

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
April 9, 2018 7:30 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Weisel, Rachlin; Counsel Addona; Village Engineer Pennella; Secretary Sapienza

ABSENT: Member Jolly

Chairwoman Lawrence called the meeting to order at 7:32 pm.

Ms. Lawrence moved, seconded by Mr. Maloney, to go into executive session to discuss procedural and legal matters. All in favor. Motion carried.

The Board Members left the meeting room at 7:32 pm and returned from Executive Session at 7:42 p.m.

Mr. Maloney moved, seconded by Ms. Lawrence, to come out of Executive Session. All in favor. Motion carried.

#### APPROVAL OF THE MINUTES – March 12, 2018

Mr. Maloney moved, seconded by Ms. Lawrence, with Ms. Rachlin abstaining, that the minutes of March 12, 2018 be approved as submitted. All in favor. Motion carried.

Before beginning the hearings, Ms. Lawrence announced that everyone will have a chance to speak. She asked that each speaker identify themselves and address the Board members only and asked that there be no interaction with people in the audience.

#### CONTINUATION OF PUBLIC HEARING - Broadway on Hudson Estates, LLC 11 Carriage Trail - Variance needed for a 4 lot subdivision approval.

Andy Todd, of Broadway on Hudson Estates, LLC, appeared before the Board to seek a rear yard variance needed for approval of a four lot subdivision.

Counsel Addona advised the Board that a SEQRA review has been completed and a Negative Declaration determination was issued by the Planning Board as Lead Agency on March 26, 2018. The Planning Board determined that this project would not result in any significant environmental impacts; therefore, the Board may take action on this application this evening if they are so inclined. The applicant is seeking a 12.6 foot rear yard variance for lot 4 of the proposed subdivision.

Ms. Lawrence asked if anyone in the public would like to speak. No one appeared.

Mr. Maloney moved, seconded by Ms. Weisel, to close the Public Hearing. All in favor. Motion carried.

Ms. Lawrence read through the criteria:

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 said that no undesirable change in the neighborhood is being produced.*
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 said there is no other method than the variance sought.*
3. That the requested area variance is not substantial. *Ms. Lawrence said this variance is not substantial and necessary to achieve their objective.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said there should be no adverse effect on the physical or environmental conditions in the neighborhood.*
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 said this criteria is not relevant to this application.*

Mr. Maloney moved, seconded by Ms. Lawrence, that this variance be granted and Counsel Addona be directed to draft a resolution memorializing the discussion of the public hearings to include standard conditions. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING – Joseph and Julie Fiore- 230 Crest Drive

Ms. Lawrence advised that this application was re-noticed for a 3.5 foot front yard set-back variance that was previously discussed but not published. Sam Vieira, the project architect, representing Joseph and Julie Fiore, also present, presented a revised plan based on feedback from the Board at the 3-12-18 meeting. The Board had concerns about the intrusion on the light plane for the addition on the second floor of the n/s of the house. He showed the original elevation proposed and said he changed profile of the roof to eliminate the roof structure and push it back so it is not in the light plane. He explained that the neighbors, the Agdern's, still have concerns about the amount of blockage and the fact that they are still using the full footprint. After some consideration, the structure needs a roof and a pitched roof. The plan has been revised to reflect a smaller space to above the garage reduced to 160 s.f. from 200 s.f. The actual dormer does not encroach on the light plane but there is a small intrusion at the ridge of the roof. The main roof has not changed. The neighbor on the south side has no concerns with regard to the light plane. Mr. Vieira also submitted fully developed elevations which illustrate the changes that have taken place in order to make a compromise. The footprint stays the same, the office space is up to about 22 feet, the ridge is lowered by 6 feet, and they are only 9 feet above the ridge of the garage.

Mr. Vieira showed the light plane plan which has significantly reduced the amount of structure that would encroach on the light plan on the n/s of the house.

Ms. Lawrence asked if there is any access now from garage to the house. Mr. Vieira said no that is why they are creating the side entrance.

Mr. Maloney asked about angles of the sun. Mr. Vieira explained that this information is from a website which provides angles of the sun during each season. The angle changes every day as the sun moves.

Ms. Weisel asked where the shed will be placed. Mr. Vieira said the location will not change but showed the shed on the plan which is the small area that protrudes out about 5 feet.

Ms. Lawrence asked again for the necessity for the addition over the garage.

Mr. Vieira said it is for office space off of the master bedroom so that Mr. Fiore can work from home. The revised plan has significantly reduced the size of the space. There are four bedrooms upstairs, and a playroom downstairs.

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

Mr. Barry Adgern, of 224 Crest Drive, addressed the Board and read a statement into the record which is attached as “Exhibit A” with photographs. Mr. Adgern outlines the reasons for his opposition to the granting of the variances in his statement and possible alternative solutions. His concerns are mainly with the loss of sunlight and air to his home and also privacy.

Mrs. Jane Adgern, of 224 Crest Drive, addressed the Board and also read a statement into the record which is attached as “Exhibit B”. She is mainly concerned about the proposed 2<sup>nd</sup> story on top of the garage which will affect the southern view from her home resulting in no sun, natural light, no sky view, or country scenery. She feels the addition is just too much for the small piece of land and is not in character with the rest of the homes.

Ms. Lawrence asked if anyone else had any questions.

Ms. Weisel was concerned about the height of the attic. Mr. Vieira said the height of the attic is 10 feet at the ridge with pull down stairs.

Counsel Addona advised that the application was re-noticed due to an administrative error for the front yard setback for 3.5 feet.

Mrs. Rachlin asked if there is a way to verify which light plane is accurate. Mr. Pennella confirmed the new plan proposes 18 feet, with 12 feet allowed, so they will need a variance of 6 feet.

Counsel Addona advised this is a Type II action and the Board could take action this evening or direct her to draft a resolution based upon their discussion this evening and then vote at the next meeting.

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

Mr. Vieira asked if they will be voting this evening. Ms. Lawrence said we are going to discuss the application and ask Counsel to write up a resolution and vote on it next month.

Mr. Maloney moved, seconded by Ms. Lawrence, to open the public hearing again since Mr. Vieira had some questions. All in favor. Motion carried.

Ms. Lawrence said the Board will discuss the criteria which will give the applicant an idea of how each member is feeling toward the application, but the proper way would be to have Counsel draft a resolution for the next meeting for the Board's consideration.

Mr. Vieira said this procedure is new to him. There are only 2 variances that are in question. They are now in the third month and need to go back to planning. They are concerned about losing another month.

Counsel Addona said the Board will need a plan to link it to the resolution. Mr. Vieira wanted the Board to vote on the variances that there are no issues with this evening. He asked the Board to vote on all the variances and the applicant will decide if they will come back with revised plans or accept the Board's decision and revise the plans without the variance, so that the project can move forward to planning.

Ms. Lawrence said there is a strong objection to this application and we take these matters seriously. We have followed this procedure before. She advised Ms. Fiore that they will not vote on the application this evening, they will have Counsel draft a resolution based upon the discussion this evening for their consideration at the next meeting.

Ms. Lawrence asked each Board Member how they felt about the application.

Mr. Maloney said he has no problem with the variances requested.

Ms. Weisel said it is a tall house and the fact that there are no homes that have structures over the garage will affect the character of the neighborhood. She has nothing to say about the sound because soundproofing is much better in new structures. She is also concerned with the height of the roof but she can live with that. It is the height of the garage that concerns her the most but appreciates the compromises made by the applicant.

Ms. Lawrence said she is typically not in favor of expanding driveways but this street is not typical of many streets in the village. It is narrow and curved. In this situation, she would be in favor of expanding the driveway and she also has no problem with the proposed front porch. This neighborhood was built post war for the veterans and most of the homes are single story ranch style homes. She does like the two-story and it is in character of the new remodeled homes in the area and only infringes a bit on the light plane. The roof could be lowered a bit. She does not feel that the addition over the garage is necessary and it will be an obstruction to the light plane. She does not see

the necessity of adding the addition, there will be 4 new bedrooms and a family room on the first floor and there is a lot of space in the back yard.

Ms. Rachlin said they have made a lot of changes but the addition over the garage is imposing. She has no problem with the front porch or sound.

Mr. Vieira said there has to be a roof over the garage. He explained that they were creating space within the existing roof. If you deny this space above the garage and he draws a one story structure with the roof, he would like to know what height parameter is acceptable.

Mr. Pennella said the Board has to give him some direction on this.

Ms. Lawrence said the lower the pitch the better. She is not an expert.

