

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
May 8, 2017 7:30 p.m.

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

Chairwoman Lawrence called the meeting to order at 7:30 pm.

APPROVAL OF THE MINUTES – March 13, 2017

Mr. Maloney moved, seconded by Ms. Weisel, with Ms. Rachlin abstaining, that the minutes of March 13, 2017 be approved as submitted. All in favor. Motion carried.

APPROVAL OF THE MINUTES – April 12, 2017

Mr. Jolly moved, seconded by Ms. Rachlin, with Ms. Weisel and Mr. Maloney abstaining, that the minutes of April 12, 2017 meeting be approved as submitted. All in favor. Motion carried.

Chairwoman Lawrence announced the following adjournment:  
Continuation of Public Hearing - Dolf Beil -108 Main Street

CONTINUATION OF PUBLIC HEARING – Ioannis Hantzaridis- 63 Storm Street

Theresa Beyer, Architect, appeared with Mr. Hantzaridis, the owner. Chairwoman Lawrence said some Board members visited the site on May 7, 2017. Her main concern was if there was adequate parking for the 2 units. It was confirmed that there are 4 parking spaces on the property, three in the back and one in the driveway, which she felt was adequate.

Ms. Lawrence asked if anyone in the public had any questions. No one appeared.

Counsel Addona asked if all members who were not at the last meeting have reviewed the minutes. Mr. Maloney and Ms. Weisel confirmed that they are comfortable with the application. Ms. Lawrence said that they visited the site as well.

Ms. Lawrence read through the criteria for an area variance and commented as follows:

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. *Ms. Lawrence stated that the neighborhood has many two-families, and there is a large condo complex across the street. There is adequate parking so there is no undesirable change to the neighborhood.*

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. *Ms. Lawrence said there are no other methods to pursue.*
3. That the requested area variance is not substantial. *Ms. Lawrence said that the variance requested is not substantial since it has been a two-family for many years and conforms to the neighborhood.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said that there will be no adverse effect on the physical or environmental conditions 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 variance. *The alleged difficulty has been self-created but a two-family has existed for many years.*

Counsel Addona stated that this is a Type II action and no further action is required for SEQRA.

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

Ms. Weisel moved, seconded by Mr. Maloney, that the variances be granted. All in favor. Motion carried.

NEW PUBLIC HEARING- Realty@460 SB LLC – 460 South Broadway

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 Monday, May 8, 2017 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Realty@460 SB LLC  
480 South Broadway  
Tarrytown, NY 10591

For a variance from Chapter 305 of the Village of Tarrytown Code (“Zoning Code”) for the installation of a 25’-7” high, ground pylon sign. The property is located at 460 South Broadway and is shown on the tax map of the Village of Tarrytown as Sheet 1.40, Block 96, Lot 3 and is in the NS Zone.

**The variance sought is as follows:**

<b>Code Section</b>	<b>Permitted (Required)</b>	<b>Proposed</b>	<b>Variance Required</b>
305-47C (3) Yards; Setbacks (Special Setbacks)	100 Feet	1.3 Feet	98.7 Feet

Additional approvals related to the above referenced project will be needed from 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 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: April 28, 2017

The mailing receipts were received and the sign was posted. Board members visited the site.

John J. Hughes, Jr., ESQ., representing Honda (Realty@460 SB LLC), introduced Jack Ryan, VP of Operations-Honda and John Manilio, PE, of Redcom LLC, the Project Engineer.

Mr. Manilio showed a rendering of the site that was approved by the Architectural Review Board. He explained that they are seeking a variance to place the sign within the 100 foot special setback location. He pointed to the sign and said it will be in the same location as the existing diner sign and it is almost the same width.

He referred to the plan and indicated that one tree is remaining to the north and two others to the south. There will be minimal visibility of the sign from the south, and no interference with power lines or the Route 119 sign.

Ms. Weisel asked if the plans reflect any changes in terms of the road widening project along South Broadway.

Mr. Pennella said the road widening is on the opposite side of South Broadway. He asked Mr. Manilio if they have received a height variance from the ARB, since this approval would fall under their jurisdiction, in accordance with the Village sign code.

Mr. Manilio said they will need to go back to ARB to get this approval for the height of the sign.

Chairwoman Lawrence asked what the maximum height is for this sign in the code. Mr. Pennella said it is 18 feet and the applicant is asking for 25 feet.

Counsel Addona showed the denial letter to the Board stating the variance requested.

Chairwoman Lawrence said that, unfortunately, the balloon test did not work very well due to the windy conditions at the site visit on Sunday. She confirmed with Mr. Pennella that the applicant has received Planning Board approval for this project and asked if the sign was included.

Mr. Pennella confirmed that the applicant received Planning Board site-plan approval, but, as part of the plan review after this approval, it was determined that ZBA and ARB approval would be necessary for this particular installation.

Ms. Lawrence asked Counsel if she could comment on the sign itself. Counsel Addona said that if it fits into the zoning criteria then she may comment.

