

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, July 16, 2019 at 7:08 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Wayne Spector
George Hoyt
Arthur Weise

Members Absent: Chairman Harold Boxer
Nancy Coyne

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

Mr. Spector stated good evening, this is the July 16th meeting of the Zoning Board of Appeal of the Village/Town of Mount Kisco and we're opening up a public meeting. We have three matters on and the first one that we are going hear based on who is in attendance tonight is Win Development, LLC. Before we do begin, as you can see we have three members of Board sitting here, so my understanding is generally speaking that for any variance we need to have a vote which is the majority of the sitting Board...

Whitney Singleton stated majority of the full Board.

Mr. Spector stated the full Board is what I meant. In other words, for any variance that's voted on tonight, to be approved would require all three votes of every person on this Board that's here tonight, vote to approve any variance or take any action. So my experience it's always been an option given to the applicant based on that to adjourn and wait for a larger Board, whether it's going to be a full Board and I can't answer that, who's going to appearing at the next meeting.

Mr. Weise stated they can poll the Board, if they wanted to?

Mr. Spector stated oh well they could...

Whitney Singleton stated that's your choice.

Mr. Weise stated because there's only three of us...

Mr. Spector stated it basically has to be unanimously approved tonight if there's going to be a vote. And if it's 2 to 1, it's the equivalent of no vote...

Whitney Singleton stated no, it's equivalent of a denial.

Mr. Spector stated of a denial, that's what I mean. Thank you.

Whitney Singleton stated and you should probably also point out that in all votes you've had to date, you have voted against everything that has appeared before the Board, correct...

Mr. Spector stated I think I once voted to adjourn.

Whitney Singleton stated okay.

Mr. Spector stated so with that in mind, you can present, not present.

1. Grandberg & Associates Architects
77-91 S. Moger Avenue
Mount Kisco, NY 10549
(SBL) 80.25-1-2

Case# ZBA 19-5
Area Variance

Mr. Ira Grandberg and Mr. George Gaspar of Grandberg & Associates Architects were present.

Mr. Grandberg stated it's called a trifecta...

Mr. Spector stated call it what you will. Or you can ask for it to be continued to another meeting as well.

Mr. Grandberg stated the reason we're before you tonight, we're the architects and designers of the building. We've been across the street from here for 25 years...

Mr. Spector stated can you state your name for the record?

Mr. Grandberg stated Ira Grandberg and my associate George Gaspar, Grandberg and Associates Architects. We are presenting to you tonight for a few reasons, one the, if I'm correct, the signage regulations in this Town did not anticipate a building like this. So this is on territory I don't think maybe we have faced before and possible yourselves. It's a building for a single use tenant, it's a unique building, we went before the Architectural Review Board and we were unanimously approved for both the materials, scale of the building and the site design. We are requesting three signs for the client who is the owner of the building or will be, those signs are for Charles Schwab. They have a particular logo that represents their company and all their facilities, this building was designed for them and it was designed so that the signage would be compatible with the building and not just glued onto the building. The page that you're looking at now, indicates where the three signs are going. I'll make it easy, this is the rendering that we showed the Architectural Review Board that we got approval on, that we based our building on and this is developed by the signage company showing you where the three signs are, okay? And basically one of the signs is their logo sign which is their standard sign, we've designed it to be integral with the building material, it will not protrude beyond the building, it will be backlit and be within the panel system, same material only as you see it. The second sign is a spandrel sign, as you can see by some of the literature we left you, these are the two main logo signs of the company and the back of building they were also proposing, is on this façade so you can see if from the Shopper's Park, that's a smaller version of the sign mounted onto the brick. Our dilemma is and probably the reason we're moving forward tonight because they're fabricating the panels.

Mr. Gaspar stated the panels being the building panels.

Mr. Grandberg stated and it has to be integrated with the construction of these panels and the spandrel has to be done because these are pin supported backlit letters and we can't open them up later and put the electrical in. We feel that it is designed to be unique to the building, it's not offensive from our perspective for the building and it should be considered accordingly. The signage regulations were designed for a typical storefront for a sign over a front door, this building has no front door. So the idea is that signage, architecture, presentation, its going to be in the Town whether anyone likes it or not and we want to do a sophisticated job with the signage, so that's why we're here tonight.

Mr. Weise stated in the front door is this glass...

Mr. Grandberg stated two story atrium which was designed to be on axis with a walkway that's going into the park. So we did this a street front, not to just do a 150 foot long building but also before it's a triangular site, we brought the parking off the front of the building and put it in the back of the building so it would be more attractive to the public and that's what people have responded accordingly.

Mr. Spector stated okay, so it's clear there's not going to be any other tenants, street front tenants, it's all going to be one use.

Mr. Grandberg stated one company, Charles Schwab.

Mr. Weise stated and there's an outside patio area?

Mr. Grandberg stated it's an outside area that's a deck off the companies lunch room...

Mr. Gaspar stated it's a seminar room on the upper level.

Mr. Weise stated on the upper level. Wow.

Mr. Grandberg stated so a lot of effort has been taken, the client is investing an awful lot into this, we've been on this project almost three years. And unfortunately or fortunately, the timing is such that we have to respond to the fabricators...

Mr. Hoyt stated what is Schwab using for this building, is this just executives?

