

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
May 14, 2018 7:30 p.m.

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

ABSENT: Members Jolly and Maloney

APPROVAL OF MINUTES – April 9, 2018

Ms. Weisel moved, seconded by Ms. Rachlin, that the minutes of the April 9, 2018 meeting be approved as submitted. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING - Joseph Fiore – 230 Crest Drive - Variances needed for additions and alterations to a single family home.

Sam Vieira, R.A., the project architect, representing the applicants, also present, introduced himself and presented revised plans. At the last meeting, the height of the roof of the single story structure to the north of the house was in question. He prepared a rendering with elevations of the existing ridge height and presented 2 design options to the Board. Option 1 pushes the single story forward a bit and they end up with an unflattering flat roof. Option 2 is the same footprint with a higher pitched roof not as steep as the main house but with a visually better looking roof.

Mr. Vieira said that from an architectural standpoint, they would much prefer option #2. It is minor difference as far as the ridge and much more appealing and will be with the house for at least 50 years.

Ms. Weisel asked about the overhang of the roof. Mr. Vieira said in Option 1, the overhang comes out, in Option 2, the face is in the exact same location to diminish the overall bulk in an effort to try to mitigate the request for the height.

Ms. Weisel asked to see if the previous plan was available. Mr. Vieira presented it with the different colors to show the plan revisions. Mr. Vieira explained that he has tried desperately to mitigate this height. He even lowered the amount of steps leading into the structure.

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

Barry Agdern, 224 Crest Drive, distributed his presentation to the Board, and began to read his presentation to the Board attached as "Exhibit A".

Mr. Agdern strongly objects to the variances. Option 2 is unacceptable to him; he feels the applicant has not complied with 13 feet, as it is almost 18 feet tall.

He also feels the height of the attic violates the light exposure plane. The roof is just too big.

Jane Agdern, 224 Crest Drive, came up and read her statement into the record, which is attached as "Exhibit B".

The height of the proposed roof is her main concern; she would like it reduced by 5 feet. The revised plans have not changed the height of the roof over the main structure. The house look like it has 3 stories. Leaving the house above 32 feet in height is in violation of light exposure plane. She compared this to the attic heights of 219 Crest Drive, 227 Crest drive and 245 Crest Drive, which are all 7 feet tall in the center.

She noted that with regard to the Light plane study and the plan for proposed Option 1, the ridge line of this proposed plan is higher than ridge line for 245 Crest.

She showed photos of the movement of the sun previously submitted for 2-21-18 at 12:05 pm and 2-27-18 at 12:55 pm, which show the loss of sunlight starting around 11:30 am. She referenced section 305-3 stating that solar access should be preserved.

Mrs. Agdern is opposed light study plane Options 1 and 2, as submitted on the revised plan and is requesting that the height of the garage be maintained at 13 feet and the height of the roof be reduced by 5 feet which will result in a 7 foot high attic and resolve all of the light exposure plane issues.

Ms. Lawrence asked Mr. Vieira about the height of the roof from an architectural standpoint. Mr. Vieira said for this style, it is typical to have a pitch of this steepness. The attics of the existing homes are ranches and you can't stand up in them. The homes in this development were built to be affordable and modest in size, which is why people are adding on and going up. Mr. Vieira said that mechanical equipment will be stored up in this area. He explained that it is still a triangular roof. As we start to lower it, we have a house that it unattractive looking. His clients would like some curb appeal.

Mr. Vieira said that he was under the impression that the Board's concern at the last meeting was the second story over the garage. He said that the reality is the house can go up 2 stories and, in winter, 224 Crest Drive will still be in shadow. We are talking about a small triangular piece of roof. The light plane issue was resolved way back.

Ms. Lawrence asked Mr. Vieira if they could bring the roof down by 1 foot. She feels it would be a good compromise. She prefers Option 2, of the plan as submitted bringing down the roof 1 foot.

Ms. Weisel appreciates that the applicants have gone the extra yard. Ms. Rachlin likes Option 2 and she does not feel that bringing the roof down a foot will make any difference at all. Ms. Weisel agreed.

Mrs. Agdern came up and again referenced the code 305-3 regarding solar access.

Ms. Lawrence said she is not convinced that the sunlight will be lost.

Mr. Agdern came up and confirmed the height at 18 feet and that the Board would like Option 2. Ms. Lawrence again said she does not think it will interfere with the light. He asked if the roof could come down 2 feet. Ms. Lawrence said the other two Board members don't even think it needs to go down 1 foot.

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

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

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. She is familiar with the neighborhood and she visited the Agdern home and, in this case, the applicants have made a considerable compromise. There are other homes expanding to accommodate larger families in the Crest.*
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 no other method than the variance sought; the applicant has submitted several plan revisions.*
3. That the requested area variance is not substantial. *Ms. Lawrence said 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 said there should be no adverse effect on the physical or environmental conditions in the area. The applicants are upgrading and improving their home.*
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 was self created but this shall not preclude the granting of the variances.*

Ms. Weisel moved, seconded by Ms. Rachlin, that the variances be granted and Counsel Addona be directed to draft a Resolution memorializing the discussion to approve Option 2 of the plan presented by the applicant, with the condition of reducing the roof height by one foot and to include standard conditions. All in favor. Motion carried.

Leonard Brandes, RA - 22 Main Street – Variances for change of use from Laundromat to a restaurant.

Leonard Brandes, RA, representing his client, Robert Gonzalez, also present, updated the Board and presented a plan that has been revised to include conditions requested by the Board of Trustees for a curb cut and realignment of parking spaces on John Street to gain access to the trash in the rear of the property. The parking lines are being moved in order to allow for fire access and more exposure to the corner. Mr. Brandes respectfully asked for more relief of the spaces in addition to the spaces that have been grandfathered in. They are looking for a compromise.

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

Ms. Lawrence moved, seconded by Ms. Weisel, to close the public hearing.

