

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

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

PUBLIC HEARING – KAPLAN – 108 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, May 8, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Scott and Melissa Kaplan
108 MacArthur Lane
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding a proposed bedroom and kitchen addition requiring the following variances:

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 distance for accessory building to side lot line is required to be 10 ft. and 3 ft. exists
- (d) Minimum distance for accessory building to rear lot line is required to be 10 ft. and 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 16B, Block 116, Lot 3 and is located in an R-7.5 (Residential) 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.

Chairwoman Plunkett read the following memo dated May 8, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:"

"Kaplan – 108 MacArthur Lane

I have reviewed this application for a house addition.

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."

Chairwoman Plunkett reported receipt of the following letter dated May 2, 2006, from Melissa Eisele-Kaplan:

"I apologize for my absence at the Monday, May 8th, meeting due to my inability to obtain an earlier flight from England. My architect, Jon Turnquist, as well as Mary Byrnes, will be representing my husband, Scott Kaplan, and myself. Kathleen D'Eufemia was given the signed affidavit as well as the USPS certified mail receipts prior to the meeting date. Mrs. Byrnes has the return receipts that I have received. Thank you very much for your time and consideration."

Mr. Jon Turnquist, architect, stated they are proposing to add on to an existing residence. It is a 10 ft. x 10 ft. expansion, which will allow for a mudroom off the kitchen and a bedroom on top of that. There will also be a small deck in the rear of the property. The variances are all for pre-existing non-conformities. The house meets the required setbacks and the addition to the house will not expand any of the non-conformities.

Mrs. Mary Byrnes, 95 MacArthur Lane, stated this is a lovely neighborhood and many families have renovated their homes. She expressed support for the application.

Mrs. Ann Chillemi, 91 Riverview Avenue, read the following statement to the Board: "This letter is in regard to the variance application for the Kaplan residence located at 108 MacArthur Lane. This residence is located to the rear of my residence at 91 Riverview Avenue. The request for increase to the degree of non-conformity has a direct impact on the privacy afforded to my family. I have four bedrooms and one family den, all rooms with windows, facing the structure under review. I formally request that this board take into consideration my right to protect my privacy and the quality of life as this application directly impacts my family.

It should be noted that the previous owners of the residence completed an addition on the dwelling. Given the footage in question, I implore the board to consider the integrity of the neighborhood in regard to the structural capacity of the lot and deny the request for another addition to the structure.

As a life-long resident, I have lived in six residences in this village before moving to my current home in 1989 and I value the quality of living afforded in my present neighborhood. My previous residences on Washington Street and West Elizabeth Street

provided me with first hand experience on residences negatively impacted by structural close proximity.

Furthermore, my north and south side neighbors' residences have existing upper tier decks facing west which would with this addition, then create a 'boxed in' environment for my backyard. Surely the board in reviewing the impact on my property can acknowledge the decline in quality for not only privacy but for value of my existing property should this addition be approved given the existing footage.

My mother-in-law, homebound due to healthcare issues, particularly deserves the preservation of privacy due to the location of her bedroom and her living area.

Although I can empathize with the Kaplan family in the desire to expand their current living space, I cannot support the request. I appreciate the opportunity to have my point of view heard, and thank the board for listening to my concerns on behalf of my family."

Mrs. Jamie Albright, 83 Riverview Avenue, stated she did not have a problem with people building, but she objected when variances are needed. She stated the house at 82 Riverview Avenue was given variances and the house is now on the market and the owners never even moved in.

Chairwoman Plunkett stated she had not visited the property and would like the opportunity to do so. She also requested that the property be staked to show the addition. Other Board members stated they had visited the property but would like to re-visit with the property staked showing the dimensions for the addition and the height.

Mr. Turnquist stated they could stake the property to show the dimensions. The height will be the same as the existing house. Mr. Turnquist noted the variances are only needed because the lot is non-conforming and the garage is non-conforming. The house meets the zoning setbacks and their proposal does not require variances.

Mrs. Chillemi stated it is a small property. She noted there was a petition previously submitted by residents of this neighborhood requesting that no more variances be granted in this area.

Board members unanimously agreed to continue the hearing at their June meeting.

PUBLIC HEARING – WELDAY – 107 PAULDING 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, May 8, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Jeannette and Michael Welday
107 Paulding Avenue
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding alterations to existing one family single story residence. Proposed work includes addition of a 1,094 sq. ft. second floor and 265 sq. ft. expansion of existing first floor; and the removal of a 217 sq. ft. accessory structure requiring the following variances:

Increase in the degree of non-conformity: (§305-18A(1))

- (a) Minimum lot size is required to be 10,000 sq. ft. and 5,000 sq. ft. exists
 - (b) Minimum lot width is required to be 100 ft. and 50 ft. exists
 - (c) Minimum front yard setback is required to be 25 ft.; 12.1 ft. exists; and 9.1 ft. is proposed
 - (d) Combined side yard setbacks are required to be 26 ft.; 15.4 ft. exists; and 11.4 ft. is proposed
 - (e) Permitted coverage by accessory buildings is 5.5%; 11.1% exists; and 6.7% is proposed
 - (f) Permitted coverage for all buildings is 27.5%; 34.9% exists; and 30.4% is proposed
2. Minimum side yard setback is required to be 12 ft. and 8.8 ft. is proposed (§305-9)
 3. Permitted total coverage for principal buildings is 22% and 24.9% is proposed (§305-9)
 4. Permitted Floor Area Ratio is 2,150 sq. ft. and 2,573 sq. 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 23, Block 62, Lot 9 and is located in an R-10 (Residential) 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.

