

Minutes of: June 9, 2010

Date Approved: Oct. 13, 2010

Date Filed/Village Clerk: _____

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS

TUCKAHOE VILLAGE HALL – 7:30pm

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

Absent:	Gloria Rosell	Member
	John Santos	Member

John Cavallaro
Bill Williams

Village Attorney
Building Inspector

Chairman Giordano announced the agenda as follows:

Item #1	Approval of Minutes of the May 12, 2010 meeting.	
Item #2	36 Chestnut St.	Return
Item #3	25 Oakland Ave.	Renewal – Special Use Permit
Item #4	28 Hollywood Ave.	Area Variance
Item #5	16 Chestnut St.	Area Variance
Item #6	1 Midland Ave.	Area Variance

Item #1 Approval of Minutes of the May 12, 2010 meeting
Motion by Member McBride to approve the minutes of the May 12, 2010 meeting was
seconded by Member Allison and approved by the Board with a vote of 4-0.

Item #2 36 Chestnut St. Area Variance
Chairman Giordano announced that the public hearing for this application was still open.

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' property. Mr. John Lebrini, co-owner and builder of the buildings was present to address the Board.

John Lebrini stated that he purchased the property in 1964 and applied for a building permit for the shed. He paid cash and does not have the receipt. The shed has not been an issue at all until the house was recently sold and the Certificate of Occupancy noted the house, not the shed.

Bill Williams, Building Inspector, stated that he checked the files and there is no record of this application.

No Public Comments

Member Allison motioned to close the public meeting, seconded by Member McBride and carried by the Board with a vote of 4 -0.

Member McBride offered a Resolution for the application of an area variance requested by John Lebrini (Sue and Geraldine) at 36 Chestnut Street, Tuckahoe, NY also known as Section 35, Block 1 Lot 34, for relief of the following sections of the Zoning Code; Section 4-1.1.4, and Section 4-3.4.6

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.

Due to the fact that the shed is 45 years old, constructed of cinder block, and poured concrete, this would be considered a hardship to the seller and buyer. Also the fact that in 45 years there has not been any neighboring complaints. The shed is located in the far left corner of the property and does not impose on neighbor's yards. It is the Board's determination that the shed will remain. Based on the 5-prong test, the remaining prongs are not applicable. If for any reason in the future, the existing shed is removed or built, the existing building codes must be adhered to so as not to be setting a precedent.

Member McBride motioned to approve the Resolution, seconded by Chairman Giordano and upon roll call was carried with a vote of 4 – 0.

Item #3 25 Oakland Ave.

Renewal – Special Use Permit

Mr. Chris Allacco, attorney representing the Woodlot Christian Pre-School, noted that the applicant seeks to continue the operation of its day-care facility. It seeks to renew and extend the previously granted special use permit (2008) to operate a day-care facility in the Business-zoning district from the Zoning Board. The applicant operates a day-care facility licensed by New York State to prepare children ages 2 years, 9 months to 6 years old for kindergarten. The applicant has fulfilled all the requirements set forth by the Special Use Permit. It continues to monitor the drop off and pick up areas with an employee present, an intercom system and radios. There have not been any problems reported with regards to the traffic flow.

Chairman Giordano asked if the facility operates during the weekend.

Mr. Allacco answered no, only the weekdays.

Member Allison motioned to open the public meeting, seconded by Member McBride and carried by the Board with a vote of 4 -0.

No Public Comments

Chairman Giordano noted that Mr. and Mrs. Alex Corvino submitted a letter in favor of this application.

Member McBride motioned to close the public meeting, seconded by Member Allison and carried by the Board with a vote of 4 -0.

Member Palladino offered a Resolution

In the Matter of the Application of

Woodlot Christian Preschool, LLC,

Premises: 25 Oakland Avenue,
Tuckahoe, New York,

Applicant.

**FINDINGS OF FACT,
CONCLUSIONS OF
LAW AND DECISION**

Introduction

In May 2008, the Applicant was granted a special use permit from the Zoning Board of Appeals (the “Zoning Board”) in connection with its operation of a day-care facility located at the premises commonly known as 25 Oakland Avenue, Tuckahoe, New York. In connection with the issuance of the special use permit, the ZBA set forth certain conditions. One of the conditions stated that, “[t]his Special Use Permit shall be limited to a period of 12 months and at its expiration, the applicant should be required to renew the Special Use Permit from this Zoning Board of Appeals.” In October 2009, the Special Use Permit granted to the applicant was extended by a decision of this Zoning Board, dated October 14, 2009. Presently, the Applicant seeks to renew the subject special use permit and extend its duration.

