

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
December 13, 2021 7:30 p.m.

PRESENT: Members Weisel, Song, Abraham, Alternate Member #1 Jolly, Alternate Member #2 Kaplan; Counsel Addona; Village Engineer Pennella, Secretary Meszaros

ABSENT: Chair Lawrence, Member Rachlin

Ms. Weisel chaired the meeting in Ms. Lawrence's absence and called the meeting to order at 7:32 p.m.

APPROVAL OF MINUTES – November 8, 2021

Mr. Jolly moved, seconded by Mr. Abraham, with Mr. Song abstaining, to approve the minutes of the November 8, 2021 meeting. All in favor. Motion carried. 4-0

NEW PUBLIC HEARING - MMC/Montefiore Medical Center – 555 South Broadway

The following public hearing notice was made available to the public at the meeting.

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 Monday, December 13, 2021 in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

MMC Corporation/Montefiore Medical Center
555 South Broadway
Tarrytown, NY 10591

regarding the Premises located at 555 South Broadway, 0 South Broadway, and 555 Broadway Avenue in the Village of Tarrytown identified on the Tax Maps as Sheet 1.221, Block 129, Lot 6, Sheet 1.221, Block 129, Lot 5 and Sheet 1.140, Block 88, Lot 8 and classified in the Office Building "OB" and Historic Commons "HC" Zoning Districts.

The Applicant proposes to use a portion of Building "D" as a permitted accessory storage facility to store certain goods in connection with its principally permitted "[e]xecutive business, sales, accounting and general offices and research laboratories" use.

The Applicant is seeking an interpretation/appeal pursuant to New York State Village Law Sections 7-712- a(4) and 7-712-b(1) and the Village of Tarrytown Zoning Code Section 305-118A appealing the determination of Donato Pennella, P.E., Building Inspector in the Letter of Permit Denial from the Village of Tarrytown, Building Department, dated September 14, 2021, which was issued in error due to the mislabeling and mischaracterization of the proposal in the Application for Building Permit, and finds that

the Applicant requires use variances for alterations to convert 34,000 SF of the existing research laboratory and pilot experimental facilities to pharmaceutical warehouse/distribution center for the Montefiore Hospital Network.

Additional approvals related to the above referenced project will be required by the Planning Board and the Architectural Review Board.

Documents relating to this application will be provided by emailing the Planning and Zoning Department at Imeszaros@tarrytowngov.com or by calling 914-631-1487. Documents are also 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: December 3, 2021

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

Anthony Gioffre III, Attorney with the law firm of Cuddy & Feder, appeared before the Board representing his client, MMC Corporation/Montefiore Medical Center. He introduced Stefano Cardarelli, the Project Architect, and his colleague, Max Mahalek, also an attorney with Cuddy & Feder. The purpose of the hearing is to appeal an interpretation, made in a Letter of Permit Denial, issued by Village Building Inspector, Donato R. Pennella, dated September 14, 2021. Mr. Gioffre explained that the Building Inspector's determination was based on submitted plans which were mislabeled as a "pharmaceutical warehouse/distribution center". He feels this mischaracterization of the plans lead to the denial to permit this use. He explained that they are proposing to use a portion of Building "D" as a permitted accessory storage facility to store certain goods in connection with its principally permitted "[e]xecutive business, sales, accounting and general offices and research laboratories". He described the parcels as approximately 90 acres consisting of about 230,000 s.f. over six buildings, in the OB zone, and an adjacent parcel of land located in the HC zone.

Mr. Gioffre noted that Montefiore has been using the premises "as of right" in accordance with the principally permitted uses identified as "executive business, sales, accounting and general offices and research laboratories". He referred to the §305-34B.1.(u) which permits storage facilities as an accessory use that are incidental to the principal use. He submits that the storage of goods, in this instance, pharmaceuticals, is clearly incidental to Montefiore's principal use.

