

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
December 12, 2005 8 p.m.

PRESENT: Members Lawrence, Jolly, Maloney, James; 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 November 14, 2005, be approved as submitted.

PUBLIC HEARING – BLAUVELT – 107 MACARTHUR LANE

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, December 12, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

David Blauvelt
107 MacArthur Lane
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 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 7,500 sq. ft. and 5,000 sq. ft. exists
 - b. Minimum lot width is required to be 75 ft. and 50 ft. exists
 - c. Minimum side yard setback is required to be 10 ft. and 6 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 16B, Block 115, Lot 4 and is located in a Single Family (R7.5) 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 members of the Board visited the property.

Mr. John Turnquist, architect, stated the proposal is for a 5 ft. x 16 ft. deck at the rear of the house. There is a stair going down the center and a concrete pad at the bottom of the stair. They are seeking variances for pre-existing conditions. The deck is not going beyond the sides of the house.

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 December 12, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Blauvelt – 107 MacArthur Lane

I have reviewed this application to allow 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.”

Ms. James moved, seconded by Mr. Jolly, 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 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 the Board having arrived at the following 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.

PUBLIC HEARING – LOJA – 44 STORM 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, December 12, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Luis Loja
44 Storm 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 a proposed rear addition to the house requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Minimum lot size is required to be 7,500 sq. ft. and 5,500 sq. ft. exists
 - b. Minimum lot area is required to be 9,500 sq. ft. and 5,500 sq. ft. exists
 - c. No accessory building coverage is permitted and 6.5% exists
 - d. Building coverage is permitted to be 30%; 27% exists; and 36% is proposed
 - e. Minimum side yard setback is required to be 8 ft. and 5.5 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 6, Block 20, Lot 40 and is located in a Multi-Family (M1.5) 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 members of the Board visited the property.

Mr. John Turnquist, architect, stated they are proposing a 14 ft. 6 in. addition to the rear of the house. The proposed addition is 26-1/2 ft. wide, which is the width of the existing house. The house is a three-family house and the owner resides on the first floor with his wife and three children. The first floor apartment only has one bedroom. The proposal is to add four bedrooms on two levels – two on each level – and these will all be

incorporated into the first floor apartment via a stair from that apartment to the new second level. There is currently one bathroom in this apartment and the proposal is to add two bathrooms. The variances being sought are for lot coverage and for existing non-conforming conditions. Mr. Turnquist stated other properties in the area also have a high percentage of lot coverage.

Upon inquiry from the Board, Mr. Loja's son stated the second and third floor apartments each have two bedrooms. His family has been residing on the first floor for convenience; however, the apartment is too small for five people.

Mr. Jolly questioned how long the family has owned the house. Mr. Loja's son stated they have been there two years. They love Tarrytown, which is why they purchased the house.

Mr. Jolly questioned why the family didn't incorporate the second floor apartment into their living space. Mr. Loja's son stated they need the rent from the other two apartments to pay the house's expenses. Mr. Jolly noted this addition will cost money to construct and will result in additional taxes on the property.

Ms. Lawrence questioned whether anyone wished to address the Board on this matter.

Mr. William Jamieson, 46 Storm Street, next door owner, stated the properties are close and the proposed addition would block the light to his apartment and his tenant's apartment. The area also has water problems and his sump pump is now running 24 hours a day. He expressed concern that the proposed addition would worsen the water problems.

Ms. Lawrence reported receipt of the following memo dated December 12, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

"Loja – 44 Storm Street

I have reviewed this application to allow construction of a rear house addition to allow the construction of four additional bedrooms.

On September 13, 2004, the ZBA approved variances to allow for the replacement of an existing garage on the property in a zone that does not permit accessory structures. This proposed addition would now bring the total site coverage for this property to 36% where 30% is permitted, which is a substantial variance.

One of the findings the Board must make is whether or not the alleged difficulty was self-created. It seems if this addition was going to be requested, perhaps the applicant should not have replaced the garage.

The Board will also have to determine that what they would approve is the minimum variance in order for the Board to issue a negative declaration that there appears to be no adverse environmental impact pursuant to the State Environmental Quality Review Law."

Ms. Lawrence stated she felt the Board should re-visit this property and the site should be staked to show the location of the proposed addition. She stated she was concerned about the coverage, which is considerable. "It is a lot of house on a small property." Board members agreed that the Board should re-visit. Mr. Turnquist stated he could stake the property. The Board stated Mr. Jamieson was welcome to this site visit.

Mr. Loja's son stated the family will be away in January and he requested the hearing be adjourned to February.

Mr. Maloney moved, seconded by Ms. James, and unanimously carried, that the hearing be continued at the Board's February 13, 2006, meeting with a site visit scheduled for February 12, 2006.

ADJOURNMENT

Mr. Maloney moved, seconded by Ms. James, and unanimously carried, that the meeting be adjourned – 8:40 p.m.

Kathleen D'Eufemia
Secretary