

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, August 21, 2018 at 7:05 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Chairman Harold Boxer  
Linda Greenberg  
Wayne Spector  
George Hoyt

Members Absent: Nancy Coyne

Staff Present: Whitney Singleton, Board Counsel

Staff Absent: Peter J. Miley, Building Inspector

Chairman Boxer stated I call the meeting to order and I see there's not minutes, so we're good. First case, once I get to my notes. Party City and I don't have the agenda, so I don't know what it is, oh there it is, 18-9. Okay, hi.

- 1. SL Mount Kisco, LLC; Grobman Mt. Kisco, LLC;  
M&M Mt. Kisco LLC  
154-162 Main Street  
(Party City & Modell's)  
Mount Kisco, NY 10549  
(SBL) 80.25-2-9**

**Case# ZBA 18-9  
Signage**

Mr. Taylor Palmer of Cuddy & Feder, Ms. Angelica LaRue and Mr. Jason Lerner were present.

Mr. Palmer stated good evening Mr. Chairman, Taylor Palmer with Cuddy & Feder. I am I joined by Studio Architecture, Angelica...

Ms. LaRue stated Angelica LaRue.

Chairman Boxer stated hi,

Mr. Palmer stated and Jason Lerner, the owner of the property.

Mr. Lerner stated hi.

Mr. Palmer stated we appreciate this Board hosting a special meeting this evening to consider our continued public hearing on the request for area variances for the exterior mounted signage.

Chairman Boxer stated have you read the letter? Did you read the letter?

Mr. Hoyt stated I read the letter.

Chairman Boxer stated so the letter pretty much says that as long as they do what the Planning Board says they do, then we're good. So just show me what the Planning Board said.

Mr. Palmer stated indeed. So as far as the conditions of the approval, we have specific to the window treatments, there has modifications to, so we're looking at the current diagram you're looking at here, is our Main Street frontage.

Chairman Boxer stated right.

Mr. Palmer stated there have been limitations to glazing.

Chairman Boxer stated right.

Mr. Palmer stated the upper windows, the clustering windows, the same above these windows here.

Chairman Boxer stated okay.

Mr. Palmer stated and then the signs are limited to those window bays on Main Street.

Chairman Boxer stated okay.

Mr. Palmer stated we have glazed the tower windows.

Chairman Boxer stated okay.

Mr. Palmer stated there is some discussion about putting clocks onto both of the tower corners.

Chairman Boxer stated okay.

Mr. Palmer stated which the applicant I currently looking into. On the Green Street frontage, again the tower is glazed. There is window treatments on the, only on the windows closest to the intersection of Green Street and Main Street. And then on the rear of the building we had glazing on these bays and then we also have the window treatments limited to the bays that are show.

Chairman Boxer stated okay.

Mr. Palmer stated so the restrictions were principally focused on Main Street and these were based on continued reductions by the applicant over the initial proposal.

Chairman Boxer stated so, you've done everything the Building Department, the Planning Board said in here. Not that it's going to count but I still think you should only have one in the front but they gave you two.

Mr. Palmer stated the window treatments.

Chairman Boxer stated yeah.

Mr. Palmer stated yes, yes. Again, we did remove all windows treatments and these windows will be fully clear into the store and these are glazed. So we did, these were originally proposed to be part of the graphic but the Planning Board indicated that they looked a little large, so the applicant has reduced the size of the windows treatments...

Chairman Boxer stated okay, good.

Mr. Palmer stated and removed...

Chairman Boxer stated oh I see.

Mr. Palmer stated the ones that are in the windows currently on Main Street actually are the full length...

Chairman Boxer stated full window.

Mr. Palmer stated so they look, they are bigger than they would be...

Mr. Hoyt stated which will be the clear windows?

Mr. Palmer stated so the clear windows are on the Main. So there's the full center, we have an entrance, actually Angelica, if you could just point out the entrance. So to Party City we have our entrance here, so all of the windows on the entryway are clear into the Party City store. We then have window treatments on these three windows but the top windows at the request of the Planning Board and ultimately the Architectural Review Board, we requested that these be glazed, there are no window treatments in them.

Chairman Boxer stated okay.

