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

PRESENT: Chairwoman Lawrence, Members Rachlin, Kaplan, Kudla, Young

Second Alternate Isaacson; Counsel Addona; Village Engineer Pennella,

Secretary Meszaros

First Alternate Jolly ABSENT:

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

APPROVAL OF MINUTES – November 13, 2023

Ms. Kudla moved, seconded by Ms. Rachlin, with Ms. Young abstaining, to approve the minutes of the November 13, 2023 meeting as submitted.

The secretary recorded the vote:

Chairwoman Lawrence:

Yes

Member Rachlin:

Yes

Member Kaplan:

Yes

Member Kudla:

Yes

Member Young:

Abstain

All in favor. Motion carried. 4 - 1(abstention)

CONTINUATION OF PUBLIC HEARING

Gotham Design Planning and Development - 25 South Washington Street Variances to demolish the existing two-story single-family home and 1 1/2 story detached garage in order to construct a new three-story primary structure with 3 dwelling units and parking.

Padriac Steinschneider, the project design coordinator, with Gotham Design Planning and Development, appeared on behalf of the property owner and presented an aerial view of the property showing the surrounding homes and nearby parking lots (included in the PowerPoint presentation attached as "Exhibit A" to these minutes). He noted that the lot is an undersized, pre-existing non-conforming lot and the home was built before zoning was in place. He advised the Board that they have made some changes since they last appeared on September 11, 2023. Mr. Steinschneider briefly went through the variances that are needed which have been updated. These variances are highlighted below and are included as part of the December 11, 2023 Denial Letter issued by the Building Department, distributed to the Board Members and the applicant.

The variances are highlighted below:

Code Section: §305-32 M-1.5 Multifamily Attachment 6:1	Required or Permitted	Existing	Proposed	Variance Required
Column 6 - Minimum Lot size 7,500SF 1 st unit, 1,500SF ea./addn'l unit	12,000 SF 11,500 SF	-	4,867 SF	7,133 SF 6,633 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 30% 973 1,460 SF	-	35.4 33.5% 1,725 1,631SF	15.4 3.5% 752 171SF
Column 10 – Total Coverage (all buildings)	35 40% 17031,945 SF	-	35.4% 1,725 SF	1.4% 22 SF
Column 11 Min. Front Yard Setback	25 20ft.	-)	20 5ft.	5 15 ft.
Building 1 – 3 Dwelling Units				
Column 12 Min. Side Yard Setback (South)	20 15 ft.	(* = 0)	5.0 ft.	15 10 ft.
Column 12 Min. Side Yard Setback (North)	20 15 ft.	-0	5.0 ft.	15 10 ft.
Column 13 Min. 2 Side Yards	40 30 ft.	-	10.0 ft.	30 20 ft.
Column 18 Number of Stories	2		3	1 Story
§305-47 B. (5) Yards; Setbacks - Stairs	6 ft.	-	1.5 ft.	4.5 ft.
Column 12 Min. Side Yard Setback (South)	20 ft.	-	0.75 ft.	19.25 ft.
Column 12 Min. Side Yard Setback (North)	20 ft.	-	1 ft.	19 ft.
Column 13 Min. 2 Side Yards	4 0 ft.	-	1.75 ft.	38.25 ft.
Column 14 Min. Rear Yard	45 ft.	-	6 ft.	39 ft.
305-63 D. (1) Off Street Parking 2.5 / d.u.	10-8 spaces	-	6 5Spaces	4 3 spaces

Mr. Steinschneider advised that they have reduced the number of units from 4 to 3, which no longer requires an environmental SEQRA review for this project. They are back proposing to demolish the two-car garage in the rear to provide 5 parking spaces with access through the driveway area. He noted that the Zoning Board granted a variance for this property to build the garage with access via a shared driveway back in October of 1987, but there is no recorded easement for this use and, at this point, the neighbor is unwilling to enter into an agreement.

Ms. Lawrence advised Mr. Steinschneider that without a written agreement, they will not be able to approve the project.

Mr. Steinschneider asked if he can put up a fence up between the two properties. Counsel Addona said there is nothing that precludes an owner from installing a fence on their property line as long and it is code compliant. Mr. Steinschneider advised that he had a recent conversation with the owner's daughter-n-law, and she conveyed to him that they have no objection to the use of the driveway but they do not want to enter into a legal agreement. He noted that by reducing the units by 25%, the variance request for the number of parking spaces has been reduced from 4 to 3 spaces. In addition, there are also the village parking lots that could be used. Counsel Addona advised that would be proposing parking on land that is not owned by the applicant.

Mr. Pennella advised that no action can be taken on this plan unless there is an easement agreement as indicated in his denial letter. He noted that some of the variances were reduced, some increased, and some remained the same. The stair variance is minor since it is common to the homes in this area. He noted that they have reduced the variance for the number of parking spaces from 4 to 3 spaces as a result of reducing the number of units.

Mr. Steinschneider noted that there are options that they are considering for the third floor. He showed the two-story plan with the third floor set back, with a scenery loft in front and noted that the Planning Board was favorable to this plan. If they go with this plan, it would affect the variance request. He showed the second plan without the scenery loft. Mr. Pennella advised the Board that the scenery loft faces the South Washington Street parking lot and does not affect any views but the Planning Board has jurisdiction over this approval of this loft, not the Zoning Board. The Zoning Board liked the idea of the scenery loft as well.

Mr. Pennella advised Mr. Steinschneider that he will have to choose a final plan before they can move forward. The 3rd story variance will be needed for both plans. He advised the Board, that although there is a 3rd story proposed, the applicant is below the 35-foot height requirement and meets the height requirement in this zone. There are many houses in this neighborhood that have 3rd floors and also comply with the height requirement. He wanted to point this out since this is different from other applications that have been before the Board.

Counsel Addona also advised the applicant that they will need to come up with a plan that will work and that the easement agreement for the driveway will be required. Another option would be to eliminate the parking in the rear and ask for a parking variance.

Ms. Lawrence advised that a request could be made. The public parking lots seem jammed. Counsel Addona said that the applicant can propose an alternate plan and request a variance for all of the parking. This would require a revised plan and a parking study to determine if it could support the capacity.

With regard to moving the house to the south, Mr. Pennella advised that a 3 ft side yard is required and the structure has to be non-combustible material. If that change was made, it would affect the other side yard variance request.

Ms. Kudla asked if the neighbor has any legal representation. Ms. Lawrence suggested having someone who speaks their language fluently explain the situation to them which may help to move the project forward.

Ms. Rachlin moved, seconded by Ms. Kaplan, to continue the public hearing.

The secretary recorded the vote:

Chairwoman Lawrence:

Yes

Member Rachlin:

Yes

Member Kaplan:

Yes

Member Kudla:

Yes

Member Young:

Abstain

All in favor. Motion carried. 4-1 (abstention)

First Korean Methodist Church of NY - 500 South Broadway

Consideration of formal Resolution

This is an application that this Board approved last month. After further review, and when drafting the resolution, Counsel Addona determined that one of the variances listed fell under the Wetlands and Watercourse Code, not the Zoning Code. That variance is governed by different and more stringent criteria. Because it was not expressly addressed by this Board, she wanted to the Board to hear it and formally vote on this aspect in order to avoid setting any precedent should a future similar application come before this Board.

Counsel Addona read portions of the resolution relating to the Wetlands Code:

ZONING BOARD OF APPEALS RESOLUTION

Application of First Korean Methodist Church of NY ("Applicant") 500 South Broadway, Tarrytown, New York 10591 (the "Property") Sheet 1.180, Block 104, Lot 7 R-7.5 Zoning District

WHEREAS, the Applicant has appealed to the Village of Tarrytown Zoning Board of Appeals ("ZBA") from a determination by the Building Inspector dated February 22, 2023 and last revised October 5, 2023 that the Applicant's proposed construction of a parking lot, sidewalk and ADA-accessible exterior ramp do not comply with the requirements of Chapter 305 of the Village of Tarrytown Zoning Code ("Zoning Code") and Chapter 302 of the Village of Tarrytown Wetlands and Watercourses Code ("Wetlands Code"), and

WHEREAS, the Applicant also seeks the following variance from the Wetlands Code:

 95 feet to allow a setback from the wetland/watercourse buffer of 55 feet where 150 feet is required

AND IT IS FURTHER RESOLVED, the findings of this Board with respect to the variance sought from the Wetlands Code are as follows:

- 1. It will be an extraordinary hardship for the Applicant if it cannot construct the sidewalk and ADA-accessible ramp in the proposed locations within the wetlands/watercourse buffer because given the existing location of the parking lot and the Church building, the Applicant could not provide ADA accessibility any other way. Further, a large part of the Church building is constructed in the wetlands/watercourse buffer and closer to the wetlands than the proposed improvements that are part of this application as a legal, nonconforming condition. These unique circumstances do not apply to or affect other properties in the immediate vicinity because they relate to the existing development of the Property and the fact that there are already legal, nonconforming structures in the buffer. The unique circumstances relate to the characteristics of the Property because there is a stream that runs through the rear of the Property and a large portion of the Church building is legal nonconforming as it was largely constructed in the buffer. As these are legal, nonconforming conditions that predate the Wetlands Code, they are not the result of any action or inaction by the Applicant or its predecessors-in-interest.
- 2. There is a compelling public need for the development of the sidewalk and ADA-accessible ramp in the wetlands/watercourse buffer because these improvements will serve an essential health and safety need by providing safe access from the parking lot to the Church building for those congregants who need ADA accessibility. Since the Church building is legal, nonconforming as it was constructed largely in the wetland buffer, the benefit of providing ADA accessibility outweighs the importance of protecting the wetland, watercourse and buffer area. The proposed ADA-accessibility is necessary to accommodate the Church's existing congregants. Given the location of the parking lot and the existing Church building, there is no feasible alternative to putting these structures in the buffer.
- 3. The proposed sidewalk and ADA-accessible ramp in the wetland/watercourse buffer will not be materially detrimental or injurious to other properties or improvements in the area, will not increase the danger of fire or flood, and will not endanger public safety or result in substantial impairment of the stream as there are already large structures in the buffer (including closer to the buffer than these proposed improvements) and as part of this project the Applicant is going to install a stormwater retention system as one does not already exist, which will improve drainage on the site. Further, the ramp will be an elevated wood structure resting on posts and footings, which will require minimal disturbance to the buffer area. Given a large part of the Church has already been constructed in the buffer area and is a legal, nonconforming condition, this variance will not be inconsistent with the purposes, objectives or general spirit and intent of the Wetlands Code. The variance is the minimum relief necessary as the Applicant is constructing the ramp abutting the existing structure in the buffer to keep the ramp as far from the stream as possible. And as noted, the Applicant has implemented a design for the ramp that will mitigate any potential impacts from its construction to the greatest extent practicable.

Ms. Kudla moved, seconded by Ms. Rachlin, to approve the portions of the resolution relating to the Wetlands and Watercourse Law.

The secretary recorded the vote:

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

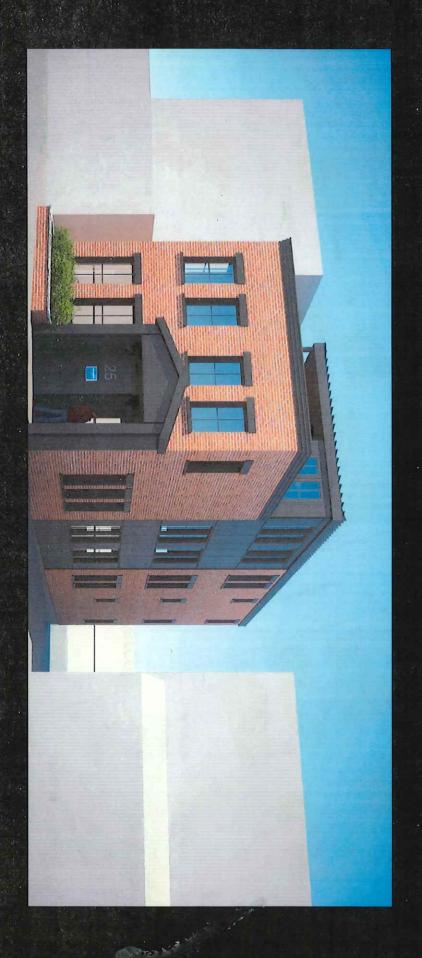
ADJOURNMENT:

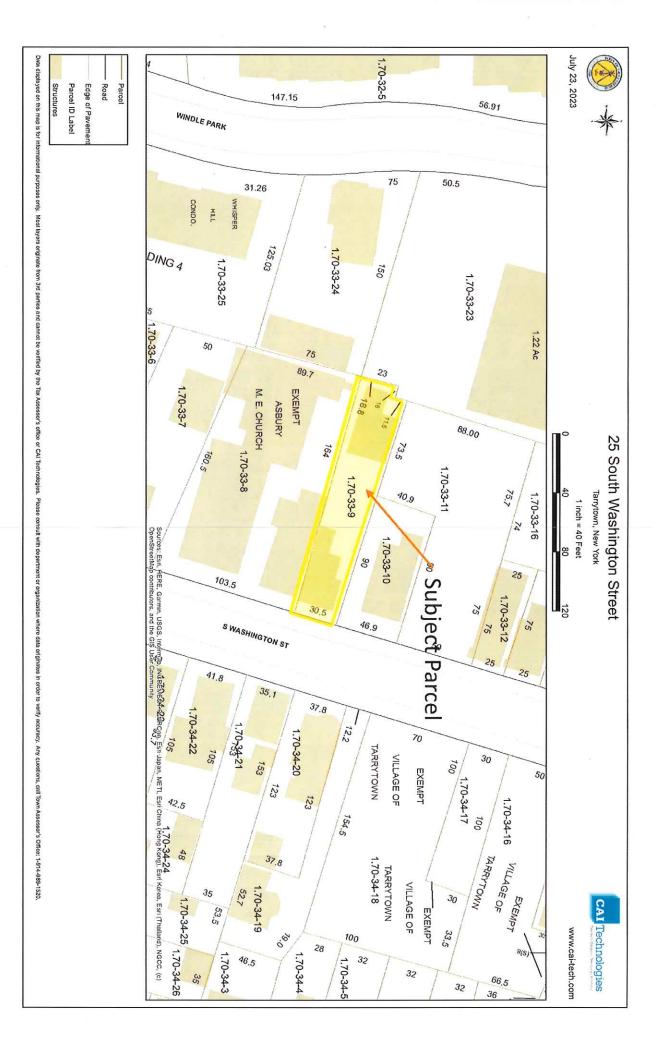
Ms. Kudla moved, seconded by Ms. Rachlin, to adjourn the meeting at 8:05 p.m. All in favor. Motion carried. 5-0

