

# Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199  
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## Zoning Board of Appeals Minutes 5/13/2013

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
May 13, 2013 8:00 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Jolly, Brown; Counsel Shumejda; Assistant Village Engineer Pennella; Secretary Bellantoni

ABSENT: Member Weisel

### APPROVAL OF THE MINTUES – April 8, 2013

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the minutes of April 8, 2013, be approved as submitted. Motion carried

### CONTINUATION OF A PUBLIC HEARING - Checci, Checci & Robinson - 88 Main Street

Chairwoman Lawrence announced that this application has been adjourned.

### CONTINUATION OF A PUBLIC HEARING - 15 North Washington Street, LLC-15 N. Washington St.

Chairwoman Lawrence announced that this application has been adjourned.

### CONTINUATION OF A PUBLIC HEARING - Moll - 88 West Franklin Street

Chairwoman Lawrence announced that this application has been adjourned.

### PUBLIC HEARING – Edber – 10 Half Moon Lane

The Secretary read the following Notice of Public Hearing:

*PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, May 13, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by*

*Claudio and Celine Edber  
10 Half Moon Lane  
Tarrytown, NY 10591*

*for the following variance from the Zoning Code of the Village of Tarrytown §305-63 (C)(3)(b), Off Street Parking and Loading, to allow parking in the front yard setback so that they can convert the existing one-car garage into habitable space:*

*Front yard setback:*

<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
20'	30'7"	5'

*Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 10 Half Moon Lane and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.100, Block: 65, Lot: 11 and is located in an R 7.5 (Residential) zone.*

*All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.*

*By Order of the Zoning Board of Appeals  
Dale Bellantoni, Secretary  
Dated: May 3, 2013*

The certified mailing receipts were submitted and the sign was posted.

Board members visited the property.

Ty Carsto, representative for the homeowners, explained that his clients would like to remove their existing garage and construct an addition approximately 4' larger than the existing garage for a new kitchen. In order to do this, the Edbers need a variance to allow them to parking in their front yard setback, since they will no longer have a garage. Mr. Carsto stated that they never use their garage because it is too small to house their car and this variance is to allow them to continue to park as they have been. Mr. Carsto also stated that other houses in the neighborhood have gotten variances to do the same type of addition; he showed pictures of several neighborhood houses with garages converted into habitable space. Mr. Carsto explained that the Edbers have plenty of room on the side of their house which they could convert into parking; however, they would rather not take away the green space.

Chairwoman Lawrence said about 80% of the neighborhood has done the same thing.

Mr. Maloney asked how many people live in the house. Mr. Carsto said four.

Chairwoman Lawrence asked the number of cars they have. Mr. Carsto said two.

Chairwoman Lawrence read the following Environmental Review from Michael Blau, Environmental Review Officer, dated May 13, 2013:

*I have reviewed this application for a variance for parking in the front yard setback. While parking in the front yard is never desirable, the Board must evaluate neighborhood conditions and make a determination whether this will pose a significant adverse environmental impact.*

Chairwoman Lawrence stated that she does not like having parking in the front yard setback but she understanding that the garages in that neighborhood are very small.

Ms. Lawrence asked if anyone would like to speak.

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variance for 10 Half Moon Lane. Ms. Brown moved, seconded by Mr. Maloney, and unanimously carried, that the hearing be closed and the Board having arrived at the Findings required by the ordinance:

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance;
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. That the requested area variance is not substantial;
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. That the alleged difficulty was not self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

grants the above-referenced variance for 10 Half Moon Lane.

PUBLIC HEARING – Split Development (Joseph DeNardo) 8 Emerald Woods

The secretary read the following public hearing notice:

*PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, May 13, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by*

*Joseph Denardo  
83 Harriman Road  
Irvington, NY 1053391*

*for a height variance requested from the Zoning Code of the Village of Tarrytown §305 Attachment 5:1, Zoning Schedule, Single-Family Residence District from the maximum height of 30' to 36'-6".*

*Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 8 Emerald Woods and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.190, Block: 112, Lot: 17 and is located in an R 60 (Residential) zone.*

*All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.*

*By Order of the Zoning Board of Appeals  
Dale Bellantoni, Secretary  
Dated: May 3, 2013*

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Jim Annicchiarico, representative for the applicant, stated that these lots were approved when the subdivision was first approved. The height variance is required because the average grade is at 171.5'. If it were lower, the driveway just wouldn't work; it could not

meet the slope and there would be drainage issues causing the run-off to go into the garage. The only way that it would work is for it to be a one-story house or with a flat roof, which does not fit into the neighborhood. He stated that the Planning Board approved it and referred it to the Zoning Board with their recommendation.

