



65 Main Street, Tuckahoe, NY 10707  
(914) 961-3100 fax (914) 961-3114  
[www.tuckahoe.com](http://www.tuckahoe.com)

Mayor  
Steven A. Ecklund

Deputy Mayor/Trustee  
Thomas Giordano

Trustees  
Stephen Quigley  
Greg Luisi  
Janette Hayes

**AGENDA**  
**BOARD OF TRUSTEES**  
**May 7, 2012**

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

TRUSTEE	Giordano
TRUSTEE	Quigley
TRUSTEE	Luisi
TRUSTEE	Hayes
MAYOR	Ecklund

**PRESENTATIONS:**

Honoring Tuckahoe High School Varsity Basketball Team on winning the Class C State Championship on March 17<sup>th</sup>.

**4. PUBLIC HEARINGS**

**1. Continuation Public Hearing - Local Law #1 -2012 - A LOCAL LAW AMENDING SECTIONS 3-17, 3-19, 3-21, 3-23 and 3-26 OF LOCAL LAW NO. 1 OF 2008, COMMONLY KNOWN AS THE "SIGN AND AWNING LAW"**

At a regular meeting of the Village Board of Trustees of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on April 9, 2012.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the

Village Board on the 9th day of April 2012, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties as to whether Sections 3-17, 3-19, 3-21, 3-23 and 3-26 of Local Law No. 1 of 2008 shall be amended.

Local Law No. 1 of 2008 is commonly known as the "Sign and Awning Law;" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 13th day of March 2012; and

WHEREAS, said public hearing was duly held on the 9th day of April 2012, 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 amendments to the 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 Trustees of said Village that the adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board of Trustees 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.

Be it enacted by the Village Board of Trustees of the Village of Tuckahoe as follows:

*Section 1.*

Section 3-17 entitled, "Prohibited Signs" of Local Law No. 1 of 2008 is hereby amended as follows:

3-17. Prohibited Signs.

- a. [All signs not specifically permitted are prohibited.]
- b. Exterior signs containing product or service advertising or trade names separate from the name of the business.
- c. Neon signs and LED signs.
- d. Non-street level window signs, except in industrially zoned areas.
- e. Off-premises signs and billboards, except as expressly permitted herein.
- f. Painted signs.
- g. [Permanent interior window signs.]
- h. Pole/pylon signs.
- i. Portable signs; except as expressly permitted herein.
- j. Representational signs.
- k. Self-illuminated signs.
- l. Signs or sign supports placed on the roof of a building and signs on parapets of buildings with more than one (1) story. For the purpose of this local law, a mansard fascia shall be considered a parapet.
- m. Signs illuminated by or containing flashing, intermittent, rotating or moving lights, or which vary in intensity or color or that resembles traffic control devices.
- n. Signs with visible moving, revolving or rotating parts, or visible mechanical movement, except traditional barber pole made of non-reflective materials.
- o. Signs constructed of or containing mirrors or other reflective materials.
- p. Signs that emit smoke, vapors, particles, or sounds.
- q. Signs that, by dimension, placement or visible light sources, obstruct the traversing by or the vision of pedestrians, cyclists or motorists, traveling on or entering buildings, public streets, sidewalks or rights-of-way.
- r. Signs or exterior displays consisting of pennants, flags, (except for one American Standard) ribbons, streamers, spinners, or similar moving, fluttering, or revolving devices, except as expressly permitted herein.
- s. Signs that are painted, pasted, or printed on any wall, façade, roof,

door mansard, curbstone, flagstone, pavement or any portion of any sidewalk or street except house numbers and traffic control signs.

- t. Signs placed upon any covered way, fencing or barricades other than those of the owner, tenant or occupant of the premises or the contractor engaged in the construction of the building in front of which such covered way, barricade or fence is located.
- u. Signs placed upon benches or waste receptacles, except for a plaque not in excess of thirty-six (36) square inches in area identifying the donor of the bench or the receptacle.
- v. Signs and bills placed upon fences or barriers around construction sites.
- w. Signs or sign structures that interfere in any way with free use of any fire escape or emergency exit.
- x. Signs that contain any lighting or control mechanism that may cause interference with radio, television, or other communications signals.
- y. Signs with the optical illusion of movement, changing copy or holograms.
- z. Temporary signs except as expressly permitted herein.

