

Minutes of: Mar. 9, 2011
Date Approved: April 13, 2011
Date Filed/Village Clerk: _____

March 9, 2011
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Kevin McBride Chairperson
 Nicholas DiSalvo Member
 Ronald Gallo Member
 John Palladino Member

Absent: Gloria Rosell Member
 David Kubaska Member
 John Santos Member

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

Chairman McBride announced the agenda as follows:

Item #1	Approval of Minutes of the February 9, 2011 meeting.	
Item #2	1 Midland Ave.	Referred to the Planning Board
Item #3	18 Bronx Street	Area Variance
Item #4	20 Underhill St.	Return
Item #5	24 Oak Ave.	Return
Item #6	13 Harrison St.	Area Variance
Item #7	7 Lincoln Ave.	Area Variance
Item #8	100 Main Street	Extension Special Use Permit

Item #1 Approval of Minutes from the February 9, 2011 meeting

Motion by Chairman McBride to approve the minutes of the February 9, 2011 meeting was seconded by Member Gallo.

Discussion: Member Palladino presented a correction. He asked that the statement made in Item #5 be corrected to a direct question asked by Member Palladino regarding if the basement was unfinished. Maggie Marrone architect for the applicant responded ‘Yes, the basement was unfinished and used for storage’. Member Palladino also submitted photos of the basement taken by Bill Williams, the Building Inspector to be placed in the applicant’s folder. Motion by Chairman McBride to approve the amended minutes of the February 9, 2011 meeting was seconded by Member Gallo and carried by the Board with a vote of 4-0.

Item #2 1 Midland Ave.

Return

Chairman McBride announced that this application was referred to the Planning Board.

Item #3 18 Bronx Street

Area Variance

Mr. Stanziale, architect for the applicant, stated that he presented the revised plans to the Planning Board for review. He noted that the submitted plans were modified. The applicant has pulled the addition back 2ft. to allow for a small shed roofline, which will soften the addition, and reduce the front yard setback variance. This 2ft. reduction has also reduced the FAR. The footprint will stay the same and there will be no extension on the first floor.

Chairman McBride asked if the applicant considered the recommendation of switching the bathroom with the master bedroom closet.

Mr. Stanziale noted that the space for the bathroom suits a bathroom for fixtures and such, but not enough space for a walk-in closet. It is a small house and the applicants need closet space. Bill Williams, Building Inspector, stated that the changes to the plans have decreased the requested variance.

Item #4 20 Underhill St.

Area Variance

Maggie Marrone, architect for the applicants Mr. and Mrs. Fon, responded to the correction in the minutes. She stated that the basement is unfinished, but the applicant started the process of finishing the basement, as they were not aware that they were required to apply for approval to their plans. The owners would like to finish the basement for a place for their grown daughter to spend overnight visits. At the present time, she sleeps on a couch in the living room.

Chairman McBride stated that he visited the premises and asked about the vehicles parked in the back of the house.

Ms. Marrone noted that the owners have three vehicles, but they commute to work together in one vehicle.

Member Palladino offered the following Resolution:

In the Matter of the Application of CHUN FOOK FON, Premises: 20 Underhill Street Tuckahoe, New York,

Background and Findings of Fact:

The Applicant is the owner of the Premises commonly known as 20 Underhill Street, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe as Section 33, Block 8 and Lot 22 (the "Premises"). The Premises is currently improved by a two and a half story two-family dwelling that fronts on the public roadway commonly known as Underhill Street. The overall lot area of the Premises is 33-feet wide by 100-feet deep. In addition, the Premises has a front yard of 20.7 feet, a right side yard of 1.84 feet, a left side yard of 9.5 feet and a rear yard of 38 feet.

The Premises is located in a Residence B Zoning District that allows, in pertinent part, two-family dwellings as a permitted principal use. However, due to the lot's area and the

proposed construction of a new playroom, bedroom and bathroom in the existing basement, the floor area ratio ("FAR") proposed for the Premises is 0.645 in a Zoning District where the allowable FAR is 0.5.

The Nature of the Application:

The Applicant seeks to construct a new playroom, bedroom and bathroom in the existing basement. The Applicant seeks to expand the existing non-conforming dwelling by adding such additions in the basement area of the existing two-family dwelling. In connection with the Applicant's proposed construction plan, he seeks a series of area variances because the proposed construction does not conform to the requirements of the Zoning Ordinance of the Village of Tuckahoe.

