

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
September 12, 2018 7:30 p.m.

PRESENT: Members Maloney, Rachlin; Jolly; Alternate Member Kim, Counsel
Zalantis; Village Engineer Pennella; Secretary Meszaros

ABSENT: Members Lawrence and Weisel; Counsel Addona

Mr. Maloney chaired the meeting in Chairwoman Lawrence's absence and called the meeting to order at 7:35 pm.

APPROVAL OF THE MINUTES – August 13, 2018

Ms. Rachlin moved, seconded by Mr. Kim, with Mr. Jolly abstaining, that the minutes of the August 13, 2018 be approved as submitted. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Debra Jacoby – 59 Embree Street

Debra Jacoby, the applicant, appeared before the Board with her husband David. Mrs. Jacoby noted that they have submitted the setback information that was requested at the last hearing, for the record. The secretary again distributed this information to the Board. In addition, they advised the Board that they have agreed to file a plat to formally merge the lots by operation of law as set forth in the memorandum from Counsel Addona to the Zoning Board Members, dated August 15, 2018.

Mr. Pennella recommended that the filing of this map be included as a condition in the Resolution.

Mr. Maloney asked the Board Member's if they had any questions.

Mr. Jolly wanted to know more information about the merging of the lots.

Counsel Zalantis said a plat with the Westchester County Clerk's office merging the two undersized lots will have to be filed and will become a condition of the resolution before a certificate of occupancy can be issued.

Mr. Maloney asked if the public had any questions. No one appeared.

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

Counsel Zalantis read though portions of the draft resolution included herein:

ZONING BOARD OF APPEALS RESOLUTION

Application of Debra Jacoby (“Applicant”)
59 Embree Street, Tarrytown, New York 10591 (the “Property”)
Sheet 1.190, Block 115, Lots 10 & 12
R-7.5 Zoning District

WHEREAS, the Applicant has appealed to the Village of Tarrytown Zoning Board of Appeals (“ZBA”) from a determination by the Building Inspector dated July 26, 2018 that the Applicant’s proposed demolition of an existing one-story single-family dwelling and construction of a new two-story single-family dwelling does not comply with the requirements of Chapter 305 of the Village of Tarrytown Zoning Code (“Zoning Code”), and

WHEREAS, the Applicant now seeks the following variances from the Zoning Code:

- A variance of 8.25 feet to allow a front yard setback of 11.75 feet where Zoning Code § 305-21 and Attachment 5, Column 11 require a front yard setback of 20 feet
- A variance of 5 feet to allow a side yard setback of 5 feet where Zoning Code § 305-21 and Attachment 5, Column 12 require a side yard setback of 10 feet
- A variance of 11 feet to allow a two side yards setback of 11 feet where Zoning Code § 305-21 and Attachment 5, Column 13 require a two side yards setback of 22 feet
- A variance of 25 feet to allow a width at front of building of 50 feet where Zoning Code § 305-21 and Attachment 5, Column 7 require a width at front of building of 75 feet
- A variance of 25 feet to allow street frontage of 50 feet where Zoning Code § 305-21 and Attachment 5, Column 7a require street frontage of 75 feet
- A variance of 6 feet to allow a light exposure plane of 16 feet where Zoning Code § 305-5 and Attachment 5, Note 1 allow a maximum light exposure plane of 10 feet
- A variance of 8.3 feet to allow parking 11.7 feet into the front yard where Zoning Code § 305-63(C)(3)(c) prohibits parking in the 20-foot front yard, and

WHEREAS, a duly noticed public hearing was held at the regular meeting of the ZBA on August 13, 2018 and continued to the ZBA’s regular meeting on September 12, 2018 and members of the public having had an opportunity to speak on the application, the public hearing was closed on September 12, 2018, and

WHEREAS, in connection with the application, the Applicant submitted the following plans prepared by Roger W. Hoffmann, Architect: (1) Sheet A-0 entitled Window Schedule & Zoning Info. dated May 3, 2018, (2) Sheet A-2 entitled Floor Plans dated June 8, 2018, (3) Sheet A-3 entitled Elevations dated June 8, 2018, and (4) Sheet ST-1 entitled Proposed & Existing Site Plan dated June 8, 2018 (hereinafter referred to as the “Approved Plans”), and

WHEREAS, the Applicant’s plans depicted the Property as consisting of two lots: (1) the buildable lot with the existing/proposed structure known as 59 Embree Street (referred to on Plan ST-1 as “Lot B” and the tax map as Sheet 1.190, Block 115, Lot 12) and (2) the westerly adjacent lot that is a flag lot with two “flags” (referred to on Plan ST-1 as “Lot A” and the tax map as Sheet 1.190, Block 115, Lot 10), and

WHEREAS, after investigating the history of Lots A and B, the Village Engineer/Building Inspector and Zoning Board Attorney have determined that pursuant to Zoning Code § 305-62(A)(10)(2), Lots A and B, which are both nonconforming as to minimum lot size, have merged to form one lot by operation of law, as set forth in the Memorandum dated August 15, 2018 that has been made part of the record of this application, and

WHEREAS, this Board, after having the opportunity to visit the Property and after duly considering all the proofs and evidence before it, determines as follows:

IT IS RESOLVED, this is a Type II action under the State Environmental Quality Review Act and therefore no further environmental review is required, and

IT IS FURTHER RESOLVED, the findings of this Board are as follows:

1. There will be no undesirable change produced in the character of the neighborhood or detriment to nearby properties as a result of the variance. The Applicant presented evidence that several other houses on Embree Street do not comply with the front yard setbacks and that the Applicant's proposed front yard setback will be comparable to other houses on the block. In addition, the Property is only one of two on the block that has not been expanded from the original construction. The Applicants propose to construct the new home on the same footprint as the existing home, with the exception of adding a porch in the front, and therefore the side yard setbacks will not change from what is currently existing. In addition, the frontage/lot width variances are due to the existing size of the lot, which also will not change as a result of the proposed development. The neighboring property owners were all notified of the public hearing but yet only one neighbor attended the public hearing to inquire about the front yard setback and ultimately did not object to the application.
2. The benefit to the Applicant cannot be achieved by any feasible means for the Applicant to pursue other than seeking the requested area variances. Due to the size of the lot and the location of the existing structure the applicant cannot achieve the desired expanded home on the existing foundation by any means other than the requested variances.
3. The Board finds that the requested variances are not substantial given the existing lot size and structure that is already on the site.
4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. There is an existing structure on the site and the proposed development will be built on the existing foundation. The light plane variance will not impact the neighboring property, which is already shielded from view by a large bush blocking their window. The houses across the street are at a higher elevation and therefore will not be impacted by the second-story addition.
5. The hardship is not self-created to the extent that the Applicant is constrained by the size of the lot and the location of the existing house. However, to the extent the hardship is self-created because the Applicant wants to build a larger house, the fact that this hardship is self-created does not preclude the granting of this Application.

AND IT IS FURTHER RESOLVED based upon the foregoing findings, the application is granted subject to the following conditions:

1. The variances are granted solely in connection with the Approved Plans (which are incorporated by reference) and the variances are granted only to the extent that it is necessary to facilitate the proposed conversion set forth on the Approved Plans. If any material changes are made to the Approved Plans, other than those required by the Planning Board as part of its review of this proposed development and so long as the change(s) does not increase the number or degree of variances needed, the Applicant must make an application to the ZBA for amended approval.
2. The variances are being granted subject to the Property being used as a single-family home.
3. Prior to the issuance of a Certificate of Occupancy, the Applicant shall file a plat with the Westchester County Clerk's Office depicting the merging of Lots "A" and Lot "B" into one parcel as set forth herein. Prior to filing, the plat shall be approved by the Planning Board, the Village Engineer and any other boards, agencies or individuals as required by law. Upon filing of the plat, the Applicants shall submit to the Building Department written evidence of such recording together with a stamped copy of the filed subdivision plat.
4. The granting of this application shall not be deemed to relieve the Applicant of the need to obtain approvals or permits of any other board, agency or officer as prescribed by law or ordinance with regard to the Approved Plan or construction or any other phase of the project. The granting of this application shall not be deemed to relieve the Applicant of the need to comply with any and all other local, state and federal requirements, including but not limited to compliance with the New York State Uniform Fire Prevention and Building Code and any applicable regulations related to the proposed use, location or construction.
5. These variances are granted subject to the accuracy of the representations made by the Applicant and its representatives to the ZBA in its written submissions and during the public hearing and if any material representation, whether or not it is included in this Resolution, is found to be inaccurate, at the discretion of the ZBA the Applicant shall be required to make an application for an amended approval.
6. The Applicant shall procure a building permit from the Building Department within two (2) years of the date of this Resolution or one (1) year from obtaining the last required land use board approval (i.e. planning board or architectural review board), whichever is later, and all work shall be completed within one (1) year from the date of the building permit, otherwise this variance grant becomes void; and any request to extend the time within which to obtain said building permit or complete said work shall be filed no less than sixty (60) days prior to the expiration of the applicable time period.
7. The failure to observe and perform these conditions shall render this resolution invalid.

Counsel Zalantis considered amending the resolution on page 3, condition number 1 as follows: *“The variances are granted solely in connection with the Approved Plans (which are incorporated by reference) and the variances are granted only to the extent that it is necessary to facilitate the proposed conversion set forth on the Approved Plans. If any material changes are made to the Approved Plans, other than those required by the Planning Board as part of its review of this proposed development and so long as the change(s) does not increase the number or degree of variances needed, the Applicant must make an application to the ZBA for amended approval.”*

Mrs. Jacoby confirmed with Mr. Pennella and Counsel that the plat needed to be filed with the Westchester County Clerk before a certificate of occupancy can be issued.

Mrs. Rachlin moved, seconded by Mr. Kim, to approve this Resolution as amended. All in favor. Motion carried.

