

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
March 9, 2020 7:30 p.m.

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

ABSENT: Alternate Member Jolly

Chairwoman Lawrence called the meeting to order at 7:30 p.m.

APPROVAL OF MINUTES – FEBRUARY 10, 2020

Ms. Rachlin moved, seconded by Mr. Kim, with Ms. Weisel abstaining, to approve the Minutes of the February 10, 2020 meeting as submitted. All in favor. Motion carried.

Ms. Lawrence announced the following adjournment.

CONTINUATION OF PUBLIC HEARING

Theodora Pouloutides
59 North Washington Avenue
Variances needed to permit 5 units in one structure where
the village zoning code §305-32 A permits a maximum of
4 dwelling units and other variances related to the 5th unit.

Ms. Lawrence moved, seconded by Mr. Kim, to adjourn this application to the April Meeting, pending a SEQRA review by the Planning Board.

NEW PUBLIC HEARING – Annsville Ventures Inc. – 15 Baylis Court

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 pm on Monday, March 9, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Annsville Ventures Inc.
7 Corporate Drive
Peekskill, NY 10566

For variances from chapter 305 of the Village of Tarrytown Zoning Code in order to construct a new three family residence. The property is located at 15 Baylis Court and is shown on the tax map as Sheet 1.40, Block 16, Lot 38 and is in the M-1 Multi-Family Residential Zoning District.

The variances sought are as follows:

Code Description Section 305 Attachment 6	Required	Existing	Proposed	Variance Required
305-33.A(3)(C). Min. distance between multifamily structures	25 Ft.	n/a	10 Ft.	15 Ft.
Column [7] Width at front of Building	50 Ft.	n/a	46.68 Ft.	3.32 Ft.
Column [12] Min. for each side yard	15 Ft.	0 Ft.	5 Ft.	10 Ft.
Column [13] Minimum 2 side yards	30 Ft.	0 Ft.	14.8 Ft.	15.2 Ft.
305-47.B Parking in front yard setback	Not permitted	n/a	8 Ft.	8 Ft.
305-63.D Off Street parking and loading (2.5 per D.U.)	7.5 spaces	0 spaces	6 spaces	1.5 spaces

Additional approvals will be needed from the Planning Board and Architectural Review Board.

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 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 will be required by the Zoning Board of Appeals and the Architectural Review Board.

By Order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: February 28, 2020

The mailing receipts were received and the signs were posted. Board members visited the property. Ms. Lawrence moved, seconded by Ms. Rachlin, to open the public hearing.

Sam Vieira, R.A., the project architect, appeared before the Board on behalf on the applicant. Mr. Vieira gave a brief history of this property, which is an undeveloped lot on Baylis Court. The Board granted variances for the project and approvals were also granted by the Planning Board and Architectural Review Board back in 2016. The Zoning Board approval has since lapsed and the property has also been sold to his client, who is present this evening.

Mr. Vieira briefly went through the variances that they are seeking in order to build the new 3 family home on this undeveloped lot, all of which are listed in the notice.

The code requires a minimum distance of 25 feet between 2 structures. They are providing 10 feet and will require relief of 15 feet.

The code requires a 50 foot lot width. They only have a width of 46.68 feet and will require a variance of 3.32 feet to meet this requirement.

The structure has been sited to allow 5 feet on each side, however the code requires a minimum of 15 feet which will require a variance of 20 feet.

The code requires a minimum of 30 feet for two side yards and they are proposing 14.8 feet and will need relief for 15.2 feet.

They are proposing parking in the front yard in order to provide off street spaces. Parking in the front yard is not permitted. They are proposing 8 feet and will require a variance of 8 feet.

With regard to off street parking, 7.5 spaces are required for the 3 units. They can provide 6 spaces and will require a variance of 1.5 spaces.

Mr. Vieira noted that there are also steep slopes that they are disturbing. Counsel Addona advised that a steep slope waiver is sought through the Planning Board and does not fall within the purview of the Zoning Board.

Mr. Vieira showed a streetscape of the proposed home with the 2 multi-families to the south and the single family home to the north. He also showed the parking layout which was approved back in 2016.

He noted that the lot line adjustment that was supposed be filed but it did not happen. An easement was granted for access and it is noted on the survey and the filed maps of the easement are included in the application.

Ms. Lawrence advised Mr. Vieira that only she and Ms. Weisel were on the Board when this project was approved back in 2016.

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

Ms. Lawrence asked if staff or Board members had any questions.

Mr. Kim asked about the overhang on the plan. Mr. Vieira said the overhang sticks out 18 to 24 inches from the building and does not count toward the setback. Mr. Vieira commented that there is some rock in the back and they are not sure if they will

continue the basement to full depth. They may have to reduce that area to a crawl space, but they are providing the parking on-site.

Mr. Kim asked Mr. Vieira to explain the parking layout. He said there are 3 garages and a car will be parked in front of each door so that there are 2 spaces per unit. Based on the scale, he wants to make sure that the spaces are maneuverable. He would like Mr. Vieira to show the spaces on the plan.

