

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

Chairman Peter Koffler called the meeting to order at 8:00pm.

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

Absent: Timothy Church  
Maria Gorete-Crowe

Also Present: Sean McCarthy (Village Architect)  
Janet Gandolfo (Village Attorney)  
Anthony Giaccio (Recording Secretary)

**Agenda :**

- 1) **Oscar Ortiz/Jose & Hilario Rodriguez, 6 Francis Street – Public Hearing**
- 2) **Open Door Family Medical Center, Inc., 310 North Broadway – Public Hearing**
- 3) **Gary and Michelle McLean, 404 Old Broadway – Public Hearing**
- 4) **Dean and Laura Barger, 139 Highland Avenue – Public Hearing**
- 5) **Sumantha and Jeffery Sedor, 170 Hunter Avenue – Public Hearing**
- 6) **Amanda Linhart, R.A., 7 Webb Road – Public Hearing**
- 7) **Approval of Minutes, April 16, 2014, May 21, 2014, June 18, 2014**

**Announcements:** Chairman Koffler announced that the agenda items will be placed in a different order.

**1) Dean and Laura Barger, 139 Highland Avenue – Public Hearing for an addition and alteration**

Chairman Koffler read the public notice, acknowledged that the returns were received and stated that the Board had received the following documents:

- Zoning Board Application
- Survey
- Set of Drawings dated June 13, 2014

The applicant's architect made a presentation regarding a proposed addition at 139 Highland Avenue. The design will be consistent with the neighborhood and the addition will not be visible from the front of the house. The purpose of the addition is to increase the living space.



**3) Amanda Linhart, R.A., 7 Webb Road– Public Hearing for a covered porch addition**

Chairman Koffler read the public notice, acknowledged that the returns were received and stated that the Board had received the following documents:

- Zoning Board Application
- Site Map
- Set of Drawings Dated June 6, 2014

Architect, Amanda Linhart made a presentation regarding a proposed covered porch at 7 Webb Road. The project is to construct a roof to cover an existing porch. The owner would like to better utilize the front yard area and to improve its appearance.

Motion to open the public hearing.

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Church, Gorete-Crowe

There were no comments from the public.

Motion to close the public hearing:

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Church, Gorete-Crowe

Chairman Koffler said that the house has an existing non-conforming use. The project will improve the aesthetics and will have no adverse impact on the neighborhood. The variance is minimal.

Motion to approve the application as submitted

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Church, Gorete-Crowe

**APPROVED**

**4) Oscar Ortiz/Jose & Hilario Rodriguez, 6 Francis Street – Continued Public Hearing to convert a basement to a habitable space.**

Chairman Koffler re-opened the public hearing.

Oscar Ortiz made a presentation to the Board. The project is to convert a basement into a habitable space. The applicant provided no new material from the previous meeting.

Chairman Koffler pointed out that the applicant requires both a use variance and an area variance.

There were concerns about prior violations and if the basement will be used as an illegal apartment. There is a concern that the house is currently being used as a children's daycare.

The applicant was asked to provide evidence to prove hardship, but was unable to.

There was a question as to why the applicant requested an adjournment at the last meeting. He replied by saying that there were only four Board members present at the last meeting.

Motion to accept comments:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Church, Gorete-Crowe

There were no comments from the public.

Motion to close the public hearing:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Church, Gorete-Crowe

Chairman Koffler said that the applicant has not satisfied the hardship criteria and that he needs to prove hardship in order for the application to be approved.

The applicant requested an adjournment.

Motion to adjourn

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Church, Gorete-Crowe

**ADJOURNED**

**5) Gary and Michelle McLean, 404 Old Broadway – Public Hearing to convert first floor to a delicatessen.**

Chairman Koffler read the public notice, acknowledged that the returns were received and stated that the Board had received the following documents:

- Zoning Appeals Application
- Letter from JBH Construction and Design dated June 24, 2014
- Map
- Set of Drawings dated March 20, 2014
- Parking Study (Submitted at the meeting)

Gary McClean represented himself. Mr. McClean submitted a parking study. Mr. McClean is proposing a delicatessen. He acknowledged that he does not have enough parking, but says that many other businesses in the Village do not have parking or a loading zone. Mr. McClean said that he has spent \$8,000 on this application and is losing \$6,000 a month in taxes.

Chairman Koffler said that the Board did not have enough time to review the parking study because it was just received that evening.

Motion to open the public hearing.

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Church, Gorete-Crowe

Danny Caixeiro is not a resident, but has worked in the Village for many years. Mr. Caixeiro said that there is ample on-street parking on Old Broadway.

