

Minutes of: Nov. 13, 2019
Date Approved: Dec. 11, 2019
Date Filed/Village Clerk:

November 13, 2019
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Tom Ringwald	Chairperson
	John Palladino	Member
	David Scalzo	Member
	Nathan Jackman	Member
	Christopher Garitee	Member
	Anthony Fiore Jr.	Member ad hoc

Also in Attendance:

Bill Williams	Building Inspector
Gary Gjertsen	Village Attorney

Pledge of Allegiance

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of minutes from the October 9, 2019	
	Regular Meeting	
Item #2	46 Lincoln Ave.	Return
Item #3	38 Fairview Ave.	Return
Item #4	7 Cottage Ave.	Area Variance
Item #5	122 Belle Vista St.	Area Variance
Item #6	21 Columbus Ave.	Adjourned

Item #1	Approval of minutes from the October 9, 2019
	Regular Meeting

Chairman Ringwald motioned to approve the October 9, 2019 Regular Meeting minutes, seconded by Member Scalzo and upon roll call was carried with a vote of 5 – 0 with Member Garitee abstaining due to his absence.

Item #2 46 Lincoln Ave.

Return

Leonard Brandes, architect representing the owner, Eric Fang, noted that there have been no changes to the plans since the last presentation.

Chairman Ringwald noted that the public hearing was still open.

No Public Comments

Chairman Ringwald motioned to close the public hearing, seconded by Member Jackman and carried unanimously.

Member Scalzo offered the following SEQRA resolution in the form of a motion:

The application for AREA VARIANCES requested by _Eric Fang whose address is 46 Lincoln Avenue, Tuckahoe, NY Sec._43 _Blk. 2_ Lot__38_____

for relief from the following sections of the zoning code: _____4-2.4.1 Front Yard,

4-2.4.2 Side Yard and 5-1.6.3 enlarging a non-conformity

SEQRA RESOLUTION

Based on this application as submitted, this Zoning Board of Appeals finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed area variance application.

3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

Member Garitee seconded the motion and upon roll call, was carried with a vote of 5 – 0.

Member Scalzo offered the following resolution in the form of a motion:

Applicant resides at 46 Lincoln Avenue, Tuckahoe. Applicant is seeking to add an addition for a new family room and also add an addition over an existing first floor structure. As this property is a legal non-conforming structure and the applicant is seeking to enlarge the non-conformity this application is necessary. The Board finds that the additions will greatly improve the existing home while having little to no impact to the adjacent neighbors.

Therefore, recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweigh the detriment to health, safety and the welfare of the neighborhood. The applicant has demonstrated through its submissions and presentation that it has met all aspects of the 5-prong test to the satisfaction of this board.

The granting of the variance(s) herein is granted on the condition that work under such variance be commenced and diligently prosecuted within one year of the granting thereof, failing which such variance(s) shall become null and void.

Member Garitee seconded the motion and upon roll call, was carried with a vote of 5 – 0.

Item #3 38 Fairview Ave. Return

Ted D'Amore, architect for the owner, noted that the applicant discussed and investigated the Board's recommendation to add a second floor over the garage to keep the garage as a garage. The cost of the recommendation was too high for the applicant.

Chairman Ringwald thanked the applicant for researching the alternative plan, but the size of the garage is too small for a car in today's standards.

Member Jackman added that this garage was converted 69 years ago. The existing issue is not changing.

Member Scalzo asked about the location of the trash and recyclable containers. Mr. D'Amore pointed to a spot between the bay window and the side door. This place will not be visible to the public.

Chairman Ringwald noted that the public hearing was still open.

No Public Comments

Chairman Ringwald motioned to close the public hearing, seconded by Member Garitee and carried unanimously.

