

AGENDA
BOARD OF TRUSTEES
November 23, 2009

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
 - TRUSTEE ECKLOND
 - TRUSTEE MARCOCCIA
 - TRUSTEE GORMAN
 - TRUSTEE COLEMAN
 - MAYOR FITZPATRICK

IV. SPECIAL PRESENTATION(S)
Judith McCarthy of Andrew Cuomo's office.

V. PUBLIC HEARINGS

PUBLIC HEARING I.

CONTINUATION OF PUBLIC HEARING ON A PROPOSED LOCAL LAW AMENDING THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001 AND THE OFFICIAL ZONING MAP OF THE VILLAGE OF TUCKAHOE

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York scheduling a public hearing to be held by the Village Board on the 24th day of November 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law entitled, "A LOCAL LAW TO REZONE THE MARBLEDALE ROAD INDUSTRIAL CORRIDOR TO A GENERAL BUSINESS OR COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE VILLAGE COMPREHENSIVE PLAN, ADOPTED MAY 2008"; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 7th day of November 2008; and

WHEREAS, said public hearing was duly held on the 24th day of November 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York and said public hearing was also held on December 8, 2008, January 12, 2009, February 9, 2009, March 2, 2009, March 30, 2009, April 13, 2009, May 18, 2009, June 8, 2009, July 13, 2009, August 10, 2009, September 14, 2009 and October 5, 2009, October 26, 2009, November 23, 2009 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act

(SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a Negative Declaration pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. The Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended by adding the following to such Zoning Ordinance as follows:

§ 4-8. General Commercial District.

4-8.1. Within any General Commercial District, no building or land shall hereafter be used for any purpose other than any of the following uses, or any combination thereof, that will satisfy the performance standards that are set forth immediately following the list of said uses:

- (a) Permitted Uses.
 - 1. Offices for executive, administrative or clerical purposes.
 - 2. Scientific or research laboratories.
 - 3. Warehouse and storage facility enclosed within a building.
 - 4. Schools.
 - 5. Sports and health clubs.
 - 6. Hotels.
 - 7. Restaurants.
 - 8. Retail and Service Businesses.
 - 9. Churches.

- (b) Special Permit Uses.
 - 1. Motor vehicle filling stations or motor vehicle repair/body shops.
 - 2. Outdoor storage. In case of temporary outdoor storage for a duration less than 90 days, permission may be granted by the Village Building Department.
 - 3. Manufacturing, including the fabrication and assembly of products, and incidental storage, sale and distribution of such products, but excluding heavy industrial processing where products are extracted from raw materials.

4-8.2. Performance Standards for Special Permit Uses.

No use listed in Section 4-8.1.(b)(1), (2) or (3) shall be established, maintained or conducted so that the same will cause any:

- (a) Dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use is conducted or, with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.
- (b) Noise in violation of Article II of Chapter 15 of the Code of the Village of Tuckahoe, entitled, "Noise and Other Enumerated Nuisances."
- (c) Discharge of any waste material whatsoever into any watercourse.
- (d) Dissemination of glare or vibration beyond the immediate site of the use.
- (e) Traffic on any street primarily serving residential districts that is incongruous with the traffic normal to such streets.
- (f) Physical hazard, by reason of fire, explosion, radiation or similar cause, to property in the same or an adjacent district.

4-8.3. Accessory Uses. The following uses may be established and maintained so long as they are incidental and subordinate to a principal or special permit use:

- (a) Within a Hotel, a public dining area or restaurant, recreation space, a lounge, a pool or a meeting room or meeting rooms.
- (b) Quarters for caretakers or watchmen on the site of the use to which the same are appurtenant.
- (c) Satellite earth station or dish antennae less than 24-inches in diameter.
- (d) Signs (subject to Section 3-16 through and including Section 3-31 of the Village Code).
- (e) Fences and Walls.
- (f) Garages or Parking Structures.

4-8.4. Uses Prohibited. All other uses are hereby prohibited. It is the intent of this chapter to exclude all residential uses as being inappropriate therein and in conflict with the purposes of this chapter and to confine the uses therein to those that are specifically listed in this section as being permitted therein.