## *Section 2.*

Section 3-19, subsection (7) entitled, "Style" of Local Law No. 1 of 2008 is hereby amended as follows:

### 7. Style

- a. Signs shall be in keeping with the architectural design of the building upon which they are placed, [ , the design of neighboring properties and adjoining signs and the character of the Village of Tuckahoe and its commercial district as a residential village.]
- b. Signs shall be limited to three (3) colors, in addition one tint of those three colors is permitted, including the use of stripes or geometric design. A color used for the return edge of letter forms or for graphic symbols on carved signs shall be deemed a separate color. Black, white and natural finishes [and tints of the same color] shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. Use of natural bronze, aluminum and stainless steel metals, and genuine gold or silver leaf, is permitted. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of designated colors. The acceptable color list is available for review in the Building Department Office as contained in the Pantone sample book.

- c. Except as provided in 3-19.1(a), signs shall consist of individual letters and symbols painted on or separately mounted to the appropriate area of the building façade.
- d. Signs may contain one (1) of the following: one (1) trademark[s], one (1) logo design or one (1) graphic so long as they are within the guidelines above as to the height, width, and color requirements.
- e. No streamers, pennants or similar advertising devices shall be displayed.
- f. No advertising sign shall have any reflective material, such as mirror, glass, shiny metal or plastic, which is moveable or moving.
- g. The signs for each business establishment in a building shall be coordinated in material, shape, lettering, color and/or decorative elements.

### *Section 3.*

Section 3-19, subsection (8) entitled, "Awnings" of Local Law No. 1 of

2008 is hereby amended as follows:

- 8. Awnings
  - a. General Regulations:
    - i. Awnings shall be fabricated to conform to the shape and dimensions of window and doorway openings.
    - ii. Awnings extending beyond the private property line shall be stationary and extend no more than eighteen (18) inches over the public way.
    - iii. Awnings that remain over private property may be retractable and extend a maximum of eighteen (18) inches over the public way.
    - iv. Arms and braces shall be fully concealed from end view of the awning.
    - v. Awning material, including any lettering or signs, shall be limited to three (3) colors. In addition, one tint of those three colors is permitted, including the use of stripes or geometric designs. Black and white [and tints of the same color] shall be considered separate colors. Metallic, iridescent and bright colors are prohibited. Notwithstanding any provision to the contrary, all lettering on awnings shall be a maximum of twelve inches in height and width. The Village Board shall promulgate a list of acceptable and/or prohibited colors and the Building Department shall maintain the list and examples of the designated colors and materials. The acceptable color list is available for review in the Building Department Office as contained in the Awning sample book.

- vi. The awning support and finish structure, mechanism and enclosure housing shall be of a neutral color, harmonious with the materials of the building façade and awning fabric.
- vii. All awnings on the same building shall complement those of any other awning on the building in terms of color, style, and material.
- viii. Awning material shall be of fabric. The use of metal, plastic or other rigid materials is prohibited. Fabric shall be canvas duck or vinyl-coated canvas or vinyl-coated polyester fabric. Solid vinyl fabric is prohibited. Minimum weight of fabric shall be ten (10) ounces per square yard for canvas and twelve (12) ounces per square yard for vinyl-coated canvas. The Sign and Awning Review Board will have samples of the acceptable materials.
- ix. The minimum height from the sidewalk to any part of the awning covering or its supporting frame shall be seven (7) feet.
- x. The awning shall be installed in a manner which does not cover the solid wall surface or architectural features of the building façade. Awnings shall be fitted and mounted within the interior or exterior of the architectural frame of the window and door openings. Any overlap of the awning onto the building façade where necessitated by the particular characteristics of the building façade shall be limited to six (6) inches. Awning enclosure housings should be integrated and recessed within the window head construction.
- xi. Every owner or occupant of any building shall at all times keep the awning in front of such building free of ice, snow, dirt or other obstructions. Merchandise or other obstructions shall not be suspended from any awning over any sidewalk.

