

February 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
Commissioner Antonio Leo

Also in Attendance:

John Cavallaro Village Attorney
Bill Williams Building Inspector

Chairwoman Ciaramella welcomed Commissioner Leo to the Board and announced the evening's agenda as follows:

- Item #1 Approval of minutes – January 29, 2008**
Item #2 146, 150, 160 Main St and 233 Midland Ave. Return
Item #3 4 Union Place - JUMA Extension – Site Plan
Item #4 25 Oakland Ave. Site Plan/Special Use Permit

Item #1 Approval of Minutes – January 29, 2008

Motion by Commissioner Nerenberg to approve the minutes from the January 29, 2008 meeting was seconded by Commissioner Fang. Commissioner Vaughan amended the minutes before final approval. Motion was carried by the Board with a vote of 5 – 0, with Commissioner Leo abstaining as he was not present.

Item #2 Item #6 146, 150, 160 Main St and 233 Midland Ave. Return

William Null, attorney representing the applicant, requested the Board declare a negative declaration pursuant to SEQRA so the applicant could proceed to the Zoning Board for review and return to the Planning Board for site plan approval.

Motion by Commissioner Nerenberg to declare a negative declaration pursuant to SEQRA. Motion was seconded by Commissioner Vaughan and read the attached statement. See Attachment #1.

Mr. Null noted that the new driveways mentioned in the statement are located on Midland Place not Midland Ave. Also, the application requested permission to allow parking for one building to be situated at a different lot. Chairwoman Ciaramella noted that the permission will be added as an amendment to the approval.

Commissioner Caliano voiced her concern regarding the number of potential occupants. If each unit housed one to two occupants, the result would increase the Village population by 2%. Commissioner Caliano indicated that in addition to the other projects being developed on Main Street, this increase will stress the water and power, add to the traffic and certainly impact the Village. She stressed the fact that there is no supermarket in the Village and therefore, the residents must use a vehicle to shop for groceries, which will certainly impact the traffic significantly.

Mr. Null noted that this area was re-zoned for this use. He added that the Environmental Review submitted concluded that there is an adequate water and power supply for the area. Mr. Null noted that the Board could have identified specific issues in the Environmental Impact Statement to be examined further if there was a concern.

Commissioner Caliano noted that the applicant has made a good effort with the project, but the increase in traffic was still a concern.

Upon roll call, motion was carried with a vote of 4 – 1 with Commissioner Caliano voting ‘Nay.’
Commissioner Leo did not vote as he was not present for the presentation of this application.

Item #3 4 Union Place - JUMA

Extension – Site Plan

Mr. Robert Wellner, Vice President of JOBCO, representing the applicant JUMA, requested the Board’s decision regarding the request for an extension of the previously approved application.

Motion by Chairwoman Ciaramella to approve a final site plan extension and read the attached statement. See Attachment #2.

Commissioner Nerenberg seconded the motion. Commissioner Vaughan stated that this applicant has failed to accomplish this project in 2 years. The Village of Tuckahoe has changed since this project was originally approved. Tuckahoe is one of the densest communities in Westchester County and this will add to the density in a major way.

Chairwoman Ciaramella stated that the applicant notified the Village that there are currently 175 people on the waiting list for these apartments. The majority are from the existing senior housing facility in the Village and from Sanford Gardens. It is the understanding of this Board that the residents of the Village will get first chance at this residence. Chairwoman Ciaramella added that in all of her years on the Board, this was the most difficult decision to make, while the county may be negligent, the Village of Tuckahoe has done their part. The courts have intervened which has given the Board very little option in being able to not approve this project. As a longtime resident of this Village, she has watched it become denser. She stated that this Board’s responsibility is to the current residents of the Village. Chairwoman Ciaramella reiterated how difficult this decision was to make.

Commissioner Fang asked about the marketing plan.

Mr. Wellner noted that Chairwoman Ciaramella would be proud of her decision. As for the marketing plan, Mr. Wellner indicated that it was premature to discuss a plan until the state gets involved. The agreement with the THA is that a minimum of 60% of the apartments will go to the residents of Tuckahoe. He noted that he would like to make that 100%, but the applicant would be charged with discrimination.

