

\$100.00
cash
rec # 29455

Village/Town of Mount Kisco
Building Department

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

AUG 24 2022

RECEIVED

Application #: _____

Permit #: _____

BUILDING PERMIT APPLICATION

Note: Three sets of construction drawings and a digital copy must be submitted with application.

Project Address: 18 Hickory Ln

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

Applicant's Name: Peter Maliarakis

Address: 18 Hickory Ln, Mount Kisco, NY 10549

Email address: PeterMal@Gmail.com Phone #: 516 521-1021

Name of Property Owner: Stamatis & Letta Maliarakis Phone #: 516-767-2338
(If Different)

Present Address of Owner: 7 Marwood Rd N, Port Washington, NY 11050

Email address: lettaMaliarakis@hotmail.com Phone # 516 767-2338

Description of Improvement and Proposed Use in Detail: 6 Ft, 60 Ft long Safety Fence on Parkers side of Road which is part of our backyard

Total Estimated Cost of Improvement: \$2500

AFFIDAVIT OF CONSTRUCTION COST: This affidavit must be completed by the Design Professional if the estimated cost is \$20,000.00 or more, or the project is a legalization.

I Peter Maliarakis do hereby affirm and certify as follows: (i) I am the architect/engineer (circle one) licensed by the State of New York; (II) I have reviewed the plans, drawings and specifications of this application and am fully familiar with the proposed construction; (III) based on my experience, I estimate the total cost of construction, including all labor, all material, all professional fees and all associated costs to be approximately \$ 2500, and (IV) pursuant to Penal Law 210.4, I acknowledge that a false statement made knowingly is a Class A Misdemeanor.

Signature: Peter Mal

Date: 7/21/22

State of New York
County of Westchester
Signed and subscribed before me on this 21st day of July 2022
Sign & Affix Seal amrdelja

ADRIANA MRDELJA
NOTARY PUBLIC STATE OF NEW YORK
NO. 01MR6355848
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES 03/20/2025

Property Use: (please answer all questions)

Existing use Residential:

☒ Single Family ☐ 2 Family ☐ Other (Please specify) _____

Intended use:

☐ Single Family ☐ 2 Family ☐ Other (Please specify) _____

Existing Use Commercial:

☐ Multi Family (How Many) ____ ☐ Retail ☐ Restaurant ☐ Other (Please specify) _____

Intended Use:

☐ Multi Family (How Many) ____ ☐ Retail ☐ Restaurant ☐ Other (Please specify) _____

Is there an approved site plan for this property?

Is this a new residential house? ☐ Yes ☐ No ☐ Addition ☐ Alteration

Is this a new commercial building? ☐ Yes ☐ No ☐ Addition ☐ Alteration

Municipal sewer? ☐ Yes ☐ No Septic System? ☐ Yes ☐ No (if applicable, attach Health Dept. Approval)

Is this structure within the flood plain? ☐ Yes ☐ No (If yes, please file a Flood Development Permit)

Is this project within any wetlands, buffer or water course? ☐ Yes ☐ No (If ye, file a Wetlands application)

Topography: ☐ Flat ☐ Hilly ☐ Rocky ☐ Steep Incline ☐ Other (please specify) _____

Will the land disturbance affect any steep slopes? ☐ Yes ☐ No (if yes, please file Planning Board application)

How many square feet of land disturbance is there? _____

Contractor: Pro-Cut Landscaping

Address: _____

Phone #: 914-774-4003 Fax #: _____

Email address : _____

Westchester County Home Improvement License #: _____

Architect or Engineer: _____ NYS Lic. #: _____

Address: _____

Phone #: _____ Fax #: _____

Email address : _____

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

Address: _____

Phone #: _____ Email address : _____

Plumber: _____ Phone #: _____ WC Lic. # _____

Address: _____

Phone #: _____ Email address : _____

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.

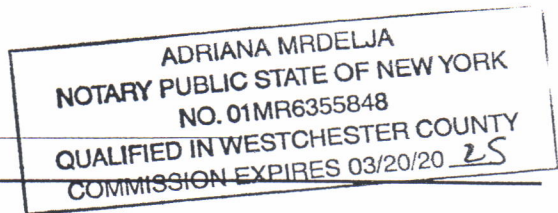
Pete M

Applicant's Signature

The State of New York
County of Westchester

Sworn to before me this 21 day of July 2022

Notary Public, Westchester County: Amndelja



Affidavit of Owner Authorization:

If the applicant is not the owner in fee of the premises:

The applicant Peter Maliarakis has my consent from to make this application as submitted.

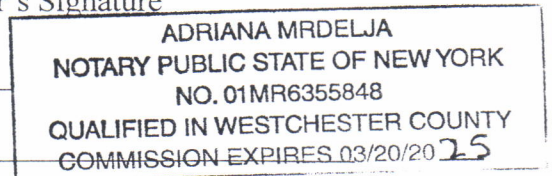
Owner's Name Printed

The State of New York
County of Westchester

Sworn to before me this 21 day of July 2022

Notary Public, Westchester County: Amndelja

Owner's Signature



Name of Project Contact Person: _____

Daytime Phone #: _____ Fax #: _____

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Received by: _____

- ☐ Application/Permit Fee _____
- ☐ License:
- ☐ Insurance:
- ☐ 3 sets of drawings:
- ☐ Digital drawing:
- ☐ Flood Plain Development Application (if required)

Board Approvals:

- ☐ Planning
- ☐ Zoning
- ☐ ARB
- ☐ Other

Reviewed By: _____

Date: _____

Building Inspector Approval: _____

Date approved: _____

Conditions:

N/F MELISSA AND W.
Village/Town of ...
Building Department

AUG 24 2022

RECEIVED

TOWN

OF

VILLAGE

AND

S.19°05'01"W.

128.00'

TOWN

PARCEL A

OF

BARKER

60 FT
Fence
(wood) 101.2

[6 FT High]

2 Story
Frame
Residence

Wood
Deck

1 Story
Frame
Garage

MACADAM
DRIVE
1st Floor Elev.
Garage 100.3

Sump Elevation
in Basement
92.36

Flagstone
Walk

Entrance
2nd story
above

21.5'
chimney

Chimney

Drill-Int
99.71

Easement for underground
gas, water and sewer
lines to service Parcel B

128.00'

N.16°34'00"E.

Macadam

STREET

Bench Marks:
Spike in Pole
Elev.=100.00

0+36 from ϕ of C.B.
Pipe Inv. = 92.36 \pm
(Level to Sump Elev.)

0+80 from ϕ of C.B.
Pipe Inv. = 94.5'
Pipe Inv. = 89.61' \pm
(2.75' lower than
Sump Elev.)

60 FT long
9.5 FT From Curb
6 FT High
Vinyl Fence

DI
(Silt Filled)
Rim 87.31
Inv. 84.31

wayfair.com/Outdoor-Essentials--6-ft.-H-x-8-ft.-W-Pro-Series-Hudson-Vinyl-Fencing

Shop at prices you'll love →

Earn 5% Rewards

wayfair

Find anything home...

Outdoor Bedding & Bath Rugs Décor & Pillows Organization Lighting Kitchen Baby & Kids Home



6 ft. H x 8 ft. W Pro Series Hudson Vinyl Fe

By Outdoor Essentials

★★★★☆ (27)

\$265.98
On Sale

Free shipping
Get it between Sun. Sep 4 – Thu. Sep 8 ⓘ

\$40 OFF your qualifying first order of \$250+1 with a Wayfair cred

category ^

Similar Fencing Below

22,261 Results

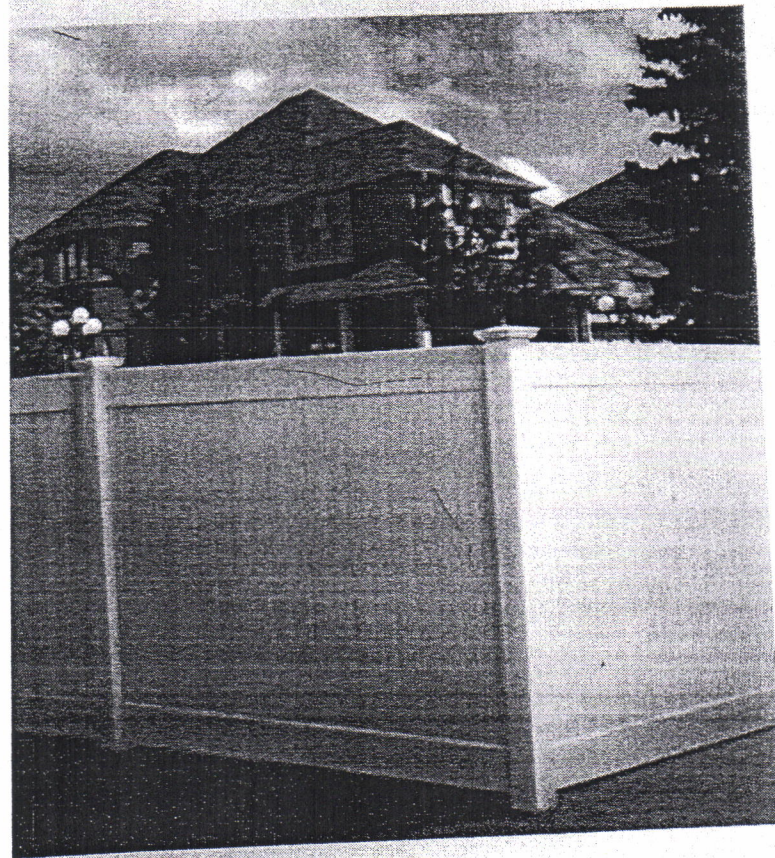
om/Outdoor-Essentials--6-ft.-H-x-8-ft.-W-Pro-

ices you'll love →

wayfair

Find anything ho

or Bedding & Bath Rugs Décor & Pillow



6 ft

By Ou



\$26

On

Free

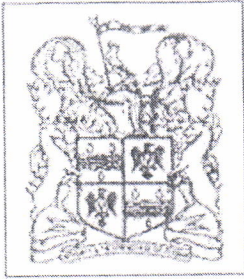
Get

\$40



Simil

22 261 R



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

September 7, 2022

Mr. Peter Maliarakis
18 Hickory Lane
Mount Kisco, NY 10549

Re: Notice of Denial
18 Hickory Lane
Mount Kisco, NY 10549
(SBL) 69.67-3-1

Dear Mr. Maliarakis,

The property is located in the § 110-8 RS-12 Low-Density One-Family Residence District. The permit application submitted to install a 6 ft. fence located in the front yard is rejected for the following reason(s):

Pursuant to Chapter 110. Zoning, Article V. Supplementary Regulations § 110-31. Supplementary development regulations. F. Exceptions to yard requirements – (2) Fences, hedges or walls, other than retaining walls, that are not over 6 1/2 feet in height may be erected anywhere on the lot, except that any such fence, wall or hedge, other than a retaining wall, that is erected in any front yard shall not have a height in excess of four feet. With respect to all new fence installations or replacements, the finished or formal presentation side of said fence shall face the adjacent property or street.

To obtain a permit, the following variance must be obtained.

1. A 2ft. fence height variance to install a 6ft. fence located in the front yard where a maximum of 4ft. is permitted.

Should you have any questions, please feel free to contact me.

Sincerely,

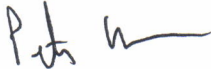
Peter J. Miley,
Building Inspector

Dear Zoning Board of Appeals,

9/19/2022

I, Peter Maliarakis am applying for a variance due to safety concerns. We fear for the safety of our two children who are ages 9 and 6 as well as for our dog who is a boxer(they can jump high). We are concerned that the constant flow of traffic on Mclain Street poses a substantial safety issue for our children and dog. My 9 year old and dog can hop over a 4ft fence hence pushing us to file for this variance to make the fence 6ft high.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter Maliarakis', with a stylized flourish at the end.

Peter Maliarakis

Date: 10/18/22
Fee: \$130

RECEIVED

SEP 27 2022

Case No.: 22-11
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: Peter Maliarakis
Address: 18 Hickory Lane, Mount Kisco, NY 10549
Address of subject property (if different): _____

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

Property owner (if different): Stamatis Maliarakis
Address: 7 Marwood Rd N, Port Washington, 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 9/7/2022. Application is hereby made for the following:

Chapter 110 Variation or _____ Interpretation of Section Zoning Article V § 110-31
of the Code of the Village/Town of Mount Kisco, Supplementary development Regs F

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of a 2ft Fence height Variance to install a 6ft fence
located in the front yard where a maximum of 4ft is permitted
in accordance with plans filed on (date) _____

for Property ID # 69.67-3-1 located in the RS-1d Zoning District.
The subject premises is situated on the west side of (street) Hickory lane
in the Village/Town of Mount Kisco, County of Westchester, NY.

