

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting via Zoom Video Conference
April 13, 2020 7:30 p.m.

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

ABSENT: Member Sgammato

Ms. Lawrence opened the meeting at 7:35 pm and introduced the Board Members Tricia Rachlin, Tori Weisel, David Kim, Sally Lawrence, Jack Jolly, Alternate #1 and Alan Braun, Alternate #2. Ms. Lawrence advised that this meeting will be held via Zoom Videoconferencing pursuant to the Governor's Executive Order issued in response to the Covid-19 Pandemic that authorizes public meetings to be held in this manner. The public will be able to view the entire meeting and be given the opportunity to speak during the public comment period for each application. Josh Ringel, Village Administrator, and moderator for this meeting, introduced himself and explained the meeting process: After each applicant presents the application, Board members will ask questions and then the public comment period will be open to the public. The public can use the "raise your hand" function in the application or press "*9" on the phone to participate in public comment. They will be advised when it is their turn to speak and to state their name and address when they comment.

Counsel Addona advised that Mr. Jolly will be acting as a regular member this evening in Ms. Sgammato's absence and Mr. Braun will be an alternate should any Board member recuse themselves from any application.

APPROVAL OF MINUTES – March 9, 2020

Ms. Lawrence moved, seconded by Ms. Weisel, with Mr. Jolly abstaining, to approve the minutes of the March 9, 2020, as submitted. All in favor. Motion carried.

Ms. Lawrence announced the following adjournments:

CONTINUATION OF PUBLIC HEARING

Theodora Pouloutides

59 North Washington Avenue

Variances needed to permit 5 units in one structure where the village zoning code §305-32A permits a maximum of 4 dwelling units and other variances related to the 5th unit.

Ms. Lawrence moved to adjourn this application to the next meeting on May 11, 2020, pending a SEQRA review and determination by the Planning Board, seconded by Ms. Rachlin. All in favor. Motion carried.

Diana and Merlin Shelstad
99 Riverview Avenue

Variances needed for additions and alterations to a single family home.

Ms. Lawrence moved, seconded by Ms. Weisel to adjourn this application to the next meeting on May 11, 2020 or thereafter, pending a site visit for a balloon test. The site visit in April was suspended in accordance with the Governor's Executive Order with regard to social distancing guidelines. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Annsville Ventures Inc. – 15 Baylis Court
Variances needed for the construction of a new three-family dwelling.

Sam Vieira, RA, the project architect, updated the Board on the revised plans submitted in response to comments made at the March 9, 2020 meeting. The revised plans delineate the parking spaces in front of the building and show the ability for the cars to be able to fit and maneuver in and out of the driveway. He also reduced the size of the planting bed by the curb cut at the driveway entrance to facilitate maneuverability for parking. New color elevations have also been provided as part of the ARB prior approval in 2016. He has submitted the requested information and is asking the Board to approve the same variances that were requested back in 2016 for the construction of the three family dwelling.

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

Ms. Rachlin asked if there was a question about the light plane. Ms. Weisel said she had asked about that at the March meeting. Mr. Vieira advised that there are no light plane regulations in the zoning code that apply to multi-family zones.

Mr. Kim said that the new drawings and information provided is more than sufficient and he has no further comments.

Mr. Jolly confirmed that the curb cut is only one car length. Mr. Vieira confirmed that it will only be 15 feet to save street parking. This is the same plan approved back in 2016, in response to Planning Board comments to reduce the curb cut which was originally the full width of the building. The current plan shows the cars will be able to maneuver in and out of the lot.

Ms. Weisel and Ms. Lawrence have no questions.

Ms. Lawrence asked if anyone in the public has any questions.

Mr. Ringel advised the public how to raise their hand or press *9 to speak and when they are called on to state their name and address and then comment.

Mark Colonna, of 13 Baylis Court, expressed his concern about the digging of the rock that is proposed. The foundation of his house is built around the rock and he is concerned that his foundation will be weakened during blasting of the rock.

Mr. Pennella advised that this application will be before the Planning Board for review and blasting protocol will be applied which will require monitors to be in place in the adjacent homes if blasting is done. Rock splitting may also be proposed. Either way, the building department will make sure that all neighboring homes will be protected. Mr. Vieira said it will most likely be drill and split, hydraulically or chemically, he is not sure, but there should be no blasting.

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

Counsel Addona requested that Ms. Lawrence ask for a roll call vote from each member when voting on applications this evening.

David Carpenter called in to speak on an application for the YMCA and was advised that this application is not before this Board.

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

Ms. Lawrence read through the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence said that there will be no undesirable change to the neighborhood as a result of this project. There are many multi-family homes in this area.*
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 that there is no other method that can be achieved considering the lot size.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the variances are not substantial based on the project.*
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 stated that there is no adverse effect for this project.*
5. That the alleged difficulty was not self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that this condition is self-created but does not preclude the granting of this variance and it not a detriment.*

Ms. Lawrence moved to approve the variances for the construction of a 3 family dwelling and authorize Counsel Addona to draft a resolution memorializing the discussion of this application.

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Mr. Jolly: Yes
Ms. Rachlin: Yes
Ms. Weisel: Yes
Mr. Kim: Yes
Ms. Lawrence: Yes

The variances for the construction of a three family dwelling were unanimously approved.

CONTINUATION OF PUBLIC HEARING – Azizi 25 S.Broadway Realty LLC

25 S. Broadway

Variances needed for conversion to two dwelling units above a retail space.

Sam Vieira, RA, the project architect, appeared on behalf of the applicant to respond to the comments made at the March 8, 2020 meeting. He briefly went over the proposed plan for the conversion. The proposal is to convert the second and third floor of the existing structure into 2 separate apartments with the tailor shop to remain on the first floor. This conversion requires a parking variance for three spaces.

At the March 9, 2020 meeting, this Board requested Mr. Vieira to reach out to the new owner of the property, formally the Junior League building, to see if they would be interested in renting spaces out to Mr. Azizi. Mr. Vieira said the new owner is not interested in renting spaces at this point since he will need parking for his own use. He emailed the owner and submitted a copy to the Board, but did not get a response back.

The other request was to get information from the village regarding parking permits. He received a response from Joan Malone, who issues these permits, in an email dated March 10, 2020 which reads:

From: Joan Malone
Sent: Tuesday, March 10, 2020 12:05 PM
To: Vieira Sam <sam@sfvdesign.com>
Subject: Overnight Parking

Sam,

There are no specific permits for Overnight Parking.

Resident Permits which residents pay for are for parking at the locations noted on the attached. You will see that the locations noted are the lots at the train station & village owned parking lots in the business area. These permits run on our fiscal year June to May.

To date we have sold approximately 594 permits.

NOTE: Permits allow parking at the noted locations without paying, the rules of the parking lots are enforced.

Joan Malone
Village of Tarrytown

Mr. Vieira said based upon what Ms. Malone provided above, there are no specific assigned parking lots. People can choose where the parking is available.

Ms. Lawrence thanked Mr. Vieira for the information.

Mr. Vieira said that during presentation last month he made a comment about how the conversion affects the number of bedrooms. In present configuration, the 2nd and 3rd floor has a total of 4 bedrooms. No one can predict who will occupy in the future but, after the conversion, there will be 2 bedrooms on the 2nd floor and only 1 bedroom on the 3rd floor so they have reduced the number of bedrooms from 4 to 3.

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

Mr. Jolly said there used to be cars that were allowed to park in the junior league lot. No one can park there anymore overnight. They can only park on Sunday morning only. It is underutilized now and it hurts the parking situation.

Ms. Lawrence said the new owner feels he will need the parking for his own use. Mr. Vieira said that the new owner will likely be before this Board or the Planning Board so he understands why he is not willing to offer spaces at this point until he gets his own approvals. Somewhere down the road he may reconsider.

Ms. Rachlin has no questions.

Ms. Weisel asked in terms of parking permits, has it ever been stipulated that people who are renting apartment dwelling obtain proof of a permit.

Counsel said that as a condition of approval you are asking that this be a condition of approval that they have a proof of parking permit is not unreasonable but perhaps the applicant would want to weigh in.

Dan Pennella said it would be very difficult to monitor this would be a code enforcement nightmare.

Sally said we have not required this for other applicants and referenced 21 South Broadway so she does not think it is necessary. Dan Pennella confirmed that 21 South Broadway was granted parking variances similar to the application before the Board.

Mr. Rachlin asked about overnight parking permits. She thought anyone is allowed to park overnight in the lots. Mr. Jolly said no that they do have to have a permit to park overnight.

Dan Pennella reminded the Board that this property is in the Restricted Retail zone which requires payment in lieu of providing parking. The variance is for the granting of 3 parking spaces.

