

**October 8, 2014**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 7:30pm**

<b>Present:</b>	Ronald Gallo	Chairperson
	John Palladino	Member
	Nicholas DiSalvo	Member
	David Scalzo	Member
	Janice Barandes	Member

**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

**Pledge of Allegiance**

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

<b><u>Item #1</u></b>	<b>28 Hollywood Avenue</b>	<b>Area Variance</b>
<b><u>Item #2</u></b>	<b>150 Lake Avenue</b>	<b>Adjourned</b>
<b><u>Item #3</u></b>	<b>100 Main St.</b>	<b>Adjourned</b>

<b><u>Item #1</u></b>	<b>28 Hollywood Ave</b>	<b>Area Variance</b>
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Mr. Salerno, attorney for the applicant, stated that this application is for an area variance so the owner can obtain a Certificate of Occupancy for this residence. The owner built an above ground pool in 2010. At that time, the owner applied for a building permit for the pool. A survey was completed and the applicant sketched the pool onto the survey. It was understood that the 12ft. by 24ft. pool would be placed 5ft. from the rear property line. The pool was constructed and placed 4ft. 6in. from property line. Mr. Salerno stated that error made no difference to the applicant. The owner wants to correct the error.

Chairman Gallo noted that the error is 4.8in. The board visited the site and noticed that there are no neighboring houses that would be affected by the 4.8 inches.

Member Barandes added that the topography is such that there is a significant drop off from the property line. The neighbors are not impacted by the pool.

Member DiSalvo noted that it is such a minor difference and one would need a measuring tape to see the 4.8in.

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

#### **No Public Comments**

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

Member DiSalvo noted that the pool has been on the property for more than 4 years. He asked if there have been any complaints filed.

Mr. Salerno stated that there have not been one complaint. He added that the neighbors all enjoy the pool.

**Member Scalzo offered the following SEQRA resolution:**

**Based on the application 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 implementations 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 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 DiSalvo seconded the motion and was carried with a vote of 5 – 0.

**Member Scalzo offered the following Area Variance resolution:**

**The application for an Area Variance requested by Marilyn Mazella whose address is 28 Hollywood Ave. Sec. 43 Blk. 7 Lot. 22 for relief from the following section of the zoning code: 5-1.1 Swimming pools.**

**Recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood: The applicant has satisfied the five prong test to the satisfaction of the Board.**

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to the nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
3. The requested variance is not substantial.
4. The proposed variance will not have an adverse impact on the physical or environmental condition of the neighborhood.
5. The alleged difficulty was self-created: Although self-created, not fatal to this application.

**Chairman Gallo seconded the motion.**

**Discussion:** Member Scalzo noted that this pool is 4 years old. It was illegal, but there are many non-conforming houses in Tuckahoe as the zoning code has changed over the years. This applicant has worked with the Building Dept. to resolve this issue. He encouraged the residents concerned about non-conformity to get the issues resolved. He commended the applicant for their efforts.

**Member Barandes added that she is a realtor and stressed the importance of having a Certificate of Occupancy. When it is time to sell your property, or refinance, a Certificate of Occupancy is necessary. It is for the benefit of the homeowner.**

**Upon roll call, motion was carried 5 – 0.**

**Item #2 150 Lake Avenue  
Item #3 100 Main Street**

**Adjourned  
Adjourned**

Chairman Gallo announced the next Zoning Board meeting will be held Nov. 19, 2014

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.