#### *Section 4.*

Section 3-21, subsection (3) entitled, "Permit and Fee" of Local Law No. 1 of 2008 is hereby amended as follows:

#### 3. Permit and Fee

- a. Upon the filing of the application and consent as required in this Article and upon its approval by the Sign and Awning Review Board and the Building Inspector, the Building Inspector shall issue a sign or awning construction and maintenance permit. The fee schedule for such

permits shall be posted by the Building Department.

- b. Proof of insurance shall also be provided upon every permit filing and an indemnification clause to be signed by the Village of Tuckahoe.
- c. [All permits shall expire and must be **renewed three (3) years** from the date they were originally issued.]
- d. A permit shall expire and cease to exist upon the change of ownership of the business or other commercial enterprise which the sign is used to advertise.
- e. No refund shall be made or allowed for the abandonment of a permit.

#### *Section 5.*

Section 3-23, subsection (1) entitled, "Amortization" of Local Law No. 1 of 2008 is hereby amended as follows:

##### 1. Amortization

- a. All interior window signs shall be removed within sixty (60) days of the effective date of this law.
- b. [All non-conforming signs or awnings under this Article or any sign or awning that shall become non-conforming as a result of the enactment of any future amendment to this Article shall be removed no later than **two (2) years** from the effective date of this Article or such amendment, except as may otherwise be provided in such amendment.]
- c. A non-conforming sign shall not be structurally repaired or enlarged and shall be removed if the Building Inspector declares it unsafe; a non-conforming sign shall not be re-lettered, painted or decorated.

#### *Section 6.*

Section 3-23, subsection (2) entitled, "Approval of non-conforming signs" of Local Law No. 1 of 2008 is hereby amended as follows:

##### 2. Approval of non-conforming signs

- a. The Sign and Awning Review Board may, subject to the provisions below, grant exceptions and approve a sign that does not meet the requirements of this Article under the following circumstances:

- i. [The proposed sign has more than two colors with the additional color(s) not being the return edge of the letters or graphic symbols on a carved sign; provided, however, that no bright or iridescent colors shall be permitted] The proposed sign has more than three colors with the additional color(s) not being the return edge of the letters or graphic symbols on a carved sign; provided, however, that no bright or iridescent colors shall be permitted;
- ii. The sign includes lighting or is of a size that, while not in conformance with the requirements of this Article, is compatible with the architectural or design elements of the building or property where the sign is to be located;
- iii. Such other circumstances which the Sign and Awning Review Board in its sole reasonable discretion shall consider, including, but not limited to:
  - 1. Economic hardship based on competent financial proof;
  - 2. Aesthetic and architectural characteristics;
  - 3. [Relationship to adjoining signs, adjoining neighborhood and adjacent properties;]
  - 4. Public safety, general welfare and security;
  - 5. Minimum signage that can be designed to satisfy the needs of the applicant;
  - 6. Topography or other circumstances of that particular property which may affect its placement and/or size and which may differentiate it from any adjoining properties;
  - 7. The aggregate signage as proposed by the applicant in addition to any of those signs already in existence.
- b. All applications for approvals of exceptions pursuant to this Section 3-23.2(a) shall specifically indicate the sections of this Article which the proposed or existing sign does not conform to, state the reason such approval is requested and state why it is appropriate.
- c. The Sign and Awning Review Board may grant an exception to a new sign that does not conform to all of the requirements of this Article through a unanimous vote under circumstances as stated above in Section 3-23.2.

