

PD \$100
CHK#1079
REC# 29286

Village/Town of Mount Kisco
Building Department

Village/Town of Mount Kisco Building Department

104 Main Street

Mount Kisco, New York 10549

(914) 864-0019 FAX (914) 864-1085

JUL 13 2022

RECEIVED

Application #: _____

Permit #: _____

BUILDING PERMIT APPLICATION

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

Project Address: 111 West Main Street, Mount Kisco, NY 10549

Zoning District: RS-12 Section/Block/Lot(s): 69.72-5-6

Applicant's Name: Michael Brocker

Address: 111 West Main Street, Mount Kisco, NY 10549

Email address: mbrocker87@gmail.com Phone #: 845-325-8991

Name of Property Owner: same as above Phone #: _____
(If Different)

Present Address of Owner: _____

Email address: _____ Phone #: _____

Description of Improvement and Proposed Use in Detail: New detached garage

Total Estimated Cost of Improvement: \$65,000 based on \$110 per SF estimate,
to be verified by contractor

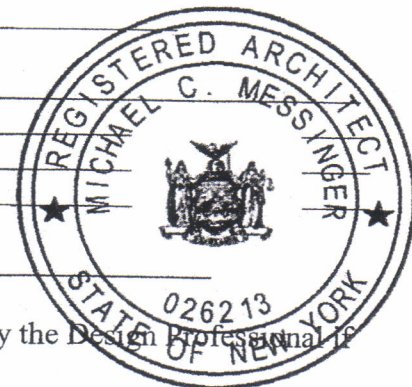
AFFIDAVIT OF CONSTRUCTION COST: This affidavit must be completed by the Design Professional if the estimated cost is \$20,000.00 or more, or the project is a legalization.

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

NOTE: Cost estimating services have not been offered or provided by architect. Contractor to provide final cost affidavit upon request.

Signature: Michael C Messinger
Date: 7/05/2022

Sign & Affix Seal _____



Property Use: (please answer all questions)

Existing use Residential:

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

Intended use:

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

Existing Use Commercial:

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

Intended Use:

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

Is there an approved site plan for this property?

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

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

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

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

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

Topography: ☐ Flat ☐ Hilly ☐ Rocky ☐ Steep Incline ☒ Other (please specify) slight slope

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? 2,000 square feet

Contractor: _____

Address: _____

Phone #: _____ Fax #: _____

Email address : _____

Westchester County Home Improvement License #: _____

Architect or Engineer: Michael C. Messinger NYS Lic. #: 026213

Address: 16 Washington Avenue, Bedford, NY 10506

Phone #: 914-908-0225 Fax #: _____

Email address : messinger.arch@outlook.com

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

Address: _____

Phone #: _____ Email address : _____

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

Address: _____

Phone #: _____ Email address : _____

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

Michael Proch
Applicant's Signature

Sworn to before me this 8th day of June, 2022

Notary Public, Westchester County: Silvia Boo

SILVIA BOO
Notary Public - State of New York
NO. 01B06301821
Qualified in Westchester County
My Commission Expires Oct 26, 2022

Affidavit of Owner Authorization:

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

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

Owner's Name Printed

Owner's Signature

Sworn to before me this _____ day of _____

Notary Public, Westchester County: _____

Name of Project Contact Person: _____

Daytime Phone #: _____ Fax #: _____

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Received by: _____

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

Board Approvals:

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

Reviewed By: _____

Date: _____

Building Inspector Approval: _____

Date approved: _____

Conditions:

STATEMENT OF WORK

I am seeking to add a 2-car detached garage to my property. I currently do not have a garage and my vehicles are getting impaired by the elements. The main use of the structure will be to house my cars, there will be no HVAC included nor any dwelling residence above the structure. I have been working with an architect and will strive to match the house trim as much as possible to maintain the aesthetic.

Thank you for your consideration.

Michael Bocker

111 West Main Street, Mount Kisco, NY 10549



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

July 21, 2022

Michael Bocker
111 West Main Street
Mount Kisco, NY 10549

Re: Notice of Denial
(SBL) 69.72-5-6

Dear Mr. Bocker:

Your recent building permit application for the proposed construction of a detached, two-car garage "has been denied" for the following reason:

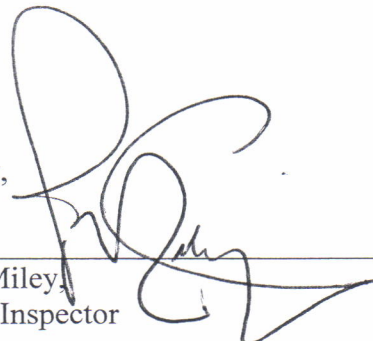
The property is located in the § 110-8. RS-12 Low-Density One-Family Residence Zoning District.

1. No accessory structure, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot. The proposed detached garage location is closer to the side lot line than the principal structure and therefore a variance is required in accordance with §110-31 G (1) of the Village/Town of Mount Kisco Code.

You have the right to appeal this decision within 60 days to the Zoning Board of Appeals.

If appealed, an updated survey and proposed site plan with [all] setback dimensions of both the home and accessory structure (garage) will be required with an application. Submission doesn't include front-yard setback dimension along W. Main Street.

Sincerely,



Peter J. Miley,
Building Inspector

Date: 9/20/22
Fee: \$130

Case No.: 22-10
Date Filed: _____

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

RECEIVED

AUG 16 2022

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

**Zoning Board of Appeals
Application**

Appellant: Michael Bocker
Address: 111 West Main Street, Mount Kisco, NY 10549
Address of subject property (if different): _____

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

Property owner (if different): _____
Address: _____

TO THE CHAIRMAN, ZONING BOARD OF APPEALS: An appeal is hereby taken
from the decision of the Building Inspector, Peter J. Miley
dated July 21, 2022. Application is hereby made for the following:

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

to permit the: X Erection; _____ Alteration; _____ Conversion; _____ Maintenance
of a new detached two car garage

_____ in accordance with plans filed on (date) July 13, 2022
for Property ID # 69.72-5-6 located in the RS-12 Zoning District.
The subject premises is situated on the north side of (street) West Main Street
_____ in the Village/Town of Mount Kisco, County of Westchester, NY.
Does property face on two different public streets? (Yes) No _____
(If on two streets, give both street names) West Main Street & Sands Street

Type of Variance sought: _____ Use X Area

Is the appellant before the Planning Board of the Village of Mount Kisco with regard to this property? no

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

Size of Lot: 150 feet wide 117.5 feet deep Area 17,714 Sq Ft / 0.406 ac

Size of Building: at street level 44 feet wide 60 feet deep

Height of building: approx 30 feet Present use of building: single family res

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

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

Has any previous application or appeal been filed with this Board for these premises?
Yes/No? not by current owner

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

Are there any violations pending against this property? _____ 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? no

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

The following items **MUST** be submitted:

- a) Attached hereto is a copy of the order or decision (Notice of Denial) issued by the Building Inspector or duly authorized administrative official issued on July 21, 2022 upon which this application is based.
- b) Copy of notice to the administrative official that I have appealed, setting forth the grounds of appeal and have requested the application to be scheduled for a public hearing.
- c) A typewritten statement of the principal points (facts and circumstances) on which I base my application with a description of the proposed work.
- d) Ten (10) sets of site plans, plat or as-built survey drawings professionally signed and sealed (as may be required).
- e) A block diagram with street names, block and lot numbers, and street frontage showing all property affected within 300' of the subject property, with a North point of the compass indicated.
- f) A full list of names and addresses of the owners of all property shown on the above noted block diagram that lie within or tangent to the 300' radius from the subject property.
- g) A copy of the Public Notice for the public hearing of this application.
- h) A sworn Affidavit of Mailing, duly notarized, that a true copy of said Public Notice has been sent by mail to all property owners within 300 feet of this premises at least 10 days prior to the public hearing.

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

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

*** Optional - As Needed**

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

Michael Russo
(Appellant to sign here)

Sworn to before me this day of: August 16, 2022 MICHELLE K. RUSSO
Notary Public, Michelle K. Russo Westchester NOTARY PUBLIC-STATE OF NEW YORK
County, NY No. 01RU6313298
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)

AFFIDAVIT OF MAILING

STATE OF NEW YORK

}

}SS.:

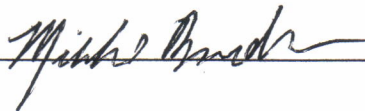
COUNTY OF WESTCHESTER

}

Michael Brocker being duly sworn, deposes and says:

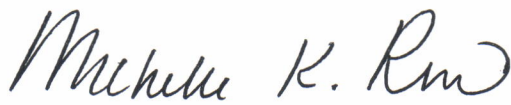
I reside at 111 West Main Street

On August 2nd 2022 I served a notice of hearing, a copy of which is attached hereto and labeled Exhibit A, upon persons whose names are listed in a schedule of property owners within 300 feet of the subject property identified in this notice. A copy of this schedule of property owners' names is attached hereto and labeled Exhibit B. I placed a true copy of such notice in a postage paid property addressed wrapper addressed to the addresses set forth in Exhibit B, in a post office or official depository under the exclusive care and custody of the United States Post Office, within the County of Westchester.



Sworn to before me on this

16th day of August 2022


(Notary Public)

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

Exhibit B

OWNERNAME	PROPADDRESS	PROPCITY	PROPZIP	PROPPRINTKEY	C/O	Mailing address	City	State	Zip
Mango, Joseph	130 W Main St	MOUNT KISCO	10549	69.80-2-20					
St. Marks Episcopal Church	31 Croton Ave	MOUNT KISCO	10549	69.72-5-8		85 East Main St	Mt Kisco	NY	10549
Lada , Michele A	22 Sands St	MOUNT KISCO	10549	69.72-5-4					
Mango, Karin M	83 Hillside Ave	MOUNT KISCO	10549	69.72-3-3					
Meaney, James F	16 Marion Ave	MOUNT KISCO	10549	69.80-2-3					
Sposato Leonard	11 Marion Ave	MOUNT KISCO	10549	69.80-3-19					
Yustman Jeffrey	20 Manchester Dr	MOUNT KISCO	10549	69.80-3-3.2					
Hartleben Bruce G	93 W Main St	MOUNT KISCO	10549	69.72-4-1					
Cohen David	24 Croton Ave	MOUNT KISCO	10549	69.71-4-6					
Steffen, Matthias	27 Croton Ave	MOUNT KISCO	10549	69.72-5-7.2					
Westchester Co. Planning Dept.	Parkway	MOUNT KISCO	10549	80.23-6-1	Westchester Finance Dept.	148 Martine Ave	White Plains	NY	10601
Sriram Arvind	6 Marion Ave	MOUNT KISCO	10549	69.80-2-2					
Barry, Michael N	42 Manchester Dr	MOUNT KISCO	10549	69.80-3-6					
McGuinness, Joseph	8 Croton Ave	MOUNT KISCO	10549	69.71-4-8					
Hart, Ryan	35 Croton Ave	MOUNT KISCO	10549	69.72-5-1					
Yarar, Orhan	28 Sands St	MOUNT KISCO	10549	69.72-5-3		5 Barmum	Bethel	CT	06801
Brocker, Michael J	111 W Main St	MOUNT KISCO	10549	69.72-5-6					
Hoyt George	37 Sands St	MOUNT KISCO	10549	69.72-3-2					
McDonald Andrew	122 W Main St	MOUNT KISCO	10549	69.80-2-19					
Niktiadis, Nectaros G	16 Croton Ave	MOUNT KISCO	10549	69.71-4-7					
Paboojian-Farmer, Susan	100 W Main St	MOUNT KISCO	10549	69.80-3-1					
Hunter, Robert A	15 Marion Ave	MOUNT KISCO	10549	69.80-3-18					
Davis-Lorton Bernadette E	90 W Main St	MOUNT KISCO	10549	69.80-3-2					
Haddad, Gail	14 Sands St	MOUNT KISCO	10549	69.72-5-5					
Oliverio Michael	81 W Main St	MOUNT KISCO	10549	69.72-4-2					
Gammarati, Anthony	120 W Main St	MOUNT KISCO	10549	69.80-2-1					
Luppino Polsia	22 Marion Ave	MOUNT KISCO	10549	69.80-2-4					
Greve, Ronald S	133 W Main St	MOUNT KISCO	10549	69.72-5-7.1					
Hodgson, Andrew	38 Sands St	MOUNT KISCO	10549	69.72-5-2					
Chiappinelli, David Scott	Hillside	MOUNT KISCO	10549	69.72-3-1		67 Lake Drive South	New Fairfield	CT	06812

[illegible] $\rightarrow z$

Westchester County GIS
<http://giswww.westchestergov.com>
 Michaelan Office Building
 148 Marine Avenue, Rm 214
 White Plains, New York 10601

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village/Town of Mount Kisco, New York will hold a Public Hearing on the 20th day of September 2022 at the Municipal Building, Mount Kisco, New York, beginning at 7:00 PM pursuant to the Zoning Ordinance on the Appeal of:

Michael Bocker

111 West Main Street, Mount Kisco, NY 10549

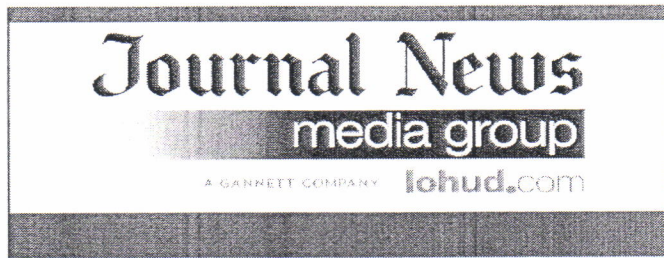
from the decision of Peter J. Miley, Building Inspector, dated July 21, 2022 denying the application dated to permit the proposed construction of a detached, two-car garage.

