

Minutes of: Apr. 12, 2023
Date Approved: May 10, 2023
Date Filed/Village Clerk:

April 12, 2023

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

Present:	Christina Brown	Acting Chairperson
	Anthony Fiore Jr.	Member
	Heather Rinaldi	Member
	Lauren Porretta	Member
	Carlos Rodriguez	Member (ad hoc)

Also in Attendance:

Gary Gjertsen	Village Attorney
Mike Seminara	Asst. Building Inspector

Absent: Tom Ringwald Chairperson

Chairwoman Brown announced the agenda as follows:

Item #1	Approval of the Minutes of March 8, 2023	
Item #2	22 Wallace Ave.	Return
Item #3	104 Yonkers Ave.	Special Use Permit
Item #4	1 Henry Street	Area variance
Item #5	5 Circle Road	Withdrawn

Item #1 Approval of the Minutes of March 8, 2023

Member Rinaldi motioned to approve the minutes dated March 8, 2023 was seconded by Member Fiore and upon roll call was carried with a vote of 5 – 0.

Item #2 22 Wallace Ave Return

Ericka Gage, owner of the property, noted that there were no changes to the submitted plans.

Chairwoman Brown noted that the public hearing was still open.

No Public Comments

Chairwoman Brown motioned to close the public hearing, seconded by Member Fiore and carried unanimously.

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

**The application for AREA VARIANCE 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: 4-3.6 Floor Area Ratio**

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.

Applicant resides at 22 Wallace Street in Tuckahoe. Applicant is seeking to add a full bathroom and laundry area to the basement of said premises. The addition of the full bath and laundry area will increase the floor area ratio from the allowed .5 to .64, thus the necessity for this application. We note that the applicant has used the premises as a short term rental and there is a concern that the basement

will be used as living accommodations. Several members have performed a site visit to the premises and due to the layout of the basement it is unlikely to be used other than the bathroom, laundry room and storage.

The proposed addition of the bathroom and laundry area will have no impact to the surrounding area but will have a substantial benefit for the applicant due to her family size and currently only having one bathroom for her first floor unit. We, therefore, find that the applicant through her submissions, several work sessions and public hearings that she has satisfied the requirements of five prong test.

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.

As a condition to this approval is that if at any point it is determined by either the building department or fire department that the basement is being used other than a bathroom, storage and a laundry room than this application is hereby revoked.

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 Rodriguez seconded the motion and upon roll call was carried with a vote of 3 – 2.

Item #3 104 Yonkers Ave.

Special Use Permit

Dani Tacei, applicant stated that she requested a Special Use Permit to open a one on one health and fitness center at this address. The hours of operation would be Monday to Friday 7:00am to 11:00am - 3:00pm to 7:00pm and weekends 9:00am to 1:00pm. There will be a maximum of 4 people on the premises at any given time. The applicant rented 5 parking spaces at the Lake Ave. lot. There will be no modifications to the facility at all.

Chairwoman Brown motioned to open the public hearing, seconded by Member Rinaldi and upon roll call was carried with a vote of 5 – 0.

No Public Comments

Chairwoman Brown noted that the public hearing will remain open until next month's public meeting.

Item #4 1 Henry Street Area variance

Louis Campana, architect for the applicant, noted that this will be a new construction of a single family house on a corner lot on the west side of Henry Street and Winter Hill Rd. The house will measure 10,067sq. ft. The irregular shaped lot does not allow for a house to sit on the property without a minor variance. The lot is a corner lot, and therefore the front yard setbacks requirement is in effect for two sides of the house, Henry Street and Winter Hill Rd. The front yard setback requirement is 25ft. If the house had only one front yard setback requirement, there would be no need for the applicant to request a variance. The average front yard of the surrounding homes is approximately 21ft.

Mr. Campana displayed the drawings which showed a slice of the front of the house sits on the front yard setback, which requires a front yard setback variance.

The driveway will be constructed on Henry Street. A turn around section will be at the top of the driveway for vehicles to turn around and drive straight out of the driveway instead of backing out into the traffic.

There have been no concerns from any surrounding neighbors.

Chairwoman Brown motioned to open the public hearing, seconded by Member Rinaldi and upon roll call was carried with a vote of 5 – 0.

Public Comments

Andrea Marais 2 Henry Street noted that she bought the house 15 years ago and was told that the next door lot was unbuildable. She is now considering placing her home on the market. She asked the Board to require the applicant to respect the

Zoning Code and front yard setbacks. She also voiced her concern about the driveway. The driveway and black asphalt will be very close to her property. Ms. Marais also noted that the newly constructed house may block natural light that she has grown accustomed to enjoying.

Mr. Campana noted that the house will not cast a shadow on 2 Henry Street. The property can actually have a larger house built than what is proposed. The maximum allowable height is 35 ft., this proposed house will be 24 ft. The proposed driveway will sit 45ft. from the centerline of the driveway to the neighbor's curb cut. The turnaround area is 13ft. from the property line. The neighbor's house also has a 9ft. side yard setback, so that would be a total of 22ft. of grass between houses.

Chairwoman Brown noted that the applicant will return next month. The Public hearing will remain open for further discussion.

Item #5 5 Circle Road Withdrawn

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.