

# Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199  
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## Zoning Board of Appeals Minutes 2/11/2013

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
February 11, 2013; 8:00 p.m.

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

ABSENT: Member Weisel

### APPROVAL OF THE MINTUES – December 10, 2012

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the minutes of December 10, 2012 be approved as submitted. Motion carried

### PUBLIC HEARING – McCaffrey – 60 North Washington Street

The Secretary read the following Notice of Public Hearing:

*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 11, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:*

*Patrick and Theresa McCaffrey  
60 North Washington Street  
Tarrytown, New York*

*for a variance from the Zoning Code of the Village of Tarrytown (305-63 (3) for property located at the above address to increase the amount of land banked parking from 20% to 50% to allow for two parking spaces where four is required. This property is an existing non-conforming property.*

*Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 14, Lot 11 and is located in an M-2 (Multi-Family Residence) 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*

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

The applicants introduced themselves and explained that they would like to create a backyard. At the November 13, 2012 meeting they were granted 4 parking spaces within the front yard (Dixon Street) setback and they are now back before the board for a variance to allow two parking spaces and land bank the other two. Mrs. McCaffrey said their back yard currently could fit 6 cars; they have one car and their tenant has one car. With four spaces their back yard would be quite small. They would like to keep parking spaces #3 & #4 and make spaces #1 & #2 a lawn so that it will be a seamless connection to the back yard. She said the parking is not an issue on Dixon Street. They could

always be turned back into parking spaces in the future if need be, which she felt would be a fairly easy job. The raised cement platform and the retaining wall will be removed and a new retaining wall built along their property line.

Mr. Pennella said they are decreasing the impervious area so that is not an issue but suggested that instead of grass area for spaces #3 & #4 they could use grass pavers so that if you need to revert back to parking spaces all you would have to do is remove the pavers.

Mrs. McCaffrey said they would love as much green space as possible. Chairwoman said she understood but circumstances do change and it would have to be such that it could easily revert back to parking spaces. We encourage off-street parking. She said we can put a restriction on the approval that they must come back once year or so to review the approval.

Mr. Jolly asked if anyone parks in the alley. Mrs. McCaffrey said they park in space #4 but would move to space #1 and that the neighbors never access their back area through their property.

Counsel Shumejda explained that they are asking for a variance to increase the land banking from 20% to 50%; but in order to do so, they must first go to the Planning Board for the 20% and then come to the Zoning Board for the increase to 50%.

Fautin Kari, mother of Kara Pena, homeowner of 58 North Washington Street said she understands what they would like to do but asked where the water from her property will go when they take away the blacktop. She is concerned that without the blacktop, which allows the water to run off the property, her yard will get flooded. Mr. Maloney said they might have to put in a drywell to catch the water, which might be a burden to them; and Mr. Pennella said another alternative would be to remove all of the blacktop.

Mr. McCaffrey said since their property is lower than hers, he did not think she could get any water from their property. Ms. Kari said she realizes that but her water has to go somewhere and where will it all go. It is going to be a big problem and she is concerned that it will go into the house.

Chairwoman Lawrence said the water issue will be addressed at the Planning Board. She said they could adjourn and then they could go to the Planning Board. Once they get Planning Board approval they would come back to continue this public hearing.

Ms. Brown said they should consult with their architect to address the drainage issue.

Mr. Pennella explained that each property is responsible to contain and maintain the water on their property.

The board agreed to adjourn while they go to the Planning Board after which they will return to the Zoning Board.

#### PUBLIC HEARING – Loja – 44 Storm Street

The Secretary read the following Notice of Public Hearing:

*PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing on Monday, February 11, 2013 at 8:00 p.m. at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:*

*John Loja  
44 Storm Street  
Tarrytown, NY 10591*

*for the listed variances from the Zoning Code of the Village of Tarrytown to increase the existing non-conformity of the property located at the above address for a one-story addition in the rear of the house to relocate the kitchen and add two bedrooms.*

#### 305-47 A – Yards; setbacks:

| <u>Permitted</u> | <u>Existing</u> | <u>Proposed</u> | <u>Variance Requested</u> |
|------------------|-----------------|-----------------|---------------------------|
|------------------|-----------------|-----------------|---------------------------|

- *Principal Bldg.*

Coverage (%): 30% 23.4% 30.3% .3%

- *Side Yard: 15' 3.39' n/c 11.61'*
- *2 Sides: 30' 24.12' n/c 5.88'*
- *Rear Yard: 45' 48.9' 33.4' 11/6'*

*The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 12, Lot 23 and is located in an M-1.5 (Multi-Family Residence) Zone.*

*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 Planning Board*

*Dale Bellantoni  
Secretary*

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Ms. Diana Loja of 44 Storm Street explained that the house is a three-family house with two rented units and one owner-occupied unit. The house presently has a 50' rear yard and they would like to have a 15' addition built onto the rear of the house for a new kitchen for the owner-occupied unit. This will leave them with approximately 33' in the rear yard. Ms. Loja said along with the addition, they will be reconfiguring the inside of the unit. She said they presently have only two bedrooms and very small kitchen.

