

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Village Hall – 1 Depot Plaza
June 13, 2022 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Weisel, Rachlin, Alternate Member #1 Jolly, Alternate Member #2 Kaplan, Counsel Addona; Building Inspector Valvano; Secretary Meszaros

ABSENT: Member Abraham

APPROVAL OF MINUTES – May 9, 2022

Ms. Weisel moved, seconded by Mr. Jolly, with Ms. Lawrence abstaining, to approve the minutes of the May 9, 2022 meeting. All in favor. Motion carried. 4-0

The secretary recorded the vote:

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

All in favor. Motion carried. 4-0

ADJOURNMENT:

Ms. Lawrence announced the following adjournment at the applicant's request:

Michael and Janaki Degen
86 Crest Drive

Variances to construct a second story over the existing garage and principal dwelling and a one-story rear addition.

NEW PUBLIC HEARING – Cuddy & Feder LLP- 59 N. Washington Street

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing on Monday, June 13, 2022 at **7:30 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Cuddy and Feder LLP
445 Hamilton Avenue – 14th Floor
White Plains, NY 10601

To request a two (2) year extension to the July 13, 2020 Zoning Board approval for area variances to permit a fifth dwelling unit in one structure.

The property is located at 59 N. Washington Street and is shown on the Tax Map of the Village of Tarrytown as Sheet 1.40, Block 12, Lot 3 and is located in the M 1.5 zoning district.

Documents are available for inspection in the Planning and Zoning Office. 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.

By Order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Planning Board

DATED: June 3, 2022

The mailing receipts were received and the sign was posted.

Daniel Patrick, Attorney with the Law Firm of Cuddy & Feder, appeared before the Board, representing the owner of the property, Theodora Pouloutides, requesting a two (2) year extension to the variances that were granted by the Zoning Board of Appeals on July 13, 2020. The variances granted were for parking and lot size in order to permit a fifth dwelling unit in the basement of a multi-family building. The project also included replacing some existing pavement and the installation of a sprinkler system in the basement unit and common area. Mr. Patrick advised the Board that the architect who had been working with an outside consultant for the sprinkler system plan, abruptly retired, but they have since found someone to complete the plans. The new architect is being brought in and they are hoping that the Board will extend the original approval to allow them a little bit more time in order to complete the plan and the work that needs to be done.

Ms. Lawrence confirmed with Mr. Patrick that nothing has changed since the July 2020 approval.

Ms. Lawrence asked if anyone in the public had a comment. There was no public comment.

Mr. Jolly asked how close they were to completing the work. Mr. Patrick said they were close to submitting a building permit but now they need more time to work with the new architect. Mr. Patrick advised that the variances were to allow for the fifth unit with a parking variance, and additional square footage of land area to allow for the unit. He

noted that there was a drainage issue with the adjacent neighbor to the rear which was addressed during the Planning Board review.

Ms. Lawrence recalls the lengthy approval process back in 2020. There was no further comment from the Board.

Counsel Addona advised that because the original application was to legalize this fifth unit, a sprinkler system was supposed to be installed. The Board may want to consider making the two-year extension request a little bit shorter and having the building department go and look into the building to see what has been going on there for the last few years, since as she understands, the village does not really know at this point. Mr. Patrick confirmed with Counsel Addona that the five units are currently occupied.

Counsel Addona explained that making it shorter will keep the applicant on a tighter leash. Understandably, they received their approvals during the heart of the global pandemic, but at the very least, she believes the village should be able to schedule a site visit with the building department to see what the current conditions are and to determine if there are any safety risks, which was a part of what the applicant was seeking to do as part of this application.

Ms. Rachlin asked Mr. Patrick how much time he believed was needed. Mr. Patrick said hopefully a year would be good, but 18 months would be better. The Board deliberated and agreed that 18 months would be enough time to extend the approval with the condition that the Building Department inspect the site to ease any safety concerns they may have. Mr. Patrick agreed with this condition.

