

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
February 12, 2018 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Maloney, Rachlin, Weisel; Counsel Addona; Village Engineer Pennella; Secretary Meszaros

ABSENT: Member Jolly

Chairwoman Lawrence called the meeting to order at 7:34 pm.

APPROVAL OF THE MINUTES – January 8, 2018

Ms. Weisel moved, seconded by Mr. Maloney, that the minutes of the January 8, 2018 be approved as submitted. All in favor. Motion carried.

ADJOURNMENT- Benjamin Zara - 23 Independence Street

Ms. Lawrence announced that the applicant has requested an adjournment due to a death in the family and it will be heard at the next regular meeting. Ms. Lawrence moved, seconded by Mr. Maloney, to adjourn this Public Hearing to the March 12, 2018 meeting. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Zambelletti – 9 Half Moon Lane

Ms. Lawrence advised that all Board members visited the property on Sunday, February 11, 2018 and there were no signs of standing water in the applicant's backyard. She invited Theresa Beyer, the project architect, up to speak.

Mr. Beyer presented a revised plan which eliminates the closet, rotates the bath and reduces the footprint. She explained that a bathroom needs to be close by for Mrs. Zambelletti and will be equipped with a grab bar. Mrs. Zambelletti is elderly and unable to walk without a walker. The bathroom will have a grab bar installed which is necessary. A grab bar cannot be installed in the existing bathroom. They will continue use the closet in the existing bedroom. Ms. Beyer commented that the water issues will be addressed with Mr. Pennella as part of the building permit. Ms. Lawrence stated that the reason they are not going up is because Mrs. Zambelletti is handicapped and cannot go up the stairs.

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

Jennifer Kachnowski, of 182 Riverview Avenue, said she is not surprised there was no standing water in Mr. Zambelletti's yard because the water runs into her yard. She had to install drains in her yard to accommodate the water. She approached the Board and showed them pictures to explain her concerns.

Ms. Lawrence asked Ms. Kachnowski when the drains were installed on her property. Ms. Kachnowski said there was no issue until the tree was taken down. She feels that with this new addition, there will be less property to absorb water.

Ms. Lawrence asked Mr. Pennella to comment on any drainage concerns.

Mr. Pennella advised the Board that he inspected the site this past Friday, February 9, 2018. He doesn't feel that anything has changed with regard to the topography since the home was built. He believes if any trees are removed, it could make the drainage worse. If the Board approves this variance and the project moves forward, the applicant will be required to provide stormwater retention for a 25 year storm for any additional impervious area. The drainage will be addressed with the building permit. Mr. Pennella said he could not determine where any water was coming from but the existing mulch bed by the stockade fence is actually preventing the water from running off site. When the temperature is cold the water cannot percolate into the ground so there is runoff.

Mrs. Kachnowski said she has lived in the house for 20 years and when the tree was removed, this caused the flooding. She feels that the less property there is to absorb the water, the more problems she will have. She stated that the mulch bed is a compost pile, which is not turned frequently in the summer, so it smells and makes her backyard unusable.

Mr. Pennella again said stormwater will be provided. The purview of the Zoning Board is to consider the variances and they have reduced them by a foot or so. Counsel Addona also noted that there is no variance needed for impervious coverage so the applicant is code compliant. With regard to any odors, the building department can investigate that.

Ms. Lawrence said that the village promotes composting. She advised Mrs. Kachnowski that she can call the building department when it happens and file a complaint.

Gus Montero, of 176 Riverview Avenue, came up and there was a discussion about the actual property lines. He said that stockade fence is his. The real property line is a metal fence, which the applicant encroached on with a chicken coup. Ms. Lawrence asked Mr. Montero if he had any water problems. Mr. Montero said they did years ago. He would like trees planted on his property line for aesthetics and water retention.

Mr. Pennella said to clarify, on the northern part of property is it 4.8 from the fence line to the Zambelletti property. He is not looking at the stockade fence to hold any water back.

Mr. Montero suggested revising the plan to put the extension in the front rather than the back. Ms. Lawrence said we are considering the variance for the plan that is in front of us. We can either approve this application or not approve it.

Counsel Addona advised that the applicant will be required to comply with stormwater retention. There are steps in process as required by the code, new plans have to be submitted and reviewed.

Ms. Lawrence asked counsel for the actual variance public hearing notice.

Alice Blood, of 15 Half Moon Lane, who lives next door to the Zambelletti's residence, came up and asked for the minutes from the last meeting. She would like to know why they are not available online until after they are approved. She wanted to review them before the meeting.

Counsel Addona advised Mrs. Blood that she could have requested them and they would have been made available. In the future, should she wish to review the minutes of any meeting, she can contact the secretary who will be able to assist her. Mrs. Blood suggested that the whole village be made aware that minutes are available prior to the meeting. She was concerned about a letter being included in the January minutes. Counsel Addona said anything directed by the Board to be included in the minutes is included.

Mrs. Blood asked what the changes are to the plan.