Mr. Grandberg stated executive offices and the ground floor would be for public interaction, sales, what have you.

Mr. Weise stated so this is going to have a different function than the current Charles Schwab office.

Mr. Grandberg stated I think it will be more executive offices but there will still be a public lower level space.

Mr. Hoyt stated where is the current Schwab...?

Mr. Gaspar stated as permitted by Code.

Mr. Hoyt stated where is the current Schwab building?

Mr. Weise stated they're in this complex...

Mr. Hoyt stated on the back somewhere?

Mr. Spector stated facing the rear?

Mr. Weise stated they're next to Mimi's, you know Mimi's coffee...

Mr. Hoyt stated where Fidelity was...

Mr. Weise stated right next to that.

Mr. Grandberg stated right, right and they're shutting that down and moving it to here.

Mr. Gaspar stated and they used to be in the walkway between Chico's and the bank, at some point, they were in that strip. So they're bouncing around.

Mr. Weise stated well this is a big change.

Mr. Grandberg stated it is and also for the Village.

Mr. Weise stated yeah.

Mr. Grandberg stated we've gone through a lot of dialogue with everybody and the Village took a real stand, that a modern building like this, working sensitive to the site and the way we utilize the site, will hopefully be a plus and will allow for things to expand a little bit.

Mr. Hoyt stated and these lights will be on all the time, 24 hours?

Mr. Grandberg stated no, it will be on a timer.

Mr. Spector stated all the signs are backlit?

Mr. Gaspar stated yes.

Mr. Spector stated including the ones in the back, rear?

Mr. Gaspar stated internally lit.

Mr. Spector stated internally backlit.

Mr. Hoyt stated and they shut off at midnight or what's the...

Mr. Grandberg stated that could be put into a restriction, I don't know the criteria is.

Mr. Weise stated now how are the parking facilities for this, if this executive offices?

Mr. Grandberg stated the entrance is here, we've met all the parking requirements. You come in this way and you park in the back and there's a new entrance that's been approved that you can go out the back, around the pond and just go around the site. So we're reducing...

Mr. Spector stated you don't drive under the overhang?

Mr. Gaspar stated no, it's a walkway.

Mr. Grandberg stated people have asked that before, it's a custom size walk with stone pavers and that will be for the public.

Mr. Hoyt stated I think the building looks incredible, I think you guys did a great job.

Mr. Weise stated it's a big step up from...

Mr. Spector stated is there a chart that shows us for each sign the various variances that, I guess it's in the...

Mr. Grandberg stated it's in the letter of denial.

Mr. Miley stated it's also in the resolution draft.

Mr. Weise stated so I know you don't work for Charles Schwab but are the executives that are going to be at this building, I am going to guess they're going to be new to Mount Kisco, they're not currently here?

Mr. Grandberg stated I don't know, there will be more of them, that's for sure. This doesn't have hundreds of people in it, there are how many offices?

Mr. Gaspar stated there's 14 offices in this building, plus seminar space.

Mr. Weise stated I think the current one has like three.

Mr. Gaspar stated plus seminar space and that's the purpose for having the larger seminar room up on the second floor.

Mr. Hoyt stated was the building at all designed around the current signage. For example did they say, Ira we need that sign to be 4 feet wide, 10 feet, so did you?

Mr. Grandberg stated we integrated with the panel design with the spandrel...

Mr. Hoyt stated you didn't design and then they said we can fit this...?

Mr. Grandberg stated no, it did not happen that way, no. They gave us their criteria, just like everything else we did on the project.

Mr. Weise stated now, did you come up with this footprint. This is a very interesting footprint.

Mr. Grandberg stated completely.

Mr. Weise stated and you guys have been in Mount Kisco a long time.

Mr. Grandberg stated we did Winston restaurant across the street.

Mr. Weise stated oh wow, okay. So this is on some level your using your skills to try to elevate the Town.

Mr. Grandberg stated can I write that down?

Mr. Spector stated it's a very unique design for sure and it's also sort of a gateway to the...

Mr. Grandberg stated that's the word they've used.

Mr. Spector stated sort of the business district up on Moger, it really is. As, it's almost like you reach it, it's like got this point where the triangle meets...

Mr. Grandberg stated its where everything starts, that's the whole idea.

Mr. Spector stated everything does kind of start there, so the building has a lot of prominence as far as the Village. It could have a very positive, it could have a positive influence on the Village as it moves up.

Mr. Grandberg stated we're also taking graphic design seriously, we're not just going to a sign company and having them plop it on the building and there is something where the architecture and signage are sympathetic to one another...

Mr. Spector stated well the signs themselves though, you're basically adopting the logo that they have the script pattern that Charles Schwab requires, I assume. This is their standard?

Mr. Grandberg stated that's their standard.

Mr. Spector stated ok, so from our stand point, the big issue, I think the way I see it is whether the Board is comfortable with these signs being backlit because I'm not sure how many signs there are. We recently went through this with a couple of other signs where we're not too comfortable with backlit signs, I recall.

Mr. Weise stated that might have predated me.

Mr. Hoyt stated the hospital.

Mr. Spector stated I guess Party City too, I believe.

Mr. Grandberg stated also HomeGoods, I believe is backlit.

Mr. Spector stated is it? Okay.

