

Minutes of the Regular Meeting of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on Tuesday, **May 21, 2024** at 7:05 pm at the Frank J. DiMicco Board Room and via Zoom Teleconference

Members Present: Wayne Spector, Chairman
George Hoyt
Jacqueline Broth
Ken Goldberg

Members Absent: Alex Roithmayr

Staff Present: William Seegmuller, Assistant Building Inspector
Lisa Cobb, Interim Village Counsel (via Zoom)

Staff Absent: Peter J. Miley, Building Inspector

New Cases:

**1. Anthony Cutri
137 Croton Avenue
Mount Kisco, NY 10549
(SBL 69.63-2-2)**

**ZBA# 24-8
Area**

Applicant is seeking a 5 foot side yard setback variance for the proposed construction of a garage addition.

Mr. Anthony Cutri, Property Owners and Mr. Thomas Coleman, Architect were present.

Mr. Cutri gave a presentation regarding the variance request for 5 foot side yard setback for the garage addition.

The Zoning Board of Appeals discussed the fencing, driveway, drainage, and why the variance is needed.

Mr. Coleman explained that the homeowner is trying to gain interior access to their garage and the necessity for the garage.

Mr. Spector detailed the Five Factors.

No written or verbal public comments were received.

Mr. Hoyt introduced a motion to close the public hearing; seconded by Ms. Broth.

Mr. Spector asked for all in favor. The motion carried by a vote of 4 to 0.

Mr. Hoyt introduced a motion to grant the 5 foot side yard setback variance; seconded by Ms. Broth.

Mr. Spector asked for all in favor. The motion carried by a vote of 4 to 0.

Returning Cases:

**1. Signart Graphix
333 N Bedford Road
(SBL 69.50-2-1)**

**ZBA# 24-1
Signage**

Applicant is seeking variances pursuant to Section (s) 89-11A (2) (4) and 89-9A for building mounted signage.

Mr. John Mahoney of Signart Graphix was present to represent the application.

Mr. Mahoney discussed the variances and explained to the Zoning Board of Appeals that the Dunkin' signs have been removed from the proposal.

The Zoning Board of Appeals discussed the necessity of the amount of signage requested,

No verbal or written public comments were received.

Mr. Goldberg introduced a motion to close to the public hearing; seconded by Mr. Hoyt.

Mr. Spector asked for all in favor. The motion carried by a vote of 4 to 0.

Mr. Goldberg introduced a motion to grant the requested variances; seconded by Mr. Hoyt.

Mr. Spector asked for all in favor. The motion carried by a vote of 4 to 0.

**2. North Bedford Energy Storage 1, LLC
333 N. Bedford Road
Mount Kisco, NY 10549
(SBL 69.50-2-1)**

**ZBA# 24-6
Use/Interpretation
Area**

Applicant is seeking an interpretation of the Zoning Code and in the alternative a use variance, as well as fence height and lot development coverage area variances.

Mr. Robert Gaudioso of Snyder & Snyder and Ms. Corina Solis of New Lear were present in person, and Mr. Nick Petrakis of New Leaf was present via Zoom.

Mr. Gaudioso gave a presentation regarding the battery energy storage and New York State's goal of renewables. Public utilities under the Mount Kisco Code are permitted under the ML district.

Mr. Hoyt questions if this would be considered a public utility like water or sewer.

Mr. Spector discussed how the facility works and that the applicant purchases energy from the grid which is then stored and sold back to the utility. The question is whether or not this is necessary for the provision of electricity.

The applicant and the Zoning Board discussed the definition of public utility.

Ms. Solis discussed the way the battery energy storage system works with the grid and the agreement with Con Edison as well as the regulation from Con Edison.

Village Counsel discussed the solar regulations and interpretation.

The Zoning Board plans to act on the interpretation at the June meeting.

Jay Spielvogel, 29 Park Drive, provided verbal public comments.

The Zoning Board discussed an uncoordinated review versus a coordinated review.

Mr. Spector introduced a motion to circulate notification to Westchester County Planning; seconded by Mr. Hoyt.

Mr. Spector asked for all in favor. The motion carried by a vote of 4 to 0.

This application will appear on the June 18, 2024 agenda.

**3. Lisa Mitchell & Alex Smoller (1 Leonard Street)
2 ½ Leonard Street
Mount Kisco, NY 10549
(SBL 80.26-1-18)**

**ZBA# 21-21
Interpretation**

Mr. Goldberg introduced a motion to adjourn the public hearing to June 18, 2024; seconded by Mr. Spector.

Mr. Spector asked for all in favor. The motion carried by a 4 to 0.

The meeting adjourned at 8:45 pm.