

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
June 12, 2006 8 p.m.

PRESENT: Members Lawrence, Jolly, James; Counsel Shumejda; Building Inspector/  
Engineer McGarvey; Secretary D'Eufemia

ABSENT: Mrs. Plunkett; Mr. Maloney

Ms. Lawrence acted as Chairwoman in Mrs. Plunkett's absence.

CONTINUATION OF PUBLIC HEARING – KAPLAN – 108 MACARTHUR LANE

Mr. Jon Turnquist, architect, stated the proposed house addition is for a small kitchen extension with mud room on the first floor and a small addition to an existing nursery on the second floor. There is also a deck in the rear. They are not requesting any area variances. They are before the Board because the property is non-conforming. This is an R-7.5 District requiring a lot to be 7,500 sq. ft. and the lot is 5,000 sq. ft.

Ms. Lawrence stated Board members visited the property yesterday and it had been staked to show the area of the proposed addition.

Mrs. Kaplan stated they have two children. One of the children is using the small nursery and needs more space. They are trying to make that room livable for their daughter. The upstairs currently has two bedrooms and the small nursery.

Upon inquiry from Mr. Jolly, Mrs. Kaplan stated the previous owners had put the dormers on the house. Prior to that there had only been one room on the second floor.

Mr. Turnquist noted the rear yard setback is currently 40 ft. and even with the addition will be 30 ft. The R-7.5 District requires a rear yard to be 26 ft.

Ms. Lawrence reported receipt of the following letter dated June 11, 2006, from Tara Cappuzzello, 100 MacArthur Lane:

"I'm writing this letter to the zoning board in regard to Melissa Kaplan at 108 MacArthur Lane. It is my understanding that she is trying to extend the back portion of her house out approximately 10 feet. I have no problem with her doing this addition to her home. Her daughter needs to have more space and this addition will allow her to have the space she needs. Most of the homes in this area are small and by Melissa Kaplan adding the addition will only improve the value of her house and the street she lives on."

Ms. Lawrence reported receipt of the following letter dated May 15, 2006, from Jim Albright, 110 MacArthur Lane:

"I reside next door to Melissa and Scott Kaplan at 108 MacArthur Lane, who have requested a variance to do a small addition to their home. I strongly support your vote to allow and approve this variance.

Scott and Melissa are wonderful neighbors who contribute to the neighborhood, over the past several years. Without this addition, they and their two girls will likely have to move, which would be a tragedy in my opinion. With your vote of approval, the Kaplans can create the room their family needs, enhance the value of their house, taxes to the community and raise the overall value of property in the neighborhood.”

Ms. Lawrence reported receipt of a letter dated May 9, 2006, from Ann Delaney Chillemi, 91 Riverview Avenue, submitting a copy of the letter she read at the Board’s May 8<sup>th</sup> meeting (part of those minutes.) Her letter further stated:  
“The meeting resulted in June 11<sup>th</sup> as the designated date for review of the site, and I would welcome the board members to visit my property to view the impact from my perspective. Although I work Sundays, my husband can be reached to confirm your visit. I also appreciate the addition perimeters, including height, to be framed out so that a fuller understanding of the project could be obtained.”

Mrs. Ann Chillemi, 91 Riverview Ave., stated this property has already had one addition. It is a quality of life issue. Both her north and south neighbors have upper tier decks. She stated she was sorry Board members did not visit her property during their site visit so they could see the proposed addition from her perspective. The addition is not a big addition but the lot is small. “Quality of life has to do with the value of privacy.”

Mr. Dennis Chillemi, 91 Riverview Ave., stated the 30 ft. setback they will have is only two car lengths. Homes are being granted variances and it is changing the character of the neighborhoods. Moving this house out 10 ft. will diminish the Chillemi’s view plane and it will also be two stories high. “When these houses were built, they weren’t designed to be larger than what they were. The character of these neighborhoods is being changed with these variances being granted.”

Mrs. Kaplan stated she believed the Chillemis were unhappy because of things that have occurred on their street, but this is not the forum for those issues.

Mr. Kaplan stated the Chillemis in the past received variances on their property. They are much closer to the property line. “There is a big tree and a fence so it is not like you will be looking into windows.” Mr. Kaplan noted the house next door to the Chillemis tripled in size, but the Chillemis did not express objection to that.

Mr. Chillemi stated he was present because of the Kaplan’s application. What happened in the rest of the neighborhood bears on the perception of the neighborhood. His house received variances eighteen years ago but that is irrelevant.

