

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting (Via Zoom Video Conference)  
December 14, 2020 7:30 p.m.

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

ABSENT: All Present

\*\*\* 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 7:30 p.m.

#### APPROVAL OF MINUTES – November 9, 2020

Ms. Weisel moved, seconded by Mr. Braun, to approve the minutes of the November 9, 2020 regular meeting.

The secretary recorded the vote:

Member Weisel:	Yes
Member Rachlin:	Yes
Member Braun:	Yes
Member Song:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0.

#### NEW PUBLIC HEARING – Niall Cain, RA - 25 Mallard Rise

Variance needed for the construction of one-story rear addition to a single-family home.

The following public notice was mailed to the abutting property owners:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing by **ZOOM video conference**, at **7:30 p.m. on Monday, December 14, 2020**, to hear and consider an application by:

Niall Cain, RA  
5 Atilda Avenue  
Dobbs Ferry, NY 10522

For a variance from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the construction of one-story rear addition to a single-family home.

The property is located at 25 Mallard Rise, in the Village of Tarrytown, and is shown on the Tax Maps as Sheet 1.270, Block 137, Lot 38 located in the R-10 Zoning District.

The following variance is required:

Code Description Section 305, Attachment 5	Required	Proposed	Variance Required
Column 12: Min. Distance from Each Side Yard - East	12 Feet	9.67 Feet	2.33 Feet

The Public Hearing will take place via Zoom Video Conferencing in accordance with the Governor's Executive Order 202.1, which has been extended.

\*Please visit <https://www.tarrytowngov.com/home/events/26534> for instructions on how to join the meeting and for updates, if any, if the meeting location information has changed.

Public comments may be emailed to [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or mailed to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, in advance of the December 11, 2020 meeting. Documents relating to this application will be provided by emailing the Zoning Department at [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or by calling 914-631-1487.

Additional approval will be required by the Architectural Review Board.  
All interested parties are invited to join the meeting and be heard.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 4, 2020

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

Niall Cain, RA, representing the owners, Zachary Levine and Rosalba Strada, also present, appeared before the Board.

Mr. Cain showed the addition to the rear of the home on the site plan. He noted that the homes in this area were built in the 50's and this home is non-conforming. They are proposing to add an addition onto the master bedroom in the rear of the property which will require a variance of 2.33 feet from the side yard property line.

Mr. Cain note that the addition will not obstruct views from any neighboring properties. He showed the light exposure plane which indicates that there will be no significant blocking of light or view from the addition. The interior of the home will be renovated in addition to the very small addition and the backyard will be re-landscaped. He briefly showed the front, rear and section elevations. There will be a flat roof with an

overhang. He noted that the existing condenser which is located within the setback and is zoning compliant.

Ms. Lawrence asked if he has heard from the neighbors. Mr. Cain indicated said he spoke with neighbors on the west and they were happy with the improvements and that the area would be cleaned up.

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

Mr. Ringel announced the speaker.

Gail Wobbe, the neighbor to the east at 31 Mallard Rise, was concerned about the garbage location and if there would be a dedicated storage area for the recycling.

Mr. Cain said they will place enclosure adjacent to the driveway. Ms. Strada said that the garage is quite small. They are planning to enclose the garbage and it will not be in the view for much longer.

Ray Wobbe, also of 31 Mallard Rise, asked about the construction time schedule.

Ms. Strada advised that they would like to get started as soon as permits are approved. Mr. Cain advised that the disturbance and noise will be minimal. There will be a small backhoe that can get up the side for the digging of the foundation. The most impactful part will be the first 2 months. The subsequent months will be interior work which will not be noisy.

Ms. Lawrence asked how big the addition was. Mr. Cain said the addition was 258 s.f., which is quite small for this lot. The maximum coverage is 22% and they are only at 14% with the addition.

Mr. Wobbe ended with the comment that it looks like a nice project.

Ms. Lawrence asked if any Board Members had any questions or comment.

Ms. Weisel asked if any boulders or trees would be impacted by the construction. Mr. Cain showed the boulder and tree in question and said there will be no impacts.

Mr. Cain briefly went through the criteria for an area variance.

He does not feel that there is an undesirable change, since the addition will not even be seen from the street. Whether the benefit sought can be achieved in some other method is not feasible since they are making the master bedroom larger and there is therefore no alternative location. The variance is not substantial. This is a very small house, given the size that it could be under current zoning regulations. It is only a one-story addition which will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood. The current home is already non-

compliant so the condition is not self-created. There is really no practical or desirable alternative for the location of this addition.

Mr. Pennella said this application is relatively simple. As noticed, the applicant is required to have a 12-foot side-yard setback. They are proposing 9.67 feet, which requires a variance of 2.33 feet. He noted that the farther the addition goes back, it actually becomes more compliant with the setback due to the lot configuration.

Counsel Addona advised that this is a Type II action with not further environmental review required under SEQRA.

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

The secretary recorded the vote:

Member Weisel: Yes  
Member Rachlin: Yes  
Member Braun: Yes  
Member Song: Yes  
Chair Lawrence: Yes

Ms. Lawrence read through 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 there does not seem to be any undesirable change. The one-story addition will not be visible from the street and will be on the same level as the main house and will have a flat roof.*
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 there does not seem to be any other method other than this small variance; the house is not conforming and this is the only way to make the master bedroom larger.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the variance is not substantial; it is a minimal setback for a very small addition.*
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 there will be no adverse effect or impact on the physical or environmental conditions; it is a small one-story rear addition that cannot be seen from the street.*
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. *Ms. Lawrence stated that this is not self-created since the existing home is non-conforming.*

Ms. Weisel moved, seconded by Mr. Braun, to approve this application and authorize Counsel to prepare a resolution memorializing the Board's discussion to include the general standard conditions.

Ms. Lawrence asked for a roll call vote:

Member Braun:	Yes
Member Song:	Yes
Member Weisel:	Yes
Member Rachlin:	Yes
Chair Lawrence:	Yes

The variances were approved: 5-0

#### ADJOURNMENT

Ms. Lawrence moved, seconded by Mr. Braun, and unanimously carried, that the meeting be adjourned – 7:50 p.m.

Lizabeth Meszaros- Secretary