

RECEIVED

JAN 31 2023

Date: 2.15.23

Case No.: 23-1

Fee: \$130 mt# 30152

Zoning Board of Appeals
Village/Town of Mount Kisco

Date Filed: 1.31.23

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

Zoning Board of Appeals
Application

Appellant: James M. Truran
Address: 133 W Main St., Mt Kisco, NY 10549
Address of subject property (if different): _____

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

Property owner (if different): _____
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, Peter J. Miley
dated 23-Dec-22. 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
_____ Arbor and Driveway Gate _____

_____ in accordance with plans filed on (date) 16-Dec-22
for Property ID # _____ (SBL) 69.72-5-7.1 _____ located in the RS-12
Zoning District. The subject premises is situated on the North side of West Main
St. in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes _____
(If on two streets, give both street names) West Main St., Croton Ave

Type of Variance sought: _____ Use X Area _____

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 12/23/2022 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

(Appellant to sign here)

Sworn to before me this day of: January 27, 2023 NOTARY PUBLIC-STATE OF NEW YORK
Notary Public, Michelle K. Russo, County, NY No. 01RU6313298
Qualified in Putnam County
My Commission Expires 10-20-2026

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

(sign here)



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

December 23, 2022

James Truran
133 West Main Street
Mount Kisco, NY 10549

Re: Notice of Denial
(SBL) 69.72-5-7.1

Dear Mr. Truran:

Your recent building permit application for the proposed construction of an Arbor and Driveway Gate "*has been denied*" for the following reason(s):

The property is located in the § 110-8. RS-12 Low-Density One-Family Residence Zoning District and Pursuant to § 110-31. Supplementary development regulations. G. Accessory Structures **(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 "Arbor" will be placed along the front yard property line with no (0) setback. The required setback in the RS-12 for lots 150 feet or greater in depth is 30 ft. A variance thereby permitting an accessory structure nearer to any street line or side lot line than does the principal structure on the lot is required.

Furthermore, pursuant to Article V. Supplementary Regulations § 110-31. Supplementary development regulations. Exceptions to yard requirements. F. (2) Fences, hedges or walls, other than retaining walls, that are not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence, wall or hedge, other than a retaining wall, that is erected in any front yard shall not have a height in excess of four feet.

The proposed driveway gate is 5 feet at the top of the arch where 4 ft. is permitted and therefore, a 1 ft. variance is required. In addition, the proposed Arbor which is also part of the fence and stands 8 ft. 5 3/4 inches to the top and therefore, this too requires a 4 ft. 5 3/4 inch variance.

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

Sincerely,

Peter J. Miley,
Building Inspector

James and Jennifer Truran
133 W. Main St.
Mt. Kisco, NY 10549

January 27, 2023

Wayne Spector, Chair, Zoning Board of Appeals

Village/Town of Mount Kisco

104 Main Street

Mount Kisco, NY 10549

Dear Mr. Spector.

I enclose an application to appeal the Notice of Denial issues by the Building Inspector on 23 Dec, 2022, upon which this application is based. Please accept my request to schedule a public hearing.

The work is as follows:

- a) Erect an Arbor with gate 8' 4" in height over existing concrete steps intended to provide pedestrian access to the property.
- b) Install a dual-panel Driveway Gate, the posts being 5' 10" at cap.

The objective is a continuous fence around the property perimeter, closing existing gaps in the fence-line. Our home is situated on the major junction of Main Street and Croton Avenue, which is heavily trafficked. The aim in doing so is to create a protective barrier for our toddler and dogs, allowing them to play in the garden safely.

A variance in the height of the driveway gate is necessary to create a nice solution that conforms to the typical height/width proportions of similar structures.

The arbor serves to lend structural support to the gate posts and will also form an attractive centerpiece for the planned landscaping work – hosting climbing flowers and preserving a gap in the trees from which the center of the home will remain viewable from the street. It is erected over existing access steps and sympathetic to the (now removed) wooden fencing on the balconies of the 2nd and 3rd floors that were visible in old postcards. Both structures have been custom built from wood, with design features that are consistent with the style of the existing fence and the character of the neighborhood.

A more detailed explanation is enclosed at (Annex A).

Thank-you for your consideration,


James Truran

Annex A: 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.

The proposed work comprises adding a wooden decorative structure and a wooden driveway gate to an existing fence-line, both of which are of a size, color and style consistent with the character of both our property and the general neighborhood. Details such as the spines of the Driveway Gate or Arbor side panels have been custom made to recreate the exact style of the existing fence.

(2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.

The purpose of the variance is to allow the existing fence-line to be completed. This is desired as our property is on the junction of both Main St. and Croton Avenue, both of which continue to experience increasing traffic volume as the town grows. It will serve to allow our Toddler and two dogs enjoyment of our garden with reduced risk from traffic. This concerns both them straying onto the road, but also the ability to control vehicles and animals entering our property through our driveway or pedestrian entrance.

This objective could not be achieved without variance. The *extent* of the variance could be reduced, with significant aesthetic and functional compromise, for example removing the “roof” of the Arbor, installing a 4’ rectangular side-opening gate more commonly found in commercial installations, or setting the gate 30’ back up the driveway.

