

**September 15, 2015**  
**TUCKAHOE PLANNING BOARD**  
**TUCKAHOE VILLAGE HALL**  
**Regular Meeting – 7:30pm**

**Present:** Chairperson Ann Marie Ciaramella  
Commissioner Raymond Nerenberg  
Commissioner Eric Fang  
Commissioner Clare Gorman  
Commissioner David Barra

**Absent:** Commissioner Melba Caliano

**Also in Attendance:**  
Gary Gjertsen Village Attorney  
Bill Williams Building Inspector  
Noah Levine Village Consultant  
Jim Pinto Village Consultant  
Mike Seminara Code Enforcement Officer

**Chairwoman Ciaramella announced the evening’s agenda as follows:**

- Item #1 Approval of minutes of Regular meeting held on July 21, 2015**
- Item #2 85 Yonkers Ave. Amend Site Plan**
- Item #3 146 Main St. Architectural Review**
- Item #4 109 Marbledale Road Return**
- Item #5 173 Marbledale Road Site Plan**
- Item #6 50 Columbus Avenue Return**
- Item #7 150, 160 Main Street Site Plan**
- Item #8 125 Columbus Ave. Site Plan**
- Item #9 300 Columbus Ave. Revised Site Plan**
- Item #10 69 Main Street Return**
- Item #11 26 Columbus Ave. Informal Presentation**
- Item #12 100 Main Street Adjourned**
- Item #13 10 Fisher Avenue Adjourned**

**Item #1 Approval of minutes of Regular meeting held on July 21, 2015**

**Commissioner Nerenberg motioned to approve the minutes from the July 21, 2015 meeting, was seconded by Commissioner Gorman and carried with a vote of 4 – 0, with Commissioner Fang abstaining.**

**Item #2 85 Yonkers Ave. Amend Site Plan**

Mr. Leonard Brandes, architect for the applicant, indicated that the site plan for this location was previously approved, but due to financial circumstances, the approval has lapsed. The applicant seeks to move forward with the previously approved plans. The first floor will consist of parking and the second floor will have two offices. The applicant received Zoning Board approval last week. He would like to start construction before the winter months. There is no tenant for the site at the present time. There have been no changes to the previously approved plans.

**Commissioner Nerenberg motioned to open the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**No Public Comments**

**Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**Commissioner Nerenberg read the following resolution as a motion:**

APPLICANT/OWNER: Mario Durante

APPLICATION DATE July 27, 2015

LOCATION OF PROJECT: 85 Yonkers Ave

SECTION: 32 BLOCK: 3 LOT: 3

DESCRIPTION OF PROJECT: Demolish existing abandoned building and build a new 2-story office building. First floor will have parking and stair access and second floor shall be office space.

The Applicant, Mario Durante, seeks site plan approval from this Board. This Applicant previously received site plan approval from this Board for an identical application on May 1, 2014. The approval has expired and the applicant is seeking a new approval for the exact same project. Thus, based on the submissions by the Applicant and the presentation of the architect for the Applicant this Board approves the site plan pursuant

to 7-1 of the Zoning Code. The reasons for this approval are identical to the reasons in this Boards prior approval of May 1, 2014.

Further, as we did in 2014 this Board adopts a negative declaration pursuant to SEQR.

**EVERY REPRESENTATION OF THE APPLICANT MADE ITS APPLICATION AND PRESENTATION WILL BE A CONDITION OF THE APPROVAL BOARD. ANY DEVIATION FROM THE REPRESENTATION MADE SHALL BE CAUSE FOR THE REVOCATION OF SAID APPROVAL.**

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

**Item #3 146 Main St.**

**Architectural Review**

Norman Cox, architect for the applicant, noted that this is an existing two-story structure, its prior use was commercial and now changed to residential. The plans are to re-skin the façade, install new windows, use cast stone veneer to surround the entrance to create an asymmetrical look. The brick will be dark brown and the precast stone will be a pale warm color. The windows will be dark brown fiberglass with doors to match the dark brown windows. The planters will match other planters on Main St. The building is two units, so there will be two entrances.

Rear elevation will have light grey synthetic stucco.

Mr. Cox offered a three dimensional view of the building.

Each unit has a two-car garage.