A discussion took place and they compared the plans and it was decided the acceptable roof height on the garage should be no higher than the existing ridge. Mr. Vieira said that will create an aesthetic problem but he will work with it.

Ms. Lawrence asked for revised plans and said this is a good compromise and she appreciates the changes they have made.

Ms. Lawrence and Ms. Weisel said they have no problem pushing the garage up 5 feet. Mr. Vieira said then technically then they do not need a variance. Mr. Agdern said you are making the garage habitable space which requires a variance. Mr. Vieira said it does not require a variance. Mr. Pennella said a light plane exposure variance is still needed.

Ms. Lawrence said she still wants to see the revised plans before voting.

Mr. Agdern came up and confirmed that the height of the garage will stay the same. Mr. Vieira said it will be no higher than the existing ridge. Board members agreed.

Ms. Weisel moved, seconded by Ms. Rachlin, to continue the public hearing next month. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING – Benjamin Zara - 23 Independence Street

Sam Vieira, the project architect, appeared before the Board representing Benjamin Zara, also present.

Ms. Rachlin said she is confused about the difference between the change of use and re-use that is written in the code. Mr. Pennella said it is a conversion of a garage which is defined as an accessory structure. He read the definition of garage, "An accessory building or part of a main building used only for the storage of motor vehicles as an accessory use for an owner or tenant." Therefore it is only intended for parking motor vehicles. If you are changing it or converting it to a wood shop, it would trigger site plan review in accordance with Section 305-132. It is reviewed through planning to ensure

that adequate parking is provided. Mr. Vieira thinks that this section of the code should only apply to principal permitted uses.

Mr. Pennella said in this case they are replacing the garage with a wood working shop for personal use and putting the cars somewhere else. He said the Board is being asked to interpret if this action requires or does not require site plan approval to show that there is adequate parking on site.

Mr. Vieira said the fact that this is a detached building, is prejudicial to Mr. Zara. He has been before the Board many times where they have converted garages into habitable space and he has been before this Board because of the parking triggers. He said if this were a two car garage, attached to his house, and he made it into a wood shop, there would be no discussion about Planning Board review. Mr. Zara is being held to a different standard because the garage is detached. What has triggered this is that they are theoretically displacing the cars, but a plan was submitted to the Building Department, which provides for parking the car on the property. He does not believe this is the intent of the code. He raised the Planning Board costs to his client and said there are no zoning issues, it is a pre-existing non-conforming structure, and the cars can be placed on the property so it should not apply, since it is not a business.

Mr. Maloney asked Mr. Vieira why he would not want to make the use legal since the applicant has changed the use of his garage. He said, otherwise, anyone in the village can go and change the use of their garage to anything without approval. He does not feel this is what the village wants.

Mr. Vieira said it is a financial issue. The Planning Board procedure is long, arduous and expensive and if this was an attached garage, than it would not require approval.

Mr. Maloney said it is not attached and who is to say that he could not change it into anything, like even a bar for example.

Mr. Pennella said the definition of a garage is “An accessory building or part of a main building used only for the storage of motor vehicles as an accessory use for an owner or tenant.” So, whether or not the garage is attached or detached is not an issue.

Mr. Vieira said he has been before the Board many times to turn garages into habitable space. The fact that the structure is separated turns it into a separate building and he does not believe that was the intent of the code.

Ms. Weisel said whether it is attached or not attached. The issue to her is that it is closed off in front there is a door and a window and it does not feel like a garage, it feels like a separate place, which is why she is questioning. It is closed in and a structure within itself.

Ms. Lawrence said the code does apply to detached structures and the use has been changed. She understands it is expensive to go to Planning, however, she agrees with the Building Inspector's interpretation to require site plan review.

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

Mr. Peter Feroe, 32 Independence Avenue, a neighbor of Mr. Zara's and a Planner by trade, came up to speak. Ms. Lawrence confirmed that the Board did receive his letter last month. Mr. Feroe wanted to answer Mr. Maloney's question with regard to what is to prevent anyone from changing the use of their garage. He said the code currently prevents this. A tool house is a permitted use. Right now you can build a tool house as long as it is zoning compliant, there would be no board approval required. Mr. Maloney said this is not a tool house, it is a wood shop. Mr. Feroe said a tool house is a shed where tools are housed, it is a permitted accessory use, like a wood shop, and would not require site plan approval. Mr. Maloney said he is talking about building a new structure, not changing an existing structure.

Ms. Lawrence said she is not addressing hypothetical issues; this is a garage that has been converted to a professional woodshop. Mr. Pennella said it is a garage and the use has changed.

Mr. Feroe said the Zoning Board's job is to interpret the code and make sure it makes sense, and if that use is permitted as of right, he does not understand why changing the use would require site plan approval.

Ms. Lawrence said it is a change of use of an existing structure; they are not building a new structure. Mr. Maloney said building the new structure would also require site plan approval.

Ms. Lawrence asked if anyone else would like to speak.

Benjamin Zara, of 23 Independence Street, came up and said he will not open a bar. If he knew prior to this he would have never changed the door. He does not understand why it is a change of use and no one has expressed any concern about the shop. Ms. Lawrence said we have already determined that it is a change of use.

She asked Mr. Zara what the cost is to go to planning. He said it is expensive to go to the Planning Board which will require a \$600 fee and \$2,500.00 escrow for fees.

Mr. Pennella said the escrow fees are for consulting fees so the only fees that would apply are attorney and planner fees, and unused funds are returned to the applicant.

Ms. Lawrence said this is the procedure needed to get approval for a change of use.

Mr. Zara said there are others using their garages as workshops.

Mr. Pennella said this case came up with the use of the 3<sup>rd</sup> story which was in court and then the garage was converted without permits. We have enforced the code in other areas and when we are aware of it, a code enforcement person is sent to the property.

Ms. Lawrence asked if anyone else would like to speak.

Ms. Weisel moved, seconded by Mr. Maloney, to close the public hearing. All in favor. Motion carried.

Mr. Maloney moved, seconded by Ms. Rachlin, that they are in agreement with the Building Inspector's interpretation that this is a change of use from a garage to a wood-working shop and it will require site plan review by the Planning Board in accordance with the definition of Garage and Section 305-132 A (1) of the Zoning Code. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING – 21 Wildey Street LLC – 21 Wildey Street

John Meyer, P.E., of National Resources, representing the owner, 21 Wildey Street, LLC appeared. They were directed to prepare a landscape plan for approval by the village landscape architect. They have received Ms. Nolan's recommendations and have agreed to the changes. They are before the Board this evening to receive approval for the variances requested.

Ms. Lawrence asked if anyone in the public would like to speak. No one appeared.

Mr. Pennella advised the Board that the site plan was received by the village landscape architect; the recommended trees have been included in the plan, and it has been accepted. The applicant has complied with the landscape requirements discussed at the meeting in March.

Mr. Maloney moved, seconded by Ms. Weisel, to close the Public Hearing. All in favor. Motion carried.

Ms. Lawrence read through the criteria:

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 said that no undesirable change is being produced; it will be positive.*
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 said there is no other method than the variance sought.*
3. That the requested area variance is not substantial. *Ms. Lawrence said this variance is not substantial.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said there should be only a minor adverse effect on the physical or environmental conditions in the area.*
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 said it is not self-created.*



Ms. Weisel moved, seconded by Mr. Maloney, that this variance be granted and Counsel Addona be directed to draft a resolution memorializing the discussion to include standard conditions. All in favor. Motion carried.

**CONTINUATION OF PUBLIC HEARING – Leonard Brandes, RA – 22 Main Street -**  
**Variances to convert a laundromat to a restaurant.**

Mr. Pennella advised that the parking configuration has been approved by the Board of Trustees but the project architect, Mr. Leonard Brandes, he has not yet revised his plans and has asked for an adjournment to next month.

Ms. Weisel moved, seconded by Ms. Rachlin, to adjourn this application to the meeting next month. All in favor. Motion carried.

**NEW PUBLIC HEARING – Peter F. Gaito & Associates – 104 Central Avenue**

Counsel Addona read the Public Hearing Notice:

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, April 9, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Peter F. Gaito and Associates  
 333 Westchester Avenue – Suite 303  
 White Plains, NY 10604

For variances from Chapter 305 of the Village of Tarrytown("Zoning Code") for a change of use on the first floor from an artifact restoration use to a personal service business "gym".

The property is located at 104 Central Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 16, Lot 24 and is in the GB Zoning District.

