

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, April 17, 2018 at 7:05 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Donald Rose
Linda Greenberg
Barbara Richards
Nancy Coyne

Members Absent: Chairman Harold Boxer

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

Chairman Rose stated let's open the Zoning Board of Appeals meeting of April 17, 2018. **The first order of business is approval of the minutes from March 20th. Unless there are corrections or modifications, I'll entertain a motion to approve the minutes.**

Ms. Richards stated motion to approve.

Chairman Rose stated we need a second.

Ms. Coyne stated second.

Chairman Rose asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rose stated December minutes are still open but the Chairman would need to be here for that because there were only three in attendance at that meeting.

Ms. Richards stated and that will never happen.

- 1. 38 St Mark's Place Corp.
38 St Marks Place
Mount Kisco, NY 10549
(SBL) 80.57-2-3**

**Case# ZBA17-3
Area Variance**

Chairman Rose stated so that will have to wait. On the agenda, there is a returning case, 38 St. Mark's Place and by agreement of the applicant, the Board Chairman, and the Building Department I guess. **They approved an adjournment to the following month. I think it's appropriate that we have a motion, I think we'll open the hearing, the public hearing is still open and I will entertain a motion to keep it open...**

Ms. Richards stated okay. I make a motion.

Ms. Coyne stated I'll second.

Chairman Rose asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rose stated we have three new cases, I believe probably the principals presenting the case might be the same for both two and three but let's start with 255 Kisco Avenue, North County Properties, LLC.

The Secretary stated the applicant is not here.

Chairman Rose stated the applicant is not here?

The Secretary stated the applicant for 255 and 325 North Bedford Road is not here currently.

Chairman Rose stated we will put that to the side and they were aware of the time of the meeting.

The Secretary stated yes.

Chairman Rose stated well then let's jump to item four on the agenda. Mount Kisco Associates, 3 Main Street.

- 2. Mount Kisco Associates, LLC c/o The Kempner Corporation
3 Main Street**

**Case# ZBA18-6
Area & Signage**

**Mount Kisco, NY 10549
(SBL) 69.73-2-13 & 14**

Mr. Taylor Palmer of Cuddy & Feder; Mr. Jeffrey Taylor of Taylor Associates; Mr. Umberto Baldinucci of JMC; Mr. Peter Kempner of The Kempner Corporation were present.

Mr. Palmer stated we're here.

Chairman Rose stated so please come up on the dias. The microphone is up here and whoever will be presenting or supporting the case, can you please state your name and spell it for the audio record.

Mr. Palmer stated good evening Mr. Chairman and members of the Board. My name is Taylor Palmer with the law firm of Cuddy & Feder on behalf of the applicant this evening. I am joined by Peter Kempner, the owner, as well as Jeffrey Taylor of Taylor Associates, so I apologize if we go back between the Taylor's. I'm also joined by Umberto Baldinucci of JMC. We are before this Board this evening in connection or in furtherance of a Special Permit application for what is currently the Party City building at 3 Main Street. The applicant is proposing a retail use for a HomeGoods store, which would occupy the full retail space, as this Board is likely familiar as it is right down the street. The HomeGoods space was split into two different retail tenants, one is for Party City and the second tenant was an Annie Sez. The applicant is not proposing any material changes to the building. There are some minor changes to the façade to bring it up to date and there are some changes proposed to the existing signage. The former building, as was including in our submission included two former signs, there was an Annie Sez sign, so if you're facing the building from the front, probably the best way to do it, is to show you.

Mr. Taylor stated this is the building...

Mr. Palmer stated and I will have our architects and planner go through the design but the existing building had an Annie Sez sign. So this is the parking. The building has an L-shaped parking lot. The train station is actually facing this side signage, the former Annie Sez side signage. There is an existing parking area. Party City is the right hand side.

Mr. Taylor stated this is the main parking field, Main Street is here.

The Secretary stated please watch the recorder, please. There's wires and stuff, I just won't want you to take it down.

Mr. Palmer stated so at this time, the applicant is proposing to occupy as one tenant, the entire space. The signage that is proposed is consistent with one tenant in the space. So while there were two existing signs on the main frontage, now the applicant is proposing a sign that does face the Metro North train tracks and generally that's the best view from the train tracks is side of the building. As you're all familiar, coming down Main Street, there's existing, it's set back about 200 feet from the Main Street entrance. So the signage is designed to be able to direct traffic to this building and for the new HomeGoods tenant. There is a new loading area that's proposed for the building in this location, we're only before this...

Mr. Kempner stated it's a recessed pocket on the left side of the building or the west side of the building. It will be screened with an effective eight foot high screen on this, so you don't see the truck loading area from the municipal parking lot and the compacter. The only access you'll see, and it will also be screened with landscaping.

Mr. Baldinucci stated and it's an existing loading area, that's there right now. It's just being depressed.

Chairman Rose stated is that currently an approved site plan.