Mr. Palmer stated and then these windows are also glazed but these are treated with the windows. But the rest of the center windows to sort of balance it of the 4 bays, are clear, fully visible.

Chairman Boxer stated so who gets to use the staircase?

Mr. Lerner stated so we're actually installing and created a second staircase such that each tenant space will have their own staircase designated to their...

Chairman Boxer stated so you're going to have two elevators or on elevator...?

Mr. Lerner stated one elevator that will be shared, as it exists today.

Chairman Boxer stated alright, just curious, it has nothing to do with anything. Okay...

Mr. Palmer stated if you'd like I can read the specific condition if that helps the Board.

Chairman Boxer stated no, just say condition number 9, okay.

Mr. Palmer stated okay.

Chairman Boxer stated just for the record, we're referring to condition number 9, attached to the Planning Board recommendations. Planning Board resolution that was adopted on August 14<sup>th</sup>.

Mr. Spector stated sorry I'm late.

Chairman Boxer stated just to bring you up to date. In the letter here, the Planning Board...

Mr. Spector stated I read that earlier.

Chairman Boxer stated that is what the Planning Board approved. You just want to go through it quickly for him.

Mr. Spector stated sorry about this.

Mr. Palmer stated not a problem, not a problem at all. So we'll start with Main Street because that was the main focus of the Planning Board it's review. The applicant had originally proposed window treatments in all of the windows at the recommendation of the Planning Board and the Architectural Review Board. The window treatments are now limited to two full bays, to balance it out. The entrance to Party City is here, this is fully clear into the store through the entry way, including the top cluster of windows. The next bay is limited to the three windows that front on Main Street. The top windows, cluster windows, are glazed, that was a request of the Planning Board that they be glazed. The center windows here, including the top are all see-thru and visible through into the store and now Party City is limited to window treatments only in these two windows bays on this side and the top windows to make it consistent throughout are glazed. So there's a balance of the bays looking into the building the tower itself is also glazed. Just for reference, currently Party City has a, or the tenant or the applicant has an installation in the windows that is the full window. So these window treatments are smaller and they will only be included in the lower window portions. On the Green Street frontage the tower again is now glazed, so that it's consistent on both sides. The Planning Board had indicated or asked the applicant to look into installing clocks on the two fenestrations here, to sort of look into that and the applicant is presently looking into clocks for that location. The window treatments are limited on the Green Street frontage, only to the two windows shown here and the top clustering windows facing at the intersection of Green Street and Main Street and there are glazing on these windows towards the rear of the building. On the rear parking area, the window treatments on Party City, these are glazed windows to be consistent with what Modell's has on it's windows on this side, any of the blue windows are clear and the window treatments are limited to these three windows and the top story for Party City. So they've been, the signage program has been significantly reduced, we have another diagram, I don't know if you want to flip to that, just to show, so that you can see back to back on what was proposed versus what. So here we have, going backwards again, Main Street, I'm not sure why this is...

Ms. LaRue stated this is basically what was initially proposed and this was the reduction of the signage.

Mr. Palmer stated okay, sorry. Just for clarification, that's the exterior. We're here before this Board of course for the exterior signage. So these are the signage programs, just the signage, not the exterior window treatments that are shown on the board. And that reflects comments from both this Board, Planning and actually the Architectural Review Board as well.

Mr. Spector significant reductions.

Mr. Palmer stated significant reductions.

Mr. LaRue stated yeah and this was the glazing of the graphics, the first time, the last time we came here. So these were the reductions that we made.

Mr. Palmer stated so this represents the original signage...

Ms. LaRue stated yeah there was a lot more graphics.

Mr. Palmer stated and the original window treatments and that the plan Angelica is holding represents the reduced signage and the approved and conditioned exterior, or excuse me, the window treatments approved by the Planning Board.

Chairman Boxer stated okay. Any questions?

Mr. Spector stated I read through the Planning Board's resolution and it seems like they put a lot of thought into it as well.

Chairman Boxer stated I spoke to Whitney, who was either flying or stuck down in Florida still. And he says he has a proposed resolution drafted for this already following the Planning Board recommendations and then the usual stuff we always add in, like if you want to change it, you have to come back, like those kinds of things. And one thing that I noticed that they put a condition upon 6 months to completion, Planning Board.

