

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
January 8, 2018 7:30 p.m.

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

ABSENT: Member Jolly

Chairwoman Lawrence called the meeting to order at 7:33 p.m.

Chairwoman Lawrence announced the following adjournment:

202 Lexington Group LLC - 29 South Depot Plaza

Seeking an appeal for an interpretation of the Building Inspector's determination to satisfy the parking requirement for a proposed self-storage

APPROVAL OF THE MINUTES – December 11, 2017

Ms. Weisel moved, seconded by Mr. Maloney, that the minutes of the December 11, 2017 be approved as submitted. All in favor. Motion carried.

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

Ms. Lawrence said they received amended plans and invited the applicant up to explain the changes. Theresa Beyer, Architect, representing the applicant, also present, presented the revised plan which moves the basement stairs to the back of the house and moves the existing deck stairs. This is really all that they did at this time.

Ms. Lawrence thanked Ms. Beyer for some of the changes and referred to the bump out. Ms. Beyer said that her client would agree to have the back room come out 4.9 feet instead of 5.9 feet, which would reduce the extent of the variance. Counsel Addona said that there would be no need to re-notice for this change because they will be reducing the extent of the variance.

Ms. Lawrence asked about the access to the closet area. Ms. Beyer said her client would use this as a computer room and it is the access to the bedroom. Ms. Lawrence suggested removing this closet area and putting the closet in the bedroom. Ms. Beyer said it would make the bedroom much smaller.

Ms. Lawrence asked if anyone would like to speak.

Mrs. Alice Blood, of 15 Half Moon Lane, immediately next door to the Zambelletti residence, appeared and wanted some clarification about the 5.9 ft. variance which they have proposed to reduce to 4.9 feet. Ms. Beyer said they would reduce the impact by one foot on the side. Mrs. Blood said she would be happy with that.

Mr. Pennella asked how many feet are coming off. He said that the side yard setback would also be reduced from 4 feet to 3 feet.

Gus Montero, of 176 Riverview Avenue, came up and gave a letter to Ms. Lawrence from Jennifer Kachnowski, of 182 Riverview Avenue, which is attached as "Exhibit A". Ms. Kachnowski is concerned about the possibility of having additional drainage problems as a result of expanding the footprint. She is not in favor of the project. She would also like trees planted along Mr. Zambelletti's property line to protect the neighbor's privacy and to alleviate the drainage issue, and that the applicant move the existing compost pile away from the property line.

Mr. Montero also said he has had drainage problems. The yards are small and Mr. Zambelletti's deck is high. Mrs. Montero showed the Board a picture of the deck from Mr. Montero's home. Ms. Lawrence looked at the picture and said the proposed addition will be in the same line as the deck. Mr. Montero said he is concerned about property values and privacy and asked the Board if they would like this in their backyard.

Ms. Lawrence asked Mr. Pennella to comment on the drainage in the area and the landscaping. Mr. Pennella explained that any increase in impervious surface would need to be submitted to the Building Inspector to ensure that the drainage is controlled. With regard to landscaping, typically, the Planning Board requires this. Counsel Addona said that the Zoning Board could consider landscaping as a condition of the approval, as a mitigation factor and, given the fact that they are proposing a revised plan, the Board may want to see a landscaping plan included.

Ms. Lawrence said this seems like a reasonable request since there are concerned neighbors on the side and the rear. Mr. Pennella confirmed with the reduction of the one foot, the applicant will need a 3 foot single side yard variance and a 4.9 foot two side combined side yard setback.

Ms. Beyer showed Ms. Blood the plan and indicated the proposed setbacks. Ms. Lawrence asked if Ms. Beyer could reduce it more than 1 foot. Ms. Beyer said that would eliminate the powder room. Again, Ms. Lawrence suggested eliminating the large closet area and making the existing closet bigger in the bedroom. Ms. Beyer said her client would like a full size room.

With regard to the backyard neighbor, an existing drainage system is in place. Mr. Pennella said this does not address the increase in impervious surface, which will need to be addressed with the building permit application. Ms. Beyer said Mr. Zambelletti is willing to plant trees. Mr. Montero asked where the new gutter will drain. Mr. Zambelletti said it will go into the drywell. He also commented that the water on Mrs. Blood's property goes into her neighbor's backyard. He would like the village to go out and look at the drainage issue. Mrs. Blood said there was never water problem until the tree was taken down.

Ms. Lawrence would like to schedule another site visit to see the impact from the neighboring yards and the drainage concern, before the next meeting, and looks forward to seeing revised plans with landscaping included.

Ms. Weisel moved, seconded by Mr. Maloney, to adjourn this application to next month, February 12, 2018. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING

American Independent Paper Mill Supply Co., Inc. - 29 South Depot Plaza.

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 2 lots (lots 38 and 39) located at 29 South Depot Plaza. One lot is fully conforming the other requires a variance. The Board could not take action at the last meeting since the Planning Board had not yet declared a negative declaration. The Planning Board has made this negative declaration at their December 27, 2017 meeting and the Board can act on this application this evening.

