

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
Village Hall – 1 Depot Plaza  
January 9, 2023 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Rachlin, Kaplan, Abraham, Alternate Member #2 Kudla; Counsel Addona; Village Engineer Pennella, Secretary Meszaros

ABSENT: Member Weisel, Alternate Member Jolly

Ms. Lawrence opened the meeting at 7:35 pm.

APPROVAL OF MINUTES – December 12, 2022

Ms. Rachlin moved, seconded by Ms. Kaplan, to approve the minutes of the December 12, 2022 meeting, as submitted.

The secretary recorded the vote:

Alt. Member Kudla:	Yes
Member Rachlin	Yes
Member Kaplan:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes
All in favor. Motion carried.	5-0

ADJOURNMENT:

Ms. Lawrence announced the following adjournment:

Michael and Janaki Degen - 86 Crest Drive - Variances to construct a second story over the existing garage and principal dwelling and a one-story rear addition.

Ms. Lawrence asked about the status of this application since it has been on the agenda as adjourned for some time. Counsel Addona advised that the applicant has requested an adjournment pending plan revisions. The Board could take them off the agenda if they so desired but it is her understanding that they are coming back in the near future.

Mr. Pennella commented that he has been in contact with the project architect and there is a possibility that a code compliant plan may be submitted eliminating the need for a variance.

The Board agreed to have the application remain on the agenda pending plan revisions.

CONTINUATION OF PUBLIC HEARING – Laura and Richard Ferrino – 25 Eunice Court

Richard Ferrino, the applicant, appeared before the Board. Ms. Lawrence referred to a list of similar sized sheds that have been approved by the Zoning Board within the last 3 years, which Mr. Pennella has provided for the Board to review. Ms. Lawrence reviewed the material and noticed that there were no sheds in this particular neighborhood on the list provided. Mr. Ferrino approached the Board and presented a drone photo from his laptop showing 3 structures in the immediate area of his home that are larger than his shed (approx. 15 ft. x 15 ft.), and also closer to the property lines. He noted that one of these structures appears to be a garage, but the other two are accessory structures. He will provide his presentation for the record which includes the location, pictures and items that will be stored in the shed (see attachment A). He advised that he is requesting setback variances for a shed that is 10 ft. x 16 ft. or 160 s.f. He referred to the 3 Emerald Woods ZBA application for setback variances, which was recently approved by the Board, also for a shed size of 160 s.f. He added that, in terms of coverage, the shed is only 1.6% of the lot size, which meets the R-10 zoning requirements.

Ms. Lawrence asked if anyone in the public wished to comment. No one appeared.

Ms. Lawrence commented that she was initially concerned about the size of the shed which appeared to be very large in the corner of the property. After reviewing the information provided by Mr. Ferrino, and taking into consideration the list of prior approvals of sheds of similar size within the village, she had no further comment.

There was no further comment or questions from the Board.

Ms. Lawrence asked for a motion to close the public hearing.

Ms. Rachlin moved, seconded by Ms. Kaplan, to close the public hearing.

The secretary recorded the vote:

Alt. Member Kudla:	Yes
Member Rachlin	Yes
Member Kaplan:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0

Ms. Lawrence read through and responded to 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 stated that the proposed project will not produce any change in the character of the neighborhood since there are similar sheds of various sizes in this area.*
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 the benefit sought by the applicant cannot be achieved by some other method other than the area variances. The location of the shed is the best location for the shed based upon the configuration of the lot.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the requested variances are not substantial considering the lot configuration and location of the shed.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence stated that the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district since the shed cannot be seen from the front of the property.*
5. That the alleged difficulty was 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 stated that it is self-created but that does not preclude the Board from granting this variance.*

Ms. Rachlin moved, seconded by Ms. Kaplan, to approve the variances for the placement of the shed and authorize Counsel Addona to draft a resolution memorializing the discussion of the public hearings to include the general conditions of approval.

The secretary recorded the vote:

Alt. Member Kudla:	Yes
Member Rachlin	Yes
Member Kaplan:	Yes
Member Abraham:	Yes
Chair Lawrence:	Yes
All in favor. Motion carried.	5-0

#### ADJOURNMENT:

Ms. Rachlin moved, seconded by Ms. Kaplan, to adjourn the meeting at 7:50 p.m.

