

September 17, 2019
TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL
Regular Meeting – 7:30pm

Present: Chairperson Antonio Leo
 Commissioner Raymond Nerenberg
 Commissioner David Barra
 Commissioner Ladislao Castellanos
 Commissioner A. J. Forgione – Ad Hoc

Absent: Commissioner Ann Marie Ciaramella

Also in Attendance:
 Gary Gjertsen Village Attorney
 Mike Seminara Assistant Building Inspector
 Noah Levine Village Consultant

Chairman Leo announced the evening’s agenda as follows:

Item #1	Approval of Minutes	June 18, 2019
Item #2	1 Scarsdale Rd.	Return
Item #3	82 Wallace St.	Return
Item #4	21 Columbus Ave.	Adjourned

Item #1 Approval of Minutes June 18, 2019

Commissioner Nerenberg motioned to approve the minutes from June 18, 2019 meeting, seconded by Member Fiore and carried with a vote of 5 – 0.

Item #2 1 Scarsdale Rd.**Return**

Mr. Seth Mandelbaum, attorney representing the Rivervue condominium owners, stated that this application is to remove the smoke stack on the property. He noted that many of the residents in attendance were in favor of removing the smokestack. He also stated that he submitted numerous letters from residents whom are in support of this application.

He indicated that he was aware of the stipulation in the original approval, which was to maintain the smoke stack. The smokestack has not been routinely inspected. The new management company is now trying to fix the errors. Mr. Mandelbaum asked the Board members to examine the evidence and make an informed decision. He noted that many smokestacks are unsafe, can potentially fall down, and have been known to be struck by lightning.

Mr. Mandelbaum submitted an amendment to the structural inspection report. The original cost was \$264,000; after additional inspection, the cost would be between \$562,000 and \$680,000.

Chairman Leo requested an itemized bill of the proposed amount, including costs of demolition, repair etc.

Mike Walsh, Engineer, noted he has 40 years of experience assessing the condition of buildings and conducting structural special inspections. It was his professional conclusion that the structural integrity of this smokestack is in extremely poor condition. He stated that brick is a porous material and designed to absorb moisture and release it. Over time, the inner mortar within the smokestack would be considered dead as the layers are granulated. The smokestack has not been in use for many years, so therefore, heat has not been moving up through the smokestack to dry out the moisture collected in the brick and mortar.

Mr. Walsh noted that he conducted a visual analysis and concluded that there is significant deterioration.

Chairman Leo asked if an analysis of the brick was conducted.

Mr. Walsh said no.

Chairman Leo noted that he and the Board members made a site visit recently. He stated that he was able to remove a brick very easily.

Commissioner Barra asked if the majority of the smokestack had significant deterioration.

Mr. Walsh stated that 40% of the smokestack was corroded. If one can just pull out a brick easily, it is significantly deteriorated. At this point, re-pointing the mortar would not be sufficient, as there is nothing the mortar would adhere to.

Chairman Leo voiced his concern regarding the original approval of this project in 1998. There was a condition to the approval that the smokestack was to be maintained. He asked if there was a maintenance schedule of the smokestack that could be submitted.

Mr. Mandelbaum noted that his office was unable to find any records of maintenance. He added that some areas of the smokestack were repointed.

Chairman Leo motioned to open the public hearing, seconded by Commissioner Nerenberg and carried with a vote of 4 – 0 as Commissioner Forgione has recused himself due to a conflict of interest.

Public Comments

Mark Arisohn, 1 Rivervue, condominium owner, submitted a letter for the file. He noted that safety was a major issue. He noted that it is a public safety hazard for the condominium residents as well as the residents of The Fountains, an assisted living facility located on the site. History shows that lightning strikes were recorded involving smokestacks. Once the lightning hits it, the bricks explode out and is very dangerous. He added that many years ago a local resident, Francis Donahue, was involved in a fatal accident where he was struck by a brick after the smokestack was hit by lightning.

Mr. Arisohn added that Lightning Protection does not stop bricks from flying from the stack. The protection absorbs the lightning, but only to a degree.

