

**Village of Sleepy Hollow
Zoning Board Meeting - APPROVED
December 19, 2012**

Peter Koffler, Chairman, called the meeting to order at 8:07pm. The Chair noted that a quorum was present.

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

Absent: 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	Continued Public Hearing
2) Open Door Family Medical	1 New Broadway	Continued Public Hearing
3) Rafael Mota	188 Cortlandt Street	Public Hearing
4) Approval of Minutes		September 19, 2012
		October 17, 2012
		November 14, 2012

Announcements - There were no announcements.

<u>1) Salvation Army</u>	<u>90 Valley Street</u>	<u>Continued Public</u>
<u>Hearing</u>		

This is a continuation from a previous meeting.
William Null, attorney from Cuddy & Feder represented this application, along with Michael Stein and Major Sue Foley from the Salvation Army.

Mr. Null stated he had submitted a letter to the Board citing case law, which the Board had requested at the last meeting. He also submitted some suggested conditions for the Board to review. Mr. Null asked if the Board had any issues they would like to discuss.

The Chair asked about potential conditions and if this application were approved, would the intended use be the same as the actual use going forward.

Mr. Koffler asked Mr. Null to review the overlap period of construction and demotion and how the parking would be addressed during that period.

Mr. Null stated the Salvation Army would be willing to do stacked attendant parking in the lot that would be available for services or events during that period. He stated the Salvation Army would have parking available for the existing church while the new church is being built.

The Chair asked if they would be using the existing parking as a staging area for the construction.

William Null said they would not, rather they would use the new parking area, which is now the auto dealership, rather than the existing area. He stated that it would be fairly quick to take down the existing church and they would already have the ability to use the new parking area. He stated they will have some additional parking available when they take down the existing church and for that brief period they could do stacked attendant parking in the area to the east of the new church.

The Chair asked the applicant to clarify on the plans, which parking area Mr. Null referred to.

Michael Stein pointed out the area on the drawing and stated that area is the proposed parking lot. He stated they would be able to accommodate another 12 vehicles in the access lanes of this lot with stacked parking.

The Chair asked if this area would be used for approximately 60 days for stacked parking. Michael Stein stated the time period would probably be less than 60 days.

The Chair asked Sean McCarthy if this proposed parking area has been approved in terms of its legality and the layout of the spaces without regard to the number of spaces that are needed for the variance.

Sean McCarthy agreed the size of the spaces were what is required by Village zoning law.

The Chair asked Mr. Null about the area marked for land banking.

Mr. Null asked Mr. Stein to explain which spaces would be used for this purpose.

Michael Stein explained the Salvation Army would like to eliminate some of the spaces that are proposed for parking in order to create more green space on the lot. He also pointed out spaces on the corner that could be landscaped.

The Chair asked if this proposed landscaped area could be converted in to parking spaces again if the need arose.

Michael Stein stated the retaining wall would still be constructed in the proposed place and parking spaces would shift to create green space. In the future if parking were needed, the lot would be extended and a curb added but the retaining wall would remain.

William Null stated this could be condition of the resolution, that given notice by the Village, the Salvation Army would need to implement. He also suggested filing a land banking agreement with the Westchester County Clerk's office.

Mr. Null also suggested adding grass but not landscaping and then the cars could drive or park on the grass.

Michael Wernick stated he would like to see the green space whether or not it was a condition of the land banking. He stated if parking would be necessary, then the Salvation Army would make that space available on its' own for the congregation. He asked if in the past there were any parking situations.

William Null stated that currently there could be 100 people in the sanctuary with only 14-15 spaces. Now the Salvation Army will have ability to have 200 people in the sanctuary with 41 spaces. He stated even if they lose a few spaces to land banking, they would more than double the current parking.

The Chair asked what would be in the green space.

Michael Stein stated the green space would be lawn and landscaping. He stated a landscape architect had not been retained yet because the plans were not finalized.

Timothy Judge asked if the surfaces would be permeable in terms of stormwater runoff. Michael Stein stated their calculations would all be based upon it being impervious so if they decided to expand the area, it would be a relatively minor change. Cost-wise it wouldn't make that much of a difference to stormwater design.

Michael Wernick asked if there was outside access for the children of the congregation during services.

Major Sue Foley stated the children have Sunday school on Sundays but they are not outside for any time and they would be using the main entrance. Major Foley stated that if the Salvation Army has summer school then potentially the green space could be used for the children.

Michael Stein stated the current occupancy is 100 congregants and with the new facility they would have 200 people coming to the services, however the parking need would not be any greater. He felt it was unlikely they would need to stack cars except for Christmas or another holiday service.

The Chair asked if some portion of this site is in Tarrytown. He also asked if Sleepy Hollow granted a variance and the project would move forward, would the Salvation Army have to go before Tarrytown's Zoning Board.

Mr. Null indicated the areas on the plan, which were located in Tarrytown. He stated the Salvation Army would have to meet with Tarrytown to determine if they would also require variances.

Timothy Judge asked about rental of the hall for outside activities. He asked what the Salvation Army would consider outside activities.

Mr. Null stated they would consider a christening or a wedding to be congregational involvement. Mr. Null gave examples of a community group who wanted to have a meeting or a member of the neighborhood who wanted to have a child's birthday party, as outside activities. He stated the Salvation Army wouldn't lease its' space for outside use. Mr. Null stated the parking count is generated by activities of the church and not by activities of the community not related to the church.

Michael Wernick asked if there was any history of community activity at the current location.

Major Sue Foley stated not that she was aware of.

Michael Wernick asked Major Foley how long she had been at that location.

Major Foley stated she worked at the Salvation Army's divisional headquarters that oversee the corps community centers in the division.

Michael Wernick asked if there was anyone representing the Salvation Army from this location in Sleepy Hollow.

Major Foley stated no one was present tonight.

William Null stated the Salvation Army does not have a social hall now. He stated it is not typical for the Salvation Army to rent out its' facilities to outside organizations when they are needed by the church itself.

The Chair asked if the Salvation Army would accommodate a wedding for a member of the congregation.

Mr. Null agreed.

Timothy Judge asked how the Salvation Army would address potential parking issues if there were a large wedding.

Mr. Null stated there were only a few weddings in the history of the church and because of the nature of the population; they are not very large weddings.

He stated they had the ability for 41 parking spaces and for a wedding event that would mean two people per car. He stated it would be rare to have a wedding for 200 people, which is the maximum occupancy for the church, however they could accommodate 60-70 cars on-site by valet parking and attendant parking. Mr. Null showed on the drawing where they could park 50-60 cars in one area and another 15-20 cars in a separate area. He stated the rest would go into adjacent parking areas such as on the street.

Timothy Judge stated it might be up to the Board to determine at what level they would require the Salvation Army to provide valet parking.

William Null stated the Salvation Army could be required to give the Village notice in advance of any large event like a wedding so they could coordinate with the police how to manage the event.

The Chair asked if the Salvation Army would be willing to do stacked parking or valet parking for the one or two larger events per year.

Mr. Null agreed they would accommodate that request from the Village.

Janet Gandolfo stated that per Village code, 160 is the maximum occupancy rate for the multi-purpose room that the Salvation Army is planning.

Mr. Null stated his calculation for 200 is based on the zoning tabulation chart, which states 1 parking space per 8 seats and a line that said 25. He took 25 and multiplied it by 8 and arrived at 200.

Ms. Gandolfo stated if the code states 160, then the Salvation Army wouldn't have an event for 200.

William Stein stated it was 160 for a meal service and 200 maximum seating for the chapel.