Mr. Vieira said the cars will be able to maneuver out of the curb cut. It is a pull in-pull out situation. There is no turnaround. Mr. Kim said while it is not this Board's purview, they need to make sure that the parking area will be useable.

Ms. Lawrence feels that the parking is awkward. Mr. Vieira said that each unit controls its own parking situation and the maneuverability was addressed with the village engineer at the last site plan. The spaces all indicate the proper stall size which are larger than cars. Mr. Kim requested that this information be put on the plan to see that the cars can maneuver. It does not take much to show it on the plan. Mr. Vieira just wants the Board to know that this parking layout was approved by the Planning Board.

Ms. Lawrence asked Mr. Vieira if the Fire Department had any concerns with the site. Mr. Vieira said that the Fire Department was concerned about the elimination of parking spaces and were glad to see that they had provided on-site parking back in 2016. The landscaping plan was also modified back then for easier access.

A discussion took place about the parking. Ms. Rachlin asked how many spots will be eliminated from the street. Mr. Vieira said 2 spots will be eliminated from the street. The way it is striped now, it would have eliminated 4 spots.

Ms. Weisel asked how far back do the garage doors begin from the corner of the property to the homes on the other side. Mr. Vieira showed on the map that there is a progression. The multi-family home on the other side is closer to the street. They are not as far back as the main part of the existing house.

With regard to the roof height, Ms. Weisel asked if there is an issue of light exposure. Mr. Vieira said the roof is slightly taller because of the roof pitch. There is no height variance needed; he felt the pitch of the roof was more architecturally correct.

Ms. Lawrence asked Mr. Vieira to describe the homes on the street. Mr. Vieira showed the streetscape indicating quite a few multi-family and some single family residences with the homes close together with limited parking provided on the properties.

Ms. Lawrence asked if anyone in the public would like to speak.

John Robilotto, 17 Baylis Court, expressed his primary concern about the parking situation on the block. He explained that many residents who have on-site parking still park on the street anyway. He is hoping that these 6 spaces will be used by the new

residents and they will not park on the street. He is also looking into the possibility of creating a parking space on his property and is curious how this application may affect his application.

Ms. Lawrence advised Mr. Robilotto that every application is different. She is pleased that this applicant is providing the off-street parking which is a plus.

Mr. Robilotto requested that Mr. Vieira email the plans to him so that he can review them.

Ms. Lawrence would like to adjourn the meeting until next month so that Mr. Vieira can provide a detailed plan of the parking area to show that cars will be able to maneuver and also give Mr. Robilotto the opportunity to review the plans.

Ms. Weisel moved, seconded by Ms. Rachlin, to adjourn the meeting to April 13, 2020. All in favor. Motion carried.

NEW PUBLIC HEARING – Azizi 25 S.Broadway Realty LLC, 25 S. 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, March 9, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Azizi 25 South Broadway Realty LLC
25 South Broadway
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the conversion of one-dwelling unit into two-dwelling units above a retail space.

The property is located at 25 South Broadway is shown on the Tax Maps as Sheet 1.70, Block 35, Lot 3 and is located in the RR zoning district.

The variances sought are as follows:

Code Description Section 305-39, Attachment 10	Required	Proposed	Existing	Variance Required
§305-39 C.(3) Minimum lot area	5000 sq. ft./ business, 1,000sq. ft./dwelling space above business	4,480 S.F.	4,480 S.F.*	1,000 S.F.
§305-63 D. (1) Off Street Parking Spaces: 2 ½ sp./d.u., 1 sp./employee 1 space for 300 sq. ft. (*existing non-conforming	11 spaces – all uses	0	0 (prior approval)	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 will be required by the Planning Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board
Dated: February 28, 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 representing Mr. Azizi, also present is here to answer any questions this evening. Mr. Vieira gave a brief history of the property. The records are ambiguous but in 1991, there was a legal fight with the village and the applicant abandoned his idea for a 3 family with retail on 1st floor. In 1994, when Mr. Azizi purchased the property. Mr. Stein was the Building Inspector then and it was mandated that the 2nd and 3 floor would remain as a single unit, the south side of the 3rd floor would remain commercial, and the north side would be a one bedroom apartment. In 1994, Mr. Azizi occupied the house by moving the tailor shop to the south half of the first floor, with an apartment unit of the north half and a single unit occupying the 2nd and 3rd floor.

In 2006, Mr. Azizi expanded his tailor shop into the first floor for additional work space so he effectively gave up that second unit to expand for his business.

Mr. Azizi is here this evening to request relief to maximize the rental potential of his property and bring it back to the same occupancy that was agreed upon in 1994.

He would like to convert the large apartment and break it up into 2 units. So basically, he would like to maintain the tailor shop on the entire first floor, convert the second floor to a 2 bedroom and convert the third floor to a 1 bedroom. They are requesting a small addition at the rear of the property to build an enclosed stairway for access to each apartment.