Background and Findings of Fact

The Applicant is the lessee of the premises commonly known as 25 Oakland Avenue, Tuckahoe, New York, and known on the tax map of the Village of Tuckahoe (the “Village”) as Section 42, Block 8 and Lot 1 (the “Premises”). The Premises is located in the Business zoning district, which is located nearby and east of the Crestwood Metro North Rail Station and north of the downtown area of the Village.

The western boundary of the Premises is adjacent to a gasoline and automotive service station. To the south of the Premises is a small commercial building. Residential dwellings are located across roadways bordering the northern and eastern boundaries of the Premises. The Premises is currently accessible by limited on-street parking, off-street parking lots of nearby businesses and off-street public parking lots.

The Applicant operates a day-care facility licensed by New York State Family Services to prepare children ages 2 years, 9 months to 6 years old for kindergarten. Currently, a total of approximately 75 children attend the Applicant’s day-care facility on either a full or part time weekly basis. The Applicant’s current preschool license allows for a maximum of 35 children to remain on the Premises at any given time and, consistent with a prior request, the Village’s Fire Inspector had approved an increase from 35 to 38 children being allowed on the Premises at any given time in conjunction with the day-care facility.

The Applicant seeks to continue the operation of its day-care facility in the existing structure on the Premises, which is a church. In connection with the Applicant’s proposal, it seeks to renew and extend the previously-granted special use permit to operate a day-care facility in the Business zoning district from the Zoning Board.

Under the Village Zoning Ordinance, the proposed use for a building or structure in a Business District cannot have, as its major objective, the goal of “catering or furnishing of services to other than the residents of the locality.” Village of Tuckahoe Zoning Ordinance (“Zoning Ordinance”) § 4-6.1. The Applicant seeks to continue to utilize a portion of the interior space of the existing church on the Premises to provide day-care services. The day-care facility would operate wholly within the existing church building. Among the special permit uses outlined for the Business District, the Zoning Ordinance expressly lists day-care facilities among them. Zoning Ordinance § 4-6.1(b)(3).

The Nature of the Application

In connection with this Application, the Applicant seeks to continue its day-care facility use, which requires a renewal and extension of its special use permit. The Applicant will not make any structural alterations to the Premises or the existing church nor will the extension of the proposed use cast any negative effects on any neighboring properties. In total, the Applicant requires a special use permit to continue its use of the Premises.

Conclusions of Law

In order to renew and extend the previously-granted special use permit, the Zoning Board must consider the following factors in reaching its determination:

1. Compatibility with District;
2. Compatibility with Comprehensive Plan;
3. Services;
4. Adjacent properties;
5. Nuisance;
6. Neighborhood Character and Property Values;
7. Traffic;
8. Parking; and
9. Conformance with Regulations.

Pursuant to Section 6-1 of the Zoning Ordinance, the Zoning Board is vested with the authority to issue special use permits as set forth in the Zoning Ordinance. "Any use designated in a given district as requiring a special use permit shall be deemed to be a permitted use in such district subject to satisfaction of the conditions and standards set forth in this article in addition to all other requirements of this Zoning Ordinance." Zoning Ordinance, Section 6-1.1.

A. Standards For All Special Permit Uses

1. Compatibility with District

The special use permit's renewal and extension is harmonious with the goals for a Business zoning district because it will directly benefit children living in or within close proximity to the Village. This goal is expressly set forth in the Zoning Ordinance. See Zoning Ordinance § 4-6.1. The day-care service benefits residents of the locality, the local school district and businesses in the Village.

The Applicant's day-care business has been operating for approximately 40 years. Thus, its business practices and policies are well-suited to the particular needs of the required facilities to furnish day-care services. The Applicant has requested an increase in maximum occupancy on the Premises from 35 to 38, which is a deviation of approximately 8%. The physical and structural dimensions of the existing building on the Premises will remain unchanged and no more than 38 children will be permitted on the Premises at a given time. Taking into consideration the relative experience and abundance of staff supervising the children on the Premises at all times, any negative impacts on neighboring lots will be mitigated and/or entirely prevented. Thus, the above increase in occupancy is insignificant and will not hinder the Applicant's ability to utilize the Premises for a business use.

