

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Date April 11, 2016 at 7:30 p.m.

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

Chairwoman Lawrence called the meeting to order at 7:35 p.m.

Mr. Jolly moved, seconded by Ms. Weisel, to go into Executive Session (in room adjacent to the meeting room) to discuss procedural issues with legal counsel. All in favor. Motion carried.

Members returned to the meeting room at 8:00 pm.

Chairwoman Lawrence moved, seconded by Mr. Maloney to come out of Executive Session. All in favor. Motion Carried.

APPROVAL OF THE MINUTES – March 14, 2016

Ms. Weisel moved, seconded by Mr. Maloney, and unanimously carried, that the minutes of March 14, 2016 be approved as submitted. Motion carried.

Ms. Lawrence called former Zoning Board member, Karen Brown to the podium to say a few words.

Ms. Brown addressed the Board and said that it has been an honor and pleasure to have served on the Zoning Board for the past 10 years. She informed the Board, that as a Board of Trustee member, she has been appointed as the Village Board liaison to the Zoning Board. Ms. Lawrence thanked Ms. Brown for her dedicated service and said that she has been a valuable member to this Board and will be missed. The audience applauded.

Before applications were heard, Counsel Addona advised the applicants that there are only four Zoning Board members hearing applications this evening, so in the event that the Board is ready to vote, the applicant has the right to move this application to the next meeting.

CONTINUATION OF PUBLIC HEARING - Education First NY Campus

Chris Orofino, PE, of VHB, Engineering, Surveying and Landscape Architecture, LLC, introduced himself, representing Philip Johnson, of E.F.Schools, Inc. He informed the Board that E.F. School has submitted the same revised plan submitted to the Planning Board. The Planning Board issued a negative declaration at its March 28, 2016 meeting and have closed SEQRA. They have also addressed public comments made at

that meeting and requested that the Board take action on this application this evening. He asked the Board members if they had any questions.

Assistant Village Engineer asked about the change in the 4 foot setback. Mr. Orofino commented that the new plan shows 8 feet instead of 4 feet based on Planning Board comments. So they are asking for a 27 foot variance instead of a 31 foot variance in accordance with the educational/institutional compatible permit setback requirement which requires 35 feet.

Ms. Lawrence asked if anyone had any questions.

No one appeared.

Ms. Lawrence moved, seconded by Mr. Weisel to close the public hearing. All in favor. Motion carried.

Counsel Addona prepared a resolution based upon input from Board and read portions of the resolution highlighting the criteria and conditions, all of which is included in the below resolution.

ZONING BOARD OF APPEALS RESOLUTION

Application of EF Schools Inc. (the “Applicant”)
100 Marymount Avenue, Tarrytown, NY 10591 (the “Property”)
Sheet 1.50, Block 24, Lot 1
Residential R-20 Zoning District

WHEREAS, the Applicant has appealed to the Village of Tarrytown Zoning Board of Appeals (“ZBA”) from a Letter of Permit Denial dated February 1, 2016 issued by the Building Inspector/Village Engineer, and

WHEREAS, said Letter of Permit Denial denied the application to rehabilitate and upgrade the existing parking lot with related improvements to lighting, drainage and accessibility to the sports building in part because the proposed project violates certain provisions of Chapter 305 of the Village of Tarrytown Zoning Code (“Zoning Code”), and

WHEREAS, the Applicant now seeks the following area variances:

1. A variance to allow parking in the front yard where such parking is prohibited by Zoning Code § 305-47(B),
2. A 27 foot variance from the front yard parking setback, allowing 8 feet where 35 feet is required by Zoning Code § 305-63(C)(3)(b), and
3. A variance to allow construction on high ground (300 feet or more above sea level) where such construction is to be restricted per Zoning Code § 305-67(A)(2)(b), and

WHEREAS, a duly noticed public hearing was held on this application at the regular meetings of the ZBA on March 14, 2016 and April 11, 2016, and members of the public having had an opportunity to speak on the application, the public hearing was closed on April 11, 2016, and

WHEREAS, the Applicant submitted a plan set dated February 3, 2016, last revised March 23, 2016, consisting of the following, which are hereinafter referred to as the “Approved Plan Set”:

- Sheet C-00 “Cover Sheet”
- Sheet C-01.1 “Legend and General Notes”
- Sheet C-01.2 “Abutter’s List and Map”
- Sheet C-02 “Overall Site Plan – Sports Building”
- Sheet C-03 “Layout and Materials Plan”
- Sheet C-04 “Grading, Drainage and Utility Plan”
- Sheet C-05 “Erosion and Sediment Control Plan”
- Sheet C-06 “Erosion and Sediment Control Notes and Details”
- Sheet C-07 “Lighting Plan”
- Sheet C-08 “Lighting Details”
- Sheet C-09 “Sight Line Distance Plan”
- Sheet C-10 “Site Details 1”
- Sheet C-11 “Site Details 2”
- Sheet C-12 “Site Details 3”
- Sheet C-13 “Site Details 4”
- Reference Drawings:
 - Existing Conditions Plan of Land (Sheet EX-1)
 - Tree Preservation and Removal Plan (Sheet L-1)
 - Planting Plan (Sheet L-2)
 - Steep Slopes Plan (Sheet SS-1), and

WHEREAS, the Village of Tarrytown Planning Board, as lead agency pursuant to the State Environmental Quality Review Act, issued a Negative Declaration finding that there will not be any significant adverse environmental impacts from the proposed project, and

WHEREAS, the Applicant has made numerous revisions to the project based upon comments and input from the boards and the public, including reducing the parking setback variance requested, and

WHEREAS, after duly considering all the proofs and evidence before it, this Board determines as follows:

IT IS HEREBY RESOLVED, the findings of this Board are as follows:

There will be no undesirable change produced in the character of the neighborhood or detriment to nearby properties as a result of the variances requested. The school already operates at this location and the parking lot is in a severe state of disrepair. The Applicant is going to upgrade and rehabilitate the parking lot and provide more

parking, including three handicapped spaces, and 22 of the parking spaces will be built over permeable concrete pavers so that there is a “net-zero” increase in impervious coverage. The Applicant also proposes to improve the existing sidewalk to make it ADA-compliant and make other improvements to the site, including installing considerable landscaping to make the streetscape more appealing.

The benefit sought cannot be achieved by some method feasible for the Applicant to pursue other than seeking area variances. Given the existing configuration of the property, there is nowhere else the Applicant could put a parking lot other than in the current location, which requires the variances. If the Applicant had to comply with the parking requirements, it would reduce the amount of parking available to the public on the site.

While the variances, when taken together, are arguably substantial, the parking lot currently exists in the proposed location, the Applicant is seeking to make improvements to the Property that will make the streetscape more appealing, and the Applicant reduced the parking setback variance from what it initially requested.

The proposed variances will not have an adverse effect or impact on the physical environmental conditions in the neighborhood. As noted above, the improvements the Applicant seeks to make to the Property as part of this application will have a positive impact on the physical environmental conditions of the neighborhood by increasing landscaping, improving the condition of the parking lot, and taking steps to comply with ADA standards. The Applicant also agreed to, among other things, lower the LED lights from 15 feet to approximately 8.5 feet to reduce any potential “sky glow”; reduce the steep slopes disturbances by 17% (from 4,924 to 4,090 square feet); and construct 22 parking spaces over permeable concrete pavers to ensure a “net zero” increase in impervious coverage.

The hardship is not self-created to the extent that the parking lot already exists in its current location and the Applicant seeks to take steps to improve the existing condition of the parking lot and the Property.

AND IT IS FURTHER RESOLVED based upon the foregoing findings, the application is granted subject to the following conditions:

1. The variances are granted solely in connection with the Approved Plans (all of which are incorporated by reference) and the variances are granted only to the extent that they are necessary to complete the proposed improvements to the Property. If any changes are made to the Approved Plans (other than those deemed by the Building Inspector/Village Engineer to be minor field changes), this variance grant becomes void and the Applicant must make a new application to the ZBA for approval of any and all variances.
2. The variances are granted subject to the property being used as an educational facility. If the Applicant or a future owner of the Property does not use the Property as an educational facility, or seeks approval to use the Property for any other purpose,

regardless of whether that use is permitted in the zoning district, this variance grant becomes void and the Applicant or the current owner or any other subsequent owner must make a new application to the ZBA for approval of any and all variances.

