

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
July 11, 2016 at 7:30 p.m.

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

Chairwoman Lawrence called the meeting to order at 7:35 pm

APPROVAL OF THE MINUTES – June 13, 2016

Ms. Weisel moved, seconded by Mr. Jolly, with Mr. Maloney abstaining, that the minutes of June 13, 2016 be approved as submitted. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING 1- 7 Main Street – Tarrytown, New York
Adjourned pursuant to Village Code 305-138(F) (1)

CONTINUATION OF PUBLIC HEARING - 40 Storm Street – Tarrytown, New York

Chairwoman Lawrence said that Board members visited the site and observed the balloon test performed by Mr. Loja, demonstrating the height of the proposed home.

John Loja, owner of 40 Storm Street, appeared and again stated that he was trying to make the house look nicer and get better headroom on the 3rd floor for his rental apartment. This will make his house go up in value as well as the other homes in the area.

Mr. Maloney asked if Mr. Loja will be living in this home. Mr. Loja said that he would be; his father owns the house next door.

Ms. Lawrence asked Mr. Loja if he was able to re-configure the 3rd floor plan rather than increasing the height. Mr. Loja said it is an old house and he does not want to disturb the walls.

Eleanor Miscioscia, of 36 Storm Street, directly next to Mr. Loja's home, presented an old dairy farm bottle from 100 years ago, and said this was an old historic farmhouse. She asked Mr. Loja about the notice of public hearing that she did not receive in the mail. Mr. Loja said the notice was mailed to her at the 36 Storm Street address. She does not reside there. She also wanted to know if Mr. Loja followed up about this property being listed as an historic site.

Assistant Village Engineer Pennella said this house is not listed as an historic site in the village code. Mr. Loja agreed as he confirmed this with his lawyer.

Diane Tuohy, of 11 Storm Street, again expressed that she was excited that Mr. Loja is improving this house but his home is the biggest house on the street and it will not fit in with the other homes on the street. She will be in the shadow of this home if this application is approved.

Mrs. Lawrence asked if anyone on the Board had any questions.

Mr. Jolly referred to provision with regard to relief for rental space. Assistant Village Engineer Pennella said he is not familiar with this provision and this home already exists as a unit so it would not apply.

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

Ms. Lawrence asked if there was a certificate of occupancy for this property. Assistant Village Engineer Pennella said that it predated the village records. It has been a three-family home for many years.

Mr. Maloney moved, seconded by Mr. Jolly and unanimously carried, that the hearing be closed and the Board having arrived at the Findings required by the ordinance:

Ms. Lawrence 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;

Ms. Lawrence feels that by adding to the height, the applicant is not in conformance with the other homes in the area. Most of the houses are two-family. By increasing the height, the applicant is not conforming with the character of the neighborhood.

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;

Ms. Lawrence feels that the plan could be reconfigured. It has been rented for 25 years and people have been able to live in it.

3. That the requested area variance is not substantial;

Ms. Lawrence feels that the 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;

Ms. Lawrence said there will not be an adverse effect but they are adding on to a

house that is already very large.

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.

Ms. Lawrence feels that this difficulty was self-created because the applicant wants to renovate house to make it better for the tenant.

Chairwoman Lawrence asked if anyone on the Board wanted to address the criteria.

Mr. Jolly believes that the applicant can modify and come up with a lesser variance.

Ms. Weisel agrees with Mr. Jolly and there are other ways than lifting the entire roof.

Ms. Weisel moved, seconded by Mr. Jolly, that because of the undesirable change in the neighborhood, this variance be denied.

The following votes were recorded:

Ms. Weisel:	No
Mr. Jolly:	No
Mr. Maloney:	No
Ms. Rachlin:	No
Ms. Lawrence:	No

Chairwoman Lawrence said the variance is denied.

CONTINUATION OF PUBLIC HEARING - Kaufman Associates (D.Barbuti) - 69 North Broadway

Dave Barbuti, Architect, explained that he is representing Mr. Eric Thomas, franchise owner of SNAP fitness, and they are seeking a variance for 38 parking spaces.

Ms. Lawrence said that Board members visited the site and that the landlord has paved the parking lot and will be doing more paving work.

Counsel Addona advised the Board that the Planning Board issued a Negative Declaration stating that there is no potential for any adverse impacts with regard to this application and, if the board is so inclined, they can take action on this application this evening.

Chairwoman Lawrence asked if anyone in the public had a comment. No one appeared.