2. Compatibility With Master Plan

Allowing a well established, reputable day-care facility that has been successfully operating for over 40 years to operate in the community will provide residents with more choices for early childhood education. Continuing a private day-care facility to this area of the Village will, indeed, be a positive contribution to the Village's school system and will provide newfound educational opportunities and/or alternatives to its residents.

The renewal and extension of the special use permit will be compatible with the Master Plan because one of its indirect net effects will be to enhance the economy of the Village. By continuing the day-care facility in a Business District, the nearby local businesses can continue to benefit from increased daily thoroughfare to and from the site.

Providing outstanding educational opportunities and diversifying private school alternatives for the Village's youth is not inconsistent with the goals of the Master Plan. Granting the relief requested will positively contribute to the educational opportunities currently available to Village residents, and could provide additional benefits to local businesses and contribute to the economic base of the adjacent and greater community. Thus, this project is harmonious with the express and implicit goals of the Village's Master Plan.

3. Services

Under any extension and renewal, the Premises will continue to be readily accessible for fire and police protection. The building is located on a public street that is navigable by fire and police protection services. Neither the existing building's physical dimensions nor the configuration of the Premises will change from its current state in

any respect. Nothing in this record suggests police or fire protection services will be diminished by the renewal and extension of the subject special use permit.

4. *Adjacent Properties*

In renewing and extending the special use permit, no construction or alterations of any structures will be required. The continuance of the use will only affect a portion of the existing structure on the Premises and will not be any more intense than the current use of the Premises. Continuing the Premises' use will not appreciably affect the value of the Premises to the detriment of adjacent and nearby lots. Thus, any properties adjacent or nearby the Premises will suffer no injury or deleterious effects from the use of the Premises.

5. *Nuisance*

The intensity of use on the Premises will not change as a result of renewing and extending the special use permit. The nature and scope of the proposed business use of the Premises will be such that no noise, fumes, vibration, flashing of lights or other similar nuisance conditions to the surrounding neighborhood will occur. Additionally, no offensive, dangerous, destructive or hazardous conditions affecting the health of the surrounding community will be produced as a result of the proposed use on the Premises. Bringing children ages 2 years, 9 months to 6 to the Premises on a daily basis will not generate any conditions tantamount to nuisance on or nearby the Premises. Any perceived or potential nuisance conditions will be effectively mitigated by the constant supervision and monitoring by staff of the day-care facility, in addition to the fact that the day-care services will continue to be primarily furnished indoors.

6. *Neighborhood Character and Property Values*

On this record, there is no evidence that the property values of adjacent and nearby lots in the community will be diminished by renewing and extending the approval for the special use permit. Neither the existing structure on the Premises nor the configuration of the lot itself will be materially altered in any respect. The existing character of the immediate and surrounding neighborhoods will not be affected whatsoever.

As a result of the continued influx of capital, economic support and overall appeal of this project, property values for lots adjacent to and nearby the Premises can only increase. These potential changes in neighborhood character and property values would only yield positive socioeconomic effects in the immediate vicinity and the greater community. As discussed above, the continuance of the project is consistent with developmental and aspirational goals for the zoning district and the greater community.

7. *Traffic*

On this record, there has been no showing that significant traffic increases have resulted due to the Premises' use as a day-care facility. The Premises is located in an area of the Village that regularly experiences higher traffic volume and is in close proximity to the Crestwood Metro North Rail Station. Thus, above average traffic volumes at and around rush hour time periods continue to be commonplace. Despite this fact, however, any increases in traffic volume to the area as a result of the Premises' use will continue to occur during times when children are either dropped off or picked up for day-care services. These time periods will be before morning rush hours, sporadically throughout the late morning and early afternoon and only a few children will continue to remain after 5:00 p.m.

Because so few of the children attending the day-care facility will remain on the Premises during peak afternoon traffic hours, the net effects of this slight increase in volume will be insignificant. Moreover, the Premises was previously used as a day-care facility without creating any adverse traffic conditions from a period of 1960-1980, which was noted by a member of the Planning Board at a February 26, 2008 meeting.

