

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

PRESENT: Ms. Lawrence; Members Jolly, Maloney; Counsel Shumejda; Secretary D'Eufemia

ABSENT: Chairwoman Plunkett, Member James

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

APPROVAL OF MINUTES

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the minutes of May 9, 2005, be approved as submitted.

CONTINUATION OF PUBLIC HEARING – MENDOZA – 22 NEPERAN ROAD

Ms. Lawrence reported that the applicant has requested an adjournment until the Board's August meeting. She questioned whether anyone wished to address the Board on this matter. No one appeared. Board members unanimously agreed to continue the hearing at their August meeting.

PUBLIC HEARING – REILLY – 25 BRIDGE 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, July 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by
Clare and Frank Reilly
25 Bridge Street
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 installation of a new stair and landing requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Total lot area is required to be 7,500 sq. ft. and 5,128 sq. ft. exists
 - b. Minimum front yard setback is required to be 20 ft. and 11.1 ft. exists
 - c. Minimum rear yard setback is required to be 26 ft. and 8.9 ft. exists
 - d. Minimum distance from side lot line to accessory building is required to be 10 ft. and 4 ft. exists
 - e. Minimum distance from rear lot line to accessory building is required to be 10 ft. and 4 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 2 and is located in a Residential (R-7.5) 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 reported receipt of the following memo, dated July 11, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

"Reilly – 25 Bridge Street

I have reviewed this application for installation of new stair and walkway.

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. Reilly stated there is a window where they would like a Pella garden door. There would be a small step out and then two steps down. It is very simple and unobtrusive.

Mr. Jolly questioned, "This is a new entrance?" Mrs. Reilly replied, "Yes, there is a window there now. This will be a second entrance and it will provide air and ventilation."

Mr. Maloney stated the proposal does not encroach any farther than the existing steps.

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

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board issues a negative declaration that there is no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Mr. Maloney, 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 by the Architectural Review Board
3. Obtaining a building permit for the project within two years.

CONTINUATION OF PUBLIC HEARING (NEW NOTICE) – BRUNO – 1 ARCHER PLACE

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, July 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Richard & Theresa Bruno
Martha Lou Bruno
336 Sprain Road
Scarsdale, New York 10583

for a variance from the Zoning Code of the Village of Tarrytown for property they own located at 1 Archer Place, Tarrytown, New York, regarding proposed new driveway requiring the following variance:

1. Proposed side line for driveway will be 0 ft. where 5 ft. is required (§305-19C3(a))
2. Parking will encroach on front yard setback (§305-19(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 5 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.

The Secretary stated this matter was re-noticed for the parking encroaching on the front yard setback and for the side lot line being 0 rather than the 1 ft. previously noticed.

Board members noted they had re-visited the property and there were markers to indicate the various measurements discussed last month.

Mr. Peter Wesel, attorney for the applicant, stated Mr. Bruno wanted the driveway to be 31-1/2 ft., which would put the car farther back on the property. It would also allow for Mr. Bruno's mother to easily grab a rail when she exits her car. They could put up a fence so a car could not go beyond that distance. If the Board is not inclined to approve the 31-1/2 ft, 27 ft. could work and the re-notice would allow the Board to consider the 0 ft. side yard setback.

Ms. Lawrence stated her main concern is that this be a driveway for only one car.

Mr. Bruno stated if the 27 ft. is approved, that would allow him room to place snow in winter and still have about 20 ft. for the driveway.

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

Ms. Sadie Singman, 3 Archer Place, stated, "We are very concerned that there would be more than enough room for two cars to go in. We have two small children and we want to be sure there is only one car. I don't think a fence is necessary. Belgian block and shrubs would work. We have no objection to Mr. Bruno having one parking space. He bought the house knowing there was no parking, and we are happy to have him have the one spot. We feel strongly that we are supporting the application and the 20 ft. assures us there will be only one car. The driveway can be graded so Mrs. Bruno can get out of the car and go into the house."

Mr. Jolly questioned if the Board approved the driveway at 27 ft. or 24 ft. with a barrier to prevent a car going beyond that distance, would the Singmans have a problem with that. Mrs. Singman stated beyond the porch is where it gets tight and that is the 20 ft. Mr. Singman stated his primary concern is safety.

Mr. Wesel stated, "I will make a recommendation to my client to put a fence up so there won't be any concerns about safety."

Ms. Lawrence stated the Village Code calls for a parking space to be 9 ft. x 18 ft. If the Board approves the 0 ft. side yard setback, the width of this space will be approximately 8-1/2 ft. which is close to the 9 ft. She stated she would be inclined to approve the depth of this parking space to be the 18 ft. Mr. Jolly agreed.