*Section 7.*

Section 3-26, subsection (1) entitled, "Establishment" of Local Law No. 1 of 2008 is hereby amended as follows:

### 3-26 Sign and Awning Review Board

#### 1. Establishment

- a. There shall be a Sign and Awning Review Board of three (3) members pursuant to the provisions of the Village Law, with all the power and duties prescribed by law and by this Article. [One of the three (3) members of the Sign and Awning Review Board shall be the Chairperson of the Planning Board, or the Chairperson's appointed designee. In the event that the Chairperson of the Planning Board changes, there shall be an automatic change to the Sign and Awning Review Board so at all times the Planning Board Chairperson is on the Sign and Awning Review Board] All members of the Sign and Awning Review Board must be a Tuckahoe resident or a Tuckahoe business owner in good standing.
- b. The Mayor shall designate one member of the Sign and Awning Review Board to serve as Chairperson of such Board for a period of one (1) official year.
- c. The first Sign and Awning Review Board shall be composed of:
  - i. One member who shall be appointed for a term of three (3) years;
  - ii. A second member who shall be appointed for a term of two (2) years; and
  - iii. The third member [, who shall be the Chairperson of the Planning Board,] who shall be appointed for a term of one (1) year.
- d. After the first Sign and Awning Review Board is constituted, each future appointee shall serve a term of three (3) years [to] on such Board.
- e. In addition to the three (3) regular members of such Board, the Board of Trustees may appoint one (1) ad hoc member to the Sign and Awning Review Board to serve a one (1) year term. Such ad hoc member shall serve on the Sign and Awning Review Board whenever absences or conflicts of interest of regular members prevent three regular members from hearing an application or applications.
- f. The powers and duties of the Sign and Awning Review Board are summarized and more particularly specified as follows, provided that none of the following provisions shall be deemed to limit any

power of the Sign and Awning Review Board.

*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.

*Section 10.* 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 [ ]

**2. Public Hearing** on a proposed local law to consider the appointment of a Village Constable.

**5. ADOPTION OF MINUTES**

- a. Approval of minutes of the regular meeting of April 9, 2012.
- b. Approval of minutes of the special meeting of April 30, 2012 .

**6. CORRESPONDENCE**

**7. APPOINTMENTS**

**8. FIRST OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

**9. RESOLUTIONS**

**RESOLUTION #1** approving Eastchester Recreation Dept. request for the use of Trolley to transport children from the Main Street Playground to Lake Isle for swimming each Thursday starting July 5<sup>th</sup> for a period six weeks. Trips would leave Main St. Playground at 12pm and leave from Lake Isle at 2pm.

**RESOLUTION #2** to waive residency requirement for Camille DiSalvo, Deputy Village Clerk, Yonkers resident; Patricia Janniello, Asst. Court Clerk, Mt. Vernon resident; John Pintos, Treasurer, White Plains resident, John Cavallaro, Village Attorney, Mount Pleasant resident.

**RESOLUTION #3** approving Eastchester Recreation Department request for the use of the Community Center for “Camp Quest A & B” on the following dates: July 2<sup>nd</sup> to July 20<sup>th</sup> – Camp Quest A and July 23<sup>rd</sup> to August 10<sup>th</sup> Camp Quest B from the hours of 8:30am to 5:30.

**RESOLUTION #4** approving request from the Assumption Rosary Altar Society for use of trolley to transport the Tuckahoe seniors from 4 Union Place at 11:30am to the Assumption Father Fata Hall for a Spring Tea and Movie hosted by the Assumption Altar Rosary Society on Tuesday, May 8<sup>th</sup> with pick up time of 2:30pm to return to 4 Union place.

**RESOLUTION #5** approving request from the Village of Bronxville for the use of trolley to transport veterans in the Bronxville Memorial Day Parade on Monday, May 28th; use of trolley is from 8:30am until about 10:00am.

**RESOLUTION #6** approving request for the closure of Marble Place on Mothers’ Day, Sunday, May 13<sup>th</sup> from 8:30am to 10:30 am for a special event being held at the Shiloh Baptist Church.

**RESOLUTION #7** authorizing the removal of the \$10.00 annual resident parking permit fee. As of June 1, 2012, residents applying for a resident parking permit will no longer be required to pay the fee.