NEW PUBLIC HEARING – The Scipioni Group – 41 John Street

The following public hearing notice was provided 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 Wednesday, September 12, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

The Scipioni Group, LLC
4 John Street
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for renovations to a two family dwelling to attach garage to principal building, add a second story above the garage and expand attic to third story. The property is located at 41 John Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 36, Lot 8 and is located in the M-2 Zone. **The variances sought are as follows:**

\$305-32 M-2 Multi-Family Attachment 6:1	Required/ (Permitted)	Existing	Proposed	Variance Required
Column(10) Total Coverage all Buildings	(30%)	69% 1,865 SF	79.6% 2,154 SF	49.6%
Column(11) Minimum Front Yard Setback John Street	20 feet	1.6 feet	1.6 feet	18.4 feet
Column (11) Minimum Front Yard Setback W. Elizabeth Street	20 feet	8.0 feet	8.0 feet	12 feet
Column (12) Minimum Side Yard Setback	8 feet	0 feet	0 feet	8 feet
Column (13) Minimum 2 Side Yard Setback	18 feet	0 feet	0 feet	18 feet
Column (14) Min. Rear Yard Setback John Street	26 feet	1.3 feet	1.3 feet	24.7 feet
Column (14) Min. Rear Yard Setback W. Elizabeth Street	26 feet	0 feet	0 feet	26 feet
Column (18) Maximum Height	2 ½ Stories	2 ½ Stories	3.0 Stories	1 Story
305-31 A (3) (c) Minimum Distance Between Multifamily Structures—45 John St.	25 feet	1.3 feet	1.3 feet	23.7 feet

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

Anthony Scipioni, the applicant, appeared with his wife Sara. They advised the Board that their builder was unable to attend this evening. Mr. Scipioni said they are before the Board to receive variances necessary to make an apartment above the garage for their in-laws as his mother-in-law is ill. They have lived at 4 John Street for 14 years in a 2 bedroom and are looking to expand for their family at 41 John Street. This will be a complete renovation inside and out. The garage will be able to accommodate 3 sedans. His in-laws will not have a car so street parking will not be affected. They will be expanding the front porch and will be adding a full third story for an office and also will be connecting the garage to the first and second story of the house, not the 3rd story. Mrs. Scipioni said there are three story homes on the block.

Mr. Jolly asked if the home was a two-family. Mr. Scipioni said it is currently a single family. Mr. Pennella said it was an illegal two family prior to them purchasing the property. However, the home is in the M-2 zone and two families are permitted in this zone.

Ms. Rachlin asked the applicant what was on the 3rd floor. Mr. Scipioni said it looks like they had two bedrooms and they will be dormering out. There was one bedroom apartment on the first floor and a second apartment on the 2nd and 3rd floors. There are 2 bedrooms on each floor. They want a 2 bedroom apartment above the garage. The second bedroom will be for an aid for their in-laws. There will be a second entrance in the alleyway.

Mr. Maloney asked if anyone in the public had any questions.

Dennis Noskin, owner of 55 S. Broadway, is concerned about the parking on John Street. He explained that most of the homes on John Street have changed the garages into living space and as a result there is no parking along John Street and people in the neighborhood have been using his parking lot located at 55 S. Broadway for a while. While he is sympathetic to the applicant, the parking along John Street is terrible and he has an obligation to his tenants to provide parking. He is also concerned with the proposed height of the structure to a 3 story. The view will not be blocked in this situation, but the next applicant may block the view which could impact property values in the future. He is concerned about setting a precedent. He thinks a lot of the variances requested are self-inflicted. The 9 variances listed are because of the expansion. He does not feel that he should be impacted with regard to the parking. He likes this proposal, but the parking situation could change with this project in the future and his lot could be impacted. As it is now, in the winter, cars park there since they can't park on the street and sometimes they can't even plow the lot. There is a parking problem on the street, the applicant did not create it, they have a good cause, but long after they are gone, a precedent with regard to the height is set and he is stuck with the result and the parking problem.

Mr. Noskin showed the Board a picture of the area. Mr. Kim asked Mr. Noskin if the parking lot was a private lot. Mr. Scipioni said he has never parked in this lot and his proposed garage will fit 3 cars. Mrs. Scipioni said they have lived at 4 John Street for 14 years. Their plans at 41 John Street are long term. It will not be a starter house and they will not be renting it out.

Mr. Jolly asked if the garage at 41 John is being used now. Mr. Scipione said he is currently using the garage. He also advised that he has a garage at 4 John Street which is closer to Main Street by the Barber Shop that he uses.

Mr. Maloney asked if anyone in the public would like to speak.

Mima Mosca, of 26 John Street, came up and said she has lived on John Street for 55 years. She said that for new construction, 2 parking spaces are required for each family so in this case, they should have to provide 4 parking spaces. There is only parking on one side on John Street, and she is very concerned about the parking impact.

Mr. Scipioni said he can provide for the parking at 4 John Street. He is going to rent out the apartment at 4 John Street. Mr. Pennella said we may have to re-notice for the one parking space. 4 John Street cannot be considered for the parking requirement at 41 John Street. He asked the applicant if there is any way they can have a separate unit with a common kitchen. That could solve the problem.

Mr. Pennella advised the Board with regard to the 3rd story, the first level will start at ground level and the 2nd and 3rd stories will be above that. As a result, the elevation is not as high as the first floor of a typical building. He advised the Board that they have denied a third story on Storm Street but that structure was not at ground level. This proposal is at ground level, so it is a different circumstance.

Mr. Noskin would not like the precedent of creating a 3rd story in the area since it may impact future applications with regard to views.

