

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting via Zoom Video Conference  
May 11, 2020 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Kim, Rachlin, Sgammato, Alternate Member #1 Jolly, Alternate Member #2 Braun; Counsel Addona; Village Engineer Pennella; Secretary Meszaros

ABSENT: Member Weisel

Ms. Lawrence opened the Zoom meeting at 7:35 pm.

Josh Ringel, Village Administrator, and moderator for this meeting, introduced himself and explained that when the public comment period opens, the public can use the “raise your hand” function in the application or press “\*9” on the phone to participate in public comment. They will be advised when it is their turn to speak and to state their name and address for the record.

Counsel Addona advised the public that the Governor’s Executive Order issued in response to the Covid-19 Pandemic, authorizes public meetings can be held this manner. This Board held its first Zoom meeting in April. The orders have been renewed and are in effect. In an effort to move applications along, this is the method that the village is using. In addition to verbal comments during the public comment period, written comments are being accepted in advance of the meeting.

With regard to the meeting process, Ms. Lawrence advised that applicants will present their applications, followed by Board comments, and then she will turn it over to the audience for public comment. She asked members of the public to try to avoid calling in on matters that have already been addressed. Written comments will become part of the record. She welcomes any new concepts or ideas.

APPROVAL OF MINUTES – April 13, 2020

Ms. Lawrence asked for a roll call vote to approve the minutes of April 13, 2020.

The minutes were unanimously approved, with Ms. Sgammato abstaining.

ADJOURNMENTS LISTED ON AGENDA:

CONTINUATION OF PUBLIC HEARING

Theodora Pouloutides  
59 North Washington Avenue  
Variances needed to legalize a fifth dwelling unit.

**CONTINUATION OF PUBLIC HEARING**

Diana and Merlin Shelstad  
99 Riverview Avenue

Variances needed for additions and alterations to a single family home.

**CONTINUATION OF PUBLIC HEARING -The Hebrew Congregation of North Tarrytown and Tarrytown, a/k/a Temple Beth Abraham - 25 Leroy Avenue**

To seek an interpretation challenging the determination set forth in the Building Department Letter of Permit Denial requiring an off-street parking variance of 45 parking spaces and in the alternative the applicant will seek relief for 45 parking spaces and impervious coverage related to the construction of a 4,895 +/- s.f. two-story addition with renovations to the existing building and other related site improvements.

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing by videoconference at **7:30 p.m. on Monday, May 11, 2020 to hear and consider an application by:**

The Hebrew Congregation of North Tarrytown and Tarrytown  
a/k/a Temple Beth Abraham  
25 Leroy Avenue  
Tarrytown, NY 10591

regarding the property located at 25 Leroy Avenue in the Village of Tarrytown and shown on the Tax Maps as Sheet 1.110, Block 78, Lot 18 and is classified in the M-2 Zone and R-7.5 Zone. The Applicant proposes to construct a 4,895 s/f gross floor area two-story lobby addition to the existing Temple building and other site improvements.

The Applicant is seeking an interpretation pursuant to New York State Village Law Section 7-712-b(1) and the Village of Tarrytown Zoning Code Section 305-118A modifying the determination of Donato Pennella, P.E., Building Inspector in the Letter of Permit Denial from the Village of Tarrytown Building Department dated February 6, 2020 which finds that the Applicant requires an off-street parking variance of 45 spaces.

In the alternative and in addition to the requested interpretation, the Applicant is further requesting the following area variance relief:

<b>Code Description</b>	<b>Required/Allowed</b>	<b>Proposed</b>	<b>Variance Requested</b>
§ 305-63 D.(1) Off Street Parking Spaces, 1 space for ea.100 sq. ft. of floor space	45 Spaces	0 Spaces	45 Spaces
§ 305-49 Impervious Coverage	37.25%	39.98%	2.73%

**The Public Hearing will take place online via Zoom Video Conferencing (or other video conferencing platform) in accordance with the Governor’s Executive Order 202.1.**

Please visit <https://www.tarrytowngov.com/home/events/26474> for instructions and directions on how to join the online meeting. You can also contact the Planning and Zoning Department by emailing [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or by calling 914-631-1487.

In addition to hearing public comments at the meeting, public comments can be emailed to [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or mailed to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, in advance of the May 11, 2020 meeting.

Documents relating to this application will be provided by emailing the Planning and Zoning Department at [imeszaros@tarrytowngov.com](mailto:imeszaros@tarrytowngov.com) or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard.

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

The mailing receipts were received and the public hearing notice signs were posted.