All in favor. Motion carried. 5-0

Liz Meszaros- Secretary

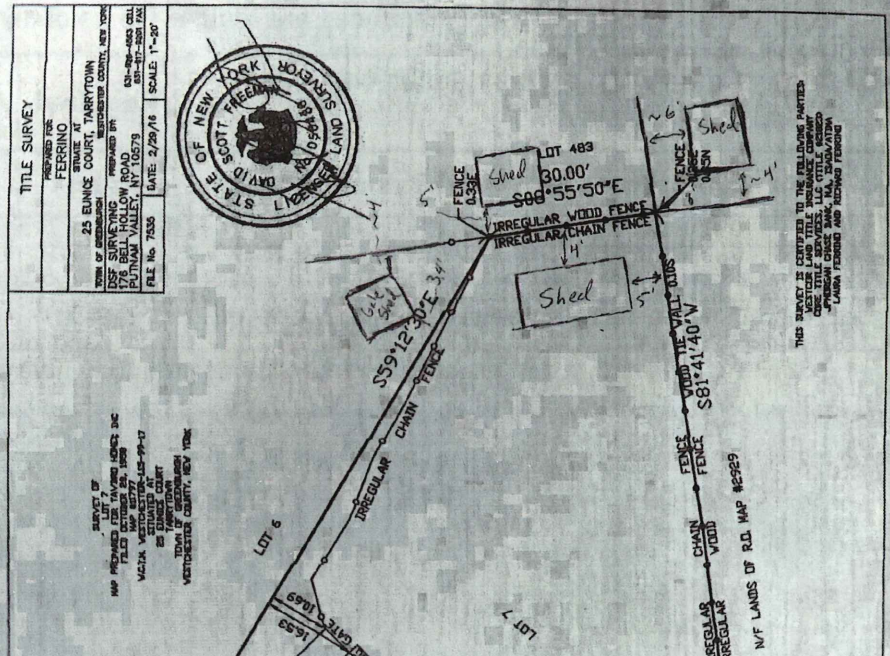
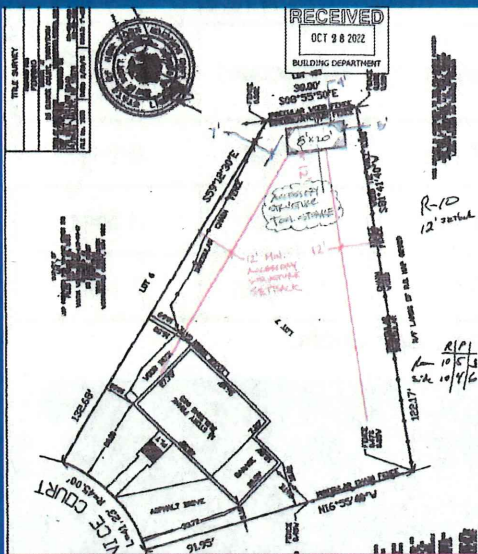
ATTACHMENT “A”  
LAURA AND RICHARD FERRINO  
25 EUNICE COURT

January 9, 2023 submission



Submitted c ZBA mtg - 1/9/23  
Richard + Laura Ferino

# Review - Variance Requested



# Review - Variance Requested

- **Zoning Board:** The following variances are required to be obtained from the Zoning Board of Appeals:

<b>Code Section: §305-20. Residential R-10 Zone: §305 Attachment: 5:1</b>	<b>Required</b>	<b>Existing**</b>	<b>Proposed</b>	<b>Variance Required</b>
<b>Column 16, Minimum Side Yard Setback (North)</b>	12 feet	7 feet	7 feet	5 feet
<b>Column 16, Minimum Side Yard Setback (East)</b>	12 feet	4 feet	4 feet	8 feet
<b>Column 17, Minimum Rear Yard Setback (South)</b>	12 feet	5 feet	5 feet	7 feet

\*\* Indicates structure was constructed without obtaining permits and approvals.



# Setback vs. Size

Focus on Setback and Size:

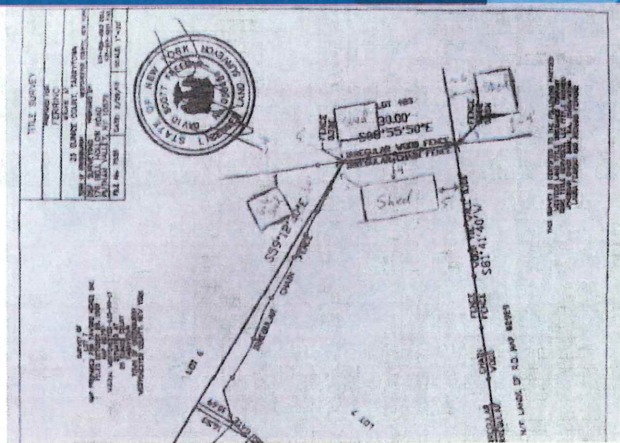
- 3 accessory structures that are both larger and closer to fence line
- 4 other sheds in the same 'corner' as proposed shed







# Review - Neighbors



I have reviewed the plans and distances for the shed the Ferrino's are requesting to build and will be accepting of the yard variances that they are proposing.

