

Minutes of: Feb. 8, 2023
Date Approved: Mar. 8, 2023
Date Filed/Village Clerk:

February 8, 2023
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
Village Hall – 7:30pm

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

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of the Minutes of January 11, 2023	
Item #2	118 Sagamore Rd.	Return
Item #3	22 Wallace Ave.	Area variance
Item #4	9 Oak Ave.	Area Variance
Item #5	269 Columbus Ave.	Special Use Permit
Item #6	2 Grant St./136 Sagamore Rd.	Return

Item #1 Approval of the Minutes of January 11, 2023

Chairman Ringwald motioned to approve the minutes dated January 11, 2023 was seconded by Member Fiore and upon roll call was carried with a vote of 5 – 0.

Item #2 118 Sagamore Rd. Area Variance

Patricia McDevitt, applicant, noted that there were no changes to the application.

Chairman Ringwald noted that the public hearing was still open.

No Public Comments

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

Member Porretta offered the following SEQRA resolution in the form of a motion:

The application for AREA VARIANCES requested by Patricia McDevitt

whose address is 118 Sagamore Road, Tuckahoe, NY Sec. 27 Blk. 7 Lot 3 for relief from the following sections of the zoning code: 4-1.1.4 (C) Accessory

Structures

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 Porretta offered the following resolution in the form of a motion:

Applicant is seeking to construct a gazebo in her backyard that exceeds the dimensions allowed for in the Zoning Code of the Village of Tuckahoe. The proposed gazebo is a prefab model that will be 121 square feet and have a height of 9 ft 4 in. We find due to the location of the proposed gazebo and the size of the applicant's yard there will be no adverse effect to the surrounding properties.

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 #3 22 Wallace Ave Return

Ericka Gage, owner of the property, is requesting an area variance to finish part of her basement. This is a two family house. She and her family live on the first floor apartment. The application is to build a full bathroom in the basement for her growing family to use. In addition, the basement will be sectioned off so that the second floor tenants can have access to the laundry facilities. The basement currently has the boiler in the center with storage, laundry and a pantry. There is no heat in the basement. The right side of the basement is pure bedrock. There is no possibility to finish that section and there is no heat in the basement.

The board members requested a site visit.

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

No Public Comments

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

Item #4 9 Oak Ave.

Area Variance

Andrew Collingham, architect for the applicant noted that the applicant had a detached garage on the property that was damaged by a car accident. The garage was demolished and the applicants wanted to build a bigger garage in the place but decided against it due to the process. The garage was built. Upon the framing inspection, it was found that the garage was built 11 in. wider into the interior part of the yard. It does not effect the setback requirements. The builder must have looked at the previous plans and confused them. The garage has been built and the owners would like to rectify the mistake.

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

No Public Comments

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

Item #5 269 Columbus Ave.

Special Use Permit

Robert Ponte, attorney for the applicant Sophia Gigante, noted that Sophia is a personal trainer with clients of all ages and conditions including stroke victims, special needs and a few group classes. The training is 1:1 mostly and with some classes of 2 or 3 clients together. The hours will be 8:00am to 10:00pm by appointment Monday through Saturdays and closed on Sunday. The training will be indoors at all times.

Member Porretta asked if any construction would be done to the premises. Sophia Gigante stated that a gym floor will be installed and the walls will be painted.

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

No Public Comments

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

Item #4 2 Grant St./136 Sagamore Rd. Return

Dr. Jonathon David, owner of the property, was not present.

Chairman Ringwald noted the public hearing was still open.

No Public Comments

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

Member Browne offered the following SEQRA resolution in the form of a motion:

The application for AREA VARIANCES requested by Crimson Realty LLC/Jonathan David MD PC _____

whose address is 136 Sagamore Road, Tuckahoe, NY Sec. 32 Blk. 2 Lot 1 for relief from the following sections of the zoning code: 5-1.2.1.3(g)3 Parking

Requirement for medical doctor

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 Browne offered the following resolution in the form of a motion:

Applicant has a medical office at 136 Sagamore Road in Tuckahoe. Applicant is seeking to reduce his required parking space from 4 to 3. The reason for the request is that the Applicant is a solo practitioner with 2 full time employees and that since there are only 3 people that are in need of parking a 4th space is not needed. We concur with the applicant.

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.

As a condition to this approval, we note that the past several years the applicant has only been purchasing 3 spaces from the Village without formally reducing his parking requirement with this board from the required 4. Since this Board is not legally able to waive the delinquency it is a requirement of this approval that the 2 spaces that were required, one for each year, be paid for to the Village before this approval goes into effect.

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.

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.