

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

PRESENT: Members Lawrence, Jolly, James; 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 Ms. James, and unanimously carried, that the minutes of December 13, 2004, and the minutes of January 10, 2005, be approved as submitted.

PUBLIC HEARING – MEJIA/RESTREPO – 104 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, February 14, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Nicolas Mejia and Rocio Restrepo
150 Alexander Avenue
Hartsdale, New York 10530

for a variance from the Zoning Code of the Village of Tarrytown for property they own located at 104 Main Street, Tarrytown, New York 10591 regarding conversion of a single-family dwelling to a two-family dwelling requiring the following variances:

1. Use variance to permit two-family dwelling in a zone where single-family dwellings are permitted.

Should the use variance be granted, the following area variances would also be required:

1. Increase in the degree of non-conformity: (§305-18A(1))
 - (a) Minimum lot size is required to be 20,000 sq. ft. and 1,500 sq. ft. exists
 - (b) Minimum lot width is required to be 120 ft. and 38.98 ft. exists
 - (c) Minimum side yard is required to be 16 ft. and 0 ft. exists
 - (d) Minimum combined side yards are required to be 34 ft. and 0 ft. exists
 - (e) Minimum front yard is required to be 30 ft. and 0 ft. exists
 - (f) Minimum rear yard is required to be 32 ft. and 2 ft. exists
 - (g) Permitted building coverage is 18% and 74% exists

2. Minimum floor area per dwelling is required to be 1,500 sq. ft. and 1,150 sq. ft. is proposed

3. Four (4) parking units are required and 0 exist

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 9, Block 32, Lot 11 and is located in a General Business (GB) 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.

It was noted members of the Board visited the property.

Ms. Lawrence reported receipt of the following memo, dated February 14, 2005, from Stephen A. McCabe, Environmental Review Officer:

“Mejia/Restrepo – 104 Main Street

I have reviewed this application for conversion of a single-family dwelling to a two-family dwelling in a General Business zone, which does not permit two-family dwellings, and associated area and parking variances.

The Zoning Board of Appeals must first determine that the criteria for a use variance can be met:

1. Under the applicable zoning regulations, the applicant is deprived of all reasonable economic use or benefit from the property in question, which deprivation has been established by competent financial evidence
2. The hardship relating to the property is unique and does not apply to a substantial portion of the neighborhood
3. The requested use variance will not alter the essential character of the neighborhood
4. The hardship has not been self-created.

Should the Board be able to make those findings, and grants a use variance, they must then review the area variances. Many are for existing situations; however, there is a variance needed for minimum floor area per dwelling unit and a variance for parking. The parking in this area is a concern. This house presently requires two parking spaces and has none based on its pre-existing non-conformity. The proposal would now increase

that to requiring four where none exist. This will pose an impact to the area unless the Board can determine there are mitigating factors.

Counsel Shumejda stated, "One application tonight is for a use variance. Mr. Hughes, attorney for the applicant, contacted me recently about this and under the GB District, you can have a use permitted in an M-1 zone, which allows a two-family use so in my opinion they don't need the use variance but the last paragraph of Mr. McCabe's memo is still applicable. All the area variances are required."

Mr. John Hughes, attorney for the applicant, stated, "This is an existing residence and nothing will change to the exterior of the property. There is no addition and nothing will change the look of the property. The house is 2,200 sq. ft., two stories, with four bedrooms. The only thing they will be adding is a new kitchen on the first floor and a staircase in the front and a bath on the second floor. This is a very old building in need of repair. It is ready for something to be done. My clients bought the property in 2004. His entire family lives in Tarrytown and Sleepy Hollow and they want to be closer to their family and friends. He wants to bring his daughter with him. Their daughter is the mother of two children and another is on the way. This would be a family move to the Tarrytown area. On both sides of this property are multi-family residences. There is (municipal) parking directly behind and adjacent to this property. As a condition of this application he would rent one or two spaces on a continuing basis and I think that would satisfy the additional parking demand if the Board wanted to grant this variance. They have a total of three cars."