Chairwoman Ciaramella requested the applicant to continue to forward all documents received from the state to her attention.

Upon roll call, motion was carried with a vote of 4 –1 with Commissioner Vaughan voting ‘Nay.’
Commissioner Leo did not vote as he was not present for the presentation of this application.

Tom Bailey 122 Park Ave, asked to speak before the Board regarding this application. The Board stated that the public hearing of this application was closed at the last meeting.

Item #4 25 Oakland Ave.**Site Plan/Special Use Permit**

Chris Allocco, attorney representing Woodlot Christian Pre-School, indicated that he and his client were referred to the Planning Board from the Zoning Board for some guidance on the proposed parking and traffic flow. The proposed property, 25 Oakland Ave., does not offer any on site parking. He has prearranged leasing of 4 parking spaces at Rick's Auto Shop for the four full-time employees, and will get on the waiting list for reserved spaces at the Fisher Ave. lot. The part-time employees will park at the Fisher Ave. municipal lot with four hour meters. As for traffic flow, the children will be dropped off between the 'No Parking' signs in front of the church's entrance on Oakland Ave. Staff members will supervise the children exiting the vehicle and escorting them to the building. The parents will be instructed to make a right turn on Fisher Ave. towards the train station.

John Cavallaro, Village Attorney, noted that the Planning Board does have the authority to impose parking requirements. The applicant would need variances for parking, including the number of spaces the Zoning Board recommends.

Mr. Allocco summarized a normal day at the Pre-school. The morning session begins around 8:00am with 32 children dropped off between 8:00am – 9:30am. The morning session ends at 11:45 and parents will begin the process of picking up some of the children. From 1:00pm there are 16 children remaining, and the staff reduces to 3 or 4. At 3:30pm the school buses begin to arrive from each elementary school with about 3 – 4 children per bus. At 4:30pm there are approximately 10 children and at 6:00pm there are 3 children remaining.

Commissioner Fang indicated that he was not too concerned with the parking situation as he was with the traffic flow with approximately 30 vehicles being added to a busy area. Another concern was the neighbor's driveway which exits right next to the proposed drop off area.

Mr. Allocco noted that in the past, some parents carpool and now at this location, some children will walk to the school as their parent continues on to the Metro North station. The commuter traffic decreases after 8:30am and that is the same time the drop offs would begin.

Commissioner Caliano asked the time frame in which the children would exit the car in the 'No Parking' zone.

Mr. Allocco estimates that each vehicle would idle for approximately 1 – 2 minutes. There is room for 3 vehicles to line up in the 'No Parking' zone. The traffic circulation may slow up for a few minutes, but it would be seldom that 3 vehicles show up at the same time.

Chairwoman Ciaramella asked if the day care plans to prepare food.

Fr. David Flores, representing the day care, noted that any food served is brought in from the local establishments. There will not be any food prepared on the premises.

Commissioner Nerenberg stated that the premises was used as a day care between 1960 – 1980 for approximately 15 – 20 years. The Genesis Day Care did not cause a traffic problem.

Chairwoman Ciaramella submitted a letter she received from a resident who was against the project at first and has since changed her mind, as she would like to see children back in the neighborhood.

Public Comments

Tracy Shivone, 27 Fisher Ave., owner of the house next to the proposed site. In the past, while the Genesis Hebrew Center was in operation, parents would block her driveway and park in her driveway. She voiced her concern that this will happen again. She requested a police presence to provide direction to the parents and safety for the children. Ms. Shivone stated that although the Genesis Hebrew Center gave her trouble, she had no problems with the previous child care center run by the Chapel School. She noted that the front 'No Parking' area is not long enough to fit 3 vehicles. She stated that her block already has buses from the 2 elementary schools and now does not like the idea that a third elementary bus will drop off children at the day care center. There are approximately 250 'Deadhead' buses per week from Yonkers that travel on Fisher Ave. 'Deadhead' buses are county buses that transport school children from Yonkers to New Rochelle and return empty. The buses do not service Tuckahoe. The buses add to the already congested area. There are trucks, buses and commuter cars all traveling through this area everyday. She noted that the sporadic pick up needed to be addressed. She asked how a teacher would possibly know if a parent is outside ready for their child when the day care center is situated one flight down in the back of the building. This process may impede traffic if there are a few parents showing up at the same time waiting for their children.