The property involved is known as 111 West Main Street and described on the Village Tax Map as Section/Block/Lot 69.72-5-6 located in the 110-8. RS-12 Low-Density One-Family Residence Zoning District. Said Appeal is being made to obtain a variance from Section 110-31 G (1) of the Village/Town of Mount Kisco Code, which requires no accessory structure, shall be located or project nearer to any street line or side lot line than does the principal structure on the lot. The proposed detached garage location is closer to the side lot line than the principal structure.

Wayne Spector, Chair

Zoning Board of Appeals

Village/Town of Mount Kisco



**AFFIDAVIT OF PUBLICATION
FROM**

RECEIVED

AUG 10 2022

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

**State of Wisconsin
County of Brown, ss.:**

On the 31 day of July in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Linda Tutt, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed, the instrument.

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

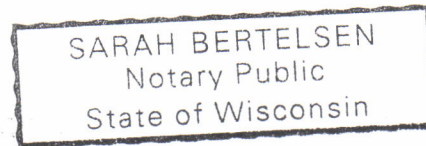
**Zone:
Westchester**

**Run Dates:
07/31/2022**

Linda Tutt
Signature

Sworn to before me, this 31 day of July, 2022

[Signature]
Notary Public. State of Wisconsin. County of Brown



My commission expires

Legend:

WESTCHESTER:

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

ROCKLAND:

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

Ad Number: 0005355936

RECEIVED

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

AFFIDAVIT OF POSTING SEP 14 2022

Zoning Board of Appeals
 Village/Town of Mount Kisco

Gilmar Palacios Chin, being duly sworn, says that on the 14th day of September 2022, he conspicuously fastened up and posted in seven public places, in the Village/Town of Mount Kisco, County of Westchester, a printed notice of which the annexed is a true copy, to Wit: ---

Municipal Building –
 104 Main Street

X

Public Library
 100 Main Street

X

Fox Center

X

Justice Court – Green Street
 40 Green Street

X

Mt. Kisco Ambulance Corp
 310 Lexington Ave


X

Carpenter Avenue Community House
 200 Carpenter Avenue


X

Leonard Park Multi Purpose Bldg

X


 Gilmar Palacios Chin

Sworn to before me this 14th day of September 2022


 Notary Public

PATRICIA A TIPA
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01TI6170206
 Qualified in Westchester County
 My Commission Expires 07-02-2023

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

THIS INDENTURE, made the As of 7th day of October, in the year 2020

BETWEEN EDWARD F. GURBACKI and TINA M. GURBACKI, husband and wife
residing at 111 West Main Street, Mt. Kisco, New York 10549

party of the first part, and

MICHAEL J. BROCKER and ELISABETH G. BROCKER, husband and wife
residing at 55 N Broadway, White Plains, New York 10601

party of the second part,

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

TEN (10.00) dollars

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

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

SEE SCHEDULE A ANNEXED HERETO

Being the same premises described in deed dated 8/26/06 recorded 10/5/06 in Control No.462620323 in the Westchester County Clerk's Office.

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:

EDWARD F. GURBACKI

TINA M. GURBACKI

COPY

RECEIVED

AUG 16 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the day of in the year 2020, before me, the undersigned, personally appeared

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

ACKNOWLEDGEMENT BY SUBSCRIBING WITNESS
TAKEN IN NEW YORK STATE

State of New York, County of , ss:

On the day of in the year , before me, the undersigned, a Notary Public in and for said State, personally appeared , the

subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in

(if the place of residence is in a city, include the street and street number if any, thereof); that he/she/they know(s)

to be the individual described in and who executed the foregoing instrument; that said subscribing witness was present and saw said


execute the same; and that said witness at the same time subscribed his/her/their name(s) as a witness thereto

Bargain and Sale Deed
With Covenants

Title No.

EDWARD F. GURBACKI AND
TINA M. GURBACKI
TO
MICHAEL J. BROCKER AND ELISABETH G. BROCKER

DISTRIBUTED BY



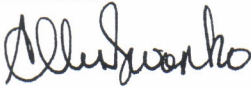
YOUR TITLE EXPERTS
The Judicial Title Insurance Agency LLC
800-281-TITLE (8485) FAX: 800-FAX-9396

ACKNOWLEDGEMENT TAKEN IN NEW YORK STATE

State of New York, County of Westchester, ss:

On the 6th day of October in the year 2020, before me, the undersigned, personally appeared Edward F. Gurbacki and Tina M. Gurbacki

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



ALLISON SWANKO
Notary Public, State of New York
No. 01SW4919012
Qualified in Westchester County
Commission Expires April 11, 2022

ACKNOWLEDGEMENT TAKEN OUTSIDE NEW YORK
STATE

*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 satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual make such appearance before the undersigned in the

(add the city or political subdivision and the state or country or other place the acknowledgement was taken).

SECTION: 69.72
BLOCK: 5
LOT: 6
COUNTY OR TOWN: Mt Kisco

RETURN BY MAIL TO:

ESTHER MILDNER ESQ
54 Prospect Avenue
Ardasley, New York 10502

SCHEDULE "A"
(DESCRIPTION)

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

BEGINNING at a point on the northerly side of West Main Street (New York State Route 133) at the point of intersection of the dividing line on the westerly side of the lands herein described and lands now or formerly of George and Fanny Chazarian with said northerly side of West Main Street;

THENCE along said last mentioned dividing line, North $12^{\circ} 29' 30''$ West 117.50 feet to lands now or formerly of Tormod Gundersen;

THENCE along lands of the said Gundersen, North $79^{\circ} 37' 20''$ East 117.30 feet and North $80^{\circ} 18' 10''$ East 33.31 feet to the westerly side of Sands Avenue;

THENCE along the said westerly side of Sands Avenue, South $12^{\circ} 34' 30''$ East 117.50 feet to the northerly side of West Main Street;

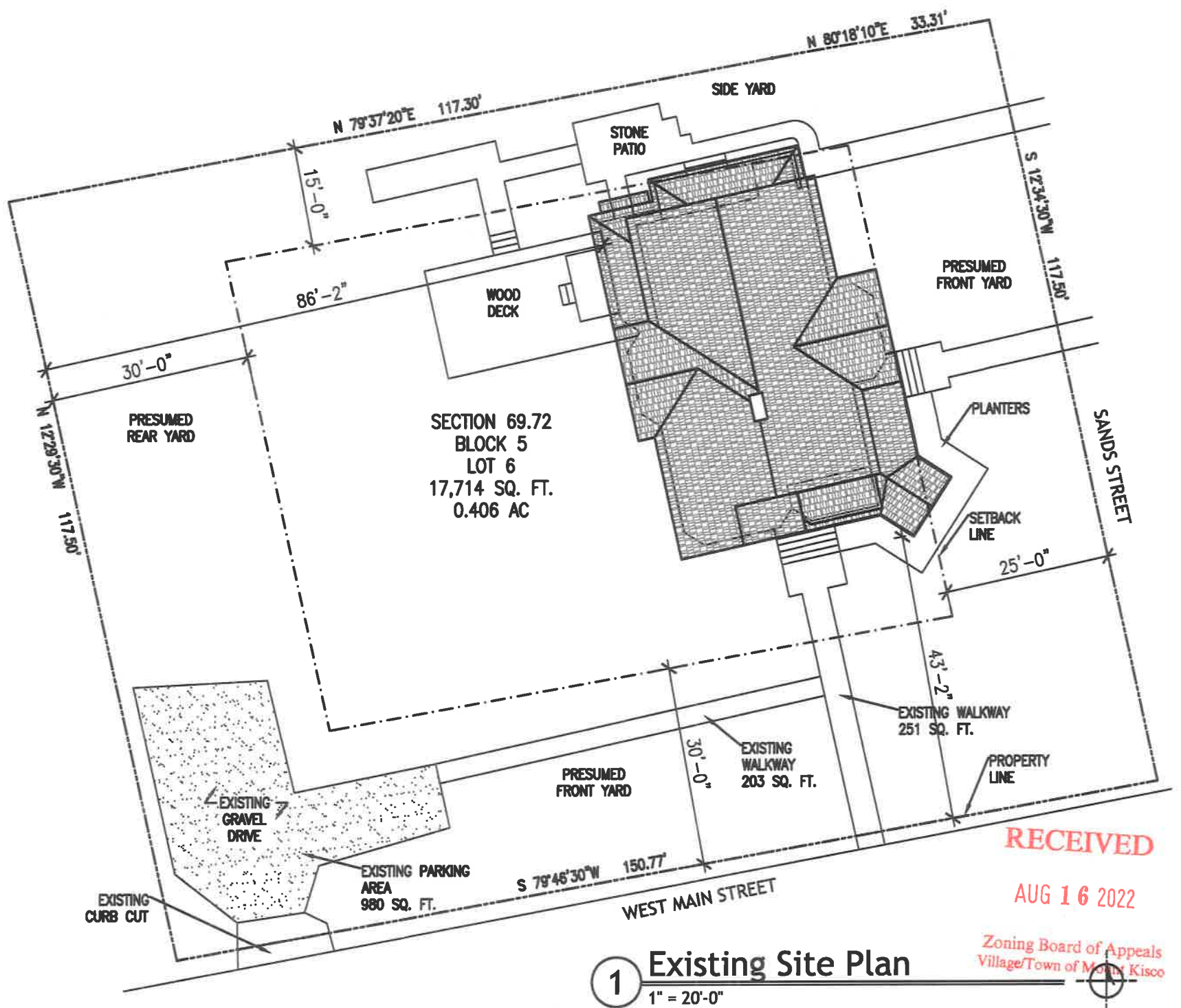
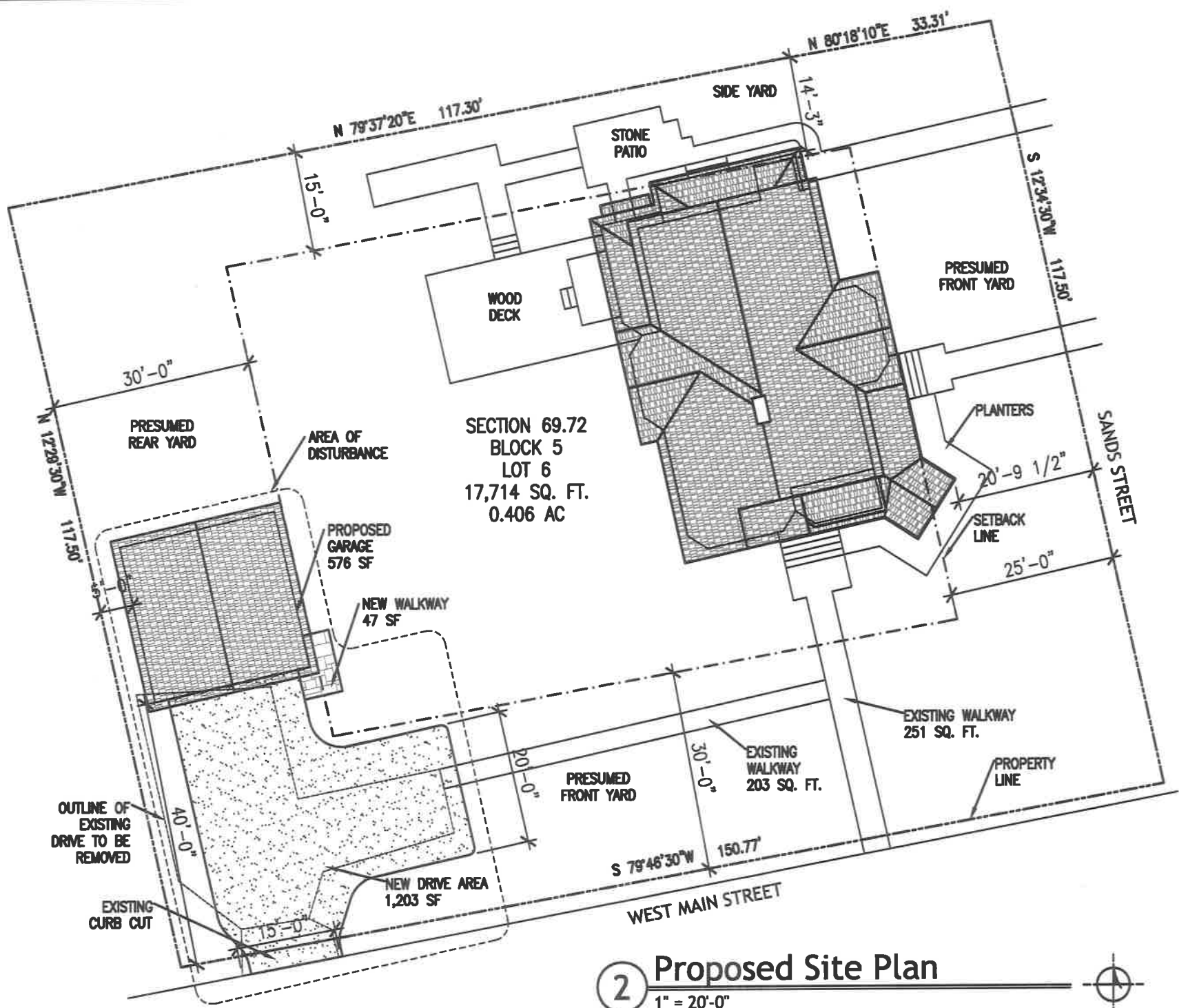
THENCE South $79^{\circ} 46' 30''$ West 150.77 feet to the point or place of **BEGINNING**.

