

Zoning Board of Appeals  
\*Via Zoom Video Conference  
Village of Tarrytown  
Regular Meeting  
February 14, 2022 7:30 p.m.

\*This public hearing was held via Zoom video conference only, in the interest of public health due to an increase in COVID-19 cases in the Village of Tarrytown, and in accordance with NYS Authority which was extended.

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

ABSENT: All present

Ms. Weisel moved, seconded by Ms. Rachlin, to approve the minutes of the January 10, 2022 regular meeting as submitted.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0

#### ADJOURNMENT:

David A. Barbuti, RA  
120 N. Washington Street  
Variance required for the construction of a roof over an existing deck (unenclosed porch) to an existing two-family dwelling.

#### NEW PUBLIC HEARING – Peter Rose – 240 Crest Drive

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing by **Zoom Videoconference only at 7:30 p.m., on Monday, February 14, 2022**, to hear and consider an application by:

Peter Rose  
240 Crest Drive  
Tarrytown, New York 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) required for the construction of a 1,030 S.F. second story addition and a garage conversion to an existing 1,430 S.F. single-family dwelling.

The property is located at 240 Crest Drive and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.120, Block 84, Lot 4 and is located in the R-10 Zoning district.

The variances sought are as follows:

<b>Code Section: §305-20 Residential R-10 Zone</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Existing</b>	<b>Variance Required</b>
<b>Attachment 5, Column 12 Min. for Each Side Yard (ft)</b>	12 Ft.	7.4 Ft. (East)	7.4 Ft.	4.6 Ft.
<b>Attachment 5, Column 13 Min. 2 Side Yards (ft)</b>	26 Ft.	19.6 Ft.	19.6 Ft.	6.4 Ft.
<b>§305-5 Light Exposure Plane Attachment 5:1 - Notes: 1.</b>	12 Ft.	19.5 Ft.	6.5 Ft.	7.5 Ft.
<b>§305-63 C. (3)(a) Parking in a front yard. 305 Attach. 5 Col.11</b>	25 Ft.	5.67 Ft.	25 Ft.	19.33 Ft.
<b>§305-63 C. (3)(a) parking in a side yard. 305 Attach. 5 Col. 12</b>	14 Ft.	5.4 Ft.	n.a.	8.6 Ft.

The Public Hearing will take place **via Zoom Video Conferencing only**, in accordance with NYS Authority, which has been extended.

Please visit <https://www.tarrytownny.gov/home/events/37331> for instructions on how to join and participate in the meeting.

Public comments may be emailed to [imeszaros@tarrytownny.gov](mailto:imeszaros@tarrytownny.gov), mailed or delivered to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, by 12 pm on Friday, February 11, 2022, in order to be distributed in advance of the meeting.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall and will also be provided via email to [imeszaros@tarrytownny.gov](mailto:imeszaros@tarrytownny.gov) or by calling 914-631-1487. Additional approval is required from the Planning Board and the Architectural Review Board.

All interested parties are invited to attend and be heard.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros - Secretary to the Zoning Board

Dated: February 4, 2022

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

Sam Vieira, RA, the project architect, appeared before the Board, representing the applicants, Mr. and Mrs. Rose, also present. Mr. Vieira briefly described the project which will add a second story above an existing 1,150 s.f. ranch style home. This project is typical to other projects in this area of the village. The intent is to add square footage and relocate the bedrooms to the second floor, which will add an additional 1,077 s.f. to the home. In terms of streetscape, the Rose's were sensitive to the overall height of the house and they are keeping within the existing footprint. The garage will be converted into livable space and will need to be raised 2 feet to better align with the existing first floor structure. This has triggered the requested two side-yard variances. By converting the garage into livable space, they will lose a parking space and have created a space in the driveway that goes beyond the required front yard by 19 feet.

Mr. Vieira presented the plan. The main roof has been raised 13.5 feet on the north side of the house. The light plane became one of the determining factors used in the design of the house. He showed the light plane line indicating small roof area which triggers the small variance but noted that the height to the midpoint of the roof measures 25 feet where 30 feet is allowed by code. They are therefore 5 feet lower than what is allowed by code. For the record, he measured at the rear roof as opposed to the front roof, which created a higher average height. He is in receipt of the letter sent to this Board from Peter Zagrobelny, who lives next door at 234 Crest Drive. He advised that while there will be larger shadows cast on this property, the light plane was used when determining the height of the house during the design phase to limit the height which is 5 feet less than what is allowed by code. He also advised that these two homes #234 and #240 are 37 feet apart. In accordance with the code, the light plane is measured from the base of the house of the adjacent property but if the home is closer than the required side yard, then you can go to the required setback. He did not have the benefit of having a survey for 234 Crest Drive, but if that line was moved 20 feet to the left, it would be nowhere close to where the light plane is at the base of the Zagrobelny residence.

