown Neighborhood Assn, Inc. v. Zoning Board of Appeals*, 53 A.D.3d 954 (3rd Dept 2008) (finding that a proposed wind energy facility qualified as a public utility facility because “it is undisputed that the wind turbines that Windhorse intends to construct will generate energy, a useful public service, and will be subjected to regulation and supervision by the Public Service Commission.”) *See also Matter of*



*Freepoint Solar LLC v. Town of Athens Zoning Bd. of Appeals*, 2022 N.Y. Misc. LEXIS 8915 (finding that a proposed solar energy facility qualified as a public utility use.). It is important to note that both wind turbines and solar facilities are privately owned and yet still deemed public utility facilities.

While the Battery Energy Storage Facility is clearly within the definition of a public utility facility as set forth in § 110-59 of the Zoning Code, any doubt regarding the application of this provision must be resolved in favor of the Applicant. Under New York case law, any ambiguity in a local zoning code compels a favorable determination for the applicant. In *Matter of Allen v. Adami*, the New York State Court of Appeals held that “[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 “[a]ny ambiguity in the language used in such regulations must be resolved in favor of the property owner.” *Adami*, 39 N.Y.2d 275, 277 (1976). The principle of law established in *Adami* therefore leaves no doubt that the Battery Energy Storage Facility is a “public utility” as defined in §110-59 of the Zoning Code.

For all the foregoing reasons, it is respectfully submitted that the Battery Energy Storage Facility is a permitted “public utility facility” use on the Property under Sections 110-24 and 110-59 of the Zoning Code.

## II. The BESS Facility Is Entitled to a Use Variance and Any Necessary Area Variances

In the event the Zoning Board finds that the BESS Facility is not a permitted use under the Village Zoning Code, then the Applicant respectfully requests the necessary variances pursuant to the public utility variance standard. This variance application (“Application”) is governed by the more permissive zoning standards that are applicable to public utilities rather than the variance standards set forth in New York State Village Law. The Courts of the State of New York have long held that the principles governing variances sought by private individuals or entities do not control applications by public utilities. In 1978, the Court of Appeals clarified and articulated this standard in the matter of *Consolidated Edison Co. of N.Y. v. Hoffman* which related to a use variance application. The Court in *Hoffman* stated as follows:

“To be granted such a use variance, **the utility should be required to show that denial of the variance would cause unnecessary hardship, but not in the sense required of other applicants.** [internal citations omitted]. Instead, the utility must show that modification is a public necessity in that it is required to render safe and adequate service, and that there are compelling reasons, economic or otherwise, which make it more feasible to modify the plant than to use alternative sources of power such as may be



provided by other facilities. However, where the intrusion or burden on the community is minimal, the showing required by the utility should be correspondingly reduced.”

*Consol. Edison Co. of N.Y. v. Hoffman*, 43 N.Y.2d 598, 611, 374 N.E.2d 105 (1978) (emphasis supplied)

While *Hoffman* only explicitly reduced the evidentiary showing required for use variances, subsequent cases have even applied the holding in *Hoffman* to area variances such that there is now a more lenient standard for both area and use variances. See e.g., *Lloyd v. Town of Greece Zoning Board of Appeals*, 292 A.D.2d 818, 739 N.Y.S.2d 303 (4th Dep’t 2002) (“As a public utility, AT&T qualifies for the diminished standard of review for its area variance application.”); *Genessee Telephone Co. v. Szmigel*, 174 Misc.2d 567, 667 N.Y.S.2d 588 (Monroe County 1997); *Site Acquisition v. New Scotland*, 2 A.D.3d 1135, 770 N.Y.S.2d 157 (3d Dep’t 2003) (“Since Site, Cingular and Independent are wireless phone service providers they are treated as a public utility for zoning purposes and, thus, the general principles governing variances sought by private individuals or entities do not govern their application.”).

In short, the relaxed evidentiary showing required for public utility uses is a well-settled and accepted element of New York land use law with broad applicability.

The proposed BESS Facility at the Property constitutes a public utility and is entitled to the benefit of the relaxed zoning standard applicable to such uses. The established rulings of the courts of the State of New York support a determination that the Battery Energy Storage Facility is a “public utility” and, therefore, is entitled to the more permissive zoning standards that are applicable to such uses. For example, on August 18, 2022 the Supreme Court of the State of New York, Greene County, issued a Decision and Order ruling upon the question of whether non-traditional electrical energy facilities and improvements should be considered public utilities in the State of New York. *Matter of Freepoint Solar LLC v Town of Athens Zoning Bd. of Appeals*, 2022 NY Slip Op 34473[U], \*11-12 (Sup Ct, Greene County 2022). The *Freepoint* decision considered whether a privately-owned solar energy system that ties into an existing incumbent utility’s energy grid should be considered a public utility for zoning purposes. **The *Freepoint* decision unambiguously held that such systems should be treated as public utilities because they assist in providing “essential services” to the community.** See e.g. *Freepoint*, p.11 (“that ‘electricity is an essential service – is well settled.”); *Freepoint*, p. 11-12 (“While ‘public utility’ is not defined by the zoning law at issue, it is undisputed that the [Petitioner’s facility] will generate energy, a useful public service, and will be subject to regulation and supervision by the Public Service Commission.”).

The public utility standard set forth in *Hoffman* has also been consistently applied to all types of utilities including: wind energy generation (see *West Beekmantown Neighborhood Assn*,



*Inc. v. Zoning Board of Appeals*, 53 A.D.3d 954 (2008)); wireless telecommunications (*see Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364, (1993)); and water (*see United Water New Rochelle v. Eastchester Zoning Board of Appeals*, 254 A.D.2d 490 (2d Dep’t 1998). And, while the *Hoffman* test related to the modification of an existing facility in the context of a use variance, “[i]t also applies to entirely new sitings of facilities, as well as the modification of new facilities.” *Cellular Telephone Company v. Rosenberg*, 82 N.Y.2d 364, 604 N.Y.S.2d 895 (1993).

Here, the Battery Energy Storage Facility at the Property will become an integrated component of Con Edison’s energy distribution system in every respect. The Battery Energy Storage Facility will utilize Con Edison’s existing infrastructure presently located in the vicinity of the Property and will provide energy to the underlying grid and service area. The Battery Energy Storage Facility will bolster NYISO and Con Edison’s system reliability by providing several from among the following services: capacity, reactive power, reserves, black start capability and frequency regulation that will reduce strain on the utility grid. The Battery Energy Storage Facility will also provide clean energy that will improve Con Edison’s ability to comply with the Department of Environmental Conservation’s Order regarding the release of NOx from utility “peaker plants.”<sup>1</sup> *See* 6 NYCRR Subpart 227-3, “Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines.” These critical functions will be provided upon directives and signals originating from Con Edison. As such, the Battery Energy Storage Facility will become a fully integrated component of Con Edison’s electric grid in all respects.

Federal authorities also acknowledge that Battery Energy Storage Facilities constitute public utilities. For example, the Federal Energy Regulatory Commission (the “FERC” or the “Commission”) has expressly held that electric storage facilities such as the Battery Energy Storage Facility are “public utilities” under the Federal Power Act (16 U.S.C. § 791a *et seq.*). As the FERC held on May 16, 2019, “[m]ost notably, unlike demand response, **electric storage resources** are capable of engaging in sales for resale of electricity and those electric storage resources making sales in the RTO/ISO markets **are public utilities subject to the Commission’s jurisdiction.**” *See* 18 CFR Part 35, Order No. 841-A (emphasis supplied).

New Leaf takes the safety of its projects’ neighbors very seriously, only working with reputable battery manufacturers that meet rigorous code and safety requirements. New Leaf proposes a Tesla Megapack 2XL system for the proposed BESS Facility at the Property.

Tesla has over 2000 projects in operation worldwide that have operated without incident. The system is not expected to catch fire during its lifetime. However, they are

---

<sup>1</sup> “Peaker Plants” are energy generation plants that operate only at times of peak demand. They fetch a far higher price per kilowatt hour than baseload power plants but are used infrequently and only for a few hours per year.



designed to fail safely if a fire were ever to occur.

Governor Hochul created an energy storage safety task force in late 2023 that is intended to bolster the state safety standards for battery energy storage systems like the one proposed here. While the exact code enhancements are yet to be released, we anticipate the requirements will greatly mirror the rigorous fire safety standards required by the FDNY in New York City, which is a national leader in battery energy storage safety, and whose code requirements have already been adapted through the country for other municipalities. Notably, the Tesla Megapack 2XL system has already achieved approval for installation in New York City through FDNY's multi-year testing and certification review process, which is a requirement prior to any energy storage system being installed within the FDNY's jurisdiction. This is further proof of the rigor of safety that the project will meet.

Specific safety measures designed into this project site are:

- Completed third-party testing, certification, and FDNY review of the fire safety of individual module components, as well as the full battery system
- Locked and secure outdoor-rated, metal cabinet housings
- Automatic ventilation and exhaust
- Overpressure relief
- Fire alarm and detection
- Remote monitoring and communication
- Setbacks from neighboring uses
- Permanent fire truck access road
- Safety testing and certification of the system shows that, in the case of a system failure, the safety features of the system will automatically prevent the fire from spreading outside of its container. Further, a fire will not jump to a neighboring battery container, and the fire will be isolated to its respective bay, avoiding full failure of the incident container. Numerous tests have also shown no risk to public health or the environment from emissions from any incident fire, as there are no exotic emissions from a battery fire in comparison to those emitted in a typical house fire.

Here the Building Inspector has determined that the Battery Energy Storage Facility is not permitted in any location within the Village. Given the proposed location on the Property, the design of the BESS Facility as detailed in the plans, the EAF and the supporting documents, the BESS Facility will not have an adverse impact on the environment and is entitled to any necessary variances that may be required.



We thank you for your consideration and look forward to discussing this matter with the Zoning Board of Appeals at its next available meeting. If you have any questions or require any additional documents, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: Robert D. Gaudioso/cae  
Robert D. Gaudioso

Enclosures

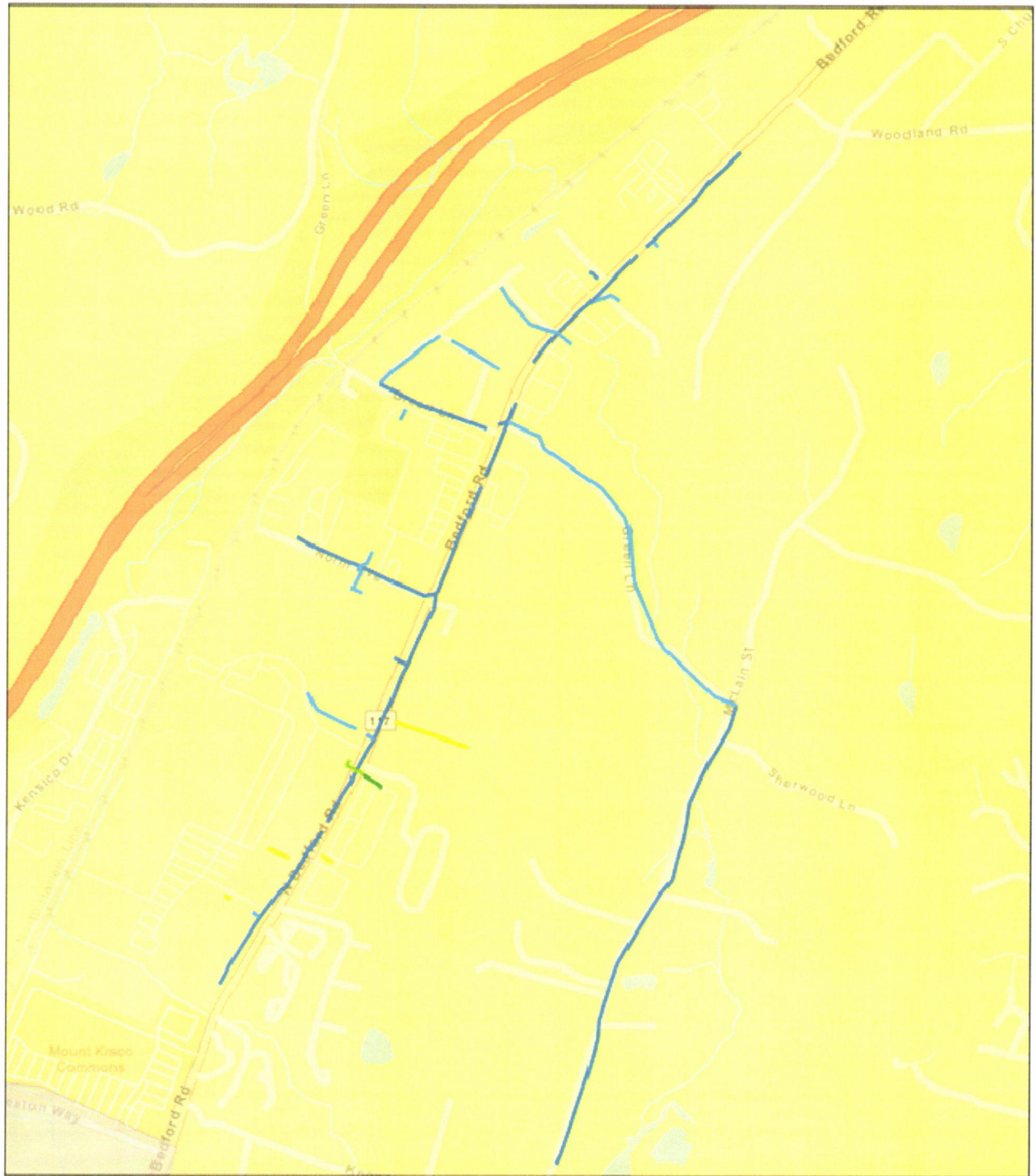
RDG/cae

cc: New Leaf Energy

Peter Miley, Building Inspector

Z:\SSDATA\WPDATA\SS3\RDG\New Leaf Energy\Mount Kisco\ZBA Letter 01.25.2024.rtf









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

December 27, 2023

Robert D. Gaudio  
Law Offices of Snyder & Snyder, LLP  
94 White Plains Road  
Tarrytown, New York 10591

**RECEIVED**

**JAN 25 2024**

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

Sent Via email on December 28, 2023

Re: **Request for Official Determination**  
Public Utility Battery Energy Storage Facility  
333 North Bedford Road ("Property") DP 21 LLC  
TAX ID: 69.50-2-1  
New Leaf Energy

Dear Mr. Gaudio:

I am in receipt of your letter dated November 21, 2023, with attachments, in which you request a determination that the proposed Battery Energy Storage Facility that you describe meets the definition of a "public utility facility" as set forth in §110-59 of the Village of Mount Kisco Zoning Code, and that the same is a permitted use on the proposed site.

Unfortunately, I must deny your request at this time.

As you correctly note, the Village code definition of a "public utility facility" is:

A facility other than a personal wireless service facility for the provision of public utility services, including facilities constructed, altered or maintained by utility corporations, either public or privately owned, or government agencies, necessary for the provision of electricity, gas, steam, heat, communication, water, sewage collection or other such service to the general public. Such facilities shall include poles, wires, mains, drains, sewers, pipes, conduits, cables, alarms and call boxes and other similar equipment, but shall not include office or administration buildings. For purposes of this chapter, personal wireless service facilities, defined separately in this chapter, shall not be governed by the zoning regulations which apply to the broader definition of public utility facilities but shall be



governed by the regulations of the Personal Wireless Services Facilities Overlay District which specifically regulates this category of public utilities.

The definition includes facilities “for the provision of public utility services.” The Village Code does not include a definition for “public utility services.” We therefore look to the dictionary definitions to ascertain the meaning of the term. Oxford English Dictionary defines a public utility as “an organization supplying the community with electricity, gas, water, or sewerage.” The Legal Information Institute states that “A public utility is an entity that provides goods or services to the general public. Public utilities may include common carriers as well as corporations that provide electric, gas, water, heat, and television cable systems.”

[https://www.law.cornell.edu/wex/public\\_utility#:~:text=A%20public%20utility%20is%20an,heat%2C%20and%20television%20cable%20systems](https://www.law.cornell.edu/wex/public_utility#:~:text=A%20public%20utility%20is%20an,heat%2C%20and%20television%20cable%20systems). From the information that you provided, your client, New Leaf Energy, does not appear to “supply the community” with electricity or to “provide goods or services to the general public.”

The Village Code definition also indicates that it includes “facilities constructed, altered or maintained by utility corporations . . .” Your client, New Leaf Energy, does not appear to be a utility corporation. Again, the Village Code does not include a definition for “utility,” or “utility corporation.” We therefore turn to the standard dictionary definitions to ascertain the meaning of these terms. Common definitions indicate that utilities and utility companies generate, or supply, things like electricity, gas, or water to the public. See, e.g., <https://www.merriam-webster.com/dictionary/utility> (“a service (such as light, power, or water) provided by a public utility”); <https://dictionary.cambridge.org/us/dictionary/english/utility-company> (“a company that provides a service such as an electricity or gas supply”). It does not appear from the information that you provided that New Leaf Energy generates any electricity; rather, it is our understanding that it stores energy generated by public utilities.

You indicate in your letter that “private utility companies” develop and operate battery energy storage systems (“BESS”). Please provide your support for this assertion, that BESS operators are private utility companies. I am aware that certain aspects of the operation of BESS are regulated by New York State, but am unaware of any evidence that indicates that such regulation mandates that those entities are then deemed to be utility companies.

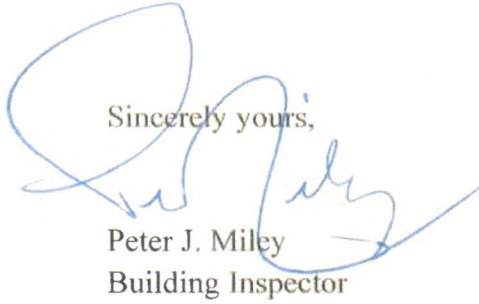
I take no issue with the qualifications of your client to provide these services and do not address the suitability of the chosen site for the proposed use. I also do not dispute that “public utilities” are permitted uses in the Light Manufacturing District. This letter is confined to your request for a determination of whether your client’s BESS business fits within the current definition of a public utility facility found in the Village Code and *I find that it does not*.

We fully understand that BESS is likely to be an integral part of the energy systems of the future, as New York State attempts to transition to more renewable energy sources. And, as you and I have discussed, the Village is considering the adoption of regulations that will allow BESS to be sited within its boundaries in the future. At present, however, a stand-alone BESS is not a permitted use in any district.



I am happy to discuss this matter further with you if you like. Please do not hesitate to reach out to me.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Peter J. Miley", is written over the typed name and title.

Peter J. Miley  
Building Inspector

CC: Lisa Cobb, Village Attorney  
Jan Johannessen, Village Planner  
Ed Brancati, Village Manager  
Michelle Russo, Planning and Zoning Secretary



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**SNYDER & SNYDER, LLP**

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[RGaudioso@Snyderlaw.net](mailto:RGaudioso@Snyderlaw.net)

January 25, 2024

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DOUGLAS W. WARDEN  
JORDAN M. FRY  
MICHAEL SHERIDAN (NY/NJ)  
DAVID KENNY (NY/NJ)

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REPLY TO:

TARRYTOWN OFFICE

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

**RECEIVED**

**JAN 25 2024**

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

Re: Notice of Appeal  
Public Utility Battery Energy Storage Facility at  
333 North Bedford Road ("Property")  
New Leaf Energy

Dear Mr. Miley:

We represent New Leaf Energy in connection with its efforts to develop a public utility battery energy storage facility ("Battery Energy Storage Facility") at the Property.

Please be advised that we are notifying you of the appeal of your determination, dated December 27, 2023 in connection with this matter to the ZBA. A copy of the ZBA appeal is attached for your convenience. We also respectfully request an official determination whether any other variances or approvals, including without limitation a fence height variance, for the Battery Energy Storage Facility are required.

Thank you for your consideration.

Very truly yours,

*Robert D. Gaudioso/cae*

Robert D. Gaudioso

Enclosure

RDG/dab

cc: New Leaf Energy  
Zoning Board of Appeals



Date: 1/25/2024

Case No.: \_\_\_\_\_

Fee: \$750

Date Filed: \_\_\_\_\_

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

**RECEIVED**

**JAN 25 2024**

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

**Zoning Board of Appeals  
Application**

Appellant: North Bedford Energy Storage 1, LLC

Address: 55 Technology Drive, Suite 102, Lowell, MA 01851

Address of subject property (if different): 333 N. Bedford Rd. Mount Kisco, NY 10549

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

Property owner (if different): DP 21, LLC

Address: 333 N. Bedford Rd. Mount Kisco, NY 10549

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken  
from the decision of the Building Inspector, Peter J. Miley  
dated Dec. 27, 2023. Application is hereby made for the following:

Use \_\_\_\_\_ Variation ~~of~~ and \_\_\_\_\_ Interpretation of Section 110-59  
of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of public utility battery energy storage facility

\_\_\_\_\_ in accordance with plans filed on (date) \_\_\_\_\_  
for Property ID # 69.50-2-1 located in the ML Zoning District.