Ms. Lawrence stated the Board reviews each application independently, and she understood the Chillemis feel the proposed addition will impinge on their privacy.

Ms. James stated one of the Chillemis' objections is that this house will come closer to the rear property line; however, the applicants are not seeking a variance for that.

Mr. Cary Gerber, 82 Riverview Avenue, stated he is surrounded by properties that have received variances. "My view of the river is gone. I can't even see the sunset now. I feel too many variances are given out."

Ms. Lawrence stated the Board takes into account the comments from neighbors – both those who are opposed and those who are in favor.

Mrs. Chillemi stated the house next door to her was unfortunate. It ended up being much higher than neighbors had realized. She stated the Kaplans are wonderful neighbors on MacArthur Lane but this addition does not affect their privacy – it affects her home.

Mrs. Cathy Chulla, 96 MacArthur Lane, expressed support for the application. "My house is on the same size lot and my house extends beyond the Kaplans. I still have the appropriate space in the back."

Mr. Steve Hart, 83 Riverview Avenue, stated every time there has been an application for a variance on MacArthur Lane there has been an accommodation by the Zoning Board. After a variance is granted, the neighbors must live with the results.

Mrs. Mary Byrnes, 95 MacArthur Lane, stated she has lived in the area for forty years. Today she filed a Freedom of Information request and received Zoning Board minutes from September 14, 1988, when the Chillemis received area variances to put an addition on their house. They received a reduction in their side yard from 10 ft. to 8 ft.; a reduction in the rear yard from 26 ft. to 19 ft.; and an increase in coverage from 24% to 26%. The Kaplans are not seeking any area variances for this addition. Ms. Lawrence stated she did not believe what occurred in the past has any bearing on this application.

Ms. Marion Randazzo stated her mother lives next door to the Chillemis. She stated most times neighbors don't understand the impact of these proposed additions until after they are done. As more small houses are built up, more views are lost.

Mr. Turnquist stated the Kaplans have a non-conforming lot size. They don't need any area variances. There is no change in the height of the building.

Ms. Brigid Connelly, 15 Bridge Street, expressed support for the application noting it is a small addition. "The bedroom they are trying to expand should be a closet. It is that small."

Upon inquiry from the Board, Mr. McGarvey stated this project would not have to go to the Architectural Review Board since it is not visible from the road.

Mr. Jolly agreed that the proposed addition is small and he felt the application should be approved. Ms. James agreed.

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, that the Board determines there will be no adverse environmental impacts 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 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

approves the following requested variances to permit a house addition at 108 MacArthur Lane:

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.

Subject to:

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

PUBLIC HEARING – JILL ROSE, TENANT – 14 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, June 12, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Jill Rose, Tenant  
14 Main Street  
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property she leases at the above address regarding operation of a pastry/bistro/wine bar requiring the following variance:

Parking is required to be 15 spaces and 0 spaces exist (§305-19)

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 37, Lot 3 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.

Ms. Dorota Szwem, architect, stated her client received Planning Board approval in 2003 to permit the pastry/bistro/wine bar at a location which had previously been a Laundromat. At the time the Board of Trustees was considering legislation designed to encourage businesses in the downtown by establishing a jitney fund for businesses that did not have the parking requirements. The Planning Board conditioned the site plan approval on either a contribution to this fund once the legislation was established or obtaining a variance for the parking. Ms. Rose was allowed to move forward with the renovations and actually received a Certificate of Occupancy in January 2004 but was never advised how to proceed in regard to the parking. It was recently discovered this variance would need to be obtained.

Mr. McGarvey stated the legislation established by the Village Board for the Restricted Retail Zone (Section 305-19C7(e)) states the Planning Board or Zoning Board may establish a monetary contribution in the amount of \$1,000 per parking space to a

maximum of five spaces, in lieu of off-street parking. These funds are to be paid into a jitney fund established by the Village.

In this case no off-street parking exists and the Zoning Board could consider having Ms. Rose contribute the \$5,000 into the jitney fund for the five spaces and then approve a variance for the additional 10 spaces since she requires 15 off-street parking spaces.

Upon inquiry from the Board, Mr. McGarvey stated the jitney fund legislation was adopted in 2003.

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

Ms. Lawrence reported receipt of the following memo dated June 12, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Jill Rose, Tenant – 14 Main Street

This application was reviewed by the Planning Board and a determination was made by them that the operation of this business would pose no significant adverse environmental impacts.

