

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
September 11, 2006 8 p.m.

PRESENT: Chairwoman Lawrence, Members Jolly, Maloney, *James (late);
Counsel Shumejda; Building Inspector/Engineer McGarvey;
Secretary D'Eufemia

CONTINUATION OF PUBLIC HEARING – ROBERTS – 63 MILLER AVENUE

Ms. Lawrence noted three members of the Board met at the site yesterday with the architect, the homeowner, and the neighbors – Mr. and Mrs. Burkhardt.

Mr. William Spade, architect, stated on Sunday they had discussed a possible alternative location for the garage build out. "I have prepared a plan which shows the garage directly to the side of the house which would enable that build out to be completely within the setbacks. No side yard variances would be necessary. The only variance that would be needed is the front yard parking variance. It would be an approximately 13 ft. wide garage and approximately the length of the house. That would ameliorate many of the concerns the neighbors had. We would need a drainage structure in the rear yard for storm water flow from the roof of the garage but the driveway would be the existing gravel driveway to the house. We would extend the curb cut to extend the full 25 ft. wide parking area. There are railroad tie retaining walls, which would need to be removed to do the driveway and a new retaining wall would be constructed. We will do planting along that retaining wall. The landscaping currently along the property line will remain."

Ms. Lawrence stated, "When we met on Sunday, we listened to the Burkhardts' concerns that if the variance were granted for a rear garage, the land would be filled in about 4 feet which would come almost to the top of the neighbor's fence. We were concerned with that, as were the Burkhardts. The applicant was able as of right to blacktop a lot of area for a rear garage so this seems like a good compromise.

Mr. Spade reviewed the revised plans with neighbors.

Upon inquiries from Mr. McGarvey, Mr. Spade stated the foundation wall in the back would be about 7 ft. high and it will be stucco, as is the house foundation, and there will be additional planting along the foundation wall. The garage will be one story.

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

Mr. John Burkhardt, 47 Miller Avenue, submitted letters from several neighbors who could not be present this evening – although they were on the application for the rear garage. Mr. Burkhardt thanked the Board, Mr. Spade, and Mr. Roberts for visiting with them yesterday and stated the revised plans represent a good compromise.

Mr. Alexander Roberts, property owner, thanked everyone involved stating he welcomed everyone's input and he felt the revision was a better plan – "this is the way it should work."

Mr. Jolly moved, seconded by Mr. Maloney, that the Zoning Board issues a negative declaration in that there appears to be no significant adverse environmental impact from the proposed garage construction as per the amended plans. Members Jolly, Maloney, and Lawrence assented.

Mr. Jolly moved, seconded by Mr. Maloney, 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 for the property at 63 Miller Avenue:

1. One parking space will be in required front yard (§305-19C(3)(b))

Subject to:

1. Approval of plans by the Building Inspector/Village Engineer including the drainage plans
2. Approval of a landscaping plan by the Village's Landscaping Consultant.
3. Approval of plans by the Architectural Review Board.
4. Obtaining a building permit for the project within two years.

The Board was polled. Members Jolly, Maloney and Lawrence assented.

PUBLIC HEARING – DECRISTOFARO – 10 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, September 11, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Stephen and Patricia Decristofaro
10 Archer Place
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding the construction of a new 9 ft. x 18 ft. parking space requiring the following variances:

1. Increase in the degree of non-conformity: (§305-18A(1))
 - (a) Existing lot size is 4,727 sq. ft. where 20,000 sq. ft. is required.
 - (b) Existing lot width is 53.63 ft. where 120 ft. is required.
 - (c) Front yard setback is required to be 30 ft., 15 ft. exists, and 13 ft. is proposed.
 - (d) One side yard is required to be 16 ft., 1.6 ft. exists and 1 ft. is proposed.
 - (e) Two side yards are required to be 34 ft., 8.5 ft. exists and 2.6 ft. is proposed.
 - (f) Rear yard setback is required to be 32 ft. and 6.9 ft. exists.
 - (g) Building coverage is 50% where 18% is allowed.