Mr. Grandberg stated and it's much larger and it's a unique building and this is a unique building. And these aren't backlit where they're blasting light out. They're stencil cut small stuff, if you look at the signage sizes, the actual letters are not...

Mr. Weise stated it's not going to have its own illumination other than the letters.

Mr. Grandberg stated no, in fact, just so you know it, one of their standards is to have halo lighting behind it and we told them no, so they're taking it out of this signage. So we've done all we can do, so that's pretty much it.

Mr. Spector stated from what I'm seeing you did a nice job with the renderings, it really gives you a feel for it.

Mr. Weise stated it definitely looks like a big improvement to this complex.

Mr. Grandberg stated and also to just point out, there are only two street lights there. You almost wish there was a little more signage, not signage but life to that corner, those streetlights onto themselves. We have lighting that has already been photometrically shown to the Board but under here there will be plaza lighting in the ceiling but that's not blasting light but just for safety.

Mr. Spector stated is this directly across from where the chocolate factory is going to go?

Mr. Miley stated yes.

Mr. Spector stated do they have any proposed signage at this building?

Mr. Miley stated very small, very, very small signage package that they're proposing.

Mr. Spector stated it's within the Code, in other words?

Mr. Miley stated well within the Code, yeah.

Mr. Spector stated okay.

Mr. Hoyt stated I think my only concern is the Charles Schwab in white there that seems to be fairly in your face. But I love the building...

Mr. Grandberg stated it sticks out this far.

Mr. Hoyt stated I'm just, it's just as far, it's at the far end of the picture and it looks like it is fairly loud visually.

Mr. Grandberg stated that's how the render did it, it's not really...

Whitney Singleton stated can I point out one thing for the, Ira? Is this to scale?

Mr. Miley stated you just read my mind.

Whitney Singleton stated because the plans that you submitted are not to scale. Because this is, these are two foot letters where a foot is allowed and that's six feet over there...

Mr. Miley stated the blue.

Whitney Singleton stated yeah the blue and then the plans it shows the same size as this and it's three times the size.

Mr. Grandberg stated different scale.

Mr. Miley stated actually Chairman, the rendering on the sign package is different than your rendering as far as scale. We scaled at 8 scale, there was no scale provided but when we scaled 8 scale, it was probably two feet shy on the lower sections of the building. So it's kind of deceiving what the actual sizes are on the two lower renderings.

Mr. Grandberg stated well we lined it up with the steel supports for the balcony, everything is proportional, it lines up with the joints on the...

Mr. Miley stated so your rendering is to scale, this one isn't.

Mr. Grandberg stated the rendering is photographically accurate, we've taken exact at the right angle.

Mr. Gaspar stated and this was done almost two and half years ago, so there's been a few changes along the way.

Mr. Miley stated well they didn't get smaller, like what's on there.

Mr. Spector stated so the pictures that you've submitted, these are from other properties, I supposed?

Mr. Grandberg stated yes.

Mr. Spector stated so this approximately what the backlit Charles Schwab wording is going to look like, I assume?

Mr. Grandberg stated it's supposed to be what we can anticipate, right?

Mr. Spector stated yeah, I understand. And then, is this approximately the same size that you're going to see on that as well?

Mr. Grandberg stated approximately the same size.

Mr. Spector stated and this is the halo which you're not doing.

Mr. Grandberg stated which we're not doing. And the one on the back is only four feet.

Mr. Spector stated so that one is probably a little smaller as well, I would guess.

Mr. Hoyt stated I think some of it depends on the scale of the actual building, right?

Mr. Spector stated exactly.

Mr. Hoyt stated some of these signs look a little large but I think on a large building they'll seem...

Mr. Grandberg stated when you see it in the mass, it won't look like that.

Mr. Hoyt stated yeah.

Mr. Spector stated so if we approve this, it still has to the ARB for approval on these as well, right?

Mr. Miley stated correct.

Mr. Hoyt stated what do you guys think about having these lights 24/7.

Mr. Spector stated not 24/7.

Mr. Weise stated he said it's on a time.

Mr. Hoyt stated well it could be on a timer, right? It doesn't have to be on a time.

Mr. Grandberg stated that could be a condition.

Mr. Spector stated that could be a condition of approval.

Mr. Weise stated could be a condition, yeah. Whitney, what is the latest...

Mr. Hoyt stated are you saying that you think that Charles Schwab white sign is actually bigger in real life?

Whitney Singleton stated no, what I'm saying is this, is that the lettering that's being done here, this sign here...

Mr. Hoyt stated right.

Whitney Singleton stated which I understand why they have it there and you know its purpose and aesthetically and everything else but that is twice the size of the maximum allowed letter size in the district, right? And then this sign down here while the letter is not necessarily, the lettering is large but the sign is 6 feet by 6 feet, that's the same size as the signage at HomeGoods...

Mr. Grandberg stated which is much bigger, longer.

Whitney Singleton stated I understand that but it's...

Mr. Grandberg stated you see that panel on the wall, that's about a 6 foot, it's approximately like that...

Whitney Singleton stated yeah.

Mr. Grandberg stated and it's about 14 feet up in the air. I just want to clarify that.

Mr. Gaspar stated and the lettering is defined on another sheet that's here, in terms of size.