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

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0

Ms. Weisel moved, seconded by Ms. Rachlin, to grant an extension of eighteen (18) months from today with the condition that the Building Department perform a safety inspection of the building.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – MMC Corp/Montefiore Medical Center – 555 S. Broadway

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 7:30 p.m. on Monday, June 13, 2022 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

MMC Corporation/Montefiore Medical Center
555 South Broadway
Tarrytown, NY 10591

regarding the Premises located at 555 South Broadway, 0 South Broadway, and 555 Broadway Avenue in the Village of Tarrytown identified on the Tax Maps as Sheet 1.221, Block 129, Lot 6, Sheet 1.221, Block 129, Lot 5 and Sheet 1.140, Block 88, Lot 8 and classified in the Office Building “OB” and Historic Commons “HC” Zoning Districts.

The applicant proposes to renovate the interior of building “D”, existing Research Laboratory, for use as a Research Pharmaceutical Laboratory which is a permitted principal use under Section 305-34 of the Village of Tarrytown Zoning Code Office Business OB District.

The Applicant is seeking an interpretation/appeal pursuant to New York State Village Law Sections 7-712-a(4) and 7-712-b(1) and the Village of Tarrytown Zoning Code Section 305-118A appealing the determination of Donato Pennella P.E. Building Inspector in a Letter of Permit Denial dated May 23, 2022, maintaining that the intended use is not a Research Laboratory as defined by §305-5 of the Village Zoning Code, but rather a distribution center. He also maintains that the Research Pharmaceutical Laboratory proposed is not a permitted principal use under Section §305-34 A of the Code and not a permitted accessory or incidental use under §305-34 B. Applicant maintains the Research Pharmaceutical Laboratory is a permitted principal use allowed in Section §305-34 of the Code which is where the property is located. Applicant also maintains the Research Pharmaceutical Laboratory is not a distribution center, or a redistribution center or direct consumer use.

Additional approvals related to the above referenced project will be required by the Planning Board and the Architectural Review Board.

Documents are also 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.

By Order of the Zoning Board of Appeals
Lizabeth Meszaros
Secretary to the Zoning Board
Dated: June 3, 2022

The mailing receipts were received and the sign was posted.

Jack A. Addesso, Attorney, representing the applicant appeared before the Board with representatives from Montefiore Corporation and presented various photographs of the site along with the site plan. They are here to appeal an interpretation of Donato R. Pennella in his Denial Letter dated, April 27, 2022, which was revised May 23, 2022, to reflect the correction section of the code. The proposed project is to renovate Building “D” located on the Montefiore Campus at 555 South Broadway in order to convert the space into a Research Pharmaceutical Laboratory to the standards of Montefiore. Mr. Addesso advised that they met with representatives of the Building Department and explained the project, and subsequently received a denial letter, from Donato R. Pennella, indicating that the proposed use is neither permitted as a principal use or an accessory use under §305-34 A. and B of the Zoning Code. Mr. Pennella basically said that he doesn't believe that this is a research laboratory; he believes it is a distribution center. He didn't give any rationale for his determination. They submitted the definition of a research laboratory from the village code in addition to the definition of pharmaceutical products from other sources of dictionaries, legal dictionaries, etc., because the village code does not have a definition for pharmaceutical products. They are asking the Board to interpret the code that their proposed use is a primary permitted principal use at this site in accordance with §305-34, based upon their submitted material.

Ms. Lawrence asked Mr. Addesso what his definition is of a research lab and a research pharmaceutical lab since there is obviously some disconnect with the interpretation.

Mr. Addesso said they are proposing a Pharmaceutical Research Laboratory that makes pharmaceutical products as a result of researching materials that are required or requested from medical providers and are patient specific compounds. The definition of what a research facility is, as stated in §305-5 of the village code, is, “Any laboratory devoted exclusively to the pursuit of scientific or technological research, experimentation and development of natural, manufactured, processed or compounded material or products, including but not limited to biological food and other consumer products, electronic and electrochemical processes, products and equipment, pharmaceutical products, etc.”

