

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, June 15, 2021 at 7:00 pm** via Zoom Teleconference

Members Present: Chairman Harold Boxer
George Hoyt
Jacqueline Broth
Arthur Weise
Ralph Alfano

Members Absent: Wayne Spector

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

Chairman Boxer stated this is the June 15th meeting, June 15, 2021 of the Mount Kisco Zoning Board of Appeals. The first case is ZBA# 21-11, Timber Ridge Condominium. Anybody here for that, please come forward.

**1. Timber Ridge Condominium
Timber Ridge
Mount Kisco, NY 10549
(SBL 80.73-1-8.2)**

**ZBA#21-11
Amendment**

Mr. Charles Martabano, Esq and Mr. Stefanita Vasilescu, President of Timber Ridge HOA were present.

Mr. Martabano stated okay, it's Charlie Martabano, hold on. I just got the link, I apologize, the link that was on the agenda didn't work, I also just forwarded it to my client, so hopefully he'll join us. But if it's okay, I'll just start the application, if that works for you.

Chairman Boxer stated okie dokie.

Mr. Martabano stated okay, so, bottom line is we're here before you for a very limited purpose, we're here because of the resolution that you adopted on a prior application by Timber Ridge for some side yard and rear yard setback variances. And you did that in, I believe March of 2015. So you granted the variances and that was for the enlargement of certain decks and certain site work in connection with that. But your resolution contained a provision in it and I'm just going to read it for you, it's short but important for the purpose of tonight's meeting. The variances are solely for the plans presented, reviewed and considered by the Zoning Board and shall not be deemed to authorized any disturbance to steep slopes, alteration of drainage, removal of trees or other site modifications. Which is fine, in so far as it goes. Now in January, in 2019, they did some minor modifications that they got approved by the Planning Board and I've given you a copy of those plans so you have them. Not they're before the Planning Board again with some further modifications for proposed site plan and for issuance of a steep slopes permit. But the Building Inspector properly pointed out that by virtue of this cause, the plan in essence that if the Planning Board moves forward to approve it and they've already held meetings on the site plan and in connection with the steep slopes permit, they held a public hearing February 23rd. But they said well you have to go the Zoning Board because this plan will in essence substituted for the plan that the Planning Board approved but imposed this condition 11 subsection 2. So we are here because this plan needs to be I guess updated so to speak in connection with your variance. We are not here for any variances. You granted the variances, they run with the land, so this application is unusual and specifically for the purpose of saying here is our new site plan, if approved, this site plan will be the one to which your variances pertain because you prohibited any other site work et cetera, in terms of having been authorized by the prior variances. That's the limited purpose for which we're here. I hope if my client is on, if you want to go through any of those specific changes, understand of course that those changes are being reviewed and approved by the Planning Board, that's their purpose here. But this is more the nature of the plan now to which your variances pertain. I hope I'm not too confusing.

Chairman Boxer stated you're good. I think what we need to do, so you're saying the plans you gave us are still being reviewed by the Planning Board?

Mr. Martabano stated they have been reviewed, they have been the subject of a public hearing as same pertains to the steep slopes permit and there was even talk at the public hearing that the Planning Board could just approve it subject to you approving the plans but its all to me a little bit of quandary because you're not really approving the plans per se, you're just basically saying that okay, we prohibited, our variances didn't pertain to any of the plan, now they will pertain to this plan. You understand the nuance with it, because it's kind of difficult for me to elucidate any further than I have.

Chairman Boxer stated no, I'm good with it.

Mr. Martabano stated okay, and if you'd like me to, again, can I ask if Stefan is on?

Mr. Vasilescu stated yes, I am, I'm finally in, I got the new link.

Mr. Martabano stated okay, good, Mr. Chairman, if you'd like us to review any aspects of the plan, we can. It's certainly up to you.

Chairman Boxer stated anybody want to hear anything about the plan?

Mr. Weise stated I'm curious, I know that a number of us were not there in 2015, in fact I think that the majority of us were not and I'm, it's a little bit confusing to me, to be honest.

Mr. Martabano stated and I quite understand why you say that. As it turns out, variances, once granted, run with the land. So they applied for this property. We're here because of that somewhat unusual condition in the resolution that says hey, we're issuing the variances based on this plan, if you change it, you know and now we are changing it to through the Planning Board. We basically want to come back to you to and say here's our changes plans, they should go into your file, these are the plans to which your variances now pertain, that's all.

Mr. Hoyt stated I think that provision is not that unusual for this Board.

Mr. Martabano stated okay.

Mr. Hoyt stated but I have a question.

Mr. Martabano stated I think you're probably right about that.

Mr. Hoyt stated so the changes to the plan, did you say that the changes to the pan have no bearing on the variances that were granted in 2015 or 18.

Mr. Martabano stated that is correct, the Building Inspector has already made that determination, correct.

Whitney Singleton stated [inaudible].

Chairman Boxer stated we're not voting on a variance...

Mr. Alfano stated if the condition of the previous variance was to say or its said that if there are any future changes, wouldn't that imply that the variances have to be reissued or no?

Mr. Martabano stated no, the variances issued run with the land.

Whitney Singleton stated whoa, whoa, let's backup a second. The variances, Charlie is right that the variances run with the land but unless they are challenged, the conditions run with the land too. The conditions were not challenged, the conditions are that if there is any further encroachment or disturbance to the buffers, it must come back to your Board for its review and your approval. If your Board does not think that the proposed modifications are a significant impact whether they're zoning compliant or not zoning compliant, you can approve them. If you feel as though the proposed changes significantly alter the underlying purpose of that buffer and undermining, your Board can issue a denial. Its not that you're reissuing per se the variance, what you're saying is that the plans associated with that earlier variance can be modified without in your estimation, substantially altering the buffer.

Mr. Hoyt stated I think with that in mind, maybe Charlie, if you want to, or someone can review the changes your proposing, that would be perfect.

Mr. Martabano stated surely, you already, do you all have the plans in front of you, Stefan, would you want, perhaps Whitney, if you want to put the plans up on the screen, I would appreciate if you could do that because I don't have the capacity.

Whitney Singleton stated I have to find them now, Charlie. I'll get them.

Mr. Alfonzetti stated I can bring them up.

Mr. Martabano stated oh you can, thank you.

Mr. Alfonzetti stated Whitney, do you want me to bring them up?

Whitney Singleton stated sure.

Mr. Alfonzetti stated can everyone see that?

Chairman Boxer stated not yet, there we go.

Mr. Martabano stated okay great and Stefan, I'm going to suggest if you could, to help with the Board, if you do them by work area.

Mr. Vasilescu stated I agree, I guess will be easier.

Chairman Boxer stated can you make the plans bigger, so we can look at each area closely.

Mr. Alfonzetti stated I can, there's actually blow ups on the next page. So this is work area one.

Chairman Boxer stated okay.

Mr. Alfonzetti stated Stefan?

Mr. Vasilescu stated so this is work area one, we can that building one, units one through seven. We have now existing railroad ties and we are proposing to actually, let me see if I can adjust this here...

Chairman Boxer stated can you make the screen bigger again?

Mr. Vasilescu stated do you see me? Do I have any background here?

Mr. Weise stated can I just ask, after going through ti, is your primary request replacing railroad ties with stone, is that the gist of the request?

Mr. Martabano stated there's also the addition of gravel for erosion control as well. If you take a look at my letter, I basically put four groups of items in there, if I could just read them to you, it might help in looking at the plan. Replacement of existing decayed railroad tie wall before units 5 through 28 with new stonewalls, that goes right along with how to characterized that. Replacement of existing decayed and this is in this case, almost to the point of collapse, railroad tie walls behind units one through five with modular stonewalls for the restoration of the original grading. Installation and extension of preexisting modular stonewall behind units 13 through 17, as an erosion control mitigation measure, installation of steps to facilitate installation of gravel in the rear of the units. Installation of gravel behind units nine through twelve, to address existing conditions of soil/mud and prevent erosion. And again, we did go through the process for the steep slopes permit and they have held the public hearing and I believe the Planning Board is really to approve it but that [inaudible] described as the purpose of this work, its very consistent with how you characterize it.

Chairman Boxer stated excuse me for a minute. Whoever's talking, please mute yourself.

Mr. Weise stated can I ask, did the railroad ties, were they the originally 2015 plan and they just didn't last, is that what is prompting this?

Mr. Martabano stated Stefan? Stefan did you hear the question?

Mr. Miley stated he's on mute.

Mr. Martabano stated oh.

Mr. Vasilescu stated I'm sorry. So those are the original railroad ties for retaining from the build out of this complex I would say 1979, I think.

Mr. Weise stated okay.

Mr. Martabano stated okay.

Mr. Weise stated so the original, so what is the switch from what you had done in 2015, so I guess what you're saying is that the you needed...

Mr. Vasilescu stated in 2015, if I can show you on the plan, maybe that's visual. You see on the plan there is a deck, you see some steps on unit 2, right there, that's what we did. We had original wood decks and if the memory serves right, I think they were five by twelve and we enlarged them, we went to eight, like the depth was a major change and when we changed the depth, of course that prompted a visit to say to ZBA

for approvals and we redid the decks in Trex this time, with a 30 year warranty and we did this for all 49 units, well actually 44 because some of them do not have decks, like unit one in this picture. So, since then we mitigated some other erosion issues with some swales some other retaining walls and this is the actually the last phase on this complex, those are the last retaining walls and I'm not sure just to give you an example, I will start my video, do you see me?

Mr. Weise stated sure, yup.

Mr. Vasilescu stated I'm not that pretty but I'm trying to, do you see my background picture.

Mr. Weise stated yes, let me try to increase it.

Mr. Vasilescu stated this is the retaining wall, one of them for what we call building four and I'm going to change now to see exactly for this. This is unit two that you have on the plan, you see that railroad tie retaining wall that collapsed over the drain and everything else...

Mr. Weise stated okay.

Mr. Vasilescu stated so this is what we are dealing with...

Mr. Weise stated gotcha.

Mr. Vasilescu stated unfortunately, unfortunately, I'm going to stop the video, unfortunately we didn't have the funds, this is a very small community with limited funds and we're trying to do this without any assessments, so we kind of phased all the work through the years. We did a lot of work over the last 12 years since I'm the President of the Board and previous Boards did a lot of work but I think we are getting to the end to be honest. This is, as I said, those are the last retaining walls, the original ones.

Mr. Weise stated okay.

Mr. Vasilescu stated any other questions I can answer, clarify? Charlie, back to you, I guess.

