



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

August 23, 2022

Planet Smile Partners Inc. - Orthodontics
Attn: Gary Heitzler
111 Main Street
Mount Kisco, NY 10549

Re: Notice of Denial – Sign Permit Application for Planet Smile Partners Inc. - Orthodontics
111-115 Main Street, Property ID#: 80.25-3-36

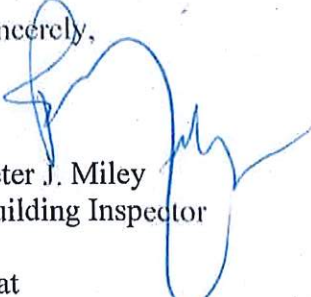
Dear Dr. Heitzler,

Please be notified that your sign permit application to install a wall sign at the above captioned property is hereby denied. This denial is based on the following facts:

- The subject property is located in the CB2 Zoning District, and is therefore subject to the regulations of the Village Sign District.
- Section 89-11 General Provisions A (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."
- Section 89-11 General Provisions A (2) states: "Each business establishment shall be limited to one (1) principal sign of any type permitted within such district at the primary public entrance. In the event that a business has a secondary public entrance on a separate street frontage or parking lot, an additional sign may be permitted at secondary public entrance. A wall sign is proposed to be installed on the south elevation of the building where there is no secondary public entrance. This sign will require a variance for the location of the second sign.
- The proposed signage is dimensionally compliant and will not need additional variances.

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

pd 20/150
ck # 2142
rec # 29405

Village/Town of Mount Kisco
Building Department

AUG 15 2022

RECEIVED

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

APPLICATION FOR ARB REVIEW AND SIGN PERMIT

Application #: _____
Permit #: _____

Date Rec'd: _____
Date Issued: _____

Applicant's Name: Planet Smile Partners Inc. - Orthodontics
Applicant's Address: 111 Main Street Mount Kisco NY. 10549
Applicant's Telephone #: 914-815-1018 Fax #: _____ E-mail: Gary@planetsmilepartners.com

Owner's Name: (If different) Gary Heitzler
Owner's Address: 111 E. Main Street Mount Kisco NY. 10549
Owner's Telephone #: 914-815-1018 Fax #: _____ E-mail: gary@planetsmilepartners.com

Project Name: _____

Address/Location of Subject Property: 111 Main Street Mount Kisco NY. 10549

Section/Block/Lot(s): _____ Sign District: _____ Zoning District _____

Sign Contractor: SNAP Signs Inc. / DBA Signarama
Address: 5 Schuman Road Millwood NY 10546
Phone #: 914-666-7446 Fax #: _____

Architect or Engineer: _____ NYS Lic. #: _____
Address: _____
Phone #: _____ Fax #: _____

Electrician: _____ Phone #: _____ WC Lic. #: _____

SIGNAGE

Temporary Sign _____ Permanent Sign X

Description of Proposed Signage in Detail: PVC Wallboard With Raised Dimensional Lettering
Vinyl Graphic Logos & Accent Color. No Illumination. Overall Size 13' Wide x 17" Tall.
White Background And Return

Wall Sign Type: Pan Face Material: 1" PVC
Sign Height: 17 Inches Sign Length: 156 Inches
Letter Height: 10.5 Inches Lighting Method: None
Sign Colors: White Background - Black, Blue, Orange

Awning/Canopy: Type of material proposed? _____
Shape: _____ Height: _____ Length: _____
Principal color: _____ Type of Illumination: _____
Text or logo information: _____
Copy Area Height: _____ Copy Area Length: _____
Letter Height: _____ Lighting Method: _____
Text/logo Colors: _____

Freestanding/Monument Sign Type: _____ Material: _____
Sign Height: _____ Sign Length: _____
Letter Height: _____ Lighting Method: _____
Sign Colors: _____

Any additional signage or awning/canopy information? _____

Is there any other information that you wish to add to this application? _____

The undersigned applicant hereby agrees with all applicable provisions of the Code of the Village/Town of Mount Kisco and all other laws, codes, rules and requirements applicable to the proposed construction and that statements contained herein are true to the best of his/her knowledge.


Applicant's Signature

PROPERTY OWNER AUTHORIZATION:

The undersigned, property owner, being duly sworn, deposes and says:

1. that he/she (or the identified corporation) is the owner of the premises described in this application;
2. that the applicant identified in the application is duly authorized by the undersigned to submit and upon approval by the Village/Town of Mount Kisco, execute said application, including any design revisions deemed feasible and necessary by the applicant together with the Village/Town of Mount Kisco in order to obtain said approval;
3. that the applicant is hereby designated as the owner's additional representative with whom the Village/Town of Mount Kisco may deal in all respects to the subject work
4. that this owner's authorization shall continue without interruption until the completion and final approval by the Village/Town of Mount Kisco of all work approved as a result of this application;
5. that revocation of said authorization by the undersigned must be accompanied by a written notice of such revocation to the Village/Town of Mount Kisco
6. that the receipt of such notice of the owner's authorization revocation by the Village/Town of Mount Kisco shall cause any permit as a result of this application to be suspended until further notice.

Owner's Name: GARY HEBITZLER

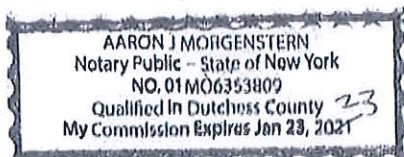
Owner's Signature: [Signature] (Please print clearly) Date: 8/2/22

Owner's Current Address: 111 E. Main St. Mt Kisco 10548

Owner's Telephone #: 914 815 1018 Fax #: _____ Email: gary@plantville.com

Subscribed and sworn to before me this 2nd day of August, 2022

Notary Public: [Signature]



OFFICE USE ONLY

Fee Amount Paid: _____
Check Number: _____

Received by: _____
Receipt Number: _____

Sign Application Review : Refer to ARB

Approved: _____
Date

Denied: _____
Date

Building Inspector Signature

ARB Case No. _____
Approved: _____
Date

Meeting Date: _____
Denied: _____
Date

ARB Chairperson Signature

ZBA Case No. _____
Approved: _____
Date

Meeting Date: _____
Denied: _____
Date

ZBA Chairperson Signature

Issue Sign Permit:
Approved: _____
Date

Denied: _____
Date

Building Inspector Signature



/SignaramaMillwood

(914) 666-7446

Signarama-Millwood.com

5 Schuman Rd. Millwood, NY 10546



Signarama

Millwood, NY

The way to grow your business.

Planet Smiles Partners, Inc. - Orthodontics

17 in



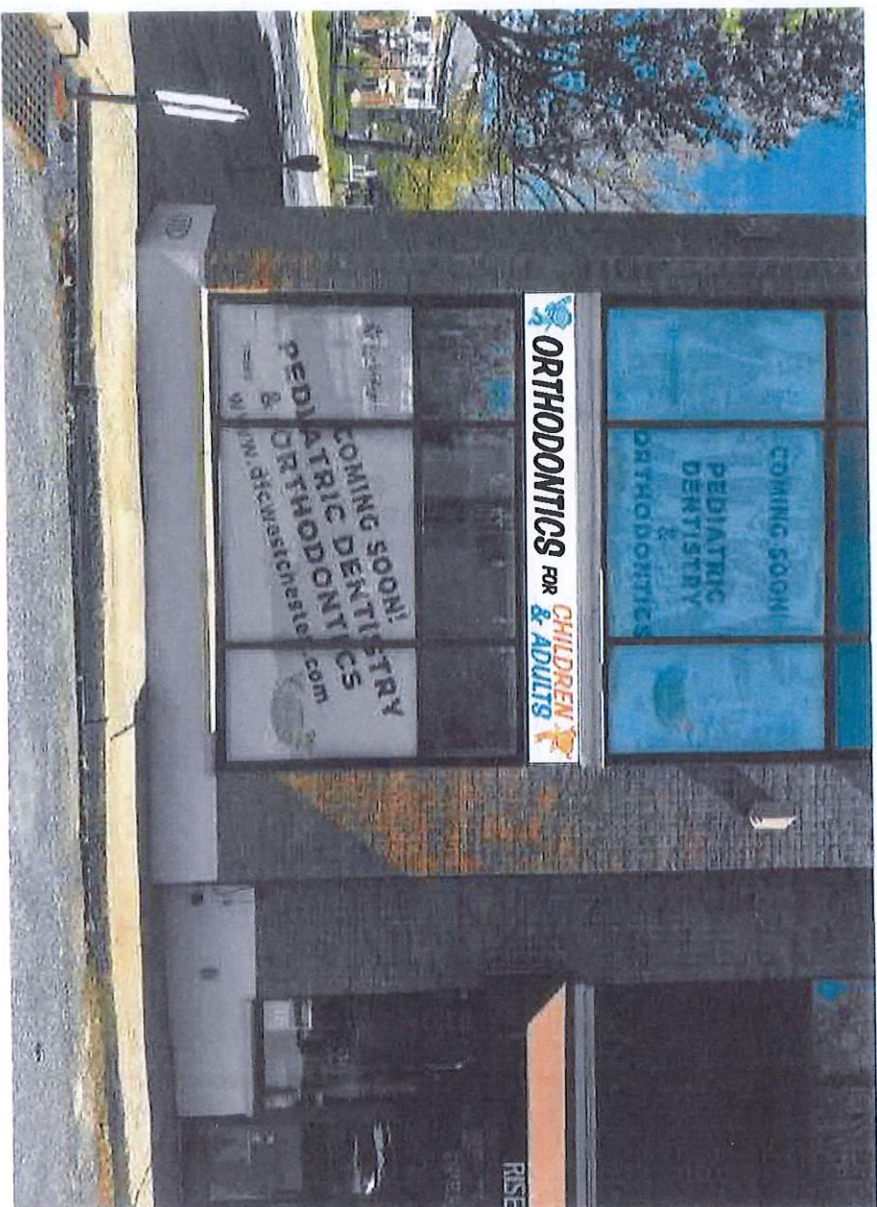
ORTHODONTICS

FOR

CHILDREN & ADULTS

156 in

10.54 in



6.65 in

Property Information

111 Main Street,
Mount Kisco NY 10549

- Wallboard with Letters & Graphics
- 156 inches Maximum Length
- 17 inches Maximum Height
- 18.4 Square Feet
- White Background & Return
- 1in Thick Wallboard
- 3/8" Flat Cut Acrylic Dimensional Letters - 1/8" Standoff
- Vinyl Printed Logos
- Maximum Letterheight: 10.54"
- Wallboard with Letters & Graphics
- Colors:
 - Light Orange:C:0, M:35, Y:85, K:0
 - Orange:C:0, M:80, Y:95, K:0
 - Light Blue:C:40, M:0, Y:0, K:0
 - Blue:C:85, M:50, Y:0, K:0
 - Black:C:0, M:0, Y:0, K:100



/SignaramaMillwood

(914) 666-7446

Signarama-Millwood.com

5 Schuman Rd. Millwood, NY 10546



Signarama

Millwood, NY

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- Colors:
 - Light Orange:C:0, M:35, Y:85, K:0
 - Orange:C:0, M:80, Y:95, K:0
 - Light Blue:C:40, M:0, Y:0, K:0
 - Blue:C:85, M:50, Y:0, K:0
 - Black:C:0, M:0, Y:0, K:100

17 in



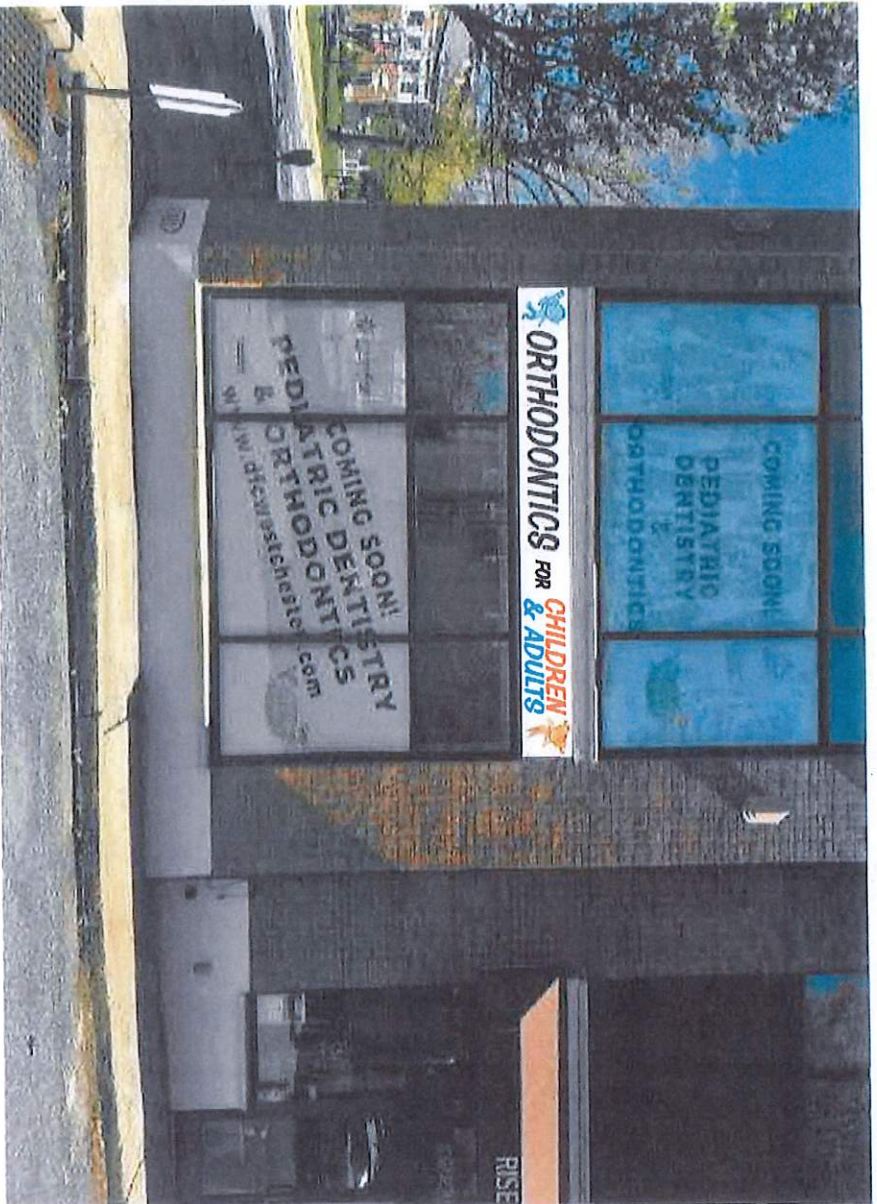
ORTHODONTICS

FOR

CHILDREN & ADULTS

156 in

10.54 in



Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

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

Zoning Board of Appeals
Application

Appellant: Gary Heitzler

Address: 615 Broadway, Hastings-on-Hudson, NY 10706

Address of subject property (if different): 111 Main Street, Mt Kisco, 10549

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

Property owner (if different): Same As Above

Address: Same As Above

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, Peter J Miley
dated August 23, 2022. Application is hereby made for the following:

X Variation or _____ Interpretation of Section 89-11 General Provision A(2)
of the Code of the Village/Town of Mount Kisco, 89-11 General Provision A(4)

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of a wall mounted sign (design + dimensionally compliant) on building's South elevation, where while there is no
entrance to said business, there is prominent visibility for North bound Main St traffic and the location of private parking
lot for patrons of building. in accordance with plans filed on (date) Aug. 15, 2022

for Property ID # 80.25-3-36 located in the CB2 Zoning District.

The subject premises is situated on the EAST side of (street) MAIN STREET
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) N/A

Type of Variance sought: _____ Use X Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Previously - on matters related to Change of Use Permit -

Approved via Board Resolution April 26 2022

Is there an approved site plan for this property? X in connection with a
_____ Proposed or X Existing building; erected (yr.) 2002

Size of Lot: 100.32 feet wide 407 feet deep Area 40,300 SQFT or
.925 acres

Size of Building: at street level approx 50 feet wide approx 70 feet deep

Height of building: approx 40' Present use of building: _____
Commercial Office for Pediatric Dentistry and Orthodontics

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? No

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

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? Yes inquired - no there is not

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 August 23, 2022 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

*** Optional - As Needed**

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: 18 October, 20 22

Notary Public, Teresa Jarrard, County, NY

TERESA L. JARRARD
Notary Public, State of New York
No. 01JA6149364
Qualified in Putnam County
Commission Expires 07/10/2026

[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)

October 18, 2022



Attn: Wayne Spector, Chairman
c/o Michelle Russo, Board Secretary - Zoning
Zoning Board of Appeals
104 Main Street, Mount Kisco, New York. 10549

Re: Notice of Intent to Appeal regarding,
Notice of Denial: Sign Permit Application for Planet Smile Partners Inc. – Orthodontics
111 Main Street, Mount Kisco, New York. 10549

Mr. Chairman:

Please allow that this correspondence shall serve as official Notice of Intent to Appeal regarding the abovementioned Notice of Denial dated August 23, 2022.

Submitted with this notice is the full package of requisite documentation as set forth in the Zoning Board of Appeals application.

On behalf of our client Dr. Gary Heitlzer, owner of the abovementioned property, we request that said application be scheduled for a public hearing and review of the Zoning Board of Appeals to occur per the Town schedule on November 15, 2022.

Sincerely,

KG+D ARCHITECTS, PC

Statement of Principal Points:

Background:

1. Dr. Heitzler has established a practice located at 111 Main Street, Mount Kisco, NY for: (a) pediatric dentistry and (b) orthodontics.
2. Since his ownership of the site and building, Planet Smile Partners has endeavored to refresh, update, and beautify an existing Town landmark building.
3. The building at 111 Main Street contains a tenant space on a portion of the First Floor and Planet Smile Partners two-component practice of (a) pediatric dentistry and (b) orthodontics on the Third, Second and remainder of the First Floor.
4. In addition to the building, the property site contains a parking lot – explicitly reserved only for clients and patrons of 111 Main Street. Dr Heitzler and his team have gone to great lengths to update this parking lot ensuring (a) client safety, (b) optimized parking, (c) ADA compliance.
5. The primary entrance for the dentistry practices is located on Main Street, for which the Town has approved a sign – currently installed.
6. The primary entrance for the tenant space is located on the South elevation of the building, accessible via the parking lot. The Town has approved a sign for the tenant space, and it is currently installed.
7. Along Main Street in Mount Kisco, there are several precedent examples of businesses having erected additional signage without secondary entrance.

Variance Argument:

8. The building architecture and location make it a unique example.
9. The additional sign aims to highlight the dual component nature of the practice: Dentistry for Children and Orthodontics for Children and Adults. This is not intended to list services but to accurately identify the two distinct elements of the practice.
10. The tower element of the building does contain an additional set of doors on Main Street. However, these doors are to be used only for egress and the addition of a sign at this location would be confusing.
11. Due to the parking lot location, traveling along Main Street affords a long, clear line of sight to the South elevation.
12. The long line of sight provides affords a key opportunity for way finding, critical for clients.
13. The proposed sign would be located on the building making it visible to traffic during the approach up Main Street.
14. The proposed sign is part of a holistic approach to reinvigorating the building. It is in keeping with size, dimension and design requirements and is consistent with signage that is currently approved and installed at the Main Street entrance, as well as the existing tenant space – the design of the sign itself would not require additional variance.
15. Whereas 'Dentistry for Children!' sign is located at Main Street, the proposed second sign on the South elevation represents the 'Orthodontics' aspect of the practices.

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 **15th day of November 2022** at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Dr. Gary Heitzler, DDS

615 Broadway, Hastings-on-Hudson, NY 10706

from the decision of Peter J. Miley, Building Inspector, dated August 23, 2022 denying the application dated to permit the installation of a flat wall mounted sign for Appellant's pediatric dentistry and orthodontics practice.

The property involved is known as **111 Main Street, Mount Kisco, New York** and described on the Village Tax Map as Section 80.25 Block 3 Lot 36 and is located on the East side of Main Street in a CB2 Zoning District.

Said Appeal is being made to obtain a variance from Sections 89-11 General Provision A (2) and 89-11 General Provision A (4) of the Code of the Village/Town of Mount Kisco, which requires a variance to install a sign on a building elevation where there is no secondary public entrance.

The South elevation comprises frontage for Dr. Heitzler's pediatric dentistry and orthodontics practices, the space which he leases to a tenant, as well the parking lot serving clients of these businesses. The proposed sign is identical in size and character to those which the Town recently approved for this building - the same which have been installed at the entrance of the dentistry practice on Main Street and for the tenant space along the South elevation.

The proposed variance specifically seeks to install a sign on the South elevation for the orthodontics component of the practice.

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

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:


COUNTY OF WESTCHESTER

}

Gary Heitzler being duly sworn, deposes and says:

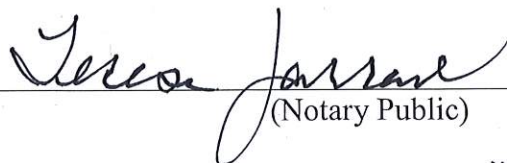
I reside at 4 Fox Run, Briarcliff Manor, NY 10510

On Oct 18 2022 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B. I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.



Sworn to before me on this

18 day of October 2022



(Notary Public)

TERESA L. JARRARD
Notary Public, State of New York
No. 01JA6149364
Qualified in Putnam County
Commission Expires 07/10/2022

EXHIBIT B - LIST OF OWNERS WITHIN 300' OF SUBJECT PROPERTY

OWNER/NAME	PROPADRESS	PROPERTY	PROPIZP	PROPRINTKI	C/O	Mailing address	City	State	Zip
OWNERS									
Boyko Yaroslav	34 Oakridge Rd	MOUNT KISCO	10549	80.25-3-45				NY	
La Belleza Pizza Inc	139 Main St	MOUNT KISCO	10549	80.25-3-32.1	Nirash Dedukaj	180 Stone Hill Rd	Bedford	NY	10506
Village Of Mount Kisco	Oakridge Road	MOUNT KISCO	10549	80.25-3-14		104 Main Street	Mt Kisco	NY	10549
Di Matteo, Gerardo Jr	62 Grove St	MOUNT KISCO	10549	80.25-3-6		855 Shepard Ct	Yorktown Heights	NY	10598
Village Of Mount Kisco	104 Main St	MOUNT KISCO	10549	80.25-2-1		104 Main Street	Mt Kisco	NY	10549
Coast to Coast Industries, LLC	134 Main St	MOUNT KISCO	10549	80.25-2-5		122 McInn St	Bedford Cornors	NY	10549
Bono, John B	42 Grove St	MOUNT KISCO	10549	69.81-5-11	Attn: Jon Bono			NY	
Village of Mount Kisco	118 Main St	MOUNT KISCO	10549	80.25-2-2		104 Main Street	Mt Kisco	NY	10549
Village of Mount Kisco	Brook-S Moger	MOUNT KISCO	10549	69.81-6-4		104 Main Street	Mt Kisco	NY	10549
125-131 Central Main Realty Co	131 Main St	MOUNT KISCO	10549	80.25-3-34	Nicholas & Filomena Mor	21 Sulgrave Rd	Scarsdale	NY	10583
Village Of Mount Kisco	99 Main St	MOUNT KISCO	10549	80.25-3-1				NY	
Loffa Pierina	77 Grove St	MOUNT KISCO	10549	80.25-4-2.2		27 Manchester Dr	Mt Kisco	NY	10549
Tiber Enterprises Corp Inc	35 Oakridge Rd	MOUNT KISCO	10549	80.25-3-38.1				NY	
Mannion, Francis W Jr	48 Grove St	MOUNT KISCO	10549	80.25-3-2				NY	
Biem Alan Ernest	60 Grove St	MOUNT KISCO	10549	80.25-3-5		36 Bretton Lane	Mt Kisco	NY	10549
Naranjo Manuel	65 Grove St	MOUNT KISCO	10549	80.26-1-3				NY	
Buco Matthew	75 Grove St	MOUNT KISCO	10549	80.25-4-1				NY	
Village of Mount Kisco	142 Main St	MOUNT KISCO	10549	80.25-2-7		104 Main Street	Mt Kisco	NY	10549
Goldbaum, Martin	117-119 Main St	MOUNT KISCO	10549	80.25-3-35		The Ter	Katonah	NY	10536
Pinnetti, Nicola	31 Oakridge Rd	MOUNT KISCO	10549	80.25-3-39.1		27 Manchester Dr	Mt Kisco	NY	10549
PSJ573	52 Grove St	MOUNT KISCO	10549	80.25-3-3	c/o Simone	453 Rt 22	North Salem	NY	10560
KH Realty II LLC	130 Main St	MOUNT KISCO	10549	80.25-2-4		POB 94	Bedford Hills	NY	10507
ALB Main St LLC	135 Main St	MOUNT KISCO	10549	80.25-3-33	c/o Antonio Buetti	40 New Castle Dr	Mt. Kisco	NY	10549
Pinnetti, Stuart	38 Oakridge Rd	MOUNT KISCO	10549	80.25-3-46.2		27 Manchester Dr	Mt. Kisco	NY	10549
New England Authentic Lumber	91 Main St	MOUNT KISCO	10549	69.81-5-1				NY	
Blue Bear Capital LLC	111 Main St	MOUNT KISCO	10549	80.25-3-36	Gary Hetzler	4 Fox Run Rd	Briarcliff Manor	NY	10510
Batha, Elietheria	33 Oakridge Rd	MOUNT KISCO	10549	80.25-3-38.2		5 Jean Lane	Hartsdale	NY	10530
Ramon Luis G	86 Grove St	MOUNT KISCO	10549	80.25-3-9				NY	
Krinick, Nathan	70 Grove St	MOUNT KISCO	10549	80.25-3-8				NY	
Sharpe Oliver C	73 Grove St	MOUNT KISCO	10549	80.25-4-2.1				NY	
Oliveri, Concetta	59 Grove St	MOUNT KISCO	10549	80.26-1-2				NY	
Terlizzi Family Trust	51 Grove St	MOUNT KISCO	10549	69.82-4-3				NY	
St Marks Church	85 Main St	MOUNT KISCO	10549	69.81-5-2				NY	
Arias Sergio L	90 Grove St	MOUNT KISCO	10549	80.25-3-12				NY	
Caico, Andrea	84 Grove St	MOUNT KISCO	10549	80.25-3-37		187 Parkview Place	Mt. Kisco	NY	10549
Berliner Richard	80 Grove St	MOUNT KISCO	10549	80.25-3-10				NY	
Five D's Realty Ent. L.P.	40 Grove St	MOUNT KISCO	10549	69.81-5-13	Evello Elliedias	17 Brett Ave	Bedford	NY	10506
Keating, Andre	38 Grove St	MOUNT KISCO	10549	69.81-5-10		7 Elm Street	Croton on the Hudson	NY	10520
Martabano Realty Corp	150 Main St	MOUNT KISCO	10549	80.25-2-8	Attn: MRE Mgmt Group	27 Radio Circle Dr, Ste 200	Mt. Kisco	NY	10549
Luppino, Antonio	88 Grove St	MOUNT KISCO	10549	80.25-3-11		3 Grove Street	Mt. Kisco	NY	10549
Herbert Daley Revocable Trust	44 Grove St	MOUNT KISCO	10549	69.81-5-12				NY	
Tapia, Hernan	71 Grove St	MOUNT KISCO	10549	80.26-1-4				NY	
Maten Realty LLC	128 Main St	MOUNT KISCO	10549	80.25-2-3	Gjelosh Vukaj	515 Rt 6	Mahopac	NY	10541
Pinnetti Nicholas	40 Oakridge Rd	MOUNT KISCO	10549	80.25-3-46.3		27 Manchester Dr	Mt. Kisco	NY	10549
Tiber Enterprises Corp	42 Oakridge Rd	MOUNT KISCO	10549	80.25-3-46.1		27 Manchester Dr	Mt. Kisco	NY	10549
Reilly Kevin	66 Grove St	MOUNT KISCO	10549	80.25-3-7				NY	
Coppola, Antonio	58 Grove St	MOUNT KISCO	10549	80.25-3-4	Amy Coppola	63 School Street	Bedford Hills	NY	10507



1:1,500



A vertical scale bar with markings at 0, 70, 140, and 280 ft. The bar is divided into four equal segments, each representing 70 feet.

Westchester County GIS

GIS Geographic Information Systems
<http://giswww.westchester.gov.com>
 Michaelian Office Building
 148 Martine Avenue Rm 214
 White Plains, New York 10601

EXHIBIT A

You are receiving this notice as a general requirement of the Zoning Board of Appeals because you are the registered owner of a property within 300 feet of the below mentioned address seeking a variance as described herein.

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 **15th day of November 2022** at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

Dr. Gary Heitzler, DDS

615 Broadway, Hastings-on-Hudson, NY 10706

from the decision of Peter J. Miley, Building Inspector, dated August 23, 2022 denying the application dated to permit the installation of a flat wall mounted sign for Appellant's pediatric dentistry and orthodontics practice.

The property involved is known as **111 Main Street, Mount Kisco, New York** and described on the Village Tax Map as Section 80.25 Block 3 Lot 36 and is located on the East side of Main Street in a CB2 Zoning District.

Said Appeal is being made to obtain a variance from Sections 89-11 General Provision A (2) and 89-11 General Provision A (4) of the Code of the Village/Town of Mount Kisco, which requires a variance to install a sign on a building elevation where there is no secondary public entrance.

The South elevation comprises frontage for Dr. Heitzler's pediatric dentistry and orthodontics practices, the space which he leases to a tenant, as well the parking lot serving clients of these businesses. The proposed sign is identical in size and character to those which the Town recently approved for this building - the same which have been installed at the entrance of the dentistry practice on Main Street and for the tenant space along the South elevation.

The proposed variance specifically seeks to install a sign on the South elevation for the orthodontics component of the practice.

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



AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 24 day of October in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

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

Zone:
Westchester

Run Dates:
10/23/2022

Linda Tutt
Signature

Sworn to before me, this 24 day of October, 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:

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

Ad Number: 0005456770

VICKY FELTY
Notary Public
State of Wisconsin

PUBLIC NOTICE

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Dr. Gary Heitzler, DDS

615 Broadway, Hastings-on-Hudson, NY 10706

from the decision of Peter J. Miley, Building Inspector, dated August 23, 2022 denying the application dated to permit the installation of a flat wall mounted sign for Appellant's pediatric dentistry and orthodontics practice.

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The proposed variance specifically seeks to install a sign on the South elevation for the orthodontics component of the practice.

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

0005456770

[illegible]

AFFIDAVIT OF POSTING

Gilmar Palacios Chin, being duly sworn, says that on the 2nd day of November 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 2nd day of November 2022

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

RECEIVED

NOV 02 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



620813519DED003Z

Westchester County Recording & Endorsement Page

Submitter Information

Name: Insignia Title Agency LLC Phone: 212-465-0777
Address 1: 28 West 36th Street Fax:
Address 2: Suite 902 Email: asimpson@insigniatitleagency.com
City/State/Zip: New York NY 10018 Reference for Submitter: ITC-21087-W-22FA

Document Details

Control Number: **620813519** Document Type: **Deed (DED)**
Package ID: 2022032200252001003 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

1st PARTY 2nd PARTY
1: M KET LLC - Other 1: BLUE BEAR CAPITAL LLC - Other
2: 2:

Property

☐ Additional Properties on Continuation page

Street Address: 111 EAST MAIN ST Tax Designation: 80.25-3-36
City/Town: MOUNT KISCO Village:

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$20.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
RPL 291 Notice Fee: \$0.00
Total Recording Fees Paid: **\$315.00**

Transfer Taxes

Consideration: \$1,950,000.00
Transfer Tax: \$7,800.00
Mansion Tax: \$0.00
Transfer Tax Number: 12908

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Record and Return To

☐ Pick-up at County Clerk's office



Recorded: 04/08/2022 at 04:17 PM
Control Number: **620813519**
Witness my hand and official seal

Timothy C. Idoni
Timothy C. Idoni
Westchester County Clerk

Insignia Title Agency LLC
28 West 36th Street
Suite 902
New York, NY 10018
Attn: Recording Dept

BARGAIN & SALE DEED, WITH COVENANT
AGAINST GRANTOR'S ACTS

THIS INDENTURE, made the 28th day of March 2022, between M KET LLC, having an address 4419 Third Avenue, Suite 4A, Bronx, NY 10457 (the "party of the first part") and BLUE BEAR CAPITAL LLC, having an address at 4 Fox Run Rd, Briarcliff Manor, NY 10510 (the "party of the second part").

W I T N E S S E T H:

That the party of the first part, in consideration of Ten Dollars (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.

Said premises being known as and located at 111 East Main Street, Mount Kisco, New York 10549, Section 80.25, Block 3, Lot 36.

Being and intended to be the same premises conveyed by deed made by BRACHE REALTY, LLC, dated March 6, 2019 and recorded in the office of the Clerk of the County of Westchester on March 11, 2019 in Control No. 590513565.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

M KET LLC



By: Jac Zadrima, Managing Member





Title Number: ITC-21087-W-22FA

Page 1 of 1

SCHEDULE A – DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Village and Town of Mount Kisco, County of Westchester and State of New York, known and designated as Lot No. 4 on a certain map entitled, "Map of Subdivisions of part of the Estate of the late David Moge; at Mount Kisco, New York" made by Fred S. Odell, C.E. dated April 1883 and filed in the Office of the Register of Westchester County (now County Clerk's Office, Division of Land Records) on December 30, 1899 as Map No. 924, said lot being more particularly bounded and described as follows:

BEGINNING at a point easterly side of East Main Street at the intersection therewith of the division line between Lots 3 and 4 on said Map No. 924;

RUNNING THENCE along land now or formerly of the Village of Mount Kisco, being the southerly line of said Lot 3, South 64 degrees 49 minutes 30 seconds East, 399.00 feet to the westerly line of Lot 10 on said Map;

THENCE South 25 degrees 10 minutes 30 seconds West, 100.00 feet to the northerly line of Lot 5 on said map;

THENCE North 64 degrees 49 minutes 30 seconds West, 407.00 feet to the easterly line of East Main Street;

THENCE North 29 degrees 45 minutes 00 seconds East, 100.32 feet to the point or place of BEGINNING

FOR INFORMATION ONLY:

PREMISES are designated as Section 80.25 Block 3 Lot 36 on the tax map for the Village and Town of Mount Kisco

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

ACKNOWLEDGEMENT

STATE OF NEW YORK)

COUNTY OF

Westchester) ss.:

On the 28th day of March in the year 2022 before me, the undersigned, personally appeared Jac Zadrima, 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.


Notary Public

ELENA J. CASCONI

NOTARY PUBLIC-STATE OF NEW YORK

No. 01CA5037910

Qualified in Westchester County

My Commission Expires 01-17-20 23

County: Westchester

Section: 80.25

Block: 3

Lot: 36

RECORD AND RETURN TO:

LACHTMAN COHEN P.C.

DAVID R. LACHTMAN, Esq.

245 MAIN STREET, Suite 230

White Plains, NY 10601





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

RECEIVED

OCT 25 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

MEMORANDUM

TO: Honorable Chairman Bonforte
and Members of the Planning Board

FROM: Peter J. Miley, Building Inspector *PJM*

SUBJECT: A.F. Development Group, LLC
23 Gatto Drive
Site Plan & Change of Use

DATE: September 26, 2022

PROPERTY

23 Gatto Drive is the last house located at the end of the block sitting on the north side, adjacent to the Metro North Railroad on its west. The parcel is a noncomplying 6,250 sf lot located in the RM-10 Zoning District. The property is improved by an existing 1 ½ story, noncomplying framed residence and two-car garage. The existing home is in poor condition.

PROPOSED

Proposed includes enlarging the home by adding a two-story addition to the northwest corner, increasing the height of the home from 1 ½ to 2 ½ stories, and changing the use from a one-family into a two-family home. Other improvements include a new driveway and turnaround.

ZONING

Existing home is noncomplying. Pursuant to Chapter 110, Zoning Article VI. Nonconforming Uses and Noncomplying Buildings § 110-35. Noncomplying buildings and structures. Noncomplying buildings and structures may not be enlarged without a variance being obtained from the Zoning Board...

Variances Required

1. Chapter 110, Zoning Article III, District Regulations § 110-12, RM-10 Moderate-Density Multifamily District, C. Development regulations, (1) Detached one- and two-family

dwelling requires a minimum of 10,000 sf., 6,250 is proposed and therefore; a 3,750 sf. minimum net lot area variance is required.

2. Max building coverage permitted is 1,502 sf., proposed is 1,679 and therefore, a 177 sf. building coverage variance is required.
3. Maximum development coverage permitted is 3,026 sf., proposed is 3,648 sf and therefore; a 622 sf. development coverage variance is required.
4. Minimum building setback – side is 6 ft., proposed is 4.4 ft. and therefore; a 1.6 ft. side yard setback variance is required.

Comments

- We defer to the Village Planner regarding landscaping and lighting
- We defer to the Village Engineer for civil work, drainage, and stormwater.

Approvals Required

- Planning Board Site Plan Approval
- Change of use permit by the Planning Board
- Zoning Board
- Architectural Review Board



25-October-2022

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

Subject: Zoning Board of Appeals - Notice of Appeal, Re:
A.F. Development Group LLC
23 Gatto Drive
Mount Kisco, NY 10549
Tax Map: 80.24-2-7

RECEIVED
OCT 25 2022
Zoning Board of Appeals
Village/Town of Mount Kisco

Chairman of the Board, Mr. Spector,

This formal notice is to indicate the owner's, A.F. Development Group LLC, intention to appeal the Notice of Denial issued by the Village/Town of Mount Kisco's building inspector, Peter J. Miley, dated September 26, 2022, regarding our Planning Board Application for the property located at 23 Gatto Drive in Mount Kisco, NY.

Based on the owner's intention to appeal this determination, we hereby request a public hearing be scheduled in regard to this manner for the November 15th, 2022 meeting of the Zoning Board of Appeals.

Best,

Nicholas A. Fusco
Principal Design Consultant
ARELEX Consulting & Design

Village/Town of Mount Kisco
Zoning Board of Appeals

Date: _____

Case No.: 28A 22-13

Fee: _____

OCT 25 2022

Date Filed: _____

RECEIVED

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

**Zoning Board of Appeals
Application**

Appellant: A.F. Development Group LLC

Address: 8 Bianca Court, Carmel, NY 10512

Address of subject property (if different): 23 Gatto Drive, 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 J. Miley
dated Sept. 26, 2022. Application is hereby made for the following:

☒ Variation or ☐ Interpretation of Section 110-12. RM-10 - Moderate
of the Code of the Village/Town of Mount Kisco, Density Multifamily District

to permit the: ☐ Erection; ☒ Alteration; ☒ Conversion; ☐ Maintenance
of an existing single family, one and a half story residence to a two-family, two and a half
story residence w/ a new addition on the Norhtweast corner of the existing residence

in accordance with plans filed on (date) 25-October-2022
for Property ID # 80.24-2-7 located in the RM-10 Zoning District.

The subject premises is situated on the Northeast side of (street) Gatto Drive
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? No in connection with a _____ Proposed or _____ Existing building; erected (yr.) _____

Size of Lot: 51.1 feet wide 119.4 feet deep Area 6,053 sf

Size of Building: at street level 21'-0" feet wide 46'-4" feet deep

Height of building: < 35 feet Present use of building: single-family residence

Does this building contain a nonconforming use? Yes Please identify and explain: _____
Proposed two-family residence requires 10,000 sf lot area where 6,053 sf is provided.

Is this building classified as a non-complying use? Yes Please identify and explain: _____
Proposed two-family residence requires 10,000 sf lot area where 6,053 sf is provided.

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

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

Are there any violations pending against this property? 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? Yes, there are no pending petitions.

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 September 26, 2022 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

*** Optional - As Needed**

(Appellant to sign here)

Notary Public,

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)



RECEIVED

OCT 25 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

25-October-2022

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

Subject: Zoning Board of Appeals – Statement of Principal Points, Re:
A.F. Development Group LLC
23 Gatto Drive
Mount Kisco, NY 10549
Tax Map: 80.24-2-7

Chairman of the Board, Mr. Spector, & Members of the Zoning Board of Appeals,

The application before you for 23 Gatto Drive is for the proposed renovation of the existing residence found at the property. This includes the demolition of an existing non-conforming porch structure that currently encroaches on the adjacent property (now or formerly belonging to the NYS Railroad Company), an addition to the northwest corner of the existing residence, renovation of the existing partial second-half story for a new full second story, a new driveway with site renovations and the conversion from a single-family residence to a two-family residence, as is permitted in the RM-10 zoning district.

On behalf of the owner of 23 Gatto Drive, A.F. Development Group LLC., this letter is submitted to request the approval of the variances listed below as they relate to **§110-12 "RM-10 Moderate Density Multifamily District"** of the Village/Town of Mount Kisco as it the work described above:

1. Minimum Net Lot Area for 2-Family Residence: 10,000 sf
 - o *With 6,053 sf Net Lot Area provided, we would require a variance of 3,947 sf (39.5%), though this fits well within the current character of the RM-10 district, specifically as it relates to Gatto Drive. Most, if not all of the properties along Gatto Drive currently operating as legal two or multifamily residences also have less than 10,000 sf of Net Lot Area, with one having as little as 5,400 sf and multiple having less than 7,000 sf of Net Lot Area.*

2. Maximum Building Coverage for 2-Family Residence: 1,502 sf
 - o ***The existing building coverage totals 1,683 sf and we are proposing a very slight reduction of 4 sf to a total of 1,679 sf, requiring a variance of 177 sf (11.8%).***
3. Maximum Development Coverage for 2-Family Residence: 3,026 sf
 - o ***The existing Development Coverage totals 3,596 sf. We are proposing a reduced parking area with a new turn-around which results in a net reduction of 263 sf in total Development Coverage. This requires a variance of 307 sf (10.1%).***
4. Side Yard Setback: One Side of 6 ft, both totaling 16 ft
 - o ***The proposed addition to the Northeast corner of the existing residence would be 4.4 ft from the side lot line, requiring a variance of 1.6 ft (26.7%). The proposed addition is 0.2 ft closer to this side lot line than the existing northeast corner of the residence, although the existing front porch is encroaching over this side lot line onto the adjacent property.***

The requested variances will not have a negative effect on the character of the neighborhood. The property as it exists it is a detriment to nearby properties and the community which the owner, A.F. Development Group LLC is looking to improve and beautify. The benefit of a two-family residence cannot be achieved in any other manner and fits well within the context of the neighborhood of Gatto Drive. The addition to square off the existing structure for a more functional layout, requiring a side yard variance, would not be able to be achieved in another manner as the existing site's layout limits any potential development. The building coverage and development coverage variances are inline with and less than the existing site conditions but cannot be achieved in any other manner due to the limitations of the site. These variances will also not have any negative impact on the physical and environmental conditions in the neighborhood or district and will instead improve those factors.

We do not believe the difficulties associated with the proposed variances to be self-created as the existing site conditions require these variances for any future renovation, which the property is in desperate need of. We also do not believe the variances to be

substantial in nature as they fit within the context and character of the neighborhood and zoning district.

We look forward to speaking before the Zoning Board of Appeals and public at the November 15th meeting to further discuss the project and answer any questions or concerns that may arise. If there are any additional comments, questions, or concerns prior to the meeting, please feel free to contact me at the phone number and email address provided. Thank you for your time concerning our application.

Best,

A handwritten signature in black ink, appearing to read 'N. Fusco', with a stylized, cursive script.

Nicholas A. Fusco

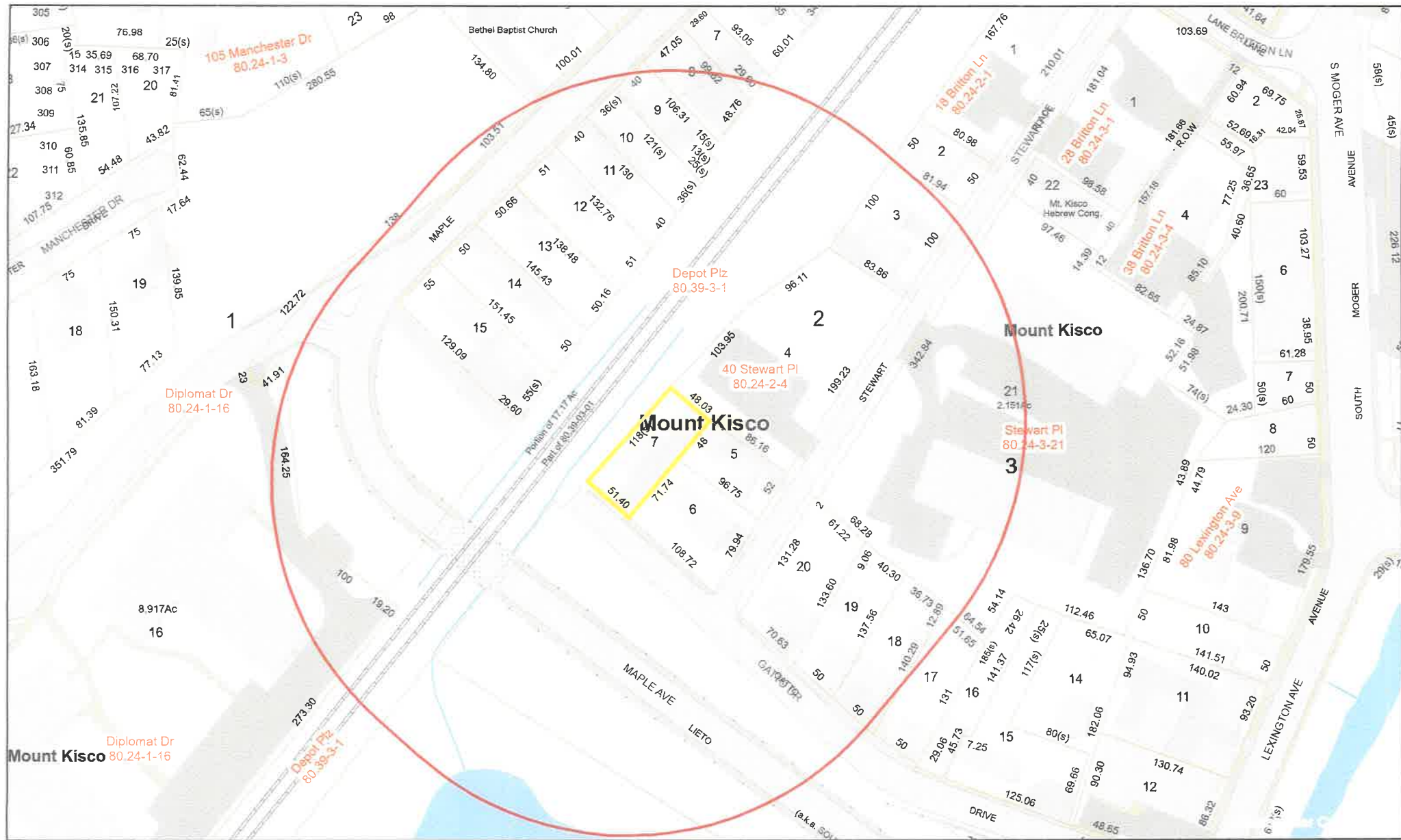
Principal Design Consultant

ARELEX Consulting & Design

OWNERNAME	PROPADRESS	PROPCITY	PROPZIP	PROPPRINTKEY	C/O	Mailing Address	City	State	Zip
PAL111 Maple Ave MtKiscoLLC	111 Maple Ave	MOUNT KISCO	10549	80.24-1-10					
Salvato, Edward	23 Gatto Dr	MOUNT KISCO	10549	80.24-2-7	NA				
Delgado, Luis D	103 Maple Ave	MOUNT KISCO	10549	80.24-1-7		9 W Hyatt Ave	Mt Kisco	NY	10549
Scala Brothers LLC	61 Gatto Dr	MOUNT KISCO	10549	80.24-3-17	Luke T. Scala	1387 W. High St	Ballston Spa	NY	12020
Country Property Services LLC	27 Gatto Dr	MOUNT KISCO	10549	80.24-2-6	Martin Parenti	184 Stoneleigh Ave	Carmel	NY	10512
Delpozo, Ines	127 Maple Ave	MOUNT KISCO	10549	80.24-1-14					
Scala Brothers LLC	45 Gatto Dr	MOUNT KISCO	10549	80.24-3-19	Peter Scala	39 Gatto Dr	Mt Kisco	NY	10549
200 Diplomat Dr Corp	Diplomat Dr	MOUNT KISCO	10549	80.24-1-16	Hudson Valley Comm Mangement Attn: Olga Tamayo	225 Veterans Rd Ste 203	Yorktown Heights	NY	10598
Miller Christine D	48 Stewart Pl	MOUNT KISCO	10549	80.24-2-5					
Scala Brothers LLC	39 Gatto Dr	MOUNT KISCO	10549	80.24-3-20	Peter Scala				
Metropolitan Transpt Authority	Depot Plz	MOUNT KISCO	10549	80.39-3-1		2 Broadway	New York	NY	10004
Bethel Baptist Church	106 Maple Ave	MOUNT KISCO	10549	80.24-1-4					
Ruiz Modesto	115 Maple Ave	MOUNT KISCO	10549	80.24-1-11					
Johnston Joann B	105 Maple Ave	MOUNT KISCO	10549	80.24-1-8		PO Box 913	Bedford	NY	10506
Stewart Heights	Stewart Pl	MOUNT KISCO	10549	80.24-3-21	Valley National Bank	1720 Rt23	North Wayne	NJ	07470
LaMothe Philippe Clayvin	32 Stewart Pl	MOUNT KISCO	10549	80.24-2-3					
Case, Norma	107 Maple Ave	MOUNT KISCO	10549	80.24-1-9		37 Delisle Avenue	Roosevelt	NY	11575
Stewart Heights Corp	40 Stewart Pl	MOUNT KISCO	10549	80.24-2-4	Westchester Property Mgmt Group	520 White Plains	Tarrytown	NY	10591
Scala Brothers LLC	49 Gatto Dr	MOUNT KISCO	10549	80.24-3-18	Peter Scala	39 Gatto Dr	Mt Kisco	NY	10549
PAL 20 Stewart Pl MtKisco LLC	20 Stewart Pl	MOUNT KISCO	10549	80.24-2-2		PO Box 367	Mt Kisco	NY	10549
Caico, Andrea	131 Maple Ave	MOUNT KISCO	10549	80.24-1-15	Caico	187 Parkview Pl	Mt Kisco	NY	10549
Federal Home Loan MortgageCorp	123 Maple Ave	MOUNT KISCO	10549	80.24-1-13		628 Creekside Lane	Fishkill	NY	12524
Bordeaux, Vernon	117 Maple Ave	MOUNT KISCO	10549	80.24-1-12					

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Zoning Board of Appeals
Village/Town of Mount Kisco

23 Gatto Dr. ID: 80.24-2-7 (Mount Kisco)



October 24, 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.

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Zoning Board of Appeals
Village/Town of Mount Kisco

0 70 140 280
ft

Westchester County GIS

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

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 15th day of November 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

A.F. Development Group LLC

(Name of Applicant)

8 Bianca Court, Carmel, NY 10512

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated September 26, 2022
(Date of Denial Letter)
denying the application dated to permit the renovation of an existing single-family residence into a two-family residence.
(Proposed Work)

The property involved is known as 23 Gatto Drive, Mount Kisco, NY 10549

(Address of Property)

and described on the Village Tax Map as Section 80.24 Block 2 Lot 7

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

RM-10 Zoning District. Said Appeal is being made to obtain a
(Identify specific zoning code section number(s))
variance from Section(s) 110-12 "RM-10 Moderate Density Multifamily District" of the
Code of the Village/Town of Mount Kisco, which requires a lot area of 10,000 sf for a
two-family residence, less than 1,502 sf of building coverage, less than 3,026 sf of
development coverage and a min. 6' side yard setback.