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

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, since this is a restaurant in the restricted retail zone.*
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 no other method than the variance sought; the applicant has no parking on site.*
3. That the requested area variance is not substantial. *Ms. Lawrence said the variances are not substantial considering that they are opening a restaurant.*
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 on the physical or environmental conditions in the area.*
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 was self created since there is a change of use but this shall not preclude the granting of the variances.*

Ms. Weisel moved, seconded by Ms. Rachlin, that the variances be granted and Counsel Addona be directed to draft a Resolution to include standard conditions. All in favor. Motion carried.

**NEW PUBLIC HEARING - EL Farb, LLC - 56 Wildey Street** – Conversion of single family home into a four family multi-family residence.

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 pm on May 14, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

EL FARB, LLC  
56 Wildey Street  
Tarrytown, New York 10591  
ATTN: Linda Einfrank

Appealing the determination of the Building Inspector by requesting an interpretation that the existing building is a legal pre-existing, non-conforming use or, in the alternative, area variances under Chapter 305 of the Village of Tarrytown Code ("Zoning Code"), for the conversion of a single family residence to a four family residence.

The property is located at **56 Wildey Street in the Village of Tarrytown** and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.40, Block 12, Lot 16, and is located in the M 1.5 Zone. **The variances sought are as follows:**

<b>§305-32 M1.5 Multi family – Attachment 6</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Column (6) Minimum Lot Size 7,500 S.F./unit + 1,500 S.F. per additional unit	12,000 S.F.	6383.85 S.F.	6383.85 S.F.	5,616.15 S.F.
Column (8) Principal Building Coverage	20% max.	26%	26%	6%
Column(11) Minimum Front Yard Setback Wildey Street	25 feet	13 feet	13 feet	12 feet
Column (11) Minimum Front Yard Setback Storm Street	25 feet	12.5 feet	12.5 feet	12.5 feet
Column (12) Min. Side Yard Setback	20 feet	2.45 feet	2.45 feet	17.55 feet
Column (20) Min. floor area per dwelling unit	650 S.F.	n/a	292 S.F.	358 S.F.
305-32 A (3) (c) Minimum Distance Between Multifamily Structures – 54 Wildey St.	25 feet	4.6 feet	4.6 feet	20.6 feet
305-63 D (1) Minimum Off Street Parking (2.5 spaces per unit)	10 spaces	2 spaces	7 spaces	3 spaces
305-63 C 3 (b) Parking Location: equal to front yard setback – Storm Street	25 feet	21 Feet	7 Feet	18 Feet
305-47 B Setbacks – No Parking in side yard	15 feet	1 foot	1 foot	14 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.

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

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: May 4, 2018

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

Counsel Addona advised that this is an Unlisted Action under SEQRA. The applicant may go forward with the interpretation requested this evening, however, the variances cannot be voted on until the Planning Board issues a negative declaration under SEQRA.

Keith Betensky, Attorney for the applicant, EL Farb, LLC, introduced Lee Speigel, a co-owner, and the project Architect, Theresa Beyer.

Mr. Betensky explained that the parcel is located at the corner of Wildey Street and Storm Street. It has been improved as a multi-family residence. His clients purchased the property in 2013 as a 5 family residence. They are here to decrease the units from 5 to 4 which is permitted under code and increase off-site parking from 2 spaces to 7 spaces. He explained that Village records show that it is a single family residence. There is no documentation, but the aerial photos (presented) show that additions were done.

Mr. Betensky explained that the interpretation they are requesting is for the Board to declare this property a pre-existing non conforming use. Mr. Betensky said the variances they are asking for may look substantial but most are due to the fact that the parcel is a corner lot. He noted that they are not increasing the square footage. The Planning Board has directed that a landscape plan be prepared. Trees will remain, the existing garage will be taken down, and 5 parking spaces will be added, bringing the total to 7 off street parking spaces.

Ms. Lawrence asked Mr. Betensky how it can be legal if there is no certificate of occupancy for the units. Mr. Betensky said the use predates the code. They can prove

that the original building predates the codes, as to whether or not it has been used as a 4 family, they don't know.

Mr. Pennella said the 1951 property card in the village records indicates that it is a single family structure. In 1956, the Town of Greenburgh prepared a property card for use as a single family home, and at that point, the home was already about 59 years old. In 2010, there was an inspection done by Mr. Tucci for a number of items on the 3<sup>rd</sup> floor and it reads "to remove the family from the 3<sup>rd</sup> floor immediately". Sometime after that the 3<sup>rd</sup> floor was put back in.

Ms. Weisel asked about the parking. Mr. Betensky said by code, they need 10 spaces and are providing for 7 and asking for a variance of 3 spaces. There will be less of an impact since there will not be a need for off-street parking.

Mr. Pennella advised the Board that a 4 family is permitted in the zone, but they do have set back issues. The village does not recognize anything other than a one family residence; it is coded on the tax bills as 210- which is a one family.

Ms. Lawrence said they will not vote until they have more than 3 members present.

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

Ms. Lawrence moved, seconded by Ms. Weisel, to continue to the Public Hearing at the June 11, 2018 Zoning Board meeting. All in favor. Motion carried.

NEW PUBLIC HEARING - Adam Kropp - 56 Gracemere – Variances needed for an in-ground pool and patio.

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, May 14, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Adam Kropp  
56 Gracemere  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the construction of an in ground pool and patio extension.

The property is located at 56 Gracemere, Tarrytown, NY and is shown on the tax maps as Sheet 1.190, Block 112, Lot 28 and is in the R 60 Zoning District.

**The variances sought are as follows:**

<b>Code Description</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
§305-49: Impervious Coverage (R-60 zone)	19.25% (7,766.41 S.F.)	17.28% (6969.97 S.F.)	21.69% (8749.88 S.F.)	2.44% (983.47 S.F.)
§305-15: Attachment 5:1 Column [15] – Minimum Distance from Accessory structure to principal building.	20 ft.	n/a	13.58 ft.	6.42 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: May 4, 2018

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

Sam Vieira, RA, appeared on behalf of the applicant, Adam Kropp, also present. He explained that this particular lot is built on a continuous slope and this area is unusable. Because of the slope behind the house, a large stone wall was built into the hillside to create a flat area for the backyard. The Kropp's would like to put in a swimming pool and a patio in the backyard. There are other homes in the area that do have swimming pools in the backyard.

