

Minutes of: Jan. 12, 2011
Date Approved: Feb. 9, 2011
Date Filed/Village Clerk: _____

January 12, 2011
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Kevin McBride Chairperson
David Kubaska Member
John Santos Member
Nicholas DiSalvo Member
Ronald Gallo Member

Absent: Gloria Rosell Member
John Palladino Member

Also in Attendance:

Bill Williams Building Inspector
John Cavallaro Village Attorney

Chairman McBride announced the agenda as follows:

Item #1 Approval of Minutes of the December 8, 2010 meeting.
Item #2 36 Midland Place Return - Use Variance
Item #4 1 Midland Ave. Adjourned

Item #1 Approval of Minutes from the December 8, 2010 meeting
Motion by Chairman McBride to approve the minutes of the December 8, 2010 meeting was seconded by Member DiSalvo and approved by the Board with a vote of 5-0.

Item #2 36 Midland Place Return - Use Variance
Member McBride noted that the Public Hearing was still open.

Mr. Chris Crocco, son of Mr. Joseph Crocco, representing the applicant John Gentile and his son, noted that there is office space on the second floor walk up which the applicant would like to convert to a two-bedroom apartment. He submitted financial records for the Board to review.

Member DiSalvo asked if this record accurately represents financial income from the previous years. Mr. Crocco replied yes.

Member Gallo asked if the \$18,000 amount represents the income with the parking lot rentals. Mr. Crocco replied yes.

Chairman McBride stated that there are still concerns with safety within an industrial zone. The residents living above with vehicles coming and going is a real safety concern.

Mr. Crocco stated that the entrance to the apartment would be on the sidewalk.

Chairman McBride again stated that the safety issue was a concern for this Board. The building is very close to the road and it is a very busy thoroughfare.

Mr. Crocco noted that there are apartments right across the street.

Chairman McBride noted that the building across the street was not as close to the street as this building.

Member DiSalvo noted that a use variance is very difficult to get approved. Considering the applicant's best interest, he noted that a more viable way to get what is needed is to review the Master Plan which recommends that this building should be business/residential zoned rather than industrial zoned. The applicant should petition to the Village Board of Trustees to request a change of zone, sighting the recommendation of the Master Plan. This Board is currently not looking favorably at granting this variance. The applicant could receive a denial from this Board or hold this application until further notice.

Member Gallo noted that an approval of this use variance would set a precedent for all industrial zones.

Bill Williams, Building Inspector, noted that the property would increase in value if changed from industrial to business/residential zone.

John Cavallaro, Village Attorney, noted that the Board of Trustees would have to review the Master Plan, which was adopted in 2008, and make a determination to re-zone this parcel from industrial to business/residential. He recommended that the applicant withdraw the application.

No Public Comments

Motion by Chairman McBride to close the public hearing, seconded by Member DiSalvo and carried with a vote of 5 – 0.

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.