

**Village of Sleepy Hollow
Zoning Board Meeting - APPROVED
March 20, 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
Michael Wernick

Absent: Tom Capossela
Sherry Bishko

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) Approval of Minutes February 27, 2013

Announcements - The Chair stated the public hearing for the Open Door Family Medical Center would be closed at the end of the March meeting. There would also be a one-week period for any submissions from the public or the applicant. He stated it is the intention of the Zoning Board to reach a conclusion on this matter at next month's meeting.

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

The Chair stated the Board had received the following submissions:

- Memorandum dated March 20, 2013 from Janet Gandolfo to the Board
- Memorandum dated March 20, 2013 from Vince Ferrandino to the Board
- Memorandum received March 6, 2013 from Vince Ferrandino to the Board
- Letter with attachments dated March 15, 2013 from Hockerman, Tortorella & Wekstein to the Zoning Board of Appeals

Janet Gandolfo asked Ms. Tortorella to acknowledge receiving materials from the Village. Geraldine Tortorella of Hockerman, Tortorella and Wekstein stated she had received the materials. Ms. Tortorella, along with Kyle McGovern of Lyons McGovern, Michael O'Rourke, special engineer from Adler Consulting, Gary Gianfrancesco of Arconics Architecture and Lindsay Farrell and Anita Willenkin from Open Door were present on behalf of the application.

Ms. Tortorella introduced Mr. O'Rourke to address the traffic and circulation issues. Michael O'Rourke, senior consultant for Adler Consulting stated that Route 9 was 40 feet across – 20-feet in the northbound direction and 20-feet in the southbound direction. – which is more than enough to accommodate two vehicles side by side at any time. He stated there is enough room for a vehicle to continue northbound around another vehicle waiting to enter the Open Door parking lot.

Mr. O'Rourke addressed the concern that if all the parking spaces and the loading zone were occupied, then what would happen if an ambulance needed to come to the facility. He stated the ambulance attendant could stop traffic since it is an emergency vehicle and then back into the parking lot to pick up the patient. He noted records indicated there was an average of five ambulance calls per year according to Open Door.

Mr. O'Rourke stated that Adler Consulting completed a traffic study for Saturday conditions at the proposed locations in September 2012. The data indicated the Saturday peak hour was between noon and 1:00pm, which coincides with what is considered the "shopping peak hour". They found that the maximum increase in vehicle delay at any one of the intersections would be 1.4 seconds.

Mr. O'Rourke stated their analysis showed there would be approximately 80 on-street parking spaces available in the vicinity between noon and 1:00pm. On a typical weekday morning there would be an average of 103 parking spaces available and an average of 98 spaces avail in the afternoon.

Michael Wernick asked if the weekday parking analysis included alternate side of the street parking. Mr. O'Rourke confirmed that their documentation of July 2012 included alternate side of the street parking.

The Chair asked if these spaces were all in the 1200-foot vicinity of the proposed location. Michel O'Rourke stated Adler Consulting used the quarter mile radius for their study while Ferrandino & Associates used 1200 feet. He felt the difference was negligible – it was a difference of 100 feet or less than 30 seconds walking time.

Regarding the average walking speed of 2.2 seconds per foot as mentioned in Mr. Ferrandino's report, Mr. O'Rourke felt the average walking speed was 3.5 feet per second.

Mr. O'Rourke stated that on Saturday there is no alternate side of the street parking and those regulations usually end at 4:00pm any day of the week, however their numbers do take into account the alternate side of the street parking when it is in effect.

Mr. O'Rourke stated they had analyzed data on a proposed shuttle, which would travel from Phelps Hospital garage to the Open Door site. There were several available routes.

- Travel southbound on Route 9 and make a left into the site.
- Travel southbound on Route 9, make a right onto Pocantico Street or Lawrence Ave., make a left onto Beekman Ave., a left onto Broadway and then a right into the site.
- Travel southbound on Route 9 past the site, turn right onto Beekman Ave. and then use an available parking space in the municipal lot on Beekman to discharge or pick up passengers.

Adler Consulting did an accident study for five years of data. There were no pedestrian accidents during that time and very few at the intersection of Route 9 and New Broadway. There were more accidents in the vicinity of Route 9 and Hudson Terrace due to the fact that two lanes merge into one lane south of Beekman Ave.

Mr. O'Rourke stated that access to and from the site is wide enough. Even if all the parking spaces are being used there is enough room in the lot to accommodate two waiting vehicles. The Chair asked if there was room for a parked vehicle to pull out if the two cars were waiting in the lot. Mr. O'Rourke stated there would have to be driver courtesy, however it could be done. He felt it would be a rare occurrence that all spaces in the lot would be filled.

