

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
December 11, 2017 7:30 p.m.

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

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

APPROVAL OF THE MINUTES – November 13, 2017

Mr. Jolly moved, seconded by Mr. Maloney, with Ms. Lawrence and Ms. Weisel abstaining, that the minutes of the November 13, 2017 meeting be approved as submitted. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Mark Morganelli - 1 Dixon Lane

It was noted by the Chair that the Public Hearing was closed at the November 13, 2017 meeting. Counsel Addona confirmed this and advised that she was directed to prepare an amended draft resolution to the original July 11, 2016 approval to memorialize what was discussed on November 13, 2017 for the Board's consideration. Counsel Addona advised that she circulated the draft to the Board members prior to the meeting to give them a chance to review it. Counsel Addona advised the Board that they could discuss it and then if they wish, they could vote on the resolution this evening.

Counsel Addona provided copies of the draft resolution for the public and read through portions of the resolution.

After reading the resolution, the Board agreed to remove #11, on page 4, since the application is for a request to extend the hours and periods of operation at the Jazz Club which does not require securing a building permit and is not relevant.

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

Ms. Lawrence said she has reviewed the 11-13-17 minutes and is very familiar with the site. She is confident that she is in a position to vote on this application this evening. Ms. Weisel, also not present at the last meeting, confirmed that she has read the 11-13-17 minutes and the application and is familiar with the site. She feels that she is also in a position to vote on this application this evening.

Ms. Lawrence moved, seconded by Mr. Maloney, to approve this resolution as amended. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING

202 Lexington Group LLC – 29 South Depot Plaza (Parking Variances)

This application was re-noticed.

Secretary Meszaros read the public hearing notice into the record:

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, December 11, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Lexington 202 Group LLC
34 Norm Avenue
Bedford Hills, NY10507

For variances from chapter 305 of the Village of Tarrytown Code (“ Zoning Code”) in order to satisfy the parking requirements for the proposed self-storage facility on lot 38.

The property is located at 29 South Depot Plaza, Tarrytown, New York and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70 Block 29, Lot 38 and is located in the ID Zoning District.

The variances sought are as follows:

Zone Code Section	Code Description	Required By Code	Existing	Proposed	Variance Required
Industrial Zone (ID) §305-63. D(1)	Minimum Off-Street Parking Requirements	51 Spaces	39 Spaces	32 Spaces	19 Spaces
Industrial Zone (ID) §305-63. F (2) (C)	Minimum Off-Street Loading Requirements	6 Spaces	6 Spaces	4 Spaces	2 Spaces

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.

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

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: December 1, 2017

The mailing receipts were received and the signs were posted. A prior site visit has taken place and the Board is familiar with this location.

Mark Constantine, Attorney, representing the applicant, Peter Ferraro, of 202 Lexington Group LLC, presented a plan and referred to lot 38, which is currently occupied by the On Track Facility. His client is proposing a state of the art self-storage facility on this lot. The record supports the granting of a variance that includes a Negative Declaration filed with the Village Clerk on December 4, 2017 which explains that the self-storage use is not identified as a particular use in the code; the parking requirement is for a general warehouse which requires 1 space/thousand square feet. Both the Village Planner and JMC Consultants agree that the standard for parking and traffic generation is significantly less for a self-storage facility. His client is providing 32 parking spaces and 4 loading spaces which decreases impervious surface and is asking for a variance in total of 21 spaces.

Ms. Lawrence recalls the prior application before this Board for the 160 Wildey Street self-storage facility and understands the parking requirements. She asked Mr. Constantine if parking is provided for the retail component in the plan. Mr. Constantine said that 500 s.f. has been allocated for retail which would require 3 parking spaces. These spaces have been factored into the parking analysis which provides for 48 spaces for the storage facility and 3 spaces for the retail, for a total of 51 parking spaces.

Mr. Constantine went through the criteria and feels that this application meets the test for granting these variances. He noted that this is an industrial use which will be aesthetically improved and will enhance the character of the neighborhood. They have explored many alternatives but this is an as of right use and there are not too many alternatives; this is the most compliant and comprehensive plan for this site. The parking is not substantial based on industry research and data submitted confirms that it is 2 times more than what is needed. There will be no adverse impact to the environment; it will reduce traffic to the area. The hardship is self-created, however, any use would result in some requirement to deviate from the parking code. This is a less intense use and should not weigh against granting the variance.

Mr. Maloney asked how many storage units they will have. Mr. Constantine said he does not have a specific number, but has the square footage of the property. Ms. Lawrence asked if the number of units would affect the parking. Mr. Constantine said he does not believe it will have a significant effect on the traffic since the square footage drives the formula.

Mr. Maloney asked about lot 37. Mr. Constantine said it is not part of the application at this time. There may be some plans for this lot in the future. They are presenting a comprehensive site plan for the development lot 38 that is self-contained and compliant with code as much as possible.

Ms. Lawrence asked how high the building will be. Mr. Constantine said the roof height will be increased, but it will be well below the max height allowance. The building is going to look nice.