Mr. Martabano stated I guess, alright, so obviously if any of the Board members have any questions, Stefan has some very in depth knowledge of the prior applications and what we're doing today. So please feel free to ask anything otherwise, we would like to get your approval with regard to this plan.

Mr. Hoyt stated as part of the materials there was a letter submitted which suggests that installing the stairs et cetera is imposing undue restrictions, causing issues with the grass et cetera. I don't know if you've seen the letter but does somebody want to address the letter and what the thoughts are on there?

Mr. Martabano stated I think that's a copy of a letter that was sent to the Planning Board also and considered by them during the [inaudible] steep slopes application, I think that the short answer and I can have Stefan address it, is that this is a Board decision to do and they're trying to avoid work, not avoid but also not to repeatedly coming back for work. Stefan, I think if you want to address it more than that, I think they're referring to Mr. Tower's letter...

Mr. Vasilescu stated yes.

Mr. Martabano stated okay, great, Stefan, if you want to address it, fine.

Mr. Vasilescu stated so Mr. Tower, of course with all due respect, he is entitled to his opinion. This was a community decision, if you read the minutes from that Planning Board meeting, you will see that there will other people that submitted letters with, I would say the opposite to his letter and there were people that voiced their opinion in the meeting. And at the end of the day, I think everybody is entitled to their own opinion but the Board needs to follow the majority and this was approved by our community and supported and that's what we are doing. I live in unit 43 for example, I don't have any personal interest in that area and I couldn't speak for those unit owners, so that's why we are following their input. And also, from the engineering point because you know as a member of the Board, I need to also follow not only the community input but also the technical input from Alfonzetti or other engineers or technical people who have that knowledge of erosion and mitigating those issues. And that's a plan actually that was put in motion in 2009, for example in this area in 2011 or '12, if memory serve right, we did half of the job because of the funds available at that point and right now we consider that this is the time because of again, the funding that we have available to finish the job. So I don't think that there's anything else that I can add to this.

Mr. Martabano stated and I think the point that Stefan made is very well taken, that you know Timber Ridge hires professional engineers, in this case, Alfonzetti Engineering, previously Goewey & DeMasi and

the bottom line is they followed the advice of those experts for the purposes of protecting the community as a whole and that's why they moved forward with this plan prepared by Alfonzetti.

Mr. Weise stated do you mind if we look at the work area four on your screen?

Mr. Martabano stated whoever is in control of the screen, can they do that?

Mr. Vasilescu stated so this area that Mr. Bill Tower lives in unit 15 and what happened, as I said, in 2010, we had a full set of plans or an idea of how to mitigate this which is the way it looks right now. Unfortunately, because of the funds we just did half and that half is in the light grey, Ralph, if you can point to the existing walls. You have for example, that's unit 15, the rest, the half of the slope right now is in very poor condition, we are trying to mitigate this bringing around 50 years of dirt from time to time and grass and irrigation and we do not allow lawn mowers because they are ruining the slope, this is how bad it is but we get to the point where you can clearly see the difference between our, I don't know how to say our correct ground level and the opens of our neighbors across the chain link fence which sometimes it's up to a foot and a half, depends where on the property we find ourselves.

Mr. Weise stated who is mowing this? Do you have a contractor for the condominium complex?

Mr. Vasilescu stated yes, right now the contract is with Rock Shelter in Bedford Hills.

Mr. Weise stated okay. So they're not, this doesn't, this isn't interrupting anything that they're doing because...

Mr. Vasilescu stated no, no, because actually somebody raised that issue and we talked with them and we talked with [inaudible] other landscaper because you know we are changing the contract every year and Labriola, its another preferred contractor and they both agree that would be much easier and better to maintain if we have those level terraces, what you and they think that using, in this case, they will be using weed whackers and that will mitigated also and maintain the problem we have with the erosion.

Whitney Singleton stated can I interrupt for a second, I'm getting phone calls from members of the public and members of the development that say that they can't participate and it's giving the wrong phone number and the wrong Zoom number. And I think we need to post something on the screen or post something so that people can, are aware of how to participate in this public hearing. Is there a way that an e-mail can be, of course, something can be done where these people can be notified?

Mr. Vasilescu stated I notified personally...

Whitney Singleton stated Stefan, I'm not asking you, I'm asking Staff.

Mr. Miley stated hold on, the link works if they click on the link. I asked Michelle to go back down to the website and reboot it with the number to see if that helps it.

Mr. Vasilescu stated originally we couldn't get it in.

Mr. Martabano stated we couldn't get in either but we did.

Mr. Miley stated I clicked on the link and it worked for me but I'm in Village Hall. We just need to give it a couple minutes and hopefully the reboot works.

Unknown Speaker stated the Zoning Board thinks this is all fine.

Whitney Singleton stated I'm going to send you the link...

Mr. Miley stated I'm checking my e-mails to see if anyone else...

Unknown Speaker stated I'll get on if I need to, I'm just going to say I trust the engineers who designed who designed the plans, I trust the Board to make the right decision.

Chairman Boxer stated we can hear you.

Unknown Speaker stated [inaudible].

Mr. Miley stated Whitney, how many people?

Whitney Singleton stated I have no idea. I think like [inaudible].

Mr. Miley stated I don't have anybody. I have my e-mail open right now. Give it another minute or so, it should be...

Chairman Boxer stated okay.

Mr. Miley stated we are monitoring Facebook as well, so if anyone makes a comment on Facebook, we'll also be able to send them a link or read into the record. It sounds like she's coming back up.

Whitney Singleton stated apparently shes in the waiting room and can't get in.

Mr. Miley stated Michelle is downstairs, she's resetting the link. When she comes back up, we'll let everybody who's in the waiting room in.

The Secretary stated the link was always good.

Mr. Miley stated and the number was good?

The Secretary stated numbers are good.

Mr. Miley stated so Michelle just tested the link downstairs, it's working properly, the numbers are accurate. Anyone in the waiting room, we're going to let in now.

The Secretary stated they're in, there's no one else there.

Mr. Miley stated they're in?

The Secretary stated there's nobody else waiting.

Mr. Miley stated there's nobody else waiting in the room, Whitney. Who's trying to get in?

Whitney Singleton stated well I don't know exactly they are on here, Karen Schleimer and she's talking to a number of other people.

Mr. Miley stated yeah, everything is working properly. There's 22 people in the meeting, nobody in the waiting room.

Whitney Singleton stated apparently Bill Tower is trying as well.

Mr. Martabano stated I think that's the individual that we just read in and discussed his letter.

Mr. Weise stated yes.

Mr. Tower stated hello, can everybody hear me, this is Bill Tower.

Mr. Weise stated yes.

Mr. Tower stated okay, yes, I just was just able to get in now. The link I think was to the May meeting. So, am I able to read the letter at this point.

Mr. Miley stated Bill, hold on. We just want to make sure you got it, let the Chairman continue with the meeting. The link worked for some of us, I'm not sure why it didn't work you but it's been reset and its working properly for anyone else who is watching on Facebook. So Bill, just bear with us, Chairman whenever you're ready to proceed. Everything is working properly, everything has been tested.

Chairman Boxer stated okay, we can continue. Mr. Tower, your letter is part of our packet already, so it doesn't not need to be read but if you'd like to discuss, we can listen to you.

Mr. Tower stated I'm sorry, so can I read the letter right now.

Chairman Boxer stated no, it's in our, no, there's no need to repeat, we have it in our packet already.

Mr. Tower stated okay, great, okay.

Chairman Boxer stated but if you'd like to discuss any part of it...

Mr. Tower stated no, just I hope it's clear it, I updated it from the Planning Board meeting with some pictures that basically show how green it is in the back here and the grass, it's not perfect but it is growing

and if there was a lot of erosion the grass wouldn't grow and after so many years, we're lucky to finally have green grass because it's been a lot of, not erosion but of cutting up due to FiOS and cable and a neighbor had a flood at one point a few years ago. So at the moment, we have no perfect grass but grass from, because the trees were trimmed down several years ago and we just want to keep it that way and building walls will not only cage the neighbors in unnecessarily but I believe your fixing a problem that doesn't exist. In 33 years, we haven't have an serious erosion. You know, I think Timber Ridge put top soil in, in the back a few years ago and maybe every few years you have to do that to somewhat contain the erosion but we don't have any, as far as I can see, any serious erosion. And the pictures show that the grass is growing fine and I hope that we don't have to do any further cutting because there has been way too much cutting as it is over the years. I guess, that's it but please read the letter because there's a lot more detail.

Chairman Boxer stated and Charlie, can somebody speak to the, what's going to be done at that particular unit?

Mr. Martabano stated you want it on a unit basis, Mr. Chairman?

Chairman Boxer stated yes, I would like someone to discuss what is going to go on at 15, so we can hear for ourselves and I would also like the picture put back up.

Mr. Martabano stated okay, Stefan, can you take of that please?

Mr. Vasilescu stated no, we didn't lose it. Mr. Chairman, you see that unit 15 has a private garden there that arch, yup.

Chairman Boxer stated okay.

Mr. Vasilescu stated so what we are proposing are those additional stairs, so we can deal with going down the hill and retaining wall which is 17 foot to mediate that elevation. And as you can see, there are similar walls to the other units, units 16 and I think unit 16 is with us tonight on this call, 17 and so on and so forth.

Ms. Markel stated Stefan, hi, this is Sue Markel from unit 16 and I just want to jump in here and say that while the grass is growing beautifully this year. If you look at the chain link fence at the edge of our property, you can clearly see the erosion that has occurred over the years. There is a significant lower elevation at the end of the Timber Ridge than there is on the other side of the chain link fence to the [inaudible] property and I am not an engineer but I trust the engineers who have developed this plan and I trust the Board to, who has also worked with the engineers to develop this plan, that this is going to help over the year and over time to keep our community looking proper to maintain the value of our units, to keep it looking beautiful and to keep it safe. I'm, again not an expert but I defer to the experts in hopes that this is a good plan that makes sense. Thank you.

Mr. Martabano stated and Mr. Chairman and members of the Board, this goes back to what I said previously. Timber Ridge engages professional engineers to make these recommendations, they are not looking to spend money unnecessarily or anything of the sort. They take the advice of their engineers, they incorporate it, this is for the good of the community as a whole. So I think that as that lady just mentioned, this is a plan that was done professional and for the betterment of the community as a whole.

Whitney Singleton stated can I address something for a second?

Mr. Alfano stated Stefan...

