

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Village Hall
March 14, 2022 7:30 p.m.

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

ABSENT: Members Song and Abraham

Chair Lawrence opened the meeting at 7:32 pm.

APPROVAL OF MINUTES – February 14, 2022

Ms. Weisel moved, seconded by Ms. Rachlin, to approve the minutes of the February 14, 2022 meeting, as submitted. All in favor. Motion carried. 5-0

EXECUTIVE SESSION OF THE BOARD:

Ms. Weisel moved, seconded by Ms. Rachlin, to go into executive session to seek advice of counsel, at 7:34. All in favor. Motion carried. 5-0

Ms. Jolly moved, seconded by Ms. Weisel, to come out of executive session at 7:54 All in favor. Motion carried. 5-0

CONTINUATION OF PUBLIC HEARING – Peter Rose – 240 Crest Drive

Variances 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.

Samuel F. Vieira, RA, the project attorney, has returned to continue the public hearing. He is representing the Rose Family, also present. He briefly reviewed the variances they are seeking from this Board. The two side-yard variances are needed to increase the height of the existing garage roof by 2-feet to accommodate head room, as they are converting the garage into partial finish space. The other two variances are associated with the displacement of the potential parking inside the garage which requires a side and front yard setback variance in order for a second car to park in the driveway. The last variance is associated with the light exposure plane. He showed the elevation plan and noted that the upper ridge of the main structure penetrates the light plane on the south-side of the house. At the last meeting, the Board requested a balloon test to give them a sense of the ridge heights of the home. In an effort to outsmart nature, they put up boards to show the height, which unfortunately came down with the windstorm last week. He believes that some of the Board Members were able to visit the site before the boards came down.

He noted that Mr. and Mrs. Zagrobelny, of 234 Crest Drive, were satisfied with the presentation at the last meeting with respect to the light plane and the southern

exposure of the sun. They have followed up with a letter to the Zoning Board, dated March 2, 2022, acknowledging that they are comfortable with this project moving forward.

Mr. Vieira showed the streetscape plan which includes the properties to the left and right. He noted that Crest Drive goes uphill elevation toward the south which explains the height differences in the homes. The doghouse dormers were added to architecturally mitigate the bulk that would be created rather than going up two straight stories.

Ms. Lawrence asked why 245 Crest Drive has the dormers on the second story but the roof doesn't seem as high. Mr. Vieira said they stopped the roof at the midpoint of the windows so the rooms do not have a full 8 feet. Ms. Lawrence asked if the height could be lowered. He said it could be lowered by they are trying to mitigate the bulk. There is no full attic and there is not a tremendous amount of square footage up there. The mechanicals and storage will be up the attic since there is no basement. He again noted that when designing the home, they worked backward from the light plane to be respectful of the neighbors, the Zagrobelny's, to the north. That imaginary light plane line became a limit from a design perspective. He also noted that they are 5 feet below the allowed height.

Ms. Lawrence read the letter from Peter and Tina Zagrobelny into the record:

Dear Zoning Board of Appeals,

Thank you for the opportunity to speak at the February Board of Appeals Zoom meeting to express our concerns with the proposed renovations at the Rose residence at 240 Crest Drive. We greatly appreciate the time that the Board took to listen to and discuss our concerns.

After attending the meeting and hearing the discussion between the Board and Sam Vieira, as well as discussing the renovations with the Roses', we feel our reservations regarding the renovations have been adequately addressed. We are comfortable with the Roses moving forward with the project.

Thank you again for your time and consideration.

*Peter and Tina Zagrobelny
234 Crest Drive*

Ms. Lawrence opened the meeting for public comment. No one was present to speak on this application.

Ms. Lawrence asked if there were any alternatives to the plan such as going out in the rear. Mr. Vieira said there are alternatives but this is the most economical and least invasive way to proceed with projects in this neighborhood. Going out in the back creates additional costs such as tree removal and stormwater management and could also result in additional variances since the footprint would be increased. The Roses' already park their cars in the driveway, as do most of the residents on the block, so

nothing will change there. The light plane encroachment is on the south side of the home to the right and is not affected by the sun exposure. Mr. Vieira also noted that the homes are much further apart since the garages are side by side on the properties and there is no light plane issue on the north side, next to the Zagrobelny residence.

