

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
Village Hall – 1 Depot Plaza  
December 12, 2022 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Weisel, Rachlin, Kaplan, Abraham,  
Alternate Member #1 Jolly, Alternate Member #2 Kudla, Counsel Addona;  
Village Engineer Pennella, Secretary Meszaros

ABSENT: All Members Present

Ms. Lawrence opened the meeting at 7:30 pm.

APPROVAL OF MINUTES – November 14, 2022

Ms. Weisel moved, seconded by Mr. Abraham, with Ms. Lawrence and Ms. Rachlin abstaining, to approve the minutes of the November 14, 2022 meeting as submitted.

The secretary recorded the vote:

Member Weisel:	Yes
Member Abraham:	Yes
Member Kaplan:	Yes
Alt. Member #1 Jolly	Yes
Alt. Member #2 Kudla	Yes
Member Rachlin:	Abstain
Chair Lawrence:	Abstain
All in favor. Motion carried. 5 – 2 (abstentions)	

ADJOURNMENT:

Ms. Lawrence announced the following adjournment:

Michael and Janaki Degen - 86 Crest Drive - Variances to construct a second story over the existing garage and principal dwelling and a one-story rear addition.

Board Discussion – Proposed ADU (Accessory Dwelling Unit) Local Law

Peter Feroe, a member of the Village Housing Affordability Task Force and a village resident, appeared before the Board to briefly describe the intent of the law and criteria to allow ADU's in the residential zones within the Village. He explained that the Housing Affordability Task Force was created as an outgrowth of the Comprehensive Plan Management Committee to steer actions recommended by the Comprehensive Plan, which includes housing affordability. They have been tasked to address the housing crisis and make recommendations to the Board of Trustees. The committee

has recommended that the Board permit Accessory Dwelling Units in the village. He described an ADU as a fancy word for an in-law suite which could be located within the existing home or in a pre-existing garage on site, or constructed in some districts. Mr. Feroe explained that many communities have been adopting ADU's to help create more housing with minimal impacts. Those communities who have adopted this law are not seeing many ADU's; they are within the dozens, not the hundreds. He noted that most people will not do this but they wanted to remove the barriers in order to create more housing opportunity within the village. They have met with the Board of Trustees in public sessions, and through the process they came up with the draft law. The proposed law will allow ADU's in all single-family zoning districts within the village. Only one unit per lot will be allowed and it must meet all setbacks. The unit must have a minimum of 300 s.f. and a maximum of 1,000 s.f. of habitable space, and shall not be more than 50% of the existing habitable floor area of the existing home. The owner must also reside on the property. In addition, no new entrance to the street facing facade can be created to keep the single-family look and the minimal monthly rental is 6 months. The committee has recommended that there be no off-street parking requirement. They felt that this requirement would guarantee that people will not move forward with creating an ADU since it would trigger a land use approval. People will park on street but it will be in small numbers, and on balance they would consider it a trade-off. The committee felt that this was an incremental step to help solve the housing crises; starting small and removing some barriers to help people stay in their homes. Just by the nature of the unit size, it will only attract a smaller family with no impact on infrastructure. If adopted, it will be monitored, studied and tweaked, if need be.

Counsel Addona advised that with regard to parking variances that are before this Board there would be no requirement to provide off-street parking. However, you cannot remove existing parking and must maintain the amount of parking required for the primary residence. If that cannot be done, a variance would be required from the Zoning Board.

Ms. Kaplan asked if the attached garage was used for parking and they converted, would they need the parking variance. Mr. Feroe said the ADU law permits accessory uses by right without land use board approval if you meet all other zoning requirements. If there is a detached garage, it can be converted to an ADU. If you want to expand your garage, it would be the same process. Counsel Addona said that the owner would still have to maintain the amount of parking required for the primary use. Ms. Lawrence commented that a building permit is still required and the owner must comply with all building codes. Mr. Feroe said this will be an opportunity for people to come forward and legalize existing units.

Counsel Addona advised that the Board of Trustees will hold a public hearing after the New Year on this matter and if the Board would like to email their thoughts to her individually, she would prepare a memo on their behalf to the Board of Trustees.

