

**November 17, 2015**  
**TUCKAHOE PLANNING BOARD**  
**TUCKAHOE VILLAGE HALL**  
**Regular Meeting – 7:30pm**

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

**Absent:** Commissioner Eric Fang – Ad Hoc

**Also in Attendance:**

Gary Gjertsen Village Attorney  
Bill Williams Building Inspector  
Frank Fish Village Consultant  
Jim Pinto Village Consultant  
Michael Musso Village Consultant

**Chairwoman Ciaramella announced the evening's agenda as follows:**

<b>Item #1</b>	<b>Approval of minutes of Regular meeting held on October 20, 2015</b>	
<b>Item #2</b>	<b>109 Marbledale Road</b>	<b>Return</b>
<b>Item #3</b>	<b>300B Columbus Ave.</b>	<b>Return</b>
<b>Item #4</b>	<b>26 Columbus Ave.</b>	<b>Return</b>
<b>Item #5</b>	<b>100 Main Street</b>	<b>Adjourned</b>
<b>Item #6</b>	<b>10 Fisher Avenue</b>	<b>Adjourned</b>

**Item #1 Approval of minutes of Regular meeting held on October 20, 2015**

**Commissioner Nerenberg motioned to approve the minutes from the Oct. 20, 2015 meeting, was seconded by Commissioner Gorman and carried with a vote of 5 – 0.**

**Item #2 109 Marbledale Road****Return**

Gary Warshauer, architect for the applicant, noted that there were two changes to the proposals. The plans have been reduced from 163 rooms to 153 rooms. The reduction in the number of rooms will reduce the length of the building by 12ft at the north end, which now will be used for additional landscaping. The building will be reduced by 3850 sq. ft. The reduction in square footage allows for a 10-space reduction in the parking lot. This will be used for additional landscaping. All the revised plans have been submitted.

Mr. Warshauer continued his presentation with the submission of the samples of the proposed materials.

The hotel will use the colors that are standard with their prototype. A stucco-like material, Dryvit, in a combination of three colors- Incredible White, blue and brown. An aluminum clear material will be used on the trellis and grills. The front end at the port au cochere will have a low wall with a combination of the metal grill and an Eldorado stone veneer. The stucco will be Incredible White at the port au cochere. The garbage enclosure and the mechanical enclosure will have a concrete slab and a white wooden fence.

The restaurant: the base of the building will be white with white columns holding up the roof. The fabric awnings will be located on the side of the building and at the entrance, metal roof with hardy planks, Chestnut Brown, and an outdoor terrace.

Commissioner Caliano asked if the Board had any discretion with the style and colors chosen for the restaurant.

Gary Gjertsen noted that the Board must follow the Section 7-1 of the Zoning Code; ‘...to fit into the character of the neighborhood...’

Mr. Warshauer continued with responding to Mr. Frank Fish’s memo dated October 27, 2015.

1. The Storm Water Pollution Prevention Plan has been submitted as requested.
2. Green Roof – The site plan shows the south portion of roof will be a green roof. The system is designed to be lightweight with shallow plants. The roof will drain below and adjacent to the green roof. The green roof is an energy saver as it minimizes heat loss and heat gain in the building. It minimizes the rainfall that would add to the system. It is visually aesthetic for neighbors, as they would not have to view any mechanical equipment on the roof.
3. Sidewalk at Smith Carins site – the client has agreed to make a \$5000 contribution to the Village for the construction of the sidewalk. The estimate the applicant received was for \$12000.

Rocco Salerno, attorney for the applicant, added that he would hope that other neighbors, including the owner of Smith Carins, would contribute as well to cover the remaining cost of the new sidewalk.

4. Jackson Avenue and Marbledale Rd Intersection Improvements – the improvements to the crosswalk will be made.
5. And 7. Signage and Lighting – There will be a stop sign at both exits of the parking lot. The applicant will appear before the Sign and Awning Board for the application. The signs for the hotel will be in the front and on the south side of the building. The applicant removed the sign on the north side as per the Board's request. The restaurant has signs and awnings that will be presented to the Sign and Awning Board.
6. Construction Management Plan has been submitted to the Board. The applicant will minimize street parking issues and almost all construction activities will occur on site with the exception of the utilities connections on the street and the construction of the new sidewalks. The plan is to place all the construction trucks on the parking lot of the restaurant while the hotel is being built, then park the construction vehicles at the hotel parking lot while the restaurant is being constructed. There will be no trucks parked on Marbledale Rd.
7. Lighting- See above with number 5.
8. Truck Loading – The plan proposed will have the service area and garbage removal in the same location. The deliveries will be in the morning while the number of guests is at the minimum. The spaces closest to the service area will be designated for employee parking.
9. Traffic at Main Street and Columbus Ave. – the applicant paid for the recent traffic study for the village and feels he paid his fair share of the costs.

