

**Minutes of: Oct. 12, 2022**  
**Date Approved: \_Nov. 9, 2022**  
**Date Filed/Village Clerk:**

**October 12, 2022**

**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**

**Village Hall – 7:30pm**

<b>Present:</b>	Tom Ringwald	Chairperson
	Anthony Fiore Jr.	Member
	Heather Rinaldi	Member
	Lauren Porretta	Member
	Henry Suarez	Member (ad hoc)

<b>Absent:</b>	Christina Brown	Member
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**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Mike Seminara	Assistant Building Inspector

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

<b>Item #1</b>	<b>Approval of the Minutes of September 14, 2022</b>
<b>Item #2</b>	<b>94 Kensington Rd. Return</b>
<b>Item #3</b>	<b>41 Sylvan Ave. Area Variance</b>
<b>Item #4</b>	<b>6 Circle Rd. Area Variance</b>
<b>Item #5</b>	<b>8 Oakland Ave. Area Variance</b>

**Item #1 Approval of the Minutes of September 14, 2022**

**Member Fiore motioned to approve the minutes dated September 14, 2022 was seconded by Member Rinaldi and upon roll call was carried with a vote of 4 – 0, with Chairman Ringwald abstaining due to his absence.**

**Item #2      94 Kensington Rd.      Area Variance**

Leonard Brandes, architect representing the applicant, noted that there were no changes made to the submitted plans.

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

**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:**

**AREA VARIANCE RESOLUTION**

**The application for AREA VARIANCES requested by Revadigar Sharanabasappa\_\_\_\_whose address is 94 Kensington Road, Tuckahoe, NY Sec. 23 \_Blk. 7\_ Lot\_\_2 A-B\_\_\_\_for relief from the following sections of the zoning code: \_\_\_\_\_4-1.1.4 Accessory Uses, 4-1.7 Off Street Parking Requirements 4-3.4.6 Buffer and 5-1.6 Extending a Non-conformity**

**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 94 Kensington Road in Tuckahoe. In 1980 the garage at the premises was legally converted by a decision of this Board to a studio. The variance that was granted was to last as long as the prior owner, Hal E. Giegeking, was to own the premises. Since the approval in 1980 the garage has continuously been used as living space even though Mr. Giegeking transferred his interest in the property. The current owner is now seeking to legalize the conversion and use the space as a family room. There will be a powder room added to the space. Since the garage has been used as living space for over 40 years we find no objection to its continued use.

A concern of this Board when we deal with living space in a converted garage is that the space will be used as an apartment. If it is ever determined that the space is being used in a manner not consistent with a family room the Building Inspector shall refer the owner back to this Board to determine whether this approval shall be revoked.

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.

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

**Item #3     41 Sylvan Ave.                   Area Variance**

Mike Teelan, contractor for the applicant, noted that the applicant is requesting a variance to create a parking space on the right side of the property. The current driveway is made of gravel. This space will continue with gravel. There is a 26ft. long wall that will be dismantled and replaced. There will be 6.5ft. between the property line of the neighbor's house. There will be no removal of any mature trees.

The applicant has received approval for the curb cut from the DPW and Police Department. There is no parking on this side of the street, so this application and curb cut does not take away a parking space.

The neighbors at 22 and 32 Sylvan Ave. have done the same design for additional parking spaces.

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

**Public Comments**

Peter Lenahan 25 Sylvan Ave. noted that he was in favor of this application.

Doug Thompson 45 Sylvan Ave. noted that he is the next door neighbor. His house is the one that the driveway abuts. He voiced his approval for this application.

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

**Item #4     6 Circle Road                   Area Variance**

Andrew Collingham architect representing the applicants, noted that this is a two family house. The first floor has one bedroom and one bathroom. The owners of the house reside in the first floor apartment. The second floor apartment has two bedrooms and one bath. The house is 3000 sq. ft.

The applicants request the approval to finish the basement to make it habitable. The proposed plan is to have two bedrooms and one bathroom in the basement. The owners are expecting their first baby. There will be no change to the exterior of the house or the footprint.

Mr. Collingham noted that the old boiler will be removed and replaced with two new high efficiency units for each apartment.

Member Suarez asked if the windows for egress would be to code.

Mr. Collingham noted that they will be 45in. to the ground. There will be four forms of egress, one door to the yard, one door to the upstairs and two windows.

Member Porretta asked if the notices were sent out and published.  
Mr. Collingham said yes and that he has the receipts.

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

Anthony Lore 123 Wallace St. asked if this application was to convert to a three family home.

Bill Williams noted that the application was for two bedrooms and one bathroom to be added to the first floor apartment. It will stay a two family house.

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

**Item #5     8 Oakland Ave.                    Area Variance**

Amine Ould-Ibbat, applicant, noted that this house sits on the corner of Fisher Ave. and Oakland Ave. He is requesting a variance to place a 5ft. fence all around the property. The two front yards, since it is a corner property and the one side of the property. His young son has a medical condition and this would be a safety measure. There is a small 2ft. to 3ft. stone wall along parts of the perimeter.

Chairman Ringwald noted that this variance request is less than 20%.

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

Valerie Marquino 39 Fisher Ave. noted that her house and driveway abuts the applicant's property. She noted that she and her husband support the application.

Member Fiore asked if the Board members can conduct a site visit.  
Mr. Ould-Ibbat responded yes.

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

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.