

Date: _____

Case No.: 22 - 5

Fee: _____

Date Filed: _____

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

Zoning Board of Appeals
Application

Appellant: 100 South Bedford Road LLC c/o Diamond Properties, LLC
Address: 333 North Bedford Road, Suite 145, Mount Kisco, NY 10549
Address of subject property (if different): 100 South Bedford Road, Mount Kisco, NY 10549

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

Property owner (if different): _____
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, Peter Miley
dated 04/25/2022. Application is hereby made for the following:

☒ Variation or _____ Interpretation of Section 110-28 (K)(1)
of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance
of minimum off-street parking regulations to allow a parking variance for 66 parking spaces due to re-striping of
parking lot plus conversion of 25,000 sf of space from professional office to medical office (41,000 sf total
medical) in accordance with plans filed on (date) 4/5/2022
for Property ID # 80-50-3-3 located in the OG Zoning District.
The subject premises is situated on the south side of (street) South 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 _____ Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Yes

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

Size of Lot: _____ feet wide _____ feet deep Area 13.47

Size of Building: at street level 224.3 feet wide 134 feet deep

Height of building: 38.6' Present use of building: Professional office,
medical office, day care

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? yes

Was a variance ever granted for this property? yes If so, please identify and explain:
Variance for 48 parking spaces granted 2019 in order to convert 16,000 sf from professional to medical office

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 xNo 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, nothing pending

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 04/25/2022 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**

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

(Appellant to sign here)

AnnaMaria Ruggiere
Notary Public, State of New York
Registration #01RU6366612
Qualified In Westchester County
Commission Expires Oct. 30, 2021

Sworn to before me this day of: 26th April, 20 22

Notary Public, Westchester, County, NY

2025 at

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

State of New York }
County of Westchester } ss

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

(sign here)



April 25, 2022 (rev 5/31/22)

Village of Mount Kisco
104 Main Street
Mount Kisco, NY 10549
Attention: Chairperson Spector and Members of the Zoning Board of Appeals

Re: 100 South Bedford Road
Mount Kisco, NY 10549
Section 80.50, Block 3, Lot 3

Dear Chairperson Spector and Members of the Zoning Board of Appeals:

A Submission for Amended Site Plan Approval was submitted to the Planning Board on April 5, 2022 seeking approval to increase the amount of medical office space allowed within 100 South Bedford Road by 25,000 s.f. from 16,000 square feet to 41,000, while decreasing the amount of non-medical professional office space by the same 25,000 s.f., from 61,587 to 36,587 square feet. This change in use by itself would require a parking space variance of 22 parking spaces.

Pursuant to a request by the Planning Board, we are also proposing to re-stripe the perimeter and some limited areas within the interior of the parking lot in order to eliminate all spaces that were originally designated as Compact car parking and were undersized at between 7' and 8.8' wide. Post re-striping, all parking spaces will be at least 9' wide. This re-striping results in a loss of 44 parking spaces, and thus increases the required variance from 22 parking spaces to 66 parking spaces. It should be noted that many of the perimeter spaces proposed to be re-striped are often left vacant or double parked by visitors (as shown on the included aerial photographs) because of how narrow they are, so making all spaces standard sized will improve the usability of the spaces that we have.

Besides the re-striping, no other physical changes are proposed for the exterior of the site with this application.

As background a Resolution of Approval for Extension of Amended Site Plan and Change of Use Permit Use was granted to buildings 90-100-110 South Bedford Road on November 14, 1995 allowing, among other things, buildings 90 and 110 to be used for medical purposes, but for no medical to be allowed in building 100.

This restriction was modified on April 23, 2019 when A Negative Declaration of Significance, Amended Site Plan Approval, and Change of Use Permit Approval was granted which, among other things, changed the



medical restriction for building 100 such that up to 16,000 s.f. of medical space was permitted within the building. Condition 10 stated "No medical office (requiring a parking calculation of 1 space per 150 s.f.) shall be permitted in Building 100 beyond the 16,000 s.f. authorized herein." Contemporaneously with the Planning Board approval, the Zoning Board of Appeals granted a 48 parking space parking variance, representing the difference between 16,000 s.f. of professional office at 1 space per 275 s.f. and 16,000 s.f. of medical office at 1 space per 150 sf. Two required parking spaces had previously been waived for the approval of the day care facility, bringing the total with a waiver or variance to 50 parking spaces.

Subsequent to the 2019 approval, the Village of Mount Kisco modified the medical office parking requirement from 1 space per 150 s.f. to 1 space per 200 s.f. When we submitted the application to the Planning Board, we did not believe that a variance would be required because the change by itself meant that there was no change in the number of parking spaces required. However, the parking requirement for professional office has also been modified from 1 space per 275 s.f. in excess of 10,000 sf to 1 space per 250 s.f. Accordingly, the conversion of an additional 25,000 s.f. from professional office to medical office would require a variance for 22 additional parking spaces, and in conjunction with the parking lot re-striping, the total variance required would be for 66 parking spaces.

We conducted parking counts at the property on November 17, 2017 at 9am, 2pm, and 4pm, and determined that there were an average of 181 parking spaces available on that day. We conducted follow up parking counts on January 25 and January 27 this year, and similarly counted an average of 181 spaces on January 25 and 214 spaces on January 27. We then conducted another follow up count on April 22 at 9:45am using aerial drone photography, and identified 220 empty spaces, higher than but generally consistent with our previous counts.

The number of available parking spaces has not decreased since 16,000 s.f. was converted from professional office to medical office, and there is more than adequate parking to support the replacement of 25,000 s.f. of professional office with the same amount of medical office. We believe that the parking utilization of professional office and medical office has converged over time as professional offices have gotten smaller (i.e. open seating, cubicles, etc) and medical equipment and medical offices have gotten larger. Many municipalities, including the Town of Bedford and Town of New Castle, make no distinction in the parking requirement for professional office versus medical office.

There are a total of 877 existing parking spaces (plus 34 land banked spaces) within the 90-100-110 South Bedford Road parking lot, which with the re-striping will be reduced to 833 parking spaces, which based on a total of 207,960 s.f. within the 3 buildings equals 1 space per 250 s.f. The availability of 181 - 220 empty



parking spaces on a typical week day clearly demonstrates that 100 South Bedford Road can accommodate 41,000 s.f. of medical office instead of 16,000 s.f.

The variance sought will not result in an undesirable change in the character of the neighborhood or to the detriment of nearby properties, is not substantial, and will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. There is no other feasible method for us to pursue other than the proposed parking variance. The need for a variance is self-created to the extent that we seek to lease space at 100 South Bedford Road for medical use because of the persistent weakness in the office leasing market.

For these reasons, we hope that you will support our application for a 66 parking space variance for 100 South Bedford Road, permitting the re-striping of our parking lot to eliminate Compact vehicle sized parking, and enabling our goal of converting 25,000 square feet from professional office to medical office space.

Thank you for your consideration.

Best Regards,

Diamond Properties

Jim Diamond

ATTACHMENTS:

Exhibit A: Site Plan Information and Parking Counts

Exhibit B: Short Form EAF

Exhibit C: Letter from Building Inspector and Prior ZBA and Planning Board Approval Resolutions

Exhibit D: Deed

EXHIBIT A

100 South Bedford Rd

Parcel ID:
Section 80.5, Block 3, Lot 3

Address
100 South Bedford Road
Mount Kisco, NY 10549

Applicant / Owner
100 South Bedford Road LLC
c/o Diamond Properties LLC
333 North Bedford Road
Mount Kisco, NY 10549

Architect
Gallin Beeler Design Studio, P.L.L.C.
23 Washington Avenue
Pleasantville, NY 10570

Surveyor
Link Land Surveyors
21 Clark Place, Ste 1-B
Mahopac, NY 10541

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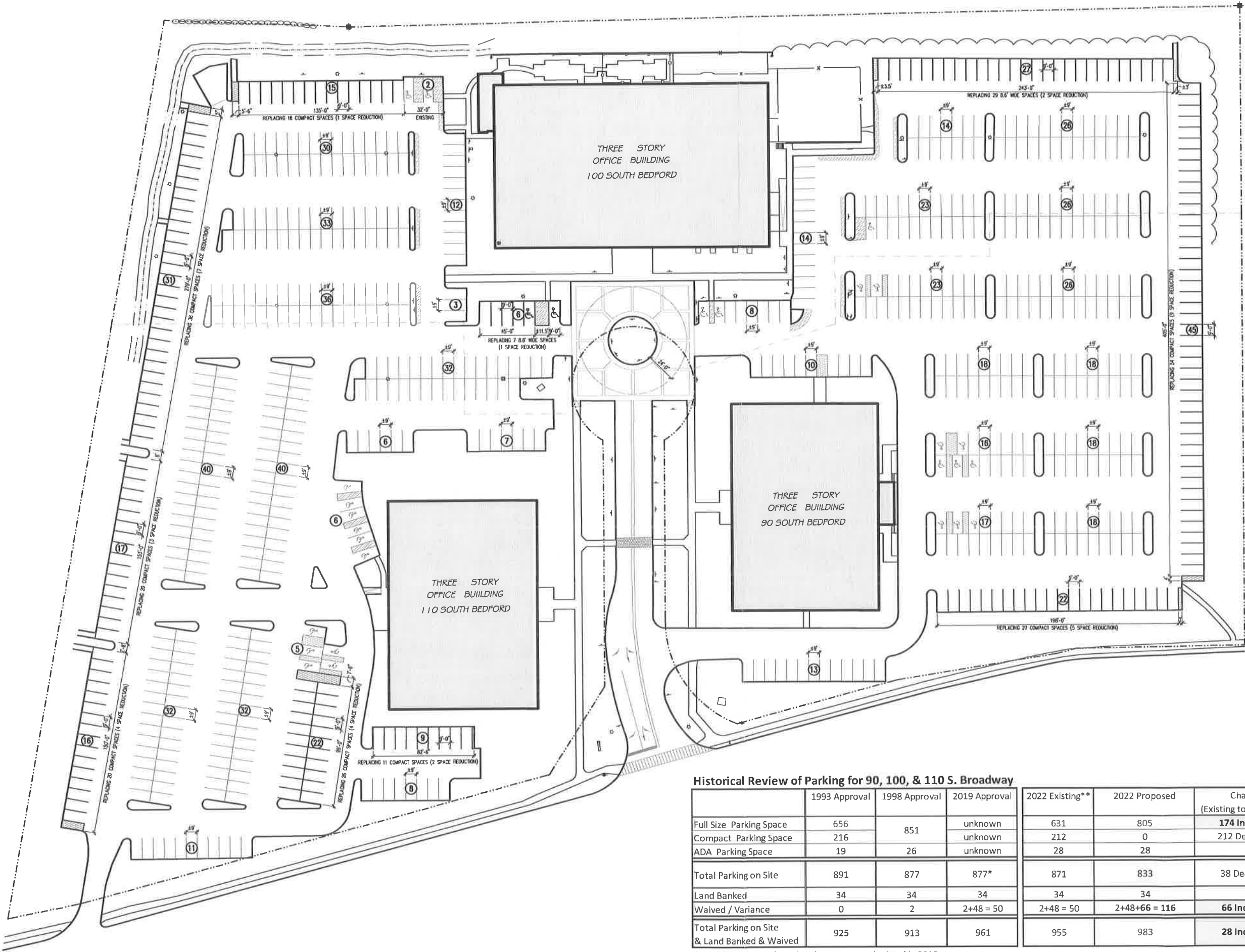
Sheet Scale: 1" = 40'

NORTH		
05.12.22	Planning / Zoning Sub.	
04.22.22	Planning / Zoning Sub.	
12.05.17	Planning / Zoning Sub.	
12.30.14	Survey Completed	
Rev.	Date	Description

Sheet Title:
Site Plan Information

Project #: 8807
Drawn: FS
Checked: RB

Sheet No.:
SP-1



Historical Review of Parking for 90, 100, & 110 S. Broadway

	1993 Approval	1998 Approval	2019 Approval	2022 Existing**	2022 Proposed	Change (Existing to Proposed)
Full Size Parking Space	656	851	unknown	631	805	174 Increase
Compact Parking Space	216		unknown	212	0	212 Decrease
ADA Parking Space	19		unknown	28	28	
Total Parking on Site	891	877	877*	871	833	38 Decrease
Land Banked	34	34	34	34	34	
Waived / Variance	0	2	2+48 = 50	2+48 = 50	2+48+66 = 116	66 Increase
Total Parking on Site & Land Banked & Waived	925	913	961	955	983	28 Increase

* Estimate. A complete site plan was not submitted in 2019
** Combination of 2022 site measurements, 2015 pdf survey of 90 & 110, 2015 CAD survey of 100, and drone images

100 South Bedford Rd

Parcel ID:
Section 80.5, Block 3, Lot 3

Address
100 South Bedford Road
Mount Kisco, NY 10549

Applicant / Owner
100 South Bedford Road LLC
c/o Diamond Properties LLC
333 North Bedford Road
Mount Kisco, NY 10549

Architect
Gallin Becker Design Studio, LLC
23 Washington Avenue
Pleasantville, NY 10570

Surveyor
Link Land Surveyors
21 Clark Place, Ste 1-B
Mahopac, NY 10541

100 South Bedford Road (parcel ID: Section 80.5, Block 3, Lot 3)

OG - General Office District

	Required	Existing	Proposed
Min. Lot Area	20,000sf	211,500sf	No Change
Min. Lot Width	100'	881'	No Change
Min. Lot Depth	100'	322'	No Change
Min. Front Yard Abutting Nonresidential District	30'	na	No Change
Min. Front Yard Abutting Residential District	30'	na	No Change
Min. Rear Yard Abutting Nonresidential District	30'	52'	No Change
Min. Rear Yard Abutting Residential District	50'	na	No Change
Min. Side Yard Abutting Nonresidential District	30'	287'	No Change
Min. Side Yard Abutting Residential District	50'	na	No Change
Max. (Stories / Height)	3 / 40'	3 / 38.6'	No Change
Max. Building Coverage	25%	14%	No Change
Max. Development Coverage	70%	70%	No Change

Total Building Area

	Current	Proposed	Change
Professional Offices	61,587sf	36,587sf	25K Decrease
Day Care	10,172sf	10,172sf	
Medical Offices	16,000sf	41,000sf	25K Increase
Total Building Area	87,759sf	87,759sf	