Mr. Allacco noted that he and the director of the day care center had discussed cameras for the front door and there is an intercom system already in place. This may help with pick up.

Fr. David Flores stated that he would like to be a good neighbor to Ms. Shivone and all the neighbors. He noted that the 3 elementary buses will arrive between 2:45 and 3:15, each dropping off 3 – 4 children. He expects drop off to flow nicely and would like an open dialogue with Ms. Shivone.

Chairwoman Ciaramella asked the applicant to provide more details with regard to the flow of traffic, the use of a camera and the literature that the center will provide to the parents, to be presented at the next workshop meeting.

Commissioner Nerenberg noted that with all the details and planning, some people are discourteous drivers and will still not follow the signs.

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 10:20pm.

Attachment #1
Read by Commissioner Vaughan

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW
NEGATIVE DECLARATION**

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

February 26, 2008

This Negative Declaration and Notice of Determination of Non-Significance are issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the New York State Environmental Conservation Law. The action for which this negative declaration has been prepared includes certain development activities on the premises commonly known as 146, 150 and 160 Main Street and 233 Midland Avenue, Tuckahoe, New York, and known on the tax map of the Village of Tuckahoe (“Village”) as Section 29, Block 4, Lots 1, 3-8, 13, 17, 33, 36, 39 and 40 and Section 29, Block 9, Lots 1 and 25 (the “Premises”).

The Planning Board of the Village of Tuckahoe (“Planning Board”), as lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

SEQRA LEAD AGENCY: Planning Board

NAME OF ACTION: Application of Mirado Properties, Inc., Dorami Realty of New York, Inc. and Midora Corp (“Applicants”)

SEQRA STATUS: Unlisted Action. The proposed action involves the issuance of area variances and a special use permit in connection with the proposed development of the Premises.

The Planning Board has reviewed and considered the Environmental Assessment Form (“EAF”), dated September 10, 2007, prepared in connection with the above application, and including, but not limited to, the following documents supplementing the EAF: (i) Addendum A with project description; (ii) project site; (iii) proposed site plan; (iv) conceptual development sketch; (v) existing site cross sections; (vi) existing land use; (vii) project site existing conditions; (viii) adjacent land uses; (ix) current zoning; (x) Addendum B; (xi) traffic impact study; (xii) existing traffic volumes; (xiii) 2009 no build traffic volumes; (xiv) new development trip distribution; (xv) new development generated traffic volumes; (xvi) 2009 build traffic volume; (xvii) updated traffic study; and (xviii) letter addressing hazardous waste, dated January 18, 2008.

The Planning Board, as SEQRA lead agency, coordinated and/or consulted with the following agencies and distributed a copy of the EAF as well as the supplementing documents and site plans set forth above to such agencies for their review and comment:

SEQRA INVOLVED AND INTERESTED AGENCIES:

County of Westchester Planning Board

Zoning Board of Appeals of the Village of Tuckahoe

DESCRIPTION OF THE ACTION:

The Applicants plan to develop the Premises by constructing mixed use residential and commercial buildings with parking garages to accommodate the occupants and increase in potential traffic volume. On 146 Main Street, an existing building will be converted into a residential building having two dwelling units and serviced by two underground garages. A mixed use building to house approximately 18 residential units and having approximately 18,500 square feet of commercial

space is proposed for 150 Main Street. The proposed building will provide approximately 53 on-site parking spaces with 24 at-grade level and 29 being subsurface parking spots.

The proposed building at 160 Main Street will be a four story residential apartment building with 55 dwelling units. The proposed residential apartment building for 233 Midland Avenue will have 15 dwelling units. Both buildings at 160 Main Street and 233 Midland Avenue will be serviced by an automated garage facility, which will be situated between the buildings and sufficiently set back from the roadways.