3. Any work done hereunder shall be in strict compliance with the Approved Plans, except as may be expressly modified by the conditions herein or as approved by the Building Inspector.
4. The granting of this application shall not be deemed to relieve the Applicant of the need to obtain approval of any other board or agency or officer prescribed by law with regard to the plans or construction or any other phase of the project or otherwise comply with any and all applicable state, county and local rules and regulations.
5. The Applicant shall procure a building permit from the Building Department within one (1) year of the date of this Resolution or one (1) year from obtaining the last required land use board approval (i.e. planning board or architectural review board), whichever is later, and all work shall be completed within one (1) year from the date of the building permit, otherwise this variance grant becomes void; and any request to extend the time within which to obtain said building permit or complete said work shall be filed no less than sixty (60) days prior to the expiration of the one (1) year period.
6. The failure to observe and perform these conditions shall render this resolution invalid.

<u>In Favor:</u>	4
<u>Opposed:</u>	None
<u>Abstain:</u>	None

Mr. Maloney moved, seconded by Ms. Weisel, and unanimously carried, that the board approve the referenced variances to upgrade the existing parking lot with lighting and drainage improvements and accessibility to the sports building with landscaping improvements. All in favor. Motion carried.

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

Leo Napior of Harfenist Kraut & Perlstein, on behalf of the applicant, explained that since the last meeting, a majority of the Board attended a site visit. With regard to the Fire Department concerns, a letter was issued in April of 2014, addressing concerns and conditions which the applicant agreed to comply with.

Ms. Lawrence asked if anyone had any questions.

Ms. Lawrence questioned whether they started out with 16 units and confirmed that they are ending up with 18. Mr. Napior confirmed that this is correct. His client did not acquire building until 2002; at that time the building had 16 units.

Mr. Jolly inquired about the parking spaces they were purchasing and fire sprinkler system. Mr. Napior said his client has agreed to pay for 5 parking spaces into the fund for the cost of \$2,500 per space, which is what the amount was when the application was submitted.

With regard to the fire sprinkler system, Assistant Village Engineer confirmed that this is a creation of 2 new units and it is a requirement to have a sprinkler system inside and in the hallway for means of egress in accordance with NYS Building Code Requirements.

Ms. Lawrence stated that the Board will not vote on this matter this evening and asked Counsel Addona to prepare a Resolution to be voted on at the next meeting.

Mr. Maloney moved, seconded by Ms. Weisel to close the Public Hearing. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Paul Jeris - 15 Baylis Court

Mr. Jolly has recused himself from this application.

Sam Vieira, Architect, representing Mr. Paul Jeris, also present, explained that the project was presented to the Board last month. A letter was received from the neighbors and owners of 17 Baylis Court who had concerns about the project. There was a site visit on Sunday, April 10th and the neighbors were also present at this visit.

Since the last meeting, Mr. Vieira said that nothing has changed from a zoning perspective and variances except that they have found a different solution for the ingress and egress to reduce the curb cut from 30 feet to 15 feet towards the middle of the building, which will save a parking space to the south on the street.

Ms. Lawrence was pleased that the curb cut is being reduced but asked if a two family was proposed would we still have the same curb cut? Mr. Vieira commented that this is really a single driveway curb cut; code requires 12 feet. He is asking for 15 feet to make it easier to turn the curb.

Mr. Maloney confirmed that they were still proposing a 3 family home. He asked about the rock disturbance. Mr. Vieira said that blasting is not an option. Rock will need to be split or drilled and removed. Ms. Lawrence asked how much of an impact of removing rock will have on adjacent buildings. Mr. Vieira said there will be some disturbance but not significant.

Assistant Village Engineer Pennella said the splitting of rock will cause approximately 700 cubic yards of disturbance, which is a substantial amount of rock. If the project was

reduced from a 3 family to a 2 family there would only be 4 parking spaces required and less rock removed or about 300 cubic yards.