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 41, Lot 13 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.

Board members visited the property yesterday.

Mr. Sam Vieira, architect, stated this is a multi-family home in a restricted retail zone. If you look at the zoning chart, there is no classification for multi-family. There is classification for a one-family dwelling, a business structure, dwelling space above a business use and an institution for unwed mothers. After discussion with Mr. McGarvey, they decided to use the most restrictive column, which was the one-family requirements.

That explains the huge disparity because they chose to use the most restrictive requirements. The proposal is for an off street parking space. Mrs. Decristofaro will be moving into one of apartments and she and her son would like to provide her with an off street parking space. This is a relatively common situation up and down this street. Very few of the houses have the width to provide a code conforming parking space. The notice lists the existing conditions and some of the increases, which will result.

*Ms. James arrived at the meeting.

Ms. Lawrence stated she was concerned the parking was too close to the building and too close to the steps. She questioned whether the driveway length could be reduced to take it away from the house. Mr. Vieira noted the driveway on the plans is shown as 31 ft. long by 11 ft. wide. It could be shown as 25 ft. in length. That would still allow for a 9 ft. x 18 ft. parking space, which is what the code requires. It was questioned whether the width could be reduced from 11 ft. to 9 ft. Mr. Vieira stated that would be a problem since Mrs. Decristofaro will need a solid area to exit onto when getting out of the car. He noted they chose this location for the parking space because it is adjacent to the neighboring property's parking space. This space and the neighbors' space will be adjacent. They did not propose the parking on the other side because that area has lawn and landscaping which they did not want to remove.

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 September 11, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

"Decristofaro – 10 Archer Place

This application is to provide an off street parking space. The variances are due to pre-existing non-conforming situations; however several of these are being increased.

On street parking is difficult on this street and the Board should take that into consideration. Should the Board determine this proposal would not pose a significant adverse environmental impact, they may make a negative declaration pursuant to the State Environmental Quality Review Law."

Ms. James moved, seconded by Mr. Jolly, and unanimously carried, that the Zoning Board issues a negative declaration in that there appears to be no significant adverse environmental impact from the proposed parking space construction.

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

grants the variances for the property at 10 Archer Place subject to:

1. Approval of plans by the Building Inspector/Village Engineer
2. Approval by the Architectural Review Board
3. The driveway being 11 ft. wide x 25 ft. long
4. Obtaining a building permit for the project within two years.

PUBLIC HEARING – ABIGAIL KIRSCH AT TAPPAN HILL, TENANT – 81
HIGHLAND 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, September 11, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Abigail Kirsch of Tappan Hill, Inc., Tenant
81 Highland Avenue
Tarrytown, NY 10591

for property located at the above address for a variance from the Zoning Code of the Village of Tarrytown for storage/office space addition requiring the following variance:

Expansion of existing non-conforming use (§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 19B, Blocks 122, 123 and 124, Lots 35-42, 44, 45, and 48 on Block 122, Lots 6-16 on Block 123 and Lots 11-15 on Block 124 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.

Board members visited the property yesterday.

Mr. Dennis Noskin, architect, stated this application has been before the Planning Board and received their approval and it is also before the Board of Trustees. The parcel is zoned R-10, residential. The proposed addition meets all the zoning standards. The only reason they are before the Board is because they are expanding the non-conforming use. Currently in the area for the addition, there are trailers for offices and equipment, which they want to clean up. The addition will have a brick façade to match the brick in the rear of the building where the addition is proposed.

Upon inquiry from Mr. Jolly, Mr. Noskin stated the freezer unit, which will be moved into this addition is currently outside and employees have to go out of the building to access the freezer.

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

Mrs. Sharon Bromberg, Highland Avenue, stated they always hear noise from the refrigeration unit. Mr. Bromberg stated there are two refrigeration units outside. One will be brought into this addition but the other will remain outside. That one is to the right of the loading dock as you face the loading dock. Mr. Kirsch has advised them they would find a way to further prevent the noise from that refrigeration unit, and they were hoping that will be done.