Mr. Jolly asked if they are only using the top floor. Eric Thomas stated that they are leasing both the upper and lower level, but have not explored what is allowed. Mr. Thomas is focusing on getting the business open and will address this at a later time.

Ms. Rachlin asked if members can use the back door. Mr. Thomas said a path will be set up with a wall to allow entry to access the upper level.

Mr. Maloney said you can use parking lot with no problem. Eric Thomas said he will put up signage to direct people to the entrance. These issues will also be addressed at Planning.

Ms. Lawrence again asked if the Board had any other questions.

Mr. Jolly moved, seconded by Ms. Weisel, to close the Public Hearing. All in favor. Motion carried.

Ms. Lawrence 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; no it is a commercial area and we adding another business.

Ms. Lawrence said this is a commercial area and a business is replacing another business.

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;

Ms. Lawrence said that there is no other method available.

3. That the requested area variance is not substantial;

Ms. Lawrence said that the variance is not substantial considering it is business.

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

Ms. Lawrence stated that there will be no adverse impact.

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.

Ms. Lawrence stated that the applicant has no control of parking spaces.

Mr. Maloney moved, seconded by Ms. Lawrence to approve this application. All in favor.
Motion carried.

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

CONTINUATION OF PUBLIC HEARING- Mark Morganelli-1 Dixon Lane - Tarrytown,NY
(re-noticed)

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, July 11, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Mark Morganelli
1 Dixon Lane
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") for parking requirements in order to convert first floor space to retail for a Jazz Forum. The property is located at 1 Dixon Lane, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 14, Lot 22 and is in the RR 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
Restricted Retail RR - Business §305-63.D.(1)	Schedule of Off-Street Parking Requirements	41 Spaces	3 Spaces	3 Spaces	38 Spaces
§305-63.C.(1)	Off-Street Parking on another lot	Within 300 feet by normal pedestrian travel	0	For 22 spaces at Chase Bank 1,236 feet by normal pedestrian travel For 16 spaces at Key Bank 1,134 feet by normal pedestrian travel	For 22 spaces: 936 feet by normal pedestrian travel For 16 spaces: 834 feet by normal pedestrian travel
§305-63.C.(3)(b)	Parking in a side yard setback	10 feet	10 feet	4 feet	6 feet
§305-63.C.(2)	Size of parking space	9 feet wide	n/a	8 feet wide	1 foot

Additional approvals related to the above referenced project will be needed from the Planning 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: July 1, 2016

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

Board members visited the property.

Joel Sachs, ESQ., Attorney, Keane and Beane, PC, representing Mr. Morganelli, is here on behalf of Jazz Forum Arts. He explained that he was not at the June 13, 2016 ZBA meeting but the rest of the team was, including applicant Mark Morganelli and Ellen Prior (his wife), and Stephen Tilly, the architect for this project. They all listened carefully to issues and concerns raised at this meeting and subsequently had a meeting with Village Engineer McGarvey, Assistant Village Engineer Pennella, and Village Administrator, Mike Blau. At this meeting, a revised list of variances was drafted and this application was re-noticed. They are here to obtain these variances.

Attorney Sachs explained that, with regard to the variance for “38 spaces more than 300 feet from the site”, he has submitted two letters and a memo to the Zoning Board this afternoon. These letters were from Chase Bank and Key Bank, indicating that they would grant parking for the Jazz Forum for a period up to five years. He stated, in his memo that, if for any reason, they decided they could not grant this parking, his client would be obligated to supply alternate off-site parking to get the spaces needed. Ms. Lawrence confirmed that the Board received this correspondence.

Attorney Sachs made reference to the fact that there are many people here this evening in support of this project and in addition, the applicant has a petition with a total of 600 signatures of people also in favor of this project. The test is the benefit of the applicant by granting the variance vs. the detriment to the neighborhood or community. He introduced Mr. Tilly, to discuss the other variances.

Stephen Tilly, Architect, referred to parking in the setback and the reduction in the 8 foot space, which meets national ANSI standards for requirements, but still requires a variance from Tarrytown. He is happy to answer any questions.

Counsel Addona asked the Board if she could clarify this application. She advised everyone that essentially the applicant cannot provide parking and there is an alternate mechanism in the code saying that the Zoning Board can give a waiver to provide off-

site parking with a five-year lease. The second option is to consider granting an area variance for 38 spaces using the variance criteria. The waiver provision will require a 5 year lease which the applicant has submitted. If the Board is satisfied, they may grant a waiver or an area variance.