Mr. Vieira commented that 300 cubic yards was calculated with 6 cars inside, not 3, which would reduce the amount of rock by 50% which will lessen the rock removal by half. The project is now being proposed with a standard garage with 3 cars inside and 3 outside, so therefore disturbance will be reduced by half. Even if it were a 2 family, Mr. Vieira said they would still have to dig into the rock.

Counsel Addona asked if the plans reflected this. Mr. Vieira said this is not subject to be on the plans because it is for rock removal but they are proposing only 3 cars inside so the amount of rock disturbed will be significantly less than if we had 6 cars, 3 parked in tandem.

Mr. Maloney asked how they will be moving around cars in driveway. Mr. Vieira responded that the individual families work together to move out the cars that are in front of each garage so it will only affect the members of the each household and there will be enough space for cars to maneuver around.

Ms. Lawrence asked if the plan was for a 2 family home, would there be fewer variances? Mr. Vieira said the side yard variances would not go away. The disturbance of steep slope would not go away. The parking of 1 and ½ spaces is being sought, but effect on street parking does not disappear, and the lot width is existing.

Ms. Weisel asked the distance between aerial shots between the 2 buildings. Mr. Vieira did not have this information.

Ms. Lawrence asked if anyone had any questions.

Mr. Maloney asked if the lot line adjustment will affect any setbacks. Mr. Vieira stated that the lot line adjustment is not part of this application and will not affect any setbacks; the 9.8 feet will become the new side yard.

Larah Alami, owner of 17 Baylis Court, explained that they were concerned regarding the lot line adjustment; which we understand is no fault of Mr. Jeris. She said that once this issue is taken care of; they plan on settling the lot line adjustment.

For clarity, Mr. Vieira said they are here to get approval of the variances and then go back to the Planning Board for site plan approval.

Assistant Village Engineer asked Mr. Vieira to confirm what the applicant is asking for. Mr. Vieira said parking will be for 6 spaces; 3 interior and 3 outside in front of each garage, which would require the 1.5 space variance, an 8 foot front yard variance and rock removal will reduced by 50%.

Ms. Lawrence again raised her concern about the blasting and asked Assistant Village Engineer Pennella if any other houses had rock removal in the area. Mr. Pennella said there was some on 26 Pintail Road and on Hillside Street but distances were farther away. Ms. Lawrence also was concerned about maneuvering the driveway. Mr. Vieira explained that they are asking for a larger curb cut from the standard 12 feet to 15 feet to make it easier to turn the curb.

Mr. Maloney asked how long construction would take. Mr. Jeris said it will be modular, which could be set in a couple of days. The parking on the street would only be affected by one day. Assistant Village Engineer Pennella said permission will have to be granted from the police and public works departments.

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

Ms. Lawrence read through the criteria for an area variance.

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 since this is an area where multi-family houses exist; the only change is the curb cut; which is unavoidable;
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; there is no other way.
3. That the requested area variance is substantial; but curb cut has been reduced which is important for the neighborhood with regard to parking.
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 variance. Variances will not be significantly different if a 2 family house was proposed.
6. The variances sought are the minimum variances necessary.

Mr. Maloney moved, seconded by Mr. Weisel, and unanimously carried that the above-referenced variances for 15 Baylis Court be approve. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution.

Mr. Jolly returned to the meeting.

NEW PUBLIC HEARING - Christina Griffin -25 Rosehill Avenue

The secretary read the 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, April 11, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Christina Griffin
 10 Spring Street
 Hastings on Hudson, NY 10706

For variances from Chapter 305 of the Village of Tarrytown Zoning Code (“Zoning Code”) in order to convert an existing garage into a family room and to build a new detached two-car garage. The property is located at 25 Rosehill Avenue and is shown of the tax Map as Sheet 1.180, Block 49, Lot 6 and is in the R-10 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
305-25	Maximum Floor Area Coverage	3,500 s.f	5,577 s.f	6,137 s.f.	2,637 s.f. above max. FAR (560 s.f above existing FAR)

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: April 1, 2016

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Christina Griffin, Architect, representing the applicants, Benjamin and Julie Green, presented a site plan and gave pictures to the Board members. She explained that the house was built in 1894. Originally the entrance was facing south-side of house. The new owners are in process of restoring the house and would like to rebuild the front façade and convert the existing garage into a family room and build a new detached two car garage.

