

**Minutes of: Oct. 9, 2019**  
**Date Approved: \_Nov. 13, 2019\_**  
**Date Filed/Village Clerk:**

**October 9, 2019**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 7:30pm**

**Present:** Tom Ringwald                      Chairperson  
                  John Palladino                      Member  
                  Nathan Jackman                      Member  
                  David Scalzo                              Member  
                  Anthony Fiore Jr.                      Member ad hoc

**Absent:** Christopher Garitee              Member

**Also in Attendance:**

                  Mike Seminara                      Asst. Building Inspector  
                  Gary Gjertsen                        Village Attorney  
                  George Jacquemart                  Village Traffic Consultant

**Pledge of Allegiance**

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

- Item #1      Approval of minutes from the Sept. 11, 2019 Regular Meeting**
- Item #2      29 Armour Villa Avenue      Return**
- Item #3      38 Fairview Avenue            Area Variance**
- Item #4      21 Columbus Ave.              Return**
- Item #5      46 Lincoln Ave.                 Area Variance**

**Item #1      Approval of minutes from the Sept. 11, 2019 Regular Meeting**

**Chairman Ringwald motioned to approve the minutes from the Sept. 11, 2019 meeting, seconded by Member Palladino and upon roll call carried with a vote of 4 – 0, with Member Scalzo abstaining due to his absence.**

**Item #2 29 Armour Villa Avenue Return**

Mr. Valon Nikci, owner of the property, stated that there were no changes to the submitted plans.

**No Public Comments**

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

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

**The application for AREA VARIANCES requested by \_Valon  
Nikci\_\_\_\_\_**

**whose address is 29 Armourvilla Ave, Tuckahoe, NY Sec. 26 \_Blk. 2\_**

**Lot 46\_\_**

**for relief from the following sections of the zoning code: 4-3..4.2 Side Yard**

**and 5-1.6.3 Extending a non-conformity**

**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:**

Applicant resides at 29 Armourvilla Avenue in Tuckahoe. Applicant is seeking to install a new deck in the rear of the home. The deck will not extend any further to the property line than the existing non-conforming house already does. There has been no opposition to this application and there will be minimal to no impact to the surrounding properties.

Therefore, recommendation is for the area variances to be granted as the benefit to the applicant of the area variances outweigh 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.

**The granting of the variance(s) herein is granted on the condition that work under such variance be commenced and diligently prosecuted within one year of the granting thereof, failing which such variance(s) shall become null and void.**

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

**Item #3 38 Fairview Ave. Area Variance**

Mr. Ted D’Amore, architect representing the applicant, Mr. Chanying Yin, owner of the property, stated that this house is an existing 3-family house. The house has a basement and a sub-basement. Back in 1950, the former owner converted the garage to a bedroom. The Building Department has a temporary permit on file for that application; however, the permit was never made permanent. The applicant is requesting to change the 3-family house to a 2- family house. The current house needs renovations as the kitchens and bathrooms are all in substandard condition.

The basement, first floor and second floor apartment units are all one-bedroom units. The plan is to update all to present day codes. There will be a one-bedroom apartment in the basement and the first and second floor will be converted to a single apartment with three bedrooms, one on the first floor and two bedrooms on the second floor. The variance requested is to make the temporary permit now permanent, as it has been a bedroom for 69 years. The front area of the house is currently paved. The present owner purchased the home just a few months ago.

Chairman Ringwald asked if the applicant gave thought to adding an addition to the second floor above the garage. In this manner, the garage can be converted back to a garage and parking space and the third bedroom can be located upstairs.

Mr. D'Amore noted that the applicant would consider that option.

Member Scalzo asked the measurements of the current garage.

Mr. D'Amore noted that it measures 11ft. by 17.5ft. which is considered less than a legal parking space in the village. The legal space is 9ft. by 18 ft. The garage would probably not fit a car.

There are currently no garage doors only two windows.

The submitted plans do pass the 5-prong test. It is not an undesirable change to the neighborhood as it has been this way for 69 years.

Another way that is feasible? – the applicant can build an addition to the home and convert the garage back to a garage, but that is a very costly alternative.

It is not substantial as the existing house is a nonconforming home. Many neighbors park their car in the front of their garage.

Was the difficulty self-created? – The temporary permit was granted 69 years ago, so it was not self-created.

Member Jackman voiced his pleasure that the applicant was planning to reduce the three family home to a two family home, which would reduce the non-conformity. He added that he would like the applicant to consider the addition to the second floor above the garage and return the garage to a garage for additional parking for the homeowners. Parking in the village is a key issue.

Member Scalzo added that the board is happy when residents update their homes.

Mike Seminara asked if the basement would have two or three meters installed by Con Ed.