(3) Whether the requested variance is substantial.

The Driveway gate variance is <2’ The Arbor variance is ~4’ These are accessory structures with no land disturbance, tree damage, power, light pollution, or impact on drainage mitigating the environmental and visual consequence of this variance.

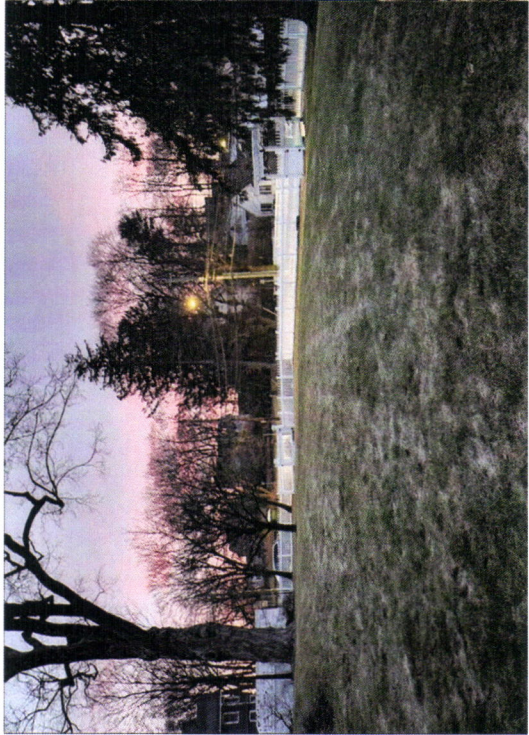
(4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

The purpose of an Arbor is to facilitate the growth of climbing plants, and it is intended to enhance the environmental conditions in the neighborhood over time.

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

Yes, in the sense that we recently moved into the home and desire to erect an accessory structure and gate in a manner that does not conform to the zoning regulations of my home. However, the proximity of the property to Main Street makes a solution appropriate for my family to enjoy the garden safely.

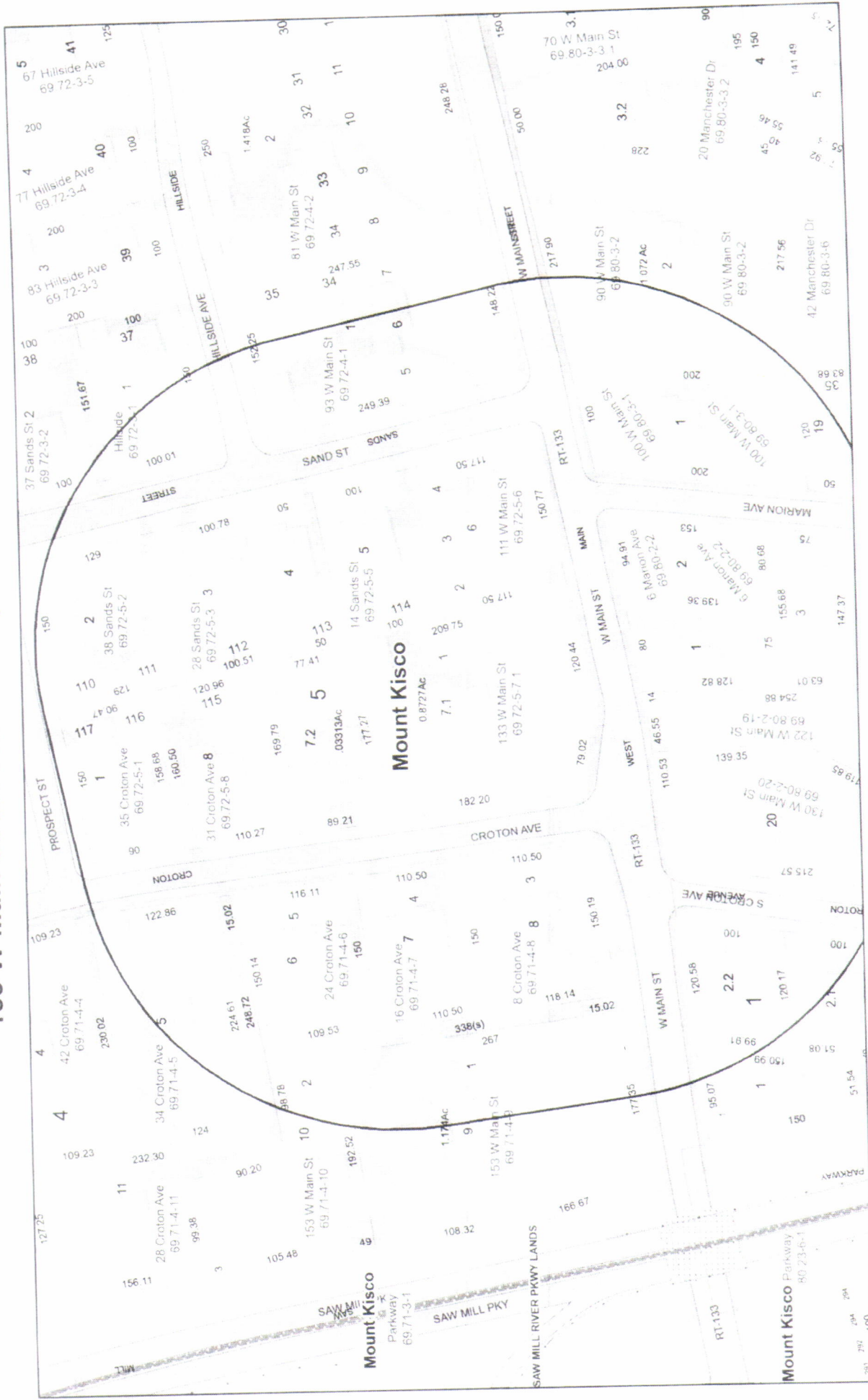
A few Photos of Arbor and Driveway Gate from different angles