Ms. Lawrence asked Mr. Feroe if there is an affordability clause in the law. Mr. Feroe said there is no mandatory affordability clause because, by their nature, they believe that the units will be more affordable. They did not want to add any more barriers.

Ms. Kaplan asked again if an attached garage can be converted to an ADU. Mr. Feroe said it can be converted in the garage, the home, or a standalone structure, or in a new structure which must meet all zoning requirements. Counsel Addona clarified that the code provides that in smaller zones, you cannot generate new construction but you can convert existing construction in the smaller zones since anything new would most likely not meet the setbacks. Mr. Feroe said the consensus of the committee was to tailor the law to fit the current regulations and current built conditions of Tarrytown.

Counsel Addona advised that this law is being considered at the state level and it is possible that it will be part of the Governor's next budget. She believes that it would benefit Tarrytown to have something more thoughtful and tailored to fit the village since many communities in the state are very different. The state could preempt this law, but it could allow the village adopted law to remain. Mr. Feroe advised that the State of Connecticut just passed a provision for municipalities to opt out and use their own local law.

Mr. Jolly commented that about 20 or 30 years ago the village had a similar program to help ease up on some regulations for what he believes were mostly for apartment rentals. He recalls a couple of apartments in Windle Park that were included in the program.

Mr. Feroe added that the proposed law was discussed in great depth with the Board of Trustees and has been modified over time. Counsel Addona said it was also referred to the Westchester County Planning Board with a favorable response.

Ms. Lawrence believes it is a positive step but is concerned about parking in many neighborhoods. Mr. Feroe believes the parking will balance itself out since the units will be limited in areas. Counsel Addona added that this law also provides a way to get the unit on the books. Ms. Lawrence said that could make the units safer.

The Board decided to digest the information and email Counsel Addona individually so that she can prepare comments to the Board of Trustees prior to their next work session.

#### CONTINUATION OF PUBLIC HEARING – Joseph DeNardo- 1 Emerald Woods

Jim Annicchiarico, PE, the project engineer, with Cronin Engineering, appeared before the Board and presented the site plan. Ms. Lawrence advised that this is a continued public hearing and that only the variances before this Board will be discussed this evening. Mr. Annicchiarico briefly went over the for the lot size of 9,774 s.f. for the pre-

existing non-conforming lot that was never part of the subdivision. This lot was created for the caretaker of the original estate. The second variance is for 456 s.f. or 2.25% for impervious coverage which was further reduced back in 2017 when it was approved by this Board. The plans have not changed. He advised that they meet the FAR and all other setback requirements for this lot.

Ms. Lawrence asked if anyone in the public would like to comment on this application. No one appeared.

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

The secretary recorded the vote:

Member Rachlin:	Yes
Member Weisel:	Yes
Chair Lawrence:	Yes
Member Abraham:	Yes
Member Kaplan:	Yes
All in favor. Motion carried.	5 -0

Ms. Lawrence read through and responded to the criteria for an area variance.

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. stated that the proposed project will not produce any change in the character of 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. stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the requested variances are not substantial.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
5. That the alleged difficulty was 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. *Ms. Lawrence stated that the impervious coverage is self-created but that does not preclude the Board from granting this variance. The lot is pre-existing non-conforming and was not self-created.*

Ms. Weisel moved, seconded by Ms. Lawrence, to approve the variances for lot size and impervious coverage and authorize Counsel Addona to draft a resolution memorializing the discussion of the public hearings to include the general conditions of approval.

The secretary recorded the vote:

Member Rachlin: Yes  
 Member Weisel: Yes  
 Chair Lawrence: Yes  
 Member Abraham: Yes  
 Member Kaplan: Yes  
 All in favor. Motion carried. 5 -0

NEW PUBLIC HEARING - Laura and Richard Ferrino – 25 Eunice Court

The following public hearing notice was available to the public at the meeting:

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 12, 2022** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Laura and Richard Ferrino  
 25 Eunice Court  
 Tarrytown, New York 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the construction of a tool storage shed in the rear yard of the property.

The property is located at 25 Eunice Court and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.150, Block 99, Lot 17 and is located in the R-10 zone.