Mr. D'Amore noted that most likely, it would be two meters for a two family house, but there is a possibility that a landlord meter is installed for the public hallway etc.

The fire escape will be repaired, the bolts will be replaced, and it will comply with today's standards.

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

Victoria Angelillo Main Street, noted that the previous owner applied for a temporary permit for the garage, and never made the permit permanent to keep his taxes at a lower rate. She added that the parking situation in that area of the village is atrocious. The proposed two family house can potentially have 6 residents which would possibly be 6 cars added to the street. She noted that she has 9 apartments and provides zero parking spaces for her tenants.

Mrs. Angelillo noted that she was in favor of the board's suggestion of adding an addition to the second floor and converting the garage back to its original use to provide additional parking spaces for its residents.

Mrs. Angelillo voiced her concern regarding the space the applicant will store his garbage and recyclable containers.

Mr. D'Amore pointed to a section on the plans that would house the containers. He will review the proposed suggestion of adding an addition to the second floor.

Chairman Ringwald asked the applicant to consider the addition alternative.

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

**Item #4 21 Columbus Ave. Return**

Mr. Adam Wekstein, attorney for the applicant, The Learning Experience, stated that this application is to house a day care center at the Epstein's location. It is a business zone, which permits day care centers with a Special Use Permit. The SEQR is a Type II action, which requires no environmental review.

Ms. Cheryl Schweiker, architect for the applicant, stated that her company has designed over 300 childcare centers and personally she has designed 150. There are currently The Learning Experience centers in New Rochelle, Long Island City, Brooklyn and under construction in White Plains and Briarcliff Manor.

The center accepts children from 6 weeks to 6 years old. There are 240 Learning Centers with 30,000 children being cared for on a daily basis.

The hours of operation will be from 6:30am to 6:30pm. Monday – Friday

The main entrance will be on Columbus Ave. The reception area will be secure; access with a key fob. The children stay on the premises all day. There is approximately a 5-minute window for the parents to park and drop off their children. The center will have age appropriate classrooms, indoor play area and an outdoor play area.

The children will bring their own meals until enrollment increases; once the enrollment is such, the center will warm food for the children. There will be no cooking on the premises.

This facility can fit 178 children and 29 staff members. The drop off is staggered during the morning hours. She noted that data suggests that approximately 25% of the children are siblings. Also approximately 10% of the children are absent on any given day due to illness and/or vacation time for the family.

The classrooms are designed to specific codes. There are two exit doors, sprinkler systems, fire alarms and procedures posted for emergencies. The building will have new signage and a new play area will be constructed in the rear lot. There will be two staircases in the building and an elevator.

The loading dock will be removed as well as the old staircase in the rear.

Chairman Ringwald asked if any of the 240 centers were given any citations. Ms. Schweiker stated that she was unaware of any citations.

Member Fiore asked if the center is closed due to snowstorms just as the schools close.

Ms. Schweiker did not have the answer.

Andrew Villari, Traffic Consultant, noted that he had 10 years' experience with The Learning Centers. He noted The Learning Centers had rolling drop off and pick up times. Drop off would be between 6:30 and 9:00am. The data collected showed that the Village's busiest time is between 8:15 and 9:15am.

The center's busiest hour would be from 5:00 and 6:00pm and there would be 50 – 60 vehicles added during this hour.

There are tandem parking spaces in the driveway for full time employees. The remaining employees must find on street parking.

There was a parking study conducted on May 23, June 25 and June 26.

There are 2hr, 4hr, 12hr and permit parking throughout the village. The 3 spaces in front of the building as well as 3 spaces across the street will be 15 minutes metered spaces for family members to drop off their children quickly and return to their cars. The parking spaces on Columbus Ave across from Kawers Paint store will become long-term parking spaces, which would add 11 parking spaces to the village.

Mr. Jacquemart, Traffic Consultant, noted that the 15-minute parking spaces would not be dedicated to The Learning Center, but will help with drop off and pick up. The Police Chief consulted with Mr. Jacquemart and thought it best to keep the meters at 15 minutes all day rather than divide the day up between two hour and 15 minute intervals. It was his experience that it would be too confusing.

Mr. Villari added that the 29 staff members are a rolling staff. There may be a maximum of 14 staff members looking for parking spaces - 29 employees does not mean 29 vehicles.

Chairman Ringwald asked Mr. Wekstein if the applicant were willing to subsidize the employees to pay for the metered parking spaces. He does not want the employees to park on the side streets. The parking on Underhill is 2 hour and is tight already for the residents.

Mr. Wekstein noted that the staff will be instructed not to park illegally, but the staff may get tickets. The day care is in the process of purchasing 5 parking spaces in one of the Village parking lots. He does not foresee the applicant subsidizing the employee parking.

