

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, April 21, 2020 at 6:59 pm** via Zoom Teleconference

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

Members Absent: Arthur Weise

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

Chairman Boxer stated let's start the meeting of April 21st meeting of the Zoning Board of the Appeals. The first item is the approval of the minutes from back in November '19. I was present, Wayne was present, George was present and Arthur was present. So we have enough people, can I have a motion to accept the minutes?

Mr. Spector stated so moved. Mr. Hoyt seconded the motion.

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

Chairman Boxer stated I'll close that out and go to the big screen. Okay, so now that I got rid of it. The first case we have is, the only case we have is ZBA20-1, Max Gordon Architects. Are you present?

**1. Max Gordon Architects
14 (16) Main Street
Mount Kisco, NY 10549
(SBL) 69.81-1-3**

**ZBA# 20-1
Area**

Mr. Anthony Albano of Stonefield Engineering was present.

Mr. Albano stated Anthony Albano with Stonefield Engineering, the civil engineer on the project.

Chairman Boxer stated you can start your...

Mr. Albano stated absolutely. So previously we were here on February 18th, for the record once again, Anthony Albano with Stonefield Engineering, engineer on the plan. We were here in February on the 18th to discuss the lighting upgrades associated with the ATM that had recently been installed at the Chase branch at 16 East Main Street. So through the dialogue back and forth, the Board requested that we put up a sample of the lighting. So we reached out to our contractor, we were able to get them to install, I hope everybody has had a chance to take a look at it. If not, I can share my screen because I do have some picture of it.

Chairman Boxer stated pictures would be good too, I think we've pretty much all looked at it but I wouldn't mind seeing the pictures.

Mr. Albano stated yup, so these were pictures that we received from the contractor.

Chairman Boxer stated okay.

Mr. Albano stated showing the light from either side. So this is a good example of what we were trying to get with this proposal. Now in the final proposal if this project is approved, there will be four. Sorry, three additional lights to this lantern style, one on each side of the door and then another further than the existing light, you can see it on the left hand pictures. So there will be another three lights that will be needed to be added to bring this site into conformance with the New York State ATM lighting requirements.

Mr. Spector stated all the same intensity or different intensities?

Mr. Albano stated very similar intensities, there is a slight difference in the way the one, when you face the building, all the way to the right will throw but it's the same amount of LED's. So generally from the naked eye, you won't be able to tell the different.

Chairman Boxer stated and where exactly will the ATM go?

Mr. Albano stated the ATM is inside the front vestibule.

Chairman Boxer stated okay.

Mr. Albano stated on the picture on the left, you can just barely make it out looking through the door.

Chairman Boxer stated right, I see it there, okay. So it's up and running now.

Mr. Albano stated yes it is. So, we also have another request was for a letter from JP Morgan, describing the need for the second ATM, so...

Chairman Boxer stated right.

Mr. Albano stated so this letter that I believe was delivered to the Board, states that in a combination of both just upgrades throughout Chase in general, this is a requirement. Also because of the other local branch that was consolidated from Moger Avenue, they feel that the demand of that closure moving to here reinforces the need for the second operational ATM.

Chairman Boxer stated okay.

Mr. Albano stated additionally the letter states their new mode of operation is to be able to have an ATM vestibule that can be operated and accessed from the main retail area. Where the previously installed ATM at this site was not. You have to go physically outside and the only accessible portion is that ATM, there's no other entrance to the bank there.

Chairman Boxer stated okay.

Mr. Spector stated that other ATM is going to remain, is that correct?

Mr. Albano stated that is correct. The demand that the bank sees during all hours justifies for both ATM's in their opinion.

Mr. Spector stated yeah, I've waited on line to get into that ATM, so I know there is a demand, I agree.

Mr. Albano stated the other thing that the Board asked for and I hope you also got this, we made a quick exhibit showing where the ATM radii would actually have to travel to if it was all condensed on site. Oh wait, this isn't... Can you guys see the ATM exhibit.

Chairman Boxer stated yeah there's three different exhibits.