The variances sought are as follows:

<b>Code Section: §305-20. Residential R-10 Zone: §305 Attachment: 5:1</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
<b>Column 16, Minimum Side Yard Setback (North)</b>	12 feet	7 feet	7 feet	5 feet
<b>Column 16, Minimum Side Yard Setback (East)</b>	12 feet	4 feet	4 feet	8 feet
<b>Column 17, Minimum Rear Yard Setback (South)</b>	12 feet	5 feet	5 feet	7 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.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 2, 2022

The mailing receipts were received and the signs were posted. Board Members visited the property. Ms. Lawrence noted a petition included in the application, signed by four neighbors who have no objection to granting the variances.

Mr. and Mrs. Ferrino both appeared before the Board to request a variance for the construction of a tool shed in the rear corner of their property which would require a 5 ft. side yard variance on the north side and an 8 ft. side yard variance on the east side of the property, in addition to a 7 ft. rear yard variance. Mr. Ferrino showed the location of the shed on the property. He noted that there was a very large Linden tree that they would like to keep which prevented them from placing the shed in that location. They would also like to keep their yard area so that their kids can play. He noted that most of the homes in the area have sheds. The neighbors have been shown the plans and they have no objection. Mr. Ferrino noted that when he found out he needed a permit for this shed, he immediately applied to the Building Department.

Ms. Weisel advised that she was at the site visit and that the shed is about 8 feet high in the front but pitches back to 5.5 feet and it is about 20 feet long. Ms. Lawrence asked if the shed could be placed anywhere else on the property. Mr. Ferrino said the only other place would be where the existing Linden tree is which they would like to keep. He also noted that there are fences on all sides of the property.

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

Katie Kreider, a village resident, commented that she liked the shed and is in favor of the application.

Peter Bartolacci, who lives on Miller Avenue, commented that he owns a house in Vermont and they do not require shed permits. He has been to several Village Zoning Board Meetings and believes that there should be an easier way for people to put sheds on their property since most people do not want them in the middle of their lawns. Most of the sheds that go before this Board are almost always approved and it is a very restrictive and costly process. He suggested that the Zoning Board recommend to the Board of Trustees that if a shed is 8 x 10 and no higher, it can be placed on the property without a variance.

Ms. Lawrence thanked Mr. Bartolacci for his comment and agrees in concept and principal. Ms. Lawrence said that the Board does get their share of shed applications. This shed appears to be one of the larger sheds she has seen.

Mr. Pennella commented that the shed is 20 x 8 feet which is 160 s.f. It may appear larger since it is set back in the corner.

Mr. Ferrino said the existing garage is quite small. The house was built on a rock. The shed will be used to fit the lawn equipment and bikes. There was quite a bit of room in the corner area of the property which is really not useable and wasted space. He is not even able to grow grass back there which is why they chose this location.

Ms. Lawrence said yes but usually sheds are half the size. Ms. Weisel said it is not as deep in the back but it is longer.

Mr. Pennella advised that he can provide examples of other sheds similar to this that may have been approved and also double check the lot coverage for this property. Mr. Pennella said typically there is clearance; in this case, the shed is tucked into the corner which makes it look larger. Ms. Lawrence also said that the property is fenced in on all sides which gives the impression of a larger structure. Ms. Weisel noted that the shape of the yard lends itself to the location.

Ms. Lawrence requested the additional shed information from Mr. Pennella for review before the next meeting.

Ms. Rachlin moved, seconded by Ms. Weisel, to continue the public hearing at the next meeting scheduled for January 9, 2023.

The secretary recorded the vote:

Member Rachlin:	Yes
Member Weisel:	Yes
Chair Lawrence:	Yes
Member Abraham:	Yes
Member Kaplan:	Yes
All in favor. Motion carried.	5 -0

NEW PUBLIC HEARING - 5 High Street Restoration LLC – 5 High Street

The following public hearing notice was available to the public at the meeting:

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 12, 2022** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

5 High Street Restoration LLC  
114 Pearl Street  
Port Chester, New York 10573

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the construction of a 594 SF second story addition to an existing 938 S.F. single family dwelling.

The property is located at 5 High Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 116, Lot 9 and is located in the R 7.5 zone.