Mr. Hoyt stated I think if they were within in the Code, the lettering would look certainly small, so that's the flip side.

Mr. Spector stated I think we faced that a few times when we realized that maybe the Code is not, you know for commercial buildings is bit stricter than many situations.

Whitney Singleton stated that's, I mean it's totally your Board's call, I just wanted to point out...

Mr. Spector stated yeah.

Whitney Singleton stated because in your package, the blue sign seems smaller than the white sign when in fact it's three times the size.

Mr. Spector stated but as you see it here, that's the scale of how it will look on, these would be the wall that it's on.

Mr. Gaspar stated correct.

Mr. Hoyt stated and I find that blue sign much more pleasing than the white one, personally.

Mr. Spector stated but I also understand why they would need the other sign...

Mr. Weise stated yeah, I agree.

Mr. Spector stated over there as well.

Mr. Weise stated because this would otherwise just be a billboard.

Mr. Spector stated exactly.

Mr. Hoyt stated yeah, it would be odd, sticking out there.

Mr. Grandberg stated they also want to put, what's called an outrigger sign on the building, we convinced them not to put that on either. I mean there's been a balancing act and they've been a pretty good client in that regard.

Mr. Spector stated I don't know how anybody else feels about it but I'm not offended by it, is what I would say.

Mr. Weise stated I think it's a good development for the Town and I think that it looks appropriate.

Mr. Hoyt stated agreed.

Mr. Spector stated we're creating a business environment in the Town, I think it's good, I think it's going to be good for the business district and I think it's appropriate to show this type of tenant who's there...

Mr. Weise stated I think that's true, I think that's right.

Mr. Spector stated so I would say to you that I, my predilection is that I don't have an issue with it. I think the sign law does not permit a larger sign anyway, as it is. So the question is what is an appropriate size, is it two feet? The four foot one there, the way it's presented on that, to me, it's just not that, I find it actually to be fine.

Mr. Grandberg stated it's also flush, and flush.

Mr. Spector stated yeah and that's the other thing about it which I like.

Whitney Singleton stated you mean in the back? That's a six foot...

Mr. Spector stated yeah, that's a six on and then the four foot in the back which is the same design, which I have no problem with either.

Mr. Hoyt stated I think it's fine, I really do. I think the only issue is should it be on a timer, should it go all night long, I don't know the answer.

Mr. Grandberg stated I can't imagine them having it on all night long.

Mr. Spector stated are they going to have activities in the evenings there?

Mr. Grandberg stated square dancing.

Whitney Singleton stated triangular dancing.

Mr. Spector stated well it looks like it could have a very usable public space. Are they going to have seminars there at night? People...

Mr. Grandberg stated we have a seminar rooms, right.

Mr. Spector stated retirement presentations and...

Mr. Gaspar stated yes.

Mr. Grandberg stated exactly what they've mentioned.

Mr. Hoyt stated is that glass paneled area big enough to have, I can't see how, the depth of it, I guess I should have the plans. But is it fairly thin? Fairly narrow, so that you couldn't hold a meeting down there.

Mr. Grandberg stated well we have a conference room right here.

Mr. Hoyt stated but on this side of the wall, it looks like a glass wall, right?

Mr. Grandberg stated this is a total two story glass atrium.

Mr. Hoyt stated between there and the wall is only 10 feet.

Mr. Grandberg stated no, no, here is the glass wall, here and here and here, there's a revolving door here and this is all open with an ornamental staircase.

Mr. Hoyt stated oh okay.

Mr. Gaspar stated in today's terminology they call it a greeter's desk. We had to learn too.

Mr. Weise stated I have a related question to the lighting, which is you have glass windows for the offices, often times you'll see something like this in an office building. The offices stay lit for an extended period of time, do you know if the offices themselves...

Mr. Grandberg stated I would hope that they stay lit for a while, so it doesn't seem like at 6 o'clock in the wintertime, it's a dead building. But I know they're going to have solar shades that go down, the kind of transparent shading on the windows, which means you can see in but you can't see in. and I think that will give kind of a filtered light. I mean, I'm not going to speak for them but one would hope that it doesn't look like at 5 o'clock the building shuts down.

Mr. Spector stated is this a LEED building? In other words, environmentally? Because I know a lot of buildings have motion sensors...

Mr. Grandberg stated oh sure, they walk right in.

Mr. Spector stated now and they turn the lights off if there's not motion.

Mr. Grandberg stated the, they have an architectural firm from the Midwest that does their interior packages and that's a whole separate filing with the Building Department and I can't answer that.

Mr. Weise stated because I would think that your issue with the lighting, that when the indoor lights go out, I mean you should probably have it timed...

Mr. Gaspar stated plaza lights might go on or something.

Mr. Spector stated I think its reasonable to say that the lights stay on until a certain time in the evening, whether the building is occupied or not but what is that reasonable time.

Mr. Gaspar stated I haven't driven through Town at 2 in the morning to see what signs are still lit.

Mr. Spector stated no, I'm just thinking in terms of, you know I asked you the question about whether or not it's going to be, there are going to be activities going on in the building at night.

Mr. Gaspar stated they've said that that is what's going to happen.

Mr. Grandberg stated they want it to be a community...

Mr. Spector stated and until what time?

Mr. Grandberg stated they make the money on it but they want people to come into the building. What time, we don't know.

