

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, October 19, 2021 at 7:15 pm** via Zoom Teleconference

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

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

Chairman Boxer stated this is the October 19, 2021 meeting of the Zoning Board of Appeals of Mount Kisco. The first case ZBA21-18, Ciccarelli. Is anybody here for that?

**1. Giuseppe Ciccarelli & Annunziata “Nancy” Latella Ciccarelli ZBA# 21-18
67 Woodland Street Area
Mount Kisco, NY 10549
(SBL 80.49-2-22)**

Mr. Miley stated he’s coming up Harold.

Chairman Boxer stated okay, I’m waiting.

Mr. Solarik stated good evening, can you hear me?

Chairman Boxer stated yup.

Mr. Solarik stated hi, I’m Viktor Solarik, VKS Architects, presenting the application tonight. With me tonight is Mr. & Mrs. Ciccarelli, who came to answer any questions that the Board might have. The application is for a variance, three variances, you might have the plans in front of you, if you don’t, I have them here. It is a residential area, there’s an existing two-family house there that the Ciccarelli’s are planning on renovating and expanding slightly for their own use and then the one rental apartment. It is an existing garage that is going to be taken down and relocated and there’s a proposed in-ground pool which is right next to the garage in the backyard. The proposed variance is for a development coverage where 40% is maximum permitted and with all the improvements we are planning, we’re up to 49%, most of it is due to the reconfiguration of the driveway which currently is very tight and is really hard to navigate in and out, it doesn’t really meet the required clearances and the pool which is proposed in the backyard. The second variance needed is for the pool where 20 foot minimum is required from the nearest property line and we tried to squeeze it in as close to the garage as possible leaving 16 ½ foot side yard setback. And the last variance needed is for the main house itself where there’s only 14.2 feet from the side property line and therefore, we need a 5.8 foot variance. That house is there and that line is kind of where the house ends now, so we were just straightening the box of the house, keeping the same distance that exists today from the side property line.

Mr. Hoyt stated so the current garage is how many feet from the side?

Mr. Solarik stated the current garage is 7 feet from, 6.5 feet from the side property line and we’re pushing it over a little bit to 8 foot 4. So the garage, the existing garage is closer to the property line than the proposed garage.

Mr. Hoyt stated thanks.

Mr. Solarik stated we have been able to keep the rear property setback of the pool and the garage as required, it’s just that the side yard to the north is a little tight. The property next door is actually owned by Mr. Ciccarelli’s parents as well, so it kind of a very friendly, beneficial relationship.

Mr. Weise stated is the garage going to be used for car storage or is it going to be for [inaudible].

Mr. Solarik stated it’s actually a fairly tight garage. The pool equipment is going to be located behind the garage, kind of in the hill and screened by a retaining wall and fencing. So we got that outside of the setback, so that all fits. But the garage is really for the car storage.

Mr. Hoyt stated have you tried to minimize your development coverage and what have you, I know that one of the variances is development coverage related, have you done anything since you originally drew the plans up to try to minimize that or is this the best you can...

Mr. Solarik stated we have actually, the driveway was really the biggest challenge because the current driveway is nearly impossible to turn around, and so that's one thing that we have debated how to handle that. One thing that perhaps could be done is there's a turnaround, kind of a hammerhead shape of the driveway, which is really to allow cars to turnaround and go straight out from the driveway because we're not allowed to back out onto the street. That area could be paved with you know, permeable pavers or something like that, it would still count into the coverage but it would improve the drainage or the reduce the runoff. That I think is a reasonable solution that would help the overall coverage and the impervious...

Mr. Hoyt stated that wouldn't qualify as reducing the coverage but it would...

Mr. Solarik stated correct, correct.

Mr. Hoyt stated potentially reduce the runoff.

Mr. Solarik stated correct, right.

Mr. Spector stated the turnaround looks like its wider than it needs to be for just one car to turnaround, if I'm not mistaken. Is there any intention to be using that for parking since you're going to have a tenant in this house as well or is it solely just intended for a turnaround?

Mr. Solarik stated I think it real life its probably both, you might be right that you might have parking for one car and then allowing the other car to turnaround in that other space.

Chairman Boxer stated how many cars total will there be?

Mr. Solarik stated three. Two in the garage and one in the back of the house.

Chairman Boxer stated does the tenant's lease limit the tenant to one car?

Mr. Solarik stated I beg your pardon?

Chairman Boxer stated does the tenant's lease limit the tenant to one car?

Mr. Solarik stated I don't know that answer, there's no tenant right now but I think that could be possibly negotiated. Joe, do you want to comment on it.

Mr. Ciccarelli stated [inaudible]. Well normally, they'll park on the street unless there's a snow emergency, then they'll park in the driveway. So that's what everybody does right now, in the street, all the houses that have rental.

Mr. Weise stated and just to clarify, the house itself, there's not going to be much structural change, what are you doing to the outside of the house?

Mr. Solarik stated it is going to be changed, we are basically renovating, it's a substantial renovation of the house. It's an older structure, it needs a lot of change, so in reality, there's going to be one apartment on the lowest level and the Ciccarelli's are planning on moving in and occupying the upper levels.

Mr. Weise stated and so the garage is going to be torn down to the ground and removed.

Mr. Solarik stated yes, the garage is to be moved.

Mr. Weise stated and the house will be severely renovated but it won't be torn down.

Mr. Solarik stated it won't be torn down.

Mr. Weise stated okay, so the four walls, outside walls are going to remain.

Mr. Solarik stated the footprint will remain, the front of the house is staying exactly the way it is, the back actually is getting expanded further.