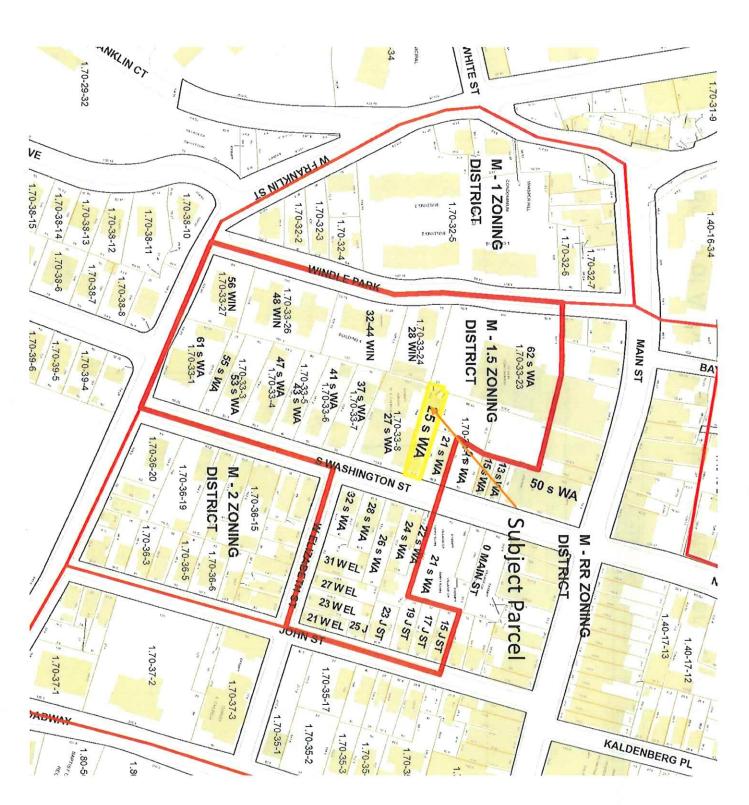
Liz Meszaros- Secretary

EXHIBIT "A" GOTHAM DESIGN PLANNING & DEVELOPMENT 25 SOUTH WASHINGTON STREET APPLICANT POWERPOINT PRESENTATION

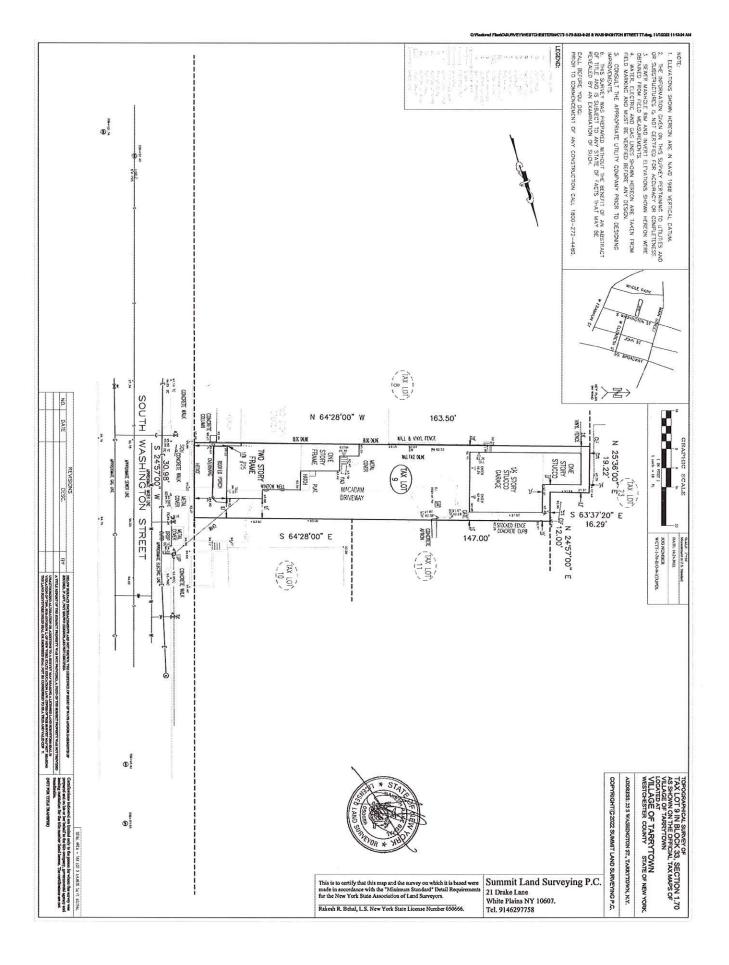
25 South Washington Street Tarrytown



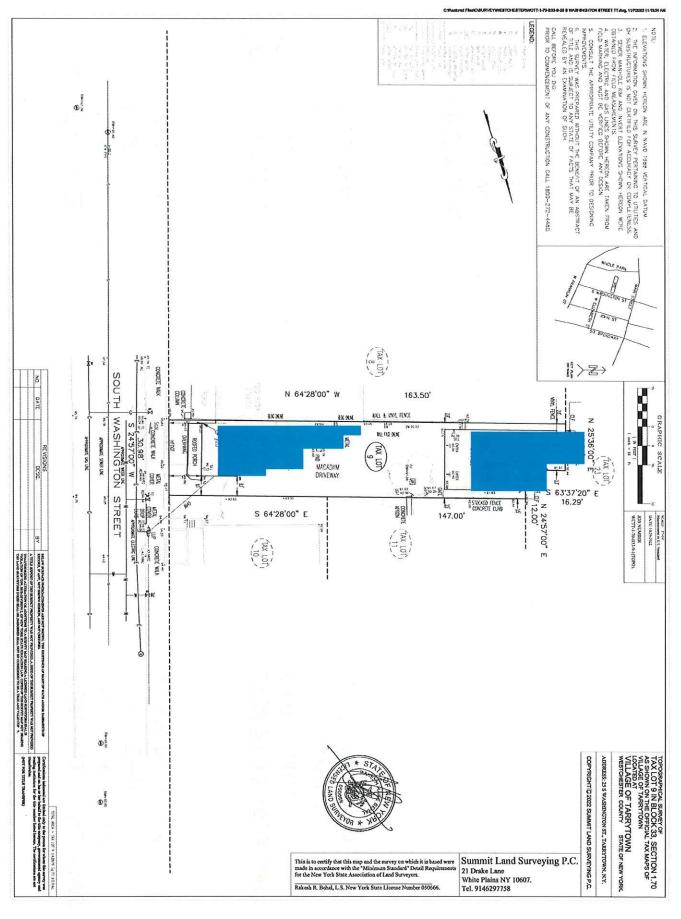




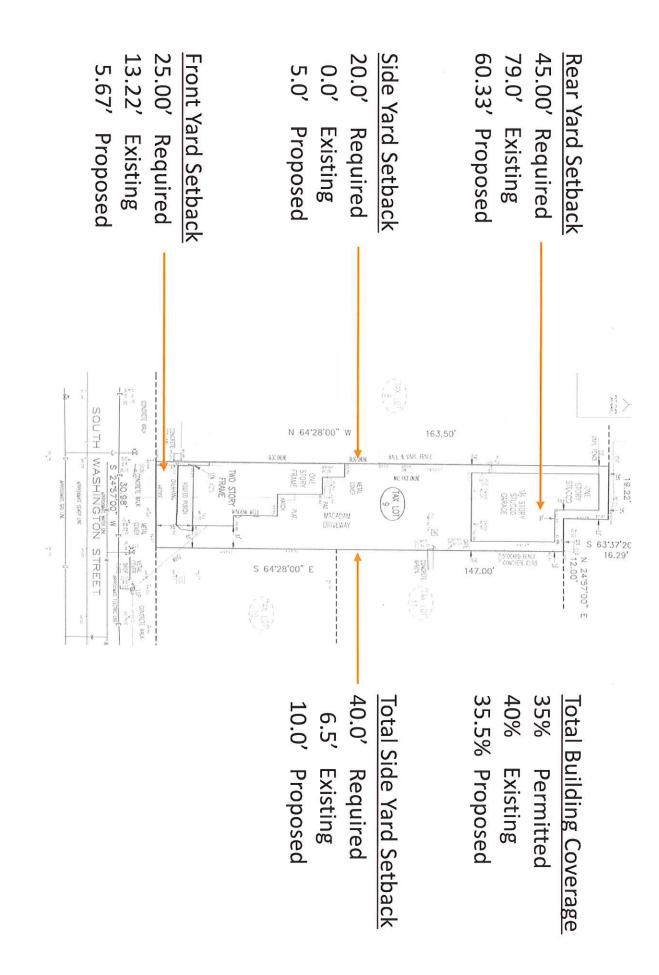
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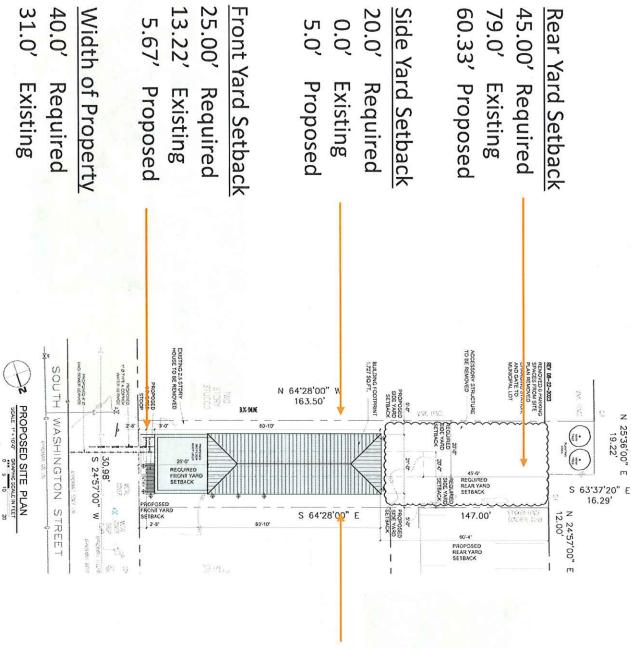
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Total Building Coverage
35% Permitted
40% Existing

35.5% Proposed

Total Side Yard Setback
40.0' Required
6.5' Existing
10.0' Proposed

Maximum Height
Two Stories Permitted
Three Story Proposed

Minimum Lot Size
12,000 sf Required
4,867 sf Existing

Required Parking
10 Spaces Required
0 Spaces Proposed

TARRYTOWN, N.Y. 10591 SOUTH WASHINGTON



LIST OF DRAWINGS	CS LIST	0	SD-1.1 EXIST			NO NO	-	_	
AWINGS	LIST OF DRAWINGS, LOCATION MAPS, DESIGN CRITERIA, AND PERSPECTIVE	CONTEXT AREA SITE PLAN AND ELEVATION	EXISTING CONDITIONS AND PROPOSED SITE PLAN	STORMWATER MANAGEMENT AND EROSION & SEDIMENT CONTROL PLAN/ DETAILS	PROPOSED FLOOR PLANS	NORTH AND EAST ELEVATIONS	SOUTH AND WEST ELEVATIONS	PROPOSED BUILDING SECTIONS	SUILDING RENDERINGS
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THIS PROJECT CONSISTS OF THE DEMOJITION OF A 2 STORY SINGLE FAMILY HOUSE AND DETACHED CARAGEE RADORSED IS THE CONSTRUCTION OF A 1 STORY BUILDING WITH 2 BEDROOM APARTMENTS ON EACH FLOOR, FOR A TOTAL OF 3 DWELLING UNITS PROJECT DESCRIPTION

