

Minutes of: July 12, 2023
Date Approved: __Sept. 13, 2023__
Date Filed/Village Clerk:

July 12, 2023
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Village Hall – 7:30pm

Present: Tom Ringwald Chairman
Anthony Fiore Jr. Member
Heather Rinaldi Member
Lauren Porretta Member

Absent: Christina Brown Member

Also in Attendance:
Gary Gjertsen Village Attorney
Bill Williams Building Inspector
Mike Seminara Asst. Building Inspector

Chairman Ringwald announced the agenda as follows:

- Item #1 Approval of the Minutes of June 14, 2023**
- Item #2 20 Marbledale Rd. Special Permit**
- Item #3 50 Columbus Ave. Special Permit- Return**
- Item #4 342 Columbus Ave. Area Variance**
- Item #5 377 Marbledale Rd. Adjourned**
46/1/10, 11, 12
- Item #6 377 Marbledale Rd. Adjourned**
46/1/13, 15

Item #1 Approval of the Minutes of June 14, 2023

Member Fiore motioned to approve the minutes dated June 14, 2023 was seconded by Chairman Ringwald and upon roll call was carried with a vote of 4 – 0.

Item #2 20 Marbledale Rd. Amend Special Permit

Chairman Ringwald noted that the public hearing was open on this application. The scope of the project has changed. The Board needs to close the public hearing.

Chairman Ringwald motioned to close the public hearing, seconded by Member Fiore and carried with a vote of 4 – 0.

Item #3 50 Columbus Ave. Special Permit - Return

David Kenny, attorney representing the applicant, Dish Wireless LLC., noted that there have been no changes to the submitted plans.

Member Rinaldi offered the following SEQR resolution in the form of a motion:

RESOLUTION DESIGNATING THE TUCKAHOE ZONING BOARD OF APPEALS AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR A SPECIAL PERMIT FOR CELLULAR ANTENNAS AT 50 COLUMBUS AVENUE.

WHEREAS, the Tuckahoe Village Department of Buildings received a building permit application received on March 29, 2023 to collocate Dish Wireless LLC antennas and wireless telecommunications equipment at their base station on the rooftop of an existing building. The application includes three panel antennas with related equipment. The application requires a special permit from the Zoning Board of Appeals (ZBA).

WHEREAS, the “Proposed Action” is the granting of a special permit by the Zoning Board of Appeals.

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

WHEREAS, this is a coordinated review with the Planning Board.

WHEREAS, the Planning Board adopted a resolution on June 20, 2023, consenting to the ZBA as lead agency with respect to SEQR actions on this application.

WHEREAS, based on the Environmental Assessment Form (“EAF”), submitted by the Applicant, and any supplemental materials thereto, the ZBA has determined that there will be no significant environmental impacts from this action as it concerns the proposed Project.

WHEREAS, under Tuckahoe Village law, the Zoning Board of Appeals is the only entity that can grant a special permit for satellite earth stations and dish antennas in excess of two feet or cellular antennas.

NOW, THEREFORE, BE IT RESOLVED, THAT:

Based on the information included in the EAF submitted by the Applicant, and any supplemental materials thereto and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Zoning Board of Appeals hereby adopts the attached Negative Declaration for this Unlisted Action under the State Environmental Quality Review Act.

This resolution shall take effect immediately.

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

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

SPECIAL PERMIT RESOLUTION

The application for a Special Permit requested by Dish Wireless LLC whose proposed wireless telecommunications facility address is 50 Columbus Ave, Tuckahoe, NY Sec. 33 Blk. 3 Lot 1 for relief from the following section of the zoning code: 6-2.2

Applicant, Dish Wireless LLC, seeks a special permit to operate a wireless telecommunications facility at 50 Columbus Avenue, Tuckahoe. Dish Wireless LLC proposes to add 3 panel antennas to already existing antennas operated by other carriers on the roof of 50 Columbus Ave. Dish also proposes the installation of related telecommunication equipment at the location. Based on the presentation of the applicant and hearing the applicant at several work sessions this Board finds that there will be no substantial change to the physical dimensions of the base station and that the applicant has met the standards of section 6-2.2 of the Zoning Code and thus, this application is approved. Further this approval is consistent with Sec 6409 of the Middle Class Tax Relief and Job Creations Act of 2012.

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

Item #4 342 Columbus Ave. Area Variance

Nick Faustini, architect for the applicant, noted that there is an existing stoop which needs to be remodeled. The stoop will be moved a bit to the left. A new foyer/mud room will be added and will measure 23sq. ft.

Mr. Faustini presented photos of adjacent properties which displayed that this would fit in with the character of the neighborhood.

This house faces the tracks of the Metro-North trains so it does not face another house.

Chairman Ringwald asked about the current front yard setback.

Mr. Faustini stated that it currently has a 19.2ft. set back and with the new covered foyer, it will measure 16.5ft.

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

No Public Comments

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

Item #5	377 Marbledale Rd.	Adjourned
Item #6	377 Marbledale Rd.	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.