

**Minutes of: Nov. 14, 2007**  
**Date Approved: December 12, 2007**  
**Date Filed/Village Clerk: \_\_\_\_\_**

**November 14, 2007**  
**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS**  
**TUCKAHOE VILLAGE HALL – 8:00pm**

**Present:**      Gloria Rosell                      Chairperson  
                      Kevin McBride                      Member  
                      Philip Allison                      Member  
                      Susan Crane                        Member

**Absent:**      John Kang                              Member

**Also in Attendance:**  
John Cavallaro                      Village Attorney  
William Williams                      Building Inspector  
Jim Pinto                              Village Consultant

Chairwoman Rosell announced the agenda as follows:

**Item #1 Approval of Minutes of the October 10, 2007 meeting.**  
**Item #2 100 Main St.**                      **Return/Area Variance**  
**Item #3 146, 150, 160 Main 233 Midland**      **Area Variance/Special Use Permit**  
**Item #4 125A Marbledale Rd.**                      **Special Use Permit**  
**Item #5 Nextel 65 Main St.**                      **Extension of Special Permit**

**Item #1 Motion by Member McBride to approve minutes of the October 10, 2007 meeting was seconded by Member Crane and approved by the Board with a vote of 5-0.**

**Item #2 100 Main St.**                      **Return/Area Variance**  
Mr. Michael Goldblum, Architect for the owner of 100 Main St., stated that he had not received a copy of the letter from Frank Fish, the Village's consultant, itemizing his recommendations. Chairwoman Rosell summarized the letter, which noted three distinct recommendations for the proposed building. The major concerns regarding this site are the parking situation, the traffic flow and increase in traffic. The three options are as follows:

- a. The Board could accept the plan as presented. Upon studying the traffic study, Mr. Fish noted that there would only be an increase of nine additional vehicles, which in his opinion, did not affect the traffic considerably.
- b. Allow access to the building on Main St. through the curb cut already on Main St. in front of Salerno's Restaurant. Make this a one-way entrance with an exit on Terrace Place.
- c. Make Terrace Pl. a two-way street up to 100 Main St.'s entrance. After the entrance, Terrace would be one way. This would not intrude on the traffic flow in the neighborhood.

The building would need to be placed 2 ft. from the corner and the plans would need to be reviewed by the county.

Mr. Michael Goldblum indicated that his client would not object to widening Terrace Pl. to allow two-way traffic, and would agree to position the building 2 ft. from the corner.

Member McBride asked the applicant to research parking spaces #16 and #44 on the first Tier as he noted the spaces are too tight.

Mr. Goldblum noted that his client would look into this and would be in compliance with the Village parking ordinance.

### **Public Comments**

Ms. Diane Degaetano, 33 Terrace Place, asked what would happen to the five parking spaces on Terrace Place if changed to a two way street.

Chairwoman Rosell indicated that two spaces of the five would be lost.

Ms. Degaetano voiced her concern regarding a vehicle exiting onto Main from Terrace.

Chairwoman Rosell noted that the Traffic Study was performed on Thursday, Oct. 24, 2007, from 6:00am to 10:00pm and on Saturday, and concluded that there will be a minimal impact of nine additional vehicles.

Ms. Garcia, 43 Terrace Place, was quite upset and voiced her disappointment over this project. Noel Degaetano, 33 Terrace Place, indicated that the value of his home and the neighbor's homes would decrease because of this project. This project, with the traffic flow, will make living there uncomfortable. At the present time, exiting onto Main St. is very dangerous.

Member Allison noted that these are very valid concerns. He noted that these issues would need to be presented to the Planning Board and maybe even the Board of Trustees.

Melanie Bolan, 34 Fairview Ave, noted that there are many tight and narrow two-way streets in Tuckahoe, maybe the Board should consider making the entire Terrace Place two-way.

Victoria Angelillo, 40 Fairview Ave., asked if the number of variances could be clarified. John Cavallaro, Village Attorney, stated that the applicant is requesting two variances, the number of stories and FAR.

Chairwoman Rosell stated that Ms. Angelillo could FOIL the request of the variances to help understand each one.

### **Motion by Member Crane to close the public hearing was seconded by Member McBride and unanimously carried by the Board.**

#### **Item #3 146, 150, 160 Main 233 Midland Area Variance/Special Use Permit**

Mr. William Null, attorney representing the applicant, indicated that the Village Consultants are in the process of reviewing the plans and asked the Board if there were any questions.