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7. SEPARAL PERMIT REQUIRED FOR FIRE SPHINKERS
SYSTEMS AND HAVE UNIT AND DUCTWORK

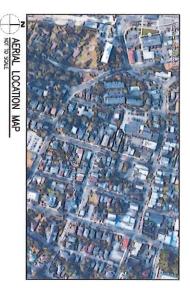
NOT FOR CONSTRUCTION





GOTHAM
DESIGN
AND COMMUNITY
DEVELOPMENT LTD

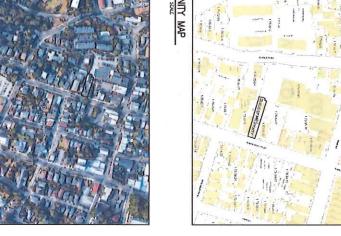
329 Broadway
Dobbs Ferry, N.Y 10522
Phone: (914) 693-5093
Fax: (914) 693-5390
email: arch323/@gmail.co



4-20-2022 SSJ SOUR CHECK AS NOTED PRS

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COVER SHEET

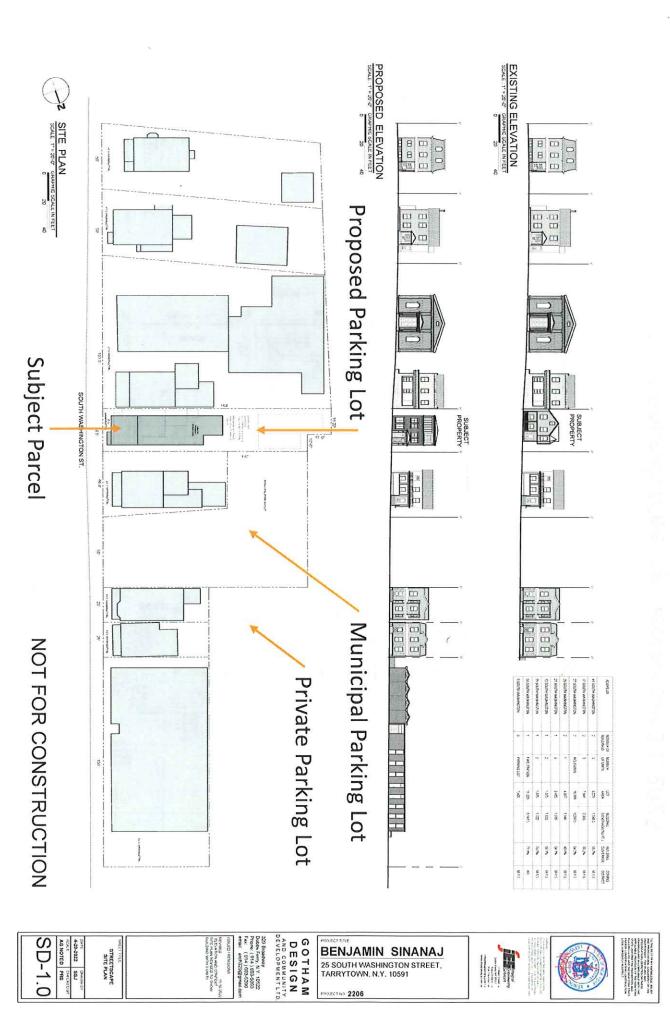


PROJECT TITLE	
BENJAMIN	SINANAJ
25 SOUTH WASHIN TARRYTOWN, N.Y.	