Mr. Vieira is asking for a variance for impervious coverage since they do exceed what is allowed. He noted that this development was cluster zoning R60. The developer clustered them into acre lots and condensed into a smaller area and left open space. The Planning Board allowed for homes in this development to follow the R40 schedule, except for impervious coverage, which uses the R60 schedule, since it goes by percentage. R40 allows a larger amount than R60. They are allowed to cover 19.25%, existing is 17.28%, they are proposing 21.69% and will require a variance of 2.44%. Mr. Vieira noted that they would not need a variance if the calculation was based on the R40 schedule and it is not an overdevelopment of the property.



The other small variance they are requesting is for the distance between the accessory structure to principal building which requires a 20 foot separation from the house, which only impacts the owners. Mr. Vieira explained that the applicant is limited as they have a small flat area and do not want to come too close to the stone wall which holds back the hillside and do not want to touch the steep slopes. So the variance is really their only option.

Ms. Weisel was concerned about any drainage issues. Mr. Vieira said it does not drain well all the time, but there is drainage by the wall. He noted that there is a tremendous amount of green space in the yard, but is unusable because of the slope. They are also replacing the fire pit with a gravel area around the pit which does not count toward impervious coverage.

Ms. Lawrence was concerned about how close the pool is to the house, but Mr. Vieira said the pool is really on the corner of the house. He noted that the plan still needs to be engineered, landscaped and fencing also needs to be done. All of these items will be addressed by professionals once they get these variances. He added that in accordance with the code, they are required to manage stormwater on site.

Ms. Lawrence was concerned about the size of the patio. Mr. Vieira said it may look large on the plan but it is only about a 25 s.f. area. Ms. Weisel asked about the size of the pool. Mr. Vieira said it was a standard size pool and the patio will be made of stone.

A discussion took place about the cluster zoning. Counsel Addona said the applicant is just explaining that if the R-40 schedule were applied, the applicant would not need the variance for impervious surface.

Mr. Pennella commented that if the wall was pushed back, they would have been able to get it further back. Mr. Vieira said they inherited the wall and are stuck with it. Mr. Kropp also commented that the other surrounding properties have larger lots. He noted that the pool for 54 Gracemere was approved with the site plan. Mr. Kropp believes there are about 7 in-ground pools in the immediate surrounding area.

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

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

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

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; there are other pools in the area.*

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 no other method than the variance sought given the configuration of the lot and the location of the retaining wall.*
3. That the requested area variance is not substantial. *Ms. Lawrence said 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 said there should be no adverse effect on the physical or environmental conditions in the area.*
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 was self-created since they are installing a pool and patio but this shall not preclude the granting of the variances.*

Ms. Weisel moved, seconded by Ms. Rachlin, that the variances be granted and Counsel Addona be directed to draft a Resolution to include all standard conditions. All in favor. Motion carried.

**NEW PUBLIC HEARING – M.M Homes Land Development of P.A. – Variances needed for construction of a single family home.**

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, May 14, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

M.M. Homes Development of PA, LLC  
PO Box 574  
Chester, NY 10918

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

The property is located at 6 Hillside Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.150, Block 98, Lot 5.3 and is in the R 10 Zoning District.

**The variances sought are as follows:**

<b>Code Description §305-20: Attachment 5</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Column [11] - Front Yard Setback	25 ft.	n/a	20 ft.	5 ft.
Column [12] - Side Yard Setback	12 ft.	n/a	10 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 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: May 4, 2018

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

Dan Collins, of Hudson Engineering, the engineer for the project, appeared on behalf of the applicant. Mr. Collins explained that they are constructing a single family residence at 6 Hillside Street, which is a lot that was part of an approved 4 lot subdivision in 2007. They have been before the Planning Board and based on their comments have made revisions to the plan by raising the elevation to limit the amount of cut into the rock and have considerably reduced the amount of slope disturbance. The Planning Board was pleased with the changes. These changes have triggered the need for front and side yard variances. It is the same house; they are just moving it forward.

Ms. Lawrence read letter into the record from Victor and Anne Marie Passantino attached as "Exhibit C". The Passantino's are requesting that a wooden type guard rail be installed across for the driveway in the village right of way to protect their property from vehicles entering.

Mr. Pennella said this will be addressed at Planning, but a wooden type guard rail may be a good idea.

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

Mr. Vincent Paone, of 2 Hillside Street, and asked how far the house was moving from the original plan. Mr. Collins said the home is moving forward to get it out of the slope, there will be 2 retaining walls in the back; there will be no blasting, the rock will be hammered. Mr. Paone wanted to know what the side yard variance was for. Mr. Pennella said it is for the chimney on the side which is coming out.

Yuval and Barbara Ehrenreich, the neighbors on the other side of the lot came up and said they their home would be affected by the construction and were concerned that they are encroaching on their property. After a brief discussion, it was determined that this was not the case.

Mr. Collins noted that 7 trees will be lost, the remainder will stay.

Mr. Ehrenreich asked about retaining wall. Mr. Collins said with regard to stormwater, whatever they are disturbing they are required to catch. Mr. Ehrenreich asked about a survey. Mr. Pennella said a survey is done at submission level and monuments have to be placed. It will be required before construction, which is part of Planning Board resolution. The boundaries shown are taken from filed maps with the county.

Mr. Pennella advised that he has prepared a memo for the planning board and these items will be addressed at planning, including rock removal, stormwater, landscaping.

Ms. Weisel moved, seconded by Ms. Rachlin, to close the Public Hearing.

