

Date: 5.17.22

Fee: \$750

RECEIVED

APR 26 2022

Case No.: ZBA22-5

Date Filed: 4.20.22

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

**Zoning Board of Appeals  
Application**

Appellant: 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 16 parking spaces due to  
conversion of 19,000 sf of space from professional office to medical office (35,000 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, 2027

Sworn to before me this day of: 26<sup>th</sup> April, 20 22

Notary Public, Westchester, County, NY

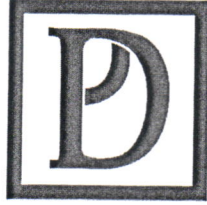
2025 at

[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

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:

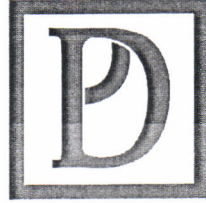
A Submission for Amended Site Plan Approval was submitted to the Planning Board on April 5, 2022 seeking approval to increase the amount of medical office space allowed within 100 South Bedford Road by 19,000 s.f. from 16,000 square feet to 35,000, while decreasing the amount of non-medical professional office space by the same 19,000 s.f., from 61,587 to 42,587 square feet.

No physical changes of any kind are proposed for the exterior of the site with this application. There are no changes proposed to the parking lots, sidewalks, or building areas.

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



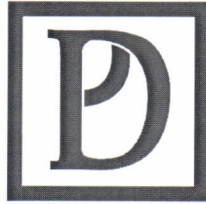
did not believe that a variance would be required because the change by itself meant that there was no change in the number of parking spaces required. However, the parking requirement for professional office has also been modified from 1 space per 275 s.f. in excess of 10,000 sf to 1 space per 250 s.f. Accordingly, in order to convert an additional 19,000 s.f. from professional office to medical office, we are seeking a variance of 16 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 19,000 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 based on a total of 207,960 s.f. within the 3 buildings equals 1 space per 237 s.f.. This happens to be nearly the mid-point between the required professional office and medical office parking requirements. The availability of 181 - 220 empty parking spaces on a typical week day clearly demonstrates that 100 South Bedford Road can accommodate 35,000 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.



The 16 parking spaces that we request a variance for represent 1.8% of the 877 existing spaces at 90 – 100 – 110 South Bedford Road (there are 911 spaces including those land banked with the 1995 approvals). This relatively small percentage will have no meaningful impact on the availability of parking at the property.

For these reasons, we hope that you will support our application for a 16 parking space variance for 100 South Bedford Road, thereby enabling our goal of converting 19,000 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

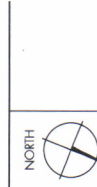
Applicant / Owner  
100 South Bedford Road LLC  
c/o Diamond Properties LLC  
100 South Bedford Road  
Mount Kisco, NY 10549

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

Surveyor  
JMK Land Surveyors  
11 Clark Place, Ste 1-B  
Muttontown, NY 10541

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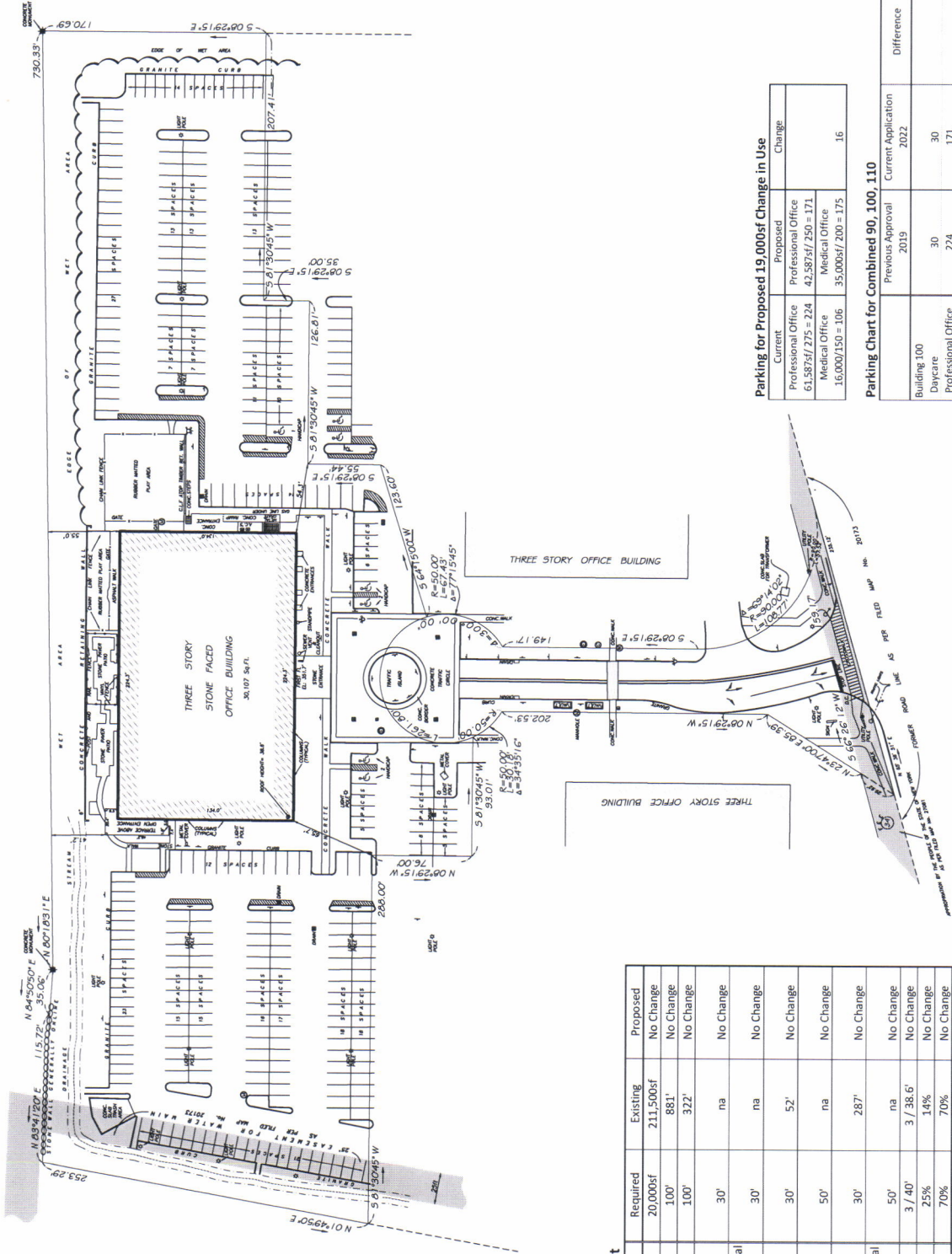
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Rev.	Date	Description
04-27-22	Planning / Zoning, Sub	
12-03-17	Planning / Zoning, Sub	
12-03-17	Site Plan, Sub	
12-03-17	Site Plan, Sub	
12-03-17	Site Plan, Sub	

