

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
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Zoning Board of Appeals Minutes 3/10/2014

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

PRESENT: Chairwoman Lawrence; Members Maloney, Brown, Weisel; Counsel Shumejda; Village Engineer McGarvey; Secretary Bellantoni

ABSENT: Member Jolly

APPROVAL OF THE MINTUES – February 10, 2014

Mr. Maloney moved, seconded by Ms. Brown, and unanimously carried, that the minutes of February 10, 2014, be approved as submitted. Motion carried

NEW PUBLIC HEARING – 21 Wildey Street, LLC – 21 Wildey 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, March 10, 2014, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by

21 Wildey Street, LLC (Contract Vendee)
485 West Putnam Avenue
Greenwich, CT 06830

For the following variances from §305-62 of the Zoning Code of the Village of Tarrytown for property located at **21 Wildey Street, Tarrytown, New York:**

- Max. Principal Building Coverage: 15% permitted / 26.84 proposed
- Off Street Parking Spaces: 30 required / 21 proposed
- Driveway Setback to Side Lot Line: 5' required / 2' proposed
- Rear Parking Setback: 25' required with total of 35' /

16' with total of 30' proposed

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 8, Lot 8 and is located in an M-1 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 to the Zoning Boards

Dated: February 27, 2014

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

John Meyer of National Resources stated that the 12 affordable units proposed for 21 Wildey Street are a requirement of the February 7, 2006 approval of the Hudson Harbor project. The property has been subdivided from the Library property. The building which was the Old Village Hall has been demolished. The property is currently being used as a parking lot for the Library and the neighborhood.

Mr. Meyer said they are required to build 12 affordable units averaging 1,000 s.f. and none less than 800 s.f. The proposed units are an average of 1,087 s.f. with the minimum unit measuring 850.6 s.f. The variances required are as stated in the public hearing notice above. Mr. Meyer explained as follows:

Maximum Principal Building Coverage: The zoning requirements would allow a building to be built on this property of 35.5 s.f. and we are proposing 66.32 s.f.

Parking: Thirty spaces are required and they are proposing 21. Mr. Meyer said after an extensive review by the Planning Board, the building went from a multi-tiered building to two stories. The main issue was the view from the Library. The plans submitted are what the Planning Board recommended. He explained the calculations for the proposed parking as follows:

- 4 two-bedroom units with 2 spaces/unit = 8 parking spaces
- 8 one-bedroom units with 1½ space/unit = 12 parking spaces
- Total plus 1 extra space = 21 parking spaces proposed

He said they proposed a five-story building fully zoning compliant with parking under the building, but the Planning Board wanted something lower so as not to obstruct the views from the Library.

Driveway: Five foot setback from the side yard lot line is required; they are proposing to keep the existing 2' from the side yard lot line.

Rear Parking Space Setback: The required is 25' on one side with a total of 35'. In order to allow for a sufficient parking area, they are proposing 16' on one side with a total of 30'. In order to meet the required setback, the parking would have to be reduced and parking is an issue which must be considered.

Mr. Meyer said they originally proposed a building mixing market rate units with affordable units but it was not received favorably with the Planning Board, so they reduced it to the 12 affordable units which was what was required by the Board of Trustees in their original approval of the Hudson Harbor project.

Mr. Meyer handed out a sheet with the Criteria for the Granting of Area Variances of 21 Wildey Street Affordable Housing Project (copy attached).

Chairwoman Lawrence opened the meeting to the public.

Dean Gallea, 20 Wildey stated that the residents of Wildey Street preferred all parking in the back but that would reduce the number of spaces too much. He is concerned about the setback for the front parking and if there would be enough room for landscaping and screening between the properties next door. Chairwoman Lawrence said there appears to be two building next door or one building and a garage which appears to be very close to the lot line as well. Mr. Gallea was more concerned that there would be enough room in the front so as to landscape and screen the parking area from the street. Chairwoman Lawrence asked if there is a landscape plan for the site showing the screening. Mr. Meyer said that is a condition of the Planning Board approval which will be reviewed and approved by the Village Landscape Architect. He said they may be able to provide an additional few feet but feels there is sufficient room to provide adequate landscaping and screening. Chairwoman Lawrence said that

space is needed in order to provide enough room from cars to back up. Mr. Meyer said yes.

Mr. Gallea asked if they reduced the setback will there be a problem with snow removal. Chairwoman Lawrence said in some complexes residents have to removed their cars for snow plowing. Mr. McGarvey recommended that they do what has been done with other applications and require that after a 3" snow storm they have to removed the snow from the property and take it out of the Village. Mr. Meyer said the owners have other property where they have contracted with snow removal contractors and they will do the same with this property. This is another condition of the Planning Board that we have to take up with the Village Engineer. If the Village Engineer need more to be done, we will work with him to get that done.