Mr. Albano stated so the upper right hand you'll see just the minor level going past the property line, that's where the 30 foot radius where you have to get two foot candles at ground level. The upper left is the 50 foot horizontal plane requirement where you have to get two foot candles measured at five feet high at the 50 feet. And the bottom one is the 60 foot radius, where you have to measure at five feet but you can point the light meter at the closest light. So if this site was a Chase standalone building where this was the entire property, this is the limits that the bank would be obligated to light to. And that's...

Mr. Miley stated can I interrupt for a second? Did you submit a copy or a drawing to the Village, I don't have a copy of this plan.

Mr. Albano stated I don't believe this exhibit itself but I do believe that we submitted one with different light levels that showed the difference...

Mr. Miley stated the original one I recall but I wasn't able to distribute this to the Board, so this is the first time I and they are both seeing it.

Mr. Albano stated yeah, we did not do this specific one with the red highlights.

Chairman Boxer stated and all of these lights are required by law?

Mr. Albano stated to bring the site into conformance with the New York State ATM lighting requirements, correct. The combination of all the lights lets us meet those regulations that are put forth by the State.

Mr. Spector stated that's, to be clear, the light is the requirement, these particular ones are not.

Mr. Albano stated that's correct, the light levels themselves. We figured that this architectural style lighting that we proposed, that lantern style would be more in line with downtown feel. Typically at a normal Chase branch, they're the more modern thin LED lights and that's what we would go with.

Mr. Spector stated I did feel that the style fit the architecture of the building, I did think that.

Mr. Albano stated and I believe I addressed all the comments that were proposed last time, if the Board has any other questions or comments, I'm happy to go over and answer once again.

Mr. Boxer stated I have no questions.

Mr. Hoyt stated no questions from me.

Mr. Spector stated none from me.

Mr. Miley stated Anthony, I have a question, I'm not sure if it was answered yet and this is more from the Zoning perspective. Is the street light included in these illumination levels?

Mr. Albano stated no they were not.

Mr. Alfano stated I asked this last time, at the first meeting.

Mr. Spector stated that's right, I remember that question.

Mr. Alfano stated yup.

Mr. Miley stated and was there any calculations done with the street level lighting?

Mr. Albano stated no, we did not do one strictly with the street level lighting.

Mr. Alfano stated Anthony, can you, so the law requires a minimum of two foot candles measured at grade for 30 feet in all directions...

Mr. Albano stated correct.

Mr. Alfano stated one foot candle at five feet above ground, and aligned to the closest light source for 60 feet in all directions and then a two foot candle measurement at five feet above ground on a horizontal plane for 60 feet in all directions. So why are you requesting a variance of 10.1 foot candles? I guess my question is how many lights would you need to meet the minimum of two, as opposed to ten?

Mr. Albano stated so let bring up the actual plan set.

Mr. Alfano stated the one light by itself seems very bright and again we're not [inaudible] measurements, we're not taking into account the street lights. Let's assume the streetlights are on 24, not 24/7 but they're always available beyond when they need to be on which is at night.

Mr. Albano stated right. So, part of the issue is if we go to the 50 foot one which was that five foot requirement where we have to get two foot candles. Part of the issue is if you lose any one of these lights, you'll have dark spots pretty much right where the fixture is. Part of it has to do with the throw itself of the fixture, they go out and down, so the overlap between the fixtures won't be enough at a height of five feet to get those light levels that we need. So, because of that overlap between all the lights, that's where you get these readings of 10 foot candles at the property line because we do have two fixtures that overlap. We tried to minimize as much as possible, as you can see in the top left, you'll see that we have a reading of 2.1, which is only .1 foot candles and that's because...

Mr. Alfano stated which box is that?

Mr. Albano stated top left.

Mr. Alfano stated can you zoom in on that one because on the screen it's small.

Mr. Albano stated let me see...

Mr. Alfano stated and the law makes no mention of the light going out, with LED's you wouldn't expect them to go out quickly, they probably have a pretty long life to begin with.

Mr. Albano stated correct. Is this zoomed in for you guys?

Mr. Alfano stated yeah, that's good that helps.

Mr. Albano stated so there's the, at the farthest portion of the site, that's where we get 2.1...

Mr. Alfano stated okay.

Mr. Albano stated and once again, if you overlap between these two, you'll see that right underneath it where 4 foot candles over and that's also right next to a light, so you can imagine losing one of those lights would that would bring us below that light level because once again, these lights, if you think of them as the top of a pyramid, the light goes out down from that pyramid, so there's portions of those areas without the third one where you're not going to have that two foot candles.

