

**Village of Sleepy Hollow
Zoning Board Meeting - APPROVED
February 27, 2013**

Peter Koffler, Chairman, called the meeting to order at 8:10pm. The Chair noted that a quorum was present.

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

Absent: Tom Capossela

Also Present: Sean McCarthy (Village of Sleepy Hollow/Building Department)
Janet Gandolfo (Village Attorney)
Vince Ferrandino (Ferrandino & Associates/Traffic Consultant)
Stephan A. Maffia (Ferrandino & Associates/Traffic Consultant)
Mary Gerlanc (Recording Secretary)

Agenda:

1)Open Door Family Medical Center	1 New Broadway	Continued Application
2)Open Door Family Medical Center	1 New Broadway	Public Hearing
3)Antonio Rodrigues	332-340 No. Broadway	Public Hearing
4)Approval of Minutes		January 16, 2013

Announcements - There were no announcements.

1) Open Door Family Medical Center 1 New Broadway Continued Application

The Chair stated the Board had received the following additional submissions:

- A letter dated Feb. 25, 2013 from Hockerman, Tortorella & Wekstein to the Mayor and the Board of Trustees.
- A parking study from Ferrandino & Associates dated February 26, 2013, analyzing the prior Adler traffic study.

The Chair asked the representatives from Ferrandino & Assoc. to discuss the traffic analysis.

Vince Ferrandino, Principal of Ferrandino & Associates stated his company had been retained by the Village to review the parking and traffic aspects of the application. He introduced Steve Maffia, an associate at Ferrandino & Associates who conducted the analysis and the study.

Steve Maffia stated they has met with Village representatives in early February regarding concerns the Zoning Board and the Board of Trustees had with certain issues regarding the Open Door application.

Mr. Maffia stated he met with Michael O'Rourke from Adler Consulting on February 19, 2013. On February 20, 2013 Mr. Maffia conducted a site visit and drove the streets and parking areas surrounding the site of the Open Door's proposed application at 1 New Broadway. He checked the way the signal operated, the level of pedestrians in the area and the parking. The memo they produced dated February 26, 2013 was the result of the meeting and the site visit.

Mr. Maffia stated they developed four important issues in terms of the Zoning Board's concerns:

1. Travel mode survey that was conducted by Adler Consulting and Arconics.
2. Parking in areas surrounding the site.
3. Site circulation in the parking area.
4. Safety issues involved with crossing from the west side of No. Broadway to the east side to the proposed Open Door location.

Patient/Staff Travel Survey: Mr. Maffia stated the Arconics survey conducted in 2011 indicated that the number of people who walked to the Open Door facility was about 50% of all the trips that were made. The Adler study conducted on two separate occasions, indicated that the percentage of people who walked to the site was around 70%, which is a significant difference. Mr. Maffia reviewed Adler's survey forms and confirmed that if one were going by the numbers relative to the questions asked in the Adler survey, then 70% was about the correct number of people who walked to the site.

Mr. Maffia felt these numbers were the result of a survey area that was concentrated within neighborhoods to the west of North Broadway, close to the current location, to result in that many walking trips. Mr. Maffia stated the issue was whether that percentage can be applied to the new service area. If the service area is expanded and patients are coming from further distances, then it is not likely there would be that many walking trips. The patients would arrive by some other form of transportation.

Mr. Maffia stated this was important since it would affect key items of the application. It would affect parking and circulation within the parking lot, which would affect issues with cars trying to turn in a small parking area and in turn affect the cars waiting on Broadway.

Parking Area Surrounding the Site or Parking Supply Area: Mr. Maffia stated the Adler study used a quarter mile radius with the 1 New Broadway site to figure their parking supply area. Ferrandino & Assoc. felt that the more accurate representation was 1200 feet, which would be the maximum walking distance most people would be comfortable walking. They also felt the distance should be measured in streets, not in a radius surrounding a center point. Mr. Maffia included aerial photos in their report showing those distances. Within those distances they identified 184 parking spaces, which included spaces available in the municipal lot on Beekman Avenue. Mr. Maffia then used the occupancy numbers from Adler's November 2011 study and compared that to the total number of parking spaces in the PSA (Parking Supply Area). The results were 60-70 parking spaces available during the day, however the number dropped significantly in the late afternoon to around 25 or less spaces. They felt that if the service area were expanded, then 25 or less spaces might not be enough to satisfy the parking demand of the new site. They would like the applicant to provide some information on the expanded service area and to comment on whether they believe the parking on the street is what they believe it was initially.

