

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Village Hall – 1 Depot Plaza
May 9, 2022 7:30 p.m.

PRESENT: Members Weisel, Rachlin, Abraham, Alternate Member #1 Jolly, Alternate Member #2 Kaplan, Counsel Addona; Village Engineer Pennella; Secretary Meszaros

ABSENT: Chairwoman Lawrence

Ms. Weisel chaired the meeting in Ms. Lawrence's absence and opened the meeting at 7:35 p.m.

APPROVAL OF MINUTES – April 11, 2022

Ms. Kaplan moved, seconded by Mr. Jolly, with Ms. Rachlin abstaining, to approve the minutes of the April 11, 2022 meeting.

All in favor. Motion carried. 4-0

CONTINUATION OF PUBLIC HEARING – Michael and Janaki Degen – 86 Crest Drive

Frank Tancredi, RA, the project architect, appeared before the Board, representing the applicant, Michael Degen, also present. He passed out a revised elevation plan with minor tweaks and also included the streetscape for the record.

At the request of the Board at the March meeting, he presented revised plans which have eliminated the variance for the 1 story. They have eliminated the livable space on the 3rd level. They moved the master bedroom over the garage and added the 2 bedrooms on the 2nd floor. While they are still maintaining the roof area for storage and for the mechanicals, there is no height concern because the dormer has been eliminated with a pull-down stair for access. They have also removed the bathroom in the back which has reduced the FAR by 68 s.f. The 1st floor has remained unchanged.

The family room had a cathedral ceiling, which is now a flat roof. The elevation plan reflects a bit of tweaking to continue the roof line of the garage to the house. The height has been reduced from approximately 30 feet to 27 feet, after removing the bathroom.

Mr. Tancredi referred to Mr. Pennella's memo to the Board. Mr. Pennella confirmed that the applicant would require a FAR variance of 655 S.F. and that the application did not need to be re-noticed.

Ms. Weisel noted that the Board was uncomfortable with the appearance of the 3rd floor at their March meeting, and it still looks the same with the 3 dormer windows. She asked Mr. Tancredi how much FAR is added as a result of this design. Mr. Tancredi estimated that it is about 300 s.f. of FAR that is unusable/not livable. He showed the roof line over the garage and explained that he is working with a 45-degree pitch in order to keep the roof consistent in elevation with the garage. Ms. Weisel is concerned about the 3rd floor look in terms of the character of the neighborhood criteria. Mr. Pennella advised that the attic floor is 424 s.f. of FAR as presented which is not going to be used for livable space. Ms. Weisel believes that 655 s.f. is a substantial variance. She is trying to figure out a way it could be reduced.

Mr. Tancredi noted that they have reduced the FAR by eliminating the bathroom. He reminded the Board that the original project in 2018 proposed a 1,500 s.f. FAR variance. They have reduced the FAR significantly with this plan. He asked the Board how much more they are they looking for.

Ms. Weisel asked for a comparison of other lot sizes and square footages of homes in the area. Mr. Tancredi said that he doesn't have to show that because this property is a double sized lot and there is no infringement on the light plane. They have substantial room and they are under 30 feet and they could build the roof that high, as of right. They have been at this for 3 years, and every meeting the Board asks for something else, because they are uncomfortable. He is asking the Board to hear what he has to say, open the meeting up to the public, close the public hearing, and vote tonight.

Counsel Addona advised that this application has not been before the Board for 3 years. The initial application was made 3 years ago and it was stagnant for quite some time. She advised Mr. Tancredi that the Board is concerned with the character of the neighborhood, which is one of the five criteria used in considering the approval of variances, and it would be helpful if he could address the criteria.

Mr. Degen noted that the home was built in 1954 and they are keeping with the traditional style. He does not understand how it does not fit in to the character of the neighborhood.

Counsel Addona commented that if the chairwoman hadn't been interrupted earlier by Mr. Tancredi, she believes she was going to address the fact that this property is a double lot and that she was going to ask the applicant to demonstrate the unique circumstance and point out why it should be treated differently. Mr. Tancredi apologized for being so abrupt with Ms. Weisel.

Ms. Weisel said it would be helpful if the applicant can show a comparison of the lot size and square footage of homes in the area to help them in their review. Most of the homes are 2 stories and the appearance of the house with the dormers makes it appear

to be a 3 story, which is a different look than anything else in the neighborhood. In terms of the 424 s.f of space in this area, which is to be used for mechanicals, she suggested that there may be a way to lower the roofline or possibly remove the dormers to reduce that square footage. She acknowledged the 68 S.F. FAR reduction by removing the rear bathroom. She is still looking for alternatives. She would like Mr. Tancredi to explore the possibility or what it would look like without the dormers and would also like to see the lot size and square footage of neighboring homes. She noted that it is an oversized lot, but the permitted FAR in this R-7.5 zone remains at 2,925 s.f.

Mr. Tancredi noted that the homes across the street are in the R-10 Zone. The permitted FAR for this zone is 3,500 s.f. They are proposing 3,580 s.f., which is 80 s.f. over that permitted FAR. He explained that this home is very unique. They are taking the roof and raising it up to keep with the style. They have reworked their entire plan and have eliminated the cathedral ceiling in the family room. There is not much room in the plan to shave out any more square footage and, even if you lower the pitch, it will not make much of a difference.

Ms. Weisel asked if any Board members have questions. There were no more questions from the Board.