Mr. Bruno stated his car is 19-1/2 ft. and would not fit in the 18 ft.

Ms. Lawrence stated the Board has reviewed similar applications throughout the Village and the 18 ft. is what has always been approved.

Ms. Singman stated, "We have said the driveway can go to the property line. We support that in an area of mutual respect. I would just ask when the driveway is put in, they take respect for the plantings."

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the Board issues a negative declaration that there is no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Mr. Maloney, 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. The depth of the driveway being 18 ft.
2. Approval of plans by the Building Inspector
3. Approval by the Architectural Review Board
4. Obtaining a building permit for the project within two years.

PUBLIC HEARING – WHEATLEY – 100 SOUTH 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, July 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Robert Wheatley
4 Front Street
Tarrytown, New York 10591

for a variance from the Zoning Code of the Village of Tarrytown for property he owns located at 100 South Broadway, Tarrytown, New York, regarding construction of a second story addition above existing one-story building to accommodate one apartment dwelling unit 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 5,862 sq. ft. exists
 - b. Minimum lot width at front of building is required to be 100 ft. and 87 ft. exists
 - c. Minimum front yard setback is required to be 25 ft. and 1 ft. exists
 - d. Allowable use in R-10 zone is single family dwelling and business use
Exists
 - e. Off street parking spaces required are 4 spaces and 0 exist
2. Minimum floor area per dwelling unit is 1,200 sq. ft. and 750 sq. ft. is proposed (§305-9)
3. Off street parking spaces required are 6 spaces and 0 are provided (§305-19D(1))
4. Use Variance
The premises is located within the R-10 District which permits single-family residences only. The premises currently is used as an insurance/real estate office and is a legal non-conforming pre-existing use. The application presented seeks to add a single-family residence (apartment) on the second floor of the existing structure.

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 15, Block 57, Lot 47 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.

Ms. Lawrence reported receipt of the following memo, dated July 11, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Wheatley – 100 South Broadway

I have reviewed this application for construction of a second story for a new apartment. This application requires numerous variances, including a variance for parking and a use variance in that this is an R-10 single family district. The existing insurance business is a pre-existing use but this request would result in an office use and an apartment use both of which are not permitted in this district. The Zoning Board of Appeals will have to determine that the findings 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.

If that can be done, the Zoning Board of Appeals must determine there are also mitigating circumstances to warrant the granting of the area variances before the Board may 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. Sam Vieira, architect, stated, “I will describe some of the area variance issues. Mr. Wheatley would like to add a second story to a single story structure and add a one-bedroom apartment. This property is unique in the sense that it was originally much larger and at some time, a taking was done for the Croton Aqueduct. That has diminished the size of Mr. Wheatley’s property from the way it was originally laid out. The lot area needs to be 10,000 sq. ft. and the existing is only 5,862 sq. ft. The minimum lot width at the front of the building is required to be 100 ft. and 87 ft. exists. The minimum front yard set back is required to be 25 ft. and because of that taking, Mr. Wheatley is left with 1 ft. In regard to off street parking, the office space needs four and the dwelling unit would need two and none exists. The minimum floor area per dwelling unit is required to be 1,200 sq. ft. and 750 sq. ft. is proposed. If you look on the multi-family zoning charts, the requirements for dwelling units are considerably smaller. The 1,200 sq. ft. came from a minimum house size. This is an R-10 single-family district. The planners probably felt you ought not have a house less than 1,200 sq. ft. on a building lot.”

Mr. Viera stated this small area on Route 9 is zoned R-10 but in actuality there is a real estate office with residences above, there is a doctor's office with offices above and only two houses on the street are single family.

Mr. John Hughes, attorney for the applicant, stated, "The reality is this property is adjacent to the Restricted Retail zone and in that zone none of these variances would be necessary. The neighborhood is essentially RR by nature of what you have across the street and on the north and south of this property. What he has, and what he is proposing, is essentially what exists now. The odd thing about this application is that the use contemplated is consistent with the code but what is there now is disallowed. This use has been there since the early 1950s. If we were going the other way, I don't think you would allow the business use. Mr. Wheatley is trying to invest in this property and make it more viable. There is a ton of parking in that area but Mr. Wheatley has secured two spaces at the First Baptist Church at 56 South Broadway."

Upon inquiry from Ms. Lawrence, Mr. Wheatley stated he works at the business and he has one employee. He stated parking is always available on Broadway in this area, other than the occasion of an event at the school across the street, and even though he has had the lease for the two parking spaces at the church, he has never needed to use them.

Mr. Hughes stated they had submitted a financial presentation prepared by Peter J. Zambelletti, CPA, indicating that the premises operates at an annual loss of \$15,394.00. Mr. Wheatley stated expenses continue to increase each year.