Discussion ensued about opening the public hearing.

Ms. Gandolfo asked the Chair if he wanted to reopen the public hearing. She stated it had been closed two meetings prior.

The Chair decided it would remain closed. He asked if there were any other questions from the Board.

The Chair stated he was prepared to make a motion to approve based on appropriate conditions. He stated that the benefits granted to the applicant outweighed the detriments to the neighborhood and the area.

The Chair stated that given appropriate conditions, he did not feel this would have an adverse affect on the neighborhood and environment. He also stated that the variance is substantial but based on the unique nature of the use and the staggered use of the various portions of the property and presuming appropriate conditions and giving deference to the religious nature of the organization, he is comfortable making a motion to approve based on conditions.

Janet Gandolfo stated it should be noted for the record that because this is a religious institution, accommodations are required to be made in terms of granting the variance and the Board is allowed to impose reasonable conditions and should make reasonable accommodations because this is a religious institution.

The Chair agreed. He also stated that one of the conditions is that there be no rental of the social hall or the chapel for outside events and non-congregational matters.

Janet Gandolfo stated that has been suggested by the applicant. She asked William Null if he was agreeing on the record that that was a reasonable condition.

Mr. Null agreed.

The Chair stated these conditions would be set in a formal resolution.

The Chair stated with regard to parking; if the facility has exceeded the available on-site parking space three weekends in a row, the applicant shall implement on-site, stacked, attendant parking to reduce potential, if any, for vehicles that the events will have to park in the street.

Janet Gandolfo asked if this was agreeable to the applicant.
William Null agreed.

The Chair stated there would be a condition regarding the land bank area. If at a later date it became necessary to accommodate regular parking, this area would be reverted back to usable space.

William Null stated that was acceptable however he asked it include a reasonable time period to be able to put in pavement.

The Chair stated for the record that whatever conditions these are, none of this is intended to override the applicable parking restrictions in the Village which still apply.

The Chair also suggested there be a condition that there is no fundamental change in the nature of the applicant's use of the space as described which would include the nature of the use but also the frequency of events.

William Null's concern is that the nature of a typical community event for a church or a religious institution may change over time. He stated if the condition were directed to the larger use or the peak demand being the sanctuary and the social hall and the meals as part of it, then he would agree. He stated the smaller components such as the after-school program might have some other components added over time.

The Chair added the statement – those changes were such that they would materially change the parking needs.

Mr. Null stated if the parking needs increase, then the Salvation Army would be implementing stacked parking and that would be acceptable.

The Chair also suggested that it would be a condition that the variance applies so long as the Salvation Army continues its' use of the property itself.

Mr. Null stated if the Salvation Army became a foundation then ownership isn't the issue.

Janet Gandolfo stated the issue is if the Salvation Army is a religious institution or not.

Mr. Null stated if the Salvation Army is no longer functioning as a religious institution in a similar manner that doesn't generate different parking demands, that entity would need to

appear before the Board before being able to use the facility, because the parking is the key component.

The Chair stated that was appropriate and Janet Gandolfo agreed. William Null also agreed. The Chair stated they would craft that language in a more formal resolution.

Peter Koffler stated that a reasonable condition would be that for weddings and other special events with greater than 100 guests, special parking accommodations would be made.

Discussion ensued regarding special events.

The Chair stated that this variance would be subject to requisite approval from Tarrytown and whatever conditions are imposed by Tarrytown, providing they do not contradict the conditions from Sleepy Hollow.

Mr. Null stated they wouldn't be able to complete the project if they do not get approval from Tarrytown. He suggested the condition was subject to the Salvation Army being able to provide the parking in Tarrytown that is shown because he does not know what approvals are needed from Tarrytown at this point.

The Chair asked if there were any setback or FAR (Floor Area Ratio) issues with Tarrytown or was it just a parking issue.

William Null stated there might be setback issues but they are reducing the non-conformity by removing the building.

Timothy Judge suggested a condition stating approval for the project pending no conflict from Tarrytown so if they were to grant variances or impose variances, they would not impinge on any conditions or variances requested by Sleepy Hollow.

The Chair agreed but also added providing the variance from Tarrytown doesn't increase in any way the variances necessary from Sleepy Hollow.

Mr. Null asked for wording saying "approval from Tarrytown" instead of variance.

The Chair agreed.

Mr. Null asked for more specific wording. Discussion ensued regarding the approvals needed from Tarrytown.

Janet Gandolfo stated that Tarrytown's issue was the setback and commercial on the residential line.

She stated that if Tarrytown's setback requirements demand the Salvation Army eliminate parking then the Salvation Army would have to appear again before the Sleepy Hollow Zoning Board.

The Chair asked if this application had to go before the Planning Board.

Sean McCarthy agreed the applicant had to go before the Planning Board.

Mr. Null stated they could present the final land bank landscape plan before the Planning Board.

The Chair asked if there were any other conditions from the Board.
There were no comments.

The Chair made a motion to approve the variance subject to conditions discussed and incorporating them into a formal resolution.

Michael Wernick seconded the motion.

The Board voted in favor. Tom Capossela was absent.

2) Open Door Family Medical 1 New Broadway Continued Public Hearing

This is a continuation from a previous meeting.

The Chair read a list of items received:

- Letter dated 12/14/12 from Hockerman, Tortorella & Weckstein
- 6-DVD's with an affidavit from Robert Weir giving breakdown of what is on the DVDs
- Letter dated 12/18/12 from Hockerman, Tortorella & Weckstein with a number of exhibits
- Letter dated 12/19/12 from David Schroedel to the Board
- Email dated 12/18/12 from Daniel Rutledge to Sean McCarthy
- Email dated 10/16/12 from Tom Capossela to Peter Koeffler
- Email dated 12/17/12 from Tom Capossela to Peter Koeffler

The Chair asked if there was anything else to add to the record. There was nothing.

Geraldine Tortorella from Hockerman, Tortorella & Weckstein, co-counsel along with Kyle McGovern from Lyons McGovern are representing Open Door.

Geraldine Tortorella asked if the Board had received a letter dated 12/12/12 from her firm along with a number of submissions of material exhibits.

The Chair stated he had received a letter dated 12/12/12 from Hockerman, Tortorella & Weckstein with a number of attachments.

Ms. Tortorella introduced her team: Gary Gianfrancesco, the project architect, from Arconics Architecture, Lindsay Farrell, the CEO and President of Open Door, Mr. Adler, the

traffic consultant from Adler Consulting is out of town and is represented by Michael O'Rourke, a professional traffic engineer and finally Anita Wolenkin, COO from Open Door.

Geraldine Tortorella stated the goal of their submissions to the Board is to address questions raised at the last hearing and provide additional information. She stated they had attempted to address requests for information from Sean McCarthy or identify reasons why they believe those requests for information are not pertinent to this application.

One of the questions, Ms. Tortorella addressed, was why the Family Residency program can't be moved to Phelps Memorial Hospital. She stated they had provided an explanation as to why that is legally and operationally impractical to happen. She stated the Board has a letter from Keith Safian that addresses this point as well as an affidavit from Ms. Farrell,

Ms. Tortorella stated that Open Door is well situated to run the Family Residency Program and it is a federally qualified health center and by law it needs to be located in a place that makes it accessible to its' patients. She noted that in Mr. Safian's letter to the Board, he stated that Phelps is not a federally qualified health center nor can it qualify as one, therefore it would not be able to operate a health center on its' campus.

Mr. Safian also stated that there is not adequate existing medical office space on Phelps' campus. Nor in his view is there the time or monetary resources available to be able to construct a new building in enough time to have the residency program operating in a timely fashion.

