

**Village of Sleepy Hollow
Zoning Board Meeting –APPROVED
October 17, 2012**

Peter Koffler, Chairman, called the meeting to order at 8:14pm. The Chair noted that a quorum was present.

Present: Peter Koffler, Chairman
Timothy Judge
Michael Wernick
Sherry Bishko
Maria Gorete-Crowe

Absent: Linda Moiron
Tom Capossela

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

Agenda:

1) Salvation Army	90 Valley Street	Public Hearing
2) Open Door Family Medical	1 New Broadway	Public Hearing

Announcements - There were no announcements.

<u>1) Salvation Army</u>	<u>90 Valley Street</u>	<u>Public Hearing</u>
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The Chair read the public hearing aloud for the record.

The Chair also stated that he had the following documents:

- A letter from the Village of Sleepy Hollow to Michael Stein, Project Engineer for the Salvation Army, dated September 18, 2012 requiring an appeal for a variance.
- Zoning Compliance form dated August 15, 2012
- Traffic Parking Evaluation by John Collins Engineers
- Large maps received August 13, 2012 and August 15, 2012

William Null, attorney from Cuddy & Feder, Michael Stein from Hudson Engineering & Consulting and Major Sue Foley were representing the application.

Mr. Null gave an overview of the proposed project. He stated the applicant currently has a property on Valley Street and is acquiring the adjacent property to build a new facility. He asked the board's permission to have Michael Stein, the project engineer, explain the new project for those in attendance.

Michael Stein, president of Hudson Engineering & Consulting, gave an overview of the application. The Salvation Army currently has a Community Center at the corner of Wildey and Valley Streets. As part of this application, they are in contract to purchase the adjacent property formerly known as Frank Chevrolet. Their plan is to demolish the existing building and erect a new chapel and community center. Once the new chapel and community center are up and running, the old building will be demolished and they will build a new parking area that also incorporates landscaping on the property.

The dealership is approximately 38,000 sq. ft. Of that footage, 22,000 square feet are in the Village of Sleepy Hollow and 16,000 sq. ft. are in Tarrytown. The existing building is located within the municipal boundaries of Sleepy Hollow. He indicated the area on the map and stated that everything in the Village of Sleepy Hollow was impervious. There is asphalt around the existing chapel and community center. The new plan calls for decreasing impervious area by reducing asphalt, adding landscaping and a buffer zone. They would like to reduce the impervious area by 10,700 sq. ft.

He stated the plan before the Board included four different variances that were required. The first was the parking variance. Two separate zoning analyses were performed. The first was an alternate parking schedule put together based on the assumption that all the facilities in the building would be used at the same time. He said this is not the case with the way the programs are set up.

An alternate parking schedule was put together based on actual utilization of the facility. The example given was the chapel would not be occupied at the same time as the multi-purpose dinner room. Only one area would be run at one time. Based upon this requirement only 38 parking spaces would be necessary, whereas the whole utilization would require 82 parking spaces. Their plan provides for a total of 41 parking spaces, therefore, they are asking for a variance of 41 spaces. They are also looking at the possibility of land-banking 10 of those spaces. They would only be providing 31 spaces but could add 10 more spaces out of the land-banked area at a later date if necessary.

Mr. Stein stated the next variance is for buffer area and setbacks for pavement. For the setback for the driveway they would have to require 15 feet, which he indicated on the plan. The driveway would need to be 15 feet from the property line. Currently that area is a parking area so that is one variance that the Salvation Army would need.

The existing senior living building that is adjacent to the Salvation Army site has no windows on that side and the first two levels are parking depth. There would be no impact having the driveway up to the property line.

The next variance required would be of similar nature and is in the rear of the property. A five-foot bumper is required, however the building on that side has two levels of parking area. Photos were submitted showing the adjacent buildings and the parking areas.

William Null stated that there would be parking area adjacent to parking area. There are no residential windows or occupancies in the area adjacent to the areas they are asking for a variance. He also stated that they took counts at the last service regarding where people come from for service. There were only 4 cars in the parking lot. The Salvation Army has minimal use of private passenger vehicles. People arrived by small van or walked from the neighborhood.