Rick Forliano, Town Historian, submitted a memo of the historical significance of the 167-year-old smokestack on the property of the Rivervue Condominiums. The smokestack was built in 1852. He summarized the history of this property. He noted that the Hodgeman Rubber Company located at this site, was a major employer in Tuckahoe. The owner opened up the fifth floor of the building to be used as a hospital during the Spanish Flu outbreak.

The smokestack is a testimony to the immigrant grandparents and a reminder of the research done at Burrows Wellcome Pharmaceutical Company.

Mr. Forliano asked the Board to give this application the time and consideration it deserves.

Elaine Provenzano 11 River Street, noted that the resolution in 1999 for the purchase of the Revlon site was to maintain the smokestack. She noted that on May 26, 2015 there was an inquiry made regarding the possibility of the smokestack being labeled as a historical landmark. It is eligible for a historical landmark as it was given its own USN identification for the smokestack.

Ms. Provenzano summarized the drug discoveries at Burroughs Wellcome. She added that this smokestack is a towering icon in the village and the original stipulation should be upheld. This landmark should be preserved and she suggested that the condominium management company and residents research the possibility of grant money to preserve the smokestack.

Ms. Provenzano submitted a petition signed by 185 residents that are in favor of maintaining and preserving the smokestack. She noted that the Tuckahoe History Committee, the Eastchester Historical Society, several former mayors and other community groups signed the petition to have the condominium owners follow the original agreement.

Anne Maso 1 Scarsdale Rd., condominium owner, indicated that she was very proud to live in Tuckahoe. She noted that the 185 residents that signed the petition were not present this evening. She noted that the residents present were in favor of removing the smokestack. This is a dangerous structure; while driving through the parking area, the sight line is obstructed.

Ms. Maso stated that this condominium is a huge investment. This structure is unsound. It may be connected to history, but it is on private property and is unsound. The costs to remove it is quite high, and the cost to repair it is staggering. If the Board concludes that it must be maintained, the costs to the condominium owners will trickle to the area businesses, as they will see a decrease in revenue as the money will no longer be available to patronize the local businesses.

Tina Browne, 1 Rivervue, condominium owner, stated that she has been the president of the condominium board for 3.5 years. This smokestack is a huge issue mostly for safety issues. The board hired a new management company to oversee the property. The condominium owners have had to repair the roof recently and had extensive work on the façade. The residents have pride in the history of the property, but this is a real concern for the financial impact of this deteriorating smokestack. It very well may be impossible to save it. This financial impact may jeopardize the ability to function as a condominium, which would not be good for the village.

Chairman Leo asked if there were any attempts by the board to find grants to help defray the costs.

Ms. Browne noted that the smokestack is not designated as a historical landmark; it may be eligible, but not designated. She noted that she contacted a number of companies to investigate if the brick was marketable. The companies noted that the bricks were not valuable. As the President of the Board, she noted that she did not research grants, as the smokestack is not considered a historical landmark.

Sal Provenzano, 11 River Street, noted that the resolution dated in 1999 stated that the smokestack must be maintained. The condominium association chose not to follow the stipulation. If the smokestack was maintained on a schedule, we would not be in this situation. Since this landmark has been neglected, the residents find themselves in this situation. He added that this bad behavior should not be rewarded.

Mr. Provenzano added that a legitimate engineer report should be done in addition to the visual report.

Dick Olstein, 1 Scarsdale Rd., condo owner, stated that he resented the term 'landmark' being used as it is not a historic landmark in the legal term. He stated that he appreciates the history; history is not encompassed in just this smokestack.

George Bruckman, 1 Scarsdale Rd., condominium owner, noted that his closing was the first of any condominium. He has been a member of the first Board of Directors. He stated that if this were a historical landmark, we would not be discussing this today. The smokestack is not a protected landmark.

Sheila Marcotte, 56 Winterhill Rd., noted that the residents understand that this smokestack is not a legally protected landmark, but it is a landmark for the residents of the village. The Planning Board granted approval to this property with the stipulation that the smokestack be maintained. The Planning Board made this in good faith. If the Planning Board compromises this stipulation, they are making a terrible precedent. She noted that she does feel bad for the condominium owners, but it is part of history. There should be a compromise to save this smokestack.

