

June 18, 2013

**TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL – 7:30pm**

Present:

| | |
|--------------|----------------------|
| Chairperson | Antonio Leo |
| Commissioner | Ann Marie Ciaramella |
| Commissioner | Raymond Nerenberg |
| Commissioner | Melba Caliano |
| Commissioner | Eric Fang |
| Commissioner | Tim Miller |
| Commissioner | Clare Gorman |

Also in Attendance:

| | |
|----------------|--------------------------|
| John Cavallaro | Village Attorney |
| Mike Seminara | Code Enforcement Officer |

Chairman Leo announced the evening's agenda as follows:

Item #1 Approval of Minutes - Meeting held on April 23, 2013

Approval of Minutes - Meeting held on May 21, 2013

| | |
|------------------------------------------|------------------|
| Item #2 300 - 308 Columbus Avenue | Site Plan |
| Item #3 269 Columbus Ave. | Site Plan |
| Item #4 200 Marbledale Road | Site Plan |
| Item #5 144 Wallace St. | Adjourned |
| Item #6 100 Main Street | Adjourned |

Item #1 Approval of Minutes held on April 23, 2013

Commissioner Gorman motioned to approve the April 23, 2013 minutes was seconded by Commissioner Ciaramella and was carried with a vote of 5 – 0, with Commissioners Fang and Chairman Leo abstaining due to their absences.

Approval of Minutes Meeting held on May 21, 2013

Commissioner Nerenberg motioned to approve the May 21, 2013 minutes was seconded by Commissioner Ciaramella and upon roll call was carried with a vote of 5 – 0, with Commissioner Fang and Commissioner Caliano abstaining due to their absences.

Chairman Leo announced that this Board received a Planning Board award for the recent revitalization of the downtown area. He thanked Commissioner Fang for all the work involved in the application process. Chairman Leo thanked all the Board members for their hard work and dedication to this Village.

Item #2 300 - 308 Columbus Avenue

Site Plan

Mr. Les Maron, attorney for the applicant, noted that the plans submitted by the previous applicant, Streetworks, have not been altered. He requested an extension for the Site Plan approval, which is due to expire next month. The applicant decided to change the architect, but will submit the same elevations. Everything in the project will stay the same. The only revision to the Resolution will be Condition #6; which required that the applicant place the utilities underground. The change will be that the Village will collaborate with the applicant to place the utilities underground. He respectfully requested a one-year extension as the applicant is ready to put the shovel into the ground very soon.

Angelo Monaco, applicant stated that the demolition would start in 30 days. The foundations would be built soon after and the project should be completed by end of next summer.

John Cavallaro, Village Attorney, noted that there is a letter of agreement with respect to the underground wires. The Village will undertake the project with compensation by the applicants. The project just went out for bid and the Village should be entering into a contract by next week.

Commissioner Fang asked if there were any changes to the size or number of the apartments. Mr. Maron stated that the plans have not been altered; they are the same as the plans previously approved by this Board. The applicant has not made plans with retail tenants as of this time.

John Cavallaro, Village Attorney, stated that concerning the change in architects, the approved drawings are spelled out in the resolution, which can be compared to the submitted plans.

Mr. Maron added that the previous applicant hired John Meyers Consultants for the engineers, this applicant would continue with the same firm.

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

No Public Comments

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

Commissioner Miller read the following:

A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE
ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE EXTENSION OF A
CERTAIN SITE PLAN APPROVAL FOR THE PREMISES 300-308 COLUMBUS AVENUE,
TUCKAHOE, NEW YORK

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 June 18, 2013.

WHEREAS, the Planning Board of the Village of Tuckahoe is considering extending the approval of a certain site plan approval for the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York; and

WHEREAS, the project consists of the development of the site with a mixed-use building consisting of 47 residential units (43 studio units and 4 one-bedroom units), 3,600 square feet of commercial space and 61 off-street parking spaces; and

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.

NOW, THEREFORE, BE IT RESOLVED

Section 1. 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.

Section 2. That this resolution shall take effect immediately.

Commissioner Caliano motioned to approve this Negative Declaration pursuant to SEQR, seconded by Commissioner Nerenberg and upon roll call was carried with a vote of 7 – 0.

