

Minutes of: May 13, 2015
Date Approved: June 3, 2015
Date Filed/Village Clerk:

May 13, 2015
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Ronald Gallo	Chairperson
	David Scalzo	Member
	John Palladino	Member
	Janice Barandes	Member
	Tom Ringwald	Member

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

Moment of Silence

Chairman Gallo recognized the sudden passing of Trustee Steven Quigley. He stated that Trustee Quigley was very passionate regarding Tuckahoe and will leave a lasting legacy for this Village. His service to the community will continue to make an impact for many generations to come.

Member Scalzo stated that he had come to know Trustee Quigley well and was always struck by his good nature and happy disposition. He will be dearly missed.

Chairman Gallo recited the words of the *Star Spangled Banner* in honor of Trustee Steven Quigley. May he rest in peace.

Chairman Gallo announced the agenda of this meeting as follows:

<u>Item #1</u>	Approval of minutes from the April 8, 2015 Regular Meeting
<u>Item #2</u>	146 Wallace Ave. Area Variance
<u>Item #3</u>	32 Pleasant Place Return
<u>Item #4</u>	100 Main Street Adjourned
<u>Item #5</u>	56 Underhill Street Adjourned
<u>Item #6</u>	10 Fisher Ave. Adjourned
<u>Item #7</u>	93-95 Main Street Adjourned
<u>Item #8</u>	50 Columbus Ave Adjourned

Item #1 Approval of minutes from the April 8, 2015 Regular Meeting
Member Scalzo motioned to approve the minutes from the April 8, 2015 meeting, was seconded by Member Ringwald and upon roll call was carried 4 – 0, with Chairman Gallo abstaining due to his absence.

Item #2 146 Wallace Ave.

Area Variance

Mr. Dennis Lucente, owner of the property, requested the approval to legalize an existing garage. The garage was built in the 1950's and it has come to his attention that there was never a permit for the garage. The home has been in his family for decades. There have been no modifications to the structure. Mr. Lucente displayed photos of the existing garage. He recently touched up the façade with stucco.

Member Palladino asked if there have been any modifications to the structure.

Mr. Lucente answered no.

Chairman Gallo noted that there have been changes to the Zoning Code over the years and encouraged residents to go to the Building Dept. to make sure their house file is in order. This Board is very understanding and will work with the residents.

Chairman Gallo motioned to open the public hearing, seconded by Member Palladino and carried with a vote of 5 – 0.

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member Palladino and carried with a vote of 5 – 0.

Member Barandes stated that it is in the property owner's best interest to make certain that their home is up to code with a Certificate of Occupancy for future resale and/or refinance of the home.

Chairman Gallo offered the following resolution for SEQR:

The application for an AREA VARIANCE requested by _Lucente Management, LLC_____

**Property address is 146 Wallace Street, Tuckahoe, NY Sec. 38 _Blk. 5_ Lot__108____
for relief from the following section of the zoning codes: 4-3.4.5 Location of Accessory Buildings on the Lot and Section 4-3.4.6 Buffer**

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.**

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

Chairman Gallo offered the following resolution:

This appeal is taken to this Board to legalize a garage that has existed in its current location in excess of 60 years. Therefore, the recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweigh 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.

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

Item #3 32 Pleasant Place

Return

Mr. Emilio Escaladas, architect for the applicant, noted that the owner purchased this home two years ago for \$555,000. At that time, the previous owner had four tenants in the home. At the time of sale, Mr. Williams, Building Inspector, informed the new owner that four tenants was illegal. Mr. Shearer decreased the tenants to three. He has now been informed that the Zoning Code has recently changed and the location of the home is now zoned for two apartments. Mr. Shearer trusted when he purchased the home, that the use would remain the same. He did not know the changes were forth coming. He would like to keep the three tenants, but move one tenant to the basement apartment. The basement is completely up to code. The plans are to distribute the three existing tenants throughout the home differently. The current income yield for this property is 1.5%. Readjusting the rental will yield 5%.

Member Barandes noted that the percentage of return is contingent on the property and 5% is a modest return, not exorbitant.

Member Scalzo noted that the area has been downzoned to two apartment dwellings.

Mr. Escaladas noted that the return on this investment would be negative and disastrous for the owner. He trusted that the use would remain the same. The parking would remain the same. There will be no increase in the population of the house. Same tenants.

Mr. Williams agreed that the basement apartment is up to the current zoning code.

Member Palladino noted that the tenants would remain the same. The living area will increase, but the number of bedrooms will remain the same. The population will not increase.

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

No Public Comments

Member Scalzo motioned to keep the public hearing opened for 32 Pleasant Place, seconded by Member Palladino and unanimously carried by the Board.

Chairman Gallo noted that this application is for a use variance and an area variance. The Board will take time to formulate their response.

Chairman Gallo noted that the 100 Main St. application is quite complicated. At the closing of this meeting, the Board will hold a special workshop dedicated to this application.

Chairman Gallo also added that Zoning Board members throughout the county are required to attend continuing education classes to keep apprised of zoning and environmental issues. The Village of Tuckahoe's Planning Consultant Frank Fish was chosen by the county to instruct the members regarding the details of SEQR resolutions. Chairman Gallo informed the residents that the Village is in good hands with Frank Fish.

Item #4	100 Main Street	Adjourned
Item #5	56 Underhill Street	Adjourned
Item #6	10 Fisher Ave.	Adjourned
Item #7	93-95 Main Street	Adjourned
Item #8	50 Columbus Ave	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.