

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
February 10, 2020 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Rachlin, Kim, Sgammato; Alternate Member Braun; Counsel Addona; Village Engineer Pennella; Secretary Meszaros

ABSENT: Member Weisel, Alternate Member Jolly

Chairwoman Lawrence called the meeting to order at 7:35 p.m.

APPROVAL OF MINUTES – January 13, 2020

Ms Lawrence moved, seconded by Mr. Kim, with Ms. Sgammato and Mr. Braun abstaining, to approve the minutes of the January 13, 2020 meeting as submitted. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING–Theodora Pouloutides– 59 N. Washington St.

The applicant has requested an adjournment and will appear before the Planning Board first in order to do a SEQRA review.

Ms. Lawrence moved, seconded by Ms. Rachlin, to request that the Planning Board be Lead Agency for the SEQRA review for this application. All in favor. Motion carried.

Mr. Kim moved, seconded by Ms. Rachlin, to adjourn this application to the April meeting. All in favor. Motion carried.

NEW PUBLIC HEARING – Trevor Spearman, R.A. – 165 Crest Drive

The following public hearing notice was provided 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, February 10, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Trevor Spearman, R.A.
245 Saw Mill River Road #106
Hawthorne, NY 10532

For a variance from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for an addition of a front portico and rear additions to an existing single-family dwelling. The property is located at 165 Crest Drive and is shown on the Tax Maps as Sheet 1.80, Block 57, Lot 10 and is located in the R-10 zoning district.

The variances sought are as follows:

Code Description Section §305-20, Attachment 5	Required	Proposed	Variance Required
Column 11: Front Yard Setback - Portico	25 feet	22.33 feet	2.67 feet
Column 12: Side Yard Setback – East Side	12 feet	9 feet	3 feet
Column 13: Two Side Yards Setback	26 feet	22.61 feet	3.39 feet

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.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: January 31, 2020

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

Ms. Rachlin moved, seconded by Mr. Kim, to open the public hearing. All in favor. Motion carried.

Trevor Spearman, R.A., appeared on behalf of the owners, Mr. and Mrs. Kelly, who were also in attendance. He presented six pictures of the proposed improvements to the residence which he briefly went over them for the benefit of the public and the Board.

He showed the area of the proposed front covered porch area in the front of the home. They are seeking a 2.67 feet front yard variance in order to push it out a bit so they can maintain a healthy distance to clear what would be a more substantial column than what exists now.

With regard to site-line or vista interference, he showed a view from the rear of the residence toward the edge of the path indicating that there would be only a sliver of site-line or vista interference with no shadows or interference with the neighbors' enjoyment.

On the right of the property, he showed the area where they are squaring off a piece to provide for a more functional kitchen. He showed the second floor addition in the rear and then a close up of the area which will be used as a guest, exercise room, or office. He noted that this area complies with the setbacks but in combination with the kitchen bump out on the other side it does not meet the setback requirements and triggers the 2

side yard setback variance. Filling in this void gives the kitchen a much nicer layout and makes it more functional. He is asking that 9 feet be allowed where 12 feet is required. This is a 25% variance, which may seem large, but it should be noted that the existing home is 7.2 feet away so it is less offensive.

Ms. Spearman feels that these variances are not significant when compared to the improvements made to the property. There is no view or vista interference from the neighboring properties. There is no detriment to the neighborhood; they are bringing up the house and adding detail with a new covered porch. A new gable roof will also open it up and penetrate more light.

Ms. Lawrence asked Mr. Spearman if there will be a door from the office out to the front deck. Mr. Spearman said that there will most likely be door which they both agreed would be better than a window.

Ms. Lawrence asked if the neighbors have been notified and if there were any concerns. Mrs. Kelly advised the Board that they have called their neighbors and welcomed them to see the plans and no one has had any objection to the proposed improvements.

Ms. Lawrence asked if anyone in the public or staff had any questions. No one appeared.

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

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

Ms. Lawrence read through 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 there does not seem to be an undesirable change in the neighborhood; it appears to be a desirable cosmetic change and the new front porch is welcoming.*
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 that the applicant can pursue other than the area variances given the configuration of the lot.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that one of the variances appears substantial but one of the additions is quite small.*
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*

stated that this action will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood.

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 stated that although this was self-created it does not preclude the granting of these variances.*

Ms. Rachlin moved, seconded by Mr. Kim, to approve this application and authorize Counsel Addona to prepare a resolution memorializing the Board's discussion to include the general standard conditions. All in favor. Motion carried.

NEW PUBLIC HEARING – The Scipioni Group, LLC Crest Drive

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 10, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

The Scipioni Group, LLC, 4 John Street, Tarrytown, NY 10591

To amend the Zoning Board Approval dated December 10, 2018 to allow for the demolition of the existing building down to the foundation in order to construct a two-family dwelling with an attached garage to principal building, the addition of a second story above the attached garage and the expansion of the attic. The original approval was to renovate the structure rather than remove the structure down to the foundation.

The property is located at 41 John Street in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 36, Lot 8 and is located in the M-2 Zone.

The December 10, 2018 approved variances from Chapter 305 of the Village of Tarrytown Zoning Code remain unchanged and are as follows:

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.