Ms. Lawrence said there is a 1 foot reduction in the side yard setback: 6 feet is now 7 feet. The new variance is 3 feet, not 4 feet. For the 2 side yards: 16.1 feet is now 17.1 feet, so the new variance is 4.9 feet, not 5.9 feet. They have reduced it by 1 foot.

Mr. Zambelletti, the applicant, came up and said that Ms. Kachnowski's water is not coming from his property; it is coming from Mrs. Blood's property. Mr. Montero installed the fence on his own and the chicken coup was a "screen" and it is no longer there.

Ms. Beyer returned and said if the addition were put in the front, other variances would be triggered. Ms. Beyer said they have reduced the length of addition that comes out where the closet was removed. The back of the addition is no further than the back of the deck.

Counsel Addona stated that this is a Type II action and no further action is required for SEQRA.

Mr. Maloney moved, seconded by Ms. Weisel, to close the Public Hearing. All in favor. Motion carried.

Ms. Lawrence read through the criteria:

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 said that no undesirable change is being produced. The*

neighborhood will not be changed. The water problem was not determined and is not within this Board's purview, but will be addressed with the building permit.

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 said they discussed options for a second story to add living space, however, the applicant is handicapped and the first floor addition is necessary since she cannot climb the stairs. We questioned the feasibility of the need for the new bathroom, and there are certain requirements needed by the applicant with regard to accessibility which cannot be done in the existing bathroom.*
3. That the requested area variance is not substantial. *Ms. Lawrence said the applicant has compromised and she commended the architect for revising the plans to reduce the variances.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said the addition will be in line with the deck in the rear and the closet area has been removed. Drainage will be addressed with the building department.*
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 variance. *Ms. Lawrence said it is self-created; however, there are extenuating circumstances; one of the occupants is handicapped.*

Mrs. Lawrence asked each member to vote on this application.

Ms. Lawrence: Yes

Mr. Maloney: Yes

Ms. Rachlin: Yes

Ms. Weisel: Yes

Ms. Lawrence moved, seconded by Ms. Weisel, that these variances be granted and Counsel Addona be directed to draft a resolution memorializing the discussion to include standard conditions, the most recent plan, and compliance with stormwater management. All in favor. Motion carried.

NEW PUBLIC HEARING – My Tokyo & Cha - 31 Main Street

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, February 12, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Dennis Noskin, AIA
Dennis Noskin Architect, PC
100 White Plains Road
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) in order to convert a vacant retail space to a restaurant use.

The property is located at 31 Main Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.40, Block 17, Lot 18 and is in the RR (Restricted Retail) Zoning District.

The variances sought are as follows:

Code Description 305-39 Restricted Retail 305 Attachment 10	Required	Existing	Proposed	Variance Required
305-63.D(1) Schedule of Off-Street Parking Requirements: Restaurant 1 per employee + 1 per 3 seats or 1 per 100 gross sf (11 Seats/3 + 3 employees = 7)	7 Spaces	0	0	7 Spaces
305-63.F(2)(e) Minimum Off-Street Loading No Parking in a side yard	1 Space	0	0	1 Space

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 approvals are required by the Planning Board and the Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: February 2, 2018

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

Dennis Noskin, R.A., the project architect, introduced himself and his client. He presented the plan and explained that the space has been vacant for some time, but it was last used as a physical therapist’s office. The applicant would like to convert this retail space into a Sushi Restaurant. He went over the interior layout of the space and said they will have eleven seats. Parking regulations require a variance for 7 parking spaces and one loading space.

Ms. Lawrence commented that this is all about parking on Main Street. There is limited parking, if any, and in the past, they have asked applicants to have their employees not

park on the street. The applicant advised the Board that he lives on Main Street and will be walking to work.

Ms. Lawrence asked if anyone had any comments. No one appeared.

Mr. Noskin advised the Board that they are before the Planning Board for site plan approval for a change of use from retail to a restaurant.

Counsel Addona stated that this is a Type II action and no further action is required for SEQRA.

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

Ms. Lawrence read through the criteria:

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 said that no undesirable change is being produced. The neighborhood will not be changed. There are many restaurants in this area so this will fit in.*
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 said there is limited parking on Main Street and the applicant cannot provide parking on his property.*
3. That the requested area variance is not substantial. *Ms. Lawrence said most of these parking variances are substantial but the reality is there is no parking on Main Street.*
4. That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Lawrence said there should be no adverse effect, there may be more traffic, but food deliveries are made in the early morning.*
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 variance. *Ms. Lawrence said this is not self-created; there is simply not enough parking on Main Street.*

Mr. Maloney moved, seconded by Ms. Rachlin, that these variances be granted and Counsel Addona be directed to draft a resolution memorializing the discussion to include standard conditions. All in favor. Motion carried.

NEW PUBLIC HEARING – Joseph and Julie Fiore - 230 Crest Drive

Counsel Addona read the Public Hearing notice:

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, February 12, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Joseph and Julie Fiore
230 Crest Drive
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for additions and alterations to a single family home.

