

January 29, 2008 (revised Feb. 26, 2008)

TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL – 8:00pm

Present: Chairwoman Ann Marie Ciaramella
Commissioner Eric Fang
Commissioner James Vaughan
Commissioner Melba Caliano
Commissioner Raymond Nerenberg

Also in Attendance:

John Cavallaro Village Attorney
Frank Fish Village Planning Consultant
Bill Williams Building Inspector

Chairwoman Ciaramella announced the evening's agenda as follows:

- Item #1 Approval of minutes – October 15, 2007**
Item #2 Approval of minutes - December 17, 2007
Item #3 91 Lake Ave/86 Yonkers Ave Site Plan/Special Use Permit
Item #4 25 Oakland Ave. Site Plan/Special Use Permit
Item #5 4 Union Place - JUMA Extension – Site Plan
Item #6 100 Main St. Return
Item #7 146, 150, 160 Main St and 233 Midland Ave. Return

Item #1 Approval of Minutes – October 15, 2007

Motion by Commissioner Nerenberg to approve the minutes from the October 15, 2007 meeting was seconded by Commissioner Vaughan and carried by the Board with a vote of 5 – 0.

Item #2 Approval of minutes - December 17, 2007

Motion by Commissioner Nerenberg to approve the minutes from the December 17, 2007 meeting was seconded by Commissioner Vaughan and carried by the Board with a vote of 5 – 0.

Item #3 91 Lake Ave/86 Yonkers Ave Site Plan/Special Use Permit

Mr. George Berger, owner of 91 Lake Ave., stated that he currently has an architect and engineering firm renting the first two stories of this three-story building. He requested that a ballet school operate on the third floor. He noted that he complies with the parking ordinance, as he owns the small parking lot across the street, on Elm St. Mr. Berger stated that Mr. Williams reviewed the parking plans and he exceeds the necessary parking requirements. Most of the parking spaces remain vacant as employees commute via the Metro North.

Ms. Leslie Auto, owner of the ballet school, indicated that there would be two teachers, she and her daughter. They commute in the same car, as a result, they will not require many parking spaces. Most

clients are dropped off in a group that carools to the school. The parents do not park and stay for the class.

Commissioner Fang voiced his concern regarding the safety of the tandem parking in the lot.

Bill Williams, Building Inspector, indicated that the parking lot has been laid out that way for four years and there has not been a problem. The property owner can designate parking spots for each tenant.

Motion by Commissioner Nerenberg to accept the site plan as presented tonight. Commissioner Caliano seconded the motion and was carried with a vote of 4 – 1 with Commissioner Fang voting ‘Nay.’

Item #4 25 Oakland Ave.

Site Plan/Special Use Permit

Applicant was not present.

Item #5 4 Union Place - JUMA

Extension – Site Plan

Mr. Robert Wellner, Vice President of JOBCO, representing the applicant JUMA, submitted a packet for review. The packet included a memo from Gina Martini, analyzing the traffic impact and the Environmental Review Form. The memo concluded that the traffic impacts resulting from 37 units of affordable rental senior housing would be accounted for in the background growth factor used in the Main St. Rezoning Traffic Impact Study. It was also determined by Gina Martini that the project will not result in any large and important impact and, therefore, will not have a significant impact on the environment. Mr. Wellner noted that the design and SWPPP for the site would meet and/or exceed the ordinance. He summarized the affordability chart. Mr. Wellner stated that the Board requested an updated Full Environmental Review due to the additional projects in Tuckahoe. The Full EAF is in the packet dated December 27, 2007. He assured the Board that the original plans that were approved have not been changed. JUMA will be made available first to seniors in the Village of Tuckahoe, second to the seniors residing in Eastchester, third to the relatives of the residents of Tuckahoe and Eastchester. He noted that a marketing plan has been submitted to the state.

Commissioner Fang requested a copy of the marketing plan for the Village’s records.

Public Comments

Noel Degaetano, 33 Terrace Place, stated that there is currently a parking shortage in this area. There are too many buildings in Tuckahoe.

Paul DiSanto, 33 Jefferson Pl., noted that his house is right next door to the proposed site. He asked where parking for the employees, visitors and home health care aides for the frail would be located. He also stated that there is not enough parking.