Mr. Palmer stated so 40 years ago is when the initial site plan was approved for the property. Because it is a retail tenant, it's required to obtain a Special Permit. The applicant previously appeared before the Planning Board last week and the public hearing is set for May for the Special Permit so it is before them because it is a retail tenant that exceeds 8,000 square feet in size, so it is required to get a Special Permit. We're before this Board. There's existing parking on the property. The actual building itself and the lot because it's one story, in the CB-1 district, doesn't require parking. There is existing parking, we are in fact increasing sizes of the existing spaces. They are still noncompliant with the Code requirements for the widths. They're being adjusted for that new loading area so that the traffic circulation that comes off of Main Street for the loading area and for the parking can be adjusted. We're also before this Board in connection with sign variances for the size of the signs, the lengths of the signs and the size of the letters. There's also an existing sign, as you're familiar with, on the Main Street frontage that currently lists, just says Party City, it sort of a half sign, I think they've used in the past for their Halloween City, they put their other logo.

Mr. Taylor stated it's an existing pylon sign, freestanding pylon sign. Right now it has two tenants or it used to have two tenants and it will be changed to a single tenant.

Mr. Palmer stated so the signs that are being proposed for the building and for the pylon sign at the frontage, are generally consistent with what would have been on the building when there were two tenants but its being condensed into one. So the sign package proposed is to account for the one tenant and really being able to be visible because it's so far setback. It's certainly distinct, for instance from buildings along Main Street that have sort of the passing traffic. North Moger, as you know, is a one-way street. So it is generally speaking, the main access comes off of Main Street and to be able to see the sign as its set back, we're proposing the signage is consistent with the existing signage but it is for the one tenant rather than the existing two tenants.

Mr. Taylor stated they'll be internally illuminated sign, channel type sign letter, the red face with back returns.

Ms. Richards stated but the actual sign itself, it's not changing the size of the sign, of this sign.

Mr. Palmer stated so at this point, I'll have our consultants go through just the ultimate sizes of each of the signs. That way we can represent the colors and the materials. As this Board is aware, the applicant will be required and will be appearing at the Architectural Review Board in connection with alterations to the building and for the proposed signage.

Mr. Baldinucci stated this is the rendering, the color rendering of the new façade, with the Town identification noted.

Mr. Palmer stated so can you go through just for the...

Mr. Baldnucci stated this is the south elevation. That's the main elevation. The parking elevation is directly in front of it. We're going with a new raised canopy with a stucco finish and then we're putting a new brick water coursing along the building and also refinishing the split face concrete block now with a stucco or EF's finish.

Mr. Palmer stated and as you're seeing here, Umberto can point out where the parking area is. This is sort, we're at two different orientations here. Umberto will rotate the plan, this is the parking area facing...

Mr. Baldinucci stated well this is, the main elevation is here and the main parking field is right here. So this will be the main entrance to this store, which is where the main entrances are now for Party City.

Ms. Richards stated for Party City, yeah.

Mr. Baldinucci stated right, exactly.

Mr. Palmer stated and effectively there's a wall produced by the other buildings that are on Main Street there from being able to really see this sign. There's the existing Bicycle World and other retail tenants, you can see are, these buildings create a real screen from being able to see the building. If you, looking at views from Main Street down North Moger, there's not visibility of that sign until you get passed the buildings looking towards and the building is actually set slightly down into the hill. North Moger starts to rise there and there is existing fencing that's in that location. And it's shown on the plan, we are including some new plantings in the islands that will produced.

Mr. Taylor stated the side of the bicycle shop will be softened with landscaping. As I said, the new receiving area, truck receiving area will be screened with planting. We're going to clean up this existing landscaping facing the municipal parking field and then there are a couple of existing other islands that we're...

Mr. Baldinucci stated and we are also replacing all the landscaping along the drive...

Mr. Taylor stated there are old junipers there that will be replaced.

Mr. Baldinucci stated brand new landscaping.

Mr. Palmer stated and that's based on some feedback from the Planning Board with respect to the Special Permit. So we will be responding to those comments before we appear again for the public hearing for the Special Permit.

Mr. Taylor stated and asphalt will be all recoated and resurfaced and have all new striping, so it will look like a brand new parking field. These are new, relocated landscape islands with new landscaping on them.

They're pushed forward toward the building so a truck can come in and back in without hitting any parked cars.

Ms. Richards stated that's a tight, I hate that parking lot.

Mr. Taylor stated it will be opened up a little bit.

Chairman Rose stated are any of those spaces that are near the buildings in the front. Are any of those spaces reserved for the stores that are on the other side? The restaurants or the bike shop.

Mr. Kempner stated this plaza is exclusive to this property.

Mr. Palmer stated and part of HomeGoods coming to this space, I mean the space itself because it's not on Main Street, it does have some, you know, as far as location. Main Street would be a desirable location but the size of the facility is what helped encourage HomeGoods into that space. They have required that we have at least 50 spaces available to them. We have exactly 50 and we're using one as a cart corral, so they were willing to come down on the one space for a cart corral...

Ms. Richards stated HomeGoods was...

Mr. Palmer stated HomeGoods, yes, the tenant for this proposed space.

Ms. Richards stated because I was wondering if you have enough parking for a HomeGoods. HomeGoods is pretty popular.

Mr. Kempner stated to that note, it was just, I'll just say briefly that it was difficult to get them to commit to this site. It took us over a year for them to understand it, Downtown versus a shopping center, limited visibility, limited parking and you know we're thrilled to have them commit to this site.

Mr. Palmer stated and if we may, we have, there's an extensive park, so it's not shown on this plan, Umberto, do you have a copy? So adjacent to us is the Village's, its commuter parking lot, so there is a very large and your point is very well taken, 50 spaces particularly on this property but the zoning code doesn't require any spaces for the CB-1 District.