Does property face on two different public streets? Yes No _____
(If on two streets, give both street names) Hickory lane and Barker street

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? No

Is there an approved site plan for this property? No in connection with a
____ Proposed or ____ Existing building; erected (yr.) _____

Size of Lot: 118 feet wide 137 feet deep Area _____

Size of Building: at street level _____ feet wide _____ feet deep

Height of building: _____ Present use of building: _____

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? _____ 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 and they're 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 9/7/2022 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.

Peter Malin
(Appellant to sign here)

(State of New York)
(County of Westchester)

Sworn to before me this day of September 22, 2022,

Notary Public, Amrdelya Westchester, County, NY

~~State of New York~~
~~County of Westchester~~

ADRIANA MRDELJA
NOTARY PUBLIC STATE OF NEW YORK
NO. 01MR6355848
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES 03/20/2025

[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 18 Hickory Ln 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 Peter Malinakis to make the annexed application in his behalf and that the statements contained in said application are true.

Viadetta Malinakis
(sign here)

(State of New York)
(County of Westchester)

Sworn to before me this day of September 22, 2022

Amrdelya
Notary Public

ADRIANA MRDELJA
NOTARY PUBLIC STATE OF NEW YORK
NO. 01MR6355848
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES 03/20/2025

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. *NO*
- (2) Whether the benefit sought by the applicant can be achieved by some feasible method other than a variance. *NO*
- (3) Whether the requested variance is substantial. *NO*
- (4) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *NO*
- (5) Whether the alleged difficulty was self-created (this will not necessarily preclude the granting of the area variance). *NO*

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}
}SS.:
}

COUNTY OF WESTCHESTER

Peter Maliafakis being duly sworn, deposes and says:

I reside at 18 Hickory Ln, Mount Kisco, NY 10549

On October 18 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.

Peter Maliafakis

(State of New York)
(County of Westchester)

Sworn to before me on this

22nd day of September 20 22

Adriana Mrdelja

(Notary Public)

ADRIANA MRDELJA
NOTARY PUBLIC STATE OF NEW YORK
NO. 01MR6355848
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES 03/20/20 25

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY
Greene, Robert K	20 Hickory Ln	MOUNT KISCO	10549	69.67-4-3
Golub, Helen L	Hickory Ln	MOUNT KISCO	10549	69.67-3-2.2
Rubin George N Jr	28 Allan Ln	MOUNT KISCO	10549	69.67-2-2
Cicccone, Umberto	165 Barker St	MOUNT KISCO	10549	69.67-1-14
Lawless Graeme	12 Hickory Ln	MOJNT KISCO	10549	69.75-1-2
Village/Town of Mount Kisco	Hickory Ln Right of Way	MOUNT KISCO	10549	69.75-1-3
Sporn, Richard A	Mclain St	MOUNT KISCO	10549	69.75-1-4
Moustakas Mylene	20 Allan Ln	MOUNT KISCO	10549	69.67-2-1
Griffee, Steven	32 Allan Ln	MOUNT KISCO	10549	69.67-2-3
Pitruille, Frank	176 Barker St	MOUNT KISCO	10549	69.67-4-1
Oris, Peter	16 Hickory Ln	MOUNT KISCO	10549	69.75-1-1
Lin Mei Fang	3 Allan Ln	MOUNT KISCO	10549	69.67-1-13
Caputo Christopher S	182 Barker St	MOUNT KISCO	10549	69.67-4-2
Hsu, Chien	7 Allan Ln	MOUNT KISCO	10549	69.67-1-12
Golub Kenneth L	14 Hickory Ln	MOUNT KISCO	10549	69.67-3-2.1
Maliarakis, Stamatios	18 Hickory Ln	MOUNT KISCO	10549	69.67-3-1
Santos Kirk S	203 Barker St	MOUNT KISCO	10549	69.67-2-4
Pappas John M	6 Allan Ln	MOUNT KISCO	10549	69.67-2-6
Troiano, Rose Ann	10 Allan Ln	MOUNT KISCO	10549	69.67-2-7
Reyes Raul R	15 Allan Ln	MOUNT KISCO	10549	69.67-1-10
Patel, Vishnu	197 Barker St	MOUNT KISCO	10549	69.67-2-5
Boxer, Harold S	11 Allan Ln	MOUNT KISCO	10549	69.67-1-11
Angarano Stephanie	16 Valley View Terr	MOUNT KISCO	10549	69.67-1-16

C/O	Mailing Address	City	State	Zip
	104 Main Street	Mt. Kisco	NY	10549
	1111 Studewood St, Unit 602	Houston	TX	77008
	466 Yarborough Way	The Villages	FL	32163
na				

The map displays the Town of Bedford, New Hampshire, with its boundaries clearly marked. The town is divided into several sections, with lot numbers ranging from 1 to 100. Key streets include Barker Street, Hookory Lane, and Hookory Lane. The map also shows the boundaries of the Village of Mount Kisco and the Town of Bedford. Various geographical features are labeled, including the Hookory Lane and the Hookory Lane. The map is oriented with North at the top.

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.

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 18 day of October 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Peter Maliarakis of 18 Hickory Ln, Mount Kisco, NY 10549 from the decision of Peter J. Miley, Building Inspector, dated 9/7/2022 denying the application dated to permit the erection of a 6ft fence. The property involved is known as 18 Hickory Lane and described on the village tax map as section 69.67, Block 3, Lot 1 and is located on the West side of Hickory Lane in a RS-12 Zoning District. Said appeal is being made to obtain a variance from section 110-31 of the Code of the V/Town of Mount Kisco, which requires no higher than 4 feet.

Harold Boxer

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.



610323559DED001Y

Westchester County Recording & Endorsement Page

Submitter Information

Name: CSC Ingeo Phone: 855-200-1150
Address 1: 919 North 1000 West Fax: 435-755-7025
Address 2: Email: csc-help@cscinfo.com
City/State/Zip: Logan UT 84321 Reference for Submitter: 11841102-CSC Ingeo

Document Details

Control Number: **610323559** Document Type: **Deed (DED)**
Package ID: 2021022600048001001 Document Page Count: **3** Total Page Count: **5**

Parties

☒ Additional Parties on Continuation page

1st PARTY		2nd PARTY	
1: GREENBERG DAVID	- Individual	1: MALIARAKIS STAMATIOS	- Individual
2: GREENBERG CINDY	- Individual	2: MALIARAKIS NICOLETTA	- Individual

Property

☐ Additional Properties on Continuation page

Street Address: 18 HICKORY LANE Tax Designation: 69.67-3-1
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:	\$886,000.00
Transfer Tax:	\$3,544.00
Mansion Tax:	\$0.00
Transfer Tax Number:	25628

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: 02/26/2021 at 12:14 PM
Control Number: **610323559**
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

David Prokop Esq
131 Rte 25A Suite 3

Rocky Point, NY 10528

SCHEDULE A

(continued)

AMENDED 1/26/2021

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town/Village of Mount Kisco, County of Westchester and State of New York, known and designated as Parcel A shown on a map entitled "Subdivision of property prepared for J.B. Murray Company situate in the Town and Village of Mount Kisco, Westchester County, N.Y." made by H. Stanley Johnson, Land Surveyor, and dated December 5, 1978 revised June 12, 1979 and filed in the Office of the Clerk of the County of Westchester, Division of Land Records on September 29, 1979, as Map No. 20047, being bounded and described as follows:

BEGINNING at a point which forms the intersection of where the Easterly side of Hickory Lane (private road) meets the Southerly side of Barker Street;

RUNNING THENCE along the southerly side of Barker Street the following three (3) courses:

- a. South 76 degrees 45 minutes 00 seconds East, 41.15 feet;
- b. South 70 degrees 23 minutes 00 seconds East, 100.00 feet; and
- c. South 69 degrees 31 minutes 00 seconds East, 2.56 feet to lands now or formerly of Melissa and W. Kaufmann-Buehler;

THENCE along said lands, South 19 degrees 05 minutes 01 seconds West, 128.00 feet to lands shown as Parcel B on the aforementioned Map;

THENCE along said lands 72 degrees 11 minutes 27 seconds West, 137.91 feet to the Easterly side of Hickory Lane;

THENCE along the Easterly side of Hickory Lane, North 16 degrees 34 minutes 00 seconds East, 128.00 feet to the Southerly side of Barker Street and the point or place of BEGINNING.

END OF SCHEDULE A

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ALTA Owner's Policy (06/17/2006)



Printed: 02.03.21 @ 08:57 AM
NY-FT-FRVH-01030.431004-SPS-27306-1-21-7404-010036

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

THIS INDENTURE, made the 5 day of February, in the year 2021

BETWEEN CINDY GREENBERG AND DAVID GREENBERG, k/k/a DAVID E GREENBERG, husband and wife,
both residing at 18 Hickory Lane, Mt. Kisco, New York 10549

party of the first part, and STAMATIOS MALIARAKIS AND NICOLETTA MALIARAKIS, husband and wife, both
residing at 7 Marwood road North, Port Washington, New York 11050

party of the second part,

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

TEN AND NO/XX (\$10.00) 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 Town/Village of Mount Kisco, County of Westchester, State of New York more particularly described in schedule A
attached hereto and made a part hereof

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

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

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.

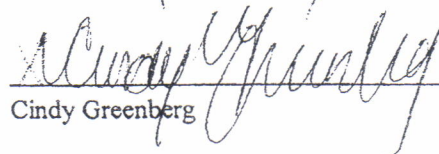
BEING and intended to be the same premises described in a deed made by Kenneth L.
Golub, Helen L. Golub and Beatrice Golub and recorded June 26, 1987, in Liber
8866, at page 299 in the Westchester County Clerk's Office

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

IN PRESENCE OF:



David Greenberg k/k/a David E. Greenberg

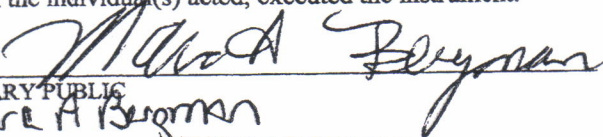


Cindy Greenberg

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 2d day of February in the year 2021, before me, the undersigned, personally appeared David Greenberg 6/k/a David E Greenberg, 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
MARC A BERGMAN

MARC A BERGMAN
Notary Public, State of New York
No. 01BE4503074
Qualified in Westchester County
Commission Expires September 30, 2021

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

Title No FNT R360 7404010036
FIDELITY National Title
631 574 2316

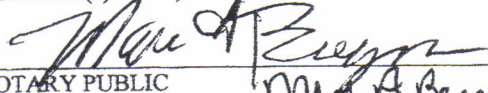
Bargain & Sale Deed With Covenants

Greenberg
TO

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 2d day of February in the year 2021, before me, the undersigned, personally appeared Cindy Greenberg, 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
MARC A BERGMAN

MARC A BERGMAN
Notary Public, State of New York
No. 01BE4503074
Qualified in Westchester County
Commission Expires September 30, 2021

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

Record & Return:
DAVID PROKOP, ESQ
131 Rte 25A ste 3
ROCKY POINT, NY 10528

COUNTY: Westchester

TOWN/CITY: Mount Kisco

PROPERTY ADDRESS: 18 Hickory Lane

SECTION: 69.67

N/F MELISSA AND W. F

TOWN
VILLAGE

OF

S. 19° 05' 01" W.

128.00' \pm

AND
BARKER

TOWN
PARCEL A

OF

2 Story
Frame
Residence

Wood
Deck

1 Story
Frame
Garage

MACADAM
DRIVE
1st Floor Elev.
Garage 100.3'

Sump Elevation
in Basement
92.36'

21.5'
Chimney

Flagstone
Walk

Entrance
2nd story
Floor

Easement for underground
gas, water and sewer
lines to Service Parcel B

20'

128.00'

N. 16° 34' 00" E.

Macadam

HICKORY

(RIGHT OF WAY)
N/F ROSWELL D. AND JOSEPH
REGAN

Bench Mark:
Spike in Pole
Elev. = 100.00

0+36 from ϕ of C.B.
Pipe Inv. = 92.36' \pm
(Level to Sump Elev.)

0+80 from ϕ of C.B.
Pipe Elev. = 94.5' \pm
Pipe Inv. = 89.61' \pm
(2.75' lower than
Sump Elev.)

