

Minutes of: Dec. 11, 2013  
Date Approved: January 8, 2014  
Date Filed/Village Clerk:

**December 11, 2013**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 7:30pm**

**Present:** Ronald Gallo Chairperson  
John Palladino Member  
Steve Alfasi Member  
David Scalzo Member

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

**Absent:** Nicholas DiSalvo Member

**Pledge of Allegiance**

**Chairman Gallo announced the agenda of this meeting as follows:**

Chairman Gallo announced the retirement of Member Kubaska and thanked him for his public service to this community. The Board welcomed Member Scalzo as the Village Board voted to add Member Scalzo as a full member.

**Item #1 Approval of Minutes from the Regular meeting dated November 13, 2013**  
**Item #2 144 Wallace Street Area Variance**  
**Item #3 130 Belle Vista St. Area Variance**  
**Item #4 10 Ridge Rd. Area Variance**  
**Item #5 199 Marbledale Rd. Application Withdrawn**

**Item #1 Approval of Minutes from the Regular meeting dated November 13, 2013**  
**Chairman Gallo motioned to approve the November 13, 2013 minutes, was seconded by Member Alfasi and carried with a vote of 3 – 0, with Member Scalzo abstaining due to his absence.**

**Item #2 144 Wallace Street Area Variance**  
Dennis Lucente requested approval to create a parking space on the right side of the property. To create this parking spot, three variances would be required. Relief of the 5ft. setback, to allow for a front yard parking space and relief of the 4 parking space requirement as this house is a pre-existing, non-conforming property and cannot fit the 4 required spaces.  
Mr. Lucente noted that he would excavate the current staircase and create a uni-lock wall on the side.

Chairman Gallo stated that the discussion during the workshop was focused on the increase to off street parking in the area.

**Chairman Gallo motioned to open the public hearing, seconded by Member Scalzo and carried unanimously.**

**Public Comments**

Anthony Lore 123 Wallace St. misunderstood that this house already exists. He was thinking of a different application.

**Chairman Gallo motioned to close the public hearing, seconded by Member Palladino and carried unanimously.**

**Member Alfasi motioned to adopt a negative declaration pursuant to SEQR, seconded by Member Scalzo and carried with a vote of 4 – 0.**

**Chairman Gallo offered the following resolution in the form of a motion:**

The application for an area variance requested by Dennis Lucente 144 Wallace St. Tuckahoe NY Sec. 38; Blk. 5; Lot 109A for the relief from the following section of the zoning code: Sections 4-3.4.6 and 4-3.7 to provide a five foot wide landscaped buffer and off-street parking and parking in front yard.

Recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood: variances for the five-foot wide landscaped buffer, off-street parking and parking in the front yard will not result in detriments to 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: An undesirable change will not result in the surrounding community if the variances sought herein are granted.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance: No other feasible method exists for the applicant to achieve its goals other than the granting of the variances.
3. The requested variance is not substantial: When viewed in the content of the application as a whole although the variances are substantial, negative adverse effects will not enure to the surrounding communities.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: Environmental conditions will not be negatively affected as a result of the granting of the variances herein. Parking will be increased by one space as a result.
5. The alleged difficulty was self-created: The alleged difficulty was self-created; however, it is not fatal to this application.

A recommendation to approve the requested area variances with the conditions that: work be diligently commenced and completed within one year of the granting of the area variances herein.

**Motion was seconded by Member Palladino and upon roll call was carried unanimously by the Board.**

Member Scalzo added that this is a common occurrence in this Village as the garages and driveways that were built 80 to 90 years ago and are too narrow for today's cars.

**Item #3      130 Belle Vista St.**

**Area Variance**

Mr. Tom Brady 130 Belle Vista St., stated that he plans to alter the existing basement and existing garage. The FAR will be increased slightly from .5 to .505.