Ms. Richards stated no, I understand that. I was just curious about that because I've been to HomeGoods and they're always pretty busy.

Mr. Palmer stated and we do have a reciprocal, we have an easement with the Village for access into the property. So just sort of to recap, the variances that we're seeking before this Board this evening are for the size of the spaces. Now we're increasing the size to account for the new circulation, which will hopefully you know make it, is intended and will work a better organization on the site and allow better access for trucks passing. We also have a truck plan, I don't believe....

Mr. Taylor stated it's in the process of being approved.

Mr. Palmer stated it's in the process of being approved but this just shows the organization, it's upside down. Just to give you a sense of why we had to modify the parking spaces and the islands that are shown on the plans that allow for better turn around for that loading dock and again the spaces are being increased. We are also seeking variances for the front and the side signage. The reason for the side signage, although there is a door there, it's not considered an entrance, it will not be entrance for people coming to the HomeGoods store, it will be for employees or otherwise. So it is a second, the Code permits a second sign facing a parking area but because that's over an entrance but because it's not considered an entrance we're, we need relief to be able to provide that sign...

Ms. Richards stated but there is a sign there now.

Mr. Kempner stated there was.

Ms. Richards stated there was for the Annie Sez that was because it was two different businesses. It wasn't two signs for one.

Mr. Taylor stated Annie Sez had two signs and Party City had an additional sign, so there were three total at one time.

Mr. Palmer stated and then the other relief is sought for the pylon sign. It is the existing pylon sign out at the entrance. It will just occupy the full sign for the single tenant.

Chairman Rose stated is the truck delivery going to be something that is scheduled for off hours, basically late at night.

Mr. Palmer stated a big, a main discussion with the Planning Board, generally speaking in the Special Permit will be timing there, they certainly have other stores that they will be servicing but the Planning Board is reviewing times and I know we will be providing those to the Planning Board for deliveries.

Chairman Rose stated because obviously it's a very difficult tight area for a truck to get in and backed up...

Ms. Richards stated with cars there.

Chairman Rose stated safely with cars and pedestrians coming across.

Mr. Taylor stated I think the intention is not to come during business hours of the store, either before...

Ms. Richards stated when the parking lot is kind of empty.

Mr. Taylor stated when the parking lot is empty, right.

Ms. Richards stated so you need a variance for the sign itself, the second sign.

Mr. Palmer stated yes.

Ms. Richards stated you also need a variance within that sign for the size of the letters.

Mr. Palmer stated correct.

Ms. Richards stated and then you need something for the size of the letters for the other sign.

Ms. Palmer stated so specifically the relief, Member Richards, is the maximum letter height is 12 inches per letter and there we're seeing a 2-inch letter height for the letters on that building specifically to the H, G, and the D. So the relief is specific to the letters because those letters, because of their design for the HomeGoods, do you have the side sign? So the H, G, and the D, are the letters that exceed that threshold.

Ms. Richards stated the other letters comply?

Mr. Palmer stated the other letters are, so we need, just to clarify, we need two inches for those specific letters and then the others are, what are we, an inch and three, can you just point out how big the letters are for that side, the smaller letters.

Mr. Taylor stated these are two foot.

Mr. Palmer stated so we need one foot relief for the smaller letters and we need two foot total...

Mr. Taylor stated these are six and four.

Mr. Palmer stated and that's the front signage.

Mr. Taylor stated the majority of the letters.

Mr. Palmer stated and then because we're limited to one principal sign for the tenant because we don't have a technical secondary entrance, we do need relief for a second tenant, or secondary signage on the side of the building. So that's the third variance necessary specific to that side sign. As for the front sign, the primary entrance sign, it's a similar variance with respect to the letter size, we have a 12, the Code permits 12 inch letters, the H, G, and D require a 5 foot variance because they are 6 foot letters, as Mr. Taylor mentioned and a three and a half inch letter height variance for the remaining.

Mr. Taylor stated three and a half foot.

Mr. Palmer stated excuse me three and a half foot variance for the remaining.

Mr. Taylor stated that's basically three feet.

Ms. Richards stated I mean, it is an odd location, the building and it is not very visible. I have no issue with the side sign, having the extra side sign, I think that's legitimate for that space. And I don't have an issue with that small sign either, you know the side one. The other one just seems so gigantic.

Mr. Taylor stated that's their standard.

Ms. Richards stated and is there any, does it have to be that big? Would they consider smaller?

Chairman Rose stated I think before we go down that road, just because a company has a standard, doesn't mean it has to be granted.

Ms. Richards stated true, right.

Chairman Rose stated because the whole point of the sign ordinance in the Town was to bring some more uniformity and less splashiness so that Town and Village of Mount Kisco doesn't turn into Central Avenue or something else.

Mr. Palmer stated it is distinct from the Main Street, you know the Village district, its about 250 feet, we say its about 200...

Ms. Richards stated yeah, it is pretty far back there.

Mr. Plamer stated and it is only one sign replacing the two, so we had signage, if you show that other sign, show the two Annie Sez and the Party City signage, they occupy a much larger front. So while it was two signs, it still occupied much more of the buildings frontage than this. I mean this is a new façade to help you know, sort of narrow it into that location but the existing signage, this is where it's been removed. It extended the length of the building as compared to our proposed signed which really is in the center location on the plans.

