

April 20, 2021
TUCKAHOE PLANNING BOARD
Online meeting due to Covid-19
Regular Meeting – 7:30pm

Present: Chairperson Antonio Leo
 Commissioner Raymond Nerenberg
 Commissioner David Barra
 Commissioner Susana Carpenter
 Commissioner Aisha Scholes

Also in Attendance:

 Gary Gjertsen Village Attorney
 Bill Williams Building Inspector
 Carolina Fonseca Village Consultant
 Mike Seminara Assistant Building Inspector

Chairman Leo announced the evening's agenda as follows:

Item #1 Approval of Minutes of the March 16, 2021 meeting.
Item #2 70 - 72 Marbledale Rd. Return
Item #3 72 Marbledale Rd. Return
Item #4 69 Main Street Adjourned
Item #5 151 Marbledale Rd. Adjourned
Item #6 22 Underhill Street Adjourned
Item #7 65 Main St. Adjourned

Item #1 Approval of Minutes March 16, 2021

Commissioner Barra motioned to approve the minutes from the March 16, 2021 meeting, seconded by Chairman Leo and carried with a vote of 5 -0.

Item #2 70 - 72 Marbledale Rd. Return

Steven Accinelli, attorney for the applicant noted that there were no changes to the submitted plans. The Superintendent of the DPW, Frank DiMarco, has given his approval and signed the plans.

Bill Williams, Building Inspector added that the Planning Consultant, Mr. Oliveri has reviewed the plans and has given his approval.

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

No Public Comments

Chairman Leo motioned to close the public hearing, seconded by Commissioner Barra and carried with a vote of 5 – 0.

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

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR SUBDIVISION AND SITE PLAN APPROVAL FOR 70 AND 72 MARBLEDALE ROAD.

WHEREAS, the Tuckahoe Village Department of Buildings received a building permit application received on September 29, 2020 to demolish a portion of a vacant industrial building at 70 Marbledale Road and subdivide the property into two lots. Lot 1 will be the vacant portion of the lot and Lot 2 includes the remaining portion of the building and dedicated space for off street parking.

WHEREAS, the Tuckahoe Village Department of Buildings received a building permit application received on September 29, 2020 to expand the existing Paws & Play facility into the repurposed building on Lot 2. The existing industrial building will be renovated to accommodate the expansion.

WHEREAS, the two building applications received by the Department of Buildings are being treated as one action under SEQR as they are related and the consideration of potential environmental impacts should not be segmented.

WHEREAS, the “Proposed Action” is the request of a subdivision and site plan approval as part of a plan to expand the existing Paws & Play facility and open Lot 1 for future use.

WHEREAS, the “Proposed Action” is within 500 feet of the Town of Eastchester. The application was sent to Westchester County on November 13th, 2020 for review under 239-M.

WHEREAS, the applicant has received three area variances from the Zoning Board of Appeals. The variances are Type II actions and are exempt from SEQR.

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, under Tuckahoe Village law, the Planning Board is the only entity that can grant subdivision and 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.

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

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

PLANNING BOARD

VILLAGE OF TUCKAHOE, NEW YORK

In the Matter of the Application of Compass One LLC

Premises: 70-72 Marbledale Road

Tuckahoe, New York,

PLANNING BOARD RESOLUTION – SUBDIVISION APPROVAL

This approval is based on the following plans:

The Applicant, Compass One LLC, is the record owner of the premises commonly known as 70-72 Marbledale Road, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as Section 35, Block 2, Lot 1 (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 for this subdivision application pursuant to 7-2 of the Village of Tuckahoe Zoning Code.

The Applicant owns a single lot at 70-72 Marbledale Road in Tuckahoe NY. On the existing lot there exists an operational business, Paw and Play Pet Resort and Training Center, and a vacant industrial building. Applicant is seeking to expand Pay and Play Pet Resort and Training Center into to part of the vacant industrial building. The applicant will demolish the remainder of the industrial building and create a newly formed lot. Intermittent landscaping and fencing will be provided along the

boundary of the newly formed vacant lot. The Applicant will also create a new parking area that will be part on the existing business's lot and the newly formed lot.

We find that the proposed subdivision is appropriate and will enhance the Marbledale corridor as the Applicant will be demolishing an underutilized vacant industrial building, thereby opening it up for redevelopment. Demolishing the building will help to improve the streetscape and pedestrian conditions, in particular at the Jackson Avenue intersection, where the existing driveway will be removed. The Applicant has revised initial plans, at the Planning Board's recommendation, to allow for the future user of the new lot to access a shared driveway. This design provides for a more efficient use of off-street parking. The design provides more parking options for a site that is already constrained by irregular geometry and steep slopes in the rear. This approach may also eliminate the need for an additional curb cut along Marbledale Road for the future user of the newly formed lot. The parking area shown on the plans will require a cross-easement that will allow both lots access to the parking area. The Applicant shall submit the proposed easement to the Village Attorney for review prior to filing same with the County Clerk.

Further, as required by the Village Zoning Code the applicant is required to either provide for park land or pay to the Village 10% of the value of the newly created lot to be used for parks and recreation. As the Applicant is unable to provide park land he has opted to pay 10% of the value of the newly created lot. The Tax Assessor of the Village of Tuckahoe has estimated that the newly created lot to be valued at \$650,000. We agree with this value and thus the Applicant shall with 30 days of this approval pay to the Village \$65,000 to satisfy its burden under 7-2.2 of the Village of Tuckahoe Zoning Code.