The subject premises is situated on the West side of (street) N. Bedford Rd.

\_\_\_\_\_ in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes/No No

(If on two streets, give both street names) \_\_\_\_\_

Type of Variance sought: Special Use Area Area 

7' fence height exceeds permitted 6.5'
--



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  
X Proposed or \_\_\_\_\_ Existing building; erected (yr.) \_\_\_\_\_

Size of Lot: 1600 feet wide 813 feet deep Area 37.5 acres

Size of Building: at street level 29 feet wide 5.5 feet deep

Height of building: 9.2 feet Present use of building: \_\_\_\_\_  
Vacant

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 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 12-27-23 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

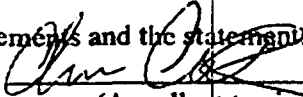
**NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.**

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

**\* Optional - As Needed**



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

  
(Appellant to sign here)

Sworn to before me this day of: January 23<sup>rd</sup>, 20 24

Notary Public, Albany, County, NY

PATRICK FITZGERALD  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01FI0016679  
Qualified in Schenectady County  
Commission Expires 11/20/2027

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

  
(sign here)

MIA VESCE  
Notary Public, State of New York  
No. 01VE6424986  
Qualified in Westchester County  
Commission Expires November 15, 2025



## **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 \_\_\_\_\_ 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

North Bedford Energy Storage 1, LLC

(Name of Applicant)

New Leaf Energy, 55 Technology Drive, Suite 102, Lowell, MA 01851

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated 12-27-23  
(Date of Denial Letter)  
denying the application dated to permit the Public Utility Battery Energy Storage Facility.  
(Proposed Work)

The property involved is known as 333 N. Bedford Rd. Mount Kisco, NY 10549  
(Address of Property)

and described on the Village Tax Map as Section 69.50 Block 2 Lot 1  
and is located on the West side of North Bedford Road in a  
east/west/n/s (Street Name)

ML Zoning District. Said Appeal is being made to obtain a  
variance from Section(s) 110-33.2, 110-59 and 110-31 for fence height of the  
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires \_\_\_\_\_  
see Building Inspector Determination dated 12-27-23

Wayne Spector, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco



## **REVISION TO STATE ZONING LAWS ENACTED**

The rules governing the issuance of area variances have not been as clearly established by the Court as those for use variances. New Town Law, Section 267-b(3)- and Village Law, Section 7-712 (b) (3) establish a new, statutory process for the granting of area variances. There is no “test” as such for granting of area variances. The requirement that the applicant show “practical difficulty” or “significant economic injury” is gone. Instead, when an applicant requests an area variance, 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.

The provision set forth five factors for the Board to consider in balancing these interests.

- (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.
- (2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- (3) Whether the requested 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.
- (5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance).



**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project: Mount Kisco Battery Energy Storage		
Project Location (describe, and attach a general location map): 333 N. Bedford Road, Mount Kisco NY, 10549		
Brief Description of Proposed Action (include purpose or need): Construction of public utility battery energy storage facility consisting of stacked stand alone five (5) megawatt (mw) units, gravel access, and equipment pads.		
Name of Applicant/Sponsor: North Bedford Energy Storage 1, LLC		Telephone: 518-857-1527
		E-Mail: ccollet@newleafenergy.com
Address: 55 Technology Drive, Suite 102		
City/PO: Lowell	State: MA	Zip Code: 01851
Project Contact (if not same as sponsor; give name and title/role): See above.		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): DP 21, LLC		Telephone:
		E-Mail:
Address: 333 N. Bedford Rd		
City/PO: Mount Kisco	State: NY	Zip Code: 10549



**B. Government Approvals****B. Government Approvals, Funding, or Sponsorship.** ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Planning Board or Commission	Planning Board (Mount Kisko) - Special Use Permit, Site plan approval	2024
c. City, Town or <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Village Zoning Board of Appeals	Zoning Board of Appeals for zoning determination for use and area variance	Jan. 2024
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County referral per 239M	
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDEC Stormwater Permit GP-20	2024
h. Federal agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning****C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- If Yes, complete sections C, F and G.
- If No, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☒ Yes ☐ No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☒ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☒ Yes ☐ No

If Yes, identify the plan(s):  
NYC Watershed Boundary

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No

If Yes, identify the plan(s):



### C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

(ML) Light Manufacturing District

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

### C.4. Existing community services.

a. In what school district is the project site located? Bedford Central School District

b. What police or other public protection forces serve the project site?

Mount Kisco Police Dept

c. Which fire protection and emergency medical services serve the project site?

Mount Kisco Fire Dept

d. What parks serve the project site?

Flewellyn Park

### D. Project Details

#### D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

Light commercial - Public Utility Battery energy storage site

b. a. Total acreage of the site of the proposed action? 37.5 acres

b. Total acreage to be physically disturbed? 0.2 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 37.5 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: 5 months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_



f. Does the project include new residential uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes,	
i. Total number of structures <u>1</u>	
ii. Dimensions (in feet) of largest proposed structure: <u>9.2</u> height; <u>29</u> width; and <u>5.5</u> length	
iii. Approximate extent of building space to be heated or cooled: _____ <u>0</u> square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes,	
i. Purpose of the impoundment: _____	
ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____	
iii. If other than water, identify the type of impounded/contained liquids and their source. _____	
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres	
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length	
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. What is the purpose of the excavation or dredging? _____	
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? <ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul>	
iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____	
iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, describe. _____	
v. What is the total area to be dredged or excavated? _____ acres	
vi. What is the maximum area to be worked at any one time? _____ acres	
vii. What would be the maximum depth of excavation or dredging? _____ feet	
viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
ix. Summarize site reclamation goals and plan: _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____	



ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments?

☐ Yes ☒ No

If Yes, describe:

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?

☐ Yes ☐ No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water?

☐ Yes ☒ No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?

☐ Yes ☐ No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project?

☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?

☐ Yes ☐ No

If, Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes?

☐ Yes ☒ No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?

☐ Yes ☐ No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No



- Do existing sewer lines serve the project site? ☐ Yes ☐ No
- Will a line extension within an existing district be necessary to serve the project? ☐ Yes ☐ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_

- iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☐ No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

- v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

- vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

- e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐ Yes ☒ No

If Yes:

- i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or 0.2 acres (impervious surface)

\_\_\_\_\_ Square feet or 37.5 acres (parcel size)

- ii. Describe types of new point sources. \_\_\_\_\_

- iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_

- Will stormwater runoff flow to adjacent properties? ☐ Yes ☐ No

- iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐ Yes ☐ No

- f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

- i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

- ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

- iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

- g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

- i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

- ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



<p>h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate methane generation in tons/year (metric): _____</p> <p>ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____</p>			
<p>i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____</p>			
<p>j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. When is the peak traffic expected (Check all that apply): <input type="checkbox"/> Morning <input type="checkbox"/> Evening <input type="checkbox"/> Weekend  <input type="checkbox"/> Randomly between hours of _____ to _____.</p> <p>ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____</p> <p>iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____</p> <p>iv. Does the proposed action include any shared use parking? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____</p> <p>vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Estimate annual electricity demand during operation of the proposed action: _____</p> <p>ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____</p> <p>iii. Will the proposed action require a new, or an upgrade, to an existing substation? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>			
<p>l. Hours of operation. Answer all items which apply.</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00 a.m - 5:00 p.m</li> <li>• Saturday: _____ 7:00 a.m - 5:00 p.m</li> <li>• Sunday: _____ 7:00 a.m - 5:00 p.m</li> <li>• Holidays: _____ 7:00 a.m - 5:00 p.m</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours per day- unmanned</li> <li>• Saturday: _____ 24 hours per day- unmanned</li> <li>• Sunday: _____ 24 hours per day- unmanned</li> <li>• Holidays: _____ 24 hours per day- unmanned</li> </ul> </td> </tr> </table>		<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 7:00 a.m - 5:00 p.m</li> <li>• Saturday: _____ 7:00 a.m - 5:00 p.m</li> <li>• Sunday: _____ 7:00 a.m - 5:00 p.m</li> <li>• Holidays: _____ 7:00 a.m - 5:00 p.m</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____ 24 hours per day- unmanned</li> <li>• Saturday: _____ 24 hours per day- unmanned</li> <li>• Sunday: _____ 24 hours per day- unmanned</li> <li>• Holidays: _____ 24 hours per day- unmanned</li> </ul>
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p>_____</p>	
<p>ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: _____</p>	
<p>n. Will the proposed action have outdoor lighting? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>Describe: <u>minor tree clearing for installation of stand alone storage units and fencing.</u></p>	
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>	
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally, describe the proposed storage facilities: _____</p>	
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	
<p>ii. Will the proposed action use Integrated Pest Management Practices? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> <li>• Construction: _____ tons per _____ (unit of time)</li> <li>• Operation : _____ tons per _____ (unit of time)</li> </ul> <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul> <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> <li>• Construction: _____</li> <li>• Operation: _____</li> </ul>	



s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: \_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

## E. Site and Setting of Proposed Action

### E.1. Land uses on and surrounding the project site

#### a. Existing land uses.

##### i. Check all uses that occur on, adjoining and near the project site.

- ☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
- ☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): \_\_\_\_\_

##### ii. If mix of uses, generally describe:

#### b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	33.64	33.84	+0.20
• Forested	2.25	1.95	-0.30
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	1.61	1.71	+0.10
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			



c. Is the project site presently used by members of the community for public recreation? ☒ Yes ☐ No  
i. If Yes: explain: Project parcel contains commercial uses. Project site is adjacent to athletic field.

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

e. Does the project site contain an existing dam? ☐ Yes ☒ No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No  
If Yes:  
i. Has the facility been formally closed? ☐ Yes ☐ No  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No  
☐ Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): 360203, C360163, 360032  
☐ Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No  
If yes, provide DEC ID number(s): 360203, C360163, 360032  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
-360032: former site of dry cleaner. -C360163: Contamination from off site sources of lead and other VOCs and SVOCs. -360203: Groundwater contamination, site use as automotive properties and propane supplier. See end of EAF for more details on attached reports of remediation sites



v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>									
<ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____</li> </ul>									
<b>E.2. Natural Resources On or Near Project Site</b>									
a. What is the average depth to bedrock on the project site? _____ >6.8 feet									
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %									
c. Predominant soil type(s) present on project site: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Urban land</td> <td style="width: 40%; text-align: right;">100 %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> <tr> <td>_____</td> <td style="text-align: right;">_____ %</td> </tr> </table>		Urban land	100 %	_____	_____ %	_____	_____ %		
Urban land	100 %								
_____	_____ %								
_____	_____ %								
d. What is the average depth to the water table on the project site? Average: _____ >6.8 feet									
e. Drainage status of project site soils: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Well Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> Moderately Well Drained:</td> <td style="text-align: right;">100 % of site</td> </tr> <tr> <td><input type="checkbox"/> Poorly Drained:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input type="checkbox"/> Well Drained:	_____ % of site	<input checked="" type="checkbox"/> Moderately Well Drained:	100 % of site	<input type="checkbox"/> Poorly Drained:	_____ % of site		
<input type="checkbox"/> Well Drained:	_____ % of site								
<input checked="" type="checkbox"/> Moderately Well Drained:	100 % of site								
<input type="checkbox"/> Poorly Drained:	_____ % of site								
f. Approximate proportion of proposed action site with slopes: <table style="width: 100%; border: none;"> <tr> <td><input checked="" type="checkbox"/> 0-10%:</td> <td style="text-align: right;">99 % of site</td> </tr> <tr> <td><input checked="" type="checkbox"/> 10-15%:</td> <td style="text-align: right;">1 % of site</td> </tr> <tr> <td><input type="checkbox"/> 15% or greater:</td> <td style="text-align: right;">_____ % of site</td> </tr> </table>		<input checked="" type="checkbox"/> 0-10%:	99 % of site	<input checked="" type="checkbox"/> 10-15%:	1 % of site	<input type="checkbox"/> 15% or greater:	_____ % of site		
<input checked="" type="checkbox"/> 0-10%:	99 % of site								
<input checked="" type="checkbox"/> 10-15%:	1 % of site								
<input type="checkbox"/> 15% or greater:	_____ % of site								
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If Yes, describe: _____									
h. Surface water features.									
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>									
ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>									
If Yes to either <i>i</i> or <i>ii</i> , continue. If No, skip to E.2.i.									
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>									
iv. For each identified regulated wetland and waterbody on the project site, provide the following information: <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">• Streams: Name 864-445.1</td> <td style="width: 40%;">Classification C(T)</td> </tr> <tr> <td>• Lakes or Ponds: Name _____</td> <td>Classification _____</td> </tr> <tr> <td>• Wetlands: Name Federal Waters, Federal Waters, Federal Waters,...</td> <td>Approximate Size 0.10</td> </tr> <tr> <td>• Wetland No. (if regulated by DEC) _____</td> <td></td> </tr> </table>		• Streams: Name 864-445.1	Classification C(T)	• Lakes or Ponds: Name _____	Classification _____	• Wetlands: Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size 0.10	• Wetland No. (if regulated by DEC) _____	
• Streams: Name 864-445.1	Classification C(T)								
• Lakes or Ponds: Name _____	Classification _____								
• Wetlands: Name Federal Waters, Federal Waters, Federal Waters,...	Approximate Size 0.10								
• Wetland No. (if regulated by DEC) _____									
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ Name - Pollutants - Uses: Kisco River, Upper, and tribs – Nutrients; D.O./Oxygen Demand – Aquatic Life									
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>									
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>									
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span>									
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: Principal Aquifer</li> </ul>									



<p>m. Identify the predominant wildlife species that occupy or use the project site:</p> <p>CottonTail _____</p> <p>Geese _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe the habitat/community (composition, function, and basis for designation): _____</p> <p style="margin-left: 20px;">ii. Source(s) of description or evaluation: _____</p> <p style="margin-left: 20px;">iii. Extent of community/habitat:</p> <ul style="list-style-type: none"> <li>• Currently: _____ acres</li> <li>• Following completion of project as proposed: _____ acres</li> <li>• Gain or loss (indicate + or -): _____ acres</li> </ul>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing (endangered or threatened): _____</p> <p>_____</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Species and listing: _____</p> <p>New England Cottontail</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If yes, give a brief description of how the proposed action may affect that use: _____</p> <p>_____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p style="margin-left: 20px;">i. If Yes: acreage(s) on project site? _____</p> <p style="margin-left: 20px;">ii. Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature</p> <p style="margin-left: 20px;">ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____</p> <p>_____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p style="margin-left: 20px;">i. CEA name: Geographic Area Overlaying Aquifer</p> <p style="margin-left: 20px;">ii. Basis for designation: Exceptional or unique character</p> <p style="margin-left: 20px;">iii. Designating agency and date: Agency: Bedford, Town of, Date: 11-3-84</p>	



<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site    <input type="checkbox"/> Historic Building or District</p> <p style="margin-left: 20px;">ii. Name: _____</p> <p style="margin-left: 20px;">iii. Brief description of attributes on which listing is based: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site?</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Describe possible resource(s): _____</p> <p style="margin-left: 20px;">ii. Basis for identification: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify resource: _____</p> <p style="margin-left: 20px;">ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p style="margin-left: 20px;">iii. Distance between project and resource: _____ miles.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?</p> <p>If Yes:</p> <p style="margin-left: 20px;">i. Identify the name of the river and its designation: _____</p> <p style="margin-left: 20px;">ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

#### F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

#### G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Christopher Collet Date 1/22/2024

Signature Christopher Collet Title Licensed Professional Engineer





B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	NYC Watershed Boundary
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	360203, C360163, 360032
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	864-445.1
E.2.h.iv [Surface Water Features - Stream Classification]	C(T)
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes



E.2.n.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses:Kisco River, Upper, and lower - Nutrients;D.O./Oxygen Demand - Aquatic Life
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	Yes
E.2.p. [Rare Plants or Animals - Name]	New England Cottontail
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	Yes
E.3.d [Critical Environmental Area - Name]	Geographic Area Overlaying Aquifer
E.3.d.ii [Critical Environmental Area - Reason]	Exceptional or unique character
E.3.d.iii [Critical Environmental Area - Date and Agency]	Agency:Bedford, Town of, Date:11-3-84
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No





Department of  
Environmental  
Conservation

## Environmental Site Remediation Database Search Details

### Site Record

#### Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

### Administrative Information

**Site Name:** Kisco Avenue Groundwater

**Site Code:** 360203

**Program:** State Superfund Program

**Classification:** P \*

**EPA ID Number:**

### Location

**DEC Region:** 3

**Address:** Kisco Avenue

**City:** Mount Kisco **Zip:** 10549

**County:** Westchester

**Latitude:** 41.217877389

**Longitude:** -73.724686847

**Site Type:**

**Estimated Size:** 15.3 Acres

### Site Owner(s) and Operator(s)

### Site Description

Location: The Kisco Avenue Groundwater site covers 15.3 acres in a suburban area. It is located in Mount Kisco, NY 10549 between the intersection of Holiday Inn Drive and Kensico Drive and the intersection of Hubbels Road and Kisco Avenue. Site Features: The site covers three automotive dealership and service centers, and a propane supplier east of Kensico Avenue. Occupied buildings comprise one-third to one quarter of the automotive properties, with the remainder covered by asphalt parking for a total of over 150 vehicles, and surrounded by grass and trees along each property's boundaries. The propane supplier comprises one small office building, asphalt parking for cars and fuel trucks, and three above-ground propane tanks. Current Zoning and Land Use: The site is currently active and zoned for commercial use. 24 Kensico Drive is occupied by Suburban Propane and provides fueling services onsite and to customers in the area with fleet trucks. 275 Kisco Avenue is occupied by Lexus of Mt Kisco and used as a dealership and service center. 255 and 227 Kisco Avenue are occupied by Rivera Toyota and used as a service and parts center. 250 Kisco Avenue is occupied by BMW Mt Kisco and used as a dealership and service center. The nearest residential property is approximately 800 feet east-northwest of the site. Past Use of the Site: The only known uses for the site have been as automotive dealerships and service centers. The buildings at 275 Kisco Avenue and 250 Kisco Avenue have been present since 2009 based on satellite imagery, and land use prior to their construction is currently unknown. During a Fall 2018 sampling event, Trichloroethene was detected at concentrations up to 15,800 parts per billion (ppb) at the southwest corner of 41 Kensico Drive, and continuing downgradient to its northern boundary at a concentration of 2200 ppb. The site is hydraulically upgradient of this property. Site Geology and Hydrogeology: Surficial geology in the area generally consists of historic fill, followed by soft to medium-dense silt and clay or fine-grained sand down to bedrock. Bedrock is likely encountered between 25 and 70 feet below ground surface (bgs). The water table is approximately 5 feet bgs and groundwater generally flows north-northeast.

### Site Environmental Assessment

Nature and Extent of Contamination: A Site Characterization is planned to determine the environmental assessment

### Site Health Assessment

As information for this site becomes available, it will be reviewed by the NYSDOH to determine if site contamination presents public health exposure concerns.

\* **Class P Sites:** "DEC offers this information with the caution that it should not be used to form conclusions about site contamination beyond what is implied by the classification of this site, namely, that there is a potential for concern about site contamination. Information regarding a Class P site (potential Registry site) is by definition preliminary in nature and unverified because the DEC's investigation of the site is not yet complete. Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

For more Information: [E-mail Us](#)

[Refine This Search](#)





Department of  
Environmental  
Conservation

## Environmental Site Remediation Database Search Details

### Site Record

#### Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

### Administrative Information

**Site Name:** Former Designs for Leisure

**Site Code:** C360163

**Program:** Brownfield Cleanup Program

**Classification:** A

**EPA ID Number:**

### Location

**DEC Region:** 3

**Address:** 41 Kensico Drive

**City:** Mount Kisco **Zip:** 10549

**County:** Westchester

**Latitude:** 41.21944444

**Longitude:** -73.72258333

**Site Type:**

**Estimated Size:** 1.731 Acres

### Site Owner(s) and Operator(s)

### Site Document Repository

**Name:** Mount Kisco Public Library

**Address:** 100 Main Street

Mount Kisco, NY 10549

### Site Description

**Location:** The 1.73 acre site is located in the Village of Mt. Kisco, New York, in Westchester County, and is identified as Block 1, Lot 2 on the Westchester Tax Map. The site is bounded on the west by Kensico Drive; on the east by Branch Brook, beyond which is the MTA-North railroad; on the north by Westchester EMS and TAL Healthcare; and by Suburban Propane to the south. A short distance to the north is the Sawmill Parkway with an entrance to the parkway approximately a block away to the northwest. **Site Features:** The site is flat and includes an unoccupied slab-on-grade one-story building, with landscaped and paved areas. Branch Brook runs along the eastern site boundary. A few trees are situated along the eastern boundary. **Current Zoning and Land Use:** The site and the surrounding area are currently zoned as Manufacturing/Industrial. The nearest residential area is a medium-density multi-family district located slightly over 1,000 feet to the northwest on the other side of the Sawmill Parkway. The site is currently vacant. **Past Use of the Site:** The railroad (just off-site to the east, beyond Branch Brook) has been present since as early as 1892. The current building was first constructed in 1976 and used as a veterinary hospital. In 1982 Design for Leisure, a pool table and bar stool manufacturer, took occupancy of the site and remained until 1998. In 1998 Human Relations Media, a commercial and movie production company occupied the site through October 2017. **Site Geology and Hydrogeology:** In approximately three-quarters of the site, fill materials consisting of sand, gravel, silt, clay, brick concrete, asphalt, timber, rubber, plastic, and glass is consistently present to an approximate depth of 9 feet below ground surface (bgs). The southwestern quarter of the site is generally underlain by medium-dense sand with occasional clayey silt layers. The fill is underlain by a soft to medium-dense silt layer, a clay layer, and a fine-grained sand layer. Bedrock is present at about 24 feet bgs in the southwest corner and about 71 feet bgs in the central eastern portion of the site. The groundwater table varies from 0.05 to 5.52 feet bgs and flows generally from southwest to northeast. A zone of transitional permeability runs along the central north-south axis of the site, composed primarily of silty and clayey fines, which reduce hydraulic conductivity starting at 20 feet bgs.