Required Parking for Proposed 25,000sf Change in Use

Existing	Proposed	Change
Professional Office 61,587sf/ 275 = 224	Professional Office 36,587sf/ 250 = 147	22 Increase
Medical Office 16,000/150 = 106	Medical Office 41,000sf/ 200 = 205	

Parking Chart for Combined 90, 100, 110 per Use

	2019 Approval	2022 Current Application	Change (2019 to 2022)
Building 100			
Daycare	30	30	
Professional Office	224	147	77 Decrease
Medical Office	106	205	99 Increase
Building 90 & 110			
Health Services	601	601	
Total Required	961	983	22 Increase
Actual Parking on Site	877*	833	44 Decrease
Land Banked	34	34	
Waived / Variance	2+48 = 50	2+48+66 = 116	66 Increase
Total Provided	961	983	22 Increase

* Estimate. A complete site plan was not submitted in 2019

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Sheet Scale: 1" = 40'

0 40 80 120



Date	Revised	Description
05.12.22		Planning / Zoning Sub.
04.22.22		Planning / Zoning Sub.
12.03.17		Planning / Zoning Sub.
12.30.16		Survey Completed

Sheet Title:

Charts

Project #: 8807
Drawn: FS
Checked: RB
Print Date: 05.12.2022

SP-2

	1998 Approval			2019 Approval			2022 Application		
	Square Feet	Parking Ratio	Parking Spaces Required	Square Feet	Parking Ratio	Parking Spaces Required	Square Feet	Parking Ratio	Parking Spaces Required
<u>Building 100</u>									
Professional Offices	77,587	1 per 275 sf	282	61,587	1 per 275 sf	224	36,587	1 per 250 sf	147
Day Care	10,172		30	10,172		30	10,172		30
Medical Offices	-			16,000	1 per 150 sf	106	41,000	1 per 200 sf	205
Total	87,759		312	87,759		360	87,759		382
<u>Buildings 90 & 100</u>									
Medical Offices	120,201	1 per 200 sf	601	120,201	1 per 200 sf	601	120,201	1 per 200 sf	601
Combined 90, 100, 110	207,960		913	207,960		961	207,960		983
Provided			877			877			833
Land Banked			34			34			34
Waived/Variance			2			2 + 48 = 50			50 + 66 = 116
Total			913			961			983

Vacant Parking Spaces Combined Parking Lot				
	11/17/2017	1/25/2022	1/27/2022	4/22/2022
9:00 AM	170	210	211	227
2:00 PM	183	155	186	
4:00 PM	189	178	246	
Average	181	181	214	227
Land Banked Parking	34	34	34	34
Potential Available with Banked	215	215	248	261

Total Parking Spaces within Parking Lot	
Existing Spaces	877 spaces
Proposed Spaces	833 spaces
Existing Space Ratio	1 per 237 sf
Proposed Space Ratio	1 per 250 sf

VACANT PARKING:

(A)

81

(B)

76

TOTAL 157

Photo Taken: 4/22/2022 9:45AM

(A)

(B)



00 S BEDFORD RD MT KISCO, NY 10549

VACANT PARKING:

A

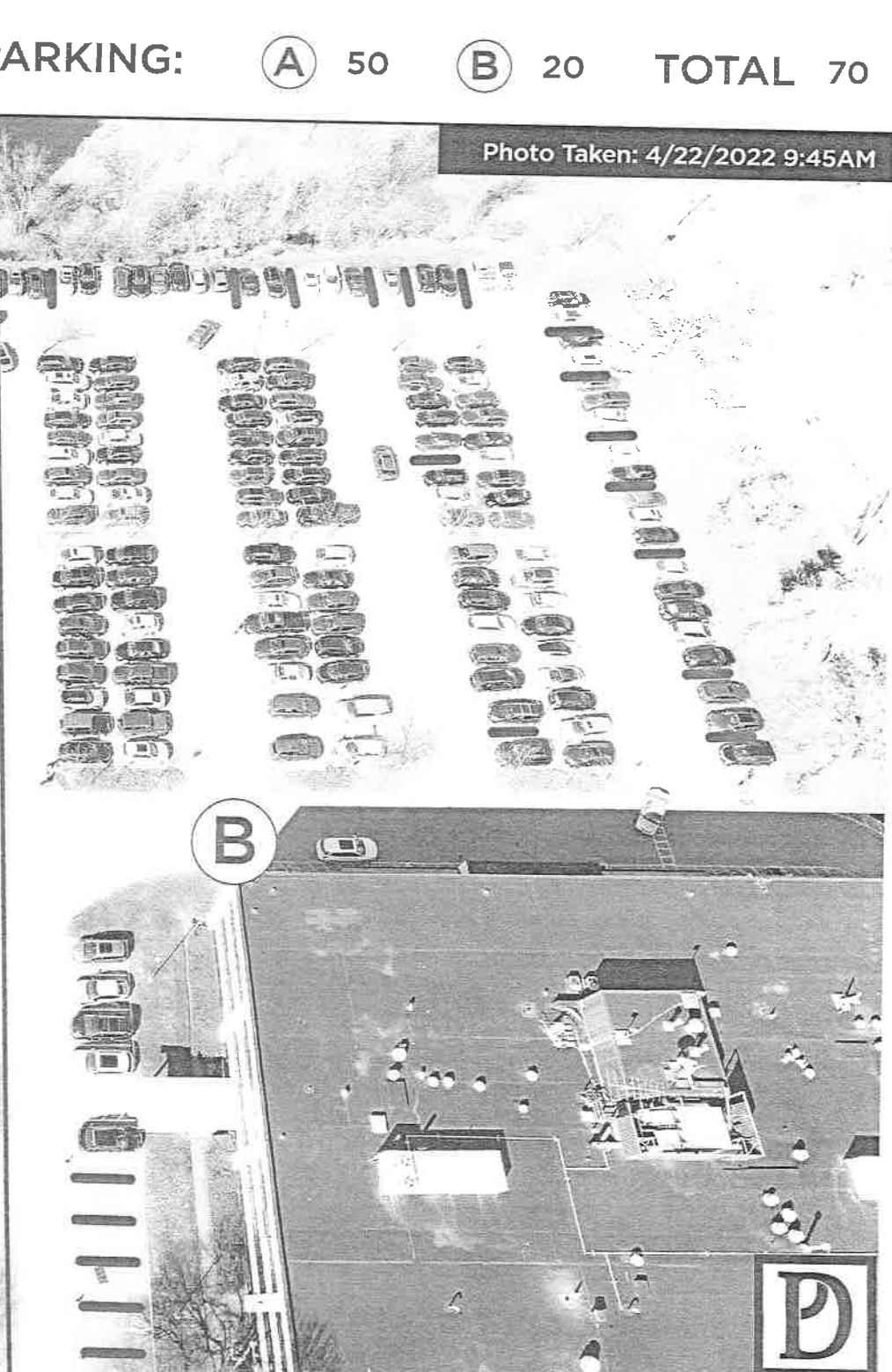
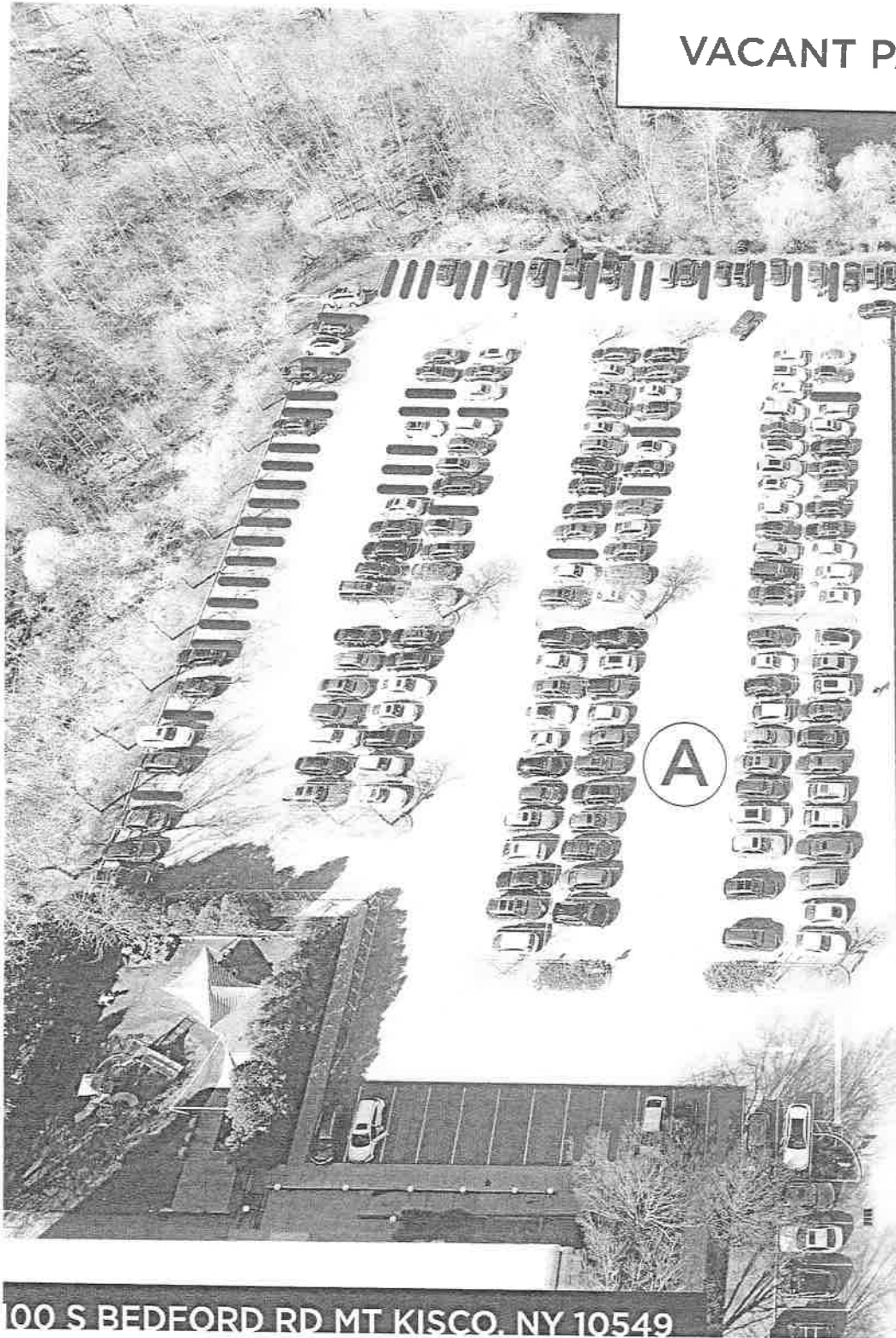
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B

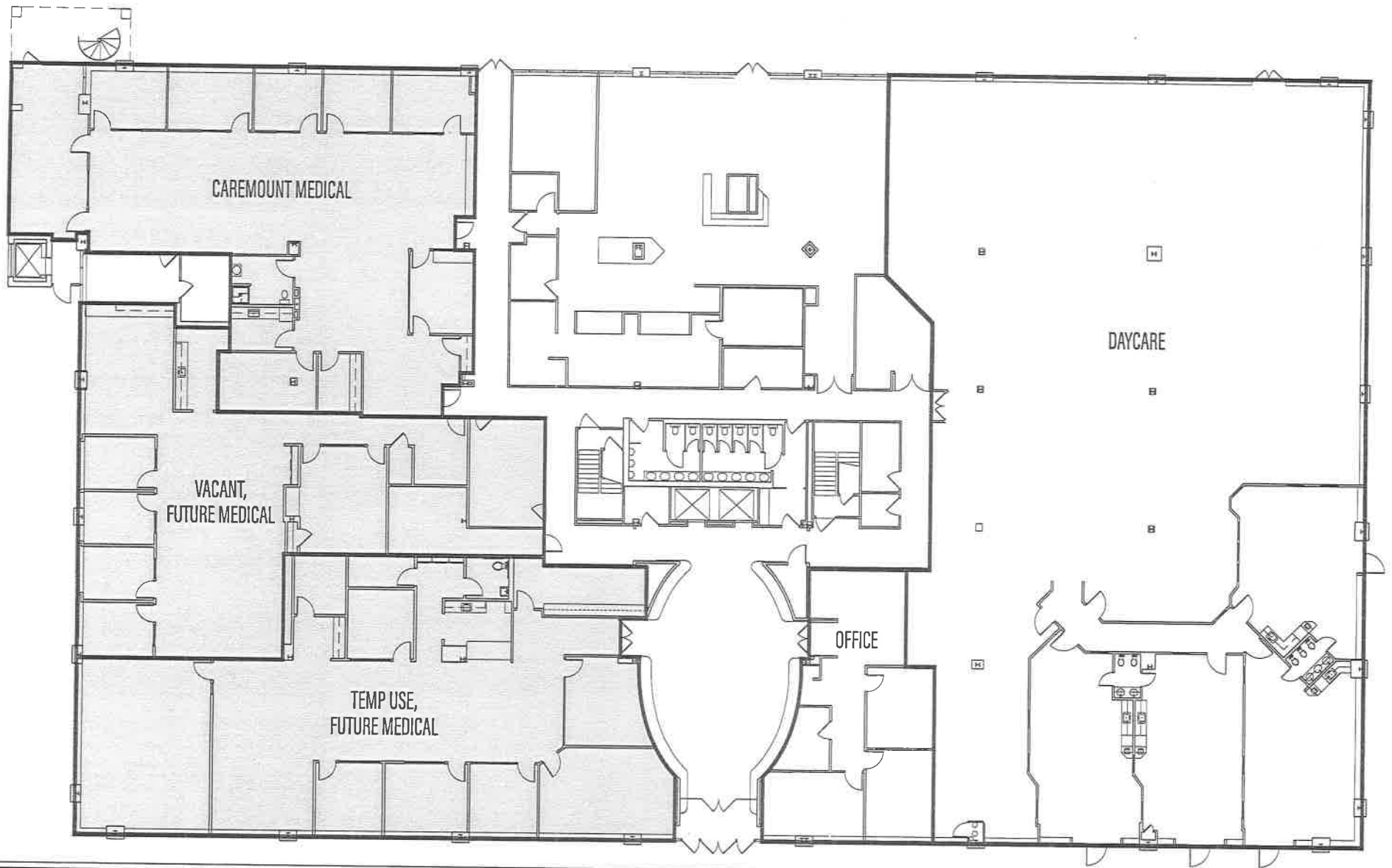
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TOTAL 70

