

Minutes of: Oct. 13, 2010
Date Approved: Nov. 10, 2010
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October 13, 2010
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Kevin McBride Acting Chairperson
John Santos Member
John Palladino Member
Nicholas DiSalvo Member
David Kubaska Member
Ronald Gallo Ad-Hoc Member

Absent: Gloria Rosell Member
Philip Allison Member

Also in Attendance:
Gary Gjertsen Deputy Village Attorney
Bill Williams Building Inspector

Acting Chairman McBride announced the agenda as follows:

Item #1 Approval of Minutes of the June 9, 2010 meeting.
Item #2 Approval of Minutes from the Sept. 22, 2010 meeting.
Item #3 1 Midland Ave. Adjourned
Item #4 85 Yonkers Ave. Adjourned
Item #5 24 Oak Ave. Return
Item #6 11 Ridge Rd. Area Variance
Item #7 138-140 Columbus Ave. Special Use Permit

Item #1 Approval of Minutes from the June 9, 2010 meeting
Motion by Chairman McBride to approve the minutes of the June 9, 2010 meeting was seconded by Member DiSalvo and approved by the Board with a vote of 5-0.

Item #2 Approval of Minutes from the September 22, 2010 meeting
Motion by Chairman McBride to approve the minutes of the Sept. 22, 2010 meeting was seconded by Member DiSalvo and approved by the Board with a vote of 5-0.

Item #5 24 Oak Ave. Return
Acting Chairperson McBride stated to the owner Gregory Colbert that the Village Attorney, John Cavallaro is creating a resolution for the requested variances. In light of his absence, the resolution will be voted on during next month's meeting. The applicant was asked to return next month.

Item #6 11 Ridge Rd.**Area Variance**

David Snyder, owner of the property, noted that he was granted approval of a circular driveway several years ago. He and his wife decided not to install the driveway even after the approval. He is now presenting an application for one parking space to be constructed on a piece of his lawn. This would allow one or two cars off the street. The driveway is steep. He also noted that there are tall shrubs lining the front of the property, which will provide screening so the parking space will not be visible.

Chairman McBride motioned to open the public meeting, seconded by Member DiSalvo and carried by the Board with a vote of 5 -0.

No Public Comments

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

Member Palladino offered a Resolution for the application of an area variance requested by Lorraine Shanley 11 Ridge Road, Tuckahoe, NY also known as Section 27, Block 2, Lot3, requesting relief of the following section of the Zoning Code; 5-1.2B Front Yard Parking Space. 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. The size of the property is sufficient to accommodate a parking space.
2. The present driveway cannot be reconfigured to accommodate a double driveway due to the gradient of the property. This is a feasible solution.
3. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that there are 8 circular driveways, 6 in Bronxville and 2 in Tuckahoe on Ridge Road to Governors Road.
4. Existing planting along the sidewalk will be maintained in place as presented.
5. It is stipulated that completion be one year after receipt of the granting of all permits.

Chairman McBride motioned to approve the Resolution, seconded by Member Santos and upon roll call was carried with a vote of 5 -0.

Item #7 138-140 Columbus Ave.**Special Use Permit**

Sy Gruza, attorney representing the applicant noted that this application is for an Auto Body Shop to be relocated to this address. The existing building has a double vehicle entrance, which will be updated with a new double door with a row of windows above the garage door. The existing entrance door will be converted to a window. Inside the shop, there are also 6 spaces for the Chrysler operation, which is located on one side of the building, and 6 working bays for this shop. The customers will enter the facility with their automobile through the double vehicle door. An employee will take the vehicle. The proposed paint booth is a new upgraded version. The EPA requires that the paint booth have 98% efficient capture rate, this new paint booth has over a 99% rate. The solvent content now measures 10%, compared to years ago when it was 84%. The emissions, therefore are diminutive. There will be 55 gal. drums located in the shop for the immediate disposal of any rags or materials with any solvent material on it to prevent any additional fumes. These drums will be set on spill contaminant pallets as a precaution. A private carting company will remove the drums. There will be a fireproof cabinet to store all flammable

materials. There will be no vehicles seen from the sidewalk, all work will be done in the shop. There will be no parking on the street as the area in the back of the building has 10 parking spaces.