Mr. Alfano stated and where on this would the two foot candle requirement need to be met? Like at what point on this plot?

Mr. Albano stated this one? Up to the property line.

Mr. Alfano stated I'm sorry if I'm asking the same questions from before, it's been a while since we've met.

Mr. Albano stated no problem. Let me share the other screen.

Mr. Albano stated and it goes back to the question from last time also, to the Board is that does this ATM necessarily need to be 24/7? Or can it have limited hours? And then Anthony, based on the letter that JP Morgan sent or submitted, you know, who is requirements are those that it needs to be operated 24/7? Are those Chase's requirements or someone else's?

Mr. Albano stated yeah, that's Chase's operational, that they feel that the demand is great enough for the 24 hour of being open...

Mr. Alfano stated okay.

Mr. Albano stated plus they run into issues at sometimes when they close certain ATM's, you'll still have people going to that front entrance, and even though it's close you'd still expect that lighting the provide that secure nature because you don't necessarily have someone going there that knows it's closed so you want to provide that factor of safety for the person going up to that door, realizing the ATM is not open and being able to get to the other one.

Chairman Boxer stated are you allowed to count the light from the street light in your plan?

Mr. Albano stated so there's nothing in the law that would, that strictly disallows from Chase's perspective. They don't have control over that light fixture, where they have run into issues before is if a light goes out that's in the right of way, they don't have the right to go out and fix it so now there's a dark spot on the property in the area of security need, so to get rid of that issue, they like to be accountable of all the lighting on their property by themselves.

Chairman Boxer stated that's one of the major intersections in Town and I've never seen it out. It's got, I guess the 117, is the State in charge of that?

Mr. Alfano stated this is 133.

Chairman Boxer stated 133.

Mr. Miley stated good question Harold, I believe we manage the lighting there but I can find out the answer to that question.

Whitney Singleton stated we do, we do.

Chairman Boxer stated thank you, okay so...

Whitney Singleton stated Chairman, there were actually three questions that you asked at the last meeting to be addressed and can I just go through them? That was one of them. Do you have to entertain a variance application for the ATM safety act when there is already a complying ATM existing within the building? And can you examine whether or not there's a need for a second ATM machine which the

applicant has addressed by providing a letter from the bank. There is not like a definitive answer to these things but it does go back to the issue of whether or not, what sort of incidental utility or benefit is there to the bank by having an additional ATM machine and what additional burden there is on the community with regard to the light pollution and everything else that's associated with it. These are all things that you're entitled to consider as part of the factors in evaluating whether or not the benefit to the applicant outweighs the burden to the public. And similarly, as far as I'm concerned, the lighting is a condition that needs to exist, it doesn't, Chase's lights could go out too and they can be replaced. The existing site lighting can be calculated, can be taken into consideration in the, in your evaluation of this application.

Chairman Boxer stated Peter, do you know what the protocol is for replacing lights?

Mr. Miley stated I don't know what the protocol is, I would speak with Ed on that and I can get you an answer.

Chairman Boxer stated but the pole has the new LED lighting on it, so I think the chance of that going out is a lot less than the mercury vapor.

Mr. Miley stated I would agree. I think if there was a power outage, I think we'd all be in the dark but it wouldn't be for a long period of time.

Chairman Boxer stated plus if there's a power outage, that's an interaction I think the police would station someone at. So that might, I mean first of all no one is going to go to an ATM anyway because it doesn't work but if Chase is worried about the safety, there probably will be police at that site if there is an outage.

Mr. Miley stated I'm not sure if they have a generator or not, I think Anthony will be able to answer that question.

Mr. Albano stated unfortunately, I don't know if they have a generator. Typically, they would because of security issues with the alarm system, they do typically but I don't know specifically if this branch does.

Mr. Spector stated I'm going to pose another issue, another suggestion which is a consideration and I'm not giving my opinion on it one way or the other, you know you mention benefits to the applicant but should we consider the benefits to the public to have additional ATM options, especially if there is a backup, especially in the age of, as we know the virus, where we don't want people. We want people to be able to maintain safe distances and perhaps ATM's are a service, I don't know if people use them more often now because tellers are not available or we don't want to go into banks but the public may benefit from it as well to some degree to have the extra ATM. And especially if the one around the side of the building backs up and creates lines of people.