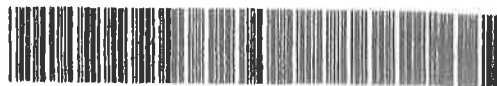
Wayne Spector, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

RECEIVED

OCT 25 2022

Zoning Board of Appeals
Village/Town of Mount Kisco
ZBA Application

The Office of the Westchester County Clerk: This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



621113459DED001W

Westchester County Recording & Endorsement Page

Submitter Information

Name: ATLANTIC TITLE
Address 1: 31 STEWART STREET
Address 2:
City/State/Zip: FLORAL PARK NY 11001

Phone: 516-358-0505 X 194
Fax: 516-358-0394
Email: atlantictitleagenoy@gmail.com
Reference for Submitter: ALORT-25687W DEED2

Document Details

Control Number: 621113459

Document Type: Deed (DED)

Package ID: 2022042100230001001

Document Page Count: 3

Total Page Count: 4

Parties

☐ Additional Parties on Continuation page

1st PARTY
1: ASSURED INVESTING LLC

- Other

2nd PARTY
1: AF DEVELOPMENT GROUP LLC

- Other

Property

☐ Additional Properties on Continuation page

Street Address: 23 GATTO DR

Tax Designation: 80.24-2-7

City/Town: MOUNT KISCO

Village:

Cross-References

☐ Additional Cross-Refs on Continuation page

1: 2:

3:

4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee:	\$40.00
Page Fee:	\$20.00
Cross-Reference Fee:	\$0.00
Mortgage Affidavit Filing Fee:	\$0.00
RP-5217 Filing Fee:	\$125.00
TP-584 Filing Fee:	\$5.00
RPL 291 Notice Fee:	\$10.00
Total Recording Fees Paid:	\$200.00

Transfer Taxes

Consideration:	\$195,000.00
Transfer Tax:	\$780.00
Mansion Tax:	\$0.00
Transfer Tax Number:	14019

Mortgage Taxes

Document Date:

Mortgage Amount:

Basic:	\$0.00
Westchester:	\$0.00
Additional:	\$0.00
MTA:	\$0.00
Special:	\$0.00
Yonkers:	\$0.00
Total Mortgage Tax:	\$0.00

Dwelling Type:

Exempt: ☐

Serial #:

RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Record and Return To



Recorded: 05/03/2022 at 10:04 AM

Control Number: 621113459

Witness my hand and official seal

Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

☐ Pick-up at County Clerk's office

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OCT 25 2022

EMILE SAYEGH
615 YONKERS AVENUE

Zoning Board of Appeals
Village/Town of Mount Kisco

YONKERS, NY 10704

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 21 day of April in the year 2022, before me, the undersigned, personally appeared Lana Leigh, 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.

NOTARY PUBLIC



ROBERT V. FONTE

Notary Public, State of New York

No. 02F04877926

Qualified in Westchester County

Commission Expires November 3, 2022

**ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE**

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared , the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto.

NOTARY PUBLIC

**Bargain & Sale Deed
With Covenants**

Assured INvesting LLC

TO

A.F. Development Group LLC

Title No.

DISTRIBUTED BY



JUDICIAL TITLE

T: 800-281-TITLE F: 800-FAX-9396

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of , ss:

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

NOTARY PUBLIC

**ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK
STATE**

State of , County of , ss:

On the day of in the year , before me, the undersigned personally appeared personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the (add the city or political subdivision and the state or country or other place the acknowledgement was taken).

NOTARY PUBLIC

COUNTY: Westchester

TOWN/CITY: Mount Kisco

PROPERTY ADDRESS: 23 Gatto Drive

SECTION: 80.24

BLOCK: 2

LOT: 7

RETURN BY MAIL TO:

Emile Sayegh
615 Yonkers Avenue
Yonkers, N.Y. 10704

Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 21st day of April, in the year 2022

BETWEEN Assured Investing LLC doing business at 2510 Ocean Avenue, Bellmore, N.Y. 11710

party of the first part, and A.F. Development Group, LLC, doing business at 8 Bianca Court, Carmel, N.Y. 10512
party of the second part,

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

One dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the See annexed Schedule A. Being the same premises conveyed by Edward Salvado by deed to Assured Investing LLC to be recorded simultaneously herewith with the County Clerk of Westchester County.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Assured Investing LLC


by Lana Leigh, member

SCHEDULE A DESCRIPTION

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

BEGINNING at a point on the northerly side of South Street, where the easterly side of Harlem Railroad Company's land crosses said South Street; and

RUNNING THENCE in a northerly direction along the line of said Railroad Company's land, 188 feet to land now or formerly of Anna F. Dromgoole;

THENCE easterly along said land of Anna F. Dromgoole 74 feet or thereabouts to other land formerly of Irving French;

THENCE in a southerly direction along the line of said other land formerly of Irving French 118 feet to the aforesaid South Street;

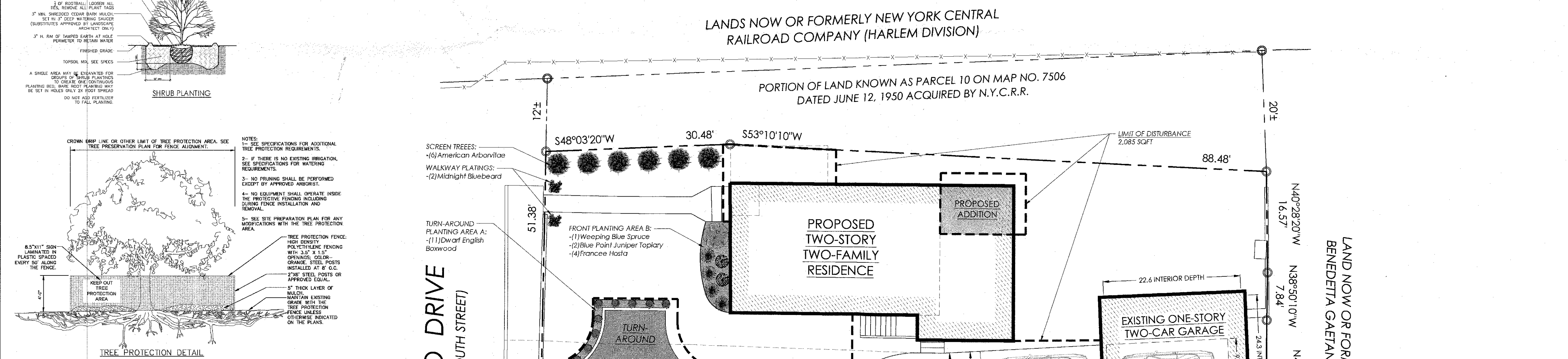
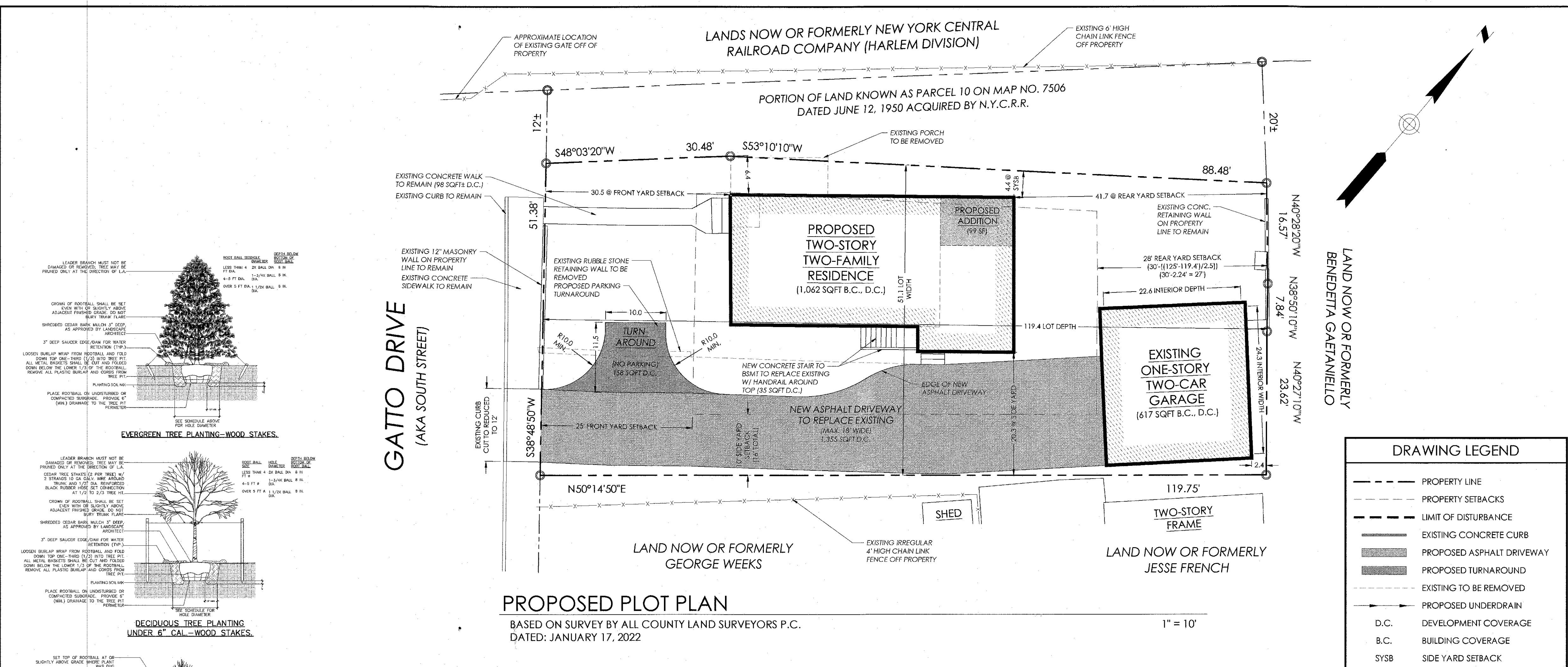
THENCE in a westerly direction along the line of said South Street 74 feet or thereabouts to the point or place of beginning;

COMPRISING and including all the land lying between other lands formerly of Irving French and the easterly line of the Harlem Railroad;

EXCEPTING therefrom that portion deeded to the State of New York in connection with the Mount Kisco Grade Crossing Project.

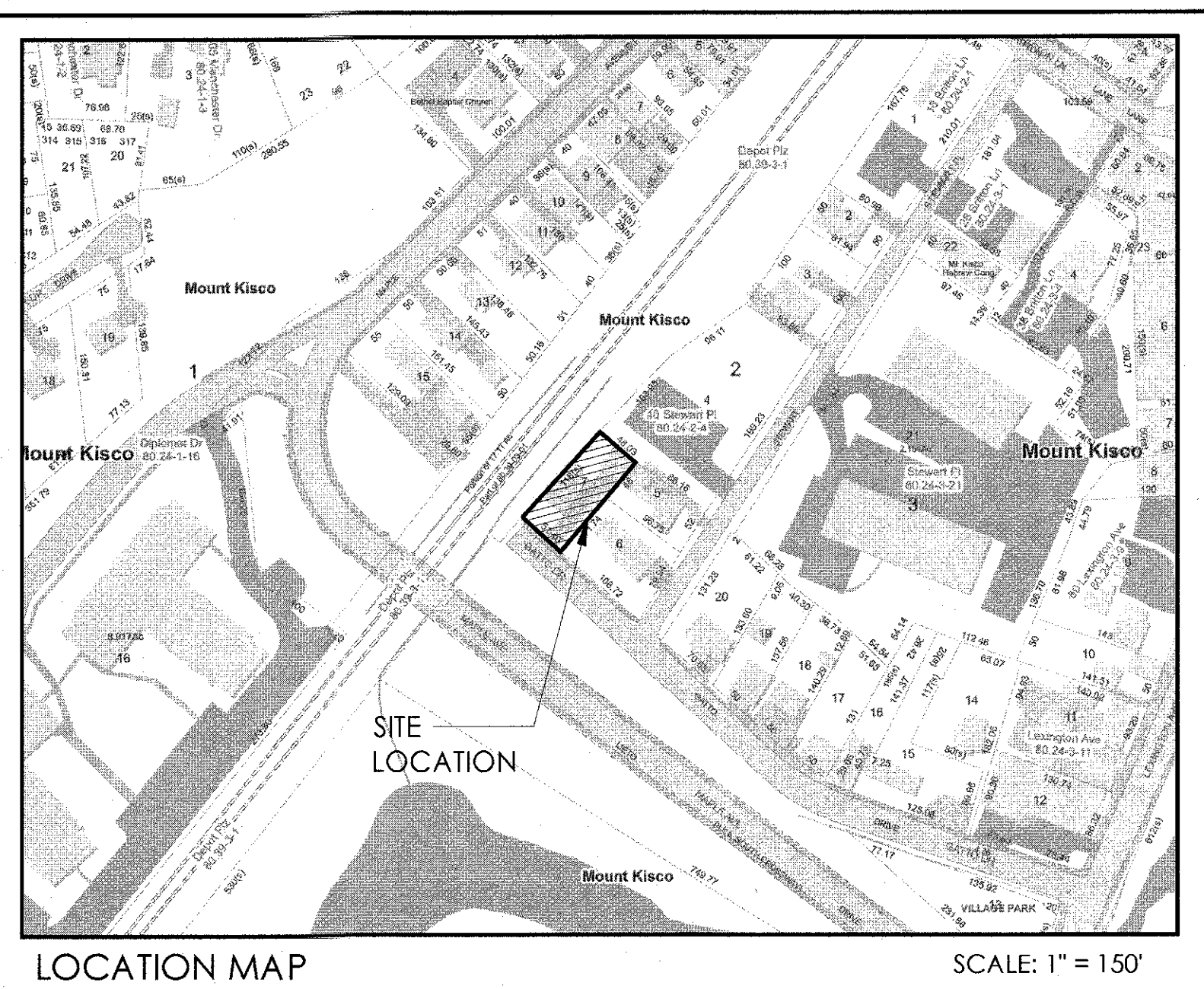
FOR INFORMATION ONLY: Premises known as 23 Gatto Drive, Mount Kisco, NY 10549.

Insure



PLANTING SCHEDULE					
Symbol	Quantity	Common Name	Scientific Name	Description	Size
	(2)	Midnight Bluebeard	Caryopteris 'Beyond Midnight'	Compact Flowering Shrub	1 Gallon
	(4)	Francesc Hosta	Hosta 'Francesc'	Herbaceous Perennial	1 Gallon
	(6)	American Arborvitae	Thuja occidentalis	Cypress Evergreen	4'-5'
	(13)	Dwarf English Boxwood	Buxus Sempervirens 'Suffruticosa'	Small Evergreen Shrub	2 Gallon
	(2)	Blue Point Juniper Topiary	Juniperus Chinensis 'Blue Point'	Decorative Mounding Habit Evergreen	4'-5'
	(1)	Weeping Blue Spruce	Picea pungens 'Pendula'	Dense Evergreen Dwarf Tree	2 Gallon

* Native landscaping plants have been included, which are a few of the contractors typical plantings. Actual size and species to be determined by the health and availability of the species at the nursery. Actual locations of plantings will be determined by the contractor and may vary depending on hours of sunlight the species requires.



ZONING DATA TABLE				
ZONE		RM-10		
LOT & BULK CATEGORIES		REQUIRED	EXISTING	PROPOSED
1-FAMILY		2-FAMILY	EXISTING	PROPOSED
MINIMUM NET LOT AREA (SF)		6,250 SF	10,000 SF	6,053 SF
MAXIMUM BUILDING COVERAGE (SF)		1,000 SF	2,000 SF	1,683 SF
MAXIMUM DEVELOPMENT COVERAGE (SF)		40% (2,500 SF)	50% (5,000 SF)	3,333 SF
MAXIMUM LOT WIDTH (FT)		50 FT	50 FT	51.1 FT
MAXIMUM LOT DEPTH (FT)		100 FT	100 FT	119.4 FT
MINIMUM YARD SETBACKS				
FRONT YARD SETBACK (FT)		25 FT	30.5 FT	NO CHANGE
SIDE YARD SETBACK (FT) (LOTS W/ A WIDTH LESS THAN 60 FT)		6 FT ONE SIDE 16 FT TOTAL BOTH	0.0 FT 20.3 FT	4.4 FT 24.7 FT
REAR YARD SETBACK (FT) (LOTS W/ A DEPTH LESS THAN 125 FT)		30 FT (1 FT / 20 FT MINIMUM DEPTH)	41.7 FT	41.7 FT
MAXIMUM HEIGHT (FT)		35 FT	< 35 FT	< 35 FT
PARKING REQUIREMENTS				
MINIMUM OFF-STREET PARKING		2 SPACES PER UNIT	4 SPACES	4 SPACES

NOTES
EXTERIOR LIGHTING: FLOODLIGHTS ARE PROHIBITED AND ALL BUILDING MOUNTING LIGHT FIXTURES SHALL BE DOWNWARD FACING ONLY.

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Zoning Board of Appeals
Village/Town of Mount Kisco

CONSULTING PROFESSIONAL:
ROY A. FREDRIKSEN, PE
DESIGN PLANNING CONSULTING ENGINEERING
P.O. BOX 950 • MAHOPAC, NY 10541 • (518)928-0265

ARELEX
CONSULTING AND DESIGN
NICHOLAS FUSCO (EMAIL: ARELEX@GMAIL.COM) (PHONE: 914)416-9466

PROJECT: A.F. DEVELOPMENT GROUP LLC
PROJECT ADDRESS: 23 GATTO DRIVE
MT. KISCO, NY 10549
TAX MAP: 80.24-2-7

MAILING ADDRESS: 8 BIANCA COURT
CARMEL, NY 10512

PROPOSED PLOT & LANDSCAPE PLAN

2 APPLICATION TO VILLAGE/TOWN OF MOUNT KISCO ZONING BOARD OF APPEALS
1 APPLICATION TO VILLAGE/TOWN OF MOUNT KISCO PLANNING BOARD

13-OCT-22
6-SEPT-22

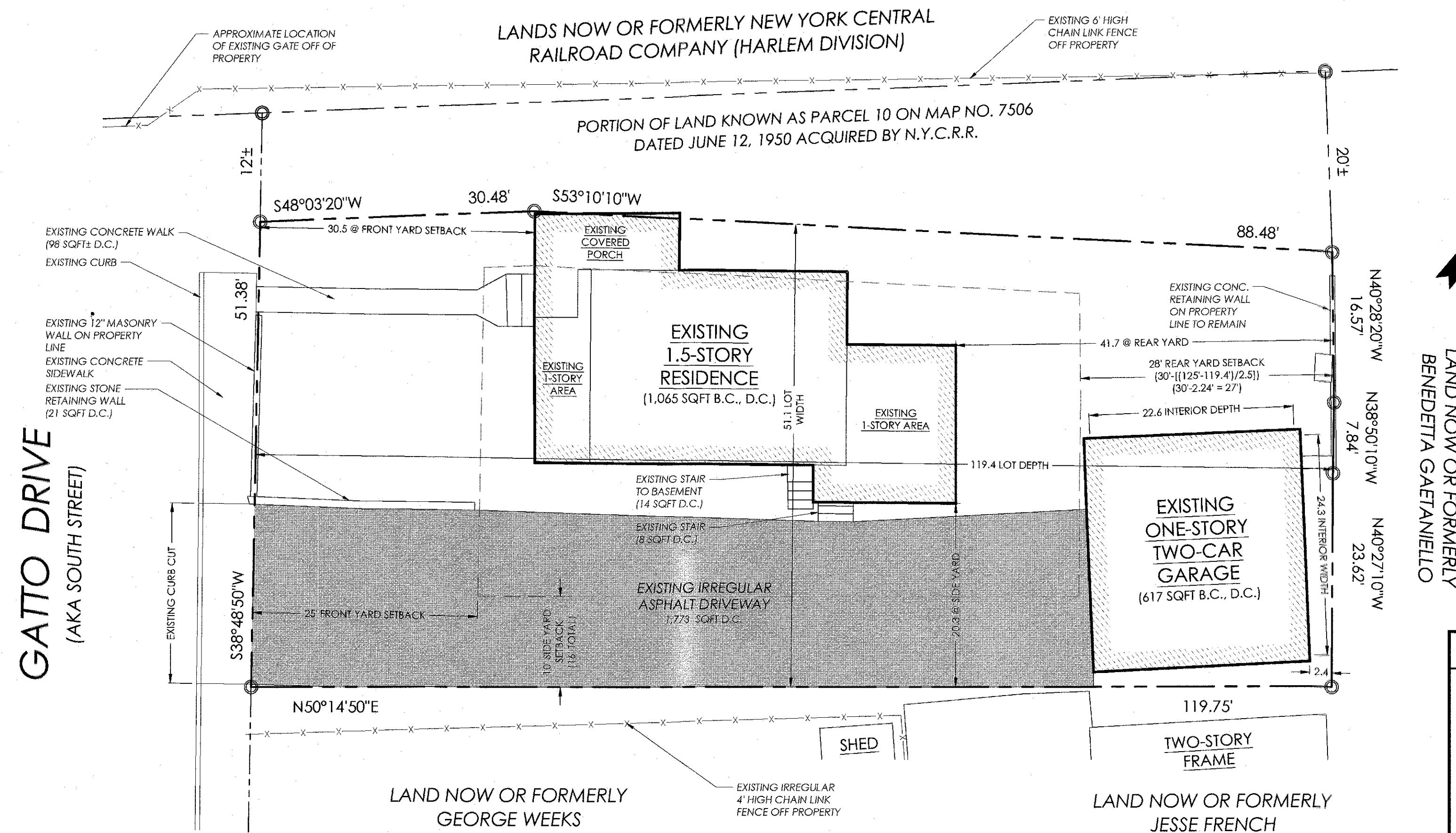
2
1

Revision Description
Date

8/31/22
AS NOTED
Engineer: ROY A. FREDRIKSEN, PE
Designer: NICHOLAS FUSCO
Revision No: 2
Sheet No.

S-101

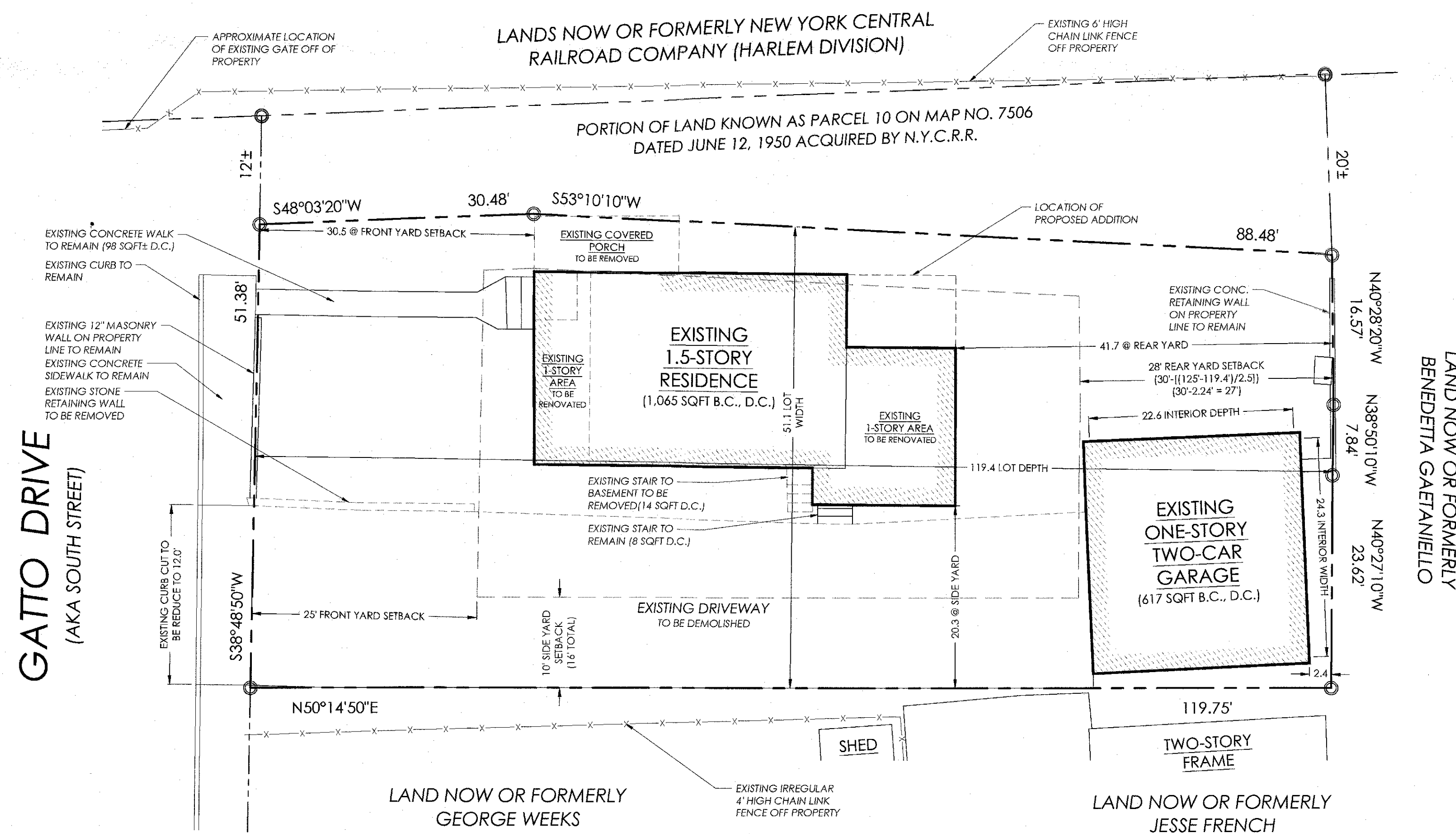
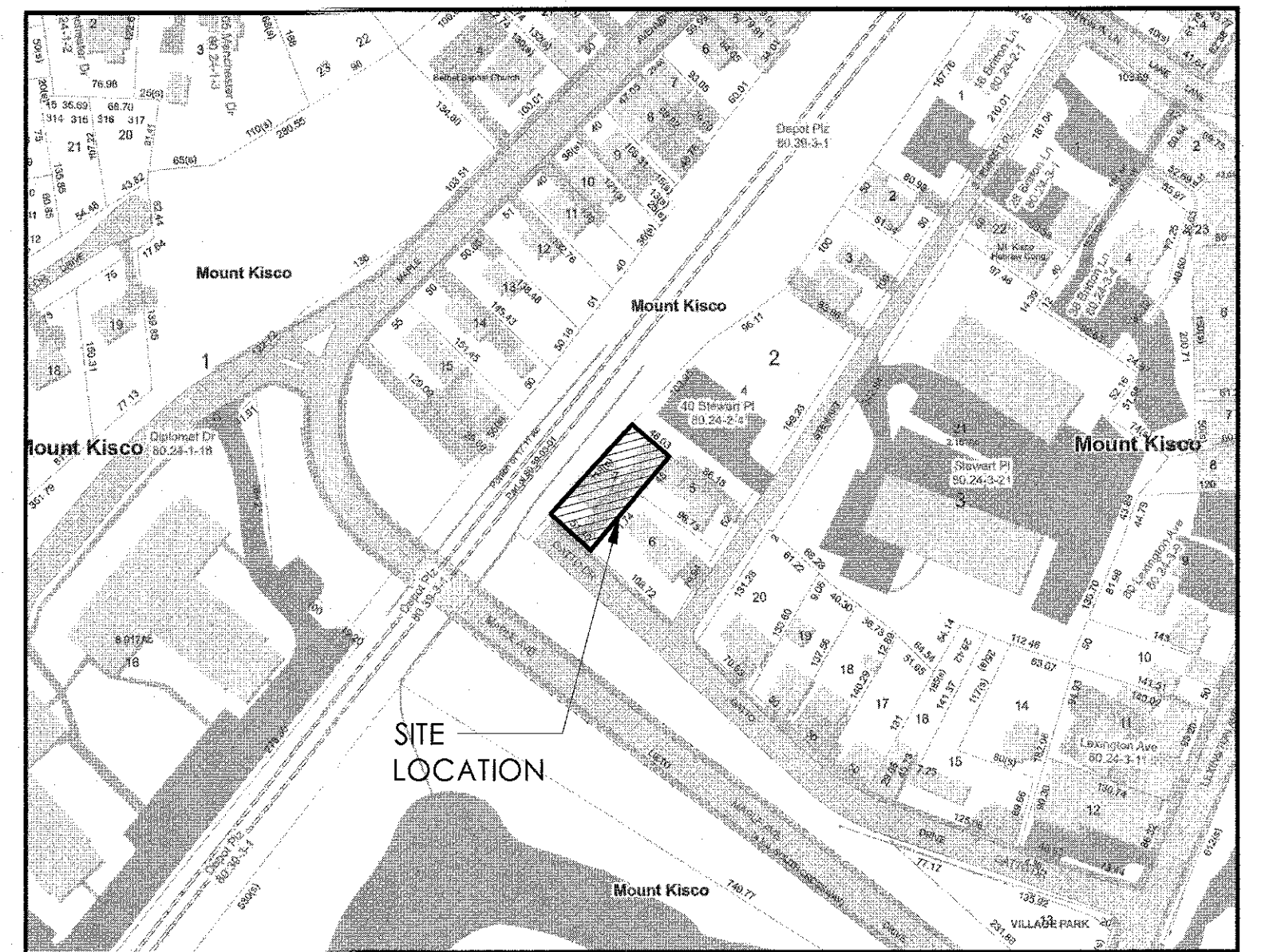
ANY ALTERATIONS OR REVISIONS OF THESE PLANS, UNLESS DONE BY OR UNDER THE DIRECTION OF THE NY'S LICENSED AND REGISTERED PROFESSIONAL THAT PREPARED THEM, IS A VIOLATION OF THE NY'S EDUCATION LAW.



EXISTING CONDITIONS PLOT PLAN

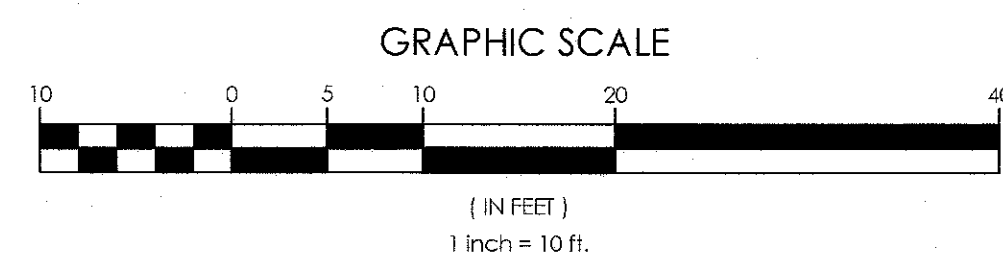
BASED ON SURVEY BY ALL COUNTY LAND SURVEYORS P.C.
DATED: JANUARY 17, 2022

DRAWING LEGEND	
---	PROPERTY LINE
---	PROPERTY SETBACKS
---	LIMIT OF DISTURBANCE
---	EXISTING CONCRETE CURB
---	PROPOSED ASPHALT DRIVEWAY
---	PROPOSED TURNAROUND
---	EXISTING TO BE REMOVED
---	PROPOSED UNDERDRAIN
D.C.	DEVELOPMENT COVERAGE
B.C.	BUILDING COVERAGE
SYSB	SIDE YARD SETBACK



PROPOSED DEMOLITION PLOT PLAN

BASED ON SURVEY BY ALL COUNTY LAND SURVEYORS P.C.
DATED: JANUARY 17, 2022



CONSULTING PROFESSIONAL:			
ROY A. FREDRIKSEN, PE DESIGN PLANNING CONSULTING ENGINEERING P.O. BOX 950 • MAHOPAC, NY 10541 • (518)928-0265			
PROJECT: A.F. DEVELOPMENT GROUP LLC PROJECT ADDRESS: 23 GATTO DRIVE MT. KISCO, NY 10549 TAX MAP: 80.24-2-7		MAILING ADDRESS: 8 BIANCA COURT CARMEL, NY 10512 DATE: 8/31/22 SCALE: AS NOTED ENGINEER: ROY A. FREDRIKSEN, PE DESIGNER: NICHOLAS FUSCO REVISION NO: 2	
EXISTING CONDITIONS & DEMO PLAN			
SHEET NO. S-102			

THIS PLAN NOT VALID FOR CONSTRUCTION WITHOUT PROFESSIONAL'S SEAL & SIGNATURE

ANY ALTERATIONS OR REVISIONS OF THESE PLANS, UNLESS DONE BY OR UNDER THE DIRECTION OF THE NY'S LICENSED AND REGISTERED PROFESSIONAL THAT PREPARED THEM, IS A VIOLATION OF THE NY'S EDUCATION LAW.



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 Planning Board

FROM: Peter J. Miley, Building Inspector *PM*

SUBJECT: Fortunato (Nat) Cambareri
52 W Main Street, SBL 69.80-4-2

DATE: July 6, 2022
Amended September 8, 2022

PROPERTY

The property, 52 W. Main St., is a 16,337 sf lot located on the south side of W Main St., just east of Manchester Drive. The property is improved by a 2 ½ story, nonconforming/ noncompliant pre-existing, four-family home that is located in the RT-6 (one- and Two-Family Residence Zoning District). The original building was constructed on or around 1870, prior to adoption of the Village Code. Providing an area for vehicle parking was not required at the time of construction.

PROJECT

The project includes the installation/relocation of six (6) new parking spaces (existing spaces are dimensionally noncompliant) to be located in the rear of the property. Proposed will include the removal of parking in the front and side yard(s), modifying/extending the existing stone retaining wall, and adding an additional retaining wall to be located in the southeast corner of the property. Additionally, the parking area will require the installation/extension of new asphalt located behind the structure.

Proposed includes legalizing the third floor occupancy. **Note*** Certificate of occupancy prohibits occupancy on the 3rd floor.

ZONING

Pursuant to Village/Town of Mount Kisco Code §110-34 Nonconforming uses. A. *Except upon the granting of a variance by the Zoning Board of Appeals, no building containing a*

a)

nonconforming use shall be enlarged, altered, extended, reconstructed or restored or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever. In the case of any lot containing a nonconforming residential use in a nonresidential district or a nonconforming nonresidential use in a residential district, any proposed new use or increase in the size of said use on any portion of such lot, which new use or increase in the size of said use is not accompanied by the total elimination of the existing nonconforming use, shall be deemed to be an enlargement and extension of an existing nonconforming use.

The expansion of habitable living space on the third floor is considered an alteration ("altered") and therefore; requires a variance issued by the Planning Board.

COMMENTS

Application should provide a landscaping and lighting plan compliant with 110-32C of the Village Zoning Code.

The Building Department defers to the Village Planner for landscaping and lighting.
The Building Department defers to the Village Engineer for retaining walls, driveway, stormwater management, and steep slopes protection.

This review does not include a review for Building Code Compliance.

APPROVALS REQUIRED

1. Site Plan Approval
2. Zoning Board of Appeals
3. Steeps Slope Permit



A r c h i t e c t u r e

Roger van Loveren, AIA, Architect • 6 Spruce Pond Lane, Bedford, NY 10506 • (914) 234-7823 • E-Mail: rvlarch@aol.com

October 21, 2022

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

Re: Legalization of 3rd. Floor for Fortunato Cambareri – 4-Family House, 52 W. Main Str. Mt. Kisco, NY

Mr. Chairman,

We are submitting an application to the ZBA on behalf of Mr. Cambareri to seek a relief from Section 110-34 of the Village/Town of Mount Kisco Code.

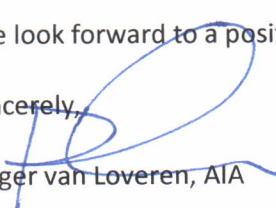
The property was cited for the non-conforming habitable use of the 3rd Floor of the legal 4-Family Dwelling. This finished 3rd. floor came into Mr. Cambareri possession from his father several years ago and has been in existence since at least 1954.

The variance we seek is for the legalization of the past alterations of the 3rd floor of the legal non-conforming 4-Family use of the Dwelling.

We are also in the process of seeking Site Plan approval for the related parking alteration needed for the legalization of the 3rd Floor use. Proceeding with the Site Plan Application to Public Hearing is depended on the favorable outcoming of the ZBA process.

We look forward to a positive review.

Sincerely,



Roger van Loveren, AIA

Cc. NC/dm

RECEIVED

Date: _____

OCT 24 2022

Case No.: 22-14

Fee: _____

Date Filed: _____

**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: Fortunato Cambareri

Address: 135 Crow Hill Path, Mount Kisco, NY 10549

Address of subject property (if different): 52 West Main Street, Mount Kisco

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 J. Miley
dated July 8, amm. Sept. 8, 2022. Application is hereby made for the following:

☒ Variation or ☐ Interpretation of Section § 110-34
of the Code of the Village/Town of Mount Kisco,

to permit the: ☐ Erection; ☒ Alteration; ☐ Conversion; ☐ Maintenance
of The un-documented 3rd. floor habitable space in the legal 4-Family Dwelling

_____ in accordance with plans filed on (date) _____
for Property ID # 69.80-4-2 located in the RT-6 Zoning District.
The subject premises is situated on the North side of (street) West Main Street
_____ in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes/No 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? no in connection with a
Proposed or ☒ Existing building; erected (yr.) 1908

Size of Lot: 105.35' feet wide 193.33' feet deep Area 0.375 Ac. or 16,337 SF

Size of Building: at street level 36.42' feet wide 54.26' feet deep

Height of building: 30' Present use of building: Residential 4-Family

Does this building contain a nonconforming use? yes Please identify and explain: The 3rd. Floor has been finished and used since at least 1954 but there is no record of existence in the Building Department files

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? no

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

Are there any violations pending against this property? yes If so, please identify and explain: for the habitable use of the 3rd. floor

Has a Work Stop Order or Appearance Ticket been served relative to this matter?
☒ Yes or no Date of Issue: 12/05/2017 Issued to previous Owner Carmelo & Vincenza Cambareri

Have you inquired of the Village Clerk whether there is a petition pending to change the subject zoning district or regulations? no

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on July 8, amm. Sept. 8, 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.

[Signature]
(Appellant to sign here)

Sworn to before me this day of: 24 of October, 2022

Notary Public, Sharyne Giacalone, County, NY

SHARYNE GIACALONE
Notary Public, State of New York
No. 01GI6177637
Qualified in Putnam County
My Commission Expires 11/19/2023

[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)



A r c h i t e c t u r e

Roger van Loveren, AIA, Architect • 6 Spruce Pond Lane, Bedford, NY 10506 • (914) 234-7823 • E-Mail: rvlarch@aol.com

October 6, 2022

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

Re: Legalization of 3rd. Floor for Fortunato Cambareri – 4-Family House, 52 W. Main Str. Mt. Kisco, NY

Statement of Principle Points:

The variance is required to approve the “Alteration of the dwelling making the 3rd Floor Habitable” that took place in association with the non-conforming 4-family use in the RT-6 Zoning: 1 & 2-Family.

Mr. Cambareri took possession of this 4-Family from his father several years ago and to his knowledge the 3rd floor has been used as part on one of the units and has been in existence since at least 1954 based on hidden newspaper discovered.

The Zoning Board of Appeals in consideration of this application for variance may weigh the following five factors:

- 1) The continuation of the use of the 3rd. floor will not produce an undesirable change in the character of the neighborhood. The Dwelling has been in existence as a 2.5 Story, three floor Structure as is typical of the residential character of the neighborhood. Finished third floors is very common for older village houses.
- 2) The continuation of the benefit of the finished 3rd. floor cannot be achieved other than the granting of the Variance since the space needed for the dwelling can only be obtained by an addition outside of the existing envelope of the structure.
- 3) The request for the variance is not substantial in nature as the use and space exists within an existing structure that will not change without the variance.
- 4) The proposed variance will not have an adverse effect or impact on the physical or environmental condition in the neighborhood as the structure has existed for a long time in this area and the particular section of the space within the structure has been there since at least 1954.
- 5) It is not clear if the alleged difficulty was self-created as it is not known how or when the 3rd floor was finished. It is clear that the current status, certificate of occupancy of the structure does not specifically state a finished habitable 3rd. floor.

Roger van Loveren, AIA

Cc. NC/dm

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

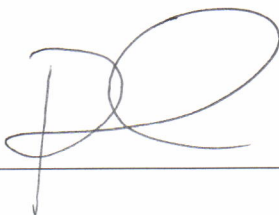
COUNTY OF WESTCHESTER

}

Roger van Loveren being duly sworn, deposes and says:

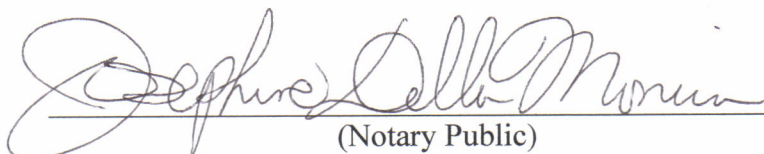
I reside at 6 Spruce Pond Lane, Bedford NY 10506

On OCTOBER 24TH 2022 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B. I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.



Sworn to before me on this

24 day of October 2022

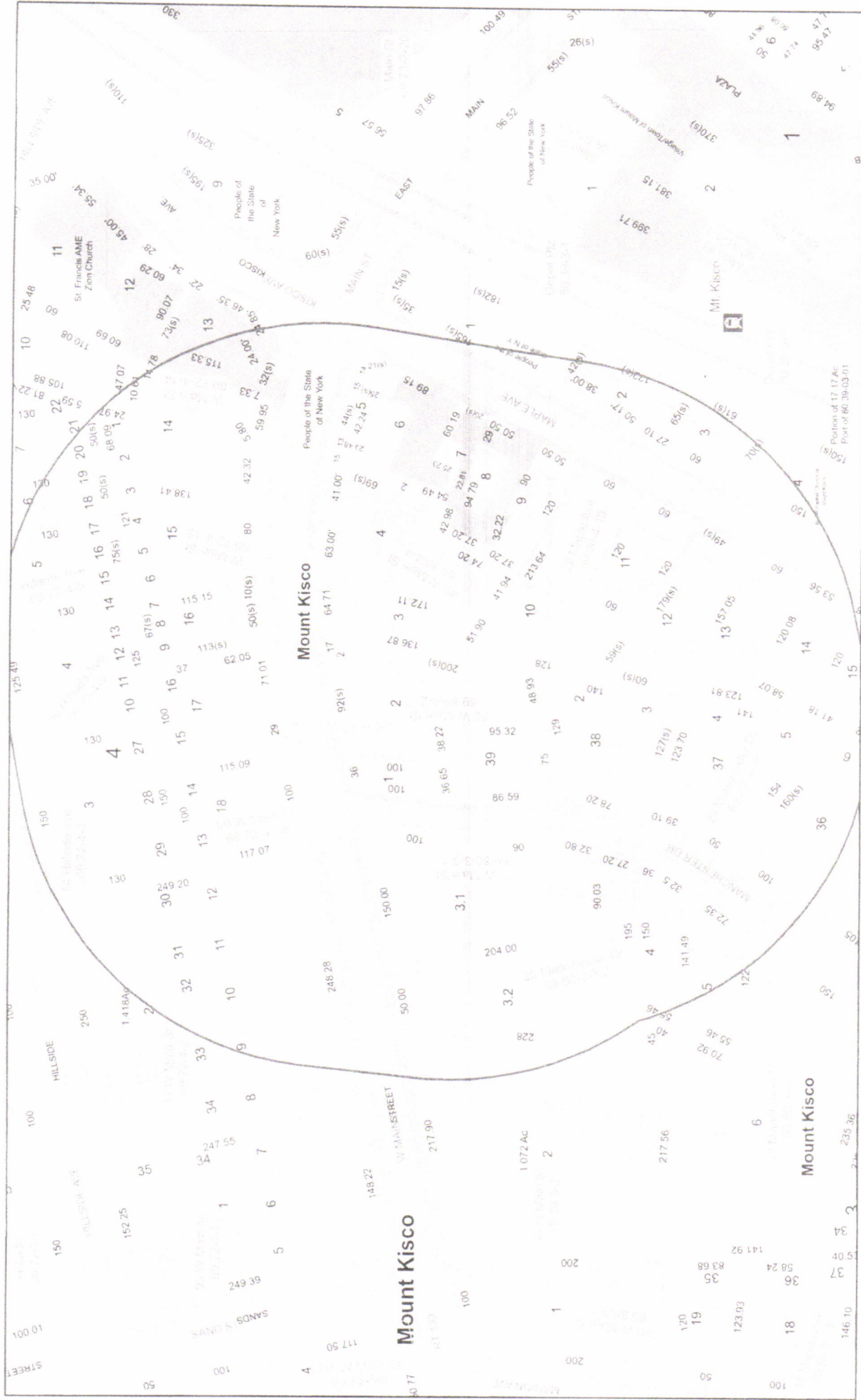

(Notary Public)

Josephine Dellamonica
Notary Public
State of New York
#01DE6205102
Qualified in
Westchester County
Commission Expires
05-04-2025

f

OWNERNAME	PROPADDRESS	PROPCITY	PROZIP	PROPRINTKEY	C/O	Mailing Address	City	State	Zip
Nkoutche Jean Claude	W Main St	MOUNT KISCO	10549	69.72-4-16		25 Lake Street, Unit 4E	White Plains	NY	10603
Delgado, Dorian R	10 Maple Ave	MOUNT KISCO	10549	69.80-4-7	Dorian Delgado	49 Cunningham Lane	Pawling	NY	12564
Armando Chousa LLC	W Main St	MOUNT KISCO	10549	69.72-4-14	Michael Tosto	POB 85	Yorktown Heights	NY	10598
Yustman Jeffrey	20 Manchester Dr	MOUNT KISCO	10549	69.80-3-3.2					
Warren, John A	11 Manchester Dr	MOUNT KISCO	10549	69.80-4-39					
PAL 46 Maple Ave MtKisco LLC	46 Maple Ave	MOUNT KISCO	10549	69.80-4-16		POB 367	Mt Kisco	NY	10549
Robustelli Robert	59 W Main St	MOUNT KISCO	10549	69.72-4-18		80 Chestnut Ridge Rd	Mt Kisco	NY	10549
Gorin, David	54 Hillside Ave	MOUNT KISCO	10549	69.72-4-3		135 Crow Hill Path	Mt Kisco	NY	10549
Cambareli Fortunato	52 W Main St	MOUNT KISCO	10549	69.80-4-2		43-49 W Main St	Mt Kisco	NY	10549
Mohammad, Basheer	W Main St	MOUNT KISCO	10549	69.72-4-15					
O'Connor Kathryn E	36 Hillside Ave	MOUNT KISCO	10549	69.72-4-6					
Green, Michael	70 W Main St	MOUNT KISCO	10549	69.80-3-3.1					
Pinnetti, Nicola	27 Manchester Dr	MOUNT KISCO	10549	69.80-4-38					
PAL 36 Maple Ave MtKisco LLC	36 Maple Ave	MOUNT KISCO	10549	69.80-4-13		POB 367	Mt Kisco	NY	10549
Bethel Baptist Church	Maple Ave	MOUNT KISCO	10549	69.80-5-4		106 Maple Avenue	Mt Kisco	NY	10549
Chang, Chenkun	57 W Main St	MOUNT KISCO	10549	69.72-4-17		10 Pine View Rd	Mt Kisco	NY	10549
Daniel S. Henry Sr Livingtrust	40 W Main St	MOUNT KISCO	10549	69.80-4-4		25 Desert Willow St	Mt Kisco	NY	92606
Henry, Michelle	22 Hillside Ave	MOUNT KISCO	10549	69.72-4-10					
Barry, Michael N	42 Manchester Dr	MOUNT KISCO	10549	69.80-3-6					
Cabrera, Roberto	26 Maple Ave	MOUNT KISCO	10549	69.80-4-11					
Suregreen Properties LLC	1 Manchester Dr	MOUNT KISCO	10549	69.80-4-1					
Malley Scott G	50 Hillside Ave	MOUNT KISCO	10549	69.72-4-4					
People of the State of NY	32 W Main St	MOUNT KISCO	10549	69.80-4-5	Vacant LAND				
Wein Jason	31 Manchester Dr	MOUNT KISCO	10549	69.80-4-36					
Williams Aaron James	42 Maple Ave	MOUNT KISCO	10549	69.80-4-14		311 Fernhill Ct	Jonesboro	GA	30236
Molina, Gilberto	Maple Ave	MOUNT KISCO	10549	69.80-4-12		32 Maple Ave	Mt Kisco	NY	10549
Armando Chousa LLC	33 W Main St	MOUNT KISCO	10549	69.72-4-13	Michael Tosto	POB 85	Yorktown Heights	NY	10598
Pinnetti, Nicholas	Maple Ave	MOUNT KISCO	10549	69.80-5-3		25 Manchester Dr	Mt Kisco	NY	10549
Adaken, Drowgar	23 Maple Ave	MOUNT KISCO	10549	69.80-5-2		218 St Marks Place	Mt Kisco	NY	10549
O'Connor Kathryn E	Hillside Ave	MOUNT KISCO	10549	69.72-4-7		36 Hillside Ave	Mt Kisco	NY	10549
Davis-Lorton Bernadette E	90 W Main St	MOUNT KISCO	10549	69.80-3-2					
Armenta, Ellen L	28 Manchester Dr	MOUNT KISCO	10549	69.80-3-4					
Oliverio Michael	81 W Main St	MOUNT KISCO	10549	69.72-4-2		POB 367	Mt Kisco	NY	10549
PAL 44 Maple Ave MtKisco LLC	44 Maple Ave	MOUNT KISCO	10549	69.80-4-15		88 Forest Dr	Mt Kisco	NY	10549
Alvarez, Jose	18 Maple Ave	MOUNT KISCO	10549	69.80-4-9					
Federico Elaine M	48 W Main St	MOUNT KISCO	10549	69.80-4-3					
O'Connor Kathryn E	Hillside Ave	MOUNT KISCO	10549	69.72-4-5		36 Hillside Ave	Mt Kisco	NY	10549
Delgado, Dorian	14 Maple Ave	MOUNT KISCO	10549	69.80-4-8		49 Cunningham Lane	Pawling	NY	12564
30 West Main St Corp	30 W Main St	MOUNT KISCO	10549	69.80-4-6	Attn: MRE Mgmt Corp	27 Radio Circle Dr.	Mt Kisco	NY	10549
McCarthy, Brian J	34 Manchester Dr	MOUNT KISCO	10549	69.80-3-5					
Amdur, Guy D	29 Manchester Dr	MOUNT KISCO	10549	69.80-4-37					
Delgado, Dorian	22 Maple Ave	MOUNT KISCO	10549	69.80-4-10		49 Cunningham Lane	Pawling	NY	12564
People of the State of NY	Maple Ave	MOUNT KISCO	10549	69.80-5-1	Vacant LAND				

Westchester County Municipal Tax Parcel Map (Mount Kisco)



September 23, 2022

1:1,500



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

Westchester County GIS

<http://giswww.westchestergov.com>

Michaelan Office Building

148 Martine Avenue Rm 214

White Plains, New York 10601

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 15 day of November 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Fortunato Cambareri

(Name of Applicant)

135 Crow Hill Path, Mt. Kisco NY 10549

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated July 8, ammended September 8, 2022
(Date of Denial Letter)
denying the application dated to permit the legalization of the 3rd. Fl. Alteration of a non conforming
(Proposed Work) legal 4-Family

The property involved is known as 52 West Main Street, Mt.Kisco NY
(Address of Property)

and described on the Village Tax Map as Section 69.80 Block 4 Lot 2
and is located on the North side of West Main Street in a
east/west/n/s (Street Name)

RT-6 Zoning District. Said Appeal is being made to obtain a
variance from Section(s) § 110-34 of the
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires a Variance for Alteration of a non-conforming use

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

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

AFFIDAVIT OF POSTING

Gilmar Palacios Chin, being duly sworn, says that on the 2nd day of November 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 2nd day of November 2022



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

RECEIVED

NOV 02 2022

Zoning Board of Appeals
 Village/Town of Mount Kisco



AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin

County of Brown, ss.:

On the 9 day of November in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared mariah vernager, 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.

mariah vernager 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, was published in the newspaper area(s) on the editions dated below:

Zone:
Westchester

Edition Dates:
10/31/2022

mariah vernager
Signature

Sworn to before me, this 9 day of November, 2022

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

91925

VICKY FELTY
Notary Public
State of Wisconsin

My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Amonk, 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, Lincoln Dale, 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: 0005463356

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15 day of November 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of NAT CAMBARERI, 135 CROW HILL PATH, MT. KISCO, NY 10549

from the decision of Peter J. Miley, Building Inspector, dated July 28, 2022 Ammended September 8, 2022 denying the application dated to permit the Legalization of Existing Finished 3rd Floor, a non-conforming use in a legal 4-family dwelling. The property involved is known as 52 West Main Street and described on the Village Tax Map as Section 69.80 Block 4 Lot 2 and is located on the N side of West Main St. in a RT-6 Zoning District.