Sheet Title  
**Site Plan Information**

Project #: 8807  
Drawn:  
Checked:  
Print Date: 04/22/2022



Parking for Proposed 19,000sf Change in Use

Current	Proposed	Change
Professional Office 61,587sf / 275 = 224	Professional Office 42,587sf / 250 = 171	
Medical Office 16,000/150 = 106	Medical Office 35,000sf / 200 = 175	16

Parking Chart for Combined 90, 100, 110

	Previous Approval 2019	Current Application 2022	Difference
Building 100			
Daycare	30	30	
Professional Office	224	171	
Medical Office	106	175	
Building 90 & 110			
Health Services	601	601	
Total Required	961	977	16
Provided/ Land	911	911	
Banked			
Waived	2,48 = 50	2,464 = 66	
Total	961	977	16

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
Professional Offices	61,587sf	42,587sf
Day Care	10,172sf	10,172sf
Medical Offices	16,000sf	35,000sf
Total Building Area	87,759sf	87,759sf

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  
519 North Bedford Road  
Mount Kisco, NY 10549

Architect

Callin Beeler Design Studio LLC  
23 Washington Avenue  
Pleasantville, NY 10570

Surveyor

LHK Land Surveys  
2111 Pleasantville Rd  
Mahopac, NY 10541

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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
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Max. Development Coverage	70%	70%	No Change

Total Building Area

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		16

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Building 100			
Daycare	30	30	
Professional Office	224	171	
Medical Office	106	175	
Building 90 & 110			
Health Services	601	601	
Total Required	961	977	16
Provided/ Land Banked	911	911	
Waived	2+48 = 50	2+64 = 66	
Total	961	977	16



Rev.	Date	Description
02-22-22	Planning / Zoning, Sub	
7-25-22	Planning / Zoning, Sub	
7-30-22	Planning / Zoning, Sub	
7-30-22	Site Plan, Revised	

Sheet Title:

Site Plan Charts

Project #: 8807

Sheet No.:

Drawn:

SP-2

Checked:

Print Date: 04-22-2022

	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	42,587	1 per 250 sf	170
Day Care	10,172		30	10,172		30	10,172		30
Medical Offices	-			16,000	1 per 150 sf	106	35,000	1 per 200 sf	175
Total	87,759		312	87,759		360	87,759		375
<u>Buildings 90 &amp; 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		976
Provided/Land Banked Waived/Variance Total			911 2 913			911 2 + 48 = 50 961			911 50 + 15 = 65 976

Vacant Parking Spaces Combined Parking Lot				
	11/17/2017	1/25/2022	1/27/2022	4/22/2022
9:00 AM	170	210	211	220
2:00 PM	183	155	186	
4:00 PM	189	178	246	
Average	181	181	214	220
Land Banked Parking	34	34	34	34
Potential Available with Banked	215	215	248	254

Total Parking Spaces within Parking Lot			
Existing			877 spaces
Land Banked			34 spaces
Total Existing and Land Banked			911 spaces
Aggregate Existing Parking Ratio			1 per 237 sf
Aggregate Existing + Banked Parking Ratio			1 per 228 sf

