

VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS MEETING
THURSDAY April 11 , 2024

PRESENT: Christine Wagner, Chairperson
James Tuman
Daron Weber
Doug Olcott
Rocco Mastronardi

ALSO PRESENT: Ron Wegner, Assistant Engineer P.E.

1. CALL TO ORDER:

Chairperson Wagner called the Zoning Board of Appeals meeting to order at 8:02p.m.

2. NEW BUSINESS

a) Rossoff, Fred & Jessica, Owners—80 Morningside Drive—Located in a RA-9 Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.9 Block 6 Lot 5. Request a total side yard variance from Village Zoning Code Section 230-33A for a replacement deck.

PRESENT: Mr. Fred. Rossoff, Owner
Mr. Lewis Roane, Architect

Mr. Roane introduced himself to the Board as the architect for the project. Mr. Rossoff stated he was the property owner. Mr. Roane stated that his clients are looking to replace an existing deck with a bigger deck and were requesting a total side yard variance of 3.68'ft but would ask to round that number up to 3.7'ft and specified that the stairs were not included in the setback request.

It was noted that the house was built prior to Zoning regulations and the left side of the structure was legalized in 1986 with a side yard variance. Mr. Roane shared that there was a previously granted side yard in 1986. Mr. Wegner stated that the variance was for the pre-existing house and the house at the time met the total side yard setback requirement but needed a side yard variance to allow for the existing house to sit between 6.62'ft and 6.84'ft from the side property line. Mr. Wegner added that the original variance did not need to be revisited.

The Board clarified that the new, proposed deck would be 20'ft from the side yard property line therefore requiring a total side yard variance not a side yard variance. Mr. Roane explained that the proposed deck is slightly larger than the existing deck increasing its non-compliance. Mr. Wegner added that the existing deck was not compliant but that it was irrelevant because the deck is being removed and replaced requiring a combined side yard setback. It was noted that the existing deck was not built with the original house and it was unknown if the deck was present when the 1986 variance was granted. Mr. Wegner shared that there is a 2nd larger deck located further back on the property but that it will be removed prior to the construction of the new deck. Mr. Rosoff added that that both existing decks on the property would

be removed and replaced with one larger deck. The Board agreed that the proposed project would help to “clean-up” the property. Chairperson Wagner shared that the Board received two letters of support from neighbors but asked the applicant if they received any opposition from 186 Old Post Road South as that property sits directly below 80 Morningside Dr. The applicant stated that they did not hear of any complaints.

Chairperson Wagner then opened the meeting to the public. Hearing no comment from the public, the hearing was closed.

The Board reviewed and discussed the 5 Factors:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance.
2. The benefit sought by the applicant can be achieved by a method other than the requested variance; but without as much usable space.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district;
5. The difficulty alleged by the applicant was self-created.

MOTION: Mr. Tuman made a motion to grant a total side yard variance of 4’ ft for a rear deck. Seconded by Mr. Olcott. The motion was carried by a vote of 5-0. All in Favor. Roll Call: Mr. Tuman, yes, Mr. Olcott, yes, Mr. Weber, yes, Mr. Mastronardi, yes, Chairperson Wagner, yes

b) AC General Contractor, Inc.—167 Maple Street-Located in a RB 2-Family Residential District and designated on the Tax Maps of Croton-on-Hudson as Section 68.17 Block 4 Lot 37. Request for a rear yard variance from Village Zoning Code Section 230-34 for a proposed 2-story rear deck for a 2-family house.

PRESENT: John Alfonzetti, Engineer

Mr. Alfonzetti introduced himself as the representative for the applicants, AC Construction. Mr. Alfonzetti stated that the applicants were approved by the Planning Board to construct a new, 2-family residence at 167 Maple Street and that he was present to request a variance for a 2-tier, rear deck. Mr. Alfonzetti explained that the 2-story deck would allow for each family to have their own private outdoor space. Mr. Alfonzetti stated that the property was a flag lot and that it is not visible from Grand Street or Maple Street. Mr. Alfonzetti stated that they are applying for a 9’ft rear yard variance and noted that the stairs were not included in the variance.

Mr. Alfonzetti provided new site pictures to the Board during the meeting to better illustrate the lot and building site. The Board asked if a house ever existed on the lot. Mr. Alfonzetti replied stating that as far as he knew there was never a house there and that it had always been a flag lot. Mr. Alfonzetti shared

that it was not part of the subdivision. Mr. Wegner, Assistant Village Engineer added that the driveway for the new residence was originally off Grand Street and it was the property that subdivided the lot.