Upon inquiry, Mr. Noskin stated that refrigeration unit is on a tremendous foundation and can't be moved into this addition. He stated he will review with Mr. Kirsch how noise from that unit can be baffled.

Counsel Shumejda stated the applicant should investigate how the noise from that unit can be baffled and a report from someone in that industry on how that will be done should be submitted to the Board of Trustees, who must take action on the Compatible Use Permit.

Upon inquiry from the Board, Counsel Shumejda stated Tappan Hill operates under a Compatible Use Permit and one of the conditions of that permit is no additional structures can be erected on the property without the approval of the Board of Trustees.

Ms. Lawrence reported receipt of the following memo, dated September 11, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Abigail Kirsch of Tappan Hill – 81 Highland Avenue

This application for a storage/office space addition was reviewed by the Planning Board and a determination was made that the proposal poses no significant adverse environmental impact pursuant to the State Environmental Quality Review Law.

Mr. John Lynch, 10 Crest Drive, stated he has objection to the Planning Board's action on August 28th. He noted many people are away at the end of the summer, as he was, and were unable to speak on that application. He stated he has concerns about the storm water and drainage issues and the Planning Board should not have issued a negative declaration. He noted he also heard what sounded like noise from a portable generator when he was recently standing at the bottom of Tappan Hill's driveway. Mr. McGarvey stated Tappan Hill lost power during last week's storm. They are working with Con Ed but have been utilizing a portable generator until their service is restored.

Mr. Lynch stated the Compatible Use Permit issued in 1990 did not consider adding this space on a permanent basis. Usually temporary trailers are only given for a limited period of time with the intention they will be removed. Mr. McGarvey stated his records have nothing referring to the temporary structures so he did not know when they were put in.

Ms. Lawrence stated the reality is Tappan Hill needs the space for offices and storage and the proposed addition looks much better than the trailers and equipment outside on the property.

Mr. Lynch stated the addition will change the storm water runoff from this property.

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

Mr. Jolly stated he felt the proposed addition was an improvement for the property.

Mr. Maloney moved, seconded by Ms. James, and unanimously carried, that the Zoning Board determines the proposal poses no significant adverse environmental impact pursuant to the State Environmental Quality Review Law.

Mr. Maloney moved, seconded by Ms. James, and unanimously carried, 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 variance for Abigail Kirsch of Tappan Hill subject to:

1. Approval of plans by the Building Inspector/Village Engineer
2. Approval of an amendment to the Compatible Use Permit by the Board of Trustees
3. A remedy for baffling noise from the refrigeration unit being submitted to and approved by the Board of Trustees and that remedy being submitted to the Zoning Board for its review
4. Obtaining a building permit for the project within two years.

PUBLIC HEARING – CORTESE/CAPPA – 91 DEERTRACK 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, September 11, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Andrew Cortese and Robert Cappa
91 Deertrack Lane
Irvington, New York 10533

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding demolition of existing house and construction of a new single-family house requiring the following variances:

1. Increase in the degree of existing non-conformities:
 - A. Lot width at front of building is 87.6 ft. where 100 ft. is required
 - B. Lot width at street frontage is 90 ft. where 100 ft. is required
 - C. Distance from existing parking space to side lot line is 3 ft. where 5 ft. is required

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 29B, Block 127, Lot 38 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.

Board members visited the property.

Mr. Sam Vieira, architect, stated Mr. Cortese wants to take down the house built in the late 1950s or early 1960s. It is a small contemporary ranch house and he wants to replace it with a center hall colonial. Mr. Cortese wanted a house that would comply with all the zoning requirements. They are before the Board because this house sits in an R-10 district and you need 100 ft. at the front of the building and at the street frontage, and they don't have that. They also have an existing parking space, which they would like to keep in the same location, which is also an existing non-conformity. The house will sit slightly higher. Ridge to ridge there will be about a 10 ft. increase in height. The house will have front steps. They are proposing a single car garage within the required setbacks. They have met the light plane requirement.