The nature and degree of the variances sought are as follows:

	Required	Proposed
Floor Area Ratio:	0.5% (allowable)	0.645%
Side yard setback:	9 feet	1.48 feet
Buffer Area	5 feet	none proposed

In total, the Applicant seeks four area variances from this Board because in addition to the foregoing, the Applicant is also altering, enlarging and/or rebuilding the non-conforming structure located on the Premises. Thus, under section 5-1.6.3 of the Zoning Ordinance, the Applicant seeks a fourth area variance because she is increasing the degree of non-conformity of the non-conforming dwelling located on the Premises.

Conclusions of Law:

In order to grant the requested area variances, this Zoning Board must consider five factors in reaching its determination as follows:

- 1) Whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties?
- 2) Whether the benefits sought by the Applicant can be achieved by a feasible alternative to the variances?
- 3) Whether the requested variances are substantial?
- 4) Would the variances have an adverse impact on the physical or environmental conditions in the neighborhood?
- 5) Whether the alleged difficulties were self-created?

In analyzing the above factors, this Zoning Board is left to consider whether the benefit to the Applicant outweighs the proposed detriments to the health, safety and welfare of the neighborhood or community. In applying the five-factor test and in considering the benefit to the Applicant weighed against the detriments to the health, safety and welfare of the neighborhood or community, this Zoning Board resolves to deny the application as presented because the Applicant has failed to satisfy the five-factor test.

- 1) Whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties?

The Applicant overlooks that the dwelling, as proposed, will result in substantial and significant deviations from the requirements of the Zoning Ordinance. The creation of insufficient yards impacts the surrounding community because the use of the Premises grows more dense, leaving insufficient buffers between adjacent properties. Specifically, as this application is concerned, the insufficient side yard and lack of a buffer would result in a structure occupying more than the allowable space on the subject Premises. The Applicant proposes a side

yard of 1.48 feet where the required side yard must be 9 feet in size. This deviation leaves little room between the proposed dwelling and the adjacent Premises.

Additionally, the FAR is exceeded in that 0.5 is the allowable FAR but the Applicant proposes an FAR of 0.645. The exceeded FAR impacts the surrounding community in that the dwelling as proposed covers more than the permissible amount of space, thus reducing open space and eviscerating the buffer area required for the Premises.

2) Whether the benefits sought by the Applicant can be achieved by a feasible alternative to the variances?

Without question, the benefit sought by the Applicant can be achieved by an alternative in that the Applicant can elect to not proceed to finish the basement area, thus eliminating the scope, impact and degree of deviations sought from the Village Zoning Ordinance. The simple alternative for the Applicant would be to not to proceed with the “finishing” of the basement area, but the Applicant has failed to do the same, thus leaving the Zoning Board no choice but to deny the application based on the number, degree and scope of the variances sought.

3) Whether the requested variances are substantial?

Indeed, the variances are substantial here. The side yard setback variance seeks an approximate 83% deviation from the Zoning Ordinance’s requirements. With respect to the FAR variance, the Applicant seeks an approximate 22% deviation from the requirements set forth in the Zoning Ordinance. As the buffer requirement is concerned, the Applicant seeks a 100% deviation from this requirement.

This Board has correctly utilized the Zoning Ordinance’s standards as the means to reach its conclusion on this prong of the five-factor test. The Zoning Ordinance is indisputably the governing regulation concerning the substantiality of the requested variances. This Zoning Board should not be compelled to perpetuate and exacerbate non-conforming uses in light of their contravention of the Zoning Ordinance’s requirements.

Finally, the Applicant is seeking upwards of four variances here. The number and degree of the variances are substantial in light of the present application.

4) Would the variances have an adverse impact on the physical or environmental conditions in the neighborhood?

If the variances were granted, it would effectuate the substandard lot having an insufficient side yard and an FAR that exceeds the permitted limitation. Density is increased because smaller sized lots become subject to more construction, leaving insufficient open space. The Village Board of Trustees recognized the density issue in the Village and specifically amended the Zoning Ordinance in response to that issue. The Village Board, in part, amended the Zoning Ordinance so as to provide for greater FAR limitations in an attempt to decrease the density issue that was occurring in the Village. The Board of Trustees recognized the physical conditions in the Village and the need to address density as an issue. A grant of the variances here would be contrary to the amendments to the Zoning Ordinance. Thus, the physical and environmental conditions in the neighborhood would be negatively affected by the granting of the variances.

5) Whether the alleged difficulties were self-created?