Address: 111 West Main Street, Mount Kisco

Village & Town: Mount Kisco

County: Westchester

TAX DESIGNATION: Section 69.72 Block 5 Lot 6



RECEIVED

AUG 16 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

Ann Marie (Neto) Simone
for Anne Neto
1 Scotts Lane
South Salem, New York 10590

August 28, 2022

Mr. Wayne Spector, Chairman
Zoning Board of Appeals
104 Main Street
Mount Kisco, New York 10549

Re: 16 Terrace Place
Parcel Id # 80.41-2-2

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

Thank you for allowing us to provide additional information in support of our variance request which was opened at the public hearing held on July 19, 2022. Additional information is provided below which will respond to the questions posed by your honorable board and address the statutory provisions for the granting of a use variance.

Hardships Related to Allowable Uses and Parking Issues:

Again, the property is currently located in the OD-Low Intensity Office District which permits the following uses: (1) offices for administrative, business, government, or professional use; (2) educational and training facilities; (3) nursery schools and child/adult day care; and (4) funeral homes.

As stated in the previous submittal, the property was acquired by my parents back in 1981 (see deed attached as Exhibit A-4) and at that time the property was occupied as a two-family home consisting of one apartment on the first floor and one apartment on the second floor, both with separate entrances and services. At the time the property was purchased, the property was zoned Central Commercial "C-1" District (see copy of code attached as Exhibit A-5). At the time of purchase, the C-1 District permitted the following uses: (uses paraphrased)

- a) Retail Stores and banks; new or used car or automobile sales...
- b) Personal service stores such as but not limited to barbershops, beauty parlors and Tailors...
- c) Business, professional or governmental offices...
- d) Service establishments...gasoline filling stations...
- e) Theaters, assembly halls, bowling alleys, billiard halls and restaurants...

Mr. Wayne Spector, Chairman

August 28, 2022

Page 2

- f) Outlets and pick up stations for laundries and cleaning establishments...
- g) Newspaper printing...
- h) Manufacturing, assembling...of products where goods so produced or processed are to be sold at retail, exclusively on the premises...
- i) Public and commercial off-street parking lots and garages...
- j) Hotels, clubs...,places of worship...
- k) Funeral parlors.

As the board will see, when the property was acquired by my parents the zoning permitted many potential commercial uses. The Zoning was subsequently amended by the village on 3/27/84 and the property was rezoned to the current OD-Low Intensity Office District which severely restricted the allowable uses on the property to the following (1) offices for administrative, business, government, or professional use; (2) educational and training facilities; (3) nursery schools and child/adult day care; and (4) funeral homes.

The imposition of the OD district severely restricted the commercial viability of the property by reducing the allowable uses from over a dozen uses permitted in the C-1 district to barely 4 uses permitted in the OD district. In addition, the existing parcel is only 5896 sf where under the OD District the minimum lot area required is 10,000 sf. As the board is aware this creates a multitude of potential non-conforming issues with development of the property from allowable building size and lot coverage to required minimum building setbacks and restrictive on-site parking that could be supported on a substandard, non-conforming lot.

In addition, as the board will surmise that based upon the few permitted uses currently permitted in the OD district, that between office, educational and training facilities, schools and adult day care, and funeral homes, the board will surely agree that office use would be the least impactful from a traffic and parking scenario. Given the limited potential of this substandard lot, we have marketed it primarily to office users, and even marketing primarily to office users, the property has been impossible to attract a single tenant due to the lack of parking. We did have a user that was interested in a spa which may have been permitted under the previous district but would not be under the current zone.

As stated in our previous meeting, in 1990 my parents received Planning Board approval to renovate the first floor for the commercial kitchen and catering business and to improve the site to provide for 4 required parking spaces. During operation of my parents' business on street parking was eliminated on Terrace Place thus further impacting the commercial viability of the property. We have not been able to receive any information from the Village regarding the exact date in which parking was eliminated however at the request of your board we did have a conversation with our neighbor Mr Water Koval across the street at 19 Terrace Place regarding

Mr. Wayne Spector, Chairman
August 28, 2022
Page 3

his recollection of the timeline. He confirmed that on street parking was eliminated some time in the mid 90's after my parents were already in business. Mr Koval was very knowledgeable regarding the circumstances which led up to the parking restrictions imposed. As he stated, the Village had set up a committee to study traffic and parking overcrowding throughout the Village during that timeframe. As a Member of the Village Police Department at that time, Mr Koval was a liaison to the newly formed parking committee and remembers that many roads were studied, and parking restrictions were imposed during that time. Not only was parking eliminated on Terrace Place but on the adjacent Grove Street parking was restricted to one side only. These new restrictions severely impacted the availability of on street parking available to users of our property.

At the further request of the board, we have received letters from the Real Estate Brokers that have been marketing the property since 2019 (attached as Exhibit A-1 & A-2). The Board will note from those letters that the main detriment to leasing this property from all prospective tenants was inadequate parking. Even after lowering the list price from \$3,000/month down to a low of \$1,750/month we could not get one signed lease.

Based upon the change of zone of the property and the elimination of onstreet parking which occurred after my parents purchased the property it is evident that the hardship was NOT self-created.

In addition, for the board's consideration, we have attached a copy of the Zoning map for the OD district (Exhibit A-3). As the Board will note, the property at 16 Terrace Place is the ONLY property in the OD district which DOES NOT have frontage on a village road with on street parking and appears to be the only property in the OD district which is less than 10,000 sf as required in the district.

Based upon this information, this affirms that the property is unique in its hardship and the hardship DOES NOT apply to any other properties in the district.

Demonstrated Financial Hardship:

At the further request of the Board, we have prepared for your review financial analyses of the property to demonstrate the financial hardship and the inability for the Owner to realize a reasonable return under the current zone.

As stated previously, in 2021 after more than a year of vacancy and no tenants the owner expended approximately \$20,000 to renovate the first-floor space with the hope of attracting a tenant for the space. Attached herewith we prepared for the board's review an Income &

Mr. Wayne Spector, Chairman

August 28, 2022

Page 4

Expense Summary for the property (attached as Exhibit B-1) which covers 2021 and 2022 to the present. As the Board will note that for 2021 the property realized a Net Loss of - \$10,368.73.

Based upon the projections for 2022, and assuming no further losses or repairs in 2022, the property would only yield a NOI of approximately \$5,300. What the Board will also note from the bottom of the income and expense summary is that we have provided a projection of the required deferred maintenance along with a 10yr Capital Expenditure (Capex) budget for the property. Given the age of the property, over the next 10 Years it is anticipated to require a further investment of approximately \$62,500. This is of considerable consequence as the board will note that approximately \$15,000 of that budget is considered an immediate need to repair the sewer main which backed up this year, causing over \$4000 in damage, as well as long overdue chimney repointing which is causing water leakage into the basement and painting to restore and protect the home. We have elected at this time to hold off on these required improvements pending the boards determination. However with those repairs the property would again yield a negative return and will continue to do so for many years to recoup that.

For the boards consideration, attached herewith is the financial analysis of the property (attached as Exhibit B-2) to demonstrate the Rate of Return for the property given the current performance. We would like to highlight for the board that the current performance does not include the immediate repair needs which if factored into the NOI projection for this year would show a Loss of an Additional \$10,000 for 2022. However, assuming we ignore the required investment in repairs the board will note that with an NOI of \$5300 and a current property value of \$530,000 (current Assessors Value) the property shows only a 1.0% Cap rate and a cash-on-cash return of - \$11.47%.

Small to mid-size investors in the market are generally looking for properties which provide a Capitalization Rate of over 7%. The Cap rate is calculated as the ratio of a properties annual rental income to its current market value. In addition, investors generally require a cash-on-cash return greater than the cap rate to support the cash investment on an income asset.

As further justification on the financial hardship on this property, we have included an analysis of the Cap rate assuming the office space were able to rent for \$1,750/mo (attached as Exhibit B-3). As the board will note, even under this scenario, the cap rate would show below 5% and a cash-on-cash return of under 1%. In order for this property to achieve over a 7% cap rate and CoC return with the above office rental, it would drop the property value from \$530,000 to \$415,000. A loss of \$115,000 in taxable value (see Exhibit B-4 attached).

Attached also is a financial analysis on the residential scenario utilizing the current assessed value and a rental rate of \$2500/mo on the downstairs unit, Exhibit B-5 shows a cap rate of 6.7%

and a CoC return of only 5.77%. Even under the residential scenario to achieve a Cap rate and CoC return over 7% the property value would need to drop to \$500,000 as shown on Exhibit B-6.

Again, all of these hypothetical scenarios assume the property is in good condition and not in need of any major capital expenditures. With over \$15,000 in immediate repairs required one would have to discount these property values by at least that much and more.

Standards for Granting a Use Variance (Statutory Provisions):

New York State Village Law Section 7-712(b)(2) provides the framework for and statutory requirements for the Zoning Board's review of use variances as summarized below:

“Use variances.

- (a) The board of appeals, on appeal from the decision or determination of the administrative officer charged with the enforcement of such local law, shall have the power to grant use variances, as defined herein.
- (b) No such use variance shall be granted by a board of appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the board of appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located,
 - (1) The applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence;
 - (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;
 - (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and
 - (4) That the alleged hardship has not been self-created.
- (c) The board of appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proved by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.”