Mr. Alfano stated I mean but, I mean to counter to that point...

Inaudible - Disruption in audio stream.

Mr. Alfano stated I understand the point, I guess we already have one ATM that's 24/7 available, realistically, do you need a second? And you know say between the hours of what 10 and 7 am, traffic to any ATM probably drops off significantly, so I just question the need to have a second 24/7 ATM.

Mr. Spector stated right, that's a legitimate question as well.

Chairman Boxer stated do you know if there are any statistics that the bank has as to the usage, as to the amount of people and times that they come.

Mr. Albano stated not for this branch specifically, I will say that they do see transactions times throughout all time periods. So there is that, also in certain downtown areas such as this, whether you're not. In the morning you're going to have someone who wants to get money before they go to work or before they go to dinner, so there's sometimes that overlap too where at 8 o'clock, let's say that someone wants to grab dinner down the street, they need to go get cash, that 8 o'clock time allows them to get cash from two separate ATM's if the one ATM is being occupied. And we have seen that before at sites.

Mr. Hoyt stated I'm sorry, I think I missed the meeting where this was discussed originally, is the issue simply that Chase is wanting a lighting plan that exceeds what we're all may comfortable with and if that's the case, it seems odd to me that Chase would want to, would need to take into account the fact that one or more lights might be out or that the street light might be out. I agree that LED lights are much more [inaudible] these days, why not solve some of these problems that I think people are raising, with a glare 24 hours, like quickie mart in the middle of Town, that kind of lighting. Why not just dial down the lighting? And maybe you've talked about this and maybe this was recently raised and I apologize. Why not assume

the normal course which is the lights are going to be working, they're going to be brand new and just dial the lights down a little bit so it doesn't create potentially a giant spot that's visible from Outer Space.

Mr. Albano stated there is some play with some of the fixtures that Chase uses where you can have some dimming capabilities, what has come back, when we've utilize that on situations like this where you have areas where you need light out further left to right facing the branch is that you'll have areas that look darker on one side of the branch than the other. There will be less uniform spread across it, so it doesn't look as clean as having the same intensity throughout the entire face. And there's other issues when it comes to dimming capability too is that the software, though it's getting better, isn't 100% as effective as saying here is the light fixture, go at 100% of what your value is.

Mr. Alfano stated Anthony, as we said, it's been a while, a couple months at this point. Can you go through each space on this PDF and kind of tell us how it correlates with the law, the minimum lighting law for ATM's.

Mr. Albano stated yup, I'll go with the markup with the exterior with that redline shown.

Mr. Alfano stated and this first box on the upper left, this corresponds to what number on the letter that's dated December 16th.

Mr. Albano stated let me bring up that letter.

Mr. Alfano stated I just want to make sure I understand this because I look at the foot candle values and they seem somewhat high compared to what the minimum is.

Mr. Albano stated you're talking about the December 16th letter, correct?

Mr. Alfano stated correct.

Mr. Albano stated so the first one, the minimum of two foot candles at grade that would be that [inaudible – discontinued audio].

Mr. Alfano stated okay.

Mr. Albano stated so we'll zoom in on that. So that requires us to get the two foot candles throughout this entire area. So in the bottom right hand portion, it's kind of that item that I was talking about, the overlap leads to some kind of deceiving numbers on here. So you can see we're proposing 3.1 and that's 1.1 foot candles over what's required, if we lost one of these lights, that would drop that 3.1 and vice versa, underneath that, this [inaudible] right here, it's 3.4, so it's only 1.4. So there's two areas if you lose one, you're going to drop down on the other side. So it's the play of both that makes the site compliant. Once again, we try to limit the intensity of these lights as much as possible in order to get that even spread, it's just the way the lights overlap, they sometimes produce some weird numbers.

Mr. Alfano stated in this case, number one says 30 feet in all directions but in this case it only goes to the property line, is that correct?

Mr. Albano stated correct. So the limits of the building pretty much line up exactly at 30 feet, so pretty much the entire frontage of the building.