This additional unit will require a lot size variance of 1000 s.f. With regard to the parking relief, parking relief was granted in a prior approval. The additional parking required to convert to the 2 dwelling units is 3 parking spaces.

Ms. Lawrence confirmed that there is no parking on site at this location and has concerns. She asked Mr. Vieira is there was some way that the owner could make an arrangement with the village to use the municipal lot.

Mr. Pennella advised that the village no longer has a lease for this lot. It has reverted back to the property owner.

Ms. Lawrence stated that the units did exist before so that may not be so much of an issue. She also noted that there is no on-site parking for the tenants at 19 South Broadway.

Mr. Kim was confused about the number of spaces they are requesting since they cannot provide any off-street parking. Mr. Vieira explained that the parking requirement for the site is 11 spaces. It was already, pre-existing non-conforming so it is an increase in the non-conformity. Therefore, they only need a variance of 3 spaces to provide for the additional unit which is indicated in the denial letter.

Mr. Kim suggested looking into the possibility of requiring the tenant to purchase a resident parking permit which allows overnight parking in some of the lots. He thinks it costs about \$300 to \$400 annually. He noted that some residents in this area do use this option and it is available to all residents.

Ms. Vieira said there is no parking on site and it is physically impossible to access the backyard from the front. He reminded the Board that variances had been granted for 1-7 Main Street. They were also not able to provide any parking and ultimately got their approvals. He referred to the station area study and talk of lowering the parking requirements. He feels that the parking requirements should be more in line with what is being proposed at the station area. Ms. Lawrence said that they do not know what will happen in the train station area but she does understand Mr. Vieira's point. Mr. Vieira said that the parking requirements for the village are very strict and it would benefit the village if the Board of Trustees reviewed the parking requirements.

Ms. Lawrence said that they have granted variances to the store owners however they do pay into the parking fund if they cannot provide the required parking.

Ms. Lawrence did acknowledge that the owner has been here for many years and she understands his plight.

Mr. Pennella suggested that maybe the owner can contact the new tenant of 35 South Broadway to see if they would be inclined to rent out any of their spaces.

Mr. Vieira said that he will reach out to the new owner, but does not feel that he will be successful, from a practical standpoint. Mr. Pennella thinks it worth a try.

Ms. Lawrence also asked that Mr. Vieira provide information on the overnight permits that may be available in the village lots.

Ms. Lawrence asked if anyone in the public would like to speak. No one appeared.

Counsel Addona feels that this information should be submitted before the next meeting so that the Board can consider the variances.

Mr. Vieira will find out how many permits are issued for overnight residential parking and if possible if there is an overload of overnight parking in the lot to get an idea of who parks there. He will also contact the new owner of 35 S. Broadway to ask if there is a possibility to rent spaces.

Mr. Braun asked Mr. Vieira what the most logical street parking location is for the tenants to park. Mr. Vieira said the best place to park would be between Elizabeth Street and Main Street. Mr. Kim said that the meters there are fairly vacant overnight except when there is a Music Hall event.

Mr. Vieira also stated that his client shuts down his tailor business around 5 pm so after 5 pm, the business on the first floor goes dark, which frees up parking.

Ms. Lawrence also noted that there seems to be parking spaces in front of the Christ Church which are vacant at night, which is another alternative.

Ms. Rachlin moved, seconded by Ms. Weisel, to adjourn this application to the next meeting on April 13, 2020. All in favor. Motion carried.

NEW PUBLIC HEARING – E. F. Schools, Inc. – 25 Irving 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, March 9, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

E.F. Schools, Inc.
100 Marymount Avenue
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the construction of a new single family home.

The property is located at 25 Irving Avenue and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.80, Block 43, Lot 1.2 and is located in the R-20 Zone.

The variances sought are as follows:

Code Description – R20 Zone Section 305-18, Attachment 5	Required	Proposed	Variance Required
Column [6] Minimum Lot Size	20,000 sq. ft.	10,434 sq. ft.	9,566 sq. ft.
Column [7] Width at Front of Building	120 ft.	92 ft.	28 ft.
Column [7a] Required Min. Street Frontage	120 ft.	117 ft.	3 ft.
Column [14] Rear Yard Setback (house)	32 ft.	30 ft.	2 ft.

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 will be 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 28, 2020

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

Anthony Carnevala, the project builder, appeared with Christian Miller, Director of Facilities at E.F School. Also present, Andrea Arakaki, the Director of E.F. Schools. Mr. Carnevala is requesting the following variances needed in order to construct the new home on a substandard lot. The home will be used by the Director of E.F. Schools and her family. E. F. Schools owns the property. They are proposing to demolish the existing structure on the lot which is in severe disrepair. The relief they are asking for is due to the oddity of the lot. The lot is in the R-20 zone and does not meet the requirements for lot size, width, street and frontage. There is currently an existing structure which is in severe disrepair which will be demolished.