Mr. Vieira reiterated that when Mr. Azizi purchased the property, the village came to an understanding that half the first floor was commercial, the other half was for an apartment and the other apartment was on the 2nd and 3rd floor. Over time Mr. Azizi expanded into first floor for more work space. On a certain level, this is simply going back to original occupancy mandated by the village when he first purchased the property.

David Kim said that given the parking situation on Broadway and the rest of downtown, the meters only go to 6 pm and unless there is a music hall event, the spaces on the south side of the street are fairly vacant so he is not too concerned about finding a space. He would leave it up to the renter as to whether or not they want to purchase a permit.

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

Ms. Lawrence asked for public comment before closing the public hearing. No one called in.

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

Ms. Lawrence read through the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence said that there will be no undesirable change to the neighborhood as a result of this project. The tenants will be able to parking overnight on Broadway since there are available spaces.*
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 that there is no other method that can be achieved since there is no parking on site.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the variances are not substantial given the number of units and spaces provided.*
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 stated that there is no adverse effect for this project. There are many, 2 family, multi-family and mixed use buildings 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 stated that this condition is self-created but does not preclude the granting of this variance.*

Ms. Lawrence moved to approve the variances for the conversion of two dwelling units above a retail space and direct Counsel Addona to draft a resolution memorializing the discussion of this application with general conditions.

Mr. Pennella asked Ms. Lawrence to address the parking fund issue.

Ms. Lawrence asked each Board member how they feel about this issue.

Mr. Pennella said the payment would be \$3000.00 which is \$1000 per space. Ms. Weisel feels that because the property is in the restricted retail, she feels that the applicant should contribute to the parking fund since they ask everyone else to in this zone.

Mr. Kim asked if it is up to the discretion of the Board. Mr. Pennella said if you don't think they should pay, it should be included in the record.

Mr. Kim feels it should be applied the way it has always been.

Ms. Rachlin feels the applicant should pay into the parking fund. She asked if had paid into the fund before.

Mr. Jolly said Mr. Azizi has been there many years and the fact that they are going from 4 bedrooms to 3 bedrooms, he does not feel he should not be required to pay into the fund.

Ms. Lawrence moved to approve the variances for the conversion of two dwelling units above a retail space and direct Counsel Addona to draft a resolution memorializing the discussion of this application with general conditions and a special condition that the applicant pay into the village parking fund, the amount of \$3000.00.

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Mr. Kim: Yes
Ms. Rachlin: Yes
Ms. Weisel: Yes
Mr. Jolly: Yes
Ms. Lawrence: Yes

The variances for the conversion from one to two dwelling units above a retail space were unanimously approved.

CONTINUATION OF PUBLIC HEARING – E. F. Schools, Inc. – 25 Irving Avenue
Variances needed for the construction of a new single family home.

Tony Carnevalla, the builder for this project, submitted a revised plan at the recommendation of the Board at the March 9, 2020 meeting and have turned the house around so that it faces Irving Avenue and have moved the deck to the right side of the building. By rotating the home they eliminated the need for a rear yard setback variance.

Counsel Addona advised that the variance is lesser so there was no need for the applicant to re-notice.

Ms. Lawrence thanked the applicant for revising the plan.

Ms. Lawrence asked if anyone in the public wanted to comment. Mr. Ringel advised that no one raised a hand or is calling in.

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

Ms. Weisel has no questions. She appreciates the revised plan with the house turned around and it looks good.

Mr. Jolly likes the plan and confirmed that it was a modular or pre-fab home proposed. Mr. Jolly said most of the construction is done before delivery then. Mr. Carnevalla said it is a modular and about 80% of the building will be done before delivery, excluding the site work.

Mr. Kim said this is an incredible improvement to the plan and he appreciates the fact that the front is in the front and the driveway is 8 foot wide. The only question he has is on the site plan it shows the porch at 5 feet, but the floor plan shows 6 feet. Mr. Carnevalla said it should be 6 feet.

Ms. Rachlin has no questions. She thinks it looks great.

Ms. Lawrence thanked the applicant for the revisions. She feels it is a very nice plan and will be a good addition to the neighborhood.

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

Ms. Lawrence read through the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence said that there will be no undesirable change to the neighborhood as a result of this project. The front of the house will now face the street which is a big improvement.*
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence said that there is no other method that can be achieved and they have eliminated the rear yard setback.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the variances are not substantial and have been decreased.*
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 stated that there is no adverse effect for this project. It will be an improvement.*
5. That the alleged difficulty was not self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that this condition is self-created but does not preclude the granting of this variance.*

Ms. Lawrence moved to approve the variances for the construction of a single family dwelling and direct Counsel Addona to draft a resolution memorializing the discussion of this application with general conditions and have the applicant revise the site plan to reflect the 6 foot porch, rather than 5 feet.

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Ms. Weisel: Yes
Mr. Jolly: Yes
Mr. Kim: Yes
Ms. Rachlin: Yes
Ms. Lawrence: Yes

The variances for the construction of a single family home were unanimously approved.

CONTINUATION OF PUBLIC HEARING – Paul and Maria Birgy – 740 South Broadway

For a permit pursuant to Village of Tarrytown Zoning Code § 305-18(C)(3) and Zoning Code § 305-44(B) to allow a structure certified by the Village of Tarrytown Board of Trustees (“Board of Trustees”) as historic to be converted from a one-family dwelling to two-dwelling units.

Ms. Lawrence recused herself from this application. Ms. Weisel chaired this portion of the meeting and acknowledged the material submitted by Mr. Birgy relating to the costs associated with the restoration of historic structures vs. non historic. She also noted the additional information submitted about the history of the property along with a list of

comparable homes sold in the area and the sale price. She asked Mr. Birgy to explain what he is hoping to recoup over time in terms of estimated restoration costs.

Mr. Birgy said that this is going to be his home and they are not trying to recoup anything. The point he is making in the supplemental materials he submitted is that Historic properties have a need to be restored and there needs to be a pathway for some sort to allow properties to have the ability to be maintained as such into the future. After he and his wife are long gone, someone else will become the steward of the property.

From the beginning, they thought that the conversion of the garage to the one bedroom apartment was a perfect solution since it enables an owner to either be a caretaker of the main house or live in the main house and rent the caretaker's cottage. He referenced other sites in his submission: the Miller House, the Odell House, and Caretaker's House on the Croton Aqueduct in Dobbs Ferry. These properties have received grants of up to 1.2 million dollar grants for the upkeep of the sites. This is because there are special skills involved to restore these properties and for maintenance and building trades for the care and cleaning of historic materials and finishes. The budget for these properties can generally be twice as much to restore on a square foot basis. It is not only more expensive to properly restore, many of the properties sit and deteriorate over time since it is not affordable to maintain the specialized costs. He thinks the intent of the village code was to give someone the ability to have a long term plan in place to ensure that these properties are taken care of in the future.

Ms. Weisel asked Mr. Birgy to talk about the long term plan in place for this property.

Mr. Birgy said he and his wife will occupy the one bedroom caretaker's cottage and rent the main house which would provide income to maintain the historic site. He referenced a budget for future annual maintenance costs in his submission which outlines projected costs of \$25,000 per year (some years more, and some less) in order to maintain the site. This additional rental income will make sure that there is money available for the future maintenance needs of the property.

Ms. Weisel asked if any of the Board Members have any questions.

Mr. Jolly asked how many room is the caretaker's area.

Mr. Birgy said it is a 1,600 s.f. one bedroom apartment on one level. The one garage section will include a wood shop with equipment and specialized materials for the second phase of the project which is the build back of the Acker House. The building itself is well built and they feel that the repurposing of it to a one bedroom is a really nice match. The breezeway will remain with a new roof and siding.

Mr. Jolly asked about the preservation of the material on the main building. Mr. Birgy said the main building has much of the 19th century clapboard now which will remain.

Bottom sections near the foundation will need to be replaced due to termite carpenter ant damage. Ninety five percent has been maintained. It is a beautiful material.

Ms. Rachlin asked if they anticipate renting for house for residential only or for functions. Mr. Birgy said that they would like to have 2 or 3 small functions per year; perhaps a house tour to make it available to the public. The story of this site needs to be told. It is a story of Lyndhurst or Kykuit, it is about the people who settled the area and worked with their hands. It helps people understand that when the original house was built, there was no United States of America. They are excited about bringing this history to the area residents. It will be primarily rented for now. If funds become available in the future and it could be turned into a house-type museum structure that would be fine too. For now, with the costs involved this is best plan that works for them.

Mr. Braun and Mr. Kim have no questions.

Counsel Addona said before we open to the public she will read again the provision of the code that they are dealing with for the benefit of the Board and the public.

