

**VILLAGE OF CROTON-ON-HUDSON
DRAFT MINUTES OF THE ZONING BOARD OF APPEALS MEETING
THURSDAY MAY 9, 2024**

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

ABSENT: Doug Olcott

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

1. CALL TO ORDER:

Chairperson Wagner called the Zoning Board of Appeals meeting to order at 8:00p.m.

The “new business” item was called to come forward first as the O’Keefe’s were not yet present at the commencement of the meeting.

2. NEW BUSINESS

a) *Heppner, Nancy, Owner-9 Bank Street-Located in RB 2-Family Residential District and designated on the Tax Maps of the Village of Croton-on-Hudson as Section 78.8 Blk 3 Lot 70. Request for a rear yard variance from Village Zoning Code Section 230-40(G)(2) for the construction of a rear deck on an existing small lot.*

PRESENT: Nancy Heppner, Owner

Ms. Heppner introduced herself to the Board and stated that zoning regulation would normally not allow her to come within 15’ of the property line but that she would like to build a deck 8’ft from the property line. Ms. Heppner was seeking a 7’ft rear yard variance to allow for an adequately sized rear deck. The applicant explained that the deck was designed to maximize the river views from her yard. Ms. Heppner provided a description of the topography of her lot stating that Farrington Road was approximately level with the roof of her house and that there were several retaining walls between her side yard and Farrington Road that sit above her property. The Board noted that Ms. Heppner’s lot had a deep yard and asked the applicant about the properties that sit below her on Bank Street and how they may be impacted by the deck. Ms. Heppner stated she believed the property they were referencing was 7 Bank Street which was a commercial building and one could only see the roof of the building. The Board then acknowledged that the proposed deck location with building closer to the rear yard line would help to take advantage of river views. Ms. Heppner shared that she had a letter of support from her neighbors in the yellow house on Farrington Road (referencing the provided picture). Ms. Heppner shared that she mistakenly did not get the name of one additional neighbor who stopped by with a copy of the letter and said they would support anything that Ms. Heppner wanted to do in the backyard

With no further questions from the Board for the applicant, Chairperson Wagner opened the public meeting.

Mr. Michal Mamone of 19 Young Ave came forward to speak.

Mr. Mamone stated that he felt that in the case of Ms. Heppner's request/application, that the principles that he sees in process would not affect anyone adversely and that there would be a great benefit for the applicant. Mr. Mamone stated there was no objectionable part to this application and that he only wanted to comment on the principle of the process and that it was a "neat package, the way it should be."

Hearing no further comments, Chairperson Wagner closed the public hearing and opened the application for Board discussion.

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.
2. The benefit sought by the applicant cannot be achieved by a method other than the requested variance.
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 7'ft rear yard variance for a rear deck. Seconded by Chairperson Wagner. The motion was carried by a vote of 4-0. All in Favor. Roll Call: Mr. Tuman, yes, Chairperson Wagner, yes, Mr. Weber, yes, Mr. Mastronardi, yes (Mr. Olcott, absent).

3. OLD BUSINESS

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 Mr. & Mrs. O'Keefe forward reminding the public that this item was old business and that the previous public hearing had been left open. Chairperson Wagner explained that the meeting had been left off with the question as to whether the application warranted an interpretation and if so, which Board would be the deciding body. Chairperson Wagner explained that the Board received

guidance on the matter and that the application would not be that of an interpretation. Therefore, an interpretation of the code will not be what is before the Board and that the Board would only be hearing the submitted application for an amendment to the existing variance regarding the required Village parking permits.

Chairperson Wagner then asked the applicants if they had any new, additional information regarding the application to share with the Board. Mr. O'Keefe stated they wanted to discuss the additional required off-street parking permits and the conditions. Mr. O'Keefe stated he wanted to summarize what had transpired in the past 5 years since the May 2019 ZBA meeting to help give context because there were only 2 original Board members since the granting of the original variance.

