

**Minutes of: Sept. 12, 2018**  
**Date Approved: Oct. 10, 2018**  
**Date Filed/Village Clerk:**

**September 12, 2018**

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

<b>Present:</b>	Tom Ringwald	Chairperson
	John Palladino	Member
	David Scalzo	Member
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member

**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Noah Levine	BFJ Consultants

**Pledge of Allegiance**

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

<b>Item #1</b>	<b>Approval of minutes from the July 11, 2018</b>	
	<b>Regular Meeting</b>	
<b>Item #2</b>	<b>48 Yonkers Ave.</b>	<b>Variance</b>
<b>Item #3</b>	<b>273 Columbus Ave.</b>	<b>Special permit</b>
<b>Item #4</b>	<b>85 Oakland Ave.</b>	<b>Area Variance</b>
<b>Item #5</b>	<b>8 Cottage Ave.</b>	<b>Area Variance</b>
<b>Item #6</b>	<b>82 Wallace St.</b>	<b>Area Variance</b>
<b>Item #7</b>	<b>242 White Plains Rd.</b>	<b>Adjourned</b>
<b>Item #8</b>	<b>47 Rogers St.</b>	<b>Adjourned</b>

**Item #1 Approval of minutes from the July 11, 2018 Regular Meeting  
Chairman Ringwald motioned to approve the minutes from the July 11, 2018 meeting, seconded by Member Fiore and carried with a vote of 4 – 0, with Member Jackman abstaining due to his absence.**

**Item #2 48 Yonkers Ave. Return**

John Iannacito, architect, stated that there were no changes to the proposed plans.

**Chairman Ringwald noted that the public hearing was still open.**

**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:**

**AREA VARIANCE RESOLUTION**

**The application for AREA VARIANCE requested by Stephanie Corrado and Christopher Corrado**

**whose address is 48 Yonkers Ave, Tuckahoe**

**Sec 26, Block 2 Lot 8**

**for relief from the following section of the zoning code: : 4-3.4.1 Front Yard**

**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 5 – 0.**

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

Applicants, Stephanie Corrado and Christopher Corrado, are seeking to construct a two-story addition to their existing home. Section 4-3.4.1 of the Zoning Code requires a front yard setback of not less than 25 feet and the applicant is proposing 12.5 feet.

It is determined by this Board that the area variance is granted as the benefit to the applicants of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood. We have applied the 5-prong test as follows:

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: By granting this application, detriments to the surrounding properties will not be produced. This application will have little impact on the visual character of the neighborhood or be a detriment to nearby properties. The proposed addition will be in keeping with the character and scale of the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance: We agree with the applicant in that the front façade alignment of the addition is important to create an aesthetically cohesive addition that will compliment the size of the existing structure.

3. The requested variances are not substantial: The Zoning Code requires a 25-foot setback where the applicant is proposing 12.5 feet. Although the variance is for a 50% reduction, the home is already non-conforming and the variance will not increase the degree of non-conformity.
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, parking, and traffic and negative aesthetics will not be increased as a result of this application. The applicant has proposed drywells that will be installed and capture the additional runoff from the increased impervious surfaces.
5. The alleged difficulty was self-created: Although the alleged difficulty was self-created, it is not fatal to this application.

**Member Palladino seconded the motion and upon roll call was carried with a vote of 5 – 0.**

**Item #3    273 Columbus Ave.                      Special permit**

Louis Campanaia, architect for the applicant, noted that there were no changes made to the plans since the last presentation.

**Chairman Ringwald noted that the public hearing was still open.**

**No Public Comments**

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

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

### **SPECIAL PERMIT RESOLUTION**

**The application for a SPECIAL PERMIT is requested by \_ Yogi Life Inc \_\_\_\_\_ whose address is 273 Columbus Ave., Tuckahoe, NY Sec. 42 Blk.9 Lot 15\_ The Applicant is seeking to open a yoga studio, at 273 Columbus Ave., Tuckahoe, which is located in the Business District. Pursuant to 4-6.1 of the Village of Tuckahoe's Zoning Code, in the Business District Sports and Health Clubs are permitted uses under a special permit. Thus, a special permit is required and this instant application is made before this Board.**

### **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 5 -0.**

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

The applicant, Yogi Life Inc., is seeking to open a yoga studio at 273 Columbus Ave., Tuckahoe NY. Applicant's lease provides for 1 parking space and Applicant has represented that the class size will be a maximum of 14 students. The Standards of a Special Permit in the Business District are located in 6-2 of the Village of Tuckahoe's Zoning Code. The standards and our analysis of same are as follows:

- 1. Compatibility with district: that the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use and the location of the site with respect to streets giving access to the site are such that the use will be in harmony with the appropriate and orderly development of the district in which the use is proposed to be located.**

It should be noted here that Yogi Life Inc. is a class based yoga facility. Based on a maximum of 14 students per class we believe that the nature and intensity of the use is compatible with the surrounding area. Off street metered parking is ample in the Crestwood area and majority of the classes the applicant will conduct will be during a time that the commuter parking becomes available to the patrons of the studio.

