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February 22, 2024

Maximillian R. Mahalek  
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**BY HAND DELIVERY  
AND E-MAIL**

Chairperson Wayne Spector  
and Members of the Zoning Board of Appeals  
Town/Village of Mount Kisco  
104 Main Street  
Mount Kisco, New York 10549

Re: Rivera Toyota Redevelopment – Rivera Auto Group, Inc.  
Area Variance: Parts and Service Sign  
227 Kisco Avenue, Mount Kisco, NY (SBL: 69.57-1-1)

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

On behalf of our Client, Rivera Toyota (also known as Rivera Auto Group, Inc., the “Applicant”), the contract-vendee of the Premises located at 227 Kisco Avenue (the “Premises”), we respectfully submit this letter requesting approval of an area variance to permit a replacement of the existing “Service/Parts” sign located at the corner of Kisco Avenue and Hubbels Drive with a “Parts & Service” sign.

**The Premises:**

The Premises is located at 227 Kisco Avenue (Tax Parcel 69.57-1-1), just north of Hubbels Drive. It comprises 1.16 acres and is classified in the General Commercial (“GC”) Zoning District and Signage District Number 3. It is currently improved with a 13,767-square foot, 16-bay automobile service center operated by the Applicant. Ingress and egress are provided via Kisco Avenue and Kensico Drive. Immediately to the north of the Premises at 255 Kisco Avenue (Tax Parcel 69.49-3-2) is the Applicant’s facility for the final cleaning of sold vehicles, the use of which will be terminated shortly as a result of the Applicant’s lease for that property coming to an end. The Premises is surrounded by commercial and industrial operations.

The Applicant currently leases the Premises and is in contract to purchase same. The Applicant will utilize the Premise as its main service center.

On October 17, 2023, this Board granted an area variance to permit a building length of 196 feet where a length of 160 feet is permitted, associated with the Applicant’s plan to add an addition intended to create an indoor check-in/check-out area for customers. The Planning Board granted the associated Site Plan Approval on November 28, 2023. Subsequently, on January 17, 2024, the Architectural Review Board (“ARB”) granted approval for a double-sided standalone “Entrance” sign off of Kisco Avenue (approximately 20 square feet), a double-sided standalone “Exit” sign off of Kisco Avenue (approximately 20 square feet), a new “Toyota” logo wall sign along the Kisco Avenue/western elevation (36.44 square feet), and a new “Service Reception” wall sign along the northern elevation (11.54 square feet).

**EXISTING AND PROPOSED SIGNAGE; AREA VARIANCE RELIEF REQUESTED**

There is an existing double-sided “Service/Parts” Sign at the corner of Kisco Avenue and Hubbels Drive that is dilapidated (see Image 1 below). It is to be replaced with a new double-sided “Parts & Service” sign. The existing sign is five (5) feet, three (3) inches tall, has a 12-square foot base, and has a 20.31-square foot face. The new sign will be six (6) feet, two (2) inches tall, will have a 6.67-square foot base, and will have a 42.67-square foot face – representing a total area of 49.34 square feet.



**Image 1: Existing dilapidated signage.**

According to Section 89-11 of the Village Code, a sign face of 20 square feet is permitted in Signage District 3. As such, a variance of 29.34 square feet is being requested.<sup>1</sup>

**AREA VARIANCE STANDARDS:**

New York State Village Law Section 7-712-b(3)(b) and New York State Town Law Section 267-b(3)(b) provide that a Zoning Board of Appeals (“ZBA”) shall consider the benefit to the Applicant if the area variance is granted as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant.

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<sup>1</sup> Note, the Denial from the Building Department dated January 23, 2024 states that a 28.2-square foot variance is required. This request for a 29.34-square foot variance is being made out of an abundance of caution as the minimum variance necessary.



In executing this balancing test, New York State Village and Town Law direct that the ZBA shall consider:

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance;
3. Whether the requested area variance is substantial;
4. Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the ZBA but shall not necessarily preclude the granting of the area variance.

The five area variance factors set forth are a tool for the ZBA to use in determining whether to grant the requested relief. It is important to note that no single factor is determinative in assessing an area variance application. For the following reasons and based on the evidence in the record, we respectfully submit that upon balancing the area variance criteria, the granting of the requested relief is warranted:

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

As noted above, the new signage will be located in the place of the existing signage, which is an eyesore. The new signage represents an increase from an area of 31.31 square feet to 49.34 square feet, but as a result of the design, the new signage will only be 11 inches taller than the existing signage. Both the existing and new signage will be double-faced, and as a result of the orientation of the sign, the LED lights will not shine directly towards any adjoining structure (currently exterior lights illuminate the sign). Existing landscaping adjacent to the signage will remain the same. As such, the new signage does not represent a significant change from the existing signage on the Premises – indeed, it represents an improvement by providing high-quality signage in lieu of the current run-down signage.

It is noted that the proposed signage will be just one (1)-foot, two (2) inches taller than the ARB-approved “Entrance”/“Exit” signage. Moreover, there is taller, if not larger, signage located nearby, including the “HotelMTK” sign at the corner of Kisco Avenue and Holiday Inn Drive; and the freestanding signage at the Mt. Kisco Commons Shopping Center at 195 North Bedford Road. From a visual assessment, there appears to be freestanding signage of similar dimensions nearby at 120 Kisco Avenue (see Image 2 below).



**Image 2: Large signage at 120 Kisco Avenue.**

As a result of the above, the Applicant respectfully submits that the proposed conditions that are the subject of this Application are not out of character with the neighborhood and create no undesirable change to the community and this factor weighs in favor of the ZBA granting the requested variance relief.

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

New York State Town Law Section 267-b(3)(b)(2) and Village Law Section 7-712-B(3)(b)(2) require the ZBA to consider “whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.” The range of appropriate alternatives is limited by two standards: first, the alternative must still provide the benefit sought by the Applicant and, second, it must be feasible for the Applicant to pursue. A ZBA may not deny a variance and attempt to relegate the Applicant to an alternative design that is a “profound departure” from, or substantially costlier than, the design proposed in the variance.<sup>2</sup>

There is no practicable alternative available to the Applicant. The existing signage is run down and needs to be replaced. The smaller size of the existing sign makes it difficult for motorists to tell from a distance what the use is, particularly in light of the existing landscaping to be retained (see Images 3 and 4 below). This is detrimental as the Applicant intends to transform this site into

<sup>2</sup> See Corporation of Presiding Bishop of Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dep’t 2002). See also, Baker v. Brownlie, 248 A.D.2d 527 (2d Dep’t 1998) and Salkin, New York Zoning Law & Practice § 29:36 Administrative Relief from Zoning Regulations: Variances.



its main service facility. The proposed signage will reinforce the location of the facility as the “Parts & Service” center and reinforce Toyota’s branding through the use of Toyota’s logo, which would not easily fit on a 20-square foot sign while remaining visible. As a result, the Applicant has no feasible alternative other than to seek the requested area variance relief.



**Images 3 and 4: Existing signage hard to read from street.**



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

It is respectfully submitted that upon consideration of the facts and circumstances in this situation, the requested area variance is not substantial. The substantiality of a variance cannot be judged solely on a comparison of the percentage deviation from the mandated requirements of the Zoning Code.<sup>3</sup> Indeed, the overall effect of granting the relief is the appropriate inquiry.<sup>4</sup> The ZBA must therefore consider the surrounding neighborhood and nearby signage when determining whether the Application is substantial. When viewed in the totality of the circumstances, the proposed signage will not adversely impact neighboring properties and the requested variance should not be considered substantial. These circumstances include, without limitation, the proposed minor increase in height from the current to the planned signage; the installation of improved signage compared to the dilapidated condition of the existing signage; the similarity in dimensions between the planned signage and the ARB-approved “Entrance”/“Exit” signage (which will be five (5) feet tall, as seen at **Exhibit G**); and the presence of large signage nearby at 195 North Bedford Road and 120 Kisco Avenue.

To the extent that the ZBA may believe otherwise, we respectfully remind the ZBA that the mere fact that a variance is deemed “substantial”, or fails to meet any of the other factors, does not preclude granting an area variance based on the application of the overall balancing test.<sup>5</sup>

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

The requested variance relief will not have an adverse effect or impact on the physical or environmental conditions of the neighborhood or community. Again, the proposed signage here is a visual improvement from the existing signage, while allowing the Applicant to realize its business plan of making the expanded facility the Applicant’s main service center. To the contrary, the increased visibility of the slightly larger sign will have a beneficial effect including safety for visitors using this location.

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<sup>3</sup> See Aydelott v. Town of Bedford Zoning Bd. of Appeals, N.Y.L.J. June 25, 2003, p. 21, col. 4 (Sup. Ct. 2003) (“consideration of this percentage deviation alone, taken in a vacuum, is not an adequate indicator of the substantiality [and] a large deviation can have little or no impact depending on the circumstances of the variance application.”).