Upon inquiry from Ms. Lawrence, Mr. Hughes stated the house will be renovated to create two duplex apartments. In terms of the area variances, this property won't comply with anything, ever. It was built a very long time ago.

Upon inquiry from Ms. James, Mr. Hughes stated the house was previously a one-family.

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

Mr. Jerome Dunbar, 94 Main Street, stated he lives directly across the street from this house. The property has been in serious disrepair for a number of years and neighbors had even offered, at their own expense, to do repairs and paint when the former owner was there. The new owner is fixing up the property and neighbors are grateful for that. The most serious issue in this application is parking. Parking in the area is a large problem. When Mr. Busto a few years ago added an apartment to his house, the Board made him cut into the hill to create off street parking. Neighbors are also concerned that an additional apartment could eventually lead to this becoming rental property. "Without the parking, it should be denied. The houses in that area are already overcrowded."

Mr. Kenneth Manzon, 1 White Street, stated he agreed with Mr. Dunbar's comments. He stated when he and his wife bought their house four years ago, there was evidence that

the house had been used as a rooming house. They made it one-family. He felt this house should not be made multi-family. There are a lot of problems with crowding in the area and parking is a disaster. By granting a two-family, problems will be increased rather than relieved. Once this is approved, there is nothing to stop this from becoming rental property. Even if the applicant rents parking in the municipal lot, there is nothing to prevent the residents of this house from parking on the street. There is a problem on this street with two-family homes not only having two families, but rooms are rented to roomers. Sometimes there are a dozen children playing in front of a house. "We are homeowners trying to maintain our property, and we are not in agreement with anything that will cause more problems."

Mrs. Manzon stated if the house is made a two-family, it is very possible in the future this will become a rental property with five or six people in each apartment. She noted she frequently picks up strewn garbage and sweeps the entire street to try to keep the area clean.

Ms. Amy Wesson, 85 Main Street, stated her unit looks down on this property and she has been watching everything the neighbors are talking about. She stated she did not believe the houses on either side of this house are legal. Suggesting making this house two-family is "pushing the envelope." At times the school buses can't get up the street because of the parking. "It is becoming over-populated. I am totally against any more people living on that street."

Mr. Dunbar stated they love their neighbors but they want what is best for the neighborhood. The changes the new owners are making to this house are beautiful but they did not feel the two-family use is appropriate. The family can live together without chopping up the house and making it a two family. He noted his house was a three family when he and his wife purchased it. They converted it to a one family and he has asked his mother and brother to come live with them and if they do, it will remain a one family house.

Ms. Lawrence stated as one member of the Board she is very concerned about the parking and the Board in the past has denied applications to create additional apartments without parking.

Mr. Hughes stated he understood the concerns and the frustrations. "We are focusing all the problems, however, on this little application. Even if you deny it, nothing will change. This property has four bedrooms on the second floor and living space on the bottom. Someone will live there. It will be a family. This was a proposal by us to have a family live there. This will be one family but they want some privacy and have their own kitchen. It will be the same result whether the variance is granted or not. One more or one less car won't change the environmental issues."

Ms. Lawrence stated making the house a legal two-family means now or in the future there could be additional cars. "We would be adding to the problem."

Mr. Jolly questioned whether neighbors would be willing to sacrifice a little in order to have this messy property improved by this family. Mrs. Manzon stated before the property was sold neighbors had offered their services and money to fix it up. "I am happy they did the outside and we didn't have to spend our money." She added that was not a reason for converting it to two-family.

Mr. McGarvey stated if property maintenance or illegal dwellings are an issue, residents should notify his office in writing and inspections will be scheduled.

No one further appeared to address the Board.

Ms. Lawrence moved, seconded by Ms. James, and unanimously carried, that the requested variances be denied because the applicant failed to meet the following requirements for an area variance:

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.

MEETING ADJOURNED 9 p.m.

Kathleen D'Eufemia
Secretary