Ms. Tortorella stated that Open Door is a federally qualified health center. She stated there is a concern on the part of both Phelps and Open Door that if you move the function and facility of the health center to Phelps, then they are not making health care accessible to those who need it. Busing 70% of patients from Open Door to Phelps would not encourage this health care.

Ms. Tortorella stated it would be a logistical and operational nightmare to run a shuttle system throughout the Village and then depositing patients en masse at Phelps Memorial Hospital. She stated medical offices stagger office visits so physicians can treat patients in a timely manner. If everyone arrives at once it would create problems for both patients and doctors.

Ms. Tortorella stated there were concerns about the added traffic impact with running a shuttle service throughout the Village. Open Door has no area where patients could meet which means the shuttle would have to make stops at locations along the street.

She addressed the comment from several speakers at the last hearing regarding medical providers who have their health center closely located or at the hospital, which is the sponsor of the health center. In the examples given, (St. Joseph's in Yonkers, White Plains Hospital), those health centers are centrally located in close proximity to where the patients reside which follows the model that Open Door is following. She stated Phelps is 1.6 miles away from the center of the Village, in a location with no sidewalks that will take patients from the center of the Village safely to Phelps

Geraldine Tortorella commented on the concerns from the last meeting regarding the dangerous intersection where the proposed Open Door office is located. She stated that Adler Consulting had prepared a report, a diagram and a map that explained how the intersections work and the relationship of the crosswalks and pedestrian activity where they expect their patients to cross and the various vehicle intersections.

She asked Mr. O'Rourke, Sr. Associate from Adler Consulting in White Plains to explain. In addition, Open Door has provided a brief synopsis on videotape of what they witnessed in how the intersection traffic operated in relation to pedestrians.

Michael O'Rourke stated he is a professional engineer in the State of New York. He displayed a diagram for the Board, which indicated views of the crosswalk. There were photos showing the view from Mickey's Automotive towards Open Door and one that showed the alternate view. He showed the traffic signal display (Hand Man) on one side and a Don't Walk sign on the other. He stated it was a safe crosswalk because it was a wide-open marked crosswalk with pedestrian signals. In their analysis, Adler Consulting did a 5-year accident study, which showed a total of 7 accidents, none of which were at that intersection and no accidents in the area involved pedestrians.

Mr. O'Rourke discussed the operation of what happens when a pedestrian pushes the traffic signal display button. When the pedestrian is given the "Walking Man" display, at the same time, all the other movements on southbound New Broadway and northbound New Broadway are stopped. The only traffic movements that are permitted at that time involve New Broadway. Those vehicles would be permitted to come into the intersection. The vehicles can make a right turn but under New York State Law the pedestrian has the right-of-way. In addition, they found only 5 vehicles make that turn during a peak period at the same time pedestrians are moving into that intersection. He stated all the other movements on North Broadway are stopped. He stated that statistics show this is a safe intersection.

Geraldine Tortorella stated they have provided the Board with approximately six hours of videotape with an affidavit from the videographer, Robert Weir. She also stated the tapes are time stamped and were done before, during and after the morning peak hour period. And were submitted with a summary of activity.

She asked the Board to view 1-2 minutes, which showed the activity in the crosswalk from Mickey's Automotive to the Open Door. The time stamp started at 9:57. The Board viewed the video.

Peter Koffler asked where the "Crossing Man" was in the video. Geraldine Tortorella indicated the location on the pole. He asked if it was white when the pedestrian crossed.

Sherry Bishko asked why they had picked 9:57am and not an earlier time when traffic is backed up through that intersection.

The Chair stated he had watched the videotape and was amazed at how few people crossed when the traffic display was white. He stated they crossed when it was red and didn't stay in the crosswalk but ran across diagonally south. Based on his own viewing he stated he was not sure if this video was representational or accurate.

Geraldine Tortorella stated Open Door would engage in an educational campaign with its' patients and expect them to cross safely. They would propose to have a crossing guard available, particularly at those busiest times. She stated they chose 9:57am as an example of how one crosses properly and how effective it is. They also wanted to show the lack of traffic in that area when someone is allowed to cross with the signal.

Ms. Tortorella acknowledged the Chairman's point but she also stated that those people are not Open Door patients and they are not responsible for them.

Timothy Judge asked how she could know that those people in the video are not Open Door patients because she stated that Open Door serves the community.

Ms. Tortorella stated the basis for her statement was that the majority of Open Door patients do not come from the area around the crosswalk but rather from south of Beekman Avenue and the Open Door proposed location. She stated Mr. Judge was correct and she accepted that correction and clarification.

Ms. Tortorella stated that the people in the videotape are getting across the crosswalk safely and the conflicts that were testified to at previous hearings don't seem to exist at that intersection based on the morning peak hour they conducted the taping.

The Chair stated that the videotape doesn't back up what Mr. O'Rourke stated; that pedestrians wait for the white signal before they cross. He stated this was a concern that had been raised at prior meetings that not everyone waits until that moment when the traffic is frozen to cross. And if the Board were taking what they've viewed on videotape as representation and multiplying it by increased pedestrian traffic for the facility, there would be more people who just look both ways and run across the intersection.

Ms. Tortorella stated the point is that people can walk across this intersection safely. She felt the conflicts they heard testimony about and the dangerousness of the intersection is not born by what they videotaped in terms of actual conditions.

She stated they reviewed the accident records over a five-year period and there were no pedestrian accidents during that peak hour period.

The Chair stated that although Mr. O'Rourke said that people would wait for the proper signal to cross in the crosswalk, the reality is different. Most people don't wait for that time to cross.

Timothy Judge stated his concern that people will take the shortest path and come down Lawrence Ave. and cross Route 9 where there is no crosswalk or signal and that poses a significant safety issue.

Geraldine Tortorella clarified some statistics that are on record in the traffic study. During the 8:00-9:00am period, there were 270 pedestrians counted crossing the street not just at this crosswalk but in the area that was studied including Lawrence Ave. She also stated during the peak hour period which is the height of their operation in year three of the residency program, they are adding 13 additional pedestrians.

The Chair asked if this was 13 pedestrians per hour. Ms. Tortorella said yes but during the peak hour 8:00-9:00am period.

Ms. Tortorella stated at the 12:00-1:00pm period, they currently have 230 people crossing the street. Their projections indicate Open Door will be adding 19 pedestrians based on their patient projections. During the 4:00-5:00pm period, 115 people will be crossing the street and their projections indicate they would be adding 12 pedestrians per hour.

Ms. Tortorella also stated that even though people don't necessarily follow the rules, they still believe people can cross safely at this intersection without coming into conflict with vehicles. Open Door has proposed, if the Village would allow, to have a crossing guard. She stated Open Door would bear the cost of the crossing guard. They would also educate their patients in the safest routes to travel and provide them with diagrams until they become accustomed to the route. She stated she couldn't guarantee they will walk those routes but their patients are savvy pedestrians who will understand where it's safe to cross and where it is not safe.

Linda Moiron asked if the "Walk Man" sign was only activated by pushing the button. Mr. O'Rourke stated it was.

Ms. Moiron asked if it was approximately 10-12 seconds for the flashing sign to allow someone to cross the street.

Mr. O'Rourke stated he did not have actual numbers in front of him, but the white would flashes for approximately six seconds or longer and then the flashing hand which would be a specific set of time and then a solid hand and then after that a 3-second clearance. He stated there are actually three components to allow people to cross.