Photo Taken: 4/22/2022 9:45AM



00 S BEDFORD RD MT KISCO, NY 10549

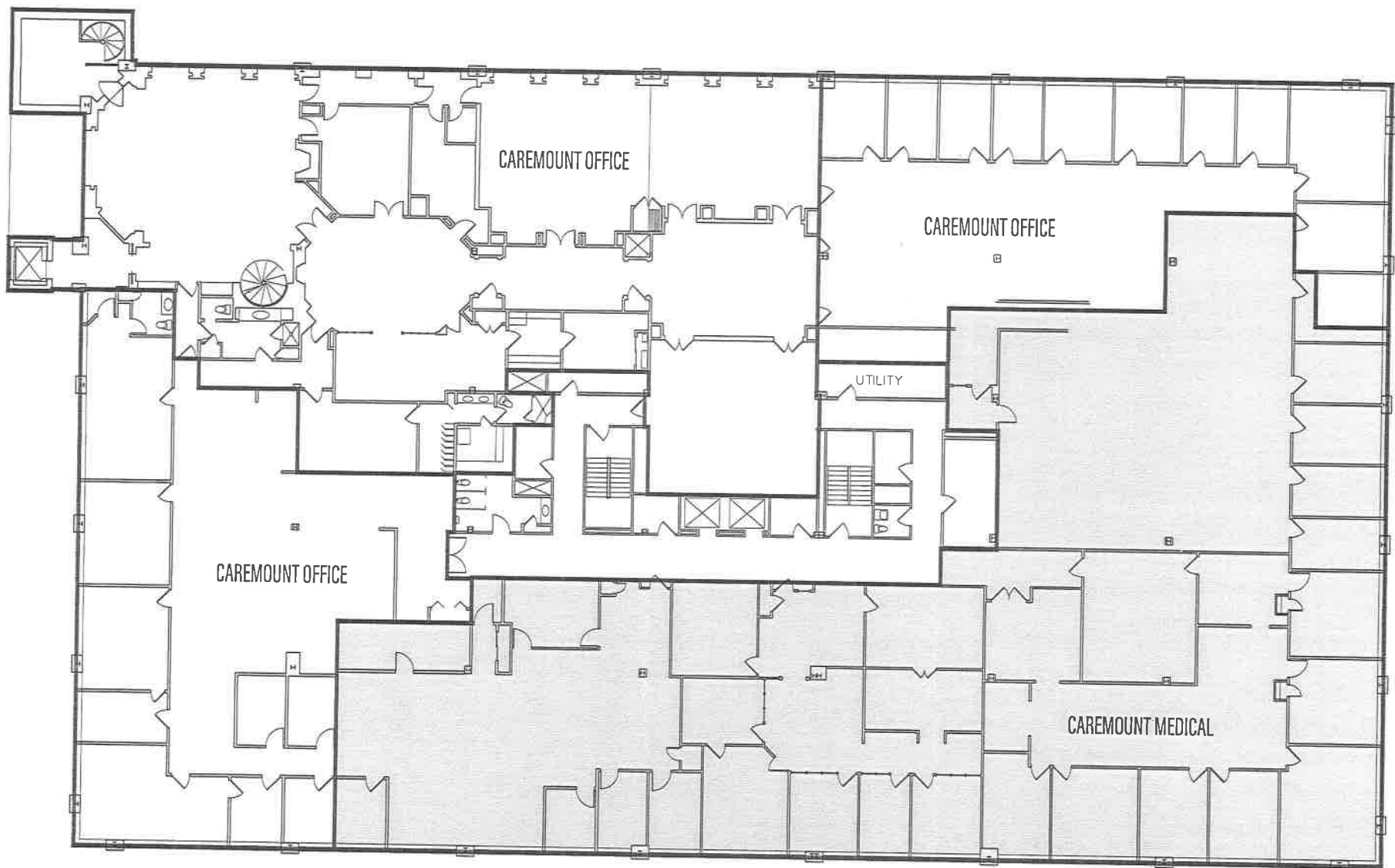


100 S. Bedford Road
1st Floor

For further information about this property, contact:
Mark Blandford - 914-773-6242



Date: May 5th, 2022

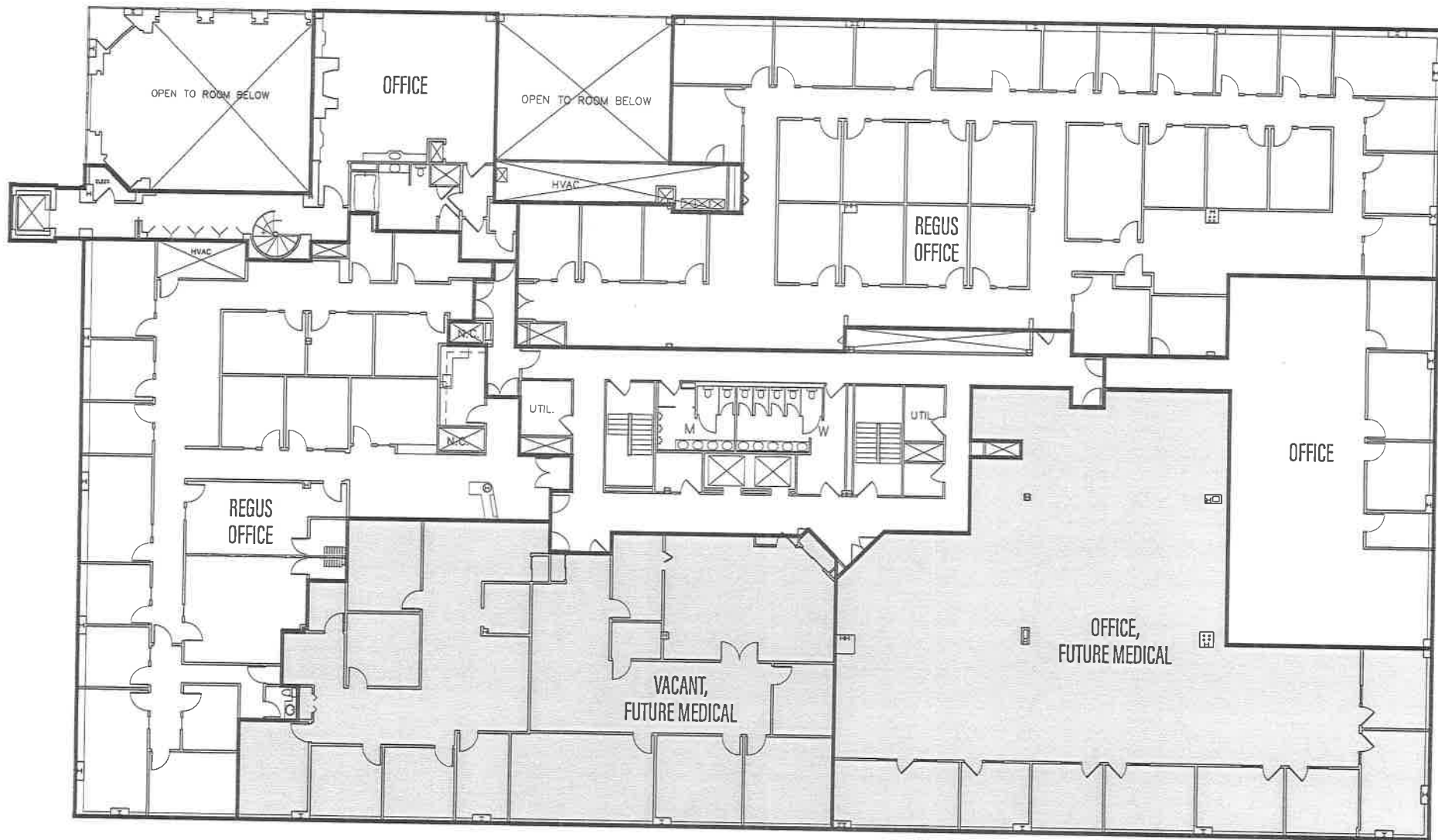


100 S. Bedford Road
2nd Floor

For further information about this property, contact:
Mark Blandford - 914-773-6242



Date: May 5th, 2022



100 S. Bedford Road
3rd Floor

For further information about this property, contact:
Mark Blandford • 914-773-6242



Date: May 5th, 2022

EXHIBIT B

617.20
Appendix B
Short Environmental Assessment Form

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.

Part 1 - Project and Sponsor Information							
Name of Action or Project: 100 South Bedford Road, Mount Kisco NY 10549							
Project Location (describe, and attach a location map): 100 South Bedford Road, Mount Kisco NY 10549							
Brief Description of Proposed Action: Application for a parking variance of the minimum off-street parking regulations to allow a parking variance of 66 parking spaces due to re-striping of parking lot to eliminate 44 compact car parking spaces and conversion of 25,000 sf of space from professional office to medical office (such that there will be 41,000 s.f. total medical office).							
Name of Applicant or Sponsor: James Diamond		Telephone: 914-773-6220 E-Mail: jdiamond@dpmgt.com					
Address: c/o Diamond Properties, LLC, 333 North Bedford Road							
City/PO: Mount Kisco		State: NY	Zip Code: 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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Mount Kisco Planning Board			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 2px;">NO</td> <td style="width: 50%; padding: 2px;">YES</td> </tr> <tr> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? 13.47 acres b. Total acreage to be physically disturbed? 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 13.47 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): Professional Office and Medical <input checked="" type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) 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 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? If the proposed action will exceed requirements, describe design features and technologies: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<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 <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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 plain?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ <input type="checkbox"/> NO <input type="checkbox"/> YES	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	YES
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	YES
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>100 South Bedford, LLC/James Diamond</u>		
Signature: _____		Date: _____

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

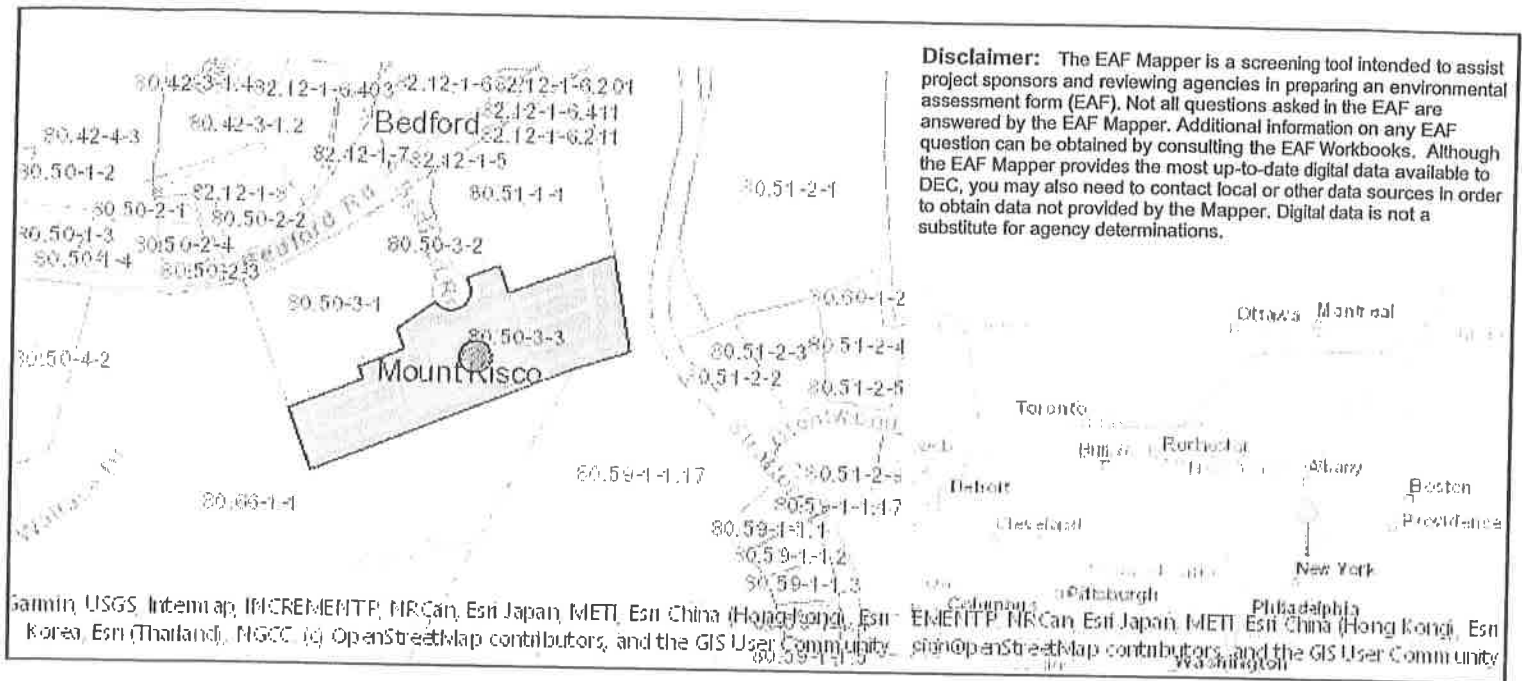
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

PRINT

RESET

EAF Mapper Summary Report

Monday, April 25, 2022 12:29 PM



Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Geographic Area Overlaying Aquifer, Reason:Exceptional or unique character, Agency:Bedford, Town of, Date:11-3-84
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
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]	Yes
Part 1 / Question 20 [Remediation Site]	No


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

MEMORANDUM

TO: Honorable Chairman Bonforte
and members of the Mount Kisco Planning Board

FROM: Peter J. Miley, Building Inspector 

SUBJECT: Diamond Properties
100 South Bedford Road, SBL 80.50-3-3

DATE: April 20, 2022 (orig)
Amended on April 25, 2022 after new information was received.

PROPERTY

90, 100, and 110 S. Bedford Rd. is situated on a four (4) parcels totaling 13.47 +/- acres improved by three (3) commercial buildings. The combined building area of all three (3) buildings is 207,960 sf.; 100 S. Bedford Rd. alone is 87,759 sf. On November 14, 1995 – 90, 100, & 110 S. Bedford Rd. were granted site plan approval thereby allowing 90 and 110 S. Bedford Rd. for medical use and prohibiting medical use in 100 S. Bedford Rd.

