TO: Town/Village Board of Mount Kisco, Planning Board , Zoning Board

Village/ Lown of Mount Kisco

Zoning Board of Appeals

**RE: Proposed Solar Project on the Sarles Street site.** 

JUL 2 7 2020 \*

RECEIVED

## INTRODUCTION:

My name is George Coppola, and I reside at 5 Brentwood Court, Mount Kisco, NY 10549. My property directly abuts both the Marsh Sanctuary and the proposed site for this project so I believe I should have some say in what happens here. I am raising many objections not only to the manner in which this has proceeded, but also the fact that it does not reflect the opinions of the residents most affected by this proposal, it does not benefit the community at large and certainly does not benefit the environment.

# **ZONING:**

I think it is appropriate to start with the very idea of zoning. At the forefront, a few fundamental questions should be asked. What is the point of a zoning law? Once enacted, what is it you hope to accomplish with such laws in place? The ultimate answers are that they are put in place to preserve the character of the area, as it is, and to prevent a free-for-all in terms of development that is not in keeping with the original intent. These laws are not meant to be chipped away continually until they serve no purpose at all, especially when variances are granted for the benefit of private individuals and corporations, and at the same time, to the detriment of the residents and the environment. In this case, we are talking about a heavily wooded area that is

completely surrounded by strictly residential and nature preserve areas. It doesn't matter if it is a McDonalds, or an auto parts store, or any other commercial application. It doesn't belong in the very midst of a residential area.

**Just what is the pressing need** to put such an industrial monstrosity smack in the middle of a beautiful residential neighborhood?

#### **700 TREES:**

In order to install this solar array, **700** mature trees will have to be clear cut! I'm using this number because it is approximately what the applicant states, but since they have already shown themselves to **be disingenuous in pursuing this application**, I'm not even sure I can trust it. For the time being let's give them the benefit of the doubt and say this correct and not significantly more, **especially since there is a 'tag-along' plan** to also install a cell tower.

I don't even know how to calculate the Carbon-fixing, CO<sub>2</sub> removal, O<sub>2</sub> generation or water retention supported by this massive number of trees, but **all** are important functions of such a woodland, and the total effect is **likely to be staggering**. But for now I want to focus directly on habitat loss.

I mentioned last week that dozens of species of birds visit my property on a regular basis. They all need someplace to call 'home'. I would think that a very conservative estimate for each of these large, mature trees is that they are home to just 10 birds. Everyone quickly understands that means **7000** birds are now affected, **and are** 

**permanently removed** from the area. Note, this is undoubtedly a very conservative estimate!

Supposing I were to go out to my back yard and rapidly and systematically capture and remove 7000 birds. What would you think of me? What crimes should I be charged with? (and I should be!) To allow this project to go through on this site is no less than an environmental crime of enormous scale and consequence. Why would you so blithely allow that to be so? Note that I haven't mentioned anything about ground dwellers in this woodland. With all the stump removal, earth moving and grading just to prepare the site, how many more thousands of individual animals of a variety of species will be "removed with prejudice"? I do not know if there are endangered species in the area, but I can't think of a better way to initiate their becoming so than to allow a project such as this.

Very much in keeping with the purpose of residential and conservation district zoning statutes, we should be stewards of this earth, not destroyers. We must be ever vigilant to avoid unnecessary and ever-expanding loss of nature. As much as this is presented as a green initiative because of the nature of solar panels, this plan is an environmental abomination. This destruction will never be reversed once enacted, and any restorative plantings on the perimeter will be minuscule in terms of biomass removed. Do you really think this is a proper course of action when you consider what we are to leave to our children? How environmentally short-sighted and generationally selfish!

#### **ALTERNATIVE SITES:**

I am mentioning these alternatives to demonstrate just how inane it is to cause such environmental damage (under the guise of a 'green' project) to place a commercial industrial project in the midst of a wooded residential neighborhood, and to also cause financial detriment to those on the perimeter when so many more appropriate spaces already exist

Instead of ramming through a project with such negative aspects as on this particular site, why not do what many forward thinking municipalities have done? If you truly feel that the Town should be promoting genuinely green initiatives, then why not encourage the use of sites that are ready-made and entail no further ecologic damage (or financial burden) on the residents of the community?

A simple internet search reveals that there are hundreds of forward thinking municipalities that have done just that by using existing parking lots. *Corporate campuses, hotels, malls, schools, sports arenas are some of the places that have added solar panels to their parking lots.* The Town, Planning and Zoning boards should be encouraging agreements between developers and privately owned commercial spaces that have acres of parking. Some examples of such projects are:

The Cincinnati Zoo. LA Dept of Water and Power, Google, FedEx Field. The Atrium Office Building in Irvine, Bexar County TX parking garage, Phoenix water treatment plant site.....

I could list many, many more. You couldn't ask for a more appropriate site than a parking lot. It is already flat, paved, and entails no further environmental damage. The installation would be rote, there is no need for an impact analysis, there is no water runoff consideration or possible pollution problem, no water catch basins, no need for grading, no sight line problems, no fire access difficulty, no steep slope disturbance, etc etc. Parking lots are absolutely tailor made for such a project with some unintended bonuses: Who hasn't gone into a parking lot and looked for that one shady spot so that your car isn't blistering hot when you get back? Who wouldn't appreciate being protected from inclement weather when loading your groceries? Both of these situations are 'covered' and of additional benefit to the community. But the best benefit of all is that you are not continuing to irreversibly destroy parcel after parcel of residential and/ or conservation areas. We can't manufacture new land.

A second type of option is the multitude of low-rise commercial or municipal buildings that have flat roofs. Why not foster such projects there?

Largest municipal array is SF Convention center

If the developer and private owners of commercial spaces can't come to an understanding, then why not propose a solar project that uses the municipal lots, as in the train station lots or elsewhere? There are Federal programs to assist in such ventures.

Finally, as with the cell tower at Exit 4/ 684, why not use the already cleared areas alongside highways? Virtually every highway and entrance/ exit ramp have right-of-way areas that would provide many opportunities. *Highway ROW areas have physical and* 

topographical characteristics that complement the generation of solar energy such as:

1) well maintained vegetation 2) ease of access to the solar array facility adjacent to the road 3) electrical transmission lines often follow the ROW alignment, and 4) minimal presence of trees or other objects that can obscure sunlight.

Why would you ever approve such a use for the Sarles Street site when so many other 'ready-made' sites exist?

#### FINANCIAL DETRIMENT TO LOCAL RESIDENTS:

On top of the ecological negatives, there is a **very real** financial detriment to those of us on the periphery of this proposed project. Can you really imagine a putative buyer, upon learning that there is a power plant abutting the property, that he/she would **willingly offer more? No, of course not!** It would always be considered a detriment and purchase offers would understandably always be less than if the power plant weren't there. **This financial burden exists for every home that is in the immediate area.** 

## **SUMMARY:**

I have written this to object to the approval of this plan on this particular site, in any form, with or without the cell tower, for the many reasons I have stated. It is not a matter of minor details as to how many water holding areas it has, or the runoff, what detergent they use, how much noise from the hum of transformers, or how much zone

or screening there is. I object to the approval of a very damaging plan utilizing an inappropriate site that with all things considered, does not benefit the community and its residents. This is not the time for compromise, no matter how 'professional' the application is. Using this site is a grotesque ecologic rape of the environment, a blow to natural beauty, and a financial burden to many people in the area.

Again, I pose the question, what is the overriding reason or pressing need for such a project here, especially when so many more appropriate sites are available?

# Michelle Russo

From: Sent: Gerard Romski <romskig@gmail.com>

Tuesday, July 21, 2020 8:51 AM

Michelle Russo

To: Subject:

Fwd: ZBA/ July 21, 2020 Meeting

JUL 2 1 2020

RECEIVED

Good Morning. I trust you realize my venting was not directed at you. Trust you uThank you for the communications.

Kindly forward the email to the ZBA and the Planning Board as comments. Thank you. Have a good day.

GR

#### Begin forwarded message:

From: Gerard Romski <romskig@gmail.com> Date: July 20, 2020 at 7:45:55 PM EDT

To: Michelle Russo <planning@mountkiscony.gov>

<alerner4@yahoo.com>, Whitney Singleton <wsingleton@sdslawny.com>

Subject: RE: ZBA/ July 21, 2020 Meeting

#### Thank you.

I was not objecting to the means of commenting. I am objecting to the process of not having information made available in a timely fashion and also for the independent reason related to SEQRA.

Again, I think it is clear that the ZBA cannot and should not open the hearing based on the reasons already provided. What would be the reason except to rush the applications through? Shouldn't the ZBA have the benefit of what the PB does before they even open the discussion and engage? What is the argument against waiting for the process to properly proceed? There is none!! All I have heard is that some Tax Credits may be expiring. I may have missed it but last time I checked I did not see that in the SEQRA Handbook as a reason to ignore the strict requirements of SEQRA.

I trust that the Planning Board will eventually follow the law, and also simple logic, by issuing a Positive Declaration and studying the two applications together and than making a reasoned decision. This way a thoughtful and thorough Environmental review can be had. The Town can start with a scoping session, have the Applicant prepare a DEIS and let the Town and our own experts in Water Run Off, Environmental Review, Endangered Species etc review and digest what the Applicants paid experts have provided. There simply is no argument against this. Indeed, SEQRA mandates this result. Any other result, given these specific facts and circumstances, would clearly be arbitrary and capricious to say the least. Especially when all the facts and various relationships are spelled out in detail. Do you really believe we are going to sit silently and have this Environmental disaster jammed down our throats??

Thus the ZBA must wait until the Lead Agency- the Planning Board- completes its review, including addressing the important Segmentation and Significance questions, before opening the ZBA hearing. To do otherwise makes a mockery of SEQRA and just further highlights the ridiculous and baseless rush to judgment, which permeates this entire matter.

As my neighbor Maryann very correctly points out, for a Homeowner to cut down ONE tree that is in a very dangerous location is almost an impossible task in this Town. But in this case, for some reason, the Town (but hopefully not the PB or the ZBA) is saying It is ok to quickly clear cut nearly 700 tress!!! Many of which are very old and beautiful. In addition, the habitats of many birds and animals, some of which are very likely on the Endangered or Special Concern Species list, will be destroyed, notwithstanding the wrong and obviously out dated science (in my opinion) submitted by the Applicant. For what?? Some small amount of Solar Power that more and more appears much less beneficial than initially presented. Indeed, many newer studies now question the environmental benefits that were once touted in favor of Solar Power.

How do the Mt. Kisco Homeowners benefit in any way from this proposed Solar Farm in this Residential neighborhood? They simply do NOT!

The more we all digest these applications the more upset we all become by the prospect of having a Power Plant placed in our back yard. Which apparently will be followed by a Cell Tower!!

You have a job to do, which is to enforce the laws and protect the residents. Not go out of your way to cleverly (but transparently) fast track the process in the middle of a COVID-19 crisis for the benefit of some unknown wealthy person who apparently lives in Florida, not even in NY State, and who apparently enjoys King Kong movies. The Owner of the site, Skull Island partners LLC, who none of us have even seen or heard from, appears to hide behind a curtain somewhere in Florida and lets other do his bidding, to the extreme detriment of the Environment and the surrounding Homeowners!

Can't you see this? Have you lost your compass here?

We all pay a lot more in taxes than the Florida LLC does and have a vested interest in this wonderful small town! Unlike the LLC Owner, we have all given a lot to this community and will continue to do so, provided the correct process is followed.

How is possible that you may chose to ignore all this and go out of your way to fast track this environmentally devastating, and basically useless project, under the guise of helping the Environment?

Please do the right thing here and immediately take this matter off the ZBA Agenda until the full and proper SEQRA review has been concluded. Any hardship has clearly been self- created by the Applicant.

Thank you.

GR

From: Michelle Russo <planning@mountkiscony.gov>

Sent: Monday, July 20, 2020 3:09 PM

To: 'Gerard Romski' < romskig@gmail.com>

Subject: RE: ZBA/ July 21, 2020 Meeting

Mr. Romski,

# ROMSKI FAMILY August 29, 2020

This is Gerry and Beth Romski at 8 Brentwood Court. Other cc's on the email forwarding this submission are residents of Mt. Kisco Chase and our Bedford and Mt. Kisco neighbors, who are all similarly outraged by the Solar Power Plant applications for 180 South Bedford Road and also the recent Cell Tower application for this same property. We are writing to again voice our concerns regarding the applications and also to respond to comments made by the Applicant's counsel and consultants at prior meetings.

At the end of the improperly held July ZBA variance meeting on the Solar Power Plant Applications for 180 South Bedford Road, the Attorney for the Applicant made a snarky comment in response to the very serious concerns raised by the public regarding the pending applications. After being placed back on his heels after the public outcry against his Client's applications, he attempted to justify his unjustifiable positions by turning and attacking the Mt. Kisco Chase residents who had the nerve to speak out against the applications.

He stated, without any support, that where the homeowners in the Chase now reside had more trees before that site was developed in 1995 than after and some were lost during the development of Mt. Kisco Chase. He then implied, based on that wholly speculative thought, that our opinions should thus be ignored, and we should keep our mouths shut, while his client gets a free pass around SEQRA and proceeds with the destruction of nearly 700 or so trees and destroys a natural area that the Town had for many years said should be kept as a "scenic overlay".

He also implied that we should stay silent and ignore the other very significant Environmental Impacts that will be caused by placing a massive Solar Power Plant on a wooded hill overlooking a residential community, including the significant negative impacts on current existing habitats of animals already on the DEC's Special Concern Species list and on the waters that will run off the site and that feed the NYC Reservoir.

And now apparently we should also ignore the Cell Tower application because it may delay the Planning Board's Chair's desire to destroy the nearly 700 trees and other natural habitat and his company's receipt of a few tax credits.

We would be remiss if we did not respond to that disingenuous self- serving comment regarding the residents of Mt. Kisco Chase and also remind you of the numerous other issues that are directly related to the pending Solar Plant applications (and also the new Cell Tower application).

Contrary to what the Applicant is demanding- which is a free pass around the required Full Environmental Studies that would result from a Positive SEQRA Declaration- the applicant who developed Mt. Kisco Chase (f/k/a Mt. Kisco Hunt) went through a very thorough and extensive Environmental review after its Application received a Positive Declaration determination. Indeed, even after the Project was approved there was litigation that made it a better project and resulted in a large area of land being dedicated to the Marsh Sanctuary as open space. Land, that we note, will be substantially and negatively impacted by a Solar Plant and any Cell Tower. No one can deny this undeniable fact.

Thus, contrary to the Negative Dec SEQRA path requested by the current applicant, the Planning Board that was overseeing the applications related to the Mount Kisco Chase development instead properly *required* Extensive Draft and Final Environmental Impact Statements. This resulted in some very substantial mitigation measures, including the large reduction in the units count, a number of Restrictive Declarations and the creation of Conservation Easements. In other words, in that case the Town Boards did their jobs and issued a Positive Declaration resulting in a proper and lawful Environmental review and ultimately a better project.

How anyone with even a basic knowledge of SEQRA can ignore this clear and obvious distinction, and argue with a straight face that the Solar Plant applications- with all their significant negative impacts- should receive a Negative Declaration, is simply remarkable and demonstrates how far the Applicant and its counsel will go to mislead the public.

However, the attorney's comment actually supports our contention that a Positive Declaration is clearly mandated in this case. This is especially so when one recognizes that the Town Board itself did NO real Environmental review when it passed the Solar Law in November 2018 and surprisingly issued its own Negative Declaration when it attempted to rezone and approve a Solar Power Plant in a Conservation District that is surrounded by a Nature Sanctuary and residential homes.

In so doing, as shown by a review of the various Board Minutes, the Town Board specifically stated and promised that a full and complete Environmental review would be conducted at the time a Special Permit was requested for such a solar plant in the Conservation District. In other words, the Town Board itself improperly punted the question of environmental impacts to the Planning Board so the Town Board could fast track the Solar Law. An act that would financially benefit the Planning Board chair in his individual capacity!

But where is that promised thorough and complete Environmental review now? The Town Board cannot say it is going to come later, but then turn a blind eye when it does not. The Town Board's current attempt to now pass off its responsibility to insure a complete SEQRA review to the Planning Board is disingenuous at best and we again ask the Town Board to do what they promised in 2018 and not simply say "sorry, it is not our job". Frankly, it is your job.

The issuance of a Negative Declaration in this case would most certainly NOT be the Full and complete Environmental Review promised by the Town Board in 2018, as the impacts are quite obviously significant! Anything short of a Positive Declaration would make a mockery of SEQRA and call into serious question the actions of the Town Board related to its passage of the Solar Law back in 2018. We again urge again the Town Board to do what it promised.

Again, why the reluctance to be cautious and the great rush in the middle of Covid-19 to approve applications with such clear negative impacts?? Simply do what is required and issue the mandated Positive Declaration and properly and completely study the numerous significant negative impacts, including those that are related to the Cell Tower application. Please do NOT give it a perfunctory look by relying on the Applicant's paid consultants. That is NOT what is required and you all know that.

Although the question of project benefits are not to be considered in determining the significance question, frankly there are none in this case. Indeed, how one can argue with a

straight face that it is OK to destroy (i) nearly 700 trees, (ii) the habitats of animals already on the DEC's Special Concern Species list, and (iii) a part of a Residential neighborhood, and in return get a Solar Power Plant that will provide very little, if any, real benefits to anyone, except maybe the Applicant and his landlord, is remarkable.

Instead, we will most certainly receive in return the loss of a forest, loss of animal habitat, excessive and polluted Storm Water, noise, and other significant negative impacts. This result, considered with the fact that the Town Board itself did no real Environmental review when it attempted to approve the Solar Law that added the rezoning of this one CD district at the last minute- at the apparent request of the Town Planning Chair who happens to construct Solar Plants- is shocking to say the least and also, in our view, illegal on a number of fronts.

Where is the required cumulative multi-season and multi-year FLORA and Fauna Study? Instead of doing what is required, we get a half-baked one season study prepared in a short time period by the applicant's paid consultant with a summary that not surprisingly concludes that no impacts will result from the destruction of nearly 700 Trees.

In regard to the Box Turtles that are most definitely located on the site, notwithstanding the Applicant's clever attempt to work around that substantial issue by copying a 2004 study, their habitat will clearly be destroyed. But that is ignored with a comment that the turtles will figure it out. Are you kidding me? Do you really find that study sufficient? It borders on the absurd.

Similarly, where is the required Project Specific Construction and Operational Noise Assessment that identifies impacts and suggests mitigation methods? Where is the independent review of these serious noise issues that will now be further exacerbated by a cell tower? Instead, in response to our earlier comment on noise that clearly caught the applicant by surprise, we get a one minute comment from a landscape Architect, who does not appear to have any expertise on noise, and who says, no worries trust me, it will only sound like a few transformers and PCs.

Do you really believe that off the cuff comment on noise is sufficient? Do you really think that complies with SEQRA? Do you really think that satisfies the Town Board's promises when it passed the solar law?

And what about the noise that will come if the Cell Tower is approved? Have you even bothered to listen to the excessive noise generated by a Cell Tower? Please go stand by base of a Cell Tower and tell us all that the noise is not excessive.

Where is the Town's consultant's review and comments to the self- serving Storm water materials produced by the Applicant's consultants? Is the Town willing to run the risk of potential property damage suits based solely on the opinion of the Applicant's consultant? Where is our thorough independent review of that submission?

Are you really going to go on record and say that none of the identified impacts are large or severe? Are you really going to state that they are NOT long-term and irreversible? And are unlikely to occur?

How that is even a consideration on this record is both shocking and puzzling to say the least and would be a clear and obvious violation of SEQRA.

While we do not challenge any ones private property rights, and recognize this may be a question for the Courts, there should be no end run around SEQRA, even if the Applicant is the Planning Board chair.

This is especially so when it is now known that the individual now running the review process for the Planning Board in place of the Planning Board Chair in this case is apparently a member of the LLC who previously owned the property under review and who sold it, apparently at a substantial gain, to the current owner a few years ago. Further, his LLC also apparently still owns the property directly across the street from this project.

While we are not questioning the Deputy's integrity, and thank him for his service to the Town, should he really be the individual now leading this review process? In our view, just the appearance of a conflict, which is clear in this case, mandates otherwise.

Indeed, given these very serious issues, this entire application should be sent back to the starting gate under the eyes of a new Chair who has no connection in any way to the applications so that integrity of the review process and the Public Trust in the process restored.

All of this is now apparently being ignored to the benefit of not only the Planning Board Chair, but also the current owner of the land, who, as you know, is a faceless Florida LLC with no apparent connection to the Town, and whose owner is apparently upset because their last application for the site was rejected.

On that LLC, we note that contrary to the statements made on the Record by the Town Board to support the 2018 rezoning of 180 South Bedford, the property was on the market for \$1.95 Million, NOT the \$26 Million used to justify that flawed 2018 decision. A rezoning decision made at the last minute when the property in question was ridiculously added as an appropriate site for a Solar Power Plant in complete ignorance of the Town's Master Plan. Again apparently at the request of the Town Planning Board Chair!

We and our neighbors have lived in this Town for over 30 years and have supported the Town and its Boards and associations in many ways. Doesn't that count for anything?

Especially when you consider how little we asking for here. Just an independent checking of the facts and a full and complete Environmental review, instead of SEQRA Light.

For the life of me I truly do not understand how anyone can even argue that a Negative Declaration is appropriate in this case. Especially when it cannot be denied that the Town Board did no real environmental review on the rezoning when it quickly issued a Negative Declaration and improperly passed the Solar Law in 2018.

And now that a Cell Tower application has been submitted for the same property, are you really going to say that both Projects should not be studied together and that a Positive Declaration is not required? That decision would be totally incomprehensible to anyone with a basic understanding of SEQRA.

Independent of the above, but most importantly, we also now are greatly confused as to the exact size of the property under review. There can be no debate that it must be at least 25 acres.

However in the latest 2014 conveyance document on file with the Westchester County Clerk for this property, which we note is when the Florida LLC purchased the property from the LLC partially owned by the Deputy Planning Board Chair who is now in charge of the applications for the very same property, the total area of the property is listed at only 23. 523 acres. Not the required 25 acres! A copy of the County Clerk's submission containing the 23.523 acre reference that we received from our Title searcher is attached.

Further, at the time this property was sold in 2014 the Lot size was listed at 24.983 acres. In addition, at the time the Property was listed for sale at \$1.95 Million in 2018-2019 (not the \$26 Million stated by the Town Board when it added the property to the Solar law) the current owner – the Florida LLC-listed the total area of the Lot as 24.98 acres. Again less than the required 25 acres. Moreover the Town's own Comprehensive Plan lists the Lot size at 24 Acres!

While the Lot is clearly close to 25 acres, in this case close is not close enough. The Listing Documents from 2014 and also 2018 filed by the Owners of the property that state the Lot is LESS THAN 25 Acres are attached.

Perhaps that is why the current owner in his June 25, 2020 letter to Mr. Hertz, where the owner advised of the November 2019 Lease with the Cell Tower operator, describes the size of the site as an "approximately 25- acre Site (emphasis added)". (Copy of that Letter is attached.)

Is the Lot size 23.523 acres? Or is it 24.98 acres? Or is it exactly 25 acres? It seems clear from the documents filed by the Owners that no one really knows.

Thus, we respectfully request that at the very least a new complete and thorough survey be conducted by the Town's consultant, NOT the Applicant's, that does not simply accept what the applicant is claiming and does a fresh review. This should include a thorough review of the complicated title history to this specific Lot which was carved out of a bigger lot to confirm the exact dimensions and the size of the property and establish that the site is actually at least 25 acres and not less. A new survey should also be completed based on this information. All of this should be at the Applicants expense.

Moreover, we also request that the underlying Leases be produced forthwith so the lot sizes identified in those submissions can be verified.

Obviously, if the lot is less than 25 acres, which it very well may be based on what was filed of record, the application is insufficient and must be rejected. The only way to confirm this is by way on an Independent Third party review of the lot size based upon a new survey and not relying on outdated information provided by the applicant.

No action of any type should be taken on these applications until the Lot size is independently confirmed by the Town. To ignore this obvious issue would again call into serious question the integrity of the process.

As a final note, perhaps if counsel was more focused on insuring that the required notices of the various applications were properly provided to the neighbors and the public, instead of ridiculously blaming the US Postal Service for the Applicant's own admitted failures in this regard as he did at the end of the ZBA meeting, the review process could start to be properly followed and the public's interests properly protected.

We urge you to do what you all know is required. First INDEPENDENTY confirm that the property is actually 25 acres. Until that is independently confirmed do nothing as this should have been the first item that was checked. If it is, and it must be confirmed by an independent third party hired by the Town but paid for by the Applicant, start the application anew under the guidance of a disinterested member of the Planning Board. Provide all with the required notices and require the issuance of a Positive Declaration and the preparation of a Full EIS for all applications related to this site. Only those actions can help restore integrity to this clearly flawed process.

Thank you.

Beth & Gerry Romski

Beth Winni Hurofford:

# **CONVEYANCE**

CONTROL# DOC OR INST. # GRANTOR: Realis Development LLC LIBER/PAGE REEL/PAGE 531553080 DATED: 6/14/2013 ACK'D: 6/14/2013 RECORDED: 7/1/2013 GRANTEE: STAMPS: \$ 6000.00 Skull Island Partners LLC NOMINAL CONS: \$\_\_\_\_\_ FULL CONS: \$ 1,500,000.00 TITLE COMPANY: \_\_\_\_\_ TITLE NUMBER: \_\_\_\_\_ LIFE ESTATE? YES NO COPY ATTACHED: YES NO LIFE TENANT: SP X SD AS: \_\_\_\_\_ ✓ CONVEYS AFFECTS C&R's YES NO P.U.E EASEMENTS(S): YES NO P.U.E + MORE RESERVATION(S): YES NO ☐ P/O P.U.E. P/O P.U.E. + MORE PROPERTY INFO: NOTES:\_\_\_\_ DEED RECITES BEING SAME / PORTION OF PREMISES IN :\_\_\_\_\_\_

DOCUMENT TYPE: B/S with Covenant

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.



Name: Attomey's Title Insurance Agency, Inc.
Name: Attorney's Title Insurance Agency, Inc.  Address 1: 126 Barker Street  Address 2: Email: patrick@attorneystille.biz  City/State/Zip: Mount Kisco NY 10549  Reference for Submitter: AT13-11231W / 162-13W  Document Details  Control Number: 531553080  Document Type: Deed (DED)  Package ID: 2013060400044001003  Document Page Count: 4  Total Page Count: 5  Parties  Additional Parties on Continuation page  1st PARTY  1: REALIS DEVELOPMENT LLC  - Other 1: SKULL ISLAND PARTNERS LLC  - Other  Street Address: 180 SOUTH BEDFORD ROAD  Tax Designation: 80.44-1-1  City/Town: MOUNT KISCO  Cross- References  Additional Cross-Refs on Continuation page  1: 2: 3: 4:  Supporting Documents
Address 1: 126 Barker Street Fax: 914-244-3814 Address 2: Email: patrick@attorneystitle.biz City/State/Zip: Mount Kisco NY 10549 Reference for Submitter: AT13-11231W / 162-13W  Document Details Control Number: 531553080 Document Type: Deed (DED) Package ID: 2013060400044001003 Document Page Count: 4 Total Page Count: 5  Parties Additional Parties on Continuation page 2nd PARTY  1: REALIS DEVELOPMENT LLC Other 1: SKULL ISLAND PARTNERS LLC Other 2: BAINLARDI JOHN R Individual 2: Property Additional Properties on Continuation page Street Address: 180 SOUTH BEDFORD ROAD Tax Designation: 80.44-1-1 City/Town: MOUNT KISCO Village:  Cross- References Additional Cross-Refs on Continuation page 1: 2: 3: 4: Supporting Documents
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City/State/Zip: Mount Kisco NY 10549  Reference for Submitter: AT13-11231W / 162-13W  Document Details  Control Number: 531553080  Document Type: Deed (DED)  Package ID: 2013060400044001003  Document Page Count: 4  Total Page Count: 5  Parties  Additional Parties on Continuation page 2nd PARTY  1: REALIS DEVELOPMENT LLC  - Other  1: SKULL ISLAND PARTNERS LLC  - Other  2: BAINLARDI JOHN R  - Individual 2:  Property  Street Address: 180 SOUTH BEDFORD ROAD  City/Town: MOUNT KISCO  Cross-References  1: 2: 3: 4:  Supporting Documents
Control Number: 531553080  Package ID: 2013060400044001003  Document Page Count: 4 Total Page Count: 5  Parties
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Parties
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1: REALIS DEVELOPMENT LLC 2: BAINLARDI JOHN R - Individual 2:  Property Street Address: 180 SOUTH BEDFORD ROAD City/Town: MOUNT KISCO  Cross-References 1: 2: 3: 4:  Supporting Documents
2: BAINLARDI JOHN R - Individual 2:  Property Additional Properties on Continuation page  Street Address: 180 SOUTH BEDFORD ROAD Tax Designation: 80.44-1-1  City/Town: MOUNT KISCO Village:  Cross- References Additional Cross-Refs on Continuation page  1: 2: 3: 4:  Supporting Documents
Street Address: 180 SOUTH BEDFORD ROAD  City/Town: MOUNT KISCO  Cross-References  1: 2: 3: 4:  Supporting Documents
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Cross-References  1: 2: 3: 4:  Supporting Documents
1: 2: 3: 4:  Supporting Documents
Supporting Documents
78 - 180 - 1
1: RP-5217 2: TP-584
Recording Fees Mortgage Taxes
Statutory Recording Fee: \$40.00 Document Date:
Page Fee: \$25.00 Mortgage Amount:
Cross-Reference Fee: \$0.00  Basic: \$0.00
Mortgage Affidavit Filing Fee: \$0.00 Westchester: \$0.00
RP-5217 Filing Fee: \$250.00 Additional: \$0.00
TP-584 Filing Fee: \$5.00 MTA: \$0.00
Total Recording Fees Paid: \$320.00 Special: \$0.00
Transfer Taxes Yonkers: \$0.00
Consideration: \$1,500,000.00 Total Mortgage Tax: \$0.00
Transfer Tax: \$6,000.00
Mansion Tax: \$0.00 Dwelling Type: Exempt:
Transfer Tax Number: 22396 Serial #:
RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK RECORDED IN THE OFFICE OF THE WESTCHESTER COUNTY CLERK
Recorded: 07/01/2013 at 03:27 PM
Control Number: 531553080
Witness my hand and official seal
Attorney's Title Insurance Agency, Inc.
Attorney's Title Insurance Agency, Inc. 126 Barker Street
Timothy C. Idoni Westchester County Clerk Mount Kisco, NY 10549
Westchester County Clerk MOUNT KISCO, NY 10349 Attn: Recording Dept.
Attn: necoroning pept.

Form 8002 — Barguis and Sale Deed, with Coversest against Greeter's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 14th day of June, in the year 2013

BETWEEN

REALIS DEVELOPMENT, LLC, a New York limited liability company having an office at 356 Manville Road. Pleasantville, New York 10570,

party of the first part, and

SKULL ISLAND PARTNERS LLC., a Florida limited liability company having an office at 263 13th Avenue South, Suite 340, St. Petersburg, Florida 33701,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 (\$1,500,000) 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 Village of Mount Kisco, Town of Mount Kisco, County of Westchester and State of New York known as 180 South Bedford Road, Mount Kisco, New York, as more fully described on Schedule "A" attached hereto and made a part hereof.

Section 80.44; Block 1: Lot 1 (Town and Village of Mount Kisco)

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

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

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

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

IN PRESENCE OF:

REALIS DEVELOPMENT, LLC

John R. Bainlardi, Member

1

STATE OF NEW YORK, COUNTY OF WESTCHESTER On the 14 th day of June in the year 2013, before me, the undersigned, personally appeared JOHN R. BAINLARDI, 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/sho'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 on behalf of which the individual(a) acted, executed the instrument.

SHQ.

Patrick F. Clowry
Public State of New York
No. 01CL6037849
act in Dutchess County
ression Expires 2-28-201914

STATE OF

, COUNTY OF

On the

day of in the year

before me, the undersigned, a Notary Public in and for said State, personally appeared

· sha

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 sity, include the street and attent member 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

[add the following if the acknowledgment is taken outside NY State] and that said subscribing witness made such appearance before the undersigned in the (insert the city or other political subdivision and the State or country or other place the proof was taken).

# Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 4513-11231W

REALIS DEVELOPMENT, LLC

TO

SKULL ISLAND PARTNERS LLC

STATE OF

On the day of

in the year

before me, the undersigned, personally appeared

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

[add the following if the acknowledgment is taken outside NY State] and that said individual made such appearance before the undersigned in the (insert the city or other political subdivision and the State or country or other place the acknowledgment was taken).

STATE OF

. COUNTY OF

On the da

day of

in the year

before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at

that he is the

of

the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed home name thereto by like order.

SECTION 80.44
BLOCK 1
LOT 1
TOWN/VILLAGE: MOUNT KISCO

RETURN BY MAIL TO:

Atterney's Title Insurance Agency, inc. 126 Barker Street Rount Kisco, New York 10548



# OWNER'S POLICY Schedule A Continued (page 2) Title No. AT13-11231W, Policy No. 7230632-88962048

# (DESCRIPTION)

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

BEGINNING at a point on the westerly boundary line of Sarles Street at its intersection with the premises herein described on the South and property now or formerly belonging to R. & J. Coogan on the North, said point being distant 345.33 feet from the southerly boundary line of South Bedford Road as measured in a southerly direction along said westerly boundary line of Sarles Street;

RUNNING THENCE in a southerly direction along the westerly boundary line of Sarles Street and along the division line between the Village and Town of Mount Kisco on the West and the Town of Bedford on the East, the following courses and distances:

South 0° 28' 20" West 24.00 feet, South 17° 32' 20" East 50.77 feet, South 1° 17" 30" East 186.00 feet, South 2° 38" 30" West 192.35 feet, South 0° 52' 30" East 116.81 feet, South 0° 48' 50" East 277.68 feet; South 3° 44' 50" West 112.34 feet and South 0° 54' 40" West 68.83 feet to a point;

THENCE in a westerly and northerly direction along the northerly boundary line of other property now or formerly belonging to William J. Green North 83° 56' 49" West 1104.37 feet and North 7° 29' 40" East 147.07 feet to a point;

THENCE continuing in a northerly, easterly and northerly direction along the easterly boundary line of property now or formerly belonging to Wildlife Preserves, Inc. the following courses and distances:

North 7° 29' 40" East 291.06 feet, North 12° 52' 40" East 218.31 feet, North 20° 02' 40" East 172.00 feet, South 76° 54' 20" East 54.75 feet, North 89° 18' 40" East 229.00 feet and North 0° 12' 20" West 364.98 feet to a point;

# OWNER'S POLICY Schedule A Continued (page 3) Title No. AT13-11231W, Policy No. 7230632-88962048

THENCE in an easterly direction along the southerly boundary line of South Bedford Road the following courses and distances:

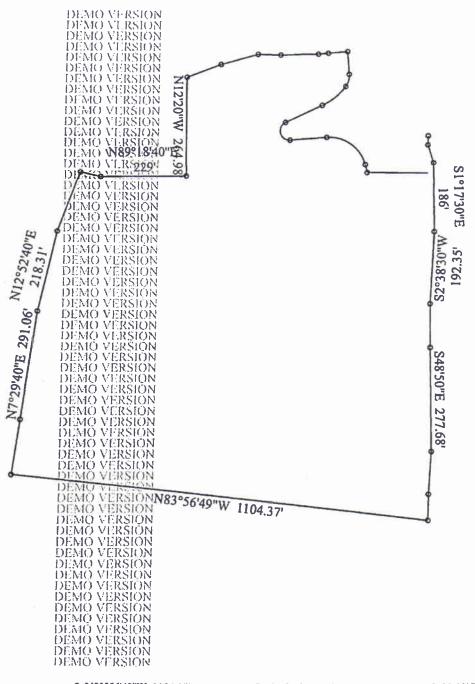
North 68° 33' 40" East 97.37 feet, North 74° 09' 40" East 101.36 feet, South 88° 46' 59" East 60.96 feet, North 88° 13' 00" East 101.03 feet, North 84° 00' 00" East 26.36 feet and North 85° 06' 10" East 51.32 feet to a point;

THENCE in a generally southerly, westerly and easterly direction along the westerly boundary line of property now or formerly belonging to R. & J. Coogan the following courses and distances:



Scale: 1 inch = 230 feet

Area: 23.523 acres (1,024,655.00 square feet)





<sup>2.</sup> S17°32'20"E 50.77'

<sup>3.</sup> S1°17'30"E 186'

<sup>4.</sup> S2°38'30"W 192.35'

<sup>5.</sup> S52'30"E 116.81'

<sup>6.</sup> S48'50"E 277.68'

<sup>7.</sup> S3°44'50"W 112,34'

<sup>8.</sup> S54'40"W 68.83'

<sup>9.</sup> N83°56'49"W 1104.37'

<sup>10.</sup> N7°29'40"E 147.07'

<sup>11.</sup> N7°29'40"E 291.06'

<sup>12.</sup> N12°52'40"E 218.31'

<sup>13.</sup> N20°2'40"E 172'

<sup>14. \$76°54&#</sup>x27;20"E 54.75' 15. N89°18'40"E 229'

<sup>16.</sup> N12'20"W 264,98'

<sup>17.</sup> N68°33'40"E 97.37'

<sup>18.</sup> N74°9'40"E 101.36'

<sup>19.</sup> S88°46'59"E 60.96'

<sup>20.</sup> N88°13'E 101.03'

<sup>20.</sup> NOO 13 E 101.0

<sup>21.</sup> N84°E 26.36'

<sup>24, 34.83&#</sup>x27; Rad49' R

<sup>25. 81.18&#</sup>x27; Rad161' R

<sup>26.</sup> S64°43'10"W 108'

<sup>27. 69.48&#</sup>x27; Rad25' L

<sup>28.</sup> N85°29'20"E 98.48'

<sup>29, 137,39&#</sup>x27; Rad100' R

<sup>30. 22.19&#</sup>x27; Rad527' R

<sup>31.</sup> S89°31'40"E 160.08'



# 180 S Bedford Road

Mount Kisco, NY 10549, Mount Kisco MLS#: 3301068





\$1,500,000

Sold

Lot/Land 1,088,259 Lot Sq Ft **24.983** Acres



Twenty five level, private acres off South Bedford Road bordered by Sarles Street. One of the few remaining large parcels. Perfect for private enclave--two to four house subdivision. Build your own compound. Subdivide. Prestigious location. West Patent Elementary School. LOCATION!. Prime, mostly level property. Marsh Sanctuary

abuts property. CD zoning. Versatile use possible. Possible Sarles Street access.

# About 180 S Bedford Road, Mount Kisco, NY 10549

Directions: South Bedford Rd to entrance directly east of Marsh Sanctuary or west of Sarles St on easterly side.

# **General Description**

General Description	
List Price	\$1,999,000
MLS Number	3301068
Property Type	Land
Sub Type	Lot/Land
Post Office	Mount Kisco
County	Westchester County
City/Town	Mount Kisco
Zip Code	10549
Village	Mount Kisco
Acres	24.983
Lot Size Area SQFT	1,088,259
School District	Bedford
Elementary School	West Patent
Junior Middle High School	Fox Lane
High School	Fox Lane
Features	
Electric Co	NYSEG
Water	Other/See Remarks
Sewer	Septic
Financial Information	
Tax Amount	62,000
Tax Year	2012
Tax ID	5601-080-044-00001-000-0001
Tax Source	Municipality
Assessed Value	450,000
Assessed value	

Assessment Year	2019	2018	2017
Assessed Value - Total	\$313,500	\$313,500	\$313,500
Assessed Value - Land	\$250,000	\$250,000	\$250,000

Assessed Value - Improved	\$63,500	\$63,500	\$63,500	
YOY Change (\$)	\$	\$		
YOY Change (%)	0%	0%		
Tax Year	2019	2018	2017	
Tax Year Total Tax	<b>2019</b> \$68,429.56	<b>2018</b> \$64,487.74	<b>2017</b> \$39,344.94	

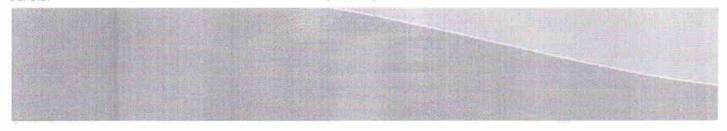
Notes for you and your agent

Notes for, and from, your contacts appear here when viewing this listing in a contact's results.



All information courtesy of

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# 180 S Bedford Road

Mount Kisco, NY 10549, Mount Kisco

MLS#: 4803247

Map Map

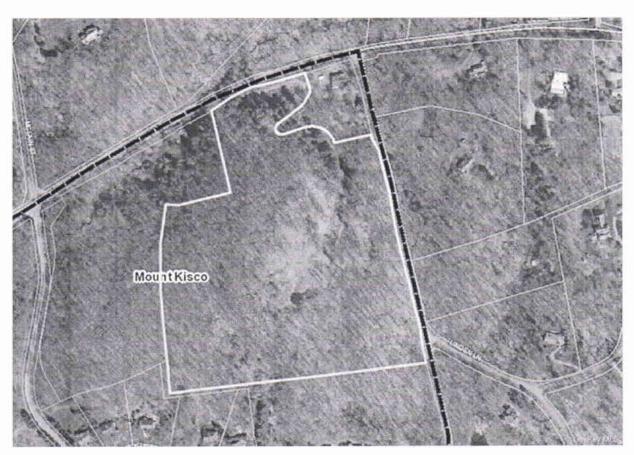
\$1,950,000

Expired

1 Family Dwelling

1,088,129 Lot Sq Ft

24.980 Acres



Twenty five level, private acres bordered by Sarles Street and South Bedford Road. Private estate or family compound, an incredible property. Abuts Marsch Sanctuary. CD zoning allows single family residential development at relatively low density. Possible access off Sarles Street.

About 180 S Bedford Road, Mount Kisco, NY 10549

Directions: South Bedford Rd to entrance directly east of Marsh Sanctuary or west of Sarles Street on easterly side.

# **General Description**

actional Decomption	•				
List Price		\$1,950,000			
MLS Number		4803247			
Property Type		Land			
Sub Type		1 Family Dwelling			
Post Office		Mount Kisco			
County		Westchester County			
City/Town		Mount Kisco			
Zip Code		10549			
Village		Mount Kisco			
Acres		24.980			
Lot Size Area SQFT		1,088,129			
School District		Bedford			
Elementary School		West Patent	West Patent		
Junior Middle High School		Fox Lane	Fox Lane		
High School		Fox Lane			
Features					
Electric Co		Con-Edison			
Water		Drilled Well			
Sewer		Septic			
Development Status		Raw Land			
Financial Information	on				
Tax Amount		47,237			
Tax Year		2017			
Tax ID		5601-080-044-00001-000-0001			
Tax Source		Municipality			
Assessed Value		313,500			
Assessment & Tax					
Assessment Year	2019	2018	2017		
Assessed Value - Total	\$313,500	\$313,500	\$313,500		
Assessed Value - Land	\$250,000	\$250,000	\$250,000		
Assessed Value - Improved	\$63,500	\$63,500	\$63,500		

\$

YOY Change (\$)

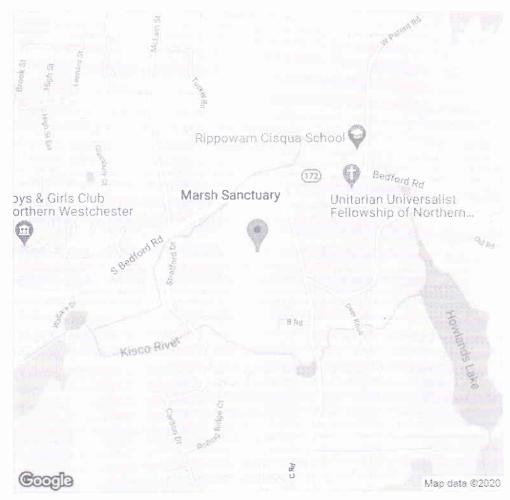
	~	-		
- 4	•	u	,	۲.

0%

Tax Year	2019	2018	2017
Total Tax	\$68,429.56	\$64,487.74	\$39,344.94
YOY Change (\$)	\$3,942	\$25,143	
YOY Change (%)	6%	64%	

Notes for you and your agent

Notes for, and from, your contacts appear here when viewing this listing in a contact's results.



All information courtesy of

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## SKULL ISLAND PARTNERS, LLC 1571 Oceanview Drive Tierra Verde, Florida 33715-2538

June 25, 2020

Doug Hertz, Member SCS Saries St. Solar Farm SCS Saries St. LLC 510 North State Road Briarcliff Manor, New York 10510

Village/Town or Mount Kisco Planning Board

JUL 0 2 2020

RECEIVED

RE: Site: 180 South Bedford Road, Mount Kisco, New York

Dear Doug:

At your request, enclosed is a copy of the recorded Memorandum of Lease between Skull Island Partners, LLC and Homeland Towers LLC regarding an approximately 4,000 square foot area of this approximately 25-acre Site.

The parcel leased to Homeland Towers is located at the south end of the existing driveway, use of which will be shared with SCS Sarles St. LLC.

As discussed, InSite Engineering will be sending you a plan showing the location of both parcels in relation to one another for you to share with the Planning Board in its review of your Application.

Sincerely,

SKULL ISLAND PARTNERS, LLC

By:

David Seldin, Manager

NANCY EL BOUHALI Po Box 667 Bedford Hills, NY 10507 nancyb@cyburban.com 914-241-2083 Village/Town of Mount Kisco Planning Board

AUS 03 2020

RECEIVED

July 31, 2020

Harold Boxer, Chair Village of Mt. Kisco Zoning Board of Appeals 104 Main St. Mt. Kisco, NY 10549

Dear Chair Boxer and Members of the Zoning Board of Appeals,

I am writing as a neighbor on Sarles St. to express my thoughts on the application made by Sunrise Solar and on the variances requested for this project. My house is located directly east of the proposed development. The sightlines include the side of the hill from the rocky cliff to Route 172. The diagram submitted by the applicant assumes that my house, labeled "B" and a floor too short, has one narrow line of sight, but my view extends from the west side of my property looking north, west and south along and above Sarles St. The enclosed photo shows the view during winter. Not only can I see the existing driveway and the cars and trucks which have been coming and going during the past year, but you can see parked cars on the left side of the image.

