

Minutes of: Mar. 9, 2022
Date Approved: April 13, 2022
Date Filed/Village Clerk:

March 9, 2022

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Village Hall – 7:30pm

Present:	Tom Ringwald	Chairperson
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member
	Christina Brown	Member
	Lauren Porretta	Member (ad hoc)
	Heather Rinaldi	Member (ad hoc)

Also in Attendance:

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

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of the Minutes of December 8, 2021	
	Approval of the Minutes of February 9, 2022	
Item #2	22 Wallace St.	Return
Item #3	10 Hollywood East	Area Variance
Item #4	377 Marbledale Rd.	Adjourned
Item #5	69 Main St.	Adjourned
Item #6	22 Underhill St.	Adjourned

**Item #1 Approval of the Minutes of December 8, 2021
Approval of the Minutes of February 9, 2022**

Chairman Ringwald motioned to approve the minutes dated December 8, 2021, was seconded by Member Fiore and upon roll call was carried with a vote of 3 – 0 with Member Brown abstaining due to her absence.

Chairman Ringwald motioned to approve the minutes dated February 9, 2021, was seconded by Member Fiore and upon roll call was carried with a vote of 5 – 0 with Member Brown abstaining due to her absence.

Item #2 22 Wallace Street Area Variance

Ericka Gage, applicant, stated that there were no changes to the submitted plans.

Chairman Ringwald noted that the public hearing was still open.

No Public Comments

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

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

The application for AREA VARIANCES requested by _Erika
Gage_____

whose address is 22 Wallace Street, Tuckahoe, NY Sec. _29_ Blk. 7 Lot __26____
for relief from the following sections of the zoning code: 4-3.4.2 Side Yard, 4-

3.4.4 Exceptions to side yard requirements and Section 5-1.3 Fences and Hedges

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

Applicant resides at 22 Wallace Street in Tuckahoe. Applicant is seeking to legalize a hot tub paver platform that abuts the neighbor's property line. It should be noted that the property line is a shared retaining wall where the neighbor's property sits about 4 feet above the applicant's property. The neighbor's garage sits right up against the property line, which is the retaining wall. Thus, the installed pavers have no effect on the neighbor or surrounding properties.

Further, the applicant is seeking to install a fence on top of the retaining wall. The fence height coupled with the height of the wall will exceed the height that is allowed per the Zoning Code. It should be noted here that if the neighbor, who has the higher property, were to make the same application there would be no variance needed. The applicant has represented to this Board that the neighbor is in favor of the application for the fence. Thus, the requested height of the fence will have little to no impact on the adjacent property or the surrounding neighborhood.

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 5 – 0.

Item #3 10 Hollywood East Area Variance

Antonio Leo, architect representing the applicant, indicated that this application was for a variance for a 3 ft. setback. The owners of the house have a young child who needs the use of a wheelchair. The applicants currently carry their young child up to the bedroom each night. This child qualifies for NYS assistance to have a bedroom and handicap bathroom on the first floor. In so doing, the architectural plans were sent to the state for review. It was their recommendation to add an additional 3 ft. to the child's new bedroom to allow sufficient room for the wheelchair to maneuver and turn around. As per the state's suggestion, the plans now will encroach on the required set back by 3ft.

The addition will consist of a bedroom with a small closet, a handicap accessible bathroom with a shower, and an increase to the family room/dining room. The canopy on the drawings will be placed over the already existing front entrance. In the near future, the applicants may place a ramp outside to get to the first floor.

Member Jackman noted that Bill Williams and the architect will review the existing drywell to examine if it can handle the additional runoff.

Mr. Leo added that the addition will sit 3 ft. above grade. It will be a concrete pad with a crawl space.

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 opened, seconded by Member Fiore and carried unanimously.

Member Jackman added that this application is unique in that the NYS agency recommended the extra 3ft. for ample room for the wheelchair to maneuver. This is a unique situation and was directly advised due to the child's disability.

Item #4	377 Marbledale Rd.	Adjourned
Item #5	69 Main St.	Adjourned
Item #6	22 Underhill St.	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.