Mr. Wegner stated that the house will be set relatively far back from the road. Mr. Alfonzetti added that there is only house that would see the decks and that they have not received any opposition from them.

Mr. Wegner shared with the Board that the house was approved by the Planning Board and that the deck was on the original plans when the Planning Board granted the site plan approval. It was made clear that the variance request was only for the 2-story deck. The Board asked if there would be an egress issued, Mr. Alfonzetti stated there would not be because it is a 2-family house.

The Board asked what the grading of the property was like by the stone wall. Mr. Alfonzetti described it as being "almost dead level flat." The Board asked Mr. Wegner if the house of the original owner of the driveway was a 1 or 2 family. Mr. Wegner stated that he believes it was a single-family home.

The Board discussed and agreed that they were not large decks in practicality and for this type of structure they would be a nice enhancement. Furthermore, the Board noted that it is likely that if the decks were not a part of the original build, chances are they may consider adding decks in the future.

Chairperson Wagner opened the public hearing. With no one being heard, the public hearing was closed. And the meeting was opened for discussion from the Board.

The Board reviewed the 5 Factors:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the granting of the variance.

The Board agreed there would be no change in the neighborhood as the residence is new construction.

2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance.

3. The requested variance is substantial.

The Board discussed and agreed that the request was fairly substantial but mitigated by how deep and setback the lot is.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

5. The difficulty alleged by the applicant was self-created.

MOTION: Mr. Weber made a motion to grant a rear yard variance of 9' ft for a 2-story deck for a 2-family residence. Seconded by Mr. Mastronardi. The motion was carried by a vote of 5-0. All in Favor. Roll Call: Mr. Weber, yes, Mr. Mastronardi, yes, Mr. Tuman, yes, Mr. Olcott, yes, Chairperson Wagner, yes.

c) O'Keefe, Susan & Chris, Tenants/Business Owners, Baked By Susan—379 South Riverside Ave-Located in C-2 General Commercial and Harmon/South Riverside Gateway Overlay District and designated on the Tax Maps of Croton-on-Hudson as Section 79.13 Blk 2 Lot 26. Request for an amendment to a previously granted variance from Village Zoning Code Section 230-51A requesting the removal of the condition to purchase seven (7) Village issued parking permits to offset the lack of required on-site parking.

PRESENT: Chris and Susan O'Keefe, Tenants/Business Owners of Baked By Susan

Chairperson Wagner called the applicants, Mr. & Mrs. O'Keefe forward and requested they provide a full background of their application as there were new members on the Board since the granting of the previous variance in 2019.

Mr. O'Keefe introduced himself to the Board and thanked them for their time and services. Mr. O'Keefe stated that before their application was heard, he wanted to formally request that their application be sent back to the Planning Board for review. Mr. O'Keefe shared that he felt they were initially sent to the Zoning Board in error with the incorrect number of off-street parking spot requirements given the proposed setup they were going to have. Mr. O'Keefe shared that since COVID, they rearranged their available seating (reducing the number of seats to 20) and believed they currently met bulk parking regulations and no longer needed the variance requiring the purchase of 7 additional off-street parking permits from the Village.

Mr. O'Keefe added that as they have 450 sq ft of service and retail space which they had 2 spaces for. Mr. O'Keefe stated that they believed the extra spaces were no longer warranted and did not need the 7 required off-street parking permits based on the retail/service area square footage. Mr. O'Keefe again asked for the ZBA to refer their application back to the Planning Board for review as they are not seeking a variance because the required 7 spots are available behind the building.

The Board asked the applicant if they had any communications with the Planning Board. Mr. O'Keefe stated they had not had correspondence with the Planning Board. Mr. O'Keefe shared that several weeks ago they had been contacted by the Village and told that if they did not purchase the required permits for the off-street parking spaces, the Village would issue a violation for not following the conditions of the variance granted in May 2019.

