

Minutes of: May 12, 2010  
Date Approved: June 9, 2010  
Date Filed/Village Clerk: \_\_\_\_\_

**May 12, 2010**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 7:30pm**

**Present:** Thomas Giordano      Chairperson  
             Kevin McBride      Member  
             Philip Allison      Member  
             John Santos      Member  
             John Palladino      Member

**Absent:** Gloria Rosell      Member

**Also in Attendance:**  
             John Cavallaro      Village Attorney  
             Bill Williams      Building Inspector

Chairman Giordano announced the agenda as follows:

**Item #1 Approval of Minutes of the April 14, 2010 meeting.**  
**Item #2 48 Yonkers Ave.      Return**  
**Item #3 36 Chestnut St.      Area Variance**  
**Item #4 138 Columbus Ave.      Adjourned**

**Item #1 Approval of Minutes of the April 14, 2010 meeting**  
**Motion by Member McBride to approve the minutes of the April 14, 2010 meeting was**  
**seconded by Member Allison and approved by the Board with a vote of 5-0.**

**Item #2 48 Yonkers Ave.      Return**

**Chairman Giordano** announced that the public hearing was still open.

Leonard Brandes, architect for the applicant, submitted letters from surrounding neighbors in support of this application. He displayed photos of the surrounding homes to note that the proposed garage was designed to match those garages in the neighborhood. There are 15 residences that have garages in the corner block of the property. Nine of the 15 garages are larger than the proposed garage.

Member McBride noted that he examined the area and noticed many garages in the neighborhood were built on the property line.

Member Allison stated that all this construction will be under one roof; one single garage.

John Cavallaro, Village Attorney, noted that there are 9 letters submitted in support of this application. The text of each letter was identical stating that each neighbor was informed of the current plan; they have no problem with the plans and requested that the Board grant the approval for the variance.

### **No Public Comments**

**Member McBride motioned to close the public meeting, seconded by Member Santos and carried by the Board with a vote of 5 -0.**

### **Member McBride offered the following Resolution:**

**Member McBride offered a Resolution** for the application of an area variance requested by Christopher Corrado, 48 Yonkers Ave., Tuckahoe, NY for relief of the following sections of the Zoning Code; Section 4-3.3 Rear yard, 4-3.4.2 Side yard, 4-3.4.6 buffer and 5-1.6.3 conformity.

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.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
  - a. The pre-existing garage is in total disrepair and has to be removed. There had been a variance approval prior to the 1999 changes but it was never followed through. Garage side yard section 4-3.4.2 will remain the same.
  - b. The rear yard will remain the same based on the moving of the garage 4.5ft. closer to the house allowing the pool supplies, heater, filter, and pump to be placed in the rear of the garage. This also will mediate noises emanating from the heater, pump and filter. The garage will be roughly 8.5ft wider than the existing garage but will not affect the side or rear variances because it will be closer to the pool (right side of the garage) Section 4-3.3
  - c. Buffer will remain the same. Most homes in the area have garages on the property line with little or no buffer. Section 5-1.6.3
  - d. Although non-conforming due to the difficulties of this project and the narrowness of the driveway and pre-existing non-conforming neighbors garages. The Board's determination is to grant the variances. Section 5-1.6.3
3. The requested variances are substantial, but based on the narrowness of the driveway, safety issues of entering and exiting are a major concern. Granting of these variances will make better use of the property.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood in that; the condition of the property will be improved and will enhance its beauty.
5. The alleged difficulty was self-created. The Board determines that the variances requested will only enhance the surrounding community.

**The board adopts a negative declaration pursuant to SEQR.**

**Member McBride motioned to approve the Resolution, seconded by Member Allison and upon roll call was carried with a vote of 5 – 0.**

Mr. Sande Lichtenstein, representing the applicant, requested a variance for an existing storage shed. The house and shed were built in the 1960's. The owner applied and obtained a building permit at that time. Presently, there is no record of the building permit in the Building Dept. The contractor paid cash; therefore, there is no paper trail. The shed is placed in the back of the property and does not interfere with the neighbors. Some neighbors submitted letters in support of this variance.

Mr. Lichtenstein noted that the Certificate of Occupancy mentioned the house, but not the shed. They were both built during the same year. The applicant sold the property one month ago. During the time of the sale, it was discovered that there was no paperwork for the storage shed. There is money set aside in escrow for this to be rectified.

Susan Lebrini is present for any questions. There have been no complaints filed in the Building Dept. in the past 50 years concerning the shed. The issue was brought to the Village's attention by the applicants.

The storage shed measures a total of 301.12 sq. ft.

Mr. Lichtenstein noted that the two families raised seven children between them. The bikes, lawn mower etc. were all stored in the shed.

## No Public Comments

Chairman Giordano read letters from the following neighbors in favor of this application: Steven and Diane Bosan -46 Chestnut St., Melina Costanzo – 50 Chestnut St., and Josephine Liucci – 34 Chestnut St.

Chairman Giordano stated that the Board will review this application and will keep the public hearing open. Chairman Giordano added that although the Board is mindful of Mr. Lebrini's health, it would be helpful to hear from him.

**Member McBride motioned to keep the public hearing open, seconded by Member Allison and 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.