

**Minutes of: May 14, 2008**  
**Date Approved: June 11, 2008**  
**Date Filed/Village Clerk: \_\_\_\_\_**

**May 14, 2008**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 8:00pm**

<b>Present:</b>	Gloria Rosell	Chairperson
	Susan Crane	Member
	Kevin McBride	Member
	Philip Allison	Member
	John Kang	Member

**Also in Attendance:**

John Cavallaro	Village Attorney
William Williams	Building Inspector

Chairwoman Rosell announced the agenda as follows:

<b>Item #1</b>	<b>Approval of Minutes of the April 9, 2008 meeting.</b>	
<b>Item #2</b>	<b>100 Main St.</b>	<b>Return</b>
<b>Item #3</b>	<b>125A Marbledale Ave.</b>	<b>Amend Special Use Permit</b>
<b>Item #4</b>	<b>25 Warren St.</b>	<b>Area Variance</b>
<b>Item #5</b>	<b>53 Underhill St.</b>	<b>Return</b>

**Item #1 Motion by Member McBride to approve minutes of the April 9, 2008 meeting was seconded by Member Allison and approved by the Board with a vote of 4-0 with Chairwoman Rosell abstaining due to her absence.**

**Item #2    100 Main St.**

Mr. William Null, Attorney representing the applicant Mr. Burd, indicated that the revised plans submitted contain two separate revisions.

Mr. John Fields, Architect for the applicant, noted that a 6 ft. wide walk way was added between the neighboring building for additional light and air circulation. In addition, the proposed building was narrowed 2.5ft. to allow Terrace Place to be widened.

Mr. Null added that the 6 ft. walkway added to the side of the building for light and air accessibility was not done for any legal requirements, rather to be a good neighbor. The building was set back an additional 2.5ft. from Terrace Pl. to allow for the widening of that street. He noted that below grade level, the parking level would be built right up to the property line. The parking level in the basement will be vented while the intermediate parking level is open to the air. Mr. Null referred to the letter from Mr. Fish, Village Consultant, which noted concern about

the building to the west and the airshaft. Mr. Null stated that the first floor retail of the proposed building would coordinate with the first floor residential of the adjacent building.

Mr. Fields noted that there are two proposed entrances to the building; first one on Terrace Pl. and another on Main St. He noted that this was a Planning Board issue.

Mr. Null stated that all the zoning issues were addressed and there would be no detriment to the neighborhood.

Member Kang asked about parking spaces #31 and #32.

Mr. Null noted that they represent tandem parking spaces will be designated to tenants with multi-vehicles.

Chairwoman Rosell stated that the Board would render their decision next month.

**Item #3 125A Marbledale Ave. Amend Special Use Permit**

Mr. Steven Quaranta, owner of the Wheels of Time Auto Spa located at this address, requested a revision to the Special Permit to allow Sunday hours of operation. He submitted a petition signed by 105 patrons in favor of Sunday hours. He also submitted a FOIL request, which noted that the Police Dept. had no formal complaint against his business.

**Motion by Member Kang to open the public hearing, seconded by Member McBride and was carried unanimously by a vote of 5 – 0.**

**Public Comments**

Mr. Paul Freeman, owner of Freeman Industries, stated that he was in business for 57 years and Wheels of Time business was directly across the street from his business. He noted that he was in favor of this request as Sunday represents 15% of the days of the week. He noted that this was a quiet business and there was plenty of parking on Sunday.

Mr. Robert D'Agastino, former Mayor of Tuckahoe, 3 Ridge Rd., reviewed the history of the manufacturing industries once located on Marbledale Rd. He stated that he was in favor of this amendment to the Special Use Permit as this business is all hand labor, no noise, no machines, no bodywork and no carbon footprint. He stated that the Mobile Station on Marbledale Rd. runs a commercial car wash 7 days a week from 5:00am to 12:00 midnight with no complaints from local residents. Mr. D'Agastino also noted that Mr. Joseph Marinello, once voiced his concern regarding this application, was now in favor of this business after visiting the premises.

Member McBride read a letter from Alan C. Pilla, attorney for the applicant, which stated that many businesses located on Marbledale Rd. operate on Sunday, such as: Joe's Quarry Inn, Westy Storage, Mobil Station, Mobile Car Wash, Public Storage, Carquest and Medi-Ray.

Member McBride noted that he originally opposed Sunday hours, but after re-examining the request and considering the financial burden for the owner, he was now in favor of this request.

**Member Allison offered a Resolution** that the Special Use Permit previously granted to the applicant is hereby amended to remove the condition that prohibited operations on Sunday. All other terms and conditions of the Special Use Permit shall remain in full force and in effect.

**Member Crane motioned to approve the resolution, seconded by Member McBride and upon roll call was carried with a vote of 5 – 0.**

**Item #4 25 Warren St.**

**Area Variance**

Kari Elliot and Anthony Milanese, owners of the property, indicated that they purchased the house in 2002. At the time of purchase, they paid a title company to prepare a title search of the property. They received notification that there were no outstanding violations with this property. During April 2005, while adding a bathroom to their home, the applicants filed for a building permit whereupon they were told of an outstanding violation given to the previous owner. The violation was for an illegal parking space in their front yard. Ms. Elliot stated that the house sits on a two way street with no parking allowed on one side of the street. Because of the limited parking spaces, the residents in the neighborhood have all created a parking spot on their property. She noted that her house and the neighboring house share a driveway and therefore, they do not park in the driveway as they would consistently have to move vehicles around due to their different time schedules. Ms. Elliot has notified the title company of the error and they indicated that there is a 'no guarantee of violations notification'. Ms. Elliot stated that she was before the Board to rectify and legalize this parking space. She and her husband own two vehicles and there are not sufficient parking spaces on the one side of the street for all the neighbors to use.

John Cavallaro, Village Attorney, stated that the applicants would not have been able to conclude that there was a preexisting violation at the time of purchase. Buyers rely on the title search companies to inform them of outstanding violations, but the title search companies do not offer a guarantee on violations.

Member Allison stated that the Board has to abide by the code as it is written today, which does not allow a parking space in the front yard.

Bill Williams, Building Inspector, suggested that the applicant file to have the existing curb cut legalized by the clerk's office and the DPW, which will then allow the Zoning Board to move forward.

All agreed and the applicant will return.

**No Public Comments**

**Motion by Member Kang to close the public hearing was seconded by Member McBride and was carried with a vote of 5 – 0.**

**Item #5 53 Underhill St.**

**Area Variance**

Mrs. Pelligrini requested the Board's decision regarding the permission to convert her home of 13 years back to a two-family home.

Chairwoman Rosell verified with a letter dated Dec. 21, 1993 that the house on 53 Underhill St. was a non-conforming two-family home. This home was always a two-family home, the occupants decided to use it as a single family home.

John Cavallaro, Village Attorney, noted for the record, that when an owner uses a two-family home for a single family for at least one year, the owner must file for approval to return the home to a two-family home.

Member Crane asked if the apartment had always existed as it is today.  
Mrs. Pelligrini noted that the apartment has stayed the same as originally built.

**No Public Comments**

**Member Crane motioned to close the public hearing, was seconded by Member McBride and upon roll call was carried with a vote of 5 - 0.**

Chairwoman Rosell announced that the Board would render their decision at the next month's meeting.

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 at 9:00p.m.