Said Appeal is being made to obtain a variance From Section(s) 110-34 of the Code of the Village/Town of Mount Kisco, which required A Variance for Alteriation of Non-Conforming Use.

Wayne Spector, Chair Zoning Board of Appeals
Village/Town of Mount Kisco
0005463356

BARGAIN AND SALE DEED (with covenants against Grantor's acts)

THIS INDENTURE is made as of the 20th day of February, 2018, between **CARMELO CAMBARERI and VINCENZA CAMBARERI, HUSBAND AND WIFE**, residing at 80 McLain Street, Mount Kisco, New York (hereinafter collectively called the "Grantor") and **FORTUNATO CAMBARERI, an Individual** residing at 135 Crow Hill Path, Mount Kisco, New York (hereinafter called the "Grantee").

WITNESSETH: that the Grantor, in consideration of Ten Dollars (\$10.00) lawful money of the United States and other good and valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged by the Grantor, does hereby remise and release unto the Grantee, and its successors and assigns forever,

ALL that certain plot, piece or parcel of land, together with the buildings and improvements thereon erected, situate, lying and being in the Town and Village of Mount Kisco, County of Westchester and State of New York, as more fully described on Schedule "A" annexed hereto and made a part hereof,

This conveyance is not subject to a credit line mortgage.

THE PREMISES conveyed herein is the same premises as was conveyed to the Grantor by deed in Liber 7091 page 33.

TOGETHER with all right, title and interest, if any, of Grantor 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 Grantor in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto Grantee, the heirs or successors and assigns of Grantee forever.

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

AND Grantor, in compliance with Section 13 of the Lien Law, covenants that Grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement before using any part of the total of the same for any other purpose.

The words "Grantor" and "Grantee" shall be construed as if it read "Grantors" and "Grantees" whenever the sense of this indenture so requires.

THE JUDICIAL TITLE INSURANCE AGENCY LLC
800 WESTCHESTER AVENUE SUITE S-340
RYE BROOK, NY 10573
914-381-6700

129678

IN WITNESS WHEREOF, Grantor has duly executed this deed as of the date first above written.

Carmelo Cambareri
CARMELO CAMBARERI

Vincenza Cambareri
VINCENZA CAMBARERI

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

On the 20 day of February in the year 2018 before me, the undersigned, personally appeared Carmelo Cambareri and Vincenza Cambareri 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.

Adam MacPherson
Notary Public - State of New York

Adam MacPherson
Notary Public, State of New York
No. 01MA6072441
Qualified in Westchester County
Commission Expires May 27, 2018

Ref
THE JUDICIAL TITLE INSURANCE AGENCY LLC
800 WESTCHESTER AVENUE SUITE S-340
RYE BROOK, NY 10573
914-381-6700



800 Westchester Avenue • Suite S340 • Rye Brook, NY 10573 • T (914) 391-6700 • F (914) 391-3131
275 Madison Avenue • Suite 626 • New York, NY 10015 • T (212) 432-3272 • F (800) 329-9395
30 West Main Street • Suite 307 • Riverhead, NY 11901 • T (631) 395-0500 • F (631) 405-3155

Title Number: 129678FA-W

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town and Village of Mount Kisco, County of Westchester and State of New York, known and designated as a portion of Lot No. 1 on a certain map entitled, "Map of Manchester Terrace", made by Frank G. Fowler, dated April, 1901 and filed in the Westchester County Clerk's Office, Division of Land Records, on June 28, 1901, as Map No. 1207, said parcel being more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of West Main Street, on the division line between the premises herein described and lands now or formerly of Vincent Federico;

RUNNING THENCE along said division line, the following courses and distances:

South 17 degrees 38 minutes 20 seconds west, 53.69 feet;

South 16 degrees 50 minutes 20 seconds west, 50.16 feet;

South 14 degrees 34 minutes 40 seconds west, 14.90 feet;

South 21 degrees 22 minutes 40 seconds west, 14.00 feet and south 21 degrees 37 minutes 50 seconds west, 68.83 feet to a point on the division line between the premises herein and Lot No. 2 on the aforementioned map;

RUNNING THENCE along said division line, south 88 degrees 41 minutes 00 seconds west, 48.93 feet; and

RUNNING THENCE through Lot No. 1, as shown on the aforementioned map, north 07 degrees 27 minutes 10 seconds east, 95.32 feet, south 89 degrees 44 minutes 00 seconds west, 38.22 feet and north 16 degrees 31 minutes 50 seconds east, 100.00 feet to a point on the southerly side of West Main Street;

RUNNING THENCE along said street, north 89 degrees 12 minutes 20 seconds east, 111.35 feet to the point and place of BEGINNING.

FOR CONVEYANCING ONLY

The policy to be issued under this report will insure the title to such buildings and improvements erected on the premises which by law constitute real property. TOGETHER with all the right, title and interest of the party in the first part, or, in and to the land lying in the street in front of and adjoining said premises.



Office of the Westchester County Clerk



573423143RPD002W

Supporting Document Cover Page

Submitter Information

Name:	Judicial Title Insurance- PICK UP	Phone:	914-381-6700
Address 1:	800 Westchester Avenue	Fax:	914-381-6785
Address 2:		Email:	JTrecording@judicialtitle.com
City/State/Zip	Rye Brook NY 10573	Reference for Submitter:	129678 A RF EF

Parent Document Details

Control Number:	573423134	Document Type:	Deed (DED)
Package ID:	2017120800091001001		

Supporting Document Information

Supporting Document Type: RP-5217

Recording Information

Recording Date:	2/26/2018 11:13:00 AM	SWIS Code:	MTK 555600
Book:	57342		
Page:	03143		

FOR COUNTY USE ONLY

C1. SWIS Code 5 5 5 0 0

C2. Date Deed Recorded 02 / 26 / 2018

C3. Book 5 7 3 4 2 C4. Page 0 3 1 3 4

BY US or PHONE (518) 473-9701

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP-5217

Real Property Transfer Report (M18)

PROPERTY INFORMATION

PREP

1. Property Location 52 W MAIN ST
STREET NUMBER STREET NAME
BEDFORD 10549
CITY OR TOWN VILLAGE ZIP CODE

2. Buyer Name CAMBARERI FORTUNATO
LAST NAME COMPANY FIRST NAME
LAST NAME COMPANY FIRST NAME

3. Tax Billing Address
Indicate where future Tax Bills are to be sent
if other than buyer address (at bottom of form)
LAST NAME COMPANY FIRST NAME
STREET NUMBER AND NAME CITY OR TOWN STATE ZIP CODE

4. Indicate the number of Assessment Roll parcels transferred on the deed 1 # of Parcels OR ☐ Part of a Parcel (Only if Part of a Parcel) Check as they apply:
5. Deed 111.00 X 100.00 OR 0.00
Property Size ACRES
6. Seller Name CAMBARERI CARMEO
LAST NAME COMPANY FIRST NAME
LAST NAME COMPANY FIRST NAME

7. Select the description which most accurately describes the use of the property at the time of sale:
G. Apartment
Check the boxes below as they apply:
8. Ownership Type is Condominium ☐
9. New Construction on a Vacant Land ☐
10A. Property Located within an Agricultural District ☐
10B. Buyer received a disclosure notice indicating that the property is in an Agricultural District ☐

SALE INFORMATION

11. Sale Contract Date 12/22/2017
12. Date of Sale/Transfer 2/20/2018
13. Full Sale Price 550,000.00
(Full Sale Price is the total amount paid for the property including personal property. The payment may be in the form of cash, other property or goods, or the assumption of mortgages or other obligations.) Please round to the nearest whole dollar amount

13. Check one or more of these conditions as applicable to transfer:

- ☒ A Sale Between Relatives or Former Relatives
☐ B Sale Between Related Companies or Partners in Business
☐ C One of the Buyers is also a Seller
☐ D Buyer or Seller is Government Agency or Lending Institution
☐ E Deed Type not Warranty or Bargain and Sale (Specify Below)
☐ F Sale of Fractional or Less than Fee Interest (Specify Below)
☐ G Significant Change in Property Between Taxable Status and Sale Dates
☐ H Sale of Business is Included in Sale Price
☐ I Other Unusual Factors Affecting Sale Price (Specify Below)
☐ J None

Comment(s) on Condition:

14. Indicate the value of personal property included in the sale 0.00

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken (YY) 17
17. Total Assessed Value 114,000.00
18. Property Class 411
19. School District Name Bedford
20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))
69.80-4-2

CERTIFICATION

I certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

Carmelo Cambareri
SELLER SIGNATURE
Vincenzo Cambareri
BUYER SIGNATURE
2-20-18
DATE
2-20-18
DATE

BUYER CONTACT INFORMATION

(If the information is for the Buyer, state if Buyer is LLC, Society, Association, Corporation, Joint Stock Company, a State or entity that is not an individual) agent or fiduciary. Then a name and contact information of an individual responsible party who can answer questions regarding the transfer must be entered. Type or print clearly.)

LAST NAME FIRST NAME
AREA CODE TELEPHONE NUMBER (212) (914) (516) (609) (845) (914) (917) (918) (919) (920) (930) (938) (940) (954) (956) (970) (972) (978) (979) (980) (981) (984) (985) (986) (987) (988) (989) (990) (991) (992) (993) (994) (995) (996) (997) (998) (999)
STREET NUMBER STREET NAME
CITY OR TOWN STATE ZIP CODE
BUYER'S ATTORNEY
W. J. S. S.
LAST NAME FIRST NAME
414 681-0240
AREA CODE TELEPHONE NUMBER (212) (914) (516) (609) (845) (914) (917) (918) (919) (920) (930) (938) (940) (954) (956) (970) (972) (978) (979) (980) (981) (984) (985) (986) (987) (988) (989) (990) (991) (992) (993) (994) (995) (996) (997) (998) (999)

This Office of the Westchester County Clerk. This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this instrument. To the best of submitter's knowledge, the information contained on this Recording and Endorsement Cover Page is consistent with the information contained in the attached document.



573423134DED003W

Westchester County Recording & Endorsement Page

Submitter Information

Name: Judicial Title Insurance- PICK UP Phone: 914-381-6700
Address 1: 800 Westchester Avenue Fax: 914-381-6785
Address 2: Email: JTRecording@judicialtitle.com
City/State/Zip: Rye Brook NY 10573 Reference for Submitter: 129678 A RF EF

Document Details

Control Number: **573423134** Document Type: **Deed (DED)**
Package ID: 2017120800091001001 Document Page Count: **3** Total Page Count: **4**

Parties

☐ Additional Parties on Continuation page

1st PARTY

2nd PARTY

1: CAMBARERI CARMELO - Individual 1: CAMBARERI FORTUNATO - Individual
2: CAMBARERI VINCENZA - Individual 2:

Property

☐ Additional Properties on Continuation page

Street Address: 52 W MAIN ST Tax Designation: 69.80-4-2
City/Town: MOUNT KISCO Village:

Cross- References

☐ Additional Cross-Refs on Continuation page

1: 2: 3: 4:

Supporting Documents

1: RP-5217 2: TP-584

Recording Fees

Statutory Recording Fee: \$40.00
Page Fee: \$20.00
Cross-Reference Fee: \$0.00
Mortgage Affidavit Filing Fee: \$0.00
RP-5217 Filing Fee: \$250.00
TP-584 Filing Fee: \$5.00
Total Recording Fees Paid: **\$315.00**

Transfer Taxes

Consideration: \$550,000.00
Transfer Tax: \$2,200.00
Mansion Tax: \$0.00
Transfer Tax Number: 9788

Mortgage Taxes

Document Date:
Mortgage Amount:

Basic: \$0.00
Westchester: \$0.00
Additional: \$0.00
MTA: \$0.00
Special: \$0.00
Yonkers: \$0.00
Total Mortgage Tax: **\$0.00**

Dwelling Type: Exempt: ☐
Serial #:



RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK

Recorded: 02/26/2018 at 11:13 AM
Control Number: **573423134**
Witness my hand and official seal

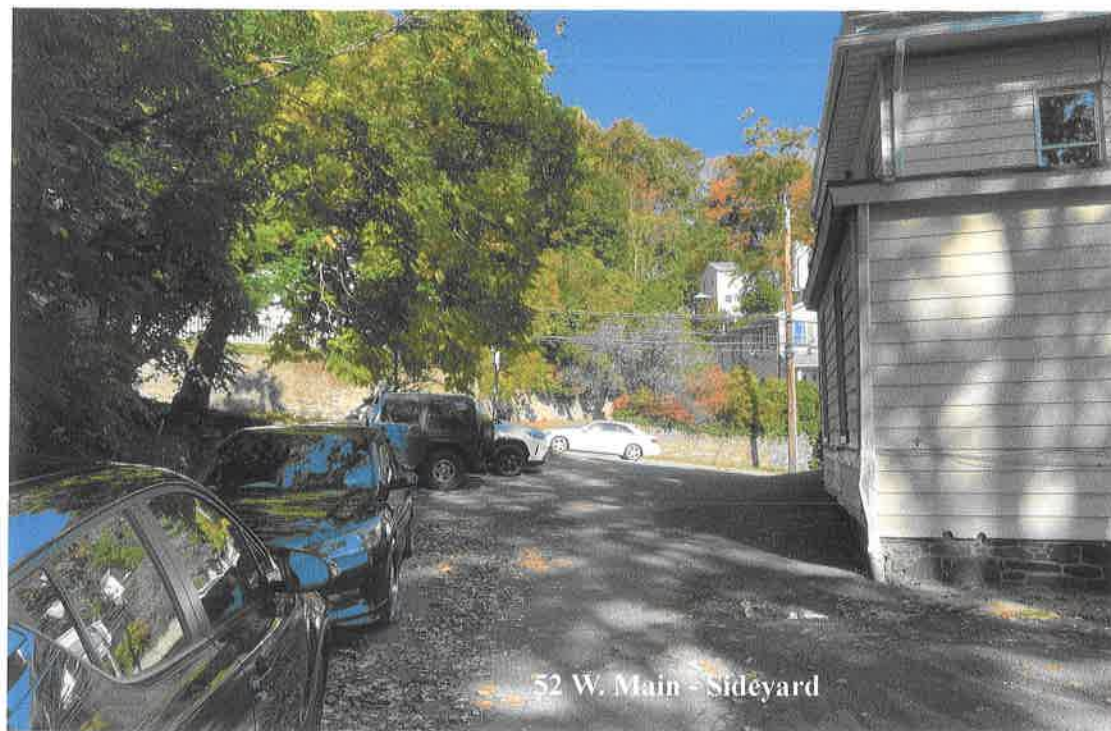
Timothy C. Idoni

Timothy C. Idoni
Westchester County Clerk

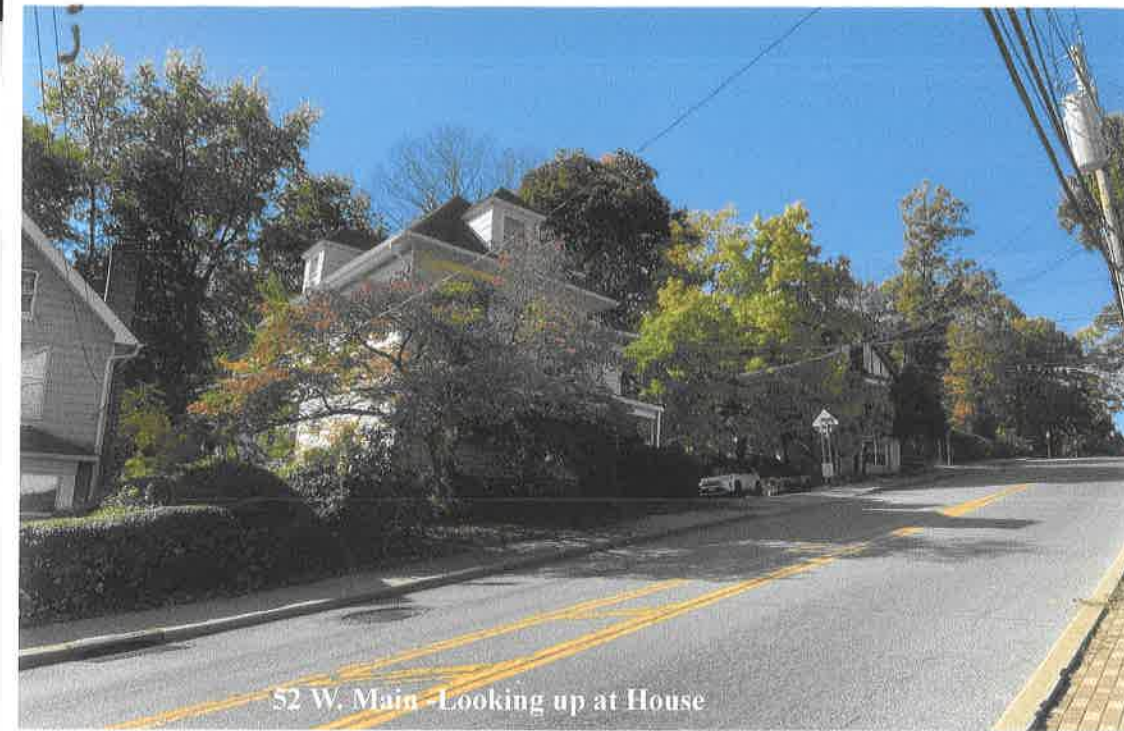
Record and Return To

☐ Pick-up at County Clerk's office

Judicial Title Insurance
800 Westchester Avenue
Suite 340
Rye Brook, NY 10573



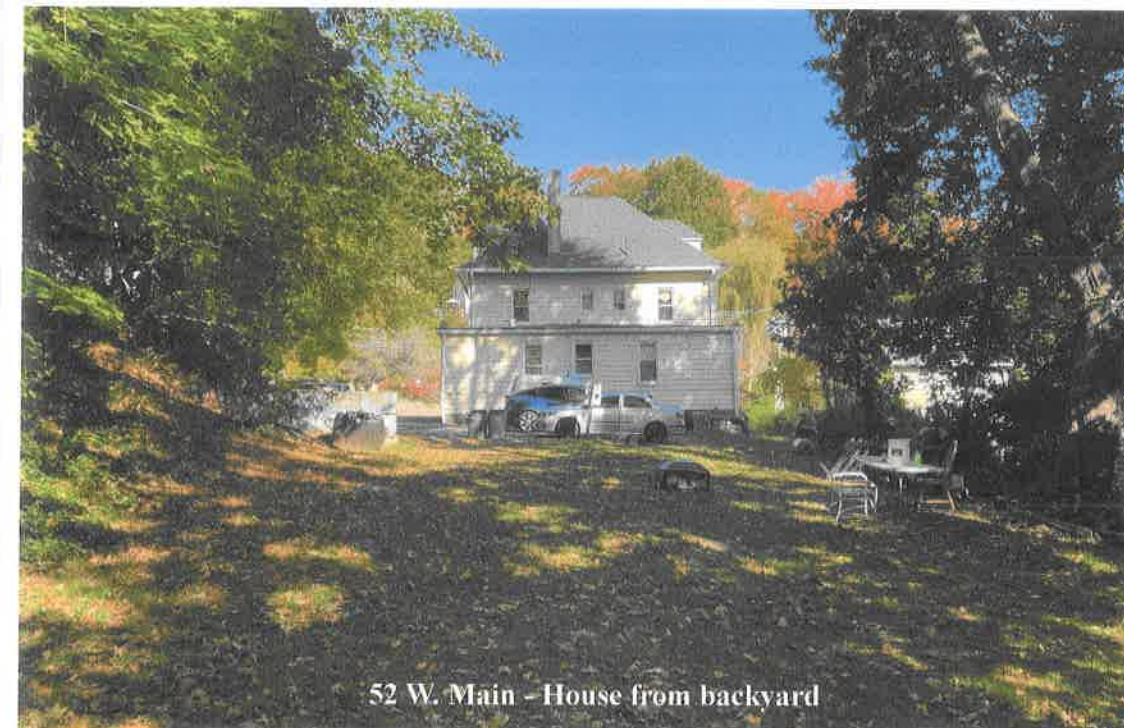
52 W. Main - Sideyard



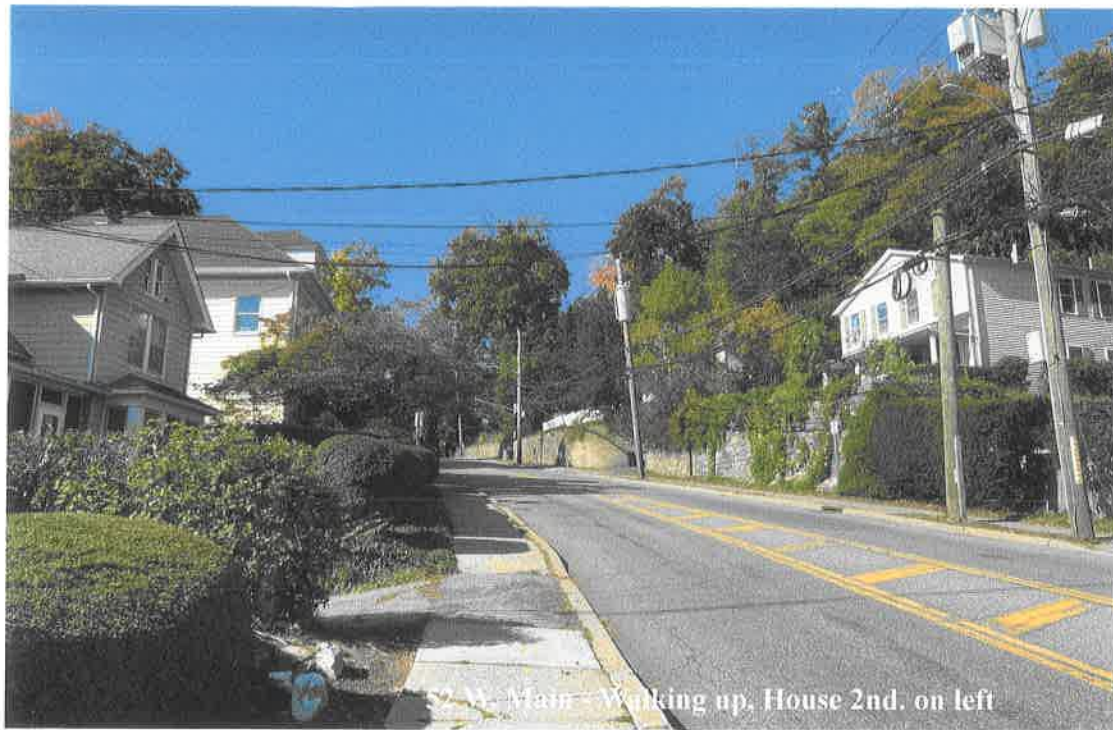
52 W. Main - Looking up at House



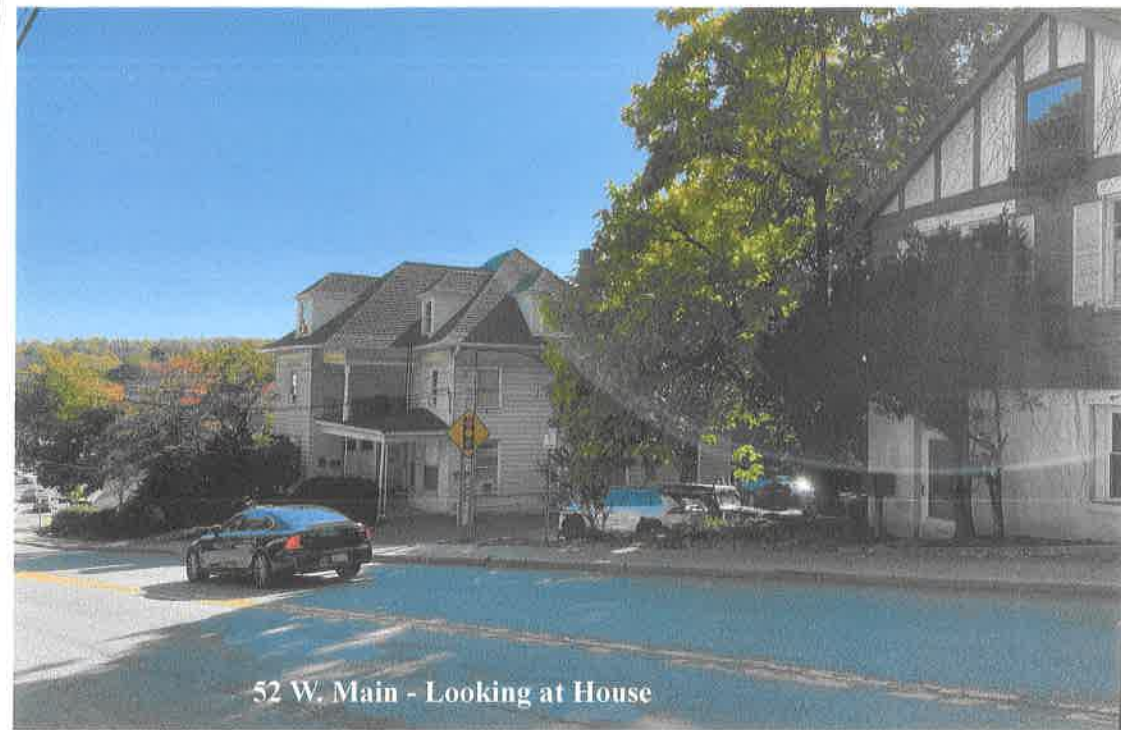
52 W. Main - looking at House



52 W. Main - House from backyard



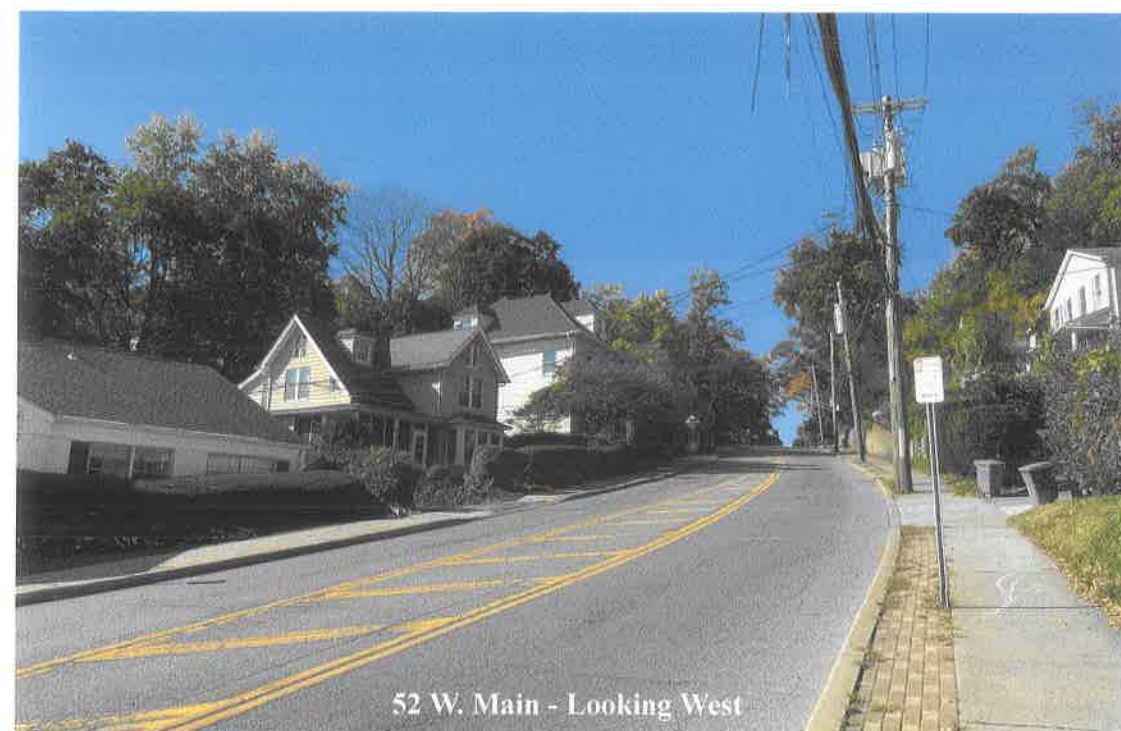
52 W. Main - Walking up, House 2nd. on left



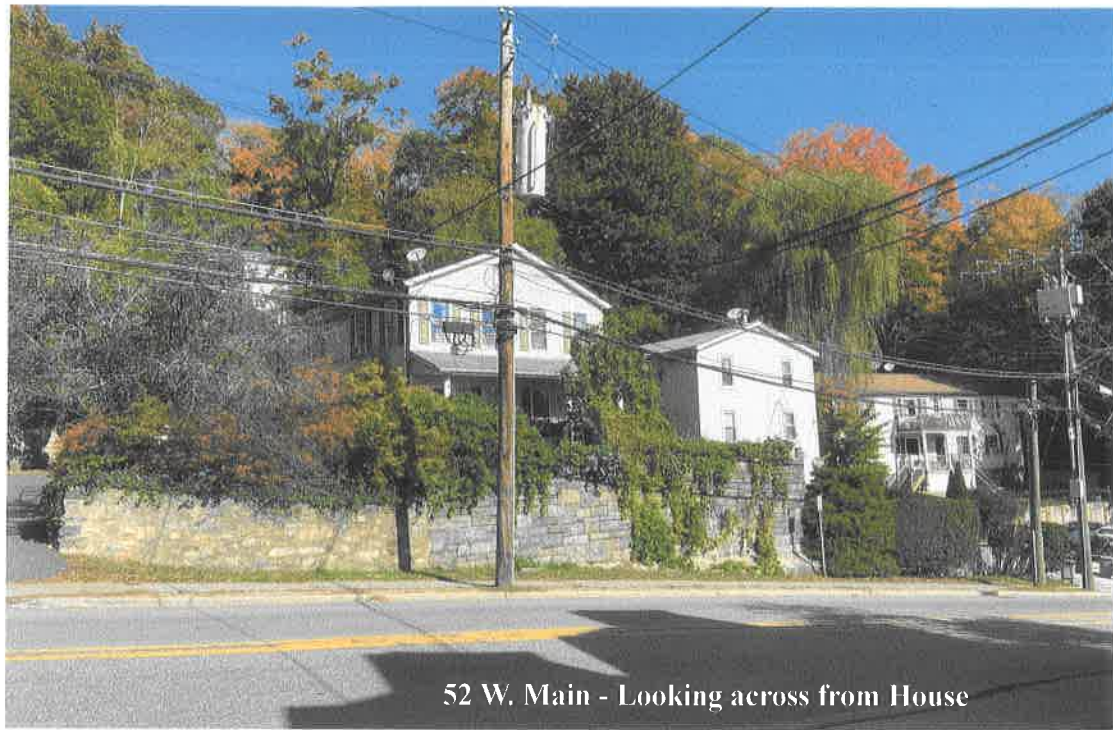
52 W. Main - Looking at House



52 W. Main - Across house looking East



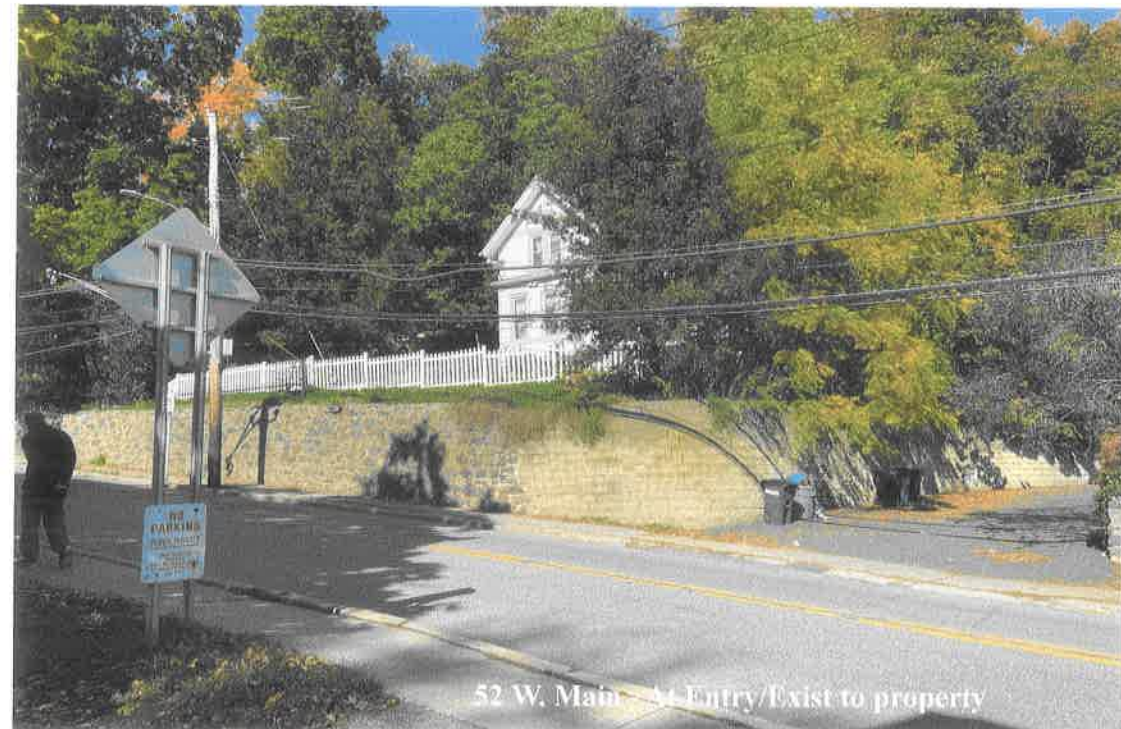
52 W. Main - Looking West



52 W. Main - Looking across from House



52 W. Main - Approaching Entry on right



52 W. Main - At Entry/Exist to property

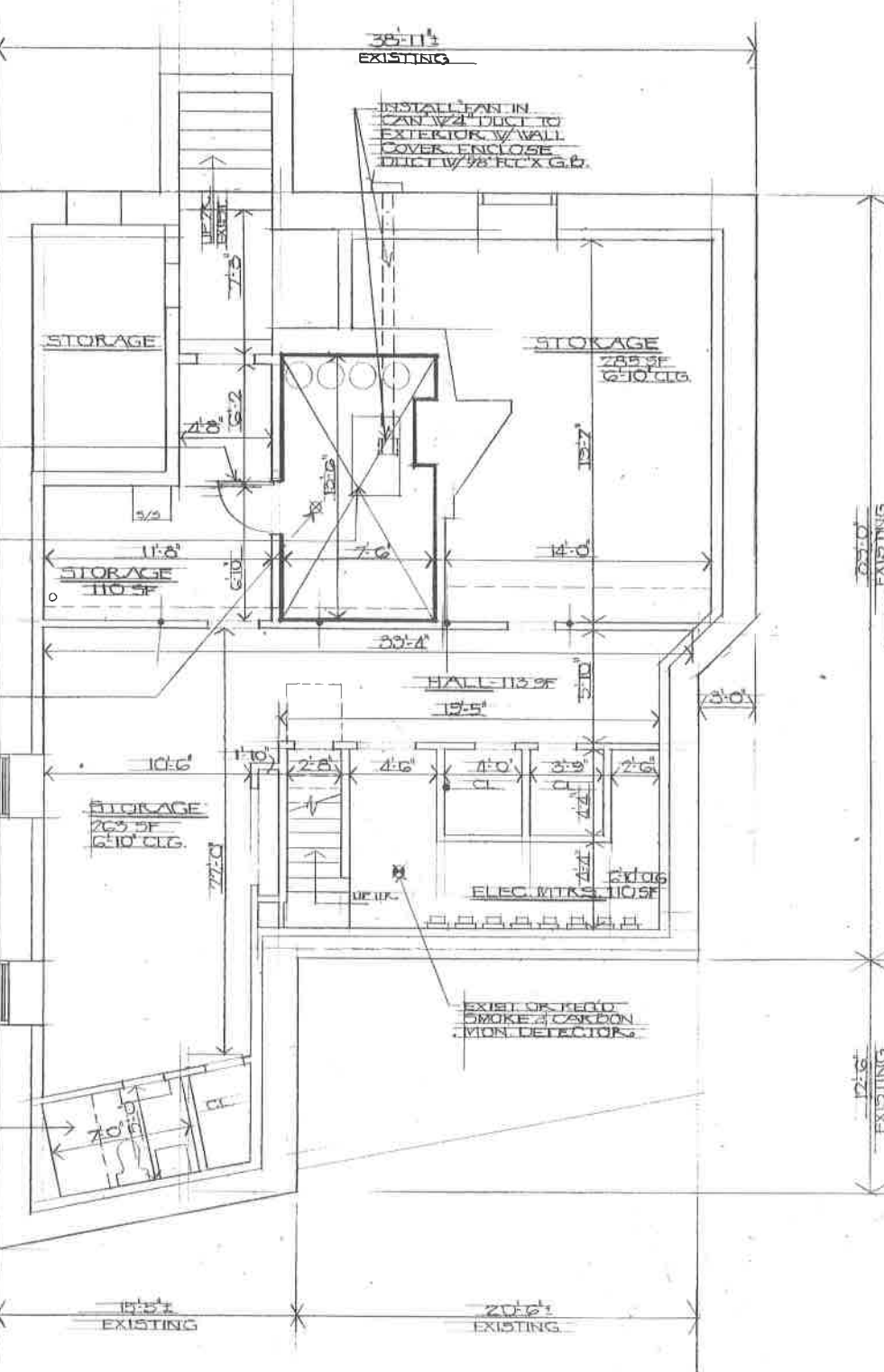
NEW G-LABEL
22x20" METAL
FRSC LOOK &
METAL FRAME

EXIST. BOILER R.M.
INSTALL 1/2" FCC X
GTF BOARD OVER
ALL WALLS & CEIL'G
COLUMNS STEEL
SUPPORTS, PIPING
PLASTER, ETC.
101 SF
6'10" CLG.

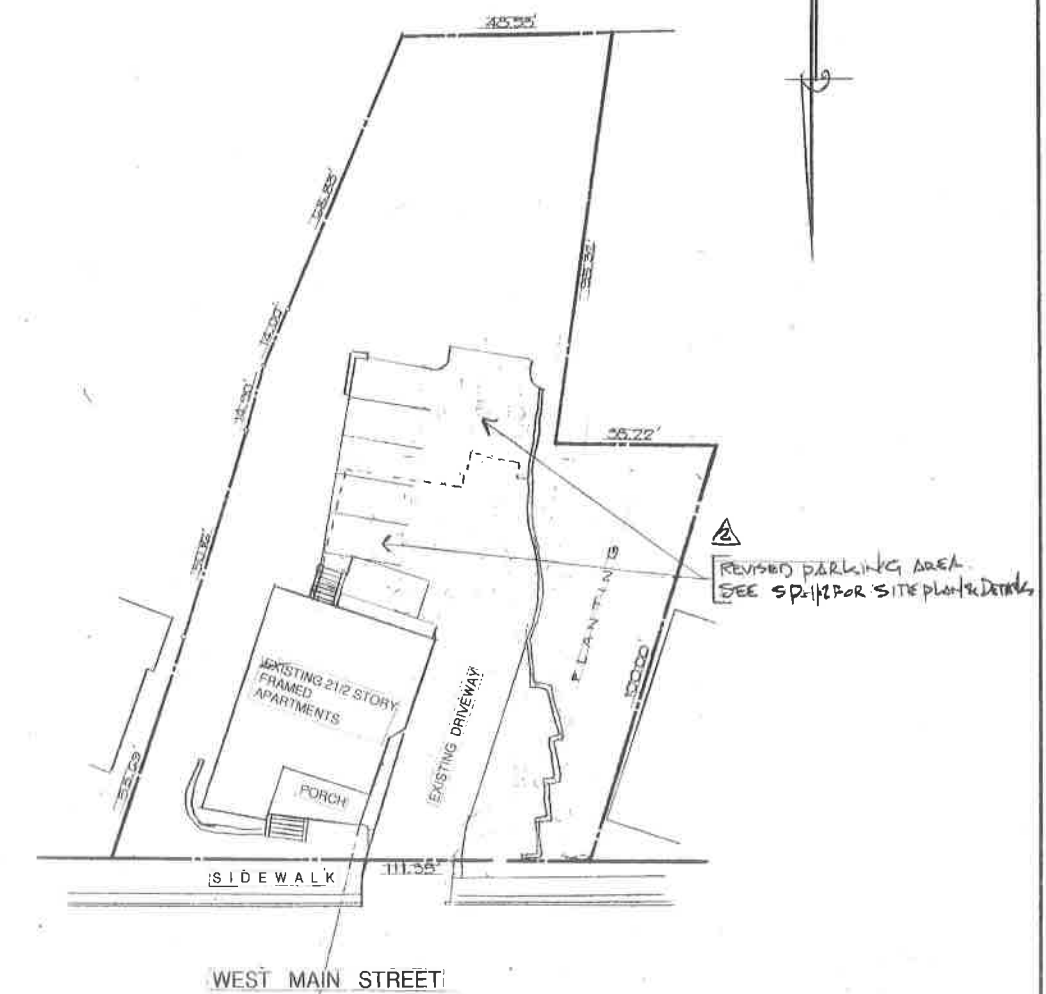
INSTALL HEAT
DETECTORS

EXIST. BATHRM
REMOVE EXIST.
1.1/2" PLATEFORM
PATCH FLOOR WALLS
& CLG. & PAINT
REPAIR PIPING &
CEILING AS
NEED

INSTALL FAN IN
CAN W/ DUCT TO
EXTERIOR WALL
COVER ENCLOSE
DUCT W/ 1/2" FCC X G.B.



BASEMENT FLOOR PLAN - EXISTING ⚠



SITE PLAN - EXISTING
SCALE: 1" = 20'-0"

SITE PLAN INFORMATION TAKEN FROM SURVEY PREPARED
BY FOWLER ENGINEERING CORP., F. FOWLER, N.Y. STATE
LICENSED SURVEYOR, DATED: JULY 26, 1965.

RECEIVED
OCT 24 2022

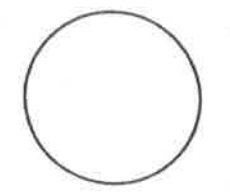
Zoning Board of Appeals
Village/Town of Mount Kisco

- ⚠ Symbol indicates revisions to Plans A1-A6 for items of information requested by the City of Mt. Kisco, Department of Buildings:
1. Stair detail (code compliance)
 2. Guards / railings (code compliance)
 3. Egress window schedule
 4. Dimensions & square footage
 5. Ceiling heights
 6. Light & ventilation calculations
 7. Parking spaces
 8. Code Compliance Note



Architecture

Roger van Loveren,
AIA, Architect
6 Spruce Pond Lane
Bedford, NY 10506
(914) 234-7823



Notes:

**ALTERATIONS TO
RESIDENCE OF:**
F. (NAT) CAMBARERI
52 W. MAIN STR.
MT. KISCO (RT 133), NY
(914) 774 - 4003

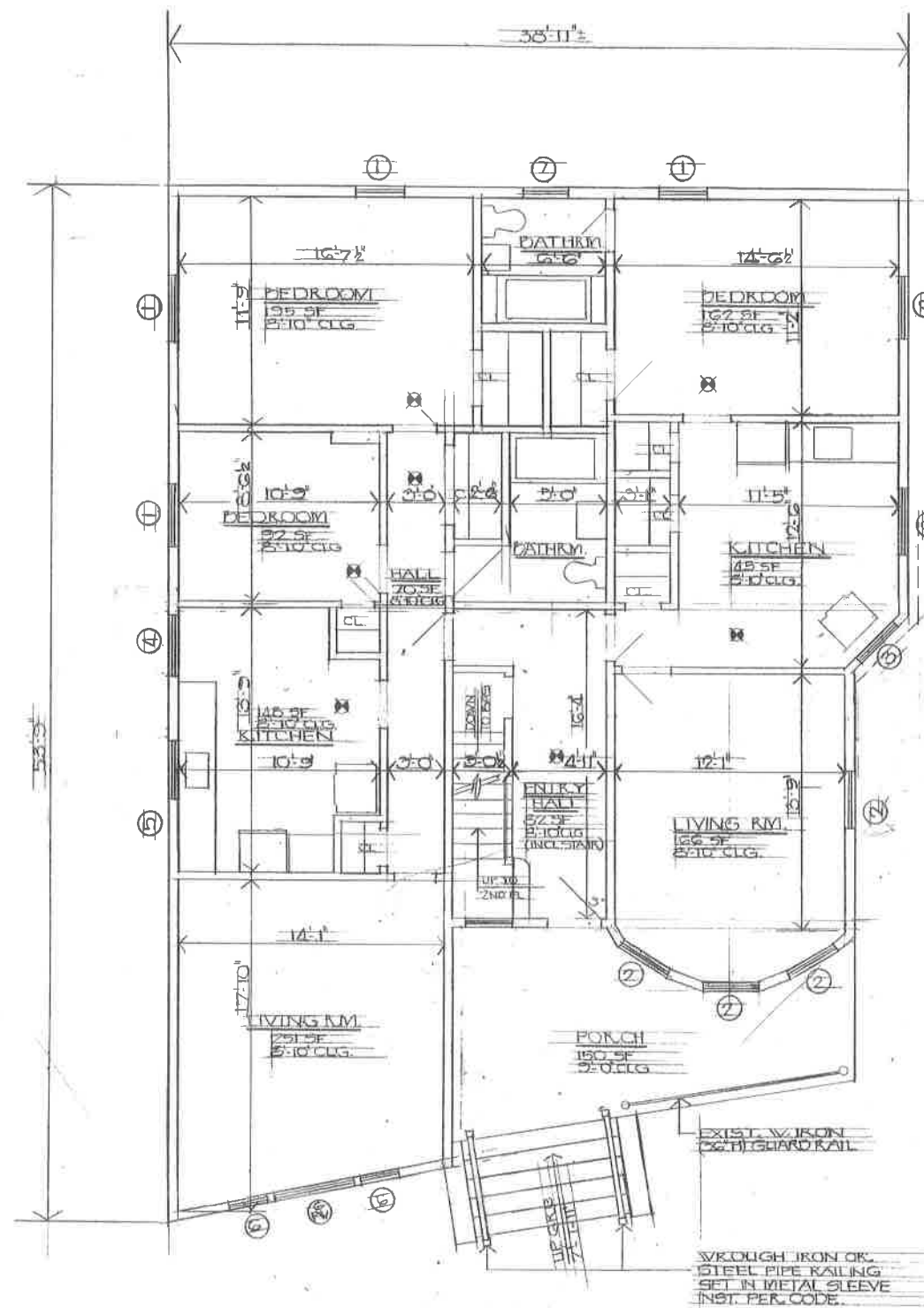
BASEMENT FL. PLAN

Drawing Title

Notes:

⚠	MAY 10, 19	
⚠	JUN 31-2020	
Tag	Description	Date
RVL		
Drawn by		
SCALE: 1/4" = 1'-0"		
Project Number		
Drawing Number		

A1



FIRST FLOOR PLAN - EXISTING

WINDOW SCHEDULE

WIN NUMBER	EXISTING WIN. SIZE	TYPE	GLASS AREA SQ. FT.	VENTILATING/EGRESS SQ. FT.	LOCATION
B1	31w x 35h	AW	5.8	1.2	Basement Window
1	31w x 62h	DH	9.70	5.37	
2	37w x 72h	DH	13.75	7.46	
3	30w x 72h	DH	10.70	5.70	
4	30w x 68h	DH	12.89	6.99	
5	36w x 36h	DH	5.62	3.03	KITCHEN WINDOW
6	24w x 65h	DH	7.37	4.21	
PW6	60w x 65h	PW	21.64	-0-	PICTURE WINDOW
7	30w x 61h	DH	8.28	4.62	
8	38w x 60h	DH	11.17	6.05	
9	24w x 36h	DH	4.21	2.39	Bathroom
10	36w x 48h	ICXW	8.1	7.7	2ND FL. 3rd floor-new casement

WINDOW OPENING @ SILL OF FIRST, SECOND AND THIRD FLOOR BEDROOMS SHALL NOT EXCEED 42" IN HEIGHT FROM FINISH FLOOR. WINDOW SILL OFG. FROM FINISH FLOOR SHALL BE NOT LESS THAN 18".

CONTRACTOR SHALL EXAMINE ALL EXISTING WINDOWS (ALL FLOORS) FOR FUNCTION AND OPERATION, CORRECT, REPAIR AND/OR REPLACE PARTS AS REQUIRED AND NECESSARY FOR SMOOTH OPERATION.

SHOWN THIS EXISTING AND/OR NEW SMOKE AND CARBON MONOXIDE DETECTORS, VERIFY QUANTITY, LOCATION AND FUNCTION, REPLACE UNSUITABLES PER CODE.

OWNER & OWNER'S CONTRACTOR
GENERAL NOTES & REQUIREMENTS:

- A. BUILDING CODE :
CODE COMPLIANCE : EXISTING BUILDING CODE OF NEW YORK BUILDING CODE OF 2010. STATE - 2010
- B. INSPECTIONS & APPROVALS:
All inspections & approvals from all agencies shall be obtained.
- C. PLAN, DETAILS & SPECIFICATION NOTES:
Plan notes & outline specification notes are complementary.
- D. CHANGES TO CONSTRUCTION DOCUMENTS:
No changes are permitted under law to plans for this project. Any field changes of whatever type of scope by the Owner & Contractor are at the sole risk & responsibility of the Owner & Contractor.
- WOOD CONSTRUCTION:
- All wood framing shall comply with the requirements of the State and Local Building Codes and with the "National Design Specification for Wood Construction" including supplements of the National Forest Forest Products Association.
 - Lumber for joists, studs and built-up members shall be Douglas Fir South No. 1 or equal.
 - All headers & trimmers shall be double members unless otherwise noted. Provide at least double studs at each side of opening in stud wall. Provide triple studs at wall intersections.