Counsel Addona advised the Board that she has prepared a draft resolution for this application as directed at the last Board meeting. She advised the Board if they are comfortable they can close the public hearing.

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

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

Counsel Addona read through portions of the draft resolution and gave a copy to the applicant prior to the meeting.

Mr. Maloney moved, seconded by Ms. Weisel, to approve this variance application. All in favor. Motion carried.

#### NEW PUBLIC HEARING – Broadway on Hudson Estates – 11 Carriage Trail

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, January 8, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Broadway on Hudson Estates LLC  
229 Main Street  
Huntington, NY 11743

For a variance from Chapter 305 of the Village of Tarrytown ("Zoning Code") to subdivide a 9.96 acre parcel of land into 4 zoning compliant lots.

The property is located at 11 Carriage Trail, Tarrytown, NY and is shown on the tax maps as Sheet 1.271, Block 138, Lot 1.23 and is in the R 60 Zoning District.

**The variance sought is as follows:**

<b>Code Description</b> 305-15. Residential Zone R-60: 305 Attachment 5	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Column [14] - Rear Yard Setback for proposed Lot 4	45 ft.	180 ft.	32.4 ft.	12.6 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.

Additional approval is required from the Village of Tarrytown Planning Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 29, 2017

The mailing receipts were received and the signs were posted.

Andy Todd, representing Broadway on Hudson Estates, the contract vendee for a 9.96 acre parcel of property located in the R60 zone. Originally, the plan was for a 3 lot subdivision, but they learned that the existing cottage on the Coppola property is a secondary residence and is not code compliant since you cannot have 2 uses on the same lot. They have since revised their plan to subdivide the lot into 4 lots and are seeking site plan approval, which will require a side yard variance of 12.6 feet on new lot 4 (the existing cottage house). Basically the 2 structures have been here for over 100 years. They are making them more conforming and are asking to add the additional 2 lots to build on.

Counsel Addona advised the applicant that the Planning Board will have to make a SEQRA determination before the Zoning Board can take action on this application. Mr. Todd was aware of the procedure.

Mr. Maloney asked about the easement between lots 1 and 4.

Ms. Lawrence asked if the cottage was a garage with living quarters. Mr. Todd confirmed that it was. Mr. Pennella said the zoning code does not allow for 2 uses on one property. If the subdivision did not take place, it could remain as existing non-conforming, but they are seeking subdivision approval. With regard to the variance they are seeking, it could be eliminated but it would ruin the lot. Mr. Todd agreed.

Mr. Todd said they are agreeable to having a deed restriction on lots 1 and 4 so that they can only be sold into the same ownership in perpetuity. Counsel Addona advised the Board that this is an option.

Ms. Lawrence moved, seconded by Ms. Wiesel, to adjourn the application until next month or until such time that there is a SEQRA determination by the Planning Board. All in favor. Motion carried.

#### ADJOURNMENT

Mr. Maloney moved, seconded by Ms. Weisel, and unanimously carried, that the meeting be adjourned – 8:10 p.m.

Liz Meszaros- Secretary

# EXHIBIT A

(9 Half Moon Lane application – J. Kachnowski Letter)

Dear Members of the Zoning Committee,

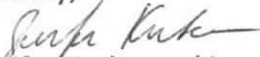
I attended last month's zoning meeting after learning from a neighbor about the proposed renovation on Half Moon Lane. Although a certified letter was mailed to me, informing me of the meeting, I never received it. Therefore, at that meeting, I had not yet seen the plans but shared my concerns about the renovation because water drainage from that property has already impacted my property. I believe the removal of trees, the expansion of hardscape and the adding of small structures on the property has caused more water to drain from that property to ours during storms. Mr. Zambelletti's construction of a dry well reduced but did not ameliorate the problem. We have had to spend money on landscaping solutions to try and move the path of water away from our house. I am fearful that expanding the footprint of their house will cause even more water runoff and increase our drainage problem.

Since that meeting, I had the opportunity to go examine the plans at town hall. The expansion is in the direction of where our properties meet. While I understand the Zambelletti's desire for more space, the properties in the neighborhood are small. Privacy and retention of property values is a concern to nearby neighbors. Based upon these concerns, I am requesting that the variance approval be denied.

If the board chooses to grant the Zambelletti's variance I would encourage them to include provisions in the agreement to protect neighbors' property and privacy. For example, could it be mandated that fast growing shrubs such as cypress or arbor vitae be planted along the Zambelletti's property line? These shrubs would serve two purposes; afford the neighbors impacted by the renovation more privacy and assist in preventing storm water from running into the yards on Riverview Avenue. I am not familiar with the zoning process but at the last meeting it seemed as if certain accommodations were expected of businesses in order to reduce noise pollution, light pollution, or ensure privacy to neighbors. I hope that similar standards could be applied with residential renovations. As a measure of neighborly cooperation I would also request that Mr. Zambelletti dismantle or move his compost pile away from the property line.

I am very sorry that I am unable to attend the meeting tonight. Thank you for considering the above concerns.

Sincerely,

  
Jennifer Kachnowski  
182 Riverview Ave  
Tarrytown, NY