The Applicant had presented sufficient information to the Zoning Board demonstrating that any increase in traffic volume to the area near the Premises will be effectively mitigated. Due to the use of video camera monitoring, two-way radios and an intercom system, the staff of the day-care facility will be able to, and must, monitor pick-up and drop-off areas at the Premises at all times. Additionally, the Applicant has proposed that all vehicles on the Premises for purposes of pick-up and drop-off will only remain on the Premises for a period of approximately 1-2 minutes. Thus, the Zoning Board has determined that the effects on traffic from renewing and extending the special use permit will remain reasonable in nature.

8. *Parking*

This project does not seek to construct additional parking on the Premises or create off-street parking. The amount of parking available on the Premises will remain unchanged.

The Applicant has four off-street parking spaces available in the Fisher Avenue parking lot to accommodate staff parking. Additionally, the day-care facility staff will utilize available public parking in designated areas of the Village as more rental spaces become available. Due to the nature of the day-care facility, only the above staff

parking and transient parking for pick-up and drop-off is required. The Applicant has proposed a constant monitoring system consisting of multiple video cameras, two-way radios and an intercom to ensure that patrons to the Premises will remain on-site for approximately 1-2 minutes.

The negative effects of limited parking are mitigated by the fact that transient parking demand for the day-care facility will be most intense during off-peak traffic and commuting hours in the Village. Thus, the Zoning Board has resolved that the above approval is harmonious with the Zoning Ordinance and with its goals for the zoning district.

9. *Conformance with Regulations*

The Applicant has complied with the requirements for the Premises concerning a special use permit. Based on the foregoing, this Board finds that the Applicant has reasonably satisfied the general conditions applicable to the issuance of special use permits as set forth in the Village's Zoning Ordinance.

Conditions

The approvals granted herein are subject to the conditions set forth and contained on Schedule A, attached hereto, made a part hereof and incorporated by reference herein. The Zoning Board finds that the conditions set forth and contained on said Schedule A are reasonable conditions imposed on the Applicant in an effort to make this project more compliant with Zoning Ordinance standards as well as to reduce any negative environmental impacts associated with this project.

SEQRA

Based on the foregoing, the Zoning Board finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA.
2. This Zoning Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the renewal and extension of the special use permit application.
3. That the action taken herein shall not have any significant impact upon the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

Conclusion

Based on the foregoing, it is resolved that the renewal and extension of the special use permit be and is hereby granted to the Applicant. The Applicant and/or interested third parties are notified of their respective rights to appeal this decision or any part thereof in accordance with the New York Civil Practice Law and Rules.

Dated: Tuckahoe, New York

June 9, 2010

Thomas Giordano,
Zoning Board Chairperson

SCHEDULE A

**CONDITIONS TO A CERTAIN APPROVAL FOR THE RENEWAL OF A SPECIAL USE PERMIT
GRANTED TO WOODLOT CHRISTIAN PRESCHOOL, LLC FOR THE PREMISES 25 OAKLAND
AVENUE, TUCKAHOE, NEW YORK FROM THE ZONING BOARD OF APPEALS OF THE VILLAGE
OF TUCKAHOE**

1. The day care facility use that has been applied for shall not be enlarged, modified, expanded and/or amended in any manner whatsoever without the further approval of this Zoning Board of Appeals. The subject facility shall operate 12 months a year as a day care facility and shall not operate as a day camp or summer camp;
2. The ages of the children that shall utilize the proposed structure shall not be greater than eleven (11) years nor less than two (2) years, nine (9) months of age;
3. The number of children constituting the use of the facility shall be limited to thirty eight (38) children in accordance with the Applicant's State license;

4. The proposed structure shall not be a 24-hour facility and shall operate five (5) days a week Monday through Friday from approximately 7:30 a.m. to 6:30 p.m.;
5. No part of the proposed structure shall be utilized for dwelling quarters or for dwelling purposes;
6. The proposed facility shall not be operated on the weekends during any time of the year;
7. Four off-street parking spaces that are to be located within 500 feet of the subject premises shall be provided by the Applicant at all times;
8. The Applicant must maintain cameras that will focus on the drop off area on Oakland Avenue and the door on Fisher Avenue. The Building Inspector shall verify the operations of the camera system;
9. This Special Use Permit shall be limited to a period of 12 months and at its expiration, the Applicant should be required to renew the Special Use Permit from this Zoning Board of Appeals; and
10. The representations, illustrations, depictions and statements made by the Applicant in its: (i) application; (ii) Memorandum in Support; (iii) plans, drawings and renderings; and (iv) presentations during the course of the public meetings before this Zoning Board of Appeals are incorporated by reference herein and shall constitute conditions to the approvals granted herein. In the event that any of the foregoing (i-iv) conflict with this Findings of Fact, Conclusions of Law and Decision, the terms, provisions and conditions set forth herein shall control.

