

Minutes of: May 9, 2007
Date Approved: _____
Date Filed/Village Clerk: _____

May 9, 2007
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 8:00pm

Present: Gloria Rosell Chairperson
Philip Allison Member
Kevin McBride Member
John Kang Member

Not Present: Susan Crane Member

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

Chairwoman Rosell announced the agenda as follows:

Item #1 Approval of Minutes of the March 14, 2007 meeting.
Item #2 30 Elm St. Special Use Permit
Item #3 11 Winslow Circle Area Variance
Item #4 86 Lincoln Ave. Extension
Item #5 15 Lake Ave. Extension

Item #1 Motion by Member Allison to approve minutes of the March 14, 2007 meeting, was seconded by Member McBride and approved by the Board with a vote of 4-0.

Chairwoman Rosell polled the applicants for the approval to continue due to only 4 members present. All applicants agreed to continue.

Item #2 30 Elm St. Special Use Permit

Chairwoman Rosell announced that the public hearing was still opened.
Chairwoman Rosell read letters from residents in favor of this project. (see attached)

Public Comments

Ms. Capshaw, resident of 1 Elm St., voiced her concern that the area was too congested, parking was already insufficient, the noise level would be too high, and the removal of the meters would be a decrease in revenue for the Village.

Leonard Retsin, representing the applicant, noted that the set back was increased due to the reduction of the square footage which would allow for additional shrubs. The 13 parking spaces should accommodate the users of the 4 courts. The entrance will be on Yonkers Ave. and the exit

on Lake Ave. which would avoid traffic in the residential area. The first floor will be parking, the second floor, the four squash courts, locker room, juice bar and supplies. The mezzanine level will house a stretching area and a viewing area.

Member Allison asked about the parking.

Mr. Retsin indicated that 13 spots, including 1 handicap with an elevator to the courts, meet all the requirements. There will be staggered times for the 4 courts, 2 employees, a husband and wife with one car, the remaining 12 spaces should be enough for the 8 players.

Mr. Mike Gallant, Traffic Consultant from Frederick P. Clarke Assoc., conducted a traffic study during the hours of 10:00am – 2:00pm on Saturday, 7:00am – 9:00am and 4:00pm – 6:00pm on weekdays. The peak volume, 500 vehicles, was between 5:30 and 6:30, on Lake Ave.

On Elm St., 130 vehicles during peak hours. Mr. Gallant indicated that the planned staggered schedule would mitigate traffic and parking in the neighborhood. There will be an additional 4 - 20 trips during peak hours both entering and exiting the parking lot. Mr. Gallant noted that this would cause a one second delay which would be an insignificant impact to the Village. He noted that the Village Consultant reviewed this study and agreed with the results.

Member McBride asked if the traffic study included the traffic caused by the train schedule.

Mr. Gallant indicated that the study did reflect the increase in activity. The traffic caused by the train is cleared out in approximately 15 minutes.

Member McBride asked about the stop sign on Lake Ave. approximately 20 ft. from the exit.

Mr. Gallant noted that the staggered schedule would only add an additional 4 vehicles during the peak hours.

Public Comments

Mr. John DiBendictis, owner of the property next door, indicted that this would be good for the kids here in Tuckahoe but not at this location. He stated that although this is zoned commercial, the neighborhood is mostly residential. He voiced his disappointment that a 3 story building would block the sunlight from entering his yard. His view would be a brick wall. Mr. DiBendictis noted that he has been a resident for 20 years and the pedestrian traffic is very congested in this area. He also noted that parking was a concern.

Audrey Capinetto, 1 Elm St., voiced her opinion that the traffic in this area was 'horrendous.' She stated that it is a very dangerous intersection and asked the Board to check the Police Dept. for the number of vehicles that go through the stop sign. She also indicated that the parking was overloaded.

Chairwoman Rosell asked Bill Williams, Building Inspector, if the parking situation at 1 Elm St. was examined.

Bill Williams stated that he has been working on the parking issue and has someone scheduled to look at it this Friday.

John Cavallaro, Village Attorney, reminded the Board that they are charged to follow the Village Zoning Ordinance to grant a special use permit. The applicant is not requesting a variance, should

this Board approve the application, the applicant will be subject to appear before the Planning Board for approval of their plans.

Chairwoman Rosell stated that this applicant could build many types of businesses 'as of right.'

Maria Philips, resident, voiced her support for this project.

Mr. Jamal Amur, squash coach and trainer, submitted additional letters of support for this project. (see attached) He noted that there will not be any noise as the squash courts can only have 2 players maximum. He noted that Tuckahoe students will be permitted to have free lessons on Mondays.

Ms. Capshaw, resident, asked why the applicant chose Tuckahoe.

Mr. Retsin noted that Tuckahoe is a growing community. A hub between Bronxville, Scarsdale and Eastchester.

Motion by Member McBride to close the public hearing was seconded by Member Kang and unanimously carried by the Board.

