

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, June 19, 2018 at 7:05 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

Members Present: Chairman Harold Boxer  
Barbara Richards  
Nancy Coyne  
Wayne Spector

Members Absent: Linda Greenberg

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

Chairman Boxer stated okay, this is the June 19<sup>th</sup> meeting of the ZBA and I don't have the agenda in front of me but I would like to let the Kelly's go first. There's no reason they have to sit and listen to us.

**1. Christopher & Alba Kelly  
70 Thorn Avenue  
Mount Kisco, NY 10549  
(SBL) 80.4-3-9**

**Case# ZBA 18-8  
Area Variance**

Mr. John Caro and Mr. & Mrs. Christopher Kelly were present.

Chairman Boxer stated there's my agenda. I actually read through the stuff last night.

Mr. Kelly stated I think pink is the color of the evening.

Chairman Boxer stated please tell the young lady your name.

Mr. Caro stated I'm John Caro. C-A-R-O.

Mr. Kelly stated and Christopher Kelly, how are you.

Chairman Boxer stated okay.

Mr. Caro stated so we are seeking a variance to construct an addition to the rear of the house and a portion of that would be in the side yard setback, something along the order of 7-odd square feet.

Chairman Boxer stated do you know the distance?

Mr. Caro stated 4 feet at the closest point.

Chairman Boxer stated okay.

Mr. Caro stated and I think it was 10 feet is the minimum. So it's really just this area that we're asking for the variance for.

Chairman Boxer stated okay.

Mr. Kelly stated we have a set of pictures. I don't know if you want to see them now.

Ms. Richards stated yeah, that would be good.

Ms. Coyne stated that's what I was looking for in the packet.

Mr. Kelly stated this is pretty much what we have. We obviously show the front of the house. This is looking at the rear of the house. The addition would pretty much go to the end of the house here, replacing the deck. So it would come out here. Now if you have a look at what's impacted, in other words, this is again from the front, we would be adding to the rear, so we would be moving towards the fence with addition.

Chairman Boxer stated okay.

Mr. Kelly stated that's the other side of the fence. So there's literally no one there going back, probably a couple hundred yards. We have two townhouse complexes behind us. So the side of the house we're

looking to do this on where from an impact standpoint, we don't have neighbors, who really wouldn't even be looking or be able to see any part of the addition, for that matter, on that side of the house.

Chairman Boxer stated are you planning to rebuild the deck past the...?

Mr. Kelly stated no, we're not. So I think what we'd end up having is we'd have a paved area...

Mr. Caro stated behind the house here.

Mr. Kelly stated we have an existing sunroom that goes out the back that ends over there. Our extension would push beyond the sunroom and we'd have a small paved area, it wouldn't be a deck, just outside the sunroom. That would be the outdoor entertaining area.

Ms. Richard stated like a little patio.

Mr. Kelly stated exactly, yeah.

Mr. Spector stated [inaudible] I'm sorry, I can't read that.

Mr. Caro stated well this is the front, this is when you come up the front steps, there's a small paved area just outside the front stairs. So this is actually on the front side of the building.

Mr. Spector stated okay.

Mr. Caro stated and this paved area that he's talking about is in the back of the building here. There's also at the end of Thorn Avenue here, an access to a fire road that runs down the edge of the property.

Mr. Kelly stated and that's really the fire road you can see here.

Chairman Boxer stated did you take measurements? Do you know if you're still going to be within the square footage for the foot print?

Mr. Caro stated oh, absolutely.

Chairman Boxer stated good, okay.

Mr. Spector stated so this is the townhouse property here and what's back here?

Mr. Caro stated yeah and...

Mr. Kelly stated it's actually two townhouse properties and if you actually have a look at how this border runs its pretty interesting. Because you have Guard Hill Manor, the border actually runs almost like that and then you have a tiny little portion of it here and it ends there. And then behind you have another townhouse complex over here which is also set about 100 yards back. So you almost have two townhouse complex borders...

Chairman Boxer stated are you uphill from them?

Mr. Kelly stated we are downhill, downhill, yes.

Chairman Boxer stated I'm trying to remember where Thorn is.

Ms. Richards stated yeah, where is Thorn?

Whitney Singleton stated it's up behind Glassbury Court.

Chairman Boxer stated where is it behind?

Whitney Singleton stated the old section back there, High Street Extension.

Chairman Boxer stated got it.

Mr. Kelly stated we're obviously the last house in the cul de sac.

Chairman Boxer stated does anybody have questions?

Ms. Richards stated no, it's kind of an odd lot and it's such a small little spot, so I don't have an issue with it. Seems okay to me.

Chairman Boxer stated anybody want to close the public hearing?

**Ms. Richards introduced a motion to close the public hearing. Seconded by Ms. Coyne.**

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

Chairman Boxer stated congratulations.

Ms. Kelly stated fantastic, thank you very much.

Whitney Singleton stated that was just on the public hearing.

Mr. Miley stated don't go away.

Chairman Boxer stated I just want to read what you gave me. Can I say we just agree with this?

Whitney Singleton stated yeah but as I told Michelle and Peter, and for newer members. Sometimes I prepare a skeleton of a resolution in advance of the meeting, that doesn't mean you're going to approve or reject or whatever. So I prepared a skeleton for this one but I had my associate do it but Peter says that there might be a correction or two that need to be made.

Mr. Miley stated yup, the actual description is correct. The variance request is the required setback of 10 feet, proposed is 4 feet, therefore a variance of 6 feet is required.

Ms. Richards stated yeah.

Chairman Boxer stated alright, we'll go through the five factors...

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

Chairman Boxer stated which I think is taken care of by the fact that no one's around you.

Mr. Kelly stated right.

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

Chairman Boxer stated the only other method would be going straight up and that could cause problems too.

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

Chairman Boxer stated it is substantial however based up on the footprint of the house and the lot, that variance, the 66% reduction required is not really substantial in my mind. Anybody else?

Ms. Richards stated no, I would agree that it's an irregular lot and it's a very small area that doesn't meet the requirements.

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

Chairman Boxer stated I don't know how...

Ms. Richards stated you can't see it, so...

Chairman Boxer stated you can't see it, maybe one tree is going to get upset.

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

Chairman Boxer stated because as we said, there's no other way to do this. So now we have to do the good part.

Ms. Richards stated I'll do it.

Chairman Boxer stated okay.

Ms. Richards stated I make motion for ZBA Case 18-8 that we approve the variance which is a side yard setback variance for 4 feet where 10 is required.

Mr. Miley stated 6 feet.

**Ms. Richards stated oh, I'm sorry 6 feet where 10 is required, right. The only condition will be that the variance is for the plans presented, there can't be any variation from there and there can be no future increase in the existing nonconforming side yard setbacks other than the approved plan.**

Chairman Boxer stated anything else? Will that about do it?

Ms. Richards stated that's it, right?

Chairman Boxer stated there's nothing else.

Whitney Singleton stated you need a second and vote.

**Ms. Richards stated that's the motion, I made the motion. Somebody second it.**

**Ms. Coyne stated I'll second it.**

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

Chairman Boxer stated now you're free.

