

Minutes of: Dec. 10, 2008
Date Approved: Jan. 14, 2009
Date Filed/Village Clerk: _____

December 10, 2008
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Gloria Rosell Chairperson
Philip Allison Member
Kevin McBride Member
Thomas Giordano Member

Absent: Susan Crane Member

Also in Attendance:
Gary Gjertsen Deputy Village Attorney
William Williams Building Inspector

Chairwoman Rosell polled the applicants to inquire if they would like to continue since there are only four members of the Board present.

All agreed to continue.

Chairwoman Rosell announced the agenda as follows:

Item #1 Approval of Minutes of the November 12, 2008 meeting.
Item #2 97 Lake Ave. Return
Item #3 346 Columbus Ave. Area Variance
Item #4 184 Midland Ave. Area Variance
Item #5 11 Jackson Ave. Adjourned
Item #6 35 Bronx St. Adjourned
Item #7 100 Sagamore Rd. Adjourned
Item #8 9 McKinley Street Adjourned

Item #1 Motion by Chairwoman Rosell to approve the minutes of the November 12, 2008 meeting was seconded by Member Giordano and approved by the Board with a vote of 3-0, with Member McBride abstaining due to his absence.

Item #2 97 Lake Ave. Return

Mr. John Ferrara, architect for the applicants, Louis DiNapoli owner of Angelina's Restaurant, submitted revised site plans with the widened handicap parking space. He withdrew the previous lease agreement, as the property owner was reluctant to sign a lease. The applicant will still be paying for the agreed 5 parking spaces from the property owner, but without a lease. There are 51 additional spaces available after 6pm and 10 more spaces with parking permits from the village.

A discussion evolved regarding the handicap parking space. After discussing the placement of the spot, it was determined that the space could stay where it is presently located on the revised plans, but must be widened to 16ft. according to state regulations.

Mr. Ferrara agreed to widen the parking space to 16ft. wide. total.

Member Allison motioned to open the public hearing seconded by Member McBride and unanimously carried by the Board.

No Public Comments

Chairwoman Rosell stated that the Board would render their decision next month.

Item #3 346 Columbus Ave. Area Variance

Member Giordano stated that he has known this applicant for approximately 20 years. He added that he did not feel this would influence him in any way to make an impartial decision.

The applicant, Mr. Ross, agreed.

Mr. Gary Gjertsen, Deputy Village Attorney, noted that the applicant received a letter from Bill Williams, Building Inspector, dated Oct. 10, 2008, denying the application upon grounds that storage is not a permitted use. If applicant is going to use the expanded area for storage, the application must be for a use variance.

Mr. Emmanuel Caras, architect representing the applicant, stated that the proposed plans are for a second level of a 3-car garage for personal storage space. His client does not intend to run a business from this location. The expanded second level will be for personal storage such as items from his home as he has just recently downsized from a house. In the past, he occasionally stored items in the garage parking spaces. If the second level is approved, the 3 parking spaces will be for the tenants to park their vehicles in the garage. Mr. Ross will be able to store his lawn mower, snow blower etc. on the second level, hence the need for the outdoor staircase.

Chairwoman Rosell indicated that the applicant was granted permission on Nov. 20, 2003 for the use of the garage and on site parking for the residents only.

Mr. Rick Ross noted that he has a business on White Plains Rd. and has owned this house for 9 years. He has never been cited for a violation. This application is to provide additional parking spaces for the tenants. The garage currently is in need of a new roof. While replacing the roof, the idea to expand arose.

Bill Williams, Building Inspector, stated that the Board needs to decide if the application is for a Use Variance or an Area Variance- rear yard and buffer.

Member McBride motioned to open the public hearing seconded by Member Allison and unanimously carried by the Board.

Public Comments

Ralph Fuschillo, 69 Oakland Ave., indicated that he has been a resident of the Village for 38 years. His property is directly behind the applicant's garage. The garage currently sits on the property line with a zero set back. He noted that the proposed plans are too massive. There is a concern of fire safety as 2 homes sit within 15ft. from this garage. There is also a problem with noise as there are trucks loading and unloading, sometimes at 6:30am on Sat. and Sun. mornings. Mr. Fuschillo submitted photos to the Board members to review and two letters from neighbors requesting that the Board deny the application.

Member Allison asked the applicant to address the issue of the trucks on the driveway in the early mornings on the weekends, as trucks would be a considered a violation in a residential area.

Mr. Ross stated that he was not aware of any trucks in the driveway. He added that there have not been any complaints made to the village concerning his property.

Chris Shipinsky, 328 Columbus Ave., indicated that only in the last 5 months has this property not look like a commercial lot. He asked the Board who would be responsible to police this garage if approved.

Bill Williams, Building Inspector, provided photos of the property displaying propane tanks, vans and equipment and indicated that it was his belief that a business was operating at this location.

Mr. Caras noted that the additional space on the second level was for accessory use, pots, pans, personal storage. He noted that if approved, Bill Williams, Building Inspector, would issue summons if he finds the garage to be used for business storage.

Chairwoman Rosell asked the applicant to consider fixing the roof and keeping the garage as is.

Mr. Ross noted that he never ran a business from this location. He occasionally stored some items, but he was applying for an area variance for a new roof and to improve the garage. It was his fault that the tenants were not able to use the garage in the past. He is asking for a variance to enhance the rental property.

Member McBride stated that the history of this garage is in question. He advised the applicant to fix the roof without the extra space.

Chairwoman Rosell stated that the Board would keep the public hearing open.

Item #4 184 Midland Ave. Area Variance

Roger and Anahita Kopet, architects representing the applicant, stated that the applicant is proposing a new home on the vacant lot located at 184 Midland Ave. The plans are for a similar home to the other houses found on Midland Ave. The lot is 60ft. by 100ft. A portion of this property lies in Bronxville.

Member McBride indicated that the submitted survey does not indicate the area, which lies in Bronxville.

He requested that the applicant get a survey line from Bronxville. He added that one village must determine Lead Agency and that this Board could not act without documentation from Bronxville.

Bill Williams, Building Inspector, indicated that this application would require a coordinated effort between the two villages. If Bronxville is satisfied, this Zoning Board may act as Lead Agency. He added that the applicant must file a 239 Emory referral to the county. This Board cannot act without this referral.

Mr. Gjertsen stated that the applicant would need written approval from the Village of Bronxville.

Mr. Williams agreed to meet with the Building Inspector from Bronxville along with the applicants to clear up the Lead Agency, variances and code compliance issues.

The owner stated that 18% of the property lies in Bronxville. He added that the lot was purchased after 65 Avon was already built.

Chairwoman Rosell asked the applicant to have a surveyor sign and stamp a survey with specific lines depicting the property in Bronxville and Tuckahoe. Also, set up the appointment with the Bronxville Building Inspector, and file for the 239 Emory referral. She noted that it might be necessary to test the property for rock. She added that it was her opinion that the proposed house was too large.

Member McBride motioned to open the public hearing seconded by Member Allison and unanimously carried by the Board.

Public Comments

Mr. Andrew Langhoff, 83 Summit Ave., noted that his property sits behind this vacant lot. He too supports that the proposed plans are too big. He added that he would like to participate in this process and will watch the website for future public hearings with this applicant.

The Board stated that the next two meetings were scheduled for Jan. 14 and Feb. 11 of 2009. This public hearing will remain open.

Member McBride wished all the troops a special prayer to return home safely. Each member wished all a Happy Holiday and a safe and Happy New Year.

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 at 9:20 p.m.