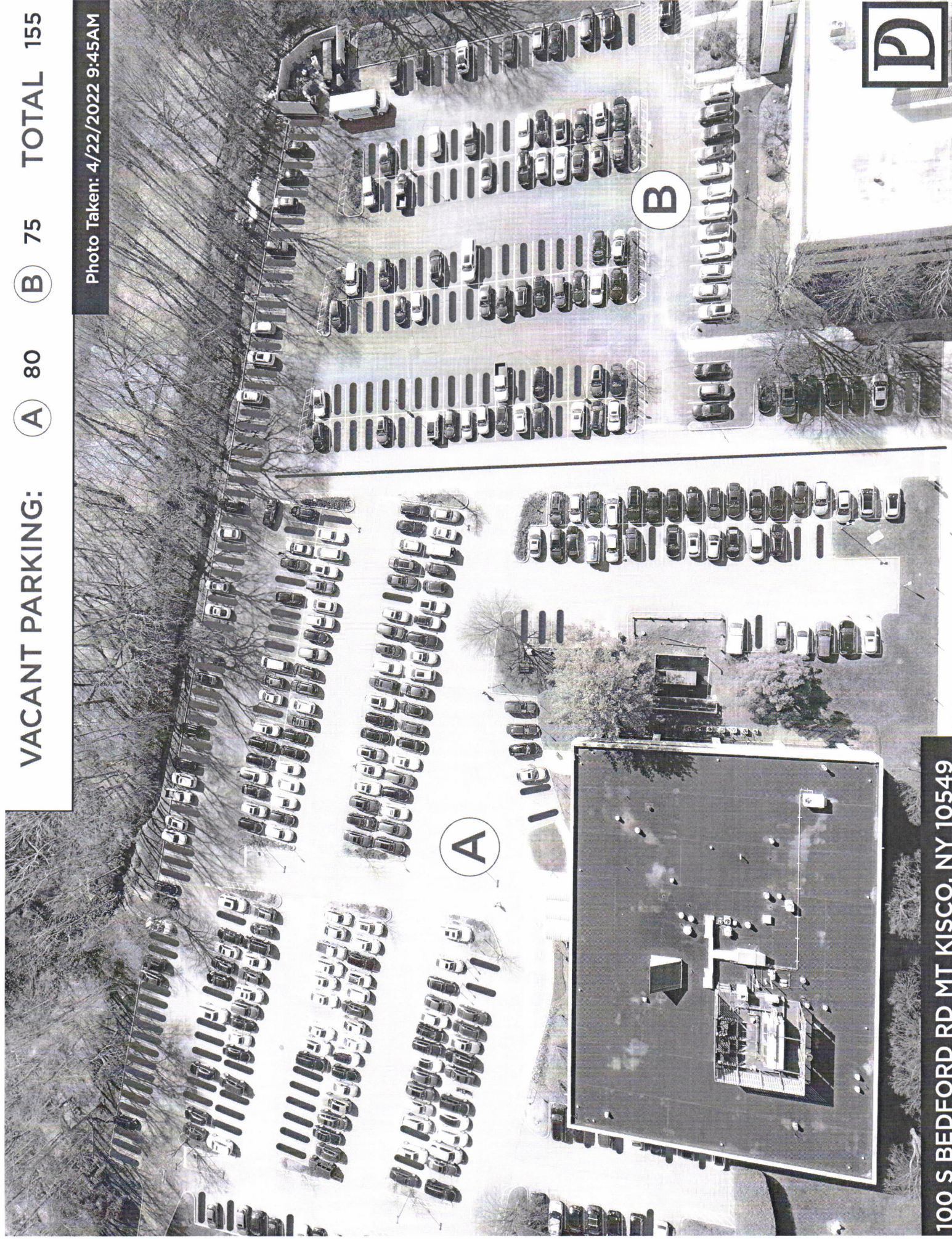
VACANT PARKING:

A 80

B 75

TOTAL 155

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



100 S BEDFORD RD MT KISCO, NY 10549



VACANT PARKING:

A

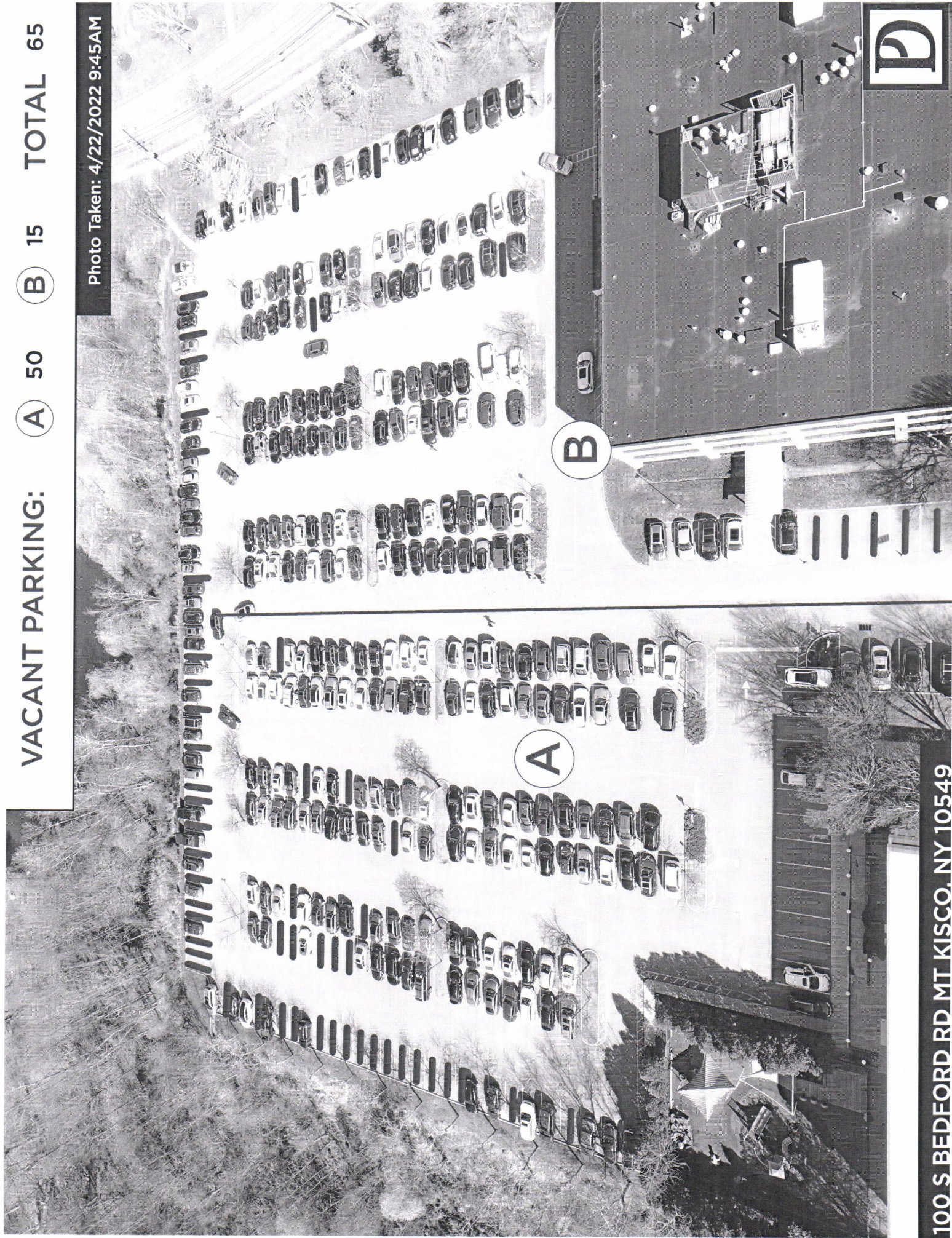
50

B

15

TOTAL 65

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



100 S BEDFORD RD MT KISCO, NY 10549





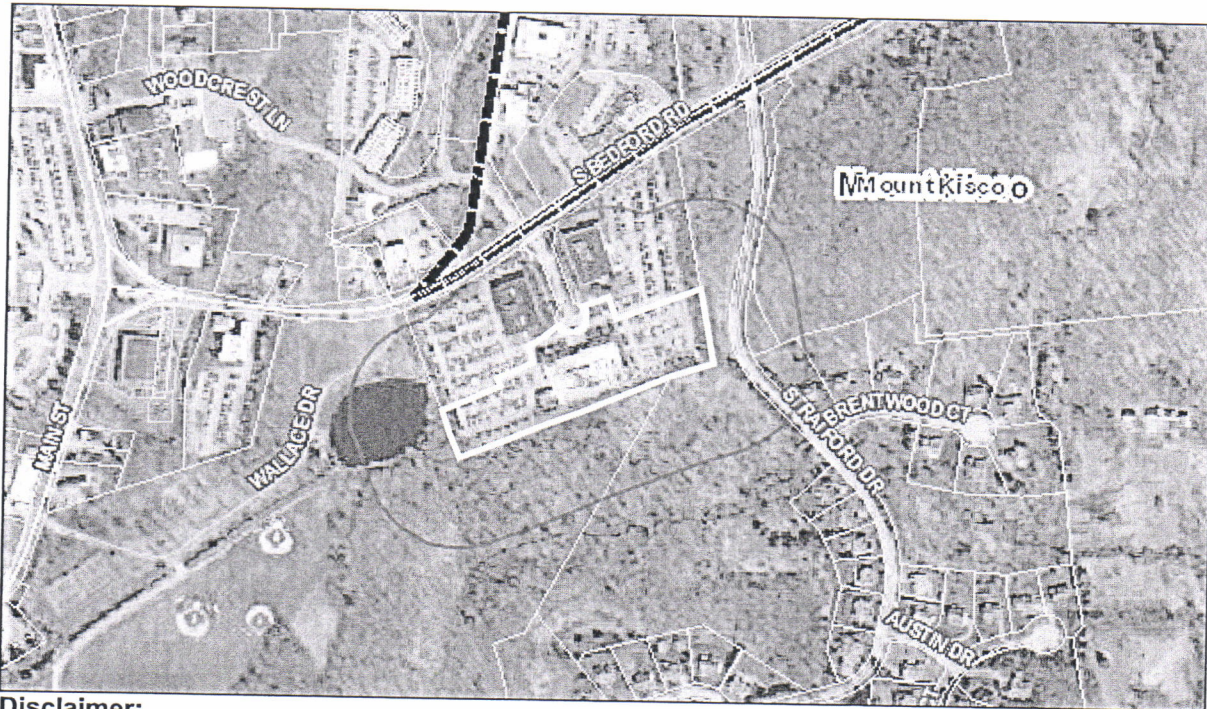
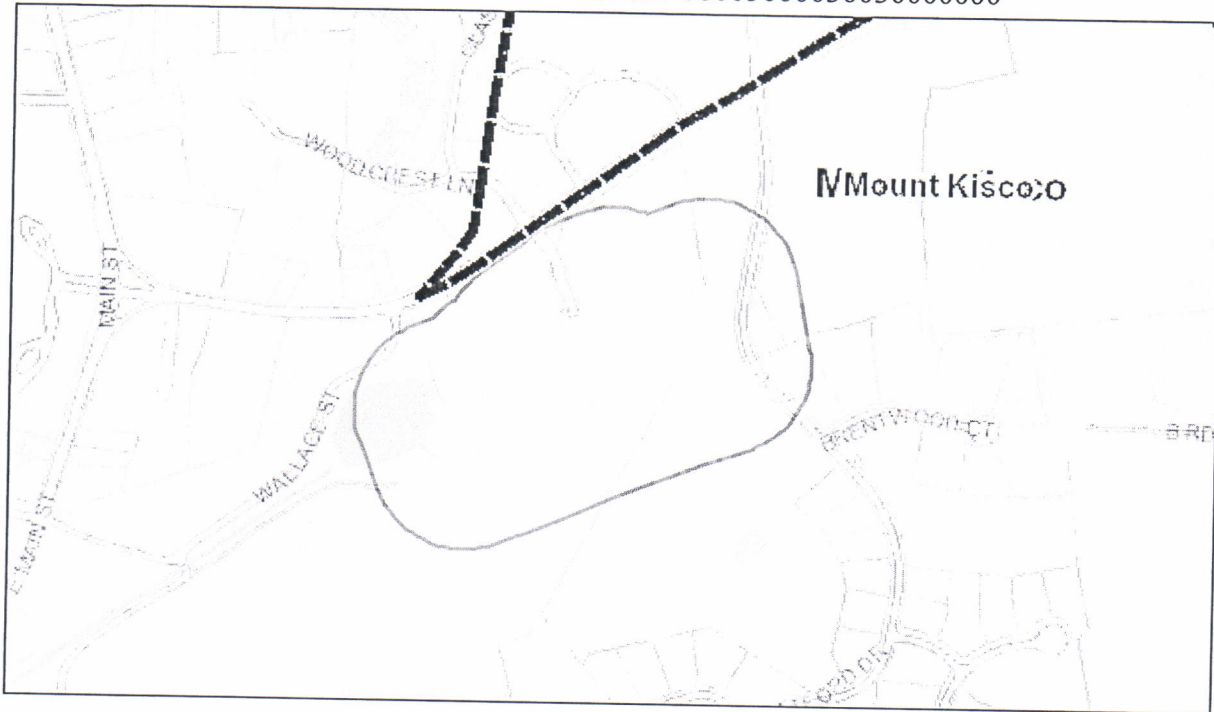
<p> <b>PHILIP H. ROSEN</b>          1000 SOUTH GARDEN AVENUE, S.W.          ATLANTA, GEORGIA 30309       </p>		<p> <b>PHILIP H. ROSEN</b>          1000 SOUTH GARDEN AVENUE, S.W.          ATLANTA, GEORGIA 30309       </p>	
<p> <b>PHILIP H. ROSEN</b>          1000 SOUTH GARDEN AVENUE, S.W.          ATLANTA, GEORGIA 30309       </p>		<p> <b>PHILIP H. ROSEN</b>          1000 SOUTH GARDEN AVENUE, S.W.          ATLANTA, GEORGIA 30309       </p>	