Mr. Weise stated I see, by how much?

Mr. Solarik stated by, I'll tell you in a second, by 6 feet.

Mr. Weise stated 6 feet, so the area that is developed on the property, had the house not changed, you may have been in compliance, did you calculate that?

Mr. Solarik stated well the extension of the house to the back actually goes over the existing driveway.

Mr. Weise stated okay, so it doesn't change.

Mr. Solarik stated a little bit on the northeast corner of the, there's an area, actually no, that's a bump out that already exists. So literally all the rest of the house are over developed areas already.

Mr. Spector stated none of your drawings actually do show the new structure super imposed on the old structure, or do they? I was just looking...

Mr. Solarik stated yes, there is a, on S-1 you have a foundation plan, proposed demolition and foundation plan which shows it is in crossed out, dashed lines the existing footprint of the house.

Mr. Weise stated oh, I see, okay.

Mr. Solarik stated and above it is an existing basement plan, it shows the existing footprint of the house.

Mr. Spector stated the lines with the x's are the existing, is that right?

Mr. Solarik stated that is correct.

Mr. Weise stated this is, okay, that's helpful. Has there been any issues with drainage with the existing footprint?

Mr. Solarik stated no.

Mr. Ciccarelli stated no, we don't have no, as of right now, no.

Papers shuffling.

Mr. Weise stated one last question, the basement apartment, is there, are there only exterior doors to that apartment or is there anything inside that connects the two?

Mr. Solarik stated no, there's another stair that would connect the two apartments, there's separate entrances.

Mr. Weise stated okay, thanks.

Mr. Solarik stated the entrance to the lower apartment is on the north side of the building, you can see on A-2 there's an elevation that shows the door access and the three steps down onto the landing because we were kind of trying to fit it into the grade because the upper floor, I mean the first floor is about five steps up from the grade on the front of the house.

Mr. Weise stated okay and the these stairs in the front of the house, their point south, is that right?

Mr. Solarik stated no, they're pointing front and they're pointing the same way as the existing house is...

Mr. Weise stated oh, I see.

Mr. Solarik stated I actually printed some pictures.

Mr. Spector stated the only fencing being proposed is around the pool is there also...

Mr. Solarik stated that is correct.

Mr. Spector stated there is no fencing in the rear of the property that's being proposed, at the property line?

Mr. Solarik stated no.

Mr. Spector stated thank you.

Mr. Hoyt stated and one more question about the pool, I'm assuming there would be something around the pool, some sort of deck or stone or, is that...?

Mr. Solarik stated that's included in the calculation.

Mr. Hoyt stated oh it is, okay. To me, I think you know, the two other variances are either effectively replacing what you already have, it's the development coverage is to me, the more substantial one. And so I would encourage anything that you can do to reduce that or mitigate it would be from my standpoint, desirable.

Mr. Solarik stated right.

Mr. Hoyt stated including, [inaudible] referenced before, using some permeable surface, you know...

Mr. Solarik stated the same thing could happen around the pool, there are pavers that could be put around the pool with open joints, so you actually have gravel in between or some people try grass, it's a little bit a challenge to maintain but those pavers, again, it would still count into the development coverage because anything that's in some degree developed, counts into it but it would again mitigate the amount of runoff and you know, that runoff would actually be handled right there without going down the hill.

Mr. Weise stated I would say that that is probably the biggest issue I have, is the drainage given the slope of the property and the development coverage, so if you can do something to mitigate that, I think that would be helpful.

Mr. Solarik stated I would then suggest that the turnaround area is paved with permeable pavers and the...

Mr. Ciccarelli stated [inaudible].

Mr. Solarik stated and the pool area, also if we keep it you know, not on a concrete deck but with pavers that are set in stone dust with open joints will handle that, any kind of runoff in that area and typically that would go into a culvert recharger, so it's pipe underneath, there's a layer of gravel and pipes that connect and go into the culvert infiltrator that will then absorb all the water. We have the room to do it on the north side of the building, of the pool rather, include it into the grade and make it [inaudible].

Mr. Spector stated that's not on the plans currently, is that right?

Mr. Solarik stated no, it's not.

Mr. Spector stated okay, so it can always be a condition.

Mr. Weise stated I think that makes sense.

Mr. Spector stated I guess we should, is anybody here to comment on it?

The Secretary stated are you here to speak on this application? Okay, so you can come up to the microphone, please state your name and address.

Ms. Sawotka stated hello, I'm a new resident of Mount Kisco, my name is sandy Sawotka. My family bought a property this summer at 68 Boltis Street, my backyard abuts 67 Woodland Street. And so the Ciccarelli's are my neighbors, I'm sorry to meet you in this environment instead of a more cordial situation but I'm curious as to the location of the pool because when I peer through the backyard trees, I realize that it will be quite close to our backyard and I'd like to know how close.

Mr. Solarik stated I can answer there, if that's okay. I'm happy to show the plans. So the required setback is 20 feet from the back property line and we are keeping that setback, you're only, the only thing is its going to stick out a little bit to the side, this is your property if I understand correct.

Ms. Sawotka stated yes.

Mr. Solarik stated so 20 feet from the rear property line would be the pool deck.

Ms. Sawotka stated which is the normal [inaudible].

Mr. Solarik stated that's correct.

Ms. Sawotka stated will there be a deck?

Mr. Solarik stated there's a fence required, so there's going to be a stonewall and a fence on top of it, the minimum height is four feet for a pool enclosure.

Mr. Spector stated but that does not need to be a solid fence. So do you know what kind of fence is being proposed at this point?

