

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
June 11, 2018 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Weisel, Rachlin; Alt. Member David Kim;  
Building Inspector/Village Engineer Pennella; Counsel Addona; Secretary Meszaros

ABSENT: Members Jolly and Maloney

Ms. Lawrence called the meeting to order at 7:36 pm.

Ms. Lawrence announced the following adjournment:

ADJOURNMENT:

El Farb, LLC  
56 Wildey Street

Appealing the determination of the Building Inspector and requesting an interpretation that the existing building is a legal pre-existing non-conforming use or for variances for the conversion of a single family residence into a four-family residence

APPROVAL OF MINUTES – May 14, 2018

Ms. Weisel moved, seconded by Ms. Rachlin, that the minutes of the May 14, 2018 meeting be approved as submitted. All in favor. Motion carried.

NEW PUBLIC HEARING – Thomas Masciovecchio – 42 LeGrande Avenue

Variances needed for the construction of a one-story rear addition.

The mailing receipts were received and the signs were posted. Board members visited the property. In addition, 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, June 11, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Thomas Masciovecchio  
42 LeGrande Avenue  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the construction of a one-story 84 S.F. rear addition to an existing 2 ½ story dwelling.

The property is located at 42 LeGrande Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.50, Block 22, Lot 33 and is in the R-5 Zoning District.

**The variances sought are as follows:**

<b>Code Description §305-22: Attachment 5:1</b>	<b>Permitted or (Required)</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Column [10] – Total Coverage (All buildings)	30%.	33.3%	35%	5%.
Column [12] – Minimum Each Side Yard Setback	(8 ft.)	n/a	(8.83 ft.)	(1.17 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: June 1, 2018

David A. Barbuti, R.A., the project architect, representing Mr. Masciovechio, the applicant, introduced himself and presented the plan. They are proposing a one story addition in the rear yard and will be bumping out the pantry and extending the kitchen, with a half bath. He noted that pictures were provided with the ZBA application.

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

Ms. Weisel asked about the flagstone patio. Mr. Barbuti pointed to it on the plan and said they are opening it up with French doors to make a small seating area.

Mr. Pennella commented on condensers that are within the side yard setback and do not require a variance and noted that the stormwater can be diverted into the drywell.

Counsel Addona advised the public that Mr. David Kim has joined the Zoning Board of Appeals as an alternate member. This is his first meeting and he will not be voting this evening; only three members will be voting.

Ms. Lawrence welcomed Mr. Kim to the Board as an alternate member.

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. This is a very minor addition to the rear of the home.*
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 due to the size of the lot and the property constraints.*
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 does not appear to be any adverse effect on the physical or environmental conditions in the area. This is a small rear addition to the 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 it 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 this evening and to include general standard conditions. All in favor. Motion carried.

E.F. Schools, Inc - 100 Marymount Avenue. – Variance required for exterior corridor improvements to improve pedestrian and emergency vehicles access between Rita and Marion Halls.

The mailing receipts were received and the signs were posted. Board members visited the property. In addition, 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, June 11, 2018**, in the Municipal

Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Philip Johnson, Executive Director  
E.F. Schools, Inc.  
100 Marymount Avenue  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for exterior corridor improvements between Marian and Rita Halls to improve pedestrian and emergency vehicle access.

The property is located at 100 Marymount Avenue in the Village of Tarrytown and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.80, Block 43, Lot 1.1 and is located in the R-20 zoning district.

**The applicant is seeking a variance to allow this work to be performed on a Hilltop; an environmentally sensitive area in accordance with the Village of Tarrytown Zoning Code §305-67.A (2) ( c ) Environmentally Sensitive Areas – Hilltop.**

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: June 1, 2018

Philip Johnson, Exec. Director of E. F. Schools, Inc., appeared before the Board. He apologized that not all of the Board members were able to see the site except for Ms. Lawrence.

He advised the Board that they have returned with a revised design for exterior site improvements between Rita and Marian Halls. This is Phase I of a larger project. Their goal is to create a pedestrian area that incorporates a code compliant emergency fire lane through the center of the two buildings in addition to ramps for ADA accessibility to both buildings with seating areas. Porous pavers will be used. He showed the

rendering of the site from the south and pointed to the planters and stairs that connect to Irving Avenue.

Mr. Johnson explained that their campus is 300 feet about elevation and by code, a variance is needed to allow this work to be performed on a Hilltop; an environmentally sensitive area, in accordance with the Village of Tarrytown Zoning Code §305-67.A(2)(c).

Christopher Orofino, PE, of Kimley-Horn, the project engineer, came up and also stated that this project requires a variance for this work to be performed on the hilltop. He advised that this application is also before the Planning Board for site plan approval since there is some steep slope disturbance in the area by the staircase, which he pointed to on the plan, which will require Planning Board approval. Mr. Pennella added that they are not proposing to build out on the slope, they are just realigning it and the only work that is being done in the slope is for the staircase.