Mr. Palmer stated Planning Board typical special permit condition, right now Party City and Modell's have, I believe, already submitted building permit applications to work on the demise space.

Mr. Lerner stated we pulled a demo permit on Monday, yesterday and we commenced demolition work this morning, I believe.

Chairman Boxer stated okay but Modell's inside is staying where it is, right?

Mr. Lerner stated correct, we're just shifting the demising wall such that we shrink their space and increase the existing vacancy size.

Chairman Boxer stated okay.

Mr. Lerner stated right.

Mr. Palmer stated and the Architectural Review Board has granted, they have two review authorities, one is the exterior building alterations which they approved last month and they will still be considering the sign permit application at their September meeting. We do appreciate this Board hosting its August meeting but the Architectural Review Board will hear it in September.

Chairman Boxer stated okay, so if you'd like to go through, well let's make it simple. I have a letter here dated July 31<sup>st</sup>...

Mr. Palmer stated yes.

Chairman Boxer stated and in that letter on pages 2 and 3 and 4, are the changes that they're making to the signs. Rather than going through all of them and telling what you're asking for, does anybody have any objection to the signs the way they are not positioned? As I understand it the graphics also have to be 18 inches back from the window.

Mr. Palmer stated correct.

Chairman Boxer stated it can't be in the window.

Mr. Palmer stated and that's listed in the approval resolution.

Chairman Boxer stated right.

Mr. Spector stated so the graphics all match what was in the July 31<sup>st</sup> letter.

Ms. LaRue stated yes

Mr. Palmer stated yes, the updates...

Mr. Spector stated everything is to scale based on the letter.

Mr. Palmer stated this was based on the Building Inspector who also submitted a letter to this Board. Just for the record, the applicant did re-notice this public hearing just to ensure that there were no discrepancies between the, there were some minor clarifications that were made by the Building Inspector. So this meeting was re-noticed to the public for continued public hearing but we had modified it. It was more of a written but the document now, including the table reflects the updated...

Mr. Hoyt stated I think it's a reasonable compromise, I'm for it.

Chairman Boxer stated okay. Before we take a vote, anybody here want to make a comment on this, in the public here, over there? Okay, so the first thing we have to do is close the public hearing. Looking for motions.

Ms. Greenberg made a motion to close the public hearing. Seconded by Mr. Spector.

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

Chairman Boxer stated now as to the application, the resolution which Whitney will complete will follow pages 2, 3, and 4 of the July 31<sup>st</sup> letter from Cuddy & Feder and did we do the, alright, last time we didn't get to it and I don't know it by heart, we have to do the 5 conditions...

Mr. Palmer stated the 5 factors?

Chairman Boxer stated if you have it there, it would be very appreciated.

Mr. Palmer stated I do.

Chairman Boxer stated okay...

Mr. Spector stated [inaudible].

Mr. Palmer stated [inaudible].

Chairman Boxer introduced the 5 factors:

1. *Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by the granting of the area variance.*

Mr. Spector stated give the changes that were made and the nature of the business district that this is located in, my opinion is that this will not.

2. *Whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than area variance.*

Chairman Boxer stated and I don't think they do that because they need the signs that require the variances.

3. *Whether the requested area variance is substantial.*

Chairman Boxer stated under the new one I don't think it's terribly, I think it's adequate, I don't think it's overboard.

4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district.*

Chairman Boxer stated and I don't think it will do that either.

5. *Whether the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board which shall not necessarily preclude the granting of the area variance.*

Chairman Boxer stated which it's always self-created but it's just something we have to take into consideration and I don't think it's a problem here.

Mr. Spector stated I would agree with you on every point.

Chairman Boxer stated okay. Alright, so rather than going through the whole thing, want to just make a motion to follow the Cuddy & Feder pages 2,3,4.

Mr. Palmer stated if we may, not to interrupt the vote but also the comments from the Building Inspector which delineates also the variances that were requested by the applicant. Our letter just included the clarifications...

Chairman Boxer stated okay.

Mr. Palmer stated so the Building Inspector's letter does go through each of the...

Chairman Boxer stated thank you, alright. So it will be the August 16<sup>th</sup> letter from the Building Inspector and the July 31<sup>st</sup> letter from Cuddy & Feder. Do I have a motion to accept those letters?

Mr. Spector stated does it still have to be subject to the ARB's...

Chairman Boxer stated it will be but that's not our problem.

Mr. Spector stated okay.

Chairman Boxer stated not that, I don't have any problems, they just have different...

Mr. Spector stated understood.

Chairman Boxer stated anybody want to move to accept it?

Mr. Spector I would move to accept this as dated.

Ms. Greenberg second the motion.

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

Mr. Palmer stated thank you very much we appreciate all the Board's time with us and we look forward to continuing to have Party City here in Mount Kisco.

Chairman Boxer stated the next time you come, bring the poppers.

Mr. Lerner stated it's a deal, thank you.

Mr. Palmer stated thank you very much again, for hosting this meeting.

**2. Kisco Radio Circle Associates, LLC**  
**40 Radio Circle**  
**Mount Kisco, NY 10549**  
**(SBL) 80.56-6-5**

**Case# ZBA 18-10**  
**Area**

Mr. Patrick Croke of Patrick Croke Architects and Mr. Nick Manitaras, property owner were present.

Chairman Boxer stated okay, now, the second one is ZBA18-10 Kisco Radio Circle Associates, LLC, 40 Radio Circle. Please identify yourselves for the record.

Mr. Manitaras stated I'm Anastasios Manitaras, the owner of 40 Radio Circle.

Mr. Croke stated Patrick Croke, architect for the project.

Nick Manitaras stated his son.

Chairman Boxer stated you're learning, huh?

Nick Manitaras stated yeah.

Chairman Boxer stated that's how I got into business with my father. So we've reviewed all this. The problem we have to do is a lot of it is site variances and without the Building Department here, we really can't make any decisions of whether or not we would approve it. But if you go through it, we'll at least understand what you're doing. We can take it up at the next time when we have a full Board, because it was a special meeting, not everybody was able to be here.

Mr. Croke stated okay. As you just mentioned, the variances tonight are all relative to site plan. The history on this property is it was constructed, it was approved in 1968, constructed shortly thereafter in 1969 and 1970. The Manitaras family bought it in 1980. This is the current site plan, there's parking at the rear, parking down the side and parking across the front. The problem with those, when we looked at the original approved site plan...

Chairman Boxer stated right.

Mr. Croke stated the original approved site plan from 1968 has parking at the rear and parking at the side and no parking at the front.

Chairman Boxer stated right. Actually, just point it out, it has a lawn in the front...

Mr. Manitaras stated it still has lawn on the front.

Chairman Boxer stated yeah, no I understand. But it had the whole area in the front was designated as lawn, it's just a question of...

Mr. Croke stated that's original.

Chairman Boxer stated what's being proposed is going over some areas that should have remained...

Mr. Croke stated what's being proposed is to all the property to stay in it's existing condition, as it has been for nearly 50 years.

Chairman Boxer stated just, I'm not saying it's bad, I'm just saying that based on the original plan, the way it was built the green area was paved over.

Mr. Croke stated correct.

Chairman Boxer stated okay.

Mr. Croke stated we did a little research with the help of Mr. Miley using the Westchester County GIS. See currently it shows the lot as it is...

Chairman Boxer stated right.

Mr. Croke stated 2009, 2000, 1990, all the way back to 1976, aerial photographs show the paving. It seems pretty clear to everyone that it was originally built in this current configuration. So I don't know if it got approved and files were lost, I don't know what happened...

Chairman Boxer stated I understand.

Mr. Croke stated but it's been in this situation for 50 years...

Chairman Boxer stated right.

Mr. Croke stated and no one noticed, no one complained until they had to go for a special permit for a new tenant moving into the building.

Chairman Boxer stated everybody liked it because you can go right into the front of the building.

Mr. Croke stated right.

Mr. Spector stated I saw that the original site plan states manufacturing, is that correct?

Mr. Croke stated it's in an RD zone, I don't know what the, I guess it was a manufacturing building at one point.

Mr. Manitaras stated it was a health spa, once.

Mr. Spector stated what's it used for now?

Mr. Croke stated it's multiple uses, the largest...

Chairman Boxer stated they have the Karafin School on the left, which is a special school.

Mr. Spector stated yeah.