Mr. Pennella advised that if they left the roof line alone, they would only require a FAR variance of 225 s.f. Essentially, the dormers increase the FAR by 100 s.f. and they have to be accounted for in the calculation according to the code. Mr. Tancredi said they wanted to match the lower roof line to the upper roof line and they can't decrease it any further because it does not work well aesthetically.

Mr. Pennella said the added FAR is for aesthetics. As an alternative, he suggested pushing the dormers lower to the floor so they are not counted into the FAR.

Mr. Tancredi said they could possibly lower the dormers and cut the windows into the roof. His clients really like the look of the dormers. They could possibly shave feet off the garage or back dormer a bit and make it a little leaner, but not much leaner than what is proposed.

Ms. Weisel would like the applicant to show that they can shave off some of the FAR and look at the dormers which could help with both the character of the neighborhood concern and also lower the FAR. She would like the applicant to show the other lot sizes of neighboring homes in relation to the FAR and square footages as well. This will help them to see if the lot can be looked at differently.

Mr. Tancredi noted the letters of support from all of the neighbors and would like the Board to take them into consideration during their deliberation. He also noted that this is their 3rd meeting with no objection from the public. Ms. Kaplan said they may not be your neighbors in 10 years. Ms. Weisel advised that there are criteria that have to be taken into consideration and the Board has concern about setting precedent.

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

Ms. Rachlin moved, seconded by Ms. Kaplan, to continue the public hearing to the June 13, 2022 meeting. All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – Paul and Monica Rode – 48 Crest Drive

The following public hearing notice was made available to the public at the hearing.

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 9, 2022**, in the Municipal Building, One Depot Plaza, Tarrytown, New York, to hear and consider an application by:

Paul and Monica Rode
48 Crest Drive
Tarrytown, New York 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for an addition to an existing dormer on the north-west roof corner of an existing single-family dwelling. The property is located at 48 Crest Drive and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.110, Block 81, Lot 3 and is located in the R 7.5 Zoning district.

The variance sought is as follows:

§305-21- Residential 7.5 Zone: Code Section: Attachment 5:1	Required	Existing	Proposed	Variance Required
Column 12: Min. Distance From Side Lot Line	10 Feet	22 Feet	6.94 Feet	3.06 Feet
Column 13: Minimum 2 Side Yards	22 Feet	29.3 Feet	14.76 Feet	7.24 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 approval is required from the Architectural Review Board.

By Order of the Zoning Board of Appeals
Lizabeth Meszaros - Secretary to the Zoning Board
Dated: April 29, 2022

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

Paul Rode, the applicant, appeared with the project architect, Joseph Paiva, R.A. He explained that his children are grown and out of the home. They would like to move the master bedroom upstairs and make a bigger living room, and extend the dormer out in the back for more wall space for beds for future grandkids. They will be re-siding the house since there was damage from a leak. The front of the home will not look different as a result of this addition. The roof line remains the same.

Ms. Weisel advised that she and Ms. Rachlin visited the site and noticed that some neighbors have done similar work to their homes.

Joseph Paiva, RA, showed the proposed plan and explained that this home is pre-existing/non-conforming. He advised that this a traditional cape with 2 dormers on the front. They are bumping out to add more space for the bedrooms. They are simply picking up both sides to match that dormer. They have not gone beyond the existing height or footprint and are technically increasing the non-conformity for the side yard setback, which requires a variance from this Board.

Mr. Pennella confirmed that this is a minor variance to the side yard setback for the 2nd story.

Ms. Rachlin believes that this is very much in keeping with the character of the neighborhood. Mr. Rode advised that he has spoken to the neighbors and no one has had an objection.

Ms. Weisel asked the Board Members if they had any questions or comment.

Mr. Rode confirmed with Mr. Jolly that the front of the home will not be impacted.

There were no questions or additional comments from the Board.

Ms. Weisel stated that there does not appear to be any negative impact on the neighbors as a result of this addition.

Ms. Weisel called for public comment but there was no one in the public present to comment.

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

Ms. Rachlin moved, seconded by Ms. Kaplan, to close the public hearing. All in favor. Motion carried. 5-0

Ms. Weisel read through and commented on 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. Weisel stated that the proposed project is in line with other similar projects undertaken by neighboring properties so there will be no undesirable change.*
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. Weisel stated that the benefit sought by the applicant cannot be achieved by some other method other than the area variances due to the pre-existing-non-conformity.*
3. That the requested area variance is not substantial. *Ms. Weisel stated that the requested variances are not substantial.*
4. That the proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. *Ms. Weisel stated that the proposed addition will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
5. That the alleged difficulty was 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. Weisel stated that it is self-created because they are adding onto the home, but that does not preclude this Board from granting the variances.*

Ms. Rachlin moved, seconded by Ms. Kaplan, to approve the variances and authorize Counsel Addona to prepare a Resolution with the standard general conditions based upon the general discussion during the public hearing.

The secretary recorded the vote:

Member Weisel: Yes
Member Rachlin: Yes
Member Abraham: Yes
Alt. Member Jolly: Yes
Alt. Member Kaplan: Yes

All in favor. Motion carried. 5-0

ADJOURNMENT:

Ms. Rachlin moved, seconded by Mr. Jolly, to adjourn the meeting at 8:10 p.m. All in favor. Motion carried.

Liz Meszaros- Secretary