Mr. Maloney asked what the 3rd story will be used for. Mr. Scipioni said it will be used for his office.

Mr. Maloney asked if any of the Board Members and staff had any questions or comments.

Mr. Pennella said perhaps the applicant can configure the garage to fit in 4 spaces each of them 8' x 15' in order to provide the required parking. He thinks they should be given the opportunity to see if they can fit the parking in the garage. With regard to the 3rd story they are opening it up with a dormer. Counsel Zalantis asked if the overall height is changing. Mrs. Scipioni said they are reconfiguring the space. Mr. Pennella said the average height is 27 feet, so they have already exceeded the 25 foot limit and the creation of the dormers creates the 3rd story. Mr. Pennella requested a street elevation comparing the surrounding homes.

Mr. Noskin returned and said he would rather it be interpreted as existing-non conforming rather than setting a precedent of going to a 3rd story. There is a difference in the definition. He suggested saying “that it can be no higher than the existing non-conforming roof”.

Mr. Maloney said the parking may need to be re-noticed and the 3rd story option will require a further review and discussion.

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

NEW PUBLIC HEARING – Emilio Escaladas, P.E., R.A.- 22 Glenwolde Park

The following public hearing notice was provided 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 Wednesday, September 12, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Emilio Escaladas, P.E., R.A.
124 South Central Avenue
Elmsford, NY 10523

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for additions and alterations to an existing single family residence.

The variances sought are as follows:

Code Description	Permitted (Required)	Existing	Proposed	Variance Required
Attachment §305-25: Maximum Floor Area Table 1 – R-7.5 Zone	2925 S.F.	S.F.	3,490 S.F.	565 S.F.

The property is located at 22 Glenwolde Park in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.180, Block 104, Lot 1 and is located in the R 7.5 Zone.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard.

Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional approvals are required 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: August 31, 2018

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

Emilio Escaladas, P.E., R.A., on behalf of the property owner, presented the floor plan to the Board members and the public. He stated that his client is requesting a FAR variance of 565 s.f. He distributed a FAR analysis of the 10 closest homes to this property to the Board and secretary for the record, to help them in their decision, attached as "Exhibit A". He feels the best comparison can be made by computing the total first and second floor area and dividing this total by the total land area. This gives the Board an idea of how much house is being proposed for the land area it occupies. His computation excludes the garage, attic and basement areas.

Mr. Escaladas stated that all the numbers are from the tax assessor cards published. He calculated the true area for the proposed home excluding the basement and attic to be .28. The average FAR ratio for the 10 homes is .26. The analysis concludes that 2 of the homes yield a .39 and a .34 which is higher than what he is proposing at .28. He feels that this proposal is well within the tolerance. The highest is .39; the average is .26. If you compare his proposed .28 to the average of .26, it is a 7% higher proposal than the average FAR.

He showed a rendering of the site and noted that the 450 s.f. garage will be taken down, eliminating some bulk and creating a nice green corner. The home will go from 1 ½ to 2 stories and will be a gable structure. All the homes are 2 stories in the area. He wanted a bigger porch but cannot have it due to the setback. He showed the floor plan and described the most intense use of the property. In their design, they decided to add a family room. He noted that they had already revised the plan and reduced the basement area by 300 s.f. as suggested by the building department during a plan review. Mr. Maloney asked if the basement is gone. Mr. Escaladas said no the existing basement will remain. Mr. Jolly asked if it was a finished basement. Mr. Escaladas said it could be developed but is not proposed at this point.

Mr. Jolly asked the height of the attic. Mr. Escaladas said it is about 8 feet and is not developable. He will accept a lower ridge if the Board wishes.

Ms. Rachlin asked Mr. Pennella if height was an issue. Mr. Pennella said yes, if they reduce the attic then they will decrease the FAR by 97.5 sf.

Mr. Escaladas distributed pictures of the homes in the area to all the Board Members, which are included in "Exhibit A".

Ms. Rachlin asked Mr. Escaladas if there was a buyer. He said he does not know. Mr. Jolly asked if homes have basements in the area.

Maureen Higgins, 15 Glenwolde Park, came up and said this area of the village is historic. No homes in this area are over 2,000 s.f. in the area. Her home is 1,000 s.f.

and the other homes in the center are slightly larger. She is concerned that this house does not fit into the neighborhood.

Mr. Escaladas thanked Ms. Higgins and said that he wants to invest in this neighborhood. He referred to his analysis and the home that has 3,270 s.f. which came directly from the tax records. With regard to the amount of bulk proposed on this land, this is the ratio of lot to area and they are proposing .28. His job is to design and build a home and he wants the house to fit into the neighborhood for everyone's benefit. He will lower the ceiling and have dormers with architectural features if the Board wishes. He does not want to hurt the area, he wants to make it better. He is convinced he is not the biggest house per lot.

Mr. Kim said he was looking at the photos and most of the homes have roofs that are at 6 feet and that will bring the bulk of the building down. Also, on the main part of the house, what is over the garage, the roof is taller. Mr. Escaladas said that the drawings submitted are 1 foot higher and they will be lowered. Mr. Kim said that will eliminate the attic.

