

October 20, 2015
TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL
Regular Meeting – 7:30pm

Present: Chairperson Ann Marie Ciaramella
Commissioner Raymond Nerenberg
Commissioner Melba Caliano
Commissioner Clare Gorman
Commissioner David Barra

Absent: Commissioner Eric Fang – Ad Hoc

Also in Attendance:
Gary Gjertsen Village Attorney
Bill Williams Building Inspector
Frank Fish Village Consultant
Jim Pinto Village Consultant

Chairwoman Ciaramella announced the evening’s agenda as follows:

- Item #1 Approval of minutes of Regular meeting held on September 15, 2015**
- Item #2 109 Marbledale Road Return**
- Item #3 26 Columbus Ave. Return**
- Item #4 14 - 16 Columbus Ave. Site Plan**
- Item #5 300 Columbus Ave. Return**
- Item #6 300B Columbus Ave. Site Plan**
- Item #7 100 Main Street Adjourned**
- Item #8 10 Fisher Avenue Adjourned**
- Item #9 69 Main Street Adjourned**

Item #1 Approval of minutes of Regular meeting held on September 15, 2015

Commissioner Nerenberg motioned to approve the minutes from the Sept. 15, 2015 meeting, was seconded by Commissioner Gorman and carried with a vote of 4 – 0, with Commissioner Caliano abstaining.

Item #2 109 Marbledale Road Return

Gary Warshauer, architect for the applicant, noted that there were not any major changes to the proposals since January. The Marriott Springhill Suites and Restaurant application is still going through the Brownfield process. It will have 163 rooms and a 6400 sq. ft. restaurant. Access to the hotel will be via Marbledale Rd. with a single curb cut. The restaurant will have a full service curb cut.

The first floor of the hotel will have a lobby, lounge, breakfast area, indoor pool and great rooms. The floors above will be all guest rooms; 35 guest rooms per floor.

There will be ample parking spaces with 208 parking spaces.

There will be new landscaping, new sidewalk with a pedestrian connection from the hotel to the restaurant. The restaurant will have a new sidewalk to Marbledale Rd.

The colors of the hotel will be consistent with the prototype; stucco material with brown, beige and blue colors.

The restaurant will be a one-story building with a dining room and service area in rear. The base will be white stucco to match the hotel, red fixed awnings, and a metal roof with hardy planks, Chestnut Brown, and an outdoor terrace.

Chairwoman Ciaramella noted that the applicant must return with samples of all materials for the Architectural Review.

Commissioner Gorman added that the sidewalk from the hotel does not give continuous access to the village, as the car dealership does not have a sidewalk. She asked the applicant to work with the owner of the dealership to discuss possibly working together to create a continuous access of sidewalk to the village.

Anthony Castillo, engineer for the applicant, noted that the plan is to follow the existing grade patterns of the property, which is a north to south direction. The Storm Water Management will meet all the requirements set forth by the DEC. The plan is to have 4 underground detention systems, which will slowly release the discharge at 3 locations under Marbledale Rd. The run-off will be treated in sumps. The oil and sediments will drop down to the base of the sumps, and then the remaining water will flow out.

Commissioner Gorman asked if there were plans to use the grey water.

Mr. Castillo noted that was a challenge as this is a Brownfield. The applicant will certainly try. The plans are for a portion of the roof to be a green roof to use the captured water.

Gary Gjertsen, Village Attorney, stated that the Board of Trustees has appointed an engineer from a national firm to review all the plans including the Storm Water Management plan.

Commissioner Caliano asked if this engineer could be present at the next meeting to advise the Board as the applicant is presenting.

John Canning, Traffic Consultant, noted that he prepared several studies and concluded that there will be an additional two vehicles per minute at each intersection between Marbledale Rd. and Main, Winterhill and Fisher. The increase in delays will be 5.5 seconds or less. The intersection of Depot Sq. and Main St. has a significant amount of pedestrian traffic, but this project will have little or no impact at this intersection. The new developments recently approved in town were all included in the calculations.

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. He noted that the Remedial Investigative Phase is completed. The site was tested from February through May with soil samples and vapor samples tested throughout the site. All the results are compiled and placed in the Tuckahoe library for residents to review.

The DEC and DOH have both reviewed the submission and returned it with comments. The plan is to resubmit for approval or further comments.

The three types of capping to be used on site are a vegetation cap, asphalt cap and concrete cap. The soil will be excavated to install the 4 subsurface basins. That soil will be moved from North to South to fill the grade on the property. The soil-ventilation extraction system will be installed and will run from underground up to the roof. Mr. Canavan introduced representatives from the DEC and DOH, Randy Witcher, Amen Omorogbe and Renata Ockerby.

Commissioner Caliano voiced her concern regarding the soil vapors to be released into the atmosphere. She noted that there were homes nearby.

Mr. Canavan noted that there are guidelines to release an allowable concentration. He described the example of one filling his car with gas and some gas drips to the street. Those gas fumes would evaporate quickly, but that is a much higher concentration than what is proposed here. To excavate the entire site, 90 ft. down to rock level, and replace with clean soil would not be practical.

