

**Village of Sleepy Hollow  
Planning Board Meeting - Approved  
January 17, 2013**

The meeting was called to order at 8:02pm by Glenn Rosenbloom, Chairman.  
The Chair noted that a quorum was present.

Present: Ed McCarthy  
Glenn Rosenbloom, Chairman  
Hugh Jones  
Anthony DelVecchio  
Nicholas Cicchetti  
Penny Herbert

Absent: Isabel Mendez

Also Present: Janet Gandolfo (Village Attorney)  
Sean McCarthy (Village Building Inspector)  
Shailesh Naik (Charles Manganaro/Village Engineer)  
Owen Wells (VHB Engineering/Village Planners)  
Mary Gerlanc (Recording Secretary)

**Announcements** - There were no announcements.

**Proposed Agenda:**

<b>1) Chestnut Petroleum Distribution Inc.</b>	<b>215 No. Broadway</b>	<b>New application</b>
<b>2) C.A.R.S. Inc.</b>	<b>333 No. Broadway</b>	<b>Proposed Paint Booth</b>
<b>3) Approval of Minutes</b>		<b>November 15, 2012</b>

**1) Chestnut Petroleum Distribution Inc. 215 North Broadway** **New application**

This is a new application for a proposed convenience store and alterations.  
Chris Gent, Construction Manager and Scott Parker, Facilities Manager for Chestnut Petroleum Distribution Inc., represented the application.

Chris Gent gave an overview of the application. They are proposing to convert an existing gas station to a convenience-type mart. He stated the existing garage bays would be used as floor space for the convenience store. He stated it was a small lot but the owner would make site improvements such as a new canopy, a new LED sign, a new roof, some landscaping and possibly the addition of some 60-degree parking. Mr. Gent also stated the applicant had reached out to Dunkin Donuts to see if there was interest in Dunkin Donuts

using some floor space for their products at this location. He stated the owner was interested in selling coffee, donuts and breakfast sandwiches. All food would be premade. There would be no kitchen or ovens on-site.

Sean McCarthy asked the applicants to review the improvements to the façade and the site.

Scott Parker pointed out the existing and proposed elevations to the building. He stated the applicant would like to use the existing footprint and peak the roof to give it a more architecturally pleasing look. They would possibly put in a reverse dormer over the front door. They would replace the mismatched brick with uniform clapboard siding and add more trim details. Mr. Parker stated it was a preliminary plan and they would be open to suggestions or comments from the Board.

The Chair asked if the current plan was compliant with all Village codes or if there was a potential need for any variances.

Sean McCarthy stated he would review the parking layout and make sure the required number of spaces was available; otherwise it appeared to be compliant with Village codes. He stated the applicant had removed some tenant parking in the rear in order to achieve additional parking spaces. Plus they were adding a handicapped parking space.

Scott Parker stated the applicant is proposing a curb cut at the rear to install 60-degree parking, which could add two or three more spaces. He stated they would like to provide additional parking because the only parking shown currently on the plans, other than employee parking and handicapped parking, is the parking at the dispensers.

The Chair asked about the intended hours of operation.

Scott Parker stated they don't believe there is a market for 24-hour operation and they are open to discussion if the Board wants to put a time restriction on operation as part of their approval.

The Chair asked if there was hazardous waste to clean on the site.

Scott Parker stated there was formerly an in-ground piston for a vehicle lift, which they would cut open during renovation and investigate if there is any need for environmental cleanup.

The Chair asked if the Village would inspect this area.

Sean McCarthy stated it would be part of the construction plan to show the area to be removed along with any floor drains and during that process if any contaminants are found then they will be mitigated.

The Chair asked how many other locations in Westchester County are owned by the applicant. Scott Parker stated they currently operate 34 locations.

Sean McCarthy asked about the applicants plan for the canopy.

Scott Parker stated they would add a blue stripe around the canopy but there would be no change to the structure.

The Chair asked if there would be a sign on the convenience store. Scott Parker stated they typically only put up a simple, small sign that says Food Mart. If Dunkin Donuts were part of the project, then they would do whatever the code requires for signage.

The Chair asked when the applicant expected to have the work completed. Mr. Parker stated the applicant was ready to begin as soon as they received an approval.

Hugh Jones asked about the square footage of the property. Scott Parker stated that according to their survey, the property was 1488 square feet. He stated the retail floor space would be smaller due to display cases and coolers.

Hugh Jones asked if the inclusion of Dunkin Donuts was part of the approval process or would the applicant have to come back before a Board to obtain approval for Dunkin Donuts. Scott Parker stated that no contracts could be signed with Dunkin Donuts until the applicant has an approved space for Dunkin Donuts to use, therefore they would like to proceed for the approval that Dunkin Donuts could possibly be part of their operation.

The Chair asked if Dunkin Donuts would have their own employees on-site. Scott Parker stated either the owner operates the store or Dunkin Donuts picks a franchisee and that person has to be involved with the store. So there would be a separate employee for the Dunkin Donut portion of the store and typically the Dunkin Donut portion would close before the rest of the store closes.

Discussion ensued about hours of operation of the store.

