

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
Date May 9, 2016 at 7:30 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Jolly, Weisel; New Member Tricia Rachlin; Counsel Christie Tomm Addona; Assistant Village Engineer Pennella; Secretary Liz Meszaros

Mr. Maloney chaired the meeting because Chairwoman Lawrence was recovering from dental surgery. Mr. Maloney called the meeting to order at 7:34 p.m. and welcomed new Zoning Board Member, Tricia Rachlin.

#### APPROVAL OF THE MINUTES – April 11, 2016

Ms. Lawrence moved, seconded by Ms. Weisel, with Ms. Rachlin abstaining, that the minutes of April 11, 2016 be approved as submitted. All in favor. Motion carried.

#### CONTINUATION OF PUBLIC HEARING - Tarrytown Associates – 1-7 Main Street

Counsel Addona advised that the Public Hearing was closed at the April 11, 2016 Zoning Board meeting, but due to recent violation issued, the Zoning Board is precluded by Village Code to take action until this matter has been resolved, and it is therefore adjourned until there is a resolution of the existing violations.

#### CONTINUATION OF PUBLIC HEARING - Christina Griffin - 25 Rosehill

Christina Griffin, Architect, representing the applicants, Benjamin and Julie Green, distributed a revised letter dated May 9, 2016, originally submitted to the Board dated on April 24, 2016, which included some additional information. She indicated that all new items have been highlighted.

Ms. Griffin stated that in response to the Board's comments at the April 11, 2016 meeting, she and her clients took a hard look on how to achieve their goal of creating a new front entry that you can see from the street and do it while keeping with the Victorian style of the house and build a functioning garage on the property since existing garage is only 9 feet wide and not functional.

She is asking board to consider options as outlined in the letter:

Item 1 - They looked at creating the front entrance; there is no other way to do this and they are only adding 117 s.f. for new foyer. This allows them to turn front entrance and connect it to the grand foyer in the house so that entry ties into hallway.

Item 2 – The attached garage is dilapidated, narrow. Would like to make it into useable space and would only be adding 85 s.f. of gross floor area to make it livable space; but it allows for the wraparound porch which is a very attractive façade.

Item 3 - The existing FAR of house is 577 s.f. but 3726 s.f. is usable area. There is an unfinished basement and attic. When we calculate FAR, we have to include the attic and 7% of basement because so much is above grade. When we add 117 s.f. to entry and the 85 s.f. we are just under the FAR.

Item 4 - Since garage is not useable, we are proposing detached garage which adds bulk of s.f. to FAR. This addition allows us to have the wraparound porch, which is a common feature of Victorians in the area and fits in with the pattern of development in the area. Some examples are: 35, 45 and 52 Rosehill Avenue and 72, 84, and 88 Neperan Road.

Item 5 - Ms. Griffin compared FAR of neighboring properties, indicated on page 2 of the letter.

The FAR on property card for 25 Rosehill shows 3491 with garage.

The proposed is because of basement, attic and detached garage. If you compare with other Rosehill homes:

If you estimate adding 2000 for basement and attic,

The FAR for 35 Rosehill is 4146 s.f.; the Far is 6908

The FAR for 45 Rosehill is 4741s.f.; the FAR is 6952

The FAR for 53 Rosehill is 4569 s.f.; the FAR is 6919

Ms. Lawrence asked how big the lots were for these houses.

Mr. Green responded that they are .95 to 1.2 acres so they are a bit larger.

Ms. Weisel asked the square footage of the garage? Ms. Griffin said it was 687 s.f., but 50% is calculated at 344 s.f.

Ms. Griffin presented and compared the proposed plans and commented:

Alternative 1 – Looked at eliminating existing garage all together left with ceiling space with wraparound porch.

Alternative 2 – This is a much smaller porch eliminating the existing garage building and side porch. Does not give the grandeur of wraparound porch

Alternative 3 – Very expensive to relocate front entrance and kitchen which is cost prohibitive.

Mr. Jolly wanted to see pictures of the houses described on Rosehill Avenue. Ms. Griffin passed them around to the Board Members.

Mr. Benjamin Green came up to speak and said that there is no front door in the front of the house and also there is no functional bathroom on the first floor. They really would like to make look house attractive and at the same time, maintain the architectural integrity of the house. He explained that the only alternative is to have a detached garage. It was not their intention to increase the FAR; they just want to do the minimum to get the nice entranceway.

Ms. Lawrence asked which plan reduces the FAR the most. Mr. Green said the garage would increase the FAR regardless. With all versions, the difference is 90.5 s.f.

Ms. Lawrence asked if there was any way they could decrease the square footage of the detached garage. Mr. Green said there is space they could decrease to handle waste receptacle. They could reduce this by 64 s.f. The rest of garage is locked in to require 2 cars to park.