The required lot size is 20,000 s.f. The existing lot size is 10,424 s.f. which requires a 9,566 s.f. variance. They are also short on lot width by 28 feet, street frontage by 3 feet and will need a 2 foot rear yard variance.

The new home is sited in the same location but will be 5 feet longer than the existing footprint. The back of the house will face toward the lake.

Ms. Lawrence asked why they can't site the home facing the street.

Mr. Carnevalla said if they rotate the home, there will be a privacy issue for the director and her family. They are proposing a deck with a pergola in the back to make it look like the front of the house.

Ms. Lawrence and Mr. Kim feel that it seems that there would be more privacy if the house was sited differently.

Mr. Carnevalla said the garage will be on Irving Avenue. The garage will look nice with raised panels and nice trim. The back of the house will have a nice deck with lattice and a pergola. It will look nice coming up the road.

Mr. Kim was confused about the 2 garage doors shown on the plan. Mr. Carnevalla explained that one garage is a little shallow because of the stairs going down into the basement. They wanted to put the 2 doors there to make it look better. The smaller side could be used for storage. He can revise the plan to have just one door. Mr. Kim said the house is inverted and he feels that this is a strange approach. He is also not happy with the landscaping.

Mr. Carnevalla said he will take the garage door off and narrow off the driveway.

Ms. Lawrence asked if the house was sited for the access to the garage.

Ms. Arakaki, Campus Executive Director of E.F. Schools, came up and explained that the house is facing the dining hall, the other side is student housing for the school.

Ms. Lawrence said it has been sited like this for quite some time. People are used to it. She understands the privacy aspect. Mr. Carnevalla said the neighbors seem happy that the home will be improved.

Ms. Arakaki also stated that a neighbor at the Planning Board meeting said that he was pleased that the new home will be coming.

Ms. Lawrence confirmed that the home will be a modular.

Mr. Carnevalla said it will be a low impact with modular with a minimal impact to the area during construction. The other driveway will be removed.

Ms. Lawrence asked if anyone in the public would like to speak. No one appeared.

Mr. Kim asked when the home was built. Mr. Pennella said it was built in the 30's.

Mr. Kim said the orientation is different but E.F. School came after this house was built. Yes, Mr. Pennella said that Gaines Hall was built in the 50's.

Mr. Pennella said that the home has been vacant for at least 3 years. Christian Miller said it was used as a medical site when Marymount was there. It was like a clinic set up. Ms. Lawrence said they did not go inside at the site visit due to safety reasons and she also recalls that a tree fell on its roof so it is really not a viable structure at this point.

Ms. Lawrence is concerned about the siting of the home. Ms. Weisel feels that part of the criteria variance considers the character of the neighborhood and the siting is a problem for her. Privacy issues can be dealt with. Ms. Lawrence said it was a different era then. She would like to adjourn until next month and request that the applicant submit a rendering of the home turned around for the Board to consider.

Ms. Rachlin moved, seconded by Ms. Weisel, to adjourn the public hearing until the next meeting on April 13, 2020. All in favor. Motion carried.

NEW PUBLIC HEARING – Diana & Merlin Shelstad– 99 Riverview Ave.

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, March 9, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Diana and Merlin Shelstad
99 Riverview Avenue
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 99 Riverview Avenue and is shown on the Tax Maps as Sheet 1.70, Block 29, Lot 20 and is located in the R 7.5 zoning district.

The variances sought are as follows:

Code Description Section §305-21, Attachment 5	Required (Permitted)	Existing	Proposed	Variance Required
Column 11: Front Yard Setback - South	20 feet	8 feet	13 feet	7 feet
Column 12: Side Yard Setback - North	10 feet	5.2 feet	5.2 feet	4.8 feet
§305-25.B, Table 2 – Floor Area Ratio	(43%) (1,997sf)	49% 2,295 sf	59% 2,728 sf	16% 831 sf

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 will be required by the Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: February 28, 2020

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

Merlin Shelstad, owner and applicant, appeared before the Board with his architect, Mary Ting, of Springer and Ting Architects. Mr. Shelstad gave a brief overview of the project.

The property is located at the corner of Riverview Avenue. It is a 2 story Dutch colonial, built in 1925. The project proposed is to replace all of the windows, the entry door, trim, a new roof, a remodel of the bathroom and an addition to add a master suite bedroom. The total living area will increase by 378 s.f.

The home will remain a two story home with no increase in the height. A deck will be added in the rear yard. The front will not change. The variances they are requesting are all related to the back of the house. The basement is unfinished with an attached single car garage. In the 50's, an additional 5 feet was added when cars got bigger. They are proposing to rebuild it and it will be 1 foot shorter. There is an existing deck that serves no useful purpose so they are proposing to square off the house at this point. This area will become a storage room to be connected to the garage rather than placing a shed on the property.

The main part of the home will remain the same. They will eliminate the deck and change the area. The current kitchen has 5 doorways with little wall space so the kitchen will work better. A laundry area will be added on this level and a 12' x 16' deck will come off of the rear of the home.

