

**Minutes of: May 11, 2016**  
**Date Approved: June 8, 2016**  
**Date Filed/Village Clerk:**

**May 11, 2016**

**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 7:30pm**

<b>Present:</b>	Ronald Gallo	Chairperson
	Tom Ringwald	Member
	Nathan Jackman	Member
	John Palladino	Member

<b>Absent :</b>	David Scalzo	Member
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**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

**Pledge of Allegiance**

**Chairman Gallo announced the agenda as follows:**

<b>Item #1</b>	<b>Approval of minutes from the April 13, 2016 Regular Meeting</b>
<b>Item #2</b>	<b>27 South High Street Return</b>
<b>Item #3</b>	<b>86 Main Street Special Permit</b>
<b>Item #4</b>	<b>125 Columbus Ave. Amend Special Permit</b>
<b>Item #5</b>	<b>57 Rodgers Street Adjourned</b>
<b>Item #6</b>	<b>65 Marbledale Rd. Adjourned</b>
<b>Item #7</b>	<b>10 Fisher Ave. Adjourned</b>
<b>Item #8</b>	<b>68 Marbledale Rd. Adjourned</b>

**Item #1 Approval of minutes from the April 13, 2016 Regular Meeting**

**Member Ringwald motioned to approve the April 13, 2016 minutes, seconded by Member Palladino and carried with a vote of 4 – 0.**

**Item #2 27 South High Street**

**Area variance**

Chairman Gallo noted that the Board was satisfied with the last presentation.

**Chairman Gallo motioned to reopen the public hearing, seconded by Member Jackman and carried unanimously by the Board.**

**No Public Comments**

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

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

**SEQRA RESOLUTION**

Based on this application as submitted, this Zoning Board of Appeals finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed variances application.
3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

**Member Jackman seconded the motion and upon roll call was carried with a vote of 3 – 0, with Chairman Gallo abstaining.**

**Member Palladino offered the following Resolution in the form of a motion:  
The application for AREA VARIANCES requested by Stephen Cox\_**  
**whose address is 27 South High Street, Tuckahoe, NY**

**Sec.\_ 29 \_Blk.7\_ Lot\_1\_\_\_\_\_**

**for relief from the following section of the zoning code: 4-3.4.4 Exceptions to  
Yard Requirements and 5-1.3 Fences and Hedges**

Applicant seeks to legalize a patio and fence located on his property at 27 South High Street Tuckahoe. The Zoning Code calls for fences on the side yard to be no more than 5 feet in height and the applicant proposes a fence that is 6 feet in height. Further, since this is an attached house the applicant proposes to legalize his patio, which goes right to the property line on the side of the house that is attached to the neighboring property.

Recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood. The applicant has demonstrated through its submissions and presentation that it has met all aspects of the 5-prong test to the satisfaction of this Board.

**Member Jackman seconded the motion and upon roll call was carried with a  
vote of 3 – 0 with Chairman Gallo abstaining.**

### **Item #3 86 Main Street      Special Permit**

Julio and Crystal Rodriguez, noted that there were no changes to the plans since last month's meeting.

**Chairman Gallo motioned to reopen the public hearing, seconded by Member  
Ringwald and carried unanimously by the Board.**

### **No Public Comments**

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

**Member Ringwald offered the following SEQR resolution in the form of a motion:** Based on this application as submitted, this Zoning Board of Appeals finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed variances application.
3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

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

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

The application for a Special Permit requested by USA – GOJU-RYU KARATE-DO, INC., whose address is 86 Main Street, Tuckahoe, NY  
Sec.\_28 Blk\_5 Lot\_1

For a Special Permit pursuant to the section of the Zoning Code 6-1.

Applicant, USA-GOJU-RYU KARATE-DO, INC., seeks a Special Permit from this Board to open a martial arts school at 86 Main Street, Tuckahoe. 86 Main Street is an existing building, which offers no off-street parking. There is metered parking along Main Street at the proposed location. The location of the proposed business is located at a busy intersection on Main Street and Fairview Ave.

The applicant, through its presentation, has made a number of representations of how it is to operate the business in light of there being no off-street parking and the volume of traffic at the proposed location. The Board has reviewed the application carefully applying the standards of 6.1 to the proposed business and the proposed operation of the business. It is determined that the application for a special permit be granted with the conditions consistent with the applicant's presentation to this Board. The conditions of the Special Permit are as follows:

1. The hours of operation shall be from 6:00 am to 9:00 pm
2. There shall be a minimum of 30 minutes between classes.
3. There shall be a maximum of 12 students per class.
4. Adults dropping off children must legally park their vehicles and escort the child to the facility. The procedure for picking up shall be the same where the adult must physically enter the facility to pick up their child. At no time shall

the adult double-park and allow the child to enter or exit the facility unattended.

Failure to comply with any of these conditions shall be cause to revoke this approved site plan.

As a further condition of this approval, the Special Permit shall be approved for a period of two years at which point the applicant must come back to this Board to extend the permit.

**Member Palladino seconded the motion.**

**Discussion:** Gary Gjertsen noted that the applicant must present their plans before the Planning Board for site plan approval.

**Chairman Gallo added that he had no doubt that the safety of the children were a priority to the applicants. The parking and traffic are concerns, but the safety of the children comes first.**

**Member Jackman noted that the Special Permit coincides with the two-year lease.**

**Member Ringwald noted the importance of the parents not allowing the children to run across Main St.**

**Upon roll call was carried with a vote of 4 – 0.**

#### **Item #6 125 Columbus Ave. Amend Special Permit**

Frank D'Agostino, owner of Transform Fitness, noted that there were no changes made to the plans since last month's meeting.

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

**No Public Comments**

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

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

**SEQRA RESOLUTION**

Based on this application as submitted, this Zoning Board of Appeals finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed area variance application.
3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.

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

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

**AMENDMENT TO SPECIAL PERMIT APPROVAL**

The application for an amendment to a previously granted Special Permit requested by \_Transform Fitness\_\_\_\_\_

whose address is 125 Columbus Ave, Tuckahoe, NY Sec.\_ 34\_Blk.5\_ Lot\_1\_\_\_\_\_

Applicant, Transform Fitness, seeks to amend its Special Permit from this Board to allow a physical therapist to operate within the approved physical fitness center. This Board finds that such amendment will not substantially alter the fitness center's operation nor will it conflict in any way with the previous approval of this Board.

In applying Section 6.1 of the Zoning Code to this application, this Board finds that the Applicant has met the standards for the amended Special Permit and thus this application is approved.

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

<b>Item #5</b>	<b>57 Rodgers Street</b>	<b>Adjourned</b>
<b>Item #6</b>	<b>65 Marbledale Rd.</b>	<b>Adjourned</b>
<b>Item #7</b>	<b>10 Fisher Ave.</b>	<b>Adjourned</b>
<b>Item #8</b>	<b>68 Marbledale Rd.</b>	<b>Adjourned</b>

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.