Chairwoman Rosell offered a Resolution for the application of 30 Elm St. for a special permit use is approved. It has been determined by this Board that the applicant has met its burden of satisfying the following conditions of Section 6-1.6 of the Village of Tuckahoe's Zoning Code in that:

1. That the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use and the location of the site with respect to streets giving access to the site are such that the use will be in harmony with the appropriate and orderly development of the district in which the use is proposed to the located. This parcel is zoned business.
2. That the proposed use is compatible with the goals and objectives of the comprehensive plan. The comprehensive plan did not suggest this area be rezoned. Any type of business such as retail stores, banks, personal service stores, theaters, places of worship, and many others, would be permitted in this area, without a special use permit.
3. That the proposed structures, equipment or material are readily accessible for fire and police protection. This property is accessible by three different roadways.
4. That the location, nature and height of walls and fences and the nature and extent of landscaping on the site does not hinder and discourage the appropriate development and use of adjacent land and buildings. This is covered by the applicant and will be part of the Planning Board review.
5. That the operations in connection with the use will not be offensive, dangerous or destructive of basic environmental characteristics or detrimental to the public interest of the Village and will not be more objectionable to nearby properties by reason of noise, fumes, vibration, flashing of or glare from lights and similar nuisance conditions than would be the operation of any permitted use not requiring a special permit. Going from a gas station to a squash court is an enhancement from these conditions. Traffic will not be greater than a store or service business receiving heavy deliveries and cliental. The applicant will need to supply a storm drain age plan.

6. That the neighborhood character and surrounding property values are reasonably safeguarded. No recorded evidence has been submitted that property in the area has been affected by the existing surrounding businesses.
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard. A traffic study has been submitted and reviewed. Traffic impact is not significant.
8. That the parking areas will be of adequate size for the particular use, properly located and will be suitably screened from adjoining residential uses and the entrance and exit drives have been laid out so as to achieve maximum safety. Again, evidence has been submitted and the Planning Board will take a hard look at parking.

The following conditions will be applied upon approval:

This special use permit is granted for use as a squash court only, and not a health club or similar type of business.

Conditional on traffic, traffic circulation, lighting, drainage, parking recommendations or directives issued by the Planning Board of Appeals in their site plan review.

Member Allison motioned for this Resolution to be approved, seconded by Member McBride and upon roll call, was carried with a vote of 4 – 0.

Item #3 11 Winslow Circle Area Variance

Antonio Leo, Architect for the applicant, requested a variance for an addition on an existing home. The right side set back requires a 9 ft. buffer, the applicant is proposing 6ft. The first floor of the addition will be a family room with bedrooms above the garage. The addition will follow the line of the house, going over an existing patio. The dimensions of the addition are 15.9ft x 14.0ft.

Motion by Member Kang to open the public hearing, was seconded by Member Allison and unanimously carried by the Board.

No Public Comments

No Written Comments

Motion by Member McBride to close the public hearing, was seconded by Member Kang and unanimously carried by the Board.

Motion by Member Allison for the application for 11 Winslow Circle, recommendation is for an area variance to be granted as the benefit to the applicant of the area variance 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: as the applicant seeks a variance of 2.9' to .4'. Due to the layout of the immediate neighbor there will be no significant impact.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance. In order to avoid a jagged appearance which would have a negative impact, an area variance is the only method which is available.
3. The requested variance is not substantial. See #1.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: traffic, parking and noise will not be increased and

in addition, the impervious surface will not be increased. Also the project will not produce a negative aesthetics impact. There will not be an increase in storm water. It will remain a one family dwelling.

5. The alleged difficulty was not self-created. Although this Board finds the hardship self-created, the hardship is not fatal to the applicant because of the minor nature of the request.

Member Allison made a recommendation to approve the requested area variance and that the construction to adhere to and be in compliance with the existing building code. If this variance is granted, it is stipulated that completion be one year after the issuance. The Board adopts a negative declaration pursuant to SEQR.

Member McBride seconded the motion and upon roll call was carried by the Board with a vote of 4 – 0.

Chairwoman Rosell motioned to re-open the application for 30 Elm St. This motion was seconded by Member Kang and unanimously carried by the Board.

Chairwoman Rosell called for a Resolution to adopt a negative declaration pursuant to SEQR. This motion was carried by Member Allison, seconded by Member McBride and unanimously carried by the Board.

Item #4 86 Lincoln Ave.	Extension
Item #5 15 Lake Ave.	Extension

Chairwoman Rosell noted that the original applications for 86 Lincoln Ave. and 15 Lake Ave. were approved on April 13, 2006. No changes have been made to the surrounding areas and no changes have been made to the premises or to the application. These are both one family dwellings. Each applicant has requested an extension to the approved variances.

Chairwoman Rosell offered a Resolution to grant the extension for 86 Lincoln Ave. Member McBride motioned to approved the extension, seconded by Member Kang and upon roll call was carried with a vote of 4 – 0.

Chairwoman Rosell offered a Resolution to grant the extension for 15 Lake Ave. Member McBride motioned to approved the extension, seconded by Member Kang and upon roll call was carried with a vote of 4 – 0.

The extensions have been granted until April 12, 2008.

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 at 9:00p.m.