

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, November 17, 2020 at 7:05 pm** via Zoom Teleconference

Members Present: Chairman Harold Boxer
George Hoyt
Ralph Alfano
Jacqueline Broth
Arthur Weise
Wayne Spector

Staff Present: Whitney Singleton, Board Counsel
Peter J. Miley, Building Inspector

Chairman Boxer stated good evening, this is the November 17th meeting of the Zoning Board of Appeals. A little paperwork to be done, did everybody get the minutes that we have from July 21st and June 16th and are there any changes to those? Okay, then can I have a motion to accept them?

Mr. Hoyt stated I'll move to accept the minute.

Chairman Boxer stated second?

Mr. Weise seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated Arthur and Wayne, you guys are muted.

Mr. Miley stated I saw your hand, we got you as a second.

Chairman Boxer stated we have one case on today, that is ZBA Case# 20-12, Pulletta Reis, 31 West Street, Mount Kisco.

Mr. Miley stated hi Whitney.

Whitney Singleton stated hi guys.

Mr. Miley stated and we have three held over cases Harold.

Chairman Boxer stated but they've all be adjourned from what I see, correct?

Mr. Miley stated yes, we have Sunrise Solar adjourn request to December 15th, the Park 333 North Bedford Road, adjournment request to December 15th and then 85 West Hyatt, adjournment request to January 19, 2021. I'm not sure if you need a motion individually or if you can do one motion for all three. That would go to Whitney for that question.

Whitney Singleton stated you can do them all in one fell swoop, its fine with me. They're all being adjourned to the same date?

Mr. Miley stated no, Lisa Abzun, 85 West Hyatt is a different date, January 19th.

Chairman Boxer stated okay, so we have ZBA 20-5 and ZBA 20-6 that have been adjourned to December 15th at the request of the application and we have ZBA 20-8 that has been adjourned at the request of the applicant to January 19th. First to adjourn to December 15th.

Mr. Miley stated correct.

Chairman Boxer stated okay, ZBA20-12, Pulletta Reis, who is here for that.

1. Pulletta Reis
31 West Street
Mount Kisco, NY 10549
(SBL) 80.48-3-35

ZBA# 20-12
Area

Mr. Peter Kurth, Architect was present.

Mr. Miley stated we had the architect, we don't know where he is at this time.

Chairman Boxer stated I think the Zoom monster ate him.

Mr. Miley stated very possible, do you want to proceed? I can give you a quick assessment of what is being proposed to you or should we wait a couple minutes?

Chairman Boxer stated well we can't vote until we hear from the architect but if you want to run the case for us, that's fine.

Mr. Miley stated its real simple, this is a property on West Street, located in the RT-6 Zoning District, being proposed is a, there is already a portico and steps, however they're looking to increase the size of it which would create an additional nonconformity. The Zoning District requires 30 foot front yard setback, they're proposing to the roof, not including the stairs and the landing, which would both be new, at 24.5, thereby requesting a variance of the front yard setback of 5.5 feet.

Chairman Boxer stated okay, any discussion? Anybody have any questions that we want to discuss internally?

Mr. Alfano stated yeah, so Peter, I see the existing condition and the proposed, I'm guessing they're renovating the entire house?

Mr. Miley stated they are, there are significant alterations going on...

Mr. Alfano stated okay.

Mr. Miley stated with the façade, they still need to go to Architectural Review Board.

Mr. Alfano stated okay.

Mr. Miley stated yeah, if you looked in that area on West Street, there's significant construction going on including new homes being proposed, it looks like it's becoming contagious to start improving the house.

Mr. Weise stated can I ask, is this the proposed new building?

Echo on audio discussion.

Mr. Weise stated my question is simply, is this a façade at the tope or are they proposing a second floor?

Mr. Miley stated no Arthur, they're not proposing a second floor.

Mr. Weise stated so the dormers are just decorative...?