The Board then clarified how the off-street parking requirements were originally determined. Mr. Wegner, Village Engineer explained that the building has eight (8) 1-bedroom units on the upper stories which require 1 off-street parking space for every bedroom therefore totaling a requirement of 8 off-street parking spaces (for the residential stories). Mr. Wegner further explained that there was also a requirement to have 1 off-street space for every 250 square feet of commercial space and there is a total of 2,500 sq ft therefore 11 off-street spaces are required for the entire 1st floor of the commercial area. Mr. Wegner stated that when including the apartments, the total site requirement for off-street parking spaces were determined to be 19. Mr. Wegner further explained that the site was designed and approved by the Planning Board to have enough off-street spaces without requiring a variance to accommodate the commercial space but

when the seating for Baked By Susan was increased to 28 seats (after site approval) is when the variance became required. The condition requiring the purchasing of Village parking permits for off-street spaces was because with 28 seats, every 4 seats require 1 off-street parking spot therefore 7 additional spots were required.

Mr. O'Keefe then shared his belief that the major flaw was with the original Planning Board approval of the required number of spaces which he stated were determined and approved based on the full, unoccupied commercial floor space of 2,500 sq ft. Mr. O'Keefe expressed that his issue was that once the space was built out, only the service area should have been counted, not the entire open undefined space. Mr. O'Keefe stated that once the space was divided and built out, they had to go to the Planning Board for a change of use permit and he felt the space should have been considered differently and that the parking requirements should have been based on the service area for customers and work space, not the portion that is used for storage.

The floor space that should be counted towards parking requirements was questioned and debated.

The Board then asked Mr. O'Keefe where in the code it supported his argument and stated it seemed that he was making an interpretation of the code. Mr. O'Keefe was unable to provide evidence from the code to support his argument regarding the definition of retail space but claimed the misinterpretation took place when the original building was approved.

Mr. O'Keefe again requested that the application be heard by the Planning Board for an interpretation.

The Board asked the applicant for clarification if the argument was that they felt the space was being double counted. Mr. O'Keefe confirmed that that was exactly their argument, that they were being asked to meet the regulations for the undefined space of 2,500 sq ft but then after defining the space, that the defined retail and service space is just a portion of the total space and therefore the required number of off-street parking spaces should be less. The Board then asked what Mr. O'Keefe would consider the rest of their space if not retail. Mr. O'Keefe stated that the rest of the space was workspace and wholesale space. The Board then asked where he was getting his definition of retail/service space from. Mr. O'Keefe replied he looked it up in the dictionary. The Board clarified that the code did not specifically define what retail space was and therefore felt that the applicant was arguing his interpretation of the code.

Chairperson Wagner stated that the Board could not resolve the matter at the present meeting because there were several issues at hand that needed to be addressed. The first matter was because the applicant was requesting to be heard by the Planning Board that they then had to determine who the governing body would be to make the assessment on the application (Planning Board or Zoning Board). Furthermore, the applicants were asking for an interpretation but that application was submitted for an area variance. Mr. Wegner added that they would have to consider whether this should be an application for an interpretation.

Ms. O'Keefe then shared that at the May 8th 2019 meeting there was a statement made that the business could return to the Board to revisit the issue of the parking once they were opened for business when they would have a better understanding of traffic and that they could apply for an amendment to the variance.

Chairperson Wagner then opened the meeting for public comment but noted that it should be kept in mind that there were 2 issues at hand: 1) defining the code and interpretation of code and 2) if the additional off-street parking spaces are needed or if they can be produced by the variance that was granted in 2019.

Chairperson Wagner invited the public up to speak and reminded them the meeting will remain open and be carried over to next month's regularly scheduled meeting.

Mr. Michael Mamone and Kathleen Mamone of 19 Young Avenue came forward to speak.

Mr. Mamone read a written statement (attached) expressing his concerns over the on-street parking situation in the area and the negative effects that withdrawing/not enforcing the condition for Baked By Susan to have the additional off-street parking. Mr. Mamone requested that the Board give the residential owners consideration in the matter. Mr. Mamone asked that they consider where patrons will park and the negative impact that revoking the condition could have on the traffic and safety in the area. Mr. Mamone expressed his concerns with Bake By Susan's liquor license application and how seating and parking may be impacted by their hosting of dinner parties.

The Board asked Mr. Mamone if when the first application was heard, had he ever approached the Village Board with his concerns. Mr. Mamone shared that a poll for the residence in the neighborhood was sent out.

Mr. Jan Klier of 33 Young Ave came forward to speak.

