

Zoning Board of Appeals
Village of Tarrytown
Regular Meeting
Village Hall – 1 Depot Plaza
September 11, 2023 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Rachlin, Kaplan, Abraham, Kudla
Second Alternate Member Young, Counsel Addona; Village Engineer
Pennella, Secretary Meszaros

ABSENT: First Alternate Member Jolly

Ms. Lawrence opened the meeting at 7:30 pm.

APPROVAL OF MINUTES – July 10, 2023

Ms. Rachlin moved, seconded by Mr. Abraham, with Ms. Kudla abstaining, to approve the minutes of the July 10, 2023 meeting as submitted.

The secretary recorded the vote:

Second Alt. Member Young: Yes
Member Abraham: Yes
Chairwoman Lawrence: Yes
Member Rachlin: Yes
Member Kaplan: Yes
All in favor. Motion carried. 5-0

NEW PUBLIC HEARING – Gotham Design Planning & Development - 25 S Washington St.

The following public hearing notice was made available to the public:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at **7:30 p.m. on Monday, September 11, 2023** in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Gotham Design Planning and Development
329 Broadway
Dobbs Ferry, NY 10522

For variances from Chapter 305 of the Village of Tarrytown ("Zoning Code") for the proposed demolition of the existing two-story single-family home and 1 ½ story detached garage in order to construct a new three-story primary structure with 4 dwelling units. The property is located at 25 South Washington Street and is shown on the Tax Maps of the Village of Tarrytown as Sheet 1.70, Block 33, Lot 9 and is located in the M 1.5 zone.

The following variances are sought:

Code Section: §305-32 M-1.5 Multifamily- Attachment 6:1	Required	Existing	Proposed	Variance Required
Column 6 - Minimum Lot size	12,000 SF	-	4,867 SF	7,133 SF
Column 7 – Width at Front of Building	40 ft.	30.98 ft.	30.98 ft.	9.02 ft.
Column 8 – Principal Building Coverage	20% (973 SF)	-	35.4% (1,725 SF)	15.4% (752 SF)
Column 10 – Total Coverage (all buildings)	35% (1,703 SF)	-	35.4% (1,725 SF)	1.4% (22 SF)
Column 11 Min. Front Yard Setback	25 ft.	-	5.67 ft.	19.33 ft.
Column 12 Min. Side Yard Setback (South)	20 ft.	-	5.0 ft.	15 ft.
Column 12 Min. Side Yard Setback (North)	20 ft.	-	5.0 ft.	15 ft.
Column 13 Min. 2 Side Yards	40 ft.	-	10.0 ft.	30 ft.
Column 18 Maximum Height (Stories)	Two Stories	Two Stories	Three Stories	One Story
305-63 D. (1) Off Street Parking	10 spaces	-	0 Spaces	10 spaces

Documents are available for inspection in the Planning and Zoning Office. 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.

Additional approval will be required from the Planning Board and the Architectural Review Board.

By Order of the Zoning Board of Appeals.

Lizabeth Meszaros
Secretary to the Zoning Board

Dated: September 1, 2023

The mailing receipts were received and the signs were posted. Board Members visited the property.

Counsel Addona advised that the Planning Board is Lead Agency for this project. The Zoning Board, as an involved agency, will not be able to vote on the variances before them until the Planning Board makes a SEQRA determination. The presentation this evening will give the applicant a chance to introduce the project and go over the variances and allow this Board the opportunity to comment on the project and also provide input to the Planning Board should they have any concerns or comments with regard to the project as it relates to SEQRA.

Padriac Steinschneider, the project design coordinator with Gotham Design Planning and Development, appeared on behalf of the property owner and presented the site plan. He explained that his firm has an interest in the adaptive reuse of buildings that reinforce the existing downtowns. He understands that there are many variances associated with the application and that it will be a challenging application. He briefly went through his presentation and noted that this property is located only two properties away from the RR district, in the M 1.5 zone, and is within walking distance to the retail district and the train. The building itself is unoccupied and needs a tremendous amount

of work. They plan to take it down and build a new structure with 4 units and also remove the garage in the rear of the property. Mr. Steinschneider briefly went through the requested variances and noted that the building itself is on an undersized lot and is very non-compliant which triggers front and side yard setback variances. In addition, they are proposing 3 stories, when only 2 stories are permitted in this zone. He noted that the home fits in well with the streetscape and he feels it fits in with the character of the neighborhood. The major hurdle for this project is a variance request for ten parking spaces. The plan that was submitted to the Planning Board for site plan approval provided for 6 on-site parking spaces located in the rear of the property with access through the municipal parking lot. The access to the parking in the rear of the property would have required an agreement with the Village to use the municipal lot for both ingress and egress. He advised that he did appear before the Village Board and they had concerns about entering into an agreement that could compromise the future needs that the village may have for this property, in addition to the placement of snow storage after storms.