To accomplish the proposed construction and development of the Premises, the applicant requires a special use permit from the Village Zoning Board of Appeals to accommodate for the proposed residential uses within the existing zoning district. The applicant has also requested three area variances seeking relief from regulations concerning the number of stories allowed in a Business/Residential District, nonconforming floor area ratio and overall building height, the latter variance being contingent on a determination from the Planning Board as to the front of the proposed building.

REASONS SUPPORTING THIS DETERMINATION:

In determining that the proposed action will not have a significant adverse effect on the environment, the Planning Board considered the criteria set forth in 6 NYCRR § 617.7. In assessing the above criteria, the Planning has relied on data and resultant findings of fact drawn from reports and other data compiled by an independent engineer and/or the Village's planning consultant.¹ These criteria are discussed in more detail below.

Air Quality

The proposed buildings on the Premises will have no negative affects on the air quality in the immediate and surrounding neighborhoods. Unlike light industrial activities, the Project will be limited to residential and retail uses that do not generate appreciable air pollution. The character of the proposed buildings is consistent with the pattern of development throughout the neighborhood and greater community.

Surface and Groundwater Quality or Quantity

The Premises contains gradients and slopes into which the proposed buildings are sited and may be constructed. The proposed buildings will not result in the creation of appreciable impervious surfaces and have been designed to compliment, rather than impose on the slopes of the Premises. As indicated by the Environmental Assessment Form, the quality and quantity of surface and groundwater will not be affected. Surface runoff, erosion, pooling and other negative effects from development will be effectively mitigated. Thus, the characteristics of the surface and groundwater will remain unchanged and will continue to benefit from the natural topography of the Premises. The proposed buildings and development have been specifically designed to avoid causing any appreciable strain or impact on the area watershed.

Traffic and Noise Levels

Traffic impact studies were conducted to analyze the circulation patterns, volume and potential impact of the proposed development on the surrounding area and the Main Street traffic patterns. In the September 10, 2007 report submitted by AKRF to the Planning Board and Zoning Board of Appeals, the impact on traffic volume from the proposed development was found to be insignificant during both peak and off-peak hours. The studies found that because the lots comprising the premises are accessible from and serviced by streets that connect to Main Street, there would be minimal impact on the volume and flow of traffic into the downtown Village.

Because the proposed development incorporates new driveways along Midland Avenue and will not directly impact the flow of traffic on Main Street, there will be no appreciable impact on traffic conditions within the Village. The Environmental Assessment Form also indicates that operating noises and ambient noise levels will not be affected by the proposed development.

¹ Please note that all references herein to planning reports shall refer to the report and memoranda prepared and submitted by BFJ Planning and James Pinto, consultants to the Planning Board and Zoning Board of Appeals, dated November 7, 2007, December 11, 2007 and January 22, 2008 and that of AKRF Environmental and Planning Consultants, dated September 10, 2007 (revised October 16, 2007), which shall be deemed to include all presentations of the reports and memoranda prepared by BFJ Planning, James Pinto, consultant and AKRF Environmental and Planning Consultants.

Solid Waste Production

The data submitted to the Village indicate that all accommodations will be made to ensure that solid waste generated will be handled and properly collected, and that any additional solid waste production and the effects resulting from such activities on the Premises will be mitigated. The Environmental Assessment Form, dated September 10, 2007, indicates that approximately 14.5 tons of solid waste will be generated per month on the Premises. The form further indicates that the solid waste will be processed at the Charles Point Resource Recover Facility in Peekskill, New York and that domestic recycling will account for all other solid waste generated on site. The report submitted by AKRF (dated September 10, 2007) concludes that the proposed development will ensure compliance with all environmental laws.

Erosion, Flooding, Leaching or Drainage

The design and sites for the proposed buildings will result in minimally imposing structures being built on the Premises. Both the integration of the buildings and their siting on the parcels will minimize their overall footprint. This, in turn, will result in as little disturbance as possible of the soil and subsurface integrity of the Premises.