The variances sought are as follows:

<b>Code Section:302-21- Residential R7.5 Zone 305-47. Yards; Setbacks</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
<b>§305 Attachment 5: Column 11 Minimum Front Yard Setback</b>	20 feet	10 feet	11.1 feet	8.9 feet
<b>§305 Attachment 5: Column 12 Minimum for Each Side Yard</b>	10 feet	5.9 feet	5.9 feet	4.1 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 by the Planning Board and the Architectural Review Board.

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 2, 2022

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

Luigi DeMasi, RA, the project architect, appeared before the Board and presented the site plan. They are seeking to build a second story addition on top of the existing footprint of the home. The dormer will be expanded to add on 2 bedrooms with a bathroom in the back. It will not be as large as the first floor. He presented an aerial view of the properties which shows that the home aligns with the character of the neighborhood. They will be adding on to the non-conformity which requires a variance of 8.9 feet for a front yard setback and 4.1 feet for the side yard setback. The garage will be restored on the outside only with no interior renovation. Ms. Weisel asked about the large Spruce tree on the right side of the garage. Mr. DeMasi said that they will look at the tree to determine whose property it is on. Counsel Addona advised that this application will be going to the Planning Board and any tree concerns will be addressed at Planning.

Mr. DeMasi advised Ms. Lawrence that the property has been vacant for about 3 years and that he has not heard from any neighbors regarding this project.

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

Mary Jane Driscoll, who resides next door at 7 high street is concerned about the existing garage which is 4.5 feet from her property line. There is a tall Norway Spruce Tree that appears to be right on the property line but looks like it is more on the side of #5. She is concerned that if any construction takes place in the garage that it could impact the roots of the tree and she would like to make sure that the tree is protected. Mr. DeMasi advised that they will be cleaning up the garage and putting on a new roof, otherwise, there will be no changes to the interior. They will not be parking cars in the garage since the floor is made of wood. He asked Mrs. Driscoll for her contact information so that he could discuss the tree matter with her.

There was no further comment from the public. Mr. DeMasi advised that he has not heard from any of the other neighbors.

There were no further comments from the Board.

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

The secretary recorded the vote:

Member Rachlin:	Yes
Member Weisel:	Yes
Chair Lawrence:	Yes
Member Abraham:	Yes
Member Kaplan:	Yes
All in favor. Motion carried.	5 -0

Counsel Addona advised that this is at Type II Action with no further environmental review required under SEQRA.

Ms. Lawrence read through and responded to the criteria for an area variance.

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 proposed project will not produce any change in the character of the neighborhood it will be an improvement.*
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 stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances due to the siting of the house existing home.*

- 3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variance is not substantial due to the siting of the house and they are adding a small second story dormer to the existing home.*
- 4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
- 5. That the alleged difficulty was 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. *Ms. Lawrence stated that it is self-created but that does not preclude the Board from granting the variances.*

Ms. Rachlin moved, seconded by Ms. Lawrence, to approve the requested variances and authorize Counsel Addona to prepare a Resolution memorializing the discussion during the public hearing to include general conditions of approval.

Member Weisel:                    Yes  
 Chair Lawrence:                Yes  
 Member Abraham:               Yes  
 Member Rachlin:                Yes  
 Member Kaplan:                Yes  
 All in favor. Motion carried. 5 - 0

NEW PUBLIC HEARING - Douglas and Teresa Pierce – 31 Stephen Drive

The following public hearing notice was available to the public at the meeting:

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 12, 2022** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Douglas and Teresa Pierce  
 31 Stephen Drive  
 Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the expansion of a driveway and rear patio addition.

The property is located at 31 Stephen Drive and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 112, Lot 11 and is located in the R-60 zone.

The variances sought are as follows:

<b>Code Section: §305 47. B. Yards setbacks:</b>	<b>Required/ (Permitted)</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
§305 Attachment: 5 Column 11, Note 2 Minimum Front Yard - Parking	35 feet	29 Feet	15 feet	20 feet
§305 Attachment: 5 Column 12, Note 2 Minimum for Each Side Yard – Parking	18 feet	33 Feet	13 feet	5 feet
§305-49 Impervious Coverage	(19.25%) 2,889 S.F.	18.88% 2,824 S.F.	26.75% 4,016 S.F.	7.5% 1,127 S.F.