Mr. Spector stated well we suburbanites go to sleep fairly early anyway.

Mr. Grandberg stated fill up the sidewalks...

Mr. Spector stated we do, actually.

Mr. Weise stated what time does Starbucks close, that's probably the latest. We were driving around last time at 9 o'clock looking for a place to get my daughter dinner because...

Whitney Singleton stated not much is there, kind of sad.

Mr. Weise stated everything is shut down by 9.

Mr. Grandberg stated Winston closes at 9, there's no one in it.

Mr. Hoyt stated it was a Monday night too.

Mr. Spector stated that's what diners are for.

Mr. Weise stated yeah.

Whitney Singleton stated even the diner closes...

Mr. Grandberg stated it used to be open all night.

Mr. Weise stated we went to Azteca which was open until 9:30.

Mr. Spector stated they have to take the name diner off it, if it's not open 24/7.

Mr. Grandberg stated but their food is good there.

Mr. Spector stated Azteca, that's my favorite Mexican restaurant in Town.

Mr. Weise stated its good.

Mr. Spector stated they have a great taco.

Whitney Singleton stated [inaudible] closes at 9:30.

Mr. Weise stated so I'm wondering if we should say 9:30?

Mr. Spector stated we don't know if Starbucks shuts its lights down.

Mr. Hoyt stated I was thinking more of these large signs being on all night long in the wee hours, past midnight. I wasn't talking about, I think it's a little restrictive to tell them to shut their lights down by 10 o'clock.

Mr. Spector stated I was thinking 11 would be an appropriate time.

Mr. Weise stated yeah, okay.

Mr. Hoyt stated maybe they're, not to be devil's advocate, maybe the lights are good at night. You want this Town to be a little more energy...

Mr. Grandberg stated it's very dark in this corner, it's desolate.

Mr. Hoyt stated maybe I'm overthinking this.

Mr. Spector stated that's a good point too.

Mr. Weise stated yeah, you're right but this is a streetlight, right? Is that streetlight on all night, do you know?

Mr. Gaspar stated I can't answer that.

Mr. Miley stated streetlight where?

Mr. Grandberg stated are the streetlights on all night?

Mr. Miley stated I'm not sure if it's on all night, that's a good question.

Mr. Gaspar stated there's a streetlight here and there's another one back here. There's two on the street.

Mr. Hoyt stated I don't have a problem with lights being on, the more I think about it.

Mr. Spector stated there are no residence across, within vision of it?

Mr. Grandberg stated well, we sent out to all the people within 300 feet...

Mr. Miley stated well there are residence above...

Mr. Grandberg stated sporadically...

Whitney Singleton stated directly across the street.

Mr. Miley stated directly across the street.

Mr. Spector stated then I would think that it's appropriate to have lights on at a certain reasonable hour if there are, you know. That white light can be, I can see it being disturbing to somebody perhaps.

Mr. Weise stated I think that makes sense. I think we should look into whether or not, I mean we know for a fact there are apartments that...

Mr. Miley stated yeah, 74 South Moger above Tommie Copper, there are two upper apartments.

Mr. Weise stated oh okay.

Mr. Hoyt stated yeah, yeah, right where they took the picture from almost.

Mr. Weise stated okay. We have to have a timer on the lights, at a reasonable hour.

Mr. Grandberg stated right across the street is the chocolate factory, almost the whole length.

Mr. Hoyt stated oh, I see, I see, you're right. Got it.

Mr. Gaspar stated we can always tell the people at Schwab to be prepared that there is a likelihood that you're going to have to shut the lights off at a particular point in time.

Mr. Spector stated unless we wait for people to complain.

Mr. Gaspar stated we weren't looking at that particular and waiting for a complain to come. I was looking more for the Board to take a drive and when you're out, you know, is it bright, is it too bright, is it too late...

Mr. Weise stated can it be dimmed?

Mr. Grandberg stated yes. It can be [inaudible].

Mr. Gaspar stated it can be dimmed and also you can change the [inaudible] of the lighting.

Mr. Spector stated well that's another option that you say at a certain time that the, dim the lights.

Mr. Hoyt stated I'm not sure of the kelvin, what's that?

Mr. Grandberg stated the warmth or the coolness of the light.

Mr. Hoyt stated oh I see.

Mr. Gaspar stated these are probably fairly bright.

Mr. Spector stated what are they? They don't use neon in these...

Mr. Grandberg stated LED.

Mr. Spector stated they use LED's at this point, I would assume.

Mr. Grandberg stated a lot of them.

Mr. Weise stated so they can play with the programmable...

Mr. Grandberg stated they're programmable, yes.

Mr. Hoyt stated I do think that's a smart idea. They should be dimmed or diminished in some way.

Mr. Weise stated I think that's a good compromise.

Mr. Spector stated that's a good compromise yeah.

Mr. Hoyt stated whether it's 11...

Mr. Weise stated I would think no later than 11.

Mr. Grandberg stated and we don't have the information, we can contact Schwab and to say what do you have in mind? I mean, we don't know...

Mr. Weise stated right.

Mr. Grandberg stated it may be a nonissue.

Mr. Spector stated in other words, they may have decided on their own...

Mr. Grandberg stated 7 o'clock every night, they turn the light off, I don't know.