**Commissioner Nerenberg motioned to open the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**No Public Comments**

**Commissioner Fang motioned to close the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**Commissioner Barra offered the following resolution in the form of a motion:**

LOCATION OF PROJECT: 146 Main Street

DESCRIPTION OF PROJECT: Architectural Review

Based on the plans submitted, which are dated August 25, 2015, and the submission of materials at this Board's work session and public hearing, the architectural design is approved. This applicant has previously had its site plan approved, thus this approval is limited to the architectural features of the building.

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

**Item #4 109 Marbledale Road Return**

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. He noted that all the documents pertaining to this site are located in the library for residents to review. The Remedial Action Plan needs both the NYS Health Dept. and the Department of Environmental Conservation to review and approve the work plan.

Linda Shaw, Environmental Counsel for the applicant, noted that this site is still in the investigative stage.

Bill Canavan began his presentation.

**8:10 Chairwoman Ciaramella motioned for a 5 minute recess.**

**8:14 Chairwoman resumed the meeting. Due to technical difficulties, the next applicant will present their application.**

**109 Marbledale will return later this evening to resume its presentation.**

**Item #5 173 Marbledale Road Site Plan**

David Barbuti, architect for the applicant, Broken Bow Brewery, stated that the applicant received site plan approval two years ago. The existing chiller has now died and needed to be replaced. The new chiller is smaller than the previous one. The acoustical evaluation report was submitted and falls within the village requirements. The enclosure for the chiller will be a chain-link fence. It will not require blankets as it makes less noise than the original chiller and the nearby ice rink chiller. The chiller cannot be placed on the roof without major renovations to the roof. The location of the chiller is placed in the best location for the noise.

In addition, the applicant seeks approval for the loss of two parking spaces to provide an outdoor seating area. The proposed seating will be 16 seats with café style tables and a planting wall behind the existing fence.

Commissioner Gorman noted that the loss of two parking spaces was not a concern, as this establishment is active during off hours.

Commissioner Fang asked that the outdoor seating area be visible but not have direct access for the public. Visibility is a good thing.

**Commissioner Gorman motioned to open the public hearing, seconded by Commissioner Barra and carried with a vote of 5 – 0.**

### **No Public Comments**

**Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**Commissioner Barra offered the following resolution in the form of a motion:**

APPLICATION DATE: August 14, 2015

LOCATION OF PROJECT: 173 Marbledale Road

DESCRIPTION OF PROJECT: Amend a previously approved site plan. The applicant is seeking to install new equipment at the exterior of its property, modify the parking lot and to create an exterior seating area.

APPLICANT/OWNER: Broken Bow Brewery

**THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.**

Based on the submissions by the applicant and hearing the applicant at this Board's work session and public hearing the application to amend the site plan is approved. It is determined that the amendments to the previously approved site plan are still in conformity with 7-1 of the Zoning Code.

Based on the application this board declares a negative declaration pursuant to SEQR. A condition of this approval is the exterior equipment to be installed must comply with the Village's noise ordinance.

**EVERY REPRESENTATION OF THE APPLICANT MADE IN ITS APPLICATION AND PRESENTATION WILL BE A CONDITION OF THE APPROVAL BOARD. ANY DEVIATION FROM THE REPRESENTATION MADE SHALL BE CAUSE FOR THE REVOCATION OF SAID APPROVAL.**

**Commissioner Gorman seconded the motion.**

**Discussion: Commissioner Fang noted that the Board accepts the placement of the equipment, and the section for the outdoor seating, but the applicant must return for landscape approval for the outdoor seating area.**

**Motion was carried with a vote of 5 – 0.**

**Item #6 50 Columbus Avenue Return**

**Chairwoman Ciaramella recused herself from this application. Commissioner Gorman stood in as the Acting Chairperson.**

Michael Sheridan, attorney representing the applicant Verizon Wireless, requested a variance to install an antenna and a shelter for the equipment on the rooftop of 50 Columbus Ave. This Special Use Permit will enhance service within the village. He stated that the TRA – Middle class Tax Relief Act, allows rooftop equipment to be installed on the roofs of buildings that meet the requirements. This building meets the requirements and Verizon does not currently have an antenna on this building. He noted that the original application included a generator. Sometime in the near future the building and Verizon Wireless may apply for a shared generator.