Ms. Lawrence asked why the 2 feet in height is being put onto the garage area. Mr. Vieira said the garage had to be lifted to get to the first-floor height. It is a minor change.

Ms. Lawrence asked if the height could be reduced on the south side. Mr. Vieira showed that the light plane does not affect any shadow on this side. The homes are spaced apart and lowering the room would not have any impact or benefit.

Ms. Lawrence read a letter received from Peter Zagrobelny, 234 Crest Drive, an immediate neighbor to the north as follows:

*"Dear Zoning Board of Appeals,*

*My name is Peter Zagrobelny. I live at 234 Crest Drive with my wife Tina and our family. We are writing to you regarding the proposed renovation of the Rose residence at 240 Crest Drive. We are next door neighbors*

*of the Roses to the north. I have lived in this house for 60+ years. My family and I have lived in this house for more than 18 years.*

*We are in full support of bettering our homes for our families and increasing property values at the same time. We have considered, and still consider, an extension on our home many times. We certainly understand the challenges of a growing family. However, we have some concerns regarding the extensive changes proposed.*

- With the limited distance already between the two homes, the extremely high roof of the renovated home will affect the natural light exposure on the south side of our house and cast a shadow on our home. The south side of our home is where our kitchen and dining room are located. Also, our vegetable garden and fruit tree are located on the south side and have been there for many years, as it is the only place on our property that gets adequate sunshine to support them.*
- With the current size of the new home as designed, along with the current higher elevation of their home in comparison to ours, it will be completely overbearing for our property and all the improvements we made to our home. As a result, it will affect the value of our home negatively.*

*We have been mutually great neighbors. We are happy they plan on staying and expanding their home to meet their growing family's needs. Renovations can be positive if it is beneficial for all homes and does not negatively impact any neighboring home. However, with the extensive renovation and a much higher roof line, we would like some modifications to be made.*

*We hope that we could come to an agreement that would mutually benefit both families.*

*Thank you for your consideration,*

*Peter Zagrobelny"*

Mr. Vieira again explained that the light plane became the guiding force in determining the height of the house. There was care taken to not go beyond what would be allowed. It is important to understand that both homes have garages facing each other. The garages may be closer but the main structures are 37 feet apart and if the light plane line was drawn at the base of #234, it would be nowhere near the roof line.

He showed the north/south elevation. The garage ridge is 2 feet taller. They need the attic space for the mechanicals. They did not go a full 8 feet high in the front to cut down on the bulkiness. They wanted a cottage feel and added the dormers. From a massing standpoint, this plan is smaller than previous projects. The ridge is also lower and the shadow has also been greatly reduced.

Ms. Lawrence agreed that in terms of the style of the house, it will be less massive than some of the other projects they have seen. The neighborhood is changing. Many people are moving into this neighborhood and the older style houses are not meeting current needs. It is difficult for them as a Zoning Board to preserve the character of the neighborhoods while understanding the needs of the community. These little houses

on Crest drive had many children in them at one point, so it is not really the necessity of adding another story because you have more children, it's a necessity for a more modern and a more amenable style house.

Mr. Vieira said they are proposing 3 bedrooms on upper level and the downstairs will have a room in the back to be used as a flex room. He agreed and said most of these projects center on expanding living spaces such as the kitchen, that we have all become so accustomed to. Many homes in this area do not have basements since there is a lot of rock in the area. It is therefore less expensive and invasive to build up rather than go out and, essentially, the most efficient way to expand a home in this area.

Ms. Lawrence commented that this house will have a different feel and design because of the roofline. Ms. Lawrence opened the meeting for public comment.

Peter Zagobelny, 234 Crest Drive, is glad the Rose's are expanding but wants to make sure their home will not be negatively impacted. They want to better understand the light plane changes and how it will affect them in casting the shadow onto their home. Mr. Vieira said it is hard to quantify the effect. There is winter and summer sun which constantly changes at different heights and higher angles during the day and seasons. In the summer, you can expect very little impact since the sun will be at a high angle. In late December, you will feel the effects of the shadow more. These homes are not exactly in the n/s access which also effects the shadowing. He does not want to sound evasive but he does not know how to quantify it. They have met the zoning requirement. The house could be taller but they wanted to be conscientious neighbors and took the light plane factor into consideration during the design.