Mr. Addesso advised that what Montefiore is planning to do at this laboratory is the research and development of pharmaceutical products. The definition of pharmaceutical products that they provided was, “All pharmaceutical or biological products, regardless of patent status, or that have or lack a trademark, that are destined to be used with the prescription of a health care professional under his or her supervision, which purpose is that of its use in diagnosing, treating or preventing illness in humans, or affecting the structure of any function of the human body”.

Ms. Lawrence asked if it was going to be a laboratory setup with all the laboratory type things that are needed in a scientific lab.

Angelo Martino, Senior Project Manager with Cardarelli Designs, addressed the Board and pointed to the pictures of the layout of the laboratory. He showed the special conveyor belt with the lab setups and the several rooms where they breakdown and mix compounds and make the specialty drugs.

Ms. Kaplan thought that the original application was for the pickup and delivery to distribute to all the Montefiore Hospitals. Counsel Addona provided some context and noted that this Board actually issued a Resolution six months ago in January from the same applicant that determined that what was being proposed, to have PPE and pharmaceuticals coming into the site, packaged, processed, and then redistributed as needed to the eight hospitals that are part of the Montefiore system, was not permitted. She asked Mr. Addesso how the plan and the use that was presented back then is different from the binding Resolution that this Board already issued.

Mr. Addesso advised that the prior application talked about an accessory use and a prior non-conforming use. Counsel Addona said that was how the application was presented to the Board by the applicant and the Board responded to that argument. She asked Mr. Addesso again, to explain what is different about this application and if there is going to be distribution to the other hospitals.

Mr. Addesso believes the difference is in the communication of exactly what will happen at this facility. They are not bringing in prepackaged products and distributing them to a pharmacy in a hospital. For example, with regard to chemotherapy drugs, a doctor will send a prescription for a particular type of chemotherapy to deal with a particular issue that a patient has, and in developing that chemotherapy product, they will be also looking at ways to enhance it to further extend it or to develop it in a better way. This requires the medications to be compounded, mixed, and inspected. They must meet all the criteria for the state laws regarding health. This lab is going to cover a limited area and a limited number of facilities.

Steven Tuckman, the Director of Pharmacy at Montefiore, appeared before the Board to clarify the research lab use that will be operating under his supervision at Building "D". He stated that the research component is what distinguishes this from a pharmacy. They are conducting quality improvement research for their providers. He gave an example of a drug that is bought in a pharmacy that only comes in a dose of 300 milligrams. Some patients may have side effects depending on the dosage so they provide different dosages that are not available through the pharmacy. Clinical pharmacists follow up with the patient to get both qualitative (how is patient feeling, etc.) and quantitative data (results of the dose, side effects, etc.) in order to provide better quality care for patients. These medications are specialty medications that regular pharmacies don't have. Board Certified Pharmacists, who currently work at other locations in the Bronx and Westchester, will come to the Tarrytown campus. So, in addition to the manufacturing or the laboratory component, there is the research component to prove hypothesis for doses and side effects, etc.

Ms. Lawrence asked if the medications are mailed to the doctor's office or does someone come and pick them up. Mr. Tuckman said that there will be no customers coming into the campus. The plan is to have one of the Montefiore drivers pick up the medications and bring them back to the Montefiore distribution point, which is at the Moses Campus, 111 E 210th Street, in the Bronx.

Ms. Weisel asked Mr. Tuckman to explain what is different from a regular compounding pharmacy, compared to what they are proposing.

Mr. Tuckman said a regular compounding pharmacy is just a pharmacy. They will be conducting the research by collecting actual data which will be provided to clinicians. Sometimes, in order to get access to some of these drugs or provide services to other payers, they have to provide data to the manufacturer to be part of the study. They also must show performance metrics showing that they exceed the standard that the payer is looking for.

