

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
January 9, 2006 8 p.m.

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

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 December 12, 2005, be approved as submitted.

PUBLIC HEARING – COONEY – 17 CASTLE HEIGHTS 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, January 9, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Elaine Cooney
17 Castle Heights 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 a garage addition requiring the following variance:

1. Minimum side yard setback is required to be 16 ft. and 13 ft. 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 12, Block 125, Lots 7 & 21 and is located in a Single Family (R-20) 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.

Board members visited the property.

Ms. Dorota Szwem, architect, stated, "My client would like to make a small addition of a garage and a small work area connecting the main house with the garage. The way the house is laid out, this is the most reasonable place to put the garage. At the other end of the house is the master bedroom. The garage requires a 3 ft. side yard variance, which is only at the corner."

Ms. Szwem submitted photographs to the Board.

Mr. Jolly questioned whether this house ever had a garage. Ms. Szwem stated there was a garage many years ago but that space was converted into a family room. Based on the layout of the house, the proposed location for the garage makes the most sense. The architecture of the garage will match the character and detail of the house.

Ms. Szwem stated this will be a two-car garage connecting the work area to the kitchen of the house. She noted Mrs. Cooney enjoys gardening and the work area will be space where plants and gardening tools can be kept.

Upon inquiry from the residents of 20 Castle Heights Avenue, Ms. Szwem stated as you face the house, the garage will be on the left hand side.

Mr. McGarvey noted this is a large piece of property and putting the garage in the proposed location might allow for a future subdivision of the property. Ms. Lawrence stated she understood this potential problem; however, based on the design of the house, the proposed location for the garage makes sense.

Ms. Margono, 20 Castle Heights Avenue, stated if the garage were put on the other side of the house, three neighbors would be affected. The proposed location is the best for the neighborhood.

Ms. Lawrence reported receipt of the following memo, dated January 9, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

"Cooney – 17 Castle Heights Avenue

I have reviewed this application to allow a garage addition, which requires a side yard setback. This is a very large piece of property and the Board will need to determine there is a need for this variance in order to accomplish the applicant's objective.

If the Board makes that determination, the Zoning Board of Appeals 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. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the hearing be closed.

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 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 variance 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 project within two years.

PUBLIC HEARING – 14-16 MILLER 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, January 9, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Kyriaki Kostaras & Parthenopy Katsaris
14 – 16 Miller 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 an addition on the third floor/attic space 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 width at front of building is required to be 75 ft. and 50 ft. exists.
 - c. Maximum principal building coverage permitted is 24% and 31% exists.
 - d. Maximum accessory building coverage permitted is 6% and 8% exists.
 - e. Total coverage for all buildings permitted is 30% and 39% exists.
 - f. Minimum front yard is required to be 20 ft. and 19.32 ft. exists.
 - g. Minimum for each side yard is required to be 10 ft. and 6.27 ft. exists on one side yard.
 - h. Combined side yard setbacks are required to be 22 ft. and 17.86 ft. exists.
 - i. Minimum distance from accessory building to side lot line is required to be 10 ft. and 2.85 ft. exists.
 - j. Minimum distance from accessory building to rear lot line is required to be 10 ft. and 0.49 ft. exists.
2. Maximum height in stories permitted is 2.5 and 3 are proposed. (§305-9)
3. Increase in light exposure plane from 45° required to 62°.

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 16A, Block 86, Lots 14 & 15 and is located in a Single-Family (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.

Board members visited the property.

Mr. William Simeoforides, architect, stated the actual lot size is 5,050 sq. ft. and most of the variances cited are for existing conditions based on the size of the lot. The major change is for the height of the building. They are changing the pitch of the roof with three separate dormers. The house is a duplex owned by two sisters. One sister is single. The other sister is married with three children. The proposed addition will add a bedroom to each apartment.

Mr. Simeoforides submitted photographs of houses in the surrounding area noting many are taller than this existing house.

Upon inquiry, Mr. Simeoforides stated each apartment currently has 1,100 sq. ft. and they are proposing to add 387 sq. ft. on each side.

Mr. Simeoforides stated he had been unaware Tarrytown had a Floor Area Ratio regulation so he had failed to put that on the plans. This additional variance will also be needed since the maximum FAR allowed for this size lot is 2,172 (.43), 2,211 (.44) exists, and 2,985 (.59) is proposed.

Upon inquiry from Mr. Jolly, Ms. Kostaras stated they have resided in the house for twelve years.