The question of a 128 foot rather than a 200 foot buffer can not be answered without considering the project at large and the impact of a narrower buffer along Sarles St. There is an abundance of wildlife on this property. The applicant assumes that there are no endangered species on this land and therefore there is no reason to preserve it, but having no endangered species makes it no less valuable in the ecosystem. Destroying habitat will drive the animals and birds out and concentrate the remaining wildlife on the areas surrounding the solar panel installation. These animals will eat even more of the under-story than they do now, and more trees will topple as there will be fewer roots to hold them in place. This existing problem will be exacerbated by the additional loss of buffer to the planned clearing of land.

The preparation of the terrain for the solar panel installation could further impact the topography by flattening the ridge which is such a characteristic feature of the Sarles St. viewscape. Extending the buffer over the 200 foot line to enable more panels could destroy more of the ridge and change the bucolic view to one of industry..

The installation of a cell tower (and all the machinery around it) is part of or tied to this application although the applicant would prefer to segment the application in order to reduce the perceived impact of the solar power plant. The solar application and the cell tower application should be considered as one and all the variances determined at one time. \*\* Is the cell tower application even possible without piggy-backing on the solar project? Leasing only 4000 square feet would certainly be cheaper than leasing the whole property—or buying it. Would another person or business accept having a cell tower on their property? I don't understand the real arrangement, but I gather there is more to it than what was heard during the Zoom meeting.

The reduction of a buffer would bring the cell tower installation closer to Sarles St. It would be an eyesore and would reduce if not annihilate the property values of the immediate neighbors. The indicated site for

the cell tower is not even on the highest elevation of the property. I also worry about industrial pollution to the residential wells and to the nearby wetland which drains into the Croton Reservoir.

The height of the fence (for which a variance is requested) is another instance in which the larger question of needing a fence (needing a solar electric plant) should be considered before the inches. I have enclosed photos of a 7 foot and a 6.5 foot chain link fence surrounding my propane tanks and generator so you can see the negligible difference. I have also enclosed photos of the Bedford Hills Fire Department whom I called when trees fell on my propane tanks and generator which were not adequately protected by the too low and too weak wood fencing. Given the location on a wooded hill prone to tornado type winds, I think that a solar power plant and a cell tower should be surrounded by much higher fencing than 6 or 7 feet. Such fencing would be ugly and well in excess of the zoning code.

Fencing for this project, high or low, might necessitate clearing additional trees on the exterior of the fencing to eliminate shade on the panels and the possibility of trees falling over on them. Is there a plan to cut more trees around the fenced area? How wide a swath of trees would have to be cut in order to allow maximum sun on the panels and prevent falling limbs?

The number of feet for the buffer and the number of inches for the height of the fence seem to me to be distractions from the larger proposal. Given the less than transparent facets of this application, I trust that the ZBA will consider the ramifications of this application which do, in fact, change the zoning. It may be a "special use permit," but it is a change of zoning. The land can never be restored because too much of the terrain will have been permanently destroyed. Is commercializing a residential neighborhood for one business applicant (or possibly two) worth the sacrifice of such a beautiful piece of land and devaluing the homes in a neighborhood whose residents have cared for this land and contributed so much to Mt. Kisco?

Thank you for your consideration of these observations and for your time,

Sincerely,

\*\* RE Segmenting the solar and cell tower applications:

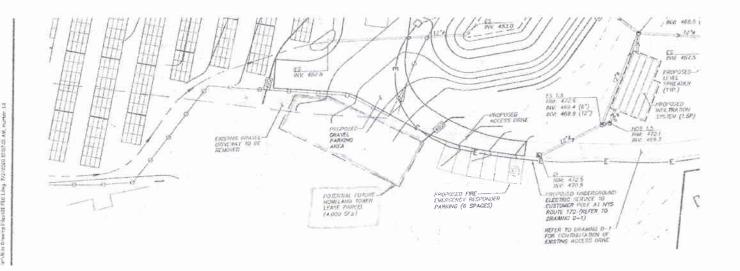
Nancy & Bouhali

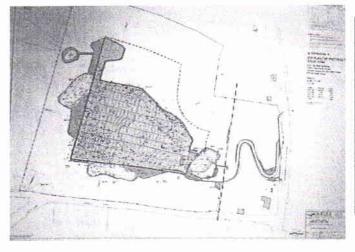
FEAF Part II Section 17 "Consistency with Community Plans"

g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)

LINE OF SIGHT 'B' CROSS SECTION PROFILE

Scale: 1"=50' (Horizontal and Vertical)







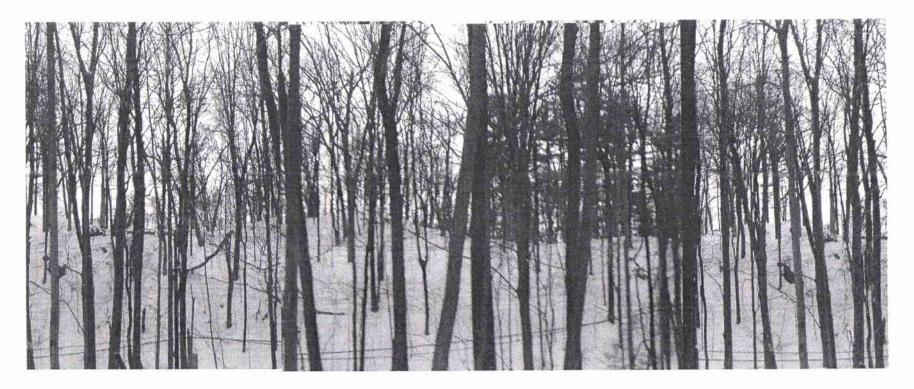
Views of ridge on west side of Sarles St.

Small photo on right shows site of proposed cell tower.

Note cars parked on hill on left in lower photo.









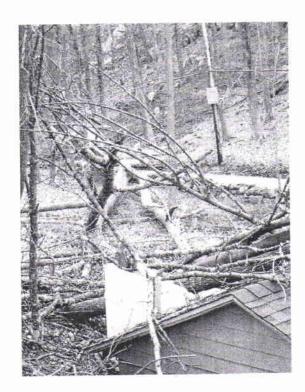
Fence around propane tanks, left, is 7 feet high.

Fence around generator, right, is 6.5 feet high.

Fire dept. was called after trees fell on wood fence and on tanks and generator. The fire dept. was prepared for an explosion; accordingly, each fire truck carried a full crew in fire fighting outfits with all necessary equipment.













To: Mount Kisco Zoning Board of Appeals

From: Mount Kisco Conservation Advisory Council

Date: 07/21/2020

Re: ZBA meeting agenda item on SCS Sarles, 180 S. Bedford Road

The Mount Kisco CAC supports the construction of a solar farm on the above referenced property, but **only** if every possible effort is made to minimize the negative environmental impacts of that development, and to protect the natural resources of the area as required by the Village's revised CD zoning regulations. The stated purpose of the recently revised CD zone buffers and the laws establishing them is to limit the negative effects of any development on the natural environment, as well as on neighboring residences and institutions.

The MK CAC has some serious questions and concerns about the current SCS Sarles, 180 S. Bedford Road application and the applicant's approach to the approval process. Since we do not know for certain which version of the applicant's proposal and request for variances has been submitted to the Zoning Board of Appeals, the following comments refer to the most recent proposal, plan, and other documents, already submitted to the Planning Board.

Please ensure that this letter is part of the public record.

#### **Buffers**

The applicant has submitted several different versions over the past few months of a proposal requesting, among other variances, substantial reductions in the legally mandated buffers between the proposed Solar development in the CD zone and the borders of the property. We agree with the opinions offered by Peter Grunthal, Karen Schleimer, the neighbors' attorneys, and others—that this project should, at the very least, adhere to the Buffer Zones recently established in law by the MK Board of Trustees for Solar Energy installations on CD-zoned property. These buffers were established after much consideration and public discussion—with this specific property in mind. As a matter of fact, this applicant was deeply involved in those deliberations, and to ask for a substantial variance this soon after the law was established is, we believe, a clear example of a "self-imposed hardship."

Although we are gratified that the applicant has modified the original proposal somewhat to reduce encroachment on the required buffers, we are concerned that even the modified proposal would still have a significant negative impact on the trees, steep

slopes, and other natural resources in the buffer area, and would adversely effect the view scapes and other rights of Marsh Sanctuary, as well as neighbors in the Mount Kisco Chase and on Sarles Street. This concern was reinforced by the strong criticism of the applicant's plan and methods by these neighbors at the initial session of the Public Hearing on this matter conducted by the Planning Board. The video of the first session of this PB Public Hearing regarding the proposed Solar Energy facility and Cell Tower on Sarles Street is now available on vimeo at <a href="https://vimeo.com/438712738">https://vimeo.com/438712738</a>, including comprehensive presentations by Steven Waldinger, attorney for a group of Mount Kisco Chase residents (at counter # 1:32:30 into the meeting), and several other concerned parties.

#### Trees

We are concerned that the removal of nearly a thousand trees, many on steep and very steep slopes, and many of these old Specimen Trees, would have a major negative impact on this protected local environment, and should be limited to the full extent permitted by law. We advise that no variances or special permits should be issued that would result in the removal of additional mature trees from the legally mandated buffers, or removal of mature trees on steep or very steep slopes, where the applicant seeks to remove hundreds of trees, including an as yet undetermined number of Specimen Trees. These Specimen Trees provide shade, nourishment, and protection for younger trees, habitat for animals, critical support for the entire ecosystem, and play an important role in flood prevention and soil retention. They also have special protected legal status under our Village law.

A previous tree study of this property, conducted when Mr. Bainlardi (acting chairman of the MK Planning Board) was the owner, found that there were 1069 Specimen Trees on this property. This study is included in the applicant's supporting documentation. The applicant has not specified how many of these Specimen Trees they wish to remove, either on steep slopes, very steep slopes, or elsewhere. This is essential information, and should be clearly provided in the application before any decisions are made.

## Steep Slopes and more "Self-Inflicted Hardship"

Though it is difficult to accurately compute the impact on steep slopes of the revised proposals, we are concerned that a significant number of mature trees on steep and very steep slopes would still be removed (even in the latest version), and that there could be other adverse environmental impacts on these slopes and the hydrology of the surrounding properties from the proposed work. Since the applicant was very familiar with the acceptable reasons for granting or refusing to grant Steep Slopes permits before entering into a lease and creating this proposal, it would seem that proposing such a major disruption of steep slopes because "there is no practical alternative" to achieve their objectives is yet another "self-inflicted hardship," and a questionable attempt to avoid the protective intent of this law.

The current owner (Skull Island Partners) also purchased the land from Mr. Bainlardi before solar installations were a permitted use on this property (with or without a Special Use Permit), so they could not have purchased the land with the intent of building such

a facility. The MK Village Board was also very clear in their intent for the new solar zoning, that such facilities must respect all the underlying requirements for the Zone.

We advise that the Zoning Board of Appeals ask the applicant to submit a plan which does not require any special permits or variances that would create adverse environmental impact. This plan should also protect all community and broader environmental interests. If the applicant's business plan does not allow for the creation of a highly profitable solar facility within the current legal limitations, then perhaps they should prepare a different design and more sustainable plan that does produce a reasonable ROI while respecting the Conservation District zoning laws.

#### Cell Tower On The Same Site - Segmentation and Lack of Candor

We understand that, very recently, an agreement and/or lease was revealed involving Skull Island Partners, the applicant, and other parties, to build a cell tower on this property in addition to a Solar Farm. The applicant is belatedly seeking to separate this endeavor from the current application. We advise that the proposed cell tower use should be considered as part and parcel of this application, since it impacts many of the same environmental issues on the same property. To consider these two projects in a piecemeal fashion would appears to violate both the SEQR prohibition against "Segmentation of Applications," and Mount Kisco's local law regarding unified development on a property in a Conservation District zone. We understand that MK Village Attorney Mr. Singleton has prepared a written opinion regarding this issue for the Planning Board, and we urge the ZBA to consult that document before moving forward on this matter.

It also appears that the applicant was less than forthcoming in their discussions with the Planning Board and the owners of neighboring properties, and may have even withheld information regarding the intended construction of a cell tower on this property. We advise that the ZBA thoroughly examine all correspondence, leases, and presentations made by the applicant to the Planning Board and neighbors, to determine the entire truth of this critical issue.

Mr. Pietrobono and other neighbors stated during the PB Public Hearing that they believed they had been misled by the applicant, who conducted onsite tours of the proposed sight, and assured them that there would be no impact on their sightlines and property other than those specified in the current proposal. They said that they were subsequently shocked and disappointed to learn, less than a week before the Hearing, that the applicant had been aware for some time that a cell tower was also being proposed for the site; and that this cell tower would not only be visible from their homes and the Conservancy, but would dominate the landscape and, they concluded, substantially reduce the financial and natural value of their properties.

#### Insufficiencies

We understand that the applicant may wish to rapidly complete this project to take advantage of various time-sensitive tax and other financial incentives related to solar energy but, at the very least, all the procedures and legal requirement intended to protect our local environment should be properly completed and fulfilled, before any variances or special permits can be granted.

#### 1. NRI Review and CD Zoning

There does not appear to be a plan or any intention to comply with the NRI Review process of this proposal as required under 75A-4 of the Village Code. We believe that the applicant's proposed wildlife and related surveys are necessary, but not sufficient, to comply with this legally required process.

#### 75A-4. (NRI) Applicability.

"Use of the NRI review process is required for all subdivision, special permit uses, uses requiring site plan approval, or other Village/Town of Mount Kisco development reviews that are subject to SEQR."

2. Tree Replacement and Land Conservation and Tree Replacement Plans
No plan has been submitted or approved for perpetual preservation of a specific portion
of the land as open space, as required in the Village zoning code.

#### 110-7C-c-9 CD Conservation Development District\_Open Space

"The preservation of such open space (35%) shall be permanently assured by means of the filing of covenants and restrictions and/or scenic easements on the land....

All legal agreements and documents pertaining to the establishment of any trust or association and to the preservation and protection of all open space shall be subject to approval by the Village Board of the Village of Mount Kisco. The Village may require any additional conditions, agreements or documents which it deems necessary to ensure the completion of all improvements, the establishment of and continuity of the trust or association and the preservation and protection of all open space."

The applicant has also neglected to prepare and submit a detailed plan for replacement of the almost 1000 trees that might be removed from the site. We are also concerned at the applicant's apparent reluctance to identify or tag mature trees and specimen trees among the hundreds of trees proposed for removal.

#### 3. Neighborly Collaboration and Notification

We are disappointed at the applicant's apparent reluctance to collaborate in a forthright manner with potentially impacted neighbors, including the residents of Sarles Street, the Mount Kisco Chase, and the Town of Bedford. It was the applicant's responsibility to inform them of the proposed project and to seek their involvement in the planning process. We advise that any approved plan respect the historical and ecological value of Marsh Sanctuary and its trails, and also respect the view scape of all residents of Sarles Street, Marsh Sanctuary, the Chase, and the prerogatives of our neighboring Town.

Shortly before last Tuesday's Hearing was to begin, I learned that the Town of Bedford had not been informed of this proposal, or of the MK PB Public Hearing. We believe this failure to inform Bedford and others is a potentially serious oversight and deviation from

the required process. Also, the applicant was required to announce and post public notices, and they affirmed that they did post these at a number of locations, including MK Public Library and Recreation Center. As of the date of the Hearing, there was no announcement posted at the Library, and the Library staff was unaware of any such notice. The applicant also affirmed that a notice was posted at the Municipal Recreation Center, and an inspection showed no notice at that location as well. Several other neighbors also stated that they had not been informed, as required.

Some or all of these insufficiencies might be understandable if the applicant were for example, a homeowner looking to build an extension on their porch, but the applicant is the Chairman of the Mount Kisco Planning Board, an experienced businessman and developer of Solar installations, and knows very well how both the letter and intent of these requirements should be met.

#### 4. Possible Conflicts of Interest

Though Mr. Hertz, who is both Chairman of the Planning Board and President of the applicant company, Sunrise Solar, did recuse himself on this matter at the 7/14/2020 MK PB Public Hearing, he has continued to present to the Planning Board on behalf of the applicant, and actively participated in discussions with the MK Board and staff. This appears to be a violation of our Village Ethics Code Law and related regulations and, at the very least, gives the impression or appearance of a potential conflict of interest.

We recommend that the ZBA put this application on hold until the Village's Board of Ethics can investigate and issue an opinion on this matter. This could remove even the slightest impression of conflict of interest or favoritism, and restore public confidence in the process.

#### **Summary of Recommendations**

The CAC recommends the following:

- 1. No reduction of Buffers be granted, since it was clearly the intention of the Board of Trustees that these were the <u>minimum</u> acceptable buffers for this zone and use, and the applicant was aware of this before submitting their proposal.
- 2. That no steep slope or very steep slope permits be approved which would result in the removal of any specimen trees or substantial numbers of mature trees on steep slopes or in mandated buffers. No disturbance of very steep slopes should be permitted, and any steep slope disturbance should be kept to an absolute minimum, with zero disturbance as a goal.
- 3. All trees and shrubs removed from steep slopes or other areas be replaced with trees and shrubs with equal or greater environmental value, including flood and erosion prevention, natural habitat, and other ecological services.

4. We recommend that the approval process be paused until such a time as all the serious procedural and substantive issues listed above and raised by other concerned parties are resolved—including, but not limited to, a legal determination of the Segmentation issue, proper notification and participation of neighbors and neighboring jurisdictions (Bedford), resolution of any formal ethics complaints, lack of an NRI report, lack of an approved Open Space conservation plan, and lack of an adequate tree preservation and replacement plan.

We believe that only by such a deliberate, open, and inclusive process can the Boards make decisions on this matter that will protect the local environment, respect the rights of all involved, maintain public confidence in the process, and help us to reach our critical clean energy and other environmental goals.

Thank you for your consideration.

John Rhodes

Chairman, Mount Kisco Conservation Advisory Council

johnrhodes786@gmail.com

#### Michelle Russo

From: Sent: Karan Garewal <a href="mailto:karan.garewal@gmail.com">karan.garewal@gmail.com</a>

Tuesday, July 21, 2020 6:48 PM

To:

Michelle Russo

Cc: Subject: Pratibha Garewal; Beth

Solar and Cell tower projects on marsh sanctuary land

JUL 22 2020

1

RECEIVED

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I hope that noting the concern of all the impacted neighbors, you will go through the proper review process with full environmental evaluation before giving consideration to these proposals, we are very concerned about being short charged on this

Karan Garewal 6 Brentwood Court Mt. Kisco, NY 10549 Phone 914 242 5464 Fax 815 301 2734 Cell 914 309 5676

#### Michelle Russo

From: Sent: Lisa Matsil lisa@matsil.net> Tuesday, July 21, 2020 6:35 PM

To:

Michelle Russo

Subject:

CAC Comments Regarding SCS Application

Zoning Board of theeas

JUL 22 2020

RECEIVED

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

#### Dear Mt. Kisco Planning Board:

We are neighbors who have lived in Mt. Kisco Chase for over 23 years, and we support the positions outlined by John Rhodes, the Chairman of the Mount Kisco Conservation Advisory Council. We urge you to consider all the points outlined in his letter sent earlier today, and ask that a hold be put on this application to further carefully research the proposal(s). Any and all development on this parcel of land should be shared in a transparent manner and shared together.

Thank you for your consideration. Lisa and David Matsil 15 Rolling Ridge Court Mt. Kisco, NY

Lisa Matsil lisa@matsil.net

ZBA MEMO - REX PIETROBONO:

JUL 2 2 2020

July 21, 2020

Dear Members of the Zoning Board of Appeals:

### RECEIVED

My name is Rex Pietrobono and I reside at 2 Sarles Street, Mount Kisco, NY, one of the properties adjacent to 180 South Bedford Road. Over the past few months I've had the opportunity to meet with two of the applicant's representatives to walk both our properties along the north and eastern side of the project. On April 25, 2020 Doug Hertz and his associate gave me a guided tour of their proposed solar farm. They showed me specific boundaries referencing several surveyor's stakes marking the extent of the perimeter of the project. After meeting with them I believed the accuracy of the information given to me and could rely upon it since was given by the Chairman of the Planning Board.

Unfortunately, the applicant's overall plan for the parcel had been concealed from me, the Planning Board, and the general public until the applicant's July 10, 2020 disclosure. The reason for that is clear. When considered comprehensively, their plan proposes a startling detrimental change to the character of the surrounding neighborhoods. In and of itself, the proposed solar farm project would bring a commercial use to a property largely its natural undeveloped state. It would not be an easy change to accept, but I was working on doing so in good faith.

However, the recent discovery of the planned cell tower is nothing less than the clandestine expansion of industrialization of this parcel with much more of a significant impact. The application had been improperly segmented to streamline the future approval of a cell tower on the very same leased parcel of land—dramatically hovering over our property, our neighbors, all Sarles Street passerby, and elsewhere. To add further insult to injury, the applicant seeks a variance to encroach roughly one-third of the way (72'-73') into the easterly 200' buffer zone of an adjoining municipality's Sarles Street border, as well as, residential neighborhoods.

Interestingly, applicant coolly proposes the eradication of almost 1,000 trees, yet when it is suggested that the solar farm stay out of the buffer zone and move a short distance west to situate the solar farm within its proper boundaries, applicant piously avows the need to avoid removing some 70 trees. And, ignoring a reduction in the scale of the proposed solar farm.

Any alleged difficulties with scale and location relating to the project are self-inflicted *financial* hardships brought on by an applicant with full knowledge of zoning and regulations prior to executing any leasehold. Many of us would like to be supportive of a solar farm project—if it were sized reasonably and within the parameters of the space. The proposed cell tower addition is ruinous to the legitimacy of the entire project.

For anyone unfamiliar with this area of the 25-acre parcel, the eastern buffer zone is near the edge of a high rock cliff overlooking Sarles Street. The proposed reduced space between that cliff and a new fence in the buffer zone is absurdly constricting. It would pose a hazard for the wildlife—effectively compelling them to pass through a cliffside cattle chute of sorts. Applicant's desired

encroachment would likewise bring the entire solar project and its glaring open space above it, unnecessarily closer into view by its neighbors and all persons travelling along Sarles Street.

The eastern side of the leased property is a collection of families and is not a dump for all of the unsightly byproduct of this commercial /industrialized application. The Planning Board's and the ZBA's attention to a sensible alternative location of the solar farm panels, fencing, poles, and structures, and prohibition of a compounding cell tower would be commendable. The buffer zones were designed to protect us from the kind of substantial encroachment the applicant seeks herein. Maximum profit by some does not justify a variance to encroach upon the protections deliberately bestowed upon the surrounding residential, municipal, and sanctuary properties.

Thank you for your attention to this matter.

Rex Pietrobono

#### Michelle Russo

chage town of the Justines. Zoning Board

JUL 22 2020

From:

Ralph Vigliotti <ralphvigliotti@gmail.com>

Sent: To:

Tuesday, July 21, 2020 5:50 PM

Michelle Russo

Subject:

Michelle Russo
Fwd: SCS Sarles Street application-buffer and steep slopes variant ECEIVEN

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Michelle

Please be kind enough to email my letter to Harold Boxer, Chairman of the ZBA and the ZBA Board members For tonight's meeting.

Thank you

Ralph Vigliotti

Subject: Fwd: SCS Sarles Street application-buffer and

Subject: SCS Sarles Street application-buffer and steep slopes variances

Attention:

Harold Boxer and members of the ZBA

I have served on the Mount Kisco Planning Board for more than 20 years. During my tenure, I have never reached out to the ZBA with regard to an applicant's request for a variance. I write you as a resident of the village, I feel its important to protect the last remaining green spaces in our village. While I generally support a solar project on the Sarles Street parcel. The SCS Sarles Street application is disregarding the intent of the Board of Trustee's desire to protect the neighboring property owners with 200 ft buffers, and their wishes to protect one of the last remaining CD parcels in Mount Kisco.

The applicant proposes to install 2500+ solar panels on the site. With the installation of infiltration basins, and solar panels in the north, east and south buffers. The applicant is requesting variances for steep sloops, 72 ft variance on the eastern buffer. The infringement on the protective buffers will cause the demolition of more than 150 tree's of the 700 trees to be demolished on the site. The east side of the parcel has a unique ridge line along the Sarles Street property border. While the developer has identified the tree's to be removed, the developer has not identified the tree's to remain on the ridge line. This is important to know as the ridge line could become nearly treeless.

If the developer decreased the solar project by 5-8%, the solar panels would not need be placed in the east side 200 ft buffer, therefore, protecting the integrity of the ridge line. Infliltration basins do not fall in the definition of structures, however, solar panel are indeed defined as structures by the building inspector. I don't recall an application of this magnitude requesting a variance to place structures in designated buffers. It should also be noted that the four infiltration basins are proposed to be located in the the north, east and south buffers. Additionally, a variance is required for steep slopes on the SCS Sarles Street proposal. While I have concerns with the removal of steep slopes on the site, and

associated trees removal to accommodate the solar panels on the proposed site, I am alarmed by the construction of infiltration basins and solar panels, and the removal of trees In the buffers and on the eastern ridge line.

A memo from Peter Miley, building inspector, to the Planning Board dated February 21 2020 states:

"Solar structures/panels are proposed in the east to northeast side of the hilltop. A hilltop is described as a "roughly circular area defined by the radius of 75 feet from the highest point of a hill or rise of land." According to Article V. supplementary regulations 110-33.1. Natural resource protection regulations. In addition to all other requirements of the Zoning Code, all development in the Village shall comply with the following natural resource protection regulation." Steep slopes. [1] Deveopment limitations [1] Regulated activities. (a) it shall be unlawful to create any disturbance greater than 100 square feet in aggregate, or to cut any tree with a diameter greater than four inches when measured from 1 1/2 feet from the ground level, on any steep slope, [hilltop], or ridge line, or other than an example activity as defined herein, without a Steep Slope Permit issued conformance with these regulations Approval to develop on/within the hilltop in excess of 100 sq. Ft. Required Planning Board approval as part of the Steeps Slopes permit.

While the applicant needs site plan approval, along with other variances, I encourage you board to take a closer look at the negative impacts of the steep slopes along the ridge line, and the removal of trees in the buffers to install the four infiltration basins

Furthermore, the applicant should be encouraged to submit a proposal that preserves the buffers. The applicant has created a self imposed hardship with expectations that all variances will be granted. Which will allow for a greater return on his investment even though he fully understood the intent of the Board of Trustee's to preserve as much land as possible to protect the neighboring property owners and the integrity of this forest.

Thank you so much for ongoing commitment to the planning process in Mount Kisco. I do believe this project has the ability to move forward but must continue to address the issues raised to further protect this beautiful green space. Best regards Ralph Vigliotti

Sent from my iPhone

#### Michelle Russo

From: Sent:

Shana Guidice <shanaguidice@gmail.com>

Monday, July 20, 2020 2:03 PM

To: Subject:

Michelle Russo

Concerned Homeowner

Zoning Board of Appeals

JUL 2 0 2020

RECEIVED

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Boxer,

My name is Shana Guidice, and my husband and I are homeowners in Mt. Kisco Chase. I am writing to express my concern about the possibility of the building of a Solar Farm and cell phone tower adjacent to our home. I feel that this type of construction could not only be disruptive to our community but that these projects could diminish our property value. I know that I am not the only person to feel this way and ask that you please pass these concerns along to the other members of the Zoning Board of Appeals before they make their decision. Thank you.

All the best, Shana Guidice

JUL 2-0-2000

#### Michelle Russo

From:

Amy Dannin Lerner <alerner4@yahoo.com>

Sent:

Monday, July 20, 2020 2:56 PM

Cc:

'Gerard Romski'; Michelle Russo

Peter Miley, dmschwartz77@verizon.net; seadogz13@aol.com; mptarnok@aol.com;

emolloy99@yahoo.com; pratibha.garewal@gmail.com; madinserra@aol.com;

epsent@msn.com; lisa@matsil.net; 'Beth Romski'

Subject:

Re: ZBA/ July 21, 2020 Meeting

Zoning Board of Appeals Members,

I am in full agreement and support of the letter/email submitted to you by Gerry Romski and also request you postpone your review and decision on this proposal and variance.

Regards,

Amy Lerner

On Monday, July 20, 2020, 2:41:51 PM EDT, Michelle Russo <planning@mountkiscony.gov> wrote:

Your comments will be forward to the Zoning Board of Appeals.

#### Michelle K. Russo

Planning & Zoning Secretary

Village of Mount Kisco

104 Main Street

Mount Kisco, NY 10549

(914)864-0022 (direct)

(914)864-1085 (fax)

From: Gerard Romski [mailto:romskig@gmail.com]

Sent: Monday, July 20, 2020 2:40 PM

To: Michelle Russo <planning@mountkiscony.gov>

Subject: RE: ZBA/ July 21, 2020 Meeting

JUL 2 1 2020

#### Michelle Russo

From:

MICHAEL TARNOK <mptarnok@aol.com>

Sent:

Monday, July 20, 2020 6:04 PM

To:

Gerard Romski

Cc:

Michelle Russo; Peter Miley; dmschwartz77@verizon.net; seadogz13@aol com, emolloy99

@yahoo.com; pratibha.garewal@gmail.com; madinserra@aol.com; epsent@msn.com;

lisa@matsil.net; Beth Romski; Amy Dannin Lerner; Maryann Tarnok

Subject:

Re: ZBA/ July 21, 2020 Meeting

#### Gerry:

Just a couple of items:

- 1) Clearly this is being rushed through, first get the zoning change and then request a variance if you can't get the exact zoning you need.
- 2) I would think the first decision would be whether they will evaluate both projects separately or the solar farm and cell tower jointly
- 3) The lack of review of the tree removal process bothers me. Over the past 22 years, I have had several trees removed from the high rocky hill overlooking my house. In each case an arborist recommended removal because they were poorly rooted In the rocks and a danger to my house and family. (During hurricane Sandy a large tree came down off the hill, fortunately in the other direction but was tall enough to even reach the roadway). In each case the inspector was predisposed to reject the application. Last fall my initial application for a permit was turned down by an inspector who is not an arborist. (Eventually it was approved). He told me he is pressured by the Board to turn down tree removal requests. If, due to Board policy, individual homeowners need to threaten to sue (if the tree in question were to hit the house) to get a permit, I don't understand blanket authorization to remove 700 trees.

Thanks for all your help.

Mike and Maryann

Sent from my iPad

On Jul 20, 2020, at 2:40 PM, Gerard Romski < romskig@gmail.com > wrote:

I will submit additional comments, but am now respectfully requesting that the scheduled Hearing be adjourned so that the Public, including myself and others, are provided with the proper opportunity and time to properly review these documents, which I note are far from Identical to what was prepared for the Planning Board meeting.

I also note that I believe our house is within the required Notice area and that again the applicant failed to provide the required Notices.

Again I have no idea why the applications are being rushed through in the middle of a COVID-19 crisis and respectfully request that the ZBA Matter be adjourned so that the related documents and other information can be properly reviewed and commented on.

Independent of that reason, which by itself should be dispositive, I believe that given the coordinated review by, and Lead Agency designation of, the Planning Board in the underlying matter mandates that the ZBA must wait for the Planning Board to decide the very important SEQRA questions of, inter alia,

JUL 2 0 7620

#### Michelle Russo

From: Sent: Gerard Romski <romskig@gmail.com>

Sent:

Monday, July 20, 2020 2:40 PM

To: Cc: Michelle Russo

Pater Milay: dr

Peter Miley; dmschwartz77@verizon.net; seadogz13@aol.com; mptamok@aol.com;

emolloy99@yahoo.com; pratibha.garewal@gmail.com; madinserra@aol.com;

epsent@msn.com; lisa@matsil.net; 'Beth Romski'; 'Amy Dannin Lerner'

Subject:

RE: ZBA/ July 21, 2020 Meeting

I will submit additional comments, but am now respectfully requesting that the scheduled Hearing be adjourned so that the Public, including myself and others, are provided with the proper opportunity and time to properly review these documents, which I note are far from Identical to what was prepared for the Planning Board meeting.

I also note that I believe our house is within the required Notice area and that again the applicant failed to provide the required Notices.

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Independent of that reason, which by itself should be dispositive, I believe that given the coordinated review by, and Lead Agency designation of, the Planning Board in the underlying matter mandates that the ZBA <u>must</u> wait for the Planning Board to decide the very important SEQRA questions of, inter alia, Segmentation and Significance of the numerous negative project impacts <u>BEFORE</u> proceeding with this hearing.

In my view it is clear that both of these SEQRA questions must be answered in the affirmative, but regardless they must first be decided, and until they are the ZBA must put the current application to the side. The undeniable fact that these SEQRA questions remain unanswered, provides a separate and independent reason to cancel the hearing set for tomorrow.

Again why the great rush? Is there suddenly a great need to destroy nearly 700 trees and the natural habits of many animals without the need for the required studies simply so the applicant can be relived of a self-created condition? Is there suddenly a great and overriding immediate need for Solar Power that requires that the proper process be ignored and the public prevented from having the proper opportunity to review the underlying materials?

We trust that the members of the ZBA will comply with their obligations and adjourn the hearing. I have CCed my neighbors on Brentwood who I am sure agree with this request.

Kindly forward this to the ZBA Chair and its counsel. Thank you.

GR

From: Gerard Romski < romskig@gmail.com> Sent: Monday, July 20, 2020 1:58 PM

To: 'Michelle Russo' <planning@mountkiscony.gov>
Cc: 'Peter Miley' <pmiley@mountkiscony.gov>

Subject: RE: ZBA/ July 21, 2020 Meeting

Thank you!

GR

# KAREN B. SCHLEIMER 9 Timber Ridge Road Mount Kisco, New York 10549

Telephone: (914) 244-1134

July 17, 2020

Harold Boxer, Chairperson, Zoning Board of Appeals Members of the Zoning Board of Appeals 104 Main Street Mount Kisco, New York 10549

Michelle Russo, Board Secretary

#### Application of SCS Sarles Street, 180 South Bedford Road-

Dear Sirs and Madams:

I am writing to you as a resident of Mount Kisco and not in my official capacity as a Trustee of the Village/Town of Mount Kisco.

I am also writing to raise some questions I have in connection with the SCS Sarles Street, 180 Bedford Road application which is on the ZBA Agenda for July 21<sup>st</sup>, 2020 although the application and other agenda items have not been posted as of this time. I am assuming that the required variance is to permit intrusion into the buffer on the eastern side of the parcel facing Sarles Street. I do not know if there are any other requested variances.

Section 110-7 B. (2) (b), was recently amended to permit Tier 3 solar installations under a special use permit where no such use was previously permitted. Passage of this amendment and the amendment of the zoning law which would permit such installations in the CD zone by the Village Board took the question of buffers and the size of those buffers extremely seriously. Because of the size of this parcel and the possible magnitude of any future installation and the sensitive nature of a CD zone, various requirements were mandated.

With respect to the purpose of buffers, under Section 110-7 C. (1) (c) [4-6] of the Village Code cited below:

"[4] Buffers shall be designed to effectively limit the visibility of the development from surrounding uses and shall principally include areas left substantially in their natural state [emphasis added]... The minimum depth of said buffer area may be reduced by the Planning Board under site plan approval where the uses on each side of a common property line are generally similar in nature [emphasis added], but in no event shall such reduction exceed 50% of the hereinbefore mentioned buffer area depth..."

From the language in Section 110-7, it would appear that the intent was to preserve trees, limit visibility to neighboring parcels and maintain that area in its "natural state" and to permit changes to the buffer only where the uses on each side of a common property line are generally similar in nature. This is not the case here.

The buffers required under either the initial proposal or the revised site plan call for variances of 88' or 73'. It would seem to be clear that the applicant was well aware of these limitations at the time the applicant submitted their proposal to the Planning Board. Prior to November 19<sup>th</sup>, 2018, no such installation would have been permitted in this zone. Clearly this is a self-created hardship and accordingly no variance should be afforded. In addition, it is also clear that by intruding into the buffers and removing trees in the buffer, this will create a change in the character of the neighborhood, i.e., according to Section 110-7 the "CD District is intended to permit single-family residential development at relatively low densities, consistent with the long-range planning objectives of the Village, which development is designed to maintain, preserve and enhance the natural and man-made environment of the lands within and adjacent to the district [emphasis added]." This property is bounded by single family homes and the Marsh Sanctuary.

In applying the five (5) factors, the Zoning Board of Appeals is required to take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The Board is required to posit the following:

- (1) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;
  - (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether the alleged difficulty was self-created, which 2 consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

As set forth above and in the letter of Peter Grunthal, dated July 17<sup>th</sup>, 2020, he states that "the invasion of the buffers will alter the essential nature of the neighborhood." This has been and continues to be a residential neighborhood. Under our Zoning Law: "The CD District is intended to permit single-family residential development at relatively low densities, consistent with the long-range planning objectives of the Village, which development is designed to maintain, preserve and enhance the natural and man-made environment of the lands within and adjacent to the district." The requested variance is directly opposite to this intent.

The applicant's benefit would appear to be financial and while providing solar energy is a well-considered goal, it is not necessary that this benefit can only be obtained by the granting of this variance especially when it is considered that as to supplying solar energy, the applicant has created another solar farm within the past year in the Village/Town of Mount Kisco. In addition, it would appear that if the variance were not granted and the applicant was required to reduce the size of the project, the dimunition in size and resulting financial loss would not be significant.

Whether the variance is substantial-while the application for this proposal to the ZBA is not currently available, based upon information provided to the Planning Board, the requested variance is at least 72' into a required 200 foot buffer or a reduction of approximately 36% keeping in mind that a granting of this variance will require the removal of a substantial number of trees which makes the intrusion into the buffer effectively appear

even more substantial. A thirty-six (36%) percent reduction in the buffer would, in any case, be significant.

Whether there will be an adverse effect or impact on the physical or environmental conditions in the neighborhood or district: Clearly the additional loss of trees into the buffer exacerbates all known effects of the loss of trees and the destruction of views. This loss effects all of the surrounding single family homes and natural areas.

Whether the condition was self-created. As set forth previously, the principal of the applicant is currently the chairman of our planning board and was therefore well aware of the limitations and requirements and buffers in this zone.

While you are not precluded from granting the variance because of a self-created hardship, the benefit here is not so that he can build a house for his family to live in, but it is a business transaction for a sophisticated and knowledgeable businessman who was more than well aware of the limitations of this site. He can simply scale back his proposal to a small degree and still make a significant profit.

Since the application for this variance is not available at the time of this writing, I do not know whether this application also includes a request for a cell tower or wireless antenna which is proposed on the same site and may or may not require additional variances and may require additional consideration.

I would ask that the Zoning Board and this applicant do everything possible to maintain the integrity of this parcel consistent with the intent of this zone.

Sincerely yours,

Karen B. Schleimer

CC.:

Gina D. Picinich, Mayor Jean Farber, Deputy Mayor Peter Grunthal, Trustee David Squirrell, Trustee

Edward Brancati, Village Manager

Kenneth Famulare, Assistant Village Manager

Whitney Singleton, Esq.

Peter Miley, Building Inspector

KBS/rms

### SHAPIRO GETTINGER WALDINGER & MONTELEONE, LLP



JOHN H. GETTINGER V STEVEN E. WALDINGER D GREGORY A. MONTELEONE O

HEATHER R. GUSHUE A KAREN TOBIAS O

ATTORNEYS AT LAW 118 NORTH BEDFORD ROAD MOUNT KISCO, N.Y. 10549

(914) 666-8033 FAX: (914) 666-4459

Zoning Board of Appeals

MONA D. SHAPIRO www.klscolawfirm.com
Village/Lown of Mount Alsoo CHRISTOPHER DU P. ROOSEVELT COUNSEL

JUL 20 2020

V Also Admitted in California Also Admitted in Connecticut
Also Admitted in Pennsylvania A Also Admitted in Florida

RECEIVED

BY EMAIL

July 20, 2020

Mr. Harold Boxer, Chair, and Members of the Zoning Board of Appeals Village/Town of Mount Kisco 104 Main Street Mount Kisco, NY 10549

> Application of SCS Sarles St. Community Farm (180 S. Bedford Road)

Dear Mr. Boxer:

We represent the Board of Directors of Mount Kisco Chase Homeowners Association, Inc. ("Mt. Kisco Chase"). We submit this letter in opposition to the applications of SCS Sarles St. Community Farm ("SCS") and request that this letter be made part of the ZBA's record with respect to this matter.

Mt. Kisco Chase consists of 86 single family homes and several of the homes abut the northwestern portion of the proposed solar farm.

First, Mt. Kisco Chase must raise a procedural objection to SCS's applications. While SCS's application indicates that it was filed on June 30, 2020 and the Public Notice scheduled this Public Hearing for July 21, 2020, as of July 17, 2020, the application and supporting documents submitted by SCS were not available on the Village's website. In the absence of enabling the public to review the application in its entirety in advance of this Public Hearing, the public was deprived of the opportunity for meaningful review and comment. We note that this office was required to make a FOIL request to review relevant documents. Clearly, interested members of the community should

July 20, 2020 Page 2

not be required to overcome such hurdles to review SCS's entire application and have the benefit of evaluating, in advance of the Public Hearing all of the documents submitted to the ZBA. For this reason alone, this Public Hearing is procedurally defective and should be re-noticed.

Substantively, the ZBA should not proceed with review of SCS's application because doing so will constitute segmented review in violation of the requirements of SEQRA. In connection with SCS's related application before the Planning Board, on behalf of Mt. Kisco Chase, we appeared before the Planning Board on July 14, 2020. We request that our comments, which are part of the minutes of the Planning Board proceeding setting forth our analysis and objection related to improper segmented review under SEQRA be incorporated into this record. In short, because a cell tower will be proposed to be erected on the same property which is the subject of the application before the ZBA, SEQRA requires that, in taking a hard look at the application before it, the ZBA must consider the potential environmental impacts of both the anticipated cell tower and the solar farm in connection with its review of SCS's application. Under the circumstances, the pending application before the ZBA is premature and the ZBA's consideration of it must await a formal application to the Planning Board for the erection of the cell tower.

Quite clearly, in the absence of specific information as to the anticipated cell tower, the ZBA cannot evaluate:

- Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties by granting the requested variances;
- Whether the benefit to SCS can be achieved by some method feasible other than the requested variances; and
- Whether the proposed variances will have an adverse impact on the physical or environmental conditions of the neighborhood.

The only factors that the ZBA can actually consider militate against granting the requested variances. While SCS argues that the requested area variance with respect to the buffer "may seem to be substantial," it is, as a matter of fact, quite substantial. SCS seeks a 72 foot area variance from a required 200 foot buffer setback. That is a 36% variance! In addition, as SCS concedes, the alleged difficulty it faces was in fact, self-created.

July 20, 2020 Page 3

Under the totality of the circumstances, SCS's application to the ZBA should either be held in abeyance until formal applications for the cell tower are submitted, or denied in its entirety.

Respectfully,

Steven E. Waldinger

SEW:jc

		C	ase No.:
Fee:		D	ate Filed:
	Ŋ	e/Town of Mount Kisco Municipal Building Street, Mt. Kisco, NY 105	549
d!	Zon	ing Board of Appeals <u>Application</u>	
Address: _	Lisa Abzun  145 Croton Ave., Me subject property (if diffe	ount Kisco, N.Y. 10549	
Property ov	wner (if different):	oroperty: X Owner Same	- • <u>-</u>
Address:	N. C.	I/A	
TO THE C from the de dated <u>Ma</u> and	CHAIRMAN, ZONING B ecision of the Building In	OARD OF APPEALS: A spector, Peter J. Mile ation is hereby made for the ons dated Interpretation of Section	An appeal is hereby taken
TO THE Control of the Code to permit the of the subject to the sub	CHAIRMAN, ZONING Becision of the Building In 19, 14, 2019 Applicate the Justice Court Summ Variation or X e of the Village/Town of the:  Erection;ect property as a three-famile	GOARD OF APPEALS: A spector, Peter J. Mile ation is hereby made for the constant on Section Mount Kisco,  Alteration; Convertly residence because it was	An appeal is hereby taken  y he following:  (continued) rsion; X Maintenance erected before the Zoning Ordin
TO THE C from the do datedMa and of the Code to permit the of _the subject that the subject do has been used a mily status.	HAIRMAN, ZONING Becision of the Building In 14, 2019 Applicate the Justice Court Summ Variation or X e of the Village/Town of the:  Erection;  ect property as a three-family and occupied continuously sin accordance with the second se	GOARD OF APPEALS: A spector, Peter J. Mile ation is hereby made for the constant on Section Mount Kisco,  Alteration; Convertly residence because it was see then as a three-family resident plans filed on (date) located in the RT-the North side of (see the side	An appeal is hereby taken  ty  he following.  (continued) rsion; X Maintenance erected before the Zoning Ordin ence without a violation being issue

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 orX Existing building; erected (yr.)1927					
Size of Building: at street level 30.06 feet wide feet deep					
Height of building: Present use of building:three-family residence.					
Does this building contain a nonconforming use? Yes. Please identify and explain: this building has been used and occupied as a three-family residence since before the Zoning Ordinance was enacted.					
Is this building classified as a non-complying use? No. Please identify and explain: N/A					
Has any previous application or appeal been filed with this Board for these premises?  Yes/No?					
Was a variance ever granted for this property? No. If so, please identify and explain:  N/A					
Are there any violations pending against this property? Yes. If so, please identify and explain: Fire Inspector Senno issued 4 Notices of Violations, alleging that the building was improperly converted to a three-family residence.  Has a Work Stop Order or Appearance Ticket been served relative to this matter?  X Yes or No Date of Issue: January 8, 2020 and March 26, 2020					
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 \_\_\_May 14, 2019\_\_ 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.
- 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.
- 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.
- \*I) 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 state papers submitted herewith are true.	ements and the statements contained in the  (Appellant to sign here)
Sworn to before me this day of:	22,20,20
Notary Public,	, County, NY
	PAVITA RANGLAL ONATE Notary Public - State of New York No. 01RA5087674 Qualified in Westchester County My Commission Exp. 11/03/2021
[TO BE COMPLETED IF APPELLANT IS State of New York } County of Westchester } ss	NOT THE PROPERTY OWNER IN FEE]
Being duly sworn, deposes and say that he re County of Westchester, in the State of New York certain lot, piece or parcel of land situated, ly Kisco, County of Westchester aforesaid and and that he hereby at the annexed application in his behalf and that	York, that he is the owner in fee of all that ying and being in the Village of Mount known and designated as number
are true.	••
*	(sign here)

### VILLAGE/TOWN OF MOUNT KISCO

**104 MAIN STREET** MOUNT KISCO, NEW YORK 10549-0150 914-241-0500 Fax: 914-864-1085

### MEETING WITH BUILDING INSPECTOR RESULTS

DATE: 5/14/2019

InspectionType: MEETING W/ BLDG INSP.

