

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, July 17, 2018 at 7:06 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Chairman Harold Boxer
Linda Greenberg
Nancy Coyne
Wayne Spector

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

Chairman Boxer stated calling the evening to order. The first up is Northern Westchester Hospital.

**1. American Sign Crafters for NWHC
400 Main Street
Mount Kisco, NY 10549
(SBL) 80.49-3-14**

**Case# ZBA 18-5
Signage**

Mr. Jeffry Pennant of American Sign Crafters was present.

Mr. Pennant stated what do have first?

Chairman Boxer stated you.

Mr. Pennant stated me, that's not me. That's them.

Ms. Coyne stated no, we have everything.

Chairman Boxer stated we're just looking at it, we're not discussing it.

Mr. Pennant stated you have these?

The Secretary stated they were in last month's packet. It was e-mailed to them again for this month.

Mr. Pennant stated I have a few.

Ms. Coyne stated we can share.

Chairman Boxer stated okay, you want to state your name for the record.

Mr. Pennant stated Jeffry Pennant from American Sign Crafters. So basically what we're going after here is this sign, the monument sign, illuminated by the emergency entrance. And a couple of pages back there is also a main entrance sign, right against the fence right here, also illuminated.

Chairman Boxer stated how tall is that?

Mr. Pennant stated it's actually says it right there.

Mr. Spector stated five foot six.

Chairman Boxer stated you're right, okay. Actually it's six six, a basketball player.

Mr. Pennant stated we showed it last time, it was a closer view and now we've panned it out a little bit. So you can see, sorry I'm using yours, more in context with what it looks like, page three. What it looks like against the entire hospital and they wanted to see proportionally what it would look like at this size proposed. So there's that one and then the one by the emergency. And I believe if you go to here, this is what's existing.

Mr. Coyne stated how did the new colors get selected?

Mr. Pennant stated the hospital contracts a design firm and hey come up with the color schemes and things like that. So, there is signage already at the hospital with these colors. So that's how they do it. I'm not sure what the thought behind it is...

Chairman Boxer stated it's red, white, and blue.

Mr. Pennant stated right.

Chairman Boxer stated okay, how much lead way do we have on making that smaller...

Mr. Pennant stated I'd say five foot or five foot six.

Mr. Spector stated I'm fairly new on the Board. So this is an application for a variance because this is too large, right?

Mr. Pennant stated larger than allowed, yes.

Mr. Spector stated yeah, because I don't see a chart, I don't know how much. How much bigger it is than it's supposed to be. I don't see any information here in my packet.

Mr. Pennant stated right, I get it.

Chairman Boxer stated Peter...

Mr. Miley stated yes?

Chairman Boxer stated yeah, I have a couple of questions actually. Chairman?

Chairman Boxer stated yes.

Mr. Miley stated the last meeting the applicant attended, he indicated that they were going to reduce the number of signs and significant reduce the size of the sign. In the proposed, at you just proposing that at three ground signs, excuse me monument signs and that's it in this application?

Mr. Pennant stated two monument signs.

Mr. Miley stated and that's it?

Mr. Pennant stated that's it.

Mr. Miley stated okay, so then the application has changed.

Mr. Pennant stated do you have anything else on it?

Mr. Miley stated excuse me?

Mr. Pennant stated what else do you have, I'm sorry.

Mr. Miley stated you received a denial letter with a lot of denials based on the previous application. The application wasn't actually complete, it was just a letter with a couple of signs. We were under the understand that the other signs may move forward but we didn't know because the application wasn't specific enough.

Mr. Pennant stated other signs?

Mr. Miley stated so I don't know actually what you're proposing today. Is it just these signs?

Mr. Pennant stated just those two.

Mr. Miley stated this appeared as an addition or change to the original proposed signage.

Mr. Pennant stated that's all that we're proposing. No, this is...

Mr. Miley stated this should be clear to...

Mr. Pennant stated what originally was denied was the size of these and I believe that's why we were here last time and today.

Mr. Miley stated yes.

Mr. Pennant stated because these as is, that's how the hospital would like to propose them at that size.

Mr. Miley stated so now the sign, it's just the two monuments...

Mr. Pennant stated the two monument signs, correct.

Mr. Miley stated so all the other signs based on the original determination are going away?

Mr. Pennant stated were approved. No, as they are actually up and installed. There was no issue with those because they conform to Code. It is these two, it is my understand that...

Mr. Miley stated we have the channel letter signage...

Mr. Pennant stated there is a channel letter set on the wall but I believe that's not for, to be talked about tonight. Tomorrow night.

Mr. Miley stated its included in your package.

The Secretary stated that was included in the denial, is what he's saying to you.

Mr. Pennant stated okay.

The Secretary stated that sign was not approved.

Mr. Pennant stated okay. I wasn't told to present the channel letters.

Mr. Miley stated that is what the application was for.

Mr. Pennant stated I was told to bring these two signs.

Mr. Miley stated so you're lessening the application, or you're reducing the application to these two signs only.

Mr. Pennant stated they want the channel letter signs as well.

Mr. Miley stated no, we're talking about the monument signs.

Mr. Pennant stated for the monument signs, yes.

Mr. Miley stated that is the only thing we got.

Mr. Pennant stated those are the two that do not conform to size or Code or...

Mr. Miley stated so what do we do with the other ones, that's the question.

Mr. Pennant stated the other ones, the rest?

Mr. Miley stated the other proposed signs.

Mr. Pennant stated other than the channel letters?

Mr. Miley stated no, the monument signs that are here before us today.

Mr. Pennant stated the ones that I understand that needed to get looked at are these two signs only. Because everything else...

Mr. Miley stated one, two, three, four variances needed for various items. So the monument sign today, we can identify the monument signs in the denial letter, if that would, obviously the Chairman would have to entertain that, that's the application, just the two monument signs and for the amount of variance requested.

Mr. Pennant stated because I think it's substantial, yeah. Because these are the only two...

