

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
March 13, 2017 7:30 p.m.

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

ABSENT: Member Rachlin

Chairwoman Lawrence called the meeting to order at 7:34 pm.

APPROVAL OF THE MINUTES – February 13, 2017

Ms. Jolly moved, seconded by Ms. Weisel, that the minutes of February 13, 2017 minutes be approved as submitted. All in favor. Motion carried.

Chairwoman Lawrence announced the following adjournment:
Continuation of Public Hearing - Dolf Beil -108 Main Street

NEW PUBLIC HEARING – Wildey Group LLC – 130 Wildey Street

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, March 13, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Wildey Group LLC
P.O. Box 383
Croton on Hudson, NY 10520

For a variance from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") for an addition to a proposed change of use from retail to restaurant. The property is located at 130 Wildey Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 9, Lot 11 and is in the RR Business District.

Zone Code Section	Code Description	Required By Code	Existing	Proposed	Variance Required
§305-39 Restricted Retail - RR Zone Attachment 10 Column [12] §305-47 Yards; Setbacks	Minimum for Each Side Yard	8 Feet	±4 Feet	0 Feet	8 Feet

The variance sought is as follows:

Approvals related to the above referenced 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: March 3, 2017

The mailing receipts were received and the signs were posted.

Joanne Landau, Managing Partner of Wildey Group LLC, introduced herself and briefly described her application. She has a new tenant moving into the vacant space in the Walgreens shopping center, next to the McDonalds location. The space will be occupied by a pizzeria restaurant. She is seeking a variance to square off the building at the corner in order to provide more storefront, which the new tenant has requested. She presented a picture of the area to be squared off to the Board, Counsel and Village Engineer, and gave a copy to the Secretary for the record.

Chairwomen Lawrence asked if anyone had any questions or comments.

Mr. Pennella briefly explained that the applicant is seeking an area variance to square off the building. She is currently in front of the Planning Board for a change of use from retail to restaurant. A parking study was provided and evaluated which re-allocated a change in the number of employees at the Chase Bank, resulting in the same parking requirements. Therefore, it was determined that there is no need for a parking variance; the same variance was granted by the Zoning Board for the 124 Wildey Street - Grass Roots Kitchen area variance application, on October 13, 2016.

Ms. Weisel asked Mr. Pennella if there was any reason why the cut was in the building. Mr. Pennella said somewhere along the line it could have been for queuing on the line at McDonalds, but it is so small it would not serve the purpose. Ms. Weisel asked if this addition would impact McDonalds. Mr. Pennella said there should be no impact on the McDonald's location and no problem turning the corner.

For the record, Mr. Pennella said the building is protected with a main sprinkler system inside. Mr. Maloney confirmed with him that the piping is in the roof.

Counsel Addona asked if Ms. Landau has no objection to incorporating the proposal for the garbage plan into the resolution. Ms. Landau agreed to have this proposal included in the resolution.

Ms. Weisel asked if the restaurant will have to wheel the garbage to the dumpster area. Ms. Landau confirmed that they will and they have added a second back door for this purpose. She explained that there will be two - 8 c.y. containers plus an additional dumpster for cardboard in the enclosure area. Pickup will be 2 days per week, instead of 3, which could change depending upon the need. Ms. Lawrence said she would imagine that more garbage will be generated with the 2 new restaurants.

Ms. Wiesel asked Mr. Pennella, in terms of pest management, is it better to have two pickups per week. Mr. Pennella said the Bridge Plaza location is similar but they have individual containers. If pest management becomes an issue they will address it.

Mr. Jolly asked if they are required to have a metal recycling container.

Ms. Landau said they had a metal container, but it was being contaminated and it was not working. People are good about recycling the cardboard but not the cans. The non-food tenants do recycle since they get collection by the Village. Ms. Lawrence thinks that this metal recycling should be encouraged as much as possible at this location.

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

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

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

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 stated that no undesirable change or detriment with sight distance will be created to the nearby properties.*
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 there does not seem to be any other method feasible with the existing property the way it is.*
3. That the requested area variance is not substantial. *Ms. Lawrence said that the variance requested 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. *Ms. Lawrence said that that no conditions appear that will have an adverse effect in the neighborhood.*
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. *Ms. Lawrence said that the variance is somewhat created but it will not create a problem with the character of the neighborhood.*

Ms. Weisel moved, seconded by Mr. Maloney, and unanimously carried, that the Board having arrived at the Findings required by the ordinance grants the above-referenced variance with the conditions as discussed.

The Board voted on the approval as follows:

Ms. Lawrence:	Yes
Mr. Maloney:	Yes
Mr. Jolly:	Yes
Ms. Weisel:	Yes
Ms. Rachlin:	Absent

All in favor. Motion carried.

Counsel Addona was asked to draft a resolution memorializing the information presented by the applicant and the Board's discussion to include the garbage plan and the mechanism to encourage recycling.

ADJOURNMENT

Ms. Lawrence moved, seconded by Mr. Maloney, and unanimously carried, that the meeting be adjourned – 7:54 p.m.

Liz Meszaros- Secretary