

August 31, 2011

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

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

Also in Attendance:

John Cavallaro	Village Attorney
Bill Williams	Building Inspector
Commissioner	Sandy Reyes-Guerra (ad hoc)
Frank Fish	Village Consultant

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1 Glenmark Properties SEQR vote

Chairwoman Ciaramella noted that this meeting was delayed as time was permitted to collect input from the residents before the Board could vote on the SEQR determination for this project. She added that the Board did not receive any letters from the residents during the five-day period, and only one letter on the sixth day.

Chairwoman Ciaramella read the following memo from Frank Fish:

BFJ Planning

PLANNING
URBAN DESIGN
ENVIRONMENTAL ANALYSIS
REAL ESTATE CONSULTING
TRANSPORTATION PLANNING

MEMORANDUM

To: Tuckahoe Planning Board

From: Frank Fish

Subject: Proposed SEQA Determination for the Glenmark Mixed Use Development

Date: August 25, 2011

On August 2nd the Planning Board had a special meeting in which you were able to hear comments from the Fire Chief concerning the proposed Glenmark Development. At that meeting I mentioned to the Board that the Fire Chief's comments were consistent with the Part 2 section of the EAF. On page 19 of Part 2 impacts on Community Services (schools, police and fire) are checked "small to moderate impact".

The Chair gave five days after the August 2nd meeting for public comment. We have not seen any comments raising significant new information. Accordingly, we have attached for your consideration a negative declaration for proposes of complying with the State Environmental Quality Review Act (SEQR). It is dated August 31, 2011.

NEW YORK, NY
ARLINGTON, VA
CHARLOTTE, NC
CHICAGO, IL
PITTSBURGH, PA
STAMFORD, CT

PAUL BUCKHURST ARIBA, AICP
FRANK S. FISH FAICP
GEORGES JACQUEMART PE, AICP

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Commissioner Leo offered the following resolution in the form of a motion:

A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS AMENDED SITE PLAN REVIEW FOR THE PREMISES 150 MAIN STREET, 160 MAIN STREET AND 233 MIDLAND 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 August 31, 2011.

WHEREAS, the Planning Board of the Village of Tuckahoe is considering the issuance of an amended site plan approval for the premises commonly known as 150 Main Street, 160 Main Street and 233 Midland Avenue, Tuckahoe, New York; and

WHEREAS, the project consists of the development of an approximate 2.26-acre site (150 Main Street, 160 Main Street and 233 Midland Avenue, Tuckahoe, New York). The development would consist of three (3) buildings comprised of not more than 121 dwelling units (120 residential units and one (1) superintendent unit) and 3,500 square feet of commercial space with 260 off-street parking spaces; and

WHEREAS, based on the Environmental Assessment Form ("EAF"), dated, June 2011, and the supporting and supplemental materials thereto, including, but not limited to, the Village of Tuckahoe Planning Consultant's memorandum, dated May 19, 2011, the Planning Board has determined that there will be no significant environmental impact from this action;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF, dated June 2011, and the supporting and 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 declaring this action as a Type I Action under the State Environmental Quality Review Act.

Section 2. That, this resolution shall take effect immediately.

Commissioner Nerenberg seconded the motion.

Upon roll call, the motion was carried with a vote of 6 – 1.

Commissioner Caliano offered her reasons for voting no. The following is the transcript of Commissioner Caliano's comments submitted by Commissioner Caliano.

Thank you for listening, my colleagues.

As you know, SEQRA governs this. ECL 8-010.5 defines environment broadly to include existing community or neighborhood character.

This is a Type 1 type of action; that is my position. Type 1 items are based on numeric thresholds including specific sizes of residential development, compared to existing community size.

Here, the residential size of development in its entirety is now 121 units, that is a significant increase, that is a nearly 39% increase over the original application which stands approved at 88 units. It is my position that a 39% plus or minus increase can only be characterized as significant, thereby requiring an EIS and that the EAF presented is insufficient to address the significant adverse impact affect of a 39% increase in units and the accompanying human beings that are going to occupy those units.

None of this comports with the village Zoning Code or Master Plan. The village neighborhood and or character is at risk.

We have seen semantic sleight of hand to characterize this project as an "amendment". It is not an "amendment". We have a nearly 39% increase in units; we have a garage parking building that was totally eliminated. We have commercial/retail in a business/residential, mixed use zone, that has been halved from 18,000 square feet to 3,500 square feet – it's been more than

halved. We have proposed buildings that will be reconfigured for volume and design as we presumably move into site plan review.

The only thing that remains of the original application that was approved at 88 units, is the size of the parcel – 2.26 acres - and volume, which I believe is approximately 134,000 square feet.

On that basis, it is my position that this is a new project and requires review in toto, from the beginning, by the various boards that review new projects. For the record, I stand by all my previous questions and comments in previous hearings on this particular project.

In support of my opposition to the proposed project, I especially want to note that the traffic studies and counts belie common sense and experience. There is no one that will agree that 8:30 a.m. – 9:30 a.m. is the most heavily used commuter time in this village.

Stand on the Metro North train station at Tuckahoe from 7:45 a.m. – 8:30 a.m. and you will see a much heavier crowd of people than you will see at 8:30 a.m. – 9:30 a.m.

