

Minutes of the *Regular Meeting* of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on *Tuesday, February 19, 2019 at 7:04 pm* in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Chairman Harold Boxer
Nancy Coyne
Wayne Spector
George Hoyt
Arthur Weise

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

Chairman Boxer stated we're going to open the meeting, today is February 19th. We have some housekeeping to do first, we have a whole slew of minutes. I'll put them in chronological order. Well we can't approve the May minutes because I'm the only here from that list.

Minutes:

The Secretary stated if it's a situation where we will never have a quorum, we'll have to talk to Whitney about that.

Chairman Boxer stated also, the ne from July, it will be me...

The Secretary stated that May one is a problem and I believe the October one is also an issue.

Chairman Boxer stated we will speak to esteemed counsel and see what he says.

Mr. Hoyt stated as soon as we find him.

Chairman Boxer stated he's right here.

Mr. Hoyt stated I know, it was a joke.

Chairman Boxer stated okay, here we got. August 21st, we have three of use here. Any changes in the minutes in August?

Mr. Spector stated no.

Mr. Hoyt stated no.

Chairman Boxer stated a motion please?

Mr. Spector introduced a motion to approve the minutes from August 21, 2018. Mr. Hoyt seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 3 to 0.

Chairman Boxer stated okay and then we have the same thing for September. Any changes?

Mr. Spector stated no.

Mr. Hoyt stated no.

Chairman Boxer stated okay, a motion?

Mr. Spector introduced a motion to approve the minutes from September 20, 2018. Mr. Hoyt seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 3 to 0.

Chairman Boxer stated okay, now this is interesting, the October we only have one person that was at the October meeting. Whitney, we have some minutes that can't be, we don't have enough people because people have left, what do we do with those?

Whitney Singleton stated historically, what we've done with those is have the people vote that are here. There's not much you can do more than that, particularly if they've moved out of Town.

Chairman Boxer stated on the October meeting...

Mr. Hoyt stated well you want to wait on the October one, we can do it next time because Nancy's still around and myself.

Chairman Boxer stated we do that. We'll go to the November meeting, which is the three of us again. Any changes?

Mr. Spector stated no.

Chairman Boxer stated motion please?

Mr. Spector introduced a motion to approve the minutes for November 20, 2018. Mr. Hoyt seconded the motion.

Chairman Boxer asked for all in favor. The motion carried by a vote of 3 to 0.

Chairman Boxer stated and do we want...

The Secretary stated so you want to hold May 15th, July 17th and October 16th until Nancy's here?

Chairman Boxer stated right. Okay, first case is ZBA18-11 70 Woodland Street.

**1. Patrick Croke
70 Woodland Street
Mount Kisco, NY 10549
(SBL) 80.49-1-14**

**Case# ZBA 18-11
Area**

Mr. Patrick Croke, architect and Mr. Donal Nolan, owner were present.

Chairman Boxer stated please give your name to the Secretary.

Mr. Croke stated my name is Patrick Croke, I'm the architect for the project.

Chairman Boxer stated okay.

Mr. Croke stated Mr. Nolan, the property owner is here this evening as well, in case you have any questions for him. We were here several months ago looking at variances to allow for a second story addition on an existing two-family house, and at that time, we were proposing a parking area for the front of the house. We've been through multiple meetings with the Planning Board, their consultants and gotten a lot of good feedback and as a result, we come to you tonight with this revised proposal. The renovation on the house has been reduced in size, there is an existing porch on the side of the house here that we had originally proposed to expand a bit to create a stairwell up to the second floor, that is not removed completely, there is no building addition on this side of the house. The stair has been moved to the interior of the house. We have a stairway and a ramp providing access to the rear apartment on that side. The parking area, instead of being on the front has been moved to the side of the property. We originally had a little bit longer to provide for car parking, the Planning Board through multiple variations arrived at this arrangement here where you come, drive in there are two cars parked, the cars will be required to back out onto the street. They are in the side yard, the required 10 [foot] side yard setback is right here, so half of that parking area is within the side yard setback. Through the reduction in the size of the addition of the house and reduction in the size of the parking area, we no longer require a development coverage variance, this is within the allowable 40%. The variances we do require on the house itself, there is a small addition on this front corner, the second floor addition is over the existing first floor footprint, so that little 1.7 foot requires a front yard variance. The lot is nonconforming, so we do require a variance for expansion of something on a nonconforming lot. And then the other variances are for the parking area, the side yard setback that I mentioned, the two cars versus the four cars that would be required under Code for a two-family house and for backing onto the street. I've got some photographs here, this is the house that's being expanded, there's a large house to the right side, a smaller but two-story house to the left side and then surrounding are varying sizes and shapes of homes. As you can see from the street, most of the streets do have a single driveway that goes to the rear of the property. I would say most of them do have a turnaround area in the rear, although most of them don't, they all parking in the driveway and back onto the street, that's a common thing in the neighborhood. This house is here towards the end of Woodland...

Mr. Hoyt stated what's the street parking like?

Mr. Croke stated there is on street parking allowed.

Mr. Hoyt stated both sides?

Mr. Nolan stated just one side.

Mr. Croke stated just one side, the opposite side.

Chairman Boxer stated what do they do when it snows? You're not allowed to have street parking.

Mr. Croke stated they park elsewhere.

Chairman Boxer stated are you going to require the tenants to have only one car if they sign a lease?

Mr. Nolan stated one car per unit.

Chairman Boxer stated one car per apartment.

Mr. Spector stated how many bedrooms in each unit?

Mr. Croke stated there are three bedrooms in each unit.

Whitney Singleton stated proposed.

Mr. Croke stated as proposed. The first floor, the front apartment has three bedrooms, three bedrooms above. The rear apartment has two bedrooms above and one on the first floor.

Mr. Spector stated so this is an existing two-family, right?

Mr. Croke stated correct.

Mr. Spector stated and...

Mr. Croke stated and it was originally built in 1928 and converted to a two-family in 1954.

Mr. Spector stated and what is the current bedroom count in each unit, as is right now without the addition.

Mr. Croke stated it's one bedroom on each.

Mr. Spector stated so you're proposing 2 three bedrooms from 2 one bedroom units, right now.

Mr. Croke stated correct.

Mr. Weise stated and one car per...

Mr. Spector stated and one car per. That's going to be tight, I know very few families, especially with three bedrooms that don't have 2 cars, at least. How many bathrooms in each unit?

Mr. Croke stated on the front unit, there's one bathroom on the first floor and a second bathroom on the second floor. The rear apartment also has one on each floor.

Mr. Spector stated and the Planning Board had no issue with the parking limitations on this property? For 2 three bedroom units.

Mr. Croke stated well its been a two-family house now for 60 years...

Mr. Spector stated well 2 one bedroom units is different than, I understand that.

Mr. Croke stated I think we'd all love to get 4 spots on it but there's not room to do 4 spots. So I think providing 2 spots is a much better solution than none. We're trying to do the best we can for the property, for the neighborhood. Getting two cars off the street that have been there for 60 years.

Mr. Weise stated so previously there was no parking?

Mr. Croke stated correct. There is no on-site parking at this time.

Mr. Weise stated I see.

Mr. Hoyt stated and they weren't parking on the side lawn or anything, currently.

Mr. Croke stated no, right, nobody parks on the property at all.

Mr. Nolan stated they're allowed to park on the lawn to the right.

Mr. Croke stated there's a sidewalk and a curb all the way across, so I would imagine there's some kind of law against that, if it was done.

Chairman Boxer stated do you have some comments, Whitney?

Whitney Singleton stated in that regard no but in light of Patrick's letter, I just want to point out one thing. The January 28th letter and I don't want to overstate or understate it, when he says the Planning Board, his client and he feels that the proposed is a good solution. I don't know that that's an accurate representation, the Planning Board was not willing to give an endorsement of this application as they frequently do. There was a mixed review of this, I know that the Planning Board understands that it's a tight site and it's a small parcel and parking is not very easy. Patrick's come up with a lot of different scenarios to address it but I don't know that the Planning Board, I don't know that that's an accurate representation to say that the Planning Board thought that this was a good solution.

Mr. Croke stated I think they thought it was the best solution.

Whitney Singleton stated maybe.

Mr. Spector stated well they still had to refer you here because this is a...

Mr. Croke stated of course.

Mr. Spector stated pretty significant expansion of a nonconforming use and going from two 1 bedroom units to two 3 bedroom units is pretty significant actually, in terms of expanding a nonconforming property and use.

Mr. Croke stated right but the expansion of the house itself doesn't require the variances, the variances are in order to provide parking on the property that currently doesn't exist.

Mr. Spector stated well it does require the variance because it was nonconforming, right?

Mr. Miley stated noncomplying.

Mr. Croke stated yes.

Mr. Miley stated the use is conforming...

Mr. Spector stated the use is conforming but it doesn't comply...

Whitney Singleton stated with the underlying development regulations.

Mr. Spector stated with the underlying development regulations, okay.

Mr. Croke stated because the lot size is under...

Mr. Spector stated that's one of the reasons.

Chairman Boxer stated you want to double a nonconforming...

Mr. Spector stated noncomplying.

Chairman Boxer stated noncompliant...

Mr. Spector stated more than double.

Chairman Boxer stated yeah, so you want to make it noncompliant and make it 50-60% bigger.

Mr. Croke stated correct. We want to make the house bigger, although the size of the house is conforming the coverage on the lot is now conforming. The only thing that's nonconforming about the addition is that 1.7 foot corner here, it's approximately 2 square feet of the building is nonconforming to the front yard setback.

Chairman Boxer stated where is the backyard?

Mr. Hoyt stated so what happens if 3 or 4 cars squeeze on that lot routinely, because that's what's likely to happen, right?

Mr. Spector stated there is no place for three or four cars.

Mr. Croke stated well I think that's what the Planning Board was trying to do in minimizing the size of the parking area. You can always park a car here...

Mr. Spector stated but if you park a car there, if you have two spots, you have two units, if another car is parked there and somebody from the other unit wants to get out, then that person has to back out in order to let that person get out as well, looks like.

Mr. Croke stated as they do in the other...

Mr. Spector stated the difference is if you're within one unit, one family, yeah you tell your son, you tell your wife can you move your car so I can pull out. Here you have to go knocking on somebody else's door and ask your neighbor to pull the car out so you can get the other car out.

Mr. Croke stated I understand and again, the Planning Board asked us to keep, to minimize this to, people are going to park wherever they can park.

Mr. Spector stated right.

Mr. Croke stated the point of doing it this way was to minimize the incentive to park there.

Mr. Hoyt stated I'm thinking of the unsightliness of cars jammed on that lot from the neighbors' perspective and also safety if they're encroaching on the sidewalk, that's going to be a natural tendency for people.

Mr. Weise stated the other issue is if there are 2 cars per unit, they're going to be fighting for those spots.

Mr. Hoyt stated he's going to have one per unit.

Chairman Boxer stated he's going to have to assign the spaces.

