

Minutes of: Sept. 14, 2011
Date Approved: October 12, 2011
Date Filed/Village Clerk:

September 14, 2011
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Ronald Gallo Chairperson
Nicholas DiSalvo Member
David Kubaska Member
John Palladino Member

Absent: Steve Alfasi Member

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

Chairman Gallo announced the agenda as follows:

- Item #1 Approval of Minutes from the July 13, 2011 meeting**
- Item #2 Approval of Minutes from the August 24, 2011 meeting**
- Item #3 186 Midland Ave. Area Variance**
- Item #4 8 McKinley Area Variance**
- Item #5 42 Yonkers Ave. Adjourned**

Chairman Gallo requested that residents consider joining the Board as an ad hoc member. Chairman Gallo noted that any ad hoc member would be treated as a full member and their input would be very important to this Board.

Item #1 Approval of Minutes from the July 13, 2011 meeting
Motion by Member Palladino to approve the minutes of the July 13, 2011 meeting was seconded by Member Kubaska.
Discussion: Chairman Gallo restated that the approved resolution on July 13, 2011 has a limit of 21 residential units and 3800 square feet of commercial/retail space. Motion was carried by the Board with a vote of 3-0, with Member DiSalvo abstaining due to his absence.

Item #2 Approval of Minutes from the August 24, 2011 meeting

Motion by Chairman Gallo to approve the minutes of the August 24, 2011 meeting was seconded by Member DiSalvo and carried by the Board with a vote of 4 – 0.

Item #3 186 Midland Ave. Area Variance

Kalliopi Karangunis applicant and owner of 186 Midland Ave. requested a variance to convert a small storage area in the basement to a laundry room. In addition, she requested that a second floor exit be built. This will entail converting a window to a door and building a small landing with a staircase on the side of the house.

Mr. Haris Mamagakis, architect for the applicant presented drawings of the outdoor staircase. The deck/landing and staircase will be a wooden and will allow access to the side yard. This is a safety issue so occupants may exit from the second floor. This is a two-family house. The only change to the elevation is that the window on the side of the house will be enlarged for a door.

Bill Williams, Building Inspector indicated that the staircase has more than 12 steps, and would require an additional landing in the middle of the staircase.

John Cavallaro, Village Attorney, recommended that a condition be inserted to the resolution if approved, stating that in no event shall the legalization of the basement be converted into a third apartment at this two-family house.

Member DiSalvo offered a Resolution for the application for an area variance requested by Hristos Karangunis 186 Midland Ave., Tuckahoe NY. for relief of the following sections of the Zoning Codes: Section 4-3.4.2, 4-3.6 and 5-1.6.3 The applicant needs variances for side-yard setbacks, FAR and increasing the degree of non-conformity. The applicant proposes a side-yard of 2.94 Ft. and 8.07 ft. where a side yard of 9 ft. is required. The applicant also seeks an FAR of .71 where .5 is required.

Recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweighs the detriment to the health, safety and welfare of the neighborhood. The legalization of the basement and second floor deck will not produce negative effects on the health, safety and welfare of the community.

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 legalization of the basement will be self-contained and the addition of the second story deck will not produce undesirable effects 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. The issuance of the variances is the only feasible method for the applicant to achieve its goal of legalizing the basement and the addition of the second story deck.
3. The requested variances are not substantial. In light of the context of the applicant's request, the requested variances are not substantial.

4. The proposed variances will not have an adverse impact on the physical or environmental condition in the neighborhood. The physical and environmental conditions in the neighborhood will not be negatively impacted by legalizing the basement and adding a second story deck.
5. The alleged difficulty was self-created; although the difficulty was self-created, it is not fatal to this application.

A recommendation to approve the requested area variances with the stipulation that in no event shall the legalization of the basement be converted into a third apartment at this two-family house. The legalization of the basement shall be limited to a second laundry room.

The Board adopts a negative declaration pursuant to SEQR. The work must be completed within one year of variances granted.

Chairman Gallo indicated that the public comments need to be heard. He tabled the resolution for the time.

Chairman Gallo motioned to open the public hearing, was seconded by Member Palladino and unanimously carried by the Board.

Public Comments

Mr. Blaise Bookis 87 Summit Ave. Bronxville, indicated that he lives behind the applicant's dwelling. He asked if the steps would face the street. He also voiced his concern that the basement not be permitted to be converted into an apartment. He wished the couple well.

Chairman Gallo noted that the steps will face the street and the condition is written in the resolution that the basement cannot be converted into an apartment.

Chairman Gallo motioned to close the public hearing, was seconded by Member Kubaska and unanimously carried by the Board.

Member DiSalvo offered the motion, was seconded by Member Kubaska and carried unanimously by the Board with a vote of 4 – 0.

Item #4 8 McKinley Area Variance

Mr. Tom Conneally, owner and applicant, requested a variance for a 20 ft. long fence in front of the house, which will measure from 52 in. to 82 in. in height. There is an existing fence on the property and this fence will match the pre-existing fence.

Bill Williams, Building Inspector noted that there were no concerns with the Building Dept.

John Cavallaro, Village Attorney, noted that he recommends that the height of the fence shall not exceed the heights set forth in the proposed application.

Chairman Gallo motioned to open the public hearing, was seconded by Member Palladino and unanimously carried by the Board.

No Public Comments

Chairman Gallo motioned to close the public hearing, was seconded by Member DiSalvo and unanimously carried by the Board.

Chairman Gallo offered a Resolution for the application for an area variance requested by Thomas Conneally 8 McKinley Tuckahoe NY for relief of the following section of the Zoning Codes: Section 5-1.3 Fences in the side yard shall be limited to 5 ft.

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. The installation of the subject fence will not negatively impact the health, safety or welfare of the surrounding community.

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 installation of the subject fence will not produce undesirable changes in the character of the neighborhood, in that the fence will not negatively impact the surrounding 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. Due to the grading and contours of the land, the goal sought by the applicant cannot be achieved by another method feasible for the applicant to pursue.
3. The requested variance is not substantial; in that the installation of the subject fence rises in height from 52 in. to 82 in. as far as the application is concerned, the variance is not substantial.
4. The proposed variances will not have an adverse impact on the physical or environmental condition in the neighborhood. Environmental conditions such as noise, traffic, parking and other environmental conditions, will not be increased as a result of the installation of the subject fences.
5. The alleged difficulty was self-created. Although the difficulty was self-created, it is not fatal to this application.

Chairman Gallo offered his recommendation to approve the requested area variance with the stipulation that at no time shall the height of the fence exceed the heights set forth in the proposed plan attached to the applicant's application.

The Board adopts a negative declaration pursuant to SEQR. The work must be completed within one year of variances granted.

Chairman Gallo motioned to approve the resolution was seconded by Member Kubaska and carried unanimously with a vote of 4 – 0.

Item #5 42 Yonkers Ave.

Adjourned

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.