Commissioner Miller read the following Resolution:

In the matter of the Application of Crestwood Station Plaza, LLC, 300-308 Columbus Avenue, Tuckahoe, New York

Findings of Fact, Conclusions of Law and Decision

Background and Findings of Fact:

The Applicant is the owner of the Premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe (the "Village") as Section 42, Block 8 and Lots 5 and 10 (the "Premises"). The Premises is located within the Business/Residential Zoning District and consists of approximately 0.75 acres of land, which is located on Columbus Avenue near and at its intersections with Lincoln Avenue and Fisher Avenue, all within the Village of Tuckahoe, New York.

The Applicant proposes to develop the Premises according to a site plan that contemplates mixed-use development goals that will demolish two existing gas stations in order to construct a new building facilitating both residential and commercial uses (the "Project"). In connection with the Applicant's proposal, it seeks an extension of its site plan approval from the Planning Board of the Village of Tuckahoe (the "Planning Board").

As stated, the Premises is located in a Business/Residential Zoning District.¹ The Premises consists of two tax lots on which buildings and/or parking facilities are proposed to be constructed and utilized for mixed commercial and residential uses. The proposed construction will involve demolishing the two existing gas stations, which are non-conforming uses, and constructing a mixed business/residential building consisting of 47 residential units (43 studio units and 4 one-bedroom units) with 3,600 square feet of commercial space. In addition, the Applicant proposes to provide 61 off-street parking spaces as well as a net addition of 8 on-street parking spaces adjacent to the Premises.

The Applicant had demonstrated to the Planning Board that it will utilize all possible design, engineering and construction techniques to minimize the impact that the proposed buildings would have on other buildings in the Zoning District, those nearby buildings, and to mitigate any negative effects on the environment.

¹ In 2010, the Premises was re-zoned by the Village Board of Trustees to a Business/Residential Zoning District.
June 18, 2013

On July 9, 2012, by way of a Findings of Fact, Conclusions of Law and Decision filed and entered with the Village Clerk on July 10, 2012, the Planning Board granted the then Applicant site plan approval. The grant of site plan approval by the Planning Board was valid for a period of one (1) year. The Applicant currently seeks to extend its site plan approval for an additional one (1) year period.

Planning Board Review:

During site plan review, the following issues were identified or extensively deliberated before the Planning Board: (i) impacts on schools and the generation of school-aged children from the Project; (ii) existing conditions affecting the Project such as land use, neighborhood and community character, public policy, community facilities and emergency services; (iii) traffic conditions; (iv) parking accommodations and considerations; (v) pedestrian conditions; (vi) building height, scale and aesthetic impact and massing; (vii) ingress and egress to the Premises; (viii) the Project's compatibility with the Village's Comprehensive Plan; and (ix) neighborhood character issues adjacent to the Premises and within the general vicinity of the community. On May 15, 2012, the Planning Board issued a Negative Declaration under the State Environmental Quality Review Act ("SEQRA").

To grant site plan approval for the Project, the Planning Board was required to consider all of the purposes and goals set forth in the Zoning Code. In doing so, the Planning Board reserved the authority to impose conditions on the Project to insure full compliance with the letter and spirit of the Zoning Code. See Zoning Code Section 7-1.4. The Planning Board strictly adhered to this level of review. Among other factors, and as set forth in the Zoning Code, the Planning Board considered the following standards in weighing the grant of site plan approval.

1. Safe, Adequate and Convenient Vehicular and Pedestrian Traffic Circulation Both Within and Without the Site.
2. The Protection of Environmental Quality and the Preservation and Enhancement of Property Values in the Neighboring Area.
3. Building Quality and Overall Site Design That Enhances and Protects the Character and Property Values of the Neighborhood.

Conclusions of Law:

Under New York law, it is well-settled that where a site plan approval has been conditioned upon the commencement of construction within one year and the applicant has failed to begin construction, a denial will be sustained only where the circumstances have changed in such a way that the facts upon which the site plan approval was granted no longer exist. A denial should be premised on a change in the relevant circumstances. As urged by the Applicant, there has been no material change in the facts and circumstances that served as the basis for the granting of the aforementioned site plan approval. Based on the record before this Planning Board, there has been no factual proof that the facts and circumstances that underlie the granting of the site plan approval has changed. For example, this Planning Board is unaware of any other development projects in the surrounding area to the subject Premises. Moreover, the adjacent uses surrounding the Premises have not changed in such a way that would change the July 9, 2012 decision of this Planning Board. Based on the foregoing, it is hereby resolved that the Applicant's extension request of the aforementioned site plan approval should be granted under the circumstances and applicable law.