On the second floor they are proposing to build an addition out to have a master bedroom suite. He showed the elevations. The front of the house facing Riverview Avenue remains the same. The south elevation facing Bridge Street with the exception of the addition of the second level, will look much the same. There will be a low hip roof, not as high as the main roof of the home, with the deck attached with the stair down to the ground. He showed the rear and north elevation with the squaring off of the home with the new deck, addition, and storage area.

This property has a number of non-conforming issues. The minimum lot size is 7,500 s.f. and the existing lot is 4,645 feet. These lot sizes are very typical in this area. There are 34 properties within a 250 foot radius that are undersized lots.

A variance is needed for the extension of the garage which never had a certificate of occupancy. In addition, 20 feet of frontage is required along Bridge Street.

The house is also situated on Riverview which requires a 20 foot front yard setback and on Bridge Street, a 20 foot setback is also required which it does not meet.

They also need a 10 foot side yard and they have only 5.2 feet, which is also typical in this neighborhood. Of the 34 properties, 28 properties are undersized lots and 93 percent have non-conforming side yards.

So the setback variances requested for this project are 7 feet on the south front yard and 4.8 feet for the north side yard.

With regard to the FAR variance, Mr. Shelstad pointed out that their lot slopes down and there is a difference in elevation of 8 feet. This requires him to count the sub portion of his basement in the FAR calculation since it exposes more than 3 feet.

A discussion took place and Mr. Pennella confirmed that the FAR variance was reviewed and the numbers were adjusted and it has been noticed correctly and they require a variance of 831 s.f.

Mr. Shelstad compared their total living area proposal to existing homes around them.

15 Bridge Street – 2645 s.f. with 5 bedrooms
91 Riverview – 2,275 s.f. with 6 bedrooms.
89 Riverview Avenue - 3,343 s.f. with 6 bedrooms.

Mr. Shelstad submitted letters to Ms. Lawrence from Alan and Kathleen Green, of 8 Bridge Street and Kevin Connelly, of 15 Bridge Street. Ms. Lawrence read both letters into the record. Both homeowners have no objection to granting the variances for the project.

Ms. Lawrence asked if anyone in the public or Board Members, had any questions.

Ms. Rachlin confirmed that 15 Bridge Street was behind 99 Riverview Avenue.

Ms. Lawrence asked if they could reduce the square footage in any way to reduce the FAR. Ms. Ting said the bedrooms are still small. The deck is zoning compliant and within the setbacks. The downstairs is just for the laundry.

Ms. Weisel asked if the decks at 99 and 95 line up with each other. Ms. Ting showed a comparison of the 2 lots.

Ms. Lawrence asked about the kitchen and full bath on the first floor. Mr. Shelstad said as they get older with mobility issues, it was suggested that a full bath be put in on the lower floor.

Dustin Glick, of 95 Riverview Avenue, came up and said that he feels that the changes are fantastic. He is concerned about the extension on the second floor and is worried about the light and their view of sky. The homes are incredibly close as you can see from the photos he submitted to the Board. He asked if light exposure has been taken into consideration. He feels that the deck seems quite large. The current deck is taller than theirs. They have not seen all of the plans. He does not have all the information but he is concerned. In addition, there is no privacy screen between the 2 homes. You would need a 20 foot barrier installed for any privacy. He asked if the deck has to be so large and close to his property and is concerned about the shade and light.

Ms. Lawrence asked if it was possible to reduce the size of the deck. Mr. Shelstad said the proposed deck is only 12 x 16 which does not seem large.

Mr. Kim said he is looking at the drawing and he thinks that it should be drawn on the plan. Mary Ting showed Mr. Kim the plan. Mr. Kim would like this submitted for the record.

Ms. Lawrence would like to do another site inspection from the neighbor's home to determine if there is an impact, if that is okay with the neighbor.

Mr. Pennella said the deck is as of right. There is no variance needed to put up the deck. Mr. Pennella reviewed the light plane exposure on sheet A6 and said there is only a small area which is the eve on the roof that projects into the light plane. The roof can be modified so that it is not affected at the building permit stage.

Mr. Glick reviewed the light plane that was submitted.

It was determined that the exposure could be mitigated by making the peak a little higher and get rid of the little corner.

Ms. Lawrence feels that it would be neighborly to show the neighbor where the deck will be.

Ms. Lawrence asked if anyone else in the audience would like to comment.

Ian Colley, of 94 Riverview Avenue, who lives on the opposite side of the street came up and addressed the Board. In the past, when there were concerns with height and view shed, a balloon test was done. There are homes in the area that are non-conforming and he would like to make sure that this trend does not continue. Particularly, the Minnella house, is out of sync with the neighborhood. Some of the

homes are already non-conforming; he does not feel that they should be increasing the non-conformity for future applications and is concerned about setting precedent.

Ms. Lawrence said she would like to conduct the balloon test to determine any effect on the river view. The plans do not indicate that there will be an impact but the neighbor has a concern and they would like to have the test done. Also, the neighbor would like to view the plans.