Mr. Kelly stated fantastic, I appreciate your time thing evening.

Chairman Boxer stated are your kids going to go to school and tell them how they saw government in action?

Mr. Kelly stated the last couple days of school they don't have much to do anyway.

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| <b>2. American Sign Crafters for NWHC<br/>400 Main Street<br/>Mount Kisco, NY 10549<br/>(SBL) 80.49-3-14</b> | <b>Case# ZBA 18-5<br/>Signage</b> |
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Chairman Boxer stated the Hospital has asked for an adjournment to the July meeting. So that leaves us with Party City and Modell's.

Ms. Richards stated really?

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| <b>3. SL Mount Kisco, LLC; Grobman Mt. Kisco, LLC;<br/>M&amp;M Mt. Kisco LLC<br/>154-162 Main Street<br/>(Party City &amp; Modell's)<br/>Mount Kisco, NY 10549<br/>(SBL) 80.25-2-9</b> | <b>Case# ZBA 18-9<br/>Signage</b> |
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Chairman Boxer stated before we start, I just want to let you know that even though there's four, she's leaving tomorrow. So I'm not going to allow a vote today.

Mr. Palmer stated we appreciate that. And for the record, Taylor Palmer with Cuddy & Feder. I am joined by the owner Jason Lerner and our architect, Chris Raffaelli. We appreciate your service, council member and wish you the best. This evening we're only here for preliminary review.

Chairman Boxer stated okay.

Mr. Palmer stated we would ask that the Chair consider opening, at least the public hearing in connection with the area variance that the applicant is seeking. Just for the Board's background, just by way of

background last week the application appeared before the Planning Board. The Board at this point, we provided them with new copies of the plans...

Mr. Raffaelli stated we have these.

Mr. Palmer stated I will stop you all from opening the plans that are presently before you. Following the Planning Board meeting last week, there was significant comments regarding the window signing and window treatments for the proposed Party City space. As well as comments regarding signage. The applicant has taken those comments and comments from the Planning Consultants very seriously and went back to the proposed tenant and we have...

Ms. Richards stated it's not that one.

Ms. Coyne stated it's not that one?

Ms. Richards stated no, it's not that one.

Mr. Palmer stated the drawing before you that we had, which we'll go through momentarily, I just want to sort of give you a procedural pretense of where we are. We are providing you, because again we're not on for approval this or we're only here to sort of present our revised plans. So, Mr. Raffaelli at this point will pass out to the members of the Board, the new plans. These plans were included...

Ms. Richards stated you don't have to give me one because I'll be gone.

Mr. Palmer stated these plans were included in a new submission to the Planning Board today, a supplemental submission in advance of the July public hearing that was set for the Special Permit. We provided copies to the Planning Board and Zoning Board Secretary this evening. Those again, were for the Planning Board. But for the benefit of this Board because it is the revised plans which we will go through shortly but there will be significant changes to the overall signage. We have significantly reduced the proposed tenant signage on all frontages.

Ms. Richards stated even since you did this which says you would do certain things?

Mr. Palmer stated indeed, since the June 13<sup>th</sup> submission...

Ms. Richards stated okay.

Mr. Palmer stated there are specific clarifications which I'll go through because they are quite minute as distinct as the June 13<sup>th</sup> submission, which as Mr. Raffaelli with go through, is approximately a 30% reduction in the overall signage for all frontages. But there are still a few other reductions and one minor clarification.

Ms. Richards stated I have one question before you go on, sorry.

Mr. Palmer stated no worries.

Ms. Richards stated how many variances?

Mr. Palmer stated so ultimately if we were to abbreviate sort of the relief that we're seeking, there's letter height, there's sign height, there's sign backer height. So they're distinct within each other, if we were to qualify it as a number, I would have to look at the specific record. But we have broken it down in our submission packages and our supplemental submission to this Board that goes through each of the individual variances. And we'll, I think it's really easier to do that elevation by elevation, so that we can identify for you the reductions that we've proposed on the proposed signage and ultimately identify, to show while it is a significant number of variances. The variances that we're seeking are certainly not as significant as other signage that's been proposed in the district and for this particular property and is consistent with the prior Border's Book Store signage that was there. And in your packets you actually have images of the prior Border's Book store signage, again it was for a single tenant. It has signage on all three frontages, the Green Street, the Main Street, and the rear elevation.

Chairman Boxer stated are there any other variances that they might require?

Whitney Singleton stated I just want to interrupt and I said this during the application before the Planning Board last week. I just want to make sure we're all on the same page and I realize you've modified the scope of your request...

Mr. Palmer stated yes.

Whitney Singleton stated but I've had my associate prepare a preliminary analysis of this and we're counting 28 variances.

Mr. Palmer stated we will go through each of the requested...

Whitney Singleton stated I just want to make sure, I don't want to find out after you've come here once, twice, thrice, that there was something that wasn't noticed, that there wasn't called out by us and by you.

Mr. Palmer stated indeed and we will clarify. In our supplemental submission to the Planning Board we did identify the four, again minor changes that were reflective of comments. We're trying to be respectful of the Planning Board's comments and those from the Village's consultants. And as a result it turns out you have to reduce the signage. Again, part of the reason for that and this is just aesthetic, is so that these signs that are proposed in the revised versions, fit within the fenestrations. These are existing buildings and the fenestrations that are shown. The signage has been revised so as to fit within those fenestrations. So I appreciate the Planning Board, the Zoning Board Attorney's comments. We will go specifically through this and it will take some time, so I do apologize that we'll go through such length but I think it's important, as the Zoning Board Attorney mentioned, to really identify for this Board the variance relief that we're seeking. And we believe at this time, now that the Planning Board has provided its comments, we have very substantive, there won't be material changes to the plans but we certainly hope that the Board will provide us with comments so that we can also, if necessary make any changes that ultimately may benefit the application and the variances we're seeking. So just by way of brief background, this is also included in the original submission that was provided to the Board. As we mentioned this space was formerly occupied Border's Book Store, it was a single tenant. Previously the applicant appeared before the Planning Board in connection with a Special Permit review and approval, at which the time the building was approved for two total tenant spaces. There was currently occupied one of the two tenant spaces is by Modell's Sporting Goods and as you all know Party City is now leaving its location, which will be soon reoccupied by HomeGoods. Or will be occupied by HomeGoods in place of the former Party City and Annie Sez location and Party City, the proposed tenant is looking to move into this upper tier tenant space.

Chairman Boxer stated okay.

Mr. Palmer stated and signage was an important component of their application. They have existing window treatments and signage at their location, as well as building mounting. And they actually had a free standing sign at the entrance to that location. The tenant space before was occupied by Border's had been vacant for 5 years when the Boarder's Book Store tenant had moved out initially. So, ultimately, what application you have before you is as the Zoning Board Attorney mentioned, there are several variances that are being sought. But they all relate to really six total installations. So there's no parking variances, there's not setbacks, there's no building height. We are purely here requesting signage variances for the existing building. So in total, we have 4 new and I'll have Chris sort of go through or Mr. Raffaelli go through the proposed signage on the building and then we can identify, we'll go elevation by elevation. So ultimately we have 4 total signs, as you're all familiar, Modell's presently has two existing signs. One on the East Main Street frontage and then a channel letter sign on the first story of the rear of the building. The applicant is proposing to revise its two existing signs for Modell's and then to add 4 total new signs. So essentially they'll have one sign for each tenant on the three frontages. The Code does permit for instance, signage over each of the entrances to each of the buildings. As you'll see it will become a theme, certain pieces of each sign sort of ultimately require some relief from this Board. So Chris, is you want to just sort of give an idea of the minor changes to the actual site plan, which are just the entrances to the buildings, which can help better explain why we're here to show the location of these new signs and the removal of the existing.