Tina Zagobelny, 234 Crest Drive, commented that they want the project to happen, but their house is small and they want to make sure it will not be overshadowed. It appears that Mr. Vieira's presentation indicates that this is not the case and she is happy with what she has heard. Mr. Viera again said the biggest impact would be in late December. He measured the distance between the homes which is 37 feet, so the homes are not that close.

There was no further public comment.

Ms. Lawrence said that she would like to conduct a balloon test so that the Board can visualize how the home will look from the street. It is hard to look at plans and visualize what the house is going to look like when it is finished. She appreciates the streetscape but would like to have the balloon test before the next meeting. She asked the Board Members to comment.

Mr. Song had concerns about the neighbor to the north and based upon their comments and the discussion, he is reassured.

Ms. Rachlin feels better hearing from the neighbors. She thinks the house looks overbearing next to the smaller homes and asked if the attic space could be reduced.

She did not think that the homes across the street had attic space. She agreed that seeing a balloon test may help.

Mr. Vieira explained that the pictures submitted were taken by him from the curb. The roofline may look taller because you are looking at it from an angle. He wants to emphasize that they are not requesting a height variance and the light plane does not encroach. He is respectfully wondering even if the balloon test will be helpful since the variance is for a corner of the proposed house that is non-conforming.

Ms. Weisel said the neighbors did ask about the overall look, which is something this Board looks at even though the applicant is not seeking a height variance. She believes the balloon test would give them a better physical feel of what it will look like in terms of the overall character of the neighborhood. It is not something they are approving or disapproving. She thinks it would be helpful for the neighbors as well as the Board.

Mr. Abraham understands Mr. Vieira's point that he is not seeking a height variance but has concerns about the overall look which does fall within the domain of this Board. It may feel like this makes the light plane issue kind of sneak in the back door but he thinks the more general look is relevant and thinks a balloon test would be helpful. He would like to get a better understanding of the attic space in some of the homes.

Ms. Lawrence noted that one of the criteria that the Board pays a great deal of attention to is whether or not the proposed structure fits into the character of the neighborhood. Even though the height meets the code, she thinks it would be good to take another look at it, and then decide.

Mr. Jolly asked if the addition would affect the sunlight on the fruit tree noted in the letter. Mr. Vieira said the construction is on the existing footprint. He does not anticipate any adverse effects on any of the vegetation on this property or any other property.

Ms. Weisel asked if they will be cutting into the front yard to adjust for the driveway. Mr. Vieira said the code allows parking for one or two-family homes to exist in the driveway. They are just formalizing the location of the spaces. Effectively, they are taking away a parking space that has never been really used.

Ms. Lawrence moved, seconded by Mr. Song, to schedule a balloon test and continue to the public hearing on March 14, 2022.

The secretary recorded the vote:

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

NEW PUBLIC HEARING – Marcel Martin - 20 Wildey Street

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing by **Zoom Videoconference only** at **7:30 p.m., on Monday, February 14, 2022**, to hear and consider an application by:

Marcel Martin  
20 Wildey Street  
Tarrytown, New York 10591

The property is located at 20 Wildey Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 13, Lot 7.2 and is located in the M-2 Zoning District.

The Applicant is seeking an interpretation/appeal pursuant to New York State Village Law Section 7-712- a and the Village of Tarrytown Zoning Code Sections 305-109 and 305-118A, appealing the determination of Donato Pennella, P.E., Building Inspector, in the Letter of Permit Denial, dated January 20, 2022. The applicant contends that the variances listed below are not required for reasons set forth in their application to the Zoning Board.

In the alternative, the applicant is requesting approval of the variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the expansion of a parking area for five (5) off-street spaces and perimeter walls, as determined by the Building Inspector as follows:

Code Section: Residential, M-2 Zone	Required (Permitted)	Proposed	Existing	Variance Required
<b>§305-47 B. Off-street Parking and Loading:</b> Obstructions in yards. <b>No</b> building, <b>paving</b> , <b>parking</b> , structures or any use whatsoever or any projection from buildings or structures on any site in any district shall be permitted in a <b>required yard</b> . <b>§305-63 C. (3) Parking in a side yard. (East)</b> <b>305 Attach. 6 Col. 12.</b> Enclosed parking structures and <b>paved parking areas shall constitute an accessory building and shall conform to the required setback requirements for the applicable zoning district</b>	8 feet	1.5 feet	11 feet	6.5 feet
<b>§305-63 C. (5)(c)[3] Min. landscape buffer</b>	5 feet	0 feet	n/a	5 feet