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

Ms. Kostaras stated they have spoken with the neighbors and no one has a problem with the proposal.

Ms. Lawrence stated she is very concerned about adding a third floor. It is a considerable variance and she was somewhat reluctant to grant it because of the size of this small lot.

Mr. Jolly stated the Board should revisit the property.

Ms. Lawrence stated this matter needs to be re-advertised. She suggested the applicants put up something that will show the ridge of the roof line. It will show neighbors and the Board exactly how high the proposed addition will be. Mr. Simeoforides stated that could be done. Ms. Kostaras noted behind them is the ball field of the W.I. School. Across the street is a group home. The neighbors on both sides have expressed no objection.

Ms. Lawrence reported receipt of the following memo, dated January 9, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Kostaras/Katsris – 14-16 Miller Avenue

I have reviewed this application for an addition on the third floor/attic space. The variances being requested are substantial and the Board will need to determine the criteria for granting the variances can be met before they can issue a determination that there appears to be no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.”

The Board unanimously agreed to continue the hearing next month with the matter re-noticed.

PUBLIC HEARING – RENHA - 3 WINDLE PARK

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, January 9, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Ilda Renha
46 Gordon Avenue
Sleepy Hollow, New York 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at **3 Windle Park, Tarrytown, New York**, regarding the legalization of a fourth 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 7,000 sq. ft. and 5,436 sq. ft. exists
 - b. Ten off street parking spaces are required and none can be provided that do not encroach upon a required front, side or rear yard.

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 10, Block 33, Lots 6 & 7 and is located in an M-1 (Multi-Family) 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.

Board members visited the property.

*Mr. Jolly recused himself on this application since he knows the owner and lives in the area.

**Counsel Shumejda arrived at the meeting.

Mr. John Hughes, attorney for the applicant, stated, "My clients have owned this property since 1979. It is a legal three-family property. It is a three-story house. There is a basement, first floor with a two-bedroom apartment, second floor with two one-bedroom apartments, third floor with a two-bedroom apartment. The first floor has two people, the second floor has one person in each apartment, the third floor has two people. In 1985

the property was converted from three-family to five-family. They created an apartment in the basement and the second floor was subdivided into two apartments. It has been used continuously as a five-family house. In 1995 Mr. Stein, (then Building Inspector) wrote to say there was an illegal apartment but there was no follow up. Last year on November 2nd there was a problem with the furnace and the fire department was called and that got the Building Department alerted to the nature of this occupancy. The owners were noticed there was an illegal basement apartment and one on the second floor that was not legal. I filed an appeal and there were court appearances. The Building Department was concerned about the basement apartment and that apartment was vacated. We do not seek to have that apartment made legal. Our purpose for being here is to maintain the apartment on the second floor. We would like to convert this from a legal three-family to a legal four-family. This would produce no undesirable change in the neighborhood. The building fits with this neighborhood in terms of its use. It has been this way for a long time. It carried on this way for so many years because no one complained about it.”

In regard to the parking, Mr. Sam Vieira, architect, submitted a drawing showing the existing parking layout. They are not legal spaces by code but it is how the cars park now. The code does not allow parking in the required yards; however, the plan shows that six cars have been parking there.

Upon inquiry, Mr. Vieira stated whether or not this variance is granted there will be renovations done inside the building to bring the upper two floors up to code.

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

Mr. Eric Schaum, 21B Windle Park, stated, “I have concerns about some of the variances. I was not aware it was occupied by five families. We are taking a lot on faith that the building will be brought up to code. They were noticed ten years ago and nothing was done. There is also the issue of parking. There is a car that parks on the side of the building and obstructs the sidewalk.”

Mr. Vieira stated he has told the owners the obstructing parking space has to be eliminated. Mr. Schaum stated steps need to be taken to be sure it is not used.

Ms. Lawrence reported receipt of the following memo, dated January 9, 2006, from Kathleen D’Eufemia, Designated Environmental Review Officer:

“Rehna – 3 Windle Park

I have reviewed this application to permit 4-family use of a building to be legalized. Although no parking compliant with the zoning code can be provided on the property, parking for six vehicles has been provided in the required setbacks for many years.

After the Board reviews the record for this application, if it is determined to allow this fourth apartment to continue, 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.”

Ms. Lawrence stated the Board tonight cannot take action because they do not have a quorum for this application. It was agreed to continue the hearing at the Board’s February meeting.

ADJOURNMENT

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the meeting be adjourned – 9 p.m.

Kathleen D’Eufemia
Secretary