

Mary Ellen McGurty, Chairwoman  
James Knight, Vice Chairman  
Alex Acevedo



Billy Gaddam  
Christopher Hanzlik  
Mark ten Eicken

City of Peekskill  
**ZONING BOARD OF APPEALS**

**MINUTES**  
**July 21, 2016**

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, July 21, 2016 in the Common Council Chambers, 840 Main Street, Peekskill, New York.

**Board Members:**

*Present:* Mary Ellen McGurty - Chairwoman, James Knight - Vice Chair, Mark ten Eicken and Billy Gaddam

*Absent:* Christopher Hanzlik and Alex Acevedo

**Department of Planning and Development Staff:**

*Present:* Jean Friedman, AICP - Director, Timothy Kramer - Assistant Corporation Counsel and Cecille Bennett - Zoning Coordinator

The meeting was called to order at 7:35 p.m. by Mary Ellen McGurty, Chairwoman.

**PUBLIC HEARING**

1) APPL: Marian Zakerin Z16-006  
675 Quaker Road  
Chappaqua, NY 10514

Owner: PNM Associates, LLC  
933 South Street  
Peekskill, NY 10566

Mailing Address: PNM Associates, LLC  
P.O. Box 2327  
Peekskill, NY 10566

RE: **Public Hearing by the Zoning Board of Appeals** regarding an Authorization, pursuant to Section 575-6 B (2) of the City of Peekskill Zoning Ordinance, for the proposed division of an existing lot (previously merged) on property located in the C-2, Central Commercial District.

Location: **933 South Street**  
Section-Block-Lot: 33.37 - 3 - 4.1 (Peekskill Tax Map)  
Zoning District: C-2, Central Commercial

Present was: Lisa Merle, representing the applicant.

Ms. McGurty gave an overview of the application, informing attendees that the applicant was seeking authorization from the Zoning Board of Appeals to divide an existing lot at 933 South Street that was previously merged. She also mentioned that the applicant purchased the property in 2012 which, at the time, comprised three lots in one common ownership - 929 and 933-935 South Street and 110 South Division Street.

The Applicant had requested that the Assessor merge the three lots, which was done at that time, with plans to connect the 929 and 933 /935 South Street buildings; however, the applicant did not proceed with those plans and is now requesting that the lots be restored to the original three lots. Ms. McGurty also noted that the existing buildings predate the effective date of the current zoning code.

Mr. ten Eicken made a motion that the Zoning Board of Appeals waive the reading of the Public Hearing notices and open the Public Hearing regarding the application of Marian Zakerin for property located at 933 South Street in the C-2, Central Commercial District.

Mr. Knight seconded the motion, which carried unanimously.

Ms. McGurty declared the Public Hearing opened, noting that Affidavits of Publication of the Legal Notice in THE PLUMA LIBRE and THE JOURNAL NEWS had been received and that receipts of mailings and evidence of signage were in order.

Ms. Merle informed members that she was representing the applicant who was unable to attend the meeting. She also stated that members could contact the applicant via telephone to address any questions / concerns Ms. Merle was unable to answer.

The Zoning Board discussed:

1. Whether the lots would be sold separately if they were restored to the pre-2012 condition or if the 110 South Division Street lot would be sold along with either of the other two lots - Ms. Merle stated that, to the best of her knowledge, the applicant's intention was that the 929 South Street and the 110 South Division Street lots would be sold together.
2. Whether the Zoning Board of Appeals could proceed with the application in the absence of the applicant. Mr. Kramer responded that the Zoning Board could proceed with the application on condition that the applicant submit a signed, notarized proxy statement authorizing Ms. Merle to act on the applicant's behalf.
3. Concern that the survey map submitted did not adequately represent the applicant's intentions - Ms. Merle responded that each of the lots had separate tax identification numbers prior to the lot merger.
4. Whether a map was filed at the time the lots were merged in 2012 - Mr. ten Eicken was concerned that the Zoning Board of Appeals would be granting authorization to subdivide the property, which is not within the Board's purview. Staff responded the applicant's request for

the Lot Merger was processed by the City Assessor, who has the authority to do so. A filed map is not required for a Lot Merger.

