Village of Irvington
Zoning Board of Appeals

Minutes of Meeting held March 22, 2005

A meeting of the Zoning Board of Appeals of the Village of Irvington was held at 8:00 P.M., Tuesday, March 22, 2005, in the Trustees' Meeting Room, Town Hall, Irvington, N.Y.

The following members of the Board were present:

Louis C. Lustenberger, Chairman
Robert Bronnes
Bruce E. Clark
Christopher Mitchell
Robert C. Myers
Arthur J. Semetis

Mr. Lustenberger acted as Chairman and Mr. Mitchell as Secretary of the meeting.

Minutes for the Board's meeting of February 22, 2005 were approved.

There were seven matters on the agenda:

2005-05 Sheldon & Rita Rathman - 36 Hamilton Road (Sheet 13; Block; Lot P53) seeking a variance from section 224-89 B(1) (structurally alter existing space) of the Village Code in order to construct a bedroom and bathroom complex.

2005-06 Eric & Michelle Frank - 23 Washington Avenue (Sheet 15; Block; Lot P101) seeking a variance from section 224-13 (exceeds allowable coverage) of the Village Code in order to construct an addition to an existing structure.

2005-07 Martin & Merideth Dolan - 2 Clifton Place (Sheet 9; Block 222; Lot 45,54,56,66) seeking a variance from section 224-13 (building coverage) of the Village Code in order to construct a swimming pool and additional walkways.

2005-08 Richard & Gail Weiler - 242 Harriman Road (Sheet 13B; Block; Lot 14-A) seeking a variance from sections 224-89A1 (non-conforming lot size) and 224-134 (exceeds allowable FAR) of the Village Code in order construct an addition to an existing residence.

2005-09 Brian Barrett & Tania Moore-Barrett - 10 Hendrick Lane South (Sheet 7B; Block 247; Lot 8A) seeking a variance from section 224-11 (rear yard setback) of the Village Code in order construct an addition to an existing residence.

2005-10 Flying Fingers Holding Corp. - 57 Main Street (Sheet 5; Block 209; Lot 19, 19A) seeking a variance from sections 224-36e (parking requirements) and 224-38 (height of buildings) and an interpretation of section 224-36.14c (dwelling units - coverage) of the Village Code in order to remove an existing building and construct a new building.

2005-11 Tamir Rosenblum & Audrey Stone - 1 Parkside Way (Sheet 10D; Block 239; Lot 21,22A) seeking a variance from sections 224-13 (exceeds allowable coverage), 224-34 (height of buildings), 224-89A1 (non-conforming existing lot) and 224-136 (maximum floor area ratio) of the Village Code in order to construct an addition to an existing structure.

The chair announced that the Flying Fingers application would be considered first, followed by the other listed applications in order. If necessary to cover the full agenda, a special meeting of the Board would be held on March 29, 2005.

Flying Fingers Holding Corp.

Mr. Mark Rielly, lawyer for the Flying Fingers company, spoke to advocate and explain the application. There was no feasible alternative for his client, he asserted, advancing the view that this was a unique application. In relation to Code section 224-38's "average height" requirement for buildings on Main Street, Mr. Rielly pointed out that 57 Main Street is one of the few Main Street structures with a one-story neighbor. This places a special limitation on the allowable height at this location. The proponents did not believe, Mr. Rielly stated, that the requested construction would prove a detriment to the neighborhood. The third story would be recessed on the Main Street side, and there would be no adverse impact on neighbors' views. On the issue of parking, Mr. Rielly said that the present structure had long been a store, and that there would be no increase in customer traffic. While the variance might appear sizable when stated in figures, he asserted that in context it was not substantial. Parking, views, and neighborhood character would not be affected, and there was no prospect of physical or environmental changes.

Mr. Clark asked for clarification on the significance of having a one-story neighbor, and Mr. Rielly responded

that being situated between a one-story and a two-story building meant that the building height allowed at 57 Main Street was actually lower (at 21′-8″) than the existing Beckers building on the site. It was mentioned that the issue of building height involves the possibility of setting a precedent. Mr. Kevin Lundeen, one of the owners of Flying Fingers, participated in this discussion. He stated that under the existing requirements for providing off-street parking for a new structure, an owner could only erect a one-story building measuring 20 by 25 feet. Mr. Rielly stated that parking variances had been granted on Main Street by the Board in other cases, which he did not specify. He also drew attention to the proponent's engineer's report, stating that the existing structure cannot be renovated, and asserted that three stories are required for Flying Fingers' business, providing a certain square footage under one roof.