Mt. Greg Williams, architect for the applicant noted that this is an existing house with an existing finished basement and an existing substandard garage. The applicant does not wish to increase the square footage. The existing finished basement needs improvement. The garage offers an 8ft. x 15ft. parking space, which is not a big enough space for a vehicle. The homeowner currently parks his vehicle on the street. There are six parking spaces on the street level.

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

**No Public Comments**

**Chairman Gallo motioned to close the public hearing, seconded by Member Palladino and carried unanimously.**

Member Scalzo stated that this application is similar to the previous application in that both have a small garage and driveway not big enough to use for parking. This is just to re-label the non-conforming garage, which does not impact the neighborhood.

**Member Scalzo motioned that the Board adopts a negative declaration pursuant to SEQR was seconded by Member Alfasi and carried with a vote of 4 – 0.**

**Member Scalzo offered the following resolution in the form of a motion:**

The application for an area variance requested by Thomas and Christine Brady 130 Belle Vista St. Tuckahoe NY Sec. 39; Blk. 5; Lot 1 for the relief from the following sections of the zoning code: 4-2.6, 5-1.2.1.2 and 5-1.2.1.3 for FAR and off-street parking to alter an existing finished basement and existing substandard garage at the premise.

Recommendation is for the area variance to be granted as the benefit to the applicant of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood: The benefit to the applicant outweighs the detriment to the surrounding community as it concerns this FAR and parking variance.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: Undesirable changes will not result in the surrounding community for an existing finished basement and existing substandard garage. The FAR change will be self-contained and the parking will not cause undesirable effects.

2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance: No other means absent the variances exist for the applicant to achieve its goals.
3. The requested variance is not substantial: The FAR variance is only a .005% deviation from the code requirements and the lack of parking is an existing condition.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: Environmental conditions such as noise, traffic, and negative aesthetics will not be significantly increased as a result with the granting of the variances herein.
5. The alleged difficulty was self-created: Although the alleged difficulty was self-created, it is not fatal to this application.

A recommendation to approve the requested area variances with the condition that: the work be diligently commenced and completed within one year of the granting of the area variances herein.

**Motion was seconded by Member Alfasi and upon roll call was carried unanimously by the Board.**

**Member Alfasi added that he would welcome a discussion regarding the FAR for a plot of land. He stated that if a resident puts drywall in front of the cinder blocks in the basement for his children to have a playroom, it would exceed the FAR for the plot of land. The resident would only want to use the space within the footprint. He asked that the Board of Trustees review this section of the code.**

**Item #4 10 Ridge Rd.**

**Area Variance**

Mr. Larry Gordon, architect for the applicants Emily and Dan Engel noted that the couple just purchased this home and requested to add an addition on top of a non-conforming first floor. The footprint will not be changed. The addition is set towards the back of the house and will include two bedrooms and one bathroom. The existing first floor is already located 4.8 ft. from the rear yard where 30 ft. is required. This addition will sit on top of that section.

Member Alfasi described it as “putting a box on top of an existing box and staying within the height requirement.”

**Chairman Gallo motioned to open the public hearing, seconded by Member Alfasi and carried unanimously.**

**Public Comments**

Elsie Hall 16 Ridge Rd. stated that she was speaking on behalf of the owner of the house two doors down from this house. She objected to the proposed plans as it was her opinion that the sky view would be blocked and it would create a tremendous building of concrete. It would be extremely undesirable due to the height and enormous amount of concrete. She noted that it would set a terrible precedent and the neighbors would all follow suit. Ms. Hall asked if the homeowners wanted a bigger house, why not purchase a bigger house? She urged the Board members to drive by the area.

Chairman Gallo stated that the height of the proposed addition is within code and is 'of right'. The applicant is not going to dig and expand the footprint. The distance from the rear yard already exists so the change is not so dramatic.

Member Scalzo added that he lived on Terrace Pl. for many years and is extremely familiar with the area. The house is pretty modest and notably setback. The second floor addition is in the back of the house and will not be visible from the road.

