

July 19, 2011

**TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL – 7:30pm**

Present:

Chairperson	Ann Marie Ciaramella
Commissioner	Raymond Nerenberg
Commissioner	Eric Fang
Commissioner	Melba Caliano
Commissioner	Antonio Leo
Commissioner	Tim Miller
Commissioner	Clare Gorman

Also in Attendance:

Commissioner	Sandy Reyes-Guerra (ad hoc)
John Cavallaro	Village Attorney
Bill Williams	Building Inspector
Frank Fish	Village Consultant

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1 Approval of minutes – June 21, 2011
Item #2 145 – 147 Main Street Site Plan
Item #3 150, 160, 233 Main Street Return
Item #4 Crestwood Station Plaza LLC
300 Columbus Avenue Adjourned
Item #5 1 Midland Place Adjourned

Item #1 Approval of minutes – June 21, 2011

Motion by Commissioner Nerenberg to approve the minutes from the Regular Meeting – June 21, 2011 was seconded by Commissioner Leo. Commissioner Fang requested a change to Item #4 to read ‘The Village Board should pay closer attention to the improvement around the area of the easement’. Chairwoman Ciaramella also asked to move Commissioner Reyes-Guerra’s name from *Present* to *Also in Attendance* as per Commissioner Reyes-Guerra’s request. The first amendment was carried by the Board with a vote of 7-0, and the second amendment was carried by the Board with a vote of 7 – 0.

Item #2 145 – 147 Main Street Site Plan

Mr. Leonard Brandes, architect for the applicant, indicated that the application was for an existing wood frame shed. The shed was built 4- 5 years ago without the necessary permits. The new owner purchased the property and is requesting approval for the existing shed. The shed is set back 70 ft. from the property line and is used for temporary storage only. The property is in the commercial zone and is part of a small manufacturing business. The shed is not insulated or heated, just a small place to store items before they are shipped. There is a sliding door, which is kept open most of the day. The wood will be painted with paint that meets the 2-hour fire code requirement. The color will be red brick, which will match the existing brick on the building.

Commissioner Fang asked if the drawings reflect the building as is with the exception that the shed will be painted. Commissioner Fang requested a sample of the paint color.

Commissioner Fang motioned to accept the application as presented tonight with the condition that the applicant submits the paint sample, per the presentation, to the Building Department. Commissioner Caliano seconded the motion and was carried with a vote of 7 – 0.

Item #3 150, 160, 233 Main Street Return

Mr. Null, attorney representing the applicant, noted that the applicant has submitted all documentation requested by the Board and has received favorable responses from the Village consultants. He respectfully requested a negative declaration pursuant to SEQR.

Chairwoman Ciaramella stated that the Board has received letters from the Police Dept., the DPW, the tax assessor and the Village consultants. The Board has yet to receive a letter from the Fire Dept. The Board will not go forward with the SEQR decision without their input.

Mr. Raffiani noted that the building access layout and structure has not changed from the plans that were previously approved. The Fire Chief has had ample time to review these plans. The roads and access to the building have not changed. The buildings will have sprinkler systems and are subject to Fire Code compliance, which is not part of the SEQR process.

Mr. Fish noted that the Fire Chief is on vacation until tomorrow. It is true that the Fire Dept. has had these plans for months, but the Board has made it clear that they requested reviews from each of the departments. The Fire Dept. still can comment during the site plan review process. The twenty days from the closing of the public hearing may elapse if postponed.

Commissioner Fang asked about the issues pertaining to the impact on municipal services.

Mr. Fish noted that the municipal services are paid for by taxes. The focus for SEQR is safety issues. There are no issues as to whether the Fire Dept. can service the buildings as there were no issues with the previous plans.

Mr. Williams noted that he spoke with the Assistant Fire Chief and he had some concern regarding the access. The Chief will return tomorrow and will write a letter to the Board.

Chairwoman Ciaramella indicated that there may be changes in the Fire Code during the last 2 – 3 years, the Board needs verification from the Fire Dept.

Mr. Raffiani noted that these issues can be addressed during the Site Plan review.

Commissioner Caliano indicated that she supports the Chair's position. She would like to hear from the Fire Dept. before a SEQR decision is made. An additional 33 units is a 30% increase, which is a significant increase. She added that an EIS (Environmental Impact Statement) should be submitted. Commissioner Caliano read the following – Section 6-2.4 of the Village Code– Planning Board – An application shall first be made to the Planning Board, which shall complete a preliminary review of the application and shall then forward the application to the Zoning Board. The Planning Board may forward a recommendation to the Zoning Board, including comments relating to the planning, design and land use aspects of the application. Commissioner Caliano noted that this application should return to the Zoning Board. The ZB never heard about 129 units or 121 units and 3500 sq. ft. of commercial property.

Mr. Null noted that the Zoning Board uses FAR, height and setbacks to control density and not the number of units. He added that the Planning Board declared Lead Agency back in 2008 and reviewed this application before the applicant appeared before the Zoning Board. The Village Board adopted an FAR provision to impose a residential cap and not the unit count. Mr. Null stated that this is a fully conforming application on the SEQR level.

A discussion regarding the FAR vs. a unit count evolved between the members and the applicant.

Commissioner Fang motioned to establish a special session next Tuesday, pending the letter from the Fire Chief. Commissioner Leo seconded the motion. After members discussed the date, Commissioner Fang withdrew the motion.

Commissioner Fang motioned to establish a special meeting with the applicant pending the letter from the Fire Chief and agreement with the Board members to have a meeting on Aug. 2, 2011. Motion was seconded by Commissioner Gorman and upon roll call was carried with a vote of 7 - 0.

Chairwoman Ciaramella stated that the public will have the same access to the letter from the Fire Chief as they did for the letters from the DPW, Police Dept., Tax assessor, and consultants. Comments, in writing, from the public will be accepted during the next 10 days. The response must be limited to the Fire Chief's letter.

Mr. Null voiced his concern regarding allowing the public to comment on the letter from the Fire Chief. He added that the public hearing was closed. This letter was not new information, rather comments on the submission of the plans.

Chairwoman Ciaramella noted that the Board was very committed and very serious and had always requested letters from the various departments. The residents should be able to read all the letters and have time to comment. The Board will not diminish the public's chance to review the comments. The Board received 16 letters during the first 10-day period. The Board will read any and all letters received during the next 10-day period.

Mr. Fish stated that the public has a right to read and review everything. Bill Williams, Building Inspector can give all the information to the public without requiring the resident to FOIL the letter. The public could comment on the SEQR issues now and make comments again during the site plan review. He added that Mrs. Martino requested that he announce that the reduction of the FAR from 1.6 – 1.2 may or may not have been done during Mayor Martino’s administration.

Mr. Raffiani thanked the Board for setting the date of the special meeting. He added that time is of the essence.

Commissioner Fang asked Mr. Fish to summarize the letters received from the DPW, tax assessor, Village consultants and the Police Dept.

Mr. Fish noted that the engineer consultants indicated that regarding the water, storm water and sewer issues, there was no problem with declaring a negative declaration for SEQR. The letter from the PD stated that there were no concerns with the submitted plans. The tax assessor’s letter stated that there is no change with 129 units – 121 units and 3500 sq. ft.

Chairwoman Ciaramella added that the DPW letter stated that there would be no significant impact to the Village. All the letters are available for review.

Chairwoman Ciaramella motioned to establish a special meeting with this applicant August 2, 2011 at 7:30pm to further discuss the SEQR decision. Commissioner Caliano seconded the motion and was carried unanimously by the Board.

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.