Ms. Weisel asked what percentage of patients are being researched vs. getting regular prescriptions. Mr. Tuckman said this facility is for researching special medications and about 95% of patients are being tracked either monthly, bi-monthly or quarterly. The other 5% can sometimes fall through the cracks but they are still being treated.

Ms. Weisel asked if this lab will be fulfilling other pharmaceutical needs for the other eight branches or is it just for the special research? Ms. Kaplan asked if they have a current facility where they are doing this research.

Mr. Tuckman said this lab will only be used for the special research. Currently, he is doing a little research at the main campus but it is difficult since the clinical pharmacists are at a different campus, which is why they are trying to centralize it at this location.

Counsel Addona asked if Mr. Tuckman was involved in the prior application. He said he was not involved in that application. Counsel Addona said she would still like more clarification in terms of the actual laboratory use. Mr. Tuckman said the definition of a laboratory is simply a space where research is done. They are preparing medications and researching the effects of these medications on patients. This is all part of the laboratory environment; preparing the medications and doing the research.

Mr. Tuckman said there are approximately 250 doctors at each of the 8 hospitals. He is currently tracking 500 patients now but he hopes to track 3,000 to 4,000 patients at this location.

Ms. Weisel said that a concern of people who live in the area was going in and out of the campus and there were regular truck deliveries. She asked Mr. Tuckman to address this issue. Mr. Tuckman said he will speak to his current location because he expects it to be similar. Currently, they have a 10 a.m. drop off by the wholesaler in a small box truck. There are two Fed Ex drop offs/pickups each day, one at 10 a.m. and the other at 4 p.m. There is a Montefiore driver will be delivering the medications at 10 a.m. in

the morning and picking up again at 4 p.m. He also understands that there is ample parking for employees.

Ms. Rachlin asked Mr. Tuckman if he thinks he is going to serve over 3,000 to 4,000 patients. Mr. Tuckman said yes, patients are tracked over a period of time, and currently, the Montefiore pharmacy prepares 1,000 prescriptions per day.

Mr. Jolly asked if they are creating new drugs. Mr. Tuckman said no, they are taking existing drugs and using them in a different manner than the manufacturer guidelines through consultation between the doctor and pharmacist. He gave an example of studying the use of Ivermectin as a treatment for Covid-19 when it has only been used for the treatment of Malaria.

Ms. Weisel confirmed with Mr. Tuckman that they do keep track of how many patients are on these drugs and this is the research component vs. regular compounding pharmacies that do not have this research component. Mr. Tuckman said that chain pharmacies, like a CVS, do not do this type of research. Only pharmacies associated with a University Medical Centers, such as Vanderbilt in Tennessee, or U-Mass, for example do this type of research. It is not unheard of and is just good medicine.

Ms. Lawrence thanked Mr. Tuckman for clarifying quite a few points.

Mr. Jolly asked what they are replacing in the space. What is there now?

Mr. Addesso said, as far as he knows, the building is empty. The food company before them had an existing lab that did research for whatever their products were and when they sold the building, the lab was empty. They are proposing to renovate it to meet the purposes of Montefiore Hospital. It is an existing building. It was an existing lab at one time, but it is not currently an operational laboratory.

Ms. Lawrence has no further questions. She would like to review the information that was presented tonight and continue the public hearing at the next meeting.

Counsel Addona asked the applicant, as part of the application, offices are proposed and it unclear as to what was accessory to what and what the office uses are intended for. Stefano Cardarelli, the project architect, appeared and explained that the offices will support the laboratory environment. He noted that the offices are permitted, as of right, under the code and the laboratory use is also permitted, as of right, so there is no accessory to anything. The offices are all related to the laboratory use.