With respect to any application for a building permit or a certificate of occupancy, the Building Inspector may require such evidence as he may deem to be necessary to determine whether or not the proposed use will reasonably conform to the performance standards set forth above in this section and with the site plan approved in accordance with the provisions of § 4-8.8. If the Building Inspector is in doubt, he shall refer the matter to the Planning Board, which shall make a determination in the case, in connection with which it may obtain expert advice, at the expense of the applicant, and payment in advance of the amount of such expense shall be a condition of further consideration of the application.

4-8.5. Height; Open Space. The following regulations shall apply:

(a) No building shall exceed a height of 50 feet. Notwithstanding the foregoing sentence, subject to Planning Board approval, buildings satisfying the environmental standards set forth in Section 4-8.5.(g) may be built to a height as set forth in said Section 4-8.5.(g).

(b) All the buildings on a site, as shown on the site plan thereof, as provided in § 4-8.8. shall not cover an aggregate area of more than 70% of the area of such site. Additionally, at least 15% of the site must be in open space that is landscaped, permeable and open to the air.

(c) The Floor Area Ratio for the General Commercial District is 1.6. Notwithstanding the foregoing sentence, subject to Planning Board approval, buildings satisfying the environmental standards set forth in Section 4-8.5.(g) shall have a Floor Area Ratio that does not exceed the Floor Area Ratio set forth in said Section 4-8.5.(g).

(d) Front Yard. There shall be a front yard along each street line with a depth of not less than 10 feet. The front yard shall be measured from the curblin and the sidewalk, if any, shall be included in such computation and measurement. For a building above 40 feet in height, such building shall be set back an additional 10 feet.

Side Yard. All buildings shall be located at no point less than 10 feet, from any side boundary of the site on which the same are situated, provided that no building shall be located at a distance of less than 50 feet from the boundary of any residential district established by this chapter. The provisions of this section shall not apply to sites which are completely separated from other district boundaries by streets, rivers and main tracts of railroads.

Rear Yard. All buildings shall be located at no point less than 20 feet, from any rear boundary of the site on which the same are situated, provided that

no building shall be located at a distance of less than 50 feet from the boundary of any residential district established by this chapter. The provisions of this section shall not apply to sites which are completely separated from other district boundaries by streets, rivers and main tracts of railroads.

(e) On the site of any development that is contiguous to the outside boundary of the district, there shall be provided a belt of landscaping having a width of not less than six feet. On the site of any development that is contiguous to the boundary of any residential district there shall be provided a belt of landscaping along such boundary, having a width of not less than 20 feet. Landscape belts shall be included in a comprehensive landscape plan for review and approval by the Planning Board and subject to the review of an outside licensed landscape architect. Landscape belts shall include a variety of deciduous and evergreen trees, small flowering trees with a minimum of 3" DBH and deciduous and evergreen shrubs. All species shall be non invasive. Such belt shall be planted and maintained in accordance with requirements made as a part of the action by the Planning Board on a site plan as provided in § 4-8.8 of this chapter, and in conformity with any specifications as to such landscaping that may be adopted by the Planning Board, with approval by the Village Board. The provisions of this section shall not apply to sites which are completely separated from other district boundaries by streets, rivers and main tracts of railroads.

(f) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be completely enclosed within a wall or fence of such material, construction and height as to screen completely all operations conducted within such wall or fence from observation from outside thereof. The requirements as to such wall or fence, supplemented by such landscaping as may be necessary to accomplish any of the purposes of this chapter shall be specified by the Planning Board as a part of its action on the site plan of the use, as provided in § 4-8.8 of this chapter.

(g) Environmental Standards Bonus.

1. Conditions for Bonus. At the discretion of the Planning Board, a density bonus may be granted to an applicant under the following conditions:

i. If the applicant demonstrates to the Planning Board's satisfaction that the proposed structure and/or use shall comply with at least half the standards listed below in sub-section (g).2, in any combination, then the Planning Board may award either or both a density and a height bonus.

- (1) Such density bonus shall allow an increase in floor area ratio from 1.6 to no more than 1.8.
- (2) Such height bonus shall allow an increase in height from 50 feet to no more than 55 feet.

ii. If the applicant demonstrates to the Planning Board's satisfaction that the proposed structure and/or use shall comply with all the standards listed below in sub-section (g).2, then the Planning Board may award either or both a density and a height bonus.