Ms. Lawrence asked if the Board members had any questions.

Ms. Lawrence asked the total square footage of the home. Mr. Pennella advised that it is increasing from 1,150 s.f. to 2,460 s.f. as indicated in the denial letter.

Ms. Lawrence asked the Board Members if they have any questions or comments.

Ms. Rachlin has no questions at this time. Mr. Jolly asked how long the Roses have owned the home. Mr. Vieira advised that they have owned the home since 2016.

Ms. Lawrence has some concern about the increase in the square footage which plays an important role as far as the character of the neighborhood, but noted that it is within the FAR for the R-10 zone. She understands the rationale for the increase and is pleased with the design.

Mr. Jolly moved, seconded by Ms. Weisel, to close the public hearing. All in favor. Motion carried. 5-0

Ms. Lawrence read through and commented on 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 after a second site visit and additional review of the streetscape, the neighborhood is changing and there are some two-story homes in the immediate area. The neighbor to the north also has no objection to the light plane. The Cape style design is in keeping with the character of some of the homes. She concluded that the addition will not create an undesirable change to 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. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances. Adding a one-story addition to the rear could result in additional variances and environmental impacts and may not be economically feasible.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the parking in the front yard requested variances are substantial but there are parking issues in this neighborhood. The other variances are not as 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*

said the light plane issue will not impact the neighbors; the parking in the front yard and side yard setbacks that are required as a result of the proposed addition 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 because they are adding onto the home, but that does not preclude this Board from granting the variances.*

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

Mr. Vieira advised that the next step will be to go to the Planning Board for site plan approval.

Ms. Weisel moved, seconded by Ms. Rachlin, to approve the variances and authorize Counsel Addona to prepare a Resolution with the standard general conditions based upon the general discussion during the public hearings.

The secretary recorded the vote:

Member Weisel: Yes
Member Rachlin: Yes
Alt. Member Jolly: Yes
Alt. Member Kaplan: Yes
Chair Lawrence: Yes

All in favor. Motion carried. 5-0

CONTINUATION OF PUBLIC HEARING – Marcel Martin – 20 Wildey Street

Variances needed as determined by the Zoning Board for the expansion of an existing parking area to (5) five spaces with perimeter walls.

Ralph Mastromonaco, RA, the project architect, appeared before the Board, representing his client, Marcel Martin, and is returning to seek variances to expand and improve the existing parking area for the two-family residence. He acknowledged that the Zoning Board has upheld the Building Inspector's Code Interpretation in his denial letter at the February 14, 2022 Zoning Board meeting, and that the noticed variances will be required to move forward with this project. He briefly went over the proposed parking plan which will improve the property by adding a 3-foot high wall with a fence on top of that. The lot will be graveled. The existing curb cut and the tree to the left will remain. He showed an aerial photo of the neighborhood indicating that very few homes have parking areas and most people park on the street. He noted that he could not find any property that conforms with the requirements for parking with regard to the section

of code. He also noted that if this were a multifamily home, the code requires a 10 to 15-foot separation from the neighboring property, which would prohibit the parking lot.

Ms. Lawrence asked if there will be a proposed buffer between the lot and neighboring property. Mr. Pennella advised that the applicant is required to get site plan approval for this parking lot, along with approval from the Architectural Review Board. The plans indicate that there is no buffer area. The applicant is providing a two-foot strip with no opportunity to plant anything there which is why they are seeking a variance for a waiver for the required landscape buffer in addition to the side yard parking variance.

Mr. Mastromonaco advised that they need at least 36 feet to maneuver the cars within the lot. With regard to an alternative solution, Mr. Pennella asked if it was possible to relocate the curb cut or make it wider. Mr. Mastromonaco said it could be done but it is not an easy thing to do. It would be a lot more work and a lot more disturbance and there is no need to do it. They also want to save that one tree.

Mr. Jolly commented that it will be harder to park and maneuver the cars as proposed. Mr. Mastromonaco said it is not ideal, but certainly better than what they have now. If the curb cut was moved, it could be better but they are trying to save the tree and keep the existing curb cut.

Mr. Jolly asked if the residents are okay with the configuration. Mr. Mastromonaco said that Mr. Martin, the owner, lives on the premises and he has one tenant so there is no opposition.