# Tax Parcel Maps

Address: 100 S Bedford Rd

Print Key: 80.50-3-3

SBL: 08005000030030000000



**Disclaimer:**

This tax parcel map is provided 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 the assessor's office of the municipality.

## **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.

<b>Part 1 - Project and Sponsor Information</b>																		
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 16 parking spaces due to conversion of 19,000 sf of space from professional office to medical office (such that there will be 35,000 s.f. total medical offices).																		
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. <table style="width: 100%;"><tr><td><input type="checkbox"/> Urban</td><td><input type="checkbox"/> Rural (non-agriculture)</td><td><input type="checkbox"/> Industrial</td><td><input checked="" type="checkbox"/> Commercial</td><td><input checked="" type="checkbox"/> Residential (suburban)</td></tr><tr><td><input type="checkbox"/> Forest</td><td><input type="checkbox"/> Agriculture</td><td><input type="checkbox"/> Aquatic</td><td colspan="2"><input checked="" type="checkbox"/> Other (specify): Professional Office and Medical</td></tr><tr><td colspan="5"><input checked="" type="checkbox"/> Parkland</td></tr></table>				<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				
<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	NO <input checked="" type="checkbox"/>	YES <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"/> NO <input type="checkbox"/> YES		

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 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>100 South Bedford, LLC/James Diamond</u> Date: _____ Signature: _____		