Existing
4' fence
for
reference

A few Photos of Arbor and Driveway Gate from different angles

133 W Main St. ID: 69.72-5-7.1 (Mount Kisco)



December 28, 2022

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.westchestergov.com>

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

OWNERNAME	PROPADDRESS	PROPCITY	PROPIZIP	PROPPRINTKEY	c/o	Mailing Address	City	State	Zip
Mango, Joseph	130 W Main St	MOUNT KISCO	10549	69.80-2-20					
St. Marks Episcopal Church	31 Croton Ave	MOUNT KISCO	10549	69.72-5-8		85 E Main Street	Mt. Kisco	NY	10549
Lada , Michele A	22 Sands St	MOUNT KISCO	10549	69.72-5-4					
Meaney, James F	16 Marion Ave	MOUNT KISCO	10549	69.80-2-3					
Sposato Leonard	11 Marion Ave	MOUNT KISCO	10549	69.80-3-19					
Hartleben Bruce G	93 W Main St	MOUNT KISCO	10549	69.72-4-1					
Cohen David	24 Croton Ave	MOUNT KISCO	10549	69.71-4-6					
Steffen, Matthias	27 Croton Ave	MOUNT KISCO	10549	69.72-5-7.2					
Westchester Co. Planning Dept.	Parkway	MOUNT KISCO	10549	80.23-6-1	Westchester Finance Dept.	148 Martine Ave, 7th Fl.	White Plains	NY	10601
Santini, Bruno	153 W Main St	MOUNT KISCO	10549	69.71-4-10					
Sriram Arvind	62 Marion Ave	MOUNT KISCO	10549	69.80-2-2					
Barry, Michael N	47 Manchester Dr	MOUNT KISCO	10549	69.80-3-6					
Manweiler Justin G	34 Croton Ave	MOUNT KISCO	10549	69.71-4-5					
McGuinness, Joseph	8 Croton Ave	MOUNT KISCO	10549	69.71-4-8					
Hart, Ryan	35 Croton Ave	MOUNT KISCO	10549	69.72-5-1					
Poletsky, Alexander	28 Sands St	MOUNT KISCO	10549	69.72-5-3					
Mohammad Hussain	28 S Croton Ave	MOUNT KISCO	10549	69.80-1-2.1					
Rendon Fernando	24 S Croton Ave	MOUNT KISCO	10549	69.80-1-2.2					
Brockner, Michael J	111 W Main St	MOUNT KISCO	10549	69.72-5-6					
Hoyt George	37 Sands St	MOUNT KISCO	10549	69.72-3-2					
McDonald Andrew	122 W Main St	MOUNT KISCO	10549	69.80-2-19		5 Barnum Court	Bethel	CT	06801
Nikitiadis, Nectarios G	16 Croton Ave	MOUNT KISCO	10549	69.71-4-7					
Paboojian-Farmer, Susan	100 W Main St	MOUNT KISCO	10549	69.80-3-1					
Hunter, Robert A	15 Marion Ave	MOUNT KISCO	10549	69.80-3-18					
Davis-Lorton Bernadette E	90 W Main St	MOUNT KISCO	10549	69.80-3-2					
Haddad, Gail	14 Sands St	MOUNT KISCO	10549	69.72-5-5					
Powell, Darius	150 W Main St	MOUNT KISCO	10549	69.80-1-1					
Schechter, Jay H	153 W Main St	MOUNT KISCO	10549	69.71-4-9					
Toapante Jorge E	28 Croton Ave	MOUNT KISCO	10549	69.71-4-11					
Gamarati, Anthony	120 W Main St	MOUNT KISCO	10549	69.80-2-1					
Luppino Polsia	22 Marion Ave	MOUNT KISCO	10549	69.80-2-4					
Greve, Ronald S	133 W Main St	MOUNT KISCO	10549	69.72-5-7.1	N/A				
Hodgson, Andrew	38 Sands St	MOUNT KISCO	10549	69.72-5-2					
Chiappinelli, David Scott	Hillside	MOUNT KISCO	10549	69.72-3-1		67 Lake Drive South	New Fairfield	CT	06812

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 21st day of February 2023 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of **James Truran, 133 W Main St., Mt Kisco, 10549** from the decision of Peter J. Miley, Building Inspector, dated 23 December, 2022 denying the application dated to permit the construction of an Arbor and Driveway Gate.