The Public Hearing will take place **via Zoom Video Conferencing only**, in accordance with NYS Authority, which has been extended. **\*Please visit <https://www.tarrytownny.gov/home/events/37331> for instructions on how to join the meeting.** Public comments may be emailed to [imeszaros@tarrytownny.gov](mailto:imeszaros@tarrytownny.gov) or mailed or delivered to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, by 12 pm on Friday, February 11, 2022, in advance of the meeting.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall and will also be provided via email to [imeszaros@tarrytownny.gov](mailto:imeszaros@tarrytownny.gov) or by calling 914-631-1487.

Additional approval is required from the Planning Board and the Architectural Review Board.

All interested parties are invited to attend and be heard.  
By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: February 4, 2022

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

Ralph Mastromonaco, RA, the project architect, appeared before the Board representing the applicant, Marcel Martin. He explained that Mr. Martin would like to re-align the parking lot for use by his two-family home at 20 Wildey Street. Currently, the cars park facing into the house and the car headlights face into the house which is bothersome. The noise of people starting their cars is also a concern. In addition, the cars are also parked too close to the home which presents a safety issue to the building. Mr. Mastromonaco explained that plans were submitted by Mr. Pennella who denied the application and listed the required variances needed in his Letter of Denial dated January 20, 2022. Mr. Mastromonaco briefly presented the plans which show the parking lot coming right up to the property line. He noted that the large 36" tree will be preserved and the driveway curb cut will remain. They want to turn parking around and aim it towards the commercial parking area. He said that he had no choice but to apply for these variances but he does not think the first two variances are necessary for the following reasons:

Variance 1 - §305-63 C(3) parking in the side yard - They are proposing to park within 1.5 feet of the left property line. Mr. Pennella has determined that the code requires 8 feet. Mr. Mastromonaco said he did not see any restricted distance of 8 feet in the code.

Variance 2 - §305-63 C.(5)(c)[3] - Mr. Pennella cited the need for a landscape buffer of 5 feet. Mr. Mastromonaco does not believe that the landscape buffer applies for this project because the code excludes one, two or three family dwellings.

Mr. Mastromonaco showed the proposed little bit of a wall with a 3 ft. high fence on top and pointed out that this property is 4 ft. lower than the adjoining commercial property. So, it really amounts to about a 2 ft. wall from that and a 2 ft. fence from this side. They just want to improve the property and do not think that it will affect anyone.



Variance 3 - §305-47 B. – Off Street Parking and Loading - A brief discussion took place. Mr. Mastromanaco stated that the code is quite confusing. The code states that no building parking or paving in any district shall be permitted in a required yard. He looked around the neighborhood and many of the lots have parking in the side yards and rear yards which means there would be no impact on the neighborhood. He also noted the lots on the plan that have parking in the side yard and rear yards. He does not believe that moving the parking lot over 5 feet would have any effect on the neighborhood or the characteristics of the neighborhood. Except for the driveway area shown, they are proposing gravel which will reduce the pervious surface and will install the decorative fence. Mr. Mastromanaco said also, that with this particular variance, there is an exception that says that they can seek Planning Board approval, but in this case, site plan approval is not required because there is no change of use here. He showed an aerial view of the lot showing the parking and paving right up to the property line.

Counsel Addona referred to the Denial Letter and advised Mr. Mastromanaco that this letter states that Planning Board approval is required for this project. She would like Mr. Mastromanaco to clarify if he is also appealing the Building Inspector's determination that Planning Board approval for this project is required as indicated in the Denial Letter.

Mr. Mastromanaco does not think site plan approval should be required because there is no change of use. Counsel Addona said the Denial Letter clearly states that Planning Board approval is required and she wants to be clear what the applicant is appealing to this Board. She again referred to the letter which lists the approvals that are required which includes Site Plan approval from the Planning Board and approval from the Architectural Review Board in addition to the variances. She also advised that the letter states that a building permit will not be issued until the necessary approvals are granted.

Mr. Mastromonaco said he hadn't seen that, but if the Board would agree, he would be pleased to avoid site plan approval for this project since he thought that they just automatically did not need it.

For the benefit of the public and the Board, Counsel Addona stated that there are two steps to this application process. First, the applicant is seeking an interpretation of the Building Inspector's determination. It appears that the applicant's position is that they do not need these variances or Planning Board approval. She asked Mr. Mastromonaco if he had a position on the Architectural Review Board approval. Mr. Mastromonaco was not sure since he had not looked at the denial letter.