Counsel Shumejda stated this will require site plan approval by the Planning Board since it is a tear down situation. Mr. Vieira stated he had discussed this with Mr. McGarvey and he thought it had been decided they would not need Planning Board approval. Mr. McGarvey stated he thought what had been discussed was an addition to the house, not a total tear down. Mr. Vieira stated the foundation is not sound, which is why they are proposing the tear down and re-build. The house size will not increase significantly.

Counsel Shumejda stated Mr. Vieira should meet with himself and Mr. McGarvey and they can further review whether this will require site plan approval. The Zoning Board can proceed on the application before them tonight.

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

Mr. and Mrs. Sullivan, 83 Deertrack Lane, requested to review the plans. Mr. Vieira did so with them. Mr. Vieira noted the new house will be about 2 ft. closer to the Sullivans than the existing house; however, it will still meet the 14 ft. side yard requirement.

Ms. Lawrence reported receipt of the following memo, dated September 11, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Cortese/Cappa – 91 Deertrack Lane

This application is for demolition of existing house and construction of a new single-family house. The variances are pre-existing non-conforming situations. Should the Board determine this proposal would not pose a significant adverse environmental

impact, they may make a negative declaration pursuant to the State Environmental Quality Review Law.”

Mr. Maloney moved, seconded by Mr. Jolly, and unanimously carried, that the Zoning Board determines the proposal poses no significant adverse environmental impact pursuant to the State Environmental Quality Review Law.

Mr. Maloney 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

grants the requested variances for 91 Deertrack Lane subject to:

1. Approval of plans by the Building Inspector/Village Engineer
2. Approval of plans by the Architectural Review Board
3. Approval of plans by the Planning Board should it be determined site plan approval is necessary
4. Obtaining a building permit for the project within two years.

PUBLIC HEARING – MYERS – 57 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, September 11, 2006, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Kevin and Wanda Myers
57 Tappan Landing Road
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding the erection of an 8 ft. x 4 ft. shed requiring the following variances:

1. Increase in the degree of non-conformity: (§305-18A(1))
 - (a) One side yard is required to be 12 ft. and 4.6 ft. exists
 - (b) Two side yards are required to be 22 ft; 15.4 ft. exists and 7.4 ft. is proposed
2. Second side yard is required to be 10 ft.; 10.6 ft. exists and 6.8 ft. is proposed

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 118, 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.

Board members visited the property.

Mr. Kevin Myers stated the proposal before the Board is to erect an 8 ft. x 4 ft. shed for purposes of increased storage. The proposal is to place it at the back corner of the side yard against the house because this side yard has greater dimension from the property line. Currently there is 10.6 ft. and with the shed there will be 6.8 ft. On the other side only 4.6 ft. exists. The shed is 7 ft. 6 in. in height. The siding will either match the house or be wood cedar. They considered putting the shed in the back yard but that would be visible to the neighbors.

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

A neighbor requested to review the plans and Mr. Myers did so with her.

Ms. Lawrence reported receipt of the following memo dated September 11, 2006, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Myers – 57 Tappan Landing Road

This application is for erection of a shed. The variances are for reduction in side yard setback. Should the Board determine this proposal would not pose a significant adverse environmental impact, they may make a negative declaration pursuant to the State Environmental Quality Review Law.”

Mr. Jolly moved, seconded by Ms. James, and unanimously carried, that the Zoning Board determines the proposal poses no significant 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

grants the requested variances for 57 Tappan Landing Road subject to:

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

APPROVAL OF MINUTES

Mr. Maloney moved, seconded by Mr. Jolly, that the minutes of August 14, 2006, be approved as submitted. Ms. James abstained. All others assented. Motion carried.

Mr. Jolly moved, seconded by Ms. James, that the minutes of June 12, 2006, be approved as submitted. Mr. Maloney abstained. All others assented. Motion carried.

Mr. Maloney moved, seconded by Ms. James, that the minutes of May 8, 2006, be approved as submitted. Ms. Lawrence abstained. All others assented. Motion carried.

MEETING ADJOURNED 9:30 p.m.

Kathleen D'Eufemia
Secretary