§305-44 B – General Regulations Applicable to all Districts

“Conversions in historic structures. In structures certified by the Board of Trustees as historic structures, the Zoning Board of Appeals may permit the conversion of a one-family dwelling into a maximum of three separate dwelling units where such conversion is necessary to preserve the historic structures, provided that each dwelling unit shall contain the minimum livable floor area required in that district and further subject to the issuance of a certificate of appropriateness by the ARB.”

Ms. Weisel opened the meeting up to the public.

Mr. Ringel reminded the audience of the procedure to raise your hand for the application or press *9 if are calling in by phone.

Mr. Ringel said no one is raising their hand.

Ms. Weisel asked Counsel if she should read through the criteria for an area variance.

Counsel Addona advised that this criteria is not applicable in this instance. The nature of the relief is for a permit based on certain conditions being satisfied. The reason it was adjourned last month was to have the applicant submit additional financial information necessary to restore and maintain the site.

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

Ms. Weisel moved, seconded by Mr. Jolly, to close the public hearing so that the Board may discuss this application. All in favor. Motion carried.

Ms. Weisel said that based on information in the code and the information submitted which was very comprehensive in stating the case, particularly in lieu of difference between home restoration costs and historic costs. She feels the case has been made. She thanked the applicant for explaining that there is a need for annual maintenance costs in addition to the restoration costs and the types of functions that may be planned in the future. The long term planning piece is interesting and the permit takes that into consideration. She asked the other Members if they had any comments to add.

Mr. Kim said the information is sufficient.

Mr. Rachlin has nothing to add.

Mr. Braun appreciates the follow up by the applicant. It was very good.

Mr. Jolly has no additional comment.

Ms. Weisel moved to grant a permit pursuant to section 305-44 B to allow the structure to be converted from a one family to a two family residence and authorize Counsel Addona to prepare a resolution memorializing the discussion this evening with the general standard conditions.

Ms. Weisel asked for a roll call vote for each Board Member as follows:

Mr. Jolly: Yes
Ms. Rachlin: Yes
Mr. Kim: Yes
Mr. Braun: Yes
Ms. Weisel: Yes

The permit for this conversion from a single family to a two family, in accordance with Section 305-44 B, was unanimously approved.

Ms. Lawrence returned to chair the meeting.

CONTINUED PUBLIC HEARING – 17 Washington Hill LLC - 17 N. Washington Street

For a permit pursuant to Village of Tarrytown Zoning Code § 305-40(C)(6) and Zoning Code § 305-44(B) to allow a structure certified by the Village of Tarrytown Board of Trustees (“Board of Trustees”) as historic to be converted to three dwelling units and variances related to parking requirements.

Ms. Lawrence noted that the applicant submitted financial information which the Board requested for their consideration in approving the permit to allow for the conversion of the historic structure into a 3 family. The application was also re-noticed to include additional variances related to parking. The re-notice is as follows:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold an ONLINE public hearing at **7:30 p.m** on **Monday, April 13,2020** to hear and consider an application by:

17 Washington Hill LLC
 P.O. Box 560
 Mamaroneck, NY 10543

For a permit pursuant to Village of Tarrytown Zoning Code § 305-40(C)(6) and Zoning Code § 305-44(B) to allow a structure certified by the Village of Tarrytown Board of Trustees (“Board of Trustees”) as historic to be converted into three dwelling units.

The property is located at 17 N. Washington Street and is shown on the tax maps as Sheet 1.40, Block 16, Lot 5 and is in the GB zoning district.

In addition to the permit, the following additional variances are sought as follows:

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed By Applicant	Variance Required
§305-63.C.(1)	Off-Street Parking on another lot (15N.Washington St)	8 Spaces	0	4 Onsite	4 Spaces
§305-47.B Attch.10:1 Col.12	Parking in a side yard setback	16 feet	N/A	0 feet	16 feet
§305-47.B Attch.10:1 Col.13	Parking Min 2 Sides	34 feet	N/A	0 feet	34 feet
§305-47.B Attch.10:1 Col.14	Parking in rear Yard	32 feet	N/A	9 feet	23 feet

The Public Hearing will take place online via Zoom Video Conferencing.

Please visit <https://www.tarrytowngov.com/home/events/26464> for instructions and directions on how to join the online meeting. You can also contact the Planning and Zoning Department by emailing imeszaros@tarrytowngov.com or by calling 914-631-1487.

In addition to hearing public comments at the meeting, public comments can be emailed to imeszaros@tarrytowngov.com or mailed to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, in advance of the April 13, 2020 meeting.

Documents relating to this application will be provided by emailing the Planning and Zoning Department at imeszaros@tarrytowngov.com or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

The applicant will require site plan approval from the Planning Board and a Certificate of Appropriateness from the Architectural Review Board.

By Order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Zoning Board
Dated: April 3, 2020

Mailing receipts were received and the sign was posted. No site visit took place this month in accordance with the Governor's Executive Order for social distancing rules.

Linda Whitehead, partner with the law firm of McCullough, Goldberger and Staudt, appeared before the Board, with her client and the architect, who are available to answer questions.

Ms. Lawrence read emails from members of the public into the record which were received prior to the meeting.

The first email is from Brian Hopkins:

To Chair Sally Lawrence and members of the Tarrytown Zoning Board of Appeals:

I own the property at 58 Central Ave, which borders a segment of the side yard at 15 N. Washington St. and also has direct views of the rear of 17 N. Washington St. I am aware that there is an application pending for the redevelopment of the historic building on 17 N. Washington Street as a three-unit residential building, and for associated parking on 15 N. Washington Street. I am writing to support this application, and the property owners' request for variances and use approval from the ZBA.

The building in question has been vacant for many years, and its condition is deteriorating. The proposed application will improve the current building, including removing the addition on the rear, while preserving the historic façade, which will be a significant improvement for the neighborhood and will maintain the historic character of the property. I also understand that the proposed work will increase off-street parking available for 17 N. Washington Street, which currently has no off-street parking.

I do not see any negative impact resulting from the proposed renovations and site changes to 15 and 17 N. Washington Street. I therefore urge the Zoning Board of Appeals to approve the application for the necessary variances and use approval.

Kind Regards, Brian Hopkins

The second email is from James Donovan:

To Chair Sally Lawrence and members of the Tarrytown Zoning Board of Appeals:

I am a resident of Tarrytown, and own the properties at 23 & 25 N. Washington St, which is directly adjacent to 17 N. Washington St to the north. I am aware that there is an application pending for the redevelopment of the historic building on 17 N. Washington Street as a three-unit residential building, and for associated parking on 15 N. Washington Street. I am writing to support this application, and the property owners' request for variances and use approval from the ZBA.

The building at issue has been vacant for many years, and its condition is deteriorating. The proposed application will improve the current building, including removing the addition on the rear, while preserving the historic façade, which will be a significant improvement for the neighborhood and will maintain the historic character of the property. I also understand that the proposed work will increase off-street parking available for 17 N. Washington Street, which currently has no off-street parking.

I do not see any negative impact resulting from the proposed renovations and site changes to 15 and 17 N. Washington Street. I therefore urge the Zoning Board of Appeals to approve the application for the necessary variances and use approval.

Sincerely, James Donovan

The last two emails are from JoAnn Sullivan:

I am writing to ask for copies of the plans that are going before the board for approval on the properties listed above.

My property is right behind both of these buildings, I'm at 56 Central Ave, Tarrytown. I have not been able to make it to the building dept to get a better look at the proposed project. Can you email copies of the drawings that have been submitted for approval?

My concerns about the project is the water issue that I discussed at the last meeting and as the building is right now, there is a brick wall that is the foundation of what they are tearing down. Is that wall also being torn down? What would go in its place? Is a fence being put up? Concerns is the privacy issue that has been here since my parents and I have had since we've owned the property.

Thank you,

*Jo Ann Sullivan
56 Central Ave
Tarrytown, NY 10591*

And, after receiving the plans, Ms. Sullivan submitted a follow up email:

Thanks for sending me the drawings for the meeting tonight? I'm not really following where they are trying to put parking? Is the parking for 15 & 17 N Washington all going to be in the garage where the Old Hank's Alley was? or are they tearing down the back part of the building of 17 and making parking spaces

there? If so, is that stone wall that is currently there staying there or are they putting up privacy fencing? What happens to the privacy that we've had for approx 60 years? Concerns are, not only privacy, but water drainage that has been a constant issue coming off the two buildings and the possibility of multiple cars exhaust flowing into my home? I see this is the last item on the docket. I will try to log into the meeting, not sure my computer speaker/microphone works.

Thank you,
Jo Ann Sullivan
56 Central Avenue

Ms. Lawrence thanked Ms. Sullivan for her comments and concerns and asked the applicant to address the concerns about the water and privacy fence.