The property involved is known as 133 West Main Street, Mt Kisco, NY 10549 and described on the Village Tax Map as **Section 69.72 Block 5 Lot 7.1** and is located on the North side of W Main Street in a Low-Density One-Family Residence Zoning District.

Said Appeal is being made to obtain a variance from Supplementary development Regulations (G) and Article V. Supplementary Regulations of Section(s) 110-31 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”*, noting that *“the required setback in the RS-12..is 30 ft.”* and that *“such fence, wall, or hedge, other than a retaining wall, that is erected in any front yard shall not have a height in excess of four feet”*.

Wayne Spector, Chair

Zoning Board of Appeals

Village/Town of Mount Kisco

AFFIDAVIT OF MAILING

RECEIVED

FEB 03 2023

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

Zoning Board of Appeals
Village/Town of Mount Kisco

James M. Truran being duly sworn, deposes and says:

I reside at 133 W. Main St. Mt Kisco, NY 10549

On 3 February, 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.

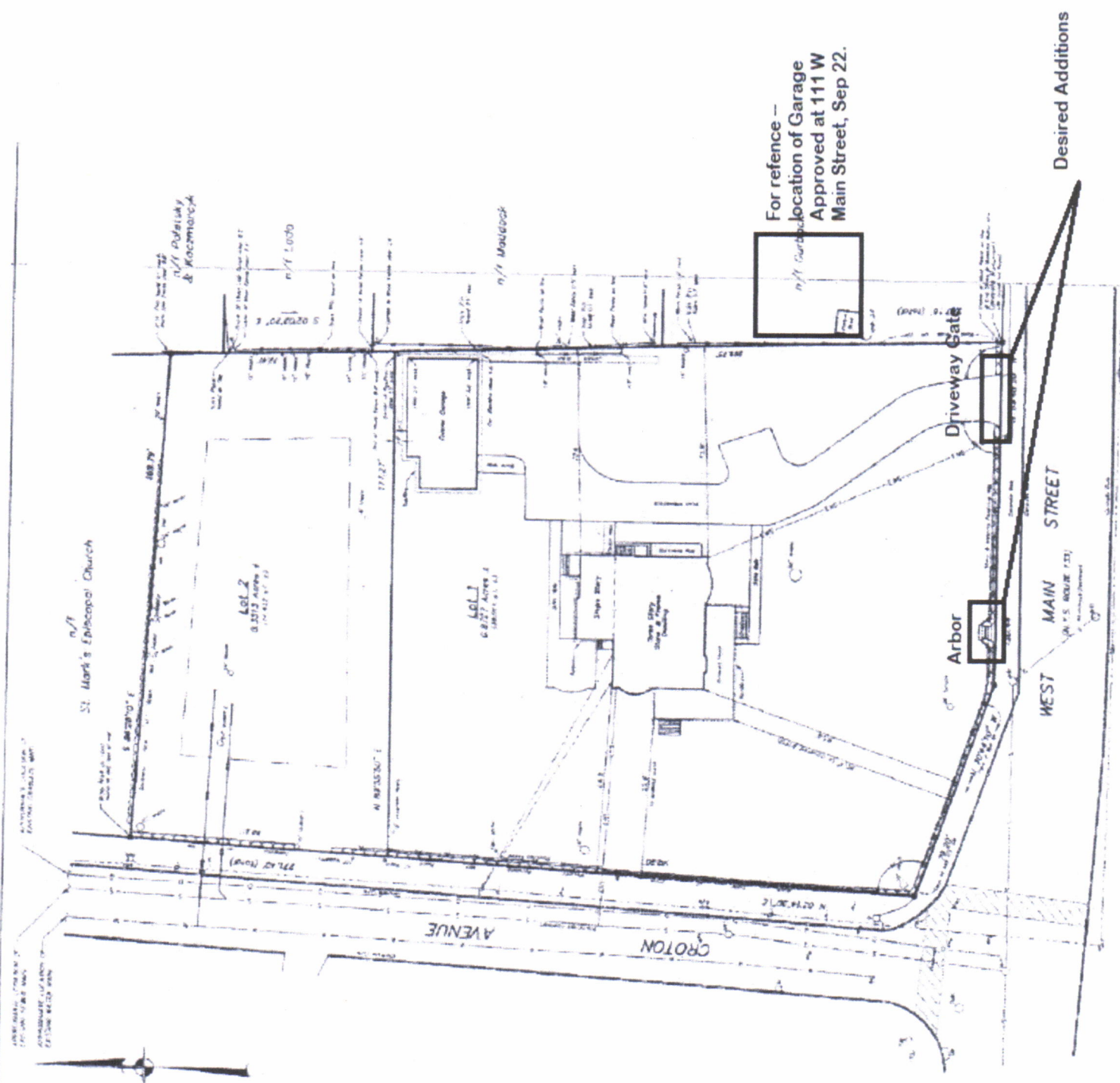
Sworn to before me on this

3 day of February 2023

Doreen F. Caravello

(Notary Public)