Mr. Pennella asked Mr. Escaladas if he could relocate the garage under the deck to reduce the existing garage to lower the FAR. Mr. Escaladas said he would like to keep the nice entry from the side and keep the same pattern. He is removing the garage. It is a gateway to the community and should look nice. He does not want to go down where there are water issues. He would like to stay with the floor plan and lower the roof and he will redesign it.

Mr. Maloney asked if anyone else had any questions.

Mr. Jolly feels that eliminating the garage and lowering the roof should be enough change for him.

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

NEW PUBLIC HEARING – David Kim – 16 Independence Street

The following public hearing notice was provided 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 Wednesday, September 12, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

David Kim
16 Independence Street
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the addition of a covered entry to a two family dwelling.

The property is located at 16 Independence Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.100, Block 67, Lot 4 and is located in the R 7.5 Zone.

The variances sought are as follows:

§305-21 R7.5 Single-Family Attachment 5	Required/ (Permitted)	Existing	Proposed	Variance Required
Column (8) Principal Building Coverage	(24%)	26.2%	27.7%	1.5%
Column (10) Total Building Coverage	(30%)	30.5%	31.9%	1.4 %
Column (13) Minimum 2 Side Yards Setback	22 feet	26.3 feet	20.5 feet	1.5 feet

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

David Kim, an alternate Zoning Board member, appeared before the Board. He formally recused himself from this hearing since he is the applicant for this application.

Mr. Kim presented his plan and is asking the Board to consider a request for a two-side yard setback variance of 1.5 feet and an increase in principal and total building coverage. He described his home as a 2 family-one 4 bedroom and 1 one bedroom which he and his wife purchased 2 years ago, with the possibility of having his elderly parents come live with them. The house has 2 separate entrances with a path on each side. He wanted to modify the interior layout to make better use of the current space. He is not increasing the square footage, just adding on the porches. He referred to the photograph submitted with the application and showed the proposed covered porch in order to formalize an entrance way. He noted that there will be another porch on the side for the entrance to the one bedroom unit; somewhat like an entrance to a cottage.

Mr. Maloney asked if they are eliminating the entrance on the driveway side. Mr. Kim said they will be putting a window in its place.

Mr. Maloney asked if anyone in the public had any questions.

Sandy Olsen, of 20 Independence Street, was interested to see the plan. Mr. Kim showed her the plan and she had no comment.

Brenda Fracaroli, of 24 Independence Street, came up and said the design is really nice but the house is already too large for the lot. She is also concerned about drainage. The snow and ice is an issue. She mentioned trees that were taken down prior to this submission of this application and referred to the EAF. She showed pictures to the Board that she got from the internet showing the trees that are now gone. They disappeared before going to the Zoning Board. They helped with drainage on the property. She said there is nothing in the application for the fence that is 6 feet. Mr. Pennella advised that these issues are not within their purview of this Board.

Mr. Maloney advised Mrs. Fracaroli that with respect to runoff and drainage, the building inspector will handle this matter under the Building permit. Mr. Pennella said there is an existing concrete pad and the impervious surface will not increase. In fact, he did an impervious surface calculation and it decreased. The applicant removed the existing pathway and the rest of the area will be planted. Mr. Pennella said there is a decrease to the impervious surface. Mr. Pennella said this is not within the purview of this Board.

Mrs. Fracaroli with regard to the 2 yard setback, it is misleading because it is coming out onto her property. Mr. Kim said he did not want a 4 foot porch. He is still more than 10 feet away from the side yard, next to Mrs. Olson. With regard to the trees, the trees were hemlocks and he did get a permit to have them removed from the DPW.

Mr. Jolly asked if the trees were too big. Mr. Kim said they were in the way and blocking the sun and we wanted to plant a butterfly garden and fruit tree. Mr. Pennella said the tree warden looks at the trees and a tree permit to remove them was issued. It should also be noted that Hemlocks are diseased.

Jon Naughton, 15 Independence Street, came up and just wanted to confirm that the house will remain a 2 family. He is fine with the plan.

Ben Zara, of 23 Independence Street, came up and also approves the design.

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

Mr. Maloney read through the criteria:

1. Mr. Maloney stated 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.
2. Mr. Maloney stated that the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance.
3. Mr. Maloney does not feel that the requested area variances are not substantial.

4. Mr. Maloney stated that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. Mr. Maloney stated that the alleged difficulty was self-created but shall not necessarily preclude the granting of the variance.

Mr. Maloney moved, seconded by Ms. Rachlin, that the variances be granted and Counsel Zalantis be directed to draft a resolution memorializing the discussion this evening and to include general standard conditions. All in favor. Motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Rachlin, and unanimously carried, that the meeting be adjourned – 9:10 p.m.

Liz Meszaros- Secretary

EXHIBIT A
22 GLENWOLDE PARK APPLICATION
FAR ANALYSIS and PHOTOS
Submitted by Emilio Escaladas, P.E., R.A.

ANALYSIS OF 10 ADJACENT HOMES TO PROPOSED ADDITION

DEAR MEMBER:

THE ATTACHED MAP DESCRIBES
THE IMMEDIATE NEIGHBORHOOD, MOSTLY
BEING AFFECTED/IMPACTED BY THIS
APPLICATION.



