

Pleasantville Zoning Board of Appeals Meeting
April 30, 2015

The Pleasantville Zoning Board of Appeals meeting was called to order at 8:15 pm, on Thursday, April 30, 2015 by Daniel Franklin, Acting Chairman. Present were: Daniel Franklin, Acting Chairman; Steve Block and Erika Krieger, Members; Robert Hughes, Building Inspector; and Mary Sernatinger, Secretary. Absent: Austin Campriello, Chairman, and Steven Krauss, Member.

Mr. Franklin explained to the applicants that only three of the five Zoning Board members were present, and three votes in favor of an application are needed for an approval. Mathematically, it is more likely to get three votes out of five than three out of three. He said they could wait until next month to present their applications but noted that only four members would be present at that meeting. If an applicant decides to present his application this evening, he could request that the board take an informal, non-binding vote. If the vote is in favor, a formal vote would be taken right away. If it is to deny, the applicant can request that the matter be held over until all (or more) members are present.

- (1) **Case No. 2015-04 – Mr. and Mrs. Kevin and Cathy Martyn, 4 Orbaek Lane.** Proposal to legalize/repair an existing wooden deck constructed to the rear of the residence in violation of Section 185-36.B.(1), Schedule I, “Bulking Requirements,” regarding a deficient rear yard setback. Present: Manuel Andrade, Architect.

Mr. Andretti said that when the applicants bought the house in 1984, the deck existed in its current condition and size. They want to legalize the deck now so that the house will be ready when they decide to sell it.

The previous owner built the deck. There were no permits issued for its construction.

Mr. Andretti said they plan to add railings and bring the deck up to Code.

The required rear setback is 25 feet, the deck is set back 21 feet, so a 4-foot variance is needed.

Ms. Krieger noted that it is a relatively large lot, but it is pie-shaped, which makes it hard to get a decent sized deck. To meet requirements, the deck would have to be wide and skinny.

Mr. Andretti said other house in the neighborhood have similar decks.

On a motion by Ms. Krieger, seconded by Mr. Block and unanimously carried, the Public Hearing was closed.

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Based upon a review of the application of Mr. and Mrs. Kevin and Cathy Martyn to legalize/repair an existing wooden deck at 4 Orbaek Lane, the Zoning Board of Appeals determined that it is the only Involved Agency and that the Proposed Action is classified as a Type II Action under Part 617.5 of the State Environmental Quality Review Act regulations. Therefore, this application requires no further processing under SEQR.

VOTING took place as follows:

Ms. Krieger	-	Approve, based on the balancing test. The variance is only 4 feet out of the required 25. They have a wide lot that splays out in the back, and that mitigates the impact.
Mr. Block	-	Approve, for the same reasons.
Mr. Franklin	-	Approve.
Mr. Krauss	-	Absent.
Mr. Campriello	-	Absent.

- (2) **Case No. 2015-05, Athlete's Warehouse c/o Scott Lauder, 220 Tompkins Avenue.**
Proposal to develop the existing vacant second floor into an area for batting cages and personal training in violation of Section 185-36.B.(7), "Schedule VII, Off-Street Parking & Loading Requirements," regarding an insufficient number of parking spaces being provided on-site, and Section 185-23.E.(3), "Additional Off-Street Requirements for Planned Light Manufacturing M-1 District," regarding a deficient side and rear yard setback pertaining to parking. Present: Scott Lauder, Nicolas Serio, and Pat Costabile, Architect.

Mr. Franklin noted that the Zoning Board had received a letter from Mark Blandford, Senior VP of Diamond Properties, and owner of 141 and 175 Tompkins asking that the clients of Athletes Warehouse not use his parking lot at 175 Tompkins Avenue. The letter, which is dated December 2, 2013, is a copy of the letter that Mr. Blandford submitted when the applicants were before the Board two years ago.

Mr. Costabile said that currently there is a batting cage on the first floor, but the applicants want to remove it from that area and put four batting cages on the second floor, where they would also have space designated for personal training. Removing the batting cage from the first floor will increase safety, and the entire building will function better.

There would be a lift to the second floor.

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The applicants were granted a variance for five parking spaces two years ago. Mr. Costabile said they would alter the parking arrangement to increase the number of available parking spaces. On the side, they will shift the buffers and gain one parking space on either end, and they will increase the number of handicapped spaces from one to two. They propose to control the direction of traffic for safety and move the parking spaces back so they can get five compact parking spaces in the front.

Mr. Hughes said the variance request is for five parking spaces. The originally needed 41 parking spaces, and now they need 46 spaces.

Mr. Serio said the parking lot has sometimes been full at night, but when they have groups coming in, they email parents reminding them that it is not a "wait-and-stay" operation – it is drop-off only.

Mr. Serio said they have observed people from across the street using their parking lot during the day.

Mr. Costabile said the four batting cages each accommodate only two people at one time, and personal training involves only one person, so the increase in the number of people utilizing the facility is not great. Mr. Serio added that their primary customers are youngsters who do not drive.

Informally, Ms. Krieger said she was inclined to approve the application, even though the Board is sensitive about parking. She thought the lack of public turnout and the fact that the letter from Mr. Blanchard was a duplicate from two years ago indicated that this business has not been problematic in the neighborhood.