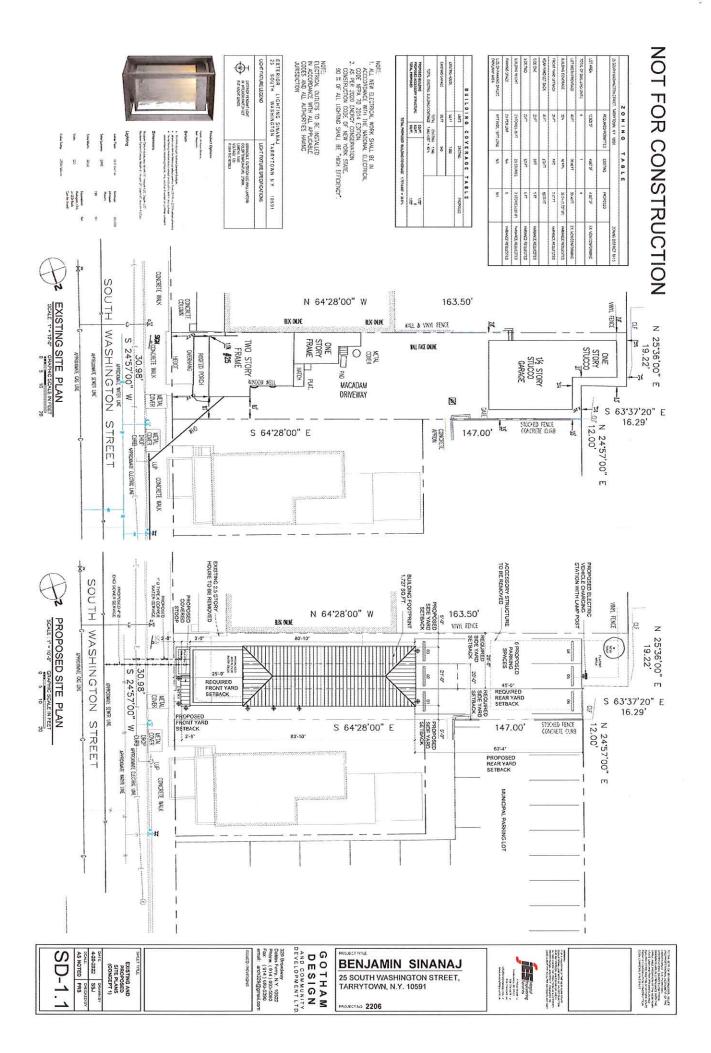




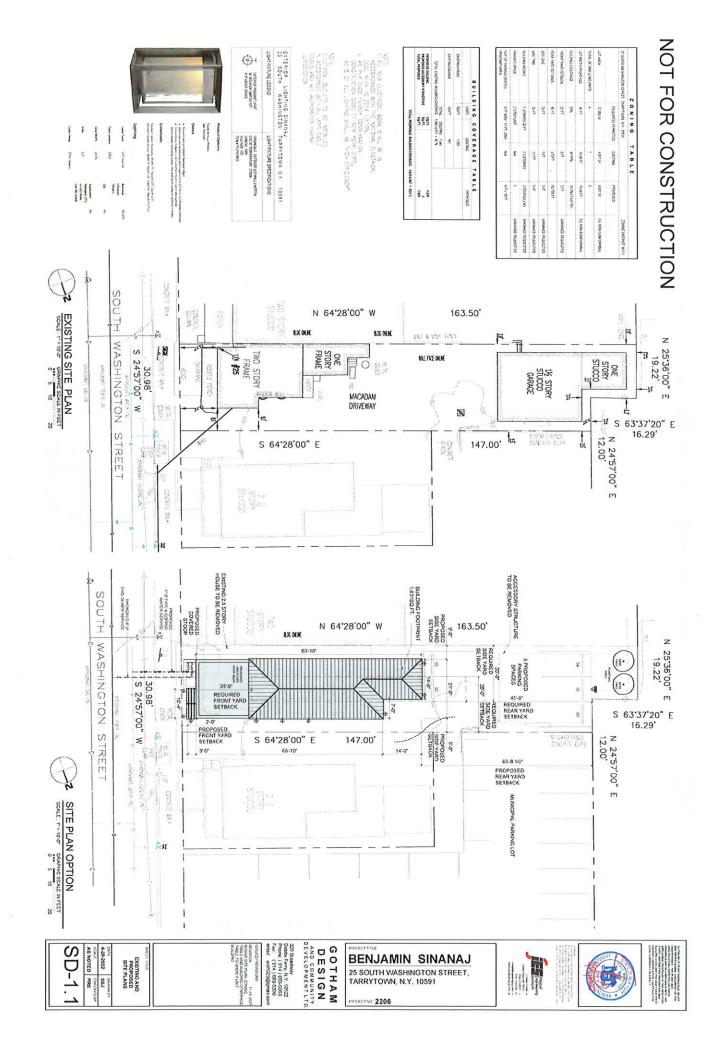


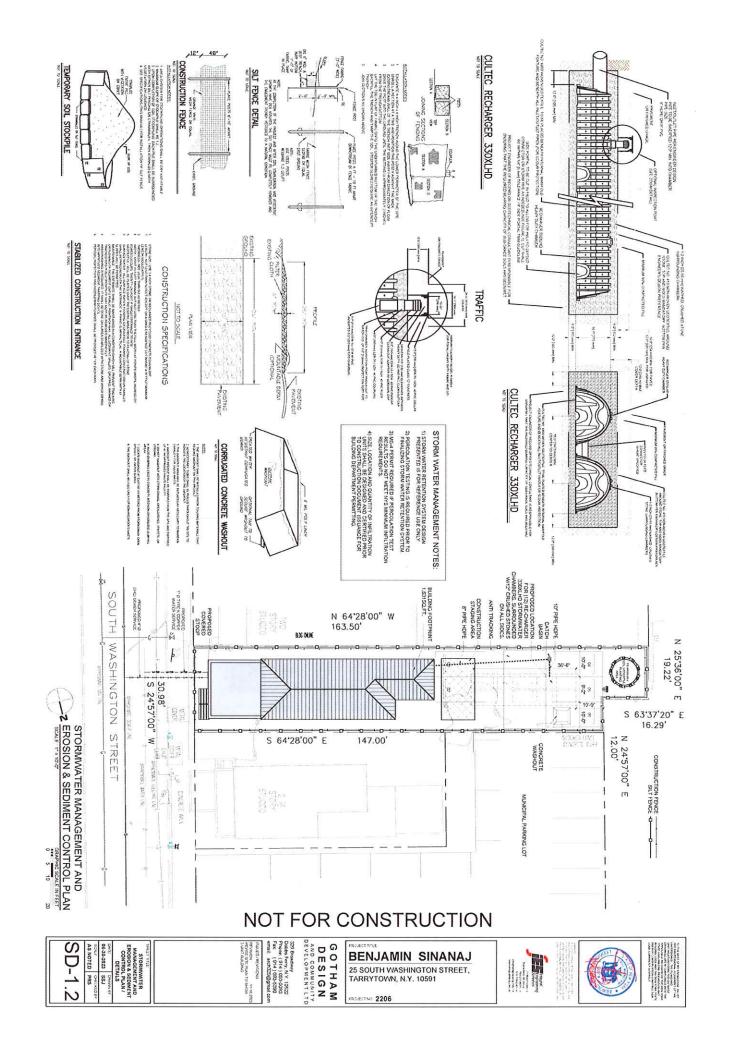


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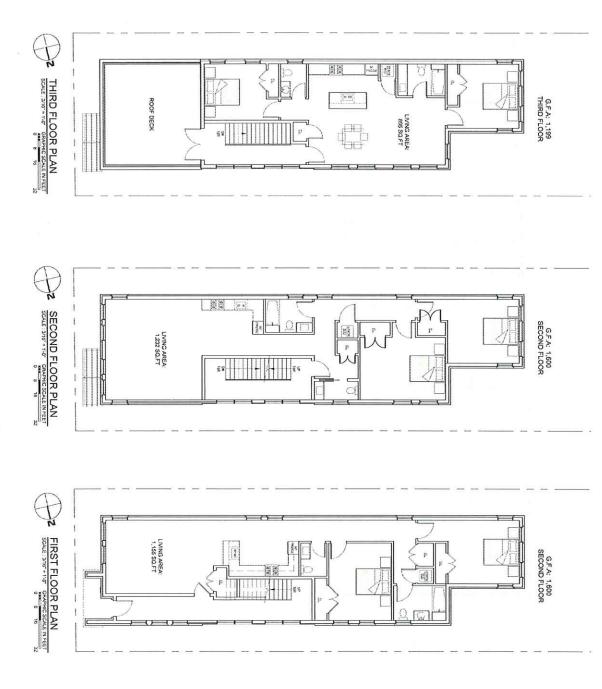


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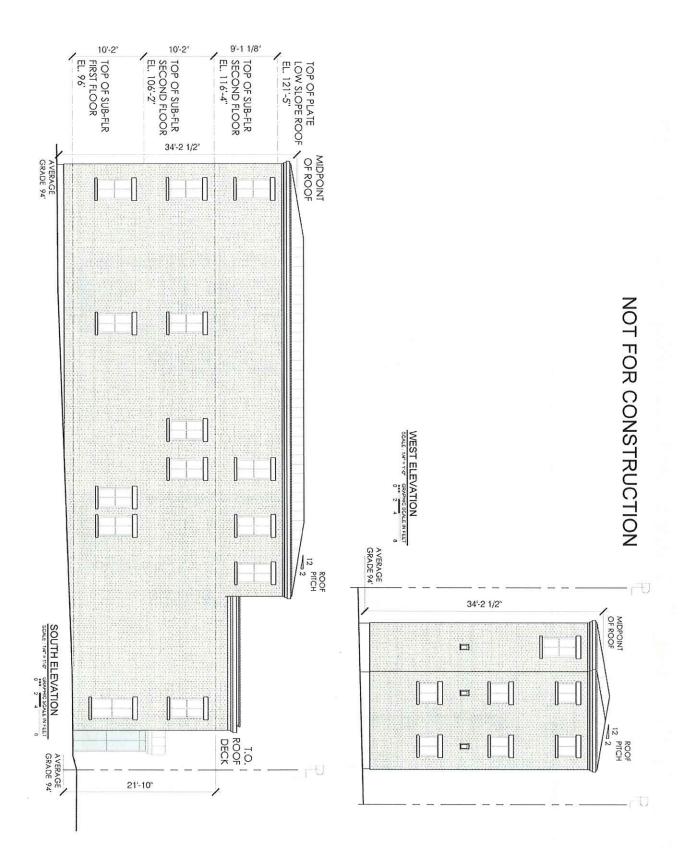




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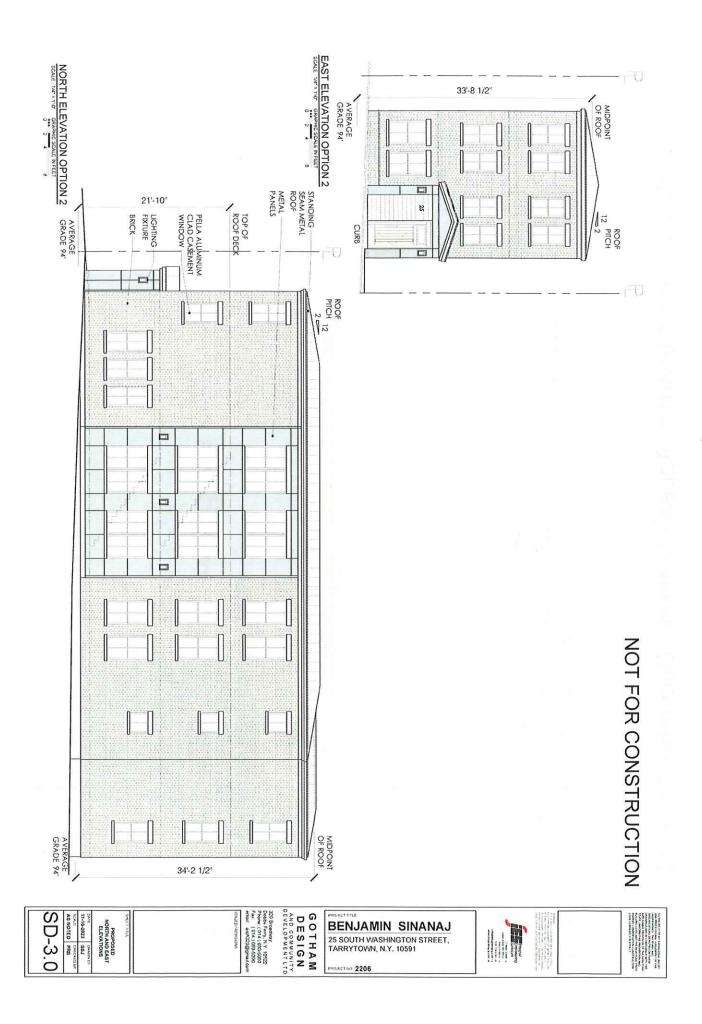