STREET

C.B. Rim
Inv. 94.61'

Pole

DI
(Silt Filled)
Rim 87.31'
Inv. 84.31'



RECEIVED

OCT 14 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 12th day of October in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Shelly Hora, 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.

Shelly Hora 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 date (s) below:

Zone:
Westchester

Run Dates:
9/23/2022

Shelly Hora
Signature

Sworn to before me, this 12th day of October, 2022

Kathleen Allen
Notary Public, State of Wisconsin, County of Brown

KATHLEEN ALLEN
Notary Public
State of Wisconsin

6-7-25
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: 0005421494

Ad Number: 0005421494

Run Dates: 09/23/2022

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 18 day of October 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Peter Maitarakis of 18 Hickory Ln, Mount Kisco, NY 10549 from the decision of Pater J. Milley, Building Inspector, dated 9/11/2022 denying the application dated to permit the erection of a 6ft fence. The property involved is known as 18 Hickory Lane and described on the village tax map as section 69.67, Block 3, Lot 1 and located on the West side of Hickory Lane in a RS-12 Zoning District. Said appeal is being made to obtain a variance from section 110-31 of the Code of the V/Town of Mount Kisco, which requires no higher than 4 feet.

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

0005421494

18 Hickory Ln

RECEIVED

OCT 12 2022

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

AFFIDAVIT OF POSTING

Zoning Board of Appeals
Village/Town of Mount Kisco

Nick Radesco, being duly sworn, says that on the 12th day of October 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



Sworn to before me this 12th day of October 2022

Michelle K. Ruo

Notary Public

Fence:

- 60ft long
 - 6 ft High
 - 8 ft OFF the Curb on Barker St
- OWN

N/F MELISSA AND W. K.

LLAGE

AND

BARKER

6 ft High
PVC Fence

Bench Mark:
Xite in Pole
Elev. = 100.00

from ϕ of C.B.
Inv. = 92.36 \pm
(to Sump Elev.)

from ϕ of C.B.
Elev. = 94.5 \pm
Inv. = 89.61 \pm
(lower than Elev.)

OF

S. 19° 05' 01" W.

128.00'

TOWN
PARCEL A

OF

2 Story
Frame
Residence

Wood
Deck

1 Story
Frame
Garage

MAUDAM
DRIVE
1st Floor Elev.
Garage 100.3

Same Elevation
in Basement
92.36

Flagstone
Walk

Chimney

Entrance
2nd Story
Above

Easement for underground
gas, water and sewer
lines to Service Parcel B

STREET

N. 16° 34' 00" E.

Macadam

HICKORY

LI

(RIGHT OF WAY
N/F ROSWELL D. AND JOSEPH
REGAN

RECEIVED

SEP 28 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

DI
(S: H Filled)
Rim 87.31
Inv. 84.9 \pm

Mr. Wayne Spector
Chairman, Zoning Board
104 Main St.

Mt. Kisco, NY 10649

Timothy J. Fisher
DH Self Storage LLC
8 Briarcliff Rd
Chappaqua, NY 10514

Dear Mr. Spector,

I am writing to appeal to the Chairman of the Zoning Board seeking to address the letter of denial from building inspector Peter Miley dated June 3rd, 2022 regarding our request for the number of signs, locations of signage, and height/length of signage for our construction project located at 150 Radio Circle Dr. We are no longer requesting the following 4 variances: 1) variance for 5 total signs, 2) location variance, 3) sign width variance, 4) variance for a non-public entrance sign. The only variance we are seeking is a height variance for two letters in our channel lettering sign that are greater than 18" for our main sign that will be located above a public entrance.

My firm wishes to present our case on the September 20, 2022 Zoning Board meeting and formally request to be added to the agenda for that evening. Please feel free to reach out to me for any additional questions you may have. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Timothy J. Fisher". The signature is written in a cursive, flowing style.

Timothy J. Fisher
DH Self Storage LLC

(347) 266-3514

tfisher@dhipgroup.com

Village/Town of Mt. Kisco
Zoning Board of Appeals
104 Main St.
Mt. Kisco, NY 10549

Timothy J. Fisher
DH Self Storage, LLC
8 Briarcliff Rd.
Chappaqua, NY 10514
Dear Mr. Peter Miley,

We are writing today to appeal our Notice of Denial regarding our updated sign permit application for our site plan at 150 Radio Circle Dr, property ID 80.55-1-13, in the RDX zoning district. Per Building Inspector Peter Miley's Letter of Denial, we are no longer requesting the following 4 variances: 1) variance for 5 total signs, 2) location variance, 3) sign width variance, 4) variance for a non-public entrance sign. The only variance we are seeking at this time is a height variance for two letters in our channel lettering sign that are greater than 18" for the main sign that will be located above a public entrance:

Section 89-11 Table 1 page 6 of the code states: maximum letter height for wall -individual letters is 18 inches.

Two letters in our channel letter sign are 24", this sign will require a variance of 6" for maximum letter height.

The "C" and the "S" in the "CubeSmart" portion of our channel sign are 24" in height, all other letters in the channel sign are 18" or less. This was the recommendation of CubeSmart's signage consultants' standards and practices and is due to the difficulty reading 18" lettering at distances over 100.' This requested variance will have no negative effect on the character of the neighborhood, nor a physical/environmental impact and the benefit of visibility cannot be achieved any other way as the other letters would need to be reduced in size proportionately, eliminating visibility of the sign. In summary, we acknowledge that this difficulty is self created, but do not believe the proposed variance violates any of the other five factors outlined for the Boards consideration.

We look forward to speaking before the zoning board of appeals on September 20th. If there are any additional comments, questions, or concerns, we can be reached at the phone number and email address I've provided below. Thank you.

Sincerely,

Timothy J Fisher

DH Self Storage LLC

(347) 266-3514

tfisher@DHIPGroup.com



CUBESMART

self storage

LOCATION 0000
SIGN PRESENTATION

150 RADIO CIRCLE
MT KISCO, NY



Site Plan



EZZI SIGNS

EST. 2005

16611 West Little York Rd
Houston, Texas 77084

EZZISIGNS.COM
713-232-0771

PROJECT: CUBESMART

ADDRESS:
150 RADIO CIRCLE
MT KISCO, NY

DATE: 03/21/22

PROJECT NUMBER:
0000

DESIGNER:
RAMON

REVISIONS

R1: 05/25/2021
DESIGN UPDATE

R2: 07/11/2021
DESIGN UPDATE

R4: 09/15/22
DESIGN UPDATE

APPROVALS / DATE

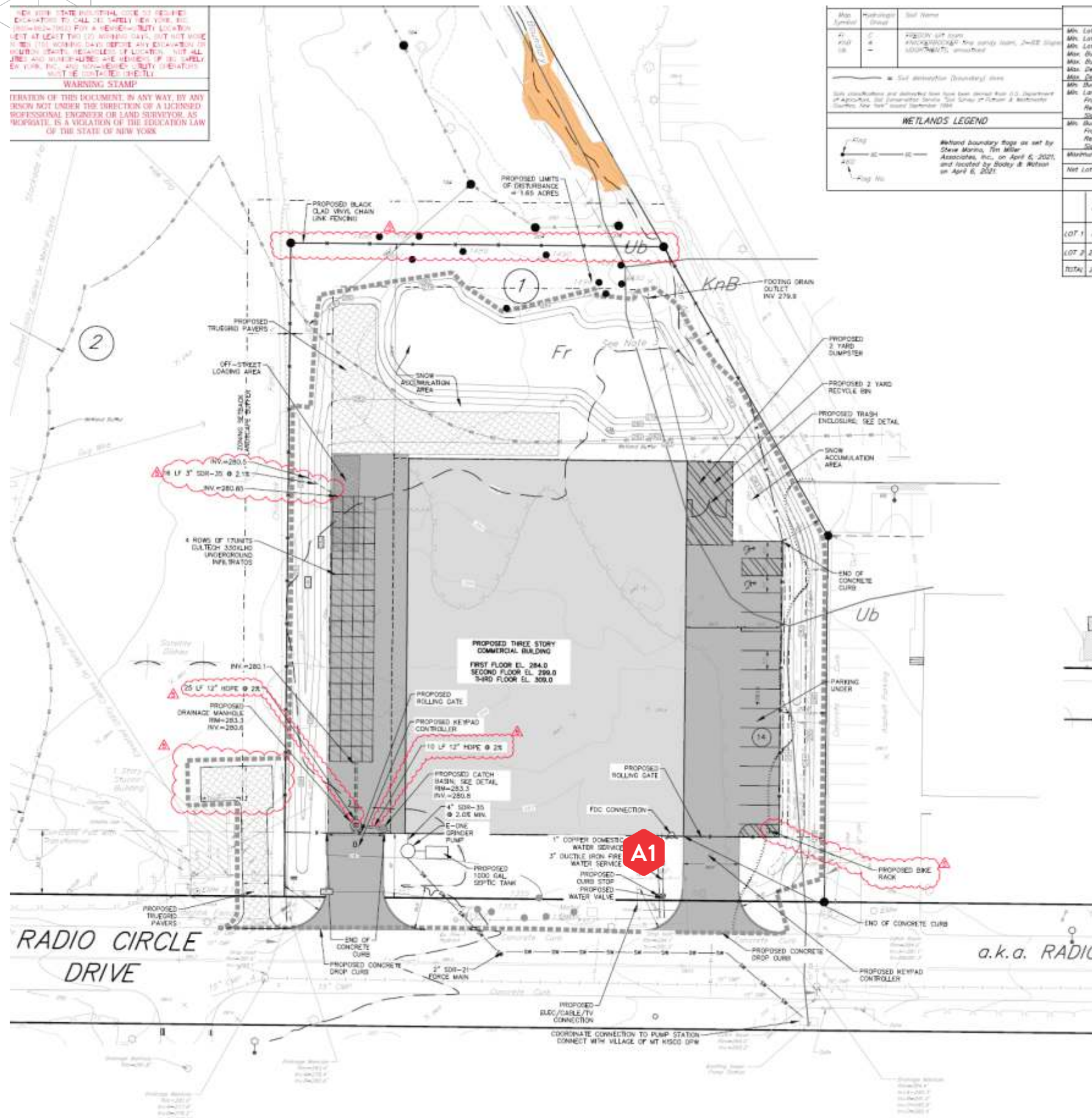
CLIENT:

LANDLORD:



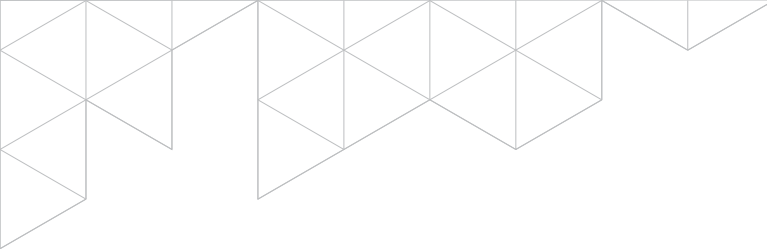
UL Installation requirements. This sign is to be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding and bonding of the sign.

All conceptual renderings are property of Ezzi Signs. Any reproduction, exhibition or use of this drawing is strictly prohibited ©2020. All rights reserved.



SITE PLAN

SCALE: NTS



PROJECT:
CUBESMART

ADDRESS:
150 RADIO CIRCLE
MT KISCO, NY

DATE: 03/21/22

PROJECT NUMBER:
0000

DESIGNER:
RAMON

REVISIONS

R1: 05/25/2021
DESIGN UPDATE

R2: 07/11/2021
DESIGN UPDATE


R4: 09/15/22
DESIGN UPDATE

APPROVALS / DATE

CLIENT:

LANDLORD:



 Installation requirements. This sign is to be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding and bonding of the sign.