Edward Potenta, acoustical consultant, hired by the applicant, calculated the noise level from 3 locations. The town code requires below 75 DBA in an industrial district, and below 65 DBA in the residential district, he measured 49 DBA at the northeast property line. He submitted an in depth report of his findings to the Board.

Bill Williams, Building Inspector, added that the residents behind the property are located in a Residential B zone, which must be no more than 50 DBA.

Mr. Potenta submitted a chart, which itemizes all the readings of the DBA from all the machines used by the auto body shop, at all the different locations and property lines. He noted that the applicant complies with all the zoning code regulations and the noise should not impact the neighbors.

Bill Williams, Building Inspector, asked the applicant for a recent copy of the Phase I environmental review for the attorney to review. The applicant agreed to submit the report.

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

Public Comments

Dennis Lucente, owner of a few properties near and around the proposed site. He voiced his concern regarding the exhaust fans, pollutants, the smell and if any of the prep work would be done in the rear of the building. He noted that there is another auto body shop across the street on Columbus Ave. He reviewed the Tuckahoe zoning code that states that there should not be an auto body shop located within 200ft. of a residential district, church, or another auto body shop. This application has all three located within 200 ft. He added that there should be a screening or buffer zone to protect the residential area of any noise or smell.

Karen Lucente 110 Pleasant Ave., stated that this application was for Chrysler to renew its original application. She requested to review the original application. She also requested a buffer zone along the rear of the property to separate the industrial and the residential districts. She has a clear view of the roof top of this building and stressed the importance of a buffer.

Sam Sangiorgi, lives behind the proposed site, noted that the building had recently placed an additional layer of tar on the rooftop. The smell of the tar lingered for months. The concern is the paint fumes and such will linger as well.

Joe Lucente, 110 Pleasant Ave., asked if the updated zoning code was in effect when the Certificate of Occupancy was originally issued to Chrysler.

Bill Williams, Building Inspector, noted that the code that was summarized earlier was revised in May of 1999, after Chrysler was granted approval. Therefore, this building is grandfathered in as the permitted use runs with the property, not with the applicant.

Joe Lucente noted that there are four auto body repair shops on Columbus. It is beginning to look like Marbledale Rd. There are only these two roads that run through Tuckahoe and both look the same. He voiced his concern that there is no distinction in the zoning code between auto body repair shops and repair shops. He also added that the fumes may elevate to his property.

Sy Gruza stated that all prep work will be done inside the building. As the employee sands the vehicle, it is vacuumed up immediately. The primer and all paint will occur in the paint booth including body filler, hardener and lacquer coats.

He noted that this location has been an auto body shop since 1998. This is located in an industrial district and it is a permitted use pursuant to the Special Use Permit. Through testimony, this applicant meets all the required criteria for the Special Use Permit.

Member Gallo asked about the fumes from fiber glassing, glue and hardener.

The owner noted that fiber glass is only used on corvettes. All other vehicles will use bonding, which does not have an odor.

Chairman McBride read a letter from 146 Columbus Ave. in opposition of this application. See attached.

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

John Chaffier, representative from the paint booth company, stated that there has never been an issue concerning the noise level of the operation of the paint booth. He noted that the decibel reading is not even in their literature. There are two fans each with 15 horsepower motors. The paint booth is completely computer controlled.

Mr. Potenta added that he took readings from the exact paint booth both inside the building and outside the building.

Bill Williams, Building Inspector, asked for a copy of all the data found as to verify the acoustical data with village consultants. Mr. Potenta agreed to send Mr. Williams all necessary data.

Member Kubaska asked about if the dust collection is done with a central vacuum or an individual vacuum.

The owner stated that as the sanding is being done, the vacuum will suck the sand. Wet sanding is done by hand and there is no dust with that process. There will be both a central vacuum and individual vacuums.

Member DiSalvo noted that there is still a concern regarding the odor and general health of the residents near the facility.

Mr. Chaffier noted that there are very little fumes with the new technology and materials. The prep station and the sander is a system within itself.

Bill Williams, Building Inspector, asked the applicant to spell out the location of the prep area and the sanding area in the plans. The odor, prep areas, air borne materials, fiber glass and bondo, and how all the odors be addressed.

The owner added that the odors must not be too bad as he is in this business for 35 years and is still in good health.

Bill Williams advised the members of the Board to visit the location of the present auto body shop on Columbus Ave. to witness how clean the operation is.
All agreed.

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.