Member Garitee offered the following SEQRA resolution in the form of a motion:

The application for AREA VARIANCES requested by _Nelson Ave. Real Property LLC__

whose address is 388 St Apt 36C, Brooklyn

Seeking variances for the property located at 38 Fairview Ave, Tuckahoe , NY

Sec._33 _Blk.3_ Lot__26_____

for relief from the following sections of the zoning code: 4-3.7 Off Street

Parking and 5-1.6.3 Extending a non-conformity

SEQRA RESOLUTION

Based on this application as submitted, this Zoning Board of Appeals finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed area variance application.
3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

Member Palladino seconded the motion and upon roll call was carried with a vote of 5 – 0.

Member Garitee offered the following resolution in the form of a motion:

Applicant owns property at 38 Fairview Avenue, Tuckahoe. Premises has been used as a three family dwelling with a room over the garage. The applicant is seeking to legalize the premises and use the premises going forward as a two family dwelling. Further, the applicant is seeking to legalize the existing room above the garage that has been apparently used continuously since a temporary certificate of occupancy was granted for its use. This Board appreciates that the applicant is seeking the use of these premises as a two family dwelling and not seeking the use as a three family dwelling. Also, since the room over the garage exists pursuant to a temporary CO there will be no impact as to the neighborhood of its continued use as a room.

Therefore, recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweigh the detriment to health, safety and the welfare of the neighborhood. The applicant has demonstrated through its submissions and presentation that it has met all aspects of the 5 prong test to the satisfaction of this board.

The granting of the variance(s) herein is granted on the condition that work under such variance be commenced and diligently prosecuted within one year of the granting thereof, failing which such variance(s) shall become null and void.

Member Jackman seconded the motion and upon roll call was carried with a vote of 5 – 0.

Item #4 7 Cottage Ave. Area Variance

Mr. George Mascone, owner of 7 Cottage Ave., stated that he is requesting a variance to widen the driveway. The plans are to reposition the steps that are presently adjacent to the driveway. The right side of the driveway currently has a 3 ft. stonewall with empty space behind it. The left side of the driveway has stone steps that would be removed and rebuilt to the side of the driveway. This would allow for one additional parking space.

This will be a significant improvement to the neighborhood by taking a few feet from each side of the driveway.

Chairman Ringwald motioned to open the public hearing, seconded by Member Jackman and carried unanimously.

No Public Comments

Chairman Ringwald motioned to keep the public hearing open, seconded by Member Palladino and carried unanimously.

Item #5 122 Belle Vista St. Area Variance
Chairman Ringwald recused himself for this application.

Mr. Oscar Ovalle, architect for the applicant, Caitlin Kravchenko, stated that the application is for an addition to the existing garage. The application is to raise the roof to build a second floor to the existing garage.

Ms. Kravchenko noted that she currently runs a photo studio out of her basement. She stated that the basement is not ideal for photos, the location and the moisture for the equipment and for the clients is not ideal. She would like to convert the garage to be a small photo studio. The powder room is essential, as her clients are expectant mothers, young parents with toddlers and babies. The studio would be used approximately two to three times per week for a three-hour session.

Member Jackman noted that the Board would not set precedent to allow for a second story garage. The neighbor below and behind the property would now have an 18 ft. tall structure. The parking is also a big issue. The Board does not like to close off garages for livable space and lose a parking space.

Approvals for a property stay with the property forever. It could potentially be converted into a small little house in the future.

The second floor of the garage is the issue.

Member Jackman offered the idea to expand the garage as is, without a second floor. He added that a 10ft. to 11ft. roof may be acceptable, but not any taller than that.

Member Scalzo requested elevation views for impact to the neighbors. He added that the applicant's backyard has enough square footage to expand the garage.

Member Jackman added that the garage door should be converted in such a way that it could be returned to a garage door.

Chairman Ringwald motioned to open the public hearing, seconded by Member Garitee and carried unanimously.

No Public Comments

Chairman Ringwald motioned to keep the public hearing open, seconded by Member Palladino and carried unanimously.

Item #6 21 Columbus Ave.

Adjourned

There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.