

**Minutes of: Oct. 14, 2020**  
**Date Approved: \_\_Nov. 4, 2020\_\_**  
**Date Filed/Village Clerk:**

**October 14, 2020**

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

<b>Present:</b>	Tom Ringwald	Chairperson
	David Scalzo	Member
	John Palladino	Member
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member ad hoc

<b>Absent:</b>	Christopher Garitee	Member
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**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 Ringwald announced the agenda as follows:**

<b>Item #1</b>	<b>Approval of minutes from the Sept. 9, 2020</b>	
	<b>Regular Meeting</b>	
<b>Item #2</b>	<b>216 Dante Ave.</b>	<b>Return</b>
<b>Item #3</b>	<b>356 Columbus Ave.</b>	<b>Return</b>
<b>Item #4</b>	<b>356 Columbus Ave.</b>	<b>Return</b>
<b>Item #5</b>	<b>91 Lincoln Ave.</b>	<b>Return</b>
<b>Item #6</b>	<b>160 Dante Ave.</b>	<b>Return</b>
<b>Item #7</b>	<b>70 – 72 Marbledale Rd.</b>	<b>Area Variance</b>
<b>Item #8</b>	<b>174 Marbledale Rd.</b>	<b>Area Variance</b>
<b>Item #9</b>	<b>22 Underhill St.</b>	<b>Adjourned</b>
<b>Item #10</b>	<b>69 Main St.</b>	<b>Adjourned</b>
<b>Item #11</b>	<b>181 Marbledale Rd.</b>	<b>Adjourned</b>

**Item #1     Approval of minutes from the Sept. 9, 2020  
Regular Meeting**

**Chairman Ringwald motioned to approve the Sept. 9, 2020 Regular Meeting minutes, seconded by Member Fiore and upon roll call was carried with a vote of 4 – 0.**

**Item #2     216 Dante Ave.     Return**

The applicants noted that there have been no changes to the submitted plans.

**Member Jackson offered the following Resolution in the form of a motion:**

**The application for AREA VARIANCE requested by \_Navin Jha and Margaret Donnelly\_**

**whose address is 216 Dante Avenue, Tuckahoe, NY Sec.\_38 \_Blk.5\_ Lot 67\_\_\_\_  
for relief from the following sections of the zoning code: \_\_\_\_\_Side yard setback**

**pursuant to 4-2.4.2 of the Village of Tuckahoe Zoning Code**

**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 Palladino seconded the motion and upon roll call was carried with a vote of 4 – 0 with Chairman Ringwald voting No.**

**Member Jackman offered the following Resolution in the form of a motion:**

Applicants are the owners of 216 Dante Ave in Tuckahoe. Applicant is seeking to construct a mudroom that will encroach into the side yard setback of the Zoning Code. During the public hearings we not only from the applicant but heard from the adjacent neighbor who opposes this application. Based on the opposition the applicant minimized the requested variance as to lessen the impact on the adjoining neighbor. Based on the amended application we find that the applicant has satisfied the 5-prong test.

Therefore, 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.

The granting of the variance(s) herein is granted on the condition that work under such variance be commenced and diligently prosecuted within one year of the granting thereof, failing which such variance(s) shall become null and void.

**Member Fiore seconded the motion and upon roll call was carried with a vote of 4 – 0 with Chairman Ringwald voting No.**

**Item #3 356 Columbus Ave. Return**

Louis Papaleo, applicant, noted that there have been no changes to the submitted plans to finish the basement area.

**No Public Comments**

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

Chairman Ringwald noted that the Board will vote on this application next month.

**Item #4 356 Columbus Ave. Return**

Louis Papaleo, owner of the property, stated there have been no changes to the submitted plans to create two parking spaces on the right side of the property.

**No Public Comments**

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

Chairman Ringwald noted that the Board will vote on this application next month.

**Item #5 91 Lincoln Ave. Area Variance**

Stephanie Malinski, architect for the applicant, noted that this application is to widen the existing driveway on the property that is too narrow and too short for today's vehicles. The applicant reduced the size of the curb cut from 22ft. to 18 ft. The applicant also moved the left side of the proposed driveway to the left side of the property. This will keep the front of the property with an ample amount of green space.

Member Scalzo thanked the applicant for the positive changes.

Mike Seminara, Assistant Building Inspector, advised the applicant to submit an application to the DPW for the approval for the curb cut.  
Chairman Ringwald submitted two letters from residents in favor of the application.

### **No Public Comments**

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

**This application will be voted on next month.**

### **Item #6 160 Dante Ave. Area Variance**

Louis Campana, architect for the applicant, noted that have been no changes to the submitted plans.

**Member Scalzo offered the following resolution in the form of a motion:**

**The application for AREA VARIANCE requested by \_John  
Uhlmer\_\_\_\_\_**

**whose address is 160 Dante Avenue, Tuckahoe, NY Sec. \_38 \_Blk.5\_  
Lot \_101\_\_\_\_\_**

**for relief from the following sections of the zoning code: Enlarging a non-  
conforming structure**

### **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 Fiore seconded the motion and upon roll call was carried with a vote of 5 – 0.**

**Member Scalzo offered the following Resolution in the form of a motion:**

Applicant is the owner of 160 Dante Ave in Tuckahoe. Applicant is seeking to construct a roof terrace over the first floor footprint. The roof terrace will provide the 2<sup>nd</sup> floor dwelling unit access to the terrace and rear yard. The premises is nonconforming and since the applicant is seeking the addition of the roof terrace he will be enlarging the nonconformity and hence this application is made to this Board. We have reviewed the proposal at several work sessions and public hearings and have reviewed the application in connection with the five-prong test. There has been no public opposition to this project.