Counsel Addona is trying to flesh out what appeals the applicant is seeking from the Zoning Board. She stated that the Board will have to review and consider point by point all of the issues that the applicant is raising and determine if each of the two variances are needed based upon the Building Inspector's determination and if site plan approval is needed. If it is the applicants position that ARB approval is not needed, then a further review will be required to see if this falls within the Zoning Board's purview,

since it is not part of the Zoning Code. She explained to the Board that the first step is the appeal and the interpretation as to whether the Building Inspector was correct in his denial letter. If the Board determines that the determination is correct with respect to the variances that are needed, then the Board will consider the variances through the normal procedure.

Mr. Pennella explained his position regarding the approvals and variances that are required as indicated in his denial letter as follows:

- With regard to Site Plan approval, in accordance with §305-132, site plan approval is required for all uses of land where no building is proposed. Based on this current site, there are 5 spaces proposed which is a change of use from 3 to 5 spaces. He showed a survey of the site.
- With regard to Architectural Review Board approval, it is required for the fence that is proposed.
- With regard to §305-47 B. – Off street parking and loading, the code states that no building, paving or parking can be created in a side yard setback.

Mr. Mastromonaco advised that he agrees with this section of the code and is not challenging this section of code with the Board.

- Section §305-63 C(3) - Parking in the side yard is the actual section of code that requires an 8 ft. minimum side yard setback in the M-2 zone which is required in accordance with §305-47 B. Therefore, the applicant will require a side yard variance of 6.5 feet.
- With regard to §305-63 C.(5)(c)[3] – the code requires a minimum 5-foot buffer along any boundary of a multifamily use and referenced the property located at 107 N. Broadway. Therefore, a variance is required.

Mr. Mastromonaco said the adjoining multifamily use is located in the RR Zone and he believes it is not applicable. Mr. Pennella disagreed and said it does not matter what zone the property is located in and either a buffer is needed or a variance is required. Mr. Mastromonaco was unclear who had to put the buffer in place. He thought the multifamily was responsible for this. Mr. Pennella said the property where the work is proposed is responsible to put the required buffer in.

Ms. Lawrence believes that the Building Inspector's letter and interpretation is correct as Mr. Pennella described and as written. She asked the other Board Members to respond. Ms. Weisel agrees that the interpretation is correct. Ms. Rachlin, Mr. Song, and Mr. Abraham all agreed that the interpretation was correct.

Ms. Lawrence opened up the meeting for public comment.

Ms. Fasman advised that there is no public comment at this time.

Ms. Lawrence read an email received from Dean Gallea, who lives at 28 Wildey Street, into the record.

*Dear ZBA,*

*I request that the owner be required to use permeable pavement (as has been used for the existing parking at the location), and that zero-runoff be enforced for the project. This yard is on a slope, with a parking area on the adjacent property (22 Wildey) downhill from it that has a catch basin sized only for its own runoff. Even that basin has overflowed into my adjacent property (28 Wildey) at times.*

*Regards,*

*-- Dean Gallea, 28 Wildey St., Co-Chair, Tarrytown Environmental Council*

Counsel Addona advised that the applicant will be going to the Planning Board who will look at the drainage issues at site plan.

Ms. Rachlin moved, seconded by Mr. Weisel, to uphold the interpretation of the Building Inspector that the variances as listed in the Denial letter, dated January 20, 2022, and the requirement of Planning Board site plan approval are all necessary to move the project forward.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0.

A discussion began to review the variances required for this application. Ms. Weisel visited the site and advised that the side-yard setback will basically be brought down to nothing. There will be some plantings and trees that will be taken out to accommodate the fence that is going in and there will be no buffer at all. She understands that the applicant does not want headlights facing the building and the need to turn it around, but it is very difficult for her to get beyond the language of the code without some wiggle room on adjusting some of the numbers. She does not know if it is possible to reach a compromise because it is so tight.

