

Village of Tarrytown, NY

One Depot Plaza, Tarrytown, NY 10591-3199
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Zoning Board of Appeals Minutes 6/10/2013

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
June 10, 2013; 8:00 p.m.

PRESENT: Chairwoman Lawrence; Members Maloney, Jolly, Brown, Weisel; Counsel Shumejda; Secretary Bellantoni

APPROVAL OF THE MINUTES - May 13, 2013

Mr. Maloney moved, seconded by Ms. Brown, that the minutes of May 13, 2013 be approved as submitted; all in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING-Checchi, Checchi & Robinson-88 Main Street

Chairwoman Lawrence stated that this application has been adjourned.

CONTINUATION OF PUBLIC HEARING-15 N.Washington St., LLC - 15 N. Washington St.

Chairwoman Lawrence stated that this application has been adjourned.

CONTINUATION OF A PUBLIC HEARING – Split Development - 8 Emerald Woods

Chairwoman Lawrence stated that members of the board did a site visit to view the site from the aqueduct. Mr. DeNardo set up a balloon test so they could see what the height of the proposed house will be.

Jim Annicchiarico of Cronin Engineering representing Split Development explained that they are seeking a height variance because the house will be 4' higher than what the code allows. He said the reason this house will be higher than the one next to it is because of the topo in that area; it is at the high point of the road. The proposed house is a two-story house and they have flattened the roof as much as possible. He said the major issue is the driveway; if it's changed it will cause water to run into the garage and it will be a safety issue for pulling out. The actual peak of the roof is 212.6.

Chairwoman Lawrence asked if the pool makes a difference. Mr. Annicchiarico said, no it does not make a difference. Chairwoman Lawrence stated if you reconfigure the house you would still need a variance for the driveway. Mr. Annicchiarico said that is correct, we would not comply with the code. The driveway is supposed to be no more than 2% so that it is flat coming out onto the road.

Chairwoman Lawrence asked if this is the only lot of the remaining lots in the subdivision that will need a variance? Mr. Annicchiarico said yes this is the only one requiring a variance.

Mr. Jolly asked how they decided on the placement and asked if they can push it back further to make a longer and lower driveway. Mr. Annicchiarico said if we push it back further, the grade goes down. The average grade is lower and the house would be the same height.

Mr. Jolly asked if this house is bigger than the house next door. Mr. Annicchiarico said it is a little bigger.

Chairwoman Lawrence said the ceiling in the basement is very high. Is that because of the topo? Mr. Annicchiarico

said yes.

Ms. Brown asked if there is anywhere else on the property the house could be placed that would not require any variances. She stated that maybe this just isn't the right house for the property. Mr. Annicchiarico said no house can be put on this site without requiring a variance. Mr. Maloney asked why and Mr. Annicchiarico explained because the grade is sloped down toward the aqueduct. This is just an average two-story house in the neighborhood. The front of the house is not the problem. We are required by code to figure the average grade of all four sides of where the house is going to sit; the back line of the foundation, front line and side lines and get the average elevation of all four lines. In this case the average elevation is 171.5. If we were to move this house down further, we would have a lower average grade, and the house would be at the same height and still would not comply. Mr. Denardo said the only way it will work is if it is a one-story house with a flat roof, which is completely out of character with the rest of the houses in that neighborhood. Mr. Annicchiarico said that Planning Board did not want a flat roof.

Chairwoman Lawrence said it is 5,500 s.f. house; could you make it a 3,500 or 4,500 s.f. house. Mr. Annicchiarico said we would have the same issues.

Chairwoman Lawrence asked if the other houses are as large. Mr. Annicchiarico said this one is only slightly bigger because this one must include the basement in the FAR because it is so far out of the ground.

Ms. Weisel asked if it were moved forward more would it make any difference in terms of the height. Mr. Annicchiarico said it may reduce it slightly. Mr. DeNardo said but then you get into the aesthetics which the Planning Board is very conscious of and you would not solve very much. If you move it forward 5', you save 1'.

Ms. Brown asked how long the Planning Board spent on this site plan. Counsel Shumejda said this was part of the original subdivision approval and it was before the Planning Board for site plan approval; but their responsibility is different than yours; two different codes. Chairwoman Lawrence asked if it was just the subdivision that was approved or was it the lot. Counsel Shumejda said the subdivision was approved and on that map there was a footprint for a house. Then they came back to the Planning Board for this particular house which required at least two meetings. The whole subdivision was approved in 2008 and now they are seeking individual site plan approvals.

Mr. Jolly asked if this is under the current code. Counsel Shumejda said yes.