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PROJECT:
CUBESMART

ADDRESS:
150 RADIO CIRCLE
MT KISCO, NY

DATE: 03/21/22

PROJECT NUMBER:
0000

DESIGNER:
RAMON

REVISIONS

R1:	05/25/2021
	DESIGN UPDATE
R2:	07/11/2021
	DESIGN UPDATE
R4:	09/15/22
	DESIGN UPDATE

APPROVALS / DATE

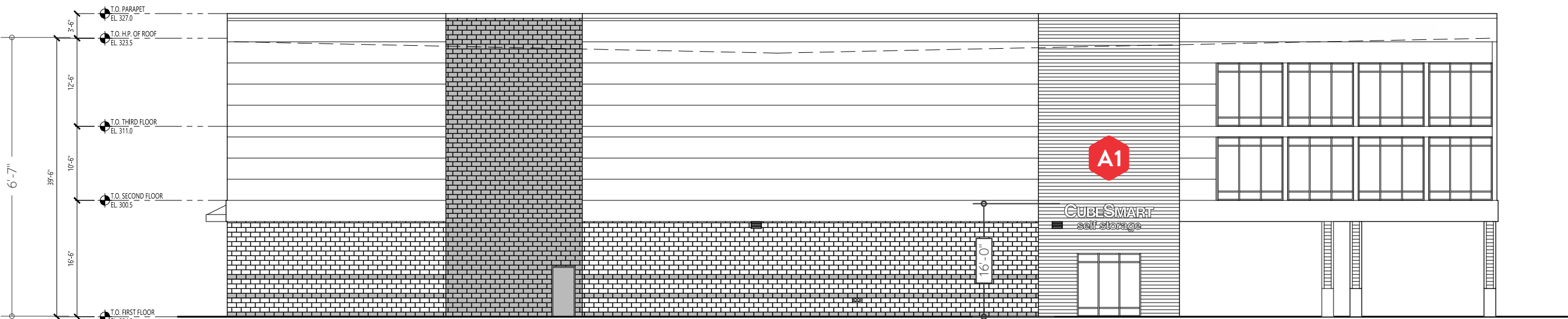
CLIENT:

LANDLORD:



Ⓢ Installation requirements. This sign is to be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding and bonding of the sign.

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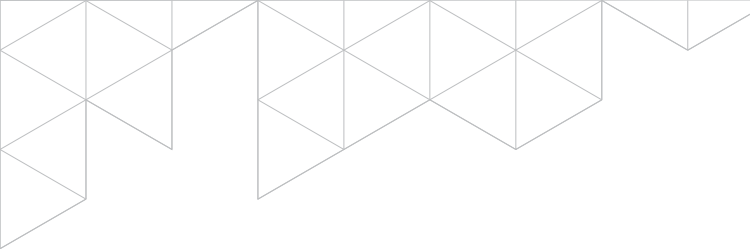


1 PROPOSED SOUTH (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"



2 PROPOSED EAST (SIDE) ELEVATION
SCALE: 1/8" = 1'-0"

UPDATED ELEVATION
SCALE: 1/16" = 1' - 0"



Survey Required

A1
QTY: 1

16611 West Little York Rd
Houston, Texas 77084
EZZISIGNS.COM
713-232-0771

PROJECT:
CUBESMART

ADDRESS:
150 RADIO CIRCLE
MT KISCO, NY

DATE: 03/21/22

PROJECT NUMBER:
0000

DESIGNER:
RAMON

REVISIONS

R1: 05/25/2021
DESIGN UPDATE

R2: 07/11/2021
DESIGN UPDATE

R4: 09/15/22
DESIGN UPDATE

APPROVALS / DATE

CLIENT:

LANDLORD:

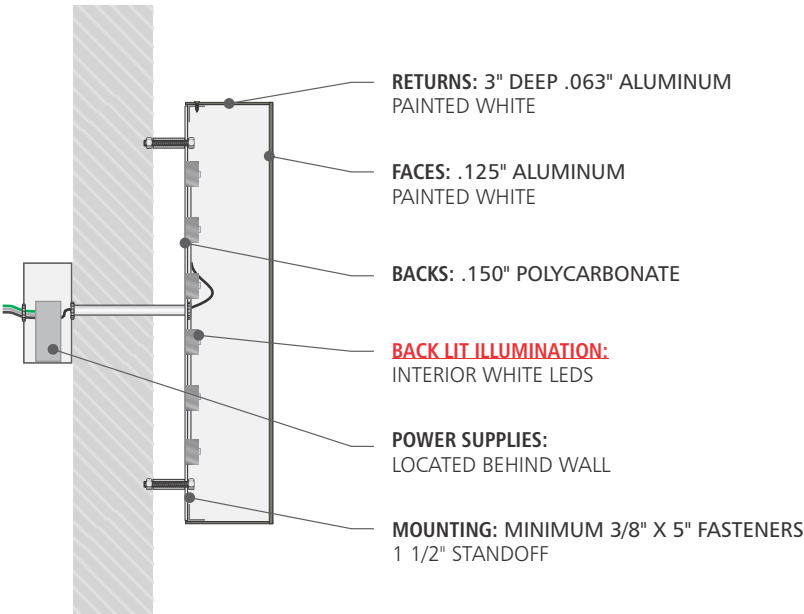


Ⓢ Installation requirements. This sign is to be installed in accordance with the requirements of article 600 of the national electric code and other applicable local codes. This includes proper grounding and bonding of the sign.

All conceptual renderings are property of Ezzi Signs. Any reproduction, exhibition or use of this drawing is strictly prohibited ©2020. All rights reserved.



DESIGN
SCALE: 1/2" = 1' - 0"



ILLUMINATED REVERSE CHANNEL LETTER - TYPICAL
SCALE: NTS

(Includes Zoning Districts GC (on Kisco Ave.), RD, and H)

Permitted Signs	Maximum Sign Height	Maximum Sign Length	Maximum Letter Height **	Illumination	Other
Wall – Sign Box	24 inches	75% of storefront (not to exceed 15 feet)	12 inches	Internal	
Wall – Board	24 inches	75% of storefront (not to exceed 15 feet)	12 inches	External, Backlit	
Wall – Individual Letters	18 inches	75% of storefront (not to exceed 15 feet)	18 inches	External, Backlit	
Awning Canopy Signs	(See other)	75% of storefront (not to exceed 15 feet)	12 inches	External	Copy area not to exceed 30% of awning face



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

Daniel Patrick
dpatrick@cuddyfeder.com

August 30, 2022

BY HAND DELIVERY AND E-MAIL

Chair Wayne Spector and
Members of the Zoning Board of Appeals
104 Main Street
Mount Kisco, NY 10549

Re: Rivera Toyota Redevelopment – 353 N Bedford Rd LLC
Area Variance Re-Approval Application
353 North Bedford Road, Mount Kisco, NY (SBL: 69.43-2-3)

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

On behalf of 353 N Bedford Rd LLC, the owner of 353 North Bedford Road (SBL: 69.43-2-3) (the “Premises”), we respectfully submit this letter and enclosed materials requesting re-approval of the area variance relief granted by the Village/Town of Mount Kisco Zoning Board of Appeals (“ZBA”) on September 21, 2021. Enclosed as **Exhibit A** is the ZBA application form requesting re-approval of the area variance relief. A copy of the ZBA Resolution in the Matter of the Application of Rivera Auto Group, Inc. (Case No. ZBA 21-14) stamped by the Mount Kisco Village Clerk on October 25, 2021 (“Area Variance Approval Resolution”) is enclosed as **Exhibit B**.

Variance Re-Approvals Requested:

On June 29, 2021, Rivera Auto Group, Inc. submitted an application to the ZBA requesting an interpretation and area variance relief related to the proposed demolition of the existing restaurant building at the Premises and the construction of a new two-story automobile service facility. The approved automobile service center at the Premises will support the existing Rivera Toyota automotive sales and services location at 325 North Bedford Road and will replace Rivera Toyota’s existing off-site vehicle service location at 227 & 255 Kisco Avenue, which will cease operations when the lease expires in 2023. Enclosed with this letter is a copy of the June 29, 2021 submission to the ZBA supporting the original request for the following area variance relief:

1. A variance from the requirement that no driveway to or from any commercial garage, gasoline station or motor vehicle repair shop shall be within 1,000 feet of any other such use, as set forth in Village Code Section 110-30(G)(1).

Distance from same use:

Required	Proposed	Variance Needed
1,000 ft	22 ft	978 ft

2. A variance from the requirement that no trash compactor, dumpster, or other large trash container shall be located or project nearer to any street line or side lot line than does the principal structure on the lot, as set forth in Village Code Section 110-30(D) and 110-31(G)(1) together.

Placement of dumpster closer to side-yard property line than principal structure:

Required	Proposed	Variance Needed
Prohibited	Allowed	Allowed

It is important to note that there are no changed circumstances since the original variances were granted. This request to re-approve the area variance relief is submitted to allow time for the Applicant to secure a building permit and commence construction of its proposed automobile service facility at the Premises. Since the September 21, 2021 area variance approval, the Applicant has been actively working towards obtaining a building permit. Rivera Toyota obtained its site plan and special exception use permit approvals from the Planning Board on December 14, 2021 for the proposed automobile service use at the Premises, as reflected in the Planning Board Resolution enclosed as **Exhibit C**, as well as the site plan and special permit approvals for the renovations to its related automobile sales and service located at 325 North Bedford Road. The site plan and special permit approvals were thereafter extended for 6 months by the Planning Board at its June 28, 2022 meeting.

The Applicant is continuing to work towards beginning construction though a building permit may not be issued until the Applicant receives approval from the New York State Department of Transportation ("NYSDOT") and New York City Department of Environmental Preservation ("NYCDEP"). In furtherance of these approvals, the engineer for the Applicant submitted the required PERM33COM Highway Work Permit application to the NYSDOT in September 2021 and the PERM33COM Highway Work Permit Part 2 in May 2022. Comments from the NYSDOT have been received and revised materials responding to those comments were submitted by the Applicant's engineer on August 4, 2022. The NYSDOT confirmed receipt and are in the process of reviewing the updated materials. The Applicants' engineer also submitted

the Stormwater Pollution Prevention Plan (“SWPPP”) to the NYCDEP on October 18, 2021. The NYCDEP issued a notice of incomplete application on November 23, 2021 requesting additional field testing. A soils engineer was retained by the Applicant and the necessary field testing has been performed. The engineer for the Applicant is in the process of revising the stormwater management plans and SWPPP based on their review with the NYCDEP and the recent soil test results. The revised stormwater management plans and SWPPP are expected to be submitted to the NYCDEP within the coming weeks. While the Applicant and its team are making progress, these required NYSDOT and NYCDEP approvals, accompanied by the requirements to prepare construction documents and source construction materials, have delayed the Applicant’s ability to obtain a building permit and commence construction.

Again, the Applicant submits that there have been no changes in circumstances since the ZBA originally granted this approval on September 21, 2021 and this application is substantially similar in all relevant respects to the previously approved application. Similarly, there are no changes to Rivera Toyota’s proposed automobile service center operation and the Applicant consents to the continued compliance with the conditions of approval set forth in the Area Variance Approval Resolution enclosed as **Exhibit B**. As such, it is respectfully requested that the ZBA re-approve the herein requested area variance relief.

In support of this Application, please find 10 copies of this letter with the following attachments:

- Exhibit A:** Village/Town of Mount Kisco Zoning Board of Appeals Application;
- Exhibit B:** Zoning Board of Appeals Resolution in the Matter of the Application of Rivera Auto Group, Inc. (Case No. ZBA 21-14) stamped by the Mount Kisco Village Clerk on October 25, 2021;
- Exhibit C:** Planning Board Resolution – Negative Declaration of Significance, Steep Slopes Permit, Special Use Permit, and Site Plan Approval – Rivera Toyota – 353 North Bedford Road – dated December 14, 2021 (signed February 8, 2022 and filed with the Village Clerk on February 10, 2022);
- Exhibit D:** Bargain and Sale Deed from William T. Martabano to 353 N Bedford Rd LLC recorded in the Office of the Westchester County Clerk on February 16, 2022; and
- Exhibit E:** Short Environmental Assessment Form.

Also enclosed is a check in the amount of \$750 made payable to the Village/Town of Mount Kisco representing the area variance fee for commercial applications and 10 copies of the following materials:

- Engineering Site Plans of Proposed Redevelopment at 353 North Bedford

Road prepared by DTS Provident Design Engineering, LLP last updated November 23, 2021 (Page C-101).

- Architectural Site Plans for the Proposed Redevelopment at 353 North Bedford Road prepared by Bryan Zelnik Architect, PC last updated November 18, 2021 (Page A-101.00).
- Topographic Survey of Property prepared for 353 N. Bedford Rd LLC prepared by H. Stanley Johnson and Company Land Surveyors, P.C. last revised March 8, 2021.