Mr. Block said he was also inclined to approve the variances. He noted that he often sees some cars parked along Tompkins Avenue. Mr. Serio said when he gets there at 6 am, people are already parked on the street, and it's the same cars every day. He believes that commuters park there. Mr. Louder believes that people who used to park in the lot when the building was vacant are now parking on the street. He said it became hazardous in the winter when the snow was piled up along the edge, and people were parking cars in the middle of the street. Mr. Hughes said the police can't ticket people for parking there because there is no signage prohibiting it.

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Mr. Costabile said the setback variance for parking is along the Metro North property, and the situation is existing.

On a motion by Ms. Krieger, seconded by Mr. Block and unanimously carried, the Public Hearing was closed.

WHEREAS, on April 30, 2015, on a motion by Mr. Block, seconded by Ms. Krieger, and carried, the Zoning Board of Appeals as Lead Agency under SEQR, determined that the application of Athlete's Warehouse, c/o Scott Lauder, to develop the existing vacant 2nd floor into an area for batting cages and personal training is an Unlisted Action because it is not classified as either a Type I Action or a Type II Action under Parts 617.4 or 617.5, respectively, of the State Environmental Quality Review (SEQR) Act regulations. The Zoning Board of Appeals determined that the Proposed Action will not have a significant effect on the environment and adopted a Negative Declaration under the State Environmental Quality Review Act (SEQR), which is incorporated herein by reference.

VOTING took place as follows:

Ms. Krieger	-	Approve, based on the balancing test and points mentioned in her informal vote. She said the change is relatively insignificant compared to what has been there, and they have made attempts to adjust the traffic pattern, which is a benefit to the area.
Mr. Block	-	Approve, based on the balancing test. They have been operating without any problems over the previous couple of years, so there don't seem to be any issues with this change.
Mr. Franklin	-	Approve.
Mr. Krauss	-	Absent.
Mr. Campriello	-	Absent.

- (3) **Case No. 2015-06, York Funding Development, 98 Washington Avenue.** Proposal to renovate and alter a previously approved three-story mixed-use structure in violation of Section 185-19.C.(5)(b), "Central Business A-1 District," regarding excessive maximum permitted residential density; Section 185-36.B.(7), Schedule VII, "Off Street Parking & Loading Requirements," regarding an insufficient number of parking spaces being provided on site; and Section 185-36.B.(6), Schedule VI, "Bulk Requirements," regarding excessive building coverage. Present: Jorge B. Hernandez, Architect.

Since Mr. Hernandez was not present at the beginning of the meeting, Mr. Franklin informed him that only three out of five members were present and he could postpone his presentation until the

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next meeting if he preferred, or he could request an informal vote prior to a formal vote being taken. Mr. Hernandez said he wanted to proceed.

Mr. Hernandez said he has been engaged to by the new owner of this building. The project was approved in 2007. It did not come before the Zoning Board at that time, as variances were not needed.

Originally, the building had retail on the first floor (which was to have been occupied by a bank), offices on the second floor, and seven apartments on the third floor.

Mr. Hernandez said many elements of the building are different from the original plan or totally out of Code. The building was approved with 26 parking spaces, but he said the space was not large enough to accommodate that many. He redesigned the parking area, working with Frederick P. Clark Associates' traffic engineer, Michael Gallanti, and there are now 19 parking spaces on site.

On the original plan there was a large retail/bank space on the first floor, but there was no entrance with a lobby. To create a lobby, they reduced the retail area by half, to 750 square feet.

Instead of having offices on the second floor, Mr. Hernandez said they are proposing seven apartments, a mirror image of the seven apartments on the third floor.

For this new plan, the number of parking spaces required is 24.5 or 25 spaces, and they can provide 19, necessitating a parking variance for 6 parking spaces.

Mr. Hernandez distributed financial information about his client's investment in the property, how much it will cost to improve it, and how many apartments are needed to make it financially feasible. He said they originally proposed 16 apartments but reduced the number to 14 based on guidance from the Planning Commission.

Mr. Hernandez said they plan to change the existing façade to make it architecturally more pleasing. They would put stucco on to and a cornice and stucco on the side. The windows along the side will be covered over, since windows are not permitted along a property line. Mr. Hughes said that some of the rooms in the interior apartments would not have any windows. Ms. Krieger suggested

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providing non-operable openings or a curtain wall. She said Code allows that when there is a sprinkler system in the building. There is no requirement for emergency access or openings. Mr. Hernandez said that all of the bedrooms have windows, but two apartments have living areas with no windows. He said on the third floor they could add skylights.

Mr. Hernandez said they would basically have to take everything inside down to the shell and rebuild. He said there are columns that will have to be removed as they go along.

With 14 apartments, Mr. Hernandez said they believe their return on investment will be 7-8 percent. If they further reduce the number of apartments, it wouldn't be financially feasible. Mr. Hughes noted that the Planning Commission suggested they have fewer, larger apartments that might bring in the same amount of rental, while decreasing the density and reducing the parking requirement.

Mr. Franklin said he needed to study the financial information that Mr. Hernandez had provided and would not be ready to make any decisions until he did so. He suggested the matter be held over. That way, everyone could review the information, and Mr. Hernandez would have an opportunity to present information to 4 Board members at the next meeting.

Mr. Hughes said that if the Zoning Board approves the application, the applicant would have to go back to the Planning Commission for a special use permit.

Mr. Hernandez agreed to continuing the case until next month.

(4) Minutes

The minutes of the March 26, 2015 meeting were accepted with corrections from Ms. Krieger and Messrs. Franklin and Hughes.

Respectfully submitted,

Mary Sernatinger
Secretary

These minutes reflect changes from Messrs. Franklin and Hughes and are ready to be FILED.