Mr. Miley stated I don't know if it's just me, somebody is really echoing, I can hear you clearly now. No, it's the façade, some dormers, portico, roof overhang, no second floor.

Chairman Boxer stated okay, Whitney, what's the protocol if no one shows up for it?

Mr. Miley stated I think Harold, we have Mr. Kurth here. He's in the waiting room, he should be able to speak now. Mr. Kurth, can you hear us?

Mr. Kurth stated yes, I can.

Mr. Miley stated alright,, beautiful, we already went through your application for the extension, façade improvement, dormers, roof overhang, landing increase and new stairs, anything you want to add?

Mr. Kurth stated yes, I apologize for being late, I had a little computer meltdown but I'm representing Ms. Pulletta Reis over on West Street and if you've looked at the enclosures. We submitted an application to the Mount Kisco Building Department and as expected we got a denial letter based upon the face that the existing house is nonconforming, the front setback by law is 30 feet and the existing house as it is configured on the lot, is 24.5 feet from the road, so we are respectively requesting a 5.5 foot variance and if you've looked at the submission, the before and after photographs, you saw the existing house is in pretty disrepaired shape, particularly the front steps which are roped off because they're dangerous and you can't even get up them safely. And we are simply trying to, what an architect might call facelift the front of the building, the flat roof portico, we are changing to a gable portico and we are adding two front dormers. Because of the nonconformity, anything that's done to the house even technically the repairing of the front steps would require a variance. I want to emphasize that we're not going out any further than the existing portico and we are making the portico wider but as far as the encroachment, it's not any further than it

presently is and in the submission we outlined the five points which I assume I don't have to read, they're in the file. We maintain that we are improving the front look of the house and many of the home on West Street are in the currently, are currently being improved and this house, in my professional opinion is sorely in need of improvement. So we have no alternative to do anything to the house other than to respectfully request this variance and I would be happy to answer any questions that the Board may have.

Mr. Alfano stated Peter, just to confirm, the existing steps are, now as of today 24 and a half feet away from the street?

Mr. Kurth stated no, the existing portico with the columns, my understanding is that the steps which might be considered a landscape item, not a structure, they exceed that. So, what we're doing is basically rebuilding the steps that are deteriorating.

Mr. Alfano stated Peter, is the setback requirement to the house or does that include the portico that's being proposed...

Mr. Kurth stated the setback was...

Mr. Miley stated are you talking to me, Ralph or are you talking to the client?

Mr. Alfano stated Peter Miley, sorry, my apologies.

Mr. Miley stated that's okay, typically it goes tot eh building line, the landing and roof overhand is considered part of the building...

Mr. Alfano stated okay.

Mr. Miley stated and its an enlargement of a nonconforming structure, so it automatically triggers a variance, the need for a variance, even it was the exact same size, and just in width, it's still an enlargement or an alteration, thereby increasing the nonconformity.

Mr. Alfano stated so it's nonconforming in it's current state, correct?

Mr. Miley stated I'm sorry, you broke up Ralph, say that again?

Mr. Alfano stated I'm sorry, its nonconforming in it's current state, correct?

Mr. Miley stated correct, noncomplying actually.

Mr. Alfano stated okay.

Mr. Weise stated is the proposed new front of the house, the stairs, is that considerable larger than what it's replacing?

Mr. Kurth stated the portico is not, does not project into the setback any further but it is wider than the existing and we felt that given the architectural configuration of the gable, required we make it wider than the present one. The present portico is a flat roof, we had enhancing the aesthetics of the building, wider columns, et cetera. So if you compare the before picture with the proposed or rendering we have, I think you would agree that the proposed improvements are enhancing the aesthetics of the building and I think it's accent for the neighborhood and surrounding homes.

Mr. Weise stated do you think there is going to be proper draining for this? It looks like there's a drain pipe possibly in this picture and I, we had something similar done at our house and there definitely is, you know, more concentrated rain water?