Ms. Richards stated is that one on the side, smaller, bigger than the one that you're proposing.

Mr. Taylor stated it's approximately the same, these are about 24 inch letters.

Ms. Richards stated so it's the same.

Mr. Taylor stated its about the same.

Ms. Richards stated because that was probably there before our current sign code.

Chairman Rose stated I'm sorry, can you repeat that please.

Mr. Taylor stated the Annie Sez sign on the side is approximately the same height as the proposed sign for HomeGoods on this same elevation facing the municipal parking lot.

Ms. Richards stated its just that the Annie Sez was there before the new sign code.

Chairman Rose stated right.

Ms. Richards stated so its not really a big change.

Chairman Rose stated and the Party City as well?

Ms. Richards stated do you have a picture of the Party City? I can't remember.

Mr. Taylor stated its here, I mean its hard to see, it's this one.

Chairman Rose stated was that put in after the sign code, I don't recall when that came in. I think that came in before.

Ms. Richards stated I think they were put there before...

Mr. Palmer stated yeah, just give me one second, I'll grab that, I do have a folder that has the existing relief.

Ms. Richards stated what are they about 18?

Whitney Singleton stated I think they're about 18 inches, if you measure them by the blocks.

Ms. Richards stated but the Annie says is bigger than the Party City. I'm guessing they were both there before the current sign code, I think so.

Chairman Rose stated we could...

Ms. Richards stated you don't know when the new sign code was do you?

Mr. Miley stated off the top of my head, no but I can look it up.

Whitney Singleton stated 2009.

Mr. Palmer stated the signs were built before...

Whitney Singleton stated 2008, actually.

Ms. Richards stated okay but they were there already.

Mr. Palmer stated and the Party City sign is unique because it is multi-colored. The applicant is proposing a uniform color throughout both signage to be more, generally speaking the district, if you had more than one tenant, you do what they call a comprehensive sign program, so that if you're using wood signs on one, you're using a wood sign on the other so there's consistency throughout. So the signage that is being proposed here on both the front and side are consistent and that's sort of the idea, is to make sure they work as though. Again, it was formerly two tenants and now it is just the one, trying to combine those two signs really into a sign design that is unique to this portion of the district because it is set back so far from Main Street.

Ms. Richards stated are you going to have to get a variance for the size of your parking spaces.

Mr. Palmer stated yes. We're before this Board this evening for the parking spaces, just for the size of variances, excuse me, for the size of the parking spaces.

Ms. Richards stated which is actually, you're making bigger, it just happens they don't comply now.

Mr. Palmer stated we're increasing the size, we're also not taking away any parking spaces we're just making them wider but they're still...

Ms. Richards stated they still don't meet, they don't comply.

Mr. Palmer stated right but the Code does not require any, which it doesn't require any parking spaces for the existing.

Ms. Richards stated right, I'm just trying to figure out how many variances because there's a lot.

Mr. Palmer stated it's a total of seven and that's inclusive, it's 8 including the parking, 7 including the parking, excuse me. So we have 6 sign variances and one for parking space width.

Chairman Rose stated coming back to the primary sign on the building, is there something sacred about the 6 foot height. That's a big sign by anyone's standard.

Mr. Kempner stated yes, again, you know HomeGoods has their standard façade and the sign is proportion with the façade and the building and it's a contingency in our lease with HomeGoods to get them to commit to this site that they are able to achieve this sign package and façade.

Ms. Richards stated so does that mean they're not actually committed until you come to us?

Mr. Kempner stated that is correct. I mean there's a signed lease but it's subject to site plan approval and getting the sign and façade, that is correct.

Chairman Rose stated and the standard I assume is red letters on a white background.

Mr. Kempner stated they've pretty much generated this and they directed us and we worked very carefully with them. We had to provide it and hire Jeff and Umberto, but this is their, this has been directed by HomeGoods.

Mr. Palmer stated and you can see the façade changes are unique to this building. So the sign itself will be more in character with the revised façade in this location as distinct from sort of the older building façade that's on the existing structure. So it does incorporate, it's designed to be, it will look nicer than, respectfully submit that it will look nicer than the existing two signs that had been on the building with this façade.

Ms. Richards stated it kind of looks like TJ Maxx in a way.

Mr. Kempner stated same company.

Ms. Richards stated yes, I know that. But I mean that its interesting that even in that location where TJ Maxx is, its set back and it's a similar style like just that one building and it is really not part of anything else, which is why I think I don't object.

Chairman Rose stated I think we, well we can approve tonight because...

Ms. Richards stated right, yeah. Do you know that?

Chairman Rose stated because of technical reasons but...

Mr. Kempner stated the technical reasons are we need to go to ARB first and then come back, you're looking for recommendations from the ARB?

Whitney Singleton stated the Planning Board would be Lead Agent and they haven't undertaken the determination yet.

Mr. Palmer stated so when we appear at the Planning Board's public hearing and they make a SEQRA Determination then this Board, the Board has the ability to provide its comments to the Planning Board.

Chairman Rose stated now one reason I ask about the color is that on the proposed...

Ms. Richards stated monument.

Chairman Rose stated monument sign, its reversed, you have white letters on a red background.

Ms. Richards stated which I prefer the red on white.

Mr. Kempner stated I don't know why they went that way.