Mr. O'Keefe stated that the process started in 2019 after their first application to the Planning Board for a change of use permit. After the change of use was granted, the Planning Board sent Baked-by Susan to the ZBA for a variance. Mr. O'Keefe stated that at that time, the seating chart was very different (more seats). Mr. O'Keefe stated that the seating has since changed from the granting of the original variance and that within 2 weeks of opening COVID shut them down and changed the running of the business. In the interim because of variance, they were made to purchase the parking permits but they only took advantage of 4 of the required 7 and felt they now only have the need for 2 permits as they currently only have 2 employees that drive to work.

Mr. O'Keefe stated they were seeking to amend the original variance because in 2019 at the time, there wasn't a good understanding of what their parking needs would be, however they now have a better understanding of "post analysis." Mr. O'Keefe stated that based on their services, space, and needs they have rearranged the seating layout and reduced the number of seats from 28 to 20. Mrs. O'Keefe then provided a new seating chart to the Board showing the 20 seats. The applicants noted they specifically rearranged due to the impact COVID had on the business.

The applicants added that they believe their business made the seating a unique situation. Mr. O'Keefe claimed that the customers have an approximate turn-around rate of 15 minutes and that the rear lot parking spots have a 15 minutes limit. Mr. O'Keefe stated that their customers come in and out and don't sit and stay. The applicant was trying to make the point that their needs have changed therefore their parking needs have changed. Mr. O'Keefe also raised the point that in 2019 the ZBA noted and recorded in the meeting minutes that they (applicants) could examine traffic patterns once the business was up and running and return to the ZBA at a later date to possibly amend the variance based on their needs.

Mr. O'Keefe then provided packets of pictures that were marked with dates and times of the cars parked along Benedict Blvd including pictures of Sunday morning in front of the chapel. Mr. O'Keefe stated, in his opinion, that at the height of COVID as well as post COVID (presently), the pictures provided show that parking was not an issue. Mr. O'Keefe then made references to the "Home Rule" and local legislation. Mr. O'Keefe believed that parking permits were given to residents on Young Ave based on the survey conducted at the time.

Mr. O'Keefe explained that with COVID they "kind of forgot" the requirement to purchase the 7 additional special permits. Mr. O'Keefe then stated that they have 8 off street, on-site spaces and felt that they didn't think it was fair to be required to purchase additional parking permits as they don't need them. The Board asked the applicants if they were looking to reduce the number of permits from 7 to 2 or 7 to 0. The applicant expressed his belief it should be on an as-needed basis giving the example that because they only needed 2 this year, they purchased 2. The applicant wanted to remind the Board that on-street (Benedict Blvd) parking limits had been extended from originally 1 hour to 4 hours.

The Board stated they were having trouble understanding what the hardship was in purchasing the 7 required permits.

Mr. O'Keefe replied that they found the hardship was that the mandated parking permits were provided down at Shoprite where the parking was only available 8 months out of the year due to the Blaze and at the time there was no safe passage as the Village did not have sidewalks or a crosswalk at the time.

The Board pointed out that on their application they made a statement that they were the only business being required to purchase additional parking permits, Chairperson Wagner asked which business came to mind? Mr. O'Keefe referenced the case of the Blue Pig being granted a variance to remove off-street parking spots and not being required to purchase additional permits to replace the loss of the off street spots.

The Board also made the point that the other businesses were existing and that 379 S Riverside Ave was new construction (a new building) therefore had new regulation requirements so it was difficult to make a comparison.

Ms. O'Keefe then spoke, stating that she had a written statement to read. Ms. O'Keefe's statement reiterated many of Mr. O'Keefe's points including the ZBA in 2019 stating they had the to revisit the variance for a possible amendment, there are 15-minute parking spots at the rear of the building. Ms. O'Keefe spoke to her employees and acknowledged that employee parking can change, etc. Ms. O'Keefe stated that at the last meeting they were attacked and accused by neighbors that they weren't purchasing passes. Ms. O'Keefe stated that the back pages of the picture packet showed that Sunday parking is empty and felt strongly that customers are not parking on Young Ave to get baked goods. Ms. O'Keefe stated that they are good neighbors, they are an asset to the community, the business and building increase the value of homes and not decrease. Ms. O'Keefe was asking for the Board to reconsider.

