

**Village of Sleepy Hollow
Planning Board Meeting - Approved
February 21, 2013**

The meeting was called to order at 8:00 pm by Glenn Rosenbloom, Chairman.
The Chair noted that a quorum was present.

Present: Ed McCarthy
Glenn Rosenbloom, Chairman
Anthony DelVecchio
Penny Herbert
Isabel Mendez
Hugh Jones

Absent: Nicholas Cicchetti

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:

1) Chestnut Petroleum Distributor Inc.	215 No. Broadway	Public Hearing
2) C.A.R.S. Inc.	333 No. Broadway	Discussion
3) Beekman Realty, LLC	110 Beekman Ave.	Preliminary Presentation
4) Approval of Minutes		January 17, 2013

The Chair made a motion to open the meeting.
Isabel Mendez seconded the motion.

1) Chestnut Petroleum Distributor Inc. 215 No. Broadway **Public Hearing**

This is a public hearing for an application for a proposed convenience store and alterations. Scott Parker, Facilities Manager for Chestnut Petroleum Distribution Inc., represented the application.

Scott Parker presented a brief summary to the Board.

The applicant has changed the parking plan since their presentation at the last meeting to increase the number of spaces.

Mr. Parker discussed the elevations and plans for the façade of the building. He asked if the Board had any questions.

Owen Wells asked the applicant to extend the striping for the loading space to make it 350 square feet to meet code requirements. He also suggested the applicant widen the parking spaces to make access easier and extend the striping 18 feet deep to match code requirements. Mr. Wells also asked the applicant if it was necessary to have a curb cut in the back of the property since it would eliminate an on-street parking spot.

Scott Parker stated they would be willing to eliminate the curb cut and make changes to the design of the parking area.

He discussed other ways they would improve the property with landscaping and lighting.

The Chair asked if the applicant needed to provide a new plan incorporating the recommended changes. Owen Wells stated the applicant should provide a plan that would reflect the resolution of the Board.

The Chair asked if the Board had any questions.

Hugh Jones asked if the site plan presented any challenges for the Planning Board.

Owen Wells stated that the applicant's proposed use of the site was an acceptable permitted use for a C1 Zone. The only challenge was the parking requirement (for retail), which is one space for every 200 square feet of retail space, and the applicant has met this requirement.

The Chair asked if the applicant had any further discussions with Dunkin Donuts.

Scott Parker stated that Dunkin Donuts was interested but they would not finalize any agreements with them until they had final approval from the Board.

The Chair asked for a motion to open the public hearing. Ed McCarthy made the motion.

Isabel Mendez seconded the motion.

The Board voted in favor. Nicholas Cicchetti was absent.

There were no comments from the public regarding this application.

The Chair asked for a motion to close the public hearing.

Ed McCarthy made the motion.

Isabel Mendez seconded the motion.

The Board voted in favor to close the public hearing. Nicholas Cicchetti was absent.

The Chair stated the Board would prepare a resolution with the condition that the applicant must get approval from the Architectural Review Board for their plans.

John Lentini and Daniel Torena represented the application.

Mr. Lentini distributed correspondence to the Board, between Westchester County and the applicant.. He summarized the applicant's plan. He also stated they would like to have a public hearing on their application.

Mr. Lentini stated they had submitted plans to Westchester County to move the exhaust point 40 feet towards Broadway.

The County responded with two points:

1. How could the exhaust fan work at 3000 CFM (cubic feet per minute) if it is moved further away from the spray-painting booth.
2. The applicant is now required to submit plans to NYSDEC. They have to enter information into software (Air Guide-1) supplied by DEC to determine an index number, which reflects how hazardous or non-hazardous the emissions would be.

Mr. Lentini stated they would like to move forward with a public hearing and they have agreed to expand the notification area.

The Chair asked how the applicant had addressed Westchester County's comments to the plans sent by the applicant's engineer.

Mr. Lentini stated the engineer was addressing the first comment from the County but the applicant had not yet made their submission to the NYSDEC. They were hoping to move for the public hearing at the same time they made their submission to the DEC.

The Chair asked if Westchester County has given their approval to the applicant's plan.

Mr. Lentini stated that the County was now relying on the NYSDEC and the Air Guide-1 results.

The Chair stated it might be more effective, if the applicant had a document from the DEC stating they were comfortable with the applicant's plan in case the question of hazardous materials is asked at the public hearing.