Mr. Raffaelli stated okay, so let's just start on the east elevation, which is the bottom one on your page. That's the East Main Street view. So the sign that's in the middle where it says Party City that is currently the Modell's entrance that will become the Party City entrance. And further towards the theater, Modell's will create a new entrance. The sign here on both of them are, they'll be on a backer. Channel letters on a backer that fits within the relief in the existing brick. So that was a substantial reduction in the size of the sign from the initial proposal.

Chairman Boxer stated just before you go on...

Mr. Raffaelli stated yeah.

Chairman Boxer stated what's the signage requirements for number of colors in a sign?

Mr. Miley stated five.

Mr. Palmer stated so the Party City, which again we will go through item by item of the specific variance relief. But particularly for Party City the white adds, so the backer itself adds a 6<sup>th</sup> color. So for instance, the Party City sign on the rear of the building in the parking area, doesn't require that color variance because it is only five colors. The sign on the front does because it's got the white backer.

Ms. Richards stated oh because of the white.

Mr. Palmer stated right, it's on the white fenestration as member Richards mentioned.

Mr. Raffaelli stated so the Modell's storefront windows will be see through. You can see right into the store. Party City as part of their national image has these window graphics. The location we have on the other side of Town has this. Initially we had shown the Planning Board that all of the windows panes in the Party City space were, did have window graphics in them. At their request we've removed the center bay, we've also removed and tinted to match the tint that's on the rear of the building, the tower that's on the corner.

Mr. Palmer stated that's at the intersection of Green Street and Main Street. So there's the tower and then there's significant screening, these trees, I'll rib our architect right here, these trees that are shown on the plan are actually significantly larger. You're all familiar with the intersection and they have grown quite some time since they were shown on the original site plan but there is substantial screening there which will relate to when we get into discussion about the Green Street...

Chairman Boxer stated how do the windows, the [inaudible] windows fit in with as far as signs being considered signs.

Mr. Palmer stated we understand from the Building Department and as part of the original Special Permit approval, so we're not actually here for a new. Sorry, go ahead.

Mr. Miley stated Chairman, I couldn't understand or hear your question.

Chairman Boxer stated I was asking if the panels that they want to put in with pictures actually, does that count as another sign?

Mr. Miley stated that's a good question because we sat down and reviewed the original proposal as being between 4 and 6 inches within the window, which I would consider that three signs because it has some sort of advertisement. I didn't review this second submission, which included a different deviation or some sort of modification if you will...

Mr. Spector stated right.

Mr. Miley stated I didn't get a chance to look at it but initially yeah, that was my concern there. Because it's within the window frame and the Code indicates that it's either in or on a window and it didn't indicate the type of suspension or where it was going to be hung from.

Chairman Boxer stated alright, so you take a look.

Mr. Miley stated so we just have to look at it again.

Ms. Coyne stated and they do change them seasonally, don't they? They change the images?

Mr. Miley stated I'm not aware of that, that's something you'd have to ask the tenant.

Ms. Coyne stated I think that is the question, yeah they do.

Mr. Spector stated are the graphics translucent or are they...?

Mr. Raffaelli stated no, they're solid.

Mr. Spector stated they're solid.

Mr. Raffaelli stated now these, the original thought about these window graphics was that it would hang within, if I could just show you here. So the initial thought was that these graphics were going to be hanging 4-6 inches from the glass and within this. So that's being thought of as a window sign, however they're 4-6 inches passed the wall, so they're from the glass maybe 18 inches. On the next page you can see how it actually hangs in a current store. So the window graphic is actually back here.

Ms. Richards stated yeah but does that make it not a sign? Is that what you're saying?

Mr. Miley stated that needs to be analyzed.

Chairman Boxer stated right.

Mr. Palmer stated we'll review that with the Building Inspector but at this time, the reason why the applicant appeared again before the Planning Board for Special Permit review, was that the Planning Board reserved right to comment on the signage for the proposed building. The applicant has since met with the Planning Board to review the proposed window treatments, which again were the purview of the Planning Board. So at that point we've since removed window treatments from the Main Street frontage, as well as the tower. And we've also removed from two full window sets, first and second story, on the rear of the building and again we'll get into the additional details but I think Chris you were, I'm sorry, at which point.

Mr. Raffaelli stated so we ended here with the tower on the corner of Green and East Main. So the next elevation on the page is the Green Street elevation...

Mr. Palmer stated center elevation, the south elevation.

Mr. Raffaelli stated right, so it has the consistent tent in the corner. We have a Party City sign over their window graphics. Modell's with signage on this face and graphics on the, these rear windows in the building are actually in their stock room. So they're stock room is going to be two floors, down low at the parking level and then one at the rear of the upper level. So this is screening their stock room.

Chairman Boxer stated okay, but as the Building Inspector said, we'll have to take a further look at and determine whether or not they create extra signage.

Ms. Richards stated just a question, the Planning Board was okay with this?

Mr. Palmer stated the Planning Board asked us specifically to remove certain window treatments to be able to see, in particular on Main Street and on the corner.

Ms. Richards stated right.

Mr. Palmer stated so there were graphics on each of the towers. Again this evening we're not here in respect to the window treatments but for the actual building signage. But they did ask us to specifically re-look at the plans and review the window treatments again. We're joined by the owner this evening, Party City has made, this space has not ultimately been the most efficient space for Party City based on their prototypical spaces. And part of the window treatments that we're proposing as specifically to address the stock rooms and where they install their fixtures in their store. Particularly their balloon carousels and their cash registers and as Mr. Raffaelli mentioned, their storage rooms. That's the way that they, the only ways that they can outlay their store to make this space work, requires this type of installation to screen...

Ms. Richards stated even on the front?

Mr. Palmer stated that's ultimately why they would remove the existing window treatment. So part of what we've also mentioned, we also have the rear signage in the building. So as your familiar, there's an existing channel letter sign for Modell's Sporting Goods on the first story elevation and there's also, there was no of course second signage for Party City. So we are proposing a new third sign for Party City on the rear and one for Modell's. So at this point I want to run through ultimately what the variance relief is required for each of these signs so that you can get a sense of what essentially what we're working with. As we mentioned, it's really going to sign height that we're dealing with, letter height, sign backer height for the boards because they specifically limit boards and letters, colors of the sign, sign length, and the locations of the signs. So that's the broad overview of what relief ultimately is being sought here. If we start first with the east elevation which is the Main Street frontage. As we included in our supplemental submission on June 13<sup>th</sup>, so that is included in our package and I understand the Zoning Board Attorney has prepared some response or further analysis on these and we would respectfully request a copy of that following the meeting. The first variance is for letter height...

