

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting (Via Zoom Video Conference)  
October 13, 2020 \*7:00 p.m.

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

ABSENT: Member Song

\*\*\* This meeting is being conducted via Zoom video conferencing, which has been authorized by the Governor's Executive Order issued in response to the Covid-19 Pandemic. The orders have been renewed and are in effect. \*\*\*

Ms. Lawrence opened the Zoom meeting at \*7:00 pm, a half hour early, to accommodate a special Planning Board meeting.

#### ANNOUNCEMENT- ZONING BOARD MEMBER CHANGES

Ms. Lawrence announced two Zoning Board Member resignations: Mary Sgammato, as she is moving from the Village and, David Kim, who has been appointed as a Village Trustee. Alan Braun has been elevated from an Alternate Board Member to a full-time member, and Robert Song, who has served on a number of committees in the Village, has been appointed by the Board of Trustees, all effective October 5, 2020. Jack Jolly will remain on as a valuable Alternate Board Member.

#### APPROVAL OF MINUTES – September 14, 2020

Mr. Weisel moved, seconded by Mr. Braun, to approve the minutes of the September 14, 2020 regular meeting.

The secretary recorded the vote:

Member Weisel: Yes  
Member Rachlin: Yes  
Member Braun: Yes  
Member Jolly: Yes  
Member Lawrence: Yes

All in favor. Motion carried. 5-0

#### CONTINUED PUBLIC HEARING – M.M. Home Development, LLC - 6 Hillside Street

Ms. Lawrence advised that the public hearing was continued so that the applicant, who was not present at the last meeting, could respond to the questions relating to the impacts of the construction that were raised by the Board and some residents in the neighborhood.

Tanya Makan announced that she is here on behalf of the family, and their Attorney, Carlo Camporeale, who is also present to answer any questions.

Ms. Lawrence referenced the meeting last month and the concerns that were raised by the neighbors about the noise that will be generated from the construction of this project. She noted that the Mr. and Mrs. Paone have children who are learning from home now due to COVID-19 pandemic and need to have a quiet learning environment during school hours. Ms. Lawrence wants to make sure that the applicant will abide by the conditions of the original approval, which advises when construction activity will be taking place.

Mr. Camporeale advised that his client will comply with the conditions.

Before opening the meeting to the public, Ms. Lawrence noted that this is an approval for variances that the Board approved 2 years ago and the applicant is before the Board now to seek a two-year extension to this approval.

Ms. Lawrence asked Mr. Ringel if there was anyone in the public who would like to speak.

Shahin Badaly, the project engineer for this application, advised that he is also present to answer any questions related to the site plan.

Jill Paone, who resides at 2 Hillside Street with her husband and two children, asked if there is a tentative date that the construction will begin, or if the applicant is planning on selling the property.

Mr. Camporeale advised that currently there is no tentative date to begin construction due to the Covid-19 restrictions, and the weather will also play a role.

Ms. Paone specifically asked about the timeframe during the current school year.

Mr. Camporeale anticipates that work will start during the school year but has no exact date at this time. He thinks that the construction will last 12 months barring any problems with respect to material availability and whether or not there are backorders.

Ms. Paone explained that her children are home-schooled now due to the pandemic. They both have legal IEP's with the school district. She has real concerns about the noise that will be created during the construction of this home which will affect her children's ability to learn. They are easily distracted and she would like more guidance and assurance that there will not be this type of noise going on during the day. She is very concerned about her children's ability to learn and she hopes that her concerns will be taken into consideration.

Ms. Lawrence asked Mr. Camporeale if his client is planning on selling this property. Mr. Camporeale stated that he does not know if the owner has made that determination yet. Once they started to move forward, Covid shut everything down. At this point, they will

most likely move forward with the construction, with the minimal amount of disruption to the neighborhood, keeping in mind the situation we are in, compared to 6 or 7 months ago.