Application of Use variance Standards to the Present Application:

The overall standard which governs the Zoning Board's review of use variances is whether the applicable zoning regulations have caused unnecessary hardship on the applicant and that the applicant must demonstrate to the board satisfaction of the above four specific conditions. And that the use Variance is the minimum variance that will adequately address the applicant's hardship, while preserving and protecting the character of the neighborhood and the health, safety and welfare of the community. Based on that and for the reasons set forth below, we respectfully submit that the applicant is entitled to the requested use variance:

- (1) The applicant cannot realize a reasonable return, provided the lack of return is substantial as demonstrated by competent financial evidence;

The applicant (owner) has been actively trying to lease the property for almost 3 years and has not received any viable offers to lease. During this time and with the guidance of multiple realtors the asking price has dropped from approximately \$3000/month to a low of \$1750/mo with still no offers to lease. Also given the needed capital expenditures, the property will not realize any return for quite some time.

*As demonstrated in the attached financial analyses included as Exhibits B-1 through B-6 and based on the foregoing, it is respectfully submitted that as currently zoned, the applicant cannot realize **any return** let alone a reasonable return on her property.*

- (2) That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

*As discussed above, from review of the existing Zoning Map attached as Exhibit A-3 of the OD District it, this property is the **ONLY** property which **DOES NOT** front on a commercial street such as East Main Street and Smith Avenue which afford other properties in the district with access to considerable on-street parking. As on street parking was eliminated on Terrace Place after my parents purchased the property this hardship was not self created and is unique to this property within the OD District. In addition, from review of the zoning map it appears that this property is the only substandard lot in the district.*

For these reasons, it is respectfully submitted that the unique characteristics of this property apply only to this property and not to a substantial portion of the district.

- (3) That the requested use variance, if granted, will not alter the essential character of the neighborhood; and

As has been demonstrated here, our property while being in the OD District is directly adjacent to the RT-6 District on a quiet residential side street with no on street parking. The property has always resembled a two-family home and as such has always protected the character of the neighborhood. The granting of the requested variance will in no way alter the residential characteristics of the neighborhood.

It is respectfully submitted that the requested use variance will not alter the essential character of the neighborhood.

- (4) That the alleged hardship has not been self-created

The practical difficulties to lease this property have been demonstrated as outlined in letters from the listing brokers since 2019 (attached as Exhibits A-1 & A-2) Parking has been demonstrated as the primary issue affecting this property and there are no reasonable permitted uses that would be marketable for this property. It has been demonstrated that the zoning that was imposed on the property after it was purchased in 1981 and the elimination of on street parking by the village in the mid 90's has created unnecessary hardship on this applicant. In addition, the change of zone of this property from the C-1 District which was in effect on this property in 1981 when the property was purchased to the OD district which it was rezoned to in 1984 severely reduced the allowable uses on the subject parcel. Therefore, for these reasons it is respectfully submitted that the alleged hardship has not been self-created.

As stated above, in determining whether to grant a use variance, your Honorable Board must evaluate whether the applicable zoning regulations and restrictions have caused unnecessary hardship to the applicant. The enumeration of the specific factors demonstrated above clearly demonstrate that the applicable zoning regulations and restrictions compounded with the change in available parking from the village have caused an unnecessary hardship to the applicant.

Mr. Wayne Spector, Chairman
August 28, 2022
Page 8

We thank your honorable board for your continued assistance and consideration in this matter and look forward to discussing the matter at your next meeting of September 20, 2022.

Yours Truly,

Ann Marie Simone

A stylized, handwritten signature in black ink, appearing to read 'Dan Simone', with a long horizontal flourish extending to the right.

Ann Marie (Neto) Simone for Anne Neto
Dan Simone

cc: Anne Neto

EXHIBITS A-1 thru A-5



**MARK
BOYLAND**
REAL ESTATE TEAM

Ann Neto

18 Terrace Place

Mt. Kisco, NY 10549

Dear Ann,

In regards to the property at 16 Terrace Place the rental was on the market from July 23, 2020 through Jan 20, 2022 . In that time we had only 8 showings. Main concerns expressed by potential renters were limited parking and no on-street parking. One very interested tenant was Spark, Inc., an organization that offers a wide range of wellness programs for the Westchester County special needs community. This would have been their administrative home base, however, even with an office of less than 5 employees, the space ultimately didn't work due to the parking. The space is essentially unmarketable because any office using it would need parking space for employees and visitors/customers.

During our time on the market, we were not able to get even one potential renter that would sign a lease even after lowering the list price from \$3,000 to \$1,750 per month and the seller updating the property at great expense. In my professional opinion the property would be better served as a residential rental.

Sincerely,

Mark Boyland

Associate Broker

Keller Williams Realty

GINNEL REAL ESTATE

To Whom it may concern;

18 Terrace Place was first listed back in 2019 with my office. It was a commercial kitchen at that time. I had a 6-month listing contract with the property listed on Loop Net (a commercial listing site). I had a total of 2 showings within the 6 months. One was for a wine tasting space the other was for a small restaurant. Below was the feedback.

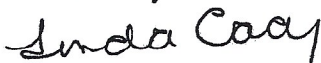
- Kitchen space was either too large or not big enough
- Parking was an issue. Both showings needed more parking for employees and deliveries.

18 Terrace Place was then put back on the market with my office as a commercial space in 2022. Listing price \$1,950. I have had 4 showings since May 2022. One was for a spa which was not applicable for the space, one was for an art gallery, one was for a lawyer and the last was for an accounting firm. Below was the feedback.

- Not enough parking
- The Spa was not applicable for the space

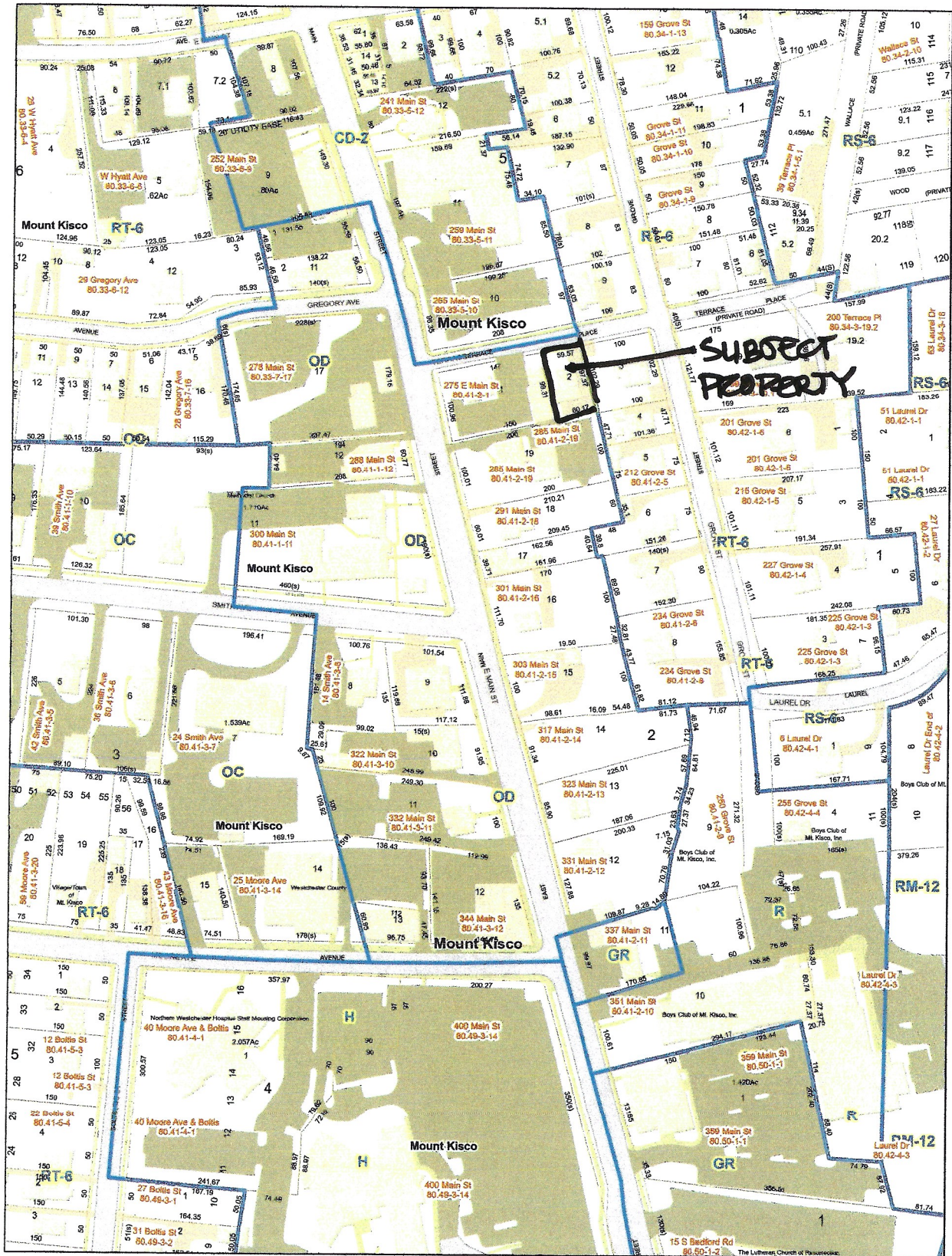
The renovations that have been made are wonderful. Unfortunately, the parking has been the issue at every showing. I suggested more than once that cars can be parked along Main Street and clients can walk up the street to 18 Terrace Place but each prospective tenant dismissed this as not convenient for their customers.

Linda Cady



Ginnel Real Estate

16 Terrace Pl. ID: 80.41-2-2 (Mount Kisco)



August 2, 2022

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

1:1,500



Westchester County GIS

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

Standard N. Y. S. T. U. Form 9016 "1-71-JM" - Executor's Deed - Individual or Corporation.

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

THIS INDENTURE, made the 14th day of September, nineteen hundred and eighty-one
 BETWEEN VINCENT RONALD MANGIA, residing at 254 Combs Avenue,
 Staten Island, New York

as executor of the last will and testament of
 Ernest Tumminello, late of
 Mount Kisco, Westchester County, New York
 who died on the 16th day of March, nineteen hundred and eighty-one,
 party of the first part, and RAPHAEL C. NETO and ANNE A. NETO, his wife, both
 residing at Seven Springs Farm, Oregon Road (no number) Mount Kisco,
 New York

party of the second part.

WITNESSETH, that whereas letters testamentary were issued to the party of the first part by the Surrogate's
 Court, Westchester County, New York, on September 8th, 1981 and by virtue
 of the power and authority given in and by said last will and testament, and/or by Article 11 of the Estates,
 Powers and Trusts Law, and in consideration of Ninety-four thousand five hundred
 and no/100 (\$94,500.00)-----dollars,

paid by the party of the second part, does hereby grant and
 release unto the party of the second part, the distributees 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, bounded and described as follows: Beginning
 at a point in the southerly side of Terrace Place where the same is
 intersected by the division line between premises being described
 and land heretofore conveyed by Nathan Binder to Joseph H. Bondi
 and Marie L. Bondi by deed dated June 29, 1948 and recorded on
 July 1, 1948 in Liber 4648 of deeds, page 247, and which point of
 beginning is distant easterly 147 feet as measured along the southerly
 side of Terrace Place from the corner formed by the intersection of
 the southerly side of Terrace Place with the easterly side of East
 Main Street as same has been widened and is now laid out and established;
 running thence along the southerly side of Terrace Place on a course
 North 72° 48' 50" East 59.75 feet to land now or formerly of Munson;
 running thence along said land of Munson on a course South 18° 32' 50"
 East 97.37 feet to lands now or formerly of McCall; running thence
 along the same on a course South 70° 58' 40" West 60.17 feet to land
 of Joseph H. and Marie L. Bondi; running thence along the same on a
 course North 18° 18' 30" West 99.31 feet to the southerly side of
 Terrace Place and the point and place of beginning.

Being and intending to be the same premises acquired by Ernest
 Tumminello and Florence Tumminello, his wife by deed dated January
 29, 1954 and recorded in Liber 5298 Cp 351.



007491900

14525

 FBI STAMPS
 ATTACHED 3/10 3,95 OCT 15 1981

 0.52
 10395
 7701

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 also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the distributees 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 "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:

Vincent Ronald Mangia Ex L.S.

LIBER 7731 PAGE 560

STATE OF NEW YORK, COUNTY OF Westchester ss
On the 14 day of September 1981, before me personally came

Vincent Ronald Mangia

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

THOMAS J. SINGLETON
Notary Public in the State of N.Y.
No. 60-3687665
Appointed for Westchester County
Commission expires March 30, 1983

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

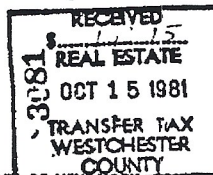
that he is the of

, 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 his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.



