

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
October 13, 2016 7:30 p.m.

PRESENT: Members Maloney, Jolly and Rachlin; Counsel Christie Tomm Addona;
Village Engineer Pennella; Secretary Meszaros

ABSENT: Chairwoman Lawrence, Member Weisel

Mr. Maloney chaired the meeting in Chairwoman Lawrence's absence and called the meeting to order at 7:32 pm

APPROVAL OF THE MINUTES – September 12, 2016

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the minutes of September 12, 2016 be approved as submitted.

NEW PUBLIC HEARING: WILDEY GROUP, LLC - 124 WILDEY STREET

Counsel Addona read the Public Hearing notice.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Thursday, October 13, 2016**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Wildey Group LLC
P.O. Box 383
Croton on Hudson, NY 10520

For variances from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") for parking requirements for change of use from retail to restaurant. The property is located at 124 Wildey Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 9, Lot 11 and is in the RR Business District.

The variance sought is as follows:

Zone Code Section	Code Description	Required By Code	Existing	Proposed	Variance Required
Restricted Retail RR - Business §305-63. D(1)	Minimum Off-Street Parking Requirements	218 spaces	182 spaces	182 spaces	36 spaces

Additional approvals related to the above referenced project will be needed from the Planning 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 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

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: September 30, 2016

The certified mailing receipts were submitted and the signs were posted.

Board members visited the property.

Joanne Landau, Managing Partner of the Wildey Group, LLC – owners of the Tarrytown Station Plaza (a/k/a Walgreens Shopping Center), appeared before the Board. She explained that a site visit took place with Zoning Board Members on October 9, 2016. She is seeking a parking variance for 36 parking spaces in order to meet parking zoning code requirements for a change of use from retail to a restaurant. The location was formally the Dollar Dream Store at 124 Wildey Street.

Ms. Landau explained that the shopping center is basically a walk in center. A parking study was conducted which confirmed that the maximum cars in this lot during peak times was 70 cars during the lunch hour and 60 cars around 6 pm, so they are operating at 40% of the 182 available spaces, which is more than adequate.

Ms. Landau said that this application was before the Board in March of 2014 and the parking was approved for a fast food restaurant, however, the project never went forward and therefore the variance approval has since expired. She now has a tenant who is planning to start up a restaurant called “Grass Roots Kitchen” which will be a casual quick dining with takeout.

Mr. Maloney asked if a kitchen will be at this site and Ms. Landau confirmed that it would be.

Mr. Jolly asked if there was any other open space in this shopping center. Ms. Landau said that there was an empty store and if she gets another food tenant, she would have to return to this Board for another parking variance.

Mr. Maloney asked Mr. Pennella if he had any concerns with this application.

Mr. Pennella said he is familiar with this site and the parking study confirms adequate parking.

Mr. Maloney read through the following criteria and commented:

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;

Mr. Maloney said there is no undesirable change and there is adequate parking in the shopping center.

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;

Mr. Maloney said there is no other method and there is adequate parking according to the parking study.

3. That the requested area variance is not substantial;

Mr. Maloney said the variance is not substantial since there is adequate parking at this location.

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

Mr. Maloney said that granting this variance will have any adverse impact in the neighborhood.

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 said that the change of use is self-created but there is adequate parking in the shopping center.

Mr. Maloney opened the meeting to the public.

Greg Galloway, 51 Cottage Place, Tarrytown, NY, whose property abuts the shopping center, asked if the change in use to a restaurant requires any change to the garbage pickup.

Mr. Pennella said this application is in front of the Planning Board and this matter will be addressed with that Board. He asked Mr. Galloway if he has been experiencing any problem with the garbage since his property is about 30 feet higher than the dumpster

area. Mr. Galloway said that garbage is not picked up for a couple of days and it smells and he has seen rats.

Ms. Landau confirmed that she will look into this matter and follow up by possibly enlarging the area or having more frequent pickups, whatever is necessary.

Counsel Addona Ms. Landau that there was not a full Board this evening so in order for this application to be approved all 3 members must be in favor of this application. She advised Ms. Landau that she has the right to defer this vote until there is a full Board. Ms. Landau understood and asked that the Board vote this evening.

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

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the hearing be closed and the Board having arrived at the Findings required by the ordinance grants the above-referenced variance for 38 parking spaces.

The Board voted on the approval as follows:

Mr. Maloney: Yes

Mr. Jolly: Yes

Ms. Rachlin: 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.

DISCUSSION – SEQRA REVIEW FOR PROPOSED HONDA FACILITY

Realty @460 SB LLC – 460 S. Broadway, Tarrytown, New York

John J. Hughes, Attorney, representing Honda, introduced himself, Mr. Jack Ryan, VP of Operations for Honda, and Mr. John Manilio, PE, of Redcom, LLC, the Project Engineer. He said they are here this evening to answer any questions the Board may have with the project.