DOREEN F. CARAVELLO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CA6170202
Qualified in Westchester County
My Commission Expires 07-02-2023



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

FORM 8002 (short version), FORM 8007 (long version)

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

THIS INDENTURE, made the 22nd day of November, 2022,

BETWEEN Ronald S. Greve and Stephania M. Greve, of 133 W. Main Street, Mount Kisco, New York 10549,

party of the first part, and

James Martin Truran and Jennifer Renee Truran ^{husband and wife RS6 JMG} of 90 Holland Place, Hartsdale, New York 10530,

party of the second part;

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and No Cents (\$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 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, County of Westchester, State of New York, more particularly described in Schedule A attached hereto;

Being the same premises described in the deed to Ronald S. Greve and Stephania M. Greve dated September 2, 2008, and recorded October 2, 2008, under Control No. 482610643.

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.

R. S. Greve
By: Ronald S. Greve

Stephania M. Greve
By: Stephanian M. Greve

IN PRESENCE OF:

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

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

On the 31st day of October in the year 2022, before me, the undersigned, personally appeared **Ronald S. Greve and Stephanian M. Greve**, 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 they executed the same in their capacity(ies), and that by their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Theresa M. Maguire
(signature and office of individual taking acknowledgment)

THERESA N. MAGUIRE
Notary Public, State of New York
Registration No. 4935433
Qualified in Westchester County
Commission Expires June 8, 2026

Bargain and Sale Deed

Ronald S. Greve and Stephania M. Greve
To
James Martin Truran and Jennifer Renee
Truran

Section 69.72
Block 5
Lot 7
County or Town County of Westchester, Town of Mount
Kisco
Street Address 133 W. Main Street
Mount Kisco, New York 10549

Return By Mail To:

Cindy Tague, Esq.
Tague & Vanden Heuvel LLP
116 Kraft Avenue, Suite 1
Bronxville, NY 10708

Reserve This Space For Use Of Recording Office

Section: 69.72, Block: 5, Lot: 7

SCHEDULE A-1
Description

ALL that certain piece or parcel of land, situate, lying and being in the Town of Mount Kisco, County of Westchester and State of New York, being known and designated as Lot 1 on a certain map entitled, "Final Subdivision Plat known as the 133 West Main Street Subdivision, situate in the Village and Town of Mount Kisco, Westchester County, New York" dated May 21, 2008, and last revised on August 13, 2008, prepared by Insite Engineering, Surveying and Landscape Architecture, PC and filed in the Office of the Clerk of the County of Westchester, Division of Land Records, on August 27, 2008, as Map No. 28175. ✓

Sec:

69.72 /

Blk:

5

Lot:

Pl 07

ALLIANCE FOR THE AMERICAN PEOPLE

and conducted page 12-9

U.S. and Japanese leaders, the American Embassy in Tokyo, and the Japanese Embassy in Washington, D.C., have been working to resolve the dispute. The Japanese government has offered to pay \$100 million to the U.S. government, but the U.S. government has refused the offer. The Japanese government has also offered to pay \$100 million to the U.S. government, but the U.S. government has refused the offer. The Japanese government has also offered to pay \$100 million to the U.S. government, but the U.S. government has refused the offer.


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
to 100% of the total (approximately 100,000) for a Department of Health

During Kennedy's visit to Mexico in 1961, the Cuban Bay of Pigs Invasion and the Mount Russia Approval

Wanda C. Baker, Ph.D.

100

	<p>Land Surveyor's Certification</p> <p>I hereby certify that a true and correct copy of the foregoing report and map has been filed in my office, and that the same are in conformity with the provisions of the laws of this State relating to the surveying of land.</p> <p>Witness my hand and seal of office this _____ day of _____, 1915.</p> <p><i>[Signature]</i></p> <p>_____ State Surveyor of the State of New York</p>	<p>Consent to File</p> <p>I hereby consent to the filing of the foregoing report and map, and to the recording of the same in the office of the State Surveyor, and to the publication of the same in the official gazette of this State.</p> <p>Witness my hand and seal of office this _____ day of _____, 1915.</p> <p><i>[Signature]</i></p> <p>_____ State Surveyor of the State of New York</p>	<p>INSITE</p> <p>AMERICAN INSURANCE CO.</p> <p>2 Canal Place, New York, N.Y. 10014</p> <p>Phone (407) 254-2545</p>
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	<p>Land Surveyor's Certification</p> <p>I hereby certify that the following is a true and correct copy of the original survey as shown to me by the landowner, and that the same is a true and correct copy of the original survey as shown to me by the landowner, and that the same is a true and correct copy of the original survey as shown to me by the landowner.</p> <p><i>[Signature]</i></p> <p>_____ State of _____</p>	<p>Consent to File</p> <p>I hereby consent to the filing of the foregoing survey as shown to me by the landowner, and that the same is a true and correct copy of the original survey as shown to me by the landowner.</p> <p><i>[Signature]</i></p> <p>_____ State of _____</p>
---	--	--

Approved by the National Commission on the Status of Women
 1951

Wages and Town of Mount Kisco Approval

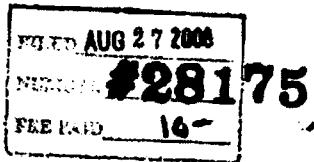
Submitted by the above and read at Mount Kisco, New York