Ms. Lawrence agrees and asked how long this parking lot been facing the building? Mr. Mastromonaco said the house was built 100 years ago, so the lot has been there since there have been cars. Ms. Lawrence has never heard any complaint about the

problem with the headlights. Mr. Mastromonaco said it is not only that, it is also a fire safety concern. If this was a multifamily building, there would be a restriction of 15 feet. If a car catches fire, it is better to be 15 feet from the building rather than 8 feet. Ms. Lawrence drove by the site today and there were a lot of cars and trucks facing the building. She is not quite sure why there were so many cars parked there since the lot cannot accommodate that many cars. Mr. Mastromonaco could not speak to that but stated that it is a two-family house. Ms. Lawrence asked what the parking requirement was for a two-family. Mr. Pennella advised that this Board is considering granting variances above what the minimum code requires, which is 4 spaces. He also noted that there should also be concern for the adjacent property with regard to having cars parked too close to their building in case of fire. Mr. Pennella believes there is room to pull the lot back a little more from the property line.

Ms. Rachlin asked what the existing buffer is with the existing plantings. Mr. Mastromonaco pulled up the survey. Mr. Pennella noted that the lot has been in existence for at least 22 years according to his 1999 survey. Whether it was used for parking or something else prior to that is really unknown. The property was subdivided from the adjacent property around that time.

Mr. Jolly asked about the easement document that was included in the application. Mr. Mastromonaco advised that there is an easement in the back of the property but it has no relevance to this application.

Mr. Mastromonaco showed his survey and pointed to the multifamily house next door. His interpretation was that the buffer was meant to be provided by the multifamily residence. Ms. Weisel asked about the trees planted as a visual buffer that she saw at the site visit which were to be removed to accommodate the fence. She was not clear how far the fence was going to extend. Ms. Lawrence asked if they could just put a fence between the front of the cars and the house and move the parking spaces back a little bit with a short fence in order to avoid the variances.

Mr. Mastromonaco said that technically the backup area for the parking lot would need a variance as well. In order to make a safe parking lot, they have to be pretty close to the adjoining property. If he moves the parking lot to the right, this driveway has to be moved to the right too, otherwise you drive in and a car would be parked here.

Ms. Lawrence said the parking has been there for a long time and it really hasn't been an issue so why can't they just keep the parking lot as is.

Ms. Weisel noted that there is a sidewalk just below the 3-foot retaining wall located where the cars are currently parked. Mr. Mastromonaco pointed to the edge of the parking lot and noted that the cars actually go right up to the wall. He showed the gravel area that Mr. Pennella showed on his old survey.

Ms. Lawrence is not ready to vote this evening. She would like to go back and walk the site before the next meeting. She asked the Board Members to comment.

Ms. Weisel would also like to visit again. She thinks the Board should take a look to get a feel of the space in terms of the cars backing up and the fact that the landscape buffer would be non-existent. She believes that a compromise is needed but even with that compromise, it is going to pull the cars out further in front. If they park on the opposite side, they are going to have to park further down to accommodate the current 8-foot space requirement, instead of clustering up towards the front of the property, the way they are now.

Ms. Rachlin would like to see it again as well. She needs to get a better understanding. Mr. Abraham would like to go out and look at it again. Mr. Song thinks a site visit will be helpful in light of this new information.

Ms. Rachlin moved, seconded by Ms. Weisel, to continue the public hearing on March 14, 2022 and to schedule another site visit before the meeting.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0.

#### NEW PUBLIC HEARING – Michael and Janaki Degen- 86 Crest Drive

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing by **Zoom Videoconference only at 7:30 p.m., on Monday, February 14, 2022**, to hear and consider an application by:

Michael and Janaki Degen  
86 Crest Drive  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") to construct a second story over the existing garage, a one-story rear addition, and a third-story addition over the principal single-family dwelling.

The property is located at 86 Crest Drive, Tarrytown, NY and is shown on the tax maps as Sheet 1.110, Block 76, Lot 2 and is in the R 7.5 Zoning District.

The variances sought are as follows:

Code Section: §305-21 Residential R-7.5 Zone	Maximum Permitted	Proposed	Existing	Variance Required
Maximum Height (stories) Attachment 5, Column 18	2.5	3	-	1 Story
§305-25 Maximum floor area	2,925 SF	3,648 SF	2,161 SF	723 SF

The Public Hearing will take place **via Zoom Video Conferencing only**, in accordance with NYS Authority, which has been extended.

**\*Please visit <https://www.tarrytownny.gov/home/events/37331> for instructions on how to join the meeting.** Public comments may be emailed to [imeszaros@tarrytownny.gov](mailto:imeszaros@tarrytownny.gov) or mailed or delivered to the Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, by 12 pm on Friday, February 11, 2022, in advance of the meeting.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall and will also be provided via email to [imeszaros@tarrytownny.gov](mailto:imeszaros@tarrytownny.gov) or by calling 914-631-1487.

Additional approval is required from the Planning Board and the Architectural Review Board.