DEMOLITION REQUIREMENTS:

Remove existing walls, finish flooring, underlayment, cabinets, appliances, drywall, plaster, etc.

Coordinate all demolition and alteration required and necessary for removal of electric, HVAC, plumbing, gas, etc.

Verify all load bearing conditions prior to removal of walls and install necessary shoring and temporary walls.

Remove portions of existing sheetrock to expose and accommodate all load bearing partitions, posts and new framing (verify all load bearing conditions prior to demolition).

Provide plastic barriers between existing area and areas of new construction. Protect all adjacent areas to remain undisturbed.

In areas to be demolished, provide adequate structural support for adjacent areas to prevent settlement or shifting of existing walls, roof, etc.

Protect areas adjacent to demolition from damage and from natural elements.

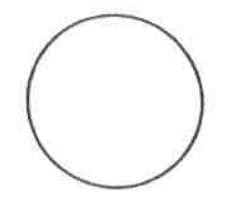
REQUIREMENTS FOR ALL CONTRACTORS & SUB-CONTRACTORS:

- Certificate of Contractor's Liability Insurance shall be filed with Owner.
 - Certificate of Subcontractor's Liability Insurance shall be filed with Owner.
 - All Contractor's shall carry insurance as follows:
 - Workmen's Compensation as required by law
 - Public Liability including automotive in the amount of not less than \$1,000,000. for one occurrence
 - Property damage including automotive in the amount of not less than \$1,000,000.
 - Umbrella coverage of not less than \$1,000,000.
 - Disability
- Any listing of items of operations to be performed shall not be construed to be complete in itself and shall not limit the general requirement to furnish and install all necessary work required to complete the Contract.
- All work related to materials shall consist of complete systems, furnished and installed in strict accordance with the printed recommendation of the manufacturer. All materials in the systems shall be provided by a single manufacturer.
- Contractor to provide portable toilet, maintain in clean and sanitary condition. Location to be reviewed on site with Owner.
- Dumpster location to be reviewed on site with Owner and is to comply with local ordinances.



Architecture

Roger van Loveren,
ATA, Architect
6 Spruce Pond Lane
Bedford, NY 10506
(914) 234-7823



Notes:

ALTERATIONS TO
RESIDENCE OF:
F. (NAT) CAMBARERI
52 W. MAIN STR.
MT. KISCO (RT 133), NY
(914) 774 - 4003

FIRST FLOOR PLAN

Drawing Title
Notes:

△	MAY 10, 19	
△	NOV 26, 19	
Tag	Description	Date
RvL		
Drawn by		
SCALE: 1/4" = 1'-0"		
Project Number		
Drawing Number		

A2



(914) 234-7823



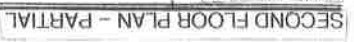
(914) 774-4003

Notes:

[illegible]

SECTION 'A-A'

SECTION 'B' - 'B'

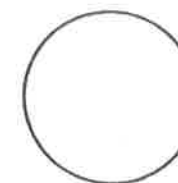


STAIR TREADS, TOP RAILS, NEWELS AND FIN. PLATFORMS SHALL BE OAK
OR PINE AS SELECTED BY OWNER.
STAIR BALUSTERS SHALL BE PINE 1 1/4" X 1 1/4" MAX. 4" O.C.



Architecture

Roger van Loveren,
AIA, Architect
6 Spruce Pond Lane
Bedford, NY 10506
(914) 234-7823



Notes:

ALTERATIONS TO
RESIDENCE OF:

F. (NAT) CAMBARERI

52 W. MAIN STR.
MT. KISCO (RT 133), NY

(914) 774 - 4003

THIRD FLOOR PLAN

Drawing Title

Notes:

MAY 10, 19

NOV. 26, 19

Tag Description Date

RvL

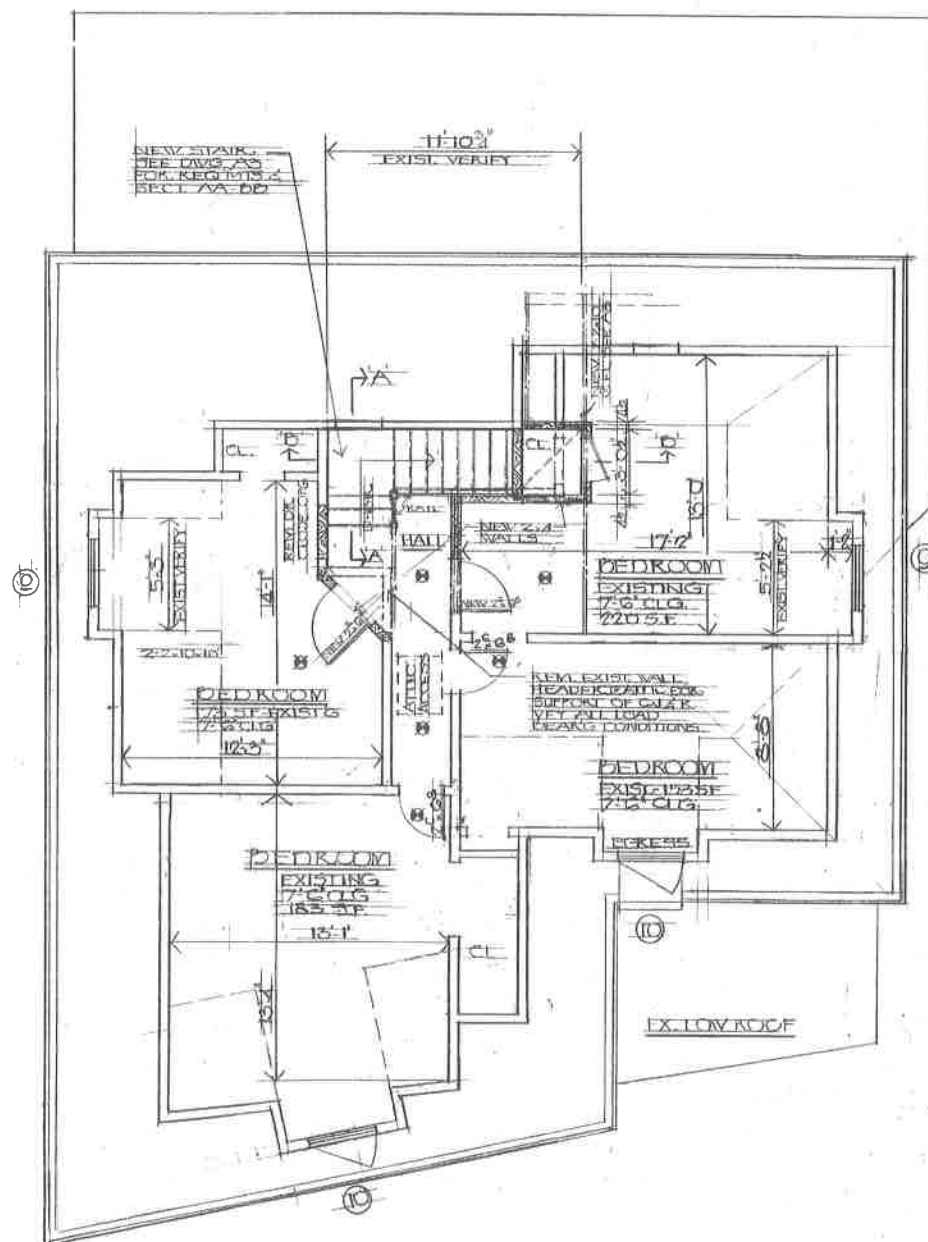
Drawn by

SCALE: 1/4" = 1'-0"

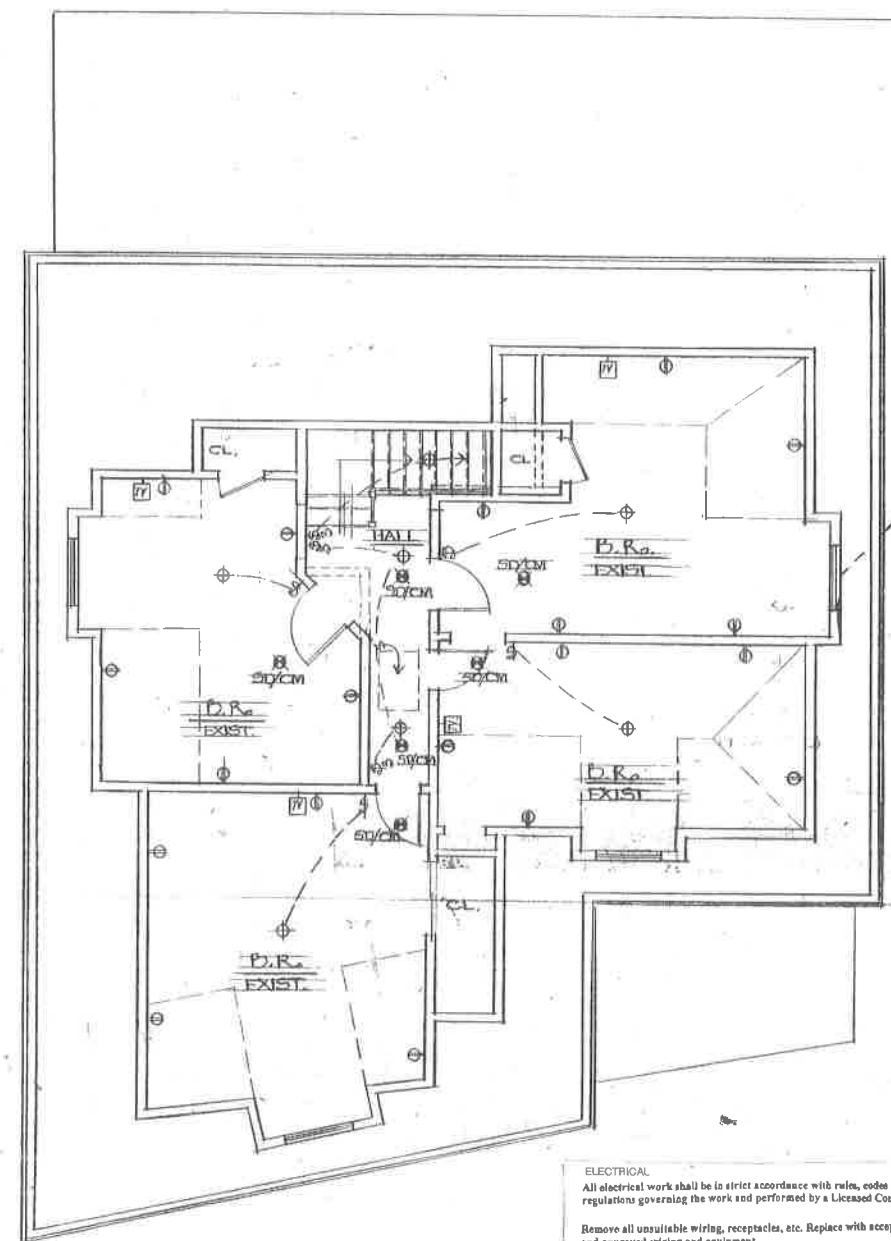
Project Number

A4

Drawing Number



EXISTING THIRD
FLOOR PLAN
ALTERATIONS FOR
NEW STAIR ONLY



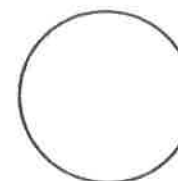
PROPOSED THIRD
FLOOR ELECTRIC PLAN

ELECTRICAL
All electrical work shall be in strict accordance with rules, codes and regulations governing the work and performed by a Licensed Contractor.
Remove all unsuitable wiring, receptacles, etc. Replace with acceptable and approved wiring and equipment.
All work and materials shall comply with all rules, codes, regulations and standards for Plumbing, Heating, Air-Conditioning, Gas and performed by Licensed Contractors.
Relocate as necessary all existing plumbing piping, etc., wire, wiring, electrical wiring, switches, receptacles, etc. disturbed by the alteration and required to relocate.
Where installing electrical boxes, equipment, electrical finish plates, etc. be sure to show all finish wood trim, casing, etc.



Architecture

Roger van Loveren,
AIA, Architect
6 Spruce Pond Lane
Bedford, NY 10506
(914) 234-7823



Notes:

ALTERATIONS TO RESIDENCE OF:

F. (NAT) CAMBARERI

52 W. MAIN STR.
MT. KISCO (RT 133), NY

(914) 774 - 4003

NORTH ELEVATION & WEST ELEVATION

Drawing Title

Notes:

1	MAY 10, 19	
2	NOV 26, 19	

Tag	Description	Date
-----	-------------	------

RvL
Drawn by

SCALE: 1/4" = 1'-0"

Project Number

A5

Drawing Number



WEST ELEVATION

NORTH ELEVATION

	MAY 10, 19	
	NOV 26, 19	
Tag	Description	Date
RVL.		A6
Drawn by		
SCALE: 1/4" = 1'-0"		
Project Number	Drawing Number	

EAST ELEVATION  



Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

October 25, 2022

Chairman Wayne Spector and
Members of the Zoning Board of Appeals
c/o Ms. Michelle Russo
Zoning Board of Appeals Secretary
Village of Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

RE: JMC Project 18118
The Park 333 (ShopRite Expansion)
333 North Bedford Road
Town/Village of Mount Kisco, NY

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

We represent Diamond Properties in making an application for certain improvements to their commercial center located at The Park 333 at 333 North Bedford Road (NBR) in the Town/Village of Mount Kisco, New York. In accordance with the Town/Village protocol, we applied for several site variances & sign variances from the Village/Town Zoning Code which were received. Since receiving the variances, the applicant and design team have been working on construction drawings and obtaining approvals from outside agencies. The site variances were approved by ZBA Decision 20-06, dated December 18, 2020. These variances expired on September 21, 2022. We are requesting reapproval for these same variances. The ZBA also approved sign variances by ZBA Decision 21-09 and 21-10, dated December 21, 2021 which are set to expire on November 23, 2022. We are requesting an extension on the sign variances.

The project received Final Site Plan Approval on January 12, 2021 and the Mount Kisco Planning Board Resolution was adopted on March 4, 2021. An extension was filed on May 16, 2022 and approved at the May 24th Planning Board meeting. The extension was approved for 12 months to July 13, 2023 for the site plan, steep slopes, special use permit, change of use, (omitting the subdivision).

Accordingly, we are pleased to submit ten (10) copies of the following referenced documents for Zoning Board of Appeals review:

1. Village of Mount Kisco Zoning Board of Appeals Application, representing DP 21, LLC (333 NBR), signed and dated October 24, 2022.

2. Village of Mount Kisco Zoning Board of Appeals Application, representing DP 62, LLC (309 NBR), signed and dated October 24, 2022.
3. Village of Mount Kisco Zoning Board of Appeals Application, representing Philar Realty Co., LLC (383 NBR), signed and dated October 24, 2022.
4. Diamond Properties Check to the Town/Village of Mount Kisco for the Zoning Board of Appeals Application fee in the amount of \$750.00.
5. Five Balancing Factors, revised October 25, 2022.
6. Copy of the original approving ZBA Decision 20-06, dated December 18, 2020.
7. Copy of the original approving ZBA Decision 21-09, dated December 21, 2021.
8. Copy of the original approving ZBA Decision 21-10, dated December 21, 2021.
9. JMC Variance List and Figures highlighting the nine (9) variances approved by the ZBA via ZBA Decision 20-06.
10. Diamond Properties Letters to the ZBA, dated April 22, 2021 (Original submission letters for sign variances for 333 NBR and 383 NBR)
11. JMC Drawing List (2 full size and 8 half scale):

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Revision</u>
C-000	"Cover Sheet"	12/21/2020
C-010	"Overall Existing Conditions Plan"	12/21/2020
C-100	"Overall Layout Plan"	12/21/2020
C-110	"Layout Plan"	12/21/2020
C-120	"Layout Plan"	12/21/2020
C-130	"Layout Plan"	12/21/2020
C-140	"Layout Plan"	12/21/2020

We trust that the enclosed documents are sufficient for the Zoning Board of Appeals review and look forward to discussing the project at the next available meeting. If you have any questions or require additional information, please do not hesitate to contact our office at (914) 273-5225.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying PLLC



Stephen Spina, PE
Senior Project Manager

cc: Mr. Jay Black
Mr. Jim Diamond
Mr. Guillermo Rivas
Neil Alexander, Esq.
Mr. Michael Gallin, AIA, LEED AP
Mr. Richard Skriloff

p:\2018\18118\admin\ltzoning board 10-25-2022.docx

Date: _____

Case No.: _____

Fee: **\$750.00** _____

Date Filed: _____

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

**Zoning Board of Appeals
Application**

Appellant: **DP 21, LLC**

Address: **333 North Bedford Road, Suite 145, Mount Kisco, NY 10549**

Address of subject property (if different): **333 North Bedford Road, Mount Kisco, NY 10549**

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

Property owner (if different): **Same as above**

Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, **Peter Miley Memorandum to the Planning Board** dated **09/06/2019**. Application is hereby made for the following:

☒ Variation **or** _____ Interpretation of Section **See attached list** of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance of **Refer to list of required variances in cover letter, project narrative and memo from Village Building Inspector**

_____ in accordance with plans filed on (date) **12/21/2020**

for Property ID # **See below** located in the **ML & CL** Zoning District.

The subject premises is situated on the **west** side of (street) **North 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

Mount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.51, Block 1, Lot 3) and (Section 69.43, Block 1, Lots 2 & 3) and Bedford (Section 71.12, Block 2, Lot 36)

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? No in connection with a X Proposed or X Existing building; erected (yr.) _____

Size of Lot: **333 NBR: 1,964.5** **333 NBR: 1,124.3** **333 NBR: 37.70**
309 NBR: 71 feet wide **309 NBR: 203** feet deep Area **309 NBR: 0.42**
383 NBR: 125 **383 NBR: 120** **383 NBR: 0.58**

Size of Building: at street level **333 NBR: 1,240** **333 NBR: 595**
309 NBR: 65 feet wide **309 NBR: 65** feet deep

Height of building: See below Present use of building: **Grocery store/Retail/Family Recreation/**
Auto Storage/Warehouse/Office
Top of ShopRite sign wall 35'-0", top of main building 27'-3"

309 NBR is 16' tall on the east side and 31'-4" on the west side, 383 NBR is 21'

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? No If so, please identify and explain:

Local Law 5-2018 adopted 07/16/2018. Grocery store requires a Special Use Permit in the ML District. The maximum building area is 75,000 s.f.

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? No

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on _____ upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

* Optional - As Needed

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

(Appellant to sign here)

Sworn to before me this day of: OCTOBER 24, 20 22

Notary Public, _____, County, NY

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

2025c.r.

[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)

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

 $\}SS.:$

COUNTY OF WESTCHESTER

}

Stephen Spina

Stephen Spind being duly sworn, deposes and says:

I reside at **JMC, PLLC 120 Bedford Road, Armonk, NY 10504**

On July 6, 2020 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

_____ day of _____ 20____

(Notary Public)

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 21st day of July 2020 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of **DP 21, LLC**

(Name of Applicant)
333 North Bedford Road, Suite 145, Mount Kisco, NY 10549

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated 09/06/2019
(Date of Denial Letter)
denying the application dated to permit the items on the attached list
(Proposed Work)

The property involved is known as **The Park 333 (333 North Bedford Road, Mount Kisco, NY 10549)**

(Address of Property)

and described on the Village Tax Map as Section _____ Block _____ Lot _____
Mount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.51, Block 1, Lot 3) and (Section 69.43, Block 1, Lots 2 & 3) and Bedford (Section 71.12, Block 2, Lot 36)
and is located on the west side of North Bedford Road in a
east/west/n/s (Street Name)

ML & CL Zoning District. Said Appeal is being made to obtain a
variance from Section(s) refer to the attached list of the
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires refer to the attached list

Harold Boxer, Chair
Zoning Board of Appeals
Village/Town of Mount Kisco

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).

Date: _____

Case No.: _____

Fee: **\$750.00**

Date Filed: _____

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

Zoning Board of Appeals
Application

Appellant: **DP 62, LLC**

Address: **333 North Bedford Road, Suite 145, Mount Kisco, NY 10549**

Address of subject property (if different): **309 North Bedford Road, Mount Kisco, NY 10549**

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

Property owner (if different): **Same as above**

Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, **Peter Miley Memorandum to the Planning Board** dated **09/06/2019**. Application is hereby made for the following:

☒ Variation or _____ Interpretation of Section **See attached list** of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance of **Refer to list of required variances in cover letter, project narrative and memo from Village Building Inspector**

_____ in accordance with plans filed on (date) **12/21/2020** for Property ID # **See below** located in the **ML & CL** Zoning District.

The subject premises is situated on the **west** side of (street) **North 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

Mount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.51, Block 1, Lot 3) and (Section 69.43, Block 1, Lots 2 & 3) and Bedford (Section 71.12, Block 2, Lot 36)

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? No in connection with a

X Proposed or X Existing building; erected (yr.) _____

Size of Lot: ~~333 NBR: 1,964.5~~ ~~309 NBR: 71~~ feet wide ~~333 NBR: 1,124.3~~ ~~309 NBR: 203~~ feet deep Area ~~333 NBR: 37.70~~ ~~309 NBR: 0.42~~
~~383 NBR: 125~~ ~~383 NBR: 120~~ ~~383 NBR: 0.58~~

Size of Building: at street level ~~333 NBR: 1,240~~ ~~309 NBR: 65~~ feet wide ~~333 NBR: 595~~ ~~309 NBR: 65~~ feet deep
~~383 NBR: 135~~ ~~383 NBR: 45~~

Height of building: See below Present use of building: Grocery store/Retail/Family Recreation/
Auto Storage/Warehouse/Office

Top of ShopRite sign wall 35'-0", top of main building 27'-3"

309 NBR is 16' tall on the east side and 31'-4" on the west side, 383 NBR is 21'

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? No If so, please identify and explain:

Local Law 5-2018 adopted 07/16/2018. Grocery store requires a Special Use Permit in the ML District. The maximum building area is 75,000 s.f.

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? No

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on _____ upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

*** Optional - As Needed**

(Appellant to sign here)

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

Notary Public, [Signature], County, NY

2025cr

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.

ZBA Application

Date: _____

Case No.: _____

Fee: **\$750.00** _____

Date Filed: _____

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

**Zoning Board of Appeals
Application**

Appellant: **PHILAR REALTY CO., LLC**

Address: **116 Woodridge Road, Mount Kisco, NY 10549**

Address of subject property (if different): **383 North Bedford Road, Mount Kisco, NY 10549**

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

Property owner (if different): **Same as above**

Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken from the decision of the Building Inspector, **Peter Miley Memorandum to the Planning Board** dated **09/06/2019**. Application is hereby made for the following:

☒ Variation or _____ Interpretation of Section **See attached list** of the Code of the Village/Town of Mount Kisco,

to permit the: _____ Erection; ☒ Alteration; _____ Conversion; _____ Maintenance of **Refer to list of required variances in cover letter, project narrative and memo from Village Building Inspector**

_____ in accordance with plans filed on (date) **12/21/2020** for Property ID # **See below** located in the **ML & CL** Zoning District. The subject premises is situated on the **west** side of (street) **North 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

Mount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.51, Block 1, Lot 3) and (Section 69.43, Block 1, Lots 2 & 3) and Bedford (Section 71.12, Block 2, Lot 36)

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? No in connection with a

X Proposed or X Existing building; erected (yr.) _____

Size of Lot: **333 NBR: 1,964.5** **333 NBR: 1,124.3** **333 NBR: 37.70**
309 NBR: 71 feet wide **309 NBR: 203** feet deep Area **309 NBR: 0.42**
383 NBR: 125 **383 NBR: 120** **383 NBR: 0.58**

Size of Building: at street level **333 NBR: 1,240** **333 NBR: 595**
309 NBR: 65 feet wide **309 NBR: 65** feet deep

Height of building: See below Present use of building: **Grocery store/Retail/Family Recreation/**
Auto Storage/Warehouse/Office
Top of ShopRite sign wall 35'-0", top of main building 27'-3"

309 NBR is 16' tall on the east side and 31'-4" on the west side, 383 NBR is 21'

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? No If so, please identify and explain:

Local Law 5-2018 adopted 07/16/2018. Grocery store requires a Special Use Permit in the ML District. The maximum building area is 75,000 s.f.

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? No

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on _____ upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

NOTE: APPLICANT MUST CAUSE A TRUE COPY OF THE PUBLIC NOTICE TO BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE VILLAGE AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING.

- i) A true copy of the filed deed and/or signed lease or contract for the use of the subject property.
- *j) At least two sets of unmounted photographs, 4" by 6" in size, showing actual conditions on both sides of street, between intersecting streets. Print street names and mark premises in question.
- *k) A floor plan of the subject building with all the necessary measurements.
- *l) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

*** Optional - As Needed**

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

(Appellant to sign here)

Sworn to before me this day of: OCTOBER 24, 20 22

Notary Public, [Signature], County, NY

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

2025 car

[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 116 Woodbridge Rd
Mount Kisco NY 10549 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 383 N. Bedford Rd.
Mount Kisco NY and that he hereby authorized Jay Black to make
the annexed application in his behalf and that the statements contained in said application
are true.

[Signature]
(sign here)



RECEIVED

OCT 25 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

Site Planning
Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

Area Variance Five Balancing Factors

Dated October 25, 2022

JMC Project 18118

The Park 333 (Shop Rite Expansion)

Town Law Section 267-b(3) and Village Law, Section 7-712(b)(3) establish the required balance test that the Local Board of Appeals must consider in making decisions on any requested area variances of local zoning code. The provisions below set forth five factors for the Board to consider in balancing these interests and the applicant's position on each.

I. Whether an undesirable change will be produced in the character of the neighborhood or whether a detriment to nearby properties will be created by the granting of the variance.

The property is currently developed as several different commercial, warehouse/office, family recreational, etc. uses within the Village of Mount Kisco ML (Light Manufacturing) District, Village of Mount Kisco CL (Limited Commercial) District and Town of Bedford LI (Light Industrial) District, where such uses are permitted. A ShopRite grocery store is proposed to occupy current warehouse/office space within the existing building. As part of ShopRite, an enclosed vestibule and bottle recycling area are proposed additions to the existing building footprint. A grocery store requires a Special Use Permit in the ML District according to Local Law 5-2018 adopted 07/16/2018. The size of the grocery store is slightly above what was planned when the zoning code was amended to allow grocery stores up to a maximum building area of 75,000 s.f., where 85,652 s.f. is proposed. This is due to some of the space being occupied by internal loading areas which increases the interior area of the store. The existing building is approximately 2 feet above the adjacent parking lot elevation which also requires a long ramp for access. Therefore a vestibule addition is proposed to provide the ramp and also storage of shopping carts.

The site fronts on North Bedford Road (NBR). The area adjacent to North Bedford Road is commercial in nature. Residential uses exist to the east behind the commercial properties along the east side of NBR.

The project proposes to improve the two existing access driveways along NBR/ NY 117 to align with the existing driveways on the opposite side of the roadway. The southern site access intersects NBR at an offset signalized intersection with Park Drive. The northern site access provides right-in/right-out turning movements and is located north of the NBR and Foxwood Circle signalized intersection. As part of the proposed redevelopment, the Applicant proposes significant traffic improvements by realigning both site accesses. The southern site access is proposed to align opposite Park Drive so the intersection would operate as a conventional four-way signalized intersection instead of the existing offset

signalized intersection. The northern site access is proposed to be realigned opposite Foxwood Circle to operate as a four-way signalized intersection.

Due to the realignment of the site accesses, there are building modifications on adjacent properties. At the 309 North Bedford Road property, a portion of the existing building is proposed to be removed to have a total remaining building area of 5,698 square feet. At the 383 North Bedford Road property, the existing 7,836 square foot building is proposed to be demolished and a new 5,450 square foot retail building is proposed to be constructed.

The granting of the variances will be in character with the commercial uses along the corridor of NY 117/NBR. The project will not produce a change in the character of the neighborhood, nor be a detriment to the commercial neighborhood. The proposed modifications to the existing buildings will result in exterior and interior improvements both functionally and aesthetically.

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

The proposed project design results in modest development coverages above the requirement for 333 NBR and 383 NBR, resulting in the need for variances. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Kisco and Bedford) is 69.5% which meets the code but when looking at only the 333 NBR lot in the ML district, the proposed development coverage 72.3% which is just above the 70% requirement for the area variance. The proposed lot still does not meet the parking requirement and would need a further reduction in parking without the variance.

Although the 383 NBR lot requires a development coverage area variance, the development coverage on the lot is proposed to decrease significantly from 96.5% to 86.4% which is just above the 80% requirement. The proposed lot just meets the parking requirement and could not without the variance.

It should be noted that the 309 NBR lot is also proposed to decrease significantly from 91.6% to 79% which is below the 80% requirement.

These benefits cannot be achieved by some feasible method other than a variance.

3. Whether the requested variance is substantial.

As described above, the development coverage area variances for 333 NBR and 383 NBR are not substantial, and provide the benefit of as much parking as possible for the tenants and their customers.

The size of the grocery store is slightly above what was planned when the zoning code was amended to allow grocery stores up to a maximum building area of 75,000 s.f., where 85,652 s.f. is proposed. This is due to some of the space being occupied by internal loading areas, mezzanine, vestibule, ramps, etc. which increases the interior area of the store. The

variance of 10,652 sf is approximately 12.4% over that permitted, but because of the internal loading areas, mezzanine, vestibule, ramps, etc.

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

The center is already developed, and many of the variances are existing non-conforming conditions that are either remaining or being lessened but still would require a variance. The development coverage area variances for 333 NBR and 383 NBR are not substantial, and provide the benefit of as much parking as possible for the tenants and their customers. As previously mentioned, the 383 NBR lot development coverage is proposed to decrease significantly from 96.5% to 86.4% and the 309 NBR lot is proposed to decrease significantly from 91.6% to 79%.

The project results in an increase of approximately 1.25 acres of impervious area. The existing lots currently do not contain any drainage treatment or retention/detention measures.

The stormwater runoff along NY 117 currently drains into the property if it is not collected by the State's drainage system. Under proposed conditions, the redevelopment will not alter the existing drainage patterns and the stormwater runoff will continue to drain away from NY 117 into the property if it is not collected by the State's drainage system. The proposed on-site drainage improvements include a variety of stormwater practices, such as a porous pavement, tree planting areas, vegetated swales, underground infiltration systems, an underground detention system and filtration structures. The vegetated practices and overland discharges provide multiple opportunities for water quality enhancement and infiltration. The proposed stormwater improvements will result in significant reductions of peak rates of runoff for all storms and design points analyzed. The proposed improvements will provide water quantity and quality enhancements which exceed the pertinent regulations and are not anticipated to have any adverse impacts to the site or any surrounding areas. Therefore, granting a variances for the development coverage will have no 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).

The commercial uses on the lots already exist. Several requested variances are existing non-conforming conditions that are either remaining or being lessened but still would require a variance. Although the grocery store building area and the development coverage area variances are self-created, the impact of granting the requested variances is minimal based upon those factors previously stated.

Summary

The requested variances are primarily resulting from the need to redevelop the front lots (309 and 383 NBR) to accommodate the driveway realignment which will in turn help the traffic conditions

entering/exiting the project site lots as well as the traffic along the NY 117 corridor. The conversion of warehouse space to a grocery store results in the need for increased parking. The variances sought for this project are not substantial and will not result in adverse effects or impacts on the adjacent or surrounding properties.

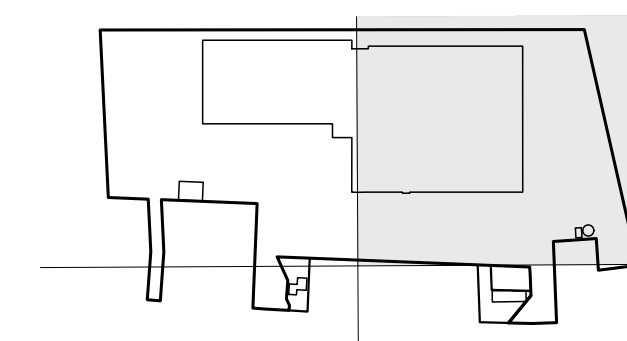
p:\2018\18118\admin\18118 zba variance balancing factors 06-30-2020.docx

HARLEM DIVISION

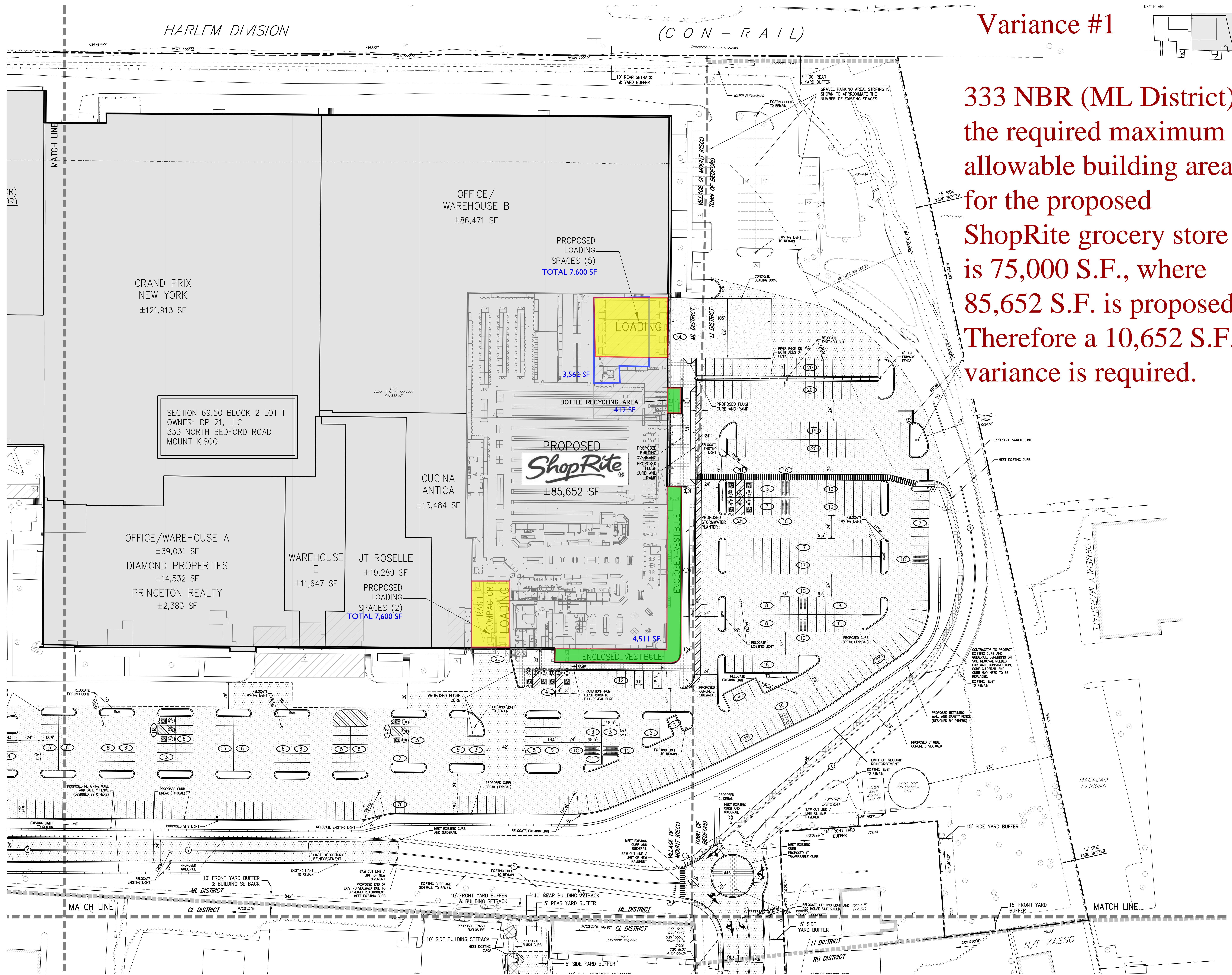
(CON - RAIL)

Variance #1

KEY PLAN:



333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 S.F., where 85,652 S.F. is proposed. Therefore a 10,652 S.F. variance is required.



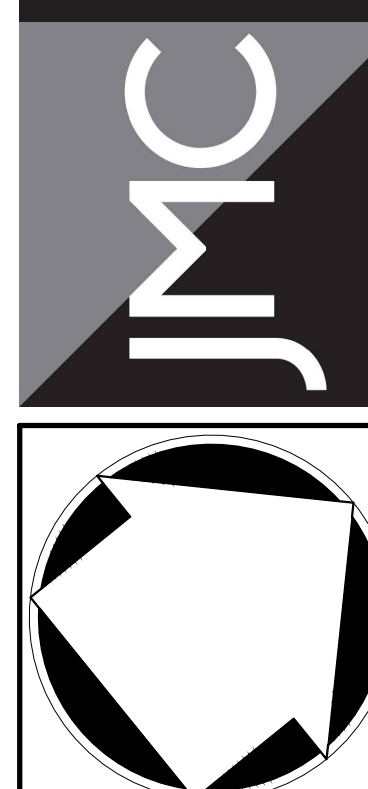
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04/23/2018	SM	145
07/23/2018	TC	145
10/22/2018	SM	145
16/20/2018	SM	145
07/20/2018	SM	145

2. REVISED PER VILLAGE CONSULTANTS
3. REVISED PER VILLAGE COMMENTS
4. REVISED PER VILLAGE COMMENTS
5. REVISED PER VILLAGE COMMENTS
6. REVISED PER VILLAGE COMMENTS
7. REVISED PER VILLAGE COMMENTS
8. REVISED PER VILLAGE COMMENTS

UP/1, LLC
333 N. BEDFORD ROAD, SUITE 145
MT. KISCO, NY 10549

ARCHITECT
GALLIN BEELER DESIGN STUDIO
23 WASHINGTON AVENUE
PLEASANTVILLE, NY 10570

JMC Planning, Engineering, Landscape
Architecture & Land Surveying, PLLC
JMC Site Development Consultants, LLC
John Meyer Consulting, Inc.
120 BEDFORD ROAD • ARMONK, NY 10504
PHONE 914.233.2223 • FAX 914.233.2102
www.jmcpnc.com



LAYOUT PLAN
THE PARK 333
(SHOPRITE EXPANSION)
333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 7209, SUBSECTION 2.



Drawn: SMN Approved: SS
Scale: 1" = 30'
Date: 10/23/2018
Project No: 18118
WBA/AMT C-120 LAM
Drawing No:

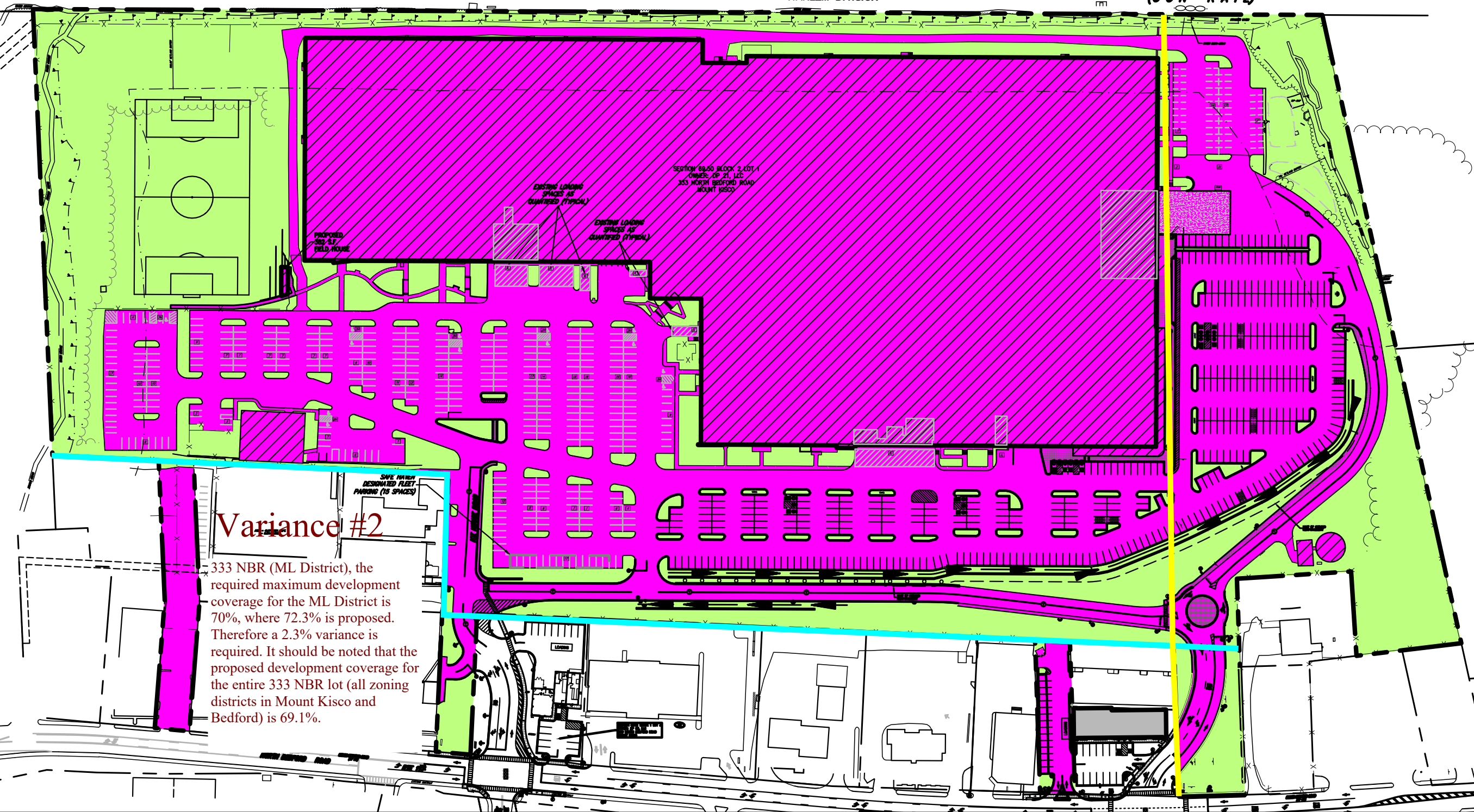
NEW YORK CENTRAL

AND

HUDSON RIVER RAILROAD

HARLEM DIVISION

(CON-RAIL)



SECTION 89.50 BLOCK 2, LOT 1
OWNER: DP 21, LLC
333 NORTH BEDFORD ROAD
MOUNT KISCO

EXISTING LOADING
SPACES AS
QUANTIFIED (TYPICAL)

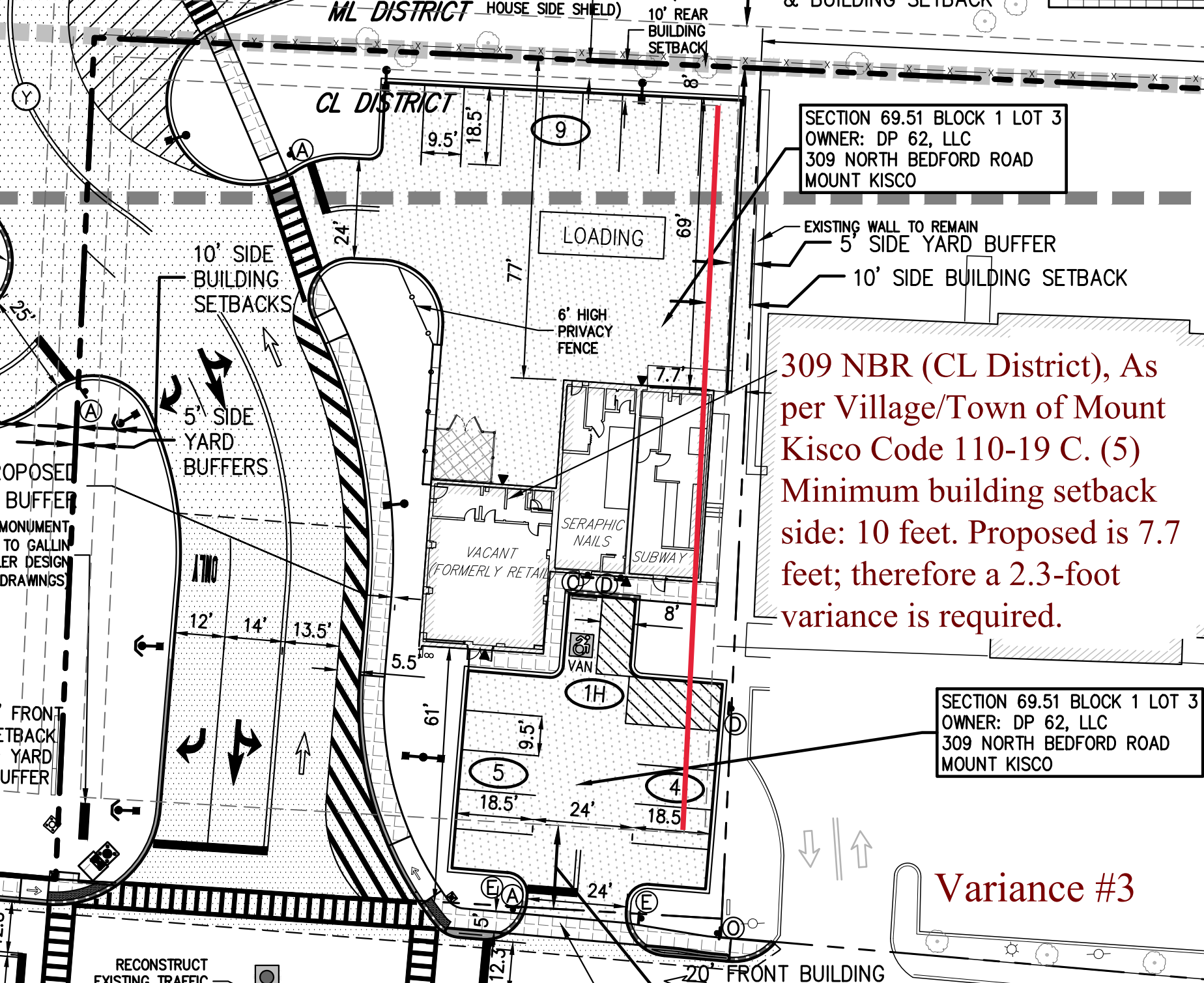
EXISTING LOADING
SPACES AS
QUANTIFIED (TYPICAL)

PROPOSED
500-600
FIELD HOUSE

SAVE HIGH
DESIGNATED FLEET
PARKING (15 SPACES)

Variance #2

333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Kisco and Bedford) is 69.1%.



SECTION 69.51 BLOCK 1 LOT 3
OWNER: DP 62, LLC
309 NORTH BEDFORD ROAD
MOUNT KISCO

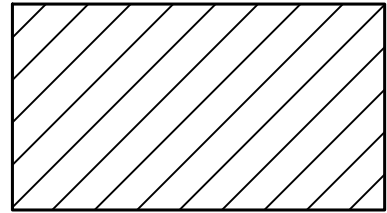
309 NBR (CL District), As per Village/Town of Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 7.7 feet; therefore a 2.3-foot variance is required.

SECTION 69.51 BLOCK 1 LOT 3
OWNER: DP 62, LLC
309 NORTH BEDFORD ROAD
MOUNT KISCO

Variance #3

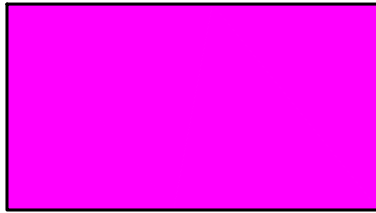
Variance #4

383 NBR (CL District), As per Village/Town of Mount Kisco Code 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.4 % therefore; a 6.24% development coverage variance is required.



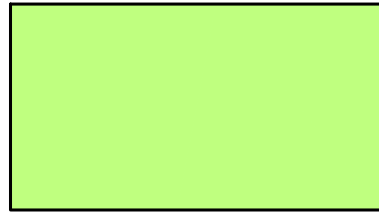
BUILDING COVERAGE

TOTAL AREA: 5,433 SQ.FT



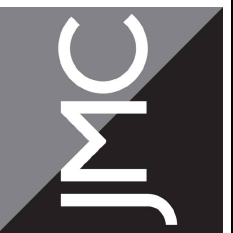
DEVELOPMENT COVERAGE

TOTAL AREA: 16,127 SQ.FEET

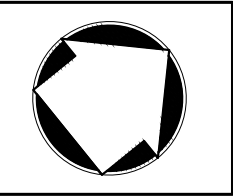


PERVIOUS COVERAGE

TOTAL AREA: 2,537 SQ.FEET



120 BEDFORD RD
ARMONK
NY 10504
(914) 273-5225
fax 273-2102
JMCPLLC.COM



THE PARK 333 (SHOPRITE EXPANSION)

VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

333 NORTH BEDFORD ROAD/799 BEDFORD ROAD

383 NORTH BEDFORD ROAD

PROPOSED DEVELOPMENT AND PERVIOUS AREAS

JMC PROJECT: 18118

REVISED: 12/21/2020

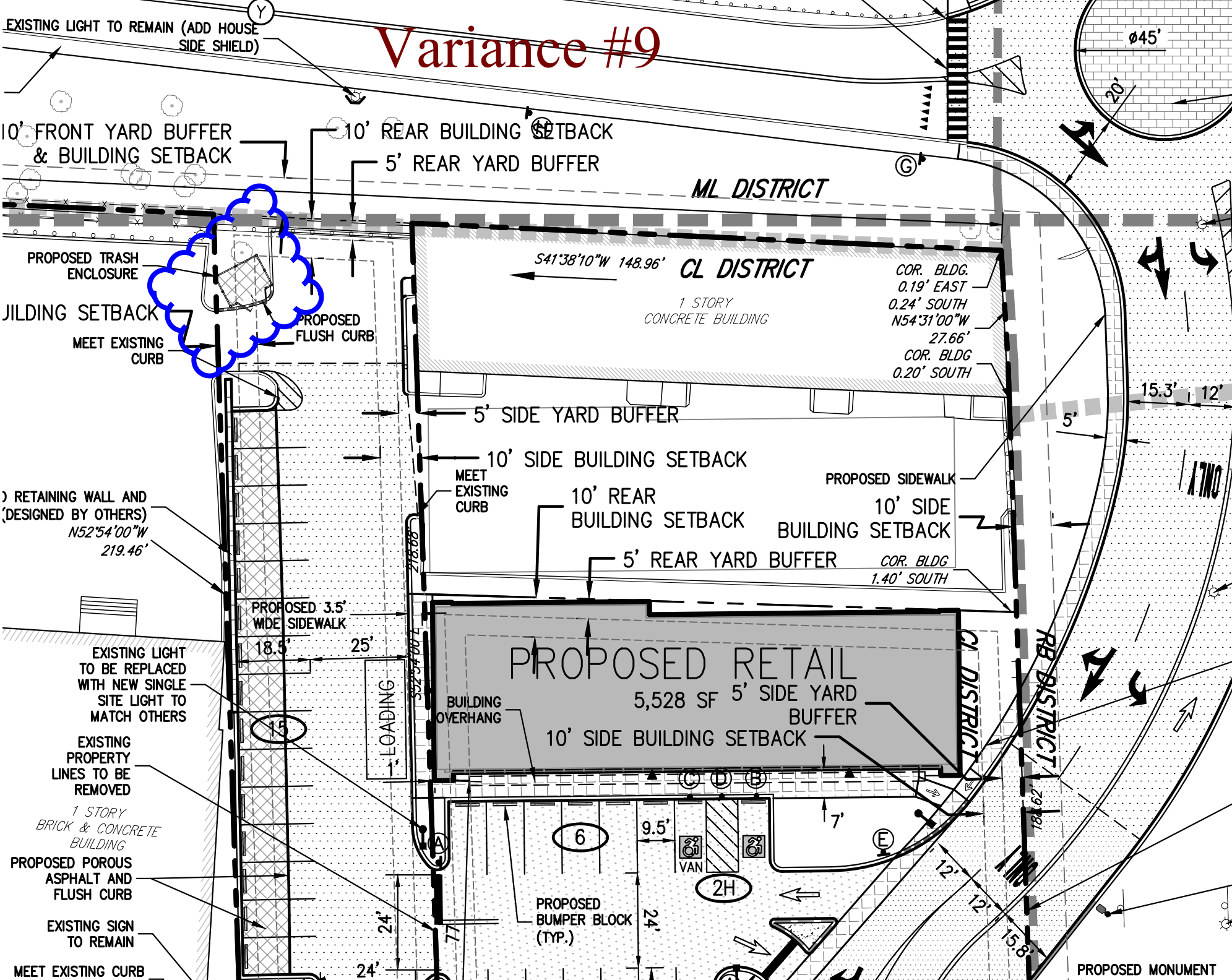
DATE: 04/23/2019

FIGURE: 6

SCALE: 1" = 30'

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18118-LAYOUT.dwg; 383 P&MP.tab 383 FIG. 4&7.scr



383 NBR (CL District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.

April 22, 2021

Via Direct Submission

Harold Boxer, Chairman
and Members of the Zoning Board of Appeals
Village of Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Re: Sign Permit Application for 333 No. Bedford Rd. Monument Signage

Dear Chairman Boxer and Members of the Zoning Board of Appeals:

We submit this letter as an appeal to the Notice of Denial from the Village of Mount Kisco Building Inspector, dated March 25th, 2021, regarding our sign permit application for 333 No. Bedford Rd. Monument Signage. As such, we are seeking the appropriate variances as outlined in this cover letter and supporting narrative to provide the adequate signage to clearly designate the site's southern entrance.

