

**Village of Sleepy Hollow  
Zoning Board Meeting - APPROVED  
April 17, 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  
Sherry Bishko  
Maria Gorete-Crowe  
Michael Wernick

Absent:

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

**Agenda:**

<b>1) Open Door Family Medical Center</b>	<b>1 New Broadway</b>	<b>Continuation</b>
<b>2) James and Dana McGovern</b>	<b>203 Harwood Avenue</b>	<b>Public Hearing</b>
<b>3) Approval of Minutes</b>		<b>March 20, 2013</b>

**Announcements** - The Chair announced that Tom Capossela had resigned from the Zoning Board and Linda Moiron requested not to be appointed for another term. The Chair thanked Linda Moiron for her years of dedicated service. The Mayor will be presenting Ms. Moiron with a plaque in her honor at the Board of Trustee meeting on Tuesday, April 24, 2013.

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

The Chair stated the Board had received a letter from this applicant stating they have withdrawn their application from the Zoning Board of Appeals. The Board acknowledged this matter is now closed.

The Chair asked Sean McCarthy if the return notices had been received. Mr. McCarthy stated they had.

The Chair asked Janet Gandolfo if he could hear and vote on this application since he is in the area of notification. Per Ms. Gandolfo's instructions, the Chair read the public notice aloud for the record and recused himself from this hearing. Timothy Judge was Acting Chair for this application.

Sid Schlomann, architect, for James and Dana McGovern represented this application. Mr. Schlomann stated there were three components to this project:

- A front entry portico
- Relocation of an existing rear shed
- A two-story addition, which would align with the house, which is an existing non-conforming structure.

Mr. Schlomann stated the house is a brick structure and for functionality of existing space, ease of construction and aesthetics, they are requesting a variance to align the addition with the current structure.

Timothy Judge, Acting Chair, asked Mr. Schlomann to elaborate on the plan for the addition.

Mr. Schlomann stated that the interior space would also be reconfigured during the renovation. The wall between the family room and the dining room will be removed. The kitchen will be reconfigured for better flow and will be extended 15 feet to the rear to become larger, open to the family room and have more natural light. None of the exterior windows or doors will be changed although an existing door to the driveway will now enter to a mudroom and a power room will be relocated.

On the second floor they are reconfiguring and adding space to create a master bedroom suite with a larger en suite bathroom and closets. The other three bedrooms will remain. The intent of the project is to update the interior and add square footage to create efficient traffic flow.

Sherry Bishko asked if the patio was an existing patio. Mr. Schlomann confirmed it was. Ms. Bishko asked if the addition could be seen from Harwood Ave. Mr. Schlomann stated it could not. He provided photos showing the existing house from various angles. He stated the addition would match the existing brick on the house.

Maria Gorete-Crowe asked Sean McCarthy if the variance for the addition would be the same distance between the existing house and the neighbor.

Mr. McCarthy stated the distance between the houses was approximately the same but the project would increase the amount of non-conformity, therefore the need for the variance.

The Acting Chair asked the architect if they were currently 1'4" out of variance. Mr. Schlomann stated the variance needed at that point was for 1'1" or approximately 13 inches.

The Acting Chair asked if there were any questions from the Board. There were none. The Acting Chair moved to open the public hearing. Ms. Bishko seconded. The Board voted in favor.

### **PUBLIC HEARING**

RICHARD PLANO, 215 Harwood Avenue, stated he lives next door to the property asking for the variance. He and his wife object to the granting of the variance. They feel the separation between homes is to preserve property values and create good aesthetics in the neighborhood. He stated the current zoning requirements were adopted after most of the houses were built in Philipse Manor and many houses have pre-existing variances to the current requirements. However, to grant a large, two-story addition to an existing nonconformity adds to the problems that the zoning requirements were intended to solve.

Mr. Plano presented photographs to the Board

Timothy Judge asked Sean McCarthy to provide the correct section of the new Village Code that corresponds to the area variances that the applicant is requesting. Sean McCarthy stated there is no change to the language of the Code, just the numbers of the chapters.