Dan Patrick, Attorney with the law firm of Cuddy & Feder, appeared before the Board on behalf of his client, Temple Beth Abraham. He is joined by Mark Levin, the Project Architect, Oscar Villavicencio, of IQ Landscape Architects, Ralph Peragine, Sr. Project Engineer, and Stuart Skolnick, the Executive Director of Temple Beth Abraham.

For the benefit of the public, Mr. Patrick briefly described the project at 25 Leroy Avenue. The owner has operated the Temple since 1956 and they are proposing to construct a two-story addition on the south east side of the building with a footprint of 2,475 s.f. , and a total gross floor area of 4,895 s.f. The addition mostly includes lobby space and hallways with an elevator area for ADA accessibility. They will be relocating the rear offices to the front for safety purposes and will be adding approximately 1,008 s.f. of new meeting/office space. In addition, the driveway area will be improved for ADA access and a drop off lane will be added for easy access to the new entry. The parking lot will be improved with landscaping, including a new garden. These improvements are not intended to increase the capacity or frequency of events. They are requesting that the Board review their request for an interpretation for the parking requirement. The building department denial letter indicates that a variance of 45 spaces is required for public assembly space. It is the applicant's position that only 11 spaces are needed, based upon their interpretation of the code, since the majority of the proposed space will not be used for public assembly. The new spaces proposed are mostly lobby, hallway, bathrooms and relocated office space. The only new meeting space being proposed is 1,008 s.f. which is why they arrived at a variance of 11 spaces, as opposed to the 45 spaces.

Since they were last before this Board, they have added back the 6 spaces throughout the site, so there is no longer a net decrease in the parking. They believe that the parking proposed is sufficient to accommodate the different needs generated by the site. The different use at different times allows for the existing 59 spaces to

accommodate their needs; the parking lot is rarely fully occupied. Again, they are not proposing any change in the use or occupancy. They are also requesting a small variance of 2.73% for impervious coverage as a result of putting back the parking spaces.

Ralph Peragine, the project engineer, briefly showed the changes to the site plan. They have added 6 parking spaces back onto the site plan. He showed the 3 spaces in the circle area which require a small wall and guiderail to be installed. They removed a landscaped island to provide an additional space in the lot and they relocated an existing wood shed to provide 2 parking spaces in the rear of the building for staff/caterer parking. They also made a slight configuration to the driveway entrance by adding a sidewalk from the parking area to be connected to a sidewalk that may be installed by the Village, on the northerly side of Leroy Avenue, at a later date.

Ms. Lawrence commented about a stop sign at the exit. Mr. Peragine said that it is shown and it will be installed.

Ms. Lawrence asked about the parking spaces that are shown on the paper street area.

Mr. Patrick advised that they have ordered a title report for this area and as soon they get it back they will advise the Planning Board.

Oscar Villavicencio, IQ Landscape Architects, presented the landscape plan, and indicated that they will be clearing areas of dead branches and fallen trees along Leroy Avenue. He showed the added evergreens and an oak tree to further screen the addition in response to neighbor's concerns about the light spillage.

Ms. Lawrence asked about the proposed gate. Mr. Peragine showed the new plan with the enclosure and gate with a knox box for entry which is also used by the Fire Department. He noted that they have also relocated the dumpster by shifting them to be set back into the property.

Ms. Lawrence asked about the walking path that leads into the parking lot. She wanted to know if there was a way to put in a sidewalk on the perimeter of the parking lot so they are not walking through the lot. Mr. Peragine said this path is on a very steep slope and they were proposing to remove it.

Dan Patrick commented that they were proposing a fence all across the northern side in response to a security assessment which had been done by the Village Police Department who had concerns about access to the facility from the north. His client is trying to limit if not reduce access from that side of the property.

Ms. Lawrence commented that the path has been used by walkers and bicyclists for many years. Mr. Patrick said the Police Department suggested the fence along the northern property line to limit the access for safety purposes, but due to public

comments received at the Planning Board meeting they decided to go with the limited fence approach.

Ms. Lawrence asked the applicant to provide the Police Department Safety Assessment Report to this Board.

Mark Levin, the project architect, had nothing to add except that the removal of the path will help deter people from parking up on Grove Street. They don't want to encourage parking on Grove Street. Ms. Lawrence asked if it was possible to use the parking at the medical building during services.

Mr. Patrick was not sure if they discussed this with the medical building yet, but they did contact Transfiguration Church and have not heard back.

Mark Levin said they are working on distributing a flyer to the congregation to include parking instructions during the high holy days and when there is a large attendance. They have also been talking with the Police Department to ask them to allow parking on Broadway when there is a larger attendance, other than on the high holy days. They are trying to be proactive. Ms. Lawrence liked that idea.

Mr. Patrick is curious to hear the Board's comments to the changes to the plan.