Jeff Myers, 16 Terrace Place, asked the Board to reject the extension. The developer received site plan approval back in 2005 and is now asking for yet another extension in 2008. There has been additional buildings and properties developed in the interim. The Village is too dense already and this project will de-value the Village. He noted that 37 units with 27 parking spaces are not enough. The Tuckahoe Housing Authority will manage this site, and has difficulty managing themselves. It is wrong for the residents.

Eleanor Ballistaros, 12 Terrace Pl., stated that the elderly still drive and own vehicles, as her own mother is 84 years old and drives daily.

Donald Brundidge, 25 Van Duzen, also stated that he opposed the approval of the extension, as the parking situation was serious. He noted that the Village was overdeveloped.

Phil White, former Mayor of Tuckahoe, 50 Columbus Ave, indicated that he is a Board member of the Tuckahoe Housing Authority, which has been given the highest approval rating of 30/30. This proposed senior building will fall under the THA after three years of operation. Seniors are good for the community and this project has been supported by Congresswoman Nita Lowey, Senator Schumer and Legislator Vito Pinto. He stated that this affordable housing would be good for Westchester County.

Tom Bailey 122 Park Ave, indicated that his property abuts the JUMA property. He stated that the property for the proposed project was not suitable for a single family house due to the hill, trees and rock, much less a 37 unit building. He noted that between the two senior housing buildings, there would be 71 apartments, less 8 apartments earmarked for frail elderly. The total would amount to 63 units with only 27 parking spaces. Mr. Bailey stated that he reviewed the state application and the finances are not in place now for this project. As far as the THA, Mr. Bailey stated that it is now in litigation and is troubled. The THA is not ready to take on the responsibility of this new senior project. He stated that it is his opinion that regards to the standard of review, this Board has the discretion to vote as if this was a new application. Main St. has changed significantly since 2001 and 2005. The parking is deficient and the Board would not entertain another application with these plans.

Tracy Shivone, 27 Fisher Ave., agreed that seniors are great for the community, but not at this location. She stated that she personally could verify that 15 – 20 members of the HUD indicated that the THA has financial difficulties due to management. As of the present time, HUD has appointed a person in charge of the THA. She offered to submit the names and phone numbers of the members of the HUD at the Board's request.

Mr. Wellner noted that some of the statements made tonight were not 100% truthful. Affordable housing is a very competitive process to get funding approved. It is regulated by the state and the profit margin is monitored. The traffic has been addressed by the experts, see submitted packet. He noted that 27 parking spaces are more than adequate with on street parking. He noted that he has more than adequately addressed all issues and promised that stated officials will assist the THA with management.

Frank Fish, Village Consultant, noted that the research submitted by the applicant was updated to take in all the new projects in the Village. This Board has spent several years discussing this project, but the Board has the discretion to re-open these issues.

John Cavallaro, Village Attorney, stated that this project has a court stipulation. After an Article 78, the court granted JUMA the permission to build. The Village appealed and the court stipulated that JUMA may build 43 units with 27 parking spaces. During 2005, the project was decreased to 37 units with 27 parking spaces.

Commissioner Vaughan noted that the residents must remember that the court has stipulated what the Planning Board should approve not what the Planning Board would like to approve.

Chairwoman Ciaramella noted that the court decision remains in effect.

John Cavallaro, Village Attorney, advised the Board to discuss the issues during executive session for a precise grasp of this request.

Motion by Commissioner Nerenberg to close the public hearing was seconded by Commissioner Fang and carried with a vote of 5 – 0.

Item #6 100 Main St. Return

Mr. Nathaniel Parish, Urban Planner, representing Mr. and Mrs. Angelillo, submitted a prepared statement for the Board to review as a supplement to his December 17, 2007 letter to the Board. The zoning ordinance provides only for minimum requirements, thus a side yard set back should be necessary to provide adequate light, air and safety in order to protect an existing building. He stated that this project represents a significant adverse impact on the adjoining parcel. The applicant has not submitted a plan that shows valid, legal parking spaces. Thus, as a SEQRA matter, the present plan represents a significant adverse impact. In addition, as SEQRA lead agency, Mr. Parish asked the Board to examine the impact of light and air, which affect his client's property, parking deficiency, air quality, traffic, visual impacts and community character impacts.

Noel Degaetano, 33 Terrace Place, stated that a 4-story building was too high.