Mr. Taylor stated I don't either, that's their sign.

Mr. Kempner stated I think it has to do with the fact that when it's illuminated during the evening, the white letters pop out. As opposed to it being a big white mass of light with red letters.

Mr. Palmer stated because the other signs are just channel letters versus the pylon sign.

Chairman Rose stated on the building there's not illuminated letters then?

Mr. Palmer stated they're illuminated letters rather than the, they don't have a back white light around the border, they're just the channel letters.

Chairman Rose stated oh okay.

Mr. Taylor stated individual channel letters. It's the standard 5 inch deep, LED, internally illuminated LED sign.

Ms. Richards stated it's not any worse than what is there now.

Mr. Palmer stated and again they're facing the back of existing retail buildings.

Chairman Rose stated to me, the sign is equivalent to shouting compared, even though it's the same size, it's a much more prominent visual item.

Mr. Kempner stated unfortunately in today's retail environment, these retailers and bricks and mortars, they need to shout a little louder than they used to.

Chairman Rose stated I don't think that applies so much to the location of the store, once people are there, if they've been there once they'll know where it is and if the sign is a little smaller, it will still say what it is and so on but that's, that perhaps is jumping ahead. I think it's probably a case where we need to have a site visit so that we can get an idea of what a distance of 200 feet to the sign means...

Mr. Palmer stated we have including just for the Board and for the record, we have including images that are of the building setback so we have street views specifically from Main Street. I realize that its only so

much that can be taken from a picture but we do have some street views that we including in our ARB submission on exhibit one that do show from North Moger looking into the building and then from...

Ms. Richards stated you're saying in here.

Mr. Palmer stated yes, in our statement of principal points we have included, alright so that was the former, so exhibit one will...

Ms. Richards stated I must have given it to her with my whole thing.

Mr. Palmer stated so we show in our packet in exhibit one, just the distance, we actually measured it using GIS to show you just how far back because this is the main entrance, this is the wall. You can't see down at that end but we can also put these. This is the wall here, this is where Main Street comes down the hill and then the setback to where the signage is, is approximately, I guess its showing there as 247...

Ms. Richards stated and where's the monument sign?

Mr. Palmer stated the monument sign is basically where the green marker is. And this is looking in...

Ms. Richards stated yeah, you know when you look at it, here Don look at this in perspective to the sign with everything else, I just don't think its that big a deal, in my opinion.

Chairman Rose stated in that view...

Ms. Richards stated that's what they're trying to do, is attract a little so people know it's there.

Mr. Palmer stated and it's coming down the hill in that location.

Ms. Richards stated when did you say is your hearing, your public...

Mr. Palmer stated May 8th.

Ms. Richards stated May 8th and so when do you have your decision from the Planning Board.

The Secretary stated it won't be at the meeting, they've already said it won't be at that meeting. You have to wait for Lead Agency to come back and its 30 days.

Mr. Palmer stated the reason why we're not moving forward is uncoordinated, is the Planning Board determined it would be a coordinated review.

Whitney Singleton stated this Board is not going to do a [inaudible] review.

Mr. Palmer stated okay.

Ms. Richards stated well I have my own opinion if you want it. I may not be here when you finally get your final approval but...

Chairman Rose stated right.

Ms. Richards stated but I personally think it's an odd building, set really far back and I actually don't have a problem with it. The parking, I mean, they're smaller and they're making them as big as they can. So anything bigger than it is now, to me, is fine. And I think it's appropriate for the location, so whatever that's worth. That's my opinion.

Chairman Rose stated well I think, perhaps, we don't need, you know a formal site visit because I think with this, but with members individually go and see, unless they're already convinced that this could work. I know there was a large Target sign approved some years ago, shortly after the first sign ordinance came in and as I look at that sign today, I think its still too big. Even though it is about, maybe 300 feet away. I think its probably further from the road than this...

Ms. Richards stated you're talking about the freestanding sign?

Chairman Rose stated no, I'm talking about the sign on the building itself.

Whitney Singleton stated we also have to keep in mind that there is a distinction between symbols and letters. We limit really the size of the letters.

Chairman Rose stated so the symbol just has to have Architectural Review Board.

Whitney Singleton stated obviously we can get that information for you, as to what the dimensions are at Target for perspective.

Chairman Rose stated yeah, it would be useful because I don't think any of the other members were part of that.

Ms. Richards stated no, I wasn't here.

Mr. Palmer stated that is also in a different sign district but for the purpose of this application, it would be, not that that would change the review for the purpose of comparing visuals.

Chairman Rose stated just to get an idea, I'm sure that everyone is familiar with Target and its signage. The spaces, the parking spaces are widen approximately how much?

Mr. Baldinucci stated the current spaces are 8 ½ feet on average, all of the spaces that we revised in location, we were able to upgrade to a 9 foot dimension, 9 foot wide and they're 18 ½ feet long.

Chairman Rose stated and you're saying that it still has the same number of spaces, even with that widening?

Mr. Baldinucci stated apparently there 47 spaces, we have a total of 50 spaces with how we arranged everything and we're actually able to reduce the amount of impervious area, another benefit to the site, yes.

Ms. Richards stated its better than what's there now, that's an improvement.

Chairman Rose stated I think we'll all agree if it can't meet the Code, then at least it's in the right direction.

