

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
February 8, 2016 8:00 p.m.

PRESENT: Members Maloney, Weisel, Jolly, Brown; Counsel Christie Addona;  
Assistant Village Engineer Pennella; Secretary Meszaros

ABSENT: Chairwoman Lawrence

Mr. Maloney chaired the meeting in Chairwoman Lawrence's absence.

Mr. Maloney called the meeting to order at 8:02 p.m.

CONTINUATION OF PUBLIC HEARING – Albert Collado – 116 South Broadway

Mr. Maloney moved, seconded by Mr. Jolly to continue the Public Hearing.  
All in favor. Motion carried.

Albert Collado appeared before the board and advised that he has submitted revised plans to make it zoning compliant with respect to height. He made reference to the photos and documents requested at the last meeting to determine if there were similar buildings of the same size or smaller to what he has proposed in the area.

A discussion took place regarding various residences of larger houses on smaller lots as referenced on his January 29, 2016 submission. There were quite a few identified.

Ms. Weisel raised concern that the character of his proposed home is not the same as other homes nearby.

Assistant Village Engineer Pennella commented that when you refer to the character of the neighborhood, the character style is very diverse and the Collado house will be set back further than neighboring homes.

Karen Brown commented that this could be an impetus for other homeowners in the area to make improvements.

Mr. Collado said that he is building on the exact same footprint and will improve the area. The pictures submitted reflect that similar conditions exist throughout the Village.

Ms. Weisel said the requested variance is not substantial and will not have any adverse effect, but is having difficulty with the character style of the neighborhood.

Mr. Maloney read through the following criteria:

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.

Mr. Maloney opened the meeting to the public; no one appeared.

Ms. Brown moved, seconded by Ms. Weisel, and unanimously carried, that the hearing be closed

The board voted on the approval as follows:

Mr. Maloney: Yes  
Ms. Wiesel: Yes  
Mr. Jolly: Yes  
Ms. Brown: Yes

All in favor. Motion carried.

Counsel Addona was asked to draft a resolution memorializing the information presented by the applicant and the Board's discussion and to include the standard conditions incorporated by the Board into its variance approvals.

#### NEW PUBLIC HEARING – Jeffrey Ceresnak – 91 East Sunnyside Lane

Counsel Addona read the following Notice of Public Hearing:

#### VILLAGE OF TARRYTOWN 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 pm on Monday, February 8, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Jeffrey Ceresnak  
91 East Sunnyside Lane  
Irvington, NY 10533

For an area variance from chapter 305 of the Village of Tarrytown Zoning Code in order to move driveway entrance, decrease driveway slope, and consequently increase driveway sight distance in an effort to improve homeowner and public safety. The property is located at 91 East Sunnyside Lane and is shown on the tax map as 1.270-137-34 and is in the R10 zoning district. The variance sought is as follows:

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
305-64D	Driveway – Sight Distance	146 l.f.	85 l.f.	136 l.f.	10 l.f.

No approvals from additional agencies will be needed for the above referenced project.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and 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

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: January 29, 2016

The certified mailing receipts were submitted and the sign was posted. Board members visited the property.

Mr. Jolly moved, seconded by Ms. Weisel to open the public hearing. All in favor; motion carried.

Michael F. Stein, P.E., of Hudson Engineering and Consulting, on behalf of Jeffrey Ceresnak, introduced himself. Mr. Stein said that he is here before the Zoning Board seeking a variance to decrease the slope of the driveway and increase sight-distance by shifting the driveway as far west and lengthening it to reduce slope so that the parking area will be level.

Mr. Stein made reference to picture submitted illustrating the difficulty to turn around in the driveway.

Mr. Maloney read the attached letter from Assistant Village Engineer/Building Inspector, Donato R. Pennella, PE, addressed to the Chairwoman and Members of the Zoning Board:

“The referenced applicant is requesting a 10 feet variance from the required 146 feet as required under §305-64D to 136 feet for a driveway sight distance. The proposed curb cut is to be relocated 30 feet to the west of the existing and currently has a sight distance of 82 feet. While the proposed location does not meet the minimum zoning code requirement of 146 feet it is an improvement to the existing condition, therefore this department does not object to the increased sight line distance to 136 feet.

Since the plan at the scale provided cannot reflect the actual tree size the applicant will have to remove three trees to attain the proposed sight line distance, this can be stipulated as condition of the approval. In addition approval for the curb replacement must be obtained from the Department of Public Works.”

Reference was made to the removal of two trees by the village in the village right-of-way, which will be discussed with Village Engineer McGarvey and included as a condition of the resolution.

Mike Stein stated that there should not be a runoff problem; it is all exposed ledge so there is no place to discharge, and no blasting would take place.

Mr. Maloney opened the meeting to the public; no one appeared.

Counsel Addona stated that this is Type II Action, requiring no further action under SEQRA.

Mr. Maloney, seconded by Ms. Weisel, and unanimously carried, that the hearing be closed.

Mr. Maloney read through the following criteria:

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.

Mr. Maloney moved, seconded by Ms. Weisel that the Board grants the variance for 91 E. Sunnyside Lane, Irvington, New York. All in favor. Motion carried.

Counsel Addona was asked to draft a resolution memorializing the applicant's presentation and the board's discussion and to include the standard conditions

incorporated by the Board into its variance approvals as well as those related to the issues raised by Assistant Village Engineer Pennella.

ADJOURNMENT

Ms. Brown moved, seconded by Ms. Weisel, and unanimously carried, that the meeting be adjourned – 8:40 p.m.

Lizabeth Meszaros, Secretary to the Zoning Board