Chairwoman Lawrence asked when they approved the subdivision did they know that this lot would require a variance. Counsel Shumejda said it complied with all of the setbacks; the only variance is for the height.

Mr. Jolly asked if they could fill in order not to have so much of the basement showing. Mr. DeNardo said it is going to be filled after construction and then there will not be any variance; it is the way the code is.

Chairwoman Lawrence read the following environmental review by Michael Blau, Environmental Review Officer dated June 10, 2013:

I have reviewed this application for a height variance and determined this variance would appear to pose no significant adverse environmental impact.

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variances for 8 Emerald Woods.

Ms. Brown moved, seconded by Mr. Maloney, and unanimously carried, that the hearing be closed.

Chairwoman Lawrence moved, seconded by Mr. Maloney, and unanimously carried that they showed that there is no other way to make this work and having arrived at the following Findings required by the ordinance:

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.

grants the above-referenced variance for 8 Emerald Woods.

NEW PUBLIC HEARING – Jones - 23 John Street

The secretary read the following Public Hearing notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, June 10, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by

*Christopher Jones
23 John Street
Tarrytown, NY 10591*

for a variance from the Zoning Code of the Village of Tarrytown §305-47 Yards; setbacks, to allow a new driveway to be placed within the front yard setback. The permitted front yard setback is 20', the existing is 9.8', and the proposed is 1'.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 23 John Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.70, Block: 34, Lot: 3 and is located in an M1.5 zone.

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
Dale Bellantoni, Secretary*

Dated: May 28, 2013

Board members visited the site.

The certified mailing receipts were submitted and the sign was posted

Robert Dalessandro, representative for the homeowner of 23 John Street, stated that he is seeking a variance to allow one off-street parking space. He presently has no off-street parking; and five houses, adjacent and toward Main Street all have a single off-street parking space. Mr. Jones will only be taking a half space of street parking off the street because there is already a half curb cut. Mr. Dalessandro said the Board of Trustees wants two off-street spaces, but the Planning Board only approved one because they felt it was more in keeping with the neighborhood. All houses on the street are existing non-conforming and all have parking in their front yard setback. They are not doing anything out of character of the neighborhood. They will be installing pervious pavers.

Mr. Maloney said five houses have the same parking; and asked how many houses are on the street. Mr. Jones said there are six that face John Street and the 7th faces Franklin Street.

Ms. Brown asked if most of the parking is residents or for businesses in the area. Mr. Jones said people using business on Main Street do come onto John Street to park, especially when the Music Hall has an event.

Mr. Jolly asked if any of the others on the street got a variance. Mr. Dalessandro said the others were already there.

Ms. Brown asked Mr. Dalessandro to show how the second car can fit in that driveway. Mr. Dalessandro said right in front of the first space. Chairwoman Lawrence asked if there is enough room to get out of the car. Mr. Dalessandro said that there is.

Chairwoman Lawrence asked if they have been to the Board of Trustees. Mr. Jones said yes, twice. Mr. Dalessandro said the Board of Trustees wants to reserve their approval until the Zoning Board approves. He stated that they are only eliminating a half space. He said the same number of cars can still park on the street.

Mr. Jones said he did a video which he sent to the Board of Trustees showing (on two different days) that eight cars can still park on the street even with his full curb cut.

Chairwoman Lawrence asked how long he owns the house and where does he typically park. Mr. Jones said he owns the house four years and he parks wherever he can find a spot.

Mr. Jolly said there is no resident sticker parking on John Street. Ms. Brown asked how they get a sticker. Council Shumejda said it is under the control of the State which is limiting the number of streets. He said it is very difficult to expand on it; the State Legislature wants to have a balance.

Chairwoman Lawrence stated that parking is such an issue and the Village has created a lot of parking.

Mr. Dallesandro said by adding just a half curb cut we don't feel we will affect the parking that much. Counsel Shumejda said we have not been provided any documentation showing that the same number of cars can remain there if you take away the half space. Mr. Dallesandro said we can do that but they are not defined spaces so we would have to do a calculation using Village codes.

Chairwoman Lawrence said she wanted to look at it again. Mr. Jones said he thought they were looking at the front yard setback and then we can move to the Board of Trustees for the curb cut.

Chairwoman Lawrence said the application will be continued to the July 8th meeting so that the board can do another site visit on July 7th; they will make a decision at that meeting.

NEW PUBLIC HEARING – The Quay – South Broadway

The secretary read the following Public Hearing notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, June 10, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by

*Quay of Tarrytown
261-299 South Broadway
Tarrytown, NY 10591*

for a variance from the Zoning Code of the Village of Tarrytown §305-47B(7) Yards; setbacks, to allow the installation of an 8' fence to replace the existing 8' fence.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 261-299 South Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.100, Block: 3, Lot: 261-299 and is located in an R 7.5 zone.