Timothy Judge stated vehicles tend to drive in the center of the northbound 20-foot lane and asked how cars would be able to get around a waiting vehicle if that vehicle were not in the curb lane. Mr. O'Rourke stated there is a good site line for vehicles traveling north so they would be able to pull around a waiting vehicle.

The Chair asked if the 21-foot curb cut is the widest opening for the parking lot. He also asked if the 21-foot curb cut was wide enough for a car exiting the lot and another entering the lot at the same time. Mr. O'Rourke stated the curb cut had sufficient width to accommodate two-way traffic. Timothy Judge stated a vehicle would have to straddle the center of that 20-foot northbound lane in order to make the entrance into the lot.

Geraldine Tortorella stated the driveway dimension was 21'7". She stated the NYSDOT thought the parking lot entrance was adequate for the prior applicant who had larger vehicles in their commercial enterprise. Ms. Tortorella's concern was if there was enough room in that northbound lane for a car to turn into the lot and another car to move around that vehicle and continue to travel north. Their study looked at what happens with vehicle queuing.

Mr. O'Rourke stated their study showed sufficient on street parking on both weekdays and Saturdays in the area and a separate study indicated there is sufficient parking at Phelps Hospital to accommodate staff that work at Open Door.

Linda Moiron asked about peak hours in the afternoon. Mr. O'Rourke stated the average peak time was between 4-7pm.

Maria Gorete-Crowe asked how much space is in the parking lot when there are different types of vehicles such as minivans, trucks and cars parked. Mr. O'Rourke stated they used standardized measurements and turning templates developed by the American Association of State Highway and Transportation Officials to determine that the maneuvering can be completed. He stated it would take approximately four maneuvers to enter and turn around in the parking lot.

Maria Gorete-Crowe asked if these maneuvers take into account larger size vehicles. Mr. O'Rourke stated they calculated their turning maneuvers using a full size, 4-door passenger sedan, which is approximately the same size as a minivan.

Geraldine Tortorella stated the parking spaces are full-size conforming spaces. Discussion ensued regarding the width and length of the parking spaces.

The Chair referred to the March 6 2013 Supplemental Traffic and Parking Study. He asked if this were an update to the June 28th study. Mr. O'Rourke stated that the June 28th traffic study was a weekday study and the subsequent analysis was for Saturday conditions.

Geraldine Tortorella stated that Open Door has suggested they install a variable message board at the entrance to the parking lot so patients would know if there is a parking space available before they enter the lot. The message board is connected to sensors that are installed under each of the parking spaces. Ms. Tortorella stated she believed the message board is permitted under the zoning ordinance.

The Chair asked if she knew of any other facilities that use that mechanism. Ms. Tortorella replied it is typically used in parking garages and larger structures.

Ms. Tortorella also mentioned that the shuttle is a seven-passenger minivan and can circulate on the proposed site. Open Door is flexible as to an alternate method for how the minivan gets to the site and an alternative for the drop-off space in the municipal lot on Beekman Avenue. She mentioned that Open Door had addressed the Board of Trustees regarding the minivan in the municipal lot and the Village Attorney had submitted a memo stating there is no requirement by the Village for alternate parking for the minivan since it is a passenger size vehicle and can pull into any space in the Beekman Avenue lot. The Chair asked if the seven-passenger shuttle could pull into the lot at the proposed location if it were full, drop off passengers, turn around and exit. Ms. Tortorella stated it was possible.

Ms. Tortorella addressed concern about truck traffic at the site. Currently there is a full size, loading zone in the parking lot, however she stated Open Door has very little need for a full size loading zone. They have limited truck traffic at their existing location and do not anticipate having more at the proposed location.

There are only three kinds of activities that generate truck traffic:

- Delivery of supplies and materials: For the most part these could be delivered to the Ossining location and then brought to the Sleepy Hollow location by the minivan.
- Delivery of equipment/furniture: This can be scheduled for off-peak periods of patient visits not necessarily off peak for the road system.
- Trash pickup: They would use a private carter and can schedule pickups before the office opens in the morning. Trash pickup is usually once a week.

The Chair asked about the off-peak hours. Ms. Tortorella stated that off peak hours are usually Tuesday - Friday in the morning. Peak times are usually between noon and 4:00pm.

Timothy Judge asked how often medical waste was picked up. Anita Willenken stated it would be once per month.