- (1) Such density bonus shall allow an increase in floor area ratio from 1.6 to no more than 2.0.
- (2) Such height bonus shall allow an increase in height from 50 feet to no more than 60 feet.

2. Environmental Standards. The following items are actions, materials, or programs that an applicant in the General Commercial District may adopt either to mitigate potentially adverse environmental impacts or to improve the subject site's environment.

i. Green Building Design. Green building design is the practice of increasing the efficiency with which buildings use energy, water, and material resources while reducing building impacts on human health and the environment during the building's lifecycle.

- (1) Generally, the applicant shall demonstrate to the Planning Board that green (sustainable) design measures will be used. Some measures are:
 - a) Site planning: e.g., responsiveness to climate features such as sun and wind, microclimate management, solar orientation (long axis facing south); landscaping for summer cooling effect and for blocking winter winds; parking areas designed to limit heat absorption.
 - b) Efficient water use: e.g., use of water conservation measures including dual water systems if available, water recycling.
 - c) Efficient energy, materials and resources use: e.g., use of daylighting; use of appropriate glass for minimizing heating and cooling loads, use of building materials in construction and maintenance of site features, use of materials in environmentally sound ways, such as Energy-Star products and certified lumber, use of insulation beyond minimum standards, use of renewable

energy for heating and cooling, use of energy efficient motors, use of energy efficient lighting, use of energy management systems.

- (2) Specifically, one set of criteria for green building design is known as LEED and is promulgated by the U.S. Green Building Council (USGBC). LEED (Leadership in Energy and Environmental Design) is a certification program aimed at design and construction practices. LEED provides technical and criteria-based standards for environmentally sustainable design, construction and operation. The program includes a building rating system for new construction for use by designers, builders, developers, and building owners.
 - (3) To qualify for a bonus, the applicant shall demonstrate green building design, whether LEED-compliant or the equivalent, before the Certificate of Occupancy is granted.
- ii. Stormwater Management. To qualify for a bonus, the applicant shall demonstrate that the stormwater management program includes, among other components, the following permanent components:
- (1) Roof garden, also known as a green or living roof.
 - (2) Bioswales and/or rain gardens.
 - (3) Permeable surfaces to replace impervious surfaces for on-site parking, driving, and walking.
 - (4) Grey water recycling systems.
- iii. Pollution. To qualify for a bonus, the applicant shall demonstrate that:
- (1) Light pollution. No outdoor light generated on the site shall spill over the property line.
 - (2) Noise pollution. Mechanical noise emitted from roof-mounted equipment shall not be perceptible beyond the property line. Mechanical equipment shall not be allowed on green roofs [see ii(1) above].

- iv. Sustainable Energy. To qualify for a bonus, the applicant shall demonstrate that the project will use one or more of the following energy technologies:
 - (1) Thermal mass technology.
 - (2) Photovoltaic technology.

4-8.6. Automobile Parking Spaces. Automobile parking spaces shall be provided on the site of any development in an amount determined by the Planning Board, as a part of its action on the site plan of this development, as provided in § 4-8.8. of this chapter, to be adequate to provide for the parking of the vehicles of all persons employed on the site and all other persons who may be expected to visit the site at any one time for any purpose, whether as customers, purveyors, official visitors, guests or otherwise. In making such determination, the Planning Board may take into account the likelihood of multiple use of the parking space in connection with other uses on the site.

4-8.7. (Reserved)

4-8.8. Site Plan Approval. In any development established (after the effective date hereof), the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the provision of off-street parking space, the provision of other open space on the site landscaped buffer, the display of signs, and the provision of fences, walls and landscaping shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this chapter, be in accordance with a site plan or plans or subsequent amendment thereof approved by the Planning Board. The parking space provisions, landscaping, fences and walls included in any site plan approved by the Planning Board shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder, the Planning Board shall endeavor to assure safety and convenience of traffic movement, both within the limits of the site and in relation to access streets, harmonious and beneficial relation among the buildings and uses on the site, and satisfactory and harmonious relation between the site and contiguous land and buildings and adjacent neighborhoods, all in furtherance of the purposes of this chapter.

