

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, May 21, 2019 at 7:04 pm** in the Frank J. DiMicco Board Room, Village Hall, 104 Main Street, Mount Kisco, New York

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

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

Chairman Boxer stated it's the May 21<sup>st</sup> meeting of the Village Zoning Board of Appeals. First order of business is approval of the April 16<sup>th</sup> minutes. Anybody want to approve it?

Mr. Hoyt introduced a motion to approve the minutes. Mr. Spector seconded the motion.

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

<b>1. Dean Koutsoumbis/Chipotle 195 North Bedford Road Mount Kisco, NY 10549 (SBL) 69.58-2-1.2</b>	<b>Case# ZBA 19-1 Area (Signage)</b>
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Mr. Dean Koutsoumbis and Mr. Dan Radman of Chipotle were present to represent the application.

Chairman Boxer stated okay, now we have, don't ask me to pronounce the first name but I'll say Chipotle.

Mr. Hoyt stated you guessed right.

Mr. Koutsoumbis stated how are you doing, I'm Dean.

Chairman Boxer stated yours is the last name I couldn't figure out.

Mr. Koutsoumbis stated my last name is Koutsoumbis.

Chairman Boxer stated yeah, I would have botched that really badly.

Mr. Koutsoumbis stated good evening members of the Board. I am here on behalf of Chipotle, we're looking for permits to build or install three signs on this proposed building. This was the former Applebee's building which is being subdivided into two spaces. Chipotle is taking the southernmost space with exposure facing two streets and also facing the parking lot. So we're asking permission to have the three signs as indicated on the plans, in the directions that we have shown here. So that page there shows the location of the signs, the sign B, is the main sign and that's facing the parking lot and that's where the main entrance is and that's where every day customers in and out of the store would be directed to. And the sign A and C are facing the two streets.

Chairman Boxer stated will there be a sign over the additional parcel to the left?

Mr. Koutsoumbis stated pardon me?

Chairman Boxer stated are you going to have another sign on the northern side?

Mr. Koutsoumbis stated that's a different tenancy, we don't know who's going to be taking that space and what signs they're looking to obtain.

Chairman Boxer stated okay.

Mr. Koutsoumbis stated for the Chipotle alone, it's really just the three signs we have indicated here on the plan.

Chairman Boxer stated is there any talk of a general sign on the corner, so you don't have to, because that would cover both the...

Mr. Koutsoumbis stated like a freestanding monument sign?

Chairman Boxer stated that would cover the east and the south.

Mr. Koutsoumbis stated it's not in this plan, I don't believe, I will consult with my client.

Mr. Radman stated no, the landlord is not providing one.

Chairman Boxer stated are they allowed to do that?

Mr. Miley stated I would have to review, it depends on location, setbacks, a number of issues.

Mr. Koutsoumbis stated I just visited the site, it's, you know, this is together with the Stop and Shop and Target. The larger retailers do have the monuments on the entrance, the smaller ones do not, my client does not wish to install a monument, we're not looking for that this evening.

Mr. Spector stated is there going to be more than one public entrance to the restaurant or is it just one?

Mr. Koutsoumbis stated just one entrance...

Mr. Radman stated Dan Radman with Chipotle...

The Secretary stated Dan, what is your last name?

Mr. Radman stated Radman, R-A-D-M-A-N.

The Secretary stated thank you.

Mr. Radman stated I'm the design manager with Chipotle. So this is the primary entrance off of the parking lot, there is a secondary egress door that we're required to have for Code because of the capacity of the building. That is the one that discharges to the side which faces the entrance drive. There is an outdoor patio area that it opens out to but it's not an entrance, it's only emergency exit only. So it's only the primary one and we're kind of in a unique building situation here because what the primary elevation that would face the main road is really the back of our building. The front is facing the interior of the parking lot, so we've got visibility on three sides, so we'd like to take advantage of at least the visibility facing the parking lot as well as the main road and if possible, the side elevation as well. It's essentially what Applebee's had, they had signs on all three sides. The footprint of the building has pretty much remained the same, the landlord split it into two tenants. We're going, our signage is smaller than what Applebee's had there previously but we would still like to be able to use the three sides. Like I said, it's kind of a unique building on that corner.

Mr. Weise stated there is sign C, that looks like there will be a tree right in front of the sign. Does that kind of mitigate the need for it/?

Mr. Koutsoumbis stated there's trees on, completely surrounding the perimeter on the two streets, so you would see the sign only through the trees.

Mr. Radman stated that's the side elevation and it is, that elevation is kind of framed by some existing trees that are to remain. There's going to be patio area in front of it. So really only will get sort of a view, a framed view as you're going in that entrance drive. That's why it's all the more important for us to have something facing the main road, as well as the parking lot you know facing the main entrance.

Mr. Weise stated in the original Applebee's, was there parking all the way around the building?

Mr. Radman stated no.

Mr. Weise stated this is the same...?

Mr. Radman stated it's effectively the same, what the landlord did is they peeled off that, if you guys remember the old building had that kind of greenhouse front area facing the parking lot, there was some elevated dining, there was all kinds of levels inside. All of that has been levels out on the interior and that greenhouse was peeled back and the whole front façade was redone.