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

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, this is a new home and they have moved the house up to mitigate impacts.*
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 no other method than the variance sought given the configuration of the lot and the rock on site.*
3. That the requested area variance is not substantial. *Ms. Lawrence said 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 said there should be no adverse effect on the physical or environmental conditions in the area. They have moved the house forward to limit the amount of slope and rock disturbed.*
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 was self-created but this shall not preclude the granting of the variances.*

Ms. Weisel moved, seconded by Ms. Rachlin, that the variances be granted and Counsel Addona be directed to draft a Resolution to include that safeguard measures including screening, landscaping, and the addition of a guardrail across from the driveway be included as deemed necessary by the Planning Board. All in favor. Motion carried.

#### ADJOURNMENT

Ms. Weisel moved, seconded by Ms. Rachlin, to adjourn at 9:30 pm. All in favor. Motion carried.

Liz Meszaros  
Secretary

**EXHIBIT A**  
**BARRY AGDERN SUBMISSION**  
**230 CREST DRIVE APPLICATION**  
**5-14-18 ZBA MEETING**

**GOOD EVENING TO THE CHAIR AND MEMBERS OF THE ZONING BOARD OF APPEALS, NEIGHBORS AND FRIENDS. MY NAME IS BARRY AGDERN AND WITH MY WIFE JANE AND DAUGHTER STACEY I LIVE AT 224 CREST DRIVE. MY WIFE AND I HAVE LIVED AT 224 CREST DRIVE FOR 43 YEARS. OUR HOME IS NEXT TO 230 CREST DRIVE; IT IS ON THE SOUTH SIDE OF OUR HOME.**

**MY WIFE AND I HAD SPOKEN AT PREVIOUS MEETINGS OF THE ZONING BOARD OF APPEALS, MOST RECENTLY ON APRIL NINTH. WE APPRECIATE THE DELIBERATIONS OF THIS BOARD. UNFORTUNATELY BECAUSE OF THE FAILURE TO ADHERE TO THE DIRECTIONS GIVEN BY THIS BOARD, WE STRONGLY OBJECT TO THE PROPOSED ADDITIONS AND VARIANCE REQUESTS MADE BY THE OWNERS OF 230 CREST DRIVE.**

**THE PROPOSED RECONSTRUCTED GARAGE IN LIGHT PLANE STUDY - OPTION 2 IS COMPLETELY UNACCEPTABLE. INSTEAD OF COMPLYING WITH THE DIRECTIVE TO MAINTAIN THE EXISTING GARAGE RIDGELINE OF 13 FEET, ADDITIONAL HEIGHT HAS BEEN ADDED SO THAT IT IS ALMOST 18 FEET TALL. ADDING ALMOST 5 FEET IN**

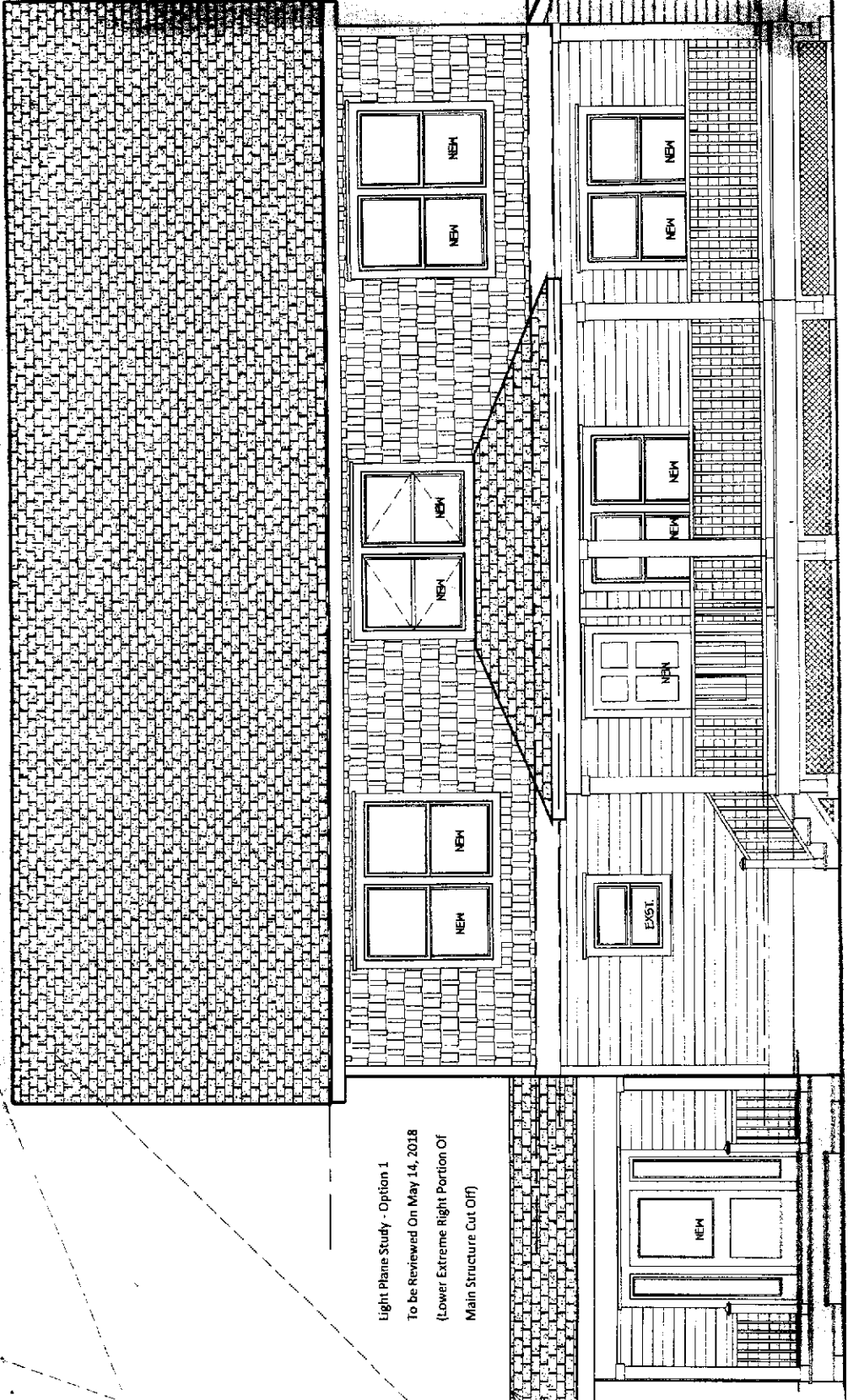
**HEIGHT TO THE GARAGE NEXT TO MY 16 FOOT HIGH HOUSE IS NOT AN AESTHETIC SOLUTION TO THE PROBLEM. BUT IT DOES UNDERSCORE A FUNDAMENTAL PROBLEM WITH THE PROPOSED ROOF ON THE MAIN STRUCTURE. PLEASE SEE LIGHT PLANE STUDY – OPTION 1 A COPY OF WHICH IS IN THE PACKET. THE REASON WHY THERE APPEARS TO BE AN AESTHETIC PROBLEM IS THAT THE ROOF INCLUDES AN ALMOST 12 ½ FOOT ATTIC. FURTHER BECAUSE OF THE HEIGHT OF THAT ATTIC THERE IS A SECTION OF THE ROOF 3 ½ FEET BY 3 ½ FEET THAT VIOLATES THE LIGHT EXPOSURE PLANE. THE ROOF ON THE MAIN STRUCTURE IS JUST TOO BIG AND IS OUT OF PROPORTION TO THE GARAGE AND EVERYTHING ELSE ON THE STREET. THE DIFFERENCE IN MAKING THE PROPORTIONS WORK IS FIVE FEET.**

