

Minutes of: June 10, 2020
Date Approved: July 8, 2020
Date Filed/Village Clerk:

June 10, 2020

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Online due to Covid-19 – 7:30pm

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

Absent: David Scalzo Member

Also in Attendance:

 Bill Williams Building Inspector
 Gary Gjertsen Village Attorney

Chairman Ringwald announced the agenda as follows:

Item #1 Approval of minutes from the May 13, 2020
Regular Meeting

Item #2 216 Dante Ave. Area Variance

Item #1 Approval of minutes from the May 13, 2020
Regular Meeting

Member Fiore motioned to approve the May 13, 2020 Regular Meeting minutes, seconded by Member Palladino and upon roll call was carried with a vote of 5 – 0.

Item #2 216 Dante Ave Area Variance

Margaret Donnelly, applicant, noted that this application is for a small mudroom addition to allow her small children and elderly parents access to a closed in area. This would reduce the amount of front steps that the elderly parents have to manage every time they visit.

Stephanie Fox, architect for the applicant, noted that the proposed mudroom would be 72sq. ft.; 7ft 9in. wide and 9ft. 7in deep. This would require a 3.9ft. variance. The mudroom would be an addition to the first floor only. All materials will keep with the materials of the house and the neighborhood.

Ms. Fox explained that she researched other options; to locate the mudroom within the house is not an option as the existing ceiling height of the basement is not permitted and therefore would need a variance from the State of NY.

To locate the mudroom on the south side of the property is not feasible due to the topography. It would be too costly due to the construction costs.

The proposed location has an existing walkway to the area and has a patio area. The current door faces the neighbor's window, if approved; the door will be moved and will face towards the street, which will give more privacy to the neighbors.

New railings will be installed, new landscaping which will improve the aesthetics of that side of the house.

Bill Williams, Building Inspector, agreed that the option of the basement was not feasible due to the ceiling height requirement.

Chairman Ringwald noted that the other side of the house would be a better option. He noted that the cost is more, but it would be more private. The proposed location is right on top of the other person's side yard.

Ms. Donnelly noted that the financial factor to add a two-story addition as well as deal with the extensive construction is such that it would not be affordable.

Member Fiore asked if the addition would be built on a slab.

Ms. Fox said yes, it would be on a slab.

Member Jackman noted that if the applicant were to build a new house, new construction would require a 15 ft. side yard. The majority of homes in Tuckahoe sit on small lots; so therefore, a 9 ft. side yard is required.

Ms. Fox noted that the Zoning Board is charged with considering area variances for such examples as this application.

Carolina Fonseca Village Consultant suggested that the applicant use the existing staircase and entrance and create the mudroom in the existing kitchen area.

Mr. Donnelly noted that the kitchen was recently gutted and designed at a cost and the applicants would rather not now redesign and gut the new costly work already done.

Ms. Fox noted that the front steps amount to 23 steps. If the applicant builds the mudroom on the other side, it would be at least another 23 steps into the mudroom, which defeats the purpose.

Mrs. Donnelly noted that the proposed side already has a small patio.

Chairman Ringwald motioned to open the public hearing, seconded by Member Garitee

Public Comments

Mr. James Scalise 670 White Plains Rd. attorney representing the neighbor at 218 Dante Ave sent in a memo of opposition for this application. The neighbors would like to be neighborly, but he does not believe the applicant meets the requirements for the area variance. There will be a very short distance between the two houses. The clients do not use the side yard, but the kitchen overlooks the side yard and the proposed location of the mudroom. The mudroom will be used as ingress and egress and it is an issue for his clients. The only feasible location is the other side of the house.

Chairman Ringwald asked if the proposed application were decreased in size would that be acceptable to his clients.

Mr. Scalise noted that he submitted a memo and photos of the side yard. He added that if decreased a few feet, that could possibly work, but it may not work for the applicant. They are proposing too large of an addition in the side yard. As much as his clients would like to be neighborly, the mudroom does not fit in this side yard.

Ms. Fox added that she did not receive the memo from Mr. Scalise.

Gary Gjertsen, Village Attorney, noted that the Board just received the letters today. He will ask the Building Dept. to send all the correspondences to Ms. Fox for

her review. He added that the Board received two or three additional letters from neighbors.

Mr. Scalise added that it was his opinion that the applicant does not meet the requirements for the variance. If the applicant builds it 'as of right', there is nothing the neighbor can do about that.

Bill Williams suggested that the applicant submit a photo of the proposed addition and the space between the houses and the neighbor's house, so the Board gets an idea of the whole picture.

Ms. Fox noted that the neighbor's house sits 6ft 7in. from the common property line.

Ms. Donnelly asked if it would be helpful to request a variance for two feet less than what was requested. She asked for suggestions to make it more acceptable to the Board.

Chairman Ringwald offered his opinion that the applicant should put the mudroom on the other side of the house.

Ms. Donnelly said that option would not be financially feasible.

Sakda Chaiworawitkul 218 Dante Ave noted that he would submit his photos to the Building Dept. He noted that the other side yard would not require as many steps as the front door steps. He added that the other side of the house would be a better solution.

Mr. Donnelly added that there were too many cons and a high expense with building on the other side of the house. The steps that Mr. Chaiworawitkul mentioned are just freestanding steps up to a patio.

Member Jackman pointed out that the landing by the garage may be used instead of building a new set of stairs. The steps can lead to the landing that feeds into the garage.

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

Member Jackman reminded the applicants that if they modify the plans at all, the fees are paid already and would include any changes.

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.