Ms. Lawrence asked if anyone in the public would like to speak.

Laura Waldman, 316 Irving Ave., Port Chester came to support Jazz Forum Arts. She said that the applicants bring so much to this community and they support the local Farmer's Market. She hopes the Board approves this application.

Ms. Ellen Prior, submitted the petition for the record, which was referenced by Attorney Sachs, and asked that the Board listen to some of people that have come this evening to support this project.

Lee Eiferman, 114 North Washington Street, Tarrytown, said there is a real hunger for cultural elements in the Rivertowns and quoted some Rivertown residents who were also favorable to this project.

John Burr, 35 Odell Avenue, Yonkers, NY doesn't think that many people will come out but is in favor of the project.

Katie Krider, 42 N. Washington Street, Tarrytown, is happy there is no parking on Dixon Lane. It is a very safe area and thinks this project will benefit the neighborhood and make it safer. She mentioned that her neighbor, Michelle Pasarella, who spoke at the last meeting, but was unable to come this evening, was concerned about the noise, but now feels that it will not be an issue. Ms. Lawrence said she could not hear music from inside the building.

Tara Framer, 20 Dunning Drive, a Tarrytown resident for 22 years, is thrilled with this jazz club coming to the village. She read 4 short testimonials, also favorable to this project; highlighting that it will add vitality to the village, will be operated by responsible people, merchant parking is always an issue, but they deserve a chance, and that the Mckeel lot is also available and people should be encouraged to walk.

Bill Hammer, 10 Highland Avenue, Sleepy Hollow, stated that like it or not jazz has become important in community. The High School supports a jazz competition. Mr. Morganelli has invested in the community and gives free concerts. He thinks it would be a disservice if waivers are not granted to have a jazz forum in this area.

Mark Fry, 35 Hudson Terrace, Sleepy Hollow, said he is professional land use planner. When the Music Hall came, everyone thought it would be bad but they were wrong, it has been very successful. He thinks the club will be a positive impact on the neighborhood. There will be many benefits. He is aware of the village parking problem, but he has studied the application and feels that this application meets all of the criteria and should be granted.

Carol Hayward, of Hastings, and past president of the River Arts Council is also supporting this project. She has attended many concerts of jazz greats in Mr. Morganelli's loft in Soho. The Rivertowns are all being recognized as a cultural and heritage center.

Karen Schatzel, 292 S. Buckhout Street, a 40 year resident of Irvington, has a great interest in vibrancy and programs and feels there is a great need for jazz in the area since Westchester Jazz Orchestra left Tarrytown.

Attorney Sachs came back to the podium and referred to the 2nd variance in the public hearing notice. He stated that with regard to measurements of the distance, there are two normal modes of pedestrian travel. The first is going down Dixon Street to Dixon lane or cutting through the Kaufman and Coco Lots. He feels the numbers are higher than what they should be.

Assistant Village Engineer Pennella said the notice does reflect the normal travel distance. You cannot go by the way the crow flies.

Ellen Prior said the normal pedestrian travel is through the nearest public streets which are Central and Dixon, both are accessed and used. People walk through it all the time. The Key bank lot is on Dixon Street, which is 600 feet. Ms. Lawrence said they cannot go through the parking lot.

Diane Tuohy, 11 Storm Street, Tarrytown, is not against the jazz club but it will affect her because she can never find a parking space since she does not have a driveway. She asked Mr. Morganelli how many Tarrytown residents signed the petition to support this project. Mr. Morganelli said about 100 residents. Ms. Tuohy commented that the other 500 people don't live in this area so parking does not affect them.

Ellen Prior said people will park where they are asked to park and they have secured the parking lots needed to accommodate their patrons.

Ms. Tuohy is also concerned about the alcohol use and asked if they can have a bar in a residential area and made reference to adult entertainment. Mr. Morganelli said they are in a restricted retail zone, not a residential zone, and a jazz forum is not adult entertainment.

Counsel Addona advised Ms. Tuohy that she could appeal to the building inspector on this matter, but the applicant is here for a parking variance.

Mr. Morganelli said he has been presenting jazz for 37 years. This will not be adult entertainment, we will be hosting jazz workshops for students on Saturday afternoons and a \$20 cover charge will be charged for the jazz forum. It is the highest level of cultural entertainment.

Ms. Lawrence asked if anyone else would like to speak.