### Contaminants of Concern (Including Materials Disposed)

#### Contaminant Name/Type

benzene  
trichloroethene (TCE)  
lead  
tetrachloroethene (PCE)  
trans-1,2-dichloroethene  
vinyl chloride  
cis-1,2-dichloroethene  
methyl ethyl ketone  
xylene (mixed)  
1,1-dichloroethane  
1,1-dichloroethene  
chloroethane

### Site Environmental Assessment

Soil, groundwater, and sediment were analyzed for volatile organic compounds (VOCs), including 1,4-dioxane, semi-volatile organic compounds (SVOCs), metals, polychlorinated biphenyls (PCBs) and pesticides. Groundwater was also analyzed for per- and polyfluoroalkyl substances (PFAS). A sub-slab vapor sample was analyzed for VOCs. Based upon investigations conducted to date, the primary contaminants of concern include lead, chlorinated solvents, and petroleum constituents. Surficial soil samples - Surface soil samples were collected from zero to two inches below ground surface (bgs). With the exception of lead, no contaminants of concern including SVOCs, PCBs, pesticides, or metals were detected at levels exceeding the applicable soil cleanup objectives (SCOs) in surface soil samples collected at the site. Lead was detected in surficial soil samples above the unrestricted SCO in multiple soil samples at a maximum concentration of 144 parts per million (ppm), but below the commercial SCO of 1,000 ppm. Site-related soil contamination does not appear to be a concern for off-site locations. Subsurface Soil - Contaminants detected in subsurface soil samples above unrestricted use criteria include trichloroethylene, acetone, 4,4 DDT, lead, and mercury at maximum concentrations of 13; 0.15; 0.00557; 3,690; and 0.251 ppm, respectively. The only contaminants detected above their respective commercial soil cleanup objective (CSCO) were lead at a



maximum concentration of 3,690 ppm in soil 4-6 feet below grade compared to a CSCO of 1,000 ppm. The supplemental remedial investigation (SRI) further delineated the extent of lead contamination that exceeded commercial use SCOs, with the maximum concentration exceeding toxicity characteristic leaching procedure (TCLP) levels at up to 64.2 ppm. Benzo(a)pyrene was detected at a maximum level of 3.1 ppm in the SRI, exceeding its CSCO of 1 ppm at one sampling point at 3-4 feet bgs. No other contaminants were detected above commercial use criteria. TCE was detected at a level exceeding the protection of groundwater SCO of 0.47 ppm, at concentrations up to 13 ppm, near the center of the site. All TCE contamination detected in soil samples was found at least 5 feet below the water table at the southwest corner of the site and averaging 15 feet below the water table. This saturated soil contamination appears to be due to the highly contaminated groundwater entering the site from an off-site, upgradient source. The Department is performing a separate area-wide investigation to determine the source of this contamination affecting this site under site 360203 Kisco Avenue Groundwater. Groundwater - Tetrachloroethene (PCE) and trichloroethene (TCE) and their breakdown products, such as vinyl chloride (VC), 1,1-dichloroethane, 1,1-dichloroethene, cis-1,2-dichloroethene, and trans-1,2-dichloroethene, were found at concentrations exceeding groundwater standards (typically 5 parts per billion [ppb] and 2 ppb for VC). PCE and TCE were detected at maximum concentrations of 14.2 and 15,800 ppb, respectively. The maximum concentration of TCE was detected in a well near the south-southwest boundary of the site, which is the hydraulically upgradient boundary of the site. The highest concentration of PCE was detected in a well near the center of the site in the zone of transitional permeability. TCE and PCE concentrations in soil samples that exceeded protection of groundwater SCOs were first found at least five feet below the water table. The TCE contamination in the groundwater at this site appears to be from an off-site upgradient source, with no apparent contributions from this site. As noted above, the Department is performing a separate area-wide investigation to determine the source of this contamination. Along the downgradient site boundary, along the northern side of the building, TCE concentrations were detected at two monitoring wells at 2,210 ppb and 2,540 ppb, respectively. Cis-1,2-dichloroethene (cis-1,2-DCE) concentrations at these two wells were at 207 and 228 ppb, respectively. TCE and cis-1,2-DCE are likely to be migrating off-site/down-gradient to the north. As noted above, this contamination is passing under the BCP site from an upgradient off-site source. The maximum concentrations of vinyl chloride, 1,1-dichloroethane, cis-1,2-DCE, and trans-1,2-DCE, which are breakdown products of TCE, were 45.5 ppb, 23.1 ppb, 27.4 ppb, 1,100 ppb and 10.8 ppb, respectively, near the center of the site; while the maximum concentration for 1,1-DCE was 16.2 ppb near the northern (downgradient) perimeter. Petroleum constituents were detected in one well located in the center of the site, including benzene at 2.88 ppb, chloroethane at 23.1 ppb, methyl ethyl ketone at 68.1 ppb, and total xylenes at 8.58 ppb. The standards for these compounds are 1 ppb, 5 ppb, 50 ppb, and 5 ppb, respectively. Benzene was detected in a second well near the down gradient site boundary, at concentration of 7.7 ppb (versus a standard of 1 ppb). This suggests that low levels, if any, petroleum contamination may have migrated off-site. Lead was detected above Class GA standards at 33.3 ppb in one well near the center of the site, compared to the standard of 25 ppb, and is not migrating off-site. No SVOCs, polychlorinated biphenyls (PCBs), or pesticides were detected in site groundwater over Class GA standards. 1,4-dioxane was detected at maximum concentration of 29 ppb in a hydraulically upgradient well near the south-southwest boundary of the site. Samples obtained at two downgradient wells near the northern boundary of the site found maximum concentration of 1.7 and 2.7 ppb of 1,4-dioxane respectively, compared to the maximum contaminant level (MCL) of 1 ppb and may be migrating off-site; however, as with the chlorinated VOCs, this contaminant also appears to originate from an upgradient/off-site source. PFOA was detected above the MCL of 10 parts per trillion (ppt) in one well near the center of the site at 11 ppt and does not appear to be migrating off-site. Sub-slab Vapor - TCE was detected at 3.7 microgram/cubic meter (ug/m3) at the one sub-slab sampling point in the building. The source of chlorinated solvents appears to be upgradient and off-site, and the site is not contributing to the chlorinated solvent plume found in site groundwater and soil vapor. Additional investigation under a separate site will be required to determine if there are any off-site soil vapor intrusion (SVI) issues resulting from this upgradient groundwater plume that is impacting this site. Surface Water and Sediment - Surface water and sediment were sampled from the adjacent stream during the supplemental remedial investigation to assess whether the site impacted the adjacent waterway. No contaminants of concern were detected above laboratory reporting limits in surface water samples. The only contaminant detected above Class C Freshwater Sediment Guidance Values (SGV) was lead at 180 and 201 ppm in the mid-stream and downstream samples, respectively. The concentration of lead in the upstream sample was 38.4 ppm. The Class C SGV for lead is 130 ppm. Given the distance from the one soil sample location that exceeded the commercial use SCO for lead to the stream, it appears the primary source of the lead in the sediment is likely from offsite sources including a stormwater outlet near the northeast/upstream-most corner of the site, manufacturing facilities and parking lots upstream, and the Metro North railway bed adjacent to the eastern bank of the stream.

## Site Health Assessment

People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Access to the site is unrestricted and people who enter the site can come into contact with contaminated soils or contaminated groundwater if they dig below the ground surface. Volatile organic compounds in contaminated groundwater or contaminated soils may move into the soil vapor (air spaces within the soil), which in turn, may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. Because the site is vacant, the inhalation of site related contaminants due to soil vapor intrusion does not represent a current concern. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any onsite redevelopment. Potential soil vapor intrusion concerns associated with offsite buildings will be evaluated during a separate investigation of the offsite contamination and not part of this BCP investigation.

For more Information: E-mail Us

[Refine This Search](#)





Department of  
Environmental  
Conservation

## Environmental Site Remediation Database Search Details

### Site Record

#### Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

### Administrative Information

**Site Name:** Green Lane (Bedford Hills) Shopping Cntr

**Site Code:** 360032

**Program:** State Superfund Program

**Classification:** C

**EPA ID Number:**

### Location

**DEC Region:** 3

**Address:** Bedford Road and Green Lane

**City:** Bedford Hills **Zip:** 10507

**County:** Westchester

**Latitude:** 41.224758108

**Longitude:** -73.715530418

**Site Type:** STRUCTURE

**Estimated Size:** 3 Acres

### Site Owner(s) and Operator(s)

**Current Owner Name:** R.A.J. Development Corporation, Inc.

**Current Owner(s) Address:** 2 CROTON POINT AVENUE  
CROTON-ON-HUDSON, NY, 10520

**Owner(s) during disposal:** R.A.J. DEVELOPMENT, INC.

**Current On-Site Operator:** R.A.J. Development Corporation, Inc.

**Stated Operator(s) Address:** 2 CROTON POINT AVENUE  
CROTON-ON-HUDSON, NY 10520

### Site Description

This Site Description was reviewed and edited on August 9, 2007. No further review of this delisted site will be conducted. Location Description: The Green Lane (Bedford Hills) Shopping Center was located on Bedford Road, between Green Lane and Norm Avenue. The shopping center had seventeen stores including Shop Rite, a bank, and a dry cleaner (Taylor Cleaners). There were two on-site septic systems: one for the Shop Rite store, and another system common to the dry cleaner, the bank and the rest of the stores. Current Condition, Ownership and Use of the Site: Unknown Source of Contamination: The dry cleaner had discharged, over a period of time, low levels of dry-cleaning wastes (rinse waters containing spent perchloroethylene) through the common septic system which consists of two septic tanks, oil/water separators and fourteen leaching pits varying in size from three to eight ft. in diameter and nine ft. deep. In 1992, the dry cleaner was cited and fined for discharging solvents into the septic system. Actions Taken: The septic tank and the leach pits were cleaned in March 1993. A Preliminary Site Assessment (PSA) conducted in July / August 1993 showed that the soils beneath the leach pits did not contain any detectable levels of dry-cleaning solvents, principally perchloroethylene (PCE). PCE and trichloroethylene (TCE) levels in on-site monitoring wells were below the then existing groundwater standards. Based on PSA results, no treatment was required. Quarterly sampling for VOCs of selected on-site monitoring wells commenced in May 1995 and continued for three years. PCE levels continued to decrease consistently until only trace levels of PCE were being detected in early 1997. The site was delisted in early 1999. Future Actions: March 31, 2009: The soil vapor intrusion evaluation appears to support a "no further action" decision, because a clean zone of groundwater above the contaminated zone is precluding the migration of soil vapor (i.e., groundwater data indicate that the site-related VOC contamination is limited to deeper portions of the aquifer and no VOC contamination is present in the shallow groundwater).

### Contaminants of Concern (Including Materials Disposed)

#### Contaminant Name/Type

PERCHLOROETHYLENE (F002 WASTE)

### Site Environmental Assessment

A clean zone of groundwater above the contaminated zone is precluding the migration of soil vapor (i.e., groundwater data indicate that the site-related VOC contamination is limited to deeper portions of the aquifer and no VOC contamination is present in the shallow groundwater), so the soil vapor intrusion risk appears to be minimal.

### Site Health Assessment

Contact with potential contaminants in soil is not expected because the source of contamination, the septic system, was cleaned. The potential for soil vapor intrusion was evaluated, and no further actions were deemed necessary. Drinking contaminated groundwater is not expected because public water serves the area.

For more Information: [E-mail Us](#)

[Refine This Search](#)



LAW OFFICES OF  
**SNYDER & SNYDER, LLP**  
94 WHITE PLAINS ROAD  
TARRYTOWN, NEW YORK 10591

NEW YORK OFFICE  
445 PARK AVENUE, 9TH FLOOR  
NEW YORK, NEW YORK 10022  
(212) 749-1448  
FAX (212) 932-2693

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS

rgaudioso@snyderlaw.net

February 8, 2024

NEW JERSEY OFFICE  
ONE GATEWAY CENTER, SUITE 2600  
NEWARK, NEW JERSEY 07102  
(973) 824-9772  
FAX (973) 824-9774

REPLY TO:

TARRYTOWN OFFICE

LESLIE J. SNYDER  
ROBERT D. GAUDIOSO (NY/NJ)  
DOUGLAS W. WARDEN  
JORDAN M. FRY  
MICHAEL SHERIDAN (NY/NJ)  
DAVID KENNY (NY/NJ)

DAVID L. SNYDER  
(1956-2012)

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

**RECEIVED**

**FEB 08 2024**

Zoning Board of Appeals  
Village/Town of Mount Kisco

Re: 333 North Bedford Road  
Public Utility Battery Energy Storage Facility  
New Leaf Energy

Honorable Chairman Spector and  
Members of the Zoning Board of Appeals:

As you are aware, we are the attorneys for New Leaf Energy in connection with their application to develop a public utility battery energy storage facility at the above referenced property.

Enclosed please find the following documents:

1. Affidavit of Mailing; and
2. Affidavit of Publication.

We look forward to discussing this matter at the public hearing on February 20, 2024. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: Robert D. Gaudioso/gr  
Robert D. Gaudioso

Enclosures  
RDG/djk

cc: New Leaf Energy

Z:\SSDATA\WPDATA\SS3\RDG\New Leaf Energy\Mount Kisco\Public Notice\Proof of Notice Letter 2.6.24.rtf



RECEIVED

FEB 08 2024

Zoning Board of Appeals  
Village/Town of Mount Kisco

AFFIDAVIT OF MAILING

STATE OF NEW YORK

COUNTY OF WESTCHESTER

}  
} SS.:  
}

Gina Rubtolo being duly sworn, deposes and says:

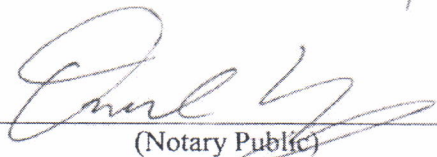
<sup>work</sup>  
I ~~reside~~ at 94 White Plains Rd. Tarrytown NY 10591

On February 7<sup>th</sup> 2024 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

7<sup>th</sup> day of February 2024

  
(Notary Public)

David James Kenny  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 02KE6343903  
Qualified in Westchester County  
Commission Expires June 20, 2026

24



# 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 20th day of February 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of New Bedford Energy Storage 1, LLC

(Name of Applicant)

New Leaf Energy, 55 Technology Drive, Suite 102, Lowell, MA 01851

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated 12-27-23  
(Date of Denial Letter)  
denying the application dated to permit the Public Utility Battery Energy Storage Facility  
(Proposed Work)

The property involved is known as 333 N. Bedford Road Mount Kisco, NY 10549  
(Address of Property)

and described on the Village Tax Map as Section 69.5 Block 2 Lot 1

and is located on the West side of N. Bedford Road in a  
east/west/n/s (Street Name)

ML Zoning District. Said Appeal is being made to obtain a

110-59 (requesting an appeal of the BI Determination that BESS is a permitted public utility facility, or a use variance in the alternative)

variance from Section(s) 110-31(F)(2) for fence height related to the 7ft fence proposed of the  
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires See Building Inspector Determination dated 12-27-23 on file with the Village

Wayne Spector, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco



# Exhibit B



283 N Bedford Road Corp  
C/O MRE Mgmt Corp  
27 Radio Circle Drive  
Mount Kisco, NY 10549

Martabano, William T  
325 N Bedford Road  
Mount Kisco, NY 10549



Philar Realty Co  
116 Woodridge Road  
Mount Kisco, NY 10549

19 Kensico Drive LLC  
C/O Garth E Beall  
6411 Ivy Lane, Ste 200  
Greenbelt MD, 20770

NY Luxury Motors of Mt Kisco I  
C/O Autonation Inc,  
200 SW 1<sup>st</sup> Ave., FL 14  
Fort Lauderdale, FL 33301

Mt. Kisco Self Storage  
C/O Coforge BPS  
2727 FBJ Freeway, Ste 806  
Dallas, TX 75234

Burger King Corp #825  
C/O Michelle Keusch  
5787 Blue Lagoon Drive  
Miami, FL 33126

271 N Bedford Road Mt. Kisco Corp  
27 Radio Circle Drive  
Mount Kisco, NY 10549

DP 62, LLC  
PO Box 1493  
Hicksville, NY 11802

Charisma Associates LLC  
C/O Garth E. Beall  
6411 Ivy Lane, Ste 200  
Greenbelt, MD 20770

Townsend St Assoc's LP  
C/O Mosbacher Properties  
18 E 48<sup>th</sup> Street, 19<sup>th</sup> Floor  
New York, NY 10017

59 Kensico LLC  
27 Radio Circle Drive  
Mount Kisco, NY 10549

2701 Marion LLC  
C/O Esat Gashi  
345 Kean Street, Ste 200  
Yorktown Heights, NY 10598

Chappaqua Road Co LLC  
C/O Anthony Beldotti  
500 Executive Blvd, Ste 203  
Ossining, NY 10562

383 No Bedford Road Corp  
C/O MDC  
27 Radio Circle Drive  
Mount Kisco, NY 10549

Martabano, John R  
C/O 272 N Bedford Rd Mt. Kisco Corp  
27 Radio Circle Drive  
Mount Kisco, NY 10549

DP 44, LLC  
PO Box 1493  
Hicksville, NY 11802

Mac Marthy Inc  
C/O Patricia Macaulay  
20 Shore Drive  
Kingston, MA 02364

DP 47, LLC  
C/O Diamond Properties  
PO Box 1493  
Hicksville, NY 11802

269 N Bedford Road Mt Kisco Corp  
C/O MRE Mgmt Corp  
27 Radio Circle Drive  
Mount Kisco, NY 10549

Philar Realty Co  
116 Woodridge Road  
Mount Kisco, NY 10549

Verizon New York Inc.  
C/O Duff & Phelps  
PO Box 2749  
Addison, TX 75001

DP 46, LLC  
PO Box 1493  
Hicksville, NY 11802

271 No Bedford Rd. Mt Kisco  
C/O MRE Mgmt Corp  
27 Radio Circle Drive  
Mount Kisco, NY 10549

WDL Realty LLC  
C/O The Donald Zucker Co.  
101 W 55<sup>th</sup> Street  
New York, NY 10019

343 Bedford Realty, LLC  
75 Commercial Street  
Plainview, NY 11803

Suburban Propane L.P.  
C/O Tax Dept  
PO Box 206  
Whippany, NJ 07981

Kensico Park Realty, LLC  
C/O Victor Cannistra  
43 Kensico Drive  
Mount Kisco, NY 10549

Martabano, John R  
C/O MRE Mgmt Corp  
27 Radio Circle Drive  
Mount Kisco, NY 10549