Sean McCarthy agreed that getting NYSDEC approval would be beneficial to the applicant.

The Chair asked if the Board had any other comments.

Hugh Jones asked how the Board can justify the painting at C.A.R.S. since it is close to a residential neighborhood.

Mr. Lentini stated that even though Route 9 runs north and south – directly in front of Mr. Torena's building route 9 veers to the west and across the street is north and the residents directly behind him are south and the seasonal prevailing winds will blow southerly or downtown and away from the residents.

The Chair stated the applicant should get an approval from the Westchester Dept. of Health, obtain the license from the NYS DEC, then there would be a public hearing and finally the Board would be in a position to offer an opinion.

3) Beekman Realty, LLC 110 Beekman Avenue Preliminary Presentation

Frank Tancredi, architect, represented this application. John Manuele, owner of the building was also present.

Mr. Tancredi stated the owner wanted to reestablish the warehouse portion of the building. When the owner purchased the building it was being used as a warehouse facility.

The Chair asked if this building was ever zoned for a warehouse use.

Mr. Tancredi stated it was not a listed use but the portion with the garage door was always used as a warehouse. Currently that portion has been vacant for three years. The owner has had interest from a local merchant to rent the space. Once the space is generating income then the applicant could renovate apartments on the second floor.

The Chair asked if the current zoning of this building allowed residential use on the second floor.

Janet Gandolfo agreed that the building is zoned for residential and commercial on the second floor but they would need a variance to use it as a warehouse.

Penny Herbert asked why the applicant felt the first floor would not be good for commercial use. Frank Tancredi stated that no one has approached the owner for commercial use, only for warehouse use.

The Chair asked who was the last commercial entity that was using the first floor space. John Manuelli stated it was a company called Stannah Stairlift and they used it to warehouse their parts.

The Chair asked if the applicant had pursued commercial tenants for this space.

Mr. Manuelli stated that due to the fact that this space was vacant for one year, he had to get an approval to rent it again.

The Chair asked what the zoning was for this property.

Janet Gandolfo stated it was zoned for mixed use – residential and commercial.

Anthony DelVechhio asked if the owner was permitted to have retail tenants on the first floor and apartments on the second floor.

Ms. Gandolfo stated that he was.

Sean McCarthy stated that the applicant needs to obtain a use variance not an area variance for the warehouse.

Frank Tancredi showed the plans to the Board and stated the applicant is not doing anything physically to the building.

Penny Herbert asked for clarification regarding zoning change when a building is vacant for a year.

Janet Gandolfo stated the variance was needed not for change of ownership but due to abandonment of the use. The Village Code states if you abandon a non-conforming use for a year, you lose the right to use the property for that non-conforming use. And after a year if you are going to use the property for anything other than what is permitted by the Zoning Code for that area, you have to apply for a use variance.

The Chair stated no one benefits from the property being vacant however the applicant is requesting the Planning Board make a recommendation to the Zoning Board to issue a variance allowing warehouse use in this space which is currently not allowed. He also stated that warehousing in street level properties on Beekman Avenue is not appealing to the Village.

The Chair asked if there were any other steps for the applicant in this process.

Janet Gandolfo stated the applicant had to be referred to the Zoning Board since they are seeking a use variance.

The Chair informed the applicant they would have the opportunity to present their request to the Zoning Board and the Planning Board will share their point of view with that Board.

Frank Tancredi asked what the Zoning Board variance would be if they appeared for warehouse use.

Sean McCarthy stated it would be a use variance not an area variance based on the current application.

Anthony DelVechhio suggested it might make more sense to renovate the apartments first and generate income from the tenants before appearing before the Planning Board for the retail space on the first floor. He also suggested they get the area variances in the meantime.

Mr. Manuele asked if he could have residential on the first and second floor.

Janet Gandolfo stated they could not because it would be a use variance for the first floor to become residential space.

Mr. Tancredi stated they would take the referral to the Zoning Board

4) Approval of Minutes

January 17, 2013

The Chair made a motion to approve the minutes.

Isabel Mendez made the motion. Penny Herbert seconded the motion.

Nicholas Cicchetti was absent.

The Board approved the minutes.

The Chair asked for a motion to adjourn the meeting.
Hugh Jones made the motion.
Isabel Mendez seconded the motion.
Nicholas Cicchetti was absent.
The Board voted in favor.

The meeting was adjourned at 8:50pm