Chairwoman Plunkett reported receipt of the following memo, dated May 8, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Welday – 107 Paulding Avenue

This application for alterations and second floor addition to this single-family house was reviewed by the Planning Board and a determination was made that the proposals pose no adverse environmental impact.”

Mr. Earl Ferguson, architect, stated they submitted as part of their package to the Board copies of the minutes from the Planning Board hearings as well as his letter dated February 27, 2006, to the Planning Board. He stated this is a single story house on a 5,000 sq. ft. lot in an R-10 District which requires a lot to be 10,000 sq. ft. It is surrounded by much larger homes, many of which had been the subject of tear downs. The Welday family wants longevity on this property. The Zoning Board must review each application on an individual basis. If there ever were a reason for granting variances, this is the case in which to do so. This is a single story house on a compromised lot. There is a cellar with a small office space. Because of the way the house fronts the street and the amount of exposure above the grade, they had to count 25% of the basement into the floor area. The kitchen is currently only 8.6 ft. x 14 ft. (119 sq. ft.) There are two bedrooms. One is 11 ft. x 12 ft. and the other is 8 ft. x 14 ft. The living room is about 200 sq. ft. There is no dining room. The house was built in 1962. There is an old historic barn on the property, which is used as a garage. It is assumed this property was part of an historic estate. The foundation will sustain a second floor, which is what they are proposing. The front yard is presently non-conforming and they would like to add a small covered area to provide some protection in inclement weather and that would also allow for a foyer area. The Weldays have given consideration to the impact on the neighborhood. They could have built out in the rear but are not proposing that because of view sheds, particularly for the neighbors to the east. What they are proposing will preserve those views to the river. They are asking for a Floor Area Ratio variance but they do not believe it is excessive. It is 423 sq. ft. more than permitted. That space is distributed on the west side and north side instead of boxing out an addition in the rear. With the addition the house will have a living room, library, kitchen and dining room on the first floor. The second floor will have three bedrooms.

Mr. Ferguson read the following excerpt from his letter dated April 12, 2006, to the Zoning Board:

“The purpose of the proposed addition is to accommodate the needs of the owners’ growing family. Requirements of the proposed alterations are modest and are a minimum of necessary up-grades. The existing one story home is very small compared to its surrounding structures in the neighborhood. In planning the proposed alterations, the owners have given appropriate consideration to the impact on their neighbors and preservation of open space and view shed. Granting the requested variances will not result in an undesirable change in the character of the neighborhood nor create a detriment to nearby properties. Considering the existing non-conforming conditions, the variances sought for achieving the owners’ basic needs are not substantial. Should the Board grant the requested variances, the benefit to the owners would not have an adverse effect or contribute to the detriment of the neighborhood or community, and would not establish a negative precedent. Under the applicable zoning regulations, the homeowners cannot have adequate use of the existing sub-standard property. The site and principal building are unique in the neighborhood and should be considered as an individual case.

the proposed architectural design will preserve view shed and open space on a restricted lot area. It will also bring the building into a more classical revival style, which is in context to the older residences in the community.”

Mr. Ferguson reviewed the plans with the Board.

Mr. Jolly questioned how long the Weldays have lived in this house. Mrs. Welday stated they have been there seven years. They currently have one child who is four and want to expand their family but need more space.

Mr. Ferguson noted adjacent and surrounding neighbors attended the meetings before the Planning Board and expressed their approval both vocally and in written form.

Mrs. Welday stated, “In the design of the house we spent a lot of time being sure we were not going to effect anyone’s views. We love it here and we want to raise our family here.” Mrs. Welday stated the neighbors are not here tonight because she told them it would not be necessary since all their comments had been recorded at the Planning Board meetings and were submitted to the Zoning Board. She noted her neighbors have families and coming to night meetings is difficult.

Chairwoman Plunkett stated the variances being requested are large. It is more than doubling the size of the house. (The house is currently 1,189 sq. ft. and is being expanded to 2,573 sq. ft.) She stated this is a difficult application and she understood why the Planning Board struggled with it.

Mr. Ferguson stated they could keep a single story house and expand in the rear; however, they chose to put on the second story, which is in character with the neighborhood and keeps the open view shed in the rear, which allows the river to be seen from Hudson Place.

Ms. James stated there are a lot of variances being requested; however, it is a small lot and a small house in this area.

Mr. Ferguson stated they tried not to be excessive. It is a single story building surrounded by two story buildings. While it seems like a large variance because they are putting on the second story and doubling the floor area, they are also doing things to preserve the integrity of the neighborhood.

Mr. Jolly questioned whether the height could be lowered by removing the dormers. Mr. Ferguson stated that would not affect the variances being requested because they conform to the height requirements. The current architectural design lends to the architectural integrity of the building.

Mr. Ferguson reviewed with the Board photographs of other houses in the neighborhood showing this is the smallest house and is surrounded by houses that are much larger.

Mr. Jolly stated he was inclined to support the application because of the size of other houses in the neighborhood.

Mr. Maloney moved, seconded by Mr. Jolly, that the Board determines there will be no significant adverse environmental impacts as a result of this project. Mrs. Plunkett abstained. All others voted yes. Motion carried.

Mr. Maloney moved, seconded by Mr. Jolly, 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

approves the requested variances to permit a house addition at 107 Paulding Avenue 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.

The Board was polled. Mrs. Plunkett dissented. All others assented. Motion carried.

APPROVAL OF MINUTES

Ms. James moved, seconded by Mr. Maloney, that the minutes of April 10, 2006, be approved as submitted. Mrs. Plunkett abstained. All others assented. Motion carried.

MEETING ADJOURNED 9:40 p.m.

Kathleen D'Eufemia, Secretary

