

**Village of Sleepy Hollow
Planning Board Meeting - APPROVED
May 16, 2013**

The meeting was called to order at 8:01pm by Hugh Jones, Acting Chairman.
The Chair noted that a quorum was present.

Present: Ed McCarthy
Nicholas Cicchetti
Anthony DelVecchio
Isabel Mendez
Hugh Jones, Acting Chair

Absent: Penny Herbert
Eliot Martone

Also Present: Sean McCarthy (Village Building Inspector)
Janet Gandolfo (Village Attorney)
James Natarelli (Dolph Rotfeld Engineering/Consulting Engineer)
Owen Wells (VHB Engineering/Village Planners)
Mary Gerlanc (Recording Secretary)

Announcements - Item #4 on the agenda, Beekman Realty, has been deleted from tonight's agenda. Hugh Jones will be Acting Chair for this meeting.

Proposed Agenda:

1) The Salvation Army of Greater New York	90 Valley Street	Continued
2) Maken Land Development	545 No. Broadway	Preliminary Presentation
3) William Simeoforides	404 No. Broadway	Preliminary Presentation
4) Beekman Realty	185 Cortlandt Street	Discussion
5) C.A.R.S. Inc.	333 No. Broadway	Discussion
6) Approval of Minutes		April 18, 2013

1) The Salvation Army of Greater New York 90 Valley Street Continued

William Null, attorney from Cuddy and Feder and Michael Stein, engineer from Hudson River Engineering represented this application.

Mr. Null submitted additional correspondence that addressed the number of parking spaces on the street at the proposed Salvation Army location. He stated they are reducing curb cuts from four to two and increasing on street parking from 10 to 11 spaces. The reason for the curb cut on Valley Street is so vehicles can enter on Wildey Street and exit one way. It gives them a better layout for parking so vehicles do not have to turn around to exit.

Michael Stein addressed the issues that were outlined in a memo from James Natarelli, of Dolph Rotfeld Engineering (see attached).

James Natarelli stated Mr. Stein's comments were satisfactory however he stated one of his major concerns was the surcharge of water at the box culvert during high intensity storm events. Mr. Natarelli stated the Department of Public Works and the Building Department had made him aware that during high intensity storms, water comes out of the manholes onto the street. He stated that the surcharge of water could take up much of the capacity of the proposed stormwater system and might contribute to flooding on the Salvation Army site.

Michael Stein stated they would be happy to sit down with the Building Department to address all the comments from the engineers. They would make any stormwater adjustments needed to accommodate the concerns of the Village.

The Acting Chair asked if the Board had any questions. There were no questions. The Acting Chair asked if there was a resolution prepared for tonight's meeting. Owen Wells stated he had a draft resolution that could be amended for full site plan approval but that decision would be up to the Board.

William Null stated that the applicant would agree to a requirement that all these conditions would be met to the satisfaction of the building department and the Village's Engineer. He stated his client would like to get an approval from the Board tonight because they are paying a significant amount of money to the property owner while they wait for approvals to close on the property.

Janet Gandolfo stated the Board could make the resolution conditional upon the applicant satisfying the Village Planner, Engineer and the Building Department prior to any permits being issued.

Ms. Gandolfo asked the applicant if this matter could be delayed for a month to get a completed resolution. William Null stated he anticipated there would be other details to be discussed when they submitted construction drawings. Mr. Null inquired when the applicant would receive a final signed resolution if the Board adopted a determination at this meeting.

Discussion ensued regarding the timing of adopting a resolution and the adverse effect to the applicant.

Janet Gandolfo asked Mr. Null if the date of the applicant's closing on the property was based on filing the Board resolution or on granting the building permit. Mr. Null stated it was based on the resolution.

Anthony DelVecchio asked if the Planning Board resolution was the last item the applicant needed to proceed with the closing. Mr. Null stated they had received everything needed from the Village of Tarrytown concerning the portion of the property that falls under their jurisdiction.

Janet Gandolfo asked Sean McCarthy if he was comfortable deciding if the applicant has met the conditions outlined in the resolution. Sean McCarthy stated he could decide and asked the Board if they were comfortable with the application at this point.

Owen Wells distributed the draft resolution to the Board and the applicant. Mr. Wells explained the resolution to the Board.

Janet Gandolfo suggested attaching the Dolph Rotfeld memo to the resolution so all the issues are incorporated. Mr. Null agreed with that suggestion.

Nicholas Cicchetti asked if the conditions outlined in the memo are to be approved by Sean McCarthy. Janet Gandolfo suggested revising the draft to reflect that approval would be from the Village Consulting Engineer and the Village Building Department. This change would be at the end of the second paragraph on page 3 and also in parentheses (see attached memorandum of Dolph Rotfeld Engineering PC which is incorporated in this resolution).

Hugh Jones, Acting Chair made a motion to adopt the resolution as amended by Janet Gandolfo.

Seconded: Anthony DelVecchio

Vote: 5-0

Absent: Martone, Herbert

2) Maken Land Development 545 No. Broadway Preliminary Presentation

Michael Neely, engineer, represented this application. The applicant is proposing a new, single-family residence at this location. The driveway would be off of North Broadway if they can get approval for a street opening from the State.