Meeting Date: 5/15/2019

Record Owner of Title: Abzun, Lisa

RE: 85 W Hyatt Ave

Parcel ID: 80.32-2-7.1

a-3 Lisa Abren 914.420 6826

to discuss victation of Change of use of a family to 3 family

Results of Meeting:

If me construent us a Defamily home - in 1931. erit permit for phonosing indialise (2) both rooms = (2) Kitchen sinks. Charge accord after constrain - 1954 - 1964, Al No Co on file, No primit on file for 2-3 from by approle. Freder "ins grad" letter infle-Will XXXII review or Juh my to make a det immedian us it relevance of letter - according to non board quellins, those that one Unsigned (as in Hiscore) are considered invested.

Un resplans to object to Walnton w/in

boday from the of violation.

PETER MILEY

BUILDING INSPECTOR

#### LISA C. ABZUN 145 CROTON AVENUE MOUNT KISCO, NEW YORK 10549

914 420-6826 (c)

Harold Boxer, Chairperson Zoning Board of Appeals Village/Town of Mount Kisco 104 Main Street Mount Kisco, New York 10549

June 20, 2019

RE: Determination of Denial 85 West Hyatt Avenue Mount Kisco, New York 80.32-2-7.1

Dear Chairperson Boxer,

On May 15, 2019 I met with Peter Miley, Building Inspector of the Village/Town of Mount Kisco, to discuss the Notice of Violation and Order to Remedy issued related to the above captioned property; more particularly the inference that current use of the premises as a three-family residence is outside the permitted use code for the zone in which the building is located.

I discussed my knowledge of the property and the building, including its invariable use as a three-family residence from long before the time I took title. Mr. Miley and I looked through the department's file for the premises, including a letter dated June 29, 2009 from the Village/Town of Mount Kisco Building Inspector at the time, indicating that the premises was deemed to be a legal pre-existing, non-conforming use (three family). There was no building permit or certificate of occupancy found in the file, but it was suggested that the building was constructed circa 1927. The information in the file suggests that the premises was utilized as a three-family residence commencing approximately 1954.

Despite the aforementioned letter and other information discussed, Mr. Miley denied my request to recognize the premises as a legal pre-existing non-conforming use on May 15, 2019.

I object to the determination and hereby appeal Mr. Miley's denial. I respectfully request that the Zoning Board of Appeals take up the matter for review.

Sincerely yours,

Lisa C. Abzun, Owner

# Hollis Laidlaw & Simon P.C.

#### Attorneys at Law

55 Smith Avenue | Mount Kisco, NY 10549 (914) 666-5600

July 22, 2020

#### Via Federal Express

Hon. Harold Boxer, Chairperson and Members of the Zoning Board of Appeals Village/Town of Mount Kisco 104 Main St. Mount Kisco, NY 10569

Re:

Lisa Abzun: Application for Interpretation 85 W. Hyatt Ave., Village of Mount Kisco

Dear Chairperson Harold Boxer and Members of the Zoning Board of Appeals:

Our firm represents Ms. Lisa Abzun (the "Applicant") with respect to her application for an interpretation of the Village's Zoning Ordinances that the Applicant's use of the property located at 85 W. Hyatt Avenue, Lot 80.32-2-7.1 (the "Property"), as a three family residential property constitutes a pre-existing nonconforming use.

This application is made as a result of building violation charges pending against Ms. Abzun with regard to the subject property. The matter is on the court's calendar for August 4, 2020.

The Property is located in the One- and Two-Family Residence District (RT-6) and is improved with a three-story residential structure, which was constructed in 1927, prior to the enactment of the Mount Kisco Zoning Ordinance in 1929. The subject residential structure has been continuously used as a three-family residence since its construction, without interruption. In fact, on June 29, 2009, then-Building Inspector Austin Cassidy wrote a letter, addressed "TO FILE" (a copy of which is attached hereto as **Exhibit A**), which provided that the subject three-family residence was constructed in 1927, pre-dated zoning regulations, and therefore did not require a Certificate of Occupancy.

Despite the existence of Exhibit A, the Mount Kisco Fire Inspector, Henry Senno, issued four Notices of Violation/Orders to Remedy against the Applicant: two on January 31, 2019 (copies of which are attached hereto as Exhibits B and C) and two more on April 4, 2010 (copies of which are attached hereto as Exhibits D and E). Those Notices/Orders asserted that the Property was overcrowded and lacked the requisite Building Permits, construction inspections, and Certificates of Occupancy and Compliance to legally have converted the building from a two-family residence to a three-family residence.

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Subsequently, the Applicant met with Building Inspector Peter Miley on May 14, 2019 to discuss the alleged violations and to review the Town's file on the property. Despite the Applicant producing information about the history of the building's construction and continued use, Mr. Miley claimed that the building was constructed in 1931 as a two-family residence and had initially been used as such. On June 20, 2019, the Applicant wrote a letter (a copy of which is attached hereto as Exhibit F) to this Board, appealing Mr. Miley's decision to deny her request to recognize the subject property as a legal, pre-existing nonconforming use. As stated above, the Applicant is required to next appear before the Mount Kisco Justice Court on the zoning violations on August 4, 2020.

The Zoning Board of Appeals is authorized to reverse or modify an order, requirement, decision, interpretation, or determination appealed from and to make a new order, requirement, decision, interpretation, or determination as in its opinion ought to have been made. See Town Law § 267-b(1). Accordingly, we now request that the Zoning Board of Appeals issue an interpretation finding that the violations pending in the Justice Court are unfounded and that the Applicant's use of the building as a three-family residence constitutes a pre-existing nonconforming use.

In the documents submitted herewith—predominantly the Village's own records—and upon controlling law, the Applicant will demonstrate that the Property has been used as a three-family residential building since before the Mount Kisco Zoning Ordinance was enacted. A nonconforming use is a use that "does not conform to the permitted use regulations as set forth in this chapter for the district in which it is situated but was lawful under the Zoning Law when the use came into being." Mount Kisco Code § 110-59 (Definitions). Nonconforming uses are constitutionally protected and shall be permitted to continue, despite the existence of an ordinance prohibiting them. See Bennett v. Zoning Bd. of Appeals of Vill. of Sagaponack, 170 A.D.3d 716, 717, 96 N.Y.S.3d 246, 247-48 (2d Dep't 2019); Matter of Cinelli Family Ltd. Partnership v. Scheyer, 50 A.D.3d 1136, 1137, 857 N.Y.S.2d 634 (2d Dep't 2008). "[I]o establish a legal nonconforming use, a property owner must demonstrate that the allegedly preexisting use was legal prior to the enactment of the zoning ordinance that purportedly rendered it nonconforming." Tavano v. Zoning Bd. of Appeals of Town of Patterson, 149 A.D.3d 755, 756, 51 N.Y.S.3d 175, 176-77 (2d Dep't 2017). In making its decision, the Zoning Board of Appeals may review the Building Inspector's decision de novo and "make such a 'determination as in its opinion ought to have been made in the matter." Sand Land Corp. v. Zoning Bd. of Appeals of Town of Southampton, 137 A.D.3d 1289, 1293, 28 N.Y.S.3d 405 (2d Dep't 2016), quoting Town Law § 267-b(1). Accordingly, the Applicant respectfully asks this Board to depart from the Building Inspector's opinion and find that the subject property was being used as a threefamily residential property prior to the enactment of the Town Code in 1929, has continued as such, that there is nothing in the record to contradict that fact, and thus constitutes a pre-existing nonconforming use.

Despite Mr. Miley's claims to the contrary, the subject building was constructed in 1927, prior to the enactment of the zoning code. Inspector Miley based his analysis upon a 1931 Plumbing and Drainage Application ("1931 Application") (a copy of which is attached hereto as Exhibit G). However, the 1931 Application does not indicate when the building at issue was constructed while the Data Collection Form dated November 11, 1977 (a copy of which is attached hereto as Exhibit H) indicates that the building was constructed in 1927. Additionally, the 1931 Application does not indicate how many residences are located within the subject building and Mr. Miley's conclusion is

# Hollis Laidlaw & Simon

based on conjecture and speculation regarding the number of bathrooms and kitchen sinks that the 1931 Application sought permission to install in 1931. The records available to the Applicant demonstrate the presence of a third-floor apartment in 1968, when the then-owners, Pasquale and Filomena Pirozzi, received a Notice of Violation indicating that the third-floor apartment lacked a second exit (a copy of which is attached hereto as **Exhibit I**). That Notice **did not** allege a violation because there was third-floor apartment.

Further, this Board should reverse Mr. Miley's decision and affirm Mr. Cassidy's findings that the building at issue was constructed in 1927 has been used as a three-family residence since before the Zoning Ordinance was enacted. Further, New York State courts have repeatedly found that Zoning Boards of Appeal and Building Inspectors should not overturn prior decisions that property owners have come to rely on. In Golia v Srinivasan, the court affirmed the Board of Standards and Appeals' decision to reinstate a building permit after finding the initial permit was valid when issued and therefore gave the property owner a "vested right to construct his home in reliance on the validity of the permit. 95 AD3d 628, 629-30, 945 N.Y.S.2d 11, 15 (2d Dep't 2011). In Kennedy v. Zoning Board of Appeals of the Town of North Salem, the court found that a new Building Inspector could not, ten years later find that the property owner's use of the property violated a local ordinance after the previous Building Inspector found that the use did comply. Accordingly, the court affirmed the Zoning Board of Appeals' decision that the use constituted a lawful nonconforming use. 105 A.D.2d 629, 631, 613 N.Y.S.2d 264, 265-66 (2d Dep't 1994). In Kinderhook Equities Inc. v Simonsmeier, the court found that the respondent Inspector and Zoning Enforcement Officer's determination that the subject property violated the Village Code was not rational or supported by substantial evidence where Simonsmeier was aware of how the property was constructed and being used previously, having issued its permanent certificate of occupancy. 267 A.D.2d 547, 549-50, 699 N.Y.S.2d 199, 201 (3d Dep't 1999). Similarly, in Village Green Condo. Corp. v. Nardecchia, the court found that a Building Inspector could not deny an application for a Certificate of Occupancy where the prior Building Inspector had already issued a Building Permit and the precise matter at issue had previously been raised at an administrative hearing where municipal officials were present and no opposition was offered, and the interpretation of the prior Building Inspector was rational and not clearly incorrect. 85 A.D.2d 692, 693, 445 N.Y.S.2d 494, 495 (2d Dep't 1981).

Here, as the Property has been issued violations through the years before now, but never for an allegedly illegal third dwelling unit, the Board should not affirm Mr. Miley's conjectural decision to completely ignore the substantial evidence in the Village's file and overturn Mr. Cassidy's determination without any new or more concrete evidence then what Mr. Cassidy reviewed in 2009. The same 1931 Application that Mr. Miley relies upon was in the file in when Mr. Cassidy made his determination. It did not serve as a basis for the issuance of a violation then or since and should not be considered the basis of a violation now. Mr. Miley has not demonstrated that Mr. Cassidy's findings were irrational. Significantly, the Property has been inspected by a succession of Building Inspectors through the decades and received numerous permits, and some Notices of Violations, but this is the first and only time it has received a Notice of Violation for the building being a three family residence rather than a two family residence. Accordingly, this Board should recognize the Applicant's reliance on previous permits and Notices of Violation and Mr. Cassidy's letter and find that the Applicant's use of the subject building is a lawful nonconforming use.

# Hollis Laidlaw & Simon

On the basis of the foregoing, we request that you place this application on your agenda for your Board's September 15, 2020 meeting and that the interpretation requested be granted. We look forward to discussing the merits of the application with your Board in further detail at that time.

Respectfully Submitted,

P. Daniel Hollis, III

Enclosure

Robert Pierce, Esq. Village Prosecutor



#### VILLAGE/TOWN OF MOUNT KISCO

#### WESTCHESTER COUNTY, NEW YORK 104 Main Street Mount Kisco, New York 10549

Telephone (914) 241-0500

June 29, 2009

TO FILE

Re:

85 West Hyatt Avenue

80.32-2-7.1

A review of Village records indicates that the above captioned legal non-conforming three-family residence was built circa 1927. This original building predates the 1929 origin of local zoning regulations. A Certificate of Occupancy is therefore not required for the original building.

This property is located in the RT-6 zone, One and Two Family Residence District.

Sincerely,

Austin F. Cassidy

**Building Inspector** 

AFC/jmt

U.S. Postal Service BCERTIFIED MAIL RECEIPT
(Domestic Mail Only: No Insurance Coverage Provided)

For delivery Information visit our website at www.ueps.com.a

Postage S
Certified Fee Postage S
Certified Fee Postage S
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Size to Lisa Abzun
Sireet Api. No.:
or PO Box No.: 145 Cropen Ave.
City, State, 21P+2
City, State, 21P+2
M. Wisco, NY 10S49
PS Form 3800, August 2005
See Reverse for Instructions



### Village/Town of Mt. Kisco **Code Enforcement Office** 104 Main Street Mt. Kisco NY 10549 (914)-864-0019

### NOTICE OF VIOLATION ORDER TO REMEDY

Complaint #: 2019-1107

Notice Date:

1/31/2019

Comply Date:

3/02/2019

Sec/Blk/Lot: 80.32-2-7.1

Certified Mail # 7013 2630 0000 7351 5878

Owner: Lisa Abzun

Mailing Address: 145 Croton Avenue

Mount Kisco NY 10549

Site Address: 85 W Hyatt Avenue Mt Kisco, New York 10549 Occupancy/Use: 3 Unit Residential

On 1/30/2019 a lawful inspection was conducted of the above referenced premises and the following violation(s) of the Village/ Town of Mount Kisco and 2016 Uniform Code was observed:

### ORDINANCE CODE

2015 International Property Maintenance Code 404.5 - Overcrowding

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

### **TABLE 404.5** MINIMUM AREA REQUIREMENTS

### SPACE MINIMUM AREA IN SQUARE FEET

1-2 occupants

3-5 occupants

6 or more occupants

Living room a, b

120

120

150

Dining room a, b No requirement

80

100

Bedrooms Shall comply with Section 404.4.1

For SI: 1 square foot = 0.0929 m2.

See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

TO WIT: Living room has been turned into a bedroom.

REMEDY: "Apply for and obtain all required building, plumbing, and/or electrical, permits necessary to bring dwelling unit into compliance with the code, complete all work, and supply appropriate Certificate of Occupancy / Certificate of Completion; or,

"Reduce number of occupants in accordance with the code.

### **ORDINANCE CODE**

### 2015 International Fire Code 605.1 - Abatement of electrical hazards

Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

TO WIT: GFI in apt. #1 kitchen not working properly

REMEDY: Immediately remove all hazardous electrical installations; and,

Furnish and/or obtain all required building, and/or electrical, permits necessary to bring electrical system into compliance with the code, complete all work, and supply appropriate Certificate of Occupancy and/or Electrical Underwriters Certificate of Inspection in accordance with the code.

### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.3 - Building Permits.

No person or entity shall commence, perform or continue any work that must conform with the Uniform Code and/or the Energy Code unless:

- 1. such person or entity has applied to the Authority Having Jurisdiction for a Building Permit;
- 2. the Authority Having Jurisdiction has issued a Building Permit authorizing such work,
- 3. such permit has not been revoked or suspended, and
- 4. such permit has not expired.

**TO WIT:** According to the Building Department records there is no Building Permit for the conversion from a 2 family to a 3 family residence.

**REMEDY:** Remove and restore the building to its original design or apply for and obtain the necessary approvals. Building permits are required for all improvements that require compliance with the code.

### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.5 - Construction Inspections.

Any person or entity performing work for which a Building Permit has been issued shall keep work accessible and exposed until the work has been inspected and accepted by the Authority Having Jurisdiction, or its authorized agent, at each element of the construction process that is applicable to the work and specified in the stricter of the Authority Having Jurisdiction s Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program.

**TO WIT:** According to the Building Department records there has been no construction inspections for the conversion from a 2 family to a 3 family residence.

**REMEDY:** Remove and restore the building to its original design or apply for and obtain the necessary approvals. Building permits are required for all improvements that require compliance with the code.

### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.7 - Certificate of Occupancy.

Where the stricter of the Authority Having Jurisdiction s Code Enforcement Program or a Part 1203-Compliant Code Enforcement Program requires a Certificate of Occupancy for permission to use or occupy a building or structure, or any portion thereof, no person or entity shall use or occupy such building or structure, or such portion thereof, unless:

- 1. the Authority Having Jurisdiction has issued such Certificate of Occupancy,
- 2. such Certificate of Occupancy has not been revoked or suspended, and
- 3. in the case of a temporary Certificate of Occupancy, such temporary Certificate of Occupancy has not expired.

TO WIT: According to the Building Department records there is no Certification of Occupancy for a 3 family residence.

**REMEDY:** Apply for and obtain the required permit and or approval for the work that has been constructed. File for the required certificate of occupancy.

### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.7.2 - Change of use or occupancy.

Without regard to whether a Certificate of Occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a Building Permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a Certificate of Occupancy from the Authority Having Jurisdiction.

**TO WIT:** According to the Building Department records no Change of Use Permit has been issued for the conversion from a 2 family to a 3 family residence.

**REMEDY:** Apply for and obtain the required permit and or approval for the change of use or occupancy that is required by the code.

NOTICE: Full compliance with this order to remedy is required by 3/01/2019 which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. You are hereby notified that you have (30) calendar days to remove/ restore and make safe the above noted violations in the prescribed manner and/ or to provide evidence that the apparent unlawful improvements were completed in accordance with the Code. Further, you are hereby directed to bring the referenced violations into compliance and arrange for a re-inspection within the aforementioned time frame. Failure to comply will result in alternative action as prescribed by Law in order to gain compliance including, but not limited to: a summons to appear in court. Please be advised that any person(s), corporation partnership, association or other legal entity found guilty of violations to the Code of the Village/Town of Mount Kisco Article III Section 1-17 - 1- 21 and each day the violation exists shall constitutes a separate and distinct violation.

Respectfully,

HENRY SENNO

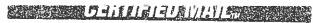
A-91

Fire Inspector

THIS NOTICE MUST BE ATTACHED TO ANY PERMIT APPLICATIONS INTENDED TO CORRECT THE VIOLATIONS ENUMERATED HERIN.

OWN OF MOUNT KISCO 104 Main Street Kisco, New York 10549

26089877306824





7013 2630 0000 7351 5878



0000355642 DAN N

Lisa Abzun

145 Croton Avenue

Mount Kisco, New York 10549

6954/82/19

RETURN TO SEMORE JUCLATION JUCLATION OF SEWARD

BC: 185A923a999

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> </ul>	A. Signature	☐ Agent ☐ Addresse					
Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name)	C. Date of Delive					
. Article Addressed to:	D. Is delivery address different from						
Lisa Abzun	If YES, enter delivery address	below: 🔲 No					
145 Croton Avenue							
Mount Kisco, New York 10549							
9590 9402 3300 7196 4386 13  2. Article Number (Transfer from service label) 7013 2630 0000 7351 5878	3. Service Type  Adult Signature Certified Mail® Certified Mail Restricted Delivery Collect on Delivery Collect on Delivery Insured Mail Insured Mail	□ Priority Mail Express® □ Registered Mail™ □ Registered Mail Restricted Mail Restricted Pelivery □ Return Receipt for Merchandise □ Signature Confirmation □ Signature Confirmation Restricted Delivery					

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	PS Form 3800, August 2	006	See Reverse for Instructions



### Village/Town of Mt. Kisco Code Enforcement Office 104 Main Street Mt. Kisco NY 10549 (914)-864-0019

### NOTICE OF VIOLATION ORDER TO REMEDY

Complaint #: 2019-1108

Notice Date:

1/31/2019

Comply Date: 3/02/

3/02/2019

Sec/Blk/Lot: 80.32-2-7.1

Certified Mail # 7013 2630 0000 7351 5885

**PECIDINIZOL.** 00.32-2-7.1

Owner: Lisa Abzun

Mailing Address: 145 Croton Avenue

Mount Kisco NY 10549

Site Address: 85 W Hyatt Avenue Mt Kisco, New York 10549 Occupancy/Use: 3 Unit Residential

On 1/30/2019 a lawful inspection was conducted of the above referenced premises and the following violation(s) of the Village/ Town of Mount Kisco and 2016 Uniform Code was observed:

### **ORDINANCE CODE**

Code of Village/ Town of Mount Kisco 110-37 - Building Permits

No building in any district shall be erected, reconstructed or restored or structurally altered without a building permit.

TO WIT: According to to Building Department records there is no Building Permit for the conversion from a 2 family to a 3 family residence.

**REMEDY:** Apply for the required permits.

### **ORDINANCE CODE**

### Code of Village/ Town of Mount Kisco 110-38 A - Change of use permits

Notwithstanding the provisions of 110-45 requiring site plan approval for all uses other than one- and two- family residences, where no physical alteration to the approved site development plan is proposed, a property owner or his duly authorized agent may apply for a change of use permit, as such term is defined in 110-59 authorizing a change from one permitted use to another permitted use. Upon a written recommendation by the Building Inspector that such proposal, whether constituting a change in use classification or intensity of use of the premises, will not adversely affect the existing characteristics of the site in terms of traffic, traffic safety, pedestrian and vehicular access, parking, loading, deliveries, circulation, hours of operation, fire protection, noise, drainage, utilities, lighting, security or other Village services and will not, in any other way, result in a deleterious impact upon the character or environment of the surrounding area, the Planning Board Chairman may, in his or her discretionary review of compliance with the above standards, waive review by the Planning Board. In such event, an appropriate notation shall be made to the approved site plan of record by the Planning Board Chairman (with a copy of the plans/application being appended) whereupon the Building Inspector shall be authorized to issue permits and certificates as otherwise authorized by the Code. If such written finding is not made by the Building Inspector or if such waiver is not authorized by the Planning Board Chairman, then the application shall be referred to the Planning Board for a change of use permit and/or site plan amendment as provided in Subsection H below.

TO WIT: According to the Building Department records no Change of Use Permit has been issued for the conversion from a 2 family to a 3 family residence.

REMEDY: Apply for and obtain the required permit or remove the unlawful use.

### ORDINANCE CODE

Code of Village/ Town of Mount Kisco 110-39 A (1) - Certificates of Occupancy

A. The following shall be unlawful until a certificate of occupancy has been applied for and issued by the Building Inspector:

(1) Occupancy and use of a building or any portion of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building.

TO WIT: According to the Building Department records there is no Certification of Occupancy for a 3 family residence.

REMEDY: Apply for the required approvals and permit and or approvals.

NOTICE: Full compliance with this order to remedy is required by 3/01/2019 which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. You are hereby notified that you have (30) calendar days to remove/ restore and make safe the above noted violations in the prescribed manner and/ or to provide evidence that the apparent unlawful improvements were completed in accordance with the Code. Further, you are hereby directed to bring the referenced violations into compliance and arrange for a re-inspection within the aforementioned time frame. Failure to comply will result in alternative action as prescribed by Law in order to gain compliance including, but not limited to: a summons to appear in court. Please be advised that any person(s), corporation partnership, association or other legal entity found guilty of violations to the Code of the Village/Town of Mount Kisco Article III Section 1-17 - 1- 21 and each day the violation exists shall constitutes a separate and distinct violation.

Respectfully,

HENRY SENNO

A 91

Fire Inspector

THIS NOTICE MUST BE ATTACHED TO ANY PERMIT APPLICATIONS INTENDED TO CORRECT THE VIOLATIONS ENUMERATED HERIN.

VILLAGE/TOWN OF MOUNT KISCO 104 Main Street Mount Kisco, New York 10549







7013 2630 0000 7351 5885

Lisa Abzun 145 Croton Avenue

Mount Kisco. New York 10549

RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
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Print your name and address on the reverse so that we can return the card to you.	x	☐ Agent ☐ Addressee
Attach this card to the back of the mailpiece, or on the front if space permits.	B. Received by (Printed Name)	C. Date of Delivery
Article Addressed to:	D. Is delivery address different from	n item 12 D Yes
Lisa Abzun	If YES, enter delivery address	below: No
145 Croton Avenue		
Mount Kisco, New York 10549		
 	3. Service Type	☐ Priority Mall Express®
	☐ Adult Signature ☐ Adult Signature Restricted Delivery	☐ Registered Mall™
9590 9402 3300 7196 4388 80	☐ Certified Mail® ☐ Certified Mail Restricted Delivery ☐ Collect on Delivery	☐ Registered Mall Restricted Delivery ☐ Return Receipt for Merchandise
2. Article Number (Transfer from service label) 7013 2630 0000 7351 5885	Collect on Delivery Restricted Delivery Insured Mail Insured Mail Restricted Delivery (over \$500)	☐ Signature Confirmation ☐ Signature Confirmation Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	7000	



Village/Town of Mt. Kisco **Code Enforcement Office** 104 Main Street Mt. Kisco NY 10549 (914)-864-0019

### NOTICE OF VIOLATION **ORDER TO REMEDY**

Complaint #: 2019-1107

Notice Date: 4/4/2019

Comply Date: 5/04/2019

Sec/Blk/Lot: 80.32-2-7.1

Certified Mail # 7013 2630 0000 7352 0612

Owner: Lisa Abzun

Mailing Address: 145 Croton Avenue

Mount Kisco NY 10549

Site Address: 85 W Hyatt Avenue

Mt Kisco, New York 10549 Occupancy/Use: 3 Unit Residential

On 1/30/2019 a lawful inspection was conducted of the above referenced premises and the following violation(s) of the Village/ Town of Mount Kisco and 2016 Uniform Code was observed:

### **ORDINANCE CODE**

2015 International Property Maintenance Code 404.5 - Overcrowding

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5.

### **TABLE 404.5** MINIMUM AREA REQUIREMENTS

### SPACE MINIMUM AREA IN SQUARE FEET

1-2 occupants

3-5 occupants

6 or more occupants

Living room a, b

120

120

150

Dining room a, b No requirement

80

100

Bedrooms Shall comply with Section 404.4.1

For SI: 1 square foot = 0.0929 m2.

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

TO WIT: Living room has been turned into a bedroom.

REMEDY: "Apply for and obtain all required building, plumbing, and/or electrical, permits necessary to bring dwelling unit into compliance with the code, complete all work, and supply appropriate Certificate of Occupancy / Certificate of Completion; or.

"Reduce number of occupants in accordance with the code.

### ORDINANCE CODE

### 2015 International Fire Code 605.1 - Abatement of electrical hazards

Identified electrical hazards shall be abated. Identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the responsible code official. Electrical wiring, devices, appliances and other equipment that is modified or damaged and constitutes an electrical shock or fire hazard shall not be used.

TO WIT: GFI in apt. #1 kitchen not working properly

REMEDY: Immediately remove all hazardous electrical installations; and,

Furnish and/or obtain all required building, and/or electrical, permits necessary to bring electrical system into compliance with the code, complete all work, and supply appropriate Certificate of Occupancy and/or Electrical Underwriters Certificate of Inspection in accordance with the code.

### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.3 - Building Permits.

No person or entity shall commence, perform or continue any work that must conform with the Uniform Code and/or the Energy Code unless:

- 1. such person or entity has applied to the Authority Having Jurisdiction for a Building Permit;
- 2. the Authority Having Jurisdiction has issued a Building Permit authorizing such work,
- 3. such permit has not been revoked or suspended, and
- 4. such permit has not expired.

TO WIT: According to the Building Department records there is no Building Permit for the conversion from a 2 family to a 3 family residence.

**REMEDY:** Remove and restore the building to its original design or apply for and obtain the necessary approvals. Building permits are required for all improvements that require compliance with the code.

### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.5 - Construction Inspections.

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### **ORDINANCE CODE**

NYS 2017 Uniform Code Supplement 108.7 - Certificate of Occupancy.

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- 2. such Certificate of Occupancy has not been revoked or suspended, and
- 3. in the case of a temporary Certificate of Occupancy, such temporary Certificate of Occupancy has not expired.

TO WIT: According to the Building Department records there is no Certification of Occupancy for a 3 family residence.

**REMEDY:** Apply for and obtain the required permit and or approval for the work that has been constructed. File for the required certificate of occupancy.

### ORDINANCE CODE

NYS 2017 Uniform Code Supplement 108.7.2 - Change of use or occupancy.

Without regard to whether a Certificate of Occupancy shall have been issued, no person or entity shall convert the use or occupancy of a building or structure, or any portion thereof, from one use or occupancy to another without first obtaining a Building Permit to perform the work, if any, required for such conversion; performing such work, if any; and obtaining a Certificate of Occupancy from the Authority Having Jurisdiction.

**TO WIT:** According to the Building Department records no Change of Use Permit has been issued for the conversion from a 2 family to a 3 family residence.

**REMEDY:** Apply for and obtain the required permit and or approval for the change of use or occupancy that is required by the code.

NOTICE: Full compliance with this order to remedy is required by 5/04/2019 which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. You are hereby notified that you have (30) calendar days to remove/ restore and make safe the above noted violations in the prescribed manner and/ or to provide evidence that the apparent unlawful improvements were completed in accordance with the Code. Further, you are hereby directed to bring the referenced violations into compliance and arrange for a re-inspection within the aforementioned time frame. Failure to comply will result in alternative action as prescribed by Law in order to gain compliance including, but not limited to: a summons to appear in court. Please be advised that any person(s), corporation partnership, association or other legal entity found guilty of violations to the Code of the Village/Town of Mount Kisco Article III Section 1-17 - 1- 21 and each day the violation exists shall constitutes a separate and distinct violation.

Respectfully,

HENRY SENNO Fire Inspector

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
Complete items 1, 2, and 3.  Print your name and address on the reverse so that we can return the card to you! I have a so that we can return the back of the mailpiece, or on the front if space permits.  Article Addressed to:  Lisa Abzun  145 Croton Avenue	A. Signature  B. Received by Printed Name)  D. Is delivery address different from If YES, enter delivery address	Agent Addressee C. Date of Delivery  n item 1? Yes below: No
Mount Kisco, New York 10549		
9590 9402 3300 7196 4380 88	3. Service Type  Adult Signature  Adult Signature Restricted Delivery Certified Mail® Certified Mall Restricted Delivery Collect on Delivery	☐ Priority Mail Express® ☐ Registered Mail <sup>™</sup> ☐ Registered Mail Restricted Delivery ☐ Return Receipt for Merchandise
2. Article Number (Transfer from service lebel) 7013 2630 0000 7352 0612	☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery (over \$500)	Signature Confirmation™     Signature Confirmation     Restricted Delivery
PS Form 3811, July 2015 PSN 7530-02-000-9053	. D	omestic Return Receipt

USPS TRACKING#

First-Class Mail Postage & Fees Paid USPS Permit No. G-10

United States Postal Service

Sender: Please print your name, address, and ZIP-45 in this box-Village/Town of Mount Kisco
Attn: Code Enforcement/Bldg Dept
104 Main Street
Mount Kisco, NY 10549

35 W HOST Me-RETSSES FAIRS FST. (IT 145 - #2019-1107 - (80.32-2-7.1)

U.S. Postal Service<sub>TM</sub>
CERTIFIED MAIL<sub>TM</sub> RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided) 0605 For delivery information visit our website at www.usps.com 7352 Postago Certified Fee 0000 Return Receipt Fee (Endorsement Required) Here Restricted Delivery Fee (Endorsement Required) 2630 Total Postage & Fees \$ Sent To 7013 Street, Apt. No.; or PO Box No. City, State, ZIP+4



Village/Town of Mt. Kisco **Code Enforcement Office** 104 Main Street Mt. Kisco NY 10549 (914)-864-0019

### NOTICE OF VIOLATION ORDER TO REMEDY

Complaint #: 2019-1108

Notice Date: 4/4/2019

Comply Date: 5/04/2019

Sec/Blk/Lot: 80.32-2-7.1

Certified Mail # 7013 2630 0000 7352 0605

Owner: Lisa Abzun

Mailing Address: 145 Croton Avenue

Mount Kisco NY 10549

Site Address: 85 W Hyatt Avenue

Mt Kisco, New York 10549 Occupancy/Use: 3 Unit Residential

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TO WIT: According to to Building Department records there is no Building Permit for the conversion from a 2 family to a 3

family residence.

REMEDY: Apply for the required permits.

### ORDINANCE CODE

### Code of Village/ Town of Mount Kisco 110-38 A - Change of use permits

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TO WIT: According to the Building Department records no Change of Use Permit has been issued for the conversion from a 2 family to a 3 family residence.

REMEDY: Apply for and obtain the required permit or remove the unlawful use.

### **ORDINANCE CODE**

Code of Village/ Town of Mount Kisco 110-39 A (1) - Certificates of Occupancy

A. The following shall be unlawful until a certificate of occupancy has been applied for and issued by the Building Inspector:

(1) Occupancy and use of a building or any portion of a building erected, reconstructed, restored, altered or moved or any change in use of an existing building.

TO WIT: According to the Building Department records there is no Certification of Occupancy for a 3 family residence.

REMEDY: Apply for the required approvals and permit and or approvals.

NOTICE: Full compliance with this order to remedy is required by 5/04/2019 which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both. You are hereby notified that you have (30) calendar days to remove/ restore and make safe the above noted violations in the prescribed manner and/ or to provide evidence that the apparent unlawful improvements were completed in accordance with the Code. Further, you are hereby directed to bring the referenced violations into compliance and arrange for a re-inspection within the aforementioned time frame. Failure to comply will result in alternative action as prescribed by Law in order to gain compliance including, but not limited to: a summons to appear in court. Please be advised that any person(s), corporation partnership, association or other legal entity found guilty of violations to the Code of the Village/Town of Mount Kisco Article III Section 1-17 - 1- 21 and each day the violation exists shall constitutes a separate and distinct violation.

Respectfully,

HENRY SENNO

In al

Fire Inspector

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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON	DELIVERY
Complete items 1, 2, and 3.  Print your name and address on the reverse so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Lisa Abzun 145 Croton Avenue Mount Kisco, New York 10549	A. Signature     B. Received by (Printed Name)     D. Is delivery address different from If YES, enter delivery address	
9590 9402 3300 7196 4379 68	3. Service Type ☐ Adult Signature ☐ Adult Signature Restricted Delivery ☐ Certified Mail® ☐ Certified Mail Restricted Delivery	Priority Mail Expr Registered Mail Th Registered Mail F Delivery Return Receipt for
2. Article Number (Transfer from service label) 7013 2630 0000 7352 0605	☐ Collect on Delivery ☐ Collect on Delivery Restricted Delivery ☐ Insured Mail ☐ Insured Mail Restricted Delivery	Merchandise  Signature Confirm Restricted Deliver

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Re

USPS TRACKING#





First-Class Mail Postage & Fees Pa USPS Permit No. G-10

9590 9402 3300 7196 4379 68

United States Postal Service Sender: Please print your name, address, and ZIP+4® in this box® Village/Town of Mount Kisco
 Attn: Code Enforcement/Bldg Dept
 104 Main Street
 Mount Kisco, NY 10549

85 W Hat Are-Re-Iswed FSI Zowng NOV

### LISA C. ABZUN 145 GROTON AVENUE MOUNT KISCO, NEW YORK 10549

914 420-6826 (c)

Harold Boxer, Chairperson Zoning Board of Appeals Village/Town of Mount Kisco 104 Main Street Mount Kisco, New York 10549

June 20, 2019

RE: Determination of Denial 85 West Hyatt Avenue Mount Kisco, New York 80.32-2-7.1

Dear Chairperson Boxer,

On May 15, 2019 I met with Peter Miley, Building Inspector of the Village/Town of Mount Kisco, to discuss the Notice of Violation and Order to Remedy issued related to the above captioned property; more particularly the inference that current use of the premises as a three-family residence is outside the permitted use code for the zone in which the building is located.

I discussed my knowledge of the property and the building, including its invariable use as a three-family residence from long before the time I took title. Mr. Miley and I looked through the department's file for the premises, including a letter dated June 29, 2009 from the Village/Town of Mount Kisco Building Inspector at the time, indicating that the premises was deemed to be a legal pre-existing, non-conforming use (three family). There was no building permit or certificate of occupancy found in the file, but it was suggested that the building was constructed circa 1927. The information in the file suggests that the premises was utilized as a three-family residence commencing approximately 1954.

Despite the aforementioned letter and other information discussed, Mr. Miley denied my request to recognize the premises as a legal pre-existing non-conforming use on May 15, 2019.

I object to the determination and hereby appeal Mr. Miley's denial. I respectfully request that the Zoning Board of Appeals take up the matter for review.

Sincerely yours,

Lisa C. Abzun, Owner

P AND D. RECEIVED

## VILLAGE OF MOUNT KISCO WESTCHESTER COUNTY, NEW YORK Plumbing and Drainage Applic

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STATE OF NEW YORK	lee.
COUNTY OF WESTCHESTER	] 35.
being duly sworn, deposes and duly authorized as representa scribed to make application	tive
amendments thereto in said	

	TYPEWRITE OR PRINT NAME OF APPLICANT
duly authorized as representative of the o	he is the person named as applicant in this application; that he is owner or lessee of the land and property herein mentioned and deoperform the work herein described and shown on detail plans and
amendments thereto in said to the best of his knowledge and belief.	's behalf and that the statements contained herein are true
Yer and the second seco	SIGNATURE OF APPLICANT
Sworn to before me this	
day of 19	9]
	Oct 28 193,

This application for permit to perform the proposed work as herein described and as shown on the approved plans is hereby APPROVED. Approval does not constitute a permit.

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### VILLAGE OF MOUNT KISCO WESTCHESTER COUNTY NEW YORK

NOTICE OF VIOLATION Certified Mail #233892

April 24, 1968

Pasquale & Filomena Pirozzi 27 Boltis Street Mount Kisco, New York 10549

Re: 85 Hyatt Avenue a/k/a Section 11, Lot 4-5

Dear Mr. & Mrs. Pirozzi:

An inspection of the above described premises was made on April 24, 1968. You are hereby notified that the building is in violation of the following provisions of the New York State Multiple Residence Law:

Section 26 Egress From Dwelling:

Section 30 Cellar Ceilings:

Section 30 Cellar Ceilings:

Section 30 Section 30 Cellar Ceilings:

Section 30 Section 30

Sheet Rock or Wire Lath and Plaster or Approved Paint.

Section 31 Inside Cellar Stairs: Partition off - Fire Retard and install Fire Retarded Self-Closing Door.

Section 40 Repairs And Cleanliness Correct Gas Leak in 3rd Apartment (Bath Room).

You are hereby notified that the law requires these conditions to be corrected within thirty days of receipt of this letter. A reinspection of the above premises will be made on or about May 30, 1968.

Be advised that should the reinspection fail to show substantial compliance, the Village must institute legal proceedings.

### VILLAGE OF MOUNT KISCO WESTCHESTER COUNTY NEW YORK

- 2 -

Pasquale & Filomena Pirozzi

If there are any questions, please feel free to call Mr. Veenstra at 666-5132, ext. 3.

Very truly yours, J. ROBERT DOLAN Village Manager

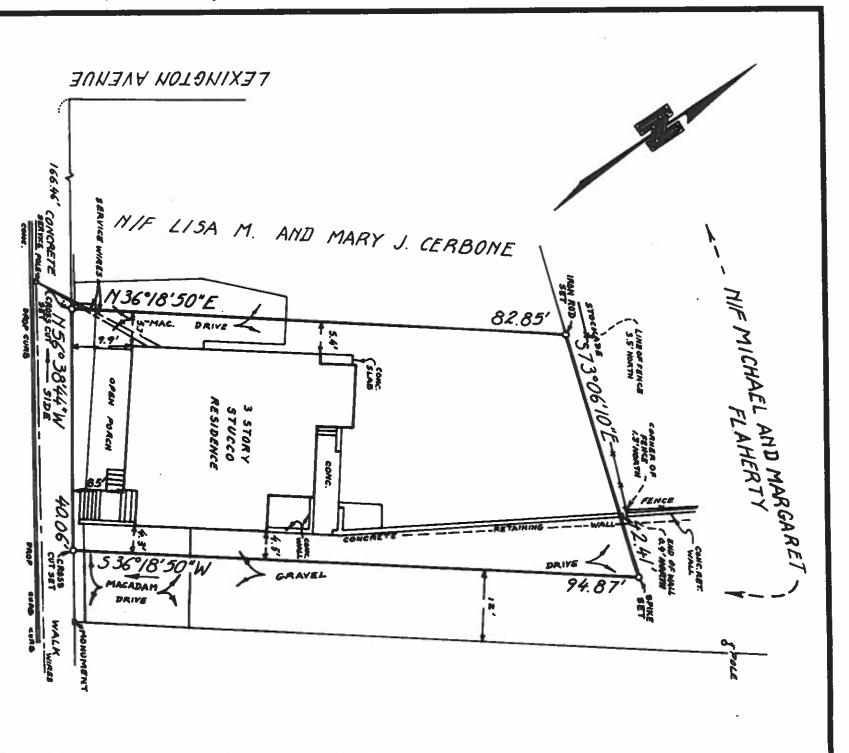
BV

Conrad Veenstra Housing Inspector

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encs. 4

Violation Laws - 3 Pages Minimum Standards for Fire Escape Construction - 1 Page Fire Retardant Paint Specifications - 1 Page 139231



### SURVEY PREPARED FOR OF PROPERTY

# LISA C. ABZUN

Situate in the

AND TOWN OF MOUNT KISCO COUNTY, NEW YORK

Scale: 1"= 16"

Possession only where indicated

field October 16, 1992 and map prepared: August 27, 1992

New York State Licensed Surveyor No. 38804

Guaranteed to:

In accordance with the existing Code of Practice for Land Surveys as adopted by The New York State Association of Professional Land Sur-

ation of underground improvements or encroach-hereon, it any exist, ore not certified or shown. redioner addition to a survey map bearing a present's sealis a richation of Section 1209, the Iyew Fack State Education Law. I valid for this map and copies thereof only if said the impressed seal of the surveyor whose signature

0.081 ACRES

HYATT AVENUE

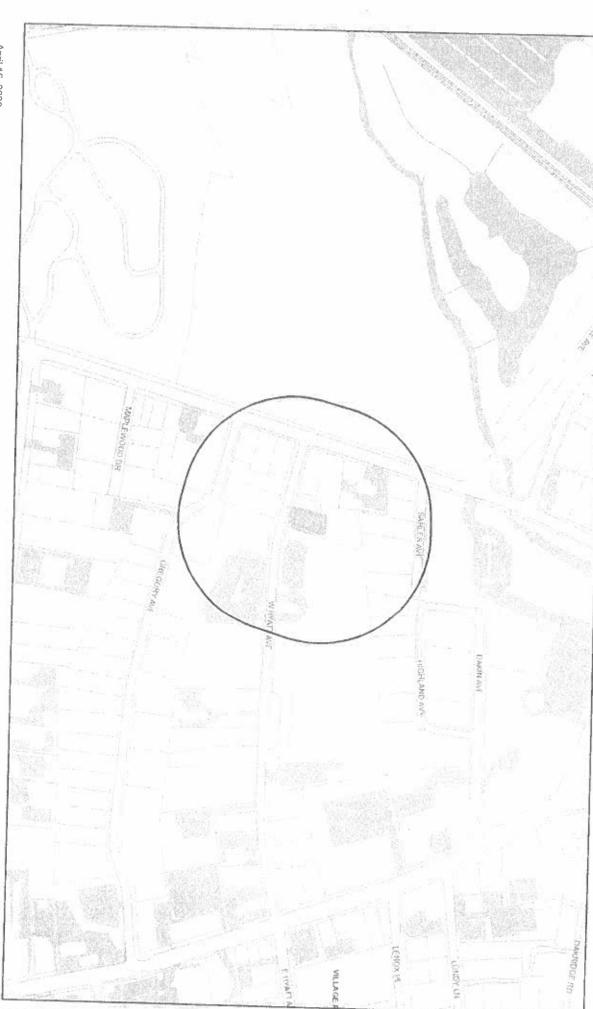
42 SMITH AVE. P.O. BOX 93

H. STANLEY JOHNSON AND COMPANY LAND SURVEYORS, P.C.

914-241-3872

MT. KISCO, N.Y.

