

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
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Zoning Board of Appeals Minutes 10/14/2014

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
October 14, 2014 8:00 p.m.

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

APPROVAL OF THE MINUTES – September 8, 2014

Ms. Brown moved, seconded by Mr. Maloney, and unanimously carried, that the minutes of September 8, 2014 be approved as submitted. Motion carried

CONTINUATION OF A PUBLIC HEARING—DCD Realty Holdings (Honda)—480 S. Broadway

Application is adjourned

CONTINUATION OF A PUBLIC HEARING—Tarrytown Associates – 1-7 Main Street

Application is adjourned

PUBLIC HEARING – Looney and Milhaven – 101 Tappan Landing Road

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 Tuesday, October 14, 2014, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Patricia Looney and Laura Milhaven
101 Tappan Landing Road
Tarrytown, NY 10591

For variances needed for the construction of a two-story addition and to legalize an incorrectly located swimming pool and deck from a previous building permit. The following variances are being requested:

- Adding to existing non-conforming lot/structure (lot size and rear yard setback).
- Proposed front yard is 16.9 ft. where 20 ft. is required.
- Off-street parking in front yard where it is not allowed.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 101 Tappan Landing Road, Tarrytown, New York and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.100, Block 65, Lot 56 and is in the R7.5 Zoning District.

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 to the Zoning Board
Dated: October 1, 2014

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Sam Vieira, Architect, presented the proposed project on behalf of the applicant. Mr. Vieira said the Ms. Milhaven would like to expand her existing garage to building a two-story addition. The first floor of the addition will be 8'-6" x 20'-4" and will be made into a large bedroom with a handicapped accessible bathroom for her mother so that she can care for her at home. The second floor addition will be an expansion of the existing bedroom. It will measure 18' x 20'-4" and will be used to create a larger master bedroom with a walk-in closet. Mr. Vieira stated there was a previous alteration for a bathroom in the back of the garage; therefore, making the garage unusable for a car. They are seeking variances to add to the existing non-conforming lot/structure (lot size and rear yard setback) and to allow parking in the front yard setback portion of the driveway.

Mr. Vieira said they are also before this board to legalize a pool and deck which existed when the house was purchased by Ms. Looney and Ms. Milhaven. According to the Building Department file, in 1995 the previous owners took out a permit for the pool and deck, they had the work done and it was inspected and a Certificate of Conformance was issued by the Building Department. The original pool was shown on the drawings as 20' but the one installed and exists today is 25'. Ms. Looney and Ms. Milhaven would like to legalize both structures to avoid any future issues.

Mr. Jolly asked if the 20' pool was given a variance. Mr. Vieira said no because it did not require one; but a 25' pool, which is what they installed, does. He said in 1995 the zoning code stated corner lots are considered to have two front yards and two side yards, so the setbacks were looked at differently.

Chairwoman Lawrence said the pool is very close to the property line, but taking it down would be very expensive.

Chairwoman Lawrence opened the meeting to the public and asked if anyone would like to speak.

Anne and Ben Cauthren, 105 Tappan Landing Road, said they live right next door to 101 Tappan Landing Road on the pool side and they have no objection to the pool's present location.

Mr. Maloney asked how long the construction will take and where will Ms. Milhaven's mother live until it is complete. Ms. Milhaven said they released her mother from Phelps Memorial Hospital in Sleepy Hollow today and she has been sent to a rehabilitation facility for six week. If the construction is not completed by then, she will stay at Springhill Suites until it is. Mr. Vieira said that they are expediting this as much as possible; the drawings are complete and out to bid. They are ready to go as soon as they receive approval.

Counsel Shumejda said three variances are noted on the public hearing notice but it does not show the size of the variances for the pool and the deck. The board cannot act on the pool or the deck but they can act on the addition. The pool and deck will have to be re-noticed with the size of the variances and they will have to come back.

Chairwoman Lawrence read the following environment review from Michael Blau, Environmental Review Offices, dated October 14, 2014:

I have reviewed this application for variances to allow for a two-story house addition and determined the proposal appears to pose no significant adverse environmental impact.

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 variances for 101 Tappan Landing Road.

Mr. Jolly moved, seconded by Mr. Maloney to close the public hearing. All in favor; motion carried.

Ms. Brown moved, seconded by Mr. Maloney that 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 the addition only for 101 Tappan Landing Road.

PUBLIC HEARING – Makan Land Development – 190 (pka 200) Sheldon Avenue

Counsel Shumejda said according to the Village of Tarrytown Zoning Code 305-138F, no site plan approvals or preliminary review by any of the Village Boards may be conducted if the property has an open violation against it. Since 190 Sheldon Avenue has an open violation before the court, this application cannot be presented to the Zoning Board of Appeals until it is resolved.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 8:30 p.m.

Dale Bellantoni
Secretary