Geraldine Tortorella addressed what the Open Door's "expanded service area" would be if they moved to a larger facility. In their submission to the Board they stated they do not have an expanded service area. They have an expanded physical plant that allows them to serve more patients in the existing service area. They have provided statistics as to the patient population in the current vicinity they serve. Out of over 9300 low and moderate-income level people in the 10591 zip code, approximately 5000 people live in Sleepy Hollow and 4320 live in Tarrytown. Open Door currently has 4000 patients it serves. Projections indicate they could serve 5600 patients at the new location however they may not reach that number.

The Chair asked if Open Door was currently turning patients away. Geraldine Tortorella stated that the demand for services is more than the number of appointments available. There are 800 patients getting services from the Ossining Open door who reside in Sleepy Hollow because the current office at 80 Beekman doesn't have those services available. The Chair asked if those 800 were in the 4300 numbers that was quoted. Geraldine Tortorella stated they were not in the existing patient group that Open Door serves. Discussion ensued regarding the number of patients who are served at one location versus another and those that may be patients at both locations and the reasons for those decisions.

The Chair asked if there were any economic or financial impact as to whether Open Door has more or less patients. Lindsay Farrell stated their revenues are paid on a capitated basis meaning per member per month and not per visit. Open Door also receives grant funds, which are flat and don't change from month to month.

Geraldine Tortorella stated there is a quality control that internally regulates how many additional patients Open Door can service. Membership in this quality controlled group

looks at success rates with the patients that Open Door has in order to qualify and participate in this program. There are a finite number of patient visits that can be provided on a daily, monthly and annual basis. There are a limited number of exam rooms and doctors, which controls how many people can be seen.

Geraldine Tortorella stated that Open Door has never had to go to another location and get patients to visit their offices in Sleepy Hollow. There was more than enough patient demand in areas that Open Door is located. Many patients don't have the ability to own or drive cars so they are limited by transportation costs. Also there are competitors in the area so the extent that the Sleepy Hollow Open Door can reach out to patients outside its' existing service area is limited by the their competitor's locations.

The Chair asked about the overwhelming majority of patients who cannot afford a car that was referenced on (page 10) of Ms. Tortorella's submission.

Ms. Tortorella stated it was based on Open Door's knowledge of its' clients situations and they did a survey to figure out how many people walk and arrived at that 70%.

It's a conjecture based on knowing what the income level is of people who are served by Open Door. Open Door serves people at the Federal poverty level and below.

Timothy Judge asked if Ms. Tortorella could provide the Board with the number of parking spaces and any parking variances required for their other locations.

Janet Gandolfo stated Mr. McCarthy could provide those numbers to the Board.

The Chair asked if there were any other remarks.

Steve Maffia, engineer from Ferrandino and Associates, stated he wanted to clarify certain points relative to what Mr. O'Rourke had presented to the Board.

1. The width of No. Broadway near the proposed location . A full size lane is 12 feet wide on a state highway, not 10 feet as mentioned by Mr. O'Rourke. Two ten-foot lanes is somewhat constricted, however a car would be able to get by if the car entering the parking lot hugs the curb. Also a typical parking lane would be 7 – 8 feet wide.
2. The reference to ¼ mile rule of thumb for a parking study: More recently there is evidence that trip purpose or the reason why people drive to a particular location and other factors that should be considered such as where they will look for parking spaces and how far from the front door of the facility are they willing to park. e.g. covered garage as opposed to open-air parking and weather factors. That is how they arrived at their measure of 1200 feet. And actual walking distance is what is measured along the sidewalk from the parking space to the front door of the facility and not just a ¼ mile radius around the site.
3. Walking speed: If you are crossing the street at 3.5 feet per second that rate is appropriate. If someone parks a couple blocks away from Open Door that walking trip is made up of segments – walking then stopping to cross the street – so the

average walking speed will be slower, approximately 2.5 feet per second because of the built in stops. And when this speed is applied to the 1200 distance, then its' about an 8-minute walk to the location. That's the maximum that most people would walk if they are sick and going to the doctor

Michael Wernick asked for walking time differences. Steve Maffia stated it would take an additional minute or two to walk to the location and given certain conditions might decide whether to park or try to circulate and find a closer space.