1951

[illegible]

Final Subdivision Plat
 known as the
133 West Main Street
Subdivision
 situated in
Village and Town of Mount Klisco
Westchester County, New York
 County Street 175, Block 9650 71
 Dated May 31, 2008
 Nevada, July 2, 2005
 Entered August 13, 2008

AUG 27 2000
 #28176
 16-
 THE STATE OF NEW YORK
 DEPARTMENT OF TAXATION AND FINANCE
 TAXPAYER'S COPY OF THE RETURN
 FOR THE YEAR 1999



Filed in the office of the County Clerk of Westchester
County (Division of Land Records)

Timothy J. [Signature]
County Clerk

Location Map

Scale: 1"=1000'

Owner/Applicant:

919 Mountain Avenue Associates, LLC
c/o Bill Bolter
570 Taxter Road
Elmsford, N.Y. 10523

Site Data:

Tax Map No. 69.72-5-7
Zone: RS-12
Total Area: 1.2040 Ac. ±
Use: Residential

General Notes:

DEED REFERENCE:

Control No. 470370016; recorded February 23, 2007
Grantee: 919 Mountain Avenue Associates, LLC

The intention of this map is the subdivision of the Parcel as shown hereon into Lots 1 and 2.

The Property shown hereon is subject to the "Rules and Regulations for the Protection from Contamination of the New York City Water Supply and It's Sources".

Underground structures, if any exist, are not shown hereon, except as noted. Off site utilities are shown for reference purposes only. The location of underground improvements or encroachments are not always known and often must be estimated. If any, underground improvements or encroachments are not covered by this certificate.

This map may not be used in connection with a "Survey Affidavit" or similar document, statement or mechanism to obtain title insurance for any subsequent or future grantees.

Unauthorized alteration or addition to this survey is a violation of Section 7209, subdivision 2 of the New York State Education Law.

The alteration of survey maps by anyone other than the original preparer is misleading, confusing and not in the general welfare and benefit of the public. Licensed Land Surveyors shall not alter survey maps, survey plans, or survey plats prepared by others.

Lot No. 2 shall maintain a minimum lot width of 87 feet as shown hereon.

The existing accessory garage shall be permitted to remain in it's existing condition and it's existing location, four feet from the proposed new property line.

No further subdivision of Lots 1 or 2 is permitted.

The proposed structures on Lot 2 shall be set back a minimum of 50' from the front property line.

All future deeds for Lot 1 shall recite the restrictions set forth in Condition 12(d) of the Village of Mount Kisco Planning Board Resolution for Subdivision Approval, Application no. PB2008-11, dated August 5, 2008.

All future deeds for Lot 2 shall recite the restrictions set forth in Condition 12(a) and 12(d) of the Village of Mount Kisco Planning Board Resolution for Subdivision Approval, Application no. PB2008-11, dated August 5, 2008.

Final Subdivision Plat

known as the

133 West Main Street Subdivision

Situate in

Village and Town of Mount Kisco
Westchester County, New York

County Sheet 175, Block 9650 YL

Date: May 21, 2008

Revised: July 2, 2008

Revised: August 13, 2008

281183

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

AFFIDAVIT OF POSTING

Gilmar Palacios Chin, being duly sworn, says that on the 13th day of February 2023, 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

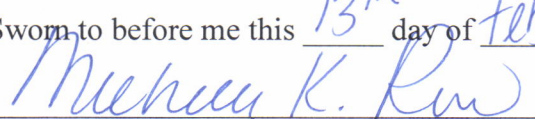
Mt. Kisco Ambulance Corp _____X_____
310 Lexington Ave

Carpenter Avenue Community House _____X_____
200 Carpenter Avenue

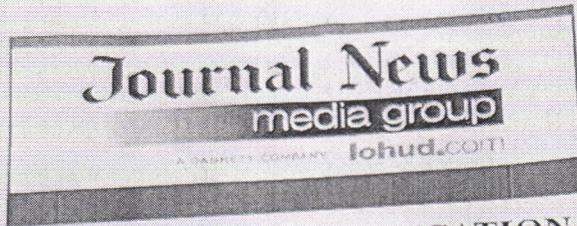
Leonard Park Multi Purpose Bldg _____X_____



Gilmar Palacios Chin

Sworn to before me this 13th day of February 2023


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



RECEIVED

FEB 17 2023

Zoning Board of Appeals
Village/Town of Mount Kisco

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 6 day of February, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Turt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

Linda Turt being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a newspaper published in the County of Westchester and the State of New York, and the notice of which the annexed is a printed copy, on the editions dated:

Zone:
Westchester

Run Dates:
02/05/2023

Linda Turt
Signature

Sworn to before me, this 6 day of February, 2023

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

919.25

VICKY FELTY
Notary Public
State of Wisconsin

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Hamson, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenrock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

Blauvelt, Congers, Garnerville, Haverstraw, Hillburn, Monsey, Nanuet, New City, Nyack, Orangeburg, Palisades, Pearl River, Piermont, Pomona, Sloatsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005580656