WE BELIEVE THAT THE BEST
COMPARISON CAN BE MADE BY COMPUTING
THE TOTAL 1ST FLOOR AREA AND SECOND
FLOOR AREA AND DIVIDING THE TOTAL BY
THE LAND AREA. THIS RATIO IS THE
TRADITIONAL F.A.R. THAT GIVES A GOOD
PICTURE OF HOW MUCH HOUSE IS BEING
PROPOSED FOR THE LAND AREA IT
OCCUPIES.

$$\frac{\text{TOTAL FLOOR AREA}}{\text{LAND AREA}} = \text{F.A.R.}$$

IN ORDER TO EQUALIZE OUR COMPARISON
WE HAVE EXCLUDED ANY AREA COVERED
BY A GARAGE SPACE, OR ANY OTHER
"HIDDEN" FLOOR AREAS THAT ARE NOT
EITHER RECORDED OR IN EXISTENCE, SUCH
AS FINISHED ATTICS OR FINISHED BASEMENTS

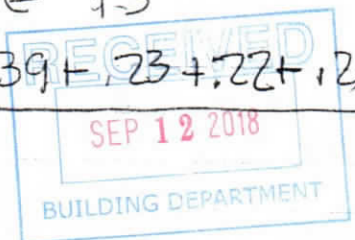
ALL COMPARISONS ARE FOR THE TOTAL 1ST AND
2ND FLOOR AREAS DIVIDED BY THE LOT AREA.

(APPLICANT)	TAX ID N ^o	F.A.R.	FLOOR AREA *	
			LOT AREA	AREA
				AREA OF 1 ST & 2 ND FLOOR
(APPLICANT)	1.180-104-1	.28		AREA = 2764 FT ²
	1.180-105-4	.21		AREA = 1,790 FT ²
	1.180-105-5	0.2		AREA = 1,664 FT ²
	1.180-105-3	0.34		AREA = 1,872 FT ²
	1.180-105-2	0.28		AREA = 2,256 FT ²
	1.180-105-1	0.21		AREA = 2,534 FT ²
	1.180-106-1	0.27		AREA = 2,527 FT ²
	1.180-106-2	0.39		AREA = 1,894 FT ²
	1.180-106-3	0.23		AREA = 1,790 FT ²
	1.180-106-4	0.22		AREA = 1,690 FT ²
	1.180-106-5	0.26		AREA = 3,270 FT ²

* EXCLUDES ANY, AND ALL GARAGE AREAS
ATTIC AREAS & BASEMENT AREAS.

AVERAGE F.A.R. FOR THE 10 HOMES
SURROUNDING APPLICANT'S HOUSE IS

$$\frac{.21 + .20 + .34 + .28 + .21 + .27 + .39 + .23 + .22 + .26}{10} = .261$$



THE TABLE OF PAGE 2 SUMMARIZES
OUR FINDINGS.

(A) — OUR PROPOSAL HAS AN F.A.R. OF 0.28
THERE ARE TWO EXISTING PROPERTIES
WITH F.A.R.s OF 0.34 AND 0.39

(B) — OUR PROPOSAL IS FOR 2,764 FT²
(TOTAL OF 1ST + 2ND FLOOR AREAS)
THERE ARE TWO HOUSES WITH A TOTAL
AREA OF 2,534 FT² AND 2,527 FT²
AND ONE WITH 3,270.

THE AVERAGE F.A.R. OF THE 10 HOMES
IN THE STUDY IS (0.26)

THE AVERAGE F.A.R. REPRESENTS THAT
FOR OUR PROPOSAL OF 0.28 THERE IS ONLY
A 7% INCREASE ABOVE THE AVERAGE OF 0.26
BUT THAT IT IS NOT EVEN CLOSE TO THE
LARGEST FAR VALUES OF (0.39) AND (0.34)