Chairperson Wagner asked the Board if they had any further questions for the applicants, with no further questions, the meeting was turned back over for additional public comment. The public then came forward to speak.

Mr. Michael Mamone of 9 Young Ave came forward to speak.

The Board reminded Mr. Mamone that they had his previous comments on record. Mr. Mamone stated that he felt the "photographic evidence" that the applicant provided was "a complete falsehood" of the parking situation in the area. Mr. Mamone discussed the variance being based on the parking regulations and code that requires an additional 1 extra off-street space for every 4 seats and further stated that the variance was needed based on the 28 seats to alleviate the parking issues despite the number of employees or customers. Mr. Mamone believed strongly that the 7 additional spaces had to be provided. The Board confirmed they understood his point. Mr. Mamone stated he wanted his streets to be clear of anyone who did not belong there. Mr. Mamone then questioned what the hardship was for the applicants as the parking passes were about \$50/per permit. Mr. Mamone proceeded to read a second 14-page written statement that was provided to the Board (attached) in which he discussed his opinion that the parking permit system in the area was inconsistent and messy.

Chairperson Wagner asked Mr. Mamone to keep in mind that it was not an indictment of the Village Board and requested that comment remain focused specific to the Baked By Susan application at hand. Mr. Mamone then asked that the application at hand be considered in terms of benefit vs detriment. Mr. Mamone then cited the new Village lot being built by the firehouse/EMS. Mr. Mamone then discussed his perspective on the five factors and requested the Board not use the extended 4-hour on-street parking limit "as an excuse" because he felt the Village could remove it at any time. Mr. Mamone concluded by stating that while he was unable to view the new, revised seating chart clearly, if it truly

depicted 20 seats then he would take their word for it but chairs, barstools and high-chairs should all be included in the count.

Chairperson Wagner thanked Mr. Mamone for his comment.

The following members of the public then spoke:

Katrina Klier of 33 Young Ave:

Ms. Klier stated she was a resident of Croton on Hudson for over 10 years that she was not able to attend the last meeting but was present at the May 2019 meeting for the original granting of the variance for Baked By Susan. Ms. Klier began by sharing that she may be unclear where the Zoning Board and Village Board's purviews start and stop but was there to just request that the Village enforce parking regulations both uniformly and consistently to all businesses in the area. Furthermore, Ms. Klier asked for the recommendation that the Board encourage and require all the businesses to communicate with their employees regarding where they can and cannot park. Ms. Klier noted that in her opinion that as a resident of Young for 10 years there was a noticeable difference and the parking has gotten much worse stating that there are cars there all the time which she believed is a Village Board issue not a Zoning Board issued and wanted to acknowledge that but again was asking for uniform, consistent parking regulations across for all businesses in the area.

Rachel Leon of 46 Farrington Rd.

Ms. Leon stated that while she does not live in the neighborhood of Baked by Susan, she was a customer, as well as a patron of Salon M. Ms. Leon shared that she has always been able to park in the rear lot behind the building and has found parking has always been available where one is supposed to park.

Jan Klier of 33 Young Ave:

Mr. Klier stated he spoke at the last meeting and wanted to add a few new thoughts. Mr. Klier stated that wanted to point out that there were competing pictures at the meeting from the applicants and the public, stating that he felt this was not a parking Armageddon. Mr. Klier added that pictures can be selective but overall, it was clear there was increased non-residential parking on streets. Mr. Klier questioned Baked By Susan's new seating chart sharing that he wondered if the 28 seats vs. 20 seats would be consistent and was wondering how exterior seating may impact the parking permit requirements. Mr. Klier added that while there are 15-minute parking spaces available in the back, customers often sit for much longer than that.

Mr. Mamone of 33 Young spoke again stating that the street was very congested that he disagreed there were now 20 seats and wanted exterior seating to be included. Mr. Mamone discussed his opinion on Baked By Susan employee transportation and parking needs. Mr. Mamone stated that he felt strongly that \$50.00 per permit for a total of \$350.00 was not a hardship.