As the Appellant (DP-21, LLC), we are the owner of 333 North Bedford Rd., Mount Kisco, NY, identified on the Tax Map of the Village as Section 69.5, Block 2, Lot 1, a 37.7-acre parcel. The parcel is located within the Light Manufacturing and Limited Commercial districts. A portion of the northern area of the site is located within the Town of Bedford, NY, identified on the Tax Map of the Town as Section 71.12, Block 2, Lot 36. This parcel is located within Light Industrial and Roadside Business districts. The complex, in its entirety is currently set back from the westerly side of North Bedford Road, accessed by existing north and south entrances. The variances we seek are based on the monument signage drawings submitted with this application, and are as follows:

- Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8-foot height variance is required for each sign;
- The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign;
- Application proposes 18-inch-high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on the monument sign;
- Application proposes 16-inch-high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs;

The variances requested for the proposed monument signage at the southern site entrance (Ice House Road) will play a critical role to properly distinguish the entrance of this unique site, with the building significantly setback from North Bedford Road. Additionally, this signage would act as a key visual component, supporting the continued growth and success of our tenant's businesses located within this key destination in the Village of Mount Kisco. This includes office, retail, recreational activity, and soon to be, grocery, with the highly anticipated addition of ShopRite's premier store to be located at the northerly end of the complex.

As part of the recent site plan approval, received on January 12, 2021, the development of The Park, 333 North Bedford Rd, ShopRite Expansion, includes the reconfiguration of the southern complex entrance (Ice House Road) to create an aligned traffic light condition. As part of this reconfiguration, we believe it is an opportunity to replace the existing monument signage, which is way too low and as a result, is visually obscured to properly mark the site entrance and showcase its premier tenants. The requested variance to increase the proposed signage height to 16'-0", provides a clear and effective designation of the site entrance, creates a scale that is in keeping with other large retail complexes in the area, and provides an important visible feature to significantly improve way finding for vehicular traffic looking to enter the as they approach along North Bedford Road. This approach is further supported by the variances requested to increase specific sign face area and tenant lettering height, represented on each side of the monument sign, adding another layer of clear way finding for vehicular traffic.

Given the number of tenants within the complex, we felt it was important to maintain a realistic and reasonable approach to the design of the proposed monument signage that minimizes the number of variances required and limits any negative impacts to the surrounding area. To achieve this, we elected to only represent five of the complex's key tenant businesses, notably grocery, retail, and recreational activities, based on clout and volume of business, providing signage area for their logos and lettering. However, we have always made every effort to support the success and visibility of all our tenants. To achieve this, the proposed monument signage includes the numbers "333" as a representation of the complex address, providing another layer of important way finding for those visiting our tenant businesses not represented on the signage. We are requesting the variance necessary to increase the height of the address lettering to 1'-6", which we believe will provide the scale necessary for approaching vehicular traffic to easily identify the site entrance at a reasonable distance.

Thank you for your time and consideration and we look forward to discussing the merits of this application in further detail at your May 18th meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Diamond", with a long horizontal flourish extending to the right.

Jim Diamond
CEO
Diamond Properties.

Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

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

**Zoning Board of Appeals
Application**

Appellant: DP 21, LLC (Jim Diamond)
Address: 333 NORTH BEDFORD RD, SUITE 145, MOUNT KISCO, NY 10549
Address of subject property (if different): _____

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

Property owner (if different): SAME AS ABOVE
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, PETER J. MILEY
dated 3.25.21. Application is hereby made for the following:

☒ Variation **or** _____ Interpretation of Section _____
of the Code of the Village/Town of Mount Kisco,

to permit the: ☒ Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of 333 No. BEDFORD RD. MONUMENT SIGN. REFER TO THE LIST OF
PERMITS VARIANCES IN COVER LETTER, PROJECT NARRATIVE & MEMO FROM VILLAGE
BLDG INSPECTOR in accordance with plans filed on (date) 2.24.21
for Property ID # CA-50-2-1 located in the ML/CL Zoning District.
The subject premises is situated on the WEST side of (street) N. BEDFORD RD.
_____ 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? Y (APPLICATION IS PART OF FINAL SITE PLAN APPROVAL CONDITIONS TO BE SATISFIED PRIOR TO SIGNING THE APPROVED PLAN)

Is there an approved site plan for this property? Y in connection with a ON 1.12.21
Proposed or X Existing building; erected (yr.) _____

Size of Lot: 1964.5 feet wide 1124.3 feet deep Area $\frac{ML}{1,309,939 SF}$ / $\frac{CL}{40,342 SF}$

Size of Building: at street level 1,240 feet wide 595 feet deep 610,723 SF

Height of building: SEE BELOW Present use of building: GEORGEY, RETAIL, FAMILY REC. AUTO STORAGE, WAREHOUSE, OFFICE
TOP OF SUBPITE SIGN WALL: 35'-0", TOP OF MAIN BUILDING: 27'-3"

Does this building contain a nonconforming use? N Please identify and explain: _____

Is this building classified as a non-complying use? N 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? N If so, please identify and explain: _____

Are there any violations pending against this property? N 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? No

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on 3.25.21 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: April 23, 2021

Notary Public, Meredith Black, Westchester, County, NY

* 02BL6203286, exp. 09/11/2021

[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)



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

March 25, 2021

Mr. Jim Diamond
DP 21 LLC
333 No. Bedford Road
Mount Kisco, NY 10549

Re: Notice of Denial – Sign Permit Application for 333 No. Bedford Rd Monument Signage
333 No. Bedford Road, Property ID#: 69.50-2-1

Dear Mr. Diamond:

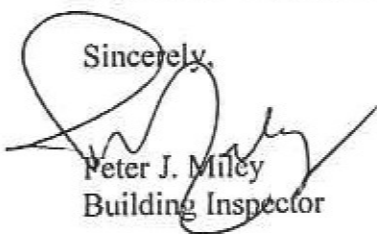
Please be notified that your sign permit application for monument signage at the above captioned property is hereby denied. This denial is based on the following facts:

- 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 ML Zoning District. The proposed signage is to be located in the CL Zoning District and is therefore subject to the sign regulations of the Commercial District #2b for building locations between 75 and 150 feet from the public right-of-way.
- Your application proposes the installation of two double-sided, monument signs, one to be located at each of the entrances to the property. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: “maximum structure height above grade is 8 feet.” Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8 foot height variance is required for each sign.
- Your application proposes individual sign faces for 5 tenants on each monument, totaling 10 faces per monument. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: “maximum face area is 20 square feet. The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet; therefore, a 12 square foot variance is required for

- each of the ShopRite sign face(s) on each monument sign. The remaining tenant sign faces fall within the 20 square foot limit and do not require additional variances.
- Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Free Standing/Monument signs: "maximum letter height 6" inches. Your application proposes 18 inch high letters for 333; therefore, a 12 inch variance is required for each set of the 333 numbers on both monument signs. Your application proposes 16 inch high letters for the ShopRite signs; therefore a 10 inch variance is required for each set of the ShopRite letters on both monument signs. Your application proposes 9-3/4" letters for Safe Haven Self Storage; therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs. All remaining proposed lettering is compliant with the regulations.
 - Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states: "*** In some cases, accompanying artwork (logos/graphics) may be proposed to be larger than maximum letter height and shall be subject to review and approval for appropriateness by the Architectural Review Board." All proposed signage with logos do not require variances but do require review and approval by the Architectural Review Board.
 - Section 89-11 Sign Districts, A. General Provisions (7) states: "All ground signs and all of their elements are to be entirely located within the metes and bounds of the property which they serve. The northernmost monument sign is proposed to be outside of the property which it serves; therefore, a variance for an off premise sign will be required. Since the northern most monument sign is proposed to be located at 383 No. Bedford Road, which is a separate tax lot from 333 No. Bedford Road, a separate ZBA application by the property owner is required for this additional parcel.

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 within 60 days.

Sincerely,



Peter J. Miley
Building Inspector

/pat

**THE JOURNAL NEWS
NORTHERN EDITION**

DIRECT DIAL TO:
Phone - (914)694-5123
Heidi - (888) 516-9220 ext. 3662
E-Mail - tjn-lhlegals@gannet.com

ORDER FOR LEGAL NOTICES

The attached legal notice is to run in The Journal News, Northern Edition, started with the issue dated ASAP (NO LATER THAN 5-3-21) for a total of 1 insertion.

BILL TO: DP-21, LLC (DIAMOND PROPERTIES)
ADDRESS: 333 N. BEDFORD RD, SUITE 145, MOUNT KISCO, NY 10549
PHONE #: 914 773 6249

Please send Affidavits of Publication to:

Number of proof - 3

Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549
Attention: Michelle Russo, Secretary ZBA

Signed: 

Legal Advertising must be reserved by 5:00 p.m. on the fourth day in advance of publication date, and must be in this office by 12:00 noon on the third day in advance of publication date. Sundays and Holidays excluded.

When sending legal notices by mail to The Journal News, please specify on the envelope:

Legal Advertising Department

To avoid errors, notices should be typed double space on separate sheets of paper.

Three affidavits will be furnished unless otherwise specified. Proof will be furnished upon request.

[Faint, illegible text, possibly a stamp or signature]

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

I reside at DP-Z1 LLC, 393 N. BEDFORD RD, SUITE 145, MOUNT KISCO, NY



26th day of April 2021

Heredith Black, Esq.
Notary Public, State of New York
No. 02BL6203286
Qualified in Westchester County
Commission Expires 4/06/2017

EXHIBIT A
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 18th day of May 20 21 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

DP 21, LLC

333 N. Bedford Road Mount Kisco, NY 10549

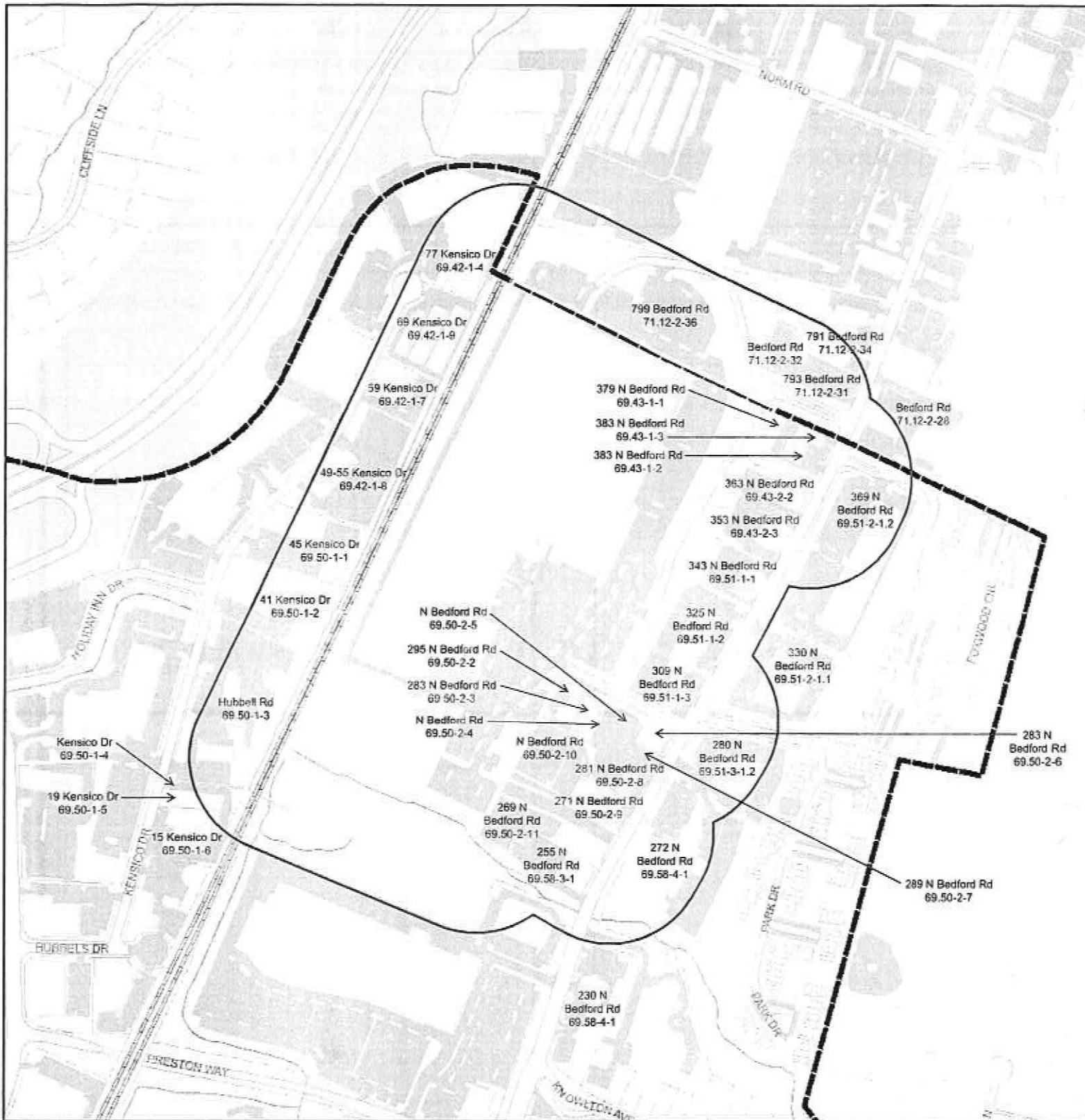
from the decision of Peter J. Miley, Building Inspector, dated March 25, 2021 denying the application dated to permit the installation of two double-sided, monument signs, one to be located at each of the entrances to the property.

The Property involved is known as 333 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.50 Block 2 Lot 1 and is located on the west side of N. Bedford Road in a CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) 89-11 Table 1, Page 4 of the Code of the Village/Town of Mount Kisco, which requires (1) each monument sign is proposed to have a maximum structure height of 16 feet, therefore, an 8-foot height variance is required for each sign; (2) the proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign; (3) application proposes 18-inch high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on both monument signs; (4) application proposes 16 inch high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs; and (5) application proposes 9-3/4" letters for Safe Haven Self Storage, therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs.

EXHIBIT B

OWNER/NAME	PROPERTY ADDRESS	PROPERTY	PROPRZIP	PROPRINTKEY	c/o	Mailing Address	Additional, Ste. #	City	State	ZIP
Martabano, William T	353 N Bedford Rd	MOUNT KISCO	10549 69-43-2-3			10 Broad Street	PO Box 658	Pawling	NY	12564
WOL Realty LLC	330 N Bedford Rd	MOUNT KISCO	10549 69-51-2-1.1		Donald Zucker Co.	101 W 55th Street		New York	NY	10019
Brooks Realty of Mt. Kisco LLC	15 Kensico Dr	MOUNT KISCO	10549 69-50-1-6		Richard Brooks	15 Kensico Drive		Mt. Kisco	NY	10549
Townsend St Assoc's LP	360 N Bedford Rd	MOUNT KISCO	10549 69-51-2-1.2		Motorbarch Properties	18E 48 St	19th Floor	New York	NY	10017
Mac Nkany Inc	255 N Bedford Rd	MOUNT KISCO	10549 69-38-3-1		Patricia Masculay	20 Stone Drive	Floor #4	Kingston	MA	02364
Ny Luxury Motors of Mt Kisco I	41 Kensico Dr	MOUNT KISCO	10549 69-50-1-2		c/o Auto Nation	200 SW 1st Avenue		Fort Lauderdale	FL	33301
Martabano, John R	N Bedford Rd, Back of	MOUNT KISCO	10549 69-50-2-10		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
DP 47, LLC	283 N Bedford Rd	MOUNT KISCO	10549 69-50-2-3		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
269 N Bedford Rd Mt Kisco Corp - 271 N Bedford Rd Mt Kisco Corp	271 N Bedford Rd	MOUNT KISCO	10549 69-50-2-9		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
283 N Bedford Rd Corp	289 N Bedford Rd	MOUNT KISCO	10549 69-50-2-7		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
59 Kensico LLC	59 Kensico Dr	MOUNT KISCO	10549 69-42-1-7		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
269 N Bedford Rd Mt Kisco Corp	269 N Bedford Rd	MOUNT KISCO	10549 69-50-2-11		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
383 No Bedford Rd Corp	379 N Bedford Rd	MOUNT KISCO	10549 69-43-1-1		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
Martabano, John R	N Bedford Rd	MOUNT KISCO	10549 69-50-2-4		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
283 N Bedford Rd Corp	N Bedford Rd	MOUNT KISCO	10549 69-50-2-5		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
271 No Bedford Rd, Mt Kisco	281 N Bedford Rd	MOUNT KISCO	10549 69-50-2-8		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
283 N Bedford Rd Corp	283 N Bedford Rd	MOUNT KISCO	10549 69-50-2-6		MRE Mgmt Corp	27 Radio Circle Dr		Mt. Kisco	NY	10549
DP 44, LLC	N Bedford, Back of	MOUNT KISCO	10549 69-50-2-12		Diamond Properties	333 N Bedford Rd		Mt. Kisco	NY	10549
DP 46, LLC	295 N Bedford Rd	MOUNT KISCO	10549 69-50-2-2		Diamond Properties	333 N Bedford Rd		Mt. Kisco	NY	10549
DP 62, LLC	309 N Bedford Rd	MOUNT KISCO	10549 69-51-1-3		DP 102 LLC	333 N Bedford Rd		Mt. Kisco	NY	10549
Philar Realty Co	383 N Bedford Rd	MOUNT KISCO	10549 69-51-1-3		DP 102 LLC	333 N Bedford Rd		Mt. Kisco	NY	10549
Philar Realty Co - 271 N Bedford Rd Mt Kisco Corp	383 N Bedford Rd	MOUNT KISCO	10549 69-43-1-3		Diamond Properties	333 N Bedford Rd		Mt. Kisco	NY	10549
DP 21 LLC	333 N Bedford Rd	MOUNT KISCO	10549 69-50-2-1		Erat Gashi	333 N Bedford Rd		Mt. Kisco	NY	10549
2701 Merion LLC	272 N Bedford Rd	MOUNT KISCO	10549 69-51-3-1.1		Victor Canistrà	345 Kear Street	Ste 200	Yorktown Heights	NY	10598
Kensico Park Realty, LLC	45 Kensico Dr	MOUNT KISCO	10549 69-50-1-1		Anthony Bellocchi	43 Kensico Drive		Mt. Kisco	NY	10549
Chappaque Road Co, LLC	280 N Bedford Rd	MOUNT KISCO	10549 69-51-3-1.2			500 Executive Blvd	Ste 203	Ossining	NY	10562
John A. Martabano Trust No. 1	363 N Bedford Rd	MOUNT KISCO	10549 69-43-2-2			5515 Lake Ridge Dr.		Brighton	MI	48116
343 Bedford Realty, LLC	343 N Bedford Rd	MOUNT KISCO	10549 69-51-3-1			75 Commercial St		Plainville	NY	11803
Tennis Equities, Inc.	70 Kensico Dr	MOUNT KISCO	10549 69-42-1-3			77 Kensico Dr		Mt. Kisco	NY	10549
Tennis Equities Inc	77 Kensico Dr	MOUNT KISCO	10549 69-42-1-4		Storage Investment Mgmt	77 Kensico Dr		Mt. Kisco	NY	10549
Mt Kisco Self Storage	65 Kensico Dr	MOUNT KISCO	10549 69-42-1-9		Orff & Phipps	PO Box 198		Stillwater	MN	55082
Verizon New York, Inc.	49-55 Kensico Dr	MOUNT KISCO	10549 69-42-1-8			PO Box 2749		Addison	TX	75001
Charisma Associates LLC	Kensico Dr	MOUNT KISCO	10549 69-50-1-4			PO Box 324		Somers	NY	10589
Charisma Associates LLC	19 Kensico Dr	MOUNT KISCO	10549 69-50-1-5			PO Box 324		Somers	NY	10589
Burger King Corp #825	230 N Bedford Rd	MOUNT KISCO	10549 69-58-4-1		Ryan LLC	PO Box 460189		Houston	TX	77056
Suburban Propane L.P.	Hubbel Rd	MOUNT KISCO	10549 69-50-1-3							
J-Etic Corp	325 N Bedford Rd	MOUNT KISCO	10549 69-51-1-2							

333 N Bedford Rd. ID: 69.50-2-1 (Mount Kisco)



April 23, 2021

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.

1:5,000

0 240 480 960 ft



Westchester County GIS

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

80.
First American Title Ins. Co. of New York
188 East Post Road
White Plains, New York 10601
(914) 428-3433 (800) 942-1893

3008-55985

80

**NEW YORK BARGAIN AND SALE DEED WITH COVENANTS
AGAINST GRANTOR'S ACTS**

THIS INDENTURE, made as of the 7 day of February, 2005

BETWEEN AMERICAN REAL ESTATE HOLDINGS LIMITED PARTNERSHIP, a Delaware limited partnership, having an office at 100 South Bedford Road, Mount Kisco, New York 10549

party of the first part, and

DP 21, LLC, a New York limited liability company, having an address at 400 Columbus Avenue, Valhalla, New York 10595

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars (\$10.00) and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL right, title and interest of the party of the first part, in and to all that certain plot, piece or parcel of land, with the buildings and improvements erected, situate, lying and being in the Town of Mount Kisco and the Town of Bedford, County of Westchester and State of New York bounded and described as follows:

SEE ATTACHED EXHIBIT A

TOGETHER with all right, title and interest, if any, of the party of the first part in and to the above described parcel of land lying in the bed of any street adjoining such parcel to the center line thereof, any rights easements and appurtenances pertaining to such parcel or the building erected thereon or any part thereof, and any strips and gores adjacent to or abutting such parcel or any part thereof and all right, title and interest of the party of the first part, if any, in and to the fixtures, equipment and other personal property appurtenant to the building erected on such parcel.

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 successors and assigns of the party of the second part forever. And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

This conveyance is made in the ordinary course of business actually conducted by the Grantor.

This conveyance is made subject to all matters of record.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

Sec. 69.50 Blk 2 Lot 1
Town of Mt. Kisco
Sec. 71.12 Blk 2 Lot 36
Town of Bedford

IN WITNESS WHEREOF, THE PARTY OF THE FIRST PART HAS DULY EXECUTED THIS DEED THE
DAY AND YEAR FIRST ABOVE WRITTEN.

IN PRESENCE OF:

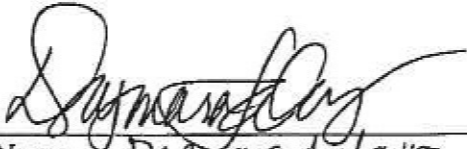
AMERICAN REAL ESTATE HOLDINGS
LIMITED PARTNERSHIP
a Delaware limited partnership

By: American Property Investors, Inc., it's ☒
general partner

By: John P. Saldarelli
Name: John P. Saldarelli
Title: Vice President

STATE OF New York)
COUNTY OF Westchester)

On the 4 day of January in the year 2005 before me, the undersigned, personally appeared John P. Saldarelli, 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.


Name: Dagmara Lalewicz
Notary Public
Qualified in Westchester County
My Commission Expires: 8/23/05

DAGMARA LALEWICZ
Notary Public, State of New York
No. 01LA6029531
Qualified in Westchester County
Commission Expires August 23, 20 05

Bargain and Sale Deed
WITH COVENANTS AGAINST GRANTOR'S ACTS

AMERICAN REAL ESTATE HOLDINGS LIMITED PARTNERSHIP

TO

DP 21, LLC

	Town	Town/Village
SECTION:	71.12	69.50
BLOCK:	2	2
LOT:	36	1
COUNTY OR TOWN:	Bedford	MT. Kisco
STREET ADDRESS:	799 BEDFORD RD	369 N. BEDFORD Rd
TAX BILLING ADDRESS:		

RETURN BY MAIL TO:

DORF, KARLEN & STOLZAR, LLP

WHITE PLAINS PLAZA

ONE NORTH BROADWAY - SUITE 800

WHITE PLAINS, NEW YORK, 10601

ATTENTION: ANDREW N. KARLEN, ESQ.

EXHIBIT "A"
Legal Description

ALL THAT CERTAIN TRACT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE TOWN OF BEDFORD PARTLY IN THE TOWN AND VILLAGE OF MOUNT KISCO, COUNTY OF WESTCHESTER AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD AT ITS INTERSECTION WITH THE DIVISION LINE BETWEEN PREMISES HEREIN DESCRIBED AND LANDS CONVEYED TO JAMES W. FITZGERALD BY DEED RECORDED IN LIBER 5109 CP 388, SAID POINT OF BEGINNING BEING DISTANT IN A NORTHEASTERLY DIRECTION AS MEASURED ALONG THE WESTERLY SIDE OF BEDFORD ROAD 2290.05 FEET FROM THE NORTHERLY SIDE OF HUBBEL'S CROSS ROAD;

THENCE RUNNING ALONG THE WESTERLY SIDE OF BEDFORD ROAD, SOUTH $37^{\circ} 20' 20''$ WEST 93.64 FEET TO LANDS NOW OR FORMERLY OF MCCORMACK;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS OF MCCORMACK AND ALONG THE NORTHERLY LINE OF LANDS NOW OR FORMERLY OF MARTABANO, NORTH $52^{\circ} 57' 30''$ WEST 188.62 FEET AND NORTH $54^{\circ} 31' 00''$ WEST 27.66 FEET TO THE NORTHWEST CORNER OF SAID LANDS NOW OR FORMERLY OF MARTABANO;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS OF MARTABANO, SOUTH $41^{\circ} 38' 10''$ WEST 148.96 FEET TO THE SOUTHWEST CORNER OF SAID LANDS;

THENCE RUNNING ALONG THE SOUTHERLY LINE OF SAID LANDS AND LANDS NOW OR FORMERLY OF LOVELESS, SOUTH $52^{\circ} 54' 00''$ EAST 218.68 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE RUNNING ALONG SAID SIDE OF BEDFORD ROAD, SOUTH $40^{\circ} 44' 50''$ WEST 50.10 FEET TO THE NORTHEASTERLY CORNER OF LANDS NOW OR FORMERLY OF GRAVELEY EASTON, INC.;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO, NORTH $52^{\circ} 54' 00''$ WEST 219.46 FEET TO THE NORTHWEST CORNER OF SAID OTHER LAND OF MARTABANO;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS AND LANDS NOW OR FORMERLY OF DESILVA INC. AND FUEL CO., INC., AND OTHER LANDS NOW OR FORMERLY OF MARTABANO AND LANDS NOW OR FORMERLY OF STOORZA, SOUTH $41^{\circ} 38' 10''$ WEST 802.66 FEET TO THE SOUTHWEST

CORNER OF SAID LANDS OF STOORZA;

THENCE RUNNING ALONG THE SOUTHERLY LINE OF SAID LANDS SOUTH $48^{\circ} 21' 50''$ EAST 202.05 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE RUNNING ALONG SAID SIDE OF BEDFORD ROAD, SOUTH $43^{\circ} 59' 00''$ WEST 50.04 FEET TO THE NORTHEAST CORNER OF LANDS NOW OR FORMERLY OF THIEBAUTH;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO AND LANDS NOW OR FORMERLY OF SIMON AND RUBEL CORP., NORTH $48^{\circ} 21' 50''$ WEST 400 FEET TO THE NORTHWEST CORNER OF SAID LANDS OF RUBEL CORP.;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO, SOUTH $41^{\circ} 38' 10''$ WEST 366.86 FEET TO THE SOUTHWEST CORNER OF SAID LANDS OF MARTABANO;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS AND LANDS NOW OR FORMERLY OF MARTY MOTORS CORP., SOUTH $53^{\circ} 30' 00''$ EAST 199.35 FEET AND SOUTH $46^{\circ} 32' 40''$ EAST 188.54 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE RUNNING ALONG SAID SIDE OF BEDFORD ROAD, SOUTH $44^{\circ} 19' 00''$ WEST 50.01 FEET TO THE NORTHEAST CORNER OF OTHER LANDS NOW OR FORMERLY OF MARTABANO;

THENCE RUNNING ALONG THE NORTHERLY LINE OF SAID LANDS NORTH $46^{\circ} 32' 40''$ WEST 184.75 FEET AND NORTH $53^{\circ} 30' 00''$ WEST 200.80 FEET TO THE NORTHWEST CORNER OF SAID LANDS;

THENCE RUNNING ALONG THE WESTERLY LINE OF SAID LANDS SOUTH $41^{\circ} 38' 10''$ WEST 152.73 FEET TO LANDS OF THE CONSOLIDATED EDISON COMPANY;

THENCE RUNNING ALONG SAID LANDS NORTH $53^{\circ} 30' 00''$ WEST 641.93 FEET TO THE HARLEM DIVISION OF THE NEW YORK CENTRAL RAILROAD LANDS;

THENCE RUNNING ALONG SAID LANDS NORTH $39^{\circ} 15' 40''$ EAST 1852.53 FEET TO LANDS NOW OR FORMERLY OF MARSHALL;

THENCE RUNNING ALONG SAID LANDS SOUTH $63^{\circ} 28' 20''$ EAST 924.71 FEET TO LANDS NOW OR FORMERLY OF SCHULZ;

THENCE RUNNING ALONG SAID LANDS SOUTH $32^{\circ} 09' 00''$ WEST 151.73 FEET TO LANDS NOW OR FORMERLY OF FITZGERALD;

THENCE RUNNING ALONG SAID LANDS THE FOLLOWING COURSES AND DISTANCES: NORTH 54° 39'00" WEST 121.51 FEET; SOUTH 35° 21'00" WEST 164.38 FEET; AND SOUTH 52° 57'30" EAST 310.64 FEET TO THE POINT OR PLACE OF BEGINNING.

TOGETHER WITH AN EASEMENT OVER LANDS OF MARTABANO 10 FEET IN WIDTH FROM THE END OF THE EXISTING SEWER EASEMENT AS DEDICATED TO THE VILLAGE OF MOUNT KISCO NORTHERLY TO LANDS ABOVE DESCRIBED, A DISTANCE OF ABOUT 20.00 FEET.

RESERVING, HOWEVER, TO ALFRED MARTABANO, JOHN MARTABANO, PATRIZIA MARTABANO, GEORGE MARTABANO, ROSE TARRACCIAMO, DORIS M. CAWLEY AND WILLIAM MARTABANO AND OTHERS, AND EASEMENT FOR INGRESS AND EGRESS OVER THREE PROPOSED ROADS RUNNING FROM BEDFORD ROAD TO THE PREMISES ABOVE DESCRIBED, WHICH ROADS ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ROAD NO. 1: BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD AT A POINT WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN PREMISES ABOVE DESCRIBED AND LANDS NOW /OR FORMERLY OF MARTABANO, SAID POINT BEING DISTANT 185.93 FEET AS MEASURED NORTHERLY ALONG THE WESTERLY SIDE OF BEDFORD ROAD FROM THE POINT FORMED BY THE INTERSECTION THEREOF WITH THE DIVIDING LINE BETWEEN LANDS FORMERLY OF WESTCHESTER LIGHTING CO., NOW OF CONSOLIDATED EDISON COMPANY AND LANDS FORMERLY OF MARTABANO;

RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG LANDS NOW OR FORMERLY OF MARTABANO, NORTH 46° 32'40" WEST 184.75 FEET AND NORTH 53° 30'00" WEST 200.80 FEET TO PREMISES ABOVE, DESCRIBED;

THENCE ALONG SAID LANDS NORTH 41° 38' 10" EAST 50.20 FEET TO OTHER LANDS NOW OR FORMERLY OF MARTABANO;

THENCE ALONG SAID LANDS OF MARTABANO AND LANDS NOW OR FORMERLY OF MARTY MOTORS CORP., SOUTH 53° 30'00" EAST 199.35 FEET AND SOUTH 46° 32'40" EAST 188.54 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE ALONG THE WESTERLY SIDE OF BEDFORD ROAD, SOUTH 44° 19' 00" WEST, 50.01 FEET TO THE POINT OR PLACE OF BEGINNING.

ROAD NO. 2: BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN LANDS NOW OR FORMERLY OF JOHN STORZA AND LANDS ABOVE DESCRIBED;

THENCE RUNNING ALONG THE WESTERLY SIDE OF BEDFORD ROAD, SOUTH 43° 59' 00" WEST 50.04 FEET TO LANDS NOW OR FORMERLY OF THIEBOUTH;

THENCE ALONG SAID LANDS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO AND LANDS NOW OR FORMERLY OF SIMON AND RUBEL CORP., NORTH 48° 21' 50" WEST 400.00 FEET TO PREMISES ABOVE DESCRIBED; THENCE THROUGH SAID PREMISES NORTH 41° 38' 10" EAST 50.00 FEET; AND;

THENCE SOUTH 48° 21' 50" EAST AND PART OF THE DISTANCE ALONG THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF STOORZA, 402.05 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD TO THE POINT OR PLACE OF BEGINNING.

ROAD NO. 3: BEGINNING AT A POINT ON THE WESTERLY SIDE OF BEDFORD ROAD WHERE THE SAME IS INTERSECTED BY THE DIVIDING LINE BETWEEN PREMISES ABOVE DESCRIBED AND LANDS NOW OR FORMERLY OF LOVELESS;

RUNNING THENCE ALONG SAID LANDS OF LOVELESS AND OTHER LANDS NOW OR FORMERLY OF MARTABANO NORTH 52° 54' 00" WEST 218.68 FEET TO PREMISES ABOVE DESCRIBED;

THENCE RUNNING ALONG SAID LANDS SOUTH 41° 38' 10" WEST 50.16 FEET TO OTHER LANDS NOW OR FORMERLY OF MARTABANO;

THENCE ALONG SAID LANDS OF MARTABANO AND LANDS NOW OR FORMERLY OF GRAVELEY EASTON, INC., SOUTH 52° 54' 00" EAST 219.46 FEET TO THE WESTERLY SIDE OF BEDFORD ROAD;

THENCE ALONG THE WESTERLY SIDE OF BEDFORD ROAD, NORTH 40° 44' 50" EAST 50.10 FEET TO THE POINT OR PLACE OF BEGINNING.

EXCEPTING THEREFROM PORTIONS OF LAND WHICH MAY HAVE BEEN TAKEN PURSUANT TO NOTICE OF APPROPRIATION NOS. 5344 AND 5345 RECORDED 8/23/82 IN LIBER 7553 PAGE 604.

April 22, 2021

Via Direct Submission

Harold Boxer, Chairman
and Members of the Zoning Board of Appeals
Village of Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Re: Sign Permit Application for 333 No. Bedford Rd. Monument Signage

Dear Chairman Boxer and Members of the Zoning Board of Appeals:

We submit this letter as an appeal to the Notice of Denial from the Village of Mount Kisco Building Inspector, dated March 25th, 2021, regarding our sign permit application for 333 No. Bedford Rd. Monument Signage. As such, we are seeking the appropriate variances as outlined in this cover letter and supporting narrative to provide the adequate signage to clearly designate the site's northern entrance.

As the Appellant (DP-21, LLC), we are the Tenant of 383 North Bedford Rd., Mount Kisco, NY, identified on the Tax Map of the Village as Section 69.43, Block 1, Lot 2 & 3, a 0.58-acre parcel. The parcel is located within the Limited Commercial district, and based on planning board approval on January 12, 2021, includes an easement through the north eastern section of the site to provide access for a reconfigured northern entrance of 333 North Bedford Rd., Mount Kisco, NY, identified on the Tax Map of the Village as Section 69.5, Block 2, Lot 1, a 37.7-acre parcel. The variances we seek is for the proposed off premises monument signage for 333 North Bedford Road, to be located within the easement area of the site and as shown in the monument signage drawings includes with this application. The variances requested are as follows.

- Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8-foot height variance is required for each sign;
- The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign;
- Application proposes 18-inch-high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on the monument sign;
- Application proposes 16-inch-high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs;
- and the northernmost monument sign is proposed to be outside of the property which it serves, therefore, a variance for an off-premise sign will be required.

The variances requested for the proposed monument signage situated at the north eastern portion of the site and located within the approved access easement area will play a critical role to properly distinguish the entrance of 333 North Bedford Road, due to the significant setback of the building from North Bedford Road. Additionally, this off premise signage would act as a key component to support the continued growth and success of the site's tenant businesses as a key

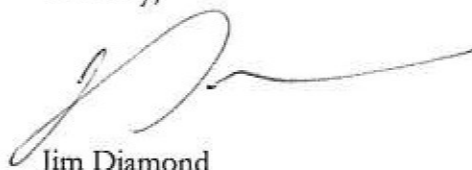
destination in the Village of Mount Kisco. This includes office, retail, recreational activity, and soon to be, grocery, with the highly anticipated addition of ShopRite's premier store to be located at the northerly end of the 333 North Bedford Road complex.

As part of the recent site plan approval, received on January 12, 2021, the development of The Park, 333 North Bedford Rd, ShopRite Expansion, includes the reconfiguration of the northern complex entrance to create an aligned traffic light condition. As part of this reconfiguration, we believe this is an opportunity to replace the existing northern monument signage for 333 North Bedford, which is way too low and as a result, is visually obscured to properly mark the site entrance and showcase its premier tenants. The requested variance to increase the proposed signage height to 16'-0", provides a clear and effective designation of the site entrance, creates a scale that is in keeping with other large retail complexes in the area, and provides an important visible feature to significantly improve way finding for vehicular traffic looking to enter the as they approach along North Bedford Road. This approach is further supported by the variances requested to increase specific sign face area and tenant lettering height, represented on each side of the monument sign, adding another layer of clear way finding for vehicular traffic.

Given the number of tenants within the 333 North Bedford Road complex, we felt it was important to maintain a realistic and reasonable approach to the design of the proposed monument signage to minimize the number of variances required and limit any negative impacts to the surrounding area. To achieve this, we elected to only represent five of the complex's key tenant businesses, notably grocery, retail, and recreational activities, based on clout and volume of business, providing signage area for their logos and lettering. However, we have always made every effort to support the success and visibility of all our tenants. To achieve this, the proposed monument signage includes the numbers "333" as a representation of the complex address, providing another layer of important way finding for those visiting our tenant businesses not represented on the signage. We are requesting the variance necessary to increase the height of the address lettering to 1'-6", which we believe will provide the scale necessary for approaching vehicular traffic to easily identify the site entrance at a reasonable distance.

Thank you for your time and consideration and we look forward to discussing the merits of this application in further detail at your May 18th meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Diamond", with a long horizontal flourish extending to the right.

Jim Diamond
CEO
Diamond Properties.

Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

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

**Zoning Board of Appeals
Application**

Appellant: DPZ1, LLC (Jim Damond)
Address: 333 NORTH BEDFORD RD SUITE 145, MOUNT KISCO, NY 10549
Address of subject property (if different): 333 N. BEDFORD RD, MOUNT KISCO, NY 10549

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

Property owner (if different): PAULAE REALTY CO., LLC
Address: 116 WOODBRIDGE RD., MOUNT KISCO, NY 10549

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, PETER J. MILEY
dated 2.25.21. Application is hereby made for the following:

X Variation or _____ Interpretation of Section _____
of the Code of the Village/Town of Mount Kisco,

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of 333 N. BEDFORD ROAD MONUMENT SIGNAGE. REFER TO THE
LIST OF PERD'S VARIANCES IN COVER LETTER, PROJECT NARRATIVE & MEMO FROM
VILLAGE BLDG. INSPECTOR in accordance with plans filed on (date) 2.24.21
for Property ID # 69.43-1-2/3 located in the CL Zoning District.
The subject premises is situated on the WEST side of (street) N. BEDFORD RD.
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 X Area _____

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Y APPLICATION IS PART OF THE FINAL SITE PLAN APPROVAL CONDITIONS @ 333 N. BEDFORD RD. APPROVED ON 1.12.21

Is there an approved site plan for this property? Y in connection with a 1.12.21
Proposed or X Existing building; erected (yr.) _____

Size of Lot: 175 feet wide 120 feet deep Area 0.58

Size of Building: at street level 136 feet wide 45 feet deep

Height of building: 21'-0" Present use of building: RETAIL

Does this building contain a nonconforming use? N Please identify and explain: _____

Is this building classified as a non-complying use? N Please identify and explain: _____

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

Was a variance ever granted for this property? N If so, please identify and explain: _____

Are there any violations pending against this property? N 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? No

I submit the following attached documents, drawings, photographs and any other items listed as evidence and support and to be part of this application:

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on 3.25.21 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: April 23, 2021

Notary Public, Alfred A. Bucci, Westchester, County, NY
#02366203350, exp. 9/11/2021

[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 116 Woodridge Rd
Mount Kisco, NY 10949 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
6A43-1-2/3 and that he hereby authorized John DiMarco to make
the annexed application in his behalf and that the statements contained in said application
are true.

[Signature]
(sign here)



VILLAGE/TOWN OF MOUNT KISCO
WESTCHESTER COUNTY, NEW YORK

104 Main Street
Mount Kisco, New York 10549-0150

Telephone
(914) 241-0500

March 25, 2021

Mr. Jim Diamond
DP 21 LLC
333 No. Bedford Road
Mount Kisco, NY 10549

Re: Notice of Denial – Sign Permit Application for 333 No. Bedford Rd Monument Signage
333 No. Bedford Road, Property ID#: 69.50-2-1

Dear Mr. Diamond:

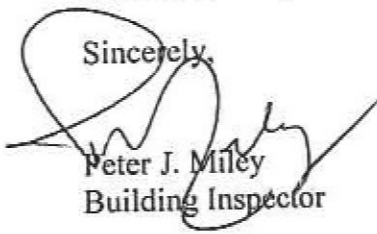
Please be notified that your sign permit application for monument signage at the above captioned property is hereby denied. This denial is based on the following facts:

- 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 ML Zoning District. The proposed signage is to be located in the CL Zoning District and is therefore subject to the sign regulations of the Commercial District #2b for building locations between 75 and 150 feet from the public right-of-way.
- Your application proposes the installation of two double-sided, monument signs, one to be located at each of the entrances to the property. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: "maximum structure height above grade is 8 feet." Each monument sign is proposed to have a maximum structure height of 16 feet; therefore, an 8 foot height variance is required for each sign.
- Your application proposes individual sign faces for 5 tenants on each monument, totaling 10 faces per monument. Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Freestanding/Monument Signs: "maximum face area is 20 square feet. The proposed ShopRite sign face(s) for each monument has a face area of 32 square feet; therefore, a 12 square foot variance is required for

- each of the ShopRite sign face(s) on each monument sign. The remaining tenant sign faces fall within the 20 square foot limit and do not require additional variances.
- Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states for Free Standing/Monument signs: "maximum letter height 6" inches. Your application proposes 18 inch high letters for 333; therefore, a 12 inch variance is required for each set of the 333 numbers on both monument signs. Your application proposes 16 inch high letters for the ShopRite signs; therefore a 10 inch variance is required for each set of the ShopRite letters on both monument signs. Your application proposes 9-3/4" letters for Safe Haven Self Storage; therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs. All remaining proposed lettering is compliant with the regulations.
 - Section 89-11 Table 1 page 4 of the Code of the Village/Town of Mount Kisco states: "*** In some cases, accompanying artwork (logos/graphics) may be proposed to be larger than maximum letter height and shall be subject to review and approval for appropriateness by the Architectural Review Board." All proposed signage with logos do not require variances but do require review and approval by the Architectural Review Board.
 - Section 89-11 Sign Districts, A. General Provisions (7) states: "All ground signs and all of their elements are to be entirely located within the metes and bounds of the property which they serve. The northernmost monument sign is proposed to be outside of the property which it serves; therefore, a variance for an off premise sign will be required. Since the northern most monument sign is proposed to be located at 383 No. Bedford Road, which is a separate tax lot from 333 No. Bedford Road, a separate ZBA application by the property owner is required for this additional parcel.

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 within 60 days.

Sincerely,


Peter J. Miley
Building Inspector

/pat

**THE JOURNAL NEWS
NORTHERN EDITION**

DIRECT DIAL TO:
Phone – (914)694-5123
Heidi - (888) 516-9220 ext. 3662
E-Mail – tjn-lhlegals@gannet.com

ORDER FOR LEGAL NOTICES

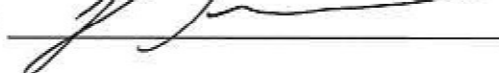
The attached legal notice is to run in The Journal News, Northern Edition, started with the issue dated April, No later than 5.3.21 for a total of 1 insertion.

BILL TO: DP-21 (DIAMOND PROPERTIES)
ADDRESS: 333 N. BEDFORD RD, MOUNT KISCO, NY 10549 (SUITE 145)
PHONE #: 914 773 6249

Please send Affidavits of Publication to:

Number of proof – 3

**Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549
Attention: Michelle Russo, Secretary ZBA**

Signed: 

Legal Advertising must be reserved by 5:00 p.m. on the fourth day in advance of publication date, and must be in this office by 12:00 noon on the third day in advance of publication date. Sundays and Holidays excluded.

When sending legal notices by mail to The Journal News, please specify on the envelope:

Legal Advertising Department

To avoid errors, notices should be typed double space on separate sheets of paper.

Three affidavits will be furnished unless otherwise specified. Proof will be furnished upon request.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 01-10-00 BY
SP-1000/1000/1000/1000/1000
1000/1000/1000/1000/1000

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

COUNTY OF WESTCHESTER

}

Jim Diamond being duly sworn, deposes and
says:

I reside at DP-21, LLC, 233 N. BEDFORD RD, SUITE 145, MOUNT KISCO, NY 10549

On April 26 2021 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

26th day of April 2021

M. Blach
(Notary Public)

Meredith Black, Esq.
Notary Public, State of New York
No. 02BL6203285
Qualified in Westchester County
Commission Expires 4/28/2017

EXHIBIT A
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 18th day of May 20 21 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

DP 21, LLC

333 N. Bedford Road Mount Kisco, NY 10549

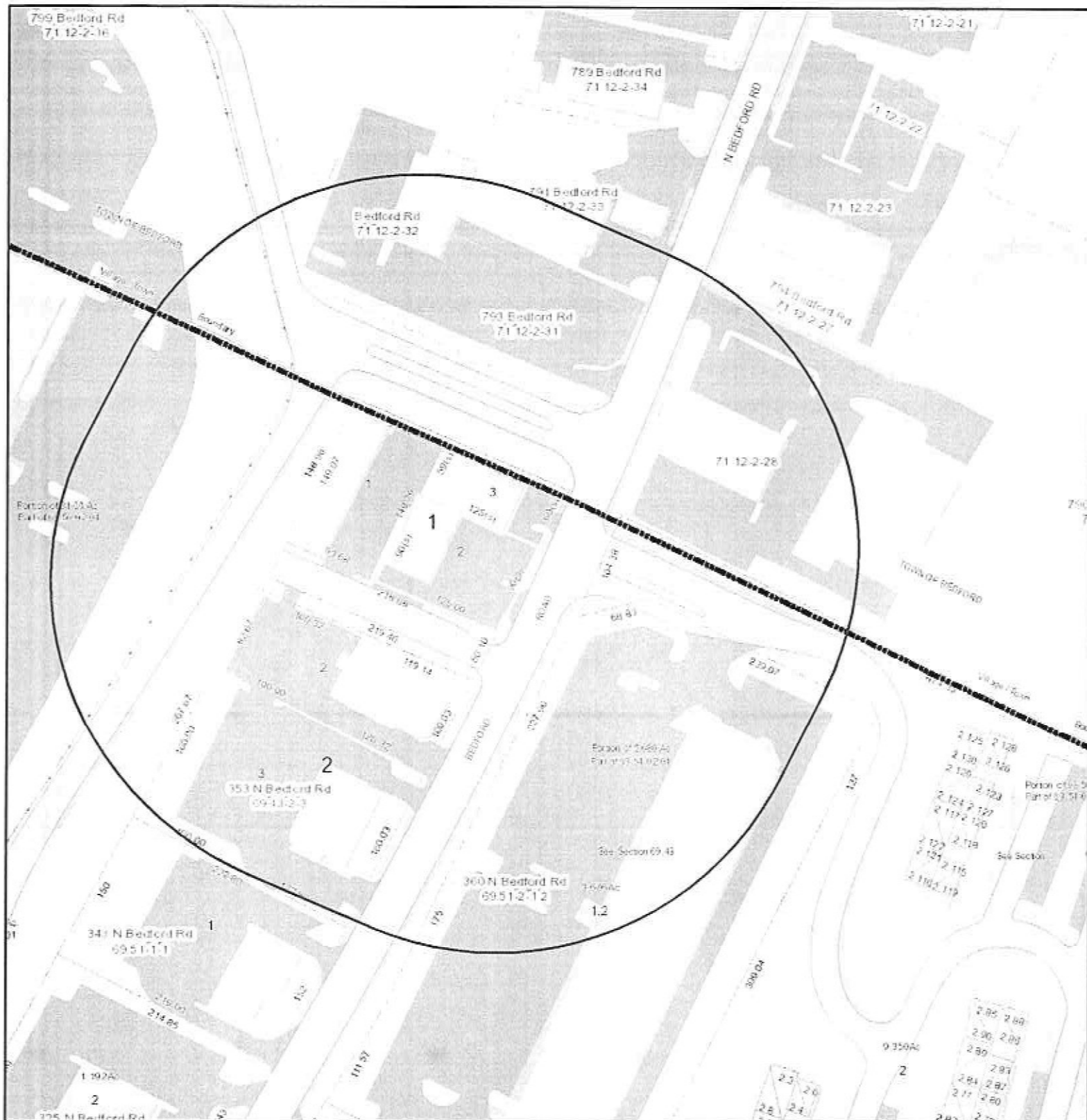
from the decision of Peter J. Miley, Building Inspector, dated March 25, 2021 denying the application dated to permit the installation of two double-sided, monument signs, one to be located at each of the entrances to the property.