4-8.9. Enforcement and Guaranties. No building permit or certificate of occupancy shall be issued for any building or use except in accordance with a site plan approved as provided in §4-8.8. The purpose of requiring such approval is to safeguard the purposes of this chapter and the developmental policy set forth herein and to protect the general welfare of the Village and the values of the property therein against the detrimental effects of possible failure actually to complete a development in any such

district as contemplated in the rezoning of land therefore and the leaving of the same in an unfinished and unsatisfactory condition. To these ends, the Planning Board shall require such guaranties or conditions as it may deem to be necessary in order to assure that such development will actually take place and will proceed to completion.

Section 2. Section 3-1., entitled Definitions, of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended to add the following definition as follows:

§ 3-1. Definitions.

Hotel – a facility offering sleeping accommodations on a temporary basis for compensation to the general public and not exclusively designed for independent housekeeping and wherein twenty-four (24) hour desk service is provided and further wherein no more than fifteen (15%) percent of the guest rooms shall be more than one bedroom.

In order to constitute a Hotel, one or more of the following services must be provided:

- a. housekeeping;
- b. telephone;
- c. bellhop service; or
- d. the furnishing or laundering of linens.

Within a Hotel, permitted accessory uses shall include, but not be limited to, public dining, recreation space, lounge, pool and/or meeting rooms. A Hotel may also provide for extended-stay accommodations wherein guests, who have a permanent residence elsewhere, may stay for multiple nights.

The term Hotel shall not include motel, rooming or boarding house, or a single-room occupancy facility. Within a Hotel, rooms or units shall not be rented to the same person or entities for more than ninety (90) days in any three hundred sixty five (365) day period.

Section 3. Section 2-1., entitled, List of Districts, of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended to add the following zoning district as follows:

§ 2-1. List of districts.

The Village of Tuckahoe is hereby divided into the following districts:

Residence A-10

Residence A-5

Residence B

Business/Residential

Apartment 3

Business

Industrial

General Commercial

Section 4. The Village of Tuckahoe Schedule of Permitted Uses is amended as follows:

District

Permitted Principal Uses

General Commercial

1. Offices for executive, administrative or clerical purposes.
2. Scientific or research laboratories.
3. Warehouse and storage facility enclosed within a building.
4. Schools.
5. Sports and health clubs.
6. Hotels.
7. Restaurants.
8. Retail and Service Businesses.
9. Churches.

Uses Permitted by Special Use Permit

1. Motor vehicle filling stations or motor vehicle repair/body shops.
2. Outdoor storage. In case of temporary outdoor storage for a duration less than 90 days, permission may be granted by the Village Building Department.
3. Manufacturing, including the fabrication and assembly of products, and incidental storage, sale and distribution of such products, but excluding heavy industrial processing where products are extracted from raw materials.

Accessory Uses

1. Within a Hotel, a public dining area or restaurant, recreation space, a lounge, a pool or a meeting room or meeting rooms.
2. Quarters for caretakers or watchmen on the site of the use to which the same are appurtenant.
3. Satellite earth station or dish antennae less than 24 inches in diameter.
4. Signs.
5. Fences and Walls.
6. Garages or Parking Structures.

Section 5. The Village of Tuckahoe Schedule of Area and Bulk Requirements is amended as follows:

District

Minimum Lot Size:

General Commercial

5,000 square feet

Minimum Lot Width:

50 feet

Minimum Lot Depth:

70 feet

Yards:

Front: 10 feet (for a building above 40-feet in height, there shall be an additional 10-feet added to the Front Yard requirement)

Side: 10 feet (subject to the provisions of Section 4-8.5.(d) herein)

Rear: 20 feet (subject to the provisions of Section 4-8.5.(d) herein)

Maximum Height:

50 feet (subject to the provisions of Section 4-8.5.(a) herein)

Maximum Building Coverage:

70%

Maximum FAR:

1.6 (subject to the provisions of Section 4-8.5.(c) herein)

Section 6. Official Zoning Map

The Official Zoning Map of the Village of Tuckahoe, entitled "Zoning Map, Village of Tuckahoe," last dated and adopted July 2007 and as established in Section 2-2 of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended so as to reclassify and rezone all of the following listed properties, as shown on the attached map, from the Industrial (I) Zoning District to the General Commercial (GC) Zoning District:

<u>Marbledale Road Street No.</u>	<u>Sec.</u>	<u>Blk.</u>	<u>Lot</u>	<u>Width X Depth</u>
8	74	1	1	258 x 150
38	68	4	29	208 x 176
40	68	4	36	236 x 316
60-66	35	2	12	128 x 316
65	35	5	1	434 x 217
68-78	35	2	11	99 x 141
80	35	2	1	427 x 180
85	35	1	10	53 x 217
93	35	1	1g	281 x 581
100	67	3	10	168 x 163
107	35	1	1a	240 x 182
125	35	1	1c	180 x 76
134	67	3	10g	100 x 104

135	35	1	1	224 x 123
136	67	3	10c	50 x 106
140	67	3	10d	22 x 106
142	39	3	7e	18 x 97
150	39	3	7	175 x 133
162-166	39	3	7b	150 x 133
170	39	3	4a,6	150 x 106
173	39	4	8	203 x 97
174	39	3	7a	100 x 122
181	39	4	7	50 x 99
185	39	4	6a	50 x 101
191	39	4	6	51 x 103
192	39	3	4	102 x 106
199	39	4	5	350 x 100
200	39	3	3	140 x 144
218-210	39	3	1	140 x 139
218-210	39	3	2	60 x 141
233	39	4	1D	150 x 256
Jackson Avenue Street No.	<u>Sec.</u>	<u>Blk.</u>	<u>Lot</u>	<u>Width X Depth</u>
11	67	3	10A	219 x 81
Jackson Avenue	67	3	10E	167 x 143

Section 7. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section 8. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 9. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. The Village Clerk be and she

hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of State.

Motion to continue with public hearing.

Motion to close public hearing.

PUBLIC HEARING II

Motion to open public hearing on LOCAL LAW #9 OF THE YEAR 2009 AMENDING SECTION 21-119(a) OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "PARKING PERMIT AND METERS ZONES," REGULATING PARKING PERMIT AND METER ZONES

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on October 26, 2009.

WHEREAS, the Chief of the Police Department has requested legislation amending Section 21-119(a) of the Village Code of the Village of Tuckahoe, entitled "Parking Permit and Meters Zones," regulating parking permit and meter zones (the "Local Law"); and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 2nd day of November 2009; and

WHEREAS, said public hearing was duly held on the 23rd day of November, 2009, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. Section 21-119(a), entitled "Parking Permit and Meter Zones" of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

(a) The following zones in certain streets and parking areas of the village shall be known as "parking permit and meter zones":

...

(13) Grant Street, from Sagamore Road along the property of 2 Grant Street.

h. Nine feet from the north curblin of Elm Street from Yonkers Avenue to the Bronx River Parkway Access Road.

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect immediately.

Section 4. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

New Matter Underlined

Deleted Matter in Brackets []

Motion to close public hearing.

Motion to adopt Local Law # 9 of the year 2009.

VI. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

RESOLUTIONS -

1. RESOLUTION authorizing the Mayor to sign an IMA for Solid Waste and Recyclables Disposal for Refuse Disposal District #1 between the County of Westchester and Village of Tuckahoe to expire October 21, 2010.

2. RESOLUTION authorizing the Mayor to sign a new lease between the Village of Tuckahoe and Alex Diaz for a term of one year beginning with December 1, 2009 and expiring November 30, 2010 for office space located on the 1st floor, designated as Room 101, of the Village Hall.

3. RESOLUTION authorizing the issuance of a General Business License to M&M Italian Provisions, Big Girl Baking Co. and ENOS Imports for the purpose of participating in the Farmers Market on Sunday beginning November 1 and ending November 22, 2009.

4. RESOLUTION A RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING A PROPOSED LOCAL LAW FOR TREE REGULATIONS AND PRESERVATION IN THE VILLAGE OF TUCKAHOE

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on November 23, 2009.

WHEREAS, the Village Board of Trustees wishes to conduct a public hearing concerning a proposed local law for tree regulations and preservation in the Village of Tuckahoe.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and/or the Municipal Home Rule Law, a public hearing shall be held on or about the 7th day of December 2009, at 8:00 o'clock p.m., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether a proposed local law for tree regulations and preservation in the Village of Tuckahoe should be adopted and enacted.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with the Municipal Home Rule Law and/or other applicable law.

