

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
May 13, 2019 7:30 p.m.

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

ABSENT: Alternate Member Jolly

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

APPROVAL OF THE MINUTES – April 8, 2019

Mr. Maloney moved, seconded by Ms. Rachlin, that the minutes of the April 8, 2019 be approved as submitted. All in favor. Motion carried.

CONTINUATION OF PUBLIC HEARING – Michael and Janiki Degen – 86 Crest Dr.

The applicant was notified that this application would be discussed this evening to update the Board on the status of the application. The applicant did not appear. Counsel Addona advised the Board that this application has been adjourned on the agenda since August 13, 2018, at the applicant's request. The application was first before the Board on June 11, 2018, and, at the July 9, 2018 continued public hearing, the Board asked the applicant to further decrease the FAR. Most recently, on April 30, 2019, the applicant advised the secretary via email that he does not wish to withdraw the application and that they plan to submit revised plans either this June or July, but more likely in July.

The Board agreed to adjourn the public hearing to the June meeting and staff will check back with the applicant to check on the status to see if they want to request an adjournment again.

NEW PUBLIC HEARING – Gregory M. Gall, Architect – 15 Birch Way

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, May 13, 2019**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Gregory M. Gall, Architect
33 Heritage Hill Road
Tarrytown, NY 10591

For a variance from Chapter 305 of the Village of Tarrytown ("Zoning Code") in order to construct a new front entry and walkway to an existing one-family dwelling.

The property is located at 15 Birch Way and is shown on the Tax Maps as Sheet 1.110, Block 80, Lot 18 and is located in the R-15 zoning district.

The variance sought is as follows:

Code Description §305-19 – R-15 Zone	Required	Existing	Proposed	Variance Required
One Family Dwelling Attachment 5 – Column [11]: Minimum Front Yard Set Back: 27 feet Exception: 305-47 B.(3) Front stairs or landings may extend a maximum of five feet into the required front yard	22 ft.	n/a	9.0 ft.	13.0 ft.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard.

Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

Additional Approval will be required by the Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: May 3, 2019

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

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

Gregory M. Gall, Architect, representing the homeowner of 15 Birch Way, Ms. Ball, also present, appeared before the Board to seek a variance required in order to rebuild the existing front steps at 15 Birch Way. They will be creating the steps and landing and will use bluestone and risers to match the foundation. It will be uncovered with railings. The home was built many years ago and the main entrance extends into the front yard setback. In addition, the bluestone walkway will be replaced with tighter joints.

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

Ms. Lawrence read through the criteria for an area variance:

1. That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance. *Ms. Lawrence stated that there will be no undesirable change to the character of the neighborhood or to nearby properties since they are replacing a deteriorated porch and improving the property.*
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 the benefit sought by the applicant cannot be achieved by some other method other than the area variance.*
3. That the requested area variance is not substantial. *Ms. Lawrence stated that the variance is not substantial in this case.*
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 porch will be aligned with the character of the house and there will be no adverse effect or impact on the physical or environmental conditions to 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 the porch is deteriorating and in need of replacement.*

Ms. Weisel arrived at 7:38 p.m. and advised the Board that she did visit the site and has no questions regarding this application.

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

Mr. Maloney asked Mr. Pennella to clarify the property lines and setbacks on the plan since they were faint. Mr. Pennella approached the Board and provided a large colored plan outlining the property line and setbacks for further clarification.

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.

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

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 the general standard conditions. All in favor. Motion carried.

ADJOURNMENT

Mr. Maloney moved, seconded by Ms. Rachlin, and unanimously carried, that the meeting be adjourned – 7:43 p.m. - Liz Meszaros- Secretary