<sup>4</sup> See Lodge Hotel v. Town of Erwin Zoning Bd. of Appeals, 2007 WL 5649523 No. 94817 (Jan. 24, 2007) at \*5, affirmed, 43 A.D.3d 1447, 843 N.Y.S.2d 744 (4th Dep’t 2007) (“[s]ubstantiality cannot be judged in the abstract; rather, the totality of relevant circumstances must be evaluated in determining whether the variance sought is, in actuality, a substantial one.”). See also Friends of Shawangunks, Inc. v. Zoning Bd. of Appeals of Town of Gardiner, 56 A.D.3d 883 (3d Dep’t 2008) (although variances were substantial, the ZBA properly determined area variances will not have a substantial impact on the community); Schaller v. New Paltz Zoning Bd. of Appeals, 108 A.D.3d 821 (3d Dep’t 2013) (upholding ZBA determination that an area variance was not substantial when compared to nearby buildings).

<sup>5</sup> See Church of Jesus Christ of Latter Day Saints v. ZBA of Town/Village of Harrison, 296 A.D.2d 460 (2d Dep’t 2002) (determination that a request that was determined “substantial” did not excuse Zoning Board of Appeals from applying the overall balancing test).



This request is considered a Type II Action pursuant to SEQRA. Regardless, a Short Environmental Assessment Form (“EAF”) has been included in this application and is annexed hereto as **Exhibit E**).

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

The need for the area variance relief requested herein is not self-created. The Applicant is the lessee of the Premises and will be closing on it shortly. As the future owner, the Applicant looks forward to making a number of improvements to the Premises, including building the approved addition along with installing signage that better identifies the use and regulates traffic flow safely. As such, the Applicant is not responsible for the current small signage or its condition, and it is respectfully submitted that the Applicant’s request for area variance relief here is not self-created. To the extent that the ZBA may believe otherwise, we respectfully remind the ZBA that this factor is not dispositive to the overall balancing test pursuant to New York State Village Law Section 7-712-b(3)(b)(5) and New York State Town Law Section 267-b(3)(b)(5).

**CONCLUSION:**

For the reasons set forth above, and as will be further discussed at the public hearing on this matter, the Applicant requests that the area variance relief be granted to allow the proposed signage. The Applicant respectfully submits that the proposed signage conforms with the existing neighborhood. The benefit to the Applicant of approving the requested relief outweighs any conceivable harm to the community. The proposed relief is the minimum variance relief that meets the Applicant’s needs and at the same time fully protects the character of the neighborhood and health, safety, and welfare of the community.

In support of this Application, please find enclosed the following Exhibits:

- Exhibit A:** Zoning Board of Appeals Application Form;
- Exhibit B:** Draft Public Notice and 300-Foot Neighbor Radius Map and List;
- Exhibit C:** Building Inspector Peter Miley’s January 23, 2024 Memorandum;
- Exhibit D:** Deed for Premises;
- Exhibit E:** Short Environmental Assessment Form;
- Exhibit F:** Signage Plan for “Parts and Service” Sign from Pattison Sign Group dated October 31, 2023 (also attached as full-size drawings); and
- Exhibit G:** Detail of ARB-approved Entrance sign at Kisco Avenue driveway.

A check made out to the Village/Town in the amount of \$130, representing the relevant Application Fee, is being submitted to the Board.



2/22/24  
Page 8

For all of the reasons set forth herein and in the accompanying documents, it is respectfully submitted that this Application for area variance relief should be granted in its entirety. The Applicant looks forward to appearing at the next available ZBA meeting to answer any questions you may have regarding this matter. In the meantime, should the ZBA or Village/Town Staff have any questions or comments regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in purple ink, appearing to read 'Max M.', written over a horizontal line.

Maximillian R. Mahalek  
Enclosures

cc: Peter J. Miley, Village/Town Building Inspector  
Client  
Bryan Zelnik Architect, PC  
Anthony B. Gioffre III, Esq.



# Exhibit A

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

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

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

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

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

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**Zoning Board of Appeals  
Application**

Appellant: Ken Hicks, Rivera Toyota  
Address: 325 North Bedford Road, Mount Kisco, NY 10549  
Address of subject property (if different): 227 Kisco Avenue, Mount Kisco, NY 10549

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

Property owner (if different): Trinity Properties, LLC  
Address: 21 Lauder Lane, Greenwich, CT 06831

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken  
from the decision of the Building Inspector, Peter Miley  
dated 1/23/24. Application is hereby made for the following:

☒ Variation or \_\_\_\_\_ Interpretation of Section 89-11(A)(4)  
of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; \_\_\_\_\_ Alteration; \_\_\_\_\_ Conversion; \_\_\_\_\_ Maintenance  
of the proposed "parts and service" sign.

\_\_\_\_\_ in accordance with plans filed on (date) 1/3/2024  
for Property ID # 69.57-1-1 located in the GC Zoning District.  
The subject premises is situated on the North side of (street) Hubbels Drive  
\_\_\_\_\_ 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) Kisco Avenue/Hubbels Drive

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



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

Is there an approved site plan for this property? Yes in connection with a  
X Proposed or Existing building; erected (yr.) Erected prior to 1976;  
addition approved 2023.

Size of Lot: 177 feet wide 304 feet deep Area 50,450 s.f.

Size of Building: at street level 121 feet wide 140 feet deep

Height of building: 23' 9 1/16" Present use of building: Commercial/Automotive Use

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:  
Area Variance for building length.

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

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

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? None known of.

**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 1/23/24 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.  
**NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.**
- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- \*j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- \*k) A floor plan of the subject building with all the necessary measurements.
- \*l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

\* Optional - As Needed



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

[Signature]  
(Appellant to sign here)

Sworn to before me this day of: Feb 9, 2024

State CT

Notary Public, [Signature] County, NY Fairfield



**MONICA ELLIS**  
Notary Public, State of Connecticut  
My Commission Expires April 30, 2028

[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 21 Lauder Lane, Greenwich, CT 06831 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 69.57-1-1 and that he hereby authorized Ken Hicks to make the annexed application in his behalf and that the statements contained in said application are true.

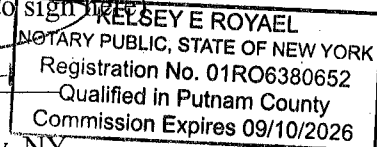
[Signature] 2/9/24  
(sign here)

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

(Appellant to sign here)

Sworn to before me this day of: 21, February, 2024

Notary Public, Kelsey Royael, County, NY



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

State of New York                    }  
County of Westchester            } ss

Being duly sworn, deposes and say that he resides at \_\_\_\_\_ 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)

### **REVISION TO STATE ZONING LAWS ENACTED**

The rules governing the issuance of area variances have not been as clearly established by the Court as those for use variances. New Town Law, Section 267-b(3)- and Village Law, Section 7-712 (b) (3) establish a new, statutory process for the granting of area variances. There is no "test" as such for granting of area variances. The requirement that the applicant show "practical difficulty" or "significant economic injury" is gone. Instead, when an applicant requests an area variance, the new law requires the Board of Appeals to balance two elements: the benefit to the applicant from the variance, and the detriment to the health, safety, and welfare of the community or neighborhood that would occur if the variance was to be granted.

The provision set forth five factors for the Board to consider in balancing these interests.

- (1) Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.
- (2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance.
- (3) Whether the requested variance is substantial.
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- (5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance).



# Exhibit B

**PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the \_\_\_\_\_ day of \_\_\_\_\_ 20 24 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Ken Hicks, Rivera Toyota

\_\_\_\_\_  
(Name of Applicant)

325 North Bedford Road, Mount Kisco, NY

\_\_\_\_\_  
(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated 1/23/24  
(Date of Denial Letter)  
denying the application dated to permit the parts and monument sign.  
(Proposed Work)

The property involved is known as 227 Kisco Avenue, Mount Kisco, NY  
(Address of Property)