4. Circulation on the site: The applicant should do everything to discourage people from trying to get into a full lot to the extent that the Lot Full Sign is worth considering.
5. Parking on the site: can't avoid occasionally having a situation when a car is backing out and another is pulling in and there is jockeying for position but the applicants should try to avoid that situation happening on a chronic basis otherwise some of that traffic will spillback onto route 9 and cause other traffic issues. Again the "lot full" sign should be considered.
6. Overall results of parking study: Adler had accounted for alternate side of street parking in a later study. But later in the day is when people come home and residents in the area fill the available parking spaces on the street. Ferrandino & Associates found that while the average is 100 empty spaces, it is later in the day when there is overlapping of appointments at Open Door that the number of spaces is 20-25, which might still accommodate their need at that point. Those spaces could be farther away and not that useful to people going to Open door later in the evening.

Michael Wernick asked if they the traffic study took into account the fact that alternate side of street parking regulations are not in effect on certain days. Mr. Maffia agreed but stated it was appropriate for the traffic study to take into account the alternate side of the street regulations and only look at what is regularly avail during the day.

The Chair asked about the roadway lanes being 10 feet rather than 12 feet. He asked if that decreased road width would give cars less room to make the turn into the lot at the same time cars are exiting.

Mr. Maffia agreed that cars making a right turn in from the northbound lane on route 9 might prove problematic for an inexperienced driver. There could be issues if someone is trying to exit but he agreed with Mr. O'Rourke's assessment that this situation wouldn't happen that often.

Mr. Maffia stated that Ferrandino & Associates had asked for service area numbers of patients from Open Door, which would have a direct impact on traffic predictions. They just received those numbers at the meeting and will return to the board with additional questions.

Maria Gorete-Crowe asked if a No-Left Turn sign could be placed at the exit of the parking area. Geraldine Tortorella stated there is an existing sign that says no left turn onto the southbound lane of Route 9 that was imposed on the site plan of the previous applicant.

Linda Moiron asked about Open Door picking up patients who drive from Phelps instead of having them park in the area. Ms. Tortorella stated she is not sure at what distance patients choose not to walk but rather drive, however the Tarrytown patient population is served by the #13 bus route which travels to Elmsford and makes a stop at the Tarrytown train station and many patients have that source of transportation available to them.

Linda Moiron asked if Open Door operated a minibus in any of their other locations. Ms. Tortorella replied they do not.

The Chair asked Ms. Tortorella about an email exchange between Lindsay Farrell, CEO of Open Door and Trustee Karin Wompa. He referenced a line in Ms. Farrell's email where she stated that she wanted to make sure the "use is absolutely permitted". He asked if Ms. Farrell understood that she had work to do to make sure that the use for the property was absolutely permitted. Ms. Tortorella stated it was the medical office use that Open Door wanted to make sure was permitted. She stated the email communication has to do with the due diligence that Open Door did in connection with evaluating the feasibility of moving its' office to the proposed location. She stated that they have never taken the position that the Village told Open Door they would never have to get any approvals. Open Door did do an analysis of the parking and reached a conclusion that parking would not be an impediment to moving to that location. Ms. Tortorella stated there was no indication from any communication from the Village that it would. Open Door did not ignore what its' approval requirements would be but never got any indication that the lack of parking would be a problem for the application from any of the communications it had with Village officials.

The Chair asked if the purpose of exhibit 5 from Open Door was to show that there was no signal that the lack of parking would be a problem for Open Door. Ms. Tortorella agreed that was the purpose of their exhibit - to show that there were conversations with Village officials and those statements while they did not say Open Door's application would be approved, also did not say that there were any problems with the application.

Timothy Judge asked if the applicant had reviewed the resolution regarding the Grotto variance. Ms. Tortorella replied that the applicant was aware of the approval process. Lindsay Farrell indicated they were aware of the resolution.

The Chair asked Ms. Tortorella if she believed that her client understood the degree of the variance it needed in order to operate the facility the way it intended on the property. Ms. Tortorella stated she believed her client understood the needs of its' patients for parking and had a plan in place to deal with both patient and staff parking requirements and did not view the lack of technical number of parking spaces required under the code as a problem for relocating.

The Chair restated what Ms. Tortorella responded; that her client (Open Door) was aware that a variance was needed in order to operate its' facility. Open Door bought the property on the assumption that it would get a variance based on how they were dealing with the (parking) problem. Ms. Tortorella agreed to that statement.

Timothy Judge asked if the Village could provide the Board with a copy of the resolution for the Grotto variance.

Mr. Judge asked Steve Maffia about the turning radius submitted for the van doing the drop-offs at the locations. Mr. Maffia stated that the minivan traveling northbound on route 9 would have to hug the curb or the right side of the driveway to make that turn into the site. Mr. Judge stated that the submission of February 26, 2013 showed a turning radius for a vehicle traveling southbound on route 9 and turning into the lot, and not a vehicle traveling northbound and making that same turn. Mr. Maffia agreed.