All interested parties are invited to attend and be heard.  
By Order of the Zoning Board of Appeals

Lizbeth Meszaros  
Secretary to the Zoning Board

Dated: February 4, 2022

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

Frank Tancredi, RA, the project architect, appeared before the Board, representing the applicants, Michael and Janaki Degen, also present. His video was not up, but the audio was working. The applicant is seeking a FAR variance of 723 s.f. above the permitted 2,925 s.f. and an additional one-story height for attic bedrooms. This project was before this Board in 2018 for a similar program. The Degen's would like to add two bedrooms up in the attic space, which is what they are calling the third floor, which requires a one-story variance. They are also proposing to build a one-story addition in

the back to create a family room off of a new kitchen and increase the size of the garage with some second story space above. He referenced that they have reduced the FAR variance by an additional 800 s.f. compared to their previous application by carving out the square footage mainly in the area between the garage and the primary structure. They are not expanding out to the footprint and the size of the house has been considerably reduced. He showed the outline of the proposed one-story addition to the left and the garage with the storage above with some walk-in closets. The house does not have a functional attic at the moment. It is very shallow about 6-feet in height. They are proposing to tear the roof off and put two bedrooms in, one for each of their sons who currently share one of the smaller bedrooms. He showed the bedroom in the front which will be converted to the master bedroom. The daughter's bedroom will become a master bathroom. He doesn't have a final plan but that is not relevant at this moment. The current bathroom would become the laundry room and the daughter would get the current master bedroom with a separate bathroom for her. He showed the area above the garage that would be used for a walk-in closet and for storage, an attic area. It will not be used for habitable space. He showed the north elevation and the current height of the house. They are not planning to come up a full 8-foot story. They will spring the roofline from the same point at a 45-degree angle raising it up about 6-feet 9-inches. They will add three smaller dormers in the front and noted that the previous plan had larger dormers, which added to the bulk. He agrees with Mr. Vieira, who presented the 240 Crest Drive application earlier, that, in reality you don't see as much roof as it shows in the drawing. If you are standing at the street, looking at the current house, it actually looks undercooked, for lack of a better term. In other words, there is not enough roof and it looks too bottom heavy because of the shallow pitch of the roof. He believes that his design will add a better traditional look to this home. They are not proposing to increase any of the side-yards and they are good on the height; it is only the FAR which they are over by 723 s.f. With regard to the one-story variance, he asked Mr. Pennella if they were not proposing the bedrooms on the 3<sup>rd</sup> floor attic level and they just wanted to change the look of the house and the area was not accessible by a stairway, would that be permitted under that definition?

Mr. Pennella referred to his denial letter which specifically states livable space which is accessible by stairs. He advised if they eliminated the staircase and just dormered it for looks, as long as the average building height is not exceeded, then it would not be considered a story. Mr. Tancredi also wanted to go back and recheck his calculations. He included the walk-in closet and storage area in his calculation which makes this third floor less than 50% of that. Mr. Pennella said we can look at the numbers, but based on the submission, a one-story variance is required. If the applicant is looking to reduce it so that it does not trigger the third story, that is fine.

Ms. Tancredi just wanted to make the point that as far as the look with regard to the bulk of the house, it would be permitted for an attic area. He advised that they will keep their cars in the garage as there have been a number of burglaries in the area. They are over the FAR, but not anywhere near what was previously proposed in the prior application. He asked the Board if they had any questions.

Ms. Lawrence asked what was above the garage. Mr. Tancredi said it will be used for walk-in closet and storage. The other plan had a larger doorway and portico. They shaved off a lot of this by not widening the driveway and have also saved the tree.

Ms. Lawrence thanked Mr. Tancredi for the pictures of the last house. She would like to see a streetscape of how the home will look in comparison with the adjacent homes.

Mr. Tancredi showed the streetscape. Ms. Lawrence wants it updated to show the house aligned into the streetscape to see what it will look like with the adjacent homes. It is difficult for Board to visualize what the home will look like as built unless that is submitted.

Ms. Lawrence asked if anyone else would like to speak. Ms. Fasman advised that there was no public comment.

Michael Degen, the applicant, stated that when they were before this Board last time, six of their neighbors showed up to support them; twelve neighbors wrote letters in support of the project, and another neighbor attended the meeting and expressed their support. The entire neighborhood is in support of the project which he feels is important.