and described on the Village Tax Map as Section 69.57 Block 1 Lot 1

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

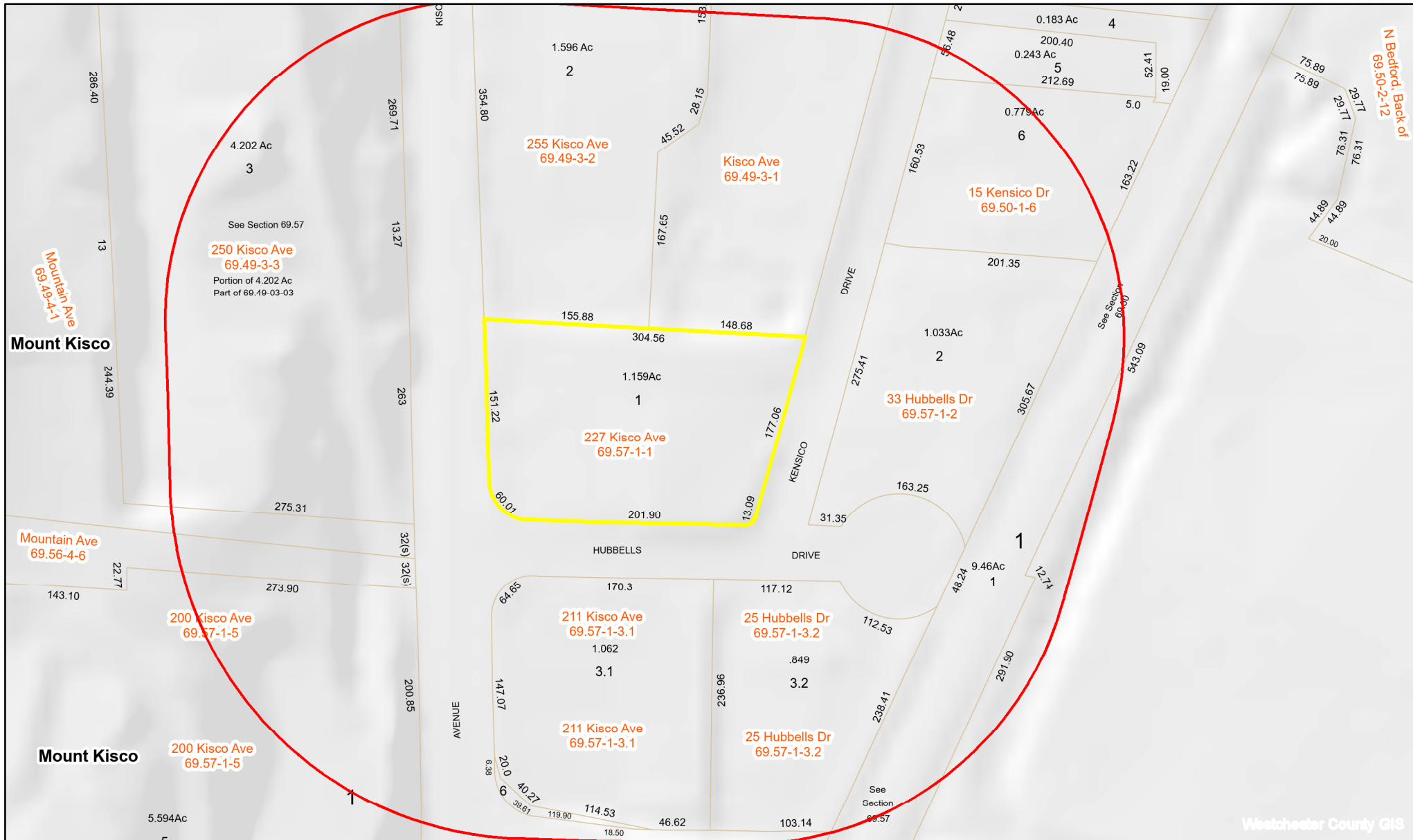
GC Zoning District. Said Appeal is being made to obtain a

variance from Section(s) 89- 11(A)(4) of the  
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires \_\_\_\_\_  
a maximum sign for area of 20 square feet allowed; 49.34 square feet proposed.

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

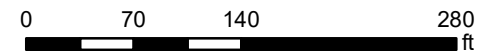
# 227 Kisco Ave. ID: 69.57-1-1 (Mount Kisco )



September 19, 2023

Tax parcel data was provided by local municipality. This map is generated as a public service to Westchester County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclaims any liability from the use of this GIS mapping system by any person or entity. Tax parcel boundaries represent approximate property line location and should NOT be interpreted as or used in lieu of a survey or property boundary description. Property descriptions must be obtained from surveys or deeds. For more information please contact local municipality assessor's office.

1:1,500



**Westchester County GIS**

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

<b>300' Radius Property Owner's List</b>							
<b>SBL</b>	<b>OWNERNAME</b>		<b>PROPADDRESS</b>	<b>MAILINGADDRESS</b>	<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
69.49-3-1	275 Kisco LLC		265-281 Kisco Ave	6411 Ivy Ln Ste 200	Greenbelt	MD	20770
69.49-3-2	255 Kisco LLC		255 Kisco Ave	7550 Wisconsin Ave Fl 6th	Bethesda	MD	20814
69.49-3-3	HVA Realty, LLC	c/o Tax Dept	250 Kisco Ave	200 SW 1st Ave Fl 11	Fort Lauderdale	FL	33301
69.49-4-1	Village of Mount Kisco	re: Mountain Ave	Mountain Ave	104 Main St	Mount Kisco	NY	10549
69.50-1-5	19 Kenisco Drive LLC	Garth E. Beall, Esq.	19 Kensico Dr	6411 Ivy Ln Ste 200	Greenbelt	MD	20770
69.50-1-6	15 Kensico LLC		15 Kensico Dr	15 Kensico Dr	Mount Kisco	NY	10549
69.56-4-6	Village of Mount Kisco	re: Mountain Ave	Mountain Ave	104 Main St	Mount Kisco	NY	10549
69.57-1-1	Trinity Investment Properties	Trinity Properties LLC	227 Kisco Ave	21 Lauder Ln	Greenwich	CT	06831
69.57-1-2	Halstead-Quinn Terminal Corp		33 Hubbells Dr	33 Hubbells Dr	Mount Kisco	NY	10549
69.57-1-3.1	William Louis-Dreyfus Fndtn In	211 Kisco Ave	211 Kisco Ave	PO Box 320	Mount Kisco	NY	10549
69.57-1-3.2	25 Hubbells Drive Mt.Kisco Corp	Attn: MRE Mgmt. Corp	25 Hubbells Dr	27 Radio Circle Dr	Mount Kisco	NY	10549
69.57-1-5	Curtis Instruments Inc.	Attn: Stewart Marwell	200 Kisco Ave	200 Kisco Ave	Mount Kisco	NY	10549



# Exhibit C



VILLAGE/TOWN OF MOUNT KISCO  
WESTCHESTER COUNTY, NEW YORK

104 Main Street  
Mount Kisco, New York 10549-0150

Telephone  
(914) 241-0500

January 23, 2024

Maximillian R. Mahalek, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14<sup>th</sup> Floor  
White Plains, NY 10601

Re: Notice of Denial – Sign Permit Application for Rivera Toyota  
227 Kisco Avenue, Property ID#: 69.57-1-1

Dear Mr. Mahalek:

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

- Section 89-11A(4) of the Code of the Village/Town of Mount Kisco states that “The types of signs permitted and the regulation of the number, placement, and use of signs is hereby established. No sign shall be erected unless it conforms to the specifications for signs in that sign district, nor shall any sign be used for any purpose or in any manner except as permitted by the regulations for the district in which such sign is to be located or maintained.”
- The subject property is located in the GC Zoning District, and is therefore subject to the regulations of the Commercial Signage District #3.
- Your application proposes to install a monument sign with a sign face area of 48.2 square feet. Section 89-11 Table 1 Page 6 of the Code of the Village/Town of Mt. Kisco States: maximum face area for a freestanding/monument sign is 20 square feet. A 28.2 square foot variance is required for this sign. As a single tenant on this sign, the proposed letter heights and logos for this sign may be larger than the maximum letter height of 8” and shall be subject to review and approval for appropriateness by the Architectural Review Board.

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

Sincerely,

  
Peter J. Miley  
Building Inspector

/pat

# Exhibit D





\*V08090082\*

LIBER

9769 PAGE 270

Standard N.Y.S.U. Form 8004a 6-81-8M—Warranty Deed with full Covenant—Individual or Corporation.

8910.01247

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

NYS  
C.T.  
Q

THIS INDENTURE, made the 21 day of March, nineteen hundred and ninety  
BETWEEN Ronald Napoli and Patricia Napoli d/b/a TRINITY INVESTMENT PROPERTIES,  
having its principal place of business at 225 Kisco Avenue,  
Mount Kisco, New York 10549

party of the first part, and

TRINITY INVESTMENT PROPERTIES, having its principal place of business at  
225 Kisco Avenue, Mount Kisco, New York 10549

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten (\$10)

dollars,

lawful money of the United States,

paid

by the party of the second part, does hereby grant and release unto the party of the second part, their 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  
Village of Mount Kisco, Town of Mount Kisco, Westchester County and State of  
New York being bounded and described as follows:

BEGINNING at a point being the easterly end of a curve having a radius of  
40.00 feet a length of 61.01 feet connecting the easterly side of Kisco Avenue  
with the northerly side of Hubbells Drive;

RUNNING THENCE northerly along said curve to the right having a radius of  
40.00 feet a length of 60.01 feet to the easterly side of Kisco Avenue;

RUNNING THENCE along the easterly side of Kisco Avenue, North 5 degrees  
30 minutes 00 seconds East 151.22 feet to land now or formerly of  
Elizabeth L. Longcope;

RUNNING THENCE along said land, South 79 degrees 38 minutes 50 seconds  
East 155.88 feet to land now or formerly of Kensico Properties;

RUNNING THENCE along said land, South 80 degrees 03 minutes 40 seconds  
East 148.68 feet to the westerly side of Kensico Drive;

RUNNING THENCE along the westerly side of Kensico Drive South 23 degrees  
09 minutes 10 seconds West 177.06 feet to the northerly end of a curve  
having a radius of 10.00 feet and arc of 13.08 feet connecting the westerly  
side of Kensico Drive with the northerly side of Hubbells Drive;

RUNNING THENCE westerly along said curve to the right having a radius of  
10.00 feet an arc of 13.08 feet to the northerly side of Hubbells Drive;

RUNNING THENCE along the northerly side of Hubbells Drive, North 81 degrees  
53 minutes 25 seconds East 201.90 feet to the point of BEGINNING.