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

February 6, 2023

RECEIVED

FEB 06 2023

Zoning Board of Appeals
Village/Town of Mount Kisco

[Via Email]

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

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

Honorable Chair and Members of the Board:

As you know, this firm represents Bagnato 205 Lexington Ave Corp. ("Applicant"), owner of the property located at 215 Lexington Avenue ("Property"), in connection with an area variance application, which your Board approved on February 17, 2022. A copy of the Resolution of Approval is attached as **Exhibit A** for your reference. The application included the addition of three new attached townhomes to an existing mixed-use building with parking. In addition to the variance approval, the Applicant also received Site Plan approval from the Planning Board on September 14, 2021. There are several conditions of approval attached to the Site Plan, including approval of the Stormwater Pollution Prevention Plan ("SWPPP") from the New York State Department of Environmental Protection ("DEP"). Our professionals continue to work diligently to obtain approval from DEP.

Pursuant to § 110-44(G) of the Mount Kisco Zoning Code, variance approvals are valid for one year. In this case, the variance approval is set to expire on February 17, 2023. In order to avoid the expiration of the approved variances while our professionals continue to work with DEP, we respectfully request a one-year extension. Please place this matter on your next available agenda for review and the granting of the requested extension.

If you have any questions or concerns, please don't hesitate to contact me.

Respectfully submitted,

ZARIN & STEINMETZ

Kory Salomone

Kory Salomone

Cc: Client
Whitney Singleton, Esq.
Ralph Alfonzetti, P.E.

EXHIBIT A

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

-----X

RECEIVED
FEB 17 2021
Mount Kisco
Office of the Village Clerk

In the Matter of the Application of

Case No.: ZBA 21-8

Bagnato 205 Lexington Ave Corp

-----X

1. **Location of Property:**
215 Lexington Avenue

Property ID: 80.32-4-6

2. **Description of Request:**

The applicant proposes to add three new attached townhomes to an existing mixed-use building with parking for both the townhomes and the mixed-use building on the rear of the property.

Pursuant to §110-18(C)(7) of the Village Zoning Code, the required front yard setback is 20 feet. Application proposes a front yard setback of 3 feet, therefore necessitating a variance of 17 feet from the minimum front yard setback requirement under the Village Zoning Code.

Pursuant to §110-30 Attachment 1 Parking Facility Standards of the Village Zoning Code, the required aisle width for parking spaces at 90 degrees is 25 feet. Application proposes aisle widths ranging from 19.2 feet to 22.9 feet, therefore necessitating a variance of 8.5 feet from the required minimum 25 feet aisle width for parking spaces at 90 degrees under the Village Zoning Code.

Pursuant to §110-30 Attachment 2 of the Village Zoning Code, a total of 18 parking spaces are required for the proposed development (6.75 spaces for the town homes at 2 spaces per unit and 0.75 per guest; 9 spaces for the existing four family building at 2 spaces per unit and 1 for guest; 6 spaces for the 1,200 s.f. retail space at 1 space per 200 s.f.; and a 4 space credit provided by the previously existing two-family house). Application proposes 12 parking spaces be provided, therefore necessitating a variance of 6 parking spaces from the minimum required 18 parking spaces under the Village Zoning Code.

Pursuant to §110-11(C)(7)(b)(3) of the Village Zoning Code, the required maximum permitted development coverage is 65%. Application proposes a development coverage of 80.9%, therefore necessitating a variance of 15.9% from the required maximum permitted development coverage requirement under the Village Zoning Code.

3. **Zoning of Property:**

CN – Neighborhood Commercial District

4. Variance(s) Requested:

- 1) A variance from the required minimum front yard setback as set forth in § 110-18(C)(7) of the Village Code.

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Minimum Front Yard Setback	20 Feet	3 Feet	17 Feet

- 2) A variance from the required minimum parking space aisle width for parking spaces at 90 degrees as set forth in § 110-30 Attachment 1 Parking Facility Standards of the Village Code.

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Minimum Parking Space Aisle Width	25 Feet	19.2 Feet	5.8 Feet

- 3) A variance from the required minimum number of parking space as set forth in § 110-30 Attachment 2 of the Village Code.

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Minimum Number of Parking Spaces	22/18 ¹ Spaces	12 Spaces	6 Spaces

- 1) A variance from the required maximum permitted development coverage as set forth in § 110-11(C)(7)(b)(3) of the Village Code.

	<u>Required</u>	<u>Provided</u>	<u>Variance Needed</u>
Maximum Development Coverage	65%	80.9%	15.9%

5. Dates of Public Hearings: December 21, 2021
Date of Action: December 21, 2021

6. Comments Received at the Public Hearing.

None

¹ 22 spaces are required, but pursuant to an interpretation by Building Inspector a 4 space credit is being afforded applicant.