Mr. Pennella said the new proposed parking area is 9 feet off of the property line so there will be a 9 foot buffer; currently parking is right at the property line. With regard to the water issue, there is a liter that comes off of 15 N. Washington Street and discharges at the corner of 17 N. Washington Street. This drainage issue will be addressed at the Planning Board.

Ms. Whitehead shared the site plan to help address the comments and showed the current condition and the area that will be removed to create a two story with a terrace on top with parking underneath it. There will be much more light and air with the large structure removed. The existing structure is not in great shape. She showed the proposed plan and the retaining wall which will be repaired and fixed up and on top of that a new wood privacy fence will be installed and the cars will also be screened from view. She feels that this new plan will improve the condition for the neighbor. She appreciates the comments from the other neighbors. The building has been vacant for a long time. She thinks that this project will be a benefit to the entire neighborhood. The building will be fixed up and restored and they will be providing off-street parking. With respect to the costs, the applicant submitted a letter with a chart of his expenses. The costs are significant to bring it up to current standards since it is an old building. The increase for adding the 3rd unit is minimal. If there were only two units, the project would not pay for itself; it would be a losing proposition and one her client would not be interested in doing. The provision of the code is to provide incentive to allow the restoration of these properties by allowing the owner to increase the return on investment. She would be happy to answer any questions before she explains the variances.

Ms. Lawrence asked if anyone in the public has any question.

Joann Sullivan, of 56 Central Avenue, who submitted the earlier emails, asked about the raised patio or terrace area. She said the plan looks beautiful.

Ms. Whitehead said it is a terrace. Ms. Sullivan was concerned that people will be looking onto her property. Ms. Whitehead said the existing building is closer to the property line than the terrace will be. Mr. Hoina, the project architect, said that the

terrace is 9 feet set back from the property line. The fence at grade will shield the neighbor from the cars. The building is significantly further away from her property.

Ms. Sullivan asked if the water issue will be resolved. Ms. Whitehead said, to supplement comments made earlier by Mr. Pennella, they are reducing impervious surface. A drainage plan will be needed and will be addressed at Planning and it will be an improvement over the existing conditions.

Ms. Sullivan asked if there is parking in Hanks Alley. Ms. Whitehead said there are already prior approvals for that parking.

Ms. Sullivan is happy as long as no one can see into her window and the water is addressed.

Ms. Lawrence asked each Board Member for their comments or questions.

Mr. Kim suggested that some kind of screening or planting along the 8 or 9 foot strip on the terrace would be helpful to both the applicant and the tenant to filter the view from both sides. Mr. Bsharat, the owner, agreed with Mr. Kim.

Ms. Weisel said that the water issue seems easy enough to remedy and the issue of the privacy of the terrace was just addressed by Mr. Kim. She would second that opinion and feels that the privacy issue is significant even if it is setback 9 feet. It is still raised.

Mr. Jolly asked if the brick on the right side is the new part of 17 N. Washington Street. Mr. Bsharat said no, it is the end of the existing building, the warehouse. At the end of the brick building, there will be an elevator core for access to the units on the 2nd and 3rd floor. There is one entry door for the ground floor unit in the front, which is existing. The Trolley building has an existing unit on the top floor. Mr. Jolly asked where the property line is between 15 N. Washington Street and 17 N. Washington Street. Ms. Whitehead said it is on the north side of the driveway, up against the brick building. The driveway is on 15 N. Washington Street and 17 N. Washington Street will have an easement over 15 N. Washington Street to utilize the driveway and the parking area.

Mr. Jolly asked if there are future plans to melt the properties together to make one lot. Mr. Bsharat said there are 2 separate lots in 2 separate zoning districts so from that standpoint it is complicated to merge the lots, but both lots have the same owner now and in the past. These properties have always worked together. Ms. Whitehead added that if it were one lot, zoning would not allow for 7 units on 1 lot, but the lots will function as one.

Ms. Lawrence thanked the applicant for financial information that was submitted which explains that to have only 2 units, the project would not be feasible and would result in a loss of \$288,000. The cost to add an additional unit is \$250,000 so the additional unit will provide sufficient proceeds to cover the forecasted projected costs.

Ms. Lawrence is delighted that the building will be restored. They are all fond of the façade and that it will be maintained. She commended the applicant for providing additional light and land for the neighbor to enjoy. She is not sure about the privacy issue on the terrace and feels that the plantings are needed and will help to fix the problem. Ms. Whitehead said her client will be happy to do that and it will be addressed at the Planning Board and it will be incorporated.

Counsel Addona advised the Board that the applicant was here for 17 N. Washington Street which was a structure to be determined to be historic by the Board of Trustees and in accordance with section 305-44B, they are asking for a permit to convert a 1 family into 3 family where such conversion is necessary to preserve the historical structure provided that they conform to the livable floor area and get a certificate of appropriateness from the ARB. This Board requested financial information at the last meeting, which has been submitted and discussed this evening. The applicant re-noticed for variances related to parking on 17 N. Washington Street. Variances will be needed for 17 N. Washington Street and also 15 N. Washington Street since most of the parking will be located on 15 N. Washington Street.

So there are 3 different votes to consider – 1. a permit to allow for the conversion from 1 unit to 3 units, 2. parking variances for 17 N. Washington Street and 3. parking variances for 15 N. Washington Street. Counsel Addona asked Ms. Whitehead to address the parking on both lots for the Board and if the Board and the applicant do not object, when the hearing is opened for 15 N. Washington Street, she suggested that the Board vote to include this portion of the minutes and discussion relating to the parking variances in the minutes for the 15 N. Washington Street application.

Ms. Whitehead briefly summarized the variances: 15 N. Washington Street has existing approvals for 3 residential units in the main building and one in the rear with parking on the lower level of this unit. This was approved for a total of 8 spaces. For the 17 N. Washington Street application, they are proposing 3 units which require 8 spaces for the 3 units which is fully compliant. The total combined units for both properties are 7 units and 16 spaces. The variance is not for the number of spaces but they are as follows: A variance is needed to allow for the parking on an adjacent lot since some parking that will serve 17 N. Washington Street to be located on 15 N. Washington Street; some of the parking straddles the property line. The next variance is for side yard setbacks for the parking on 17 N. Washington Street. Both lots are narrow and deep and there is nowhere to located compliant parking. The required setbacks are 16 foot with a total of 2 sides for 34 feet. The lot is only 33 feet wide so it is impossible to put any compliant space on the lot even if the building were not there which is why they need the variance. The parking will not have an impact on anyone. It will be screened from the neighbor. A rear yard variance is needed for about 23 feet. They are set back 9 feet from the property line as was previously discussed but again in order to provide for the parking this variance is needed.

On 15 N. Washington Street, all the parking proposed is within the Hanks Alley building, or in areas already approved and used as parking areas. Variances are needed for one

side yard where 20 feet is required and 40 feet for a total of two side yards and parking in the rear yard is for 45 feet, which they think is an error. They think it should be 19 feet. This was footnoted in their cover letter. Mr. Pennella agreed to the variance of 19 feet. It was noticed for the larger variance since there was a time constraint and he was limited to looking at the detailed plans.

Ms. Whitehead stated that there is no undesirable change to the neighborhood. It is a benefit since they are providing parking for 17 N. Washington Street which currently does not have parking. By pushing some of the existing parking over, it is a more attractive parking layout than what exists. It works well, has no negative impact, and provides off street parking, more than what should be required. There is no feasible alternative given the size and shape of the lots; 17 N. Washington Street is only 33 feet wide and 15 N. Washington Street is only 50 feet wide, so you can't fit compliant parking spaces.

Ms. Whitehead feels that there is no impact of the variances or adverse impact on environmental conditions. The areas are all fully impervious today and they are actually decreasing the amount of impervious surface on 17 N. Washington Street and improving the drainage condition. Ms. Whitehead does not feel that this is self-created. It results from size and shape and location of the building and there is no room to place compliant parking and the lots could really not be used without a parking variance.

Ms. Whitehead noted similar variances have been granted for other properties in the M1 Zone. The Board has heard from 2 neighbors who are in support of the project and she believes that they have satisfied the concerns of Ms. Sullivan. She is happy to answer any questions.

Ms. Lawrence asked the Board Members if they have any questions. All Board members stated that they have no more additional questions.

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

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

Ms. Lawrence moved to permit the conversion from 1 family to 3 family pursuant to section 305-44 B which allows structure certified by the Board of Trustees to be converted into 3 dwelling units.

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Ms. Weisel: Yes
Mr. Jolly: Yes
Mr. Kim: Yes
Ms. Rachlin: Yes
Ms. Lawrence: Yes

The permit for this conversion from a single family to a three family, in accordance with Section 305-44 B, was unanimously approved.