Mr. Hoyt stated what's the anticipated, is there an opening date yet set for this building?

Mr. Grandberg stated I think 2024.

Mr. Hoyt stated no, really?

Mr. Grandberg stated we'd waited so long for this. Fall time...

Mr. Hoyt stated this fall, so a couple months really, three/four months.

Mr. Grandberg stated three or four months.

Mr. Spector stated so how do we determine, when you saying dimming, it's a very vague term. You know, I don't know if you have like lumens you can say that the standard is proposed...

Mr. Grandberg stated the signage company has to do photometrics on their signs. You may have to do an engineered study of the signage and I think if you want to do it conditionally, that you want Schwab to give you a letter as to the hours of operation and to the possibility that you may require the signs to fit within some criteria, then that's fine. I mean, what we're really before you on is three signs, this size and then you know we'll come up with the engineering.

Mr. Spector stated I don't think we're, I'm not hearing that we're necessarily having any issue with the sizes.

Mr. Grandberg stated no.

Mr. Hoyt stated nope.

Mr. Weise stated I think that's right.

Mr. Spector stated so we're just dealing with this one issue of...

Mr. Weise stated and it would be disturbing to the neighbors.

Mr. Gaspar stated well the Village does have the requirement for photometrics when it reaches the property line and we can ask, I suppose we can ask the sign company, EverBrite to provide that...

Mr. Hoyt stated that's not a good name for this purpose.

Mr. Weise stated no, right?

Laughter

Mr. Gaspar stated we will definitely make sure that it complies with Town restrictions,

Mr. Spector stated I'm sure we can come up with something reasonable and I think there should probably be something in the record about, sort of the coverage areas of these lights and what impacts their going to have and how far out they're going to be seen. I'm assuming they're not going to create any kind of any glare issue for drivers I would assume.

Mr. Grandberg stated no, my goodness no. But we can have them supply the Building Inspector with their light calculations.

Mr. Miley stated it's one footcandle at the property line but you're not going to get any saturation from that type of light. That's going to be more of a wall sconce, a wall pack...

Mr. Grandberg stated similar to that, yes. Okay, thank you.

Mr. Spector stated alright, well thank you.

Mr. Grandberg stated so what happens now, then?

Mr. Weise stated well we can vote on the sign, the question is does the lighting requirement have to be...

Mr. Spector stated right, we vote on the variance and this is a question that, a condition that we attach to approving the variances, so in terms of however technically we state the... Do we need that information if we're going to include it as a condition do we...?

Mr. Hoyt stated I think I heard a good idea, I think we approve the lighting as is with the one condition...

Mr. Grandberg stated the signage as is...

Mr. Hoyt stated the signage as is, with a condition that Charles Schwab comes back with a description of the proposed timing of the lighting and also whether they're able to adjust the lighting.

Mr. Grandberg stated adjust the lighting, right. That would do it.

Mr. Hoyt stated I think we can make a better decision once we know it.

Mr. Weise stated right.

Mr. Hoyt stated if they say these lights are going to be off at 11 o'clock every night anyway, then we're wasting our time worrying about it.

Mr. Spector stated can that language be integrated into the resolution?

Whitney Singleton stated well I have a couple of proposed resolutions based upon what I was hearing you talk about and that was, some of them are already in your draft resolution. The variances are solely for the plans presented to you and considered by the Board. The approval shall not constitute an authorization for any additional signage or change in the signage on the premises included handheld signs, inflated signs, et cetera. Number three, a change based upon what I've heard tonight, you know indoor or outdoor signage, or painting, shall be permitted on or within the windows of the building so as to advertise to the public. So you won't be putting things in the windows saying sale or whatever...

Mr. Grandberg stated do that again?

Whitney Singleton stated in the windows, so that you don't circumvent the purpose of the signage, you're not going to put 6 by 8 signs on the inside of the window...

Mr. Grandberg stated like they did Party City.

Whitney Singleton stated yeah, basically.

Mr. Grandberg stated did you approve?

Whitney Singleton stated no, we didn't. They're not allowed to have any signs on the inside of the windows. But you can now see why I'm worried about the precedent that HomeGoods and Party City presents, everyone is going to be coming in for 6 foot signs. No indoor or outdoor signage shall be permitted within the windows on either side as to advertise to the public and all signage shall be, all lit signage shall be turned off no later than blank pm. Those are the only conditions I've heard.

Mr. Spector stated can we say turned off or dimmed, perhaps? Because we haven't really decided that we want it to go off. We said we want to look at the possibility of it being dimmed, to a level that's acceptable to the Building Inspector or whoever.

Mr. Miley stated there's really no, all it says in our Code is that it shall be reviewed by your Board, it doesn't indicate any level. The only level of lighting is not typically for signage, it's for wall lighting, where you can't have anything further than 1 footcandle at the property line. Which I don't think this light will emit 1 footcandle because it's an internally lit sign.

Mr. Weise stated maybe we can say we approve this signage with adjustable lighting options so we can adjust it if the community finds it necessary.

Mr. Hoyt stated that's pretty [inaudible].

Mr. Spector stated I feel that same what that it's...

Mr. Hoyt stated I think we should either have strict condition now or they'll have to keep coming back with this.

Mr. Weise stated but we don't know the...

