

Minutes of: June 12, 2013
Date Approved: July 10, 2013
Date Filed/Village Clerk:

June 12, 2013
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Ronald Gallo Chairperson
John Palladino Member
Nicholas DiSalvo Member

Absent: Steve Alfasi Member
David Kubaska Member
David Scalzo Member (ad hoc)

Also in Attendance:
John Cavallaro Village Attorney
Bill Williams Building Inspector

Chairman Gallo announced the agenda of this meeting as follows:

Item #1 Approval of Minutes from the Regular meeting dated May 8, 2013
Item #2 144 Wallace Street Area Variance
Item #3 146, 150, 160 Main Street, 233 Midland Avenue Return
Item #4 5 Circle Road Area Variance

Chairman Gallo noted that there were only three Board members present this evening and therefore, any decision would require a unanimous vote.

Item #1 Approval of Minutes from the Regular meeting dated May 8, 2013
Chairman Gallo motioned to approve the May 8, 2013 minutes, subject to the presentation of the application of 146, 150, 160 Main Street and 233 Midland Ave. to be reheard this evening as the mailing was not sent out in the appropriate time frame. Motion was seconded by Member DiSalvo and carried with a vote of 3 – 0.

Item #2 144 Wallace Street Area Variance
Mr. Kevin Ryan, attorney appearing on behalf of Les Maron representing the applicant Dennis Lucente, requested an adjournment due to complications with the application and a limited Board this evening.

Member DiSalvo motioned to grant the adjournment, seconded by Member Palladino and carried unanimously by the Board.

Item #3 146, 150, 160 Main Street, 233 Midland Avenue Extension Special Use Permit

Mr. William Null, attorney representing the applicant, requested an extension of an Area Variance and Special Use Permit, which was previously granted on April 25, 2012 and June 13, 2012. He stated that he presented this application before the Board last month, and then was informed that his paralegal had not sent the required mailings out in the proper timeframe. As a result, he has since submitted proof of mailings and public notice for the one-year approval previously granted. He apologized to the Board for the inconvenience.

Chairman Gallo motioned to open the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

No Public Comments

Chairman Gallo motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo offered a Resolution for the approval of the extension of the Special Use Permit and Area Variances set forth in the decisions dated April 25, 2012 and June 13, 2012 with the extension date of December 31, 2014.

Member DiSalvo seconded the motion and upon roll call was carried with a vote of 3 – 0.

Item #4 5 Circle Road

Area Variance

Mr. Emilio Escaladas, architect for the applicant, noted that the owner plans to gut this existing non-conforming two-family home. The present home has two dwellings, one on top of the other, the plans are to make it a side-by-side two-family home. The lot size is 3850 sq. ft. The applicant needs to provide four parking spaces. Plans are to legalize the attic space as living space. The basement floor will be dropped 2ft., and increase the number and size of the windows in the basement to make it livable space. This is an existing non-conforming dwelling. The lot and bulk requirement is 7500sq. ft., this measures 3850 sq. ft.; Front yard set-back requires 25ft., this house presently has 2.4 ft., the proposed house will have 2.4ft.; Rear yard set-back requirement is 25 ft., this house presently has 22 ft., the proposed is 22 ft.; Side yard set-back requires 9ft., this house presently has .15ft., the proposed is .15ft.; the other side yard set-back requires 9 ft., the house presently has 10.15 ft., the proposed is 7.0 ft. due to the extended garage for the required 4 parking spaces. There will be no change to the height of the building. The FAR is .5 of 7500sq. ft., this house is .537 of 3850 sq. ft. presently, proposed is .78 which includes the attic space and .94 which includes the habitable basement. This house was built around 1910.

Chairman Gallo stated that many houses in Tuckahoe are non-conforming due to the changes in the Zoning Code over the years. Most of the substantial requirements are just technical requests dealing with the variances for something that already exists.

Member Palladino noted that the Zoning Code for a two-family minimum lot width is not 50 sq. ft. but rather 80sq. ft.

John Cavallaro, Village Attorney, added that Member Palladino was correct.

Mr. Escaladas noted that the non-conformity of the house is greater than expected. The plans are to bring back the original front porch. The garage will provide 4 parking spaces, which will

allow more parking spaces on the street. The plans are to make the attic and basement into livable space. The number of bedrooms per unit remains at 3 per unit. The number of bedrooms per dwelling will not increase.

The owner of the house added that he purchased the house after reading the house file in the Building Dept. There were no violations in the house file. It was once used as a boarding house. He assumed that the changes to the interior must have been approved and that the attic was finished legally. He and his young family plan on living in one unit and renting out the second unit. Both units will be approximately 1500sq. ft.

Chairman Gall noted that the Board was concerned with a possible increase in the number of bedrooms, which could possibly affect the school system.

Chairman Gallo motioned to open the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Public Comments

Jack Kheyman 7 Circle Rd. stated that while the applicant was required to provide an enlarged garage to offer 4 parking spaces, the plans would require the Village to create a curb cut, which will decrease a parking space on the street. He added that although the Village requires 4 parking spaces, it cannot control if the tenants park on the street or in his garage.

Chairman Gallo stated that the plans will be examined regarding the curb cut.

John Cavallaro, Village Attorney, stated that the plans are available at the Building Dept. for residents to view.

Tony Faggiauelli 10 Circle Rd., voiced his concern regarding the removal of the basement floor. He also asked if sprinklers were required.

Mr. Escaladas noted that all the work will be done from the inside. The plans are to excavate a segment of 2ft. under the footing, pour concrete. When set, the next segment will be done. The applicant will place a sprinkler system throughout the entire house if the Building Inspector requires it, or only on the third floor if that is the requirements. The applicant will adhere to the building requirements.

Chairman Gallo stated that this Board looks at the impact to the neighborhood, school, services etc. He voiced his concern regarding future illegal apartments in the Village.

Anthony Lore 123 Wallace Street noted that his concern was why the garage needs to be enlarged. He noted that the demolition phase has started and this applicant has left debris and materials in the back. This applicant has begun work as early as 7:30am. He needs to be more considerate of the neighbors.

Bill Williams, Building Inspector noted that a demolition permit has been issued to this applicant. The approved hours are from 7:00am to 7:00pm M-F and 9:00am – 5:00pm on Sat.

Chairman Gallo asked the residents to call the police or the Building Inspector if they are unhappy with the debris or noise level.

The owner of the property stated that he apologizes for the debris. He explained that there was a mix-up with the dumpster requirements. He will not use the garage to park trucks as he claims he and his wife are professional dancers. He looks forward to living in the Village and sending his young son to school here.

Chairman Gallo motioned to keep the public hearing open, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo asked the applicant to return next month to address the curb cut issue.

Old Business/New Business

Mr. Williams noted that the drawings for 100 Main St. for retaining walls have been submitted. 300-308 Columbus Ave has erected temporary fencing.

Crestwood Station Lofts are seeking an extension of their Site Plan Approval
100 Main St. will present the Architectural Review to the Planning Board.

July 10, 2013 next meeting.

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.