Ms. Richards stated well I'd like to see them come in here. So that's my opinion, although I am moving out of here.

Chairman Rose stated you might make a special trip back, some time, pick up something.

Ms. Richards stated do they have HomeGoods in California, I think they probably do.

Mr. Taylor stated I think they do.

Chairman Rose stated how about Illinois?

Mr. Kempner stated I think they do.

Ms. Richards stated I think they're everywhere, right?

Mr. Kempner stated they're everywhere. TJX has, I think, four divisions.

Mr. Palmer stated and every time you go there's different stuff in there, its amazing how versatile the product.

Ms. Richards stated it's a nice store. I've never understood really why people go there, there's just so much of everything, and it's a little overwhelming.

Mr. Palmer stated and I will just mention for the record that we did submit a service package for the notice of the hearing, this evening with respect to the notice of the adjoiners and for public notice of this meeting. So that was submitted to the Building Department on April 10th.

Chairman Rose stated we haven't really discussed the size of the monument sign.

Mr. Taylor stated it's existing 4 feet high, 7 feet long.

Chairman Rose stated that doesn't mean it should continue to exist in that size, much larger...

Ms. Richards stated but I thought they don't need a variance for the sign.

Mr. Palmer stated we do. So the sign specifications permit a maximum of 15 square feet and the existing, the sign existing is 28 square feet. So we are re-facing the signage to the existing size but we are, it does exceed the current.

Chairman Rose stated its almost twice the...

Ms. Richards stated right, what is allowed.

Mr. Palmer stated and we did include photographs in the packets just to show again where, when you're coming down north Main Street because it's a very busy location there with respect to you know, the turn to get into, coming out from the train station getting left into the parking area and then it is really heavily screened by the wall of retail businesses, that would otherwise know that there's an entrance at that location. So again, we're not proposing any changes to the existing size, just a refacing of the sign.

Chairman Rose stated personally, I think its hard to justify approving something that is already there just because its there. It's a large sign. And...

Mr. Palmer stated and we think that it would, again as mentioned when we were discussing the colors of the signage that it wouldn't be as bright as say, a white background lit sign with the red letters existing but...

Chairman Rose stated well if you have it backlit so that it would actually show the HomeGoods and I guess it would be less visible at night and less legible. But again I think that the requirement in the New York State laws is that a variance not be granted larger than it needs to be, I think we are effectively trying to contain the thing to the extent that its realistic and can meet other requirements.

Ms. Richards stated the only thing is, it is already there. So it's not that we're, I mean I understand what you're saying and I don't disagree with you but it does exist in that size, which is why I don't really object to it.

Chairman Rose stated except that I'm sure monument signs must come under the general requirement that signs that were existing at the time the law came in, can't remain forever, there was a phased time out...

Whitney Singleton stated amortization.

Chairman Rose stated you know amortization of those signs and depending on the amount of money that has actually put into this sign, and with the complete change of ownership and signage, that's, I think a requirement that we take a hard look at that and determine why that would have to be so much larger than the Code limits.

Ms. Richards stated and is that part of the sign package?

Mr. Kempner stated unfortunately, I hate to keep going back to the same answer but, yes, this whole package is all part of our lease document, including the monument sign outside.

Ms. Richards stated what if the monument sign didn't exist? Are you saying they wouldn't have taken the space?

Mr. Kempner stated it's a high probability. I can just tell you that there's a number of obstacles that they had to overcome to get them to commit to this sit, of which many of them are the variances that we're seeking this evening.

Whitney Singleton stated are there other locations either in Westchester or Fairfield that the Board could go to see similar signage as to this magnitude? The 6 foot lettering.

Mr. Kempner stated I don't know the answer. I'm sure there is.

Ms. Richards stated Portchester?

Whitney Singleton stated I'm just asking them if they can give you a couple of locations...

Mr. Palmer stated there's a store in White Plains. I just couldn't say off the top of my head what the size of their particular...

Ms. Greenberg stated typically they're in shopping centers, so.

Ms. Richards stated there's one on Central Avenue, I thought it was in Scarsdale...

Ms. Coyne stated Tarrytown, there's one in Tarrytown...

Ms. Richards stated on 119.

Ms. Coyne stated yeah.

Ms. Richards stated oh there is one there, I work right around the corner from there, I'll go by there tomorrow.

Chairman Rose stated where is it?

Ms. Richards stated on 119 in the Shopping Center. It used to have a PathMart in it and it used to have a K-Mart.

Whitney Singleton stated that's right.

Chairman Rose stated does it have a monument sign, do you recall?

Ms. Richards stated I don't know because it's a huge shopping center, it has two sides to it, there's a Modell's in there, there's a K-Mart, I think the K-Mart is still there...

Mr. Palmer stated and a Kirklands...

Ms. Richards stated there's a Pier One. It's so different.

Chairman Rose stated so it's not a...

Ms. Richards stated standalone building, yeah.

Mr. Palmer stated so they may have like a monument...

Ms. Greenberg stated Stamford is more similar.

Whitney Singleton stated Norwalk.

Ms. Richards stated is it a standalone building?

Chairman Rose stated is that on Route 1?

Mr. Kempner stated it's on High Ridge Road. It's also right up front, right on High Ridge Road.

Ms. Richards stated oh, it's visible.

Chairman Rose stated so the building front is close to the road, so they probably don't need a monument.