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

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

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

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; it will be a nice improvement to make the facility pedestrian friendly with ADA accessibility and will provide a code compliant emergency fire lane for emergency vehicle access.*
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 site is located on a hilltop in the village.*
3. That the requested area variance is not substantial. *Ms. Lawrence said the variance is not substantial; the variance is needed to allow this work to be done on the hilltop.*

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. It will improve pedestrian access, ADA accessibility and provide a code compliant fire lane for emergency vehicle access.*
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 not self created since the buildings exist on a hilltop area within the village.*

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 – Juliana Aloia – 11 John Street

Variances needed for the construction of an open wood deck and 10' x 10' tool shed in the rear of the property.

The mailing receipts were received and the sign was posted. Board members visited the property. In addition, 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, June 11, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Juliana Aloia  
11 John Street  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the construction of a new open wood deck and to install a 10' x 10' tool shed in the rear of the property.

The property is located at 11 John Street, Tarrytown, NY and is shown on the tax maps as Sheet 1.70, Block 34, Lot 8 and is in the RR Zoning District.

**The variances sought are as follows:**

<b>Code Description</b> §305-39: RR - 1 family dwellings (Lot =3,485 sf) Attachment 10:1	<b>Permitted (Required)</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Column [10] Total Coverage (all buildings)	22.5% or 785 S.F.	153% or 1,203 S.F.*	165% or 1,303 S.F.	12% or 100 S.F.
Column [12] – North Side - Side Yard Setback 16 ft. Per 305-47 B.5 reduced to 6 ft.	(10 ft.)	n/a	5.33 ft.	4.67 Feet
Column [12] – South Side - Side Yard Setback 16 ft. Per 305-47 B.5 reduced to 6 ft.	(10 ft.)	n/a	7.67 ft.	2.33 Feet
Column [16] Min. Distance Accessory Building to rear lot line - Shed	(16 ft.)	n/a	(1 ft.)	15 Feet
Column [17] Min. Distance Accessory Building to side lot line - Shed	(16 ft.)	n/a	(1 ft.)	15 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.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: June 1, 2018

Samuel F. Vieira, RA, representing Juliana Aloia, the owner, also present, presented the plan proposing to construct a deck in the rear of their home and also install a 10" x 10" tool shed in the backyard of the property. Mr. Vieira explained to the Board that this home is in RR zone and the setbacks are more stringent in this commercial zone. His client would like to install the shed in the corner of the property which will require a variance. The requirement is 16 feet minimum distance from the rear and side lot lines which is impossible to meet considering the lot size. The deck they are proposing is 230 s.f. and not substantial in size. It will enhance the property and allow the owner to have a deck off of the kitchen on the main level.

Ms. Lawrence made reference to the fence on the plan and feels that it is acceptable since the property borders a commercial area and is needed for privacy.

Ms. Lawrence asked about the existing shed on the property. Mr. Vieira said this is a temporary shed used for storage until the basement area is finished. It will be removed.

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

Ms. Lawrence asked if any Board Members or staff had any questions. No one appeared.

Ms. Rachlin asked about the material for the shed. Ms. Aloia, introduced herself, and said she had thoughts about using the existing siding to the house since they have leftover material.

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

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

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; the shed and deck will be additional improvements to 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 said there is no other method than the variances sought due to the size of the lot.*
3. That the requested area variance is not substantial. *Ms. Lawrence said the variances are not substantial considering the lot size and that the property borders a commercial area.*
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 neighborhood, which borders a commercial 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 but it 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 this evening and to include standard conditions. All in favor. Motion carried.



NEW PUBLIC HEARING – Michael and Janaki Degen- 86 Crest Drive  
Variance needed for additions and alterations to a single family home.

The mailing receipts were received and the sign was posted. Board members visited the property. In addition, 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, June 11, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Michael and Janaki Degen  
86 Crest Drive  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown (“Zoning Code”) for additions and alterations to a two story single family home.

The property is located at 86 Crest Drive, Tarrytown, NY and is shown on the tax maps as Sheet 1.110, Block 76, Lot 2 and is in the R 7.5 Zoning District.

**The variances sought are as follows:**

<b>Code Description</b>	<b>Permitted (Required)</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Required</b>
Attachment §305-25: Maximum Floor Area Table 1 – R-7.5 Zone	2925 S.F.	2182.59 S.F.	4457.89 S.F.	1532.89 S.F.

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: June 1, 2018

Samuel F. Vieira, RA, representing the Degen’s, also present, presented the plan for additions and alterations to the existing two-story brick home located in the Crest area section of the village. Mr. Vieira explained that his clients would like to expand their

home to accommodate their growing family. The plan proposes to raise the roof to create 2 bedrooms and bathroom on the third floor. As they move down with the topography, the 1 ½ story structure will have a side entrance with a mud room and the single story addition, further down will be a new 2 car garage with an attic space for a playroom or future guestroom.

