

**Village of Sleepy Hollow
Zoning Board Meeting - APPROVED
July 17, 2013**

Peter Koffler, Chairman, called the meeting to order at 8:05pm. The Chair noted that a quorum was present.

Present: Peter Koffler, Chairman
Timothy Judge
Sherry Bishko
Michael Wernick
Vishal Brown

By Phone: Timothy Church

Absent: Maria Gorete-Crowe

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

Agenda:

1) James and Dana McGovern	203 Harwood Avenue	Continued
2) Peter Oppenheim	121 Hunter Avenue	Public Hearing
3) Neal Rechtman	279 No. Washington	Public Hearing
4) Jeffrey McClung	11 Holland Avenue	Public Hearing
5) Approval of Minutes		June 19, 2013

Announcements - The Chair announced the Board would vote on a resolution regarding voting procedure by telephone or electronic means. The Chair read the resolution into the record.

Resolutions: (See attached)

<u>1) James and Dana McGovern</u>	<u>203 Harwood Avenue</u>	<u>Continued</u>
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This is a continuation of an application to construct a two-story addition and entry portico. The Chair announced he would recuse himself from this matter, however Board member Timothy Church would be joining the meeting by phone.

Timothy Judge presided as Acting Chair for this application.

The Acting Chair asked if there were any additional submissions. Sid Schlomann, architect, represented this application. He distributed revised drawings to the Board.

Mr. Schlomann stated the drawings include new windows on the first and second floor to soften the façade that faces the neighbor's property. He stated the new drawings do not affect the zoning portion of the application.

The Acting Chair asked if the neighbors had viewed the plans. Mr. Schlomann responded they had not. A copy of the plans was given to the neighbors to review.

Mr. Schlomann summarized the project. He stated it is an addition that extends towards the rear yard and aligns with the existing non-conforming house. The project requires a side yard variance of 1.1 feet. He stated the applicant had reviewed the possibility of changing the renovation design but it was not financially feasible to relocate the kitchen, bathroom and dining room. The applicant feels this plan is not a negative impact on the environment or on the community.

Sherry Bishko stated she doesn't think the variance is substantial. It would have the same impact on the neighbor even if it is moved back 1.1 feet.

The Acting Chair noted the Zoning Board received a letter from Kathy Yeager, the next-door neighbor.

The Acting Chair reopened the Public Comments portion of the meeting:

PUBLIC COMMENTS:

Richard Plano, 215 Harwood Avenue read some of the letter sent by Kathy Yeager. Mr. Plano stated that comments have been made that the variance is only 1.1 feet, and his reply is then why couldn't the interior design be lessened by 1.1 feet. He is asking that the minimum setback be preserved.

There were no other public comments.

Motion to close the public hearing:

Moved: Judge

Seconded: Bishko

Vote: 5-0-1

Absent: Gorete-Crowe

By Phone: Church

Abstain: Koffler

The Acting Chair asked the applicant if they would like to postpone the vote.

The applicant responded they would like the Board to vote tonight.

The Acting Chair stated he could understand both sides of the matter. He also stated it doesn't cause a significant change in character to the neighborhood and it is not a self-created hardship since it is an existing non-conforming property.

The Chair asked the width of the driveway at the narrowest point. Mr. Simeoforides stated it was 9.5-10 feet to the curb. The Chair asked Sean McCarthy the zoning requirement for driveway width. Mr. McCarthy stated it should be 10-feet if it is an existing driveway. Discussion ensued regarding size of parking spaces and turn around space for cars in the rear of the property.

Mr. Judge stated snow removal would make the parking more difficult and safety could be compromised if an ambulance/first responder had to access the apartment in the rear.

Discussion ensued regarding the design of the new parking area.

Janet Gandolfo stated the applicant would have to fulfill the number of regular size parking spaces first and then a portion of those regular spaces could be compact size.

Mr. Simeoforides stated they would provide four full size spaces and two compact and the only reason for the compact size spaces is the backup distance in the rear.

Michael Wernick asked if there was on-street parking. Mr. Simeoforides stated there was parking on both sides of the street.

Neal Rechtman, owner, stated it was possible to back out of the garage and turn around in the driveway and drive out to the street.

Sean McCarthy stated that zoning requires four full-size and two compact size parking spaces and the compact spaces must be adjacent to each other. Discussion ensued about the parking layout.

Sean McCarthy stated there was nothing in the zoning ordinance about back up space required for a car, however the Planning Board usually considers nothing less than 20 feet for back up space and prefers 22-24 feet of back up space for a full size car. Mr. McCarthy stated that in the past, the Planning Board has decided if the applicant does not have that amount of back up space, then it compromises the required parking space and it can't count as a parking space.