Chairwoman Lawrence referred to the Planning Board approval from the February 25, 2013 meeting. She stated that the Planning Board approved with quite a few conditions and recommended the approval of the height variance.

Mr. Annicchiarico stated that lot 3 is about 4' higher than lot 4. It may look bigger because of the way the garages are situated. There is about an 80' distance between the two houses and lot 2 will be much lower because of the topography. The house on lot 2 will be 100-110' from lot 3.

Ms. Brown asked if the square footage of the other houses is approximately the same. Mr. Annicchiarico said yes but this one has a larger FAR because of the exposed basement.

Chairwoman Lawrence asked if it would make a difference as to where you placed the house if there was not pool. Mr. Annicchiarico said no because we would have to bring in a lot of fill and the pitch of the driveway would be a problem. The further back they go the more pitch would be required.

Mr. Pennella said what if you kept the garage higher and dropped the house by about one foot and stepped down into the house. Mr. DeNardo said when you have a garage higher than the house, it is a carbon dioxide problem. Mr. Pennella said you can work that out.

Mr. Pennella asked if they have considered other alternatives. Mr. DeNardo said he wouldn't mind pushing the house down, but it will affect the driveway. Mr. Pennella asked what the slope of the driveway is and Mr.

Annicchiarico said about 50' - 55'; he also stated that the road in front of the proposed house higher than in front of the other houses. He stated that the house is at the high point of the road; there is approximately a 5' difference in elevation at point. It is the existing condition of the road and the topography of the lot.

Chairwoman Lawrence asked if there is no other way that it could be configured. Mr. Annicchiarico said they reduced the pitch of the roof as much as they can.

Mr. Pennella asked what the height in the back from grade to the ridge is. Mr. Annicchiarico said the basement is at 170, the mid point of the roof is 37.5 above that so the mid point is 37.5.

Mr. Pennella said the ridge itself is about 212'. Mr. Annicchiarico said according to code, it is measured at the median point. Mr. Pennella said he is saying that we have to look at the surrounding neighborhoods that we have to look at. You have Glenwolde, the Aqueduct and other adjacent neighborhoods that it can be seen from.

Chairwoman asked if there is going to be a wall surrounding the pool and will it be seen from Glenwolde. Mr. Annicchiarico said there are going to be two tiered walls and a lot of trees.

Ms. Brown asked if these neighborhoods got notices. Mr. Shumejda said probably not because he assumed they are too far away.

Mr. Pennella suggested they do a balloon test.

Chairwoman Lawrence stated that height variances are not very desirable and we look at them very, very carefully. In other areas they are making the backs of the house nicer looking for all of the neighbors. Mr. DeNardo said the Planning Board asked him to put stone on the back of the house to put shrubs on top of the stone walls.

Mr. Annicchiarico said the only house that could see is it is about 500' away and it is at a lower elevation with the aqueduct, stormwater retention and trees in between.

Chairwoman Lawrence asked if any other neighborhood could see it. Mr. Pennella said only the aqueduct.

Ms. Brown said that the aqueduct is a public park and the view of the rear of the house from there should be just as important as from the front of the house.

Chairwoman Lawrence suggested that the board go back and look at it again from the aqueduct. She asked that the applicant do a balloon test before the next meeting. Mr. DeNardo reminded the Board that this was an approved subdivision. Chairwoman Lawrence said it may not be a problem but it is a big house and they want to give it every consideration that they can.

Ms. Brown asked if it were smaller would this still have the same problem. Mr. Annicchiarico said it would still be sited the same way and they would still have the same condition.

Mr. DeNardo asked Mr. McGarvey about lowering the driveway or the roof and he said to leave it as it is and not to lower the driveway or roof.