JOB NO. 192-010.B



April 16, 2020

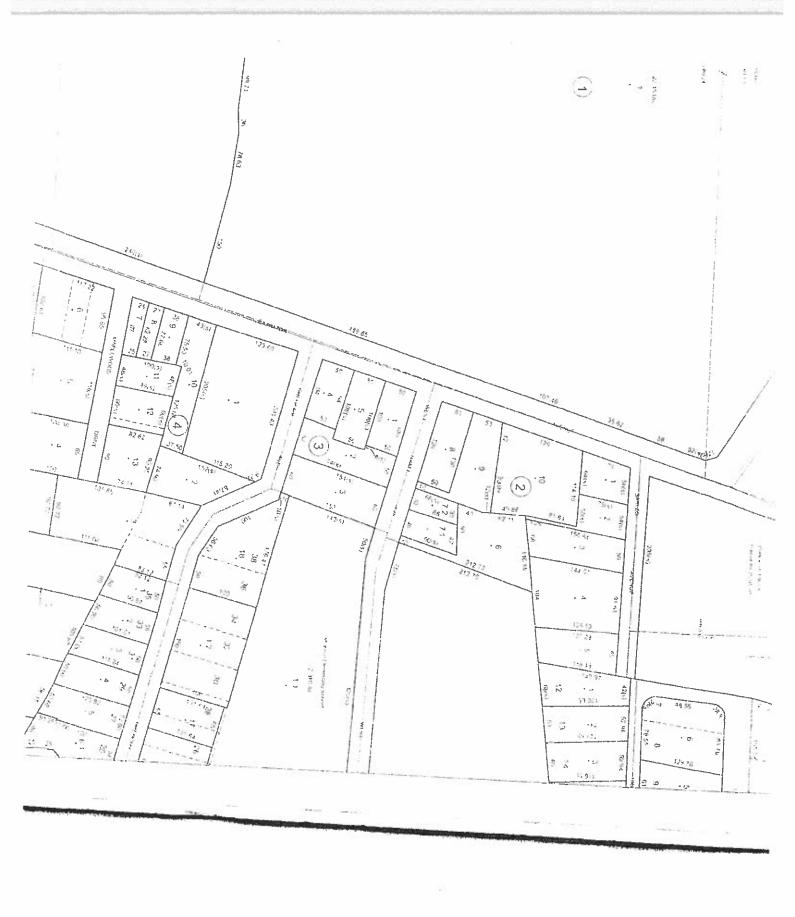
Tax parcel data was provided by local municipality. This map is generated as a public service to Westchesler County residents for general information and planning purposes only, and should not be relied upon as a sole informational source. The County of Westchester hereby disclasims any itability from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





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Alto-Agistwww.westchesslergov.com Michaelian Office Bullding 148 Martino Avenue Rm 214 White Plains, New York 10601



OWNERNAME	PROPADDRESS	PROPCITY	PROPZI	PROPZII PROPPRINTKE PROPSBL	PROPSBL	Mailing Address If Different then Property Address	City/Town	State	State Zip Code
Cambareri Antonio - Carmela Cambareri Abzun, Lisa C	177 Lexington Ave 85 W Hyatt Ave	MT KISCO MT KISCO	10549	80,32-3-4	8.0032E+18 8.0032E+18	16 Lawrence St	Mt. Kisco	ž	10549
Fedele, LLC	4 Sarles Ave.	MT KISCO	10549	80.32-2-5	8.0032E+18	26 Primrose Lan	Katonah	Ž	10536
S&Y Property Management LLC	113-115 Gregory Ave MT	MT KISCO	10549	80.32-3-2	8.0032E+18				
S&Y Property Management LLC	88 W Hyatt Ave	MT KISCO	10549	80.32-3-3	8.0032E+18	115 Gregory Ave	Mt. Kisco	¥	10549
Asaro Properties LLC	169 Lexington Ave	MT KISCO	10549	80.32-3-1	8.0032E+18	115 Gregory Ave	Mt. Kisco	ž	10549
Bedford Central S.D.	Gregory Ave	MT KISCO	10549	80.33-6-1.2	8.0033E+18	Attn: Mark Betz	Mt. Kisco	ž	10549
		MT KISCO				Fox Lane Campus			
Bedford Central S.D.	W Hyatt Ave	MT KISCO	10549	80.33-6-1.1	8.0033E+18	Attn: Mark Betz	Mt. Kisco	ž	10549
		MT KISCO				Fox Lane Campus			
Bagnato Holding Co Inc	189 Lexington Ave	MT KISCO	10549	80.32-4-1	8.0032E+18	Edwuard Bagnuto			
		MT KISCO				18 Overlook Rd	Norwalk	ct	6851
159 Lexington Avenue, LLC	159 Lexington Ave	MT KISCO	10549	80.32-2-9	8.0032E+18	16 Lawrence St	Mt. Kisco	Ϋ́	10549
Abzun, Lisa C	89 W Hyatt Ave	MT KISCO	10549	80.32-2-7.2	8.0032E+18	145 Croton Ave	Mt. Kisco	Ϋ́	10549
Cambareri, Pat	22 Sarles Ave.	MT KISCO	10549	80.32-2-2	8.0032E+18	5 Chestnut Ridge Rd	Mt. Kisco	ž	10549
West Hyatt Management LLC	83 W Hyatt Ave	MT KISCO	10549	80.32-2-6	8.0032E+18	Po Box 838	Mt. Kisco	×	10549
Cambareri, Pat	143 Lexington Ave	MT KISCO	10549	80.32-2-1	8.0032E+18	5 Chestnut Ridge Rd	Mt. Kisco	ž	10549
Foran, Timothy M	52 Highland Ave	MT KISCO	10549	80.33-1-2	8.0033E+18				
DePalDe Sarles Corp	14 Sarles Ave.	MT KISCO	10549	80.32-2-4	8.0032E+18	23 StoneHouse Rd	Somers	Ž	10589
151-155 Lexington Ave., LLC	147 Lexington Ave	MT KISCO	10549	80.32-2-10	8.0032E+18	16 Lawrence St	Mt. Kisco	Ž	10549
Asaro Properties LLC	173 Lexington Ave	MT KISCO	10549	80.32-3-5	8.0032E+18	115 Gregory Ave	Mt. Kisco	λ	10549
Bermeo Claudio	100 Gregory Ave	MT KISCO	10549	80.32-4-2	8.0032E+18				
583 Locust Ave LLC	56 Highland Ave	MT KISCO	10549	80.33-1-1	8.0033E+18	c/o Salkin			
		MT KISCO				30 Sunrise Drive	Armonk	¥	10504
163 Lexington Avenue, LLC	163 Lexington Ave	MT KISCO	10549	80.32-2-8	8.0032E+18				
Bronzino, Nancy	16 Sarles Ave.	MT KISCO	10549	80.32-2-3	8.0032E+18				
Batista, Sebastiao - Maria A Batista	93 Gregory Ave	MT KISCO	10549	80.33-6-18	8.0033E+18				
Bedford Central S.D.	W Hyatt Ave	MT KISCO	10549	80.33-1-19	8.0033E+18	PO Box 180	Mt. Kisco	¥	10549
						Fox Lane Campus			

### PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15<sup>th</sup> day of September, 2020, at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the appeal of Lisa Abzun, of 145 Croton Avenue, Mount Kisco, New York 10549, from the decision of Peter J. Miley, Building Inspector, dated May 14, 2019 prohibiting the use of the property as a three-family residence. The property involved is known as 85 W. Hyatt Avenue, Mount Kisco, New York 10549 and described on the Village Tax Map as Section 80.32 Block 2 Lot 7.1 and is located on the North side of W. Hyatt Avenue in a RT-6 Zoning District. Said Appeal is being made to obtain a variance from Section 110-11 RT-6 One- and Two-Family Residence District of the Code of the Village/Town of Mount Kisco, which provides that only one- and two-family residences may be located in that district.

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



\*S06386350\*

UNEE 8059 PAGE 148 M.Y.B.T.U. Form 2002

Bargain and Sale David, white Commany against Greater's Acres Individual or Commander than the

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

THIS INDENTURE, made the 15th day of December , mineteen hundred and eighty-six

PASQUALE PIROZZI and FILOMENA PIROZZI, his wife, both residing at 23 Boltis Street, Mount Kisco, New York,

party of the first part, and LISA M. CERBONE and MARY J. CERBONE, both residing at 145 Croton Avenue, Mount Kisco, New York, as Tenants-

party of the second part,

WIINESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, sinute, lying and being in the Village/Town of Mount Kisco, County of Westchester, a point on the northerly side of Hyatt Avenue Extension distant Twelve (12) feet westerly from lands of Union Free School District No. 2 of the Towns of Bedford and New Castle; thence running northerly along the westerly line of a right of way along a line parallel with and always Twelve (12) feet distant from lands of said Union Free School District to lands formerly of Frank Truskoski and now or late of Martin Longoski; thence westerly along the southerly line of said land feet to land now or formerly of Elik Elman; thence southerly along said land of Elman to the northerly line of said Hyatt Avenue Extension beginning; thence easterly along the northerly line of said Hyatt Avenue Extension Seventy-five (75) feet westerly from the place of beginning; thence easterly along the northerly line of said Hyatt Avenue Extension Seventy-five feet to the point and place of beginning.

Being the same premises conveyed by Filomena Pirozzi, Carmella Perrone, et. al to the Party of the First Part by Deed dated January 13, 1951 and recorded in the Office of the Clerk of the County of Westchester (Division of Land Record) on February 6, 1951, in Liber 4951, Page

This conveyance is not subject to the lien of any Revolving Credit

The Parties of the First Part are the same persons named as grantees in a Deed recorded in Liber 4951, cp 307.

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 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 any other purpose.

The word "party" shall be construited as if it and the same for the word "party" shall be construited as if it and the same for the word "party" shall be construited as if it and the same for the word "party" shall be construited as if it and the same for the word "party" shall be construited as if it and the same for the word "party" shall be construited as if it and the same for the word "party" shall be construited as if it and the same for the word "party" shall be construited as if it are a same for the word "party" shall be construited as if it are a same for the word "party" shall be construited as if it are a same for the paying the construited as if it are a same for the paying the construited as if it are a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the paying the construited as it is a same for the pay

any other purpose.

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

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

IN PRESENCE OF:

a. Stephen Rosze

Fasquale Pirozzi

Ficamina Pirozzi

Filomena Pirozzi

A 12 82

UBER 8659 PAGE 149 STATE OF NEW YORK, COUNTY OF WESTCHESTER BAL | STATE OF NEW YORK, COUNTY OF On the 15thday of December 19 86, before me On the day of personally came , before me personally came PASQUALE AND FILOMENA PIROZZI to me known to be the individual 8 described in and who to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same. executed the foregoing instrument, and acknowledged that they executed the same. VINCENT T CERBONY Public NOTARY PUBLIC, State of New York No. 60-060/3776 Qualified in Westchester County Commission Expires Merch 30, 1927 STATE OF NEW YORK, COUNTY OF SYATE OF NEW YORK, COUNTY OF On the day of 19 , before me On the personally came day of 19 to me known, who, being by me duly sworn, did depose and personally came 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 resides at No. say that he resides at No. that he is the that he knows in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporational by the section of the se , the corporation described to be the individual according instrument; that he ation; that the seal affixed described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, and that he, said witness, mame as witness thereto. he signed h Bargain and Sale Berb SECTION WITH COVENANT AGAINST GRANTON'S ACTS BLOCK TITLE No. LOT 80.32-02.07 COUNTY OR TOWN/Village of Mount Kisco. PASQUALE PIROZZI Westchester County, New York and FILOMENA PIROZZI TO LISA M. CERBONE and MARY J. CERBONE RRTURN BY MAIL TO VINCENT T. CERBONE STANDARD FORM OF NEW YOLK SCARD OF TITLE UNDERWEITERS Distributed by
SECURITY TITLE AND GUARANTY COMPANY 84 Smith Avenue Mount Kisco, New York 10549 8 25 ş

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\*492580274DED1\*

Control Number 492580274

Instrument Type **DED** 



### WESTCHESTER COUNTY RECORDING AND ENDORSEMENT PAGE (THIS PAGE FORMS PART OF THE INSTRUMENT) \*\*\* DO NOT REMOVE \*\*\*

THE FOLLOWING INSTRUMENT WAS ENDORSED FOR THE RECORD AS FOLLOWS:

TYPE OF INSTRUMENT: <u>DED - DEED</u>

FEE PAGES: 5

TOTAL PAGES: 5

RECORDING FEES

	<del>-</del> .
STATUTORY CHARGE	\$21.00
RECORDING CHARGE	\$25.00
RECORD MGT. FUND	\$19.00
RP 5217	\$125.00
TP-584	\$5.00
CROSS REFERENCE	\$0.00
MISCELLANEOUS	\$0.00
TOTAL FEES PAID	\$195.00

TRANSFER T	<b>FAXES</b>
------------	--------------

CONSIDERATION	\$200,000.00
TAX PAID	\$800.00
TRANSFER TAX #	1455

RECORDING DATE: 9/29/2009

TIME: 11:41:00

MORTGAGE TAXES

MORTOAGE TAXES	
MORTGAGE DATE	
MORTGAGE AMOUNT	\$0.00
EXEMPT	
COUNTY TAX	\$0.00
YONKERS TAX	\$0.00
BASIC	\$0.00
ADDITIONAL	\$0.00
MTA	\$0.00
SPECIAL	\$0.00
TOTAL PAID	\$0.00

SERIAL NUMBER: DWELLING:

THE PROPERTY IS SITUATED IN WESTCHESTER COUNTY, NEW YORK IN THE: TOWN OF MT. KISCO

WITNESS MY HAND AND OFFICIAL SEAL

TIMOTHY C. IDONI WESTCHESTER COUNTY CLERK Record & Return to: MARK F. FARRELL, ESQ. 84 SMITH AVE

**MOUNT KISCO, NY 10549** 

49

NY (105 - Bargain and Sale Deed with Covenant against Grantor's Acts Individual or Corporation (Single Sheet) (NYBTU 8002)

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

THIS INDENTURE, made the BETWEEN

31

day of August

, in the year 2009

VINCENT T. CERBONE residing at 84 Smith Avenue, Mt. Kisco, NY 10549, and LISA C. ABZUN f/k/a LISA M. CERBONE, residing at 145 Croton Avenue, Mount Kisco, New York 10549

party of the first part, and

LISA C. ABZUN, residing at 145 Croton Avenue, Mount Kisco, New York 10549

party of the second part.

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

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

Village/Town of Mount Kisco, County of Westchester and State of New York, commonly known as 85 West Hyatt Avenue, Mount Kisco, New York, and more particularly bounded and described in Schedule A annexed hereto.

Designated as Section 80.32 Block 2 Lot 7.1 and 7.2, Village/Town of Mount Kisco.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurentances 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 incumbered 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 "partyn shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Vy ent T lhous VINCENTY CERBONE

LISA C. ABZUN

\_\_\_Q

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of WESTCHESTER

in the year 2009

On the 31 day of August in the before me, the undersigned, personally appeared Vincent T. Cerbone and Lisa C. Abzun

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 whigh the individual(s) acted, executed the instrument.

> Evel Mark F. Farrell
> Notary Public, State of New York
> No. 02FA4760330 Qualified in Westchester County Commission Expires 09 / 30 / 20\_/0\_

> > } ss.:

ACKNOWLEDGMENT FORM FOR USE WITHIN NEW YORK STATE ONLY: [New York Subscribing Witness Acknowledgment Certificate]

State of New York, County of

day of in the year On the before me, the undersigned, 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.

USE ACKNOWLEDGMENT FORM BELOW WITHIN NEW YORK STATE ONLY:

State of New York, County of

On the day of in the year before me, the undersigned, personally appeared

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

ACKNOWLEDGMENT FORM FOR USE OUTSIDE NEW YORK STATE ONLY: [Out of State or Foreign General Acknowledgment Certificate]

(Complete Venue with State, Country, Province of Municipality)

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 made such appearance before the undersigned in the

(Insert the city or other political subdivision and the state or country or other place the acknowledgment was taken).

BARCAIN & SALE DEED WITH COVENANTS AGAINST GRANTOR'S ACTS

TITLE NO

VINCENT T. CERBONE, LISA C. ABZUN f/k/a LISA CERBONE-JOYCE

TO

LISA C. ABZUN

FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NEW YORK Approvate the Fidelity Deference! Member New York State Land Title Ass

DISTRICT SECTION 80.32 BLOCK 2 LOT 7.1 and 7.2 COUNTY OR TOWN Westchester/Mount Kisco

RECORDED AT REQUEST OF Fidelity National Title Insurance Company of New York RETURN BY MAIL TO

Mark F. Farrell, Esq. 84 Smith Avenue Mount Kisco, New York 10549

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE	. ,	8	39 94 31	::	S S
RESER	· .				

# SCHEDULE A

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village/Town of Mount Kisco, County of Westchester, State of New York, bounded and described as follows: BEGINNING at a point on the northerly side of Hyatt Avenue Extension distant Twelve (12) feet westerly from lands of Union Free School District No. 2 of the Towns of Bedford and New Castle; thence running northerly along the westerly line of a right of way along a line parallel with and always Twelve (12) feet distant from lands of said Union Free School District to lands formerly of Frank Truskoski and now or late of Martin Longoski; thence westerly along the southerly line of said land Formerly of Truskoski and now or late of Longoski, Seventy-eight (78) feet to land now or formerly of Elik Elman; thence southerly along said land of Elman to the northerly line of said Hyatt Avenue Extension at a point distant Seventy-five (75) feet westerly from the place of beginning; thence easterly along the northerly line of said Hyatt Avenue Extension Seventy-five feet to the point and place of beginning.

### WESTCHESTER COUNTY CLERK RECORDING SHEET

110 Dr. Martin Luther King, Jr. Boulevard

White Plains, NY 10601

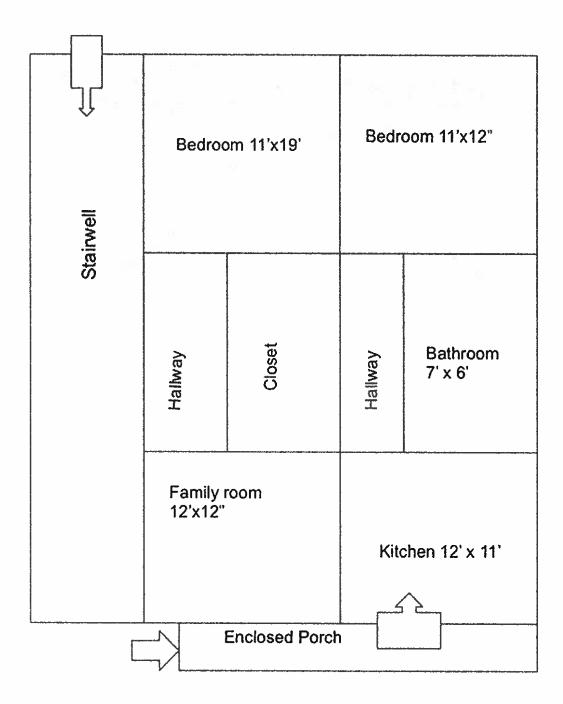
#### -- THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH DOCUMENT ------

This page is part of the instrument; the County Clerk will rely on the information provided on this page for purposes of indexing this document.

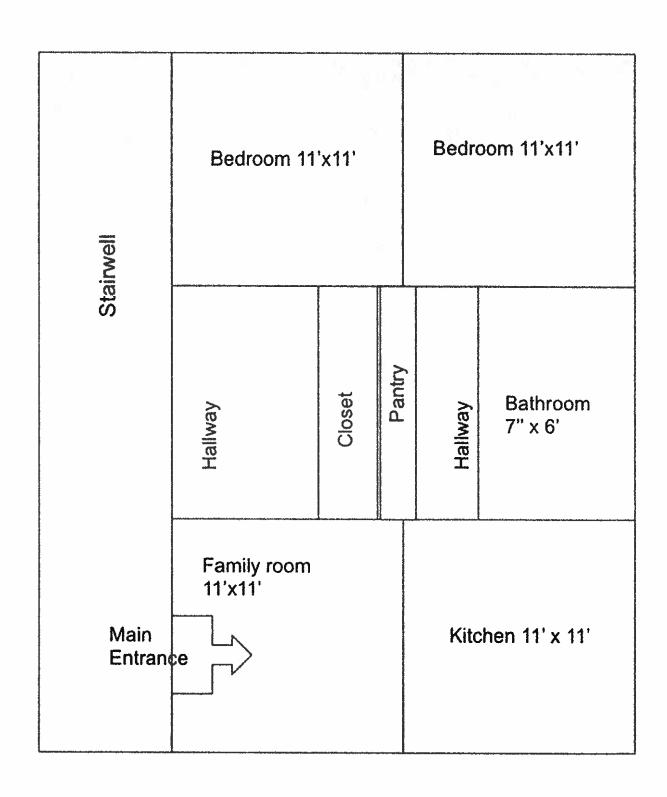
To the best of the submitter's knowledge the information contained on this Recording Sheet is consistent with the information contained in the attached document.

SUBMITTER INFORMATION:			Title Numb	er:		
Company: MARK F. FARRELL						···
Address: 84 SMITH AVENUE						
City MOUNT KISCO	State: NY	_ Zi	10549	Telephone	914-666-400	0
Attention:						
Document type: DEED	# of pages -	Мо	rtgage Amount On page	of document	Dwelling Typ	oe: Mortgage Only
1st party name(s) (i.e. grantor/mortgag		s_	•		On page	of document
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VINCENT T. CERBONE		Con	sideration/Conve	yance Amt:	<b>(∑a)</b> 1 to 6 fan	nily
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80.32 - 2 - 7.1 & 7.2	. P-6c or document		252	280 O	ther:	
City(ies) or Town(s) for Property Desc		Сго	ss Reference(s):	( o	n page of do	cument
MOUNT KISCO	page of document				<del></del>	<del></del>
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Property Description If required, che within the document.	ck the one contained		Record and Retu	m To:		
☑ Metes & bounds	On page of docum	nent	MAF	RK F. FARRE	II ESO	
Lot number on map filed in the Of	fice of the County Cle	rk		MITH AVEN		
Refer to deed recorded in the Office	e of the County Clerk			JNT KISCO,		
						· · · ·

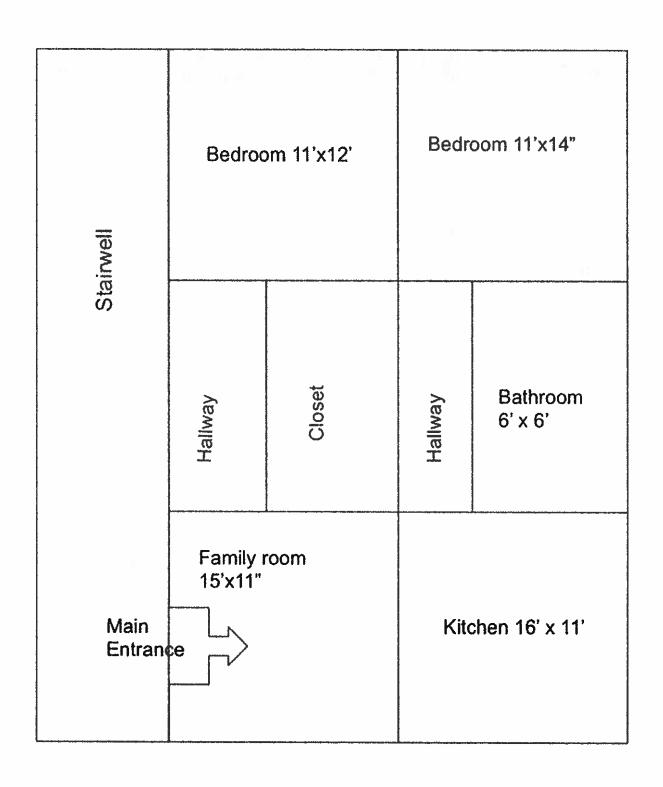
## 85 West Hyatt Avenue - First Floor Plan



## 85 West Hyatt Avenue - Second Floor Plan



## 85 West Hyatt Avenue - Third Floor Plan



### **AFFIDAVIT OF MAILING**

STATE OF NEW YORK } }SS.:
COUNTY OF WESTCHESTER }
michele Celentano being duly sworn, deposes and says:
I reside at Mohegan Lake, New York
On 28 <sup>th</sup> of August 2020 I served a notice of hearing, a copy of which is
attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule
of property owners within 300 feet of the subject property identified in this notice. A
copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.
I placed a true copy of such notice in a postage paid property addressed wrapper
addressed to the addresses set forth in Exhibit B, in a post office or official depository
under the exclusive care and custody of the United States Post Office, within the County
of Westchester.  Middle Celentano
Sworn to before me on this    s+ day of September 20 30  (Notary Public)

VANESSA GARCIA
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01GA6374824
Qualified in Westchester County
Commission Expires 05-21-2022



## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin County of Brown, ss.:

On the 31 day of August in the year 2020, before me, the undersigned, a bette individual(s) whose name(s) is (are) subscribed to the within instrusame in his/her/their capacity(ies), and that by his/her/their signature(s) or	me or proved to me on the basis of satisfactory evidence to ment and acknowledged to me that he/she/they executed the
of which the individual(s) acted, executed, the instrument.	i the filst uniters, the individual(3), or the person upon contain
	ne/she is the principal clerk of THE JOURNAL NEWS, a
newspaper published in the County of Westchester and the State of New Y	
was published in the newspaper area(s) on the date (s) below:	
Zone: Run Dates:	
Westchester 08/31/2020	
h	
Signature	
Sworn to before me, this 31 day of August, 2020	
Notary Public. State of Wisconsin. County of Brown	_
Notally Public. State of Wiscontain. County of Brown	
5.19.23	
My commission expires	
Legend:	
WESTCHESTER: Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewstr Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peeksk	, Garrison, Goldens Bridge, Granlte Springs, Greenburg, Harrison, Hartsdale.

ROCKLAND:

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

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,

Ad Number: 0004350186

Yorktown Heights, Yonkers

NANCY HEYRMAN Notary Public State of Wisconsin Ad Number: 0004350186

Run Dates: 08/31/2020

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zording Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15th day of September, 2020, at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zording Ordinance on the appeal of Lisa Alzun, of 145 Croton Avenue, Mount Kisco, New York 10549, from the decision of Peter J. Milley, Building Inspector, dated May 14, 2019 prohibiting the use of the property as a three-family residence. The property involved is known as 85 W. Hyatt Avenue, Mount Kisco, New York 10549 and described on the Village Tax Map as Section 80.32 Block 2 Lot 7.1 and is located on the North side of W. Hyatt Avenue in a RT-6 Zording District. Said Appeal is being made to obtain a variance from Section 110-11 RT-6 One- and Yuvo-Family Residence District of the Code of the Village/Town of Mount Kisco, which provides that only one-and two-family residences may be located in that district.

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

State of New York	) ss:	AFFIDAVIT OF POSTING
County of Westcheste	er)	
conspicuously fastene	eing duly sworn, says ed up and posted in sev of Westchester, a prin	that on the day of September 2020, he ven public places, in the Village/Town of atted notice of which the annexed is a true
Municipal Building – 104 Main Street		<u>X</u>
Public Library 100 Main Street		X
Fox Center		<u>X</u>
Justice Court – Green 40 Green Street	Street	<u>X</u>
Mt. Kisco Ambulance 310 Lexington Ave	e Corp	X
Carpenter Avenue Co 200 Carpenter Avenue		X
Leonard Park Multi P	urpose Bldg	X Guillermo Gomez
Sworn to before me the Mulhelle / Notary Public	K. Reno	Hember 2020
	MICHELLI	K. RUSSO

NOTARY PUBLIC-STATE OF NEW YORK
No. 91RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022

From: William Seegmuller wseegmuller@mountkiscony.gov Subject: 39 Prospect Street, Mount Kisco, NY plan review

Date: April 22, 2020 at 10:01 AM To: josh@sunrisesolarllc.com

Cc: Peter Miley pmiley@mountkiscony.gov, Patti Tipa ptipa@mountkiscony.gov, Michelle Russo planning@mountkiscony.gov

### Good morning,

A review of your building permit application plans for 39 Prospect Street in Mount Kisco, NY has been completed. The review resulted in the need for additional revision(s) to the applications/drawings.

The following items require attention:

- 1. Because the detached garage is within the property setback, a variance for this work will be required. See town code 110-33.2 (E)(3): Tier one solar energy systems may also be installed on the roof of an accessory structure provided that collectively such panels shall not exceed 750 square feet and shall comply with zoning requirements for accessory structures. Please contact Michelle Russo at Planning & Zoning at 914-864-0022 for more information on variances.
- 2. Certificate of Liability Insurance has expired. Please resubmit a current certificate.

Thank you, Bill Seegmuller Assistant Building Inspector Mount Kisco, NY 914-864-0019

Village/Fown of Mount Kisco Zoning Board of Appeals

JUN 3 0 2020









### **Request for Variance**

Zoning Board of Appeals

JUN 3 0 2020

RECEIVED

Chairman and Members Zoning Board of Appeals Mt. Kisco, NY 10549

June 24, 2020

Re:

Messer Residence

39 Prospect Street Mt. Kisco NY 10549

Chairman,

This is to request a rear and side yard variance for a roof-mounted solar energy system as per the building inspector's denial letter (email) dated 4/22/2020.

The variances specified are:

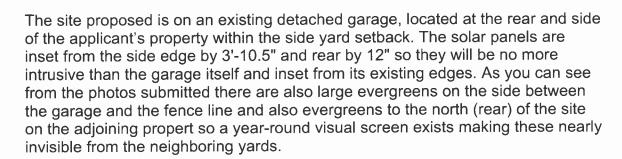
- 10'-11" variance for Side Lot Line Setback. System is located 3'- 6" in from side edge of garage which sits 7" from side property line. Required setback is 15' therefore a variance of 15' minus 4'-1"" = 10'- 11"
- 2. 23'- 6" variance for Rear Lot Line Setback. System is located 12" in from rear edge of garage which sits 5'- 6" from rear property line. Required setback is 30' therefore a variance of 30' minus 6'- 6" = 23' -6"

We believe these variances are proper, necessary and the least and smallest necessary for the project, that they will not create an undesirable change to the neighborhood and will make a positive impact on the environment.

The applicants, Eric & Hillary Messer, wish to take advantage of a safe, abundant, renewable and nonpolluting energy resource for their property. They have already installed solar panels on the roof of the home and have used all available functional space there. They have an EV and wish to minimize their use of non-renewable, polluting sources of energy. We are proposing adding 16 solar panels to their existing system which will still not eliminate their consumption of non-renewables but will reduce it significantly.







The advantages of this location include: locating on an existing structure with existing electrical infrastructure so very little change to the nature of the property, as well as its location at the back of the property along with the rise is grade from the street to the garage mean it is not visible from the street. The building inspector haw already opined that because it cannot be seen from the street, that ARB review is not required.

The requested relief is for a side yard variance of 10'-11" and a rear yard variance of 23'- 6". We believe these aare the smallest amount possible given the location of the existing garage. While this variance request is self-created it is done to further the goals of offsetting dirty electrical usage with renewable energy, a stated goal of the Village of Mount Kisco and the State of New York with regards to promoting renewable energy, reducing our dependence on fossil fuels, and lowering our carbon footprint.

In conclusion, we request approval for these variances for teh installation of a roof-mounted solar PV system. It is the least required for the project to work, does not create any negative impacts on the neighboring properties, and while admittedly self-created, it promotes the goals of increasing sources of renewable energy and lowering our dependence on fossil fuels for the applicant, the city, the state, and our world.

Yours,

Doug Hertz, President

Sunrise Solar







3108311

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

Application #:		Permit #:	45
Note: T		ERMIT APPLICATION ocuments must be submitted with application	n.
Project Address: _39	Prospect Street		
Zoning District:	Section/B	slock/Lot(s): 69.72, 2, 5	
Applicant's Name:	Sunrise Solar Solutions,		
Email address: josh@s	sunrisesolarllc.com	Phone #: 914-762-7622 x205	
	ner: Eric Messer	Phone #: 914-497-6324	
(If Different) Present Address of Ow	yner: 39 Prospect Street	Mt. Kisco NY 10549	
Email address: Eric@	sunrisebuilding.com	Phone # 914-497-6324	
Description of Impro	vement and Proposed Use	in Detail: Roof mounted Solar	
16 Solaria 360W Bo	oB Residential AC modi	ules; system size 5.76 kW DC system	
Total Estimated Cost	of Improvement: \$17,32	21	_,
	NSTRUCTION COST: The 20,000.00 or more, or the pro-	is affidavit must be completed by the Design Poject is a legalization.	rofessional if
application and am full	ate of New York; (II) I have by familiar with the proposed on, including all labor, all ma , and (IV) pursus	nd certify as follows: (i) I am the architect/eng reviewed the plans, drawings and specification I construction; (III) based on my experience, I caterial, all professional fees and all associated cant to Penal Law 210.4, I acknowledge that a factor of the professional fees and all associated cant to Penal Law 210.4, I acknowledge that a factor of the professional fees and all associated cant to Penal Law 210.4, I acknowledge that a factor of the professional fees and all associated cant to Penal Law 210.4, I acknowledge that a factor of the plans is a factor of the	ns of this estimate the costs to be
Signature:		Sign & Affix Seal	
Date:			

### Property Use: (please answer all questions) Existing use Residential: □ 2 Family □ Other (Please specify) □ Single Family 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 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) 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: Sunrise Solar Solutions, LLC Address: 510 N. North State Road Briarcliff Manor NY 10510 Phone #: 914-762-7622 Fax #: Email address: \_josh@sunrisesolarllc.com Westchester County Home Improvement License #: WC-22419-H09 Architect or Engineer: Matt Boyce NYS Lic. #: Address: 3368 Carriage Crossing St. Charles MO 63304 Phone #: 314-660-9650 Fax #: Email address: mattboyce39@gmail.com \_\_\_\_ Phone #: \_\_\_\_\_ WC Lic. #. \_\_1410 Electrician: Michael Harris (Twinson Electric) Address: 144 South Highland Avenue Ossining NY 10562 Email address: twinsonelectric@optonline.net Phone #: 914-217-7502 Plumber: \_\_\_\_\_ Phone #: \_\_\_\_ WC Lic. # \_\_\_\_ Address: \_\_\_\_\_ Phone #: \_\_\_\_ Email address : \_\_\_\_

The undersigned applicant hereby agrees with all applicant Mount Kisco and all other laws, codes, rules and require statements contained herein are true to the best of his/herein are true to the his/herein are true to the best of his/herein are true to the best of his/herein are true to the his/herein are true to the best of his/herein are true to the best of his/herein are true to the his/herein are true true true true to the hi	rements applicable to the pro-	posed construction and that
Sworn to before me this		LEE STREISFELD-LEITNER Notary Public, State of New York Reg. No. 01ST6347062 Qualified in Westchester County My Commission Expires 8/29/2020
Affidavit of Own	ner Authorization:	
If the applicant is not the owner in fee of the premises:		
The applicant Sunrise Solar Solutions, LLC has submitted.	as my consent from to make	this application as
Eria Magazr	mense	
Eric Messer Owner's Name Printed	Owner's Signature	
Sworn to before me this day of March	2020	LEE STREISFELD-LEITNER Notary Public, State of New York Reg. No. 01ST6347062 Qualified in Westchester County My Commission Expires 8/29/2020
Name of Project Contact Person: Josh Heinz  Daytime Phone #: 914-762-7622	fax #:	
DO NOT WRITE BELOW TH	IS LINE - OFFICE USE	ONLY
Received by:  Application/Permit Fee  License:  Insurance:  3 sets of drawings:  Flood Plain Development Application (if required)	Board Appr  Plann Zonin ARB Other	ing g
Reviewed By:		

Date:	Zoning Board of Appeal	Case No.:	20-7			
Fee: \$130	JUN 3 0 2020	Date Filed	· <u>«</u>			
	RECEIVED Village/Town of Mount Municipal Buildin 104 Main Street, Mt. Kisco,	t Kisco				
	Zoning Board of App Application	peals				
Appellant: Sunise So Address: SIO N Sto Address of subject proper	tty (if different): 63 Prasp	mon NY 1051 pect St, Mt K	0 (isco, NY 10549			
Appellant's relationship to subject property: Owner Lessee _/_ Other (Agent)						
Property owner (if different Address: 39 Prospec	ent): <u>Fric Messer</u> + St, Mt Kisco, NY	10549				
from the decision of the Edated O6/22  Variation or of the Code of the Village		miley age for the follow f Section	ring: -33 Z (E)(3)			
to permit the: Erect	tion; Alteration;	Conversion;	Maintenance N/A			
for Property ID # 69.7 The subject premises is sin in Does property face on tw (If on two streets, give be	ituated on the No(th s the Village/Town of Mount of different public streets? Y	side of (street) Proceed to the contract of th	Zoning District.  Sepect 5t  If Westchester, NY.			

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property?				
Is there an approved site plan for this property? in connection with a Proposed or Existing building; erected (yr.)				
Size of Lot: N/A feet wide N/A	feet deep Area NA			
Size of Building: at street level N/A	feet wide N/A feet deep			
Height of building: 10 F4	Present use of building:			
Does this building contain a nonconforming	g 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?				
Was a variance ever granted for this property? No If so, please identify and explain:				
Are there any violations pending against this property? No. If so, please identify and explain:				
Has a Work Stop Order or Appearance Ticket been served relative to this matter?  Yes or 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?				

I hereby depose & say that all the above statements at papers submitted herewith are true.	Appellant to sign here)
Sworn to before me this day of: 29 June	, 20 <u>20</u>
Notary Public,  LEE STREISFELD-LEITNER  Notary Publis, State of New York  Reg. No. 01ST6347062  Qualified in Westchester County My Commission Expires 8/29/2024	, County, NY
[TO BE COMPLETED IF APPELLANT IS NOT THE State of New York } County of Westchester } ss	IE PROPERTY OWNER IN FEE]
Being duly sworn, deposes and say that he resides at County of Westchester, in the State of New York, that certain lot, piece or parcel of land situated, lying and Kisco, County of Westchester aforesaid and known at and that he hereby authorized the annexed application in his behalf and that the state are true.	the is the owner in fee of all that being in the Village of Mount and designated as number a Suntse Solar Solute to make ements contained in said application
* -	(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 15<sup>th</sup> day of September 2020 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of

# Eric Messer 53 Prospect Street Mount Kisco, NY 10549

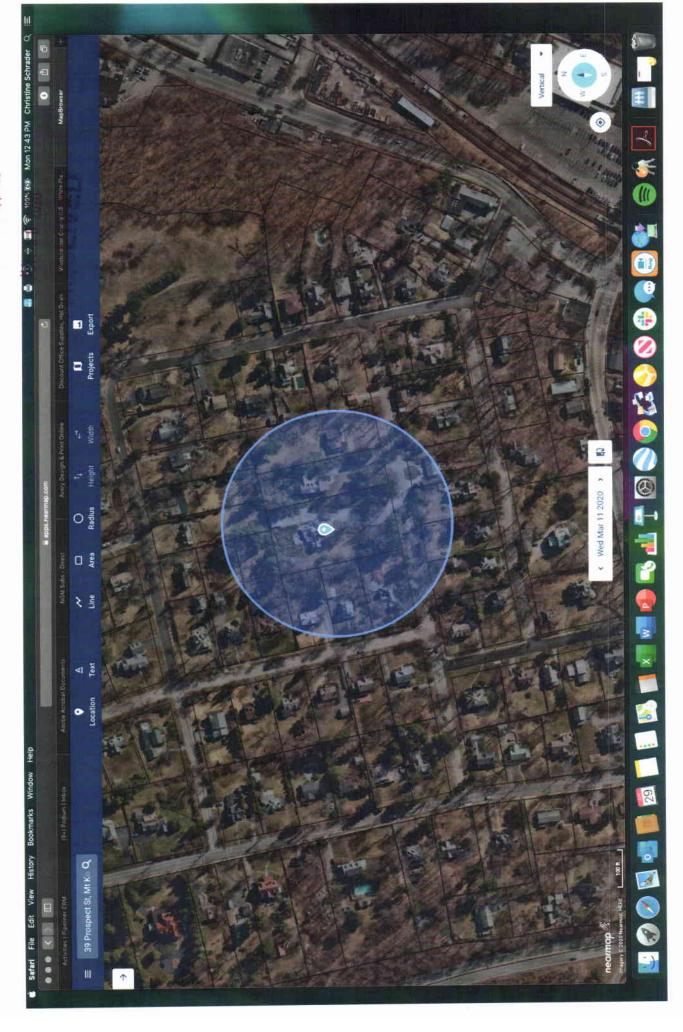
From the decision of Peter J. Miley, Building Inspector, dates April 22<sup>nd</sup>, 2020, denying the application dates to permit the solar installation. The property involved is known as the 39 Prospect St, Mt. Kisco, NY 10549 and described on the Village Tax Map as Section 69.72 Block 2 Lot 5 and is located on the North side of Prospect St. in a RS 12 Zoning District. Said Appeal is being made to obtain a variance from Section(s) 110-33.2 (E)(3) of the Code of the Village/Town of Mount Kisco, which requires tier one solar energy systems may also be installed on the roof of an actual accessory structure proved that collectively such panels shall not exceed 750 square feet and shall comply with zoning requirements for accessory structure.

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

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	Mailing Address	City	State
Caterinicchio, Benedict S - Gladys F Caterinicchio	22 Willetts Rd	MOUNT KISCO	10549	69.72-1-3			
Sikorjak John - Jaime M Sikorjak	16 Prospect St	MOUNT KISCO	10549	69.72-3-8			
Corso, Christopher - Amy Corso	4 Willetts Rd	MOUNT KISCO	10549	69.72-1-5			
File, Jonathan E - Barbara W File	77 Hillside Ave	MOUNT KISCO	10549	69.72-3-4			
Edelman Judith West - Lynn Edelman	45 Willetts Rd	MOUNT KISCO	10549	69.64-5-2			
Zipp, Jeanne A - Tracey Propper	44 Emery St	MOUNT KISCO	10549	69.64-5-3	c/o Jan Crosson	Topshan	ME
					30 Pinewood Dr		
Messer Hillary - Eric Messer	39 Prospect St	MOUNT KISCO	10549	69.72-2-5			
Farrell, Mary C	30 Emery St	MOUNT KISCO	10549	69.64-5-5			
Coleman Thomas - Sarah Fashena	20 Emery St	MOUNT KISCO	10549	69.64-5-6			
Whalen, James F - Antoinette P Whalen	21 Willetts Rd	MOUNT KISCO	10549	69.72-2-3			
Sluder Cohen, Ellen - Stephen Cohen	39 Willetts Rd	MOUNT KISCO	10549	69.64-5-1			
Ball, Faith E - Frank E Ball	8 Prospect St	MOUNT KISCO	10549	69.72-3-9			
Cutler, Thomas - Laurie L Hayward	14 Emery St.	MOUNT KISCO	10549	69.64-5-7.1			
Chiappinelli, David Scott	89-91 Hillside	MOUNT KISCO	10549	69.72-3-1	67 Lake Drive South	New Fairfield	CT
Hedden Julius C III - Ki A Goosens	5 Willetts Rd	MOUNT KISCO	10549	69.72-2-1			
Webb Brian - Leslie Webb	11 Willetts Rd	MOUNT KISCO	10549	69.72-2-2			
Maroti, George Jr - Hsu Maroti Debra	21 Prospect St	MOUNT KISCO	10549	69.72-2-7	Village/ I own of Me	OURT KIRCO	
Hoyt George - Farah Hoyt	37 Sands St	MOUNT KISCO	10549	69.72-3-2	Zoning Board of	Appeals	
Mango, Anthony - Karin M Mango	83 Hillside Ave	MOUNT KISCO	10549	69.72-3-3		4.4	
Pasquale, Victor J - Caroline B Pasquale	40 Willetts Rd	MOUNT KISCO	10549	69.64-6-3	JUN 3 0 2	1000	
Ferguson Keith - Amy Ferguson	29 Willetts Rd	MOUNT KISCO	10549	69.72-2-4	2014 2 8 7	(029)	
Downey Karen C - Margaret C Downey	50 Mountain Ave	MOUNT KISCO	10549	69.64-5-8	DECEN	/PB	
Gerli Bennett - Rachel Gerli (aka Quigley)	42 Mountain Ave	MOUNT KISCO	10549	69.72-2-9	RECEIV	ED	
Fidge Jonathan T - Lauren R Fidge	67 Hillside Ave	MOUNT KISCO	10549	69.72-3-5			
Farrell, Mark F - James M Farrell	36 Emery St	MOUNT KISCO	10549	69.64-5-4	C/o Mark Farrell		
					30 Emery St	Mt. Kisco	NY
Dubon Philip J - Alice Dubon	30 Prospect St	MOUNT KISCO	10549	69.72-3-6			
Seiler, Bernard R - Mary Ann Seiler	44 Mountain Ave	MOUNT KISCO	10549	69.72-2-8			
Bainlardi John R - Alaina Bainlardi	26 Mountain Ave	MOUNT KISCO	10549	69.72-2-10			
Long, Robert - Christienne Genaro	32 Willetts Rd	MOUNT KISCO	10549	69.72-1-2	c/o Christopher Genero		
					30 Willetts	Mt. Kisco	NY
Liberati Steven - Kristina Gibbons-Liberati	10 Willetts Rd	MOUNT KISCO	10549	69.72-1-4			
Guyder, Daniel - Kyle Kaino	31 Prospect St	MOUNT KISCO	10549	69.72-2-6	43 Prospect St	Mt. Kisco	NY
Eatman, Ross D - Paula R Sharp	45 Hillside Ave	MOUNT KISCO	10549	69.72-3-7			

4 5

Zip





### STATE OF NEW YORK COUNTY OF WESTCHESTER

Eric Messer being duly sworn, deposes and says:

I reside at 39 Prospect St., Mt Kisco, NY 10549

On April 22<sup>nd</sup>, 2020 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B. I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addressed 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.