Julio Petronio Jr., 1 Railroad Ave., stated that the person who claimed to be on the first Board of Directors did not do his due diligence to maintain the smokestack. This is a lot of money and a safety issue. It was his opinion that the structural problem should be fixed and maintained. The condominium owners should not forget an obligation.

Wayne Vlachos, 1 Scarsdale Rd. condominium owner, noted that the smokestack is a tremendous liability. The maintenance and taxes are very high.

He asked what action did the mayor, or the Boards take to check that the smokestack was being maintained. Who is responsible to make sure it was maintained? Were there any fines? Was there any record of maintenance besides the repointing of the brick? If this smokestack falls due to the lack of attention, the news reports would be placing blame on the village.

Brian Dunn, 1 Scarsdale Rd., condominium owner, noted that it is terrifying to hear that a board member visited the site and was able to just pull out a brick. It would cost \$500,000 to possibly fix it, with no guarantee. The original agreement was with the original owners.

Andrew Manuelli, 1 Scarsdale Rd. condominium owner, noted that there are 88 units all occupied by taxpayers. If we were told that we had to pay to maintain the old smokestack, we would not have bought the condominiums. He noted that he was a retired Colonel and worked as an engineer for the military. The smokestack is an eyesore and is very dangerous for vehicles to drive around it. There is historic value in every building, but would a society not take down the buildings due to their historic value? This smokestack does not have any inherent value. The residents can place a plaque at the spot to remember the historic value.

Elaine Provenzano, 11 River Street, noted that the residents do not understand or value the complex. She voiced her concern that if the smokestack was taken down, history will be erased. The stipulations were made at the time of the granting the approval.

Seth Mandelbaum, attorney for Rivervue residents, noted that the legal term 'landmark' should not be used. Yes, it fits the dictionary meaning, but it is not a legal term that should be used.

He added that there were 9 smokestacks at one time on this property and all were removed but this one. The building that the condominiums are located is a historical building.

Mr. Mandelbaum noted that Mr. Walsh, the engineer, is a licensed engineer and determined that the structural damage is irreversible. The smokestack is not structurally sound.

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

Item #3 82 Wallace St. Return

Stephen Accinelli, attorney representing the applicant, noted that this application was for the construction of a new apartment building. The plans submitted is for a three story apartment with 2 – studio apartments, 7 – one bedroom apartments, 20 – two bedroom apartments and 3 – three bedroom apartments.

Mohammad Badaly, architect for the applicant, noted that the three story residential building will have two stories of parking under the building. He described the roof, which will have a recreation area and a communal terrace.

Chairman Leo asked if more light fixtures could be added to the roof terrace.

Mr. Badaly agreed and offered to add additional lighting to the back of the building. He also added additional light fixtures on each floor.

The brick for the façade will be red with brown bricks as accents. The cast stone will be a natural color.

The plans were adjusted to add character to the building by bumping out the stair towers, which will be faced with the accent bricks. The entry way will also have the accent bricks.

The landscape plans include a terrace with three sections: a barbeque area, an area for the residents to relax and a communal garden. There will be trees and bushes throughout the perimeter of the property.

The Wallace Street side of the building will have a recreation area, a pathway with chairs, and will be lined with trees and bushes.

The Maynard Street side of the building will have the main entrance to the building. There will be a gazebo with LED lights and a recreation area. The retaining wall will extend to the gazebo.

Commissioner Nerenberg motioned to re-open the public hearing, seconded by Commissioner Barra and carried unanimously.

No Public Comments

Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Barra and carried unanimously.

In the matter of the application of Orange World LLC, 82 Wallace Street Tuckahoe, NY

COMMISSIONER BARRA OFFERED THE FOLLOWING RESOLUTION IN THE FORM OF A MOTION:

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR SITE PLAN APPROVAL AS PART OF A PROPOSED MULTIFAMILY BUILDING AT 82 WALLACE STREET.