Ms. Lawrence moved, seconded by Ms. Weisel, to adjourn to next month in order to conduct a balloon test at the next site visit in April. All in favor. Motion carried.

NEW PUBLIC HEARING – Paul and Maria Birgy – 740 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, March 9, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Paul and Maria Birgy
740 South Broadway
Tarrytown, NY 10591

For a permit pursuant to Village of Tarrytown Zoning Code § 305-18(C)(3) and Zoning Code § 305-44(B) to allow a structure certified by the Village of Tarrytown Board of Trustees (“Board of Trustees”) as historic to be converted from a one-family dwelling to two-dwelling units.

The property is located at 740 South Broadway is shown on the Tax Maps as Sheet 1.220, Block 128, Lot 28.5 and is located in the R-20 zoning district.

This property has been designated an Historic Landmark by the Board of Trustees of and a Certificate of Appropriateness has been issued by the Architectural Review Board. Site plan approval will be required by the Planning Board.

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: February 28, 2020

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

Ms. Lawrence recused herself from this application. Ms. Weisel chaired this portion of the meeting.

Counsel Addona advised that the application that is before this Board this evening is different from an area or use variance. The code allows this Board to grant a permit with respect to the following §305-44 B, which applies to all zones in the village.

Counsel Addona read this section of the code and advised that the Board members have each been given a copy.

§305-44 B – General Regulations Applicable to all Districts

“Conversions in historic structures. In structures certified by the Board of Trustees as historic structures, the Zoning Board of Appeals may permit the conversion of a one-family dwelling into a maximum of three separate dwelling units where such conversion is necessary to preserve the historic structures, provided that each dwelling unit shall contain the minimum livable floor area required in that district and further subject to the issuance of a certificate of appropriateness by the ARB.”

David Barbuti, R.A., appeared before the Board, representing the applicants, Paul and Maria Birgy. His client is requesting that the Board grant a permit to allow the additional dwelling unit at the property located at 740 S. Broadway, which has been designated as an “Historic Landmark” by the Village Board of Trustees on April 15, 2019. The Acker house is the only surviving Tenant- Farmer structure remaining in Tarrytown. It was constructed around 1750 with notable associations with the Revolutionary War and Washington Irving. The Birgy’s purchased the home in June of 2019 and intend to convert the present maintenance building into a single family dwelling. The reason for the application is to come up with the necessary funds to maintain the historic integrity of the home. The windows and beams, roof, will be brought back to their historical state. It has been vacant for a number of years and it is a run-down condition which Board members observed at the site visit. It is located in the R-20 zone in a residential neighborhood. It appears to be 2 residences with regard to the character and shape of the property.

Ms. Weisel asked Mr. Barbuti to go through the proposed plan.

Mr. Barbuti showed the first floor consisting of a family room, living room, kitchen and a single bath, connected to the maintenance building which will be converted to a single family dwelling. There will be a pergola off the back but no additions. The second floor of the farmhouse will have 3 bedrooms and 2 bathrooms. The maintenance building has a basement so there is no addition proposed. There is an existing driveway. They are proposing to add 2 parking spaces for the one bedroom unit proposed in the

maintenance building. There will be no change in impervious surface. The façade will be replaced to the original cedar. The tin roof will also be restored.

Mr. Kim said that the floor plan shows a 2 car garage. The elevation shows one garage door. Mr. Barbuti confirmed that there will be 3 doors.

Ms. Weisel confirmed that the existing farmhouse will be renovated and the maintenance building will be converted into a one bedroom unit.

Ms. Weisel is pleased that the landmark will be brought back to its former beauty in a purposeful way. There is no undesirable change they are keeping what is there and beautifying it. Ms. Weisel would like to discuss the cost of construction which was stated as 2.5 times more in order to bring it back. The additional unit would help to offset the construction costs. She would like to know what kind of rental it would be. Mr. Barbuti said Mr. Birgy will be living in the one bedroom, two bath. He would assume it would be rented to the general public. He does not know if the applicant has thought about that yet.

Mr. Kim asked Counsel Addona to clarify the language in the code section which states, “where the conversion is “necessary” to preserve the historic structure” with regard to the costs. Mr. Kim wants to know how the Board determines if the additional unit is necessary. Is there a test?

Counsel Addona said where the conversion is necessary to preserve the historic property is a fact determination. Counsel Addona advised that in the context of the use variance you look at the economics of the situation and the applicant’s position appears to be as a result of the increased costs to restoring and preserving the structure. So as a result of the increased costs, if you want more numbers to determine this cost factor, you could ask the applicant for them. Counsel Addona said this is the first time she has encountered this type of application. Mr. Pennella is also not aware of any applications that have been brought forward in the past.

Mr. Barbuti referred to a breakdown of costs which he thought may be in the package; however it was not included.

Ms. Weisel would like to see the financial piece to this so that when you apply the criteria, it will give it more teeth for their consideration.

Counsel Addona said the code provides additional consideration in terms of being necessary in order to preserve the property.

