

Minutes of: Jan. 9, 2019
Date Approved: _Feb. 13, 2019_
Date Filed/Village Clerk:

January 9, 2019

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

Present:	Tom Ringwald	Chairperson
	John Palladino	Member
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member
	Christopher Garitee	Member

Absent:	David Scalzo	Member
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Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Noah Levine	BFJ Consultants

Pledge of Allegiance

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of minutes from the December 12, 2018 Regular Meeting	
Item #2	82 Wallace St.	Return
Item #3	38 Pleasant Place	Use Variance
Item #4	242 White Plains Rd.	Adjourned
Item #5	47 Rogers St.	Adjourned

Item #1 Approval of minutes from the December 12, 2018 Regular Meeting
Chairman Ringwald motioned to approve the minutes from the December 12, 2018 meeting, seconded by Member Fiore and carried with a vote of 5 – 0.

Item #2 82 Wallace St.**Return**

Mr. Steven Accinelli, attorney for the applicant, noted that the application was to construct a new apartment building at this location. He added that the applicant took the concerns and comments from the Board and made significant changes to the design.

The mix of the units were reconfigured and the units were now more family friendly. There will be two bedroom units and not so many one-bedroom units. Mr. Accinelli noted that the plans now include two setbacks with increased green space.

Chairman Ringwald noted that the original design did not fit into the neighborhood...it was essentially a box with 50 apartments.

Mr. Accinelli stated the new unit configuration: 2 – studio apartments, 7 – One bedroom, 20 – two bedroom, and 3 – three bedroom apartments.

There will be 48 parking spaces, which is ample parking, and the application does not need a parking variance.

The unit configuration has decreased from 52 units to 32 units.

Nima Badaly, architect for the applicant, noted that the box shape has now been changed to a step building which will allow much more natural light. The plans now provide a 25 – 30 ft. set back on Wallace St. and a 20 ft. set back on Maynard St. There will be a gazebo and recreation area on the side of the building. This new architect plans introduce much detail and balconies.

Chairman Ringwald added that the existing building would be demolished. The new plans include lots of green space. He reminded the public, that this applicant does not need a variance for the height of the building. He thanked the applicant for taking the Board's input and designing a tiered building rather than a box.

Member Fiore asked where the main entrance of the building would be.

Mr. Badaly noted that the main entrance would be on Maynard St.

Member Jackman noted that the applicant could build a rectangular box and go up an additional floor as of right. He thanked the applicant for the design rather than a large box.

Member Palladino asked how this design would affect the school system.

Member Jackman added that the Board is not permitted to consider if a potential building impacts the school system.

Noah Levine, BFJ Planning, noted that there is data on multi-family dwellings and it shows, in general, there is .1 or less schoolchildren per unit - .07 on average. The data on 450 developments in NY metropolitan area is very helpful. There may be 3 – 8 schoolchildren generated with this building. The tax generation for this building is a positive; the increase in school tax outweighs the cost. The Board must not consider the impact on the schools; just use the 5- prong test.

Mr. Levine noted that 100 Main Street has been sold out and that building has generated no schoolchildren. The Quarry has generated .07 children per unit.

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

RESOLUTION DESIGNATING THE TUCKAHOE VILLAGE ZONING BOARD OF APPEALS AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR APPROVAL OF ZONING VARIANCES AS PART OF A PROPOSED MULTIFAMILY BUILDING AT 82 WALLACE STREET.

WHEREAS, the Tuckahoe Village Department of Buildings received a building permit application received on December 20, 2018 for a multifamily building at 82 Wallace Street.

WHEREAS, the “Proposed Action” is the request of four variances as part of a plan to redevelop the existing site as multifamily housing. The proposed building will include 32 units, 48 parking spaces, 45 of which are in an enclosed garage, and landscaped areas and screening along the frontages of the property along Wallace Street, Maynard Street and Limekiln Road.

WHEREAS, the approval of the Proposed Action is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review Act (“SEQR”); and

WHEREAS, under Tuckahoe Village law, the Zoning Board of Appeals is the only entity that can grant a zoning variance.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Tuckahoe Village Zoning Board of Appeals hereby declares itself as Lead Agency to coordinate the environmental review of the proposed action.