Mr. Spector stated right.

Chairman Boxer stated and the Planning Board, I don't know who has jurisdiction, were they okay with taking the big tree down in the front?

Mr. Croke stated they didn't object to it. We worked a way to maintain the tree and the shrubbery in the back.

Chairman Boxer stated have you applied for a permit to take it down?

Mr. Croke stated no, we have not.

Chairman Boxer stated I think you need to do that to see if they approve it first.

Mr. Miley stated it will be part of the Planning Board...

Chairman Boxer stated Planning Board will do that?

Mr. Miley stated they would allow it, they may or may not allow it but that will be part of the Planning Board application.

Chairman Boxer stated okay.

Mr. Hoyt stated so I'm sorry, currently there is not parking, I know you said that but I'm just looking...

Mr. Croke stated correct, correct, there's a walkway coming up, the rest is lawn, you can see from the photographs. It needs to be mowed in that picture but there's just lawn.

Mr. Spector stated again currently there's no parking for two 1 bedroom units, versus two spots for two 3 bedroom units.

Mr. Croke stated and under zoning, the parking requirements are the same no matter how many bedrooms, if I understand your point.

Mr. Spector stated it's a tough lot, obviously.

Chairman Boxer stated is it within the coverage allotment with the driveway added?

Mr. Croke stated yes it is.

Chairman Boxer stated it seems that just like the Planning Board we're not thrilled with this.

Mr. Spector stated definitely not.

Mr. Croke stated I don't think anyone thinks it a perfect solution but we're trying to improve...

Mr. Spector stated I just think that 2 three bedroom units is going to attract families which is not a bad thing, it's just that generally speaking it means usually in this day and age, is this economy, you have two working individuals plus a child, so usually that means at least two cars and if the child is 16 or 18 years old, that could be a third car, potentially.

Mr. Hoyt stated won't the, if I'm a family looking at that house, won't I cross that off the list if I see there's only two spots? Won't it take care of itself a little bit?

Mr. Spector stated that's possible as well, you're right.

Mr. Hoyt stated I'm just wondering whether we're comfortable that if people are parking improperly on the street or on, or even on the curb, whether that would be, whether we have good street management from that perspective because otherwise I think. Honestly, whether he keeps it the same, he's probably still put a parking lot there, right even if you had 2 one bedroom apartments there, I don't see that big of a difference.

Mr. Spector stated and also, there was no parking on this property beforehand. Are there other houses on this street that do not have driveways and parking or off-street parking or is this only one?

Mr. Croke stated I think they all have a driveway and parking. I don't know the exact number but I would guess 25% of them have a single lane driveway, most of the others have a garage or a turnaround in the back.

Mr. Hoyt stated can you put the pictures up, do you mind?

Mr. Croke stated of course. You can see from the aerial here, a lot them do have things in the back, this one doesn't, that's just straight in.

Mr. Hoyt stated I mean this house is almost out of character at the moment because it's only one story.

Mr. Spector stated are any of these other houses two-families that we're looking at here?

Mr. Croke stated are there other two-families on the street? How many?

Mr. Nolan stated yes.

Mr. Croke stated the one to the right, the big stucco one to the right is two-family. The one across the street, the brick one.

Whitney Singleton stated across the street is a single-family.

Mr. Hoyt stated well it would be nice if, ideally, how this is supposed to work. Interested neighbors would come and voice their opinion one way or the other because you're taking out a nice little side lawn there but again, I think from a parking standpoint, if there's currently no parking then clearly people are parking on

the street. This way in theory, they're parking off the street in a lot that presumably code to the extent that...

Mr. Spector stated the pictures do not show a lot of cars parked on the street, you said Whitney, one side is unrestricted parking?

Mr. Croke stated it's mainly evening parking, right?

Whitney Singleton stated during the summer and fall and spring months, it's one side of the street parking, during the winter there's no parking during snow emergencies.

Mr. Spector stated but typically its only restricted during a declared snow emergency, it's not like from November through...

Whitney Singleton stated yeah, I believe. I believe, I'm not 100% certain.

Mr. Spector stated you can park overnight during the winter.

Mr. Dolan stated that's correct.

Whitney Singleton stated and at the end of the street is where the single-family zoning begins. So this house is adjacent to a single-family neighborhood.

Mr. Croke stated from this street over.

Mr. Weise stated is there one on [inaudible].

Whitney Singleton stated yes.

Mr. Weise stated oh okay.

Chairman Boxer stated so they would have to, they couldn't park on the street, the closest parking lot is downtown I would think, yeah.

Mr. Weise stated the house just to the right, is that a two-family home?

Chairman Boxer stated the big one.

Mr. Croke stated this one?

Mr. Weise stated yeah.

Mr. Croke stated I believe it is but I'm not positive.

Whitney Singleton stated its certainly zoned two-family.

Mr. Nolan stated this is a two-family here, and I believe this one and then the one across the street at the other corner is two-family.

Whitney Singleton stated the brick one is a one-family.

Mr. Nolan stated yeah?

Whitney Singleton stated I think Peter can attest to that.

Mr. Miley stated I can provide you with a list of two-families. I don't want to shoot from the hip and tell you which ones may or may not be...

Chairman Boxer stated right.

Mr. Miley stated or where parking is actually permitted on what side. Those are questions that if you need an answer, I can't give you tonight.

Chairman Boxer stated when did you purchase the property?

Mr. Nolan stated 5 years ago, I would say.

Mr. Spector stated I guess if the neighbors were concerned about parking, they'd be here tonight.

Mr. Croke stated we've sent out notices twice, for our first appearance and then again for this one. I believe there are 35 people on the list, it's a big list.

Mr. Spector stated there was no off-street parking, I would have, obviously a big problem with this but that's [inaudible] the mitigating factor here, that it is allowed.

Mr. Croke stated actually it was over 50 letters, went out.

Mr. Spector stated nobody is here for this.

Chairman Boxer stated how does everybody feel about the doubling the size for a noncompliant lot?

Mr. Hoyt stated well that's not in the scope, is it?

Whitney Singleton stated yeah. You're, I don't know if it was per se doubling it, I didn't look at the dimensions but its increasing the size of a building who's use is permitted but it's size is not permitted.

Mr. Croke stated the lost size is undersized.

Mr. Miley stated because of the placement of the home, the current placement, so expanding it, you expand the nonconforming.

Mr. Hoyt stated right.

Mr. Croke stated but there is no limitation on the size of the house.

Whitney Singleton stated except as constrained by the setbacks and development coverage and building coverage, yeah. Parking requirements and all those things.

Mr. Croke stated yeah.

Mr. Hoyt stated I thought you did a pretty good job. I didn't see how you can try to find, that initial proposal with the parking lot in the front was not really a good solution.

Mr. Croke stated well we were trying to meet the full Code standard with the four cars. It's been a lot of back and forth with the Planning Board and the consultants and a lot of good ideas.

Mr. Hoyt stated for me, the economics of this, if I'm renting this et cetera, I'm somebody who wants, having limited parking would be, I think naturally would reduce the value of the property, I would imagine.

Mr. Spector stated it's a matter of supply and demand with renters. Bottom line is, people know that they can park on the street for overflow parking and they can't otherwise find suitable housing, they're going to rent it anyway. It's just a question as to whether or not its appropriate to be pushing all these additional cars out on the street to begin with. There is a reason why off-street parking is generally preferred for residential in particular but I can see it's not possible here to get more than what you've got.

Mr. Nolan stated before I bought the property, I had met with Mr. Cassidy, he said it was only a matter of form to have the driveway done. And then I bought the property and shortly after he had gotten sick and passed away. So it was a concern before I bought the property to get that done and I was told it wasn't a problem.

Mr. Miley stated our Code is the same then as it is today.

Mr. Nolan stated what?

Mr. Miley stated same Code today, there's no difference in the Code.

Mr. Nolan stated I had come in and discussed it and they had told me it wasn't a problem. He was in charge, I guess at the time.

Mr. Croke stated like Planning Board reviews...

Mr. Miley stated yeah, he didn't review the Code because it hasn't changed since 1987, the two cars per unit, the driveway, the turnaround, encroachment to the side yard setback. That's the same Code since 1987.

Chairman Boxer stated well, why don't you point out the variances that you need for the Board to consider everything.

Mr. Hoyt stated out of curiosity, if he were turning this into a one family home with a second floor, how many parking spots would he need? Two?

Mr. Croke stated two.

Chairman Boxer stated two.

Mr. Croke stated I just want to get to Mr. Miley's memo so I don't miss anything. Nonconforming uses, noncomplying building as we are proposing to expand the noncomplying building. Minimum setback front yard is 23.3 feet which is the existing front yard setback on this corner and we're proposing to construct above the existing. So according to Mount Kisco's Code that does require a variance, even though we're not increasing that nonconformance as far as setback.

Mr. Miley stated that is an increase in nonconformance, the second floor is...

Mr. Croke stated no, I understand that but we're not getting any closer to the property line.

Chairman Boxer stated well just because it exists as a nonconforming, doesn't mean you can continue using it as a nonconforming.

Mr. Croke stated I understand that, I just wanted to point out that we're not getting any closer to the property line. Off-street parking regulations, we require 4 spots, we've provided 2. And front yard, a side yard variance to allow parking at the side yard.

Mr. Weise stated it's currently nonconforming because it is close to the property line.

Mr. Croke stated as far as dimension yes, this corner is closer than 25 feet to the property line. It's 23.3 and we require 25. We're increase that nonconformance by expanding upwards.

Mr. Weise stated the second floor.

Mr. Croke stated correct.

Chairman Boxer stated so you definitely, but you need a variance in order to build the second floor because you're increasing the noncompliance.

Mr. Croke stated correct, since the required lot is 6,250 feet and this one is 5,698. So 500 square foot difference.

Chairman Boxer stated I want to talk about the tructure itself. The structure itself...

Whitney Singleton stated the way we've interpreted our Code historically, when there's something that's within the setback like the first [inaudible] building in the front yard there. You increase the plane within that setback, that's deemed to be an increase in the degree of nonconformity.

Chairman Boxer stated right.

Whitney Singleton stated so for him to be complaint, if he stepped it back another 1.9 feet or a foot and a half, he would be compliant in that regard but I don't know aesthetically how that would look.

Chairman Boxer stated right.

Mr. Spector stated are the parking requirements tied into bedroom counts or are they tied into just units?

Whitney Singleton stated presently no, it's just into units and there is anomaly in our Code depending on whether or not you're a single family house or whether or not you're an apartment unit. When we have apartment units, I believe we break it down in one, two, and three bedrooms and allocation for guests but for homes, for one and two family homes, we do not. It is just two units per dwelling unit, well 2 spaces per dwelling unit.

Mr. Croke stated and then the final variance was backing out onto the street.

Chairman Boxer stated which is a big variance.

Mr. Spector stated and the added square footage by putting this second floor in, is how much?

Mr. Croke stated the building now is 1,160 square feet, so we are doubling that.