The proposed buildings and development will alter drainage flow and surface water runoff, which is acknowledged in a memorandum from BFJ Planning to the Planning Board and Zoning Board of Appeals, dated December 11, 2007. In a separate letter from AKRF Environmental and Planning Consultants, dated January 18, 2008, a "no net increase" plan to mitigate flooding is discussed that incorporates storm water management, water quality treatment and other measures to mitigate any potential surface and/or groundwater quality or quantity issues that may arise.

Consistency with Village Master Plan

The Master Plan for the Village of Tuckahoe cites fostering development of residential and commercial uses in the downtown area as one of its principal goals, which includes properties fronting along Main Street and those in the downtown vicinity. As numerous buildings in the surrounding community contain mixed uses, the proposed buildings here are consistent with that established building trend. The Master Plan envisions multiple uses in the downtown Village and encourages variety among the building aesthetic throughout the community.

Character and Quality of Community

As discussed above, the proposed buildings for the Premises will not be a uniform aesthetic or character. Additionally, the proposed buildings will be integrated into the gradient and slope of the Premises, which will minimize the aesthetic impact of their height, size and presence among nearby buildings and as part of the greater community. The largely residential and partially commercial nature of the proposed buildings will be minimally imposing on the largely residential character of the surrounding community.

Because of their proximity to the downtown Village and the train station, the proposed commercial space offers incentives for commuters, pedestrians and residents to pursue commercial activities beyond that of the downtown Village. The Premises will allow for more consistent mixed use development throughout the Village and will promote integration of commercial and residential spaces into broader geographical areas of the Village. The resulting impact will be a gradual extension of mixed use buildings from the center of the Village, rather than only having a clustering of commercial space downtown being isolated from strictly residential buildings and property in the surrounding, outer lying community. The proposed building and the Premises will not have a negative impact on the character or quality of important historical, archaeological, architectural or aesthetic resources within the Village or as affecting its overall character.

Energy Demand

The four proposed buildings and the appurtenant garages will be situated and spread amongst three parcels of land. Although the Environmental Assessment Form indicates an increase in electricity and heating fuel will result from the proposed development when compared to the pre-existing buildings, the increase will not create a significant adverse environmental affect on the surrounding and greater community.

Hazards to Human Health

Because the proposed buildings have been designed to be minimally imposing and amply set back from any nearby streets, traffic hazards to human health from ingress, egress and any increase in traffic volume will be mitigated. The Premises will also house dedicated parking garages for the residents of the proposed buildings, which will eliminate the need for additional off or on-street parking and will minimize traffic congestion throughout the surrounding community.

In the January 18, 2008 letter by AKRF, an underground storage tank is acknowledged on site but there is no history of violations, spills or releases of hazardous material for the site. AKRF concluded that no recognized environmental conditions exist and that any arising in connection with development of the Premises will be properly handled. Thus, no significant past, present or future hazards to human health or the environment will result from developing the Premises as set forth herein.

Intensity of Use

The proposed building and the Premises will not affect, either individually or cumulatively, the use or intensity of use of any land within the Village, including agricultural, open space or recreational resources. The proposed building will not affect the capacity of the Village to support existing uses and those consistent with the Premises.

Other Considerations

The development of the Premises and the resulting use will not encourage or attract a large number of people to a place or places within the Village for a period of more than several days when compared to the number of people and thoroughfare that would be attracted to the Premises absent the proposed action. No appreciable changes will result in two or more elements of the environment, neither of which would have a significant impact on the environment, but when considered together could result in a significant or substantial adverse impact on the environment. No two or more actions undertaken by any agency in connection with this proposed development, none of which would have a significant or substantial impact on the environment, but when considered cumulatively could meet one or more criteria as set forth in 6 NYCRR § 617.7(c)(1) and described above.

In addition, Mr. Fish has been given permission to send the Phase I Environmental Report to his colleagues for review. Any issues raised in that report will be addressed during the Site Plan process.