Ms. Lawrence agreed that this was important and noted that the Board is in receipt of an email from Karen and Matthew Louie, who live at 91 Crest Drive, dated February 2, 2022, which she read into the record:

*Dear Zoning Board of Appeals,*

*My wife and I are writing to support the variance proposal of Janaki and Michael Degen of 86 Crest Drive. We fatefully became their neighbors a little over two and a half years ago. When we first moved into the neighborhood, they were the first to welcome us with open arms and introduced us to many of the families around us. Moving from the city, where it's commonplace to be unfamiliar with the people living on the other side of your walls, it was alarming to experience such warm generosity from strangers, but it was just a fraction of the radiant, loving energy that the Degens emanate to this community.*

*When the area lost power in August 2020 from the crushing devastation of Hurricane Isaias, Michael and Janaki were thoughtful enough to reach out to share their generator to ensure my wife's milk stores for our 9-month-old son were kept frozen and that he was comfortable in the summer heat. Despite their hectic lives as physicians and parents of three beautiful and equally loving children, they always manage to find time to offer a helping hand or words of advice.*

*This type of kindness extends beyond our own personal good fortunes; the Degens' property has become, or probably has been from the time before our arrival, a meeting place for our community. Their patio evolves into a Sunday night football arena on warm fall nights. When*



*their daughter turned seven, their driveway became a drive-in movie theater for everyone to enjoy. And in the midst of the pandemic, when so much was asked of our children, including isolation from their friends, their backyard became a safe haven for them to meet (masked) and have some semblance of normalcy. It wasn't unusual for me to come home from work to find 15 neighborhood children playing in their yard. Their home continues to act as a central meeting point for kids on our block. We can discuss their roles as parents in the community through their children's activities or how they worked tirelessly through the pandemic to save lives, but their openheartedness and devotion to creating a safe place for our future generations is what builds community here in Tarrytown and will carry forward into the communities that our children will create once they've grown. It's a very large part of why we've decided to stay in the Crest for the foreseeable future. Having them here is paramount to the character that we hope this town will promote.*

*That being said, we have reviewed their plans and have no objections to the variance. Living directly across the street, we've grown to appreciate their home as one of the most beautifully well-kept in the neighborhood and the architectural changes, a culmination of years long, meticulous planning, will only accentuate this. Moreover, the modifications to the front façade and in relationship to their total lot size appear to be minimal and tasteful. A 723 sq ft variance is a small ask to keep a family like the Degens in Tarrytown.*

*Should you require any further comments, please kindly contact us at [matthew.louie88@gmail.com](mailto:matthew.louie88@gmail.com), [karenshein89@gmail.com](mailto:karenshein89@gmail.com),*

*Sincerely,  
Karen and Matthew Louie*

Ms. Lawrence asked the Board Members to comment.

Ms. Weisel appreciates the work that has gone into trying to reconfigure the prior plan and appreciates the streetscape. She referred to the three houses at the bottom on Highland Avenue that aren't included in the streetscape which visually look above - average in square footage. She would like to see those homes in addition. She does believe that the FAR increase is substantial however, she would like to hear what the other Board Members have to say.

Ms. Rachlin said she dropped off of the meeting a couple of times and missed some of the presentation. She thinks it is a much better proposal than the last one but it still seems a little large to her. Ms. Wiesel's request to include the square footages of the houses on Highland should be helpful and maybe a balloon test should be done as well.

Mr. Abraham shares these concerns. When he drove down the street, the proposal of 3 stories did not seem consistent with the other houses. He is not an architect and is not able to translate the flat drawing into a concrete image in his mind, but nonetheless, it seemed abhorrent. He is happy to see another balloon test.

Mr. Song noted that the footprint is definitely quite larger than the other residences in the streetscape. He also believes the balloon test and visual would be helpful to get a better sense of the structure.

Ms. Lawrence agrees that a balloon test should take place. What concerns her the most is the third story. She does not know any house in that neighborhood that has a third story. One of the criteria for granting variances is to determine if the house really conforms to the neighborhood. She would like to continue the public hearing to next month, have the balloon test prior to the meeting, and have the streetscape updated to compare the proposed home to the other homes next to it, and also maybe have the heights of the neighboring houses included.

With regard to the balloon test, Mr. Pennella wanted to confirm that the balloon should be placed at the ridgeline of the buildings.

Ms. Weisel moved, seconded by Ms. Rachlin, to schedule a balloon test and continue the public hearing on March 14, 2022.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0.

#### ADJOURNMENT:

Ms. Weisel moved, seconded by Ms. Weisel, to adjourn the meeting at 9:35 p.m.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0.

Liz Meszaros  
Secretary