Chairman Boxer stated and then it has, or it had, you're looking to go into the space that was occupied by the...

Mr. Manitaras stated physical therapy.

Chairman Boxer stated physical therapy.

Mr. Croke stated that's the plan with the current tenants. So the Karafin school does take up a majority of the building. There's a dentist, a couple of offices, a wholesaler and the Katonah Arts Center is looking at taking that central space. It used to be a physical therapy studio.

Chairman Boxer stated I used to go there.

Mr. Spector stated are you before the Planning Board on this as well?

Mr. Croke stated yes, we are. We've been to the Planning Board a couple of time already. I think we're close to making them happy. They have considered the shared use of parking spaces. If you look at the original plan, it was approved for 55 spaces, there are currently 119 on the lot. Those current spaces are a little bit smaller than the Code requires and a little bit closer together than the Code requires. We've looked at an option of restriping the parking lot...

Chairman Boxer stated does the number that you're proposing meet the current Code for the number of parking spaces?

Mr. Croke stated for the current uses, it does not. We're short by about 33 spaces, I think, I forget the exact number but we are short...

Chairman Boxer stated okay.

Mr. Croke stated but with the shared use between Karafin which requires 40 spaces for their students, their rules prohibit students from coming by car, they all come by bus. So there are no student vehicles on the lot. So with the shared parking, the Planning Board is considering and I think, very likely to approve, we do meet the parking requirements.

Chairman Boxer stated that makes sense.

Mr. Spector stated I thought it was a parking variance that we needed here. Parking variance required.

Mr. Croke stated you do, unless they issue the shared, I think...

Mr. Spector stated so we don't know yet whether we need it or not.

Mr. Croke stated Michelle, correct me if I'm wrong. The Planning Board has the ability to overrule the parking requirements and approved a shared parking arrangement.

Mr. Hoyt stated what about the space though, the actual parking lot space, is that still...?

Mr. Croke stated well that's, we've looked at restriping the parking lot to...

Mr. Hoyt stated is that part of the Planning Board's...

Mr. Croke stated it's part of something we've presented to the Planning Board, yes.

Mr. Nick Manitaras stated the Planning Board the last time they said, they recommended that we didn't.

Mr. Croke stated no, no, they, we are restriping the back and the side to make that meet the Code. We looked at the front, in restriping the back and the side, we get a reduction of 8 spaces...

Chairman Boxer stated okay.

Mr. Croke stated but these are all now in conformance with the dimensional requirements. We looked at restriping across the front, that would lose an addition 8 spaces or an additional 5 spaces to do that. So the Board has said, they would prefer leaving it the way it is and having 5 additional spaces because the dimensional differences on these spaces is minimal.

Chairman Boxer stated okay. Can you tell us what the difference is in dimensions between the Code and what's there?

Mr. Croke stated it's mainly the space between the back of the parking space and the curb opposite. They're required to have 22 feet and they have 19'7".

Chairman Boxer stated and the width of the stalls are correct?



Mr. Croke stated the width of the stalls are correct. The stalls themselves are close, it's the space between so we would have to angle it to 60 degrees instead of 75 [degrees] and in doing that we lost 5 spaces in the length.

Chairman Boxer stated what's the current, this is why we need the Building Inspector. What's the current requirement for a parking space?

Mr. Croke stated it depends on the angle of the space.

Mr. Spector stated does that include handicap parking as well?

Mr. Croke stated it does not include handicap spaces right now.

Mr. Spector stated there are none right now?

Mr. Croke stated there are none on site right now. If we were to add...

Mr. Nick Manitaras stated Karafin has a few, right out front.

Mr. Manitaras stated Karafin has it and physical therapy on the front has three or four on the front of the building. Karafin School has like three or four.

Mr. Croke stated they may designate them but I don't think they had the space required that's adjacent to them. There's additional space required, adjacent to a parking space to make it handicap accessible.

Mr. Hoyt stated yeah, we all know handicap spaces are giant.

Mr. Croke stated right, so for every two full accessible van spaces, we would lose one parking space.

Chairman Boxer stated okay.

Mr. Croke stated there are things like in the back here where we can do a handicap space adjacent to the current but all the ramps are in the front.

Chairman Boxer stated okay.

