

**February 4, 2015**

**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**

**TUCKAHOE VILLAGE HALL – 7:30pm**

<b>Present:</b>	Ronald Gallo	Chairperson
	John Palladino	Member
	David Scalzo	Member
	Janice Barandes	Member

**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Mike Seminara	Code Enforcement Officer
Noah Levine	Village Consultant

**Pledge of Allegiance**

**Chairman Gallo announced the resignation of Board member Nicholas DiSalvo.** Member DiSalvo recently moved to Eastchester and can no longer serve on the Zoning Board for Tuckahoe. Chairman Gallo thanked Member DiSalvo for his service and noted that he would be extremely happy to recommend him for any service position in Eastchester. He was a huge asset to this board and will be sorely missed.

Member Scalzo added that it was a pleasure to work beside Member DiSalvo as he was an active participant and will be missed.

**Chairman Gallo announced the agenda of this meeting as follows:**

**Item #1 Approval of minutes from the December 10, 2014 Regular Meeting**

**Item #2 100 Main Street Return**

**Item #3 56 Underhill Street Adjourned**

**Item #4 50 Columbus Ave Adjourned**

**Item #1 Approval of minutes from the December 10, 2014 Regular Meeting**

**Member Scalzo motioned to approve the minutes from the December 10, 2014 meeting, was seconded by Member Barandes and upon roll call was carried 4 – 0,**

**Item #2 100 Main Street****Return**

Les Maron, attorney for the applicant, MC Equities, LLC., summarized the history of this application and property. This application is for a building to be built at 100 Main Street, which is a Business/Residential district. Terry Byrd, the former owner of the property, obtained variances and a Special Use Permit; dated June 11, 2008 and Feb. 17, 2010. At the present time, the Building Dept. cannot find the plans that were approved for this site.

The current owners, Mr. and Mrs. Murray's company, bought the property and in August 2011 they obtained an extension for the Special Use Permit. The Murray's decided to downsize the plans of the building as the excavation for the underground parking was found to be too costly due to the possibly of disturbing underground water. The proposed plans would have only one level of parking and one curb cut on side road. The building would be brought out to the property line.

The applicant is seeking Zoning Board approval for a four story building with 33 parking spaces, where 56 is required; parking spaces to measure at 9ft. x 18ft. which was previously approved and an FAR of 1.92. In addition, a Special Use Permit for 20 units and 3074 sq. ft. of retail space and three side yard variances.

Mr. Maron noted that the Murray's presented the previous plans before the Planning Board for 18 months. There were to be no assigned spaces for residents so that the parking may be shared with retail. The retail units will consist of one store and Mr. Murray's office space. The Angelillo's building next door is a four-story building and this proposed building is slightly lower. This is a smaller proposed building than what was originally approved. There will be less excavation and no basement due to the ground water issues. The previous plans had a full fourth story, these plans are for a partial fourth story. This building is more attractive and fits into the neighborhood nicely. It will not generate any negative impact to the neighborhood. The height of the building would not exceed 42 ft. and will not be bigger than the neighboring buildings.

As for the Special Use Permit, Mr. Maron stated the following:

- This building previously met all standards for the Special Use Permit

- It is similar to the prior approved proposal

- This proposed project is based on prior approvals

- There are no assigned parking spaces

- Terrace Place will be changed to a two-way street only up to the entrance of the parking area.

- These plans received a favorable review from the Planning Board and the Police Dept.

- The owners met with the Angelillo's and are committed to working together regarding any issues.

- There are no material changes to the plans

- The applicant is requesting approval for the variances and Special Use Permit.

Chairman Gallo asked the Village attorney if the prior approvals that were granted, now expired, nullifies the prior Zoning Board approvals.

Gary Gjertsen, Village attorney, stated that in 2008 the application for a four-floor building with no parking variance was granted. In 2013, a three-story building was approved with parking variances.

These are actually two different applications and this one should be viewed as a new application. The previous approvals did indeed happen, but are now expired. This application is a mix of both previously approved plans. It is to be considered a new application.

Les Maron noted that variances usually run with the land. The applicants got the extensions and it is the same property. Legally this is a new application, but the applicant is not looking for anything greater than what was previously approved.

Member Palladino noted that the applicants came for extensions approvals, which were granted and lapsed. This is now a new application.

Joe Crocco, architect for the applicant, gave an overview of the proposed project. The original plans hallowed out the land for parking. The plans for parking now will be rear parking spaces with patios on top of the spaces. The 20 units consist of 7 one-bedroom, 5 two-bedroom, 6 three-bedroom and 2 four-bedroom. The fourth floor will consist of 2 four-bedroom units, 1 one-bedroom unit and 1 two-bedroom unit. There will be a roof garden with parapet walls, which will measure 7 ft. This will be an open roof plan.