September 11, 2018



APPLICANTS
LOT

Greenburgh, NY

1 inch = 67 Feet



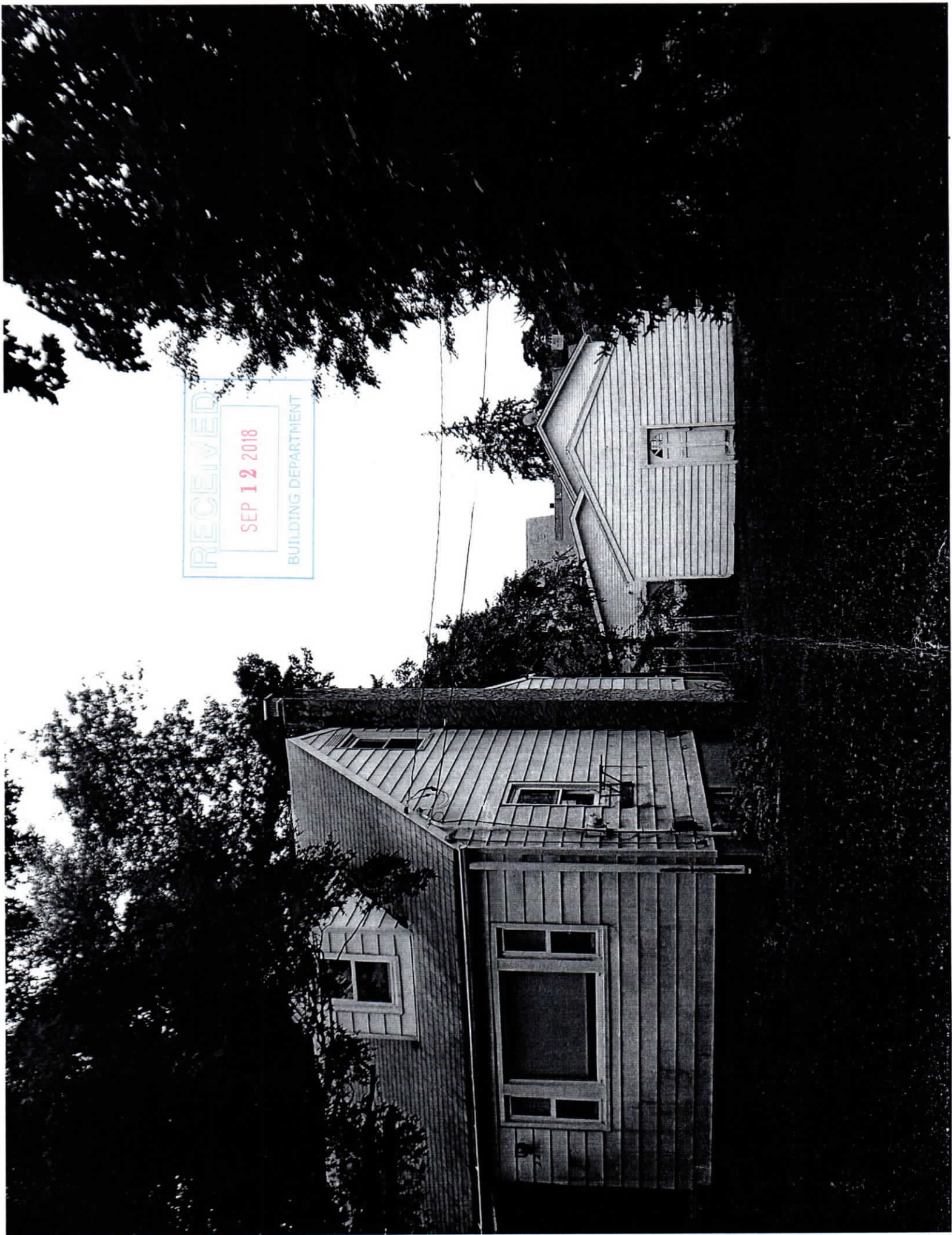
CAI Technologies

www.cai-tech.com

CARAGE STRUCTURE TO BE REMOVED