**Commissioner Nerenberg motioned to open the public hearing, seconded by Commissioner Fang and carried with a vote of 4 – 0.**

**Public Comments**

John Filiberti, 50 Columbus Ave., President of the Tower Club Board, agreed that the applicant and the building may have a shared generator in the near future. The current generator is a 28-year-old diesel. The generator will only be used in emergency.

**Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Fang and carried with a vote of 4 – 0.**

**Acting Chairwoman Gorman offered the following resolution in the form of a motion:**

APPLICANT: New York SMSA Limited Partnership d/b/a Verizon Wireless

LOCATION OF PROJECT: 50 Columbus Ave

SECTION: 33

BLOCK: 3

LOT: 1

Applicant, New York SMSA Limited Partnership d/b/a Verizon Wireless, seeks a site plan approval to operate a wireless telecommunications facility at 50 Columbus Avenue,

Tuckahoe. Based on the presentation of the applicant and hearing the applicant at previous work sessions this Board finds the applicant has met the standards of section 7-1 of the Zoning Code and thus, this application is approved. Further, this approval is consistent with Sec 6409 of the Middle Class Tax Relief and Job Creations Act of 2012. This approval does not include an approval for a back-up generator. If the applicant does seek approval of a back-up generator, in the future the applicant must appear before this Board for approval of same.

As a condition of this approval, applicant must have the fire department sign off on the plans prior to a building permit being issued. Specifically the Board is concerned about the wires on the roof and the safety of the emergency responders with respect to same.

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**Commissioner Nerenberg seconded the motion and was carried with a vote of 4 – 0, with Chairwoman Ciaramella abstaining.**

**Item #4 109 Marbledale Rd. - Resume its presentation**

Bill Canavan submitted the following summary.

Slide 1

Former Marble Quarry Landfill  
109-125 Marbledale Road  
Tuckahoe, New York  
NYSDEC Brownfield Cleanup Program #C360143  
Remedial Investigation Summary  
September 2015

Slide 2

Remedial Investigation – Work Completed

- Installation of 6 additional permanent monitor wells
- Collection of 9 groundwater samples and groundwater levels
- Installation of 13 soil borings
- Collection of 25 soil samples
- Collection of 10 surface soil samples
- Installation of 18 soil vapor monitoring points
- Collection of 18 soil vapor samples

#### Slide 4

##### Site Geology/Hydrogeology

- Landfill thickness ranged from 16 to 85 feet thick within the former quarry
- Outside of the former quarry, fill is approximately 8 feet thick
- Fill is composed of cinders, ash, construction and demolition debris, glass, mattress parts, metal auto parts
- Groundwater levels are highly variable between the fill materials and the regional bedrock
- Site hydrogeology indicates groundwater flow to the south/southeast

#### Slide 10

##### Remedial Investigation Results – Groundwater

- 9 groundwater samples were collected and analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, and polychlorinated biphenyls (PCBs) and compared to NYSDEC Ambient Water Quality Standards (AWQS)
- 5 VOCs were detected in the groundwater samples that exceeded AWQS
- Several SVOCs were detected in the majority of groundwater samples that exceeded AWQS
- Pesticides in exceedance of AWQS were detected in 5 samples
- PCBs in exceedance of AWQS were detected in 3 groundwater samples
- Groundwater depths varied from 18 to 36 ftbg on-site. Depth to groundwater in the fill material was shallower than bedrock wells.

#### Slide 11

##### Remedial Investigation Results – Surface Soil

- 10 surface soil samples were collected from the top 2-inches of soil and analyzed for VOCs, SVOCs, Metals, PCBs, and cyanide
- Only acetone (VOC) exceeded the Unrestricted Use Soil Cleanup Levels (UUSCOs)
- Multiple exceedances of SVOCs (4 locations) and metals (4 locations) were identified
- Surface soils will be managed during site development to limit exposure/contact with the low levels of contaminants.

#### Slide 12

- 25 subsurface soil samples were collected from 13 borings. Samples were analyzed for VOCs, SVOCs, metals, PCBs, and cyanide.