Ms. Lawrence appreciates the changes with regard to the added parking, the trees to screen the light spillage, the new sidewalk extension, the stop sign. She would like to see the Police Department Safety Assessment Report. She would also like to see a draft of the language they are proposing to their congregation with regard to where they should be parking to address the neighbor's concerns about street parking on the holy days. She also like that they changed the fence, which was a big issue.

She asked the Board Members if they have any comments or questions.

Mr. Kim confirmed with Mr. Patrick that the two spaces in the rear are for employees and caterers. He also wanted to confirm that they have sufficient parking during the day when the day care is in session and, when they have worshipers, is the number of spaces sufficient?

Mr. Levin said that these two operations don't happen at the same time. There is no worshipping while the school is in session. The parking can accommodate each use. Mr. Kim asked about the parking spaces on the high holy days in general, or in the past. Is it 100 or 200 spaces? Mr. Levin said they usually double the capacity on the high holy days but this is dependent upon what day of the week the holiday falls on. When a large attendance occurs, the Police Department allows parking elsewhere when they normally don't.

Mr. Kim asked when there is overflow, do they park along Leroy and Grove? Mr. Levin said they have been told that they park on Grove and they are trying to discourage that.

He thinks there are about 10 to 15 spaces that the lot does not accommodate, which is probably what happens on Leroy on Saturday mornings. It might be 10 times a year that they get the larger crowd.

Mr. Kim asked if they are parking on Leroy between the Temple and Broadway or further up the road.

Mr. Skolnick, the Temple director, said that during the 3 high holy days each year, the police make arrangements and post signs to allow for additional parking on the streets on the other side of Broadway. They do park on Leroy and Loh as well, but they are trying to discourage the parking on Grove Street. The larger attendance is on a Saturday morning when religious services are going on, or when there is a Bar or Bat Mitzvah; these events are also limited during the year.

Mr. Skolnick also advised that they have not been in contact with the medical building; however, this building operates on Saturdays and also during the weekdays so parking would be unlikely at this location. They have also tried to spread the word to the congregation asking them to be respectful and to observe parking rules by not blocking driveways or fire hydrants in the neighborhood.

Mr. Kim commented that people walking from the west, have to cross over both driveways to the east and walk back across again. He would like a route that makes more sense to avoid people cutting through the driveway or the lawn.

Ms. Lawrence also commented that she feels that parking on the north side of Leroy should not be allowed since it is a dangerous and curvy area and not really safe. She suggested that they park further up on Loh and walk to the Temple.

Ms. Rachlin asked about the walking path that is being eliminated from Grove. A lot of kids cut through there and she feels that they will continue to do so either way. She asked if there is an accommodation for people who are going to cut through anyway.

Mr. Patrick said that they are trying to discourage any sort of access from the north for security purposes so there is really not much they can do. They are seeking to eliminate this access.

Ms. Rachlin asked if there is another access path that could be used. Ms. Rachlin said unless there is a barrier there, the kids will cut through anyway.

Mr. Jolly asked about the classroom use. Mr. Patrick said they are expanding the classroom space/meeting use. It will be about 1,008 s.f.

Mr. Jolly asked about the safety. Mr. Levin said there will be a trap vestibule and everyone will come in and out of the same entrance for all uses. The proposed meeting and classroom space is not used at the same time as the overall gathering space, but it will be used during the weekdays and weeknights.

Mr. Jolly asked about the lighting. Mr. Levin said they are cognizant of the imposition it has on the neighbors and they will be removing the security lights on the building and softening the lighting.

Ms. Sgammato has no questions. Mr. Braun appreciates the efforts of the applicant to mitigate some of the concerns that were raised.

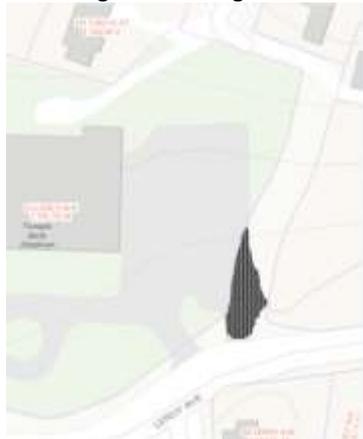
Ms. Lawrence opened the Public comment period.

She referred to letters from the public that have been sent in which will become part of the record.

Dean Gallea, Co-chair of TEAC, dated May 2, 2020, wrote:

"I write to request the consideration of the Planning Board for the following requirement for Temple Beth Abraham's (TBA's) proposed extension plan:

I request the Village require TBA to keep the portion of the footprint of the TBA parking lot that encroaches on the Village-owned "paper road" extending between Grove Street and Leroy Ave (section crosshatched on the Tax Map below, and in the attached image file) free of encumbrances that would prevent future improvement of this route as an alternative connector for walkers and bicyclists wishing to traverse the Old Croton Aqueduct (OCA) without venturing on the dangerous Route 9 highway.