**IF THE ROOF ON THE MAIN STRUCTURE WERE LOWERED BY 5 FEET, THERE WOULD BE ROOM FOR A 7 FOOT ATTIC AND THE MAIN STRUCTURE WOULD NOT VIOLATE THE LIGHT EXPOSURE PLANE, AND WOULD BE IN GOOD PROPORTION TO A 13 FOOT RIDGELINE GARAGE. FURTHER THE 13 FOOT RIDGELINE GARAGE SHOWN IN**

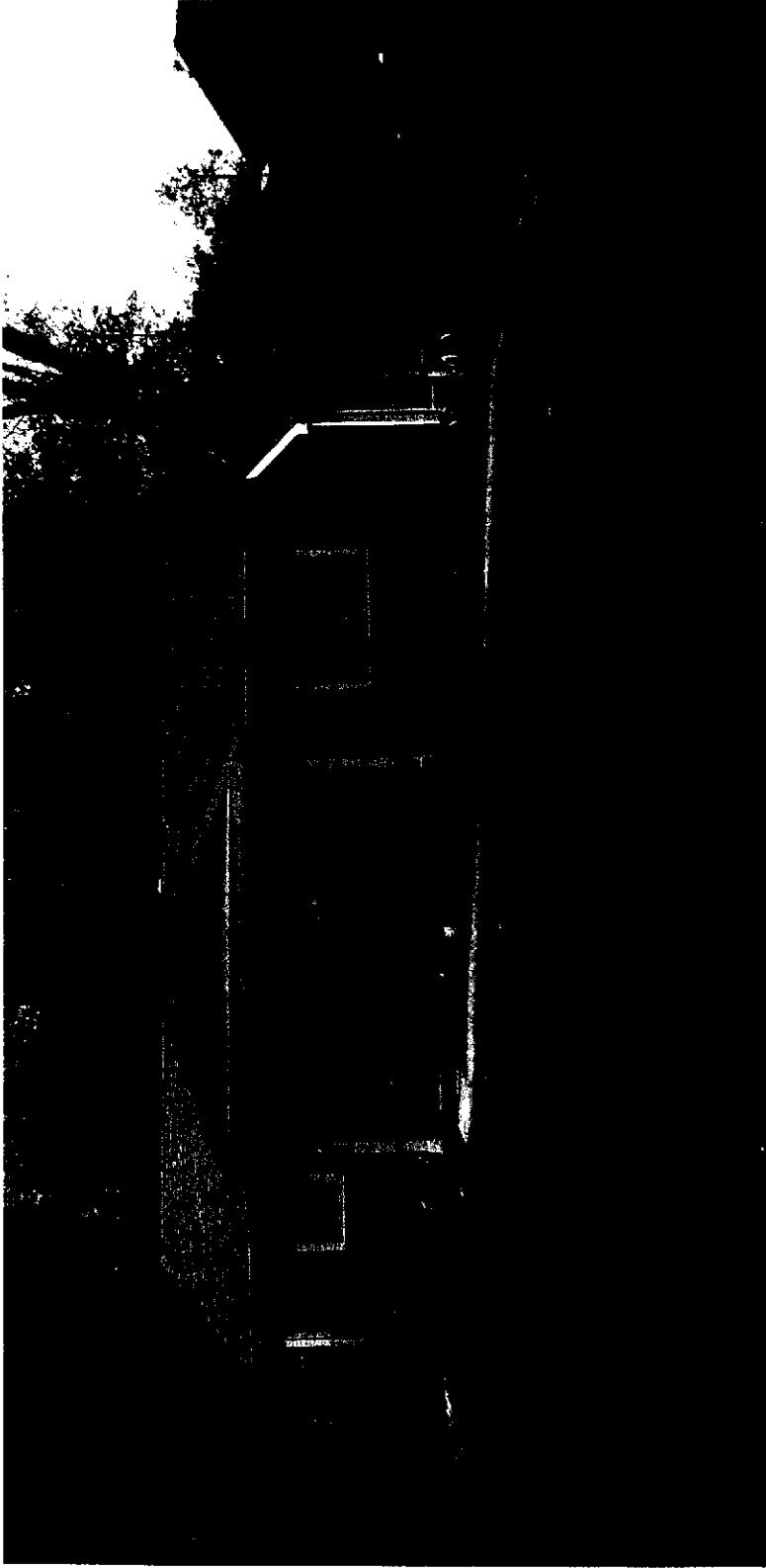


**LIGHT PLANE STUDY – OPTION 1 TOGETHER WITH A NOW REDUCED TO 27 FOOT MAIN STRUCTURE WOULD LOOK GOOD TOGETHER AS SEEN IN THE RENDERING THAT I PREPARED, SEE LIGHT PLANE STUDY OPTION – 1 RENDERING OF 7’ FOOT ATTIC WHICH IS IN THE PACKET. MOREOVER IT WOULD BE IN KEEPING WITH THE APPEARANCE OF THE SECTION OF CREST DRIVE ON WHICH IT IS LOCATED AND ALTHOUGH NOT PERFECT FROM OUR POINT OF VIEW WE COULD LIVE WITH IT.**