Member Fiore asked if the center would have any special events, such as grandparent's day etc.

The answer was no special events.

Member Jackman voiced his concern regarding the quality of life for the villagers. He added that it could be possible that parents of the children enrolled at the day care center may indeed change their commute to now drive to the village to not only drop off their child, but also then take the Metro North to the city instead of returning to their original form of transportation to the city. These parents would now add to the number of commuters already trying to find parking spaces in this village.

Mr. Jacquemart noted that that possibility is difficult to answer. There may be an overflow of commuters parking in the residential areas. This parking situation is

under the village control. The parking lots should not have 2 hour parking limits but rather sell permits to those spaces only.

Member Jackman noted that would entail recreating the entire parking system in the village. It would add to the already nightmarish parking situation. He added that this is a prime commuter spot.

Gary Gjertsen, Village Attorney, noted that there is a waiting list for retailers to get permit parking.

Member Palladino added that this is a small village, one square mile, with two Metro North stations. It also is a major hub for the trucks to get from Post Rd to Central Park Ave.

Mr. Wekstein noted that his data finds that the applicant will have enough parking spaces.

Member Jackman noted the quality of life is an issue; this application could potentially generate additional commuters and many staff members looking for parking spaces in an already congested village. It was his opinion that there could be a need of approximately 30 parking spaces for this site between the staff and additional commuters, rather than the projected 15.

Mr. Villari noted that there would be no significant impact to the morning and evening commute. At the Columbus Ave and Main Street intersection, there is a 51.6-second wait for each vehicle. With the project, the projected wait time will be 53.8 seconds.

Member Scalzo noted that the traffic congestion in this village is at its tipping point.

Mr. Jacquemart stated that the level of service is at an E, which is getting close to the tipping point. The inefficient traffic light at the intersection is a major issue. It is a county road, so the signal falls under the county's responsibility.

Level D 35 -53 second wait  
Level E 55 - 80 second wait  
Level F >80 second wait

Chairman Ringwald noted that the crosswalk on Columbus Ave. in front of the proposed property must have the flashing crossing signal installed at the applicant's expense. The crosswalks on Columbus Ave and Underhill Rd. must be painted brighter at the applicant's expense.

A staff member must be stationed outside the front door to assist with the drop off for the safety of the children.

Mr. Jacquemart recommended a zebra striping on the crosswalks. The flashing crosswalk light could have a motion detector or a push button.

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

### **Public Comments**

Anthony Lore noted that the fire trucks might need to respond during that time which may be extremely congested. There is a day care center drop off on Underhill and that drop off site causes a backup sometimes. The possibility of having another drop off with so many children would cause an immense amount of traffic.

Corine Lurry-Mabin, VP and Chief Program Officer Andrus Early Learning Center, noted that Andrus has retained an attorney to discuss this application. The major concern was the parking situation.

Rocco Alessandro, owner of the strip mall across from Epsteins, noted that the congestion on Underhill due to the drop off at Andrus and delivery trucks stopping in the early morning hours is an immense amount of congestion. He noted that if this application were approved, it would add even more congestion to an already congested area. He added that the 15 minute metered spaces along Columbus Ave. would cause vehicles to parallel park and back up into the middle spots. This is a main thoroughfare during the commute hours and to have cars parallel park would cause a jam. He added that the increase of these commuters do not bring additional revenue to the retailers. It was his experience that commuters will pick up their children and drive home. They will not stop to shop.

Mr. Kawer, owner of the Benjamin Paint store next to Epsteins, noted that the delivery trucks, 40 ft. trucks, and most of their contractors arrive between 7:00 – 10:00 am. This will be a nightmare of traffic. He added that the paint store might possibly be bought and developed into apartment buildings one day in the near future. The Epstein property would be better suited for an apartment building rather than a day care center. It is not the best location for a day care center.

Leonard Brandes noted that the traffic study was conducted during the days that the schools was not in session.

Gary Gjertsen noted that the schools were in session.

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

**Item #5    46 Lincoln Ave.                      Area Variance**

Leonard Brandes, architect for the applicant, noted that this application was to expand the house within the existing footprint. The area variance is for setbacks; the existing set back is 2ft. 10in front yard setback and 2in side yard.

The plans are to build an addition over an existing addition. The existing addition has 4 by 4 posts that will be replaced with 4 x4 steel columns, which will be structurally sound.

The addition will jut out on the left side of the house, but there are no neighbors on that side of the property.

The stairs on the left side will go behind the existing stonewall. The stonewall will have a small fence placed on top for safety. The applicant does not want anyone to climb over the stonewall and get injured. There will be a small storage area under the staircase. The stone will match the existing stonework.

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

**No Public Comments**

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

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.