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 by the Architectural Review Board.

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 2, 2022

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

Douglas Pierce, the owner, appeared before the Board to request a variance for the expansion of his driveway which was done over 10 years ago. He was not aware that they needed a permit for this work. This past year, they replaced the deck in the rear and added a patio, and the survey that was submitted with the building permit did not show the added driveway area, which brings him to this Board. He is requesting a variance for the parking in the front and side yards in order to legalize the driveway. In addition, a variance for impervious coverage of 2.83% is needed for the driveway and patio areas.

He advised that the patio is permeable but the plans were drawn as impermeable. The Public Hearing Letter was noticed for the higher value but he is asking for 425 s.f. or 2.83%. Mr. Pennella advised that the patio was installed this summer. A building permit was secured contingent upon approval of the variances for the driveway. The

combination of the patio and the driveway put them over the impervious coverage by 425 S.F. or 2.83%.

Ms. Lawrence asked if anyone in the public wished to comment.

Mr. Jolly confirmed that all of the work has been completed. There were no further questions from the Board.

Counsel Addona advised that this is at Type II Action with no further environmental review required under SEQRA.

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

Member Weisel: Yes  
Chair Lawrence: Yes  
Member Abraham: Yes  
Member Rachlin: Yes  
Member Kaplan: Yes  
All in favor. Motion carried. 5 - 0

Ms. Lawrence read through and responded to the criteria for an area variance.

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 proposed project will not produce any change in the character of the neighborhood since the driveway is consistent with the other homes.*
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 stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variances are not substantial when looking at the neighboring homes.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district since there are other driveways with similar configurations.*
5. That the alleged difficulty was 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. *Ms. Lawrence stated that it is self-created but that does not preclude the Board from granting the variances.*

Mr. Abraham moved, seconded by Rachlin, to approve the requested variances and authorize Counsel Addona to prepare a Resolution memorializing the discussion during the public hearing to include general conditions of approval.

The secretary recorded the vote:

Member Weisel:	Yes
Chair Lawrence:	Yes
Member Abraham:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes

All in favor. Motion carried. 5-0

#### Board Discussion – Cannabis Dispensary Law

Counsel Addona advised that the Board of Trustees is considering a law to regulate zoning for cannabis dispensaries in the village. A Cannabis Law has been adopted at state level that allows cannabis retail dispensaries and consumption establishments throughout New York. Last year, the Village adopted a law to allow cannabis dispensaries. This proposed new law will codify the time, place and location of these dispensaries. The state law also states that the locations cannot be constrained so that there is no place within the village where they can exist. The Board of Trustees has circulated the draft of this law and has asked the Zoning Board to provide comments to them by the end of the year.

Ms. Kaplan said that they have to be a certain distance away from a school or church. Mr. Pennella said the dispensaries are proposed to be allowed in the RR, GB and NS zones. He showed a map to the Board illustrating the areas where they could exist, which is available on the village website. Counsel Addona advised that when an application is submitted, the village will be notified by the state. The state is providing license opportunities to those who have been treated disproportionately. They would like to see the dispensaries widely distributed throughout the state. It is unlikely that there will be one or two dispensaries in this village since they want this use to succeed.

Ms. Weisel asked if there were any restrictions that prevent people from hanging out in the front of the stores. Mr. Pennella advised that he has not heard of any but they do have to be on the ground level. Ms. Lawrence noted that New York is a big state so the chances are slim that one will come to the village, but you never know.

Counsel Addona said it was her understanding that the dispensaries will be highly regulated similar to a bank. Counsel Addona advised that the same type of parking variances will be before this Board if they cannot provide parking on site. Counsel Addona asked the Board to email her individually with their comments on this proposed law.

Mr. Pennella advised that the locations must be 500 feet from any school and 200 feet from any church. Counsel Addona added that in addition to location, the signage would also be restricted.

The Board agreed to review the code and send their comments to Counsel Addona individually so that she can prepare a memo to the Board of Trustees prior to their next work session.