The Applicant purchased and continually used the Premises as a two-family dwelling without the benefit of a finished basement with a new playroom, bedroom and bathroom. The Applicant has not pointed to any proof demonstrating that she possesses some right, vested or otherwise, to finish the basement with a constructed new playroom, bedroom and bathroom. Hence, the difficulty here is self-created. The Applicant contends that she purchased the Premises in its present condition. However, despite that contention by the Applicant, that does not change that the difficulty here was, in fact, self-created. Undeniably, the Applicant purchased a Premises

that is non-conforming in several respects. Thus, the Applicant's difficulty can only be said to be self-created.

This Zoning Board is also concerned that the finishing of the basement area to construct a new playroom, bedroom and bathroom could lead to the potential for an illegal apartment in said basement area. Finally, during the course of the presentation by the Applicant, the Applicant represented to the Zoning Board that the subject basement area was only used for storage. However, photographs submitted by the Building Inspector show and prove otherwise. It is apparent, based on the photographs submitted by the Building Inspector, that the subject basement area is used as living quarters and is more than just a storage area as represented by the Applicant to the Zoning Board.

Conclusion:

Based on the foregoing, it is resolved that the application of Chun Fook Fon is denied. The Applicant is notified of her right to appeal this decision in accordance with the New York Civil Practice Law and Rules.

Motion was seconded by Member Gallo and upon roll call was carried with a vote of 4 – 0.

Item #5 24 Oak Ave.

Return

Mr. Colbert, owner of the property stated that he spoke to many neighbors regarding his plans. He noted that neighbors were not present to oppose the plans. He submitted a petition, see attached, signed but a number of neighbors all in favor of the application.

Chairman McBride read the petition. (See attachment page 14).

Member Gallo asked if the sign stating the proposed plans was still on the property.

Mr. Colbert noted that the sign was placed there many months ago. Since then the original application was denied, he submitted new plans and there have been no new signs placed there. Chairman McBride complimented the applicant on doing his due diligence and his efforts with reducing the FAR.

Motion by Member Gallo to open the public hearing, seconded by Member Palladino and carried with a vote of 4 – 0.

No Public Comments

Motion by Member Gallo to close the public hearing, seconded by Member Palladino and carried with a vote of 4 – 0.

Member DiSalvo offered the following Resolution: In the matter of the application of Greg Colbert, 24 Oak Ave., Tuckahoe NY

Background and Findings of Fact:

The Applicant is the owner of the premises commonly known as 24 Oak Avenue, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe as Section 32, Block 9 and Lot 7 (the "Premises"). The Premises is currently improved by a two-story dwelling which is adjacent to other residential dwellings in the community.

The Applicant seeks relief from the Village of Tuckahoe Zoning Code (the "Zoning Code") by means of an area variance for the following: lot area and width; side yard; rear yard; and floor-area ratio ("FAR") from the required restrictions set forth in the Zoning Code.

The Premises is located in a Residence-B Zoning District, which requires, in pertinent part, that: the lot area shall not be less than 5,000 gross square feet and lot width not less than 50 feet (*L.L. No. 1-2005, § 1*); the side yard be not less than 9 feet (*Zoning Code § 4-3.4.2.*); the rear yard be not less than 25 feet (*Zoning Code § 4-3.4.3.*); and the FAR be limited to 0.5 (*Zoning Code § 4-3.6.*).

The subject dwelling is a one-family dwelling with a lot size of 4029.9287 gross square feet; a south side yard of 6 feet 1 inches; a north side yard of 11 feet 7 inches; a rear yard of 29 feet and 6 inches; and a FAR of 0.3428. Therefore, as it currently exists, the subject dwelling is already non-conforming with regard to lot area and width, and side yard. As such, the Applicant is seeking an area variance for all non-conformities presently existing and proposed.

The Applicant is proposing renovations to the subject dwelling to accommodate his growing family. The renovations being proposed would entail building a two-story addition onto the rear of the subject dwelling. As such the only changes to the Premises as a result of the Applicant's proposed addition would be to the rear yard setback and FAR. As detailed above, as the Premises currently exists, the rear yard and FAR are in compliance with the Zoning Code. The Applicant's proposal seeks to reduce the rear yard setback from 29 feet and 6 inches to 16 feet and 0 inches (whereas 25 feet is required by the Zoning Code), as well as increase the FAR from 0.3428 to 0.5716 (whereas 0.5 is required by the Zoning Code). It must be noted that the above proposal of the Applicant is based upon a final revision of his architectural plans. The Applicant's original proposal sought more aggressive renovations, which the Applicant revised to reduce the degree of non-conformity thereof. As such, based upon his

proposal, the Applicant is seeking an area variance for the following: lot area and width; side yard; rear yard; and floor-area ratio ("FAR") from the required restrictions set forth in the Zoning Code.