Ms. Sgammato feels that this income will offset the costs.

Mr. Barbuti will submit this financial information to show the cost prohibitiveness.

Mr. Kim said that in most cases, applicants put a lot of money into restoring these properties. If the Board wants to encourage future preservation of buildings, it might be one of the factors to consider. Counsel Addona said that the Board of Trustees has indicated that they want to encourage these types of projects by already creating a mechanism in the code to have more units than otherwise allowed, but there has to be a balance and a reason for it.

Ms. Weisel would like the financial piece and the rental information to offset the pricing.

Ms. Weisel asked if anyone in the public would like to speak.

Peter Bartolacci, 67 Miller Avenue, came up and raised concern with regard to the finance and economics of this project. He feels that it is important to find out how the property was purchased. Is there a mortgage on the property? It may have an impact on the decision you need to make. We are hearing about the costs to preserve and restore. The applicant purchased the property knowing the costs that would be involved which should have been factored into the purchase decision. It is historic and should be maintained as it was. He feels more information is necessary before we accept the story about the amount of money needed to preserve it and the need to offset that cost with rental income. He feels that the Board is getting hoodwinked and has a lot more information to back this up. He believes that more scrutiny is required on the Board's part.

Ms. Weisel asked Mr. Bartolacci if he submitted a letter to the Board regarding these concerns for the record with regard to the downside of this.

Mr. Bartolacci said he is just saying that there is more to the story than just meeting the offset costs by splitting the property into 2 dwelling units. He thinks more research is necessary to fully understand the motivation of this application.

Sara Mascia, Executive Director of the Historical Society, appeared before the Board. She advised that the Historic Society recommended the Acker house for land marking last year. They spent countless hours researching this site. It is the last tenant-farmer home and one of the oldest homes in Tarrytown. She has watched the restoration and has seen more going into the house than was anticipated in the first place. She visited the property and it does look like 2 houses on one property. The society is excited about this restoration. As far as renting it out, this is the first she has heard. She thought that family may live in both structures. She does not know the end result and they may need to rent it out in order to maintain it. She advised that, in order to maintain a property like this, it does require a lot of money. She also feels that the amount of money needed going into this house is a lot more than what was anticipated.

Charlene Weigel, a volunteer with the Historical Society, came up and said that 150 hours of research was spent on this project to understand its historical significance. The Board of Trustees and the Unification Church also thought that this was an important site which is why it has been landmarked. She noted that the Jug Tavern has

a rental property since it is expensive to maintain an historic structure. In addition, the Rochambeau Odell House has gotten a grant to help the house stand up and survive; so if they do need the money it makes a lot of sense to rent it out.

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

NEW PUBLIC HEARING – 17 Washington Hill LLC - 17 N. Washington Street

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, March 9, 2020**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

17 Washington Hill LLC
P.O. Box 560
Mamaroneck, NY 10543

For a permit pursuant to Village of Tarrytown Zoning Code § 305-40(C)(6) and Zoning Code § 305-44(B) to allow a structure certified by the Village of Tarrytown Board of Trustees (“Board of Trustees”) as historic to be converted to three dwelling units.

The property is located at 17 N. Washington Street and is shown on the tax maps as Sheet 1.40, Block 14, Lot 5 and is in the GB zoning district.

The Board of Trustees is currently considering an application for the property to be designated as an historic landmark. The Applicant is not eligible for the relief requested from the Zoning Board unless and until the Board of Trustees approves the historic designation.

The Applicant will also require site plan approval from the Planning Board and a certificate of appropriateness from the Architectural Review Board.

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 Boards

Dated: February 28, 2020

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

Steven Wrabel, Attorney with the law firm of McCullough, Goldberger and Staudt, appeared before the Board on behalf of the applicant and property owner, Dan Bsharat, also present.

Mr. Wrabel explained that the application before them is not for a variance. Rather, it is for a use permit. The property is located in the GB zone. It was constructed as a warehouse in 1907. They are seeking to renovate the interior structure to accommodate 3 units. In order to increase the unit counts to 3 units, a permit is required from the Zoning Board. It is clear from the ordinance that the intention of the code is to allow developers and property owners a return on investment to cover the cost of renovation, restoring and maintaining the structure. The Board of Trustees has approved this building as a village historic landmark and they are here this evening to seek approval to allow for the 3rd unit in the structure.

Ron Hoina, R.A., the project architect, of Design Development Group, presented the site plan. The 3 story existing building lends itself to the 3 unit layout. Each plate makes a single unit. It will be all new infrastructure and an entire structure upgrade will be needed. Elevator and stairs and deck will be added and parking will be provided in the rear. The idea is to keep the envelope protected while looking the same way.

Ms. Lawrence asked if the building in the back will be demolished. Mr. Hoina said the building will be demolished in the rear to provide for the parking.

A discussion took place about the design of the building. Ms. Lawrence said the ceilings are very high. Mr. Hoina said the heights change for each floor and there may be a possible view from the 3rd floor. The windows will look similar to what is there.