Mr. Vieira said that this project can be built as of right except for the FAR. The property is located in the R 7.5 zone with a required lot size of 7,500 s.f. The lot size of this property is a little over 18,000 s.f. Directly across the street from the property, the homes are in the R-10 zone, which would allow this house to be a little larger. FAR regulations were codified years ago to prevent developers from building large homes in neighborhoods; however, in this case, the lot size is 2.5 times larger than the required lot size and it also has substantial side yards. Mr. Vieira showed the light plane description and said the planes are not being impacted. Mr. Vieira said that although the proposal exceeds the FAR requirements, it sits well on the property and is not cumbersome to the neighbors. He referred to homes in the general vicinity that are larger: The Pateman house on Prospect and Benedict Avenue, the house off of Abigail Kirsch on Prospect and Highland and the home directly behind this property at 96 Highland Avenue have all been expanded and renovated.

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

Ms. Weisel feels that this is a substantial variance. The homes that Mr. Vieira referred to are not located in the Crest. She would like to see photos of the homes along this area of Crest Drive. Mr. Vieira said there are homes that are built sideways in this area and they are deep. Ms. Weisel said she would like to go back and see the other homes before the next meeting.

Mr. Kim referred to the FAR section in the code and he would also like photographs and square footages of the immediate homes in the area. He did do some research on GIS and said that the homes range from 2,500 s.f. to 3,300 s.f. and the square footage of this proposed home is 3,700. He would like to look more carefully before he makes a decision.

Mr. Vieira said that it is impossible to compare the FAR of the homes, since the calculation includes foundation walls exposed over 3 feet and there is also a formula for the garage and the attic space is also included. He will not be able to calculate the FAR for these properties, but will provide square footage and photographs.

Ms. Lawrence said that the FAR is too substantial for her to accept and she does not know how she could possibly agree that this would fit into the neighborhood. She referred to the Bromberg home built in the 20's which she feels is not relevant. There is a large increase in the proposed square footage, and as proposed it does not fit in. She asked Mr. Vieira to revise the plan to reduce the square footage. She is aware that this is a large lot, but she would be remiss to accept this variance as proposed.

Ms. Lawrence asked if any staff had any questions or comment.

Mr. Pennella clarified for the Board that the proposed home will be 3,700 s.f., not 4,400 s.f., which is the proposed FAR. The FAR calculation includes the square footage of the garage and the attic.

Ms. Lawrence said she would like to see the square footage of the other homes in the immediate area.

Mr. Vieira asked if the Board could give them a number that he could work with; a number the Board could be comfortable with. Ms. Lawrence said absolutely not. She would like the home to fit into the neighborhood and be comparable to the other homes. She asked Mr. Vieira about the need for the 3<sup>rd</sup> story. Mr. Vieira said there are only 2 bedrooms on the second floor and they are proposing 2 more on the 3<sup>rd</sup> with a bathroom. The house has a very small footprint. They have three children and would like to have a playroom for them.

Ms. Weisel asked about the curb cut. Mr. Vieira said the maximum is 18 feet, and they will narrow it to conform. He also referred to the large tree in the front of the property will be discussed at Planning.

Ms. Weisel moved, seconded by Ms. Rachlin, to continue the public hearing at the July 9, 2018 meeting. All in favor. Motion carried.

NEW PUBLIC HEARING – Rohit Sareen – 203 Riverview Avenue –  
Parking variance to convert a garage into habitable space.

The mailing receipts were received and the sign was posted. Board members visited the property. In addition, the following public hearing notice was provided to the public at the meeting:

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, June 11, 2018**, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Rohit Sareen  
203 Riverview Avenue  
Tarrytown, NY 10591

For a parking variance from Chapter 305 of the Village of Tarrytown (“Zoning Code”) in order to convert a single car garage into habitable space.

**The variances sought are as follows:**

Code Description	Permitted (Required)	Existing	Proposed	Variance Required
Attachment §305-63 C.(3) (a) & (c) Parking in Front Yard Setback	20 feet	20.7 feet	2.4 feet	17.6 feet

The property is located at 203 Riverview Avenue, Tarrytown, NY and is shown on the tax maps as Sheet 1.100, Block 65, Lot 32 and is in the R 7.5 Zoning District.

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 from the Planning Board and Architectural Review Board.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: June 1, 2018

Samuel F. Vieira, RA, the project architect, appeared on behalf of the applicant, Mr. Rohit Sareen. Mr. Vieira explained that this is a typical Tappan Landing home with a small garage which the applicant would like to convert into habitable space. The garage is set back far enough that the first parked car is able to fit, however; the second car will require a variance to park in the front yard setback. Mr. Vieira informed the Board that the letter of denial states that this application is required to go to the Planning Board for a change of use from a garage into habitable space.

Ms. Lawrence said this is a typical request and she asked if anyone in the public had any questions. No one appeared.

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

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

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 others in the neighborhood and on Riverview Avenue who have converted their garages into habitable space.*
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 in order to provide for the required parking.*
3. That the requested area variance is not substantial. *Ms. Lawrence said the variances are not substantial considering the lot size and topography.*
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 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 said this was self-created but it 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 this evening and to include standard conditions. All in favor. Motion carried.

#### ADJOURNMENT

Ms. Weisel moved, seconded by Ms. Rachlin, to adjourn at 8:33 pm. All in favor. Motion carried. Liz Meszaros - Secretary