Mr. Kempner stated oh, I think there's a monument as well. I believe there's a monument as well, but the façade and the signage are on High Ridge Road.

Ms. Richards stated right, so was the reason they didn't want to take the building, the location?

Mr. Kempner stated well they want to take the building and I think that again, typically they are shopping centers. The lack of visibility that the loading and truck circulation is a challenge which we were able to overcome. Umberto and his team did a great job with that truck circulation. And again, this is not a cookie cutter site of a HomeGoods.

Ms. Richards stated right.

Mr. Kempner stated and I will say that prior to starting to discuss this with HomeGoods over a year ago, there were a number of other retailers that did look at the site but they wanted loading coming in from the municipal parking lot on the side. It would have required eliminating municipal parking spaces. Something we have a discussion about with staff and it would have been a huge lift for everybody, including the city obviously, to eliminate parking spaces to accomplish loading from the municipal parking lot. So the fact they were prepared to load onsite in that notch where we're creating this loading dock, was also we were able to overcome that, which was I think a big thing. So there's a lot of constraints, it's an unusual site and they're getting creative, gotten very creative to get to this point. But it is contingent upon the façade and the sign package to you know, counter balance the other compromising aspects of the site.

Chairman Rose stated well certainly...

Mr. Kempner stated most notably the visibility.

Chairman Rose stated certainly Mount Kisco, like most other towns, is struggling to hold on to retail, even in New York City, there's a lot of empty store fronts.

Ms. Richards stated the only thing that has nothing to do with signage is its going to attract a lot more people coming in and out than Annie Sez or Party City. Is there going to be a problem because that lot is a little tricky. Is there going to be a problem getting in and out of that lot.

Mr. Baldinucci stated I guess what we were able to do is include some striping that defines the two access drives...

Ms. Richards stated okay.

Mr. Baldinucci stated it kind of defines the access into the Village parking area and it includes a stop bar now, that basically stops the traffic so whoever is leaving the HomeGoods store, is going to yield to the Village traffic and then. So we were able to include the striping that's currently being evaluating by the Planning Board, so that helps out.

Ms. Richards stated so hopefully that will help.

Mr. Palmer stated and there is also ingress and egress out of North Moger. So it is one way, northbound but it is ingress and egress.

Ms. Coyne stated exit only.

Mr. Taylor stated you can make a left, exit only.

Mr. Baldinucci stated it's an entrance in left and an exit out left.

Mr. Palmer stated you can't go back to Main Street.

Ms. Richards stated right, but still there's another way out.

Mr. Palmer stated right.

Ms. Greenberg stated is that wider than it is now.

Mr. Taylor stated it's about the same.

Mr. Palmer stated it's the same.

Ms. Richards stated you can't make that one way in only, can you? In only? Because it also accesses the municipal lot.

Mr. Palmer stated it can't access from there, you could access the municipal lot.

Ms. Richards I'm just curious, like if it could only be in and you'd have to go out on Moger.

Whitney Singleton stated you can't.

Ms. Richards stated you can't.

Whitney Singleton stated it's one way.

Chairman Rose stated no.

Ms. Coyne stated oh nobody would want to go out on Moger.

Mr. Baldinucci stated then you're directing towards the residential properties.

Whitney Singleton stated one way residential.

Ms. Richards stated oh right, you can't do that, right. Just curious.

Chairman Rose stated now the walkway, that's next to the other building that is new, right?

Mr. Baldinucci stated it's an existing walkway...

Chairman Rose stated does it have that configuration, I thought it was more parallel.

Mr. Baldinucci stated it's the same configuration. What we did is we included a ramp to allow for ADA access into the site, so whoever's on Main Street and needs to access the site, ADA, this is an ADA route to the site.

Chairman Rose stated right.

Mr. Kempner stated we're also enhancing the landscaping there, which is just right now some green lawn, so that all enhanced landscaping as well.

Chairman Rose stated well it will definitely be a vast improvement over the appearance.

Ms. Richards stated yeah because it's not beautiful now.

Mr. Palmer stated the design improvements will also help balance that out too.

Ms. Richards stated I know you don't agree with this Don but I'm okay with it. I am, I think it will be good for the Town, I think. And it seems appropriate for the type of building, just saying.

Chairman Rose stated including the monument?

Ms. Richards stated you know, I don't love the monument, but since one exists, I really don't have an issue. If they were saying we want to put one up that size, I would say no. But considering that it exists, do I love it because its kind of red, no; but its okay and there is a monument sign there.

Ms. Coyne stated I think there's a lot to be said for a single tenant as well. It's classier.

Mr. Palmer stated the Board's not approving, just if I may, the Board's not approving the color. That will be reviewed by the ARB, we are seeking for the size...

Ms. Richards stated right.

Mr. Palmer stated of the signage, so we will, there is another review before the ARB with respect to all of the building alterations and the signage.

Ms. Richards stated yeah.

Chairman Rose stated I guess just out of curiosity, are other colors allowed by HomeGoods? I know there's some...

Mr. Kempner stated again, this is. I'm sorry, I sound like a broken record. They're the ten pound gorilla, they are the big retailer, the big tenant out there, they're one of the few that are opening new stores...

Chairman Rose stated yeah.

Ms. Coyne stated and that's their logo.

Mr. Kempner stated and they've got a huge design and construction department...