Mr. Solarik stated well the minimum opening I believe is 2 inches on an aluminum fence...

Mr. Ciccarelli stated yeah, it's going to be the vinyl fence, if you guys want a solid, we can do a solid, I have no problem with that.

Mr. Weise stated is there an existing fence right now?

Mr. Ciccarelli stated there is a fence on the property line, on the right, facing the house on the right side. There's a [inaudible] in the back, at the property line in the back and not in the front and not at the side I'm looking at.

Mr. Spector stated you don't have any photographs of the rear of the property, do you?

Mr. Weise stated and the pool requires fencing around the property, right?

Mr. Ciccarelli stated we're going to put fence all around the pool, the back property, the side property and the front by, next to the garage and the side, my parents' side.

Mr. Weise stated you have it marked...

Mr. Ciccarelli stated we're trying to close in the pool.

Mr. Weise stated right, you have it marked here or is it the property line itself where the fence is going to be?

Mr. Solarik stated there is an indication of the fence which is right on top of the stone all, it says retaining/stonewall with fence for pool.

Mr. Spector stated it says 6' 6" minimum fence height.

Mr. Weise stated so the fence is right next to the pool, got you. Okay, that's good.

The Secretary stated I have somebody from Zoom who would like to speak tonight.

Ms. Finn stated hi, can you hear me?

Mr. Weise stated we can.

Ms. Finn stated thank you so much, thanks for allowing us to comment and thanks for notifying us of the variance tonight. I also have some questions, I don't, I'm not, from the material provided tonight, I don't think that its that clear. I also encourage members of the Zoning Board to come to the property and look at it, I'm directly next door. The driveway that is in question is directly along the side of my property, as is the garage. There are currently a number of tenants in the house next door, I don't believe that the owner currently lives there. And so I have a lot of questions about this. The existing property that is next door, the parents, the Ciccarelli parents, they also have a large structure behind their house that was built a number of years ago, so I just think that a another look at the property for exactly how this is going to play out with the plans that they have provided tonight would work within the confines of permits and variances that you'll allow.

Whitney Singleton stated can you provide your property address?

Ms. Finn stated I'm at 69 Woodland Street.

Mr. Weise stated so you're telling us that there's a structure that is currently not on this plan, that exists right now?

Ms. Finn stated I think that if you were to come to the property, you would see how it's designed and what could be done with what's there already. And also, there was a comment about the ability to turnaround in the driveway. I see the tenants do it every day and they do back out as well, so I'm not sure what the issue is with that but anyway, I would just encourage the Board to come and look.

Mr. Spector stated you want to show us a picture of the rear?

Mr. Ciccarelli stated there was a survey done on the property recently and the fence that divides my property and her property, it's on my property, so her bushes that are planted next to the fence, so I guess now we're going to take it out.

Mr. Solarik stated I have a picture of the garage, so it shows somewhat to, it would be the south side of the garage and the properties at 69 Woodland or the border of that property and it shows also the garage, so that is exactly what is shown on the site plan.

Ms. Finn stated we don't have any bushes on the other side of our fence.

Mr. Ciccarelli stated yeah, right next to the fence, you have [inaudible] right next to the fence.

Mr. Solarik stated wait, wait, wait. Okay.

Mr. Spector stated that's the existing garage.

Mr. Solarik stated yeah, correct.

Mr. Weise stated that will be moved back and over.

Mr. Solarik stated back over, correct. It's currently 6 and change from the property line, the new one is going to be 8 foot 4 to the foundation wall.

Mr. Weise stated oh, I'm sorry.

Mr. Spector stated it looks like its going to be a very tight fit with the pool back there. I see it's a very small pool.

Mr. Solarik stated yeah, we understand there is a health reason for the pool, so Nancy Ciccarelli, requested it and needs it for her health. The pool is screened on one side from the garage, its sort of tucked into the grade, it sort of slopes up towards the back, so that's why there's a retaining wall and a fence on top of it because the pool is cut into the hill and you can kind of see it on the drawing as one, on the lower left corner, there is a section through the site which kind of indicates where the garage is, where the garage is currently, where the new garage is proposed and how the pool fits into the grade. It doesn't show the fence around the pool but you'll get the idea. The elevations are shown on the drawing S-2, on the left side plan, the grading plan, so if you imagine the first floor of the house being at zero, it slopes up to almost 8 feet to the back of the property.

Mr. Spector stated is there a requirement that the pool have sort of walking access around the entire perimeter? Is that a Code issue.

Whitney Singleton stated public pools.

Mr. Spector stated I'm sorry.

Whitney Singleton stated public pools, Pete?

Mr. Miley stated correct, Whitney.

Mr. Alfano stated is the hammerhead for the driveway required or is that just a design...

Mr. Solarik stated it is required by the Town Code that you cannot back out onto the street, you're not allowed to back out onto the street.

Mr. Miley stated yeah, it's code...

Mr. Spector stated but it doesn't have to be as wide as its shown, I believe.

Mr. Alfano stated you need to it work and be functional.

Mr. Hoyt stated the new garage is the same, I'm sure its here, is the same square footage as the or the footprint as the old garage.

Mr. Solarik stated smaller.

Mr. Hoyt stated the new garage is smaller.

Mr. Solarik stated the current garage is 2 ½ bays for practical purposes, this is a 2 car garage.

Mr. Weise stated so is the space where the half bay is currently, is that where the pool is going to be or is bigger than that.

Mr. Solarik stated yes, pretty much for [inaudible] purposes. Everything is pushing a little bit back into the hill, so it's not exactly but you know if you put two over each other the space on the left side of the garage would be partially the third bay of the existing garage.