Whitney Singleton stated I'm concerned over the fact that the President of the homeowner's of the association indicated that that was a private garden, on unit 15. That is exactly the purpose of why there's not supposed to be these improvements. The buffer area is supposed to remain in its natural state and is not supposed to be disturbed, it specifically includes preserving the steep slopes and the trees and by dividing this in such a fashion that this becomes a private backyard, it is completely contrary to the concept of the buffer. Notwithstanding that, I recognize that the Planning Board approved this but the area behind each unit is supposed to stay in its natural state, it is not supposed to be private, it's not a limited common element, it's a common element, it's supposed to be enjoyed by the entirety of the community, so I just find it strange that the retaining walls and stairs, seem to follow the building lines.

Mr. Martabano stated Stefan, you can address that.

Mr. Vasilescu stated the retaining walls on every unit on this property, follows the unit. So if we go to...

Whitney Singleton stated that's what concerns me.

Mr. Vasilescu stated if we go to the buildings like we are showing earlier, building one, you'll see those retaining walls that I tried to show in my picture. We have those retaining walls at unit 1, 2, 3, 4, 5, there are different sizes, different heights, building 2 that we didn't have a chance to talk about the gravel, they have for example, one foot retaining walls. And all of this came on the original plans, some of them we modified, we enlarge and talking about this arch, I was calling maybe a poor choice of words, the private garden because it's an arch that we found it there, we replace it in kind and I thought that Mr. Tower is enjoying planting in that arch. It is not his to maintain, he doesn't have any obligation, he doesn't have any rights, private rights to that arch or to any other piece of this property, everything is common property, everybody goes everywhere, there are no rules or regulations that are stopping you unless its your deck which is limited common area.

Mr. Martabano stated I was just going to point out that I think that was just a poor choice words by Stefan and I wouldn't read into it, they followed the plan, this has been approved previously, that issue to me is a nonissue.

Ms. Schleimer stated I have two comments, this is Karen Schleimer. I wanted to talk about the fact that this design has, now requires that you carry lawn mowing equipment down stairs, which I think is going to be extremely difficult. So I'm not sure about this design being something that really works, I'm not sure that that's within the purview of the Zoning Board...

Mr. Martabano stated right.

Ms. Schleimer stated but I think that the design is peculiar in terms of how you manage landscape equipment. With respect to my unit, which is unit 9, the proposal is gravel, throughout Mr. Martabano's letter to the Board, he talks about significant erosion, there is no erosion, there is mud but there has been no attempt since the decks were expanded to plant anything. So there is no reason to start with gravel when you start either with grass or pachysandra or some other shady, natural and this is something that is basically at the property line.

Mr. Martabano stated I'm sorry, I couldn't hear the last thing you said.

Ms. Schleimer stated the backyards between units 8 and 12 are basically almost at the property line so based on the prior variance that was given in 2015, where it was suggested that everything remain natural, then I think that at least an attempt should be made before we start with stones to provide a natural ground cover.

Mr. Martabano stated right and I think you did make those comments Karen, correct me if I'm wrong, to the Planning Board as part of their site plan approval, did you make those comments, I'm not 100% sure because I wasn't at that meeting but I thought that you did.

Ms. Schleimer stated I did provide that and I also provided pictures which I did not get to the Zoning Board which shows that there is grass between, behind units 10, 11, and 12, it was fully grassed, I can't imagine that there is any reason for pebbles and of course my unit, nothing had been planted or tried.

Mr. Martabano stated okay, you know, the response to that obviously would be that you brought those concerns to the Planning Board, I'm sure that they heard you and I'm sure you were at that public hearing on the 23rd, so I'm sure that everything, all those site plan type issues are being taken into consideration by that Board.

Ms. Schleimer stated no, this is something that is just about at the property line and so perhaps there is some relevance for the Zoning Board.

Chairman Boxer stated we're not going to opine on the plan, Karen.

Mr. Miley stated Harold, I have to stop you guys for a second, we're getting significant feedback and we're having trouble recording in Town Hall. Karen, Trustee Schleimer, do you have a TV or something on in the background? We're getting such an echo, we're not able to record here properly.

Ms. Schleimer stated I have nothing on.

Mr. Miley stated alright, so I'm going to mute everybody, right now and...

Chairman Boxer stated much better.

Mr. Miley stated and we're going to unmute only those who are going to speak. Let Ms. Schleimer and Harold. We have to start recording, bear with me a second, Chairman.

Chairman Boxer stated okay.

Mr. Miley stated Trustee Schleimer, if you want to unmute now.

Ms. Schleimer stated yeah, it's just unfortunate the way this hearing proceeded...

Mr. Miley stated thank you.

Ms. Schleimer stated we obviously have missed the first half hour of the presentation and so it's very hard to respond because we weren't able to be a part of the presentation.

Chairman Boxer stated the presentation was really just showing us the plans which you have seen and our Board is not here to determine if those plans are proper for the problems they're supposed to solve, so what do you want us to do?

Ms. Schleimer stated well I guess the question is, when you're dealing with units 1 through 12 and the property line is within inches or maybe a foot of the proposed construction, I'm not sure how much you have to say.

Chairman Boxer stated there are no variances that are needed, they're just taking the plan, the new plan and substituting it for the plan that we approved five years ago.

Ms. Schleimer stated so what are you, if there are no variances being requested, then why is it before you?

Chairman Boxer stated because we have to say that this is the plan that will be used from now on.

Mr. Miley stated it's a modification of condition number two of the resolution.

Mr. Martabano stated yup.

Mr. Miley stated the variances are solely for the plans presented, that was a 2015 resolution indicating that review and considered by the Zoning Board and shall not be deemed to authorize any disturbance to steep slopes, alteration of the drainage, removal of trees or other site modifications.

Ms. Schleimer stated I have nothing else except one question for Mr. Martabano, where he makes a reference to removal of, I believe several trees and I thought, I was under, and again it's not really a Zoning Board question. I thought we were at a point where no trees were being removed.

Mr. Martabano stated I thought there were discussions, can you hear me, did I unmute?

Chairman Boxer stated yes.

Mr. Martabano stated thank you. There was discussions at the Planning Board meeting, I don't remember what the conclusion was, Stefan, can you tell me what...

Mr. Vasilescu stated the conclusion, Karen is correct, the conclusion was that the one tree that we thought that we may need to remove and the section below where you see those long trees, Ralph, can you point, that one tree, the one with the X, we decided that we will come up with a solution that will go around that tree or in a manner that will not need to remove that tree. Originally that tree was proposed to be removed and a new one planted, what it says on the screen proposed location. Now after we received Karen's comments, the decision was unanimous that the tree will stay there. So we are not removing any trees on any of those areas.

Ms. Schleimer stated thank you.

Mr. Martabano stated so that you for that question Karen, thanks.

Chairman Boxer stated so that means then that the plan that you're giving us is not actually what the plan is.

Mr. Martabano stated well, remember that it has to be approved by the Planning Board, so if they were to change anything I will file that plan with you. It's an unusual process, I understand but as they finally approve that plan, that's what we will file with you.

Chairman Boxer stated then why are you here now?

Mr. Martabano stated because they told us to go here now. The Planning Board said go to the Zoning Board before we proceed.

Chairman Boxer stated but we don't have to do anything until there is a final plan filed and then we can look and we can say whether or not to substitute that plan for the plan that was approved.

Mr. Martabano stated okay, so that brings up a great point that I would like to make is that I am suggesting, okay, that you might want to modify your resolution to indicate that so long as...

Mr. Alfano stated Charles, excuse me one second. Stefan, can you mute please? I'm sorry, go ahead.

Mr. Martabano stated see you bring up a great point, because do we have to come back again with a plan that then for example just says we're not cutting down any trees. To me, it's a little bit of waste of everyone's time to do it that, most especially your Board's time. So what I suggest is that maybe you adopt a resolution that says that unless you are requesting that the Board grant a further variance or to modify their variance in somewhere, other than the plan. If the plan is to be approved by another agency such as the Planning, then all we would have to do is file the plan with you. To me, that makes the most amount of sense because look at the point that you just raised, you said okay well now, the plan will get open, in quotes "better" because you, what you showed that you might remove, you're not going to remove. But to come back to your Board, why wouldn't we just the file, provided of course that the Planning Board approves it. I'm trying to not get caught in a wheel here so speak, so I think that's something that you might want to consider. So long as it's solely within the jurisdiction of the Planning Board, and does not require you to grant a modification of your variance or additional variance, why don't they simply approve the plan and then we provide the plan to you as part of your file. To me, that would work a lot better.

Whitney Singleton stated alright and to me that makes now sense at all, Charlie.

Mr. Martabano stated okay.

Whitney Singleton stated the whole purpose of the conditions imposed upon the granting of this variance was to ensure that the buffer would be protected. If the Planning Board can modify the site plan in any fashion they want, they can undermine the conditions and eradicate the conditions of approval that were imposed by this Board to protect the neighboring properties.

Mr. Martabano stated so again, we're not going beyond the limits of the variance, so if we're not going beyond it, why do you call that a ridiculous thing? I don't understand.

Whitney Singleton stated Charlie, you have properties who's decks are 4 feet from the property line and they're supposed to be 80 feet...

Mr. Martabano stated they're supposed to be what?

Whitney Singleton stated 80, there is supposed to be a buffer of 80.

Mr. Martabano stated but am I proposing in this application to make those decks closer to the property line?

Whitney Singleton stated no, Charlie but what you're proposing is to take an area which by the zoning, is supposed to remain in its natural state. These steep slopes are supposed to remain, the trees are supposed to remain, the natural conditions are supposed to remain and be screened from the adjoining properties and what you're proposing is development of that area that was supposed to be left in its natural state.

Mr. Martabano stated we're addressing conditions and the Planning Board agrees and sees it the same exact way. What I don't understand is how...

Whitney Singleton stated any Board is free to do that Charlie, the Planning Board is not free to omit or not apply Zoning Board conditions.

Mr. Martabano stated so you're saying you don't want too much, what are you suggesting?

Whitney Singleton stated I'm not saying we don't want to, I'm saying they cannot.

Mr. Martabano stated okay, so what are you suggesting as a procedure? That I go back and say to the Planning Board, hey, you know what, actually I'll say this. The Planning Board at the February 23rd meeting did say, hey you know one thing we could do is we could approve it, okay, subject to you know, subject to the ZBA later saying this is the plan to substitution but they didn't do that, so now I have to go back to the Planning Board, you're saying and then come back again mainly my only change is to say we're not going to remove a tree?