Said premises being the same premises as conveyed to Ronald Napoli and  
Patricia Napoli d/b/a Trinity Investment Properties by Toyota North, Inc.  
by deed dated June 12, 1989.

TAX MAP  
DESIGNATION

Dist.

Sec. 69

Blk. 1

Lot(s): 1

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part, in compliance with Section 13' of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the costs 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.

**AND** the party of the first part covenants as follows:

**FIRST.**—That said party of the first part is seized of the said premises in fee simple, and has good right to convey the same;

**SECOND.**—That the party of the second part shall quietly enjoy the said premises;

**THIRD.**—That the said premises are free from incumbrances, except as aforesaid;

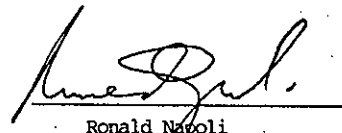
**FOURTH.**—That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

**FIFTH.**—That said party of the first part will forever warrant the title to said premises.

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:**

  
Ronald Napoli

  
Patricia Napoli

LIBER 9769 PAGE 272

STATE OF NEW YORK, COUNTY OF

On the 21 day of March 1970, before me personally came

Ronald Napoli and Patricia Napoli

to me known to be the individual s described in and who executed the foregoing instrument, and acknowledged that they executed the same.

*[Signature]*  
Notary Public

Notary Public, State of New York  
No. 20-663558  
Qualified in Nassau County  
Commission Expires March 30, 1971

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF NEW YORK

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came 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 resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Warranty Deed**

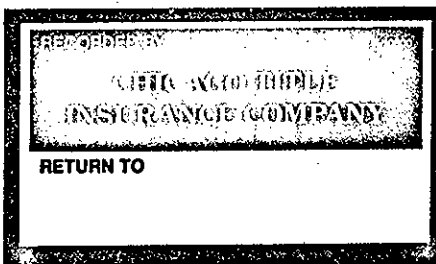
WITH FULL COVENANTS

TITLE NO. 8910 01247

Ronald Napoli and Patricia Napoli  
d/b/a TRINITY INVESTMENT PROPERTIES

TO

TRINITY INVESTMENT PROPERTIES



SECTION 69-57-1-1

BLOCK

LOT

COUNTY OR TOWN

TAX BILLING ADDRESS

Recorded At Request of The Title Guarantee Company

RETURN BY MAIL TO:

Gilbert, Segall and Young  
430 Park Avenue  
New York, New York 10022

Attention: Martin P. Miner, Esq.  
Zip No.

RESERVE THIS SPACE FOR USE OF RECORD

LIBER 9769 PAGE 272



WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE  
(THIS PAGE FORMS PART OF THE INSTRUMENT)

THE FOREGOING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT DEED  
(SEE CODES FOR DEFINITIONS)

THE PROPERTY IS SITUATED IN  
WESTCHESTER COUNTY, N.Y. IN  
THE

- 02 TOWN OF BEDFORD
- 06 TOWN OF CORTLANDT
- 09 TOWN OF EASTCHESTER
- 11 TOWN OF GREENBURGH
- 12 TOWN OF HARRISON
- 16 TOWN OF LEWISBORO
- 17 TOWN OF MAMARONECK
- 19 TOWN OF MT. KISCO
- 20 TOWN OF MT. PLEASANT
- 21 CITY OF MT. VERNON
- 22 TOWN OF NEW CASTLE
- 23 CITY OF NEW ROCHELLE
- 24 TOWN OF NORTH CASTLE
- 26 TOWN OF NORTH SALEM
- 28 TOWN OF OSSINING
- 30 CITY OF PEEKSKILL
- 31 TOWN OF PELHAM
- 35 TOWN OF POUND RIDGE
- 36 CITY OF RYE
- 37 TOWN OF RYE
- 38 TOWN OF SCARSDALE
- 39 TOWN OF SOMERS
- 42 CITY OF WHITE PLAINS
- 43 CITY OF YONKERS
- 44 TOWN OF YORKTOWN

LIBER 9769

PAGE 270

STAT'Y CHARGE 5.25

REC'ING CHARGE 9

FILING CHARGE 4.75

CROSS REFERENCE \_\_\_\_\_

CERT/RECEIPT \_\_\_\_\_

TOTAL

\$ None  
CONSIDERATION

RECEIVED

\$ Exempt  
MAR 23 1990

REAL ESTATE  
TRANSFER TAX  
WESTCHESTER COUNTY

MORTGE. DATE \_\_\_\_\_

MORTGE. AMOUNT \_\_\_\_\_

EXEMPT YES \_\_\_\_\_ NO \_\_\_\_\_  
REC'D TAX ON ABOVE MTGE: \_\_\_\_\_

BASIC \$ \_\_\_\_\_

ADDTL \$ \_\_\_\_\_

SUBTOTAL \$ \_\_\_\_\_

SPECIAL \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

SERIAL No. \_\_\_\_\_

DWELLING:

☐ 1-6 UNITS  
☐ OVER 6 UNITS

ANDREW J. SPANO  
WESTCHESTER COUNTY CLERK

ADDITIONAL COMMENTS

TERMINAL No. \_\_\_\_\_

DATE RETURNED \_\_\_\_\_

EXAMINED BY  
WITNESS MY HAND AND OFFICIAL SEAL

ANDREW J. SPANO  
WESTCHESTER COUNTY CLERK

THE RECORDING DATE OF THIS INSTRUMENT AS INDICATED BELOW IS THE OFFICIAL DATE ON WHICH  
THE WESTCHESTER COUNTY CLERK RECEIVED THIS INSTRUMENT.  
QUESTIONS REGARDING DELAYS PRIOR TO THIS DATE SHOULD BE ADDRESSED TO YOUR  
REPRESENTATIVE OR ATTORNEY.

0000828000 03/23/90CPA/DE 19.00  
12:31

RECEIVED  
90 MAR 23 PM 12:17  
ANDREW J. SPANO  
WESTCHESTER COUNTY CLERK

RECORD AND RETURN



# Exhibit E

# Short Environmental Assessment Form

## Part 1 - Project Information


### Instructions for Completing

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

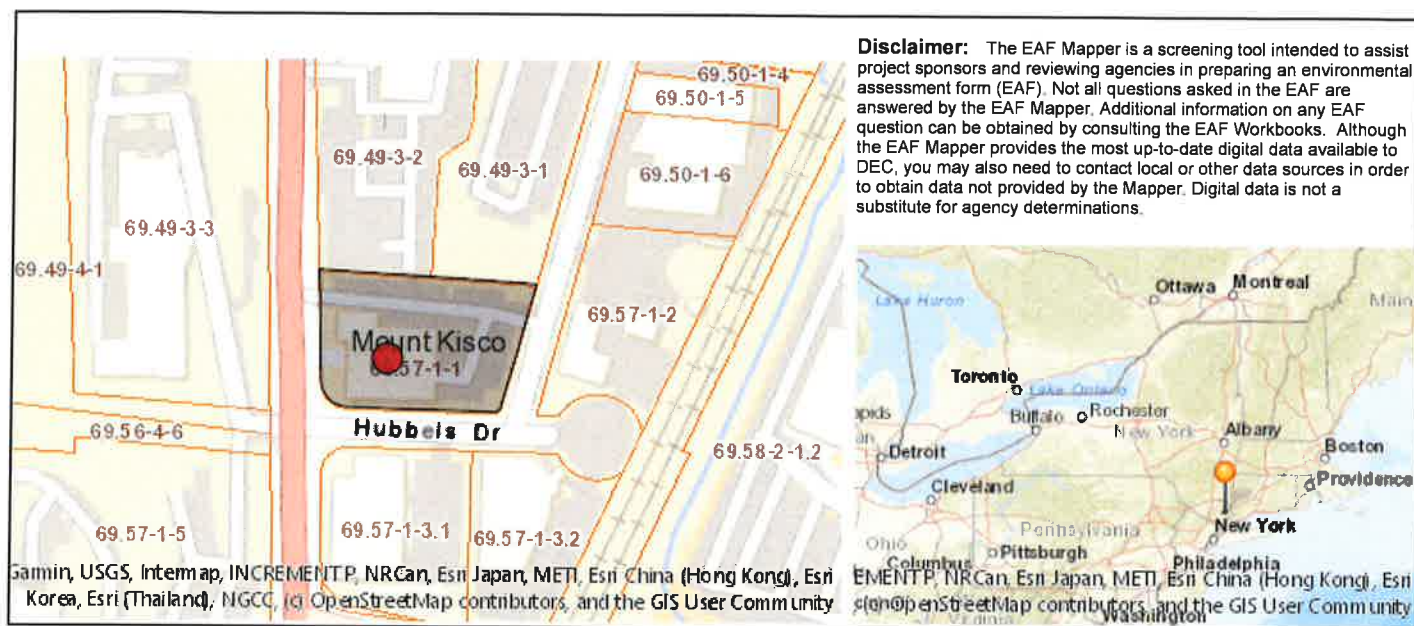
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>			
Name of Action or Project: Rivera Toyota			
Project Location (describe, and attach a location map): 227 Kisco Avenue			
Brief Description of Proposed Action: New Parts and Service sign to replace existing signage variance required for size.			
Name of Applicant or Sponsor: Ken Hicks		Telephone: 914-666-5181	
		E-Mail: khicks@riveratoyota.com	
Address: 325 N Bedford Road			
City/PO: Mt. 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.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: Mt. Kisco Building Department		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		1.16 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?		1.16 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	N/A  <input 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? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <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 checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO  <input checked="" type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input type="checkbox"/>  <input 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? 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: _____ _____ _____	NO  <input type="checkbox"/>  <input checked="" type="checkbox"/>	YES  <input checked="" type="checkbox"/>  <input type="checkbox"/>	

