

Minutes of: Sept. 5, 2007
Date Approved: __10/10/07__
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September 5, 2007
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 8:00pm

Present: Gloria Rosell Chairperson
Kevin McBride Member
John Kang Member

Also in Attendance:
John Cavallaro Village Attorney

Absent: Philip Allison Member
Susan Crane Member
William Williams Building Inspector

Chairwoman Rosell announced the agenda as follows:

- Item #1 Approval of Minutes of the June 13, 2007 meeting.**
Item #2 20 Grant St. Area Variance
Item #3 100 Main St. Area Variance/Special Use Permit

Item #1 Motion by Member McBride to approve minutes of the June 13, 2007 meeting was seconded by Member Kang and approved by the Board with a vote of 3-0.

Item #2 20 Grant St. Area Variance

Ms. Maggie Marrone, Architect representing the owners of 20 Grant St., indicated that the existing home consisted of two very small bedrooms (one only 7 ft. wide) and one small bathroom. It is currently a non-conforming home as it sits 2.7ft. from the neighbor's property. The second floor is set back 4.7ft. from the neighbor's. The proposed plans are to square off the house by expanding the second floor to match the first floor, to increase livability. The house, which was built in 1905, sits on the corner of the property. The architect stated that the owners would rather not increase the footprint of the house, but would rather expand the second floor.

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

No Public Comments

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 an area variance requested by Mr. and Mrs. Petri Smith 20 Grant St., for relief of the following sections of the building code: Section 4-3.4.1 , Section 4-3.4.2, and Section 5-1.6.3

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: The applicant is re-configuring the second floor of the structure and will stay within the current footprint of the house.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance, as it is the only option afforded to the applicant.
3. The requested variance is not substantial. While the requested variance seems substantial, it is not. When the current house was built, it was built too close to the northern side of the lot and too close to the street.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood. The addition being proposed is within the footprint of the house.
5. The alleged difficulty was not self-created in that all variances are self-created.

Chairwoman Rosell made a recommendation to approve the requested area variance and that the construction 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 Kang motioned to accept this recommendation and Member McBride seconded the motion and upon roll call was carried by the Board with a vote of 3 – 0.

Item #3 100 Main Street Area Variance/Special Use Permit

Mr. Michael Goldblum, Architect for the owner of 100 Main St., indicated that this was the second time he has appeared before the Board. He re-introduced the project as a building to be located on the Southeast corner of Terrace Pl. and Main St. The two urban goals for this project are to blend in scale with the adjacent four story and three story buildings and to offer a significant, sizeable retail presence on Main St. The solution worked out with the Planning Board included plans to match the three-story building, although the building will be four stories. The plans include enough parking to meet all the zoning requirements. There are 21 residential units with 42 spaces; two spaces per dwelling and upon the Planning Board's discretion, the retail parking will have a 1:200sq. ft., which will be 19 spaces, full compliance. The need for the variance is for the increased floor area ratio due to the plans to include retail space. The height of the building is in compliance, but the number of stories is not in compliance due to the specific goal to blend with the neighboring building to the west. The dormers on the top floor of the building appear to soften the look of the building and give the appearance that there are only 3 stories, but it is indeed a full fourth story.

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

Public Comments

Victoria Angelillo co-owner of the building next door to the proposed building, 84, 86 Main St., stated that if this building is built to the proposed height, nine apartments in her building will have an obstructed view and will only see a brick wall. She indicated that this would de-value her property. She also raised concerns regarding drainage as her building floods at times.

Mr. Goldblum noted that the height of the proposed building is in compliance, would indeed create a solid wall, and will obstruct the view, but it is of right. The height of the building is not a variant item, only the number of stories. The buildings will abut, the applicant will comply with drainage and there will not be any runoff onto Ms. Angelo's property.

Ms. Diane Degaetano, 33 Terrace Place, voiced her concern regarding the traffic. The increase will be approximately 100 vehicles per day, which will impact the neighborhood, quality of life and the environment due to the increase in exhaust from the vehicles. She requested that the entrance and exit to the proposed building be placed on Main St. instead of Fairview.

John Biganti, 36 Fairview Ave., indicated that his property is directly behind the applicant's property and asked if there were plans for a retaining wall to be erected during construction to prevent damage to his property.

Mr. Goldblum stated that his firm has had experience with working on steep slopes. His firm employs different structural engineers so that there is no damage to the adjacent properties. He assured Mr. Biganti that his property would not be affected. There will be a retaining wall built in the rear.

Phyllis McDonald, owner of 93, 95 Main St., indicated that there are many accidents in this area due to the congestion. She also voiced her concern regarding the plans to increase retail space as there are currently vacant retail spaces.

Mr. Goldblum noted that a traffic engineer would study the area to mitigate any negative effect. He noted that it serves no one's interest to have a building that creates problems. The parking meets all requirements. The building across the street, owned by Mr. Byrd, has additional spaces for any overflow. He also noted that the retail spaces that are available in the Village are not the proper size for potential retailers.

Ms. Miriam Lorenzo, 43 Terrace Place, displayed photos of the surrounding areas, which depicted the steep hills, and the narrowness of Fairview Ave. She noted that the position of the entrance to the parking lot would cause a hazardous condition. She also voiced her concern regarding a retaining wall on her property, which abuts the rear of the proposed building. She noted that this wall is already unsteady. She asked if the project could be reduced in size and if the location of the entrance to the parking lot could be relocated to Main St.

Mr. Jeff Meyer, 16 Terrace Place, noted that the letter sent from the applicant to the neighbors did not fully explain each variance. He indicated that Terrace Place could not possibly facilitate an additional 61 vehicles. It is unsafe to make a left turn from Terrace Pl. onto Main St. The residents have to live with the decision of this Board. Main St. is a truck route to Yonkers, White Plains, and Eastchester and is already very busy. He urged the Board to be very cautious with their decision.

Noel Degaetano, 33 Terrace Place, indicated that only five years ago there were trees on Main St., now only buildings. He voiced his concern regarding emergency vehicles navigating Terrace Pl. There is no parking on one side of the street. The garbage trucks actually back up on Terrace as they do not exit onto Main St. He noted that the Village does not quite know the impact the new medical building will have on Main St.

Joyce Bogetti, 36 Fairview Ave., asked how trucks would make their deliveries. She noted that this was too massive a project for Main St.

Melanie Bolan, 34 Fairview Ave., noted that the size, impact, and scope of this project were deeply troubling. The traffic pattern was a major concern as it is difficult to exit her driveway at the present time. There is too many big developing projects in a small radius.

Dr. Frank Petranella, owner of 101 Main St., indicated that Mr. Byrd is and has been a very accommodating neighbor.

Victoria Angelillo indicated that she has been a resident for 50 years and is very concerned regarding the narrow streets and this massive building. Her tenant's views will be obstructed.

Tony Fangelli, 10 Circle, indicated that he too has been a long time resident and noted that there is no parking on Main St. now. He noted that 42 spaces would not be enough as families have more than two vehicles.

Phyllis MacDonald indicated that her retail space is 3900 sq. ft. with a 1600 sq. ft. small office. With eight employees, there are eight vehicles parked in the spaces.

Chairwoman Rosell thanked the public for their comments and noted that 99% of their concerns were regarding issues that would fall under the Planning Board's domain.

John Cavallaro, Village Attorney, stated that the height of the building was 42ft. with three stories or four stories. Whether the building has retail space or not, the building will stand 42 ft. as of right. The applicant has studied this area for over a year and has met with the Planning Board.

Motion by Member McBride to hold the public hearing open. The motion was seconded by Member Kang and unanimously carried by the Board.

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 9:32p.m.