Site Circulation: If all parking spaces in the lot are full, this could result in spill back onto North Broadway and that could affect traffic flow on Broadway and certain safety issues that would arise from that.

Safety: Mr. Maffia stated that Adler Consulting did put together extensive research regarding accidents around the area of the proposed site and found that while there was a typical share of accidents, there were no pedestrian accidents. He also stated there was no way to predict future pedestrian traffic accidents.

Mr. Maffia felt that crossing North Broadway was under the protection of the traffic signal. The only traffic that might affect someone crossing North Broadway were vehicles turning right from New Broadway and that volume is low.

Another issue was the shuttle service and the use of parking spaces at the Phelps Hospital Parking Garage. Mr. Maffia observed parking usage at the garage on Feb. 20, 2013 in the late afternoon and found there were over 100 parking spaces available on the lower levels. He also noticed that part of the 4th level and all of the 5th level parking was roped off and completely empty. Mr. Maffia stated they don't know if Phelps has any plans for those parking spaces and if that might impact future parking for the Open Door Shuttle Service. They would like the applicant to provide information as to their agreement with Phelps Hospital regarding the parking situation there.

Mr. Maffia stated another concern was the offer by Open Door for a crossing guard at the North Broadway crosswalk and the issue of the shuttle service using the Beekman Avenue parking lot as a staging area for this end of the trip.

The crossing guard would have to be a joint effort between the Village and Open Door. A crossing guard is considered by the NYSDOT to be a traffic control device because they have the ability to control vehicular traffic and it would help if the request made to the

NYSDOT came from the local municipality rather than a private entity. The Village would employ the crossing guard but Open Door has stated they would defray the costs.

Mr. Maffia stated there was space at the back of the municipal lot near the police parking lot where a shuttle bus could stand and release passengers. It would not block other vehicles from passing or block entrance to the police parking lot or the private lot located in the rear of the municipal lot. The Village would have to verify all this with Open Door.

Mr. Maffia asked if there were any comments or questions from the Board.

Sherry Bishko asked if they could comment on spillback on Route 9 during peak hours. Steve Maffia stated this was a potential for spillback to occur and under peak conditions could occur fairly rapidly. He stated there could be a condition that only certain vehicles could be allowed to park in that lot, however that could create issues with the offsite parking supply.

Maria Gorete-Crowe asked why Ferrandino & Associates would recommend using the municipal lot for the shuttle bus staging area.

Janet Gandolfo stated the applicant had made a request to the Board of Trustees for three items and one was to use the municipal lot for the shuttle drop off and pick up instead of the lot at the proposed site. She stated that Ferrandino & Associates were only responding to the applicant's request.

The Chair observed that each of these factors mentioned in all the traffic studies are all being looked at as stand-alone issues but not as a cumulative effect. He felt the variables affect each other and are not necessarily stand alone issues.

Mr. Maffia stated this was a standard approach to traffic studies but the idea has merit.

The Chair invited the applicant to present any additional information or responses.

Geraldine Tortorella of Hockstein, Tortorella & Wekstein, co-counsel for the applicant, stated they were not prepared to comment on the traffic analysis because they had requested the variance application be put on March's agenda and did not know it would be on February's agenda.

She stated that some of the items discussed had already been identified previously and they would be submitting responses to those questions as well additional items that were raised at tonight's meeting. Their intention is to prepare a written submission to the Board in advance of the March meeting.

The Chair asked Sean McCarthy if the applicant had responded to his previous letter in December with itemized requests for information.

Mr. McCarthy stated that some of those items were still outstanding.

Ms. Tortorella stated the December meeting offered further clarification of those items and the information that was requested and one of the big pieces was the zoning compliance analysis on the Phelps site with respect to parking.