Proposed, is to change an additional 19,000 sf. (16,000 sf. already approved) of professional office space “nonmedical” to medical use(s) in the 100 S. Bedford Rd. building; no exterior site work is being proposed.

ZONING

Professional office(s), both medical and nonmedical, are permitted uses in the OG Zoning District. However, the difference between the two uses – professional office medical v. nonmedical, is their parking requirements. Buildings 90 and 110 S. Bedford Rd. is comprised of 100% professional office(s) [ALL] medical use(s).

Today, 100 S. Bedford Rd. consists of 10,172 sf. of day care and 77,587 sf. of professional office space; 16,000 sf. of the 77,587 sf. is approved for medical use.

On 4/29/2019, the off-street parking regulations were amended. Professional office “medical use” requires five (5) parking spaces per 1000 sf. (1/200 sf.) as opposed to nonmedical requiring four (4) parking spaces per 1000 sf. (1/250).

If we calculate the required parking for the entire site utilizing today's standards, the required number of parking spaces is as follows:

90 & 110 S. Bedford Rd.

- | | |
|---|--------------------|
| a. 120,201 sf. of professional office (medical) requires: | 601 parking spaces |
|---|--------------------|

100 S. Bedford Rd.

- | | |
|---|---------------|
| a. 35,000 sf. of professional office (medical) requires: | 175 spaces |
| b. 42,587 sf. of professional office (nonmedical) requires: | 170.34 spaces |
| c. 10,172 sf. daycare requires: | 30 spaces |
| | <hr/> |
| | 976.34 spaces |

Proposed: converting an additional 19,000 sf. to professional office (medical), this change of use would require an additional 15 parking spaces.

Site Plan Approval: there are 877 parking spaces currently available and an additional 34 were approved as "land banked" spaces totaling 911 parking spaces. In addition, two (2) of the parking spaces were waived for the Day Care Facility and a 48 parking space variance was issued (refer to ZBA Case No. 17-9) on 4/23/2019 in connection with the approved – change of use permit which allowed for the conversion of 16,000 sf. of professional office space to professional office – "medical use(s)."

Since the three (3) buildings are part of one (1) approved site plan, we calculated the aggregate of all uses contained and/or proposed therein. We calculated parking requirements utilizing the current regulations. All on-site parking combined, including those installed, land-banked, waived, and the 48 spaces forgiven by a zoning variance, parking, in connection with the requested change of use, would be deficient by 15.34 (16) spaces.

Therefore; a 16 parking space variance would be required for the change of use referenced above.

APPROVALS

Planning Board – Amended Site Plan Approval
Change of use permit
Zoning Board

Zoning Board of Appeals
of the Village/Town of Mount Kisco
-----X



In the Matter of the Application of
100 South Bedford Road LLC¹
-----X

Case No.: ZBA 17-9

1. Location of Property:

100 South Bedford Road
(90, 100, and 110 South Bedford Road)

Property ID: 80.50-3-1, 80.50-1-1,
80.50-3-2, and 80.50-3-3

2. Description of Request:

The application proposes the alteration of minimum off-street parking regulations to allow a parking variance for 48 parking spaces due to the change of building use for 16,000 square feet of space from professional offices to medical offices. Village Code Section 110-28(K)(1) and the associated "Minimum Off-Street Parking Regulations" Table requires "1 space per 150 square feet of gross floor area" for Medical and Dental Offices. By substituting 16,000 square feet of professional office space with medical office space, the degree of parking nonconformity increases by 48 spaces (16,000 square feet proposed / 150 square feet required per space = 106.6666 spaces minus 16,000 square feet / 275 square feet per space = 58.18 spaces \approx 48 parking spaces).

3. Zoning of Property:

OG – General Office District.

4. Variance Requested:

Variance from number of parking spaces required from the minimum required under Village Code Section 110-28(K)(1) and the associated "Minimum Off-Street Parking Regulations" Table:

¹ Notwithstanding the applications reference to a single property, the site plan of record comprises 4 separate parcels (90 So. Bedford Road: 80.50-3-1, 110 So. Bedford Road: 80.50-1-1, and 100 So. Bedford Road: parcels 80.50-3-2 [access parcel] and 80.50-3-3 [Building 100]) within a single site plan resolution, which incorporates by reference cross-easement agreements. Applicant, as the owner of 80.50-3-2 and 80.50-3-3 has presented the written consent of the owner of parcels 80.50-3-1 (90) and, 80.50-1-1 (110) to this application. Accordingly, this application shall be deemed to include all four properties, and the relief granted and conditions imposed herein shall be applicable to the entire site and not necessarily limited to Building 100.

<u>Minimum Req. Parking Current Code²</u>	<u>Minimum Req. Parking with Grandfathering³</u>	<u>Proposed/ Existing Parking⁴</u>	<u>Variance Requested⁵</u>
1,165 spaces	965 spaces	877/911 spaces	48 spaces

5. Date of Public Hearing: January 16, 2018
Date of Action: January 16, 2018

6. Comments Received at the Public Hearing.

None.

7. Documents Submitted with the Application:

- Letter from Jim Diamond, Diamond Properties, dated 11/28/17
- Memo from Peter J. Miley, Building Inspector, to Planning Board, received 11/28/17
- Memo from Kellard Session Consulting P.C. to Planning Board, received 11/28/17
- Zoning Board of Appeals Application, received 12/19/17
- Full list of names for mailing, received 11/28/17
- Copy of map of properties within 300 Feet, received 11/28/17
- Notarized Affidavit of Mailing, dated 01/03/18
- Affidavit of Publication from the Journal News, dated 01/05/18
- Affidavit of Posting, received 01/09/18

² 120,201 at 1/150 (Buildings 90 and 110- 100% medical), 16,000 at 1/150 (Building 100 medical), 30 spaces (Building 100 daycare), 10,000 at 1/250 and 51,587 at 1/275 (Building 100 non-medical office) Total 801 + 364 = 1,165. No provision for food retail is accounted for as part of this analysis.

³ 120,201 at 1/200 (Buildings 90 and 110- 100% medical), 16,000 at 1/150 (Building 100 medical), 30 spaces (Building 100 daycare), 10,000 at 1/250 and 51,587 at 1/275 (Building 100 non-medical office) Total 801 + 364 = 1,165. No provision for food retail is accounted for as part of this analysis.

⁴ Per site plan application and site plan of record. Actual spaces = 877, waiver of installation of required parking per prior site plan approval pursuant to § 110-28(G) = 34, total 911.

⁵ 6 space differential between requested parking variance of 48 spaces and actual deficiency of 54 appears to be attributable to errors in prior site plan. First, calculation of non-medical professional offices in Building 100 did not properly account for first 10,000 sf at 1/250, but improperly applied the rate of 1/275 for all professional office space (4 space deficiency). Second, prior site plan (1997) reflected required parking of 913 spaces but only provided 911 (887 actual and 34 installation waived). This resulted in an additional deficiency (2 space deficiency) for a total of 6 space deficiency.

- Public Notice, received 12/19/17
- Copy of Deed, received 11/28/17
- Cover Letter, from Jim Diamond, Diamond Properties, dated 10/25/17
- Site Plans, prepared by Ronald A. Freeman Associates, P.C., received 11/28/17
- Parking Plans, prepared by Robert E. Truskowski ASLA, received 11/28/17
- 90-100-110 Parking Snapshot Table, received 12/19/17
- Memo from Planning Board to Zoning Board, dated 01/16/18
- Fees Paid
- Environmental Assessment Form submitted

8. SEQRA Determination:

The subject application constitutes an Unlisted Action under the State Environmental Quality Review Action ("SEQRA") NYCRR 617 for which uncoordinated review was conducted. A Notice of Determination of Non-Significance ("Negative Declaration") the Zoning Board hereby finds that the Action will not have a significant impact on the environment and authorizes the filing of a Negative Declaration for the Action and is not subject to further 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 the granted variance will not produce an undesirable change in the character of the neighborhood, as the relief is unlikely to impact adjoining properties. Since the site is self-contained, with no on-street parking, it is highly unlikely that any overflow of parking will occur on adjoining properties. Any available parking on neighboring properties is so removed that utilization is doubtful; (2) that the benefits sought by the applicants could not be achieved by a feasible method other than a variance based upon the existing site conditions and lack of adjacent useable land on neighboring properties (parkland and wetlands); (3) While the degree of noncompliance is substantial, the requested variance is not in relation to the overall site; (4) that will be no adverse impact on the environment, as there are no significant physical alterations to the site; and (5) that while the difficulty was self-created in that the applicant(s) purchased this property with full knowledge of the zoning restrictions and site plan conditions of approval, it is not fatal to the application and it does not outweigh the other factors favoring the variances as set forth above.

11. Conditions of Approvals.

- 1) The variance is solely for the plans, uses and occupancy levels presented, reviewed and approved by the Zoning Board and no medical use can be accommodated in Building 100 beyond the 16,000 square feet authorized herein;
- 2) Any conditions of the existing site plan approval of record, and any future modifications thereof, shall be deemed incorporated as conditions of this approval;
- 3) The approval shall not constitute any authorization for any further enlargement of uses within the site. Exceeding the degree of relief herein without receiving further approval from the Zoning Board shall constitute a violation of this approval.

12. Vote: BY ORDER OF THE BOARD OF APPEALS

Motion to approve by: Chairman Boxer

Seconded by: Ms. Coyne

Vote: Mr. Rose	<u>NAY</u>
Ms. Richards	<u>AYE</u>
Ms. Greenberg	<u>AYE</u>
Ms. Coyne	<u>AYE</u>
Chairman Boxer	<u>AYE</u>

RESOLUTION EXECUTED: February 20, 2018
Mount Kisco, New York

ZONING BOARD OF APPEALS
Village/Town of Mount Kisco

By: 
HAROLD BOXER, CHAIRMAN

RECEIVED

MAY 07 2019

Mount Kisco
Office of the Village Clerk

PLANNING BOARD
VILLAGE OF MOUNT KISCO

NEGATIVE DECLARATION OF SIGNIFICANCE
AMENDED SITE PLAN APPROVAL
CHANGE OF USE PERMIT APPROVAL

90, 100, 110 SOUTH BEDFORD ROAD

Section 80.50, Block 3, Lots 1, 2 and 3

Section 80.51, Block 1, Lot 1

Application No: PB2017-0348

February 13, 2018

Amended April 23, 2019

WHEREAS, the subject property consists of four (4) parcels totaling ± 13.47 acres of land located at 90, 100 and 110 South Bedford Road within the General Office (OG) Zoning District (hereafter referred to as "the subject property"); and

WHEREAS, the subject property contains three (3), 3-story office buildings which are accessed via a shared driveway located off of South Bedford Road (NYS Route 172) and contains 887 off-street parking spaces, which are shared amongst the three buildings (not including 34 "land-banked" spaces as denoted on the site plan of record); and

WHEREAS, on November 14, 1995, the Planning Board granted Amended Site Plan Approval and a Change of Use Permit which allowed, among other things, Buildings 90 and 110 to be used for medical office. Per Condition #5 of the November 14, 1995 Resolution, Building 100 was approved for mixed office use (non-medical); and

WHEREAS, reference is made to the site plan or record prepared by Frederick P. Clark Associates, Inc., dated September 24, 1993; and

WHEREAS, the site plan of record comprises four (4) separate parcels, which incorporates, by reference, cross-easement agreements. Accordingly, this application shall be deemed to include all four (4) properties and this Resolution and the conditions imposed herein shall be applicable to the entire site; and

WHEREAS, 100 South Bedford Road, LLC c/o Diamond Properties, LLC ("the applicant" and owner of 100 South Bedford Road) has submitted the written consent of the owners of 90 and 110 South Bedford Road to the proposed action/application; and

WHEREAS, based on the materials submitted, Building 100 is presently approved for ±77,587 s.f. of professional office space (non-medical) and 10,172 s.f. of child day care; and

WHEREAS, the applicant has applied for Amended Site Plan Approval and a Change of Use Permit to eliminate Condition #5 of the November 14, 1995 Resolution and is proposing to convert 16,000 s.f. of space within Building 100 from professional office to medical office (hereafter referred to as "the proposed action"); and

WHEREAS, the applicant has also applied to eliminate Condition #10 of the November 14, 1995 Resolution which requires the easterly most driveway to be closed off; and

WHEREAS, "offices for administrative, business, government or professional use" is a principally permitted use within the underlying Zoning District and, therefore, the proposed professional medical office use is permitted. However, medical office has a more stringent off-street parking requirement (1 space per 150 s.f., as opposed to 1 space per 275 s.f. for non-medical office greater than 10,000 s.f.); and

WHEREAS, reference is made to a memorandum from the Building Inspector, dated November 8, 2017, which identifies that the proposed change of use (from office to medical office) will result in a 48 space parking space deficiency; and

WHEREAS, the Zoning Board of Appeals has granted an area variance for the identified 48 parking space deficiency, subject to conditions (see ZBA Case No. 17-9); and

WHEREAS, the applicant has provided a parking utilization study and has demonstrated that available parking spaces exist to accommodate the conversion of 16,000 s.f. of space from professional office to medical office; and

WHEREAS, the Planning Board has determined that the conversion of existing "land-banked" parking spaces to physical parking spaces is not required based on the amount of existing available parking; and

WHEREAS, the Planning Board has investigated the opening of the easterly driveway onto South Bedford Road and has determined that allowing right hand turns out of the site (only) will improve traffic congestion within the subject property and will not have a detrimental impact to existing traffic conditions on South Bedford Road; and

WHEREAS, the Planning Board has identified noncompliant parking related signage and noncompliant exterior rooftop lighting on each of the three buildings, both of which will be required to be removed as a condition of approval; and

WHEREAS, the proposed action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and the applicant has submitted the Short Environmental Assessment Form (EAF).