Chairman Boxer stated you have, right now there's a monument at the start of the driveway, what else would they have up right now?

Mr. Pennant stated there's the monument and then this one, there's two.

Chairman Boxer stated well there's one already in front, that makes three.

Mr. Pennant stated this one is being replaced. If you turn the page, there is one and then this one is two. And that's all the monuments that we're proposing today.

Chairman Boxer stated and what about the one at the beginning, the start of the driveway.

Mr. Pennant stated that one, as far as I know, that four sided one. I don't know if you've happened to see it, that one conforms to size and we weren't told to submit.

Chairman Boxer stated Peter, is the one they have the beginning of the driveway...

Mr. Pennant stated that one as far as I know, is okay.

Whitney Singleton stated on the street?

Mr. Miley stated yeah.

Whitney Singleton stated this is very hard to follow what's going on here.

Mr. Miley stated it is.

Whitney Singleton stated I had, you know I format the applications before time with the resolution and I have many, many more variances than what he's talking about.

Mr. Miley stated yeah, so do I.

Whitney Singleton stated I have two required signs, 19 proposed, needing a variance of 17 signs in number.

Mr. Miley stated yes.

Mr. Pennant stated no, there's something not correct. Because I was told two signs needed a variance and that was it.

Whitney Singleton stated okay because I also have...

Mr. Pennant because the other, I don't think there's even 19 in the total campus. The other two, everything else was conformed to Code and I got a permit for everything else. For the other ground signs except for these two that I'm showing you today.

Whitney Singleton stated okay, I have a variance from the required placement of signage at the primary public entrance.

Mr. Pennant stated right, that's the 4 sided one.

Whitney Singleton stated I have a variance from the required minimum sign length or maximum sign length for wall individual letters, 74% of the store front.

Mr. Pennant stated channel letters.

Whitney Singleton stated for 15 feet for sign, you require a 2 1/2 foot variance there.

Mr. Pennant stated is that, what is it?

Whitney Singleton stated it's for WH-01.

Mr. Pennant stated I know WH-01 is the channel letters for the main...

Whitney Singleton stated sign length.

Mr. Pennant stated right.

Whitney Singleton stated then you have a variance from the maximum face area. You're required to have not more than 20 feet and you're proposing to have 79.3 feet.

Mr. Pennant stated that's for here.

Whitney Singleton stated that's WH-10.

Mr. Pennant stated WH-10.

Whitney Singleton stated and then you have a variance from the maximum face area for a free standing monument sign for sign WH-18.

Mr. Pennant stated that's this one.

Whitney Singleton stated and your maximum face area is 20 feet and you have 37 ½.

Mr. Pennant stated right, so those are these three.

Mr. Miley stated proposed today is 40, so that's increased as well.

Mr. Pennant stated increased from...?

Mr. Miley stated square footage.

Mr. Pennant stated well what I have here, 40 square feet is what we're proposing, I don't think that's changed as far as I know.

Mr. Miley stated in the notice you indicated 37.5.

Mr. Pennant stated and 79.3 for the other...

Mr. Miley stated that would have to be re-noticed. If it was being reduced it would be one thing but going up is another.

Mr. Pennant stated okay.

Mr. Miley stated the only, Chairman, the only, included in this package that you see before you today is the 79.3 which was referenced in the original denial notice for a required variance of 59.3 square feet. That's it. I don't really know what this application includes today other than, I thought they were coming before us for the 17 variances and modifying based on your request at the last meeting.

Mr. Pennant stated right, as far as I know, the only ones that were going for a variance were these two that I was presenting tonight and the channel letters I think were tomorrow night.

Mr. Miley stated I think you need to correct your application, quite honestly because I'm confused.

Whitney Singleton stated wait a second. I just noticed on my drive over here, are those other 17 signs already installed?

Mr. Pennant stated yes.

Whitney Singleton stated yeah, I thought I saw them.

Mr. Pennant stated and I have permits for those.

Chairman Boxer stated when did you get the permits?

Mr. Pennant stated about a month ago.

The Secretary stated I have no idea. If you needed variances for signage, permits wouldn't have been issued.

Mr. Pennant stated I don't know. Patti issued the permits for everything else, except for these things.

The Secretary stated and she's been on vacation, so we'll speak with her in the morning.

Mr. Miley stated I'll have to confirm that, Chairman. I don't have the answer.

Chairman Boxer stated yeah, I think we need to get together with your other people and figure what's going on. Because I want to see the whole...

Mr. Pennant stated the whole history.

Chairman Boxer stated I want to see all the signs, not just the ones that you think are variances.

Mr. Pennant stated okay.

Chairman Boxer stated see how they, I guess a layout on the campus where they go and how big they're going to be and what variances they need. So you probably should just revise your application.

Mr. Pennant stated okay, fine.

Whitney Singleton stated is the sign that's 40 feet up on the building?

Mr. Pennant stated the channel letters, yes.

Whitney Singleton stated okay, that's still there.

Mr. Pennant stated what do you mean it's still there?

Whitney Singleton stated well I'm trying to figure out exactly how your application has been revised.

Mr. Pennant stated oh okay.

Whitney Singleton stated you're going to have the one big sign as you drive in.

Mr. Pennant stated right.

Whitney Singleton stated and then you're going to have a new sign where the emergency room is.

Mr. Pennant stated correct.

Whitney Singleton stated and then you're going to have a sign up on the building.

Mr. Pennant stated yes.

Whitney Singleton stated those are the three signs you're here for, because you said two.

Mr. Pennant stated well no, what I was told was that the channel letters were tomorrow night. These two were for tonight.

Mr. Miley stated that's ARB, that's different.

Chairman Boxer stated that's different than here.

Mr. Pennant stated right, correct.

Whitney Singleton stated but that doesn't mean that it doesn't require a variance.

Mr. Miley stated correct.

