

Minutes of: June 8, 2016
Date Approved: 09/14/16
Date Filed/Village Clerk:

June 8, 2016

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present:	David Scalzo	Acting Chairperson
	Ronald Gallo	Member
	Nathan Jackman	Member
	John Palladino	Member

Absent :	Tom Ringwald	Member
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Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

Pledge of Allegiance

Chairman Scalzo announced the agenda as follows:

Item #1	Approval of minutes from the May 11, 2016 Regular Meeting
Item #2	57 Rogers Street Return
Item #3	20 Fairview Avenue Area Variance
Item #4	65 Marbledale Rd. Adjourned
Item #5	10 Fisher Ave. Adjourned
Item #6	68 Marbledale Rd. Adjourned

Item #1 Approval of minutes from the May 11, 2016 Regular Meeting

Chairman Scalzo motioned to approve the May 11, 2016 minutes, seconded by Member Gallo and carried with a vote of 3 – 0, with Chairman Scalzo abstaining due to his absence.

Item #2 57 Rogers Street Return

The applicant stated that there have been no changes to the plans presented at the previous meeting.

Chairman Scalzo motioned to continue the public hearing, seconded by Member Jackman and carried unanimously by the Board.

No Public Comments

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

Member Palladino offered the following SEQR resolution in the form of a motion:

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.**

Chairman Scalzo seconded the motion and upon roll call was carried with a vote of 3 – 0 with Member Jackman voting No.

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

The application for an AREA VARIANCE requested by ____Markan Land Development _____

whose address is 57 Rogers Street, Tuckahoe, NY Sec._34 _Blk._4

Lot_23/24_____

for relief from the following section of the zoning code: 4-3.3 Lot Area

Applicant is seeking to construct a single family home at 57 Rogers Street. The applicant is seeking 1 variance for lot area. The lot area that is required pursuant to Section 4-3.3 is 5000 square feet. The applicant is proposing 4886.3 falling short by only 113.7 feet.

Therefore, recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs 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.

A recommendation to approve the requested variance with the condition(s) that:

If the applicant is utilizing an easement with the property located at 59 Rogers for storm water then the applicant must, prior to Building Permits being issued, provide the Village Attorney with a copy of said easement and obtain the Village Attorney's approval of the said easement.

and

The granting of the variance 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 shall become null and void.

Chairman Scalzo seconded the motion.

Discussion: Member Jackman noted that his concern regarding the property size and geographic nature of this lot; the building of a one family house would have a negative impact on the surrounding properties. There is a large rock base and it will be very difficult to build on this lot.

Member Gallo noted that this was a complicated decision.

Upon roll call, the motion carried with a vote of 3 – 0 with Member Jackman voting No.

Item #3 20 Fairview Avenue Area Variance

Mr. Steven Podoll, owner of the property, noted that he and his wife have lived in Tuckahoe for 8 years. He intends to make a few improvements to the existing house.

Replace the front porch roof and railings. Extend the footprint of the rear section by 5ft. by 8ft., which would square the house. The extension would allow for a bigger kitchen area. The other side of house would decrease by 18in. Add a second floor above the kitchen for a bedroom and bathroom.

Chairman Scalzo asked if the applicant needed a side yard variance. The Zoning Code requires 15 ft. The existing building sits at 5.2 ft. and after the renovations, it will still sit at 5.2 ft. The house is being extended 5ft. by 8ft.

The applicant does not require a variance for a front yard setback as the applicant is not enclosing the porch.

Bill Williams noted that the side yard requirements are 9ft. not 15 ft. A pre-existing lot requires 9 ft. and a new construction requires 15 ft. He added that the existing building is non-conforming with the 5.2ft. side yard. The extension would not encroach any more, it would just continue down the side at 5.2ft.

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

Public Comments

Ms. Bing Lai 5A Harrison Street asked if the house would be extended in the rear. Jennifer Podoll noted that the extension does not extend into the rear yard.

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

Item #4	65 Marbledale Rd.	Adjourned
Item #5	10 Fisher Ave.	Adjourned
Item #6	68 Marbledale Rd.	Adjourned

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.