Whitney Singleton stated Charlie, all I know is you submitted a plan before the Zoning Board that was presumably the plan that was going to be approved by the Planning Board. You're not telling the Planning Board, the Zoning Board tonight at this meeting that the plan that is before them is not the plan that is going to be approved.

Mr. Martabano stated what I said is, what was said by Stefan, is simply that in accordance with the question that was raised by Karen, yeah, we'll try to save that tree. If you want to say to me that if it's modified further, we have to come back to you, fine but if it's [inaudible] the tree.

Whitney Singleton stated I am responding to your comment that all future modifications should be done by the Planning Board...

Mr. Martabano stated okay, fine.

Whitney Singleton stated and I vehemently disagree with that.

Mr. Martabano stated fine.

Whitney Singleton stated I'm not going to get into what modifications are going to be made to this plan or not made to this plan when you go back to the Planning Board. I am simply saying that its inappropriate to waive, to have the, to refer the Zoning Board's jurisdiction to the Planning Board.

Mr. Martabano stated fine, if you do not want to remove that condition, that's fine. How do we resolve the issue today that when again, to my knowledge, the only possible change to this plan that is being contemplated is what where we thought we were going to cut down a tree, we won't. So you know, does that mean we should have to come back to the Zoning Board because we made that very positive change?

Whitney Singleton stated that is their call. As well for any other changes.

Mr. Martabano stated okay.

Whitney Singleton stated I think what the Zoning Board is saying is that they don't want to see a plan that's not going to be the plan that implemented.

Mr. Martabano stated if we can try to address the one issue, the one change that we talked about tonight and then if you wanted to say if it substantially changed or changed beyond that, that's a different story, we're here, we mentioned that in accordance with a question that raised by one of the members of the community, we're going to try to save that tree, we believe we're going to save that tree, so maybe that tree won't be cut down. I don't think that's a terrible change to this plan, I don't think it's a substantial change, I think it's a positive change and I think the Board would agree. I would hope that the Board would agree, I should say.

Whitney Singleton stated that's up to the Board.

Mr. Martabano stated okay, so fine, so...

Whitney Singleton stated that's one component of the plan.

Mr. Martabano stated so Mr. chairman, what I'm saying is, what I hope you could do is say that again, if you otherwise find the plan to be acceptable, knowing that we are going to try to avoid cutting down that tree and that might change and then we will file with you the final plan, if you can approve it subject to that caveat, I have you know, no problem with that. It would avoid coming back to you unless there was a substantive change in which case we'd have to come back to you.

Chairman Boxer stated my thought is that we have to have a plan, the final plan. And I don't know what the other Board members think and we can, if anybody wants any other Board members want to come in and have a different opinion, that's fine, so, I leave it up to you guys to tell if you want to have them come back to us when its fully approved and have the plan reflect everything or are you willing to take it as it is with the caveat as to the tree. Then if the tree doesn't remove, how do we know nothing else is going to change?

Mr. Alfano stated my thought is that if we're, if this is simply a substitution of plans, then I would, I would think the plan should be final before it comes to us.

Mr. Weise stated I agree with that. I think that, I mean we're here because we're applying previous decisions to new plans and if we don't have the new plans, the final plans, how can we do that? I think we

need to have the final plans to them be able to say that these are the plans previous Zoning Board decisions apply to.

Howard Sherman stated may I ask a question?

Chairman Boxer stated who is that speaking?

Howard Sherman stated I live in Timber Ridge and I listen to the Zoning Board, the Planning Board's conference and what my understanding of what they said is that they approve the plans pending the Zoning Board's approval. All these discussions that have gone on tonight, were previously discussion, I mean including what was going behind the original, the lower units because those, behind those units nothing will grow because they're shaded by the trees. So which was the reason that, and other unit owners along showed pictures of the erosion that occurred because of the, its all shaded and naturally, nothing was changed which is why they came up with the idea of stones to maintain the property, not to change it but to maintain it so that the mud doesn't go sliding down the hill but I thought very seriously that they said, they went through all these discussions about the trees and they said, these are, we're going to approve it and we just want to have the Zoning Board approve it and then you'll come back to us. It wasn't that the plans are going to be substantially changed.

Whitney Singleton stated maybe I ask for the purposes of the record, who that was that spoke?

Mr. Martabano stated can you say that again, Whitney?

Whitney Singleton stated for the purposes of the record and resolutions, I need to know who that was who spoke.

Howard Sherman stated my name is Howard Sherman, I live at 47 Timber Ridge.

Whitney Singleton stated thank you Mr. Sherman.

Karen Schleimer stated if I may point out, Mr. Sherman is a member of the Board of Directors.

Mr. Martabano stated is he a unit owner?

Karen Schleimer stated he is a unit owner but he is also on the Board of Managers.

Howard Sherman stated but that doesn't change anything, Karen.

Mr. Martaban stated no.

Karen Schleimer stated it means that you are a proponent of this application as well being a unit owner.

Howard Sherman stated no, I'm a proponent of managing the erosion that we have here at Timber Ridge. Timber Ridge was built on a hill...

Karen Schleimer stated howard, we have a difference of opinion...

Howard Sherman stated please, please don't interrupt, I didn't interrupt you, please don't interrupt me. Timber Ridge is built on a hill, the good news is that we don't flood, the bad news is that we have significant problems with water and erosion. And over the years, a number of projects have been approved and done to channel and manage the erosion. And part of what's going on with these current recommendations is to further protect the property and the buildings and so that they don't slide down the hill and cause injury, which is why the railroad ties are being replaced and the terracing has been proposed, so its really maintaining the property because with erosion we will impinge on our neighbors and right now we do not. And that's all I'm going to say, thank you.

My. Hoyt stated so far as we know, the only change in this plan that's in front of is this tree that is not going to be removed, is that accurate?

Mr. Martabano stated hopefully not going to be removed, that's accurate.

Mr. Hoyt stated so I thought there was a decision that it would not be removed, so it's still up in the air?

Mr. Martabano stated Stefan, did you decide that you're going work around that tree?

Mr. Vasilescu stated it's...

Mr. Alfano stated the comment before was the tree will try to be saved.

Mr. Vasilescu stated and as you can see from the picture, that wall we proposed, it's way above that tree. However, the tree grew through the existing railroad ties, so we will need to do a demo of those railroad ties. And the engineers thought, when they approach us, was like, you know, as much as you want to be careful, we may lose that tree and that's why we pointed there because I know that the community is concerned about tree, the Village is concerned about us removing trees and we wanted to be transparent. The new walls as you can see, they are further away from that tree and that's why we said we'll act careful, we will may be leave a couple of pieces of railroad ties, if they are infringing on the trunk of the tree and we'll do our best. Now only God knows what will happen to that tree in the years to come but definitely will not remove as requested by Karen [Schleimer] and by the Planning Board and other members that talked about this issue. So...

Mr. Martabano stated so Stefan, for purposes of clarifications for that Board members in question. Are there any other changes proposed for this plan other than what we just said about the tree.

Mr. Vasilescu stated no, no, no, and that's again because of the comments that were made in the open session of the Planning Board, we all agreed that that tree will stay. That is the only change to this plan, no other changes.

Mr. Martabano stated okay.

Mr. Hoyt stated so Howard, I'm speaking with myself, I'm comfortable moving forward with these as the final plans understanding now that the tree is to be saved but it's not, if it can't be saved, it can't be saved.

Mr. Martabano stated thank you.

Chairman Boxer stated that's fine but I would like something in writing because the plan we have may or may not be...

Whitney Singleton stated I've drafted something Harold.

Chairman Boxer stated okay.

Whitney Singleton stated when you get to a resolution, when and if you get to a resolution, I can pull it up on the screen.

Mr. Alfano stated if this is the only change, then I'm okay with it too. It's minor in the grand scheme of things.

Mr. Martabano stated thank you.

Mr. Alfano stated I just don't see a need, originally I thought it makes sense for the Planning Board to approve the plans but it's in a way inefficient if it's such a minor change, that's why I'm okay with moving forward.

Mr. Weise stated it sounds like the plan is to save the tree and the modification that we don't need a drawing for.

Mr. Alfano stated right.

Chairman Boxer stated we'll have to put something in the resolution that...

Mr. Alfano stated yes.

Chairman Boxer stated that memorializes what has been said.

Mr. Martabano stated I think that's fine Mr. Chairman.

Mr. Miley stated Chairman, I'm not sure if you're able to see it, there's one hand raised, I just want to make sure that we include everybody before we proceed.

Chairman Boxer stated Mr. Singer.

Mr. Miley stated yes.

Mr. Singer stated yes, hi, my name is Guy Singer, I'm the unit over at number two, which is the one that you guys saw which has the eroding railroad ties that are almost at a 45° angle. I also have a 7-year old child and I don't allow him outside to play on that because it is about to collapse and if you notice the downspout from the gutter, it's cock-eyed and there is a back flow, we saw during the winter that the water was draining correctly and when they looked at it, they said its because the railroad are, they have eroded and they are pushing up against the downspout and approximately, about four years ago, we had horrible ice damming due to the same exact issue. So it is a safety aspect and a safety problem and I know I would like my son to go out in the backyard and play, same with unit one.

Mr. Alfano stated that's good feedback.

Mr. Lagstrom stated Alfred Lagstrom. I live in Timber Ridge, I am on the Board, and there is, I am an eyewitness, I swear that there is erosion there, there is a plenty of erosion evidenced by the brown muddy water that's going down the hill and the edge of the cliff, little indents showing it going down. We showed you pictures before, it's not even like, people are worrying about grass growing there but the whole, Timber Ridge is sliding down the hill, I mean I don't know at some point, may it would take 50 or 100 years but those units are going to be in Kisco River. I mean, we have to, since the Chinese, thousands of years ago to hold back the soil erosion, that's all they're trying to do, the Board. That's it.

Mr. Martabano stated okay. So Mr. Chairman, if it would be possible, as we discussed tonight that understanding that the only change to the plans before is going to be the attempt to salvage that tree or save that tree, and that can be incorporated into the resolution. We pretty much would like to have your Board approve a resolution that says this plan will be substituted for the plan that was originally was [inaudible] to the March 2015 variance.

Chairman Boxer stated Whitney, are you drafting that now?

Whitney Singleton stated yeah, I'm ready.

Chairman Boxer stated so you have to hold Charlie. We don't, we get all of our resolutions done at the meeting...

Mr. Martabano stated great, that's great.

Whitney Singleton stated so I don't know, can you see this?

Chairman Boxer stated not yet, there we go.

Mr. Alfano stated it just came up.

Chairman Boxer stated you have straighten it, there you go.