Counsel Addona raised another issue whether you can have multiple uses operating under that building. Mr. Addesso stated that they are asking to have the Pharmaceutical Research Lab developed as an as of right use. It was not a multiple use when the prior owners had a lab in Building D. The campus has a lot of buildings, and building D is unique in the sense that it's not associated with any of the other

buildings on campus, except as a pharmaceutical research building. He does not believe it is a multiple use.

Counsel Addona confirmed with Mr. Addesso that they are proposing this building be used as a research lab for Montefiore use only.

Ms. Lawrence would like to continue the public hearing to next month to review the material presented this evening and they may have some more questions.

Mr. Addesso thanked Ms. Lawrence and said they will do their best to answer any further questions.

Counsel Addona said it would be helpful if the applicant could make a written submission of what they presented this evening and also put in writing what the factual distinctions are between this application and the prior application and also provide logistics. She would like the applicant to look at the prior resolution and explain how it is different. Mr. Addesso said the difference was how the prior application was presented to the Board, but he was not involved in that application. They will do the best they can and he thanked the Board.

Ms. Lawrence moved, seconded by Ms. Weisel, to continue the Public Hearing to next month, July 11, 2022.

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – Niall Cain, RA - 35 Sunset Lane.

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, June 13, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Niall Cain, RA
5 Atilda Avenue
Dobbs Ferry, New York 10522

For variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the construction of a second story addition over an existing single-family dwelling.

The property is located at 35 Sunset Way and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.50, Block 22, Lot 16 and is located in the R-10 Zone.

The variances sought are as follows:

Residential Zone R-10	Required	Existing	Proposed	Variance Required
§305 Attachment: 5 Column 11 Min. Front Yard - Principal	25 ft	19.74 ft	17.68 ft	7.32 ft
§305-47 Yards; setbacks B. (3) Uncovered stairs 5ft into setback – Landing & Stairs	20 ft	16 ft	13 ft	7 ft

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

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

By Order of the Zoning Board of Appeals

Lizabeth Meszaros - Secretary to the Zoning Board

Dated: June 3, 2022

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

Niall Cain, RA, the project architect, appeared before the Board, representing the owners, also present. Mr. Cain presented the plan and showed the proposed 2nd floor addition to the single one and a half story home. He showed the small portion of the house that is existing non-conforming. Since they are adding to the non-conformity by building up one story and enlarging the single story vestibule a bit, they will require variances. He noted that the home is set back 40 feet from the curb and is not visible from the street.

Ms. Lawrence read a letter from a neighbor into the minutes.

To the members of the Tarrytown Zoning Board of Appeals:

We are in receipt of a notification from our neighbors, Cassie Wangsness and Robert Asher, residing at 35 Sunset Way, of their intentions to undertake a renovation to their house. We have consulted with them and understand that due to the unusual configuration of their lot and the age of their house, these plans will require variances from the Zoning Code. We wish to encourage the Board to render a favorable decision to Cassie and Bobby. My wife and I have both resided in Villages of Tarrytown and Sleepy Hollow for nearly sixteen years. We have lived on this street for the last seven years, so we assure you we are well acquainted with the character of this Village and of this street in particular. Cassie and Bobby have proven to be fine custodians of their property and an asset to our neighborhood. We realize that these renovations will be necessary to update their home for the needs of their growing family. We reside directly across the street from Cassie and Bobby, at 27 Sunset Way, and do not see these extensions to cause any hinderance to anyone in the neighborhood. In conclusion, we see no reason why this family should not be granted relief from the setback restrictions as set forth in their proposal and hope you grant them the opportunity to improve their property.

*Very truly yours,
Mohit Kapur and Danielle Engel
27 Sunset Way Tarrytown, NY*

Ms. Lawrence visited the site and noted that the house is not visible to many on the neighbors. She asked the applicant if they have heard from any of the other neighbors. Ms. Wangsness said just the immediate neighbors. Mr. Cain also noted he had some photographs in his laptop should the Board wish to view them.