Whitney Singleton stated if you put a sign 47 feet in the air, I have to imagine that it requires a variance.

Mr. Pennant stated I think it does.

Mr. Miley stated can I make a recommendation that he just come, schedule a meeting with us. Come in, bring in the entire application, any proposed signage, whatever it is.

Mr. Pennant stated everything.

Mr. Miley stated so we can go through it and help you prepare your application.

Mr. Pennant stated alright.

Chairman Boxer stated thank you.

Mr. Pennant stated okay, thank you so much. You want this one back, Michelle?

The Secretary stated nope, that's a copy for you.

Whitney Singleton stated the signs are actually kind of nice though, as far as the colors.

Ms. Coyne stated what?

Whitney Singleton stated I don't mind the colors.

Ms. Coyne stated you don't? I do.

Whitney Singleton stated you do.

Ms. Greenberg stated but they're there already.

Chairman Boxer stated they're the colors of the new, this is off the record, what I'm about to say. They're the colors of the new air force one, I hear Trump ordered a new Air Force One today and it's going to red, white, and blue, not white and blue. And he said he got a good deal from Boeing, that's why he's buying a new one.

Whitney Singleton stated are you sure it's not going to be red and gold with the sickle on the end?

Chairman Boxer stated did you notice in Scotland, which had Trump right on it, was parked right out in front of the hotel in Scotland. So he may take Air Force One but someone else brings his other stuff in while he's there too. Alright, case number two. SL Mount Kisco.

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

**Case# ZBA 18-9
Signage**

Mr. Taylor Palmer of Cuddy & Feder and Mr. Chris Raffaelli of Studio Architecture were present.

Mr. Palmer stated good evening Mr. Chairman, members of the Zoning Board. Taylor Palmer with Cuddy & Feder on behalf of the applicant. His evening I'm joined by Chris Raffaelli, project architect. We're before this evening for a continued public hearing. We are proposing certain new signage, the existing, what was the former Borders is Modell's Sporting Goods. As Chris is showing in front of you, this was our revised site plan. No, it still has the. So ultimately we have a couple different diagrams...

Chairman Boxer stated this we weren't supposed to look at?

Mr. Palmer stated right. To show the Board this evening we have two different boards to help identify some of the revisions that we've done to the project in light of the Zoning Board's comments and questions. We have submitted a supplemental submission on June 27th, that includes this, the specific changes which I can certainly go through for the benefit of the Board and the public. We did re-notice this public hearing at the previous Zoning Board meeting, the Zoning Board Attorney provided a copy of a memorandum prepared by his associate that went through, more specifically the variances that were requested for this application. We did that this Board's comment and concerns into consideration and we have reduced for instance the need for sign lengths for all of the Party City and Modell's signage. Those were originally requested, backers were certain lengths and we were able to revise those signs to reflect the same. We've reduced the height and width of the signs on East Main Street. We provided a large see-thru window area on Main Street. Again, we are also working through changes to the internal window graphics. While we're before this Board specifically for the exterior wall mounted signage, there were comments regarding the window treatments that are set back from the windows, so this evening we had previously spoken with the Zoning Board Attorney in respect to the application before the Board this evening. So we are specifically referring this evening to the exterior wall mounted signs. We've modified the Party City entrance doorway, the Architectural Review Board had specific comments with respect to the Main Street entryway. It was modified to try and make a better consistency again. Again, I realize these are site plan elements but these are all part of Planning Board, Zoning Board, and ARB's comments that we're bringing back to you this evening. We did switch the positions of the Party City and Modell's signs along Green Street and reduced and eliminated the need for the sign variances as we indicated previously. And we also reduced the lettering and length of the sign backer for Modell's along Green Street and the lettering was in the brick façade. And finally, we've reduced the Modell's letters in the signage along the rear which is the westerly side of the building which now has both Modell's and Party City as channel letters. There had

been previously a proposed sign with a backer on the building, so now to make them consistent we revised them so that they are both channel letters. If the Board sees fit, if there are specific questions before I go through the changes. We did submit again, a supplemental submission on June 27th that included the specific changes to the variances we were required but we're following through on the Building Inspector's interpretation, excuse me, the Building Inspector's breakdown of the variances required and we did re-notice this hearing.

Chairman Boxer stated what about the window treatments?

Mr. Palmer stated so the window treatments at his time, I may defer to the Board's attorney, but at this time that is being handled separately. We do not have a formal determination at this time from the Building Department. So we are here specifically for the exterior wall mounted signs.

Chairman Boxer stated okay, have you gotten Planning Board approval for them?

Mr. Palmer stated we are before the Planning Board on the 24th.

Chairman Boxer stated okay.

Mr. Palmer stated and again, if the window, if they are not considered window signs but we are waiting for, we will have a formal determination with respect to again, the window treatments that are set back. We do have other visuals that we can show this Board to help clarify how the visual impact, again these impacts, these visuals don't do real justice to what is being shown on the windows. But again, we are here this evening just specifically for the sign relief.

Chairman Boxer stated I thought you were going to put some wall hangings up for us to look at.

Mr. Palmer stated so the applicant has been in touch with Party City corporate, and I realize this is on the record but they have been very difficult and it is quite expensive in order to obtain these. The applicants have requested that Party City corporate, these are graphics that come directly from Party City themselves. We had contacted the Party City down the street in the hopes that we could borrow that and at least take some pictures. We went through the expense of creating a Photoshop drawing in fact which shows the location of examples of these images or the graphics that are setback on the fixtures about 18 inches.

Mr. Raffaelli stated about, yeah.

Mr. Palmer stated about 18 inches. So again, they're not window signs, they're not on the windows, they're set back on the fixtures. So we do have an image of that, again I can show that to the Board again. I'd like to focus on, again, we had spoken with the Zoning Board Attorney this evening or earlier this afternoon to affirm that we're here this evening specifically for the exterior wall mounted signs. And we would return to this Board if it's determined necessary to work through those window treatments specifically for Party City.