Comesser

Sworn to before me on this 21st day of July 2020

LEE STREISFELD SETTNER
Notary Public, State of New York
Reg. No. 01ST6347062
Qualified in Westchester County

Qualified in Westchester County

My Commission Expires 8/29/2024

State of New York ) ) ss: County of Westchester)		AFFIDAVIT OF POSTING		
	nd posted in seven publ	theday of September 2020, he lic places, in the Village/Town of ice of which the annexed is a true		
Municipal Building – 104 Main Street		<u>X</u>		
Public Library 100 Main Street		<u>X</u>		
Fox Center		<u>X</u>		
Justice Court – Green Street 40 Green Street		<u>X</u>		
Mt. Kisco Ambulance Corp 310 Lexington Ave		<u>X</u>		
Carpenter Avenue Communi 200 Carpenter Avenue	ity House	X		
Leonard Park Multi Purpose	Bldg	X  Guillermo Gomez		
Sworn to before me this	th day of Septemb	ej 2020		
Notary Public  MICHELLE K. RUSSO  NOTARY PUBLIC-STATE OF NEW YORK  NO. BIRMS2122288				

NOTARY PUBLIC-STATE OF NEW YORK No. 1911 RU6313298 Qualified In Putnam County My Commission Expires 10-20-2022 Bargain and Sale Deed, with Covenant against Granton's Acts — Individual or Corporation (Single Sheet)

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

THIS INDENTURE, made the 26th day of July, in the year 2016

BETWEEN Jamie O'Grady and Sarah O'Grady, residing at 211 Mintawood Court, Cary, North Carolina 27519

party of the first part, and Hillary Messer and Eric Messer, as tenants in common, residing at 40 Sleepy, Hollow Road, Briarcliff, New York 10510

party of the second part,

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

Mage/Town of Mount Kisco Zoning Board of Appeals

JUN 3 0 2020

ten dollar ECEIVED 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 more particularly described in Schedule A attached hereto and made part hereof, being the same premises conveyed to the parties of the first part herein by deed recorded on 11/21/2008 in Control No. 483190324

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

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

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

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

IN PRESENCE OF:

Jamie O'Grady

#### ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 26th day of July in the year 2016, before me, the undersigned, personally appeared Jamie O'Grady

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 be/shot/they executed the same in his/her/their capacity(ics), 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.

LISA M. PEJRIL
Notary Public, State of New York
No. 01 PES1 18980
Oussified in Westchester County
Commission Expises November 22, 2018

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS TAKEN IN NEW YORK STATE

State of New York, County of . as:

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 nequainted, 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(3) as a witness thereto

#### ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 26th day of July in the year 2016, before me, the undersigned, personally appeared Sarah O'Grady

, persunally 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/sho/they executed the same in his/her/their capacity(iss), 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.

LISA M. PEJRIL Notary Public, State of New York No. 01PE6118980 Ousified in Westchester County Commission Expires November 22, 2018

## ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK

\*State of , County of , ss:

\*(Or insert District of Columbia, Territory, Possession or Foreign County)

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 suitsfactory 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(tes), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) setted, 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).

#### Bargain and Sale Deed With Covenants

Title No. BTA 73745

Jamle O'Grady and Sarah O'Grady TO Hillary Messer and Eric Messer

DISTRIBUTED BY

The Judicial Title Insurance Agency LLC 800-281-TITLE (8485) FAX: 800-FAX-9396 SECTION: 69.72

BLOCK: 2

LOT: 5

COUNTY OR TOWN: Mount Kisco

#### RETURN BY MAIL TO:

Linda B, Whitehead, Esq. McCullough Goldberger & Staudt LLP 1311 Mamaroneck Ave., Suite 340 White Plains, New York 10605



Dear Members of the Zoning Board of Appeals,

I write to support the variance requested for installation of a solar system at 39 Prospect St., Mount Kisco, NY 10549, Section 69.72 Block 2 Lot 5 on the Village Tax Map, owned by Eric & Hillary Messer. I am an owner of the adjacent property at 5 Willetts Road. I do not expect any adverse impacts, either practical or aesthetic, as a result of this installation. As a community, we should broadly support solar energy installations to provide for our future energy needs in a sustainable way. The Messers did not solicit this letter in any way. Please contact me if additional information is needed.

Sincerely,

Julius Hedden

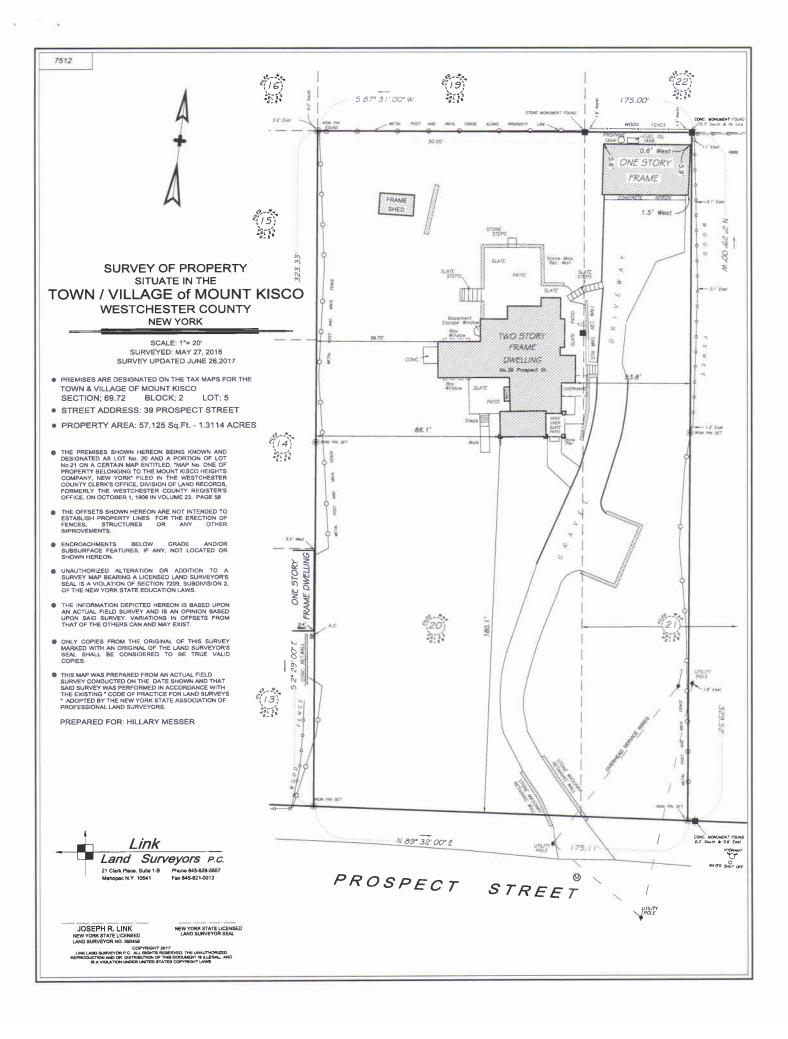
5 Willetts Road

Mount Kisco, NY 10549

Juli Hedd

617-999-2014

hedden@gmail.com





Village/Town of Mount rusco
Zoning Board of Appeals

Mr. Josh Heinz Sunrise Solar Solutions, LLC 510 North State Road Briarcliff Manor, NY 10510



December 17, 2019

RE: Messer Residence – 39 Prospect Street, Mount Kisko, NY 10549

Project # 19.576

Mr. Heinz:

We have reviewed the proposed solar array and the structure(s) at the above referenced address.

The array consists of (16) Solaria modules on the structure, mounted on an Opsun racking system, with a system weight of 3.0 psf. Attachments to be 5/16" standard lag bolt, with a minimum of 1-1/2" of embedment into the structural member.

We hereby certify that the existing structure, with the addition of the proposed solar energy devices and racking, is capable of supporting the design loads required by ASCE 7-10, IRC 2015, and the 2017 NYS Uniform Code Supplement. <u>Calculations include (in accordance with IRC 2015)</u>, Ground Snow Load of 30 psf and Wind Speed of 120 mph (3 second gust).

We have attached the calculation for the critical roof member for the structure - a 2" x 10" rafter, checked for bending stress and deflection in accordance with ASCE 7-10.

Please feel free to contact us should you have any comments or questions.

Respectfully yours,

Matthew J. Boyce, PE

Matthew J. Boyce, PE



Engineered Solutions, LLC 3368 Carriage Crossing Saint Charles, MO 63301 Messer Residence Critical Roof Member 2x10 Roof Joist Solar Load 3 psf Ground Snow 30 psf Title : Dsgnr: Description : Job # Date: 8:14AM, 17 DEC 19

Scope:

Rev: 580006 User: KW-0603478, Ver 5.8.0, 1-Dec-2003 (c)1983-2003 ENERCALC Engineering Software

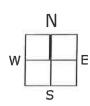
**Timber Beam & Joist** 

Page 1

#### Description

Timber Member II	nforma	ation	Base allowables are user defined
Timber Section Beam Width Beam Depth Le: Unbraced Length Timber Grade  Fb - Basic Allow Fv - Basic Allow Elastic Modulus	in in fl psi psi ksi	10.000 0.00 Southern Pine, No.2 2 -4 Thick, 800.0 175.0	
Load Duration Factor Member Type Repetitive Status		1.000 Manuf/Pine Repetitive	
Center Span Data			
Span	ft	11.50	
Dead Load Live Load	#/ft #/ft	18.60 33.60	
Results	Ratio =	0.3377	
Mmax @ Center @ X =	in-k ft	10.36 5.75	
fb : Actual Fb : Allowable	psi psi	310.7 920.0 Bending OK	
fv : Actual Fv : Allowable	psi psi	19.3 175.0 <b>Shear O</b> K	
Reactions			
@ Left End DL LL Max. DL+LL @ Right End DL LL Max. DL+LL	lbs lbs lbs lbs lbs	106.95 193.20 300.15 106.95 193.20 300.15	
Deflections	100	Ratio OK	
Center DL Defl L/Defl Ratio Center LL Defl L/Defl Ratio Center Total Defl Location L/Defl Ratio	in in in ft	-0.031 4,399.3 -0.057 2,435.3 -0.088 5.750 1,567.6	







Property Location N.T.S.

#### General Notes

- 1. Modules to be Solaria Power XT 360 Watt BOB Residential DC Module, to be installed per Solaria Corporation Installation Manual.
- 2. Inverters to be Enphase IQ7+, to be installed as per Enphase Manufacturer's Specifications.
- 3. Racking to be OpSun, to be Installed as per OpSun Manufacturer's Specifications.

#### Wind and Snow Load:

Wind Speed: 120 m.p.h. Snow Load: 30 p.s.f.

#### Design Notes:

Design Reference-NYS Building Code, IRC 2015, Including 2017 suppliments NFPA-70-14 (NEC 2014 Edition)

Village/ I own or Mount Risco Zoning Board of Appeals

JUN 3 0 2020 F

Unauthorized alteration or addition to a document prepared by a licensed Prefessional Engineer is a violation of Section 7209, Sub-Division 2 of the New York State Education Law.



#### **Site Plan**

## Messer's Garage

39 Prospect Street Mount Kisco, NY 10549

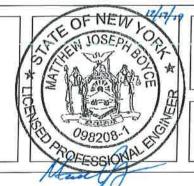
Sect. 69.72, Block 2, Lot 5

DATE	VER.	DRAWN BY	CHECKED B
09/23/19	V1	TO	DH
OB #16-0297A			

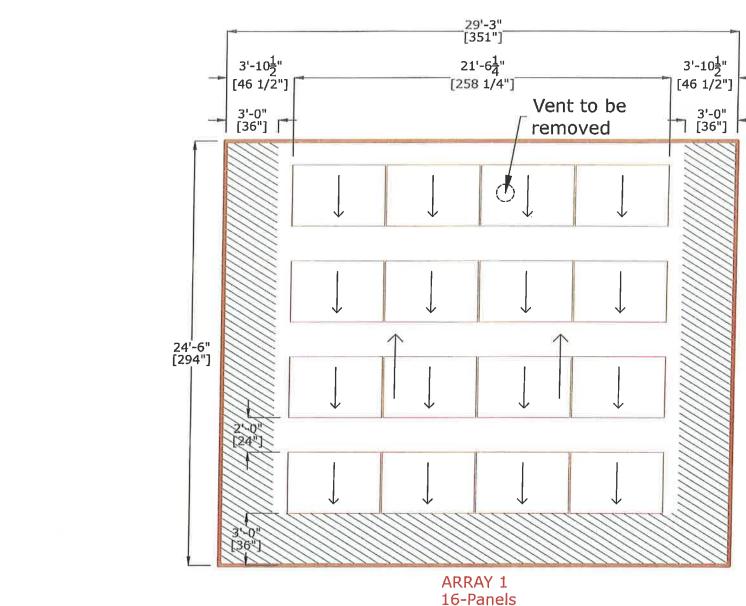
#### SYSTEM DESCRIPTION:

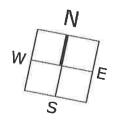
-16 Photovoltaic Panels -Solaria 360W BOB Residential AC Module -System size -5.76 kW DC SYSTEM -4.64 kW AC

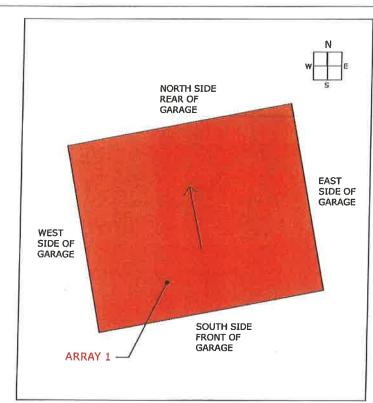
Array 1 -Azimuth: 169° -Tilt: 15°



**SITE PLAN** 







KEY MAP

Reverse Pitch Roof: Tilt 8° Azimuth 349°

Setback:

3' Wide Roof Access Pathway

Setback Requirements: as per Section 324 of NYS Building Code Including 2017 suppliments.

Unauthorized alteration or addition to a document prepared by a licensed Prefessional Engineer is a violation of Section 7209, Sub-Division 2 of the New York State Education Law.



## **Panel Layout Construction**

at 15° Tilt

Azimuth 169°

## Messer's Garage

39 Prospect Street Mount Kisco, NY 10549

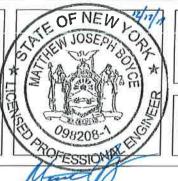
Sect. 69.72, Block 2, Lot 5

DATE	VER.	DRAWN BY	CHECKED BY
09/23/19	V1	то	DH
OB #16-0297A			

#### SYSTEM DESCRIPTION:

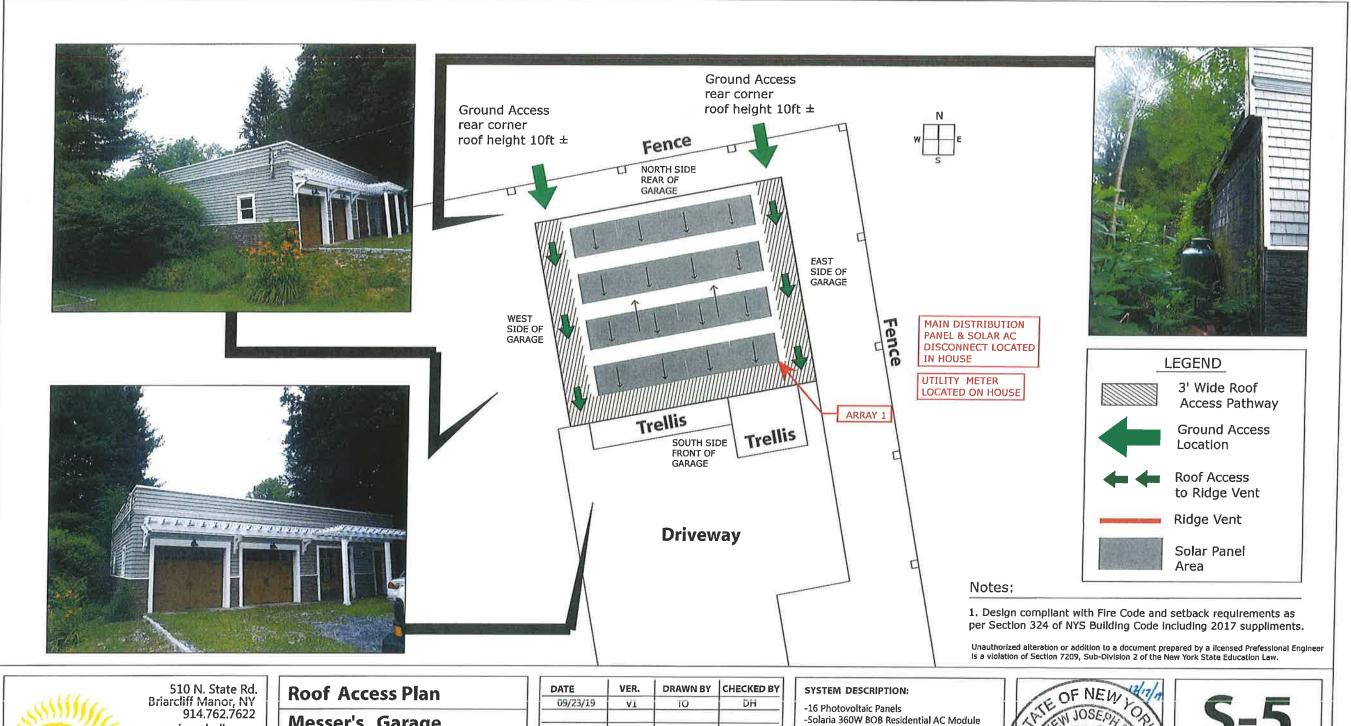
-16 Photovoltaic Panels -Solaria 360W BOB Residential AC Module -System size -5.76 kW DC SYSTEM -4.64 kW AC

Array 1 -Azimuth: 169° -Tilt: 15°



**S-2** 

PANEL LAYOUT CONSTRUCTION PLAN





## Messer's Garage

39 Prospect Street Mount Kisco, NY 10549

Sect. 69.72, Block 2, Lot 5

DATE	VER.	DRAWN BY	CHECKED BY
09/23/19	VΊ	TO	DH
OB #16-0297A			

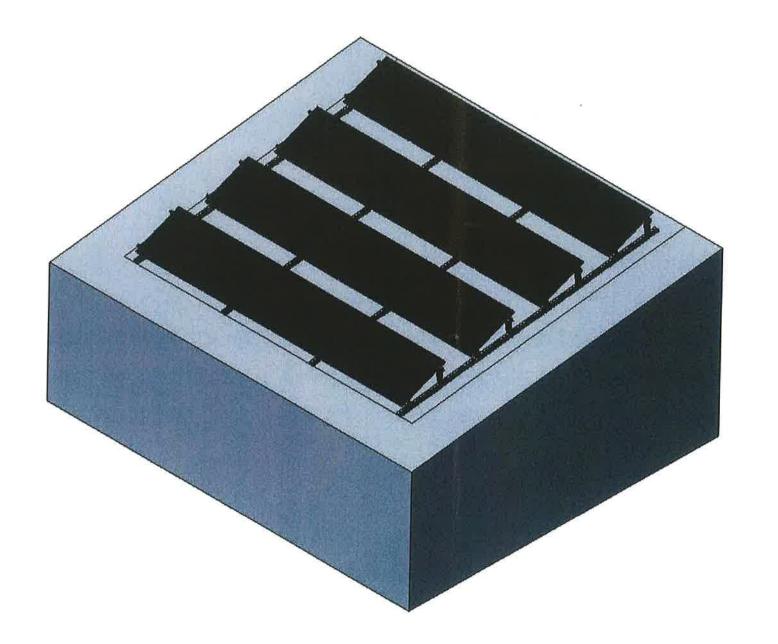
-Solaria 360W BOB Residential AC Module -System size -5.76 kW DC SYSTEM

-4.64 kW AC

Array 1 -Azimuth: 169° -Tilt: 15°



**ROOF ACCESS PLAN** 







Nole

	Eevlen/hove	Daf
-		

Array Information

Mod.fell: Fit Angle: 15° Cly Porks: 16 purch

Anay 120 (19) 5 74(DC)

Client Info

Sunrise Solar Solutions LLC

510 Horth State Robbins III Morror III 10510 Contact: Johns Here Fhoms: 114742-112 Johnson Heresters

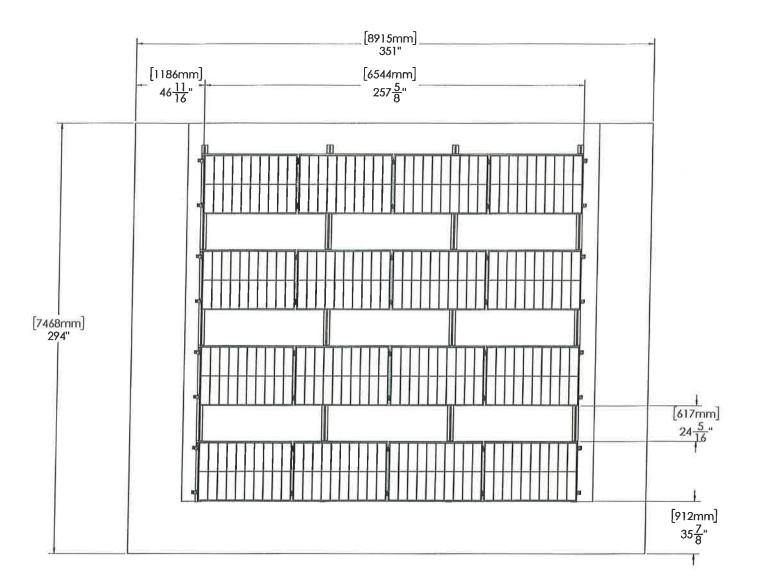
PRESENTATION

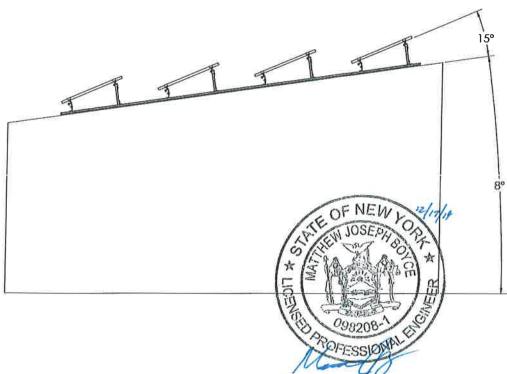
Project Info

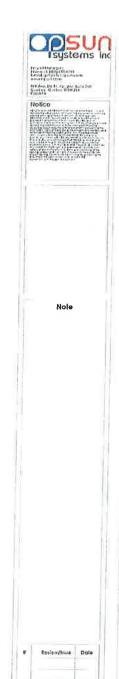
37 Prospect Street (down) | 117 10549 Contact: Flyand 1

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Client Info

Suntise Solot Solutions 510 North Shife RobiocCM Monor 117 10510

Contact : July value of Phone : \$18-142-1822 puritamental of the com

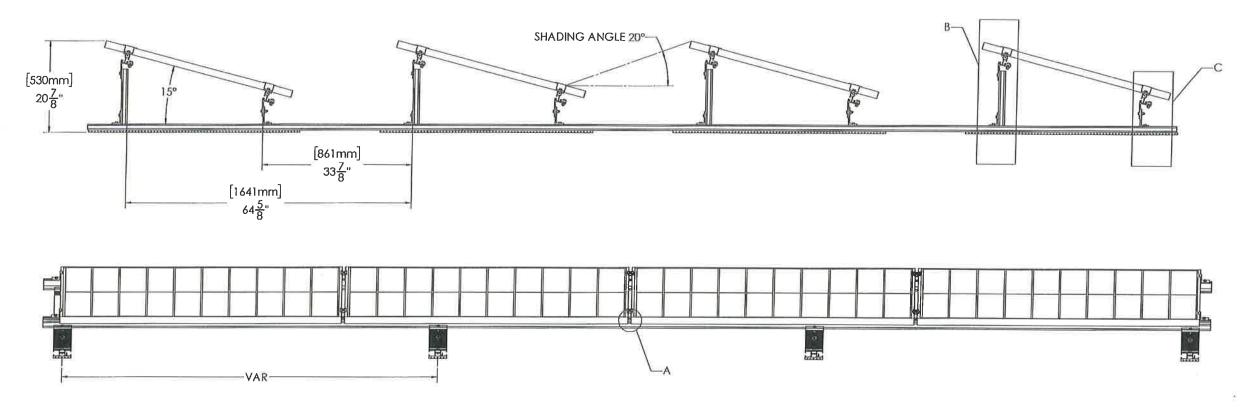
TOP ELEVATION

Project Info

37 Prospect Street Mount History 10347 Contact: From:

9/18/2019

SHOG Check:
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### **PV Panel Specifications**

Manufacturer: SOLARIA Model: PowerXT 360R-PD

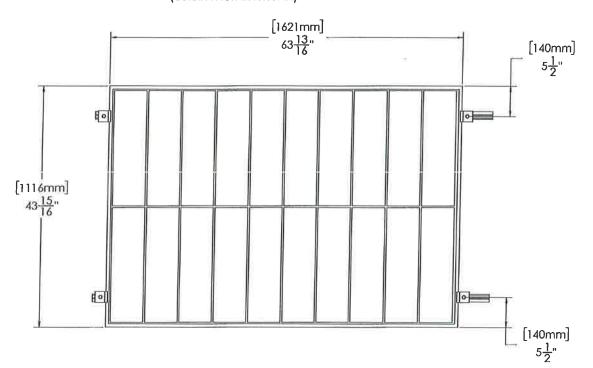
Mass: 21kg (46lb)

Maximum Mechanical Load Pressure: 5.3kPa/-2.4kPa

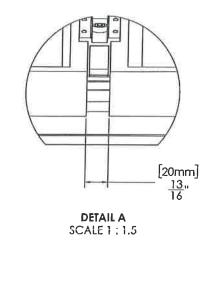
Orientation: PORTRAIT

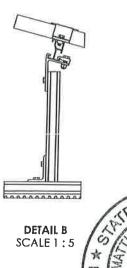
Dimensions (L x W x H): 1621mm x1150mm x40mm

(63.8in x43.9in x1.57in)



## RECOMMENDED SPACING BETWEEN PV PANELS







Tit Angla : 13°

City Forselt: 14 panels

Sunrise Salar Salutions

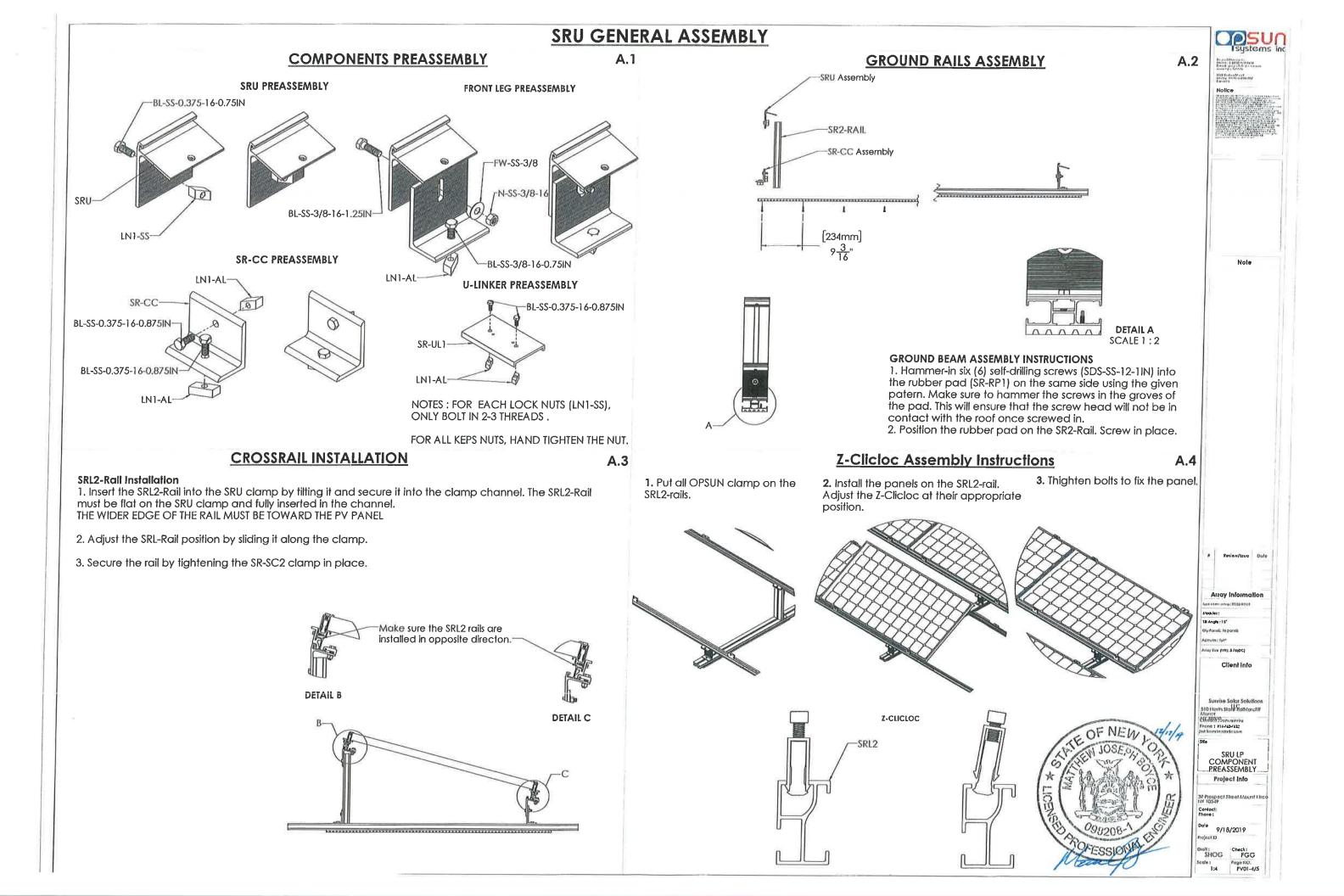
Contact: Judice Helps Phone: \$14-743-7832 publishmenterships com-

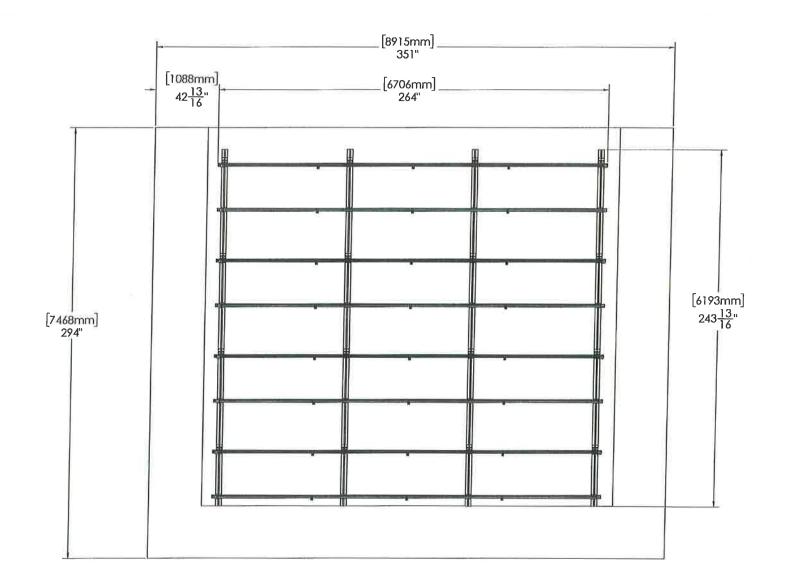
SYSTEM DETAILS

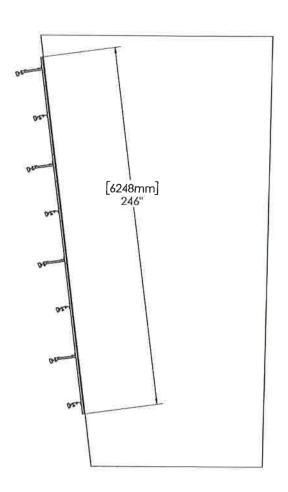
Project Info 37 Prospect Steel Mount I

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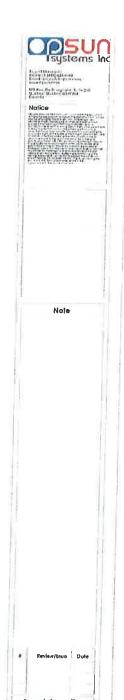
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Array Information free et mountage Till stage.

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Approved Table

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LLC

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From: 914-50-622
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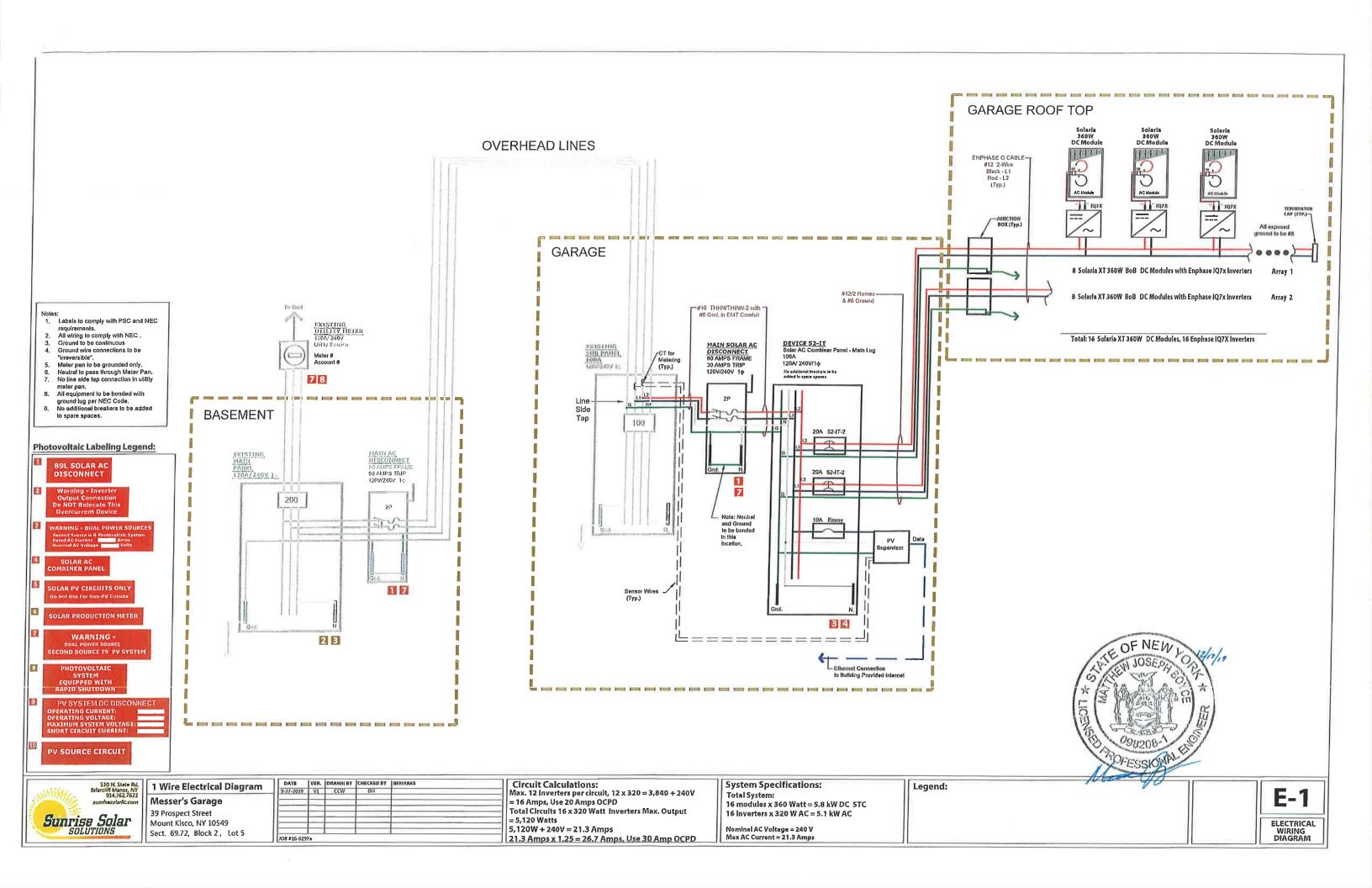
CROSSRAIL

Project Info

32 Prospect Street Mount 1 Isoci 111 10549

Dule 9/18/2019 Project ID

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

#### **MEMORANDUM**

TO:

Honorable Chairman Hertz and Members of the Planning Board

FROM:

Peter J. Miley, Building Inspector

PMZ

SUBJECT:

PL Property Management

77 Smith Avenue, SBL 80.41-1-3

DATE:

June 18, 2020

Updated August 7, 2020

#### **PROPERTY**

77 Smith Avenue is an existing, unlawful two-family dwelling situated on a noncomplying 9,395 sq. ft. lot. The property is located in the §110-22 OC (Cottage Office) Zoning District which permits, by Special Permit, mixed residential and office uses that are located in a single building.

#### **PROPOSED**

The applicant proposes to remove the residential living space in the basement, construct a new office, and to convert the unlawful two-family dwelling into a one-family dwelling. The main entry into the residence shall be located on the first floor which is ground level with Smith Avenue, see Zoning for variance(s) required.

The applicant proposed the reconfiguration of the rear parking area that will include five dimensionally complying parking spaces and one ADA parking space with loading area. New landscaping shall also be installed.

#### **ZONING**

• Pursuant to Chapter §110. Zoning Article III. District Regulations §110-22 OC Cottage Office District. B. Permitted uses. (2) Special permit uses. (a) Mixed residential and office uses in a single building provided that: [1] No dwelling unit shall be permitted on the first floor of any building. Proposed is a dwelling unit where the main entrance is located on the first floor therefore; a variance for a dwelling unit to be permitted on the first floor shall be required.

• Pursuant to Chapter §110. Zoning Article III. District Regulations §110-22 OC Cottage Office District C. Development Regulations. (2) (a) Minimum net lot area required is 10,000 sq. ft., existing is 9,395 sq. ft. therefore; a 605 sq. ft. minimum net lot area variance is required.

#### COMMENTS

- The Building Department defers to the Village Planner for lighting and landscaping.
- The Building Department defers to the Village Engineer for grading, drainage, and determining whether the recent contamination report is sufficient.

#### APPROVALS REQUIRED

- 1. Planning Board/Site Plan Approval
- 2. Special Permit
- 3. Change of Use
- 4. Zoning Board of Appeals/Variances

Date:	Case No.: 20-4
Fee:	Date Filed:
104	Village/Town of Mount Kisco  Municipal Building  Main Street, Mt. Kisco, NY 10549
	Zoning Board of Appeals <u>Application</u>
Appellant: PL PRO Address: P.O., Bor Address of subject property	(if different): 77 SMITH AVENUE.
Appellant's relationship to s	subject property: Owner Lessee Other
	):
from the decision of the Buildated OB 175/2020	NING BOARD OF APPEALS: An appeal is hereby taken ilding Inspector, PETER 3. MILEY Application is hereby made for the following:
√ Variation or	Interpretation of Section CHAPTER 110-228 (2) (a)
of the Code of the Village/	Fown of Mount Kisco, $10-228(2)$ (a)
to permit the: Erection	n; Alteration; Conversion; Maintenance
in acco	ordance with plans filed on (date)
for Property ID # 80.41	ordance with plans filed on (date)
The subject premises is situ	nated on the side of (street)
in th	ne Village/Town of Mount Kisco, County of Westchester, NY.
Does property face on two	different public streets? Yes(No) SMITH AVE.
(If on two streets, give both	street names)
Type of Variance sought:	Use Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property?
Is there an approved site plan for this property? YES in connection with a Proposed or Existing building; erected (yr.)
Size of Lot: 1085 feet wide 207.62 feet deep Area 9,3 95 SF
Size of Building: at street level 370 feet wide 270 feet deep
Height of building: 20 FT- Present use of building: TWO FAMILY RES
Does this building contain a nonconforming use? YES 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? 10
Was a variance ever granted for this property? Mo 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 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?

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 <u>AUGUST</u> 7,2020 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).
- 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 <u>AT LEAST 15 DAYS</u> 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.
- \*1) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

<sup>\*</sup> 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:  MICHELLE K. RUSSO  NOTARY PUBLIC-STATE OF NEW YOR  No. 01RU6313298  Notary Public,  County, NY Qualified In Putnam County  My Commission Expires 10-20-2022
[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)



# LEONARD BRANDES ARCHITECT

Date:

August 24, 2020

Project:

Zoning Board of Appeals

Village/Town of Mount Kisco

104 Main Street

Mt. Kisco, New York 10549

**Project:** 

One Family Residence with Office at Basement Level

77 Smith Avenue

Mt. Kisco, New York 10549

ID # 80.41-01-03

Subject:

Zoning Board of Appeals Application Zoning District: OC

Dear Sirs:

Please accept this application to the Zoning Board of Appeals for Area Variances for this Existing – Non – Conforming Property.

Background:

The existing property consists of  $\pm 0.22$  acres of Land within the Office Cottage Zoning District and prior to my client's recent purchase of the property was unlawfully occupied on all levels as a Two Family Residence where only One Family is allowed. The property has a steep drop to the back of the property which has an existing parking lot. The entire Basement rear façade is exposed to the parking lot and currently has a garage and direct entrance to the Basement level.

Site Plan Approval, Change of Use & Special Use Permit has been requested from the Planning Board.

#### Proposal:

We are proposing to convert the building to allow for a Professional Office space to occupy the Basement Level which will have direct access from the parking lot and to re-create a One Family Residence on the First and Second Floors.

The OC Zoning District, with a Special Use Permit, allows for Professional Office space on the First Floor with a One Family Residence on the Upper Floors. Our proposal for this small building will maintain the First Floor level, which is exposed to Smith Avenue, as the One Family Residence and the Office area at the full façade Basement Level entered at the back of the building.

#### 77 Smith Avenue

Page 2

Chapter 110, Zoning Article III District Regulations Section 110-22B Cottage Office District of the Village Code prohibits dwelling units on the First Floor of mixed-use buildings within the underlying OC Zoning District;

Chapter 110, Zoning Article III District Regulations Section 110-22B(2)(a) Cottage Office District of the Village Code Development Regulations (2)(a) Minimum net lot area required is 10,000 sq. ft. Existing is 9,395 sq. ft. A 605 sq. ft. minimum lot area variance is requested.

Relief from the above regulations is requested from the Zoning Board of Appeals.

We believe the requested variances are within the guidelines as set forth for the board to consider these reliefs:

- 1. No undesirable change will be produced in the character of the neighborhood and will not be a detriment to nearby properties by granting of these variances. The parking lot already exists and will be improved per the Planning Board. Neighboring properties in the area have parking lots in the rear of their properties as well.
- 2. The benefit sought by the applicant can not be achieved by some feasible method other than a variance.
- 3. The requested variances are not substantial for the neighborhood. This is a much smaller building than the two adjacent buildings. Maintaining the First Floor as a One Family Residence will keep the character of Smith Avenue.
- 4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. As previously noted it will require minimum change in the character of the building and existing parking lot.
- 5. The difficulty in developing this property is not self-created. The existing house has been illegally used as a multi-family residence in order for the previous owner to maintain the cost of the property. Creating a small professional office, to be occupied by the owner of the building and having only one family living above will meet the spirit of the code.

Thank you for your time and consideration.

Leonard Brandes

#### **PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15th day of September 2020 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Lexington Properties, d.b.a. PL property Management and Brandes Architects, located at P.O. Box 367 Mount Kisco, NY 10549 and Two Spencer Place, Scarsdale, NY 10583, from the decision of Peter J. Miley, Building Inspector, dated June 18th 2020, updated August 7th 2020 denying the application dated to permit the One Family Residence with office at the Basement Level.

The property involved is known as 77 Smith Avenue, Mount Kisco, NY 10549 and described on the Village Tax Map as Section 80.41 Block 01 Lot 03 and is located on the North side of Smith Avenue in an Office Cottage (OC) Zoning District. Said Appeal is being made to obtain a variance from Section 110-22B and 110-22B(2)(a) of the

Code of the Village/Town of Mount Kisco, which prohibits dwelling units on the First Floor of mixed-use buildings within the underlying OC Zoning District and requires Minimum net lot area is 10,000 sq. ft.