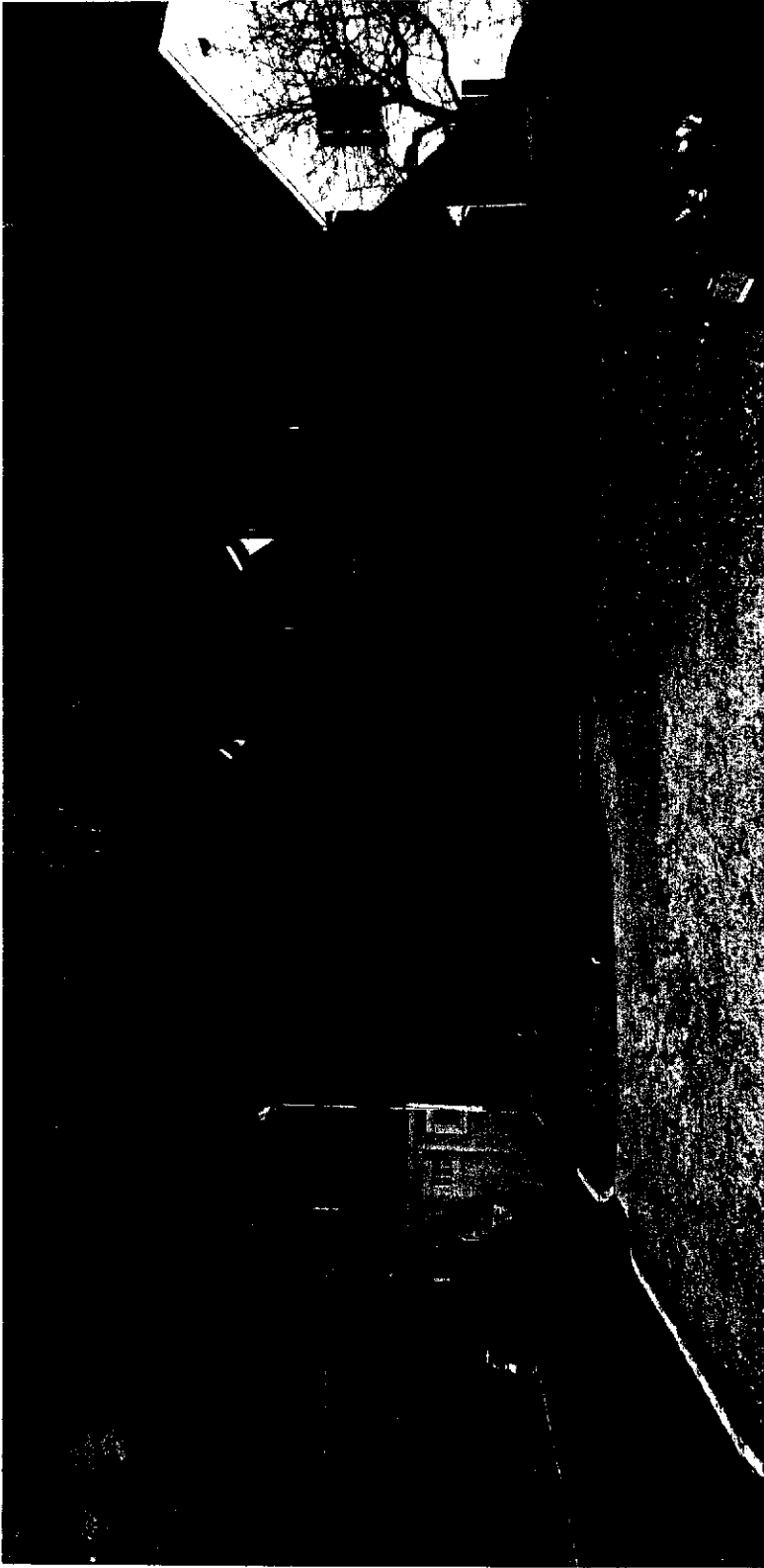
**WE BELIEVE THAT OUR CONCERNS FOR SUNLIGHT, NATURAL LIGHT AND AIR WILL BE ADEQUATELY ADDRESSED IF THE OWNERS OF 230 CREST DRIVE ARE ALLOWED TO PROCEED WITH A RECONSTRUCTED 13 FOOT RIDGELINE GARAGE AS SHOWN IN LIGHT PLANE STUDY – OPTION 1 TOGETHER WITH A REDUCED TO 27 FOOT RIDGELINE MAIN STRUCTURE. WE ARE HOPEFUL THAT THIS COMPROMISE WOULD BE ACCEPTED BY ALL. THANK YOU FOR YOUR CONSIDERATION. AND NOW A FEW WORDS FROM MY WIFE.**



Light Plane Study - Option 1  
To be Reviewed On May 14, 2018  
(Lower Extreme Right Portion Of  
Main Structure Cut Off)



PHOTOGRAPH 14  
227 Crest Drive



PHOTOGRAPH 8  
245 Crest Drive

**EXHIBIT B**  
**JANE AGDERN SUBMISSION**  
**230 CREST DRIVE APPLICATION**  
**5-14-18 ZBA MEETING**

GOOD EVENING EVERYONE,

MY NAME IS JANE AGDERN. I RESIDE AT 224 CREST DRIVE. MANY THANKS TO THE BOARD MEMBERS FOR THEIR TIME AND PATIENCE IN HELPING US ATTEMPT TO RESOLVE THIS MATTER BEFORE THEM. WE APPRECIATE THE ASSISTANCE WE HAVE GOTTEN FROM THE VILLAGE ZONING AND BUILDING DEPARTMENT STAFF AS WELL.