The Applicant also resubmits 10 copies of the June 29, 2021 area variance application packet in support of the previously approved area variance relief along with the following attachments:

- Exhibit A:** Village/Town of Mount Kisco Zoning Board of Appeals Application;
- Exhibit B:** Village/Town of Mount Kisco Building Inspector Memorandum June 17, 2021;
- Exhibit C:** Short Environmental Assessment Form;
- Exhibit D:** 353 North Bedford Road Deed from Martabano Company to William T. Martabano dated July 25, 1984 recorded in the Office of the Westchester County Clerk Land Records Departments at Liber 7948, Page 307;
- Exhibit E:** Rivera Toyota Business Plan;
- Exhibit F:** Map and Mailing List of Property Owners within 300' of the Premises;
- Exhibit G:** Zoning Board of Appeals of the Village/Town of Mount Kisco Case No. ZBA 13-12 Resolution for 343 North Bedford Road (SBL 69.51-1-1) dated April 22, 2015; and
- Exhibit H:** Map of Existing Automotive Uses.

For all the reasons set forth herein and in the accompanying documents, it is respectfully submitted that this application to re-approve the area variances be granted in its entirety. The Applicant looks forward to appearing at the next available ZBA meeting for the public hearing and to answer any questions the ZBA may have on this matter. In the meantime, should the ZBA or Village/Town Staff have any questions or comments regarding the forgoing, please do not hesitate to contact the undersigned.



8/30/2022
Page 5

Thank you for your courtesy and attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Daniel Patrick'. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Daniel Patrick

Enclosures

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

EXHIBIT A

Date: _____

Case No.: _____

Fee: _____

Date Filed: _____

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

Zoning Board of Appeals
Application

Appellant: 353 N Bedford Rd LLC (c/o Ken Hicks)
Address: 325 N Bedford Road, Mount Kisco, NY 10549
Address of subject property (if different): 353 N Bedford Road, Mount Kisco, NY 10549

Appellant's relationship to subject property: X 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's Memorandum dated June 17, 2021. Application is hereby made for the following:

X Variation or _____ Interpretation of Section 110-30.G(1); 110-30.D(1); & 110-31.G(1) of the Code of the Village/Town of Mount Kisco,

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance of the relocation automobile repair shop-service facility in support of the existing Rivera Toyota Sales location at 325 North Bedford Road.

_____ in accordance with plans filed on (date) April 6, 2021 for Property ID # 69.43-2-3 located in the CL Zoning District.

The subject premises is situated on the Westerly 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 X Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? Yes

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

Size of Lot: 160 feet wide 222 feet deep Area 35,367 s/f

Size of Building: at street level 83 feet wide 128 feet deep

Height of building: 2 stories/25'3" Present use of building: Restaurant Building to be demolished

Does this building contain a nonconforming use? No Please identify and explain: _____

Is this building classified as a non-complying use? No Please identify and explain: _____

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

Was a variance ever granted for this property? Yes If so, please identify and explain:
A variance was granted on September 21, 2021

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 July 17, 2021 upon which this application is based.
Memorandum
- 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: August 26, 2022

Notary Public, Putnam

_____, County, NY



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

State of New York }
County of Westchester } ss

Being duly sworn, deposes and say that he resides at _____ in the County of Westchester, in the State of New York, that he is the owner in fee of all that certain lot, piece or parcel of land situated, lying and being in the Village of Mount Kisco, County of Westchester aforesaid and known and designated as number _____ and that he hereby authorized _____ to make the annexed application in his behalf and that the statements contained in said application are true.

(sign here)

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 20th day of September 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

353 N Bedford Rd LLC (c/o Ken Hicks)

(Name of Applicant)

325 N Bedford Road, Mount Kisco, NY

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated June 17, 2021 Memorandum
(Date of Denial Letter)
denying the application dated to permit the automobile repair shop.
(Proposed Work)

The property involved is known as 353 N Bedford Road, Mount Kisco, NY
(Address of Property)

and described on the Village Tax Map as Section 69.43 Block 2 Lot 3

and is located on the Westerly side of N Bedford Road in a
east/west/n/s (Street Name)

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

variance from Section(s) 110-30.G(1); 110-30.D(1); & 110-31.G(1) of the
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires _____
the proposed automobile repair use to be situated no less than 1000' from a similar use and that the proposed dumpster enclosure be located no closer to the side lot line than the principal building.

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

EXHIBIT B

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
Rivera Auto Group, Inc.

Case No.: ZBA 21-14

-----X

1. Location of Property:

Property ID: 69.43-2-3

353 North Bedford Road

2. Description of Request:

The application proposes the demolition of the existing restaurant building and constructing a new two-story 12,616 square foot automobile repair facility with proposed dumpster enclosure located in the west, rear-left corner of the property, closer to the side lot-line than the proposed principal structure.

Village Code Section 110-30(G)(1) requires that no driveway to or from any commercial garage, gasoline station or motor vehicle repair shop shall be within 1,000 feet of any other such use or within 200 feet of the boundary line of any residential district or of any school, church, park, playground, hospital, public library, institution for dependents or children or any place of public assembly or restaurant designed for the simultaneous use of 100 persons or more, regardless of the district where either premises are located. The proposed use is located 22 feet away from the nearest same use, Town Bus – a vehicle repair garage, therefore necessitating one (1) variance of 978 feet from the required 1,000-foot distance from similar use requirement under the Village Zoning Code.

Village Code Section 110-30(D) and 110-31(G)(1) together require that no trash compactor, dumpster, or other large trash container shall be located or project nearer to any street line or side lot-line than does the principal structure on the lot. The proposed dumpster is located in the side yard and closer to the side-yard property line than the proposed principal structure. As such, one (1) variance is required for the placement of the dumpster closer to the side-yard property line than the principal building.

3. Zoning of Property:

CL – Limited Commercial District.

[NO FURTHER TEXT ON THIS PAGE]

4. **Variances/Interpretations Requested:**

1. A variance from the requirement that no driveway to or from any commercial garage, gasoline station or motor vehicle repair shop shall be within 1,000 feet of any other such use, as set forth in Village Code Section 110-30(G)(1).

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Distance from Same Use	1,000 ft	22 ft	978 ft

2. A variance from the requirement that no trash compactor, dumpster, or other large trash container shall be located or project nearer to any street line or side lot line than does the principal structure on the lot, as set forth in Village Code Section 110-30(D) and 110-31(G)(1) together.

	<u>Required</u>	<u>Proposed</u>	<u>Variance Needed</u>
Placement of Dumpster Closer to Side-Yard Property Line then Principal Structure	Prohibited	Allowed	Allowed

5. **Date of Public Hearing:** July 20, 2021, September 21, 2021
Date of Action: September 21, 2021,

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

Ken Hicks in favor of Applicant

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

- Zoning Board of Appeals Application, Dated 06/25/2021
- Memorandum from Peter J. Miley, Building Inspector, to Planning Board, Dated 06/17/2021
- Letter to Zoning Board of Appeals with Principal Points from Cuddy and Feder LLP, Dated 06/29/2021
- Full list of names for mailing
- Copy of map of properties within 300 Feet
- Copy of Public Notice
- Affidavit of Mailing, Dated 07/08/2021
- Affidavit of Publication, Dated 07/05/2021
- Affidavit of Posting, Dated 07/14/2021
- Plans from Provident Design Engineering
- Fees Paid

8. SEQRA Determination:

The subject application constitutes a Type II action pursuant to NYCRR 617.5(c) (12) (“granting of an individual setback for a lot line variance(s). 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 as the neighborhood is commercial in nature and contains many car dealerships; (2) that the benefits sought by the applicants could not be achieved by a feasible method other than a variance based upon the existing condition as the dealership is situated on a hillside; (3) that the variance is not substantial; (4) that 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) The variance is solely for the plans presented, reviewed and considered by the Zoning Board.
- 2) The approval shall not constitute any authorization for any other or further encroachments into any setback, including along the same plane.
- 3) There shall be no signage or advertising except as expressly authorized by applicable boards.
- 4) Nothing herein shall be construed to permit any disturbance to any adjoining landowner’s property.

[NO FURTHER TEXT ON THIS PAGE]

12. Vote: BY ORDER OF THE BOARD OF APPEALS

Motion to approve by: Mr. Spector

Seconded by: Mr. Alfano

Vote: Mr. Spector: Aye
Mr. Hoyt: Aye
Mr. Weiss: Aye
Mr. Alfano: Aye
Chair Boxer: Aye

RESOLUTION EXECUTED: September ____, 2021 ZONING BOARD OF APPEALS
Mount Kisco, New York Village/Town of Mount Kisco

By: 
HAROLD BOXER, CHAIRMAN

EXHIBIT C

FEB 10 2021

Mount Kisco
Office of the Village Clerk

**PLANNING BOARD RESOLUTION
VILLAGE OF MOUNT KISCO**

**NEGATIVE DECLARATION OF SIGNIFICANCE
STEEP SLOPES PERMIT
SPECIAL USE PERMIT
SITE PLAN APPROVAL**

**RIVERA TOYOTA
353 NORTH BEDFORD ROAD**

**Section 69.43, Block 2, Lot 3
Cal # PB2020-0414
December 14, 2021**

WHEREAS, the subject property is owned by William T. Martabano, consists of ± 0.81 acre of land and is located at 353 North Bedford Road, within the Limited Commercial (CL) Zoning District ("the subject property"); and

WHEREAS, the subject property is identified on the Village/Town Tax Rolls as Section 69.43, Block 2, Lot 3 and is located on the westerly side of North Bedford Road; and

WHEREAS, the subject property is currently developed with an existing one (1) story restaurant building and associated parking; and

WHEREAS, Rivera Auto Group, Inc. ("the applicant"), is proposing to demolish the existing building and construct a new, $\pm 12,672$ s.f., two (2) story automobile service and repair shop for Toyota; the service building is proposed to include eight (8) service bays, a customer drop-off area, customer service areas, and interior parts storage ("the proposed action"); and

WHEREAS, motor vehicle service is allowable within the underlying zoning district, subject to the issuance of a Special Use Permit and compliance with special use requirements, subject to Article V, Section 110-30 F. of the Zoning Code; and

WHEREAS, the subject property will only be used for the service and repair of automobiles and no storage or sales of new or used vehicles will occur at this location; and

WHEREAS, the applicant has stated that no vehicles will be unloaded or loaded on the subject property or within any public right-of-way; the applicant has stated that it will utilize an off-site

location (site undetermined at this time) for the loading and unloading of vehicles and that vehicles will be individually driven to the site for service; and

WHEREAS, reference is made to a plan entitled 353 Service Facility Plans Proposed (Drawing No. A-101.00), prepared by Bryan Zelnick, dated (last revised) November 18, 2021; and

WHEREAS, the subject property is currently served by two (2) driveways on North Bedford Road and access easement near the northwest corner of the lot; and

WHEREAS, modification to the driveway entrances and work within the right-of-way will require a Highway Work Permit from the New York State Department of Transportation (NYSDOT); and

WHEREAS, the proposed action will result in steep slopes disturbance and a Steep Slopes Permit is required by the Planning Board; and

WHEREAS, the applicant is proposing a retaining wall at the rear of the property within regulated slopes that is higher and longer than what is permitted by Section 110-33.1 A. (c) [2] [b], requiring a waiver from the Planning Board to accommodate the safety and needs for circulation on the site; and

WHEREAS, the applicant is proposing a minor encroachment into the front landscape buffer area (20 feet required/18.4 feet proposed) and the applicant has requested a waiver from the Planning Board in this regard; and

WHEREAS, the subject property is located within the New York East of Hudson Watershed and proposed land disturbance exceeds 5,000 square feet; coverage under New York State Department of Environmental Conservation (NYSDEC) SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001) is required; and

WHEREAS, the applicant is proposing the installation of new impervious surfaces within a mapped Designated Main Street areas and New York City Department of Environmental Protection (NYCDEP) Stormwater Pollution Prevention Plan (SWPPP) approval is required; and

WHEREAS, reference is made to a Stormwater Pollution Prevention Plan (SWPPP) prepared by Provident Design Engineering, dated September 7, 2021; and

WHEREAS, reference is made to a Traffic Study prepared by Provident Design Engineering, dated September 1, 2021; and

WHEREAS, the application was referred to the Westchester County Planning Board in accordance with Section 239-m of the General Municipal Law and the Planning Board has considered the County's comments; and

WHEREAS, certain area variance were granted by the Zoning Board of Appeals and the Zoning Board's resolution was filed with the Village Clerk on October 25, 2021; and

WHEREAS, reference is made to the Survey of Property and Topographic Survey, prepared by H. Stanley Johnson and Company Land Surveyors, P.C, last revised March 8, 2021; and

WHEREAS, the Planning Board conducted a duly noticed public hearing which was opened on November 9, 2021 and adjourned to and closed on December 14, 2021, at which time all interested parties were afforded an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED THAT, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617 and a coordinated review has been ongoing with the Planning Board acting as Lead Agency; and

BE IT FURTHER RESOLVED THAT, the Planning Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; and

BE IT FURTHER RESOLVED THAT, the Planning Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby issues the attached Negative Declaration of Significance; and

BE IT FURTHER RESOLVED THAT, the Planning Board hereby grants a Special Use Permit, Site Plan Approval and a Steep Slopes Permit and approves the following plans (hereafter referred to as "the approved plans"), subject to the below conditions:

The following plans, prepared by Provident Design Engineering, last revised 11/23/2021:

- Site Plan (Drawing No. C-101)
- Removals Plan (Drawing No. C-102)
- Striping and Sign Plan (Drawing No. C-201)
- Grading & Utility Plan (Drawing No. C-301)
- Sections (Drawing No. 302)
- Erosion Control Plan (Drawing No. 401)
- Details (Drawing No. C-501)
- Details (Drawing No. C-502)
- Details (Drawing No. C-503)
- Stormwater Management Details (Drawing No. C-504)
- Steep Slopes Plan (Drawing No. C-103)

The following plan, prepared by Imbiano Quigley Landscape Architects, Last revised 10/18/2021

- Tree Preservation Planting Plan & Details (Drawing L-1)

The following plans, prepared by Bryan Zelnick, dated (last revised) November 24, 2021:

- 353 Service Facility Plans Proposed (Drawing No. A-101.00)
- Service Lighting Plan (Drawing No. LT-101.00)

BE IT FURTHER RESOLVED THAT, unless extended by the Planning Board, construction shall commence within six (6) months of the date of this Resolution and all conditions contained herein shall be satisfied within one (1) year of commencement of construction.