NOW THEREFORE BE IT RESOLVED THAT, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby issues a Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board of the Village of Mount Kisco hereby grants Amended Site Plan Approval and a Change of Use Permit, subject to the below-listed conditions; and

BE IT FURTHER RESOLVED THAT, Conditions #5 and #10 of the November 14, 1995 Planning Board Resolution shall be hereby deemed removed, subject to the conditions contained herein; and

BE IT FURTHER RESOLVED THAT, all prior conditions, requirements or limitations of this Board's prior approvals that are not expressly superseded by this resolution shall continue in full force and effect. The inclusion of certain previously adopted conditions in this resolution shall not be deemed a waiver of past conditions not recited herein. Any approvals of other boards, agencies and governmental entities shall not be deemed altered by this resolution; and

BE IT FURTHER RESOLVED THAT, unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution and all conditions contained herein shall be satisfied within one (1) year of commencement of construction.

Conditions to be Satisfied Prior to any Conversion of Space at 100 South Bedford Road:

1. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
2. The applicant shall obtain all applicable permits and approvals from the Zoning Board of Appeals
3. All noncompliant rooftop lighting shall be removed to the satisfaction of the Building Inspector; no further exterior lighting modifications shall be made without prior authorization.
4. All noncompliant signage identifying "reserved parking" shall be removed to the satisfaction of the Building Inspector.

5. Install "Yield to Pedestrian" signs at the roundabout entry points to match the existing sign located within the main drive aisle, to the satisfaction of the Village Engineer.
6. Subject to any New York State Department of Transportation (NYSDOT) approval, to the extent deemed applicable, the applicant shall make the following modifications at the easterly exit drive, all to the satisfaction and discretion of the Village Engineer and Village Planner:
 - a. Remove all existing gates, posts, and post foundations.
 - b. Remove all construction related equipment and materials; restore area to lawn and landscaping.
 - c. Install a white painted arrow indicating a right turn only on the surface of the asphalt driveway located at the South Bedford Road approach.
 - d. Install a stop sign and white painted stop bar at the South Bedford Road approach.
 - e. Any other signage and/or safety measures deemed appropriate by the Village Engineer and Village Planner.
7. The applicant shall supply an as-built survey of the subject property, including the improvements required under Condition #6 above, prepared to the satisfaction of the Village Engineer; this survey shall be attached to the site plan of record and its purpose shall be to substantiate and record the improvements proposed by the applicant and approved herein.
8. Prior to the issuance of any Building Permit or Certificate of Occupancy within Building 100, the applicant shall submit updated floor plans for Building 100 (in its entirety), showing existing and proposed conditions, prepared to the satisfaction of the Building Inspector.
9. Prior to the issuance of any Building Permit or Certificate of Occupancy within Building 100, the applicant shall submit an updated off-street parking calculation for Building 100, prepared to the satisfaction of the Building Inspector.

Other Conditions:

10. No medical office (requiring a parking calculation of 1 space per 150 s.f.) shall be permitted in Building 100 beyond the 16,000 s.f. authorized herein.
11. This approval shall not constitute any authorization for any further enlargement of uses within the subject property.
12. Failure to comply with any of the aforesaid conditions shall constitute a violation of this approval and shall subject the owner/applicant to prosecution, penalties and/or permit revocations pursuant to applicable law.

13. The easterly driveway onto South Bedford Road shall be an exit only/right turn out only driveway.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: JOHN BAINLARDI

The motion was seconded by: WILLIAM POLESE

The vote was as follows:

DOUGLAS HERTZ	<u>AYE</u>
JOHN BAINLARDI	<u>AYE</u>
RALPH VIGLIOTTI	<u>AYE</u>
MICHAEL BONFORTE	<u>AYE</u>
WILLIAM POLESE	<u>AYE</u>
JOHN HOCHSTEIN	<u>AYE</u>
CRYSTAL PICKARD	<u>AYE</u>

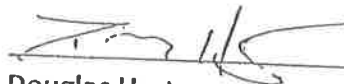
 *May 7, 2019*
Douglas Hertz April 23, 2019

EXHIBIT D

71
BARGAIN AND SALE DEED,
WITH COVENANT AGAINST GRANTOR'S ACTS

THE TRAVELERS INSURANCE COMPANY

TO

100 SOUTH BEDFORD LLC

State of: New York
County of: Westchester
Village/Town: Mt. Kisco

Section: 80.50

Block: 3

Lot: 3+2

Street Address: 100 South Bedford Road

Record and Return

Martin Epstein, Esq.
50 Main Street
White Plains, New York 10606

THIS INDENTURE, made as of the 17th day of December, nineteen hundred and ninety-six,

BETWEEN

THE TRAVELERS INSURANCE COMPANY, a Connecticut corporation, having an address at c/o Travelers Investment Group, One Tower Square, 9PB, Hartford, Connecticut 06183, party of the first part, and 100 SOUTH BEDFORD LLC, a New York limited liability company having its principal offices c/o Jim Diamond, 400 Columbus Avenue, Valhalla, New York 10595, party of the second part,

WITNESSETH, that in consideration of the sum of ten (\$10.00) dollars and other good and valuable consideration paid by the party of the second part to the party of the first part, the receipt and sufficiency whereof is hereby acknowledged, the party of the first part does hereby give, grant, bargain, sell, release and confirm unto the party of the second part, the successors and assigns of the party of the second part forever,

ALL those certain plots, pieces or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the County of Westchester, Village/Town of Mt. Kisco, and State of New York, more particularly described on Exhibit A annexed hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever;

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

This conveyance has been made by the grantor in the ordinary course of business.
AND the party of the first part, in compliance with Section 13 of the Lien Law of the State of New York, 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 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.

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

THE TRAVELERS INSURANCE COMPANY, a
Connecticut corporation

By: Sandra M. Hodkowski
Name: Sandra M. Hodkowski
Title: Assistant Secretary

STATE OF ^{New York} ~~CONNECTICUT~~)
COUNTY OF ^{New York} ~~HARTFORD~~) ss.:

On the 17th day of December, 1996, before me personally came Sandra M. Hodkowski, to me known, who, being by me duly sworn, did depose and say that she maintains an address at c/o Travelers Investment Group, One Tower Square, 9PB, Hartford, Connecticut 06183; that she is the Assistant Secretary of The Travelers Insurance Company, the corporation described in and which executed the foregoing instrument; and that she signed her name thereto by order of the Board of Directors of said corporation.

Alfred J. Hans
Notary Public

ALFRED J. HANS
Notary Public, State of New York
No. 4806372
Qualified in Nassau County
Commission Expires Sept. 30, 1998

1998.

Exhibit A
Real Property

Parcel 100

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of Mt. Kisco, County of Westchester and State of New York, being known and designated as Lot Numbers Three (3) and Four (4) on a certain subdivision plat entitled, "Resubdivision of Property prepared for Leonard Park Office Plaza, Village of Mt. Kisco, Town of Mt. Kisco, Westchester County, N.Y." prepared by Chas. H. Sells, Inc. on January 12, 1979 and last revised February 26, 1980 and filed in the Office of the County Clerk of the county of Westchester, Division of Land Records, on February 27, 1980 as Map No. 20173 (the "Map").

Said Lot 3 on Map No. 20173 being bounded and described as follows:

BEGINNING at a point on the southwesterly side of Leonard Park Place where the same is intersected by the dividing line between Lots 1 and 3 on said map;

THENCE along the last said dividing line South 64 degrees 15 minutes 00 seconds West 123.60 feet;

South 8 degrees 29 minutes 15 second East 55.44 feet;

South 81 degrees 30 minutes 45 seconds West 126.81 feet;

South 8 degrees 29 minutes 15 seconds East 35.00 feet; and

South 81 degrees 30 minutes 45 seconds West 207.41 feet to lands now or formerly of the Village and Town of Mt. Kisco;

THENCE along the last said lands, South 8 degrees 29 minutes 15 seconds East 170.69 feet;

North 80 degrees 18 minutes 31 seconds East 730.33 feet;

North 84 degrees 50 minutes 50 seconds East 35.06 feet;

North 83 degrees 41 minutes 20 seconds East 115.72 feet to lands now or formerly of the Marsh Sanctuary;

THENCE along the last said lands North 1 degrees 49 minutes 50 seconds East 253.29 feet to the dividing line between Lots 2 and 3 on said map;

THENCE along the last said dividing line South 81 degrees 30 seconds 45 seconds West 288.00 feet;

North 8 degrees 29 minutes 15 seconds West 76.00 feet and South 81 degrees 30 minutes 45 seconds West 93.01 feet to the northeasterly side of Leonard Park Place and;

THENCE southerly, westerly and northerly along the easterly, southerly and westerly sides of Leonard Park Place on a curve to the right having a radius of 50.00 feet a distance of 164.19 feet to the point and place of BEGINNING.

Road Parcel

Parcel 4 on Map No. 20173 being bounded and described according to the Map as follows:

BEGINNING at a point on the southerly side of South Bedford Road where the same is intersected by the dividing line between lots 1 and 4 on the Map;

THENCE along the last said dividing line and continuing along the dividing lines between lots Nos. 3 and 4 and 2 and 4 on said map, the following courses and distances: Southerly on a curve to the right having a radius of 90.00 feet a distance of 166.29 feet;

South 8 degrees 29 minutes 15 seconds East 149.17 feet actual (147.17 feet Deed) southerly, easterly and northerly on a curve to the left having a radius of 50.00 feet a distance of 261.80 feet;

North 8 degrees 29 minutes 15 seconds West 202.53 feet and North 23 degrees 47 minutes 00 seconds East 115.31 feet to the southerly side of South Bedford Road; and

THENCE along the same South 65 degrees 38 minutes 51 seconds West 235.12 feet to the point or place of BEGINNING.

20532-00
CL # 0041
Rec # 27850

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

NOV 23 2021
RECEIVED

Application #: _____ Permit #: _____

BUILDING PERMIT APPLICATION

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

Project Address: 223 West Main St. Mount Kisco, NY 10549

Zoning District: _____ Section/Block/Lot(s): 69.71-1-7

Applicant's Name: Michael E. Miele, P.E.

Address: 705 Orrs Mills Rd
New Windsor, NY 12553

Email address: nypsengineer@gmail.com Phone #: (845) 629-9693

Name of Property Owner: David Vanerk Phone #: (718) 316-1465
(If Different)

Present Address of Owner: _____

Email address: dbverk@gmail.com Phone #: _____

Description of Improvement and Proposed Use in Detail: Installation of an 11.84 kw
roof-mounted solar system consisting of 32 LG 370w panels
and 32 Enphase IQ7plus microinverters.

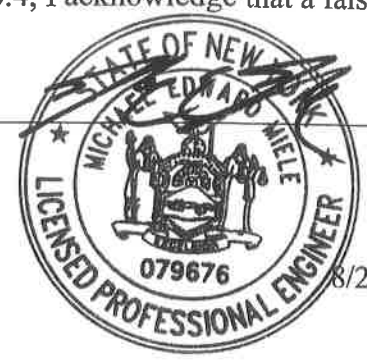
Total Estimated Cost of Improvement: \$35,700.00

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 Michael E. Miele, P.E. 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 \$ 35,700.00, and (IV) pursuant to Penal Law 210.4, I acknowledge that a false statement made knowingly is a Class A Misdemeanor.

Signature: [Signature]
Date: 11-16-21

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 ye, 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? _____

Contractor: Long Island Power Solutions

Address: 2000 Ocean Ave. Ronkonkoma, NY 11779

Phone #: (631) 348-0001 Fax #: _____

Email address: cindy@gopowersolutions.com

Westchester County Home Improvement License #: WC-28094-H15

Architect or Engineer: Michael E. Miele, P.E. NYS Lic. #: 079676

Address: 705 Orrs Mills Rd. New Windsor, NY 12553

Phone #: (845) 629-9693 Fax #: _____

Email address: mymiele@nypseengineer@gmail.com

Applicant

Electrician: Michael Catizone Phone #: (631) 348-0001 WC Lic. #: 1628

Address: 2000 Ocean Ave. Ronkonkoma, NY 11779

Phone #: _____ Email address: mike@gopowersolutions.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.


Applicant's Signature

Sworn to before me this 22 day of November

Notary Public, Westchester County: Renata McGee

RENATA MCGEE
Notary Public, State of New York
Qualified in Orange County
Registration No. 01MC6204434
Commission Expires April 20, 2025

Affidavit of Owner Authorization:

See attached notarized proxy

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

The applicant Michael E. Miele, P.E. has my consent from to make this application as submitted.

David Vanerke
Owner's Name Printed

Owner's Signature

Sworn to before me this 22 day of November

Notary Public, Westchester County: Renata McGee

Name of Project Contact Person: Michael E. Miele, P.E.

Daytime Phone #: (845) 629-9693 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: B. M. [Signature]

Building Inspector Approval: _____

Conditions: _____

Date: 12/11/21

Date approved: _____



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

May 9, 2022

David Venerk
233 W. Main Street
Mount Kisco New York 10549
Tax Map No. 69.71-1-7

Re: Solar Application

Dear Mr. Venerk:

Your application to the Mount Kisco Building Department to install a roof-mounted solar system on an existing noncomplying accessory structure ***"is hereby denied."***

The property is located in the § 110-8. RS-12 Low-Density One-Family Residence District. Pursuant to Chapter 110. Zoning Article V. Supplementary Regulations § 110-33.2. Solar energy. E. Permitting requirements for Tier 1 solar energy systems. All Tier 1 solar energy systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of solar energy system: (3) Tier one solar energy systems may also be installed on the roof of an accessory structure provided that collectively such panels shall not exceed 750 square feet and shall comply with zoning requirements for accessory structures.

Pursuant to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.

Proposed Tier 1 Solar Energy System is located on an existing noncomplying accessory structure. The existing noncomplying structure is located closer to front and side yard lot lines than the principle structure and therefore; a variance from section § 110-33.2. E. (3) which requires that the accessory structure comply with zoning requirements is required.

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

Sincerely yours,

Peter J. Miley
Building Inspector

PM/mkr

c/o Mr. Wayne Spector, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco
104 West Main Street
Mount Kisco, NY 10549

May 25, 2022

Re: Appeal Notice of Denial

Dear Mr. Spector:

As the owner of 223-233 West Main Street, Mount Kisco and applicant of a denied permit for the proposal of installation of solar panels on an existing non-complying accessory structure, I'm herewith notifying you of my intent to appeal and my request for a public hearing on the matter.

Kindly refer to the following pages and documents provided with the application for more information.