- 2. Compatibility with Comprehensive Plan: that the proposed use will be compatible with the goals and objectives of the Comprehensive Plan.**

The use of a sports and health club in the Business District is compatible with the comprehensive plan. This is consistent with the Village Boards permitting sports and health clubs within the Business District Zone.

- 3. Services: that all proposed structures, equipment or material will be readily accessible for fire and police protection.**

The location is a preexisting building. As such the Building meets and must continue to meet all local and state safety codes.

- 4. Adjacent properties: that the location, nature and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings.**

As stated previously the Applicant is seeking to occupy an existing building, therefore this condition was met in the prior approvals for the existing building.

- 5. Nuisance: that operations in connection with the use will not be offensive, dangerous, or destructive of basic environmental characteristics or detrimental to the public interest of the Village and not be more objectionable to nearby properties by reason of noise, fumes, vibration, flashing of or glare from lights and similar nuisance conditions than would be the operation of any permitted use not requiring a special permit.**

The Applicant is seeking to occupy an existing building. The proposed use as a yoga studio will have little to no impact to the neighboring properties.

- 6. Neighborhood character and property values. The neighborhood character and surrounding property values shall be reasonably safeguarded.**

We believe that a yoga studio will be compatible with the neighborhood and will enhance the surrounding neighborhood and property values will be safeguarded.

- 7. Traffic: that the use will not cause undue traffic congestion or create a traffic hazard.**

The applicant is proposing small class sizes and thus the project will have little or no impact on traffic in the surrounding area.

- 8. Parking: that parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining residential**

**uses, and the entrance and exit drives shall be laid out so as to achieve maximum safety.**

Based on the class size and more importantly the times of the classes and the number of classes we find that the parking proposed is adequate.

- 9. That the use conforms in all respects to all the regulations of this Appendix and particularly to the specific supplemental regulations that apply to such use.**

We find that the use conforms in all respects to requirements of a Special Permit and note that there are no supplemental regulations that apply to a sport club.

Conditions:

1. It has been represented that a majority of the applicant's classes will take place at a time where the commuter parking spaces become available to the general public. If it is determined by the Building Inspector that a majority of the classes are conducted at a time where the patrons are unable to utilize the commuter parking and there is an undue taxing on the surrounding metered parking than the Building Inspector may send the applicant back before this Board to revisit the parking requirements.

**Member Fiore seconded the motion and upon roll call was carried with a vote of 5 – 0.**

**Item #4     85 Oakland Ave.                      Area Variance**

Mr. and Mrs. La Du stated that there have been no changes made to the application.

**Chairman Ringwald noted that the public hearing was still open.**

**No Public Comments**

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



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

**AREA VARIANCE RESOLUTION**

**The application for AREA VARIANCE requested by Glen LuDue**

**whose address is 85 Oakland Ave, Tuckahoe**

**Sec 46, Block 4 Lot 26**

**for relief from the following section of the zoning code: 5-1.2 Front Yard**

**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 5 – 0.**

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

Applicant, Glen LuDue, is seeking to expand his front driveway to create an off-street parking space in the front yard. We note that this is an extremely unique request as the current driveway runs down the side yard to a garage entrance in the rear. The requested expansion would extend the driveway in front of the existing garage, however as stated previously the entrance to the garage is in the rear. If the garage entrance was in the front as is typical, the applicant would not need relief from this Board. No part of the expanded driveway will be in front of the living area of the home. Thus, the applicant needs relief from Section 5-1.2 of the Zoning Code, which requires that no off-street parking shall be located in the front yard.

The application has been forwarded to the Department of Public Works and the Police Department for comment. Both departments have spoken with the Village Attorney and neither department has an objection to the proposed project.