Mr. Spector stated so it's exactly building up, it's not pushed back or anything, it's just going straight up. Is there a basement in the house?

Mr. Croke stated there is a basement, there is storage and laundry down there, it's not finished.

Mr. Spector stated I don't know, is there any other information we would need or do we have to make a decision.

Chairman Boxer stated we can always request...

Whitney Singleton stated you can so a site visit too.

Mr. Spector stated I drove by it, it's hard to get a feel for it.

Mr. Hoyt stated do you have any proposed renderings or drawings of what it would look like?

Mr. Croke stated just a basic elevation prepared at this time. It's missing shutters and some details that we would add before we went to the ARB on this.

Chairman Boxer stated so one apartment enters from the front and one enters from the side?

Mr. Croke stated correct, correct. The front apartment enters through the front door, the rear apartment enters through here.

Mr. Weise stated is there any issue with having the top of one apartment bigger and the bottom of one apartment bigger? It seems to overlap, they overlap?

Mr. Croke stated yes, they do overlap, we do need to provide a one hour barrier between them which Mr. Miley will review when we get there.

Mr. Miley stated it meets the Building Code, they do.

Mr. Spector stated both apartments are duplexes, right?

Mr. Croke stated correct. Yes, you do have two family homes where there's one above the other all time, usually a whole floor and a second floor.

Mr. Weise stated right.

Mr. Croke stated the basement, as I said. There's a crawl space at this edge, then there's laundry and just storage and mechanical systems.

Chairman Boxer stated which unit can access the basement?

Mr. Croke stated the rear. The rear unit accesses the basement. The front unit has laundry has laundry as part of the powder room.

Mr. Weise stated so one of the units has access to the basement?

Mr. Croke stated one of units has direct access to the basement, there is a Bilco door on the back, so the other one can get down there if they need to fix a breaker or something like that.

Mr. Hoyt stated I think we're no worse off than we are currently. Currently it's a two family house, no parking, I worry about overcrowding in this Town but I feel like, I don't think this is incrementally worse. And presumably, it would increase the, I worry that house would be forever doomed as a small little, it looks almost out of proportion now on those pictures anyway.

Mr. Croke stated it is by far the smallest house in the neighborhood.

Mr. Hoyt stated naturally but...

Chairman Boxer stated it's also on a smaller lot.

Mr. Croke stated and with the addition, it will be average size.

Mr. Spector stated my only question is whether or not such an extensive expansion, I mean from a hardship standpoint or the necessity, are there other options available that require less of an expansion that is currently being proposed? And what are the economics of having you know, two two-bedrooms versus one or versus two three bedrooms. Obviously, there's going to be, I mean it's going to make them much more advantageous to you from a rental standpoint I assume. But is there, would it have been that much worse if they were turned into 2 bedroom units versus three bedroom units? And I'm not even sure that that's going to make a difference necessarily...

Mr. Weise stated I think it makes a difference. Whether or not he's successful in renting them, I'm guessing is not something for the Board...

Mr. Spector stated well there is an element here that has to be...

Chairman Boxer stated you have to show a hardship.

Mr. Spector stated you have to show some form of a hardship in order to justify being eligible for a variance.

Chairman Boxer stated I assume, currently your income stream covers your expenses.

Mr. Spector stated this is not a use variance.

Whitney Singleton stated hardship is one of the five elements, it is not dispositive of the application. One a use variance it would be. An area variance, it's one of the five factors.

Mr. Croke stated right and I think essentially, we're looking at the balance of the benefits to the owner versus the detriment to the neighborhood, I'm not sure there is much of a detriment...

Mr. Spector stated as is the substantiality...

Mr. Croke stated right.

Mr. Weise stated so this is the smallest house on the block and most of them are two-family homes.

Mr. Croke stated correct.

Mr. Weise stated so it's really not changing...

Mr. Croke stated it's not changing the neighborhood.

Mr. Weise stated not changing the neighborhood.

Mr. Croke stated no, I think there is one small house down in here that's similar in size now but all the rest are, as you can see from the photographs.

Mr. Weise stated was this your intention when you bought the property? Did you think of this?

Mr. Nolan stated yes.

Mr. Weise stated this was your plan?

Mr. Nolan stated yes and I did come to the Town before I purchased the property and I spoke with Mr. Cassidy and he assured me before I bought the place that it wasn't going to be a problem. So I went ahead and purchased it and when I came back he was out sick at the time and that was it, so...

Mr. Spector stated is there going to be a backyard for the property?

Mr. Croke stated there is a backyard.

Mr. Spector stated how is the backyard shared by the tenants? I'm assuming there are going to be children in this house with three bedrooms each.

Mr. Croke stated yeah, there's a backyard here, there's a little side yard here. There is no barrier between this yard and the neighbor's yard on the back, currently.

Chairman Boxer stated what's the setback from the house to the backyard line?

Mr. Croke stated we have 21.4 feet at this corner which is closest, a little more on this side.

Chairman Boxer stated what is the length on the back line?

Mr. Croke stated 64 feet plus or minus. There's two different numbers deed verse survey.

Mr. Spector stated I don't love, [inaudible] on the one hand I'm troubled by the you know, the level of the intensity of use that was being proposed compared to what existed but on the other hand, the fact that there are no neighbors here to even comment on this is also you know, somewhat telling as well.

Mr. Hoyt stated well unfortunately the neighbors might be renters and renters tend to take less interest, unfortunately.

Chairman Boxer stated but the notice goes to the owner.

Mr. Hoyt stated true, okay.

Whitney Singleton stated one other thing you can consider for the applicant, the applicant need to secure an affirmative vote of three different members and there's only 4 here tonight. So obviously you're entitled to have a full Board if it goes to a vote. I'm not asking you to read the tea leaves of this Board but something to keep in mind.

Chairman Boxer stated and we won't have a full Board until April.

Mr. Croke stated two months. Because once we're done here, we need to go back to the Planning Board for formal site plan approval for them as well.

Chairman Boxer stated and if they make any changes, you'll have to come back here again.

Mr. Croke stated well hopefully they won't. We've had an extensive preliminary review with them.

Mr. Hoyt stated was the move to three bedrooms based on the fact that it's simplest to move, to go up, to double the size and therefore three bedrooms made the most sense. Why three versus one? Because I agree with Wayne that a doubling would make much more sense and it would be much, in my mind much easier to say this is, at least equal to the current situation. Tripling it makes one a little queasier but was it simply the fact you're doubling the size of the, it makes sense to go up complete, therefore if you're going up what are you going to do with the room?

Mr. Croke stated there was sufficient area to do, so we put them in. I guess you can do smaller/bigger bedrooms but the house would be the same. But as far as the economics...

Mr. Hoyt stated but knowing you had a parking problem it seems odd you would go full board...

Mr. Croke stated it's the same parking problem...

Mr. Hoyt stated I understand but there's an optics where you're, you go to 7 bedrooms and you'd still need two spots right?

Mr. Croke stated true.

Mr. Weise stated and why did you decide to have instead of two families, one on one floor, one on the other, have the house divided like that?

Mr. Croke stated it's the way its configured now. Just simplicity of construction, maintaining the walls as much as, in as much of the current configuration as we could.

Mr. Spector stated is there no market for one bedrooms or two bedrooms or three bedrooms are required because of the market conditions for renters? I just want to know what's generating or feeding into this need to create such large units. Because a three bedroom rental unit is a big, you know, even in an apartment building is a big unit. Typically you see even in apartment buildings, two bedroom units, one bedroom units. Any new development that I've seen these days generally only has studio, one, or two bedrooms. You hardly see three bedroom units even created in new construction.

Mr. Nolan stated according to the realtor I spoke with, they said that they were the easiest to rent a three bedroom because a lot of people use one bedroom as an office and it was a lot easier to rent a three bedroom or a two bedroom.

Mr. Croke stated and you're more likely to get families in a three bedroom than shared [inaudible].

Mr. Nolan stated well she said that not necessarily but use one room as an office and a guest room.

Mr. Weise stated so there are current tenants in the building or...?

Mr. Nolan stated in one unit, in the back.

Mr. Weise stated and they'll be gone when it's built?

Mr. Nolan stated yes.

Mr. Croke stated I guess this could be opened up into and make this an office on the first floor, then it's a two bedroom and a three bedroom.

Mr. Spector stated I just saw these, the exterior of it. I was just curious about how congested the neighborhood is but it was during the day...

Mr. Weise stated did it look like, did this house stand out because it was smaller?

Mr. Spector stated yes, it does look small.

Mr. Weise stated so if it was twice the size it wouldn't stand out?

Mr. Spector stated no, it wouldn't stand out if it was a one family two story house, it would not stand out. I would agree with that. I don't think it's going to, as far as I'm concerned, the appearance of it as far as the character of the neighborhood, to me it's an issue of increasing to the extent that you're proposing the intensity of the use on this one, you know, on this really under sized property.

Mr. Hoyt stated if you, if this was approved as two person unit, two two persons units, making a third bedroom would require permitting? If you sliced one bedroom into two, 6 months from now. Say I own the house?

Whitney Singleton stated right, you're saying if you were to make an interior change, would that...

Mr. Hoyt stated require more approvals...

Whitney Singleton stated it will certainly require a building permit and I don't know that it would, we have site plan approval for two family homes now but if its an interior change, I don't know that that would be a problem. Your Board can certainly, your Board is allowed to impose reasonable conditions in the granting of a variance if you're so inclined. And one of those conditions could be limitations on number of bedrooms.

Mr. Weise stated how does the lot size compare to the other lots in the neighborhood?

Whitney Singleton stated its in your packet, there's a map, its substantially smaller.

Mr. Spector stated I'll tell you what I would feel, I would absolutely feel more comfortable if there was a reconfiguration of these units themselves and a reduction to two bedrooms per unit. I think you can probably do that by making a larger living room maybe or kitchen or maybe larger bedrooms? I don't know how anybody else feels about that but that's my take.

Mr. Hoyt stated I agree, Wayne. I think that's a no brainer.

Mr. Weise stated I think about the same.

Mr. Spector stated okay.

Whitney Singleton stated so this is, all these lots here are in the single-family zone.

Mr. Weise stated yup, including this one.

Mr. Croke stated does it work for you as two bedrooms? Do the economics work for that?

Mr. Spector stated I think they'd still be attractive units because they'd be larger units with more space, they would just have one less bedroom per unit.

Mr. Croke stated he's got to be able to generate rent to make this a business decision to expand the building, to put in the parking, to put in everything else that's going to be required. Without it, may not make any amount of sense and it stays the way it is.

Mr. Nolan stated whether its two bedroom or three bedroom, the house size is going to be the same, right?

Mr. Spector stated it's still not a larger house. You're still not talking about particularly large units, 1000 square feet per unit or so...

Mr. Croke stated in a 2200 square foot house.

Mr. Spector stated even a two bedroom, 1,000 square foot unit, is not what I would consider to be an overly large apartment, necessarily.

