

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Village Hall – 1 Depot Plaza
May 8, 2023 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Rachlin, Kaplan, Abraham, Kudla,
Alternate Member #2 Young, Counsel Addona; Village Engineer Pennella,
Secretary Meszaros

ABSENT: Alternate Member #1 Jolly

Ms. Lawrence opened the meeting at 7:30 pm.

APPROVAL OF MINUTES – April 10, 2023

Ms. Rachlin moved, seconded by Mr. Abraham, to approve the minutes of the
April 10, 2023 meeting as submitted.

The secretary recorded the vote:

Member Kudla :	Yes
Member Abraham:	Yes
Chairwoman Lawrence:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes

All in favor. Motion carried. 5 - 0

NEW PUBLIC HEARING – Eilotas LLC – 24 Kaldenberg Place

The following public hearing notice was made available to the public:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will
hold a public hearing at **7:30 p.m. on Monday, May 8, 2023** in the Municipal Building,
One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Eilotas LLC
13-15 Neperan Road
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the
change of use of an existing building to be used as a commissary kitchen in connection
with the Lefteris Gyro restaurant located at 1 North Broadway in Tarrytown.

The property is located at 24 Kaldenberg Place and is shown on the Tax Maps of the
Village of Tarrytown as Sheet 1.40, Block 18 Lot 8 and is located in the RR Zone.

The following variances are sought as follows:

Code Section: §305-39 Restricted Retail RR Zone	Required	Proposed	Existing	Variance Required
§305-63 D. Off Street Parking	1space/400sf + 1space/employee	2,550 sf = 7 space 3 employees= 3 space Total = 10 space	1 space	9 spaces

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

Additional 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 28, 2023

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

Kasey Brenner, the project attorney, with the law firm of Zarin and Steinmetz, appeared before the Board, representing the applicant. She introduced Mark Moeller, the restaurant consultant for the applicant, and Santos Grammatas, also representing the applicant. Ms. Brenner advised that they would like to use the building at 24 Kaldenberg Place as a commissary kitchen in connection with the Lefteris Gyro restaurant located at 1 Main Street, just around the block from this property. The application is strictly for this property and they are only proposing interior alterations. They intend to prepare food in bulk and deliver it to the Lefteris restaurant using a small van. This will improve their operation since the existing kitchen at Lefteris is very overcrowded. They do not intend to serve individual meals or prepare takeout orders on this property. Based on the parking requirements in the zoning code for square footage and number of employees, this use requires a total of 10 parking spaces be provided on site. Since they are only able to provide one space on site, they are requesting a variance of 9 spaces from this Board. She advised that the employees who will be working in this kitchen all reside within walking distance of the property, so, while there is no practical need for these spaces, variances are required in order to comply with the zoning code. Ms. Brenner believes that the commissary kitchen will provide many benefits to the applicant with virtually no detriment to the surrounding community as they have outlined in their submission. She thanked the Board for the site visit.

yesterday and heard it was a very productive walkthrough. She referenced her submission to the Planning Board in response to questions they received at the April 24, 2023 Planning Board public hearing which was forwarded to the Zoning Board this afternoon. She is not sure if they were able to review the material, but it included an operational narrative, further describing some of the details and benefits of the commissary. She briefly went over the key points of this submission. The hours of operation would be from 8am to 6pm. Monday through Friday. The restaurant would likely be placing orders with the commissary approximately three times a week, and once those bulk ingredients are crafted, they will be transported to the restaurant in a small sprinter type van. Deliveries to the commissary kitchen, rather than to the back of the restaurant in the rear of the adjacent lot, may help alleviate existing traffic and parking issues on Kaldenberg Place. The proposed waste management plan involves internal storage and handling on the first floor of the commissary kitchen, as shown on the food service equipment plan. In addition, Ms. Brenner also acknowledged receipt of comments that were directed to the Planning Board from a neighboring property owner at 18 Kaldenberg Place. These concerns relate to existing traffic, parking and sanitation conditions on Kaldenberg Place. They believe the proposed commissary kitchen will alleviate the traffic circulation since the trucks backing up and current double-parking issues will be shortened. In addition, the internal waste management program will help alleviate some of the sanitary conditions. They will comply with all requirements for trash and recycling collection and will put items out at the appropriate times. They believe there will be a decrease in the amount of trash produced at the Lefteris Restaurant itself due to the proposed commissary kitchen. With regard to the impact on the character of the surrounding historic area, there are no external modifications proposed to the building and there will be no customer service at this location. They are happy to answer questions and ask that the Board consider granting the variances.