Commissioner Caliano questioned the North to South water flow, and asked if that would allow contaminated water to flow through the earth beyond the property line.

Mr. Canavan noted that the groundwater system is 10 to 20 ft. below grade level. The two water systems are designed so that they do not comeingle.

Mr. Randy Whitcher, DEC Project Manager, noted that the plans are still in the investigative stage. The final plan has not been approved. He stated that there are regulations regarding the amount of vapors that could be discharged per day. The stack will be tested to verify the amount falls within the regulations. Once the vapor hits the air, it disperses.

Ms. Renata Ockerby, DOH Project Manager, noted that the DEC and DOH work together to make sure the public is not in danger.

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

Public Comments

Jerome Griffiths 10 Marbledale Place noted that his house is a half block from the proposed site. He asked if a soil vapor removal system could be installed at his property, as he is concerned.

Amen Omorogbe, DEC representative, noted that this has been done in the past and if there is a concern, it could be done. The proposed plans have not been approved yet. The DEC must find out the nature and extent of the contaminated material and review and approve the report. The DEC has the ability to test off-site based on the report. The DEC could test the perimeter and then the DEC and DOH would come together and come up with a remedy. Depending on what contaminants are present, the site could be tested once a year, twice a year or four times per year. As time goes by, the soil vapors may display a reduction of contamination.

Commissioner Barra noted that the air quality should be tested prior to excavation to determine a baseline.

Renata Ockerby noted that the data must be reviewed from the on-site investigation. If the DEC suspects off-site contamination, the DEC will acquire access around a perimeter closest to the site and continue to test a wider perimeter from the site.

Mr. Williams, Building Inspector, noted that the soil vapor system that has been installed at Mr. Griffith's house was due to the Kings Brownfield cleanup. The system may need to be upgraded.

Steven Hess, Ki Marshall Arts patron, asked what the height of the vents would be, if a charcoal system would be used in the ventilation system and what time of year the testing would be done.

Randy Whitcher noted that the vapors would be tested in the winter as the buildings/homes are closed up and the test would be most accurate. The charcoal system could be used. There is no need to replace the air, as there it is a low-pressure system.

David Gordon, attorney representing Ki Marshall Arts, submitted a letter written by the Fire Commissioner Anthony Lore, Jr. (see file) stating his experience with this site. He noted many contaminants were dumped at this site. In addition, Mr. Gordon submitted comments made by Donald J. Hughes, P.E., and Ph.D. Regarding the Former Marble Quarry Landfill Site, dated October 19, 2015.

Mr. Gordon noted that his client is not opposed to this hotel, but rather his concern is that the project be safe during the construction phase and after. He noted that this site has a significant level of toxic contaminants. The DEC only covers the on-site buildings. He noted that the Ki Marshall Arts building is 25ft. away. He asked if there are plans to test this site. There is no knowledge if vapors are at the Ki Marshall Arts building.

Commissioner Nerenberg noted that this site should be remediated. He is a licensed engineer and is concerned about public health and safety too. This Board cannot proceed with the site plan approval until the DEC and DOH approves the Remedial Action Plan.

Mr. Gordon stated that Marbledale Rd. is dense and has no sidewalks. This is a great concern for his clients. There will also be a loss of parking spaces during the construction phase. He asked the Board to require a construction management report, which will maintain on street parking and will offer a safe passage during the construction.

Phil Denning, owner of 125 Marbledale Rd., noted that he has not received a notification regarding this proposed hotel and his property is the closest to the site. He also stated that he too was concerned about the parking situation during the construction phase. If this site is contaminated, then his site is also contaminated. He noted that all the paper work stating that site is a Brownfield, also states that 125 Marbledale Rd. is a Brownfield.

Vladimir Zolotter, owner of Ki Marshal Arts, voiced his concern regarding the safety of the patrons and the traffic.

Edward Stowe 4 Marble Pl. spoke about gentrification. He requested that the Board require a Full EIS for this site. He noted that haste makes waste and that there is no sound reason to proceed without caution.

David Gordon, attorney representing Ki Marshal Arts, added that the groundwater runs through the site to the Bronx River and could possibly pick up toxins along the way and carry the toxins to the river. This should be dealt with prior to capping the site.

Jim Pinto, Village Consultant, noted that the vapors should be tested prior to construction to create a baseline.

Frank Fish, Village Consultant, added that the traffic consultant add the information gathered at the intersection of Jackson Ave. and Marbledale Rd. along with the plans to stripe the road and the path of traffic.

Chairman Ciaramella motioned to hold the public hearing open, seconded by Commissioner Caliano and carried with a vote of 5 – 0.

Item #3 26 Columbus Ave.

Return

Steve Anderson, architect for the applicant Giorgio, stated that this application was for a pizza place.

Chairwoman Ciaramella noted that the applicant did not submit the proper documents regarding the oven. The placement, the ventilation system and the Type I hood. The applicant cannot proceed without the documents.

Item #4 14 - 16 Columbus Ave.