Should the Zoning Board of Appeals concur, they 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. Jolly moved, seconded by Ms. James, and unanimously carried, that the Board determines this application poses no adverse environmental impact pursuant to the State Environmental Quality Review Law.

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, 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

Requires payment by the applicant of \$5,000 into the jitney fund established by the Village for five parking spaces and further approves a variance for ten additional parking spaces.

PUBLIC HEARING – RACHLIN – 25 LAKE TERRACE

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 12, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Paul and Patricia Rachlin  
25 Lake Terrace  
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding removal and replacement of front porch requiring the following variance:

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

(a) Minimum front yard setback is required to be 27 ft. and 21.59 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 5, Block 117, Lot 31 and is located in an R-15 (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.

Mr. Joseph Paiva, architect, stated there is an encroachment of 6 ft. into the front yard. Currently there is an uncovered deck in the front, which is in disrepair. They are proposing a front porch more in keeping with the style of the home.

Ms. Lawrence noted Board members visited the property.

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

Ms. Lawrence reported receipt of the following memo dated June 12, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Rachlin – 25 Lake Terrace

I have reviewed this application for front porch replacement.

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. James moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no adverse environmental impact from the proposed project, pursuant to the State Environmental Quality Review Law.

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, 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

approves the requested variance subject to:

1. Approval of plans by the Building Inspector
2. Approval of the Architectural Review Board
3. Obtaining a building permit for the project within two years.

#### PUBLIC HEARING – REMPLE – 70 BARNES 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 12, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by



Nicholas and Vianney Remple  
70 Barnes Road  
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding a house addition 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 8,181 sq. ft. exists.
  - (b) Minimum lot width at building front is required to be 100 ft. and 70 ft. exists
  - (c) Minimum single side yard setback is required to be 12 ft. and 8ft. exists
2. Maximum principal building coverage allowed is 22% and 25% 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 19A, Block 112A, Lot 23 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.

Mr. Jon Turnquist, architect, stated they are slightly expanding the bedrooms in the back of the house. There is a roof projection of about 4 ft. and they are expanding out that 4 ft. That roof expansion area will be enclosed. They are not expanding out beyond the existing setbacks. All three bedrooms in the house are small – about 10 ft. x 10 ft. The Remples have two teenage children and need the additional space.

Mrs. Remple noted they will be adding landscaping in the rear of the property.

Ms. Lawrence noted Board members visited the property.

Mr. Jolly questioned the current building coverage for the property. Mr. Turnquist stated it is 20% and that will be increased to 25%. (This is a single story house.)

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

Ms. Lawrence reported receipt of the following memo dated June 12, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Remple – 70 Barnes Road

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.”

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, that the Board determines there will be no adverse environmental impacts from the proposed project, pursuant to the State Environmental Quality Review Law.

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, 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

approves the requested variances subject to:

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

#### PRELIMINARY PRESENTATION – SWIFT – 15 BIRCH WAY

Mr. Sam Vieira, architect, stated this matter will be before the Board next month, if Planning Board approval is received in June, but he will be on vacation so he appreciated being able to make a presentation this evening. He stated this is a small house with a garage off to the right side. They are proposing to take the garage down and construct an addition. The main reason they have to come to the ZBA is because this is an odd-shaped lot. It is an R-15 zone and during the initial subdivision the property lines were drawn close to this property. This was an existing building on the former estate. The lot is non-

conforming and anything done will require ZBA approval. Mr. Vieira stated the addition will make this house more in scale with the other houses in this neighborhood. The principal reason for the addition is so Mrs. Swift's mother can live with them. They are creating a bedroom, bath and small living area. There is no intention of putting in a second floor; however the addition has been designed with attic space so in the future additional living space could be made in that area. The current square footage of the house with the garage is 3,140 sq. ft. and they are going up to 4,600 sq. ft.

Mr. Vieira noted the Planning Board had expressed concern about a shed that exists on the property so it is possible the shed will be removed from the application.

Mr. McGarvey noted this property is in the Loh Park Drainage Moratorium. If this is approved, the Swifts would have to make application to the Board of Trustees to be removed from the drainage moratorium.

Mr. Vieira noted neighbors have seen the plans and Mrs. Swift sent personal notes to neighbors advising of the preliminary presentation to the Planning Board in May. No neighbors attended that meeting.

Ms. Lawrence noted Board members visited the property yesterday but suggested another site visit be scheduled for July.

MEETING ADJOURNED – 9:40 p.m.

Kathleen D'Eufemia  
Secretary