Ms. Lawrence asked what route they will use to make deliveries to the restaurant.

Ms. Brenner pulled up the aerial map to show the route. Mr. Pennella said they will load the van up in the building, make a right out of Kaldenberg and another right to go up Central to Broadway and continue to Main Street and then make another right onto Kaldenberg. The van will pull into the shared driveway on Kaldenberg and drive to the rear of the restaurant to unload the food.

Ms. Young asked the applicant to explain what a commissary kitchen is. Mr. Moeller said it is a kitchen that is able to prepare bulk food for another restaurant. It is centralized to allow for more storage and preparation space with increased production and less people. Ms. Young asked if it was the same as a ghost kitchen. Mr. Moeller said it is not a ghost kitchen. A ghost kitchen delivers food to the public, like a Door Dash, which is not what they are proposing on this property. Mr. Pennella clarified that commissary kitchen and ghost kitchens are both licensed by the Department of Health. A commissary kitchen does not serve food on site.

Ms. Lawrence asked about the parking lot adjacent to this property. Ms. Brenner noted that this parking area located at 4 Central Avenue is also owned by the applicant and

could be used if needed for the larger trucks to unload which could alleviate the existing condition. There are 4 or 5 spaces on this lot. Counsel Addona advised that this parking area is not part of the property or part of this application. The Board could consider this factor in their deliberation; however, these spaces cannot be used as part of the parking calculation for this property.

Ms. Kudla asked the applicant about food truck deliveries. Mr. Moeller said truck deliveries will only take about 5 minutes since they will no longer have to pull the pallets to the rear of the restaurant. Ms. Kudla asked how often deliveries occur now. Mr. Grammatas said it depends on what they need, usually every day. The larger trucks come on Mondays and Thursdays but sometimes there are more. Mr. Moeller explained that the amount of deliveries will be cut back since they will have the ability to store the food in the new kitchen on the property.

Ms. Rachlin confirmed that this commissary kitchen will only be used for the Tarrytown location, not the other restaurant locations that they operate.

Ms. Kudla was concerned that although the current employees live nearby and can walk, that won't always be the case. Mr. Pennella said regardless, based on the square footage and the number of employees, they will need a parking variance of 9 spaces. The applicant will also be required to pay into the parking fund for these 9 parking spaces. The 4 Central Avenue property is a separate parcel from 24 Kaldenberg so that lot cannot be used toward the required parking count calculation. The commissary operation is contained to the old firehouse building.

Ms. Brenner asked if payment into the parking fund is in addition to getting the variances. Counsel Addona said that payment into the parking fund is required and statutory in accordance with the code.

There was no one in the public that wished to speak.

Counsel Addona noted that there were comments discussed this evening that were directed to the Planning Board to be addressed at their next meeting, but no public comment has been submitted in writing to the Zoning Board. Ms. Brenner agreed and noted that the Planning Board hearing was opened on April 24th and they expect to be on the agenda for the Planning Board meeting on May 22, 2023.

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

The secretary recorded the vote:

Member Kudla : Yes

Member Abraham: Yes

Chairwoman Lawrence: Yes

Member Rachlin: Yes

Member Kaplan: Yes

All in favor. Motion carried. 5 - 0

Ms. Lawrence read through and responded to the criteria for an area variance.

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence stated that the proposed project will not bring an undesirable change to nearby properties in the neighborhood.*
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variance since there is only one parking space on this site.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variances are not substantial given the fact that there is limited on-site parking in the RR zone in the village.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood and may improve the existing traffic conditions on Kaldenberg Place.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is self-created but that does not preclude the Board from granting the variances.*

Ms. Rachlin moved, seconded by Mr. Abraham, to approve the variances and authorize Counsel Addona to prepare a Resolution memorializing the discussion during the public hearing to include the general conditions of approval and a specific condition that the applicant pay into the parking fund for off-street parking spaces that they unable to provide on the property.

The secretary recorded the vote:

Member Kudla :	Yes
Member Abraham:	Yes
Chairwoman Lawrence:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes

All in favor. Motion carried. 5- 0

NEW PUBLIC HEARING – Sid Schlomann, RA – 127 Deertrack Lane

The following public hearing notice was made available to the public:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, May 8, 2023** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Sid Schlomann, R.A.
3 Petersville Road
Mount Kisco, NY 10549

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the construction of a second story addition above the garage and expansion of a second floor deck with interior alterations.