Mr. Weise stated how much grading will you need to do to make this work?

Mr. Solarik stated there will be some grading, the, like I said the pool deck is four feet, basically four feet above the driveway, that's why we have the steps going up to the pool deck, so we're going to excavate for the pool and we're going to excavate for that garage. And the garage level is basically at the driveway whereas the back grade of the garage is about 5 foot 9 [inches], so you have a 6 foot or seven foot excavation of the back of the garage but you're coming out to grade at the front, at the garage door.

Mr. Weise stated okay.

Mr. Solarik stated the garage plans on A-3 actually, indicate how high the garage is on the back wall, as opposed to the front wall, if you look at the east and west elevation of the garage, that will give you the sense of the grade changes. Basically, you know between four feet on the pool side to six feet on the back.

Mr. Spector stated I'd like to direct a question to the woman that lives behind. The, would it be less of an issue if the fence in the back of the pool was solid versus a vinyl like, open fence, would you prefer that?

Ms. Sawotka stated I would prefer for it to be solid, if that's possible. I think not understanding that there are medicinal reasons for having it, [inaudible] loud noise and parties, although I'm Westchester, I've spent the last few decades in the City, so you can understand that I'm eager not to have noise and [inaudible].

Mr. Ciccarelli stated there's two of us.

Ms. Sawotka stated no, I understand.

Mr. Ciccarelli stated me and my wife, two of us.

Ms. Sawotka stated I'm new, I don't know but yes, a solid might improve, I'm also hoping that none of those trees are going to come down [inaudible].

Mr. Ciccarelli stated I'm sorry?

Ms. Sawotka stated none of the trees will come down that separate our properties, correct?

Mr. Ciccarelli stated no.

Mr. Solarik stated yeah, where the pool is actually proposed, there are no trees, it's lawn currently. There are trees along the back property line but those are not going to be affected.

Mr. Weise stated I think its reasonable request to have a solid fence.

Mr. Solarik stated solid fence.

Mr. Ciccarelli stated that's fine. That's what I was going to do anyway.

Mr. Solarik stated okay, good.

Mr. Alfano stated is it possible to make the hammerhead smaller in either direction so you can reduce the development coverage. Or is that a standard width?

Mr. Solarik stated I mean, typically I think you would make it 12 feet wide, so if turning in and out, I think we have it at 15, it's not much wider, you can barely, you couldn't really park two cars right, you need 9 feet for parking, so it's fairly tight and knowing how, no offence, how people drive, you know sometimes

you go in and out, you're in a rush, it's sort of making it tight, it ends up being driven over the curb and doesn't necessarily work that well.

Mr. Weise stated I think we've had our questions answered.

Mr. Spector stated yup.

Chairman Boxer stated are there, Michelle, anybody else on to make any comments?

Ms. Finn stated I have a question, the fence along the back was mentioned. What are the requirements for a fence along the perimeter, of both sides of the property I guess, for the pool?

Mr. Miley stated Chairman, they could put a 6 ½ foot fence at the rear yard and 4 foot on the side yard and front yard.

Ms. Finn with a pool, how high does the fence, is there a requirement to have a fence along the perimeter because of the pool?

Mr. Miley stated Chairman, the pool by State Code, requires a minimum 48 inch fence around the entire perimeter of the pool.

Mr. Spector stated not the property?

Mr. Miley stated the property can act as a fence for the pool, so long as it is completely protected. So you don't need both, in other words.

Ms. Finn stated so I see the plans include, is there any change to the fencing along the perimeter of 69 Woodland?

Mr. Solarik stated no, there isn't. The fence along, between the two properties is staying as is.

Mr. Ciccarelli stated [inaudible] put a new fence...

Mr. Miley stated Chairman, there are no other people that would like to speak, we're checking Facebook now.

Chairman Boxer stated okay.

Mr. Miley stated there are no comments on Facebook, no other hands raise and I believe everybody here, if anyone else wants to speak, now is your opportunity. And there are no others here that would like to speak on this application.

Chairman Boxer stated okay and at this point, I don't know what the Board is thinking...

Ms. Finn stated I do want to go on record that I don't have anything that is off of my property. There is a fence that borders my property and I don't have anything on the other property, just for the record.

Chairman Boxer stated okay.

Mr. Hoyt stated Chairman, I'm comfortable making a motion, if that's where we are...

Chairman Boxer stated that's fine, but first we have to close the public hearing. Can I have a motion for that?

Mr. Spector introduced a motion to close the public hearing; Seconded by Mr. Weise.

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

Chairman Boxer asked for anyone opposed. No response.

Chairman Boxer stated okay, George, go ahead.

Mr. Hoyt stated I make a motion to approve the application with the conditions that were described which were one, the solid fence in the back of, what is it 6 ½ feet...

Mr. Miley stated George, can I stop you there for one second.

Mr. Hoyt stated yeah.

Mr. Miley stated the solid fence around the pool or around the perimeter of the property?

Mr. Weise stated around the pool.

Mr. Solarik stated is it on all sides or the back side only...

Mr. Weise stated certainly the back that was a neighbor's request. I would think for aesthetics, you'd want it the whole fence but...

Mr. Solarik stated just for clarification.

Mr. Weise stated I would say for the whole fence.

Mr. Spector stated I would agree.

Chairman Boxer stated yeah.

Mr. Hoyt stated alright, that's condition number one. Condition number two, I think was the use of permeable surfaces when, around the pool and the...

Mr. Solarik stated the turnaround area.

Mr. Hoyt stated turnaround area.

Mr. Spector stated yup, agree.