Mr. Miley stated Anthony, I have a question. Are you building in the anticipation that a light may go out? Are you building, assuming there's only three lights working, are you building in the candle foot power in case a light goes out on your own property?

Mr. Albano stated no, for Chase we are not. If one light goes out, their house team is fairly on top of their lighting especially since it's security, so they're pretty quick to replacing if there's ever some issue on the site. If somebody god forbid took a bat and crushed one of these lights, they'd be on site pretty quickly with a replacement.

Mr. Alfano stated yeah, I wouldn't worry about a light going out. Relatively speaking, that's going to be a rare occurrence, let's just assume the lights are on indefinitely.

Mr. Spector stated I want to be clear on one thing. Are you saying that this is the plan that has to be approved in order for this bank to maintain an ATM in that vestibule 24/7. In other words, there are no other options lighting wise, is that what Chase is actually stating with this application? That we're making a choice now whether or not we're going to have a vestibule ATM that's available in the evening hours or not based on whether or not we approve this variance? Is that what we're being told?

Mr. Albano stated on the severe end, yes. But there is some, we're trying to make some concessions with our lighting with the way we design this one. Once again, we scaled back what the typical lighting is, we wanted to fit in with the architectural lighting. We're trying to minimize that impact as much as possible but yes, this lighting will be required for Chase to operate their interior ATM for 24 hours...

Chairman Boxer stated Chase's has requirement or New York State?

Mr. Albano stated New York State's for the lighting.

Mr. Alfano stated it's Chase requirement that they're saying that it needs to be operational 24/7, that's not a State requirement.

Mr. Spector stated I think this is a case of Chase's business model which is to have a 24/7 and the State's requirement for lighting if you have an evening operating ATM, so it's a combination of a business and State regulations.

Whitney Singleton stated and the applicant can always seek relief from the State, there's a variance procedure with the State, so long as there is adequate safety. That would also include the lighting provided by the municipality and if you had concerns relatively to traffic safety and these lights coming down the hill or in the traffic lanes, that's a bona fide concern on your part.

Mr. Alfano stated I just, go ahead Harold.

Chairman Boxer stated how would the line look if you took into account the street lighting?

Mr. Albano stated it would probably not change all that much. Once again, there is certain aspects where there is that overlap that we would need, it would definitely help and it might be able to remove, trying to remember where the light is. It might be able to help remove one but once again, the issue is that Chase feels they need their own lights to be secure about it. And once again, these lights are also full cutoff so all the light is shining down, it shouldn't be shining up the hill to cars coming down the road. So it should be all down and terminate as quick as possible.

Chairman Boxer stated but there is still a bright spot even though the lights aren't shining at the street, you'll come down the street and there will be a big bright spot at the street.

Mr. Alfano stated or five bright spots.

Chairman Boxer stated yes.

Mr. Hoyt stated well to be fair, I'm not a big fan of these new LED street lights and that's kind of what we've got throughout the Town now, right? Giant, bright light everywhere.

Chairman Boxer stated right.

Mr. Spector stated well they do save the municipality quite a bit of money in electricity costs.

Chairman Boxer stated yeah if you go through Westchester, back in the days when you were allowed to drive, you'll see a lot of municipalities have gone to that style of lighting that we have.

Mr. Alfano stated so Anthony, can you go through the other two cases.

Mr. Albano stated so number two would be the 60 foot, so two is the 60 foot one going out. So this one always gets higher numbers just for the fact that it's the easiest one, usually the hit because you get to manipulate the light meter itself, so it points at the closest one. So these ones are fairly right on and over because A. you're closer to the lights themselves, so you get a higher reading because the intensity is brighter right underneath and at the same time you have all the lights hitting it directly flush, so it is higher with that. So that would be that 60 foot one. And once again, shown on here, that requirement typically goes out a lot further but it's more condensed in the front of this property.

Mr. Alfano stated it kind of assumes that there is a person of average height standing near a light source.

Mr. Albano stated the way I had it described to me by one of Chase employees who is in charge of security is, you want to be able to see someone's face and that's what that one allows you to do.

Mr. Alfano stated I'm concerned. And my concern to the Board is we have the one light by itself and the existing light to the west, northwest. It was pretty bright and now, then you look at these values in the upper left right here, 35, 32 and that's bright. That's very bright.

