

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
June 13, 2005 8 p.m.

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

CONTINUATION OF PUBLIC HEARING – WROBEL – 70 SHELDON AVENUE

The Board noted this matter was adjourned last month to allow for the certified mailings to be done and those receipts have been submitted.

Mr. Anthony Oliveri, engineer, stated the last time the Board asked for some additional information, which they have included on the plans. The light exposure plane is shown. Most of the variances are for pre-existing conditions. There are some slight increases for principal building coverage, total building coverage and floor area ratio.

Upon inquiries from Mrs. Plunkett, Mr. Oliveri stated the house will remain one-family. Mr. Wrobel has been to the Architectural Review Board and has received conditional approval on the granting of the variances. ARB suggested some aesthetic changes – particularly a treatment for the front entry. They are working with the Building Department on that.

Mrs. Plunkett stated she concurred that there should be a more attractive front entry, even if that would require an additional variance. Mr. Wrobel stated they were hoping to be able to do a front entry treatment without requiring an additional variance.

The Board stated it would be their recommendation that the Architectural Review Board review a more attractive front façade treatment and they should be advised that the Zoning Board would favorably review an additional variance if one is required to accomplish this treatment.

No one appeared to address the Board on this matter.

Mr. Maloney 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.

Mr. Jolly moved, seconded by Ms. James, 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 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

therefore grants the requested variances:

1. Increase in the degree of non-conformity (§305-18A)
  - (a) One side yard setback is required to be 10 ft. and 4.5 ft. exists
  - (b) Two side yard setbacks are required to be 22 ft. and 13.7 ft. exists.
  - (c) Minimum lot area is required to be 7,500 sq. ft. and 4,993 sq. ft. exists
  - (d) Minimum lot width is required to be 75 ft. and 50 ft. exists
  - (e) Maximum accessory building coverage is permitted to be 6% and 8.23% exists
  - (f) Maximum principal building coverage is permitted to be 24%; 23.5% exists; 24.2% is proposed
  - (g) Maximum total building coverage is permitted to be 30%; 31.7% exists; 32.4% is proposed
  - (h) Floor Area Ratio is permitted to be 0.43; 0.47 exists; 0.48 is proposed
  - (i) Light Exposure Plane is required to be a minimum of 45°; existing is 29°; and proposed is 32°.

Subject to:

1. Approval of plans by the Building Inspector
2. Applicant obtaining a building permit for the work within two years.
3. Approval of revised front façade treatment by the Architectural Review Board and that Board being advised that the ZBA would favorably review an additional variance for that treatment if necessary.

CONTINUATION OF PUBLIC HEARING – WRIGHT – 13 JOHN STREET

Ms. James recused herself on this application since she is a neighbor.

Mr. Ralph Tarulli, architect, stated last month he was requested to get tax information and a tax map to see what the neighborhood is like. Mr. Tarulli stated he had reviewed residences on John Street in both the RR District and the M-1.5 District. Mr. Tarulli submitted a schedule (which is part of the official file) which showed houses in the RR District, with a permitted Floor Area Ratio of 43%, had existing FARs (without attic calculation) ranging from 34% to 49%. In the M-1.5 District, with 43% permitted FAR, houses, counting first and second floor, had FARs ranging from 44% to 61%. Mr. Tarulli submitted a schedule showing FAR comparison for 13 John Street showing first and second floor only calculation (no attic) FAR existing 47% and FAR proposed 78%; first and second floor as well as basement (no attic) FAR existing 47%, FAR proposed 93%; first and second floor, basement and attic, FAR existing 59%, FAR proposed 122.6%. All existing FARs for 13 John Street included a shed which is 2.3%. Mr. Tarulli noted none of the houses on John Street meet the 45° light plane. Mr. Tarulli stated some improvements to homes that have occurred over the past twenty years are not reflected on the tax cards so the tax cards do not seem to reflect true values. "If you took improvements that have been done over the past twenty years to many of the homes, I am sure the FAR would be much greater but you would have to go to each individual house."

Mrs. Plunkett questioned how many variances have been granted for houses on John Street in the last few years. Mr. Tarulli stated he could not find any variances granted since the zoning code has been revised.

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

Mr. Wade Solomon, 19 John Street, stated the bottom line is these variances will create a huge house on John Street, which cannot handle it. When something like this is approved, everyone else wants to do it and the lots are too small. It is a huge addition for a few people.

Mr. Wright stated he felt the proposed addition would be an asset and the neighbors on both sides agree. Upon inquiry from Mrs. Plunkett, Mr. Wright stated he plans to reside in the house with his wife, daughter, son-in-law and grandchild.