Chairman Rose stated and their red is their red.

Mr. Palmer stated I had to learn that their name is Home, and it's a capital G and it's one word.

Chairman Rose stated yes.

Ms. Richards stated yeah and so if they can't get it, they'll go somewhere else.

Mr. Kempner stated and then we'll have a vacant building, which I don't think anybody wants.

Ms. Richards stated but is Party City moving?

Mr. Kempner stated they're working on it. Hopefully they'll stay in Town. I think that's the plan, they're working it. You know, we've been sitting with the Annie Sez space for 3 years plus...

Chairman Rose stated yes, that's a long time. Well I think since we really can't...

Ms. Richards stated do anything.

Chairman Rose stated do anything we'll keep the public hearing open until the next meeting and at that point will we that still doesn't require action by the Planning Board, first.

Whitney Singleton stated yeah, they need to make a determination.

Ms. Richards stated so really you can't come back until...

Whitney Singleton stated so what you can do is you can keep it open, if it's not going to be by your May meeting, you'll simply adjourn it just like you did the 38 tonight.

Ms. Richards stated okay.

Mr. Palmer stated and if we may, the action, the Planning Board won't be able to act on the Special Permit until we receive the variances. They'll be able to act the SEQRA Determination, the environmental review, we will have to have Zoning Board approvals before they can formally approve of the Special Permit for the space.

Whitney Singleton stated so in the interim, did you want to do a site visit or not do a site visit, or individually?

Chairman Rose stated do other members want to do a site visit?

Ms. Richards stated well I think we can all go by there but it's probably not, we all know the building but we could go by in our own time.

Ms. Coyne stated yeah.

Chairman Rose stated I think that would probably be sufficient.

Ms. Richards stated you go by on your way home.

Whitney Singleton stated and just for purposes of clarification, the height was not the only variance that they're looking for. There's a 22 foot variance as to the sign length.

Chairman Rose stated yeah, there's several.

Ms. Richards stated right.

Chairman Rose stated I would suggest all the members to study the actual dimensions and think about that.

Ms. Coyne stated the dimensions.

Mr. Palmer stated it is a unique. We will submit it is a unique building in this sign district, it is a very, I mean there are not many, the CB-1 District as shown on the zoning map, there aren't many buildings that are set back from the property line, so it certainly isn't...

Chairman Rose stated and that's important in the decision too because while we make sure we're not setting a precedent when there are unique factors involved but that helps the argument so that other people will have to come up with a similarly difficult location and...

Ms. Richards stated unique spaces and we do have some. So we'll hold the public hearing open, you need a motion?

Chairman Rose stated I don't think we need a motion to keep it open...

Whitney Singleton stated you'll keep the Board abreast of action on the Planning Board's part or at least staff will and schedule them accordingly.

Mr. Palmer stated we appreciate your time this evening.

Chairman Rose stated thank you.

Ms. Richards stated alright, so you need a motion to close the public hearing?

Chairman Rose stated no.

Ms. Richards stated we don't need a motion? Fine. I thought you just said you did. Oh no, we're leaving it open, I got it.

Whitney Singleton stated I take we're not going to entertain the application.

Ms. Richards stated what happened?

Chairman Rose stated well I guess the question is what is happening?

Mr. Miley stated this application has been going for on for almost three years trying to get him here. I don't know what happened. They've been informed, we've been working closely with them, I can't answer for them. They should be here this evening.

The Secretary stated I mean this was, this was technically supposed to a second appearance because he didn't do his publication correctly for the March meeting. So he knew he had to republish, which he did and he did another mailing. He knew the date of the meeting.

Mr. Miley stated and he was informed.

Whitney Singleton stated so if you want to avoid another scheduling of a public notice, you'd have to keep the public hearing open to the next meeting and if he shows up, he shows up.

Chairman Rose stated yeah, I think it's, one time only we'll let them come back and if the other members agree, we need a motion to. We need to open each meeting, each application individually and then have a motion.

Ms. Richards stated all right.

2. North County Properties, LLC
255 Kisco Avenue
Mount Kisco, NY 10549
(SBL) 69.49-3-2

Case# ZBA18-3
Signage

Chairman Rose stated so we will open Case#18-3, a signage variance case. North County Properties, 255 Kisco Avenue. Do I have a motion to keep the public hearing open and adjourn until May?

Ms. Richards stated I make that motion.

Chairman Rose stated is there a second?

Ms. Coyne stated I'll second that one too.

Chairman Rose asked for all in favor. The motion carried by a vote of 4 to 0.

3. J-Etf Corp.
325 North Bedford Road
Mount Kisco, NY 10549
(SBL) 69.51-1-2

Case# ZBA18-4
Signage

Chairman Rose stated and now we will open J-Etf Corporation, 325 North Bedford Road, a signage variance case. Case# ZBA18-4, do we have a motion to keep the public hearing and adjourn it to the May meeting?

Ms. Richards stated I make a motion.

Chairman Rose stated and is there a second?

Ms. Coyne stated and I'll second that one too.

Chairman Rose asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rose stated is there any new business? If there's no new business, I'll have a motion to adjourn the Zoning Board meeting.

Ms. Richards stated motion to adjourn. Seconded by Ms. Coyne.

Chairman Rose asked for all in favor. The motion carried by a vote of 4 to 0.

The meeting adjourned at 7:56 p.m.