

Zoning Board of Appeals
Village of Tarrytown
Warner Library
Regular Meeting
April 1, 2004 8 p.m.

PRESENT: Chairwoman Plunkett; Members Lawrence, Jolly; Counsel Shumejda;
Building Inspector Fon; Secretary D'Eufemia

PUBLIC HEARING – CRESCENT ASSOCIATES, LLC – 155 WHITE PLAINS 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 **Thursday, April 1, 2004**, in the **Warner Library, 121 North Broadway**, Tarrytown, New York to hear and consider an application by

Crescent Associates, L.L.C.
C/o Silverman Realty, Inc.
237 Mamaroneck Avenue
White Plains, NY 10601

for a variance from the Zoning Code of the Village of Tarrytown for property located at 155 White Plains Road, Tarrytown, New York, regarding the construction of an office building with associated parking, loading, drainage and landscaping requiring the following variance:

1. Site Coverage: 45% is permitted; 46.6% is proposed (§305-9)
2. Parking Spaces: 386 are required; 370 are proposed (§305-19)
3. Loading Spaces: 4 are required; 1 is proposed (§305-19)
4. Property Line Setback (Martling Avenue): 100 ft. is required; 40 ft. is proposed. (§305-9)

Documents are available for inspection in the Office of the Village Clerk at Tarrytown Village Hall. The property is shown on the Tax Maps of the Village of Tarrytown as Sheet 2-20, Block 2, Lot 2 and is located in an OB (Office Building) 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.

3. Loading space variance requesting one space where four are required. My client does NOT OPPOSE this request, since loading areas create noise and nuisance impacts, as well as adverse visual impacts which are all attenuated with fewer loading areas.
4. Property line setback requesting 40 feet where 100 feet is required. My client SUPPORTS this request, since it would allow the building to be placed farther from the steep slopes near the Marshall Cavendish building, and should result in fewer environmental impacts associated with the development.”

Mrs. Plunkett questioned whether anyone wished to address the Board on this matter.

Ms. Virginia Hays, Facilities Manager for Hitachi America, Ltd., 50 Prospect Avenue, stated her main concern was the access road on Martling Avenue and how Hitachi could be sure this would remain an emergency access only. Mr. Walsh stated there will be a covenant which will run with the property. He stated the applicant did not request this emergency access – it was requested by the fire department.

Ms. Hays stated Hitachi was also concerned that there be adequate parking – not only for now but for the future as well and there is concern that these variances would permit a building 60 ft. closer to Martling Avenue. Mr. Walsh stated that entire area will be very well landscaped.

Ms. Hays stated there is a lot of activity by children on Martling Avenue. Mr. Walsh agreed stating that is why there will be no vehicular access from Martling Avenue – it will only be for fire emergency purposes.

Mr. Mark Fry, Independence Street, stated, “This is a proposal that was initiated by the fire department for the benefit of the residents of Tarrytown and Mr. Silverman has offered to donate land for a firehouse in the South End. The Planning Board has looked at this carefully and they recommended these variances, which are in the public interest and for public benefit. I can understand Mr. Silverman does not want to give up the density calculations.”

Counsel Shumejda stated, “The Board of Trustees is in favor of this proposal and would ask the Zoning Board to exercise its discretion on this matter.

Mrs. Plunkett reported receipt of the following memo dated March 30, 2004 from James Hart, Interim Environmental Review Officer:

“Crescent Associates, LLC – 155 White Plains Road - The application for site plan review for a new office building is before the Planning Board and is currently going through the SEQRA process with a Draft Environmental Impact Statement being prepared. The application before the ZBA is for the granting of variances in order to allow the applicant to donate a portion of the property to the Village for a new firehouse.

The donated land will still be recognized for parking calculations and overall density calculations. As Environmental Review Officer, I make a recommendation that the Zoning Board of Appeals issue a negative declaration that there is no adverse environmental impact from the proposed variances, pursuant to the State Environmental Quality Review Law."

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

Mrs. Plunkett moved, seconded by Ms. Lawrence, and unanimously carried, that the hearing be closed.

Mrs. Plunkett moved, seconded by Ms. Lawrence, and unanimously carried, that the Zoning Board of Appeals issues a negative declaration that there is no adverse environmental impact from the proposed variances, pursuant to the State Environmental Quality Review Law.

Mr. Jolly questioned, "Would there be a covenant for the shared parking for the fire department?" Mr. Walsh replied, "That could be done."

Counsel Shumejda stated this is a benefit to the health, safety and welfare of the Tarrytown residents and the Zoning Board of Appeals must balance the benefit to the community.

Mrs. Plunkett moved, seconded by Ms. Lawrence, and unanimously carried, that the Board has 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 Board finds 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

and, therefore, the variances requested in regard to construction of an office building at 155 White Plains Road be granted subject to Crescent Associates, LLC donation of property to the Village of Tarrytown within 45 days of the grant of these variances.