

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
October 12, 2021 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Weisel, Rachlin, Abraham, Alternate Member #1 Jolly, Alternate Member #2 Kaplan; Counsel Zalantis; Village Engineer Pennella, Secretary Meszaros

ABSENT: Member Song

APPROVAL OF MINUTES – September 13, 2021

Ms. Lawrence moved, seconded by Ms. Rachlin, with Ms. Weisel abstaining, to approve the minutes of the September 13, 2021 meeting.

The secretary recorded the vote:

Member Rachlin: Yes
Member Abraham: Yes
Member Jolly: Yes
Chair Lawrence: Yes
Ms. Weisel: Abstained

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – Tedd Trading, LLC – 27 N. Broadway

Christine Broda, RA, the project architect, appeared before the Board for variances for 7 off-street parking spaces and one off-street loading space which are required for the proposed restaurant use at 27 N. Broadway. At the request of the Board at the last meeting, she presented a revised site plan showing all of the metered spaces that could be available to the restaurant for food deliveries at this proposed location. These deliveries typically will take 15 to 20 minutes in length, 3 times per week. With regard to the garbage collection, she showed the waste storage shed in the back of the building which leads to the metered space in front of that driveway- alleyway on Central Avenue. She feels that this is the best location for deliveries and garbage collection to take place. She noted that the garbage collection should not take any longer than 3 to 5 minutes and it would be collected 3 times per week.

The owner of the Building, Ehud Cafri, also present, advised the Board that food deliveries will take place in the early morning and no later than 9:30 a.m. Early deliveries are necessary to allow them to be able to prepare the food before they open. He noted that they will have 3 employees at this location and they will use public transportation. Ms. Lawrence advised that most merchants in this area require their employees to park in the McKeel parking lot to free up the street parking for public use.

Ms. Lawrence asked if there was any public comment. Ms. Broda advised that she had some positive feedback when encountering the public at the site when posting the public hearing sign notice, but otherwise has not received any comment. There was no one in audience present for public comment.

Mr. Pennella clarified for the record that with regard to the loading space, the applicant has shown the possible public parking areas to unload and the alternates areas that they might be able to use if available. It should be noted that when 21 N. Broadway was before this Board, a while back for a land use approval, the Board had restricted them from using that 15-minute meter space for loading and unloading. He wants to make sure that the applicant is clear that this Board is not saying they can use this spot, but if it is available, it could also be another alternative to the loading space. Ms. Broda advised that this spot would be the least desirable spot to unload since it is the longest route to the delivery entrance and deliveries would take longer. This spot would be their last resort.

Ms. Lawrence said this should be made clear in the Resolution.

Mr. Pennella also noted that the applicant will be required to pay into the parking fund for the 7 off-street parking spaces that they have requested a variance for by this Board.

Ms. Broda said, in addition to the 15-minute spot, there are 5 parking spaces that could be used on Central Avenue if they are available. Their preference is to use the spot right next to the building, in front of the driveway, but there is also a spot in front of that and there are three spaces behind it.

Ms. Lawrence asked if the Lyceum club was still active. Mr. Pennella thought it was. Ms. Broda noted that she has visited the space many times and these spaces are never filled between 8 am and 10 am. Ms. Weisel noted that the buses take up a lot of space when turning the corner onto Broadway which is probably why there is no parking at that corner.

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

The secretary recorded the vote:

Member Weisel:	Yes
Member Rachlin:	Yes
Member Abraham:	Yes
Alt. Member Jolly:	Yes
Chair Lawrence:	Yes

All in favor. Motion carried. 5-0

Ms. Lawrence 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 does not feel that there will be an undesirable change in the area. No one has come forward with any objection.*
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 is no other method since there is no on-site parking available and or any area on-site for loading and unloading.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the variances are substantial but that is only because of the lack of parking in the area.*
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.*
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 said that it is not self-created because of the lack of parking in this area of the village.*

Ms. Weisel moved, seconded by Ms. Rachlin, to approve the variances for 7 off-street parking spaces and one off-street loading space and authorize counsel to prepare a resolution to include the general conditions with specific conditions that 1) food deliveries take place before 9:30 am; 2) that only small vans are used for deliveries; no large trucks; and 3) that the applicant pay into the village parking fund for the 7 off-site parking spaces as required by the code.

The secretary recorded the vote:

Member Weisel: Yes
Member Rachlin: Yes
Member Abraham: Yes
Alt. Member Jolly: Yes
Chair Lawrence: Yes

All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Lawrence moved, seconded by Ms. Weisel, to adjourn the meeting at 7:55 p.m.

The Secretary recorded the vote:

Member Weisel: Yes
Member Rachlin: Yes
Member Abraham: Yes
Alt. Member Jolly: Yes
Chair Lawrence: Yes

All in favor. Motion carried. 5-0

Liz Meszaros - Secretary