Kate Mamone of 19 Young Ave:

Ms. Mamone shared her thoughts with the Board stating that she felt the streets in the area were more congested due to the commercial spaces and referenced the pictures her husband provided to the Board that depicted there were 28 seats in the bakery. Therefore, Ms. Mamone stated she

disagreed that there were now only 20 seats in Baked By Susan. Ms. Mamone discussed the unlikelihood of patrons sitting for only 15 Minutes in such an establishment Ms. Mamone concluded by asking that the Board enforce the ruling that the applicants purchase the number of parking permits that they were required to purchase.

Dave Bauder of 46 Farrington Rd spoke next.

Mr. Bauder shared that he was a customer of BBS and that he has never had issues with finding a parking space in the rear lot behind the baker and that as a resident, he felt strongly the business was “a jewel” in the Village.

After hearing all public comment, Chairperson Wagner closed the public hearing and shared with the applicants that if they had any key points on hardship or parking spots, they had an opportunity to share and or/respond. The applicants reiterated that based on Board comment in 2019, they would be allowed to seek an amendment to the original variance once they saw traffic patterns after opening, quoting the 5/8/19 meeting minutes. The O’Keefe’s asked it be noted that they felt a disgruntled resident regarding parking issues in the area were being aimed at BBS. Ms. O’Keefe again cited their provided pictures stating that they felt they depicted that there was no difference in the on-street parking situation on Benedict Blvd between pre and post COVID. The O’Keefe’s addressed hardship stating that for them every penny counted. Ms. O’Keefe then stated that she agreed with Ms. Klier’s statement that parking regulations should be uniform and consistent across the board for all businesses, not just food establishments such as theirs. Neighbor complaints are an Underlying issue of the zoning change and it could affect any business but felt they were being targeted

Chairperson Wagner asked for comments from the Board. The point was just made that there was clearly a difference of opinion between the applicants and residents regarding the on-street parking situation in the area.

Mr. Wegner, Village Engineer, explained that with the original site plan, the parking requirements were based on the square footage of the first floor and the entire commercial space was not divisible by 4. Mr. Wegner further explained that the first floor required 11 off-street spaces for the commercial area, Baked by Susan had 8 and Salon M had 3. Mr. Wegner had to clarify for the applicant that they were required to purchase 7 additional permits based on the 28 seats but if they now only have 20 seats, they would then be required to purchase 5 additional parking based on the regulation that for every 4 seats 1 off-street parking spots.

The Board explained to the applicants that that building has the correct number of spots for what the building needs for the commercial first floor parking and that the spots in the rear lot do not get counted at all towards what is required in addition to what is required based on current seating of which was now 20 seats. Chairperson Wagner stated that the code does not contemplate employees; it is based on customer seating. Chairperson Wagner further explained that based on the 20 seats, an additional 5 permits are required which are available at the end of Benedict Blvd in the Harmon lot. The Board acknowledged there is an overall parking issue in the area and stated they would not exacerbate the issue by completely removing the condition all together or veering from the code and regulation requirements. The Board emphasized that if they reduced the number of required permits from 7 to 5 based on the 20-seat count, the number of seats must remain at 20 under all circumstances including with events such as dinner parties. It was clear that the seat count cannot increase over 20.

The Board reviewed the 5 Factors stating they were going to modify the existing variance.

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the amendment of condition #1 of the variance issued on May 8, 2019 to reduce the (7) required special parking permits to (5) required special parking permits in the vicinity of the Village's South Harmon Lot, which reflects the adjusted use of the indoor space and applies the code parking requirements to it.
2. The benefit sought by the applicant cannot be achieved by a method feasible for the applicant to pursue other than the amendment of condition #1 of the variance issued on May 8, 2019 to reduce the (7) required special parking permits to (5) required special parking permits in the vicinity of the Village's South Harmon Lot.
3. The amendment of condition #1 is not substantial.
4. The amendment of condition #1 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.

Chairperson Wagner made a motion to amend condition #1 of the variance granted for off-street parking on May 8, 2019, reducing the number of required Village special parking permits from 7 to 5 permits. Motion seconded by Mr. Tuman, and the motion carried all in favor by a vote of 4 to 0 (Mr. Olcott, absent).