Ms. Lawrence read the criteria for the area variances related to parking for 17 N. Washington Street.

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 there will be no undesirable change to the neighborhood as a result of this project. The rear structure will be taken down and improved. Parking will be improved on the lot and off street parking will be provided.*
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 that there is no other method that can be achieved given the size and lot configuration.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the variances are not substantial considering the overall project.*
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 stated that there is no adverse effect for this project. It will be an improvement for critical need for off street parking.*
5. That the alleged difficulty was not self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that this condition is not self created due to the lot and building configuration.*

Ms. Lawrence moved to approve the parking variances for 17 North Washington Street and authorize Counsel Addona to draft a resolution memorializing the discussion of this application with general conditions and a special condition that applicant produce a legal instrument providing for access to allow parking on 15 N. Washington Street to be used by 17 N. Washington Street, subject to the approval of the village attorney.

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Mr. Jolly: Yes
Ms. Weisel: Yes
Ms. Rachlin: Yes
Mr. Kim: Yes
Ms. Lawrence: Yes

The variances associated with parking for 17 N. Washington Street were unanimously approved.

NEW PUBLIC HEARING -15 Washington Hill LLC - 15 North Washington Street

Variations needed in order to provide for parking on the adjacent lot at 17 North Washington Street.

The site visit was suspended in accordance with the Governor’s Executive Order relating to social distancing guidelines. Mailing receipts were received and the sign was posted for the following public hearing notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold an **ONLINE** public hearing at **7:30 p.m. on Monday, April 13, 2020**, to hear and consider an application by:

15 Washington Hill LLC
 P.O. Box 560
 Mamaroneck, NY 10543

For variations from Chapter 305 of the Village of Tarrytown (“Zoning Code”) in order to provide for parking on the adjacent lot at 17 North Washington Street.

The property is located at 15 North Washington Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 16, Lot 4 and is located in the M-1 Zone.

The variations sought are as follows:

Zoning Code Section -	Description of Section	Required by Zoning Code	Existing on Property	Proposed By Applicant	Variance Required
§305-47.B Attch.6:1 Col.12	Parking in a side yard setback	20 feet	N/A	0 feet	20 feet
§305-47.B Attch.6:1 Col.13	Parking Min 2 Sides	40 feet	N/A	0 feet	40 feet
§305-47.B Attch.6:1 Col.14	Parking in a rear yard setback	45 feet	N/A	0 feet	45 feet

The Public Hearing will take place online via Zoom Video Conferencing.

Please visit <https://www.tarrytowngov.com/home/events/26464> for instructions and directions on how to join the online meeting. You can also contact the Planning and Zoning Department by emailing imeszaros@tarrytowngov.com or by calling 914-631-1487.

In addition to hearing public comments at the meeting, public comments can be emailed to imeszaros@tarrytowngov.com or mailed to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, in advance of the April 13, 2020 meeting.

Documents relating to this application will be provided by emailing the Planning and Zoning Department at meszaros@tarrytowntgov.com or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

In addition to Zoning Board Approval, the applicant will require site plan approval from the Planning Board.

By Order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: April 3, 2020

Ms. Lawrence noted that the application was discussed in detail during the 17 N. Washington Street application and that the discussion relating to the parking variances be incorporated into these minutes as follows:

Portion of minutes from 17 N. Washington Application relating to 15 N. Washington Street variances:

“Ms. Whitehead briefly summarized the variances: 15 N. Washington Street has existing approvals for 3 residential units in the main building and one in the rear with parking on the lower level of this unit. This was approved for a total of 8 spaces. For the 17 N. Washington Street application, they are proposing 3 units which require 8 spaces for the 3 units which is fully compliant. The total combined units for both properties is 7 units and 16 spaces. The variance is not for the number of spaces but they are as follows: A variance is needed to allow for the parking on an adjacent lot since some parking that will serve 17 N. Washington Street to be located on 15 N. Washington Street; some of the parking straddles the property line. The next variance is for side yard setbacks for the parking on 17 N. Washington Street. Both lots are narrow and deep and there is nowhere to located compliant parking. The required setbacks are 16 foot with a total of 2 sides for 34 feet. The lot is only 33 feet wide so it is impossible to put any compliant space on the lot even if the building were not there which is why they need the variance. The parking will not have an impact on anyone. It will be screened from the neighbor. A rear yard variance is needed for about 23 feet. They are set back 9 feet from the property line as was previously discussed but again in order to provide for the parking this variance is needed.

On 15 N. Washington Street, all the parking proposed is within the Hanks Alley building, or in areas already approved and used as parking areas. Variances are needed for one side yard where 20 feet is required and 40 feet for a total of two side yards and parking in the rear yard is for 45 feet, which they think is an error. They think it should be 19 feet. This was footnoted in their cover letter. Mr. Pennella agreed to the variance of 19 feet. It was noticed for the larger variance since there was a time constraint and he was limited to looking at the detailed plans.

Ms. Whitehead stated that there is no undesirable change to the neighborhood. It is a benefit since they are providing parking for 17 N. Washington Street which currently does not have parking. By pushing some of the existing parking over, it is a more attractive parking layout than what exists. It works well, has no negative impact, and provides off street parking, more than what should be required. There is no feasible alternative given the size and shape of the lots; 17 N. Washington Street is only 33 feet wide and 15 N. Washington Street is only 50 feet wide, so you can't fit compliant parking spaces.

Ms. Whitehead feels that there is no impact of the variances or adverse impact on environmental conditions. The areas are all fully impervious today and they are actually decreasing the amount of impervious surface on 17 N. Washington Street and improving the drainage condition.

Ms. Whitehead does not feel that this is self-created. It results from size and shape and location of the building and there is no room to place compliant parking and the lots could really not be used without a parking variance.”

Ms. Lawrence asked if any Board members have any comments or questions. No Board members had any additional comments or questions.

Ms. Lawrence asked if anyone in the public has any comments.

Mr. Ringel advised that no one is raising a hand or pressing *9., so there is no comment from the public.

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

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

Ms. Lawrence moved to approve variances for 15 N. Washington Street and that the minutes from the 17 N. Washington Street application discussing the variances for 15 N. Washington Street become part of these minutes and which are incorporated above.

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Mr. Kim: Yes
Ms. Rachlin: Yes
Mr. Jolly: Yes
Ms. Weisel: Yes
Ms. Lawrence: Yes

The variances associated with parking for 15 N. Washington Street were unanimously approved.

NEW PUBLIC HEARING -The Hebrew Congregation of North Tarrytown and Tarrytown, a/k/a Temple Beth Abraham - 25 Leroy Avenue

To seek an interpretation challenging the determination set forth in the Building Department Letter of Permit Denial requiring an off-street parking variance of 45 parking spaces and in the alternative the applicant will seek relief for 45 parking spaces and impervious coverage related to the construction of a 4,895 +/- s.f. two-story addition with renovations to the existing building and other related site improvements.

The site visit was suspended in accordance with the Governor’s Executive Order relating to social distancing guidelines. Mailing receipts were received and the signs were posted for the following public hearing notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold an **ONLINE** public hearing at **7:30 p.m. on Monday, April 13, 2020 to hear and consider an application by:**

The Hebrew Congregation of North Tarrytown and Tarrytown
 a/k/a Temple Beth Abraham
 25 Leroy Avenue
 Tarrytown, NY 10591

for variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the renovation of the existing two-story building and the construction of a new two-story addition and other related site improvements. The property is located at 25 Leroy Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 78, Lot 18 and is located in the M-2 Zone.

The variances sought are as follows:

Code Description Section 305-21, Attachment 10	Required	Proposed	Variance Required
§305-63 D.(1) Off Street Parking Spaces, 1 space for ea.100 sq. ft. of floor space	4,457 sq. ft. / 100 sq. ft. = 45 spaces	6 spaces	39 spaces

The Public Hearing will take place online via Zoom Video Conferencing.

Please visit <https://www.tarrytowngov.com/home/events/26464> for instructions and directions on how to join the online meeting. You can also contact the Planning and Zoning Department by emailing imeszaros@tarrytowngov.com or by calling 914-631-1487.

In addition to hearing public comments at the meeting, public comments can be emailed to imeszaros@tarrytowngov.com or mailed to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, in advance of the April 13, 2020 meeting.

Documents relating to this application will be provided by emailing the Planning and Zoning Department at meszaros@tarrytongov.com or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

Additional approval will be required by the Planning Board and the Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: April 3, 2020

Counsel Addona advised the Zoning Board received a notice of intent to be Lead Agency from the Planning Board. The Zoning Board requested that the applicant appear before the Zoning Board during the SEQRA process to give them an opportunity to submit comments on any environmental concerns that the Zoning Board may have as an involved agency before a determination is made by the Planning Board. The applicant is seeking an interpretation on the variance required for this application. The Board may take action on this interpretation before the SEQRA determination since this is Type II action; however, the Board cannot vote of any variances until a SEQRA determination has been made by the Planning Board.