Mr. Albano stated it is bright but as you can see with the cutoff from the fixtures too, it does drop off significantly as you get further from the building. It's part of that...

Mr. Alfano stated I understand that, I just, it's still for people walking through the area, it's going to be bright. I understand it cuts off in a certain direction but it's still. That's a lot of extra light not even taking into account the foot candles from the existing street lights.

Mr. Albano stated correct. And then the third requirement is measured at five feet horizontal to get two foot candles and that's where you see some of that play. At that top left corner you get 2.1 which is only .1 foot candles above. Just for comparison, I'll go to the 60 foot one again, it's about three foot candles higher. Between the two. So it goes from 2.1 to 5.6, so three and half. That's art of that play here being able to tilt it helps a lot and the overlap between all of these is what? It bring this site into compliance. You can see too in the bottom right you have that 3.5, so it's only one and half foot candles, so we do try to limit the lights as much as possible with that throw.

Mr. Spector stated I think we all agree its very bright. The problem is that we're not seeing the options as to what other, you know what else can be done here or being presented anything, this is what Chase wants for the property. But it doesn't sound like its necessarily what we want. That's what I'm hearing and I don't know how the rest of the Board feels about it.

Chairman Boxer stated I'm still confused about whether you say that, to meet the State requirements, they have to go way over the foot candle that the State requires?

Mr. Albano stated we don't, to hit that minimum value just for instances that 2.1, there's the play from all the lights to get that 2.1, each one of these lights contributes to that 2.1, so what that leads to is some high spots closer when all the lights overlap. So you go from that 2.1 and increases but...

Mr. Alfano stated Anthony, have you done different configurations, like for example, say the two outer ones on and the two inner ones off or just the two inner ones on versus the two outer ones off. Have you looked into that?

Mr. Albano stated yeah, we have, that's what led to this design...

Mr. Alfano stated okay.

Mr. Albano stated was we looked at which lights could be on or off. And once again, part of the issue with this one too is we tried to space on them the bank themselves on the columns or spaces evenly so there's kind of some play there that we had to deal with. But we did look to see what lights we could eliminate if possible and this was designed with these fixtures that we were able to come up that was least intrusive with light levels throughout that entire frontage.

Chairman Boxer stated I would like, I don't know what the rest of the Board wants, but I would like to see the plans taking into account all of the lights on the street and what it does to that.

Mr. Spector stated I agree with you on that, I definitely feel that that's appropriate to ask for.

Chairman Boxer stated I don't think Chase is worried about the street light going out is A. its probably never going to happen and, B. I don't consider a valid requirement on their part.

Mr. Alfano stated Anthony, didn't you have the last time your presented, the values, just the foot candle values with just the street lights and the existing light, do you have those?

Mr. Albano stated I do, let me see if I can bring that up right now.

Mr. Alfano stated to Harold's question. In this case right, if we include the street light, the values are only going to go up, we know that, that's a fact.

Mr. Albano stated let me put them side by side. So we'll just look at the top left 60 foot ones...

Mr. Alfano stated yeah, this will be great, this is number three right, on the letter?

Mr. Albano sated yes, correct.

Mr. Alfano stated okay.

Mr. Albano stated so part of the play here, once again you'll see the light, the existing light, that's pretty much the main factor of the light in the frontage. You'll see some...

Mr. Alfano stated yup.

Mr. Albano stated you'll see one foot candle readings, half foot candle readings by the lights. So to play off of them for foot candle wise at the five foot measurement, isn't that great, that is getting put off by the...

Mr. Alfano stated and this does include the street lights, correct?

Mr. Albano stated this was taken with a handheld measure and this is the readings we got at each spot for all the lights, that ambient lighting that's there today.

Chairman Boxer stated okay, for those of us that are not engineers, do you have the three different views with the streetlight and where it would go? Because the way I'm looking at it, is that it cuts out a lot of the light that's going onto the street, I don't know if I'm reading it right or not. If you can bring up those three together, forget the comparison, just bring up the three that have the streetlights in it. And are those red lines, is that where the light goes out to? I'm not sure.