Member McBride motioned to approve the Resolution, seconded by Member Allison and upon roll call was carried with a vote of 4 – 0.

Item #4 28 Hollywood Ave.

Area Variance

Marilyn Mazzella, applicant and owner of 28 Hollywood Ave., requested a variance for a deck to be installed around an above ground pool. The deck will measure 4ft. by 15ft. with an 18 in. top rail that goes around the perimeter of the pool.

The deck area exceeds the requirements set forth by the Zoning Code.

Member Allison asked if this deck would be installed by a license contractor.

Ms. Mazzella stated yes.

Member Allison motioned to open the public meeting, seconded by Member McBride and carried by the Board with a vote of 4 -0.

No Public Comments

Chairman Giordano noted that a letter was submitted by Mr. and Mrs. Nicholas Ventresca in support of this application.

Member McBride motioned to close the public meeting, seconded by Member Allison and carried by the Board with a vote of 4 -0.

Chairman Giordano offered a resolution for an area variance requested by Ms. Marilyn Mazzella for relief from the following sections of the Zoning Code:

Section – 5-1.1 – which provides in relevant part as follows: “Swimming Pools (b) Restrictions and Requirements – Residential Zoning Districts (A-10, A-5, Residence B, Apartment 3). 5. Pool Deck. For aboveground pools, decks around pools are permitted, provided that they meet the following requirements: deck area not to exceed $\frac{1}{4}$ the area of pool; length not to exceed $\frac{1}{4}$ of the circumference of the pool, but could be less than $\frac{1}{4}$ the circumference; deck must conform with distance requirements. A separate building permit is required.

The application is to allow for a portion of deck which exceeds the area requirements of Section 5-1.1, and is located 9 feet from the rear of the dwelling, instead of the 10 feet required under this section.

Recommendation is for the requested variance to be granted as the variance is *de minimus*, and the detriment to the health, safety and welfare of the neighborhood is outweighed by the benefit to the applicant.

Addressing the five factors to be considered in making such a determination:

1. Will there be an undesirable change in the character of the neighborhood and will there be a detriment to nearby properties? The variance requested is for a small portion of deck around the pool that exceeds the area requirements of Section 5-1-1, as well as a foot variance from the minimum 10-foot requirement from the rear of the dwelling to the beginning of the pool. We do not see how these *de minimus* variances would that granting the requested variances would not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

2. Can the benefit sought by the applicant be achieved by some method feasible for the applicant to pursue other than the variances requested? Without violating other section so the Code, we do not see how the pool could be constructed on the plot so as to not require the variances requested. To set back the pool to 10 feet from the rear of the house would require violation of the 5-foot side and rear yard setbacks; to decrease the area of decking would result in almost no deck for use and enjoyment. The Board finds there is no other more feasible solution to achieve the benefit sought.

3. Is the requested variance substantial? The Board finds that neither the small portion of deck exceeding the area requirements of Section 5-1.1, nor the 1 foot differential between the minimum distance requirements of Section 5-1.1 are substantial variances from the Code.

4. Will the proposed variance have an adverse impact on the physical or environmental condition in the neighborhood? We do not see how the *de minimus* variances requested would have any adverse impact on the physical or environmental condition in the neighborhood.

5. Was the alleged difficulty was self-created? We find that it the alleged difficulty was not self-created, but a function of the size of the lot, location of the dwelling and garage, and frankly, a deficiency in the code itself with respect allowing for adequate decking for the proper use and enjoyment of an aboveground pool.

Accordingly, it is recommended that the requested variances be granted.
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 4 – 0.

Item #5 16 Chestnut St.

Area Variance

Steven Marchasani, architect for the applicant, requested an area variance for the front lot and lot width requirements. The lot front measures 45ft., the zoning code requires 50 ft., and the lot width measures 47ft. while 50 ft. are required. The proposed single-family house meets all other zoning code requirements. The proposed house is 2500sq. ft. with 3 bedrooms.