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

# EXB 77 5 mith Ave.

111   113   Moore Ave   MOUNT KISCO   10549	OWNERNAME	PROPADDRESS	PROPEITY	PROPZIP
Carhuayo, Ruben         109 Moore Ave         MOUNT KISCO         10549           Smith Ave Zapson, LLC         71.5 mith Ave         MOUNT KISCO         10549           Bottero Francisco         48 Gregory Ave         MOUNT KISCO         10549           Bet Torah, Inc.         60 Smith Ave         MOUNT KISCO         10549           Pugliese Matthew - Meghan Pugliese         108 Smith Ave         MOUNT KISCO         10549           113 Smith Ave         MOUNT KISCO         10549           Peralta Guido G - Lucia Peralta         4 Maplewood Dr         MOUNT KISCO         10549           O'Connor, Thomas - Gina Izzo         103 Moore Ave         MOUNT KISCO         10549           Albanese, Antonio - Carmela Albanese         60 Gregory Ave         MOUNT KISCO         10549           Summers Kirk G - Leanne C Summers         102 Smith Ave         MOUNT KISCO         10549           Giuseppe Valvano Irrev Trust - Vincent Valvanc & Gregory Ave         MOUNT KISCO         10549           Bedford Central S.D.         W Hyatt Ave         MOUNT KISCO         10549           Lopez Gerardo         64 Gregory Ave         MOUNT KISCO         10549           Hamish & Trotwood LtC         55 Smith Ave         MOUNT KISCO         10549           PPM Real Estate, NY, LtC         91 Smi	111 Moore Ave LLC			
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Acqua Capital, LLC  Ret Torah, Inc.  Risco Smith Ave  Risco Smith LLC  Risco Smith Ave  Risco Smith Ave  Risco Smith LLC  Risco Smith LLC  Risco Smith Ave  Risco Smith Ave  Risco Smith Ave  Rount Kisco  Rount	99 Moore Ave LLC	99 Moore Ave	MOUNT KISCO	10549
Bet Torah, Inc.  80 Smith Ave  MOUNT KISCO  10549  Kisco Smith LLC  75 Smith Ave  MOUNT KISCO  10549  Thomas Fatato Realty Corp  Gaizza Family Trust - Salvatrice Pierce  95 Moore Ave  MOUNT KISCO  10549  Gonzalez Diego  78 Gregory Ave  MOUNT KISCO  10549  Gregory Associates LLC  55 Gregory Ave  MOUNT KISCO  10549  105 Smith Avenue LLC  105 Smith Ave  MOUNT KISCO  10549  98 Smith Ave  MOUNT KISCO  10549  98 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Gonzales Gustavo - Rosa E Gonzales  5 Maplewood Dr  MOUNT KISCO  10549  Bermeo Claudio  100 Gregory Ave  MOUNT KISCO  10549	Cerbone, Elaine E	86 Smith Ave	MOUNT KISCO	10549
Kisco Smith LLC  75 Smith Ave  MOUNT KISCO  10549  Thomas Fatato Realty Corp  Goregory Ave  MOUNT KISCO  10549  90 Gregory Ave  MOUNT KISCO  10549  Gonzalez Diego  78 Gregory Ave  MOUNT KISCO  10549  Gregory Associates LLC  55 Gregory Ave  MOUNT KISCO  10549  105 Smith Avenue LLC  105 Smith Ave  MOUNT KISCO  10549  98 Smith Ave  MOUNT KISCO  10549  98 Smith Ave  MOUNT KISCO  10549  99 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Gonzales Gustavo - Rosa E Gonzales  5 Maplewood Dr  MOUNT KISCO  10549  Bermeo Claudio  100 Gregory Ave  MOUNT KISCO  10549	Acqua Capital, LLC	77 Smith Ave	MOUNT KISCO	10549
Thomas Fatato Realty Corp  90 Gregory Ave  MOUNT KISCO  10549  Caizza Family Trust - Salvatrice Pierce  95 Moore Ave  MOUNT KISCO  10549  Gonzalez Diego  78 Gregory Ave  MOUNT KISCO  10549  Gregory Associates LLC  55 Gregory Ave  MOUNT KISCO  10549  105 Smith Avenue LLC  105 Smith Ave  MOUNT KISCO  10549  98 Smith Ave  MOUNT KISCO  10549  98 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Gonzales Gustavo - Rosa E Gonzales  5 Maplewood Dr  MOUNT KISCO  10549  Bermeo Claudio  100 Gregory Ave  MOUNT KISCO  10549  MOUNT KISCO  10549  Bermeo Claudio  100 Gregory Ave  MOUNT KISCO  10549	Bet Torah, Inc.	80 Smith Ave	MOUNT KISCO	10549
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Gonzalez Diego 78 Gregory Ave MOUNT KISCO 10549 Gregory Associates LLC 55 Gregory Ave MOUNT KISCO 10549 105 Smith Avenue LLC 105 Smith Ave MOUNT KISCO 10549  98 Smith Ave. LLC 98 Smith Ave MOUNT KISCO 10549 Pinnetti, Nicola 99 Smith Ave MOUNT KISCO 10549 Woodfield Prop. Mt Kisco LLC 94 Smith Ave MOUNT KISCO 10549 Cerbone, Elaine E 84 Smith Ave MOUNT KISCO 10549 Gonzales Gustavo - Rosa E Gonzales 5 Maplewood Dr MOUNT KISCO 10549 Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549 Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Thomas Fatato Realty Corp	90 Gregory Ave	MOUNT KISCO	10549
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98 Smith Ave. LLC 98 Smith Ave MOUNT KISCO 10549 Pinnetti, Nicola 99 Smith Ave MOUNT KISCO 10549 Woodfield Prop. Mt Kisco LLC 94 Smith Ave MOUNT KISCO 10549 Cerbone, Elaine E 84 Smith Ave MOUNT KISCO 10549 Gonzales Gustavo - Rosa E Gonzales 5 Maplewood Dr MOUNT KISCO 10549 Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549 Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Gregory Associates LLC	55 Gregory Ave	MOUNT KISCO	10549
Pinnetti, Nicola  99 Smith Ave  MOUNT KISCO  10549  Woodfield Prop. Mt Kisco LLC  94 Smith Ave  MOUNT KISCO  10549  Cerbone, Elaine E  84 Smith Ave  MOUNT KISCO  10549  Gonzales Gustavo - Rosa E Gonzales  5 Maplewood Dr  MOUNT KISCO  10549  Bermeo Claudio  100 Gregory Ave  MOUNT KISCO  10549  Lopez, Edison - Flor Lopez  68 Gregory Ave  MOUNT KISCO  10549	105 Smith Avenue LLC	105 Smith Ave	MOUNT KISCO	10549
Woodfield Prop. Mt Kisco LLC  94 Smith Ave MOUNT KISCO 10549  Cerbone, Elaine E  84 Smith Ave MOUNT KISCO 10549  Gonzales Gustavo - Rosa E Gonzales  5 Maplewood Dr MOUNT KISCO 10549  Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549  Lopez, Edison - Flor Lopez  68 Gregory Ave MOUNT KISCO 10549	98 Smith Ave. LLC	98 Smith Ave	MOUNT KISCO	10549
Cerbone, Elaine E 84 Smith Ave MOUNT KISCO 10549 Gonzales Gustavo - Rosa E Gonzales 5 Maplewood Dr MOUNT KISCO 10549 Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549 Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Pinnetti, Nicola	99 Smith Ave	MOUNT KISCO	10549
Gonzales Gustavo - Rosa E Gonzales 5 Maplewood Dr MOUNT KISCO 10549  Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549  Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Woodfield Prop. Mt Kisco LLC	94 Smith Ave	MOUNT KISCO	10549
Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549 Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Cerbone, Elaine E	84 Smith Ave	MOUNT KISCO	10549
Bermeo Claudio 100 Gregory Ave MOUNT KISCO 10549 Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Gonzales Gustavo - Rosa E Gonzales	5 Maplewood Dr	MOUNT KISCO	10549
Lopez, Edison - Flor Lopez 68 Gregory Ave MOUNT KISCO 10549	Bermeo Claudio			
Estate of Sally Ann Danning C. H. A. D. J. Co. C.	Lopez, Edison - Flor Lopez			
	Estate of Sally Ann Bronzino - Sally Ann Bronzin	69 Gregory Ave		10549

PROPPRINTKE	Y Mailing Address	City	State	Zip
80.40-3-10	299 Jay Street	Katonah	NY	10536
80.40-3-9	107 Moore Avenue	Mt. Kisco	NY	10549
80.41-1-6				
80.33-7-10				
80.41-3-4				
80.40-3-3				
80.40-2-5				
80.32-4-4				
80.40-3-8	,			
80.33-7-8	55 Cottage Terrace	Bedford Hills	NY	10507
80.33-6-17	PO Box 882	Mt. Kisco	NY	10549
80.40-3-5				
80.33-7-1	25 Birch Dr	Mt. Kisco	NY	10549
80.33-6-1.2	Fox Lane Campus			
	PO Box 180	Mt. Kisco	NY	10549
80.33-6-1.1	Fox Lane Campus			
	PO Box 180	Mt. Kisco	NY	10549
80.33-7-7				
80.41-1-8				
80.41-1-2				
80.33-7-4	140 Byram Lake Rd	Mt. Kisco	NY	10549
80.33-7-6.2	c/o Nazar Massouh			
	8 Cole Drive	Armonk	NY	10504
80.33-7-9	25 Birch Drive	Mt. Kisco	NY	10549
80.40-3-4	<i>N</i>			
80.41-3-28	25 Birch Drive	Mt. Kisco	NY	10549
80.41-3-1				
80.41-1-3	Po 367	Mt. Kisco	NY	10549
80.41-3-3	Michelle Heller			
	60 Smith Avenue	Mt. Kisco	NY	10549
80.41-1-4	c/oMarci			
	34 Shadblow Hill RD	Ridgefield	CT	06877
80.32-4-3	592 Pacific St	Brooklyn	NY	11217
80.41-3-27	38 Laurel Dr	Mt. Kisco	NY	10549
80.33-7-3			We, V	
80.33-6-15	84 Smith Ave	Mt. Kisco	NY	10549
80.40-2-6	Luigi Demasi			
	16 Oakbrook Rd	Ossining	NY	10562
80.40-3-6	- 111	<u></u>		20002
80.41-1-1	27 Manchester Dr	Mt. Kisco	NY	10549
	c/o Yonia Technologies	Mt. Kisco	NY	10549
80.41-3-2		***************************************		10049
80.32-4-13	3 Maplewood Dr	Mt. Kisco	NY	10549
80.32-4-2		WELL MIJOU	-	70343
7 17	85 Manchester Dr	Mt. Kisco	NV	10540
	Joseph Rogliano	IVIC, NISCO	NY	10549

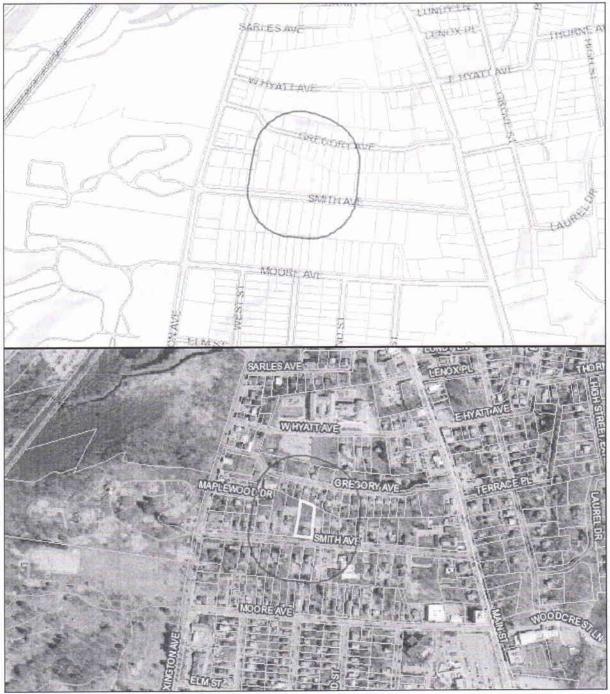
Nicholas, David	46 W Hyatt Ave	MOUNT KISCO	10549
Miyazaki Shuya - Naoko Miyazaki	51 Gregory Ave	MOUNT KISCO	10549
Batista, Sebastiao - Maria A Batista	93 Gregory Ave	MOUNT KISCO	10549
Schmidt Catherine	82 Gregory Ave	MOUNT KISCO	10549
Stonecipher Peter J - Lauren B Stonecipher	70 Gregory Ave	MOUNT KISCO	10549
Connie&Diego BuetiTrst 4-29-19	93 Moore Ave	MOUNT KISCO	10549
Duchon Michael J	73 Smith Ave	MOUNT KISCO	10549
61 Smith Properties LLC	61 Smith Ave	MOUNT KISCO	10549

80.33-6-2	31 Bellew Ave PO Box 770	Easchester Mahopac	NY NY	10709 10541
80.33-6-14 80.33-6-18 80.33-7-2				
80.33-7-5 80.41-3-26 80.41-1-5	115 Boltis St	Mt. Kisco	NY	10549
80.41-1-7	112 N Salem Rd	Cross River	NY	10518

## **Tax Parcel Maps**

Address: 77 Smith Ave

**Print Key:** 80.41-1-3 SBL: 08004100010030000000



This tax parcel map is provided 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 survey or deeds. For more information places contact the assessor's office of the municipality. surveys or deeds. For more information please contact the assessor's office of the municipality.

## AFFIDAVIT OF MAILING

STATE OF NEW YORK }
COUNTY OF WESTCHESTER  }SS.: }
says: being duly sworn, deposes and
I reside at 21 East 12th Street, Apt 11B Ny My 10003
On Agrat 314 2020 I served a notice of hearing, a copy of which is
attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule
of property owners within 300 feet of the subject property identified in this notice. A
copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.
I placed a true copy of such notice in a postage paid property addressed wrapper
addressed to the addresses set forth in Exhibit B, in a post office or official depository
under the exclusive care and custody of the United States Post Office, within the County
of Westchester.
Sworn to before me on this
31 day of August 20 20
Modelley
(Notary Public)
NORMA E ALVAREZ  Notary Public – State of New York NO. 01AL6347778  Qualified in Westchester County My Commission Expires Sep 12, 2020



## AFFIDAVIT OF PUBLICATION **FROM**

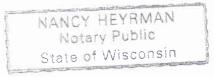
State of Wisconsin County of Brown, ss.:

NICholas	-Ken strom	fore me, the undersigned, a Notary Public in and for said State, personally appeared  personally known to me or proved to me on the basis of satisfactory evidence to
same in his/her/the of which the indivi	ir capacity(ies), and the dual(s) acted, execute	subscribed to the within instrument and acknowledged to me that he/she/they executed the by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf the instrument.
Nrcholau	Reastrom	being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a
newspaper publish	ed in the County of W	stchester and the State of New York, and the notice of which the annexed is a printed copy.
was published in the	ie newspaper area(s) (	the date (s) below:
	Zone: Westchester	Run Dates: 07/21/2020
Signature		
/ por	me, this 21 day of J Ly Lef gre of Wisconsin. O	man
My commission	expires	
Legend:		

Amawalk, 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, Eastchesier, Elmsford, Garrison, Goldens Bridge, Granite Springs, Greenburg, Harrison, Hartsdale, Hastings, Harsings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonan, Lake Peekskill, Larchmont, Lincolndaie, Mahopac, Mahopac Falls, Mamaroneck, Millwood, Hastings, Hartsdale, Mahopac, Ma Mohagan 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

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

Ad Number: 0004286281



Run Dates: 07/21/2020

PUBLIC NOTICE

Please Take Notice that in accordance with Chapter 110 the Code of the village of Mount Kisco, a public hearing has been scheduled in consection with a Special Use Permit Application submitted by the applicant. The subject property is consprised of ±216 acres of land, is located at 77 Tamith Avenue (58L 80.41.01.03) within the Cottage Office District (OC) Zoning District, and contains a single family residence. The applicant, It Property Management Corp., is currently proposing to convert the basement floor to a professional (non-medical) office and is proposing a single family dwelling to occupy the first and second floors. The Planning Board of the Village of Mount Kisco will hold a public hearing on Tuesday, August 11, 2020 at 7:30 PM or as soon thereafter as may be heard, in the Frank I. DiMicco, Sr. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment. All interested parbes are invited to attend and beheard.

By order of: Chairman Douglas Hertz Mount Kisco Planning Board

Mount Risco Planning Board

The to public health concerns associated with COVID-19 and in accordance with the Executive Order issued by Governor Cuorno suspending portions of the Open Meetings taw, members of the public may not attend in person until further notice. However, the public may observe the proceedings in real time on the Village of Mount Risco's website's Facebook link and may provide comments in writing by mail or electronically, as follows: Mail -Village Clerk/Zoning Board Secretary/Planning Board Secretary/Planning-mountkiscony.gov, or by phone at 914-864-0022.

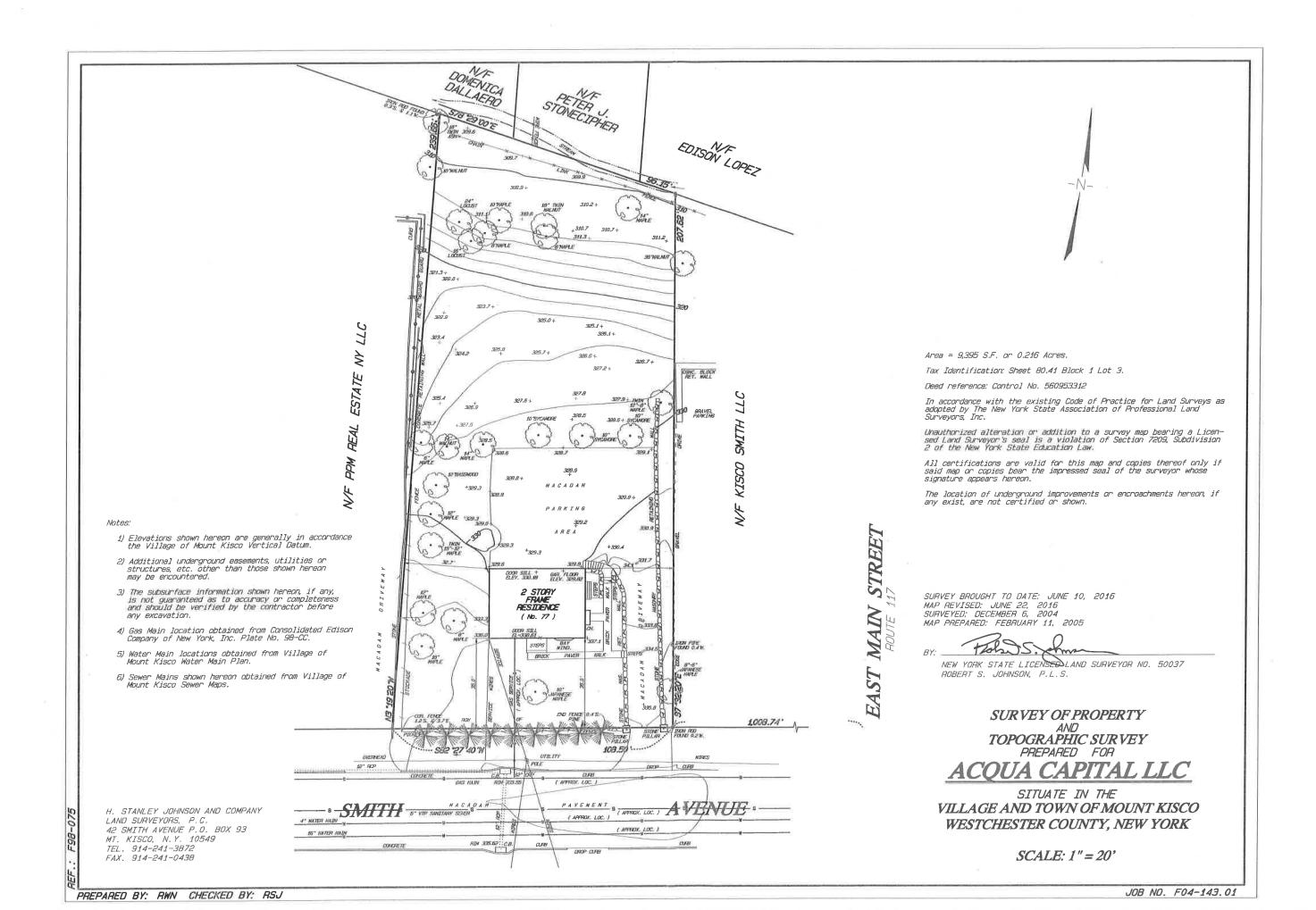
By order of the Village Board of Trustees.

4286281

77 Smith Ave

State of New York	) ) ss:	AFFIDAVIT OF POSTING	
County of Westchester	•)		
conspicuously fastened		n theday of September 2020 blic places, in the Village/Town of otice of which the annexed is a true	, he
Municipal Building – 104 Main Street		<u>X</u>	
Public Library 100 Main Street		X	
Fox Center		<u>X</u>	
Justice Court – Green 40 Green Street	Street	<u>X</u>	
Mt. Kisco Ambulance 310 Lexington Ave	Corp	X	
Carpenter Avenue Cor 200 Carpenter Avenue	· ·	X	
Leonard Park Multi Pu	urpose Bldg	Guillermo Gomez	
Sworn to before me th  Muhule  Notary Public	is 9th Septemb K. Run	0012020	

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022



## ZONING INFORMATION

TaxID: 80.41-1-3

--- ZONING DISTRICT: OC (COTTAGE OFFICE DISTRICT) ---

YARD REQUIREMENTS				
YARD	REQUIRED	EXISTING	PROPOSED	
FRONT	30.0'	35.0'	NO CHANGE	
RIGHT SIDE	15.0'	34.1'	NO CHANGE	
LEFT SIDE	15.0'	32.7'	NO CHANGE	
REAR	30.0'	149.0'	NO CHANGE	
MAX. HEIGHT	2 1/2 STORIES 35.0'	2 1/2 STORIES 28'-9"	NO CHANGE	
MIN. LOT WIDTH	50.0'	108.5	NO CHANGE	
MIN. LOT DEPTH	100.01	207.62'	NO CHANGE	

\* NOTE: MIN. 10 FT BUFFER ALL AROUND PROPERTY \*

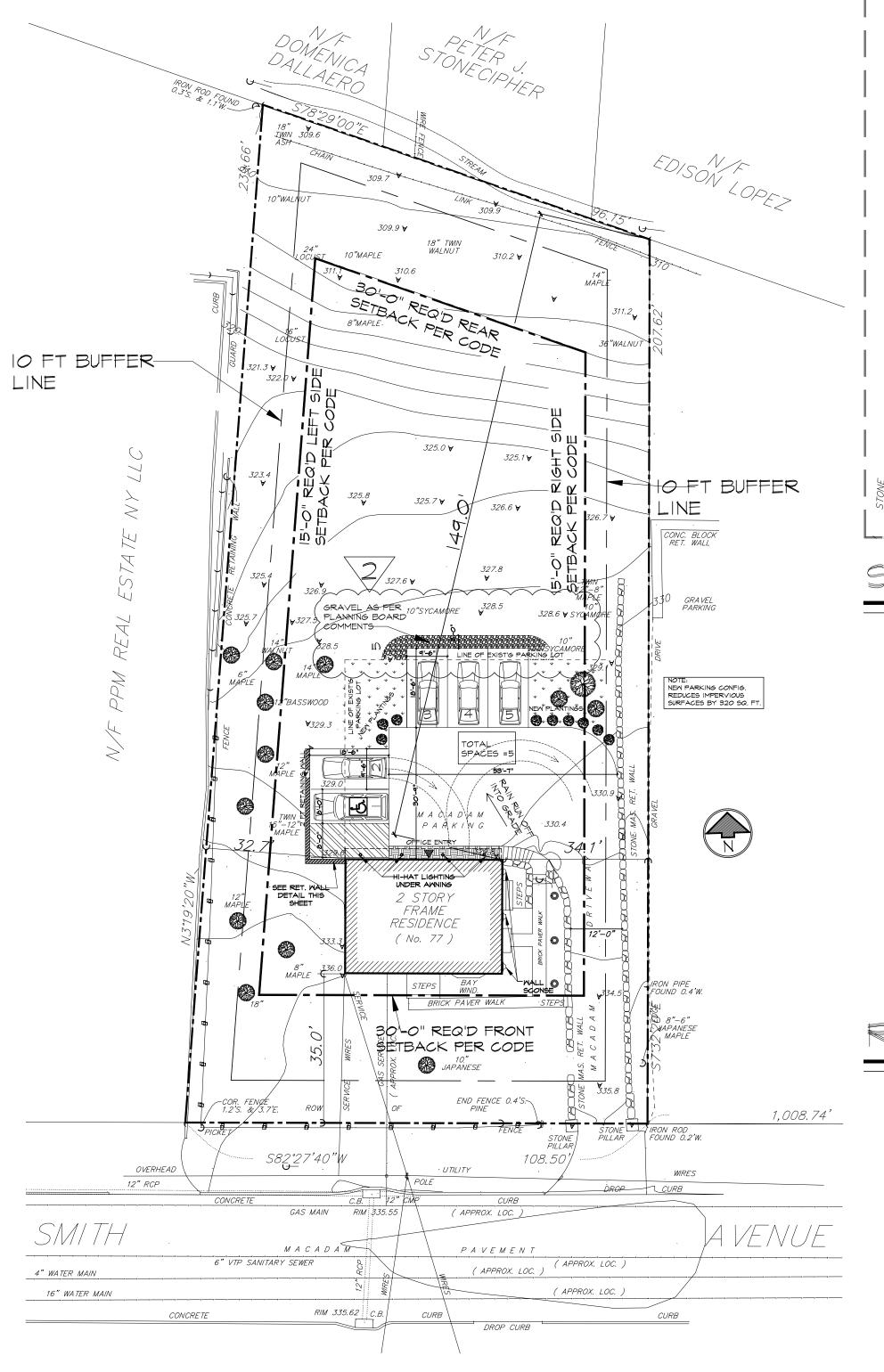
## LOT COVERAGE

LOICOVERAGE				
	EXISTING	PROPOSED		
LOT SIZE:(MIN LOT IOK)	9,395 SF EXISTING NON-CONFORMING	NO CHANGE		
FOOTPRINT OF BLDG(10.6%)	1,000 SF	NO CHANGE		
MAX. BLDG COVERAGE (20%)	1,879 SF			
MAX. DEVELOPMENT COVERAGE (60%)	5,637 SF			
TOTAL. DEVELOPMENT COVERAGE: W/ REDUCED PARKING LOT (53%)	MACADAM DRIVEWAY 3,692 WALKWAYS + STAIRS 350 RETAINING WALLS 304 9 BUILDING 1000 SF	SF WALKWAYS + STAIRS 350 SF SF RETAINING WALLS 304 SF		

*SPECIAL USE	PERMIT REG	RUIREDFOR	MIXED USE	IN OC(COTT)	AGE OFFICE	DISTRICT)	,

PARKING CALCULATIONS @ 77 SMITH AVE MT KISCO				
I FAMILY RESIDENCE REQUIREMENT: 2 SPACES     OFFICE/BUSINESS SPACE REQUIREMENT: ONE SPACE PER 250 SF				
LOCATION	AREA(SF)T	KISCO ZONING CODE PR	OPOSED PARKING	
OFFICE SPACE	626	3 SPACES	3 SPACES	
I FAMILY RESIDENCE	1,700	2 SPACES	2 SPACES	
TOTAL:	-	5 SPACES	5 SPACES	

I- NOTE: VARIANCE REQUIRED PER SECTION 110-22B(2)(a) OF THE VILLAGE CODE PROHIBITS DWELLING UNITS ON THE FIRST FLOOR OF MIXED-USE BUILDINGS WITHIN THE UNDERLYING OC ZONING DISTRICT. ONE FAMILY DWELLING ON FIRST FLOOR WITH OFFICE IN BASEMENT AT PARKING LEVEL



328.6 ¥ SYCAMORE REMOVE OLD PARKING— CURB. PREPARE PER MACADAM PARKINGAREADOOR SILL GAR. FLOOR ELEV. 330.18 ELEV. 329.82 FRAME RESIDENCE ( No. 77 )

SITE PLAN DEMO @ EXIST'S PARKING

I" BITUMINOUS MACADAM SURFACE SET OVER TACK COAT \_ 3" COMPACTED ITEM FOUR SET ON COMPACTED SOIL IO" POURED CONC. FNDTN. WALL W/ (3) #4-REBAR 24" O.C. VERT. & HOR. REBAR ) TO BEAR ON POURED CONC. 30"X12"THK. FTG. REINF. W/ VERT. & HOR. (BOTH GRADE VARIES
PARKING LOT SURFACE RETAINING MALL DETAIL

PROPOSED SITE PLAN

SCALE |" = 20'-0"

DRAWING LIST SY-001 PROPOSED SITE PLAN, ZONING & PARKING INFO A-100 PROPOSED BASEMENT FLOOR PLAN A-101 EXIST'G Ist \$ 2nd FLOOR PLANS A-200 PROPOSED & EXIST'G ELEVATIONS

L-001 PROPOSED LIGHTING PLAN @ PARKING

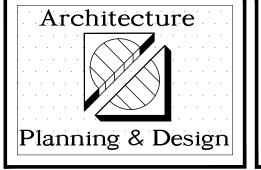
Project. LEXINGTON PROPERTIES

PROPOSED ALTERATIONS @ 77 SMITH AVENUE MOUNT KISCO, NEW YORK

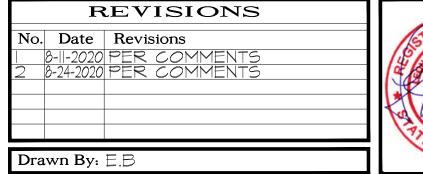
Leonard H. Brandes · ARCHITECT

TWO SPENCER PLACE SCARSDALE 914-472-8421

SUITE 12 NEW YORK 10583 NCARB Certified



5,026 SF

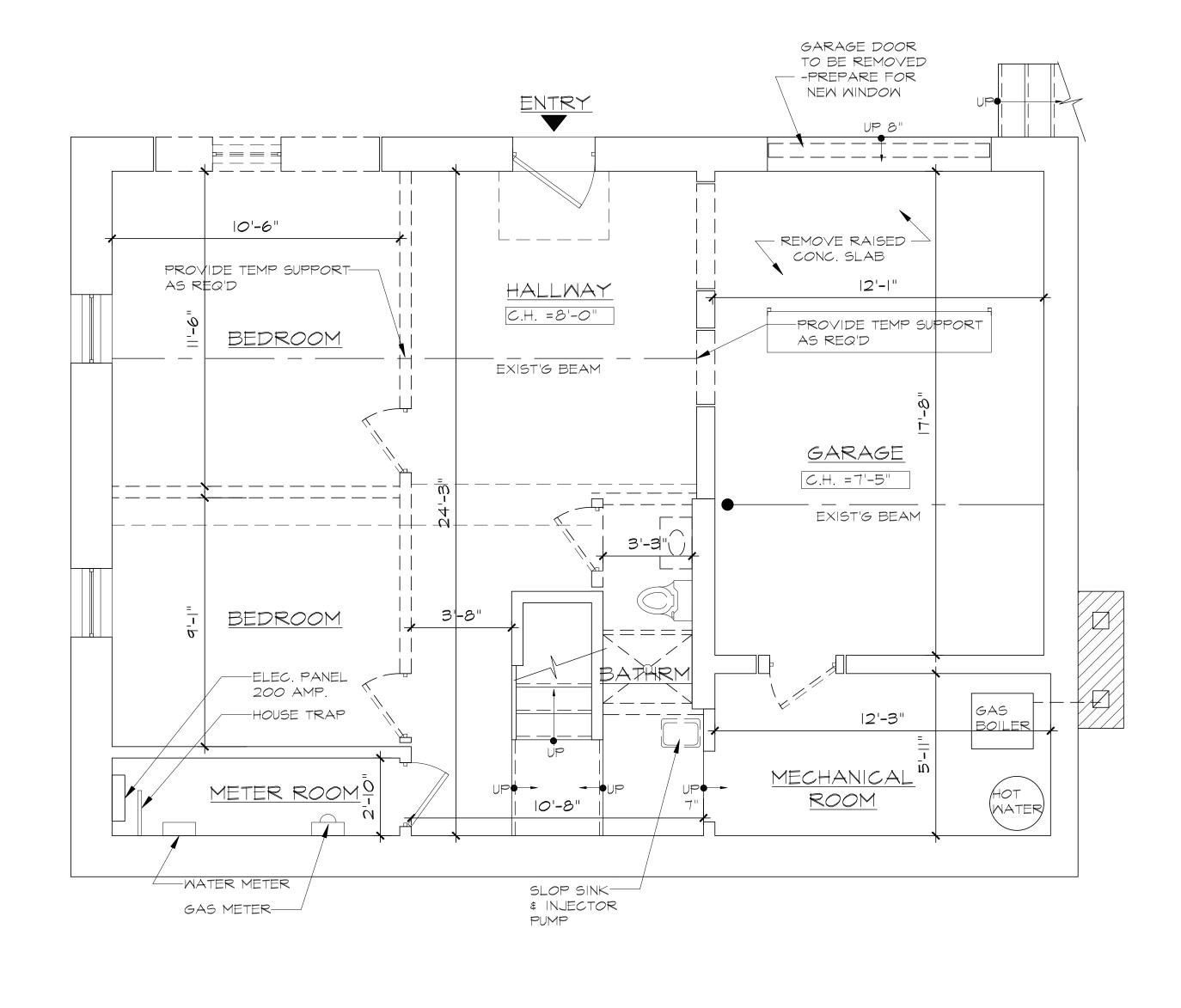


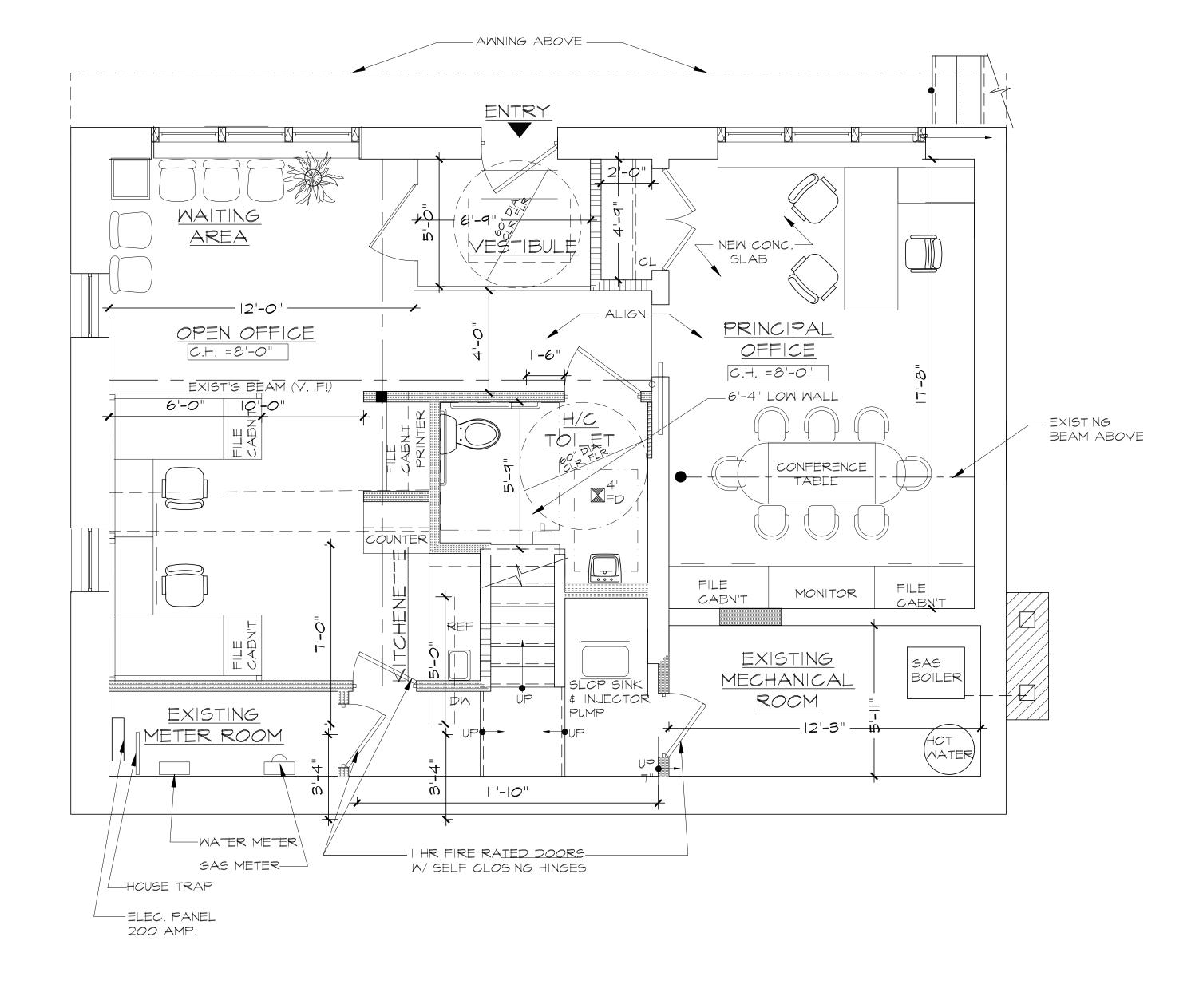


Dwg. Title. GENERAL NOTES & SITE PLAN

JUNE 5, 2020

Drawing No.





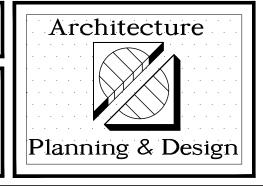
PROPOSED BSMT DEMO PLAN

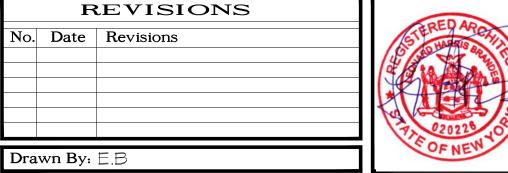
PROPOSED BSMT FLOOR PLAN — SCALE: 3/8"=1'-0"

Leonard H. Brandes · ARCHITECT

TWO SPENCER PLACE SCARSDALE 914-472-8421

SUITE 12 NEW YORK 10583 NCARB Certified



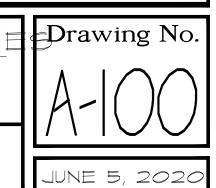


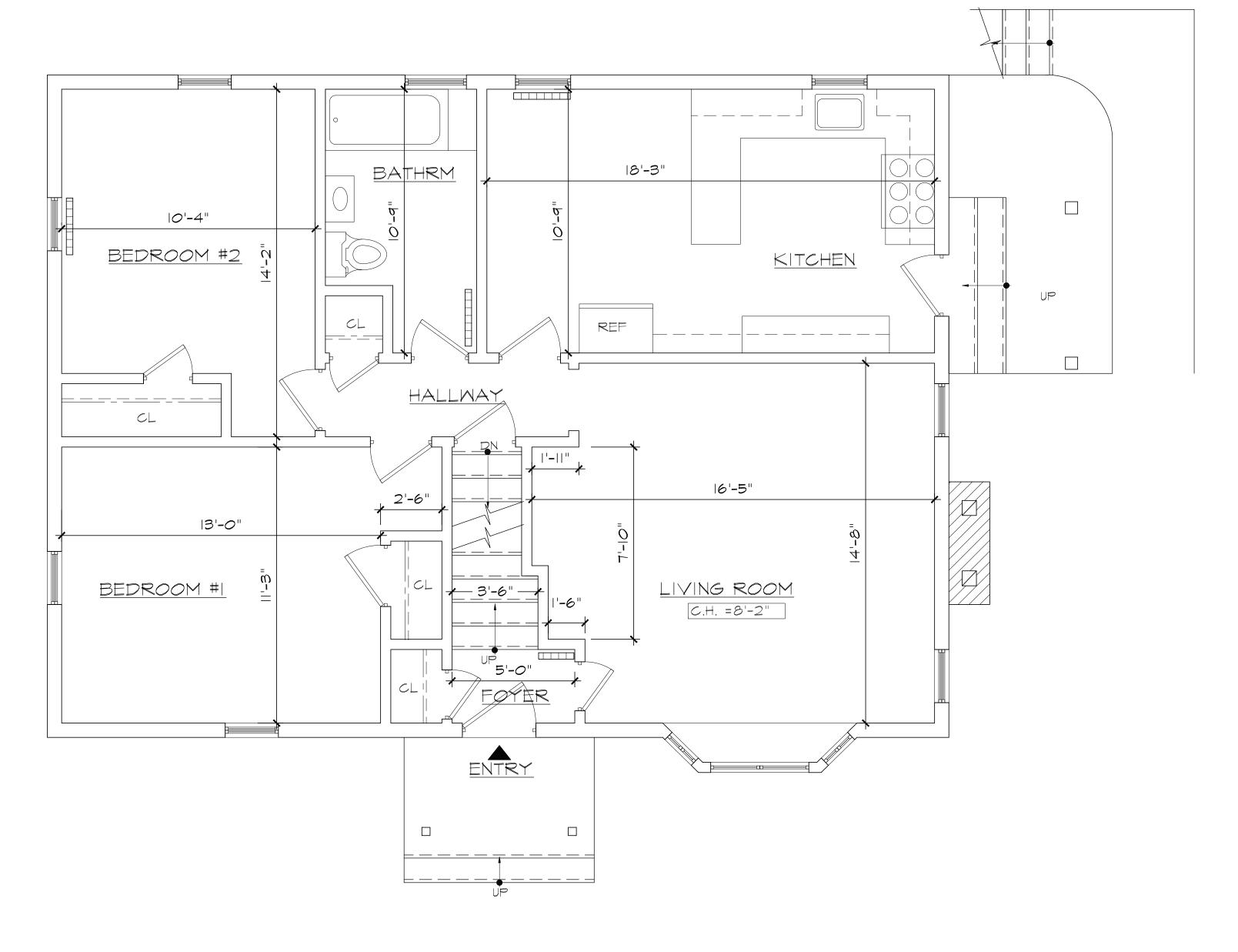


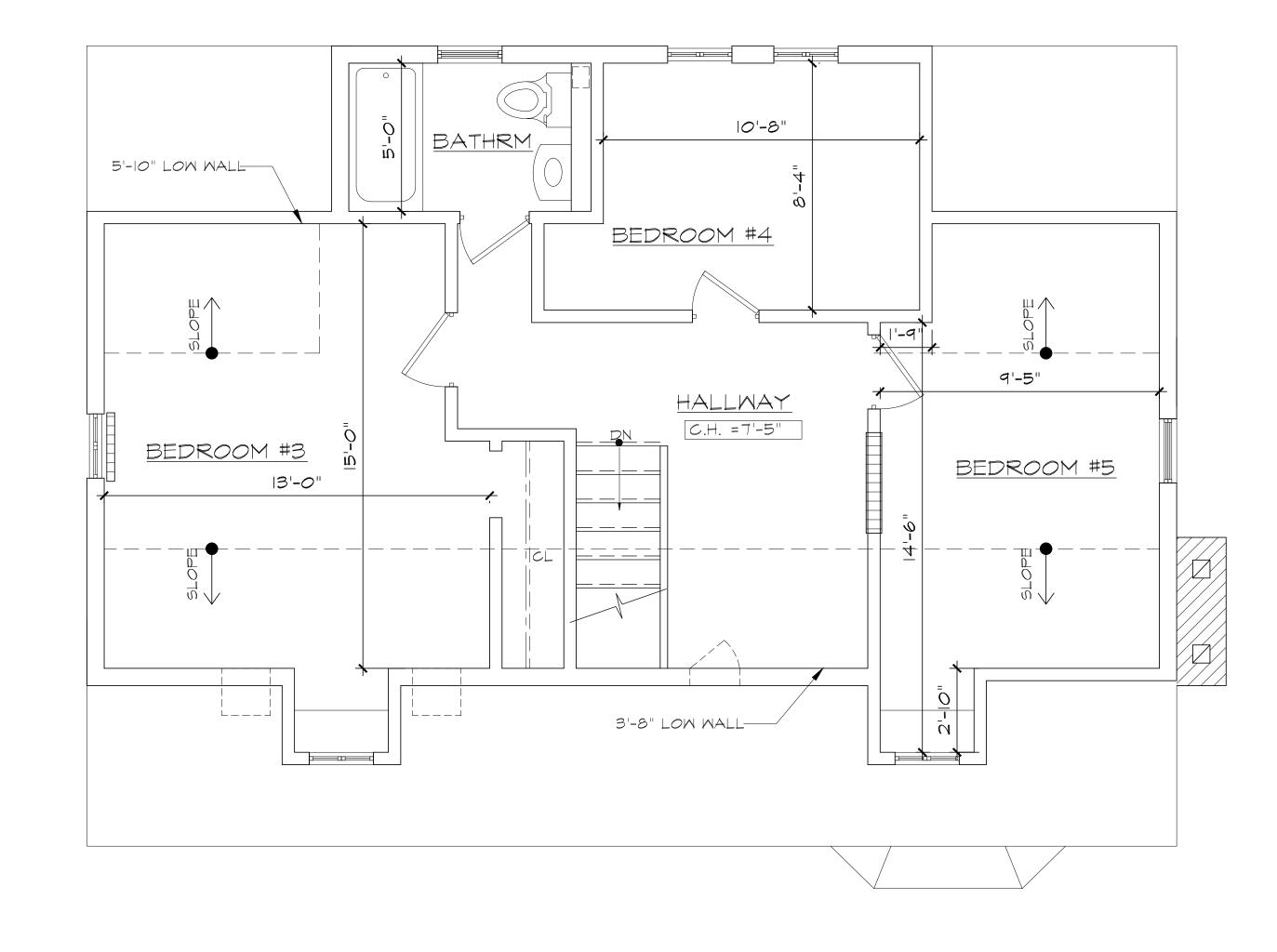
Project. LEXINGTON PROPERT

PROPOSED ALTERATIONS @ 77 SMITH AVENUE MOUNT KISCO , NEW YORK

Dwg. Title. PROPOSED BSMT FLOOR PLAN







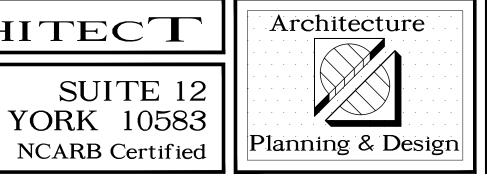
EXISTING FIRST FLOOR PLAND CHANGE

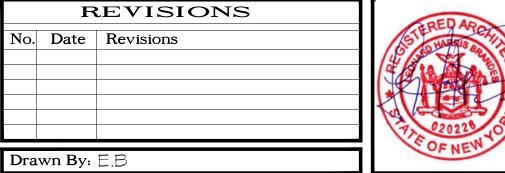
EXISTING SECOND FLOOR PLAND CHANGE

Leonard H. Brandes · ARCHITECT

TWO SPENCER PLACE SCARSDALE 914-472-8421

SUITE 12 NEW YORK 10583



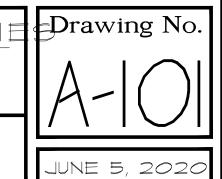


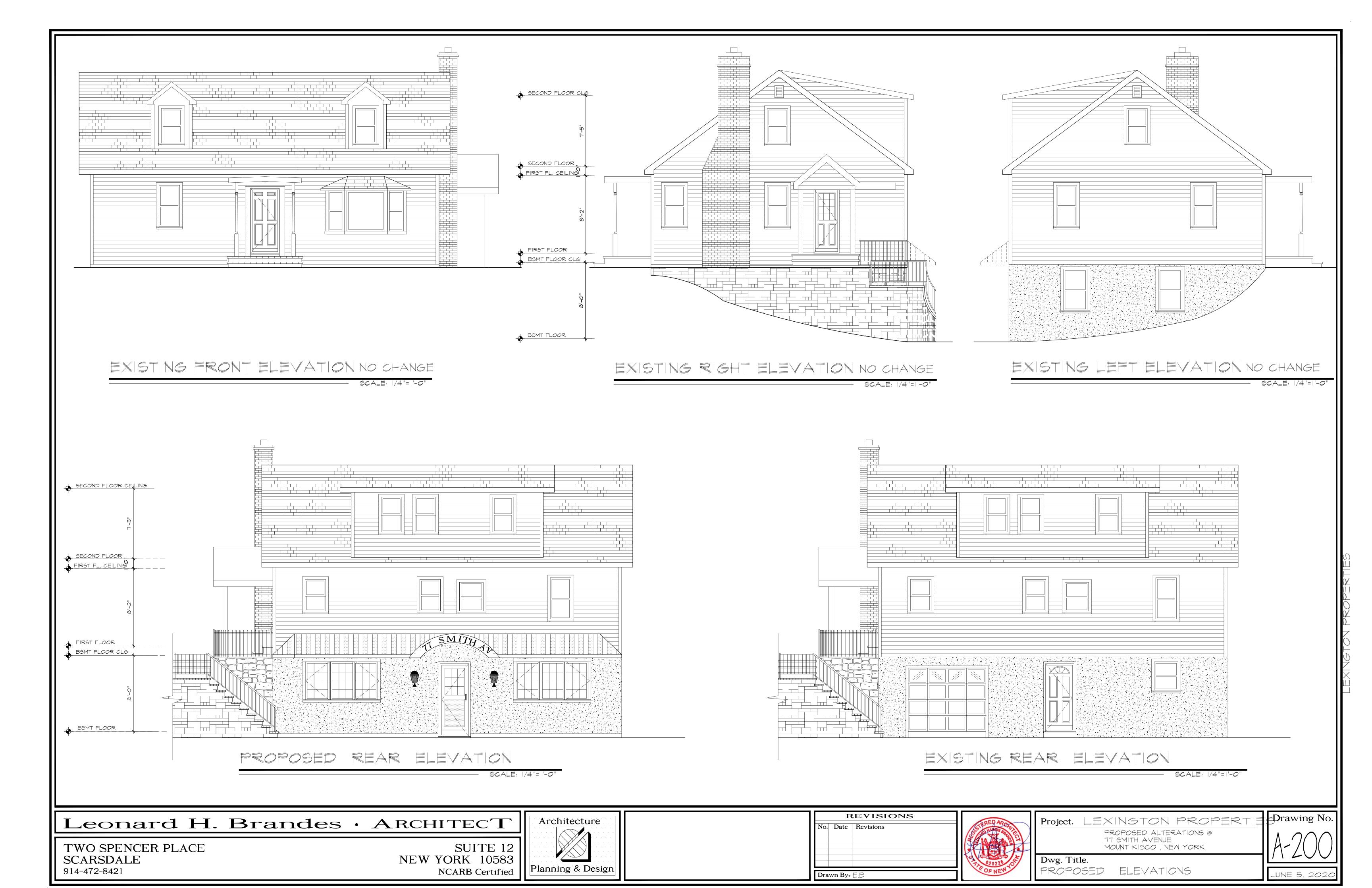


Project. LEXINGTON PROPERT

PROPOSED ALTERATIONS @ 77 SMITH AVENUE MOUNT KISCO , NEW YORK

Dwg. Title. EXISTING 1st & 2nd FLOOR PLANS







77 SMITH AVENUE FRONT OF HOUSE @ RESIDENT ENTRANCE



77 SMITH AVENUE FRONT & LEFT SIDE OF HOUSE



77 SMITH AVENUE BACK OF HOUSE



77 SMITH AVENUE BACK & RIGHT SIDE OF HOUSE



77 SMITH AVENUE FRONT & RIGHT SIDE OF HOUSE



77 SMITH AVENUE DRIVEWAY @ RIGHT SIDE OF HOUSE



77 SMITH AVENUE EXISTING PARKING AT BACK OF HOUSE



77 SMITH AVENUE RIGHT SIDE NEIGHBOR'S PARKING LOT



77 SMITH AVENUE RIGHT SIDE NEIGHBOR



77 SMITH AVENUE LEFT SIDE NEIGHBOR



77 SMITH AVENUE ACROSS THE STREET



77 SMITH AVENUE ACROSS THE STREET



77 SMITH AVENUE DOWN THE BLOCK



77 SMITH AVENUE UP THE BLOCK



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

#### **MEMORANDUM**

TO:

Honorable Chairman Hertz and Members of the Planning Board

FROM:

Peter J. Miley, Building Inspector

SUBJECT:

PL Property Management

18 Britton Lane, SBL 80.24-2-1

DATE:

June 17, 2020

Updated August 7, 2020

#### **PROPERTY**

18 Britton Lane is an existing, dimensionally noncomplying four-family dwelling located in the RM-10 (Moderate Density Multifamily District) Zoning District.

