

Minutes of: Sept. 9, 2009
Date Approved: Oct. 14, 2009
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September 9, 2009
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Gloria Rosell Chairperson
Philip Allison Member
John Santos Member

Also in Attendance:
John Cavallaro Village Attorney
Mike Seminara Code Enforcement Officer

Absent: Kevin McBride Member
Susan Crane Member
Thomas Giordano Member
William Williams Building Inspector

Chairwoman Rosell asked the applicants if they wished to proceed, as there were only three members of the Board present. Applicants agreed to continue with their presentations. Chairwoman Rosell announced the agenda as follows:

- Item #1 Approval of Minutes of the July 8, 2009 meeting.**
Item #2 25 Oakland Ave. Renewal of Special Permit
Item #3 184 Midland Ave. Area Variance
Item #4 27 Rogers Street Area Variance

Item #1 Motion by Chairwoman Rosell to approve the minutes of the July 8, 2009 meeting was seconded by Member Santos and approved by the Board with a vote of 3-0.

Item #2 25 Oakland Ave. Renewal of Special Permit

Mr. Chris Allacco, attorney representing the Woodlot Christian Pre-School, noted that the applicant was requesting a renewal of the Special Use Permit. The pre-school is licensed by the Family Service of the State of NY, which is a year round license, which must be renewed every two years. The ages of the children attending range from 2yr. 9mo. – 11yrs old for the after school program, with a maximum of 38 children at any one time. The drop off procedure remains the same with cameras at the doorway, teachers with ‘walkie talkies’ to communicate with the office and ‘No Parking’ signs placed in front of the building to allow ample drop off area for the vehicles to pull up and drop off the their children. There are additional cameras in every classroom. The applicant maintained four parking spaces at the Fisher Ave. lot for employee parking. The number of employees has remained the same.

Motion by Member Allison to open the public hearing, was seconded by Member Santos and carried unanimously.

Public Comments

Member Allison asked about the parameters of a year round NYS license.

Fr. David Flores, Director of the pre-school, indicated that a year round license is for academic requirements. There cannot be a summer camp, there must be academics offered throughout the summer months.

John Cavallaro, Village Attorney, asked if the applicant would object to a condition of an approval granted, that would require an academic program only, no summer camp.
Fr. Flores agreed.

Motion by Member Allison to close the public hearing, was seconded by Member Santos and carried unanimously.

The Board will review the material and render their decision next month.

Item #3 184 Midland Ave. Area Variance

Mr. Rocco Salerno, attorney representing the applicant, requested an adjournment due to the three member Board.

Chairwoman Rosell agreed and the applicant will return next month.

Item #4 27 Rogers Street Area Variance

Mr. Chris Allacco, attorney representing the applicant, noted that the applicant and the architect were not present. He stated that the applicant purchased this two-family dwelling on the corner of Rogers St. and Marble Place. The applicant received a notification from the Building Dept. when it was discovered that he updated his kitchen without the proper permits. Upon inspection by the Building Dept., it was discovered that the lower level had been updated with sectioned off rooms and a full bathroom. As a result, the FAR had increased. The applicant was denied due to the increase of non-conformity, as the property also has less than four parking spaces for a two-family house and the increase in the FAR. Mr. Allacco has since foiled the number of parking spaces that were required at the time the house was built. In addition, he is searching records to see if there was a full bath in the lower level at the time of the Certificate of Occupancy was granted.

Mr. Cavallaro, Village Attorney, noted that once an application is made for a permit, the house must now meet the requirements of the new building code. The variances needed would be for an increase in the FAR and the four parking spaces, two for each dwelling.

Member Allison asked to view the floor plan of the lower level. He noted that he would like to see the partitioned sections removed as it could possibly be used as a bedroom, and in the future as a rental unit.

Mr. Allacco noted that the original plans were for an open area basement, but the applicant purchased the house with the basement now sectioned off. It is not known when the walls were constructed.

Member Santos asked if the bathroom in the lower level was full or half.

Mr. Allacco noted that the bathroom is now a full bathroom and was searching documents to distinguish if the original plans called for a full bath. The applicant understands that if the original plans were for a half bath, the shower stall would have to be removed. He added that the CO states that there are 5 bathrooms.

Member Santos asked how many vehicles park at the property now.

Mr. Allacco stated that there is a one car garage and two vehicles park in the driveway.

Mike Seminara, Code Enforcer, indicated that the original plans show an open floor plan in the basement. The original plan and the way the basement looks today does not match up.

Chairwoman Rosell stated that the Board would like to schedule a visit to the premises. She added that she notices many vehicles parked at the house throughout the day.

Mr. Allacco noted that he would get the make and model of the vehicles that belong to the tenants and the owner.

Mike Seminara added that he would find out if the Village Clerk has issued parking permits to the tenants.

Motion by Member Allison to open the public hearing, was seconded by Member Santos and carried unanimously.

Shirley Stowe 4 Marble Place noted that she and her husband are owners of the house next door and rent out this house. She voiced her concern regarding the parking. There is only room for one vehicle, and any additional vehicles block her property.

Ed Stowe 4 Marble Place added that there are already too many cars in this area. He voiced his objection that any additional vehicles in the applicant's driveway would be on his property.

Motion by Member Allison to keep the public hearing open was seconded by Member Santos and 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.