**The variances sought are as follows:**

<b>Zoning Code Section</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
<b>305-40 General Business</b>				
305-63.D(1) Schedule of Off-Street Parking Requirements: Personal Service Business 1 per employee + 1 per 300 gross sf: 1,654 sf/300 = 6 Spaces + 2 employee	8 Spaces	0	0	8 Spaces

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 approvals are required from the Planning Board for a change of use, the Board of Trustees for a proposed front entry access ramp and planters within the village right of way and from the Architectural Review Board.

By Order of the Zoning Board of Appeals.

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: March 30, 2018

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

Peter Gaito, Architect, of Peter F. Gaito & Associates, appeared before the Board. He briefly went through the project and presented the plan. The building is two stories and is located at the corner of Central and Anne Place. The former use on the first floor was carpentry related. The second floor is a residence and his clients are also the tenants of the second floor space who will operate the personal fitness space on the first floor. The Village Board of Trustees has approved the ramp addition in the right of way for ADA accessibility; the bike rack has been eliminated in the front away from the planters to maintain adequate access.

Mr. Pennella asked about the ADA accessibility. Mr. Gaito said that right now they are not proposing a permanent ramp, only stairs. The state code allows for this provision.

Mr. Gaito went over the narrative he provided with regard to parking, which is attached as Exhibit "C".

Ms. Lawrence asked why they would not have ADA access. Mr. Gaito said the code allows for a temporary ramp and the plan will accomplish this. Churches do this often.

Mr. Pennella said this work will require Board of Trustees approval.

Mr. Pennella said a partial certificate of occupancy was issued for the 2<sup>nd</sup> floor, but the downstairs was never finished.

Ms. Lawrence asked if there is street parking. Mr. Gaito said there is two (2) hour metered parking across the street and showed the spaces on the plan.

Ms. Lawrence confirmed that they are asking for a variance of 8 spaces. Mr. Gaito said that in reality, 2 of the spaces are required for the employees, but they live on site on the second floor. Mr. Pennella said this may not be the case if the property were sold, so the number of required spaces is eight, but the impact will be less.

Ms. Lawrence asked if there was any ability to contract with surrounding property owners to secure parking.

Molly Canu, 104 Central Avenue, came up and said that they have been in touch with Urgent Care, on Wildey Street, who has a lot of unused parking but they have concerns with regard to liability. They have also tried to get in touch with Walgreens to see if they are interested and will be reaching out to them. There is also the Salvation Army around the corner. In addition, there is metered parking along the Walgreens Plaza which can be used.

Counsel Addona said that it appears that the applicant has done their homework and is working on securing additional parking. The Jazz Forum was brought up since they were able to secure significant parking. Mr. Gaito said that this is more of a mom and pop shop and not as near as big or busy as the Jazz Forum project. They required many more spaces for their use than what the gym is proposing.

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

Steve Lennox, 109 Central Avenue, came up and said there is never any available parking in this area and it is a problem. There are certainly not 8 spaces available on Central Avenue.

Ms. Lawrence advised Mr. Lennox that the applicant is not asking for 8 spaces. The 8 spaces are what are required for the proposed use, which is why they are seeking a variance. It is relief for 8 spaces that they cannot provide on-site.

Mr. Lennox said there is parking available on his property. Mr. Pennella said that is something you would need to discuss with the applicant.

Anthony Canu, 104 Central Avenue, and described the business. He said the classes will be in the early morning from about 5:30 am to 9:30 am; approximately 45-50 minute sessions with 3 to 4 people in the class. During the evening, from about 5 pm to 9 pm, the same schedule would apply. He has been surveying the available parking spots during these times and there is parking available.

Ms. Lawrence would suggest that the applicant work with surrounding areas to see if they can enter into parking agreements since there is no parking in the area in order to reduce the amount of the variance.

A brief discussion took place. Mr. Gaito said they are talking about a handful of spaces for a handful of people at odd hours and he is asking the Board to approve the variances and they will work on securing parking. Ms. Lawrence said they made be odd hours but during the evening it may be an issue for people who live in the area.

Ms. Lawrence asked how the other Board Members feel. Mr. Maloney and the other Board members are in favor of granting the variances but they all agreed that unless they do secure parking, it may negatively affect the business.

Ms. Lawrence asked if they have to pay into the parking fund. Mr. Pennella said no they are not in the RR zone.

Mr. Maloney moved, seconded by Ms. Weisel, to close the Public Hearing. All in favor. Motion carried.

Ms. Lawrence read through the criteria:

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 does not feel that an undesirable change will be produced.*
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 said there is no other method than the variance sought since there is no on-site parking.*
3. That the requested area variance is not substantial. *Ms. Lawrence said this variance is not substantial.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said there should be no adverse effect on the physical or environmental conditions in the area.*
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 said this is not self-created; there is no parking on site.*

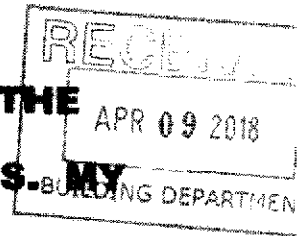
Mr. Maloney moved, seconded by Ms. Weisel, that this variance be granted and Counsel Addona be directed to draft a resolution memorializing the discussion to include standard conditions. All in favor. Motion carried.

#### ADJOURNMENT

Ms. Maloney moved, seconded by Ms. Lawrence, and unanimously carried, that the meeting be adjourned –10:00 p.m.– Liz Meszaros, Secretary

**EXHIBIT A**  
**BARRY AGDERN SUBMISSION**  
**230 CREST DRIVE APPLICATION**  
**4-9-18 ZBA MEETING**

Submitted by: Barry Agdern



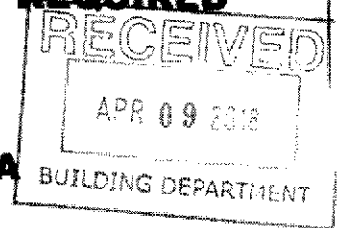
**GOOD EVENING TO THE CHAIR AND MEMBERS OF THE ZONING BOARD OF APPEALS, NEIGHBORS AND FRIENDS. MY NAME IS BARRY AGDERN AND WITH MY WIFE JANE AND DAUGHTER STACEY I LIVE AT 224 CREST DRIVE. MY WIFE AND I HAVE LIVED AT 224 CREST DRIVE FOR 43 YEARS. OUR HOME IS NEXT TO 230 CREST DRIVE; IT IS ON THE SOUTH SIDE OF OUR HOME.**

**WE STRONGLY OBJECT TO THE PROPOSED ADDITIONS AND VARIANCE REQUESTS MADE BY THE OWNERS OF 230 CREST DRIVE.**

**MY WIFE AND I HAD SPOKEN AT THE PREVIOUS MEETING OF THE ZONING BOARD OF APPEALS ON MARCH 12. UNFORTUNATELY WE ARE FORCED TO REASSERT ALL OF THE COMMENTS WE MADE AT THAT TIME, IN CONNECTION WITH THE MOST RECENT REVISION TO THE PLANS MADE BY THE OWNERS OF 230 CREST DRIVE. WE OBJECT TO THE CURRENT PLANS BECAUSE THEY WILL CAUSE A LOSS TO OUR HOME OF SUNLIGHT, NATURAL LIGHT, AIR AND PRIVACY.**

**IN ORDER TO UNDERSTAND OUR OBJECTIONS TO THE CURRENT PLANS I HAVE MARKED UP PHOTOGRAPH 10 IN THE PACKET WHICH SHOWS 224 CREST DRIVE ON THE LEFT AND 230 CREST DRIVE ON THE RIGHT. THE HOUSES ARE ONLY**

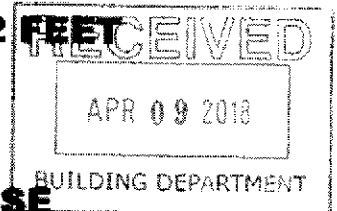
**FIFTEEN FEET APART, NOT THE 24 FEET CURRENTLY REQUIRED BY THE CODE.**



**THE EXISTING GARAGE AT 230 CREST DRIVE IS A NONCONFORMING USE. IT HAS BEEN BUILT 4 ½ FEET INTO THE REQUIRED SETBACK OF 12 FEET. IT IS 13 FEET HIGH. UNDER THE CURRENT PLANS IT WOULD BE INCREASED TO APPROXIMATELY 22 ½ FEET AT ITS RIDGELINE. THIS DIFFERS FROM THE PRIOR PROPOSAL, WHICH WAS ALSO UNACCEPTABLE. I HAVE DRAWN A RED LINE SHOWING APPROXIMATELY HOW HIGH THIS PART OF THE NEW ADDITION WOULD BE. I HAVE DONE THIS SO THAT THE HEIGHT OF THE NEW STRUCTURE, IN CLOSE PROXIMITY TO MY HOME, CAN TRULY BE APPRECIATED. IT TOWERS OVER MY HOME. INDEED THE PROPOSED ADDITION TO THE MAIN HOUSE, WHICH I HAVE ALSO MARKED WITH A RED LINE, BRINGS ITS HEIGHT TO APPROXIMATELY 32 ½ FEET, OR, JUST ABOUT AT THE VERY TOP OF PHOTOGRAPH 10.**