He stated the Salvation Army has very few members of congregation that have cars. Most walk from the neighborhood or share car pool, therefore, 41 parking spaces they are providing is more than ample for actual demand of use. There is a church service and then a meal provided after the service. The same people that attend the service then stay for the meal. The occupancy that is calculated for some of the zoning is based on what is maximum aggregate square footage for the ordinance required. That is how they arrive at a total of 81 required parking spaces. Yet like many religious institution, the multi-purpose room would not be operating when there is a service.

Mr. Null submitted that based upon the actual realization, which the study by John Collins Engineers confirms, that the square footage is binary. The sanctuary and multi-purpose room would never both be functioning at the same time. At high holidays they feel they have ample parking space. Just like other religious institutions, they do not park for the busiest day of the year.

They have photographs showing actual occupancy of the parking area, which is minimal. That is why with 41 parking spaces they are suggesting that some can be land-banked. The reason for land-banking is to minimize stormwater impacts by having more permeable surface and grass in the back. Currently that area is paved. The Salvation Army wants to take an area that is fully paved with a building and reducing the area that is paved or occupied by a building.

Regarding the variance for the buffer, the area is already paved up to the wall.

William Null asked if the board wanted to see elevations for the building.
The Chair said yes.

Mr. Null indicated the Sanctuary area, which is on the corner of Wildey and Valley Streets. He pointed out the distance between the end of this building and senior center. And also, between the sanctuary and the corner, because the Salvation Army's intention is to construct the new structure while existing building is up and then demolish the old building when new building is completed. There will be a greater setback from that corner due to the phasing of the construction.

The Chair asked if the land-banking was prompted by a stormwater concern. He asked why they would land-bank 10 spaces.

Mr. Null has done this before for religious institutions where the parking requirement is significantly more than it should be. Why should the Salvation Army pave over the site if they don't have to? It is an offer on the part of the Salvation Army. They have no concern over stormwater management even

thought storm water responds better to dirt and grass than to pavement. They felt if the paved area wasn't needed, then it would be a better use to have grass.

They are asking for variance to provide the maximum amount of parking which would be 41 spaces.

Michael Stein showed the existing building on the plans. He stated at the intersection of Valley and Wildey Street, the building is right up to the property line. They feel the property is a gateway between the two villages and it gives them the opportunity to do some landscaping and make it more attractive especially since it is across from a park.

Michael Wernick asked if additional parking spaces could be added on the southwest corner of the property.

Discussion ensued about the area in question, however it was determined the area is not the property of the Salvation Army.

Michael Wernick asked if the property owners that are in question for the variance requests have been contacted.

Michael Stein stated that notifications were sent to all the properties, that were required, including properties in Tarrytown.

Michael Wernick asked if there was any dialog between the project and the owners. The applicant stated they had not heard from anyone.

William Null submitted photographs taken Sunday, October 14, 2012 from 10am to 1pm and Sunday September 16, 2012 taken in the morning and later showing the amount of available parking. The photos were passed out to the board.

Peter Koffler asked about the sequence of events for construction and demolition of the project. William Null stated the old building would remain in service to the congregation while the new building is being built.

Peter Koeffler asked if the old building is the site of the new parking area. He also asked where the congregation is to park between the time the new building is opened and the old building is being demolished to put in parking?

Michael Stein stated there is an overlap period of 60 days when the old building is being demolished and the new parking area constructed. At that time they will be gaining on-street parking because there are several curb cuts along the road that will be eliminated. However, in the photographs taken during service, there were no vehicles parked on the street during that time. Also, there are spaces in the back, which will have been built by then.

William Null stated they have minimal demand and during that 60 day period they can agree to a stacked parking lot and they will pay to hire an attendant during that 60 day transition. It would be 8 services during peak times.

Peter Koffler asked where the equipment would be during the construction period.

Michael Stein responded that the entire site could be used for staging of construction equipment during the time the building is being constructed. Then once the building is completed and can be used, the old building becomes a demolition site and is converted to a parking area. There is not much construction equipment required to make that transition.