John A. Martabano Trust No. 1  
5515 Lake Ridge Road  
Brighton, MI 48116



283 N Bedford Road Corp.  
283 N Bedford Road  
Mount Kisco, NY 10549

Tennis Equities Inc  
77 Kensico Drive  
Mount Kisco, NY 10549

DP 21 LLC  
333 N Bedford Road  
Mount Kisco, NY 10549

325 N Bedford Road LLC  
325 N Bedford Road  
Mount Kisco, NY 10549

Brooks Realty of Mt. Kisco LLC  
15 Kensico Drive  
Mount Kisco, NY 10549

Tennis Equities Inc  
77 Kensico Drive  
Mount Kisco, NY 10549

283 N Bedford Road Corp  
289 N Bedford Road  
Mount Kisco, NY 10549

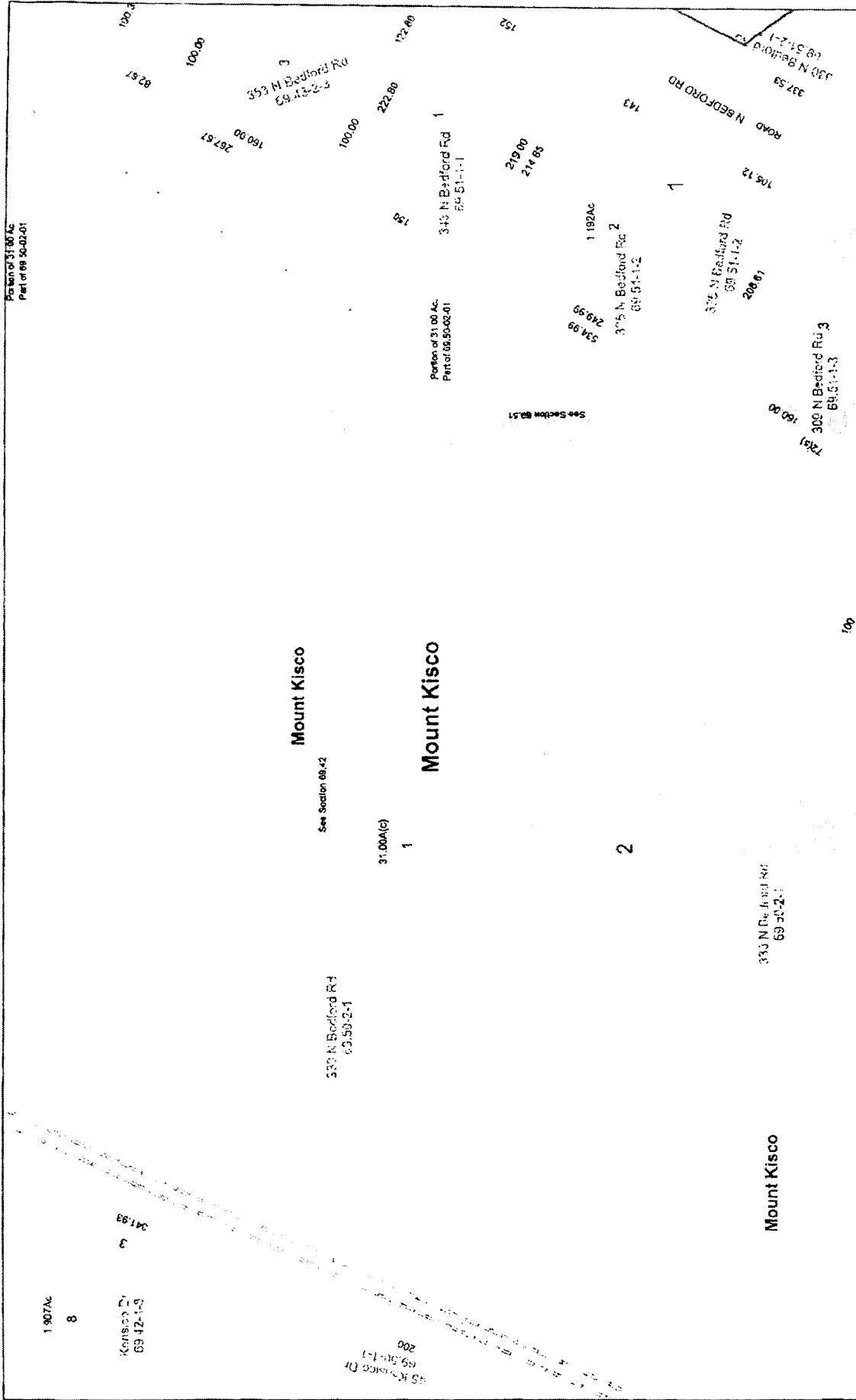




OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTK C/O	Mailing Address	City	State	Zip
283 N Bedford Rd Corp	N Bedford Rd	MOUNT KISCO	10549	69.50-2-5	MRE Mgmt Corp	Mt. Kisco	NY	10549
283 N Bedford Rd Corp	283 N Bedford Rd	MOUNT KISCO	10549	69.50-2-6				
Martabano, William T	353 N Bedford Rd	MOUNT KISCO	10549	69.43-2-3				
Philar Realty Co	383 N Bedford Rd	MOUNT KISCO	10549	69.43-1-2				
19 Kensico Drive LLC	19 Kensico Dr	MOUNT KISCO	10549	69.50-1-5	Garth E Beall	Mt. Kisco	NY	10549
NY Luxury Motors of Mt Kisco I	41 Kensico Dr	MOUNT KISCO	10549	69.50-1-2	Autonation Inc,	Greenbelt	MD	20770
Mt Kisco Self Storage	65 Kensico Dr	MOUNT KISCO	10549	69.42-1-9	Coforge BPS	Fort Lauderdale	FL	33301
Burger King Corp #825	230 N Bedford Rd	MOUNT KISCO	10549	69.58-4-1	Michelle Keusch	Dallas	TX	75234
271 N Bedford Rd Mt Kisco Corp	271 N Bedford Rd	MOUNT KISCO	10549	69.50-2-9		Miami	FL	33126
DP 62, LLC	309 N Bedford Rd	MOUNT KISCO	10549	69.51-1-3		Mt. Kisco	NY	10549
325 N Bedford Rd LLC	325 N Bedford Rd	MOUNT KISCO	10549	69.51-1-2		Hicksville	NY	11802
Brooks Realty of Mt. Kisco LLC	15 Kensico Dr	MOUNT KISCO	10549	69.50-1-6	15 Kensico LLC	Mt. Kisco	NY	10549
Charisma Associates LLC	19 Kensico Dr	MOUNT KISCO	10549	69.50-1-4	Garth E Beall	Greenbelt	MD	20770
DP 21 LLC	333 N Bedford Rd	MOUNT KISCO	10549	69.50-2-1	NA			
Townsend St Assoc's LP	360 N Bedford Rd	MOUNT KISCO	10549	69.51-2-1.2	Mosbacher Properties	New York	NY	10017
59 Kensico LLC	59 Kensico Dr	MOUNT KISCO	10549	69.42-1-7		Mt. Kisco	NY	10549
Tennis Equities Inc	77 Kensico Dr	MOUNT KISCO	10549	69.42-1-4				
2701 Marlon LLC	272 N Bedford Rd	MOUNT KISCO	10549	69.51-3-1.1	Esat Gashi	Yorktown Heights	NY	10598
Chappaqua Road Co LLC	280 N Bedford Rd	MOUNT KISCO	10549	69.51-3-1.2	Anthony Beldotti	Ossining	NY	10562
383 No Bedford Rd Corp	379 N Bedford Rd	MOUNT KISCO	10549	69.43-1-1	MDC	Mt. Kisco	NY	10549
Martabano, John R	N Bedford Rd	MOUNT KISCO	10549	69.50-2-4	272 N Bedford Rd Mt Kisco Corp	Mt. Kisco	NY	10549
DP 44, LLC	N Bedford, Back of	MOUNT KISCO	10549	69.50-2-12		Hicksville	NY	11802
Tennis Equities, Inc.	70 Kensico Dr	MOUNT KISCO	10549	69.42-1-3		Mt. Kisco	NY	10549
Mac Marty Inc	255 N Bedford Rd	MOUNT KISCO	10549	69.58-3-1	Patricia Macaulay	Kingston	MA	02364
DP 47, LLC	283 N Bedford Rd	MOUNT KISCO	10549	69.50-2-3	Diamond Properties	Hicksville	NY	11802
269 N Bedford Rd Mt Kisco Corp	269 N Bedford Rd	MOUNT KISCO	10549	69.50-2-11	MRE Mgmt Corp	Mt. Kisco	NY	10549
283 N Bedford Rd Corp	289 N Bedford Rd	MOUNT KISCO	10549	69.50-2-7		Mt. Kisco	NY	10549
Philar Realty Co	383 N Bedford Rd	MOUNT KISCO	10549	69.43-1-3		Mt. Kisco	NY	10549
Verizon New York Inc.	Kensico Dr	MOUNT KISCO	10549	69.42-1-8	Duff & Phelps	Addison	TX	75001
DP 46, LLC	295 N Bedford Rd	MOUNT KISCO	10549	69.50-2-2		Hicksville	NY	11802
271 No Bedford Rd. Mt Kisco	281 N Bedford Rd	MOUNT KISCO	10549	69.50-2-8	MRE Mgmt Corp	Mt. Kisco	NY	10549
WDL Realty LLC	330 N Bedford Rd	MOUNT KISCO	10549	69.51-2-1.1	The Donald Zucker Co.	New York	NY	10019
343 Bedford Realty, LLC	343 N Bedford Rd	MOUNT KISCO	10549	69.51-1-1		Plainview	NY	11803
Suburban Propane L.P.	Hubbell Rd	MOUNT KISCO	10549	69.50-1-3	Tax Dept	Whippany	NJ	07981
Kensico Park Realty, LLC	45 Kensico Dr	MOUNT KISCO	10549	69.50-1-1	Victor Cannistra	Mt. Kisco	NY	10549
Martabano, John R	N Bedford Rd, Back o	MOUNT KISCO	10549	69.50-2-10	MRE Mgmt Corp	Mt. Kisco	NY	10549
John A. Martabano Trust No. 1	363 N Bedford Rd	MOUNT KISCO	10549	69.43-2-2		Brighton	MI	48116



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



December 20, 2023

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://gis.westchester.gov>  
 Michaelen Office Building  
 148 Martine Avenue Rm 214  
 White Plains, New York 10601



## AFFIDAVIT OF PUBLICATION

State of Wisconsin  
County of Brown

N Jacobs being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

02/05/2024

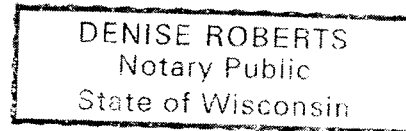
Nicole Jacobs

Subscribed and sworn to before me this 05 day of February, 2024

Denise Roberts

EXP. 4-6-27

Notary Public  
State of Wisconsin, County of Brown





## 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 20th day of February 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of New Bedford Energy Storage 1, LLC New Leaf Energy, 55 Technology Drive, Suite 102, Lowell, MA 01851 from the decision of Peter J. Miley, Building Inspector, dated 12/27-23 denying the application dated to permit the Public Utility Battery Energy Storage Facility.

The property involved is known as 333 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.5 Block 2 Lot 1 and is located on the West side of N. Bedford Road in a ML Zoning District. Said Appeal is being made to obtain a variance from Section(s) 110-59 (requesting an appeal of the BI Determination that BESS is a permitted public utility facility, or a use variance in the alternative) 110-31(F)(2) for fence height related to the 7ft fence proposed of the Code of the Village/Town of Mount Kisco, which requires see Building Inspector Determination dated 12/27/23 on file with the Village.

Wayne Spector, Chair  
Zoning Board of Appeals  
Village/Town of Mount Kisco  
9812732



new leaf  
333 NBR

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

AFFIDAVIT OF POSTING

**Gilmar Palacios Chin**, being duly sworn, says that on the 14<sup>th</sup> day of February 2024, 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

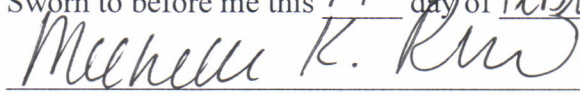
Carpenter Avenue Community House  
200 Carpenter Avenue

X

Leonard Park Multi Purpose Bldg

X

  
**Gilmar Palacios Chin**

Sworn to before me this 14<sup>th</sup> day of February 2024  
  
Notary Public

MICHELLE K. RUSSO  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01RU6313298  
Qualified in Putnam County  
My Commission Expires 10-20-2026

Village/Town of Mount Kisco  
Planning Board

FEB 14 2024

RECEIVED



## AFFIDAVIT OF PUBLICATION

State of Wisconsin  
County of Brown

Keegan Moran being duly sworn, deposes and says she is the Principal Clerk of **The Journal News**, Division of Gannett Newspaper Subsidiary, publishers of following newspaper published in Westchester and Rockland Counties, State of New York, of which annexed is a printed copy, out from said newspaper has been published in said newspaper editions dated:

02/02/2024

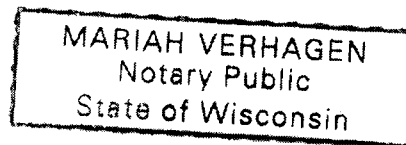
Keegan Moran

Subscribed and sworn to before me this 02 day of February, 2024

Mariah Verhagen

Notary Public  
State of Wisconsin, County of Brown

exp. 8-25-26





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 20th day of February 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00PM pursuant to the Zoning Ordinance on the Appeal of Tina Arcuri, 5374 Greggs Landing, N. Charleston, SC 29420 from the decision of Peter J. Miley, Building Inspector dated December 20th, 2023 denying the application dated December 6th, 2023 to permit the exterior signage at Rivera

Toyota. The property involved is known as 325 N. Bedford Road, Mount Kisco NY 10549 and described on the Village Tax Map as Section 69.51-1-2 in a CL Zoning District as well as Commercial Signage District #2c. Said Appeal is made to obtain a variance from Section(s) 89-11 A(4): 89-11 General Provisions A: 89-11 Table 1 page 5: of the Code of the Village/Town of Mount Kisco, which requires: each business shall be limited to one (1) principal sign of any type permitted within such district at the primary public entrance. In no event will there be more than two (2) signs on any building for any establishment. (89-11 General Provisions A). Request is for three (3) exterior wall signs. Code requires the maximum letter height NTE 18" (8a-11 Table 1 page 5). Request is for one (1) of the signs to exceed maximum letter height by 7-3/16", and one (1) sign to exceed maximum letter height by 3". Code requires a maximum face area NTE 20SF for freestanding/monument signs (89-11 Table 1 page 5). Request is for one (1) sign to exceed the maximum face area by 23.2SF.

02/02/24





\*450690976DEDZ\*

Control Number <b>450690976</b>	WIID Number <b>2005069-000430</b>	Instrument Type <b>DED</b>
------------------------------------	--------------------------------------	-------------------------------



**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 9**

**TOTAL PAGES 9**

**RECORDING FEES**

<b>STATUTORY CHARGE</b>	<b>\$6.00</b>
<b>RECORDING CHARGE</b>	<b>\$27.00</b>
<b>RECORD MGT. FUND</b>	<b>\$19.00</b>
<b>RP 5217</b>	<b>\$165.00</b>
<b>TP-584</b>	<b>\$5.00</b>
<b>CROSS REFERENCE</b>	<b>\$0.00</b>
<b>MISCELLANEOUS</b>	<b>\$0.00</b>
<b>TOTAL FEES PAID</b>	<b>\$222.00</b>

**TRANSFER TAXES**

<b>CONSIDERATION</b>	<b>\$15,525,000.00</b>
<b>TAX PAID</b>	<b>\$62,100.00</b>
<b>TRANSFER TAX #</b>	<b>16253</b>

**RECORDING DATE 05/05/2005**  
**TIME 10:03:00**

**MORTGAGE TAXES**

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

**SERIAL NUMBER**  
**DWELLING**

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

**TOWN OF BEDFORD**  
**TOWN OF MT. KISCO**

**WITNESS MY HAND AND OFFICIAL SEAL**

**LEONARD N. SPANO**  
**WESTCHESTER COUNTY CLERK**

**Record & Return to:**  
**ATTN ANDREW N KARLEN ESQ**  
**DORF KARLEN & STOLZAR LLP**  
**WHITE PLAINS PLAZA-ONE N BROADWA'**  
**WHITE PLAINS, NY 10601**



8P.

188 East Post Road

White Plains, New York 10601

(914) 428-3433 (800) 942-1893

3008-55985

8P

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

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

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

party of the first part, and

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

party of the second part,

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

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

SEE ATTACHED EXHIBIT A

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

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

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

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

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

This conveyance is made subject to all matters of record.

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

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



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

IN PRESENCE OF:

AMERICAN REAL ESTATE HOLDINGS  
LIMITED PARTNERSHIP  
a Delaware limited partnership


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

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



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

On the 4 day of January in the year 2005 before me, the undersigned, personally appeared John P. Saldarelli, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Name: Dagmara Katarow  
Notary Public  
Qualified in Westchester County  
My Commission Expires: 8/23/02

DAGMARA LALEWICZ  
Notary Public, State of New York  
No. 01LA6029531  
Qualified in Westchester County  
Commission Expires August 23, 2025



**Bargain and Sale Deed**  
**WITH COVENANTS AGAINST GRANTOR'S ACTS**

AMERICAN REAL ESTATE HOLDINGS LIMITED PARTNERSHIP

TO

DP 21, LLC

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

RETURN BY MAIL TO:

DORF, KARLEN & STOLZAR, LLP

WHITE PLAINS PLAZA

ONE NORTH BROADWAY – SUITE 800

WHITE PLAINS, NEW YORK, 10601

ATTENTION: ANDREW N. KARLEN, ESQ.



**EXHIBIT "A"**  
Legal Description

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

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

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

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

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

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

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

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

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



CORNER OF SAID LANDS OF STOORZA;

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

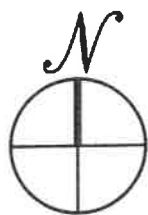
THENCE RUNNING ALONG SAID LANDS SOUTH 41° 38' 10" WEST 50.16 FEET TO OTHER LANDS NOW OR FORMERLY OF MARTABANO;

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

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

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





SCALE: 1"= 400'



LABEL	TAX ID	OWNER NAME	ADDRESS	TOWN	ZIP CODE
A	69.50-2-5	283 N Bedford Rd Corp	N Bedford Rd	MOUNT KISCO	10549
B	69.50-2-6	283 N Bedford Rd Corp	283 N Bedford Rd	MOUNT KISCO	10549
C	69.43-2-3	Martabano, William T	353 N Bedford Rd	MOUNT KISCO	10549
D	69.43-1-2	Philar Realty Co	383 N Bedford Rd	MOUNT KISCO	10549
E	69.50-1-5	19 Kenisco Drive LLC	19 Kensico Dr	MOUNT KISCO	10549
F	69.50-1-2	NY Luxury Motors of Mt Kisco I	41 Kensico Dr	MOUNT KISCO	10549
G	69.42-1-9	Mt Kisco Self Storage	65 Kensico Dr	MOUNT KISCO	10549
H	69.58-4-1	Burger King Corp #825	230 N Bedford Rd	MOUNT KISCO	10549
I	69.50-2-9	271 N Bedford Rd Mt Kisco Corp	271 N Bedford Rd	MOUNT KISCO	10549
J	69.51-1-3	DP 62, LLC	309 N Bedford Rd	MOUNT KISCO	10549
K	69.51-1-2	325 N Bedford Rd LLC	325 N Bedford Rd	MOUNT KISCO	10549
L	69.50-1-6	Brooks Realty of Mt. Kisco LLC	15 Kensico Dr	MOUNT KISCO	10549
M	69.50-1-4	Charisma Associates LLC	Kensico Dr	MOUNT KISCO	10549
N	69.50-2-1	DP 21 LLC	333 N Bedford Rd	MOUNT KISCO	10549
O	69.51-2-1.2	Townsend St Assoc's LP	360 N Bedford Rd	MOUNT KISCO	10549
P	69.42-1-7	59 Kensico LLC	59 Kensico Dr	MOUNT KISCO	10549
Q	69.42-1-4	Tennis Equities Inc	77 Kensico Dr	MOUNT KISCO	10549
R	69.59-1-15			MOUNT KISCO	10549
S	69.51-3-1.1	2701 Marion LLC	272 N Bedford Rd	MOUNT KISCO	10549
T	69.51-3-1.2	Chappaqua Road Co LLC	280 N Bedford Rd	MOUNT KISCO	10549
U	69.43-1-1	383 No Bedford Rd Corp	379 N Bedford Rd	MOUNT KISCO	10549
V	69.50-2-4	Martabano, John R	N Bedford Rd	MOUNT KISCO	10549
W	69.59-1-1			MOUNT KISCO	10549
X	69.50-2-12	DP 44, LLC	N Bedford, Back of	MOUNT KISCO	10549
Y	69.42-1-3	Tennis Equities, Inc.	70 Kensico Dr	MOUNT KISCO	10549
Z	69.58-3-1	Mac Marty Inc	255 N Bedford Rd	MOUNT KISCO	10549
AA	69.50-2-3	DP 47, LLC	283 N Bedford Rd	MOUNT KISCO	10549
BB	69.50-2-11	269 N Bedford Rd Mt Kisco Corp	269 N Bedford Rd	MOUNT KISCO	10549
CC	69.50-2-7	283 N Bedford Rd Corp	289 N Bedford Rd	MOUNT KISCO	10549
DD	69.51-2-2			MOUNT KISCO	10549
EE	69.43-1-3	Philar Realty Co	383 N Bedford Rd	MOUNT KISCO	10549
FF	69.42-1-8	Verizon New York Inc.	Kensico Dr	MOUNT KISCO	10549
GG	69.50-2-2	DP 46, LLC	295 N Bedford Rd	MOUNT KISCO	10549
HH	69.50-2-8	271 No Bedford Rd. Mt Kisco	281 N Bedford Rd	MOUNT KISCO	10549
II	69.51-2-1.1	WDL Realty LLC	330 N Bedford Rd	MOUNT KISCO	10549
JJ	69.51-1-1	343 Bedford Realty, LLC	343 N Bedford Rd	MOUNT KISCO	10549
KK	69.58-1-1	Penn Central R.R.		MOUNT KISCO	10549
LL	69.58-2-1			MOUNT KISCO	10549
MM	69.50-1-3	Suburban Propane L.P.	Hubbell Rd	MOUNT KISCO	10549
NN	69.50-1-1	Kensico Park Realty, LLC	45 Kensico Dr	MOUNT KISCO	10549
OO	69.50-2-10	Martabano, John R	N Bedford Rd, Back of	MOUNT KISCO	10549
PP	69.43-2-2	John A. Martabano Trust No. 1	363 N Bedford Rd	MOUNT KISCO	10549