Montefiore is a healthcare system that has numerous locations in the Bronx and throughout the area. They are seeking to centralize a portion of the business rather than having various locations. When needed by the hospitals, they will be transported. He advised that this is not a CVS or Walgreens, and the storage area is not open to the public nor is the campus accessible to the general public. There will be no retail conducted at the premises, or any sale or display of goods. The employees will retrieve the necessary goods from the storage at this location and arrange for the goods to be coded to be delivered to their hospitals. In this particular instance, Montefiore also intends to store COVID vaccines and PPE in this location which makes the need for this storage facility even more necessary, given the cost of these materials, compared to pre-pandemic needs, and the necessity to store larger amounts, given delays in delivery due to supply chain issues. For these reasons, a central location was identified by Montefiore to be a critical need, now, more than ever, during the pandemic.

Mr. Gioffre advised that storage space is defined in the village code as “rooms or space for the storage of goods or merchandise, but not including space for the display of merchandise”. He advised that there will be no retail operations conducted on the premises. This definition is exactly how Montefiore tends to use the premises. They intend to use it as storage for their hospitals as it relates to their operations. He noted that there is 34,000 square feet of building proposed, only half will be used for storage area, lounges, bathrooms and associated offices. Approximately 10 employees will coordinate the operations between the hours of 8 am and 5 pm, Monday through Friday. Any trips to and from the building will occur between the same hours. Access will be from South Broadway with no access to the residential areas. They anticipate 5 trips per day by vans or box trucks, and there will be security systems and alarms with cameras and, when required, key card entry for all personnel. It is patently clear to him that the storage of these goods is clearly incidental to Montefiore Medical Center's executive business sales and general office use of the premises.

Mr. Gioffre noted that for SEQRA purposes, this is a Type II action, with no further environmental review required by this Board.

Ms. Weisel asked to see the site plan. Stefano Cardarelli, the Project Architect, presented a detailed plan and further explained that the 17,300 s.f. proposed alteration includes the 2,400 s.f. of the storage space. And, of that 2,400 s.f, approximately half of that space will be used for the installation of a conveyor system which is necessary to bar code and log/document the pharmaceuticals in accordance with NYSDOH so that they can be tracked and for auditing purposes with a licensed pharmacist on site. The actual storage space for the medicines is about half of the 2,400 s.f.

Counsel Addona asked if they had plans to expand the operation in the future since there is quite a bit of space that they are not altering. Mr. Cardarelli thought that the remaining space would most likely be used for offices at some point. Mr. Gioffre added that there is nothing proposed at this time, and if it were, they would have to return for Planning Board approval. He advised that they have not been before the Planning

Board because they require and interpretation from this Board that this proposed use is permitted under the code. They hope to go before the Planning Board in January.

Mr. Jolly asked Mr. Gioffre to explain what error was on the plan that led to the Denial Letter. Mr. Gioffre said the original plans referred to this as a distribution center. He advised that the is not an “Amazon”, but rather it is the storage of pharmaceuticals for Montefiore’s use only.

Ms. Weisel noted that the existing code is geared toward research and training and general office use. She would like more guidance on the terms, “incidental and accessory”. She would like more time to research and also give the other Board Members, not present this evening, an opportunity to weigh in.

Counsel Addona advised the Board that the code is written as is. This application is before this Board to determine if the proposed storage is incidental to the use. Mr. Gioffre noted that if there is ambiguity in the code, the decision should go to the favor of the applicant.

Mr. Abraham asked Mr. Pennella if he denied the permit based upon the way the plans were presented. Mr. Pennella advised that, as part of the application process, questions were asked and answered. After a complete review, it was his determination that the applicant was basically bringing in medical products/drugs and packaging them and distributing them. The applicant submitted new plans saying that there was a mislabeling, and a mischaracterization, but Mr. Pennella still felt that nothing had really changed other than the labeling on their plan, which is why he did not revise his Denial Letter. He still believes that this is medical distribution – bringing in product, packaging it, and shipping it out. He does not feel that it is accessory or incidental to the office use because it is not being used on the premises or by the employees. He gave an example that storing paper for use by the employees would be an accessory use to the office and that is not the case here since they are bringing in products, medical drugs, packaging them, and distributing them out. He asked Mr. Gioffre if the five trips per day includes bringing in the products or sending them out. Mr. Gioffre said there would be five entering and five exiting.

Mr. Gioffre respectfully submits that physical storage, whether it be toys, widgets, or pharmaceuticals, it is the storage of goods. Whether it is in a self-storage facility or storage somewhere else, the goods have to come to the premises and they have to leave the premises, they are not there in perpetuity. As he indicated earlier, particularly due to supply chain issues and cost issues in this Covid environment, it is important to be able to have larger quantities available when needed within their system. They do have pharmaceutical offices here, along with medical professional offices and administrative offices; that is how it is coordinated on the premises, and then they are transported out.