Mr. Spector stated we don't know, it may not, we not like the way it looks if its dimmed, which is another issue, it may look strange to us.

Whitney Singleton stated and they can always come back and ask for different relief.

Mr. Hoyt stated is it possible for us, why don't we just approve this, it won't slow you down, with a condition that you come back, somebody comes back at the next meeting, next available meeting with more information on what Schwab's intent is as far as the lights. They may shut them off again at 11, in which case...

Mr. Grandberg stated well we think that could be a third of the Village, we think they should do the criteria of is it dimmable, is it not dimmable? You know, this is not a local sign company, they do major sports arenas everywhere, I think probably the computer...

Mr. Spector stated I think that reasonable to ask for that information.

Mr. Miley stated but you have to have action tonight in order to be on the ARB tomorrow.

Mr. Grandberg stated that's right.

Whitney Singleton stated and you can't, it's, the one thing that I can tell you that you can do is you can't approve and then retain approval subject to your liking.

Mr. Spector stated can we say, since they are going to the ARB, maybe the ARB maybe should be the one deciding on the issue of brightness and... maybe we can approve the sizes.

Mr. Weise stated the size of the signage.

Mr. Spector stated and say, and you know defer to the ARB as to issues relating to...

Mr. Grandberg stated but hasn't lighting always been the Planning Board? We do site lighting, things...

Mr. Miley stated they do site lighting.

Mr. Spector stated so this is a variance application, so we can attached conditions, so. I'm perfectly fine about approving the size and locations.

Mr. Grandberg stated the size, number and locations.

Mr. Spector stated the number, the locations and the size.

Mr. Grandberg stated that all of them.

Whitney Singleton stated all signage shall be turned off no later than blank pm, or applicant may obtain approval to dim lights after 10 or 11 o'clock pm.

Mr. Spector stated I would say 11. They're going to have programs going on in the evenings and they'll need the lights on.

Whitney Singleton stated pm to a level to be determined by...

Mr. Hoyt stated this is where the problem comes down.

Mr. Grandberg stated municipal authority.

Whitney Singleton stated the Village Engineer?

Mr. Miley stated yeah, that's fine.

Whitney Singleton stated so as not to create a disturbance to surrounding apartment, surrounding residential uses?

Mr. Miley stated can you put engineer and/or Planner? Jan usually deals with the lighting as well.

Mr. Hoyt stated do you know where their relocate corporate offices are coming from? Did they talk to you in advance of this site? Were you working with them choosing a site in the Village?

Mr. Grandberg stated they had another architect.

Mr. Hoyt stated they wanted the site...

Mr. Grandberg stated they had an architect from Wisconsin that they fired and...

Mr. Hoyt stated they got fired, you said?

Mr. Grandberg stated yeah, they had a super modern like off the charts...

Mr. Hoyt stated on this site, so they had already chosen this site.

Mr. Grandberg stated they had a rectangular building with an empty triangle on the side.

Mr. Spector stated from Wisconsin, it looks a little bit like a cheese wedge actually but...

Mr. Grandberg stated it's very far, be a packer, right? The Packer building right?

Mr. Hoyt stated yeah.

Mr. Grandberg stated so it evolved that way.

Mr. Gaspar stated it really responds to South Moger Avenue and the building to the north that's how this building was generated. Plus having a car go through...

Mr. Spector stated it's a very imaginative way to use this property.

Mr. Hoyt stated is there anything in this bow? Is there anything in the bow there?

Mr. Grandberg stated the vault.

Mr. Spector stated the gold storage.

Mr. Hoyt stated stairs going down 4 levels.

Mr. Grandberg stated no, I mean some developers would look at that and say it's wasted space. It's an empty space, we could have cut the building off right here and still met the codes.

Mr. Hoyt stated I agree and that's what I kind of half expected...

Mr. Spector stated it certainly would have reduced the cost, sure.

Mr. Weise stated they're making a statement and...

Mr. Grandberg stated and I think up doing for the Town, they're giving a little energy to it.

Mr. Weise stated right, and there might be a response from Fidelity, TD...

Mr. Hoyt stated they've already responded, they're moving to Chappaqua Crossing.

Mr. Weise stated is that the response?

Mr. Hoyt stated well may be not the response but...

Mr. Spector stated who?

Mr. Hoyt stated Fidelity, I read that they're moving to Chappaqua Crossing.

Whitney Singleton stated I have four conditions, the only one that's been revised, number three is revised to reflect that there's no indoor or outdoor signage within the windows. And number four reads all lit signage shall be turned off no later than 11 pm or applicant may obtain approval to dim lights after 11 pm from the Village Engineer and/or Planner, so as not to create disturbance to surrounding residential uses.

Mr. Spector stated perfect.

Mr. Grandberg stated okay, thank you all.

Mr. Hoyt stated we haven't voted yet.

Mr. Spector stated the resolution...

Mr. Gaspar stated don't leave.

Mr. Grandberg stated we have to stay up for that.

Mr. Gaspar stated yes.

Mr. Spector stated do we typically read these into or no? I was going to ask you to do it.

Mr. Hoyt stated do you need a motion? Are we there?

Mr. Spector stated waiting for Whitney to tell us to go ahead.

Whitney Singleton stated I just need to know who's making the motion.