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333 N. BEDFORD RD BESS  
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MT. KISCO, NY 10549

PROJECT NUMBER:  
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ADJOINERS FIGURE



# SITE USE PERMIT SET

## 333 NORTH BEDFORD RD, MOUNT KISCO, NY 10549 BATTERY ENERGY STORAGE SYSTEM

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1	01/26/24				

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TITLE PAGE

### GENERAL NOTES

- AS CONTAINED HEREIN, "CONTRACTOR" IS ASSUMED TO BE THE EPC PROVIDER HIRED BY THE SYSTEM/PROJECT OWNER.
- WHEN THERE IS A CONFLICT BETWEEN THESE GENERAL NOTES AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN.
- ALL WORK SHALL CONFORM TO THE MINIMUM STANDARDS OF THE FOLLOWING: LOCAL BUILDING CODE, LOCAL ELECTRICAL CODE, ANY OTHER REGULATING AGENCIES WHICH HAVE AUTHORITY OVER ANY PORTION OF THE WORK AND THOSE CODES AND STANDARDS LISTED IN THESE DRAWINGS.
- THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEVELOPING A CONSTRUCTION LEVEL DESIGN AND ASSOCIATED DRAWINGS AND DETAILS.
- COORDINATE THESE DRAWINGS WITH SPECIFICATIONS AND MANUFACTURER INSTALLATION AND OPERATION MANUALS.
- THE EXISTING CONDITIONS REPRESENTED ON THESE PLANS ARE BASED ON PUBLICLY AVAILABLE INFORMATION AND THE SITE DISCOVERY SUMMARIZED IN THESE DRAWINGS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACCURACY OF SUCH INFORMATION AND SUPPLEMENT WITH ANY ADDITIONAL REQUIRED INFORMATION.
- UNLESS INDICATED AS EXISTING (E), ALL PROPOSED MATERIALS AND EQUIPMENT SHALL BE CONSIDERED TO BE NEW.
- ALL EQUIPMENT AND COMPONENTS SHALL BE MOUNTED IN COMPLIANCE WITH THE MANUFACTURER'S REQUIREMENTS, CONSTRUCTION DETAILS, AND/OR PRUDENT INDUSTRY STANDARDS.
- TO THE EXTENT THAT TREES AND OTHER FEATURES AFFECT THE SYSTEM'S PRODUCTION, SUCH PRODUCTION MODELING IS BASED ON THE EXISTING APPROXIMATE HEIGHTS AND LOCATIONS RELATIVE TO THE SYSTEM AND MAY BE IMPACTED AS TREES GROW AND OTHER FEATURES CHANGE.

### PROJECT SCOPE

THIS PROJECT CONSISTS OF THE INSTALLATION OF BATTERY ENERGY STORAGE EQUIPMENT, PER THE SYSTEM DESCRIPTION BELOW. THE ENERGY STORAGE MODULES WILL BE INSTALLED IN PURPOSE BUILT ENCLOSURES WITH INTEGRATED FIRE SUPPRESSION AND COOLING SYSTEMS. THE ENERGY STORAGE MODULES WILL BE WIRED IN SERIES AND PARALLEL TO ACCOMMODATE THE POWER REQUIREMENTS OF THE POWER CONVERSION SYSTEM OR DC-DC CONVERTER (DEPENDENT ON PROJECT REQUIREMENTS). THE COMBINED POWER WILL BE CONNECTED TO CERTIFIED POWER CONVERSION SYSTEMS THAT CONVERT AC/DC AND DC/AC FOR CHARGE/DISCHARGE CAPABILITIES. DC-DC CONVERTERS WILL BE USED IN DC COUPLED PROJECTS WITH ONLY CERTIFIED INVERTERS (DC/AC) DISCHARGING ENERGY TO THE GRID.

### ENERGY STORAGE SYSTEM DESCRIPTION

SYSTEM POWER CAPACITY	5000 KWAC
SYSTEM ENERGY CAPACITY	20000 KWH
POWER CONVERSION SYSTEM / INVERTER	(6) TESLA MEGAPACK2 XL

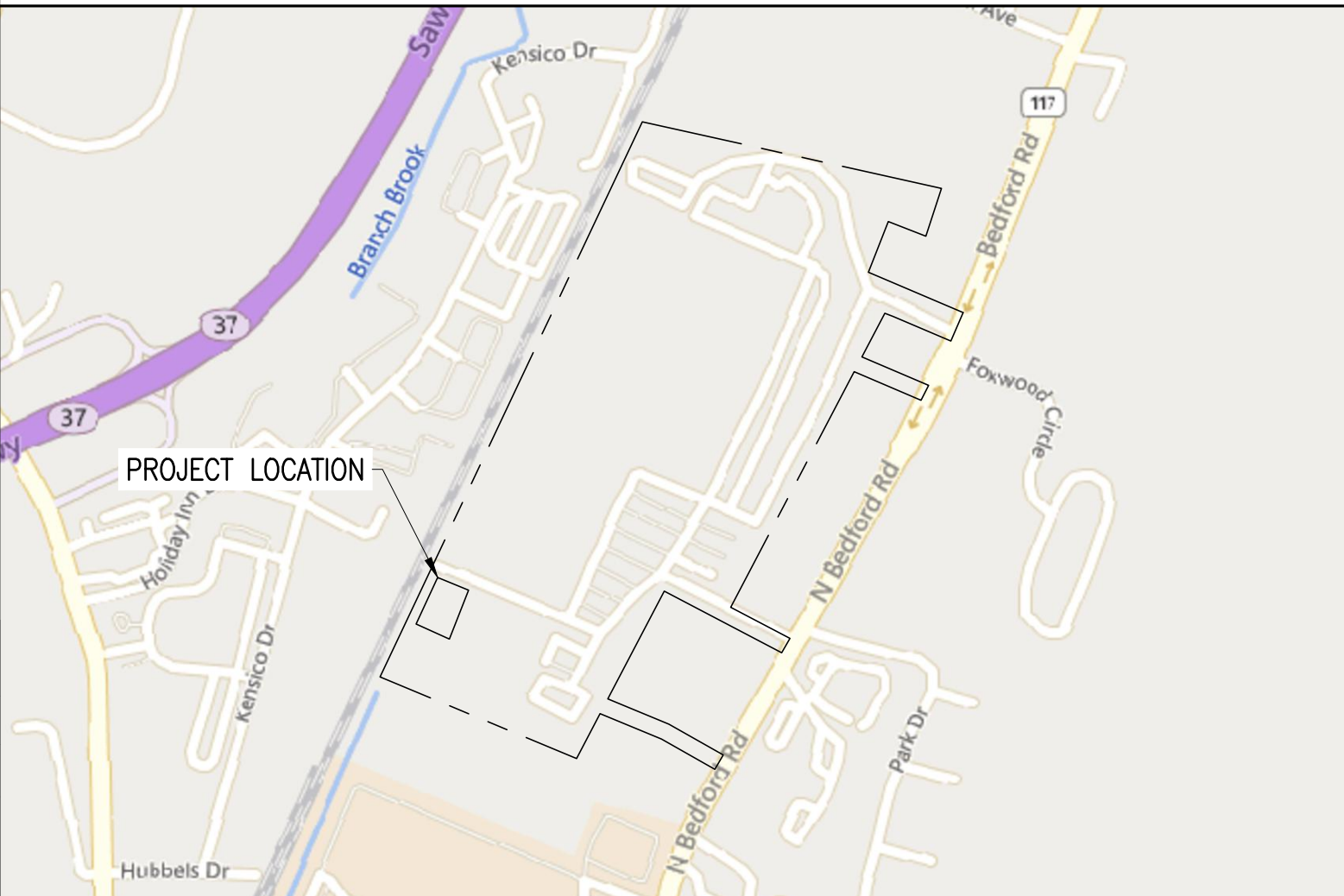
### TOTAL SYSTEM DESCRIPTION

TOTAL STORAGE POWER CAPACITY	5000 KWAC
MAXIMUM EXPORT TO UTILITY	4 HOURS AT RATED CAPACITY
STORAGE CHARGING MODE	GRID ONLY

### SPECIAL INSPECTIONS

GENERAL CONSTRUCTION SPECIAL INSPECTIONS	CODE/SECTION
1. FIRE RESISTANT PENETRATIONS AND JOINTS	BC 1704.27
2. ENERGY CODE COMPLIANCE INSPECTIONS	BC 110.3.5
FINAL	

### LOCATION MAP



### AERIAL VIEW



### APPLICABLE CODES AND STANDARDS

2017 NATIONAL ELECTRICAL CODE  
2020 BUILDING CODE OF NEW YORK STATE  
UL-1741 - INVERTERS, COMBINER BOXES  
UL-2703 - RACKING MOUNTING SYSTEMS AND CLAMPING DEVICES FOR PV MODULES  
UL-1642 - STANDARD FOR LITHIUM BATTERIES  
UL-1973 - STANDARD FOR BATTERIES FOR USE IN LIGHT ELECTRIC RAIL (LER) APPLICATIONS AND STATIONARY APPLICATION  
UL-9540 - STANDARD FOR ENERGY STORAGE SYSTEM AND EQUIPMENT  
NYSDEC GP-20-001 - NYSDEC SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITY

### PROJECT DIRECTORY

<b>SYSTEM / PROJECT OWNER</b> NORTH BEDFORD ENERGY STORAGE 1, LLC NEW LEAF ENERGY 55 TECHNOLOGY DRIVE SUITE 102 LOWELL, MA 01851	<b>CIVIL ENGINEER</b> FIRM: NEW LEAF ENERGY, INC CONTACT: CHRIS COLLET PHONE: 518-857-1527
<b>LAND OWNER / HOST</b> DP 21, LLC ATTENTION: MARK BLANDFORD 333 N. BEDFORD ROAD SUITE 145 MOUNT KISCO, NY 10549	<b>DESIGN ENGINEER</b> FIRM: NEW LEAF ENERGY, INC. CONTACT: BRIAN HUFE EMAIL: BHUFE@NEWLEAFENERGY.COM
<b>AUTHORITY HAVING JURISDICTION</b> VILLAGE OF MOUNT KISCO 104 MAIN STREET MOUNT KISCO, NY 10549	
<b>UTILITY</b> CON EDISON	

### GENERAL ABBREVIATIONS

(E) EXISTING	NS NORTH-SOUTH
AHJ AUTHORITY HAVING JURISDICTION	NTS NOT TO SCALE
AL ALUMINUM	OAE OR APPROVED EQUAL
APPROX APPROXIMATE	OC ON CENTER
ARY ARRAY	OD OUTSIDE DIAMETER
BLDG BUILDING	OFCl OWNER FURNISHED CONTRACTOR INSTALLED
NLE NEW LEAF ENERGY	PV PHOTOVOLTAIC
CL CENTERLINE	PVC POLY VINYL CHLORIDE
DAS DATA ACQUISITION SYSTEM	SCH SCHEDULE
DIA DIAMETER	SS STAINLESS STEEL
DO DITTO	SSS SOLAR SUPPORT STRUCTURE
EW EAST-WEST	STC STANDARD TEST CONDITIONS
FBO FURNISHED BY OTHERS	TBD TO BE DETERMINED
FF FORWARD FACING	TP TAMPER PROOF
GALV GALVANIZED	TYP TYPICAL
HDG HOT DIP GALVANIZED	UON UNLESS OTHERWISE NOTED
HVAC HEATING VENTILATION AND AIR CONDITIONING	VIF VERIFY IN FIELD
ID INSIDE DIAMETER	WP WEATHER PROOF
MFR MANUFACTURER	
MOD SOLAR MODULE	

REV 1.0

BOUNDARY & TOPOGRAPHIC SURVEY:  
COLLIERS ENGINEERING AND DESIGN  
SEPTEMBER 20, 2023

WETLAND STREAM AND DELINEATION REPORT:  
GEI CONSULTANTS, INC., P.C.  
MARCH 2023

SEISMIC CRITERIA  
SITE CLASS: D  
S<sub>g</sub>: 0.268  
S<sub>i</sub>: 0.07  
S<sub>ps</sub>: 0.283  
S<sub>p</sub>: 0.112

GEOTECHNICAL REPORT:  
TO BE DETERMINED

RISK CATEGORY: I  
WIND CRITERIA:  
EXPOSURE CATEGORY: C  
WIND SPEED (V): 101 MPH  
TOPOGRAPHIC FACTOR (K<sub>zt</sub>): 1.0

SNOW CRITERIA:  
GROUND SNOW (P<sub>g</sub>): 20 PSF  
MIN. FLAT ROOF SNOW (P<sub>f,min</sub>): 0 PSF  
EXPOSURE FACTOR: (C<sub>e</sub>): 1.0



## GENERAL CIVIL NOTES

## ABBREVIATIONS

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## CIVIL NOTES

- |      |  |
|------|--|
| BIT  | BITUMINOUS                               |
| BMP  | BEST MANAGEMENT PRACTICE                 |
| BWV  | BORDERING VEGETATED WETLANDS             |
| CB   | CONCRETE BOUND                           |
| CONC | CONCRETE                                 |
| CMP  | CORRUGATED METAL PIPE                    |
| CPP  | CORRUGATED PLASTIC PIPE                  |
| DH   | DRILL HOLE                               |
| DIP  | DUCTILE IRON PIPE                        |
| DMH  | DRAIN MANHOLE                            |
| ECB  | EROSION CONTROL BARRIER                  |
| FES  | FLARED END SECTION                       |
| FH   | FIRE HYDRANT                             |
| FND  | FOUND                                    |
| GG   | GAS GATE                                 |
| HDPE | HIGH-DENSITY POLYETHYLENE                |
| HW   | HEADWALL                                 |
| ILSF | ISOLATED LANDS SUBJECT TO FLOODING       |
| ISW  | IRON PIPE                                |
| ISW  | ISOLATED WETLANDS (FEDERAL JURISDICTION) |
| LA   | LANDSCAPED AREA                          |
| LOW  | LIMIT OF WORK                            |
| N/F  | NOW OR FORMERLY                          |
| NTS  | NOT TO SCALE                             |
| OCS  | OUTLET CONTROL STRUCTURE                 |
| OHW  | OVERHEAD WIRE                            |
| RCP  | REINFORCED CONCRETE PIPE                 |
| RET  | RETAINING                                |
| ROW  | RIGHT-OF-WAY                             |
| SB   | STONE BOUND                              |
| TEL  | TELEPHONE CABLE                          |
| TYP  | TYPICAL                                  |
| UP   | UTILITY POLE                             |
| WG   | WATER GATE                               |

REV 1.1

## LEGEND

- |        |                                |
|--------|--------------------------------|
|        | ROAD (GRAVEL)                  |
|        | FENCE LINE                     |
|        | PROPERTY LINE                  |
|        | FLOW DIRECTION                 |
|        | BANK LINE/FLAG                 |
|        | WETLAND LINE/FLAG              |
|        | (E) MAJOR CONTOUR              |
|        | (E) MINOR CONTOUR              |
|        | PROPOSED MAJOR CONTOUR         |
|        | PROPOSED MINOR CONTOUR         |
|        | WETLAND BUFFER ZONE            |
|        | RIVERFRONT AREA                |
|        | 100-YEAR FLOOD HAZARD AREA     |
|        | STREAM                         |
|        | STREAM BUFFER                  |
|        | TREELINE                       |
|        | EXISTING TREELINE              |
|        | SILT FENCE                     |
|        | SILT SOCK                      |
|        | STORM PIPE                     |
|        | ELECTRICAL TRENCH              |
|        | OVERHEAD ELECTRIC              |
|        | SEWER LINE                     |
|        | WATER LINE                     |
|        | GAS MAIN                       |
| 23-23A | ASSESSORS MAP—LOT              |
|        | SIGN                           |
|        | UTILITY POLE (WITH GUY ANCHOR) |
|        | HYDRANT                        |
|        | WATER VALVE                    |
|        | INDIVIDUAL TREE                |
| FOUND  | PROPERTY MARKERS               |

NOTE: ITALIC FONTS INDICATE EXISTING CONDITIONS.  
STANDARD FONTS INDICATE PROPOSED CONDITIONS.

## APPROVALS

1. SITE PLAN APPROVAL DATED MONTH DAY, 20\_\_.
2. SEQR NEGATIVE DECLARATION DATED MONTH DAY, 20\_\_.
3. THIS PROJECT IS LOCATED WITHIN THE NYC WATERSHED AND REQUIRES PREPARATION OF A STORMWATER MANAGEMENT POLLUTION PREVENTION PLAN (SWPPP.)

## GENERAL NOTES

1. AS CONTAINED HEREIN, "CONTRACTOR" IS ASSUMED TO BE THE EPC PROVIDER HIRED BY THE SYSTEM OWNER. "SUBCONTRACTOR" IS THE EPC PROVIDER'S INSTALLATION SUBCONTRACTORS (INCLUDING SITE WORK SUBCONTRACTOR) AND CIVIL ENGINEER OF RECORD (CEOR) IS THE EPC PROVIDER'S DESIGNATED CIVIL ENGINEER.
2. EXISTING CONDITIONS ALTA SURVEY INFORMATION WAS PREPARED BY COLLIER'S ENGINEERING AND DESIGN DATED SEPTEMBER 20, 2023. HORIZONTAL DATUM IS REFERENCED TO THE NAD83. VERTICAL DATUM IS REFERENCED TO NAVD88.
3. THERE IS NO GUARANTEE THAT ALL THE EXISTING UTILITIES, WHETHER FUNCTIONAL OR ABANDONED WITHIN THE PROJECT LIMITS ARE ON THIS DRAWING. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UNDERGROUND UTILITIES BEFORE STARTING WORK AND SHALL BE RESPONSIBLE FOR ALL DAMAGE RESULTING FROM THIS WORK. A DIG SAFELY NEW YORK TICKET NUMBER INDICATING ALL EXISTING UTILITIES HAVE BEEN LOCATED AND MARKED SHALL BE OBTAINED PRIOR TO COMMENCING WORK. CONTACT "DIG SAFELY NEW YORK" AT 1-800-962-7962 AND PROVIDE 72 HOURS NOTICE TO RECEIVE A TICKET NUMBER.
4. THE LOCATION, SIZE, DEPTH, AND SPECIFICATIONS FOR CONSTRUCTION OF PRIVATE UTILITY SERVICES SHALL BE INSTALLED ACCORDING TO THE REQUIREMENTS PROVIDED BY, AND APPROVED BY, THE RESPECTIVE ELECTRIC UTILITY COMPANY. THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF THE UTILITY CONNECTIONS WITH THE RESPECTIVE COMPANIES PRIOR TO ANY UTILITY CONSTRUCTION.
5. THE SUBCONTRACTORS SHALL VERIFY ALL EXISTING CONDITIONS IN THE FIELD AND REPORT TO THE CONTRACTOR.
6. VILLAGE/TOWN APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES.
7. SUBCONTRACTOR(S) SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH ALL CONSTRUCTION DOCUMENTS, SPECIFICATIONS, AND SITE CONDITIONS PRIOR TO BIDDING AND PRIOR TO CONSTRUCTION.
8. ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATIONS, AND SITE CONDITIONS SHALL BE REPORTED IMMEDIATELY TO THE CONTRACTOR/CEOR FOR CLARIFICATION AND RESOLUTION PRIOR TO BIDDING OR CONSTRUCTION.
9. AREAS USED AS FOR PARKING DURING CONSTRUCTION SHALL BE RESTORED TO PRE-CONSTRUCTION CONDITIONS INCLUDING, BUT NOT LIMITED TO, REGRADING, LOAMING AND SEEDING. IN NO CASE SHALL PARKING AREAS, LAYDOWN AREAS, CONSTRUCTION TRAILERS, AND PORTABLE TOILETS BE LOCATED WITHIN A WETLAND RESOURCE AREA AND/OR ANY BUFFER ZONES.