The Chair asked if there were any questions for the applicant. There were none.
The Chair asked for a motion to adjourn this application until next month.
Michael Wernick seconded the motion.
The Board voted in favor. Tom Capossela was absent.

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

The Chair asked Sean McCarthy if the returns were in on this public hearing.
Mr. McCarthy agreed.
The Chair read the public notice for the record.

The Chair stated he had the public notice and a letter dated January 15, 2013 from Hockerman, Tortorella & Wekstein and a second letter dated January 15, 2013 also from Hockerman, Tortorella & Wekstein.

Geraldine Tortorella of Hockerman, Tortorella & Wekstein, Kyle McGovern of Lyons McGovern, Gary Gianfrancesco, of Arconics Architecture, Bernie Adler, Adler Consulting, Lindsay Farrell, CEO of Open Door were present on behalf of Open Door.

Ms. Tortorella stated that Open Door has a mobile dental clinic used to provide dental services to communities other than Sleepy Hollow. They provided photographs of the mobile dental clinic. The dental clinic van has water service to it, which necessitates parking it in an enclosed area where the temperature won't get too low and the pipes won't freeze. Currently the dental clinic van is parked at a rental space in Mt. Kisco, NY and is taken out on a daily basis. They are requesting to park the mobile van in the enclosed garage space underneath the building at 1 New Broadway. This is for parking purposes only. They are seeking a 12-month temporary use authorization permit that is allowed under the code.

Ms. Tortorella stated the mobile van had been parked in that garage space previously. When it was brought to Open Door's attention that it was not permitted, it was removed from that location. They recently realized they could request a temporary use authorization in order to park it at that location again.

Ms. Tortorella stated that the van driver would arrive at the location approximately 8:00am, park his personal vehicle at the site, retrieve the van and leave the building. He would return around 6:00pm, park the van underneath the building and retrieve his vehicle. This would occur five days a week. There are no plans to use it on the weekends. She stated if the other variances are granted, then this use would be discontinued.

The Chair stated that the van looks sizeable from the photographs. He asked if the parking area is sufficient for the van to pull in and back into the garage. Ms. Tortorella stated there was sufficient room.

The Chair stated that this request was purely for the parking storage of the vehicle at this location and not for the operation of the dental clinic.

Ms. Tortorello agreed that it was for parking only so they don't have to pay rent at another location.

The Chair stated there currently is a chain across the parking lot and asked if that lot would be open during the day once the mobile dental van is removed from the garage.

Ms. Tortorello stated that the chain was placed there to prevent adjoining uses from parking their vehicles in the lot, but the applicant was flexible about whether the chain should be put back once the driver removes the mobile van. The van would have to remain on the street while the chain is reattached, however Ms. Tortorella stated there are comparably sized trucks that make deliveries on that same road all the time.

Timothy Judge commented that the van would be on Broadway at 8:00am, which is peak time on that street.

Geraldine Tortorella suggested having someone from Open Door remove and/or reattach the chain so the mobile van driver would not have to leave any vehicles on the street during that procedure.

Linda Morion asked Sean McCarthy why the van was not allowed to park there before.

Mr. McCarthy stated that this is a use that was not previously approved.

The Chair made a motion to open the public hearing. Linda Moiron seconded the motion.

PUBLIC HEARING

ROSEMARIE McMANUS of 31 New Broadway asked why the public could not ask questions during the traffic study portion of the meeting.

Janet Gandolfo stated that the traffic study was for presentation purposes only, however the public could ask questions but they would not be answered until the next meeting.

Ms. McManus stated that the traffic study did not take into account alternate side of the street parking when they calculated the number of parking spaces available.

EDNA ROBINSON of 65 New Broadway reminded the Board that when congestion happens on North Broadway, people will try to avoid the light and there will be more traffic on Pine Street, Gordon Avenue and into the Webber Park area.

DON CAETANO from 43 Lawrence Avenue stated that the traffic study was not accurate. He would like to see counters on the state road and the crosswalk for the traffic study. He also stated there is a problem with parking on Lawrence Avenue now.

MARIO BELANICH stated there was an ordinance in the Village that the shuttle parking has to be 200-250 feet from the place of business. Phelps Memorial Hospital is more than 200-250 feet away and he feels that is illegal.