Chairman Boxer stated do you have plans for the interior?

Mr. Croke stated I'm sorry?

Chairman Boxer stated can we look at the interior plans?

Mr. Croke stated of course. This is the existing, this is the proposed. So, come in the front door, living area here, kitchen there, powder room with laundry in it. In the back, you come in the side, there's kitchen, dining at this end, living room here, bedroom back there. On the second floor, come off the stair here, two bedrooms with a bathroom between and then a bedroom back here. So there are three bedrooms for the front apartment, two additional bedrooms and a bath and a laundry for the back apartment. Nothing is overly sized, 12 by 12 bedrooms...

Chairman Boxer stated what's the bedroom in the back, on the second floor, the dimensions?

Mr. Croke stated that's about 9 by 10, 9 by 12.

Chairman Boxer stated tiny.

Mr. Croke stated right, it's a child's room.

Mr. Spector stated or an office.

Whitney Singleton stated I think [inaudible].

Chairman Boxer stated would we happier if we told him he can advertise it as two bedroom and office space? Rather than call it the three bedroom?

Mr. Spector stated I don't think that you can enforce that type of use restriction, I would assume.

Mr. Miley stated I mean, there's Landlord Registry Inspection, excuse me, registration, but doesn't require an inspection and can deem it an office. It could be anything.

Chairman Boxer stated well talking a home use office. It is walkable to the train which is a plus.

Mr. Spector stated it is. I mean, is there some way you can create two bedrooms and sort of den maybe with an open wall, I've seen that before in some condos. I don't know that that's something that's achievable here, instead of having like. I'll give you an example, here on the bedroom...

Mr. Croke stated yeah, you can certainly open up this wall.

Mr. Spector stated like if you were to open that bedroom, is that B 3 I think, you would eliminate that wall there, it would be sort of like an open den at that point.

Mr. Croke stated it becomes an office or a homework area, something like that.

Mr. Spector stated I think I would be more comfortable if you did that for a compromise. I don't know about the other apartment, because I see that's possible in apartment B, maybe on A you can do the same downstairs as to create a larger...

Mr. Croke stated on the front apartment it is, it is open, down here we have a living room with stair going up and the kitchen.

Mr. Spector stated so where's the third bedroom for A, maybe I'm not following.

Mr. Croke stated there are three bedrooms upstairs, off this hallway. We have 1, 2, 3. These three are for the front unit. These two plus this one are for the back unit.

Mr. Spector stated that's a very small living room in B.

Mr. Croke stated well what I just mentioned to Ed, is that this wall can certainly be taken out to make a bigger living room...

Mr. Spector stated sort of a great room of some sort, maybe? These apartments don't have dining rooms not that you expect it in those apartments but the kitchens are barely big enough as an eat-in, it has a little dining out cove, right now.

Mr. Croke stated that has a dining out cove right now, they've got a table here.

Mr. Spector stated yeah, it's not much. If you can come up with something that essentially eliminates the third bedroom that just creates, keeps the size of the apartment, I would be comfortable with that.

Chairman Boxer stated can we make that a condition or is that...?

Whitney Singleton stated yeah, if you deem that to be a reasonable condition. I think it goes to mitigating the impacts of the lack of parking.

Mr. Croke stated is it a feasible project for you, with only two bedrooms. Do the rents cost the investment required to do this,

Mr. Spector stated it certainly makes for a more attractive apartment to have a little bit more space and like you say, if one is going to be used as a den anyway, what's the difference if you take a wall down? It gets used as an open den instead of a closed room. They still have room for one child and a master bedroom. What does everybody else think?

Chairman Boxer stated I agree.

Me. Weise stated there's something that's bothering me, it just seems like it's a lot for such a small space. I don't know, it's something that just bothers me.

Chairman Boxer stated what you could do is...

Mr. Weise stated and I think we can find a solution to that.

Chairman Boxer stated you'd have to come back with a business plan to show us, to prove that a two-bedroom would not cover the cost.

Whitney Singleton stated would you prefer he come to you with a new design showing two bedrooms in each of the units that you could vote on at that point in time?

Chairman Boxer stated two bedrooms would be fine.

Mr. Spector stated yeah, we're not looking to reduce the size of the units, just reduce the bedroom count, I mean, I think that's all we're asking at this point, if I'm not mistaken.

Chairman Boxer stated and you're more likely than to have only one car, assuming one person walks to the train...

Mr. Spector stated yeah, that's true too.

Chairman Boxer stated when I first moved, I had one car because I walked to the train.

Mr. Nolan stated well there's two cars to each unit now, so.

Mr. Weise stated and they're parking on the street right now?

Mr. Nolan stated they park on the street, year, they can't park there if there's a snow emergency.

Chairman Boxer stated which they probably do anyway.

Mr. Nolan stated no, because of tickets.

Mr. Spector stated parking is not something we're going to solve. I think our discomfort goes beyond the parking. It goes to creating something which is an over-intensification of the use of a noncomplying use at this point. I think we're trying to give you a compromised solution here that still creates two very attractive apartments, decent sized two bedrooms. It's just that the third bedroom is problematic in each unit for us.

Mr. Croke stated you think the concern is more with the number of people rather than the density of size of the building?

Mr. Spector stated that's right.

Mr. Nolan stated you're talking about an open plan for which bedrooms?

Mr. Spector stated you can look at any way you want to...

Chairman Boxer stated you can look, the space, just redesign that whole thing.

Mr. Weise stated well you're looking at two people now and it will go to six with current configurations.

Mr. Croke stated change both to two bedroom or three in one?

Mr. Spector stated you can make larger bedrooms which are also attractive and more, you know, might get you higher rents as well. You have to look at the style of apartments and who its going to attract.

Mr. Croke stated no, I understand. We can certainly redesign it but you're looking for both to be two bedrooms and one remain a three bedroom and one a two.

Mr. Spector stated I think both.

Chairman Boxer stated both I think. We're just trying to, the three bedroom would lead toward two more cars.

Mr. Weise stated so there's two people right now, you said they were four cars for the units.

Mr. Nolan stated well one is empty right now, they just moved out.

Mr. Weise stated but there's two people in the other unit.

Mr. Nolan stated there was two in each unit. A couple in each unit and they bought a house.

Chairman Boxer stated it was 4, it will go to...

Mr. Hoyt stated I think Wayne's right. I think its less about the parking which is the hook here but it's about the apartment building ification of this building, it's slowly turning into an apartment building. In the middle now where's two one bedroom studios, right?

Mr. Weise stated it's four going to six with two bedrooms, that's better than four going to eight with three bedrooms. Is that, in terms of people?

Mr. Spector stated it's hard to predict but I think you know, I think that the assumption is with three bedrooms you're likely to have, it's very likely you're going to have two children. You have two children you more often than not have two cars as well because it's the needs of driving kids and both parents have to have cars. It just creates an intensification of the use when you have a three bedroom unit that maybe overwhelms this property but...

Mr. Miley stated Chairman, even as a two bedroom, you only need 100 square feet to have two people, it doesn't necessarily have to be children. You can have two people, adults in 100 square feet.

Chairman Boxer stated two adults with the two bedrooms.

Mr. Miley stated so if you have a family of four, they can have two children in one bedroom.

Mr. Spector stated right, understood.

Mr. Hoyt stated that's a good point.

Mr. Miley stated so the one bedroom doesn't necessarily mean they're going to have one child.

Mr. Spector stated it doesn't necessarily mean that but it might be, it might lessen the likelihood.

Chairman Boxer stated well if there's three bedrooms, you could have up to four children...

Mr. Miley stated 150, you can have three kids in one bedroom. The base is 50 square foot per person beyond the 70 of the first bedroom, which is 7 by 10.

Mr. Spector stated alright.

Whitney Singleton stated so, if your Board is amenable to that, going in that direction, you know you can give the applicant your informal feedback so that he knows how you're going to vote at the next meeting and I can draft a resolution in the interim. So in other words, you're telling him you're going to vote one way at the next meeting and then I can have opportunity to draft it with those conditions in place.

Chairman Boxer stated well we don't know what Nancy is going to say but she'll be here and I won't be here.

Whitney singleton stated oh, you won't be here at the next meeting?

Chairman Boxer stated not in March.

Mr. Spector stated we can take a straw poll I guess, at this point and because we'll have three who will be here.

Whitney Singleton stated right.

Mr. Spector stated what's the date on the meeting?

The Secretary stated March 19th will be the next.

Mr. Spector stated yeah, I'll be around.

Mr. Hoyt stated yeah, I'll be here too.

Chairman Boxer stated okay, I have no problem with taking a straw poll. If you want to start, you can start.

Mr. Weise stated I don't want to start.

Mr. Spector stated I'll start.

Chairman Boxer stated no, that's fine. I would vote for it if there was a two bedroom, rather than a three bedroom.

Mr. Spector stated same, since I suggested it.

Mr. Hoyt stated yeah, it's a good compromise.

Mr. Weise stated I would hope so.

Mr. Hoyt stated I think it's a great compromise, particularly if you end up using, if your current plan would end up being two bedrooms and a library and office anyway. You're not losing anything, I think the neighborhood can be slightly better off.

Mr. Weise stated I mean, I, this is my first meeting. I'm learning a lot here but I will defer to these guys.

Whitney Singleton stated so I'll draft, for the next meeting.

Mr. Croke stated we'll come back to the next meeting with the revised two bedroom...

Whitney Singleton stated and I will relay or we will relay your thoughts to the Planning Board, so they can follow the Planning Board.

Chairman Boxer stated so we'll keep the public hearing open then. Thank you.

Mr. Nolan stated thanks for your time.

Mr. Croke stated thanks very much.

Whitney Singleton stated no, no, you can go to Planning Board now.

Chairman Boxer stated alright, 222 Main Street.

2. C & M Sign Company
222 Main Street
Mount Kisco, NY 10549
(SBL) 80.33-1-13

Case# ZBA 19-1
Signage

Mr. John Oliva was present to represent the application.

Chairman Boxer stated which is case ZBA19-1. Please give your name...

Mr. Oliva stated I'm John Oliva, I own C & M sign Company. I'm here to talk to you about, do you all have copies?

Mr. Weise stated yes.

Mr. Oliva stated okay. I didn't bring a big board or anything. There is a new tenant at this, it's a restaurant. It's on the end of the building. The copies I made, I showed in the beginning to help get familiar with what was there in the past.

Mr. Hoyt stated Patio...

Mr. Spector stated it was the Patio?

Mr. Oliva stated it was the Patio and then it was another restaurant, it was the Patio last, I believe it was another restaurant prior to that.

Mr. Hoyt stated it used to be...

Chairman Boxer stated I thought it was the bagel store.

Mr. Hoyt stated used to have terrific burritos there.

Mr. Oliva stated it had something with a peach on it, I think.

Mr. Hoyt stated even before then, there was a Mexican place, it was very family friendly.

