

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
April 12, 2017 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Jolly and Rachlin; Counsel Zalantis;
Village Engineer Pennella; Secretary Sapienza

ABSENT: Members Maloney and Weisel

Chairwoman Lawrence called the meeting to order at 7:30 pm.

APPROVAL OF THE MINUTES – March 13, 2017

There is no quorum for this vote; the minutes of March 13, 2017 will be voted on at the May 8, 2017 meeting.

Chairwoman Lawrence announced the following adjournment:

Continuation of Public Hearing - Dolf Beil -108 Main Street

NEW PUBLIC HEARING – Vincent and Lynn Delmastro – 18 Glenwolde Park

Counsel Zalantis 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 Wednesday, April 12, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Vincent and Lynn Delmastro
9 Glenwolde Park
Tarrytown, NY 10591

For a variance from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") for the placement of air conditioning condenser units on the side of the property. The property is located at 18 Glenwolde Park, Tarrytown, NY and is shown on the tax maps as Sheet 1.180, Block 103, Lot 20 and is in the R 7.5 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
305-47 B (attachment 5)	Side yard setback	10 feet	0 feet	1 foot	9 feet

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 31, 2017

The mailing receipts were received and the signs were posted. Board members visited the property.

Lynn Delmastro, owner of 18 Glenwolde Park, presented her application asking for a side yard setback variance in order to place two (2) air condenser units on the side of the property so they do not obstruct the middle of her back yard. She noted that her neighbor, Sharon Slater, of 19 Glenwolde Park, wrote a letter stating that she has no objection to the placement of the units. This letter was included in the ZBA application.

Ms. Lawrence asked Mr. Pennella about the noise levels for the condensers.

Mr. Pennella said that we do have a noise ordinance. This is newer equipment and the units proposed have a higher SEER rating. The higher you go with the SEER, the less noise the equipment makes.

Ms. Lawrence asked Ms. Delmastro if there are other homes that have these units.

Ms. Delmastro said that she has units on her property at 9 Glenwolde Park, but she is not sure about surrounding homes.

Ms. Lawrence asked if anyone in the public had any questions or comments.

Ms. Delmastro said her neighbor is also here from 17 Glenwolde Park and is in support of this project.

Mr. Pennella said that since the properties in this area are so small, virtually anything they do will require a variance.

Ms. Lawrence read the letter from Sharon Slater, of 18 Glenwolde Park, into the minutes, which is attached for the record. (see attachment A)

Mr. Pennella noted that the fence along the property line will also buffer the noise from the condensers.

Counsel Zalantis advised the applicant that since there was not a full Board present this evening, she has the option to adjourn to the next month.

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 will be created to the nearby properties and the neighbor is supporting the installation.*
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 since the condensers would have to be in the middle of the yard.*
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.*

Mr. Jolly asked the applicant about the efficiency rating of the condensers. Mr. Pennella said that the noise ordinance is not so stringent and he believes that the new equipment will not impact the neighbors.

There was a brief discussion and Ms. Delmastro requested that the Board vote this evening.

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

Mr. Jolly moved, seconded by Ms. Rachlin, that the Board having arrived at the Findings required by the ordinance grants the above-referenced variance. All in favor. Motion carried.

Counsel Zalantis was asked to draft a resolution memorializing the information presented by the applicant and the Board's discussion to include a specific condition with regard to the noise level. Counsel Zalantis stated that this is a Type II action and no further action is required for SEQRA.

NEW PUBLIC HEARING – Ioannis Hantzaridis– 63 Storm Street

Counsel Zalantis 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 Wednesday, April 12, 2017**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Ioannis Hantzaridis
148 Rosehill Avenue
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") to legalize the conversion of a one-family home into a two-family home. The property is located at 63 Storm Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 11, Lot 18, and is in the M1 District.

The variances sought are as follows:

Zone Code Section	Required By Code	Existing	Proposed	Variance Required
§305-33A Attachment 6: Column 11 Front Yard Setback	15.0 feet	6.2 feet	6.2 feet	8.8 feet
§305-33A Attachment 6: Column 12 Side Yard Setback	10.0 feet	5.0 feet	5.0 feet	5.0 feet
§305-33A Attachment 6: Column 13 Two Sides Yard Setback	20.0 feet	16.2 feet	3.8 feet	3.8 feet
§305-33A Attachment 6: Column 14 Rear Yard Setback	45.0 feet	29.0 feet	29.0 feet	16.0 feet
§305-63D: Off Street Parking & Loading (2.5 spaces per dwelling unit)	2.5 x 2 units = 5 required spaces	4 space	4 space	1 space

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: March 31, 2017

The mailing receipts were received and the signs were posted. Board members visited the property.