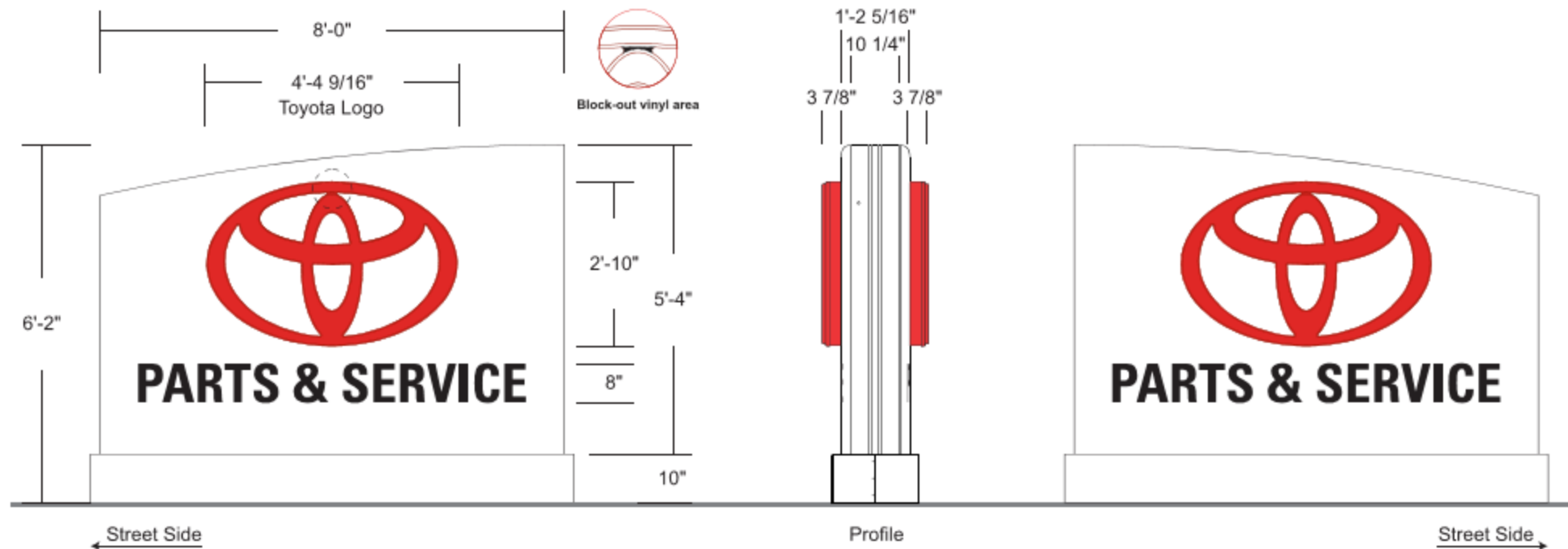
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> 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	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
_____		
_____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<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 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 type="checkbox"/>	<input checked="" type="checkbox"/>
C360179 - former Canadian radium and uranium site (95 + 107 Kisco Avenue); C360163 - Former Designs for Leisure (42 Kensico Dr)		
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>Maximillian Mahalek, Esq.</u> Date: <u>2/22/2024</u>  Signature: <u></u> Title: <u>Attorney for Applicant</u>		





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

# Exhibit F



### Specifications

#### M86ps D/F Illuminated Monument Sign

1/8" aluminum fabricated panels & base cover painted Toyota white

Toy-3: Panned & embossed molded Toyota logo

(2'-10"h x 4'-4 9/16"w) 9.74 sq.ft.

Clamshell trim

Lexan polycarbonate: Bayer Red D99

3M 3635-20B block out vinyl applied second surface

Aluminum coil pre-painted red

Illuminated with red LED

Parts & Service

(8"h x 6'-8 1/2"w) 4.5 sq.ft.

Routed out and backed-up with flat 3/16" clear polycarbonate

3M 3635-222 black dual vinyl applied first surface

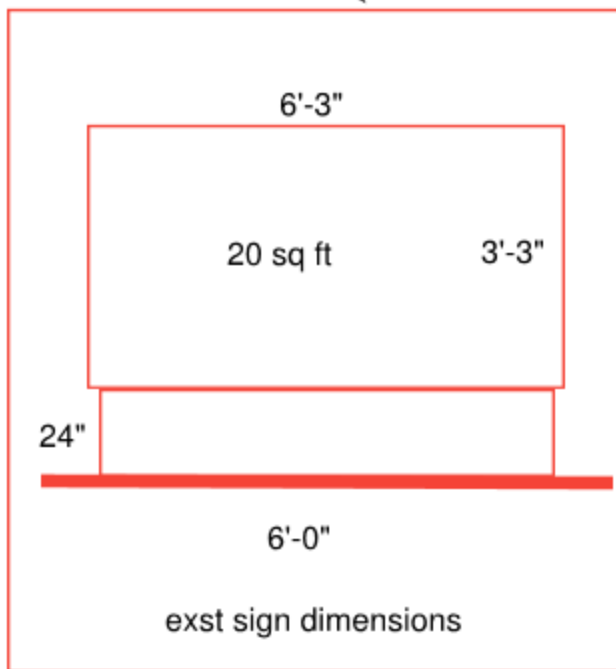
Backed-up with a second 3/16" white polycarbonate

Illuminated with white LED

Electrical hook-up by others

### Colors

- ☐ Toyota White
- ☒ Bayer Red D99
- ☒ 3M 3635-20B Block Out Vinyl
- ☒ 3M 3635-222 Black Dual Vinyl
- ☐ White Polycarbonate



Project ID

NF2-55910

Date: OCT-31-2023

Scale: 3/8" = 1'-0"

Sales: N.Fry

Designer: C.Sabatino

Rev. #:

Date:

Revision Note:

☒ Conceptual

Information Required:

☒ Master

☒ Electrical

☒ 120V ☐ 347V

☐ Other \_\_\_\_\_

Customer Approval

Signature

MM/DD/YYYY

It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to accept the installation of the signs being ordered. Please ask PSG to provide further details if required.

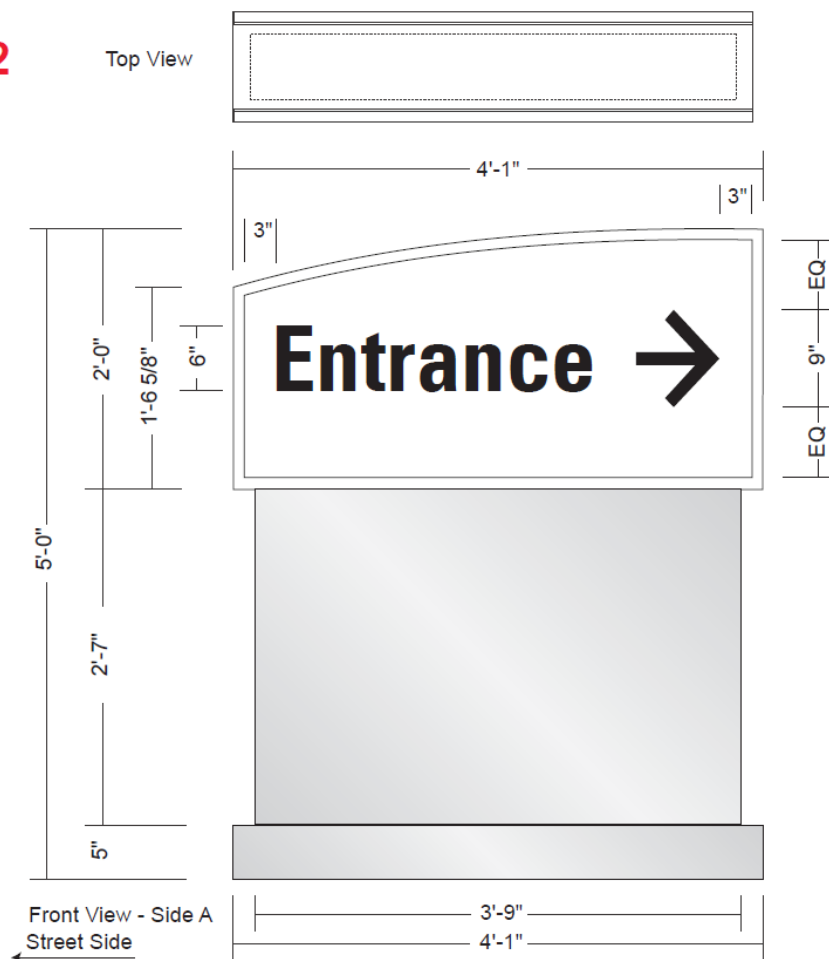
All rights reserved. The artwork depicted herein are copyright and are the exclusive property of Pattison Sign Group and as such cannot be reproduced in whole or in part without written permission by Pattison Sign Group.