Attachment #2
Read by Chairwoman Ciaramella

A RESOLUTION EXTENDING FINAL SITE PLAN APPROVAL TO JEFFERSON UNION MANAGEMENT ASSOCIATES RELATING TO THE PREMISES KNOWN AS 4 UNION PLACE, TUCKAHOE, NEW YORK

At a regular meeting of the Planning Board of the Village of Tuckahoe (the "Planning Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on February 26, 2008 at 8:00 p.m.

WHEREAS, Jefferson Union Management Associates, the Owner's designee of the premises known as 4 Union Place, Tuckahoe, New York (the "Applicant") has submitted a request for the extension of its site plan approval concerning the premises commonly known as 4 Union Place, Tuckahoe, New York (the "Premises"); and

WHEREAS, on November 22, 2005 the Planning Board of the Village of Tuckahoe granted site plan approval to the Applicant for a project consisting of, among other things, thirty-seven (37) units of affordable senior housing with twenty-seven (27) parking spaces and associated and appurtenant improvements (hereinafter, the "Project"); and

WHEREAS, on December 18, 2006, at the request of the Applicant, the Planning Board resolved to extend said site plan approval for a period of one (1) year; and

WHEREAS, on October 17, 2007 the Applicant submitted a second request to extend its site plan approval for a period of one (1) year commencing this date; and

WHEREAS, in connection with said request for an extension of its site plan approval, the Applicant has submitted the following to the Planning Board of the Village of Tuckahoe: (i) application; (ii) report of Saccardi & Schiff; (iii) Letter of Gabriel Senor, dated January 24, 2008; and (iv) an updated Long Form Environmental Assessment Form, dated December 27, 2007; and

WHEREAS, on January 29, 2008, the Planning Board of the Village of Tuckahoe conducted a public hearing in connection with said request and received comment in favor of and/or in opposition to the Applicant's request, if any; and

WHEREAS, the Planning Board of the Village of Tuckahoe has duly deliberated and considered the request of the Applicant; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. That, the Applicant's request for the extension of its site plan approval, dated November 22, 2005, and extended on December 18, 2006 is hereby granted subject to the conditions set forth in Section 2 below.

Section 2. That, the extension granted in Section 1 herein is conditioned on the following:

- a. There shall be no further requests for the extension of site plan approval by the Applicant and/or successors in interest; and
- b. The extension granted herein shall expire on February 25, 2009; and
- c. The completion of the construction of the Project, as evidenced by the issuance of a certificate of occupancy, shall be completed on or before February 25, 2010. In the event that said construction is not completed by February 25, 2010 then in that event the Applicant shall be required to return to the Planning Board for further site plan review and approval; and
- d. That, any changes, alterations and/or amendments to the plans, drawings and/or specifications submitted in connection with the issuance of the original site plan approval, dated November 22, 2005, shall require further site plan review and approval by the Planning Board of the Village of Tuckahoe; and
- e. With respect to occupancy of the units comprising the Project, priority shall be given to seniors residing within the Village of Tuckahoe within buildings owned and/or operated by the Tuckahoe Housing Authority; and
- f. Within twenty (20) days of leasing and/or granting occupancy to a unit or units comprising the Project, the Applicant shall notify the Planning Board as to whether said lessee and/or occupant was a resident of the Village of Tuckahoe residing within a building owned and/or operated by the Tuckahoe Housing Authority; and
- g. The Planning Board shall be copied on all reports and records submitted to Westchester County and New York State (including their departments or agencies thereof) concerning the leasing and/or occupancy of the units comprising the Project; and
- h. Within twenty (20) days of notification to the Applicant, the Applicant shall advise the Planning Board of any and all funding commitments, grant commitments and/or financing commitments and/or the revocation or amendment of the same from New York State and Westchester County (including their departments or agencies thereof); and

- i. That, the Applicant shall comply in all respects with the codes of the Village of Tuckahoe, including, but not limited to, the Zoning Code of the Village of Tuckahoe and those regulations governing stormwater runoff and erosion.

Section 3. That, the within action is an Unlisted Action under the State Environmental Quality Review Act (“SEQRA”) and the Planning Board hereby adopts a Negative Declaration pursuant to SEQRA.

Section 4. This resolution shall take effect immediately.