- Various VOCs exceeded UUSCOs at several boring locations. The most prevalent detection was acetone, though other VOCs were scattered across the sampling locations
- SVOCs were persistently detected at varying depths
- PCBs were detected at 4 sampling locations, the highest detection exceeded Restricted Use Soil Cleanup Objectives (RUSCOs) at TB-7 (10-12 ftbg)
- Metals were frequently detected above UUSCOs across the site, including lead and mercury

#### Slide 14

- 12 soil vapor samples were collected from vapor sampling points distributed across the site. The samples were analyzed for VOCs.
- Multiple soil vapor detections were observed at all 12 soil vapor points
- The highest concentrations were dichlorodifluoromethane at 107,000 mg/m<sup>3</sup> at VP-6 and 1,2-dichlorotetrafluoroethene at 142,000 mg/m<sup>3</sup> at VP-6.
- 6 additional soil vapor samples were installed along the eastern property boundary and sampled per NYSDEC and NYSDOH request
- Multiple soil vapor detections were observed at all 6 additional soil vapor points
- The highest concentrations were dichlorodifluoromethane as high as 173,000 mg/m<sup>3</sup> in VP-15, 1,2-dichlorotetrafluoroethene as high as 344,000 mg/m<sup>3</sup> in VP-15, and trichlorofluoromethane as high as 198,000 mg/m<sup>3</sup> in VP-16
- Future development will need to take into consideration soil vapor intrusion for all proposed on-site structures.

#### Slide 15

##### Implications for Future Development

- Based on results of the Remedial Investigation, the site is developable and historic landfilling does not pose a significant risk to human health and the environment. Development will serve to cap the contaminated soils, making them less environmentally accessible.
- Remedial Action Work Plan
- Soil excavation and offsite disposal where subsurface structures and utilities are proposed. Some on-site soil/fill reuse where applicable and NYSDEC approved.
- Sub-slab depressurization and vapor mitigation under proposed structures
- Capping of soils across the site with a NYSDEC BCP-approved clean soil, asphalt, or concrete caps during site development

He added that groundwater flows from North to Southeast.

Mr. Canavan continued and stated that the Remedial Action Plan must be approved by the DEC and DOH. This process takes time as they may have questions that need to be clarified. They may want sections capped rather than moved.

This report will be sent to the DEC and DOH for review and comments. The agencies may request more information or approval to proceed.

Linda Shaw, counsel for the applicant, noted that it is very common in NYS for landfills to be in towns. The cleanup of a landfill is not excavation. To move the fill to another site is not an option, as there is no place that would want to accept the fill. Some municipalities cover the site with soil. This applicant will put asphalt over the site. The next step is for the applicant and Bill Canavan to propose a plan. The applicant is a hotel chain, so capping the site will be part of the plan. The applicant must maintain the cap, not let it crack. They must comply with the obligations. Whoever buys the property in the future must keep the regulations going.

Ms. Shaw stated that there are vapors in the fill. The process would be to create holes to allow the vapors to exit. Once the vapor hits the air, there is no issue. PVC pipes are placed in the ground with a fan, and the pipes and fans work together to pull the vapors up and out. The vapors are trapped, so they will travel the path of least resistance. This system is similar to the radon systems found at residential sites.

#### Soil Vapor Mitigation System

- The proposed project will cap landfill and mitigate vapors by drawing vapors away from adjacent properties
- Obligation will be included in a Site Management Plan and Environmental Easement that will run with the land and become the responsibility of all future owners and operators
- NYSDEC and NYSDOH have a guidance document with the required installation instruction requirements and the systems will be annually monitored

Commissioner Gorman asked if the pollutants were odorless.

Ms. Shaw replied yes. The land must be monitored and sampling each year. The vapor mitigation system must be checked each year to see if the fans and system are working correctly. These are trapped vapors. The more oxygen that is introduced to the landfill, the better. The landfill cleans itself with oxygen.

Ms. Shaw noted that the engineer group hired by the village must monitor the system as well as the DEC.

Chairman Ciaramella asked what affect this process would have on the nearby residents.

Ms. Shaw noted that the landfill is not capped now. This development will improve the site for nearby residents. It is a proven system and used throughout the country.

Mr. Canavan cited the Kings site in the village, which was a Brownfield site and under the supervision of the DEC and DOH.

