

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
January 10, 2005 8 p.m.

PRESENT: Members Lawrence, Jolly, James; Building Inspector/Engineer McGarvey;
Secretary D'Eufemia
ABSENT: Mrs. Plunkett

Ms. Lawrence chaired the meeting in Ms. Plunkett's absence.

CONTINUATION OF PUBLIC HEARING – MANFRED – 81 ROUNDABEND ROAD

The Board noted this matter was adjourned last month to allow the certified mailings to be done.

The certified mailing receipts were submitted.

Mr. Earl Ferguson, architect, stated, "We are asking the Board to approve a variance of coverage for a small porch to be built on the existing house in the back. That area is 288.18 sq. ft. that we are adding to the lot in terms of coverage. It represents about 1.75% of the allowable. We think it is a low impact. It has no negative impact on the neighborhood or the immediate neighbors. It is only one story high. It would increase the enjoyment of the property quite a lot for the Manfred family. It would give them an opportunity to enjoy the backyard with some shelter in inclement weather. The existing code allows 18% of the lot and the existing is 17.76%. With our proposed addition we would be about 19.74%."

Mr. Ferguson noted that the house will be better proportioned with this small extension.

Ms. Lawrence questioned whether anyone wished to address the Board on this matter. No one appeared.

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, that the Board issues a negative declaration that there are no adverse environmental impacts from the proposed project, pursuant to the State Environmental Quality Review Law.

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, that the hearing be closed, and that the Board having arrived at the findings required by the ordinance:

1. That the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the neighborhood
2. That the proposed variance will not create an undesirable change to the neighborhood or detriment to the neighborhood
3. That the benefit the applicant seeks to achieve cannot be achieved by any other feasible method

4. That the variance is not substantial in the Board's judgment
5. That the variance would not have an adverse environmental impact on the neighborhood
6. That the Board finds the variance is the minimum one deemed necessary and will preserve and protect the character of the neighborhood and the health, safety and welfare of the community

and, therefore, the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Minimum lot size is required to be 20,000 sq. ft. and 14,577.30 sq. ft. exists
 - b. Minimum lot width at front of building is required to be 120 ft. and 109.48 ft. exists
 - c. Total Floor Area Ratio permitted is 4,301sq. ft. (0.29) and 4,671 (0.35) exists
2. Total lot coverage is permitted to be 18%; 17.76% exists; and 19.74% is proposed (§305-9)

Are granted subject to:

1. Approval of plans by the Building Inspector
2. Approval of plans by the Architectural Review Board
3. Obtaining a building permit within two years.

CONTINUATION OF PUBLIC HEARING – FRAGA – 45 WINDLE PARK

Ms. Lawrence noted the Board continued this hearing last month and requested additional information.

Mr. Richard Blancato, attorney for the applicant, stated, "You heard the basics of the application at the last meeting. I have prepared an affidavit from Mr. Fraga, which outlines the history with regard to Community Development and also an affidavit from Richard Bell, the plumber at the time, stating he obtained all the necessary permits. Mr. Fraga indicated to me he was encouraged by Mr. Hagle (who worked for the Village in the 1970s) to fix up the building and put in the second unit. Mr. Fraga got the loan from the Community Development office. It has been an apartment for over 25 years. It conforms with the neighborhood whose character is basically multi-family. I have submitted a copy of the survey. It shows that basically the building has not changed since 1946."

Mr. Jolly stated he remembered that back in the 1970s the Community Development program offered loans and grants encouraging larger homes to make apartments to provide needed housing. He stated people back then were probably not aware they needed to obtain a certificate of occupancy after the work was done.

Upon inquiry, Mr. Blancato stated from what they could determine the tax rolls in Tarrytown and Greenburgh both have the property listed as single family. The insurance policy says "premises"; there is no mention of single family or two family. No Community Development files were located at the Village offices. The attorney's office from the 1970s is no longer in existence.

Discussion was held on the wood deck. Mr. McGarvey stated the ZBA cannot grant a variance to 2 ft. since the New York State building code requires a minimum of 3 ft. for a wood structure and this Board cannot supercede the New York State Code. He noted if the Board wanted to approve the deck, they should approve it to the 3 feet and the owner would have to cut it back slightly.

Board members stated they wanted the Building Inspector to be able to visit this property every few years to be sure the third apartment does not get put back in. Mr. Blancato stated they would submit a letter signed by the owner giving the Building Inspector this permission and also stating that the owner of the property would contact the Building Department every three years to arrange for said inspection.

Ms. Lawrence questioned whether anyone wanted to address the Board on this matter. No one appeared.

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, that the Board issues a negative declaration that there are no adverse environmental impacts from the project, pursuant to the State Environmental Quality Review Law.

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, that the hearing be closed, and that the Board having arrived at the findings required by the ordinance:

1. That the benefit to the applicant outweighs any detriment to the health, safety, and welfare of the neighborhood
2. That the proposed variance will not create an undesirable change to the neighborhood or detriment to the neighborhood
3. That the benefit the applicant seeks to achieve cannot be achieved by any other feasible method
4. That the variance is not substantial in the Board's judgment
5. That the variance would not have an adverse environmental impact on the neighborhood
6. That the Board finds the variance is the minimum one deemed necessary and will preserve and protect the character of the neighborhood and the health, safety and

welfare of the community

and, therefore, the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Minimum lot size is required to be 6,000 sq. ft. and 4,362 sq. ft. exists
 - b. Minimum lot width at front of building is required to be 50 ft. and 45 ft. exists
 - c. Existing accessory building coverage is allowed to be 10% and 12% (560 sq. ft. exists)
 - d. Front yard is required to be 15 ft. and 11.9 ft. exists
 - e. Single side yard setback is required to be 10 ft. and 6.3 ft. exists
 - f. Combined side yards setback is required to be 20 ft. and 15 ft. exists
 - g. Rear yard is required to be 45 ft. and 32.5 ft. exists
 - h. Building height is permitted to be 2 stories and 3.5 stories exists
 - i. Four off street parking spaces are required and three exist
 - j. The detached two-car garage and a single parking space are located within the required front and side yards where not allowed.
2. Open wood deck is permitted to be 6 ft. from the side lot line and 3 ft. will be provided

are granted subject to:

The owner of the premises submitting a letter granting permission for the Building Inspector to inspect the premises every three years and stating the owner of the property will contact the Building Department every three years to schedule this inspection.

MEETING ADJOURNED 8:45 p.m.

Kathleen D'Eufemia
Secretary