Mr. Pennella proposed making the driveway curb cut wider to the west and adding another 4 feet to shift the entire parking lot over. This will enable them to provide the landscape buffer and reduce the side yard setback by 2 feet.

Ms. Lawrence said the tree on the right is proposed to be removed so it is a feasible alternative. The Board member feel that this would certainly be a better alternative. Mr. Pennella said if the applicant agrees, they you could make this a condition of approval. They would have to revise their plans and then proceed to the Planning Board for site plan approval.

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

Mr. Pennella went over the revised variances that would be required. Parking in the side yard variance would be reduced from 6.5 ft. to 4.5 feet and the landscape buffer variance would also be reduced from 5 feet to 3 feet as a result of widening the curb cut. Mr. Mastromonaco believes this can be accomplished.

Mr. Mastromonaco asked about the need for site plan approval. Counsel Addona advised that the Zoning Board also upheld Mr. Pennella's determination in his denial

letter that Planning Board Site Plan approval would be required for this project. She read the section of the February 14, 2022 approved minutes for the record as follows:

“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 which was unanimously approved 5-0.

Ms. Weisel mentioned a letter from Dean Gallea regarding stormwater and pavement issues. Mr. Pennella said these are Planning Board items which will be addressed at site plan.

Ms. Weisel moved, seconded by Ms. Rachlin, to close the public hearing. All in favor. Motion Carried. 5-0

Mr. Pennella confirmed the new variances that are required as a result of the discussed proposed revisions to the plan:

§305-63. C(3) – Parking in a side yard – The code requires 8 feet, they are now proposing 3.5 feet in contrast with the original 1.5 feet. Therefore, they are seeking a new variance for **4.5 feet** as opposed to the original variance of 6.5 feet. – The variance is reduced by 2 feet.

§305-63 C.(5)(c) [3] – Minimum Landscape Buffer – The code requires 5 feet, they are now proposing 2 feet in contrast to originally proposing 0 feet. Therefore, they are now seeking a new variance of **3 feet** as opposed to the original variance of 5 feet. – The variance is reduced by 2 feet.

Counsel Addona advised Mr. Mastromonaco that §305-47-B. – Off Street Parking and Loading is referenced in the notice since this provision of the code prohibits parking in a required yard which subsequently requires a parking in the side yard variance.

Ms. Lawrence read through and commented on 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 parking lot is being improved and it will not create an undesirable change to 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. 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 variances are not substantial since the parking area is being improved and the lot configuration.*

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 said the variances have been reduced each by 2 feet so there will be no 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 because they are improving the parking lot and this does not preclude this Board from granting the variances.*

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

Ms. Weisel moved, seconded by Ms. Rachlin, to approve the variances as revised each by 2- feet, and authorize Counsel Addona to prepare a resolution with the standard general conditions based upon the general discussion during the public hearings.

The secretary recorded the vote:

Member Weisel: Yes
Member Rachlin: Yes
Alt. Member Jolly: Yes
Alt. Member Kaplan: Yes
Chair Lawrence: Yes

All in favor. Motion carried. 5-0

CONTINUATION OF PUBLIC HEARING – Michael and Janaki Degen – 86 Crest Drive
Variances 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.

Frank Tancredi, RA, the project architect, has returned for the continued public hearing. He is representing Mr. and Mrs. Degen, also present. Mr. Tancredi distributed a picture of the balloon test for record, which he managed to take at yesterday's site visit since it was very windy and hard to keep the balloon in place. The balloon was placed at a height of 6.9 feet showing how high the roofline would be rising up. They are pitching the roof up another 6.9 feet at the center ridge to add in some bedrooms for their 2 boys. They will also be expanding upon the garage and adding a one-story addition to the rear which cannot be seen from the street. Mr. Tancredi showed the streetscape with the two neighboring homes and noted that the houses are proportionally scaled, and their separation is based on the county website GIS elevation data. He noted that the elevations vary and that their roof line is even with the house to the right. The house to the left is a bit lower as the elevation steps down. They are trying to maintain

the federal style of the home and not stretch it out which is why they are putting 600 s.f. under the roof, and 308 s.f. under the garage roof. They are adding 354 s.f. for the living room, for a total of an additional 1,331 s.f. He noted that they are not adding a 3rd story 8-foot wall. They are trying to camouflage it and maintain the openness to neighbors. There also is no light plane infringement.