Mr. Croke stated so, there are places we can make handicap accessible spaces but we would lose one full spaces for every two accessible spaces for the access route.

Chairman Boxer stated okay.

Mr. Hoyt stated can I ask and this may have come up in other committees. What worries the most, no so much parking but safety issues. What's your thought, has that come up? With this current configuration and I know it's been there for a long time, is there a concern, you're adding a lot of additional children. Is there room for police vehicles, ambulances, fire trucks, kids leaving emergency doors, they're going to go right into a parking lot where they hadn't. Is that something that people have broached before?

Mr. Croke stated it has not been a concern of the Planning Board. The Karafin School has been there for 30 years.

Mr. Hoyt stated I understand it's been a nonconforming building and area for many, many years but if we're approving...

Mr. Croke stated well I think what's been nonconforming is the size of the spaces. We are well, we're double what was originally approved for the number of spaces...

Mr. Hoyt stated I thought there was also the development coverage.

Mr. Croke stated development coverage, yes. And that's because this front area...

Mr. Hoyt stated there's my point, I understand...

Mr. Croke stated but that has nothing to do with ambulances and police access.

Mr. Hoyt stated why wouldn't it?

Chairman Boxer stated well it doesn't. I think what you're. He's saying that when they come out, if you put a fire truck in that space there, they will take up the whole width and you'll have to have your emergency vehicles back to back to back rather than being able to [inaudible].

Mr. Hoyt stated I'm not trying to create an issue that's not there. I'm just saying that, you're pointing out, I mean it seems kind of obvious, right? You're adding an additional school there, seems reasonable for somebody to make sure that this property is as nonconforming, is safe, right?

Mr. Croke stated of course. And as the Planning Board has not raised that issue at all, so I would assume that they do not have a concern on that.

Mr. Hoyt stated maybe they should.

Chairman Boxer stated we could require speed bumps or something like that.

Mr. Hoyt stated I'm just, it's kind of very simple. I just think there are a lot of emergency exits, they're going right, where they previously went onto a lawn, they're going right into a parking lot.

Mr. Manitaras stated they can come in from here, they can also go around the building.

Mr. Hoyt stated it would be nice if somebody, I don't know what jurisdiction that is but someone just make sure, that's a tight lot, you know, we've all seen it. God forbid there is a bad accident there, is it accessible?

Mr. Manitaras stated there's one exit here, and they go out and...

Mr. Croke stated they're talking about when people come out of the door.

Mr. Manitaras stated yeah.

Ms. Greenberg stated and also the angle of the spots is limiting the space at this point, right? You're saying...

Chairman Boxer stated well it's worse space than if they went...

Ms. Greenberg stated you're saying 19 versus...

Mr. Croke stated 19 ½ versus 22.

Ms. Greenberg stated so that's...

Chairman Boxer stated right. I mean I don't know if we have the jurisdictions, that's another reason we need the attorney who's not here or if that's the Planning Board but this is a site variance request and we can work with the Planning Board in considering those things.

Mr. Hoyt stated no, I agree. Again, I think it's principals of equity, this has been there for a long time. So it just strikes me as a safety issue that should be addressed and probably is not an issue.

Mr. Spector stated if I'm looking at this, the way I would interpret this is that the uses of the building have significantly changed over the years. If this was originally a manufacturing building which required all the additional parking, especially when you medical uses and a school. So I think that's really, that may be one of the driving forces here is that you need all this parking here. But we don't know yet, it seems like whether or not going to need a parking variance or not because the Planning Board is still looking at that issue. So in terms of what the actual variances that you're going to be looking for right now is lot coverage, I believe and buffers.

Mr. Croke stated yes. Now, on the buffers, if you look at the original approved site plan, the buffers that are shown on this are the buffers that have been provided on the rear and the side. The only difference is the front.

Mr. Spector stated right.

Mr. Croke stated now we have gone to the Planning Board multiple times, we are looking at options on the coverage, we did submit an updated...

The Secretary stated there's one on the table.

Mr. Croke stated did submit an updated site plan which incorporated their comments. That was, they liked the change of the parking areas on the side and in the rear to meet current Code. They preferred that these stayed as they are, to maintain the additional 5 spaces. And we did talk to them about removing paving in a few areas here, the grayed areas that are show on the site plan.. Removing that reduce the coverage by approximately 3,200 square feet, that's about 5% difference on the coverage. At substantial cost to the owners of the property for something that again, hasn't been noticed in 50 years.