The Board and Mr. DeNardo agreed to do the balloon test on Tuesday, May 21, 2013 at 5:30 p.m. The Board gave Mr. DeNardo a week extension to May 27th to submit any additional information if necessary after the balloon test is done.

Application was adjourned until June 10, 2013.

#### PUBLIC HEARING – Maceyak/Petruruzzelli – 88 Sunnyside Avenue

The secretary read the following public hearing notice:

*PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, May 13, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by*

*Tara Maceyak/Lee Petruzzelli*

88 Sunnyside Avenue  
Tarrytown, NY 10591

for the following variances from the Zoning Code of the Village of Tarrytown §305-47, Yards; setbacks, to construct a front porch which will encroach into the front and side yard setbacks:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Front Yard:	20"	10.09'	9.89'	10.11'
Side Yard				
One:	10'	2.50'	2.50'	7.50'
Combined:	22'	10.4'	10.4'	11.6'

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 88 Sunnyside Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.90, Block: 61, Lot: 13 and is located in an R 7.5 (Residential) zone.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Zoning Board of Appeals  
Dale Bellantoni, Secretary

Dated: May 3, 2013

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Tara Maceyak, owner of the property, introduced herself and explained that she is proposing a front porch which will encroach into the front and side yard setbacks. Ms. Maceyak said her house is just about the only one on the block that does not have a

front porch and she feels it will add to the look of her house as well as blend in with the rest of the neighborhood.

Secondly, she would like to repair the front stairs which are unsafe. She showed pictures of other houses in the neighborhood with front porches and pointed out ones similar to what they are proposing.

Chairwoman Lawrence asked if they are going to keep the existing entranceway. Ms. Maceyak said it will be moved back; that is where the porch will end.

Chairwoman Lawrence asked if she talked to the neighbors concerning this addition. Ms. Maceyak said she sent out the notices and talked to some of the neighbors as well.

Mr. Maloney asked if it would come out to street where the portico comes to now. Ms. Maceyak said it will come out a little further.

Mr. Pennella commented that the proposed stairs are wooden and hollow underneath so you can see through it. Mr. Petruzzelli said he will probably put some lattice on them. Mr. Pennella said it doesn't seem as obtrusive if it's open.

Mr. Pennella asked how far the stairs are from the road, 1.9'? Ms. Maceyak said the existing stairs are not to code.

Mr. Pennella said you are putting the stairs in the Village right-of-way. Ms. Maceyak said they are putting a sidewalk in front of the stairs and starting the stair back further. Chairwoman Lawrence said it is not really a sidewalk, it's a landing.

Mr. Pennella asked about stormwater and drainage. Ms. Maceyak said when they put the addition on the back, they addressed the water issues because they had a lot of water in their back yard. Now 4 out of 5 gutters are buried so there is less water coming onto the street. We routed everything into the drain.

Counsel Shumejda said if the step goes 1.9' into the Village right-of-way, where do the blue stone steps go; they must go out further. Ms. Maceyak said there are 8 steps now and they are replacing them with 8 steps but they are removing the blue stone landing at the between the first 3 steps and the next 5 steps and installing the new steps at a better pitch.

Chairwoman Lawrence asked if anyone had any questions. Mr. Jolly asked if the Village property lines are equal for all the properties and are they far enough away so the Village can work there if necessary. Mr. Pennella said he believes some are on the Village right-of-way; and should we have to remove it for some reason, we do not replace in kind.

Chairwoman asked if there is enough room for someone to get out of the car at the street and not fall because of the landing. Ms. Maceyak said there is enough room.

Chairwoman Lawrence read the following Environmental Review from Michael Blau, Environmental Review Officer, dated May 13, 2013:

*I have reviewed this application for variances to allow proposed front porch to encroach into front and side yard setbacks and determined the proposal appears to pose no significant adverse environmental impacts.*

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variance for 88 Sunnyside Avenue.

Ms. Brown moved, seconded by Mr. Maloney, and unanimously carried, that the hearing be closed and the Board having arrived at the Findings required by the ordinance:

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance;
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance;
3. That the requested area variance is not substantial;
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
5. That the alleged difficulty was not self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

grants the above-referenced variance for 88 Sunnyside Avenue.

## ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 9:15 p.m.

Dale Bellantoni  
Secretary