Mr. Oliva stated that awning was there when there was no package for the building. So that became their sign and they were allowed to have it I guess at that time without having a door there, so...

Chairman Boxer stated you're looking for the third sign to be in the rear, at the parking lot.

Mr. Oliva stated the rear is currently under a package that we had, we actually designed everything for the building and we made [inaudible].

Chairman Boxer stated it looks nice when they're all the same.

Mr. Oliva stated oh, thank you. So the back has its own package that's existing and approved that has the awnings. So he has one and Orange Theory Fitness has the other one. The other people haven't gone on board on that. That takes care of the back entrances, not everyone has an entrance. Some of them are just for deliveries but this restaurant and I'd say three people have actual entrances.

Chairman Boxer stated so someone coming in from the rear, would be able to walk unobstructed into the restaurant itself?

Mr. Oliva stated it's a legitimate rear entrance, similar to Kisco River Eatery which has a rear entrance as well, which is another restaurant. So then on the second page, I was trying to show the existing signs, whatever everyone has, they're all consistent with the current package on the building. So basically what I'm here to ask for is this other sign, I think what's been happening and the problem with this location is that they want to advertise to the street and they're allowed to do with using the windows. So they're using 20 or 25% of the windows now, so I think, I don't know if that's part of why they keep changing, they're asking for something that they can't currently have that organized. So all the other tenants do have signs that face the street. It is kind of unusual because you have stores that like 10 feet wide and they have an 8 foot sign, so they gain, I don't know how that exactly happened but. So when I met this new tenant and I was trying to convince them not to clutter up all the windows and be able to try to see inside and make it look like you're open. And maybe by having a sign at that part that they can be better organized for visibility because everyone wants to advertise to that part. And then it helps going north because you can see it before you attempt to make the turn to go into the parking lot. And the other sign that's over the door, that was approved, I guess someone else before had that approval for that sign but it still had a void to get any advertising on the street.

Chairman Boxer stated well the only variance you're looking for is going from two to three when you're only allowed two.

Mr. Oliva stated yeah, if you count the back, yes, it would be three.

Mr. Miley stated Chairman, it's two variances.

Chairman Boxer stated I'm getting to the second page.

Mr. Miley stated and the other is location for the third sign.

Chairman Boxer stated okay.

Mr. Miley stated not having a principal entrance on that side.

Chairman Boxer stated principal entrance.

Mr. Hoyt stated so the two variances are having three signs and having the third sign not on a principal entrance.

Mr. Miley state correct.

Mr. Oliva stated are you counting the back as the third sign?

Mr. Miley stated correct.

Chairman Boxer stated is it going to be a sign or just something on the awning?

Mr. Oliva stated no, we took the awning down and that shows it in the other picture, actually that's the same picture. So you can see the lettering from the store that was there last.

Mr. Weise stated to understand how the sign, not having a sign facing the street is an issue but why would you need both this sign here and the one on the side? Here you can just use it on the door, the door itself is a sign.

Mr. Oliva stated the door faces at a right angle to the...

Mr. Hoyt stated but I think they still need a variance, right? It's not a main entrance.

Mr. Miley stated it would reduce it to one.

Mr. Hoyt stated to one variance, right?

Mr. Miley stated correct.

Mr. Hoyt stated they'd need a variance then in any case.

Mr. Oliva stated if there was a door in the front facing the street, it would be a nonissue.

Mr. Hoyt stated you wouldn't be here, you'd be home having dinner.

Mr. Oliva stated so that's most of it, I mean, the other ones, the other stores benefit because they have the advertising to the street.

Mr. Weise stated yeah, I agree, I'm just, I don't know if signage was the reason this spot never does well for restaurants.

Mr. Oliva stated exactly, they had signage under a different code when there was no package. So when the package came, they were kind of excluded because at that time they still had the awning, so the store that came in after, I don't remember the first one...

Whitney Singleton stated Kisco River?

Mr. Oliva stated the one that had the awning? The tenant that came in after that just covered over it, actually you can see it in this picture.

Whitney Singleton stated mango...

Mr. Hoyt stated Mango Café.

Mr. Oliva stated so then what the next tenant did was just fill up the windows because that's all he could do, there was no way for him to actually get any other advertising similar to the other stores. So it's really about not having the entrance because obviously that's the way the code is, so...

Mr. Hoyt stated okay.

Chairman Boxer stated its separate from, it's not Kisco River.

Mr. Oliva stated no but just a comparison on size, Kisco River Eatery is 25 feet wide and they have 32 square feet of sign. This store is 21 feet, approximately, depending on whether you count the stone and we're asking for, just so you know we're not being pigheaded with the amount we're asking for...

Chairman Boxer stated what's the size that you're proposing for the rear?

Mr. Oliva stated for the rear?

Mr. Hoyt stated it's the front, right here, that's the sign.

Mr. Oliva stated the rear? So what we did was we took everything in the back and just removed it because it was noncompliant anyway, so basically he's starting from nothing.

Chairman Boxer stated so where are the signs going because I think there's some confusion.

Mr. Miley stated the front sign they're proposing 2 foot by 8 foot. 2 foot in height, 8 foot wide.

Chairman Boxer stated so you're proposing front, that's what you're proposing.

Mr. Oliva stated so basically its replacing what was illegally there.

Chairman Boxer stated you still have the sign on the doorway.

Mr. Oliva stated so basically, going north if you were to look left, and you didn't see the sign, you wouldn't see the other one over the door.

Chairman Boxer stated right, I know, the door sign doesn't do anything.

Mr. Oliva stated and then when you're going south, you can see it depending on how well you look.

Chairman Boxer stated it's too far set back and underneath.

Mr. Oliva stated it's more of entrance.

Mr. Hoyt stated I think it makes perfect sense to have a sign there.

Mr. Spector stated I don't know why you need both of these.

Mr. Oliva stated hopefully it will help the success of anyone who comes in after him that when they sign the lease, they know. Because a lot of times they sign the lease they think they can just come up with something. So hopefully we resolve this for them and hopefully it will be better.

Mr. Hoyt stated if this is their biggest issue, then that's...

Mr. Spector stated yeah, really.

Mr. Hoyt stated the restaurant business is a tough business to be in.

Mr. Oliva stated I hope they do well but it seems like they come and go.

Mr. Spector stated put a good product out at a reasonable price, they shall come.

Mr. Weise stated I would still argue, I don't think it's the signage that's making a restaurant succeed or fail.

Mr. Oliva stated yeah, I can only try to help and if they listen...

Mr. Weise stated it will get people to try it and you try once and you either go back or you don't.

Chairman Boxer stated what would happen if the sign over the door, if we turn that into a directional type sign rather than a full flow blown sign?

Mr. Oliva stated the sign on the side that's over the entry door?

Chairman Boxer stated could you do something with putting the lettering on the glass instead of the sign on the door?

Mr. Oliva stated the glass that's above the doors?

Chairman Boxer stated or the doors themselves?

Mr. Oliva stated well I think the visibility is the same issue, well that would be lower. I mean, you could do that, you could have advertising there, you could even do it with this sign because you are allowed but how much impact that would have? I don't know. I think it is a height issue too because you have cars and it's hard to even look, honestly when you're driving.

Chairman Boxer stated we all know.

Mr. Spector stated yeah, on the one hand I don't see the real huge benefit from having that sign over the door but on the other hand, I also don't see any real problem with it...

Mr. Weise stated yeah, I agree with that.

Mr. Hoyt stated if it were very visible, then you wouldn't be here to begin with.

Mr. Oliva stated well like I said, these other stores have such a small storefront, yet they have a big sign.

Mr. Spector stated yeah, the total size for this space doesn't see all that overwhelming even with the, when you add them all up.

Mr. Oliva stated I'm not asking for a 60 foot sign because that would be...

Chairman Boxer stated the sign is going to be the same as all the other signs

Mr. Oliva stated well the Kisco River Eatery ones and Orange Theory are 16 feet and O'Connors...

Chairman Boxer stated how's it going to be lit?

Mr. Oliva stated it's not. There was some goosenecks there from some other stores, I don't remember if they added them later. I believe it was approved with lighting but no one's pursued that, that I can see. A few have, I'm sorry.

Chairman Boxer stated any other comments?

Mr. Weise stated the goosenecks, would they help for the ne facing the street?

Mr. Oliva stated they have an option to do it, I think the bar did it and. I think when we got the package approved, we asked for it and we did get it and it looks like a few people did it. I don't think there's much access in that front area but that's an electrician's problem.

Mr. Spector stated I don't see this is going to create anything unsightly or out of character for the area, so I'm not...

Chairman Boxer stated are you keeping this overhang in the front?

Mr. Oliva stated the awning? That's gone.

Chairman Boxer stated so there will be no awning there?

Mr. Oliva stated no, that was the person's sign at that time which was lost all in that, there was no package for anything, there's not ARB, it was just Austin Cassidy just approved it and they did it.

Chairman Boxer stated okay, so, any other comments?

Mr. Hoyt stated I think it's very reasonable.

Mr. Spector stated yeah.

Me. Weise stated I agree.

Chairman Boxer stated okay.

Whitney Singleton stated just some things I heard, I don't know if you want these as conditions. There's to be lighting or no lighting.

Mr. Hoyt stated I don't think they're asking for lighting.

Mr. Weise stated I don't think it needs to be a condition, I think it's a good suggestion.

Mr. Oliva stated the lighting was approved as part of the package...

The Secretary stated it's part of the Comprehensive Sign Package from ARB, so we would have to pull that to see...

Whitney Singleton stated so lighting will be consistent with the rest of the building, how about that?

Mr. Weise stated yeah.

Whitney Singleton stated lighting...

Mr. Oliva stated the gooseneck was part of the package, that specific style of light but it was optional if they pursued it.

Whitney Singleton stated and the awning has already been removed and will not be replaced. And how about the window painting, signage in the window, does it have to go?

Mr. Oliva stated the existing items are removed. That's actually, I'm hoping that they don't do that because that was the purpose of making the sign but under the current code they would be allowed to do lettering in the window.

Whitney Singleton stated unless your Board makes a condition that you wouldn't allow it.

Chairman Boxer stated I think they'd be better off with clear windows in the front.

Mr. Oliva stated it would be okay if you didn't allow it because I think it would discourage them from doing it.

Chairman Boxer stated that's fine with me.

Whitney Singleton stated removal of the palm tree? There used to be a palm tree out in the outdoor seating area all the time. They should be allowed if they wish to do it on the entry doors for hours of operation or something like that.

Chairman Boxer stated do they have any plans to use the outdoor area.

Mr. Oliva stated I believe they are, I don't know. Are they allowed?

The Secretary stated there is within the code, 25%, they're allowed to cover the window.

Mr. Miley stated you're referring to the patio correct? The outdoor?

Chairman Boxer stated [inaudible].

Mr. Oliva stated but the question was about the lettering, then they're not allowing it to, instead of having the sign. But as far as sitting outside, I don't know...