Chairman Boxer stated right but any time you come with a new plan, it starts with ground zero all over again.

Mr. Croke stated we know.

Mr. Hoyt stated I liked the addition but personally I'm not too concerned with parking because I think parking is an issue the owners of the building and the tenants care a lot about. So we're all in, I think there's a vested interest in keeping parking space and enough of it.

Mr. Croke stated as you know, parking is a rare commodity in some areas of Mount Kisco and fortunately this is one of the spots that...

Mr. Manitaras stated half of Mount Kisco parks there.

Mr. Croke stated that does have parking.

Mr. Spector stated at least they're trying.

Chairman Boxer stated do any of your tenants' leases have specific spots designated for tenants? Have you guaranteed a certain amount of spots to tenants.

Mr. Manitaras stated Karafin has on the back of the building...

Mr. Nick Manitaras stated we only have one or two that it's for teachers that need to walk close...

Mr. Manitaras stated for the teachers and himself. All the rest of them they parking, there's plenty of parking...

Mr. Nick Manitaras stated we've never had a problem.

Chairman Boxer stated I'm just asking what the lease states.

Mr. Manitaras stated no, nothing.

Chairman Boxer stated okay.

Mr. Nick Manitaras stated and nobody has ever really brought it up because there's always available parking that they can just, you know go in and out without feeling they have to search for parking.

Chairman Boxer stated I can tell you when the PT was there, sometimes there was no parking in the front there.

Mr. Nick Manitaras stated in the front, yeah.

Mr. Manitaras stated in the front, always, everybody likes to park out front.

Chairman Boxer stated well that's where their entrance was, I didn't even know they had a rear entrance over there.

Mr. Manitaras stated yeah.

Chairman Boxer stated so it will be a problem, hopefully by putting additional parking or restriping it the way you have it with enough arrows will keep it from everybody from turning left and someone will go straight instead.

Mr. Hoyt stated did you say that a revised proposal has no, was there a kiln right, initially? That's no longer or...?

Mr. Croke stated correct, the new tenant was looking for an outdoor propane kiln. There were concerns from the Planning Board about the safety issues on that, people going back and forth across the parking lot to get to it, so we've removed it for now.

Chairman Boxer stated that's over here?

Mr. Croke stated correct. We're waiting to see if there's a way to install it on the interior of the building with a flue. We haven't gotten feedback yet from the manufacturer. So we removed it for now.

Mr. Manitaras stated we just left it as it is.

Mr. Croke stated it will not be going in, if they do want to have it go in, it will either be part of the building permit or if it does go outside, we'll need to come back for site plan approval again.

Mr. Nick Manitaras stated and they're okay with that because they didn't even buy it yet.

Mr. Croke stated they have, this one they have.

Chairman Boxer stated this is going to be a school for kids to learn the arts which include pottery...

Mr. Manitaras stated not just for kids, for adults.

Mr. Nick Manitaras stated the kids are usually only in the summer when she does the camps.

Chairman Boxer stated alright, I'll tell my wife during the rest of the year.

Mr. Croke stated they do have electric fired kilns that will be in the building, they do not require special flues or anything. They're intended to be within the space. This one is a much higher temperature. It's an older one that was donated to them, I think they're looking at purchasing a new one that may give them more options.

Chairman Boxer stated okay, got it. And that's propane?

Mr. Croke stated that one is, yes.

Chairman Boxer stated you have gas in there, don't you?

Mr. Manitaras stated yes, we have gas.

Chairman Boxer stated I think as much, we've gone about as far as we can go right now until the Planning Board decides what they want and then we have our appropriate municipal officials here to verify that.

Mr. Croke stated I didn't realize the Building Inspector and Attorney were...

Chairman Boxer stated well I just found yesterday. The attorney was supposed to be here...

The Secretary stated the attorney was supposed to be here, he couldn't catch a flight.

Chairman Boxer stated yeah, they wouldn't let planes go from Florida to New York because the Carolinas had a storm.

Mr. Spector stated really?