Whitney Singleton stated okay, here is, I'm not going to give you a complete copy of what I gave them but this is a substantive portion where there's an assessment of the overall nature of the request. The request as it relates to Modell's, the request as it relates to Party City and then an identification of the 28 variances being sought. So maybe you want to go through in the order they're presented here, maybe not, I don't want to take you out of your thing. But they at least have it...



Mr. Palmer stated we're trying to present it in a way that's efficient for you all to understand the variances that are being sought. I haven't had the benefit of reviewing the Zoning Board Attorney's letter at this time in order to be able to sort of say what, is the same from what we've submitted as ours. Again, the Building Department originally reviewed the compliance of the signage and we prepared our submission based on what relief was necessary based on the signs. We have submitted a supplemental submission again reviewing those changes. So I think just for the purpose of this, since we will be again before this Board and we'll certainly take any comments that will be relevant to the relief that we're seeking. You know we will be again before this Board and we may be able to address further comments at that time. Again, I don't want to spend too much of this Board's time but I want to get a sense of what the comments are from the Board and maybe I'll, I think it would benefit you for us to go through the relief unless you have questions that you wanted to ask of us directly before we go through it. It's up the Chairman as far as how you'd like us to present.

Chairman Boxer stated I don't, you've been before us.

Mr. Lerner stated I have, that's correct.

Chairman Boxer stated and so has your firm.

Mr. Palmer stated yes, yes.

Chairman Boxer stated okay but not you.

Mr. Raffaelli stated I have.

Chairman Boxer stated you have?

Mr. Palmer stated he has.

Chairman Boxer stated see, you didn't leave an impression.

Mr. Raffaelli stated the initial Modell's build out. Well that might be a good thing.

Chairman Boxer stated I don't think I was here for that.

Mr. Palmer stated and I represented the HomeGoods application recently. So just for the benefit of the Board then, on the east elevation. Chris, if you'd like I can, I don't know if you want to go through sign by sign, is it easier for me...

Mr. Raffaelli stated probably.

Mr. Palmer stated okay, so the first sign we're involving a letter height variance. Rather than seeking a letter height variance for Modell's and Party City, it was 3 foot letter for Modell's and Party City. The signage now is for a 2 foot letter height for the larger letters and requiring a 1 foot height letter variance for the smaller letters. So as Party City you can see that the letters are consistent but Modell's also has Sporting Goods which was reduced in their letter height. The smaller letters in Party City are 1 foot 8 inches in height, so I don't know then, do you know the specific letters that are...

Mr. Raffaelli stated A-R-T and C-I-T.

Mr. Palmer stated so there are certain letters that are specifically, are just under the 2 foot requirement. And since the letters spelling Sporting Goods are proposed to be 9 inches in height, the variance relief has been relieved for the Sporting Goods component for that particular signage. Another requirement in the Sign Code is the sign length. The sign length was reduced in size, again, we're only speaking on the east elevation. For the Modell's sign it was 27 feet long, it was shortened to 17 feet and 10 inches. That has not, that was provided to the Planning Board today, so the Building Inspector hasn't had the ability to look at that reduction yet. So that will require a relief in the amount of, where we had been seeking a variance for 11 feet, now we're look at 1 foot 10 1/2 inches. So a significant reduction in the length of the sign. Party City sign the length has been reduced from 21 feet 1 inches to 13 feet 10 inches. So they no longer require a variance for the sign length. So I expect...

Chairman Boxer stated what's the new proposed?

Mr. Palmer stated so the new proposed length for Party City's east elevation is 13 feet 10 inches, which is less than 16 feet permitted under the Code. So that variance has been eliminated, it was previously 21.1.

Ms. Richards stated so that Party City is the letters and the colors.

Mr. Palmer stated the letters and the colors and we still have a little bit more to go on that. It's the backer height also needs relief, so the third of the four variances as we're referring to them as four. It's four characterizations of variances for each of the signs. The sign backers, so Party City and Modell's, again sign backers only relate to the east elevation and I call it the Green Street or the south elevations. So those are the only two signs, four signs, excuse me that have backers. And the Party City backer was reduced from 50 inches to 32 5/8 inches, for the Party City backer, so that was a significant reduction. So now it only requires an 8 5/8 inch variance. So that is reduced down again from 50 inches. Similarly Modell's has a backer of 57 inches and it was reduced to 32 inches, so that now requires a variance of 8 inches.

Ms. Richards stated what does Modell's have now?

Mr. Palmer stated Modell's has wood sign with gooseneck. It was a code compliant sign. And Party City has come in, in the tenant space and has very distinguishable signage from Modell's which is really only two colors which as essentially lead the application for the revised signage so that it's consistent. And a sign package for the whole building. So Modell's has agreed to modify their signs reflective of the Party City designs. Lastly, as member Richards mentioned is Party City's letter colors. Modell's does not require a variance for its colors but Party City requires and there's a specific requirement in the Code that limits the number to a maximum of 5 colors. Therefore; the sign variance is required for 6 specifically because the backer. Red, purple, orange, blue, green, white and that adds up to 6. There was no change in our supplemental submission to the colors. Those represent the variance for the east elevation. You're going to hear somewhat repetitive comments for the Green Street signage which at one point, I mean, I think we're looking at it here, Chris correct me, are they, the Modell's sign is the same. So I can break this up into sort of a piece here, so the Modell's sign that is on the Green Street elevation is the same exact sign whether it's sign length, color width and the dimension as, so the east elevation is the same on the south elevation. Now the distinguishing factor for the Green Street signage as far as the sections are concerned is that when we're looking at where the signage is, the Modell's sign is now on a second story. So the building gradually goes down from Main Street down towards the parking area, so the Modell's sign as distinct from the Party City sign, is on a second story. So it require relief for being on a second story. It also relief, both signs, both the Modell's and Party City signs require relief because they are on a frontage that does not have an entrance. So the Code permits a primary sign on an entrance, identification sign, and it also permits a secondary sign for a parking area or if you have a different frontage, that would be the rear signage for the building. These are an additional sign because again the intersection with Green Street and East Main Street, is really the most visible when coming from up towards the hospital, coming down into Town, that is where these buildings will be identified and patrons of the store will see these signs to be able to get to the parking area without having gone past it to try and have to loop back to the parking area.

Ms. Richards stated did Modell's have a sign there? I mean did Border's...?

Mr. Palmer stated Border's, yes. So in your package we included images that we had from the former Border's that had the locations of the Border's signage. They had Border's and café and music, there was certain other verbiage that they had included on all, again the signs that are on here, while for two tenants are generally reflective of the three frontages that Border's at one had had inclusive of what we'll get to shortly which is the second story signage for both of the tenants on the rear. So just to go specifically through and I'm sorry to do this but it's the only way to really identify the relief that's sought. Again, we've gone through the letter height for Modell's, we've gone through the sign length for Modell's, the sign backer height for Modell's and then the fact that it's a second story sign for Modell's and that it's not over an entrance to the store. And that it's a third sign because it only permits two signs in the Code. But again, it's consistent with the former Border's submission. Now, if we're speaking to the Party City signage for the Green Street frontage, again it, the sign, is this sign also...

