

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
October 11, 2005 8 p.m.

PRESENT: Chairwoman Plunkett; Members Lawrence, Jolly, James, Maloney;
Counsel Shumejda; Secretary D'Eufemia

PUBLIC HEARING – KESSMAN – 51 TAPPAN LANDING ROAD

The Secretary read the following Notice of Public Hearing:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 8:00 p.m. on **Tuesday**, October 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Dore Kessman
51 Tappan Landing Road
Tarrytown, New York 10591

for a variance from the Zoning Code of the Village of Tarrytown for property she owns located at the above address, regarding construction of a deck requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Minimum lot size is required to be 10,000 sq. ft. and 6,825 sq. ft. exists
 - b. Minimum lot width at front of building is required to be 100 ft. and 71.26 ft. exists
 - c. One side yard setback is required to be 12 ft. and 5 ft. exists
 - d. Combined two side yard setbacks are required to be 26 ft. and 12.5 ft. exists

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 17a, Block 118, Lot 4 and is located in a Residential (R-10) zone.

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.

The certified mailing receipts were submitted.

Mr. Robert Barstow, architect, stated, "There is an existing deck. We would like to expand that. The present deck is very small and not of an adequate size for the Kessmans

to enjoy. The new deck size is 20 ft. x 25 ft. The existing deck is roughly 10 ft. x 20 ft. The location is in the rear yard.”

Mrs. Plunkett reported receipt of the following memo dated October 11, 2005, from Kathleen D’Eufemia, Designated Environmental Review Officer:

Re: Kessman – 51 Tappan Landing Road

I have reviewed this application for construction of a rear yard deck.

As Environmental Review Officer, I make a recommendation that the Zoning Board of Appeals issue a negative declaration in that there appears to be no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.”

Mrs. Plunkett questioned whether anyone wished to address the Board on this matter.

The following letter was submitted on behalf of Haiim and Victoria Samra, 45 Tappan Landing Road, and Kevin and Wanda Myers, 57 Tappan Landing Road:

“We reside next door to the proposed deck expansion project at 51 Tappan Landing Road. While we do not have an objection to our neighbor expanding the existing deck, according to village code, we would like to request that the applicant be asked to submit a landscape screening plan, for each of our houses, before any approvals or variances are granted by the Village. As the homes in this neighborhood are built very close to one another, any expansion affects the abutting houses in significant ways. For this reason, we believe that it should be incumbent upon the applicant to ensure that views of the proposed deck are kept to an absolute minimum, and that sufficient screening exists to protect each abutting home’s privacy. We thank you for considering this request in the planning and approval process.”

Mrs. Wanda Myers, 57 Tappan Landing Road, stated the houses are very close together. Presently they have a view of the creek. There are shrubs but if the deck is expanded, instead of seeing nature they will see a big deck. The bushes there now are fine for the size of the current deck. “We are concerned about our views.”

Ms. Kessman stated the hill slopes to the brook. She was planning to put flowering shrubs for her view and that of the neighbors.

Mr. Jolly noted it is a very steep slope. He questioned how close they would come to the slope. Mr. Barstow stated the deck would be cantilevered out. It is not a structural concern and would be constructed according to code. Mr. Jolly questioned how high the railings would be. Mr. Barstow stated code requires a minimum of 3 ft.

Chairwoman Plunkett stated, "I think we need a better design than what has been submitted of what the deck will look like. It should show what the railings will look like. There should also be a landscape plan submitted." All Board members agreed and stated another site visit should also be scheduled.

Mr. Kevin Myers, 57 Tappan Landing Road, stated there is a fairly good grade to the brook. The proposed deck is 500 sq. ft., which is considerably large and a large portion of it will be over a steep slope, maybe 10 ft. above the slope. "We all need a better understanding of that." Mr. Myers suggested the deck be adjusted in size and a landscaping plan submitted.

Board members unanimously agreed to continue the hearing at their next meeting.

PRELIMINARY PRESENTATION – 455 HOSPITALITY, LLC. – 455 SO. BROADWAY

Mr. Richard Blancato, attorney for the applicants, stated, "This application involves renovations at the Double Tree Hotel which is currently closed. We have been before the Planning Board for a number of months regarding traffic and what we will be doing with the hotel. We need two variances relating to coverage."

Mr. Blancato submitted a zoning standards comparison table, which noted the principal building coverage permitted is 20%, 22.30% exists, and 27.06% is proposed; accessory building coverage permitted is 5%, 3.54% exists, and 0.41% is proposed; total building coverage permitted is 25%, 25.84% exists, and 27.46% is proposed. Shown on the table were the existing hotel and the changes in terms of area.

Mr. Blancato stated, "What is being done for consideration by this Board is the ballroom is too small for various functions and we are proposing to expand the ballroom. We need the larger ballroom in order to compete with other conference centers and hotels in the industry. The restaurant will be moved to the middle where the lobby is and there will be some outdoor dining and the lobby will be moved to the right. The number of rooms will remain the same. Parking will be increased by removing the tennis court."

Mr. Blancato noted the only two variances being sought are for the principal building coverage and for the total building coverage and the Planning Board has recommended the Zoning Board grant these variances. He requested the Board schedule a public hearing for their next meeting to consider granting these variances.

Upon inquiries from Mr. Jolly, Mr. Marc Shapiro, Project Manager, stated the current ballroom is 4,000 sq. ft., which is only large enough for local gathering, not for meeting space. The current ballroom can handle a sit down dinner for 250 – 300 people and the new ballroom will be able to handle 600 – 650 people. It allows the meet and feed need.

Mr. Jolly questioned where the cars will park. Mr. Shapiro stated the required parking spaces are 487 and they are proposing 521. They have an arrangement with the Jewish Community Center next door to use their parking on a valet basis, which would give them over 600 parking spaces.

The Board unanimously agreed that a public hearing be scheduled for their next meeting.

APPROVAL OF MINUTES

Ms. James moved, seconded by Ms. Lawrence, that the minutes of April 11, 2005, be approved as submitted. Messrs. Jolly and Maloney abstained. All others assented. Motion carried.

Mr. Jolly moved, seconded by Ms. James, that the minutes of August 8, 2005, be approved as submitted. Ms. Lawrence and Mr. Maloney abstained. All others assented. Motion carried.

Mr. Maloney moved, seconded by Mr. Jolly, that the minutes of September 12, 2005, be approved as submitted. Mrs. Plunkett abstained. All others assented. Motion carried.

MEETING ADJOURNED 8:35 p.m.

Kathleen D'Eufemia
Secretary