Mr. Martabano stated oh great thank you, for those of us with vision constraints, thank you.

Whitney Singleton stated okay, this variance is solely for the plans presented, reviewed, and considered by the Zoning Board, except that a tree currently proposed for removal, where is it located, behind unit?

Mr. Martabano stated Stefan, could you tell him the location of the tree?

Mr. Vasilescu stated it's behind unit 26.

Mr. Martabano stated 26, Whit.

Mr. Vasilescu stated or if you want to put a range, it's units 25 to 29.

Whitney Singleton stated okay, Ralph, is there a caliper to that tree? Is your engineer still on?

Mr. Martabano stated Stefan, he's asking...

Mr. Alfonzetti stated I am on.

Mr. Vasilescu stated I would say 12 to 14 inches.

Mr. Alfonzetti stated yeah, that is about right.

Whitney Singleton stated 14 inch pine, shall be reflected as preserved and a copy of such plan shall be filed in the Zoning Board, shall be placed...

Mr. Martabano stated filed with the Zoning Board.

Whitney Singleton stated if said tree does not survive for a period of a year, it shall be replaced in the same location with the caliper tree in total. So it's possible that it could be three 4 or 5 inch trees as opposed to 14 inch.

Mr. Martabano stated so Stefan, do you understand what he's proposing?

Mr. Vasilescu stated yes.

Mr. Martabano stated okay and is that acceptable to the Board?

Mr. Vasilescu stated yes.

Whitney Singleton stated and I presume that you want that with a non-deciduous [side discussion of spelling].

Mr. Martabano stated yeah, right.

Mr. Vasilescu stated now, Whitney, if I may ask you said there in the same location. Logical, if we destroy that or if it gets destroyed is because the location is bad, can we put it in an alternate location, just the location?

Whitney Singleton stated well it's the same vicinity, the point being that that tree provides screening for a particular neighbor.

Mr. Vasilescu stated okay.

Mr. Martabano stated so the same vicinity will work, that's fine.

Mr. Vasilescu stated the same location is kind of restrictive, if it's in the vicinity, yeah, we can go 10 feet to the right, 10 feet to the left, wherever we can plant something.

Whitney Singleton stated okay.

Mr. Martabano stated I think that works.

Whitney Singleton stated I also changed some points since I sent the Board a draft. Nothing herein shall be construed to permit any disturbance, tree removal, utilization, storage or recreation of the required buffers. Basically everything outside the back of these units beyond their decks is common element and is buffer.

Mr. Vasilescu stated totally agree.

Whitney Singleton stated it's supposed to remain in its natural state. So if somebody is storing playground equipment or grills or something like that, it's not supposed to be in there, that's supposed to be in there [inaudible]...

Mr. Vasilescu stated not allow, not allowed.

Mr. Martabano stated okay.

Whitney Singleton stated the Board has already seen the balance of the, I have to correct this because there were comments received tonight, both written and verbal...

Mr. Martabano stated of course.

Whitney Singleton stated but other than that, it should be...

Mr. Vasilescu stated there is a Goewey & Demasi, that is incorrect. I'm sorry, it refers to 2015, I'm sorry.

Mr. Martabano stated that's the one that's attached to the original resolution, now we're replacing it with a current Alfonzetti plan.

Mr. Vasilescu stated yes.

Whitney Singleton stated Ralph, can I ask you another question? Does what you're proposing here increase your development coverage at all? Let me rephrase that, does what you're proposing here increase your development coverage to the point where you're going to need a variance?

Mr. Alfonzetti stated I believe there's a zoning chart on the plan, let me double check because I don't have the numbers off the top of my head, if you'll give me one second.

Mr. Vasilescu stated Ralph, the answer should be no, we verified...

Mr. Miley stated they're at 42%, they have up to 60%, so they're way below.

Mr. Martabano stated thank you.

Mr. Alfonzetti stated yes. So Whitney, did you get that? It increases it by .1% but we are below needing a variance.

Whitney Singleton stated okay.

Chairman Boxer stated any other Board members that want to comment at this time? Then...

Whitney Singleton stated and by the way, on your buffer conformance chart, it says that the setback from residential is 75, it's actually 80. I'm just noticing as I look at it. That should be corrected as well.

Mr. Martabano stated we will correct that, thank you.

Mr. Alfonzetti stated we can update that correct.

Mr. Martabano stated yup, we'll update it.

Mr. Miley stated my plan does say 80, this is a plan submitted on May 25th. I think that correction was made.

Whitney Singleton stated what's that?

Mr. Miley stated I think the correction was brought up before and it was made, my new plan from May 25th has 80.

Whitney Singleton stated the one I have stamped May 25th says 75 in the top middle, buffer conformance chart, mine says 75. So maybe this was as, it has a last revision date of, I don't see a last revision, December 22, 2020. Okay.

Mr. Miley stated I don't know how that occurred, just make sure the official indicates 80.

Mr. Martabano stated we'll take care of that.

Mr. Alfonzetti stated correct.

Whitney Singleton stated so the basis for the decision is outlined here, it basically incorporates Charlie's language to the extent that I tried to remove some of the specious language that was in there...

Mr. Martabano laughs.

Mr. Martabano stated specious, how dare you?

Whitney Singleton stated and the conditions are as we set forth and then it will just be a vote of your Board.

Chairman Boxer stated okay, then we should close the public hearing. Can I get a motion on that? This is the hardest part, nobody wants to make motions.

Mr. Weise introduced a motion to close the public hearing. Seconded by Ms. Broth.

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

Chairman Boxer stated next would be a resolution to approve the, motion to approve the resolution that was in front of now.

Mr. Hoyt introduced a motion to approve the new site plan. Seconded by Chairman Boxer.

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

Whitney Singleton stated who was the second, was it Harold?

Chairman Boxer stated yeah. Okay, there you go.

Mr. Martabano stated thank you very much, we appreciate it and have a good evening.

Chairman Boxer stated okay, good seeing you again, Charlie.

Mr. Martabano stated same thing Harold, take care.

Chairman Boxer stated okay, next we have Bagnato, ZBA 21-8, anybody here for that?

2. Bagnato 205 Lexington Ave Corp	ZBA# 21-8
215 Lexington Avenue	Area
Mount Kisco, NY 10549	
(SBL 80.32-4-6)	

Mr. Ralph Alfonzetti was present.

Mr. Alfonzetti stated I am here for that, Ralph Alfonzetti, the engineer for the project. With me tonight is Anthony Crecco, the developer and owner. Kory Salomone, our attorney, could not make it tonight, he had a conflict. So I will run through this the best I can here.

Chairman Boxer stated okay.

Mr. Alfonzetti stated if I can share my screen for a moment.

Chairman Boxer stated sure.

Mr. Alfonzetti stated so this is the plan that we originally submitted to your Board which was previously approved by the Planning Board. It showed 10 parking spaces, it required a variance of 8 parking spaces. Along with some other variances, a number of them and I believe, from what I remember, the parking variances were the largest issue for the Zoning Board and I thought that there was going to be a meeting between the Zoning Board and the Planning Board but for whatever reason, the Planning Board did not want to meet.

Chairman Boxer stated they don't like us.

Mr. Alfonzetti stated maybe, I'm not sure. So we developed an alternate plan that shows 12 parking spaces, it reduces the variance required for parking. It will increase the development coverage which will increase the amount of variance that we will need for the development coverage. It also, pushed the three townhouse units close to the front property line, previously they were four feet and change, now they're going to be three feet away from the front property line. So, we understand that we cannot get a vote tonight on this plan because generally, if we increase our parking, our development coverage goes up, which would increase our variance required and we don't have that noticed for this meeting. So there is no vote but we're just looking for some guidance, we are going to have to ping pong back to the Planning Board and revise or amend that approval based on what this Board would like. So I'll open it up to questions and comments and...

Chairman Boxer stated what kind of variance do you need on the number of parking spaces?

Mr. Alfonzetti stated so this plan proposes 12 parking spaces, we're required to have 18, so it is a six space parking variance. Our previous had an eight space variance and we reduce it by two.

Chairman Boxer stated how many residential units are in the plan all together?

Mr. Alfonzetti stated in the plan, in both buildings?

Chairman Boxer stated yes.

Mr. Alfonzetti stated five units, Anthony, is that correct?

Mr. Crecco stated seven, three new ones and four existing apartments.

Chairman Boxer stated that's seven.

Mr. Crecco stated that's seven, correct.

Chairman Boxer stated and if I recall, you had agreed to restrict tenant parking to one car per tenant.

Mr. Crecco stated correct, yeah. You know, I guess the biggest concern I have is you know, I'm stuck between your Board and the Planning Board, not your fault...

Chairman Boxer stated right.

Mr. Crecco stated but you know, I just hope they don't have a problem because we are reducing the greenspace and that was the thing that pushed up to get to the 10 spaces. So I'm looking for some direction because I don't want to waste your time, their time, or my time, if we just keep going around. I was hoping they were going to be here tonight but I found out at the eleventh hour that they were perfectly happy with the plan they approved but obviously you guys are not.

Mr. Hoyt stated could you talk about the reduced area in the front? What does that do to the front of the building? I'm not offended by it, moving it closer to the street but what does that do as far as safety, as far as, I've forgotten whether there's walkways there, does that have any meaningful impact on the tenants in the building? The sidewalk?

Mr. Alfonzetti stated it really doesn't, it reduces probably the planter areas slightly. As far as safety, it doesn't so anything much for, as far as safety. The existing building is less than a foot away from the front property line, so it's not like we're going to be increasing the nonconformity.

Mr. Crecco stated yeah, I mean, I think the biggest area that the greenspace, Ralph, if you can go back to the ten spaces, is really behind the units. Between the ten that we propose, yeah, that's the bulk of the greenspace that's getting cut down.

Mr. Hoyt stated I personally think this plan is preferably notwithstanding the less greenspace. Because we heard, as you recall, we heard from some neighbors, the lack of space, generally we understood that the roadway there, Lexington Avenue, is not an appropriate place to park and if anything we're going to be losing parking spots as you go further into Town. So I think this is a step in the right direction, notwithstanding the sacrifices.

Mr. Weise stated I think this is nicely improved plan.

Chairman Boxer stated I agree.

Mr. Crecco stated now I just have to pray that the Planning Board likes it.

Mr. Alfano stated how much greenspace are we losing going from the previous version to this?

Mr. Crecco stated Ralph, I don't know, how much are we losing? Well the bulk of it is behind the units, so you really can't see it from Lexington or Maplewood so, you know...

Mr. Alfano stated right.