Conditions to be Satisfied Prior to the Signing of the Approved Plans:

1. Prior to the signing of the approved plans, it is the applicant's responsibility to identify and secure any and all necessary permits/approvals from outside agencies having jurisdiction over the proposed action. Copies of outside agency permits/approvals shall be submitted to the Planning Board and the Building Department. In the event that such permit(s) require modification to the plans approved herein, a determination shall be made by the Building Inspector and Village Engineer as to whether the modification(s) is substantive and should be returned to the Planning Board for review. The following outside agency permits/approvals have been identified by the applicant:
 - Architectural Review Board (ARB) – Building and Signage
 - New York City Department of Environmental Protection (NYDEP) -Stormwater Pollution Prevention Plan (SWPPP)
 - New York State Department of Transportation (NYSDOT) –Highway Work Permit
 - NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity (to be obtained prior to the commencement of work).
2. The owner/applicant shall satisfactorily address any outstanding comments provided by the Building Inspector, Village Attorney, Village Engineer, and/or Village Planner.
3. The lighting plan shall be revised to the satisfaction of the Village Planner; all notes and details shall be legible.
4. The Business Plan/Statement of Use shall be revised to explain the transportation of vehicles between the subject property and the Toyota's proposed facility located at 325 North Bedford Road. The document shall be prepared to the satisfaction of the Building Inspector and Village Planner.

5. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the owner/applicant.
6. The applicant shall submit a "check set" (4 copies) of the approved plans prepared in final form and in accordance with the conditions of this Resolution, for review by Village staff.
7. The approved plans shall be revised to conform to the above conditions and to the satisfaction of Village staff. The applicant shall submit four (4) original copies of the approved plans, signed, and sealed by the design professional, for final review by Village staff and for signature by Village staff and the Planning Board Chairman. All plans shall have a common revision date.

Conditions to be Satisfied Prior to the Issuance of a Building Permit:

8. The owner/applicant shall satisfy the above conditions and the approved plans shall be signed by Village staff and the Planning Board Chairman.

Conditions to be Satisfied Prior to Commencement of Any Work:

9. The applicant shall obtain a Building Permit. A Building Permit shall not be issued until the Approved Plans have been signed by the Village staff and the Planning Board Chairman.
10. The applicant shall submit a schedule for all earthwork and land disturbance to the Village Engineer for approval. The applicant shall notify the Village Engineer and Building Inspector at least 72 hours in advance of any site disturbance.
11. Before commencement of any land disturbance, placing construction equipment on-site or actual construction, the subject property must be staked out by a NYS Licensed Land Surveyor, as determined necessary by the Village Engineer.
12. A pre-construction meeting shall be conducted with the applicant, contractor, Building Inspector, Village Planner and Village Engineer.

Conditions to be Satisfied During Construction:

13. The Village Engineer and Village Planner shall have the right to inspect the property during construction.
14. All construction activities shall be performed during the times permitted under the Village Code. The Village Engineer and Village Planner shall have the right to inspect the property during construction, the cost of which shall be paid for by the applicant.

Conditions to be Satisfied Prior to the Issuance of a Certificate of Occupancy:

15. A backflow preventer device(s) shall be installed to the satisfaction of the Village Engineer and Building Inspector, as required.
16. There shall be no Final Certificate of Occupancy issued, until there is full compliance with the plans approved herein and all conditions of this Resolution.
17. Prior to the issuance of a Final Certificate of Occupancy, an as-built survey, signed and sealed by a NYS Licensed Land Surveyor and demonstrating compliance with the approved plans shall be submitted. This survey shall include parking spaces and shall be prepared to the satisfaction of the Village Engineer.
18. A final site inspection shall be completed by the Building Inspector, Village Engineer and Village Planner.
19. All applicable application fees and fees associated with professional legal, engineering and planning consultation shall be paid for by the applicant.

Other Conditions:

20. All WHEREAS clauses contained within the body of this Resolution shall be deemed incorporated as conditions of approval, as if fully set forth herein.
21. The Planning Board is to retain original jurisdiction.
22. The applicant shall comply with Article V of the Zoning Code, Section 110-30F.
23. There shall be no outside service of vehicles.
24. There shall be no rental or sales of new or used vehicles on premises.
25. No parking or storage of vehicles shall occur between the front of the building and the street.
26. There shall be no loading or unloading of vehicles or trucks on the subject property or within any public street.
27. The loading and unloading of vehicles shall occur at a compliant off-site location (off-site location is undetermined at this time). The off-site location shall be secured by the applicant and disclosed to the Planning Board and Building Inspector. The off-site location shall be fully approved by any applicable agencies having jurisdiction (if any) and shall be operational prior to the issuance of a Certificate of Occupancy for the subject facility. The applicant shall demonstrate ownership or its lease to utilize the off-site location and shall

be responsible for notifying the Planning Board should the off-site location change in the future.

28. There shall be no storage or display of vehicles on the subject property until issuance of a Certificate of Occupancy.
29. All proposed exterior light fixtures shall be dimmable and illuminance levels shall be reduced by 30% after business hours.
30. All exterior light fixtures shall be non-adjustable and installed so as to be directed downward toward the ground; adjustable light fixture brackets and flood lights are not permitted.
31. All signage, including within windows, shall be fully compliant with Chapter 89 of the Village Code. No signs, lights or other materials or devices, except as approved and detailed on the approved plans, shall be permitted to be supported, hung, flown, or otherwise attached to site buildings, structures or the site grounds.
32. No interior televisions or illuminated signs shall be left on during non-business hours, which would be visible from the public street.
33. Landscaping shall be maintained for the life of the facility and in accordance with the approved landscaping plan. The applicant shall be responsible for any re-grading, replanting, or irrigation necessary to ensure that the landscaping is installed and maintained in accordance with the approved plan. In the event that landscaping is not maintained to the satisfaction of the Village Engineer and/or Building Inspector, the Village Engineer and/or Building Inspector shall notify the applicant in writing of the violation.
34. The proposed operation shall comply with the Statement of Use as submitted by the applicant. To the extent that information contained with the Statement of Use differs from that contained within this Resolution, this Resolution shall govern.
35. No change of use, no demising of space, and no expansion or intensification of use shall be permitted without Planning Board approval.
36. Failure to comply with any of the aforesaid conditions shall constitute a violation of site plan approval and shall subject the applicant to prosecution, penalties and/or permit revocations pursuant to applicable law. Deviation from any such approvals may render this site plan, special permit or certificates of occupancy issued in conjunction therewith, null and void.

ADOPTION OF RESOLUTION

WHEREUPON, the Resolution herein was declared adopted by the Planning Board of the Village of Mount Kisco as follows:

The motion was moved by: William Polese

The motion was seconded by: Michael McGuirk

The vote was as follows:

MICHAEL BONFORTE	X
WILLIAM POLESE	X
CRYSTAL PICKARD	X
BARBARA ROPPOLO	X
MICHAEL MCGUIRK	X

	
Michael Bonforte, Chairman	December 14, 2021

EXHIBIT D

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.



612373592DED0022

Westchester County Recording & Endorsement Page

Submitter Information

Name: Robin Schemitsch Phone: 914-395-2285
Address 1: 7 Dempsey Place Fax: 914-395-1028
Address 2: Email: PostClosing@recordandreturn.com
City/State/Zip: Eastchester NY 10709 Reference for Submitter: RR-W-42606-21 PD

Document Details

Control Number: **612373592** Document Type: **Deed (DED)**
Package ID: 2021082500283001002 Document Page Count: **7** Total Page Count: **8**

Parties

☐ Additional Parties on Continuation page

1st PARTY

1: MARTABANO WILLIAM T
2:

- Individual

1: 353 N BEDFORD RD LLC
2:

2nd PARTY

- Other

Property

☐ Additional Properties on Continuation page

Street Address: 353 NORTH BEDFORD ROAD
City/Town: MOUNT KISCO

Tax Designation: 69.43-2-3
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: \$40.00
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: **\$335.00**

Transfer Taxes

Consideration: \$1,900,000.00
Transfer Tax: \$7,600.00
Mansion Tax: \$0.00
Transfer Tax Number: 10377

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: 02/16/2022 at 01:57 PM
Control Number: **612373592**
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

RECORD AND RETURN TITLE AGENCY
7 DEMPSEY PLACE

EASTCHESTER, NY 10709

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

THIS INDENTURE, made the ^{As of} 13TH day of September, in the year 2021

BETWEEN WILLIAM T. MARTABANO, having an address of 658 10 Broad Street, Pawling, New York 12564, party of the first part, and

353 N BEDFORD RD LLC, having an address of 325 North Bedford Road, Mount Kisco, New York 10549, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten (\$10.00) 00/100 Dollars and other good and 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 Village and Town of Mount Kisco, County of Westchester and State of New York and being bounded and described according to Schedule A attached hereto and made a part hereof.

Being the same premises as was acquired by the Grantor herein by deed from Martabano Company f/k/a William Martabano Company dated July 25, 1984 and recorded August 13, 1994 in Liber 7984, Page 307 in the Office of the Westchester County Clerk but less and excepting the parcel conveyed by deed recorded May 19, 2000 in Control 401060104 in the Office of the Westchester County Clerk.

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 and 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 has 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 received such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvements and will apply the same first to the payment of the cost of the improvements before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it reads "parties" whenever the sense of this indenture so requires.

***Record and Return Title Agency, Inc.
Old Republic Title Insurance Company***

Title Number: **RR-W-42606-21**

SCHEDULE A DESCRIPTION

PARCEL 1

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

BEGINNING at a point on the northwesterly boundary line of North Bedford Road (Route 117), as widened, where the same is intersected by the division line between property now or formerly belonging to DeSilva Ice and Fuel Co., Inc. on the southwest and the premises herein described on the northeast;

RUNNING THENCE in a northwesterly direction along said division line, North 48 degrees 21 minutes 50 seconds West, 122.80 feet to a point;

THENCE in a northeasterly direction along the southeasterly boundary line of property now or formerly belonging to William Martabano Company, North 41 degrees 38 minutes 10 seconds East, 160.00 feet to a point;

THENCE in a southeasterly direction along the southwesterly boundary line of property now or formerly belonging to G. Acquisition Co., Inc., South 48 degrees 21 minutes 50 seconds East, 120.32 feet to the northwesterly boundary line of North Bedford Road (Route 117), as widened;

THENCE in a southwesterly direction along the same, South 40 degrees 44 minutes 50 West, 160.03 feet to the point or place of BEGINNING.