Mr. Klier stated he resided on Young Ave (when making the right turn off Benedict when coming from Baked By Susan). Mr. Klier stated that they had been involved with the parking issue since the original Zoning Board application in 2019 when he submitted comments to the Board regarding the parking issues. Mr. Klier shared he submitted 2 pictures on April 10, 2024 in regards to the current application. Mr. Klier expressed he was overall happy with the vital business district in the area and supported Baked By Susan as a business however felt strongly the Village has to address the issues with the commercial parking felt that the parking was inconsistent with how the businesses are laid out. Mr. Klier referenced the Salon M car parked on the street as seen in one of the submitted photographs and stated that he felt employee parking as well as customer parking were both issues to be considered. Mr. Klier discussed the layout of the parking lot in the rear of the building and stated that there is a lot of traffic going in and out and if it is difficult to access people will go the path of least resistance and park on the street and same for employees if they are being asked to park down by Shoprite. Mr. Klier was asking that the Board take into consideration what people will actually do; what is the easiest and most convenient. Furthermore, Mr. Klier stated that from his perspective, what really needed to be looked at was how commercial parking has impacted the residential neighborhood and asked that it be balanced out. Mr. Klier shared that he felt that how the lack of the parking permit system has negatively impacted his block should be examined. Mr. Klier shared that he had originally submitted comments to the Village Board regarding the matter but did not have any discussions with them. Mr. Klier added that the issue of visibility with the on-street parking should be examined as well and felt that it was unfortunate Baked By Susan was getting caught up in the variance because this is a greater issue that should be looked at. Mr. Klier then addressed the point raised by the applicants regarding the consideration of how much square footage should be counted and felt there would be some logic to the point if the rest of the space was storage space but it is prep space occupied by employees and employees need parking spaces and while current employees may walk, future employee transportation has to be accounted for.

The Board thanked Mr. Klier for his comment and Chairperson Wagner asked the applicants if they wanted to respond or wait until the issue of interpretation was resolved.

The applicants chose to respond to the public. Ms. O'Keefe thanked the public for coming out to share and while some of the issues could be revisited later, Ms. O'Keefe wanted to share that when they originally applied in 2019, they conducted a traffic study and it remains on record. Ms. O'Keefe shared that they also took more recent pictures of the area and stated that she is there every day and has seen the streets be empty. Ms. O'Keefe claimed that cars associated with their business are not parking on Oneida Ave but confirmed they are parking on Benedict Blvd. Ms. O'Keefe replied to Mr. Mamone, referencing their commercial truck being parked on the street and stated they always use one of the spots in the rear of the building for their truck as they know it is large and would never park it in front of someone's home. Ms. O'Keefe shared that she could relate to the residents in the neighborhood near Baked by Susan as they reside on Farrington Rd and experience traffic and parking congestion on their street for patrons for The Tavern on Riverside Drive.

Ms. O'Keefe discussed that at the time, providing parking at Shoprite was dangerous to walk to the business prior to the Village installing sidewalks and walkway approximately 1-year ago. Furthermore, she responded to Mr. Mamone's comment said they had no intention of operating as a bar and that the liquor license would be to serve alcohol at the dinner parties they host and are considering the idea of having brunches or having beverages when there is live music. It was noted that the business closes at 6:00p.m.

Mr. O'Keefe concluded by saying that they originally came before the Board to seek a variance and that they are currently only asking for what is required of them, to not be double counted, and not asking to be excused.

The Board asked where exactly the parking spots to be purchased were located. Mr. O'Keefe stated that the original offer was to purchase permits/spots down at ShopRite which was challenging because the Blaze for 3 months out of the year made those spots inaccessible and the other alternative was going by the train station. Mr. O'Keefe also asked the Board to consider that during COVID businesses were essentially shut down and felt to be viewed as a fully operating business for those first two years was unfair.

The Board asked if the two spots that were purchased were at ShopRite. Ms. O'Keefe stated they were not, that they were at the lot at the dead-end of Benedict Blvd. The Board asked if they could purchase additional spots in that lot. Mr. O'Keefe argued that while asked to purchase 7 permits for 7 spots, at any given time, they only have 2 employees that drive. While they have 9 employees, the majority do not drive and felt they were being forced to purchase spots they do not need.

Mr. O'Keefe stated the basic premise is that they felt they have met the zoning requirements and do not need a variance so they have asked that the Planning Board review and either make an interpretation or send it back to the Zoning Board for an interpretation.

Chairperson Wagner stated that while the Board could continue to discuss the application, before they proceed, an informed review analysis of the code and interpretation has to be done.