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

Ms. Lawrence stated she is concerned about use variances; however, there are so many mixed use properties on this street and what is being proposed, fits in with the area. Mr. Jolly stated he had mostly been concerned about parking; however, the parking in this area does not appear to be a problem, and the applicant has secured the two off street parking spaces.

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Mr. Maloney stated he felt there were mitigating circumstances to warrant the granting of the variances.

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the Board issues a negative declaration that there is no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.

Mr. Vieira noted this application is also a Planning Board issue and that Board referred the matter to the ZBA for the needed variances. If those are approved, they will go back to the Planning Board to set a public hearing before that Board.

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the hearing be closed and the Board having arrived at the following findings:

For A Use Variance:

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.

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For Area Variances:

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 by the Planning Board
3. Approval by the Architectural Review Board
4. Obtaining a building permit for the project within two years.

PUBLIC HEARING – MIN/YOO – 18 ROSEHILL AVENUE

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, July 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Christina Min/Tai Hyin Yoo
18 Rosehill Avenue
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 creation of new stair and partial second floor addition at the above address requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Width of lot at front of building is required to be 100 ft. and 70 ft. exists
 - b. Minimum street frontage is required to be 100 ft. and 70 ft. exists
 - c. One side yard setback is required to be 12 ft. and 9 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 12, Block 125, Lot 15 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.

Ms. Lawrence reported receipt of the following memo dated July 11, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Min/Yoo – 18 Rosehill Avenue

I have reviewed this application for addition of a partial second floor.

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. Min stated what they are proposing is primarily an interior renovation; however, they will be adding a partial second story. It is presently a one-story house. The house has three bedrooms. They will remove one bedroom and open the entrance. They will add a stair to the partial second floor, which will have one bedroom and a bathroom – approximately 615 sq. ft. The variances being requested are due to existing non-conforming conditions. The plans meet the light exposure plane and height requirements.

Upon inquiry, Ms. Min stated she and her husband and their son live in the house.

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

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board issues a negative declaration that there is no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Mr. Maloney, 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 by the Architectural Review Board
3. Obtaining a building permit for the project within two years.

PUBLIC HEARING – MANCA – 140 LEROY AVENUE

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, July 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Violet Manca
140 LeRoy Avenue
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 an uncovered wood porch in front of the house requiring the following variances:

1. Increase in the degree of non-conformity (§305-18A(1)):
 - a. Minimum lot width at front of building is required to be 75 ft. and 50 ft. exists
 - b. One side yard setback is required to be 10 ft. and 6.9 ft. exists
 - c. Combined two side yard setbacks are required to be 22 ft. and 17.8 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 19c, Block 61, Lot 20 and is located in a Residential (R-7.5) 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 reported receipt of the following memo, dated July 11, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Manca – 140 LeRoy Avenue

This application for an open wood porch at the front of the house appears to basically be the same application that was submitted to the Board in September 2004. At that time concerns were expressed by neighbors and Board members. Village Counsel felt the findings required for the Board to grant the variances could not be met.

The Board at this time, will have to find that there are mitigating circumstances that would warrant the granting of these variances. If that can be done, the Zoning Board of Appeals may 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.”

Mr. Sam Vieira, architect, stated, “Mrs. Manca was before your Board with a site plan that was erroneous. She hired a surveyor and she now has the accurate dimensions. She is requesting an open wood deck in the front of the house. The deck will come out to the existing line of the house on the east. The deck falls within the parameters of the setbacks. The house and lot, however, are non-conforming and this is an addition to the non-conformity. The Board wanted a more accurate drawing on what the deck would look like and we have submitted a visual representation.”

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

Ms. Terry Hill, 118 LeRoy Avenue, submitted the following letter signed by 12 area residents:

“As residents of Loh Park we do not feel that a deck on the front of a house in this neighborhood is in keeping with the overall aesthetics that we are all trying to achieve with our homes. Those of us who have decks, have placed them in the back of the house or on the side, but set back from the street, where entertaining, dining and other outdoor activities can be conducted in relative privacy. We would appreciate the same consideration from all of our neighbors so, therefore, as we did this time last year, we object to the placement of a deck on the front of the house in question on LeRoy Avenue.”

Ms. Lawrence stated, “I thought you were going to come back with a plan for a covered porch, not a deck. People objected to the deck in the front. I know you rent this house. Most people entertain in the back of the house – not in the front. This looks like the same idea.” Counsel Shumejda stated, “It is the same basic application.”

Mr. Vieira stated, “We discussed a covered porch, but Mrs. Manca is concerned a covered porch would create shade for the existing front window. The size of the porch was determined by Mrs. Manca’s request. I saw the site plan that was presented and that was incorrect and that is why we did the survey.”