Ms. Weisel asked about the second variance relating to the setback to the front step landing. Mr. Cain noted that there may be a discrepancy in the amount of the variance request. Counsel Addona said, if anything it is more conservative, so the Board can certainly consider the variance request as noticed.

There was no one present in the audience to comment.

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

The secretary recorded the vote:

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

Alt. 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 is in line with other similar neighboring properties that have second story additions so there will be no undesirable change.*
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances due to the pre-existing-non-conformity and the configuration of the lot.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variances are not substantial due to the existing non-conformity.*
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 addition will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is self-created because they are adding onto the home, but that does not preclude this Board from granting the variances.*

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

The secretary recorded the vote:

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

All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – David A Barbuti Architect, PC – 21 North Broadway

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

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, June 13, 2022** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Dave A Barbuti, Architect PC
150 White Plains Road
Tarrytown, New York 10591

For variances required for a change of use from existing vacant space into an antique store.

The property is located at 21 North Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 18, Lot 4 and is located in the RR Zone.

The variances sought are as follows:

Code Section:	Required	Proposed	Existing	Variance Required
305-63 D.(1) Off Street Parking for a Retail Use	1 sp./300 sf. Plus 1 sp./employee	3,075 sf = 11 sp. 2 employees = 2 sp. Total = 13 sp.	5 spaces	8 spaces
305-63 F.(2)(a) Off-Street Loading	1sp/6,000 sf.	0	0	1

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

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

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: June 3, 2022

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

David A. Barbuti, RA, appeared, representing the owner, who desires to open an antique store in a commercial space that has been vacant for over 4 years. They require parking and loading variances since they are unable to provide parking on site. They do have a small alleyway in the back that can fit 2 cars, parked in tandem.

Ms. Lawrence recalls the number of antique stores that existed throughout the village years ago that slowly faded away, and it is interesting to see them come back. Mr. Barbuti advised that the tenant also has a flower shop in Irvington and in New York City, and owns an antique store in Hudson, New York.

Ms. Lawrence asked about payment into the parking fund. Mr. Valvano advised that the applicant will be required to pay into the parking fund for a total of 8 parking spaces should the variances be approved by this Board.

Mr. Barbuti thought that payment into this parking fund would not be required IF the variances were approved by this Board.

Counsel Addona advised that payment into the Parking Fund will be required should the variances be approved.

Ms. Lawrence asked where the applicant will load and unload for deliveries.

Mr. Barbuti said, like most uses along with Broadway, deliveries will take place early in the morning along Broadway before 10 a.m. He advised that there will not be larger furniture deliveries coming in all the time; rather, smaller deliveries such as dishes in boxes. The small van will deliver items from the Hudson store and it will return to Hudson. It will not be parked overnight.

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

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

The secretary recorded the vote:

Member Weisel: Yes

Member Rachlin: Yes

Member Lawrence: Yes

Alt. Member Jolly: Yes

Alt. 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 create more foot traffic in this area which currently has two very large vacant stores. This space has been vacant for 4 years and the use of this space will be desirable to the neighborhood.*
2. That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance. *Ms. Lawrence stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances due to the fact that there is no parking on site.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the requested variances are substantial but there is no on-site parking in this area of 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 addition will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
5. That the alleged difficulty was self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance. *Ms. Lawrence stated that it is self-created but there is no parking on-site.*

Ms. Weisel moved, seconded by Ms. Weisel, to approve the variances and authorize Counsel Addona to prepare a Resolution with the standard general conditions based upon the general discussion during the public hearing to include a condition that the applicant schedule early morning deliveries at a time that will not negatively impact the traffic on Broadway.

The secretary recorded the vote:

Member Weisel: Yes
Member Rachlin: Yes
Member Lawrence: Yes
Alt. Member Jolly: Yes
Alt. Member Kaplan: Yes
All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Rachlin moved, seconded by Ms. Weisel, to adjourn the meeting at 8:35 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary