Village of Sleepy Hollow
Zoning Board Meeting - APPROVED
December 18, 2013

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

Present:	Timothy Judge, Acting Chairman Vishal Brown Maria Gorete-Crowe Timothy Church Sherry Bishko
Absent:	Peter Koffler, Chairman Michael Wernick Janet Gandolfo (Village Attorney)
Also Present:	Sean McCarthy (Village of Sleepy Hollow/Building Department) Mary Gerlanc (Recording Secretary)

Agenda:

1) Joan Conners	**135 Beekman Avenue**	**New application**
2) Ray Endreny	**127 Millard Avenue**	**New application**
3) Matthew Yox	**166 Farrington Avenue**	**New application**
4) Approval of Minutes		**September 18, 2013** **October 16, 2013**

Announcements - Timothy Judge announced he would be Acting Chairman for this meeting.

1) Joan Conners 135 Beekman Avenue New Application

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

- Application
- Fence details
- Stamped drawings and a site plan

Mr. McCarthy confirmed that the returns had been received.

The Acting Chair stated the application seemed to be missing the Short Form EAF.

James Honda from AECOM, represented this application on behalf of Joan Connors. Mr. Honda stated the applicant would like to install a six-foot high, white privacy fence around the property. He stated that the topography of the property on one side is lower than the neighboring property and a fence of five feet high would not allow privacy. He also stated this property is a large parcel that has 14 neighboring properties and Ms. Connors is concerned with security between this property and the adjacent properties.

Maria Gorete-Crowe asked if they wanted a six-foot high fence for the entire property. Mr. Honda stated they would like to have a six-foot fence on the side and rear borders but not the front yard. Mr. Honda stated the topography of the fence was restored as it was prior to remediation. They are not asking for a variance for the front yard fence.

Motion to open the public hearing:
Moved: Judge Seconded: Bishko Vote: 5-0
Absent: Koffler, Wernick

There were no public comments.

Motion to close the Public Hearing:
Moved: Judge Seconded: Gorete-Crowe Vote: 5-0
Absent: Koffler, Wernick

JOAN CONNORS stated that the higher fence would benefit all the neighbors because the trees and plantings that were replaced after the soil remediation are much smaller than the original plants, therefore there is a loss of privacy between the neighbors. She stated there were no neighbors to contest the variance.

The Acting Chair stated he understood asking for a higher fence height along the side where there is a significant grade difference. He suggested the applicant consider staggering the fence heights on the sides where there isn't a grade difference.

The Acting Chair stated the fence covers a large amount of neighboring properties and the Board is looking at what will benefit the neighbors in the future. He asked Mr. McCarthy if they could stagger fence at the north boundary and keep it at five feet high on the west side and six feet on the eastern side to account for the height difference.

Ms. Connors stated that many of the people who live in the adjacent properties are renters and do not care about the height of the fence.

LLOYD CONNORS stated that remediation took a lot of privacy screening away from all the properties. He stated the extra foot in fence height would give privacy and since most people are not six feet tall they would not be able to look into the property.

Vishal Brown stated he is concerned about setting a precedent for six-foot height fences.

Sean McCarthy stated this was the first application asking for higher fences. The other properties involved in the remediation reinstalled an existing fence or put in a five-foot fence.

Mr. McCarthy inquired about the condition where the six-foot fence abuts the properties on Kendall Avenue that have a lower fences. Mr. Honda stated in some cases it would abut an existing chain link fence on that side. There would be two fences back to back.

Ms. Connors stated they accommodated access for remediation on other properties. This property is a large parcel that goes from Beekman Avenue back to the Elm Street parking lot and she is concerned with privacy and security.

The Acting Chair stated that granting a variance is finding a compromise to protect the applicant and the interests of the neighbors and the Village as a whole. He stated the concern with granting a variance for a six-foot fence is that it sets a precedent for other property owners and is not in keeping with the fence height as stated in the Village Code.

The Acting Chair asked what the fence height was before the remediation. Mr. Honda stated that in some cases it was a six-foot chain link fence, not a privacy fence that was removed.

The Acting Chair asked if AECOM could do a rendering of what the proposed fence would look around the property. Mr. McCarthy suggested the Board consider a site inspection of the property.

Mike Dougherty with AECOM stated he wasn't sure if the rendering would give the visual impact anymore than the five-foot fence. He stated there is a similar six-foot high fence on Kendall Avenue that the Board could view.

The Acting Chair stated there was no short form with this application and it is required. He suggested adjourning this matter so the Board could view the property and a rendering of the fence around the property.

Discussion ensued regarding the boundaries of the property and what is adjacent on each side of the property. Mr. Honda conferred with Ms. Conners regarding the Board's suggested height for the fence.

