

Minutes of: May 8, 2019  
Date Approved: Sept. 11, 2019  
Date Filed/Village Clerk:

**May 8, 2019**

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

<b>Present:</b>	David Scalzo	Acting Chairperson
	John Palladino	Member
	Christopher Garitee	Member
	Anthony Fiore Jr.	Member ad hoc

<b>Absent:</b>	Tom Ringwald	Chairperson
	Nathan Jackman	Member

**Also in Attendance:**  
Gary Gjertsen                      Village Attorney

**Pledge of Allegiance**

**Acting Chairman Scalzo announced the agenda as follows:**

**Item #1      Approval of minutes from the April 10, 2019**

**Regular Meeting**

**Item #2      283 Marbledale Rd.                      Return**

**Item #3      47 Rogers St.                                  Adjourned**

**Item #1   Approval of minutes from the April 10, 2019 Regular Meeting**  
**Member Fiore motioned to approve the minutes from the April 10, 2019**  
**meeting, seconded by Member Garitee and carried with a vote of 3 – 0, with**  
**Member Scalzo abstaining due to his absence.**

**Item #2                      283 Marbledale Rd.                      Return**

Robert LaBarbera and Laura Guarascio, applicants, noted that they added the changes to the plans that were suggested by the Board. The wet bar is shorter and there is a door added to the plans. The plans show two bathrooms.

**No Public Comments**

**Acting Chairman Scalzo motioned to close the public hearing, seconded by Member Fiore and carried unanimously.**

**Acting Chairperson Scalzo offered the following resolution in the form of a motion:**

This application is for an amended area variance requested by Laura J. Guarascio, whose address is 283 Marbledale Road, Tuckahoe, NY Sec.\_42 \_Blk. 2\_

Lot\_14\_\_\_\_\_

for relief from the following section of the zoning code: 5-1.6 Nonconforming Buildings and Uses

### SEQRA RESOLUTION

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.

Applicant is seeking to amend her previously approved variance that allowed her to alter an existing basement by adding a new family room, bathroom and bedroom at the premises located at 283 Marbledale Road, Tuckahoe. Since the premises is a nonconforming 2 family home the finishing of the basement is expanding the nonconformity. The original application allowed the basement to be finished as per the plans and be accessed by one of the two family units. The new application seeks to divide the basement so that each family unit may use one half of the basement. Based on the work sessions and public hearings this board finds as follows:

Recommendation is for the amended 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.

If it is determined by the Building Department that the basement is being used not consistent with this approval and that the home is being used as a three family dwelling than this approval shall be immediately revoked and all improvements shall be immediately removed from the basement.

**Member Fiore seconded the motion and upon roll call was carried with a vote of 4 – 0.**

**Item #4    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.