Mr. Belanich also stated New Broadway had a problem with parking when Tappan Motors was at the open Door location. He asked how long the special permit would last for the mobile dental van.

Then Chair replied the term would be a maximum of 12 months.

ED OLIVEIRA of 117 Van Tassel Avenue gave the Board a petition signed by 220 residents of Webber Park who would be affected by the parking and traffic situations if the Open Door application were granted. He stated those residents are asking for good representation from the Board because they would be the most impacted by the decision.

MICHAEL KAMPEN of 12 Gory Brook Road stated the traffic study never mentioned how emergency snow removal on certain streets in Webber Park affects the parking. He also stated the study made conclusions from a six-hour video and disregarded testimony from resident that have lived in the area for many years and experienced near accidents. Also any traffic study regarding accidents should take into account the fact the property at 1 New Broadway was vacant for many years. He also stated there does not seem to be an issue with the mobile dental van parking at that location as long as this would not influence the original parking variance application.

DON CAETANO stated that the parking lot at 1 New Broadway should not have been constructed in that space space because it doesn't have the correct size opening as required by New York State code.

The Chair made a motion to close the public hearing.

Linda Moiron seconded the motion.

The Board voted in favor,

Tom Capossela was absent.

The Chair stated he was prepared to make a motion to approve providing the following;

- One vehicle is parked inside the garage
- It departs and enters once a day from the premises
- The lot must be closed off during the day by some means (e.g. chain)

The Chair made a motion to approve.

Linda Moiron seconded the motion

The Board voted in favor.

Tom Capossela was absent.

Janet Gandolfo asked if the Chair would like her to write a formal findings of fact and motion for the Board's approval at the next meeting.

The Chair agreed.

The Chair read the public notice into the record.

The Chair confirmed with Sean McCarthy that the returns were in.

The Chair stated the Board had received the following documents: the public notice, the application, a short form assessment form, architectural drawings received Dec. 14, 2012 and a letter dated Feb. 27, 2013 from the Law Offices of Zak Shusterman.

William Simeoforides, architect, submitted color drawings to the Board and gave an overview of the second story addition to the property. The addition would contain self-storage units. The addition is about 8,000sq. feet. On the first floor they will convert an annex into the entrance for the second floor. They will be enclosing a loading area to be shared by Mr. Rodrigues cabinet business as well as for the storage facility on the second floor.

Mr. Simeoforides stated the variance requested is for the height of the door in the loading dock area. Currently the height is 11 feet and the zoning code requires 14 feet. There will be an open stair and an elevator to the second floor and a place for a full time employee to check in people accessing the storage area. The parking area is in an existing lot across the street, which will be repaved and have new lighting and plantings. The garbage will be relocated and there will be the addition of a handicapped parking space.

Mr. Simeoforides stated that another company would lay out the storage space. The building is currently painted brick. The second story will be stucco with a grid pattern.

Timothy Judge asked for clarification of the elevations on the drawings provided by Mr. Simeoforides. He asked about the increase in height of the building from the existing condition to what was proposed. Mr. Simeoforides stated the building was approximately 20 feet plus or minus to the top of the existing parapet at the east end of the building (the corner of Broadway and Gordon Ave.) and another 14 feet would be added to that.

Michael Wernick asked the applicant to describe the use for the addition.

Mr. Simeoforides stated it was a long-term storage facility.

Mr. Wernick asked if there was office space on the second floor. Mr. Simeoforides stated there would not be office space on that level.

Mr. Wernick asked if this space was storage for items already being stored by the business below. Mr. Simeoforides stated it was a separate business.

Mr. Wernick asked how many storage units would be on that floor. Mr. Simeoforides stated he did a generic layout and estimated 39 units.

Mr. Wernick stated the applicant is reducing the parking by one space but increasing the traffic flow by 39 units and his concern is the parking in the area.
Discussion ensued regarding the flow of traffic to the storage unit.

Michael Wernick asked about the hours of operation.
Mr. Simeoforides stated the hours could potentially be 8:00am to 6:00pm, six days a week.
This has not been determined yet.