**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:	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

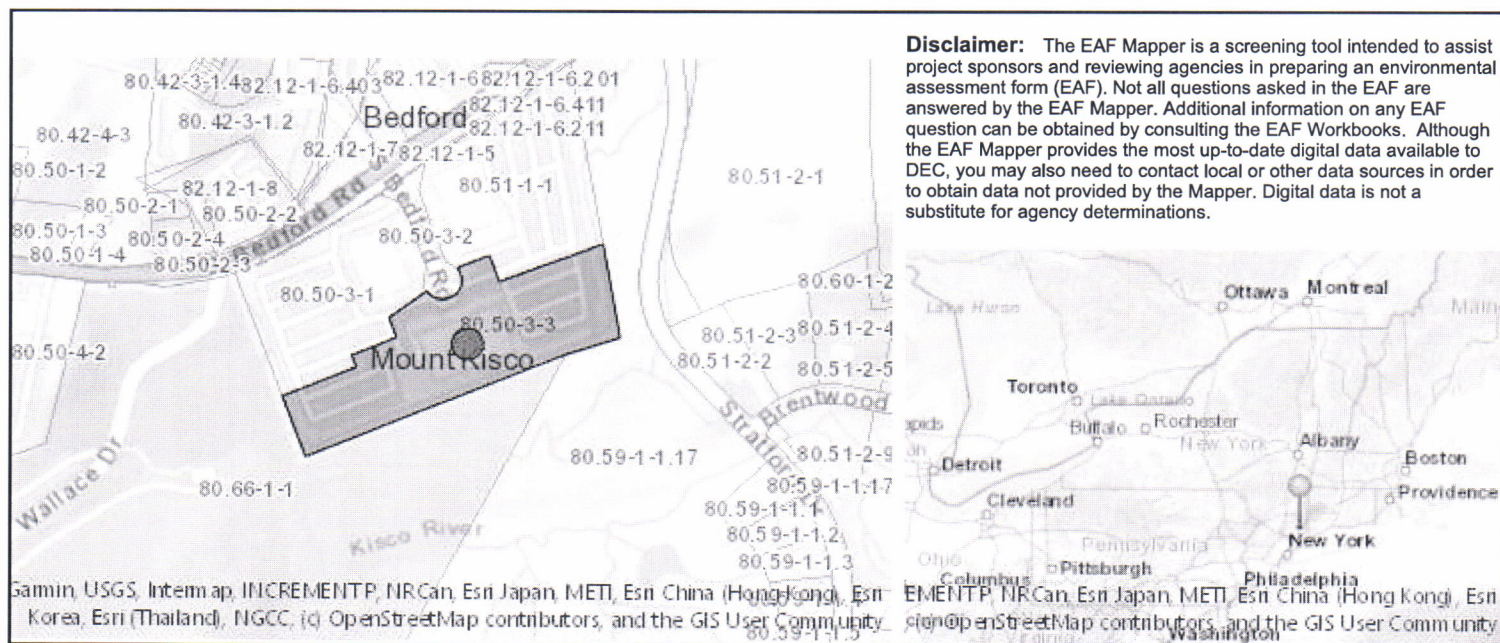
	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or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



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.

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**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

---

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 LLC<sup>1</sup>

-----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:

<sup>1</sup> 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 Code<sup>2</sup></u>	<u>Minimum Req. Parking with Grandfathering<sup>3</sup></u>	<u>Proposed/ Existing Parking<sup>4</sup></u>	<u>Variance Requested<sup>5</sup></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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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. SEORA Determination:

The subject application constitutes an Unlisted Action under the State Environmental Quality Review Action ("SEORA") 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

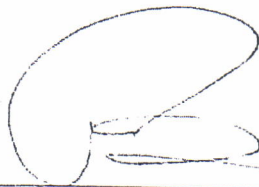
Motion to approve by: Chairman Boxer

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  $\pm 13.47$  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>

  
Douglas Hertz

*May 7, 2019*  
April 23, 2019

## EXHIBIT D

N 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

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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 <sup>New York</sup> ~~CONNECTICUT~~ )  
COUNTY OF <sup>New York</sup> ~~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.

RECEIVED

MAY 09 2022

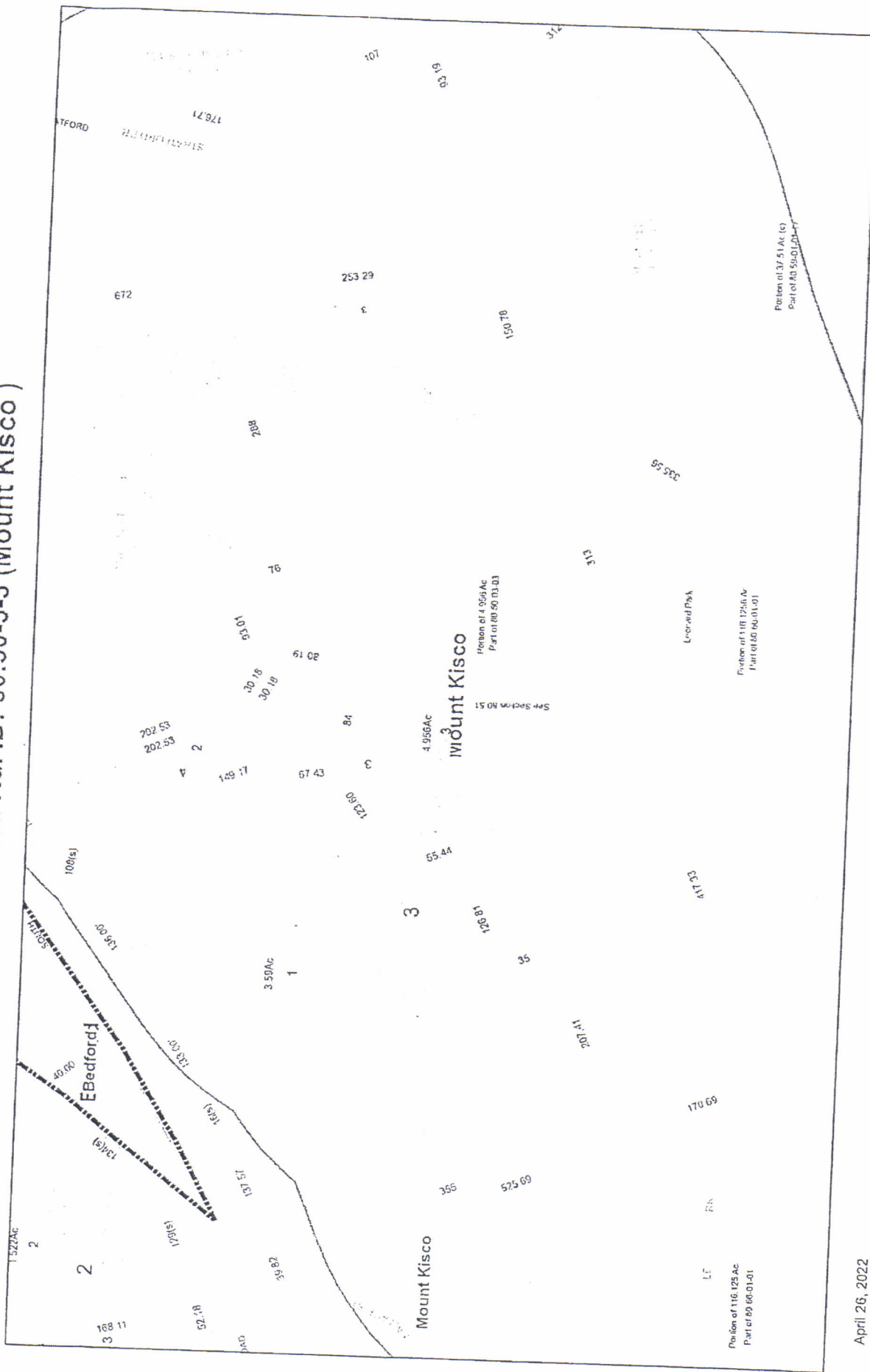
Zoning Board of Appeals  
Village/Town of Mount Kisco