Ms. Griffin referred to the site plan and pointed out the existing garage which is 9.5 feet wide is not functional as a garage and the roof is rotted. By eliminating the garage a new wraparound porch and new entry can be created which will be visible from the street. The new 2 car garage will be built in the front yard to the right of the house similar to other houses in the area on Rosehill Avenue and three on Neperan Road, also in the front yard.

With regard the FAR calculations: The FAR for the unfinished basement is 1,138 sf. because they have to count 74% because of the height of the first floor above grade, and because of the steep slope of the roof for the attic, they have to count 1,163 s.f. in floor area. So the existing floor area is 5,577 square feet, but 2,300 of that is the unfinished basement and attic. Without the attic and basement, the floor area is 3,277 s.f.

She explained that they are only adding 216 s.f. to main house with the entry and conversion of garage into family room. The total FAR counting new garage and additions will be 3,621 s.f. square feet, but if you add in attic and unfinished basement, the new total is 6,137 s.f., so the variance sought is 2,637 s.f.

Ms. Weisel asked the footage for new garage. Ms. Griffin said the new garage adds 344 s.f.

Ms. Griffin presented the floor plan and pointed to the new entry and the old garage will be turned into family room. Mr. Maloney asked if old foyer is going. Ms. Griffin said they are adding a window and fill it in so the front door faces front of house.

She passed out photos of garages in the neighborhood, specifically on 53 and 45 Rosehill Avenue and on Neperan Road.

Assistant Village Engineer Pennella commented that he provided the board with a memo with an aerial view of some similar houses in the neighborhood.

Ms. Griffin said the proposed garage will meet setbacks as well as impervious coverage and advantage cars line up in front of the house and garage doors will not face front of the house and will enable them space to provide garbage receptacles.

Ms. Lawrence asked if anyone would like to speak.

Sally said very reluctant to grant such a significant increase in FAR. The code was reviewed and changed after a considerable amount of work.

She asked if there is any way to reduce the FAR by keeping the old garage, or making the detached garage a one car garage.

Ms. Griffin said she would need to consult with her clients about this.

Ms. Griffin said there is small half bath that already exists. Julie Green, the owner, said that if we were to keep existing garage it is not functional as a garage and basically looks like a storage shed. The changes we are making will create an entrance onto the street and more attractive and in line with what the street looks like.

Mrs. Green said they are very passionate about the house and want to bring it back to its original glory. They want to restore it and make it look nice. It has been in ruin for 30 years.

Ms. Lawrence asked where main entrance will be. Ms. Griffin referred to plan and pointed out the new entrance. Mr. Jolly asked how many s.f. the old garage is. Ms. Griffin said 200 s.f.

Mr. Jolly asked if they could just eliminate old garage and not have a family room to decrease FAR. Ms. Griffin said she would have to analyze that.

Mr. Benjamin Green, owner, said the proposal would not increase the footprint of the house. Part of the idea that we went through was to create a façade to make it look like a front entrance. Even if they took the garage down, the foyer would still be in the back of the house.

Assistant Village Engineer said they are adding 560 s.f. to the existing FAR requirement. Even if they were to eliminate old garage they would still be over by 210 s.f.

If they removed existing garage (200 s.f.), and add the new garage, it would be over by 360 s.f.

Ms. Lawrence would like to see some kind of alternative to this plan. It is a substantial increase to the FAR. She understands that they have no viable garage but there must be a way to mitigate an increase or, if there is no other way, then present that as well at the next meeting.

Ms. Griffin said they will take another look, but garage has to be separated.

Ms. Weisel would also like to see other alternatives for the board to consider.

Mr. Maloney, moved, seconded by Ms. Lawrence to continue the public hearing.

NEW PUBLIC HEARING - Brad Zucker - 55 Stephen Drive
 Construct a new patio and replace a railroad tie retaining wall

The secretary read the 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, April 11, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Brad Zucker
 55 Stephen Drive
 Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown Zoning Code (“Zoning Code”) in order to construct a patio and replace a railroad tie retaining wall. The property is located at 55 Stephen Drive and is shown on the tax Map as Sheet 1.190, Block 112, Lot 7 and is in the R-60 zoning district.