STATE OF NEW YORK, COUNTY OF

On the day of 19, before me 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.

that he knows

to be the individual 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, at the same time subscribed his name as witness thereto.

Executor's Deed

TITLE No. T10181-1988

VINCENT RONALD MANGIA

TO

RAFAEL C. NETO and ANNE A. NETO,
his wife



SECTION 7

BLOCK

LOT 17

ROXBOROUGH/Village of Mt. Kisco

WESTCHESTER COUNTY

Westchester County, New York

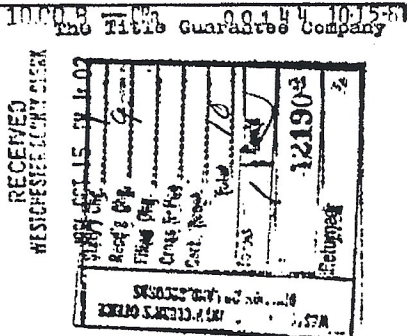
Recorded At Request of The Title Guarantee Company

RETURN BY MAIL TO:

John P. Reed, Jr., Esq.
40 West Main Street
Mt. Kisco, New York 10549

Zip No.

REVERSE THIS SPACE FOR USE OF RECORDING OFFICE



The foregoing instrument was endorsed for record as follows:
The property affected by this instrument is situate in the

TOWN OF MT. KISCO
County of Westchester, N. Y. A true copy of the original

DEED
recorded in the Division of Land Records of the County Clerk's
Office of Westchester County on OCT. 15, 1981
at 1:02P M in Liber 7731 Page 558 of Deeds.

Witness my hand and Official Seal

George R. Morrow
County Clerk

Art. III, § 3-8A MOUNT KISCO VILLAGE CODE Art. III, § 3-8B shielded from the view of all surrounding properties and streets and all such lighting, other than lighting of roads and buildings essential for safety or security reasons or required by governmental regulations, shall be extinguished not later than 9:00 P. M.

3-8.11 *Approval of site plans.* All site plans shall be subject to approval by the Planning Board in accordance with the provisions of paragraph 3-20.3, hereof. (1-3-67, §§ 2, 9.)

Section 3-8A. Limited Office "O-2" District.

(See also Section 3-20, Supplementary Regulations.)
3-8A.1 *Use.*

3-8A.1.1 *USES PERMITTED.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

- (a) Any use permitted in Limited Office "O-1" District.
- (b) Any use permitted in Two-Family Residence "R-2" District, and conforming to the requirements for lot area, width and depth, yards, coverage and parking.

3-8A.1.2 *Other requirements.* All uses permitted in the Two-Family Residence "R-2" District shall comply with the requirements of said District. All other uses shall comply with all the requirements of the "O-1" District, except that no lot shall have an area of less than 10,000 square feet and the aggregate area of the lot covered by all principal and accessory buildings shall not exceed 35% of the area of such lot. (2-3-64, § 3.)

Section 3-8B. Limited Office "O-3" District.

(See also Section 3-20, Supplementary Regulations.)
3-8B.1 *Use.*

3-8B.1.1 *USES PERMITTED.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose except the following:

- (a) Any use permitted in Three-Family Residence,

Art. III, § 3-9

ZONING ORDINANCE

Art. III, § 3-9

"R-3" district, and conforming to all of the requirements thereof, and;

- (b) Any non-residence use permitted in Limited Office, "O-1" district, when conforming to all of the requirements of subsection 3-8B.2 through 3-8B.7 as set forth below:

3-8B.2 *Nonresidence uses.* All of the requirements of subsections 3-8.2, 3-8.6, 3-8.7, 3-8.10, and 3-8.11 relating to Limited Office "O-1" district shall be applicable to nonresidence uses in this district.

3-8B.3 *Lot area.* No building shall be erected on a lot which has an area of less than 5,000 square feet.

3-8B.4 *Coverage of lot by building.* The aggregate area of the lot covered by all principal and accessory buildings shall not exceed 50% of the area of such lot.

3-8B.5 *Minimum yard requirements.*

3-8B.5.1 Front yard depth—15 feet.

3-8B.5.2 Rear yard depth—30 feet.

3-8B.5.3. Side yard width—The sum of the widths of the side yards shall be not less than 25 feet, and the width of any one side yard shall not be less than 5 feet.

3-8B.6 *Off-street parking requirements.* There shall be provided on the same lot not less than one parking space for each 300 square feet of building floor area. Parking area shall be permanently improved and suitably screened with plantings. No parking or other paved area shall be located nearer than 15 feet to any street line.

3-8B.7 *Off-street loading requirements.* All loading and unloading shall take place entirely on the lot with load carrying vehicles parked within the lot. (10-20-61.)

Section 3-9. Central Commercial "C-1" District.

(See also Section 3-20, Supplementary Regulations.)

3-9.1 *Use.*

3-9.1.1 *USES PERMITTED.* No building or premises shall be used, and no building or part of a building shall be erected,

which is arranged, intended or designed to be used, in whole or in part, for any purpose except the following:

(a) Retail stores and banks; new or used car or automobile sales establishments.

(b) Personal service stores such as, but not limited to, barbershops, beauty parlors and tailors, provided that where steam pressure is used in clothes pressing, the generating apparatus shall not exceed five (5) rated boiler horsepower.

(c) Business, professional or governmental offices, telephone exchanges, and public utility installations.

(d) Service establishments furnishing services other than of a personal nature, including gasoline filling stations. Motor vehicle storage, repair or service shall be permitted only as an accessory to a use otherwise permitted.

(e) Theatres, assembly halls, bowling alleys, billiard halls and restaurants, excluding amusement parks or galleries (whether open or enclosed) or circuses.

(f) Outlets and pick-up stations for laundries and cleaning establishments dealing directly with the public. Except as specified hereinafter, the washing of wearing apparel on the premises is prohibited. Cleaning of wearing apparel or household effects on the premises is permitted only if non-combustible solvent is used except for the incidental removal of spots with combustible solvent, and only if not more than 10 horsepower in electric motive power is used. Self-service automatic laundry establishments are permitted provided each such establishment shall contain not more than 30 washing machines.

(g) Newspaper printing, including incidental job printing using not more than 20 horsepower in electric motive power, and having not more than 10 persons engaged therein.

(h) Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing of products where goods so produced or processed are to be sold at retail, exclusively on the premises; provided that:

(1) An area fully concealed from any street and

equal to not more than 20% of the area devoted to retail shall be so used.

(2) Except in connection with newspaper printing, electrical power not exceeding a total of ten horsepower in electric motive power, shall be used exclusively, except that an installation of ten (10) horsepower or less using fuel other than electricity may be used upon a finding of the Building Inspector that said installation shall be free of nuisance characteristics and will have no adverse effect on neighboring uses; and

(3) Not more than two persons are engaged in such production or processing.

(i) Public and commercial off-street parking lots and garages. Unless accessory to, and on the same lot with, a use otherwise permitted, such garages and parking lots shall be limited to use by passenger automobiles or commercial vehicles of not more than $\frac{3}{4}$ ton capacity.

(j) Hotels (including rooming and boarding houses), clubs without restrictions as to general and commercial activities, and places of worship including parish houses and religious school buildings.

(k) Funeral parlors.

All permitted uses, whether principal, incidental or accessory, including automobile sales, but excluding automobile parking and incidental or accessory automobile servicing shall be carried on in buildings fully enclosed on all sides.

3-9.1.2 USES PROHIBITED. Any use which is noxious or offensive, by reason of emission of odor, dust, noise, smoke, gas, fumes or radiation or which presents a hazard to public health or safety, is prohibited.

3-9.2 Maximum intensity of use. No building shall be erected or enlarged in which the aggregate floor area shall exceed 2.4 times the area of the lot on which such building stands.

3-9.3 Yards. Except as provided hereinafter, no yards are required, but if provided, a side or rear yard shall have a minimum dimension of not less than six (6) feet. Where a

rear yard abuts a residence or limited office district boundary the minimum depth of such yard shall be twenty (20) feet. Where a side yard abuts a residence or limited office district boundary, the minimum width of such side yard shall be 20 feet; except that, in the case of a lot with a width of less than one hundred feet existing on the effective date of this subsection of the zoning ordinance, and which lot, on such date, was under different ownership from that of any adjoining land, and which lot is still so owned at the time of application for a building permit, the width of such side yard need not exceed twenty (20) per cent of the lot width, provided that in no event shall such side yard be less than six (6) feet.

3-9.4 Height. Except as provided hereinafter, no part of any building shall be erected to a height greater than 48 feet. Where a lot has frontage on two or more streets or other public ways, if related to the curb level, the height limitation shall apply only as measured from such curb level along the street or way with a higher elevation above the sea level. When penthouses, bulkheads, etc., are over twelve feet high or cover more than twenty per cent of the roof area, measurements must be taken to the top of such penthouses or bulkheads. All penthouses, bulkheads, etc., must be ten feet back of the front and rear walls of a building and three feet back of the side walls, except that walls of elevators and stair enclosures may be built on the side wall when required by the plan of the building.

3-9.5 Approval of site plans. All site plans shall be subject to approval by the Planning Board in accordance with the provisions of paragraph 3-20.3, hereof. (2-3-64, § 4; 2-1-65; 1-3-67, §§ 10 to 13.)

Section 3-10. General Commercial "C-2" District.

3-10.1 Use.

3-10.1.1 USES PERMITTED. No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used,

in whole or in part, for any purpose except the following:

a. Any use permitted in a Central Commercial "C-1" District except that not more than ten persons may be engaged in any otherwise permitted production or processing.

b. Hospitals or clinics for human beings (including rest, nursing or convalescent homes subject to and in accordance with the provisions of subsection 3-10.1.3 herein).

c. The retail sale and accessory storage of hardware, building, builder, household, and garden material and supplies partially in buildings not fully enclosed on all sides, subject to the issuance of a Special Permit and subject to the following requirements:

(1) Said use shall be located on a lot which abuts a Manufacturing District;

(2) Said use shall be located on a lot that is not less than 150 feet distant from any Residence District boundary;

(3) With the exception of accessory off-street parking and loading areas, any portion of said use not conducted in a building fully enclosed on all sides shall be suitably screened by such material and/or planting of such height and density as the Planning Board may deem to be required to fully shield such use or the unenclosed side(s) of said building from the view of all surrounding properties;

(4) Not more than 25% of the total lot area shall be devoted to uses conducted entirely or partially in the open, provided that any portion of the lot area devoted to off-street parking and loading shall be excluded from said 25% limitation;

(5) For purposes of this section the aggregate floor area shall include the floor area within buildings which are fully enclosed on all sides and the area which is occupied by uses not fully enclosed on all sides.

(6) Not less than 50% of the aggregate floor area, as above defined, shall be located within fully enclosed buildings which are principally devoted to sales.