Lead Agency Contact Information:

Tuckahoe Village Zoning Board of Appeals
65 Main Street
Tuckahoe, NY 10707
Bill Williams, Building
Inspector
T. 914.961.8148
bwilliams@tuckahoe-ny.com

2. The Tuckahoe Village Zoning Board of Appeals directs that the proposed action be forwarded to the following involved and interested parties for review and comment pursuant to NYS Municipal Law.

Involved Agencies:

Tuckahoe Village Planning Board
65 Main Street
Tuckahoe, NY 10707

Bill Williams, Building
Inspector
T. 914.961.8148
bwilliams@tuckahoe-ny.com

Interested Agencies:

Westchester County Department of Planning
148 Martine Avenue, Room 432
White Plains, NY 10601-4704
Edward Burroughs
T. 914.995.4400

This resolution shall take effect immediately.

Upon Motion of Commissioner Jackman, and seconded by

Commissioner Fiore, this Resolution was approved by the following vote:

Chairperson Tom Ringwald __ Yes__

Commissioner John Palladino _ Yes__

Commissioner Nathan Jackman _ Yes__

Commissioner Anthony Fiore Jr. _ Yes__

Commissioner Christopher Garitee _ Yes__

Public Comments

Anthony Lore 123 Wallace St. asked why there is machinery on the premises.

Chairman Ringwald noted that the applicant could build this building as of right. It could be a big box.

Gary Gjertsen added that the applicant has demolition permits to demolish the buildings.

Mr. Lore voiced his concern regarding the flow of traffic during construction. It is a tight area and there is a church right there.

Mr. Gjertsen added that the details would be worked out with a pre-construction plan. Input from the Building Dept., DPW, Fire Dept. and Police Dept. will put together a construction plan that will have minimal impact on the area.

Mr. Lore also voiced his concern regarding the parking spaces.

Member Jackman stated that this is the first apartment building that is not requesting a parking variance. The parking provided is above and beyond.

Mr. Badaly noted that there would be no parking spaces lost. The current curb cuts on the drawings will be entrances to the underground parking garage. There is one current curb cut on Maynard. There will be a new curb cut on Lime Kiln but there will be a gain of spaces on Wallace.

John Seminara 70 Lime Kiln stated that this would be a nice improvement to the neighborhood with the setback design. He also voiced his concern regarding the traffic issues.

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

Item #3 38 Pleasant Place Use Variance

Mr. Andrew Broderick, attorney for the applicant summarized the applicant's situation:

The applicant purchased the home as a legal three family home. He hired a real estate agent, an attorney and a title search company to make this purchase of a three family home. The real estate agent advertised the home as a three family house. The attorney could not locate the certificate of occupancy, as it did not exist. Upon further examination, the house had three electrical meters located on the house. The tax assessor had it on the books as a three family house and the previous owner had paid taxes for a three family house for decades.

The attorney stated that when the new owner decided to pull permits for renovations, the Building Dept. stated that the house was not a legal three family house. The applicant did all the right things and now is in this predicament.

The attorney stated that his client can proceed with legal actions towards all the parties, but would like to plead his case here to try to provide evidence that the house was indeed treated as a three family house for decades.

His client will suffer financially after being misled by all the parties.

Mr. Broderick added that the neighborhood consists of four family dwellings and two family dwellings.

Mr. Broderick noted that his client's situation is unique; he has a bank mortgage for a three family home. He is currently residing in the top floor apartment and would like to rent out the two other apartments.

Member Jackman noted that a use variance is a 'high bar'.

Mr. Broderick noted that this application may be labeled a use variance, but in his opinion, it is an area variance. The previous use was indeed a three family house. This is truly a unique circumstance.

Chairman Ringwald noted that the attorney for the closing missed this, the title search company missed this, the mortgage company missed this and it only came up when the applicant was doing the right thing and applying for a permit.

Mr. Broderick noted that that is the situation and only proves how unique this hardship is for his client.

Member Garitee asked if the apartment in the basement fit all the requirements of a legal apartment.

Mr. Leonard Brandes, architect for the applicant, noted that the size and bathrooms meet the requirements. The egress windows need to be updated to meet the current code requirements.

Mr. Broderick added that the financial information would be provided for the next meeting.

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

No Public Comments

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

Item #4	242 White Plains Rd.	Adjourned
Item #5	47 Rogers St.	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.