The variance sought is as follows:

Zoning Code Section	Description of Section	Max. Permitted by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
305-49	Impervious Coverage	19.25%	27%	29%	2% / 400 s.f.

Additional approval from the Planning Board will be needed for disturbance of steep slopes.

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: April 1, 2016

Steve Anderson, of Gabriel E Senor, Planners, Engineers and Surveyors, representing the applicant, said the applicant wishes to replace a railroad tie wall which is old and in disrepair and failing placed in same area as existing wall. They are here to seek a variance because they are increasing non conformity of impervious surface by 2% .

With regard to a Stormwater increase, Village Engineer McGarvey has recommended installing a Cultec drainage system and connect existing leaders to it. They will also put in landscaping where they are disturbing steep slope which will help with the stormwater.

Ms. Lawrence noted that they visited the site and ties are rotted.

Ms. Weisel had questions about gravel and plantings.

Sally asked the public if anyone had any questions.

Mr. Jolly asked what type of material they are using. Mr. Zucker, owner, also present, said they will be using unilock pavers.

Ms. Weisel asked about rotting stairway, which will be repaired. Ms. Weisel asked if there was any way to reduce the area of the pavers. Mr. Anderson said the circular section could be moved. Ms. Lawrence commented that they need room for chairs and barbecue.

Mr. Maloney asked the height and if there were plans for a fence. Mr. Anderson said it was about 5 feet and there is no fence but they could put plantings above it.

Mr. Anderson approached the dais and explained the plan to the Board.

Counsel Addona advised that this is Type II action and no further action is required under SEQRA.

Ms. Lawrence 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:

Ms. Lawrence read through the criteria for area variance:

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 variance;
4. The variance being sought is the minimal variance.

Mr. Jolly moved, seconded by Mr. Weisel, and unanimously carried that the above-referenced variance be granted for 55 Stephen Drive. All in favor. Motion approved.

Counsel Addona advised that she will draft a Resolution.

NEW PUBLIC HEARING - Fred Ellman and Joan Raiselis – 30 Fairview Drive

Counsel Addona read the 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, April 11, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Fred Ellman and Joan Raiselis
 30 Fairview Avenue
 Tarrytown, NY 10591

For variances from chapter 305 of the Village of Tarrytown Zoning Code in order to conform with required R 7.5 zone side yard set backs and parking variances. The property is located at 30 Fairview Avenue and is shown on the tax map as Section 1.080, Block 56, Lot 7 and is in the R-7.5 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
305-47	Side yard set back (principal building)	10 ft.	7.92 ft.	7.92 ft.	2.08 ft.
305-63 D (1)	Off Street Parking and loading	2 spaces	1 space	1 space	1 space
305-63 C (3) (a)	Side yard lot line	5 ft.	0 ft.	0 ft.	5 ft.
305-63 C (3) (c)	Parking – Side yard	10 ft.	0 ft.	0 ft.	10 ft.
305-63 C (3) (c)	Parking – Front yard	20 ft.	0 ft.	8 ft.	10 ft.

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: April 1, 2016

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Ms. Raiselis apologized for not being able to be at site visit as she had a prior obligation. She explained that her house, located at 30 Fairview Avenue, was built in 1906, and they are the second owners. Basically, the house was built subsequent to when zoning was imposed. The side yard and rear yard setbacks were never issues. When they bought the house and did a renovation, somehow the vacant lot, identified as #26 property was figured into the side yard setback which triggered the zoning issue by enclosing the porch.

She is here to correct the pre-existing non-conformities and to allow the driveway to continue to exist. She stated that there really is no other way to relocate the driveway since there is an existing retaining wall in front of the house that goes all the way to the far side of the house.

Mr. Maloney commented that Ms. Raiselis may be complicating things by having an easement there. Counsel Addona stated that this easement has already been filed and private property disputes are not our concern if the applicant can show access.

Assistant Village Engineer Pennella commented that it would be very difficult to relocate the driveway; and you would have to create another curb cut. The existing retaining wall has been in place since 1906.

Sally asked if anyone would like to speak.

No one appeared.

Mr. Maloney moved, seconded by Ms. Weisel to close the public hearing.