Conclusions of Law:

In order to grant the requested area variance, this Zoning Board must consider five factors in reaching its determination as follows:

- 1) Whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties?
- 2) Whether the benefits sought by the Applicant can be achieved by a feasible alternative to the variance?
- 3) Whether the requested variance is substantial?
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?
- 5) Whether the alleged difficulty was self-created?

In analyzing the above factors, this Zoning Board is left to consider whether the benefit to the Applicant outweighs the proposed detriments to the health, safety and welfare of the neighborhood or community. In applying the five-factor test and in evaluating the respective benefits and detriments of this application, this Zoning Board resolves to grant the application because the Applicant has satisfied the five-factor test.

1) Whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties?

No undesirable changes in the character of the neighborhood would result from the granting of the above requested variances. The addition being proposed by the Applicant is going to be made to the rear of the subject dwelling and will match the style of it.

Additionally, the rear of the Premises is uniquely situated in that it contains a large foliage-topped stone retaining wall and that there is no neighbor to the rear. As such, inasmuch as the addition is completely limited to the rear of the subject dwelling, and as the Premises is uniquely situated, the addition will not be visible by any existing adjacent neighbors. Thus the addition will not present a negative impact to nearby properties.

Furthermore, the Applicant stated that his neighbors are not adverse to the proposed renovations. In support of such statements is the fact that no neighbors have appeared at any of the Applicant's several public hearings to protest the variances being sought.

2) Whether the benefits sought by the Applicant can be achieved by a feasible alternative to the variance?

The Applicant's proposed addition is being sought to accommodate his growing family. The Applicant has made a sufficient showing detailing the various alternatives he and his architect have attempted in order to satisfy this purpose. Based upon this record, there appears to be no other area on the subject dwelling which could be physically altered to accommodate an increase in living space other than the rear of the Premises. Thus, no feasible alternative exists to create this addition.

3) Whether the requested variance is substantial?

Here, this Zoning Board finds that the requested area variances are substantial. Although the Premises is presently non-conforming, the proposal creates additional non-conformity to the rear yard and the FAR.

The Applicant seeks a rear yard setback of 16 feet 0 inches. Thus the Applicant seeks a 36% deviation or variance from the requirements of the Zoning Code. This Zoning Board finds that although this 36% variance is substantial, in light of unique nature of the rear of the Premises as articulated above, and balanced against the other four statutory factors, this alone is not fatal to this application.

Additionally, the Applicant seeks a FAR of 0.5716. Thus the Applicant seeks a 14.32% deviation or variance from the requirements of the Zoning Code. This Zoning Board finds that this 14.32% variance is not substantial, especially in light of the unique nature of the entire Premises.

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

The proposed area variance will not produce adverse impacts on the physical or environmental conditions in the surrounding neighborhood. As stated, there will only be changes made to the rear of the Premises and the occupancy of the dwelling will remain the same. The FAR variance will not generate additional environmental impacts such as poor aesthetics, increased traffic, greater parking demands, noise pollution or other negative environmental conditions. Further, any variances being sought by the Applicant other than rear yard and FAR, are already non-conforming and the Applicant is not increasing the non-conformity thereof.

5) Whether the alleged difficulty was self-created?

This Board finds that the alleged difficulty was not self-created. The Applicant purchased the Premises in the manner in which it is currently non-conforming. Additionally, the Applicant has exhausted all other feasible

options in order to achieve his goals prior to seeking a variance. Further, the Applicant revised his architectural plans while his variance application was pending, in order to reduce the degree of the non-conformity.

Conclusion:

Based on the foregoing, it is resolved that the area variance referenced herein be and is hereby granted to the Applicant in accordance with this decision. 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.

Member DiSalvo made a recommendation to approve the requested area variance, to be completed within one year of the granting of all permits. The board adopts a negative declaration pursuant to SEQR.

Chairman McBride seconded the motion and upon roll call was carried with a vote of 4 – 0.

Item #6 13 Harrison St.

