

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
April 8, 2019 7:30 p.m.

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

ABSENT: Alternate Member Jolly

Ms. Lawrence called the meeting to order at 7:30 pm.

Approval of the Minutes – December 10, 2018

Ms. Lawrence moved, seconded by Mr. Kim, to approve the December 10, 2018 minutes as submitted. All in favor. Motion carried.

ADJOURNMENT- Michael and Janiki Degen- 86 Crest Drive

Variance needed for additions and alterations to a two-story single family home.

NEW PUBLIC HEARING - Pete Warnke – 81 Summit Street

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, April 8, 2019**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Pete Warnke
81 Summit Street
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) in order to construct a new open front porch to an existing one-family residence.

The property is located at 81 Summit Street and is shown on the Tax Maps as Sheet 1.190, Block 108, Lot 3 and is located in the R-10 zoning district.

The variances sought are as follows:

Zoning Code Section	Description of Section	Required by Zoning Code	Existing on Property	Proposed by Applicant	Variance Required
305-20	Minimum Front Yard Setback	25 ft.	23.0 ft.	17.0 ft.	8.0 ft.
305-20	Minimum Distance from Each Side yard	12 ft.	4.9 ft.	4.0 ft.	8.0 ft.
305-20	Minimum Distance from Two Side yards	26 ft.	9.5 ft.	19.5 ft.	6.5 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.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: March 21, 2019

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

Mathew Behrens, Architect, appeared before the Board on behalf of the applicant, Pete Warnke, also present, to seek variances in order to construct an open porch onto the existing single-family residence located at 81 Summit Street. This porch will improve the property and curb appeal of the existing residence. He showed on the plan that the nearest property facing the house on the right hand side is well buffered and also the proximity of the home to the thruway. He concluded that there will be no affected properties as a result of this construction. The configuration of the lot makes it a difficult to improve the front of the property since the home is closer to the road, which is why they are seeking the variances.

Ms. Lawrence asked Mr. Warnke if he has spoken to the neighbors about this project.

Mr. Warnke came up and said he has spoken with Nancy and Jim Robinson, who live at 127 Sheldon Avenue, and they are supportive of the project. Ken Mastropietro, who lives at 115 Sheldon Avenue, which is in front of his property, also has no objection to this project.

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

Counsel Addona asked if the Public Hearing Notice was mailed to the abutting property owners and if the receipts were submitted to the secretary. Mr. Warnke advised that he submitted the mailing receipts to the secretary and posted the property sign. Board members also visited the property.

Counsel Addona advised the Board that the noticing was done and although no one is present this evening, surrounding property owners were made aware of the public hearing and if they wanted to come out they had the opportunity to do so.

Ms. Lawrence asked Mr. Behrens to quickly go over the variances needed to construct the porch. Mr. Behren's said an 8 foot front yard setback variance is required. The distance for each side yard will also require an 8 foot variance and the two side yards combined will require a 6.5 foot variance. Mr. Pennella asked Mr. Behrens to show the

building envelope on the plan to the Board. Mr. Behrens showed the building envelope and the configuration of the lot on the plan and said they are staying within the existing side yards.

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. Many houses in the neighborhood are older and do have front porches.*
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 the variances are not substantial.*
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.*

Counsel Addona advised the Board that this is a Type II action with no further action required under SEQRA. Unless the Board has any more questions, they can close the public hearing.

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

Ms. Weisel moved, seconded by Ms. Rachlin, 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 - Olivia Barry – 32 Wildey Street

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, April 8, 2019**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Olivia Barry
32 Wildey Street
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) in order to construct a shed in the rear yard of an existing one-family residence.

The property is located at 32 Wildey Street and is shown on the Tax Maps as Sheet 1.40, Block 13, Lot 10 and is located in the M-2 zoning district.

The variances sought are as follows:

Code Description §305-31 – M 2 Zone	Required/ (Max Permitted)	Existing	Proposed	Variance Required
One Family Dwelling Attachment 6:1 – Column [16]: Minimum Distance from Accessory building to Side Lot Line	12 ft.	n/a	2 ft.	10 ft.
Attachment 6:1 – Column [17]: Minimum Distance from Accessory building to rear Lot Line	12 ft.	n/a	6 ft.	6 ft.
§305-31 (B)(2)(e) Permitted size of shed equal to 1% of lot size of 3163.5 s.f.	(31.64 s.f. (1%))	n/a	80 s.f. (2.5%)	48.36 s.f. (1.5%)

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: March 29, 2019

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

Olivia Barry, the applicant, appeared before the Board requesting variances for the placement of an 8 x 10 Studio Shed® in the far southwest corner of the property. She presented the survey showing the proposed shed location and 3 CAD renderings looking 1) from the street 2) from her house, and 3) from the neighboring house on the left which indicates that the shed will not prevent any natural light from coming into the church windows which are to the right of her property.

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

Counsel Addona asked if the Public Hearing Notice was mailed to the abutting property owners and if the receipts were submitted to the secretary. Ms. Barry advised that she emailed the mailing receipts to the secretary along with a picture of the posted property sign. Board members also visited the property. She also spoke to her neighbors on the left and they had no objection to the placement of the shed.

Ms. Lawrence asked if any Board Members had any questions.

Mr. Kim asked why the shed is proposed to be 2 feet from the fence in the rear. Ms. Barry said that the property line lies beyond the fence. She felt that 2 feet would be sufficient in order to repair and maintain the fencing.

Mr. Pennella noted that although the shed will have electricity, it is a shed and is not intended for use as habitable space which should be included as a special condition of the resolution, if approved.

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

Mr. Maloney moved, seconded by Ms. Weisel, 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.*
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.*

3. That the requested area variance is not substantial. *Ms. Lawrence stated that the variances are not substantial.*
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.*

Mr. Maloney moved, seconded by Ms. Lawrence, to approve this application and authorize Counsel Addona to prepare a resolution memorializing the Board's discussion to include a special condition that the shed is not to be used as habitable space, in addition to the general standard conditions. All in favor. Motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Ms. Lawrence, and unanimously carried, that the meeting be adjourned – 7:53 p.m.

Lizabeth Meszaros- Secretary