

Minutes of the **Regular Meeting** of the Zoning Board of Appeals of the Village/Town of Mount Kisco held on **Tuesday, September 20, 2018 at 7:07 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 (arrived at 7:32pm)  
George Hoyt

Members Absent: Linda Greenberg

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

Chairman Boxer stated this is the September 20, 2018 of the ZBA. First up is minutes, let's see, do we have enough people here? No. So we're going to have to put the minutes off, we don't have enough people.

The Secretary stated no quorum, thank you.

Chairman Boxer stated okay, alright, the first case would be 15 Valley View. That's just...

Mr. Hoyt stated an extension letter.

**1. Dennis Gochuico  
15 Valley View Terrace  
Mount Kisco, NY 10549  
(SBL) 69.66-3-8**

**Case# ZBA 17-6  
Area**

Mr. Dennis Gochuico was present.

Chairman Boxer stated you already got approval, right?

Mr. Gochuico stated yes.

Chairman Boxer stated and you just need to extend your...

Mr. Gochuico stated that's correct.

Chairman Boxer stated anybody have any problem with that?

Mr. Hoyt stated no.

Chairman Boxer stated okay, so let's take a vote. But first we have to close the public hearing.

The Secretary stated there was no public hearing.

Whitney Singleton stated there was no public hearing.

Chairman Boxer stated second, I don't have to do anything. Okay, we'll take a vote...

Whitney Singleton stated motion by Chairman.

**Chairman Boxer stated I can motion it.**

**Mr. Hoyt seconded the motion.**

**Chairman Boxer asked for all in favor. The motion carried by a vote of 3 to 0.**

Chairman Boxer stated very good.

Mr. Gochuico stated thank you very much, goodnight everyone.

Whitney Singleton stated just to be clear... Dennis?

The Secretary stated how long is the extension good for?

Whitney Singleton stated a year.

The Secretary stated thank you.

Chairman Boxer stated let's make sure he doesn't have new plans submitted.

Whitney Singleton stated it's the same.

Chairman Boxer stated alright, American Sign Crafters.

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

**Case# ZBA 18-5  
Signage**

Mr. Jeffry Pennant of American Sign Crafters and Yelna Cunsolo of Northwell Health were present.

Mr. Pennant stated hi.

Chairman Boxer stated give your name to Michelle please.

Ms. Cunsolo stated Y-E-L-N-A, last name is C-U-N-S-O-L-O and I am from Northwell Health.

The Secretary stated thank you.

Ms. Cunsolo stated you all have copies of our package?

Chairman Boxer stated yes.

Ms. Cunsolo stated may I pass this our just in case?

Chairman Boxer stated sure. Alright, so you want to go through the variances that you're looking for?

Ms. Cunsolo stated so we're looking for a variance to increase the size of this monument, WH-10 on our drawing, increase the size of WH-18 and then we're proposing to install a wall sign 70 feet up on the building.

Chairman Boxer stated so you need a variance for going over the maximum number of signs. They're over by 17 signs?

Whitney Singleton stated 17 signs?

Chairman Boxer stated it says required is...

Whitney Singleton stated this was, as I pointed out in the e-mail to you, this was a resolution or a format that I drafter for you several meetings ago which has been somewhat altered. I just wanted to give you a format, nothing else.

Chairman Boxer stated okay, sure. Okay, so let's go through our pictures here.

Mr. Miley stated Chairman?

Chairman Boxer stated yes.

Mr. Miley stated can I interject?

Chairman Boxer stated sure.

Mr. Miley stated a couple of meetings ago, the applicant was before use and there was confusion as to what signs need a variance and the number of signs and some of monument signs and waypoint signs. So myself and the applicant went to the hospital and reviewed all the signs and determined which were existing even prior to our Zoning code.

Chairman Boxer stated okay.

Mr. Miley stated excuse me, sign code. In addition to some of the new signage and others that were already permitted. So the package that's before you today explains essentially all of the signs in totality that are present today...

Chairman Boxer stated okay.

Mr. Miley stated in addition to the proposed new signs that require variances and when you put together a resolution and/or describe all of the variances required for the complete package. That's in totality.

Chairman Boxer stated so they need three variances then?

Mr. Miley stated they need 5 variances.

Chairman Boxer stated I only see three red dots.

Mr. Miley stated 1 through 5, for the number of signs...

Chairman Boxer stated okay.

Mr. Miley stated only two signs are permitted so it would be 17 sign variances.

Chairman Boxer stated okay.

Mr. Miley stated as I indicated earlier, some of these existing wall signs were present and didn't require permits at the time, however they are there today.

Chairman Boxer stated okay.

Mr. Miley stated in addition a sign required at the public entrance is required, the sign length is larger than what's allowed with respect to the length of the sign, the square footage, the actual monument sign, the face area and the last one of another monument sign with additional face area. Those are the five.

Chairman Boxer stated okay.

Mr. Hoyt stated can I ask why the signs? I admit it's very confusing when you enter the hospital, so these certainly catch the eye. But why the new signs, is it just to advertise Northwell Health?

Ms. Cunsolo stated I'll speak to that, I'm from Northwell. As I'm sure are all aware, Northern Westchester joined the health system about a year and a half ago. Since then we also rebranded the North Shore LIJ to Northwell Health. So we have new signage standards that we implemented at close to all of our new facilities to represent the new branding, the new name, they all look like this. So we wanted obviously, Northern Westchester to conform to the corporate standards for signage that we have and that we've applied all across the rest of our facilities. So that is why they look like this and the size, especially for WH-10, is important for us to keep what we're asking because this is the main intersection into the hospital. And we get a lot of confusion and a lot of patients or visitors stopping right here at this intersection and try to figure out from the smaller sign that's currently there to go left or go right and we've had several number of potential accidents caused by the signage. So we wanted to increase it so that they can see further back before it's the point if they have to make the left or the right.

Chairman Boxer stated okay, so this is WH-10.

Ms. Cunsolo stated yes.

Mr. Hoyt stated it looks like the font size for the actual areas is similar, the big difference is the advertisement, or the Northwell Health?

Ms. Cunsolo stated well we did, that's just the design of the sign and Jeffrey, can you speak to the copy height.

Mr. Pennant stated like Yelna said, it conforms to this proportion...

Chairman Boxer stated right.

Mr. Pennant stated so it's a standard that the hospital, as far as, and there is a limit of visibility that you have as far as, you know how far away you're able to read something and to know where you are which is the

essential thing. Believe it or not, there can be confusion as soon as you enter the parking lot that you're there.

Mr. Hoyt stated I've been confused many times.

Chairman Boxer stated Peter?

Mr. Miley stated yes?

Chairman Boxer stated do they have a problem with more than 5 colors.

Mr. Miley stated I didn't raise the objection.

Chairman Boxer stated okay, then we'll let it slide.

Mr. Pennant stated okay.

Chairman Boxer stated okay, so the first one is WH-10, well the first variance you need is...

Ms. Cunsolo stated the number.

Chairman Boxer stated the number of signs, okay, that's one...

Ms. Cunsolo stated just so you're aware, what we did when we started the rebranding with existing permits we recently applied for and received and we replaced like for like. So I can speak to there are more signs than what is permitted prior to Northwell taking over and what the hospital did in the past. So if we need a variance to comply now, we'll definitely, obviously seek one to be in conformance.

Chairman Boxer stated okay. So the signs that you're, you're saying there's no new signs, they were all there before?

Ms. Cunsolo stated yes.

Chairman Boxer stated no wonder people get confused.

Ms. Cunsolo stated we tried to clean up the messages so they're more clear but we replaced like for like.

Chairman Boxer stated alright, so that's first variance. The second variance is the primary entrance, which is the...

Ms. Cunsolo stated I think that WH-10, that was the first one I think we reviewed.

Chairman Boxer stated do we have a copy of the primary entrance?

Mr. Pennant stated yes.

Chairman Boxer stated that's this?

Ms. Cunsolo stated yeah, that's as soon as you get into that driveway.

Chairman Boxer stated I thought you meant it was down on the street.

Mr. Hoyt stated is that illuminated or no?

Ms. Cunsolo stated this one...

Mr. Hoyt stated it looks bright but I don't recall whether the current sign has lights on it...