*Please see attached for Resolution.

4. APPROVAL OF MINUTES

The Board postponed the approval of Minutes of April 11th, 2024.

5. ADJOURNMENT

There being no further business to come before the Board, the meeting was duly adjourned at 10:06 pm.

Respectfully Submitted by,

Stefanie Correale
Secretary to the Zoning Board of Appeals

RESOLUTION

WHEREAS, Baked by Susan Inc., had submitted an application to the Zoning Board of Appeals of the Village of Croton-on-Hudson, New York for a variance from Code Section 230-51A for seven (7) additional off-street parking spaces required for the 28 proposed seats inside the business. The property is designated on the Tax Maps of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 26.

WHEREAS, the Zoning Board of Appeals previously determined that the Proposed Action is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and, in accordance with its review of the variance application, declared itself Lead Agency for this action; and

WHEREAS, on March 13, 2019, the Zoning Board of Appeals referred this application to the Waterfront Advisory Committee (WAC) for a recommendation of consistency with the policies of the Village's Local Waterfront Revitalization Program (LWRP) and on April 25, 2019, the WAC recommended to the Zoning Board that the Proposed Action be found consistent with the LWRP; and

WHEREAS, the Zoning Board of Appeals previously reviewed the Short Environment Assessment Form (EAF), dated March 16, 2019, and the Coastal Assessment Form (CAF), dated March 16, 2019, submitted along with other application materials; and

WHEREAS, based on the WAC's recommendation of consistency with the LWRP, and the Zoning Board's review, the Zoning Board previously determined that there will be no significant adverse environmental impacts resulting from the Proposed Action and issued a Negative Declaration on May 8, 2019; and

WHEREAS, the Zoning Board previously determined that the Proposed Action complies with and is consistent with the policies, standards and conditions set forth in the Village's LWRP for the reasons set forth in the Coastal Assessment Form, Environmental Assessment Form, and the Negative Declaration which has been issued in connection with the Proposed Action and all of which are incorporated herein by reference, and in accordance with the recommendation of the Village's Waterfront Advisory Committee.

WHEREAS, after a public hearing on May 8, 2019, the Zoning Board granted a variance for seven (7) additional off-street parking spaces required for the 28 proposed seats inside the business, subject to the following conditions:

1. That, Baked by Susan Inc purchase from the Village and provide to their employees seven (7) special parking permits for the Village's South Harmon Parking Lots or for the South Riverside Avenue parking spaces in front of Shoprite, and continuously renew the special parking permits.
2. That, per the memorandum dated April 15, 2019, from the Village Manager, the Village can issue employee parking permits for some of the spaces located along South Riverside Avenue in front of Shoprite but these spaces are not valid during the evenings of Blaze events effectively all of October and November beginning at 5 p.m.
3. That, no interior table seating be available after 5 p.m.

WHEREAS, Baked by Susan submitted an application to the Zoning Board to request the removal of Condition #3 of the variance granted on May 8, 2019, and a public hearing having been held after due notice, this Board, after reviewing the application and additional information on the availability of on-street parking after 5:00 p.m., employee schedules and closing times for local businesses, and viewing the premises and neighborhood concerned, removed condition #3 of the variance granted for off-street parking on May 8, 2019.

WHEREAS, Baked by Susan has submitted an application to the Zoning Board to request the removal of condition #1 of the variance granted on May 8th 2019, and a public hearing having been held after due notice, this Board, after reviewing the application and additional information on the availability of on-street parking, employee schedules and closing times for local businesses, the reduction of interior seating from 28 to 20 seats, and viewing the premises and neighborhood concerned, finds:

1. No undesirable change in the character of the neighborhood nor detriment to nearby properties will be produced by the amendment of condition #1 of the variance issued on May 8, 2019 to reduce the (7) required special parking permits to (5) required special parking permits in the vicinity of the Village's South Harmon Lot, which reflects the adjusted use of the indoor space and applies the code parking requirements to it.
2. The benefit sought by the applicant cannot be achieved by a method feasible for the applicant to pursue other than the amendment of condition #1 of the variance issued on May 8, 2019 to reduce the (7) required special parking permits to (5) required special parking permits in the vicinity of the Village's South Harmon Lot.
3. The amendment of condition #1 is not substantial.
4. The amendment of condition #1 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.