The Acting Chair expressed concern that this site relies on access from Route 9. He stated there was a strip of land between two houses on Bellwood, behind this property and suggested the applicant look into incorporating that into this parcel so that access to the property would be off Bellwood instead of Route 9.

Nicholas Cicchetti suggested extending the asphalt in the driveway so the turning area for the vehicles would be larger and they would not have to back out onto Route 9. Mr. Neely stated he would look into both ideas.

Owen Well stated the landscaping plan should be more advanced and asked that the total F.A.R. be clear on the site plans.

Janet Gandolfo asked the Acting Chair about the piece of land he referred to that was between the two houses on Bellwood. Sean McCarthy stated that was a “paper street” that runs through Philipse Manor. Janet Gandolfo stated the Village had been discussing the paper streets in Philipse Manor with regard to the Village transferring that property to the residents.

James Natarelli stated there was no culvert water or sewer on North Broadway so the connections shown on the plans would not be possible.

Anthony DelVecchio asked to see the neighboring properties in more detail on the plans. Mr. Neely stated he would address that issue.

The Acting Chair asked for a motion to set the public hearing for next month.

Moved: Isabel Mendez Seconded: Cicchetti
Vote: 5-0 Absent: Martone, Herbert

3) William Simeoforides 404 No. Broadway Preliminary Presentation

Mr. Simeoforides, architect, represented this application. His client is the tenant for this space and they are proposing a new ice cream store in what was formerly The Flower Box.

Inside the store, the tenant would replace a slop sink, install a hand sink behind the counter and add some finishes and equipment. On the outside they would remove the green canopy and replace it with a yellow, triangular canopy as well as add columns in the front. The existing parking area in front of the building would be striped. There is space for 3 full size vehicles and one compact vehicle.

Mr. Simeoforides stated the parking requirement was one space for five seats and they are proposing two (2) – two person tables and a counter. He indicated the counter space, cashier area, work counter, storage area, vending machines and display shelves. He stated it would be approximately 500 square feet not including the bathroom.

Mr. Simeoforides stated the applicant is requesting a change of use variance because it would become a food service business.

The Acting Chair asked if the applicant would provide a handicapped parking space. Mr. Simeoforides indicated the space on the plans. He also stated there was an eight-inch step to enter the store. He asked if handicap accessibility was a requirement since they were not planning to renovate the outside of the store.

Anthony DelVecchio asked if the four parking spaces were dedicated to this property. Mr. Simeoforides stated on the tenant's lease it states they are dedicated to the store from 8:00am to 10:00pm. He stated there are two or three tenants above and behind the store.

Anthony DelVecchio asked who owned the parking spaces. Mr. Simeoforides stated they belong to the building owner. He also stated there is overflow parking adjacent to this property at the Citgo Gas Station.

The Acting Chair asked if ramp access to the store was necessary. Sean McCarthy stated the applicant would have to demonstrate compliance with the Building Code. The applicant needs to do a zoning analysis and based on current uses, determine if the building site meets the zoning requirements. If the applicant needs a variance he can be referred to the Zoning Board of Appeals.

Mr. Simeoforides asked if the existing structure is non-conforming would the applicant have to request a variance. Janet Gandolfo stated the bigger issue is if the structure is non-conforming as to the parking and the changes to the interior space.

Anthony DelVecchio stated the Board should see copies of the tenant leases as well as the proposed lease for the current tenant.

Janet Gandolfo asked if the number of tables in the plan was correct. Mr. Simeoforides stated they are proposing four seats.

Anthony DelVecchio asked about employee parking. Owen Wells stated the applicant needs to think about the parking from a practical matter as well as a zoning requirement.

James Natarelli stated the aisle shown on the plans for the handicapped area is undersized. He stated the requirement is five feet. Discussion ensued regarding the dimensions for the handicapped parking space and adjoining aisle.

Janet Gandolfo suggested Mr. Simeoforides check the Building Department files for any variances that have been issued for this property in the past.

James Natarelli asked the purpose of the 48-inch clear aisle area on the plans. He recommended a curb stopper if it was being used as a pedestrian walkway. Mr. Natarelli also suggested Mr. Simeoforides look at the roof leader that comes off the overhang above the door to make sure it doesn't drip onto the sidewalk.

Sean McCarthy asked where the garbage would be placed. Mr. Simeoforides stated that garbage was currently placed on the side of the building but that area does not belong to the property.

Nicholas Cicchetti asked if the tenant was making ice cream on the premises. Mr. Simeoforides stated that the product would be delivered and not made on premise.

4) Beekman Realty 185 Cortland Street **Discussion**

See Announcements above.

5) C.A.R.S. Inc. 333 No. Broadway **Discussion**

Daniel Torena, owner of C.A.R.S. Inc. appeared for this application. Mr. Torena stated they were moving ahead on this project and had been in correspondence with the EPA and were waiting their response.

6) Approval of Minutes April 18, 2013

The Acting Chair suggested postponing approval of the minutes until next month's meeting when the Chairman is available for the vote.

The Chair asked for a motion to adjourn the meeting.

Motion: McCarthy Seconded: Mendez

Vote: 5-0 Absent: Martone, Herbert

The meeting was adjourned at 8:56pm.