Linda Moiron asked if there was a difference in timing for all the other lights in the area.

Mr. O'Rourke stated the WALK signal works concurrent with the signal coming out of New Broadway.

Ms. Moiron asked if the NYS DOT was responsible for the WALK sign.

Mr. O'Rourke stated that the NYS DOT was responsible for the entire cycle and the phasing because Route 9 is their responsibility.

Linda Moiron asked if the pedestrian didn't push the button then they wouldn't get a signal to cross.

Mr. O'Rourke stated that was correct. The button must be pushed to activate the pedestrian crossing.

The Chair asked if this was the only crosswalk in the vicinity. Discussion ensued regarding the crosswalks in the area.

Mr. O'Rourke indicated on the diagram where other crosswalks were located.

Linda Moiron stated there was a trip on that light coming out of New Broadway. She stated if at some point that would be changed and there was no green light on New Broadway then it would affect the pedestrian crossing on North Broadway.

Ms. Moiron stated the pedestrian wouldn't get that time they have now to cross.

Mr. O'Rourke stated that pushing the pedestrian button would activate that signal and it would probably activate the green traffic light at New Broadway.

The Chair asked Ms. Tortorella to explain the crossing guard proposal.

Geraldine Tortorella stated the crossing guard is mitigation they have proposed if the Village of Sleepy Hollow believes it's needed to safely cross the pedestrians. This person would be employed by the Village but paid for by Open Door, similar to the type of operation that occurs with the crossing guard at the high school/middle school location. That crossing guard could not stop traffic but would be available to push the button for people and assist them when it is time to cross the street. Open Door doesn't believe this mitigation is necessary but they have offered it as mitigation to address some of the concerns about the safety of the pedestrians crossing the street.

The Chair stated that Open Door couldn't guarantee this arrangement because it would not be under their control. Ms. Tortorella agreed that Open Door would need the assistance and cooperation of the Village in order to implement that mitigation. Open Door would expect this to be a condition of any variance that was granted if this is mitigation the Board feels is necessary in connection with this application.

The Chair stated that this crossing guard service was not the same as the high school/middle school guard as was stated earlier by Ms. Tortorella. He stated this was not a municipal service but rather a private enterprise asking the Village to hire someone and have the private company pay that person. He asked if Ms. Tortorella had discussed this with the Village Board of Trustees.

Ms. Tortorella replied she had not, however she stated if Open Door were to bear the cost, she did not understand what reason the Board of Trustees would not cooperate with that measure if they deemed it an appropriate condition. She stated she did not understand why the Village Board would not want to do something to make this intersection safer, since a number of residents in the Village have said it is a treacherous intersection.

The Chair asked about the radius of anticipated pedestrians and the increased commute for the patients who live southwest of the existing facility

Ms. Tortorella displayed a diagram called the Patient Vicinity Map. She stated this was part of their original submission and showed a snapshot in time of their patient population and diagramming numerically where the patients are coming from who area using the services of Open Door. Based on the number of patients who were evaluated with this analysis, they have 2,657 of the 6,253 patients within one-mile of the current location at 80 Beekman Avenue.

Gary Gianfrancesco from Arconics Architecture PC explained the diagram. Based on Open Door's patient records, they mapped the patient population. They divided Sleepy Hollow and part of Tarrytown included into four quadrants with North Broadway being the centerline.

Mr. Gianfrancesco stated there were 2,657 patients within a one-mile area from Open Door. In the northwest quadrant (Quadrant 1) there are 242 patients; in Quadrant 2, which includes the Webber Park area, there are 62 patients. In Quadrant 3, the Beekman Avenue area, there are 2,288 patients. And then in Quadrant 4, the easterly side of North Broadway, there are only 65 patients who currently reside in that area.

He also pointed out that the difference in distance between the current Open Door location on Beekman Avenue and the proposed location is a quarter mile walking distance.

The Chair asked if that was a quarter mile straight line or walking distance.

Mr. Gianfrancesco confirmed it was walking distance. He stated they had mapped it walking up Beekman Avenue to Lawrence Avenue and then to the proposed location on New Broadway. He stated that was the most direct map utilizing Google maps as the basis for calculating the area.

He also stated that Open Door clients would not be deterred from health care by having to walk another quarter mile.

The Chair asked what was the maximum distance someone would have to walk based on the quadrants.

Mr. Gianfrancesco stated that the patients walking from furthest away might choose to take a more direct route so they could be walking less than a quarter mile to get to the proposed locations.

Mr. Gianfrancesco displayed an aerial diagram for the Board, which mapped the origin of the patients based on Open Door records. The streets indicated in color represented 80% of the users of the current Sleepy Hollow facility in zip code 10591. The red area represented the higher density of patients, which ranged from 200-375 patients. Those streets indicated were Beekman Avenue, Washington Street, Cortlandt Avenue and College Avenue.

He stated the yellow area represented a range of patients from 70-200 and those streets were Depeyster Street, Valley Street, Clinton Street and Chestnut Street. The last grouping,

the purple area, represented a patient density of 50-70 patients and those streets were Howard Street, Cedar Street, Broadway, Pocantico Street and Lawrence Avenue.

Mr. Gianfrancesco stated that residents who reside in zip code 10591 represent 70% of the total users of the current Beekman Avenue Open Door facility.

The Chair asked if 30% of the patients are from outside the 10591 zip code area and if this diagram represents 80% of that 70% of patients that use the current Open Door facility. Mr. Gianfrancesco agreed that was correct.

Geraldine Tortorella stated they had done a survey on two different dates where patients were interviewed when they arrived for their patient visits and asked how they arrived at the site. She stated Adler Consulting did this analysis in November 2011 and March 2012. The results of that survey were 70% of patients arrived to the site by walking, 2% arrived by public transportation, the remaining 3% arrived by another mode such as taxi or being driven and dropped off.

Timothy Judge asked for the number of total patients that Open Door serves regardless of zip code.

Lindsay Farrell stated that Open Door could serve up to 9,000 people based on HUD designated low-income statistics.

Michael Wernick asked if Open Door's current patient population was approximately 6,700 patients.

Geraldine Tortorella stated that the current patient population as reflected on the map displayed for the Board, was 6,253. She stated the patients that Open Door has on their patient list are approximately 4,000 patients.

Ms. Tortorella stated that Open Door's current space is 5,000 sq. ft. and the new proposed space will be approximately 12,000 sq. ft.

Michael Wernick asked if that included classroom space.

Ms. Tortorella stated there was no classroom space. There were medical offices and a conference room that is a meeting room. She stated there would be no classes conducted in that meeting room.

Maria Gorete-Crowe asked if Open Door would have education for patients at this facility.

Ms. Tortorella responded that education for patients would be facilitated by patient advocates who work with the patients but there would be no group therapy or group education programs.

Ms. Gorete-Crowe asked if Open Door's diabetes education would be conducted individually.

Ms. Tortorella agreed it would be conducted individually on a case-by-case basis.

Sherry Bishko asked about the statistics given by Open Door regarding pedestrian traffic. She asked if this reflected the 4,000 patients seen at the current facility or what they anticipate will be increased patient load at the new facility.

Ms. Tortorella stated those numbers were based on patient projections, based on Open Door's increased space and the changes in their operational program. Discussion ensued regarding these statistics.

Sherry Bishko asked how often the shuttle would run between Phelps Memorial Hospital and the Open Door facility.

Geraldine Tortorella stated the shuttle would run twice an hour if not more frequently when shifts are changing. She stated Open Door would be willing to provide that information based on what their expectations would be.