Conditions:

The Planning Board's grant of site plan approval for the Project is subject to the conditions set forth on Schedule A attached hereto and made a part hereof and incorporated by reference herein. The Planning Board finds that the conditions set forth on Schedule A are reasonable conditions imposed on the Applicant in an effort to make the Project more harmonious with the Village's laws and ordinances in addition to further reducing any perceived negative environmental impacts from the Project. The conditions set forth on Schedule A are applicable to and binding on the Project.

SEQRA:

Based on the foregoing, the Planning Board of the Village of Tuckahoe finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA.
2. This Planning Board is in possession of all information reasonably necessary to make the determination as to the environmental significance for the extension of the site plan approval.
3. That the action taken herein shall not have significant impacts upon the environment and it is declared that a Negative Declaration be hereby adopted with regard to this action.

Conclusion:

Based on the foregoing, it is resolved that site plan approval be and is hereby extended to the Applicant for the Premises for a period of one (1) year in accordance with this Findings of Fact, Conclusions of Law and Decision and subject to the conditions set forth on Schedule A attached hereto and made a part hereof and incorporated by reference herein. The Applicant and/or interested third parties are notified of their respective rights to appeal this decision or any part thereof in accordance with the New York Civil Practice Law and Rules.

SCHEDULE "A"

**CONDITONS TO A CERTAIN SITE PLAN EXTENSION FOR THE PREMISES 300-308
COLUMBUS AVENUE, TUCKAHOE, NEW YORK CONCERNING THE APPLICATION OF
CRESTWOOD STATION PLAZA, LLC**

The Planning Board's extension of site plan approval for the Project is subject to the conditions set forth below, which are incorporated by reference in the Findings of Fact, Conclusions of Law and Decision of the Planning Board. The Planning Board finds that the conditions set forth herein are reasonable conditions imposed on the Applicant in an effort to make the Project more harmonious with the Village's laws and ordinances, in addition to further reducing any potential negative environmental impacts from the Project. The following conditions are applicable to and binding on the Project:

1. During all phases of construction of the Project, the Applicant, as applicable, shall provide and/or maintain access to the surrounding public sidewalks for the benefit and safety of passersby and pedestrian traffic as shown on Approved Plans;
2. Any material deviations by the Applicant from the Approved Plans submitted to the Planning Board and/or this extension with conditions without approval of the Planning Board shall be deemed a violation of this site plan extension, subjecting the same to such remedies in accordance with law as the Village deems appropriate. Any such material deviation shall require the further approval of the Planning Board;
3. During all phases of construction and upon completion, the Applicant shall undertake all measures to ensure that "no net increase" in storm water runoff will be generated by the Project. Storm water quality treatment and erosion control measures shall be undertaken in conformity with the local laws of the Village of Tuckahoe and the applicable laws of the State of New York;
4. The Project shall consist of no more than 47 residential units (43 studio units and 4 one-bedroom units) and 3,600 square feet of commercial space as presented by the Applicant. The residential component of the Project shall be limited to 43 studio units and 4 one-bedroom units for a total of 47 residential units. The Project shall have no two-bedroom units or three-bedroom units;
5. No non-municipal heavy equipment and/or trucks and/or commercial vehicles shall be stored on the site unless being used on a continuing basis on the site during construction or pre-construction;
6. This Planning Board recognizes that in connection with the grant of site plan approval from the Planning Board the Applicant was required to underground certain overhead utility lines. Specifically, by condition number six (6) set forth in the Planning Board's grant of site plan approval, dated July 9, 2012,