Ms. Lawrence said that she did not like the look of the concrete sign. It looks like a big block of concrete. The other sign at 480 looks more transparent than the proposed sign. This is just her opinion of the sign. Counsel Addona said that the minutes of this meeting can be forwarded to the ARB.

Mr. Manilio commented that the proposed sign is a standard Honda sign and that there were concerns with sight distance near the thruway which is why it is an open sign.

Mr. Jolly asked if the sign will impede upon the sidewalk. Mr. Manilio said the sign is not near the sidewalk and will not overhang. He also said the sign is the same look as the other, just a little more modern.

Ms. Weisel confirmed that the height of the sign is 25 feet 7 inches.

Mr. Manilio said that the sign does not obstruct traffic or sight distance. They are awaiting final NYS DOT approval for this project.

Ms. Weisel asked if there is any signage on the other side and Mr. Manilio said there are no plans for any new signage yet.

Mr. Jolly asked if this sign was on the original plan. Mr. Manilio said it was but they did not consider it a variance, rather a structure.

Ms. Lawrence asked if anyone in the public had any questions. No one appeared.

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

Ms. Lawrence read through the criteria for an area variance and commented as follows:

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. *Ms. Lawrence stated that there are many commercial businesses in the neighborhood with similar signage so there is no undesirable change to the neighborhood.*
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. *Ms. Lawrence said there are no other methods to pursue since there is no room.*
3. That the requested area variance is not substantial. *Ms. Lawrence said that the variance requested is substantial but there is no room to put the sign anywhere else.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said that there will be no adverse effect on the physical or environmental conditions 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 variance. *The alleged difficulty has been self-created but a sign is needed.*

Mr. Maloney moved, seconded by Ms. Lawrence, that this area variance be granted. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution memorializing the Board's discussion and decision.

#### NEW PUBLIC HEARING- Laura Burk -40 North Washington 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 Monday, May 8, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Laura Burk  
40 North Washington Street  
Tarrytown, NY 10591

For a variance from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") for the placement of air conditioning condenser units on the side and front of the property.

The property is located at 40 North Washington Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 14, Lot 18 and is in the RR Zoning District.

**The variances sought are as follows:**

<b>Zoning Code Section 305-39 &amp; 305-47.B Attachment 10</b>	<b>Description of Section</b>	<b>Required by Zoning Code</b>	<b>Existing on Property</b>	<b>Proposed by Applicant</b>	<b>Variance Required</b>
Column [16]	Min. distance from accessory structure to side lot line	16 ft.	±2.8 ft.	±0.8 ft.	±15.2 ft.
Column [11]	Minimum front yard setback	30 ft.	30 ft.	22.5 ft.	7.5 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 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: April 28, 2017

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

George Scudieri appeared with Laura Burk, owner of 40 N. Washington Street, to seek a variance to place two condenser units on the property – one in the front under the porch, which is not visible, and the other on the side of the house.

Ms. Lawrence asked why there has to be two condensers. Mr. Scudieri said each floor requires a certain number of air handler units. He noted that 42 N. Washington Street has the same units and system and they are using the same installer. They are also very quiet and energy efficient.

Ms. Lawrence confirmed that no trees would be cut down as a result of the installation.

Ms. Weisel asked how much clearance is between the porch and top of the unit. Mr. Scudieri and Ms. Burk both said about 5 feet. Mr. Pennella said this particular system takes air horizontally, not vertically.

Mr. Scudieri showed a picture of the units to each Board Member. He referred to the units as “whisper quiet”. Ms. Lawrence confirmed with Mr. Pennella that they have to comply with the noise ordinance. Mr. Scudieri said that individual units are in the rooms and he presented a picture of the unit showing the actual size. Ms. Burk said this system works best for older homes since there is no room for duct work. Mr. Scudieri said they also provide supplemental heat.

Ms. Lawrence asked if anyone in the public had any questions. No one appeared.

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

Ms. Lawrence read through the criteria for an area variance and commented as follows:

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. *Ms. Lawrence stated that the house next door has the same condenser units so there is no undesirable change to the neighborhood.*
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. *Ms. Lawrence said considering the size of the lot and where the house is set there are no other methods to pursue.*
3. That the requested area variance is not substantial. *Ms. Lawrence said that the variance requested 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. *Ms. Lawrence said that there will be no adverse effect on the physical or environmental conditions in the neighborhood and that the units are energy efficient.*
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. *The alleged difficulty has been self-created but it is an improvement with no impact.*

Counsel Addona stated that this is a Type II action and no further action is required for SEQRA.

Mr. Jolly moved, seconded by Ms. Weisel, that these variances be granted. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution memorializing the Board’s discussion and decision.

#### ADJOURNMENT

Ms. Maloney, seconded by Ms. Weisel, and unanimously carried, that the meeting be adjourned – 8:00 p.m.

Liz Meszaros- Secretary