Ms. Bishko asked if the shuttle was a bus. Ms. Tortorella stated it would be a van.

Ms. Bishko asked if the van would make the left off Route 9 into the facility. Ms. Tortorella agreed that coming from Phelps the van would make the left into the facility.

The Chair asked if the shuttle would make the multi-point turn in order to exit the parking area.

Ms. Tortorella agreed and stated they had provided diagrams to show how vehicles would turn around in the parking lot. She stated the turning diagrams provided were for vehicles such as ambulances, taxis and other vehicles.

Sherry Bishko asked if cars were prohibited from making a left turn when exiting the parking lot.

Ms. Tortorella agreed it was not allowed to make a left turn out of the lot.

Sherry Bishko asked if a car could enter and exit at the same time in the parking lot.

Ms. Tortorella stated the opening to the parking lot was over 21 feet wide, which is a two-way curb cut.

Discussion ensued regarding anticipated traffic backup on Broadway during the peak morning hours.

Timothy Judge stated his concern that while a vehicle is making a five-point turn to exit and another vehicle is entering, traffic might start to back up on route 9. He cited the traffic near C-Town in Tarrytown as an example.

Michael O'Rourke stated there was sufficient space for a vehicle to turn and a fairly wide northbound lane on Route 9, plus a four or five-foot sidewalk that theoretically could be used as storage as a vehicle starts to move into the lot. He stated he believed the chances of blocking the roadway would be slim.

Gary Gianfrancesco stated they had provided a revised site plan, which takes away the five-point turn, by consolidating the parking so the vehicle can use the open loading space and then exit.

The Chair stated that assumes that all vehicles are parked in their spaces and no other cars in the lot, although that might not be the reality of the situation. He also stated that people would tend to slow down to look into the lot and see if any spaces are available. He asked where they would go if the lot is full.

Mr. Gianfrancesco stated he hoped they would move on to any available street parking, which they have demonstrated exists.

Sherry Bishko stated the slowing down to look could also cause traffic to back up on Route 9.

Mr. Gianfrancesco stated there are only 242 patients within one mile who might take that route and if 70% of them were walkers then the number would greatly diminish.

Timothy Judge asked for a clarification of the number of patients that Open Door schedules per hour.

Lindsay Farrell stated a typical physician sees three patients in an hour, therefore one patient every 20 minutes. With regards to staffing the facility, in its' maximum, in the third year of operation, with 18 residents and a variety of physicians and faculty, the range of patients seen would be between 10 and 27 per hour.

The Chair asked if Open Door had any statistics as to the number of patients who show up alone.

Dr. Naida Henriquez, M.D. stated she had practiced at Open Door's Ossining site for 15 years and they have a similar situation with a high school within walking distance and many of their patients are students that will walk to Open Door by themselves.

Timothy Judge stated that based on Open Door's statistics as to how many patients will drive, there might be 3-7 vehicles and there will be overlap in the parking lot. He stated this is where the issue of traffic backing up into Route 9 could happen.

Geraldine Tortorella stated they have addressed that overlap issue in terms of demand for parking. She asked if the Board's concern was what impact would the full occupancy of the parking lot have in instances where people will come by and look for parking but won't be able to park because there will be times when Open Door's 30% number is more than seven parking spaces and what impact will this have on traffic.

Timothy Judge further clarified the point by adding that Open Door would also have a shuttle bus that has to make a turn around in the lot and that inhibits the flow of vehicles into and out of that parking lot.

The Chair also added another component; people stopping to drop off patients at Open Door.

Sherry Bishko stated they might drop off patients on Route 9 instead of pulling into the parking lot.

Maria Gorete-Crowe stated she had witnessed people stopping in front of Open Door's location on Beekman Avenue and how it blocks traffic. She stated the traffic on Beekman Avenue is not as heavy as the traffic on North Broadway. She also stated they have to consider the cars that are dropping people off.

Geraldine Tortorella stated she was not trying to suggest that all Open Door patients walk. The Board has pointed out an area that they will address it further with the Board.

Linda Moiron asked about the shift changes and the shuttle schedule.

Ms. Tortorella stated the shuttle would work for employees, staff and resident participants in the program. She stated they would look into how many hours of the day would involve shift changes and the number of people needing to come to the site and get that information to the Board

Michael Wernick asked for clarification on how many times per hour the shuttle will bring non-patient personnel from Phelps to the facility and how many shift changes there are at Open Door.

Ms. Tortorella stated they would get back to the Board with that information.

The Chair stated that the Board hasn't embraced the idea that the off-site parking even qualifies as parking.

Timothy Judge asked if they had included people who come to Open Door just to pick up their WIC checks as part of their patient load on an hourly basis.

Ms. Tortorella confirmed these people had been included in the patient load numbers.

Geraldine Tortorella stated that Open Door has provided the signed agreement with Phelps Memorial Hospital regarding the parking. This agreement indicates that up to 40 spaces will be made available for Open Door residents, staff and employees to park at Phelps and Phelps is authorizing the operation of a shuttle van from Phelps. The minimum term of this agreement is 10 years but will be renewed automatically as long as Open Door operates a medical facility on this site. There are limited instances where it can be terminated by Phelps but they are all basically related to Open Door no longer operating this medical office in this location as a health center not-for-profit. If Open Door leases the facility to a for-profit entity or other events occur, then the special model that Open Door presents would no longer be relevant and Phelps is not willing to agree to that.

Linda Moiron asked if the residency program was a condition of the parking.

Ms. Tortorella stated they had made the agreement broader and not limited to the residency program.

The Chair stated he wanted to address some of the points raised in the December 18, 2012 letter submitted by Geraldine Tortorella in response to Sean McCarthy's letter dated December 12, 2012. He asked if everyone had a copy of McCarthy's letter.

Mr. McCarthy made copies of the letter for the Board.

The Chair referred to Ms. Tortorella's letter, which asked if the requests in Mr. McCarthy's 12/12/12 letter, were generated by the Board. The Chair stated they were not. He also asked Ms. Tortorella about her statement that "We are concerned that some seem to be expressed in a negative tone."

Geraldine Tortorella stated they felt that some of the information requested by Mr. McCarthy in his 12/12/12 letter has already been provided in the form of testimony that was given during the November 14, 2012 hearing. She stated that testimony had been given as to the problems of 80 Beekman Avenue and yet they are being asked for a feasibility study for 80 Beekman Avenue.

The Chair again asked Ms. Tortorella what she meant by "negative tone". He stated he understood that she might not agree with all the questions, but he did not see a positive or negative spin on Mr. McCarthy's letter. It was simply a request for information.

Ms. Tortorella stated their interpretation was that the testimony was not believed and they were now being asked for paper documentation. She also stated they gave their reasons why they don't believe the requests were pertinent but in instances where they have the information, it has been provided to the Village.

The Chair also stated that Mr. McCarthy's letter is just a request for information and in no way has any bearing or control on the Board's requested variance.

Ms. Tortorella stated there was a memorandum prepared on October 15, 2012 but not given to Open Door until the November 14, 2012 meeting even though the applicant was present at the October meeting. It was an outline of all of the variances required and a statement as to the showing that Open Door needs to make with respect to those variances. She stated that some of those statements are correct and some are incorrect and they want to make sure they convey to the Board their belief as to the controlling standard that Open Door has to meet with respect to the variances.

The Chair discussed the requests in order.

The first concerned the request for a site plan of proposed of site parking areas. The Chair stated that Ms. Tortorella's response pointed to one of her exhibits and spoke about Phelps Hospital having an excess of 491 parking spaces. He asked Ms. Tortorella if that was based on full utilization of the hospital.

Ms. Tortorella stated it was based on utilization of the existing improvements on the site. She also stated the exhibit was a letter from Phelps planning Consultant, Andrew Tung from Divney, Tung and Schwalbe. She pointed to item 5 on the second page of this exhibit, which indicates the existing parking on the Phelps site exceeds the zoning requirement by 491 spaces.

Sean McCarthy stated that the first page of the Tung letter from June, demonstrated Mr. Tung has not calculated any of the required parking for the existing hospital. He also stated that after two amendments from the master plan, the actual 32 additional parking spaces were not constructed. Mr. McCarthy stated they did not count the hospital, the residency building, Building 9 or floors 1 and 2 of the new medical facility. He stated the hospital couldn't count spaces they didn't build.

Janet Gandolfo stated it was totally appropriate for Mr. McCarthy to ask for a site plan since the applicant has made it an issue that there is parking available at the hospital. There have been improvements at the hospital where the parking has not kept up with the improvements.

Mr. McCarthy stated it was required under Village code under the section that requests offsite parking.

Geraldine Tortorella stated the June 5, 2012 letter was submitted at the Planning Board stage and the issue was never indicated to us that this was an inadequate assessment of the parking that was available at Phelps.

Ms. Tortorella stated they had done a survey of the available parking at Phelps and counted upwards of more than 565 spaces during various times. She stated they felt the analysis was adequate and they also believe there is a clear indication that the parking on site at Phelps could accommodate 40 spaces.

Ms. Tortorella asked why the Village has never required Phelps to do a zoning analysis based on the existing hospital because there have been approvals for improvements at Phelps that the master plan is the basis of and why is it being asked for at this point in time.

Janet Gandolfo stated the determination of the Planning Board was a different consideration. She stated that Open Door is asking the Zoning Board to approve a variance for parking and they are basing their application on their statement there is plenty of available parking at the hospital site. She stated the Zoning Board needs to know this statement is accurate and Mr. McCarthy is asking for the plan on behalf of the Board.

Geraldine Tortorella stated if the master plan didn't require the existing hospital to be counted in the parking number, then why is Open Door being asked to make sure it is counted now, when they are talking about 40 parking spaces and they have a survey result that shows there is an excess of 560 spaces available.

Sean McCarthy stated that the master plan was not followed. He stated that Phelps did not construct parking they said they would and there have been several modifications to the master plan which is the reason Phelps has still not received a Certificate of Occupancy from the Village. Mr. McCarthy asked for clarification of how many spaces are available at Phelps and the breakdown of where those spaces are required throughout the facility.

Geraldine Tortorella asked if the Village were interested in an existing condition type of site plan and where Open Door's 40 parking spaces would be located as well as the existing parking.

Mr. McCarthy also added the Andrew Tung's table analyzing the required parking should be complete and shows all the buildings with all the floors and the required parking for each.

Janet Gandolfo stated the applicant needs to show the parking for the Phelps site now and what spaces are allocated for each use on the facility and then where would they intend to put the parking for the Open Door.

Ms. Tortorella asked if it was fair for the applicant to base this on existing improvements, not what might be able to be built in the future.

Janet Gandolfo agreed to existing improvements but no existing occupancy.

Keith Safian, CEO of Phelps, stated that Phelps built more parking than was required by the Village code. He stated they would give Mr. McCarthy the documentation he requested.

Discussion ensued regarding which site plan from Phelps the applicant could work from to provide the parking information to the Board.

The Chair referred to Item 3, known as the Grotto resolution, approving the hiring of a crossing guard. He stated his understanding that the applicant had not spoken about this with the appropriate authorities but they have suggested it be included as a condition.

Geraldine Tortorella agreed and stated it be a condition of approval they would have to demonstrate compliance with in order to move ahead with any construction.

Timothy Judge asked for some kind of outline as to salary, benefits and overhead costs for the crossing guard so the Board could understand what is covered under this arrangement if the arrangement is to be made.

Michael Wernick asked if the Board had ever imposed a crossing guard condition on any variance.

The Chair stated that since he has been on the Zoning Board, there had not. Michael Wernick stated the implication is that citizens don't know how to cross the street. He stated he didn't believe it was the responsibility of the Zoning Board to address that issue when talking about a parking variance.

The Chair stated that if the Board feels it is a dangerous to cross in that area, then the applicant is suggesting this as a way of mitigating the danger.

Michael Wernick stated there are many business in the area that people will cross the street for so why do we think this business requires a crossing guard.

The Chair stated the applicant is suggesting it and the question is how practical is this suggestion.

Ms. Tortorella stated the applicant doesn't have to pursue this if the Board doesn't feel it is necessary or appropriate.

The Chair read Item 4: the number of patients that are residents of Sleepy Hollow. He stated this had been covered by the applicant's charts.

In regards to Items 5 & 6, a feasibility study, the Chair stated it seemed clear from the documentation that the applicant is asserting there are structural deficiencies in the current Open Door location that make it unusable. He asked if the landlord was refusing to do repairs.

Ms. Tortorella stated this information was already in the Building Department and they were aware of what the problems have been with that building

Ms. Tortorella also stated that they provided communications from two consultants that indicate the structural issues Open Door encountered when they wanted to install an elevator. She also stated that Open Door had historically had difficulty with the landlord maintaining repairs. Since Open Door needed to add space and could not install an elevator, they began to look elsewhere for appropriate office space.

The Chair stated he was trying to understand the difference between the space not being usable because of repairs the landlord won't make, between changes Open Door could make but don't want to make, versus structural defects that just could not accommodate the use the applicant would like.

Ms. Tortorella stated Open Door began to look for an alternative location when the landlord wouldn't make the repairs but subsequently the landlord has been required to make some of the structural repairs.

Sean McCarthy stated the Building Department is aware of one structural repair that was made and there are no other violations on record at the Building Department.

The Chair asked Ms. Tortorella if the landlord were to make all the repairs necessary would that accommodate all of Open Door's needs.

Ms. Tortorella stated it would not because of the accreditation committee for the residency program indicated the current space at 80 Beekman would not work. She stated Open Door had already purchased the location at 300 No. Broadway before the landlord had made the repairs.

The Chair stated that the applicant has provided the lease agreement requested in item 7 but the Board has not had the chance to review.

He mentioned Item 8: a copy of an employment agreement regarding use of off-site parking. He stated the Board would review and asked if this was a draft. Ms. Tortorella agreed it was a draft.

Item 9 – an amended traffic study – the Chair asked if this would be provided to the Board by next month. Ms. Tortorella confirmed this.

Item 10 – Define Family Medicine Residency Outpatient Program. The Chair stated this was a definitional issue.

Item 11: Indicate if the Family Medicine program accepts other than low-income families. The Chair asked Open Door if their position is that they must make service available to all income levels.

Geraldine Tortorella stated that Open Door does not only provide services to low-income people. They provide services on a sliding fee scale. Open Door's experience indicates they provide services to low-income population much more than those who have private insurance.

She stated that for Open Door to become licensed as a federally qualified health center, they need to demonstrate there is a particular need in an area for their services because either doctors can't or won't provide services to a population that needs those medical services.

The Chair stated he wanted to cover the side yard variance that Ms. Tortorella referenced in response to Sean McCarthy's October 15, 2012 memorandum. He stated there was a change in the layout designed to increase the open area in the parking lot.

Ms. Tortorella stated that the need for the side yard variance applied to either site plan they had submitted. She asked Mr. Gianfrancesco to indicate where that variance is located on the plan.

Gary Gianfrancesco indicated an area on the plan that represents an area less than five square feet. He stated the reason for the stair at this point was a desire to limit pedestrian access from New Broadway; therefore the parking level became the main handicapped access to the facility. He stated that the main entrance had to be in close proximity to the elevator to make it as handicapped accessible as possible.

The Chair asked if this changed the requested variance.

Mr. Gianfrancesco said it did not but the stair tower does not protrude into the side yard any further than the existing building that predates this structure.

Sean McCarthy asked if they were now constructing a stair and area within that side yard.

Mr. Gianfrancesco stated the stair is currently proposed to service a utility area that is proposed under the stair, which does not exceed parking lot grade. They thought the question revolved around the stair tower but would be willing to eliminate the access to the utility area if necessary.

The Chair made a motion to reopen the public hearing that was adjourned from last month.

John Craft from 54 New Broadway stated he thought the shuttle bus would be taking people to Phelps and patients would not be walking to Phelps as mentioned if Open Door were located on the Phelps site.

Mr. Craft also mentioned that when pedestrians cross at the crosswalk on Broadway, vehicles are allowed to make the turn from Beekman Avenue onto North Broadway as well as the vehicles making the turn from Bedford Road onto North Broadway. He also stated there is a clock timer at the mentioned crosswalk, not a hand and he pointed out there is no crosswalk at Lawrence Avenue across Route 9.

Kimberly Martinez of 117 Depyester Street stated it was more convenient for her to see a dentist at Open Door's proposed location rather than at their location in Ossining.

Vladimir Klemenko from 64 New Broadway stated that his neighborhood of Webber Park is not unanimous in its' opposition to the proposed Open Door facility. He stated he felt the tone that Open Door was subject to at this meeting was skeptical and hostile. He also stated that Open Door has addressed issues of parking and safety and the patients who should be concerned for their safety area absent from the meetings. He stated the concerns of the public were not about safety but about property values. Mr. Klemenko also stated that the important concern was the public health risk of a working class population not being able to get health care.

Ed Andrews of Spruce Street stated that this proposed facility would be an asset to the community and an enhancement to the neighborhood. He mentioned previous suggested uses of the space that all required parking variances. He stated he didn't think whatever was built could meet the zoning requirements. Mr. Andrews suggested an option for the Village to issue parking permits to restrict parking to the residents along New Broadway. Mr. Andrews also stated he felt the medical center would blend in with the neighborhood and enhance the community of Webber Park.

Cynthia Scharf of 64 New Broadway stated that the intersection where the Headless Horseman Bridge is located is much more of a danger than the crosswalk to Open Door. Ms. Scharf stated her concern over who Sleepy Hollow wants to be as a community and as a neighborhood. She stated she would like to live in a place where there is room for an Open Door.

Julio Wellington from 58 College Avenue is the owner of National Taxi in Sleepy Hollow. He stated he trains his drivers not to have to turn into the property from the opposite side of the street but approach it on the same side. He doesn't believe people will park on New Broadway and he is won't drop off patients in Webber Park. He also stated he uses Open Door's facility and is very happy with their services.

Arthur McKinley who resides at 18 Kingsland Road stated that Open Door is a great organization in this Village. He stated it was a perfect use for the building and he is in favor of it.

Generis Mardell from Ossining, New York is a patient of Open Door and believes it is a great idea for Open Door to expand. She stated as a mother she is concerned with safety and makes sure her son crosses the street properly. She stated we need to educate each other as to how to make the crossing safely.

Dr. Naida Henriquez, M.D. resides at 2 Riverview Farm Road in Ossining, NY. She stated Open Door has over 40 years of community commitment in Ossining and also in Sleepy Hollow. She stated they would bring much needed services in healthcare and education to the community.

Ann Gashey from 22 Church Street in Tarrytown. She is an employee of Hackley school and used to live in Webber Park. She stated she is an Open Door client and has been for about a year and a half. She has recommended their services to colleagues and feels they are a fantastic group of medical practitioners in the community. She stated the outcome of not integrating our community would be more dire than the problem of making a left turn off of Route 9.

Ed Oliveira from 117 Van Tassel Avenue stated that his street is a cut-through for those attending activities at Philipse Manor restoration. He stated the Board is not adversarial but conducting due diligence to represent the people in Webber Park. He also stated that Open Door knowingly purchased a building with the knowledge that they would need an excessive parking variance. He believes that people will travel down Route 9 if there are no parking spaces in the lot and make a right onto Gordon Avenue, go up Holland and cut through New Broadway.

Grace Beltran, employee of Open Door stated that the gentleman who spoke before her doesn't understand what Open Door is all about. She stated that Open Door is being responsive and speaking on behalf of their patients needs. She stated his concerns go towards NIMBYism (Not In MY Backyard).

Margaret Rubick who resides at 12 Spruce Street in Webber Park is a professional health advocate. She stated she wrote to the Planning Board in May 2012 supporting the move of Open Door to 300 Broadway. She stated it would be an asset to the neighborhood and we need to be more inclusive and provide healthcare to everybody. She also stated that Open Door pays \$100,00/year in taxes and has spent thousands on plan after presentation and

these meetings area costing the taxpayers money too. She felt it was important for the community to work with Open Door.

Mario Belanich of 153 North Washington Street asked if Open Door could provide home health care services. He also stated that parking law says a business must provide parking for their employees and if not they can have another area not more than 200 feet from their business that they also own. Not drive them from Phelps Memorial Hospital. He asked how many people who use Open Door live outside Sleepy Hollow. He stated they mentioned outside the 10591 zip code but Tarrytown is part of that zip code too. Mr. Belanich also stated there have been problems with parking on New Broadway and Lawrence Avenue before when the space at 1 New Broadway was occupied by Tappan Motors. He asked if there would be a public hearing again next month.

The Chair replied there would be a public hearing again.

Marian Oliveira lives at 117 Van Tassel Avenue stated she is trying to understand why Open Door feels justified in moving their practice to 1 New Broadway. She stated that Open Door should have met with the Building Department to determine the applicability of this location for their use. She mentioned Mr. Grotto the previous owner, came before the Zoning Board at least 10 times for parking variances and she believed he claimed he was expecting 4 visitor per hour and he was providing 22 parking spaces.

Ms. Oliveira stated she walks to stores and will not cross Broadway at the location the traffic consultant has stated is a safe crossing. She also gave examples of instances where there was excessive traffic due to weather or street closures and asked how pedestrians would be expected to cross safely when vehicles can't get out of New Broadway safely.

Ms. Oliveira stated this would be the only Open Door facility located at an intersection of two State Routes. It would be the only facility that doesn't provide adequate parking. She asked what recourse the Village would have if they granted the variance based on employees of Open Door parking at Phelps

Keith Safian, CEO of Phelps Memorial Hospital for 23 years. Mr. Safian responded to the silliness of crossing the street. He stated that the high school and grammar school students cross safely and that should be the focus not the adults who are crossing to Open Door. He stated that Phelps is facing an 80 million dollar cut because of the Affordable Care Act but at the same time are trying to expand by having this residency program. The residency program cannot succeed without this Open Door site. Mr. Safian urged the Zoning Board to not let this stop Phelps and Open Door in doing the right thing for the community in providing good access to good healthcare.

The Chair made a motion to adjourn the public hearing portion of this meeting. Linda Moron seconded the motion.

Mr. Hernandez stated the garage would now be part of this application and the proposed parking spaces are zero and his client proposes to use his garage on Chestnut Street as parking for his restaurant.

Mr. Hernandez stated the building has 10 parking spaces of which four are already in use and one was for the take-out restaurant. The applicant is increasing the parking spaces by six for the restaurant, which will have 33 seats.

Mr. Hernandez stated that there is not much parking for Mr. Mota's clientele and in order to attempt to provide parking, he would like to utilize the existing garage even if it is valet parking to fit those 4 or 5 cars. He stated his client doesn't feel he will need those parking spaces.

The Chair stated that the zoning calls for 10 parking spaces and one loading space.

Michael Wernick asked if the garage is now providing spaces and how many. Mr. Hernandez stated the garage was being used for storage for another tenant but that matter has been resolved.

Sherry Bishko asked if clients can drive in and park or would it be just valet parking. Mr. Hernandez stated the garage was around the corner from the restaurant. The applicant felt it was better for valet to park because they could fit more cars in that space.

Timothy Judge asked if the previous parking tabulation had changed. He asked how many parking spaces are needed and how many do they currently have.

Mr. Hernandez stated that they need 10 parking spaces and 1 loading space. He stated if the owner uses the garage as it is, then they could provide 2 parking spaces.

Michael Wernick asked if there currently was a business in this location,

Mr. Hernandez stated it was a take-out restaurant that they want to convert to a sit down restaurant.

Michael Wernick asked if the take out restaurant was currently in operation. Mr. Hernandez replied it had not been in operation for about two years.

Michael Wernick asked if this was a business that was open before with no parking spaces.

The Chair stated this business was a 4 seat take out restaurant before and now they want to be a 33 sit down restaurant that requires 10 spaces.

Linda Moiron stated they required fewer spaces when it was a take-out restaurant.

Sherry Bishko stated that this restaurant has a requirement of 10 spaces and maybe could provide three.

Linda Moiron asked Sean McCarthy if the spaces were legal spaces.

Sean McCarthy stated he had not seen the spaces.

Timothy Judge asked if the tenant who occupied the garage is out of that space.

Janet Gandolfo asked if the restaurant and the garage were located on the same property.

Mr. Hernandez replied that they were.

Sherry Bishko asked if the spaces were difficult to access by customers.

Maria Gorete-Crowe asked if the garage was being torn down to provide the spaces or were customers going to park in the garage.

Mr. Hernandez stated the customers would park in the garage.

Discussion ensued about the restaurant location.

Michael Wernick asked if this restaurant would cater to local clientele.

Mr. Hernandez agreed it would.

The Chair asked how many parking spaces would the restaurant have needed as a take out restaurant. Mr. Hernandez replied one space.

The Chair asked why the restaurant stopped operating as a take out restaurant. Mr. Hernandez said it had progressed to being a sit down restaurant and that's when it became an issue with the building department.

Sean McCarthy stated they had converted it to a bar without a permit and this is the owner's attempt to revert to a more compliant use.

Mr. Hernandez stated the kitchen is not changing but they are making the bathroom more handicapped-accessible.

The Chair stated that the plan makes it look like they are maximizing the space with many tables and chairs.

Mr. Hernandez stated that was for the purpose of parking calculation.

Linda Moiron asked if this was the same size space as the take out restaurant. Mr. Hernandez replied yes.

Michael Wernick asked Sean McCarthy if this plan fits into the occupancy for the building code and egress requirements.

Mr. McCarthy stated the plan complied with the code and requirements. He stated they could actually have up to 49 people with the current arrangement of that space.

Timothy Judge asked if that would include staff. Mr. Hernandez agreed.

Michael Wernick asked the square footage. Mr. Hernandez replied it was 900 square feet.

Mr. Wernick asked why they are making the occupancy so high with such a deficiency of parking. He also asked why they don't make it a 20-seat restaurant so the variance is not so severe.

Mr. Hernandez wanted to account for all the space.

The Chair asked if this was a viable business as a take out restaurant and pointed out that as a take out they would only require one space.

Mr. Hernandez said at the time the take-out restaurant was operating they didn't have the garage space.

The Chair stated that assuming the three parking spaces in the garage were legal, they could still have a 15-seat restaurant with no variance.

Mr. Hernandez stated with valet parking they could park more cars in the garage. Linda Moiron stated they applicant still doesn't have the loading space.

Michael Wernick asked if the applicant were to consider reducing his occupancy, it wouldn't appear that he would be losing any income and he would be reducing his requirement for parking spaces.

The Chair agreed that if the applicant were to reduce table occupancy to a number that was at or close to 15 and the assumption that the garage provided legitimate parking, which would substantially reduce the number of the requested variance. The Chair could not say they would necessarily grant the variance because they still have the 200-foot rule for the restaurant separation plus the loading space, but that would make it a simpler decision.

Timothy Judge asked about the parking status on the corner of Cortlandt and Chestnut Streets.

Sean McCarthy stated there is no loading zone there on Cortlandt and there is parking on both sides of the street. He also stated there is parking on only one side of Chestnut and a hydrant on the south side of Chestnut Street.

The Chair asked if Mr. Mota would consider reducing the occupancy.

Mr. Hernandez stated he would. He also stated he could make adjustments to 24 seats.

Michael Wernick stated that 25 seats requires 5 parking spaces and he would be more inclined to consider the application at that number.

The Chair asked how often the restaurant received deliveries.

Mr. Hernandez spoke to his client in Spanish. He translated that Mr. Mota said they received deliveries twice a week.

The Chair asked if the delivery trucks double-parked in the street.
Mr. Hernandez stated Mr. Mota said for several small supplies they deliver all at once to an area.

The Chair asked Sean if he needed to make a physical inspection of the garage to determine how many legal spaces were there.

Sean McCarthy stated the architect could illustrate the parking layout on the plan. Then the Building Department will do a field inspection to verify the plan corresponds with the actual conditions.

The Chair asked if it was appropriate to wait for the parking verification to be completed before the Board makes a decision, versus make a decision now based on conditions.

Janet Gandolfo stated it was better to have all the plans in the record before the Board makes a decision. She stated the applicant would have to come back next month for a public hearing.

The Chair suggested Mr. Hernandez and his client work with Sean McCarthy and substantiate the garage spaces.

The Chair made a motion to open a public hearing for comments.
Timothy Judge seconded the motion.

The Chair asked if the public had any comments. There were none.

The Chair made a motion to close the public hearing.
Timothy Judge seconded the motion.

The Chair made a motion to adjourn so the applicant can address the concerns of the Board.

Michael Wernick added the suggestion to lower the occupancy of the restaurant.
Sherry Bishko added that the applicant had to confirm parking spaces.

The Chair asked if there were any other questions from the Board.
There were none.

The Chair made a motion to adjourn this matter to next month.
Sherry Bishko seconded the motion.

4) Approval of Minutes

September 19, 2012

October 17, 2012

November 14, 2012

Timothy Judge made a motion to approve the October 17, 2012 minutes as amended.

The Chair seconded the motion.

The Board voted in favor. Tom Capossela was absent.

The Chair made a motion to approve the November 14, 2012 verbatim minutes.

Michael Wernick seconded the motion.

The Board voted in favor to approve. Tom Capossela was absent.

Peter Koffler asked for the minutes of September 19, 2012 to be changed to reflect that he was absent and Mr. Judge was Acting Chair for that meeting.

Timothy judge made a motion to approve the September 19, 2012 minutes subject to the requested corrections.

The Chair seconded the motion.

The Board voted in favor. Tom Capossela was absent.

The Chair made a motion to adjourn the meeting.

Michael Wernick seconded the motion.

The meeting was adjourned at 12:02am.