**TOYOTA**  
31185  
Rivera Toyota  
353 North Bedford Rd.  
Mt. Kisco, NY

Sign Item

# Exhibit G

Top View







445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
T 914 761 1300  
F 914 761 5372  
cuddyfeder.com

March 5, 2024

By Email and Federal Express

Chair Wayne Spector  
and Members of the Zoning Board of Appeals  
Town/Village of Mount Kisco  
Village Hall  
104 Main Street  
Mt. Kisco, New York 10549

Re: Rivera Toyota Redevelopment – Rivera Auto Group, Inc.  
Area Variance Application: Parts and Service Sign  
Premises: 227 Kisco Avenue, Mount Kisco, NY (SBL: 69.57-1-1)

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

On behalf of Rivera Auto Group, Inc., enclosed please find an Affidavit of Mailing evidencing the first-class mailing completed on March 5, 2024 of the annexed Public Notice to all property owners within 300 feet of the property lines of the subject Premises, as set forth on the annexed list and map, together with copies of the first-call mailing envelopes. The list was prepared by using the Village of Mt. Kisco Assessment Records. Upon receipt of any returned envelopes, we will promptly forward same.

Also enclosed please find the proof of publication from the Journal News evidencing that the legal notice was published on March 4, 2024, for the scheduled Zoning Board of Appeals March 19, 2024 hearing. Upon receipt of the original Affidavit of Publication, we will promptly forward same.

Please incorporate the enclosed documents as part of the official record of the proceeding. Thank you in advance for your time and attention to the within.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Riddar Nget".

Riddar Nget  
Paralegal

Enclosures

cc: Anthony B. Gioffre III, Esq.  
Maximillian Mahalek, Esq.

**AFFIDAVIT OF MAILING**

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

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

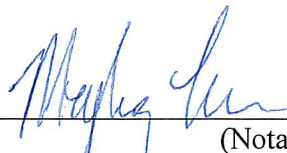
I reside at \_\_\_\_\_ Danbury, Connecticut \_\_\_\_\_

On March 5 20 24 I served a notice of hearing, a copy of which is  
attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule  
of property owners within 300 feet of the subject property identified in this notice. A  
copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.  
I placed a true copy of such notice in a postage paid property addressed wrapper  
addressed to the addresses set forth in Exhibit B, in a post office or official depository  
under the exclusive care and custody of the United States Post Office, within the County  
of Westchester.

  
\_\_\_\_\_  
Riddar Nget, Paralegal

Sworn to before me on this

\_\_\_\_\_ 5th \_\_\_\_\_ day of \_\_\_\_\_ March \_\_\_\_\_ 20 \_\_\_\_\_ 24 \_\_\_\_\_

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

MEYLING NUNEZ  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01NU0009619  
Qualified in Westchester County  
My Commission Expires 06-14-2027

**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 19th day of  
March 20 24 at the Municipal Building, Mount Kisco, New York,

beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Ken Hicks, Rivera Toyota

(Name of Applicant)

325 North Bedford Road, Mount Kisco, NY

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated 1/23/24  
(Date of Denial Letter)  
denying the application dated to permit the parts and monument sign  
(Proposed Work)

The property involved is known as 227 Kisco Avenue, Mount Kisco, NY  
(Address of Property)

and described on the Village Tax Map as Section 69.57 Block 1 Lot 1  
and is located on the North side of Hubbels Drive in a  
east/west/n/s (Street Name)

GC Zoning District. Said Appeal is being made to obtain a  
variance from Section(s) 89- 11(A)(4) of the  
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires a maximum sign for area of 20 square feet allowed; 49.34 square feet proposed (Building Inspector Memorandum lists 48.2 square feet proposed).

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

Exhibit A

# 300' Radius Property Owner's List

OWNERNAME	MAILINGADDRESS	CITY	STATE	ZIP
275 Kisco LLC	6411 Ivy Ln Ste 200	Greenbelt	MD	20770
255 Kisco LLC	7550 Wisconsin Ave Fl 6th	Bethesda	MD	20814
250 Kisco LLC	7550 Wisconsin Ave Fl 6	Bethesda	MD	20814
Village of Mount Kisco	104 Main St	Mount Kisco	NY	10549
19 Kenisco Drive LLC	6411 Ivy Ln Ste 200	Greenbelt	MD	20770
15 Kensico LLC	15 Kensico Dr	Mt. Kisco	NY	10549
Village of Mount Kisco	104 Main St	Mount Kisco	NY	10549
Trinity Investment Properties	21 Lauder Ln	Greenwich	CT	6831
Halstead-Quinn Terminal Corp	33 Hubbels Dr	Mount Kisco	NY	10549
William Louis-Dreyfus Fndtn In	PO Box 690	Wilton	CT	6897
25 Hubbels Drive Mt. Kisco Corp	27 Radio Circle Dr	Mount Kisco	NY	10549
Curtis Instruments Inc.	200 Kisco Ave	Mt. Kisco	NY	10549
Town of Bedford	321 Bedford Road	Bedford Hills	NY	10507
Westchester County Department of Planning	148 Martine Avenue Suite #432	White Plains	NY	10601

Exhibit B



[illegible]

**Westchester County GIS**



<http://giswww.westchestergov.com>

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



## AFFIDAVIT OF PUBLICATION

State of Wisconsin  
County of Brown

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

03/04/2024

Linda Tett

Subscribed and sworn to before me this 04 day of March, 2024

Mariah Verhagen  
exp. 8/5/26

Notary Public  
State of Wisconsin, County of Brown

MARIAH VERHAGEN  
Notary Public  
State of Wisconsin

## 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 19th day of March 2024 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM on the Appeal of Rivera Toyota (c/o Ken Hicks), 227 Kiso Avenue, Mount Kisco, New York, from the decision of Peter J. Miley, Building Inspector, dated January 23, 2024 (in his memorandum) denying the application to permit the parts and monument sign.

The property involved is known as 227 Kisco Avenue, Mount Kisco, New York, and described on the Village Tax Map as Section 69.57, Block 1, Lot 1 and is located on the North side of Hubbels Drive in a GC Zoning District. Said Appeal is being made for approval of the area variance from Section(s) 89-11(A) (4) of the Code of the Village/Town of Mount Kisco, which requires a maximum sign for area of 20 square feet allowed; 49.43 square feet proposed (Building Inspector Memorandum lists 48.2 square feet proposed).

Copies of the Application are available to be viewed at

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

ZBA Application

9900642

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

AFFIDAVIT OF POSTING

RECEIVED

MAR 12 2024

Zoning Board of Appeals  
Village/Town of Mount Kisco

**Gilmar Palacios Chin**, being duly sworn, says that on the 12<sup>th</sup> day of March 2024, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –  
104 Main Street

X

Public Library  
100 Main Street

X

Fox Center

X

Justice Court – Green Street  
40 Green Street

X

Mt. Kisco Ambulance Corp  
310 Lexington Ave

X

Carpenter Avenue Community House  
200 Carpenter Avenue

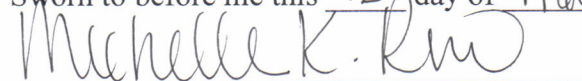
X

Leonard Park Multi Purpose Bldg

X

  
Gilmar Palacios Chin

Sworn to before me this 12<sup>th</sup> day of March 2024

  
Notary Public

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

letters. He said the company took over operations of this location about three or four weeks ago. He said they also operate the other Mobil station by Target.

Chairman Loughney asked if the application was just to change the signage on the building and not on the awning (pump canopy). Michael Bonforte said that was correct. Nick Bagley asked if the Pegasus would be removed from the side of the building as well. Michael Bonforte said yes, eventually. It is being retired. Mobil has much newer signage. Chairman Loughney asked if the color of the building would be changed as well. Michael Bonforte said the building was white in the past and it was recently changed to a dark gray. He said eventually the company would like to do a more extensive upgrade of the site to take out the mechanical garage bay and put in more of a food market. Chestnut Market is the brand.

#### **MOTION:**

**Dan Gagliardi made a motion to approve. Heather Kornreich seconded the motion. All ayes.**

**4. Rivera Auto Group Inc.  
325 N Bedford Road  
Mount Kisco, NY 10549**

**Case #ARB22-03  
Building Alterations**

**5. Rivera Auto Group Inc.  
353 N Bedford Road  
Mount Kisco, NY 10549**

**Case #ARB22-04  
New Commercial Building**

Chairman Loughney called Rivera Auto Group. Bryan Zelnik, architect, appeared before the Board representing Rivera Auto Group. Chairman Loughney said there are two applications before the Board. He asked if the applicant would like to discuss them together even though the Board would consider each case individually. Bryan Zelnik said he would.