Chairman Boxer stated I think the window treatments and signage should all be considered together. I don't want to do the signs alone.

Mr. Palmer stated and if I may, if they were together, they would have been accounted for a determination. The determination that we have is that we do need these variances for sign width, length and other requirements in color. So they're not taken together, these are signs, exterior wall mounted signs. Those windows that we're referring to have not been determined, we're reviewing those with the Planning Board, the Special Permit that was previously approved for this property provided that the Planning Board has the review of those window treatments. And again we don't have a formal determination at this time and I will again defer to the Board's counsel with respect to the application before this Board which is specific to just the exterior wall signs. And if there are further questions because again we did specifically address the Board's questions with respect to the sign lengths and other considerations of these wall mounted signs.

Chairman Boxer stated I still think that we need to wait for the Planning Board to make their determination and take everything as one. I'm not going to do a piece here and a piece there because it gets lost in the shuffle.

Mr. Palmer stated well the Planning Board, unfortunately cannot act before the Zoning Board acts on this particular issue. We are seeking sign variances and the Planning Board cannot act until...

Chairman Boxer stated right but I think the Planning Board, I'm going to request the Planning Board to give us some guidance of what they're looking at. And after we get their memo then I think we're more, we're better able to treat the whole application. I'm not really, I don't want to take these signs alone.

Mr. Spector stated is it your opinion that the visual impact of the signs that are being proposed for variances, is impacted by the graphics in the windows to some degree?

Chairman Boxer stated yes.

Mr. Spector stated so whether the graphics are included or not, it would impact your or the Board's view of the size and the visual impact for the signs?

Chairman Boxer stated that's what I'm saying.

Mr. Spector stated I think that's what you're trying to say. I don't want to put words in your mouth but...

Chairman Boxer stated you can put words in my mouth, it's fine.

Mr. Spector stated I'm still a newbie here, I don't want to do that.

Mr. Palmer stated I don't know if the Zoning Board Attorney wants to sort of convey what the relief is that is being sought this evening and the conversations that we had before this meeting. We'll certainly show you some visuals, just to give you a better sense of what are being presented to the Planning Board and again this is an independent board reviewing the exterior wall mount signs. Respectfully, they aren't taken together with the window treatments because we are not seeking relief for those window treatments, we are treating those entirely separate from the application that's before...

Whitney Singleton stated yeah, I don't know that I agree 100% with Taylor because I believe the Building Inspector is taken, is of the opinion and has related his opinion. That the window treatments are signs, so they're actually something that would likely be before your Board. What I think would be tremendously helpful for the, let's get off of the pomp and circumstance for a second and just reduce this to what it is. The applicant has some issues with regard to timing. The applicant is looking to make sure that they're going to be able to get into the space by a particular time and they want to make sure that they're not going to be held up procedurally by things that are holding them up. The Building Inspector and I had conferred on this. The Building Inspector has gone through their memo and has found and I'll let him speak to that. He's found a number of inconsistencies in the memo and he's also identified for me which I've confirmed by looking at it, that the public notice is insufficient as well. It does not cite the sections for which the variances are being sought. However, I'm sure that the counsel for the applicant will say it is nothing more than a re-notice of a prior but there are components of this application that are transitioning over time. I think what would probably very helpful to the applicant, whether you vote or don't vote tonight, is to give them some very candid feedback of what your thoughts are on the sign, the number of signs, the size of the signs, the colors, the length, the height, the letters, the blinking, whatever it is. And whether or not your Board will likely entertain that with a positive recommendation from the Planning Board or your Board would not likely or what degree to which you entertain it. I think what the, if you're not in a position to be giving the applicant a vote tonight, I think it would certainly help the applicant to know what direction your Board might be leaning.

Chairman Boxer stated okay.

Whitney Singleton stated is that fair enough to say Taylor?

Mr. Palmer stated Its certainly fair and I will agree with the attorney that we will respectfully disagree about the notice. It is effective notice and it notices all required relief but we would ask this Board for further comments. And we'd also recommend or request the Board consider holding an August Zoning Board meeting, if it does indeed not propose to act on the requested sign variances. Again, Party City has a lease that they've signed with the tenants which we previously discussed. Previously we were joined by Jason Lerner, the owner of the property, who identified specifically regarding the window treatments, that is within their lease and they do have the ability to vacate. And they do have the ability to vacate and there are specific building constraints. Party City is presently in a location in Mount Kisco and has to be out and build out the space, so we are certainly on a time constraint. So this is part of that but again, we are taking all of the comments from Zoning Board and we did reflect that in our revised application. You are currently looking at a revised rendering, this is of East Main Street, inclusive of some photoshopped images of the window treatments. We also have provided to the Village images of all of the adjacent properties that are currently installed with window signage. And we have a wealth of information that we will be sure to provide to the Planning Board to help further justify our application. You can look right out the back of the building, when you walk out at the Raymond James building, among others that have 1, 2, 3, 4, 5, 6 signs with their name explicitly on you know, the window treatments. I mean we can pass this along if there's, just for the Board's consideration. But I think ultimately we're not here this evening to discuss

that, we just want some additional feedback if the Board is not willing to act this evening on the proposed exterior wall signs.

Chairman Boxer stated you want to go through them and tell us what you're proposing.

Mr. Palmer stated absolutely. So just to reflect back, the comments that we received, the supplemental submission that we provided to this Board on the 26th, included responses to this Board's particular comments which involve trying to reduce the number of variances. Which we did, we removed all variances for sign length for all 6 of the signs, as were necessary, whether they were backer length or the actual sign lengths. So each of those, each of the signs on all elevations now fully comply. Again, we have significantly removed window treatments from a number of windows including on Main Street, the tower and the rear. So we've gone through and taken visual impacts as well as reducing the signs. Ultimately, there are 15 sign variances that were identified and confirmed by the Zoning Board's Attorney. I will go through at this point, the East Main Street variances which is the east elevation, that was for...

