

**Date Filed/Village Clerk:**

**TUCKAHOE VILLAGE HALL – 7:30pm**

David Scalzo

**Absent:** Nicholas DiSalvo      Member

**Also in Attendance:**

Bill Williams Building Inspector

**Chairman Gallo announced the agenda of this meeting as follows:**

**Item #1 Approval of Minutes from the Regular meeting dated July 10, 2013**

| Item # | Return          |
|--------|-----------------|
| 2      | 2 Clinton Place |

**Item #3**    **5 Circle Road**                      **Adjourned**

**commitment to this Village.**

**Item #1 Approval of Minutes from the Regular meeting dated July 10, 2013**

**Kubaska and carried with a vote of 4 – 0, with Member Alfasi abstaining due to his absence.**

| Item # | 2 Clinton Place | Return |
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the requirements of the use and area variances requested.

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

#### **No Public Comments**

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

Chairman Gallo stated that the Board has spent quite a lot of time reviewing the various tests for this application.

**Chairman Gallo motioned for a negative declaration pursuant to SEQR for 2 Clinton Place. Motion was seconded by Member Alfasi and upon roll call was carried unanimously.**

**Chairman Gallo offered a Resolution for the application for an area variance** requested by Anthony Campanile for the relief from the following sections of the zoning code: 4-3.1 extends non-conforming use; 4-3.4.2 Side yard; 5-1.2.1.2 Effect on existing uses; 5-1.6 Non-conforming buildings – for the premises of 2 Clinton Place Tuckahoe NY 10707.

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 seeks to only add a bedroom to the premises and re-configure the interior. The benefit to the applicant outweighs the detriment to the health, safety and welfare on the surrounding neighborhood. The applicant seeks to add a staircase entrance in the required side yard.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: The character of the neighborhood will not be detrimentally changed as a result of the addition of one bedroom; thus, there will be no detriments to the character of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance: The area variance represents the only means by which the applicant can achieve its goal of adding the bedroom addition.
3. The requested variance is not substantial: Although the variance is substantial on its face, the application must be viewed as a whole in its content; no detrimental effects will result from this area variance.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: Environmental impacts such as noise, parking, and traffic will not be increased as a result of the granting of this area variance.
5. The alleged difficulty was self-created: Although the alleged difficulty was self-created, it is not fatal to this application.

A recommendation to approve the requested area variances with the condition that: all work be diligently commenced and completed within one year of the granting of the variances herein.

**The application for a Use variance** requested by Anthony Campanile for relief from the following section of the zoning code; with respect to the use variance for extension of a non-conforming use, three family house in a two family zoning district, it is the recommendation for a use variance to be granted. The extension of the non-conforming use (three family dwelling in a two family zoning district) will not cause detriments to the surrounding community.

1. They cannot realize a reasonable return – substantial as shown by competent financial evidence: The applicant has shown by financial evidence that they may not be able to sustain the purchase of a new dwelling to accommodate the three needed bedrooms and the loss of the subject rental income.
2. This alleged hardship is unique and does not apply to substantial portion of district or neighborhood: Here the alleged hardship is unique as the three family use seeks to be extended with an additional bedroom. It does not apply to a substantial portion of the neighborhood.
3. The requested variance will not alter essential character of the neighborhood: The additional bedroom will not alter the essential character of the neighborhood. Here a new use is not being developed rather it is the extension of a prior non-conforming use.
4. The alleged hardship has not been self-created: The lot size and zoning classification with prior use creates an alleged hardship for the applicant.

A recommendation to approve the requested use variance with the condition that work be diligently commenced and completed within one year of the granting of the variance herein.

**Motion was seconded by Member Alfasi and upon roll call was carried unanimously by the Board.**

**Item #3 5 Circle Road**

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.