

Minutes of: Mar. 8, 2023
Date Approved: _April 12, 2023_
Date Filed/Village Clerk:

March 8, 2023

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Village Hall – 7:30pm

Present:	Tom Ringwald	Chairperson
	Anthony Fiore Jr.	Member
	Christina Brown	Member
	Heather Rinaldi	Member
	Lauren Porretta	Member
	Carlos Rodriguez	Member (ad hoc)

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Mike Seminara	Asst. Building Inspector

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of the Minutes of February 8, 2023	
Item #2	269 Columbus Ave.	Return
Item #3	22 Wallace Ave.	Area variance
Item #4	5 Circle Road	Area variance
Item #5	9 Oak Ave.	Return

Item #1 Approval of the Minutes of February 8, 2023

Chairman Ringwald motioned to approve the minutes dated February 8, 2023 was seconded by Member Fiore and upon roll call was carried with a vote of 5 – 0.

Item #2 269 Columbus Ave. Return

Carla Gigante and Robert Fonte noted that there were no changes made 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 Fiore and carried unanimously.

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

SPECIAL PERMIT AND VARIANCE RESOLUTION

**The application for a Special Permit to SRG Fitness LLC
whose address is 269 Columbus Avenue, Tuckahoe, NY Sec._42_Blk. 9
Lot_45_____**
for relief from the following section of the zoning code: _____6-1 Special Permit

Applicant, SRG Fitness LLC, seeks a Special Permit from this Board to open a fitness center at 269 Columbus Avenue, Tuckahoe. Pursuant to section 4-6.1 of the Zoning Code a sports and health club requires a special permit. It has been determined by the Building Department that the applicant's usage falls under a sports and health club, thus a special permit is required.

Applicant proposes to operate the business generally as 1 on 1 training center. This usage will have a minimal to no impact to the surrounding area and we find that the use will be compatible with the surrounding neighborhood.

In applying Section 6.1 of the Zoning Code to this application this Board finds after several work sessions and public hearings that the Applicant has met the standards for a Special Permit and thus this application is approved.

Based on the foregoing, this Board adopts a negative declaration pursuant to SERQ.

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

Item #3 22 Wallace Ave Return

Ericka Gage, owner of the property, noted that there were no changes to the submitted plans. She is requesting an area variance to finish part of her basement. This is a two family house. She and her family live on the first floor apartment. The application is to build a full bathroom in the basement for her growing family to use. In addition, the basement will be sectioned off so that the second floor tenants can have access to the laundry facilities. The basement currently has the boiler in the center with storage, laundry and a pantry. There is no heat in the basement. The right side of the basement is pure bedrock. There is no possibility to finish that section and there is no heat in the basement.

Chairman Ringwald noted that this Board is reluctant to grant a variance for a full bathroom in the basement to prevent residents from creating an apartment in the basement. He noted that he made a site visit and agrees with the resident. This basement could not be made into livable space. He recommended that the other Board members make a site visit this month.

Chairman Ringwald added that the resident should follow up with the Building Department's directives and hire a licensed electrician and plumber which would make this application a bit more costly.

Ms. Gage noted that she understood and hopes to recoup the costs if and when she sells this house.

Member Fiore asked if the plans were for a shower stall or a full tub. Ms. Gage noted that it would be just a shower stall, no tub.

Chairman Ringwald noted that the Board received a letter from a resident that will be part of this file.

No Public Comments

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

Item #4 5 Circle Road

Area variance

Emilio Eschaldas, attorney representing the applicant and owner of the property Dimitri Ostshshire, noted that the original approved plans granted a 42 in. high railing around the perimeter of the deck above the two car garage. The owner has created forms to pour concrete planters instead of the 42in. railing, facing the street side of the deck. He apologized for his error. He noted that the concrete planters would have proper drainage and would have year round greenery cascading down the façade of the garage.

The Board members voiced their concern about the drainage and the look of a concrete “wall” above the two car garage. There is no factual evidence that this manmade concrete planter will in fact drain properly. The house is already quite large for the neighborhood and now a wall above the garage is another quite large structure.

The Board members noted that the applicant could stick to the approved plans for a 42in. railing and then place planters in front of the railing for the same effect.

Mr. Eschaldas noted that he understood the Board’s concerns, but this option would provide proper drainage and year round privacy. He added that he could push the concrete planters back a few feet and add a railing inside the concrete planters to comply with safety code.

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

Anthony Lori 123 Wallace St. noted that he does not believe one word this applicant says. He knew exactly what he was doing when he decided to forego the approved plans for a railing and created the forms for the concrete planters. He asked the Board to not grant this variance.

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

Item #5 9 Oak Ave.

Return

Chris Letizia, 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 Rinaldi offered the following SEQRA resolution in the form of a motion:

The application for AREA VARIANCES requested by _Chris Letizia whose address is 9 Oak Avenue, Tuckahoe, NY Sec. _32_ Blk. 8_ Lot _32_ for relief from the following sections of the zoning code: 5-1.6.3 increasing 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 Brown seconded the motion and upon roll call was carried unanimously.

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

Applicant resides at 9 Oak Avenue, Tuckahoe. Applicant's non-conforming garage was damaged beyond repair and thus the garage was removed. Applicant submitted plans to reconstruct the garage in the exact footprint as the damaged garage and permits were issued by the Village of Tuckahoe's Building Department. The new garage was mistakenly built 11 inches wider than approved. The 11 inches was built towards the applicant's property and was not built any further towards the neighbor's property line. Applicant now seeks to legalize the larger garage as the larger garage increased the non-conformity. We find the 11 inches as built towards the applicant's home and not towards the neighbor's property line will have no impact on the surrounding area.

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.

Member Brown seconded the motion and upon roll call was carried unanimously.

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.