Edward McCarthy asked how many employees would be on the site. Scott Parker stated there could be 1 to 4 employees depending on the hours of operation but typically at least two people at all times. Mr. Parker also stated the company installs full camera systems and security and would meet with the police department if necessary.

Anthony DelVecchio asked where the employees would park. Scott Parker stated they would put employee parking in the rear.

Anthony DelVecchio asked if there would be a rear entrance. Scott Parker stated the back entrance would be for employees and deliveries but not patrons.

Mr. DelVecchio asked if the vehicles entering from North Broadway would have to drive by the front entrance. Scott Parker stated they would like to move the entrance door towards the center of the building so it is not located where the cars would pull up.

The Chair asked how this change of business impacts the tax revenue for the Village. Sean McCarthy stated there might be a slight change due to building improvements. Janet Gandolfo stated the tax assessment was based on the size of the building. Chris Gert stated there might be more sales tax revenue.



to move the point of emissions further north towards Route 9 to direct the emissions away from the residents.

The Chair asked if the Village knows if Westchester County has granted approval to the other entity in the Village conducting similar work.

Sean McCarthy stated that the one other business that does painting and automotive bodywork has an approval from Westchester County and the business is regularly inspected by Westchester County. Their system of painting is a grandfathered system and if this business modified it in any way they would have to go through the same application process from Westchester County.

The Chair asked Mr. Torena if the way he paints cars is consistent with what other businesses do in this area.

Mr. Torena stated that Westchester County was not concerned with the way he paints, they are concerned with the point of emissions and the public safety.

Discussion ensued about prevailing winds and channeling the emissions from the back of the building, which borders on a residential area toward Route 9.

Penny Herbert asked if the Board gave its' approval, how they could control the painting process if the current owner sold the business.

Sean McCarthy stated that conditions could be attached to the Board's approval. Daniel Torena stated he would accept a condition from the Board saying he couldn't paint entire cars.

The Chair asked if the applicant knows where the spray curtain would be located on his premises. Daniel Torena stated the curtain was already installed.

The Chair asked if Mr. Torena would agree to any Board member visiting the premises to see the spray curtain. Mr. Torena agreed.

Janet Gandolfo asked Mr. Torena if the letter dated June 22, 2012 from Westchester County to his engineer was answered in the July 31, 2012 letter.

Daniel Torena agreed his engineer had responded to the County but there were two items the engineer needed to provide to the County.

Janet Gandolfo asked the applicant if there was any follow-up from Westchester County to the July 21, 2012 letter from Mr. Torena's engineer. Mr. Torena did not know. Ms. Gandolfo asked if the engineer would be at the next meeting. Mr. Torena stated his architect would be in attendance.

Hugh Jones stated he doesn't feel the Board has enough expertise to say whether or not the applicant's painting process is safe or unsafe for the Village.

The Chair asked Mr. Jones if he would be comfortable with Westchester County addressing all the issues point by point.

Mr. Jones stated that the experts from the Village should also address the issue.

Sean McCarthy stated it was not up to the Village to determine that what is emitted during the painting process is safe or unsafe, that determination is up to Westchester County Department of Health.

The Chair stated the Board couldn't offer an opinion until Westchester County DOH has vetted all the requirements of the application.

Sean McCarthy stated that the Board also has to consider how introducing this different type of business would affect this property.

The Chair asked why the Board would hold a public hearing without knowing if Westchester County is in agreement that this is a safe plan. Discussion ensued.

Janet Gandolfo asked Mr. Torena why the Village has not heard from Westchester County regarding this application.

Mr. Torena stated the County is waiting for the Village to say they don't have a problem with this type of business and issue a permit. Westchester County would handle the regulation of the emissions.

Janet Gandolfo asked Mr. Torena if he believes the Westchester County Department of Health is waiting for the Board to say that the spray booth is in compliance with the State code.

Daniel Torena stated that the DOH is waiting for the Board to say the business is allowed to be in that area and conforming to their location.

Janet Gandolfo asked if this conforming was in relation to zoning. Mr. Torena agreed.

Ms. Gandolfo asked if Mr. Torena had gotten approval from the County regarding the filtering system. Mr. Torena stated as of this point, he had not received approval.

Ms. Gandolfo asked if he felt he would get the approval. Mr. Torena stated he did.

Janet Gandolfo asked Mr. Torena about the permit he would need from the NYS DEC. Mr. Torena stated it was just a fee and a license once Westchester County gives him an approval. The DEC regulates where the applicant would discard their hazardous waste.

The Chair recommended that the Board makes sure that all approvals necessary from Westchester County are in hand and once that takes place then the Board would hold a public hearing.

Anthony DelVecchio asked about the elevation of the house behind Mr. Torena's property. Discussion ensued about the discharge of emissions and the placement of the roof exhaust fan.

### **3) Approval of Minutes**

**November 15, 2012**

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The Chair made a motion to approve the minutes.  
Hugh Jones seconded the motion.  
The Board approved the minutes.  
Isabel Mendez was absent.  
Anthony DelVechhio abstained.

The Chair asked for a motion to adjourn the meeting.  
Penny Herbert made a motion.  
Hugh Jones seconded the motion.  
The meeting was adjourned at 8:55pm.