

Minutes of: Oct. 15, 2008
Date Approved: Nov. 12, 2008
Date Filed/Village Clerk: _____

October 15, 2008
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 8:00pm

Present: Gloria Rosell Chairperson
Philip Allison Member
Susan Crane Member
Thomas Giordano Member

Absent: Kevin McBride Member

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

Chairwoman Rosell polled the applicants to inquire if they would like to continue since there are only four members of the Board present.

All agreed to continue.

Chairwoman Rosell announced the agenda as follows:

Item #1 Approval of Minutes of the September 10, 2008 meeting.
Item #2 20 Hollywood Ave. Area Variance
Item #3 35 Bronx St. Special Use Permit
Item #4 100 Sagamore Rd. Adjourned
Item #5 11 Jackson Ave. Adjourned

Item #1 Motion by Chairwoman Rosell to approve the minutes of the September 10, 2008 meeting was seconded by Member Allison and approved by the Board with a vote of 4-0.

Item #2 20 Hollywood Ave. Area Variance

Mr. Chris Tusso, attorney for the applicants Robert and Karina Torres, stated that the applicants were recently denied building permits for the renovation of their third floor of their house and a newly refurbished patio. The applicants removed an old patio and reconstructed a new stone patio with steps and a stonewall. The patio now encroaches 1.7ft. into the 4ft. required space between property lines. The old concrete patio was unsafe and was in poor condition. The patio now is surrounded by greenery and cannot be viewed by the neighbors. The work was done at considerable cost to the client. It could be possible to move the stone wall over 1ft. 7 in. but would be costly. The variance requested is 2%. There would be no adverse impact on the neighborhood; the applicant takes full responsibility although they hired a contractor that did not inform the applicant of the required 4ft. buffer.

The second application is for the owners to renovate an existing third floor to be a playroom for the children. The footprint and the structure will not change. The FAR will increase from .45 to

.54 (.11 increase). There will be no adverse impact on the neighborhood, as the third floor already exists. Mr. Tusso submitted photos of the third floor and the newly constructed patio. He noted that a new railing would be installed around the perimeter of the patio.

Member Allison asked if there were any complaints from the neighbors regarding the patio. Mr. Tusso noted that they were notified of the meeting and there have been no complaints.

Chairwoman Rosell noted that the owners must have a sprinkler system installed for the third floor and the steps would need to be replaced, as they are too steep.

Chairwoman Rosell motioned to open the public hearing seconded by Member Crane and was carried unanimously.

No Public Comments

Member Allison motioned to close the public hearing seconded by Member Crane and was carried unanimously.

Member Allison offered a Resolution for the application of an area variance requested by Robert and Karina Torres of 20 Hollywood Ave. Tuckahoe, for relief of the following sections of the Zoning Code – 4-2.4.4 – Paved Terraces cannot be less than 4ft. from the property line and applicant is 2.3ft. requiring a variance of 1ft. 7inches and 4-2.2/4-2.6 Building must have two stories or less with an FAR of no more than .45. Requested variance is for the renovation of existing third floor and FAR of .54.

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: with regard to item #1 – the variance is minimal and only pertains to a small section of the left side yard. It is not visible from the street due to close proximity of the subject house to the neighboring lot on the left. With regard to the second variance requested, there will be no change to the footprint of the house and the FAR requested is minimal.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance. Variance #1 – the location of the house on its lot gives it a smaller side yard on the left side than the right side. Variance #2 – the requested renovation is to a walk up attic room already existing as part of the house.
3. The requested variance is not substantial. The requested variances are minimal.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood.
5. The alleged difficulty was not self-created. The alleged difficulty is found to be self-created by the applicants, however this does not preclude the granting of the area variances.

Member Allison made a recommendation to approve the requested area variances with the stipulation that construction adhere to and be in compliance with the existing building code. The Board adopts a negative declaration pursuant to SEQR.

If this variance is granted, it is stipulated that completion be one year after receipt of granting all variances.

Member Crane motioned to adopt this resolution, seconded by Chairwoman Rosell and upon roll call was carried with a vote of 4 – 0.

Chairwoman Rosell announced that all residents should check with the Building Department prior to starting any construction at their home.

Item #3 35 Bronx St. Special Use Permit

Mr. Gary Spilatro, Architect for the applicant, described the changes to the original plans to renovate the existing building. The front yard set back requires 35 ft., applicant proposes 11ft., the rear buffer zone requires 5ft., applicant proposes 0ft. There will be no screening of the parking lot. A 14ft. fence will be placed where the bleachers are presently located. The building is used as a day care center for children 18 months to 5 years old. The new plans propose three front entrances, one main entrance and two which will be used primarily for exiting. There will be three main classrooms, one office on the main level and one office on the lower level. One handicap parking space on the side of the building, there is no room for a second space as there is a telephone pole on that spot. New clapboard siding is proposed as well as a new architectural shingle roof. There will be 13 parking spaces in the rear lot, which will be the same grade as the street, which will alleviate the number of vehicles using the street parking.

Chairwoman Rosell asked the applicant to address the drop off and pick up daily routine of the children.

Ms. Lorelei A. Vargas, representative of ECDC, stated that the children are generally dropped off between 7:30 am and 9:00am. The vehicles are spaced out and with the new parking lot in the rear, there will be no staff parking in the front. There are no buses except for the sporadic use by children with special needs to be taken to different programs. The pick up time is from 4:30 pm to 6:00 pm.

Member Crane asked if the parents escort the children into the building.

Ms. Vargas noted that it varies from child to child, but the younger children often need time for transition from parent to school.

Member Giordano inquired as to the number of children the facility could handle.

Ms. Vargas noted that 47 is the maximum number of children the school could have at any time. The regulations are very specific and set by the state.

Chairwoman Rosell motioned to open the public hearing, seconded by Member Crane and unanimously carried by the Board.

Former Mayor Robert D'Agastino, 3 Ridge Rd., stated that he was in favor of this application.

Jeff Zuckerman, Bronx St., inquired about the pre-kindergarten program.

Ms. Vargas noted that the ECDC has been in contact with Dr. Yazurlo regarding the pre-kindergarten program in Tuckahoe.

Nancy W. Ment, President of ECDC, thanked the Board and the Building Inspector for their time in this matter, noted that she is proud of the plans and the updated building will fit nicely into the community. She also stated that discussions with Dr. Yazurlo involved using ECDC as a resource center for the Pre-K program, but the Pre-K program would not be housed at this site.

Elsa Gammon, Wallace St., resident for 30 years, stated that she was in favor of this application.

Member Crane motioned to close the public hearing, seconded by Member Giordano and unanimously carried by the Board.

Chairwoman Rosell announced that the Board's decision would be announced next month.

Chairwoman Rosell also announced that all future Zoning Board meetings would begin at 7:30pm.

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 8:48 p.m.