

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
April 9, 2007 8 p.m.

The February and March meetings of the Board were cancelled due to lack of agenda items for discussion.

PRESENT: Chairwoman Lawrence; Members Jolly, Maloney; *Brown (late);
Counsel Shumejda; Secretary D'Eufemia

ABSENT: Ms. James

APPROVAL OF MINUTES

Mr. Maloney moved, seconded by Mr. Jolly, that the minutes of January 8, 2007, be approved as submitted. Messrs. Maloney, Jolly, and Chairwoman Lawrence assented. Motion carried.

CONTINUATION OF PUBLIC HEARING – PUTNAM AVENUE HOMES, INC. –
HILLSIDE STREET

Chairwoman Lawrence stated the applicant has requested an adjournment until the Board's May meeting. (The applicant also requested adjournments in February and March.) No one appeared to address the Board on this matter. All agreed to continue the hearing in May.

PUBLIC HEARING – MISTRY – 11 BEECH 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, April 9, 2007, in the Municipal Building, 21 Wildey Street, Tarrytown, New York to hear and consider an application by

Jagdish V. Mistry
11 Beech Lane
Tarrytown, NY 10591

for a variance from the Zoning Code of the Village of Tarrytown for property located at the above address regarding construction of a 2-car garage; house expansion over new garage; demolition of existing screened porch; construction of new sunroom and rebuilding of front entrance vestibule requiring the following variance:

1. Rear yard setback is required to be 32 ft. and 24 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 4, Block 128, Lots 9A and 10 and is located in an R-20 (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 Lawrence noted Board members visited the property two weeks ago.

Mr. David Robak, architect, stated the proposal is for an addition in the rear of the house. It is an irregularly shaped lot, which is the reason they need a variance since they were told to measure straight back.

Chairwoman Lawrence noted Planning Board and Architectural Review Board approvals have been received. Mr. Robak stated after meeting with the Planning Board, they revised the plans slightly to avoid any encroachment on steep slopes.

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

Mr. Terence Mahoney stated his mother, Barbara Mahoney, lives at 34 Suncliff Drive, which shares a common property line with the Mistry property. His mother just returned after a three-month absence and therefore was not aware of the applications before the Planning Board and Architectural Review Board. He stated they feel the Mistrys are outstanding people and their presence tonight was to determine what is being proposed.

Mr. Mahoney stated his mother has been a resident of Tarrytown for 47 years and a resident of Suncliff Drive for 42 years. Suncliff was developed by Mr. Sendor Rahmani in the late 1950s and early 1960s and was formerly land belonging to an old estate in Tarrytown. Mr. Rahmani developed both large and small homes in this neighborhood according to the terrain of the original estate. The Mistrys' house had a two-car garage but that was converted into an office (at a time when that was permitted under zoning) and is now grandfathered. He stated they were concerned that with a new two-car garage, more blacktop would have to be laid to approach the new garage; however, they were advised before the start of tonight's meeting that they will be using pavers not blacktop. He noted they are concerned there might be an expansion of the business (dentist office), which could cause the need for more cars parking on the property and on Beech Lane, which is a narrow residential street.

Mr. Mistry stated there will be no expansion of the business. The main reason they are proposing the garage is because one of their cars was recently stolen when parked on the property. In addition, during winter weather they must take their cars off the property to allow for plowing. With the garage there will be fewer cars on the property since their cars will now be in the garage.

*Ms. Brown arrived at the meeting.

Mr. Mahoney stated a busy office with cars on the property and on the street affects the tone of the neighborhood on the Suncliff estate. There are many young children in these houses and it is dangerous to let them play or walk (there are no sidewalks) where there are so many cars parking and blocking visibility. In addition, one of their common boundaries with the Mistrys has a retaining wall, which was preserved from the old estate by Mr. Rahmani. The wall is about ten feet tall and rises from the Mistrys' property two to three feet higher on their property. He questioned whether the work will in any way undermine that old wall to the point where it will cause damage to the retaining wall, thus causing trouble in the future for the retention of the earth it now supports.

Mr. Mistry stated nothing is being done with the wall. This office is only used four or five days a month. His wife, who is the only pediatric dentist in the area, has her main office in Mt. Kisco.

Mr. Robak stated the Planning Board placed a condition that a sign be put up directing people to park in the driveway – not on the street. Over the new garage the house is being expanded by about 640 sq. ft. The kitchen will be enlarged and the bedrooms will be made deeper. Most of the space over the top of the garage will be a deck.

Mr. Mahoney questioned if he was correct in saying the roof line does not go more than 1ft. 8 in. above the existing roof line. Mr. Mistry stated that was correct.

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

The Board reported receipt of the following memo dated April 9, 2007, from Kathleen D'Eufemia, Designated Environmental Review Officer:

“Mistry – 11 Beech Lane

This application for a two car garage addition with house expansion above was reviewed by the Planning Board and a determination was made that the proposal poses no significant adverse environmental impact.”

Ms. Brown 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 variance subject to:

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

ADJOURNMENT

Mr. Maloney moved, seconded by Ms. Brown, and unanimously carried, that the meeting be adjourned – 8:25 p.m.

Kathleen D'Eufemia
Secretary