

Minutes of: July 11, 2018
Date Approved: Sept. 12, 2018
Date Filed/Village Clerk:

July 11, 2018
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Tom Ringwald	Chairperson
	John Palladino	Member
	David Scalzo	Member
	Anthony Fiore Jr.	Member

Absent:	Nathan Jackman	Member
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Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector

Pledge of Allegiance

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of minutes from the June 13, 2018	
	Regular Meeting	
Item #2	283 Marbledale Rd.	Return
Item #3	48 Yonkers Ave.	Variance
Item #4	16 Columbus Ave.	Parking Variance
Item #5	273 Columbus Ave.	Special permit
Item #6	85 Oakland Ave.	Area Variance
Item #7	242 White Plains Rd.	Adjourned
Item #8	47 Rogers St.	Adjourned

Item #1 Approval of minutes from the June 13, 2018 Regular Meeting
Chairman Ringwald motioned to approve the minutes from the June 13, 2018 meeting, seconded by Member Fiore and carried with a vote of 4 – 0.

Item #2 283 Marbledale Rd. Return

The applicant stated that there were no changes to the proposed plans.

Chairman Ringwald motioned to re-open the public hearing, seconded by Member Fiore and carried unanimously by the board.

No Public Comments

Chairman Ringwald motioned to close the public hearing, seconded by Member Fiore and carried unanimously by the board.

Member Fiore offered the following resolution in the form of a motion:

The application for an AREA VARIANCE requested by __Laura J.

Guarascio_____

whose address is 283 Marbledale Road, Tuckahoe, NY Sec. 42 _Blk. 2_

Lot_14_____for relief from the following section of the zoning code: 5-1.6

Nonconforming Buildings and Uses

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.

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

Member Fiore offered the following resolution in the form of a motion:

Applicant is seeking to alter an existing basement by adding a new family room, bathroom and bedroom at the premises located at 283 Marbledale Road, Tuckahoe. Since the premises is a nonconforming 2 family home, the finishing of the basement is expanding the nonconformity. The applicant is seeking relief from Section 5-1.6 of the Village of Tuckahoe's Zoning Code, which prohibits the enlargement of a nonconformity. Based on the work sessions and public hearing this board finds as follows:

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.

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

Item #3 48 Yonkers Ave. Site Plan Approval

John Iannacito, architect for the applicant, noted that the application is for a proposed two – story addition on the side of the existing structure.

The front yard setback requires a variance.

The current FAR is 2424 sq. ft., with the new addition, it will be 3286 sq. ft., the FAR max for this property is 3750 sq. ft.

The structure, even with the new addition, falls below the FAR.

The existing building coverage is 1840 sq. ft., the proposed building with addition will be 2449 sq. ft., the allowed maximum coverage is 3000sq. ft.

This structure, with addition will fall below the allowed maximum coverage.

The rear of the addition will drop to one story. The existing front porch will be an open porch.

Chairman Ringwald motioned to open the public hearing, seconded by Member Fiore and carried unanimously by the Board.

No Public Comments

Chairman Ringwald noted that this public hearing would remain open until next month.

Item #4 16 Columbus Ave. Parking Variance

Mr. Pat Cipalone, owner of Pinot's Palette, indicated that he has no need for the four parking permits he currently processes for his business. The hours of operation are after 4:00pm, which is the time the parking permits are no longer required to park. He requested a reduction to one parking space.

No Public Comments

Chairman Ringwald motioned to close the public hearing, seconded by Member Fiore and carried unanimously by the board.

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

The application for an AREA VARIANCE requested by _Westchester Paint and Party Inc_____ whose address is 16 Columbus Ave, Tuckahoe, NY Sec._33_ Blk.8_ Lot_1_____ for relief from the following section of the zoning code: 5-1.2 Off Street Parking

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

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

Applicant is an existing business doing business as Pinot's Palette. Applicant's business is a group painting class with a wine bar. Applicant is seeking to reduce its required off street parking from 4 to 0, as most of his business is conducted after normal 9 to 5 business hours. This Board after its work session and public hearing finds that the business is primarily a nighttime business and even the few classes during the day will not tax the street parking in the surrounding area, which is metered and permit parking. After discussions with the applicant at the work session and public hearing the applicant would be amenable to 1 off street parking space. This Board deems that 1 space would be sufficient based on the type of business and the normal hours of operation of the business being primarily at night. If it is determined by the Building Inspector in the future that the business model has changed and the classes become primarily in the day then the applicant must come back before this Board to determine if more off street parking spaces are required.

Therefore, 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.

This Board notes that a violation is currently pending in the Village of Tuckahoe's Justice Court due to the Applicant failing to maintain the required 4 spaces called for in its site plan approval. A condition of this approval is that the violation be satisfied.

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

Item #5 273 Columbus Ave. Special permit

Louis Campanaia, architect for the applicant, noted that this application was for a proposed yoga studio on the second floor of this building. A sports and yoga studio is a permitted use with approval. The studio hours would be Monday to Friday for two classes, 9:00am – 10:30 am and 7:00pm – 8:15pm. Saturday and Sunday, one class per day. There will be one employee and 14 students. There is one parking spot for the instructor and metered spots for the attendees. There will not be a negative impact on the traffic.

Member Fiore asked if there is an elevator in the building.

Mr. Campanaia noted that there is no elevator in the building.

Member Scalzo added that this established yoga studio is moving from their Eastchester location to this new location in Crestwood.

Ms. Chynna Andrada, owner of the yoga studio, noted that this is a gentle yoga for all levels. She was located in the Eastchester location for one year and is now looking to expand. There is a client base established already.

Chairman Ringwald motioned to open the public hearing, seconded by Member Fiore and carried unanimously.

No Public Comments

The public hearing will remain open until next meeting.

Item #6 85 Oakland Ave. Area Variance

Mr. and Mrs. La Du requested an area variance to widen their driveway. Mr. La Du stated that the added space would be in front of the garage, which sits in the back of their house. It is a narrow driveway that runs around the house to the garage located

in the rear of the house. They have two small children and unloading their car while parked on the street is very dangerous. There is no sidewalk on this street.

Member Palladino noted that the area to be widened is in front of an existing garage. The house has a 28ft. set back.

Chairman Ringwald noted that the lawn in the front of the house would stay. The requested space will be in front of the garage door, which sits in the back of the house. The placement of the garage is in the rear of the house instead of the front of the house.

Chairman Ringwald motioned to open the public hearing, seconded by Member Fiore and carried unanimously.

No Public Comments

The public hearing will remain open until next meeting.

Item #7	242 White Plains Rd.	Adjourned
Item #8	47 Rogers St.	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.