It is, therefore determined by this Board that the area variance is granted as the benefit to the applicants of the area variance outweighs the detriment to health, safety and the welfare of the neighborhood. We have applied the 5-prong test as follows:

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: By granting this application, detriments to the surrounding properties will not be produced. As stated previously that this is a unique circumstance and if the applicant's garage had an entrance in the front there would be no need for this application.

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 configuration of the property the benefit cannot be achieved by another method.
3. The requested variances are not substantial: Again, if the garage entrance was in the front as would be typical there would be no need for this application. Thus, we find the variance is not substantial.
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, parking, and traffic and negative aesthetics will not be increased as a result of this application.
5. The alleged difficulty was self-created: Although the alleged difficulty was self-created, it is not fatal to this application.

**Member Fiore seconded the motion and upon roll call was carried with a vote of 5 – 0.**

**Item #5     8 Cottage Ave.**

**Area Variance**

Maria Costanzo and John Colangelo, representing their mother, requested a variance to remove the asphalt driveway at the current location and relocate it to the rear of the house. The curb cut approval has been granted by the DPW. The current driveway is too steep and does not lead to the garage. The proposed driveway will be one lane for two tandem parking spaces and it will lead to the garage. The application also will include increasing the turning radius for the vehicles. The plan would be to remove the impervious surface and place plants there. There will be a drywell in the rear to drain driveway.

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

## **No Public Comments**

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

### **Item #6      82 Wallace St.                      Area Variance**

Mr. Steven Accinelli, attorney for the applicant, noted that the application was to construct a new apartment building at this location. The building will be three stories with 52 residential units.

He noted that the board mentioned the need to reconfigure the number of apartments by decreasing the number of units and adding more two and three bedroom apartments so that the building attracts families rather than all transient residents. There will be a blue roof, which means that the roof will be used as a retention tank by keeping the rainwater there.

Nima Badaly, architect for the applicant, noted that this location has five structures that are abandoned and unused. All five structures will be demolished. The topography of this location has a substantial drift between the front and the back of the property. The proposed plans will have a two-story parking garage under the three-story apartment building. There will be 34 parking spaces on each level. The three-story building will be set back 11 ft. from the two-story garage.

The first floor has 16 units, second floor 18 units and third floor 18 units.

Member Jackman noted that this area is zoned for apartment buildings. The applicant can build a building 'as of right'. The density of the apartments, size, and number of one bedrooms can all be discussed. The board members want to make sure there is a healthy distribution of units, so that the residents are a contributing part of the community. Member Jackman stated that he would like the applicant to lower the number of units and create a building that is not a cell-based structure. He also requested more green space for the tenants.

Chairman Ringwald noted that the proposed square box building is not appealing. He asked if the proposed plans allow the mature trees on Maynard Street to remain.

Mr. Badaly said that the trees would remain.

Member Scalzo noted the amount of parking spaces was appreciated.

Mr. Badaly noted that there are 34 – 35 parking spaces per floor, which will be 1.5 parking spaces per unit. The apartment building can be built ‘as of right’ if there are 30 apartment units.

Member Palladino asked if the applicant spoke to Village representatives regarding the need for one-bedroom apartments.

Mr. Accinelli stated that he researched comparable projects in the village. He understood that the impact on the school system was a concern and it was his understanding that one-bedroom apartments were preferred to mitigate that concern.

Member Jackman noted that this is a very big project and the first step the board did was to hire a planning consultant, Noah Levine to assist and provide guidance.

Chairman Ringwald asked why the applicant does not go ahead and build a building ‘as of right’ with 30 units instead of 52 units.

Mr. Accinelli noted that this configuration was based on density. The applicant will examine the project, possibly reduce the number of apartments, and plan more two and three bedroom units. The applicant did his research and concluded that the village wanted more studios and one-bedroom apartments.

Member Jackman asked if the applicant had developed in the village in the past.

Applicant and owner of Orange World, LLC., noted that he did his research and his interpretation of the minutes was an error in his assessment.

Member Fiore asked if the applicant had plans to make these units into condominiums in the future.

Applicant replied not it was not his plan at this time.

Member Palladino invited the public to join the next public hearing to have their concerns addressed.

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

## **Public Comments**

George Fagnani, 64 Wallace St., stated that he disagrees with the board. He would like the building to stay with one bedroom and studio apartments, as his school tax bill is \$12000. He does not want many children to move into this building. He added that the applicant should make sure there is enough parking spaces for the tenants.

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

<b>Item #7</b>	<b>242 White Plains Rd.</b>	<b>Adjourned</b>
<b>Item #8</b>	<b>47 Rogers St.</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.