Ms. Rachlin asked how many parking spaces are at 160 Wildey. Counsel Addona referred to this particular resolution and said 52 were required, 34 were proposed and 18 spaces were granted.

Ms. Lawrence said there must be a need for storage otherwise this application would not be before us. Mr. Constantine said there is a need for this in Tarrytown.

Mr. Jolly asked if they opened the 160 Wildey Street facility. Mr. Pennella said they have and are fully operational.

Mr. Pennella asked Mr. Constantine to elaborate on the business plan with regard to the parking. Mr. Constantine said that there will be a minimal requirement for staffing at this location. They will schedule online appointments and the business will essentially be an annex to the existing facility. Ms. Weisel asked what the hours would be. Mr. Constantine said he does not know at this time. Ms. Weisel asked about the lighting. She was concerned about the residents of Franklin Courts. Mr. Pennella said that the lights used today are bollards which contain the shedding of light. Mr. Constantine said there will be a lighting plan submitted to the Planning Board and they will comply with all requirements in accordance with the code. Ms. Weisel would like a condition to be included to have the applicant minimize any potential lighting impacts that could affect the residents of Franklin Courts.

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

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

Counsel Addona advised the Board that they are in a position to vote on this application since a negative declaration was adopted by the Planning Board at its meeting on November 27, 2017. She noted that this application is in tandem with the subdivision application before them this evening, so they may include that this approval be contingent upon getting subdivision approval.

Ms. Lawrence read through the 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. *Ms. Lawrence said there is no undesirable change it is a warehouse and will be improved.*

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 does not feel that this can be achieved by some other method.*
3. That the requested area variance is not substantial. *Ms. Lawrence said that the parking is a substantial variance but we have noted that this type of facility does not require a steady stream of parking since it is a storage facility. It is in line with other storage facilities and there is limited parking needed.*
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 does not feel that this project will have any adverse effect or impact on the physical or environment conditions with only interior and exterior renovations.*
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. *This was self-created but does not preclude granting this variance.*

Ms. Lawrence moved, seconded by Ms. Weisel, to approve this variance and authorize Counsel Addona to draft a resolution memorializing the discussion this evening. All in favor. Motion carried.

**CONTINUATION OF PUBLIC HEARING –
Salvatore Zambelletti – 9 Half Moon Lane**

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, December 11, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Salvatore Zambelletti
9 Half Moon Lane
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown Code (“Zoning Code”) for a one story rear addition to a single family dwelling. The property is located at 9 Half Moon Lane, Tarrytown, NY and is shown on the tax maps as Sheet 1.100, Block 65, Lot 20, and is in the R 7.5 District.

The variances sought are as follows:

Code Description 305-21. Residential Zone R-7.5: 305 Attachment 5	Required	Existing	Proposed	Variance Required
Column [14] Rear Yard Setback	26 ft.	27.5 ft.	21 ft.	5 ft.
Column [12] Side Yard Setback	10 ft.	10.1 ft.	6 ft.	4 ft.
Column [13] Two Side Yard Setback	22 ft.	22.1 ft.	16.1 ft.	5.9 ft.
Column [14] Rear Yard Setback	26 ft.	30 ± ft.	21 ft.	5 ft.

Additional Approvals related to the above-referenced project will be needed from the 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: December 1, 2017

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

Theresa Beyer, Architect, representing Salvatore Zambelletti, the applicant, also present, appeared before the Board and presented the plan. She explained that Mr. Zambelletti is asking for these variances to make the existing bedroom on the ground floor larger with a bathroom for his wife who has mobility issues. The upstairs is unfinished. The addition is behind the existing house and allows room for a powder room, a closet and new access to the basement. Most of the lots in the area are small and a number of the properties have side yard setbacks. She does not feel that the project will negatively impact the environment. Mr. Zambelletti is not changing the use or number of people living at the residence.

Ms. Lawrence said that this addition will come very close to the neighboring property and asked if they have looked at other alternatives to see if there is some way to scale it back. Mr. Maloney asked about the area between the bedroom, which Ms. Beyer said was a cubby, but part of the bedroom.

Mr. Pennella showed an aerial photograph which illustrates the rear of the proposed property and the vicinity of the adjacent neighbors. The Board reviewed the photograph.

Ms. Lawrence asked if the door will remain going out to the deck and confirmed that there is no exit off of the addition and there will be a basement.

Ms. Lawrence asked if anyone in the public would like to speak.

Mrs. Alice Blood, of 15 Half Moon Lane, immediately next door to the Zambelletti residence, appeared and is concerned about the visual impact of the addition. She wanted some clarification of what she will be looking at from her house, particularly with regard to the basement stairs.

Ms. Beyer pointed to where the steps would be to the basement but said Ms. Blood will not be able to see them. She said that the two bedroom windows and the bathroom window will be visible. Ms. Beyer said that the proposed addition will block the deck area and mitigate noise when people are using the deck.

Mrs. Blood is concerned about her ability to get a variance on her property if this is granted. Counsel Addona said variances are granted on a case by case basis. Mrs. Blood is also concerned about the closeness and access to the basement and increased activity in the area.