Counsel Addona wanted to note for the record, and this Board may recall, that the reason for the variances sought was based upon comments that were made by the Planning Board during their review, in order to reduce and limit the amount of rock removal. The applicant could revert back to zoning compliant plan that could be more disruptive.

Mr. Ringel advised that there is one more hand raised for public comment.

Mr. Pennella said the applicant is seeking an extension to a prior approval of variances that were granted back in May of 2018. At that time, this application went through extensive review to ensure that the proper precautions were taken to address the rock removal protocol, which limited the hours and number of days that the blasting could occur.

Vincent Paone, 2 Hillside Street, commented that a home of this size should not take any longer than 6 months to complete. He is concerned about the type of fence that will be installed and how much disruption will take place during the construction phase. He has concerns about the behavior of the workers on the site with cursing and spitting. He is also concerned about the other children in the neighborhood that are home-schooled. He would also like some answers on when they will be coming into his home to video for the pre-survey for the rock removal and what will happen if there is damage to his home as a result of the rock removal. He just wants to make sure that his concerns are heard and addressed accordingly since they are direct neighbors.

Ms. Lawrence said that these issues are in the minutes of the meetings from 2 years ago when several of the neighbors did come out. She understands the worries about construction workers with the swearing, which she imagines could occur, but she has been on many construction sites and this has not been her experience. She feels the concerns have been addressed. There is no way of getting around the noise since this is construction. There will be noise, but the hours will be limited.

Ms. Paone said it is not just about the rock removal during certain times and hours of the day, it is a complete lack of respect for a taxpayer and a homeowner. There will be trucks driving by and there is a visual piece to it. Their kids will be working in their rooms and will be hearing the banging and smells. She doesn't know how many Board Members have children, but she has children who have disabilities. As parents, who have enough stress on their plate, this is just throwing another curveball into their day. She is not saying that the construction shouldn't be done, she respects that, but this is a different time. She thinks it is a little bit disrespectful, just to say that it is going to be between these hours that there will be a noise factor.

Ms. Lawrence said she does not feel like the Board is disrespecting the neighbors. She understands that we are in different times, however, the applicant has not constructed

the house yet and he does own the lot. Perhaps he will put it off until the spring, but, at this point she feels that the Board should be voting on the application. She asked the Board Members how they felt.

Mr. Jolly asked Ms. Paone if her children are going to go back to school when school opens. Ms. Paone said her children cannot go back to school because she has an auto-immune disorder and if they bring Covid-19 into the house, it could be deadly for her. She cannot take that risk of having them go back into the school environment at this point.

Counsel Addona advised the Board that they have to consider certain statutory criteria. These circumstances are difficult, and it is a challenging time, but there is no legal basis to halt this construction. Just putting a blanket prohibition on construction because it may not be ideal is not something this Board can do. The same variances were approved two years ago and yes, things have changed, but the criteria to approve the variances has not changed.

Counsel Addona advised that this is a Type II action, with no further environmental review required under SEQRA.

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

The secretary recorded the vote:

Member Weisel:	Yes
Member Rachlin:	Yes
Member Braun:	Yes
Member Jolly:	Yes
Member Lawrence:	Yes

All in favor. Motion carried. 5-0

Ms. Weisel is hopeful that something can be worked out between the homeowner and the applicant in terms of the noise concerns that have been raised during the school day.

Ms. Weisel moved, to approve the 2-year extension to the variances that were approved on May 14, 2018, seconded by Ms. Rachlin

Member Braun:	Yes
Member Weisel:	Yes
Member Rachlin:	Yes
Member Lawrence:	Yes
Member Jolly:	Yes

The two-year extension was approved. 5-0

ADJOURNMENT:

Ms. Lawrence moved, seconded by Mr. Braun, to adjourn the meeting at 7:23 p.m.

The secretary recorded the vote:

Member Braun:	Yes
Member Weisel:	Yes
Member Rachlin:	Yes
Member Lawrence:	Yes
Member Jolly:	Yes

All in favor. Motion carried. 5-0

Liz Meszaros, Secretary