Some OCA users already use the route through the TBA parking lot and steep slope at its northern end to stay off Route 9, but an improvement upon the Village's property would make this route more easily accessible. If TBA is allowed to close off this route, this opportunity will be lost.

I thank the Board for its consideration.

-- Dean Gallea, Co-Chair of TEAC and Member of Friends of the OCA

Dan Convisor of Bike Tarrytown, dated May 4, 2020, wrote:

Dear Planning Board & Zoning Board of Appeals:

Bike Tarrytown is in favor of Temple Beth Abraham's off-street parking variance.

Many trips to the Temple are short. The number of car trips to it can be reduced by improving the surrounding walking and cycling conditions.

Simple measures include:

\* Installing a walkway from Leroy Ave to the building's front door

- \* Adding a sidewalk on the north side of Leroy Ave from Broadway to Loh Ave. This will help some people walking by eliminating the need to cross the busy intersection of Leroy Ave at Broadway.
- \* Building curb extensions at the Leroy Ave / Grove St / TBA driveway intersection. Crossing the streets here is unpleasant because the road bed is so wide.
- \* Keeping, or better yet, enhancing the ability of people to walk from Grove St (north of TBA's property) to the synagogue and Leroy Ave.

(This route is also used by some people traveling the Old Croton Aqueduct.) One option for enhancing walking and cycling conditions here is utilizing the "paper street" that exists along the northern and eastern edges of TBA's property. See map:

<https://giswww.westchestergov.com/gismap/?extent=-8222169.3375%2C5022621.581%2C-8221761.4742%2C5022809.3892%2C102100>

- \* Adding curb extensions and painted crosswalks at the Benedict Ave / Grove St intersection
  - \* Making the Broadway / Leroy Ave / Church St intersection safer. Add a crosswalk on the north side. Use precast concrete blocks to establish median pedestrian refuges in the middle of Broadway for this new crosswalk and the existing crosswalk.
- A long term transportation strategy for the area needs to include a 2-way protected bike lane along the east side of Broadway.

Sincerely,  
Daniel Convissor

Fergus O'Sullivan, 153 Grove Street, on May 8, 2020,  
wrote:

Following on the Temple planning application I would ask the Board to consider the following.

#### Right of Way/Easement

The public have been using the temple lot for access from South Grove to Grove Street since the Temple was constructed. In addition the access is broadly consistent with usage of the so called paper road (publically owned I assume) on which part of the temple parking lot is infringing. Cutting off this access would be a problem and I would look for legal advice as to whether the Right of Way is legally enforceable if the proposal to erect a fence continues. I do understand why they may prefer to not have pedestrian traffic through a parking lot; I would encourage them to review a path - roughly drawn on the picture below. This would provide a solution without resorting to chain link fences, If btw chain link fences are really needed then then should really be constructed around the entire property.



- Overall posture

We expected that after the zoning board discussion, there would have been some movement to address the aesthetics on Grove; for instance cut down dead trees, remove felled ones, install curbing (maybe even a bench !) and address the rampant poison ivy. Instead we got a proposal to install a chain link fence. It's hard to interpret this as anything other than a hostile response and a significant escalation, That's their right - we also have a right to respond.

- Parking

The community made some thoughtful proposals, at the zoning meeting, on parking, including "softer" solutions including usage of adjacent parking facilities that are not heavily utilized when the temple is heavily utilized. These suggestions were disregarded with no evidence that they were actively considered. If the temple is unwilling to engage in innovative solutions and instead arrogantly insist in ramming their proposal through, in breach of Village guidelines, then I think rejection of their proposal outright is the only feasible option.

- Garbage

As stated, having garbage trucks reversing down a residential dead end with many young children is a bad design and a potentially disastrous one. There is plenty space to move the pick-up point to be from the rear of the parking lot and move the Grove st access to an occasional one. I know this wasn't addressed on temple construction - i think it is timely to address it now.

Thanks for the consideration  
Let me know if you have any questions

Best Regards  
Fergus O'Sullivan  
153 Grove Street

Mr. Ringel reminded the public how to “raise their hand” or press “\*9” in order to comment this evening.

Cynthia Wills, 156 Grove Street, would like confirmation of the paths that they are proposing to eliminate since there are 2 paths: one that connects from Grove to the Parking Lot and the other path is right in front of her house and leads out to the Loh

Park area. This is the path that is used by all of the bicyclists and the public. Mr. Peragine pulled up the survey and showed the path. Dan Patrick said they are proposing to eliminate as much access from that area as possible. It is an issue that they will look into but it is more appropriate for the Planning Board.