Ms. Lawrence opened the meeting for public comment. No one appeared.

Ms. Lawrence asked the Board Members to comment.

Mr. Jolly has no questions at this time.

Ms. Lawrence confirmed that they are adding one bedroom. She is concerned that there are no three-story homes in the neighborhood. This will be a first if it is approved. She would like to know if there is any way to get that extra bedroom somewhere else to avoid having a three-story.

Mr. Tancredi asked Mr. Pennella after the last meeting to confirm the numbers since he was not sure if they needed that 3rd story variance. Mr. Pennella said the code states whatever you are proposing over whatever is below it, if that number is more than 50%, it constitutes a story and his determination stands. Mr. Pennella understands that they are trying to achieve a certain look and noted that they could add more square footage on top of the garage. Mr. Tancredi said a FAR variance could be needed if they added more onto the garage.

The Board is concerned about the 3rd story and if you lower the roof pitch slightly to reduce the area and bring it under the 50%, then you could eliminate the variance.

Mr. Tancredi said that the family room has a cathedral ceiling and bathrooms so they can't add second story to the back. He feels that it will change the look of the style of the original house if they added more onto the garage. It would look like a big long mass.

Counsel Addona read the statute/criteria for the Board that they consider when approving variances, *"Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance"*. Counsel believes that the wording is important. The Board needs to weigh the benefit and explore in that context whether there are other methods.

Ms. Lawrence said the benefit is for a 4th bedroom and the applicant said they can only do it by adding the story.

Mr. Pennella confirmed that the current square footage is 1,927. They are proposing 3,332 when completed.

Ms. Weisel asked about the FAR and confirmed that it is a 68% increase

Ms. Rachlin has no questions.

Ms. Lawrence would like Counsel Addona to draft a Resolution for the next meeting.

Counsel asked if there is any additional information that the Board would like her to add.

Ms. Lawrence asked Mr. Tancredi again if there is an alternate plan. The variances are substantial. A three-story house does not fit into this section of Crest drive.

Mr. Tancredi said anything can be done but it would be unlikely by the next meeting. He asked the chair if a straw poll can be done before voting so that he can get an idea which direction the Board is going with their decision.

Ms. Lawrence agreed and she feels that the variances are substantial. A three-story home does not fit into the lower part of Crest Drive. There are only one and a half story capes or 1 story split or raised ranches.

Ms. Weisel appreciates the fact that they reduced the FAR by 800 feet from the last plan, but it is still substantial. She has a problem with the 3rd story and how it relates to the character of the neighborhood. She also would like to see an alternative.

Ms. Rachlin has no problem with the FAR, but the 3rd story is a problem for her. She suggested moving the square footage over the garage.

Mr. Pennella suggested taking the bathroom out in the back and moving it to the front, which could get them under the 50% of the lower floor, which could eliminate the 1 story variance.

Mr. Tancredi again noted that this same look is acceptable if they put mechanicals in this area as opposed to making it livable space. It is a very wide lot and there is no additional mass to the neighbors and the square footage is concealed under the roof line.

Ms. Lawrence requested that the applicant reduce the height and the FAR a bit more. It is quite substantial.

Counsel Addona said that even if the applicant revises the plans, they are still required to go to the Planning Board and Architectural Review Board. She advised the applicant that they can request an adjournment to give them an opportunity to revise the plans and reduce the variances, rather than withdrawing their zoning application.

The applicant agreed to adjourn the application for now and revise their plans to reduce the variances.

Mr. Jolly moved, seconded by Ms. Weisel, to adjourn the public hearing to allow the applicant time to revise his plans to reduce the variances.
All in favor. Motion carried. 5-0

NEW PUBLIC HEARING - Dave A. Barbuti, RA – 120 N. Washington Street

The following public 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, March 14, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

David A. Barbuti, RA
150 White Plains Road- Ste 103
Tarrytown, New York 10591

For a variance from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the legalization of an existing 382 S.F. rear deck with a new covered roof to an existing two-family dwelling.

The property is located at 120 N. Washington Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 8, Lot 3 and is located in the M-1 Zoning district.

The variance sought is as follows:

Code Section: §305-33 A.(3)(d)	Required	Proposed	Variance Required
305 Attachment 6:2 Column 12- Minimum for Each Side Yard Setback	10 ft.	0.95 ft.	9.05 ft.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approval is required from the Architectural Review Board.
By Order of the Zoning Board of Appeals
Lizabeth Meszaros - Secretary to the Zoning Board

Dated: March 4, 2022

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

David A Barbuti, RA, the project architect, representing the owners of 120 N. Washington Street is before the Board to legalize a 382 s. f. deck and to construct a roof over the top of this deck, which requires a side yard variance of 9.05 feet. He noted that the existing dwelling is non-conforming. The deck and the proposed roof are located in the rear yard with no effect to the view from the street. He referred to Mr. Pennella's March 2, 2022 memo explaining the chronology of the circumstances that have required the deck legalization. Mr. Barbuti advised that the deck was built sometime between 2015 and 2016. An As-built survey was never submitted and the permit has remained open.

Mr. Jolly confirmed with Mr. Barbuti that this is the first time they are before this Board for a variance for the existing deck. Ms. Lawrence confirmed with Mr. Barbuti that the owner has been using the deck since 2016.

Mr. Pennella showed the plan he attached to his March 2, 2022 memo which indicates that the roof overhangs the deck by a foot. The deck is a foot from the property line and is smaller than the proposed roof. The variance before this Board is for the deck and the roof since the roof overhangs the deck by a foot. Ms. Lawrence confirmed with Mr. Pennella that the plans for the deck were not approved and they can't be approved until the variance is granted.

Mr. Barbuti advised that the purpose of the roof is to provide some shade in the summertime. The deck comes out off of the first floor of the house for use by the first-floor unit with no access from the second floor. It will be a low shed roof and will have no impact on any viewshed.

Ms. Lawrence said this is the first time she has seen a roof like this over a deck. Mr. Pennella said these do exist within the Village; most are in the back and cannot be seen from the street.

Ms. Lawrence opened the meeting for public comment. No one appeared.

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

Ms. Weisel moved, seconded by Ms. Rachlin, to close the public hearing. All in favor. Motion Carried. 5-0

Ms. Lawrence read through and commented on 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 is no undesirable change to the character of the neighborhood since you cannot see the deck from the street.*

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 variance. Given the constraints of the lot size and configuration there is no feasible location for the deck and roof.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the variance is not substantial considering the lot size and configuration.*
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 said granting the variance will have no 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 because they have built the deck and are adding a roof but this does not preclude this Board from granting the variance.*

Ms. Rachlin moved, seconded by Ms. Weisel, to approve the variance and authorize Counsel Addona to prepare a resolution with the standard general conditions based upon the general discussion during the public hearing.

The secretary recorded the vote:

Member Weisel: Yes
 Member Rachlin: Yes
 Alt. Member Jolly: Yes
 Alt. Member Kaplan: Yes
 Chair Lawrence: Yes

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – Lucas and Heather Isola – 7 Stephen Drive

The following public 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, March 14, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Lucas and Heather Isola
 7 Stephen Drive
 Tarrytown, New York 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the construction of a two-story addition over the garage and a one-story addition over the main structure.

The property is located at 7 Stephen Drive and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.190, Block 112, Lot 14 and is located in the R 60 Zone.

The variances sought are as follows:

Code Section: §305-17 – Corner Lot	Required (Permitted)	Proposed	Existing	Variance Required
§305 Attachment: 5 Column 8, Note 4 Max. Principal Building Coverage (12%)	(1,862 SF)	2,594 SF	1,646 SF	732 SF
§305 Attachment 5: Column 10, Note 6 Total Building Coverage (14%)	(2,172 SF)	2,762 SF	1,814 SF	590 SF
§305 Attachment: 5 Column 11 Minimum Front Yard (feet) - East	35 feet	27.8 feet	28.9 feet	7.2 feet
§305 Attachment: 5 Column 11 Minimum Front Yard (feet) - North	35 feet	27.5 feet	27.5 feet	7.5 feet
§305 Attachment: 5 Column 18 Maximum Height Stories	(2.5)	3	-	1 story
§305 Attachment: 5 Column 20a Maximum Livable Area - 1.5 x Principal Building Coverage 2,587 SF	(3,880 SF)	4,375 SF	2,119 SF	495 SF
§305-25. B Maximum Floor Area Table 2 – Undersized Lots (0.311)	(4,450 SF)	4,500 SF	2,494 SF	50 SF
§305-49 Impervious Coverage (R-60)	(2,986 SF)	5,460 SF	5,316 SF	144 SF

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

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

By Order of the Zoning Board of Appeals
Lizabeth Meszaros - Secretary to the Zoning Board

Dated: March 4, 2022

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

Wayne Esannason, ESQ, Attorney, representing the applicants, Lucas and Heather Isola, also present, appeared before the Board. Mr. Esannason introduced the project architect, Eric Baker, RA, and Sean Walters, LA, with Wagner Pools. He noted that several neighbors are present who are in support of this project.

Mr. Esannason explained that the Isola's are making these improvements to accommodate their growing family. He believes that there is an error in the village zoning map for this property which renders it to be non-conforming, and which requires them to obtain multiple variances as listed in the public hearing notice. To briefly summarize, the property at 7 Stephen Drive is zoned R60. The village zoning code allows undersized lots in the R60 to be treated with R30 dimensional requirements. He believes that the R60 designation of this property is an error in the zoning map. He noted that the Village Comprehensive Plan unequivocally states that Stephen Drive is in the R15 zone. It does not delineate between the west side of the street, nor does it delineate between the east side of the street. It says Stephen Drive, which means everything inclusive. In addition, he included the minutes of a January 2016 Planning Board meeting in his submission, noting that the former engineer brought to the attention of the Planning Board that there was an error in the zoning map. Mr. Esannason understands that the Zoning Board does not have the authority to change the zoning code, however, he believes that this Board does have the authority to grant variances if this property was in the R15 zone. He noted that their project as proposed completely complies with the R15 zone. He stated that under the balancing test, if you were to weigh the benefit to the applicant versus the detriments of the community, the benefits completely outweigh the detriments to the community. In fact, this project will enhance the appearance of the neighborhood and the community at large.

Mr. Esannason briefly responded to the criteria for granting the variances:

1. Whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variances. Mr. Esannason referred to his submission which includes elevations and photos of the neighboring homes on Stephen Drive. These photos show that the proposed improvements to the Isola residence is consistent with the character of the neighborhood. It is a corner lot and the first house you will see in the neighborhood. He acknowledged the two neighbors in the audience who support this project which substantiates that there is no detriment to the community.

2. Whether the benefits sought by the applicant may be achieved by some other method other than the area variance. Mr. Esannason believes that because of the improper zoning designation, the only alternative other than to grant the variance request is to abandon the project altogether, because, even with the R30 dimensional treatment in the R60 Zone, they still require variances to make these improvements to

their home. In this case, the benefit cannot be achieved by some other method other than granting these variances.

3. Whether the proposed variance will have an adverse impact or effect on the physical or environmental conditions in the neighborhood. Mr. Esannason believes that the variance request will not have an adverse physical or environmental effect on the impact of the neighborhood. The project involves the removal of 4 trees. One evergreen tree, which is currently blocking the sun and impacting the solar panels on the roof of the residence. The other 3 Oak trees will be removed and evergreen screening will be replaced to shield the view of the backyard from the public.

4. Whether the requested variances are substantial. Mr. Esannason believes that upon consideration of the facts and the circumstances of this case, which is a requirement of this Board, it may appear on its face that the variances are substantial, but that is not dispositive of whether or not the variances should be granted. If the R15 zone dimensions were applied to this property there would be no variances required.

5. Whether the alleged difficulty was self-created. Mr. Esannason clearly believes that the difficulty here was not self-created. It is a result of an error in the zoning map. Instead of drawing a zoning line behind the rear of these properties, it was drawn down the middle of the street, which separated the west side from the east side of the street. He believes a hardship has been created due to the improper zoning designation of this property as R60 as opposed to R15.

Mr. Esannason introduced Eric Baker, RA, the project architect, who briefly went over the plans. He showed the site plan with the proposed additions. The existing porch which will be removed and a covered porch will be added in the front to extend all the way to the garage. Over the garage will be a master bedroom suite. They will be adding 680 s.f. to the attic level to accommodate 2 rooms in the attic with a bathroom off the staircase.