Therefore, 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.

The granting of the variance(s) herein is granted on the condition that work under such variance be commenced and diligently prosecuted within one year of the granting thereof, failing which such variance(s) shall become null and void.

**Member Fiore seconded the motion and upon roll call was carried unanimously.**

**Item #7      70 – 72 Marbledale Rd.      Area Variance**

James Venerusso, attorney for the applicant, stated that this is a vacant building, next door to Paws and Play on Marbledale Rd. The applicant would like to expand their business and take over this building. Once the applicant proposes a use for this building, the preexisting conditions trigger the need for variances for the front yard, side yard and rear yard setbacks. The proposed plans also include a subdivision application, which will be submitted to the Planning Board.

Leonard Brandes, architect for the applicant, noted that the plans will add 6 tandem parking spaces in the driveway between the building and the lot. The applicant will renovate the building for the expansion of the Paws and Play. Dogs are currently being walked behind the building. The new facility could house 40 additional dogs. There is a shortage of space needed during the month of August and over the holidays. Ninety percent of the time, there is no need for the addition. The Paws and Play facility has been located on Marbledale Rd. for 9 years and there have been no noise issues or complaints.

Mr. Brandes noted that there is a deck behind the two buildings. The section of the deck behind the vacant building and between the two buildings will be removed. The remaining section will be preserved.

He added that the side yard and rear yard variances are not being created by the subdivision, they are both preexisting.

Member Jackman asked the applicant to update the new building with the noise protections that were used in the original building.

Member Scalzo noted that the sidewalk is quite narrow in front of the vacant building and asked if the applicant would consider demolishing the building and build fresh.

Mr. Venerusso noted that the façade would be completely renovated to look like the Paws and Play building. He added that the original Paws and Play building looked similar to the vacant building and the applicant made it beautiful. This vacant building will be beautiful too, with new stucco, new windows and a new roof.

Member Scalzo added that there is a resurgence on Marbledale Rd. with the new hotel and Broken Bow Brewery.

Mr. Venerusso noted that the applicant took a risk 9 years ago and brought Paws and Play into the Village and on Marbledale Rd. He now would like to expand the business. This business brings customers into the Village.

Member Jackman voiced his concern regarding the six tandem parking spaces located so close to the property line. Once a building is built on the subdivision, the parking spaces will be right at the property line.

Bill Williams, Building Inspector, noted that the subdivision line does not exist yet. The Planning Board may not approve the parking spaces as proposed.

Member Jackman stated that the Master Plan has extensive details regarding the sidewalks and landscaping for the Marbledale corridor. He voiced his concern that the Master Plan has not been implemented.

Noah Levine, Village Consultant, stated that the hotel was supposed to continue the new sidewalk down passed the hotel property.

Gary Gjertsen, Village Attorney, stated that the hotel had no authority to, as that is someone else's property. The hotel was approved before the Master Plan was produced.

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

### **No Public Comments**

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

### **Item #8     174 Marbledale Rd.                      Area Variance**

Leonard Brandes, architect for the applicant, stated tht this is a vacant building on Marbledale Rd. It was the American Bistro restaurant years ago. The applicant is requesting an area variance to construct a three-story commercial building. The first floor will be a parking area, which could handle parking big construction machines. The ceiling height will be 14 ft. The plans are for this parking area to be an open space.



The second floor will be offices and the third floor would be rentals. There will be a 10ft. set back. There is a steep slope in the rear. There would be the need to remove some of the earth to push back the slope.

Member Jackman voiced his concern that the neighbors in the rear may now see the roof of this building.

Bill Williams stated that a five-story building is permitted in this district.

Member Jackman added that the sidewalk and plantings should be consistent with the Master Plan conditions.

Leonard Brandes indicated that the rear neighbors are Eastchester residents and therefore do not receive the notice that the applicant sends out. The proposed building will comply with the letter of the law. The notification was published in the newspaper.

John Seminara, applicant, noted that the slope is approximately 35 to 40 ft. in height and therefore the building may not be too much higher than the slope.

Member Jackman asked if the Planning Board would look into the parking meters that are placed in the middle of the sidewalk rather than the curb area.

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

### **Public Comments**

Louis Campana noted that he was a resident of the Village of Tuckahoe for 30+ years and is now a resident of Eastchester. The common zone within 150ft. of a residential zone the building must be 2.5 stories tall or 30ft. high.

Carolina Fonseca, Village Consultant noted that there are several ways to measure a setback. It could be measured from the building line, from the property line, from the curb and even from the center of the street. The average set back is 20 to 40 ft.

Mike Seminara noted that this corridor is uneven and therefore the setback measured the property line from the curb cut, otherwise every building on Marbledale Rd. would be non-conforming.

Noah Levine added that there are a number of recommendations to the Master Plan that were not put into motion.

Chairman Ringwald announced that this public hearing for this application will remain open.

<b>Item #9</b>	<b>22 Underhill St.</b>	<b>Adjourned</b>
<b>Item #10</b>	<b>69 Main St.</b>	<b>Adjourned</b>
<b>Item #11</b>	<b>181 Marbledale Rd.</b>	<b>Adjourned</b>

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.