Mr. Pennella added that if this property were in the ID zone, we would not be here. That is the difference. This use is not allowed as a principle use or an accessory use in the

OB zone. Accessory storage refers to items stored for use on that premises, not for the purpose of bringing in goods and distributing them out.

Mr. Gioffre respectfully disagrees. He does not think there is any requirement that you need to store things on the premises for use only. An example would be a self-storage facility, where goods are not stored for use on site. They are stored to bring them somewhere when they are needed. Mr. Pennella said that self-storage is again, permitted in a different zone (ID), not this one (OB).

Mr. Abraham asked if one of the issues is the amount of time that something is stored at the location. Mr. Pennella said no, it is the operation that is taking place, which is how he has interpreted the code. It is up to this Board to make their determination. Mr. Gioffre advised that some goods may be stored on premises for a short period and some may be stored for a much longer basis.

Mr. Jolly asked Mr. Gioffre if they are bringing the drugs into the site in bulk, and if they are distributing them in small portions somewhere. Mr. Gioffre said that they are bringing in the pharmaceuticals and they will be distributed or transported out to various hospitals (8) within their system. Mr. Jolly said he does not think this is a permitted use then. Mr. Gioffre disagrees.

Mr. Pennella also noted that this will be a licensed facility by New York State because of the nature of what they are storing, pharmaceutical medicines. Mr. Gioffre said licensing should have no bearing on the storage of goods. Because of the nature of the goods there has to be a license from the State. The pharmacist is needed to coordinate the storage and transporting when they eventually do leave the premises. Liquor also requires a license from the State. The mere fact that a license is required does not have a bearing on whether a product is stored.

Mr. Abraham asked Mr. Pennella if it were just facemasks would he still feel the same. Mr. Pennella said if they are bringing in the PPE and re-packaging it and sending it out, the activity is the same.

Ms. Weisel does not think anybody would argue that it is important in terms of getting things out for the pandemic quickly and centralizing it. The problem is the storage use, and, as a Board, this requires further discussion. She does not think that a decision should be made this evening and the discussion should be continued at the next meeting.

Counsel Addona said that she can prepare a draft Resolution in advance of the next meeting for the Board's consideration.

Ms. Weisel asked if there was anyone in the public that would like to comment. No one appeared.

Counsel Addona asked if the Board had any more questions. Ms. Weisel would like the entire Board to be given the opportunity to weigh in on this decision.

Counsel Addona asked Mr. Gioffre if the proposed offices are almost accessory to the storage and if they need the offices to accommodate where they are housing the pharmaceuticals. Mr. Gioffre does not think this is entirely accurate. There is 231,000 square feet of office space that is being utilized on the premises, and the storage portion proposed is only 2,400 square feet. There are offices all around the perimeter that are being utilized in order to coordinate the storage of these materials and how they are transported, when and how they are needed. They have administrative offices, general offices and sales offices that are permitted on site. Any one of these are certainly the principal use and the 2,400 square feet of this 17,000 square foot area and the 231,000 square foot Montefiore campus is clearly incidental to the use on site.

Counsel Addona asked if the offices they are creating are specifically to accommodate that storage use. Mr. Gioffre said the offices are intended to be utilized in association with this storage. He could get further direction from the client, in terms of whether or not there are any other offices that are administratively being utilized. Whether the pharmacist is doing one specific task here, and there might be one of the other buildings on campus where there are other offices coordinating this.

Mr. Jolly confirmed with Mr. Gioffre that the pharmaceuticals will be only be transported to the 8 hospitals that they have within the Montefiore Health System; he noted that some of these locations are in the Bronx, White Plains, New Rochelle and Cornwall. Mr. Gioffre advised that rather than storing at these individual locations, they intend to create a central location to better efficiently utilize space elsewhere.

Mr. Cardarelli said it is clearly administrative in Building A and Building B. These are the groups that they have moved out of the Bronx consisting of HR, Finance, Accounting, all of which are administrative components of the pharmacy. Mr. Gioffre added that these offices are permitted as a principal use.