I AGREE WITH THE PREVIOUS STATEMENT MADE BY MY HUSBAND. SOME OF HIS COMMENTS CONCERN THE HEIGHT OF THE PROPOSED ROOF OVER THE MAIN PART OF 230 CREST DRIVE. THESE ARE MINE.

I WOULD LIKE THE HEIGHT OF THE PROPOSED PLANS FOR the MAIN PART OF THE HOUSE FOR 230 CREST DRIVE TO BE REDUCED BY 5 FEET. THE RECENTLY SUBMITTED PLANS HAVE NOT CHANGED THE HEIGHT OF THE ROOF OVER THE MAIN STRUCTURE SINCE THE LAST ZONING BOARD MEETING. THE PROPOSED PLANS STILL MAKE THE FULLY RENOVATED HOUSE LOOK AS IF IT HAS \*3\* STORIES; A 1<sup>ST</sup> FLOOR, A 2<sup>ND</sup>

FLOOR AND A THIRD FLOOR FOR THE ATTIC, LEAVING THE HOUSE REMAINING JUST ABOVE 32 FEET IN HEIGHT & IN VIOLATION OF THE LIGHT EXPOSURE PLANE.

THE OWNER OF 219 CREST DRIVE TOLD ME THAT THE ATTIC IN THEIR HOUSE IS ABOUT 7 FEET TALL IN THE CENTER ONLY. THE REST OF THE ATTIC IS LOWER IN HEIGHT. THEY USE THE ATTIC FOR STORAGE.

Please see picture #14. 227 CREST DRIVE HAS MORE RECENTLY BEEN RENOVATED, and is directly across the street from 230 crest drive. THE OWNER OF 227 CREST DRIVE SAID THE ATTIC REMAINED ABOUT 7 FEET TALL IN THE CENTER. THE REST OF THE ATTIC IS LOWER IN HEIGHT. THEY DID NOT RAISE THE ROOF DURING THE RENOVATION. THE ATTIC IS USED FOR STORAGE.

PLEASE SEE PICTURE # 8. THIS IS 245 CREST DRIVE.

245 CREST DRIVE HAS HAD A 2<sup>ND</sup> STORY ADDED. THE OWNER AT THE TIME OF CONSTRUCTION

HAD BUILT THE ATTIC IN THIS HOUSE TO BE ABOUT 7 FEET HIGH IN THE CENTER ONLY. THE REST OF THE ATTIC WAS LOWER IN HEIGHT. THE ATTIC WAS TO BE USED FOR STORAGE AND SOME MECHANICALS.

As a result, Even with the attic, you can see that 245 Crest Drive STILL LOOKS LIKE A 2 STORY HOUSE THAT not only FITS THE CHARACTER OF THE NEIGHBORHOOD but also BLENDS IN..

CONSEQUENTLY, it seems that the custom on this part of crest drive is for the houses to have 7 FOOT ATTICS.

Please see the LIGHT PLANE STUDY - OPTION 1. It is next to the photo of 245 Crest Drive. The RIDGE LINE OF THE PROPOSED PLANS FOR THE MAIN PART OF 230 CREST DRIVE APPEAR HIGHER THAN THE EXISTING 245 CREST DRIVE HOME.

IN FACT, THE VERSION OF 230 CREST DRIVE DEPICTED IN THIS PROPOSAL EMPHASIZES EVEN MORE HOW MUCH IT LOOKS LIKE A 3 STORY HOUSE, WHICH WOULD BE HIGHLY OUT



OF CHARACTER ON A STREET THAT CONSISTS OF 21 OUT OF 25 1 STORY RANCH STYLE HOMES.

NOW PLEASE LOOK AT LIGHT PLANE STUDY OPTION 1 RENDERING OF 7'00" ATTIC

If the owners of 230 crest drive followed the CUSTOM of having 7 foot attics , they would lower THE TOTAL HEIGHT OF THE main house in the PROPOSED PLAN BY 5 FEET. ADDING ADDITIONAL SPACE TO THE 2 SHEDS THAT ARE BEING BUILT IN THE REAR OF THE HOUSE WOULD HELP WITH STORAGE.

I HAVE PHOTOS THAT I TOOK SHOWING THE LOCATION AND MOVEMENT OF THE SUN DURING THE MONTH OF FEBRUARY. PHOTO 12 WAS TAKEN ON FEBRUARY 21, 2018 AT 12:05 PM. PHOTO 13 WAS TAKEN ON FEBRUARY 27, 2018 AT 12:55 PM.

YOU CAN SEE THAT ALTHOUGH THE SUN HAS MOVED, IT HAS NOT MADE MUCH PROGRESS. AT THIS RATE, I AM ESTIMATING IT WOULD BE 4:00 PM BEFORE THE SUN COMPLETELY CAME

FROM BEHIND THE PROPOSED 230 CREST DRIVE HOUSE. DURING THE 6 MONTHS OF FALL & WINTER, DARKNESS WOULD BE SETTING IN.

WHILE THE SUN IS MOVING FROM BEHIND THE HOUSE, OUR HOUSE WOULD BE IN SHADOWS starting at ABOUT 11:30 AM. WE WOULDN'T SEE THE SUN AGAIN UNTIL THE NEXT DAY.

MY HOUSE SHOULDN'T BE IN SHADOWS ESPECIALLY DURING FALL & WINTER, ON A DAILY BASIS BECAUSE OF THE HEIGHT OF AN ATTIC /STORAGE AREA SPACE WHEN THERE ARE OTHER POTENTIAL OPTIONS AVAILABLE.

