

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
November 13, 2019 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Weisel, Kim, Rachlin;  
Counsel Zalantis; Village Engineer Pennella; Secretary Meszaros

ABSENT: Alternate Member Jolly

Chairwoman Lawrence called the meeting to order at 7:32 p.m.

APPROVAL OF THE MINUTES – October 16, 2019

Ms. Lawrence moved, seconded by Ms. Weisel, that the minutes of the October 16, 2019 meeting be approved as submitted. All in favor. Motion carried.

ADJOURNMENTS

Chairwoman Lawrence announced the adjournments:

CONTINUATION OF PUBLIC HEARING - Michael and Janiki Degen – 86 Crest Drive  
Variance needed for additions and alterations to a two story single family home.

CONTINUATION OF PUBLIC HEARING - Realty@460 S. B. LLC - 460 South Broadway  
To seek an interpretation of the provisions of Zoning Code Section §305-63 which govern  
“Off-Street Parking and Loading”

NEW PUBLIC HEARING -McCullough, Goldberger and Staudt, LLP – 29 S. Depot Plaza

Ms. Lawrence read the public hearing notice into the record:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing on Wednesday, November 13, 2019 at **7:30 p.m.** at the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

McCullough, Goldberger and Staudt, LLP  
1311 Mamaroneck Avenue - Ste 340  
White Plains, NY 10605

To request a two (2) year extension to the December 11, 2017 Zoning Board approval of variances necessary to convert an existing warehouse facility into a self-storage facility with a retail component.

The property is located at 29 South Depot Plaza and is shown on the Tax Map of the Village of Tarrytown as Sheet 1.70, Block 29, Lot 38 and is located in the ID zoning district.

Documents are available for inspection in the Planning and Zoning Office. 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 Planning Board

DATED: November 1, 2019

The mailing receipts were received and the sign was posted. A site visit was not necessary since the application before the Board is for an extension of a prior approval.

Steven Wrabel, attorney with law firm of McCullough, Goldberger and Staudt, LLP, representing the applicant, Tarrytown Storage II, LLC, appeared before the Board. Paul Ferraro, a principal owner, was also present. They are here to request a two year extension for parking and loading variances which were granted by this Board in December of 2017. They are coming up on an expiration of the approval next month. No changes are proposed to the approved site plan at this time. He is happy to answer any questions.

Ms. Lawrence commented that there is a current application before the Planning Board and Board of Trustees for a different use of this property and asked if this is the rationale for the extension request. Mr. Wrabel confirmed and said they are trying to get the best use of the property. Ms. Lawrence confirmed that there are no changes to the plan and that the variances were for required parking and loading needed for the construction of a self-storage facility with a retail component.

Ms. Lawrence asked if anyone in the audience or staff had any questions.

Mr. Wrabel explained that this extension is for a previously approved site plan in order to preserve the existing approval. If there were any changes then they would have to come back to this Board. This extension preserves the existing approval they have now for variances associated with the construction of the storage facility.

Ms. Lawrence asked what the granted variances were. Mr. Wrabel said they were granted 19 spaces to allow 32 parking spaces where 51 were required and 2 loading spaces to allow 4 loading spaces where 6 were required.

Counsel Zalantis clarified that this is just an extension of the original approval. If they go forward with the new proposal for this site, they will need a zone change from the Board of Trustees and site plan approval for the current proposal before the Planning

Board. The applicant's request allows the existing approval to be extended while they pursue approval for a completely different project.

Ms. Lawrence moved, seconded by Ms. Weisel, to close the public hearing. All in favor. Motion carried.

Ms. Lawrence read the resolution into the record:

Application of Tarrytown Self Storage II, LLC ("Applicant")  
29 South Depot Plaza, Tarrytown, New York 10591 (the "Property")  
Sheet 1.70, Block 29, Lot 38  
Industrial (ID) District

WHEREAS, at its December 11, 2017 meeting, the Zoning Board of Appeals ("ZBA") granted the following two variances to Lexington 202 Group LLC, as contract-vendee for the Property, in connection with its proposed conversion of an existing warehouse to a self-storage facility with a small retail component:

1. Variance of 19 parking spaces to allow 32 parking spaces where Zoning Code § 305-63(D)(1) requires 51 parking spaces, and
2. Variance of 2 loading spaces to allow 4 loading spaces where Zoning Code § 305-63(F)(2)(C) requires 6 loading space, and

WHEREAS, since the ZBA granted the requested variances, the Applicant, the owner of the Property, has been exploring alternate uses of the Property besides self-storage and has appeared before the Village Board of Trustees and Village Planning Board to discuss these potential alternates; and

WHEREAS, the ZBA Resolution granting the variances stated that the variances would become void unless a building permit was procured from the Building Department within two (2) years of the date of the Resolution, or on or about December 11, 2019; and

WHEREAS, the Applicant has made an application to the ZBA for an extension of the variance approvals for a period of two years; and

WHEREAS, a duly noticed public hearing was held on this application at the regular meeting of the ZBA on November 13, 2019, and members of the public having had an opportunity to speak on the application, the public hearing was closed on November 13, 2019; and

WHEREAS, prior to the ZBA granting the variances, the Planning Board, as lead agency for a coordinated review of this application under SEQRA, adopted a Negative Declaration at its November 27, 2017 meeting finding that the proposed project does not have the potential for any significant adverse environmental impacts,

NOW THEREFORE,

BE IT RESOLVED, the Applicant's application for a two-year extension of the variances is granted until December 11, 2021; and

BE IT FURTHER RESOLVED, the Applicant shall procure a building permit from the Building Department by December 11, 2021, and all work shall be completed within one (1) year from the date of the building permit, otherwise this variance grant becomes void; and any request to extend the time within which to obtain said building permit or complete said work shall be filed no less than sixty (60) days prior to the expiration date.

BE IT FURTHER RESOLVED, except to the extent modified herein with respect to the expiration date of the variances, the terms, findings and conditions of the December 11, 2017 Resolution shall remain in full force and effect.

Dated as of November 13, 2019.

Ms. Weisel moved, seconded by Ms. Lawrence, to approve the extension for a period of two (2) years and to adopt the draft resolution. All in favor. Motion carried.

ADJOURNMENT

Ms. Lawrence moved, seconded by Mr. Kim, and unanimously carried, that the meeting be adjourned – 7:42 p.m.

Liz Meszaros- Secretary