

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
December 14, 2015; 8:00 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Jolly, Brown, Weisel; Counsel Addona; Assistant Village Engineer Pennella; Secretary Bellantoni

APPROVAL OF THE MINUTES – October 14, 2015

Mr. Jolly moved, seconded by Ms. Brown, and unanimously carried, that the minutes of October 14, 2015, be approved as submitted. Motion carried

NEW PUBLIC HEARING – Collado – 116 South Broadway

Chairwoman Lawrence moved, seconded by Mr. Maloney to open the meeting; all in favor. Motion carried

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, December 14, 2015, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Albert Collado
75 Wharton Drive
Cortlandt Manor, NY 10567

To demolish an existing commercial building and rebuild it as a primary residence. The property is located at 116 South Broadway and is shown on the tax maps as Sheet 1.80, Block 54, Lot 16 and is in the R10 zoning district.

The variances sought are as follows:

<u>Code Section</u>	<u>Required/Permitted</u>	<u>Proposed</u>	
<u>305 – Attachment 5</u>			
Lot Area:	10,000 s.f.	6,195 s.f.	Variance Required
Setbacks:			
• Side Yard	12 .0 feet	3.2 feet	Variance Required
• 2 Side Yards	26 feet	12.5 feet	Variance Required
Maximum Building Height:	2.5 stories	3 storied	Variance Required

305-25

Gross Floor Area (FAR):	2,484 s.f.	3,160 s.f.	Variance Required
Impervious Coverage:	37.25%	56.77%	Variance Required

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.

By Order of the Zoning Board of Appeals

Dale Bellantoni, Secretary to the Zoning Board

Dated: December 4, 2015

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Albert Collado, property owner, introduced himself and explained that he and his wife purchased the property in 1958 and he has had his business there for the last 15 years. They love Tarrytown and it has always been their intention to convert it to a single family house and live there once they retire. Last year he moved his business to White Plains and they would now like to demolish the existing building and rebuild a three-story, single-family house for themselves.

Mr. Collado said the property has always been non-conforming. He said the existing building is too small for a modern home and it needs repairs.

Chairwoman Lawrence asked how many people will be living in the house. Mr. Collado said only he and his wife. Chairwoman Lawrence asked if the new house will have three floors. Mr. Collado said yes; the first floor will have the living room, kitchen and dining room; the second floor will have the master bedroom and a small sitting area; and the third floor will have two bedrooms and a bathroom.

Chairwoman Lawrence said she is concerned about the height and will it be much higher than other houses on Broadway. Mr. Collado said the building to the north is four stories, much higher. He said the new house is going to have the exact same footprint as the existing house. Chairwoman Lawrence said the two houses down and the houses behind are two stories; you will be one third higher than the dentist office. Mr. Collado said he will be 8' higher. Chairwoman Lawrence asked if there is any way that it could be designed with only two floors. Mr. Collado said the footprint is so small that they could not get three bedrooms any other way.

Ms. Brown asked if they planned on making the back paved area into a lawn. Mr. Collado said a little more than one third of the paved area will be landscaped but they will leave the rest for parking since there is no garage and they need room to turn around so that they don't have to back out onto Broadway.

Chairwoman Lawrence asked him if they talked to their neighbors and showed them the plan. Mr. Collado said no; his next door neighbor is in Italy. Chairwoman Lawrence said the street behind you is Grove Street; most of those houses are multi-family houses.

Counsel Addona said the applicant submitted a new zoning chart tonight. Mr. Collado said he did not realize that he had to get variance for the existing non-conformities which will be the same for the new house; that is why he did not address them in his original zoning chart. Counsel Addona said some of the variances are not as large as what was noticed.

Ms. Brown asked if they will eventually make it a multi-family. Mr. Collado said no; it's too small and you cannot access the third floor without going through the house.

Chairwoman Lawrence asked if it will be solar. Mr. Collado said yes.

Ms. Brown said you are increasing the house by 23%. Counsel Addona said right now the existing building is 8 square feet below what is allowed.

Chairwoman Lawrence asked if anyone would like to speak.

Ms. Weisel asked if all four of the neighboring houses are the same age. Mr. Collado said he does not now but all have the same non-conforming issues.

Chairwoman Lawrence said she likes the plan but is concerned about the third floor. She was unable to make the site visit because she was out of town and she would like to schedule another site visit.

Mr. Pennella said with regard to height, this house will only be ½ foot higher than what the code allows and it will have sprinklers, per code. Ms. Brown said even though it is only ½' higher; it is still much higher than the other buildings. She doesn't see a good argument for a third story in that area right on Broadway. She said she is not sure what a ½ story is. Mr. Pennella said a ½ story is the attic and if he chose dormers, he would not need a height variance. Mr. Collado said we could build a two-story building 30' high. This house will be much nicer than what is there.

Chairwoman Lawrence said three full stories is what makes it different than the other houses. Mr. Maloney pointed out several other houses in the neighborhood with three stories. Chairwoman Lawrence said couldn't you make the third story with dormers so that it doesn't appear so high. Mr. Collado said we looked at many designs but this works best for us. Ms. Brown said couldn't you make the footprint larger so that you

could get three bedroom on two stories. Mr. Collado said we looked at that but then we could not have as much parking in the rear and we would have to back out onto Broadway. Chairwoman Lawrence said there is not enough room for the two bedrooms and the bath on the second floor. She said it is a small lot and a small footprint, but she has to see it.

Mr. Pennella suggested that the board request the applicant to do a balloon test so that they could see the height. Chairwoman Lawrence liked that suggestion and asked the application to do that at the next site visit on January 10, 2016 at 9:00 a.m.

Mr. Maloney moved, seconded by Ms. Weisel to adjourn the application to the January 11, 2016 meeting; all in favor. Motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly to adjourn the meeting; all in favor. Motion carried; adjournment 9:00 p.m.

Dale Bellantoni
Secretary