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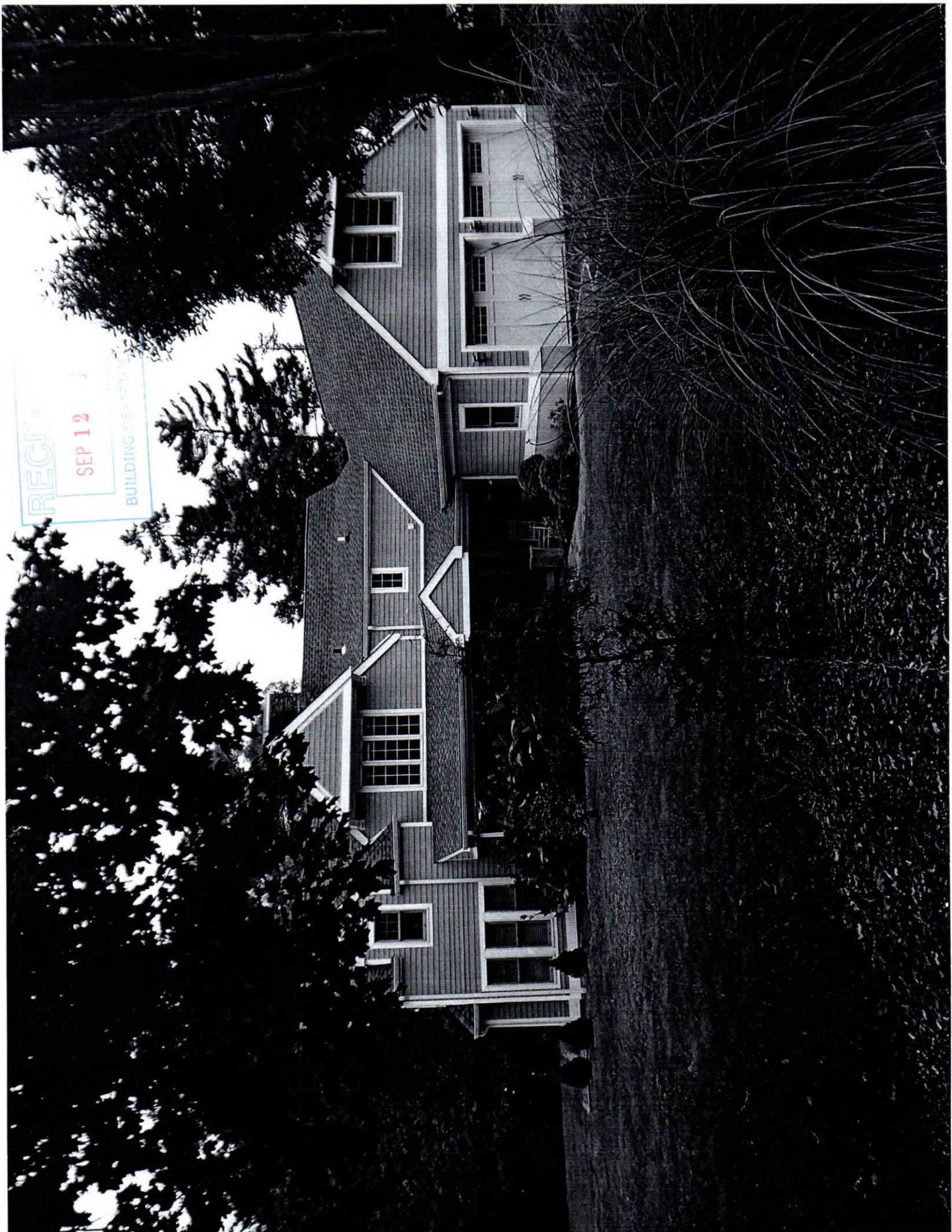
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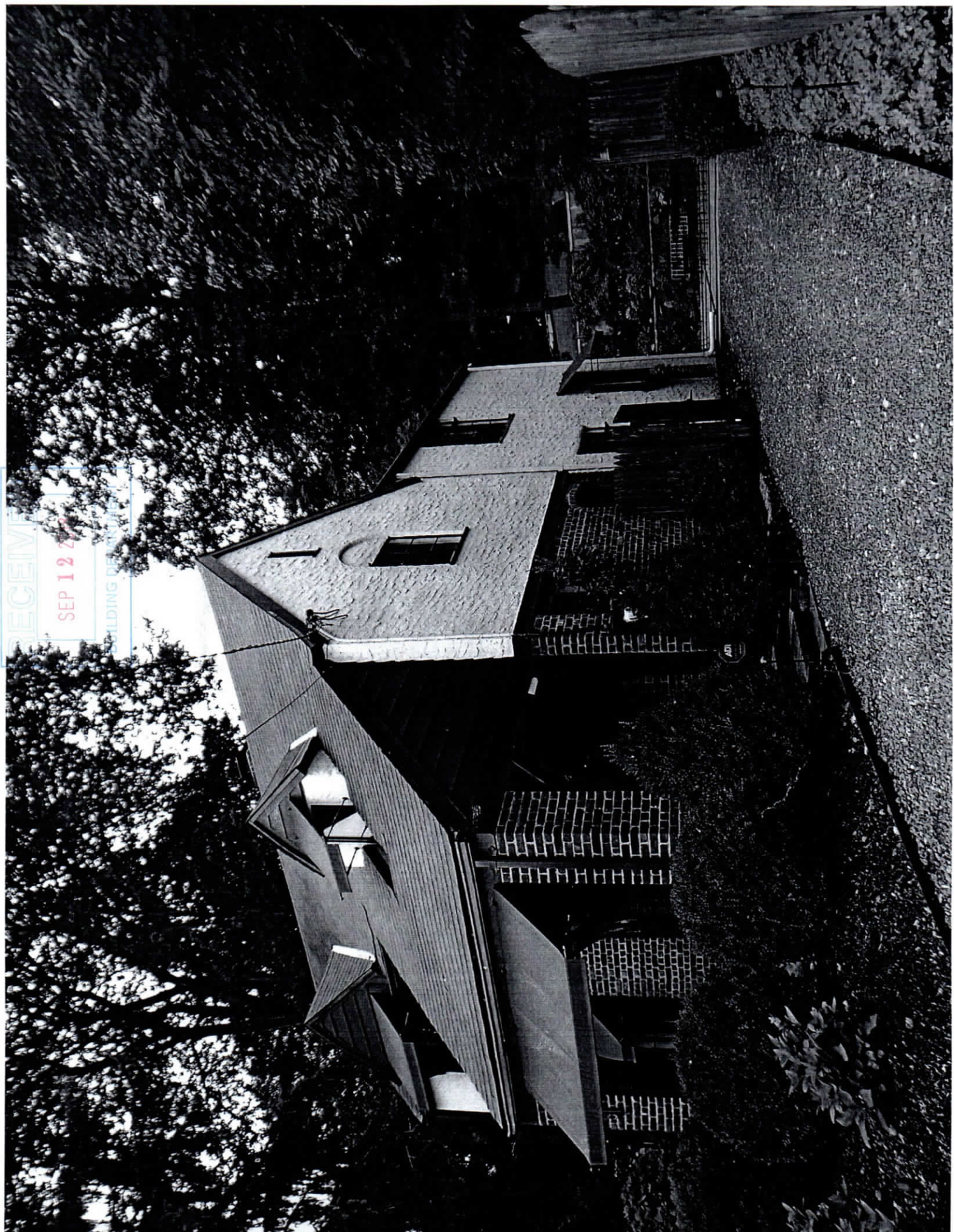


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