

December 21, 2010

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

Present:

Chairperson	Ann Marie Ciaramella
Commissioner	Raymond Nerenberg
Commissioner	Melba Caliano
Commissioner	Eric Fang
Commissioner	Antonio Leo
Commissioner	Tim Miller
Commissioner	Sandy Reyes-Guerra

Also in Attendance:

John Cavallaro	Village Attorney
Bill Williams	Building Inspector
Frank Pinto	Village Consultant

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1 Approval of minutes – Nov. 16, 2010
Item #2 138 – 140 Columbus Ave. Site Plan
Item #3 130 Columbus Ave. Site Plan
Item #4 150, 160, 233 Main St. Return
Item #5 35 Bronx Street Adjourned
Item #6 1 Midland Ave. Adjourned
Item #7 36 Midland Place Adjourned

Item #1 Approval of minutes –

Motion by Commissioner Nerenberg to approve the minutes from the Regular Meeting – Nov. 16, 2010 was seconded by Commissioner Fang and was carried by the Board with a vote of 7-0.

Item #2 138 – 140 Columbus Ave. Site Plan

Sy Gruza, attorney for the applicant indicated that the site is for an auto body repair shop, which was approved by the Zoning Board at the December 8, 2010. There will be no structural changes and no addition to the site. The proposed plans are to move the front garage door to the left of the building and install a two-vehicle width garage door. The client will be able to drive the vehicle into the shop, and when the vehicle is completed, the client will be able to exit straight out. There will be no backing out onto the road. All parking spaces will be inside or behind the shop. There is no side yard, there will be no vehicles visible from the road. He recently applied to DPW to close up the existing curb cut and get approval for a new double curb cut. The façade will have a plate glass window frame to match the second floor windows; stone sills and brick to match the rest of the building. There will be canopies over the doors and windows. There will be 3 lights on the outside of the building. The interior of the building

will have an office space near the entrance. Once the vehicle is driven in by the client, an employee will drive the vehicle to the back to be repaired. The other side of the building is being used for storage by Chrysler company, which is not related to this company. There is no empty space on site as all the space is currently being used.

Commissioner Reyes-Guerra noted that she walked the sidewalk from this site to the next building and noticed that the neighbors used a 2.5 tree pit.

Mr. Gruza stated that the plans are for a 3ft. sidewalk and he will contact the DPW to discuss the width of the sidewalk and the tree pit.

Chairwoman Ciaramella read the recently approved conditions from the Zoning Board on Dec. 8, 2010:

SCHEDULE A

CONDITIONS TO THE ISSUANCE OF A CERTAIN SPECIAL USE PERMIT FOR THE APPLICANT COLUMBUS AVENUE REALTY, LLC FOR THE PREMISES COMMONLY KNOWN AS 138 COLUMBUS AVENUE, TUCKAHOE, NEW YORK

1. The Applicant shall install and operate a paint booth that is compliant with federal, state, county and local laws, rules and regulations and such paint booth shall, as a minimum, have an efficient capture rate of over 99%.
2. All 55-gallon drums or other containers located within the Premises for the disposal of rags or other materials containing solvents shall be placed on spill-containment pallets to prevent any leakage.
3. The Applicant shall contract with and utilize the services of a private carting company to remove said 55-gallon drums containing rags or other materials with solvents.
4. All flammable materials shall be stored in a fire-proof cabinet at all times when not in use.
5. No vehicles or other equipment or materials shall be parked or placed on the public sidewalk abutting the subject Premises and no vehicles shall be worked on, on the exterior of the Premises. All work shall be completed within the subject auto-body repair shop.
6. The Applicant shall not utilize any on-street parking in connection with the operation of its auto-body repair shop.
7. The Applicant shall, at all times, comply with the noise ordinance of the Village of Tuckahoe as the same shall be amended from time to time.
8. The Applicant and its employees shall utilize the central vacuum and individual vacuums in connection with the sanding process that is being completed on vehicles at the subject Premises.
9. The exhaust fan to be located on the roof of the subject structure will be turned away from nearby residences to reduce noise.
10. The hours of operation of the subject auto-body shop shall be Monday through Friday 7:30 a.m. to 6 p.m. and Saturday 8 a.m. to 3 p.m. with the subject auto body shop being closed on Sundays.
11. This special use permit shall be issued for a period of five years consistent with Section 6-2.1(a) of the Zoning Code of the Village of Tuckahoe. This special use permit shall terminate and expire in accordance with the terms of the Zoning Code of the Village of Tuckahoe. Unless terminated earlier pursuant to the terms of the Zoning Code, this special use permit shall terminate and expire on December 7, 2015.

12. In connection with the Applicant's spray-booth operations, the Applicant shall utilize a water-based paint so as to minimize and decrease any and all volatile organic compounds emanating from the Premises.
13. In the event the Applicant seeks to add an additional business to the Premises, such additional business shall require a special use permit from this Zoning Board of Appeals.
14. In connection with its auto-body shop operations, the Applicant shall utilize a silent compressor so as to minimize the amount of noise emanating from the compressor utilized upon the Premises.

Chairwoman Ciaramella added that the applicant would need to have the Tuckahoe Fire Dept. inspect the premises, and submit materials for inspection by the Building Inspector.

Chairwoman Ciaramella noted the following conditions would need to be agreed to for approval of this site plan;

- Fire Dept inspection
- Submission of materials from the manufacturers for the proposed garage door and windows to be submitted to the Building Inspector who will inform the members of the Board.
- Tree plans with DPW.
- Receive Sign and Awning approval

The applicant agreed to the conditions.

Chairwoman Ciaramella motioned to approve the application as presented tonight with the following conditions:

- Fire Dept inspection**
- Submission of materials from the manufacturers for the proposed garage door and windows to be submitted to the Building Inspector who will inform the members of the Board.**
- Submit tree plans to DPW.**
- Sign and awning approval**

Motion was seconded by Commissioner Nerenberg.

Discussion: Commissioner Leo asked about the tree. It was determined that the tree will be planted in front of the windows, where Chrysler has storage. Motion was carried by the Board with a vote of 7 – 0.

Item #3 130 Columbus Ave. Site Plan

Dennis Lucente, owner of the property, stated that this property is located in the industrial zone. It is a three-family house with a 20 ft. wide garage. This site was where he housed his landscaping business for the past few years. He is now moving his business to Jackson Ave. in Tuckahoe. There is currently one parking space per apartment. The application is for two parking spaces in the rear of the home. He plans to rent out the garage to a commercial company and therefore would require additional parking spaces. The rear yard has ample room for one space measuring 12ft. x 33ft. and another 26.5ft x 50 ft. His plans are to create a very detailed lease for the potential tenant so the commercial company knows exactly where he can park his trucks. There is currently a 13 ft. solid vinyl swing gate, which will screen the truck parked on the rear. The distance in the rear from property line to property line measures 26ft. x 50 ft. The requirements for a parking space are 9ft. x 20ft.

Chairwoman Ciaramella noted that this parking space is visible to the residents in the rear of the home and the apartment house nearby.

Mr. Lucente stated that the approval could have a condition that the truck be small trucks only.

Commissioner Caliano asked about the hours of operation for a potential tenant.

Mr. Lucente stated that his landscape business was M – F 7:30am the vehicles left the site and returned at 5:30pm. Sat. – 7:30 am – 2:00pm with the trucks parked all day Sunday.

Commissioner Fang noted that there was not enough information for the Board to make a decision this evening. The applicant should provide better documentation, heights of fences, pictures of the surrounding areas etc. This application intensifies the conflict in this non-conforming area.

Bill Williams, Building Inspector, noted that the Building Dept. is too busy to go out and measure the height of the trucks parked in this rear yard. The height of the truck should not be a condition.

Commissioner Caliano noted that she was not too concerned about the height of the truck in an industrial zone. Aesthetics gives way in an industrial zone. If the wall satisfies the apartment building she would be comfortable with it also.

John Cavallaro, Village Attorney, noted that if in the event there is a breach of contract between the landlord and tenant of this property, the Village would have to rely on Mr. Lucente to enforce the condition set forth by this approval. The Village would not have control, enforcement should be handled by the Village.

After 25 minutes of discussion as to the details of the parking spaces, how many and where they should be located, the Board concluded that the applicant would need to appear at the next workshop to discuss the application further. Mr. Lucente agreed.

Commissioner Caliano motioned to adjourn for additional discussion for this application at the next workshop was seconded by Commissioner Fang and carried with a vote of 6 – 1.

Item #4 150, 160, 233 Main St. Return

Mr. William Null attorney for the applicant stated that the revised plans were submitted. The comments made by Mr. Fish, Village Consultant, will be addressed in the resubmission.

Mr. Norman Cox, architect for the applicant, highlighted the few changes to the revised plans.

The town house will have ground floor potential for commercial, retail space or a professional service.

The building at 150 Midland Place will be pushed back 4 ft. from the property line.

The building at 160 Midland Place has a small retaining wall, which will be pushed back as well. This will allow for a 2ft. planting strip. The sidewalk will be narrowed from 10ft. to 8 ft.

Mr. Null noted that a thorough site plan will be presented next month during the public hearing.