Ms. Wills would like a clearer explanation about the garbage and the dumpster and the gate proposal. She wants to know if she will be looking at the dumpster from her front porch every day, in addition to the garbage truck. Mr. Levin said that the placement of the dumpster has to do with the location of the kitchen. He showed a visual of the most updated plan. They have moved the dumpster over a bit and have replicated the wooden fence. The gate proposed hides the dumpsters. The gate only opens for service trucks.

Ms. Wills said that this plan will probably concern her neighbors more than her. The footpath pattern from Loh Park through the forest impacts her the most and she does not want the area mowed down to put up a parking lot. She understands the security risks, but the community is very respectful of the Temple and she does not feel that there is a security risk on this path. She has lived here for 20 years and there have not been any issues. There is a policeman sitting in the lot quite often to protect the Temple. She does not think cutting off the flow of the path is going to protect the Temple. She thinks that widening the area on the Grove Street extension may be a solution. Ms. Lawrence said that would be a village issue. Ms. Wills ended by saying that it seems extreme to cut off this path to everyone and, if it was cut off, she would experience more people cutting through her property in her driveway.

Joyce Byrne, 30 Leroy Avenue, appreciates the changes to the plans and looks forward to the elimination of the lights shining on her house and the dead trees being cleared on Leroy. She hopes that they will consider replacing these trees. She is unclear where people will cross since there is only one curb cut on South Grove Street. She will forward a picture to the Board. The curb cut goes right into the middle of the exit and does not match the east side of the sidewalk that this is being put in so it does not make sense how people are going to cross the street. They will need another curb cut or pad from the sidewalk so there is no place to cross. Right now it is a sidewalk to nowhere.

Ms. Lawrence asked if the applicant discussed this with the Police Department.

Mr. Patrick said this will be addressed at Planning.

Ms. Byrne said something has to be done to make it a clear way for people to cross the street. There is a flow of foot traffic so it needs to be addressed. Mr. Patrick will take this under consideration.

Fergus O'Sullivan, 153 Grove Street, said the gate looks good in the back to shield the dumpster, and the removal of the fence is good. Staff are directed to park on Grove Street so even if you remove the path, it will still be used. He objects that the evidence

is anecdotal and he submitted a picture tonight to the secretary for the record of the vehicles parked on Grove and the same vehicles parked in the lot.

With regard to the path through the parking lot, and the right of way and easement access has been there for 50 years and if it is closed off, it will be a significant issue. The plan is half baked. He would propose for the applicant to come up with a fully baked solution and put in a proper path on the east side of the parking lot, parallel to the lot and bring it around onto Grove. If there is a defined path, people will use and if there is not, then people will continue to use the parking lot. He would like a path that can actually be used.

On the landscaping, he would like an actual commitment from the applicant to clean up the area on Grove.

He also feels that the garbage should be collected from the parking lot. It is no more than 8 yards away from the lot now. There is an easy solution to picking it up from the parking lot as opposed to coming through Grove, which is a residential street. He does not understand why this is not being addressed. It is dangerous to have the trucks backing down multiple times per week to pick up the garbage when there is an easy solution for it to be picked up in the parking lot.

Ms. Lawrence said the applicant stated before that the garbage is there because catering and other services are from the back of the building.

Rudy Ehrlich, 156 Grove Street, shares the property with the alleyway that leads to the garbage. He would like to know how much farther away the dumpster is being moved from the building. The garbage truck comes 4 times per week. He would also like them to consider cleaning up the area at the top of the ridge above the parking lot and the alleyway itself, which is in disrepair. There are large potholes and mud collecting; besides being a hazard, it is also an eyesore. He would like them to consider repaving and striping.

Mr. Patrick said as far as the relocation of the dumpsters go, they seem to be more relevant to the Planning Board application as opposed to the parking variances and the impervious coverage variances they are seeking.

Ms. Lawrence said that they should contact the village about the potholes on the road. The landscaping plan issues will also be addressed at the Planning Board meeting.

Tobin Kent, 200 South Grove Street, would like to address the parking lot issue. The village has spent millions of dollars on a flood mitigation project. For the few days out of the year, there are not many cars in the lot during the summer. It will be a major eyesore if trees come down and a parking lot goes in there. He uses the path to the Temple every day. If there is a fence there, or the path is cut, he can walk around but the path has been there for many years. He feels it should be more formalized to make

it safer. He does not think they are going to change the amount of people walking around the property. They may want to consider security cameras instead.

Dan Patrick said that they are not expanding the parking lot; they are actually reconstructing the lot. Mr. Peragine said that they are taking some area away from the front entrance and reducing the pavement in the area.

