

**Minutes of: Oct. 13, 2021**  
**Date Approved: \_Nov. 10, 2021**  
**Date Filed/Village Clerk:**

**October 13, 2021**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**Online due to Covid 19 – 7:30pm**

**Present:** Tom Ringwald                      Chairperson  
                 David Scalzo                              Member  
                 Anthony Fiore Jr.                              Member  
                 Christina Brown                              Member

**Absent:** Nathan Jackman                      Member

**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:**

- Item #1      Approval of minutes from the September 1, 2021  
                 Regular Meeting**
- Item #2      15 Hollywood Ave East      Return**
- Item #3      263 Dante Ave.                      Return**
- Item #4      4 Coolidge Street.                      Return**
- Item #5      377 Marbledale Rd.                      Adjourned**
- Item #6      69 Main St.                              Adjourned**
- Item #7      22 Underhill St.                              Adjourned**

- Item #1      Approval of minutes from the September 1, 2021  
                 Regular Meeting**

**Chairman Ringwald motioned to approve the Regular Meeting minutes dated September 1, 2021, seconded by Member Fiore and upon roll call was carried with a vote of 3 – 0, with Member Brown abstaining due to her absence.**

**Item #2 15 Hollywood Ave East Return**

Mr. Jorge Pavia, owner of the property noted that there have been no changes to the submitted plans. He stated that he discussed the plans with his surrounding neighbors and they all agreed and are satisfied with the plans.

**Chairman Ringwald noted that the public hearing was still open.**

**Public Comments**

Marsha Viafore 116 Bella Vista Street stated that she submitted a letter to the Board. She requested that the Board insist that the installed raised railing be made a condition to the resolution.

Gary Gjertsen, Village Attorney noted that it is included in the resolution and will remain permanent.

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

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

AREA VARIANCE RESOLUTION

The application for AREA VARIANCES requested by Jorge Pavia whose address is 15 Hollywood East, Tuckahoe, NY Sec. 39 Blk.5 Lot 12 \_\_\_for relief from the following sections of the zoning code: 5-1.1 Swimming Pools and 4-2.4.4

Exceptions to Yard Requirements

## 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 Fiore seconded the motion and upon roll call was carried with a vote of 4 – 0.**

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

Applicant resides at 15 Hollywood East, Tuckahoe, and NY. Applicant constructed an above ground pool on the premises with a partial deck and pavers surrounding the pool area. After review by the Building Department it was determined that the pool and pavers were constructed in the setback. Applicant is seeking to legalize the pool and pavers encroachment in the setback.

The applicant is also seeking to enlarge the pool platform in excess of the limits of Section 5-1.1 of the Village of Tuckahoe Zoning Code. The applicant is requesting to increase the size of the platform so that he has access and support of the pool reel cover. Applicant has represented that he will not use the increased platform area for people to sit, stand or congregate.

The Board has heard the applicant and members of the public at a number of work sessions and public hearings and we find the applicant has satisfied his burden with respect to the 5 prong test. However, the neighborhood contains homes that are close together and the applicant must mitigate the effect of these variances on the neighbors. Therefore, this approval is based on the following conditions:

1. the pool platform in the back of the pool is to be used for access and support for the pool reel cover and is not to be used as a deck where people may sit, stand or congregate
2. install privacy trees behind the back side of the deck
3. install a privacy screen over the current existing railing
4. install a concrete curb to fill the gaps and maintain surface runoff water on the north side of the property line
5. After finalizing the legalization of the wall with the Building Department applicant shall install stone veneer to cover the unfinished CMU wall
6. replace the 4 foot picket fence with a 5 foot privacy fence on the north side of the pool

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 complete within three months of the granting thereof, failing which such variance(s) shall become null and void.

**Member Fiore seconded the motion and upon roll call was carried with a vote of 4 – 0.**

**Item #3 263 Dante Ave. Area Variance**

Hunter Roth, contractor for the applicant, noted that there were no changes to the submitted plans.

**Chairman Ringwald noted that the public hearing was still open.**

**No Public Comments**

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

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

The application for AREA VARIANCES requested by Eric Richmond and Marietta Cheung

whose address is 263 Dante Avenue, Tuckahoe, NY Sec. 42 Blk. 9 Lot 28

For relief from the following sections of the zoning code: 4-2.4.1 Front Yard, 4-

2.4.4 Exceptions to yard requirements, 5-1.6.3 Nonconforming Buildings and Uses

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 Fiore seconded the motion and upon roll call was carried with a vote of 4 – 0.**

**Member Brown offered the following resolution in the form of a motion:**

Applicants resides at 263 Dante Avenue, Tuckahoe. Applicants are seeking to create a second floor dormer which will house a small bathroom. The dormer will not encroach in the setbacks more than the existing house already does, but it will increase the non-conformity by extending the second floor, thus creating the necessity of a variance.

Applicant is further seeking to construct a mudroom and portico, which will encroach on the front yard setback, thus necessitating an additional variance.

We have reviewed the applicants' requested variance and find them to be minimal and will have no impact to the character of the neighborhood. The following drawings were received by the Building Department on June 9<sup>th</sup>, 2021, dated May 18<sup>th</sup>, 2021 and are approved by the Zoning Board: T-01, D-01, A-01, A-02, A-03, A-04.

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 Fiore seconded the motion and upon roll call was carried with a vote of 4 – 0.**

**Item #4    4 Coolidge Street.                    Area Variance**

Artin Sinanaj, the owner of 4 Coolidge St., stated that there were no changes made to the submitted plans. The pavers that will be installed will be pervious pavers.

**Chairman Ringwald noted that the public hearing was still open.**

**No Public Comments**

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

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

The application for AREA VARIANCE requested by Artin Sinanaj whose address is 4 Coolidge Street, Tuckahoe, NY Sec.\_35 \_Blk. 1 \_ Lot 27 \_\_\_for relief from the following sections of the zoning code: 5-1.2 Off Street Parking

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 Brown seconded the motion and upon roll call was carried with a vote of 4 – 0.**

**Member Fiore offered the following resolution in the form of a motion:**

Applicant resides at 4 Coolidge Street in Tuckahoe. Applicant is seeking to allow tandem parking in the front yard. This Board in general has denied these types of applications as front yard parking generally has an adverse visual impact to the neighborhood. This Board has reviewed the application and considered the topography, screening and layout of the property and we find that parking in the front will have no impact to the surrounding neighborhood as the house and proposed parking area are set back and completely screened from the adjacent road. The applicant agreed to the condition that they would only install two parking strips using pervious pavers. The drawing 'A-100.00 (single page submission) General Notes, Abbreviations, Legend & Plot Plan' illustrates the proposed approved scenario.

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 Scalzo seconded the motion and upon roll call was carried with a vote of 4 -0.**

|                |                           |                  |
|----------------|---------------------------|------------------|
| <b>Item #5</b> | <b>377 Marbledale Rd.</b> | <b>Adjourned</b> |
| <b>Item #6</b> | <b>69 Main St.</b>        | <b>Adjourned</b> |
| <b>Item #7</b> | <b>22 Underhill St.</b>   | <b>Adjourned</b> |

Member Scalzo noted that the Board should hold the future Zoning Board meetings in Village Hall and in person rather than by Zoom. He added that the Board members should lead by example.

Chairman Ringwald agreed that going forward the meetings should be held in person.

Gary Gjertsen noted that the decision was to be made by the Board members.

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.