The property is located at 127 Deertrack Lane, Irvington, NY (Village of Tarrytown jurisdiction) and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.270, Block 137, Lot 2 and is located in the R-10 Zone.

The following variances are sought as follows:

Code Section: §305 Attachment 5:1	Required/ (Permitted)	Existing	Proposed	Variance Required
Column 11: Minimum Front Yard	25 feet	24 feet	24 feet	1 foot
Column 12: Minimum Side Yard - East	12 feet	4 feet	*4 feet	8 feet
Column 13: Minimum 2 Side Yards	26 feet	18 feet	18 feet	8 feet

(*) non-conforming. Addition over the garage proposes to increase the degree of non-conformity

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

Additional approval will be required by the Architectural Review Board.
By Order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: April 28, 2023

Sid Schlomann, R.A, the project architect, appeared, representing the owner, Katie Logan, also present. He presented the plan and showed the second story addition and deck extension on the property which require approval of a front and side yard variance from the Board. He advised that the 3rd variance noticed for the 2 side-yards is not needed. They enlarged the deck from 5 feet to 10 feet in the rear but shortened it a bit in order to comply with the 2-side yard requirement. He referred to the plan and showed that they have 4 feet (pre-existing) on one side and 22 feet on the other, which complies with the 26-foot combined 2-side yard requirement. They are proposing a second story modest addition over the garage with 2 bedrooms and a shared bathroom. Although they are increasing the bulk, the property will be more appealing for the street and more in line with the other homes in the neighborhood. The existing front door does not face the street and it will be relocated with an awning in keeping with the style of the home. In addition, there will be no increase in stormwater runoff and no excavation will take place on the property.

Barbara Kudla commented that the project will improve the privacy between the two properties. Ms. Lawrence noted that there have been many contemporary additions in this neighborhood. She asked how many existing bedrooms they have now. Katie Logan, the owner advised that they have 4 bedrooms, and after the renovation, they will have 5 total bedrooms and an office. Mr. Schlomann showed the proposed modest sized bedrooms with a shared bathroom on the plan and noted that they are not at all egregious in size.

Counsel Addona asked if the owner would agree to adding a condition to the Resolution that the property will continue to be used as a single-family home. Ms. Logan had no objection to including this as a condition in the resolution.

There were no more questions from the Board.

There was no one in the public to speak on this application.

Ms. Lawrence read a letter from the neighbor that was submitted with the application into the record:

April 28, 2023

Dear Board,

We reside at 121 Deertrack Lane and are neighbors of 127 Deertrack Lane, which is directly to our South. Our house would be most affected by their proposed addition. - We have reviewed their architectural plans and fully support their proposed changes. We feel they have put together a wonderful design, with a layout appropriate in scale and size and we are heartily in favor of the application. Their plans do not increase the footprint of their property at all and only serve to beautify our neighborhood. We are excited for the Logans to raise their family there.

Kind regards,

Vivian and Michael Forte - Owners 121 Deertrack Lane -Irvington, NY 10533

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

The secretary recorded the vote:

Member Kudla :	Yes
Member Abraham:	Yes
Chairwoman Lawrence:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes

All in favor. Motion carried. 5 – 0

Ms. Lawrence read through and responded to the criteria for the area variances:

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence stated that the proposed project will not create a desirable change in the neighborhood. The changes will improve the property and the home will look similar to the surrounding homes in the area.*
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the area variances. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances due to the way the home is sited and the property constraints.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variances are not substantial due to the way the home is sited and the size of the property.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variances will not have an adverse effect or impact, but will improve the physical and environmental conditions in the neighborhood.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is self-created but this does not preclude this Board granting the variances.*

Ms. Rachlin moved, seconded by Abraham, to approve the variances and authorize Counsel Addona to prepare a Resolution memorializing the discussion during the public hearing to include general conditions of approval and a condition that the single-family home continue to be used as a single-family residence.

The secretary recorded the vote:

Member Kudla :	Yes
Member Abraham:	Yes
Chairwoman Lawrence:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes

All in favor. Motion carried. 5 – 0

ADJOURNMENT:

Ms. Lawrence moved, seconded by Ms. Rachlin, to adjourn the meeting at 8:10 p.m.
All in favor. Motion carried. 5-0

Liz Meszaros- Secretary