Ms. Cunsolo stated no, I don't think it is. None of our signs are illuminated except the building signage is.

Chairman Boxer stated so this is...

Ms. Cunsolo stated it's about 50-something square feet the regulation.

Chairman Boxer stated what is WH-01, that's this?

Ms. Cunsolo stated no, that's the building sign, that's this one right here. That's the building sign.

Chairman Boxer stated I got you.

Mr. Hoyt stated was there a sign before? There's been a sign prior ownership, no giant Westchester Hospital...

Ms. Cunsolo stated there's never been a sign.

Whitney Singleton yeah, there's a sign...

Mr. Pennant stated on the building.

Ms. Cunsolo stated on the building.

Whitney Singleton stated oh on the building. Just their illegally projected sign.

Ms. Cunsolo stated I know nothing about that.

Chairman Boxer stated okay, my daughter was born there 36 years ago, there's no sign.

Ms. Cunsolo stated yeah, there's never and that's why we'd like to have one if possible.

Chairman Boxer stated so, the variance for that. This is the tower variance, okay. So the one that does not have a variance at all, the signage at the primary public entrance is that this one or is that the wall?

Ms. Cunsolo stated I would say it's that one.

Chairman Boxer stated this one?

Ms. Cunsolo stated yes.

Chairman Boxer stated and you don't have any variance for it yet.

Ms. Cunsolo stated no, we're applying for the variance. Right, that was one of the applications that we submitted.

Chairman Boxer stated does it meet the requirements?

Ms. Cunsolo stated it's larger than, it's 50-something square feet larger than your 20 square foot requirement.

Chairman Boxer stated what's the request, Peter?

Ms. Cunsolo stated it's right here.

Chairman Boxer stated oh you're down here.

Ms. Cunsolo stated this one is by the Emergency Room. That's this one.

Chairman Boxer stated so this has no permit at all.

Ms. Cunsolo stated well we haven't done it, we're applying for the permit, that's why we're here.

Chairman Boxer stated WH-18 is, which one.

Ms. Cunsolo stated the Emergency Room one, right here.

Whitney Singleton stated this one.

Mr. Pennant stated [inaudible].

Whitney Singleton stated the tower, that's also for the sign length.

Chairman Boxer stated okay.

Mr. Miley stated same thing yeah, new.

Chairman Boxer stated alright.

Ms. Cunsolo stated update the existing. So the sign currently looks like this and we're proposing to replace it with this. So it's larger in size.

Chairman Boxer stated where is that sign going?

Ms. Cunsolo stated it's going, it's the Emergency Room sign, so it's going if you look at the map, it's right here. It's right in front of the Emergency Room.

Mr. Hoyt stated we haven't had a chance to see that sign recently.

Chairman Boxer stated WH-18 is where? Oh here it is. So 18 is going to be which one?

Ms. Cunsolo stated the page you just had opened.

Chairman Boxer stated that's 18.

Ms. Cunsolo stated yes.

Chairman Boxer stated WH-1 is the tower sign.

Ms. Cunsolo stated is this, yes. So this is what we're proposing if you look here, there's nothing here now, we're proposing...

Mr. Hoyt stated that will be spot lighted or no?

Ms. Cunsolo stated it will be illuminated from internally.

Mr. Pennant stated its internally illuminated, channel letters.

Mr. Hoyt stated oh, it is.

Ms. Cunsolo stated I mean if the Zoning Board objects to having it, we can may put it on a timer where maybe late a night or certain hours that have restrictions we can do that.

Chairman Boxer stated I'm not aware of any, put it on photo-electrics, that only goes on when it's dark out.

Ms. Cunsolo stated right but if there's issues like 2 am in the morning, you don't want it illuminated or something.

Chairman Boxer stated alright so...

Mr. Hoyt stated there's no variance for self-illuminated sign? That's part and parcel of the...

Whitney Singleton stated the one that's going on the tower?

Ms. Cunsolo stated yes.

Whitney Singleton stated no, I believe if it's channel letters it acceptable, it's backlit.

Mr. Miley stated correct.

Chairman Boxer stated you need a huge variance.

Ms. Cunsolo stated and that's the most important one to us too because of what I said earlier. We're afraid of the potential accidents that people can't see it from further away.

Chairman Boxer stated what is the height of this?

Ms. Cunsolo stated it's 6'-6" is the height and the width is 12'-2".

Chairman Boxer stated it's pretty big.

Ms. Cunsolo stated so it's 79 square feet.

Chairman Boxer stated I don't think you need something that large for people to see.

Ms. Cunsolo stated the hospital is really pushing for it.

Chairman Boxer stated we're not saying get rid of it, we're saying just make it a bit smaller.

Ms. Cunsolo stated what would you be in favor of?

Chairman Boxer stated something that's as tall as me, is too tall.

Whitney Singleton stated well the sign that's there currently, if I'm not mistaken Peter, already exceeds the maximum sign...

Ms. Cunsolo stated it does by 10 square feet.

Mr. Miley stated it does.

Whitney Singleton stated I think the different is that one has much more illuminating, you know, bright colors to direct you to the Emergency Room. The one that's there is black and red and it's kind of hard to see.

Chairman Boxer stated I know that.

Whitney Singleton stated so I don't think that the sign, perhaps the sign at the existing sign size in these colors might be something you want to consider.

Ms. Cunsolo stated the existing sign that sits on a base that's a little over 2 feet. We don't have the base here, so the 6'-6" if you do the existing sign is, 72 inches high, plus the 2 feet high, so you're already at, you know, basically the same height as this, yeah.

Chairman Boxer stated basically the same, yeah.

Mr. Hoyt stated doesn't really matter.

Ms. Cunsolo stated it's really the width and the way the sign lays out that we wanted to make it stand out more to the visitors. I mean at all our facilities, we're always concerned with patients and visitors that are in distress, finding their way.

Chairman Boxer stated which one is one again?

Ms. Cunsolo stated the tower.

Mr. Pennant stated the tower sign.

Chairman Boxer stated okay. So...

Ms. Cunsolo stated and the tower sign, I'm not familiar with the roads but from what the facility tells me, they want to be able to be seen from the two main roads that you take to get to the hospital. So if it's illuminated at night, they can kind of see which way to go.

Mr. Hoyt stated so currently, if I'm trying to find the hospital, other than the biggest building in Town, where does it currently say Northern Westchester Hospital?

Chairman Boxer stated a sign on the entrance.

Ms. Cunsolo stated just the entrance to the... yes.

Chairman Boxer stated there's one on the entrance and you're going to face...

Ms. Cunsolo stated that's this one that we already have the permit for and already installed. But from far away, I don't know if you guys have those, like the blue signs that say hospital with the arrows but there's not...

Ms. Coyne stated the street signs, yes.

Chairman Boxer stated there's a hospital sign and also a sign for the safe baby...

Ms. Cunsolo stated but there's nothing with, like the name of the hospital that would be seen from far away, basically. They're looking to see if this something that we can do.

Chairman Boxer stated tell them to ask the State if they can put a hospital sign on 684, at the exit.

Whitney Singleton stated they have one.

Chairman Boxer stated do they? At the exit? Not on 684 though.

Whitney Singleton stated they have it on Saw Mill and some other places.

Chairman Boxer stated so we have, the first variances then is for the totality of the number of signs. The second variances is for the channel letters on the wall, on the building sign. The third variance is again the building sign and it's going from 15 feet to 17 and 5 ¾.

Ms. Cunsolo stated that's what's going there.

Chairman Boxer stated and then...

Ms. Cunsolo stated what's the 15 feet, I'm sorry.

Chairman Boxer stated this is WH-1, it says that required is 15 feet for the length and you're proposing 17 5 and ¾. So you need a 2 foot 5 ¾ inch variance.

Ms. Cunsolo stated so if we reduce it...

Chairman Boxer stated I'm not even asking to reduce it.

Ms. Cunsolo stated okay, I'll shut up.

Whitney Singleton stated I believe, am I mistaken for what's on the tower.

Mr. Miley stated yes.

Ms. Cunsolo stated which we don't have nothing there yet.

Chairman Boxer stated right. The H-10 is the ER?

Ms. Cunsolo stated no, the main one, the intersection.

Chairman Boxer stated the intersection.

Ms. Cunsolo stated 18 is the ER.