Mr. Jolly asked about alternative plan #2 which is a difference of 98.5 s.f. between original and new plan. Mr. Jolly said the house looks cleaner and not as bulky.

Ms. Lawrence likes the front door facing to street. (#1 and #2)

Mr. Green said it would be difficult to get a powder room.

Lawrence likes alternative plan #1 but would like to reduce garage a bit. Design is good, but she is concerned about bulk of garage.

Maloney asked if anyone in the public had any questions.

Ms. Julie Green read a letter from Frances A. Manfredi, of 35 Rosehill Avenue, (who lives next door to the Green residence) a portion of which stated, "We are thrilled that the Green's appreciate the historic value of their home and are invested in restoring the home's original integrity and beauty."

Mr. Maloney asked if anyone had any questions.

Counsel Addona asked the Board to clarify which of the plans the Board was considering, either the original proposal or one of the alternatives,

The Board determined that they would approve the original plan if the applicant cut down the FAR of the proposed detached garage by removing the alcove for the tool area.

Counsel Addona advised that if the Board wanted to vote tonight, the Board could condition the approval on the applicant submitting a revised plan showing the alcove area removed.

Counsel Addona stated that this is a Type II action with no further action required by SEQRA.

| Mr. Maloney moved, seconded by Ms. Lawrence, to close the Public Hearing. All in favor. Motion carried.

Mr. Maloney read through area variance 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 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 variance.
6. The variances sought are the minimum variances necessary.

Mr. Maloney moved, seconded by Ms. Lawrence, with Ms. Rachlin abstaining, that the above-referenced variance be approved for 25 Rosehill Avenue, subject to the submission of revised plans to reduce square footage of detached garage. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution memorializing the Board's discussion and decision.

NEW PUBLIC HEARING - C.M. Pateman - 48 Sheldon Avenue

Counsel Addona read the notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 7:30 p.m. on Monday, May 9, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

C.M Pateman  
255 Mountain Road  
Irvington, NY 10533

For a variance from Chapter 305 of the Village of Tarrytown Code (“Zoning Code”) in order to build a single family residence. The property is located at 48 Sheldon Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.180, Block 103, Lots 9 and 10 and is in the R 7.5 District.

**The variance sought is as follows:**

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
305-25	Maximum Gross Floor Area	2,925 s.f.	n/a	3,919 s.f.	994 s.f.

Additional approvals related to the above reference project will be needed from the Planning Board and Architectural Review Board.

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

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: April 29, 2016

The certified mailing receipts were submitted and the sign was posted.

Board members visited the property.

C.M. Pateman, applicant, representing himself, is seeking a FAR variance to construct a single family residence at 48 Sheldon Avenue, under Article 5 of the village ordinance. He has been before the Planning Board and will return to Planning for site plan approval, conditional upon approval by the Zoning Board.

Mr. Pateman explained that he is owner of one of the lots and contract vendee for the other lot which is owned by the Fire Department. He is merging the 2 lots, which combined are 13,508 s.f., but according to the code, he is only allowed to build a 2,925 s.f. home, regardless of lot size. In other municipalities, he explained, like Irvington, they give you a credit.

Mr. Pateman said this area of the village is a very diverse area. There are many 25 x 100 square foot lots. Several of the properties are 5,000 s.f., built in the late 60's. There are townhouses that back the rear of these lots.

Mr. Pateman feels that if the lots are combined, the variance should be granted. He stated that if he were to build two houses on property, he would have 2,925 s.f. x 2 or a total of 5,850 s.f. on the same property.

Ms. Lawrence asked if there is a reason why Mr. Pateman can't build a house that conforms to the code, with no variance. Mr. Pateman said it is significantly more expensive to build a two story home.

Ms. Lawrence said that the proposed home is about 4 times the size of houses on this street. Most of the houses are about 900 to 1100 s.f. in this area. Mr. Pateman explained that those houses are also on smaller lots. He needs this space for extended family – a grandchild and mother-in-law. Ms. Lawrence confirmed that there is only one kitchen.

Mr. Maloney asked about the change in the amount of FAR variance, which he put in cover letter. Mr. Pateman said an error was made but it will be corrected on the plans. A denial letter from Village Engineer was revised to correct calculation.

Ms. Lawrence again asked if there was any possibility to reduce square footage.

Mr. Pennella stated that the one lot owned by Mr. Pateman is a 5000 s.f. lot which is undersized and would require a variance to build a single family home.

Counsel Addona stated that because one of the lots is undersized, under the Village's Code the lots would merge as a matter of law once they were under the same ownership. So if the board were to approve the application it would have to be conditioned upon the applicant purchasing the second lot.