Site Plan

Nick Faustini, architect for the applicant, stated that the plans are to renovate this 1300 sq. ft. area for a new art studio. The plans include a reception area, desk, display area, stage, 48 seats, drinking fountain, handicap accessible restroom, second restroom and a cleanup area. The plans also include an incidental wine bar. The applicant has received their liquor license. The hours of operation are Thursday to Sunday 6:30pm to 9:00 or 10:00pm depending on the class offered. Saturday and Sunday hours are currently being discussed and may include a Sunday brunch possibility. The applicant noted that there would be no cooking or baking on the premises, all the bagels and pastries would be catered.

Bill Williams, Building Inspector, noted that the possibility of bringing trays of food in is a permitted use.

Commissioner Caliano motioned to open the public hearing, seconded by Commissioner Gorman and carried unanimously.

No Public Comments

Commissioner Caliano motioned to close the public hearing, seconded by Commissioner Gorman and carried unanimously.

Commissioner Gorman offered the following SEQR resolution:

APPLICATION DATE: 8/24/15
LOCATION OF PROJECT: 16 Columbus Ave:
SECTION: 33 BLOCK: 8 LOT: 1
DESCRIPTION OF PROJECT: Interior alterations to an existing building to convert space to a new art studio and a wine bar.

APPLICANT/OWNER: Westchester Paint and Party, Inc. d/b/a Pinot's Palette

SEQRA RESOLUTION

Pursuant to the regulations of SEQRA this Board finds that:

- 1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.**
- 2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan application.**
- 3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.**

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

Commissioner Gorman offered the following Resolution:

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

This application by Westchester Paint and Party, Inc. to convert an existing space to a new art studio and wine bar is approved. The applicant has demonstrated it has complied with Section 7-1 of the Zoning Code and has met its burden with same. The applicant has required no variances from the Zoning Board and the proposed use of the space is compatible with the Zoning Code.

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 Caliano seconded the motion and was carried with a vote of 5 – 0.

Item #5 300 Columbus Ave.

Return

Adam Goodrich, representing the applicant, stated that the few discrepancies have been rectified. The cobblestone inlay has been completed, the two trees between the building and church have been planted, concrete stoppers in parking spaces are present, the two gateway pillars are on order and the walls on the church and American Bistro have been painted. He submitted photos of the lighting in the alleyway.

He also submitted photos of plans to create a wooden lattice around the inlay box with Honeysuckle growing up the sides planted in two 18in. concrete planters. The trellis will be 6 in. from the box to allow the ivy to grow. The trellis will be supported by two concrete posts in the ground and will be bolted to the wall. The superintendent of the building will maintain the flowers in the planters.

Chairwoman Ciaramella asked about the residents being charged for parking.

Mr. Goodrich stated that that was an error on the realtors end and that has been rectified. There will be no charge for residents for parking.

There are currently 12 units occupied.

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

PLANNING BOARD RESOLUTION/DECISION

APPLICANT: Crestwood Builders Group LLC

LOCATION OF PROJECT: 300 Columbus Avenue

SECTION: 42

BLOCK: 8

LOT: 5 & 10

DESCRIPTION OF PROJECT: Amend the existing approved site plan to approve the relocation of the electrical box located in the walkway between the project and American Bistro and the screening of same with plantings and a trellis.

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

IT IS THEREFORE RESOLVED that the application for modified site plan is approved as submitted in the amended plans. The Board hereby adopts a negative declaration pursuant to SEQRA.

Further, to reiterate the prior approvals of this Board and to memorialize the representations of the applicant there shall be no fee charged by the applicant for parking to any of its tenants nor there shall be assigned parking on the premises.

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

Commissioner Gorman seconded the motion and was carried unanimously by the Board.

Item #6 300B Columbus Ave.

Site Plan

Gary Gjertsen, Village Attorney, asked the Board to consider a recommendation to the Zoning Board if the following application would be compatible with the neighborhood.

Sabrina Seetarram, applicant and owner of The Chocolate Box, requested to open a chocolate boutique shop on the ground floor of the new Crestwood Lofts building. The shop will serve coffee, tea, pastries, cakes by the slice, muffins, croissants, cookies, brownies, tarts, salads and sandwiches. All the food will be brought in already prepackaged. The only preparation on the site is to prepare the chocolate. The device used to melt the chocolate is hot air. There will be no cooking on the premises. There is a 3D chocolate printer, which prepares the chocolate. The business would be 80%

chocolate and 20% other. The interior will be painted purple and white. There will be an antique chocolate case in center to display the chocolates, a few seats along the front window, most of the business will be take out and a handicap bathroom and a storage room. There will be no noise produced while making the chocolate. There are fireproof walls.

Bill Williams, Building Inspector, determined that there would be no cooking on the premises. The tempering method might conflict with the Zoning Code and must be determined if there is compatibility with the residents above.

Commissioner Caliano voiced her concern regarding the legal term of cooking. She noted that the Zoning Code should narrow the definition of what is an acceptable use and what is not an acceptable use.

Commissioner Barra voiced his concern regarding the air filtration for the tenants above. He noted that the spec sheet on each unit addressed that issue.

Commissioner Gorman stated that this Board would send a letter to the Zoning Board offering support for this project.

Item #7	100 Main Street	Adjourned
Item #8	10 Fisher Avenue	Adjourned
Item #9	69 Main Street	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.