Counsel Addona stated that the way it has been presented, as she understands, is that all the offices they are creating in this project, this 17,000 square foot project, are to accommodate the storage use. Mr. Gioffre said for the purposes of the use of this portion of Building D, he just wanted to clarify how this portion is being utilized, as opposed to the entire campus.

Mr. Cardarelli said that the other divisions that are in building A and B have storage rooms, so it is administrative variable storage that houses what they deal with all the time. A lot of things are electronic but everything on the premises here is all administrative use for Building A building B.

Mr. Abraham asked to see the definition of a distribution facility. Mr. Pennella said the only permitted use is under the ID zone. Mr. Gioffre commented that this is not an “Amazon” distribution facility.

Mr. Song asked for clarification on the storage. He would like to know what the footprint of the non-pharmaceutical storage is within this space?

Mr. Cardarelli clarified that only half of the 2,400 s.f. is where the pharmaceuticals will be stored. The other area will be for a conveyor system that requires space to bar code the drugs in accordance with State requirements and for inventory tracking purposes as well. He noted that the storage of for the drugs will be about 1200-1300 s.f. Mr. Cardarelli showed the storage area and the conveyor system where they open up the boxes, barcode the drugs, package them up for transport within their hospital system. The individual prescriptions are prepared at the pharmacy hospitals.

Mr. Song asked about the non-pharmaceutical storage on site PPE area. He thought it was a bit strange that they would store pharmaceuticals with non-pharmaceuticals in the same space.

Mr. Cardarelli showed the location of the pharmaceuticals on the plan and noted that the state and the DOH have specific types of partitions and walls for different types of drugs, narcotics, etc, that require additional security.

Ms. Weisel asked if there was anything that was packaged and distributed from Kraft before, when the office use was very clear for the research and training. She believes that there are definitely goods that are being distributed, even though the applicant is presenting it in terms of accessory storage. She is having difficulty with trying to figure out how this use is permitted in terms of the language in the code.

Mr. Pennella noted that a lot of these codes were written around what existed back then. The Kraft facility has been gone for a decade and was not part of his determination. He makes his determinations based on the existing code for the zone.

Ms. Weisel strongly feels that more time is needed to discuss if the language might fit this situation better. She asked if the Board had any further comment or questions.

Mr. Abraham, a new Board Member, asked for clarification on the next steps with regard to the application. Ms. Weisel noted that the applicant has been very clear about the PPE and all the different types of drugs, the barcoding, and the need to have a central location to serve the eight other sites during pandemic times. The arguments are very compelling for this type of usage, however, the language in the code doesn't not match this situation in her view. She feels a need to take a closer look at it, to consider the setting of any precedent, and to ensure that the language is clear for this situation. She would like to adjourn the meeting to next month. Counsel Addona recommended that in this situation, as with all code interpretations, the Board advises that a draft Resolution be prepared in advance of the next meeting. In the interim, she will provide the Board with a Draft Resolution for their consideration at the January 10, 2022 meeting.

Mr. Jolly asked about campus security. Mr. Gioffre said there will be security alarms, cameras, keycard access. Given the nature of the goods that are be sorted, there is a higher level of security as required by the state. There is no law enforcement on site.

Ms. Weisel moved, seconded by Mr. Song, to continue the public hearing at the next regular meeting to be held on January 10, 2022. All in favor. Motion carried.

NEW PUBLIC HEARING - Mitul and Michele Patel – 24 Park Avenue

The following public hearing notice was made available to the public at the meeting.

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 Monday, December 13, 2021** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Mitul and Michele Patel
24 Park Avenue
Tarrytown, New York 10591

For variances required for a two-story 806 s.f. rear building addition and new driveway for off-street parking.

The property is located at 24 Park Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.100, Block 68, Lot 6 and is located in the R 7.5 Zone.