Chairman Boxer stated okay. So for the tower, you have a diagram of the tower and the size of the letters?

Ms. Cunsolo stated its here, and we're proposing it on this elevation and then the size is here.

Chairman Boxer stated are those little things going to be there also?

Ms. Cunsolo stated that's our brand, yeah.

Chairman Boxer stated you're going to have channel letters that look like half of a triangle.

Ms. Cunsolo stated I can show you pictures, if you'd like, of the ones that we've already installed.

Chairman Boxer stated I believe you. And they're lit from within?

Ms. Cunsolo stated but we can back light them if that's how...

Mr. Pennant stated [inaudible] because its in the wall but...

Ms. Cunsolo stated well reverse.



Mr. Pennant stated right.

Chairman Boxer stated I don't think we have one. We approved self internal illuminated channel letters before, right?

Mr. Miley stated repeat that, Chairman.

Chairman Boxer stated the channel letters that are internally illuminated, we have some of those already existing in Town or we've approved some.

Mr. Miley stated I would have to double check. I know there are some in Town, whether you approved them or not, I don't know.

Chairman Boxer stated but they're there. Alright, so now that we have it all straight, you're proposing a variance of 17 from the maximum of 2 signs which would make it 19. And then you're proposing the channel letters on the wall as well as having it 2 feet longer than Code. The intersection is a huge variance but you've said that one, that's the important one to get people where they're supposed to go.

Ms. Cunsolo stated yes.

Chairman Boxer stated the Emergency Room, I have no problem, we can't have enough signs here, I know it's a little weird, you go around the corner there like that, so. Alright, any discretion on this?

Mr. Hoyt stated I'm okay with it, to be honest with you.

Mr. Spector stated I've been driving by and trying to observe it and just the, I think the signs are necessary because it's the hospital and because people need to know where they're going on the property...

Chairman Boxer stated right.

Mr. Spector stated a lot of people are very confused, visiting sick people there. I think it's important to have proper signage and adequate signage.

Mr. Hoyt stated yeah, the hospital is laid out very poorly. If you were to design it today, obviously it wouldn't be like this but it is what it is.

Chairman Boxer stated it was modern for the time it was built.

Mr. Spector stated they're typically built in phases, added on and added on and added on.

Chairman Boxer stated it always had to one patient per room, that's why it's kind of designed the way it is.

Mr. Spector stated you go into some of these hospitals in the city and there are just endless corridors and they go from building to building. Fortunately, this is a little bit smaller than that.

Chairman Boxer stated okay, so, anybody in the audience want to comment on hospital signs. Then we need to close the public hearing. **I'll make a motion to close the public hearing.**

**Ms. Coyne seconded the motion.**

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

Chairman Boxer stated okay, now going through the five factors. The variances will not produce an undesirable change in the neighborhood. The benefits sought cannot be achieved by a feasible method other than the variance. The variance is not substantial, sort of, except for the one. No adverse impact on the environmental. And they're definitely self-created but that is something that we only have to consider, it doesn't stop it.

Mr. Hoyt stated I mean, is it a little, there is a factor in here that is clearly branding.

Chairman Boxer stated but that's fine, we get that all the time.

Ms. Cunsolo stated I won't disagree.

Mr. Hoyt stated and that's probable the main reason for the proposal, right, obviously. But it does, it happens to coincide with currently, probably not as well signaged place as it could be.

Chairman Boxer stated right. Alright, anybody want to make a motion to approve.

Mr. Spector stated I just want to say before we move, I'm sorry I'm late first of all, I had a conflict that went long. I appreciate that way you laid out the plans, you made it very easy go and review and look through the property and look at every sign and locate each one that was the subject of the application. It was very helpful and I appreciate that. But other than that, nothing.

Chairman Boxer stated okay. I'm tired of making motions, anyone want to make a motion.

Mr. Spector stated I just feel like I got here late and I shouldn't make the motion.

**Chairman Boxer stated you're going to move and you're going to second.**

**Ms. Coyne stated yes.**

**Whitney Singleton stated George moved?**

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

Ms. Cunsolo stated thank you.

Chairman Boxer stated want your color photos back?

Ms. Cunsolo stated we don't want them.

The Secretary stated can I have a copy of the record, please?

Ms. Cunsolo stated of course.

The Secretary stated thanks.

Mr. Pennant stated thank you.

Ms. Cunsolo stated thank you very much.

Chairman Boxer stated you think the group is going to Northwell? Okay, the next on the agenda, 70 Woodland has been adjourned. First, we have 40 Radio has been adjourned.

The Secretary stated yes.

Chairman Boxer stated 70 Woodland we need to open the public hearing.

Whitney Singleton stated yes.

**3. Patrick Croke  
70 Woodland Street  
Mount Kisco, NY 10549  
(SBL) 80.49-1-14**

**Case# ZBA 18-11  
Area**

Chairman Boxer stated motion please.

**Mr. Hoyt stated I motion to open the public hearing.**

**Mr. Spector stated I second.**

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

Chairman Boxer stated and now we'll keep the public hearing open, they have asked to be adjourn tonight.

The Secretary stated they have asked to be adjourned to the next meeting.

Chairman Boxer stated and now we're going to go to 271 North Bedford.

**4. HVA Realty, LLC**  
**271 North Bedford Road**  
**Mount Kisco, NY 10549**  
**(SBL) 69.50-2-4, 5, 6, 7, 8, 9, 10**

**Case# ZBA18-12**  
**Area**

Mr. Zach Mintz of Zarin & Steinmetz; Mr. Tom Kriz of the Premier Group; Mr. Eric Kingsbury of Langan Engineering; Mr. John Kowalski of Claris Construction were all present.

Mr. Mintz stated good evening everyone. I'll wait until everyone gets up here before I start on my tangent.

Chairman Boxer stated I enjoyed reading your lease.

Mr. Mintz stated the application materials ask for it, so.

Chairman Boxer stated I know.

Mr. Mintz stated I'll wait until everyone is settled here unless you'd like me to begin.

Chairman Boxer stated you can begin.

Mr. Mintz stated alright, good evening, I'm Zach Mintz, I'm an attorney with the law firm Zarin & Steinmetz, here tonight on behalf of HVA Realty. I am joined tonight by a number of people, I'd got Tom Kriz from HVA Realty, you might also hear me refer to it as the Premier Collection. I've got John Kowalski from Claris Construction and I've also got Eric Kingsbury from Langan Engineering, the whole development team is up here.

Chairman Boxer stated okay.

Mr. Mintz stated we're excited tonight, at this point obviously we've been in front of the Planning Board quite a little bit, we're working on redesigning and redeveloping a motor vehicle dealership to something that we think will be a great new investment in the community by a long time corporate citizen. So we are very excited to be here. I do have photos of the existing building that might be of some use. I don't know if everyone has a frame of reference of what this looks but I can certainly pass them out if that will be useful. You've probably driven by this site on North Bedford a million times but it is worth seeing it one more time.

Chairman Boxer stated [inaudible] the two banners.

Mr. Mintz stated yeah. Whitney, would you like a set?

Whitney Singleton stated no, thanks.

Mr. Mintz stated okay, so just a little bit of history on this property. It's a been a car dealership since at least the 1980's, it was a Nissan dealership for a very long time. It currently operates a Volvo/Lincoln dealership. I just want to make that clear that it does operate as a Volvo/Lincoln dealership, there was a period of time where it wasn't operational but it is now operating.

Mr. Spector stated so this is not a current picture, then?

Mr. Mintz stated that is the most updated version on Google Maps. The building is still the same but it's...

Chairman Boxer stated you've been, haven't you, it has a banner here that says Volvo...

Mr. Spector stated yeah, I drove by, it's...

Chairman Boxer stated and a standing sign that says service going this way.

Mr. Spector stated part of it is Lincoln.

Chairman Boxer stated so they're going remain two dealership in one building.

Mr. Mintz stated exactly. The idea is to keep Volvo and Lincoln in the same building and basically bring it up to modern design standards.

Chairman Boxer stated and both manufacturers are okay with that?

Mr. Mintz stated yeah, at this point...

Chairman Boxer stated well sometimes they say, like Toyota had to get rid of BMW way back when...

Mr. Kriz stated it's a negotiation, it takes a while but they both agreed to be there.