Donald McGee, residing at 20 Dixon Street for 60 years, again asked Mr. Morganelli about the hours of operation. Mr. Morganelli said they would have 2 shows: one on Friday and Saturday evening and a Sunday afternoon show from 4 pm to 7 pm. It is about 11 hours per week. The forum will be closed the months of January and February.

Mr. McGee said he is not thrilled about people going down Dixon Street during the late hours because they will be passing his house. He lives on the south side of Dixon, the 2nd house down.

Hollis Glaser, 28 Dixon Street, Tarrytown, said that people are constantly walking down Dixon Lane and that is just how it is. Nobody else has jazz and she hopes it comes, and welcomes the foot traffic.

Mark Fry returned and commented to the issue of adult entertainment. He said he is very familiar with this code and its uses, and this facility should not be considered as adult entertainment.

Andrew Katell, 29 Chase Avenue, White Plains, said he is not a resident but a member of a broader community. He has known Mr. Morganelli for a long time; he is a leader and a pioneer. He feels that this is a treasure in the making. Mr. Katell is a member of Arts Westchester. He hopes that the village can make a small accommodation for parking to enrich the community.

Ms. Lawrence made it clear to everyone in the room that the role of the Zoning Board is to look at an application and see if it meets the criteria of the code. It is not whether or not we like jazz. She thanked everyone for coming and advocating for the jazz club.

Tara Framer, 20 Dunning Drive, came back to the podium and asked if this location was a retail establishment. Ms. Lawrence said it was a bakery in the past so it was not the same use and had different parking needs and certainly less than 100 people would come at a time. Ms. Framer just pointed out that parking has always been a problem.

Counsel Addona asked that people be respectful of others.

Mr. Morganelli addressed the parking issue and said he has gotten the lots for the parking to accommodate his patrons.

Diane Tuohy again came back and said she does not want to be negative but is worried about a bar in a residential neighborhood.

She read a portion of the code of the village of Tarrytown relative to cabarets.

Mr. Morganelli again said this is for jazz performance. We are a not for profit that will offer food and drink, which is much different than a bar.

Ms. Lawrence asked if anyone else had any questions, including the Board.

Mr. Maloney asked about the two versions of letters received for parking from Key Bank. Attorney Sachs said they have the dates wrong, but confirmed the agreement is for five years.

Counsel Addona asked to leave the public hearing open until the Board decides which way they are going in terms of granting the waiver vs. granting an area variance. Once decided, the Board can close the public hearing and deliberate.

Attorney Sachs said they are amenable to the waiver or area variance but they have a time problem. They are hoping a decision can be made this evening since it is his client's intention to open in September.

Assistant Village Engineer Pennella said the approval would be conditional on ADA accessibility.

Ms. Lawrence said she is hesitant to do waiver since there is a notice of intent but it is not really specific and property owners can change.

Ms. Weisel asked counsel in terms of the language to grant an area variance or waiver, would a precedent be set and could conditions be put in the resolution.

Ms. Rachlin asked if they lost the spaces next year and can't find 22 spaces what would happen? Counsel Addona said they would get a violation and would have to come back to the Board for an amended approval.

Counsel Addona said this is a complicated application and I ask that you please request that I draft something in writing memorializing what has been discussed so that is can be given to the applicant to be clear. Ms. Lawrence agreed.

Ms. Lawrence asked Ms. Weisel about granting the waiver. Ms. Weisel said she is uncomfortable with the wording of the letter and is more inclined to go with the variance. Mr. Jolly also stated that he is more inclined to go with area variance.

Ms. Lawrence said people coming from outside the village do not mind the walk.

Counsel Addona confirmed that the board will not be considering the waiver but will be considering 3 area variances (not the second one for pedestrian travel) the first for 38 parking spaces, the second for the 6 foot variance for the side yard setback and the third for a 1 foot variance for the size of the parking space, with the condition to submit updated documentation showing that the spaces remain.

Ms. Lawrence is in favor because the applicant is willing to work with village and work with the codes.

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

Ms. Lawrence read though the criteria for an area variance.

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;

Ms. Lawrence said a great many people have expressed their desire to have the jazz forum come to the village.

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;

Ms. Lawrence stated that this method is the most reasonable for the parking.

3. That the requested area variance is not substantial;

Ms. Lawrence said it is substantial, but there is no parking for this venue.

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

Ms. Lawrence said there is no adverse effect or impact.

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.

Ms. Lawrence said this was not self-created.