Sincerely,

David van Erk
233 West Main Street
Mount Kisco, NY 10549

Documents enclosed:

- ZBA Application, including Affidavit of Mailing
- Letter of Denial
- Owner's Statement
- Public Notice
- Mailing Diagram and List
- Deed
- Photos (10 copies)
- List of open Violations (10 copies)
- Site Survey, 2 sheets (10 copies)
- Drawings by NYPS (10 copies)

Date: _____

Case No.: _____

Fee: \$130

Date Filed: 22-6

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

Zoning Board of Appeals
Application

Appellant: David van Erk
Address: 233 West Main Street
Address of subject property (if different): _____

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

Property owner (if different): _____
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, Mr. Peter J. Miley
dated May 9, 2022. Application is hereby made for the following:

☒ Variation **or** _____ Interpretation of Section § 110-33.2.e.(3)
of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of solar panels on the lower back roof of the
property's former retail shop (24 panels = 475 SF)
in accordance with plans filed on (date) _____

for Property ID # 69-71-1-7 located in the R8-12 Zoning District.
The subject premises is situated on the north side of (street) West 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) Borders Caren Ct at the
north side of the property

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? _____ in connection with a _____ Proposed or _____ Existing building; erected (yr.) unknown

Size of Lot: 75 feet wide 175 feet deep Area 0.90 acre

Size of Building: at street level 47 feet wide 38 feet deep

Height of building: 12 feet at front Present use of building: accessory to main house

Does this building contain a nonconforming use? n Please identify and explain: structure existed prior to 2019 town rezoning

Is this building classified as a non-complying use? y Please identify and explain: structure existed prior to 2019 town rezoning

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

Was a variance ever granted for this property? no If so, please identify and explain: _____

Are there any violations pending against this property? yes If so, please identify and explain: prior open permits, see attached letter, permits are being closed out with the building dept.

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 May 9, 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

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: MAY 24, 2022

Notary Public, Michelle Duncan Torres, New York County, NY

MICHELLE DUNCAN TORRES

NOTARY PUBLIC-STATE OF NEW YORK

No. 01DU6135569

Qualified in Nassau County

My Commission Expires October 24, 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 a _____ 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)

May 25, 2022

OWNER'S STATEMENT

The property once had a flourishing local business, namely a nursery with a retail (flower) shop and several (4) greenhouses. Long before I purchased the property the business had ceased operating and along with the house only the flower shop and one (1) greenhouse remain, as well as a garage and shed at the rear of the property.

Since purchasing the property, it has been my intention to install solar panels and to place them in a location where the panels are out of public view as much as is possible, to maintain the character of the property and the neighborhood.

It would be possible to place all solar panels on the south-facing roof of the house, although in my opinion, this would create an undesirable change since the front (south face) of the house is in full view from West Main Street.

Therefore, the proposed location of the majority of the solar panels is on the back of the flower shop the roof is lower than the front roof line of the flower shop and would be kept out of view from the street.

Additionally, the structure of the flower shop already exists and placing solar panels on its roof would have no detrimental environmental impact on the property or neighborhood by taking away permeable surfaces. Much to the contrary, the solar panels will be a benefit to the environment by providing renewable energy for use on the property, with any excess capacity put back on the local electrical grid. By using the roof of an existing structure and the low profile of the solar panel installation, the impact of the installation is not substantial.

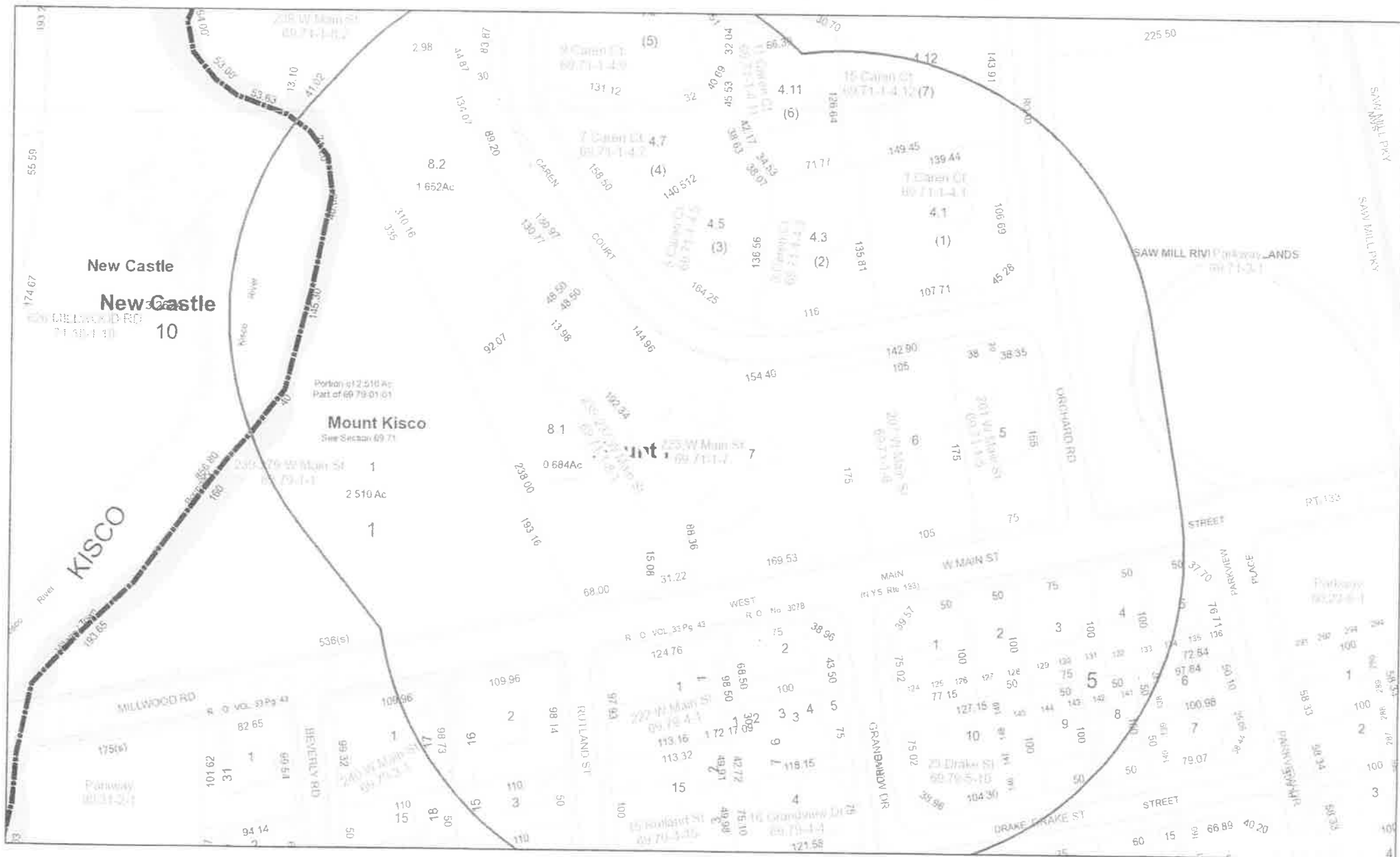
In August of 2019 the Town rezoning changed the property's zoning from commercial/residential zoning to residential (RS-12). As a result thereof, the flower shop is considered an existing non-complying accessory structure and the initial application for a permit was denied.

Herewith my request for a variance to the Town's Zoning Regulations to allow for the installation of solar panels at the proposed location.

Sincerely,

David van Erk
233 West Main Street
Mount Kisco, NY 10549

223 W Main St. ID: 69.71-1-7 (Mount Kisco)



May 2, 2022

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.

1:1,500



0 70 140 280 ft

Westchester County GIS

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

OWNERNAME	PROPADDRESS	PROPCITY	PROPPZIP	PROPPRINTKE	c/o	Mailing Address	City	State	Zip
Mains Stephen - Kristina Mains	12 Rutland St	MOUNT KISCO	10549	69.79-3-3					
Partellow Dorothy J	15 Drake St	MOUNT KISCO	10549	69.79-5-8					
Briar, John A - Laura D Briar	7 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.7					
Horton, Evelyn L	188 W Main St	MOUNT KISCO	10549	69.79-5-4					
Blair Mitchell W - Diane E Blair	10 Parkview Pl	MOUNT KISCO	10549	69.79-5-6					
Cook, David - Kim Cook	9 Beverly Rd	MOUNT KISCO	10549	69.79-3-15					
Jang, Suk Yeul - Sung Duck Jung	200 W Main St	MOUNT KISCO	10549	69.79-5-2		200 W Main Street	Mt Kisco	NY	10549
Wootten, James P	10 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.2					
Morales, Alfred - Antoinette Morales	9 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.9					
Rosner Christine	11 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.11					
Polese William - Eileen Polese	1 Caren Ct	MOUNT KISCO	10549	69.71-1-4.1					
Village of Mount Kisco	239-279 W Main St	MOUNT KISCO	10549	69.79-1-1		104 Main Street	Mt Kisco	NY	10549
Kostopoulos Zachary - Joanna Kostopoulos	234 W Main St	MOUNT KISCO	10549	69.79-3-2					
Greto, Joseph - Linda Greto	216 W Main St	MOUNT KISCO	10549	69.79-4-2					
Ross, Bruce - Susan Ross	201 W Main St	MOUNT KISCO	10549	69.71-1-5					
Cutri, Antonio - Grace Cutri	13 Drake St	MOUNT KISCO	10549	69.79-5-9					
McGregor Barrymore	235-237 W Main St	MOUNT KISCO	10549	69.71-1-8.1					
Jakstas, James A - Viera Jakstas	223 W Main St	MOUNT KISCO	10549	69.71-1-7					
Jang, Suk Yeul - Sung Duck Jung	202 W Main St	MOUNT KISCO	10549	69.79-5-1					
Westchester County Planning Dept	Parkway	MOUNT KISCO	10549	69.71-3-1	Lukas Herbert	148 Martine Ave, 4th Fl			
Pruett Timothy N - Marianne A Bajor	5 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.5					
Pollack, Allan - Jeffrey Pollack	6 Parkview Pl	MOUNT KISCO	10549	69.79-5-5					
MacDonald David C - Ann MacDonald	239 W Main St	MOUNT KISCO	10549	69.71-1-8.2					
Gorman Jon M - Laura P Gorman	207 W Main St	MOUNT KISCO	10549	69.71-1-6					
Young John R - Sonia B Young	240 W Main St	MOUNT KISCO	10549	69.79-3-1					
Aly Cynthia N - Ahmed Aly	20 Rutland St	MOUNT KISCO	10549	69.79-3-4					
Molinaro John R - Mary Louise Molinaro-Pecora	16 Grandview Dr	MOUNT KISCO	10549	69.79-4-4					
McIntyre, Brendan - Meredith McIntyre	23 Drake St	MOUNT KISCO	10549	69.79-5-10					
Barker, David C - Lois M Barker	194 W Main St	MOUNT KISCO	10549	69.79-5-3					
Berisha Mark - John Berisha	12 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.4					
Chatelain, Mathieu - Willa Chow	15 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.12					
Grant Declan - Jacquelyn Grant	15 Rutland St	MOUNT KISCO	10549	69.79-4-15					
Palmisano, Pina - Nancy Palmisano	222 W Main St	MOUNT KISCO	10549	69.79-4-1		232 Main Street	Mt Kisco	NY	10549
DelRosso, Andrew - Yi T Chung	23 Rutland St	MOUNT KISCO	10549	69.79-4-14					
Ciavardini, Paul - Donna L Ciavardini	10 Grandview Dr	MOUNT KISCO	10549	69.79-4-3	Richard Ciavardini	61 Washing Round	Danbury	CT	06810
Caruso, John A - Elena Caruso	22 Grandview Dr	MOUNT KISCO	10549	69.79-4-5					
Chadha Sangeeta	3 Caren Ct.	MOUNT KISCO	10549	69.71-1-4.3					

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

David van Erp being duly sworn, deposes and says:

I reside at 233 West Main Street, Mount Kisco, NY 10549

On May 25 2022 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.

Q. Q. Q.

Sworn to before me on this

24th day of MAY 2022

(Notary Public)

MICHELLE DUNCAN TORRES
NOTARY PUBLIC-STATE OF NEW YORK
No. 01DU6135569
Qualified in Nassau County
My Commission Expires October 24, 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 21st day of June, 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of David van Erk, 233 West Main Street, Mount Kisco, New York from the decision of Peter J. Miley, Building Inspector, dated May 9, 2022 denying the application dated to permit the installation of solar panels.

The Property involved is known as 223-233 West Main Street, Mount Kisco, New York and described on the Village Tax Map as Section 69.71 Block 1 Lot 7 and is located on the north side of West Main Street in a RS-12 Zoning District. Said appeal is being made to obtain a variance from Section paragraph 110-33-.2.E.(3) of the Code of the Village/Town of Mount Kisco, which requires that the solar panels proposed atop the accessory structure comply with zoning requirements.

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



Village/Town of Mount Kisco
Planning Board

JUN 15 2022

RECEIVED

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 3 day of June, in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

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

Zone:
Westchester

Run Dates:
06/03/2022

Linda Tutt
Signature

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

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

SARAH BERTELSEN
Notary Public
State of Wisconsin

My commission expires

Legend:

WESTCHESTER:

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

ROCKLAND:

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

Ad Number: 0005284046

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

0005284046

233 W. Main

RECEIVED

AFFIDAVIT OF POSTING JUN 14 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

State of New York)
County of Westchester) ss:

Gilmar Palacios Chin, being duly sworn, says that on the 14th day of June 2022, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
104 Main Street

X

Public Library
100 Main Street

X

Fox Center

X

Justice Court – Green Street
40 Green Street

X

Mt. Kisco Ambulance Corp
310 Lexington Ave

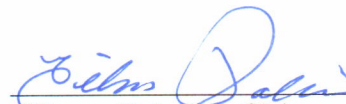
X

Carpenter Avenue Community House
200 Carpenter Avenue

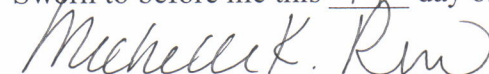
X

Leonard Park Multi Purpose Bldg

X


Gilmar Palacios Chin

Sworn to before me this 14th day of June 2022


Notary Public

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

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.