#### ADU Public Comment:

There were a few remaining members of the public present who commented on the proposed ADU law as follows:

John Naughton, who lives at 15 Independence Street, expressed his concern about converting garages into residences that were made for vehicles. There are three garages sitting on his property line and if the ADU zoning is passed, it will affect him. He wanted the Board to be mindful of this and noted that there are a lot of people in Tarrytown that do not know about the proposed law. He said that the village has zoning laws for a reason. Mr. Abraham asked Mr. Naughton if his neighbors have any intention of doing converting the garages. Mr. Naughton said he does not know, but they won't live there forever. In order to enforce this, it will require code enforcement to ensure that the owner is living on site. There are a lot of questions to address. He asked the Board to put themselves in his shoes. He did not buy in Tarrytown for this to happen. He advised the Board that he will be at the BOT public hearing on January 3, 2023 and has already commented to the Village Board on this matter. He thanked this Board for their time.

Dolf Beil, lives in White Plains, but owns property in the Village, at 108 Main Street. He advised the Zoning Board that the public has never been given an opportunity to talk directly with the Housing Task Force Committee who has worked for two years to develop this ADU proposal. He has asked to attend these meetings but was told he could not. Every other village committee permits the public to attend but this one. It appears that the Trustees have been working over an extended period of time with the committee and their minds are already made up. He is neither for or against this proposal. As he learns more, he is getting more thoughts and positions on it but that is not why he is speaking. He wanted this Board to know that there were 5 people in this room tonight who expected the opportunity to interact with Mr. Feroe and they did not get that chance, so they left. Ms. Lawrence advised Mr. Beil that this item was on the agenda as a discussion with the Board and it was not a public hearing. Mr. Beil said the Comprehensive Plan goes on and on about communication involving the public, but the public has not been given the opportunity to be directly involved with the technicians who put this together. He said the Board has, in a back room, decided what they want to do and has used a surrogate to defend their position. It is not open government when the people can't be heard, can't participate, and can't work on a project as it is being

developed. It is frustrating. He thanked the Board for letting him speak. Ms. Lawrence thanked Mr. Beil and advised him that he has the opportunity to go to the public hearing in January and address the Board of Trustees on this matter.

Counsel Addona advised that the public hearing on this matter was opened in October and there have been multiple public hearings. She will dispute that this was done behind closed doors or in the back room. The Board of Trustees is the only legislative Board authorized to adopt local law. The Board of Trustees has followed procedure and has heard comments for several months including providing it to the Planning Board and Zoning Board for comment. The public hearing on this matter has been continued and is ongoing. The advisory committee serves in a volunteer fashion that provided suggestions to the Board of Trustees. It is incumbent on the Board of Trustees to decide if and how to pursue suggestions, which is what happened in this instance.

Mr. Beil said they are only given 3 minutes to address the Board on these matters. They used to have 15 minutes which was changed two years ago, but the salespeople get unlimited time. Ms. Lawrence said that she believes that is done in the interest of time. This Board has been tasked to make suggestions and comment on the proposed law by the Board of Trustees. Mr. Beil said that zoning is a level playing field. It is the rules of the game, written down, and everybody knows them. People who bought homes in single-family residential zones over 50 years ago, expect the rules to be what they are. He noted that two applications came before the Board tonight for shed and impervious variances and they had to notify the neighbors at their expense, which is fine, but this zoning change will re-zone in 60% of the village and he is bothered by the fact that the public has never had an opportunity to interact with the committee who directly did the work.

Mr. Beil said he has been before the Board of Trustees and it goes in one ear and out the other. He thinks it is a good idea to provide the Building Department with a tool to legalize units but there should be a sunset clause to run a trial for 2 or 3 years to see how it works because people are afraid that there will be rampant multifamily housing within the village. He doesn't believe that will not happen, but the constructive dialogue has not been permitted, to begin with, or to continue. It has been structured with conflict. He believes that the way it will play out is that there is going to be a winner and a loser, but either way, the village loses, which is wrong. He would like this Board to recommend a sunset provision to the Board of Trustees. There are a lot of people who have other views. Ms. Lawrence hopes that the public comes out and expresses their views.

#### ADJOURNMENT:

Ms. Weisel moved, seconded by Ms. Rachlin, to adjourn the meeting at 9:05 p.m.  
All in favor. Motion carried. 5-0

Liz Meszaros- Secretary