

**July 8, 2020**

**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**Online due to Covid-19 – 7:30pm**

**Present:** David Scalzo                      Acting Chairman  
              John Palladino                  Member  
              Nathan Jackman                  Member  
              Christopher Garitee              Member  
              Anthony Fiore Jr.                  Member ad hoc

**Absent:** Tom Ringwald                  Chairperson

**Also in Attendance:**

              Bill Williams                      Building Inspector  
              Gary Gjertsen                      Village Attorney  
              Mike Seminara                      Assistant Building Inspector  
              Noah Levine                        Village Planning Consultant  
              Carolina Fonseca                  Village Consultant

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

**Item #1      Approval of minutes from the June 10, 2020**  
**Regular Meeting**

**Item #2      69 Main St.                      Area Variance**

**Item #3      22 Underhill St.                    Special Permit and Area Variance**

**Item #4      216 Dante Ave.                      Area Variance**

**Item #1      Approval of minutes from the June 10, 2020**  
**Regular Meeting**

**Member Fiore motioned to approve the June 10, 2020 Regular Meeting minutes, seconded by Member Garitee and upon roll call was carried with a vote of 4 – 0, with Member Scalzo abstaining due to his absence.**

Item #2	69 Main St.	Area Variance
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Applicant's architect, Andrew Coleman, noted that the Masonic Temple on Main St. is currently the office of Dr. Peter Zheng, a pain management specialist in the Village. The building has two floors. The second floor, which is currently vacant, is a double height assembly space. The applicant proposed plans to convert the second floor into a second and third floor for two additional physician offices.

This modification will change the FAR from 2.17 to 2.75. The zoning code would require 8 additional parking spaces. Dr. Zheng has a permit for 4 parking spaces in the Village. The expansion would require 12 parking spaces. In planning the expansion and the requirement of the additional parking spaces, Dr. Zheng purchased the two family house located at 22 Underhill St. The plan is to demolish the house and create a parking lot for the required 12 parking spaces. The application for the parking lot requires a setback variance for the front yard setback.

Chairman Scalzo asked if the Masonic Temple had any historic significance.

Gary Gjertsen, Village Attorney, stated that the Masonic Temple was not on the historic preservation list.

Mr. Dolf, representing the applicant, noted that the Masons may have a month-to-month lease and will look into getting that information.

Mr. Coleman noted that Dr. Zheng conducts the patient visits on the first floor. Rooms are dedicated to certain equipment; MRI, CAT scan, X-Ray etc. The second and third floor would consist of offices and exam rooms for two additional wellness doctors. The third floor will be built independent to not impose any loads to the existing building. The plans will be analyzed and approved by a structural engineer.

Noah Levine, Village Consultant, asked the total square footage amount and if the third floor would be handicap accessible.

Mr. Coleman noted that the first floor measured 3541 sq. ft. The second and third floors would be similar in size. There will be an interior elevator, a stair tower, and a ramp to the front door. It will meet all handicap requirements.

Member Jackson asked if the applicant could provide information regarding the number of patients the doctor would see on an hourly basis, the types of procedures done and provide photos of the interior space.

Mike Seminara, Assistant Building Inspector asked the square footage for each doctor.

Mr. Coleman noted that each floor would measure approximately 3500 sq. ft. with a stair tower, elevator shaft, hallways and bathrooms.

Mike Seminara also mentioned the use of the building. The doctor occupies the front portion of the first floor. The building also has a meeting room, a kitchen area and a mezzanine. At the time of this presentation, there are two tenants.

### **Item #3      22 Underhill St.                      Special Permit and Area Variance**

Mr. Coleman noted that the application, as per zoning code, requires 12 parking spaces. Dr. Zheng purchased the two family house at 22 Underhill St. to demolish and build a parking lot. There is a discussion with Village Trustees regarding a land swap. The Village has a commuter parking lot located on Cameron Place. The commuter lot could be switched with the Underhill St. parking lot. The patients could then walk from the Cameron Place parking lot to the back door of the Masonic Temple.