602043550DED002P

Westchester County Recording & Endorsement Page

Submitter Information

Name: Thoroughbred Title Services, LLC Phone: 914-644-6100
Address 1: 800 Westchester Avenue Fax: 914-644-6159
Address 2: Suite S514 Email: recording@thoroughbredtitleservices.co
City/State/Zip: Rye Brook NY 10573 Reference for Submitter: 42523 VanErk

Document Details

Control Number: **602043550** Document Type: **Deed (DED)**
Package ID: 2020072200244001001 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page
2nd PARTY

1st PARTY
1: JAKSTAS VIERA - Individual 1: VANERK DAVID - Individual
2: - Individual 2: VANERK AMY - Individual

Property

☐ Additional Properties on Continuation page

Street Address: 223 W MAIN STREET Tax Designation: 69.71-1-7
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: \$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: **\$200.00**

Transfer Taxes

Consideration: \$539,900.00
Transfer Tax: \$2,160.00
Mansion Tax: \$0.00
Transfer Tax Number: 15152

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

Record and Return To

☐ Pick-up at County Clerk's office



Recorded: 08/11/2020 at 01:40 PM
Control Number: **602043550**
Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni

STATE OF NEW YORK, COUNTY OF WESTCHESTER, ss.
I, TIMOTHY C. IDONI, COUNTY CLERK AND CLERK OF THE SUPREME COURT, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL
HEREOF RECORDED IN MY OFFICE ON 8/11/2020 AND THAT THE SAME IS A CORRECT
TRANSCRIPT THEREFROM AND OF THE WHOLE OF SUCH ORIGINAL.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIRMED BY OFFICIAL SEAL
CERTIFIED ON 8/19/2020 TOTAL FEE: \$200.00

COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, WESTCHESTER COUNTY, NEW YORK

Thoroughbred Title Services, LLC
800 Westchester Avenue
Suite S-514
Rye Brook, NY 10573

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

THIS INDENTURE, made the 29TH day of JULY, in the year 2020

BETWEEN
 VIERA JAKSTAS
 223 W MAIN STREET
 MOUNT KISCO, NY 10549

party of the first part, and

DAVID VAN ERK & AMY VAN ERK, *as husband & wife*
 350 OCEAN PARKWAY, APT. 6-B
 BROOKLYN, NY 11218

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

(\$0.00) 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
 SECTION 69.71, BLOCK 1, LOT 7
 223 W MAIN STREET
 MOUNT KISCO, NY 10549

MORE PARTICULARLY BOUNDED AND DESCRIBED IN SCHEDULE A ANNEXED HERETO AND MADE A
 PART HEREOF.

BEING AND INTENDED ON BEING THE SAME PREMISES CONVEYED TO GRANTOR BY DEED DATED
 08/31/2000 AND RECORDED 11/17/2000 IN THE OFFICE OF THE CLERK OF THE COUNTY OF WESTCHESTER
 AS CTRL #403040512.

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:


 VIERA JAKSTAS

THOROUGHbred TITLE SERVICES, LLC
as Agent for
Radian Title Insurance Inc.

SCHEDULE A (Legal Description)

Title No.: TTS42523

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

BEGINNING at a monument on the northerly side of West Main Street, at the southwest corner of land now or formerly of A. G. Huelle;

RUNNING THENCE along said land of A. G. Huelle, North 0 degree 06 minutes 20 seconds East 175.24 feet to a monument and land now or formerly of Lester C. Remsen;

RUNNING THENCE along the last mentioned land, North 89 degrees 55 minutes 00 seconds West 154.40 feet;

THENCE running still along land now or formerly of Remsen North 30 degrees 04 minutes 00 seconds West 144.98 feet to land conveyed to Thomas Hollywood and Emma Hollywood, his wife, by deed recorded in Liber 2673 of conveyances page 343;

THENCE running along the last mentioned land, South 52 degrees 58 minutes 00 seconds West 48.50 feet to other land now or formerly of Thomas and Emma Hollywood;

RUNNING THENCE along the last mentioned land, the following three courses and distances:

South 10 degrees 59 minutes 00 seconds East 13.98 feet,

South 28 degrees 15 minutes 30 seconds East 192.34 feet,

South 1 degree 25 minutes 00 seconds East 88.36 feet to a point on the northerly side of West Main Street;

RUNNING THENCE along said side of West Main Street the following two courses and distances:

North 89 degrees 50 minutes 00 seconds East 80.18 feet and South 89 degrees 41 minutes 20 seconds East 89.35 feet to the point or place of BEGINNING.

IN ME

FOR
CONVEYANCING
ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property.

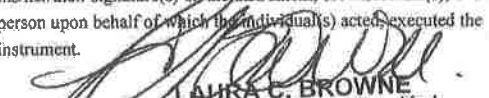
TOGETHER with all the right, title and interest of the party of the first part, of, in and to the land lying in the street in front of and adjoining said premises.

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of WESTCHESTER, ss:

On the 29TH day of JULY in the year 2020, before me, the undersigned, personally appeared VIERA JAKSTAS

, 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.


LAURA C. BROWNE
 Notary Public, State of New York
 Registration #01BR5024289
 Qualified in Bronx County
 Commission Expires March 7, 2022

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, a Notary Public in and for said State, personally appeared , the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

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

execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

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 County)

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 make 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).

Bargain and Sale Deed With Covenants

Title No. **110-42523**
JAKSTAS

TO
YAN ERK



SECTION: 69.71

BLOCK: 1

LOT: 7

COUNTY OR TOWN: WESTCHESTER

Record and Return to:

Thoroughbred Title Services, LLC
 800 Westchester Avenue, Suite S514
 Rye Brook, NY 10573
 (914) 644-6100
 recording@thoroughbredtitleservices.com



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

June 17, 2020

Hudson Search
21 Robert Pitt Dr.
Monsey, NY 10952

Re: 223 West Main Street
69.71-1-7

To Whom It May Concern:

Please be advised that Village records that a single family residence was built circa 1922 at the property located at 223 West Main Street, Mount Kisco, NY 10549, known as designated on the Village/Town Tax Assessment Map as Section 69.71 Block 1 Lot 7. This pre-dates the adoption of the local zoning ordinance in 1929. Therefore a Certificate of Occupancy was not required at the time of construction. This property is located in the RS-12 – Low Density One Family Residence District.

Building Permit #1910 was issued August 22, 1960 for a potting shed. This permit has expired and remains open.

Building Permit #2414 was issued July 8, 1968 for work area adjacent to flower shop. This permit has expired and remains open.

Building Permit #20100078 was issued April 4, 2010 for the removal of the front greenhouse. This permit has expired and remains open.

Building Permit #20130169 was issued May 22, 2013 to replace existing railroad tie step with stone steps. This permit has expired and remains open.

This property is located in the RS-12 Zoning District. Any uses other than the single family home that have not been in operation for more than a year are no longer permitted as a legal non-conforming use.

Sincerely,

Patti Tipa
Office Manager
Building and Code Administrator

/pat

May 25, 2022.

OPEN PERMITS/VIOLATIONS

The property currently has four (4) open violations that are the result of open permits that were issued years ago and were not closed out. These permits are in the process of being closed out with the Building Department as follows:

Building Permit #1910, issued August 22, 1960 for a potting shed.

The potting shed is in need of repairs. A scope of repairs is being made to request pricing from contractors in order to close out the permit.

Building Permit #2414, issued July 8, 1968 for a work area adjacent to the flower shop.

The work area needs minor repairs. A scope of repairs is being made to request pricing from contractors in order to close out the permit.

Building Permit #20100078, issued April 4, 2010 for removal of a greenhouse in front of the flower shop.

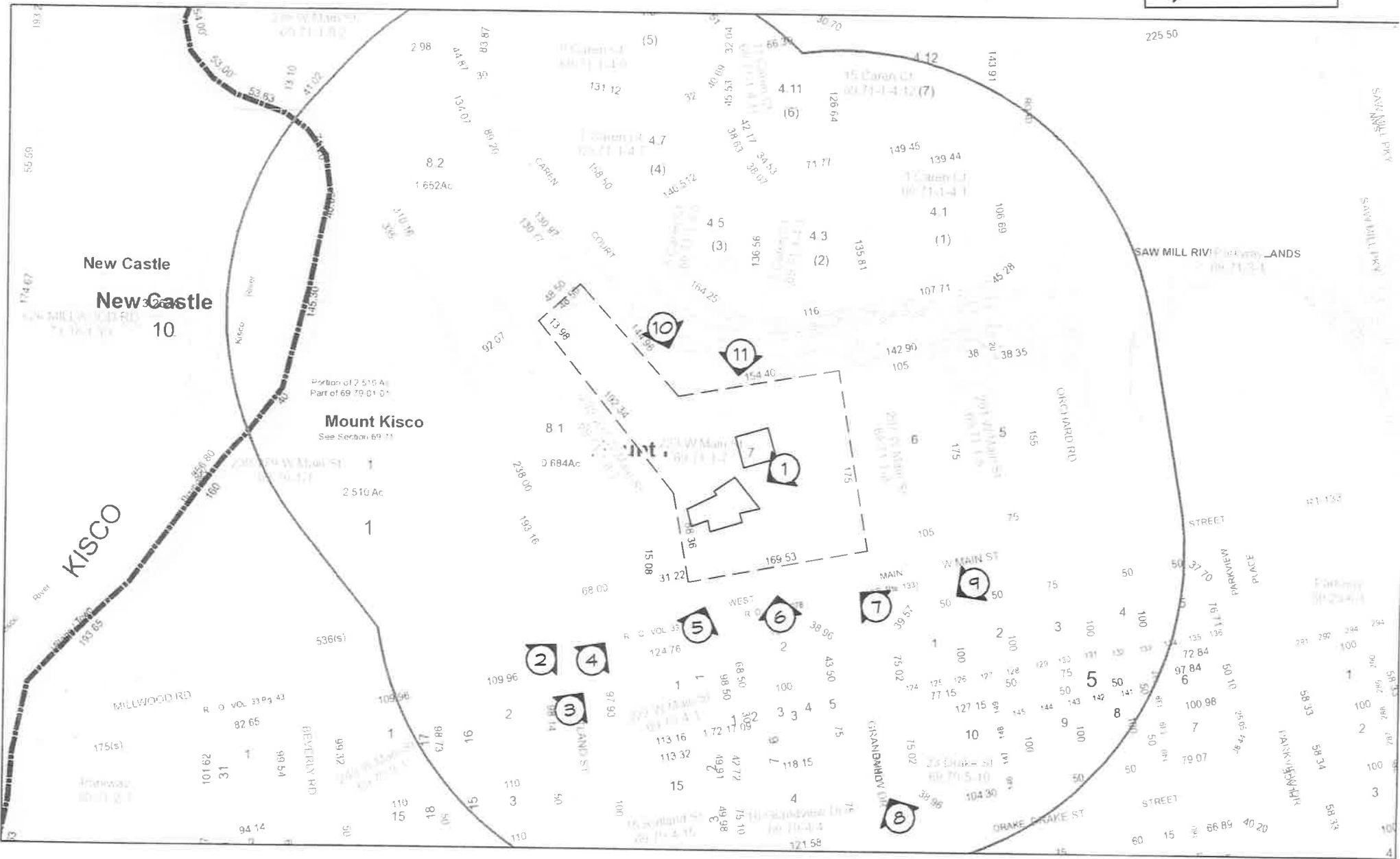
The greenhouse was removed during that time. As per Mr. Miley's phone conversation on Wednesday, April 27, 2022, the Building Department would close out the permit on its end.

Building Permit #20130169, issued May 22, 2013 for replacement of wooden railroad tie steps with stone

steps. The work was completed during that time. An application for renewal of the permit was submitted Wednesday, April 27, 2022 and is pending processing by the Building Department for inspection and closeout of the permit.

Sincerely,

David van Erk
233 West Main Street
Mount Kisco, NY 10549



May 2, 2022

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.

1:1,500



0 70 140 280 ft

Westchester County GIS

GIS Geographic Information System

<http://giswww.westchestergov.com>

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



Photo 1. Photo of rear of former retail shop structure at 223-233 West Main Street, for reference.
West Main Street located in back of photo, red dashed line.
Proposed location of solar panels on lower back roof: Areas 1 and 2, yellow arrows.

Note for following photos: red dashed line indicates approximate property frontage.
Former retail shop location indicated with yellow arrow.



Photo 2. View from corner of West Main Street and Rutland Street.



Photo 3. View from Rutland Street.



Photo 4. View from corner of West Main Street and Rutland Street.



Photo 5. View along West Main Street.



Photo 6. View along West Main Street, former retail shop highlighted by arrow.



Photo 7. View from corner of West Main Street and Grandview Drive.



Photo 8. View from Grandview Drive.



Photo 9. View along West Main Street.

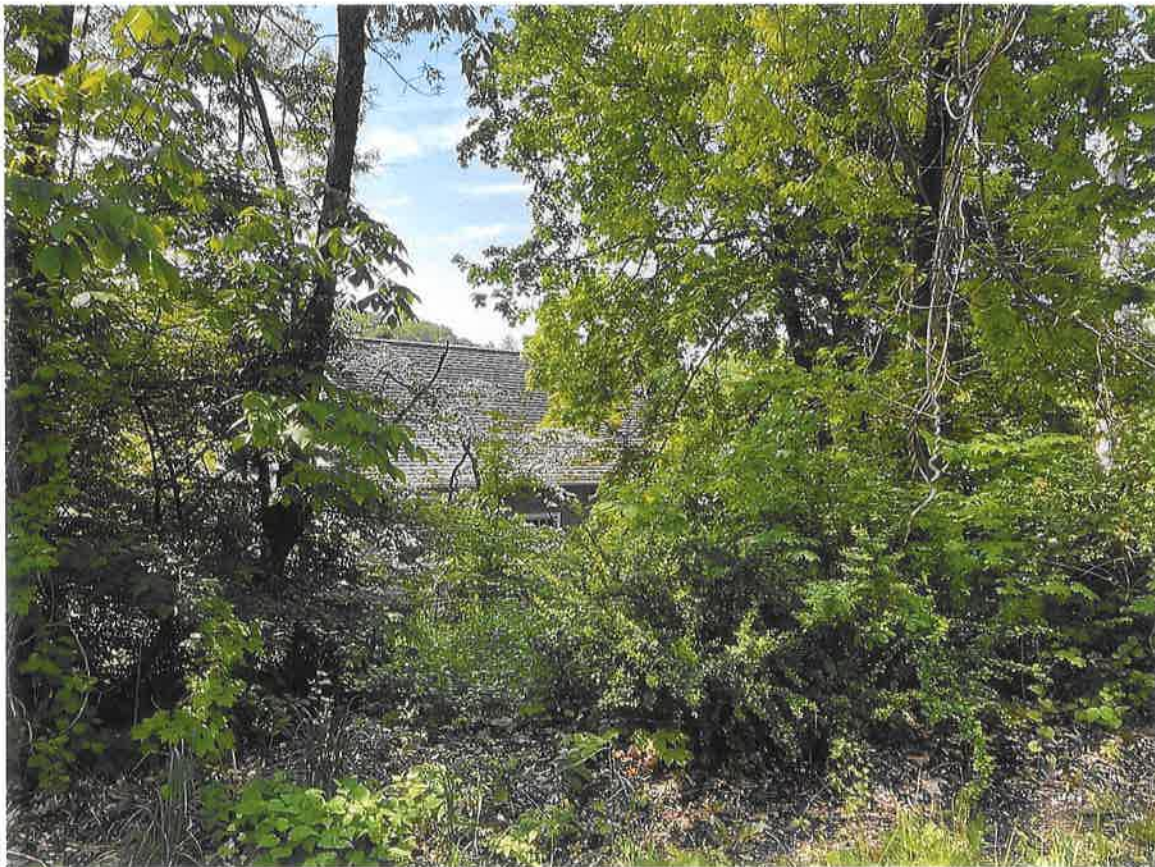


Photo 10. View from Caren Court.