## SITE PREPARATION NOTES

1. AREAS DESIGNATED FOR TREE CLEARING SHALL BE CLEARED ONLY. NO GRUBBING OR STRIPPING OF TOPSOIL IS NECESSARY, UNLESS SPECIFICALLY SHOWN OTHERWISE AND APPROVAL HAS BEEN GIVEN BY THE CONTRACTOR.
2. TREE CLEARING AND STUMP REMOVAL SHALL BE IN ACCORDANCE WITH APPROVED LOCAL, STATE, AND FEDERAL PERMITS. TREES TO BE REMOVED SHALL BE MARKED BY THE CONTRACTOR'S PROJECT MANAGER OR SITE SUPERINTENDENT PRIOR TO COMMENCEMENT OF WORK ON-SITE.
3. SEASONAL TREE CLEARING RESTRICTIONS MAY BE REQUIRED FOR ENDANGERED SPECIES PROTECTION. THE CONTRACTOR SHALL REFER TO THE TREE CLEARING PLAN FOR ANY RESTRICTIONS.
4. THE SUBCONTRACTOR(S) IS/ARE RESPONSIBLE FOR ANY DAMAGE TO EXISTING SITE CONDITIONS TO REMAIN THAT ARE DUE TO SUBCONTRACTOR(S) OPERATIONS.
5. ITEMS TO BE REMOVED THAT ARE NOT STOCKPILED FOR LATER REUSE ON THE PROJECT OR DELIVERED TO THE OWNER SHALL BE LEGALLY DISPOSED OF OFF SITE BY THE SUBCONTRACTOR(S).
6. THE SUBCONTRACTOR(S) SHALL BE RESPONSIBLE FOR COORDINATING THEIR EFFORTS WITH ALL TRADES.
7. THE SUBCONTRACTOR(S) SHALL COORDINATE ALL ADJUSTMENT OR ABANDONMENT OF UTILITIES WITH THE RESPECTIVE UTILITY COMPANY.
8. TEMPORARY CONSTRUCTION HAUL ROADS SHALL BE USED DURING CONSTRUCTION IF DEEMED NECESSARY BY THE CONTRACTOR. THE USE OF SEPARATION FABRICS SHALL BE USED TO FACILITATE FUTURE REMOVAL AND RECOVERY OF GRANULAR MATERIALS. HAUL ROADS SHALL BE MAINTAINED DURING CONSTRUCTION WITH APPROPRIATE EROSION CONTROL AND STORMWATER REDUCTION MEASURES. ONCE REMOVED, THE SUB-BASE AREA SHOULD BE DECOMPACTED WITH A YORK RAKE, LOAM REPLACED, AND RESEDED.
9. THE SITE ACCESS ROADS ARE DESIGNED TO MEET STATE FIRE CODE FOR FIRE TRUCK ACCESS. MEANS AND METHODS FOR ACCOMMODATING LARGER CONSTRUCTION DELIVERY VEHICLES MUST BE DETERMINED BY THE CONTRACTOR.
10. THE PROPOSED ROAD DESIGN SHOWN IN THESE PLANS SHALL BE CONSIDERED THE FINAL DESIGN CONDITION. ADDITIONAL MEANS AND METHODS OF CONSTRUCTION DEEMED NECESSARY BY THE OWNER OR CONTRACTOR SHALL BE DESIGNED BY OTHERS AND INCLUDED IN THE INITIAL EPC BID PRICE (INCLUDING, BUT NOT LIMITED TO: TEMPORARY HAUL ROADS, WIDENED OR LENGTHENED ROADS AND TURN OUT AREAS FOR LARGER CONSTRUCTION AND DELIVERY VEHICLES, TEMPORARY PARKING AND LAYDOWN AREAS, MODIFIED GRADING TO SUPPORT CONSTRUCTION AND DELIVERY VEHICLES, ETC.).
11. PROJECT LOCATION IS WITHIN THE EAST HUDSON WATERSHED. PREPARATION OF A SWPPP AND PERMITTING UNDER GP-0-20-001 IS REQUIRED.

## EROSION AND SEDIMENT CONTROL MEASURES

1. A SPDES PERMIT SHALL BE IN PLACE PRIOR TO COMMENCING ANY EARTH DISTURBANCE.
2. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR DISTURBANCE AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS. THE SMALLEST PRACTICAL AREA OF LAND SHALL BE EXPOSED AT ANY ONE TIME.
3. SEDIMENT BARRIERS SHALL BE INSPECTED AND APPROVED BY THE VILLAGE/TOWN OF MOUNT KISCO OR THEIR REPRESENTATIVE AND THE CONTRACTOR/CEOR BEFORE CONSTRUCTION BEGINS.
4. STRAW BALES AND MULCH SHALL BE MOWINGS OF ACCEPTABLE HERBACEOUS GROWTH, FREE OF NOXIOUS WEEDS OR WOODY STEMS, AND SHALL BE DRY WHEN INSTALLED.
5. DISTURBED AREAS SHALL BE BLANKETED OR SEEDED AND MULCHED AS SOON AS PRACTICAL AFTER CONSTRUCTION ACTIVITIES IN THAT AREA HAVE CONCLUDED. ALL ERODABLE/BARE AREAS SHALL BE BLANKETED OR SEEDED AND MULCHED WITHIN 7 DAYS WITH TEMPORARY EROSION CONTROL SEEDING.
9. PRIOR TO SEEDING, ACCESS AISLES, TEMPORARY STAGING, STORAGE, AND PARKING AREAS ARE TO BE DE-COMPACTED AND RESTORED PER THE SWPPP.
10. STABILIZE SLOPES GREATER THAN 3:1 (HORIZONTAL: VERTICAL) WITH SEED, SECURED GEOTEXTILE FABRIC, SPRAYED COMPOST BLANKET, OR RIP-RAP AS REQUIRED TO PREVENT EROSION DURING CONSTRUCTION.
11. SEDIMENT BARRIERS SHALL BE CONSTRUCTED AROUND ALL SOIL STOCKPILE AREAS.
12. CLEAN OUT PROJECT DRAINAGE FEATURES AND STRUCTURES (I.E. CULVERTS, BASINS, SWALES, ETC.) AFTER COMPLETION OF CONSTRUCTION.
13. SEDIMENT COLLECTED DURING CONSTRUCTION BY THE VARIOUS EROSION CONTROL SYSTEMS SHALL BE DISPOSED OF ON THE SITE ON A REGULAR BASIS. SEDIMENT SHALL BE REMOVED FROM EROSION CONTROL SYSTEMS WHEN THE HEIGHT OF THE SEDIMENT EXCEEDS ONE-HALF OF THE HEIGHT OF THE SEDIMENT CONTROL MEASURE.
14. AFTER ALL DISTURBED AREAS HAVE BEEN FULLY STABILIZED, THE SUBCONTRACTOR(S) SHALL REMOVE ALL

TEMPORARY EROSION CONTROL MEASURES AT THE CONTRACTOR/CEOR DIRECTION.

15. AFTER THE REMOVAL OF TEMPORARY EROSION CONTROL MEASURES, THE SUBCONTRACTOR(S) SHALL GRADE AND SEED AREA OF TEMPORARY EROSION CONTROL MEASURE.
16. DAMAGED OR DETERIORATED EROSION AND SEDIMENT CONTROL ITEMS WILL BE REPAIRED IMMEDIATELY AFTER IDENTIFICATION OR AS DIRECTED BY THE CONTRACTOR/CEOR.
17. THE TRAINED CONTRACTOR SHALL INSPECT EROSION AND SEDIMENT CONTROL PRACTICES AND POLLUTION PREVENTION MEASURES BEING IMPLEMENTED WITHIN THE ACTIVE WORK AREA DAILY TO ENSURE THAT THEY ARE BEING MAINTAINED IN EFFECTIVE OPERATING CONDITION AT ALL TIMES. IF DEFICIENCIES ARE IDENTIFIED, THE CONTRACTOR SHALL BEGIN IMPLEMENTING CORRECTIVE ACTIONS WITHIN ONE BUSINESS DAY AND SHALL COMPLETE THE CORRECTIVE ACTIONS IN A REASONABLE TIME FRAME.
18. THE OWNER/OPERATOR SHALL HAVE THE QUALIFIED INSPECTOR CONDUCT INSPECTIONS ONCE EVERY SEVEN CALENDAR DAYS FOR SITE DISTURBANCES LESS THAN FIVE ACRES. FOR SITES WHICH HAVE RECEIVED AUTHORIZATION FROM NYSDEC TO DISTURB FIVE ACRES OR MORE, THE QUALIFIED INSPECTOR SHALL CONDUCT INSPECTIONS TWICE EVERY SEVEN CALENDAR DAYS WITH NO LESS THAN TWO DAYS SEPARATING THE INSPECTIONS.
19. PIPE OUTLETS (IF ANY) SHALL BE STABILIZED WITH STONE. REFER TO DETAILS.
20. WATER PUMPED OR OTHERWISE DISCHARGED FROM THE SITE DURING CONSTRUCTION DEWATERING SHALL BE DISCHARGED TO AN APPROPRIATE SEDIMENT TRAPPING DEVICE.
21. WHEN TEMPORARY DRAINAGE IS ESTABLISHED, EROSION/SEDIMENTATION CONTROL MEASURES MAY BE REQUIRED BY CONTRACTOR/CEOR.
22. GRAVEL ROADS, ACCESS DRIVES, PARKING AREAS OF SUFFICIENT WIDTH AND LENGTH, AND VEHICLE WASH DOWN FACILITIES, SHALL BE PROVIDED TO PREVENT SOIL FROM BEING TRACKED ONTO PUBLIC OR PRIVATE ROADWAYS. ANY SOIL REACHING A PUBLIC OR PRIVATE ROADWAY SHALL BE REMOVED BEFORE THE END OF EACH WORKDAY.
23. NECESSARY MEASURES SHALL BE TAKEN TO CONTAIN ANY FUEL OR POLLUTION RUNOFF. NO RE-FUELING SHALL OCCUR WITHIN 100 FEET OF ANY WETLAND RESOURCE AREA AND 200 FEET FROM RIVERFRONT. LEAKING EQUIPMENT OR SUPPLIES SHALL BE IMMEDIATELY REPAIRED OR REMOVED FROM THE SITE.
24. THE COST OF REPAIRING EROSION CONTROL MEASURES OR REMOVING SEDIMENT FROM EROSION CONTROL SYSTEMS SHALL BE INCLUDED IN THE CONTRACT UNIT PRICE FOR THE APPLICABLE EROSION CONTROL ITEM.
25. EROSION CONTROL MEASUREMENTS SHALL BE KEPT OPERATIONAL AND MAINTAINED CONTINUOUSLY THROUGHOUT THE PERIOD OF LAND DISTURBANCE UNTIL PERMANENT SEDIMENT AND EROSION CONTROL MEASURES ARE OPERATIONAL.
26. CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT DUST FROM FORMING.
27. EROSION CONTROL MEASURES AS SHOWN ON THESE DRAWINGS IS INTENDED TO CONVEY MINIMUM REQUIREMENTS. THE CONTRACTOR SHALL IMPLEMENT ADDITIONAL MEASURES AS NECESSARY TO PREVENT SOIL EROSION AND TO COMPLY WITH THE PROJECT'S SPDES PERMIT STORMWATER POLLUTION PREVENTION PLAN.

## LAYOUT AND MATERIAL NOTES

1. THE CONTRACTOR SHALL HAVE PERIMETER FENCE, ELECTRICAL TRENCHES, AND RACKING STAKED OUT BY A LICENSED LAND SURVEYOR PRIOR TO ANY INSTALLATION OF RACKING OR TRENCHES.
2. EXCESS TRENCH MATERIAL SHALL BE PLACED ON THE SIDES OF THE TRENCH AND PLACED AT OR NEAR THE SAME LOCATION AS WHERE EXCAVATED. AFTER TRENCH HAS BEEN BACKFILLED TOPSOIL REMOVED SHALL BE PLACED ON TOP AND LIGHTLY COMPACTED.
3. SUBCONTRACTOR SHALL INSTALL CONDUITS FOR ALL ELECTRIC CONDUIT CROSSINGS PRIOR TO INSTALLATION OF THE GEOGRID MATERIAL. THE GEOGRID SHALL NOT BE HORIZONTALLY CUT UNLESS INSTALLED.

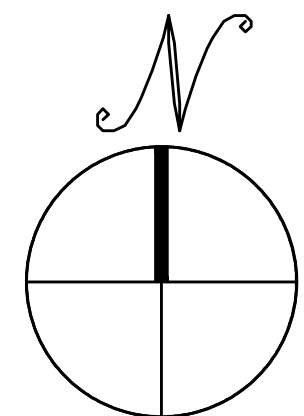
## GRADING NOTES

1. WHERE PROPOSED GRADES MEET EXISTING GRADES, SUBCONTRACTOR(S) SHALL BLEND GRADES TO PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING AND NEW WORK. PONDING AT TRANSITION AREAS WILL NOT BE ALLOWED.
2. CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM ALL BUILDING FOUNDATIONS, STRUCTURES, PUBLIC ROADWAYS, AND ELECTRICAL EQUIPMENT AREAS.

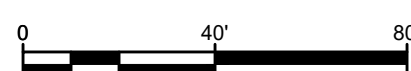
## PLANTING NOTES

1. THE LANDSCAPE CONTRACTOR SHALL SUPPLY ALL PLANT MATERIALS IN QUANTITIES SUFFICIENT TO COMPLETE ALL PLANTINGS SHOWN ON THE DRAWINGS.
2. MATERIALS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION.
3. PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISH GRADE AS TO ORIGINAL GRADES BEFORE DIGGING.
4. PLANTS TO BE BALLED IN BURLAP OR CONTAINERIZED.
5. PLANT SIZE AND QUANTITY SHALL NOT CHANGE WITHOUT APPROVAL OF CONTRACTOR/CEOR.





SCALE: 1" = 40'



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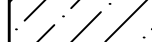
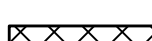
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## EXISTING CONDITIONS PLAN





LEGEND		
	TREE CUTTING, STUMPS REMAIN	= 0.00 AC
	TREE CLEARING AND= GRUBBING	0.30 AC
TOTAL		= 0.30 AC

NOTES:

TREE CLEARING IT NOT WITHIN PRIMARY TREE PROTECTION ZONE,  
SECONDARY PROTECTION ZONE OR PUBLIC ROW AS DESIGNATED BY  
THE VILLAGE/TOWN OF MT. KISCO CODE.

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1	01/26/24			ZONING BOARD OF APPEALS- SUB #1

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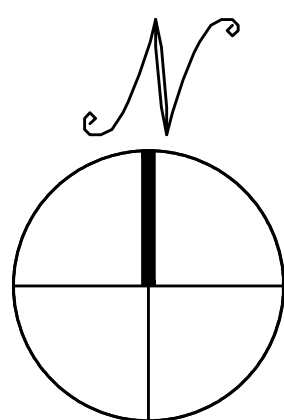
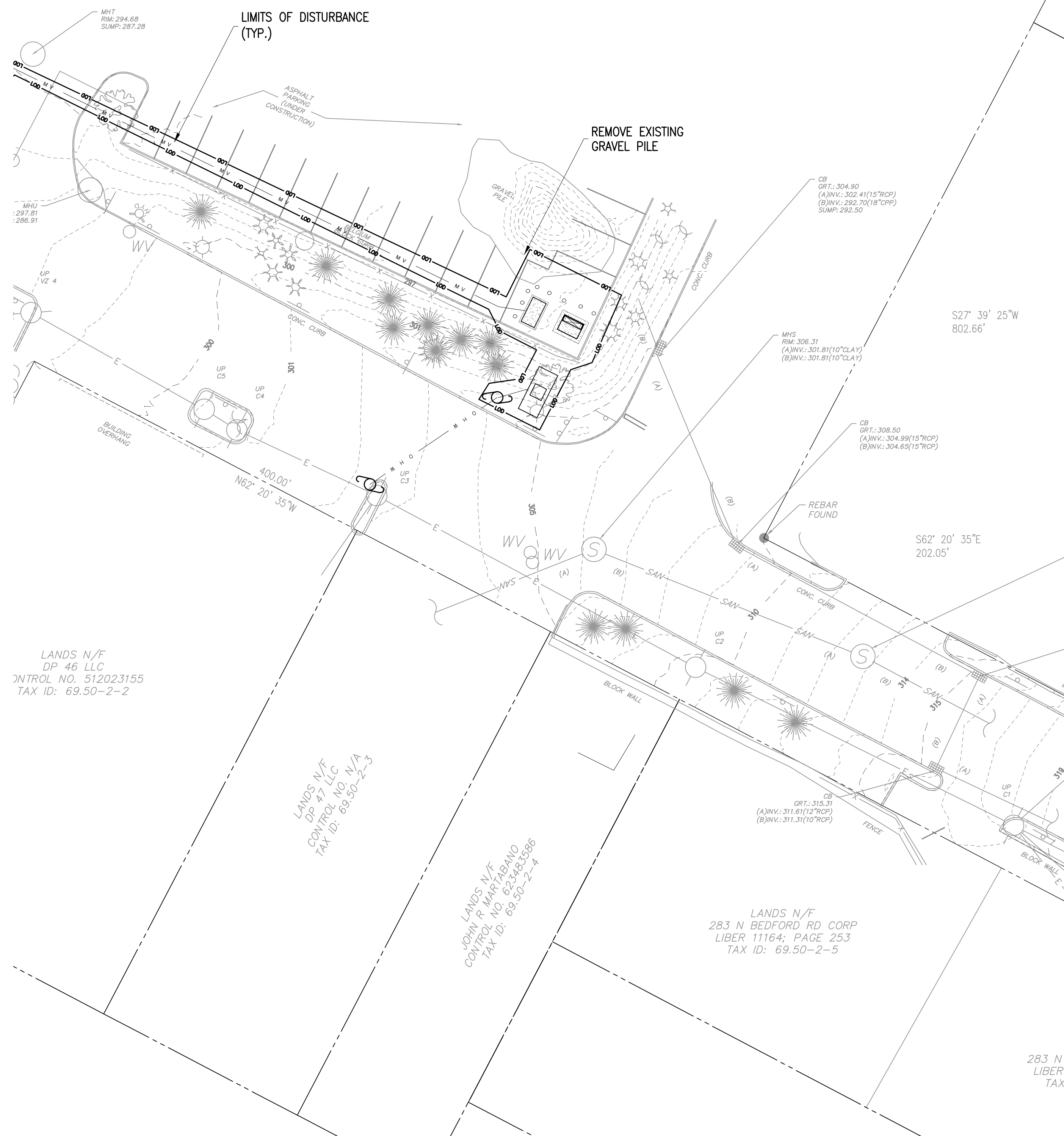
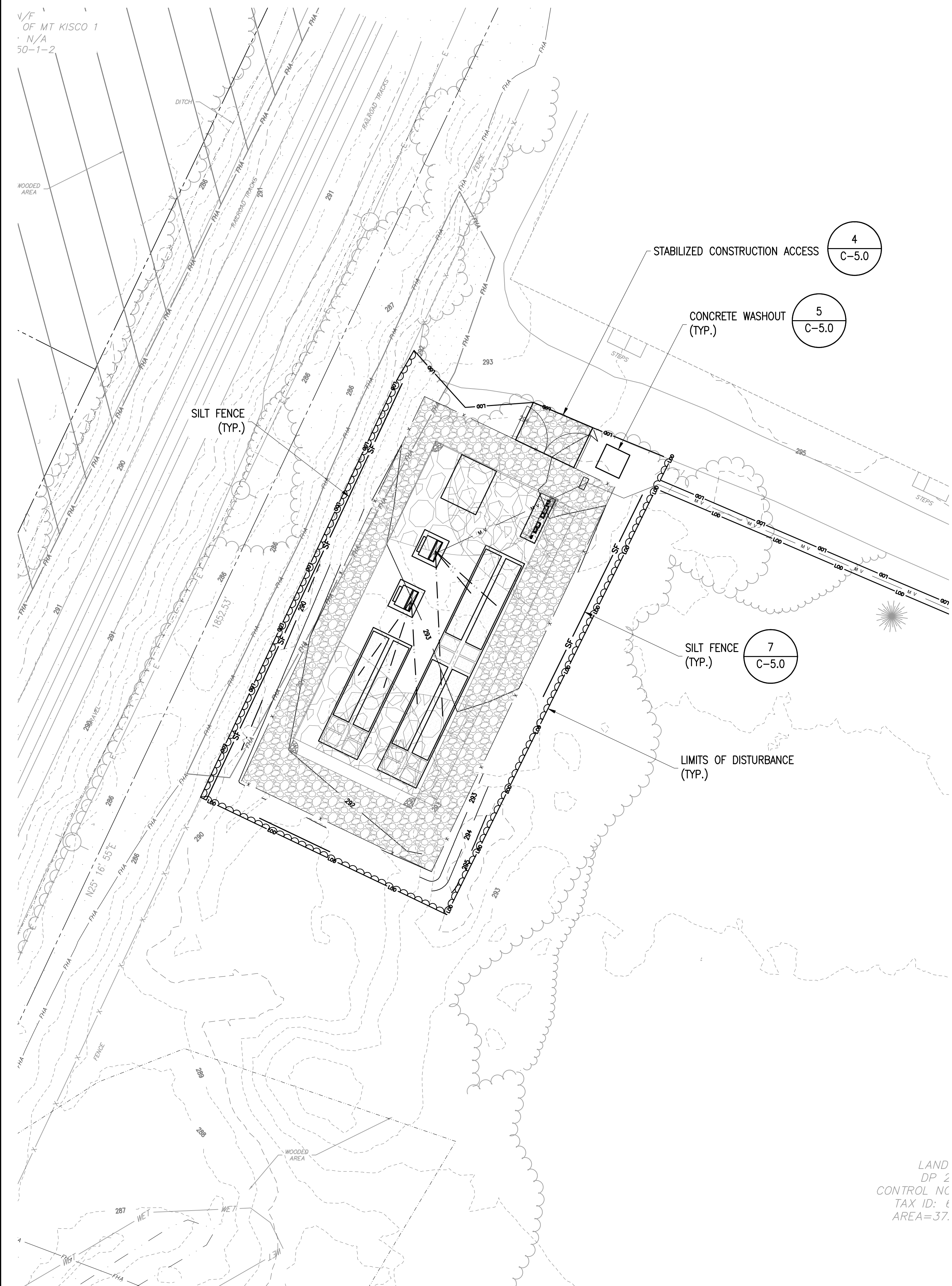
CM PROJECT NUMBER 123-291
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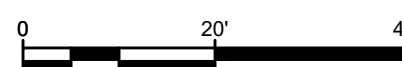
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## GRADING AND EROSION CONTROL PLAN