Cynthia Weniger, 148 Grove Street, said she emailed a letter to the Secretary late this afternoon. There are many school children that use that path as a cut through. This will divert them to Broadway which is a safety concern. Many people use that area from Loh Park through the woods which connects back to the aqueduct and continues to John Paulding School or the High School. Also, a lot of bicyclists go through their street and they would be riding on that short area until they got back onto the aqueduct on Broadway which could be dangerous. Regarding the maintenance of the downed trees in the area along Grove Street, she thinks that there needs to be a plan for ongoing maintenance and would like a commitment from the Temple to that effect.

Ms. Lawrence said the landscaping is an important issue and they will include this in their SEQRA comments to the Planning Board.

Lisette Mendez Boyer, 159 Grove Street, thanked the applicant for removing the fence and the improvements to the garbage area. With regard to the overflow parking, she would encourage looking into the use of the Transfiguration Church lot and the Medical Office Building for the overflow parking, not only on the high holy days but also during other events. A plan should be in place. They do not have a garage; they park on the street, which is a problem for them. She also agrees with the neighbors that there should be a commitment to the removal of the dead trees and cleanup of the wooded area. It is a terrible eyesore.

With regard to the informal path, as a planner she disagrees with the architect with regard to security and the police. She referred to a book written by Jane Jacobs, in 1960, *The Death and Life of Great American Cities*. The basic idea of this book was that you need eyes on the street for security. She feels that the Temple will benefit from a community that appreciates it and their presence will keep it safer and more secure.

It seems like the dumpsters keep moving closer to their street and away from their building. There is also some garbage left on the street during collection. She doesn't think the dumpster needs to be closer to the residential and asks that they explore alternatives to move it to the other side. She understands that the kitchen and dining areas are on the upper level but there are ways to mitigate this. If they are unable to move them, she would suggest reducing the amount of times garbage is collected but again, she asked that the dumpsters be closer to their building and not to their homes.

There was a discussion about who collects the garbage. Mr. Skolnick said the village collects the garbage and recycling. There is no private carter. They will look into the amount of times per week garbage and recycling is collected.

Mr. Pennella said there were a lot of concerns raised tonight which will be addressed at Planning, but, with regard to the parking requirements, when this application was initially reviewed, he looked at the space, applied the section of the code 305-63. He came up with a variance of 45 spaces, since it was not clear to exactly what the activities were. He feels that the best way to move forward would be to ask the applicant to provide an analysis showing the existing parking, the existing floor areas, the proposed floor areas and how they arrived at the required variance of 11 spaces. This will avoid any confusion in the future with code enforcement should the village get complaints that the space is not being used for what it was intended. A table format showing what it was and what it is going to be would be useful. This would include use, the time of use, the space required for each use, for both existing and proposed. For example they are moving the Executive Director's office downstairs. It was 200 s. f. and they are proposing to increase it to 300 s.f., so there is an increase in existing vs. proposed.

Ms. Lawrence agreed and said this table format will help the Board and eliminate any confusion when making their decision.

Mr. Pennella said the parking island that they are proposing to remove to provide a parking space triggers another section of the code, specifically §305-142 C(3) (f)[13] [d]. This section requires a variance to remove the planter bed since you need a planter bed for every 10 spaces proposed. They are proposing 15 spaces without the island.

Mr. Patrick advised that they have sought a waiver from the Planning Board in accordance with §305-136 which allows for a waiver to be granted from the Planning Board. Mr. Pennella said in the past, applicants have sought similar variances from this Board and he is not sure if the Planning Board has the authority to grant this waiver. If it is not granted by the Planning Board, then the application will need to be re-noticed.

Mr. Pennella also advised that with regard to the sanitation changes, the Department of Public Works will need to review and approve any changes to the garbage collection since, in addition to changing the dumpster location, they are also proposing an entry gate.

Ms. Lawrence asked about the fire trucks. Mr. Pennella said they will inquire but he thinks that they would come in through Leroy.

Moving forward, Ms. Lawrence would like to see a parking analysis as to what is there now and what they are proposing as far as the parking goes with the extension.

Counsel Addona advised that there are 3 aspects to this project. The first is the SEQRA review. As an involved agency, this Board has an opportunity to weigh in issues that they feel the Planning Board should be aware. The Board can discuss them and direct her to prepare a memo to the Planning Board outlining those concerns. These concerns should be forwarded to the Planning Board prior to their SEQRA determination.