Photo 11. View from Caren Court.

This is an additional submission for the next Board Of Appeals meeting for the Meineke Car Care Center (269 N Bedford Road) sign variance request.

There was a previous submission for the May 17th meeting that should be included as well.

What's Best For Mount Kisco And How Better Signage For Meineke Car Care Helps Us Both

Meineke Mount Kisco

269 N Bedford Road

Mount Kisco

David Visaggi, owner

914-497-8768

I want to thank the Board for taking the time to hear my story at the April meeting and for making suggestions.

I appreciate that the Board is interested in helping me find a signage solution that works for all of us.

IF YOU ARE SHORT ON TIME, PLEASE READ AT LEAST SLIDES 6 to 13.

A Quick Recap From The April 19th Meeting

- Meineke Car Care Center rents the rear space of the building. No sign on the building is permitted unless it is over the entrance, which in our case, is in the rear, so that is of no benefit.
- Last meeting, I submitted images demonstrating that the existing directory sign is blocked by parked cars and as such is frequently invisible from either direction, and thus of little to now value.
- Our shop is seeing fewer weekly customers than other Meinekes of the same age. Effective signage will make the difference.
- I'm requesting a sign(s) elsewhere on the building that will help customers find our shop from either direction.

Quick Recap Continued...

- I submitted a sign rendering that was considered garish by some board members. Admittedly it was! I felt obligated to Meineke to begin with their colors. That said, I'm willing to change colors.
- I also requested signage on the 2nd floor of the building because 1st floor signage space was used by front tenant. I'm requesting a variance for that.
- New sign proposals were delivered in May. I will discuss them at this coming meeting.

Quick Recap Continued...

- In 2020, I completed renovations and received a Certificate of Occupancy. We respected this town and filed our work. Many other businesses haven't done that.
- We opened 3 weeks after NYS paused for Covid.
- I carried salaries, paid rent, and built a loyal customer base... but the base is still too small.
- Meineke Car Care is good for Mount Kisco. We care about our customers.
- We are worthy of special consideration.

Our Philosophy:
*We Make The Same Recommendations For
Our Customers That We Make For Our Friends
& Family.*

Our customers agree. Please see some of their testimonials.

Meineke Car Care Center

Website

Directions

Save

Call

4.9 ★★★★★ 226 Google reviews

NONE of the following 5 reviews (from various sources) are from people I know personally. They are all people that I've met as customers of Meineke.

5.0

I can't recommend this shop highly enough. My truck broke down while I was traveling through the area and I had to make hours of phone calls with my insurance, roadside assistance, shops, and towing companies. Dave, the owner at Meineke, was by far the most helpful. I actually decided to pay a little extra to be towed outside of the radius covered by my insurance because of how helpful Dave was from the first phone call. He was super honest and transparent and explained everything that needed to be done and what the malfunction was (just spark plugs, phew!). He was super thorough and pointed out some unrelated potential issues in my truck but was never pushy or trying to sell me anything. Even after I declined extra services, he was still above and beyond helpful and kind. Everyone I dealt with at the shop was super helpful and friendly, too. This shop takes pride in the work they do and they don't cut corners, but they also don't push you to spend more than you need to and the prices are super fair. I felt like a priority the whole time my vehicle was in the shop. If I didn't live so far away, this would absolutely be my go-to mechanic.

T

Thomas Bradshaw

★★★★★ 3 weeks ago

A competitor had told me i needed a full brake replacement on the front of my Mercedes. Upon inspection at Meinke in Mt. Kisco, NY, they told me I did not need one. I came back for a oil change and again I was impressed, the cost was far less than other places and much faster plus free tire rotation, balancing, check all fluids. WOW! I was also impressed at how they completely cover your seat with plastic before getting in the car. Thanks so much!

A

Anne-Marie

☆ 1 ratings □ 1 reviews

☆☆☆☆ · August 18, 2021

The customer service is outstanding at Mount Kisco Meineke. Not to mention the professionalism of the mechanic staff. They really know their stuff! And there's not pushing, no pressure, just honest-to-goodness diagnoses of your car's issues. I recommend this service center to everyone! Anne A.



Daniel Hengel

2 reviews

★★★★★ a year ago

Positive: Professionalism, Quality, Value

This is an excellent, full-service garage with excellent customer service and impeccable honesty. I've been to the MTK Mienike twice. Once in October and again yesterday. When I walked in the door, the young man who does intake recognized me, gave me a warm welcome, and thanked me for my patronage. Each time I've come in the garage has done its best to fix what needed fixing without up selling me, changing me for a service/labor I didn't need, or trying to take advantage of my limited automobile knowledge. They are honest. Here's another example, while waiting for my car, yesterday, I overheard the head mechanic and the owner talking about another customer's vehicle. They were debating a repair's best course of action. They elected to do the cheaper service (a weld and patch rather than a tear down and replace) as it would best serve the customer's needs. The weld was sufficient. They saved their customer hundreds of not thousands of dollars in parts and labor. When the guy came to pick up his car, they took no credit for their actions. I was very impressed. They've won me over and are my go to garage in Mount Kisco. It's hard to find a garage you can trust. Trust these guys.



Lauren Camadeco

2 reviews



★★★★★ 7 months ago

Positive: Professionalism, Punctuality, Quality, Value

Dave and his team are reliable, communicative, accommodating, and go above and beyond with their service. I needed a detailed breakdown of the work that was needed on my car and Dave spent a solid 20 minutes on the phone with me answering all of my questions.

I feel very safe in my vehicle and know that Dave and his team truly care about the safety and happiness of their clients. I'm looking forward to continuing to recommend and work with Dave and his team in the future!

Feel free to look us up on Google, Groupon, or Yelp for more feedback.

What Kind Of Business Owner Is David Visaggi?

- Not just a business owner. I understand the technical side of auto repair, which helps us maintain technical excellence.
 - BS in Mechanical Engineering, RIT
 - Life-long car enthusiast
- Not just a technical guy. I understand business, marketing, and consumer needs.
 - MBA, Fordham University
 - Business consultant to the fuel industry (Inside Oil Consulting) for over 10 years.
- Gives customers the same recommendations as his friends and family.

We Have A Real Need For Better Signage

We Need More Customers
To Continue Our Efforts

Our Break-even Point Has Been Delayed

Signs Help Local Consumers Find Us

We Have Fewer Weekly Customers Than Other Meinekes Of The Same Age

- Our Meineke and the others are all on heavily trafficked streets.
- We all receive the same Marketing from Meineke.
- I do additional marketing of my own.
- My reputation is better than the other Meinekes (and most other auto shops)
- They have better signage than I do.
- **This leads me to conclude that effective signage will have a substantial impact.**

Please continue to help me find a signage solution that gives me sufficient visibility for my business

while...

reasonably meeting Mount Kisco's concerns.

Meineke Car Care Center, Continued Variance Meeting Submissions

Attached you will find some alternative sign ideas based on concerns expressed from the board meeting in April.

1. The same idea originally proposed on the 2nd floor but with a black background and yellow letters. *2 Pages*
 - a. This better matches with the existing signage of the Clean bedroom.
 - b. I'd like to keep the word Meineke in yellow to keep some branding style but the remaining letters and arrow can be changed to white. In fact that might look better.
See the 3rd image for a better idea of what I mean.
 - c. With regard to lighting, my sign company can elaborate on directional lighting options that can meet the needs of the nearby residential neighborhoods.
2. This is a new idea on the first floor with black background and yellow letters.
 - a. I'd like to keep the word Meineke in yellow to keep some branding style but the remaining letters and arrow can be changed to white. In fact, that might look better.
 - b. With this option, only 1 sign is needed.
 - c. This option is visible to traffic coming in both directions.
3. This is a generic example of an additional color scheme, (Meineke in yellow, the rest in white). This sign along with appropriate arrows and possibly the word, Rear, could be modified as needed to fit in the various locations suggested so far.
 - a. The word Meineke in yellow maintains some branding style of the franchiser.
 - b. The remaining letters, in white, better match the other signage of The Clean Bedroom.

I'm available for any questions at convenience.
914-497-8768

David Visaggi

RECEIVED

MAY 04 2022

Zoning Board of Appeals
Village/Town of Mount Kisco



SignaramaMillwood

(914) 666-7446

Signarama-Millwood.com



5 Schuman Rd. Millwood, NY 10546



Millwood, NY
Signarama
The way to grow your business.

Project Image - Meineke Car Care Center - Page 1

120 in

12 in

23 in

meineke[®]
car care center

REAR



4.7 in



Project Information

269 N. Bedford Road,
Mount Kisco, NY 10549

- Width: 120 in
- Height: 23 in
- Acrylic Face with Vinyl Graphics
- Two New Lightboxes Affixed to Building With Appropriate Hardware (One Lightbox on North-facing side & One Lightbox on South facing side)
- 6.5" depth
- Largest Letter Size: 12 in
- Colors (CMYK):
Yellow: C-0 M-9 Y-94 K-0
Black



SignaramaMillwood

(914) 666-7446

Signarama-Millwood.com



5 Schuman Rd. Millwood, NY 10546



Millwood, NY
Signarama[™]
The way to grow your business.

Project Image - Meineke Car Care Center - Page 2

120 in

12 in

23 in

meineke[®] ←
car care center

4.7 in



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Black



SignaramaMillwood

(914) 666-7446

Signarama-Millwood.com

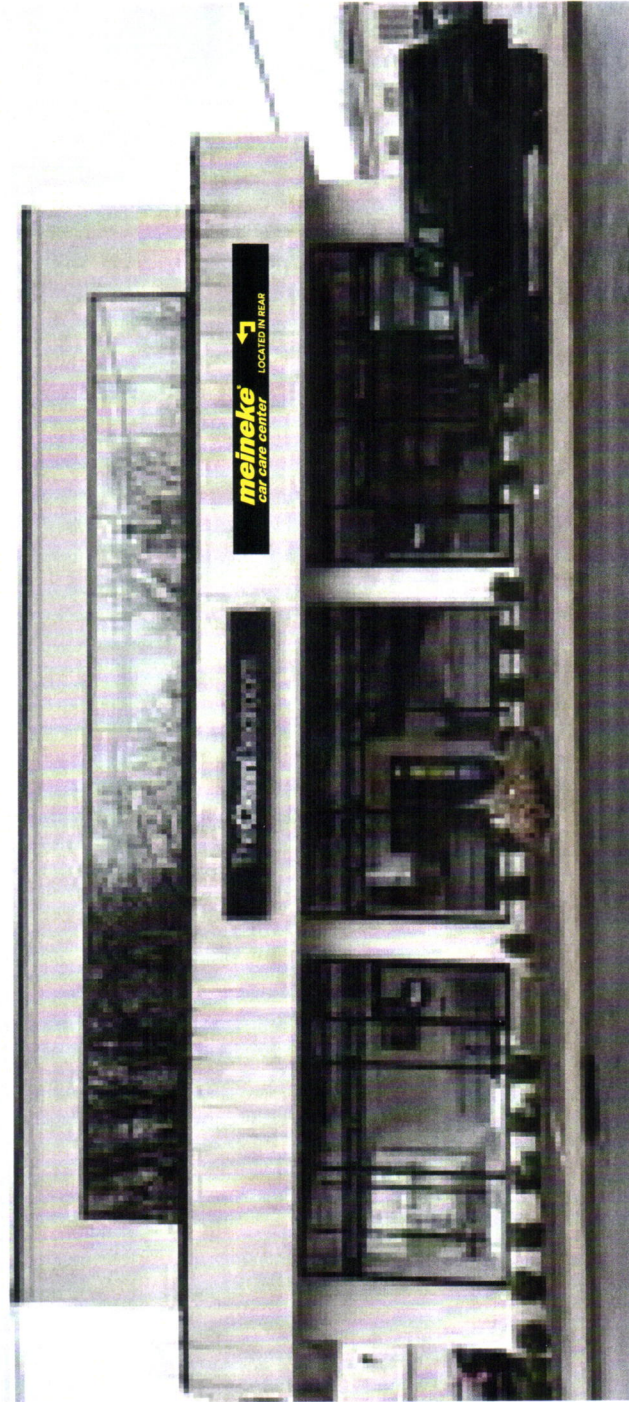


5 Schuman Rd. Millwood, NY 10546



Millwood, NY

Project Image - Meineke Car Care Center - Page 2



Project Information

269 N. Bedford Road,
Mount Kisco, NY 10549

- Width: 204 in
- Height: 23 in
- Acrylic Face with Vinyl Graphics
- Two New Lightboxes Affixed to Building With Appropriate Hardware (One Lightbox on North-facing side & One Lightbox on South facing side)
- 6.5" depth
- Largest Letter Size: 12 in
- Colors (CMYK):
Yellow: C-0 M-9 Y-94 K-0
Black

meineke[®]

car care center