Member McBride voiced his concern regarding the curb cut not being visible.

Bill Williams, Building Inspector, indicated that the applicant will appear before the Planning Board, and they will examine and determine the curb cut safety issue.

Member McBride motioned to open the public meeting, seconded by Member Allison and carried by the Board with a vote of 4 -0.

Public Comments

John Kheyman 7 Circle Rd. noted that he lives in the house next door. He stated that the parking issue was a major concern for him and the neighbors.

Bill Williams, Building Inspector, stated that the applicant has provided two parking spaces, which are required by the Zoning Code.

Anthony Faggianelli, 10 Circle Rd. also voiced his concern regarding the parking problem. He stated that two parking spaces were not adequate for a house this large.

Chairman Giordano stated that the parking shortage is a Village issue. The proposed structure complies with the parking requirement set forth by the zoning code.

Elisa Baldassarra 61 Circuit Ave. asked if the applicant plans to build another house on the second lot. She also asked if the mature trees will be cut down.

Bill Williams, Building Inspector, noted that there is no application yet for an additional house. Mr. Marchasani stated that some of the trees will be removed.

Mr. Baldassarra 61 Circuit Ave asked the Board to consider the narrow road and traffic flow.

Member McBride motioned to close the public meeting, seconded by Member Allison and carried by the Board with a vote of 4 -0.

Member Allison offered a Resolution for the application of an area variance requested by Robert Venice of 4 George St. Yonkers NY 10707 for the property at 16 Chestnut Street Tuckahoe, NY also known as Section 35, Block 1 Lot 5, for relief of the following sections of the Zoning Code; Section 4-3.3 Lot Area and Width.

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; this parcel is a vacant lot on the corner of Circuit Ave. and Chestnut St.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance; due to the topography of the lot, the variance is the only solution.
3. The requested variance is not substantial; The zoning calls for 50ft. width. The proposed building is 45ft. making this a minimal variance.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood in that; this neighborhood is a mixture of single family and multifamily homes. This proposal should blend right in with the surrounding homes.
5. The alleged difficulty was self-created, but it is not fatal to the application.

The board adopts a negative declaration pursuant to SEQR.

Member Allison made a recommendation to approve the requested area variance with the stipulation that the completion be one year after the receipt of the granting of all variances and for the construction to adhere to and be in compliance with the existing building code.

Member McBride motioned to approve the Resolution, seconded by Member Allison and upon roll call was carried with a vote of 4 – 0.

Item #6 1 Midland Ave.

Area Variance

Martin Hero, architect representing the applicant, requested variances for side yard encroachment and on-site parking requirements. The owners, Mr. and Mrs. McGrath, bought this small one bedroom house prior to starting a family. The first floor consists of the living room and kitchen and the second floor is a bedroom and bathroom. The application is for a two-floor extension measuring 17ft. to the front of the house. This extension will add additional space to the living room and a powder room on the first floor, and an additional bedroom and bathroom on the second floor. The original house footprint measures 464 sq. ft. for a total of 928sq. ft. With the extension measuring 544sq ft. the total will be 1472 sq. ft. The application is for a one-bedroom home to be expanded to a two-bedroom home. This is the smallest house on the block. Some of the surrounding homes in the area are three-family houses with three stories.

Member McBride asked if the original foundation would be able to withstand the additional weight of the extension.

Mr. Hero noted that the foundation is 18in. thick. The contractor will take this into consideration.

Chairman Giordano asked about the parking situation.

Mr. Hero noted that there is no on-site parking due to the topography. There is a 30in. drop in the grade between the sidewalk and the property.

Bill Williams, Building Inspector, stated that the application is in compliance with the FAR requirement.

Member Allison stated that the issue here is that the proposed house will sit too close to the property line. He advised the applicant to submit letters of support from the neighbors.

Mr. McGrath, owner, stated that he had the house on the market for the last two years and did not attract any interested buyers. He stated that he simply would like to expand the small home to add room for his new infant son.

Member McBride motioned to open the public meeting, seconded by Member Allison and carried by the Board with a vote of 4 -0.

No Public Comments

Member McBride motioned to keep the public hearing open, seconded by Member Allison and was carried with a vote of 4 – 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.