Mr. Albano stated the red, so the red areas is where the site is deficient today when it comes to lights, so these are the areas of concerns when we put the lights in that we need to be able to bring up into compliance. So for the 30 foot you can see right in front of the branch there were some dark spots, same thing for the 60 foot measured at 5 feet high at the light, you'll see some dark spots right in front of the branch. And then the 5 foot one where you hold it horizontal, just because of the height requirement of that one, you have a lot more dark spots too because the light coming off the existing light fixtures don't have as much room to travel and get to.

Chairman Boxer stated there's no way you can do something that cuts out the overlapping? Do they need all the lights, can they have less light?

Mr. Albano stated for Chase's opinion once again, they do feel they need all the light. The existing lighting that's there doesn't feel like it would compensate if one of the proposed lights comes off, just from the light that was what we found when we did our initial research.

Chairman Boxer stated okay but what does New York State say?

Mr. Albano stated that's what I'm saying as part of the New York State requirements, we don't feel that the existing light levels will be able to enhance the proposed lighting enough to bring it into compliance if we lose one of those light fixtures.

Whitney Singleton stated but why are you talking about if you lose one of those light fixtures? That's like saying well if the power went out, everything would be dark.

Mr. Albano stated in a proposed condition, going from four to three.

Whitney Singleton stated right but the requirement here is the existing, is the conditions as they exist at the site. You're allowed to take into account the existing lighting on the site. I mean they were Yankee Stadium next door shining 10,000 you know, lumens into your site, you're allowed to take that into account.

Mr. Hoyt stated are you saying Anthony that when one of the lights is removed, are you saying that it's out or you actually take it out of the plan all together?

Mr. Albano stated that's what I had meant, sorry. If we remove it from the plan 3 fixtures, combination of them wouldn't provide enough light to hit the requirements.

Mr. Hoyt stated and you can't have four lights at a lesser lumen? You can tone down the lights?

Mr. Albano stated the fixture we were proposing, this is the lowest one that they have. There is always an option if the Board feels, we can look back and try to use a different one. The issue is with the lantern style, there isn't too many fixtures that are lower than this one and if they are they're significantly lower, this is why when Chase uses an architectural one, they defer to this lantern style.

Mr. Alfano stated the Board, it goes back to the other question alright? Chase is saying it's their requirement for a second 24/7 ATM, that's not a State law. That Chase's requirement for a second ATM is driving the request for this variance.

Mr. Hoyt stated if it's not 24 hour, what is it?

Mr. Alfano stated business hours.

Mr. Spector stated dawn to dusk, I assume right?

Mr. Albano stated I think it would probably be business hours because that's when the lights for the main branch would need to be on for security purposes, so that's what I would assume.

Mr. Alfano stated aren't the lights on at night in the branch? I thought they were.

Mr. Albano stated I believe for the most part they are, I've never been there past 2 am, so I'm not sure if the lights are on after but I know they're on fairly late.

Mr. Spector stated so what do we do at this point? What is the feeling of the Board at this point, I would wonder. It seems to me that we're not happy with the level of lights, it's going to be very bright.

Mr. Albano stated so if that's the case with the light levels, if the Board would feel comfortable with us reducing the lights but having more fixtures on the front, that's a possibility we can look into. Sometimes more fixtures doesn't get that desired effect to reduce it but that is something that we can look into if the Board would be more inclined to have more lights with less value.

Mr. Alfano stated I think it comes from an architectural point, it becomes cluttered and I don't think that looks good either.

Mr. Spector stated my opinion of the lights that I saw is that they are very starkly bright as you go by. I think that's the issue here, it's almost, it's a little bit of an insult to the eye in some ways as you pull into Town on 133.

Chairman Boxer stated that's an area that you don't want to have any distractions because it is, at that point, there's four lanes.

Mr. Hoyt stated it's also a signature building and it's the first thing you see when you come into Town. So first impression, we want it to be good, right? We don't want it to be um, to me that's the issue is keeping the Town as beautiful as it can be. I would agree, I think I would be concerned with overly bright fixtures but we also want you know, architecturally appropriate fixtures. So I'm wondering if the light can be turned down somehow the existing fixtures and also I agree with you, whoever said, Ralph. ATM's, 24 hour ATM's I think are a necessity, like the ATM [inaudible] better on the side. At the same time, I wonder at night whether after hours there would be a long line at the one on the side.

Mr. Miley stated Anthony...