Counsel Addona confirmed with Mr. Steinschneider that the plan before the Board this evening would not require approval from the Board of Trustees. Mr. Steinschneider confirmed that the plan proposed no longer provides for parking on site and they are seeking a variance of 10 parking spaces from this Board. Counsel Addona believes that the Board of Trustees is not going to entertain this proposal any further. Chairwoman Lawrence also noted that the neighbor indicated that they do not want to consider entering into any legal agreement which would allow the applicant access to the rear of the property for the parking. Counsel Addona advised that the Zoning Board will need to consider the maximum variance of 10 parking spaces, which is the worst-case scenario.

Padriac Steinschneider showed the original parking plan in the rear with access to the municipal lot that was denied by the Board of Trustees. He also showed the elevation plan indicating that the height of the building is in line with the other homes on the street, with the third story set back to decrease the bulk.

A brief conversation took place about the occupancy records. Mr. Steinschneider noted that there were two kitchens in the building and it looked like there was something set up in the attic. It appeared to be a two-family with a two-car garage in the rear.

Ms. Lawrence commented that she liked the layout of the units. She advised the applicant that this Board is not in favor of seeing such a huge number of variances before them. She has serious concerns that a project this size does not have any parking provided on site and believes that with the proposed 4 units, it could be a huge problem for this area. Mr. Steinschneider agreed but noted that their goal is to bring residential units to the downtown areas where there is access to stores and transportation. Ms. Lawrence understands the benefit of having residential in the downtown area, but the units will not be affordable housing. She believes that most people who can afford to rent these units will also want to have a car. Mr.

Steinschneider agreed that there is a value to having on-site parking. He also believes that 10 required spaces for 4 units may be excessive.

Mr. Pennella advised the Board that this property is documented as a single-family home and there are currently 2 parking spaces on site. The applicant is proposing a multifamily with 4 units and no parking on site. Mr. Pennella agreed that almost anything built on this lot will require variances however, he believes that if they are able to get an agreement with the neighbor and make the driveway wider they could provide parking in the back, it would be better. They could also move the house back 5 feet and provide some parking in the front. In addition, if they reduced the number of units proposed that would also reduce the parking requirement.

Counsel Addona asked if there has been a conversation with the neighbor since this project will impact the neighboring property. Mr. Steinschneider said that he has tried but they are not interested in entering into an agreement. Counsel Addona said perhaps they don't understand the significance of the agreement since, if the project moves forward, they may not have enough space to park cars on the side anymore.

A brief discussion took place about moving the house back. Mr. Steinschneider said the lot is very small and they could make it work, but he does not feel like the house would fit into the character of the neighborhood. Mr. Pennella also suggested a pass-through underneath to get to the back of the house.

Mr. Steinschneider could provide an alternate plan which would include moving the house back 5 feet and see what would work best if they are able to work with the neighbor. Counsel Addona advised that they need the width for the shared driveway which requires a legal easement between the neighbors in order for them to access to the rear for the parking. At this point, the ZBA will have to consider the most extreme variance which is all the parking (10 spaces).

Mr. Steinschneider agreed and said the Village can't assume that people cooperate with one another so the applicant is required to substantiate that right with an easement. If they had the easement, the village would be happy. Mr. Pennella noted that the Board had concerns about snow storage in the municipal lot. The village bought the property with intent to make it a parking area and they have had issues with the Solomon Lodge when they need to do repairs, etc., which was another factor in their decision.

Mr. Pennella proposed two alternative plan options that he sees could accommodate some on-site parking. One option is designing the structure to have a pass-through under the building for cars to traverse to the rear to park. Another option is to shift the proposed structure further back into the property to accommodate parking between the structure and the street. The curb cut could be also be made wider which would not require approval from the Board of Trustees since there would be no loss of any parking on the street.

Ms. Lawrence asked if the Board members wished to comment.

Ms. Kaplan commented that she hopes the neighbor realizes that they may lose access to the shared driveway parking area where they had 4 cars parked.

Ms. Young asked if the applicant is proposing any energy efficiency for this project should it move forward. Mr. Steinschneider advised that they will be using heat pumps. He is not sure if geothermal will work and the roof will be designed to fit solar panels.

There was no one in the meeting room to comment on this application.

Ms. Lawrence advised that no decision can be made this evening. They will adjourn the meeting to next month, pending submittal of alternative plans from the applicant.

Counsel Addona advised that she will prepare a memo to the Planning Board memorializing the parking concerns of the Board, as it relates to SEQRA.

The applicant advised that he will review Mr. Pennella's concepts that have been discussed this evening and prepare alternative plans to determine if there are any other methods that can be achieved, other than the requested variances.

Ms. Rachlin moved, seconded by Mr. Abraham, to adjourn the meeting to the next scheduled meeting, which is October 12, 2023, pending a submission of alternative plans.

The secretary recorded the vote:

Member Kudla :	Yes
Member Abraham:	Yes
Chairwoman Lawrence:	Yes
Member Rachlin:	Yes
Member Kaplan:	Yes

All in favor. Motion carried. 5 – 0

Ms. Lawrence advised that this is Member Abraham's last meeting. She will miss the manner in which he deliberated on applications and everyone wished him well.

ADJOURNMENT:

Ms. Rachlin moved, seconded by Mr. Abraham, to adjourn the meeting at 8:20 p.m.
All in favor. Motion carried. 5-0

Liz Meszaros- Secretary