Mr. Miley stated I'm not sure if they have a permit, I have to confirm that.

Mr. Oliva stated I'm not sure they ever did.

Chairman Boxer stated okay.

Mr. Oliva stated I guess if they were sitting out there and there was only lettering in the windows, they you can't see anything.

Mr. Hoyt stated were you joking about the palm tree?

Whitney Singleton stated I was joking, yeah. It was always very tacky though.

Chairman Boxer stated I think at this point, does anyone want to make a motion to close the public hearing?

Mr. Spector stated sure, I'll make a motion. Mr. Hoyt seconded the motion.

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

Mr. Oliva stated okay, thank you.

Chairman Boxer stated wait, you're not done yet. We have to go through the five factors, I'd like you to be done. Here we go. Okay...

- 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.*

Chairman Boxer stated any comment?

Mr. Hoyt stated no.

Mr. Spector stated I feel this will not create an undesirable change.

- 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 it makes sense.

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

Chairman Boxer stated no, it's actually, if you look at it, adding this extra sign it's a 33% variance but I don't think that matters.

Mr. Spector stated I don't think so.

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 there will be no adverse impact on the environment, which is true.

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 but that is not fatal to the outcome of the variance. **Okay, so do we have a motion to approve?**

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

The motion carried by a vote of 4 to 0.

Mr. Hoyt stated when are they open?

Mr. Oliva stated hopefully in a couple weeks. I'm actually curious to see how well they did inside to make it, you know how when you go to another restaurant and they don't really change the inside and it's a turn off. I hope it's not that.

Mr. Weise stated yeah.

Mr. Hoyt stated I always wondered how these people with such a tricky business can spend so much money overhauling the interior of restaurants. To your point, I hope they make it nice but can they afford...

Mr. Oliva stated I've been doing this a long time and I realize that they can, anyone can come along with fifty thousand and blow it and then see what happens.

Whitney Singleton stated Harold? Who made the motion and the second? I wasn't paying attention.

Chairman Boxer stated motion and second (pointing).

Mr. Weise stated I think they just need good food.

Mr. Oliva stated exactly.

Mr. Hoyt stated well Kisco River's done a good job. I like Kisco River.

Mr. Spector stated well if it's Mexican, they should have a good tequila selection as well.

Mr. Oliva stated we'll see. Thank you.

Chairman Boxer stated especially margaritas.

Mr. Weise stated that actually might work.

Mr. Spector stated do a little drinking, you get hungry.

Chairman Boxer stated okay, the car cases, should they be heard as one.

Whitney Singleton stated they're two different sites, actually.

Chairman Boxer stated two different sites, then we'll start with the first one which is on 41 Kensico, ZBA 18-16.

3. NY Luxury Motors of Mount Kisco, Inc
41 Kensico Drive
Mount Kisco, NY 10549
(SBL) 69.50-2-1

Case# ZBA 18-16

Mr. Zach Mintz of Zarin & Steinmetz, Mr. Paul Sysak of JMC, Mr. Marks Alexander of Stuart Romm Architects, and Mr. Alexander Shporer of AutoNation were present.

Chairman Boxer stated the whole audience gets up.

Mr. Mintz stated good evening Chairman Boxer, members of the Board. We are representing AutoNation on both the next two agenda items. If you want us to stick to one at first, then go to the other, we can certainly...

Chairman Boxer stated I think we have to do that.

Mr. Mintz stated absolutely. Let's start, is 41 first or is it 299...

The Secretary stated the first one on the agenda is 41.

Mr. Mintz stated 41, excellent. As I've said I'm Zach Mintz, I'm an attorney with the law firm Zarin & Steinmetz, I'm here tonight on behalf of AutoNation. I've got a few other people with me, I've got Paul Sysak from JMC, the projects engineers. I've got Marks Alexander from Stuart Romm Architects, the project's architects. And I've got Alexander Shporer who is from AutoNation. We're here tonight on both of your next agenda items, we'll start with 41 Kensico Drive. That is the service facility that would be a part of a joint new car dealership and service facility application. Our goal tonight with this application is just to really explain the project to you, as well as the requested variance and you'll find the same for the next application as well. We're not really in a position to ask you for any type of approval tonight, as I'm sure was explained or maybe was explained to you. We have a completed environmental review of the Planning Board but they did give us a referral here, so we did want to at least start to get your feedback and let you know what was going on.

Chairman Boxer stated okay.

Mr. Mintz stated just a little bit of background on AutoNation before I get into the application. This is one of the largest, if not the largest developer and operator of new car dealerships in the country. It's got over 290 new vehicle franchises across 15 states and employs over 25,000 people. They are focused on delivering great customer service, as well as being a good corporate citizen. They are working their way into Westchester now and have recently gotten a new dealership approved in Elmsford. If you ever drive by on 287 and see the Jaguar Land Rover dealership there, that is precisely what they're trying to bring to Mount Kisco as well. Just turning to this application...

Mr. Weise stated and I know you have the BMW dealership as well.

Mr. Shporer stated yes sir.

Mr. Weise stated is there going to be any link between the two? Or they'll be remaining separate?

Mr. Shporer stated generally new dealerships operate independently.

Mr. Mintz stated from an operational standpoint, these two facilities will work together but the different brands don't really cross over.

Chairman Boxer stated England versus Germany.

Mr. Mintz stated yeah, yeah.

Whitney Singleton stated will this present a threat to our national security?

Laughter

Mr. Mintz stated I'm hoping we don't sound any Federal bells in this room tonight. Anyway, this site is 41 Kensico, it is a 1.73 acre parcel, and it is in your GC zone. I'm going to hand it over to Paul Sysak and he can tell you a little bit more about the site itself.

Mr. Sysak stated sure, here is an aerial photo of the site. Once again, it's accessed off of Kensico Drive, it has one access point. There is an existing warehouse building, I think single story about 12,500 square feet or so with associated outdoor parking. This is the plan, a picture of it, here is the survey of the property, this hashed area shows the existing facility and the outdoor parking as well and the single point of access which you'll see is similar under the proposed condition. Here is a rendering of the Site Plan, there is an approximate, it's a one story with another mezzanine level. The footprint of the building is approximately 18,300 square feet or so with a rooftop parking area and the, there will be about 29 parking spaces on the roof which will be exclusive to employees of AutoNation. And the remainder of the required parking will be at surface along with a parking outdoor storage area in the rear and the access point is similar and lines up with Holiday Inn Drive.

Mr. Weise stated and this is the service facility?

Mr. Sysak stated this is the service entity of the dealership, the 299 when we speak to that will be the dealership, the sales as well as...

Mr. Weise stated and they are currently doing both there right now.

Mr. Sysak stated under both or just Land Rover?

Mr. Mintz stated I believe it is just one brand that is there now. Part of the motivation for expanding into two building is that they're going to be serving two brands going forward.

Mr. Sysak stated so just here is the site plan that was part of the submission package.

Mr. Weise stated how many bays are in the service center?

Mr. Sysak stated 21, I think.

Chairman Boxer stated there's two types, one for he lifts...

Mr. Sysak stated yeah, there's 21 bays...

Mr. Alexander stated two detail bays and...

Chairman Boxer stated yeah.

Mr. Alexander stated and the rest are service bays. And there's also part storage in that area.

Mr. Sysak stated I think those are parked by 3 per bay, three parking spaces per bay.

Mr. Mintz stated just a little bit more on the operations of this particular part of the facility. This is where new cars would be delivered, where parts would be delivered. It is not customer facing at all, customers would never visit this site, it would be just used by AutoNation employees. It would be used as a service facility. The service drop-off would be included at the dealership part of the property.

Mr. Spector stated and they use a driver to drive, transfer it over to this.

Mr. Mintz stated precisely.

Mr. Sysak stated there are porters.

Mr. Mintz stated are drivers that would be driving the vehicles and themselves back and forth. For what it's worth, AutoNation has other sites that operate like this, albeit not in New York. But my understanding is that they have other site that operate at even further lengths, what you'll see is that this is essentially right about two properties down from 299 Kisco. My understanding is that they have sites like a mile away that they have split facilities in places where there simply aren't big enough properties, that's the way they have to operate. So this site is architecturally a little less interesting so I was just going to turn to the variances here, we can do the architecture on the next one unless you want more on it here.

Mr. Alexander stated yeah, we did our best.

Mr. Mintz stated as far as balancing benefit to the applicant again detriment to the community...

Mr. Spector stated well what are the variances you need on this before you say anything.

Mr. Mintz stated absolutely, thank you. The one variance we're requesting on this property has to do with the angle of the ramp. The ramp is right here, it leads from surface level up towards the vehicle parking that would be on top. The ramp is as currently constructed or as currently proposed is 14 degrees in grade and the max is 10 degrees. So we are requesting a 4% variance. So just in terms of weighing detriment to the community against benefit to the application, we would really say that there is not detriment to community. It is not going to be visited by customers, it would be purely used by AutoNation staff and this obviously a big company that's interested in protecting its people and it's assets on its property. In terms of whether there's a feasible alternative, there is a bit of a grade drop off here, what AutoNation is trying to do is putting this ramp up to the property without having to back in further into this parking area. There really isn't a better way to do it so lining it up with this building was the best way to accomplish that.

Chairman Boxer stated so you don't see any physical problem with getting the cars up and down?

Mr. Weise stated what about in winter?

Mr. Spector stated that's just for employees you said?

Mr. Mintz stated yes.

Mr. Shporer stated correct.

Mr. Alexander stated customers won't be going up and down that.

Mr. Weise stated is there any issue when it's covered in ice?

Mr. Hoyt stated these are Land Rover.

Mr. Weise stated what about employees cars?

Mr. Spector stated they don't pay the employees enough to buy Land Rovers.

Mr. Mintz stated so again, speaking to the same point, obviously employee safety and safety of the vehicles themselves is priority number one. So maintaining that ramp so that it would remain not icy is obviously a part of this concept and we would anticipate it being a condition of any approval we would receive from the Planning. Certainly, obviously to the extent...

Mr. Weise stated so how many cars are expected to be parked on the roof?

Mr. Shporer stated 29.

Mr. Mintz stated there's 29, this is the rooftop portion.

Mr. Weise stated and the rest of the parking lot...

Mr. Shporer stated surface parking.

Mr. Mintz stated correct.

Mr. Weise stated and how many spaces is that?

Mr. Sysak stated it is a total of 69 is required and we provide 97 spaces which includes parking vehicles in the 21 bays. So that's 44 standard on the level, there's three handicap spaces, 44 surface and then 29 on the roof.

Mr. Weise stated so if you come to work late, you have to go on the roof.

Mr. Mintz stated it looked, I believe the plan is for employees to park up there either way but yes, point taken.

Chairman Boxer stated you want to keep the employees vehicles out of sight.

Mr. Alexander stated [inaudible].

Mr. Spector stated and the surface of the ramp is like pavement, concrete?

Mr. Sysak stated it would be concrete.