Mr. Pateman showed on the site plan, that he has two single lots with separate ownership and he understands that it becomes one lot, according to village code.

Mr. Pennella asked about the culvert on the survey and why it only showed a single line. Mr. Pateman explained there are revised plans that show the culvert as two lines. He stated the culvert is 4 feet off corner of house, so it is a distance from the pipe and there is no easement for the culvert.

Mr. Pennella asked Mr. Pateman to clarify why there is no need for a variance for a sight line. Mr. Pateman said he is asking for a sight line easement with planning board so no variance will be needed from this Board.

Counsel Addona asked what other changes have been made to the plans. Mr. Pateman said just the site line easement and the culvert. He said he corrected the zoning chart which had original FAR calculation on it. The site plan for the planning board has the corrected FAR.

Mr. Maloney asked if the public or Board Members had any questions.

Ms. Lawrence said she does not feel positive about this application. The code requirements were adopted for a reason, especially for new construction.

Ms. Lawrence referred to previous Rosehill application before the Board where they asked the applicant to come up with alternatives to reduce the FAR.

Mr. Pateman stated that the house was originally designed to be bigger and he made it smaller; he really needs this room. He stated that this house is directly across the street from a commercial area.

Ms. Lawrence said yes, but this house is the gateway to the Sheldon Avenue area.

Mr. Pateman said the homes in the Glenwolde area are also large. Tarrytown has a floor area cap; in surrounding areas they have a floor area ratio and he believes there is ambiguity in the ordinance. He said according to our code, you could have 20 acres in this zone and still only be able to build a 2,925 s.f. home.

Ms. Lawrence said this code has been looked at and it took a long time and a lot of consideration by the village to adopt this code.

Mr. Pateman said that if he doesn't get this variance, he will build on the smaller lot.

Ms. Weisel added that the residents in the area feel that they are being crowded out with regard to the Honda facility and this proposed home is much bigger than the existing homes in keeping with characteristic of neighborhood.

Ms. Lawrence asked if Mr. Pateman has talked to any neighbors about the project.

Mr. Pateman said the neighbors are happy with the proposed project.

Counsel Addona asked if Mr. Pateman had the original plans that with the larger house he was originally considering. Mr. Pateman said the plan included an extra room, but it was just a sketch.

Mr. Maloney asked if the home is a 2 ½ story. Mr. Pateman said it was a 2 story home, 5 feet below maximum height. Mr. Pateman showed the streetscape and pointed out that he added a lot of detail to reduce the height of the house and make it look smaller and attractive in the area. He also submitted a detailed landscaping plan.

Ms. Weisel confirmed that there will be a two-car garage.

Mr. Pennella suggested moving the house back so it is not as close to the road.

Mr. Pateman looked at plan and said he needs 32 feet and could move the house back by about 5 feet.

Ms. Lawrence said this was a good suggestion and could reduce the impact of the house. She asked Mr. Pateman the dimensions of the house. Mr. Pateman said it is 62 ft. x 31 ft. and confirmed it was a modular. He explained that he has built 25 modular homes in Tarrytown. His intention was to get in by beginning of September so that his grandchild can start school. Ms. Lawrence was pleased with the details of the proposed home.

Mr. Maloney asked if home will be on slab. Mr. Pateman said he will build a frost wall since there is a concern about the floodplain.

Mr. Maloney asked about catch basins. Mr. Pateman said the Village requires that to be installed as part of drainage plan.

Mr. Pateman said there is no finished basement and not attic space, just a pull down stair for storage and they are finishing off top level only at this time. Ms. Rachlin asked if there will be vaulted ceilings. Mr. Pateman said no.

Ms. Lawrence expressed her concern about the bulk of house as far as fitting into the neighborhood.

Ms. Weisel asked if there are similar homes in the area. Mr. Pateman said it is a very diverse area, there are some larger homes but most of the homes are on smaller lots.

Mr. Maloney asked if anyone had any questions.

Ms. Lawrence asked Mr. Pateman to move the house back a bit, and she would like to see a revised plan. Mr. Pateman said that could be a condition to the approval. Ms. Lawrence said she would need to see the plan before she could make a decision. Counsel Addona said this would give the applicant a chance to submit to the board the revised plans that include the other changes discussed by the applicant.

Mr. Pateman said if he was not going to get an approval tonight then he was not going to go forward with the project and asked the Board to issue a denial. Counsel Addona



advised against this. The board is just asking for more information and alternatives before they can make a decision.

Ms. Lawrence said she would like to see a visual and give the applicant an opportunity to submit revised plan with the house moved back and submit possible plans reducing the FAR.