The Chair made a motion to continue the public hearing.

PUBLIC HEARING

The Chair stated the verbal public hearing would be closed after tonight's meeting.

MARIO BELANICH handed out the agenda to the Board and asked about the change of use for the property. The Chair stated the agenda lists what the variance covers but not necessarily what is being discussed at the current meeting. Mr. Belanich asked about the change of use. The Chair stated the property was not previously used as a medical facility. Mr. Belanich stated this application should be denied.

GRACE BELTRAN, Director of Marketing, Open Door, stated their patients walk to Open Door because they don't have cars and they take responsibility for being pedestrians. They follow the signs and know how to cross the street. She stated the parking issues were trivial in comparison to the health of their patients.

YOLANDA SEVILLA, 61 Chestnut Street (Open Door patient – translated by Grace Beltran) She stated she is a mother and an Open Door patient and would continue to walk to the new location.

NANCY SAN MARTIN 61 Chestnut St. (translated by Grace Beltran) stated she is a mother of two and it would be no inconvenience to walk the extra distance to receive childcare.

SUSAN GITLITZ, 325 King Street, Port Chester, NY stated the Open Door serves a variety of customers including people who work in the vicinity.

ALLISON POWELL, 2 Manor Close stated that this location for Open Door was an opportunity to serve the community better. She stated we should expand wellness and healthcare for people in our community. She supports Open Door.

REBECCA SROLE, 487 Munroe Avenue stated she is a member of the Phelps Hospital Board, supports Open Door and feels it is a valuable asset to the community. They can provide comprehensive care with continuity to patients and can be a showcase for what can be done in a diverse community like Sleepy Hollow for the County and beyond.

KEITH SAFIAN, CEO of Phelps Memorial Hospital stated he feels the focus should not be on the walking distances discussed. He stated the detail about size of cars is not relevant and most of the Open Door patients who do have cars drive compact vehicles. He also stated that Open Door provides primary care for the newly insured that will be covered under the new healthcare laws that take effect in 2014. Mr. Safian stated he hopes the Zoning Board will let this application go through quickly.

MARY OLIVEIRA, 117 Van Tassel Avenue, stated she is requesting the Board deny the parking variance to Open Door. She mentioned the traffic problems on Route 9 in front of C-Town in Tarrytown and the parking variance that was given to Sleepy Hollow Senior Housing. She stated that if the proposed Open Door location had 15 or 20 spots, she would not be objecting, but it only has seven parking spaces.

LEONA FIXELL, Tarrytown resident stated has been working with patient advocates and case managers at Open Door. They get to know patients and have conversations with their patients regarding their lives. She feels the parking is inconsequential and the impact by expanding Open Door's facility will enable them to do a better job.

ED OLIVEIRA 117 Van Tassel Avenue, reminded the Board he dropped off a petition with 220 signatures of residents from Webber Park. He stated there were variances issued in the past that have created congestion on Gordon Ave. and Katrina Ave. He has witnessed on many occasions people being dropped off in front of Open Door on Beekman Ave. He doesn't feel this location can be compared to Open Door's other locations in terms of patient drop off. Port Chester has a covered overhang and is in a commercial area. The Ossining location has pull in parking and a wide street and parking in the back. Mt. Kisco has 17 parking spaces and a covered overhang. He stated Open Door is not being asked to leave, they are just asking they not be permitted to operate in the proposed location because it will affect the residents of the neighborhood who live there.

ANITA WILLENKIN, from Open Door received letter from residents of 49-1/2 Broadway writing in support of Open Door. She read the letter to the Board. The letter stated that the impact on property spaces would be minimal and the Open Door services would benefit the community.

REBECCA COLLINS, Medical Director from Open Door in Sleepy Hollow stated that by June 2013, there would be 19 doctors working out of 10 exam rooms. Part of Open Door's application for residency was to increase the amount of primary care physicians that stay in the area. They are attracting resident doctors who want to practice primary care in Westchester. Open Door cannot train doctors if they don't have exam rooms where they can see patients.

The Board voted in favor.

Absent: Sherry Bishko, Tom Capossela

The Chair made a motion to adjourn the meeting.

Linda Moiron seconded the motion.

The Board voted in favor.

Absent: Sherry Bishko, Tom Capossela

The meeting was adjourned at 10:40pm.