Mr. Weise stated I think the runoff would be my biggest concern and that would mitigate that issue.

Mr. Spector stated also, I believe you mentioned certain drainage structures that you were going to add as well to the property.

Mr. Solarik stated as part of the impervious, I'm sorry, permeable pavers, they would go into the infiltrator.

Mr. Hoyt stated with those conditions, I move to approve.

Mr. Weise second the motion.

Mr. Hoyt stated all in favor?

Mr. Spector stated I would agree that the factors for an area variance in my opinion, especially with the mitigation measures which we've requested have been met here. I vote yay.

Mr. Hoyt stated haold, should we take a cote?

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

Chairman Boxer asked for anyone opposed. No response.

Chairman Boxer stated okay, Whitney, you have the conditions that we put in?

Whitney Singleton stated the only other condition beyond the draft resolution that we have is I noticed some conditions in supplementary use regulations that prohibit lighting to spill onto adjoining properties, so I've incorporated that as well.

Chairman Boxer stated okay. Okay, fine then, we have it and I'll sign it when it gets drafted.

Mr. Solarik stated thank you very much for your hard work, everybody.

Chairman Boxer stated next we have the Captain Lawrence Brewery.

**2. Captain Lawrence Brewery Co. (Scott Vaccaro) ZBA# 21-19
369 Lexington Avenue Area
Mount Kisco, NY 10549**

(SBL 80.48-4-17)

Mr. Jim Coleman, Architect; Mr. Scott Vaccaro of Captain Lawrence; Mr. David Cooper of Zarin & Steinmetz were present.

Chairman Boxer stated one of these days they'll finish the elevator.

Mr. Weise stated so your timing in opening the brewery could not have been worse but I think we're all happy you did it.

Mr. Vaccaro stated [inaudible].

Mr. Weise stated it was actually, the space that you had inside was the greatest of any place you could eat in the area, so it was appreciated.

Mr. Vaccaro stated [inaudible].

Mr. Weise stated I actually like the beer and the food.

[Inaudible].

Mr. Weise stated that's a good question, do you brew here as well as...

Mr. Vaccaro stated all the brewing is done in Elmsford but we have some ages in barrels, you can see through the window in the warehouse.

Mr. Weise stated okay.

Mr. Vaccaro stated so it's kind of storage for beer.

Inaudible conversation.

Mr. Vaccaro stated we're aging some of our malt whiskey and bourbon.

Mr. Weise stated really.

Mr. Spector stated you're doing the bourbon there too.

Mr. Cooper stated nobody wants to talk to the lawyer, I know. That's right, then the lawyer would stop talking. Okay, we're good? I'll be quick, I promise. Good evening Mr. Chairman and members of the Board. Just for the record, my name is David Cooper, I'm partner with the law firm Zarin & Steinmetz, here representing Captain Lawrence. With, in relation to the application for the Barrel House Restaurant at 369 Lexington Avenue. With me tonight is Scott Vaccaro, the applicant from Captain Lawrence Brewery and James Coleman, the project architect. We're here tonight seeking two area variances to permit a garbage enclosure to be located in the corner of the northern parking lot at the Barrel House. It requires a variance from the 10 yard, 10 foot side yard setback, there's a jut in the, let me see if I can get this so you can see it. There's a jut in the property line that creates a, I don't think you can see it up on the screen, sorry guys. Alright, I can't seem to get it any bigger, this is as large as it will go, well you have the paper in front of you as well, yeah. So there's a jut in the property line that creates a second side yard. The second is an accessory structure cannot be located closer to the side yard than the principal structure. The request is being submitted in connection with an application to the Planning Board, that's pending before the Planning Board for an amended site plan, change of use and special permit in connection with the Barrel House Restaurant, as well as the outdoor dining. We're here tonight seeking just the variances for the garbage enclosure, the Planning Board has allowed us to come to your Board to deal with the garbage enclosure, they've scheduled a public hearing on the site plan and special permit for later this month in October. So it's our hope that at the close of the public hearing tonight that your Board can vote on the request for the variances and hopefully grant those variances. The proposed location is in that corner area on the northern parking lot, a couple things to highlight for the Board, the entrance to the restaurant is in the northern parking lot, so keeping the trash enclosure in the northern parking lot area is important for the operation because that would be the most convenient for employees when they're bringing garbage out to be stored until it's picked up by trash collection. Also, the outdoor dining area is proposed for the rear of the property in the northern parking lot, so obviously you want to keep your trash enclosure as far away from the location as possible and also, in connection with the proposed change of use and special permit and amended site plan, Scott is proposing to plant a tree buffer, a planting buffer around the perimeter of the northern parking lot which in this case is a good benefit because it will serve as a syndicate screen to the area. The benefit of the proposed location is one, the convenience for employees to be able to get in

and out and quickly deposit the trash. Second, in this corner location, it doesn't block ingress or egress for vehicles, it doesn't take up any parking spaces and it allows Scott to really maximize the number of parking spaces in that northern lot and therefore maximize the amount of parking spaces on the property itself. It is a well screened area and also we're proposing a black vinyl fencing around the entire enclosure, so that to the extent that anybody could see it from adjacent properties, it would be screened by that fencing. One other thing to note is there is a garage, well partially, on 369 Lexington Avenue but on the adjacent property that really serves to screen this area from almost anywhere else. We submitted a principal points letter but essentially what we submitted is that the benefit here of granting the variance outweighs any detriment to the community, certainly because of the screening there wouldn't be an undesirable effect on the community, there's no real feasible alternative for this location because we want to maximize parking, keep it in the lot. It's not substantial when you look at the overall minimal impact of the community and neighboring properties and there won't be any environmental or other physical impacts to the community. Also, arguably, it's not self-created because of layout of the property, although, if you Board were to find that this were self-created, that's not dispositive to the analysis. So, we're happy to answer any questions about the garbage enclosure or the operation itself and certainly go through any of the points we've raised but we would ask that the Board vote tonight and hopefully issue the variances. Thank you.