Mr. Crecco stated Ralph, do you have an idea of what you think...

Mr. Alfonzetti stated the increase in percentage is approximately 2% of the development coverage, that's how much we would be increasing our variance, our need for the variance. It equates to, it's not a tremendous amount, it is approximately 200 square feet or something like that, I don't have the number off the top of my head.

Mr. Alfano stated that's not a lot of area to begin with.

Mr. Crecco stated yeah, no, it's not a lot, I think they should be okay with it.

Mr. Alfano stated and you get how many more parking spots, four?

Mr. Alfonzetti stated you get two more spots.

Mr. Alfano stated two more spots, that's still...

Mr. Alfonzetti stated we went from 10 to 12.

Mr. Alfano stated okay.

Chairman Boxer stated what spot is reserved for handicap?

Mr. Alfonzetti stated the one right where my cursor is. Oh I'm sorry, that's the tenth.

Mr. Crecco stated that's the tenth.

Mr. Alfonzetti stated it's this one right here, where my cursor is.

Chairman Boxer stated okay.

Mr. Alfano stated I mean, I would agree with everyone, the other Board members that spoke, that given limited parking in this area, it's even two more spots makes a significant difference in the efficiency of the area.

Chairman Boxer stated have you changed the width of the parking?

Mr. Alfonzetti stated no, they were always nine, oh actually yes, I'm sorry. If you recall, the previous plan, the three spots where my cursor is...

Chairman Boxer stated okay.

Mr. Alfonzetti stated we had them wider, 11' 11" and 10 feet wide and that was to help with backing out, we shrunk these all down to nine feet wide. You can still get out of these spots, it will just take you a little bit more maneuvering, just a couple more maneuvers.

Mr. Alfano stated what's the standard width of a parking spot?

Mr. Miley stated nine and a half, well its residential, so nine by eighteen and a half. And Ralph, is that reduce, the aisle width? I can't read it from this, it's not enlarged enough.

Mr. Alfonzetti stated yes, aisle width is reduced down to nine point two feet, that is our narrow spot.

Mr. Miley stated I just want the Board to understand that this is going to required three variances now.

Mr. Crecco stated Ralph, what do you mean, we reduced that?

Mr. Miley stated it's going to be...

Mr. Alfonzetti stated we always had it at 19, I believe it was always a variance, Peter.

Mr. Miley stated yeah, correct but it was the width but the width was helping with the turning radius. So we're reducing it, so we need a variance for aisle width, we need a variance for number of parking and more than likely a variance for development coverage.

Whitney Singleton stated Peter, we need a variance for parking stall width?

Mr. Miley stated residential is nine.

Whitney Singleton stated yes but a portion of this is commercial.

Mr. Miley stated correct.

Chairman Boxer stated is commercial bigger or smaller?

Whitney Singleton stated six inches bigger.

Chairman Boxer stated okay, so you're going to need a variance on that.

Mr. Miley stated I'm not sure yet on that because the commercial has been there and they only had five spaces that were unlawful to being with. They only have, believe it or not, three approved spaces for the entire lot. They had three parallel spaces, today they run perpendicular. So the entire parking area was not approved to begin with. So I would need to do a little research.

Chairman Boxer stated just a question for information. Where the parking is now, where they back out onto the street, that has never been approved, correct?

Mr. Miley stated that's accurate.

Mr. Crecco stated it was approved but it was...

Mr. Miley stated hold on Anthony. It was approved as parallel spaces...

Mr. Crecco stated three spaces.

Mr. Miley stated alright, so they could pull out forward and then it was modified to five or six spaces, I don't recall that have them back out on the street.

Mr. Crecco stated right.

Mr. Miley stated it's a terrific improvement, trust me. They actually almost took me out once, purposely I believe but no, it's definitely an improvement getting the spaces.

Chairman Boxer stated don't you have an unmarked car?

Mr. Miley stated I do but some people watch out for me, Harold. It may have been Anthony, was that you?

Mr. Crecco stated no, no, it wasn't me, I think it was Ralph. Ralph?

Mr. Alfonzetti stated no, no, not me.

Mr. Miley stated it was a black pick up that tried to take me out, do you know? So either way, Harold, if your Board likes this new design, I'll have to put together a memo indicating the number of variances and I would just do some more research with regard to, you know commercial is 9 1/2 but I need to see what it does to the land here but I think the intent was to have the parking on the street. It's similar to a retail, they close at night, there's not overnight parking.

Chairman Boxer stated right.

Mr. Miley stated so I can't give you an answer on that today.

Mr. Crecco stated well I mean, if you give us the variances that we're looking for, that would help. Now Ralph, you can answer this question. In order to make these eleven, we have to lose more green space and I'm not really sure that you know that's going to be. I'd rather keep the greenspace the way it is, if you guys are okay with you know, Peter, with those three...

Mr. Miley stated Anthony, we're not talking about eleven, we're talking about nine foot to nine foot six. So that would be six, it would be three feet additional.

Mr. Crecco stated oh, I thought you were talking about the turning radius because it's nine feet.

Mr. Miley stated no, that's actually 19 two.

Mr. Crecco stated okay, I thought were talking about a variance because its nine feet and you'd have to turn more maneuvering.

Mr. Miley stated no, no, the variance would be for aisle width of 24 to 19.2.

Mr. Crecco stated okay, forget about what I said.

Mr. Miley stated so it will be a slight modification to the, I think it's, correct me if I'm wrong, I believe it's 1,000 square feet the retail store.

Mr. Crecco stated yeah, it is 1,012.

Mr. Miley stated so that would be four spaces there alone, that would add an extra two feet. I mean, I guess the Board will make the determination whether they prefer to have a skinnier parking space and more greenspace or properly sized and less greenspace.

Mr. Alfano stated I would take properly sized parking spaces.

Mr. Miley stated so then it would increase four by at least six inches, in width.

Chairman Boxer stated okay.

Mr. Miley stated so Ralph, can you prepare this plan to include...

Mr. Alfonzetti stated I can do that and I'll do these four since they are the ones that would have the trouble backing out.

Chairman Boxer stated okay. Any Board member have any problems with the plan as shown? We're not going to vote on it but I think they would be very happy if we can say we like the plan, so they can go back.

Mr. Crecco stated complete it, yes and then come back.

Chairman Boxer stated any objections from the Board members? Okay, so provided that we get the proper variance request once Peter makes the decision, these plans will be fine. These plans don't show the change, do they show the change in front on the street? I can't read that little bit.

Mr. Alfonzetti stated they do, yes.

Chairman Boxer stated alright, I see. Okay, any other comments? Okay then, Ralph, you know what we need and we get that, we're happy.

Mr. Alfonzetti stated okay.

Mr. Crecco stated alright, well thank you very much.

Chairman Boxer stated you're welcome.

Mr. Alfonzetti stated can I ask a question? I don't know if Whitney or Peter can chime in on this, when we go to the Planning Board, are we coming back to the Zoning Board first, I guess we have to go to the Planning Board.

Mr. Miley stated you have to go to the Planning Board now and present the new amended site plan.

Mr. Crecco stated no but shouldn't we come back here first to get the variances and then go back there?

Mr. Alfonzetti stated my only thing is they may be reluctant to give another approval...

Mr. Crecco stated I know but we're stuck in the middle, we have to do something.

Mr. Miley stated I mean, I agree, the Planning Board liked the previous plan, they were in support of it, the Planner was in support, I spoke with him earlier today again but he doesn't speak on behalf of the Zoning Board, he speaks essentially for the Planning Board. So I think the process from this point forward if this is the direction the Zoning Board is willingness to grant the variance, you would have to present this modified plan for amended site plan approval because you do have an approval already.

Mr. Crecco stated Peter, do you think we should go back to the Planning Board to kind, like we're doing now, to kind of see what you know, they think before Ralph goes to finalize everything?

Mr. Miley stated I don't, I don't know how to advise you on that.

Mr. Crecco stated no, yeah...

Mr. Miley stated I would just an application to amend your site plan.

Chairman Boxer stated Kory is the one you have to speak to about that.

Mr. Crecco stated I think we should get the variance from you guys first, you know, like you thought we were going to do in the beginning.

Chairman Boxer stated Whitney, that's allowed, is that correct?

Whitney Singleton stated I believe, if I'm not mistaken, didn't Jan determine this action to be an unlisted action by the Planning Board?

Mr. Miley stated yes.

Whitney Singleton stated so long as the EAF is before your Board, your Board can act without waiting for the Planning Board. I don't believe that served as Lead Agent, it's an uncoordinated review, your Board has to have an environmental assessment form in order to act. The only problem I see is, and Peter and I can coordinate this administratively with the applicant, the only problem I can see is identified by the property owner, the potential ping-ponging. In light of the fact that your Board meets once a month and the Planning Board meetings twice a month, I think it would be advantageous to go to the Planning Board and get their feedback before proceeding with the Zoning Board.

Mr. Crecco stated that's what I was looking for Peter. Get the feedback before we can proceed. That is why I thought it was a great idea that we invited them tonight but, so anyway maybe we should do that but should we have a staff meeting, Peter, to get a direction with you guys.

Mr. Miley stated I don't think you need another Staff meeting with us.

Mr. Crecco stated okay.

Mr. Miley stated if you want to get the application, I would just say amend your site plan. We'll get you on an agenda, there's really not much more to discuss.

Mr. Crecco stated we'll just have to talk to Kory and we'll let him figure it out.

Mr. Alfonzetti stated okay.

Mr. Miley stated we'll reach out to you tomorrow, Anthony.

Mr. Crecco stated okay, thanks. Appreciate it, have a good night.

Mr. Alfonzetti stated thank you.

Mr. Weise stated have a good night.

- | | |
|------------------------------------|------------------|
| 3. DP 21, LLC (Jim Diamond) | ZBA#21-9 |
| 383 N. Bedford Road | Area |
| Mount Kisco, NY 10549 | |
| (SBL 69.43-1-2/3) | |
| 4. DP 21, LLC (Jim Diamond) | ZBA#21-10 |
| 333 N. Bedford Road | Area |
| Mount Kisco, NY 10549 | |
| (SBL 69.50-2-1) | |

Mr. Jay Black of Diamond Properties and Ms. Teresa Marboe of Gallin Beeler Design Group were present.

Chairman Boxer stated I think the DP 21 we can take them both together as one plan, I'd like to give separate resolutions but would you like to go through the change in your plan.