The variances sought are as follows:

Code Section: Residential R-7.5 Zone	Required	Proposed	Existing	Variance Required
§305-63 C. (3)(a) Parking in a front yard. 305 Attach. 5 Col. 11.	20 feet	0 feet	-	14 feet
§305-63 C. (3)(a) Parking in a side yard. 305 Attach. 5 Col. 12.	10 feet	4 feet	-	6 feet
§305-63 C. (3) (a) Driveway in side-yard lot line.	5 feet	4 feet	-	1 foot
§305-21: Attachment 5 column 12, Min. Ea. Side Yard – West	12 feet	7.7 feet	7.7 ft	4.3 feet
§305-21: Attachment 5 column 12, Min. Ea. Side Yard – East	10 feet	5 feet	5 feet	5 feet
§305-21: Attachment 5 column 13, Min. 2 Side Yards	22 feet	12.7 feet	-	9.3 feet
§305-25 Maximum floor area Table 2, FAR = 0.4300	2,365 SF. Permitted	2,445 SF.	1,630 SF.	80 SF (3.3%)

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.

Additional approval is required from the Board of Trustees, the Planning Board and the Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: December 3, 2021

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

Amanda Linhart, RA, the project architect, appeared before the Board, representing the applicants, also present. They purchased the property last year and have a newborn son. Mr. Patel's parents will be living with them for a portion of the year and they will need to expand this home as their family grows. She presented the plans and noted that this lot is undersized. She showed the existing home and the 820 s.f. rear addition to the back. She briefly presented the layout of home. The first floor will have flex space and they are adding a bathroom and explaining the kitchen and dining room. The second floor will keep the bedroom in the front with an added bathroom and the master bedroom with bath will be on the new addition.

Ms. Linhart noted that they are not expanding the house out on either side or in the front and there will be no change in the height of the house. A hip roof will be added to the rear addition. The rear addition does not extend out any farther than the other homes in the area. She showed a Streetscape from various elevations and noted that the existing porch on the side will be screened in for a reading room.

She showed an aerial map of the lots in the area. Most of the homes are well over 2,000 s.f. , some examples are: 12 Park Avenue is 3,796 s. f. on the same size lot. Next door at 16 Park is 2,120 s.f. ; they will have 2430 s.f. with the addition.

They are also requesting variances to park in the front yard since there is no driveway on the property. Having a driveway would be a huge convenience to the family. She noted that they have shaved off 2 feet of the porch in order to get more length for the driveway. She showed pictures to the Board of other homes in the area that park in the front yard, which is not unusual in the area of the village. (to be submitted for the record)

They are:

15 Independence - has a garage in rear but no standard width for access.

42 Independence has garage with carriage doors – appears to be living space.

71 Miller Avenue – appears that they converted the garage into living space.
 16 Park Avenue - has a garage in rear but no standard width for access.
 29 Independence Street - has a garage in rear but no standard width for access.

Ms. Linhart showed the rear of the homes to the west and east that both stick out further in the rear to what they are proposing, as do most of the homes on the street.

Next, she showed the location of the proposed driveway on the plan and the hydrant location next to the curb cut in front to the house, which prevents them from parking in that location.

With regard to the landscaping, they are proposing some landscaping in the front of the house and in the rear, they will keep the stockade fence along the property line and will plant tall evergreen shrubs, such as Arborvitae, to create a buffer between the properties.

Counsel Addona advised that they while the Board can weigh in on the landscaping, these plans will be reviewed as part of the Planning Board site plan approval process. The applicant also requires approval from the Board of Trustees for the curb cut and the loss of one street parking space.

Ms. Linhart mentioned letters of support from the neighbors.

Ms. Weisel read a letter of support into the record, dated 11/21/21:

“I have reviewed the plans for an addition and new driveway for 24 Park Avenue in Tarrytown, NY as presented to me by my neighbors, Michele Mosa Patel and Mitul Patel. Although I am unable to attend the upcoming Board Meeting in person, I have no objection to the plans and support them on this project.”

Each letter was submitted individually by the following individuals.

*Gina Kelly – 16 Park Avenue
 Lia Rodriguez- 21 Park Avenue
 Jeffrey Rizzo – 21 Park Avenue
 Carolyn Zara- 23 Independence Street
 Sandy and Bob Olson – 20 Independence Street
 Elizabeth Schubert – 11 Independence Street
 Benjamin Posner- 12 Park Avenue*

Ms. Weisel confirmed that when they visited the site, they saw that the depth of the proposed addition will line up with the other homes on each side. She noted that front yard parking is not allowed according to code, but many homes have non-conforming pre-existing driveways in the front yard. She was surprised to see that many of the garages are not being used because there is limited or no access to them.