Commissioner Nerenberg stated that the Kings site was more severe than this site. It is better to have the site capped.

Ms. Shaw noted that the SEQR process was not designed for testing the site. The Brownfield program is designed for cleanup of the site. The Brownfield program is for the protection of humans. Nothing will be approved that the DEC and DOH must review. Mr. Canavan stated that his firm is not hiding anything. The DEC and DOH oversee everything. There is a 45-day comment period to review the Remedial Action Plan.

Ms. Shaw noted that this program has built-in control. If the developer and owner do not comply with the regulations, they lose benefits and become liable. They must not let the caps crack and they must maintain the vapor system.

Chairwoman Ciaramella noted that an Environmental Engineer will be hired at the applicant's expense, to follow the process and inform the community.

Gary Gjertsen, Village Attorney, stated that the Village Board will appoint an engineering consultant.

Ms. Shaw asked to see the proposal and review the cost.

Noah Levine, Planning Consultant, reviewed the SEQR process. On August 8, 2015, the Planning Board voted to publish a Conditional Negative Declaration. There was a 30-day comment period. The DEC oversight and process will happen regardless if there is a Negative Declaration or a Conditional Negative Declaration.

Rocco Salerno noted that he has no objection to appoint an environmental engineer to oversee the process. He asked that the Board issue a Conditional Negative Declaration and open the public hearing in October.

**Chairwoman Ciaramella announced that she would open the meeting to allow the public to comment only on the Conditional Negative Declaration, not the site plan.**

### **Public Comments**

David Gordon, attorney representing Ki Marshal Arts, noted that this is a Type 1 Action, because a CND is not permitted if the commercial floor area development is more than 100,000 sq. ft. In addition, this Board has no idea what the proposal from the DEC will require. This Board has not taken a hard look at this site and it cannot be developed until

the DEC reviews the plans. A CND can only be voted on once you have a Remedial Action Plan. It is a premature basis to offload this to the DEC. This was an industrial dump. This is not a municipal dump. This site is full of contaminants and the toxic waste should be removed and carted to a toxic dump.

He noted that ground water flows from the North to the Southeast. The toxins are being washed off the site. The parking lot will just stop rainfall; it does not stop the flow underground.

Mr. Gordon continued saying that this board does not have the qualifications, hopefully the DEC does. He recommends a Positive Declaration, not a Conditional Negative Declaration and to let the DEC do its job first.

Paul Rubin, consultant from Hydro Quest, noted that whatever the remediation choice is, that will not stop the flow of groundwater. Where will the contaminates flow to? Is it safe just to cap? He stated that the Bronx River ecosystem would be affected. He asked the Board to not ignore that this is a toxic waste site.

Karen Stowe Styles, resident 4 Marble Pl., noted that there are multiple cases of autoimmune diseases in the community. These toxins have deadly consequences. She requested that the applicant bring in larger slides so the residents can fully understand the presentation.

Edward Stowe, 4 Marble Pl., read a letter of opposition of the CND; see file. He requested that the CND be rescinded and a Full EIS be submitted.

Rachel Zolotter, owner of Ki Marshal Arts, asked why there are still rigs on the property. She also asked how many letters the Board received regarding this SEQR process.

Chairwoman Ciaramella noted that the Board received 120 letters and she read every single one.

Linda Shaw stated that there is no history of this site being an industrial landfill. There may have been illegal dumping, but there were no industrial owners. The chemicals are found in household products. This developer did not cause this contamination. If the residents want testing done on the surrounding properties, the DEC could return and do that. The capping process does stop the rainfall, but it will in turn stop pushing the contaminates off the site.

Bill Canavan noted that the drill rigs on the property are not related to the Brownfield process.

Rocco Salerno noted that the applicant wants to clean up the site. If not approved, the lot will sit there. The applicant is seeking a CND subject to the DEC and DOH and this Board's approval.

**The applicant and Mr. Williams excused themselves to review plans for square footage measurements.**

**Item #7 150, 160 Main Street Site Plan**

William Null, attorney for the applicant, noted that there was a simple amendment to the site plan to provide locations for two emergency generators. The two locations proposed: One near Winterhill below street level and the second behind the 150 building near the parking lot. Both generators will have to meet the noise ordinance of the village.