Mr. Kurth stated well the flat, where's the picture...

Mr. Weise stated this photo...

Mr. Kurth stated yes, the...

Mr. Weise stated it looks like this is a drain pipe, but I could be wrong.

Mr. Kurth stated it's probably a leeder from the existing gutter. Well, again the existing drainage from the gable would be quite similar to that of the flat roof, it's just that the water is directed and we would either

connect to the existing drain or relocate the drain as required but there should not be anymore flow of water that presently comes from the roof and the existing flat portico.

Mr. Hoyt stated Peter Kurth, is there a landing at the top of the new stairs or is just like the old current just steps and door?

Mr. Kurth stated the landing is the exact same size as the gable portico above.

Mr. Miley stated Arthur, I just wanted to cut in, I didn't have the drawing in front of me right away. We'll review the calculations for any additional stormwater runoff from the newly proposed roof area. That will be part of his building permit application just to make sure that we assure you that that is look at.

Mr. Kurth stated thank you Mr. Miley.

Mr. Alfano stated so Peter Miley, I'm sorry if I'm re-asking the question. The setback is to the landing then in this case and not the stairs.

Mr. Kurth stated well it would be the new portico, columns and landing.

Mr. Miley stated we're going to have to call you Mr. Kurth, they keep...

Mr. Alfano stated Mr. Miley, that was a question for Peter Miley.

Mr. Kurth stated we have two Peter's.

Mr. Miley stated no, it goes to the building line, part of the building line is the landing and roof above. Not the extent of the first stair and the reason being is if we did not, and if we didn't utilize the landing as part of the building, they could put, they could create a landing right to the property line and stairs, that's something...

Mr. Alfano stated okay, so that's it, what's the, the existing landing, what's the current setback...

Mr. Miley stated are you asking me or Peter?

Mr. Kurth stated it's the same, sir.

Mr. Alfano stated it is the same, okay. Sorry, if I re-asked the question, that makes sense.

Mr. Miley stated so it's noncomplying today and it will continue to be noncomplying but it's an enlargement so that he's increasing the noncompliance.

Mr. Alfano stated increasing the width...

Mr. Kurth stated we're making it wider but not really further, closer to the street.

Mr. Alfano stated that's what I wanted to clarify.

Mr. Kurth stated the 5.5 variance that we're requesting, is exactly the same as the existing nonconformity.

Mr. Miley stated any enlargement Ralph with a nonconforming or noncomplying requires a variance by your Board for any enlargement, alteration, including the roof.

Mr. Alfano stated understood, thank you.

Mr. Spector stated is it only the portico that extends into the setback or is also the building itself?

Mr. Kurth stated to answer your question sir, it's the portico and the column and the landing but not the building. The building we haven't changed that façade, the building stays exactly the same.

Mr. Spector stated except for the, it looks like raising the roofline a bit.

Mr. Kurth stated I'm sorry?

Mr. Spector stated it looks like the roof is changing, the roofline?

Mr. Kurth stated no, the gable of the portico intersects the existing roofline. We are adding two dormers but they're setback from the existing roofline.

Mr. Hoyt stated I think it's the angle of the picture, Wayne.

Mr. Alfano stated yeah, the new one looks higher but I'll take your word for it that it's the same.

Mr. Spector stated it's just the rendering, the view, it's the same.

Mr. Miley stated and the gable above it is an enlargement as well.

Mr. Kurth stated its wider.

Mr. Miley stated so it does have gable portico and two dormers, correct.

Mr. Alfano stated one other question, is the landing required? So I see the landing comes out 6 feet from the house, we're asking for a variance of 5.5 feet, I mean is the landing needed or can the steps go directly into the house? No?

Mr. Kurth stated that wouldn't be a safe consideration and it's, we want, the portico as well as an aesthetic improvement, is also a functional element for the house, someone coming to the front door would be protected from the rain and you wouldn't have steps going right to the front door, that wouldn't be safe.

