

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
November 14, 2005 8 p.m.

PRESENT: Members Lawrence, Jolly, James, Maloney; Counsel Shumejda;  
Building Inspector/Engineer McGarvey; Secretary D'Eufemia  
ABSENT: Chairwoman Plunkett

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

APPROVAL OF MINUTES

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the minutes of October 11, 2005, be approved as submitted.

PUBLIC HEARING—455 HOSPITALITY, LLC—455 SO. BROADWAY

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 Monday, November 14, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

455 Hospitality, LLC  
455 South Broadway  
Tarrytown, New York 10591

for a variance from the Zoning Code of the Village of Tarrytown for property they own located at the above address, regarding hotel renovations and addition requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
  - a. Principal building coverage is permitted to be 20%; 22.3% exists and 27.06% is proposed.
  - b. Total building coverage is permitted to be 25%; 25.84% exists and 27.46% is proposed

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 24, Parcels P3 and P3E2 and is located in a Limited Business (LB) 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.

Ms. Lawrence noted several Board members visited the property.

Mr. Richard Blancato, attorney for the applicant, stated, 'Double Tree is completely renovating the hotel to bring it up to current standards to make it a prominent member of the community again. The ballroom now is too small. They are increasing the size of the ballroom to accommodate the type of functions that have become necessary in the market. Now they can't compete with some other hotels or conference centers. The lobby is being moved. Where the lobby is now will be the restaurant with some outdoor dining. In the back where the ballroom is, there will be covered outdoor seating. There will be a new pool. The back lawn area will have sculpture gardens with waterways and walkways. To do this we need the coverage set forth in the public notice.'

Ms. Lawrence noted the applicants appeared before the Board informally last month to review the variances being requested.

Upon inquiry from Ms. James, Mr. Marc Shapiro, Project Manager, stated the existing ballroom is not changing. The new ballroom will be in the location where the existing restaurant is today. They are cutting into the building and extending out into the courtyard. Where the lobby is today will be the new restaurant. The kitchen will be between the new ballroom and the restaurant. The space being consumed is space in the courtyard.

Ms. Lawrence questioned whether the hotel had two restaurants. Mr. Shapiro stated there is a restaurant and a bar. Now it will be one restaurant, which will be informal but upscale.

Upon inquiry from Ms. James, Mr. Shapiro stated the hotel has 246 guest rooms and that number will remain the same. Mr. Shapiro noted they meet the zoning requirements for parking but have entered into an agreement with the JCC for valet parking when there are large events.

Upon inquiry from Mr. Jolly, Mr. Shapiro stated the outdoor dining would have 50 to 60 seats with an outdoor fireplace. There will be an outdoor fireplace on the garden side as well.

Mr. Jolly questioned what has been done to allay the flooding concerns. Mr. Shapiro stated a lot of factors caused what happened on June 29<sup>th</sup>. The rain occurred so fast that the water started to back up in the culvert owned by the Town of Greenburgh. It had not been maintained and it backed up. It started to flood toward the building. They had water coming from both levels and ended up with 6 ft. to 7 ft. of water in the basement.

Mr. Martin Brockstedt stated the grades on the south side of the property have been reworked to prevent water coming from the culvert onto their property. There will be back check valves on the outflows. Mr. McGarvey stated there are flapper valves so the water can get out but can't get back in.

Ms. Lawrence questioned whether Greenburgh will be maintaining the culvert. Mr. McGarvey stated a lot of what caused the backup was from debris that came during that rainstorm. Mr. Brockstedt stated when there are rainfalls they will be checking the culvert.

Upon inquiry from Mr. Jolly, Mr. Brockstedt stated their accessory building coverage is actually being reduced because they are eliminating the tennis court, building a new slightly smaller swimming pool, and removing a tennis shed and the gazebo.

Upon inquiry from Ms. Lawrence, Mr. Blancato stated they had done a traffic study in conjunction with their application before the Planning Board. In addition, they have agreed to participate in the cost for a comprehensive South End traffic study. Mr. Shapiro stated the results of their traffic study showed their project will not have a significant impact on the traffic.

No one further appeared to address the Board on this application.

Ms. Lawrence reported receipt of the following memo dated November 14, 2005, from Kathleen DEufemia, Designated Environmental Review Officer:

'Re: 455 Hospitality, LLC—455 South Broadway

I have reviewed this application for hotel renovations and addition relative to variances needed for building coverage.

A complete environmental review of the project is currently being undertaken by the Planning Board, however, 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 two requested variances, pursuant to the State Environmental Quality Review Law."