Mr. Pennella said they are here to seek a permit in order to convert the structure into 3 units. They will require approval from the Planning Board and will need additional variances for the parking if this unit is permitted.

Mr. Wrabel understood that there would be shared access drive, owned by a related entity, which is permitted under the code. Mr. Pennella said this is permitted; however, it requires a variance from this Board. Mr. Wrabel referred to section 305-63 C. It was his understanding that as long as a legal agreement is drafted to ensure the parking, it would be permitted. Mr. Pennella said it is permitted but, again, a variance is needed from this Board to allow for the off-site parking. Mr. Wrabel said there will be 5 parking spaces on site and 3 on the other lot.

Everyone in the village is familiar with this building and she is pleased that the facade will be kept, which is a condition of the historic designation approved by the Board of Trustees on March 2, 2020.

Mr. Kim asked Mr. Pennella what his interpretation was with regard to permitted uses in the GB zone. He wanted to know if the intent in this zone was to not have residential on the lower level. Mr. Pennella said he has not seen this in the GB zone, but this is an odd property. It has been vacant for quite some time. He noted the Fit Inn on Central Avenue has retail and residential above.

Mr. Kim is concerned that having a typical apartment on the ground floor may not be a good idea for this area. He would rather see flex space and residential.

Mr. Pennella said there is a property on Kaldenberg that is similar to this site. The ground floor is used for parking but there is no commercial use in this space.

Mr. Pennella asked about the floor elevation. Mr. Hoina said it is 16 feet. He asked if it possible to reserve the first floor for a live work option.

Mr. Wrabel does not think 3 units is out of character for this neighborhood. Having commercial would be more impactful to the neighborhood since there would be a parking and traffic concerns. What they are proposing is a fairly quiet use that accommodates the parking.

Ms. Lawrence confirmed that there is access to the lot in the front and the back.

A brief discussion took place about the design of the interior. Mr. Hoina said that the walls are not running floor to ceiling so that space will feel lofty. Ms. Rachlin asked how tall the walls will be. Mr. Hoina said some areas will be taller than others; some are 9 feet and will be capped. In some areas you will see the upper ceiling but there will be a cap on the bedrooms. There is access to the building both in the front and the back.

Ms. Lawrence asked if anyone in the public would like to speak.

Joanne Sullivan, who lives behind this property, at 56 Central Avenue, came up to express her concerns about the water problem that has existed for many years. There is pipe that taps into Hanks Alley and she gets water all the time. The shed is literally falling apart. She would like these issues addressed with the new construction.

Dan Bsharat, came up and advised that he is also the owner of Hanks Alley and will be happy to address the drainage and fence issue.

Mr. Hoina briefly showed the plans to Ms. Sullivan. Counsel Addona and Mr. Pennella said that these issues will also be addressed at Planning.

Counsel Addona advised the Board that they are looking at the same code provision as the last application which allows this board to increase the number of units where such conversion is necessary to preserve the historic structure. You may want to ask the applicant for this financial information.

Ms. Weisel requested that the applicant submit the financial piece in writing so that the Board can evaluate this in their decision.

Mr. Bsharat said he will submit this in writing as well but, there is a lot of structural work involved to stabilize, restore and maintain the structural integrity of this building. It will cost 1.75 million to complete the work whether they do 2 or 3 units. There is a huge fixed amount of costs that goes into this renovation. If they were to sell them as condos, they would have to sell for \$850,000 just to break even. The 3 units would spread out the costs across the 3 units. There is a reason why the building has been vacant for 20 years. They asked the Board of Trustees to make the façade historic which would be the best way to get to the number of units to make the project viable. There are very few people who would take this risk. Mr. Bsharat stated that he owns the property and there is no mortgage.

Ms. Lawrence moved, seconded by Ms. Rachlin, to adjourn this application to next month. All in favor. Motion carried.

DISCUSSION

Hebrew Congregation of N. Tarrytown and Tarrytown
a/k/a Temple Beth Abraham - 25 Leroy Avenue

Counsel Addona advised the Board Members that the Planning Board has declared their intent to be Lead Agency for the site plan application in accordance with SEQRA. Temple Beth Abraham will be before this Board to seek relief for 39 parking spaces, where 45 are required and they are proposing 6 spaces. Given that parking is within the purview of this Board, Counsel Addona wanted to bring this application to the Board's attention, as an involved agency, so that the Board may weigh in on their concerns, if any, before a SEQRA determination is made by the Planning Board.

Ms. Lawrence moved, seconded by Ms. Rachlin, to direct Counsel Addona to prepare a memo to the Planning Board requesting that the application come before this Board to give them an opportunity to comment on this application before a SEQRA determination is made by the Planning Board. All in favor. Motion carried.

ADJOURNMENT:

Ms. Lawrence moved, seconded by Ms. Weisel, to adjourn the meeting at 10:25 p.m. All in favor. Motion carried.

Liz Meszaros, Secretary