Mr. Weise stated I make the motion to vote on the matter.

Mr. Hoyt stated I second.

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

The Secretary stated you have to close the public hearing too.

Mr. Spector stated do we have to close the public hearing before we vote on the motion?

The Secretary stated you can close it after, it's fine. It just has to be closed.

Mr. Spector stated okay, so motion to close the public hearing.

Mr. Weise seconded the motion.

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

Mr. Gaspar stated thank you.

Mr. Grandberg stated thank you.

Mr. Miley stated did you submit everything for ARB?

Mr. Grandberg stated we were told we couldn't do it.

Mr. Miley stated what?

Side conversations.

**2. Milton Torres
487/489 Main Street
Mount Kisco, NY 10549
(SBL) 80.57-3-2**

**Case# ZBA19-4
Area Variance**

Mr. John Caro was present to represent the application.

The Secretary stated this is the representative for 487/489 Main Street.

Mr. Spector stated that would be Topsy Taco.

Mr. Hoyt stated are we adjourning the meeting?

Mr. Spector stated we said that we were, there was a lot that was still not submitted, a full set of plans, landscaping plan, there's a lot of missing materials as far as what's in front of the Planning Board. State your name for the record.

Mr. Caro stated John Caro.

Mr. Spector stated okay, you're here on behalf of the applicant Topsy Taco.

Mr. Caro stated yes.

Mr. Spector stated and we understand that this is for a, we should wait.

Whitney Singleton stated sure.

Mr. Spector stated I thought we'd just wait.

The Secretary stated oh, you want to wait for him?

Mr. Spector stated yeah.

The Secretary stated okay.

Mr. Weise stated I went to the site and there's tremendous tree coverage to the Park. There's only a very small area I could see.

Mr. Caro stated yeah, even looking out the door towards the Park, there's very little you can see of the Park. I know we were looking for really the variance for the, the area variance for the additional 280 square feet.

Mr. Weise stated the one thing I was curious about is there is handicap parking...

Mr. Caro stated at the corner.

Mr. Weise stated right, yeah. So how far away from that will the patio end?

Mr. Caro stated oh, it's at least 40 feet.

Mr. Weise stated at least 40 feet.

Mr. Caro stated before you get to the patio from the end of the building. You know, at least 40 feet from this. This is 20.

Mr. Weise stated okay.

Mr. Spector stated just so we're back on the record, we're here tonight to review an application for an area variance on a site coverage issue and you're also before the Planning Board we understand.

Mr. Caro stated right.

Mr. Spector stated and in our discussions in advance of the meeting, we were advise that there is still some submissions that are outstanding before the Planning Board, in particular landscaping and...

Mr. Caro stated there was a landscaping thing, we, it may have been my misunderstanding but I think they're looking for more plantings along the wetland area there. We had planting around the patio and they're looking for an enhanced wetlands planting plan which we're happy to supply them with.

Mr. Spector stated right, so in our discussions in advance, because again the issue that we're discussing really was whether or not we felt that we should proceed with respect to the lot coverage variance here, given the fact that the landscaping plan appears at least to us to be relevant to even reviewing the lot coverage issues. So I think the inclination of the Board was to at this point, adjourn this application until the submissions are complete so we can see the full application package and see what's being proposed.

Mr. Caro stated okay.

Mr. Spector stated so we appreciate you being here and I don't know if anybody has any questions...

Mr. Hoyt stated no, I think we want to do it in the right order, I think that makes perfect sense.

Mr. Weise stated yeah, I think that makes sense.

Mr. Caro stated okay.

Mr. Spector stated okay?

Mr. Caro stated alright, very good. The next meeting is...?

The Secretary stated September 17th.

Whitney Singleton stated when are you next before the Planning Board? Do you know?

Mr. Caro stated the 14th...

The Secretary stated August 13th is the next meeting, the deadline is the 23rd.

Mr. Caro stated yes, Tuesday.

Whitney Singleton stated you'll be before them and presumably they close the public hearing, they will ask Staff to prepare a resolution if they're inclined to act favorably or unfavorably. And that would be when?

The Secretary stated August 13th is the next Planning Board meeting, so the next meeting I believe is September 10th after that.

Whitney Singleton stated so they're pretty much contemporary on this, okay. I'm just trying to coordinate timelines in my mind.

Mr. Caro stated okay.

Mr. Spector stated okay, thank you very much.

Whitney Singleton stated John, just one other thing. Frequently when an applicant comes to the Zoning Board that's also concurrently before the Planning Board, they might ask for if the Planning Board wishes to offer a letter of support or anything or opposition to the application. So that might be something that you might want to request of the Planning Board, when they're ready to vote on your application.

Mr. Caro stated okay.

Mr. Spector stated I think we'd find that helpful, yes I agree. We have no minutes to vote on, I'm not sure we could anyway.

The Secretary stated no, it would have been from last month and I'm behind, I'm sorry. No, I don't think.

Whitney Singleton stated what? Michelle hasn't done the minutes? I'm just joking.

The Secretary stated I just got the Chipotle resolution from you last week, so I don't want to hear about it.

Mr. Spector stated why don't we adjourn the meeting and then we can...

Mr. Hoyt made a motion to adjourn the meeting. Seconded by Mr. Weise.

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

The meeting adjourned at 7:58pm.