it was stated that, "Exclusive of the costs for the Off-Site Improvements as stated in Condition Number 21 herein, the Applicant shall relocate all overhead utility lines existing along the site's frontage underground on Columbus Avenue as recommended by the Eastchester Fire Department." This Planning Board understands that in connection with a larger project the Village intends to underground certain overhead utility lines near and adjacent to the site of the Project. This Planning Board further understands that in connection with the undergrounding of the subject overhead utility lines the Village and Applicant have come to an agreement whereby the Village will undertake to underground the overhead utility lines existing along the Applicant's site frontage on Columbus Avenue in exchange for certain remuneration and payments to the Village. This Planning Board further understands that by way of a letter agreement, dated May 8, 2013, the Village and Applicant have agreed to the terms and provisions of the manner in which the Village will undertake to underground the overhead utility lines existing along the Applicant's site frontage on Columbus Avenue and the remuneration and payments to be paid by the Applicant to the Village for the same. The grant of the extension for site plan approval, as extended herein, is conditioned upon the Applicant's compliance with the terms of the aforesaid letter agreement, dated May 8, 2013, between the Village and the Applicant;

7. All work within the Village of Tuckahoe's right-of-way and on public premises will be in accordance with specifications determined by the Village Board of Trustees of the Village of Tuckahoe;

8. The building proposed to be developed on the site shall have no more than 3 habitable levels facing Lincoln Avenue (excluding the parking areas, elevators, fire stairs and corridors) and 3 habitable levels facing Columbus Avenue as shown on the "Approved Plans" as set forth in Condition 9 below;

9. The site plan approval granted herein is conditioned upon the development of the Project and use of the property as set forth in the following plans and drawings submitted to the Planning Board as listed below ("Approved Plans"):

1. John Meyer Consulting, PC Drawings:

| <u>Dwg. No.</u> | <u>Title</u> | <u>Rev.</u> | <u>#/Date</u> |
|-----------------|-----------------------------------|-------------|---------------|
| SP-1 | "Cover Sheet" | 10 | 07/2/2012 |
| SP-2 | "Existing Conditions" | 8 | 07/2/2012 |
| SP-3 | "Layout and Striping Plan" | 15 | 07/2/2012 |
| SP-4 | "Grading & Utilities Plan" | 11 | 07/6/2012 |
| SP-5 | "Sediment & Erosion Control Plan" | 11 | 07/6/2012 |
| SP-6 | "Landscaping Plan" | 10 | 07/2/2012 |
| SP-7 | "Site Cross Sections" | 9 | 07/2/2012 |
| SP-7A | "Site Cross Sections" | 7 | 07/2/2012 |
| SP-7B | "Retaining Wall Elevations" | | 07/2/2012 |
| SP-8 | "Site Details" | 8 | 07/2/2012 |
| SP-9 | "Site Details" | 8 | 07/2/2012 |
| SP-10 | "Site Details" | 9 | 07/6/2012 |
| SP-11 | "Site Details" | 9 | 07/6/2012 |
| SP-12 | "Site Lighting Intensity Plan" | 1 | 07/2/2012 |
| SP-13 | "Overall Site Plan" | | 07/2/2012 |
| AT-1 | "Automotive Turning Analysis" | 6 | 07/2/2012 |
| AT-2 | "Truck Turning Analysis" | 6 | 07/2/2012 |

2. Street-Works Consulting, LLC Drawings:

| <u>Dwg. No.</u> | <u>Title</u> | <u>Rev. Date</u> |
|-----------------|----------------------------------------------|------------------|
| A-101 | "Columbus Ave. Plan" | 07/02/2012 |
| A-102 | "Typical Upper Level " | 07/02/2012 |
| A-103 | "Top Level Plan" | 07/02/2012 |
| A-104 | "Roof Plan" | 07/02/2012 |
| A-201 | "Exterior Elevations" | 07/02/2012 |
| A-202 | "Exterior Elevations" | 07/02/2012 |
| A-301 | "Building Perspective" | 07/06/2012 |
| A-301a | "Building Perspective w/Trees" | 07/06/2012 |
| A-302 | "Building Perspective" | 07/02/2012 |
| A-302a | "Building Perspective w/Trees" | 07/02/2012 |
| A-303 | "Shadow Study" | 07/02/2012 |
| A-304 | "Residential Entry" | 07/02/2012 |
| A-305 | "Walkway" | 07/02/2012 |
| A-306 | "Proposed Pocket Park Plan" | 07/02/2012 |
| A-307 | "Proposed Pocket Park Aerial Perspective | 07/02/2012 |
| A-308 | "Proposed Pocket Park Eye-Level Perspective" | 07/02/2012 |
| A-401- 404 | "Materials" | 07/02/2012 |
| A-501 | "Architectural Light Fixture" | 07/02/2012 |