Anyone will see that this is not the transit-oriented development [TOD] that has been touted as a prime location for commuters. If it was a TOD why was the answer to my question about increasing the retail to at least 10,000 square feet to provide for a pharmacy so that sick persons, presumably in the new development, won't have to drive to a pharmacy? The answer I got from the applicant was "sick residents can drive to pharmacies on Rte. 22, here's a CVS, there's a Walgreen's. Yes, there are. But isn't this a TOD? Aren't we trying to make it pedestrian-friendly? Aren't we trying to limit traffic? Aren't we trying to limit sprawl?"

The second item I take issue with, as I did before, schoolchildren counts. The models relied upon do not take into account the economic and population shifts due to the Great Recession of 2008. Therefore, they cannot be valid.

Mixed use is barely honored here – it's honored in the breach if anything. We've heard that bank financing is dependent upon village approvals. Isn't that putting the cart before the horse? Where are those bank documents? Even if the bank documents exist, without meaning complete disrespect, my response to that would be, as a Planning Board member, Is that my concern?

Doesn't this Board, why would this Board let a bank tell us what business/residential means? Doesn't this Board want to stop a bank from setting forth minimum residential units for our village? Who's the Planning Board here – the bank or this Board?

Crestwood Plaza, we have now learned is looking to increase their units to 49. Is that going to be characterized as an amendment", too? To allow an amendment to the original Raffiani project is to open the door to at least one more project applicant to do so; now we see Crestwood doing that. That is bad precedent, my colleagues. That is bad precedent.

You've allowed 1 Midland project, the little, light-blue, 1-story building that's on an impossibly configured odd-sized lot; you've allowed that to be sent back to the Zoning Board because you didn't like the 3-story architectural design presented. That was within the lot parameters. You sent that project back to the Zoning Board. You can send this project back to the Zoning Board; else you are open to a charge of inconsistency in your evaluation of projects. I would argue as an attorney, arbitrary and capricious, but I'll stick with my planning role and say inconsistency.

Last but not least, no one knows what the tax revenues are going to be here, no one knows because everybody says Tuckahoe has never seen this kind of a project in this location before. Therefore, all the certainty that there seems to be from all of the experts really has to be questioned. No one knows what the tax revenues are going to be.

There's been no balance here. Only give me more indulgences to help me save my investment, on the part of this applicant. This applicant made a decision probably a decade ago, to purchase this site. He's been given the indulgence of going to the Zoning Board where the FAR was originally 1.2. The Zoning Board was presented the original project and they granted a 1.48 FAR. The Zoning Board hasn't seen this project – I wonder had they seen this project whether they would have granted that FAR to 1.48? Why don't we give them a chance to do that?

Last, is it not this Board's role as a Planning Board, whose job is to take the Master Plan guidelines into consideration, and think of the future and plan? To ignore those, to abandon them as I believe some of you have, and I wish you hadn't, but you

are giving short shrift to the Master Plan, you're giving short shrift to your village Zoning Code and I really think that's beyond your role. And for those very reasons, I will vote in opposition to this Negative Declaration.

At a minimum, I would ask that a full EIS be conducted and at best, I would like to see this entire project, characterized for what it is – which is a new project – new financing, new buildings, even the dimensions of the buildings are different, new commercial – characterized as the brand new project it really is and sent through the entire process all over s a new project, the way it should be.

Thank you.

Chairwoman Ciaramella stated that everything possible was done to allow all to speak. The Board permitted two special meetings in August to make sure all were given a fair opportunity. There is nothing in the Village Code or Master Plan that requires a certain percentage for commercial property. Statements were required from the DPW, Fire Dept., Police Dept., Engineers, and the Tax Assessor. Each department stated that they could handle the project. The Fire Chief specifically said the Fire Dept. could do it. The chiefs of the departments would not put their staff or the community in danger if they thought they could not handle the addition of this project. Chairwoman Ciaramella added that she appreciated the concern and input from the community members. She thanked them for the submission of their school impact study. She stated that this study, however, was flawed as it made comparisons between apartments and private homes and apartments, not apartments and apartments. Even the NYS Board of Regents compares individual school districts to like school districts, like to like. The NYS Board of Education and local school districts all compare like school districts. She voiced her disappointment that the study was done in this manner. She also voiced her disappointment that rumors were circulating around the Village concerning this project. She asked if a person who asks the assistance of a realtor to search for a home in the area, is not asked how many children they intend to have in the house. A person who decides to live in an apartment should be given the same fairness as homeowners. She added that this is only the first step in the approval process. The applicant still needs to present the Site Plan and Architectural review.

Commissioner Fang indicated that the Master Plan committee, led by Commissioner Caliano, did not specify the distribution of commercial and residential percentages and left plenty of room for flexibility. The Board of Trustees also did not specify the percentages for residential and commercial properties. When the application was before the Zoning Board, they specifically did not put a limit to the number on the units. As a result, the Zoning Board has defined the density of this project. As for the Environmental Impact, there are mountains of studies submitted, all stating that this project will not have an impact on the Village. Lastly, the cost to stay put is larger than the cost to go forward. This will be a positive impact to the property. This is a main entrance to the Village and this will be a positive image. He stated that Mr. Raffiani has shown his commitment to the Village with his previous projects and he has always done quality work. Commissioner Fang stated that this project should have a positive impact on the taxes and values of the homes, and the risk of doing nothing is greater than going forward.

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.