

September 14, 2022
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Village Hall – 7:30pm

Present:	Christina Brown	Acting Chairperson
	Anthony Fiore Jr.	Member
	Heather Rinaldi	Member
	Lauren Porretta	Member
	Henry Suarez	Member (ad hoc)

Absent:	Tom Ringwald	Chairperson
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Also in Attendance:

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

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of the Minutes of July 13, 2022	
Item #2	94 Kensington Rd.	Area Variance
Item #3	86 Maple Ave.	Return
Item #4	377 Marbledale Rd.	Adjourned

Item #1 Approval of the Minutes of July 13, 2022

Member Fiore motioned to approve the minutes dated July 13, 2022 was seconded by Member Porretta and upon roll call was carried with a vote of 5 – 0.

Item #2 94 Kensington Rd. Area Variance

Leonard Brandes, architect representing the applicants, noted that there is a small garage on the premises that was granted a variance 42 years ago to be converted into a writer's studio. At the time of the variance, the owner was told to convert it back to the original state before moving. The owner sold the home 20 years ago and the garage was not converted back. The current owner indicated that they were not privy to this information. The title search company and the mortgage company did not find this information. They would like to keep the studio as a family room as their house is 1700 sq. ft. The studio, 325 sq. ft., is an open space with vaulted ceilings. The new owners added a small powder room. If the applicants are granted the approval to legalize the studio, they will hire a licensed plumber to legalize the powder room.

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

No Public Comments

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

Item #3 86 Maple Ave. Area Variance

Milton Suqui, contractor representing the applicant, noted that there is an existing deck that is in very bad condition. The application is to replace the deck and extend it to the rear yard 4ft. The applicant is requesting a variance for a 4ft. rear yard set-back. The existing deck measures 7ft. deep and the additional 4ft. will make the deck 11 ft. deep. The set back to the rear neighbor's property line will be 20ft. 9.5 inches. The elevation drops slightly, so the deck will have one step up. The side yard is within the parameters of the required set back. The deck is not as wide as the house. The neighbors to the right and left of the house have similar decks.

Member Fiore indicated that he made a site visit and stated that the deck is in disrepair. There are bushes and shrubs that will be relocated slightly back.

Yasuko Yamaguchi, applicant, noted that the deck is now only used for emergency exit. The neighbors would not be able to see anyone on the deck unless they look out their second floor windows.

Member Porretta motioned to reopen the public hearing, seconded by Member Fiore and carried unanimously.

Public Comments

Arielle Frost resident that has the property that sits behind the applicant's property. She is the owner of the 6 ft. fence. She noted that the proposed deck will measure 15ft. wide with a 4ft. requested variance. She noted that that is 60sq. ft. encroachment into the set back. There are small lots in this neighborhood. When she made upgrades to her property, she stayed within the set back requirements. She noted that a 15ft. by 7ft. deck is a nice size deck. She noted that the application does not pass the five prong test. Ms. Frost added that set backs and fences make good neighbors.

Gary Gjertsen noted that the Building Inspector calculated the variance as a 16% variance.

Acting Chairperson Brown noted that the proposed deck is very close to the grade of the property as it needs only one step. It is not an elevated structure.

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

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

On the application of Yasuko Yamagushi whose address is 86 Maple Ave. Tuckahoe NY for a variance from Sec. 4-2.4.3 of the Village of Tuckahoe Zoning Code for the enlargement of an existing deck.

We are in possession of all documents and information to make a determination with respect to SEQR and we determine that a negative declaration is appropriate. We find that based on several work sessions and public hearings that the applicant has met his burden as to the five prong test and therefore the area variance is granted.

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

Item #4 377 Marbledale Rd. 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.