

**Village of Sleepy Hollow
Zoning Board Meeting
April 16, 2014**

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
Timothy Church
Sherry Bishko
Michael Wernick

Absent: Vishal Brown
Maria Gorete-Crowe

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

Agenda:

1) Makan Land Development-Two, LLC **Public hearing**
545 North Broadway
Proposed single-family residence

2) Approval of Minutes **March 19, 2014**

Announcements - There were no announcements

1) Makan Land Development-Two, LLC **Public hearing**
545 North Broadway
Proposed single-family residence

The Chair read the public notice into the record.

Sean McCarthy confirmed that the returns had been received.

Burt Dorfman, attorney for Makan Land Development-Two, LLC represented this application. Mr. Dorfman stated that the Board did not have authority to hold the hearing because approval was already granted for the variances. Mr. Dorfman continued by explaining that it wasn't his client's fault that the neighboring property owner didn't receive proper notification of the last hearing. Mr. Dorfman said that his office realized that one of the properties didn't have an address but stated that his office followed the list that the Building Department gave him.

Chairman Koffler questioned Mr. Dorfman if he agreed that the notice was inadequate.

Mr. Dorfman agreed that the notice was improper but he added that it wasn't a jurisdictional defect. Mr. Dorfman stated that the process is prejudicial to his client.

The Chairman responded that the circumstances of the improper notification were very unusual but it would also be prejudicial to the neighbor if they could not take part in the hearing.

At 8:16 PM the Chairman requested that the Board go into executive session for advice from the Village Attorney.

The Board came out of the executive session at 8:23PM.

Chairman Koffler explained to the Board that they could reopen the public hearing to the individual who didn't have an opportunity to speak at the last hearing and based on the information make a determination to ratify their decision or determine that a new hearing take place at a future date.

Discussion ensued about the procedure for reopening the hearing.

Motion to open the public hearing:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Brown, Gorete-Crowe

Timothy Beresford, 544 Bellwood Avenue explained that his property shares the property line in question and would be most effected by the variance request. Mr. Beresford outlined the items he submitted in writing, including his efforts to research the zoning restrictions on the site and confirm his findings with the Building Department. Mr. Beresford further stated that he was notified on three occasions for the Planning Board meetings and Architectural Review Board meeting but was the only property not notified for the Zoning Board hearing. Mr. Beresford concluded by stating that he was not against development, but was concerned with the proposed house being constructed to within 15 feet of the property line when 25 feet is required; adding that he believed that the house could be designed to fit within the setback requirements.

Lynne Shaffer, 124 Hunter Avenue stated that she felt that the house would be very close to the existing house, would compromise the value of the neighboring properties as well as the new home, and would not be in the best interest of the neighborhood. Ms. Shaffer added that she lives very close to her neighbor and believes it contributes to a strained neighborly relationship and therefore would not recommend it.

"There were no further comments from the Board".

Motion to close the public hearing:

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Brown, Gorete-Crowe