Mr. Miley stated it's not Code compliant either...

Mr. Alfano stated okay, I just wanted to ask.

Mr. Miley stated they don't let you fall down the stairs anymore in New York State.

Mr. Alfano stated Mr. Miley, is there a minimum distance that the landing needs to be away from the house, like in terms of length or depth?

Mr. Miley stated the front would be four feet, 48 inches, in this case. The minimum would be 48 inches.

Mr. Alfano stated we're doing 72 inches in this case.

Mr. Hoyt stated Peter Kurth, behind the columns is a fence line or a railing, what's behind the columns?

Mr. Kurth stated that is, there's a railing required by Code on the steps, we put it on both sides for symmetry and then from the column to the house, there's another railing, again for safety.

Mr. Hoyt stated yup, I assumed that, okay.

Mr. Spector stated it looks like an improvement from what was there, that's for sure.

Mr. Kurth stated thank you.

Mr. Hoyt stated I agree, that's a handsome house that you've got here with the...

Mr. Weise stated it looks a lot better, much improved.

Chairman Boxer stated Peter, do we have anybody coming to the meeting that has questions before we close this?

Mr. Miley stated we have the phone available and we also have Facebook Live, I'll take a look at the comments to see if there's anything...

The Secretary stated and there's nobody on the Zoom.

Mr. Miley stated and there is nobody waiting in the waiting room or have their hands up on Zoom, so no we have no comments.

Chairman Boxer stated okay, then I think we can close the public hearing. Can I have a motion please?

Mr. Spector stated I'll move to close the public hearing.

Chairman Boxer stated second?

Mr. Weise seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated okay, so I don't think we need to do much more discussion on this, Whitney did a great job already with the resolution and I would like to propose that we incorporate the resolution into our discussion rather than having to discuss it, so I would like ask for a vote please...

Whitney Singleton stated okay, that's fine, subject to the deletion of condition number three, I did notice the absence of landscaping.

Chairman Boxer stated okay. Alright, can I have a motion please to approve it?

Mr. Spector stated I move to approve the request for a variance incorporating the finely draft provisions of the resolution approval drafted by the Town Attorney.

Chairman Boxer stated second please?

Mr. Hoyt seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated anybody opposed? Okay, that will do it then for this, thank you for coming out Mr. Kurth.

Mr. Kurth stated thank you members of the Board. Mr. Miley, I assume the next step is Architectural Review Board.

Mr. Miley stated that is accurate, yes.

Mr. Kurth stated thank you, have a good evening.

Chairman Boxer stated thank you. Does anybody else have anything they'd like to discuss?

Mr. Miley stated just the 2021 meeting schedule, Chairman.

Chairman Boxer stated okay, has everybody looked at the meeting schedule for 2021?

Mr. Weise stated yes.

Chairman Boxer stated does anybody have any problems with the meetings, that they know of now, I mean it's way in advance but...

Mr. Alfano stated no, I haven't looked at it but I don't think I'll have any concerns.

Chairman Boxer stated its always the same day, Tuesday. Okay, then Peter, we need to approve it then?

Mr. Miley stated I'm not sure if it requires a motion? Whitney, does the schedule require a motion?

Whitney Singleton stated sure, that's fine.

Chairman Boxer stated okay, motion please.

Mr. Weise introduced a motion to approve the meeting schedule for 2021; seconded by Mr. Hoyt.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

Chairman Boxer stated anybody opposed? Okay, anything else you'd like us to do Peter?

Mr. Miley stated wish everybody a happy and healthy holiday season.

Chairman Boxer stated okay, until next time, we need a motion to adjourn please.

Mr. Alfano introduced a motion to adjourn; seconded by Mr. Hoyt.

Chairman Boxer asked for all in favor. The motion carried by a vote of 5 to 0.

The meeting adjourned at 7:35pm.