

Village of Tarrytown, NY

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Zoning Board of Appeals Minutes 2/10/2014

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
February 10, 2014; 8:00 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Jolly, Brown, Weisel; Counsel Shumejda; Secretary Bellantoni

ABSENT: Village Engineer McGarvey

APPROVAL OF THE MINTUES – January 13, 2014

Mr. Maloney moved, seconded by Ms. Weisel, and unanimously carried, that the minutes of January 13, 2014, be approved as submitted. Motion carried.

NEW PUBLIC HEARING – SPLIT DEVELOPMENT CORP. – 10 EMERALD WOODS

The secretary read the following public hearing notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, February 10, 2014 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by

*Joseph Denardo
83 Harriman Road
Irvington, NY 10533*

for a height variance requested from the Zoning Code of the Village of Tarrytown §305 Attachment 5:1, Zoning Schedule, Single-Family Residence District from the maximum height of 30' to 32'.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 10 Emerald Woods and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.190, Block: 112, Lot: 16 and is located in an R 60 (Residential) zone.

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
Dale Bellantoni, Secretary
Dated: January 29, 2014*

The certified return receipts were submitted and the sign was post.

Board members visited the site.

Joseph Denardo, owner and developer, said he was before the zoning board for a 2' height variance. He said the highest point is at 195 which is the same height as lot 3's second floor. He showed a street scape which showed the elevations and a rear view. He said the first floor is at 185 and the second floor is at 195.

Chairwoman Lawrence asked the location of the driveway. Mr. Denardo said it comes in from Gracemere.

Chairwoman Lawrence asked if it is the same size as the other house. Mr. DeNardo said it is a bigger lot and the house is just a bit larger with a larger green area.

Ms. Brown asked about the zone; some documents state R60 and others state R40. Counsel Shumejda said the recently filled out zoning compliance form says R40; and since it is reviewed by Mr. McGarvey, he assumes that it is correct. After consulting with Mr. McGarvey by phone, it was explained it is in an R60 zone but because it is a cluster development, it abides by the R40 requirements.

Ms. Brown asked about the green space behind the house. Mr. Denardo said that is open space. Ms. Brown asked who owns it and maintains it; and Mr. Denardo said the Village, but it requires very little maintenance because it is more of a natural landscape. He said it abuts the aqueduct.

Chairwoman Lawrence read the following environment review from the environmental review office, Michael Blau, dated February 10, 2014:

I have reviewed this application for a height variance for a new single family house and find the proposed variance appears to pose no significant adverse environmental impacts.

Mr. Jolly moved, seconded by Ms. Weisel, to close the public hearing. All in favor; motion carried.

Mr. Maloney moved, seconded by Mr. Jolly that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variances for 10 Emerald Woods. All in favor; motion carried.

Mr. Maloney moved, seconded by Ms. Lawrence that having arrived at the following Findings required by the ordinance and with the approval by the Building Inspector:

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;
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;
3. That the requested area variance is not substantial;
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
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 area variance.

grants the above-referenced variances for 10 Emerald Woods as follows:

Ms. Weisel: yes
Mr. Maloney: yes
Chairwoman Lawrence: yes
Mr. Jolly: yes
Ms. Brown: nay

Mr. Brown explained her nay vote by stating that the applicant already has the benefit of cluster zoning and is building a house according to R60 zoning on a 40,000+ sq. ft. lot; his project should fit in those parameters. Motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 8:30 p.m.

Dale Bellantoni
Secretary