Address	Name	Signature	Date
27 Eunice Ct	Barry Berg	[Signature]	11/11/22
27 Eunice Ct	Laura Ferrino	[Signature]	11/11/22
28 Eunice Ct	Buddhagoo	[Signature]	11/11/22
5 Hillside St	ANDI GRAY	[Signature]	11/11/22
63 Meadow St			
GALLAGHER ST	GALLAGHER CHARLOTTE	[Signature]	11/11/22

# Review - Slopes

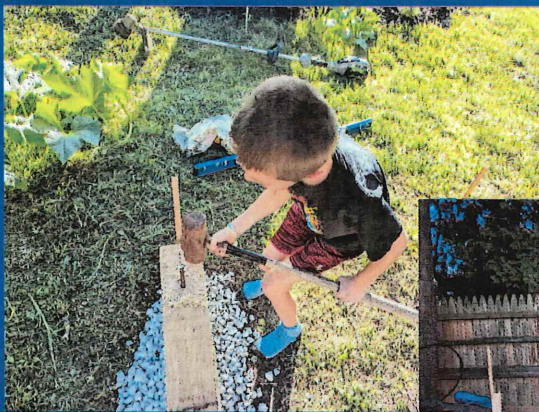
- No heavy slopes in my yard





# Review - Foundation

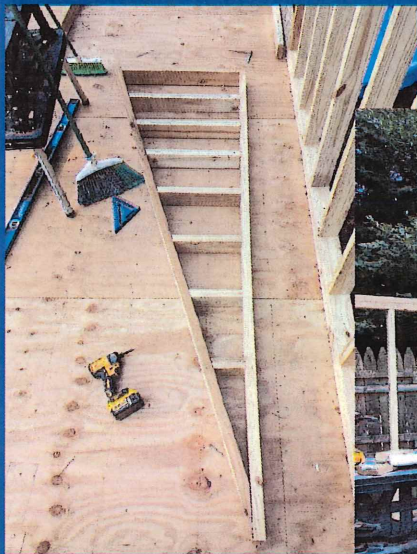
- 6x6 Pressure Treated for Ground Contact, Tamped Stone,  $\frac{3}{4}$ " Plywood, Framed with ~10" pressure treated supports





# Review - Framing

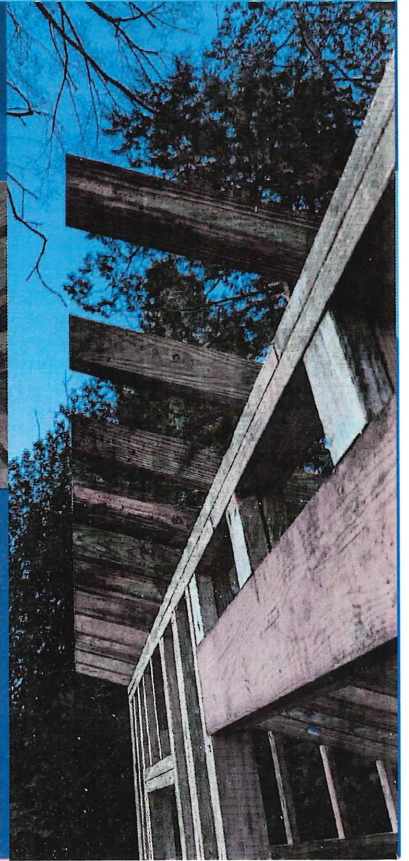
- Over built, 12" on center pressure treated





# Review - Roof

- Meets slope minimums, 12" on center, Hurricane ties,  $\frac{3}{4}$ " Plywood covered w/metal roof





# Review - Current State

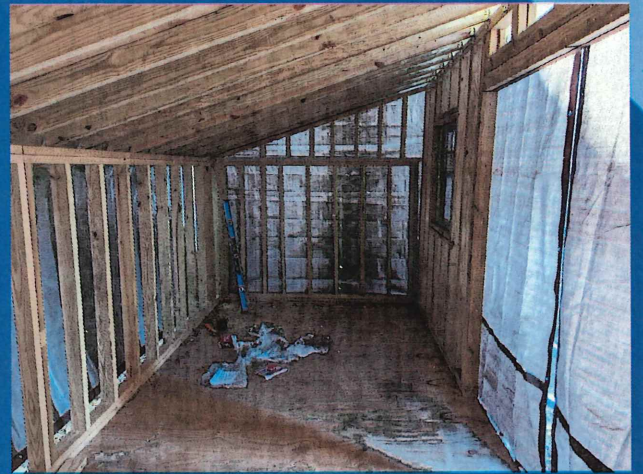
- Project when I learned I needed a permit:





# Review - Current State

- Tarp city



# Review - Exterior Finish

- High end 1 by 6 cedar planks treated with Thompson's Water Seal.
- Windows will be with white trim instead of black.
- Also plan to build a similar garden around the front and left side.





# Setback vs. Size

Focus on size

- Electric Tractor
- Wood-Working
- Bikes for 5 people
- Scooters
- Bike rack travel,
- Travel hitch,
- 15' inflatable pool
- Pool equipment

Notice the tent





# Setback vs. Size

Focus on Size:

- 8x20 = 160 SqFt
- 10018 foot lot
- 1.6% of Lot
- R-10 allows 5.5% or 550 SqFt for Accessory Structure
- 3 Emerald Woods - 10x6 Shed = 160 SqFt
- Variance Granted