Mr. Raffaelli stated the two, the front and side are the same.

Mr. Palmer stated and just to clarify are the fenestrations also the same?

Mr. Raffaelli stated yes.

Mr. Palmer stated okay, so the signs were again revised to reflect, so I apologize, I could have saved a few more breaths and said that the Party City sign too is the same size and dimensions as the Main Street frontage because it was designed to fit in again, these building fenestrations. So the signs fits, looks and fits within, rather than being set on top of those fenestrations, would actually make the sign pop out more, so it's actually setback with the fenestration. Again, Party City does not require a story, the fact that it's not built on a second story, but again it does require as distinct from Modell's, the sign color. In case you're getting tired of my voice, I have one more round to go on the west elevation. The original submission, Modell's had actually their sign on a sign backer and the district that's it in, the Village sign district seeks

to have consistency if a building is occupied by more than one tenant, there is a sign, it's not a sign master plan but there is a sign plan so that they're consistent. So for instance, if Modell's or Party City moved out the signage would be built consistent with that without require specific formal review as long as its code compliant. Modell's went back to the drawing board with understanding that it's the Village Sign District and revised it so that now it's just channel letters. So both Party City, so as district from the other signage on the Green Street, the Main Street frontages, these two signs are only channel letters, so there is no backer. So in this case we're not seeking relief for backer height. We are seeking letter height, sign length, and second floor signage and again the colors for Party City. So specifically for the letter heights were changed as follows from our initial submission, the larger letters for Modell's and Party City are 2 feet, as the Party City letters have not change. Each requiring a 1 foot variance, the Code permits 1 foot per individual letter and a total sign height of 2 feet.

Mr. Lerner stated we're also seeking a variance because the signage is not above an entrance.

Mr. Palmer stated absolutely. So as Jason mentioned, the Modell's Sporting Goods sign on the rear of the building, is located over an entrance. So generally speaking its location would be permitted and it would be allowed as a second sign because we're identifying the Green Street signs as a third sign which is not permitted by the Code. But the Modell's sign is over their entryway to the Modell's space, whereas the Party City's sign, as Jason mentioned, relief because it is not over the, what is identified as the common entryway but that is the rear entryway to the Party City space. Just for the Board's reference this common entryway is there because it also has an elevator so that you can get up to the second floor and it provides entry to both Modell's and Party City. And the tinted space next to it here is the loading for the property which has now been revised to a tinted windows as distinct from the graphic windows that had previously been proposed. So there is a requirement that this sign be over the rear entrance, arguable there would be the interpretation that it is still over an entrance, it is over an entrance but it is just got directly over the entrance but the applicant is seeking the relief for the location and more specifically both the Modell's and the Party City signs are on the second story. So the Code limits to first story signage but there is existing, there are other plantings in this area and actually if you drive down Green Street, towards the building, and it was included in our package, you'll see street views of how heavily screened the existing trees that are located along Green Street. And the plantings that are at the actual property have done well and they block the building itself. So these signs are proposed again where Border's had had its signage because it was, I would expect that they understood they would be screened either from coming, because again, there's a change in elevation as you get closer to the building and there is existing street screenage. So the next variance we mentioned, there are requirements for the letter heights for the rear signage and there is also sign length, they can't be more than 16 feet long and a maximum of 75% of the store. That 75% is not an issue, it's the 16 feet but the Modell's sign had been reduced to 17 foot 2 1/2 inches, so it requires a 1 1/2 foot variance. And Party City conforms now to the maximum length, so no variance is needed for the Party City sign, which is 13.6 feet long.

Ms. Richards stated why don't you just shrink the Modell's?

Mr. Palmer stated Modell's is a difficult beast because it's got the larger Modell's letters which is consistent with their sign application. They have the sporting goods logo and the letters for that same comment were shrunk as much as they possibly could to fit them onto the backer boards that would go within the fenestration. I keep call it fenestration, Chris calls it relief, my boss told me that word and I use it to sound very, very sophisticated with my architectural review.

Ms. Richards stated but if the Modell's letters were smaller, you could make it... Oh, you can't make it smaller, you might. You can't get it a little smaller.

Mr. Palmer stated we'll certainly look at that, there's no reason why we wouldn't. We had significantly, again it's about, again Chris, what size reduction are we talking about from what was originally proposed?

Mr. Raffaelli stated 33%

Mr. Palmer stated so it's a significant reduction over what was already proposed and they're just trying to make sure that the signs are really consistent around the building. Modell's because it does have more words that are in its name, to make sure that the Modell's is still the same, essentially the same size as the Party City component, that's led to the longer sign length. But again, significant reduction over the originally proposed...

Ms. Richards stated well just significantly reduce it a little more.

Chairman Boxer stated has Modell's ever considered ever taking out the sporting goods portion?

Mr. Palmer stated we'll go back to the client but I believe that their stores are labeled with, I don't know if it's. We'll determine if it's industry standard.

Mr. Lerner stated probably won't happen. This is a retailer that has about 185 existing locations, every single one of their signs throughout the country has Modell's Sporting Goods. So it's their own identity. It's their logo and they'd like to be consistent throughout the nation.

Chairman Boxer stated I understand.

Mr. Palmer stated we'll take a look though.

Mr. Lerner stated we'll take a look sure, it's free to ask.

Chairman Boxer stated doesn't hurt to ask.

Ms. Richards stated but the other thing is...

Mr. Spector stated is there a reason why the Party City sign has to be there, as opposed to over the entrance or on the other panel next to it or is it, I'm just curious from a design standpoint or what?

Mr. Palmer stated it is to balance out, Chris?

Mr. Raffaelli stated the initial thought here was that it was in a symmetrical bay with the other sign.

Mr. Palmer stated because you have the tower as well.

Ms. Richards stated that's true, yeah.

Mr. Raffaelli stated secondly, the doors in the middle, like Taylor said, are to the common entrance which serves both tenants. So we didn't want to put, identify that as the only way into Party City without having a way for Modell's to access that elevator.

Ms. Richards stated so, sorry.

Mr. Raffaelli stated so in the next bay over, I guess could be an appropriate maybe, location, secondary for the sign. However, we thought it was more appropriate that we couple the sign with the graphics rather than the sign over tint.

Ms. Richards stated yeah.

Mr. Palmer stated and that's also their loading area, so we don't want to necessarily put that as the sign over the loading area where people are trying to come into the space through the loading area.

Ms. Richards stated see, I won't be here when you eventually get a vote but I'm going to give you my feedback anyway and take it for what it's worth. It's a lot, in my opinion it's too much, I would feel and I don't know how you feel but I would be uncomfortable giving this many variances. That's how I feel. So if there's any way to get a few, to rid of a few more, I think it would be to your benefit.

Mr. Palmer stated understood.

Ms. Richards stated I don't know whether you can or not. Like, I don't see that you couldn't reduce the size of this Modell's and put it within the length, now you have no length there. So I would look carefully at what things you can do to get the number of variances. Like, I don't have a problem with the color because of the white, that doesn't bother me. I'm not a fan of all these colored windows on the frontage of Main Street, the rest doesn't bother me. I really don't like this, but again that's you know, I won't be here but it affects what you want to do with the signs. Because you're looking at this...