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 17th day of  
May 20 22 at the Municipal Building, Mount Kisco, New York,  
beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of  
100 South Bedford Road LLC, c/o Diamond Properties, LLC  
(Name of Applicant)  
333 North Bedford Road, Mount Kisco, NY 10549  
(Address of Applicant)  
from the decision of Peter J. Miley, Building Inspector, dated 04/25/2022  
(Date of Denial Letter)  
denying the application dated to permit the change of use of 25,000 sf from professional office to medical office  
(Proposed Work)  
The property involved is known as 100 South Bedford Road, Mount Kisco, NY 10549  
(Address of Property)  
and described on the Village Tax Map as Section 80.50 Block 3 Lot 3  
and is located on the south side of South Bedford Road in a  
east/west/n/s (Street Name)  
OG Zoning District. Said Appeal is being made to obtain a  
variance from Section(s) table entitled "Minimum Off-Street Parking Regulations" of the  
(Identify specific zoning code section number(s))  
Code of the Village/Town of Mount Kisco, which requires 1 parking space per 200 sf for  
medical offices

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

# 100 S Bedford Rd. ID: 80.50-3-3 (Mount Kisco)



April 26, 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



Westchester County GIS

GIS <http://giswww.westchestergov.com>

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



## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin  
County of Brown, ss.:

On the 2 day of May in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tuttle, 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 Tuttle 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:  
05/01/2022

Linda Tuttle  
Signature

Sworn to before me, this 2 day of May, 2022

Vicky Felty  
Notary Public, State of Wisconsin, County of Brown

9-19-25

My commission expires

Legend:

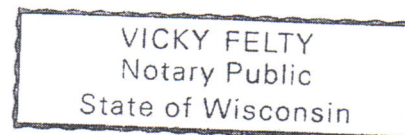
### WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, 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, Slootsburg, Sparkill, Spring Valley, Stony Point, Suffern, Tallman, Tappan, Thiells, Tomkins Cove, Valley Cottage, West Haverstraw, West Nyack

Ad Number: 0005235898



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 17th day of May 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of:

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

from the decision of Peter J. Miley, Building Inspector, dated 04/25/2022 denying the application dated to permit the change of use of 25,000 sf from professional office to medical office

The property involved is known as 100 South Bedford Road, Mount Kisco, NY 10549 and described on the Village Tax Map as Section 80.50 Block 3 Lot 3 and is located on the south side of South Bedford Road in a east/west/n/s OG Zoning District. Said Appeal is being made to obtain a variance from Section(s) table entitled "Minimum Off-Street Parking Regulations" of the Code of the Village/Town of Mount Kisco, which requires 1 parking space per 200 sf for medical offices.

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

0005235898

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	C/O	Mailing Address	City	State	Zip
Village Of Mount Kisco	Main St	MOUNT KISCO	10549	80.66-1-1		104 Main St	Mt Kisco	NY	10549
100 South Bedford LLC	100 S Bedford Rd	MOUNT KISCO	10549	80.50-3-2	Diamond Properties	333 N Bedford Rd	Mt Kisco	NY	10549
Mt. Kisco Chase HOA Inc	Stratford Dr.	MOUNT KISCO	10549	80.59-1-1.17	Heritage Mgmt Services	PO Box 265	Somers	NY	10589
Jacobs Elizabeth	1 Brentwood Ct.	MOUNT KISCO	10549	80.51-2-2					
Wildlife Preserve Inc	114 S Bedford Rd	MOUNT KISCO	10549	80.51-2-1					
HP Mount Kisco 90 & 110 LLC	110 S Bedford Rd	MOUNT KISCO	10549	80.51-1-1	EPC Hames LLC	4500 Dorr St.	Toledo	OH	43615
HP Mount Kisco 90 & 110 LLC	90 S Bedford Rd	MOUNT KISCO	10549	80.50-3-1	EPC Hames LLC	4500 Dorr St.	Toledo	OH	43615
100 South Bedford LLC	100 S Bedford Rd	MOUNT KISCO	10549	80.50-3-3	NA				
Inserra, Michael J - Madlyn Inserra	3 Brentwood Ct.	MOUNT KISCO	10549	80.51-2-3		1001 Wootenhill Ct	Greensboro	GA	30642

