

**Minutes of: May 12, 2021**  
**Date Approved: June 9, 2021**  
**Date Filed/Village Clerk:**

**May 12, 2021**

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

<b>Present:</b>	Tom Ringwald	Chairperson
	John Palladino	Member
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member
	Christina Brown	Member
<b>Absent:</b>	David Scalzo	Member
	Michael Martino	Member (ad hoc)

**Also in Attendance:**

Bill Williams	Building Inspector
Mike Seminara	Assistant Building Inspector
Gary Gjertsen	Village Attorney
Carolina Fonseca	Village Consultant

**Chairman Ringwald announced the agenda as follows:**

<b>Item #1</b>	<b>Approval of minutes from the March 10, 2021</b>
	<b>Regular Meeting</b>
<b>Item #2</b>	<b>86 Main St. Special permit</b>
<b>Item #3</b>	<b>11 Henry St. Pool Deck</b>
<b>Item #4</b>	<b>65 Main St. Special Permit</b>
<b>Item #5</b>	<b>22 Underhill St. Adjourned</b>
<b>Item #6</b>	<b>69 Main St. Adjourned</b>
<b>Item #7</b>	<b>377 Marbledale Rd. Adjourned</b>
<b>Item #8</b>	<b>15 Hollywood East Adjourned</b>



Gary Gjertsen, Village Attorney apologized for the incorrect information. The meetings were all through Zoom this year and the letter may have been an old copy. It was unfortunate, but he explained that the public hearing will continue to stay open until next month's meeting. The public can submit letters or attend next month's meeting.

Carolina Fonseca, Village Consultant reminded the applicant to begin the process of the application to appear before the Sign and Awning Board for any signage.

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

**Item #3     11 Henry St.                             Pool Deck**

Steven Leo, architect representing Allison Kubaska, applicant introduced the application for a pool deck. The above ground pool is already installed. The deck would be accessed by the rear sliding glass door. The deck size for a pool deck should be 69 sq. ft. and attach to 25% of the area of the pool. This deck will sit abut to the rear door and attached to one side of the pool. It would measure 330sq. ft.

Bill Williams stated that once a deck abuts a pool, it is considered a pool deck. If it did not touch the pool, it would be fine.

Mr. Leo stated that the property is a corner lot and the house has no outdoor patio. There will be two small staircases to the deck, one in the rear and one in the driveway. Each will have a gate with an alarm. The deck will be 4ft. 4in. high. The right side of the pool will not have a deck, the left side will have a deck that will go to the rear door. The footings for the deck will measure 12in. in diameter. The deck will be constructed with trek posts and trek railings.

Mike Seminara, Assistant Building Inspector asked where the pool equipment would be stored.

Ms. Kubaska noted that the equipment is already stored next to the garage on the left side of pool.

Mr. Leo added that there are 6ft. hedges around the perimeter of the property.

Chairman Ringwald noted that the Board has received a number of letters in support of this application.

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

### **Public Comments**

Margaret and Peter Eller, 9 Henry St., voiced their concern regarding the noise and safety of the pool deck. The deck will be large enough for many children and that causes a lot of noise. Their house is right next door. The deck and pool would be used as an entertainment center. They asked about a fence surrounding the pool.

Mr. Williams noted a pool that is 48in. or higher does not require a fence around it.

Member Jackman stated that if the applicant did not attach the last foot of the deck to the pool, it would be permitted. The application is within her rights. Once connected to the pool, the applicant needs a variance.

Peter Eller asked why the applicant just does not use a pool ladder to gain entrance to the pool. He was concerned with the deck attached to the pool. He voiced his concern regarding resale of his house with a large pool and pool deck right next door.

Quantum Baker 43 Fulling Ave. voiced support of the application. One cannot see the pool from the street.

Allison Kubaska noted that she has 12 – 15ft. arborvitae that block the view of the pool. Mr. and Mrs. Eller, next door, have a deck off their back door. She stated that the neighbors cannot view the deck or the pool from their rear deck due to the tall arborvitae. Ms. Kubaska noted that her children are very respectful and behaved. The noise of children laughing is a happy noise.

Susan Waters 12 Henry St., noted that she does have a view of the pool and is in support of this application. There are many children in this neighborhood and it is a family neighborhood. Any house for sale in this area is very marketable.

**The public hearing will stay open for this application.**

**Item #4      65 Main St.                      Special Permit**

Marion Anderson, applicant for Cornerstone Children Center, to open a new day care center at this location. The previous tenant was Andrus Learning Center. The facility was approved by NYS for 111 children. Ms. Anderson plans to apply for the same number. It will include infants to 5 years old. There are no plans to change the general operation. The application is for the use of the first floor and the third floor.

Member Jackman noted that the Andrus facility had a requirement to have an employee outside to escort and protect the children as they were dropped off.

Ms. Anderson agreed to that requirement. The plan is to start with approximately 20 children with a staff of 5 – 6 depending on the ages of the children. There will be required fire drills once per month and lock down drills twice per year.

Carolina Fonseca, Village Consultant reminded the applicant to begin the process of the application to appear before the Sign and Awning Board for any signage.

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

## No Public Comments

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

<b>Item #5</b>	<b>22 Underhill St.</b>	<b>Adjourned</b>
<b>Item #6</b>	<b>69 Main St.</b>	<b>Adjourned</b>
<b>Item #7</b>	<b>377 Marbledale Rd.</b>	<b>Adjourned</b>
<b>Item #8</b>	<b>15 Hollywood East</b>	<b>Adjourned</b>

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.