The Secretary stated and as this was a special meeting, the Building Inspector had scheduled his vacation to when there not would have been a meeting.

Chairman Boxer stated right. So, any questions for us? No?

Mr. Croke stated no, I don't think so. Again, it's a request to be a little more lenient in that there is something that has been there for 50 years and no one ever noticed.

Chairman Boxer stated okay.

My. Hoyt stated I'm surprised that this issue hadn't come up previously, this building has been around a long time, you've owned it a long time.

Mr. Manitaras stated never been any problem.

Mr. Croke stated there's never been a problem with parking or...

Mr. Hoyt stated well not an issue but a change that would require the rigmarole that you're doing now, I'm surprised.

Mr. Spector stated yeah, when they change tenants and different uses come in, wouldn't that have to go before the Boards?

Mr. Croke stated I think this is the first one they've ever had to get a special permit for.

Mr. Hoyt stated you think a new owner?

Mr. Croke stated they've owned it since '80.

Mr. Hoyt stated still, 1980, why wasn't this...

Mr. Nick Manitaras stated we've actually had the same tenants for 20-something years.

My. Hoyt stated well in 1980 unless the Codes changed...

Mr. Manitaras stated [inaudible].

Chairman Boxer stated well there's, there had been change in Codes, they've gotten much stricter in the last go around.

Mr. Croke stated you see the original approval was 55 spaces and not it's 150.

Mr. Hoyt stated well cars are bigger now.

Mr. Croke stated cars have gotten bigger.

Mr. Spector stated and smaller, you've seen the little smart cars.

Chairman Boxer stated if we can keep the public hearing open, then they don't have to re-notice. Okay, anyone want to move that please?

Ms. Greenberg stated I move to keep open the public hearing.

Chairman Boxer stated second?

Mr. Spector seconded the motion.

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

Mr. Croke stated okay.

Chairman Boxer stated okay, we'll see you next time.

Mr. Croke stated thank you.

Mr. Nick Manitaras stated thank you.

Mr. Croke stated so the next meeting is...?

Chairman Boxer stated ask her.

The Secretary stated September 18<sup>th</sup> but we have to discuss...

Mr. Croke stated before Planning Board or after Planning Board.

The Secretary stated after Planning Board. That happens to be...

Chairman Boxer stated oh, guess who won't be here September 18<sup>th</sup>.

The Secretary stated yes but that also happens to be a holiday.

Mr. Hoyt stated a holiday?

The secretary stated it's the beginning of a holiday.

Chairman Boxer stated yeah, it's a Jewish holiday.

Mr. Spector stated yeah, I won't be here that night.

Chairman Boxer stated we're going to have to do something...

The secretary stated I don't know if you want to move it to that Thursday, we can do that if you'd like.

Chairman Boxer stated the Thursday afterwards.

The Secretary stated would be the 20<sup>th</sup>.

Ms. Greenberg stated there are plenty of us now.

Chairman Boxer stated still you'll only have 3 and I won't be here.

Ms. Greenberg stated I mean Thursday, I can't do it?

Mr. Hoyt stated you'll let us know.

The Secretary stated we'll be in touch.

Chairman Boxer stated we'll try and work something out and we'll let you know.

The Secretary stated I'll send an email around tomorrow and see how we can schedule it, maybe we can get it in for that week.

Chairman Boxer stated well I'm not available Monday or Tuesday that week.

The Secretary stated alright and Wednesday is ARB, so we're running out of options?

Chairman Boxer stated could we have the meeting in the small room while they stay here.

The Secretary stated I don't see why we couldn't, I haven't had a deadline yet so I don't know how many applications are going to come in for that meeting.

Chairman Boxer stated okay.

The Secretary stated so once there's a deadline, which is next week, I'll know more.

Chairman Boxer stated okay, great, we'll do what we can do.

Mr. Croke stated thank you for scheduling a special meeting tonight and hearing us.

Mr. Hoyt stated gives us a little chance to get ahead, thank you.

Chairman Boxer stated that was quick.

The Secretary stated motion to adjourn?

Chairman Boxer stated don't look at me.

Mr. Spector stated I make a motion.

Ms. Greenberg seconded the motion.

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

The meeting adjourned at 7:35 p.m.