Further discussion ensued regarding parking construction equipment and vehicles for the project. The applicant showed the area that is available to the general contractor for his use. They stated that construction workers would have to locate their own parking spaces for their private vehicles.

Peter Koffler asked the duration of the construction process.
The applicant stated this project would take about 8 months to complete.

Michael Wernick asked if angular parking would increase the capacity in the back?

The applicant stated, that in order to have angled parking, there needs to be an area to turn around. They are looking at whether to put a curb cut on Valley Street. But typically, angled parking doesn't increase capacity and they would have to reduce the aisle width.

Tim Judge asked if the applicant had thought of keeping the existing structure and making a smaller footprint with the new structure and rehabilitating the old structure.

William Null stated that the existing sanctuary could accommodate 80-90 people. At Christmas and Easter they have about 120 people. So they need a bigger building. The reason for acquiring the space is so they can have a space where people can eat and have a meal afterwards. It's a critical part of the program for the Salvation Army.

Tim Judge asked if there was any thought to rehabilitating the old office space.
Discussion ensued about the cost effectiveness of renovating an old building, since that comes with problems that must be mitigated depending upon the age of the building.

Tim Judge asked the age of the existing building.

Major Sue Foley stated that the Salvation Army has been in Sleepy Hollow/Tarrytown for 70 years. The building was built in 1954. The structure is inadequate. There is one bathroom for men and one for women with one stall in each. There are no large meeting spaces. The sanctuary is the largest space. There is a need for larger program meeting space.

The applicant stated that currently the building goes right up to property lines. Setting the building back from the corner gives a softer more appealing look to this property.

William Null stated the current building does not have good air conditioning and is not energy efficient and they would like to make it more ADA accessible, which is important to the function of

the Salvation Army at this location. The applicant looked at these issues and doesn't believe the best way to continue is to save old building and address the program needs.

The Chair made a motion to open the public hearing.
Michael Wernick seconded that motion.

The Chair asked for any comments from the public regarding this application.
There were no comments from the public.
The Chair made a motion to close the public hearing.

The Board closed the public hearing.

Peter Koffler asked the applicant if they had considered alternatives since they are asking for a significant parking variance of 41 spaces.

The architect stated it comes down to site and environmental economics. He felt it was more responsible for stormwater management to only build the amount of spaces they would be using plus a few, instead of the maximum number of spaces called for in the ordinance.

William Null stated the chapel alone required 31 spaces.
Peter Koffler asked Sean McCarthy is this was correct.
Sean McCarthy replied yes based upon the Village requirements.

Mr. Null asked for the rationale behind the variance. He stated it is not just a mathematical calculation but also the uses behind them. If the chapel doesn't have the space to provide the meals, then the facility doesn't serve the mission of the Salvation Army. The offices are not active when there is a service, but they are pertinent to the meals being provided.

The ordinance requires the aggregation of all the spaces to come up with a number. If they were asked to reduce the amount of space, they would have to keep the chapel. However, if the Salvation Army were to eliminate office space, then they couldn't operate the program that is so much a part of the Salvation Army's mission.

Reducing building size isn't something that addresses the needs of the mission. The building size doesn't generate more parking demand because those spaces aren't occupied when the sanctuary is in operation.

Tim Judge asked if the office space was going to be occupied all the time.

Major Sue Foley stated there would not be employees in the offices when chapel services were taking place. She also stated that the past Sunday services had an average attendance of 70-80 people with 7-10 cars parked. In addition, one of their main social service programs is the monthly food distribution. In July, August and September the average was 220 families per month and these recipients were from the local neighborhood and did not drive.

Tim Judge asked if there were employees that worked to prepare and serve the food?

Major Foley stated they were volunteers and part of the congregation.

The architect stated they would count towards the occupancy of the multi-purpose room not the business-use portion.

Peter Koffler commended the Salvation Army for its' work. He also stated his concern of the concept that the number of spaces required for the code is not really required because the use behind the spaces does not occur at the same time, therefore the applicant only needs a lesser number of spaces. As a precedent he has never seen this before and has hesitation in adopting this rationale for a number of reasons.