The second aspect is the Interpretation request by the applicant regarding the degree of the parking variance that is required. As Mr. Pennella stated before, when the application came in, it was not clear about the use of the new proposed space. The required parking spaces were determined using the area as a place of assembly. The applicant is arguing that the amount of parking variance is actually lower based upon the proposed use of the space in the new locations. It is up to the Board to determine if they agree with the Building Inspector and that 45 spaces are needed or, if a lesser amount of parking spaces is needed based upon what is being proposed in each area of the new area. The Chair has requested more information of how the uses are broken down in order to assess them and help them make a determination.

Ms. Lawrence asked Mr. Patrick if he understands what the Board is requesting.

Mr. Patrick said he believes what the Board is asking for is a breakdown of the square footage of the existing structure and how that has changed and the calculation or an application of the zoning code to show how much parking is required by the new addition.

Ms. Lawrence said yes and that it be submitted in a table format or chart that is easily understood.

With regard to SEQRA, Ms. Lawrence asked Counsel if it would be okay to have the Board respond to her individually.

Counsel Addona advised if the Board would like to send individual comments to her she could incorporate them into a memo for the Board to consider at the June 8, 2020 meeting. Ms. Lawrence asked if it was possible for the memo to be prepared for the Planning Board before he next meeting. Counsel advised that this could not be done since the Zoning Board would have to agree to the memo before it was forwarded to the Planning Board. If the Board agrees, she can draft a memo for the Board to consider based upon the comments received tonight without the Board having to submit direct comments to her, so that it can approved at the June 8, 2020 meeting.

Mr. Kim agreed and said this would be the fastest and most expedient way to proceed. Ms. Rachlin, Mr. Jolly and Mr. Braun all agreed. Ms. Sgammato said that she would not be voting on this application.

Mr. Patrick confirmed that the Board will not be sending comments to the Planning Board until after their next meeting which is on June 8, 2020.

Counsel Addona said the memo will be prepared for the Board to review at their June 8, 2020 meeting and comments can be sent to the Planning Board by their June 11, 2020 staff meeting.

Ms. Lawrence made a motion to continue the public hearing. Mr. Jolly moved, seconded by Ms. Rachlin. All in favor. Motion carried.

**NEW PUBLIC HEARING - Jozef Debiec – 35 South Broadway**

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing via **Zoom videoconference** at **7:30 p.m. on Monday, May 11, 2020, to hear and consider an application by:**

Jozef Debiec  
 35 South Broadway  
 Tarrytown, NY 10591

for variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for the change of use of an existing retail space to a professional medical office with one residential dwelling unit above.

The variances sought are as follows:

<b>Code Description Section 305-21, Attachment 10</b>	<b>Required</b>	<b>Proposed</b>	<b>Variance Required</b>
§305-39 D.(1) Additional area requirements front yard setback (Ramp – South Broadway & West Elizabeth)	20 Feet	0 Feet	20 Feet
§305-63 C.(3)(b) Parking in front yard setback – West Elizabeth	15 Feet	0 Feet	15 Feet
§305-63 C.(3)(b) Parking in front yard setback – John Street	15 Feet	0 Feet	15 Feet
§305-63 C.(3)(b) Parking in side yard setback	15 Feet	0 Feet	15 Feet
§305-142 C.(3)[13][d] Raised Planting Beds	1	0 Feet	1

The property is located at 35 South Broadway and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 35, Lot 1 and is located in the M-1.5 Zone.

**The Public Hearing will take place online via Zoom Video Conferencing in accordance with the Governor’s Executive Order 202.1.**

Please visit <https://www.tarrytowngov.com/home/events/26474> for instructions and directions on how to join the meeting. You can also contact the Planning and Zoning Department by emailing [meszaros@tarrytowngov.com](mailto:meszaros@tarrytowngov.com) or by calling 914-631-1487.

In addition to hearing public comments at the meeting, public comments can be emailed to [meszaros@tarrytowngov.com](mailto:meszaros@tarrytowngov.com) or mailed to Village of Tarrytown, Zoning Board of Appeals, 1 Depot Plaza, Tarrytown, NY 10591, in advance of the May 11, 2020 meeting.

Documents relating to this application will be provided by emailing the Planning and Zoning Department at [meszaros@tarrytowngov.com](mailto:meszaros@tarrytowngov.com) or by calling 914-631-1487.

All interested parties are invited to join the meeting and be heard. 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  
 May 1, 2020

The mailing receipts were received and the signs were posted. The site visit was suspended due to the Governor's Executive Order to comply with social distancing requirements.