Mr. Lundeen stated that his business had wished to remain in Irvington, as it grew dramatically and sought additional space. He described the four separate locations, and their sizes, from which the business now operates. At 19 Main Street, the principal sales office measures 650 square feet; at 18 Main Street (on the south side) a 600-square-foot shop is devoted to storage and an

administrative office; at 14 North Astor Street, a 2,000-square-foot warehouse provides additional storage; at the home of Mr. Lundeen and his wife and business partner, approximately 1,000 square feet provides additional storage. At present, customers must often wait for a quarter-hour while employees retrieve yarn for sale from outlying locations, an unworkable arrangement for the future.

The current Beckers building, Mr. Lundeen continued, measures about 3,000 square feet, and Flying Fingers would not be able to house all their current and planned operations there. Their business requires space for knitting classes and for customers to gather while they consider purchases, in addition to a showroom, business office, and on-site storage. The proposed building would provide approximately 6,000 square feet, he stated, including the basement.

Mr. Semetis asked whether the proponents could not build a full two-story building, utilizing more of the site than the existing structure does. Mr. Steven Secon, the applicants' architect, noted in reply that the existing building exceeded allowable height. Mr. Semetis inquired why the structural deficiencies of the present building had not been discovered through an exercise of due diligence,

prior to its purchase by Flying Fingers. Mr. Lundeen explained that his company's priority had been to move to a building on Main Street, and that Beckers was virtually the only structure available for sale. Flying Fingers had assumed that a three-story structure on Main Street would be permissible, and had been surprised to learn of the Main Street height restriction only once their process of formal application was well underway; they had assumed that the applicable height limit was 35 feet.

In response to a question from Mr. Semetis about deliveries to the Flying Fingers shop, the applicant stated that most deliveries came by UPS, with varied but never especially heavy quantities or frequency. It would not be efficient to have yarn at different locations; their business plan, certainly for the foreseeable future, was to fill all orders (walk-in, mail, and Internet) from a single storage location at 57 Main St.

Answering inquiries from the chair, Mr. Lundeen stated that the total square footage now utilized by the business was approximately 4200. Mr. Clark, referring to the building plans submitted by the applicant, established in exchanges with the applicants that the total square footage presented in the plans was 8500 square feet, including the basement. Mr. Mitchell asked whether the basement could be

made extensive and climate-controlled in order to provide storage space. Mr. Secor responded that the depth of the new basement footings might be limited by the possibility that neighboring buildings' foundations were made only of rubble, which should not be overly disturbed. Mr. Lundeen added that a basement was likely to be too damp and odorous to store yarn. Applicants also stated that they enjoyed an easement for use of the alley behind the site, for use during construction and later.

Mr. Clark inquired about the possible adaptation of the existing building for Flying Fingers' use. The applicants responded that it could not be used for office or retail use on the second floor. Mr. Clark asked whether his impression was correct that the letter from Mr. Bond E. Davis, the engineer, basically addressed the question of whether the existing second story was strong enough to bear a third floor. Mr. Secor answered no, that under applicable building codes, office and storage use call for greater floor strength than that afforded by the present second floor of the Beckers building. Mr. Secor also asserted that the plans for a new building include more auxiliary spaces, for stairways, an elevator shaft and the like, that should properly be deducted from the available square footage.

The chair asked whether anyone wished to be heard on this matter, and a number of those attending spoke. Stephanie Zayas of 13 North Dutcher Street stated that the view from her home would be greatly impaired by construction of the proposed building. She also expressed concerns about the prospect of Flying Fingers customers parking locally for one hour or 90 minutes for knitting classes, and about the volume of deliveries to the planned shop.

Ann Acheson of 18 South Dutcher Street said that she supported the idea of a knitting shop, but was uncertain about the purported need to demolish the existing Beckers building, especially when the Village had recently instituted a Main Street historic district. She suggested that the Village should obtain different viewpoints on the state of the current building. Ms. Acheson worried, as well, about the impact of a long construction project on neighboring businesses; the knitting shop would be able to continue operating during construction, but its present location is several blocks away.

Katherine Gross of 32 North Cottenet St. underscored the need to protect businesses that are already present. The proposed project would involve the presence of a dumpster on Main Street for between 15 and 18 months, she

stated. The applicants' goal could, she hoped, be attained through a smaller project with less disruption. Mr. Rich, owner of the building containing the Red Hat Restaurant at 63 Main Street, asserted that he had worked effectively at renovating his building since 1986. He had found it in terrible shape, he stated, and had returned it to full use today through careful restoration.