Area Variance

Mr. John Cotugno, architect for the applicant, stated that this house was purchased in 2010. The owner was granted a permit from the building department to refurbish the first and second floor. The building department does not have records for this house. It is his opinion that the house was built in the early 1900s. It is also his opinion that there was always a third floor to this structure. The third floor consists of a bedroom and a full bath. The bathroom has a claw foot tub, sink and toilet. The toilet has a date of 1937, which in his opinion, was a second updated toilet, not the original. The two variances requested are to legalize the third floor as the house precedes the zoning ordinance and to alter a non-conforming structure. The plans for the third floor are to simply remove the existing fixtures in the bathroom and replace them. The sink will be replaced and moved to the sidewall. The tub will be removed and a new shower will be installed. There will not be a change in the character of the neighborhood as some of the houses already have three stories. The owner is restoring the entire house and installing energy efficient windows and copper gutters.

Bill Williams stated that the applicant will sheetrock over the existing plaster walls. There will not be new insulation.

Member Gallo asked if approval is required for financing.

Mr. Cotugno stated that the bank was not involved. The owner would like to be granted a Certificate of Occupancy for the entire house.

Member Gallo asked if there is a separate entrance from the outside to the third floor.

Mr. Williams stated that the only access to the third floor is inside the house.

Member Gallo asked if there is a tub in the second floor bathroom.

Mr. Cotugno stated yes.

Mr. Cotugno noted that the height of the building will not change. The siding, windows, window trim, hardwood floors will be updated.
The property has an existing detached garage.

Bill Williams stated that there is a safety issue with a third floor. An occupant must be able to exit from the window with no more than a 14ft. drop.

Mr. Cotugno noted that there is a den on the first floor that does not have a second floor. Therefore, the occupant will be able to jump to the roof of the den. Furthermore, in the 1970's there was a law created which requires that the third floor of a home have a sprinkler system. He noted that the state inspector said that this house will be exempt from the law due to the fact that the house was built prior to the law being enacted. Mr. Cotugno stated that the state inspector will write a letter if need be. He stated that it was his opinion that it was always a good idea to install a sprinkler system on the third floor. He stated that it was his opinion that this third floor was part of the original structure.

Mr. Williams stated that it was his opinion that the third floor was added on after the original house was built. The date on the toilet bowl is the date of the addition. He stated that he disagrees with the state inspector that the applicant does not have to comply with the state law regarding a sprinkler system on the third floor.

Member Gallo asked about the difference in opinions.

Mr. Williams stated that Mr. Cotugno believes that the house was built with three floors in the early 1900s. Mr. Williams believes that the date on the toilet bowl is probably the date that the third floor was added. The Zoning Codes began in the early 1920s. It is his opinion that the third floor does not pre-date the Zoning Code.

Chairman McBride noted that the Board members will visit the property. Mr. Williams will set up the appointment with the applicant.

Motion by Chairman McBride to open the public hearing, seconded by Member DiSalvo and carried with a vote of 4 – 0.

No Public Comments

Motion by Chairman McBride to close the public hearing, seconded by Member DiSalvo and carried with a vote of 4 – 0.

Item #6 7 Lincoln Ave.

Area Variance

Applicant not present.

Member DiSalvo offered the following Resolution: In the matter of the application of Mario Piacqadio, 7 Lincoln Ave., Tuckahoe, NY

Background and Findings of Fact:

The Applicant is the owner of the premises commonly known as 7 Lincoln Avenue, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe as Section 42, Block 7 and Lot 11 (the “Premises”).

The Applicant seeks relief from the Village of Tuckahoe Zoning Code (the “Zoning Code”) by means of an area variance for the erection of a storage shed from the required restrictions set forth in the Zoning Code.

Pursuant to the Zoning Code, accessory uses, such as a shed in this instance, must be at least 5 ½ feet from the side/rear property line, 10 feet from the building, and requires a variance if larger than 72 square feet or higher than 7 ½ feet. Further, a 5-foot wide landscape buffer is also required. This shed violates these provisions.

It must be noted that the Applicant erroneously initially inquired within the town of Eastchester before installing the shed, as he believed this was the proper governmental office. As the shed was in compliance with the Eastchester Zoning Code, the Applicant was advised that he could erect the structure with no variance needed. As such, the Applicant did so. After determining that the village of Tuckahoe was the proper entity, the Applicant is now seeking a variance as the shed does not comply with the Tuckahoe Zoning Code.