Commissioner Caliano referred to an article from the Journal News dated June 26, 2014 citing that the Marriott Hotel planned to construct a 153-room hotel in Tuckahoe. She asked why the number 153 is the same number as recently reduced from the 163 previously proposed.

Rocco Salerno indicated that that article was incorrect; it could have been a simple typo.

Commissioner Caliano noted that reducing the footprint by 12ft. is less than a car length. She noted that there are many hotels in the area. Commissioner Caliano stated that she asked for the studies conducted by the applicant regarding the need for a new hotel. She noted that she has not received the studies. She reviewed the minutes from the Zoning Board and Member Scalzo requested the studies. She noted that the fundamentals were not addressed.

Mr. Salerno noted that the applicant has received variances from the Zoning Board. The hotel would not have been economically feasible if it were built smaller. This is a permitted use. The applicant requested area variances. The Zoning Board applied the 5-prong test and granted the variances. It is beyond the Planning Board's purview to question the Zoning Board's decision.

Commissioner Caliano asked about the 3% hotel tax.

Gary Gjertsen stated that Gov. Cuomo has not signed the hotel tax law. The Planning Board must follow the 7 -1 Section of the Zoning Code.

Mr. Salerno stated that his client has no obligation to improve the property of an adjacent landowner. This Board has no authority to ask or suggest that the applicant do that. The applicant has offered \$5000 to contribute to the cost of the sidewalk. He would hope that Smith Carins and possibly Ki Marshall Arts offer to contribute as well.

Commissioner Caliano noted that if this Board requested a Full EIS, that would cost the applicant approximately \$75,000 to \$100,000. That is a huge savings for the applicant. This Board chose to do a Conditional Negative Declaration instead of a Full EIS. That is a savings to the applicant.

Mr. Pinto, Village Consultant, asked if the plans of the green roof would display where the vents for the vapor ventilation system would be located. In addition, the location of the elevator machine room.

Mr. Warshauer noted that the plans are for a machine-less room elevator. It will be built into the elevator shaft and will be hidden under the parapet.

Mr. Weinberg, applicant, added that there will be no plumbing vents visible on the roof. They will be hidden by the green roof. As for the ventilation vents for the vapor system, that has not been determined if the DOH will require them. It is premature to display the vents. If the DOH does require the vapor ventilation system, they too will be hidden by the plantings on the green roof. There will be no venting pipes visible on the roof.

Mr. Pinto asked that they be displayed even if they would not be protruding. He asked about the cost for the crosswalk striping and if the money will be bonded.

John Canning, Traffic Consultant, noted that all monies that need to be bonded would be bonded. He added that NYS law does not require a stop sign where a private property meets a public street. If it were required, there would be a stop sign at the end of every private driveway. The applicant will place stop signs at both exits of the parking lot for safety precautions.

Commissioner Gorman asked if the traffic study included Marble Place. She noted that some residents use Marble Place for a shortcut.

Mr. Canning noted that the traffic impact on Marble Place would be minimal. Hotel residents will follow the main roads. The residents may continue to use it as a short cut. The increase should be less than 10 vehicles per hour.

Mr. Salerno noted that the Village could place a sign at Marble Place that states: 'No Thru Traffic.' The Police Dept. would have to monitor and enforce it.

Gary Gjertsen, Village Attorney, stated that the Board of Trustees has appointed an engineer to review all the plans of this project including the Storm Water Management Plan. He introduced Michael Musso from HDR.

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

### **Public Comments**

Anthony Fiore 3 Midland Place voiced his concerns regarding several topics; a possible water main break, where would chartered buses park after bringing local college teams to stay at the hotel, were there enough fire hydrants at this location and who is responsible for the maintenance of the sidewalks.

Mr. Warshauer noted that the property owners must maintain their sidewalks.