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
Dale Bellantoni, Secretary*

Dated: May 28, 2013

Board members visited the site.
The certified mailing receipts were submitted and the sign was posted

Sherry Alperstein, a member of the board at the Quay, explained that they just want to replace an existing stockade fence with a new simulated stone fence in the exact same place. Chairwoman Lawrence asked if anyone would like

to speak.

Stephanie Kulsha, property manager at 303 South Broadway said she would like to see a sample of the proposed fence. Chairwoman Lawrence said she would like to see a sample as well. Ms. Alperstein said she will bring in samples.

Ms. Alperstein said it is 4-5" thick and there is no good side to the new fence; both sides are the same. It looks like stone and it is a post-section of fence-post system.

Ms. Brown asked why they are replacing it. Ms. Alperstein said it is in disrepair.

Ms. Weisel asked if they would be taking any trees down to replace the fence. Ms. Alperstein said she didn't think so. She said they will work around them.

Ms. Kulsha said she has no problem with it being replaced; but because they have parking along that fence area, when will it be done. Ms. Alperstein said they will work with her and coordinate the removal and replacement.

Chairwoman Lawrence said she would like to do another site visit on Sunday, July 7th and is continuing the application to July 8th in order for the board to do that site visit as well as for Ms. Alperstein to bring in the sample of the fence.

NEW PUBLIC HEARING – Beker – 46 Sunnyside Avenue

The secretary read the following public hearing notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on Monday, June 10, 2013 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by

*Janice Beker
46 Sunnyside Avenue
Tarrytown, NY 10591*

For variances from the Zoning Code of the Village of Tarrytown §305-62 Nonconforming buildings; lots and uses and §305 Attachment 5:1(8) & (10) Building Coverage to allow for the construction of an addition on an existing under-sized lot. The following variances are required:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
<i>Principal Building</i>				
<i>Coverage (%)</i>	24%	28%	10%	38%
<i>Total Building</i>				
<i>Coverage (%)</i>	30%	31%	10%	41%

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is located at 46 Sunnyside Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet: 1.90, Block: 58, Lot: 6 and is located in an R 7.5 zone.

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
Dale Bellantoni, Secretary*

Dated: May 28, 2013

Board members visited the site.
The certified mailing receipts were submitted and the sign was posted

Matthew Behrens, representative for the application, said the Applicants have a two-story house on an undersized lot. They would like to have an addition constructed on the rear of the house. This addition will not affect the FAR. The affected property owners are minimal; to the north is a homeowner who has no objection, to the west is the Village watershed which is unoccupied, to the south is Putnam Avenue with no property owners, and the property to the east has a 66' back yard and will not be affected because of this very large yard. The property is not over developed, it fits well and will not cause any detriment to the neighborhood.

Chairwoman Lawrence stated that they plan to add a bedroom and a family room. Mr. Alan Lightly, property owner, said there is about 300 s.f. of the existing building that will be removed as part of this project, so the total square footage of the addition is 636 s.f. but the net addition will only be 336 s.f.

Ms. Weisel asked if they are taking down the existing porch. Mr. Lightly and Mr. Behrens said yes.

Chairwoman Lawrence asked Mr. Lightly how long they own the home. Mr. Lightly said about 15-16 years.

Chairwoman Lawrence asked if anyone would like to speak.

Jennifer Tucci of 44 Putnam Avenue asked if they are going to take down the existing garage and asked how far back they are going. Mr. Lightly said that they are taking down the existing garage and replacing it with a carport. He said they are going back 15'.

Mr. Maloney asked Counsel Shumejda if they are taking down a garage and replacing it with a carport, do they need any additional approvals. Council Shumejda said since it is going on the existing footprint, they will only need a Building Permit.

Chairwoman Lawrence read the following environmental review by Michael Blau, Environmental Review Officer dated June 10, 2013:

I have reviewed this application for a house addition and determined the proposal appears to pose no significant adverse environmental impact.

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no significant adverse environmental impact as a result of granting the requested variances for 46 Sunnyside Avenue.

Ms. Brown moved, seconded by Mr. Maloney, and unanimously carried, that the hearing be closed.

Mr. Jolly moved, seconded by Ms. Weisel, and unanimously carried that having arrived at the following Findings required by the ordinance:

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.

grants the above-referenced variances for 46 Sunnyside Avenue; all in favor. Motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 9:15 p.m.

Dale Bellantoni
Secretary