Lenny Ratigliano feels that a delicatessen would be a great thing and that the project should be approved.

Anthony Landi said that parking is inadequate. Mr. Landi submitted photos to the Board (attached). Mr. Landi said that employees from Frank's Home Improvement park on Old Broadway from 6:30am to 5:00pm. Alternate side of the street parking also reduces the number of on-street parking available during the day.

Mr. McClean said that Frank's Home Improvement parking all day on the street should be addressed.

Motion to close the public hearing:

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Church, Gorete-Crowe

Chairman Koffler noted that the primary issue with this application is parking and not whether or not the business will be good for the community. The Board will need time to review the parking study.

Mr. McClean requested an adjournment.

Motion to adjourn

Moved: Koffler

Seconded: Brown

Vote: 4-0

Absent: Church, Gorete-Crowe

**ADJOURNED**

**6) Open Door Family Medical Center, Inc., 1 New Broadway/ 310 North Broadway – Public Hearing to Convert existing building at One New Broadway to a Medical office, convert existing building at 310 North Broadway to a parking structure, and construct a parking lot at 316 North Broadway.**

Chairman Koffler read the public notice, acknowledged that the returns were received and stated that the Board had received the following documents:

- Zoning Board Application
- Traffic Study dated June 13, 2014
- Set of Drawings dated June 13, 2014

The applicant's attorney Geraldine Tortorella made opening remarks. Ms. Tortorella introduced architect Gary Gianfrancesco, traffic engineer Bernard Adler and Lyndsay Farrell of Open Door. The proposal is to create an Open Door family medical center at 310 North Broadway. A previous application for this project was withdrawn due to insufficient parking. Open Door is in contract to purchase Dominick's Limousine, which will enable them to provide adequate parking for the proposed facility. Mr. Gianfrancesco described the site plan. Mr. Adler gave a brief

summary of the traffic study that was submitted to the Board. The Board had several questions related to traffic and hours of operation.

Motion to open the public hearing:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Church, Gorete-Crowe

Rebecca Collins is an Open Door staff member. Ms. Collins made comments regarding the hours of operation. She said that the first patient is scheduled at 8:30am and the last patient is scheduled at 7:15pm, so the staff will not need to arrive early or stay late. The same applies for Saturday hours.

Lindsay Farrell is the president of Open Door. Ms. Farrell asked the Board to recognize the huge effort it took to acquire Dominick's Limousine. She noted that the Dominick's Limousine building will have a much more attractive design. Open Door has made a significant financial investment into this project.

Gary McClean recommended that Open Door purchase the abutting property on New Broadway to create a better traffic pattern.

Rose McManus asked what would happen if Open Door no longer owned the Dominick's Limousine Property. Chairman Koffler said that owning that property would be a condition of any variance if approved. Ms. McManus asked about the required parking. Ms. Tortorella responded by saying there is sufficient parking by code. Ms. McManus said that the crosswalks are inadequate. Mr. Adler responded. Discussion ensued.

Danny Caixeiro said that this new facility will help develop an important residency program for Phelps Hospital.

Rose McManus is concerned about the possibility of Phelps Hospital being taken over by Montefiore Hospital and how this would affect the residency program.

Seth Rebels said that he is a young physician and will greatly benefit from the residency program.

Motion to close the public hearing:

Moved: Koffler

Seconded: Judge

Vote: 5-0

Absent: Church, Gorete-Crowe

Ms. Bishko asked about the current permit to store a mobile dental clinic at the facility. Ms. Tortorella said that if the project is approved, the permit would no longer be needed.

Mr. Judge asked about a pedestrian count. Mr. Adler responded.

Chairman Koffler said that the application was thoughtful and thorough and that the applicant addressed all the concerns of the Zoning Board.

Mr. Judge asked about the existing variances. Ms. Gandolfo said that the variances and conditions are specific to the applicant.

There was a question about placing certain conditions on the project.

At 10:10 the Board went into executive session.

The Board returned from executive session.

Chairman Koffler said that parking has been addressed and that there will be no adverse effect on the environment. The asset outweighs the detriment.

Motion to grant the variances with the following conditions:

- 1) That Open Door retains a fee simple ownership of all three properties.
- 2) That only a right turn be permitted onto Route 9 out of the facility

Moved: Koffler

Seconded: Wernick

Vote: 5-0

Absent: Church, Gorete-Crowe

**APPROVED WITH CONDITIONS**

**7) Approval of Minutes, April 16, 2014, May 21, 2014 and June 18, 2014 - Tabled**

Motion to adjourn the meeting at 10:20

Moved: Koffler

Seconded: Bishko

Vote: 5-0

Absent: Church, Gorete-Crowe