Section 3. That this resolution shall take effect immediately.

5. RESOLUTION the Mayor to sign a contract between MVM Construction LLC and Village of Tuckahoe as it relates to the construction of the DPW building.

6. RESOLUTION authorizing the Mayor to sign a lease between the Village of Tuckahoe and Life Force Fitness for a term of one year beginning with January 1, 2010 and expiring December 31, 2010 for office space located on the 1st floor, designated as Room 102, of the Village Hall.

7. RESOLUTION authorizing the issuance of a Special Cabaret License to Joe's Quarry Inn for Wednesday, November 25th from 7:30pm – 11pm.

8. RESOLUTION authorizing Treasurer, John Pintos, to sign necessary forms to claim \$3,000 in funding received from Assemblywoman Amy Paulin for entertainment and music for Tuckahoe Summertime Extravaganza.

9. RESOLUTION authorizing the following budget transfers to close out fiscal year 6/1/08 to 5/31/09

<u>Account #</u>	<u>Department</u>	<u>Line Item</u>	<u>Amount</u>	<u>Action</u>
010-1010-0101	Village Board	Personal Services	2	Increase
010-1010-0428	Village Board	Printing and Advertising	350	Increase
010-1110-0404	Village Justice	Materials & Supplies	254	Increase
010-1110-0407	Village Justice	Outside Services	1,165	Increase
010-1110-0414	Village Justice	Court Stenographer	334	Increase
010-1325-0103	Treasurer	Deputy Treasurer	1,258	Increase
010-1325-0201	Treasurer	Equipment	350	Increase
010-1325-0410	Treasurer	Advertisement	1,237	Increase
010-1355-0110	Assessment	Assessment Clerk	1	Increase
010-1355-0408	Assessment	Outside Services	1,708	Increase
010-1355-0410	Assessment	Advertisement	125	Increase
010-1410-0101	Village Clerk	Clerk	12,682	Increase
010-1410-0201	Village Clerk	Equipment	400	Increase
010-1410-0404	Village Clerk	Materials & Supplies	95	Increase
010-1410-0410	Village Clerk	Advertisement	309	Increase
010-1420-0102	Village Attorney	Deputy Attorney	1	Increase
010-1420-0408	Village Attorney	Outside Services	1,628	Increase
010-1420-0416	Village Attorney	Code Ordinance	5,936	Increase
010-1450-0410	Elections	Advertisement	41	Increase
010-1450-0492	Elections	Contr/Misc-Cust.	140	Increase
010-1620-0114	Buildings - VH	Overtime	528	Increase
010-1620-0201	Buildings - VH	Equipment	3,900	Increase
010-1620-0405	Buildings - VH	Heating	881	Increase
010-1620-0407	Buildings - VH	Repairs & Maint.	35,546	Increase
010-1620-0408	Buildings - VH	Outside Services - Cleaning	2,125	Increase
010-1620-0418	Buildings - VH	Contractual - Water	1,412	Increase
010-1621-0404	Buildings - CC	Materials & Supplies	399	Increase
010-1621-0405	Buildings - CC	Heating	3,478	Increase
010-1621-0407	Buildings - CC	Repairs & Maint.	20,655	Increase
010-1621-0408	Buildings - CC	Outside Services - Cleaning	990	Increase
010-1621-0418	Buildings - CC	Contractual - Water	586	Increase
010-1622-0404	Buildings - DPW	Materials & Supplies	1,322	Increase
010-1622-0405	Buildings - DPW	Heating	34	Increase
010-1650-0461	Communications	Web Site Maintenance	744	Increase
010-1935-0437	Legal Fees	Professional Fees	42,419	Increase
010-1950-0441	Tax on Village Property	Taxes & Assessments	3,656	Increase
010-1980-0456	MTA Payroll Tax	MTA Payroll Tax	3,894	Increase
010-1985-0453	Data Processing	Computer Software	783	Increase
010-1985-0455	Data Processing	Systems Support	13,428	Increase
010-1987-0404	Office Supplies	Materials & Supplies	6,154	Increase
010-3120-0407	Police Department	Repairs & Maint.	628	Increase
010-3620-0102	Building Inspection	Code Enforcement	1,009	Increase
010-3620-0120	Building Inspection	Clerical Assistant	48	Increase
010-3620-0406	Building Inspection	Fuel	1,601	Increase
010-3620-0408	Building Inspection	Outside Services	400	Increase
010-5010-0201	Street Administration	Equipment	51	Increase
010-5010-0404	Street Administration	Materials & Supplies	943	Increase
010-5010-0417	Street Administration	Telephone	1,742	Increase
010-5110-0101	Street Maintenance	Personal Services	79,164	Increase