Except as otherwise allowed by special permit, all per-

EXHIBITS B-1 thru B-6

三

[illegible]

	Capex Reserve Est	\$6,250 /yr	\$520.83 /mo
Sewer Repair Estimate	\$10,500		
Painting Estimate	\$3,500		
Chimney Replinting Estimate	\$1,500		
New Roof	\$18,000		
Pavement Restoration	\$5,000		
Boiler Replacement X2	\$12,000		
Hot Water Heater Replacements X2	\$4,000		
Second Floor Apt Renovations	\$8,000		
Total	\$62,500	\$6,250 /yr	\$520.83 /mo

PROPERTY INVESTMENT ANALYSIS WORKSHEET

16 Terrace Place
Mount Kisco, NY

Current Performance

Property Price \$530,000Gross Annual Rent \$34,350

Taxes	<u>\$1,359</u>
Insurance	<u>\$225</u>
HOA	<u>\$0</u>
Management	<u>\$0</u>

Monthly Expenses= \$2,419

Utilities	<u>\$190</u>
Landscape/Snow	<u>\$50</u>
Misc Repairs	<u>\$75</u>
Capex Reserve	<u>\$520</u>

Annual Expenses= \$29,028

Gross Annual Rent \$34,350
 - Annual Expenses \$29,028
NOI= \$5,322

NOI \$5,322
 Property Price \$530,000
 0.0100 Cap Rate = **1.00%**

NOI \$5,322
 Debt Service \$25,278
Cash Flow= (\$19,956)

Debt Service Assumptions

# of Years	<u>30</u>	(using 3%) (annually)
Rate	<u>5.50%</u>	
% Down	<u>30%</u>	
Closing Costs	<u>\$15,000</u>	
Payment	<u>\$25,278</u>	

Cash Flow (\$19,956)
 Amount Down \$174,000
-0.1147

Cash-On-Cash Return= -11.47%

PROPERTY INVESTMENT ANALYSIS WORKSHEET

16 Terrace Place
Mount Kisco, NY

Potential Office Current Assessment

Property Price **\$530,000**

Gross Annual Rent **\$55,350**

Taxes	\$1,359
Insurance	\$225
HOA	\$0
Management	\$0

Utilities	\$190
Landscape/Snow	\$50
Misc Repairs	\$75
Capex Reserve	\$520

Monthly Expenses= \$2,419

Annual Expenses= \$29,028

Gross Annual Rent **\$55,350**
- Annual Expenses **\$29,028**
NOI= \$26,322

NOI **\$26,322**
Property Price **\$530,000**

0.0497 Cap Rate = 4.97%

NOI **\$26,322**
Debt Service **\$25,278**
Cash Flow= \$1,044

Debt Service Assumptions

# of Years	30
Rate	5.50%
% Down	30%
Closing Costs	\$15,000 (using 3%)
Payment	\$25,278 (annually)

Cash Flow **\$1,044**
Amount Down **\$174,000**
0.0060

Cash-On-Cash Return= 0.60%

PROPERTY INVESTMENT ANALYSIS WORKSHEET

16 Terrace Place
Mount Kisco, NY

Potential Office 7 Cap

Property Price **\$415,000**Gross Annual Rent **\$55,350**

Taxes	\$1,037
Insurance	\$225
HOA	\$0
Management	\$0

Utilities	\$190
Landscape/Snow	\$50
Misc Repairs	\$75
Capex Reserve	\$520

Monthly Expenses= \$2,097**Annual Expenses= \$25,164**

Gross Annual Rent	\$55,350
- Annual Expenses	\$25,164
NOI=	\$30,186

NOI	\$30,186
Property Price	\$415,000
	0.0727 Cap Rate = 7.27%

NOI	\$30,186
Debt Service	\$19,793
Cash Flow=	\$10,393

Debt Service Assumptions

# of Years	30	
Rate	5.50%	
% Down	30%	
Closing Costs	\$15,000	(using 3%)
Payment	\$19,793	(annually)

Cash Flow	\$10,393
Amount Down	\$139,500
	0.0745

Cash-On-Cash Return= 7.45%

PROPERTY INVESTMENT ANALYSIS WORKSHEET

16 Terrace Place
Mount Kisco, NY

Potential Resi Current Assessment

Property Price **\$530,000**Gross Annual Rent **\$64,350**

Taxes	\$1,359
Insurance	\$225
HOA	\$0
Management	\$0

Utilities	\$190
Landscape/Snow	\$50
Misc Repairs	\$75
Capex Reserve	\$520

Monthly Expenses= \$2,419**Annual Expenses= \$29,028**

Gross Annual Rent **\$64,350**
 - Annual Expenses **\$29,028**
NOI= \$35,322

NOI **\$35,322**
 Property Price **\$530,000**
0.0666 Cap Rate = 6.66%

NOI **\$35,322**
 Debt Service **\$25,278**
Cash Flow= \$10,044

Debt Service Assumptions

# of Years	30	
Rate	5.50%	
% Down	30%	
Closing Costs	\$15,000	(using 3%)
Payment	\$25,278	(annually)

Cash Flow **\$10,044**
 Amount Down **\$174,000**
0.0577

Cash-On-Cash Return= 5.77%

PROPERTY INVESTMENT ANALYSIS WORKSHEET

16 Terrace Place
Mount Kisco, NY

Resi 7 Cap

Property Price \$500,000Gross Annual Rent \$64,350

Taxes	\$1,250
Insurance	\$225
HOA	\$0
Management	\$0

Utilities	\$190
Landscape/Snow	\$50
Misc Repairs	\$75
Capex Reserve	\$520

Monthly Expenses= \$2,310**Annual Expenses= \$27,720**

Gross Annual Rent	\$64,350
- Annual Expenses	\$27,720
NOI=	\$36,630

NOI	\$36,630
Property Price	\$500,000
0.0733 Cap Rate = 7.33%	

NOI	\$36,630
Debt Service	\$23,847
Cash Flow=	\$12,783

Debt Service Assumptions

# of Years	30
Rate	5.50%
% Down	30%
Closing Costs	\$15,000 (using 3%)
Payment	\$23,847 (annually)

Cash Flow	\$12,783
Amount Down	\$165,000
0.0775 Cash-On-Cash Return= 7.75%	



51 Meadows Dr. Boynton Beach, FL 33436

631.882.4718 ♦ gopermit@gmail.com

RECEIVED

SEP 06 2022

Zoning Board of Appeals
Village/Town of Mount Kisco

August 28, 2022

Village of Mount Kisco
104 Main Street
Mount Kisco, NY 10549

Re: Plan Revisions
JLR of Mount Kisco
299 Kisco Avenue
Mount Kisco, NY

To Whom it May Concern:

Please allow this letter to serve as a detailed outline of the changes that were made to the plans for the project noted above. Based on the notes obtained from our attendance of the last ZBA meeting on July 19, 2022, we have decided to remove the other previously proposed signage and will be proceeding with only the following:

- **Sign 1 = Jaguar with logo - 2 variances required**
 - Variance: Sign not being over an entrance (Section 89-11 General Provisions A)
 - Variance: Sign exceeding 15' length (Section 89-11 Table 1 page 6)
- **Sign 2 = Land Rover with logo - 3 variances required**
 - Variance: Sign not being over an entrance (Section 89-11 General Provisions A)
 - Variance: Sign exceeding 15' length (Section 89-11 Table 1 page 6)
 - Variance: Additional wall sign (Section 89-11 General Provisions A)
- **Sign 4 = Service - 3 variances required**
 - Variance: Sign not being over an entrance (Section 89-11 General Provisions A)
 - Variance: Additional wall sign (Section 89-11 General Provisions A)

The following signs are code compliant:

- **Sign 3 = Freestanding**
- **Sign 20 = Directional**

The Code Sections we are seeking relief from are outlined below:

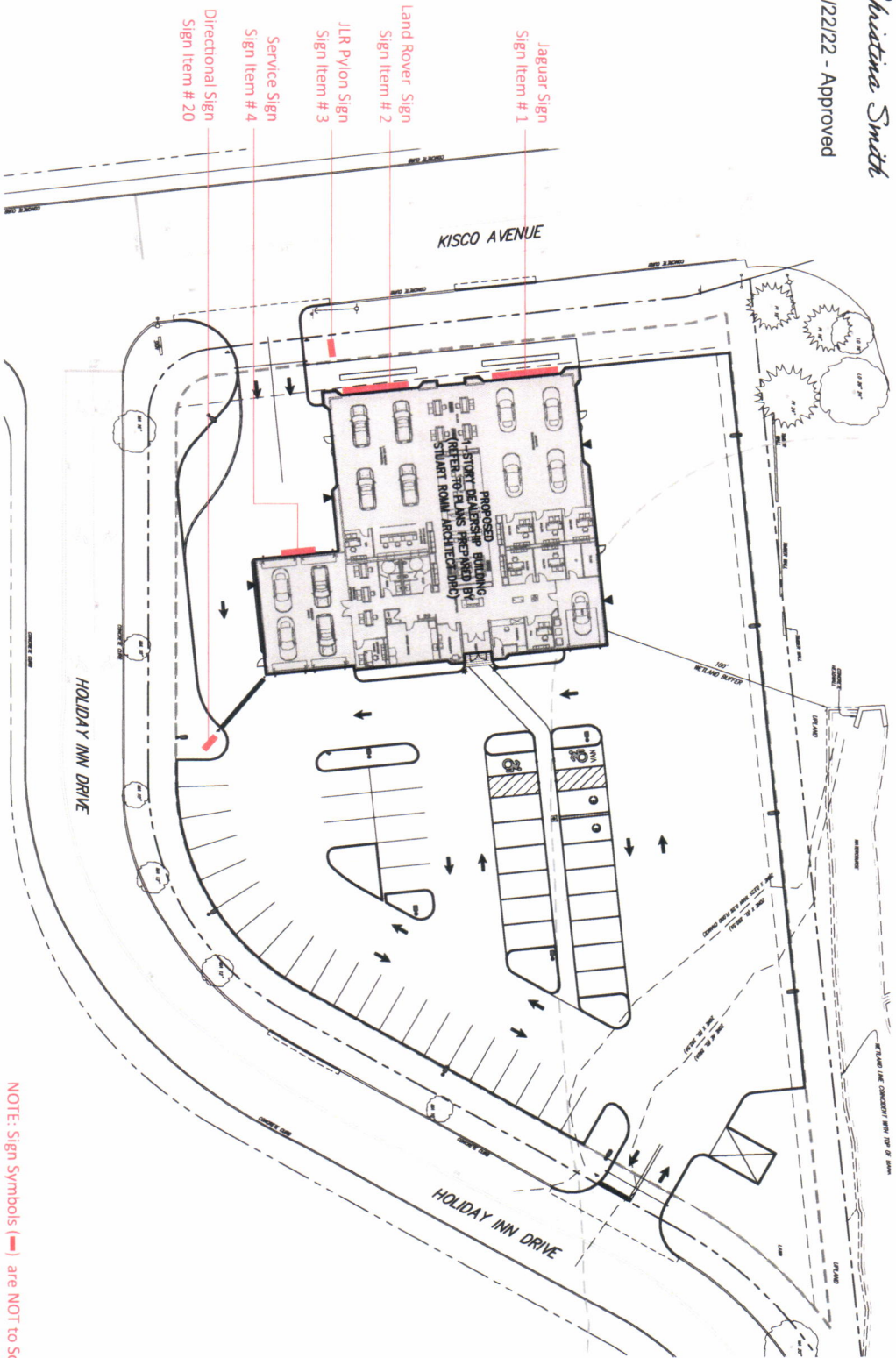
- Section 89-11 General Provisions A states that no more than two (2) signs are allowed on any building provided they are above a public entrance.
- Section 89-11 Table 1 page 6 of the Code states that the maximum sign length cannot exceed fifteen feet (15').

Sincerely,

Jennifer Ronneburger
President, GoPermit

Christina Smith

8/22/22 - Approved



555 Elmsmere Road
Toronto, Ontario Canada M1R 4E8
www.pattisonsign.com

(T) 416.759.1111
(F) 1.855.759.6965
(T/F) 1.800.268.6536

This sign to be installed in accordance with the requirements of
All signs to be installed in accordance with the requirements of
This includes proper grounding and bonding of the sign.

Fluorescent, Neon and LED signs contain Mercury (Pb). Dispose of the lamps
according to local, Provincial, State or Federal Laws.