Mr. Alexander stated it would be concrete.

Chairman Boxer stated have they suggested putting electrical wires through it to keep it heated?

Mr. Mintz stated it has been something that has been discussed but it's not something that's been formalized as part of the plan.

Chairman Boxer stated it's not our, we can't do that anyway but I was just curious.

Mr. Mintz stated so that really is the introduction to this site, I'm happy to...

Mr. Hoyt stated I don't want to harp on it but it's very steep, very steep.

Mr. Mintz stated well understood and the goal obviously is to make this driveway as functional as possible. Obviously, the fact that we're not going to be having people that are untrained go up and down it, people that are unfamiliar with it, go up and down it. We think all ways in favor of the safety aspect and you know, we are obviously open to the concept that it's going to need to be well maintained particularly in the winter.

Mr. Weise stated is there a stairwell on the roof that will get people into the building or do they walk down the ramp?

Mr. Alexander stated no. We have a stair right...

Mr. Mintz stated there is one in this corner here, it leads back, yeah, you can see how it lines up with the ramp here on both sides.

Mr. Alexander stated we would never assume that people are going to use that as a primary accessible route or anything like that. And the other thing is it does have blends at the top and bottom of the ramp, just to kind of mitigate the slope as we start to level off a little bit. Just to deal with that as well.

Mr. Spector stated is that the only variance for this property.

Mr. Mintz stated that is.

Chairman Boxer stated luckily it's not a fire truck.

Mr. Spector stated yeah, right.

Chairman Boxer stated is there, speaking of, Peter?

Mr. Miley stated yeah.

Chairman Boxer stated do we have to consider whether or not a fire truck can use the ramp or not?

Mr. Miley stated no, the Fire Code allows for significant distance from the road, leading up to the space depending on the construction, whether it's sprinkled, fire alarmed. So there are ways to mitigate and allow for further distance.

Chairman Boxer stated I remember when we had all that problem when they were going to build across the street.

Mr. Miley stated yes.

Mr. Hoyt stated so Whitney, if this were to become a retail property, they wanted, them or new owners wanted to have customers park on top, do they need to come back?

Chairman Boxer stated we could make it a condition.

Whitney Singleton stated well I'm not even certain that retail is a permitted use in the zone. It might be...

Mr. Miley stated right.

Whitney Singleton stated they'd have to come back for a Change of Use permit at a minimum...

Mr. Miley stated yeah.

Whitney Singleton stated if they went to another use. The only think I'll point out in this application and I don't think I'm speaking out of school, the issue with this site is less to do with the variances and more to do with the existing conditions. It's in a flood plain, the whole property is in the flood plain and in addition to that they're proposing the storage of vehicles in the floodway...

Mr. Mintz stated he's talking about this area here and this is the floodway line that you see right there.

Whitney Singleton stated couple that with there is some environmental contamination of this site that they're proposing to remediate. So that's why these are taking longer with the Planning Board and why they're not here for an approval tonight before your Board, they just want to introduce the applications to you.

Chairman Boxer stated okay.

Mr. Spector stated okay.

Mr. Mintz stated excellent, all true. Procedurally, I don't want to step on the hearing at all, but if you are comfortable, we can move forward to the next site.

Chairman Boxer stated that's fine with me.

My. Hoyt stated sounds good.

**4. NY Luxury Motors of Mount Kisco, Inc
299 Kisco Avenue
Mount Kisco, NY 10549
(SBL) 69.49-2-1**

Case# ZBA 18-17

Mr. Zach Mintz of Zarin & Steinmetz, Mr. Paul Sysak of JMC, Mr. Marks Alexander of Stuart Romm Architects, and Mr. Alexander Shporer of AutoNation were present.

Mr. Mintz stated okay, this is the dealership.

Chairman Boxer stated can you hold it up a little?

Mr. Mintz stated sure. So this is the dealership property, this is 299 Kisco Avenue. It basically is the one parcel that is between Holiday Inn Drive and the Sawmill Parkway entry way, on Kisco...

Chairman Boxer stated it used to be Volvo.

Mr. Mintz stated yeah. And this site is going to require three variances but before I break that down, I feel like its probably useful to do a little bit more on the site plan and the architecture, so I'll turn it over to you Paul.

Mr. Sysak stated so once again, here is aerial view. There are three existing curb cuts on this property, two are off of Kisco Avenue and there's one here to the north and actually this isn't, that's the on-ramp. Sorry, I haven't presented it this way before. And then there's one over here on Holiday Inn Drive. So the existing building I think it's approximately, almost, just shy of 15,000 square foot. The...

Mr. Weise stated so are all those cars, are those going to be moved to the other property? Is that proposal?

Whitney Singleton stated no.

Mr. Mintz stated not exactly but that condition will be approved...

Mr. Sysak stated no, a little bit of both.

Mr. Mintz stated as he gets a little further in, he'll explain what's happening in that area.

Mr. Sysak stated and you know there's pretty much parking all the way up to the property line as you'll notice from the aerial. Once again, here's the survey, just showing the two and then this proximity to the DOT property. The proposal proposes a construction of another single story facility with rooftop parking. The footprint is approximately 15,000 square in this application, so it's similar building size, maybe 300

square feet or more increase. It additional has an outdoor storage area for cars here, it's got 21 parking spaces up top with the mixture of tandem, I guess inventory spaces in front...

Mr. Mintz stated I was going to say you can see it described on this insert here, the tandem spaces are behind and closer to the wall.

Mr. Sysak stated so the employees will park in front and block in inventory parking. And then there's additional employees spaces and customer spaces on the surface of the parking lot and we do propose to close one of the ingresses. The one that's closest to the intersection of Holiday Inn Drive and propose an "In Only" entrance here and we're relocating the driveway entrance both in and out to the north.

Chairman Boxer stated so you're going to remove the curb cut closest to the traffic...

Mr. Sysak stated we're closing...

Chairman Boxer stated that's closer to the traffic light then?

Mr. Sysak stated yes.

Mr. Hoyt stated that makes sense.

Mr. Spector stated so again, the rooftop is for inventory or for employees or both?

Mr. Sysak stated both. The inventory will be put up there by employees and then they'll park in front of that and block it in and if there's a customer that wants to see that car, then they'll just move and bring that car down for them.

Mr. Spector stated where is customer parking on the top?

Mr. Sysak stated over here, on the surface and in front of the building too.

Mr. Mintz stated in front of the building as well.

Chairman Boxer stated you don't expect a lot of customers.

Mr. Sysak stated it's just the way the breakdown worked out with the required parking, it's based on the service square footage.

Mr. Weise stated is this fairly standard for AutoNation to have parking on their roof? Or does this happen to be a denser area.

Mr. Sysak stated it's a tight site.

Mr. Alexander stated it's not uncommon in urban settings, there are more, it makes the properties a little bit hard to come by, it's not unusual.

Mr. Mintz stated I was going to say these requirements are often driven by the manufacturers themselves and in this case JLR, Jaguar/Land Rover has significant parking requirements on site. So this is the way that they can try to accomplish them on these sites. It's...

Mr. Weise stated so Jaguar requires a certain number of parking spaces and the only way to fit it, is parking on the roof.

Mr. Mintz stated that is the concept, yeah. So before I get into the variances, is it okay Marks, if you go through the renderings, I don't know if there was more Paul that you wanted to go through...

Mr. Sysak stated that's fine, we can bring these back up if there's more questions. I'll help you.

Mr. Alexander stated just to give you just a quick idea as you come off the, we did several studies just doing perspectives from different locations so everybody can kind of see what you're going to be looking at as you drive by, when you come off the parkway ramp and turn down Kisco Avenue. You start looking at it from this side, the service drive and then the two showrooms here. And just so you know the skin of the building that's going to be metal panel, so basically it's a darker panel in this area and then a wider panel where you have the accent pieces right here. Again, on the front, showroom glass, looking into the cars and let's see, as we move further down, basically this is almost directly in front of the building. I think you can, there's some landscape area right between the building, Jaguar likes to pull their building close to the main

roads, we have landscape in there which actually is a nice touch for a dealership. This is once you make the turn down Holiday Inn Drive, looking at the side of one of the showrooms right here.

Mr. Hoyt stated did you put a jeep in this picture?

Mr. Mintz stated I caught it.

Mr. Hoyt stated I see a jeep sticking it's nose out on the side there, but it's fine.

Mr. Alexander stated it's preowned, they moved it up the line already. This is just as you move further down the street.

Chairman Boxer stated that's in front of the Lexus dealer.

Mr. Alexander stated yup.

Chairman Boxer stated so you're not going to have any signage on the side along Holiday Inn Drive.

Mr. Mintz stated it's not part of the current rendering, we do anticipate making a separate sign package application, after. But my understanding of the branding is it typically goes over the front...

Mr. Alexander stated yeah, typically in front.

Mr. Mintz stated and over the service.

Mr. Alexander stated yup.

Chairman Boxer stated okay.

Mr. Alexander stated and occasionally you'll get a little bit of small directional signage, just to kind of direct traffic. And this is actually as you come down the ramp off the parkway, again, just kind of giving you an idea of what you see, different views of the building. And we work, you know consistently, its similar materials on all sides of the building, its pretty simple really.

Mr. Sysak stated we can show the picture.

Mr. Mintz stated that's a good idea.

Mr. Sysak stated so the actual facility in Elmsford that's been built.

Mr. Mintz stated if you're ever driving by on 287, and you see the new JLR, it's AutoNation, it's the exact same branding, it's the same style and look.

Chairman Boxer stated is your showroom going to be elevated?

Mr. Shporer stated yeah.

Mr. Mintz stated now there's a bit of a topographic change here which is the reason for that.

Mr. Sysak stated that's a two story.

Chairman Boxer stated okay, yours will be at street level.

Mr. Mintz stated yeah, exactly, we just wanted to bring the local version that we had.

Mr. Alexander stated and just so you understand, Jaguar/Land Rover has a program of what materials go in and [inaudible] the general look. So that is why there's a very consistent look from city to city.

Chairman Boxer stated all of the car dealers are like that now.

Mr. Alexander stated most of them yeah, absolutely. Some more than others.

Mr. Mintz stated so as we were going through those renderings, it made me think that, Paul, if you don't mind, would you mind taking us through the northern property buffer next to the [inaudible].

Mr. Sysak stated sure.

Mr. Mintz stated just the comparison to the existing conditions to what the proposed conditions will be because I feel like we didn't cover that completely.

Mr. Sysak stated so that is the first variance you want me to talk about?

Mr. Mintz stated yeah.

Mr. Sysak stated we're talking about this northern property where it borders the DOT property. I'll go back to the aerial here, you can see there's pavement right up, so there's a zero...

Mr. Mintz stated zero foot buffer right now.

Mr. Sysak stated landscape buffer along, except in these area, for, that's required around all four sides...