The Board briefly revisited how the required number of parking spots were determined and wanted to note that the 2500 square feet was for the entire commercial space that had then been subdivided into two spaces: Salon M and Baked-By-Susan. Mr. Wegner clarified that 11 spots were required for the entire commercial space and that $\frac{3}{4}$ of the 11 required spaces belonged to

Baked By Susan. The Board noted as it stood, they would consider the prep space where employees work as space that needed to be considered but reiterated, they must review and determine what the code says.

Ms. O'Keefe requested that the Board take into consideration the differences between their business and the Salon's business because she felt it was not an "apples-to-apples" comparison. The Board then asked if they would like to respond on record as to what the number of seats they have.

The applicants said they would and stated they currently have 20 seats available for patrons. The Board asked if the 20 seats are consistent because the space is fluid and can change depending on the events being held there and asked if they add and take away tables depending on the events being held there. Mr. O'Keefe stated "it is pretty much consistent."

There was then some discussion about the poll that had been originally conducted. The Board asked the public what they felt the issues with the poll were. They shared that a lot of residents did not respond and that there was a misunderstanding that the residents would have to pay for the permits. The Board questioned whether a poll could be re-done. There was also discussion about when the parking time increased from 2 to 4 hour parking and the impact of commuter parking as well.

Ms. Mamone stated she was frustrated that she felt the business owners believed they don't need to purchase and provide the required off-street parking spaces and questioned who was looking out for the residents and pedestrians in the neighborhood. Mr. Mamone added that the code and laws need to be obeyed.

Mr. Klier added he wanted to respond to the issue of zoning when looking at uniform spots and emphasized that he felt it was important to know and consider what the code number requirements are for parking to create uniformity.

Mr. Mamone stated he had a few more points he would like to make a few more points regarding the Blaze and how he felt it was a hindrance to Baked By Susan and felt it was simple for the Village Board to demand the Blaze provide spots to the business. Mr. Mamone added that he also wanted to address the code and that he believed that based on calculations and regulations, the building itself had correct number of spots.

Chairperson Wagner drew the application to a close by stating they were leaving the public hearing open as it has to be determined which Board has authority over the interpretation of which may involve consulting the Village attorney. Chairperson Wagner stated that if the public had unique thoughts in the future, they are welcome to share but that the Board has their comments thus far on record. Discussions were paused, the public hearing remained open and the applicants were informed that they would be informed which Board they would be returning to.

3. APPROVAL OF MINUTES

Mr. Tuman made a motion to approve the March 21, 2024 minutes. Seconded by Chairperson Wagner. The motion was carried by a vote of 4-0. All in Favor. (Mr. Mastronardi, abstained).

4. ADJOURNMENT

The meeting was duly adjourned at 9:40 pm.

Respectfully Submitted by,

Stefanie Correale
Secretary to the Zoning Board of Appeals

1. I have lots of Data. This is an important issue. It is important to us residential owners as well as the commercial principals. So please give the residential owners the exact same respect as you give the commercial establishments.

2. Repeated, daily, regular parking by commercial establishments in front of our homes is not fair or just. It does in fact ruin our dignity. The same goes for commuters that park in our residential neighborhoods and walk to the Harwin station to evade paying for a parking permit. This practice will lower our property values, no doubt.

③ The Residential property line runs between the westerly line of the Chapel of the good Shepherd, and the easterly line of the property in question. This border line extends basically behind all of the properties on South Riverside, all the way up to the old Umami restaurant. This is the critical division between the residential properties and the commercial properties. It should be respected duly. My meaning is that no commercial activity at all should trespass that line.

④ My neighborhood is my concern. As it should be. Not just my own home.

My neighborhood is young ave, Benedict Blvd, on which I grew up since 1955, and Onaida Ave. ETC. I am in my present home at 19 Young Ave. since 1991. So my references will be concerning this neighborhood.

- ⑤ The Village Board has enacted regulations recently that have adversely impacted our neighborhood. It is in their power to control the parking on our streets. They have coddled and catered to the commercial areas excessively, to the detriment of the residential areas. For example, they recently put up 4 hour parking signs on Benedict Blvd and my own street Young Ave, specifically to give the commercial stores a place to park. Obviously because there is a shortage of existing parking in the commercial areas. That is not our fault. It is, in fact, the fault of the Village Board. Just as another example of my point is the new parking lot being built on Wayne St. at the sight of the EMS headquarters. This lot was purchased by the Village Taxpayers to house the EMS. It was purchased with Taxpayer dollars. It was removed from the Property Tax Rolls. All of this to cater to their favorite baby - the commercial occupants.

