

Minutes of: July 13, 2022
Date Approved: Sept. 14, 2022
Date Filed/Village Clerk:

July 13, 2022

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

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

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Carolina Fonseca	Village Consultant

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of the Minutes of June 8, 2022
Item #2	31-33 Main St. Return
Item #3	86 Maple Ave. Area Variance
Item #4	377 Marbledale Rd. Adjourned

Item #1 Approval of the Minutes of June 8, 2022

Chairman Ringwald motioned to approve the minutes dated June 8, 2022 was seconded by Member Fiore and upon roll call was carried with a vote of 5 – 0.

Chairman Ringwald announced the appointment of a new member Henry Suarez. Welcome to the Board.

Item #2 31-33 Main St. Return

Robert Stanziale, architect for the applicant noted that the only concern regarding this application was the location for the parents to drop off the children. The application was presented to the Planning Board and it was their recommendation that the parents use the Lake Ave. commuter lot for drop off rather than the rear of the post office lot. The dance studio will open at 4:00pm everyday which was changed from 3:30pm. The hours will be from 4:00pm to 9:00pm. The ages are from 4 years to 18 years old. There are two parking spaces allotted to this tenant in the post office parking lot. In addition, the applicant will lease three parking spaces at the Lake Ave. lot. The parents will not be able to use Main St. to drop off their children. There will be a monitor by the front door to make sure a child is not dropped off on Main St.

Chairman Ringwald indicated that the Board received a letter from a resident noting that the children should be dropped off at the Lake Ave lot rather than the post office lot.

Public Comments

Jennifer DeFabbia, owner of The Dance Gallery at 25 Main St., noted that she pays for 4 parking spaces in the Lake Ave. lot. She voiced her concern that the patrons may cause confusion by utilizing the Lake Ave parking lot for drop off. This would cause patrons to block her parking spaces and her entrance. She noted that the Police Dept. has been called in the past as non-patrons were using parking spaces in the Lake Ave. lot. Ms. DeFabbia noted that the Main St. and Columbus Ave. intersection is quite busy. Her concern was the safety of the children.

Chairman Ringwald noted that an extensive traffic study was done regarding the light at that intersection. The recently approved day care center was a concern and a traffic study was conducted.

This Board will not ask the applicant to utilize the Lake Ave. parking lot. This Board cannot enforce traffic or parking violations, only the Police Dept.

Member Brown noted that this Board disagrees with the Planning Board's recommendation and will not be a condition of an approval. The applicant did not present the Lake Ave parking lot as a drop off.

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

Member Porretta offered the following Special Use Permit and Variance resolution in the form of a motion:

The application for a Special Permit and parking variance requested by Dream Makers Performing Arts Inc.

whose address is 31-35 Main Street, Tuckahoe, NY Sec._33_Blk. 2 Lot_39_____ for relief from the following section of the zoning code: 6-1 Special Permit and 5-

1.2.1.3 Parking Requirements

Applicant, Dream Makers Performing Arts Inc, seeks a Special Permit from this Board to open a dance studio at 31-35 Main Street, Tuckahoe. The premises was used previously small grocery store. The premises has been vacant for a number of years and this Board understands the importance of getting a business back into this location. Since, the new proposed use will be a dance studio the Building Department has determined that the use is considered a school and therefore must operate under a special permit from this Board.

In applying Section 6.1 of the Zoning Code to this application this Board finds after several work sessions and public hearings that the Applicant has met the standards for a Special Permit and thus this application is approved.

In turning to the parking variance request the applicant is seeking a reduction from the 19 spaces required. This is a preexisting building with only 2 on site spaces dedicated to the space. The remaining on-site space are dedicated to the Post Office. Based on the presentations from the applicant and our application of the 5 prong test we find that the parking shall be reduced to 5 spaces. These space

will be used by the employees of the Dance Studio. There are currently 2 spaces that are provided on site so the applicant shall secure 3 additional off site spaces. It is our understanding that the applicant has secured the 3 additional spaces from the Village in the Lake Avenue lot, which is acceptable to this Board.

Condition:

1. Applicant shall take all reasonable efforts to notify parents to insure there is no drop off or pick up on Main Street in front of the Studio.

Based on the foregoing this Board adopts a negative declaration pursuant to SEQR

Member Fiore seconded the motion and upon roll call was carried with a vote of 4 – 1 with Member Rinaldi voting no.

Item #3 86 Maple Ave. Area Variance

Milton Suqui, contractor representing the applicant, noted that there is an existing deck that is in very bad condition. The application is to replace the deck and extend it to the rear yard 4ft. The applicant is requesting a variance for a 4ft. rear yard set-back. The materials will be trek. There is a 6ft. fence between the applicant's property and the adjacent property.

Chairman Ringwald noted that he received a letter from a resident voicing their concern about setting a precedent. This Zoning Board is not bound by precedent. Each individual variance request is granted/denied based on their individual property.

Member Fiore asked if there will be the same pervious surface under the deck that is currently present.

Mr. Suqui noted that it would be the same. Just changing the deck material.

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

Public Comments

Arielle Frost resident that has the property that shares the rear 6 ft. fence. There is currently a 25 ft. set back. These property lots are quite small and a 4 ft. relief would be quite close to her yard. She noted when she made enhancements to her property, she stayed within the setback. It sounds like a small amount, but it is more in such a small lot. There is a large mature tree in her yard that has branches over the applicant's yard. In the past, the applicant trimmed the branches that hung over his yard as he wanted more sun in the yard. Ms. Frost is concerned that if he extends his deck another 4 ft. he will trim the branches back even more. She noted that she has photos as the tree is not thriving. She asked that the applicant be permitted to replace the deck but to stay within the existing set back requirements. Ms. Frost added that in Feb. 2021 this applicant voiced his concern regarding an application due to the mature tree on his property.

Chairman Ringwald noted that the members of the board will conduct a site visit.

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

Item #4 377 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.