Whitney Singleton stated before you flip that sheet back, I just want to, he said it's paved all the way there, it's not paved. It's important to understand that the area all the way to the west, all of that is unpaved, it's not pervious pavement in there. So they're going to get into the issue of development coverage in a second, so I just want to point that out. Distinction between the pavement and the non-pavement.

Mr. Sysak stated that is, yes, it's gravel or something. So on the proposed, you can probably see it better on this rendering. We provide a six foot landscaped buffer where 10 foot is required by Code. We do provide the 10 foot where there otherwise isn't any along the other three, east, south and west property lines.

Chairman Boxer stated the, what's going to be grass?

Mr. Sysak stated well there's grass in the front of the building here, everything else, there are landscape beds.

Mr. Mintz stated I was going to say, you can see where the trees are implemented here and otherwise the greenspaces behind it are grass and this area is grass in the front as well.

Mr. Sysak stated yeah.

Chairman Boxer stated okay.

Mr. Mintz stated there are significant shrubs and trees.

Mr. Sysak stated yeah. So we are also providing offsite landscaping on the DOT property. We are in the process of filing a Use and Occupancy Permit with the DOT for an easement to plant additional plantings on their property and you know, we'll have the right to maintain those and things like that, so. And we have an evergreen hedgerow will be Green Giant Arborvitaes and will hopefully give a nice...

Mr. Hoyt stated why not make that line Code compliant? Why, what's the 4 feet different? Is that really important?

Mr. Sysak stated well what we did was we worked with Staff and the Planning Board through the various stages of the property and we ended up making this a one way drive on the side of the building and we narrowed it down to 18 feet and then we have tandem spaces for vehicles parking here that was 18 ½ feet but we were able to work with AutoNation and that they could reduce it to 17 ½ feet each so there's a 35 foot area here, so that pretty much was as much as they could give up just to make sure that at this pinch point and where it had to transition from 18 feet to a full 24 feet for two-way traffic, that is what factored into the...

Mr. Alexander stated yeah and we pretty much tightened up, you know, if you look at jaguar's prototype, they like more room around their cars. So basically the process all the way along was to try to keep tightening this area up to where you get a shallow or shivering to allow more movement through here. Same thing with the service drive, kind of get access by here and again to meet the parking requirements we have.

Mr. Mintz stated so, just turning now to the three variances that would be required under this plan. The first that we've already kind of started to discuss was he impervious surface. The existing conditions on site I believe are 89.4% impervious surface, the max in the district is 75%. We are improving that condition to 79.2%, so it's a 10% improvement but we still would need a 4.2% variance. A lot of that has

been realized by virtue of the increased landscaping and we think that works both from an environmental standpoint and also from an aesthetic standpoint. The second is as to the side buffer, as we mentioned there would be a 10 foot buffer required here and we are only at a 6 foot buffer. As was explained, that was to basically give us the bare minimum we needed to get tandem spaces here and our way of mitigating has been by applying for this use and occupancy permit from the State DOT. I believe as a matter of fact, we got to signed application forms today.

Mr. Sysak stated yeah, so that's very close to being finalized with them. They've agreed to it.

Chairman boxer stated they've agreed? That's a big step.

Mr. Sysak stated yes.

Mr. Mintz stated so those are the first two. The last one is the sight triangle. So this is down in the corner with Holiday Inn Drive. If you bring up the site plan, it will be a little easier to see.

Mr. Sysak stated the hatched area here.

Mr. Mintz stated so effectively, at a corner, at a certain intersection you won't be able to build up to that corner because it will create a sight line for traffic. In this case the way that its measured is 50 feet from the corner of the property, the reason I point that out is because if it was corner of the curb line, we would be complaint. The curb line you see comes out a little further over here, the property line technical is here.

Mr. Sysak stated yeah, it's measured by the street line and that was interpreted to be the property line and not the curb line where typically you would pull a car up to the curb line.

Chairman Boxer stated there is a traffic signal there.

Mr. Mintz stated that is the real mitigating factor, we believe is that any issue that might be caused by virtue of having that building there, will be mitigated by the fact that there is a traffic control device that will basically dictate when people are going either way. So as Marks mentioned, the goal in developing the site was really to pinch everything vertically as much as we could to make ourselves a functional site and we did end up with the corner of the building there. But we are under the belief because that signalized intersection is already signalized, it won't actually create a problem.

Mr. Sysak stated and the stop bar is forward of the building, as well as us closing off this driveway.

Chairman Boxer stated right.

Mr. Mintz stated so just briefly in terms of five factors. We don't believe there will be any undesirable change to the community, this already is a car dealership and we think we're presenting a better car dealership. We think we're presenting one that's better both from a functionality standpoint, obviously eliminating a curb cut is a great thing. Obviously improving the impervious surface condition is a great thing, so both from an aesthetic, environmental, and functionality standpoint we think we're improving it. In terms of feasibility, I can tell you we have been working with Staff and the Planning Board for many months and that we've been working through a number issues and we think that we have gotten to the best possible site. Obviously, we wouldn't be here if we didn't ask for a referral, if we didn't feel comfortable with where we were. As far as substantiality goes, we would say that we are obviously improving when it comes to impervious surface, the 4% request that we're making is a better than the 14 or 15% that's there. In terms of the 4 foot buffer, again, same thing, a 4 foot ask is a lot better than a 10 feet ask and by virtue of the fact that we are going to work with the State DOT on the other side of the property line, we think that really helps mitigate as well. We don't believe there are any adverse environmental impacts. Again, we think we're improving the environmental conditions on a site that's already used for this use. That really is it. If there are any questions or thoughts, obviously we're all here and we're happy to hear them. And we're excited about this, you can tell that it's something AutoNation is looking to invest a lot of money, put a new building in, something that looks great, something that would be visible coming off of the parkway and would reflect both well on AutoNation but also on Mount Kisco, we think.

Chairman Boxer stated so that piece of the top, that little part where you have the cars going, that's where, no down where the cars go in.

Mr. Mintz stated right here, this is the service drop-off.

Chairman Boxer stated that's where they're going to drive it there to get picked up for service.

Mr. Alexander stated you drive in and drop the car off.

Chairman Boxer stated and all the service is in another building.

Mr. Alexander stated correct.

Mr. Mintz stated so from an operational standpoint, the way it would work, you pull in there, you make an appointment before you show up, you pull in, they have a porter that services the car, actually writes you up and then just moves the car out of there. One of the concerns that came up earlier in the process with the Planning Board, was just what happens if people come at the wrong. So we showed that we could stack vehicles back here without actually backing up into the street.

Chairman Boxer stated okay. Any questions?

Mr. Spector stated I guess we can't do anything here until there is a negative declaration at the Planning Board, so we...

Chairman Boxer stated want to leave the public hearing open.

Whitney Singleton stated if, if.

Mr. Spector stated if there is.

Whitney Singleton stated Peter's a strong advocate for pos. dec'ing it.

Mr. Mintz stated don't let Whitney joke too much now.

Whitney Singleton stated the only things that jump into my mind, maybe Peter has some more of these. The two things that jump into my mind, if you're going to be entertaining an application to the effect that it impacts on sight distance, I would imagine your Board would probably want some sort of feedback from the Village Engineer before acting on that.

Chairman Boxer stated right.

Whitney Singleton stated and secondly and we don't have to do it tonight unless Zach wants to keep you guys here late. The whole concept of parking on the roof in our Code, is predicated on you utilizing that as an opportunity to preserve a lot of the environmental features. And they're putting it on the roof and going over the development coverage, and the setbacks, and into the wetland buffers and everything. So it's something that hasn't come up yet but one of the things that the Planning Board is grappling with is, you're supposed to use rooftop parking to preserve the site, not to over develop it. So that's one of things that's going on but they are absolutely remediating the site, the other site that they mentioned on Kensico and it's in the Brownfield Clean Up program, correct Marks?

Mr. Mintz stated I can speak to that. That is correct and the remedial action work, the public comment period on the remedial action work plan is closed and we think that we have a remediation plan in place that would satisfy the DEC.

Whitney Singleton stated and so I mean, there's a lot of positives and they have been working with the Planning Board and Staff but I think it's a little bit of an incomplete picture not to let you know about that aspect of it.

Mr. Mintz stated I'll speak to that only briefly just to say the reason why it wasn't brought up here is because the option to have rooftop parking is something that is under Planning Board jurisdiction, it's not something that require a variance from this Board to do. Which is the only reason why it wasn't brought up in that context. I didn't want to hide it from you but that is the only reason.

Mr. Miley stated but I did.

Laughter

Mr. Mintz stated yeah, I didn't want to ask you for something that I didn't need to ask you for, I guess.

Chairman Boxer stated are there any zoning regulations for rooftop parking?

Mr. Miley stated well it's a Planning Board approval but it was exactly as Whitney explained. They were considering, asking the reasons behind the environmental impact with regard to saving the buffer in its entirety, however they presented, providing a stacking plan that doesn't allow it because of the length of the

cars. So that conversation is still taking place with Planning Board but it has been brought up, some feel that the rooftop parking would in lieu of preserving the entire buffer.

Chairman Boxer stated okay.

Mr. Miley stated but you can look at it both ways. And one other thing I wanted to mention at 41 Kensico, it is my understanding that the floodway mitigation is going to be remediated in some aspect, they're going to potentially elevate the parking areas, some parking, we talked to, to that effect, that's still up in the air?

Mr. Mintz stated the steps that we've taken since our last meeting with Staff were to try to secure an environmental engineer to do a Hec Ras analysis...

Mr. Miley stated yes.

Mr. Mintz stated which I know that we've talked about and we just haven't gone through with that analysis yet. So I can't say we know for certain how we're handling that particular...

Mr. Miley stated the floodway may still actually be an option.

Mr. Mintz stated it may be, since our last meeting we haven't changed.

Mr. Miley stated that's one of the other things, the flood way is so close and the flood plain, it's considered a waterway, it changes, it changes things a little bit. The process of mitigating of parking on it may change but we're just not there yet, correct?

Mr. Mintz stated I would say that's correct. It goes back to Whitney's first point where he said maybe the biggest issue remaining in front of the Planning Board and I tend to agree and it's something that we're working with and work with Staff on, so.

Whitney Singleton stated but they have committed that they'll only park the Land Rovers in the floodway. Not Italian cars, anything that's going to break down, right?

Mr. Mintz stated no Jaguars.

Whitney Singleton stated no Fiat's, not Alpha Romeo's, only the big heavy duty Ranger Rovers.

Chairman Boxer stated okay, thank you.

Mr. Mintz stated thank you.

Whitney Singleton stated so would you like me to have the or have us request of the Village Engineer an analysis of the whole thing?

Chairman Boxer stated yeah.

Whitney Singleton stated did I take your stuff?

Mr. Weise stated yes.

Whitney Singleton stated I'm sorry.

Mr. Spector stated if he wants it, let him have it.

Chairman Boxer stated do we have a motion to adjourn?

Mr. Hoyt made a motion to adjourn. Mr. Sector second the motion.

The meeting adjourned at 8:53 p.m.