Commissioner Nerenberg noted that these emergency generators are government mandated.

**Commissioner Gorman motioned to open the public hearing, seconded by Commissioner Nerenberg and carried with a vote of 5 – 0.**

**No Public Comments**

**Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**Commissioner Gorman offered the following resolution in the form of a motion:**

APPLICATION DATE: July 16, 2015

LOCATION OF PROJECT: 150 & 160 Main Street and 233 Midland Avenue

DESCRIPTION OF PROJECT: Amend a previously approved site plan, which had been approved on July 26, 2012 and extended on June 16, 2013. The applicant is seeking to install emergency generators to service the 3 building on its properties.

APPLICANT/OWNER: 150 Main Street, LLC

**THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.**

Based on the submissions by the applicant and hearing the applicant at this Board's work session and public hearing the application to amend the site plan is approved. The

installation of emergency generators to this project is to protect the health safety and welfare of the project residents and community in general. Based on the application this board declares a negative declaration pursuant to SEQR. A condition of this approval is that the generators to be installed comply with the Village's noise ordinance.

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**Commissioner Nerenberg seconded the motion and was carried with a vote of 5 – 0.**

**Item #8 125 Columbus Ave. Site Plan**

Brian Harrington, owner of Transform Fitness, currently located at 31 Mill Rd., plans to move his business to 125 Columbus Ave. This site is currently an auto repair shop.

Michael Gismondi, architect for the applicant, proposes to convert the site into a fitness training center. The two parking areas on site were reconfigured to meet the Zoning Requirements. There will be a total of 12 parking spaces, including handicap spaces, with ample maneuverability space. Clients will need an appointment with the trainer; it will not be a typical gym membership.

It is a one story building approximately 4400 sq. ft. The fitness center will have an open space. There is an existing small mezzanine area currently used for storage, which will be converted into an office. There are currently two undersized bathrooms, which will be converted into one large, handicap accessible bathroom.

The interior will be an open area with turf, with equipment around the perimeter of the open space. Bikes, weights, etc., will be on the perimeter to allow open passages for two forms of egress.

Mr. Harrington noted that he has 15 clients presently, but the Zoning Board approved 25 clients so as the business could have room to grow.

Mr. Gjertsen noted that the facility can hold 88 persons, but the Special Use Permit allowed for 25 clients. Furthermore, the Zoning Board made a condition to the Special Use Permit, that there is to be no physical therapy on site.

Mr. Harrington stated that there would be no membership, only small group classes and private personal training sessions. The classes are limited to 12. The hours of operation are early mornings and late evenings.

Bill Williams stated that the applicant may need to provide two restrooms rather than one large unisex restroom.

Joe Tavalilla stated that he spoke to the Chief of Police and was told that he could apply to change 3 or 4 of the 16 meters in the front of the property to two-hour meters.

Mr. Gjertsen said he did not hear from the Chief of Police regarding the discussion of meters.

**Commissioner Fang motioned to open the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

### **Public Comments**

Larry Savino 134 Columbus Ave. noted that this would be a nice addition to the area. He owned the property for 30 years and had the Chrysler repair shop as a neighbor. They took up all the parking spaces for the entire day. This business is not high volume and would be an asset to the area.

Joe Tavalilla, property owner for 125 to 137 Columbus Ave., voiced his disappointment at the lengthy process to get a tenant into this site. As a taxpayer, he urged the board to expedite the application. The meters are mostly empty throughout the day. This is a nice business for the area. The meters will be used and will be great revenue for the village.

**Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

Mr. Harrington noted that he currently has no parking spaces at his present location and he has not heard one complaint from his clients.

**Commissioner Barra offered the following resolution in the form of a motion:**

**PLANNING BOARD RESOLUTION/DECISION**

**APPLICANT:** Transform Fitness

**APPLICATION DATE:** August 24, 2015

**LOCATION OF PROJECT:** 125 Columbus Ave

**SECTION:** 34                      **BLOCK:** 5                      **LOT:** 1

**DESCRIPTION OF PROJECT:** Construct a new fitness and health center

**THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.**

Based on the submissions of the applicant and hearing the applicant at the public hearing it is determined that the applicant has complied with Section 7-1 of the Zoning Code, thus this application is approved.

