

Minutes of: Dec. 12, 2018
Date Approved: Jan. 9, 2019
Date Filed/Village Clerk:

December 12, 2018
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Tom Ringwald	Chairperson
	John Palladino	Member
	Nathan Jackman	Member
	Anthony Fiore Jr.	Member
	Christopher Garitee	Member

Absent:	David Scalzo	Member
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Also in Attendance:

Bill Williams	Building Inspector
Gary Gjertsen	Village Attorney

Pledge of Allegiance

Chairman Ringwald announced the agenda as follows:

Item #1	Approval of minutes from the Nov. 14, 2018 Regular Meeting	
Item #2	242 White Plains Rd.	Return
Item #3	82 Wallace St.	Adjourned
Item #4	47 Rogers St.	Adjourned

Item #1 Approval of minutes from the November 14, 2018 Regular Meeting
Chairman Ringwald motioned to approve the minutes from the November 14, 2018 meeting, seconded by Member Fiore and carried with a vote of 4 – 0, with Member Jackman abstaining due to his absence.

Item #2 242 White Plains Rd. Return

Robert Kerrigan, attorney for the applicants, noted that the application is now a new amended application requesting a resolution for a zoning lot. He noted that he reviewed the zoning code and based on the law, the applicants are entitled to this approval.

Louis Campana, architect for the applicants, his parents, Mr. and Mrs. Campana, noted that he re-noticed the neighbors regarding the amended application. He added that his parents have lived at this location for over 30 years. There have been 6 generations in this village. The amended application is for Lot B in Zone 85. Zone 85 has three districts; Northern district with 274 developed lots, Central district with 13 developed lots and Southern district 117 developed lots. The Campana's lot measures 20518 sq. ft. making it the largest lot out of the 117 developed lots in the Southern district.

In 1999, the zoning ordinance was updated and allowed all lots that existed prior to July 1, 1999 to be subject to the 1960 ordinance. Any lot created after July 1, 1999 must comply with the new zoning ordinance.

Mr. Gary Gjertsen, Village Attorney, noted that if this application were presented prior to July 1999, they would be able to build as of right.

In 1960, the zoning ordinance required the following: 5000 sq. ft. lot area, 50 ft. frontage, 25 ft. front and rear yard setback, and 9ft. side yard.

In July 1999, the new zoning ordinance required the following: 10000sq. ft. lot area, 80 ft. frontage, 35 ft. front and rear yard setback and 20 ft. side yard.

These updated measurements are more restrictive than Eastchester and Bronxville. The number of lots in the Village of Tuckahoe that are consistent with this plan is 0%.

100% of the lots are consistent with the 1960-zoning ordinance.

Mr. Campana noted that this unique circumstance creates a burdensome for the applicants.

Mr. Campana continued and presented evidence that showed that when the dwelling was built in 1921, it was placed on a two-acre lot. The property was subdivided in 1984 into 9 parcels.

Three lots have direct access to White Plains Rd. – lot 240, 242 and 246.

The inside lots were given the addresses of 1, 2, 3, 4, 5, and 7

The missing number 6 should have been the 10th lot.

242 has access to front and back roads with what would have been lot #6 attached to 242.

Mr. Campana's parents, the current owners, purchased the house on 242 with access to White Plains Rd. and Tara Way in 1987. In April 5, 1994, they generated a plan to subdivide their lot. The second lot measured 7114 sq. ft. which exceeded the minimum lot requirement. The Campana's became busy with their growing family and decided to postpone dividing the lot. The July 1, 1999 ordinance took away the ability to subdivide.

This lot 6B, which would measure 8088 sq. ft. would be larger than 80.3% of all the lots in the Southern district. It could potentially have a small house with 20ft. rear yard, 27.6 front yard, 11.4 side yard and 12.2-side yard setback.

Gary Gjertsen stated that the notices that went out to the neighbors did not mention the plans of a proposed house.

Bill Williams, Building Inspector, stated that the application is to create a zoning lot. There are no plans to build a house at the present time. An approval would be granting of a sub-standard lot – 8000 sq. ft. with no building.

Mr. Kerrigan stated that the inability to use your land is considered a hardship.

Gary Gjertsen, Village Attorney, stated that the Board ultimately determines financial hardship as it is not defined in the Village Code.

Member Fiore noted that if this lot were approved, the current house at 242 White Plains Rd. would be changed to 6 Tara Way. The front of the house will now be the back. The front of the house will have a 13 ft. frontage if switched.

Gary Gjertsen noted that the applicant would need to get the Planning Board approval to subdivide.

Chairman Ringwald noted that the requested variances are significant at 20%. He thanked the applicant for his thorough presentation.

Member Jackman voiced his concern regarding the motorists on White Plains Rd. potentially making U-turns in the driveway of this lot.

Mr. Campana noted that he would need approval from NYS to create a curb cut on Route 22, but he did his research and in his opinion, application satisfies the requirements for an approved curb cut.

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

Public Comments

Eileen Beverley 240 White Plains Rd. noted her opposition to this application. The zoning code was changed for a reason. This may change her property value, the character of the community and add to the density of the village. The lot 6B is located adjacent to her property. The applicant is requesting significant and substantial variances and the building lot should not be less than 10000 sq. ft. This will have a negative impact on the neighborhood. She noted that she would lose sunlight on the side of her house.

Ms. Beverley also voiced her concern that the potential drilling of the bedrock may have an effect on her house.

Bill Williams noted that Lot 6A is over 10000 sq. ft. and is conforming. Lot 6B would measure less than 10000sq. ft. and would be non-conforming.

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

Member Jackman requested the minutes from the June 14, 1999 meeting that discussed the change in the zoning code, which was eventually adopted in July 1, 1999.

Chairman Ringwald noted that he appreciated the transparency of the presentation. It seems appropriate to discuss the size of a potential home on this lot.

Mr. Campana noted that he is taking it one-step at a time. The first step is to get the approval for the lot. In the future, he may want a small house for his parent's primary residence.

Gary Gjertsen stated that Frank Fish, Village Consultant, may have been involved with the new ordinance back in 1999. The Board could refer to him for comments.

Item #3 82 Wallace St.
Item #4 47 Rogers St.

Adjourned
Adjourned

Chairman Ringwald wished all a Happy Holiday and a 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.