Mr. Hoyt stated the picture of existing conditions, is that just a mock-up? It looks like you've got a couple garbage containers there now. Currently, what's, where you garbage is now being in the corner there or am I, am I not...

Mr. Vaccaro stated [inaudible].

Mr. Cooper stated those are current conditions, those are actual photos.

Mr. Vaccaro stated [inaudible] would be...

Mr. Hoyt stated my only thought is, if I'm the homeowner behind that, it looks like its completely screened, like you said, I'm assuming the smells, how to mitigate, that's pretty close to the other house. Just to make sure that its enclosed, bee problems, all that sort of obvious stuff.

Mr. Cooper stated right.

Mr. Vaccaro stated that building next to there, there is a home absolutely [inaudible]. The garage right there that is closest to it that is right up against it. It's just a storage garage that is used for pipes and commercial stuff.

Mr. Alfano stated remind me, did you come before the Board for another variance a while back?

Mr. Cooper stated the owner may have but not Captain Lawrence. So Captain Lawrence is a lessee, we're not the site owner. So the owner may have...

Mr. Alfano stated there was another case that came for the same property.

Mr. Spector stated it looks like the doors to the enclosure do impact that one parking spot towards, right, I guess right next to it. Is that correct? Am I reading it...?

Mr. Vaccaro stated so yeah, as part of our site plan application to the Planning Board, the trash would be picked up, we're not open Mondays and Tuesdays, so trash days are Monday and or Tuesday when we're not open for business. So those gates would in fact be opened up into a spot in order for the garbage vehicle to...

Mr. Spector stated but not while you're open.

Mr. Vaccaro stated but not while we're open, exactly.

Mr. Cooper stated and garbage collection is in the morning, 10 am, before patrons are usually coming for the restaurant.

Mr. Weise stated so, just looking at H-200, just to clarify things. The rendering looking west at trash enclosure, this is what you're proposing with the gates shut and the one below is with the gates open or...?

Mr. Vaccaro stated the one below is existing conditions, the one above is what we're proposing.

Mr. Weise stated so there's no fencing right now...

Mr. Coleman stated there is a fence there now [inaudible], enclosure on three sides with fencing facing the parking lot.

Mr. Weise stated I see and how high is the concrete block? Okay...

Mr. Cooper stated that was 6 feet.

Mr. Weise stated okay, okay.

Mr. Miley stated and along the property line as well.

Mr. Weise stated so that would certainly provide good screening then.

Mr. Hoyt stated what is the actual and I'm sorry if I missed it, so one the requests, one the variances is that the trash not be located any closer to a side property line than the principal structure. The principal structure is currently how many feet from the property line.

Mr. Miley stated oh, I'd have to look at the survey, it's way over.

Mr. Hoyt stated is the variance like 30 feet, is it 50 feet...?

Mr. Miley stated its way over.

Mr. Hoyt stated so there's, because there's parking on the other side of the building, right?

Mr. Cooper stated the structure itself, it would be very difficult to put anything...

Mr. Hoyt stated between you and the back line, the back property line.

Mr. Cooper stated right but 10 feet maybe?

Mr. Miley stated it's over 30 feet beyond the structure. The jog is into the...

Mr. Cooper stated right but there's very little space behind, particularly when you've got the eating area back there so you couldn't, there isn't...

Mr. Spector stated so as far as the parking goes, we're not here right now for a variance but it sounds like from the denial letter, it sounds like it's possible if the Planning Board does not allowed shared parking.

Mr. Cooper stated that is correct although in our first meeting with the Planning Board, the applicant did retain a traffic consultant to do a traffic, excuse me, a parking study, parking utility study which showed that there would be ample parking for the shared uses. Based on that study the Planning Board indicated their comfort level with issuing the waiver, as opposed to sending us to your Board for a variance, so. We do recognize that until there's an actual vote, there's, that's a chance but we think we're okay.

Mr. Weise stated and you're talking about the southern parking lot would be the shared space?

Mr. Cooper stated both the southern and the northern would be the shared.

Mr. Weise stated I see, so right now the businesses to the west of you are all using the southern parking lot, is that right?

Mr. Vaccaro stated yes, I mean our overlap in business hours is very slim...

Mr. Weise stated right, exactly, yup.

Mr. Vaccaro stated but yes, when we are all there and that's what the parking analysis showed. When we are all there, very few of the spots are being used because its not our peak time and they're closing.

Mr. Spector stated and I assume your lease will allow you to use all the spaces there.

Mr. Alfano stated [inaudible] Wednesday and Thursday.

Mr. Cooper stated yeah and the parking analysis looked at a Thursday as well as a Saturday and showed that the ample parking can handle both uses at the same time, so.

Mr. Weise stated my only question on your proposed structure for the garbage, would be noise. So you've done a great job of hiding but how much noise does it generate during business hours depositing garbage? Is it a very frequent event or it something you do at closing or...?

Mr. Vaccaro stated no, once at the end and its typically plastic and disposable paper products that people eat with. We're not throwing out bottles.

Mr. Spector stated your not throwing bottles out.

Mr. Vaccaro stated we don't use bottles, bottles are a thing of that past.