Based on the application this Board declares a negative declaration pursuant to SEQR.

Conditions: Commissioner Fang noted that the group classes are to be held after 9:00am pending any changes to adjacent long-term parking to short-term parking by the Village Board.

**Commissioner Gorman seconded the motion and was carried with a vote of 5 – 0.**

**Item #4 109 Marbledale Rd. Resume its presentation**

Mr. Williams stated that after reviewing the proposed plans for the hotel and restaurant, the total square footage measures 97,000sq. ft., which falls below the 100,000 limit.

**Chairwoman Ciaramella offered the following:**

**RESOLUTION ADOPTING A CONDITIONED NEGATIVE DECLARATION (CND) UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE SITE PLAN APPROVAL OF THE MARRIOTT SPRINHILL SUITES.**

At a regular meeting of the Planning Board of the Village of Tuckahoe, New York (the "Planning Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on September 15, 2015.

WHEREAS, the Tuckahoe Village Planning Board received an application for a site plan approval from Bilwin Development Affiliates, LLC on November 21, 2014;

WHEREAS, the "Proposed Action" is the approval of a site plan for a 5-story, 163 room

hotel, and a 1-story 6,400 square foot restaurant located at 107-125 Marbledale Road in the Village of Tuckahoe, NY. 208 on-site parking spaces will serve both buildings. A location map is attached;

WHEREAS, the Tuckahoe Village Planning Board is the Lead Agency for the Proposed Action;

WHEREAS, the approval of the Proposed Action is classified as an Unlisted Action under

Part 617 of the State Environmental Quality Review Act (“SEQR”);

WHEREAS, the site is a brownfield site and has been approved into the Brownfield Cleanup Program (BCP) with the New York State Department of Environmental Conservation (DEC) on April 18, 2014. In order to achieve the tax credits available through the program, DEC and the N.Y.S. Department of Health (DOH) must sign off on the potential clean-up or capping of the site; and

WHEREAS, the Planning Board published a notice of Conditioned Negative Declaration for the Proposed Action on the Environmental Notice Bulletin (ENB) on August 8, 2015 for a 30-day public comment period.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Proposed Action constitutes an Unlisted Action.
2. Based on the Environmental Assessment Form (“EAF”) Parts 2 and 3, and Part 1 submitted by the Applicant, and any supplemental materials thereto, the Planning Board has determined that if remediation of site is done to DEC and DOH standards, there will be no significant environmental impacts from this action as it concerns the proposed Project.
3. The Planning Board hereby adopts the attached Conditioned Negative Declaration for this Unlisted Action under the State Environmental Quality Review Act. The required condition is that all DEC and DOH standards are met as part of the Brownfield Cleanup Program.
4. The Tuckahoe Village Planning Board directs that the proposed action be forwarded to the following involved parties for review and comment pursuant to NYS Municipal Law.

Involved Agencies:

New York State Department of Environmental Conservation

625 Broadway

Albany, New York

12233-7011

Robert W. Schick, P.E.

New York State Department of Health

Corning Tower,

Empire State Plaza, Albany, NY 12237

Nathan Graber, Director of Environmental Health  
T. 518.402.7500

**This resolution shall take effect immediately.**

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

**Mr. Gjertsen noted that the application is now deemed complete with a Conditional Negative Declaration so the public hearing will begin on October 20, 2015.**

**Item #9 300 Columbus Ave. Revised Site Plan**

Anthony Nester, Crestwood Station Plaza noted that the plans were approved in July 2012. The construction began 2015. There was an error during construction with the Con Ed. Service.

Adam Goodrich, supervisor of the site, noted that the pathway between Columbus Ave. to the rear parking lot was supposed to be landscaped for pedestrians to walk through. The error was that ConEd placed a huge service box on the wall protruding onto the sidewalk of the path. Mr. Goodrich also noted that the previous pavement that the developers committed to use for the rear parking lot, which was a condition of the approval, was not use.

Chairwoman Ciaramella voiced her disappointment. She stated that any change to the approved plans must be presented to the Building Inspector for review. The pathway is completely different from its original approval.