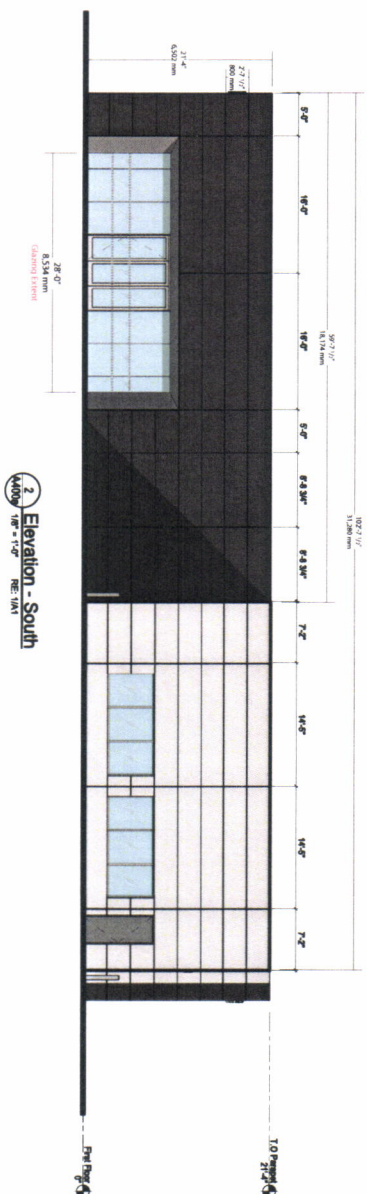
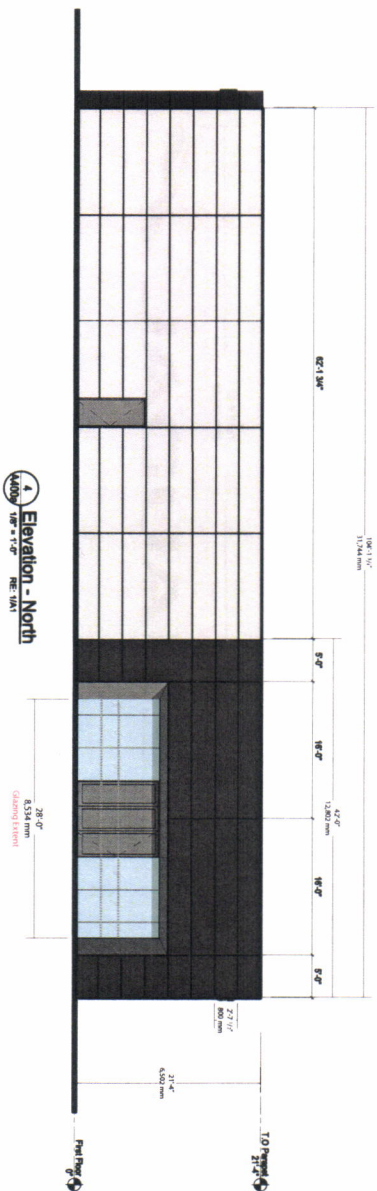
NOTE: Sign Symbols (—) are NOT to Scale

Project ID LF1-36295	Date: DEC-12-2020 Scale: N.T.S. Sales: ADI Marco Designer: C. Kostech Rev. #: 87 AK Date: Aug-17-2022 Revision Note: Added Custom Pylon	<input checked="" type="checkbox"/> Conceptual Information Required: <input type="checkbox"/> Master <input checked="" type="checkbox"/> Electrical <input type="checkbox"/> 120V <input type="checkbox"/> 347V <input type="checkbox"/> Other _____	Customer Approval Signature _____ MM/DD/YYYY _____ It is the Customer's responsibility to ensure that the structure of the building is designed and constructed to accept the installation of the signs to provide further details if required. All rights reserved. The artwork depicted herein are copyright and registered trademarks of the Holiday Inn and Holiday Inn logo and as such cannot be reproduced in whole or in part without written permission by Pattison Sign Group.
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555 Ellesmere Road
Toronto, Ontario, Canada M1R 4E8
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(T) 416.759.1111
(F) 1.855.759.4965
(TF) 1.800.268.6536



Project ID LF-16-26295	
Date:	DEC-12-2020
N.T.S.	
Sales:	A/DI Marco
Designer:	C. Kotschli
Rev.:	R3
Date:	Aug-19-2022
Revision Note:	
<div><div></div><div>Conceptual</div></div> <div>Information Required:</div>	
<div><div><input type="checkbox"/></div><div>Master</div></div>	
<div><div></div><div>Electrical</div></div>	
<div><div><input type="checkbox"/></div><div>120V</div><div><input type="checkbox"/></div><div>347V</div></div>	
<div><input type="checkbox"/> Other _____</div>	
Customer Approval	
Signature _____	
MM/DD/YYYY _____	
<p>It is the Customer's responsibility to ensure that the structure of the building is suitable for the installation of the system. The customer must be responsible to accept the installation of the system being ordered. Please call 855 to provide further details if required.</p> <p>All signs required. The structure must be suitable for the installation of the system. The customer must be responsible to accept the installation of the system being ordered. Please call 855 to provide further details if required.</p> <p>Patron Sign should and as such cannot be reproduced in whole or in part without written permission by Patron Sign Group.</p>	
<div><div></div><div>Patron Sign Group LLC 329 Kisco Avenue Mt. Kisco, NY - 10549</div></div>	
<div>Page 2</div>	

Project ID
LF1-36295

Date: DEC-12-2020

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

Sales: A. Dimarco

Designer: C. Kosteci

Rev. #: R3

Date: Aug-17-2022

Revision Note:

Information Required:

☐ Master
☒ Electrical
☐ 120V ☐ 347V
☐ Other _____

Customer Approval

Signature _____

MM/DD/YYYY

It is the Customer's responsibility to ensure that the structure of the building is designed and constructed in accordance with the requirements of the applicable local codes. Please call 905 to provide further details if required.

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JLR Mt. Kisco - R0614
299 Kisco Avenue
Mt. Kisco, NY - 10549

Specifications:

Illuminated Individual Letters & Logo Facade Signage (East Elevation)

JAGUAR:

Moulded Chrome Leaper & Letters

White LED Halo Illumination

Colors: Chrome

1 circuit

140.22 Watts

3 LED Power Supplies

.97A/Power Supply

2.91A Total Amps

LAND ROVER:

Land Rover Ellipse Moulded

Decorated to Corporate Colors

Chrome Land Rover Letters

White LED Halo Illumination

Colors: Chrome, Stainless Steel Brushed #4m, Green PMS 341

1 circuit

182.86 Watts

4 LED Power Supplies

.97A/Power Supply

3.88 Total Amps

JWLS - Sign Item # 1
60% of Glazing Extent
23.78 SQ.FT.

logo and letters aligned
at bottom



JWLS - Sign Item # 2

64% of Glazing Extent
25.19 SQ.FT.

letters centered
on panel



This sign to be installed in accordance with the requirements of
Article 606 of the National Building Code and applicable local codes.
This indicates proper grounding and bonding of the sign.



Fluorescent, Neon and HID lamps contain Mercury (Hg). Dispose of the lamps
according to local, provincial, state or federal laws.



This sign to be installed in accordance with the requirements of Article 606 of the National Electrical Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.



Fluorescent, Neon and LED lamps contain Mercury (Hg), Dispose of the lamps according to local, Provincial, State or Federal Laws.



5.79 SQ.FT.

ADL-300-Sign Item # 4

Specifications:

Illuminated Individual Letters Services Signage

Built Up Acrylic Letters
Gloss Black Faces with Opal Acrylic Returns
White Halo LED Illumination
Colors: Gloss Black, Matte White (Opal)
1 Circuit
38 Watts each
1 LED Power Supply

Colours:

- ☒ Black Acrylic Faces
☐ Opal Acrylic Returns

Project ID

LF1-36295

Date: DEC-12-2020

Scale: 3/4"=1'-0"

Sales: ADI Marco

Designer: C. Kostechi

Rev. #: R2

Date: FEB-15-2022

Revision Note:

☐ Conceptual

Information Required:

☒ Master

☒ Electrical

☒ 120V ☐ 347V

☐ Other _____

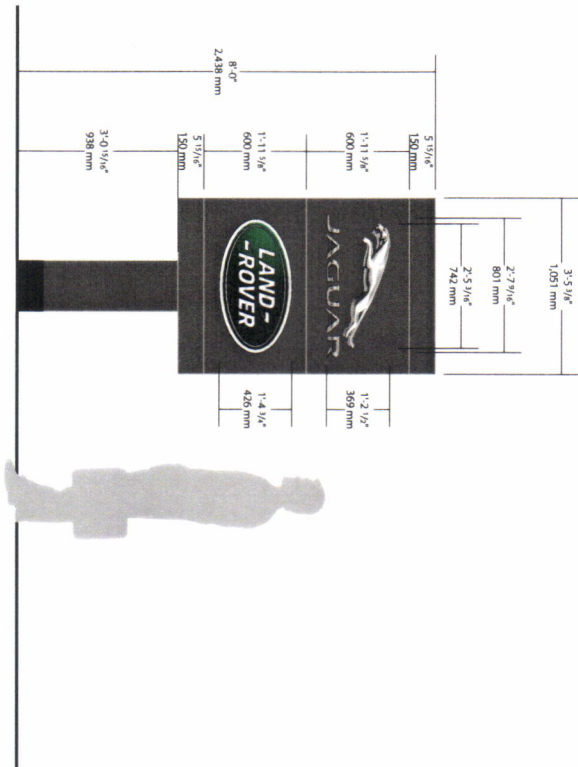
Customer Approval

Signature _____

TAM/DO/7777

It is the Customer's responsibility to ensure that the structure of the building's signage and associated hardware is suitable for the signs being ordered. Please ask PIS to provide further details if required.

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CUSTOM - Sign Item # 3
16.97 SQ.FT.

Specifications:

- CUSTOM Small Dual Brand
- 2438 X 1051 mm
- Note: No Visible Fingers
- Internally Illuminated with White LEDs
- 3mm Thick Aluminum Composite Panels
- Finished Sunshine Gray
- Satin Silver Anodized Aluminum Edging & Trim
- Black ABS Skirt

- Colors: Clear Anodized Aluminum, Metallic Gray PMS 424, Chrome, Stainless Steel Brushed Main, Green PMS 341
- 1 circuit
- Not Fluorescent (ISO LED modules)
- 123 Watts
- 1 LED Power Supplies
- 2.5A/Power Supply
- 2.5A Total Amps

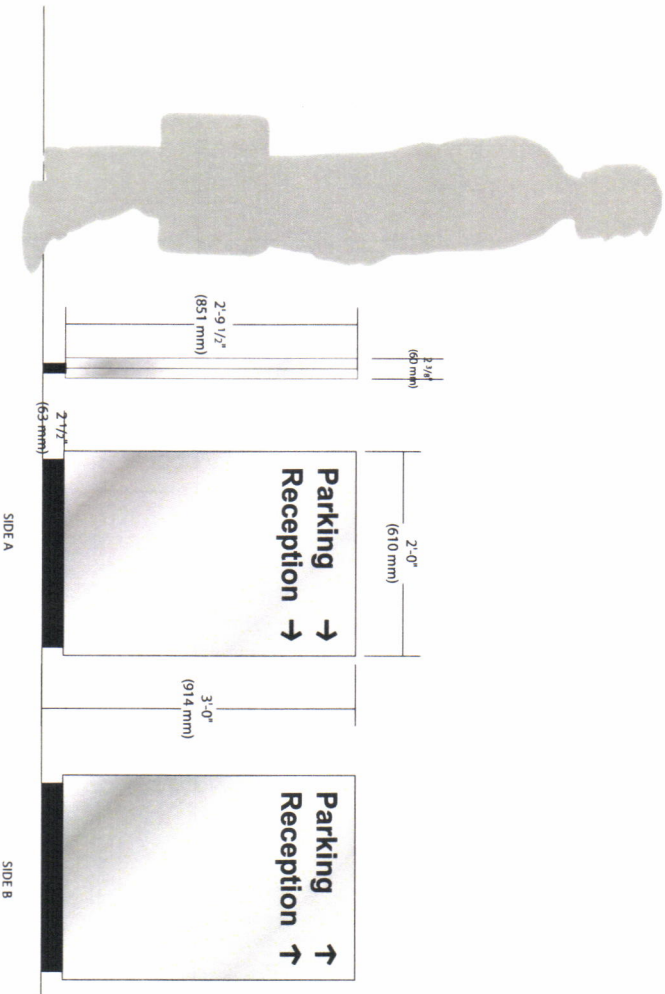


This sign to be installed in accordance with the requirements of
Article 605 of the National Electrical Code and/or other applicable local codes.
This includes proper grounding and bonding of the sign.



Fluorescent, Neon and HID lamps contain Mercury (Hg), Dispose of the lamps
according to local, provincial, State or Federal laws.