Timothy Judge stated if the applicant removes a parking space on the property, then the applicant would need a parking variance.

Motion to open the public hearing:

Moved: Koffler

Seconded: Bishko

Vote: 6-0

Absent: Gorete-Crowe

By Phone: Church

PUBLIC COMMENTS:

DAVID HODGSON, 287 North Washington Street, stated this property is a large house in a row of smaller house and currently a non-conforming lot that is built from one side to another with a lot that looks completely paved. He stated that variances are to make sure there is a reasonable ratio of people in a structure. He also stated the taxes paid on these

units is disproportionate. The single-family owners pay the tax burden not the owner of these rental units.

There were no other public comments.

Motion to close the public hearing:

Moved: Koffler

Seconded: Bishko

Vote: 6-0

Absent: Gorete-Crowe

By Phone: Church

William Simeoforides stated that the majority of homes in this area are not single-family homes. The structure is an old 1890's structure and the variances they are requesting are based on the original non-conforming structure and not any additions that have been added. He stated he felt it was not out of character for that neighborhood.

Sean McCarthy stated this property had received a variance when the addition was built in the 1990's.

The Chair proposed to postpone this application until the next meeting so the Board can view the space, the driveway and the neighborhood.

Michael Wernick asked Mr. McCarthy about the adjacent properties. Mr. McCarthy stated there is a mixture of single family and up to six-family homes on that street and there have been issues with illegal apartments at the applicant's property as well as the adjoining neighbor properties.

Mr. Wernick asked if there was a density concern on this street. Mr. McCarthy replied that there is a density issue on this street.

Timothy Judge asked if the building is in conformance with building codes now. Mr. McCarthy stated it is in conformance with building codes for a two-family house.

Neal Rechtman stated that as the new owner he wants to do what is right with the property. He feels the character of the neighborhood would be improved with the new ownership.

Michael Wernick agreed with the Chair that the Board should look at the property.

Motion to adjourn the matter so the Board members can look at the physical structure and layout of the property and the neighborhood:

Moved: Koffler

Seconded: Bishko

Vote: 6-0

Absent: Gorete-Crowe

By Phone: Church

Board member Timothy Church, who was on the phone, left the meeting at this point.

Sean McCarthy confirmed the returns were in.

The Chair read the public notice into the record and stated the Board had received the following:

- Application
- Site plan dated September 25, 2012 and February 11, 2013

Eleni McClung, owner, represented this application. She stated the property currently has a deck with an overhang that they are looking to close in and construct a mudroom. She stated the variance is for the distance the new construction will move closer to the garage.

Timothy Judge asked Mr. McCarthy if the only change is the distance between the house and the garage. Mr. McCarthy stated there is four feet outside the back door so the extra two feet added will make the space more usable. The distance is between the homeowner's garage and their house and shouldn't have any impact or negative effect on the neighbors.

The Chair asked if the property was one or two lots. Ms. McClung stated it was a double lot. The Chair asked what was in the rear of the property. Ms. McClung stated the property comes down to Route 9. Sean McCarthy stated the addition wouldn't really be seen from Route 9 with the trees and the vegetation.

The Chair asked if the addition was visible from the street. Mr. McCarthy stated it was not visible.

Motion to open the public hearing:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Gorete-Crowe, Church

PUBLIC COMMENTS:

David Hodgson, 287 North Washington Street stated he approved of the project.

There were no other public comments.

Motion to close the public hearing:

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Gorete-Crowe, Church

Timothy Judge stated the application is not changing the footprint of the property and it does not change the character of the neighborhood.

Motion to approve the application:

Moved: Judge

Seconded: Wernick

Vote: 5-0

Absent: Gorete-Crowe, Church

5) Approval of Minutes

June 19, 2013

Timothy Judge asked for a minor amendment to the May 15, 2013 minutes.

Motion to approve the minutes for June 19, 2013:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Gorete-Crowe, Church

Motion to adjourn the meeting:

Moved: Judge

Seconded: Koffler

Vote: 5-0

Absent: Gorete-Crowe, Church

The meeting was adjourned at 9:35pm

Resolution of the Zoning Board of Appeals of the Village of Sleepy Hollow Granting Permission for Telephonic or Electronic Voting

WHEREAS, the Zoning Board of Appeals (ZBA) is desirous of ensuring that all applications before it are dealt with as expeditiously and fairly as possible; and

WHEREAS, there are meetings wherein fewer members than the 7 member ZBA are available to attend in person; and

WHEREAS, it is necessary for an applicant to have at least 4 affirmative votes for passage of an application;

NOW, THEREFORE, BE IT RESOLVED that the ZBA hereby adopts as a standing procedure that a ZBA member may participate in a discussion and/or vote of the ZBA by telephonic or electronic means.

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Gorete-Crowe, Church