The property is located at 230 Crest Drive, Tarrytown, NY and is shown on the tax maps as Sheet 1.90, Block 64, Lot 13 and is in the R 10 Zoning District.

The variances sought are as follows:

Code Description	Permitted (Required)	Existing	Proposed	Variance Required
Attachment 5, Column [12] Side Yard Setback	12 ft.	7.6 ft.	7.6 ft.	4.4 ft.
Attachment 5, Column [13] Two Side Yards Setback	26 ft.	19.5 ft.	19.5 ft.	6.5 ft.
§305-63 C.(3)(c) Parking in front yard setback	25 ft.	17.0 ft.	4.0 ft.	21.0 ft.
§305-5 – Light Exposure Plane & 305- Attachment 5:1 (notes section)	12 ft.	n/a	22 ft. 6 inches	10 ft. 6 inches

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 approvals are required by the Planning Board and the Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: February 2, 2018

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

Joseph Fiore, the applicant, who lives at 230 Crest Drive, introduced his wife, Julie and informed the Board that his architect, Sam Vieira, was unexpectedly called away and could not attend this evening's meeting. He explained that they were putting an addition on their home which requires some variances. He said they are before the Planning Board for site plan approval and, at the January Planning Board meeting, the neighbors next door expressed concern about the light plane and the possibility of losing sunlight into their home. In response to this concern, they have revised the roof plan which should open it up and allow for more sunlight. This plan was distributed to the Board by the secretary before the meeting and will be made part of the record. Mr. Fiore presented the new hip roof plan and pictures of homes on the street that are close by to their home, which the Board reviewed. Mrs. Fiore pointed out some of the homes that used to be ranches.

Ms. Lawrence confirmed that they are going from a 3 bedroom 1,200 square foot home to a 4 bedroom with 2,600 square feet. Mr. Fiore said the bedrooms will be on second floor, the living room, kitchen and dining and play area will be on first floor. Ms. Lawrence asked about space over the garage. Mr. Fiore said there is no basement and he works in the city and gets home late, he works from home every other week so it could function as a home office. Mrs. Fiore said this is an important space to them.

Mr. Pennella said he would like an opportunity to review the light plane to see the impact.

Ms. Lawrence said she has a problem with the parking in the front yard setback which the Board looks at carefully. Mrs. Fiore explained that Crest Drive is a very narrow street, there is no street parking and only one car can park in the driveway. This expansion would take a car off the street and make it easier for other vehicles to drive on the street. Ms. Lawrence said you can fit 2 cars in the existing driveway, but she is aware that it is not possible to fit most cars in the garages in this area.

Ms. Lawrence asked how many children they have. Mrs. Fiore said they have two children and they hope for more.

Ms. Lawrence asked if anyone in the public had any questions.

Barry Agdern, of 224 Crest Drive, who lives next door to the applicant, was pleased to see that there was a new plan submitted for the light plane. He would like a chance to review this plan and have the public hearing continued.

Mr. Agdern is in agreement about widening the driveway. Crest Drive was designed as a meandering country lane and he is concerned about response vehicles having full access to the street when responding to emergencies. With fewer cars on the road, it will be much easier for them to maneuver. He is, however, against everything else. He feels there may be an error in the light plane study because both houses are based on the same base line to calculate the plane; however, the houses sit at different

elevations. He submitted a picture to the Board for the record to show the two homes. He believes that there is a 4 foot difference in the elevation of the two homes which is not reflected in the original light plane plan. He would like this reviewed and corrected.

Mr. Pennella said he will review the light plane and communicate with the architect to see if there are any disparities. In addition, with regard to the curb cut, the maximum width of the curb cut will need to be met. This can be addressed at planning.

Ms. Lawrence advised Mr. Agdern to come back to the meeting next month.

Ms. Lawrence asked if anyone else in the public had a question or comment.

Ryan Lucia, of 283 Crest Drive, advised the Board that he lives at the end of the street. He would welcome anyone looking to widen their driveway in this area.

Mr. Agdern added that the equipment has gotten much bigger over the years and it is harder for fire trucks to get through with vehicles parked all over the roadway. Mrs. Agdern said sometimes they cannot get by and they blow their horn.

Mr. Lucia said commercial vehicles park on the street too. Generally, Mr. Lucia said the Fiore's are outstanding people. He thinks compromise is good and he hopes the neighbors can work it out. They need more room, they are a growing family.

Ms. Lawrence asked Mr. Fiore if they considered going out the back. Mr. Fiore said his architect said it would be cost prohibitive and disruptive to the area and they wanted to keep a backyard for the kids.

Jane Agdern, of 224 Crest Drive, would like to know how tall the roof is over the main part of the house and how much is the attic. Mr. Fiore said that is a question for his architect who will answer it next month.

Mr. Maloney moved, seconded by Ms. Lawrence, to continue the public hearing at the March 12, 2018 meeting. All in favor. Motion carried.

ADJOURNMENT

Ms. Lawrence moved, seconded by Mr. Maloney, and unanimously carried, that the meeting be adjourned – 8:30 p.m.

Liz Meszaros- Secretary