

Minutes of: July 10, 2013
Date Approved: August 14, 2013
Date Filed/Village Clerk:

July 10, 2013
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Ronald Gallo Chairperson
John Palladino Member
Nicholas DiSalvo Member
David Kubaska Member
David Scalzo Member

Absent: Steve Alfasi Member

Also in Attendance:
John Cavallaro Village Attorney
Bill Williams Building Inspector

Chairman Gallo announced the agenda of this meeting as follows:

Item #1 Approval of Minutes from the Regular meeting dated June 12, 2013
Item #2 3 Fisher Ave Area Variance
Item #3 17 River Street Area Variance
Item #4 10 Verdi Ave. Area Variance
Item #5 5 Circle Road Area Variance
Item #6 144 Wallace Street Return
Item #7 2 Clinton Place Adjourned

Item #1 Approval of Minutes from the Regular meeting dated June 12, 2013
Chairman Gallo motioned to approve the June 12, 2013 minutes, was seconded by Member DiSalvo and carried with a vote of 3 – 0, with Member DiSalvo and Member Palladino abstaining due to their absence.

Item #2 3 Fisher Ave. Area Variance
Mr. Peter Klose, representing the applicant Julie Zwisdak, requested an area variance for a dog grooming salon. He noted that Mr. Williams previously denied the business at this site.

Chairman Gallo stated that Mr. Williams had to refer this to the Zoning Board, as dog grooming was not addressed in the Zoning Code. This Board does not have an issue with this business.

Ms. Zwisdak stated that she has been in the business of dog grooming since 2007. She currently has 40 clients; each getting service regularly every other month. She grooms one dog at a time,

each for 90 minutes. Appointments are made for two-hour slots. The hours of operation are Tuesday to Saturday from 9:00am to 5:00pm and closed on Sunday and Monday.

Chairman Gallo noted that the dog owners may shop locally while their dog is being groomed. He voiced his concern regarding dog waste.

Ms. Zwisdak stated that she would only service 4 – 5 dogs per day. The veterinarian would most certainly see more dogs per day.

Chairman Gallo motioned to open the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo offered a motion for a Negative Declaration pursuant to SEQR, seconded by Member DiSalvo and was carried unanimously by the Board.

Chairman Gallo offered a Resolution for the 3 Fisher Ave. This is an application for a dog grooming salon to be located at 3 Fisher Ave in the Business District. The applicant has submitted an application that the use is a personal service use or retail use in the Business Zone, which would be a principal permitted use. The Building Inspector determined that the applicant needed a use variance. This Zoning Board treats the application as one for an interpretation. This Zoning Board finds that under the provisions of the Village Zoning Code, a dog grooming salon is a personal service store and as such is a permitted use in the Business Zoning District.

The Board adopts a negative declaration under SEQR.

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

Item #3 17 River Street

Area Variance

Mr. Mario Canteros, architect for the applicant, stated that this application is for two tandem parking spaces to be created alongside the two family house. This will provide much needed parking spaces as the tenants currently park on the street. The Zoning Code requires four parking spaces for a two family dwelling, but there is no room to provide four spaces. The two tandem parking spaces will take two cars off the street.

Chairman Gallo noted that parking is an issue throughout the village.

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

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Member DiSalvo offered the following Resolution:

The application for an area variance requested by Julio Hoayta, 17 River Street Tuckahoe NY Section 26, Block 2, Lot 29; for the relief from the following section of the zoning code: Section 1.2.1.2, which requires 4 parking spaces for this property.

Recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood:

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: Currently there are no parking spaces, so two parking spaces translate into two more spaces than previously existed.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
3. The requested variance is substantial, but the variance in and of itself reduces the substantiality.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: it is adding two more spaces than exists.
5. The alleged difficulty was not self-created:

A recommendation to approve the requested area variances with the stipulation that: all construction shall be in conformance with plans presented by the applicant and that construction shall be completed within one year.

The Board adopts a negative declaration pursuant to SEQR.

Motion was seconded by Member Scalzo and upon roll call was carried unanimously by the Board.

Item #4 10 Verdi Ave.

Area Variance

Mr. Stevan Stevanovic described two variances needed. He submitted plans to build a small portico on the side of the house, which would encroach on the property line of his neighbor's property. The second was to move the laundry room from one side of the basement to the other so that the dryer could vent to the outside. The dryer is currently in a location, which does not allow it to vent to the outside.

The requested portico would be a covered entryway on the side door of the house. He spoke to the neighbor at length and she was comfortable with the plans.

Chairman Gallo motioned to open the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Member Scalzo offered the following Resolution:

The application for an area variance requested by Stevan and Judy Stevanovic of 10 Verdi Avenue Tuckahoe NY

Section 38, Block 2, Lot 6; for the relief from the following section of the zoning code: Section 4-2.4.2 Side Yard and Section 4-2.6 Floor Area Ratio.

Recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood:

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
3. The requested variance is not substantial; Section 4-2.6 FAR of 0.53 is not substantial vs. 0.50 requirement for a A-5 district.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood.
5. The alleged difficulty was self-created; the Portico is new, the lot size is narrow and the setbacks are in character with the neighborhood.

A recommendation to approve the requested area variances: all construction shall be in conformance with plans presented by the applicant and that construction shall be completed within one year.

The Board adopts a negative declaration pursuant to SEQR.

Motion was seconded by Member DiSalvo and upon roll call was carried unanimously by the Board.