010-5110-0404	Street Maintenance	Materials & Supplies	11,317	Increase
010-5110-0407	Street Maintenance	Repairs & Maint.	1,275	Increase
010-5110-0415	Street Maintenance	Consultant/Outside Services	18,522	Increase
010-5110-0433	Street Maintenance	Lighting/Installation	166	Increase
010-5110-0442	Street Maintenance	Street Resurfacing	62,378	Increase
010-5142-0404	Snow Removal	Materials & Supplies	38,991	Increase
010-7140-0447	Recreation Services	Celebrations	801	Increase
010-7140-0450	Recreation Services	Dial-A-Ride	2,162	Increase
010-7141-0417	Recreation Administration	Telephone	537	Increase
010-8010-0415	Zoning Board	Consultant	2,048	Increase
010-8120-0101	Sanitary Sewers	Personal Services	6,041	Increase
010-8160-0101	Refuse/Recycling	Personal Services	9,047	Increase
010-8160-0201	Refuse/Recycling	Equipment	9,186	Increase
010-8160-0406	Refuse/Recycling	Fuel (Sanitation Equipment)	5,419	Increase
010-8160-0407	Refuse/Recycling	Repairs & Maint.	3,423	Increase
010-8160-0445	Refuse/Recycling	Dumping Fees (West. Cty)	904	Increase
010-8350-0421	Water Service	Water Service Charges	2,781	Increase
010-9010-0104	Employee Benefits	Health Insurance Stipend	3,750	Increase
010-9010-0119	Employee Benefits	Sick Pay Incentive	2,000	Increase
010-9010-0801	Employee Benefits	Employee Retirement	2,970	Increase
010-9030-0802	Social Security	Social Security Expense	14,774	Increase
010-9045-0804	Life Insurance	Group Life Insurance	362	Increase
010-9050-0805	Employee Benefits	Unemployment Benefits	3,725	Increase
010-9720-0610	Statutory Installment Bonds	Debt Service - Principal	264,401	Increase
010-9720-0710	Statutory Installment Bonds	Debt Service - Interest	69,095	Increase
010-9730-0610	Bond Anticipation Notes	Debt Service - Principal	26,658	Increase
010-9901-0908	Interfund Transfers	Transfer to Capital Fund	35,000	Increase
010-1010-0427	Village Board	Education & Training	352	Decrease
010-1110-0105	Village Justice	Part-Time Clerical	700	Decrease
010-1110-0201	Village Justice	Equipment	1,000	Decrease
010-1110-0407	Village Justice	Repairs & Maint.	53	Decrease
010-1325-0101	Treasurer	Treasurer	502	Decrease
010-1325-0408	Treasurer	Outside Services	1,097	Decrease
010-1325-0417	Treasurer	Telephone	2	Decrease
010-1325-0427	Treasurer	Education & Training	1,244	Decrease
010-1355-0414	Assessment	Stenographer	250	Decrease
010-1410-0105	Village Clerk	Part-Time Clerical	2,359	Decrease
010-1410-0110	Village Clerk	Part-Time Intern	11,127	Decrease
010-1420-0441	Village Attorney	Membership Dues	34	Decrease
010-1450-0437	Elections	Professional Fees	181	Decrease
010-1620-0404	Buildings - VH	Materials & Supplies	1,237	Decrease
010-1620-0413	Buildings - VH	Electricity	7,321	Decrease
010-1621-0413	Buildings - CC	Electricity	1,812	Decrease
010-1622-0407	Buildings - DPW	Repairs & Maint.	65	Decrease
010-1622-0413	Buildings - DPW	Electricity	558	Decrease
010-1622-0418	Buildings - DPW	Contractual/Water	815	Decrease
010-1650-0459	Communications	High Speed Data (T1)	723	Decrease
010-1650-0460	Communications	Voice System/Centrex	594	Decrease
010-1985-0201	Data Processing	Equipment	2,400	Decrease
010-1990-0491	Contingency	Contingency (Budget)	92,621	Decrease
010-3120-0101	Police Department	Power of Arrest	27,938	Decrease