Ms. James moved, seconded by Mr. Maloney, and unanimously carried, that the Zoning Board of Appeals issues a negative declaration in that there appears to be no adverse environmental impact from the two requested variances, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, that the hearing be closed, and 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 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

grants the requested variances subject to:

1. Approval of plans by the Building Inspector
2. Approval of the site plan by the Planning Board
3. Approval of plans by the Architectural Review Board
4. Obtaining a building permit for the project within two years.

PUBLIC HEARING–OI SIN WONG–17 MAIN STREET

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 Monday, November 14, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Oi Sin Wong  
17 Main Street  
Tarrytown, New York 10591

for a variance from the Zoning Code of the Village of Tarrytown for property he owns located at the above address, regarding continuation of 18 seats at Chinese take-out restaurant requiring the following variance:

1. Increase in the degree of non-conformity (§305-18A(1)):
  - a. Width at front of building is required to be 50 ft. and 20.75 ft exists
  - b. Principal building coverage is permitted to be 1,354 sq. ft. and 2,284 sq. ft. exists.
2. Twelve (12) parking spaces are required and one (1) 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 7, Block 22, Lot 12 and is located in a Restricted Retail (RR) 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.

Ms. Dorota Szwem, architect, stated they are asking the Board to approve the incidental seating which has been there for fifteen years without a permit.

Mr. McGarvey stated the Certificate of Occupancy states take-out only, no seats allowed. One of the reasons for that was probably because if you have seating you need a code compliant bathroom, which they do not have. As a result, Mr. McGarvey contacted New York State and explained there was seating in a take-out restaurant without a bathroom. They said they could consider the seating an incidental use as long as there was no wait service and no table service. That takes care of the bathroom situation with the State; however, the restaurant still does not have the required off street parking, which is why they are before the Board tonight.

Ms. Lawrence noted the restaurant has outdoor seating in the summer and she questioned whether they had permission for that. Mr. McGarvey stated they do—each year they have to file for a sidewalk café permit and submit a plan to the Village showing there is ample space for the outdoor seats.

Mr. Maloney questioned who uses the existing parking space, which the property has. Ms. Szwem stated the owner and whoever is working in the restaurant.

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

Ms. Lawrence reported receipt of the following memo dated November 14, 2005, from Kathleen DEufemia, Designated Environmental Review Officer:

‘Oi Sin Wong—17 Main Street

I have reviewed this application to allow the continuation of seating at a restaurant, which requires twelve parking spaces where only one exists.

The Zoning Board of Appeals will need to determine whether there are any adverse environmental impacts in allowing the 18 seats to continue—or whether there should be no seating or a lesser amount of seating.

If the Board determines seating should be permitted, they can issue a negative declaration in that there appears to be no adverse environmental impact pursuant to the State Environmental Quality Review Law?”

Ms. Lawrence stated this seating has been in existence for many years and people don't spend a lot of time at the seats—it is mostly a take-out operation. Board members agreed.

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, that the Zoning Board of Appeals issues a negative declaration in that there appears to be no adverse environmental impact from the requested variances, pursuant to the State Environmental Quality Review Law.

Ms. James moved, seconded by Mr. Maloney, and unanimously carried, that the hearing be closed, and 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 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

grants the requested variances subject to approval of plans by the Building Inspector.

CONTINUATION OF PUBLIC HEARING – KESSMAN – 51 TAPPAN LANDING ROAD

Ms. Dore Kessman submitted amended plans for the proposed deck to the Board. She stated the deck will be slightly smaller and lower.

Ms. Kessman stated she called Rosedale Nurseries to draw a landscaping plan. She stated she reviewed the plan with her neighbors and they seemed satisfied with it. Ms. Kessman presented this plan to the Board.

Ms. Lawrence stated Board members visited the property yesterday and Ms. Kessman pointed out the areas where the planting would occur.

Ms. Kessman stated the major limitation is a huge tree with a large canopy, which limits where the planting can go and they don't want to remove any plantings. They are proposing a weeping cherry at the bottom of the hill. There will be a dogwood tree planted in between existing bushes. They will also put evergreens in the corner at the end of the breezeway in the back. Ms. Lawrence noted all the proposed trees are shown at a considerable height.

Ms. Lawrence questioned whether anyone wished to address the Board on this matter. Mr. David Aukland stated his in-laws, the Samras, reside next door and the proposed landscaping plan appears to address their concerns. No one further appeared to address the Board.

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, that the Zoning Board of Appeals issues a negative declaration in that there appears to be no adverse environmental impact from the requested variances, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, that the hearing be closed, and 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 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

grants the requested variances subject to:

1. Approval of plans by the Building Inspector
2. Obtaining a building permit for the project within two years.
3. Compliance with the Landscaping Plan dated 11/12/05 prepared by Rosedale Nurseries, Inc.

MEETING ADJOURNED 8:40 p.m.

Kathleen D'Eufemia, Secretary