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

Mr. Maloney moved, seconded by Ms. Lawrence, to approve these area variances. All in favor. Motion carried.

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

NEW PUBLIC HEARING - From the Valley LLC – 24 Main Street – Tarrytown, NY

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, July 11, 2016, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

David Starkey, Managing Partner
From the Valley, LLC
199 Webber Avenue
Sleepy Hollow, NY 10591

For variances from Chapter 305 of the Village of Tarrytown Code (“Zoning Code”) in order to construct a 136.5 s.f. storage area in the rear of the existing building. The property is located at 24 Main Street and is shown on the tax map as Sheet 1.70, Block 34, Lot 10 and is in the RR Zoning District.

The variances sought are as follows:

Zoning Code Section	Description of Section	Permitted by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
§305-11 Schedule; application of district regulations Attachment 10	--Column 10-- Total Coverage (all buildings)	50% or 2,461 s.f.	51.4% or 2,495 s.f.	57.2% or 2,638 s.f.	177 s.f. (143 s.f. or 5.7% over existing)

Additional approvals related to the above referenced project will be needed from the Architectural Review Board, since the property is located in the designated historic district of the village.

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: July 1, 2016

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

Board members visited the property.

David Starkey, Managing Agent of Sweetgrass Grill, 24 Main Street, is before the board to seek a variance to construct a 136.5 s.f. storage area in the rear of the existing building to allow for better food preparation and storage in the kitchen. This expansion will minimize traffic in the back and it will be accessed from the inside instead of going outside.

Ms. Lawrence said the Board members visited the site and the variance is clear. She has no questions.

Assistant Village Engineer Pennella said that there is a tool shed on the property in violation and built without a permit and explained that it will need to be removed before this Board can act since there is a pending violation against this property. He said a notice of violation was issued by the County Health Department as well as the Village Building Department.

Mr. Starkey said the Health Department violation has been rectified. Mr. Pennella said that as long as the shed exists it is in violation of the code.

Mr. Starkey said he was hoping to coordinate the shed removal this with the proposed work to lessen the financial impact on the business.

Mr. Pennella said he will work with the applicant to address this violation before the next meeting to coordinate an inspection to help limit the impact of closing the business for a longer period of time than what was anticipated.

Mr. Maloney moved, seconded by Mr. Jolly, to continue the public hearing to allow the applicant to rectify this violation. All in favor. Motion carried.

NEW PUBLIC HEARING - PATEMAN – 48 Sheldon Avenue – Tarrytown, New York

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, July 11, 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	3,316 s.f.	391 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: July 1, 2016

The certified mailing receipts were submitted and the sign was posted

Board members visited the property.

Charles M. Pateman, owner of the property at 48 Sheldon Avenue, is before the Board to seek a FAR variance of 391 s.f. in order to construct a single family residence. He explained that he has revised his plan and has reduced the size of the building by 42% by eliminating 2 bedrooms and the laundry area.

He presented a landscape plan and said that he has planted 70 Arborvitae trees on the property. He also showed a rendering comparing his original house plan to the proposed home.

Ms. Lawrence asked if the space behind the garage is going to be empty space. Mr. Pateman said that is where the utilities will go.

Ms. Lawrence asked if anyone in the public had any comment. No one appeared.

Ms. Lawrence said she likes the design and Mr. Pateman has made a great effort to come as close as possible to the code and she certainly appreciates this.

Mr. Jolly agreed and said he liked that they reduced the bedrooms from 7 to 5.

Assistant Village Engineer Pennella asked if Mr. Pateman will be relocating the utility pole. Mr. Pateman said he will be meeting with Con Ed to discuss this matter tomorrow. If Con Ed will not remove the pole, he can relocate the driveway.

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

Ms. Lawrence 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;

Ms. Lawrence said the home is 3,316 s.f which will not be an undesirable change.

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;

Ms. Lawrence said the applicant has made concessions.

3. That the requested area variance is not substantial;

Ms. Lawrence said this variance is not as substantial as the original variance application.

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

Ms. Lawrence does not feel that there will be an adverse effect or impact on the environment.

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.

Ms. Lawrence said this application is self-created since it is new construction.

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

Mr. Maloney moved, seconded by Ms. Lawrence, to approve the plans as submitted and the variance for the construction of a single family home. All in favor. Motion carried.

Mr. Maloney moved, seconded by Ms. Lawrence to adjourn the meeting at 9:35 pm. All in favor. Motion carried.

Liz Meszaros
Secretary