

Minutes of: Nov. 9, 2022
Date Approved: _Jan. 11, 2023
Date Filed/Village Clerk:

November 9, 2022

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

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

Absent:	Anthony Fiore Jr.	Member
----------------	-------------------	--------

Also in Attendance:

Gary Gjertsen	Village Attorney
Mike Seminara	Assistant Building Inspector

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of the Minutes of October 12, 2022	
Item #2	41 Sylvan Ave.	Return
Item #3	6 Circle Rd.	Return
Item #4	8 Oakland Ave.	Return

Item #1 Approval of the Minutes of October 12, 2022

Member Porretta motioned to approve the minutes dated October 12, 2022 was seconded by Member Rinaldi and upon roll call was carried with a vote of 4 – 0, with Member Browne abstaining due to her absence.

Item #2 41 Sylvan Ave. Return

Joshua Kleinman, applicant, stated that there were no changes made 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 Porretta and carried unanimously.

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

The application for AREA VARIANCE requested by Ariel Frost and Joshua Kleinman

**whose address is 41 Sylvan Ave, Tuckahoe, NY Sec. 44 Blk. 8 Lot 8
for relief from the following sections of the zoning code: 5-1.2 Off Street**

Parking

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 Porretta 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:

Applicants reside at 41 Sylvan Avenue in Tuckahoe. The driveway located on the property is extremely narrow and is common problem though out the Village. The Applicants have difficulty with ingress/egress from their vehicles due to the narrow driveway. Applicants are seeking to widen their driveway to alleviate this problem. The widening of the driveway will not result in a loss of off street parking and the wider driveway will be consistent with other driveways in the 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 Porretta seconded the motion and upon roll call was carried with a vote of 5 – 0.

Item #3 6 Circle Rd. Return

Alec LaBonte noted that there were no changes to the submitted plans.

Chairman Ringwald stated that the public hearing was still open.

No Public Comments

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

The application for AREA VARIANCES requested by Jordan Palisi whose address is 6 Circle Road, Tuckahoe, NY Sec. 34 Blk. 2 Lot 3 for relief from the following sections of the zoning code: 4-3.6 Floor Area

Ratio and 5-1.6.3 Increasing 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 Rinaldi seconded the motion and upon roll call was carried with a vote of 5 – 0.

Member Porretta offered the following Resolution in the form of a motion:

Applicant resides at 6 Circle Road in Tuckahoe. 6 Circle Road is a 2 family home. Applicant is seeking to finish the basement as to utilize the space for the first floor apartment. The proposed basement will consist of 2 bedrooms, full bathroom and a laundry room. By finishing the basement, the Floor Area Ratio for this district will be exceeded and thus a variance is required. Further, since the property is an existing non-conforming property the increase of the Floor Area Ratio will require an additional variance pursuant to Zoning Code Section 5-1.6.3 as there will be an increase in the non-conformity.

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

Item #4 8 Oakland Ave. Return

Gary Gjertsen, Village Attorney, stated that the applicant was not present. He advised the Board to continue with their decision on the assumption that the applicant did not make any 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 Porretta and carried unanimously.

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

The application for AREA VARIANCES requested by _Amine Ould-Ibbat & Nazha El Mossaiudi

whose address is 8 Oakland Ave, Tuckahoe, NY Sec. 42 Blk. 3 Lot 13 for relief from the following sections of the zoning code: 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 Browne seconded the motion and upon roll call was carried unanimously.

Member Suarez offered the following Resolution in the form of a motion:

Applicant resides at 8 Oakland Ave, Tuckahoe, NY. This is a corner property on a busy road. Since this is a corner property the property is considered to have 2 front yards and 2 side yards. The applicant is seeking a 5 foot fence on the side on the house, however since it is considered a front yard as it faces a street a variance is required. The applicant is further seeking to put a 6 foot fence in the rear of the house and since it considered a side yard a variance is required. If this was not a corner lot the applicant can put the proposed fences up as of right. Based on the location of the home and the circumstances regarding the applicant's child we find the variances are appropriate.

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

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.