The Property involved is known as 383 N. Bedford Road Mount Kisco, NY 10549 and described on the Village Tax Map as Section 69.43 Block 1 Lot 3 and is located on the west side of N. Bedford Road in a CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) 89-11 Table 1, Page 4 of the Code of the Village/Town of Mount Kisco, which requires (1) each monument sign is proposed to have a maximum structure height of 16 feet, therefore, an 8-foot height variance is required for each sign; (2) the proposed ShopRite sign face(s) for each monument has a face area of 32 square feet, therefore, a 12 square foot variance is required for each of the ShopRite sign face(s) on each monument sign; (3) application proposes 18-inch high letters for 333, therefore, a 12-inch variance is required for each set of the 333 numbers on both monument signs; (4) application proposes 16 inch high letters for the ShopRite signs, therefore, a 10-inch variance is required for each set of the ShopRite letters on both monument signs; (5) application proposes 9-3/4" letters for Safe Haven Self Storage, therefore, a 3-3/4" variance is required for each set of the Self Storage letters on both monument signs; and (6) the northernmost monument sign is proposed to be outside of the property which it serves, therefore, a variance for an off premise sign will be required.

EXHIBIT B

OWNER/NAME	PROPERTY ADDRESS	PROPERTY	PROPT. PROPERTY/KEY	C/O	Mailing Address	Additional ste, fl, unit	City	State	Zip
Buonanno, Anthony - Evelyn Buonanno	234 Grove St	MOUNT KISCO	10549 80.41-2-8		1 Eastview Ct		Valhalla	NY	10595
Fraioli, Carlo - Maria Fraioli	323 Main St	MOUNT KISCO	10549 80.41-2-13		1 Stoney Point West		Westport	CT	06880
Fraioli, Carlo	317 Main St	MOUNT KISCO	10549 80.41-2-14		1 Stoney Point West		Westport	CT	06880
Mytrey, Joseph - Anna Mytrey	14 Smith Ave	MOUNT KISCO	10549 80.41-3-8		100 Woodcrest Lane	Unit 116	Mt. Kisco	NY	10549
Reilly, Patricia M - Joan Stewart	322 Main St	MOUNT KISCO	10549 80.41-3-10		100 Woodcrest Lane	Unit 130	Mt. Kisco	NY	10549
Village of Mount Kisco	49 Moore Ave	MOUNT KISCO	10549 80.41-3-18		104 Main St		Mt. Kisco	NY	10549
B Green Holdings LLC	43 Moore Ave	MOUNT KISCO	10549 80.41-3-16		126 Le Parc Plaza		Mt. Kisco	NY	10549
Westchester County	25 Moore Ave	MOUNT KISCO	10549 80.41-3-14	Barton Wain	145 Huguenot St		New Rochelle	NY	10801
Cardone Lucy A - Lucy A Cardone New Lving Trst	24 Smith Ave	MOUNT KISCO	10549 80.41-3-7		27 Grandview Dr.		Mt. Kisco	NY	10549
Marrano Real Estate LLC	295 Main St	MOUNT KISCO	10549 80.41-2-17		27 Radio Circle Dr		Mt. Kisco	NY	10549
Carrozza, Jean	301 Main St	MOUNT KISCO	10549 80.41-2-16		28 Cortland Manor Rd		Katonah	NY	10536
Esposito, Anderson	331 Main St	MOUNT KISCO	10549 80.41-2-12		31 Wood St		Katonah	NY	10536
Boys & Girls Club of N West.	250 Grove St	MOUNT KISCO	10549 80.41-2-9		351 Main Street		Mt. Kisco	NY	10549
Dimatteo, Vito - Angela Dimatteo	55 Moore Ave	MOUNT KISCO	10549 80.41-3-19		367 Birdsell Drive		Yorktown Heights	NY	10598
Northern Westch Hospital Assci	40 Moore Ave & Bolts	MOUNT KISCO	10549 80.41-4-1	N Westchester Hospital Housing Corp	40 Moore		Mt. Kisco	NY	10549
Palmaz Inc.	4 Smith Ave	MOUNT KISCO	10549 80.41-3-9	Christine Monteleone	592 Rt 22		Pawling	NY	12564
Alpha Trimaz, LLC	344 Main St	MOUNT KISCO	10549 80.41-3-12	Buckingham Properties	657 E Main Street		Mt. Kisco	NY	10549
Alpha Trimaz, LLC	332 Main St	MOUNT KISCO	10549 80.41-3-11	Buckingham Properties	657 E Main Street		Mt. Kisco	NY	10549
Cambareti, Diego - Giuseppa Cambareti	337 Main St	MOUNT KISCO	10549 80.41-2-11		8 Pine St		Mt. Kisco	NY	10549
William A Degregorio Med Bldg	37 Moore Ave	MOUNT KISCO	10549 80.41-3-15		823 Warren St		Thorwood	NY	10594
Lillian R Fruithandler Trust	303 Main St	MOUNT KISCO	10549 80.41-2-15		PO Box 354		Mt. Kisco	NY	10549
Banco Realty Inc	15 Moore Ave	MOUNT KISCO	10549 80.41-3-13		PO Box 661		Baldwin Place	NY	10505
Northern West. Hosp Assn	400 E. Main St	MOUNT KISCO	10549 80.49-3-14						
Tixeira, Margaret Ann	228 Grove St	MOUNT KISCO	10549 80.41-2-7						
36 Smith Avenue Owners LLC	36 Smith Ave	MOUNT KISCO	10549 80.41-3-6						
Boys & Girls Club of N West.	351 Main St	MOUNT KISCO	10549 80.41-2-10						
Matroni Mary F	47 Moore Ave	MOUNT KISCO	10549 80.41-3-17						
Methodist Church	300 Main St	MOUNT KISCO	10549 80.41-1-11						
DP 21 LLC	799 Bedford Rd	BEDFORD	10507 71.12-2-36	attn: Diamond Properties	333 N. Bedford Rd		Mt. Kisco, NY 10549	MOUNT KISCO	10549
Charisma Associates LLC	Bedford Rd	BEDFORD	10507 71.12-2-32		P.O. Box 324		Somers, NY 10589	MOUNT KISCO	10549
Suncoo LLC	791 Bedford Rd	BEDFORD	10507 71.12-2-33	c/o K E Andrews & Company	1900 Dairlock Rd.		Rowlett TX 75088	MOUNT KISCO	10549
Charisma Associates LLC	793 Bedford Rd	BEDFORD	10507 71.12-2-31		P.O. Box 324		Somers, NY 10589	MOUNT KISCO	10549
792 North Bedford Rd LLC	794 Bedford Rd	BEDFORD	10507 71.12-2-27	c/o Unicorn Contracting CO	10 Julia Ln, Suite 103		Cold Spring NY 10511	BEDFORD HILLS	10507
A & L Bedford Road Realty LLC	796 Bedford Rd	BEDFORD	10507 71.12-2-26		358 North Broadway		Sleepy Hollow, NY 11	MOUNT KISCO	10549

383 N Bedford Rd. ID: 69.43-1-2 (Mount Kisco)



April 23, 2021

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.

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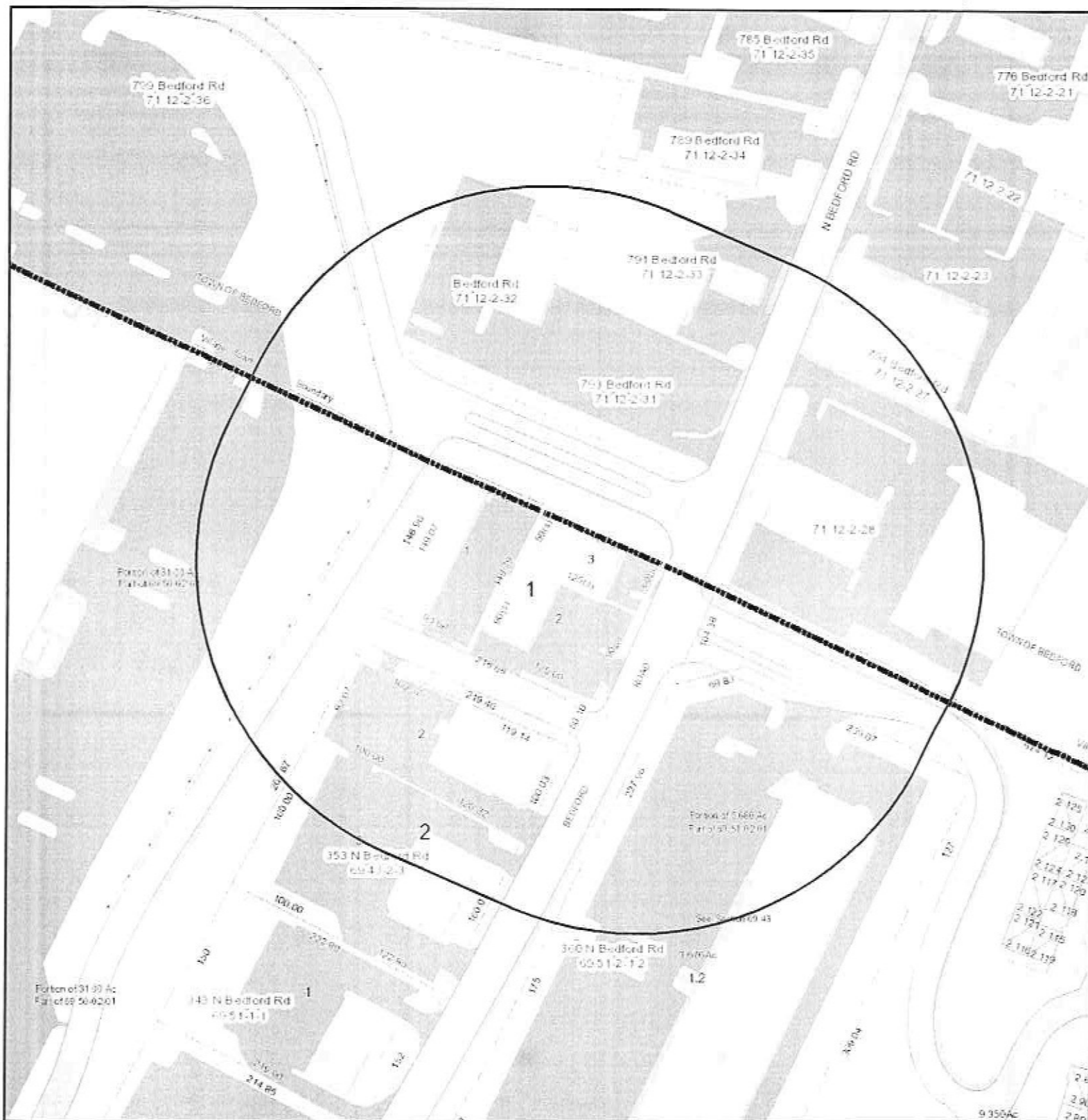
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Westchester County GIS

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

383 N Bedford Rd. ID: 69.43-1-3 (Mount Kisco)



April 23, 2021

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

MEMORANDUM OF LEASE

MEMORANDUM OF LEASE (this "Memorandum") made as of this 1st day of April, 2018, between **PHILAR REALTY CO. LLC** ("Landlord"), a New York limited liability company, having an address at P.O. Box 599, Bedford, New York 10506 and **DP 102 LLC** ("Tenant"), a New York limited liability company, having an office at 333 North Bedford Road, Mount Kisco, New York 10549.

Statement of Facts

Landlord hereby grants, demises and leases the Land described below to Tenant upon the following terms:

1. Date of Lease: as of April 1, 2018.
2. Description of Land: That certain parcel of land, together with the building and any other improvements erected or constructed thereon or (thereunder) commonly known by the street address of 383 North Bedford Road consisting of Mount Kisco tax parcels 69.43-1-2 (hereinafter referred to as the "South Parcel") and 69.43-1-3 (hereinafter referred to as the "North Parcel") and collectively with the South Parcel, the "Land"). A metes and bounds description of the Land is attached hereto and made part hereof as Exhibit A.
3. Date of Term Commencement: The term of the Lease shall commence on April 1, 2018.
4. Term: Twenty-five years and three months, unless earlier terminated in accordance with the provisions of the Lease.
5. Resubdivision of the Land: Pursuant to the terms and conditions of ARTICLE 5 of the Lease, Landlord and Tenant intend to resubdivide the Land, as more particularly described therein, and upon satisfaction of certain conditions set forth in Section 5.01(E), a fee interest in a portion of the Land will be conveyed by Landlord to an affiliate of Tenant and an affiliate of Tenant will convey certain premises adjoining the southerly boundary of the Land to Landlord.
6. Landlord's Put Option. Pursuant to the terms and conditions of ARTICLE 36 of the Lease, Landlord has the option to compel Tenant to purchase the Land in certain circumstances more particularly described therein.
7. Terms of Lease Govern: The rights, obligations and remedies of Landlord and Tenant, respectively, with reference to each other and the Land shall be fixed, determined and governed solely by the terms of the Lease, this being a Memorandum of Lease executed by the parties hereto solely for the purpose of providing an

instrument for recording pursuant to Section 291-c of the New York Real Property Law in lieu of recording the Lease. Nothing contained in this Memorandum shall be deemed, under any circumstances, to modify or to change any of the provisions of the Lease, to which reference is made for all purposes. In the event there shall be any discrepancy or variation between the terms described in this Memorandum and those contained in the Lease, the terms of the Lease shall control.

This Memorandum may be executed by the parties hereto in any number of counterparts and by different parties to this Memorandum on separate counterparts, each of which, when so executed shall be deemed an original, and all of which taken together shall constitute one and the same instrument.

[Signature Page Follows]

(Signature Page to Memorandum of Lease)

IN WITNESS WHEREOF, the parties have respectively executed this Memorandum as of the day and year first above written.

LANDLORD:

PHILAR REALTY CO. LLC,
a New York limited liability company

By: _____

Name:

Title:

TENANT:

DP 102 LLC,
a New York limited liability company
By: Diamond Properties, LLC, its sole member

By:  _____

Name: James Diamond

Title: Co-Manager

(Signature Page to Memorandum of Lease)

IN WITNESS WHEREOF, the parties have respectively executed this Memorandum as of the day and year first above written.

LANDLORD:

PHILAR REALTY CO. LLC,
a New York limited liability company

By: _____

Name: PHILIP SKOILOFF

Title: Managing Member

TENANT:

DP 102 LLC,
a New York limited liability company
By: Diamond Properties, LLC, its sole member

By: _____

Name: James Diamond

Title: Co-Manager

ACKNOWLEDGEMENTS

STATE OF NEW YORK)

COUNTY OF *Westchester*

On the 1st day of April in the year 2018, before me, the undersigned, personally appeared James Diamond, 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.

Fatima Arash
Signature and Office of
individual taking acknowledgment

STATE OF NEW YORK)

COUNTY OF)

: ss.:
)

FATIMA ARASH
NOTARY PUBLIC-STATE OF NEW YORK
No. 02AR6345791
Qualified In Queens County
My Commission Expires 08-01-2020

On the ___ day of _____ in the year 2018, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of
individual taking acknowledgment

ACKNOWLEDGEMENTS

STATE OF NEW YORK)
COUNTY OF Westchester ss.:

On the 29 day of March in the year 2018, before me, the undersigned, personally appeared Philip Skritoff, 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.

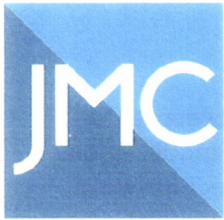


Debra Kashkin
Signature and Office of
individual taking acknowledgment

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

On the ___ day of _____ in the year 2018, before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Signature and Office of
individual taking acknowledgment



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OCT 25 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

Site Planning

Civil Engineering

Landscape Architecture

Land Surveying

Transportation Engineering

Environmental Studies

Entitlements

Construction Services

3D Visualization

Laser Scanning

June 30, 2020

Chairman Harold Boxer and
Members of the Zoning Board of Appeals
c/o Ms. Michelle Russo
Zoning Board of Appeals Secretary
Village of Mount Kisco Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

RE: JMC Project 18118
The Park 333 (ShopRite Expansion)
333 North Bedford Road
Town/Village of Bedford and Mount Kisco, NY

Dear Chairman Boxer and Members of the Zoning Board of Appeals:

We represent DP 21, LLC in making an application for certain improvements to their commercial center located at The Park 333 at 333 North Bedford Road (NBR) in the Town/Village of Mount Kisco, New York. In accordance with the Town/Village protocol, we are applying for several variances from the Village/Town Zoning Code. The applicant has made applications to the Planning Board for the following:

1. Site Plan Approval for various building and site modifications
2. Subdivision Approval for lot line changes proposed for 309 and 383 NBR
3. Special Use Permit for the proposed ShopRite grocery store
4. Special Use Permit for the proposed modifications to Grand Prix New York (GPNY)
5. Change of Use Permit for the conversion of warehouse/office use to Family Recreational Facility and Full-Service Grocery Store uses
6. Steep Slopes Permit for the construction of a proposed retaining wall on steep slopes

The proposed project involves an expansion and conversion of existing tenant space within the main existing multi-use building. There are proposed conversions of warehouse/office to family recreational and grocery uses. A ShopRite grocery store is proposed to occupy current warehouse/office space within the northeast corner of the existing building. As part of ShopRite, an enclosed vestibule and bottle recycling area are proposed additions to the existing building footprint. A small internal expansion to GPNY is also proposed to occupy some existing warehouse/office space. The project proposes to improve the two existing access driveways along North Bedford Road to align with the existing driveways on the opposite side of the roadway.

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC | JMC Site Development Consultants, LLC

The project has been before the Mount Kisco Planning Board since October 2018 and recently received a vote of SEQRA Negative Declaration. The Special Permit for the proposed modifications to the GPNY was received from the Planning Board on September 24, 2019. The project has been before the Bedford Planning Board since April 2019 and waiting final review from the Bedford traffic engineering consultant before they are ready to take action. The project received the Bedford Wetlands Control Commission permit on February 3, 2020. We have been working back and forth with NYSDOT on the proposed driveway realignments and right-of-way modifications. Throughout all of this, we have met with the Village/Town Planning Consultant, Engineering Consultant and Building Inspector to carefully determine all of the impacts in terms of zoning code variances. On September 6, 2019, the Village/Town Building Inspector issued a memorandum to the Planning Board detailing all required approvals and specific variances which is enclosed. The enclosed Project Narrative and Site Plans have been updated to reflect the information within that memorandum.

The following variances are required for the project which includes 3 lots (333 NBR, 309 NBR and 383 NBR):

- 1) 333 NBR (ML District), Maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. Therefore a 10,652 sf variance is required.
- 2) 333 NBR (ML District), Maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required.
- 3) 333 NBR (ML District), Required quantity of parking spaces is 1,127 where 873 spaces are proposed. Therefore a 254 parking space variance is required.
- 4) 333 NBR (CL District), Minimum lot width: 100 feet. Proposed is 50 feet therefore; a 50 foot lot-width variance is required.
- 5) 333 NBR (CL District), Front yard buffer: 20 feet. Proposed is 0 feet therefore; a 20 foot front-yard buffer variance is required.
- 6) 333 NBR (CL District), Side yard buffer: 5 feet. Proposed is 2 feet therefore; a 3 foot side-yard buffer variance is required.
- 7) 309 NBR (CL District), Parking required is 30 parking spaces, proposed is 19 spaces therefore; an 11 parking space variance is required.
- 8) 309 NBR (CL District), Minimum lot width: 100 feet. Proposed is 71 feet. therefore; a 29 foot lot-width variance is required.
- 9) 309 NBR (CL District), Front yard buffer: 20 feet. Proposed is 7 feet. therefore; a 13 feet front yard buffer variance is required.

- 10) 309 NBR (CL District), Side yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot side yard buffer variance is required.
- 11) 309 NBR (CL District), Minimum building setback side: 10 feet. Proposed is 7 feet. therefore; a 3 foot variance is required.
- 12) 383 NBR (CL District), Maximum development coverage is 80%, proposed is 86.4 % therefore; a 6.4% development coverage variance is required.
- 13) 383 NBR (CL District), Front yard buffer: 20 feet. Proposed is 12 feet. therefore; an 8 foot front yard buffer variance is required.
- 14) 383 NBR (CL District), Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is required.
- 15) 383 NBR (CL District), Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is required.
- 16) 383 NBR (CL District), Minimum building setback side: 10 feet. Proposed is 0.8 ft. therefore; a 9.2 foot side yard setback variance is required.
- 17) 383 NBR (CL District), Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required.
- 18) 383 NBR (CL District), The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line.
- 19) 333 NBR (ML District), Maximum the retaining wall length: 60 linear feet. Proposed is 1,100 linear feet. Therefore; a 1,040 linear foot variance is required. This variance was not listed in the Village Building Department Memorandum to the Planning Board with the rest of the variances.

Accordingly, we are pleased to submit ten (10) copies of the following referenced documents for Zoning Board of Appeals review:

1. Village of Mount Kisco Zoning Board of Appeals Application, signed and dated June 30, 2020.
2. Zoning Board of Appeals Public Notice
3. Village Building Department Memorandum to the Planning Board, dated September 6, 2019.
4. Five Balancing Factors, dated June 30, 2020.
5. Project Narrative, revised 06/30/2020.

6. JMC Drawing List (2 full size and 8 half scale):

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Revision</u>
C-000	"Cover Sheet"	06/30/2020
C-010	"Overall Existing Conditions Plan"	06/30/2020
C-100	"Overall Layout Plan"	06/30/2020
C-110	"Layout Plan"	06/30/2020
C-120	"Layout Plan"	06/30/2020
C-130	"Layout Plan"	06/30/2020
C-140	"Layout Plan"	06/30/2020

7. Gallin Beeler Design Studio, PLLC, Drawings (2 full size and 8 half scale):

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Revision</u>
A-001	"General Information & Proposed Overall Site Plan"	06/30/2020
A-002	"Existing Overall Tenant Plan at 333 North Bedford Road"	06/30/2020
A-005	"Enlarged Plans at Proposed ShopRite and Approved GPNY"	06/30/2020
A-012	"383 North Bedford Road Building Plan"	07/23/2019
--	"309 North Bedford Road – First Floor"	05/29/2019
--	"309 North Bedford Road – Ground Floor"	05/29/2019
PB-04	"Partial Site Plan – Field House"	06/24/2015
PB-06	"Field House Elevations"	06/24/2015

8. Rosenbaum Design Group Architecture Drawing EL-1, dated 07/05/2017.

9. TC Merritts Land Surveyors Drawings (2 full size and 8 half scale):

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Rev.</u>
Sheet 1 of 4	"Topography of Property"	04/12/2019
Sheet 2 of 4	"Topography of Property"	04/12/2019
Sheet 3 of 4	"Topography of Property"	04/12/2019
Sheet 4 of 4	"Topography of Property"	04/12/2019

10. TC Merritts Land Surveyors "Preliminary Subdivision Plat Prepared for Diamond Properties LLC", revised 06/29/2020 (2 full size and 8 half scale)

11. Diamond Properties Check to the Town/Village of Mount Kisco for the Zoning Board of Appeals Application fee in the amount of \$750.00.

12. Village of Mount Kisco Planning Board Resolution for Grand Prix Special Permit Approval dated 09/24/2019.

13. Mount Kisco Planning Board SEQR Negative Declaration, dated 05/12/2020.
14. New York Bargain and Sale Deed with Covenants Against Grantor's Acts, dated 02/07/2005.
15. Previous Approval – Planning Board Village of Mount Kisco Change of Use and Amended Site Plan Approval for Rockin' Jump, 333 North Bedford Road, dated 06/24/2014.
16. Previous Approval – Resolution of the Board of Trustees of the Village/Town of Mount Kisco, Local Law 5-2018 adopted 07/16/2018.

We trust that the enclosed documents are sufficient for the Zoning Board of Appeals review and look forward to discussing the project at the July 21st meeting. If you have any questions or require additional information, please do not hesitate to contact our office at (914) 273-5225.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying PLLC



Stephen Spina, PE
Senior Project Manager

cc: Mr. Jim Diamond
Neil Alexander, Esq.
Richard Sandor, Esq.
Mr. Michael Gallin, AIA, LEED AP
Mr. Dan Merritts, PLS
Mr. Henry Valdivia

RECEIVED

DEC 18 2020

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

-----X

Mount Kisco
Office of the Village Clerk

In the Matter of the Application of

Case No.: ZBA 20-6¹

**DP 21, LLC, DP 62, LLC, and
PHILAR REALTY CO., LLC**

-----X

1. Location of Property:

Property ID: 69.50-2-1; 69.43-1-2; and 69.51-1-3

333, 383, and 309 North Bedford Road

2. Description of Request:

The proposed project involves three separate tax parcels, 333 North Bedford Road which is located in the ML (Light Manufacturing) Zoning District with sections that and fronting North Bedford Road and located in the CL (Limited Commercial) Zoning District; 383 North Bedford Road which is located in the CL (Limited Commercial) Zoning district; and 309 North Bedford Road which is located in the CL (Limited Commercial) Zoning District. Proposed includes the merger/ subdivision of property lines and the realignment of the ingresses and egresses to the property (333 N. Bedford Rd.) that are located at both the north (opposite Foxwood Cir.) and south (Ice House Rd.) entrances. 383 N. Bedford Rd. is proposed to demolish the existing building to accommodate the realignment of the north entrance and construct a new 5,528 sq. ft. retail building and parking area. 309 N. Bedford Rd. will demolish part of the existing structure and reconfigure the parking area to accommodate the entrance/ egress located at Ice House Rd. The proposed project includes a Change of Use from office/warehouse to a "Full-Service Grocery Store" and alterations to the existing Grand Prink New York (GPNY) site which is now classified as a Family Recreational Facility. GPNY requires a change of use permit for a section of office space that is expanding to Family Recreational Facility. The change in sq. ft. amount (GPNY) is going from 118,096 sq. ft. to 121,913 sq. ft., an increase of 3,817 sq. ft.

333 North Bedford Road also includes an existing Membership Club that is subject to a Special Permit issued by the Planning Board. Parking requirements for Membership Clubs are now determined by the Planning Board and subject to Institute of Transportation Engineers review or other recognized parking sources per specific us prior to a parking determination. Membership clubs are subject to § 11-30 J and § 110-46, as well as the following:

¹ This application was amended and supplemented from its original form with only one applicant/appellant (DP 21, LLC) to include other property owners, DP 62, LLC and PHILAR REALTY CO., LLC.

110-24 B (2) Special Permit Uses

(a) Membership clubs conducting leisure-time and recreation activities for use by members, customers or clients on a periodic or seasonal basis, subject to the provisions of §§ 110-30J and 110-46 of this chapter, as well as the following:

[1] Submission at the time of application of a detailed exterior and interior layout plan and a schedule of activities and maximum capacities;

[2] Demonstration by the Applicants that potential traffic generation shall be within the reasonable capacity of the existing or planned road or street providing access, and that traffic circulation, exit and entrance drives are laid out to minimize traffic hazards and nuisances; and

[3] Demonstration by the Applicant that the membership club will be appropriate in the proposed location and will have no material adverse effect on existing or prospective conforming development, and the proposed site is adequate in size for the use.

Parking requirements for Family Recreation Facilities shall be determined by the Planning based upon specific standards from the Institute of Transportation Engineers or other recognized parking sources per specific use.

Parking requirements for "Full-Service Grocery Stores" requires not less than 1 space per 200 square feet of gross floor area.

3. **Zoning of Property:**

ML (Light Manufacturing) Zoning District (333 - Portion) -AND-
CL (Limited Commercial) Zoning District (333 - Portion, 383 and 309)

4. **Variance(s) Requested:**

A. **Original Requested Relief:** By site, the variances originally requested were:

1) 333 North Bedford Road

- i. A variance from the requirement that the store [full-service grocery store], inclusive of all square footage devoted to the tenant, operator, and/or affiliated uses shall occupy at least 35,000 square feet but not more than 75,000 square feet as set forth in Village Code 110-24(B)(2)(b)(1).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Storage	75,000 Sq.Ft.	85,652 Sq.Ft.	10,652 Sq.Ft.

- ii. A variance from the requirement that Full-Service Grocery Store offer 429 parking spaces under Village Code 110.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Parking Spaces	429 Spaces	176 Spaces	253 Spaces

- iii. A variance from the maximum development coverage of 70% as set forth in Village Code 110-24(C)(3).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Development Coverage	70%	73.1%	3.1%

- iv. A variance from the minimum lot width of 100 ft. as set forth in Village Code 110-19(C)(4).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Lot Width	100 ft.	50 ft.	50 ft.

- v. A variance from the minimum front yard buffer of 20 ft. as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Front Yard Buffer	20 ft.	0 ft.	20 ft.

- vi. A variance from the minimum side yard buffer as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Side Yard Buffer	5 ft.	2 ft.	3 ft.

2) 309 North Bedford Road

- i. A variance from the requirement that premises offer 30 parking spaces under Village Code 110.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Parking Spaces	30 Spaces	19 Spaces	11 Spaces

- ii. A variance from the minimum lot width as set forth in Village Code 110-19(C)(4).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Lot Width	100 ft.	71 ft.	29 ft.

- iii. A variance from the minimum front yard buffer as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Front Yard Buffer	20 ft.	7 ft.	13 ft.

- iv. A variance from the minimum side yard buffer as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Side Yard Buffer	5 ft.	0 ft.	5 ft.

- v. A variance from the minimum side yard setback as set forth in Village Code 110-19(C)(5).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Side Yard Setback	10 ft.	7 ft.	3 ft.

3) 383 North Bedford Road

- i. A variance from the maximum development coverage of 80% as set forth in Village Code 110-19(C)(3).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Development Coverage	80%	83.1%	3.1%

- ii. A variance from the minimum front yard buffer as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Front Yard Buffer	20 ft.	12 ft.	8 ft.

- iii. A variance from the minimum rear yard buffer as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Rear Yard Buffer	5 ft.	0 ft.	5 ft.

- iv. A variance from the minimum side yard buffer as set forth in Village Code 110-19(C)(6).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Side Yard Buffer	5 ft.	0 ft.	5 ft.

- v. A variance from the minimum side yard setback as set forth in Village Code 110-19(C)(5).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Side Yard Setback	10 ft.	0.8 ft.	9.2 ft.

- vi. A variance from the minimum rear yard setback as set forth in Village Code 110-19(C)(5).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Minimum Rear Yard Setback	10 ft.	0 ft.	10 ft.

- vii. A variance from requirement that compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district as set forth in Village Code 110-30(D)(1) and where under Village Code 110-31(G)(1), no accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Compactor, Dumpster or Container Located in Rear Yard Adjacent to Side Lot Line	Prohibited	Allowed	Allowed

B. Revised Requested Relief: The variances originally requested were re-evaluated by the Applicants, Planning Board and professional staff in an effort to improve the plan layout, improve traffic efficiency and achieve greater zoning compliance. The result was a significant reduction in the number and degree of variances sought by Applicants. The revised requested relief (10 area variances) is reflected in the *right-hand* column of the schedule attached hereto as Exhibit A, with numerical assignment to each of the still need variances, and no numbers assigned to variances that were eliminated.

5. **Dates of Public Hearings:** July 21, 2020 and December 11, 2020 (and a joint meeting with Planning Board on October 8, 2020)

Date of Action: December 15, 2020

6. **Comments Received at the Public Hearing.**

None

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

- Memorandum from Peter J. Miley, Building Inspector, dated 08/13/2019
- Principal Points, dated 06/30/2020
- Zoning Board of Appeals Application, dated 06/30/2020
- Copy of Map of properties within 300 Feet
- Full list of names for mailing
- Affidavit of Mailing, dated 07/06/2020
- Affidavit of Publication from The Journal News, dated 07/06/2020
- Affidavit of Posting, dated 09/09/2020
- Copy of Public Notice
- Copy of Survey
- Copy of Deed
- Copies of Site Plans, Surveys, Elevations, Layouts, and Renderings
- Fees Paid

8. **SEQRA Determination:**

The subject application constitutes a Type I Action for which a separate resolution for a Negative Declaration was adopted and filed, determining the action has no significant adverse effect on the environment. The Planning Board, as Lead Agency, issued its Negative Declaration of Significance on May 12, 2020. Accordingly, the requirements of 6 NYCRR Part 617 have been met and this application not subject to further review under Environmental Conservation Law, Article VIII.

9. **Decision:** CONDITIONALLY 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. This application is in connection with the site plan modification of several distinct properties to effectuate access relocation so as to facilitate full intersections, rather than the off-set intersections which presently exist. To accomplish the goal of improved traffic flows and increased traffic efficiency, there has been a need to work around existing site conditions on the several involved properties. As this application shall have substantial positive impact on traffic on the North Bedford Road corridor, and given Applicants' efforts to improve traffic flow on said corridor, this application cannot be reviewed in a vacuum. Applicants have worked in a collaborative manner with the Village Building Department Professional Staff and the Planning Board to reduce the number of variances required. Moreover, this Board met with the Planning Board, the Applicants and traffic design engineers to get a full appreciation of the attendant site constraints and planning challenges.

As such, the Board makes the following findings that:

(1) no undesirable change would occur to the character of the neighborhood, since the only significant site alterations include a) full signalized intersections, b) replacement of an existing building, with a smaller newly-constructed building (383 NBR), c) increased on-site parking and an improved site lay-out for 333;

(2) the benefits sought by the Applicants could not be achieved by a feasible method other than the variances, in that the Applicants have worked through numerous staff meeting to minimize or eliminate variances from the applicable zoning, and has eliminated approximately half of the variances originally sought. Although the respective sites could theoretically be designed to eliminate all (or almost all) of the requested variances, there are very valid attendant financial considerations, environmental site constraints and property right limitations that play a significant factor. This Board believes that the proposed planned and associated variance,

represent the only means by which the Applicants' objectives could reasonable be achieved;

(3) the variances are not substantial and, in many cases, bring the respective sites into greater compliance with the underlying zoning;

(4) there will not be an adverse impact on the environment, as there is no consequential change in either the building or development coverage (impervious surfaces); and,

(5) while the alleged difficulty was undoubtedly self-created, in that the current property owner was aware of existing traffic patterns, zoning and North Bedford Road corridor conditions at the time of its purchase, it is not fatal to the application, nor does such fact outweigh the other factors favoring the variances as set forth above.

11. Conditions of Approvals.

- A) The variances are solely for the plans presented, reviewed and considered by the Zoning Board.
- B) The variances herein are expressly conditioned upon the granting of site plan approval, special permit, steep slopes permit and appropriate waivers by the Planning Board(s) necessary to implement the variances, as well as necessary authorizations from NYSDOT and other permitting agencies.
- C) The variances are subject to Planning Board approval, including landscaping and storm water management. Failure to comply with any Planning Board conditions, limitations, requirements or preconditions shall be deemed a violation of this resolution.
- D) Any change to the plans which would impact either the necessity of a variance or the degree of relief shall constitute a change to the plans invalidating the relief granted herein without further approval of this Board.
- E) Any conditions herein or incorporated by reference shall be deemed to be continuing obligations of the respective Applicants.

[NO FURTHER TEWXT ON THIS PAGE]

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


Motion to approve by: Mr. Weise

Seconded by: Mr. Alfano

Vote: Mr. Spector	AYE
Mr. Hoyt	AYE
Mr. Weise	AYE
Mr. Alfano	AYE
Chairman Boxer	AYE

RESOLUTION EXECUTED: December 18, 2020
Mount Kisco, New York

**ZONING BOARD OF APPEALS
Village/Town of Mount Kisco**

By: 
HAROLD BOXER, CHAIRMAN

PREVIOUS LIST OF VARIANCES	REVISED LIST OF VARIANCES
1) 333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. Therefore a 10,652 sf variance is required.	1) 333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. 10,652 sf variance is still sought.
2) 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. Therefore a 2.3% variance is required. It should be noted that the proposed development coverage for the entire 333 NBR lot (all zoning districts in Mount Kisco and Bedford) is 69.5%.	2) 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. 2.3% variance is still sought.
3) 333 NBR (ML District), the required quantity of parking spaces is 1,127 (prior to ITE input and determination by Planning Board), where 873 spaces are proposed. Therefore a 254 parking space variance is required.	Under new zoning, PLANNING BOARD makes discretionary parking determination for a number of uses within the site, making the degree of or need for a variance premature. NO VARIANCE NEEDED AT THIS TIME
4) 333 NBR (CL District), As per Village/Town of Mount Kisco Code 110-19 C. (4) Minimum lot width: 100 feet. Proposed is 50 feet therefore; a 50 foot lot-width variance is required.	By eliminating subdivision/re-subdivision, there is no longer any proposed new noncompliance. Lot width is an existing condition, compliant or otherwise. NO VARIANCE NEEDED AT THIS TIME
5) 333 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 0 feet therefore; a 20 foot front-yard buffer variance is required.	Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 ft. Proposed is 0 feet. IF THE PB DEEMS THIS ADVISABLE, THIS CAN BE WAIVED BY PB §110-32 B. NO VARIANCE NEEDED AT THIS TIME
6) 333 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] side yard buffer: 5 feet. Proposed is 2 feet therefore; a 3 foot side-yard buffer variance is required.	Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 0 feet IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PER §110-32 B. NO VARIANCE NEEDED AT THIS TIME
7) 309 NBR (CL District), Parking required is 30 parking spaces, proposed is 19 spaces therefore; an 11 parking space variance is required.	309 NBR (CL District), Applicant can satisfy off-street parking by providing on adjoining lot per Village Code § 110-28 B. NO VARIANCE NEEDED AT THIS TIME

<p>8) 309 NBR (CL District), As per Village/Town of Mount Kisco Code 110-19 C. (4) Minimum lot width: 100 feet. Proposed is 71 feet. therefore; a 29 foot lot-width variance is required.</p>	<p>Need for variance eliminated by abandoning subdivision. Existing condition does not require a variance. NO VARIANCE NEEDED AT THIS TIME</p>
<p>9) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 7 feet. therefore; a 13 feet front yard buffer variance is required.</p>	<p>309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet. Proposed is 7 feet. IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PER §110-32 B. NO VARIANCE NEEDED AT THIS TIME</p>
<p>10) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot side yard buffer variance is required.</p>	<p>309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet. IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PER §110-32 B. NO VARIANCE NEEDED AT THIS TIME</p>
<p>11) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 7 feet. therefore; a 3 foot variance is required.</p>	<p>3) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 ft. Proposed is 7.7 ft. therefore; a 2.3 foot variance is required. DESPITE DECREASE FROM EXISTING CONDITION Variance of 2.3 feet sought.</p>
<p>12) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.4 % therefore; a 6.4% development coverage variance is required.</p>	<p>4) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Max development coverage is 80%, proposed is 86.4 % therefore; a 6.4% development coverage variance is required. Variance of 6.4 % needed, but represents a decrease from 96.5% to 86.4%</p>
<p>13) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet, Proposed is 12 feet. therefore; an 8 foot front yard buffer variance is required.</p>	<p>383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [1] Front yard buffer: 20 feet, Proposed is 12 feet. IF THE PB DEEMS THIS ADVISABLE, IT CAN BE WAIVED BY PB PURSUANT TO §110-32 B. NO VARIANCE NEEDED AT THIS TIME</p>

<p>14) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is required.</p>	<p>5) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet. therefore; a 5 foot rear yard buffer variance is requested. Variance remains as proposed</p>
<p>15) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is required.</p>	<p>6) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is requested. Variance remains as proposed</p>
<p>16) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 0.8 ft. therefore; a 9.2 foot side yard setback variance is required.</p>	<p>7) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 1 ft. A 9 ft side yard setback variance is requested. Variance remains as proposed</p>
<p>17) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required.</p>	<p>8) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet. therefore; a 10 foot rear yard setback variance is required. Variance remains as proposed</p>
<p>18) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be</p>	<p>9) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the</p>

located or project nearer to any street line or side lot line than does the principal structure on the lot.	principal structure on the lot. Variances remain as proposed
19) 333 NBR (ML District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-33.1(c)[b] Natural Resource Protection regulations. Maximum the retaining wall length: 60 linear feet. Proposed retaining walls exceed 60 feet. The longest wall is 1,100 linear feet. Therefore, a 1,040 linear foot variance is required.	NO VARIANCE NEEDED AT THIS TIME

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RECEIVED

OCT 25 2021

Mount Kisco
Office of the Village Clerk

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

In the Matter of the Application of
DP 21, LLC

Case No.: ZBA 21-9

-----X

1. Location of Property:

Property ID: 69.43-1-2/3

383 North Bedford Road

2. Description of Request:

The application proposes the erection of a double-sided monument sign at the entrance to the property, intending to serve the development at 333 North Bedford Road, with a maximum height of 14.5 feet, a maximum letter height of 18 inches. Village Code Section 89-11(A)(7) requires all-ground signs and all of their elements are to be entirely located within the metes and bounds of the property which they serve. Thus, a variance is required for an off-premises sign.

Village Code Section 89-11 Table 1 Page 4 limits maximum monument signage letter height to be 6 inches. Thus, a variance of 12 inches is required.

Village Code Section 89-11 Table 1 Page 4 limits maximum monument signage height to be 8 feet. Thus, a variance of 6.5 feet is required.

Village Code Section 89-11 Table 1 Page 4 limits maximum face area to be 20 square feet. Thus, a variance of 1.1 square feet is required.

3. Zoning of Property:

ML – Light Manufacturing District

4. Variances/Interpretations Requested:

1. A variance from the requirement that all-ground signs and all of their elements are to be entirely located within the metes and bounds of the property which they serve as set forth in Village Code Section 89-11(A)(7).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Off Premises Sign	Prohibited	Allowed	Allowed

2. A variance from the maximum monument signage letter height as set forth in Village Code Section 89-11 Table 1 Page 4. (4 signs within monument sign times 2 sides)

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Monument Letter Height	6 in.	18 in.	12 in.

3. A variance from the maximum monument signage height as set forth in Village Code Section 89-11 Table 1 Page 4.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Monument Sign Height	8 ft.	14.5ft.	6.5 ft.

4. A variance from the maximum face area as set forth in Village Code Section 89-11 Table 1 Page 4.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Face Area	20 sq. ft.	21.1 sq. ft.	1.1 sq. ft.

5. **Date of Public Hearing:** June 15, 2021 and September 15, 2021
Date of Action: September 21, 2021

6. **Comments Received at the Public Hearing.**

- NONE

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

- Notice of Denial, dated March 25, 2021
- ZBA Application
- Memorandum from Jim Diamond, dated April 22, 2021
- Property Owners within 300'
- Copy of Map
- Copy of Public Notice
- Affidavit of Mailing
- Affidavit of Publication
- Affidavit of Posting
- Copy of Lease
- Site Plan prepared by Gallin Beeler Design Studio, PLLC, revised April 26, 2021 (4 Sheets)
- Fees Paid

8. SEQRA Determination:

The subject application constitutes a Type II action pursuant to NYCRR 617.5(c)(2) (“replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site”). Accordingly, the action has been statutorily determined to not have a significant affect on the environment and is not subject to review under Environmental Conservation Law, Article VIII.

9. Decision: APPROVED

10. Basis for Decision of ZBA:

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

11. Conditions of Approvals.

- 1) Variances are solely for the plans presented, reviewed and considered by the Zoning Board. Any modification to such plans shall require further review and approval by this Board.
- 2) The approval shall not constitute any authorization for any additional signage or change in signage on the premises, including handheld signage, air-inflated signage, and sandwich board signs.
- 3) The approval shall not constitute any authorization for any lighting to any signage or otherwise.
- 4) Illumination of signage shall not exceed the business hours of the tenants.

[NO FURTHER TEXT ON THIS PAGE]

12. Vote: BY ORDER OF THE BOARD OF APPEALS

Motion to approve by: Mr. Weise

Seconded by: Mr. Spector

Vote:	Mr. Spector	AYE
	Mr. Hoyt	AYE
	Mr. Weise	AYE
	Mr. Alfano	NAY
	Chairman Boxer	AYE

RESOLUTION EXECUTED: September 21, 2021
Mount Kisco, New York

ZONING BOARD OF APPEALS
Village/Town of Mount Kisco

By: _____
HAROLD BOXER, CHAIRMAN

RECEIVED

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

OCT 25 2021

Mount Kisco
Office of the Village Clerk

Case No.: ZBA 21-10

In the Matter of the Application of
DP 21, LLC

1. Location of Property:

Property ID: 69.50-2-1

333 North Bedford Road

2. Description of Request:

The application proposes the erection of a double-sided monument sign at the entrance to the property, intending to serve the development at 333 North Bedford Road, with a maximum height of 14.5 feet, a maximum letter height of 18 inches.

Village Code Section 89-11 Table 1 Page 4 limits maximum monument signage letter height to be 6 inches. Thus, a variance of 12 inches is required.

Village Code Section 89-11 Table 1 Page 4 limits maximum monument signage height to be 8 feet. Thus, a variance of 6.5 feet is required.

Village Code Section 89-11 Table 1 Page 4 limits maximum face area to be 20 square feet. Thus, a variance of 1.1 square feet is required.

3. Zoning of Property:

ML – Light Manufacturing District

4. Variances/Interpretations Requested:

1. A variance from the maximum monument signage letter height as set forth in Village Code Section 89-11 Table 1 Page 4. (4 signs within monument sign times 2 sides)

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Monument Letter Height	6 in.	18 in.	12 in.

2. A variance from the maximum monument signage height as set forth in Village Code Section 89-11 Table 1 Page 4.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Monument Sign Height	8 ft.	14.5 ft.	6.5 ft.

3. A variance from the maximum face area as set forth in Village Code Section 89-11 Table 1 Page 4.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Maximum Face Area	20 sq. ft.	21.1 sq. ft.	1.1 sq. ft.

5. **Date of Public Hearing:** June 15, 2021
Date of Action: June 15, 2021

6. **Comments Received at the Public Hearing.**

- NONE

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

- Notice of Denial, dated March 25, 2021
- ZBA Application
- Memorandum from Jim Diamond, dated April 22, 2021
- Property Owners within 300'
- Copy of Map
- Copy of Public Notice
- Affidavit of Mailing
- Affidavit of Publication
- Affidavit of Posting
- Copy of Lease
- Site Plan prepared by Gallin Beeler Design Studio, PLLC, revised April 26, 2021 (4 Sheets)
- Fees Paid

8. **SEQRA Determination:**

The subject application constitutes a Type II action pursuant to NYCRR 617.5(c)(2) ("replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site"). Accordingly, the action has been statutorily determined to not have a significant affect on the environment and is not subject to review under Environmental Conservation Law, Article VIII.

9. Decision: APPROVED

10. Basis for Decision of ZBA:

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

11. Conditions of Approvals.

- 1) Variances are solely for the plans presented, reviewed and considered by the Zoning Board. Any modification to such plans shall require further review and approval by this Board.
- 2) The approval shall not constitute any authorization for any additional signage or change in signage on the premises, including handheld signage, air-inflated signage, and sandwich board signs.
- 3) The approval shall not constitute any authorization for any lighting to any signage, except as expressly proposed and approved.
- 4) Illumination of signage shall not exceed the operating hours of the tenants.

12. Vote: BY ORDER OF THE BOARD OF APPEALS


Motion to approve by: Mr. Hoyt

Seconded by: Mr. Spector

Vote: Mr. Spector:	AYE
Mr. Hoyt:	AYE
Mr. Weise:	AYE
Mr. Alfano:	NAY
Chairman Boxer	AYE

RESOLUTION EXECUTED: September 21, 2021
Mount Kisco, New York

ZONING BOARD OF APPEALS
Village/Town of Mount Kisco

By: 
HAROLD BOXER, CHAIRMAN

AFFIDAVIT OF MAILING

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

Amanda Mell-Taylor being duly sworn, deposes and says:

I ~~reside~~/work at JMC, 120 Bedford Road, Armonk, NY 10504

On November 3 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.

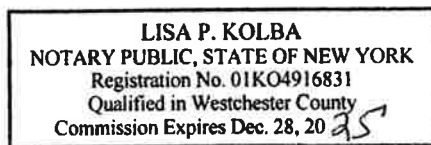


Sworn to before me on this

3rd day of November 20 22



(Notary Public)





AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 31 day of October in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

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

Zone:
Westchester

Run Dates:
10/31/2022

Linda Tutt
Signature

Sworn to before me, this 31 day of October, 2022

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

VICKY FELTY
Notary Public
State of Wisconsin

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, Lincolnale, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

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

Ad Number: 0005466814

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 15th day of November, 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of DP 21, LLC, 333 North Bedford Road, Suite 145, Mount Kisco, NY 10549 from the decision of Peter J. Miley, Building Inspector, dated 09/06/2019 denying the application dated to permit the items on the attached list. The property involved is known as The Park 333 (333 North Bedford Road, Mount Kisco, NY 10549) and described on the Village Tax Map as Mount Kisco (Section 69.50, Block 2, Lot 1), (Section 69.51, Block 1, Lot 3) and (Section 69.43, Block 1, Lots 2 & 3) and Bedford (Section 71.12, Block 2, Lot 36) and is located on the west side of North Bedford Road in a ML & CL Zoning District. Said Appeal is being made to obtain a variance from Section(s) refer to attached list of the Code of the Village/Town of Mount Kisco, which requires refer to the attached list.

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

Village of Mount Kisco Zoning Board of Appeals variances:

- 1) 333 NBR (ML District), the required maximum allowable building area for the proposed ShopRite grocery store is 75,000 sf, where 85,652 sf is proposed. 10,652 sf variance is still sought.
- 2) 333 NBR (ML District), the required maximum development coverage for the ML District is 70%, where 72.3% is proposed. 2.3% variance is still sought.
- 3) 309 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 ft. Proposed is 7.7 ft therefore; a 2.3 foot variance is required. DESPITE DECREASE FROM EXISTING CONDITION Variance of 2.3 feet is sought.
- 4) 383 NBR (CL District), As per Village/Town Mount Kisco Code Chapter 110. Zoning Article III. District Regulations § 110-19. CL Limited Commercial District. C. Development regulations. (3) Maximum development coverage is 80%, proposed is 86.4% therefore; a 6.4% development coverage variance is required. Variance of 6.4% needed, but represents a decrease from 96.5% to 86.4%.
- 5) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [2] Rear yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot rear yard buffer variance is requested. Variance remains as proposed.
- 6) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (6) (a) [3] Side yard buffer: 5 feet. Proposed is 0 feet therefore; a 5 foot side yard buffer variance is requested. Variance remains as proposed.
- 7) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback side: 10 feet. Proposed is 1 ft. therefore; a 9 foot side yard setback variance is requested. Variance remains as proposed.
- 8) 383 NBR (CL District), As per Village/Town Mount Kisco Code 110-19 C. (5) Minimum building setback rear: 10 feet. Proposed is 0 feet therefore; a 10 foot rear yard setback variance is required. Variance remains as proposed.
- 9) 383 NBR (CL District), As per Village/ Town Mount Kisco Code Chapter 110. Zoning Article V. Supplementary Regulations § 110-30. Supplementary use regulations. D. Trash compactors, dumpsters and other large trash containers. (1) The compactor, dumpster or container shall be located no closer to the property lines than is permitted for an accessory structure in said district. Proposed dumpster is located in the rear yard (west) adjacent to the side lot line. According to Chapter 110. Zoning Article V. Supplementary Regulations § 110-31. Supplementary development regulations. G. Accessory structures. (1) No accessory structure, except a sign for which a permit, pursuant to Chapter 89 of this Code, has been granted and which is erected pursuant to a site plan approved by the Planning Board, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot. Variances remains as proposed.