Mrs. Manca stated she has Rose of Sharon trees in front of the house so the neighbors won’t see the porch.

Ms. Lawrence questioned, “Do you have a deck in the back?” Mrs. Manca replied, “No, we have a patio. There is no sun in the back so to have some sunshine, I would like the porch in the front. I can block this with bushes. You can’t even see the front of my house.”

Ms. Lawrence stated, “The idea was not for a substantial structure in the front where people can gather. It might mean people would be out there entertaining.”

Mrs. Manca stated the tenants are moving out of the house August 1st and she and her husband are planning to move in.

Mr. Tom Butler, Trustee liaison to the Planning and Zoning Boards, questioned, “Is this a deck or a porch?” Mr. Vieira stated, “It is a deck. To me an open wood structure is a deck.”

Mrs. Manca stated on Hamilton Place there are double and triple decks in the front. Mr. Jolly stated the Board did now know the history of those – they may have been put on fifty years ago.

Counsel Shumejda stated New York State law and Village law require the Zoning Board to review five different factors. (1) that there would be no undesirable change to the neighborhood. Last year a number of residents expressed that it would change the

character of the neighborhood and tonight a letter was submitted signed by 12 neighbors expressing the same concern. (2) that the applicant cannot achieve the result without a variance. There is a large backyard and even if a variance was required for a deck in that location, neighbors do not appear to oppose that. (3) that the variances are not substantial. They are at least 1/3 if not more than the required minimums. (4) that there is no adverse impact on the neighborhood. The neighbors have said there would be a negative impact by having an open wood deck on the front of the building. (5) that the situation is not self-created. It does not exist and is proposed in this location so it is self-created. "I don't think anything has changed other than the corrections of the numbers on the survey."

Mr. Vieira requested that the Board not take action on this application this evening. He stated he would like the opportunity to meet with his client and see if it is possible to make some amendments to what has been proposed. Board members agreed to continue the hearing at their August meeting.

PUBLIC HEARING – COPPOLA 1994 TRUST – 620 SOUTH 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, July 11, 2005, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

The Michelle Joy Coppola 1994 Trust
620 South Broadway
Tarrytown, New York 10591

for a special permit from the Zoning Board of Appeals of the Village of Tarrytown for property they own located at the above address, regarding additions and alterations to existing one-family residence requiring the following:

- (1) Any house which exceeds 15,000 sq. ft. of gross residential floor area shall be required to obtain a special permit from the Zoning Board of Appeals. Existing residence is 19,496 sq. ft. and with additions will be 21,302 sq. ft. (§305-107J)

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 29, Parcels 42A, 46, and 46A and is located in a Residential (R-60) 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. Radoslav Opacic, architect, stated the house was last renovated in 1985 and it is a little in disrepair and the intent is to restore it to its original glory. There will be a new kitchen wing. In the basement level there will be two caretakers quarters and two bedrooms. On the second floor there will be a children's playroom.

Upon inquiry from the Board, Mr. Opacic stated no one is currently living in the house, which was just purchased in January. The family – Mr. and Mrs. Coppola and their three children – as well as the two caretakers will be living there.

Ms. Lawrence questioned, "How do you plan to have the construction vehicles traverse the driveway?" Mr. Opacic stated, "With every passing day the driveway gets worse. The driveway is going to be reconstructed. It needs to be completely ripped up and reconstructed. It will be completely redone. We will keep it as it is until after the heavy equipment is out of there."

Ms. Lawrence questioned how many other houses have easements off that driveway. Mr. Opacic stated there is an easement to the water tank and the Nigerian Embassy has a service easement. The houses on Tarryhill Road have an emergency access.

Ms. Lawrence stated this is a considerably large house but when the Board visited, it was explained the addition will bring the kitchen into a more modern setting.

Ms. Lawrence reported receipt of the following memo, dated July 11, 2005, from Kathleen D'Eufemia, Designated Environmental Review Officer:

"Coppola Trust – 620 South Broadway

I have reviewed this application for a special permit to allow for alterations and additions to existing one-family residence.

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

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Board issues a negative declaration that there is no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the Zoning Board of Appeals issues a Special Permit, as required by Section 305-107J of the Zoning Code, for the property at 620 South Broadway allowing the house to be expanded from 19,496 sq. ft. to 21,302 sq. ft., subject to:

1. Approval of plans by the Building Inspector
2. A building permit for the project to be obtained within two years.

ADJOURNMENT

Ms. Lawrence moved, seconded by Mr. Maloney, and unanimously carried, that the meeting be adjourned – 9:20 p.m.

Kathleen D'Eufemia