Mr. Wright questioned, if the Board is inclined to deny the application, could the variance to permit the ½ bath on the first floor be granted. The house currently only has one bathroom and this ½ bath is necessary.

In reviewing the plans, Mr. McGarvey and Counsel Shumejda stated in order to accomplish the ½ bath a sideyard setback of 6 ft. would be necessary which is a lesser variance than what was advertised so the Board could consider that.

Counsel Shumejda stated the requested FAR variance is 1-1/2 times more than the average of every house on the street. It is a very substantial variance. Mr. Wright stated, "But on the others you are not counting the attic and basement.)"

Mrs. Plunkett stated doubling the size of the house on this lot is “ambitious.” Other Board members agreed.

Mrs. Plunkett noted Mr. Wright had previously received variances for dormers. She questioned the status of those variances. Mr. Wright stated he had actually obtained a building permit for that work – and actually renewed it once – before deciding to move forward with this application. He believed that building permit is still good.

Board members agreed they understood the need for the ½ bath and would approve that variance. They felt the other variances were too great and felt Mr. Wright should pursue work under the building permit for the dormers.

No one further appeared to address the Board.

Mr. Maloney moved, seconded by Mr. Jolly, that the Zoning Board of Appeals issues a negative declaration for the creation of the ½ bath on the first floor at 13 John Street, in that there appears to be no adverse environmental impact from the creation of that ½ bath pursuant to the State Environmental Quality Review Law. Messrs. Jolly and Maloney and Mrs. Plunkett assented.

Mr. Maloney moved, seconded by Mr. Jolly, 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 following variance to allow for the construction of ½ bath on the first floor at 13 John Street:

Combined side yard setback is required to be 34 ft. and 6 ft. is approved

subject to:

1. Approval of plans by the Building Inspector
2. Obtaining a building permit for the work within two years

And the other requested variances are denied.

Messrs. Jolly and Maloney and Mrs. Plunkett assented.

CONTINUATION OF PUBLIC HEARING – BRUNO – 1 ARCHER PLACE

Mr. Peter Wessel, attorney for the applicant, submitted photographs to the Board showing existing driveways on the street and the dimensions of those. He noted last month some concern was expressed about a car being parked too far back on the property. Mr. Bruno has agreed to put up a fence so there could be no way for a car to go beyond the fence. Mr. Bruno's mother is planning to reside in the house. There would be a rail placed next to the driveway so she can hold on to it when she comes along the side of the house. They are providing 1 ft. on the side next to 3 Archer Place and most of the other driveways in the area have zero setback. The neighbor at 3 Archer Place has been the only one to express a problem and the fence would seem to resolve that concern.

Mrs. Sadie Singman, 3 Archer Place, stated they have supported one parking space since Mr. Bruno bought the house. They have requested the maximum length for the driveway be 20 feet, which would allow for one car. Mrs. Singman stated it is a tight area and if there are two cars parked in this driveway, it infringes on their ability to access their garbage cans and that side of their house. Mrs. Singman stated they did not even object to a zero setback, if it only went back 20 ft. There also would be no need for a fence – Belgian Block could accomplish the same thing – but it should only go back the 20 ft. Their objection is for more than one car being parked in the driveway. Mrs. Singman stated Mrs. Bruno will not always reside in the house and if two spaces are created, in the future they may be used on a regular basis. For now, Mrs. Bruno wants an extra parking space for a guest and guest parking is a problem for every resident of the street.

Mr. Wessel stated if the Board did not want to approve the 31.8 ft., if 27 ft. is approved that would allow for the rail, which would provide safety for Mrs. Bruno and not block the Singmans access. Mrs. Singman stated the 20 ft. provides more than enough space.

Upon inquiry from the Board, Mr. McGarvey stated the front yard setback in this zone is 30 ft. and the proposed parking would be in the front yard setback, which is not permitted. That would require a variance.

Mrs. Plunkett suggested the Board re-visit the property and that the applicant stake out the various distances for the driveway so the Board can visualize sight lines. All agreed.

The Board unanimously agreed to continue the hearing at their July meeting.

CONTINUATION OF PUBLIC HEARING – DEMAREST – 72 PAULDING AVENUE

Board members noted at the last meeting they had requested a survey done to scale with the location of the proposed shed shown on the survey. That has been submitted. It was noted the survey shows the location of the previous shed as well as the location for the proposed shed.

Mr. Demarest stated his neighbors have expressed no objection to the proposal.

No one appeared to address the Board on this matter.