Ms. Lawrence asked why outside access to the basement is necessary. Mr. Zambelletti, of 9 Half Moon Lane, the applicant, came up and said the reason for the set of stairs on the side is to have the headroom to go down and he would like the access. He said that Mrs. Blood will not see the stairs.

Ms. Lawrence asked Mr. Zambelletti what the need is for the ½ bath. He said his wife is ill and not very mobile and needs a bathroom very close by.

Mrs. Lawrence asked for a compromise to include the bathroom in the area or make the addition smaller. Mr. Zambelletti said that may be difficult to tie in with the existing plumbing.

Ms. Lawrence asked if anyone else would like to speak.

Jennifer Kachnowski, of 182 Riverview Avenue, stated that her property abuts Mr. Zambelletti's diagonally. She said she did not get a notice of the hearing. Ms. Lawrence said we will look into that but the Board will not be voting this evening so you do have time to review the plans. Ms. Kachnowski was concerned about a runoff problem close to her property. Ms. Beyer said there is a stormwater plan with this project. Mr. Pennella will confirm if there is adequate stormwater runoff from the property. Mrs. Kachnowski said a drywell was

installed and it has gotten better. Mr. Zambelletti said a tree was taken down 9 years ago and a dry well to hold 100 cubic feet of water was installed which eliminated any problems in the backyard with stormwater.

Ms. Lawrence asked if anyone else had any comments.

Gus Montero, of 176 Riverview Avenue, the neighbor directly behind him said he wished he had seen the plans before. He is willing to accept this plan, nothing more. He does not want an alternate plan. The properties are very close in this area. He is concerned that this extra building will prevent them from having their turn to build out to get a similar variance. He would like it worked out in a good neighborly way.

Ms. Rachlin has concerns about width of building and the extra powder room. She thinks it could be moved to the right to lessen the impact on the side yard.

Mr. Jolly asked if it was possible to put stairway in the back instead of the side. Ms. Beyer said you could rotate it and she will look at it but she needs to review the plan.

Ms. Lawrence asked the applicant and his architect to consider another alternative plan to possibly move the powder room so that it does not impact the neighbor as much as it does. They agreed to return with an alternate plan.

Mr. Maloney moved, seconded by Ms. Lawrence, to continue the Public Hearing at the January 8, 2018 meeting. All in favor. Motion carried.

NEW PUBLIC HEARING –

American Independent Paper Mill Supply Co., Inc.
29 S. Depot Plaza (Subdivision Variance).

Secretary Meszaros 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 December 11, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

American Independent Paper Mill Supply Co., Inc.
23 Bronson Avenue
Scarsdale, NY 10583

For a variance from chapter 305 of the Village of Tarrytown Code (“Zoning Code”) required to subdivide lots 38 and 39 into two separate lots with existing buildings

thereon. The property is located at 29 South Depot Plaza, Tarrytown, New York and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70 Block 29, Lot 38 and 39 and is located in the ID Zoning District.

The variance sought for Lot 39 is as follows:

Zone Code Section	Required By Code	Existing	Proposed	Variance Required
ID Zone: §305-47– Yards; Setbacks Attachment 10:[Column 12] Side Yard Setback	10 feet	1.5 feet	1.5 feet	8.5 feet

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.

Additional approval will be required from the Planning Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: December 1, 2017

The mailing receipts were received and the signs were posted. A prior site visit has taken place and the Board is familiar with this location.

Linda Whitehead, Attorney, representing American Independent Paper Mill Supply Co., Inc. appeared before the Board for a 8.5 foot side yard setback variance which is necessary in order to subdivide lots 38 and 39 located at 29 South Depot Plaza. She explained to the Board that these lots have been treated as separate lots over the years, but the Building Inspector has reached a conclusion that they have to be subdivided. There is no new construction proposed for the subdivision. They have modified the lot line to give lot 38 the access strip, which she showed on the plan. The rear lot 39 will have the other easements. Lot 38 is fully conforming. She showed the 1.5 ft. side yard area requiring the 8.5 ft. variance needed for lot 39.

Ms. Whitehead briefly went through the criteria for an area variance. She said that there would be no effect on the character of the neighborhood. The lots will be more conforming now once subdivided. The variance is not substantial. There is no change so there is no impact. The condition was not self-created; it

existed when her client bought the property. Her client assumed they were two separate lots, but the village wanted a legal subdivision.

Ms. Whitehead explained that due to a timing issue, the Planning Board has not declared a negative declaration so the Board cannot vote this evening. She wanted to present the application to the Board and will return in January for a decision, pending a negative declaration on the application.

Mr. Maloney asked how long American Independent Paper has owned this property. Ms. Whitehead said since the late 70's.

Ms. Whitehead asked the Board if a draft resolution could be prepared for the next meeting for them to consider. The Board members agreed and asked Counsel Addona to draft a resolution.

Mr. Jolly moved, seconded by Ms. Weisel, to continue the Public Hearing at the January 8, 2018 meeting. All in Favor. Motion Carried.

ADJOURNMENT

Mr. Jolly moved, seconded by Ms. Lawrence, and unanimously carried, that the meeting be adjourned – 8:50 p.m.

Liz Meszaros- Secretary