Mr. Plano stated the photos show the narrow separation between the property lines and the vegetation they have planted to provide some privacy between the houses. The photos also showed the view from Mr. Plano's kitchen and upstairs bedroom. Mr. Plano stated the addition would block their light and view.

Mr. Wernick asked which direction the view faced. Mr. Plano stated they are the house directly to the west of the property at 203 Harwood Avenue. Mr. Plano stated an extension would make it impossible for them to maintain vegetation between the two properties.

KATHY YEAGER, 215 Harwood Avenue, stated she understands non-conforming issues because they have a garage built in 1919, but she doesn't understand why a two-story addition would be built non-conforming. That one-foot difference would make a difference to their property. Ms. Yeager does not feel this variance would improve the neighborhood.

Sherry Bishko asked Sean McCarthy how the addition could be built to avoid the variance. Mr. McCarthy stated if the addition were built up on the existing structure on that side, then the property owners would not require a variance.

Richard Plano stated they did an addition on the other side of their property but they brought it in a foot to add visual variety so it would not look like a monolithic wall. He objects to have to look at his neighbor's monolithic wall.

Kathy Yeagar asked if she would be allowed the same variance on her property. The Acting Chair stated that question would have to be asked of the Board at the time of the application for that variance.

The Acting Chair asked if there were any other comments from the public. There were none.

The Acting Chair made a motion to close the public hearing. Maria Gorete-Crowe seconded. The Board voted in favor.

Sid Schlomann stated that every design is individual to how a house is situated on a property. They were trying to design appropriately from the exterior and interior and address all building code issues. He felt that given the materials and the length of the addition, the correct choice was to match the existing brick pattern.

The Chair asked if other plans had been done to reflect this 13-inch variance. Mr. Schlomann stated he and his clients choose to pursue the variance mainly for the interior function of the space so it would be fluid and cohesive.

The Acting Chair stated if the applicant moved the addition in 13 inches it would negate the need for a variance. Mr. Schlomann stated it might take care of some of the neighbor's objections, like the loss of sunlight, but not all of them.

There was discussion regarding alternatives to the current architectural plan. Mr. Schlomann stated the cost would make it impractical to relocate the kitchen to the opposite side of the house.

The Acting Chair stated that even if the applicant shifted their plan, they would still be creating a two-story structure on that side and it still might not solve all the objections of the neighbor.

The Acting Chair pointed out that the Board's vote at this meeting would have to be unanimous owing to the fact that the Chair recused himself from voting on this matter and there are two vacant Board member positions. Although there was a quorum of 4 Board members voting, the vote would have to be unanimous to pass.

The Chair reiterated this point and stated the applicant could choose to continue this matter at next month's meeting when they anticipate having six voting Board members.

The Acting Chair stated he would like to see some alternatives for this property. Mr. Schlomann stated the two alternatives would be building the addition on the setback line or aligning with the existing house, which required the variance.

Sherry Bishko stated that pushing back the design 13 inches wouldn't necessarily satisfy the objections of the public.

Michael Wernick agreed with this and stated he is in favor of granting the variance.

Maria Gorete -Crowe asked why there was no window on the side of the addition. Mr. Schlomann stated that they were trying to orient views toward the rear and the patio and create interior wall space for furniture placement.

Janet Gandolfo asked if the Acting Chair wanted to run through the criteria needed for the vote.

The Acting Chair asked the applicant if they wanted to ask for a continuance because they need all four board member to vote unanimously.

The applicant choose to continue this matter to next month's meeting.

The Acting Chair made a motion to adjourn this matter until next month's meeting.

Michael Wernick seconded the motion.

The Board voted in favor. The Chair abstained.

The Chair asked Janet Gandolfo if she was fairly certain that new member would be appointed by next month.

Janet Gandolfo stated she would make the mayor aware of the need for new Board members.

### **3) Approval of Minutes**

**March 20, 2013**

The Chair made a motion to postpone approval of the minutes until next month's meeting.

Timothy Judge seconded the motion.

The Board voted in favor.

The Chair made a motion to adjourn the meeting. Michael Wernick seconded the motion.

The Board voted in favor.

The meeting was adjourned at 8:53pm