Item #5 5 Circle Road

Area Variance

Mr. Emilio Escaladas, architect for the applicant, noted that the owner plans to gut this existing non-conforming two-family home. The submitted amended plans reduced the FAR from .95 to .77. Plans are to expand the garage to provide the required four parking spaces as currently only one car can fit into the garage. The two family house will consist of two stories plus the basement and finished attic. There will be a deck on the top of the garage. The garage will have stone veneer surrounding the garage doors.

There will be new windows, new plumbing, new electric, new siding etc.

Chairman Gallo noted that this submission needs to be reviewed by the Building Dept.

Chairman Gallo motioned to reopen the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Public Comments

Anthony Lore 123 Wallace Street noted that the proposed structure looks nice, but would like the applicant to cooperate with the surrounding neighbors. The container was parked by the house over the Father's Day weekend. He should be more considerate to the neighbors. It looked horrible. He asked what are the permitted hours this applicant could work on the house.

Bill Williams, Building Inspector noted that a demolition permit has been issued to this applicant. The approved hours are from 7:00am to 7:00pm M-F and 9:00am – 5:00pm on Sat.

Mr. Lore asked if there will be a loss of parking spaces on the street if the applicant widens the driveway. He added that the applicant's workers may not park in the church parking lot while working on the house.

Mr. Escaladas noted that 4 vehicles can park on the street after the curb cut is made. The old driveway measures 46 ft. wide, the new driveway will measure 50.6 ft. wide. The garage doors will be placed very close together to make the curb cut narrow. The garage will now offer 4 parking spaces, which will take four vehicles off the street.

Member Scalzo voiced his concern regarding the garage being very close to the street edge. All one can see is the garage. He offered a suggestion that the garage be set back and only fit two vehicles inside and two extra spaces on the outside of the garage. The applicant will still have the required 4 spaces, but the garage will be set back. This is a very substantial enlargement to the garage.

John Cavallaro, Village Attorney, noted that the issue of a garage is the Zoning Board's purview, while the aesthetics is the Planning Board's issue.

Bill Williams offered a suggestion, that a condition be made to the resolution that the tenants cannot obtain parking permits from the Village to assure that the garage is used for vehicles and not for storage.

Member Scalzo noted that a condition like that would be difficult to enforce.

Mr. Escaladas noted that two garages on the street level are very typical throughout the Village.

Chairman Gallo stated that he, Member Scalzo, the owner and any other Board members will meet at the site to review the site and discuss the garage.

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo stated that this is a very small and wonderful Village. He asked the applicant to consider the neighbors while the site is under construction.

He will visit the site and asked the applicant to return to the next meeting scheduled for August 14, 2013.

8:40 pm Chairman Gallo motioned that the Board enter Executive Session, seconded by Member DiSalvo and carried with a vote of 5 – 0.

8:50 pm Chairman Gallo motioned to close the Executive Session, was seconded by Member DiSalvo and carried with a vote of 5 – 0.

Item #6 144 Wallace Street

Return

Mr. Les Maron, representing the applicant Dennis Lucente, indicted that the applicant has now withdrawn all requirements of interpretations and simplified the application. The former Lot 112 still exists as a subdivision prior to July 1999 so the Board must use standards for subdivisions prior to July 1999. The Zoning Code requirement for a lot size is 5000 sq. ft., this application is providing 4100 sq. ft.; the front yard setback requirement is 25ft. the application provides 12 ft. 6in. There will be no change to the character of the neighborhood. It will be an attractive single-family house on this vacant lot. The houses along Wallace Street have front setbacks approximately 12ft. If the setback must be 25ft., it would not blend with the neighborhood and there would be no rear yard.

The totality of the application, 5000sq ft. to 4100sq ft. is 18% and 25ft. setback to 12.5 ft. is 50%.

Mr. Maron submitted four letters of support for this application.

Chairman Gallo stated that he agreed with the applicant regarding the front setback, the numbers appear to be sizeable on paper, but most of the homes in the neighborhood have 12ft. setbacks.

Mr. Lucente submitted photos of the surrounding homes with their setbacks.

Chairman Gallo motioned to open the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo motioned that this Board adopts a Negative Declaration pursuant to SEQR, was seconded by Member DiSalvo and upon roll call was carried with a vote of 5 – 0.

Chairman Gallo offered the following Resolution:

The application for an area variance requested by Dennis Lucente for the relief from the following section of the zoning code: Section 4-3.3 and Section 4-3.4.1.

Recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood: The applicant seeks two variances for minimum lot area, 5000sq. ft. is required, 4100 sq. ft. is proposed and front yard setback, 25 ft. is required, 12.5 ft. is proposed.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: The granting of these area variances will not create undesirable changes and the same is compatible with other uses in the area.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance: Based on the lots as created, no other feasible method exists for this application. The front yard would be consistent with other nearby dwellings.
3. The requested variance is not substantial: Although on its face the variances appear substantial, the application must be looked at and viewed as a whole in the content of the entire application.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: Negative environmental conditions such as pollution, poor aesthetics, parking and traffic will not be increased as a result of this application.
5. The alleged difficulty was self-created: The alleged difficulty was self-created but is not fatal to this application.

A recommendation to approve the requested area variances with the condition that: the applicant obtain subdivision approval from the Planning Board, subdividing tax lots 111 and 112 which lots were merged. The reference is made to the lots formerly known as tax lots 109A, 111 and 112. Also all construction must be completed within one year of variances granted.

Mr. Maron requested that the variance goes with tax lot 111 and 112.

John Cavallaro agreed that this resolution goes with tax lots 111 and 112 as shown on the 1987 survey and maps submitted by the applicant.

Motion was seconded by Member DiSalvo and upon roll call was carried unanimously by the Board.

Item #7 2 Clinton Place

Adjourned

August 14, 2013 next meeting.

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.