The reason that the applicant is here this evening is to hear the application and allow the Zoning Board to comment to the Planning Board should the Board have any environmental issues relating to the application that they feel need to be addressed as an involved agency. Counsel Addona could prepare a memo regarding these concerns or the minutes of this meeting could be forwarded to the Planning Board.

Ms. Lawrence moved, to open Public Hearing, seconded by Mr. Kim. All in favor.
Motion carried.

Tony Gioffre, attorney, with the law Firm of Cuddy & Feder appeared before the Board on behalf of his client, Temple Beth Abraham. The property is located at 25 Leroy Avenue. He introduced the team members: Mark Levin, the Project Architect, Stuart Skolnick, Executive Director of Temple Beth Abraham, John Imbiano, the Landscape Architect, and Ralph Peragine, Sr. Project Engineer.

Mr. Gioffre described the property as approximately a 3.36 acre lot improved with an 18,433 s.f. Temple building with associated parking. The western portion of the premises is classified within the village's M-2 zone, while the eastern portion is classified in the R 7.5 zone. The Temple was constructed around 1955 and is a primary principally permitted use in both the M-2 and R 7.5 zones. The current temple facilities involve the sanctuary and social hall, classrooms and meetings rooms, administrative

offices and an existing caretaker apartment. These separate areas of the building are rarely, if ever, used or occupied concurrently.

The proposal is for a two story addition that will add approximately 4,859 s.f. of gross floor area to the temple with a footprint of approximately 2,475 s.f. The addition will accommodate relocated administrative office space, additional lobby and corridor closets, bathrooms and classroom space and additional meeting space. This will also involve a redesign of the parking area and driveway entrance.

Mr. Gioffre introduced Mark Levin, the project architect, to walk the Board through the plan.

Mr. Levin presented the site plan. The plans shows the entrance leading up to the building with proposed addition. There is an existing driveway that comes up and turns around for handicapped access to the sanctuary. He showed the 3 handicapped parking spaces on the very steep slope which is why they want to improve the parking and flow. They would also like to provide circulation and drop off for the preschool program while improving the parking conditions. He showed the architectural plan with the current drop off and handicapped ramp with a lobby area securing control with a buzz in area in the front. The offices will be located downstairs and the new lower level will allow staff to control and monitor access for the entire building and also see the parking lot. There will only be one way in and out of the building for everyone. ADA access in the main lobby with an elevator is also proposed.

The upstairs area is circulation space that they are recouping. The offices will be moved downstairs. They are creating a seating area and gathering space that serves the sanctuary. This is a function that does not significantly impact the occupancy of the building. It is mostly a public access area, with ADA access and security. He showed the renderings of the proposed project and identified all of the areas again. He showed open space that they will create and a corridor that connects the new piece. In terms of people and the parking, a study was conducted to determine how the lot is really being used, which was provided to the Board. It provides information on the number of people on site during the day which is well under the number of 53 spaces they are providing. In the evening, it is much less. The bigger attendance is on a Friday night or Saturday morning, when they may get up to 150 to 200 people maximum, but at the 1 to 5 for the fixed seating it gives them about 40 spaces plus the staff, so they are still is under the required parking they are providing. They are also improving the landscaping and making the lot nicer and safer.

Mr. Gioffre wanted to underscore for the Board that the improvements that are proposed do not add additional congregants or increase the intensity or use of the premises. It is to handle the flow and circulation of the building more efficiently, with ADA access.

Ralph Peragine, Sr. Project Manager, with Provident Design Engineering, showed the parking lot area on the plan. Most of the parking improvements are to formalize the spaces that currently exist. As they exist, they are not code compliant with regard to

aisle width and stall size. He showed the improved one way circulation to allow for drop off with the circle area which gives users ability to circle back into the lot or exit. The changes at the circle will improve for emergency vehicle access through the circle. The existing ADA parking will be flattened and a crosswalk, ramp and sidewalk will lead to the main entrance.

Mr. Gioffre stated that the application is seeking 2 variances, one for parking spaces and the other for impervious coverage. They have submitted an interpretation request asking that the Zoning Board look at the required number of spaces. The letter of permit denial indicated that there is a variance needed for 39 spaces. Based upon the code, they submit that only 1,000 s.f. of space is used for public assembly so they feel that only 11 spaces should be the required parking plus the 6 that they are removing for the redesign of the parking lot, for a total variance of 17 spaces is required, rather than 45 spaces.

John Imbiano, Principal, of IQ Landscape Architects, the Landscape Architect, appeared to go over the landscape plan proposed for the site. He showed sheet L-1 of the plan which shows the trees to be removed and the lot. They are minimizing the disturbance and evaluating trees within 50 feet of the curb line. They walked the area and determined that most of the trees are invasive (Black locust and Wild Cherry). They are recommending that these trees be removed within 10 feet of the curb line and plant new trees in these areas. He showed Sheet L-2 – the Landscape Restoration Plan - They will be planting new native trees around the east and north side of the parking lot and around the new building itself there will be 4" caliper evergreen and shade trees will be planted. Existing trees will be preserved near the steep slope. Throughout the site, they will plant about 70 native shrubs and about 200 native perennials. The site will be much better landscaped than what currently exists.

Mr. Gioffre returned to comment about the variances. With regard to parking, there is actually going to be a net decrease of 6 spaces. There are currently 59 spaces on the lot, 53 standard and six handicapped accessible. The number of parking spaces are located in areas that were not ADA compliant. They will remove those 3 and add 3 fully compliant handicapped accessible parking spaces. There will be a net loss of 6 spaces. As it relates to the parking and the analysis, the parking requirements in the code are based on the square footage, so if this were a new 4,800 s.f. Temple, the parking requirement analysis would be simple. However, they are adding +/- 4,875 s.f., but only 1,000 s.f. of that area is proposed for new meeting space. The balance of the space consists of hallways closets, bathrooms, relocated office space, and corridors. The proposal was not intended to add new congregants. These additional areas should not merit or required additional parking. They are not adding new assembly space. The number of spaces is more than adequate to address the needs as indicated in the parking study. They believe the application is aesthetically pleasing, it addresses health and safety issues and security concerns for congregants and children that attend classes. They believe it is an overall benefit, not a detriment to the community.

The impervious surface variance is only for 1.71%, which is minimal. The site falls within 2 zoning districts. The developed portion of the premises is in the M-2 district where the requirement is 37.25%. The undeveloped portion of their property is in the R 7.5 zone which has a requirement of 40.75%. So, if the improvements were located in the R 7.5 district they would be under the impervious surface coverage requirements and they are only over 1.71% of what is permitted as proposed.

Mr. Gioffre advised that he has submitted lengthy materials to the Board regarding the balancing criteria that he would be happy to go over. They are not looking for the Board to take any action as they still need to return to the Planning Board.

Ms. Lawrence said the material that was submitted was very comprehensive. She asked Mr. Gioffre if there is any other area that they could provide more parking.

Mr. Gioffre said this is the location of the existing parking lot and they are not proposing to add additional parking. More parking would create more disturbance and add additional variance for impervious surface coverage. They want to improve what currently exists and limit the amount of disturbance.

Ms. Lawrence said it seems like the current parking is very close to the building. Is that how it is now? Mr. Peragine returned and said the parking backs up to the building. He showed the existing sidewalk under the overhang which leads to the emergency exit. The parking lot is connected to this sidewalk. As far as moving the parking, there are areas of steep slopes that exist all around the building. The whole point is to minimize the impacts to the surrounding area and be code compliant.

Mr. Gioffre said there is no proposed additional encroachment into the paper street. The relief they are seeking will not impact Grove Street. They are removing the area that was part of the parking lot before.

Ms. Lawrence asked about the stair and walkway. Mr. Peragine said it is the handicapped parking space aisle, it is not a staircase. All entry will take place in the front of the building.

Ms. Lawrence asked if they will add any green infrastructure. Mr. Levin said they are definitely using up to date technology. The south wall of the existing upper level will be insulated glazing and upgraded insulation with high energy equipment and it will be zoned for efficiency.

Ms. Lawrence opened up the public comment period.

Mr. Ringel advised that a question came in earlier in the comment box regarding the informal OCA trail from Grove Street which Mr. Gioffre addressed before.

Mr. Ringel said the next written question from Louise is: If they think they have adequate parking why are social events staff directed to park on the street rather than in the parking lot?

Mr. Gioffre said he will have to defer to get more information on that. If they need to come back next month to answer this, they will.

Mr. Ringel said the next question, also from Louise: Has the landscaper assessed the trees along the north end of the parking?