Project ID LF1-36295	Date: DEC-12-2020 Scale: 1/4"=1'-0" Sales: ADI Marco Designer: C. Kostech
Rev. #: R6 Date: Aug-9-2022	Revision Note: Revision 002
Information Required:	Master Electrical <input checked="" type="checkbox"/> 120V <input type="checkbox"/> 347V <input type="checkbox"/> Other
Customer Approval Signature _____ MAY/05/YY	It is the Customer's responsibility to ensure that the sign and the building is designed and constructed to accept the installation of the signs being ordered. Please ask PMS to provide further details if required. All rights reserved. The artwork depicted herein are copyrights and are the exclusive property of Pattison Sign Group and its subsidiaries. No part of this document may be reproduced in part without written permission by Pattison Sign Group.
Page 13	JLR ML Kisco • R0514 299 Kisco Avenue Mt. Kisco, NY - 10549



Custom-ATDF2100 - Sign Item # 20

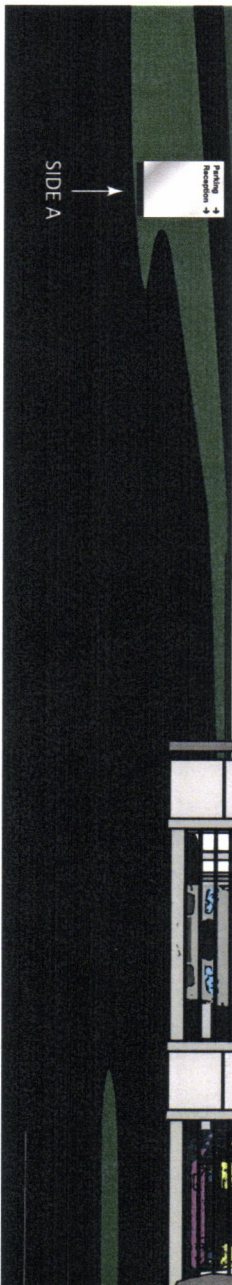
6 SQ.Ft.

Specifications:

Non-Illuminated Post-Mounted Directional Signage
ONE (1) Required

- Silver RAL 9006 Aluminum Composite Material
- Satin Black Vinyl Copy & Arrows

Colors: Clear Anodized Aluminum, Silver Metallic PMS Cool Grey 4, Satin Black
Sign is non-illuminated no electrical details



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

Mt. Kisco, NY 10649

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

Dear Mr. Spector,

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

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

Sincerely,

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

Timothy J. Fisher
DH Self Storage LLC

(347) 266-3514

tfisher@dhipgroup.com

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

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

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

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

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

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

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

Sincerely,

Timothy J Fisher

DH Self Storage LLC

(347) 266-3514

tfisher@DHIPGroup.com



CUBESMART

self storage

LOCATION 0000
SIGN PRESENTATION

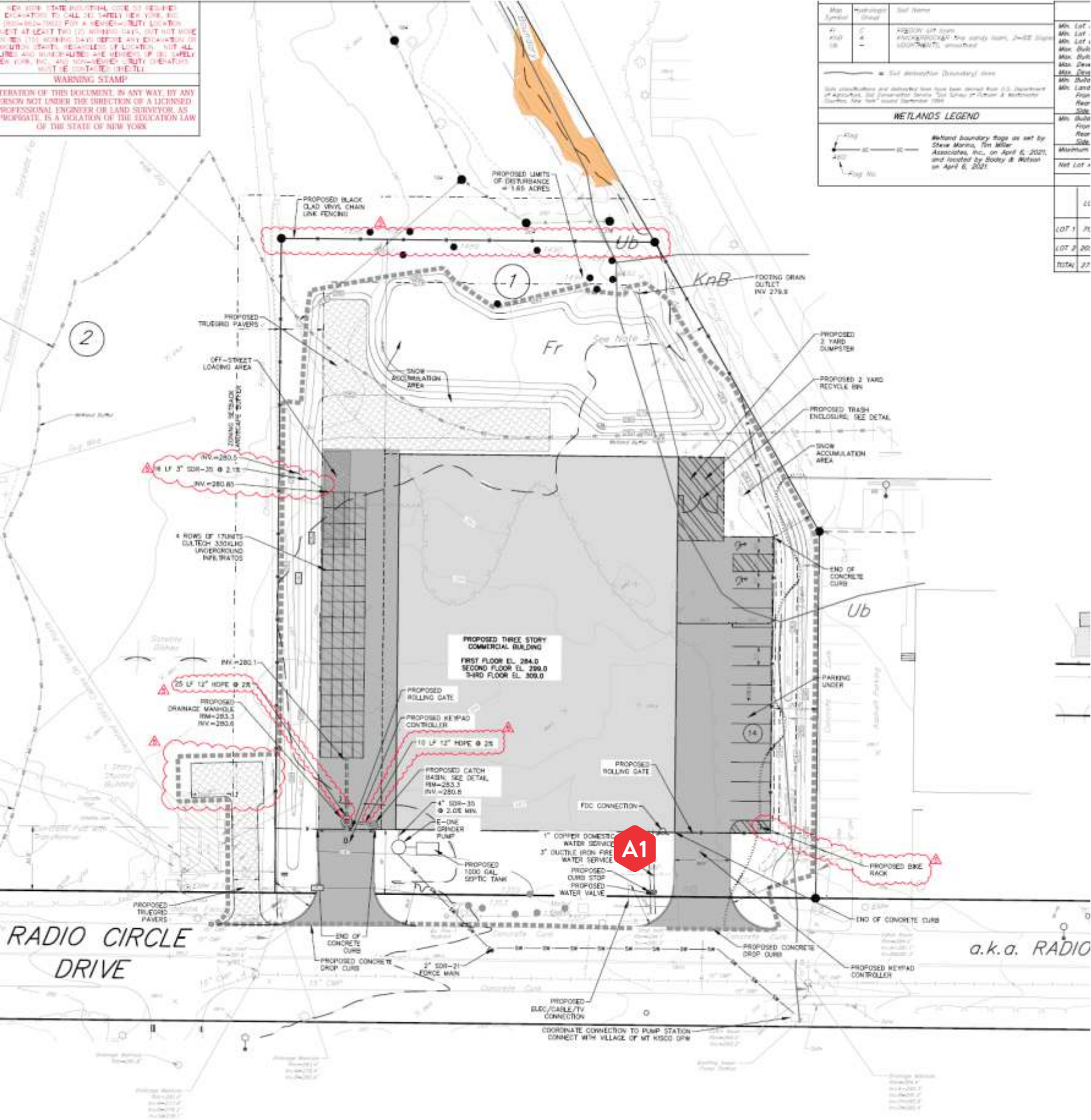
150 RADIO CIRCLE
MT KISCO, NY



NEW YORK STATE INDUSTRIAL CODE SO REQUIRED
EXCAVATORS TO CALL THE SAFELY NEW YORK, INC.
(800) 452-7363 FOR A REMEDIATION LOCATION
LEFT AT LEAST TWO (2) WORKING DAYS, BUT NOT MORE
THAN TEN (10) WORKING DAYS BEFORE ANY EXCAVATION OR
BUILDING STARTS, REGARDLESS OF LOCATION. NOT ALL
JOBS AND REMEDIATION ARE REMEDIES OF THE SAFELY
NEW YORK, INC. AND REMEDIATION TRUTH OPERATIONS
MUST BE CONTACTED DIRECTLY.

WARNING STAMP

VIOLATION OF THIS DOCUMENT, IN ANY WAY, BY ANY
PERSON NOT UNDER THE DIRECTION OF A LICENSED
PROFESSIONAL ENGINEER OR LAND SURVEYOR, AS
PROHIBITED, IS A VIOLATION OF THE EDUCATION LAW
OF THE STATE OF NEW YORK.



Map Symbol	Wetlands Group	Set Name
1	1	1
2	2	2
3	3	3
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8	8	8
9	9	9
10	10	10
11	11	11
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96	96	96
97	97	97
98	98	98
99	99	99
100	100	100

Site Plan



EZZI SIGNS
EST. 2005

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

PROJECT:
CUBESMART

ADDRESS:
150 RADIO CIRCLE
MT KISCO, NY

DATE: 03/21/22

PROJECT NUMBER:
0000

DESIGNER:
RAMON

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

APPROVALS / DATE

CLIENT:

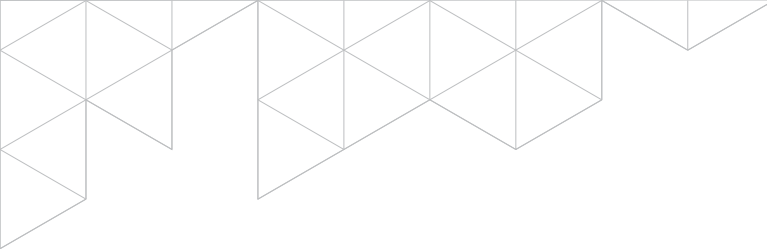
LANDLORD:



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

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DESIGN UPDATE
R4: 09/15/22
DESIGN UPDATE

APPROVALS / DATE

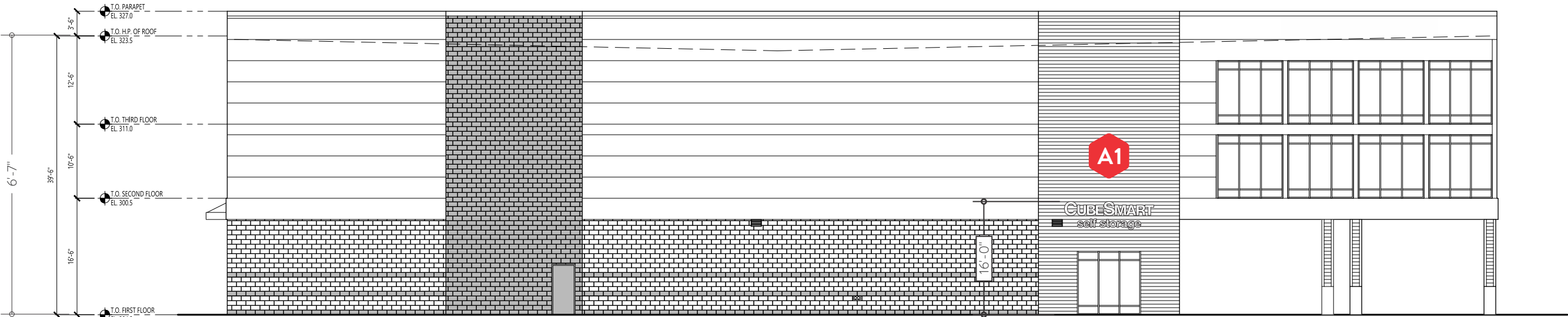
CLIENT:

LANDLORD:



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

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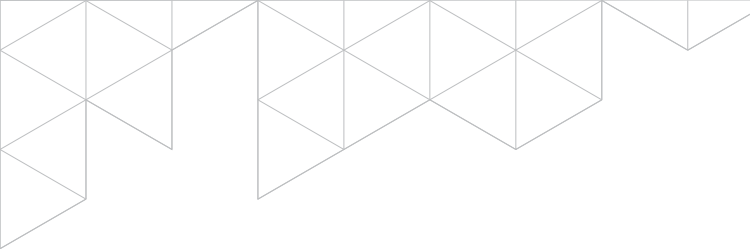


1 PROPOSED SOUTH (FRONT) ELEVATION
SCALE: 1/8" = 1'-0"



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

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

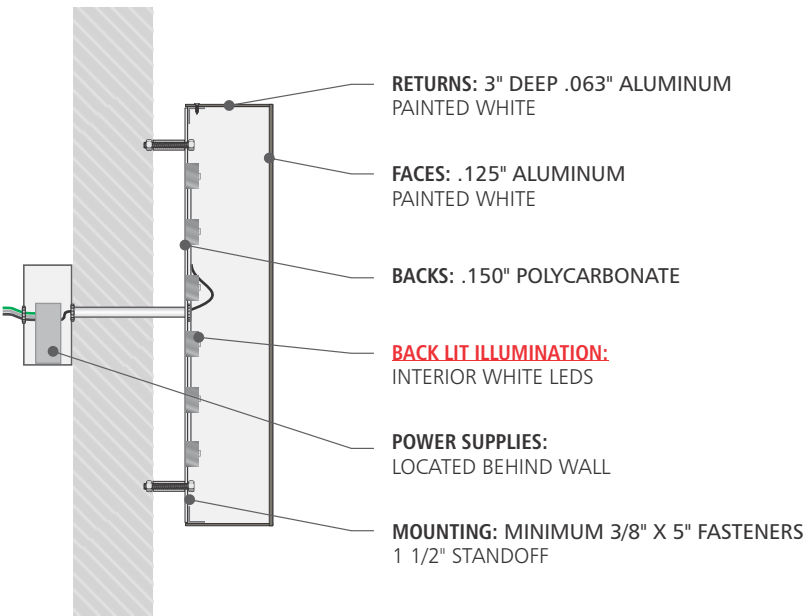


Survey Required

A1
QTY: 1



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



ILLUMINATED REVERSE CHANNEL LETTER - TYPICAL
SCALE: NTS

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

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



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