Mr. Miley stated excuse me, Chairman?

Chairman Boxer stated yes?

Mr. Miley stated I just, I didn't mean to cut you off, so forgive me. As we go through the variances...

Mr. Palmer stated sure.

Mr. Miley stated I noticed a couple of inaccurate numbers, so let's just go through them so we can correct them for the record and not to kind of fly through them.

Mr. Palmer stated so let's just go one at a time.

Mr. Miley stated and we'll just go one at a time and I'll just stop you when I found an inaccurate dimension.

Mr. Palmer stated so, in that case, again we're starting with the east elevation, which is on Main Street. Peter, I just want to confirm that you have our supplemental?

Mr. Miley stated I do, which supplemental are you referring to? The 27th or the 26th?

Mr. Palmer stated this is the 6/26.

Mr. Miley stated got the 26th, now the 27th supplemental...

Mr. Palmer stated we a clarification on the site plan that was submitted.

Mr. Miley stated correct, however I think you submitted an older site plan.

Mr. Palmer stated an old site plan. I apologize I was away on vacation...

Mr. Miley stated I started looking at it and said wait a second, this goes back to the original where it shows window signs.

Chairman Boxer stated right.

Mr. Palmer stated Chris, our architect has the revised site plan, so I guess if I may, were you referring, when you were looking at these...

Mr. Miley stated I was looking at the plans from the Planning Board submission. So those are the accurate ones, the most recent 6/27 submission, got them.

Mr. Palmer stated that's correct. So, east elevation, Main Street. So we were looking at letter height, in this case the Code permits a maximum of 12 inches per letter for a wall sign comprised of individual letters. There's a 2 foot letter height variance is required for the 3 foot letters for Party City and then it was 3 foot letters comprising Modell's and 3 foot 2 inch variance required for the letters comprising Sporting Goods. Ultimately, we have since changed those and the signage was reduced as follows. The larger letters for Modell's signage are not 1 foot 9 1/2 inches in height for the large letters requiring a 9 1/2 inch letter height variance and the larger letters in the Party City signage are 2 foot, requiring a height variance of 1 foot. And again this is in our, we did submit multiple copies in case you wanted to follow along from home, the 6/26 transmittal includes the breakdown that I'm currently going through. Shall I continue Peter?

Mr. Miley stated sure.

Mr. Palmer stated the smaller letters in Party City, it should say 1 foot 8 inch in height, requiring an 8 inch letter variance. It does have two apostrophes after one but it's 1 foot 8 inches, requiring an 8 inch variance for letter height.

Whitney Singleton stated we'll take that as they're going to vary between 1 inch and 8 inches.

Mr. Palmer stated again, requiring an 8 inch variance for letter height. Since the letters spelling Sporting Goods are less than 1 foot, proposed to be 9 inches in height, no variances are needed for those letters.

Mr. Miley stated just one correction, 8 inches in proposed.

Mr. Palmer stated 8 inches, so we're further reducing the required...

Mr. Miley stated so I helped on that one.

Mr. Palmer stated we appreciate the Village's support. The sign length, the sign specifications permit a maximum of 75% of the store front, not to exceed 16 feet. Therefore the Party City sign had required, so I'm just going to start saying in past tense. Had required 5 foot 1 inch sign length variance to permit a 21.1 foot long Party City wall sign. And Modell's required an 11 foot sign variance for a 27 foot long Modell's Sporting Goods sign. The signage was significantly reduced and eliminated, so there is no longer a requirement, a variance required for sign length for the Party City or Modell's, for all elevations. We're going to go through that because we do represent that previously because we did require sign length. And that was a response to the Zoning Board's request for the same. If I may Peter, I'm moving on to number 3.

Mr. Miley stated go for it.

Mr. Palmer stated sign backer height, sign specifications permit a maximum sign height of 2 feet. Therefore the Party City sign required a sign height variance of 26 inches for the sign backer and the Modell's sign required a sign height of 33 inches. The signage was reduced as follows: The Party City sign back has been reduced from 50 inches to 32 inches, reducing the variance to 18 inches where it says 8 inches.

Mr. Miley stated no, 24 is the backer, 8 inches is correct.

Mr. Palmer stated and 15...

Mr. Miley stated and the next one is off.

Mr. Palmer stated Modell's sign backer has been reduced from 57 to 28 and 5/8 reducing the variances to 14 and 5/8.

Mr. Miley stated I'm helping you again, 4 and 5/8.

Mr. Palmer stated the applicant appreciates the Village's assistance. So again, each of those signs have been significantly reduce but that's reflective. When they changed the length they really had to modify the width to bring it, it's like when you drag a picture, you can't drag it sideways and long, you have to drag it from the corners. And Party City's letter colors, there's no change but the Code permits a maximum of 5 colors and the Party City with the backer requires a 6th color.

Chairman Boxer stated the 6th color is the backer?

Mr. Miley stated it's included in our Code, white as being a color.

Mr. Palmer stated so white is a color. White and black are both colors. So there was no change on that, on Party City's logo. Peter, is that it for the east side?

Mr. Miley stated that's it for the east.

Mr. Palmer stated let's go with the west side.

Mr. Miley stated you got it.

Mr. Palmer stated we have the parking elevation. Again, the applicant was seeking letter height variances. Previously Party City, so I won't refer back to the Code requirements, now I'll just say to try and assist the Board in timing. Party City, they have individual letters, both at the time, originally Party City had had a backer on the...

Mr. Raffaelli stated on rear there was a backer.

Mr. Palmer stated we're on the west, on the parking.

Mr. Miley stated on the west.

Mr. Palmer stated yup, right here. So there was originally a backer, there's no longer a backer proposed. A 1 foot letter height variance was required for the letters comprising Party City and a 2 foot letter height was required for Modell's and a 3.25 inch variance for the letters comprising Sporting Goods in the Modell's sign. The letters were changed as follow: The larger letters in the Modell's sign are 1 foot 10 and 3/8 inches, requiring a 10 and 3/8 inch variance. The smaller letters in Sporting Goods are 9 inches so they eliminate the need for...