Mr. Maloney moved, seconded by Ms. Weisel, to continue public hearing to the June meeting. All in favor. Motion carried.

### NEW PUBLIC HEARING - Kevin and Wanda Myers - 57 Tappan Landing Road

Counsel Addona read the public hearing notice.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 7:30 p.m. on Monday, May 9, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Kevin and Wanda Myers  
57 Tappan Landing Road  
Tarrytown, NY 10591

For area variances from Chapter 305 of the Village of Tarrytown Code (“Zoning Code”) in order to construct a second story addition and a new front porch. The property is located at 57 Tappan Landing Road, Tarrytown, NY and is shown on the tax maps as Sheet 1.100, Block 70, Lot 14 and is in the R-10 District.

### **The variances sought are as follows:**

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
305 Attachment 5:1	Minimum for each side yard	12 ft.	4.6 ft.	4.6 ft.	7.4 ft.
305 Attachment 5:1	Minimum for each side yard	14 ft.	10.8 ft.	10.63 ft.	3.2 ft.
305 Attachment 5:1	Minimum for 2 side yards	26 feet	15.4 feet	15.4 ft.	10.6 ft.
305-63 C (3) ( c )	Front yard setback for parking	25 ft.	3 ft.	22 ft.	22 ft.
305-63 D (1)	Off street parking and loading	2 spaces	1 space	1 space	1 space

Additional approvals related to the above reference project will be needed from the Architectural Review Board.

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

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: April 29, 2016

The certified mailing receipts were submitted and the sign was posted.

Board members visited the property.

Mr. Frank Tancredi, Architect, representing the Myers, said that there was a prior application before this Board in January of 2015. The Myers completed plans, obtained a building permit, found a new contractor and had some differences with plans. They decided to redesign the house.

The plan is to build over foundation. There will be a change in rear setback, putting a 2 foot cantilever in the rear which is 2 inches difference than what was originally approved. Mr. Tancredi said that the old variance was incorrect and there were some variance oversights in that submission.

He continued that they will convert existing garage into a mud room and will be turning the ridge line east to west so that it is lower roof pitch to be consistent with the rest of the house. The prior submission had much steeper pitch.

Mr. Tancredi said they are not changing the footprint of house other than extending the porch so it is actually a porch big enough to sit on, which complies with the setbacks.

With regard to parking, a variance is required for 1 space.

Ms. Lawrence asked if the Myer's heard from any neighbors. Mr. Myers said they have not heard anything negative. It is a mix of houses in the neighborhood. They stopped and revised the plans.

Mr. Maloney asked if anyone had questions or comments.

With regard to parking space, Assistant Village Engineer said the change for parking and granting a variance for 1 space is because garage is being removed. In order to function properly need to grant variance for 1 parking space.

Counsel Addona stated that this is a Type II action with no further action required by SEQRA.

Mr. Maloney moved, seconded by Mr. Jolly, to close the public hearing. All in favor. Motion carried.

Mr. Maloney read through the 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 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 variance.
6. The variances sought are the minimum variances necessary.

Mr. Maloney moved, seconded by Mr. Jolly, that the application be granted subject to conditions of approval. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution memorializing the Board's discussion and decision.

#### Preliminary SEQRA Review- Realty@ 460 SB LLC

Counsel Addona advised the Board that the memorandum from Village Planner, Robert Galvin dated May 9, 2016, was forward to ZBA on behalf of the Planning board, Lead Agency for the site plan application for 460 South Broadway. Realty@460 SB LLC has not submitted a variance application yet but will need Zoning Board approval in order to proceed. In an effort to keep the Zoning Board involved, the Part 2 EAF has been

formally given to you for review and comment to the Planning Board as the SEQRA process continues.

Mr. Maloney asked if they could discuss this now. Counsel Addona said that since the Board has not had time to review documents, she recommends that the applicant be present to go over the application and answer questions at the next regular meeting so that the Board can get a complete understanding of the application.

Mr. Maloney moved, seconded by Ms. Lawrence, that Counsel Addona prepare a memorandum outlining the following:

1. Ms. Meszaros coordinate with the applicant to get them to appear at the June 13, 2016 Zoning Board meeting to hear what they are proposing and to answer questions. Applicant must also provide copies of most recent plans to the Board, prior to the meeting.
2. Ms. Meszaros provide minutes of relevant Planning Board meetings to the Zoning Board.
3. Mrs. Meszaros forward memorandum to the Planning Board advising that the Zoning Board will not be able to provide comments to the Planning Board by June 6, 2016, but will comment after their June 13, 2016 meeting.

All in favor. Motion carried.

Mr. Maloney moved, seconded by Ms. Lawrence to adjourn the meeting at 9:18 pm. All in favor. Motion carried.