Chairman Boxer stated along the same vein, the other trees which I assume are trees and not shadows.

Mr. Radman stated yeah, that's the side elevation, there's one, there's one here. So you do get a view angle into here, there's a couple of smaller trees along the road as well. So it's not like it's wide open, there are framed views that you get of the building going along the main road as well as the entrance drive. Which

we're fine with, we're not looking to remove any of that but it does also present an obstacle in seeing the sign but nothing we can do about that.

Mr. Spector stated when you talk about the main road, you're talking 117, Bedford Road, you're not talking about the...

Mr. Radman stated no, 117, yes.

Mr. Spector stated yes.

Mr. Koutsoumbis stated I would also like to add that this site is like completely surrounded by commercial uses, other businesses, car dealership, gas station, yeah so, I guess, auto repair. So it's, you know whatever we're asking for, we're not putting a sign in somebody's backyard where it would be visible. In my opinion, I don't think it's visible from any residential property other than the just the immediate businesses that are in that area. This is, as you mentioned, a very unique situation, the previous Applebee's had the signs on three sides.

Ms. Coyne stated that is true but they had the, they were the sole occupant there and they had three signs, right? Should we be giving consideration to potential requests for variances from the adjacent...

Chairman Boxer stated yeah, probably will end up as a request for 6 signs all together.

Mr. Spector stated I think that's probably correct, yeah.

Chairman Boxer stated my, I'm thinking that the sign along Preston Way that's partially covered by trees, the sign along 177, you probably have a view from it from the north bound and the south bound side...

Mr. Koutsoumbis stated we do.

Chairman Boxer stated and then Preston Way, if you're coming down Preston Way, you have the sign over the door. So I don't see the need for the sign on the southern elevation.

Mr. Radman stated the Preston Way elevation, the side elevation, understood.

Mr. Spector stated that's C?

Mr. Radman stated that's C, yeah.

Mr. Koutsoumbis stated yeah, sign C. That is our secondary...

Mr. Radman stated I mean the way the though the regulation reads is that the signs are only allowed over an access door. I mean, granted this is the egress door, so it's not necessarily an access door. So we thought that would weigh into the possibility of having that third sign but if that's the determining factor, we're okay with not having the third sign there.

Chairman Boxer stated okay.

Mr. Radman stated our biggest concern, obviously the front of the building facing the parking lot but facing 117 is obviously a primary signage elevation for us.

Mr. Hoyt stated I'm sorry, you said it already, the main entrance is sign B?

Mr. Radman stated sign B, correct.

Mr. Hoyt stated didn't Chiptole, I mean didn't previous Applebee's, wasn't their entrance where Sign C is here?

Mr. Koutsoumbis stated no, it's where sign B is.

Mr. Radman stated no, where sign B is.

Mr. Hoyt stated oka.

Mr. Radman stated they had sort of a funky corner entry door on the corner.

Mr. Hoyt stated okay, maybe that's what it was.

Mr. Weise stated and do we know where the entrance where this other property is? Is it the same side as your...

Mr. Radman stated yes, facing the parking lot.

Mr. Weise stated we don't know who the tenant is.

Mr. Radman stated we don't.

Mr. Weise stated okay.

Whitney Singleton stated let's just put it this way, they're not disclosed.

Chairman Boxer stated okay.

Whitney Singleton stated we believe there is a tenant but it's not been disclosed to us.

Mr. Hoyt stated so these signs, the proposed signs all meet the Code?

Mr. Spector stated size wise?

Whitney Singleton stated as a matter of fact there's a deficiency that as the Building Inspector pointed out to me, the resolution that's before you misses two points. The sign, I think it's just sign B, exceeds maximum sign height for a wall sign and the lettering within it exceeds to maximum lettering height. The maximum sign is 24 inches and they're proposing 31 and 1/2 and the lettering maximum is 12 and they're proposing 14 inches. But only over the main entrance.

Mr. Radman stated correct.

Chairman Boxer stated so sign A complies with what the Code says?

Mr. Spector stated all the other signs comply size wise?

Whitney Singleton stated yes.

Mr. Weise stated I'm just going to ask, is Harold's point about the risk of this tenant requesting three signs, is that valid?

Whitney Singleton stated can you say that again? I'm sorry.

Chairman Boxer stated I don't think...

Mr. Weise stated the unknown tenant...

Whitney Singleton stated I can tell you before I hear the question, I'm not going to say that anything that Harold says is invalid.

Mr. Weise stated okay.

Whitney Singleton stated but you can ask the question again.

Mr. Weise stated the question is, is his concern a valid concern?

Whitney Singleton stated as to the number of the signs?

Mr. Weise stated yes.

Whitney Singleton stated I think if you were ask the Sign Board or the committee that adopted the sign regulations. The impacts were not just to protect residential neighborhoods, obviously any visibility of this sign from a residential neighborhood is limited. It was to prevent the proliferation of signs.