The Board included the following conditions for the variance:

> Six foot high fence from the front line of the house along the eastern property boundary to the northeast corner, turning at the corner and continuing half-way along the northern property boundary and at the halfway point between the northwest and northeast corner the fence height would step down to five feet and then continue at five feet high onto the western property line and to the front of the house.

Motion to approve the variance with the conditions for height as stated:
Moved: Judge Seconded: Bishko Vote 5-0
Absent: Koffler, Wernick

The Acting Chair stated this was a reasonable compromise that meets the requirements of the applicant for privacy and also takes into account the height of the fence per the Zoning Code in relation to the neighbor's property. It will not be out of character with the neighborhood.

2) Ray Endreny 127 Millard Avenue New application

The Acting Chair read the public notice into the record. He stated the Board had received the following documents:

- Application
- Zoning compliance & tabulation
- Short form EAF
- Photographs
- Building permit application
- Stamped drawings

The Acting Chair confirmed with Sean McCarthy that the returns had been received.

Amanda Linhart, architect, represented this application.
Ms. Linhart stated the applicant is proposing to tear down an existing garage, which is an older, stucco structure that has deteriorated and is in disrepair. They would like to enlarge the garage to 23 x 23 feet to accommodate larger cars and pool equipment

Ms. Linhart submitted letters from adjacent neighbors on two sides and behind the property. They have not raised any objections to the new garage. The new garage meets all the setback requirements. The height will not exceed 15 feet maximum and it is located more than 10 feet from the principal buildings.

The existing house was renovated in 2011 and exceeded the FAR, which is why they need the variance for the garage. In addition there is a pool and patio behind the house with some hardscape and landscaping. Ms. Linhart stated the variances are for rear yard coverage on the lot, which includes the patio and the pool, and overall building coverage.

Sherry Bishko asked if they are also building a new patio. Ray Endreny stated that the survey was done when they did the initial renovation, however during construction the patio was destroyed. The landscape designer rebuilt the patio and connected it to the pool area, which became part of the total building area for the lot. Ms. Linhart stated they have a new survey to show what currently exists on the property.

The Acting Chair stated it is a minor change to the total FAR.

Motion to open the Public Hearing:
Moved: Church Seconded: Judge Vote: 5-0
Absent: Koffler, Wernick

There were no comments from the public.

Motion to close the Public Hearing:
Moved: Judge Seconded: Church Vote: 5-0
Absent: Koffler, Wernick

Motion to approve the variance:
Moved: Judge Seconded: Bishko Vote: 5-0
Absent: Koffler, Wernick

The Acting Chair stated this is a very minor variance dealing with a pre-existing condition of non-conformity and is a minor change to the footprint of the garage. He stated it does not encroach on any setbacks and would not have a detrimental effect on the character of the neighborhood.

3) Matthew Yox 166 Farrington Avenue New application

The Acting Chair read the public notice into the record. He stated the Board had received the following documents:

- Application
- Zoning compliance form
- Short form EAF
- 2 pages of photographs
- Stamped drawings

The Acting Chair confirmed with Sean McCarthy that the returns were received.

Frank Tancredi stated they are proposing to expand the kitchen and improve the flow of the house. They are expanding the existing family room that was renovated by prior owners. There would also be a mudroom off the rear corner of the house by the garage. The kitchen addition would extend as far as the existing deck. The west side of the house is currently non-conforming. The addition would be conforming. The current deck would be eliminated and they would build a stone terrace on grade. The second floor room off the master bedroom will be reconstructed but it is not counted in the FAR because the ceiling height is below 7-feet.

Motion to open the Public Hearing:
Moved: Judge Seconded: Church Vote: 5-0
Absent: Koffler, Wernick

There were no comments from the public.

Motion to close the public hearing:
Moved: Judge Seconded: Bishko Vote: 5-0
Absent: Koffler, Wernick

The Acting Chair asked about the stairs to the basement from the mudroom. Mr. Tancredi stated the new stairs would be a safer and connect to the yard.

The Acting Chair stated this was a minimal variance requested for an existing non-conformity. There would only be a slight increase in the FAR and the project is in keeping with the character of the neighborhood.

Motion to approve the variance:
Moved: Judge Seconded: Church Vote: 5-0
Absent: Koffler, Wernick

4) Approval of Minutes September 18, 2013. October 16, 2013

Motion to approve the minutes of September 18, 2013:
Moved: Judge Seconded: Church Vote: 5-0
Absent: Koffler, Wernick

Motion to approve the minutes of October 16, 2013 with an amendment:
Moved: Judge Seconded: Church Vote: 5-0
Absent: Koffler, Wernick

Motion to adjourn the meeting:
Moved: Judge Seconded: Bishko Vote: 5-0
Absent: Koffler, Wernick

The meeting was adjourned at 9:25pm