7. **Documents Submitted with the Application:**

- Letter from Kory Salomone, Esq. at Zarin and Steinmetz with Principal Points, dated 09/27/2021
- Mount Kisco Planning Board Resolution dated 09/14/2021
- Affidavit of Mailing, dated 11/4/2021
- Copy of Public Notice, received 11/04/2021
- Full list of names for mailing
- Affidavit of Publication from The Journal News, dated 10/31/2021
- Affidavit of Posting, dated 11/09/2021
- Fees Paid

8. **SEORA Determination:**

The subject application constitutes a Type II action pursuant to NYCRR 617.5(c) (12) (“granting of an individual setback for a lot line variance(s)”) and 617.5(c) (13) (“granting of an area variance(s) for a single-family, two-family or three-family residence”). Accordingly, the action has been statutorily determined to not have a significant effect on the environment and is not subject to review under Environmental Conservation Law, Article VIII.

9. **Decision:** Approved

10. **Basis for Decision of ZBA:**

Under the statutorily enumerated criteria and based upon a review of the entire record, including testimony, submissions, maps, records and all other documentary proof, the ZBA has determined that the benefit to the applicant outweighed any detriments to the community or neighborhood. Specifically, the Board determined (1) that no undesirable change would occur to the character of the neighborhood; (2) that the benefits sought by the applicants could not be achieved by a feasible method other than the variance based upon the existing configuration of the property; (3) that the variance is substantial, but not substantial enough to be fatal to the application; (4) that there will not be an adverse impact on the environment; and (5) that while the alleged difficulty was self-created, it is not fatal to the application as it does not outweigh the other factors favoring the variance as set forth above.

11. **Conditions of Approvals:**

- 1) The variance is solely for the plans presented, reviewed and considered by the Zoning Board.
- 2) The approval shall not constitute any authorization for any other or further encroachments into any setback, including along the same plane.

- 3) Nothing herein shall be construed to permit any disturbance to any adjoining landowner's property.
- 4) Applicant shall make efforts to designate that Spaces 7, 8, 9, and 10 (the spaces requiring variance for aisle width) are for "Compact Cars" only.
- 5) Applicant shall include as a provision in every lease for the premises that the tenant shall be allowed only one (1) parking space per dwelling unit.
- 6) An "As Built" Survey is to be delivered to the Zoning Board.

12. **Vote: BY ORDER OF THE BOARD OF APPEALS**

Motion to approve by: Mr. Spector

Seconded by: Mr. Alfano

Vote: Mr. Spector: Aye
Mr. Hoyt: Aye
Mr. Weiss: Absent
Mr. Alfano: Aye
Ms. Broth: Aye
Chair Boxer: Nay

RESOLUTION EXECUTED: February 17, 2022
Mount Kisco, New York

ZONING BOARD OF APPEALS
Village/Town of Mount Kisco

By: 
HAROLD BOXER, CHAIRMAN

Michelle Russo

From: RvLarch <rvlarch@aol.com>
Sent: Tuesday, February 14, 2023 8:58 PM
To: Planning
Cc: Peter Miley
Subject: Re: 52 W Main St Zoning Board of Appeals

RECEIVED

FEB 14 2023

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Confirmed.

Please let me know if there is any update and if we need to have an office meeting with my client.

thanks you,

Roger

Roger van Loveren, AIA
RvL Architecture
(914) 234 7823 off
(914) 234 7534 fax
(914) 588 5309 mobile

-----Original Message-----

From: Planning <planning@mountkisco.ny.gov>
To: RvLarch <rvlarch@aol.com>
Cc: Peter Miley <pmiley@mountkisco.ny.gov>
Sent: Mon, Feb 13, 2023 11:36 am
Subject: 52 W Main St Zoning Board of Appeals

Good morning Mr. van Loveren,

Please confirm that your client will be adjourning their ZBA application to March 21, 2023.

Sincerely,

Michelle K. Russo

Office Manager
Planning & Zoning Secretary
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, NY 10549
(914)864-0022 (direct)
(914)864-1085 (fax)

Michelle Russo

From: Sirignano Law Office <lawoffice@sirignano.us>
Sent: Monday, February 13, 2023 10:56 AM
To: Planning
Cc: Peter Miley; Whitney Singleton
Subject: Re: Smoller/Mitchell 2.5 Leonard ZBA Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michelle,
I confirm adjournment request.
Thank you,
Michael

Michael Fuller Sirignano
Attorney and Counselor at Law
Old Post Road Professional Building
892 Route 35, PO Box 784
Cross River, NY 10518
Telephone: (914) 763-5500
Fax: (914) 763-9589

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FEB 13 2023

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

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From: Planning <planning@mountkisco.ny.gov>
Date: Monday, February 13, 2023 at 10:52 AM
To: Sirignano Law Office <lawoffice@sirignano.us>
Cc: Peter Miley <pmiley@mountkisco.ny.gov>, Whitney Singleton <wsingleton@sdslny.com>
Subject: Smoller/Mitchell 2.5 Leonard ZBA Application

Good morning Mr. Sirignano,

Please confirm that your client will be adjourning their ZBA application to March 21, 2023.

Sincerely,
Michelle K. Russo
Office Manager
Planning & Zoning Secretary
Village/Town of Mount Kisco
104 Main Street
Mount Kisco, NY 10549
(914)864-0022 (direct)
(914)864-1085 (fax)