He stated the Salvation Army runs a stable operation, which is commendable, but what if programs change or the operation changes. How can they say they will never use all the spaces at one time.

Mr. Null stated he had experience with other religious institutions in other municipalities where the concept of certain areas being used when others are not. He gave examples of Calvary Baptist Church in White Plains and the synagogue in Briarcliff Manor.

Mr. Null said he had no problem coming back before the board for review if the ownership use changes in the future. He stated they could have a condition so that an outside group couldn't their facility for catering and entertainment. That is not the mission of the Salvation Army.

The Salvation Army recognizes this is a large variance but feel it is a shame to reduce the scale of the programs, especially when most of the congregation does not drive.

The architect stated that if the programs were to change that required more parking, they would need to acquire another property in the area for parking.

Peter Koffler stated that if people can't find a spot in the lot then they would have to find parking on the street and there is also limited parking in the area.

William Null also felt they have to consider use. It's a financial reason for this congregation. People who use this sanctuary don't drive. We respectfully request the variance because of the nature of the users and the congregation that is unique to this organization.

Sherry Bishko asked if it was permissible to put in a condition.

Peter Koffler stated he was not prepared to vote on this tonight for two reasons. He wanted to consider some of the precedents cited by Mr. Null. He asked him to submit additional data for some of the other cases he stated. He also stated the Village would do some investigation from a legal standpoint.

He also stated if the Board grants a variance they want to consider what the appropriate conditions might be for that variance.

Tim Judge agreed with these recommendations. He stated he would like to see the resolutions from White Plains on Calgary Baptist Church and Briarcliff regarding the synagogue to see how they were structured.

Sherry Bishko stated she understood there were no conditions from those municipalities.

William Null concurred but stated he would be happy to come up with conditions that would be appropriate for this project. That would address the non-religious concerns.

Peter Koffler agreed with this proposal. He stated the Village would review from a legal standpoint.

Sherry Bishko said no one from the community is complaining so parking doesn't seem to be an issue.

Peter Koffler made a motion to adjourn this matter until next month. He asked the applicant to work with the Village Attorney on the conditions they would like to submit.

The board agreed to the adjournment.

Don Caetano of Lawrence Ave. asked if he could make a comment. The Chair agreed to his request.

Mr. Caetano stated he had been sitting in the boardroom for the entire meeting. He also stated he didn't feel the Chair allotted enough time for the public comments. He asked if this was the first hearing for the Salvation Army. He stated he didn't hear anything about the beautification of the area, the shrubbery and what the building is being made of.

The Chair suggested he come to next month's meeting because it will be on the agenda for that meeting. He also stated that there was an opportunity for Mr. Caetano to comment during the public hearing.

Mr. Caetano again he didn't feel there was enough time allotted for public comments. Discussion ensued regarding the public hearing time.

2) Open Door Family Medical Center

Public Hearing

The Chair stated there was a preliminary matter before the public hearing regarding the notice of public returns. He asked Sean McCarthy if this matter was resolved.

Sean McCarthy stated that his records indicated that there was one property on the map that was not noticed.

The Chair stated he understood they don't have proper notice returns for this matter.

Geraldine Tortorella, attorney from Hockerman, Tortorella & Weinstein, co-counsel with Kyle McGovern representing the applicant.

She apologized to the board and stated that the first time this issue was raised was at 8:10 this evening. They have been using this list in Planning Board matters and it was never pointed out to them that there was a problem with the list.

She said they would have to re-notice and be put over for the next meeting. She wanted clarification as to the next meeting date, which is scheduled the day before Thanksgiving.

The Chair asked if this was actually the date.

Janet Gandolfo stated that normally they do not meet the day before the Thanksgiving but it is up to the board. She stated they could hold the meeting the week before.

Discussion ensued regarding the meeting date.

Geraldine Tortorella said that would be enough time to notice the additional property. The applicant will re-notice. The hearing will be November 14th and they will be back before the board for that meeting.

The meeting was adjourned at 9:45 pm.