10. The entry to the parking off Fisher Avenue shall be marked with a "permit parking only" or "private" sign and all residents and/or merchants/employees shall be required to obtain a sticker or hang tag which shall be displayed when they park on site;

11. With respect to the adjacent church, the Applicant shall submit a letter to the adjacent church requesting permission regarding the trees and landscaping proposed for its property. The letter will provide and the Applicant agrees that any damaged or removed trees shall be replaced by Applicant at its sole cost, subject to the permission of the church;

12. In coordination with the Village of Tuckahoe Police Department, the Applicant shall supply, install and locate all parking meters near, along and adjacent to the site as shown on Approved Plans;

13. An as-built foundation survey must be completed and submitted to the Building Inspector prior to the issuance of permission to proceed with building construction;

14. Construction specifications for "Off-Site Improvements" as set forth below are to be coordinated with the Village Superintendent of Public Works in accordance with Approved Plans;

15. A sample set of materials are to be left with the Building Department for coordination during construction;

16. Quantities of cut and fill shall be provided to the Building Department prior to the issuance of a building permit;

16A. The Applicant shall obtain all "Necessary Approvals and Permits" from the Village Board of Trustees and other governmental agencies having jurisdiction as it concerns the Off-Site Improvements as set forth below and any other public improvements to be constructed and installed in accordance with the June 18, 2013

Approved Plans, and if applicable, further obtain all other “Necessary Approvals and Permits” from the Village Board of Trustees for the Approved Plans. A “Necessary Approval and Permit” shall be an approval or permit for an Off-Site Improvement or public improvement that is desired or wanted by the Village Board of Trustees in their discretion. This condition shall not preclude the Applicant from filing for or obtaining a Building Permit;

17. The Applicant shall obtain from the Sign and Awning Review Board approval for all signs to be located on the site and on the proposed building to be constructed on the site as provided in Chapter 3, Article II of the Village Code;

18. During periods of heavy snowfall that diminish the availability of parking spaces, the heavy snowfall shall be hauled from the site to maintain adequate parking on the site;

19. Subject to Condition 20 immediately below, there shall be no assigned parking spaces on the site. All parking spaces on the site will be shared parking spaces;

20. With regard to the tandem spaces to be located in the on-site parking lot, the front most portion of the tandem spaces shall be used for employees only, with the back of the tandem spaces to be used for employees or patrons;

20A. Subject to Conditions 6 and 16A above and Condition 21 below, all Off-Site Improvements in front of, adjacent to, and across from the proposed building, including, but not limited to, sidewalks, curbs, benches, planters, trees, striping, landscaping, and streetscape furniture are to be built at the Applicant’s cost and expense according to the Approved Plans and this work must be completed before the issuance of a Certificate of Occupancy;

21. The Applicant, at its sole cost and expense, shall cause to be constructed, subject to the conditions herein, certain improvements adjacent to the Project and across from the Project that are to be located beyond its property lines and beyond the curb lines of Columbus, Lincoln and Fisher Avenues (cumulatively, the "Off-Site Improvements"): such Off-Site Improvements being those depicted on the approved John Meyer PC drawings SP-1 to SP-12 and Street-Works’ drawing A-306 Proposed Pocket Park Plan as finally approved by the Village Board of Trustees and/or all other applicable governmental agencies having jurisdiction. The Off-Site Improvements shall be completed, subject to the conditions herein, in a first class workmanlike manner prior to the issuance of the Certificate of Occupancy for the Project.