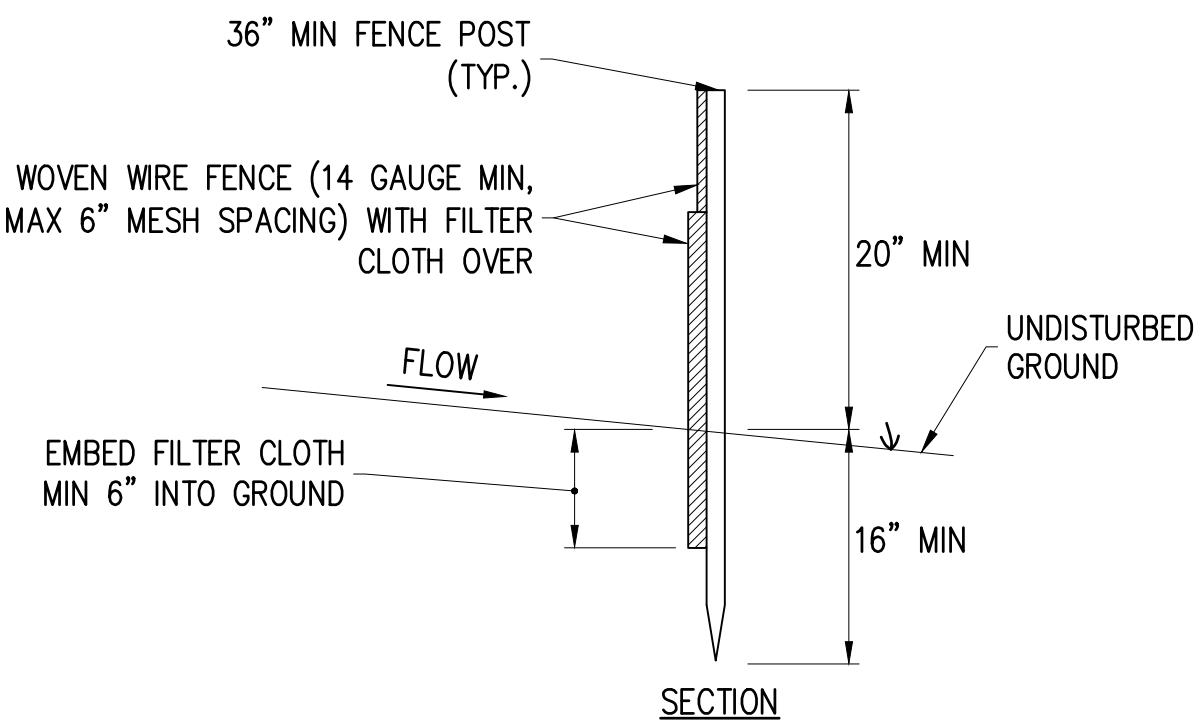
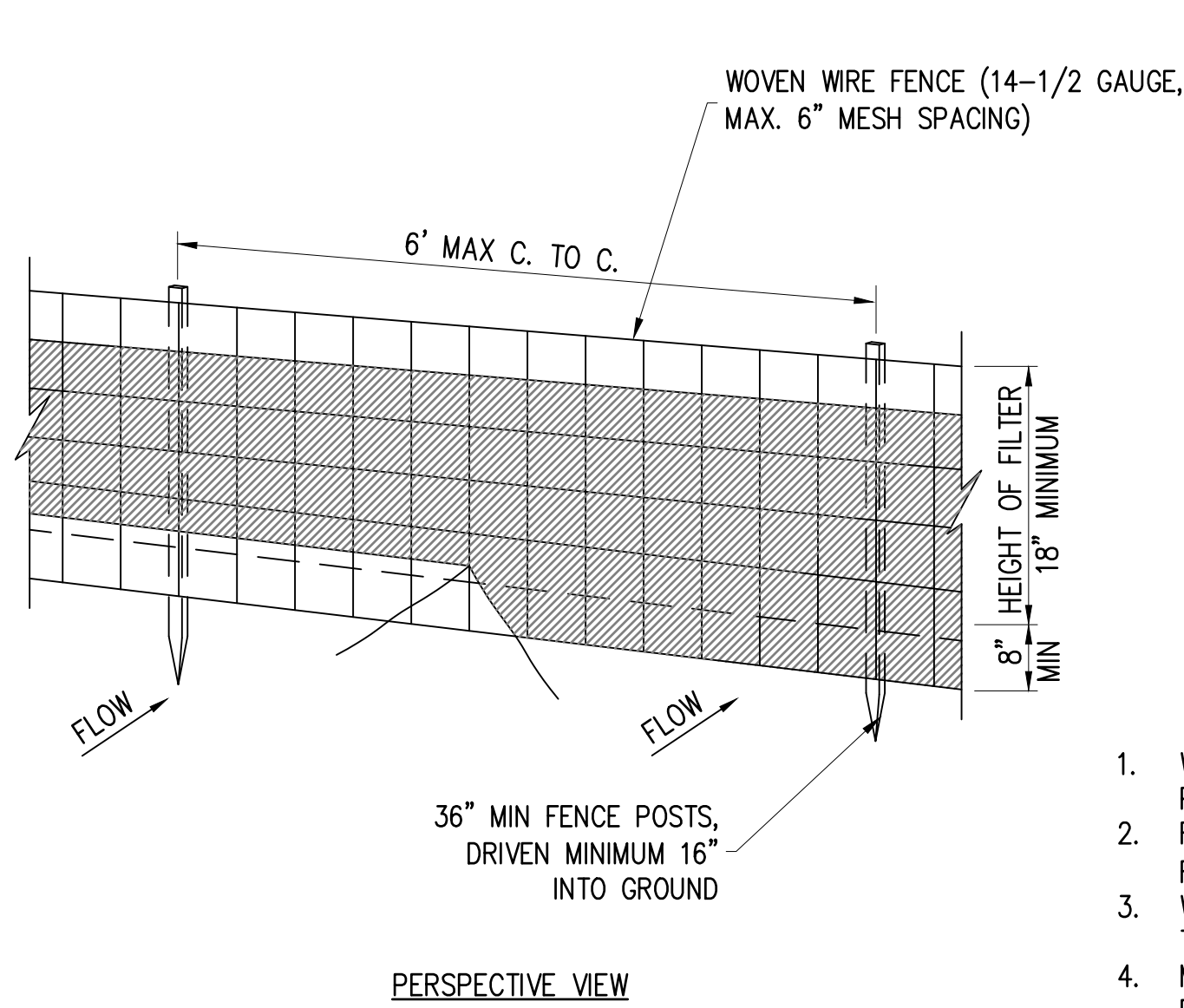


# GRADING AND EROSION CONTROL PLAN

SCALE: 1" = 20'





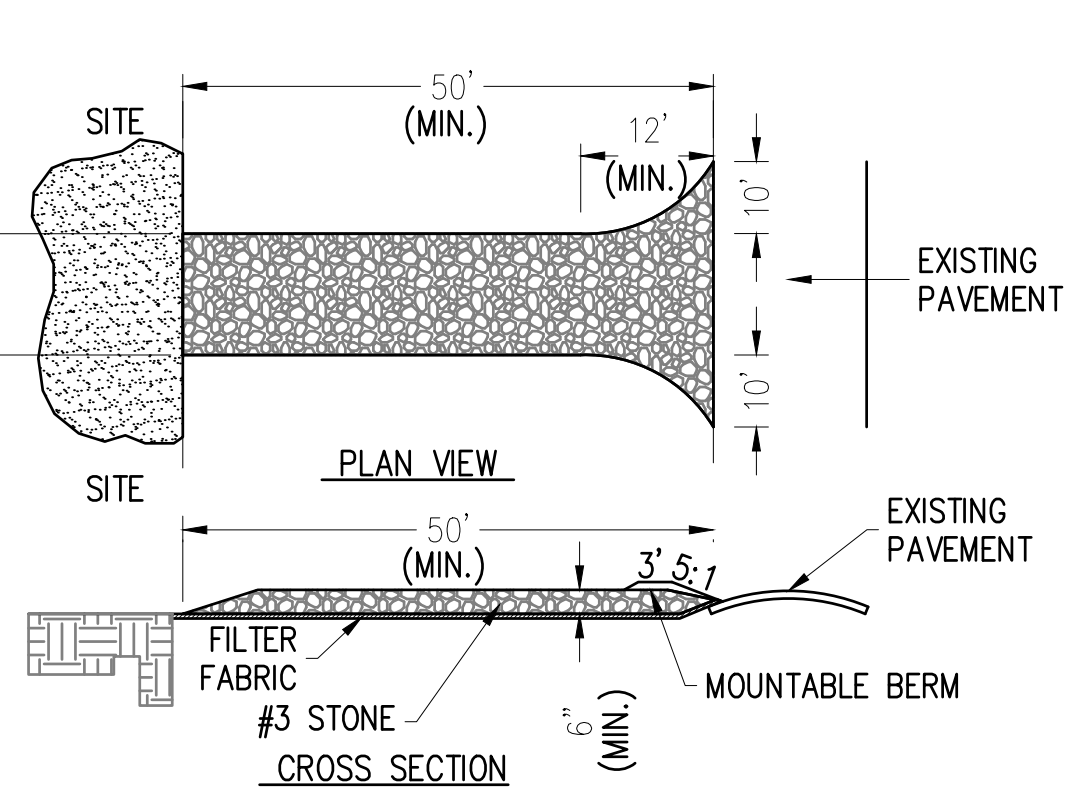


- CONSTRUCTION NOTES FOR FABRICATED SILT FENCE**
- WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH WIRE TIES OR STAPLES.
  - FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID SECTION.
  - WHEN TWO SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER, THEY SHALL BE OVERLAPPED BY SIX INCHES AND FOLDED.
  - MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE.

POSTS: STEEL, EITHER T OR U TYPE OR 2" HARDWOOD  
FENCE: WOVEN WIRE, 14 GAUGE 6" MAX. MESH OPENING  
FILTER CLOTH: FILTER X, MIRAFI 100X, STABILINKA T140N OR APPROVED EQUAL  
PREFABRICATED UNIT: GEOFAB, ENVIROFENCE, OR APPROVED EQUAL

## SILT FENCE DETAIL

SCALE: NTS  
XD\_CIVIL\_SILT-FENCE-DETAIL 03-07-2016

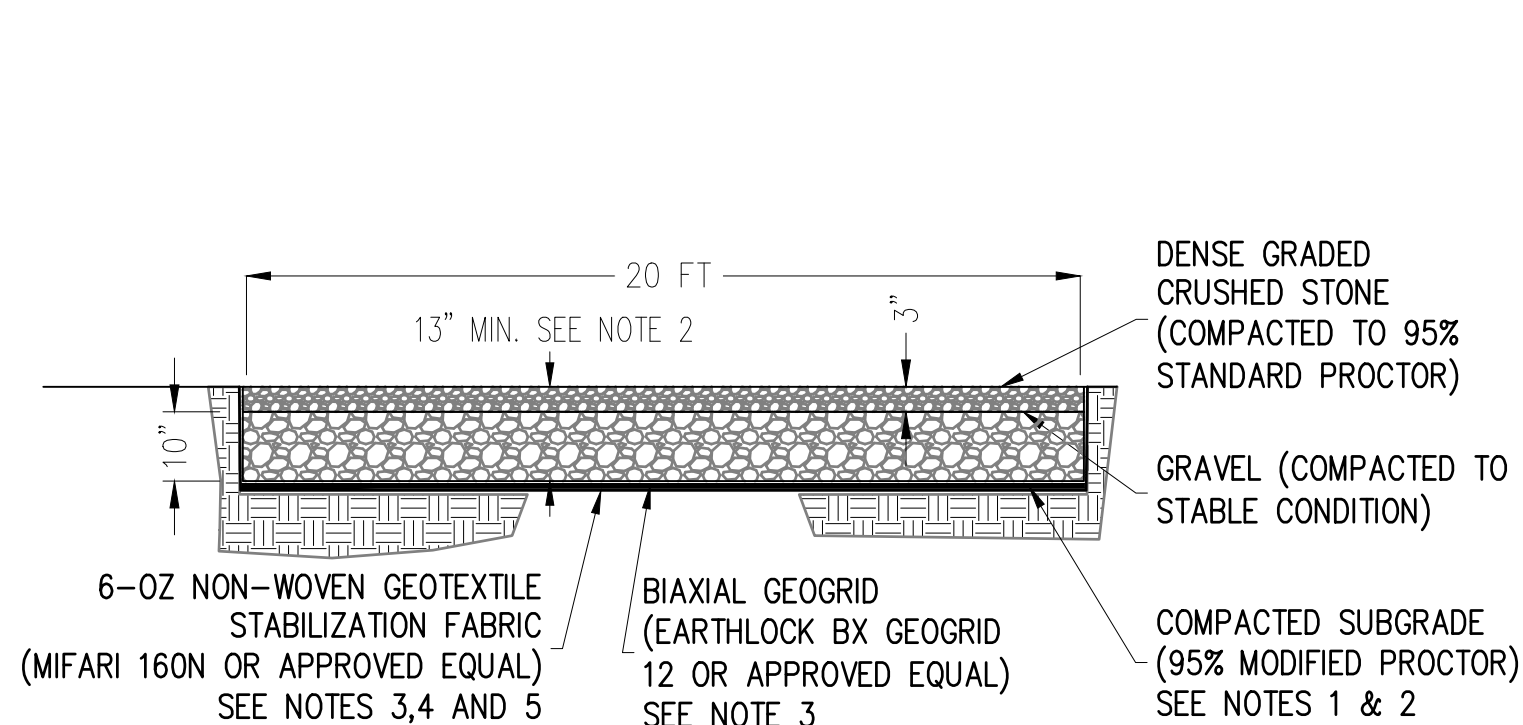


NOTES:

- STONE SIZE - USE NYSDOT 703-0201 SIZE DESIGNATION #3 STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
- LENGTH- NOT LESS THAN 50 FEET.
- THICKNESS- NOT LESS THAN 6 INCHES.
- WIDTH- NOT LESS THAN 12 FEET WHERE MORE THAN ONE (1) ACCESS POINT TO THE SITE. WHERE ONE (1) ACCESS POINT A MINIMUM OF 24 FEET IS REQUIRED.
- GEOTEXTILE- SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
- SURFACE WATER- SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
- MAINTENANCE- THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.
- WHEN WHEEL WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
- PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN.

## STABILIZED CONSTRUCTION ACCESS

SCALE: NTS  
XD\_CIVIL\_TEMPORARY CONSTRUCTION-STABILIZED CONSTRUCTION EXIT\_JY 2019-04-02

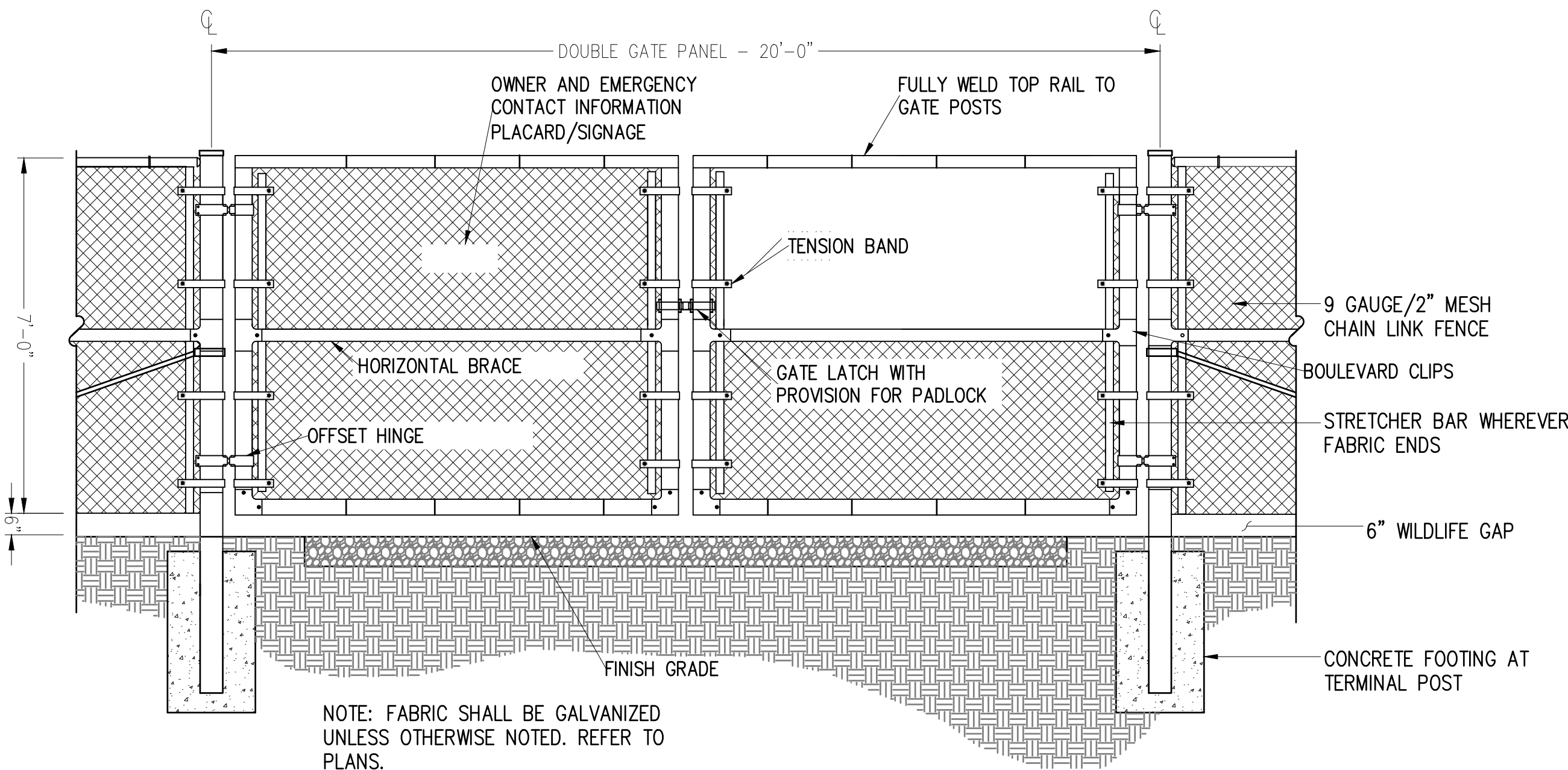


NOTES:

- SUBCONTRACTOR SHALL EXCAVATE TO SUITABLE MATERIAL FOR SUBGRADE.
- SUBCONTRACTOR SHALL COMPACT SUBGRADE TO PROVIDE SUITABLE SURFACE TO PLACE ROAD. REFER TO GEOTECHNICAL REPORT FOR SUBGRADE PREPARATION CRITERIA.
- SUBCONTRACTOR SHALL FOLLOW MANUFACTURER INSTALLATION PROCEDURES.
- WHERE OVERLAPPING OF GEOTEXTILE FABRIC IS REQUIRED, SUBCONTRACTOR SHALL OVERLAP A MINIMUM OF 24".
- SUBCONTRACTOR SHALL REMOVE TEMPORARY CONSTRUCTION ACCESS ROADS, AND RESTORE TO PRE-CONSTRUCTION CONDITIONS TO THE SATISFACTION OF THE CEOR AND THE GOVERNING AGENCIES.
- SUBCONTRACTOR SHALL INSTALL CONDUITS FOR ALL ELECTRICAL CONDUIT CROSSINGS PRIOR TO INSTALLATION OF THE GEOGRID MATERIAL. THE GEOGRID SHALL NOT BE HORIZONTALLY CUT ONCE INSTALLED.

