

**Minutes of: Oct. 13, 2016**  
**Date Approved: Nov. 9, 2016**  
**Date Filed/Village Clerk:**

**October 13, 2016**

**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 7:30pm**

<b>Present:</b>	Tom Ringwald	Chairperson
	David Scalzo	Member
	Ronald Gallo	Member
	John Palladino	Member
	Daniel Lang	Member (Ad Hoc)

<b>Absent:</b>	Nathan Jackman	Member
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**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

**Pledge of Allegiance**

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

**Item #1 Approval of minutes from the September 14, 2016  
Regular Meeting**

<b>Item #2</b>	<b>37 Lincoln Ave.</b>	<b>Area Variance</b>
<b>Item #3</b>	<b>397 Columbus Ave.</b>	<b>Area Variance</b>
<b>Item #4</b>	<b>68 Marbledale Rd.</b>	<b>Adjourned</b>

**Item #1 Approval of minutes from the September 14, 2016 Regular Meeting**  
**Chairman Ringwald motioned to approve the Sept. 14, 2016 minutes, seconded**  
**by Member Palladino and carried with a vote of 5 – 0.**

Member Gallo welcomed Member Lang to the Board. He has known Member Lang for twenty years and is a respected member of the community. All members welcomed Member Lang.

**Item #2     37 Lincoln Ave.                      Return**

**Chairman Ringwald noted that the public hearing remained open.**

**No Public Comments**

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

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

This application is for AREA VARIANCES requested by James Marshall and Frances Parmeggiani for the premises located at 37 Lincoln Avenue, Tuckahoe, NY Sec.\_43 \_Blk.\_4 Lot\_12. Relief is requested from the following sections of the Village of Tuckahoe's Zoning Code: 4-2.4.2 Side Yard 4-2.4.3 Rear Yard and 5-1.6.3 – Nonconforming Buildings and Uses

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 Gallo seconded the motion and upon roll call was carried with a vote of 5 - 0**

**Member Palladino offered the following resolution in the form of a motion:**

Applicants are seeking to erect a platform in their rear yard located at 37 Lincoln Avenue, Tuckahoe, NY. Section 4-2.4.2 of the Tuckahoe Zoning Code requires a side yard of not less than 9 feet. The Applicants are proposing side yards of .25 feet and 3.166 feet.

Further the Tuckahoe Zoning Code requires rear yards of not less than 25 feet. The applicants are proposing a rear yard of 21 feet.

Lastly, the applicants are seeking relief from the Village of Tuckahoe's Zoning Code Section 5-1.6.3 in that they are proposing to extend and enlarge a nonconforming use.

Recommendation is for the area variances to be granted as the benefit to the applicants of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood. The applicants have demonstrated through their submissions and presentation that they have met all aspects of the 5 prong test to the satisfaction of this Board.

Every representation made to this Board through the Applicants' presentation are a condition to this approval. Any deviation from the representations made shall be cause to revoke this variance.

A further condition of this approval is that the height of the platform does not exceed 8 inches from the ground. There shall be no railings constructed on or around the platform.

Lastly, The granting of the variances herein are granted on the condition that work under such variances be commenced and diligently prosecuted within one year of the granting thereof, failing which such variances shall become null and void.

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

**Item #3     397 Columbus Ave.     Area Variance**

**Chairman Ringwald noted that the public hearing remained open.**

**No Public Comments**

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

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

This application is for an AREA VARIANCE requested by \_Elide Building Corp.\_\_\_\_

For the premises located at 397 Columbus Ave, Tuckahoe, NY Sec.\_46 \_Blk.\_5 Lot\_4\_\_\_\_\_

for relief from the following sections of the zoning code: 5-1.6.1 – Nonconforming

Buildings and Uses and 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.

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

**Member Gallo offered the following resolution in the form of a motion:**

Applicant is seeking to alter and extend the rear on the second and attic level of the premises located at 397 Columbus Avenue, Tuckahoe, NY. The applicant is seeking relief from the Village of Tuckahoe's Zoning Code Section 5-1.6.1 in that it is proposing to extend and enlarge a nonconforming use. Further, the applicant is seeking relief of Section 4-3.6 of the Village of

Tuckahoe's Zoning Code to increase the Floor Area Ratio (FAR) from .5 to 2.14.

Recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweighs 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.

Every representation made to this Board through the Applicant's presentation are a condition to this approval. Any deviation from the representations made shall be cause to revoke this variance.

Further, The granting of the variances herein is granted on the condition that work under such variances be commenced and diligently prosecuted within one year of the granting thereof, failing which such variances shall become null and void.

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

**Item #4    68 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.