The shed, which was already erected, was purchased by the Applicant from Home Depot. It measures 8 feet by 10 feet or 80 square feet, which is 8 feet more than permitted by the Zoning Code. As such, the Applicant is seeking a variance regarding the size of the shed and the lack of a 5-foot landscaping buffer.

Conclusions of Law:

In order to grant the requested area variance, this Zoning Board must consider five factors in reaching its determination as follows:

- 1) Whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties?
- 2) Whether the benefits sought by the Applicant can be achieved by a feasible alternative to the variance?
- 3) Whether the requested variance is substantial?
- 4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

5) Whether the alleged difficulty was self-created?

In analyzing the above factors, this Zoning Board is left to consider whether the benefit to the Applicant outweighs the proposed detriments to the health, safety and welfare of the neighborhood or community. In applying the five-factor test and in evaluating the respective benefits and detriments of this application, this Zoning Board resolves to grant the application because the Applicant has satisfied the five-factor test.

2) Whether an undesirable change would be produced in the character of the neighborhood or detriment to nearby properties?

No undesirable changes in the character of the neighborhood would result from the granting of the area variance for the above requested variances. Sheds are permitted accessory uses and the variance being sought is not substantial. As such, there would be no undesirable change to the character of the neighborhood or detriment to nearby properties.

2) Whether the benefits sought by the Applicant can be achieved by a feasible alternative to the variance?

The Applicant has demonstrated that he had taken the proper steps to ensure the conformity of the shed with the Zoning Code. As stated above, he mistakenly sought the advice from the town of Eastchester, and based upon that advice, he purchased and installed the shed. Thus, as the shed has already been erected in a manner in which the Applicant thought was permitted, no feasible alternative exists.

3) Whether the requested variance is substantial?

Here, this Zoning Board finds that the requested area variance is not substantial in relation to the building and lot on which it stands. The shed is 80 square feet, which is 8 feet more than permitted by the Zoning Code (which requires a maximum of 72 square feet). Thus the Applicant seeks an 11.1% variance from the requirements of the Zoning Code. This Zoning Board finds that this 11.1% variance is not substantial.

4) Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

The proposed area variance will not produce adverse impacts on the physical or environmental conditions in the surrounding neighborhood. As stated above, a shed is a permitted use, and the subject shed is unobtrusive and only slightly larger than required by the Zoning Code.

5) Whether the alleged difficulty was self-created?

This Board finds that the alleged difficulty was not self-created. As detailed above, the Applicant installed the shed upon innocently obtained improper advice.

Conclusion:

Based on the foregoing, it is resolved that the area variance referenced herein be and is hereby granted to the Applicant in accordance with this decision. 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.

Member DiSalvo motioned to approve the requested area variance.

Member Gallo seconded the motion and upon roll call was carried with a vote of 4 – 0.

Item #7 100 Main Street Extension Special Use Permit

Applicant not present.


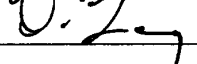
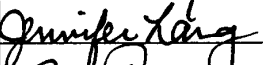
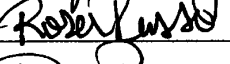
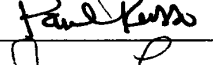
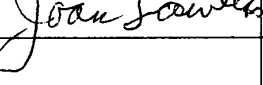
There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.

Attachment

To the neighbors of 24 Oak Ave
Village of Tuckahoe, New York
February, 2011

Joann and I, owners of 24 Oak Ave, Tuckahoe, NY are looking to build an extension in the rear of our premises identified on the tax map of the Village of Tuckahoe as Section 32, Block 9 and Lot 7. Due to the lot's area and proposed rear yard addition, we are seeking approval from the Zoning Board. At the February 2011 Zoning Board meeting, the board has left opened our request to the public to voice support or opposition to this request. If you approve or oppose this request, please attend the March Zoning Board meeting Wednesday March 9th and/or sign below. All personal letters of support or opposition are welcome as well.

I support the rear extension at 24 Oak Ave:

Print Name	Signature	Address	Date
Joseph Murray		20 Oak Ave	03-04-11
Daniel Lang		23 Oak Ave	03-04-11
Jennifer Lang		23 Oak Ave	3-4-11
Rosa Russo		14 Oak Ave	3-4-11
Paul Russo		14 Oak Ave	3-4-11
Joan Lowber		19 Oak Ave	3-4-11

We respect our neighbors and if you oppose this project, please let us know:

Print Name	Signature	Address	Date

Sincerely,



Joann Colbert & Gregory Colbert