THE REVISED PROPOSAL DOES NOT COMPLY WITH THE ZONING CHAPTER OF THE VILLAGE CODE 305-3 WHICH STATES SOLAR ACCESS SHOULD BE PRESERVED. DUE TO THE UNCHANGED HEIGHT OF THE MAIN STRUCTURE OF SLIGHTLY MORE THAN 32 FEET. THE CURRENT PROPOSAL FOR 230 CREST DRIVE DOES NOT PRESERVE OUR SOLAR ACCESS. IT DEPRIVES US OF SOLAR ACCESS.

As a result of THESE ISSUES, I OPPOSE LIGHT PLANE STUDY OPTION 1 & LIGHT PLANE STUDY OPTION 2. I AM REQUESTING THE HEIGHT OF THE RECONSTRUCTED GARAGE TO BE MAINTAINED AT 13 FEET WHILE THE HEIGHT OF THE MAIN STRUCTURE OF 230 CREST DRIVE BE REDUCED BY 5 FEET. THIS WILL RESULT IN AN ATTIC 7 FEET IN HEIGHT AS APPEARS TO BE STANDARD IN THIS NEIGHBORHOOD. THIS WILL RESOLVE ALL OF THE ISSUES INVOLVING LIGHT AND THE LIGHT EXPOSURE PLANE.

THANK YOU FOR YOUR TIME.

## **EXHIBIT C**

**Victor and AnneMarie Passantino Letter  
APPLICATION SUBMISSION  
6 HILLSIDE SREET  
5-14-18 ZBA MEETING**

5/11/2018  
26 Eunice Ct.  
Tarrytown N.Y.

*Dear members of Zoning and Planning Board :*

*As per the construction of a house behind my home at (26 Eunice Ct) I want to convey a severe safety concern I have about the positioning of the driveway. The driveway points directly at our home which would force the driver to backup each day where the back of the car would be within 20 feet of a 15 foot drop in elevation to my yard below. If by chance one's foot slipped from the break and to the gas it would be certain that this car would careen down this steep drop. Our imagination is quick to envision a grandchild having been crushed by the car and the driver of the car severely injured . I am deeply concerned and would like the builder and the towns reassurance that before a car backs up toward my 15-20 ft. below grade backyard that a safety net is designed to safeguard everyone. I believe the planting of some sturdy evergreen trees that was promised on the last build would lessen everyone's liability and at the same time lessen the intrusion of backup lights or headlights into my home. Before drivers aim themselves at my home (please see attached article of recent tragedy where car backed into a restaurant and critically injured several patrons ... WITHOUT THE AID OF A STEEP hill!). Thank you so much for your indulgence.*

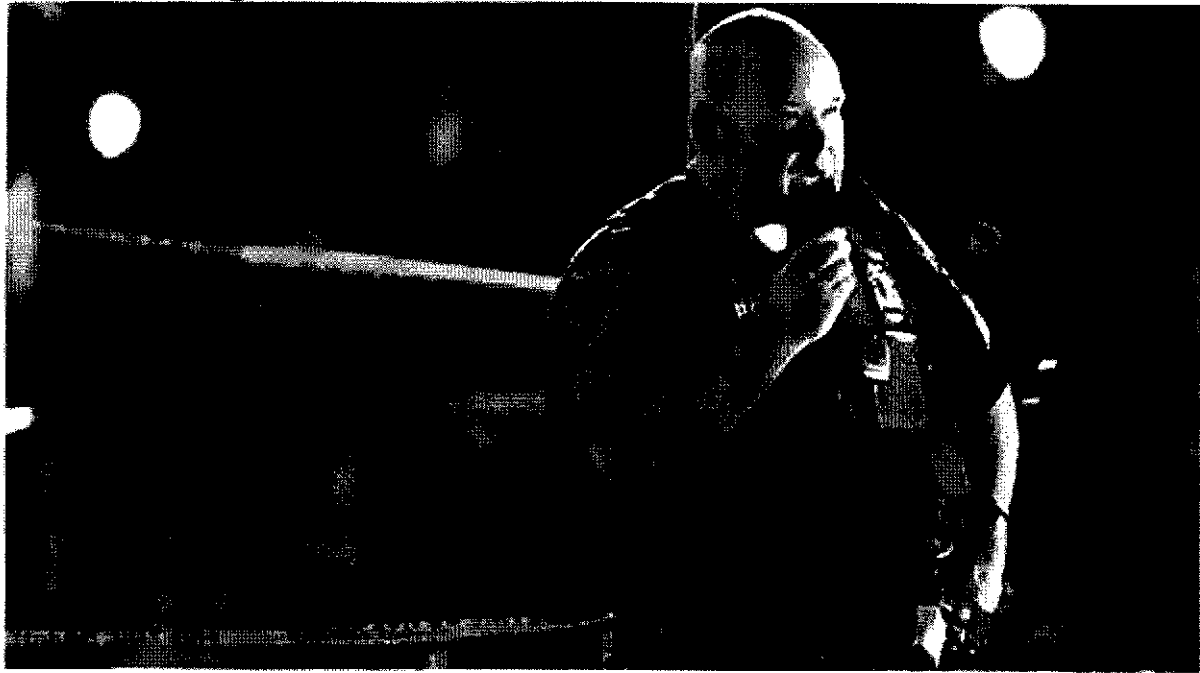
AnneMarie Passantino

Victor Passantino

Surveillance video shows the crash unfold. A white car is sitting at the light when suddenly a red sedan parked outside the restaurant backs up into it and then whips backward seemingly out of control. It ultimately did a 360 before landing inside the restaurant.

Ethan De La Rosa was sitting there eating when the car suddenly just missed him.

#### Woman Charged With DWI in Restaurant Crash



A 79-year-old woman has been charged with driving while intoxicated after police say she crashed her car into a popular restaurant in Westchester County filled with people eating dinner, seriously hurting four of them, officials say. Lori Bordonaro reports.

(Published Monday, May 7, 2018)

"All of a sudden a car came inside in reverse and I was just shocked," he said. "I have adrenaline running through me. It's crazy to think how my life could have ended right there."