

Minutes of: Feb. 10, 2021
Date Approved: March 10, 2021_
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February 10, 2021

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Online due to Covid-19 – 7:30pm

Present:	Tom Ringwald	Chairperson
	John Palladino	Member
	Nathan Jackman	Member
	David Scalzo	Member
	Christopher Garitee	Member
	Anthony Fiore Jr.	Member (ad hoc)
	Michael Martino	Member (ad hoc)

Also in Attendance:

Bill Williams	Building Inspector
Gary Gjertsen	Village Attorney
Carolina Fonseca	Village Consultant

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of minutes from the January 13, 2021	
	Regular Meeting	
Item #2	174 Marbledale Rd.	Return
Item #3	7 Gifford Street	Return
Item #4	85 Maple Ave.	Area Variance
Item #5	25 Main Street	Revise Approval
Item #6	22 Underhill St.	Adjourned
Item #7	15 Hollywood East	Adjourned
Item #8	69 Main St.	Adjourned

**Item #1 Approval of minutes from the January 13, 2021
Regular Meeting**

Chairman Ringwald motioned to approve the Regular Meeting minutes dated January 13, 2021, seconded by Member Fiore and upon roll call was carried with a vote of 4 – 0, with Members Garitee, Scalzo and Martino abstaining due to their absence.

Item #2 174 Marbledale Rd. Return

Leonard Brandes, architect representing the applicant, indicated that there were no changes to the submitted plans.

No Public Comments

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

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

The application for AREA VARIANCES requested by 380 New Rochelle Road LLC

For the property located at 174 Marbledale Road, Tuckahoe

Sec 39, Block 3 Lot 17.A for relief from the following section of the zoning code: 4-8.5 Side Yard and FAR

Applicant, 380 New Rochelle Road, is the owner of 174 Marbledale Road, where there is currently a vacant restaurant on said premises. The applicant is seeking to demolish the existing building and construct a new building that would house office space along with storage. The newly proposed building would require side yard variances along with a small FAR variance.

The applicant must also obtain Planning Board approval and the Planning Board has indicated that they intend to be lead agency with regard to SEQR issues. We agree with the Planning Board as to them being lead agency.

The applicant is seeking side yard variances. The Code requires a 10 ft. setback where the applicant seeks 5ft. Further, applicant seeks an FAR variance where the Code requires 1.6 and the applicant is seeking 1.74.

It is determined by this Board that the area variance is granted as the benefit to the applicants of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood. We have applied the 5-prong test as follows:

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. Most properties on the Marbledale corridor already have grandfathered properties and this proposed building will be in conformity with the other 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: Due to the topography of the property, it is not feasible that the benefit can be achieved by other methods. The back yard is extremely sloped and would require immense construction to push the building back and reduce the side yards.
3. The requested variances are not substantial: The side variances requested are 50% which is greater than this board is inclined to approve, however as discussed, the topography of this property requires the building to be enlarged on the sides as the rear is not practically buildable. The FAR variance requested is minor on its face.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood. It is anticipated that there will be a substantial improvement in the neighborhood. The proposed building will be consistent with other properties on the Marbledale corridor.

5. The alleged difficulty was self-created: Again, due to the topography of the property these variances are required by the applicant to make this project feasible, therefore the necessity for the variances is not self-created.

Member Palladino seconded the motion and upon roll call was carried with a vote of 5-0. Member Jackman stated that he would not usually be in favor of this type of application, but this is located in a commercial zone on the Marbledale Rd. corridor and therefore, he granted the exception.

Item #3 7 Gifford Street Return

Member Jackman recused himself from this application, as the applicant is his neighbor.

Antonio Leo, architect for the applicant, stated that there were no changes to the submitted plans.

Member Fiore asked if the Fire Dept. could gain access to the rear of the house.

Mr. Leo replied yes, they could gain access to both sides of the property.

Chairman Ringwald requested that the tree in the rear be replaced when possible.

No Public Comments

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

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

The application for AREA VARIANCES requested by _Christine Sanzillo_____ whose address is 7 Gifford Street, Tuckahoe, NY Sec. 30 Blk. 2 Lot 15 for relief from the following sections of the zoning code: 4-2.4.2 Side yard and 4-2.4.3 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 resides at 7 Gifford Street in Tuckahoe. At said premises, there exists a non-conforming garage that is located in both the side yard and rear yard setbacks. The garage is currently a non-conforming structure. Applicant is seeking to demolish the existing garage and rebuild a garage moving the footprint of the garage forward towards the street.

This will give greater privacy to both the applicant and the adjacent property. Although we are not basing on decision on this, we have received communication from the adjacent neighbor that they are in support of this application. This property is unique in that the resulting footprint allows space between the residential structure and the new garage. The area in question does not result in a closed off or restrictive feeling as to any of the neighbors or the surrounding neighborhood. The proposed structure will still be set back from the residential structure.