Mr. Hoyt stated I think the one inside is clearly intended to be an alternate teller, that's their model these days, I've been there where you've been escorted to the ATM inside to do some business. So they definitely want one inside the building but I do wonder whether the Town could live with one on the side...

Mr. Alfano stated and the other thing to keep in mind too is that there are actually three ATM's in this building, right? There's one on the side, there's one in the vestibule and there's one inside that's available during business hours as well.

Mr. Spector stated I'm coming around to the concept that a 24/7 on that main strip is a luxury that maybe it's not necessary since there will always be a working one on the side. I'm not sure that it's going to be needed.

Mr. Miley stated Anthony, can those lights be shielded or can the glass be tinted slightly?

Mr. Albano stated that's what, sorry for cutting you off, that's just something I was thinking about right now. I'm not sure if this fixture specifically has a diffuse lens, that's something we'll have to reach out to the manufacturer on and see if they have IES lighting files that show that distribution. But hearing the Board's concerns, I think the best is for us to take another look at this with the diffused lighting, maybe bring down the scale of those light fixtures, trying to find another compatible one and get those light levels.

I hear the Board's concern, Chase does feel that this ATM in the front entrance is necessary for their operation, so I think at this time, hearing the Board's concerns, I think the best bet is for us to take another stab at this lighting design with another fixture. It might be a situation where we have more lights in the front but they'll be smaller in scale so we'll take a look at that and hopefully present a better option to the Board.

Mr. Alfano stated Anthony, it would also be good in the current configuration with the one new light that's operational to get measurements for the current setup, that take into account the street lights...

Mr. Miley stated you took the words out of my mouth.

Mr. Alfano stated it's just good data to have.

Mr. Spector stated agreed.

Mr. Miley stated yeah, so Anthony, with the street lighting, if the light just happens to go out once a year it won't operate for that period of time when the lights out, that's the alternative, they just can't operate.

Mr. Albano stated understandable. Is the, are the lights in the right of way municipal property or controlled by New York State DOT? The real question I'm asking is if you have the cut sheets for those fixtures, so we can model them 100% correctly.

Mr. Miley stated yeah, you know what, I might, I can get you those, they were recently changed.

Mr. Albano stated yeah, so then that will account for the design in there as well and we'll come back with the different layout and design.

Chairman Boxer stated also, can they take a survey showing how many are using the ATM's after the bank closes?

Mr. Albano stated that I'm not sure that Chase would be willing to give. I know they can give general numbers but I don't know if they can give specific operational for each branch.

Mr. Alfano stated and Anthony, I don't think it needs to be specific, I think what it needs to be, here's my idea, right? Chase obviously knows how many transactions are in there per hour, so like a distribution or bell curve if you will of just hour, it can be, it doesn't even have to have numbers, they can just have a max number at the middle of day or when its busiest and then obviously everything from there drops off.

Mr. Albano stated gotcha. Yeah, that's something...

Mr. Alfano stated just to give some idea of the distribution over time.

Mr. Albano stated we'll reach out to the Chase management team and get those numbers and I think, like you're saying distribution pattern will be something that will be able to shine a lot of light on this.

Mr. Alfano stated right.

Mr. Hoyt stated no pun intended.

Mr. Albano stated I realized it as soon as I said it.

Mr. Spector stated gentlemen, it sounds like we're going to adjourn this, if I'm not mistaken. The only reason I say that is because my phone is drawing power faster than it's charging using this app I guess and I'm at 5%.

Chairman Boxer stated I don't mind, we can keep the public hearing open and have them come back the next time.

Mr. Albano stated what is the next meeting just so we can get these plans hopefully revised, get this data before the next one and give enough time to review.

Mr. Miley stated it's on May 19th. Anthony if you can get us paperwork by the 11th, that should be adequate to distribute paperwork.

Mr. Albano stated okay, will do.

Chairman Boxer stated I guess we need a motion to adjourn.

Mr. Spector stated so moved.

Chairman Boxer asked for a second.

Mr. Hoyt seconded the motion.

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

Chairman Boxer stated we'll see you at the next meeting then.

Mr. Albano stated thank you very much, everybody have a great night.

Whitney Singleton stated next...

The meeting adjourned at 7:49 pm.