WHEREAS, the Tuckahoe Village Department of Buildings received a building permit application received on December 20, 2018 for a multifamily building at 82 Wallace Street.

WHEREAS, the “Proposed Action” is the request of site plan approval as part of a plan to redevelop the existing site as multifamily housing. The proposed building will include 32 units, 48 parking spaces, 45 of which are in an enclosed garage, and landscaped areas and screening along the frontages of the property along Wallace Street, Maynard Street and Limekiln Road.

WHEREAS, the Zoning Board of Appeals previously conducted an uncoordinated review of the project as part of the State Environmental Quality Review Act (“SEQR”) and determined that there will be no significant environmental impacts from this action as it concerns the variances requested for the proposed project.

WHEREAS, based on the Environmental Assessment Form (“EAF”), submitted by the Applicant, and any supplemental materials thereto, the Planning Board has determined that there will be no significant environmental impacts from this action as it concerns the proposed Project.

WHEREAS, the approval of the Proposed Action is classified as an Unlisted Action under Part 617 of SEQR; and

WHEREAS, under Tuckahoe Village law, the Planning Board is the only entity that can grant site plan approval.

NOW, THEREFORE, BE IT RESOLVED, THAT:

Based on the information included in the EAF submitted by the Applicant, and any supplemental materials thereto and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Planning Board hereby adopts the attached Negative Declaration for this Unlisted Action under the State Environmental Quality Review Act.

This resolution shall take effect immediately.

Upon Motion of Commissioner Barra, and seconded by Commissioner Nerenberg, this Resolution was approved by the following vote:

Chairperson Antonio Leo __yes__

Commissioner Raymond Nerenberg __yes__

Commissioner David Barra __yes__

Commissioner Ladislao Castellanos __yes__

Commissioner AJ Forgione __yes__

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

PLANNING BOARD RESOLUTION

The Applicant is the record owner of the premises commonly known as 82 Wallace Avenue, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as Section 34, Block 4, Lots 1,2,5,6,7,8,9 and 10 (the “Premises”). The applicant has received the necessary variances from the Village of Tuckahoe’s Zoning Board and has

provided all the documents, plans and materials to this Board so as this Board can make a proper review under Section 7-1 of the Zoning Code.

The plans and submissions of the applicants were provided to the Village's Planner, Noah Levine of BFJ Planning, the Village's Planning Consultant , Anthony Oliveri of [Dolph Rotfeld Engineering, P.C.](#) , the Chief of the Fire Department, the Chief of the Tuckahoe Police, John Costanzo and the Head of the Department of Public Works, Frank Demarco. All the Consultants named as well as the named Department Heads have reviewed the plans and any comments submitted have been addressed by the applicant to the satisfaction of the parties listed, with the exception of Anthony Oliveri. Mr. Oliveri's concerns will be conditioned below.

Currently existing on the Premises are a number of dilapidated structures that have been an eye sore to the surrounding community for quite some time. The applicant proposes to remove the structures and construct a 32 unit apartment building. After numerous work sessions and public hearings with this Board the applicant has achieved a first class proposal that will greatly enhance the Premises and the surrounding area.

Site plan approval of this project is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review Act ("SEQR"). Based on the Environmental Assessment Form ("EAF"), submitted by the Applicant, and any supplemental materials thereto, the Planning Board has determined that there will be no significant adverse environmental impacts from this action as it concerns the proposed Project. The Zoning Board also previously conducted an independent "uncoordinated review" of the project

under SEQR, and determined that there will be no significant adverse environmental impacts for the variances requested.

Pursuant to the Village of Tuckahoe's Zoning Code this Board must review site plans pursuant to 7-1 of said Code. The sections and conclusions are as follows:

(a) Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site.

1. The effect of the proposed development on traffic conditions on existing streets.

The Village of Tuckahoe's Planners, BFJ Planning, have reviewed the project in conjunction with the effect of the project on local traffic. We agree with our Planner that there will be no appreciable increase in congestion and the traffic volume and the profile will be very similar to the current traffic conditions.