Therefore, recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweigh 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.

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

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

Item #4 85 Maple Ave.**Area Variance**

Edward D'Amore representing the applicant Cara Kronen indicated that this was a one family house. The width of the property is 37.5ft. wide. The applicant cannot park her vehicle in the garage as the garage is not long enough; it measures 16.8ft. As a result, the applicant parks in the driveway; which is 8ft. wide. The stonewalls on either side of the driveway create a narrow driveway whereas the applicant cannot open her car doors properly. The street only allows parking on the opposite side of the street, not on both sides of the street.

The submitted plans are to tear down the 5ft. retaining wall adjacent to the front steps. Replace the front steps and retaining wall so as it gradually goes up to the front door. The retaining wall will match the grade of the stairs rather than keep the stairwell like a dark tunnel. The front deck will be replaced to bridge the two sides of the property for the applicant to carry garden tools to both sides. These changes to the front driveway will allow the applicant to widen the driveway to permit two parking spaces. The street allows for parking on only one side of the street, so this change will create an additional parking space on the street.

Mr. D'Amore went through the five prongs to demonstrate that the application does satisfy the five prongs. He displayed photos of nearby properties that had a similar layout. The retaining wall will be fieldstone or concrete with cultured stone; 2in block or segmented concrete block. It depends upon the findings during the excavation process. It will closely match the color and texture of the retaining wall on the other side of the driveway.

Carolina Fonseca verified that the deck sits 9 ft. above the driveway. She asked if the planter placed under the deck would survive in the shade.

Mr. D'Amore indicated that the planter would house plants that thrive in the shade.

Member Scalzo indicated that the proposed changes to the property would beautify the property.

Member Jackman voiced his concern that the widened driveway will remove approximately 30% of the green space.

Member Palladino indicated that the applicant plans to place a planting area one foot wide from the retaining wall to plant ivy. This ivy will grow up onto the retaining wall, providing some greenery to the retaining wall.

Member Scalzo noted that the plans to bring the property level to the pedestrian's eyesight is pleasant to the eye. It essentially allows the applicant's house and the neighborhood to breathe. This is a unique situation as the lot is very narrow.

Mr. D'Amore noted that the proposed driveway would not be asphalt, but rather pavers that match the existing ones. He will contact the DPW for the curb cut approval.

A discussion evolved regarding the importance of green space. The issue with this property is that it is very narrow. Each application must be examined as an individual property. This is no way will set a precedent for an applicant to park two vehicles in the front of the property. Every lot is unique.

Carolina Fonseca displayed photos of pavers being used in a driveway offering a bit of green space. She asked the applicant to be a bit creative with the pavers.

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

Public Comments

Naozumi Yamaguchi, next-door neighbor of the applicant, voiced his concern regarding the mature tree on his property. He was concerned that the root system may be damaged during the excavation process.

Chairman Ringwald stated that the applicant provided a letter from Ambrose Laboratories indicating that the tree will not be harmed. The applicant will provide the letter to Mr. Yamaguchi.

Leonard Brandes noted that the proposed changes would improve the streetscape dramatically. The current walls make it look like a narrow tunnel. This will be a great improvement for the neighborhood.

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

Item #5 25 Main Street Revise Approval

Leonard Brandes architect representing the owner Peter Borducci noted that Mr. Borducci has been paying the Village for additional parking spaces for his building and these parking spaces are never used. He asked that the Village take these spaces

back and rent them out to commuters. He has been paying rent for the spaces for 10 years. He submitted photos of the empty spaces taken at different times. Mr. Borducci noted that he has decreased his tenants' rental agreement since March 2020 due to the pandemic.

Bill Williams, Building Inspector, added that there may be a waiting list for the commuter parking spaces, so the Village would probably not lose any rental fees for the spaces.

Mr. Borducci noted that the tenants' needs are the following:

Industry 80 beauty salon has 5 parking spaces

Dance Studio – 3 spaces

Transmark – 3 spaces

Growlers - 2 spaces

One additional handicap space in the front of the building

Total – 14 spaces

Member Jackman noted that the Growlers establishment should have more than 2 parking spaces.

Bill Williams agreed and noted that Growlers should have more parking spaces according to the Zoning Code.

Member Scalzo offered a solution to reduce the parking spaces for a two-year duration and then revisit. If by chance the tenants change and need more spaces, the applicant would have to get on the list to provide the spaces.

Bill Williams noted that the number of parking spaces required in the Zoning Code is based on the use and square footage.

Gary Gjertsen, Village Attorney, noted that until the business changes or the needs change, the reduction of the spaces should be granted especially due to the pandemic situation.

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

No Public Comments

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

Item #6	22 Underhill St.	Adjourned
Item #7	15 Hollywood East	Adjourned
Item #8	69 Main St.	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.