Chairman Boxer stated okay.

Mr. Mintz stated so just a little bit on what's existing on the property right now. It's about 2.7 acres site, it's a one-story brick and stucco building. I am going to be using a laser pointer here to point out a few things in the existing site. So, there is a bit of drive aisle at the front of the site, I'm happy to have the public come around if you want to see.

Unknown Female Speaker stated can I come around? I'm just interested. I'm here for another issue but g head.

Mr. Mintz stated that's fine. So there's a drive aisle, let me reorient you, this is [North] Bedford right here, existing building here, if you pull in off of Bedford, you can drive across the front of the building. Right now, this is two way traffic. There is currently no buffer, no landscaping, nothing like that. There are a couple of curb cuts, the first one is right here, that allows you to either come in and across or go up into the main parking. The other one is right here which is almost lined up exactly with the front door of the building. And the other curb cut is actually in the easement area over here. This area is an easement, there's access across, it's all paved and there's...

Chairman Boxer stated who owns the easement area?

Mr. Mintz stated it is owned by Diamond Properties, which I believe is the landowner to the north up here.

Chairman Boxer stated okay.

Mr. Mintz stated there was a topic of discussion and some litigation in the past but this property owner does have the right for ingress and egress and it will be used for ingress and egress as part of this application, so.

Chairman Boxer stated is the easement recorded?

Mr. Mintz stated I believe it is. There was a question about just whether or not the pertinent owner had the ability to use it for more than just ingress and egress but...

Chairman Boxer stated over burdening.

Mr. Mintz stated I'm sorry?

Chairman Boxer stated overburdening, that's probably what they were arguing.

Mr. Mintz stated I was going to say, I don't want to re-litigate the whole thing...

Chairman Boxer stated I do real estate and title.

Mr. Mintz stated okay, great.

Whitney Singleton stated there's a consent judgement, the rights as to what can be done with that.

Chairman Boxer stated okay.

Mr. Mintz stated so just to give you the important part of the building for the purpose of the application today is this corner, it's really the southern corner of the building here. The building itself goes up to the property line which is the line with the easement here.

Chairman Boxer stated right.

Mr. Mintz stated and this corner of the building here is about 22 feet from the front property line, so you'll see that right now the building kind of comes to a point and then the building tapers away from the road whereas the entire length on the side lot is along the property line.

Chairman Boxer stated okay.

Mr. Mintz stated so that is really what we're looking at today. I don't know if you have the proposed site plan next but we can kind of get into some of the improvements here.

Chairman Boxer stated okay.

Mr. Mintz stated alright, so, one of the biggest improvement, well there are a few, let's start with the, what I think is the biggest improvement which is the elimination of a curb, there was, as you might remember, there was a curb cut kind in front of the main entrance under our proposal it will be gone, which you know, eliminating another point of access and two-way traffic on and off of Bedford Road, we think would be great there.

Chairman Boxer stated right, will there be any buffer shrubs or anything?

Mr. Mintz stated yup, that is another one of the improvements. Right along this green patch here is a 5 foot buffer.

Chairman Boxer stated okay.

Mr. Mintz stated right now as you noticed there was no buffer...

Chairman Boxer stated right.

Mr. Mintz stated we're improving it to 5 feet. There's also going to be green space in front of the building over.

Chairman Boxer stated okay.

Mr. Mintz stated the entire, as result of both the removal of the curb cut and other changes in the building here. The circulation pattern in front of the building is going to change. As you might recall it was two-way traffic through here, now it's going to be one way traffic. Effectively, what's going to happen is everyone is going to enter through this curb cut and then they'll have the option to either go up to the parking area or if their vehicle is getting serviced, they can go to the Lincoln service drop-off area or they can go to the Volvo drop-off area here or they can continue through and out through the easement.

Chairman Boxer stated okay.

Mr. Mintz stated so we think that circulation pattern is a huge improvement, just by virtue of making it go from two-way to one way, reducing a curb cut, obviously adding the little bit of buffers, all an improvement. In terms of the building itself, again we're going to be looking at this corner of the building. What you'll see here is again, the building is going to be a long, basically, effectively they're rebuilding in the same footprint to the greatest extent possible. So the building on the side lot is going to remain in the same place, building down on the side facing the front towards Bedford Road will be 20 feet away from the road, so the setback environment in the zone is 20 feet, it's in the CL zone. There is a small portion of what's called an entry portal that's going to go over the setback, it's about a 2 foot area that's right here, you can see this little brown spot, right there. So that one of the variances, so it's worth now kind of lining up and going through the four variances that we're requesting tonight.

Chairman Boxer stated right.

Mr. Mintz stated the first one is this one which is related just to the 2 feet about that the entry portal is going to go over the setback line. The other is that there is a 10 foot front yard buffer requirement, as you recall there is currently no buffer.

Mr. Miley stated 20 foot.

Mr. Mintz stated 20 foot, pardon me, thank you. Now there is 0 and now it's going to be 5 feet. On the side yard, it is a 10 foot setback requirement, obviously there is not setback currently, that is going to remain the case. And there is a 5 foot side yard buffer requirement and that again will remain 0. So those are the four variances that we're requesting here today. Those are in section 110-19 C 5 and 6, if you're looking for them in your Code. One thing before I kind of move on to the 5 factor test and benefit to the applicant versus detriment to the community, I did want to show some pictures of what this portal looks like. So you can get a sense in particular of that one variance. This is a previously approved, is that correct?

Mr. Kriz stated correct.

Mr. Mintz stated version of the portal. So the portal, the standard dimension for the portal is it extends 5 feet out from the door. Effectively what premier is doing in this case is going to be requesting a variance from Volvo standards. The 5 foot standard comes from Volvo, from the manufacturer and they're required from the manufacturer and they're required from the manufacturer to have at least 5 feet of this wood frame design here. They're going to be asking for relief from those standards from the manufacturer, my understanding is you've gotten this done at least on one occasion in the past, so they are hopeful. Assuming we get approved here, then they can get that approved from the manufacturer as well.

Chairman Boxer stated okay, is it going to be a silver building like all of the other car dealerships?

Mr. Mintz stated we can do some, we can show some renderings. So these are proposed renderings, you'll see this is kind of coming from the Lincoln side of the building, so. They each have their own aesthetic but you can see this is service entry here, dealership entry here, that's the service entry for Volvo and then you've got the main Volvo building over here. It may be worth showing from the Volvo side as well, because the Volvo side looks substantially, I would say different, relative to what's there now. Much more modern looking design and I think it would be a great aesthetic improvement to the existing building that you have in front of you right now.

Chairman Boxer stated have you asked for, have you applied for the signs to get them approved?

Mr. Mintz stated we have not done that yet.

Chairman Boxer stated okay.

Mr. Mintz stated and we are in front of the BAR next week, so there are still more steps to go.

Chairman Boxer stated okay, gotcha, just checking and then you'll be back here.

Mr. Mintz stated I'm sorry?

Chairman Boxer stated and then you'll be back here.

Mr. Mintz stated that may very well be the case that we are. Anyway, I wanted to go through the 5 factor area variance test as well as just generally the benefit to the applicant weighed against the detriment to the community. I would argue that there really isn't any detriment to the community in this case. You've got an existing use that will remain in place and just the building itself will be greatly improved and you're going to be getting closer to some of the standards that are already in place in terms of the front yard buffer, without really losing much. The only thing that's really being added on here is this 2 foot portal. Again, by virtue of percentages or gross distance, however you want to measure it, it is a relatively small request in the 20 foot setback. As far as benefits go, not only are you getting the aesthetic improvements, you're getting the traffic improvements and you know, it is giant reinvestment in the community by the company to effectively rebuild this building. So just going through each of the five factors, as far as undesirable change to the neighborhood, we would say that there isn't any. We would say again this isn't really going to change the character of the neighborhood at all, it's going from a car dealership to a car dealership. As far as feasible alternatives go, my understanding is that the design team has looked at ways to use the property in a different way and really utilizing the existing footprint is the most effective way to fit this site on here and meet manufacturer standards, have it actually be a functional car dealership and not actually have to do anything else that disturbs the site. In terms of substantiality of the variances, I would again say that the front yard, the front setback variance, I would say it's not substantial, it's 2 feet in a 20 foot area. As far as the front buffer variances goes, again, because we're improving the existing conditions, we feel that this is an overall benefit, it's important to look at the substantiality with the benefits and detriments in mind. And I know that the side yard and side buffer were remaining at 0 but you may have seen the legal memo that was included that there's case law that shows you can give a 100% variance, it's been approved by other Boards and by the second apartment. I'll be totally candid, I think some of the case law I cited in there, I stole from a memo that I saw come out of your office there, Whitney, very much appreciate it there.