0005466814

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

AFFIDAVIT OF POSTING

Gilmar Palacios Chin, being duly sworn, says that on the 2nd day of November 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 2nd day of November 2022



 Notary Public

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

RECEIVED

NOV 02 2022

Zoning Board of Appeals
 Village/Town of Mount Kisco

333 NORTH BEDFORD ROAD TABLE OF LAND USE				
VILLAGE OF MT. KISCO SECTION 69.50, BLOCK 2, LOT 1 - 333 NORTH BEDFORD ROAD ZONE: MOUNT KISCO-"ML"-LIGHT MANUFACTURING / "CL"-LIMITED COMMERCIAL TOWN OF BEDFORD SECTION 71.12, BLOCK 2, LOT 36 ZONE: BEDFORD-"LI"-LIGHT INDUSTRIAL / "RB" - "ROADSIDE BUSINESS" PROPOSED USE: VARIES (LISTED ON DRAWING C-001) FIRE DISTRICT: MOUNT KISCO - MOUNT KISCO FD / BEDFORD - BEDFORD HILLS FD WATER DISTRICT: MOUNT KISCO WATER DEPARTMENT SCHOOL DISTRICT: BEDFORD CENTRAL SCHOOL DISTRICT SEWER DISTRICT: MOUNT KISCO - SAW MILL				
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	
MOUNT KISCO - ML DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	10,000	1,309,939	1,309,939	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	610,723	619,590 ⁽⁸⁾	
BUILDING COVERAGE AREA (SQUARE FEET)	589,479	557,769	563,074 ⁽⁸⁾	
DEVELOPED AREA (SQUARE FEET)	916,967	928,493	947,633	
MAXIMUM BUILDING COVERAGE (PERCENT)	45%	42.6%	43.0%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	70%	70.9% ⁽⁸⁾	72.3% ⁽⁸⁾	
MINIMUM LOT WIDTH (FEET)	75'	1,964.5	1,964.5	
MINIMUM LOT DEPTH (FEET)	75'	1,124.3	1,124.3	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	35'/2.0 STORIES	35'/2.0 STORIES	
FRONT YARD BUFFER (FEET)	10'	5' ⁽⁸⁾	5'	
REAR YARD BUFFER (FEET)	10'	21'	21'	
SIDE YARD BUFFER (FEET)	10'	0' ⁽⁸⁾	0'	
MINIMUM FRONT BUILDING SETBACK (FEET)	10'	5' ⁽⁸⁾	5'	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	39'	39'	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	268'	268'	
MOUNT KISCO - CL DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	10,000	40,342	40,342	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	0	0	
BUILDING COVERAGE AREA (SQUARE FEET)	12,103	0	0	
DEVELOPED AREA (SQUARE FEET)	32,274	33,176	21,789	
MAXIMUM BUILDING COVERAGE (PERCENT)	30%	0%	0%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	82.2% ⁽⁸⁾	54.0%	
MINIMUM LOT WIDTH (FEET)	100'	50' ⁽⁸⁾	50' ⁽⁸⁾	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	30'/2 STORIES	30'/2 STORIES	
FRONT YARD BUFFER (FEET)	20'	0' ⁽⁸⁾	0' ⁽⁸⁾	
REAR YARD BUFFER (FEET)	5'	8'	-	
SIDE YARD BUFFER (FEET)	5'	0' ⁽⁸⁾	0' ⁽⁸⁾	
MINIMUM FRONT BUILDING SETBACK (FEET)	20'	32'	-	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	77'	-	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	3' ⁽⁸⁾	-	
BEDFORD - LI DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	20,000	267,321	267,321	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	811	811	
BUILDING COVERAGE AREA (SQUARE FEET)	106,928	811	811	
DEVELOPED AREA (SQUARE FEET)	200,491	117,613	151,484	
MAXIMUM BUILDING COVERAGE (PERCENT)	40%	0.3%	0.3%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	75%	44.0%	56.7%	
MINIMUM EFFECTIVE SQUARE SIDE (FEET)	100'	-	-	
FRONT YARD BUFFER (FEET)	15'	-	-	
LESSER SIDE/TOTAL BOTH SIDES (FEET)	15/30	-	-	
REAR YARD BUFFER (FEET)	30'	-	-	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	45'/3 STORIES	-	-	
BEDFORD - RB DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	-	16,681	16,681	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	0	0	
BUILDING COVERAGE AREA (SQUARE FEET)	3,336	0	0	
DEVELOPED AREA (SQUARE FEET)	13,345	7,288	6,331	
MAXIMUM BUILDING COVERAGE (PERCENT)	20%	0%	0%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	43.6%	38.0%	
MINIMUM EFFECTIVE SQUARE SIDE (FEET)	-	-	-	
FRONT YARD BUFFER (FEET)	10	-	-	
LESSER SIDE/TOTAL BOTH SIDES (FEET)	-	-	-	
REAR YARD BUFFER (FEET)	30	-	-	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	45'/3 STORIES	-	-	
TOTAL SITE				
MINIMUM LOT AREA (SQUARE FEET)	-	1,634,283	1,634,283	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	611,534	620,401	
BUILDING COVERAGE AREA (SQUARE FEET)	735,433	558,580	563,885	
DEVELOPED AREA (SQUARE FEET)	1,144,007	1,086,570	1,127,237	
MAXIMUM BUILDING COVERAGE (PERCENT)	45%	34.2%	34.5%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	70%	66.5%	69.0%	
FRONT YARD BUFFER (FEET)	20'	5' ⁽⁸⁾	0'	
REAR YARD BUFFER (FEET)	10'	21'	21'	
SIDE YARD BUFFER (FEET)	10'	0' ⁽⁸⁾	0'	
MINIMUM FRONT BUILDING SETBACK (FEET)	10'	5' ⁽⁸⁾	5'	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	39'	39'	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	268'	268'	
TOTAL PARKING SPACES	1,127/TBD	802 ⁽²⁾	873	
ACCESSIBLE PARKING SPACES (INCLUDED WITHIN TOTAL)	18	18	27	
LOADING SPACES	8	28	22	

383 NORTH BEDFORD ROAD TABLE OF LAND USE				
VILLAGE OF MT. KISCO SECTION 69.43, BLOCK 1, LOT 2 & 3 (383 NORTH BEDFORD ROAD) ZONE: MOUNT KISCO-"CL"-LIMITED COMMERCIAL PROPOSED USE: RETAIL STORE FIRE DISTRICT: MOUNT KISCO – MOUNT KISCO FD WATER DISTRICT: MOUNT KISCO WATER DEPARTMENT SCHOOL DISTRICT: BEDFORD CENTRAL SCHOOL DISTRICT SEWER DISTRICT: MOUNT KISCO – SAW MILL				
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	
MOUNT KISCO – CL DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	10,000	18,664	18,664	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	–	7,893	5,528	
BUILDING COVERAGE AREA (SQUARE FEET)	–	7,893	5,528	
DEVELOPED AREA (SQUARE FEET)	–	18,011	16,127	
MAXIMUM BUILDING COVERAGE (PERCENT)	30%	42.3%	29.6%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	96.5% ⁽⁸⁾	86.4% ⁽⁸⁾	
MINIMUM LOT WIDTH (FEET)	100'	149'	149'	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	15'/1 STORY	24'/1 STORY	
FRONT YARD BUFFER (FEET)	20'	3' ⁽⁸⁾	12'	
REAR YARD BUFFER (FEET)	5'	0' ⁽⁸⁾	0' ⁽⁸⁾	
SIDE YARD BUFFER (FEET)	5'	0' ⁽⁸⁾	0' ⁽⁸⁾	
MINIMUM FRONT BUILDING SETBACK (FEET)	20'	40'	77'	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	0' ⁽⁸⁾	0' ⁽⁸⁾	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	1.4' ⁽⁸⁾	1' ⁽⁸⁾	
TOTAL PARKING SPACES	28	18 ⁽²⁾	28	
ACCESSIBLE PARKING SPACES (INCLUDED WITHIN TOTAL)	2	0 ⁽⁸⁾	2	
LOADING SPACES	1	1	1	

SITE PLAN APPROVAL DRAWINGS

THE PARK 333 (SHOPRITE EXPANSION)

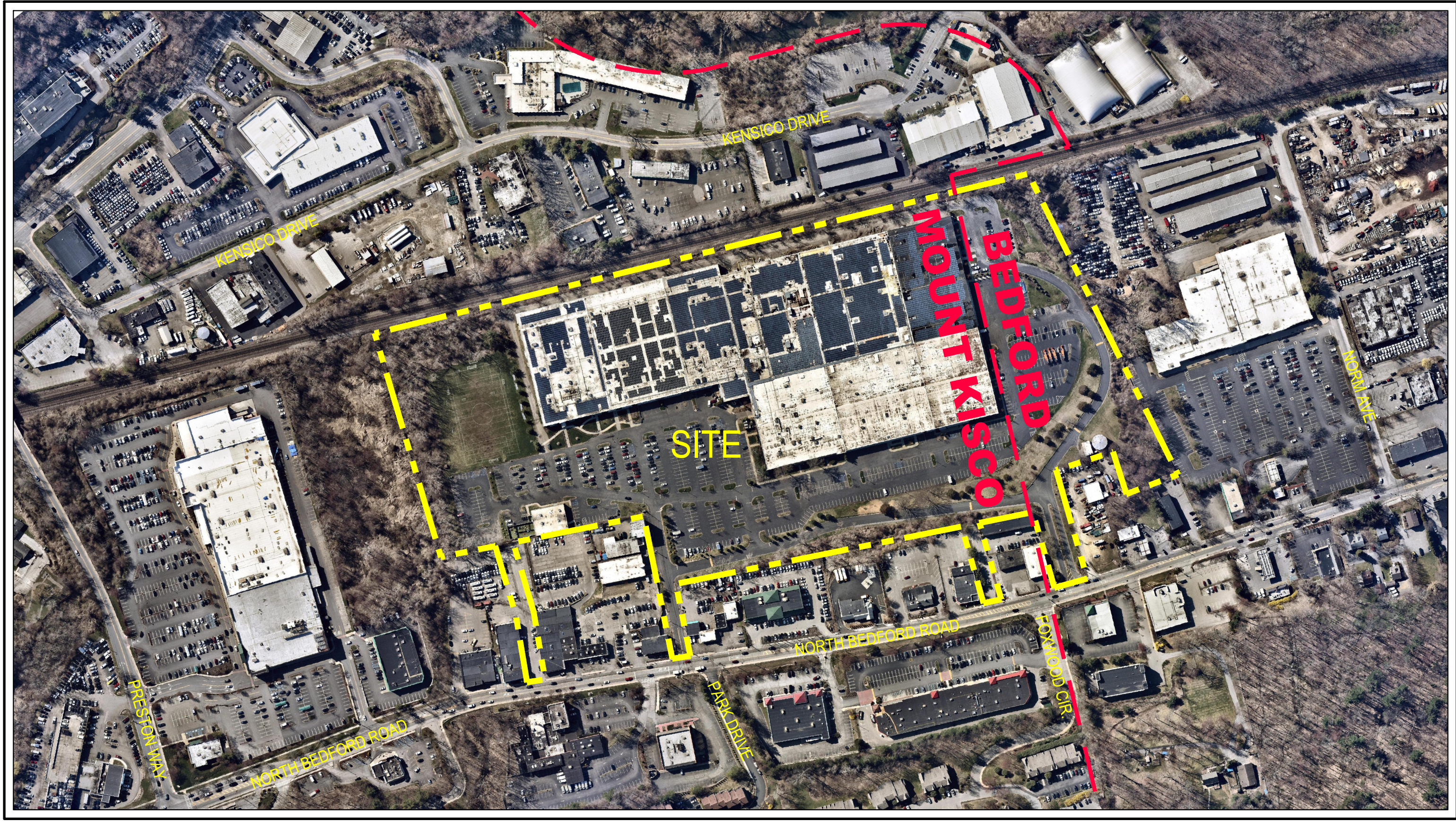
VILLAGE OF MT. KISCO TAX MAP SECTION: 69.50 | BLOCK 2 | LOT 1

TOWN OF BEDFORD TAX MAP SECTION: 71.12 | BLOCK 2 | LOT 36

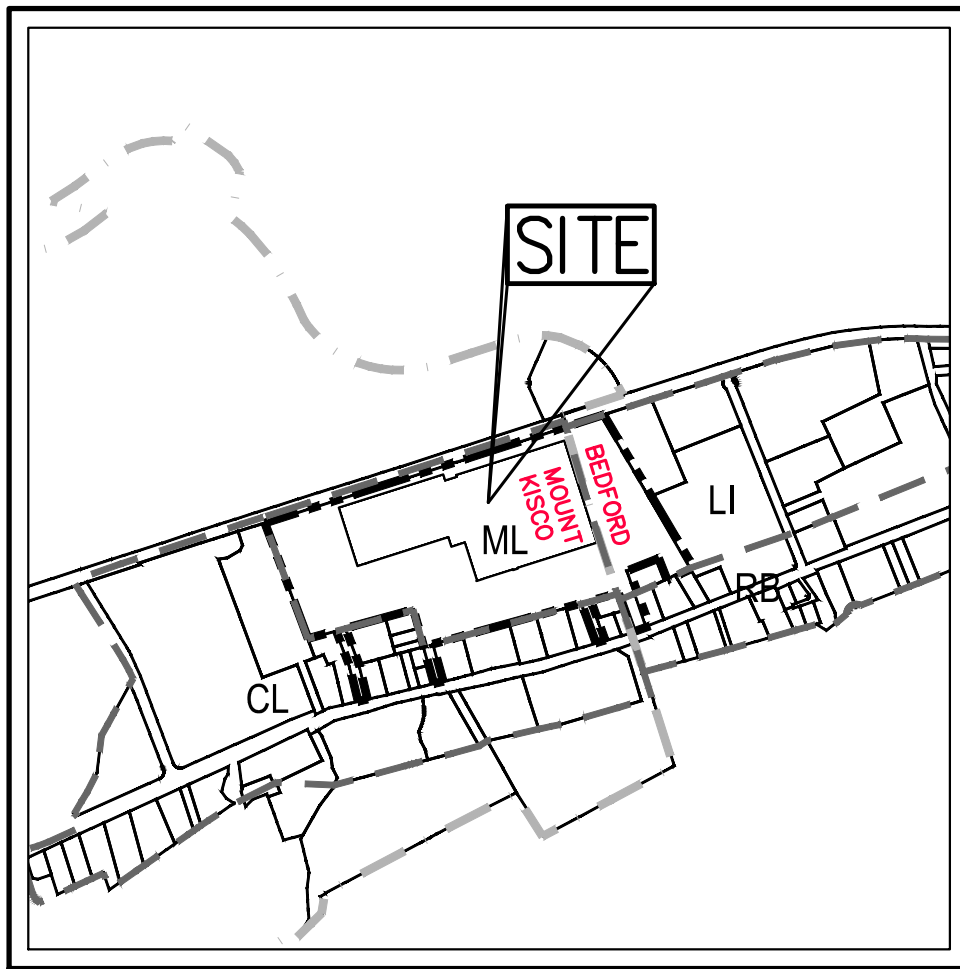
333 NORTH BEDFORD ROAD/799 BEDFORD ROAD

VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

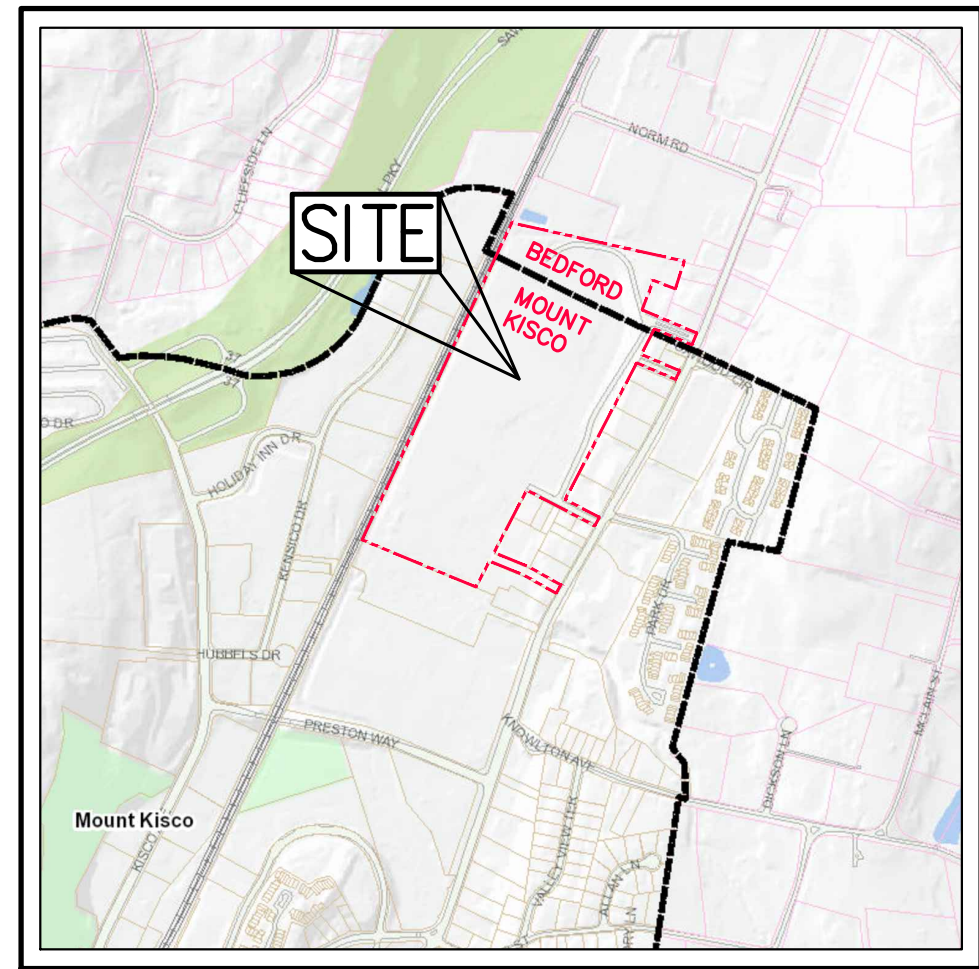
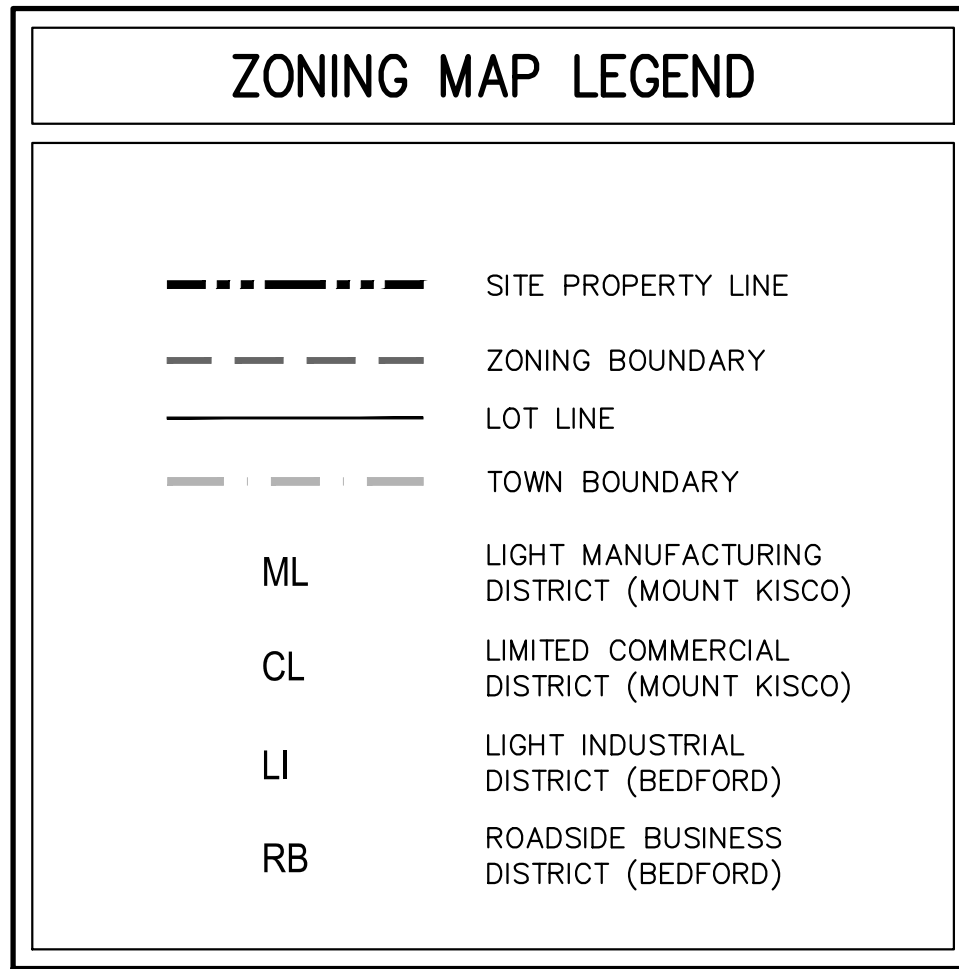
TOWN OF BEDFORD, NEW YORK



AREA MAP
SCALE: 1" = 250'
SOURCE: NEAR MAP



ZONING MAP
SCALE: 1" = 1,000'
SOURCE: VILLAGE/TOWN OF MOUNT KISCO
ZONING DISTRICT MAP, DATED 01/08/2018



VICINITY MAP
SCALE: 1" = 1,000'
SOURCE: WESTCHESTER COUNTY GIS / 2016

SHOPRITE PARKING TABLE		
	REQUIRED	PROVIDED
STANDARD PARKING SPACES	420	418
ACCESSIBLE PARKING SPACES	9	12
TOTAL PARKING SPACES	429	430
LOADING SPACES	3	7

309 NORTH BEDFORD ROAD TABLE OF LAND USE				
VILLAGE OF MT. KISCO SECTION 69.51, BLOCK 1, LOT 3 (309 NORTH BEDFORD ROAD)				
ZONE: MOUNT KISCO-"CL"-LIMITED COMMERCIAL				
PROPOSED USE: RETAIL STORE				
FIRE DISTRICT: MOUNT KISCO - MOUNT KISCO FD				
WATER DISTRICT: MOUNT KISCO WATER DEPARTMENT				
SCHOOL DISTRICT: BEDFORD CENTRAL SCHOOL DISTRICT				
SEWER DISTRICT: MOUNT KISCO - SAW MILL				
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	
MOUNT KISCO - CL DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	10,000	32,498	32,498	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	10,386	5,698	
BUILDING COVERAGE AREA (SQUARE FEET)	-	5,275	2,859	
DEVELOPED AREA (SQUARE FEET)	-	29,778	24,729	
MAXIMUM BUILDING COVERAGE (PERCENT)	30%	16.2%	8.8%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	91.6% ⁽⁸⁾	76.1%	
MINIMUM LOT WIDTH (FEET)	100'	160'	160'	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	30'/2 STORIES	30'/2 STORIES	
FRONT YARD BUFFER (FEET)	20'	0' ⁽⁸⁾	7'	
REAR YARD BUFFER (FEET)	5'	7'	8'	
SIDE YARD BUFFER (FEET)	5'	0' ⁽⁸⁾	0'	
MINIMUM FRONT BUILDING SETBACK (FEET)	20'	32'	61'	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	77'	77'	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	2.7' ⁽⁸⁾	7.7' ⁽⁸⁾	
TOTAL PARKING SPACES	24	33 ⁽⁸⁾	24	
ACCESSIBLE PARKING SPACES (INCLUDED WITHIN TOTAL)	1	0 ⁽⁸⁾	1	
LOADING SPACES	1	1	1	

ZONING NOTES:
1. VARIANCE REQUIRED.
2. EXISTING LEGAL NON-CONFORMITY
3. INCLUDES 4,923 SF ADDITION FOR SHOPRITE ENCLOSED VESTIBULE AND BOTTLE RECYCLING AREA AND 382 SF PROPOSED FIELDHOUSE

JMC Drawing List:

- C-000 COVER SHEET
- C-001 PARKING ANALYSIS TABLES
- C-002 PARKING ANALYSIS PLAN & TABLE (333 NBR)
- C-003 PARKING ANALYSIS PLAN & TABLE (309 NBR)
- C-004 PARKING ANALYSIS PLAN & TABLE (383 NBR)
- C-010 OVERALL EXISTING CONDITIONS PLAN
- C-020 OVERALL DEMOLITION PLAN
- C-100 OVERALL LAYOUT PLAN
- C-110 LAYOUT PLAN
- C-120 LAYOUT PLAN
- C-130 LAYOUT PLAN
- C-140 LAYOUT PLAN
- C-200 OVERALL GRADING PLAN
- C-210 GRADING PLAN
- C-220 GRADING PLAN
- C-230 GRADING PLAN
- C-240 GRADING PLAN
- C-241 ROAD PROFILES
- C-242 STORMWATER SYSTEM CROSS SECTION
- C-300 OVERALL UTILITIES PLAN
- C-310 UTILITIES PLAN
- C-320 UTILITIES PLAN
- C-330 UTILITIES PLAN
- C-340 UTILITIES PLAN
- C-350 STORM SEWER PROFILES
- C-351 STORM SEWER PROFILES
- C-400 OVERALL SEDIMENT & EROSION CONTROL PLAN
- C-401 PHASING PLAN
- C-600 OVERALL EXISTING CONDITIONS LIGHTING PLAN
- C-601 OVERALL PROPOSED CONDITIONS LIGHTING PLAN
- C-630 EXISTING CONDITIONS LIGHTING PLAN (309 NBR)
- C-631 PROPOSED CONDITIONS LIGHTING PLAN (309 NBR)
- C-640 EXISTING CONDITIONS LIGHTING PLAN (383 NBR)
- C-641 PROPOSED CONDITIONS LIGHTING PLAN (383 NBR)
- C-700 DELIVERY TRUCK TURNING PLAN (ENTERING)
- C-701 DELIVERY TRUCK TURNING PLAN (EXITING)
- C-710 FIRE TRUCK TURNING PLAN
- C-720 GARBAGE TRUCK TURNING PLAN
- C-900 CONSTRUCTION DETAILS
- C-901 CONSTRUCTION DETAILS
- C-902 CONSTRUCTION DETAILS
- C-903 CONSTRUCTION DETAILS
- C-904 CONSTRUCTION DETAILS
- C-905 CONSTRUCTION DETAILS
- L-100 OVERALL LANDSCAPING PLAN
- L-101 TREE PRESERVATION PLAN
- L-102 TREE REMOVAL PLAN
- L-110 LANDSCAPING PLAN
- L-120 LANDSCAPING PLAN
- L-130 LANDSCAPING PLAN
- L-140 LANDSCAPING PLAN
- SS-01 STEEP SLOPES PLAN
- SS-02 STEEP SLOPES PLAN (TOWN OF BEDFORD ONLY)

Gallin Beeler Design Studio Drawing List:

- A-001 GENERAL INFORMATION & PROPOSED OVERALL SITE PLAN
- A-002 EXISTING OVERALL TENANT PLAN AT 333 NORTH BEDFORD ROAD
- A-003 EXISTING OVERALL TENANT PLAN AT 309 NORTH BEDFORD ROAD
- A-004 PROPOSED TENANT PLAN AT 383 NORTH BEDFORD ROAD
- A-005 ENLARGED PLANS AT PROPOSED SHOPRITE AND GPNY
- A-006 CONCURRENT PARKING UTILIZATION ANALYSIS
- A-011 FREE STANDING ENTRANCE SIGN
- PB-04 PARTIAL SITE PLAN - FIELD HOUSE
- PB-06 FIELD HOUSE ELEVATIONS

Applicant/Owner:

DP21, LLC
333 N. BEDFORD ROAD, SUITE 145
MT. KISCO, NY 10549
(914) 773-6220

JMC Site Planner, Civil & Traffic Engineer,
Surveyor and Landscape Architect:
**JMC PLANNING, ENGINEERING, LANDSCAPE
ARCHITECTURE & LAND SURVEYING, PLLC**
120 BEDFORD ROAD
ARMONK, NY 10504
(914) 273-5225

Architect:

GALLIN BEELER DESIGN STUDIO
23 WASHINGTON AVENUE
PLEASANTVILLE, NY 10570
(714) 693-4004

MEP Engineer:

OLA CONSULTING ENGINEERS, P.C.
50 BROADWAY, 2ND FLOOR
HAWTHORNE, NY 10532
(914) 919-3102

Surveyor:

TC MERRITTS LAND SURVEYORS
394 BEDFORD ROAD
PLEASANTVILLE, NY 10570
(914) 769-8003

ATTORNEY:

CUDDEY & FEDER
445 HAMILTON AVENUE, 14TH FLOOR
WHITE PLAINS, NY 10601
(914) 761-1300

No.	Revision	Date	By
5.	REVISED PER VILLAGE COMMENTS	10/22/2019	SWN
6.	REVISED PER VILLAGE COMMENTS	11/27/2019	SWN
7.	ZBA SUBMISSION	06/30/2020	SWN
8.	DRIVEWAY, PARKING AND WALL REVISIONS	07/20/2020	SWN
9.	MOUNT KISCO PLANNING BOARD SUBMISSION	09/01/2020	TC
10.	PROPERTY LINE MODIFICATIONS	11/03/2020	TC
11.	FINAL SITE PLAN SUBMISSION	12/21/2020	AH

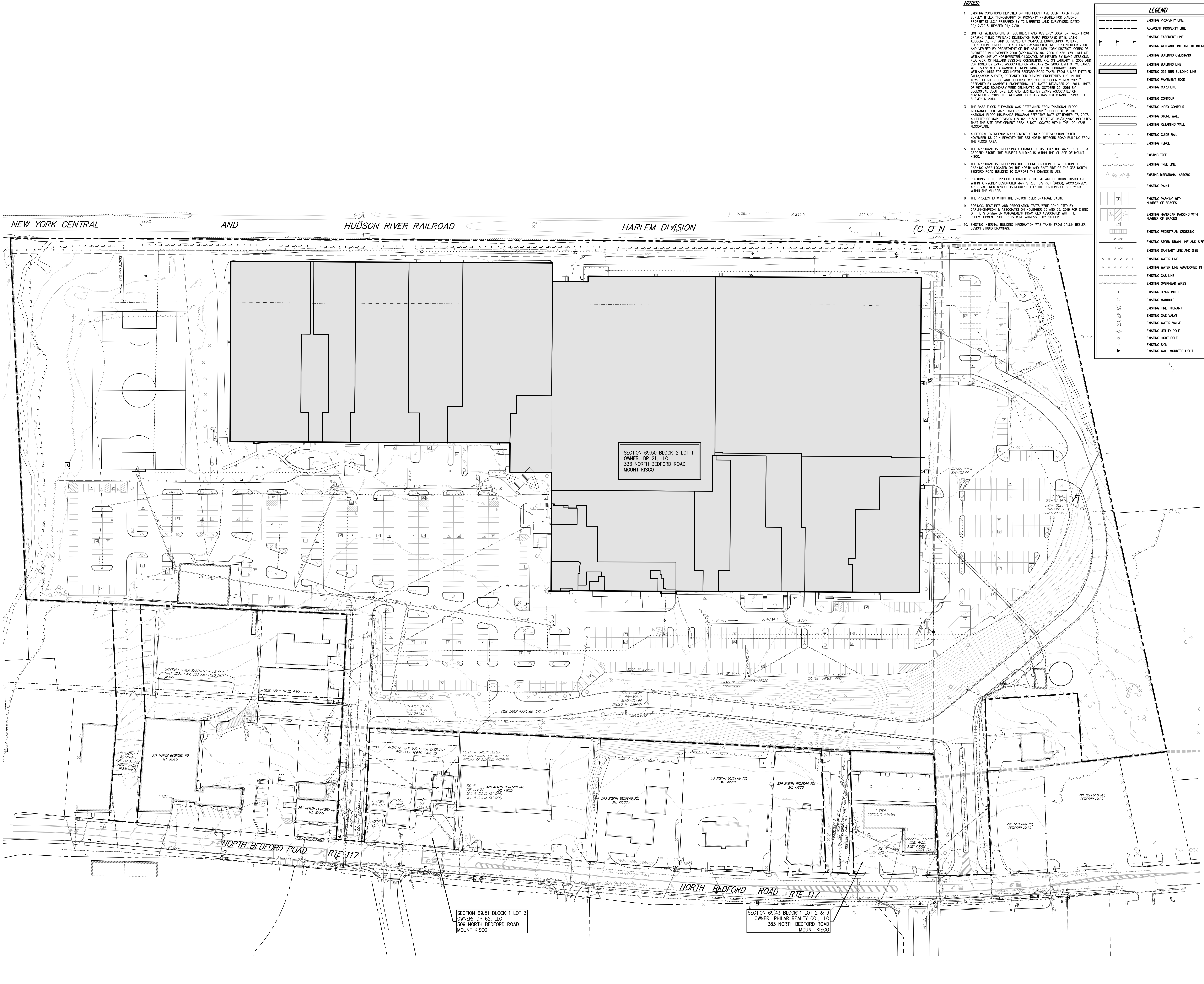
JMC Planning, Engineering, Landscape
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Drawn: **SWN** Approved: **SS**
Scale: **AS SHOWN**
Date: **10/23/2018**
Project No: **18118**
Sheet No: **18118**
Title: **C-000**

SUBSURFACE UTILITY LOCATIONS ARE BASED ON A COMPILED OF FIELD EVIDENCE. AVAILABLE RECORD PLANS AND/OR UTILITY MARK-OUTS THE LOCATION OR COMPLETENESS OF UNDERGROUND INFORMATION CANNOT BE GUARANTEED. VERIFY THE ACTUAL LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION OR CONSTRUCTION.

811 Know what's below.
Call before you dig.

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 1209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 709, SUBSECTION 2.



- NOTES**
- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM SURVEY TITLED, "TOPOGRAPHY OF PROPERTY PREPARED FOR DIAMOND PROPERTIES, LLC," PREPARED BY TC WENTZ LAND SURVEYORS, DATED 09/12/2016, REVISED 04/12/19.
 - LIMIT OF WETLAND LINE AT SOUTHERLY AND WESTERLY LOCATION TAKEN FROM DRAWING TITLED, "WETLAND DELINEATION MAP," PREPARED BY J. LAND ASSOCIATES, INC. AND SURVEYED BY CAMPBELL ENGINEERING, WETLAND DELINEATION CONDUCTED BY J. LAND ASSOCIATES, INC. IN SEPTEMBER 2000 AND VERIFIED BY DEPARTMENT OF THE ARMY, NEW YORK DISTRICT, CORPS OF ENGINEERS IN NOVEMBER 2000 (APPLICATION NO. 2000-14465-100). LIMIT OF WETLAND LINE AT NORTHWESTERLY LOCATION DELINEATED BY DAVID SESSIONS, RLA, ACP, OF KELLAND SESSIONS CONSULTING, P.C. ON JANUARY 7, 2009 AND CONFIRMED BY EVANS ASSOCIATES ON JANUARY 24, 2008. LIMIT OF WETLANDS WERE SURVEYED BY CAMPBELL ENGINEERING, LLP IN FEBRUARY 2008. WETLAND LIMITS FOR 333 NORTH BEDFORD ROAD TAKEN FROM A MAP ENTITLED "ALTA/ASAP SURVEY, PREPARED FOR DIAMOND PROPERTIES, LLC IN THE TOWNS OF MT. KISCO AND BEDFORD, WESTCHESTER COUNTY, NEW YORK," PREPARED BY CAMPBELL ENGINEERING, LLP, DATED DECEMBER 29, 2014. LIMITS OF WETLAND BOUNDARY WERE DELINEATED ON OCTOBER 29, 2019 BY ECOLOGICAL SOLUTIONS, LLC AND VERIFIED BY EVANS ASSOCIATES ON NOVEMBER 7, 2019. THE WETLAND BOUNDARY HAS NOT CHANGED SINCE THE SURVEY IN 2014.
 - THE BASE FLOOD ELEVATION WAS DETERMINED FROM "NATIONAL FLOOD INSURANCE RATE MAP PANELS 1000F AND 1002F" PUBLISHED BY THE NATIONAL FLOOD INSURANCE PROGRAM EFFECTIVE DATE SEPTEMBER 27, 2007. A LETTER OF MAP REVISION (18-02-103P), EFFECTIVE 03/20/2020 INDICATES THAT THE SITE DEVELOPMENT AREA IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN.
 - A FEDERAL EMERGENCY MANAGEMENT AGENCY DETERMINATION DATED NOVEMBER 12, 2014 REMOVED THE 333 NORTH BEDFORD ROAD BUILDING FROM THE FLOOD AREA.
 - THE APPLICANT IS PROPOSING A CHANGE OF USE FOR THE WAREHOUSE TO A GROCERY STORE. THE SUBJECT BUILDING IS WITHIN THE VILLAGE OF MOUNT KISCO.
 - THE APPLICANT IS PROPOSING THE RECONFIGURATION OF A PORTION OF THE PARKING AREA LOCATED ON THE NORTH AND EAST SIDE OF THE 333 NORTH BEDFORD ROAD BUILDING TO SUPPORT THE CHANGE IN USE.
 - PORTIONS OF THE PROJECT LOCATED IN THE VILLAGE OF MOUNT KISCO ARE WITHIN A NYCDOP DESIGNATED MAIN STREET DISTRICT (MSD). ACCORDINGLY, APPROVAL FROM NYCDOP IS REQUIRED FOR THE PORTIONS OF SITE WORK WITHIN THE VILLAGE.
 - THE PROJECT IS WITHIN THE CROTON RIVER DRAINAGE BASIN.
 - BORINGS, TEST PITTS AND PROLOGATION TESTS WERE CONDUCTED BY CARLIN-EMERSON & ASSOCIATES ON NOVEMBER 22 AND 26, 2019 FOR SIZING OF THE STORMWATER MANAGEMENT PRACTICES ASSOCIATED WITH THE REDEVELOPMENT. SOIL TESTS WERE WITNESSED BY NYCDOP.
 - EXISTING INTERNAL BUILDING INFORMATION WAS TAKEN FROM GALLIN BEELER DESIGN STUDIO DRAWINGS.

LEGEND	
	EXISTING PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING EASEMENT LINE
	EXISTING WETLAND LINE AND DELINEATION
	EXISTING BUILDING OVERHANG
	EXISTING BUILDING LINE
	EXISTING 333 NBR BUILDING LINE
	EXISTING PAVEMENT EDGE
	EXISTING CURB LINE
	EXISTING CONTOUR
	EXISTING INDEX CONTOUR
	EXISTING STONE WALL
	EXISTING RETAINING WALL
	EXISTING GUIDE RAIL
	EXISTING FENCE
	EXISTING TREE LINE
	EXISTING TREE
	EXISTING DIRECTIONAL ARROWS
	EXISTING PAINT
	EXISTING PARKING WITH NUMBER OF SPACES
	EXISTING HANDICAP PARKING WITH NUMBER OF SPACES
	EXISTING PEDESTRIAN CROSSING
	EXISTING STORM DRAIN LINE AND SIZE
	EXISTING SANITARY LINE AND SIZE
	EXISTING WATER LINE
	EXISTING WATER LINE ABANDONED IN PLACE
	EXISTING GAS LINE
	EXISTING OVERHEAD WIRES
	EXISTING DRAIN INLET
	EXISTING MANHOLE
	EXISTING FIRE HYDRANT
	EXISTING GAS VALVE
	EXISTING WATER VALVE
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
	EXISTING SIGN
	EXISTING WALL MOUNTED LIGHT

APPLICANT/OWNER: DP21, LLC
333 N. BEDFORD ROAD, SUITE 145
MT. KISCO, NY 10549

ARCHITECT: GALLIN BEELER DESIGN STUDIO
23 WASHINGTON AVENUE
PLEASANTVILLE, NY 10570

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW EXCEPT AS PROVIDED FOR BY SECTION 7209.9 SUBSECTION 2.

PROGRESS PLOTTING

Drawing: 18118-EXIST
Date: 2020-12-23
Time: 9:23 AM
By: [Signature]

Drawn: SMN
Scale: 1" = 50'
Date: 10/23/2018
Project No: 18118
WDR-BRT C-010 CBT-AT
Drawing No: C-010

OVERALL EXISTING CONDITIONS PLAN
THE PARK 333
(SHOPRITE EXPANSION)
333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC
JMC Site Development Consultants, LLC
John Meyer Consulting, Inc.
120 BEDFORD ROAD • BEDFORD, NY 10554
PHONE 914.233.2223 • FAX 914.233.2102
WWW.JMCPINC.COM

333 NORTH BEDFORD ROAD TABLE OF LAND USE				
VILLAGE OF MT. KISCO SECTION 69.50, BLOCK 2, LOT 1 - 333 NORTH BEDFORD ROAD ZONE: MOUNT KISCO - "ML" - "LIGHT MANUFACTURING" / "CL" - "LIMITED COMMERCIAL" TOWN OF BEDFORD SECTION 71.12, BLOCK 2, LOT 36 ZONE: BEDFORD - "U" - "LIGHT INDUSTRIAL" / "RB" - "ROADSIDE BUSINESS" PROPOSED USE: VARIES (LISTED ON DRAWING C-001) FIRE DISTRICT: MOUNT KISCO - MOUNT KISCO FD / BEDFORD - BEDFORD HILLS FD WATER DISTRICT: MOUNT KISCO WATER DEPARTMENT SCHOOL DISTRICT: BEDFORD CENTRAL SCHOOL DISTRICT SEWER DISTRICT: MOUNT KISCO - SAW MILL				
DESCRIPTION	REQUIRED	EXISTING	PROPOSED	
MOUNT KISCO - ML DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	10,000	1,309,939	1,309,939	
BUILDING GROSS FLOOR AREA (SQUARE FEET)		610,723	619,590 ⁽¹⁾	
BUILDING COVERAGE AREA (SQUARE FEET)	589,479	557,769	563,074 ⁽¹⁾	
DEVELOPED AREA (SQUARE FEET)	916,967	928,493	947,633	
MAXIMUM BUILDING COVERAGE (PERCENT)	45%	42.6%	43.0%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	70%	70.9% ⁽²⁾	72.3% ⁽¹⁾	
MINIMUM LOT WIDTH (FEET)	75'	1,964.5	1,964.5	
MINIMUM LOT DEPTH (FEET)	75'	1,124.3	1,124.3	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	35'/2.0 STORIES	35'/2.0 STORIES	
FRONT YARD BUFFER (FEET)	10'	5' ⁽²⁾	5'	
REAR YARD BUFFER (FEET)	10'	21'	21'	
SIDE YARD BUFFER (FEET)	10'	0' ⁽³⁾	0'	
MINIMUM FRONT BUILDING SETBACK (FEET)	10'	5' ⁽²⁾	5'	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	39'	39'	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	268'	268'	

MOUNT KISCO - CL DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	10,000	40,342	40,342	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	0	0	
BUILDING COVERAGE AREA (SQUARE FEET)	12,103	0	0	
DEVELOPED AREA (SQUARE FEET)	32,274	33,176	21,789	
MAXIMUM BUILDING COVERAGE (PERCENT)	30%	0%	0%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	82.2%	54.0%	
MINIMUM LOT WIDTH (FEET)	100'	50' ⁽²⁾	50' ⁽³⁾	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	30'/2 STORIES	30'/2 STORIES	
FRONT YARD BUFFER (FEET)	20'	0' ⁽²⁾	0' ⁽³⁾	
REAR YARD BUFFER (FEET)	5'	8'	-	
SIDE YARD BUFFER (FEET)	5'	0' ⁽²⁾	0' ⁽³⁾	
MINIMUM FRONT BUILDING SETBACK (FEET)	20'	32'	-	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	77'	-	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	5' ⁽²⁾	-	

BEDFORD - LI DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	20,000	267,321	267,321	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	811	811	
BUILDING COVERAGE AREA (SQUARE FEET)	106,928	811	811	
DEVELOPED AREA (SQUARE FEET)	200,491	117,613	151,484	
MAXIMUM BUILDING COVERAGE (PERCENT)	40%	0.3%	0.3%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	75%	44.0%	56.7%	
MINIMUM EFFECTIVE SQUARE SIDE (FEET)	100'	-	-	
FRONT YARD BUFFER (FEET)	15'	-	-	
LESSER SIDE/TOTAL BOTH SIDES (FEET)	15/30'	-	-	
REAR YARD BUFFER (FEET)	30'	-	-	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	45'/3 STORIES	-	-	

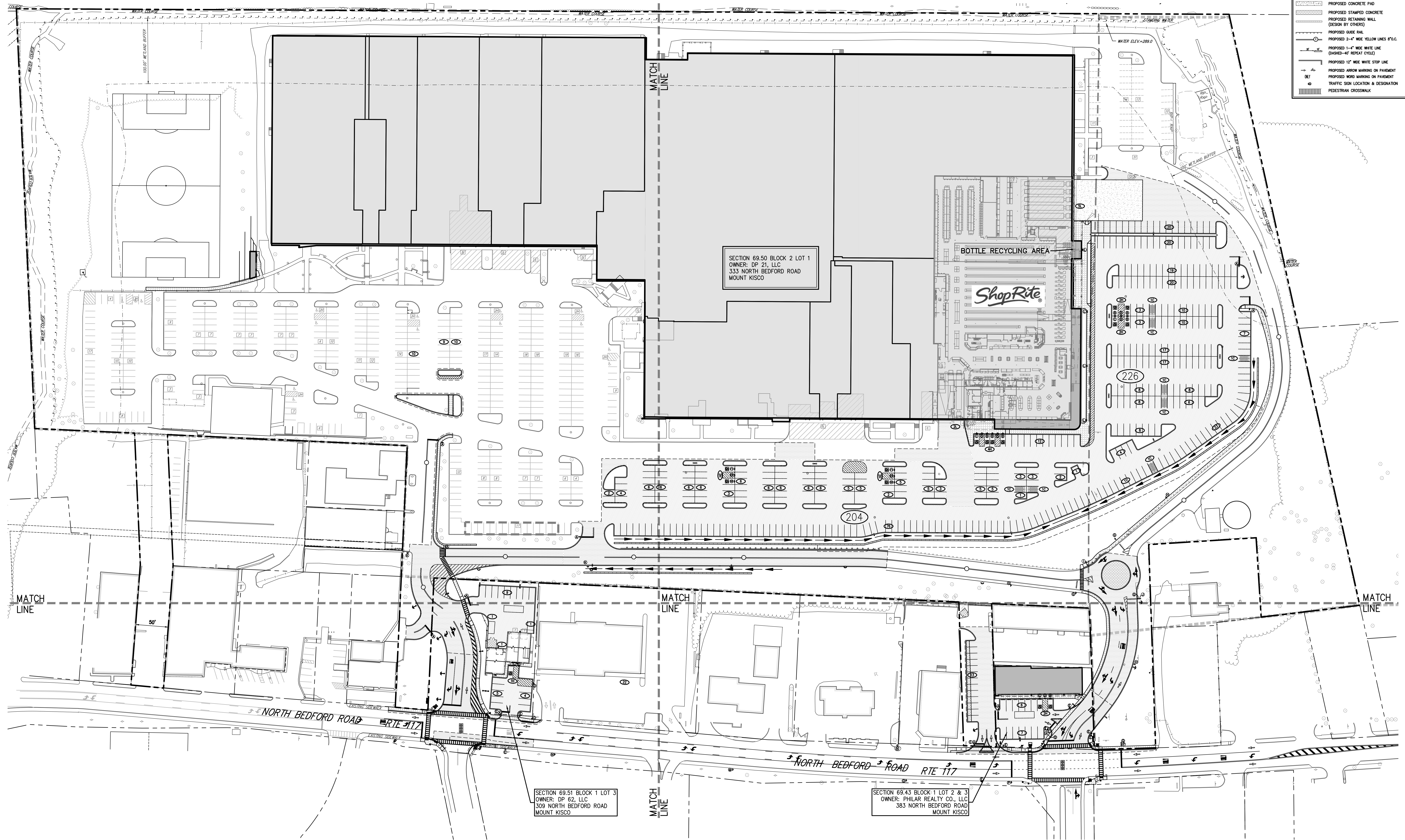
BEDFORD - RB DISTRICT				
MINIMUM LOT AREA (SQUARE FEET)	-	16,681	16,681	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	0	0	
BUILDING COVERAGE AREA (SQUARE FEET)	3,336	0	0	
DEVELOPED AREA (SQUARE FEET)	13,345	7,288	6,331	
MAXIMUM BUILDING COVERAGE (PERCENT)	20%	0%	0%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	43.6%	38.0%	
MINIMUM EFFECTIVE SQUARE SIDE (FEET)	-	-	-	
FRONT YARD BUFFER (FEET)	10	-	-	
LESSER SIDE/TOTAL BOTH SIDES (FEET)	-	-	-	
REAR YARD BUFFER (FEET)	30	-	-	
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	45'/3 STORIES	-	-	

TOTAL SITE				
MINIMUM LOT AREA (SQUARE FEET)	-	1,634,283	1,634,283	
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	611,534	620,401	
BUILDING COVERAGE AREA (SQUARE FEET)	735,433	558,580	563,885	
DEVELOPED AREA (SQUARE FEET)	1,144,007	1,086,570	1,127,237	
MAXIMUM BUILDING COVERAGE (PERCENT)	45%	34.2%	34.5%	
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	70%	66.5%	69.0%	
FRONT YARD BUFFER (FEET)	20'	5' ⁽²⁾	0'	
REAR YARD BUFFER (FEET)	10'	21'	21'	
SIDE YARD BUFFER (FEET)	10'	0' ⁽³⁾	0'	
MINIMUM FRONT BUILDING SETBACK (FEET)	10'	5' ⁽²⁾	5'	
MINIMUM REAR BUILDING SETBACK (FEET)	10'	39'	39'	
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	268'	268'	
TOTAL PARKING SPACES	1,127/1BD	802 ⁽²⁾	873	
ACCESSIBLE PARKING SPACES (INCLUDED WITHIN TOTAL)	18	18	27	
LOADING SPACES	8	28	22	

- ZONING NOTES:**
- VARIANCE REQUIRED.
 - EXISTING LEGAL NON-CONFORMITY.
 - INCLUDES 4,923 SF ADDITION FOR SHOPRITE ENCLOSED VESTIBULE AND BOTTLE RECYCLING AREA AND 382 SF PROPOSED FIELDHOUSE.

