

Minutes of: Apr. 11, 2018
Date Approved: May 9, 2018
Date Filed/Village Clerk:

April 11, 2018

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

Present:	Tom Ringwald	Chairperson
	John Palladino	Member
	David Scalzo	Member
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member

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 March 14, 2018	
	Regular Meeting	
Item #2	180 Lake Ave.	Return
Item #3	198 Midland Ave.	Return
Item #4	150 Main St.	Special Permit
Item #5	100 Main St.	Amendment

Item #1 Approval of minutes from the March 14, 2018 Regular Meeting
Member Scalzo motioned to approve the minutes from the March 14, 2018
meeting, seconded by Member Fiore and carried with a vote of 4 – 0, with
Chairman Ringwald abstaining due to his absence.

Item #2 180 Lake Ave. Return

Sarah Hollerman, architect for the applicant, noted that the area between the two parking spaces were to be changed to grass. She noted that she examined the possibility of curving the steps but that design took up too much space.

No Public Comments

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

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

The application for an AREA VARIANCES requested by Nicole Donovan____ whose address is 180 Lake Ave, Tuckahoe, NY Sec._37 _Blk._2 Lot_3_____ for relief from the following section of the zoning code: 4-3.4.1 Front Yard and

4-3.4.3 Rear Yard

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

Applicant, Nicole Donovan, seeks to legalize an existing non-conforming rear deck in the rear of the property and is seeking to reconfigure the front of the premises to add a new porch and entrance way to the property. It should be noted that Ms. Donovan's initial application was seeking eight variances, but through the process of this Board's work sessions and public hearings the applicant has scaled the project way back and is now only seeking 2 variances.

With regard to the rear deck this Board finds that the applicant has met her burden as to the five prong test and it is clear that the granting of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood. Thus, the area variance pursuant to 4-3.4.3 Rear Yard is approved. The relief approved is a rear yard setback of 18.4 feet.

In turning to the improvements in the front of the premises, we also find that the applicant has also met her burden as to the five prong test and it is clear that the granting of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood. Thus the area variance pursuant to 4-3.4.3 is approved. The relief approved is for a front yard setback of 16.5 feet.

It should be noted that the granting of the front yard variance in no way impacts the Village's regulations as to required parking in the front yard. However, the strip between the two front driveways shall be a grass surface.

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

198 Midland Ave. Area Variance

Leonard Fusha, applicant, noted that there have been no changes to the submitted plans.

No Public Comments

Chairman Ringwald motioned to close the public hearing seconded by Member Fiore and carried unanimously.

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

The application for AREA VARIANCES requested by _ Leonard Fusha whose address is 198 Midland Ave, Tuckahoe, NY for relief from the following section of the zoning code: : 4-3.4.1 Front Yard

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

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

Applicant, Leonard Fusha, is seeking to construct a portico and stairs in the front of his premises located at 198 Midland Avenue, Tuckahoe. Section 4-3.4.1 of the Zoning Code requires a front yard setback of not less than 25 feet and the applicant is proposing 21 feet.

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: in this application and applying the balancing test, this Zoning Board finds that the benefit to the applicant outweighs the detriment to the health, safety and welfare of the neighborhood.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: By granting this application, detriments to the surrounding properties will not be produced. This application will have little to no impact on the visual character of the neighborhood or be a detriment to nearby properties. The improvement will enhance the visual character of this property.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance: Based on the lot size and zoning classification, the applicant cannot achieve his improvement, absent the granting of the sought area variances.
3. The requested variances are not substantial: The Zoning Code requires a 25 foot setback where the applicant is proposing 21 feet.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: Environmental conditions such as noise, parking, and traffic and negative aesthetics will not be increased as a result of this application.
5. The alleged difficulty was self-created: Although the alleged difficulty was self-created, it is not fatal to this application.

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

Item #4 150 Main Street**Special Permit**

Applicants, Mike and Jake Lewis, stated that the application is for a fitness studio, Orangetheory, a franchise, to be permitted at this site. The franchise currently has 950 studios and an additional 600 studios in the process. The classes will be High Intensity Training, HIT, which could potentially have approximately 20 students per class. The applicants are requesting a parking variance. There are 20 parking spaces in the rear lot. The average class size is 20. There will potentially be 4 – 5 employees. The hours of operation is 7 days a week, M-F 5:00am to 9:00pm with a break midday. Weekends 7:00am with the last class to begin at noon.

Jake Lewis noted that the noise level was a huge concern. The landlord hired an acoustical engineer to review the submitted plans. The engineer was impressed with the state of the art soundproofing that will be installed. The sound and vibrations will not penetrate. He noted that he would bring the acoustical report to the Planning Board meeting next week.

Each franchise is individually owned. He is not affiliated with any other location.

Chairman Ringwald noted that the parking situation needs clarification from the building owner as to the allocation of parking spots.

Member Scalzo suggested that there should be 30 minutes between classes so one class exits the parking lot, before the next class enters.

Member Jackman noted that the employees should park in one of the village lots.

Member Fiore asked if any of the exercises would be done outdoors.

Jake Lewis replied no. All the classes are held indoors.

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

Public Comments

Jennie Steinhagen 8 South High St., voiced her concern regarding the traffic flow and the parking. She stated that the turn from South High St. onto Main Street is very tough. The parking is tight. There are two hour parking limits on her street. She was concerned that twenty people will park on her street all day every day to

attend the classes at this facility. If this is the case, the quality of life will be affected.

Gary Gjertsen, Village Attorney, noted that the residents on that street could apply to the Board of Trustees for residential parking permits.

Bill Williams, Building Inspector, noted that the patrons will probably not drive up South High for a parking space; rather they would park in the lot or along the Main Street corridor.

Janet Alexander 65 Midland Place asked the location of this application. She also asked the applicant of their experience in this type of business.

The location of this application is The Quarry two storefronts.

Jake Lewis that he is in this business venture with his father. He has been immersed in the franchise for two years to gain experience with the business.

Mike Lewis noted that he has extensive experience in the business field, both as an attorney and COO prior to this venture.

Chairman Ringwald noted that the public hearing would remain open.

Item #5 100 Main St. Amend Site Plan

Les Maron, attorney for the applicant, stated that the original submission was to turn the retail space into two apartments, as there is no current need for retail space in the village. The applicant has since decided to modify the plans to build a proposed bike room and storage units for the residents. The applicant may need to amend the Special Permit to make those proposed changes.

There are 19 units and 37 parking spaces. The applicant may request to amend the assigned parking spaces.

The applicant will return next month with amended plans.

Member Jackman requested that the applicant pay attention to the treatment of the retail space as it currently looks like retail.

Member Scalzo noted that the applicant could consider enlarging the lobby space.

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

No Public Comments

Chairman Ringwald noted that the public hearing would remain open.

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.