Chairman Gallo stated that the Zoning Board works very hard and is required by the county to take numerous classes. This addition is not increasing the footprint and the will be within the height restrictions. This is a minimal variance.

John Cavallaro, Village Attorney, asked if the resident's view would be obstructed. Ms. Hall stated that her view will not be affected but the value of their home will be extremely affected due to the mass construction.

Joseph Nista Jr. 14 Govenors Rd. Bronxville NY asked if this was a one-family dwelling or two. Chairman Gallo stated that it a single-family house.

**Chairman Gallo motioned to close the public hearing, was seconded by Member Alfasi and carried with a vote of 4 – 0.**

Mr. Gordon, architect, added that the applicant will plant shrubs immediate to the rear to screen the property. He suggested 16ft. arborvitae.

Chairman Gallo noted that 16ft. arborvitae is quite expensive and suggests a consideration to the neighbors.

**Chairman Gallo motioned that the Board adopts a negative declaration pursuant to SEQR was seconded by Member Palladino and carried with a vote of 4 – 0.**

**Chairman Gallo offered the following resolution in the form of a motion:**

The application for an area variance requested by Dan and Emily Engel 10 Ridge Rd. Tuckahoe NY Sec. 27; Blk. 3; Lot 2 for the relief from the following sections of the zoning code: Sections 4-1.4.3 and 5-1.6.3 to add a second story addition to an existing first floor.

Recommendation is for the area variance to be granted as the benefit to the applicant of the area variances outweighs the detriment to health, safety and the welfare of the neighborhood: The applicant seeks area variances for rear yard setback and increasing a non-conformity. This Zoning Board finds that the benefit to the applicant outweighs the detriment to the health, safety and the 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: The second floor addition is above the approved space. By adding this addition, the surrounding neighborhood will not experience undesirable changes or detriments to the community.
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 area variance for rear yard setback for

an existing dwelling and increase to a nonconformity provide the only means by which the applicant can achieve its goal.

3. The requested variance is not substantial: Only the variance for rear yard setback is substantial, the application must be viewed in its content that this is an existing dwelling that already encroaches on the rear yard setback.
4. The proposed variance will not have an adverse impact on the physical or environmental condition in the neighborhood in that: Environmental conditions such as noise, traffic, and negative aesthetics will not be significantly increased as a result with the granting of this variance.
5. The alleged difficulty was self-created: Although the alleged difficulty was self-created, it is not fatal to this application.

A recommendation to approve the requested area variances with the condition that: the work be diligently commenced and completed within one year of the granting of the area variances herein.

Condition that the applicant provide green screening at least 16ft. high pursuant with the landscaping plans to be approved by the Building Dept.

Discussion:

John Cavallaro, Village Attorney, asked if the plans submitted by the architect had an issue with the driveway.

Chairman Gallo noted that the Zoning Board was not approving the driveway.

Mr. Gordon stated that the plans submitted did not have the driveway.

Member Alfasi asked Bill Williams, Building Inspector if he had visited the site and if the plans submitted was a correct depiction of the improvements that the applicant was proposing, as a box on top of a box in the rear of the house.

Mr. Williams stated that it was a correct depiction.

Member Alfasi continued that it is 12ft. of air space on top of a 12ft. wide section in the rear of the house. It will not be obstructive to the neighborhood. He also noted that the immediate neighbors were not present to object.

**Motion was seconded by Member Palladino and upon roll call was carried unanimously by the Board.**

## **Item #5 199 Marbledale Rd.**

## **Application Withdrawn**

### **Old Business/New Business**

John Cavallaro, Village Attorney, summarized the following:

100 Main St. still in the planning stage and has not been present to the recent meetings. There has been no response from the applicant's attorney Mr. Maron.

Glenmark – moving forward.

Crestwood – Still in the litigation process. He reached out for an update and there has been no response from their attorney.

Chairman Gallo thanked all for their service. He stated that it was a great 2013 and was looking forward to the New Year.

He wished all a Merry Christmas, Happy Chanukah and Happy New Year!

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.