I include Oneida Avenue in my "neighborhood" Oneida Ave., from Hastings Ave down to So Riverside Ave. is a continuous "Wall" of cars parked on the North side of the road, daily. This is a residential zone area. When I asked one of our trustees about this, they replied "Oh! that is commuters", in other words "So What!" In fact, there are no restrictions at all posted on Oneida Ave at this section or at all. Well! I take that to mean "Go ahead and park there, in front of all those nice homes, for free, instead of buying a parking permit at the lot. This is a terrible thing to do to all those homeowners. Not to mention that two vehicles cannot fit at the same time travelling in opposite directions. And also that intersection of Oneida and So Riverside is horribly dangerous and has been the sight of many accidents due to the design. So, here is the Village Board, again coddling to the commercial (and commuter) at the cost of the homeowners. So, I repeat, Please give us the exact same degree of respect that you give them. Treat us fairly.

⑥ Sometimes, actually quite a lot, of older neighborhoods that have adjoining residential and commercial areas have residential streets filled with parked cars from the stores. Well that's different than this

Current issue of ours. Actually in our present situation the expansion of the commercial district is new. Recently created by our village board to Expand Commercially. The residential area was here before this new expansion, therefore, we should be given priority as being here first, to allow the commercial and commuter parking on our streets should be illegal.

7.

So, pertaining to the present applications of the Baked By Susan people, they are asking you, to disregard the condition of their original Variance ordering them to purchase seven parking permits for their employees and telling them where they can park. I say the word applications, in Plural, because they are presently applying to the State liquor authority to expand their liquor license to create a "Tavern, Bar" place of business. This means to me a full menu for dinner, lunch, etc, which is a lot more than a Bakery/Cafe. This sounds utterly ridiculous given the present state of circumstances. Since the original opening of the Cafe and the original Variance Baked By Susan has not purchased the 7 parking permits as they were ordered to do. In fact between 2020 and 2021 they did not purchase any at all, zero. Then between 2021 and 2023 they purchased 4 per year. Again, a

lot less than the 7 that they were ordered to purchase. Between 2023-2024 they purchased 2 per year.

Since the Zoning Board of Appeals is a "judicial" Board, carrying the power of Law, and Baked By Susan agreed to comply when they opened, I call this terribly wrong. And now they are asking you to allow them to expand the business into a Bar/Tavern serving wine and beer etc and also forgetting the original order to purchase the 7 parking permits. DT sounds like they wish to serve a dinner and lunch crowd. I

believe that there is a record in your paperwork describing the current purchasers of parking permits from tenants of that Bldg. which shows that the Salon bought 4 permits (voluntarily, I believe. The residents of the Apts bought 2 (voluntarily) Three tenants of 51 Benedict Blvd bought one each. (Voluntarily). This tells me blatantly, that there is a lack of onsite parking for these buildings and businesses. Why else would they pay good money for parking permits. Given the history of Non-Compliance of Baked By Susan I feel that no consideration should be given at all. In fact, what we have here is another serious example of the Village Board's discriminatory attitude. They knew that Baked By Susan was

not complying with the Order all the time and they allowed the business to go on all this time and all these years. I call this wrong. My point being "Treat us (as residential) with the same due respect as you treat the commercial people."

8. Sunday is a time of respecting our creator for a lot of us. Well, first of all, the Chapel on Benedict Blvd was here long before the Harmon Rezoning. The Chapel is in a residential neighborhood and residential zone. As having been a regular attendee of Mass there and an usher also, I can tell you that the parking spaces on Benedict, especially in the areas closest to the entrance are used by older people a lot, they just cannot walk that far. All those parking spaces have been used by the Church for many many years. It just isn't fair to take them away on Sunday and during special events like weddings and funerals. Sundays are a busy day for Cafes, especially in the mornings.

