

Minutes of: July 8, 2015

Date Approved: Sept. 9, 2015

Date Filed/Village Clerk:

July 8, 2015

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS

TUCKAHOE VILLAGE HALL – 7:30pm

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

Absent:	David Scalzo	Member
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Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

Pledge of Allegiance

Chairman Gallo announced the agenda as follows:

<u>Item #1</u>	Approval of minutes from the June 3, 2015 Regular Meeting
	Approval of minutes from the June 10, 2015 Special Meeting
<u>Item #2</u>	135 Park Ave. Area Variance
<u>Item #3</u>	50 Columbus Ave Adjourned
<u>Item #4</u>	10 Fisher Ave. Adjourned

Item #1 Approval of minutes from the June 3, 2015 Regular Meeting
Chairman Gallo motioned to approve the minutes from the June 3, 2015 meeting, was seconded by Member Ringwald and upon roll call was carried 3 – 0, with Member Barandes abstaining due to her absence.

Approval of minutes from the June 10, 2015 Special Meeting
Chairman Gallo motioned to approve the minutes from the June 10, 2015 meeting, was seconded by Member Ringwald and upon roll call was carried 4 – 0.

Item #2 135 Park Ave.

Area Variance

Ms. Maggie Marnie, architect for the applicant, summarized the application. The present owners purchased the home in 2005. The existing pool deck in the rear was built in 1992. The majority of the property sits in Bronxville, while approximately 1/6th is in Tuckahoe. The pool deck is not visible to the neighbors and has ample mature shrubs, which screen the perimeter of the pool and pool deck. The present owners were unaware that the pool deck was not legal. There have been no complaints filed with the Building Dept. regarding the pool deck. In addition, some neighbors have sent letters to the Building Dept. in support of this application.

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

No Public Comments

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

Chairman Gallo noted that numerous photos were submitted of the pool and pool deck. It is screened with a multitude of bushes and it is beautiful.

Member Ringwald offered the following SEQRA Resolution as a motion:

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 4 – 0.

Member Ringwald offered the following Resolution in the form of a motion:

AREA VARIANCE RESOLUTION

The application for an AREA VARIANCE requested by William Macaulay and Araxi Macaulay whose address is 135 Park Ave, Tuckahoe, NY Sec. 24 Blk. 3 Lot 7 for relief from the following section of the zoning code: 4-1.4.2 Side Yard and 4-1.4.3 Rear Yard

Relief Requested: To legalize an existing pool deck. The side yard setback that is required is 15 feet and the existing pool deck is 8 feet from the side yard. Further, the rear yard setback is 30 feet and the existing pool deck is 27.5 feet from the rear yard.

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

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.

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

Chairman Gallo opened the meeting for public comments

Mr. Anthony Lore 123 Wallace Street voiced his concern and dissatisfaction regarding the house under construction at 5 Circle Rd. The owner of the house seems to be inconsiderate to the neighbors. This week a 40yd. container was delivered on a Sunday morning, 8:15am, while Sunday mass was in session. There was not enough room for the delivery to be made, as there were additional vehicles on the road due to Sunday mass. The container should not be delivered on a Sunday morning. Mr. Lore stated that the owner was not being a good neighbor. In addition, Mr. Lore stated that the removal of asbestos tile could be a health issue and precautions should be taken into consideration. He added that many neighbors were upset.

Chairman Gallo thanked Mr. Lore and stated that he too was upset with the project. The complaints must be made to the Building Dept. and the Police Dept. while the action is taking place. This Zoning Board did the best with this application and now the compliance issues are not the Zoning Board's purview.

Member Barandes announced that this would be her last Zoning Board meeting. She will resign as of July 31, 2015 as she unexpectedly and sadly will be moving. She added that it was an honor to serve on this Board and thanked the public for their support.

Chairman Gallo added that Member Barandes brought a tremendous amount of knowledge to the Board. Her perspective was wonderful and her impact was tremendous. She will be missed.

Each Board member thanked Member Barandes for her hard work and dedication.

Item #3 50 Columbus Ave
Item #4 10 Fisher 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.