This Board is also charged with reviewing and approving the storm water plan submitted by the applicant. Said plan has been reviewed by the Village's engineer, Anthony Oliveri, from AI Engineers Inc. Dolph Rotfeld Engineering Division, and there are a number of outstanding issues as detailed in the

memorandum circulated by Anthony Oliveri dated April 14, 2021. This approval is conditioned upon the applicant satisfying all the outstanding issues addressed in said memorandum and any further requirements that may be required by Mr. Oliveri. If there are substantial changes to the site plan that are required after the applicant has complied with all requirements of Mr. Oliveri then applicant must come back before this Board to approve any substantial changes. Any minor changes may be approved by this Board's Chairperson. Further, applicant shall continue to be responsible to pay the Village's consultants until this condition is satisfied.

Therefore, based on the plans and review by this Board we approve the subdivision of lots 70-72 Marbledale Road and impose the conditions that have been discussed herein.

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

Dated: April 20, 2021

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

Item #3 72 Marbledale Rd. Return

Mr. Accinelli, attorney for the applicant, noted that there were no changes to the submitted plans.

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

No Public Comments

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

Chairman Leo offered the following resolution in the form of a motion:

PLANNING BOARD

VILLAGE OF TUCKAHOE, NEW YORK

In the Matter of the Application of MSS Dog Group Inc
d/b/a Paw and Play Pet Resort & Training Center

Premises: 72 Marbledale Road
Tuckahoe, New York,

PLANNING BOARD RESOLUTION

This approval is based on the following plans:

The Applicant, MSS Dog Group Inc., is the record owner of the premises commonly known as 72

Marbledale Road, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as

Section 35, Block 2, Lot 1 (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 Applicant proposes to expand its current business by approximately taking 7,000 square feet of usable space from an attached existing and vacant industrial building. The remainder of the industrial building will be demolished. There will be no change in the current use as dog care center. There will be additional parking created on the northerly end of the property, which will alleviate any on street parking issues that may incur because of the expansion. The curb cut to facilitate the new parking area has been approved by the Department of Public Works.

The plans and submissions of the applicants were provided to the Village’s Planner, Noah Levine of BFJ Planning, the Village’s Consultant, Anthony Oliveri of Dolph Rotfeld Engineering, P.C., 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, with the exception of Anthony

April 20, 2021

Oliveri, of AI Engineers Inc. Dolph Rotfeld Engineering Division which will addressed below, to the satisfaction of the parties listed.

There are no members of the public that have appeared in opposition to the project.

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.*

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. All traffic and circulation issues identified in the site plan approval process appear to have been resolved and there are no outstanding objections with the site plan as proposed. The Planning Board found that the addition of the newly created parking area will alleviate any on street parking issues. Furthermore, the Applicant has revised initial plans, at the Planning Board's recommendation, to provide for a shared parking area for the future user for the newly created lot to the north. This design approach may also eliminate the need for an additional curb cut along Marbledale Road for the future user of the newly formed lot.

The applicant has made modifications to the proposal to minimize conflicts between vehicles and pedestrians in the sidewalk through lighting, landscaping, and curb treatments. New sidewalks will also be installed. The site plan involves the demolition of part of the vacant building along Marbledale Road. Removal of the building, which directly abuts the sidewalk, will provide more space for pedestrians. Removing the driveway at the Jackson Avenue intersection will also help to improve conditions for vehicles and pedestrians.

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

The existing business is a great asset to the Marbledale corridor. It is a thriving business that have not had or incurred any complaints to the Village regarding its operation. The expansion will be to a part of a vacant industrial building and the remainder of the building, which is in need of repair will be demolished. The demolished portion of the site will be appropriately landscaped and fenced as agreed to by the Applicant and Planning Board. The Planning Board acknowledges that this project will help to enhance the Marbledale Road corridor and surrounding neighborhood. This project is consistent with the Village's long-term plans to revitalize the corridor, as articulated in the Marbledale Road Design Guidelines, which were adopted into the Comprehensive Plan in 2019. The Marbledale Road Design Guidelines were used as a reference document during the review process.

(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 Applicant has a business that is currently operating at the premises. The existing use is consistent with the existing zoning and the Village's Comprehensive Plan. As discussed the Applicant will expand into a vacant industrial building with the remainder of the building being demolished. The additional on site parking will alleviate any issues with the street parking on Marbledale Road.

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

1. The Building Inspector's satisfaction with the construction plans submitted by the applicant. The Building Inspector shall be mindful of the parking of construction workers

off site during construction of the Building as to not interfere with the businesses on Marbledale Road.

2. This approval is conditioned on the Applicant finalization the street opening permit from the Department of Public Works
3. This Board is also charged with reviewing and approving the storm water plan submitted by the applicant. Said plan has been reviewed by the Village's engineer, Anthony Oliveri, and there are a number of outstanding issues as detailed in the memorandum circulated by Anthony Oliveri dated April 14, 2021. This approval is conditioned upon the applicant satisfying all the outstanding issues addressed in said memorandum and any further requirements that may be required by Mr. Oliveri. If there are substantial changes to the site plan that are required after the applicant has complied with all requirements of Mr. Oliveri then applicant must come back before this Board to approve any substantial changes. Any minor changes may be approved by this Board's Chairperson. Further, applicant shall continue to be responsible to pay the Village's consultants until this condition is satisfied.
4. Due to the COVID-19 pandemic the code requirement for the project to be substantially completed within one year shall be extended to a two year period from the issuance of the building permit for substantial completion.
5. Applicant shall file for permit to demolish the unused vacant portion of the building within 90 days of this approval.

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

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

Chairman Leo announced the resignation of Commissioner Hite-Norde. The Board thanked her for her service to the Village and wished her well.

Item #4	69 Main Street	Adjourned
Item #5	151 Marbledale Rd.	Adjourned
Item #6	22 Underhill Street	Adjourned
Item #7	65 Main St.	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.