Mr. Spector stated I was just in a foreign city where the garbage trucks would come and they would dump out these garbage containers that had all these bottles...

Mr. Vaccaro stated oh yeah, that's loud.

Mr. Spector stated and the noise from it was, unbelievable. I don't know how people stood for it.

Mr. Vaccaro stated and it was all light beer too, right.

Mr. Spector stated your supposed to say wine bottles.

Mr. Vaccaro stated we're recyclables and yeah.

Mr. Weise stated so you don't think that noise will be an issue for this.

Mr. Vaccaro stated I personally don't think so, no. I mean, we close fairly early to begin, as is, we're not open late, we're not a late night spot and we're not throwing out wine bottles or beer bottles or you know, we use plastic cups and glassware reusable.

Mr. Weise stated great, thank you.

Mr. Spector stated my question though, does the plastic get recycled?

Mr. Vaccaro stated yes, we do, when it's recyclable, not all plastic cups are recyclable but the ones, some of the ones that we use, do. If you can believe it right now, there is a plastic cup shortage and it's been a beast to get anything plastic, so.

Mr. Spector stated there's an everything shortage.

Mr. Alfano stated exactly.

Mr. Weise stated great.

Mr. Spector stated so now we're looking at him...

Mr. Weise stated Harold, we're looking at where your projection is and of course you can't tell.

Chairman Boxer stated I don't know [inaudible]. Is there anybody present that wants to make a comment.

The Secretary stated there's nobody here.

Mr. Miley stated nobody here, Harold. No hands raised and we'll just check Facebook, give us one second. Zero comments.

Chairman Boxer stated okay, then can I have a motion to close the public hearing?

Mr. Weise introduced a motion to close the public hearing. Mr. Spector seconded the motion.

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

Chairman Boxer asked for any opposed. No response.

Chairman Boxer stated okay, which one of you nice people want to make a motion.

Mr. Weise stated I'll make a motion to approve the application.

Mr. Spector stated I'll second.

Chairman Boxer stated any discussion?

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

Chairman Boxer asked for any opposed. No response.

Chairman Boxer stated okay.

Mr. Cooper stated thank you so much.

Mr. Vaccaro stated thank you so much, appreciate it.

**3. Carl J. Lana (Executor of Estate of Joseph Lana) ZBA# 21-17
29 Gregory Avenue Area
Mount Kisco, NY 10549
(SBL 80.33-6-12)**

Mr. Carl Lana was present.

Chairman Boxer stated we have one returning case, Lana, 29 Gregory Avenue.

Mr. Hoyt stated Whitney sent the resolution.

Mr. Miley stated Harold, they're here.

Chairman Boxer stated okay. Have you seen the proposed resolution?

Mr. Lana stated yes, we have.

Chairman Boxer stated any problems with it?

Mr. Lana stated no.

Mr. Coffin stated no, I think it was well appreciated.

Chairman Boxer stated any Board members have questions?

Mr. Spector stated no, I don't.

Chairman Boxer stated okay, Peter, anybody here for comment?

Mr. Miley stated nobody here, and let me just check if there are any hands raised. And Facebook?

The Secretary stated no.

Mr. Miley stated Chairman, there is nobody here to speak on this application, to make comment rather.

Chairman Boxer stated so I guess at this point we can close the public hearing. Anybody want to make a motion?

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

Chairman Boxer stated second?

Mr. Hoyt seconded the motion.

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

Chairman Boxer asked for opposition. No response.

Chairman Boxer stated okay, I think we can just incorporate the proposed resolution into the record as our motion. Anybody... all in favor, aye...

Whitney Singleton stated somebody needs to make a motion.

Mr. Hoyt stated I make a motion to approve the application with the resolution as Whitney has drawn up.

Chairman Boxer stated okay, second?

Mr. Spector seconded the motion.

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

Chairman Boxer asked for opposition. No response.

Chairman Boxer stated okay, I think you set the record for the quickest approval.

Mr. Coffin stated thank you very much, after 75 or 80 years when the permit was issued. So a long time coming.

Mr. Lana stated again, thank you very much, all of you.

Whitney Singleton stated can I indulge the Board for a second. I was in the bathroom when you guys votes on Captain Lawrence. Who made the motion?

Mr. Weise stated I did.

Mr. Spector stated I seconded.

Whitney Singleton stated okay, seems [inaudible] and it was unanimous.

Chairman Boxer stated yes.

Mr. Weise stated Whitney, I'm not sure if I'm in, I'm addressing this very late but my last name is W-E-I-S-E, just so that, to let you know.

Whitney Singleton stated did I misspell it?

Mr. Weise stated it's W-E-I-S-E.

Mr. Spector stated we have to redo the entire meeting.

Mr. Weise stated I just wanted to mention that.

Chairman Boxer stated okay, anything anybody else wants to say.

Mr. Weise stated I think that you, Harold, you had mentioned your desire to and maybe we should close the public hearing first...

Mr. Spector stated close the meeting, you mean.

The Secretary stated if you close the meeting, I have to shut all the way down, you're done.

Mr. Weise stated but can you explain to us the whole chair process.

The Secretary stated well as far as any appointments to any Board, whether it's a committee, a council, Zoning Board, Planning Board, Architectural Review Board, all of those appointments are handled by the Village Board of Trustees. They do interviews, you know everybody probably went through some of those as you were appointed to a Board. When it comes to a chairperson, the Village Board of trustees will review that, you know whether or not a recommendation gets made by a previous Chairman, that's really up to them and how they want to handle that.

Mr. Weise stated okay, okay. So Harold, we know that you've requested to pass the torch as it were.

