

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
ph: (914) 631-1885

Zoning Board of Appeals Minutes 12/8/2014

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

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

APPROVAL OF THE MINTUES – October 14, 2014

Mr. Maloney moved, seconded by Ms. Brown, and unanimously carried, that the minutes of October 14, 2014, be approved as submitted. Motion carried

CONTINUATION OF PUBLIC HEARING – Makan 190 Sheldon Avenue

Sam Vieira, on behalf of the applicant, stated that this application went before the Planning Board and received approval in February 2014. A condition of approval was the approval by the Zoning Board to allow the structure to be within 150' of the wetland buffer. Mr. Vieira said that all violations associated with this property have been resolved and he needs the ZBA approval to proceed. Mr. Vieira explained that the original plan put the house within the 100' wetland buffer, but they have pulled it back to within the 150' buffer. Putting it in this area aligns it with the other houses in the neighborhood. He stated that the wetlands are across the street.

The board asked if the two pieces of property; one with a house already on it and the one under construction were subdivided. Mr. Pennella explained that they were always two separate tax lots owned by the same owner. The owners sold off the second lot, so it was given its own street number.

Mr. Pennella said the reason they are before this board now, after construction started, is because the Planning Board conditions of approval were reviewed before he did an inspection. During this review it was discovered that they failed to go to the Zoning Board. Mr. Makan was informed and he proceeded to apply for ZBA approval.

Ms. Brown asked what is going on the property. Mr. Vieira said one single-family house. Mr. Pennella said it will be about 3,500 s.f.

Chairwoman Lawrence asked why it cannot be put back further on the property. Mr. Vieira said it won't fit; it meets all other zoning regulations.

Mr. Maloney asked how they will mitigate the wetlands that are there. Mr. Vieira said it has streets on two sides, Browning Lane and Sheldon Avenue and a house on either side; no stormwater mitigation is needed and there are engineering measures to take care of the stormwater. Mr. Pennella said underground drywells. Mr. Vieira said any other water will be caught by the road drainage.

Chairwoman Lawrence asked if anyone present wanted to speak; no one responded.

Chairwoman Lawrence read the following Environmental Review from Michael Blau, Environmental Review Officer dated December 8, 2014:

I have reviewed this application for a variance to build a single-family house within the 150 ft. wetlands buffer and since this house is the farthest away from the wetlands of any house in the area, I have determined the proposal appears to pose no significant adverse environmental impact.

Mr. Maloney seconded by Ms. Brown that the Board determines there will be no significant adverse environmental

impact as a result of granting the requested variance for 109 Sheldon Avenue. All in favor; motion carried.

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

Ms. Brown moved, seconded by Chairwoman Lawrence, having arrived at the following 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.

Grants the requested variance as stated above for 190 Sheldon Avenue. All in favor; motion carried.

NEW PUBLIC HEARING - Cabrera - 64 John Street

Certified mailing receipts were submitted
The sign was posted
Member of the board visited the site.

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, December 8, 2014, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

*Alonso and Elida Cabrera
64 John Street
Tarrytown, NY 10591*

For variances needed to legalize an existing covered front porch and an existing covered rear porch.

Front Porch:

*Front Yard Setback: Where 30' is required, 8.9' exists; 21.1' variance needed
Side Yard Setback: Where 16' is required, 0.4' exists; 15.6' variance needed
Two Side Yards: Where 34' is required, 6.2' exists; 27.8' variance needed*

Rear Porch:

*Side Yard Setback: Where 16' is required, 6.4' exists; 9.6' variance needed
Two Side Yards: Where 34' is required, 6.9' exists; 27.06' variance needed*

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 64 John Street, Tarrytown, New York and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 37, Lot 6 and is in the RR Zoning District.

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 to the Zoning Board
Dated: November 30, 2014*

Nicholas Faustino, architect for the applicants explained that the Cabrerias are before this board to legalize the existing front and rear covered porches. The front porch needs variances for the front yard and side yard setbacks; the rear porch needs variances side yards. He said they purchased the house as is; and now that they are preparing to sell it, the Building Department recommended that they legalize it. He said they have a C of O for a three-family house. Ms. Brown asked if they have a current C of O. Mr. Pennella said once they receive approval, the Building Department will inspect to be sure the porches are safe. They will then issue a C of O for the porches. Ms. Weisel asked what material the rear porch is made of and how old it is. She also asked if they only way onto and off the deck is through the house. Mr. Faustino said it is a wood deck which is approximately 40-50 years old and that the only entrance/exit is through the house.

Mr. Pennella said today's code would require a sprinkler on the third floor but it is not today's code.

Ms. Lawrence read the following Environmental Review from Michael Blau, Environmental Review Officer dated December 8, 2014:

I have reviewed this application for variances to legalize an existing covered front porch and an existing covered rear porch and determined the variances appear 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 64 John Street.

Mr. Jolly 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.

grants the above-referenced variances for 64 John Street.

ADJOURNMENT

Mr. Maloney moved, seconded by Chairwoman Lawrence to adjourn the meeting. All in favor; motion carried. Adjournment 8:20 p.m.

Dale Bellantoni
Secretary