Bryan Zelnik explained they have two different locations, one being the existing showroom. They will be recladding it. The imaging is Toyota Image II which is the standard for every Toyota dealership in the country. There may be different configurations but the materials are the same. He showed the Board samples of materials. There is the standard Toyota Silver and Toyota Red. They use an aluminum composite panel (ACM), which is the majority of the façade. They also have a frosted glass portal, which is their signature element that has the dealership name on it as well as the logo. This presentation does not include signage.

Chairman Loughney asked if these two locations are adjacent to each other. Bryan Zelnik said there is a property in between them, Towne Bus. The second location where Westchester Burger was located will be a new service location. He said they are recladding the existing dealership with the aluminum cladding in silver and red and the glass portal that lights up at night. He said the service building has the same materials. It will be a drive through building. There will be stucco on the back of the building but the front façade and the edges are the same aesthetics as the dealership. There is a tread stone base on the service building so it doesn't get beat up. It's good material for wear and tear. The ACM will go down to the sidewalk on the main façade. He passed around the samples to the Board members.

Chairman Loughney said the service building has a smaller footprint. Bryan Zelnik said that was correct. Chairman Loughney said on the rendering the building looks taller. Bryan Zelnik said the angling on the rendering makes it look that way. He said it is basically a story and a half. There is a middle section that goes up to a second floor. There are lifts in the back but they are both sloping sites so the buildings get taller in the back. He said the showroom has two stories in the rear because of the grade. He said the lighting is state of the art LED lighting. There is no overflow and zero at the property lines. He added it is very efficient and you need less of it. The dealerships depend on the lighting because their inventory is outside. It makes the architecture look good as well and gives a good aesthetic to the site.

Chairman Loughney asked on the sales building if the center is glass. Bryan Zelnik said it is glass that is backlit at night. And the lettering will eventually light up as well. Chairman Loughney asked as the glass rises over the building, what are you going to see. He said there is currently a peak there. Bryan Zelnik said the glass will cover it in the front and you will see the peaks only from the side. They will be repainted the peaks in gray silver that matches the ACM. Chairman Loughney asked what the person on the street going to see. Bryan Zelnik said the portal will mask the peak. Chairman Loughney asked if the glass would be consistent from bottom to top. Bryan Zelnik said yes, a company in Minnesota does all of these portals throughout the country. Chairman Loughney asked if the portal would be on the service center. Bryan Zelnik said it would only be on the showroom building. The service building will be clad like the showroom building.

**MOTION for 325 No. Bedford Road.**

**Nick Bagley made a motion to approve. Dan Gagliardi seconded the motion. All ayes.**

**MOTION for 353 No. Bedford Road**

**Heather Kornreich made a motion to approve. Dan Gagliardi seconded the motion. All Ayes.**

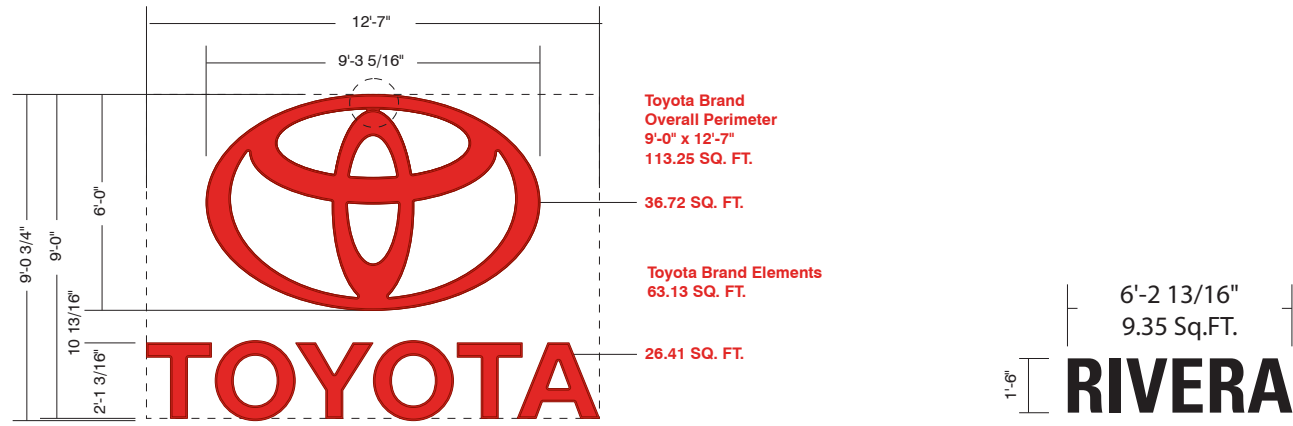
**MINUTES: December 15, 2021**

**Nick Bagley made a motion to approve the minutes of December 15, 2021. Heather Kornreich seconded the motion. All ayes. Chairman Loughney abstained as he was not present at the meeting.**

The meeting was adjourned at 7:57 pm.

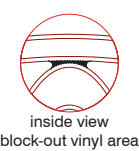
Respectfully submitted,  
Dan Loughney, Chairman

/pat.



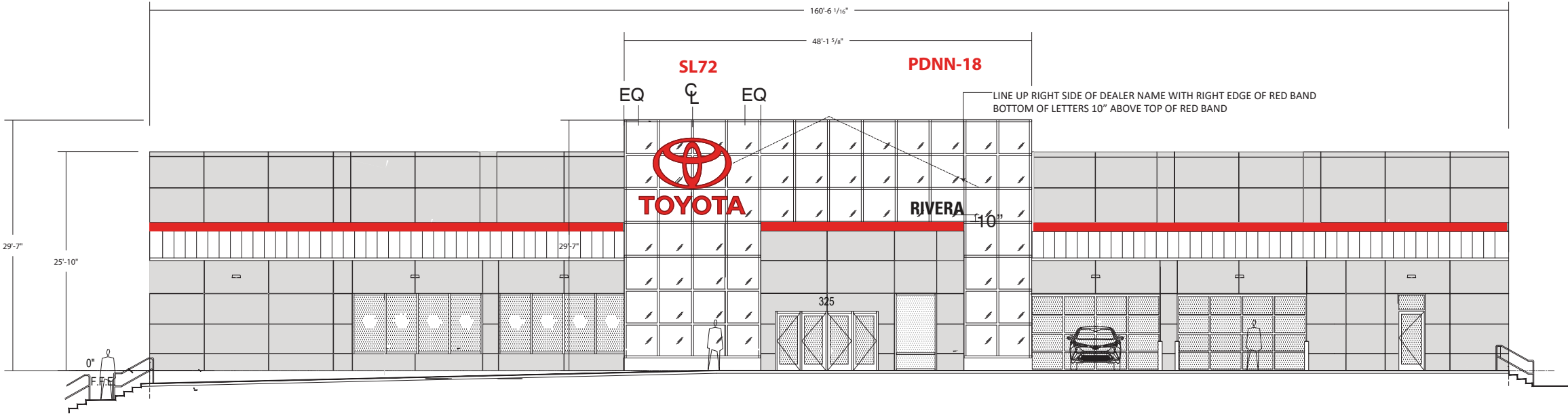
**SL72**  
Illuminated Logo & Letters

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



**PDNN-18**  
Non-Illuminated Molded Letters  
\* to be used when portal is illuminated

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



FRONT ELEVATION

**Project ID**  
SH7-42754

Date: DEC-23-2021  
Scale: 3/16"= 1'-0"  
Sales: J.Villavona  
Designer: C.Sabatino

**Rev. #: R1**  
Date: 12-MAR-2024

Revision Note:

☒ **Conceptual**

Information Required:

☐ **Master**

☒ **Electrical**

☐ 120V ☐ 347V  
☐ Other \_\_\_\_\_

**Customer Approval**

Signature \_\_\_\_\_  
MM/DD/YYYY

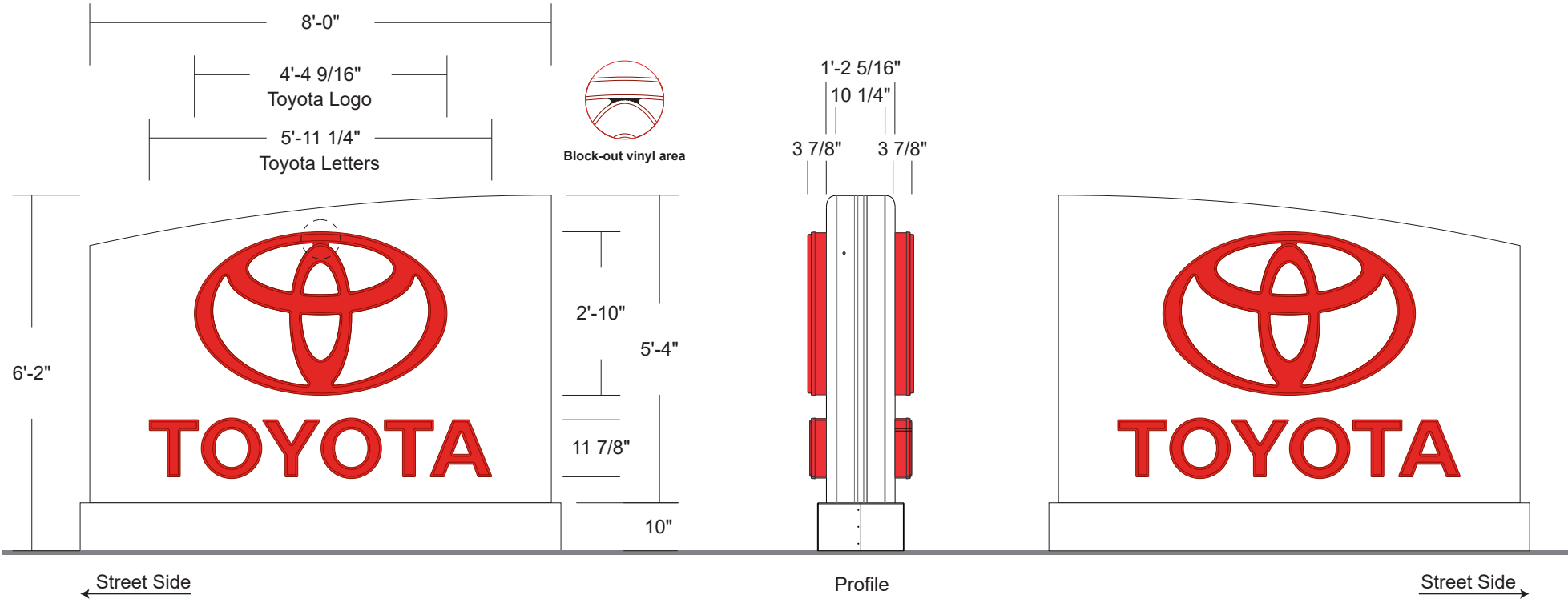
It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to accept the installation of the signs being ordered. Please ask PSG to provide further details if required.

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

**Sign Item**





Specifications

- M86 D/F Illuminated Monument Sign**
- 1/8" aluminum fabricated panels & base cover painted Toyota white
- Toy-3: Panned & embossed molded Toyota logo  
(2'-10"h x 4'-4 9/16"w) **9.74 sq.ft.**  
Clamshell trim  
Lexan polycarbonate: Bayer Red D99  
3M 3635-20B block out vinyl applied second surface  
Aluminum coil pre-painted red  
Illuminated with red LED
- Panned & embossed molded Toyota letters  
(11 7/8"h x 5'-11 1/4"w) **6.24 sq.ft.**  
Clamshell trim  
Lexan polycarbonate: Bayer Red D99  
Aluminum coil pre-painted red  
Illuminated with red LED
- Electrical hook-up by others

Colors

- ☐ Toyota White
- ☒ Bayer Red D99
- ☒ 3M 3635-20B Block Out Vinyl

Project ID

SH7-42754

Date: DEC-23-2021

Scale: 3/8"=1'

Sales: S.Horler

Designer: C.Sabatino

Rev. #:

Date:

Revision Note:

☒ Conceptual

Information Required:

Master

☒ Electrical

☒ 120V ☐ 347V

☐ Other

Customer Approval

Signature

MM/DD/YYYY

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**TOYOTA**

31885

Rivera Toyota

325 N. Bedford Rd.

Mt. Kisco, NY

Sign Item

Project ID

SH7-42754

Date: DEC-23-2021  
Scale: N.T.S.  
Sales: J.Villavona  
Designer: C.Sabatino

Rev. #: R1  
Date: 12-MAR-2024

Revision Note:

✓ Conceptual

Information Required:

Master

Electrical

☐ 120V ☐ 347V  
☐ Other \_\_\_\_\_

Customer Approval

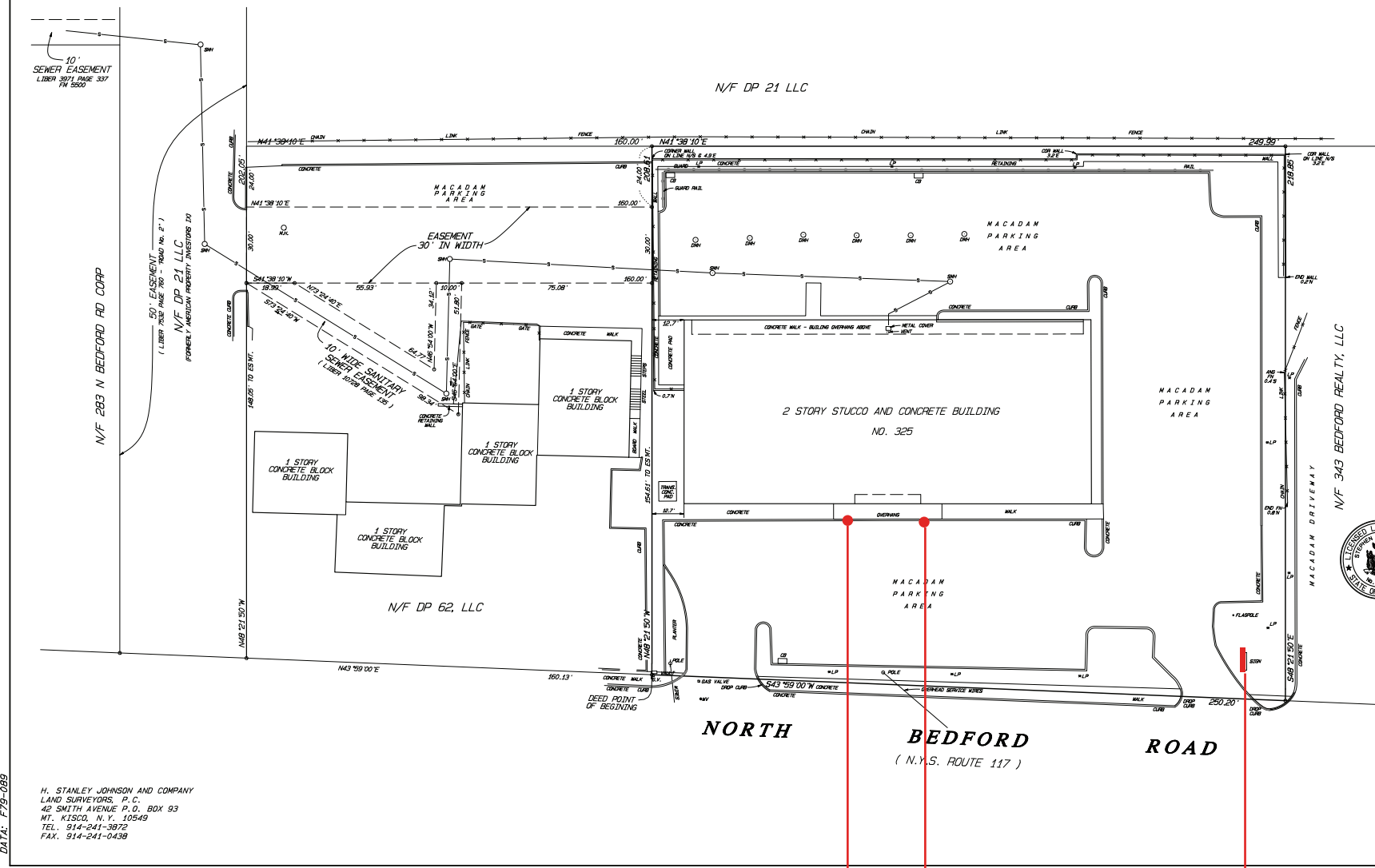
Signature \_\_\_\_\_  
MM/DD/YYYY

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**TOYOTA**  
31885  
Riviera Toyota  
325 N. Bedford Rd.  
Mt. Kisco, NY  
Sign Item

Title No. PR-W-40126-20



Area = 1.226 Acres.  
Deed Reference: Liber 10606 Page 89.  
Tax Identification: Sheet 69.51 Block 1 Lot 2.  
In accordance with the existing Code of Practice for Land Surveys as adopted by The New York State Association of Professional Land Surveyors, Inc.  
Unauthorized alteration or addition to a survey map bearing a Licensed Land Surveyor's seal is a violation of Section 7203, Subdivision 2 of the New York State Education Law.  
All certifications are valid for this map and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.  
The location of underground improvements or encroachments hereon, if any exist, are not certified or shown.  
Certified to: Rivera Auto Group, Inc.  
Toyota Motor Credit Corporation  
its successors and/or assigns as their interests may appear  
Old Republic National Title Insurance Company  
Record & Return Title Agency, Inc.  
Title No. PR-W-40126-20



SURVEYED: DECEMBER 4, 2020  
MAP PREPARED: DECEMBER 10, 2020  
BY: \_\_\_\_\_  
NEW YORK STATE LICENSED LAND SURVEYOR NO. 49749  
STEPHEN T. JOHNSON, P.L.S.

**SURVEY OF PROPERTY**  
PREPARED FOR  
**RIVERA AUTO GROUP, INC.**  
SITUATE IN THE  
**VILLAGE AND TOWN OF MOUNT KISCO**  
**WESTCHESTER COUNTY, NEW YORK**  
**SCALE: 1" = 20'**

SL72 PDNN-18

M86



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



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