The Applicant shall construct and install and be solely financially responsible for the following Off-Site Improvements as shown on the Approved Plans: 1) those improvements lying between Applicant’s property lines and the curb lines on Fisher, Columbus and Lincoln Avenues; 2) the crosswalks and other improvements in the intersection of Columbus and Lincoln Avenue; 3) the curb relocation and other improvements at the northeast corner of the Columbus and Lincoln Avenues intersection. However, to the extent that the costs for constructing and installing the foregoing Off-Site Improvements numbered 1, 2 and 3 as shown on the Approved Plans may be increased as the result of any modification thereof or addition thereto by the Village Board of Trustees or other governmental agencies in the course of their rendering the “Necessary Approvals and Permits” as set forth in paragraph 16A. above, the Applicant shall be required to construct and install said Off-Site Improvements as so modified or added to only to the extent the Applicant’s costs for constructing and installing same shall not exceed the costs for constructing and installing such Off-Site Improvements as if constructed and installed in accordance with the Approved Plans

without such modifications and or additions. In addition, the Applicant shall not be responsible for incurring more than \$40,000 toward the construction cost of the proposed Pocket Park plan shown on the approved Street-Works' drawing A-306 ("Applicant's Cost Responsibility").

Thus, in accordance with Section 7-725-a(7) of the Village Law, the Applicant shall post a performance bond(s) or letter of credit(s), the provisions of which shall be approved by the Village Attorney, in the amount of \$150,000 to secure the Applicant's construction of the Off-Site Improvements for which the Applicant is solely responsible as set forth in the preceding paragraph, plus the Applicant's Cost Responsibility (\$40,000 for the Pocket Park) for the Off-Site Improvements on or before the receipt of a Building Permit. As the Applicant constructs such Off-Site Improvements, upon presentation to the Village Building Department of the proof of the certified costs incurred, and approval by the Village Building Department, the Applicant shall be entitled periodically to request reductions in the amount of said security equating to the amount of said costs incurred to date and the Village shall diligently provide written authorization to the Applicant or its bonding company or financial institution, as the case may be, for such reduction and ultimately, for the final complete release of said security when the Off-Site Improvements have been constructed, installed and completed pursuant to the Approved Plans as set forth herein and approved by the Village Building Department.

In connection with the construction of the proposed Pocket Park, the Applicant shall provide certified, itemized invoices and/or bills for the Applicant's Cost Responsibility of \$40,000.00;

22. The storm water run-off plan approved by Dolph Rotfeld Engineering shall be complied with by the Applicant;

23. The Applicant shall be required to procure and obtain all necessary and applicable approvals and permits from the County of Westchester as it concerns this Project;

24. The conditions contained herein and the improvements associated therewith must be completed, complied with and/or installed prior to the issuance of any final Certificate of Occupancy for the Project; and

25. Subject to the limitations explained in Condition 21, each of the conditions contained herein shall be satisfied by the Applicant at the Applicant's sole cost and expense.

26. The grant of extension herein for site plan approval shall expire within one year from the date hereof, to wit: June 17, 2014.

Mr. Maron noted a few corrections which John Cavallaro, Village Attorney, made note to change in the resolution. On page two, the term *demolishing* should be used; also on page two, the sentence should read...*which are non-conforming uses and constructing a mixed-use/residential building*...

Commissioner Caliano motioned to approve this resolution, seconded by Commissioner Ciaramella and upon roll call was carried unanimously.

Item #3 269 Columbus Ave.**Site Plan**

Mr. Rocco Salerno, attorney representing the applicant, noted that this is an existing retail location. The applicant requests to alter the space for acupuncture and retail of herbal supplements. There will be no changes to the premises.

The applicant, Mr. Kim, is a licensed practitioner and presently has a practice in Scarsdale. The interior will consist of an office for consultations, a small area with medicine cabinets to mix the freeze-dried supplements, and three treatment rooms to administer the acupuncture. There will be no more than two clients at a time. He currently has a few hundred patients, but the patients visit only one or two times per week. He sees approximately five patients per day. The clients visit by appointment only between 10:00am and 3:00pm, seven days per week.

Mr. Ed Coco, owner of the building, will provide two parking spaces for this operation.

Mr. Kim noted that he would prepare herbal supplements by putting the ingredients into a gel capsule. Only FDA approved ingredients are used.

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 Fang motioned to grant a Negative Declaration pursuant to SEQR, seconded by Commissioner Miller and was carried with a vote of 7 – 0.

Commissioner Gorman motioned to approve the site plan application as presented tonight, was seconded by Commissioner Nerenberg and was carried with a vote of 7 – 0.