Mr. Salerno noted that chartered buses do not stay overnight; they drop passengers off at their destination and return for pickup. As for the maintenance of the sidewalk, the applicant does not want to assume the liability of the sidewalk.

Albert Stein 14 Westview asked about tax exemptions and tax subsidies that the applicant would receive for this project.

Mr. Weinberg noted that there is no PILOT, Payment In Lieu Of Tax program. Westchester County has not given any money for this project. There will be a mortgage tax exemption and a relief of sales tax on the purchase of all the equipment. There is not an exact number as the mortgage transfer tax has not been done and there has been no purchase of equipment yet to report the savings on the sales tax.

Gary Gjertsen reminded the Planning Board that they are to look at the site plan, the taxes and subsidies are not a question for this Board.

Frank Fish added that the resident could review the tax credit due to the Brownfield through the Federal and State level. He directed the resident to go to the county website to get the contact information.

Mike Denning 125 Marbledale Rd. suggested placing a small retaining wall with a sign with back lighting on Marbledale Rd. at the property line to mark the entrance to the hotel. He asked about the storm water plan.

Mr. Anthony Castillo noted that a full plan for storm water management has been submitted. The applicant cannot increase the run off that is now released into the county pipes. There will be a system installed to slow the water down and bring it into the main pipe slowly.

Mr. Denning voiced his concern regarding the snow removal of the parking lot. Also, he asked if precautions were in place to wash the trucks as they exit the property carrying the contaminated soil.

Bill Canavan, Certified Professional Geologist, is responsible for taking the site through the Brownfield process. Standard procedure will be followed so the trucks do not track the contaminated soil off the property.

Jeff Myers 16 Terrace Place, voiced his concern regarding the density of this village.

Commissioner Caliano noted that the density does not factor into the decision. That should be changed in the code. The manner in which the code is written does not take density into consideration. It was her understanding that the Village Board was in the process of tweaking the code. She agreed that Tuckahoe is the densest village in all of Westchester.

Jerome Griffiths 10 Marble Place voiced his concern regarding the short cut on Marble Place. He stated that the hotel employees would learn that shortcut and use it. He also voiced his concern regarding the uncertainty of the toxic issues. He asked if the Board had the authority to set aside a contingency fund to assist those should something happen in the future.

Chairman Ciaramella noted that the health and safety of the residents is the Board's number one concern. The DOH and DEC are reviewing the plans.

Michael Musso, Village Consultant, stated that there are two state agencies that follow very strict procedures. Any remedy for the site management plan will be long term. The DOH and DEC will require monitoring and subsequent studies will be done after the building is built. If required by the state agencies, monitoring will be done on site and around the site.

Lucille Murphy 12 Farragut Street voiced her concern regarding the vapors and if the vapors would travel to adjacent properties on windy days.

Bill Canavan noted that the Remedial Action Plan would be reviewed by the DEC, with a 45-day public comment period. The Remedial Action Plan will be at the library and Building Dept. for review.

Linda Shaw noted that the Remedial Action Plan would include dust monitoring. There is a safety requirement and if any dust is detected, there is an immediate stop work order. There will be no exposure during construction or remediation of the project.

David Gordon, attorney representing Ki Marshal Arts, indicated that the initial Remedial Action Plan was rejected by the DEC. He cited a letter written by Randy Whitcher Project Manager Remedial Bureau C Division of Environmental Remediation and he quoted item number 7-- A potential does exist for off-site exposure to soil vapor at the commercial buildings at the site boundary to the east. Please revise the exposure assessment section to include the potential for exposure to soil vapor for the commercial building at the eastern border.

Bill Canavan noted that there are vapor concerns. The DEC will investigate if they are off-site. The data does not indicate that the quarry is the source.

Edward Stowe 4 Marble Place read a letter written by resident Joe Marrinella. (See file) He noted that the needs and concerns of the residents are of the utmost importance. The residents are concerned about the environment. He added that the citizens are entitled to know how their public officials make their decisions. He asked if the Board would make it known how each arrived at their decision.

Bill Mackoff 675 North Terrace read a letter written by Patrick Hughes (See file) He noted that it is premature to discuss the site plan due to all the concerns regarding the site. He noted that he has experience dealing with Phase I and Phase II of the EAF regarding commercial properties. This one is very complicated. He noted that this site must be handled properly by the DEC and DOH. He cited the Love Canal as a reference to this site.