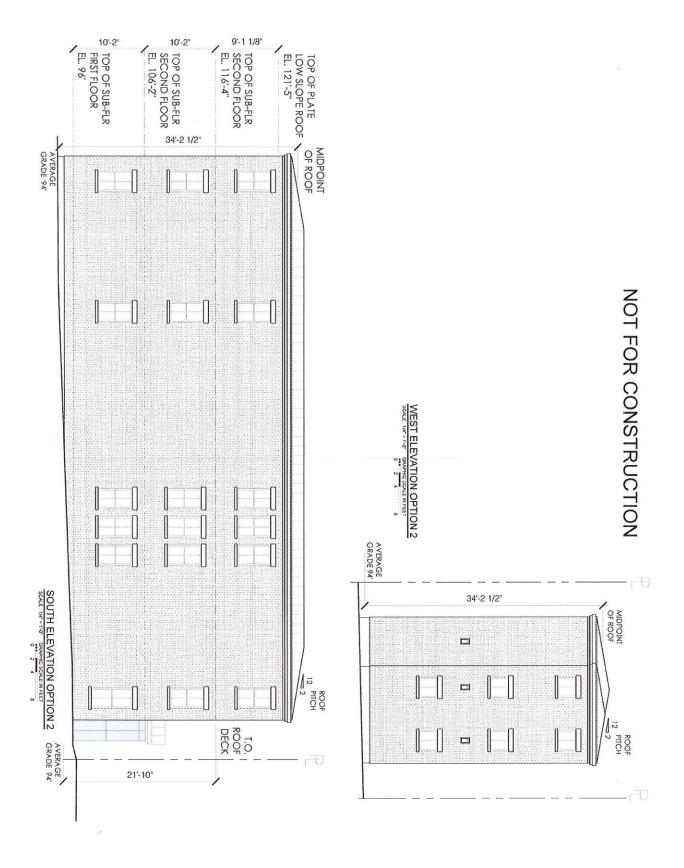




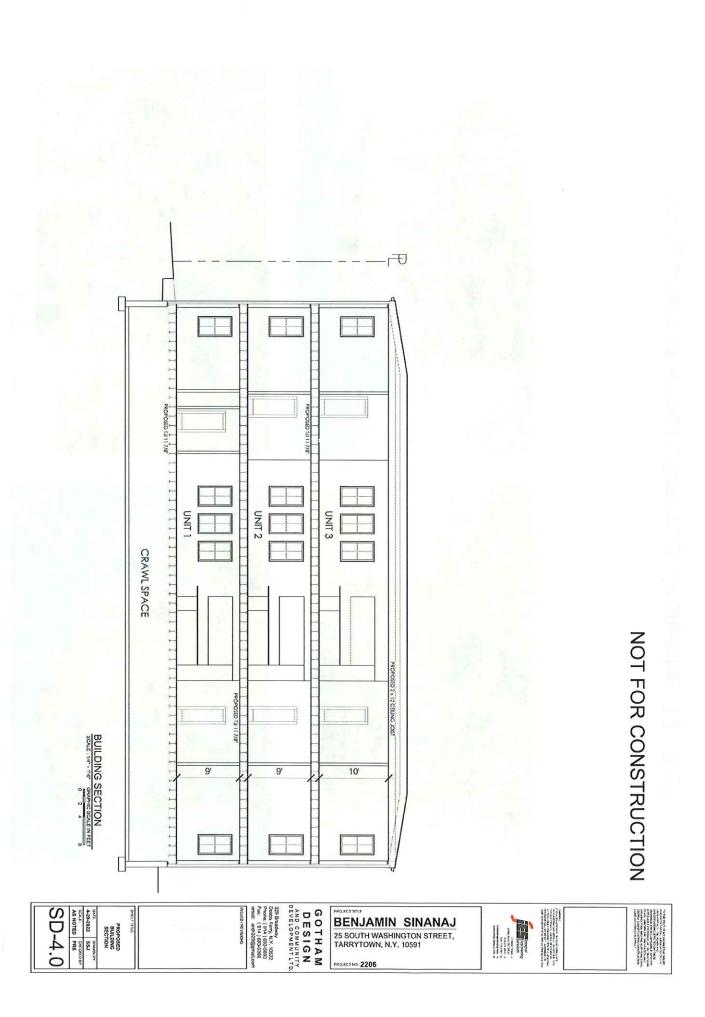


THIRD FLOOR PLAN OPTION 2 SCALE: 3/10" = 11-0" GRAPHIC SCALE IN FEET STATE | 10 | 32 G.F.A: 1,600 THIRD FLOOR SECOND FLOOR PLAN OPTION 2 G.F.A: 1,600 SECOND FLOOR NOT FOR CONSTRUCTION FIRST FLOOR PLAN OPTION 2 G.F.A: 1,631 SECOND FLOOR SD-2.0 GOTHAM DESIGN AND COMMUNITY DEVELOPMENT LTD BENJAMIN SINANAJ 25 SOUTH WASHINGTON STREET, TARRYTOWN, N.Y. 10591 PROPOSED FLOOR PLANS The control of the co

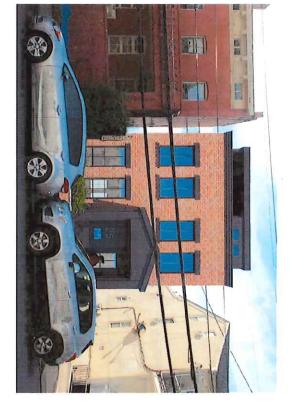


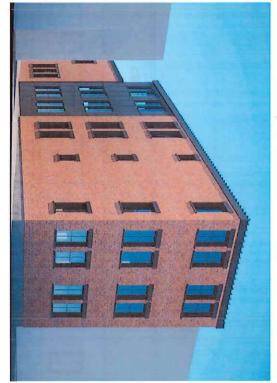






NOT FOR CONSTRUCTION











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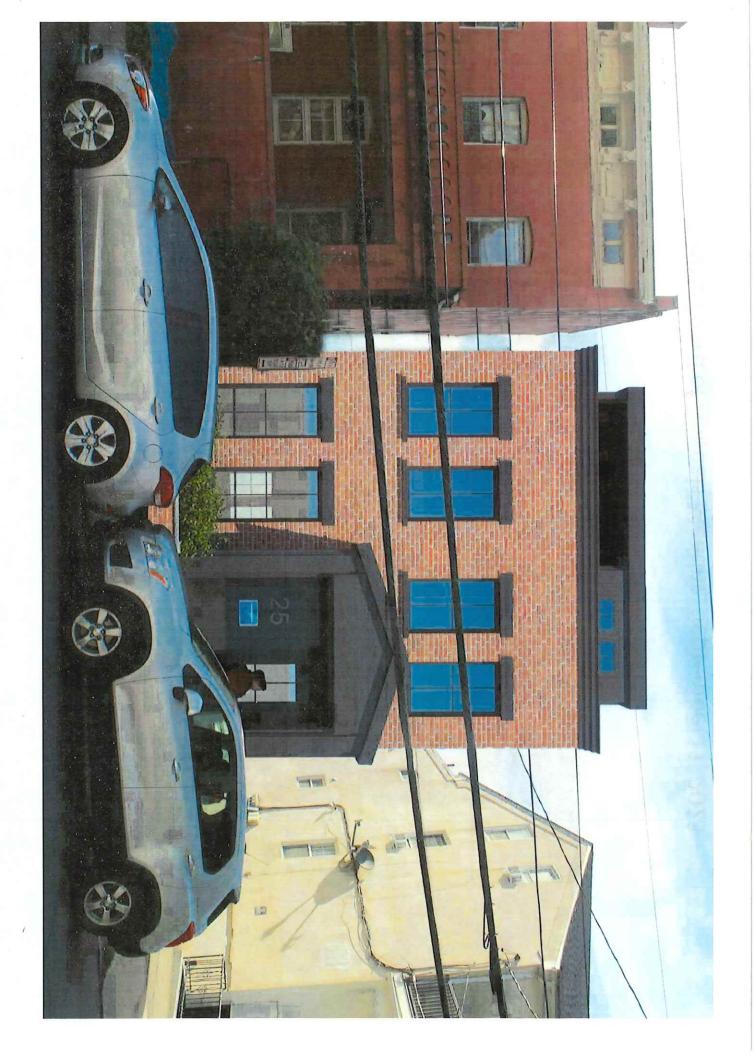
RENDERINGS

DESIGN
AND COMMUNITY
DEVELOPMENT LTD.