Chairperson Wagner made a motion to amend condition #1 of the variance granted for off-street parking on May 8, 2019, reducing the number of required Village special parking permits from 7 to 5 permits. Motion seconded by Mr. Tuman, and the motion carried all in favor by a vote of 4 to 0 (Mr. Olcott, absent).

Subject to the following condition(s):

1. Should interior seating be increased to greater than 20 seats, this amendment to Condition #1 of the variance granted for off-street parking on May 8, 2019 shall be null and void.

Date : May 9th, 2024

Michael Mamone

19 Young Ave

read statment at 5.9.24 ZBA Meeting

Michael A. Mamone
19 Young Ave

May 9, 2024

1. Let me start by stating again that we in the residential zones would expect the exact same attention as the commercial areas are getting. I don't believe this to be the case here and now. When you use our neighborhood to increase the business income of the businesses by letting them use our streets as parking lots it's not fair. This degrades our properties and enjoyment of life. When there are a continuous line of parked cars in front of our homes belonging to others from other areas, this is disturbing our lives. This situation is under the control of the village govt. and they are bending over backwards to assist the commercial zone, to our detriment, failing in their duty to serve and protect all of us.
2. The current situation on Oneida ave on the two westernmost blocks is horrendous. There is a continuous line of parked cars there every weekday, right in front of such lovely homes. The village govt is well aware of this and actually stated that these cars were commuter cars. There are currently absolutely no restrictions for parking on that street at all, which is basically an open invitation for anyone to park there, unlimitedly. How cruel!!

3 Next is the total failure of the residential parking permit system in the Harmon area. It is a deliberate, dysfunctional, act of disrespect to the residents of our lovely residential area. One block of Young Ave has restricted residential permit parking and 2 Hour limits. The very next block of Young Ave does not have the permit system and no parking between 8-10 Monday through Friday. This same condition exists one block away on Hastings Ave. One block has the permit system and one block does not. Therefore it's a mess. Benedict Blvd, which is such a beautiful street, and the street I grew upon, has been intentionally given over to the commercial people to use as a parking lot so they can prosper. Four hour limits have been put there specifically for the commercial folks to help them make money at our expense. The Chapel of the Good Shepherd is in a residential zone. They are, in fact, perfectly a legal place and as such should be treated respectfully. There is a continuous line of parked cars directly in front of and alongside this Chapel. What if they desired to have a service during the week? They couldn't do it because people could not park. Funerals, weddings, prayer groups, holidays such as Lent etc can't be possible due to this situation. This is

a total, deliberate, disrespect TO them by the village govt. Across the street the private home at 90 Benedict and the one directly across the street on the corner have cars parked in front of their nice, private homes all day every day, as I depict in the photos. This is cruelty, and it is a deliberate act by the village govt. in order TO give the commercial folk a better chance at making money. The three family home on Benedict Blvd directly across from the Chapel is Totally residential and private. They also have TO suffer this cruelty. The home on the corner of Hastings and Benedict Blvd (113) has a line of cars parked in front and on the side all day every day. I believe this homeowner wrote a letter to this board. When he asked for help from the village board, he was told TO do a survey of his neighbors. He responded that he could not do that. The same thing was said to me when I made the same complaint. How cruel of them to say this to us. Are they living in a daze or what! DT is their duty to provide for us a dignified set of rules. They are deliberately abusing this duty. We will NOT Beg you! We should not have to beg. The fact here is this. People will park wherever they can find a spot that wont result in a ticket. If they cannot find a parking spot, where they