Renée Shamosh of Sunnyside Lane reported that she had been able to retain the longstanding outside appearance of her home, while a thorough renovation had been carried out inside; she suggested the same could be done at 57 Main Street.

Peter Peyser of Sunnyside Lane noted that while the village needs new business, consideration should be given to the existing businesses that might lose parking spaces if the proposed Flying Fingers shop is built.

Judith of Jaffrey Park asserted that Flying Fingers provides both commerce and recreation to Irvington. Her family sometimes spends hours there, she said, in an example of community life that should be important to the town. Construction of the new building could be carefully phased, she stated.

Patricia Mulvey of 11 Willow Street in Spiro Park said that most customers she sees at Flying Fingers arrive by

train, and some eat at the Red Hat Restaurant. They make purchases beyond the knitting shop, and add to the vibrancy of Main Street. The existing Beckers building, Ms. Mulvey stated, is not especially beautiful.

Katherine Campbell of 10 and 12 North Dutcher Street suggested that the proponents might build out over the back one-story portion of the existing building.

Mr. Lundeen said that the objectants should call him, and he would be glad to discuss their concerns. It was the Zoning Board, he stated, that was suggesting building all the way back to the property line.

The chair said that the Board would not act on the Flying Fingers application at the current session. The Board must satisfy itself that there is no feasible alternative to the proposed construction, pursuing points developed following the questions by Mr. Semetis and Mr. Clark. The chair would also be willing to hear more ideas from the applicant on the parking issue at the next meeting; the parking provisions constitute a very difficult section of the Code, he stated.

Rathman

Robert Reilly, architect, appeared for the applicants. He noted that the renovations were planned at a long-existing carriage house at 36 Hamilton Road. The increased

FAR, he had been told by the building inspector, was only a technicality. The chair noted that the outside of the building would not change. Mr. Myers asked why a variance was needed, and was informed that it was because the carriage house is already a non-conforming structure. The chair offered a motion to grant the variance, which was approved by a vote of 5-0.

Frank

Architect Paul Shainberg spoke for the applicants. He stated that, following the Planning Board's consideration of the project, no pool house would be requested. The chair noted that he had looked at the property, and that in his view the proposed construction would not have an obtrusive effect. He also noted that the Board could take into account existing conditions as well as allowable limits. In response to a question from Mr. Clark, Mr. Shainberg stated that the benefit to the applicant would be additional living space. A motion offered by the chair to approve the requested variance was approved by a vote of 5-0.

Dolan

An architect from the firm of Walter Sedovic stated that the applicants sought a variance for additional coverage, in their project to construct a pool. The

Dolans' easement agreement with the National Trust for Historic Preservation calls for permitting visitors to view the entire property, and insurance companies have requested a walkway in order to avoid having guests regularly traverse the lawns. In colloquies with Board members, it was mentioned that the requested coverage would total 36% over the existing level, and 40% over the allowable level. Mr. Clark noted that this is a large property. The chair asserted that the added coverage would not have a major effect on the neighborhood. He offered a motion to grant the variance, which was approved by a vote of 5-0.

Weiler

A representative of RUR Architecture appeared, along with the applicants. 192 square feet would be added in the proposed project. The chair stated that he had visited the site, and that the added structure would be tucked away; in his view it was de minimis. The chair moved to approve the requested variance, a motion which was passed by a vote of 5-0.

Barrett

A plan of the proposed addition was presented and examined by Board members. It was explained that an easement from Columbia University provided access to the property on its east side, and that Columbia's property

behind the Barrett house was not currently developed. Following a brief discussion, the chair's motion to approve the requested variance was approved by a vote of 5-0.

Rosenblum and Stone

Michael Gallin, architect, appeared together with Ms. Stone, one of the applicants. The plans were presented and described, together with a three-dimensional model of the full requested project. Among other changes, a bedroom would be added, so that two sons now sharing could each have his own bedroom. The project's height and FAR are especially at issue, it was stated, because the existing residence is on a slope and its height (which would not be increased) must be measured from the garage level.

Neighbor M.J. Wilson, whose home is on Cedarlawn Road, spoke of her concerns about the project. The lot involved is small, she noted, and the process of construction might be disruptive to the neighborhood. The applicants expressed a willingness to work carefully with contractors to avoid as much disturbance as possible. Neighbor Maureen Braden, of 2 Parkside Way, spoke in favor of the requested variance.

The chair moved that the variance be approved, and the motion was carried by a vote of 5-0.

There being no further business to come before the meeting, it was, upon motion duly made and seconded, unanimously adjourned.

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Christopher Mitchell