Mr. Levin said they did assess within 50 feet of the curb line. They kept a 10 foot area that they recommended removal so that they could replant to create a buffer area but will maintain the existing woodland.

Mr. Ringel said there is one more landscaping question. What is the landscape plan for the steep hill along Leroy Avenue? The south side is currently overgrown with the scraggly trees and dead brush.

Mr. Imbiano said the intent is to keep those trees there. They could evaluate which ones are hazards or dead or are dying and need to be removed. It is extremely steep and rocky so we are not recommending new planting be done or that healthy trees be removed in the area. To the east and west of that, 8 evergreens and 8 or 9 deciduous trees will be planted.

Mr. Ringel commented that a tree had fallen on a neighbor's property this morning on the north side.

Counsel Addona advised that rather than type a question into the box, she is asking that the public use the microphone or raise their hand to speak.

Maylien Herm and Eric Borcharding said their big concern is the 6 parking spaces that they are reducing on site. The ADA and environmental stuff sounds good. They feel that there will be an increase in traffic and parking on the street since they already experience this when they have big events on Saturdays. There are not a lot of spots here on the dead end street and they are concerned how it is going to affect the community with kids and families playing on Saturdays. He is concerned about what the experience is going to be like and the impact. This community is tight knit on the end of Grove and they celebrate a lot outside in the mornings, especially Saturday mornings.

Ms. Lawrence would like the applicant to respond to this. As she understands, the neighbors have concerns about the congregation and staff members parking on the public streets and not in the parking lot.

Mr. Gioffre said as it relates to the staff, the staff can park behind the building, along with catering staff to allow the congregation to use the parking lot.

There was another question raised about additional parking for the classrooms, but this is not the case. The classrooms are being relocated. The proposal is not intended to add more congregants. It is to improve efficiency, security and ADA to the Temple of the existing parking lot.

Eric Borcharding said he appreciates this. He knows the congregation is not growing but if you are already removing 6 spots, and you are already at capacity, it sounds like you don't have the answer right now. He is curious as to where those people will park. He is curious about the 6 more cars, it is not necessarily one person, it could be 12 and where they are going to park.

Mr. Gioffre advised that they did provide a parking study which identified the different uses of the temple, whether it is preschool, administration, weeknight meetings, worship services, religious school or high holidays and included the number of people that would be attending at any given time. The actual utilization is much less than what is currently needed on the site, even with the reduction in the 6 spaces. Mr. Levin said the issue is also operational. So, on a Saturday morning, they could make sure that the staff does park up on the backside and also encourage people to park in the lot, even though it may be easier to park on the street. So he thinks, operationally, the congregation needs to make an effort to communicate with the police and have everyone park on the lot that can. But, by the counts, there should be very little, if any, overflow for 95% of the time.

Fergus O'Sullivan, of 153 Grove Street, has lived here for 20 years. Generally, the Temple has been a good neighbor and he agrees about the 95% comment since the parking issues tend to be around the high holy days and other busy times of the year. He is concerned about the back yard landscaping on Grove. Trees have fallen and it has not been maintained for many years. The trash pickup is also done on and he would ask the Temple to consider moving the collection area. He would also like to know what the plans are for the informal trail through the parking lot.

Mr. Gioffre said this is a new issue. He feels that it is more of Planning Board issue. They can speak with the applicant and see what modifications, if any, can be made. It is not relevant to the variances before this Board but it is something that we will undertake. With regard to the OCA trail, we just received a response under SEQRA, from the NYSOPRHP, that they have no concerns regarding the proposed project.

Marianne Lepore, who lives at 22 Leroy Avenue, called in and wanted to show the lights from her home. This was a big topic at the Planning Board meeting. A lot of people complain about the nighttime spotlights. She is sitting in front of them right now. Mr. Ringel promoted Ms. Lepore to a panelist so everyone could see the lights.

Ms. Lawrence said this was brought up at the Planning Board meeting and it is more of a Planning Board issue but she thanked Ms. Lepore for the comment and said she does see the lights and it's of concern.

Counsel Addona said you are an involved agency for SEQRA. Ms. Lawrence asked Mr. Pennella about any lighting issue. Mr. Pennella said this is the first time hearing about it but when it does come to the Planning Board, they will look at the light shedding. We asked them to provide the illumination at the ground and to make sure they have the right foot candles. He is assuming that these are the parking lights and not the Building lights.

Mr. Levin said he believes it is the security lighting on the building. The new addition and all the new work will remove most of those lights and the new ones will not be shining out. They will be shining down. They are sympathetic to that and the new addition will correct all that.

Cynthia Weniger, 148 Grove Street, wants to reiterate what Eric Brocherding and Fergus O'Sullivan said regarding the impact on the street, which is an overflow street. They only have 10 houses and she is one of the homes without a driveway on the street.

She feels that the loss of even a few spaces will affect her. Sometimes, on a Saturday, when she comes home, there are no spots and she has to park in a neighbor's driveway until a spot becomes available and it makes it very hard, especially for the two people who do not have spaces and have to park all the way down Grove near Benedict and if they are carrying something, it is not easy. She has lived here for 23 years and she is getting older and it is getting harder.

Ms. Lawrence asked Mr. Ringel if there are any other questions.

Ms. Mendez called to add to what everyone is saying on the street, she lives at 159 Grove Street. The temple is wonderful neighbor and these are comments so that we can find solutions and not necessarily criticisms. We would like to suggest that the Temple consider public transportation approach to deal with the parking overflow during the times or using annex parking during the busy times.

Mr. Gioffre said most of the uses of the Temple are not operating at the same time, but it is a good suggestion with respect to public transportation. It is something we'll certainly try to get more information on.

Chris Boyer, also of 159 Grove Street, commented that they are saying that they don't need the spaces because the spaces they are adding to the building does not require seats, but in the future, when the Temple decides to change that lounge space into another classroom, how will they guarantee that there won't be more parking spaces that are required to support the load, or a change in program. So, it is really hard for him to understand the hardship. The code is clear, if you build x amount of square feet, you need to provide x amount of parking. So, it is difficult for him to say today that they don't need the extra spaces. What about the future, five years from now when the Temple is doing well which is great for the community and they decide that they need that extra room and then all of the sudden we have a worse parking problem.

Mr. Gioffre does not read the code the way he does but he is trying to work toward a solution. If space is converted in the future into public assembly, then that would trigger parking requirements and they would have to come before the Zoning Board for a variance. So that is how the community is protected.

Mr. Boyer asked about the drop off at the top of the hill. Is the purpose of the drop off only for emergency vehicle access?

Mr. Gioffre said the modifications are to address emergency vehicles but it could be used by anyone that is dropping someone off so that they don't have to walk across the parking lot.

Mr. Boyer said it is a lot of impervious coverage and he does not understand the benefit of the drop off spot. Maybe they could reconfigure the area to be used for parking.

Mr. Levin commented that the turnaround is primarily for the fire department and it will be used occasionally for funerals in order to get the casket out of the building and into the hearse. Building security dictates that they really only use one way in and one way out today. So the doors out there are to be used very rarely. We are adding the elevator in order for ADA access and the drop off where it is nearly covered. In today's world, it is important to have the one way in and one way out, rather than having people come in from all over the building. So we don't really anticipate that it will be used for hardly anything other than emergency turnaround for fire department access.

Kevin Krasinski, the neighbor to the north, thought he heard Mark Levin say that the Temple was going to do Bar and Bat Mitzvahs. He wanted to know if that is something that is already being done now or is it a venue for people to rent out for outside use.

Mr. Levin said they do have Bar and Bat Mitzvahs. He does not believe they rent it out. It is only for the congregation only. Mr. Skolnick could answer this question. It is not a destination venue for outside use.

Mr. Krasinski said the Temple has been a good neighbor. We just want to make sure that nothing really changes. So if that is already going on, we have seen the footprint that goes with that, but if anything else was to continue or surge that would be an impact. He has also heard this evening that the goal is to minimize the environmental footprint to the plan, but the land to the east of the parking lot which was mentioned and is horrible looking. An expansion of parking in this area would be a welcomed addition. Can anyone speak to that?

Mr. Gioffre is asked if he is suggesting expanding the land to the east. Mr. Krasinski said yes, there are no wetlands there, it is just an abandoned lot. Mr. Gioffre said there are a number of issues regarding this expansion. They would have to cross over the paper which they do not want to do and there are steep slopes in the area and there are fundamental considerations with improving a steep slopes area. They are not

proposing to increase impervious surfaces. They are trying to re-design and improve what currently exists.

Stuart Skolnick, Executive Director of the Temple said Bar and Bat Mitzvahs are for the congregation members only. The Temple is not a destination venue. We do not host outside events. It is confined to members and I don't know that that would necessarily increase based on this renovation. So the few that take place during the course of the year would not have any impact.