The original two-family dwelling was constructed in 1925 and predates the Village Zoning Code. According to the Tax Assessor's records, the two-family dwelling was converted on or about June 1997. On January 23, 1998, CO# 4594 was issued for an addition and a conversion from a two-family dwelling into a two (2), two-family dwellings for a total of four dwelling units.

The approved site plan of record of September 10, 1996 provided for 10 parking spaces. Proposed includes modifying two existing, noncomplying parking spaces to be properly sized and land banking two additional parking spaces and a future walkway.

#### **PROPOSED**

Proposed is the addition of one – one bedroom apartment to be located in the basement of the building; no additional building footprint shall be added. The additional dwelling unit will increase the number of apartments from four to five dwelling units. Entry for the new apartment will be located in an existing rear entry.

#### **ZONING**

The property is located within the RM-10 Moderate Density Multifamily Zoning District, multifamily dwellings are a permitted use in the district.

According to Chapter 110 attachment 2, minimum off-street parking regulations, required parking for a 1 bedroom dwelling unit is 1.5 spaces.

Pursuant to the minimum off street parking regulations, a "new" five-family multiple residence would require a total of 11 parking spaces. Proposed, which is based on the applicant's needs, is 10 parking spaces with two additional spaces that will be land-banked. In the event that the two parking spaces will be constructed, the parking spaces would encroach into the front yard buffer and may require a variance. Dimensions for the proposed land banked parking space and walkway have not been provided.

#### **COMMENTS**

Zoning information/chart should be included for 18 Britton Lane, similar to the information provided for 20 Stewart Place.

#### APPROVALS REQUIRED

- 1. Planning Board/Site Plan Approval
- 2. Change of Use
- 3. Zoning Board of Appeals/Variances

PM/mkr



# LEONARD BRANDES ARCHITECT

Date:

August 24, 2020

Project:

Zoning Board of Appeals

Village/Town of Mount Kisco

104 Main Street

Mt. Kisco, New York 10549

Project:

Legalize an Existing Three Family Residence

18 Britton Lane

Mt. Kisco, New York 10549

ID # 80.24-2-1

Subject:

Zoning Board of Appeals Application Zoning District: RM-10

Dear Sirs:

Please accept this application to the Zoning Board of Appeals for Area & Parking Variances for this Existing Non-Conforming Property.

#### Background:

The existing property at 18 Britton Lane is dimensionally non-complying four-family dwelling in the RM-10 (Moderate Density Multifamily District) Zoning District. An illegal professional office was in the Basement of the building and has been removed. Please note that a large portion of the backyard was taken by eminent domain when the Metro North Railroad set it's tracks for the Village/Town of Mt. Kisco. Under the present zoning the property does not meet lot depth requirements. Please note that the present owner of this property also owns the adjacent property at 20 Stewart Place.

#### Proposal:

We propose to create an additional One-Bedroom Apartment in the former illegal Basement Office. Access will be from the existing Rear Entry. No additional footprint to the property will be required. This will bring the total number of apartments to Five. Two additional future land banked parking spaces in the front yard will be created bringing the total number of possible parking spaces to Twelve from the existing Ten Parking spaces.

### Relief Requested:

Pursuant to Chapter 110 Attachment 2, Minimum Off –Street Parking Regulations, required parking for the additional One Bedroom dwelling unit is 1.5 spaces.

Pursuant to the minimum off street parking regulations, a 'new' five family multiple residence would require a total of 11 parking spaces. The existing parking lot always has additional open parking spaces. Our proposal for two 9ft by 18'-6" land banked parking spaces would be in the front yard setback 9'-8" from the front property line. The existing parking lot is 18'-8" from the front property line.

The required front yard is 25 feet, therefore a 15'-4" variance is requested.

#### Conclusion:

We believe the requested variances are within the guidelines as set forth for the board to consider these reliefs:

- 1. No undesirable change will be produced in the character of the neighborhood and will not be a detriment to nearby properties by granting of these variances. The existing parking lot is existing non-conforming.
- 2. The benefit sought by the applicant can not be achieved by some feasible method other than a variance for this non-conforming lot.
- 3. The requested variances are not substantial for the neighborhood. Parking lots across the street have even less front yard setbacks.
- 4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 5. The difficulty in developing this property is not self-created. The existing house and the lot is an existing-non-conforming property backing up to the Railroad line.

Thank you for your time and consideration.

Leonard Brandes, AIA

Date:	Case No.:	
Fee: \$15b	Date Filed:	
	Village/Town of Mount Kisco Municipal Building 104 Main Street, Mt. Kisco, NY 10549	¥
	Zoning Board of Appeals <u>Application</u>	
Appellant: PL from Address: Po Fo Address of subject proper	OPERTY MANAGE MENT  1× 367 Mg. Kiso, Mg. 10549  erty (if different): 18 BRITTON LANE	
Appellant's relationship	to subject property: Owner Lessee Other	
Address:	rent):	
TO THE CHAIRMAN,	ZONING BOARD OF APPEALS: An appeal is hereby taken Building Inspector, PETER J MILLEY.	
dated $08/07/2020$	. Application is hereby made for the following:	
of the Code of the Villa	Interpretation of Section CHAPTER 110 ATTACHME  Interpretation of Section CHAPTER 110 ATTACHME  Interpretation of Section CHAPTER 110 ATTACHME  INTERPRETATION OF STREET PAREING  FRONT YARA SET BACK.	TIT 2
to permit the: Ere	ection; Alteration; Conversion; Maintenance	
in a	accordance with plans filed on (date)	
for Property ID # 80	o. 24-2-1 located in the RM-100 Zoning District.	
The subject premises is	situated on the side of (street) in the Village/Town of Mount Kisco, County of Westchester, NY.	
Does property face on t	two different public streets? Yes/No	
	both street names) STEWART PLACE, BRITTON LM	

Type of Variance sought: \_\_\_\_\_Use \_\_\_\_ Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? YES.
Is there an approved site plan for this property? \( \frac{\gamma 0}{2} \) in connection with a \( \frac{\gamma 0}{2} \) Proposed or \( \frac{\gamma 0}{2} \) Existing building; erected (yr.) \( \frac{\gamma 0}{2} \)
Size of Lot: 210 feet wide 84.84 feet deep Area 15, 729
Size of Building: at street level 58 feet wide 30 feet deep
Height of building: 25 FT Present use of building: FOME FAMILY
Does this building contain a nonconforming use? NO Please identify and explain:
Is this building classified as a non-complying use? HO Please identify and explain:
Has any previous application or appeal been filed with this Board for these premises?  Yes/No?
Was a variance ever granted for this property? <u>HO</u> If so, please identify and explain:
Are there any violations pending against this property? 10 If so, please identify and explain:
Has a Work Stop Order or Appearance Ticket been served relative to this matter?  Yes or V 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?

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 <u>MUST</u> be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on AUGUST, 7, 2020 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 <u>AT LEAST 15 DAYS PRIOR TO THE PUBLIC HEARING</u>.

- 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.
- \*!) A longitudinal section of the subject building and heights marked thereon as well as front elevations.

<sup>\*</sup> 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: Mugust 2  Notary Public, Muchelle K. Run	5, 20 2020 O, County, NY	MICHELLE K. RUSSO NOTARY PUBLIC-STATE OF NEW YORK No. 01RU6313298 Qualified In Putnam County My Commission Expires 10-20-2022		
[TO BE COMPLETED IF APPELLANT IS NOT THE State of New York } County of Westchester } ss  Being duly sworn, deposes and say that he resides at County of Westchester, in the State of New York, that certain lot, piece or parcel of land situated, lying and Kisco, County of Westchester aforesaid and known at and that he hereby authorized the annexed application in his behalf and that the state are true.	t he is the owner in f being in the Village nd designated as nun l ements contained in	in the fee of all that of Mount nber to make said application		
	(sign here	e)		

#### PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15th day of September 2020 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Lexington Properties, d.b.a. PL property Management and Brandes Architects, located at P.O. Box 367 Mount Kisco, NY 10549 and Two Spencer Place, Scarsdale, NY 10583, from the decision of Peter J. Miley, Building Inspector, dated June 17th 2020, updated August 7th 2020 denying the application dated to Legalize an Existing Three Family Residence.

The property involved is known as 18 Britton Lane, Mount Kisco, NY 10549 and described on the Village Tax Map as Section 80.24 Block 02 Lot 01 and is located on the South side of Britton Lane at Stewart Place in a Moderate Density Multifamily (RM-10) Zoning District. Said Appeal is being made to obtain a variance from Chapter 110 Attachment 2 - Minimum Off-Street Parking Regulations - of the Code of the Village/Town of Mount Kisco, which requires an additional 1.5 parking spaces to comply.

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

# Bx B. 20 Stewert place

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIE
Ruiz Modesto - Angela Estella Bautista	115 Maple Ave	MOUNT KISCO	10549
Johnston Joann B	105 Maple Ave	MOUNT KISCO	10549
97 Maple Ave. Mt. Kisco Corp.	97 Maple Ave	MOUNT KISCO	10549
Palacio, Jesus E - Christina Palacio	86 Maple Ave	MOUNT KISCO	10549
NewYork and Harlem Railroad Co	Depot Plz	MOUNT KISCO	10549
			10545
Stewart Heights Corp	25-35 Stewart Pl	MOUNT KISCO	10549
BDM Properties, LLC	28 Britton Ln	MOUNT VICCO	10540
27 britton lane LLC	27 Britton Ln	MOUNT KISCO	10549
BDM Properties, LLC	74 S Moger Ave	MOUNT KISCO	10549
Bethel Baptist Church	106 Maple Ave	MOUNT KISCO	10549
Cadena, Jose	123 Maple Ave	MOUNT KISCO	10549
Village Of Mount Kisco	S Moger Ave		10549
100 Maple Ave Mt Kisco Corp	100 Maple Ave	MOUNT KISCO	10549
Marshall, John A Jr - John A Marshall III	95 Maple Ave	MOUNT KISCO	10549
LaMothe Philippe Clayvin - Jennifer M D LaMothe	32 Stewart Pl	MOUNT KISCO	10549
38 Britton LLC	38 Britton Ln	MOUNT KISCO	10549 10549
BDM Properties, LLC	78 S Moger Ave	MOUNT KISCO	
Bordeaux, Vernon - Patricia Bordeaux	117 Maple Ave		10549
77 S Moger Partners LLC - WIN-MF LLC	·	MOUNT KISCO	10549
VI S MOSEL LALGUETS FEE ANIMATAL FEE	77 S Moger Ave	MOUNT KISCO	10549
Salvato, Edward	23 Gatto Dr	MOUNT KISCO	10549
Miller Christine D	48 Stewart Pl	MOUNT KISCO	10549
Village of Mount Kisco	77 Maple Ave	MOUNT KISCO	10549
Village Of Mount Kisco	17 Britton Ln	MOUNT KISCO	10549
Gencon Management Group Inc.	69 S Moger Ave	MOUNT KISCO	10549
20 Stewart Place Mt Kisco Corp	20 Stewart Pl	MOUNT KISCO	10549
55 South Moger LLC			
33 35ddi Mogel Ecc	57 S Moger Ave	MOUNT KISCO	10549
Matthew, Violeta	68 Maple Ave	MOUNT KISCO	10549
Village/Town of Mount Kisco	71 Maple Ave	MOUNT KISCO	10549
Path Land Holdings, LLC	64 S Moger Ave	MOUNT KISCO	10549
72-74 Maple Ave Mt Kisco Corp	74 Maple Ave	MOUNT KISCO	10549
94 Maple Ave Mt Kisco Corp	94 Maple Ave	MOUNT KISCO	- 1 1 1 1 7 1 7 1 7 1 7 1 1 1 1 1 1 1 1
Delgado, Luís D - Rosa I Tapia	103 Maple Ave	MOUNT KISCO	10549
Stewart Heights Corp	40 Stewart Pl		10549
	+o JiEWaj l YI	MOUNT KISCO	10549
Gilyard, Eugene	87 Maple Ave	MOUNT KISCO	10549
Vorea Kisco LLC	22.02.544	8 8 26 A A A A A A A A A A A A A A A A A A	
VOI EA MISCO LLC	82-92 S Moger Ave	MOUNT KISCO	10549

PROPPRINTKEY 80.24-1-11	Mailing Address	City	State	Zip
80.24-1-8	PO 8ox 913	Mt. Kisco	NY	10549
80.24-1-6	PO Box 367	Mt. Kisco	NY	10549
69.80-4-24				10343
80.39-3-1	NY & Harlem Railroad NYS DOT 1220 Wshington Ave	Albany	NY	12232
80.24-3-21	Westchester Property Mgmt Group Inc. c/o Jody Ventrudo		1 * 1	12232
	520 White Plains Rd , Ste 450	Tarrytown	NY	10591
80.24-3-1	74 South Moger Ave	Mt. Kisco	NY	10549
69.80-6-3				200 12
80.24-3-2				
80.24-1-4				
80.24-1-13				
69.80-6-5	104 Main St	Mt. Kisco	NY	10549
69.80-4-27	PO Box 367	Mt. Kisco	NY	10549
80.24-1-5	23 Woodland St	Mt. Kisco	NY	10549
80.24-2-3		Mt. Kisco	NY	10549
80.24-3-4	25 Birch Dr	Mt. Kisco	NY	10549
80.24-3-23	74 S Moger	Mt. Kisco	NY	10549
80.24-1-12				
80.25-1-2	c/o Todd Albright			
	333 N Bedford Rd, ste 140	Mt. Kisco	NY	10549
80.24-2-7				
80.24-2-5				
69.80-5-11	104 Main St	Mt. Kisco	NY	10549
69.80-6-1	104 Main St	Mt. Kisco	NY	10549
80.25-1-1				
80.24-2-2	PO Box 367	Mt. Kisco	NY	10549
59.81-6- <del>6</del>	Larstrand Corp			
	500 Park Ave, Floor 11	New York	NY	10022
69.80-4-21				
59.80-5-10				
59.80-6-2	Investors Bank			
y regional and	101 JFK Parkway	Short Hills	NJ	07078
59.80-4-22	PO Box367	Mt. Kisco	NY	10549
59.80-4-26	PO Box 367	Mt. Kisco	NY	10549
30.24-1-7	9 West Hyatt Avenue	Mt. Kisco	NY	10549
30.24-2-4	Westchester Property Mgmt Group Inc.			
	c/o Jody Ventrudo			
	520 White Plains Rd , Ste 450	Tarrytown	NY	10591
59.80-5-13	3174 Court Street	Yorktown Heights	NY	10598
0.24-3-6	11-48 46th Rd	Long island City	NY	11101

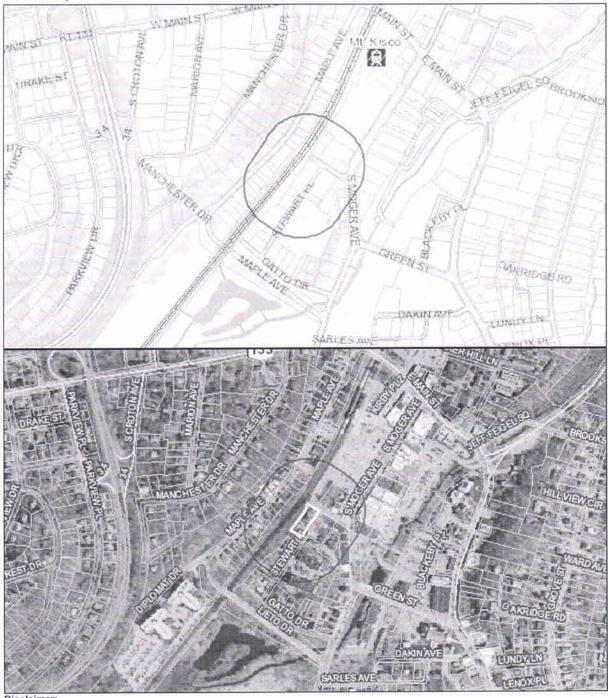
65 South Moger Assoc L P	65 S Moger Ave	MOUNT KISCO	10549
Village Of Mount Kisco	55 Maple Ave	MOUNT KISCO	10549
111 Maple Ave. Mt Kisco Corp	111 Maple Ave	MOUNT KISCO	10549
82 Maple Ave Mt Kisco Corp	82 Maple Ave	MOUNT KISCO	10549
18 Britton Lane Corp	18 Britton Ln	MOUNT KISCO	10549
Mount Kisco Hebrew Cong	15 Stewart Pl	MOUNT KISCO	10549
Mary Buonomo Irrev Lftm Trust - Lawrence Buonomo	68 S Moger Ave	MOUNT KISCO	10549
Case, Norma	107 Maple Ave	MOUNT KISCO	10549
90 Maple Avenue, LLC	90 Maple Ave	MOUNT KISCO	10549
Village/Town of Mount Kisco	79 Maple Ave	MOUNT KISCO	10549

69.81-6-5	c/o Sander - Prioletti	Mt. Kisco	NY	10549
69.80-5-9	104 Main Street	Mt. Kisco	NY	10549
80.24-1-10	PO Box 367	Mt. Kisco	NY	10549
69.80-4-23	PO Box 367	Mt. Kisco	NY	
80.24-2-1	Peter Levy	Tall Made	ha isawa	10549
	Po Box 367	Mt. Kisco	NY	10549
80.24-3-22 69.80-6-4	1929 Longvue St			
80.24-1-9		Yortown Heights	NY	10598
69.80-4-25	37 Delisle Ave Edward Kelly	Roosevelt	NY	11575
69.80-5-12	87 Bedford Rd	Katonah	NY	10506
03.80-3-12	re: 79 Maple Avenue 104 Main Street	Mt. Kisco	NY	10549

# **Tax Parcel Maps**

Address: 18 Britton Ln

**Print Key:** 80.24-2-1 SBL: 08002400020010000000



This tax parcel map is provided 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 the assessor's office of the municipality.

# AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF WESTCHESTER }SS.:
says: being duly sworn, deposes and
I reside at 21 Fost 12th Street, Apt 11B My My 10003
On Adria 21st 2020 I served a notice of hearing, a copy of which is
attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule
of property owners within 300 feet of the subject property identified in this notice. A
copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.
I placed a true copy of such notice in a postage paid property addressed wrapper
addressed to the addresses set forth in Exhibit B, in a post office or official depository
under the exclusive care and custody of the United States Post Office, within the County
of Westchester.
-916
Sworn to before me on this
315t day of August 2020
(Notary Rublic)
NORMA E ALVAREZ  Notary Public – State of New York  NO. 01AL6347778  Qualified in Westchester County  My Commission Expires Sep 12, 2020



## AFFIDAVIT OF PUBLICATION FROM

State of Wisconsin County of Brown, ss.:

be the individual(same in his/her/th	s) whose name(s) is tare	fore me, the undersigned, a Notary Public in and for said State, personally appeared, personally known to me or proved to me on the basis of satisfactory evidence to subscribed to the within instrument and acknowledged to me that he/she/they executed the by his/her/their signature(s) on the instrument, the individual(s), or the person upon behal the instrument.
	Renstrom	_ being duly sworn says that he/she is the principal clerk of THE JOURNAL NEWS, a
newspaper publis	hed in the County of We	tchester and the State of New York, and the notice of which the annexed is a printed copy
was published in	the newspaper area(s) or	the date (s) below:
	Zone: Westchester	Run Dates: 07/21/2020
Signature Sworn to before	e me, this 21 day of Ju	y, 2020
Notary Public.	State of Wisconsin Co	Inty of Brown
My commission	expires	

Legend:

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, Harlsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Katonah, Lake Peekskill, Larchmont, Lincolndale, Mahopac, Mahopac Falls, Marnaroneck, Miltwood, 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

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

Ad Number: 0004286262

NANCY HEYRMAN Notary Public State of Wisconsin Ad Number: 0004286262 Run Dates: 07/21/2020

PUBLIC NOTICE

Please Take Morice that in accordance with Chapter 94 of the Code of the Village of Mount Kisco, a public hearing has been scheduled in connection with a Planning Board Application submitted by the applicant for a proposed subsivision (lot line change). The subject properties consist of £.093 oxtes of lend located at 20 Stewart Place (SBL 80,24,02,02) within the Moderate-Density Mulifarnily (RM-10) Zoning District and £.384 acres of land located at 18 Britton Lane (SBL 80,24,02,01) within the Moderate-Density Mulifarnily (RM-10) Zoning District, The applicant, Pt. Property Management Copp. is currently proposing to relocate the common foll line which separates the two subject properties and is also proposing to convert 18 Britton Lane from a 4 family to a 5 family multifamily residence.

The Planning Board of the Village of Mount Kisco will hold a public hearing on Lueday, August 11, 2020 at 7:30 PM or as soon hereafter as may be heard, in the Frank J. Difficco, St. room located within Village Hall, 104 Main Street, Mount Kisco, New York to receive public comment.

All interested parties are invited to attend and be heard.

be heard.

By order of: Chair-man Douglas Hertz Mount Kisco Planning Buard

Mount Kisco Pranning Board

Due to public health concerns associated with COVID-19 and in accordance with the Executive Order issued by Governor Cuomo suspending portions of the Oper Meetings Law, members of the public may not attend in person until further notice. However, the public may observe the proceedings in real time on the Village of Mount Kisco's website's Facebook link and may provide comments in writing by mail or electronically, as follows: Mail Village Clerk/Zoning Board Secretary/Planning Board Secretary, 104 Main Steet, Mount Kisco New York 10549; Fax - 914-864-1085; planning@mountkiscony.gov, or by phone at 914-864-0022.

By order of the Village Board of Trustees.

4286252

18 Brownly

State of New York ) ) ss: County of Westchester)	AFFIDAVIT OF POSTING
Guillermo Gomez, being duly sworn, says that on conspicuously fastened up and posted in seven pub. Mount Kisco, County of Westchester, a printed not copy, to Wit:	lic places, in the Village/Town of
Municipal Building – 104 Main Street	<u>X</u>
Public Library 100 Main Street	<u>X</u>
Fox Center	<u>X</u>
Justice Court – Green Street 40 Green Street	<u>X</u>
Mt. Kisco Ambulance Corp 310 Lexington Ave	X
Carpenter Avenue Community House 200 Carpenter Avenue	X
Leonard Park Multi Purpose Bldg	X Guillermo Gomez
Sworn to before me this 9th day of September Notary Public	04 2020

MICHELLE K. RUSSO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01RU6313298
Qualified In Putnam County
My Commission Expires 10-20-2022



Approved for filling in the Westchester County Clerk's Office, Division of Land Records:

19 BRITTON LANE CORP, GUS LEVY	(Tax II	). 80.24-2-1)	Dete:
20 STEMART PLACE, MT. KISCO CORP. GUS LEVY	(Tax II	). <i>80.24-2-2</i> )	Date:

Approved by Planning Board of the Village and Town of Mount Kisco

Chairman: Name Dat	<i>6</i> .*
Chairman: Name Dat	Ð.°

Property shown hereon within the Village and Town of Mount Kisco is served by Public Water and Public Sanitary Sewers with sufficient

Charithorized alteration or addition to a survey map bearing a Licensed Lord Surveyor's seal is a violation of Section 7209, Subdivision 2 of the New York State Education Law.

All certifications are valid for this map and copies thereof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.

The location of underground improvements or encroachments hereon, if any exist, are not certified or shown,

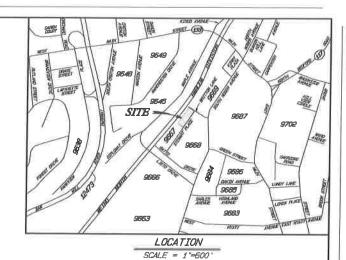
- Notes: 1) Elevations shown hereon are generally in accordance with the North American Vertical Datum of 1983 (NAVD83).
- 3) The subsurface information shown hereon, if any, is not guaranteed as to accuracy or completeness and should be verified by the contractor before any excavation.

#### MESTCHESTER COUNTY DEPARTMENT OF HEALTH

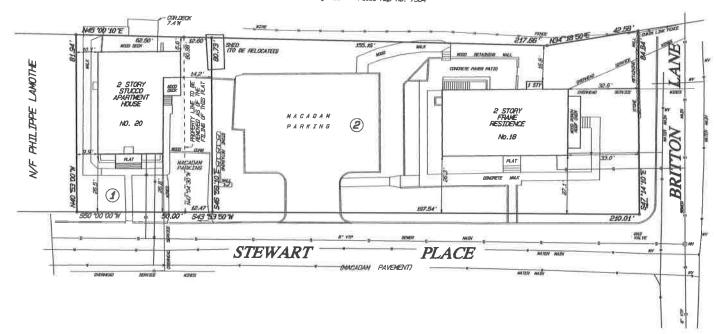
This map does not constitute a subdivision as defined by Chapter 873 Article X of the Nestchester County Senitary Code. Permission is hereby granted for the filing of this map in the Office of the Nestchester County Clark, Division of Lend Records. The appearance of the signatures of the Commissioner of Health on this plat is not an endorsement and obes not in any way indicate a conformance with the Department's Rules and Regulations pertaining to water supply and semege disposal

Each purchaser of property shown hereon shall be furnished a true copy of this plat showing this endersement. Any evasures, charges, additions or alterations of any kind, except the addition of signatures of other approving authority and the date thereof made on the plan after this approval, shall invalidate this approval.

Approved by the Assistant Comissioner of Health on behalf of the Department of Health



NORTH — HARLEM DIVISION
Liber 5065 Page 62 Filed Map No. 7564 **METRO** 



Land Area Schedule					
LOT No.	TAX LOT No.	ZONE	EXISTING AREA	EXCHANGE AREA	PROPOSED
1	80.24-2-2	PM-29	4,068 S.F.	1,013 S.F.	5081 S.F.
			0.093 AC.	0.023 AC.	0.115 AC.
2	80.24-2-1	RM-10	16.737 S.F.	-1.013 S.F.	15724 S.F.
			0,394 AC.	-0.023 AC.	0.361 AC.

BY: TZOLDS. CHINAS LAND SURVEYOR NO. 50037 ROBERT S. JOHNSON, P.L.S.

PRELIMINARY LOT LINE CHANGE PLAT PREPARED FOR

19 BRITTON LANE CORP.

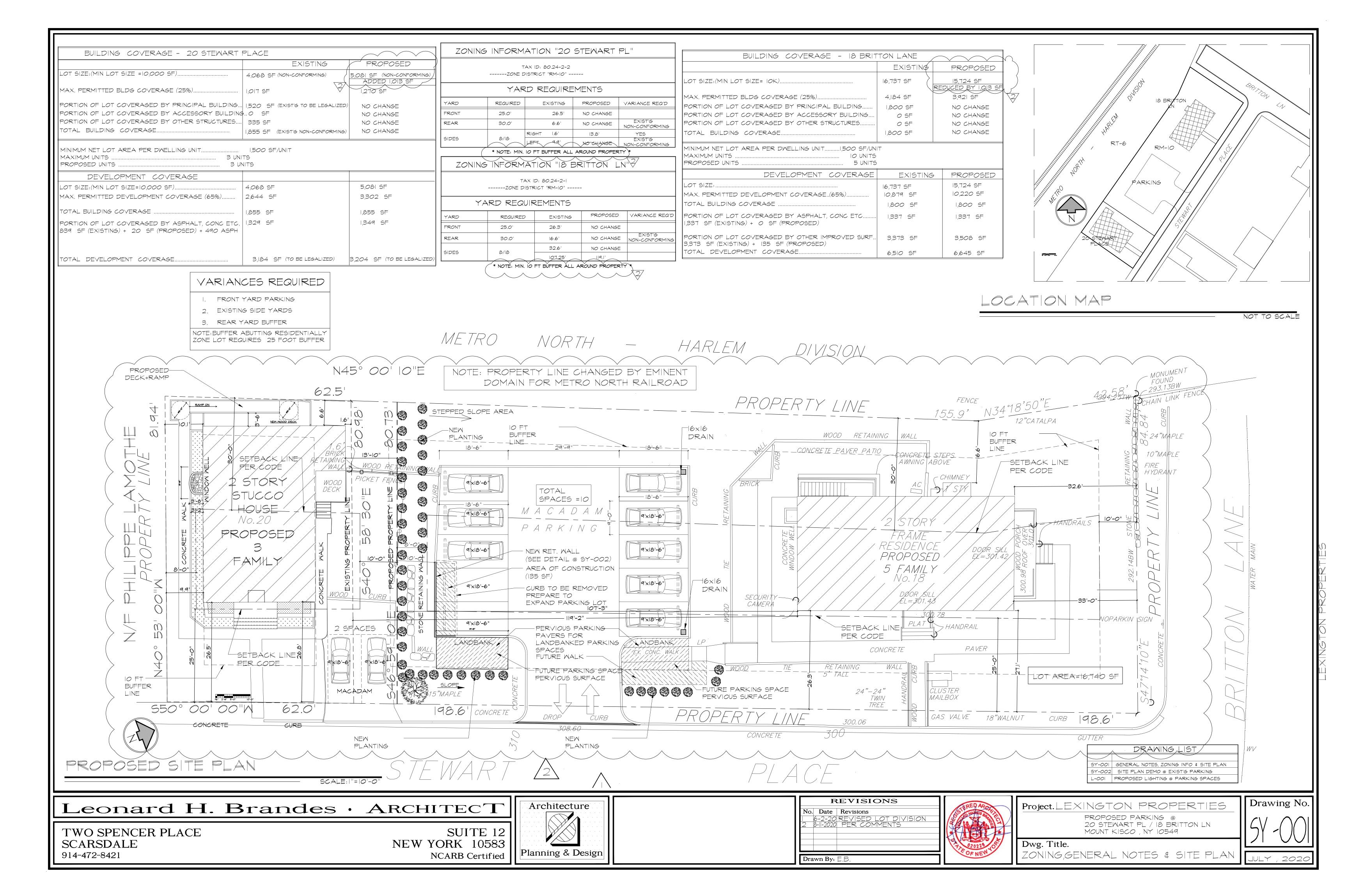
20 STEWART PLACE, MT. KISCO CORP.

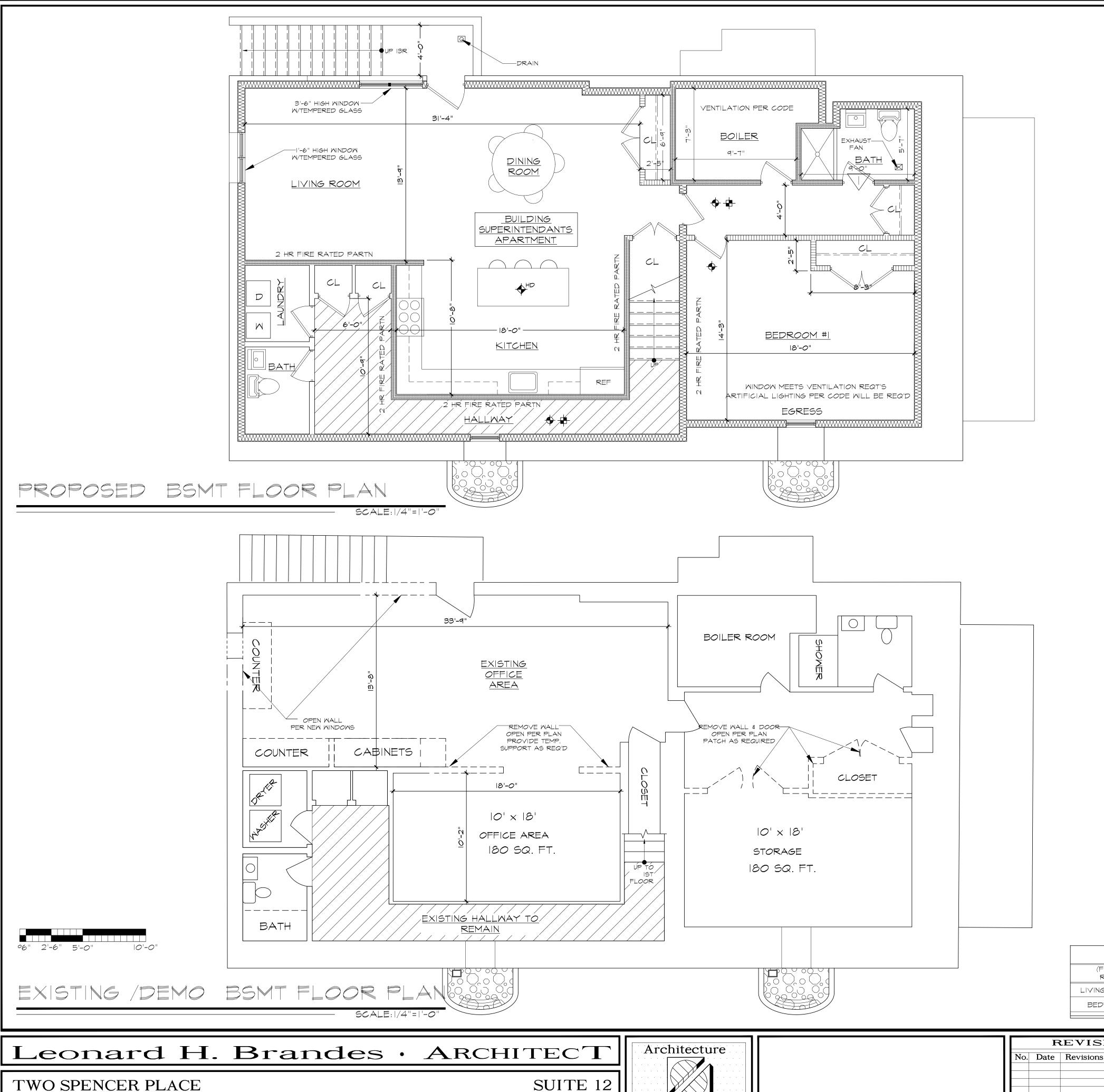
SITUATE IN THE VILLAGE AND TOWN OF MOUNT KISCO WESTCHESTER COUNTY, NEW YORK

SCALE: 1" = 20'

SHEET 175 BLOCK 9667 IN COUNTY INDEX SYSTEM

H. STANLEY JOHNSON AND COMPANY H. STRILET BUTHINGUN AND CUMPAI LAND SURVEYORS, P.C. 42 SMITH AVENUE P.O. BOX 93 MT. KISCO, N.Y. 10549 TEL. 914-241-3872 FAX. 914-241-0438





CONVERT EXISTING NON-CONFORMING OFFICE TO A LEGAL ONE-BEDROOM APARTMET (AS OF RIGHT PER CODE).

DEMO SCHEDULE DESCRIPTION EXISTING PARTITION TO REMAIN EXISTING PARTITION TO BE REMOVED --- EXISTING ITEM TO BE REMOVED T.M.E. - TO MATCH EXISTING. T.B.S. - TO BE SELECTED. TYP. - TYPICAL. U.O.N. - UNLESS OTHERWISE NOTED. T.O.W. - TOP OF WALL. V.I.F. - VERIFY IN FIELD. - ABBREVIATION SYMBOL FOR ROOM ELEVATION HEIGHT. VERT. - VERTICAL. HOR. - HORIZANTAL. STRUCTURAL NOTES \* PROVIDE TEMPORARY SUPPORT AS REQ'D. \* PROVIDE (3) 2x10 HEADERS FOR WINDOWS AND DOORS & P.T. 4×4 POSTS U.O.N. CONTRACTOR NOTES: HOUSE TO BE PROTECTED FROM THE ELEMENTS DURING CONSTRUCTION - PROVIDE TARPS & TEMPORARY PARTITIONS AS REQUIRED, SEAL OF CONSTRUCTION AREAS FROM LIVING AREAS W/TAPE \$ 6 MIL. POLYETHYLENE

SYMBOL	DESCRIPTION
	EXISTING PARTITION TO REMAIN.
	NEW $2\times4$ WOOD STUD PARTITION. STUDS SPACED AT 16" O.C. WITH 5/8" GYPSUM BOARD EACH SIDE ( U.O.N. ).
***************************************	NEW 2x4 WOOD STUD PARTITION . STUDS SPACED AT 16" O.C. WITE 5/8" GYPSUM BOARD ONE SIDE & 5/8" WATER & MILDEW RESISTANT GYPSUM BOARD AT BATH/ LAUNDRY AREAS W/ 3 1/2 THICK SOUND ATTENUATION BLANKETS BETWEEN STUDS. ( USE 2x6 WOOD STUDS AT PLUMBING WALLS ).
	NEW 2x6 WOOD STUD PARTITION. STUDS SPACED AT 16" O.C. INTERIOR FACE: 5/8" GYPSUM BOARD ( U.O.N. ) OVER 6 MIL. POLYAPOR BARRIER W/ R-21 UNFACED BATT. INSULATION BETWEEN STUDS. EXTERIOR FACE TO MATCH EXISTING ( U.O.N. ).
***************************************	NEW 2x4 WOOD STUD PARTITION, STUDS SPACED AT 16" O.C. WIT 5/8" TYPE "X" GYPSUM BOARD EACH SIDE & 3 1/2" THICK SOUND ATTENUATION BLANKET SET BETWEEN STUDS. I HR FIRE RATING.
. ` .	IO" POURED CONC. FNDTN. WALL W/(3) #5REBAR 24" O.C. VERT. HOR. REBAR ) TO BEAR ON POURED CONC. $30"\times12"$ THK. FTG. REII W/VERT. $4$ HOR. (BOTH WAYS) #5 REBAR 24" O.C. OVER UNDISTURBED SOIL OR SOIL COMPACTED TO $98\%$ CAPACITY
	BATHROOM AREAS TO RECEIVE 5/8" WATER RESISTANT GYP. NSTEAD OF 5/8" GYP. BD. ( U.O.N. ).
	. SHOWER/ TUB AREAS TO RECEIVE 1/2" CEMENTITIOUS BACKER BI . GYP. BD. TO BE 5/8" ( U.O.N. ) INSTALLED W/ SCREWS ( TYP. ).

	FIRE PROTECTION
SYMBOL	DESCRIPTION
<b>+</b>	SMOKE DETECTOR WITH INDICATOR LIGHT, CEILING MOUNTED: CONTINUOUS POWER FEED TO BE CONNECTED TO ALARM SYSTEM
<b>*</b>	HEAT DETECTOR WITH INDICATOR LIGHT, CEILING MOUNTED: CONTINUOUS POWER FEED TO BE CONNECTED TO ALARM SYSTEM
+	CARBON MONIXIDE DETECTOR WITH INDICATOR LIGHT, CEILING MOUNTED CONTINUOUS POWER FEED TO BE CONNECTED TO ALARM SYSTEM

	LIGHT	AND VEN	T CALCUL	ATIONS @	BSMT	•
(FLOOR) ROOM	FLOOR AREA (SQUARE FEET)	LIGHT ( 8% REQUIRED)	LIGHT (PROVIDED)	VENTILATION (4% REQUIRED)	VENTILATION (PROVIDED)	COMPLIANCE
LIVING/DINING RM	400	32 SF	43.5 SF	16 SF	26 SF	YES
BEDROOM: #I	237	19 SF	10 SF	9.4 SF	IO SF	YES

SCARSDALE 914-472-8421

NEW YORK 10583 NCARB Certified

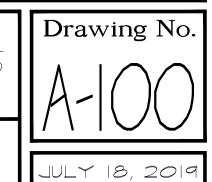


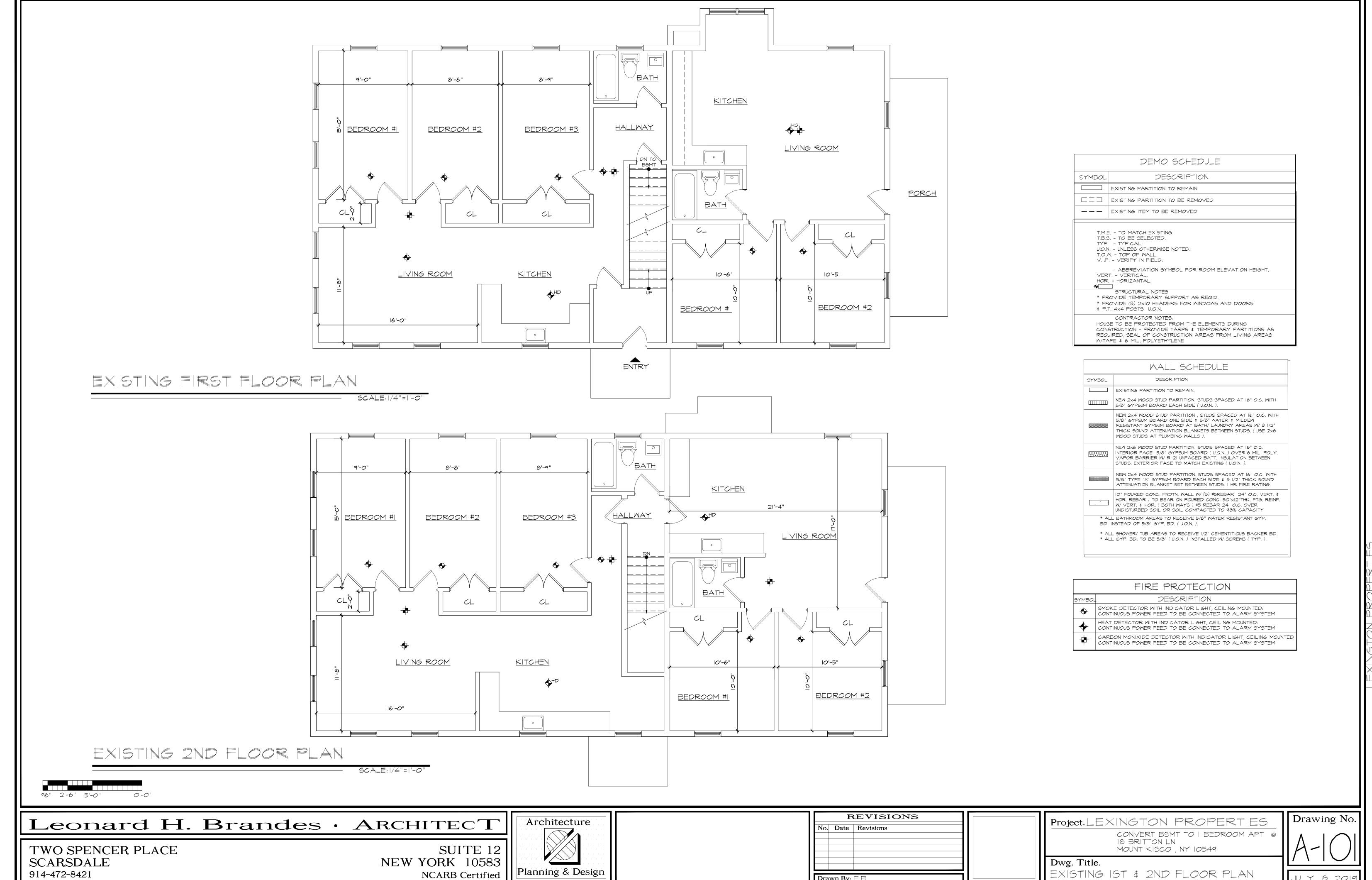
F	EVISIONS	
No. Date	Revisions	
Drawn By:	E.B.	