Chairwoman Lawrence asked to see a plan showing the existing house. Ms. Loja showed the board and pointed out what they would like to do.

Chairwoman Lawrence said the addition is very close to the neighbor's house. Ms. Brown asked what room in the neighbor's house they would be looking into. William Jamieson of 46 Storm Street said it is their dining room.

Chairwoman Lawrence was concerned with the distance between the house and the garage and asked if they will be able to get into the garage and where they will park. Ms. Loja said the distance between the house and the garage is 12.25'. She said they have small cars and they are able to use the driveway.

Mr. Maloney said it's a three family house; how is it arranged? Ms. Loja said she and her parents and two brothers live on the first floor with a basement family room and the second floor is a rental apartment and the third floor is a rental apartment.

Ms. Brown asked how many parking spaces are required. Counsel Shumejda said six.

Mr. Pennella questioned if it is a two or three family and Ms. Loja said it is a legal three-family.

Theodora Pouloutides of 59 N. Washington Street asked how far the addition will come to her fence which backs her property. Mr. Pennella said it will be 33' from your property line. She felt that would be fine. Ms. Loja showed her on the plans and explained that it will only be a one-story addition.

Chairwoman Lawrence said she would like to go back out and look at the site before they approve it. Ms. Brown said to have her architect stake out the addition in the back yard so that they can see exactly how far it comes out.

Chairwoman Lawrence said they would conduct another site visit on March 10th and would adjourn until the March 11<sup>th</sup> meeting.

PUBLIC HEARING – Lenimentus NY, Inc. (Castle) – 400 Benedict Avenue

The Secretary read the following Notice of Public Hearing:

*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 11, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:*

*Lenimentus NY, Inc.  
400 Benedict Avenue  
Tarrytown, New York*

*for an area variance from the Zoning Code of the Village of Tarrytown (Attachment 7) for property located at the above address for the paved area near the tennis court being situated within 100 feet of a Residential District or public street.*

*Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 83, Lot 5 and is located in an OB (Office Building) 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*

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

William Null, of Cuddy and Feder, introduced himself and Steve Grogg of McLaren Engineer. He explained that they will be using an already impervious area, the tennis courts, plus some additional spaces made of pervious pavers for parking. Originally they proposed a two-story parking structure for the additional parking needed which was to be located on the Carrollwood side of the property. They met with the Carrollwood residents who were not in favor of the structure. This is an alternative location. The property is very rugged and steep with very few level areas. This is an already existing level area and is accessible now with both a driveway and a walking pathway. It is not very visible from the road, particularly when the trees are in bloom. They will be using permeable pavers. Mr. Null showed the board the landscape plan for the project.

Mr. Maloney asked if the entrance way is a separate piece of property. Mr. Null said yes, that they have an access easement from Carrollwood.

Chairwoman Lawrence asked about the letter from Michael McGarvey dated October 18, 2012 regarding a variance for the parking as well as the entrance gate. Mr. Null explained that originally it was thought that a variance was needed for both; but after meeting with Mr. McGarvey, it was determined that a variance was needed only for the parking because the entrance gate is a wall.

Mr. Maloney asked if the tennis courts are going. Mr. Null said the tennis courts will remain and will only be used for parking when needed in an overflow situation. The net will be removable and the fence will remain; the parking works with the fence there.

Mr. Jolly asked what kind of surface will be on the tennis court. Mr. Grogg said it will just be a painted asphalt surface. He mentioned that all of the overflow parking will be valet parking.

Chairwoman Lawrence asked about the stormwater. Mr. Grogg said the stormwater pollution prevention plan was reviewed by Mr. McGarvey and approved by the Planning Board and it has been implemented.

Mr. Null said this additional parking was approved by the Planning Board as part of the site plan approval and it was also approved by the Board of Trustees as part of the amendment to the Compatible Use Permit; both approvals were subject to the Zoning Board granting the variance.

Mr. Jolly asked if they were going to clean up all of the fallen trees. Mr. Null said they are doing substantial landscaping but he was not sure what they are planning for those trees. Mr. Gross said the new owners have brought in an arborist to see that the existing trees are maintained.

Chairwoman Lawrence read the following environment review from Michael Blau, Environmental Review Officer dated February 11, 2013:

*I have reviewed this application regarding the use of the existing paved tennis courts as an overflow parking area and determined the proposal appears to pose no significant adverse environmental impact.*

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variances for 400 Benedict Avenue.

Ms. Brown moved, seconded by Mr. Maloney, and unanimously carried, that the hearing be closed and the Board having arrived at the Findings required by the ordinance:

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.

along with the approvals of the Board of Trustees and the Planning Board, grants the above-referenced variances for 400 Benedict Avenue.

#### ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 9:00 p.m.

Dale Bellantoni  
Secretary