**I HAVE ALSO PREPARED THE ANNOTATED PROPOSED SIDE ELEVATION, BASED ON MR. VIERA'S PROPOSED SIDE ELEVATION, TO FURTHER ILLUSTRATE THE IMPACT THE CURRENT PLANS WILL HAVE ON MY HOME. IN THE ANNOTATED PROPOSED SIDE ELEVATION THE RED LINE SHOWS THE**

**HIGHEST POINT OF MY HOME RELATIVE TO 230 CREST DRIVE,  
ADJUSTING FOR THE 1 1/2 FOOT DIFFERENCE IN ELEVATION.  
THE PROPOSED SECOND STORY OVER THE GARAGE IS ALMOST  
8 FEET HIGHER THAN MY HOME AND THE RIDGELINE OF THE  
MAIN PART OF THE HOUSE IS APPROXIMATELY 17 1/2 FEET  
HIGHER THAN MY HOME.**



**THE EFFECT OF THE INCREASED HEIGHT OF THESE  
STRUCTURES WILL BE TO BLOCK NATURAL LIGHT AND  
SUNLIGHT FROM REACHING THE SOUTHERN PART OF OUR  
HOUSE AND TO PUT OUR HOUSE IN SHADOWS. OUR VIEW  
THROUGH OUR SOUTHERN WINDOWS WILL CONSIST ALMOST  
ENTIRELY OF 230 CREST DRIVE WHEREAS NOW WE CAN STILL  
SEE THE SKY. MOREOVER THERE WILL BE A BLOCKING OF THE  
BREEZES AND FRESH AIR WHICH WE ARE ACCUSTOMED TO  
RECEIVING.**

**PHOTOGRAPHS 4, 11, 12, AND 13 IN THE PACKET WERE  
TAKEN ON VARIOUS DAYS AND TIMES IN FEBRUARY.  
PHOTOGRAPH 4 WAS TAKEN ON THE SOUTH SIDE STEP OF MY  
HOME THE OTHER THREE PHOTOGRAPHS WERE TAKEN FROM A  
SOUTH FACING WINDOW OF MY HOME. IN ALL OF THE  
PHOTOGRAPHS SUNLIGHT WOULD BE BLOCKED AS WELL AS**



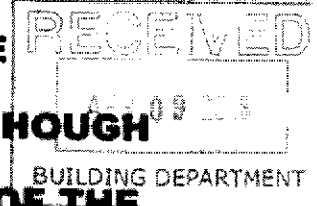


**JUST ABOUT ALL VIEWS OF THE SKY IF THE CURRENT PLANS ARE ALLOWED TO PROCEED.**

**ASIDE FROM THE HEIGHTS OF THE STRUCTURES IN THE CURRENT PLAN LET'S CONSIDER JUST WHAT IS BEING PUT INTO THE TWELVE FOOT SETBACK REQUIRED BY THE ZONING CODE. IN THIS REGARD PLEASE REMEMBER THAT BECAUSE OF THE CONVERSION OF THE GARAGE INTO HABITABLE SPACE AND PLACING HABITABLE SPACE ABOVE THE GARAGE THE EXEMPTION FROM THE ZONING CODE GRANTED TO A NONCONFORMING USE WILL NO LONGER APPLY. SEE VILLAGE CODE ZONING, CHAPTER 305, ARTICLE X, §305-62 A (2).**

**THE PLANS SHOW A COVERED ENTRANCEWAY 4 FEET IN LENGTH, THE FORMER GARAGE NOW TWO STORIES HIGH AND 19 FEET LONG AND A SHED 6 FEET IN LENGTH FOR A COMBINED LINEAR TOTAL OF 29 FEET TO BE BUILT INTO THE SETBACK. WHEN THE AREA OF ENCROACHMENT INTO THE SETBACK IS CALCULATED, THE TWO STORIES OF THE GARAGE, COVERED ENTRANCEWAY AND THE SHED, MULTIPLIED BY 4 ½ FEET, THE AREA IS DETERMINED TO BE 216 SQUARE FEET, OR A TOTAL AREA SLIGHTLY IN EXCESS OF A ROOM 21 FEET BY 10 FEET. THIS SHOULD NOT BE PERMITTED. BUT MORE THAN THAT THERE WILL BE A LOSS OF PRIVACY.**

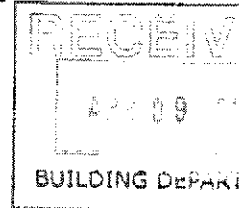
**IN THE PRIOR SUBMITTED PLANS THERE WERE THREE WINDOWS PLACED IN THE SETBACK IN THE EXPANDED GARAGE INSTEAD OF THE CURRENT SINGLE WINDOW. I THOUGHT MR. VIERA SAID, AT THE MARCH 12 MEETING, THAT THESE WINDOWS WOULD BE REMOVED FROM THE PLANS ALTHOUGH HE ARGUED THAT BECAUSE OF THE PROPOSED USES OF THE ROOMS THERE WOULD BE NO LOSS OF PRIVACY. HOWEVER IN THE CURRENT PLANS THE SAME THREE WINDOWS HAVE BEEN PLACED IN THE SETBACK. SEE THE ANNOTATED PROPOSED SIDE ELEVATION. THE FACING WINDOWS, OUR TWO SOUTHERN WINDOWS, AND SCREENED SIDE DOOR AND THEIR THREE NORTHERN WINDOWS WILL BE OPEN THROUGHOUT MUCH OF THE YEAR, AND SOUNDS WILL CARRY. NOW EVEN THOUGH THE GARAGE IS BUILT IN THE SETBACK NO ONE IS LIVING IN THE GARAGE, AND ITS FULL WIDTH ACTS AS A BARRIER TO THE CONVERSATIONS, MUSIC AND SOUNDS THAT MAKE UP NORMAL LIVING. WITHOUT THE PROTECTION AFFORDED BY THE SETBACK OUR PRIVACY WILL BE GREATLY REDUCED.**



**AS TO MR. VIERA'S COMMENTS, IT SHOULD BE OBSERVED THAT NOTHING WILL PREVENT THE OWNERS OF 230 CREST DRIVE, OR ANY SUBSEQUENT OWNER OF 230 CREST DRIVE, FROM ALTERING THE USE OF ANY ROOM IN THEIR HOUSE. THE**

**FULL WIDTH OF THE SETBACK SHOULD BE ENFORCED, OUR PRIVACY SHOULD BE PROTECTED.**

**THE PLACEMENT OF THE COVERED ENTRANCEWAY IN THE SETBACK, SOME FIFTEEN FEET AWAY AND CLOSE TO OUR SCREENED SIDE DOOR, CAUSES ADDITIONAL PRIVACY PROBLEMS. IT IS MOST NATURAL AND USUAL FOR CONVERSATIONS TO TAKE PLACE BETWEEN FAMILY AND GUESTS IN A SHELTERED AREA. AGAIN VOICES CARRY AND IT IS UNFAIR TO PLACE US IN A POSITION WHERE WE ARE OVERHEARING THEIR CONVERSATIONS OR THEY ARE OVERHEARING OURS. THIS NEW COVERED ENTRANCEWAY IS NOT AN EXISTING STRUCTURE BUT A COMPLETELY NEW ONE WHICH SHOULD NOT BE PERMITTED.**



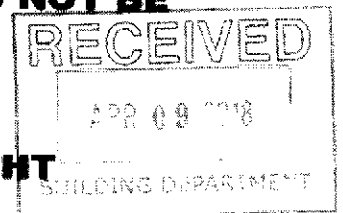
**THE CURRENT PLANS CONTAIN A MASTER BEDROOM, A GUEST BEDROOM OR ALL PURPOSE ROOM, THREE OTHER BEDROOMS AND A MASTER STUDY. THE AREA BEHIND 230 CREST DRIVE SHOULD BE UTILIZED FOR AT LEAST SOME OF THESE ADDITIONS. IF A SHED COULD BE ATTACHED TO THE BACK OF THE HOUSE, AS IS PROPOSED, WHY NOT PLACE IN THE BACK ONE OR MORE OF THESE ROOMS. INDEED THE CURRENT PLANS SHOW WHAT COULD BE DONE. THE PROPOSED SIDE ELEVATION NOW SHOWS THE WEST END OF**