Mr. Palmer stated and we are encouraging the tenant to come to this space. It has been a difficult space for them to work with and they've gone back to the drawing board. The owner has gone directly to the representatives of Party City saying look, we need to work out, we're working within the comments we're receiving from the Planning Board, from the Board members. We haven't received any public comments but we have, you know at this point we are addressing and responding to those very specific comments. And we will be much clearer in our supplemental, you know based on comments that you mentioned. We are absolutely going to respond to these comments before the next meeting and we will very clearly identify how significant the reductions have been. Saying 33% sounds, it doesn't sound like much when

you compile it but it's over 6 signs and has relieved the need for some of the actual variances that we originally sought.

Chairman Boxer stated are these signs going to be lit at all?

Mr. Palmer stated yes, they are internally illuminated. They're back lit.

Chairman Boxer stated because I think that Border's, I don't recall but I don't think the Border's illuminated? Was the Border's on the side, it's hard to remember.

Ms. Richards stated I don't remember.

Mr. Palmer stated we may have images of that, I'll certainly look back in the files. Hopefully there will be something there.

Chairman Boxer stated and just an aside, because Border's had it, doesn't mean that you're going to have it.

Mr. Palmer stated understood and we are not, by no means, we are requesting this relief because...

Chairman Boxer stated no, I understand. It's good to point out.

Mr. Palmer stated so we're trying to make signs that were consistent because we understand that those were well recognized and well received in the Town and we're encouraging a tenant that's been a great tenant in the Village for many, many years. It's Party City, its been here since 1997. They've been tenant for many, many years and they're hoping to stay here in Mount Kisco. And they're trying to work with the space adjust whether it's, the graphics which they're doing but it's the way that the store operates and working with a building that was designed for one tenant. Without substantially redoing the building, you know there really is only so much that they can do to achieve.

Chairman Boxer stated understood.

Mr. Palmer stated we ask this Board to consider, this is an existing building, and this is a tenant that's been in a space for many, many years. The variances that they're seeking are, again, they're specific to the signage. Now the number of variances is distinct from the extent or the size of the variance. We're talking about a foot for the actual letters and in the same sign district as you're aware, there are other tenants, they have different locations that have significant, if we're looking at it from a significance perspective that have much larger letters. And we'll provide copies of other approvals in the district, that way it will help the Board sort of understand. Again, you're very familiar with the projects but I think it will help further justify, just because it's a large number of variances doesn't mean that they're substantial or they affect community character or that they negatively impact...

Ms. Richards stated does Party City want to stay in Mount Kisco?

Mr. Lerner stated sure, absolutely. Very much so.

Ms. Richards stated okay.

Mr. Spector stated I'm just curious, I'm a newcomer here but I'm obviously aware of the Party City location now. Is this location, how does it compare size wise to its current location of Party City, are you aware of that? Because they have what, one sign right now and one sign going into the parking lot currently.

Mr. Palmer stated right, it had been two tenants originally because it was Annie Sez had also been in the space with Party City.

Mr. Spector stated right, right. So now they're going to a location where they have basically two signs and they want three signs.

Mr. Palmer stated distinguishable in that that building itself, at their entrances they only have two frontages that are visible. They didn't propose signage on the one way street that they're along. This signage is proposed because this is the most visible. The Green Street side is the most visible for the building.

Mr. Spector stated the only question I really had was whether it was necessary on that side street.

Mr. Palmer stated okay.

Mr. Spector stated I'm not, I'm just looking at it now for the first time, so I don't know.

Mr. Palmer stated understood, understood. And we have for your reference, we initially submitted our original variance application based on the initial proposal and you'll see in that proposal the significantly larger signs that had been proposed. These were proposed by the proposed tenants because that is consistent with their prototypes. We explained and the owner brought back to them the comments from, we've met with the Building Inspector, we've met with the Village Planner, we've met with the Administrator. We've gone through to try and solicit as much input as we can in creating a revised package that is reflective of those comments. So we're taking that very seriously. You'll see how much and how significantly they've been reduced to the current iteration that's before you. There was a supplemental submission we made on June 30<sup>th</sup> and we can certainly get additional copies to you both electronically and in hard copy for your reference. And we will be providing, because we know you love the reading material, our third supplemental submission so that we can respond to your comments and we will also get comments from the ARB tomorrow from a preliminary review. So it will allow us to really address, at that point we will have comments from Planning, Zoning, and ARB to try and come back with the best that we can get. That's why we're having the public hearing, that's why we're here before you. We need these comments and we're looking forward to appropriately addressing them.

Ms. Richards stated so you have not seen ARB?

Mr. Palmer stated ARB our first meeting is tomorrow.

Chairman Boxer stated let us know what they say about the colors.

Ms. Richards stated yeah, I can't wait to see what.

Mr. Palmer stated I'll drive them down to the existing Party City.

Ms. Richards stated the two buildings are so different, I think it's very difficult to compare like the building where they are now.

Mr. Palmer stated yes.

Ms. Richards stated I wouldn't even use that as a point of comparison just because they're very different.

Chairman Boxer stated right, plus where they are, where HomeGoods is going, they got variance specifically based on the location.

Ms. Richards stated right.

Mr. Palmer stated indeed and again that's why these signs are not 6 feet tall. We're talking about 2 foot signs, 2 foot letters where 2 foot signs are permitted. When we look at this in reality, yes the Code says 1 foot letters but the signs are permitted to be 2 feet tall. When I mean we're going to spell out really what that, it's important to understand the distinction because we're not asking for. We're respectfully submitted that we're not asking for substantial relief, we're working within the Code as far as a sign size is concerned...

Chairman Boxer stated right but you're changing the Code by making the letters fit the sign size.

Mr. Palmer stated because it's a unique tenant space that there are no other, we respectfully submit that it was built for one tenant and now we're working within in it to try and bring a second tenant that's been in the Town for a long, long time to be in the space.

Chairman Boxer stated personally, I'm glad that someone showed interest in it.

Ms. Richards stated yeah, it was horrible to see it empty.

Mr. Palmer stated it has been vacant since...

Mr. Lerner stated I'm ready to hopefully take down my window signs that are hanging in the window saying "for lease" that's me. The phone doesn't ring as often as I'd like it to. Unfortunately, this is really the only live fish we've had on the hook in the last three years or so since we bought the building. And the only real credit tenant, national credit tenant we've had interest from. It's been very slow.

Mr. Palmer stated and before that it was, the full tenant space was vacant before Modell's take over the space for 5 years and the additional space has been vacant for the additional now three years since the 2016/2017 approval.

Chairman Boxer stated didn't Modell's...

Whitney Singleton stated let's clarify that, that's not for lack of interest in the space. That was due to a bankruptcy of the tenant.

Chairman Boxer stated right, yes.

Whitney Singleton stated and a foreclosure that went on for years.

Chairman Boxer stated wasn't Modell's, there was something about when Modell's was approved they had to keep their signs clear, they weren't allowed to put signs in it?

Whitney Singleton stated as part of the Special Use Permit approval by the Planning Board, the Planning Board, I think it's safe to say liked the view into the former store...

Chairman Boxer stated right.

Whitney Singleton stated because you could see what was going on, there were attractive book nook areas. There were all sorts of things that were very attractive and Modell's was more desirous of being able to put product. And didn't necessarily want that view in and a lot of their, it didn't really have the open look to it. And so as part of their approval, there was a certain amount of the window that needed to remain unencumbered. Was that, Peter is that an accurate reflection?

Mr. Miley stated [inaudible].

Whitney Singleton stated that a certain number of spaces would be open view to the store.

Chairman Boxer stated the Planning Board said that they were satisfied with just the openings that were there. What specifically did they say about the graphics?

Mr. Raffaelli stated the only comment was that they would like to see less of it on Main Street.

Mr. Palmer stated there was a bay removed and...

Whitney Singleton stated or none of it.

Ms. Richards stated yeah, I think that has to go.

Whitney Singleton stated to be fair, they hated what was proposed. And the question was, the response from the Planning Board was along Main Street and to a certain extent along Green Street, it was highly visible and it really altered the area. Something that faces the rear parking lot might be more...

Ms. Richards stated is not so much an issue there. My question is, do all Party City's have these windows like this?

Mr. Raffaelli stated all of them.

Mr. Palmer stated and again, these are not, we're not proposing them directly in the windows. These are not stick on, you know there...

Ms. Richards stated I understand it, its just that it makes, I don't know, I personally am not a fan.

Mr. Raffaelli stated their location here in Town, other than the front doors, 100% of their glass has graphics in it.

Mr. Lerner stated I just want to add one thing with respect to the window graphics along East Main Street. Their existing location in Town is a few thousand square feet larger than this proposed location. So they're trying to maximize their sales floor area here because they can't afford not to have gondolas along the Main Street façade. So in order to potentially disguise the backside of a gondola or a fixture, they're proposing to hang these window graphics so that if a pedestrian is walking by in either direction, they're not look at the backside of a gondola. It won't be profitable for them or economical for them to take this space if they can't maximize their sales floor area because they're already in theory or in reality, giving up about three or

four thousand feet of sales floor area. I'll also note that the lower level here is intended to be entirely back of house storage type area. So the only sales floor area will be on the Main Street level, on the first floor level.

Chairman Boxer stated is there any proposed lighting for the graphics or is it just going to be the interior lighting.

Mr. Lerner stated Chris?

Mr. Raffaelli stated interior lighting.

Chairman Boxer stated so at night you won't have spotlights on the graphics.

Mr. Raffaelli stated no.

Mr. Lerner stated it won't look like Times Square.

Mr. Palmer stated I don't mean to sound dismissive but this is, the window treatments, again, we'll further review with the Building Inspector but the window treatments as provided in the original Special Permit Approval, are the Planning Board's review. And the Planning Board has represented its comments to us regarding the window treatments and we're only before this Board for the exterior signage, identification signage.

Ms. Richards stated but sometimes when we're looking at signage, you have to look at the whole thing. We're not just looking at this little sign. So while I've saying well hey, I don't mind the different colors in the sign, if I don't have to be looking at this. So I understand what you're saying, that's not up for us to say whether you can do it or not but it does affect our decision in terms of total review.

Mr. Palmer stated absolutely and that's why we're here tonight to get this comments because we're going to bring them back to the proposed tenants and we're going to get the comments from the ARB. If you said the color, we expect will be a comment and we're going to address them in the best that can achieve the goals. Again, Party City has already gone back to the drawing board. We're trying to keep up with the changes that are reflective of the Town's comments. So we can get them efficiently to the Building Department, your Boards, so we can review these things and get this tenant into the space because they're running out of time at their existing space and they're going to look at other locations. And it's been a good tenant in the Village and we're trying to keep it that way.

Ms. Richards stated did they lose their lease at the other space?

Mr. Lerner stated their current lease expires the end of January, I believe, January of 2019.

Mr. Richards stated okay.

Mr. Lerner stated HomeGoods as you know is coming and going to backfill that space. I do have a lease with them in place, a fully executed lease. However, they do have a termination right with respect to signage. Similar to my comment before with respect why Modell's likely won't give up their sporting goods signage and why I think Party City has already been lenient for them and why they may give us some push back. We'll ask the question with respect to relaxing further window graphics because again, this is a large national retailer that has their own unique identity and their own business plan and this is what they do with their several hundred existing stores throughout the country. So to have one odd duck in Mount Kisco, I don't know how well that...

Ms. Richards stated well wait a minute, here's another odd duck. I'm trying to bring it up.

Chairman Boxer stated oh you, found another Modell's?

Ms. Richards stated no, it's a Party City but there's nothing on the windows.

Mr. Palmer stated we submitted in our Planning Board submission...

Chairman Boxer stated I understand their need to cover up the storage and the delivery areas and if we allow it there, maybe that would allow them to reduce the size of their signs. Because in my mind, even if it's not [inaudible], you're going to be drawn right to those graphics and so maybe they don't need as big of a sign on Green Street?



Mr. Palmer stated what part of the sign is it, if I may, which part of the sign size is the concern of the Board because again we're talking about 2 foot letters...

Chairman Boxer stated no, it's not. On Green Street it's the fact that you're not allowed.

Mr. Palmer stated okay.

Chairman Boxer stated it's not the signage, it's the fact of whether we are going to allow you to put a sign where the code says you can't have one.

Mr. Palmer stated okay and we'll certainly review too, the Building Department's files with respect to other similar applications because I'm sure there are a number of tenants that only have one entrance but may seek additional signage. For instance on a separate frontage. So we will certainly look into that comment.

Chairman Boxer stated okay.

Ms. Richards stated so I'm just looking at Party City's and there are some that don't have these.

Mr. Palmer stated and if I may, these, depending on the images that you're looking at, if you're looking at a street view or otherwise, I mean it may now show all the windows. It may have four sides to the building, it may only, so while they may not have specific, the characteristics of those stores are sometimes built out to spec. Rather than this building which is an active reuse of an existing tenancy which was designed. Again, this building was designed because Border's was open floor plan, as the Zoning Board Attorney mentioned. They had, you know CD racks and I use to go there when I used to go to the movie theater that was the place. Everybody wanted another Border's but it doesn't exist. So we're working with the tenants that are good tenants, national tenants that are trying to occupy these spaces. So we are absolutely, we've gone back to the drawing board, and we've continued to reduce these, we have significantly reduced, you're seeing this for the first time, I realize tonight, as far as a presentation standpoint but we would ask for you to look at what was originally proposed and to see the reflection too. And we're not saying we aren't going back to our client and the proposed tenants but we have significantly reduced that because of these comments whether its window graphics, tinting, locations, we're taking these comments very seriously and will bring it back.

Chairman Boxer stated can you give us a breakdown of the what was originally proposed, what's not proposed and what the Code requires?