Mr. Hoyt stated I hope that radio tower wasn't in Mount Kisco. That was one of the examples in there.

Mr. Mintz stated was it? But anyway, so those, that is the third factor. As far as environmental impacts, again, we would say that we were really again using this site that it's being used now. We don't anticipate any new impacts. And as for self-created hardship, the building is what it is right now. We're trying to do our best with what it is without disturbing the site further. One other point that I do want to make just about the side yard again because I do fully appreciate that we're leaving it at 0. One of the benefits perhaps of having the easement there is that it will create the appearance that there is a side yard. There's not going to be a building next to another building which I know is one of the big concerns associated with

having a 0 foot setback. In this case, you'll have the easement there that separates the 271 building from the 269 building, which is over here.

Chairman Boxer stated so they're going to move the Volvo service out of the easement area where it is now? Don't people go into that off the easement area to get to the Volvo service.

Mr. Mintz stated so people will be able to go in and out of this area, if that what you're, I'm not sure I understand what you're saying.

Chairman Boxer stated I'm saying that it's going to be better because you won't have everybody going on the easement to get to the service area.

Mr. Mintz stated to get to the service drive, totally correct. The service, everyone will do service drop off through the main part of the property here.

Chairman Boxer stated okay.

Mr. Kowalski stated the service for Volvo will be coming through here, coming through the front and Lincoln service is here, service drive.

Chairman Boxer stated what's the back? Storage of the cars?

Mr. Kowalski stated it's actually the service department.

Chairman Boxer stated oh okay.

Mr. Mintz stated so there are a couple of procedural things I wanted to go through really quickly as well, while we've got you. As far as SEQRA goes, this is currently undergoing an uncoordinated review, so we will be asking your Board to make a SEQRA determination as well. Again, I would say that there's not, this will actually not result in any significant adverse environmental impacts. Again, we are effectively keeping the same use in place, adding some news greenery, otherwise it's mostly going to remain the same. Just a little bit more in the procedural history, this application started in front of the Planning Board back in May, went through conceptual review, has been back and forth with the Planning Board a couple of times. At the June 24<sup>th</sup> public hearing on this matter, that's when the referral was made to your Board, we since applied and for what it's worth, I believe that a positive recommendation was made by the Board as far as the site design goes. There's still some things, the public hearing is still open in front of the Planning Board and there's still some minor issues that I believe are being discussed but otherwise we expect this design to remain mostly in place at this point.

Chairman Boxer stated okay.

Mr. Mintz stated the final thing is on notice. In complete candor, I noticed this hearing for 2 days ago. So I would recommend, that was, they scheduled for, I would asked that this be left open and re-noticed again for the future date to make sure that this is not a procedural issue that comes up at a future hearing date. I'm happy to provide the notice that I did give, it was published but...

Chairman Boxer stated do you have any problem with that Whitney?

Whitney Singleton stated you mean taking action at a later date?

Chairman Boxer stated no, he noticed it the wrong day, so he's going to re-notice it for the next time they come in.

Whitney Singleton stated my recommendation for you would be for you to act at the next date since you also don't have a Short Form EAF, do they?

Mr. Mintz stated I apologize.

Whitney Singleton stated I just checked with Michelle, there's not SEQRA filings for this application.

Mr. Mintz stated understood, we can certainly re-file. I am happy to include that as part of the upcoming submission. Otherwise we do have the whole team here, I don't know if the Board has any more questions or feedback we can get at this point, obviously if there is anything we're here, we're happy to answer anything you may have.

Chairman Boxer stated can you put what it will look afterwards, again? Okay. Any questions?

Mr. Spector stated on the procedural side, since they used the wrong date in the original public hearing notice, is this presentation null and void or is this...

Chairman Boxer stated informational.

Mr. Spector stated it's informational versus...

Mr. Mintz stated yeah, we're happy to take you through as much of it as necessary, again.

Mr. Spector stated I know that we can't do any, conduct any business based on this [inaudible] but...

Whitney Singleton stated let me comment on a couple of things. They can represent, if they already have the material, my suspicion that public participation will be pretty limited, it's been pretty limited to date. And the Board, I would agree with Zach that there's general support for this component of the application. I would point out one or two things though, about the application and maybe Peter is better to do this than I am but I'll just kind of point out to you that the, this access here, you have an in and our access here and you have an in and our access here. You have a one way access here, which is the only way that people are going to be able to get out once they get in there. So when people are coming through here to go out, they're not going to have much of an area here to turn, they will be coming across incoming traffic to the extent that there is any and they'll have to get in line with the cars coming out this way. So it makes for a rather awkward or let's just say no ideal situation but I think the best characterization I can give for the Planning Board, there's not a lot of opportunities there.

Chairman Boxer stated right.

Whitney Singleton stated so just, I didn't want you to think that everything was just better and better and better and there's no problems here. This building is enlarged, it's coming closer to the road, and it was leaving less of a path through there.

Mr. Mintz stated again, my only response to that is that I think we are trying to mitigate that by making it one way traffic rather than two...

Whitney Singleton stated yeah.

Mr. Mintz stated and I do full appreciate, this is going to be effectively same as the existing condition and the best that we could to improve it was to reduce one way of traffic.

Mr. Spector stated how much use does that easement get for the other property that it benefits?

Mr. Mintz stated I can't even speak to that.

Mr. Kriz stated Patio.com?

Whitney Singleton stated over here?

Mr. Spector stated is it only for Patio.com or any other properties?

Mr. Kriz stated just Patio.com and the oil company.

Whitney Singleton stated the auto use in the back of the building.

Chairman Boxer stated right.

Whitney Singleton stated and the office is upstairs from Patio.com.

Chairman Boxer stated and in front of Patio.com there is one parking space I think, in the front there.

Mr. Spector stated is it in that easement area, the parking?

Chairman Boxer stated no, it's right in front of the building.

Whitney Singleton stated no.

Mr. Hoyt stated no, it's right there.



Mr. Spector stated okay.

Chairman Boxer stated that's the only problem, somebody is going to try to get into that while they're trying to get out of that.

Mr. Spector stated well there are parking shown in the easement area.

Mr. Kowalski stated they're all parking right here, right now and there is a parking spot in front of Patio.com.

Chairman Boxer stated right.

Whitney Singleton stated the Planning Board is going to get involved in the logistics...

Chairman Boxer stated right.

Whitney Singleton stated the circulation, the traffic safety, I just wanted to point that out to you because it was something that was raised in that they're essentially, the building already sits on that corner, correct, Zach?

Mr. Mintz stated that's correct.

Mr. Kingsbury stated the building sits in the corner.

Whitney Singleton stated it sits right in that corner there, they're enlarging it but they're not really going any closer to the road.

Chairman Boxer stated okay.

Whitney Singleton stated or I should say, they're going closer to the road but not inside the setback, not encroaching the setback.

Mr. Mintz stated the corner of the building is effectively going to be the same.

Mr. Hoyt stated the enlargement, the enlargement really doesn't effect that traffic flow, does it?

Mr. Spector stated it's 2 feet.

Mr. Hoyt stated I mean it's more aesthetic, assumes...

Mr. Mintz stated I would agree.

Whitney Singleton stated you're just going to see, I think you're going to see more traffic coming in here because if you want service for Lincoln, you're going to have to go in here. If you want service for Volvo, you're going to have to go in here. And that's where everyone is going to have to enter...

Mr. Spector stated where do they leave from the service?

Whitney Singleton stated through the back and around.

Mr. Kingsbury stated they leave through the back for Volvo here and here. And the employees will be taking those cars back to the bay stations.

Mr. Hoyt stated so this current plan, was this the plan you originally submitted way back when, to whatever Board you first started with?

Mr. Mintz stated originally back in May to the Planning Board, I think it has been slightly modified, I don't know, I can't...