Mr. Miley stated 8 and 3/8.

Mr. Palmer stated 8 and 3/8, so we've still...

Mr. Miley stated still below.

Mr. Palmer stated right and still do not require a variance or do not any longer require a variance. And the larger letters in Party City are 2 feet in height, requiring a 1 foot variance, whereas the smaller letters in the Party City sign are 1 foot 8 inches requiring a 6 inch...

Mr. Miley stated no, 8 inch.

Mr. Palmer stated 8 inch. Can I phone a friend?

Mr. Miley stated I think they took the 1 as a 10 potentially.

Mr. Palmer stated right, so that's an 8 inch. It requires an 8 inch variance.

Whitney Singleton stated which one are you on now, Taylor?

Mr. Palmer stated we're on 5, sub bullet 3.

Whitney Singleton stated okay.

Mr. Palmer stated it says on page 4. So the Party City sign was 2 feet in height requiring a 1 foot variance and then the smaller letters in the Party City sign, excuse me. I guess I should say in the Modell's...

Whitney Singleton stated requiring an 8 inch.

Mr. Palmer stated yeah.

Mr. Miley stated yes, the last...

Mr. Palmer stated it should say Modell's...

Mr. Miley stated yeah, the last bullet point.

Mr. Palmer stated rather than Party City.

Mr. Miley stated in number 5.

Chairman Boxer stated you're going to revise this and send it to us.

Mr. Palmer stated right but the notice doesn't notify specifically of this, it does say that we require a letter height variance but the notice doesn't specify about this.

Chairman Boxer stated if you can just correct it and e-mail it, she can send it...

Mr. Palmer stated we will provide a supplemental submission to correct these numbers. Hopefully, responses of comment from the Architectural Review Board who we will be meeting with tomorrow night and again also with the Planning Board once we have that.

Chairman Boxer stated right.

Mr. Palmer stated and again, the visual that we showed we will be presenting to the Planning Board which is again further responsive of the window treatments and the glazing and the tinting. So we're on number 6, still on the west elevation which was sign length. As we discussed before we've eliminated the need previously, there was an 11 foot sign length variance required for a 27 foot long Modell's sign. That variance has been eliminated. Sign back height, which is the maximum permitted is 2 feet and therefore a sign height variance of 33 inches is required for the sign backer for the Modell's Sporting Goods. We converted this to channel lettering, so we eliminated the need for a back in this location. And there's similarly no need, there wasn't a need but there is no variance required for the Party City signage which was also channel lettering. We are now looking at the second floor exterior signage. The Code does not permit second floor exterior signage, again in this location was the previous location of the Border's Book Store and similarly to Green Street which we'll get to momentarily. Therefore a variance was required to install both the Modell's and Party City signage, this variance hasn't changed.

Mr. Miley stated just one for each, so it would be two.

Mr. Palmer stated one, okay. The same variances we discussed before is required for the Party City sign as far as colors. Specifically the number of colors because, actually, no. What was required and because we removed the backer, we no longer...

Mr. Miley stated so it's only 5 colors.

Mr. Palmer stated only 5 colors. So the variance we need, we need it just because it's, a channel letter sign can only be one color and we need it for the 5 colors. So slightly distinguishable from the sign because there's too many...

Mr. Miley stated has 6 colors.

Whitney Singleton stated are you saying color of the letters does or does require?

Mr. Palmer stated so respectfully, the front sign on a backer doesn't require it because it's a board, so it needs a 6th color. So a sign can have 6 colors but if it's a channel letter sign, it can only have one color. So we need a color variance for the parking lot side because we have channel letters that are multiple colors.

Mr. Miley stated 5 colors.

Whitney Singleton stated I got it.

Mr. Palmer stated correct.

Whitney Singleton stated I was looking at your other signs and trying to figure out where...

Mr. Palmer stated why is that different, right?

Whitney Singleton stated I was trying to figure out where the 6th color was.

Mr. Miley stated the brick.

Mr. Palmer stated yeah, it's our backer. The brick, right. Respectfully, those are the variances for the parking area. We then turn to Green Street which is the south elevation. Starting with letter height, previously the applicant sought a 14 inch letter height variance for Modell's and a 12 inch letter height variance for Party City. The letter heights were changed as follows: The letters in the Modell's sign have been reduced to 32 inches, reducing the variance to 8 inches and smaller letters have been reduced to 6 inches which do not require a variance.

Mr. Miley stated you do need one. You're talking about the first bullet point?

Mr. Palmer stated first bullet point, 10, first bullet point.

Mr. Miley stated okay, so the 8 inch should be 14 and 5/8.

Mr. Palmer stated so we're looking at the Modell's sign. So the Modell's sign has been reduced, we have it listed as 32...

Mr. Miley stated yes, it should be 20 and 5/8, right?

Mr. Raffaelli stated the backer height, is that what we're talking about?

Mr. Palmer stated this is the letter height.

Mr. Miley stated 2 foot 4 and 5/8 backer height and 1 foot 9 1/2 letter height.

Mr. Raffaelli stated 2 foot 4 and 5/8 for the backer, yup.

Mr. Palmer stated we're doing letter height here.

Mr. Miley stated it says its been reduced to 32 inches, the letter height.

Mr. Palmer stated it looks on a our plan we have it listed as 2 foot.

Mr. Miley stated 2 foot even but the letter indicates 32 inches...

Mr. Palmer stated right and it should be 2 feet.

Mr. Miley stated yes. It's inaccurate.

Mr. Raffaelli stated oh, I see.

Mr. Palmer stated right, so the table has one and the sign on the illustration so.

Mr. Raffaelli stated so that would be 1 10 and 3/8.