Mr. Ringel read an email into the record from, Victor Lipshutz, 154 Grove Street.

My wife, Gabrielle and I live at 154 Grove Street, which is at the dead end of Grove Street. We are at the end, closest to the Temple complex, and are concerned about the plans for the temple, to create a walkway from the end of Grove Street, down to the parking lot. Like many suburban areas, parking space for residents is generally used by the residents in the area.

In the act of adding a pathway, connecting Grove Street to the Temple Parking lot, you are vastly increasing the problem when the temple is expecting a large turnout. People sometimes completely fill up any parking spaces on Grove Street, already, and climb down the hill, to avoid the crush in cars backing up when services are over, or whatever event is big enough to create an oversupply of cars, where the overflow completely occupies any vacant space.

Additionally, the many children on this block enjoy the outdoor activities, and the additional traffic and crowding would represent a potential danger to children. In good weather, it's like a playground. No one has any more right to these parking spaces than the residents on this block, including their children and cars.

I propose that, since this is a dead end street, we should include plans to close it off to outsiders, by installing automatic gates, to prevent non-residents from entering this block. Every resident will be able to have access by pressing his button to open the gate, on command.. If this is a bit too demanding, I would recommend that there not be a pathway created, and to erect a barrier so that non-residents who have been parking here cannot continue to park here at all, if it is their intent to violate the signs.

Mr. Gioffre said this is a request that should be directed to the Board of Trustees and they will take it under advisement for the purposes of this variance request but understand the concerns are similar to those that were made by others regarding overflow parking concerns in the area.

Mr. Ringel said there are no more letters but there is a question from Cynthia (no last name given). Cynthia said there are many dead trees in the path that belong to the Temple. Can they be assessed and removed. One of the trees fell down today.

Mr. Gioffre said he will take this under advisement and address it.

Mr. Ringel has 2 comments from Elizabeth Vandor. She thinks the parking requirement is too high. The parking lot is almost empty all week, and is only filled to overflowing when there are services or special events. She does not think the variance is a problem. The trees across from 20 to 30 Leroy Avenue must be pruned or removed so that they do not fall on the houses during storms at the base of the trees is a mess and should be cleaned out.

Mr. Gioffre said this is similar other comments and will be addressed in the landscaping.

Mr. Ringel said there were issues on Grove that Fergus O’Sullivan was concerned with too for the record, which were addressed earlier.

Joyce Byrne, who lives at 30 Leroy, dismissed herself from the meeting but submitted questions to Mr. Ringel earlier which he read for the record.

Question 1: Often people do not come to a full stop when exiting the Temple. It seems to be especially frequent at night. Can this be managed better?

Mr. Gioffre said this is the first time we are hearing about this and they will attempt to address it.

Question 2. I am very concerned about the landscaping from the Leroy perspective. She would like to know what plantings are proposed south between the circle and the road.

Mr. Levin said there are at least 810 evergreen and deciduous trees in that buffer area. They think they have maximized the mitigation from the south, looking at the circle.

Joyce Byrne also submitted a follow up email during the meeting which was forwarded to the secretary to be included in the record.

I was just on the 3.5 hour ZBA meeting but had audio issues. I live directly across the street from the Temple and would like to share the following:

- Leroy is a tight, winding road and can't accommodate more Temple traffic (such as a catering and garbage trucks).

- Congregants often do not come to a full stop when exiting the Temple, especially on weeknights. As well, pickups do not always happen in the parking lot - some drivers skip the lot and idle on Leroy. This has been

brought up via email to the Temple but is still a problem. Perhaps it can be addressed now.

- Despite what was said in the April 13th meeting, the existing evergreens will not block visibility between my home and the addition. See attached.

What will it look like from my home, especially after the many dead trees are removed? Why not commit to landscaping between the circle south of the terrace and Leroy to rebuild a buffer for the neighbors who will have the most visible impact from the addition?

- Several years ago, new lights were installed. We would like the professionals to revisit the lighting plan as the existing lighting shines into our homes, contrary to what was agreed to after the last round of site improvements.

- Leroy Ave just lived through major construction in Loh Park. What can be done to mitigate the impact of this job to our area so soon after?

Joyce Byrne - 30 Leroy Ave

Marianne Lepore asked about the forested land behind the little house on Leroy Avenue. Dan Pennella said she is talking about 55 Leroy Avenue which was part of the Greystone subdivision for the affordable housing component which he believes was sold to Westchester County to find tenants for the space.

Cynthia Weniger said she likes the idea that the Ms. Mendez who suggested to explore the local church parking lot for overflow. It is done for high holy days at Woodlands Temple They also send out a map of the neighborhood for those holidays to tell people where to park and not to park. And for those who have a disability they always make sure they can park in the parking lot. Perhaps they can make arrangements with other churches in the area to alleviate the problem on big holidays.

Mr. Gioffre said it sounds like a majority of the time it is not an issue but there are certain high holidays when it is. He thinks some good suggestions were made this evening and his team could certainly come back and take a look at that and see if they can offer some suggestions for next month and see if there is anything that may alleviate the issues on these particular days.

Ms. Lawrence asked the person who said that the staff will park behind the building. Where are the spots going to be? As far as she can see there are no spaces. She asked if they will be created?

Stuart Skolnick said they are not creating parking spaces. What they suggest to the catering staff is that they can park behind the building where there is a pavement just outside the kitchen entrance. You can certainly fit a couple of cars in there to drop off supplies. There are some additional areas in the back where other cars can park so they don't take up street spaces.

Mr. Pennella commented that even though this is just a rear driveway and it is for access to the garbage containers, if you start to park cars back there, the fire department will not be happy since that area is the second point of entry besides the front of the building. The kitchen hood is also near the rear of the building which is the most likely place for a fire, so he does not think that there should be parking in the rear of the building.

Ms. Lawrence said that it sounds like it is being used as a loading zone to unload supplies.

Mr. Pennella agreed that it was a loading zone.

Ms. Lawrence said then you can't really park there, it is not meant to be for parking, it is just to unload for a short period of time.

Ms. Lawrence said the Board has a lot to digest since many questions were asked this evening. She would like to take time to review the questions which will become part of the minutes before making any determination on the variances or interpretation.

She asked the Board members to comment.

Mr. Kim would like more information relative to the parking counts that were included. The charts leave out Saturdays and Sundays. Saturday morning is when they have their worship service. He would like a real life survey of the times of worship service since people don't always behave in accordance with code. People behave the way they do. This way they can see what the real issues are.

Mr. Levin said they intended to give real numbers and then covid-19 came and they had to shut down. They were intending to give real numbers. So the best they could do was supply this information based on the seating and what they thought goes on.

Ms. Wiesel agrees with Mr. Kim and said it is hard to make a determination without the data.

Ms. Rachlin agrees that clearly parking is a big parking. She feels that looking at Transfiguration to be used for overflow is a great idea but she thinks she has to look at it more before she votes.

Mr. Jolly wants to know what they would do with the vacated office space.

Ms. Lawrence said a lot of questions can't be answered but she looks forward to the next meeting when they can review some of the real hard data and they don't know when this social distancing will end but it probably won't be before the next meeting. At this point, she looks forward to t this point she looks forward to gathering any information that the applicants can provide given the questions and concerns of the public and the Board.

Mr. Levin commented on Mr. Jolly's question about the vacated office space. He clarified that they are not vacating office space; they are converting the existing office space upstairs into lobby space and moving the office space downstairs.

Mr. Ringel said there was a comment from Maylien Herm who thought she heard that the data was collected 2 weeks before the pause. Ms. Lawrence said be that as it may, the applicant has time to provide this traffic information before the next meeting.

Counsel Addona advised that the applicant is before this Board tonight so that you as a Board could weigh in on any potential environmental issues while the SEQRA review is being conducted by the Planning Board. There were a lot of questions raised tonight and they probably fall within a few bigger themes, so you can direct me to prepare a memorandum, or you could ask that the minutes of this meeting be forwarded to the

Planning Board, or maybe give the bullet points that you want to highlight to the Planning Board.

Ms. Lawrence said this was more of an informational meeting with questions and answers than really delineating the environmental issues. She thinks that these minutes should be forwarded to the Planning Board and wait until the next meeting until they provide a memo.

Counsel Addona will prepare a memo stating that they intend to provide comments after their next meeting.

Ms. Lawrence move to adjourn the Public Hearing, seconded by Ms. Rachlin, to adjourn to the May 11, 2020 meeting.

ADJOURNMENT:

Ms. Lawrence moved, seconded by Mr. Jolly, to adjourn the meeting at 11: 10 p.m. All in favor. Motion carried.

Liz Meszaros, Secretary