Sean Walters, Landscape Architect with Wagner Pools, showed the Landscape plan. A pool with a patio will be replaced with the existing pool which is failing. It will be closer to the home. They are proposing to replace the retaining wall with a 4-foot modular block wall for privacy. Plantings will be installed around the entire property. The existing fence will connect to the residence.

Ms. Lawrence confirmed with Mr. Pennella that the applicant is required to get site plan approval and the Planning Board will approve the Landscape Plan. Additional approval is also required from the Architectural Review Board.

Mr. Esannason wanted to clarify that the 3rd story on this particular structure, based upon the village code, constitutes a half story and not a full story. It is only 38% which is less than the 50% that's required for a full story. Mr. Pennella advised the Board that in his denial letter, the one-story variance was calculated based upon the areas on the plan since there was no backup included. He will need to work with the architect for

clarification of the actual area to determine if this variance is necessary. There is a discrepancy somewhere and further review is required with the architect.

Ms. Lawrence advised the applicant that this Board can only vote on the current zoning for this property, which is the R60 zone. The applicant can certainly petition the Board of Trustees to change the zoning map, but it is not within this Board's purview to do that. She is not sure what is written in the Comprehensive Plan, but according to the zoning code, this property is designated as R60.

Mr. Esannason agrees with Ms. Lawrence; however, he does believe that the Zoning Board could write a letter to the Board of Trustees to make them aware of this issue. There are other property owners who may want to make adjustments to their home in the future. Counsel Addona said the Board could write a letter but it is beyond the scope of the application which is before them.

Mr. Esannason is asking the Board to consider these variances as though this property is in effect in the R15 zone. Ms. Lawrence said their decision can only be made based upon the R60 zone which is where the property is located. Mr. Esannason ended with saying that this Board has the authority to grant these variances.

Ms. Lawrence asked for public comment.

Mr. Snell, 67 Stephen Drive, supports this project. They also have an extension with similar attic space. He looked at the plans which are very similar to their design. It looks like it will fit in perfectly into the neighborhood. He advised that he wrote a letter of support to the Board. Ms. Lawrence advised that the Board has received this letter, dated February 23, 2022, which has become part of the record.

Jason Daniels, 104 Crest Drive, also wrote a letter to the Board. His house also has similar features. He does not feel the Isola proposal is egregious. These plans are identical to the house on his left. He fully supports this project and has written a letter to the Board, dated March 3, 2022. Ms. Lawrence acknowledged this letter which has become part of the record.

An additional letter was received from Adam and Allyson Breitman, 24 Stephen Drive, dated March 5, 2022, in support of this project, which has become part of the record.

Ms. Lawrence asked the Board Members if they have any questions or comments.

Mr. Jolly believes the Zoning needs to be addressed. Counsel Addona said the Board has the authority to grant the variances taking into consideration the character of the neighborhood and the other criteria for an area variance.

Ms. Lawrence said we need to resolve the additional one-story issue before the Board can consider these variances. She asked the applicant if there is any other way they can reduce this variance.

Mr. Baker noted that they could remove the dormers and asked if that would satisfy the Board. They could also take away the crawl space over the master bedroom. He is willing to do whatever the Board will accept to get a vote this evening.

Mr. Baker advised that they are increasing the square footage up to the maximum 4,500 s.f. The existing square footage is 2,494. Mr. Baker said they could take away the dormers but that also takes away the curb appeal. Mr. Pennella advised Mr. Baker that if there is no stairway, then the 1-story variance goes away. He suggested using a pull-down ladder rather than a staircase.

Mr. Baker said they are within their legal right to have 2.5 stories. Mr. Pennella advised Mr. Baker that they still have to confirm the square footage to determine if they need the 1-story variance.

Ms. Lawrence advised that she needs more time to review the application. There is no need to schedule a site visit but she would like to drive by the homes again and look at them more carefully. She advised the applicant that they can independently urge the Board of Trustees to look into this zoning issue. She would like to read the section of the Comprehensive Plan that refers to the zoning on Stephen Drive. Mr. Esannason advised that the relevant portion of the Comp Plan as it relates to Stephen Drive is attached as Exhibit A in his submission to the Board.

Ms. Rachlin moved, seconded by Mr. Jolly, to continue the public hearing to the April 11, 2022 meeting. All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Weisel moved, seconded by Ms. Lawrence, to adjourn the meeting at 9:37 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary