

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
January 11, 2016 8:00 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Brown; Counsel Christie Addona; Assistant Village Engineer Pennella; Secretary Meszaros

ABSENT: Members Weisel and Jolly

Chairwoman Lawrence called meeting to order at 8:04 pm

APPROVAL OF THE MINUTES – December 14, 2015

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

CONTINUATION OF PUBLIC HEARING – Albert Collado – 116 South Broadway

Mr. Maloney moved, seconded by Ms. Brown to continue the Public Hearing. All in favor. Motion carried.

Counsel Addona opened the discussion and made a statement for the record that one of the variances (height variance of 6 inches) they are seeking was not included on the denial letter and public hearing notice and he would have to re-notice if he would like this variance. Mr. Collado said that the six inches is not significant and he will not re-notice. He stated he was willing to revise the plans to conform to the height requirement in the code.

Chairwoman Lawrence said they were at the site inspection and saw the height the house would be about 2 feet above the chimney. Ms. Brown spoke about the bulk of the roof and was also concerned about the height.

Chairwoman Lawrence is concerned about the bulk of the house looking at it from the street because it is so close to the street and the houses to the right are quite a bit smaller and not as bulky. She asked Mr. Collado if there is any way to fit into the character of the neighborhood to bring the house forward to relieve the volume of the house.

Mr. Collado referred to map A-200 which shows the actual house in the actual setting, which, he feels fits the neighborhood well. There were not many choices because lot is tiny. Chairwoman Lawrence asked how many square feet is the house and office now. Mr. Collado said 2557 square feet.

Chairwoman Lawrence asked how many bedrooms? Mr. Collado said there were three bedrooms and it is not easy to put 3 bedrooms in a smaller house.

Ms. Brown asked if the top floor has two full sized bedrooms; Mr. Collado said yes. Ms. Brown asked if there are any other houses similar in the area to what Mr. Collado is proposing in the area. Assistant Village Engineer Pennella said there is one at Benedict Avenue and S. Broadway. Chairwoman Lawrence said there is one at Elizabeth and Broadway and also on Prospect, across from Transfiguration School.

Chairwoman Lawrence is concerned that the code that has specific regulations and guidelines and she feels an obligation to look at the application because the FAR is substantial. Mr. Collado said he designed the house so that it would fit well in the community.

Ms. Brown said it is larger, bigger and more bulky. It is raising the roof and adding space. Assistant Village Engineer said the top floor is 700 square feet. Chairwoman Lawrence asked if there was a basement. Mr. Collado said there is a full footprint. Ms. Brown asked how square footages compare to other houses in area. Assistant Village Engineer Pennella said 21 South Broadway is similar to proposed house.

Chairwoman Lawrence opened the meeting to the public; no one appeared.

Mr. Maloney asked counsel if we have to re-notice.

Counsel Addona said if the applicant is willing to revise the plans to make it zoning compliant then the board could approve subject to the plan but it would have to be made zoning compliant with respect to height. She advised applicant that he would need all three votes tonight since only 3 members are here. Chairwoman Lawrence said she would feel better to have a full board voting on such an issue.

Mr. Collado said the home will add to the neighborhood. It is his dream home that fits in with the character of the neighborhood and it will be nice to look at.

Chairwoman Lawrence read through the following criteria:

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.

Chairwoman Lawrence moved, seconded by Ms. Brown to close the public hearing; all in favor. Motion carried.

Counsel Addona stated that this is a Type II action which means no further action is required for SEQRA.

Chairwoman Lawrence said this is a substantial area variance and she feels that it would be best to have the full board consider this application at the next meeting.

Counsel Addona advised Mr. Collado that he would need everyone to vote yes tonight in order to approve this application. Mr. Collado agreed to adjourn to the next meeting. Counsel Addona advised in the interim that Mr. Collado can submit a revised plan that complies with the code.

Ms. Brown also would like to information to be provided on square footage and lot size of the adjacent properties which is available from Town GIS.

Chairwoman Lawrence made a motion to veto the prior closing of the public hearing, and continue to public hearing to the February 8, 2016 meeting, seconded by Mr. Maloney, and unanimously carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Mrs. Brown, and unanimously carried, that the meeting be adjourned – 8:34 p.m.

Liz Meszaros
Secretary to the Zoning Board