Theresa Beyer, Architect, representing the owner, Ioannis Hantzaridis, also present, explained to the Board that Mr. Hantzaridis inherited this home from his father. While he was away in the air force, around 1979, the home was converted from a one-family into a two-family. It has been a two-family home for over 25 years. The home is over 100 years old and it has not been enlarged. The area variances are not substantial and the parking lot has been there since 1976. The parking requirements for a two-family home are 5 spaces and there is only room for 4 parking spaces in the existing lot.

Mr. Jolly asked how old the home was. Mr. Hantzaridis said it was built in the 50's.

Mr. Hantzaridis said there was a fire in 1983 and it was a two-family at that time. He recalls his father saying that he did remember going through a permit process but there are no building department records. He remembers working upstairs when returning from the service and recalls the inspector coming to the home, but there is no record of a certificate of occupancy.

Mr. Lawrence asked Ms. Beyer why it would be so expensive to convert it to a one-family residence. Ms. Beyer said you would have to take out the kitchens and reconfigure the space. Ms. Lawrence said there are one-family homes on this block. Ms. Beyer said there are and there are many multi-family as well.

Mr. Pennella added for the record that this home is currently being used as a three-family home. It is not documented as a three-family so there option was to bring it to a one or a two-family. There was never a permit taken out for fire damage. We do not have any record, which is why the applicant is here.

Mr. Hantzaridis said the fire was on the first floor which had to be rebuilt and there was also attic damage.

Ms. Lawrence asked about the parking spaces. Mr. Pennella said you cannot have tandem parking and there is only room for 4 spaces, therefore the applicant is requesting a variance for 1 space, since 5 spaces are required.

Ms. Lawrence asked Mr. Hantzaridis to indicate which homes (which he included in the application) are one or two-family homes. Mr. Hantzaridis said the house next door is a two-family; 55 Storm is a four-family, the building next door is a condominium. Across the street is a multi-family and 60 Storm is also a multi-family. The corner of Wildey and Storm was a five-family, but Ms. Beyer is working to bring that down to a three-family.

Ms. Lawrence read an email sent to the Village Website on Friday, April 7, 2017, from Kimberly Carmody of Tarrytown Heights Condominium:

"Good afternoon.

This email is in reference to the Notice of Public Hearing I received for Ioannis Hantzaridis, 148 Rosehill, Tarrytown NY 10591, with regards to the conversion of a one-family home to a two-family home at address 63 Storm Street, Tarrytown NY.

I will not be able to attend the public hearing on Wednesday, April 12, 2017, but I would like to express my concern.

A one-family property that doesn't provide adequate parking for a conversion to a two-family, should stay a one-family. The Zoning Board should reject the application as they do not meet the zoning code.

I currently reside with 15 other residents at Tarry Heights Condominium at 54 Wildey Street, Tarrytown NY. We are currently using approximately 15 cars (4 of these automobiles get parked in the Neighborhood House driveway). Our property is not capable of off-street parking therefore we rely on street parking to be available. Our property has the potential to hold 24 cohabitating residents. If we were to max out on building occupancy, it is inconceivable that the current street parking situation could accommodate another 9 cars.

Living with the parking conditions as they currently are, I many times park up the hill on Broadway in Tarrytown because I'm unable to find parking near my home which is located near Wildey Street & Storm Street (63 Storm Street). When I'm able to park on Hanford Avenue or Wildey Street, I many times see residents of Storm Street parking on these same side streets. It's apparent that Storm Street doesn't have enough parking for its residents, either.

I would like the Zoning Board to please consider the negative impact the conversion to a two-family home will have on our neighborhood and reject the application.

Thank you for your time.

Kimberly Carmody - Tarry Heights Condominium

Ms. Lawrence said that she would like to visit the site again before the May 8, 2017 meeting and asked that it be put on the site visit schedule.

Ms. Lawrence moved, seconded by Ms. Rachlin, to continue the Public Hearing. All in favor. Motion carried.

ADJOURNMENT

Mr. Jolly moved, seconded by Mr. Lawrence, and unanimously carried, that the meeting be adjourned – 8:10 p.m.

Lizabeth Meszaros- Secretary

ATTACHMENT - A

DATE: AUGUST 11, 2016

TO: VILLAGE OF TARRYTOWN - BUILDING DEPARTMENT

FROM: SHARON SLATER
19 GLENWOLDE PARK
TARRYTOWN, NY 10591

Dear Building Department:

I grant approval to my neighbors at 18 Glenwolde Park, Lynn and Vincent DelMastro, to place their new air conditioning condenser units in their yard, which is adjacent to mine. I am aware that the units will be placed within a distance that is less than 10' from my side of our shared property line.

Thank you ~

Sharon Caff Slater
Sharon Slater