Mr. Boxer stated right.

Mr. Weise stated and we'd love to get your thoughts on it and I'm looking here because that's where the screen is. But if nobody wants to volunteer themselves, I propose we have a system of rotation that would involve us for a shorter periods of time but I do think its important to grant you your wishes.

Chairman Boxer stated just so you know, I have an accepted on a condo in White Plains, so I will be probably moving early next year, which is the reason I accepted this. So [inaudible].

Mr. Hoyt stated does it have an elevator that is the question.

Chairman Boxer stated it does and it has to, it's 11 stories. It has an elevator, actually it has four elevators, so there should be no problem with elevators. My wife and I downsizing, finally. We're moving, my daughter and two granddaughters live in White Plains, so we're moving to White Plains, we'll be five minutes away from them. And I kind of, I've been on a board in Mount Kisco, I think since 1988 or '89 and I don't think I'm going to get involved in White Plains politics. So but while I've been on the boards, I do enjoy it and everybody's been nice and I think as far as a rotating Chairperson, that's going to be up to the Board [of Trustees] if they want to do that, I don't know if its ever been done before.

Mr. Weise stated I think we're all kind of nervous about what the added commitment is, I mean you do such an amazing job and it will be hard to fill your shoes but you know we do have to come up with a solution. That was my thought unless anybody here wants to do it.

Mr. Spector stated I think we just defer actually to the Village Board and let them decide what their process is going to be because ultimately they have to appoint somebody.

Mr. Weise stated okay.

Chairman Boxer stated right.

Mr. Spector stated it will be their decision. It is a very interesting idea that you have, I've never heard of it myself, I've never seen it myself but you can have acting Chair people which can be rotating, I mean that's something that's sort of new and maybe it could work.

Mr. Weise stated okay.

Chairman Boxer stated okay, so Michelle, who is going to go to the Village Board's, or Whitney, how do we get this in front of the Village Board?

Whitney Singleton stated the Village Board will reach out to you, Harold, as the Chairman.

Chairman Boxer stated okay.

Whitney Singleton stated for your advice with regard to reappointments, I don't know if anyone on this Board is up for a reappointment. I assume somebody's term is up, I haven't examined who that is but they'll certainly ask you about whether or not you concur with all their reappointments and as Wayne pointed out, the Village Board will make a selection for Chair and notwithstanding this Board's desire, I've never heard of such a thing where its rotating.

Chairman Boxer stated I haven't either and it makes it hard because you need a Chair person for the purpose of signing everything...

Whitney Singleton stated you also need a chair theoretically, while your Board gets a package, the Board Chairman is authorized by law to set the agendas, so you'd have a different person each month setting the agendas.

Mr. Weise stated I didn't mean each month, I mean each year.

Mr. Spector stated okay.

Chairman Boxer stated it means a one year appointment.

Whitney Singleton stated oh okay.

Mr. Weise stated I'm just trying to throw an idea that will you know, basically make this easier for transition.

Mr. Hoyt stated I'm sure you can rest easy with the decision of the Board. I think we can rest easy with the Town Board's decision, they'll come up with something. Sleep easy.

Mr. Weise stated okay but Harold, we thank you for your service. That's fantastic, we really appreciate that.

Chairman Boxer stated thank you, I'm not off yet but I appreciate all of your thoughts and I think there will be no problem going forward, it's been very, very easy with all of the work you've done. In case you haven't noticed, I kind of hang back and let you guys do all the talking, especially now because it's a little strange when I'm here and you're there. It's hard to see some of the exhibits that are put up but it's not a big job, the only thing in the future that could be a problem, is when they decide to get their act together with the cell tower. I saw that the Village Board has put out a survey on their website and if you haven't seen it, they have the survey requesting everybody's opinion about how they would want it, where they would want it and whether or not anybody has any problem with service as it exists currently. So if you haven't done it, I would get onto the Village website, fill that out and I assume that that will make life much simpler when the time comes.

Mr. Weise stated and are we allowed to comment, given out position?

Chairman Boxer stated I filled it out, they don't ask for names. All you have to be is a resident of the Village.

Mr. Weise stated great, thank you.

Chairman Boxer stated okay, when the times [inaudible].

Whitney Singleton stated one other matter, there's one other matter. Michelle, when is our meeting in November?

The Secretary stated November 16th.

Whitney Singleton stated I didn't hear that.

The Secretary stated November 16th.

Whitney Singleton stated your Board needs to adjourn the public hearing for the cell tower application until the meeting in November.

Chairman Boxer stated are they really going to come in this time?

Whitney Singleton stated well we're exploring other alternative sites for them, so perhaps they won't need a variance.

Chairman Boxer stated okay.

Whitney Singleton stated but as of right now, yeah, they're still on.

Chairman Boxer stated okay, so do we need to go back into session and vote on it?

Whitney Singleton stated you can just make a motion, it doesn't matter whether the camera is on or not.

Chairman Boxer stated okay, then I'll make a motion to put the cell tower over to the November 16th meeting.

Mr. Spector seconded the motion.

Chairman Boxer stated any second?

Mr. Spector stated I seconded.

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

Chairman Boxer asked for opposition. No response.

Chairman Boxer stated and now this is off the record, does anybody want to see the [inaudible] show up.

Mr. Miley stated you didn't close the meeting yet Chairman, just so you know, you didn't close the meeting yet.

Chairman Boxer stated I'm going to rely on your kindness to leave that last comment out and have someone make the motion to close the meeting.

Mr. Weise introduce a motion to close the meeting. Seconded by Mr. Spector.

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

The meeting adjourned at 8:25 pm.