**THE GARAGE MOVED 5 FEET CLOSER TO THE STREET, WITH THE NEW ATTACHED SHED MOVED ALONG WITH THE GARAGE KEEPING THE SAME FOOTPRINT. WHAT IF THE 6 FOOT LONG SHED WAS NOT MOVED AND THE FOOTPRINT OF THE GARAGE WAS EXPANDED BY THOSE FIVE FEET. THE INSIDE OF THE HORIZONTALLY EXPANDED GARAGE COULD BE RECONFIGURED PRODUCING A NEW ROOM ELEVEN FEET LONG AND SUITABLE FOR A STUDY ELIMINATING THE NEED FOR A SECOND STORY ON THE GARAGE. THIS COULD CERTAINLY BE THE BASIS FOR A COMPROMISE BETWEEN NEIGHBORS GIVING NEITHER ALL THAT THEY WANT BUT WHAT THEY FEEL THEY NEED.**

**BUILDING INTO AND ON TOP OF THE GARAGE HAS A VERY SIGNIFICANT NEGATIVE IMPACT ON OUR SUNLIGHT, NATURAL LIGHT, AIR AND PRIVACY.**

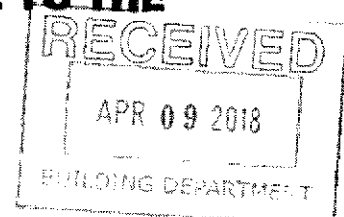
**MR. VIERA PREPARED FOR THE CURRENT PLAN A NEW LIGHT PLANE STUDY MARKED OPTION D, AND I PREPARED THE ANNOTATED LIGHT PLANE STUDY IN THE PACKET, BASED ON MR. VIERA'S STUDY. IT SHOWS THE CURRENT PLANS ARE EVEN WORSE THAN THE PRECEDING PLANS AND SHOULD NOT BE APPROVED.**

**IN THE STUDY MR. VIERA HAS DRAWN THE LIGHT EXPOSURE PLANE WITH A DASHED BLACK LINE STARTING**



**FROM A POINT EQUAL IN ELEVATION TO THE APPLICANT'S GRADE LEVEL POINT ON THE NEIGHBORING SETBACK LINE. THE BLACK DASHED LINE SHOWS THE LIGHT EXPOSURE PLANE INTERSECTS BOTH THE ROOF OVER THE EXPANDED GARAGE AND THE EXPANDED MAIN HOUSE WHICH ARE VIOLATIONS OF THE ZONING CODE. INDEED BY MR. VIERA'S METHOD OF CALCULATION, WHICH I BELIEVE TO BE IN ERROR, A SECTION OF THE ROOF OVER THE EXPANDED GARAGE 4 FEET BY FOUR FEET AND A SECTION OF THE ROOF OVER THE MAIN HOUSE OF 2 FEET BY 2 FEET WOULD BE DETERMINED TO BE IN VIOLATION OF THE ZONING CODE. I CONTEND THAT THE PROPER METHOD OF CALCULATION WOULD SHOW THE OFFENDING SECTION OF THE ROOF OVER THE GARAGE TO BE FIVE ½ FEET BY FIVE ½ FEET, AND THE OFFENDING SECTION OF THE ROOF OVER THE EXPANDED MAIN HOUSE TO BE 3 ½ FEET BY 3 ½ FEET.**

**THE PROPER METHOD OF CALCULATING THE LIGHT EXPOSURE PLANE WOULD BE TO PLACE A POINT ON THE GRADE LEVEL OF THE NEIGHBORING SETBACK LINE AND TO DRAW A 45° ANGLE. MR. VIERA DETERMINED THAT THE GRADE LEVEL POINT ON THE NEIGHBORING SETBACK LINE WAS 1 ½ FEET LOWER THAN 230 CREST DRIVE. THERE IS NO REFERENCE IN THE DEFINITION OF LIGHT EXPOSURE PLANE TO THE**

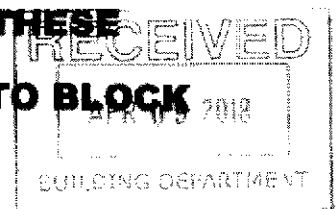


**APPLICANT'S PROPERTY, APPLICANT'S SETBACK LINE OR APPLICANT'S GRADE LEVEL, THE ONLY REFERENCE IS TO THE NEIGHBORING SETBACK LINE. IN ADDITION NOTE 1 TO ZONING 305 ATTACHMENT 5, INCLUDED IN THE PACKET, STATES IN PART: "BUILDING WALLS SHALL NOT ENCROACH UPON A LIGHT EXPOSURE PLANE MEASURED 45° VERTICALLY FROM THE BASE OF NEIGHBORING SETBACK LINES."**

**BUT WITH EITHER METHOD OF COMPUTATION THE CURRENT PLANS ARE IN VIOLATION OF THE ZONING CODE.**

**MOREOVER IT IS THE LOSS OF LIGHT CLEARLY DEMONSTRATED IN THE PHOTOGRAPHS THAT IS MOST IMPORTANT. I HAVE ALSO DRAWN A BLUE LINE ON THE ANNOTATED LIGHT PLANE STUDY TO SHOW HOW MUCH OF THE PROPOSED ADDITIONS FALL WITHIN THE REQUIRED 12 FOOT SETBACK WHICH SHOULD BE STRICTLY ENFORCED.**

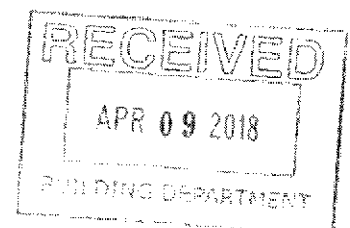
**WE SHOULD NOT BE PUT IN A SITUATION WHERE THE ALMOST YEAR ROUND SHADOWS CAUSED BY THE PROPOSED ADDITIONS WILL CREATE AN ENVIRONMENT SO CONDUCTIVE TO HAVING MOLD, MOSS AND MILDEW GROWING ON OUR PROPERTY – AN ENVIRONMENTAL NIGHTMARE. SUNLIGHT IS THE BEST DISINFECTANT. PLEASE DO NOT ALLOW THESE ADDITIONS TO BLOCK OUR NEEDED SUNLIGHT OR TO BLOCK**



**OUR VIEW OF THE SKY. AGAIN PLEASE TAKE NOTE IN PHOTOGRAPHS 4, 11, 12, AND 13 THE SUN CAN BE SEEN. HOWEVER IF THE ADDITIONS ARE BUILT THEY WILL BE SO HIGH THAT THEY WILL BLOCK THE SUN FROM REACHING OUR HOUSE.**

**UNDER THE ZONING CHAPTER OF THE VILLAGE CODE § 305-3. SOME OF THE LISTED SPECIFIC OBJECTIVES ARE TO PROVIDE ADEQUATE LIGHT, AIR AND PRIVACY AND TO PRESERVE SOLAR ACCESS. ALL OF THESE OBJECTIVES WILL BE CONTRAVENED BY THE PROPOSED ADDITIONS. THUS THESE ADDITIONS SHOULD NOT BE PERMITTED. OUR HOME SHOULD NOT BE PLACED IN SHADOWS. WE SHOULD NOT BE BLOCKED FROM RECEIVING LIGHT AND WE SHOULD BE ABLE TO MAINTAIN OUR PRIVACY. UNFORTUNATELY WE ARE FORCED TO RAISE OUR STRONG OBJECTION TO THE PLANS AS SUBMITTED BECAUSE OF THE SUBSTANTIAL HARM THE ADDITIONS TO 230 CREST DRIVE WILL DO TO OUR HOME.**

**THANK YOU FOR YOUR CONSIDERATION AND YOUR VISIT TO OUR HOME.**





PHOTOGRAPH 10  
Red Lines Shows Approximate Height Of Additions Over Garage and House

224 CREST DRIVE

RECEIVED  
PLANNING DEPT  
2301 CREST DRIVE

BARREY AGDEAN SUBMISSION  
ZBA



ANNOTATED PROPOSED SIDE ELEVATION  $\frac{1}{4}" = 1'-0"$   
 RED LINE SHOWS HIGHEST POINT OF 224 CREST DRIVE  
 RELATIVE TO 230 CREST DRIVE  
 230 CREST DRIVE BEING  $1\frac{1}{2}'$  HIGHER IN ELEVATION

OUTLINE OF ORIGINAL  
TWO STORY PROPOSAL



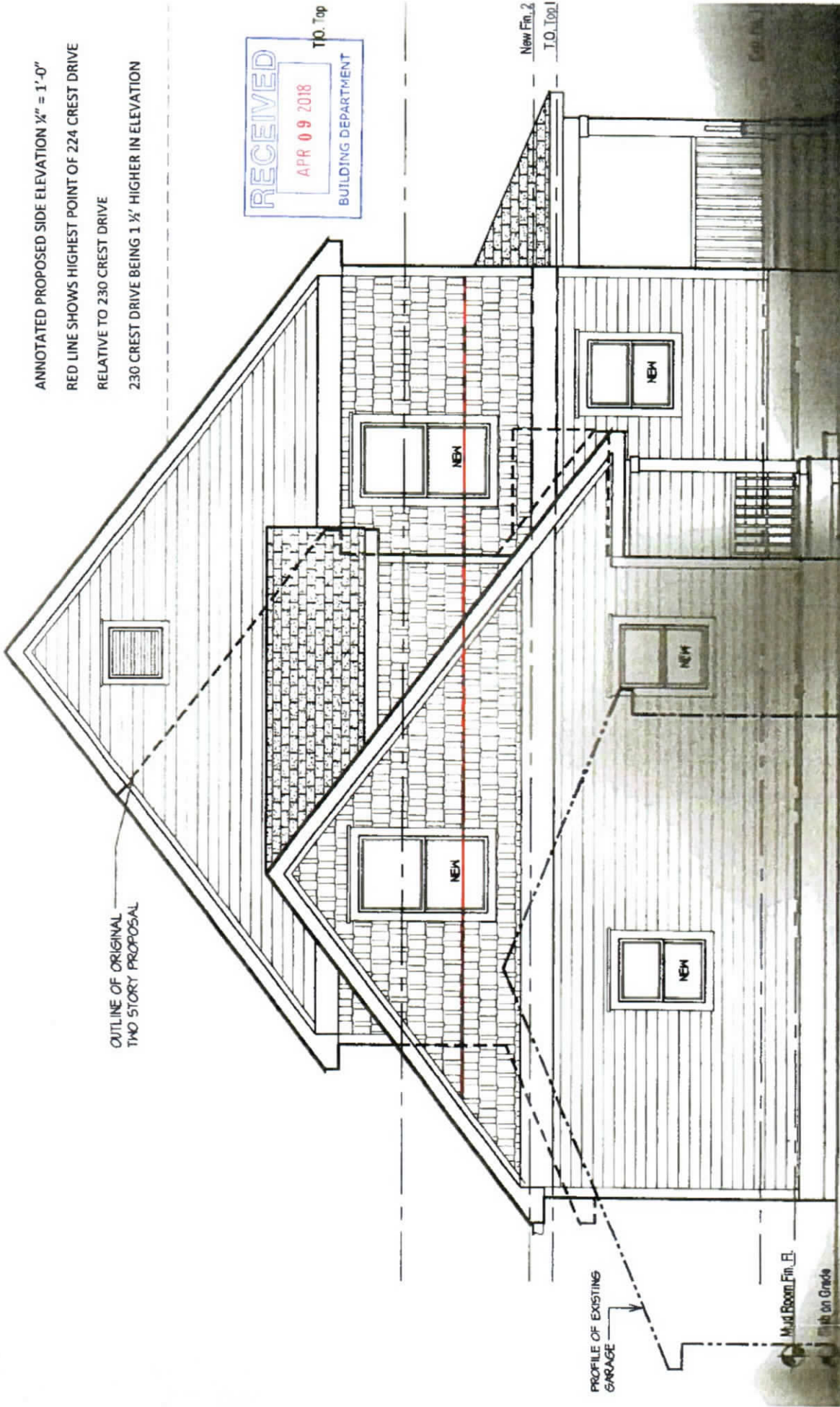
T.O. Top

New Fin. 2  
 T.O. Top 1

PROFILE OF EXISTING  
GARAGE

Mud Room Fin. Fl.

Right on Grade





PHOTOGRAPH 4  
230 CREST DRIVE  
Taken On South Side  
Step Of 224 Crest Drive  
February 8, 2018  
9:32 AM

RECEIVED  
APR 09 2018  
BUILDING DEPARTMENT





PHOTOGRAPH 11  
View From A South Facing Window Of 224 Crest Drive  
Taken On February 14, 2018 At 10:57 AM

APR 09 2018

BUILDING DEPARTMENT





PHOTOGRAPH 12  
View From A South Facing Window Of 224 Crest Drive  
Taken On February 21, 2018 At 12:05 pm



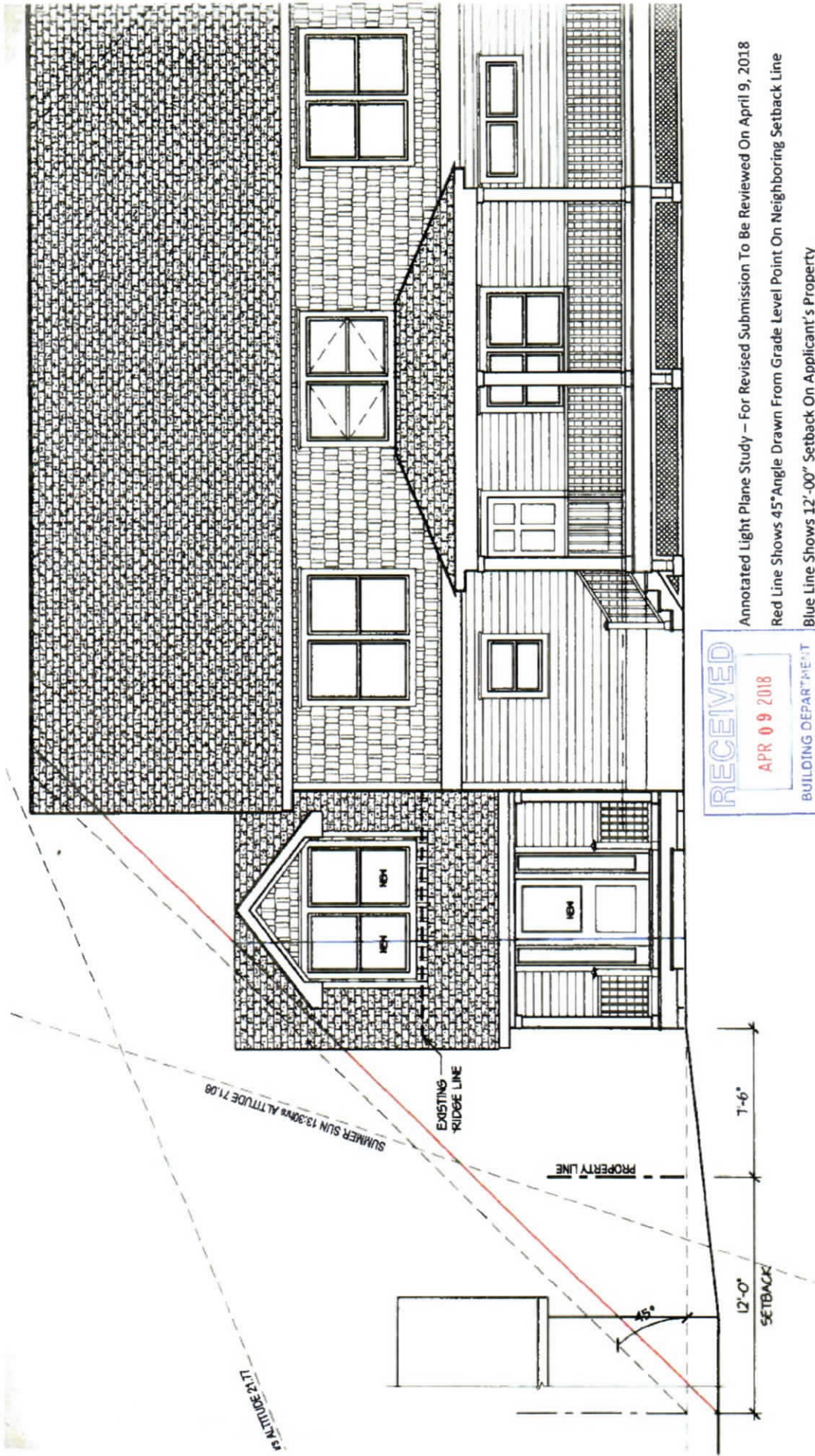


PHOTOGRAPH 13

View From A South Facing Window Of 224 Crest Drive  
Taken On February 27, 2018 At 12:55 PM

RECEIVED  
APR 09 2018  
BUILDING DEPARTMENT

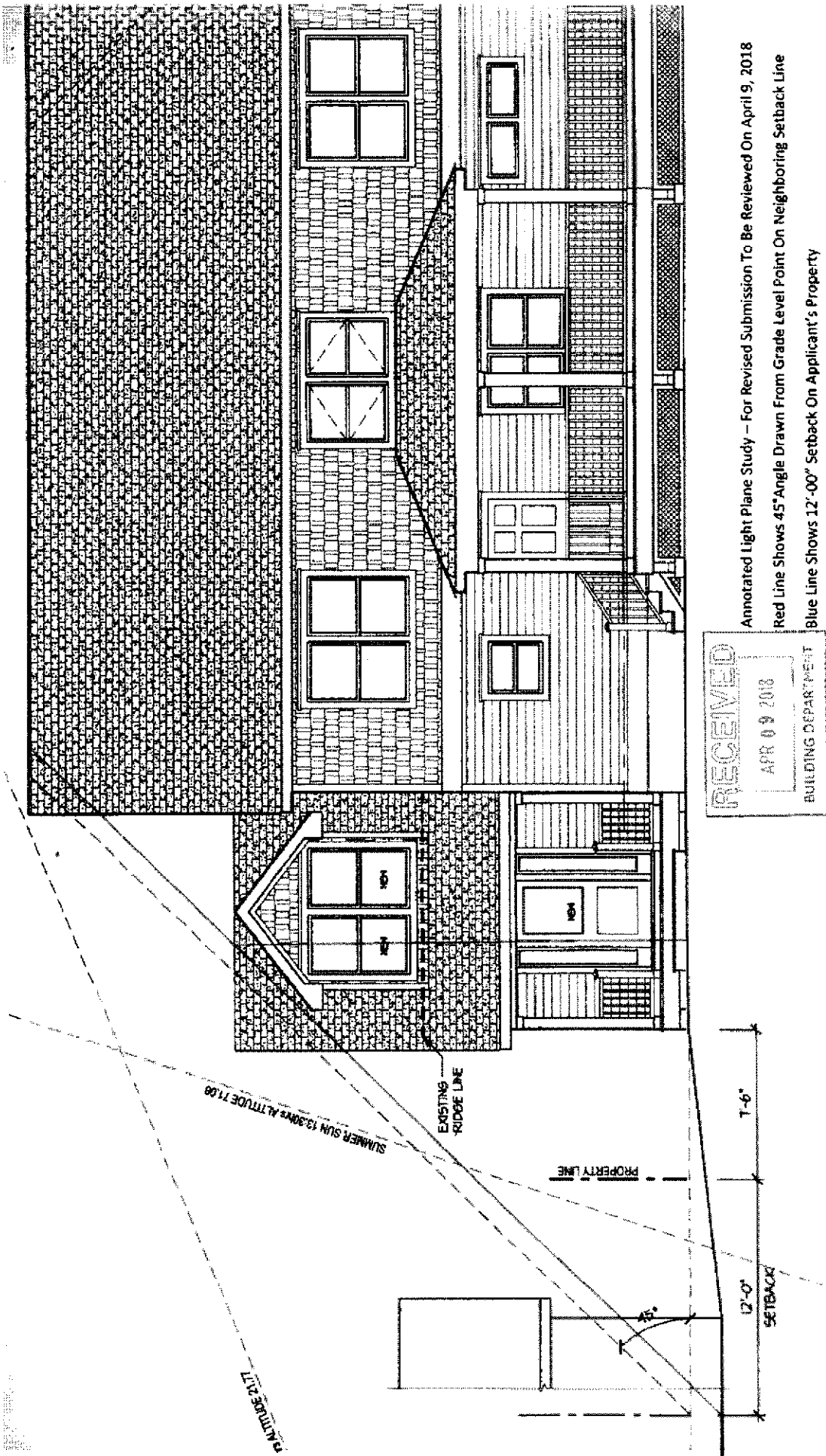




Annotated Light Plane Study – For Revised Submission To Be Reviewed On April 9, 2018  
Red Line Shows 45° Angle Drawn From Grade Level Point On Neighboring Setback Line  
Blue Line Shows 12'-00" Setback On Applicant's Property

### LIGHT PLANE STUDY - OPTION D

3/16" = 1'-0"



# LIGHT PLANE STUDY - OPTION D

3/16" = 1'-0"

### Zoning Schedule Single-Family Residence Districts

5	6	7	7a	8	9	10	11	12	13	14	15	16	17	18	19	20	20a	21
Zone	Minimum lot size (square feet)	Width of Building (feet)	Required Street Frontage (feet)	Principal Building Coverage (percent)	Accessory Building Coverage (percent)	Total Coverage (all buildings) (percent)	Minimum Front Yard (feet)	Minimum for Each Side Yard (feet)	Minimum 2 Side Yards (feet)	Minimum Rear Yard (feet)	Accessory Building to Principal Building (feet)	Accessory Building to Building to Rear Lot Line (feet)	Minimum Distance From	Maximum Height (stories)	Maximum Height (feet)	Maximum Area Per Dwelling (square feet)	Maximum Livable Area (square feet)	Zone
R-80 <sup>2</sup> All uses	80,000	150	140	8 <sup>1</sup>	2	10 <sup>2</sup>	40	30	60	50	30	30	30	2.5	30	1,800	1,800	R-80 <sup>2</sup>
R-60 <sup>2</sup> All uses	60,000	150	150	10 <sup>3</sup>	2	12 <sup>2</sup>	40	25	50	45	25	25	25	2.5	30	1,800	1.5 times principal building coverage	R-60
R-40 All uses	40,000	150	150	14.0	3.5	17.5	40	20	40	36	20	20	20	2.5	30	1,800	1.5 times principal building coverage	R-40
R-30 All uses	30,000	135	135	16.0	4.0	20.0	35	18	38	34	18	18	18	2.5	30	1,650	1.5 times principal building coverage	R-30
R-20 All uses	20,000	120	120	18.0	4.5	22.5	30	16	34	32	16	16	16	2.5	30	1,500	1.5 times principal building coverage	R-20
R-15 All uses	15,000	115	115	20.0	5.0	25.0	27	14	30	30	14	14	14	2.5	30	1,350	1.5 times principal building coverage	R-15
R-10 All uses	10,000	100	100	22.0	5.5	27.5	25	12	26	28	12	12	12	2.5	30	1,200	1.5 times principal building coverage	R-10
R-7.5 All uses	7,500	75	75	24.0	6.0	30.0	20	10	22	26	10	10	10	2.5	30	1,050	1.5 times principal building coverage	R-7.5
R-5 All uses	5,000	50	50	30.0	6.0	36.0	20	8	18	26	N/A	0	2.5	30	900	900	R-5	
R-Community Zones and recreation centers	65,000	100	100	20.0	5.0	25.0	25	25	50	50	14	23	50	2.5	30	0	0	R-Community

## NOTES:

Building walls shall not encroach upon a light exposure plane measured 45° vertically from the base of neighboring setback lines. If an existing structure is located within a mandatory side yard setback, then the point of measurement for a light exposure plane shall be at a point equal to the required side yard setback.

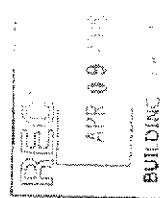
Dimensions for lot size, frontage and yard setbacks may be reduced for lots within the R-60 and R-80 Districts, without any increase in overall lot count, if the Planning Board determines that the resulting lot and building configuration would enhance the overall physical and visual character of the proposed development and/or provide enhanced visual or physical access to open space. Reductions in lot and bulk controls shall be in context with dimensional parameters of adjacent properties, but in no case shall minimum lot sizes be reduced below R-30 standards.

<sup>1</sup> Principal building coverage on lots less than 80,000 square feet, but more than 60,000 square feet, within the R-50 Zone shall be a maximum of 10%.

<sup>4</sup> Principal building coverage on lots less than 60,000 square feet within the R-60 Zone shall be a maximum of 12%.

<sup>1</sup> Total building coverage on lots less than 80,000 square feet, but more than 60,000 square feet, within the R-80 Zone shall be a maximum of 14%.

WILLIAM H. WINTERHAGEN, JR. AND THOMAS A. HOFF, JR. 1997. A Review of the Fishes of the Gulf of Mexico, 1960-1996. Gulf of Mexico Fisheries Review, 1997, 69 pp.





**EXHIBIT B**  
**JANE AGDERN SUBMISSION**  
**230 CREST DRIVE APPLICATION**  
**4-9-18 ZBA MEETING**

**GOOD EVENING EVERYONE,**

**MY NAME IS JANE AGDERN. I RESIDE AT 224 CREST DRIVE. I agree with the previous statement, made by my husband.**

**When we started our housing search in January of 1974, I saw between 90 to 100 homes and my husband visited between 50-60. Our current home at 224 Crest Drive was the 9<sup>th</sup> house we visited on that fateful Saturday afternoon in March. We loved the atmosphere as we drove up our street. The houses reminded us of what it would be like to live on a country lane. We toured the house, seeing the bedrooms, bathroom and living room. Then they opened the doors that lead to the southern part of the house. It contained the kitchen, a dining area, a den, a bathroom and a closet. We bought the house then and there. The house was move in ready, and with minor modification, stands now as it did almost 44 years ago.**

**But things change. People change. Lives changed.**

In the almost 44 years we've lived in this house, two different families have resided at 230 crest drive, our neighbors to the south.

Even the houses on the block have changed, undergoing renovations as the needs of the families who lived in the houses have changed. However none of the 25 houses on this part of Crest Drive have built on a 2<sup>nd</sup> story on top of their garage ~~or have a 2<sup>nd</sup> story on top of the garage~~. Additions have been added to the rear of 218 Crest Drive & 245 Crest Drive has a 2<sup>nd</sup> story but has not built on top of the garage.

The current plans for 230 Crest Drive show the main part of the house, which is approximately 32 &  $\frac{1}{2}$  Feet tall & will make our house look as if it is located next to a huge mountain while we will be residing in a dark low valley. The south side of our house will be hemmed in by the height and width of the current plans for 230 Crest Drive.

To be more specific about it, the planned construction over the garage at 230 Crest Drive would provide us with a view of an approximately 22 1/2 foot high wall out of our southern windows. No

Sun, No natural light, No Sky or Country Scenery, just walls.

\* This is what we'd see from the south side of our 1 story ranch style home if this plan goes through.\* Please look at the annotated proposed side elevation.

What do I mean?

The proposal is asking for the transformation of 230 crest drive from an approximately 1,200 sf house into an approximately 3,000 SF house.

Putting this into context, the usable size of the property is about  $\frac{1}{4}$  of an acre. If all went according to the current plan, the renovated house would be more than twice the size it is now and 15 feet away from the south side of my house. Not only that, but at 32 & 1/2 feet high, it would be more than twice the height of my house & ~~about~~ <sup>17</sup> &  $\frac{1}{2}$  feet taller than my house. To me that looks like a very small plot of land to put such a big home.

In addition, the current plans make the fully renovated house look like it has \*3\* stories; a 1<sup>st</sup> floor, a 2<sup>nd</sup> floor and a third floor for the attic.

Please see the Light Plane Study Option D. On the left you will see a section of the southern portion of our house & on the right a frontal view of the current proposed plan of 230 Crest Drive. It is easy to compare the height of the 2 structures.

Photograph 10 illustrates that as well.

Like I stated earlier, there have been renovations on this part of Crest Drive. Even after those renovations, not 1 of the 25 houses on this part of Crest Drive is that tall. Consequently, a proposed house of this size is not in character with the rest of the street.

We are not the sort of couple that would rent a dark 1<sup>st</sup> floor apartment in a high rise building facing a courtyard where we'd look out of the windows and see walls. In fact, we already spoke about how much of a draw to Crest Drive the light, country scenery and associated views were when we first saw our house 44 years ago. Why should we have to loose these things after all of this time ?

We are a family that does not want to live in shadows nor do we want to lose any sunlight & natural light, especially during the fall and winter seasons when we need it the most. How can you justify this loss of light for a minute from a family who has had this light in their home for almost 44 years because their next door neighbor wants to enlarge their house, especially since they can build in the back?

The Zoning Chapter of the Village code 305-3 states solar access should be preserved. The current proposal for 230 Crest Drive does not preserve our solar access. It robs us of solar access for the southern side of our house. This is something that shouldn't be ignored and the Board needs to protect us from allowing this to happen. How? By enforcing the code.

Otherwise, I need some type of explanation. How does having a  $32\frac{1}{2}$  foot high house and it's  $22\frac{1}{2}$  foot high extended garage 15 feet away from our 16 foot high house preserve our solar access?! It is an absolute fallacy to think the light that comes into my house from the west will compensate for the



light we will lose from our southern windows and side door due to the current proposed construction plan for 230 Crest Drive.

On January 18, 2018 between 12-12:30, both Joseph Fiore & Sam Viera visited my house, separately. Mr Fiore brought the proposed plans for the 230 Crest Drive renovations. I mentioned my concern about the height of the house and building on top of the garage. He & I looked out of the window closest to my dining room table. My husband was there as well. The sun was out. The Sun was barely above the roof line of the existing house which is approximately 16 feet tall. The 3 of us saw the same thing.

Sam Viera came a short time after Joseph Fiore left. He brought the Light Plane Study, which we discussed, as well as building over the garage, which is deeply troubling for us. We & Mr. Viera looked out of the window as well. The Sun had hardly moved & sat barely over the roof line of the existing house. In January, if the sun can barely sit on the roof line of an approximately 16 foot high house, then the Sun will definitely be blocked by a

22 &  $\frac{1}{2}$  foot<sup>high</sup> expanded garage & a 32  $\frac{1}{2}$  foot tall house on the south side of my house.

As we've stated earlier, my husband and I have no problem with either renovation or change. Our former neighbors next door at 218 Crest Drive put an addition onto the rear of their house and our neighbors across the street at 227 Crest Drive expanded their house as well. Anybody who lives in a house knows the increased need for storage over time.

245 Crest Drive has a pull down attic stair and the owner at the time of construction in his house could only stand up straight under the ridge beam, but nowhere else. The attic was allocated for storage. This would mean that the approximate height of the attic in this house is about seven feet in the center. If this was done it would lower both the attic height and height of the proposed 230 Crest Drive plan by 5 feet, since the plans show the attic to be a stand-up attic of 12 feet tall. Adding additional space to the 2 sheds that are being built in the rear of the house might help with storage.

When you live in a community where homes are so close together, it is necessary to remember the negative affects your actions can have upon a neighbor.

We should not be punished and our lives altered by the remodeling of 230 Crest Drive. It will be a major upheaval to our way of life & I am hoping the board's actions will help us.

Therefore I object to the current proposed additions and all of the variances requested by the owners of 230 Crest Drive.

Thank you for your time and consideration.

# **EXHIBIT C**

**PETER GAITO APPLICATION SUBMISSION**

**104 CENTRAL AVENUE**

**4-9-18 ZBA MEETING**



**Peter F. Gaito & Associates Architects | Engineers | Planners**

**WHITE PLAINS**  
333 WESTCHESTER AVENUE  
SOUTH BUILDING, SUITE 9-303  
WHITE PLAINS, NY 10604  
Phone: 914-682-3381  
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**President**  
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**Vice President**  
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**Associates**  
Ben Scavone  
AIA, NCARB, LEED AP

Aldo Ricci  
PE

Nick Tuoci  
PE, LEED AP

**TO: Tarrytown Building Department & Zoning Board Officials**

**Re: Fit Inn**  
104 Central Avenue, Tarrytown  
Supplemental Information to ZBA submission documents 3-22-18

Regarding the parking requirements, we offer the following as a supplement to the submitted documents:

In general, the peak working hours for the proposed personal training studio, will be before and after work, between the hours of 5:00 am to 9:00 am in the mornings and between 6:00 pm to 9:00 pm in the evenings. Throughout the day there will only be scattered appointments. During the peak times, the owner's expect to train 4-6 people and during the scattered times to train 1-2 people. It is important to note that the owners of the building, are also the occupants of the residence and the owners of the proposed personal training studio. As such, they would not be driving to work and occupying more of the required parking spaces.

It has been observed that during the peak times indicated above, there are always 5-6 metered spaces available directly across the street. Additionally, although there is ample street parking available, the owners have also reached out to neighboring businesses in attempt to see if they could have their customers temporarily park in their lot should the metered spaces be unavailable; to date, nothing has been agreed upon.

The building is divided into two floors, ground floor and second floor. The ground floor is the proposed personal training business and the second floor is a private residence. It is the owner's understanding that 2 spaces were granted as part of the allowance for a residence. Our other calculations are for the proposed business which we are requesting 6 spaces. Please see attached summary chart.

In short, the clients feel that with their concentrated personal training clientele, the requested parking relief would not have a negative impact on the current street parking available.

Thank you for your cooperation.

Attachment