Timothy Judge asked how individuals would access their storage. Would it be by an access code or lock and would they have access 24/7.
Michael Wernick also stated he would like more information about the operation of the business, the hours of operation, the traffic and the parking.

Timothy Judge asked Sean McCarthy what would determine the number of parking spaces required for a storage unit.
Sean McCarthy stated it was determined by square footage and the addition was considered a warehouse type usage. He also stated the architect did a chart that broke down the parking by what each use within the building is required to have. The parking requirement for the entire building with the addition is 15 spaces and currently they have 12 spaces.

Discussion ensued regarding parking spaces for the building now and with the proposed addition.
Sean McCarthy stated the parking space that is being removed is for the purpose of creating a handicapped parking space and that need is triggered by the amount of construction proposed according to NYS code.

Sherry Bishko stated that the use for this space has been characterized at storage space/warehouse but it seemed to be a more commercial use.

Sean McCarthy stated Village Code does not specify this type of use in that detail.
Janet Gandolfo stated the Zoning Board can consider this application as another use. The Zoning Board is not limited to Mr. McCarthy's interpretation of the Village Code.

The Chair made a motion to open the public hearing.
Linda Moiron seconded the motion.
The Board voted in favor.
Tom Capossela was absent.

PUBLIC HEARING

ROSEMARIE McMANUS asked if the parking space across from the Cabinetry shop is also used for the Animal Hospital.

William Simeoforides stated that the parking lot across Katrina is only used for the Cabinetry business and the Animal Hospital.

DON CAETANO of 43 Lawrence Avenue stated that the building was previously a hardware store and was never zoned for manufacturing or approved for the cabinetry business. He also stated the applicant does not meet the minimum requirements for the Village Code in several areas as stated in the public notice and he feels the Zoning Board should take that into account.

MARIO BELANICH asked if this was a place to store furniture and other things and pay by month.

The Chair asked if there were any other comments. There were none.

The Chair made a motion to close the public hearing.

Timothy Judge seconded the motion.

The Board voted in favor.

Tom Capossela was absent.

The Chair asked if there were other questions from the Board.

Maria Gorete-Crowe asked about the loading dock area.

Mr. Simeoforides stated they were enclosing the area to separate the cabinet shop from the storage area.

Timothy Judge asked if there was sufficient room to back a van into the loading dock.

There was discussion regarding the distance from the curb cut to the loading space and the size of the loading space.

Mr. Simeoforides stated it was the height that required a variance. The length and width of the space were within code requirements.

Maria Gorete-Crowe asked where other trucks or cars would park if the loading space was full. Mr. Simeoforides stated they could pull up to the sidewalk on Gordon Ave. and wait for their turn in the loading area or wait in the parking lot.

Linda Moiron asked how many parking spaces in the lot, are taken up by the employees of Antonio Cabinetry and the Animal Hospital. Mr. Rodrigues stated he has two employees who drive but he does not know how many employees of the Animal Hospital drive and park in the lot.

The Chair asked if there was any thought to set back the second floor. Mr. Simeoforides stated that the entrance won't work if they set it back on Katrina. It might work on the Broadway and Gordon side.

Mr. Wernick stated he would like to see information about the operation of the business, the hours of the business, the number of storage units, the anticipated traffic.

The Chair stated he is prepared to make a motion on the application based on what he has heard. He stated he is troubled by the impact of this enormous building on Route 9 and it's

adverse impact on the neighborhood. He stated that the site was already overbuilt and that the requested variance was substantial and self-created.

The Chair made a motion to deny the application.

Michael Wernick seconded the motion.

The Board voted in favor. Tom Capossela was absent.

Janet Gandolfo stated she would write up a formal resolution with the findings of fact for the next meeting.

4)Approval of Minutes

January 16, 2013

The Chair made a motion to approve the minutes as amended.

Sherry Bishko seconded the motion.

The Board voted in favor.

Tom Capossela was absent.

The Chair made a motion to adjourn the meeting.

Timothy Judge seconded the motion.

The Board voted in favor.

Tom Capossela was absent.

The meeting was adjourned at 10:10pm.