5. Maintenance of the 110 South Division Street lot if it were to be sold separately - members were concerned that it would no longer be available to the other property owners for loading, waste storage and/or parking.
6. Whether the 110 South Division Street lot could be sold separately if there was a deed restriction guaranteeing access to the other properties.
7. Ownership of the properties prior to purchase by the applicant.
8. Whether there was an existing easement in place for the 110 South Division Street lot.

At Ms. Merle's request, members agreed to conduct a telephone conference with the applicant to clarify the above-mentioned concerns. The applicant confirmed that the 933-935 South Street and 110 South Division Street lots were purchased from one seller and the 929 South Street lot from another seller. She also stated that the properties had separate tax identification numbers.

Ms. McGurty inquired whether it was the applicant's intention to sell the lots separately or in the same way they were purchased. The applicant responded that it was her intention to sell the lots separately. Ms. McGurty noted that easements would be required lot if the applicant decided to sell the lots separately. After a brief discussion, members agreed that any easement agreements would be decided by the future owners.

At the request of the Zoning Board and the Assistant Corporation Counsel, the applicant also confirmed that Ms. Merle had authority to conduct discussions with the Zoning Board of Appeals on her behalf. The applicant also agreed to submit a signed, notarized proxy statement the next business day.

Mr. Kramer informed members that he would prepare the required proxy statement for the applicant's signature.

Ms. McGurty asked if there were any citizens who wished to speak in favor of, or in opposition to, the subject application. There were none.

After discussion of the above-mentioned items, the Zoning Board reached a consensus to vote on the application.

Mr. Knight made a motion that the Zoning Board of Appeals close the public hearing regarding the application of Marian Zakerin for property located at 933 South Street in the C-2, Central Commercial District.

Mr. Gaddam seconded the motion, which carried unanimously.

Ms. McGurty made a motion that the application of Marian Zakerin for property located at 933 South Street in the C-2, Central Commercial District be deemed an Unlisted action under SEQRA, and issue a Negative Declaration.

Mr. ten Eicken seconded the motion, which carried unanimously.

Ms. McGurty made a motion that the Zoning Board of Appeals grant Authorization pursuant to Section 575-6 B (2) of the City of Peekskill Zoning Ordinance, for the proposed division of an existing lot (previously merged) on property located in the C-2, Central Commercial District. The merged lot located at 933 South Street will be restored to the original three lots as indicated: 110 South Division Street, 929 South Street, and 933/935 South Street, subject to the following conditions:

1. Nothing in this approval shall be construed to prevent any required Special Permit or Site Plan approval required by the City of Peekskill Zoning Code for occupancies of 929 South and 933 / 935 South Street.
2. Nothing herein shall be construed to relieve the subject lots from the need to obtain area and / or use variances as required by the City of Peekskill Zoning Code if and as required for future changes to the site, structures or uses (occupancies).
3. A deed restriction or easement shall be attached to the 110 South Division Street lot guaranteeing access to the rear of the 929 South Street and 933 / 935 South Street lots in perpetuity.
4. The applicant shall provide a Proxy statement within seven days of this meeting, authorizing the representative, Ms. Lisa Merle, to represent the applicant at the Zoning Board of Appeals meeting. Otherwise, this approval shall become null and void.

Mr. Knight seconded the motion, which carried unanimously.

### MINUTES OF PREVIOUS MEETING

- June 16, 2016

Mr. ten Eicken made a motion to adopt the June 16, 2016 Zoning Board of Appeals Minutes as presented.

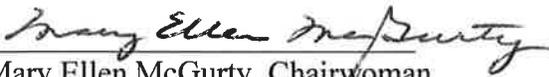
Mr. Knight seconded the motion, which carried unanimously.

### ADJOURNMENT

Mr. Gaddam made a motion to adjourn the meeting. Mr. Knight seconded the motion, which carried unanimously. The meeting was adjourned at 8:30 p.m.

"All documents, letters, and other written comments about the applications reviewed at this meeting, that were received by the Zoning Board of Appeals prior to or during the meeting, are part of the public record. Unless otherwise noted below, these materials are not attached to the minutes posted on the City of Peekskill's website. However, a complete record of all materials received is available for public review by contacting the Department of Planning and Development at (914) 734-4211."

Prepared by Cecille Bennett, as Recording Secretary for the Zoning Board of Appeals, for signature by:

  
Mary Ellen McGurty, Chairwoman  
Adopted on: October 20, 2016