can park free, they will simply go over to the next block where they can park free. This is simply the fact of life. So, by the village's dysfunctional approach to the residential permit system, they have created this. A person simply chooses the street with no restrictions and parks there all day. We don't need a scientist to solve this issue. Just a common sense approach. And they need to stop pandering to the commercial folks like they were babies. The streets were meant for two things. Driving safely and parking. As the situation currently exists, two cars cannot pass each other going in opposing directions on Young Ave and Oneida Ave near dangerous intersections. What about delivery trucks like UPS, FedEx, Firetrucks, Ambulances, Busses. They cannot negotiate these areas at all. This is a failure of our village govt. The DPW Trucks including the garbage trucks certainly cannot negotiate these conditions. When the village govt. in this case, the Village zoning board and Village Board does things such as allowing this excessive parking, they set a precedent. As time goes by it becomes a normal. When you make decisions you should be looking at the future, not just the present. Your decisions will establish the conditions for the long, long, future. Regarding this reality, I envision about

six or eight one family, beautiful homes being built on the Church property. Our forefathers wrote the zoning code with the future in mind, and they wrote into law that this entire area was to be a one-family zone. What you do, as zoning boards, should be done in respect of this Code, for now and for the future. Where in the world would those future one family homeowners on the Church property park! Maybe we could advise them to park down in the commercial area in front of all the stores! One of the hardest lessons I've learned in life is to say no to people. It's hard. In this case there are a lot of folks asking you to say no here and now, as there were a lot of homeowners at the original variance hearing saying "please don't allow this". They could envision the clutteral mess that is growing daily with all the parked cars. We are all suffering in the Harmon area due to this parking by folks that don't, and shouldn't be allowed to park here. Can't you see that! Also as I say, the future looms ahead. What you do will certainly affect it, either for the better or for the worse. Again, We are in a one-family zone. You should respect that and vote accordingly,

instead of bowing to the demands of the businesses. If you give them our streets to park, you are assisting them to make money. We were here first! And we are 100% in accordance with the zoning code, One Family.

5. I would like to address some of the fallacies entered into the minutes of this meeting. First, as I said, I witnessed and counted 28 seats at BBS in April. How can they say that they have 20. I also counted the seats in March and there were 28. Secondly, my personal experience in my work, was flooring, such as tiling, carpeting, and vinyl flooring. I needed to measure each and every room I contracted to cover, and I needed to be accurate since I needed to place the orders for the flooring from my distributors. I examined the building plans in the engineer's office. I believe the exterior of the ground floor is 79' x 40', outside to outside. This equals 3160 square feet. While I was inside BBS I eyeballed the dimensions and, as I said I have extensive experience in this matter. I also eyeballed the Salon from the exterior carefully from the front and rear. I estimated that BBS has 275 square feet of floor space and the Salon has 720 square feet of floor space. The zoning code (building code) states

Clearly, that the building must provide one off street parking space for every 250 square feet of "usable" space in a commercial space. Usable space includes seating areas, kitchen areas, but does not include bathrooms. So, basically, since the building plans were approved by the building dept. I believe that the requirements were met, but just barely. The eight apts (one bedrooms) also require one off street parking space each, and this requirement was also just barely met. I'd like to elaborate a bit on this point. The Code requires one off street parking spot for each one-bedroom apt. I ask you to ponder this for a moment. I personally think that, in reality, each one-bedroom apt will have, at the least, two cars. So, how important is this point? I'll leave that up to you. Now, we come to the issue at hand, Our zoning code states that any eating or drinking establishment must provide one additional off street parking space for every four seats.

Clearly there are 28 seats in BBS. Therefore the building is short 7 spaces. These facts are non-disputable. The stools which are in BBS at the areas with counters to eat on are considered seats, please!

6 So, let's discuss the application at hand presently. In it it states that the 3BA

shall take into consideration the benefit of the approval against the detriment to the health, safety, and welfare of the neighborhood! I believe I have made the case that this cluttered mess caused by the parking of this business in particular as well as others, is hurting us residents a lot. Now, the application also states "Can the benefit sought by the applicant be achieved any other way?" of course it can! The new parking lot being built by the Village at the site of the old EMS location, at Taxpayer expense, will be having a lot of spaces available for the applicant to purchase tags and for their customers parking needs. Also there is available private off street parking that can be rented by the applicant. Next, is this variance substantial? We the local neighborhood feel it is very substantial! Next, will the variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Of course it does affect us negatively. No one here in this neighborhood wants this cruel treatment! Next was the alleged difficulty self-created? Well, let me speak on this point a bit, having been a business owner and commercial property owner for over 30 years. When you are in business you need to provide for yourself. Firstly if your location is not suited for your business, that's not anyone's