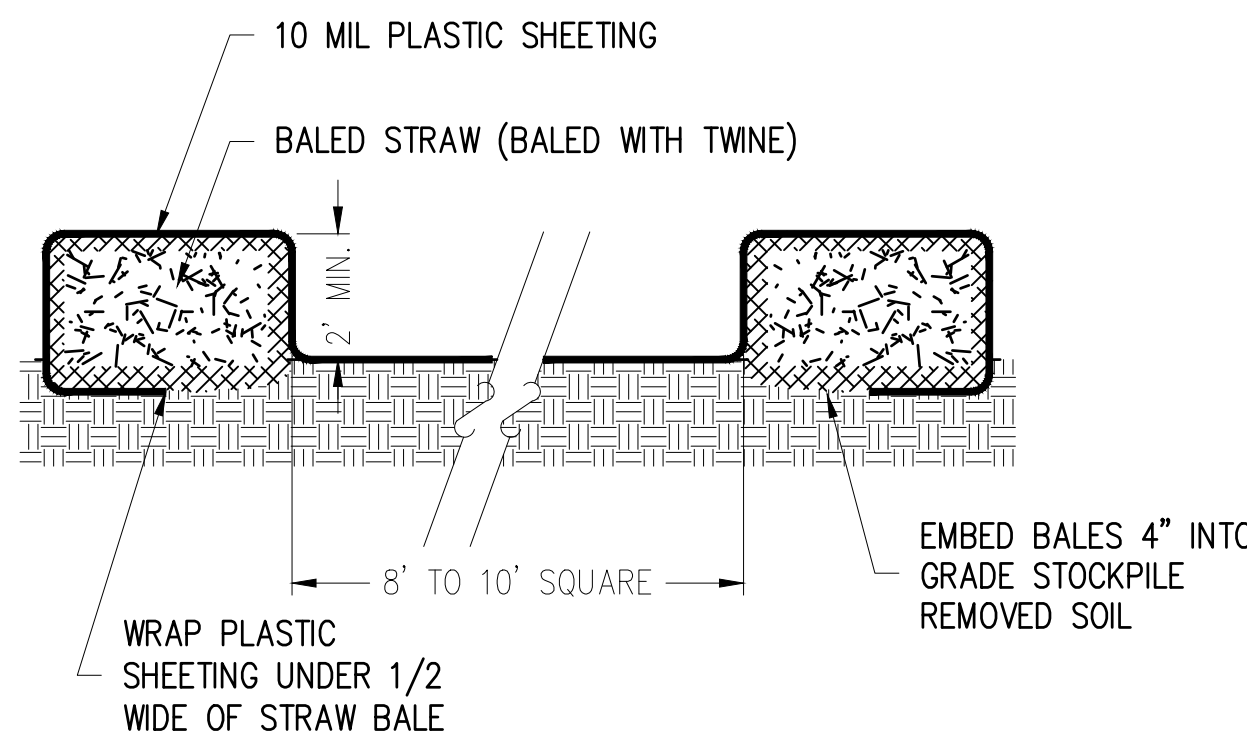
## GRAVEL ACCESS ROAD

SCALE: NTS  
XD\_CIVIL\_GRAVEL\_ROAD\_LI 04-30-2019



## VEHICLE GATE WITH WILDLIFE GAP

SCALE: NTS  
XD\_CIVIL\_FENCE\_VEHICLE\_GATE\_7 07-02-2020

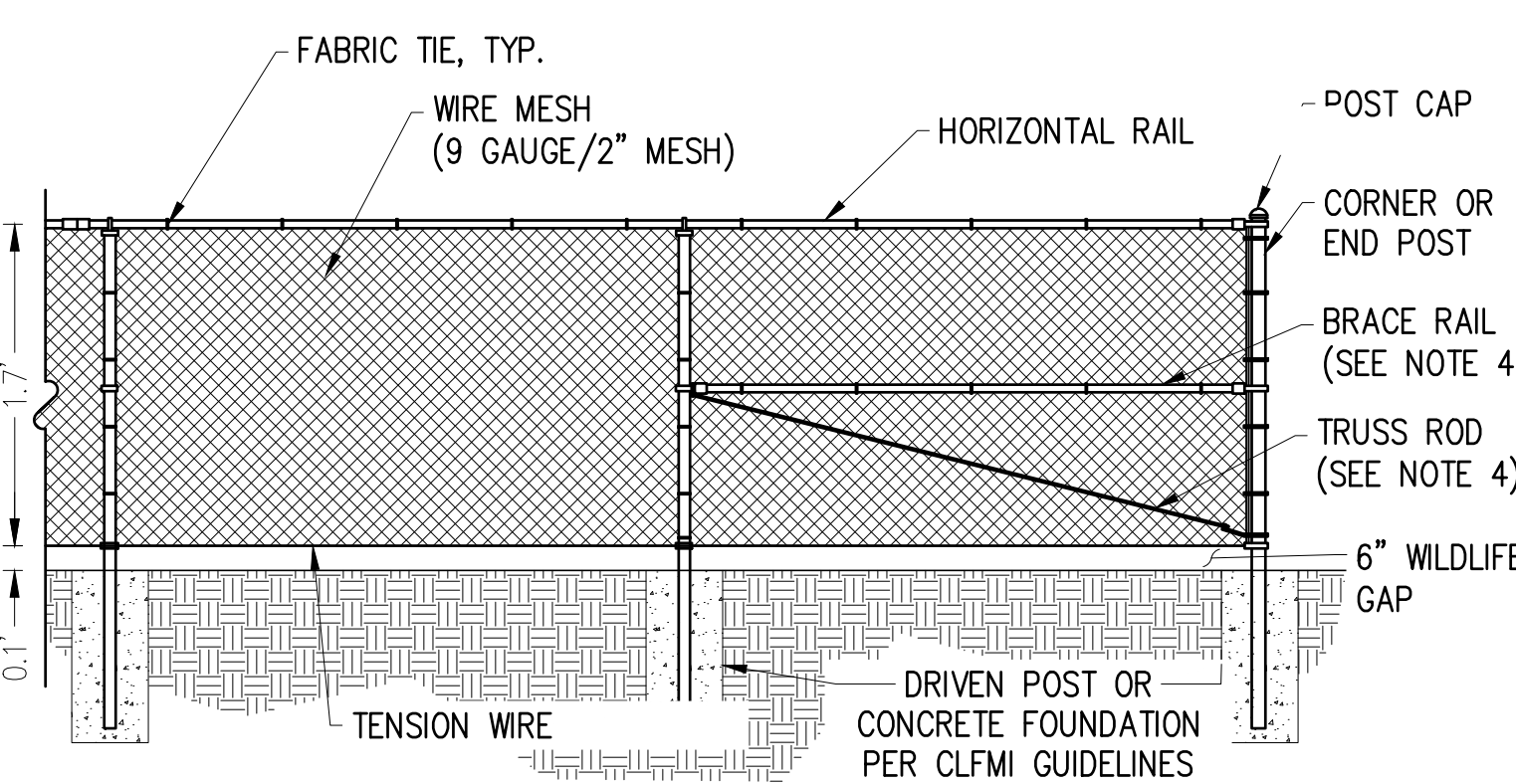


NOTES:

- BASIN SHALL BE INSPECTED DAILY.
- PLASTIC SHEETING SHALL BE FREE OF TEARS OR HOLES. DAMAGED OR LEAKING BASINS SHALL BE REPLACED OR REPAIRED IMMEDIATELY.
- ACCUMULATED HARDENED MATERIAL SHALL BE REMOVED WHEN 75% OF THE STORAGE CAPACITY OF THE BASIN IS FILLED. WASHWATER FROM WASHOUT BASIN SHALL EVAPORATE OR BE VACUUMED OUT. REMOVE REMAINING HARDENED SOLIDS. REPLACE PLASTIC SHEETING WITH EACH CLEANING. REPLACE STRAWBALES AS REQUIRED.
- DISPOSE OF HARDENED MATERIAL OFF-SITE OR PER THE PROJECTS SWPPP.

## CONCRETE WASHOUT BASINS

SCALE: NTS  
XD\_CIVIL\_CONCRETE WASHOUT BASINS 07-26-2017

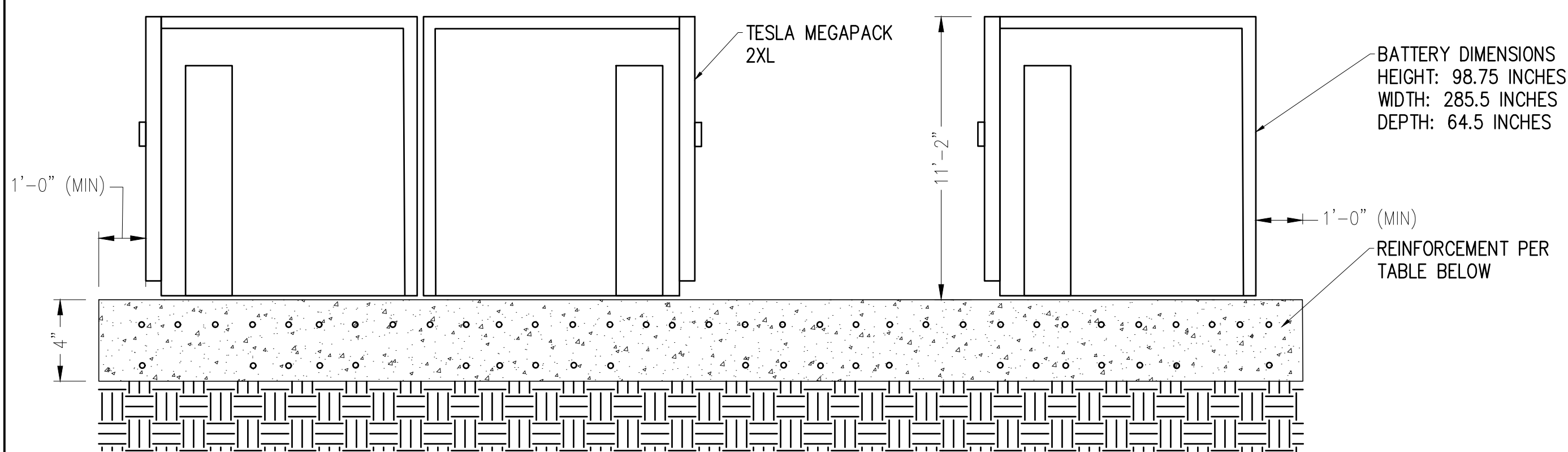


NOTES:

- THE FENCE SHALL MEET OR EXCEED THE CHAIN LINK FENCE MANUFACTURER INSTITUTE (CLFMI) GUIDELINES AND RELATED FEDERAL SPECIFICATIONS FOR SECURITY CHAIN LINK FENCE MATERIALS AND INSTALLATION.
- FENCE MATERIAL AND COMPONENTS SHALL BE GALVANIZED, UNLESS OTHERWISE NOTED.
- THIS DETAIL NOT APPLICABLE FOR PRIVACY FENCE OR FENCE WITH SLATS.
- ADJUSTABLE TRUSS ROD AND BRACE RAIL AT CORNER OR END POSTS ONLY, IF REQUIRED BY CLFMI GUIDELINES.

## CHAIN LINK FENCE WITH WILDLIFE GAP

SCALE: NTS  
XD\_CIVIL\_FENCE\_7\_CHAIN\_LINK\_WILDLIFE\_GAP 07-02-2020

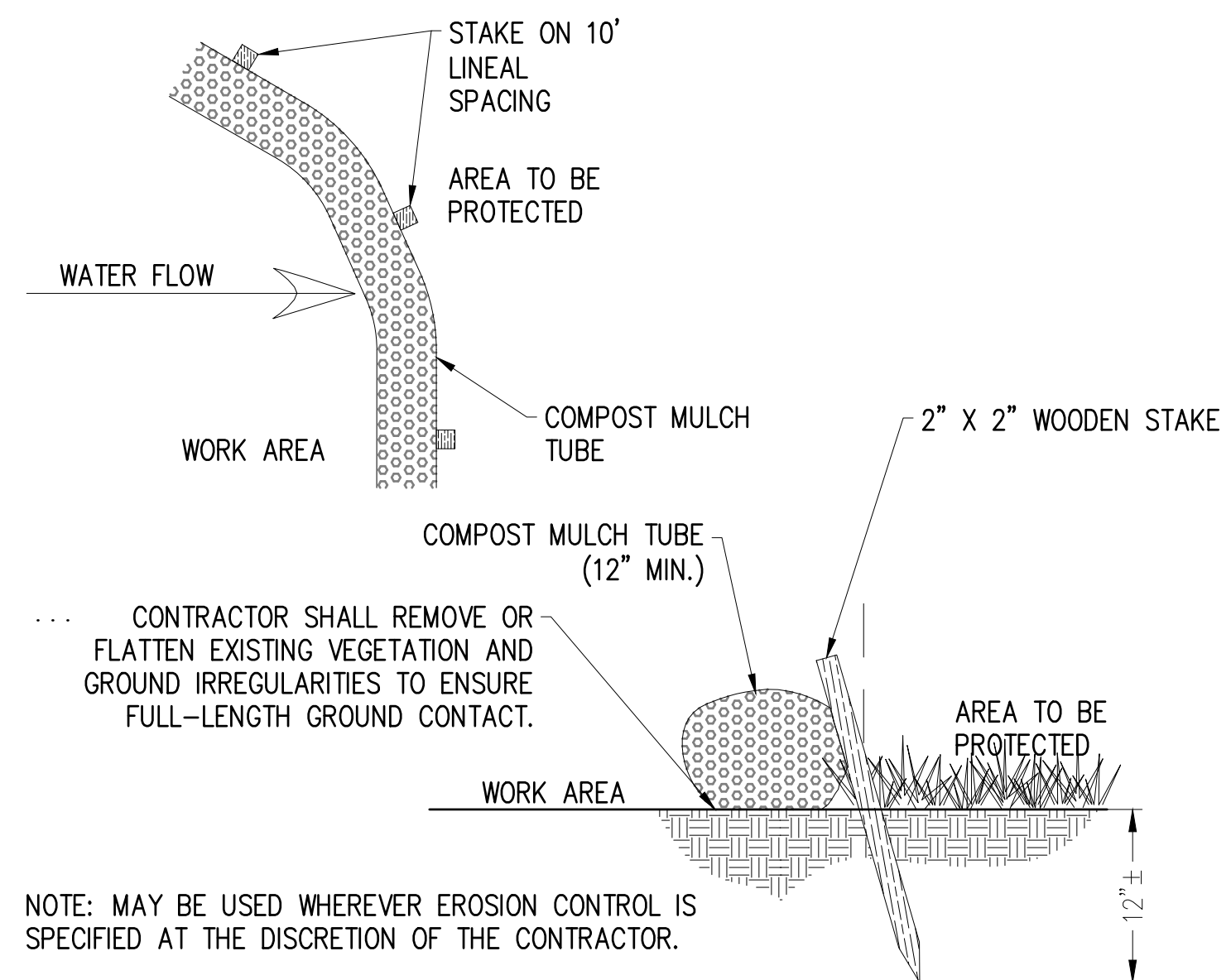


NOTES:

- CONTRACTOR SHALL REFER TO SHEET C-0.0 AS WELL AS GEOTECH REPORT PREPARED BY GZA ON MAY 28TH, 2021 FOR ADDITIONAL FOUNDATION REQUIREMENTS.
- STRUCTURAL SLAB SHALL BE CONFIRMED BY STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

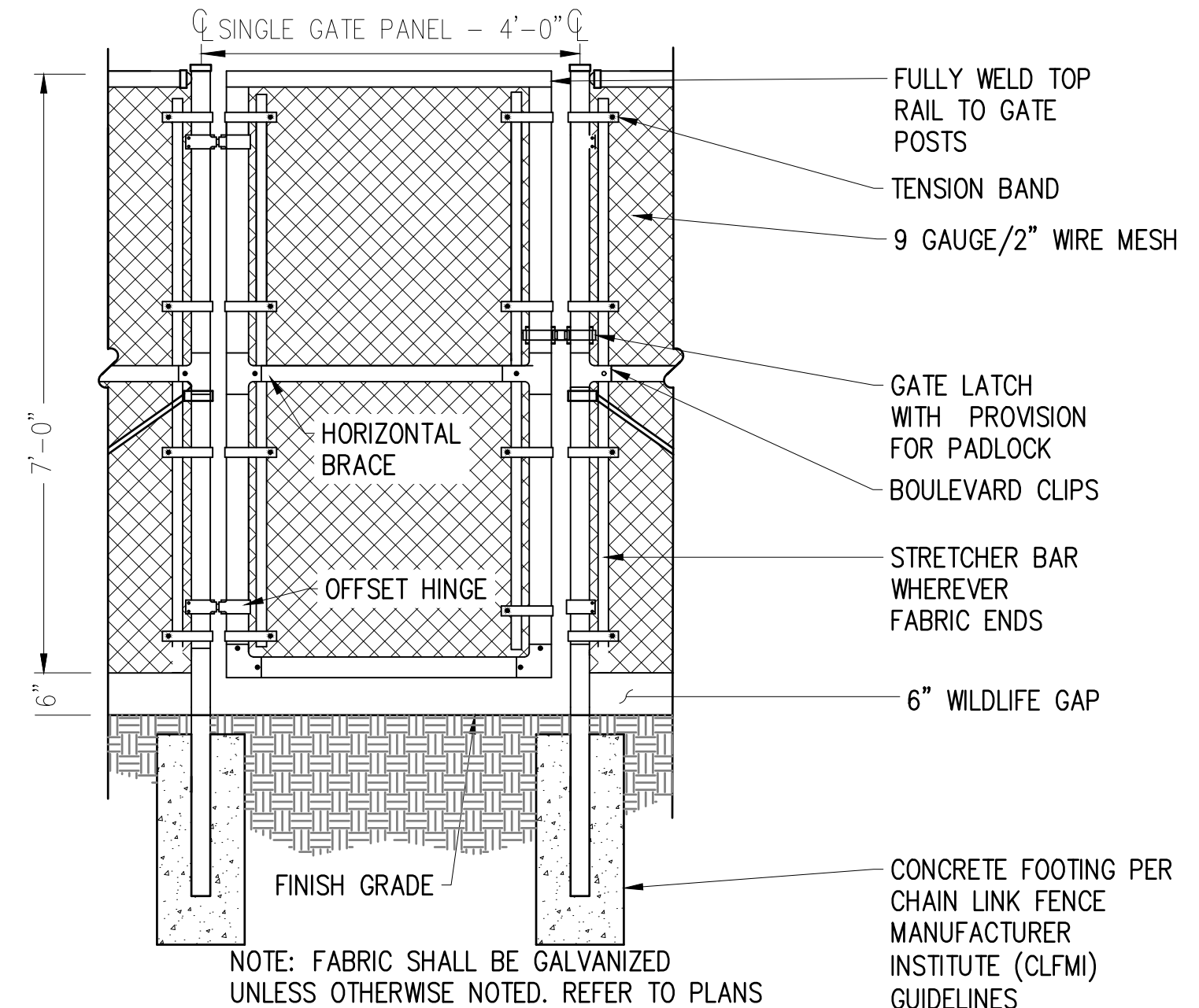
## EQUIPMENT PAD ELEVATION DETAIL

SCALE: NTS  
XD\_CIVIL\_TYPICAL\_ESU\_ELEVATION



## MULCH TUBE

SCALE: NTS



## 4' ACCESS GATE WITH WILDLIFE GAP

SCALE: NTS  
XD\_CIVIL\_SITE CONSTRUCTION\_4' WALK THROUGH GATE 07-25-2017

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CIVIL DETAILS