Member Allison asked where the employees for the retail and business areas would park. Mr. Null noted that the site offers parking behind and under the buildings. 146 would have their own parking while 150, 160 and 233 would have shared parking. The open outdoor lot would

most likely be used for the retail and office parking, while under the building would be used by the employees and tenants of the buildings.

Member McBride asked about drainage. He voiced his concern regarding the street area surrounding the proposed plans, as they occasionally flood during heavy storms.

Mr. Raffiani noted that preliminary borings have been taken.

Mr. Null summarized the plans, 90 units including 2 live/work lofts, 18,500 sq. ft. retail/office space and 273 parking spaces. Retail space is only in the 150 building, besides the live/work lofts. The approximately 6000 sq. ft. space in building 150 could possibly house 5 retail establishments, but Mr. Raffiani indicated that he would probably lease it to 2, one possibly being a restaurant. Variances requested are: FAR, extra story, shared parking, and building height (1ft. 9in.) depending on the address of the building, which will be determined by the Planning Board.

#### **No Public Comments**

**Motion by Member McBride to close the public hearing was seconded by Member Crane and unanimously carried by the Board.**

#### **Item #4 125A Marbledale Rd.                      Special Use Permit**

Mr. Steven Quaranta requested a special permit for a detail car wash center. The vehicles would be by appointment only, and only 4 vehicles would be washed at a time. There will be no need to park the vehicles on Marbledale Rd. as Mr. Quaranta will pick up and deliver the vehicles for the customer. He estimates approximately 8-9 cars being serviced per day. A full detail service takes approximately 1.5 hours. The hours of operation will be from 7:30am – 7:30pm. Saturday hours will be from 7:30am – 5:00pm., closed on Sundays. All detail work will be done in the premises, not on Marbledale Rd. There will be no noise and the street will not be utilized at all.

**Motion by Member McBride to open the public hearing was seconded by Member Allison and unanimously carried by the Board.**

#### **Public Comments**

Mr. Joseph Marinello, 4 Coolidge St., noted that he was a resident for 77 years and was disappointed that he did not receive a notice for this application as his house is directly behind 125 Marbledale Rd. He indicated that there are 5 tenants at 125 Marbledale Rd. and the Certificate of Occupancy is for 1 tenant. He asked as to why the building has a 125 A and B, and if there was an application for a subdivision. He noted that there is absolutely no parking available on Marbledale Rd. Mr. Marinello also indicated that one tenant, Fleetwood Collision, breaks the conditions set forth in their approval for their Special Use Permit. One such occasion was Easter Sunday, the business was running their machines at 11:00pm. He noted that there is no drainage in this building and asked how the applicant would clean up the water that would be used all day to clean the vehicles. He also asked the Board to require a environmental study for this applicant. He again voiced his concern regarding the notice of this application.

John Cavallaro, Village Attorney, indicated that all residents within a 200ft. radius of an application should be notified, and assured Mr. Marinello that he would look into this matter. As to the matter of 125 A and B, Mr. Cavallaro will look into this.

If Fleetwood Collision does not adhere to the conditions set forth in their approval, Bill Williams, Building Inspector, asked Mr. Marinello to call the Police Dept. to file a complaint. The Village is making a considerable effort with enforcing the code as the code enforcement officer is distributing fines to violators. If this applicant parks vehicles on Marbledale Rd., he could receive violation fines of \$1000 per day.

Mr. Quaranta indicated that there is drainage on the premises. A dye test, with soap was completed and the soap drained right into the sewer. This is a brand new business, no noise, no competition except the Mobile Station, which offers a car wash and is open 7 days a week, 24 hours a day.

**Motion by Member McBride to close the public hearing was seconded by Member Allison and unanimously carried by the Board.**

**Member Crane offered a Resolution** for the application of Wheel of Time Auto Spa, 125A Marbledale Rd., for a special permit use is granted. It has been determined by this Board that the following conditions have been met:

1. That the location and size of the use, the nature and intensity of the operations involved in or conducted in connection with such use, the size of the site in relation to the use, the assembly of persons in connection with the use and the location of the site with respect to streets giving access to the site are such that the use will be in harmony with the appropriate and orderly development of the district in which the use is proposed to be located. This does not apply as this is an existing building situated in the Industrial Zone.
2. That the proposed use will be compatible with the goals and objectives of the comprehensive plan. The comprehensive plan does not suggest this area to be rezoned.
3. That the proposed structures, equipment or material are readily accessible for fire and police protection as confirmed by the Building Inspector. The property is accessible by 3 different roadways.
4. That the location, nature and height of walls and fences and the nature and extent of landscaping on the site does not hinder and discourage the appropriate development and use of adjacent land and buildings. This does not apply as this is an existing building.
5. That the operations in connection with the use will not be offensive, dangerous or destructive of basic environmental characteristics or detrimental to the public interest of the Village and will not be more objectionable to nearby properties by reason of noise, fumes, vibration, flashing or glare from lights and similar nuisance conditions than would be the operation of any permitted use not requiring a special permit. All services will be contained within the building.
6. That the neighborhood character and surrounding property values are reasonably safeguarded.
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard. Traffic impact is not significant.
8. That the parking areas will be of adequate size for the particular use, properly located and will be suitably screened from adjoining residential uses and the entrance and exit drives

have been laid out so as to achieve maximum safety. As stated in #4, 5 and 6, all activity will be confined to the inside of the building.

That a condition of the granting of the special permits the following conditions is required to assure continual conformance to all applicable standards and requirements:

1. Hours of operation will be from Monday – Friday 7:30am – 7:30pm and Saturdays 7:30am – 5:00pm
2. No parking of vehicles permitted on the sidewalk.
3. All services will be confined to the inside of the building.

If this Special Use Permit is granted, it is stipulated that completion be one year after receipt of the granting of all permits. The Board adopts a negative declaration pursuant to SEQR.

**Member Allison motioned to accept this recommendation, Member McBride seconded the motion and upon roll call was carried by the Board with a vote of 4 – 0.**

**Item #5 Nextel 65 Main St.**

**Extension of Special Permit**

Ms. Kara Bonolomo, Attorney representing the applicant, indicated that the original proposal was dated October 2005, and the special use permit has expired. She noted that the applicant would like to extend the proposal as it has not changed from the original.

Member Allison voiced his concern regarding the guarantee that the height of the tower will be 100ft. as presented.

Bill Williams, Building Inspector, noted that the tower must adhere to the drawings submitted by the applicant.

John Cavallaro, Village Attorney, noted that there are professional engineers whom are attesting to the 100ft. and their professional license would be on the line if they were not forthcoming.

Ms. Bonolomo noted that the existing tower on Village Hall measures 90 ft. above ground level, this tower would measure 100ft. above ground level.

Member Allison voiced his concern regarding freezing ice falling off the aluminum tower and damaging a vehicle or hurting a pedestrian. He mentioned that there was a problem with falling ice on the George Washington Bridge.

Ms. Bonolomo noted that the insurance coverage is in the lease agreement between the Village and Nextel.

Bill Williams, Building Inspector, noted that the George Washington Bridge has poles that are lying diagonally which offers space for ice to accumulate. This tower will go straight up, therefore there is much less of a possibility for ice to accumulate. He also noted that there are cell towers built above churches that have not had ice problems.

**Motion by Member McBride to open the public hearing was seconded by Member Crane and unanimously carried by the Board.**

## **Public Comments**

Ms. Kassel, 25 Duzen Place, asked where the tower would be placed.

Chairwoman Rosell answered that the cell tower will be placed in the alcove of Village Hall parking lot, it will have an American Flag on top to look like a typical flagpole.

Ms. Thompson, Underhill St., noted that she resides right across the street from the Village Hall parking lot. She voiced her concern regarding her property value and her view. She asked if other locations in the Village were considered.

Bill Williams noted that DPW property and Thompson St. which were both unable to offer enough coverage for Nextel.

Ms. Thompson asked about the clanging noise a typical flagpole produces.

Bill Williams asked Ms. Thompson to contact him if the flagpole produces noise.

Member McBride asked the applicant to insulate the tower so that it will buffer and minimize any noise.

Ms. Bonolomo assured the Board that every effort would be made, but noted that the flagpole will have the ability to lower the flag to half-mast. All other equipment will be stored in the pole.

## **Motion by Member Crane to close the public hearing was seconded by Member McBride and unanimously carried by the Board.**

**Chairwoman Rosell offered a Resolution** to grant the extension of the Special Use Permit as the original application for the applicant was approved on October 5, 2005. No changes have been made to the surrounding area and no changes have been made to the premises or the application. The extension will be granted until October 5, 2008.

**Member Crane motioned to accept this recommendation, Member McBride seconded the motion and upon roll call was carried by the Board with a vote of 3 – 1, with Member Allison voting ‘Nay.’**

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 9:55p.m.