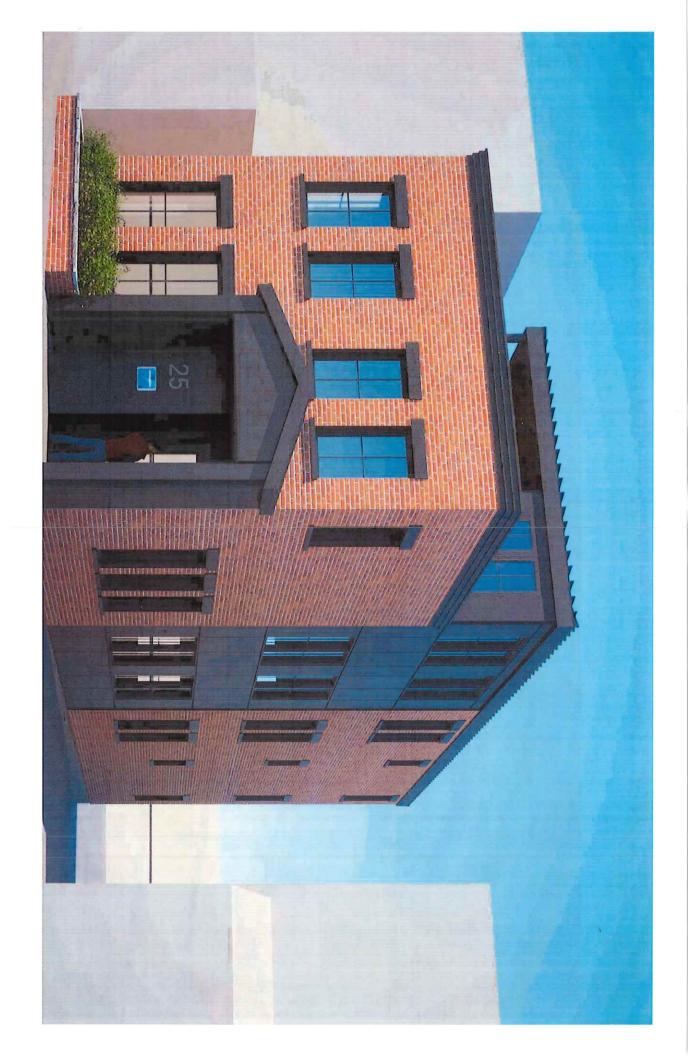
BENJAMIN SINANAJ 25 SOUTH WASHINGTON STREET, TARRYTOWN, N.Y. 10591