Commissioner Nerenberg noted that the Love Canal was much different from the quarry. He noted that two gas stations were remediated in the village. The Village would be better off if this site is covered and the amount of emissions were reduced.

Rachel Zolotter 125 A Marbledale Rd. asked the applicant to provide a rendering of the building in relation to the surrounding buildings. She noted that the biggest concern is the safety and health of the residents and patrons of her business. The safety plan should include a safe path for pedestrians, a traffic plan, walkways, crosswalks and the visibility of the crosswalks. Every business on Marbledale Rd. uses the street parking. Any reduction of street parking would be a concern. She requested that the applicant provide parking spaces at the hotel to be used by nearby businesses. She cited a recent article dated August 7, 2015 stating that Ki Marshal Arts was an integral part of the village.

Commissioner Barra requested a rendering of the building in relation to the hill in the rear.

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

### **Item #3 300B Columbus Ave.**

### **Site Plan**

Gary Gjertsen, Village Attorney, reminded the Board that this applicant first presented last month seeking a recommendation to appear before the Zoning Board. The Zoning Board determined that the use is compatible with the neighborhood. The applicant now returned for a formal presentation.

Sabrina Seetarram, applicant and owner of The Chocolate Box, requested to open a chocolate boutique shop on the ground floor of the new Crestwood Lofts building. The shop will serve coffee, tea, pastries, cakes by the slice, muffins, croissants, cookies, brownies, tarts, salads and sandwiches. All the food will be brought in already prepackaged. The only preparation on the site is to prepare the chocolate. The device used to melt the chocolate is hot air. There will be no cooking on the premises. There is a 3D chocolate printer, which prepares the chocolate. The business would be 80% chocolate and 20% other. The interior will be painted purple and white. There will be an antique chocolate case in center to display the chocolates and seating for 8 people. There will be a front counter for coffee and espresso machines, dessert displays and a small refrigerator for salads and parfaits. A jewelry showcase will have the chocolates on display. There will be a bathroom on the premises, but not for patrons.



There will be 4 employees total with only 3 employees at the shop at a time.  
The property owner has supplied parking spaces for her and her employees.

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

### **No Public Comments**

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

**Commissioner Gorman offered the following Resolution in the form of a motion:**

LOCATION OF PROJECT: 300 Columbus Ave, Tuckahoe

SECTION: 42

BLOCK: 8

LOT: 6

DESCRIPTION OF PROJECT: Interior alterations to an existing building to convert space to a new Coffee/Chocolate Café

APPLICANT/OWNER Sabrina Seetarram\_\_\_\_

### **SEQRA RESOLUTION**

Pursuant to the regulations of SEQRA this Board finds that:

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

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

This application by Sabrina Seetarram. to convert an existing vacant space to a new Coffee/ Chocolate Cafe is approved. The applicant has demonstrated she has complied with Section 7-1 of the Zoning Code and has met her burden with same.

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

**Commissioner Caliano seconded the motion and was carried unanimously by the Board.**

**Item #4 26 Columbus Ave.**

**Return**

Elliott Seanor, architect for the applicant, stated that this application was for a pizza place. The vestibule will stay in the same location. There are no changes to the plan. The hours will be 11:00am to 11:00pm 6 days per week, Sunday will close early. There will be 3 employees.

Bill Williams, Building Inspector, noted that the applicant has fulfilled the parking requirement. He added that the pizza oven has been reviewed and approved.

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

**No Public Comments**

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

**Commissioner Caliano offered the following Resolution in the form of a motion:**

LOCATION OF PROJECT: 26 Columbus Ave:

SECTION: 33

BLOCK: 8

LOT: 1

DESCRIPTION OF PROJECT: Interior alterations to an existing building to convert space to a new pizza restaurant

APPLICANT/OWNER The Italian Job Inc \_\_\_\_\_

## SEQRA RESOLUTION

Pursuant to the regulations of SEQRA this Board finds that:

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

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

This application by The Italian Job Inc. to convert an existing vacant space to a new pizza restaurant is approved. The applicant has demonstrated it has complied with Section 7-1 of the Zoning Code and has met its burden with same. The applicant has required no variances from the Zoning Board and the proposed use of the space is compatible with the Zoning Code.

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

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

**Item #5 100 Main Street**  
**Item #6 10 Fisher Avenue**

**Adjourned**  
**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.