John J. Hughes, Attorney, appeared, representing his client, Dr. Jozef Debiec, also present. The property is located at 35 South Broadway and is the former Junior League Building. His client purchased the property on September 19, 2019. They are before this Board by virtue of a change of use that requires parking lot variances. There is no certificate of occupancy, but is believed to have been built in the latter part of the 19<sup>th</sup> century. There is no new construction proposed or new parking, rather it is a renovation and preservation of the existing building which has been vacated for some time and needs work. The parking lot to the west of the building contains 15 parking spaces. The lot is in good shape. It has a nice entrance on the west side of Elizabeth Street and an exit on the easterly side of the Elizabeth Street. In addition to the survey, Mr. Hughes also submitted plans that show exterior improvements to the building. The basement will be a single office area. The first floor will be for medical offices with suites and the 2<sup>nd</sup> and 3<sup>rd</sup> floors will be comprised of one apartment unit with 3 bedrooms.

Mr. Hughes asked Dr. Debiec to explain his medical practice.

Dr. Debeic has worked at 200 South Broadway for seven years. He has a busy medical practice specializing in pain management with a good reputation. His lease is up this year and he was hoping to be able to move into this location before it ends. He thought this building was an ideal location for this type of use.

Counsel Addona advised that there is no use variance; they are before the Board to make the parking lot code compliant.

Mr. Pennella said they need front yard, side yard and planting bed variances since the lot, as it was constructed, has zero setbacks. His only comment to the parking lot plan is that the Planning Board may require screening for the parking lot and there may be challenges getting landscaping on Elizabeth Street and John Street.

Mr. Hughes advised that the lot to the west has always been owned by the Junior League and it was rented to the village for a long period of time. He noted that the property has been here for a while and is in good shape with a good entrance and exit. He understands that the Planning Board may require screening and if so, they will work with the Board. The property as situated is a unique looking building which has been vacant and needs renovation and preservation. Renovating a structure like this is challenging.

Ms. Lawrence confirmed with Dr. Debeic and Mr. Pennella that the property does not have a historic designation.

Ms. Lawrence asked Dr. Debiec if he will still allow the church members to park in the lot on Sundays. Dr. Debiec said that he spoke with the Priest and advised that as long as they provide insurance to him for this use, it will be fine.

Ms. Lawrence asked the Board if they have any questions or comments.

Mr. Kim compared the plan submitted to the Google maps and it looks to him that they may have more parking than what they are showing on the drawing. He suggested that perhaps they could lose a spot in order to provide the screening that was discussed earlier.

Ms. Rachlin had no comment.

Ms. Sgammato asked the Doctor if they will let the church use the spots on Sunday.

Dr. Debiec said his only concern with the church is that when it holds its food dispersements, the neighbor mentioned that trash builds up. It is hard for him to monitor this but as long as it is kept clean and there is insurance, he has no problem.

Ms. Lawrence asked if this could be a condition to agree to the church using the lot.

Counsel Addona said you could make it a suggestion but you could not mandate that as a condition of approval. Mr. Pennella agreed that it would not be fair to make this a condition.

Mr. Braun has no questions.

Mr. Jolly asked if the handicapped ramp will be put in front. Mr. Pennella said the ramp is code compliant and the 2 parking spaces close to the building are handicapped accessible with an aisle space.

Mr. Jolly asked Dr. Debiec if he would consider parking at other times after they close the building for a couple of hours but not overnight. Dr. Debiec said he would consider other times as soon as he is up and running and monitoring the use of the lot.

Ms. Lawrence opened the meeting for Public comment.

Susan Copley, the Reverend at Christ Episcopal Church in Tarrytown, called in to say that she is also on the Board of the community food pantry, which is an outreach program that serves the entire community. She lives at the church and she will make sure that the parking lot and street area is kept free from litter.

Ms. Lawrence thanked the Reverend for calling in and for her cooperation to keep the area clean.

There was no other comment from the public.

Ms. Rachlin moved, seconded by Mr. Jolly, 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 is no undesirable change to the character of the neighborhood. If anything, it will improve the parking lot.*
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 that there is no other method that can be achieved.*
3. That the requested area variances are not substantial. *Ms. Lawrence stated that the variances may be substantial but the parking lot has been there for many years which is a considerable factor.*
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 there is no 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 this condition is not self-created since the building and parking lot has been there for many years.*

Mr. Kim moved, seconded by Ms. Lawrence, to approve the variances as requested and direct Counsel Addona to draft a resolution memorializing the discussion of this application with the general standard conditions

Ms. Lawrence asked for a roll call vote for each Board Member as follows:

Mr. Kim: Yes  
 Ms. Rachlin: Yes  
 Ms. Sgammato Yes  
 Mr. Jolly: Yes  
 Ms. Lawrence Yes

The area variances relating to the parking lot were unanimously approved.

ADJOURNMENT:

Ms. Lawrence moved, seconded by Ms. Rachlin, to adjourn the meeting at 9:35 p.m. All in favor. Motion carried.

Liz Meszaros, Secretary