Mr. Palmer stated yes and we have, in our supplemental June submission, it goes through line by line but because we've now provided this, we have this feedback from the Board. When we provide our supplemental submission to this Board, we will be much clearer. After we have the opportunity to speak with the Building Inspector so he can actually look at this thing and we're not just putting him on the spot. Then we can formally address exactly what was proposed and we've done that generally in our June letter but we will make sure that it accounts for every single, you're not following the bouncy ball with respect to the changes that were provided from the Planning Board. So in our supplemental submission we will make sure it says original, modified, confirmed by the Building Inspector and then reflective of comments from this Board and the ARB tomorrow night.

Mr. Spector stated so I'm clear. The ARB is going to comment on, they're an advisory Board here, I assume?

Ms. Richards stated the Architectural Review Board.

Mr. Spector stated yeah, they're advisory, they don't approve, is that right Whitney?

Whitney Singleton stated correct, yeah.

Mr. Spector stated so they're going to make comments on everything, including the graphics, I assume?

Chairman Boxer stated the graphics, the color, everything.

Mr. Palmer stated they have two specific applications that are before them, they separate them out. There's building modifications, there's a relocated entrance at the rear of the building and there's actually a relocated entrance because again, the new two tenant spaces to allocate where the new demising wall is. So they have that review, there's no other changes proposed to the exterior, so that's a building alterations application. And then they have a sign permit application. They can't approve a sign permit application, which is convenient that they meet after this Board generally, until the Zoning Board has granted its relief for or requested relief for the signage. So yes, they will review it. Typically it's not required to have a

preliminary meeting but the applicant wants to ensure to have input from all of the Boards rather than to kind of say these two Boards did this, how does it look? We want to make sure we're getting all the input and again we've been meeting with the Village's officials to make sure that we're really accounting for what is a good fit and the right fit for this space.

Mr. Spector and the Planning Board is also going to have approval over the signs as well?

Mr. Palmer stated the Planning Board has previously reviewed it last week and they set a public hearing for July, which is the week before we meet before this Board again. In that meeting they specifically reviewed the proposed signs, as you'll see in our original submission you'll see additional graphics and locations. Because that is Party City's model, that's where they have features that they're trying to screen, they're not meant to be visible into the store and they can't operate their store that is not how their store work. But because of those comments, the applicant has already removed window graphics from the Main Street frontage, from the tower and then also significant reductions in the rear. So there has been significant changes, you're seeing it tonight so I understand why it doesn't seem necessarily like the applicant has done it. But I think it's important for us to show you conceivably what was and what is visual as distinct from me telling you and exhausting you with my words...

Chairman Boxer stated right.

Mr. Palmer stated about what has been done because I think its effective as you mentioned to see things, you see it and you're making a determination because you're seeing it and that's an important consideration. So it will be helpful for us to be able to have, this is what you saw, this is what's been proposed. As distinct from going back to our old application, having to do the flip up series on your own. So tomorrow we will be before the ARB.

Ms. Richards stated well have fun with that.

Mr. Palmer stated we're actually probably in the conference room.

Ms. Richards stated I won't be here when they move.

Mr. Palmer stated California?

Ms. Richards stated yeah, next Friday.

Chairman Boxer stated any comments, Whitney, any comments?

Whitney Singleton stated no, I mean I don't know if they captured all of the variances that are necessary and I've reminded their counsel, Bill Null, at the Planning Board meeting to look at them very carefully and specifically pointed out items that were not compliant with our Code and they said that they would be incorporated and they don't appear to be incorporated. But you know, we're looking at a submission, another submission, another submission...

Chairman Boxer stated right.

Whitney Singleton stated but ultimately these things all need variances and they should all be publicly noticed.

Mr. Palmer stated we do have the benefit of the meeting being more than a month away, at this time. If it is determined by the Zoning Board Attorney for supplemental or further notice, the applicant will certainly make sure that that's...

Whitney Singleton stated I will venture to say this though, and I don't say this in a disparaging light, I say this in seeing what all the different Boards observe or glean from the applications. There is a desire on the Village's part to help this applicant relocate and stay in the Village. There is also a very, very strong sense from Board members that I've talked that appeal on the windows or whatever you want to call it, is very undesirable. Whether you want to call it a sign or not call it a sign, something they have voiced their concerns on.

Mr. Spector stated there's no wording on these window graphics, right? It's all just pictures?

Mr. Raffaelli stated it's just photos, yeah.

Mr. Palmer stated I believe it's supposed to be a party.

Chairman Boxer stated I agree with what Whitney said, we also keep in mind the business side of things too. We're not just going to make you lose it, just because we want an inch or two here or there.

Mr. Palmer stated and again we are taking the comments very seriously and the applicant has again, revised. I know I sound like a broken record but we're going to take these comments and those from the ARB, pool them together and be back before this Board with the benefit of the Building Inspector's review of the supplemental submissions. To be sure that we've to a T, set forth those variances but again from what we've submitted, those will be the variances that are sought. And again, they're changed they'll be reflective of the comments whether it's to reduce the signs or otherwise, it will be accounted for in a supplemental submission.

Ms. Richards stated okay.

Mr. Palmer stated so if this Board sees fit, we ask that this Board adjourn or consider adjourning the public hearing until this Board's July meeting. And I'd ask the Zoning Board Attorney or the Zoning Board Secretary what date that Zoning Board's next July meeting date.

The secretary stated its July 17<sup>th</sup> but the deadline is a week from today.

Mr. Palmer stated okay, I meant, of course if there are other questions...

The Secretary stated two weeks from today, I'm sorry.

Mr. Palmer stated I like that better.

Mr. Lerner stated I do too, I can get some sleep.

Mr. Palmer stated that's right the owners are interested and will certainly, the team will get comments back.

Mr. Lerner stated it's not a problem.

The Secretary stated June 26<sup>th</sup> is the deadline.

Mr. Palmer stated excellent.

Chairman Boxer stated that's next week.

Mr. Lerner stated next Wednesday...

The Secretary stated next Tuesday.

Mr. Palmer stated it's about a week removed from each of the meetings.

Ms. Richards stated Tuesday, Wednesday, what's the difference?

The Secretary stated it's a 3 week lead time.

Chairman Boxer stated Whitney, just refresh my memory, which you're going to be doing a lot. Do we need a motion to keep the public hearing open?

Whitney Singleton stated I think at a minimum we should make a motion to adjourn the public hearing to a specific date which would be the third Tuesday in July and then based upon a submission that is being made or has been made, I'm not really clear which it is. The Building Inspector would then need to determine whether or not this new submission creates any new nonconformities, requiring a new public notice.

Chairman Boxer stated okay.

**Ms. Richards stated okay, I make that motion.**

**Chairman Boxer stated okay, do I have a second?**

**Mr. Spector seconded the motion.**

**The motion carried by a vote of 4 to 0.**

Mr. Palmer stated thank you for all of your time this evening. Good luck in California.

Ms. Richards stated thank you very much.

Mr. Lerner stated thank you for your time.

Mr. Palmer stated see you in July. We look forward to working with Staff.

*Off-topic conversations.*

**Ms. Richards made a motion to adjourn. Ms. Coyne seconded the motion.**

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

The meeting adjourned at 8:15 p.m.