There will be only two retail tenants, one being Mr. Murray's office space. The corner entrance will be for the retail space.

The proposed materials will be similar to the neighboring buildings, Tudor style consisting of stucco, brick etc.

Member Scalzo noted that the 7 ft. parapet wall gives the look of a full fourth story instead of a partial fourth story with an open roof plan.

Mr. Crocco noted that 30% of the fourth floor, 1200sq. ft., is common area; a gym and community room.

Mr. Crocco also added that the next-door building, the Angelillo's building, has a cut away with windows, which will not be blocked. There will be space between the buildings and an open roof plan so that sunlight will not be blocked.

**Chairman Gallo motioned to open the public hearing, seconded by Member Barandes and carried with a vote of 4 – 0.**

### **Public Comments**

Joe Dillon, resident of Bronxville and former candidate for State Senate, stated that he and his wife are friends with the Murrays. He added that he has no financial interest in this project, but rather tremendous respect for the Murrays. He assured the Board members that the Murrays are very talented builders and this is a prime piece of real estate in Tuckahoe. They are master craft people with a true vision. They are friends of the community and he is confident that the Murrays will build something very beautiful.

Chairman Gallo noted that this Board is very committed to this Village. He added that this Board has accommodated this applicant by holding two special meetings. The Board was quite

disappointed that their willingness to accommodate them was not returned, as there has been no work done.

Mrs. Angelillo, owner of the building next door to this proposed building, wanted the record to show that the space between buildings will measure 7 ft. She noted that prior resolutions had the condition that the applicants will take care of her water situation.

Chairman Gallo asked if there was a water issue prior to the structure being demolished.

Mr. Angelillo noted that there was no water problem prior to the building being demolished.

Chairman Gallo added that if a new building is built, today's drainage regulations are strict and proper drainage will be installed as to move the water to specific areas for proper drainage. The water issue/problem should be fixed once a new building is built.

Mrs. Angelillo noted that the Master Plan recommended that retail continue.

Chairman Gallo added that both Boards will look at the retail portion and that will be in a resolution.

Anthony Fury, Tuckahoe resident, asked if the parking level would be closed or open.

Mr. Crocco noted that it would be open on both sides, with no doors.

Jon Lambert, 43 Terrace Place, owner of the house directly behind the property, voiced his concern regarding the parking situation. He does not have a driveway and the parking is very limited. He noted that Mr. and Mrs. Murray helped with the cost of the retaining wall in the rear.

Chairman Gallo noted that he was aware of the limited parking in that area. He asked the resident to consider creating a parking space on the side of his house. He added that this Board understands the limited parking and would consider variances for certain situations.

**9:10 Chairman Gallo motioned to Executive Session, seconded by Member Barandes and carried unanimously by the Board.**

**9:25 Board resumed meeting.**

Noah Levine, Village Consultant from BFJ Planning, submitted a memo providing information pertaining to parking and potential schoolchildren. It was his professional opinion, after considering that the building is located near a train station, that the 33 parking spaces proposed would be sufficient.

Some residents will use the train to commute, while others will drive. These findings are based on studies of similar buildings located near trains.

Member Barandes asked which buildings were used locally as a basis for comparison. These proposed apartments will be luxury apartments whereby the residents will most likely have a vehicle. In addition, there is no nearby supermarket etc. which makes the need for a car more

probable for residents than those residing in buildings that are located near a train station and have most amenities such as a supermarket within walking distance.

Member Scalzo agreed, residents may walk to train to commute to city, but need car to shop.

Member Barandes added that this Village is a unique situation as it has less amenities than most transit oriented areas. The research must take that into consideration.

Chairman Gallo asked to compare an as-of-right building which would require no variances, to this proposed building.

Bill Williams, Building Inspector, noted that an as-of-right building, that required no variances for parking, would need 56 parking spaces.

Chairman Gallo added that there are two issues with this application, a large FAR and a considerable parking variance.

Member Scalzo thanked Mr. and Mrs. Murray, Mr. and Mrs. Dillon, Mr. Crocco and Mr. Maron for an excellent presentation. He added that this Board is new to this application and this is the first time it is presented to these Board members. This is an extremely high profile project which will be seen every day. It is a prime location and this Board needs to get this right. There is little margin of error. The parking is a huge problem in that area. This building should be self-sustaining, and he noted that the parking is woefully inadequate. He added that he thinks the project is too big and takes up a lot of space.

He added that the architectural detail is keeping with the Village.

Member Barandes added that the plans are beautiful and that the Board feels it is very important to get this right.

Chairman Gallo stated that the Board will review the proposed plans and will see the applicant next month.

**Item #3**    **56 Underhill Street**  
**Item #4**    **50 Columbus Ave**

**Adjourned**  
**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.