4 I was personally in the Baked By Susan cafe recently. In during February/March there were 28 seats set up. On April 6, 2024 at 9:45 AM there was 27 seats set up (one was a high chair) w 3 or so more available there were about 7 or 8 employees there. I believe their current application depicts 10

and actually say that they have 20 seats. There is a seating plan with 24 seats. I don't get it, I'm confused. Somebody help me understand this. On Sunday April 7 D counted 26 seats set up. The high chairs were put aside. So, I ask you, where are all these patrons parking! Well they are on my street - Young Avenue. At the end of Young Ave where it meets Benedict Blvd, when these cars are parked there on both sides of the street, there is no way for two cars to pass going in opposite directions and that intersection is also dangerous in many ways. They are also parked on Benedict Blvd also creating hazardous conditions for that intersection of Benedict and So Riverms.

I repeat "Please give the people the same due respect that you give the commercial people. DT's only fair.

9. One fact of life I've learned is this.
- People want to park as close to the front door of where they're going as possible.
 - People would rather not pay if they can
 - People will not park where tickets are issued

10. In their current application they say that they currently have 20 seats. This is not true. In their current application they say that the employees use only "mostly one car - sometimes 2. This cannot be true. In their application they state that the 4 hr. limit should

be a factor in you, as a zoning board, to excuse them from purchasing the 7 parking permits. So, here is the village board coddling the commercial people at the cost of the residential folks, as I explained. I remind the board that Benedict Blvd is a one-family zoned area, and that other folks need and use it. Also Young Ave, as per my personal observations and the original floor plan of the business that was a part of the original application, they themselves showed a plan for 28 seats, and my recent personal observation show that 20 seats is not their floor plan, at all. In their application they state that "there have been no signs of congested parking on Benedict Blvd or within the area" This is totally untrue as my personal experience as a homeowner on Young Ave, is proof and I show this in my photos. In their application they state that the employees of theirs have "no more than two cars, most times only one." A large part of the employees walk, take the bus, or bike to work. I would ask that there be verification of this statement required before accepting it as a fact. Also, I would ask that the board take into account the customer's parking needs. There are parking lots very close by that this applicant can rent for their customers as well as their employees. The sidewalks are there and the crosswalks are there and the other businesses nearby

rent spots in the lots nearby for their needs. Why cant they. In their application the applicant states that "The order to buy the 7 parking permits was not a valid solution" that "The Blaze event used up the parking spaces down near shoprite. I dont believe that to be so on my personal observations, I would ask for verification of this. I also think that this board went "above and beyond" to grant the original variance to the applicant. They certainly could have utilized the village owned spaces near shoprite and the sidewalks and crosswalks are there now for them to use safely. The applicant states in their application that "No parking issues have been present." This is not true. I, as a resident do not appreciate seeing the cars parked in front of my close neighbors' homes every day. It is a nuisance. Also I do not believe it is fair to take the parking spaces of church goes away from them. This is not fair. Again, this whole issue comes down to fairness. Please treat us Residential persons with the exact same respect as the commercial people. The applicant states in their application that "To impose the requirement would be an unwarranted financial hardship imposed on the business" Myself being a sole proprietor, business owner, Commercial property owner, and a

sterfront owner, for thirty years can say. It costs money to be in business. If you have a retail type of business you better have a place for your customers to park and that place better be convenient. But these realities are your problem - not for others to solve for you. You must carry your own weight. Period. Everything in the applicants statements I do not accept. We on Young Avenue and Benedict Blvd think that the excessive, congestion of parking caused by this Business does not permit us to live in Peace.

11.

Sect 215-17 No commercial vehicles are to park in residential area. When you put a sign on a vehicle it becomes a commercial vehicle, I believe. That one that I show, parked on young avenue should not be there. And I believe it is parked there due to the needs for parking of Baker By Susan. As well as all the parking permits being purchased by adjoining businesses as well as residential tenants. They are buying the permits voluntarily due to a lack of available spaces. This is proof that the statements made by this applicant are not True.

12.

The zoning Code requires 1 on site parking space for every 4 seats in an eating and drinking establishment. This is the adopted law. To override this is a serious matter.

This judicial board does have the power to override this, but it is a matter that should be treated seriously. And here again I'll say that the same respect that is given to one should be given to all. Another thought to consider is this. What facts are going to have to be considered if and when another business in this area applies for the exact same variance. Isn't this a real and substantive point. Maybe there is a legal issue that may arise if you were to grant this variance and not grant the same type of variance to the next applicant. The village could be forced to give the next applicant the same variances, due to a precedent having been created. That would be horrible. All of our nice residential areas would become parking lots for the public.

13. Maybe that stipulation, that no interior seating be available after 5pm, should be considered here again. This was in the original variance but was removed.