Commissioner Vaughan noted that the height of the building is within code, 42 ft. It will be 42 ft. high whether it is 4 stories or 3 stories.

Eve Booke, Garfield St., noted that Terrace Pl., is very narrow. Fire trucks have difficulty. The road slopes down and is very slippery in the winter. The visibility is very poor.

Frank Fish, Village Consultant, noted that the SEQRA has to be satisfied before any variances are granted. The traffic study revealed that there would be an additional 5 – 7 vehicular trips during the peak hours and he noted that this amount of trips usually would not warrant a SEQRA review. Mr. Fish stated that the two decks for parking are sufficient. The two-way solution on Terrace Place seems to be the best option to prevent the vehicles from driving through the neighborhood. He noted that as this is not a perfect solution, it is the best of the options available. The Zoning Board cannot act on the variances until the Planning Board makes a determination regarding SEQRA. The suggested deadline of 20 days has expired. The Board has done all that the SEQRA review has expected and has not rushed their decision.

Bill Williams, Building Inspector, stated that the Chief of the Fire Department visited the site and determined that the department would not use the access well on the building next to this site for evacuation.

Commissioner Vaughan summarized the contents of the plan. The amount of vehicular trips during peak hours will range from 5 – 7 vehicles. Terrace Pl. will be two-way for only a short distance on the bottom towards Main St. The building next to 100 Main St. offers misleading information as their windows would not be blocked off as the windows are set in the access well. The architect, back when the building was built, must have anticipated that another building would be built in this business district, therefore he designed the building with windows in a recessed well. The sunlight may be decreased slightly, during the summer months, as the sun travels from east to west. The air in the well will not be stagnating, as it is not capsulated. The owners of the building next to this proposed building has had the luxury of not having a 42ft. high building built on this site blocking their view for all these years. There was always a possibility that a building would be built on this site.

Frank Fish added that if the Zoning Board does not approve the variance for a 4-story building, the applicant may build a 3-story building at the same height, 42ft., as of right.

George Jacquemart, Traffic Consultant, stated that he reviewed the parking plans and the traffic study and determined that the location of the building pulls clients for the retail shops from pedestrian traffic. As a result, 10 parking spaces per 1000 sq. ft. are too much. Retail demand is 2.7 spaces per 1000sq. ft. Due to public transportation nearby, the prospective tenants of this proposed building may not own vehicles. He estimates that 50 parking spaces would be meeting the need. As for traffic impact, the 5 – 10 vehicular trips will not affect the neighborhood. Making Terrace Pl. a two-way street is a very good option.

Motion by Commissioner Nerenberg to close the public hearing, was seconded by Commissioner Fang and unanimously carried by the Board.

Mr. Parish and Noel Degaetano asked to speak once more and were told that the public hearing was closed. Chairwoman Ciaramella indicated that most of the issues brought before this Board were Zoning Board issues.

Item #6 146, 150, 160 Main St and 233 Midland Ave. Return

William Null, attorney representing the applicant, indicated that the EAF has been submitted. As for the possible flooding issue that was brought up at a previous meeting, Mr. Null stated that there has been no history of flooding on Midland Place according to Mr. Raffiani. Regarding the hazardous materials inquiry, there are no conditions on the site, if any are found, all laws will be followed. The design for storm water, there is 0 net run off increase, as it is all impervious surface and the proposed plan offers 10% pervious surface. Regarding traffic, the applicant will do a traffic count. A possible plan, would be to allow vehicles to turn right towards Bronxville on Midland Place. Mr. Null noted that a full EAF has been submitted months ago. A negative declaration would be appropriate at this time.

Public Comments

Frank Fish, Village Consultant, indicated that the report has been sent to the hazardous material consultant to review and his office has not received a report as of yet. The storm water run off satisfies the requirement. Mr. Null mentioned a possible right turn on Midland Place, this is not a SEQRA issue. Mr. Fish noted that it would be a good idea to keep the traffic flow off Main St., but this is a matter for the Board of Trustees.

Motion by Commissioner Vaughan to close the public hearing, was seconded by Commissioner Nerenberg and unanimously carried by the Board.

Chairwoman Ciaramella stated that the Board will wait for the hazardous material report to be submitted before a determination is made.

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 at 10:33pm.