Ms. Lawrence moved, seconded by Ms. Weisel, 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 variances are 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 variance.
6. The variances sought are the minimum variances necessary.

Ms. Weisel moved, seconded by Mr. Jolly, and unanimously carried that the above-referenced variances for 30 Fairview Avenue be approved. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution.

NEW PUBLIC HEARING - Fred Ellman and Joan Raiselis – 26 Fairview Drive
Counsel Addona read the 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, April 11, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Fred Ellman and Joan Raiselis
30 Fairview Avenue
Tarrytown, NY 10591

For variances from chapter 305 of the Village of Tarrytown Zoning Code in order to construct a new Single family residence. The property is located at 26 Fairview Avenue and is shown on the tax map as Section 1.080, Block 56, Lot 6 and is in the R-7.5 zoning district. The variance (s) sought are as follows:

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
305-63 C (3) (a)	Side yard lot line for driveway at #30	5 ft.	0 ft.	0 ft.	5 ft.
305-63 C (3) (c)	Side yard set back for parking at #30	10 ft.	0 ft.	0 ft.	10 ft.

305-63 C (3) (c)	Front yard set back for parking at #30	20 ft.	0 ft.	0 ft.	20 ft.
305-63 C (3) (c)	Front yard set back for parking at #26	20 ft.	0 ft.	11 ft.	7 ft.

Additional approvals will be required from the Planning Department and Architectural Review Board.

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: April 1, 2016

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Ms. Raiselis, owner of 30 Fairview Avenue, explained, for clarity, the first grouping of variances pertains to the parking at 30 so we needed those parking issues to be correct.

She and her husband are proposing a relatively modest 1500 s.f. of living area space, which will be a completely renewable energy home. There will be no gas or oil connection and it will be solar powered. Storm water will be collected off the roof for the garden. We are relying on sun so that is why the house is placed where it is on the site plan.

Ms. Raiselis said the zoning requires a 30 foot setback, which is the reason for the needed variance. They originally considered driveway on one side of the house but there is a flowering Chestnut and Sugar maple, and 3 White Pine trees. So the most open area is in the center.

With regard to alternates, they could remove pine trees in terms of where driveway would sit but she does not want to do that. She also considered moving house to back of property; but the neighbors do not want it set so far back.

The driveway, deck and walkway will be permeable. The driveway will be stone dust material.

Ms. Lawrence commended her on the efficiency of the proposed home and commented that there are quite a few houses in the area that have parking in front.

Assistant Village Engineer Pennella asked why she can't shift house to west by 5 feet.

Ms. Raiselis said because of the sunlight plain, which does make a difference, which would require additional variances. Also, in terms of the roots of the trees, there may be damage to the trees if the house was moved.

Ms. Lawrence asked if anyone would like to speak.

Ms. Angelis Schneider of 16 Fairview Avenue said she was pleased that the house is positioned more forward than in the back of the property. It if were further back, it would spoil her view. She loves the idea of the little house just east of her property.

Ms. Georgia Tambakos, 99 Rosehill Avenue, agreed with Ms. Schneider and is pleased that the house will not be closer to the back of the property.

Ms. Lawrence thanked Ms. Raiselis for considering her neighbors when she planned the project.

Mr. Jolly asked how solar works. Ms. Raiselis said when the sun it out, she collects it. It is a give and take grid; net zero exchange. The state allows you a small percentage of what you need.

Ms. Weisel asked about 30 foot setback in the deed. Ms. Raiselis explained that her title insurance is dependent upon the 30 ft. setback. Dan Pennella showed the Board the subdivision, which was for 9 lots which has this required setback.

Counsel Addona advised that this is a Type II action and no father action is required for SEQRA purposes.

Ms. Lawrence moved, seconded by Mr. Weisel, 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 variances are 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 variance.

6. The variances sought are the minimum variances necessary.

Ms. Weisel moved, seconded by Mr. Jolly, and unanimously carried that the above-referenced variances for 26 Fairview Avenue be approved. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution.

Ms. Lawrence moved, seconded by Ms. Weisel, that the meeting be adjourned at 10:06 pm. All in favor. Motion carried.