

**VILLAGE OF SLEEPY HOLLOW
ZONING BOARD OF APPEALS MEETING
April 18, 2012**

The meeting was called to order by Timothy Judge, Acting Chairman at 8:04 pm. The Chair noted that a quorum was present.

Present: Michael Wernick
Linda Moiron
Timothy Judge, Acting Chair
Tom Capossela
Sherry Bishko

Absent: M. Gorete Crowe
Peter Koffler, Chairman

Also Present: Sean McCarthy (Village of Sleepy Hollow/Building Department)
Janet Gandolfo (Village Attorney)
Anthony DelVecchio (Recording Secretary)

Agenda:

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|--|----------------------------|---------------------------------|
| 1) Marcelo Poguio | 95 College Avenue | Proposed grocery store |
| 2) Antonio Soares | 64 Depeyster Street | Convert 2-fam. to 3-fam. |
| 3) Kiran & Jenny Batheja | 4 Webb Road | Addition and alteration |
| 4) Minutes for November 2011 and January 2012 | | |

Announcements:

None.

- 1) Colette Weinstein 41 Amos Street Addition and alteration**

This is an application for an area variance.

The Chair asked if proof of mailings was received.
Sean McCarthy responded yes.

The Chair read the public notice aloud for the record.

The Chair stated that the Board had received the following:

- 1) Appeal and petition
- 2) Zoning Compliance form
- 3) Short EAF
- 4) Drawings

The applicant was not present yet so this was adjourned to later in the meeting.

This is a continuation from the previous meeting.

Kyle McGovern is an attorney and is representing this application on along with engineer, Stephen Costa and the owners.

Kyle McGovern summarized the events from the last meeting. He stated that the owners are also proposing to make deliveries to residents in the area to further minimize the parking impacts.

The Chair asked if the Board had any questions.
There were none.

The Chair reopened the public hearing.

Anna RAKIPI owns 128 Cortlandt St. She said that she owns the building next to the applicants property. She stated that she does not understand why another delicatessen is proposed next to an existing delicatessen.

Douglas Martino is representing Maria Gonzalez who owns the delicatessen next to the applicants property. He presented a petition of 259 signatures opposing the application. He stated that the notice posted at the property does not show the date and time of the meeting.

The Chair asked the Building Inspector if he sign is provided by the Village.

Sean McCarthy responded yes.

Janet Gandolfo responded that the law only requires the public mailings of adjacent property owners.

Douglas Martino stated that the requested variance is dramatic. He stated that there are negative impacts to the neighborhood for parking and for local businesses. He presented a photo of the area showing a school bus stop pick-up location. He stated that the applicant knew the limitations of the property when they purchased it. He also stated that an application for a nearby Walgreens was converted into a different use from what was originally proposed. He stated that this property can change after the variance is granted.

The Chair responded that the Walgreens pharmacy is not within this Village.

Stephanie Greon is the daughter of Maria Gonzalez. She stated that this application will take away more jobs than it will create since many of the local businesses will close.

Joe Foley of 126 Valley Street stated that the property used to be an automotive body shop. He stated that it was converted to a construction business. He stated that the parking was bad when it was a body shop. He stated that laws are put in place so that they are not abused. He asked that the application be denied.

Edwin Gonzalez from 126 Cortlandt Street owns a delicatessen. He stated that there are 7 other bodegas within 2 blocks of his property. He stated that the owners have to work 14-18 hours a day to make a living.

Since there were no further public comments, the Chair closed the public hearing.

The Chair stated that the Board does not evaluate issues regarding competition between businesses. He stated that the Board only determined the application based on the variances sought by the applicant. He stated that parking in the area during the day is ok. He stated that peak times may be different.

Sherry Bishko asked when the store will open daily.
Kyle McGovern responded 8am.

Tom Capossela asked about the requested variances.
Sean McCarthy responded that the parking variance is needed. He stated that the distance variance is not required since they are not serving food.

Tom Capossela asked about the hours of operation.
Kyle McGovern responded 8am-8pm Sat and 8am-6pm Sunday.

There was an open discussion on the parking spaces needed.
Kyle McGovern stated that 2 parking spaces will be restored so a total of 14 spaces are needed.

Michael Wernick stated that property owners should be allowed to use their property but he is concerned with the impacts to the community. He stated that he takes his car to the supermarket and he thinks that the parking in the area will be an issue. He stated that the applicant should present their case regarding parking impacts to the area.
Kyle McGovern responded that the applicant has exhausted efforts to secure parking in the area but was unsuccessful.

Tom Capossela asked about the current use of the site.
Kyle McGovern responded that the owner uses the site for a construction storage facility and parking garage. He stated that the owner has outgrown the space. He stated that anything that is built at the location will require a variance.

Sherry Bishko stated that she thinks that the proposed use will be a benefit to the community. She asked about the process if the ZBA approves the application.
Janet Gandolfo responded that it would need approval from the Planning Board. She gave an overview of the Planning Boards review process.

Linda Moiron asked what can currently be operated at the site.
Steven Costa responded that it can currently be used as a storage facility. He reviewed the parking requirements for other uses.

Richard Blancato stated that the easement is still in the process of getting executed. He stated that the adjacent owner is going to sign the easement soon.

Richard Blancato gave a historical summary of the application to date.

Richard Blancato submitted a document that the applicant was the Chairman of the Electrical Board at the time of the conversion. He also stated that the licensed plumber that completed the work (Hugo Checci) was on the Board of Trustees at the time. He stated that all required permits were obtained by the applicant at the time the work was done but the Village has no record of it and neither does the owner.

Richard Blancato stated that a variance for one parking space is needed. He stated that the house has been used as a 3-family since 1972 and the applicant has been paying taxes as a 3-family since 1972.

The Chair stated that the property taxes do not indicate the legal use of the property.

Richard Blancato reviewed the reasons for granting an area variance.

Michael Wernick asked the Building Inspector to clarify the required variances.

Sean McCarthy responded that the 3-family use will trigger additional variances that need to be met.

Tom Capossela stated that he will not vote on this application this evening because he is not aware of all of the facts.

The Chair stated that if the Board votes on the application, since there are only 4 voting members, the vote must be unanimous or the application would be denied.

Richard Blancato stated that the applicant does not have any problems with the adjournment since they would like to give Tom Capossela a chance to review the documents.

Tom Capossela asked if a Building Permit was taken out for this proposed work.

Richard Blancato responded yes. He stated that the owner has copies of the electrical permits but not the Certificate of Occupancy.

At the request of the applicant, the Chair made a motion to adjourn this application to the next meeting. Linda Moron seconded. It was unanimous (5-0).

4) Minutes for November 2011, January 2012 and March 2012-

The minutes for the November 2011 and January 2012 meetings will be reviewed at the next meeting.

The March 2012 minutes were reviewed. Linda Moiron made a motion to approve the minutes as submitted. Michael Wernick seconded. It was unanimous (4-0). Capossela abstained.

Adjourned 9:36 pm.

PROVIDED