Mr. Fish stated that he submitted two memos regarding this application. The first is in response to the traffic study submitted by the applicant. He concluded that it was professionally prepared and there will only be slight delays. The second memo was regarding the formal review of the EAF. He added that the Planning Board should declare lead agency. He also commented on the plans to reduce the width of the sidewalk from 10 ft to 8 ft. This should be discussed further as the more narrow the sidewalk the more difficult it is to provide the space for the trees to flourish. He normally recommends 10ft. sidewalks.

Commissioner Leo offered the following resolution:

A RESOLUTION DECLARING THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE PROJECT OF MIDORA CORP./GLENMARK PARTNERS, LLC.

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 December 21, 2010 at 7:30 p.m.

WHEREAS, Midora Corp./Glenmark Partners, LLC (the "Applicant") has submitted an application for amended site plan review and approval to the Planning Board of the Village of Tuckahoe concerning the premises commonly known as 150 Main Street, 160 Main Street and 233 Midland Place, Tuckahoe, New York (the "Premises"); and

WHEREAS, in connection with the Applicant's project, as proposed, the Applicant previously submitted an application to the Zoning Board of Appeals of the Village of Tuckahoe (the "ZBA") seeking a special use permit and certain area variances from the ZBA; and

WHEREAS, the Applicant previously obtained a special use permit and certain area variances from the ZBA; and

WHEREAS, pursuant to the project, the Applicant seeks to develop the Premises in accordance with a certain amended site plan submitted by Franke, Gottsegen, Cox, Consulting Architects, dated October 29, 2010; and

WHEREAS, the project, among other things, proposes 129 residential units, 1,500 square feet of commercial space, 273 parking spaces, and certain other improvements as set forth on said amended site plan; and

WHEREAS, in connection with said amended site plan and application, the Applicant has submitted to the Planning Board a Full Environmental Assessment Form prepared by the planning firm of AKRF; and

WHEREAS, the Village's Consulting Planner concurs that the Planning Board declare itself lead agency for purposes of SEQRA for the action described herein; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the Full Environmental Assessment Form with the narratives and attachments thereto, and the criteria contained in 6 NYCRR § 617.6, the Planning Board is hereby declared to be the Lead Agency for SEQRA review of the proposed action, and copies of the SEQRA material will be provided to the Involved and Interested Agencies and the public during the review process of the project.

Section 2. This resolution shall take effect immediately.

Motion was seconded by Commissioner Nerenberg.

Discussion: Commissioner Caliano asked if the plans for 1500 sq. ft. for retail may be discussed further. John Cavallaro, Village Attorney, noted that the EAF can still be discussed even if submitted with 1500 sq. ft. on the EAF. The square footage is not locked in.

Motion was carried with a vote of 7 – 0.

Commissioner Caliano offered the following resolution:

A RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING THE PROJECT OF MIDORA CORP./GLENMARK PARTNERS, LLC FOR THE PREMISES 150 MAIN STREET, 160 MAIN STREET AND 233 MIDLAND 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 December 21, 2010 at 7:30 p.m.

WHEREAS, the Planning Board wishes to conduct a public hearing concerning the application of Midora Corp./Glenmark Partners, LLC (the "Applicant") for amended site plan review for the premises commonly known as 150 Main Street, 160 Main Street and 233 Midland Place, Tuckahoe, New York.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law, a public hearing shall be held on or about the 18th day of January 2011, at 7:30 o'clock p.m., at Village Hall, 65

Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place the said Planning Board shall consider an amended site plan review application for the Applicant for the premises commonly known as 150 Main Street, 160 Main Street and 233 Midland Place, Tuckahoe, New York.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with applicable law.

Section 3. That this resolution shall take effect immediately.

Motion was seconded by Commissioner Nerenberg and carried unanimously by the Board.

Commissioner Reyes-Guerra asked the applicant if they continue with the plans to reduce the sidewalk to 8 ft. that the trees be required to have ADA grates. The planting strip along Winterhill and Main Streets to separate the sidewalk from the road is a nice idea, except that those roads are heavily salted and the plants may be destroyed as a result. The applicant may want to put the sidewalk adjacent to the street and the planting strip by the wall instead. There is a potential use of a live green roof on top of the flat top of the building. At grade, this space could be used to a better advantage. Commissioner Reyes-Guerra also asked for additional views of the area including the park area on Midland Place and Midland Ave. This park could be improved.

Chairwoman Ciaramella asked the applicant to rethink the size of the commercial space. 1500 sq. ft. may not be enough space to include a restroom, storage, office space and retail space.

Commissioner Fang stated that he appreciates all the enhancements and welcomes further discussion. He added that he would like the applicant to work flexibility into the ground level storefront convertibility.

Commissioner Nerenberg noted that the space should be able to be converted to commercial space when the market changes.

Chairwoman Ciaramella wished all a Happy Holiday and a happy and safe New Year.

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.