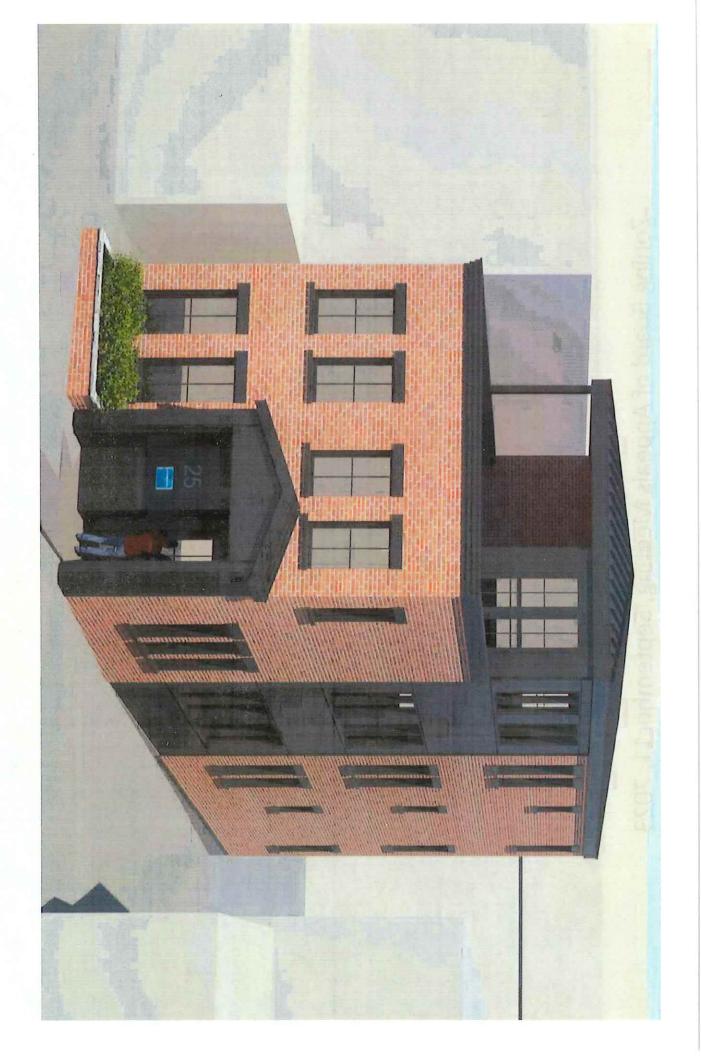




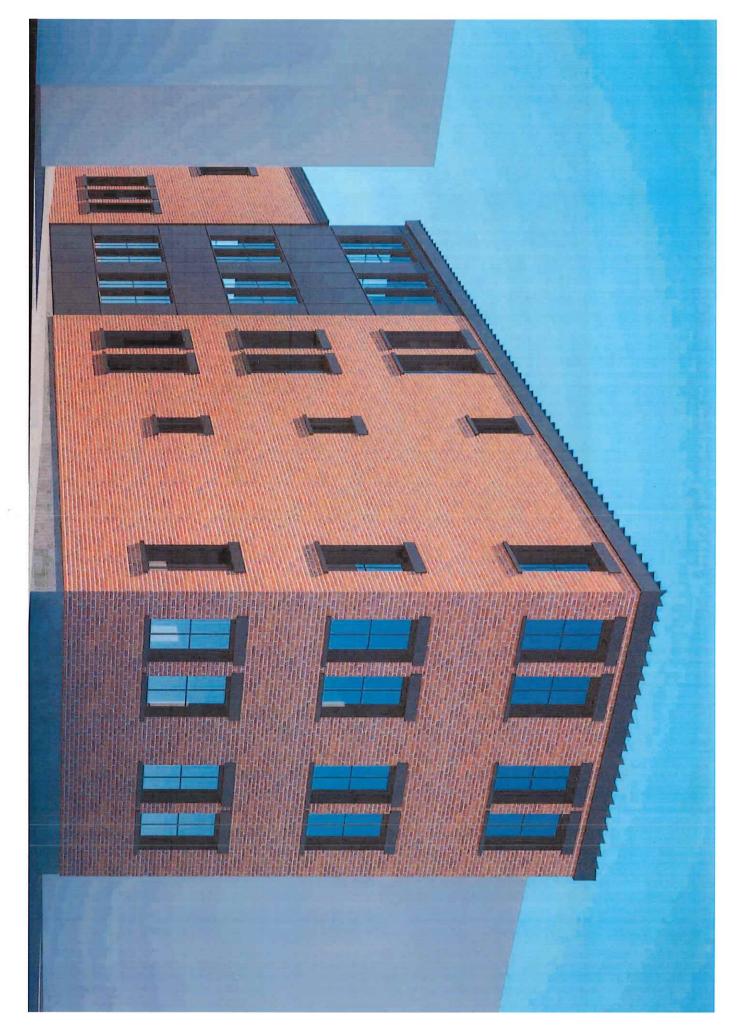
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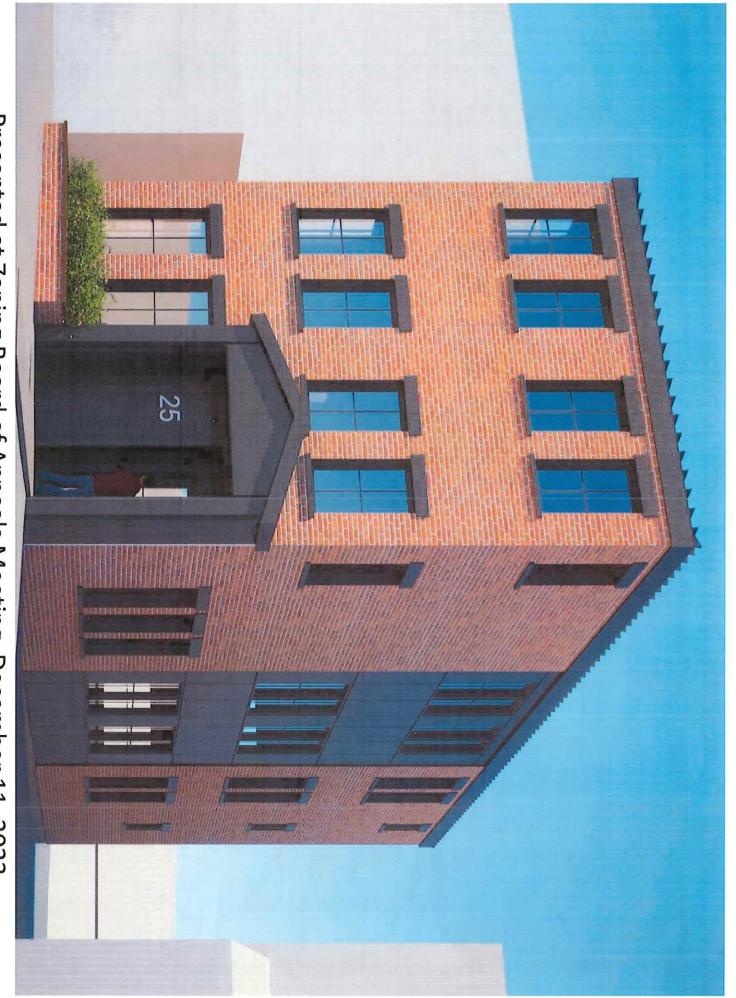
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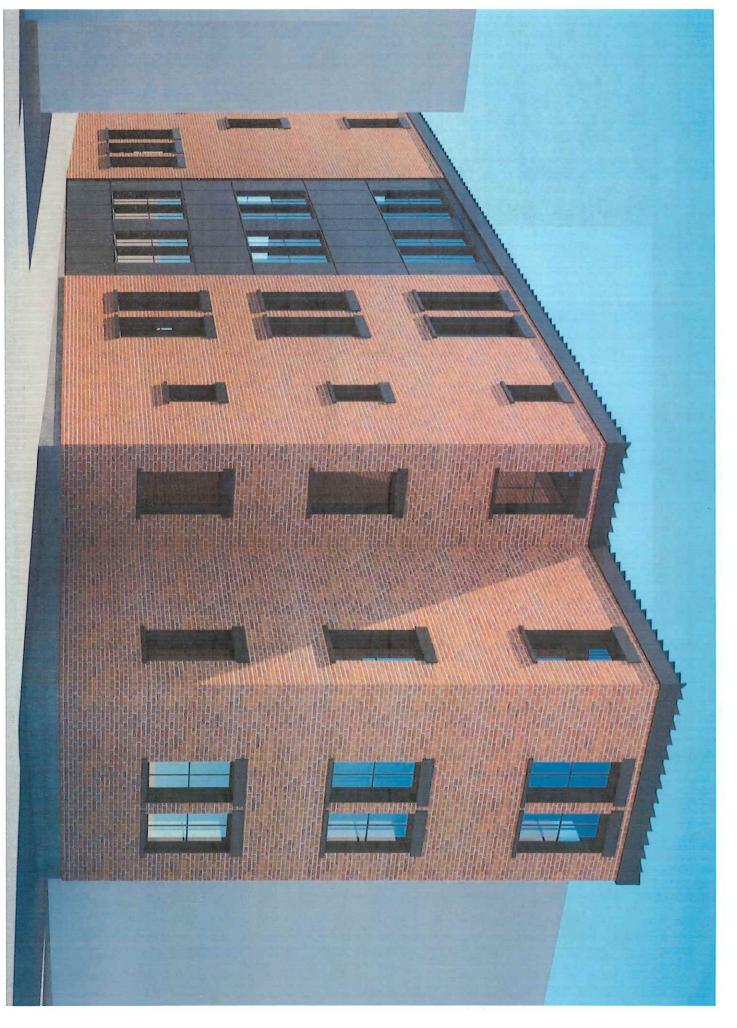
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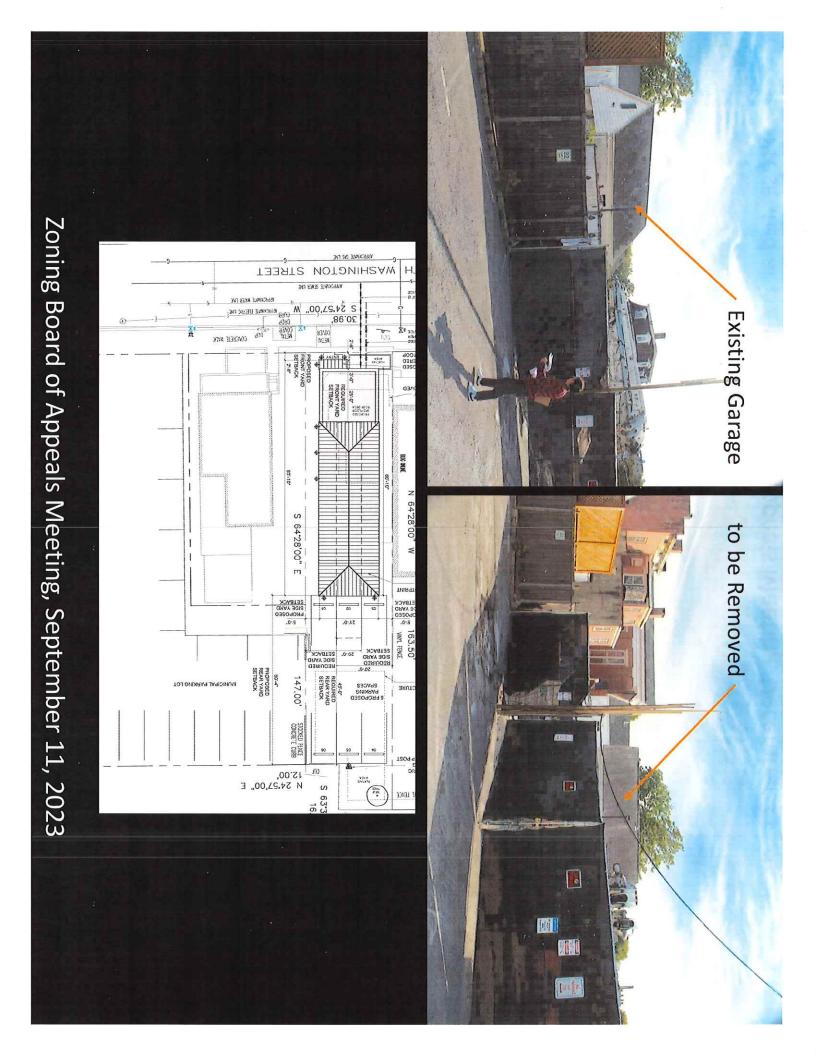
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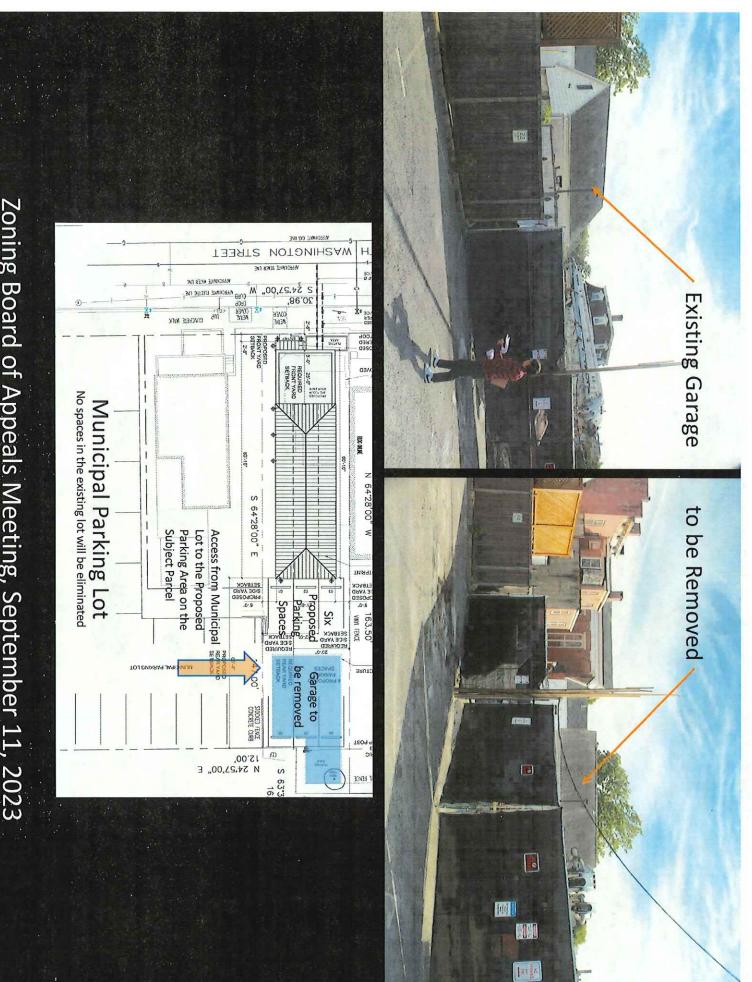


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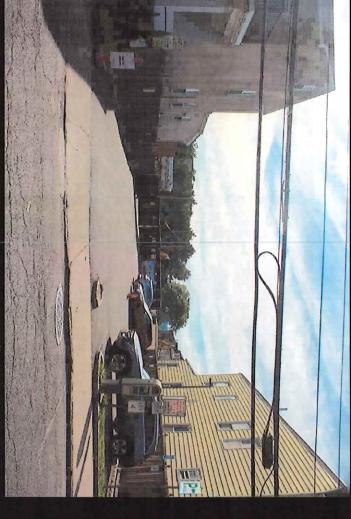


Presented at Zoning Board of Appeals Meeting, December 11, 2023









Zoning Board of Appeals Meeting, September 11, 2023