Problem but yours. You should not have the right to demand that the residents nearby support you. You chose this location knowing all the facts including the lack of parking. Why did you do that? It is very apparent of the fact that this location is busting at the seams where it is. You need a big parking lot of your own, and you don't have it. That is clearly, your own fault. Also there was one variance granted over much opposition from the community, and now a second variance is sought. Also, please keep in mind that the four hour parking regulation that were approved by the Village can be changed in a heartbeat, if an issue arises that changes the board's mind. Many possibilities exist to make that happen, but once you approve the elimination of the requirement that the applicant purchase seven parking permits and remains in business, you cannot take that away anymore. The applicant states that the four hour parking regulations should be a reason for you to remove the condition of them purchasing the seven permits.

7. The applicants have applied to the New York State Liquor Authority for permission to serve wine, beer, etc and to operate as a Bar/Tavern. This is clearly an important

expansion of their business, which will undoubtedly increase the need for parking. The Authority sent the village this information, clearly, to find out if there was anything they needed to address prior to approving it. Has anything happened regarding this issue yet. This Board needs to know all the facts regarding this matter.

8. This is certainly a quality of life issue. Cluttered streets with cars that don't belong to the homeowners are a blight to that area. This will reduce property values also. This will disturb the homeowners considerably as has been established by the letters that you have received.

9. On the particular subject of the clutteral outside parking I'd like to address 113 Benedict Blvd. First of all they have off street parking there. There is a continuous line of parked cars on Hastings Ave and Benedict Blvd virtually surrounding this house. All tell you why. Well on Hastings Ave between Benedict and Onieida there are zero restrictions on parking which right across the Blvd on Hastings Ave between Benedict Blvd and Devon there is 2 hr parking and residential permit parking. Also, from Hastings Ave up to the circle on Benedict Blvd there are zero restrictions on parking. SO, naturally people are going to park there, where they are

allowed to do so by the Village Board all day long for free. This case is a clear representation of the remainder of this area moving down towards So Riverside. I believe the cars around 113 Benedict Blvd are commuters. What do you think?

10

Nevertheless they should not be there. I would ask the village to institute the residential parking permit system for the entire Harmon area. Oneida Ave all the way to Devon Ave and from the Chapel up to the circle. Entire area. Along with that I would recommend a 90 minute limit for parking. This for the entire one family zone, from border to border. We must look hard to the future of our neighborhood. In the years to come what will it look like! DT is within our power to write that future, but if we neglect to do so, we will have what we will have, I don't believe a nice outcome.

Implementing the resident parking permit system in one area and not the other is simply favoritism. Same goes for the time limit, if you implement 4 hr parking here, 2 hr parking here, no restrictions here, etc, that is favoritism, as I have described the best I can.

11.

The Village manager stated in the record of the May 8, 2019 (Memo from Bryan dated 4/15/19) to this Board that the parking permits issued to BBS for the spaces

along So. Riverside Ave. down by Shoprite
"Would not be valid during the months
of October and November". Well there was
no mention of the reason why they would
not be valid except to say that "The
Blaze". Does the Blaze have a legal
right to all those spaces? Because if
not then the permits would certainly
be enforceable. I would like to know
and I would hope this Board would want
to know. Either way the Blaze parking
does not begin before 5 or 6 pm so there
is no issue since BBS closes around that
time. As there? In the original variance
it was made clear that BBS would
not let their employees park on Benedict
and Young. I think that they do but
I don't know. I do not believe that
the Planning Board has anything to do
with this matter. If clarifications need
to be done then it's the Building Inspector
and the Engineer's responsibility to clarify
things. I do believe that trying to go to
the planning board is only a way around
the truth and hoping for more gifts
from the Village people to the commercial
people. The way things have been going
around here I can see why the attempt
was made.