Counsel Addona advised that Honda has come before this Board for SEQRA review which addresses environmental impacts on matters such as traffic, drainage, etc. This is more of a global opportunity for this Board to review the project and provide comments to the Planning Board before they move forward to a SEQRA determination.

Mr. Hughes asked Mr. Manilio to go over a general review of the project and variance progression.

Mr. Manilio briefly went over the variance progression, and explained that they have reduced steep slope, pushed the building back to conform with a 50' front yard setback, In addition, a small rear yard and parking variances relating to spaces in the back, front and off street parking will be necessary. In addition, coverage is now at 29.09%. The original plan called for 35.4%; 20% is allowed by code.

Mr. Manilio said they were able to further mitigate the variances by moving some facilities upstairs to a second story. With regard to the parking; some stalls are 8 x 18 which are intended for car storage. All customer spaces are 9 x 18 and adequate in size. There are stacked spaces in the back which are not visible from the street.

Jim Maloney asked what the purpose of stacking was. Mr. Manilio said it will be used for employee parking and for vehicles waiting for parts.

Mr. Manilio presented 2 renderings of the site, one with trees in the front and one without. He pointed out the signs on the building which will need ARB approval for square footage and height. A variance will also be needed for the parking lot islands. They have eliminated several landscaping variances and will comply with street trees and parking lot trees. He pointed out the wall in front of the property which will be similar to the existing Doubletree Hotel wall.

Mr. Manilio said they have eliminated as many variances as possible and commented on the following:

- With regard to **steep slope**, they have decreased it by 700 square feet and once constructed, there will be no steep slope.
- With regard to **traffic**, a traffic study was conducted by the applicant and reviewed by the Village traffic engineer consultant and there are no issues. Queuing was addressed with high speed doors installed which will help.
- **Stormwater** has also been addressed and they are reducing impervious surface on the lot. The diner has 57,400 SF of impervious area; the Honda Plan has 55,030 SF.

Ms. Rachlin asked if this was only a service center and asked about the stacker cars.

Mr. Manilio said there is a sales component but it is primarily for sales.

Mr. Ryan confirmed again that the stackers are for cars that are waiting for parts.

Mr. Pennella asked about car carriers delivering to the site. Mr. Ryan said they have not had car carriers for 2 years; there is an off- site location where vehicles are stored. At the first of the year they will supply the address of the off-site storage and keep car carriers to a minimum of 7 per month in case of emergency, for example, if the Tappan Zee Bridge is closed.

Mr. Pennella asked about to explain the car stacking. Mr. Manilio said the car pulls in, the valet gives them a ticket, and the car is moved immediately. It is very unlikely that all three bays will be used. Mr. Pennella said if you do have a problem, have you considered a rear entry. Mr. Ryan explained that if there was a problem they would make a provision.

Mr. Pennella asked where the customers will park. Mr. Manilio said a regular customer never really has a reason to park on the south side, but there is an entrance with walkway that customers can use. Mr. Pennella is concerned about people walking across the high speed door area. Mr. Ryan said it is a service facility and 95 % of sales operation is done across the street.

Mr. Pennella addressed the green program and asked the applicant if they considered chapter 9 of NYSDEC requirements to reduce runoff by 25%. One way to achieve that is to do a green roof or provide on site water retention.

Mr. Pennella asked if they are providing water quality and Mr. Manilio confirmed that they will be.

Mr. Jolly asked about putting spaces up against the building. Mr. Pennella said they would lose more spaces if they did that.

Mr. Jolly asked about the traffic and the widening of Route 9. Mr. Pennella said the current traffic study does not include this project.

Mr. Hughes said this is an “NS” zone and the predominance of this use is for servicing cars; however, in the future it could be used for a full service dealership. He said that 33% of vehicles sold in Tarrytown are Hondas and the dealership desperately needs this sight for service. His client’s traffic study indicated that the traffic generated at the sight will be the same amount of traffic that is generated at the current diner. This was also confirmed by the village’s traffic consultant. The traffic has been studied very extensively for the past couple of months.

Mr. Jolly asked about the other building #480. Mr. Hughes said this building will remain. Mr. Ryan said the footprint will not change but they will spruce it up a bit.

Mr. Rachlin asked if the 480 site is all sales. Mr. Ryan said yes, but the bays will remain.

Mr. Ryan said that 75% of their service at #460 will be express service. Most service takes about 45 minutes; customers are in and out within an hour and a half.

Again, Mr. Hughes said what they have now is woefully inadequate to handle their demand.

Counsel Addona stated to the Board that the purpose of this discussion was to keep them informed and up to speed on this project. Please discuss and if there is anything you are concerned with send me an email so that I may address it to the Planning Board.

Mr. Maloney thanked the applicants for attending the meeting.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 8:23 p.m.

Liz Meszaros
Secretary