Mr. Palmer stated 1 foot 10 and 3/8.

Mr. Miley stated right, so then you need 8 and...

Mr. Palmer stated and 3/8

Mr. Miley stated yes.

Mr. Palmer stated I don't do math, I'm a lawyer.

Chairman Boxer stated we all try that, it doesn't work.

Mr. Palmer stated alright, so just to clarify again for the purpose of the record, the correct size, it is listed on the sign...

Mr. Raffaelli stated the detail is correct.

Mr. Palmer stated the detail is correct, the table will be updated to reflect the detail.

Mr. Miley stated the correct dimension, 24 inch.

Mr. Palmer stated correct. And a 8 inch 3/8 variance...

Mr. Miley stated 8 and 3/8 inch variance.

Mr. Palmer stated thank you. Is required specifically for the sign letters for Modell's and then the small letters again we reduced to not require a variance. The larger letters for the Party City sign have been reduced for 2 foot, requiring a 1 foot variance in the smaller...

Mr. Miley stated you're on the second bullet point now, right?

Mr. Palmer stated yes. Rich, so we need a 1 foot variance.

Mr. Raffaelli stated yes.

Mr. Miley stated the one foot is right.

Mr. Palmer stated and the second part of that sentence...

Mr. Miley stated 8 inch is accurate.

Mr. Palmer stated and the smaller letters have been reduced to 1 foot 8, requiring an 8 inch variance. Certain letters of Party City spell out, they are smaller than the other letters, so not each letter requires the relief or the same relief. As we mentioned the sign length variance for both of the signs has been eliminated. Previously sought there was a 3 foot 6 inch sign length variance required for a 19 foot 6 inch long Modell's Sporting Goods wall sign that has been eliminated. And the Party City sign was zoning compliant and it was 13 foot 6 and conforms to the maximum length. We only have a couple more, it's the sign backer height is the next requirement in sign specs. Permitted maximum height of 2 feet and they are seeking a sign height variance of 8 inches for the sign backer height and...

Mr. Miley stated wait. Go ahead.

Mr. Palmer stated so that was for Party City and a 1 foot 6 and $\frac{3}{4}$ sign backer height variance for Modell's.

Mr. Miley stated that was the original.

Mr. Raffaelli stated yeah that was the original.

Mr. Palmer stated those were the original variances sought and we changed and modified and this sounds like we're going to have a minor clarification.

Mr. Miley stated a little bit.

Mr. Palmer stated the sign backer was changed as follows: The Modell's sign backer has been reduced from 57 inches to 28 and $\frac{5}{8}$ reducing the variance to 14 and $\frac{5}{8}$...

Mr. Miley stated less 10. 24, deducted 28 and $\frac{5}{8}$ from 24 would be 4 and $\frac{5}{8}$.

Mr. Palmer stated perfect. So instead of 14 and $\frac{5}{8}$, it requires 24 and $\frac{5}{8}$.

Mr. Miley stated no, 4 and $\frac{5}{8}$.

Mr. Palmer stated 4 and $\frac{5}{8}$ sorry. Trying to give ourselves bigger variances, Peter is trying to help us. The Party City backer was not reduced from 32 and $\frac{5}{8}$ height requiring a variance, it should now reduced. From 32 and $\frac{5}{8}$ height, requiring a variance of 8 and $\frac{5}{8}$.

Mr. Miley stated backer 24, correct 8 and $\frac{5}{8}$.

Mr. Palmer stated the same, the Party City letters again, this is on a backer and it requires, where the code permits a maximum of 5 [colors] and we need a 6th color for the white backer. This was not changed, it remains the same as part of their logo. Again, the Code does not permit second floor exterior signage, so the Modell's Sporting Goods sign, the Party City signage requires a variance for the Party City sign on the second floor. That remains the same, we have no changed the need for that variance. And lastly, the Code provides that in the event the business has a second entrance, so we have tenant signage on both the front and the rear of the building identifying specifically they're, they have to be at the location. And the Code has been read to me, directly at a door in that location, so we do require variances for an additional sign because it permits these two signs. But we do require a variance for an additional sign and again, for not at a secondary public entrance to the building. Therefore, a variance is required for an additional sign, as a third sign and not at public entrances and that applies to the west elevation.

Mr. Miley stated 4 additional then. 2 variances for each.

Mr. Palmer stated right. Again, our notice didn't identify each of these variances but the specifics will certainly submit supplementally to the Board to again, specific clarifications on the submission itself.

Whitney Singleton stated one of things, I don't know what the Code section is off the top of my head. But I thought there was a provision in the Code that does not allow you to have a sign on a portion of the building which is not tenanted by that entity who is being advertised. So in other words, Modell's sign can't be on the southern side...

Mr. Palmer stated the Code provision is 89-11 A 2, and it provides in relevant two...

Whitney Singleton stated where is it?

Mr. Palmer stated 89-11 and then it's subsection A 2.

Whitney Singleton stated okay, just let me...

Mr. Palmer stated yup. And it's item 15 in our letter. It's a couple sentences.

Mr. Miley stated it's the same Code with the public entrance.

Whitney Singleton stated A 2 each business shall be limited to one principal sign, okay.

Mr. Miley stated yeah, the last sentence. In the case of a building with more than...

Whitney Singleton stated so you're saying your last request there is incorporated within, so it's both as to the number and location.

Mr. Palmer stated so that review is the request by the applicant. Again, we have significantly reduced from the initial drawing, you know the initial proposal by the applicant's, taking into consideration all the of the Board comments and through and throughout. We've met multiple times with the Planner and municipal officials to try and work out a project that really is consistent with the Main Street and the existing signage in this Village district and we look forward to you know, appearing again at the Planning Board. But we did try to be reflective of this Board's comments about the sign variances and significantly reduced sign length and other, I believe.

Chairman Boxer stated well you did a good job.