§305-32 M-2 Multi-Family Attachment 6:1	Required/ (Permitted)	Existing	Proposed	Variance Required
Column(10) Total Coverage all Buildings	(30%)	69% 1,865 SF	79.6% 2,154 SF	49.6%
Column(11) Minimum Front Yard Setback John Street	20 feet	1.6 feet	1.6 feet	18.4 feet
Column (11) Minimum Front Yard Setback W. Elizabeth Street	20 feet	8.0 feet	8.0 feet	12 feet
Column (12) Minimum Side Yard Setback	8 feet	0 feet	0 feet	8 feet
Column (14) Min. Rear Yard Setback John Street	26 feet	1.3 feet	1.3 feet	24.7 feet
Column (14) Min. Rear Yard Setback W. Elizabeth Street	26 feet	0 feet	0 feet	26 feet
305-31 A (3) (c) Minimum Distance Between Multifamily Structures–45 John St.	25 feet	1.3 feet	1.3 feet	23.7 feet
305-63 D (1) Minimum Off Street Parking 1- 2 Family (2 per D.U.)	4 spaces	2 spaces	2 spaces	2 spaces

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 by the Planning Board.

By order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: January 31, 2020

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

Sam Vieira, R.A., the project architect, appeared before the Board to represent the applicants who were unable to attend this evening.

Mr. Vieira briefly described the history of the application. In December of 2018, the applicant was granted a series of variances which allowed them to permit the renovation of the existing home at 41 John Street. The footprint was unchanged, the garage was connected, a second story was added above the garage and the roof line was modified but remained within the ridge height for a half story.

Mr. Vieira referred to the public hearing notice which seeks an amendment to the December 10, 2018 approval to allow for the demolition of the existing building down to the foundation in order to construct the two-family dwelling. The original approval was to renovate the structure rather than remove the structure down to the foundation. He explained to the board that the house is an existing brick structure on the exterior walls and due to the large amount of renovation for the new design and there was an error in the measuring of the height of the building, a substantial amount of brickwork will be necessary to create all of the new openings. The building also had to be lowered by two feet to meet the criteria that was approved. The smallest bid they have received in order to modify the brick is \$90,000, which is very substantial. This work would require wood framers to come and then the masonry and it would continue back and forth extending the length of construction. It is a very tight space and I am sure that everyone in the neighborhood would like the renovation to be done as soon as possible. If the Board amends this approval to allow for the demolition of the structure down to the foundation, the construction period will be shortened.

Mr. Vieira also advised that since the building is being taken down, they will be required to go before the Planning Board for site plan approval.

Mr. Vieira is asking the Board to amend the approval to allow them to demolish the building down to its foundation and build the same building in a wood frame manner with the same approved variances, including the parking.

Ms. Lawrence asked if the original application included a variance for the parking spaces. Mr. Vieira said yes and the current notice re-iterates all of the variances that were approved.

Ms. Lawrence asked if they have heard from any of the neighbors.

Mr. Vieira said that he has spoken with Jeff Eagan who runs Christ Church located across from this property. Mr. Eagan wanted to confirm that access to their building and food pantry would not be affected by the demolition or construction process; otherwise he had no concerns with the project. Mr. Vieira will work with the building department and police department so that traffic will also have minimal impact.

Ms. Lawrence confirmed that the plans are identical but the only change is that the building will be demolished.

Mr. Kim asked if the garage will come down. Mr. Vieira confirmed that the garage will remain.

Ms. Sgammato asked how long the entire process will take. Mr. Vieira said probably about one year. Logistically it is a very difficult site. Material shows up and it will be done in stages. Any project in the village takes a longer time than usual. They will work with the police department to be able to use the parking spaces for deliveries.

Mr. Vieira advised that this demolition triggers Planning Board approval since it is now new construction. He wanted to mention this since it may affect SEQRA determination.

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

Ms. Rachlin moved, seconded by Mr. Kim, to close the public hearing. All in favor. Motion carried.

Ms. Lawrence read through 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 there will not be an undesirable change in the neighborhood; the house is an eyesore and the neighbors will be pleased that it is being improved.*
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 that the applicant can pursue other than the area variances given the size and configuration of the lot and the existing brick foundation.*

3. That the requested area variance is not substantial. *Ms. Lawrence stated that the variances appear substantial but they are all pre-existing non-conforming given the lot size and based upon the financial burden which has been explained, the amendment to demolish the building seems reasonable.*
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 stated that this action will not have any adverse effect or impact on the physical or environmental conditions in the neighborhood.*
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 stated that it was a pre-existing non-conforming lot so it was not self-created.*

Ms. Rachlin moved, seconded by Mr. Kim, to amend this application to allow for the demolition, rather than the renovation of the existing building, in order to construct a two-family dwelling and, in addition, authorize Counsel Addona to prepare a resolution memorializing the Board's discussion to include the general standard conditions. All in favor. Motion carried.

ADJOURNMENT

Ms. Lawrence moved, seconded by Mr. Kim, and unanimously carried, that the meeting be adjourned – 8:02 p.m.

Liz Meszaros- Secretary