Project. LEXINGTON PROPERTIES

CONVERT BSMT TO I BEDROOM APT ( 18 BRITTON LN MOUNT KISCO , NY 10549

Dwg. Title. DEMO / PROPOSED BSMT FL PLAN





Drawn By: E.B

JULY 18, 2019



18 BRITTON LANE FRONT OF HOUSE @ BRITTON LANE



18 BRITTON LANE
SIDE/FRONT OF HOUSE @ STEWART PLACE



18 BRITTON LANE BACK WALK/ENTRY TO BASEMENT



18 BRITTON LANE PARKING LOT



18 BRITTON PLACE
PARKING LOT TOWARDS 18 BRITTON PLACE



18 BRITTON LANE
PARKING LOT & NEIGHBOR @ 20 STEWART PLACE



18 BRITTON LANE
PARKING LOT TOWARDS 20 STEWART PLACE



18 BRITTON LANE
PARKING LOT TOWARDS 20 STEWART PLACE



18 BRITTON LANE
PARKING LOT ACROSS STEWART PLACE



18 BRITTON LANE LOOKING UP STEWART PLACE



18 BRITTON LANE LOOKING DOWN STEWART PLACE



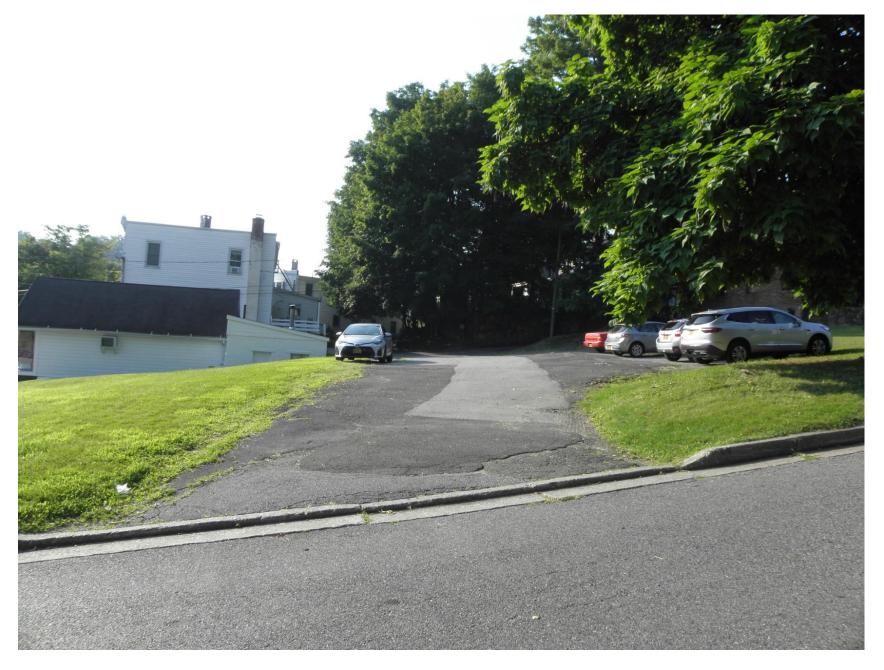
18 BRITTON LANE
ACROSS THE STREET – STEWART PLACE



18 BRITTON LANE
ACROSS THE STREET – STEWART PLACE



18 BRITTON LANE
PARKING LOT TO ACROSS THE STREET – STEWART PLACE



18 BRITTON LANE
MORE PARKING ACROSS THE STREET – STEWART PLACE



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

#### **MEMORANDUM**

TO:

Honorable Chairman Hertz and Member of Planning Board

FROM:

Peter J. Miley, Building Inspector

SUBJECT:

PL Property Management

20 Stewart Place, SBL 80.24-2-2

DATE:

June 16, 2020

Updated August 7, 2020

#### PROPERTY

20 Stewart Place is an existing, noncomplying three-family dwelling on a nonconforming lot located in the RM-10 (Moderate Density Multifamily District) Zoning District. The applicant proposes to adjust the north property line further north thereby increasing the size of the parcel and reducing the amount of relief that they will be requesting from the Zoning Board of Appeals. Proposed also includes legalizing other improvements performed by the former owner without any permits or approvals.

#### **HISTORY**

January 6, 1930 - plans were approved to convert a two-family into a three-family dwelling. At the time the plans were approved, onsite parking was not required. The home was located in the Residence C Zoning District where three-family homes were a permitted use.

On the first floor, the building consisted of (1) three-bedroom apartment. The second floor consisted of (2) one-bedroom apartments.

On January 4, 2007, a permit was issued to convert a six-family residence back to a three-family residence, a CO was subsequently issued on October 30, 2007. The CO that was issued included the addition of a 2-bedroom apartment located in the basement and combining two smaller apartments on the second floor into one larger 3-bedroom apartment, thereby increasing the number of bedrooms by one. The Zoning District at the time the CO was issued October 30, 2007, was RM-10 Zoning District.

#### **ZONING**

According to Chapter 110 Article III. District Regulations 110-12. RM-10 Moderate-density multi-family district. C. Development regulations (2) multi-family uses shall comply with the following development standards:

- (a) Minimum gross site area: 10,000 square feet. Provided 5,081 square feet, an increase from the existing 4,068 sq. ft. which is noncompliant.
- (b) Minimum net lot area per dwelling unit: 1,500 square feet. Provided is 5,081 square feet, an increase of 1,013 sq. ft. the existing 4,068 sq. ft. is noncompliant.
- (c) Maximum building coverage: 25% (1270 square feet). Proposed is 1,855 square feet therefore; a variance of 585 square feet maximum building coverage is required.
- (d) Maximum development coverage: 65% (2,644 square feet). Proposed is 2,914 square feet therefore; a variance of 270 square feet for development coverage is required.
- (e) Minimum lot depth: 100 feet. Provided is 80.98 feet, existing noncompliant.
- (f) Minimum lot width: 100 feet. Provided is 49.90 feet, existing noncompliant.

## **VARIANCES**

Pursuant to 110-28 D. Ingress and egress to parking areas.

- (2) No parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk in order to vacate the space. The proposed driveway requires that a car back out onto a public street therefore; a variance for backing into a public street will be required; and
- 2. Pursuant to 110-28 Off-street parking H. additional regulations for residential lots. (4) No parking of any vehicle shall be permitted, except in any driveway, in the area. In the front and side yard distance setbacks required for the zone in which such building is located. Therefore; a variance to park in the front yard will be required.

## Minimum Building Setbacks:

- 3. Rear 30 ft. Proposed is 0 feet therefore; a 30 ft. minimum rear yard setback variance is required.
- 4. Side 25 ft. the south side measures 9.9 ft.; therefore, a 15.1 foot side yard setback variance is required. On the north side, proposed is 13'-10" therefore; an 11'-2" side-yard setback variance is required.

## Minimum Buffer Requirements:

5. Buffer abutting a residence or residentially zoned district required is 25 feet. Proposed are buffer(s) measuring 0ft., including the front, side, and rear yard buffer(s) therefore; a 25 foot front, side, and rear yard buffer variances are required.

## **Approvals Required**

- 1. Planning Board/Site Plan Approval
- 2. Zoning Board of Appeals/Variances Required

#### PM/mkr



# $\frac{\textbf{Leonard Brandes}}{\textbf{A r c h i t e c T}}$

Date:

August 24, 2020

Project:

Zoning Board of Appeals

Village/Town of Mount Kisco

104 Main Street

Mt. Kisco, New York 10549

Project:

Legalize an Existing Three Family Residence

20 Stewart Place

Mt. Kisco, New York 10549

ID#8024-2-2

Subject:

Zoning Board of Appeals Application Zoning District: RM-10

Dear Sirs:

Please accept this application to the Zoning Board of Appeals for Area & Parking Variances for this Existing Non-Conforming Property.

# Background:

The existing property at 20 Stewart Place is a non-complying three family dwelling in the RM-10 (Moderate Density Multifamily District) Zoning district. The original structure built in 1930 under the zoning district of Residential C. Parking was not required. A single parking space does exist at the northern front yard of the property which does not meet today's code. There is also a rear deck which goes beyond the property line. Please note that a large portion of the backyard was taken by eminent domain when the Metro North Railroad set it's tracks for the Village/Town of Mt. Kisco. Under the present zoning the property does not meet lot size requirements. Please note that the present owner of this property also owns the north adjacent property at 18 Britton Lane.

# Proposal:

We propose to legalize the existing 3-Family Residence and adjust the north property line further north thereby increasing the size of the parcel and reducing the amount of relief requested of the Zoning Board of Appeals. This will allow an additional front yard parking space for the building for a total of two spaces.

In addition, there is a rear deck which goes beyond the property line. Please note that a large portion of the backyard was taken by eminent domain when the Metro North Railroad set it's tracks for the Village/Town of Mt. Kisco. A new deck is proposed with an Accessible Ramp leading to the rear basement entrance. These modifications will not eliminate the need for relief from the code, but, will reduce the severity of this existing under sized lot.

# Relief Requested:

Pursuant to Chapter 110, Article III District Regulations 110-12-RM-10, Moderate-density multi-family district (C) development regulations (2) multi-family uses shall comply with the following development standards:

- (a) Minimum gross site area: 10,000 sq. ft. Existing: 4,068 sq. ft. Proposed: 5,081 sq. ft.
- (b) Minimum net lot area per dwelling unit: 1,500 sq. ft. –
  Proposed 3 Units: 4,500 sq. ft. required
  Existing: 4,068 is non-compliant Proposed: 5,081 is compliant
- (c) Maximum building lot coverage: 25% (1,270 sq. ft.)

  Building coverage is existing @ 1,855 sq. ft. No change

  Existing Lot @ 4,068 sq. ft = coverage is 46%

  Proposed Lot @ 5,081 sq. ft = coverage is 37%

  A variance for the existing lot coverage of 585 sq. ft is required
- (d) Maximum Development Coverage: 65%

  Existing with 4,068 sq. ft. lot has 2,644 sq. ft. developed = 65%

  Proposed with 5,081 sq. ft. lot has 2,914 sq. ft. developed=58%

  Maximum Development with 5,081 sq. ft. lot =3,302 sq. ft. Compliant
- (e) Minimum lot Depth; 100 ft Provided is 80.98ft existing non-compliant
- (f) Minimum lot Width:100 ft Provided is 49.90ft existing non-compliant

Pursuant to 110-28 D, Ingress and egress to parking areas

- 1. (2)No parking space shall be designed so as to require a vehicle to back out onto a public street or sidewalk in order to vacate the space. Existing and proposed additional parking space will require a variance for backing into a public street.
- 2. Pursuant to 110-28 Off-street Parking H. additional regulations for residential lots (4) No parking of any vehicle shall be permitted, except in a driveway, in the area, in the front and side yard distance

setbacks required for the zone in which such building is located.

The Existing and proposed additional parking is located in the front yard setback and therefore will require a variance.

## Minimum Building Setbacks:

- 3. Rear =30 ft. Existing/proposed is 0 feet therefore; a 30 ft. minimum rear yard setback is required.
- 4. Side=25 ft. Existing/proposed South Side is 9.9 ft. therefore: a 15.1 ft side yard setback is required

Existing North Side is 3.1 ft and proposed is 13'-10"
Therefore an 11'-2" side yard setback variance is required

# Minimum Buffer Requirements:

5. Buffer abutting a residence or residentially zoned district required= 25 feet. Existing/proposed is 0 feet including the front, side and rear yard buffers, therefore; a 25 foot front, side and rear yard buffer variances are required. Note that the rear yard is abuts the Metro North Railroad easement and tracks.

#### Conclusion:

We believe the requested variances are within the guidelines as set forth for the board to consider these reliefs:

- 1. No undesirable change will be produced in the character of the neighborhood and will not be a detriment to nearby properties by granting of these variances. The existing structure and lot are existing non-conforming and the change will reduce some of its non-conformity and provide an additional parking space.
- 2. The benefit sought by the applicant can not be achieved by some feasible method other than a variance for this non-conforming lot.
- 3. The requested variances are not substantial for the neighborhood. The change in the zoning district has made this small property more non-conforming.
- 4. The proposed variance will not have an adverse effect or impact on

the physical or environmental conditions in the neighborhood or district. Many of the adjacent properties are also undersized lots under this code since they were developed before the current code. The scale of the project is well within the properties around it

5. The difficulty in developing this property is not self-created. The existing house and the lot is an existing-non-conforming property. Enlarging the property to the north did add relief to the amount of variance required, otherwise more substantial variances would be required.

Thank you for your time and consideration.

Leonard Brandes

Date:	Case No.: 20-11
Fee:	Date Filed:
Village/Town of Mount K Municipal Building 104 Main Street, Mt. Kisco, N	
Zoning Board of Appe Application	als
Appellant: PL PROPERTY MANAGE Address: 70 30x 367 M7. 12  Address of subject property (if different): 20 57	SCE MY 10549 EWART PLACE.
Appellant's relationship to subject property: Ow	mer Lessee Other
Property owner (if different):Address:	
TO THE CHAIRMAN, ZONING BOARD OF APPEArom the decision of the Building Inspector, PETER dated <u>CE/07:/2020</u> . Application is hereby made	J. 11121.
Variation or Interpretation of of the Code of the Village/Town of Mount Kisco,	(c)(2)/a,b,c,d,f)
to permit the: Erection; Alteration; of	Conversion; Maintenance
in accordance with plans filed on for Property ID # 20.24-2-2 located in the The subject premises is situated on the si in the Village/Town of Mount Does property face on two different public streets? Ye (If on two streets, give both street names)	de of (street)Kisco, County of Westchester, NY.
Type of Variance sought: Use Area	
	110-284
(	(4),(2) (4)
-SND YA	ON VARIANCES

-SDE YARD VARIANCES

- MINIMUM BUFFER ZONE REDUIREMENTS

-REAR VARD SETENCE 1

ZBA Application

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property?
Is there an approved site plan for this property? 10. in connection with a Proposed or Existing building; erected (yr.)
Size of Lot: 62 feet wide 81.94 feet deep Area 50815P
Size of Building: at street level 30 feet wide 17 feet deep
Height of building: 25 FT Present use of building: THREE FAMILY
Does this building contain a nonconforming use? NO Please identify and explain:
Is this building classified as a non-complying use? <u>NO</u> 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? <u>HO</u> If so, please identify and explain:
Are there any violations pending against this property? <u>MO</u> If so, please identify and explain:
Has a Work Stop Order or Appearance Ticket been served relative to this matter?  Yes or 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?

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 <u>AUGUST 7,2020</u> 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 <u>AT LEAST 15 DAYS</u> PRIOR TO THE PUBLIC HEARING.

- 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

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 merthis day of:  MICHELLE K. RUSSO  NOTARY PUBLIC-STATE OF NEW YORK  No. 01RU6313298
Notary Public, Mulhelu K. Ku, County, NY My Commission Expires 10-20-2022
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 he annexed application in his behalf and that the statements contained in said application
are true.
(sign here)

Ex. A

#### **PUBLIC NOTICE**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 15th day of September 2020 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of Lexington Properties, d.b.a. PL property Management and Brandes Architects, located at P.O. Box 367 Mount Kisco, NY 10549 and Two Spencer Place, Scarsdale, NY 10583, from the decision of Peter J. Miley, Building Inspector, dated June 16th 2020, updated August 7th 2020 denying the application dated for Area & Parking Variances for this Existing Non–Conforming Property.

The property involved is known as 20 Stewart Place, Mount Kisco, NY 10549 and described on the Village Tax Map as Section 80.24 Block 02 Lot 02 and is located on the West side of Stewart Place in a Moderate Density Multifamily (RM-10) Zoning District. Said Appeal is being made to obtain a variance from Chapter 110, Chapter 110-28 and Chapter 110-28 D of the Code of the Village/Town of Mount Kisco, which requires compliance of Article III District Regulations, Off-street Parking and Ingress and egress to parking areas.

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

# Bx B. 20 Stewart place

OWNERNAME	PROPADDRESS	PROPCITY	DD/ODZID
Ruiz Modesto - Angela Estella Bautista	115 Maple Ave	MOUNT KISCO	PROPZIP
Johnston Joann B	105 Maple Ave	MOUNT KISCO	10549
97 Maple Ave. Mt. Kisco Corp.	97 Maple Ave	MOUNT KISCO	10549 10549
Palacio, Jesus E - Christina Palacio	86 Maple Ave	MOUNT KISCO	10549
NewYork and Harlem Railroad Co	Depot Plz	MOUNT KISCO	10549
	- 4,600 ( )2	moort Raco	10343
Stewart Heights Corp	25-35 Stewart Pl	MOUNT KISCO	10549
			20010
BDM Properties, LLC	28 Britton Ln	MOUNT KISCO	10549
27 britton lane LLC	27 Britton Ln	MOUNT KISCO	10549
BDM Properties, LLC	74 S Moger Ave	MOUNT KISCO	10549
Bethel Baptist Church	106 Maple Ave	MOUNT KISCO	10549
Cadena, Jose	123 Maple Ave	MOUNT KISCO	10549
Village Of Mount Kisco	S Moger Ave	MOUNT KISCO	10549
100 Maple Ave Mt Kisco Corp	100 Maple Ave	MOUNT KISCO	10549
Marshall, John A Jr - John A Marshall III	95 Maple Ave	MOUNT KISCO	10549
LaMothe Philippe Clayvin - Jennifer M D LaMothe	32 Stewart Pl	MOUNT KISCO	10549
38 Britton LLC	38 Britton Ln	MOUNT KISCO	10549
BDM Properties, LLC	78 S Moger Ave	MOUNT KISCO	10549
Bordeaux, Vernon - Patricia Bordeaux	117 Maple Ave	MOUNT KISCO	10549
77 S Moger Partners LLC - WIN-MF LLC	77 S Moger Ave	MOUNT KISCO	10549
Salvato, Edward	23 Gatto Dr	MOUNT KISCO	10549
Miller Christine D	48 Stewart Pl	MOUNT KISCO	10549
Village of Mount Kisco	77 Maple Ave	MOUNT KISCO	10549
Village Of Mount Kisco	17 Britton Ln	MOUNT KISCO	10549
Gencon Management Group Inc.	69 S Moger Ave	MOUNT KISCO	10549
20 Stewart Place Mt Kisco Corp	20 Stewart Pl	MOUNT KISCO	10549
55 South Moger LLC	57 S Moger Ave	MOUNT KISCO	10549
Matthew, Violeta	68 Maple Ave	MOUNT KISCO	10549
Village/Town of Mount Kisco	71 Maple Ave	MOUNT KISCO	10549
Path Land Holdings, LLC	64 S Moger Ave	MOUNT KISCO	10549
72-74 Maple Ave Mt Kisco Corp	74 Maple Ave	MOUNT KISCO	10549
94 Maple Ave Mt Kisco Corp	94 Maple Ave	MOUNT KISCO	10549
Delgado, Luís D - Rosa I Tapia	103 Maple Ave	MOUNT KISCO	10549
Stewart Heights Corp	40 Stewart Pl	MOUNT KISCO	10549
		outi nijeo	10J#J
Gilyard, Eugene	87 Maple Ave	MOUNT KISCO	10549
Vorea Kisco LLC	82-92 S Moger Ave	MOUNT KISCO	10549

<b>PROPPRINTKEY</b> 80.24-1-11	Mailing Address	City	State	Zip
80.24-1-8	PO Box 913	Mt. Kisco	NY	1054
80.24-1-6	PO Box 367	Mt. Kisco	NY	10549
69.80-4-24				10043
80.39-3-1	NY & Harlem Railroad NYS DOT 1220 Wshington Ave	Albany	NY	1222
80.24-3-21	Westchester Property Mgmt Group Inc. c/o Jody Ventrudo		141	12232
	520 White Plains Rd , Ste 450	Tarrytown	NY	10591
80.24-3-1	74 South Moger Ave	Mt. Kisco	NY	10549
69.80-6-3		***************************************	141	10545
80.24-3-2				
80.24-1-4				
80.24-1-13				
69.80-6-5	104 Main St	Mt. Kisco	NY	10549
69.80-4-27	PO Box 367	Mt. Kisco	NY	10549
80.24-1-5	23 Woodland St	Mt. Kisco	NY	10549
80.24-2-3		Mt. Kisco	NY	10549
80.24-3-4	25 Birch Dr	Mt. Kisco	NY	10549
80.24-3-23	74 S Moger	Mt. Kisco	NY	10549
80.24-1-12		THE MISCO	141	10349
80.25-1-2	c/o Todd Albright			
	333 N Bedford Rd, ste 140	Mt. Kisco	NY	10540
80.24-2-7		THE RISCO	141	10549
80.24-2-5				
69.80-5-11	104 Main St	Mt. Kisco	NY	10510
	104 Main St	Mt. Kisco		10549
		IVIL. NISCO	NY	10549
80.25-1-1				
80.24-2-2	PO Box 367	Mt. Kisco	NY	10549
69.81-6-6	Larstrand Corp			
	500 Park Ave, Floor 11	New York	NY	10022
69.80-4-21				and the same and
59.80-5-10				
59.80-6-2	Investors Bank			
	101 JFK Parkway	Short Hills	NJ	07078
59.80-4-22	PO Box367	Mt. Kisco	NAG	10549
9.80-4-26	PO Box 367	Mt. Kisco	NY	10549
	9 West Hyatt Avenue	Mt. Kisco	NY	
80.24-2-4	Westchester Property Mgmt Group Inc.	W. MSCO	-	10549
	520 White Plains Rd , Ste 450	Tarrytown	NY	10591
	3174 Court Street	Yorktown Heights	NY	10591
0.24-3-6	1-48 46th Rd	Long island City	NY	11101

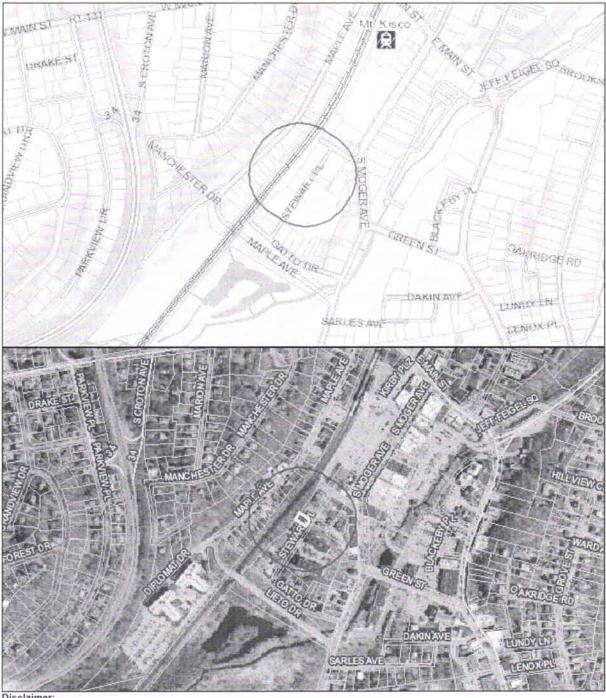
65 South Moger Assoc L P	65 S Moger Ave	MOUNT KISCO	10549
Village Of Mount Kisco	55 Maple Ave	MOUNT KISCO	10549
111 Maple Ave. Mt Kisco Corp	111 Maple Ave	MOUNT KISCO	10549
82 Maple Ave Mt Kisco Corp	82 Maple Ave	MOUNT KISCO	10549
18 Britton Lane Corp	18 Britton Ln	MOUNT KISCO	10549
Mount Kisco Hebrew Cong	15 Stewart Pl	MOUNT KISCO	10549
Mary Buonomo Irrev Lftm Trust - Lawrence Buonomo	68 S Moger Ave	MOUNT KISCO	10549
Case, Norma	107 Maple Ave	MOUNT KISCO	10549
90 Maple Avenue, LLC	90 Maple Ave	MOUNT KISCO	10549
Village/Town of Mount Kisco	79 Maple Ave	MOUNT KISCO	10549

69.81-6-5	c/o Sander - Prioletti	Mt. Kisco	NY	10549
69.80-5-9	104 Main Street	Mt. Kisco	NY	10549
80.24-1-10	PO Box 367	Mt. Kisco	NY	10549
69.80-4-23	PO Box 367	Mt. Kisco	NY	10549
80.24-2-1	Peter Levy			10343
	Po Box 367	Mt. Kisco	NY	10549
80.24-3-22		1 v v 1/2		
69.80-6-4	1929 Longvue St	Yortown Heights	NY	10508
80.24-1-9	37 Delisle Ave	Roosevelt	NY	10598
69.80-4-25	Edward Kelly	No oct of	14.1	11575
	87 Bedford Rd	Katonah	NY	10506
69.80-5-12	re: 79 Maple Avenue		141	10300
	104 Main Street	Mt. Kisco	NY	10549

# **Tax Parcel Maps**

Address: 20 Stewart Pl

**Print Key:** 80.24-2-2 SBL: 08002400020020000000



Disclaimer:

This tax parcel map is provided 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 the assessor's office of the municipality.

# AFFIDAVIT OF MAILING

STATE OF NEW YORK }
COUNTY OF WESTCHESTER }SS.:
says: Sustant L. Ley T being duly sworn, deposes and
I reside at 21 Fost 12th Street, Apt 11B Ny My 10003
On Agric 2020 I served a notice of hearing, a copy of which is
attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule
of property owners within 300 feet of the subject property identified in this notice. A
copy of this schedule of property owners' names is attached hereto and labeled Exhibit B.
I placed a true copy of such notice in a postage paid property addressed wrapper
addressed to the addresses set forth in Exhibit B, in a post office or official depository
under the exclusive care and custody of the United States Post Office, within the County
of Westchester.
Sworn to before me on this
315t day of August 2020
They the had
(Notary Public)
NORMA E ALVAREZ Notary Public - State of New York NO. 01ALG347778 Qualified in Westchester County y Commission Expires Sep 12, 2020



# AFFIDAVIT OF PUBLICATION **FROM**

State of Wisconsin County of Brown, ss.:

be the individual( same in his/her/th	s) whose name(s) is (ar	e) subscribed to the within instrument and not by his/her/their signature(s) on the instrument.	ic in and for said State, personally appeared roved to me on the basis of satisfactory evidence to acknowledged to me that he/she/they executed the ument, the individual(s), or the person upon behalf		
prcholes	Renstran				
newspaper publis	hed in the County of W	estchester and the State of New York, and	the notice of which the annexed is a printed copy,		
was published in	the newspaper area(s) o	in the date (s) below:			
	Zone: Westchester	Run Dates: 07/21/2020			
N-Signature					
I lan	me, this 21 day of Ju	man			
Notary Public. S	tate of Wiscopsin/Co	Sunty of Brown			
My commission	expires				

Legend:

Amawalk, Ardsley, Ardsley on Hudson, Armonk, Baldwin Place, Bedford, Bedford Hills, Brewster, Briarcliff Manor, Bronxville, Buchanan, Cannel, Chappaqua, Cold Spring, Crompond, Cross River, Croton Falls, Croton on Hudson, Dobbs Ferry, Eastchester, Elmsford, Garrison, Goldens Bridge, Granile Springs, Greenburg, Harrison, Hartsdale, Hastings, Hastings on Hudson, Hawthorne, Irvington, Jefferson Valley, Kalonah, Lake Peekskill, Larchmont, Lincolndale, 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, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Montrose, Mount Kisco, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Montrose, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Montrose, Mount Vernon, New Rochelle, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, North Salem, Ossining, Patterson, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, North Salem, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Peekskill, Pelham, Pleasantville, Port Chester, Pound Ridge, Purchase, Peekskill, Pelham, Pleasantville, Port Chester, Peekskill, Pelham, Pleasantville, Port Chester, Peekskill, Pelham, Pleasantville, Peekskill, Pelham, Pleasantville, Peekskill, Pelham, Pleasantville, Peekskille, Peekskille Purdys, Putnem Valicy, Rye, Scarsdale, Shenorock, Shrub Oak, Somers, South Salem, Tarrytown, Thomwood, Tuckahoe, Valhaila, Verplanck, Waccabuc, White Plains, Yorktown Heights, Yonkers

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

Ad Number: 0004286262

NANCY HEYRMAN Notary Public State of Wisconsin

State of New York  County of Westchester	) ) ss: )	AFFIDAVIT OF POSTING		
Guillermo Gomez, bei conspicuously fastened	ing duly sworn, says that or up and posted in seven pul	of the day of September 20 blic places, in the Village/Town of the distribution of which the annexed is a tri	of	
Municipal Building – 104 Main Street		<u>X</u>		
Public Library 100 Main Street		X		
Fox Center		<u>X</u>		
Justice Court – Green S 40 Green Street	Street	<u>X</u>		
Mt. Kisco Ambulance (310 Lexington Ave	Corp	X		
Carpenter Avenue Com 200 Carpenter Avenue	nmunity House	<u>X</u>		
Leonard Park Multi Purpose Bldg  X  Guillermo Gomez				
Sworn to before me thi	s 9th day of Septem	be 2020		
Notary Public	C. Run			
1 total j 1 dollo	MICHIGHTE K. RUSSO			

MICHELLE K. RUSSO

NOTARY PUBLIC-STATE OF NEW YORK

No. 91RU6313298

Qualified In Putnam County

My Commission Expires 10-20-2022



Approved for filling in the Westchester County Clerk's Office, Division of Land Records:

(Tax ID. 80.24-2-1) Date: 19 BRITTON LANE CORP. GUS LEVY 20 STEMART PLACE, MT. KISCO CORP. (Tax ID. 80.24-2-2) GUS LEVY

Approved by Planning Board of the Village and Town of Mount Kisco

Property shown hereon within the VIIIage and Town of Mount Kisco is served by Pablic Water and Pablic Sanitary Sewers with sufficient capacity.

Village Engineer

Unmuthorized alteration or addition to a survey map bearing a Licen-eed Lend Surveyor's seel is a violation of Section 7202. Subdivision 2 of the New York State Education Law.

All certifications are valid for this map and copies thersof only if said map or copies bear the impressed seal of the surveyor whose signature appears hereon.

The location of underground improvements or encroschments hereon, if any exist, are not certified or shown.

Notes: 11 Elevations shown hereon are generally in accordance with the North American Vertical Datum of 1903 (NAVDB3).

Additional underground easements, utilities or structures, etc. other than those shown hereon may be encountered.

The subsurface information shown hereon, if any, is not guaranteed as to accuracy or completeness and should be verified by the contractor pefore any excavation.

## WESTCHESTER COUNTY DEPARTMENT OF HEALTH

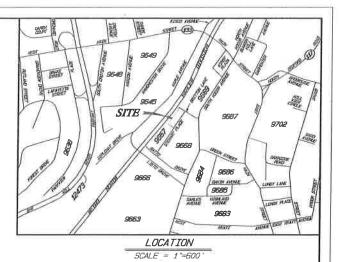
Mount Kisco, New York

This map does not constitute a subdivision as defined by Chapter B73, Article X of the Neutrester County Sanitary Dode. Permission is hereby granted for the filing of this map in the Office of the Neutrester County Clerk, Division of Lend Records. The appearance of the signatures of the Commissioner of Health of this plat is the County Clerk Division of Lend Records. The appearance of the signatures of the Commissioner of Health of this plat is until the Department's Rules and Regulations pertaining to Matter approximate a Confirmance applied to Sevena disconnections.

Each purchaser of property shown hereon shall be furnished a true copy of this plat showing this endorsement. Any grasuras, charges additions or alterations of any kind except the addition of signatures of other approving authority and the date thereof made on the plan after this approval, shall invalidate this approval.

Approved by the Assistant Comissioner of Health on behalf of the Department of Health

With regard to the Subject premises, recurds disclose that the property was not ever a part of any subdivision filed at the County Clark's Office, Division of Lend Recurds since 1930.



METRO

NORTH - HARLEM

DIVISION Liber 5065 Page 62 Filed Nap No. 7564

217.66 N34 18 50 E HOOD DEDX IN SHED (TO BE RELOCATED) MOO PETRINING WILL CONDICTE MILEST PARTIO 32.6° 出版 ADDD DEDK 2 STORY FRAME RESIDENCE MACADAM NO. 20 PARKING MACADAM PARKING 1 STEWART PLACE

Land Area Schedule					98
LOT NO.	TAX LOT NO.	ZONE	EXISTING AREA	EXCHANGE AREA	PROPOSEO
1	80.24-2-2	RM-29	4,068 S.F.	1,013 S.F.	5081 S.F.
			0.093 AC.	0.023 AC.	0.116 AC.
2	80,24-2-1	PM-10	16,737 S.F.	-1,013 S.F.	15724 S.F.
			0.384 AC.	-0.023 AC.	0.361 AC.

We, H. Startley Advisor and Company, Land Surveyors, P.C., the surveyors who made this mag, do hereby certify that the survey upon which this mag is based was completed October 25, 2017 and that this map was completed

BY. HOLDS CHANGE SURVEYOR NO. 50037

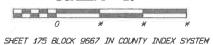
PRELIMINARY LOT LINE CHANGE PLAT
PREPARED FOR

## 19 BRITTON LANE CORP.

## 20 STEWART PLACE, MT. KISCO CORP.

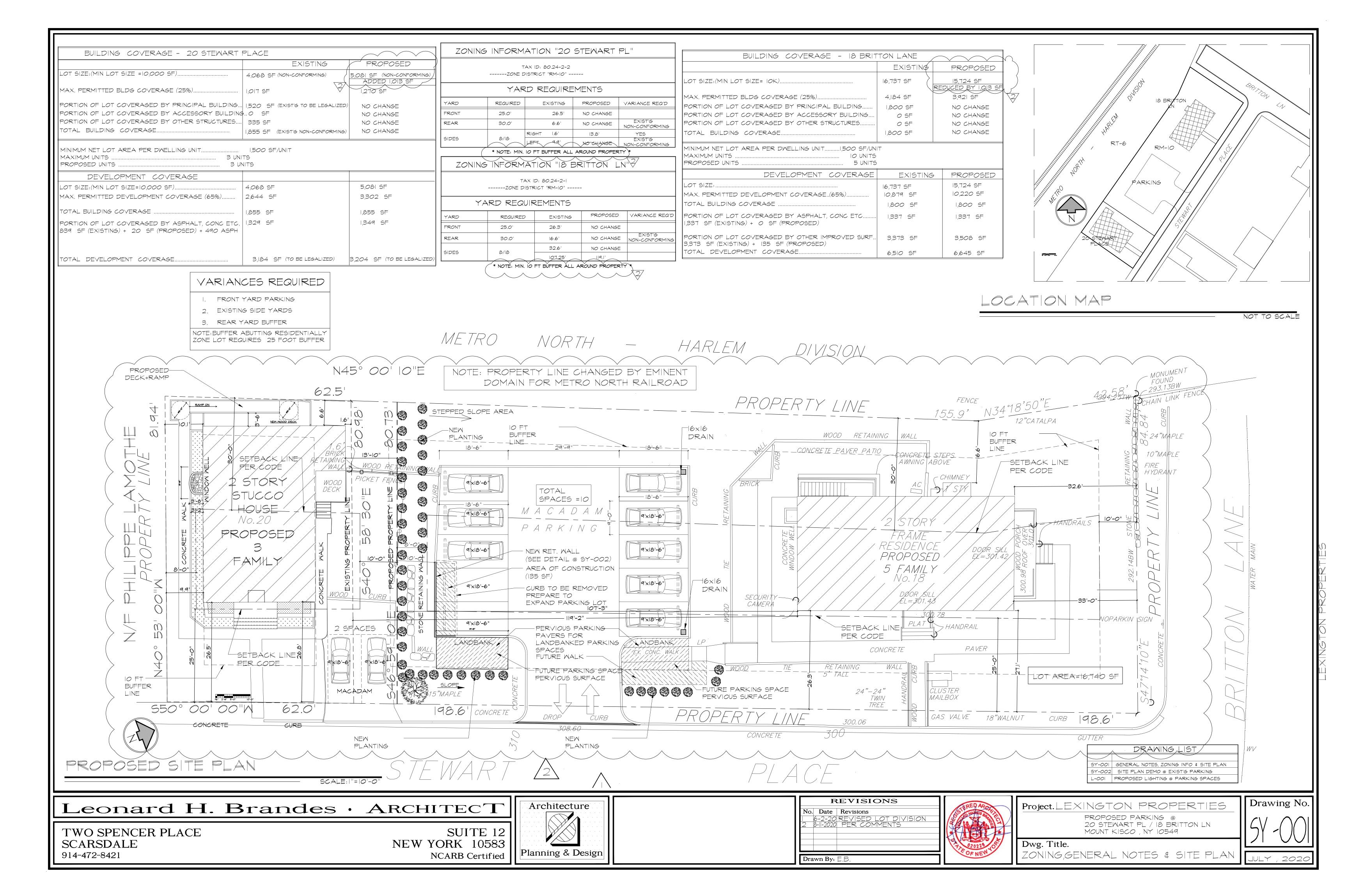
SITUATE IN THE VILLAGE AND TOWN OF MOUNT KISCO WESTCHESTER COUNTY, NEW YORK

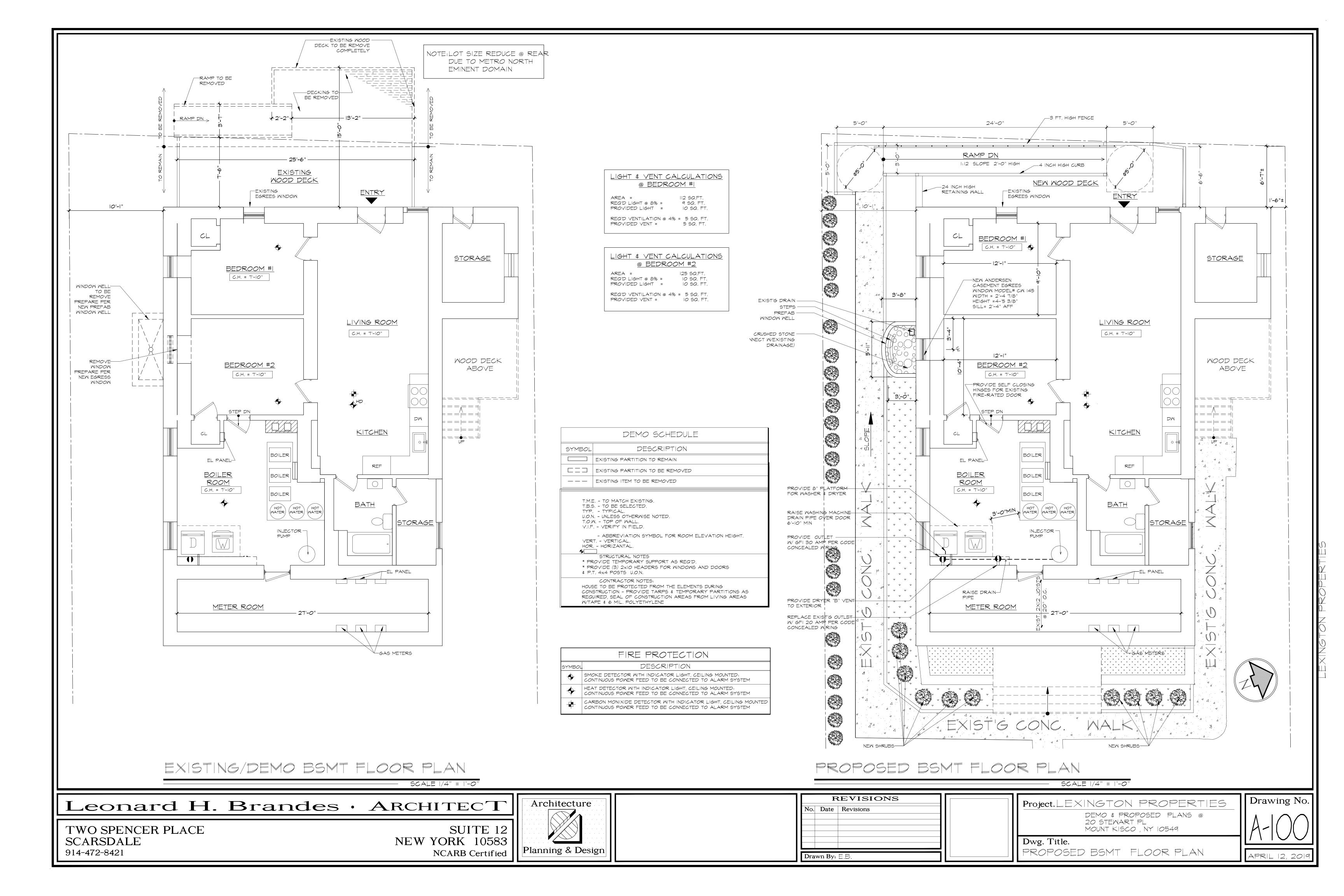
SCALE: 1" = 20'



ROBERT S. JOHNSON, P.L.S.

H. STANLEY JOHNSON AND COMPANY LAND SURVEYORS, P.C. 42 SMITH AVENUE P.O. BOX 93 MT. KISCO, N.Y. 10549 TEL. 914-241-3872







20 STEWART PLACE FRONT OF HOUSE



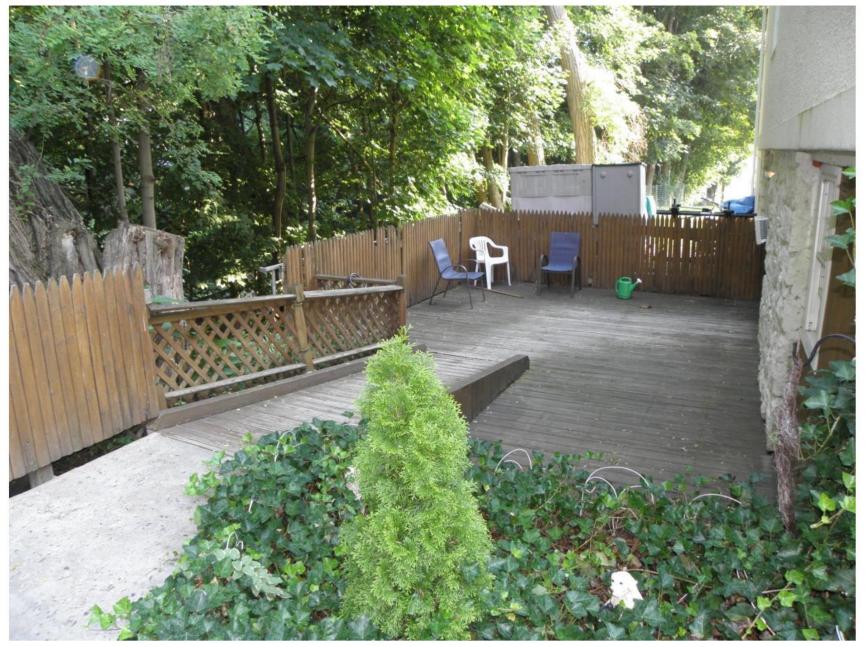
20 STEWART PLACE RIGHT SIDE & BACK OF HOUSE



20 STEWART PLACE RIGHT SIDE & DRIVEWAY



20 STEWART PLACE LEFT SIDE & NEIGHBOR'S DRIVEWAY



20 STEWART PLACE REAR DECK WITH RAMP



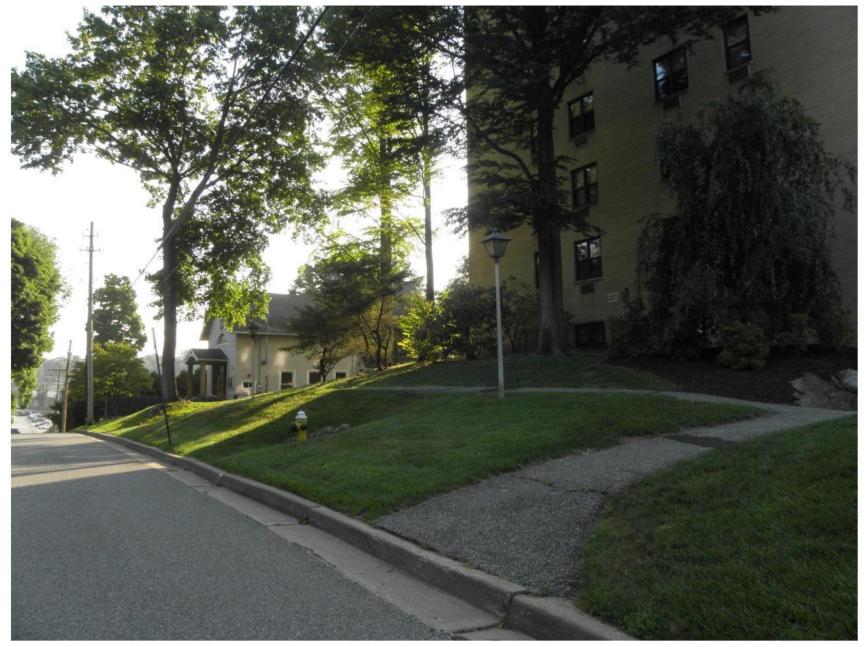
20 STEWART PLACE NEIGHBOR ON LEFT



20 STEWART PLACE NEIGHBOR ON RIGHT (18 BRITTON LANE)



20 STEWART PLACE LOOKING UPHILL FROM BRITTON



20 STEWART PLACE ACROSS THE STREET



20 STEWART PLACE PARKING LOT 18 BRITTON LANE



20 STEWART PLACE FROM ACROSS THE STREET