Mr. Palmer stated if we may, if there are any other questions or comments at this time, we would poll the Board. I'm not sure how that process works, as far as asking to schedule or consider holding an August Zoning Board meeting. The applicant understands that the Planning Board does still have a meeting in August. We will again be meeting with them on June 24th, next Tuesday...

The Secretary stated July.

Mr. Palmer stated July, I'm still on vacation. So we would ask this Board to consider that. The applicants are under strict time pressures from Party City to be able to fill the space. They need to be able to put in, if there are approvals for the project, they would need to be submitting for building permits as soon as possible to be able to further demise the space and allow Modell's to continue operating as well as to get themselves setup and operational before, is it January?

Mr. Raffaelli stated yes.

Chairman Boxer stated is everyone available in August.

Mr. Spector stated no objection on my part but that's just me.

Chairman Boxer stated I don't mind either.

Ms. Coyne stated late August.

Chairman Boxer stated there you go.

Mr. Palmer stated we appreciate you and we will certainly represent to the applicant the Board's willingness to meet with us and we appreciate that. We are trying to be fully responsive.

Chairman Boxer stated are you guys available.

The Secretary stated the potential date is August 21st.

Mr. Miley stated I will be on vacation 20th to 24th but Whitney knows the variances that are needed.

Mr. Palmer stated and we will meet with the Building Inspector before to confirm fully our list.

Whitney Singleton stated and the three of us, Michelle, Peter and I will relay to the, between one of us, we will relay to the Planning Board that you would appreciate some feedback from them. As to how this

revised signage package fits in with the rest of the building and try to get you that feedback for the next meeting.

Chairman Boxer stated okay.

Mr. Palmer stated and if we may, I believe the Zoning Board Attorney mentioned the idea of a possible recommendation to the Planning Board based on our revisions reflective of the Board's comments to date, specific to those exterior signs.

Whitney Singleton stated I don't think I said that. What I said was I think the applicant would appreciate you candid feedback. I don't think that was a recommendation to the Planning Board.

Chairman Boxer stated no but I think, I have, I like the way you reduced it. You took our needs into consideration. So anyone, are you here to talk about this? Okay.

Whitney Singleton stated so we will adjourn, since you know there's a little bit of. Assuming that the applicant's counsel is correct that the public notice is sufficient and I'm not saying that it is. In order for you to adjourn the meeting, you have to adjourn it to a date specific. You can't just say we adjourn it to our next meeting. So that date would actually have to be set.

Chairman Boxer stated August 21st.

The Secretary stated August 21st will be the next available date of the Zoning Board meeting.

Whitney Singleton stated now let's ask another question. If the Planning Board meets when?

The Secretary stated the Planning Board is going to meet on the 24th and then their next meeting following that will be August 14th.

Whitney Singleton stated so my question then becomes, would the applicant have the ability, if consistent with Peter's prior determination, not formal, that the window treatments are signs. Would you be able to put in another notice in a time compliant fashion subsequent to the Planning Board's meeting of August 14th.

Mr. Miley stated when is the last day of submission?

The Secretary stated wait, I'm sorry subsequent to the Planning Board's...?

Whitney Singleton stated you said the Planning Board has a meeting on August 14th.

The Secretary stated yes.

Whitney Singleton stated and July what?

The Secretary stated they're meeting on July 24th and August 14th but the notice would be for ZBA.

Whitney Singleton stated but if they're getting feedback from the Planning Board...

The Secretary stated and the Planning Board after August 14th, doesn't meet again until September.

Whitney Singleton stated October, November.

The Secretary stated 2019?

Mr. Miley stated Whitney, can they file for an additional variance and if it's significantly reduced, can they still be heard?

Whitney Singleton stated yeah, they can still be heard. Perhaps you need to file for the variance...

Mr. Miley stated at the maximum.

Whitney Singleton stated for the window treatments and if it's determined that it's not necessary, it's determined that it's not necessary. But you would have to issue a denial letter...

Mr. Miley stated yes.

Whitney Singleton stated actually you wouldn't have. You can just do it. There's no requirement that there be a denial letter.

Mr. Palmer stated I will certainly speak with both...

Mr. Miley stated unless you're objecting to my interpretation, then that's a whole different application.

Mr. Palmer stated we will certainly advise the Village of that determination. I know it's been discussed.

Whitney Singleton stated we'll talk but basically there will have to be some follow up after the Planning Board meeting of August 26th which is a week...

The Secretary stated no, August 14th.

Whitney Singleton stated July, july, july.

The Secretary stated July 24th.

Whitney Singleton stated which would be a week from today?

The Secretary stated a week from today.

Mr. Palmer stated I was doing the same thing.

Whitney Singleton stated and I'll be sleeping between now and then.

Mr. Palmer stated lawyers don't do numbers. We appreciate all this Board's time. If I may, does the Board need to have a motion to adjourn the public hearing to a date certain.

Whitney Singleton stated that's correct.

Chairman Boxer stated you want to make a motion?

Mr. Spector stated I'll make a motion to adjourn this public hearing to August 21st.

Ms. Coyne seconded the motion.

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

Mr. Palmer stated thank you again for your time this evening and letting me go through. We appreciate the Village Engineer reviewing this and looking at this and we'll see you soon.

Mr. Miley stated no problem.

Mr. Palmer stated and the other set of these, in case you really want them. These will be submitted supplementally, so you'll get copies of these guys but might as well hand them all out...

The Secretary stated you might as well wait and give them to me because you're going to have to make another submission anyway, so. Might as well wait.

Mr. Palmer stated okay. They're yours if you want them but they're literally just taking a drive down Main Street and Moger.

The Secretary stated Chairman, a motion to adjourn?

Chairman Boxer stated anybody? Motion to adjourn anybody?

Mr. Spector stated I made the last one, I'll make it again if you want.

Ms. Coyne stated I move that adjourn. Seconded by Mr. Spector.

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

The meeting adjourned at 8:01 p.m.