PARCEL 2

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

BEGINNING at a point on the southerly side of the land now or formerly of the General Electric Pension Trust and the southerly side of a 50 foot easement for ingress and egress from North Bedford Road, to the herein described property, where the northeast corner of the herein described property adjoins the northwest corner of the land now or formerly of Saraband Properties Inc.; said point of beginning is further described as being 1118.16 feet, as measured southerly along the westerly side of North Bedford Road, from the southerly side of the highway, known as Norm Avenue; and

Record and Return Title Agency, Inc.
Old Republic Title Insurance Company

Title Number: **RR-W-42606-21**

North 52 degrees 54 minutes 00 seconds West, 119.14 feet, as measured westerly along the division line of the land of Saraband Properties, Inc. and the General Electric Pension Trust Easement;

THENCE southerly along the land of Saraband Properties, Inc. and the land now or formerly of J.R. W. and A. Martabano;

South 41 degrees 38 minutes 10 seconds West, 250.59 feet to the land now or formerly of DeSilva Ice and Fuel Company, Inc.;

THENCE westerly along the north side of DeSilva Ice and Fuel Company, Inc.;

North 48 degrees 21 minutes 50 seconds West, 100.00 feet to the land now or formerly of General Electric Pension Trust;

THENCE northerly along the land now or formerly of General Electric Pension Trust, North 41 degrees 38 minutes 10 seconds East, 242.67 feet to other lands of the General Electric Pension Trust and the southerly side of the aforesaid easement;

THENCE easterly along the land of General Electric Pension Trust and the southerly side of the aforesaid easement;

South 52 degrees 54 minutes 00 seconds East, 100.32 feet to the land of the Saraband Properties, Inc. and the point or place of BEGINNING.

TOGETHER with an easement or right-of-way in common with others, adjoining the northerly line of the said parcel and the northerly line of Saraband Properties, Inc., for ingress and egress 50 feet in width, over the land of the General Electric Pension Trust from the westerly side of North Bedford Road to the westerly line of the parcel herein described;

LESS THAN AND EXCEPTING THE FOLLOWING EXCEPTED PARCEL:

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

BEGINNING at a point on the division line between property now or formerly belonging to John A. Martabano on the southeast and property now or formerly belonging to William T. Martabano, on the southeast, said point being distant, North 48 degrees 21 minutes 50 seconds West, 120.32 feet as measured in a northwesterly direction along said division line from its intersection with the northerly boundary line of North Bedford Road (Route 117);

RUNNING THENCE in a northwesterly direction through other property now or formerly belonging to William T. Martabano, North 48 degrees 21 minutes 50 West, 100.00 feet to a point;

Record and Return Title Agency, Inc.
Old Republic Title Insurance Company

Title Number: **RR-W-42606-21**

THENCE in a northeasterly and southeasterly direction along the southeasterly and southwesterly boundary line of property now or formerly belonging to American Property Investors, North 41 degrees 38 minutes 10 seconds East, 82.67 feet and South 52 degrees 54 minutes 00 seconds East, 100.32 feet to a point;

THENCE in a southwesterly direction along the northwesterly boundary line of property now or formerly belonging to John A. Martabano, South 41 degrees 38 minutes 10 seconds West, 90.59 feet to the point or place of BEGINNING.

SUBJECT to a 22 foot wide Access Easement crossing through the above described premises being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly boundary line of the above described premises, said point being distant, North 48 degrees 21 minutes 50 seconds West, 49.01 feet as measured in a northwesterly direction along said boundary line from the point of beginning of the premises above described;

RUNNING THENCE in a northwesterly, northeasterly, southeasterly and southwesterly direction, North 48 degrees 21 minutes 50 seconds West, 22.00 feet, North 41 degrees 38 minutes 10 seconds East, 84.96 feet, South 52 degrees 54 minutes 00 seconds East, 22.07 feet and South 41 degrees 38 minutes 10 seconds West, 86.70 feet to the point or place of BEGINNING.

TOGETHER with an easement or right-of-way in common with others, adjoining the northeasterly line of the said parcel and the northeasterly line of property now or formerly belonging to John A. Martabano, for ingress and egress 50 feet in width, over the land now or formerly belonging to American Property Investors, from the northwesterly side of North Bedford Road, to the northwesterly line of the parcel herein described.

PARCEL 1 AND 2 WHEN TAKEN TOGETHER, AND LESS THAN THE EXCEPTED PARCEL, BEING DESCRIBED ACCORDING TO A SURVEY MADE BY H. STANLEY JOHNSON AND COMPANY LAND SURVEYORS, P.C. DATED JANUARY 27, 2021 AS FOLLOWS:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village and Town of Mount Kisco, County of Westchester and State of New York, known and designated as "Section 69.43 Block Lot 3 N/F William T. Martabano" and "Parcel A" on a certain map entitled "Lot Line Change prepared for William T. Martabano, suited in the Village and Town of Mount Kisco, Westchester County, New York" made by H. Stanley Johnson and Company Land Surveyors, P.C., and filed on September 9, 1999 in the Office of the County Clerk of Westchester County, Division of Land Records as Filed Map No. 26419, and being more particularly bounded and described as follows:

BEGINNING at a point on the northwesterly boundary line of North Bedford Road (NYS Route 117), as widened, where the same is intersected by the division line between land now or formerly of 343 Bedford Realty, LLC on the southwest and the premises herein described on the northeast;

***Record and Return Title Agency, Inc.
Old Republic Title Insurance Company***

Title Number: **RR-W-42606-21**

RUNNING THENCE in a northwesterly direction along said division line, North 48 degrees 21 minutes 50 seconds West, 222.80 feet to a point on land now or formerly of DP 21 LLC;

THENCE along said lands now or formerly of DP 21 LLC, North 41 degrees 38 minutes 10 seconds East, 160.00 feet per deed and Filed Map No. 26419 (160.01 feet per Survey) to land now or formerly of John A. Martabano Trust No. 1;

THENCE along said land now or formerly of John A. Martabano Trust No. 1, South 48 degrees 21 minutes 50 seconds East, 220.32 feet to the northwesterly boundary line of North Bedford Road (NYS Route 117), as widened;

THENCE along the northwesterly boundary line of North Bedford Road (NYS Route 117), as widened, South 40 degrees 44 minutes 50 seconds West, 160.03 feet to the point or place of BEGINNING.

TOGETHER WITH a 22 foot wide Access Easement crossing through the EXCEPTED PARCEL being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly boundary line of the EXCEPTED PARCEL, said point being distant, North 48 degrees 21 minutes 50 seconds West, 49.01 feet as measured in a northwesterly direction along said boundary line from the point of beginning of the EXCEPTED PARCEL;

RUNNING THENCE in a northwesterly, northeasterly, southeasterly and southwesterly direction, North 48 degrees 21 minutes 50 seconds West, 22.00 feet, North 41 degrees 38 minutes 10 seconds East, 84.96 feet, South 52 degrees 54 minutes 00 seconds East, 22.07 feet and South 41 degrees 38 minutes 10 seconds West, 86.70 feet to the point or place of BEGINNING.

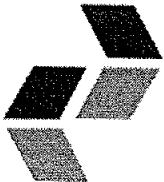
IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


WILLIAM T. MARTABANO

Premises conveyed:

T/O: Mount Kisco
V/O: Mount Kisco
County: Westchester
Section: 69.43
Block: 2
Lot: 3

Record and Return:



Record and Return Title Agency, Inc.
7 Dempsey Place
Eastchester, NY 10709

RECORDED AT THE REQUEST OF
RECORD & RETURN TITLE AGENCY
TITLE# RR-W-42600-21
THRU: ☐ AMT ☐ FA ☒ ORT
☐ STIC ☐ STG

STATE OF NEW YORK)

ss.:

COUNTY OF WESTCHESTER)

On the 30th day of August in the year 2021 before me, the undersigned, a Notary Public in and for the State of New York, personally appeared WILLIAM T. MARTABANO personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Carlo Nero

Notary Public Shall Sign Here

Place Notary Stamp Here

CARLO NERO
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01NE6179490
QUALIFIED IN WESTCHESTER COUNTY
MY COMMISSION EXPIRES 02-04-2026

EXHIBIT E

Short Environmental Assessment Form

Part 1 - Project Information

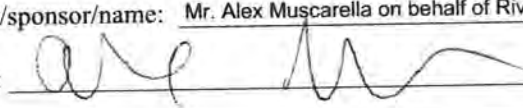
Instructions for Completing

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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: Rivera Toyota New Service Facility			
Project Location (describe, and attach a location map): 353 N Bedford Road, Mount Kisco, NY			
Brief Description of Proposed Action: The project will consist of the demolition of the existing building and the construction of a new Toyota Service Facility. The new service facility will have 8 service bays and a 6 spaces in the service lanes. The proposed building will have a gross floor area of 12,616 s.f. and a coverage of 10,216 s.f. A total of 27 exterior parking spaces will be provided plus 8 spaces in the service bays and 6 spaces in the enclosed customer drop off area. The total on-site parking spaces provided will be 41 spaces. The total number of required parking spaces is 39.			
Name of Applicant or Sponsor: Rivera Auto Group, Inc (c/o Alex Muscarella)		Telephone: (914) 666-5181 E-Mail: amuscarella@riveratoyota.com	
Address: 325 N Bedford Road			
City/PO: Mount Kisco		State: New York	Zip Code: 10549
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		0.812 acres	
b. Total acreage to be physically disturbed?		0.725 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.812 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? Name:Geographic Area Overlaying Aquifer, Reason:Exceptional or unique character, Agency:Bedford, Town of, If Yes, identify: Date:11-3-84	NO	YES	
The Site and adjoining lots are not located within the mapped limits of the CEA (see DECInfo Map)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____ _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ Subsurface storm water detention system	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ There are no remediation actions on the subject property or an adjoining property (see attached DECInfo mapper)	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Mr. Alex Muscarella on behalf of Rivera Auto Group, Inc.</u> Date: <u>4/5/21</u> Signature: <u></u> Title: <u>Partner</u>		

PRINT FORM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

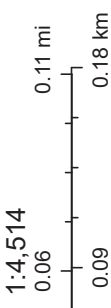


Part 1 / Question 7 [Critical Environmental Area]	Yes
Part 1 / Question 7 [Critical Environmental Area - Identify]	Name:Geographic Area Overlaying Aquifer, Reason:Exceptional or unique character, Agency:Bedford, Town of, Date:11-3-84
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

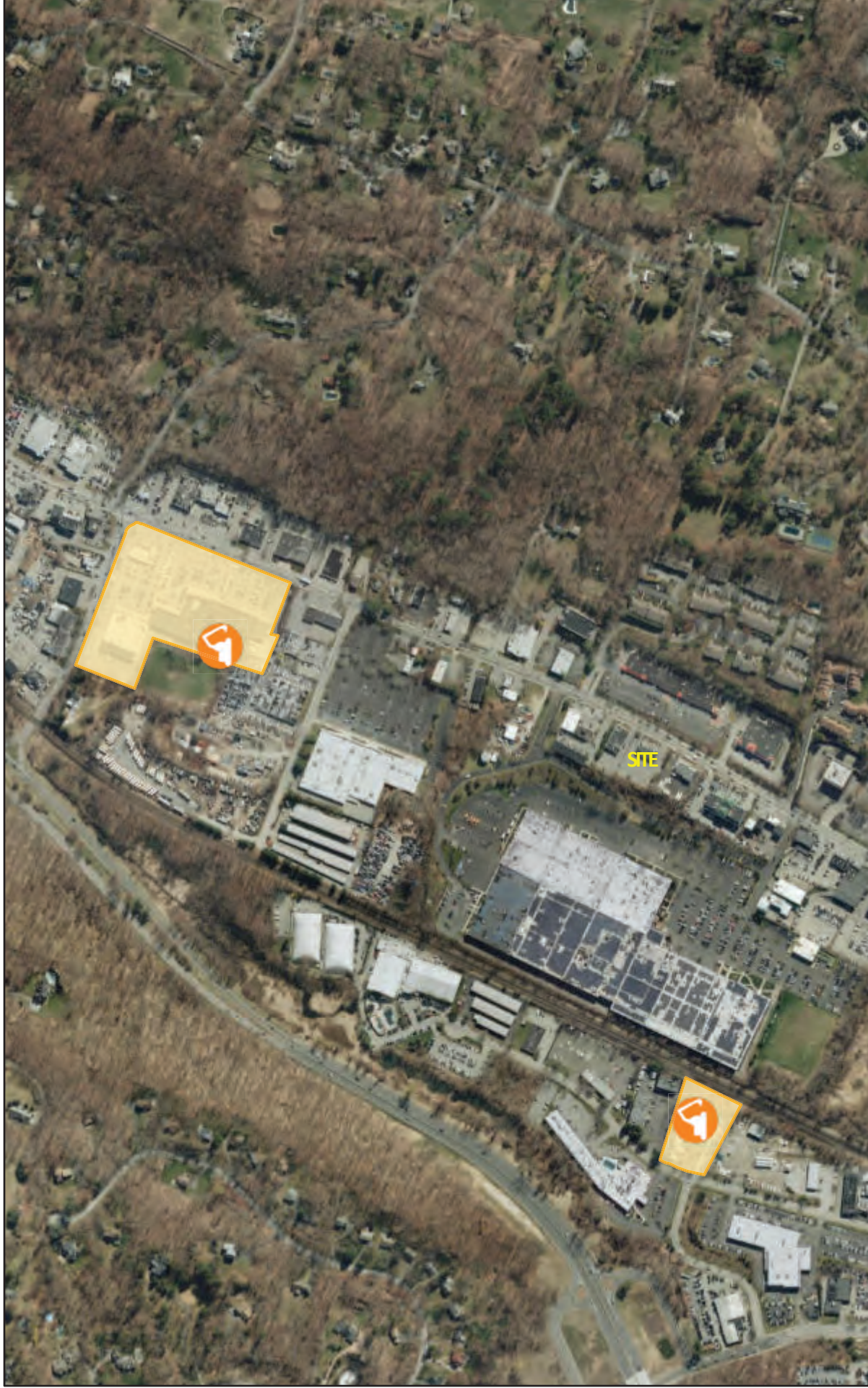
CEA Geographic Area Overlaying Aquifer



February 3, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Author: Provident Design Engineering
Not a legal document



February 3, 2021

1:9,028

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Author: Provident Design Engineering
Not a legal document

AFFIDAVIT OF MAILING

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

Riddar Nget being duly sworn, deposes and says:

I reside at Danbury, Connecticut

On October 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.