**RESOLUTION #8** approving payment of vouchers in the amount of \$171,688.19 consisting of abstract #49 for \$166,005.41 and abstract #50 for \$5,682.78. The three largest invoices paid were: (1) \$103,700.63 for medical insurance premiums for the month of May 2012, (2) \$8,241.58 for uniforms for the Police Department and (3) \$9,744.30 for remittance of employee payroll withholdings for the NYS Deferred Compensation Plan.

**RESOLUTION #9** authorizing a tax certiorari settlement for Quarryland Realty, LLC for property located at 109 Lake Avenue, Section 32, Block 34, Lot 3 in the amount of \$25,987.30 for assessment years 2005 through 2011.

**RESOLUTION #10** authorizing a tax certiorari settlement for Chem-X Realty, Inc. for property located at 164-172 Marbledale Road, Section 39, Block 3, Lot 7 in the amount of \$32,267.46 for assessment years 2004 through 2011.

**RESOLUTION #11** authorizing a tax certiorari settlement for Deep Hole Realty Company, Inc. for property located at 191 Marbledale Road, Section 39, Block 4, Lot 6 in the amount of \$30,658.49 for assessment years 2004 through 2011.

**RESOLUTION #12** authorizing a tax certiorari settlement for Tavkaw Realty Corp. for property located at 29 Columbus Avenue, Section 33, Block 2, Lot 20 in the amount of \$39,540.64 for assessment years 2004 through 2011.

**RESOLUTION #13** authorizing the Mayor to execute a consulting engineering agreement with James Pinto for the Crestwood Underground Utility Project. Under the agreement the consultant shall be paid an hourly rate of \$175.00 not to exceed \$10,000 for his consulting services.

**RESOLUTION #14** authorizing the Receiver of Taxes to collect taxes for fiscal year June 1, 2012 - May 31, 2013 in two installments, the 1<sup>st</sup> installment on June 1, 2012; for non-payment of 1st installment, a 5% penalty shall be imposed for the month of July and a 1% penalty for each month thereafter to date of redemption and the 2<sup>nd</sup> installment on December 1, 2012; for non-payment of the 2<sup>nd</sup> half installment, a 5% penalty shall be imposed for the month of January and a 1% penalty for each month thereafter to date of redemption and further authorizing the Mayor to sign the Tax Collector’s Warrant that follows:

**TAX COLLECTOR’S WARRANT**

Susan Ciamarra  
Receiver of Taxes  
Village of Tuckahoe  
65 Main Street  
Tuckahoe, NY 10707

**RESOLUTION: May 7, 2012**

Budget Year – June 1, 2012 to May 31, 2013

You are commanded to receive and collect from the several owners of property as shown on Section, Block and Lot in the Assessment Roll hereunto attached, the several sums named in the columns headed “Village Tax” opposite the respective lot numbers for the following purposes:

**ESTIMATED EXPENSES**

Legislative	22,200
Judicial	150,175
Executive	7,282
Auditing	32,275
Treasurer	94,475
Assessor	9,320
Village Clerk	168,626
Village Attorney	76,732
Records Management	500
Engineering	1,000
Elections	6,125
Buildings – Village Hall	154,750
Buildings – DPW	20,096
Special Items	627,104
Police Department	2,908,191
On Street Parking	104,836
Off Street Parking	42,000
Buildings Department	177,980
Civil/Defense Auxiliary Police	500
Health	11,695
Street Administration	100,598

**ESTIMATED RECEIPTS**

Payments in Lieu of Taxes	12,500
Interest & Penalties on Taxes	15,000
Non Property Taxes – Utilities	215,000
Local Sales Tax	855,000
Departmental Income	1,184,350
Intergovernmental Charges	38,097
Use of Money & Property	178,000
Licenses & Permits	446,300
Fines & Forfeitures	320,200
Minor Sales & Comp. for Losses	94,500
Miscellaneous Local Sources	46,750
State Aid – Revenue	244,430
Appropriated Fund balance	-
Tax Levy	6,966,235
<b>TOTAL REVENUES:</b>	<b>10,616,362</b>