Mr. Williams, Building Inspector noted that there are two separate applications before the Board - 22 Underhill St. to demolish the two family house and create a parking lot, which requires a front yard variance and 69 Main St. for the increase of the FAR. The doctor has 4 parking spaces currently. If the application were approved, he would need 12 parking spaces. If physicians share the office space, that is permitted if they do not overlap with their hours. The applicant would be in compliance if the number of doctors at this location do not exceed three at any time.

Carolina Fonseca Village Consultant voiced her concern that there are approximately 10 parking lots currently in the downtown Village area. The comprehensive plan and the master plan for the Village should be reviewed. She asked each member to use google maps and view the image of all the parking lots.

Noah Levine stated that he would review the amount of parking lots, but parking is always an issue in the Village.

Member Fiore noted that if the parking lot were built, Dr. Zheng would not need his four parking permits from the Village lot. That will then free up four parking spaces for commuters.

**Chairman Scalzo motioned to open the public hearing, seconded by Member Garitee and carried unanimously.**

### **No Public Comments**

**Chairman Scalzo noted that the public hearing would remain open for both applications; 69 Main St. and 22 Underhill St.**

Chairman Scalzo noted that the land swap was very worthwhile to discuss. The Masonic Temple building is instrumental to the continued revival to the Village.

Member Jackman requested additional plans of the second floor layout and photos of the current space.

### **Item #4    216 Dante Ave    Area Variance**

Stephanie Fox, architect for the applicant, noted that the applicant has reduced the size of the requested mudroom. The proposed mudroom is now 6ft. 6in. wide and 9ft. 7 in depth, which is a reduction of 22 sq. ft. The side yard variance is reduced to 2.7 ft.

Upon analyzing the option of the south side of the house, the new stairs and the mudroom would amount to 300sq. ft., which would be 5 times more than the proposed application. The amount of the impervious area would be 10 times more than what is proposed. She added that there was a discussion between the applicants and the neighbors at 218 Dante Ave. approximately one year ago. The neighbors did not voice any objection to the discussed plans at that time. The proposed mudroom would sit 6.7 ft. from the property line, which is exactly the same distance as the neighbor's house to the property line.

Member Jackman noted that the house was built that close to the property line. The neighbor did not build any structure that close to the property line.

Ms. Fox added that due to the slope of the property, the mudroom would not be visible to Dante Ave. She added that there would be no impact to the neighboring properties. All necessary precautions and safeguards would be taken due to the

current pandemic. She added that Mr. Scalise's letter of objection had incorrect calculations. One of the neighbor's letter of objection has been rescinded as the neighbor wishes to remain neutral. There are 6 additional letters submitted, no objection to the addition.

Member Jackman noted that the previous requested variance was 3.9ft and now it is 2.7 ft. variance.

The previous side yard variance was for the mudroom to sit 5.1ft from the side yard and now it is 6.3 ft. from the side yard. The mudroom was essentially moved one foot closer to the house. He noted that he appreciated the feedback from the public, which helps the Board consider different viewpoints.

Chairman Scalzo noted that the public hearing was still open.

### **Public Comments**

Mr. Scalise, attorney representing the owners of 218 Dante Ave., noted that his clients wish to remain good neighbors. They did not voice their opinion one year ago, as the specifics were not known. Once the specifics were known, they objected. He added that even with the reduction to the plans, the application does not meet the Area Variance prong test. He added that he would speak to his clients to further discuss possible screening of the mudroom with landscaping; such as arborvitae, a fence or trees.

He noted that the structure would not be visible to Dante Ave. now as the trees are in full bloom. During the winter months, the structure will be visible. With regard to the letters from the neighbors, he noted that the neighbors would not be as affected by the addition, as his client would be.

Margaret Donnelly, applicant, noted that she has arborvitae along the back of her property and would be happy to add more to improve the landscape of that side of her property.

Ms. Fox noted that the applicant would improve the walkway and the landscaping. She added that there have been two similar side yard variances granted to 201 Dante Ave. in 2006 and 2007.

Member Garitee asked for the specific date so he could review the application and approval granted.

Ms. Fox stated the date – March 14, 2007 201 Dante Ave.

Member Jackman added that each property is very different and the Board was different back in 2007.

Chairman Scalzo noted that the public hearing would remain open. The applicant and neighbors will discuss screening.

Next Zoning Board meeting will be in September.

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.