Commissioner Fang noted that this pathway now has a huge box and conduits where they do not belong. The Board's original site plan approval hinged on the owner's assurances that there would be adequate parking, and assurance, in turn, was based on the access they proposed to the rear parking lot. As such, this viability of this passageway was critical to the passage of the project. As such, the Board spent quite a lot of time making sure its design would work. Commissioner Fang also noted that the stone pillars flanking the project's entrance drive, that the owners proposed as a way to address the large gap created by the project along Fisher Avenue, had not been built. The owners had emphasized to the Board that the stone pillars were evidence that their project would be compatible with local Tuckahoe design themes.

Commissioner Nerenberg noted that he too was very disappointed and anyone with any experience in construction knows that revised plans must get approval.

Mr. Goodrich apologized for the error. He plans to make the pathway beautiful with a trellis at both ends of the pathway. The lighting plans that were approved have been installed. The only item left is the landscaping of the pathway.

He also added that the retaining wall on the Eastern side of the property had to be moved forward 3 ft. In doing so, the landscape area of the middle island in the center of the parking lot was also decreased by 3 ft. No suggestions were made on addressing the use of impervious pavement instead of the promised pervious pavement.

Mr. Nester stated that the porous pavement was not installed properly and is not a true porous pavement. The cobblestone area has not been installed yet.

Mr. Goodrich noted that the applicant is seeking a Certificate of Occupancy. He offered to encase the box with brick and stone. He would paint the wall of American Bistro and the adjacent Church at the applicant's expense. He added that it is an insurance issue when pedestrians cross Fisher Ave. to cut through the parking lot to go to Columbus Street.

He will return to the workshop with renderings of a brick encasement, a trellis design and the plan to paint the two neighbors' walls and the two pillars flanking the entrance drive. He noted that the developer would hesitate to invest more money into the beautifying the Crestwood area. He already invested a substantial amount of money to assist the town and DPW. He noted that the owner of the church does not want any landscaping done by the applicant on their property, as previously discussed and approved. He will plant two trees in the rear, on the property line of the church.

Mr. Gjertsen noted that he would clarify if the applicant were now charging tenants to use the parking spaces.

Mr. Goodrich noted that that was a misunderstanding and will get clarification. He will return to the workshop on October 6 with plans for the cobblestone gateway, another solution for the ConEd box, confirmation on the church and bistro painting offer and trees for the rear property line.

### **Item #10 69 Main Street**

### **Return**

Chi Chun Chen architect representing Dr. Peter Zheng, stated that he now has his medical office on the first floor of the Masonic Temple. The Free Masons rent out the upper floor for their meetings. He asked the board for approval if he too could use the upper floor for group meetings for his patients. He would like to offer information classes on pain

management, stress relief and mindfulness. The previous owner used all three floors; he now owns the building and would like to use all three floors. He plans to continue to lease the second floor to the Free Masons.

Mr. Chen noted that the applicant plans to upgrade the exterior, patch, fill the stucco, and paint it the original colors.

Bill Williams noted that this application entails a change of use from a nonprofit social club to the expansion of a medical office. The applicant will triple the size of his space and will now need to provide parking. The masons have been there since 1920. Once they leave, the non-conformity use does not apply.

Mr. Gjertsen asked the applicant to be specific as to the plans for the site. Once the applicant has a clear picture of his intent, the Building Inspector could assist him with the requirements.

Commissioner Fang recommended that the applicant meet with the Building Inspector and possibly a Board member and/or BFJ Planning to discuss plans and requirements. The applicant seemed to be confused.

The applicant agreed.

**Item #11 26 Columbus Ave. Informal Presentation**

The attorney for the applicant noted that the notice for the Journal News was not published on time due to an error on the Journal News's side. They sent an apology. In the meantime, the applicants would like to present an informal presentation regarding a pizza place in the mini mall on Columbus Ave. They plan to renovate the existing fireplace retail store and open a pizza place that serves custom pizza. The tomatoes and flour will be brought here from Italy. The flour has no yeast. The oven will be at 1000 degrees and will be placed on an outside wall. There will be 4 tables and 16 seats. It will be mostly takeout business. The applicant is trying to find the required two parking spaces.

The applicant will return to the October 6 work session.

**Item #12 100 Main Street**  
**Item #13 10 Fisher Avenue**

**Adjourned**  
**Adjourned**

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.