Mr. Kingsbury stated we have modified the front entrance per discussions with the Planning Board.

Mr. Hoyt stated for the traffic flow?

Mr. Kingsbury stated the traffic flow is modified because originally we had all three curb cuts remaining at one point and then...

Mr. Hoyt stated I see.

Mr. Kingsbury stated and now we have a larger, a wider landscape buffer and one traffic with a stop sign out here, so cars could have an easier time turning around then as is in the existing conditions.

Mr. Hoyt stated and you're not, your and the Town interests are aligned as far as customer satisfaction getting in and out. You're not worried that what you're describing here is going to cause your customers to be upset?

Mr. Kingsbury stated well what happens now is the employees take the vehicles and they line them up here right now and the customers take their cars and they make this turn now.

Mr. Hoyt stated even though you've got, and your plan, your original plan had three curb cuts, I assume you weren't thinking those curb cuts are gravy because they mitigate that corner turn, that wasn't in your thinking. You were just probably leaving it alone, right?

Mr. Kingsbury stated originally we were leaving it alone as it progressed with different circulation patterns and different ways we would accommodate vehicles moving in and around the site.

Mr. Hoyt stated so you're not worried about this issue? It's not too concerning to you?

Mr. Kingsbury stated as it being a current issue.

Mr. Hoyt stated well worse because as Whitney's saying, more cars are coming in at one and there are potentially more cars flowing out into that. Again, your interest are aligned with ours in this instance.

Mr. Mintz stated can you put the other one up? This might help explain a little. I think what is anticipated is that vehicles will come in here primarily to get into the service drives. I don't think that there's going to be some great explosion of the new vehicles that are just going to be driving this way. I think that most, if the vehicles are parking to use the dealership, they would be directed to go around and use the customer parking in the back. As a matter of fact, I believe one of the changes that was made recently was that there was an additional sidewalk in the back of the building, so that, you know, it's assuming that customer parking will all be happening back in this area.

Mr. Hoyt stated so who's going to be driving through? People servicing are going to cut in, customers, new customers that want to buy a new car are going to be parking in the back?

Mr. Mintz stated correct. There's handicap spaces, I believe, which is what we want to make sure that there...

Mr. Hoyt stated so in theory, there's not that many people coming through.

Mr. Mintz stated right, that's...

Mr. Kingsbury stated well, anyone parked in the back, will leave this way?

Mr. Hoyt stated I see, that's what you said. Why can't they leave the other way? I'm sure you've gone through this many times but is there a better way for them to leave? That's another question.

Mr. Kingsbury stated well anyone parking in the back, the upper portion of the lot, they would have to go down the ramp to go out the easement.

Mr. Hoyt stated I'm just wondering if that solves the problem, other than them getting lost back there?

Mr. Kingsbury stated Tom, do you know if that gate is open?

Mr. Kriz stated I think that grade is just too steep and not really meant for...

Mr. Kingsbury stated this is an easier turn to come over here.

Mr. Spector stated what about trucks with parts or car deliveries, are they all...?

Mr. Mintz stated I believe that's happening all off site.

Mr. Kriz stated we're working on that right now, car deliveries are not going to take place on this site. Car carriers, we have a location off of Norm Avenue near Kohl's where all the new car deliveries are made and we drive them over to this site.

Mr. Spector stated and parts trucks?

Mr. Kriz stated parts trucks, I think are vans. We just have vans that come in and drop parts off. Our main parts delivery is at night, at like 3 or 4 in the morning. I'm not sure how big that truck is actually. He's in the middle of the night when they come in and out.

Chairman Boxer stated that's an improvement, they won't park in the middle of the road...

Mr. Kriz stated that's been a big issue with the Planning Board.

Mr. Mintz stated yeah, I've heard that that's historically been the case.

Whitney Singleton stated that's not a problem. Peter and I were looking at the site plan from 1989, they said it wouldn't happen.

Mr. Mintz stated is that right? It's on there? Overall, we do think that this will be an improvement for customers over what exists now.

Mr. Hoyt stated I thought your memo was or Whitney's memo or somebody's memo was very persuasive.

Chairman Boxer stated okay.

Mr. Mintz stated if there's any other material, I know there's a deadline to get material back in front of you on Tuesday, obviously an EAF would be included. If there's anything else, I'm happy to hear from staff or staff, if there's anything else, otherwise we'll update and be back.

Mr. Miley stated not from me.

Chairman Boxer stated good.

Whitney Singleton stated so, we'll put them on for the next meeting. They will submit, if you can just, so I can update your resolution, just submit whatever you're submitting electronically to me.

Mr. Mintz stated absolutely.

Whitney Singleton stated and I...

Mr. Miley stated and re-notice.

Whitney Singleton stated yeah.

Mr. Mintz stated I was going to say if you want the original notice, when I sent it out it was the...

Whitney Singleton stated I don't know to what extent the Board wishes or you wish to have some canvassing of the Board...

Mr. Mintz stated if you permit it, then certainly, I feel like...

Whitney Singleton stated well I mean, that's up to them. I think they seem rather receptive.

Mr. Hoyt stated what do you mean canvassing?

Whitney Singleton stated in other words, before they come back, like generally when applicants are coming back, they like to get a sense of where the Board sits. Whether you're prone or poised to act positively or negatively on their application, so that they know when they come back and there's only three people sitting here, whether or not to adjourn.

Chairman Boxer stated yeah, go ahead.

Mr. Spector stated I take comfort with the fact that you're before the Planning Board on this project and I feel that they are probably addressing many of the issues that are our concerns from a design standpoint,

traffic flow and aesthetics. So I'm, as far as variances, I'm fairly, I believe at this point I'm positively inclined.

Mr. Hoyt stated same here.

Ms. Coyne stated yeah, I agree.

Chairman Boxer stated okay.

Mr. Mintz stated I hope you're all here next month.

Chairman Boxer stated unless the Planning Board makes you a whole sale change.

Mr. Mintz stated right.

Mr. Spector stated there are no religious holidays next month.

Chairman Boxer stated okay, thank you.

Mr. Kriz stated thank you.

Mr. Mintz stated thank you.

Mr. Hoyt stated somewhere in the world there is.

Mr. Spector stated and there are some minor ones coming up.

Chairman Boxer stated okay, so the last one is Spring Street. Anybody here for Spring Street?

**5. John J. Annunziata, P.E.  
116 Spring Street  
Mount Kisco, NY 10549  
(SBL) 80.56-3-4**

**Case# ZBA18-13  
Area**

Mr. John Annunziata, P.E. was present to represent the owner.

Mr. Annunziata stated John Annunziata.

Chairman Boxer stated would you like a chair? Do you want a chair to sit?

Mr. Annunziata stated no, I'm okay, I'm fine.

Chairman Boxer stated alright.

Mr. Annunziata stated my name is John Annunziata, this is Celedonio Lopez, he is the owner of 116 Spring. And I am representing him and actually have been the applicant.

Chairman Boxer stated okay.

Mr. Annunziata stated and we also put together these drawings. The building is a small nonconforming building. I brought a couple of photos along just to give you an idea of what the current building looks like, if you can just pass them down. And what we've chosen to do is not go beyond the building lines, just build up and put a second floor and an attic above that and put some new siding on and so some of that the folks in the Architectural Review Board requested. And what I did was took one of elevations, this is the front elevation, probably the one that can be seen most, I just colored it up for effect. So basically what we're doing is doing a second floor addition on a small building to make it a little bit bigger, staying within the footing, the lines of the buildings so to speak. And so we know the original building is nonconforming and the verdict on you know, trying to do this was it's a nonconforming, so we have to go before Zoning, so here we are. We have our plans...

Chairman Boxer stated how many families are in there now?

Mr. Annunziata stated I'm sorry?

Chairman Boxer stated how many families are in there?

Mr. Annunziata stated just the one family.

Chairman Boxer stated one family.

Mr. Annunziata stated yeah.

Chairman Boxer stated so that's going to stay one family?

Mr. Annunziata stated it's going to stay one family. There's two bedrooms on the second floor, and you know bathroom on the second floor, one of the first floor and there's a bedroom there. And it's small...

Mr. Hoyt stated and its nonconforming why, right now?