010-3120-0114	Police Department	Overtime	12,557	Decrease
010-3120-0404	Police Department	Materials & Supplies	6,446	Decrease
010-3620-0101	Building Inspection	Building Inspector	1,330	Decrease
010-3620-0201	Building Inspection	Equipment	1	Decrease
010-3620-0404	Building Inspection	Materials & Supplies	17	Decrease
010-3620-0427	Building Inspection	Education & Training	1,710	Decrease
010-5010-0101	Street Administration	Superintendent (DPW)	210	Decrease
010-5010-0410	Street Administration	Advertisement	10	Decrease
010-5010-0427	Street Administration	Education & Training	125	Decrease
010-5110-0110	Street Maintenance	Part Time	8,030	Decrease
010-5110-0114	Street Maintenance	Overtime	15,642	Decrease
010-5110-0201	Street Maintenance	Equipment	13,886	Decrease
010-5110-0202	Street Maintenance	Equipment (Safety)	1,023	Decrease
010-5110-0406	Street Maintenance	Fuel (Trucks)	10,277	Decrease
010-5110-0416	Street Maintenance	Signs	87	Decrease
010-5110-0419	Street Maintenance	Energy & Street Lights	7,520	Decrease
010-5110-0427	Street Maintenance	Education & Training	506	Decrease
010-5110-0443	Street Maintenance	Tree Purchases	26,073	Decrease
010-5142-0101	Snow Removal	Personnel Services	5,952	Decrease
010-5142-0404	Snow Removal	Materials & Supplies	21,507	Decrease
010-5142-0415	Snow Removal	Outside Services	500	Decrease
010-7141-0404	Recreation Administration	Materials & Supplies	537	Decrease
010-8120-0404	Sanitary Sewers	Materials & Supplies	6,041	Decrease
010-8160-0404	Refuse/Recycling	Materials & Supplies	2,411	Decrease
010-8160-0410	Refuse/Recycling	Advertisement	250	Decrease
010-9010-0116	Employee Benefits	Longevity	500	Decrease
010-9015-0811	Employee Benefits	Police Retirement	128,017	Decrease
010-9060-0807	Medical Insurance	Hospital & Medical Insurance	32,965	Decrease
010-9904-0904	Interfund Transfers	Transfer to Debt Service	395,154	Decrease

10. RESOLUTION approving payment of vouchers in the amount of \$339,530.89 consisting of abstract #22 for \$82,676.19, abstract #23 for \$45,575.79, abstract #24 for \$207,632.51 and abstract #25 for \$3,646.40. The three largest invoices paid were for: (1) \$91,667.31 for the December 2009 employee health insurance premium, (2) \$41,862.78 for bond anticipation note principal and interest payment and (3) \$30,218.75 for a tax certiorari (property tax) refund.

VII. APPOINTMENTS –

Mayor to appoint Norman Haynes of 50 Columbus Avenue as a member of Directors of EVAC for a term of one year.

Resolution to reappoint Gilda DiMeo as a member of the Assessment Review Board for a term of 5 years to expire 9/30/1914.

VIII. APPROVAL OF MINUTES –

A) APPROVAL OF MINUTES OF THE REGULAR MEETING OF OCTOBER 26, 2009

IX. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

X. CORRESPONDENCE

XI. MISCELLANEOUS BUSINESS –

Next Village Board meeting December 7, 2009 – 8PM.

Village offices closed Thursday, November 26 and Friday, November 27th in observance of the Thanksgiving Holiday.

DPW is closed Thursday, November 26th . DPW open Friday, November 27th garbage pick up as usual.

XII. BOARD OF TRUSTEES MEMBER REPORTS:

- TRUSTEE MARCOCCIA**
- TRUSTEE ECKLOND**
- TRUSTEE GORMAN**
- TRUSTEE COLEMAN**
- MAYOR FITZPATRICK**

XIII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

XIV. ADJOURNMENT