Mr. Weise stated right.

Whitney Singleton stated and you drive up and down the street with big "come here" big arrows, you know that type of thing. But by the same token, the, this is an area variance and whatever you think it appropriate for the site, that's really for you guys. I think one thing that would jump out to me, if I were sitting in your

shoes is that there's another tenant coming along and if one person is going to get three signs, the other one is going to want three signs. The other question is where are they going to go?

Chairman Boxer stated yeah, we're starting to get a lot...

Whitney Singleton stated because the northern exposure here, is it northern or southern? I always get that confused. Coming down, coming down south 117, you're going to be facing the dumpsters, correct?

Mr. Radman stated right, yes.

Whitney Singleton stated so the question is going to become more of where are their signs going to go. And if it's the tenant we think it is, they're going to want signs everywhere.

Mr. Weise stated right, okay.

Chairman Boxer stated these are backlit signs?

Mr. Radman stated no, these are front illuminated. We had tried to work with the landlord during their submission of the unified signage plan earlier in the year and gave them all of our drawings. Our standard is internally illuminated but when they pick their package together and submitted it to Planning, they did it as front illuminated. The rest of the complex is front illuminated, non-internal...

Chairman Boxer stated from the top or the bottom?

Mr. Radman stated from the top, gooseneck barn lights over all of them, similar to the rest of the complex. The one deviation though is their unified signage plan on that lighting, not only did it not take into account our third sign that we were looking for and they had a different arrangement of the lights on each of the elevations. Same light, same gooseneck light and we're trying to get them more centered on each of the signs so it looks better. And I think we're adding a light to each of the elevations to make it right proportion. Is that, the lighting itself, is that a Planning issue or is that a ZBA issue.

Mr. Spector stated it can be both since you're asking for a variance.

Mr. Radman stated right. So what we're representing in this package, if we're talking about sign B and sign A, the lighting that's shown in this package is what we're looking for.

Chairman Boxer stated do you have a color version of the sign?

Mr. Spector stated did the Planning Board or ARB express any reservation about three signs versus two or any...

Whitney Singleton stated Planning Board hasn't seen it.

The Secretary stated and ARB hasn't seen it either because they need variances before they can go to ARB.

Mr. Spector stated okay.

Chairman Boxer stated okay.

Mr. Hoyt stated what sign is this?

Whitney Singleton stated these are wood carved or are going to be wood carved?

Chairman Boxer stated that would be the front...

Mr. Radman stated I'm sorry, what?

Whitney Singleton stated I'm sorry, go ahead.

Chairman Boxer stated that would be the front and the back sign, right?

Mr. Radman stated correct. The only difference being that the one faces the parking lot, sign B is slightly larger.

Mr. Koutsoumbis stated this is the sign B. That is the larger one at 2 ft 7 in height again, you know, it's proportional for the building, emphasize the front elevation of that building. That's why it's slightly bigger than the other two signs. I'd like to go back to the point of the three signs, I understand that there's a

potential of 6 signs on this building, that's why this Board may want to restrict this signage. Keep in mind that this is not a strip with one exposure. This is a pad site in the middle of, in the corner of a parking lot that got exposure on 4 different facades.

Chairman Boxer stated you also have to understand that the Town small enough that once it goes in, everybody is going to know it's there, they're not even going to need signs.

Mr. Hoyt stated yeah, I was going to say, your argument cuts both ways. This spot is very, in a way, isolated and your eye is going to focus. I think the a reasonable compromise would be to keep the larger sign size because I realize there are distances here but to remove the sign C.

Mr. Radman stated that's fair.

Mr. Spector stated I agree with that, I don't really see the need for sign C frankly. But I do agree that the size on that sign B is really not offensive in my opinion based on the size of the building. Were there other sign variances granted to, the other section where they have the Wells Fargo bank and the liquor store, are those sign all in compliance?

Whitney Singleton stated I don't know if they are or they aren't, they predate the current sign laws.

Mr. Spector stated okay.

Chairman Boxer stated okay, it sounds like the consensus would be that we give them sign A and we give them sign B in the larger size. Any other discussion? No? Anybody want to make a motion? I can't do it.

Mr. Spector stated I make a motion to grant the variances as we just stated for the size of sign B, the larger size and grant them permission to put on sign and deny the request for sign C.

Chairman Boxer stated 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 stated any opposition? Thank you.

Mr. Koutsoumbis stated appreciate your time. Thanks.

Mr. Hoyt stated thanks.

Chairman Boxer stated this is yours.

Mr. Koutsoumbis stated thank you.

Mr. Hoyt stated I actually didn't realize they were splitting it.

Chairman Boxer stated the other space isn't going to be that big.

Mr. Spector stated I would imagine these days, it's going to be a bank.

The Secretary stated you're still on the record.

Mr. Weise stated let's issue...

Mr. Spector stated sorry, that was a private conversation.

Chairman Boxer stated anybody want to make a motion to adjourn?

Mr. Weise introduced a motion to adjourn. Ms. Coyne second the motion.

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

The meeting adjourned at 7:26 pm.