2. The number, locations, dimensions and construction details of vehicular and pedestrian entrances, exits, drives and walkways. Vehicular access to state, county or Village roads must also be approved by the State Department of Transportation, the County Department of Public Works or the Village Police Department and the Department of Public Works, as appropriate.

The project has been reviewed by the Chief of Police and the Village's Planners and both have no issues with the plans provided. We agree that the proposed vehicular and pedestrian movement will flow effortlessly based on the walkways and entrances and exits to the building.

3. The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the street for that distance necessary to allow safe entrance into the traffic stream.

As the entrances and exits are in the middle of the roadways and not located on a corner and the streets that the entrances and exits are located are not main thoroughfares there is no issue for vehicles entering and existing the premises.

4. The location, arrangement and adequacy of off-street parking lots, which shall, at a minimum, meet the requirements of this Zoning Ordinance.

The applicant proposed sufficient parking so as not to require a variance thus there should be no need for off street parking for this project.

5. Interconnection of parking lots via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

The parking provided is all on site thus this condition is satisfied.

6. The location, arrangement and adequacy of loading areas, which shall, at a minimum, meet the requirements of this Zoning Ordinance.

This project is residential thus there is not a need for loading areas.

7. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system.

The layout of the proposed off street parking has been extensively reviewed by BFJ Planning and it has been determined by BFJ Planning that the proposed layout is conducive to proper circulation of traffic flow and we agree.

8. *The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved parking spaces.*

As a condition of this approval and for the applicant to be compliant with the law, the applicant must meet every requirement of the ADA. A review of the proposed plans by the Building Inspector and Planners have confirmed that the plans are compliant.

9. *The location, arrangement and adequacy of landscaping within and bordering parking lots and loading spaces, which shall, at a minimum, meet the requirements of this Zoning Ordinance.*

The landscaping plan has been submitted and reviewed by this Board and the Village's Planners. We are satisfied that the applicant has proposed a landscaping plan that will greatly enhance the look of the building and be a visual asset to the surrounding community.

10. *Adequacy of fire lanes and other emergency zones.*

The proposed plans have been reviewed and are acceptable to the Fire Chief and Chief of Police.

(B) *The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.*

The proposed site is currently occupied by several dilapidated buildings. By taking away this eyesore and replacing it with a first class building, the property values will be preserved and enhanced by this improvement.

(C) A quality of building and overall site design, which will enhance and protect the character and property values of the adjacent neighborhood. The Planning Board shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk, dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.

The proposed building will contribute to the aesthetics and be consistent with a majority of the current buildings located in this residential neighborhood. We are satisfied with the look of the proposed building and how the proposed architecture of the building will enhance the look and feel of the surrounding area. The applicant has presented to this Board the materials and colors of the exterior of the proposed building. This Board is satisfied with the materials and colors to be used.

Therefore, based on the foregoing the application for site plan is approved on the following conditions:

1. Applicant shall maintain the landscaping and promptly replace any dead trees or shrubbery with a like kind replacement.
2. Applicant shall maintain the terrace area as initially proposed.

3. There are still a number of issues outstanding as to the storm water and sanitary systems. Anthony Oliveri's memo addressed to William Williams and dated September 12, 2019 details the outstanding issues. Mr. Oliveri's memo shall be attached to this approval and made part of same. As a condition of this approval all issues contained in said September 12, 2019 must be addressed to the satisfaction of Mr. Williams and Mr. Oliveri. The applicant shall continue the escrow it has with the Village so as to compensate the various professionals until this condition is satisfied. If by satisfying the conditions in said letter there is a substantial change to the site plan, as determined by the Chair of this Board, then the applicant must come back before this Board to have the changes approved.

Lastly, that every representation made to this Board by the applicant is a condition of this approval.

Chairman Leo added #4 Lighting

The additional roof terrace lighting will be completed based on tonight's presentation.

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

Stephen Accinelli stated that his client plans to donate \$12,000 for the renovation of Circuit Park.

Chairman Leo thanked the applicant for his generosity to the village. He complimented the applicant on his gracious attitude throughout the entire application process.

Item #4 21 Columbus Ave. 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.