Riddar Nget, Paralegal

Sworn to before me on this

6th day of October 20 22



(Notary Public)

RENA REGGINA
Notary Public, State of New York
No. 01RE6165642
Qualified in Westchester County,
Commission Expires May 14, 2023

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 October 20 22 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

353 N Bedford Rd LLC (c/o Ken Hicks)

(Name of Applicant)

325 N Bedford Road, Mount Kisco, NY

(Address of Applicant)

from the decision of Peter J. Miley, Building Inspector, dated June 17, 2021 Memorandum
(Date of Denial Letter)
denying the application dated to permit the automobile repair shop.
(Proposed Work)

The property involved is known as 353 N Bedford Road, Mount Kisco, NY
(Address of Property)

and described on the Village Tax Map as Section 69.43 Block 2 Lot 3

and is located on the Westerly side of N Bedford Road in a
east/west/n/s (Street Name)

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

variance from Section(s) 110-30.G(1); 110-30.D(1); & 110-31.G(1) of the
(Identify specific zoning code section number(s))

Code of the Village/Town of Mount Kisco, which requires _____
the proposed automobile repair use to be situated no less than 1000' from a similar use and that the proposed dumpster enclosure be located no closer to the side lot line than the principal building.

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

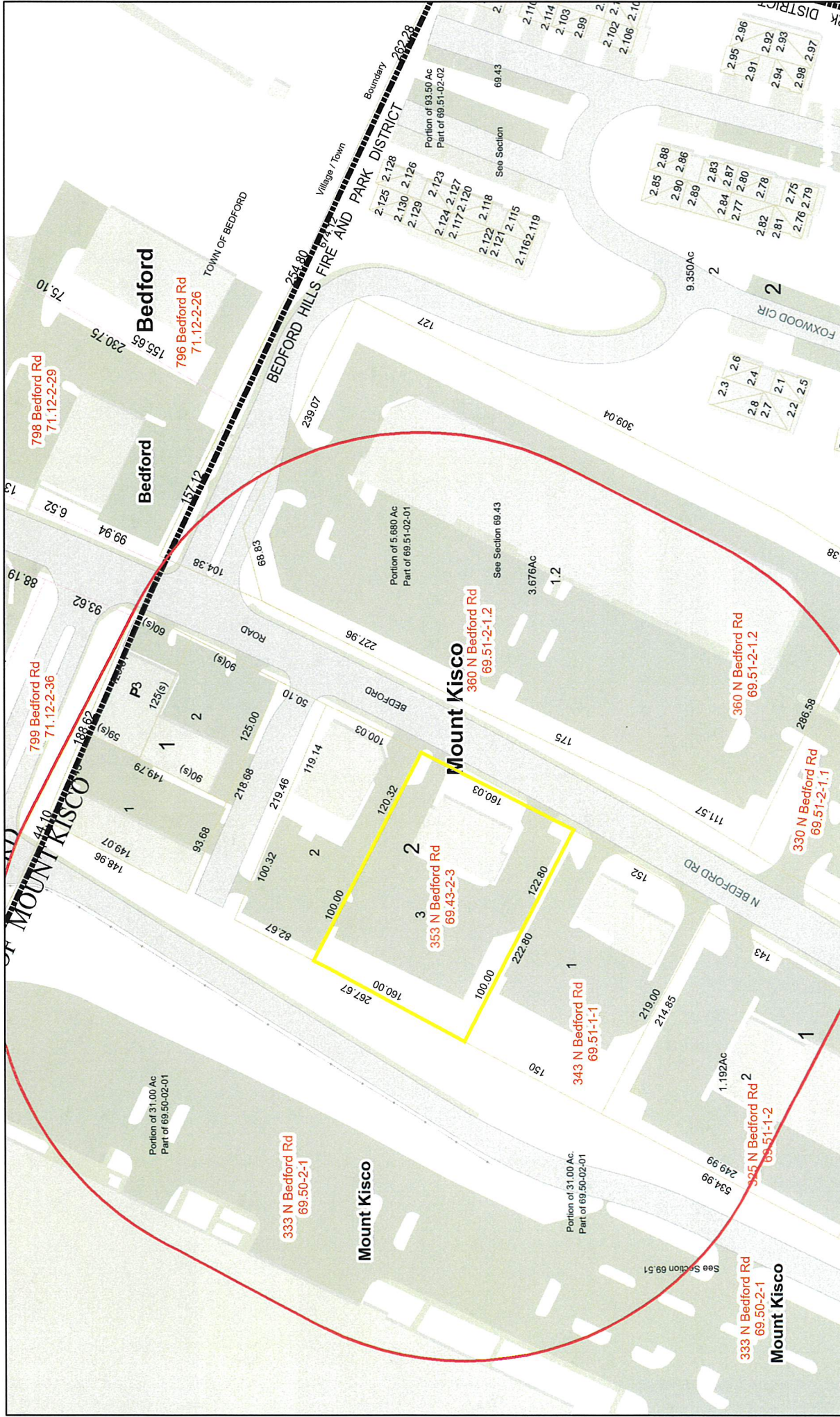
Exhibit A

300' Radius Property Owner's List

SBL	OWNER NAME		MAILING ADDRESS	CITY	STATE	ZIP
69.51-2-1.2	Townsend St Assoc's LP	c/o Mosbacher Properties	18 E 48 St 19Flr	New York	NY	10017
69.43-1-2	Philar Realty Co	Attn: DP 102 LLC	383 N Bedford Rd	Mt Kisco	NY	10549
69.43-1-1	383 No Bedford Rd Corp	Attn: MDC	27 Radio Circle Dr	Mt Kisco	NY	10549
69.43-1-3	Philar Realty Co	271 N Bedford Rd Mt Kisco Corp	333 N Bedford Rd	Mt Kisco	NY	10549
69.51-1-1	343 Bedford Realty, LLC		75 Commercial St	Plainview	NY	11803
69.51-2-1.1	WDL Realty LLC	Attn: The Donald Zucker Co	101 W 55th St	New York	NY	10019
69.50-2-1	DP 21 LLC	c/o Diamond Properties	333 N Bedford Rd	Mt Kisco	NY	10549
69.43-2-2	John A. Martabano Trust No. 1		5515 Lake Ridge Dr	Brighton	MI	48116
69.51-1-2	325 N Bedford Rd LLC		325 N Bedford Rd	Mt Kisco	NY	10549
69.43-2-3	353 N Bedford Rd LLC		325 N Bedford Rd	Mt Kisco	NY	10549
71.12-2-29	DGAM 800 LLC	Att: Debra Heinrich	9 Train Band Rd	Bedford	NY	10506
71.12-2-36	DP 21 LLC	attn: Diamond Properties	333 N Bedford Rd Ste 145	Mt Kisco	NY	10549
	Town of Bedford	Town Clerk	321 Bedford Road	Bedford Hills	NY	10507
	Westchester County Department of Planning	Municipal Referrals	148 Martine Avenue Suite #432	White Plains	NY	10601

Exhibit B

353 N Bedford Rd. ID: 69.43-2-3 (Mount Kisco)



September 19, 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.



Townsend St Assoc's LP
c/o Mosbacher Properties
18 E 48 St 19th
New York, NY 10017



Philar Realty Co
Attn: DP 102 LLC
383 N Bedford Rd
Mt Kisco, NY 10549



383 No Bedford Rd Corp
Attn: MDC
27 Radio Circle Dr
Mt Kisco, NY 10549





Philar Realty Co
271 N Bedford Rd Mt Kisco Corp
c/o DP 102 LLC
333 N Bedford Rd
Mt Kisco, NY 10549



343 Bedford Realty, LLC
75 Commercial St
Plainview, NY 11803



WDL Realty LLC
Attn: The Donald Zucker Co
101 W 55th St
New York, NY 10019





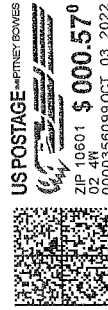
DP 21 LLC
c/o Diamond Properties
333 N Bedford Rd
Mt Kisco, NY 10549



John A. Martabano Trust No. 1
5515 Lake Ridge Dr
Brighton, MI 48116



325 N Bedford Rd LLC
325 N Bedford Rd
Mt Kisco, NY 10549





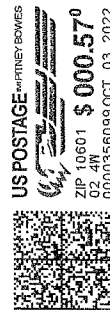
353 N Bedford Rd LLC
325 N Bedford Rd
Mt Kisco, NY 10549



DGAM 800 LLC
Attn: Debra Heinrich
9 Train Band Rd.
Bedford, NY 10506



DP 21 LLC
attn: Diamond Properties
333 N Bedford Rd Ste 145
Mt Kisco, NY 10549





Town of Bedford
Town Clerk
321 Bedford Road
Bedford Hills, NY 10507



Westchester County Department of Planning
Municipal Referrals
148 Marcine Avenue Suite #432
White Plains, NY 10601





AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin
County of Brown, ss.:

On the 3 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:
10/03/2022

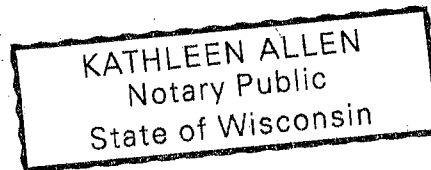
Linda Tutt
Signature

Sworn to before me, this 3 day of October, 2022

Kathleen Allen

Notary Public. State of Wisconsin. County of Brown

1-3-05



My commission expires

Legend:

WESTCHESTER:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Carmel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolnville, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Mohegan Lake, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Purdys, Putnam Valley, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thornwood, Tuckahoe, Valhalla, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

ROCKLAND:

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

Ad Number: 0005432450

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 October 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM on the Appeal of 353 N Bedford Road LLC (c/o Ken Hicks), 353 N. Bedford Road, Mount Kisco, New York, from the decision of Peter J. Miley, Building Inspector, dated June 17, 2021 (in his memorandum) denying the application to permit the automobile repair shop.

The property involved is known as 353 N. Bedford Road, Mount Kisco, New York, and described on the Village Tax Map as Section 69.43, Block 2, Lot 3 and is located on the Westerly side of North Bedford Road in a CL Zoning District. Said Appeal is being made for reapproval of the area variance relief from Section(s) 110-30.G(1), 110-30.D(1) and 110-31.G(1) of the Code of the Village/Town of Mount Kisco, which requires the proposed automobile repair use to be situated no less than 1000' from a similar use and that the proposed dumpster enclosure be located no closer to the side lot line than the principal building.

Copies of the Application are available to be viewed at Village/Town Hall.

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

ZBA Application

RECEIVED

OCT 14 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

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

AFFIDAVIT OF POSTING

Joan Benin, being duly sworn, says that on the 14th day of October 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

Joan Benin

Sworn to before me this 14 day of October

Doreen F Caravello
Notary Public

DOREEN F. CARAVELLO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CA6170202
Qualified in Westchester County
My Commission Expires 07-02-2023