Mr. Annunziata stated I'm not quite sure exactly but I know the offset dimensions aren't you know what would be conforming.

Mr. Miley stated Chairman, it's a noncomplying lot, meaning dimensionally it's not in accordance with today's Code. In addition, the building structure itself is, you know, close to the property line, existing. These are existing conditions and the proposed addition does not encroach the current setbacks with respect to front, rear, side.

Whitney Singleton stated so it's the area that the lot is 5,854 square feet where 6,250 is the minimum.

Chairman Boxer stated okay.

Mr. Hoyt stated because that drawing looks like you're moving it out to the left there but you're not, you're saying.

Mr. Annunziata stated it's actually over part of the foundation, of the original structure.

Chairman Boxer stated it will be to the side over here.

Mr. Hoyt stated so it's wider than the current house or am I wrong about that?

Mr. Annunziata stated no...

Mr. Spector stated that's certainly the way it looks in the picture, yeah.

Mr. Miley stated page three gives you the dimensions.

Mr. Lopez stated show them my survey.

Mr. Annunziata stated this is the first floor and what we've done with the second floor is just plop it right here. So we're not going beyond...

Whitney Singleton stated is that a term of art plop it right here.

Chairman Boxer stated its an engineering term.

Mr. Annunziata stated this is the second floor.

Mr. Hoyt stated is it extending from the current left wall?

Mr. Spector stated it's not extending beyond the actual wall of the house itself.

Mr. Annunziata stated no, it isn't, we're just going over this wall.

Ms. Coyne stated because the application says a minor expansion of the first floor, as well.

Mr. Annunziata stated well let's see what do we have expanding the first floor, this part of it here...

Mr. Miley stated yeah, that's correct.

Mr. Annunziata stated and that part here.

Mr. Spector stated so it does.

Mr. Annunziata stated we're going on this side, where there's plenty of room. But we're going up on the side where we're narrow. Let's see if I can, that's the picture of that there. This is the side where the expansion is going to be.

Mr. Lopez stated only a little bit here and a little bit here. That's it, only over here. A little bit here, in line with, this is existing. A little bit here and a little bit here. 10 feet from the property line here.

Mr. Hoyt stated is it really like this, that's what it looks like on that map. Can't draw on this thing, that's the wall, right?

Mr. Lopez stated this is the front, but this is the back. I have a stake 5 feet from existing to here and here. You can see here from the survey, this is the existing building.

Mr. Hoyt stated oh I see, I can't even see that little 7 there.

Mr. Lopez stated this is the existing building. Only a little bit here, in light with the property line and here too.

Mr. Hoyt stated that makes it look very impressive, that drawing.

Mr. Lopez stated yeah but this is the little bit. A little bit here and a little bit there. I think 5 feet, I don't remember.

Mr. Hoyt stated so this is going to go up here, right?

Mr. Lopez stated yes, and this will go out here, like this.

Mr. Hoyt stated and the second floor extends all the way to the front or just the side?

Mr. Lopez stated no, no, the back.

Mr. Miley stated Chairman, page 3 explains it really well. Why don't you take this and show them. The existing house and the hash shaded mark is the new addition that goes over it to kind of get a sense of what's new.

Mr. Hoyt stated yes.

Mr. Miley stated that's the footprint of the existing home and...

Mr. Hoyt stated is that the same property?

Mr. Annunziata stated it's a very deep property. Skinny and deep.

Mr. Hoyt stated narrow and deep.

Mr. Spector stated and the parking for this property? Is it that or is it, is it here or is it here?

Mr. Lopez stated it's here.

Mr. Spector stated oh that's the parking.

Mr. Hoyt stated it's kind of overgrown right now in this photo.

Chairman Boxer stated do you know exactly what variances you need?

Mr. Annunziata stated let me see what I responded to. One of the variances says that, there was a concern whether this was going to create any kind of hardship for anybody and I didn't think anybody in the neighborhood would have a hardship in this building getting a little bit bigger. A little building getting a little bit bigger and I think that we are, the problem is we don't have the offset dimension on what would be the north side. The other sides, I'm not sure, I think the front is a little tight.

Whitney Singleton stated why do you, sorry to interrupt you, why do you say you don't have the, when you say the offsets, you mean the side yard setbacks?

Mr. Annunziata stated I'm sorry?

Whitney Singleton stated when you say the offsets, you don't, the setbacks...

Mr. Annunziata stated the setbacks, right.

Whitney Singleton stated for the proposed addition or existing?

Mr. Annunziata stated they remain the same.

Whitney Singleton stated are you not proposing an addition?

Mr. Annunziata stated so we're nonconforming to begin with and we're continuing the nonconformance.

Mr. Hoyt stated you're talking about the north wall, the north side...

Whitney Singleton stated the north side, what's the hashed area there?

Mr. Miley stated that's the new addition above.

Whitney Singleton stated that's the new addition, so it's being setback 10.25 feet...

Mr. Miley stated it's within the setbacks.

Whitney Singleton stated your required setback is 6 feet and you have 10...

Mr. Miley stated your noncomplying structure is 5'-6"...

Whitney Singleton stated 5 feet 6, I get that but the addition is going to be compliant?

Mr. Miley stated correct.

Whitney Singleton stated okay.

Mr. Annunziata stated and the other part, let's see it says no building or structure which is noncomplying with respect to...

Whitney Singleton stated that's fine, I just wanted to clarify what was existing.

Mr. Hoyt stated the house tilts toward the line. It doesn't matter now, it's existing.

Mr. Spector stated it's all preexisting.

Whitney Singleton stated and your addition is also going to meet the front yard setback and it's going to meet the other side yard and the rear.

Mr. Annunziata stated it's back further than the existing front wall.

Whitney Singleton stated the only thing that jumps out to me is that they are and maybe Peter can confirm this for me. As maintaining a single family residence, they don't have any increase in the parking requirement which is currently not provided for, however, that would mean that they could not convert in the future to a two-family house.

Mr. Miley stated unless they receive a variance.

Whitney Singleton stated because it would exacerbate the parking problem.

Mr. Miley stated exactly, he would need 4 spaces in a typical two-family.

Whitney Singleton stated so I can incorporate that in my resolution if you'd like.

**Loretta Neuhaus** stated what is the grade the property, the grade down?

Mr. Miley stated I'm not sure. I don't have a topo map here, I couldn't tell you. The applicant could probably answer that but I would ask the Chairman to address the applicant.

**Loretta Neuhaus** stated I was curious the grade behind the house, does it slope downward?

Mr. Annunziata stated it does.

**Loretta Neuhaus** stated how steep is it?

Mr. Annunziata stated in terms of degrees, it's you know, I don't know about 10 feet or so difference in elevation or 15, it's not as much as 15. It's a very deep lot, so...

**Loretta Neuhaus** stated it's deep but I live on West Street and we have tremendous drainage problems created by Spring Street. So I just point that out, that those are issues when the rains come and they're not provided for, they just come right down to the people all along the street.

Mr. Spector stated it doesn't sound like this is creating any additional impervious surface though.

**Loretta Neuhaus** stated no, it doesn't.

Mr. Miley stated no, Chairman, can I comment on that?

Chairman Boxer stated sure.

Mr. Miley stated this is not a full set drawing. When they do additional square footage, they'll have to account for the stormwater and contain it on site. So it will actually improve the area because they'll incorporate all of the leaders into one collection or two collection chambers that are on site.

**Loretta Neuhaus** stated okay, that's good, that's positive.

Mr. Miley stated it will improve any water flow that descends towards West Street.

**Loretta Neuhaus** stated okay, that would be good. That's important.

Mr. Annunziata stated okay.

**Loretta Neuhaus** stated yeah.

Chairman Boxer stated do they have to come back before us once they get the new drawings?

Mr. Miley stated the new drawings are not for this Board, that's for the engineering.

Chairman Boxer stated right, okay, that's what I thought.

Whitney Singleton stated I'm just going to pull up the topo for steep slopes.

Mr. Spector stated what's the difference in square footage between what's there and what will be there? Are you able to...

Mr. Annunziata stated do you know off hand the square footage?

Mr. Lopez stated now it's 700...

Mr. Spector stated 700 square feet.

Mr. Lopez stated yes, very tiny.

Mr. Annunziata stated it's not doubling it.