Mr. Black stated absolutely and thanks for having us back. So if we recall from the last meeting, we had been requested to come back with additional rendering and to look at what the proposed monument signage would look like from the street view, as you're approaching from each the north and south complex entrances. I have Teresa Marboe, our architect, tonight who is going to be taking us through the additional plans renderings.

Chairman Boxer stated okay, thank you,

Ms. Marboe stated can I go ahead and share my screen?

Chairman Boxer stated sure.

Ms. Marboe stated okay, is everyone able to see my screen?

Chairman Boxer stated yes.

Ms. Marboe stated okay, so if you remember, we are discussing the monument signs at the south entrance to the property on the 333 property and at the north entrance where the sign is located on the 383 property.

Chairman Boxer stated right.

Ms. Marboe stated this is the monument sign that we presented before with the main point of concern being the 16 foot height and how that related to the surrounding street context. So for tonight, just for reference, here is an existing photo looking south toward the south entrance and then here is a series of renderings showing the originally proposed sign and then also testing two different signage heights for the signage height which keeps the base intact with the 333 signage to be viewed from the vehicle and just reduces both the signage face area and slightly reduces the text height on the sign at two different heights. As you can see from these photos, both the 16 tall foot sign and the 14' 6" tall sign gives a pretty good street presence to the property, signage is still visible. It does seem that the 12'8" sign is starting to become a little less visible and a bit more buried in the planting area here. Similarly, we have a view towards, looking north towards the north entrance, the existing photo and then some additional renderings, now this is the area where the new entrance boulevard curves back into the intersection, so you're catching a little bit of the new building at 383 and then the monument sign in relation to that and the property behind. So again, we are showing the 16 foot tall sign as originally proposed, showing a 14'6" tall and a 12'8" tall. We provided for your review, elevations of those alternate proposals, so you can see both the reductions in variances required and just the general proportions in face area of the signs. So this 14'6" tall sign, we have also a small reduction in width of this taller signage panel and also the overall length of the base, the height of the brick base remains the same, 333 and The Park remains the same text height as previously shown and we have reduced the signage text and logos to fit these new areas of the signage board. So this we believe is still a, would still provide a street presence and signage that could be read easily from a moving vehicles, as these would most likely be experienced. You can see when we go to the 12'8" sign, that some of the text heights are reduced to a little over four inches, which we believe would complicate how this sign is read from the car. So we would like your feedback on both the 16 foot sign as originally presented and potentially this 14'6" tall as an alternate that both we feel would be acceptable representations to direct visitors to the property. I'll scroll back to some of these renderings and we would like to hear your comments.

Mr. Weise stated I've got one question. Do you think it's necessary to have the same height for both entrances?

Mr. Black stated we do, we wanted to give equal value to both sides versus necessarily weighting one entrance versus the other. Also, you know with just the, trying to keep that consistency and look, as well as preserving a certain scale that gives the best vehicular experience so people can see it as they approach the site from either direction. I think, as we had also talked about previously in the meeting with the existing signage, it's approximately seven feet tall, we were trying to increase that scale for a variety of reasons that we have talked about and you know, frankly having a bigger sign to give the necessary presence, visibility, you know at street side and if you're going to have a sign whether it's 16 or 14 feet or we felt that having them consistent in the same scale was the best choice.

Chairman Boxer stated I, looking at the renderings, I can see where you see that the 12 foot is hard to see once you put it, especially on the north entrance.

Mr. Hoyt stated yeah, I appreciate that you included three variants that was very helpful.

Mr. Black stated you're very welcome.

Chairman Boxer stated so I guess, are you looking for an approval or we can tell you which one we like and you come back again?

Mr. Black stated we were looking for approval tonight, we were suggesting the 14 foot scale sign as a recommendation for approval. Given there was some concerns of the overall height, obviously at 16 feet would be ideal but certainly willing to make a concession at the 14'6", if that is acceptable by the Board.

Mr. Hoyt stated do you mind just putting back the old pictures, not the old ones, the renderings of the south side, south entrance, yeah, thanks.

Mr. Miley stated would you mind enlarging, we're recording here in Town Hall and it's hard see.

Ms. Marboe stated which one would like me to enlarge? Or just go through all three.

Mr. Miley stated please do.

Mr. Hoyt stated all three, yeah.

Ms. Marboe stated alright.

Mr. Miley stated oh wow.

Mr. Black stated that's a little too detailed.

Mr. Miley stated that's great, thank you.

Ms. Marboe stated and moving through the other ones. That was the 16 foot, this is the 14'6", moving down this is 12'8" and then I can leave it...

Mr. Black stated also while Teresa is moving, one thing we want to point out and I think we touched on this briefly during the last meeting but in terms of the location of the new sign on the south side, it's approximately 40 feet to the north from where the current sign is located. So it is being pulled further away from the existing Enterprise building, car rental location.

Ms. Marboe stated and to put that into context, it's currently about 11 feet off the corner of that Enterprise building, this is significantly increasing the distance between the two and how you would experience the two when travelling by car.

Chairman Boxer stated does the Enterprise building have any signs on the street or is it just the building?

Mr. Black stated I believe it is just on the building façade.

Ms. Broth stated just the building, Harold.

Chairman Boxer stated okay, that's what I thought, I just wanted to double check. Okay, I think we can see, is there any public comment on this?

Mr. Miley stated no hands are raised, let me just check Facebook before we proceed. No public comments on Facebook. There's only three watching, me, Michelle and someone else.

Ms. Broth stated I think the last time we looked at this, I had asked the question about how bright those signs are going to be and the hours that they're going to be lit, are they lit 24/7?

Mr. Black stated well in terms of the brightness, we don't have an exact foot candle of the illumination but the illumination was strictly applied to the lettering logos themselves and in terms of the hours of operation, no, I don't believe the intention is not to run them 24/7.

Mr. Hoyt stated do you know what's the latest one of these businesses inside that park stays open? The gym is open until midnight?

Mr. Alfano stated I would think Grand Prix is probably the latest.

Mr. Black stated Grand Prix is the latest, I'd have to go back and check, I can actually look right now to see what their hours are but I believe it's about 9, 10 o'clock, I don't believe it's later than that.

Ms. Broth stated ShopRite is going to be open later than that.

Mr. Alfano stated I was going to say that, once ShopRite opens up...

Chairman Boxer stated ShopRite is going to be open at least until midnight, if they don't go 24 hour.

Mr. Alfano stated yup.

Chairman Boxer stated I could see them wanting to go 24 hour with their new building.

Mr. Black stated I mean, right now ShopRite in Bedford Hills from a timing standpoint runs 6 am to 12 am.

Mr. Hoyt stated is that light that you're proposing, I assume it's backlit, is that dimmable? Will it be dimmable?

Mr. Black stated we have no gone through a full design yet but you know given it's LED and the ability to control LED lighting, I'm sure there could be a dimmability component to it.

Mr. Alfano stated a suggestion would be to make it dusk to dawn or only lit from dusk to dawn.

Mr. Weise stated is there going to be any issues with line of sight, making a right hand turn out of that south entrance?

Mr. Black stated no, I don't believe it would. Teresa would you happen to have what the setback is on the side from the road side as a ballpark.

Ms. Marboe stated yes, I do. Yeah, so here you can see 25 foot 4, from the right side of that turning lane and then setback from Bedford, it's nearly 16 feet, 15 foot 11 ¼.

Mr. Black stated frankly I would say that you know this intersection is more sparse than the current configuration with all of the signs, the proximity of the sign to the curb right now, with the where the roadway is.

Mr. Weise stated yup.

Chairman Boxer stated are both entrances going to have traffic signals, traffic lights?

Mr. Black stated yes and that's the major impetus behind all of the reconfiguration of the roadways is all align and time all of the lights together, in fact with DOT, there is going to be a coordination between the lights and down road to have, to improve traffic flow that was one of the big drivers behind all of this.

Chairman Boxer stated are you going to, this is a suggestion I would make and it has absolutely no weight behind it but you might want to not have a right on red because they are going to be trying to pull into a major roadway...

Mr. Alfano stated you can turn right on red today.

Ms. Broth stated they don't necessarily turn to the left to see anybody coming.

Chairman Boxer stated right, they just go.

Ms. Broth stated yeah, we encounter them on a daily basis, not looking to see that somebody is coming from across the street.

Chairman Boxer stated and I think once its built, you'll have more traffic but that is a decision you need to take up, I guess with the Planning Board and the Village...

Mr. Black stated originally the alignment of the roadways was to try to clear up you know, certainly the concern with the offset intersections and traffic coming between the two, exiting the site as well as coming from the opposite roadway and trying to mitigate any future problems and improve traffic flow.

Ms. Broth stated that's a dedicated right turn lane?

Mr. Black stated yes.

Ms. Marboe stated yes.

Ms. Broth stated yikes, okay.

Chairman Boxer stated is DOT the one that's in charge of the traffic lights and everything.

Mr. Black stated correct, yes.

Chairman Boxer stated have they said anything about a right on red?

Mr. Black stated we've actually, we're just wrapping up stage two approvals which really is the entire design, they've been highly involved throughout this process.

Mr. Hoyt stated are there street lights in the vicinity? Personally, I'd like the middle, the goldilocks signage height, from my personal standpoint, that's a good compromise but I, Jacquie has brought up the light issue that is one that has to be solved. Are there street lights there? How do you proposed to mitigate garish light at night?

Ms. Marboe stated if you look on the plan, right here and right here are street lights on either side of the intersection.

Mr. Black stated plus you also have the lights that are over the intersection itself.

Mr. Hoyt stated so, are you okay with no lights on the sign in the evening or are you suggesting it's backlit and therefore not going to cause an issue.

Mr. Black stated I mean with the backlighting calling out the tenant names, I think that provides certainly ample light, it shouldn't create glare or concern from a traffic standpoint, I'm sorry maybe I'm not understanding the question.

Chairman Boxer stated Whitney, are you still on?

Whitney Singleton stated yeah, I have some proposed language, if you want.

Chairman Boxer stated do they, doesn't the Code state how bright the signs can be?

Whitney Singleton stated yeah, they're going to be, there's no illumination regulations but there's certainly been guidelines that have been followed by the Planning Board.

Mr. Miley stated yes.

Whitney Singleton stated I'm assuming that since these are backlit, they're not going to be blowing up the sky. If you want to put some illumination parameters in, you're certainly welcome to do so. I don't think that that's, that's not really the basis of their appeal to your Board. If you want to put those as mitigating conditions, we can certainly incorporate it. One of the things that I did with regard to the approvals was just based upon hearing what you're discussing, I put another condition in saying that illumination of signage shall exceed the business hour of the tenants. I don't know if that's what you were looking for. And generally speaking the Planning Board has historically required commercial tenants to not have their signage on when they're not in business.

Mr. Black stated which I think is a fair assessment. That was sort of the intent was to during operating hours.

Whitney Singleton stated yeah.

Mr. Miley stated I'm looking at the resolution from ShopRite right now, there's no hours of operation indicated, Grand Prix is open until 10 and Saw Mill Club is open until 10:30 pm.

Chairman Boxer stated okay.

Whitney Singleton stated perhaps maybe I can ask the question, is there a standard for limitation on, we certainly have maximum footcandles that are permitted at the property line, I was, I think more concerned about the ability to impact somebody's visibility in traffic.

Mr. Miley stated yeah, I'm looking up those standards now. The illumination levels are for building and parking lot lighting, I'm looking to see if signage, I don't think signage has that same provision but I'm still looking.

Whitney Singleton stated yeah but I'm also asking the applicant, does this, are you familiar with the illumination typically associated with sites like this with backlit signs, so it doesn't create a glowing effect.

Mr. Black stated certainly aware of the design features, not from a physics standpoint and the actual illumination levels, the number of footcandles, I wouldn't be able to say that offhand but certainly you know, we would want to create a condition that's not going to be an issue for vehicles.

Ms. Marboe stated and typically it would be much lower than you would have say a ground level from any street lighting or typical parking lot site lighting.

Chairman Boxer stated and we did another building in Town, they presented us an illustration of the footcandles and how far out they go. As Whitney said, there is, there are limits in the Code as property lines.

Ms. Marboe stated but that's from backlit signage or from uplight at the bottom of the sign?

Whitney Singleton stated it's for lighting.

Mr. Alfano stated it was lighting.

Mr. Miley stated bear with Chairman, I'm going through this comprehensive sign code here.

Chairman Boxer stated yes, it's quite comprehensive.

Ms. Broth stated I would like to ask a unrelated question since you have been having your conversations with State DOT, on how the light is going to be working at the intersection. I am just thinking it through in my head and I remember from a Planning Board, I think the cycle was going to be on the south entrance that Park Drive would have a light, while all the others were red to come in and go out so that it would not interfere with any of the, in other words not having a green light on the coming up and going down at the same time at that intersection.

Mr. Black stated I apologize, I don't know that specific aspect within the signaling and how they were being coordinated. I'm certainly happy to go back and talk to our team as they've been working through the final details with DOT.

Ms. Broth stated my suggestion is, thinking it through because I do believe that's what the traffic consultant has said during the Planning Board meeting, is that if they do have a signal exclusive for, coming towards the intersection from the opposite site, from the Park Drive side, you have a red arrow for the right turn, that goes into place while that light is green coming out of Park Drive.

Mr. Black stated okay.

Ms. Broth stated and just for the period of time when that light is green, just that would eliminate any interactions in the intersection. Just a thought.

Mr. Black stated understood.

Mr. Hoyt stated that's certainly the way the new light works at the hospital, right? Everyone has their little dedicated turn, when someone is turning, the other lights are explicitly red.

Chairman Boxer stated except the hospital doesn't allow right on red onto 172.

Mr. Hoyt stated true, coming into town, that's right.

Mr. Miley stated Chairman, there's no illumination levels, there can't be glare and it has to be backlit. It cannot be blinking, it's cannot interfere with traffic lights, those are provisions in the Code.

Chairman Boxer stated so there's no footcandle requirements then.

Mr. Miley stated there is not, not that I found.

Chairman Boxer stated okay. It still might help though, if you could give us a drawing that shows how far out into the street the light might be going, as far, once its on.

Ms. Broth stated how are you illuminating the 333 Park signage?

Mr. Black stated that's, halo lighting, so essentially it's lights that are integrated directly behind the 333. So the 333 is a solid feature and it's lighting that is directly behind it, so it create what is referred to as halo lighting, so a form of backlighting.

Ms. Broth stated thank you.

Mr. Black stated you're welcome.

Chairman Boxer stated Whitney, you have a resolution prepared?

Whitney Singleton stated yes, they're basically the same for each of the sites, separate resolutions but if you're going to modify the plan, we should know what the modifications are going to be. Right now, here I can, would you like me to share what I have?

Chairman Boxer stated sure.

Whitney Singleton stated oh no, something happened. Okay, sorry, share screen. Okay, here are two, this is what I have. So this is for 333, property ID, maximum height in letters, the relief being requested, now if this is all going to change, we just need to incorporate it. Submissions, SEQRA determination, [inaudible] based upon the approval. These are the conditions of approval that I have in right now which are the standard ones. That the approval shall not constitute any authorization for any additional signage or change of signage, including handheld signs, inflated signed, sandwich board signs. The approval shall not constitute authorization for any lighting or any signage or otherwise illumination of signage shall not exceed the operating hours of the tenant. This should be except as expressly proposed [inaudible] sorry about that. So I don't know how big a variance they're proposing.

Mr. Black stated Teresa, I believe in your drawings, with the 14, the plans with the 14 foot 6 elevation, we had updated the numbers with the variances, correct?

Ms. Marboe stated yes and I can read those off to you right now, if you would like.

Whitney Singleton stated okay.

Ms. Marboe stated so that number one variance, that is still correct, the refers to the 333. The maximum monument sign height, we need a variance of 6 ½ feet for a proposed height of 14 foot 6...

Whitney Singleton stated 14.5 feet?

Mr. Black stated correct.

Ms. Marboe stated so we need a 6.5 variance.

Whitney Singleton stated okay and that's it?

Ms. Marboe stated we had two other variances, I believe, in our original proposal. There was a space area variance and then a text height variance as referred specifically to the ShopRite text.

Whitney Singleton stated I only have a variance for the maximum monument (inaudible), I only have these two, you're telling me there's two more as to 333?

Ms. Marboe stated yes, in our original application letter, I believe.

Whitney Singleton stated then I'm going to have to go back and look at this...

Mr. Miley stated Whitney, I'm pulling up the rejection letter, bear with me. I'm going back to the server. Chairman and Whitney, I have one, two, so the first one is the maximum letter height, the application proposed to be 18 inches where 12 inches are permitted. There was another for letter height for 9 ¾, 10 inch variance. There was another for ground signs to be located on their property, these would be located outside of their property lines...

Whitney Singleton stated with regard to 333?

Mr. Miley stated 89-11, sign district, correct.

Whitney Singleton stated is it being located outside of their property?

Mr. Miley stated northern most monument sign is proposed to be located outside the property which it serves.

Mr. Black stated yes, because that one is sitting in the easement area of 383.

Whitney Singleton stated but we're talking about 333.

Mr. Black stated correct, so that one only applies specifically to the 383. 333 yes, had to two additional variances for the sign face height and the sign lettering for ShopRite, on top of the two you've indicated here.

Whitney Singleton stated for 383, I have that covered, off-premises signs.

Mr. Miley stated yea, good.

Whitney Singleton stated and I had two others for this...

Mr. Miley stated so what are we missing?

Whitney Singleton stated what do we have beyond those?

Ms. Marboe stated so additionally we had a face area variance for the ShopRite sign face and also a letter height variance, also regarding the ShopRite sign face.

Whitney Singleton stated I'll tell you what, so that we don't, can I propose something? In how much of a rush are you?

Mr. Miley stated also face area, Whitney, the face area.

Whitney Singleton stated Jay and Teresa, how much of a rush are you?

Mr. Black stated a rush in terms of...?

Whitney Singleton stated in getting this resolved.

Mr. Black stated no, it doesn't have to be resolved tomorrow because we're obviously working through other aspects with finalizing DOT/DEP, it's not like this was contingent on needing to have it tomorrow.

Whitney Singleton stated okay. So, I apologize to the Board, I thought I had covered everything but obviously not. But rather than do it in this late hour and keep everyone here and potentially make mistakes, I'd like to just review this with the applicant and Peter to make sure that we cover everything. We can put it, if you want as the first item on the agenda at the next meeting for approval and I'll provide everyone with a redline copy. Would that be easier Chairman?

Chairman Boxer stated sounds good to me.

Whitney Singleton stated I apologize for this. I take it you don't have any objections since you're seeing this tonight that I share a copy of the draft with the applicant.

Chairman Boxer stated no, that's fine, that's the only way you're going to get it done.

Whitney Singleton stated okay, I guess if you want, you can still close the public hearing since nobody is commenting.

Mr. Miley stated no hands raised, just bear with me Chairman, and let me check Facebook. Nope, just me and Michelle and we have no comment.

Chairman Boxer stated you have plenty of comments.

Whitney Singleton stated so maybe perhaps we can do the following. I will share the resolution, Peter already has it but I'll share it with the applicant, so maybe you can just send me your e-mail addresses. My e-mail address is wsingleton@sdslawny.com and what we'll do is, is when you send me that, I'll send you the resolutions and we'll setup a time for the four of us to go through it and make sure that everything is where it needs to be.

Mr. Miley stated yeah.

Mr. Black stated it sounds great.

Whitney Singleton stated and if there's an updated set of plans, just get me the updated set of plans last revision date.

Mr. Black stated understood.

Whitney Singleton stated okay. And Chairman, it's okay to put them first on the agenda at the next meeting.

Chairman Boxer stated yes.

Whitney Singleton stated okay.

Mr. Black stated thank you.

Ms. Marboe stated thank you.

Chairman Boxer stated okay then, I'll make a motion to close the public hearing. Do I have a second?

Mr. Alfano seconded the motion.

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

Chairman Boxer stated okay, we'll see you guys in July.

Mr. Black stated okay, great, thanks we'll see you then. Have a good evening.

Ms. Marboe stated thank you.

Chairman Boxer stated thank you. Okay...

Whitney Singleton stated the last one we just need to put it over again until next month. Homeland.

**5. Homeland Towers
180 South Bedford Road
Mount Kisco, NY 10549
(SBL) 80.44-1-1**

**ZBA# 20-14
Area**

Chairman Boxer stated Homeland, are they on?

Whitney Singleton stated we just need a motion to continue the public hearing to the July meeting.

Chairman Boxer stated are they really coming before us?

Whitney Singleton stated no.

Chairman Boxer stated okay, I'll move that, in regard to ZBA20-14, I'll make a motion to keep the public hearing open to July 20th. Second anybody?

Mr. Hoyt seconded the motion.

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

Chairman Boxer introduced a motion to adjourn the meeting. Ms. Broth seconded the motion. The motion carried by a vote of 5 to 0.

The meeting adjourned at 9:12 pm.