Street Maintenance	914,078
Snow Removal	75,000
Street Lighting	9,500
Recreation Services	67,298
Recreation Administration	83,430
Community Center Maintenance	44,200
Zoning Board of Appeals	3,600
Planning Board	3,600
Sanitary Sewers	75,897
Refuse Collection	622,974
Water Service – Pipe Rentals	100,000
Employee Benefits	3,126,849
Transfer to Library Fund	436,350
Debt Service	337,126

**TOTAL EXPENDITURES: 10,616,362**

Upon delivery of the roll and warrant too you, you shall publish in the official newspaper of the Village and post in five public places in the Village, a notice that such Tax Roll and Warrant have been left with you for the collection of Taxes levied, and shall designate the place where you will receive taxes from June 1<sup>st</sup> to July 1<sup>st</sup> from 8:30 a.m. until 4:30 p.m. except Saturdays, Sundays and holidays; said notice shall also be published one week after the first publication.

You shall proceed to collect such taxes therein levied in the manner provided in Article V of the Village Law and also in accordance with the resolution of the Board of Trustees adopted on the 7<sup>th</sup> day of May 2012, to collect such taxes in two equal semi-annual installments in conformity with the provisions of Section 117-A of the Village Law.

For said period, you will receive all taxes paid to you without additional charge.

In accordance with Section 1432 and 924-a of the Real Property Tax Law, on all taxes remaining unpaid after July 1<sup>st</sup>, five percent shall be added for the first month and at least an additional one percent for each month or fraction thereof, thereafter, until paid on the first half.

In accordance with Section 1432 and 924-a of the Real Property Tax Law, on all taxes remaining unpaid after January 1<sup>st</sup>, five percent shall be added for the first month and at least an additional one percent for each month or fraction thereof, thereafter, until paid on the second half.

You shall attend at the time and place specified in said Notice for the purpose of receiving said taxes.

After the first of July, you shall proceed to collect the taxes remaining unpaid, with interest as herein provided, but without any other charge or fee.

All interest collected shall belong to the Village.

IN WITNESS THEREOF, the Board of Trustees of the Village of Tuckahoe has caused these presents to be signed by the Mayor and the Clerk of said Village and the seal of the Village of Tuckahoe in hereunto affixed this 9<sup>th</sup> day of May 2012.

\_\_\_\_\_  
STEVEN ECKLOND, MAYOR

ATTEST:

\_\_\_\_\_  
SUSAN CIAMARRA  
VILLAGE CLERK

**RESOLUTION #15** authorizing an increase, as of June 1, 2012, for the annual parking permit fee for all commuter parking lots, as follows:

- Tuckahoe Resident \$800.
- Eastchester/Bronxville Resident \$1,350.
- Non- Resident \$1,500.
- Tuckahoe Merchant \$800. (no change)
- Lake, Thompson & Fisher Lots (pay one price) \$1500.

**RESOLUTION #16** authorizing the Mayor to sign the 2012 Annual MS4 Stormwater Report for NYSDEC.

## **10. DEPARTMENTAL REPORTS TO THE BOARD**

## **11. MISCELLANEOUS BUSINESS**

**Next Community Meeting, Wednesday, May 30<sup>th</sup> at 7pm at Fisher Avenue Park.  
Next Village Board Meeting – Monday, June 11th.**

**Village offices and DPW will be closed on Monday, May 28th in observance of the Memorial Day holiday.**

## **12. BOARD OF TRUSTEES MEMBER REPORTS**

- ▶ TRUSTEE Giordano
- ▶ TRUSTEE Quigley
- ▶ TRUSTEE Luisi
- ▶ TRUSTEE Hayes
- ▶ MAYOR Ecklund

## **13. SECOND OPPORTUNITY TO ADDRESS THE BOARD**

## **14. ADJOURNMENT**