Mr. Pennella advised that the applicant requires approval from the Board of Trustees for the loss of the on-street parking space. If they are losing one parking space, the entry point could be adjusted which will not affect the hydrant. He advised that he did give the applicant an alternate design for their review and with landscaping it could be screened. The Board of Trustees will decide this matter at their next meeting.

Ms. Linhart advised that her client would like to work with the Village to be able to have the 2 spaces on the property.

Mr. Pennella said if they were to pursue this then they would have to re-notice for a variance to allow for a reduction in the standard 18-foot size space.

Counsel Addona advised the Board that they can consider the variance for the rear addition this evening and continue the public hearing open for the variances for the driveway which should be considered after the Board of Trustees determination.

Ms. Weisel said the addition is in keeping with what is existing on both sides of the home. She asked if any Board Members had any questions.

Mr. Abraham drove by the premises and it appears that the rear addition is consistent with the block. The only issue he has right now is with the parking in the driveway.

Ms. Weisel also noted that that shaved down the porch to make more room. The side yard setbacks are not an issue, but the parking in the front yard needs to be decided.

Mr. Jolly asked about the porch setback. Ms. Linhart said it will not come closer to the property line they are making it longer in the back and it will start 2 feet back from where it is now to accommodate the parking in the driveway.

Ms. Linhart advised Mr. Abraham that the porch was built around the same time the house was built. It will be taken down to bring equipment back for the construction and once the addition is done they will rebuild the porch. They are also adding new hurricane doors for the basement.

Ms. Linhart advised Mr. Jolly that the proposed driveway is 9 feet wide and they will use grass pavers to reduce impervious surface. It will start 2 feet from the house for plantings and will be 32 feet in length from the property line which allows for 16 feet for each space, which is not allowed by the code.

Ms. Weisel asked if anyone would like to comment on this application.

John Naughton, who lives at 15 Independence Street, appeared before the Board. He is pleased with the design. His only concern is to make sure that there will no additional kitchen being installed. There was a house put up a number of years ago that did not conform with the neighborhood. He feels this design fits in with the neighborhood. He

asked about the deck, which Ms. Linhart showed on the plan. He has no objection. He likes the pavers. His only concern is that it remains as a single family. Mr. Pennella assured Mr. Naughton that the building permit plans would not be approved if they showed 2 kitchens.

There was no other comment from the public.

Ms. Linhart confirmed with Ms. Weisel that the deck extends 8 feet out from the rear addition. She showed the deck on the plan.

A brief discussion took place on whether to approve the addition this evening and continue the hearing to consider the variances for the driveway.

Mr. Abraham would like to see Mr. Pennella alternative plan proposed to the Board of Trustees. All other members agreed to consider the variance for the rear addition tonight and defer the driveway variances to the next meeting.

Counsel Addona advised that this is a Type II action with no further environmental review required under SEQRA.

The Board Members decided to vote on the variance for the rear addition only this evening and keep the public hearing open to consider the variances for the driveway at the next meeting, after the Board of Trustees has made their determination for the curb cut.

Ms. Weisel read through and responded to the criteria for an area variance for approval of the rear addition only.

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. Weisel does not feel that the rear addition will create an undesirable change to the character of the neighborhood since the houses in the neighborhood and on both sides of this property are similar in size.*
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. Weisel said the benefit sought by the applicant cannot be achieved by some other method other than the area variances.*
3. That the requested area variance is not substantial. *Ms. Weisel stated that the requested variances are not substantial when compared to the sizes of the existing homes 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. Weisel stated that the proposed addition 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. Weisel said it is self-created because they are adding onto the home, but the addition will not be any larger than most of the homes in the neighborhood.*

Mr. Jolly moved, seconded by Mr. Song, to approve the variances for the rear addition and consider the remaining variances for the driveway at the next meeting. All in favor. Motion carried. 5-0

Ms. Wiesel moved, seconded by Mr. Jolly, to adjourn the public hearing and continue it to next month (January 10, 2022) at which time the Board will consider variances associated with the driveway, pending a determination by the Board of Trustees for approval of a curb cut. All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Weisel moved, seconded by Mr. Song, to adjourn the meeting at 8:50 p.m. All in favor. Motion carried. 5-0

Liz Meszaros
Secretary