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 proposed project, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Ms. James, 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 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:

1. Rear yard setback is required to be 12 ft. and 10 ft. is proposed
2. Side yard setback is required to be 12 ft. and 5 ft. is proposed

Subject to:

1. Approval of plans by the Building Inspector
2. Obtaining a building permit for the work within two years.

PUBLIC HEARING – MENDOZA – 22 NEPERAN 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 Monday, June 13, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Rosemary and Russell Mendoza  
158 Drisler Avenue  
White Plains, New York 10607

for a variance from the Zoning Code of the Village of Tarrytown for property they own at 22 Neperan Road, Tarrytown, New York, regarding extension of existing driveway requiring the following variance:

1. Increase in the degree of non-conformity (§305-18A(1)):
  - a. Minimum rear yard for driveway is required to be 5 ft.; 2 ft. exists and 2 ft. is proposed. ((§305-19(c)(3)(a))
2. Minimum side yard setback for driveway is required to be 5 ft.; 15 ft. exists and 1 ft. is proposed. (§305--19(c)(3)(a))

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 11, Block 42, Lot 1 and is located in an RR (Restricted Retail) 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.

Mrs. Mendoza stated they own a two-family house at 22 Neperan Road. There is an existing driveway for two cars which they wish to extend up to the wall to create an off street parking area for four cars. She noted this is a busy street.

The Board reported receipt of the following memo dated June 13, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Mendoza – 22 Neperan Road - I have reviewed this application for expansion of a driveway.

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.

No one appeared to address the Board on this matter.

Board members stated they will be visiting this area for the 1 Archer Place application so it would be beneficial to again visit this site and the applicant should stake the area where the parking expansion is proposed.

All Board members agreed to continue the hearing at their July meeting.

PUBLIC HEARING – ADENBAUM – 90 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 Monday, June 13, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Ann F. Adenbaum  
90 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 expansion of single-family residence at the above address requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
  - a. Total lot area is required to be 10,000 sq. ft. and 6,180 sq. ft. exists
  - b. Width of building lot is required to be 100 ft. and 58 ft. exists
2. Front yard setback is required to be 25 ft., 28.72 ft. exists, and 12 ft. is proposed (§305-9)
3. Side yard setback is required to be 12 ft., 12 ft. exists, and 7 ft. is proposed (§305-9)
4. Combined side yard setbacks are required to be 26 ft., 25.9 ft. exists, and 19 ft. is proposed (§305-9)
5. Rear yard setback is required to be 28 ft., 28 ft. exists, and 25 ft. is proposed (§305-9)
6. Principal building coverage is permitted to be 22%, 17% exists, and 27% is proposed (§305-9)



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 120, Lot 14 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.

The Board reported receipt of the following memo dated June 13, 2005, from Kathleen D'Eufemia, Environmental Review Officer:

“Adenbaum – 90 Tappan Landing Road - I have reviewed this application for expansion of a single-family residence.

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

Mr. Robert Hoene, architect, stated they are proposing to update the existing house and put on an addition. The foyer, living room, dining room and existing study on the first floor will all be enlarged. In the rear they are adding an area for a dinette. The existing second floor has a shed dormer in the back and they would like to also have a shed dormer in the front. All three bedrooms will be expanded. They redesigned the roof to meet the light exposure plane requirements. The house is currently 2,106 sq. ft. and they are adding 500 sq. ft.

Board members questioned the size of the family. Mr. Hoene stated Ms. Adenbaum and her husband live in the house but they are in the process of adopting a child.

Mr. Hoene submitted letters from four neighbors stating they had no objection to the proposal. Mr. Hoene noted in accordance with a recommendation from the next door neighbor, they had amended the plans to show a hip roof at each gable end of the house which would allow the winter sun to penetrate to the neighbor's sun porch on the south side of their house, as it now does.

Mrs. Dunn, 20 North Tappan Landing Road, stated she was concerned about the front yard setback. She stated the houses in this area are Capes and are on small lots. Mr. Hoene noted that although the legal notice stated the front setback would be 12 ft. that is only in the area of the garage. The setback for the remainder of the house to the property line is about 20 ft. and it is about 33 ft. from the house to the curb line.

Mr. Hoene reviewed the plans with Ms. Dunn and Board members.

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

Mr. Maloney 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.

Mr. Maloney 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 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 plans by the Architectural Review Board
3. Obtaining a building permit for the work within two years.

#### APPROVAL OF MINUTES

Mr. Jolly moved, seconded by Ms. James, that the minutes of March 14, 2005, be approved as submitted. Mr. Jolly, Ms. James and Mrs. Plunkett assented. Mr. Maloney abstained. Motion carried.

#### ADJOURNMENT

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the meeting be adjourned – 10:05 p.m.

Kathleen D'Eufemia, Secretary