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MAY 09 2022

Zoning Board of Appeals  
Village/Town of Mount Kisco

AFFIDAVIT OF MAILING

STATE OF NEW YORK

COUNTY OF WESTCHESTER

}  
}SS.:  
}

James Diamond being duly sworn, deposes and says:

I reside at 333 North Bedford Road, Mount Kisco, New York 10549

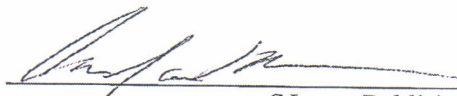
On May 2 20 22 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.

I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.



Sworn to before me on this

9<sup>th</sup> day of May 2022

  
(Notary Public)

AnnaMaria Ruggiere  
Notary Public, State of New York  
Registration #01RU6366612  
Qualified In Westchester County  
Commission Expires Oct. 30, 2024

2025aR

RECEIVED

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

AFFIDAVIT OF POSTING MAY 10 2022

Zoning Board of Appeals  
Village/Town of Mount Kisco

**Gilmar Palacios Chin**, being duly sworn, says that on the 10<sup>th</sup> day of May 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 10<sup>th</sup> day of May 2022

  
Notary Public

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

## 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 2<sup>nd</sup> 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 3<sup>rd</sup> 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

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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**<sup>®</sup>  
*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**<sup>™</sup>  
The way to grow your business.

## Project Image - Meineke Car Care Center - Page 2

120 in

12 in

23 in

**meineke**<sup>®</sup> ←  
**car care center**

4.7 in



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Black



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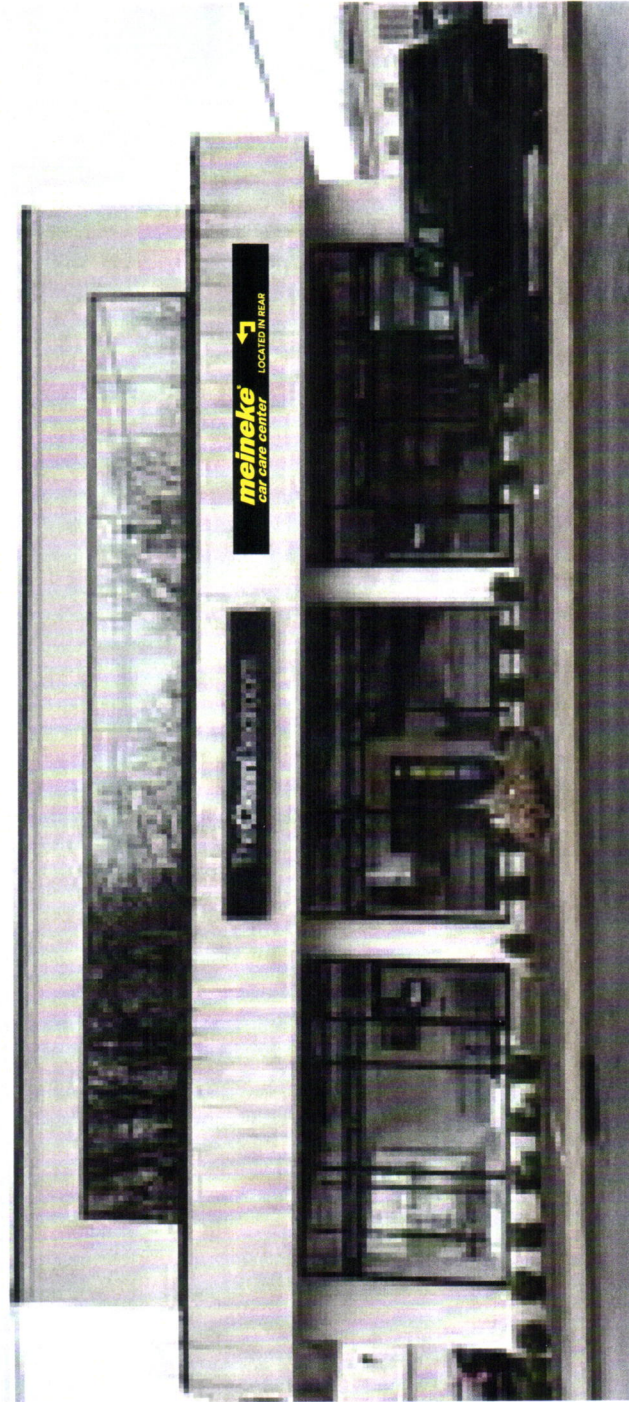


5 Schuman Rd. Millwood, NY 10546



Millwood, NY

## Project Image - Meineke Car Care Center - Page 2



## Project Information

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Black

**meineke<sup>®</sup>**

**car care center**