SHOPRITE PARKING TABLE		
	REQUIRED	PROVIDED
STANDARD PARKING SPACES	420	418
ACCESSIBLE PARKING SPACES	9	12
TOTAL PARKING SPACES	429	430
LOADING SPACES	3	7

- NOTES:**
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 - LIMIT OF WETLAND LINE AT SOUTHERLY AND WESTERLY LOCATIONS TAKEN FROM DRAWING TITLED "WETLAND DELINEATION MAP," PREPARED BY B. LANG AND ASSOCIATES, INC. AND SURVEYED BY B. LANG ASSOCIATES, INC. IN SEPTEMBER 2000 AND MODIFIED BY DEPARTMENT OF ENVIRONMENTAL CONSERVATION, CORPS OF ENGINEERS IN NOVEMBER 2000. APPLICATION NO. 2000-01465-190. LIMIT OF WETLAND LINE AT NORTHWESTERLY LOCATION DELINEATED BY DAVID S. SASSANO, R.E., A.S.P., OF HILLARY ASSOCIATES CONSULTING, P.C. ON JANUARY 7, 2008 AND CONFIRMED BY EVANS ASSOCIATES ON JANUARY 24, 2008. LIMIT OF WETLANDS WERE SURVEYED BY CAMPBELL ENGINEERING LLP IN FEBRUARY, 2008. WETLAND LIMITS FOR 333 NORTH BEDFORD ROAD TAKEN FROM A MAP ENTITLED "A 1/4" ACRES SURVEY, PREPARED FOR DIAMOND PROPERTIES, LLC IN THE TOWNS OF MT. KISCO AND BEDFORD, WESTCHESTER COUNTY, NEW YORK, PREPARED BY CAMPBELL ENGINEERING, LLP DATED DECEMBER 29, 2014. LIMITS OF WETLAND BOUNDARY WERE DELINEATED ON OCTOBER 29, 2019 BY GEOLOGICAL SOLUTIONS, LLC AND MODIFIED BY EVANS ASSOCIATES ON NOVEMBER 7, 2019. THE WETLAND BOUNDARY HAS NOT CHANGED SINCE THE SURVEY IN 2014.
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- LEGEND**
- EXISTING PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - EXISTING SETBACK LINE
 - EXISTING EASEMENT LINE
 - EXISTING WETLAND LINE AND DELINEATION
 - EXISTING WETLAND BUFFER
 - EXISTING BUILDING OVERHANG
 - EXISTING BUILDING
 - EXISTING 600' WIDE BUILDING LINE
 - EXISTING PAVEMENT EDGE
 - EXISTING CURB LINE
 - EXISTING STONE WALL
 - EXISTING RETAINING WALL
 - EXISTING GRADE RAIL
 - EXISTING FENCE
 - EXISTING TREE AND DESIGNATION
 - EXISTING TREE LINE
 - EXISTING DIRECTIONAL ARROWS
 - EXISTING PAINT
 - EXISTING PARKING WITH NUMBER OF SPACES
 - EXISTING ACCESSIBLE PARKING WITH NUMBER OF SPACES
 - EXISTING PEDESTRIAN CROSSING
 - EXISTING UTILITY POLE
 - EXISTING LIGHT POLE
 - EXISTING SIGN
 - PROPOSED BUILDING LINE
 - PROPOSED CURB
 - PROPOSED DROP CURB & RAMP
 - PROPOSED SAWMUT LINE
 - PROPOSED ACCESSIBLE PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)
 - PROPOSED PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)
 - PROPOSED CART CORRAL
 - PROPOSED CONCRETE SIDEWALK
 - PROPOSED PERVIOUS PAVEMENT WITH FLUSH CURB
 - PROPOSED LIGHT DUTY PAVEMENT
 - PROPOSED HEAVY DUTY PAVEMENT
 - PROPOSED CONCRETE PAD
 - PROPOSED STAMPED CONCRETE
 - PROPOSED RETAINING WALL (DESIGN BY OTHERS)
 - PROPOSED GLE RAIL
 - PROPOSED 2'-4" WIDE YELLOW LINES 8'-O.C.
 - PROPOSED 1'-4" WIDE WHITE LINE (DASHED-40' REPEAT CYCLE)
 - PROPOSED 12" WIDE WHITE STOP LINE
 - PROPOSED ARROW MARKING ON PAVEMENT
 - PROPOSED WORD MARKING ON PAVEMENT
 - TRAFFIC SIGN LOCATION & DESIGNATION
 - PEDESTRIAN CROSSWALK



NOT FOR CONSTRUCTION

APPLICANT/TOWNER: DP21, LLC
333 N. BEDFORD ROAD, SUITE 145
MT. KISCO, NY 10549

ARCHITECT: GALIN BEELER DESIGN STUDIO
23 WASHINGTON AVENUE
PLEASANTVILLE, NY 10570

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7205 OF THE NEW YORK STATE EDUCATION LAW EXCEPT AS PROVIDED FOR BY SECTION 7209, SUBSECTION 2.

STATE OF NEW YORK
COUNTY OF WESTCHESTER
OFFICE OF THE CLERK
JULY 2019

Drawn: SMN
Scale: 1" = 50'
Date: 10/23/2018
Project No: 18118
Hatched: C-100
Drawing No: LAT-01

C-100

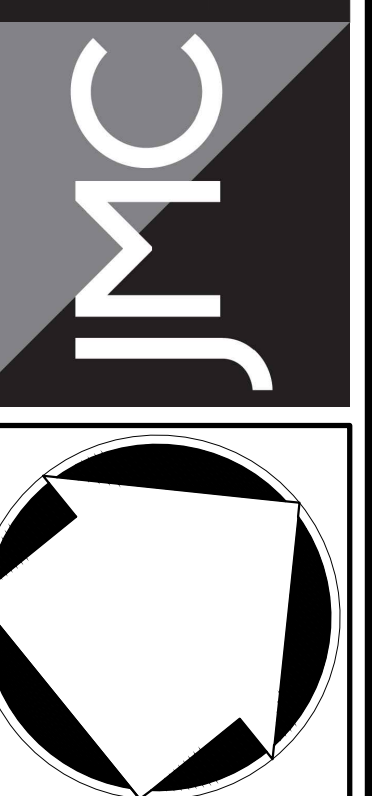


NO.	DATE	REVISIONS
5.	10/22/2019	SWN
6.	11/27/2019	SWN
7.	06/30/2020	SWN
8.	07/20/2020	SWN
9.	09/07/2020	TC
10.	11/03/2020	TC
11.	12/21/2020	AH

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ARCHITECT:
GALLIN BEELER DESIGN STUDIO
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120 BEDFORD ROAD • ARMONK, NY 10504
voice 914.273.5225 • fax 914.273.2102
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LAYOUT PLAN

THE PARK 333 (SHOPRITE EXPANSION)

333 NORTH BEDFORD ROAD / 799 BEDFORD ROAD
VILLAGE OF MOUNT KISCO / TOWN OF BEDFORD, NY

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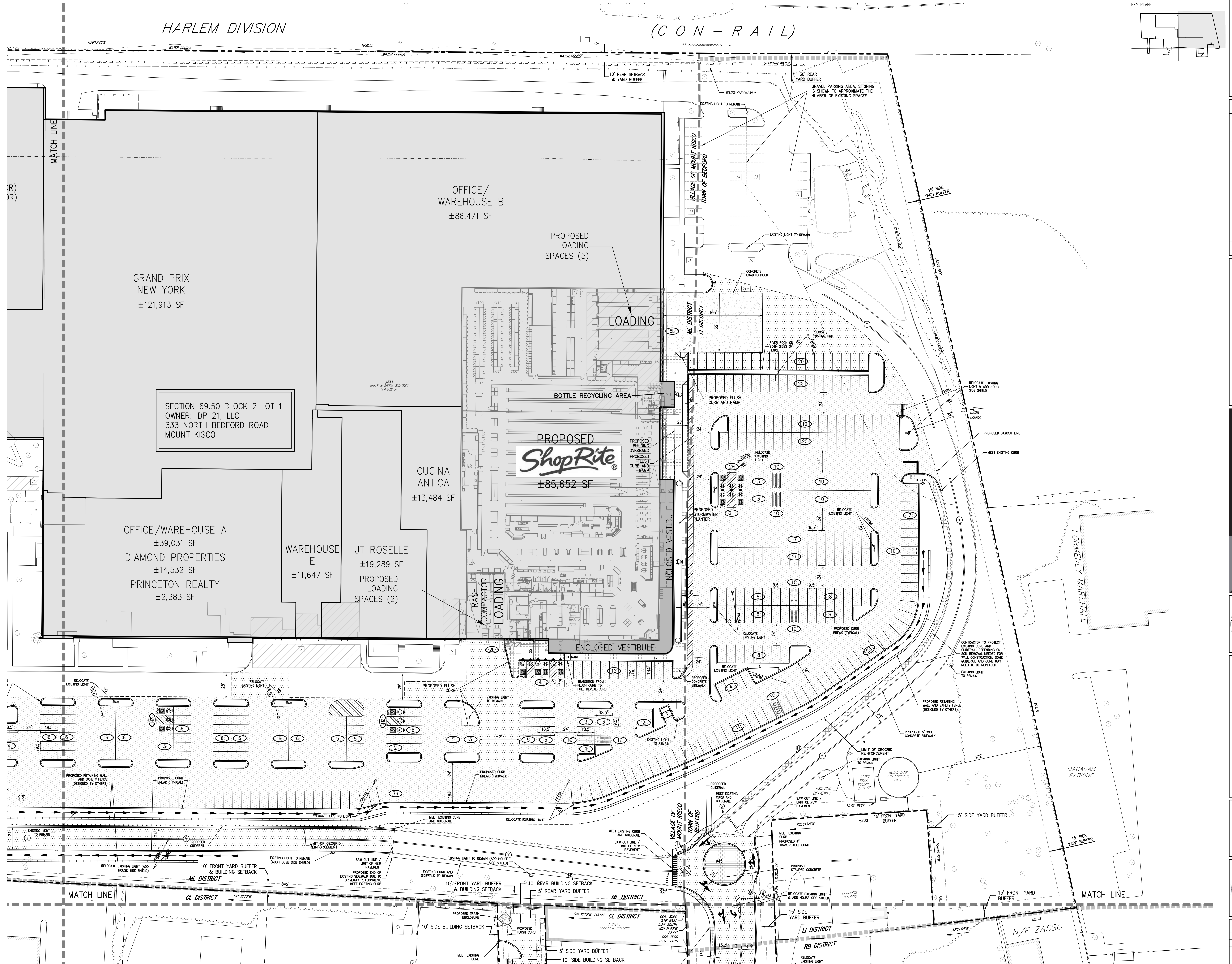
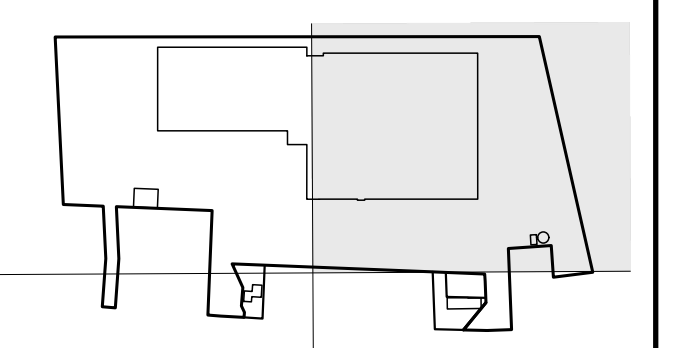


Drawn:	SMN	Approved:	SS
Scale:	1" = 30'		
Date:	10/23/2018		
Project No:	18118		
C-110-LAYOUT	C-110	LAY.scr	
Drawing No:			
C-110			

HARLEM DIVISION

(CON - RAIL)

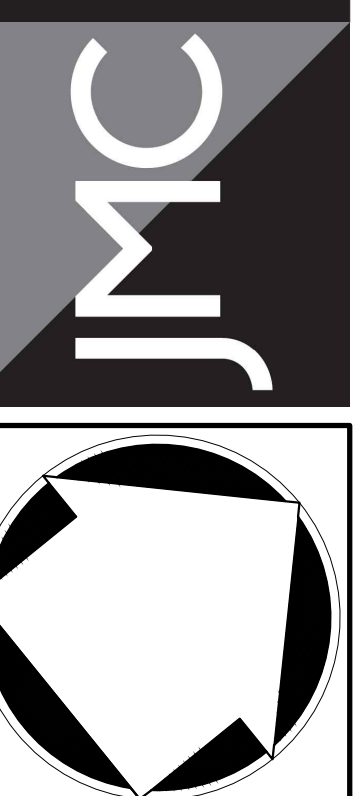
KEY PLAN:



No.	Revision	Date
5.	REVISED PER VILLAGE COMMENTS	10/22/2018
6.	REVISED PER VILLAGE COMMENTS	11/27/2018
7.	REB SUBMISSION	06/20/2020
8.	DRIVEWAY, PARKING AND WALL REVISIONS	07/20/2020
9.	PROPOSED ONE MODIFICATION	11/27/2020
10.	PROPOSED ONE MODIFICATION	11/27/2020
11.	FINAL SITE PLAN SUBMISSION	12/27/2020

DP21, LLC
333 N. BEDFORD ROAD, SUITE 145
MT. KISCO, NY 10549
GALLIN BEELER DESIGN STUDIO
23 WASHINGTON AVENUE
PLEASANTVILLE, NY 10570

JMC Planning, Engineering, Landscape
Architecture & Land Surveying, PLLC
JMC Site Development Consultants, LLC
John Meyer Consulting, Inc.
120 BEDFORD ROAD • ARMONK, NY 10504
PHONE 914.233.2223 • FAX 914.233.2102
www.jmcpinc.com



LAYOUT PLAN
THE PARK 333
(SHOPRITE EXPANSION)
333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW, EXCEPT AS PROVIDED FOR BY SECTION 7209, SUBSECTION 2.



Drawn: SMN Approved: SS
Scale: 1" = 30'
Date: 10/23/2018
Project No: 18118
Hatched: C-120 Latched
Drawing No: C-120

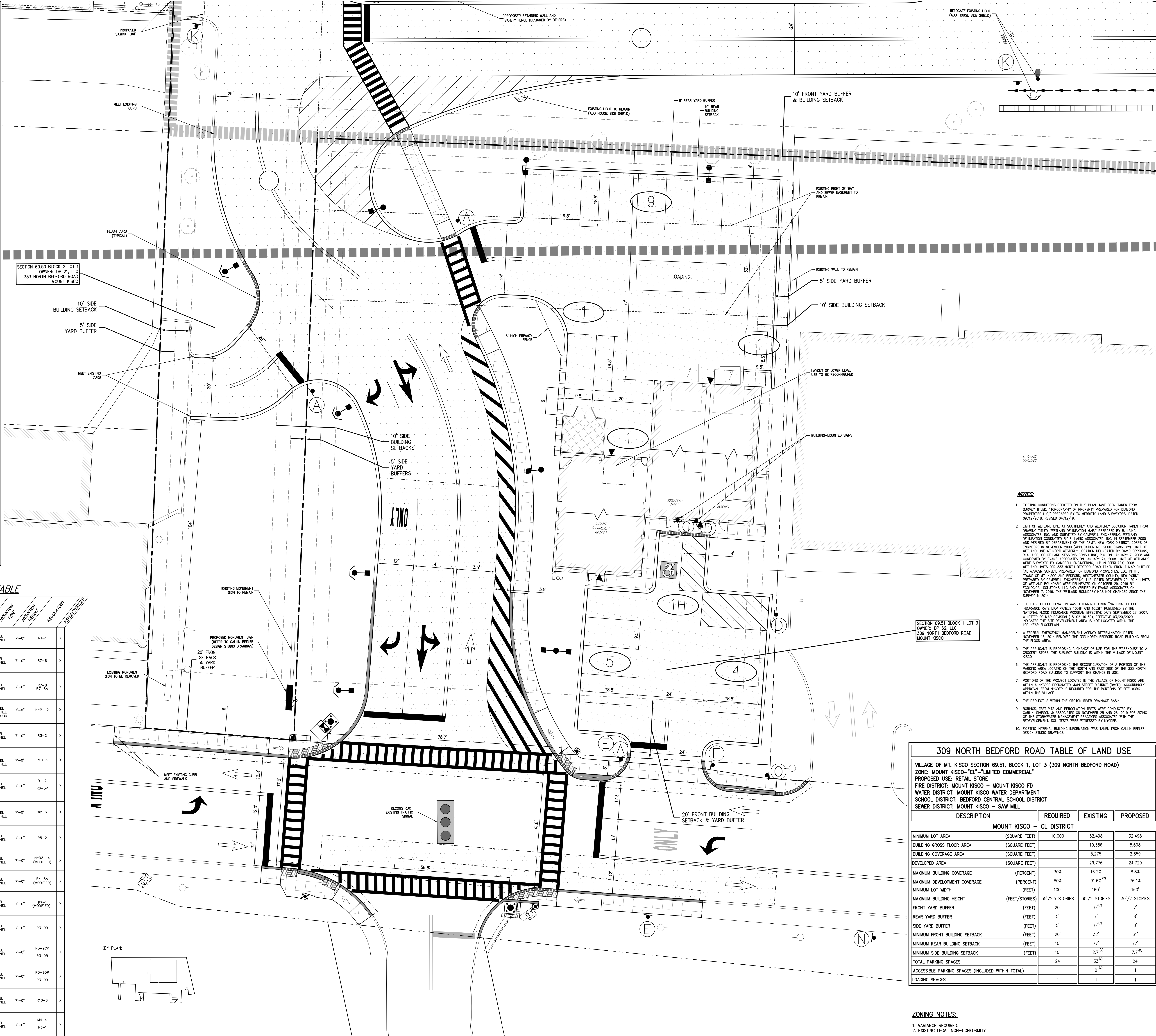
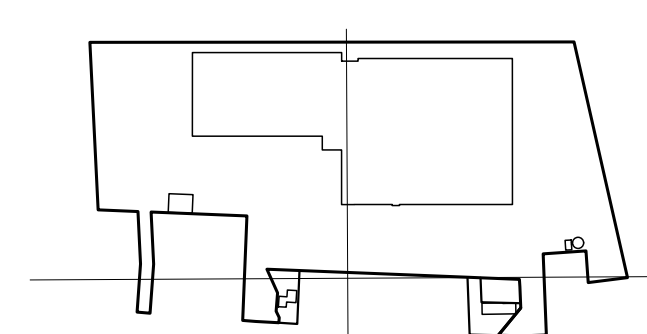
NOT FOR CONSTRUCTION

LEGEND	
	EXISTING PROPERTY LINE
	ADJACENT PROPERTY LINE
	EXISTING SETBACK LINE
	EXISTING EASEMENT LINE
	EXISTING WETLAND LINE AND DELINEATION
	EXISTING WETLAND BUFFER
	EXISTING BUILDING OVERHANG
	EXISTING BUILDING LINE
	EXISTING 333 NBR BUILDING LINE
	EXISTING PAVEMENT EDGE
	EXISTING CURB LINE
	EXISTING STONE WALL
	EXISTING RETAINING WALL
	EXISTING GUIDE RAIL
	EXISTING FENCE
	EXISTING TREE AND DESIGNATION
	EXISTING TREE LINE
	EXISTING DIRECTIONAL ARROWS
	EXISTING PAINT
	EXISTING PARKING WITH NUMBER OF SPACES
	EXISTING ACCESSIBLE PARKING WITH NUMBER OF SPACES
	EXISTING UTILITY POLE
	EXISTING LIGHT POLE
	EXISTING SIGN
	PROPOSED BUILDING LINE
	PROPOSED CURB
	PROPOSED DROP CURB & RAMP
	PROPOSED ACCESSIBLE PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)
	PROPOSED PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STRIPING DETAILS)
	PROPOSED CART CORRAL
	PROPOSED CONCRETE SIDEWALK
	PROPOSED PERMEOUS PAVEMENT WITH FLUSH CURB
	PROPOSED LIGHT DUTY PAVEMENT
	PROPOSED HEAVY DUTY PAVEMENT
	PROPOSED CONCRETE PAD
	PROPOSED CONCRETE PAVERS
	PROPOSED RETAINING WALL (DESIGN BY OTHERS)
	PROPOSED GUIDE RAIL
	PROPOSED 2-4" WIDE YELLOW LINES 8" O.C.
	PROPOSED 1-4" WIDE WHITE LINE (DASHED-40" REPEAT CYCLE)
	PROPOSED 12" WIDE WHITE STOP LINE
	PROPOSED ARROW MARKING ON PAVEMENT
	PROPOSED WORD MARKING ON PAVEMENT
	PROPOSED TRAFFIC SIGN LOCATION & DESIGNATION
	PEDESTRIAN CROSSWALK

SIGN TABLE

DESIGNATION NUMBER	SIGN	SIZE	DESCRIPTION	MOUNTING TYPE	MOUNTING HEIGHT	REGULATORY	RECOMMENDED
A		30"x30"	WHITE ON RED	STEEL CHANNEL	7'-0"	R1-1	X
B		12"x18"	GREEN & BLUE ON WHITE	STEEL CHANNEL	7'-0"	R7-8	X
C		12"x18" 12"x24"	GREEN & BLUE ON WHITE	STEEL CHANNEL	7'-0"	R7-8A	X
D		12"x18"	RED ON WHITE	STEEL CHANNEL OR WOOD	7'-0"	NYSP-2	X
E		24"x24"	BLACK ON RED AND WHITE	STEEL CHANNEL	7'-0"	R3-2	X
F		24"x36"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	R10-6	X
G		36"x36" 36"x30"	RED ON WHITE	STEEL CHANNEL	7'-0"	R1-2	X
H		30"x30"	BLACK ON YELLOW	STEEL CHANNEL	7'-0"	W2-6	X
I		24"x24"	BLACK ON RED AND WHITE	STEEL CHANNEL	7'-0"	R5-2	X
J		24"x30"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	NYRS-14 (MODIFIED)	X
K		24"x30"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	R4-8A (MODIFIED)	X
L		12"x18"	RED ON WHITE	STEEL CHANNEL	7'-0"	R7-1 (MODIFIED)	X
M		24"x36"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	R3-9B	X
N		30"x12" 24"x36"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	R3-9CP R3-9B	X
O		30"x12" 24"x36"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	R3-9DP R3-9B	X
P		24"x36"	BLACK ON WHITE	STEEL CHANNEL	7'-0"	R10-6	X
Q		24"x12" 24"x24"	BLACK ON WHITE RED AND BLACK ON WHITE	STEEL CHANNEL	7'-0"	M4-4 R3-1	X

KEY PLAN:



NOTES

- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM SURVEY TITLES, "TOPOGRAPHY OF PROPERTY PREPARED FOR DIAMOND PROPERTIES LLC" PREPARED BY MERRITS LAND SURVEYORS, DATED 09/12/2016, REVISION 04/17/17.
- LIMIT OF WETLAND LINE AT SOUTHERLY LOCATION TAKEN FROM DRAWING TITLED "WETLAND DELINEATION MAP" PREPARED BY B. LANG ASSOCIATES, INC. AND SURVEYED BY CAMPBELL ENGINEERING WETLAND DELINEATION CONDUCTED BY B. LANG ASSOCIATES, INC. IN SEPTEMBER 2000 AND VERIFIED BY DEPARTMENT OF THE ARMY, NEW YORK DISTRICT, CORPS OF ENGINEERS IN NOVEMBER 2000 (APPLICATION NO. 2000-01486-W). LIMIT OF WETLAND LINE AT NORTHWESTERLY LOCATION DELINEATED BY DAVID SERRANO RIA, ACP OF KELLARD SERRANO CONSULTING, P.C. ON JANUARY 7, 2008 AND CONFIRMED BY EVANS ASSOCIATES ON JANUARY 24, 2008. LIMIT OF WETLANDS WERE SURVEYED BY CAMPBELL ENGINEERING, LLP IN FEBRUARY 2008. WETLAND LIMITS FOR 333 NORTH BEDFORD ROAD TAKEN FROM A MAP ENTITLED "ALTA/ACSM SURVEY, PREPARED FOR DIAMOND PROPERTIES, LLC IN THE TOWNSHIP OF MT. KISCO AND BEDFORD, WESTCHESTER COUNTY, NEW YORK" PREPARED BY CAMPBELL ENGINEERING, LLP, DATED DECEMBER 28, 2014. LIMITS OF WETLAND BOUNDARY WERE DELINEATED ON OCTOBER 29, 2019 BY ECOLOGICAL SOLUTIONS, LLC AND VERIFIED BY EVANS ASSOCIATES ON NOVEMBER 7, 2019. THE WETLAND BOUNDARY HAS NOT CHANGED SINCE THE SURVEY IN 2014.
- THE BASE FLOOD ELEVATION WAS DETERMINED FROM "NATIONAL FLOOD INSURANCE RATE MAP PANELS 10507 AND 10507" PREPARED BY THE NATIONAL FLOOD INSURANCE PROGRAM EFFECTIVE DATE SEPTEMBER 27, 2007. A LETTER OF MAP REVISION (18-02-003P), EFFECTIVE 03/20/2020, INDICATES THE SITE DEVELOPMENT AREA IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN.
- A FEDERAL EMERGENCY MANAGEMENT AGENCY DETERMINATION DATED NOVEMBER 13, 2014 REMOVED THE 333 NORTH BEDFORD ROAD BUILDING FROM THE FLOOD AREA.
- THE APPLICANT IS PROPOSING A CHANGE OF USE FOR THE WAREHOUSE TO A GROCERY STORE. THE SUBJECT BUILDING IS WITHIN THE VILLAGE OF MOUNT KISCO.
- THE APPLICANT IS PROPOSING THE RECONFIGURATION OF A PORTION OF THE PARKING AREA LOCATED ON THE NORTH AND EAST SIDE OF THE 333 NORTH BEDFORD ROAD BUILDING TO SUPPORT THE CHANGE IN USE.
- PORTIONS OF THE PROJECT LOCATED IN THE VILLAGE OF MOUNT KISCO ARE WITHIN A NYSEEP DESIGNATED MAIN STREET DISTRICT (MSD). ACCORDINGLY, APPROVAL FROM NYSEEP IS REQUIRED FOR THE PORTIONS OF SITE WORK WITHIN THE VILLAGE.
- THE PROJECT IS WITHIN THE CROTON RIVER DRAINAGE BASIN.
- BORINGS, TEST PITS AND PERCOLATION TESTS WERE CONDUCTED BY CARMICHAEL & ASSOCIATES ON NOVEMBER 20 AND 26, 2019 FOR SIZING OF THE STORMWATER MANAGEMENT PRACTICES ASSOCIATED WITH THE REDEVELOPMENT. SOIL TESTS WERE WITNESSED BY NYCEEP.
- EXISTING INTERNAL BUILDING INFORMATION WAS TAKEN FROM GALLIN BEELER DESIGN STUDIO DRAWINGS.

309 NORTH BEDFORD ROAD TABLE OF LAND USE

VILLAGE OF MT. KISCO SECTION 69.51, BLOCK 1, LOT 3 (309 NORTH BEDFORD ROAD)
ZONE: MOUNT KISCO-"CL"-LIMITED COMMERCIAL
PROPOSED USE: RETAIL STORE
FIRE DISTRICT: MOUNT KISCO - MOUNT KISCO FD
WATER DISTRICT: MOUNT KISCO WATER DEPARTMENT
SCHOOL DISTRICT: BEDFORD CENTRAL SCHOOL DISTRICT
SEWER DISTRICT: MOUNT KISCO - SAW MILL

DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MOUNT KISCO - CL DISTRICT			
MINIMUM LOT AREA (SQUARE FEET)	10,000	32,498	32,498
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	10,386	5,698
BUILDING COVERAGE AREA (SQUARE FEET)	-	5,275	2,859
DEVELOPED AREA (SQUARE FEET)	-	29,776	24,729
MAXIMUM BUILDING COVERAGE (PERCENT)	30%	16.2%	8.8%
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	91.64 ⁽²⁾	76.1%
MINIMUM LOT WIDTH (FEET)	100'	160'	160'
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	30'/2 STORIES	30'/2 STORIES
FRONT YARD BUFFER (FEET)	20'	0' ⁽²⁾	7'
REAR YARD BUFFER (FEET)	5'	7'	8'
SIDE YARD BUFFER (FEET)	5'	0' ⁽²⁾	0'
MINIMUM FRONT BUILDING SETBACK (FEET)	20'	32'	61'
MINIMUM REAR BUILDING SETBACK (FEET)	10'	77'	77'
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	2.7' ⁽²⁾	7.7' ⁽²⁾
TOTAL PARKING SPACES	24	33 ⁽²⁾	24
ACCESSIBLE PARKING SPACES (INCLUDED WITHIN TOTAL)	1	0 ⁽²⁾	1
LOADING SPACES	1	1	1

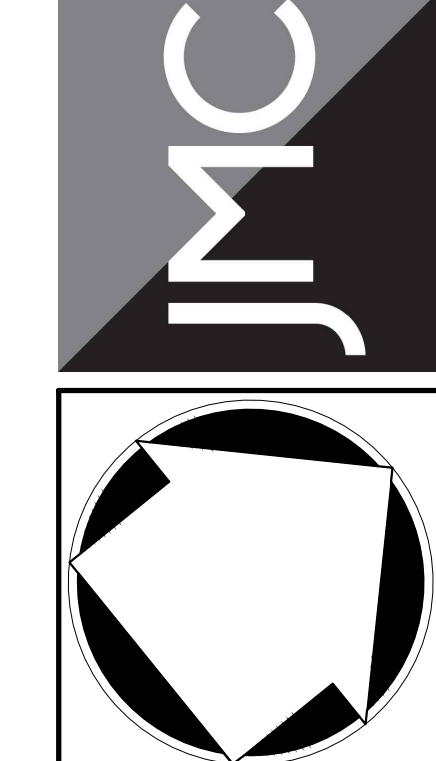
ZONING NOTES:

- VARIANCE REQUIRED.
- EXISTING LEGAL NON-CONFORMITY

No.	Revisions	Date	By
1	REVISION FOR VILLAGE SUBMISSION	09/22/2018	SM
2	REVISION FOR VILLAGE COMMENTS	11/27/2019	SM
3	REVISION FOR VILLAGE COMMENTS	06/20/2020	SM
4	REVISION FOR VILLAGE COMMENTS	07/20/2020	SM
5	REVISION FOR VILLAGE COMMENTS	11/27/2020	SM
6	REVISION FOR VILLAGE COMMENTS	12/27/2020	SM

APPLICANT/TOWNER	DP21, LLC 333 N. BEDFORD ROAD, SUITE 145 MT. KISCO, NY 10549
ARCHITECT	GALLIN BEELER DESIGN STUDIO 23 WASHINGTON AVENUE PLEASANTVILLE, NY 10570

JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC JMC Site Development Consultants, LLC John Meyer Consulting, Inc.	420 BEDFORD ROAD • ARMONK, NY 10504 PHONE: 914.233.2223 • FAX: 914.233.2102 WWW.JMCPINC.COM
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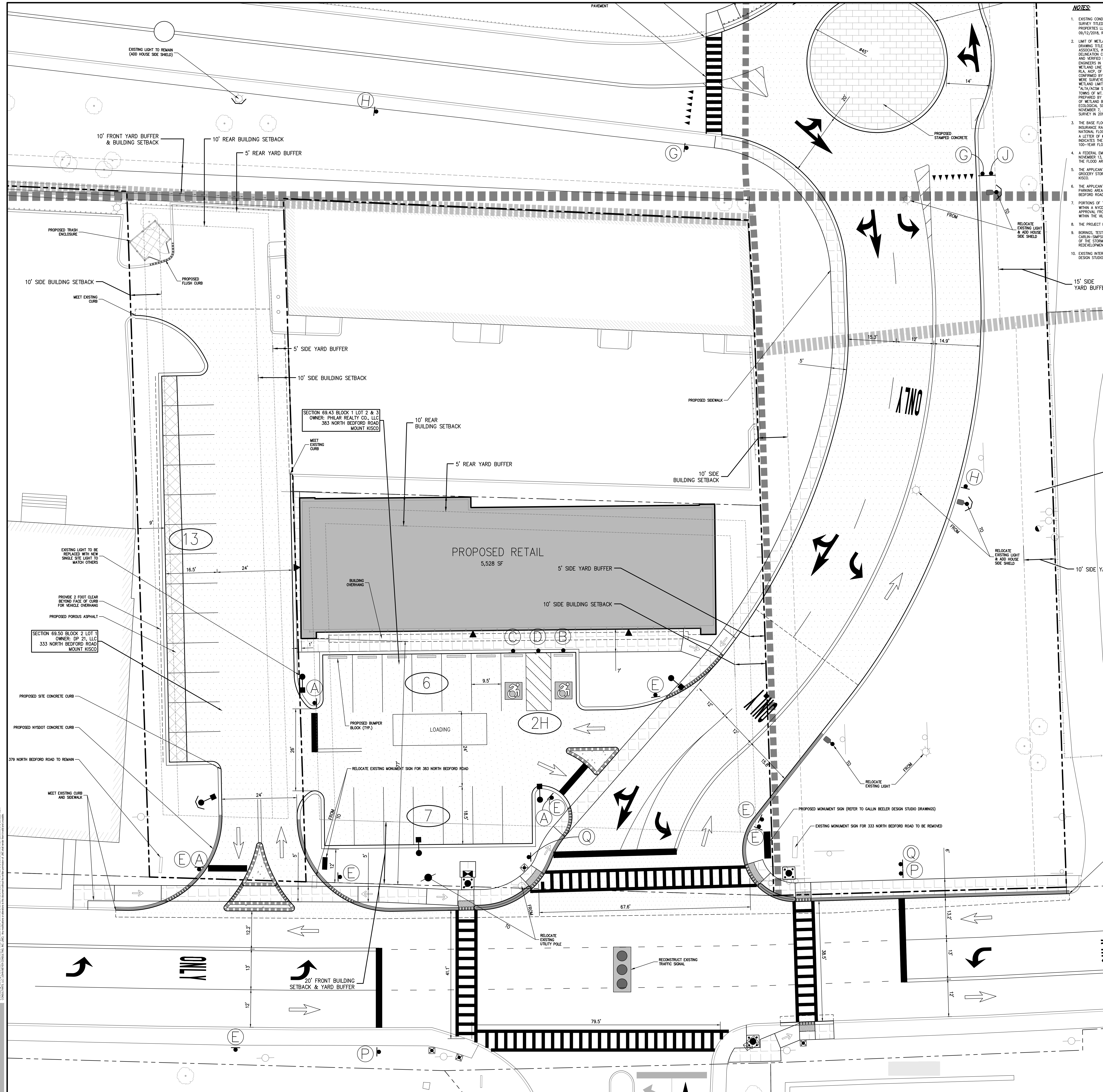


LAYOUT PLAN THE PARK 333 (SHOPRITE EXPANSION) 333 NORTH BEDFORD ROAD/799 BEDFORD ROAD VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY
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Drawn: SMN	Approved: SS
Date: 10/23/2018	
Project No: 18118	
Sheet No: C-130	Of: 141
Client: JMC	



- NOTES:**
- EXISTING CONDITIONS DEPICTED ON THIS PLAN HAVE BEEN TAKEN FROM SURVEY TITLED, "TOPOGRAPHY OF PROPERTY PREPARED FOR DIAMOND PROPERTIES LLC" PREPARED BY TC WRIGHTS LAND SURVEYORS, DATED 09/12/2018, REVISED 04/12/19.
 - LIMIT OF WETLAND LINE AT SOUTHERLY AND WESTERLY LOCATION TAKEN FROM DRAWING TITLED "WETLAND DELINEATION MAP" PREPARED BY G. LAND ASSOCIATES, INC. AND SURVEYED BY CAMPBELL ENGINEERING, WETLAND DELINEATION CONDUCTED BY G. LAND ASSOCIATES, INC. IN SEPTEMBER 2000 AND VERIFIED BY DEPARTMENT OF THE ARMY, NEW YORK DISTRICT, CORPS OF ENGINEERS IN NOVEMBER 2008 (APPLICATION NO. 2008-0486-190). LIMIT OF WETLAND LINE AT NORTHEASTERLY LOCATION DELINEATED BY DAVID SESSIONS, R.L.A. AND OF WETLAND SESSIONS CONSULTING, P.C. ON JANUARY 7, 2008 AND CONFIRMED BY EVANS ASSOCIATES ON JANUARY 24, 2008. LIMIT OF WETLANDS WERE SURVEYED BY CAMPBELL ENGINEERING, L.P. IN FEBRUARY 2008. WETLAND LIMITS FOR 333 NORTH BEDFORD ROAD TAKEN FROM A MAP ENTITLED "WETLAND DELINEATION MAP" PREPARED BY G. LAND ASSOCIATES, INC. IN SEPTEMBER 2000 AND VERIFIED BY DEPARTMENT OF THE ARMY, NEW YORK DISTRICT, CORPS OF ENGINEERS IN NOVEMBER 2008 (APPLICATION NO. 2008-0486-190). LIMITS OF WETLAND AND BOUNDARY WERE DELINEATED ON OCTOBER 25, 2019 BY ECOLOGICAL SOLUTIONS, LLC AND VERIFIED BY EVANS ASSOCIATES ON NOVEMBER 1, 2019. THE WETLAND BOUNDARY HAS NOT CHANGED SINCE THE SURVEY IN 2014.
 - THE BASE FLOOD ELEVATION WAS DETERMINED FROM "NATIONAL FLOOD INSURANCE RATE MAP PANELS 1501F AND 1502F" PUBLISHED BY THE NATIONAL FLOOD INSURANCE PROGRAM EFFECTIVE DATE SEPTEMBER 27, 2007. A LETTER OF MAP REVISION (18-05-1819F) EFFECTIVE 03/20/2020 INDICATES THE SITE DEVELOPMENT AREA IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN.
 - A FEDERAL EMERGENCY MANAGEMENT AGENCY DETERMINATION DATED NOVEMBER 13, 2014 REMOVED THE 333 NORTH BEDFORD ROAD BUILDING FROM THE FLOOD AREA.
 - THE APPLICANT IS PROPOSING A CHANGE OF USE FOR THE WAREHOUSE TO A GROCERY STORE. THE SUBJECT BUILDING IS WITHIN THE VILLAGE OF MOUNT KISCO.
 - THE APPLICANT IS PROPOSING THE RECONFIGURATION OF A PORTION OF THE PARKING AREA LOCATED ON THE NORTH AND EAST SIDE OF THE 333 NORTH BEDFORD ROAD BUILDING TO SUPPORT THE CHANGE IN USE.
 - PORTIONS OF THE PROJECT LOCATED IN THE VILLAGE OF MOUNT KISCO ARE WITHIN A NYDEP DESIGNATED MAIN STREET DISTRICT (MSD). ACCORDINGLY, APPROVAL FROM NYDEP IS REQUIRED FOR THE PORTIONS OF SITE WORK WITHIN THE VILLAGE.
 - THE PROJECT IS WITHIN THE CROTON RIVER DRAINAGE BASIN.
 - BORINGS, TEST PITS AND PERCOLATION TESTS WERE CONDUCTED BY CARLIN-SIMPSON & ASSOCIATES ON NOVEMBER 25 AND 26, 2019 FOR SIZING OF THE STORMWATER MANAGEMENT PRACTICES ASSOCIATED WITH THE REDEVELOPMENT. SOIL TESTS WERE WITNESSED BY NYDEP.
 - EXISTING INTERNAL BUILDING INFORMATION WAS TAKEN FROM GALLIN BEELER DESIGN STUDIO DRAWINGS.

LEGEND

[Symbol]	EXISTING PROPERTY LINE
[Symbol]	ADJACENT PROPERTY LINE
[Symbol]	EXISTING SETBACK LINE
[Symbol]	EXISTING EASEMENT LINE
[Symbol]	EXISTING WETLAND LINE AND DELINEATION
[Symbol]	EXISTING WETLAND BUFFER
[Symbol]	EXISTING BUILDING OVERHANG
[Symbol]	EXISTING BUILDING LINE
[Symbol]	EXISTING 333 NBR BUILDING LINE
[Symbol]	EXISTING PAVEMENT EDGE
[Symbol]	EXISTING CURB LINE
[Symbol]	EXISTING STONE WALL
[Symbol]	EXISTING RETAINING WALL
[Symbol]	EXISTING GUDE RAIL
[Symbol]	EXISTING FENCE
[Symbol]	EXISTING TREE AND DESIGNATION
[Symbol]	EXISTING TREE LINE
[Symbol]	EXISTING DIRECTIONAL ARROWS
[Symbol]	EXISTING PAINT
[Symbol]	EXISTING PARKING WITH NUMBER OF SPACES
[Symbol]	EXISTING PEDESTRIAN CROSSING
[Symbol]	EXISTING UTILITY POLE
[Symbol]	EXISTING LIGHT POLE
[Symbol]	EXISTING SIGN
[Symbol]	PROPOSED BUILDING LINE
[Symbol]	PROPOSED DROP CURB & RAMP
[Symbol]	PROPOSED SANICUT LINE
[Symbol]	PROPOSED ACCESSIBLE PARKING SPACES WITH NUMBER OF SPACES INDICATED (REFER TO STIPING DETAILS)
[Symbol]	PROPOSED CART CORRAL
[Symbol]	PROPOSED CONCRETE SIDEWALK
[Symbol]	PROPOSED PERVIOUS PAVEMENT WITH FLUSH CURB
[Symbol]	PROPOSED LIGHT DUTY PAVEMENT
[Symbol]	PROPOSED HEAVY DUTY PAVEMENT
[Symbol]	PROPOSED CONCRETE PAD
[Symbol]	PROPOSED CONCRETE PAVERS
[Symbol]	PROPOSED RETAINING WALL (DESIGN BY OTHERS)
[Symbol]	PROPOSED GUDE RAIL
[Symbol]	PROPOSED 2'-4" WIDE YELLOW LINES P.O.C.
[Symbol]	PROPOSED 1'-4" WIDE WHITE LINE (DASHED-40' REPEAT CYCLE)
[Symbol]	PROPOSED 12" WIDE WHITE STOP LINE
[Symbol]	PROPOSED ARROW MARKING ON PAVEMENT
[Symbol]	PROPOSED WORD MARKING ON PAVEMENT
[Symbol]	TRAFFIC SIGN LOCATION & DESIGNATION
[Symbol]	PEDESTRIAN CROSSWALK

383 NORTH BEDFORD ROAD TABLE OF LAND USE

VILLAGE OF MT. KISCO SECTION 69.43, BLOCK 1, LOT 2 & 3 (383 NORTH BEDFORD ROAD)

ZONE: MOUNT KISCO-"CL"-LIMITED COMMERCIAL

PROPOSED USE: RETAIL STORE

FIRE DISTRICT: MOUNT KISCO - MOUNT KISCO FD

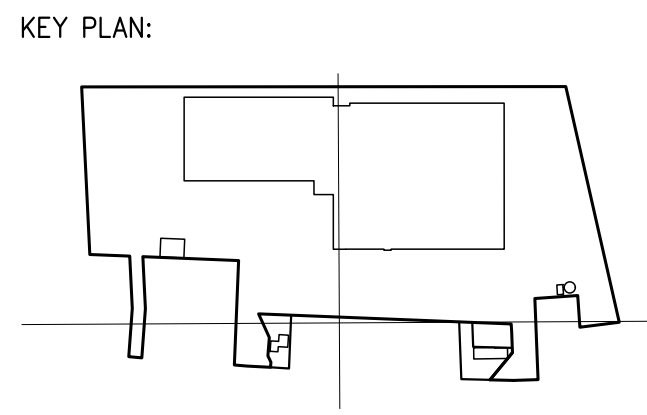
WATER DISTRICT: MOUNT KISCO WATER DEPARTMENT

SCHOOL DISTRICT: BEDFORD CENTRAL SCHOOL DISTRICT

SEWER DISTRICT: MOUNT KISCO - SAW MILL

DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MOUNT KISCO - CL DISTRICT			
MINIMUM LOT AREA (SQUARE FEET)	10,000	18,664	18,664
BUILDING GROSS FLOOR AREA (SQUARE FEET)	-	7,893	5,528
BUILDING COVERAGE AREA (SQUARE FEET)	-	7,893	5,528
DEVELOPED AREA (SQUARE FEET)	-	18,011	16,127
MAXIMUM BUILDING COVERAGE (PERCENT)	30%	42.3%	29.6%
MAXIMUM DEVELOPMENT COVERAGE (PERCENT)	80%	96.5% ⁽¹⁾	86.4% ⁽¹⁾
MINIMUM LOT WIDTH (FEET)	100'	149'	149'
MAXIMUM BUILDING HEIGHT (FEET/STORIES)	35'/2.5 STORIES	15'/1 STORY	24'/1 STORY
FRONT YARD BUFFER (FEET)	20'	3' ⁽²⁾	12'
REAR YARD BUFFER (FEET)	5'	0' ⁽²⁾	0' ⁽²⁾
SIDE YARD BUFFER (FEET)	5'	0' ⁽²⁾	0' ⁽²⁾
MINIMUM FRONT BUILDING SETBACK (FEET)	20'	40'	77'
MINIMUM REAR BUILDING SETBACK (FEET)	10'	0' ⁽²⁾	0' ⁽²⁾
MINIMUM SIDE BUILDING SETBACK (FEET)	10'	1'-4" ⁽²⁾	1' ⁽²⁾
TOTAL PARKING SPACES	28	18 ⁽²⁾	28
ACCESSIBLE PARKING SPACES (INCLUDED WITHIN TOTAL)	2	0 ⁽²⁾	2
LOADING SPACES	1	1	1

- ZONING NOTES:**
- VARIANCE REQUIRED.
 - EXISTING LEGAL, NON-CONFORMITY



DP21, LLC
333 N. BEDFORD ROAD, SUITE 145
MT. KISCO, NY 10549

GALLIN BEELER DESIGN STUDIO
23 WASHINGTON AVENUE
PLEASANTVILLE, NY 10570

JMC
JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC
John Meyer Consulting, Inc.
120 BEDFORD ROAD • FARMING, NY 10544
PHONE 914.233.2223 • FAX 914.233.2102
WWW.JMCPINC.COM

LAYOUT PLAN
THE PARK 333
(SHOPRITE EXPANSION)
333 NORTH BEDFORD ROAD/799 BEDFORD ROAD
VILLAGE OF MOUNT KISCO/TOWN OF BEDFORD, NY

ANY ALTERATION OF PLANS, SPECIFICATIONS, PLATS AND REPORTS BEARING THE SEAL OF A LICENSED PROFESSIONAL ENGINEER OR LICENSED LAND SURVEYOR IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW EXCEPT AS PROVIDED FOR BY SECTION 7209, SUBSECTION 2.

Drawn: SMN Approved: SS
Scale: 1" = 10'
Date: 10/23/2018
Project No: 18118
WBA-LWT C-140 LWT
Drawing No: C-140



Sterling Environmental Engineering, P.C

October 24, 2022

Mr. Harold Boxer, Chairman
Village of Mt. Kisco
Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Email: planning@mountkisco.ny.gov

Subject: Morgan Drive, Lot 3
Tax Parcel ID 80.55-1-2.1
Variance Extension Request
STERLING File #2018-39

Dear Chairman Boxer and Members of the Board:

The Zoning Board of Appeals, by Resolution voted on December 21, 2021, approved the variance request for the subject parcel.

Please accept this request to extend the Resolution and for approval for the extension of the variance at the next Zoning Board of Appeals meeting on November 15, 2022. The Planning Board voted and approved an extension to the Site Plan approval at the October 11, 2022 Planning Board meeting. Therefore, to be consistent with the Planning Board, extension of the Zoning Variance would be greatly appreciated.

Thank you for your consideration. Please contact me should you have any questions.

Very truly yours,

STERLING ENVIRONMENTAL ENGINEERING, P.C.

A handwritten signature in black ink, appearing to read "Mark P. Millspaugh".

Mark P. Millspaugh, P.E.
President

mark.millspaugh@sterlingenvironmental.com

MPM/bc
Email/First Class Mail

cc: Lisa Cobb
Peter Miley, Code Enforcement Officer
Kent Thuesen, Thuesen Mechanical Corp.
Kevin Young
Richard Breck

S:\Sterling\Projects\2018 Projects\Mt Kisco - Thuesen Mechanical - 2018-39\Correspondence\2022\2022-10-24_ZBA Variance Extension Request_Ltr.docx

"Serving our clients and the environment since 1993"

LAW OFFICES OF
SNYDER & SNYDER, LLP
94 WHITE PLAINS ROAD
TARRYTOWN, NEW YORK 10591

(914) 333-0700

FAX (914) 333-0743

WRITER'S E-MAIL ADDRESS
rgaudio@snnyderlaw.net

NEW JERSEY OFFICE
ONE GATEWAY CENTER, SUITE 2600
NEWARK, NEW JERSEY 07102
(973) 824-9772
FAX (973) 824-9774

REPLY TO:
TARRYTOWN OFFICE

NEW YORK OFFICE
445 PARK AVENUE, 9TH FLOOR
NEW YORK, NEW YORK 10022
(212) 749-1448
FAX (212) 932-2693

LESLIE J. SNYDER
ROBERT D. GAUDIOSO

DAVID L. SNYDER
(1956-2012)

October 27, 2022

Whitney Singleton, Esq.
Village of Mount Kisco
104 Main Street
Mount Kisco, New York 10549

Re: 180 S. Bedford Road
Public Utility Wireless Telecommunications Facility
Homeland Towers, LLC & Verizon Wireless

Dear Whitney:

We are the attorneys for Homeland Towers, LLC ("Homeland Towers") and Verizon Wireless in connection with their application to place a public utility wireless telecommunications facility ("Facility") at the above referenced property ("Property") and are writing in response to your letter, dated October 11, 2022.

Thank you for your advisory opinion. However, we disagree with your analysis and note that for more than two (2) years no similar determination has been issued by the building official. As you are aware, the Planning Board and the Village Attorney's office are not legally empowered to interpret the Village Code. The buffer requirements do not apply to the Facility and the Facility meets the underlying setbacks. To the extent any variances are required, they have already been properly requested from the Zoning Board. Currently, there are no uses on the Property. If that fact should change, and if the building official issues a determination that a variance is required for the Facility based on the number of uses, we may appeal the determination, seek any necessary variance and/or enforce our rights under federal law. The Facility is afforded the deferential public utility variance exception for variances. Moreover, the Facility is protected by federal law, including without limitation, 47 USC 332(c), which ensures that personal wireless service facilities are not effectively prohibited, unreasonably delayed or unreasonably discriminated against.

We have provided the Village Board with all of the information it has requested to act on the Planning Board's recommended location at Leonard Park, yet not vote has been taken. We understand that more than one use, including functionally equivalent competitor facilities, have been permitted on a single lot without a variance. We trust that the proposed Facility will be treated in a nondiscriminatory fashion and within the time limit of the Shot Clock tolling agreement.

We thank you for your consideration, and respectfully request that the Planning Board and Zoning Board issue all necessary approvals for the Facility in accordance with the Shot Clock tolling agreement. If you have any questions or require any additional documentation, please do not hesitate to contact me at 914-333-0700.

Snyder & Snyder, LLP

By: 
Robert D. Gaudio

RDG/dac

cc: Zoning Board
Planning Board
Building Inspector
Village Board
Applicants
William S. Null, Esq.
Skull Island Partners LLC

Zoning Board of Appeals

2023 Schedule

Meetings are held the 3rd Tuesday of Each Month, as Needed
7:00 pm

Submission deadline is 21 days prior to Meeting Date
Schedule is subject to change without notice

Submission Deadline	Meeting Date
December 27, 2022	January 17, 2023
January 31, 2023	February 20, 2023
February 27, 2023	March 21, 2023
March 28, 2023	April 18, 2023
April 25, 2023	May 16, 2023
May 30, 2023	June 20, 2023
June 27, 2023	July 18, 2023
<i>August - No Meeting</i>	<i>August - No Meeting</i>
August 29, 2023	September 19, 2023
September 26, 2023	October 17, 2023
October 31, 2023	November 21, 2023
November 28, 2023	December 19, 2023
December 26, 2023	January 16, 2024