Item #4 200 Marbledale Road**Site Plan**

Mr. Rocco Salerno, attorney representing the applicant, introduced a site plan for an ice sports training facility at this location. The use is compliant with the Zoning Code of this industrial area. There will be no changes to the building, just paint and exterior improvements.

Mr. Dave Barbuti, architect, noted that this site measured 10100sq. ft. with an 1100sq. ft. mezzanine level. The ice skating rink will measure 55ft. x 94ft. There will be an area for the Zamboni, restrooms, locker rooms and skate rental area. The upper mezzanine level will be a viewing area, small office and kitchenette area. The exterior is a masonry structure with grey stucco. The plan is to paint the stucco blue with awnings and a horizontal band.

This site falls between Tuckahoe and Eastchester. There are no variances needed in the Village of Tuckahoe, but there are variances needed in Eastchester.

Chairman Leo noted that this project would require the Board to consult with the village consultants, require a traffic study, study noise and parking. The compressors for the ice-skating rink need to be approved for noise level. The Board needs to study how this will impact adjacent properties.

Mr. Rocco noted that the town of Eastchester would coordinate with Tuckahoe regarding the traffic study etc.

Mr. Zev Abraham and Kevin Wright, applicants, stated that this is a small facility to be used to train kids as hockey players, figure skating etc. There is interest from Bronxville Youth Hockey for their under 8 and under 10 year old teams. Each team has 15 children and plan to train at this site. The plan is to run hockey clinics, figure skating clinics and maybe an afterschool skating club. The maximum number of children on the rink is 15. One team will practice at a time. The rink is not big enough for real team games but games of three on three would be permitted. The hours of operation would be 6:00am to 11:00pm seven days a week. Hockey teams such as Eastchester and Tuckahoe varsity teams practice before school hours. The busiest times at the rink would be before school hours and after school hours. The weekday hours from 4:00pm to 9:00pm would be the busiest. The entire weekend should be busy, and during the summer hours, the plan is to provide hockey camps for the children. There would be two employees with parents as volunteers.

Commissioner Nerenberg asked about the ice compressor unit and the wastewater.

Mr. Abraham stated that the air is cooled and the rink will stay frozen. There are no contaminants in the water. The compressor may be a 40 ton or 30 ton chiller. The chiller will be placed on the roof and will comply with the noise regulations. Since the rink is only 55ft. by 94ft., the chiller package will not be too big and intrusive. He added that there is a comparable rink located in New Jersey. He will bring the specs on that site to the next meeting. As for parking, the worst-case scenario is to use some parking spaces at the Phoenix Fitness site. As for drinks and food, the applicants plan to have vending machines. In the future, the possibility of applying for a concession license will be discussed.

Commissioner Caliano noted that the busy times in the early morning hours are also the busy times for the auto body repair shops on that road.

Chairman Leo stated that the traffic study would take that into account.

Commissioner Miller asked about the ice shavings from the Zamboni.

Mr. Abraham stated that there will be a melt pit, and the shavings will not be placed outdoors.

Commissioner Miller voiced his concern regarding the air quality issues with running the Zamboni indoors.

Mr. Abraham stated that he is aware of the NYS regulations and plans to monitor the Carbon Dioxide. He would prefer an electric Zamboni, but they are hard to find and very expensive. He stated that the Zamboni would only run every 90 minutes.

Chairman Leo asked the applicant to provide the specifications of the compressor, such as noise and size of the chiller compressor for the next meeting.

Mr. Abraham agreed and noted the compressor will probably be on the Eastchester side of the roof.

Chairman Leo stated that the submitted plans should include the size of the compressor, noise level, how the compressor will be insulated and any other information.

Commissioner Caliano motioned a notice of intent for the Tuckahoe Planning Board to be Lead Agency regarding this application. Commissioner Miller seconded the motion and upon roll call was carried with a vote of 7 – 0.

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

Public Comments

Jeff Zuckerman stated that the Phoenix Fitness Center opened daily at 5:00am.

Commissioner Caliano motioned to keep the public hearing open, seconded by Commissioner Ciaramella and carried unanimously by the Board.

Item #5 144 Wallace St.

Adjourned

Item #6 100 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.