Mr. Spector stated I can see that.

Mr. Lopez stated not double, no.

Mr. Spector stated maybe around 1100?

Mr. Lopez stated probably.

Mr. Spector stated anyway you look at it, it's a small house.

Chairman Boxer stated yes.



Mr. Hoyt stated staying smaller. You wonder what the other houses on that street were when this built, what this was, this monstrosity here.

Whitney Singleton stated there's some very steep slopes in there. The red is 25% grade.

Mr. Hoyt stated how would they go about in the future, increasing more parking spots, how would you do that in a house like this?

Whitney Singleton stated want to zoom in? I can show you better.

Mr. Miley stated they would have to construct probably in this case a retaining wall, driveway and parking spaces that have the ability to turn around, it would be a significant improvement. I mean anything can be accomplished but it would be so cost prohibitive that I don't think it would be done. There are significant costs involved.

Whitney Singleton stated you can see where the existing house and guesstimate how far back they're going to go.

Mr. Annunziata stated the second floor addition is about 414 square feet. I mean that's even exaggerating it a bit.

Mr. Hoyt stated does the house have a basement?

Mr. Lopez stated yes.

Ms. Coyne stated a full basement?

Mr. Lopez stated yes, a full basement.

Mr. Annunziata stated the basement plan does show the extension, the enlargement. It doesn't, on the side, it doesn't go beyond what exists and with the back, I don't know that that's so much an issue. So anyway, we hope you find our request grantable, so we can go ahead with our project.

Chairman Boxer stated so they need three variances now. Minimum lot width, supposed to be 50 and they have 30, so they need a 19 foot variance. Side yard is 6 and they need 10, so that's a 4 foot. And the front yard is 30 and they have 6.8, so they need a very big on there 23.2. But the way I look at it, what is being proposed is not going to change any of what's there already, they just need the variances now because it is nonconforming to begin with.

Mr. Annunziata stated and you have offsets to the front porch and what did after spending some time with the Architectural Review Board was to dress this up and make it look more acceptable and certainly more desirable. So we did a frame roof and we did floor columns instead of 3 of the supports, the metal supports that were there, so.

Chairman Boxer stated okay.

Mr. Annunziata stated and that doesn't change the offset business but...

Chairman Boxer stated right. Whitney, you have anything?

Whitney Singleton stated just for my own edification, it's not a legal issue, I'm just... Can you just point out, this is the existing structure and this is the addition?

Mr. Annunziata stated right, right, this is plopped right over it.

Whitney Singleton stated okay.

Mr. Annunziata stated this part is new as far as what existed previously...

Whitney Singleton stated so you're going to come out a little bit from the southern side, okay.

Mr. Annunziata stated yes.

Whitney Singleton stated and it's going to overhang...?

Mr. Annunziata stated well we put a new foundation up.

Whitney Singleton stated okay, so you're going to go out on that side.

Mr. Annunziata stated right.

Whitney Singleton stated going back there. So as we look at the aerial, you're not going to go, encroach into any of the steep slopes from what is presently there.

Mr. Lopez stated no, no, no.

Whitney Singleton stated so you're not going any further back. You're going up. You're not going inside the 31 feet, you're not going inside the 6...

Mr. Annunziata stated no.

Whitney Singleton stated you said you are going to go 5.6 though.

Mr. Annunziata stated that exists.

Mr. Lopez stated that is existing.

Whitney Singleton stated oh that's right, you're going to go 10 now and 14 there.

Mr. Annunziata stated we're inside of that, right.

Whitney Singleton stated I got you, okay.

Mr. Annunziata stated this is where we come out here and this is where we'll come out. So there's a little more room and we trying to take advantage of that.

Whitney Singleton stated and is that an off-street parking space for you? Because it doesn't show it on the plans.

Mr. Annunziata stated what's parking there? I forget...

Mr. Lopez stated only one, I think one parking is in the front, in the side, right here.

Whitney Singleton stated it's just now shown on your survey.

Mr. Lopez stated right, not shown on the survey.

Mr. Annunziata stated it's really not like a, you know a paved driveway...

Mr. Miley stated I don't know that that's an actual, I don't think that's an actual driveway. Is it gravel that was placed there?

Mr. Lopez stated blacktop.

Mr. Miley stated is it blacktopped?

Mr. Lopez stated blacktop was there.

Mr. Miley stated when you purchased it originally or did you add it?

Mr. Lopez stated I can see, it was a big mess you know, I cleaned up and I can find the blacktop under...

Mr. Miley stated when you purchased the home was the blacktop already there or you added blacktop?

Mr. Lopez stated yes, already there.

Mr. Miley stated okay.

Chairman Boxer stated anymore comments, ma'am?

**Loretta Neuhaus** stated no, thank you.

Chairman Boxer stated any comments from us?

Mr. Spector stated no, if anything I think this may, I mean right now the house is more like a bungalow than it is a house in a residential area. So I think if anything it may become more in line with the community and the character of the neighborhood by enlarging it a bit. So, even though the technical need for variances exists, I think they're appropriate under the circumstances, minimal improvement of the enlargement, mainly a second floor.

Chairman Boxer stated it is specifically for this type of lot, so it's not going to create any further people trying to get second stories.

Mr. Spector stated I don't know if we have too many 700 square foot houses in the Village.

Whitney Singleton stated what would probably be helpful for the Building Department and your benefit and my benefit and Peter's benefit, is to put some conditions or acknowledge what's in there, that there is a single parking space on the property as an existing condition. And it, I am able to confirm, you purchased in 2017?

Mr. Lopez stated yes.

Whitney Singleton stated okay, I can confirm for you, in 2013 there is a car parked in the very same spot.

Mr. Miley stated there is a curb cut, there is.

Whitney Singleton stated its existed, it's not something that was initiated by the applicant and I can also reference the fact that it's an existing single family, with only the one car spot, so that it can't be modified after the fact.

Chairman Boxer stated right.

Mr. Hoyt stated I agree, it's important. I second what he said, I think it's in character with the street, it's out of character now oddly, being so small.

Mr. Annunziata stated you're right, that's why I brought the picture along because I think it shows how it's overshadowed by the building next to it.

Mr. Hoyt stated yes, that's an unfortunate building. But just on the street in general, that's unusual, a very small building.

Mr. Annunziata stated yeah.

Mr. Hoyt stated not that small buildings aren't nice but I agree it fits within the character of the street, as modified.

Mr. Annunziata stated yeah.

Chairman Boxer stated so the three conditions you had are variances for the plans as presented, if there's any change you have to come back to us.

Whitney Singleton stated I'll tighten that up a bit, reference the parking spot and single family home.

Chairman Boxer stated and they're not going to increase the nonconforming coverage and it doesn't constitute authorization to encroach onto the other properties. So we need to take a vote on the three variances requested, I think we can do them all together.

The Secretary stated close the public hearing?

Chairman Boxer stated I will. Trying to urge people along, okay. There's no more comments, so can we move to the close the public hearing.

Mr. Spector stated so moved. Seconded by Mr. Hoyt.

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

Chairman Boxer stated okay, and as to the variances requested? Okay.

Mr. Hoyt stated I move. Ms. Coyne seconded the motion.

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

Mr. Annunziata stated thank you very much.

Chairman Boxer stated Whitney will give you the formal resolution.

Mr. Hoyt stated good luck.

Mr. Lopez stated thank you, thank you very much.

Whitney Singleton stated except that application falls under the category of it can't get any worse than this.

Chairman Boxer stated right. Okay, anybody want to go home?

Mr. Spector stated is there a game on tonight?

Chairman Boxer stated the Yanks play Boston again.

Mr. Spector stated and the Jets are playing tonight.

Whitney Singleton stated Jets are tonight?

Chairman Boxer stated yes they play the Browns.

Mr. Hoyt stated 10 minutes ago, 8 minutes ago, not that I'm counting.

Chairman Boxer stated there's a beer distrubtor there...

Whitney Singleton stated motion to close?

Mr. Spector stated I'm sorry?

Chairman Boxer stated there is a beer distrubtor in Cleveland that put 8 different refrigerators around...

Whitney Singleton stated seconded. All in favor?

The motion carried by a vote of 4 to 0.

The meeting adjourned at 8:30 p.m.