Benjamin Gross, 20 Wildey Street, Chairman of the Village Affordable Housing Committee for which he has recused himself from the committee for this application. He said he is very much in favor of affordable housing but he has some problem with this one. He does not feel 21 spaces is adequate. He feels the two-story, flat room building surrounding by parking spaces is going to look like a Home Depot. He feels there is a compromise between the five stories and the two stories which will allow for adequate parking and green space to screen the parking from the other properties. He feels the 5' berm in the front is not adequate for screening. He said he does not understand the rear variance. Mr. Meyer explained that the requirement is a total of 35'; 25' on one side and 10' on the other. They have 16' on one side and 14' on the other for a total of 30'. Mr. Gross said he is concerned about the parking; it is not sufficient. He said the code says 30 spaces; and if the building is taller, it would allow for more parking.

Chairwoman Lawrence asked if there was parking in the basement with two stories above, would there be adequate parking? Mr. Meyer said no, only approximately 10 spaces would fit under the building. He explained that the setbacks are not the problem, the real problem is coverage; 15% coverage is very difficult. Mr. McGarvey said the five story building was proposed with parking at ground level and four story above, not in the basement. He said there was much deliberation about the view of the river from the historic building.

Mr. Gross said he would like to see a plan that is more than two stories and less than five stories; most of the houses on the street are three stories. He would like to see a three-story plan showing the parking.

Ms. Brown said a flat roof could be a problem with snow. Mr. Meyer said it was a requirement of the Planning Board. They wanted a flat roof with no equipment on it. The view was a very big concern of the Library Board. Initially they were concerned about the view from the third floor and then the second floor view. They did a site visit to see from the windows; they did a balloon test. Chairwoman Lawrence said the Planning Board insisted on it but that can be a problem.

Mr. Meyer stated that the affordable housing units across the street have a parking ratio of 1½ spaces per unit. Mr. Gross said the development across the street is very low income, less than 50% of the area medium income to extremely low income, less than 30% of the medium income; some were formerly homeless, some have disabilities which is the reason for 1½ parking spaces; it was unlikely that more spaces would be necessary. He said there was a stipulation that if the Chief of Police felt the 9 spaces were insufficient, they would build more.

Chairwoman Lawrence asked Mr. Meyer what the exterior of the building would be and Mr. Meyer said either hardy plank or wood siding; they still have to go before the ARB.

Beryl Hensy of 32 Wildey said originally there were going to be 26 units; it went from too tall to too wide. She feels it will be one slab of concrete. Does it have to be 12 units? Chairwoman Lawrence said 12 units are required by the Board of Trustees. Ms. Hensy feels the site is too small and there is no parking on the street; it may not be a reasonable project for that lot.

Chairwoman Lawrence asked if the Fire Department looked at the plan. Counsel Shumejda said the plans were sent to the Fire Department. Chairwoman Lawrence asked if they have heard back from the Fire Department. Mr. Meyer said he has not but they could ask Mr. McGarvey if he has, when he returns (he was out of the room handling a fire alarm issue).

John Quinn, 30 Wildey Street stated that street parking is already at critical mass. He asked if there is any way to get all of the parking in the back; no other building on the street has parking in the front.

Ms. Brown asked if the 20' driveway allows for two-way traffic. Mr. Meyer said yes it does.

Chairwoman Lawrence asked if there is any reason they could not put all of the parking in the back. Mr. Meyer said the Planning Board wanted as many spaces as possible. He said moving the house forward with a 25' setback they were only able to get 18 spaces. The original proposal had more spaces. They even had extras which they offer to

the residents on the street.

Chairwoman Lawrence asked where service trucks will park. Mr. Meyer said in the front of the building; in the extra space. They will probably just come in and park. This is something the Planning Board reviewed as well.

Ms. Brown said the two-stories is solely because of the Library's concerns. If there was a compromise of three-stories, would it completely or partially block the views from the Library? Mr. Meyer said if you did a garage, which would take up the first floor, you could reduce the size of the building and go up three or four stories. Ms. Lawrence said she does not understand why they cannot have parking on the first floor and the units on the second and third floor with some parking in the rear. Mr. Meyer said they Planning Board did not want that. He said they proposed having the driveway coming through the center of the building with parking on the first floor and tandem spaces which would provide even more parking. They also proposed heat tracing the paved area to eliminate the snow in the tandem spaces. All of that was not deemed acceptable to the Planning Board.

Mr. Brown said it seems to her that the Planning Board only took the Library's concerns into consideration and did not listen to the residents on that street.

Ms. Weisel asked if there is a snow removal ordinance for flat roof building. Mr. McGarvey said there is none but you should get the snow off especially in older homes, but we can only suggest. Ms. Weisel asked where the snow goes. Mr. McGarvey said on the ground. Ms. Weisel asked if the fire trucks can get into the parking area. Mr. McGarvey said yes but they could have to back out.

Ms. Lawrence asked if there is parking on Wildey Street in front of this project. Mr. Meyer said yes, public parking.

Ms. Lawrence said she would like to see the Planning Board minutes and would like a full board present to vote.

Ms. Brown said the roof is not the issue; taking up too much space on the lot and parking is the issue. Mr. Meyer said the front yard parking does not need a variance.

Mr. Gallea said he is not sure the three-story building was fully considered by the Planning Board.

Chairwoman Lawrence said there are considerable variances needed for this building.

Mr. Meyer said the Planning Board asked for a fully compliant building and that was a five-story building with parking on the first level. Mr. Meyer said we had limitations imposed by the Board of Trustees that the units be no less than 850 s.f. with an average of 1,000 s.f., which makes it difficult.

Mr. McGarvey said they went on a field visit with the balloons; they wanted an unimpeded view from the second and third level and they did not want the peaks on the building that were proposed. Mr. Meyer said originally they were directed to preserve the views from the third floor and then the Planning Board wanted the second floor as well.

The Zoning Board members wanted to read the Planning Board minutes before making a decision and they wanted a full board present to vote. Mr. Meyer asked if they could go before the ARB next week. Ms. Lawrence said no, they would have to wait for ZBA approval.

Mr. Meyer said they are under pressure from the Board of Trustees to get this started. He said they meet the criteria for granting a variance. Ms. Brown said she does not agree with number one of the criteria that it doesn't change the character of the neighborhood. Mr. Meyer said it's a 24,000 s.f. lot and 20 units would be allowed on that lot according to the zoning ordinance.

Mr. Maloney moved, seconded by Ms. Weisel, and unanimously carried to continue the hearing to the April meeting in order to allow for the Zoning Board to read the Planning Board minutes and so that they would have a full board to vote. All in favor; motion carried.

NEW PUBLIC HEARING – Wildey Group – 124-134 Wildey Street

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, March 10, 2014, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by

*Joanne Landau
Wildey Group
PO Box 383
Croton-on-Hudson, New York*

for a variance from the Zoning Code of the Village of Tarrytown for property located at 124-134 Wildey Street, Tarrytown, New York regarding additional parking for a storefront to be used for a restaurant, which formerly had a retail use.

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 2, Lot P-25 and P-25B and is located in an RR (Restricted Retail) 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 to the Zoning Board
Dated: February 27, 2014*

The board members visited the site and the sign was posted
The certified receipts were submitted

Joanne Landau, one of the partners of the Wildey Groups stated that they went before the Planning Board for two new establishments in their shopping center; one is next to MacDonald's and the other is where the Dollar Dream Store presently is. The Planning Board approved both but they need a variance for parking. Ms. Landau said Osaka Restaurant did a parking survey which included the entire shopping center. The survey showed that only 42% utilization at its peak time. They did the same survey using the same company for this project and that survey showed that it is now at 39%. There is a lot of foot traffic.

Ms. Landau said she based her proposal on the worst case scenario using the required number of spaces for food establishments, which is 239; retail requires less. She said these two or possibly three establishments will create an 18% increase with 60% utilization and there will probably be two restaurants and one retail store. Ms. Landau stated that they were granted a parking variance in 2011 for 202 spaces.

Chairwoman Lawrence asked if they had any vendors in mind. Ms. Landau said a National Pizza chain is interested and possibly a hair salon.

Counsel Shumejda asked what is the arrangement with MacDonald's? Ms. Landau said they own the restaurant but not the parking and by code they require 32 spaces. They provide us with a fee and we do the maintenance.

Chairwoman Lawrence asked if there will be two more fast food restaurants. Ms. Landau said they have not contract with anyone yet, but they are allowed fast food as of right. She said they have a very diversified clientele with Walgreens, the bank and dry cleaners.

Chairwoman Lawrence asked if there were enough dumpster. Ms. Landau said yes.

Mr. McGarvey said the Ms. Landau has referred to three stores; Dollar Dream is one, the empty store near MacDonald's is another; what is the third?

Ms. Landau said they may split the empty store next to MacDonald's into two stores. Counsel Shumejda said the public hearing notice specifies one. Ms. Landau said she based her parking requirements on square footage and she can't sign the contract for a new tenant without the parking. Counsel Shumejda said it has to be re-noticed for the other one or two storefronts but since they are ready to sign an agreement for one space, the board can approve for that space at this time. He asked how many additional spaces will be required for the Dollar Dream Store space. Ms. Landau said 23 additional.

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

I have reviewed this application for a parking variance for a new restaurant and find the proposed variance appears to pose no significant adverse environmental impacts.

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

Mr. Maloney moved, seconded by Ms. Brown that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variances for 124-134 Wildey Street. All in favor; motion carried.

Mr. Maloney moved, seconded by Ms. Brown that 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 above-referenced variances for 23 additional parking spaces for one new restaurant at 124-134 Wildey Street (Dollar Dream Store). All in favor; motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Ms. Weisel to adjourn the meeting. All in favor; motion carried.

Meeting adjourned: 9:30 p.m.

Dale Bellantoni
Secretary to the Zoning Board