

Minutes of: Oct. 12, 2011

Date Approved: November 9, 2011

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October 12, 2011

TUCKAHOE ZONING BOARD AND BOARD OF APPEALS

TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Ronald Gallo	Chairperson
	Nicholas DiSalvo	Member
	David Kubaska	Member
	John Palladino	Member
	Steve Alfasi	Member

Also in Attendance:

Bill Williams	Building Inspector
John Cavallaro	Village Attorney
Sarah Yackel	BFJ Village Consultant

Chairman Gallo announced the agenda as follows:

Item #1 Approval of Minutes from the September 14, 2011 meeting

Item #2 Crestwood Station Plaza LLC Area Variance

Item #3 42 Yonkers Ave. Adjourned

Item #1 Approval of Minutes from the September 14, 2011 meeting

Motion by Member DiSalvo to approve the minutes of the September 14, 2011 meeting was seconded by Member Palladino and was carried by the Board with a vote of 4-0, with Member Alfasi abstaining due to his absence.

Item #2 Crestwood Station Plaza LLC Area Variance

Mr. Richard Heapes, cofounder and partner of Streetworks, a company known for restoring Main Streets across the country. The applicants are the designers, developers and owners of the project. He submitted photos of past projects in Bethesda, MD., West Hartford, CT and others. The plans for the Crestwood Station Plaza are for the buildings to be comprised of lofts, 15ft. wide x 42 ft. long. each with a full bath, W/D, sleeping alcove, kitchen, and living room. All will have very large glass windows. The plan is to have essentially one-person units, maybe a few couples. This building will not be for families. The units will be small and efficient with very tall ceilings. The target group is for transitional occupancy, high income, attractive to the area, which offers train station, dry cleaners, restaurants etc. There will be no children and these owners tend to have fewer vehicles as they rely heavily on the trains. The expected car owner per unit is .75 cars per unit. The plans are to keep retail on the street level with two floors of lofts above. A total of 38968 Floor Area, 3600 retail space, 49 dwelling units, 69 parking spaces and a building height of 38 ft. The parking plans were changed slightly and made more efficient than the original plans.

There will not be as many tandem parking spaces, and there will be parking under the building as well. Mr. Heapes presented photos of buildings found in the Crestwood and Tuckahoe areas and noted that the plans for this building will be similar. The lower level will have retail and the upper levels will be residential. Columbus Ave. will have retail on the base, large windows, three-stories total, with two levels of residential lofts. Brick façade with pre-cast large windows. No retail level on Lincoln Ave.

John Richman indicated that the present plan is very similar to the original plan that was before the Board for almost a year. The location, which is close to the train, with walking distance to restaurants and such, is vital. The units will have wood floors, 9.5ft ceilings, track lighting and a large bathroom. They will have a very sophisticated architectural design. The character of each unit is very important. The original proposed plans compared to the revised plans are as follows- 26 units, which consisted of 21 two-bedroom units, and 5 one-bedroom units for a total of 47 bedrooms. The new plans will have 49 units for a total of 49 bedrooms. 90% will be single occupancy, based on experience, same FAR and same building configuration. The height of the building varies from different locations on the site from 36ft., 32ft and 38ft. The buildings will all be below the 42 ft. maximum height. There is the same number of stories as the prior application. This application will have 11 ft. from floor to floor to allow for 9.5 ft. ceilings as the prior plan had 10 ft. between floors for 8 ft. ceilings. The buildings will not be 42 ft. tall on either street and these measurements were submitted in writing from the attorneys.

Mr. Richman explained that the original plans were such that the buildings formed a 90-degree angle from Columbus to Lincoln. The Planning Board did not like the parking on Lincoln, so the architect swung the building closer to Lincoln Ave and made an obtuse angle with the buildings. The parking on Lincoln in front of the building was removed. There will be a parking garage under the Lincoln Ave. building.

Member Palladino asked if the original plans had parking under the Lincoln Ave. building. Mr. Richman said yes, that was always the plan.

Mr. Richman summarized that there will be three floors on Columbus Ave. On Lincoln Ave, there will be three habitable floors with the lower level open for a parking garage with 12 parking spots. The parking garage will not be visible on Lincoln Ave., as a wall will be constructed with plantings to block the view of the garage. The parking ordinance requires 98 spaces, which is 2 per unit. These units, which are small studios, should require fewer spaces. The proposed plans are 51 spaces, 11 commercial and 8 metered. The 11 spaces for the commercial should be enough with the metered spots and municipal parking lot nearby. The original plan had 73 spaces, which is now reduced to 69 spaces. The tandem spaces were reduced from 46 to 12 tandem spaces. The tandem spaces will be restricted to the retail owners and employees.

Chairman Gallo noted that he spoke with a prominent realtor in the area, and the realtor spoke very highly of the applicant and their quality workmanship. She claimed that this would be an asset to the Village.

Richard Pearson, Traffic Consultant, noted that a traffic study conducted on August 30, 2011 was submitted to the Board. The parking requirement of 2 spaces per unit would total 98 parking spaces. There are 49 proposed residential units, each a studio loft. The applicant is proposing one space per loft. There are 12 commercial parking spaces on the plan, with 18 commercial spaces

required. Mr. Pearson requested that the Board reduce the 1 per 200 sq. ft. requirement to 1 per 300 sq. ft. There will be a net gain of 8-metered parking spaces on the street due to this project.

Mr. Pearson read a portion of a memo dated August 25, 2011 to Susan Ciamarra, Village Clerk, from the Acting Commissioner of the Westchester County Planning Board... "As larger-scale residential or mixed-use development near train stations becomes increasingly common in Westchester, it is becoming accepted that only one parking space per unit is realistically required, with perhaps a few additional parking spaces for visitors or building employees. The fact that a building is situated near a train station is usually a primary draw for tenants looking to use public transit to get to work. As a result, these households also usually have the ability to reduce the need for multiple cars within their household, and the associated expenses – another major reason people look to live near train stations. Reducing the required parking could also encourage more transit use by the new residents by preventing them from owning "as many cars as there is space to park them."

Mr. Pearson indicated that another source, Institute of Transport Engineers, which study trip generated results, determined, based on studies that 0.7 vehicles are owned per unit and urban apartments with 2.2 bedrooms have 1.02 vehicles per unit. He noted that there is a provision in New Rochelle's Zoning Code that requires one parking space per unit if the project is near a train station. He added that he collected data of vacant parking spots in the Crestwood area. At 4:00pm – 45 vacant spaces, 4:30pm – 66 vacant spaces, 6:00 – 8:00pm between 64 and 82 vacant spaces. These numbers do not include the 8-metered parking spaces that would be added if the project were constructed.

Chairman Gallo voiced his concern that a resident may decide to move here without a vehicle, but after 6 months decide to purchase a vehicle to enjoy the surrounding towns.

Mr. Whitney Singleton, attorney for the applicant, noted that the application requires a Special Use Permit, which the applicant is fully compliant. The issue of the height measurement is a question of semantics. He claims he is in disagreement with the Building Inspector, whom claims the building measures above the 42 ft. maximum.

A discussion evolved between the applicant and the Board members regarding the process of determining the building height.

Chairman Gallo noted that the building facing Columbus Ave, has a ground floor and two floors above. The building facing Lincoln Ave. has a ground floor, which is a parking garage and three floors above. Mr. Singleton noted that the measurement should be a vertical distance in feet and stories from the curb level to the roof.

Mr. Williams noted that he reviewed this with the John Meyers consultant and the measurement is an average between the two buildings.

Mr. Singleton defined the use of cellar as an exclusion when counting floors. The parking level should not be counted as a story/floor.

A discussion also evolved as to whether the Planning Board or the applicant determines the front of the building.

John Cavallaro, Village Attorney, noted that the Zoning Code states that the designation of the front of the building is subject to the Planning Board.

Member Alfasi noted that the Planning Board must approve the frontage of a building.

Member Alfasi asked if the application was for two separate buildings, not attached, would the building heights be compliant.

Bill Williams, Building Inspector answered that they would be inconformity right at 42ft., if two separate buildings.

Mr. Singleton stated that the application complies with the spirit of the code, it is just semantics.

Mr. Singleton stated that as for the parking variance, the Board should consider the memo from the County Planning Board. A two-family house requires 3 parking spaces and yet, each part of the house could have five bedrooms with many vehicles. The current application eliminated all the two and three bedroom apartments and made each a studio. These efficiency apartments should not be required to have two parking spaces. He stated that the commercial spaces of one space per 300 sq. ft. should be efficient as this does not include the 8 additional spaces produced by this project.

He added that there is a provision in the code that allows to double count spaces. This could be discussed further.

Mr. Singleton added that a restaurant or nightclub would not be considered, just retail.

Chairman Gallo asked about the tax projections.

John Cavallaro, Village Attorney, noted that the tax analysis was prepared by the same consultant as the prior applicant.

Ms. Sarah Yackel, BFJ Planning Consultant, noted that the Board must make a SEQR determination. The applicant submitted a long EAF, and even though the number of units increased, the unit type changed and therefore the number of residents will stay the same. She noted that in reviewing the Special Use Permit, the Zoning Board must declare itself as Lead Agency, as well as the Planning Board as a separate Lead Agency. The Planning Board already has Part I of the EAF and will prepare the Part II and III. The Village Board has already adopted a negative declaration pursuant to SEQR regarding the re-zoning of the site. The SEQR was completed on the previous application and a negative declaration was adopted. The Board should not be in a hurry to make a SEQR determination.

Chairman Gallo noted that he will compare the data of the original EAF for the original project with this current EAF.

Member Alfasi asked Ms. Yackel about the parking ratio of the original application.

Ms. Yackel noted that she agreed with the applicant that one parking space per unit would be sufficient due to the proximity to the train. She determined that shared parking may not work well here as the residents may leave their car in the spot and take the train to work. She will submit comments regarding Mr. Pearson's traffic study, but noted her concern regarding the tandem parking spaces.

Ms. Yackel noted that she recommends the Board grant a negative declaration pursuant to SEQR as there should be no overall environmental impact that rise to the level of adverse impact.

Chairman Gallo motioned to open the public hearing, was seconded by Member DiSalvo and unanimously carried by the Board.

Public Comments

Tracey Shivone 27 Fisher Ave Tuckahoe, noted that the parking plan was not practical, 49 spaces were not enough for the residents and 12 spaces were not enough for the businesses. She asked if this applicant would give the same assurances as the last applicant, that there would be no restaurants, just retail. She asked how the residents would go food shopping. There are no buses to the grocery stores. Her concern is that once the residents move in, they will decide to buy a car. She also voiced her concern that the studios will have more than one tenant. She noted that there is not enough parking spaces especially during the winter months. She stated that the Board would be doing a disservice to the residents of Tuckahoe if they grant a variance to allow for only 49 parking spaces and 12 commercial spaces. Ms. Shivone also voiced her concern regarding the safety of the intersection of Fisher and Oakland.

Chairman Gallo stated that he will discuss the intersection with the Tuckahoe Police Dept. He asked if Ms. Shivone preferred the prior project.

Ms. Shivone stated no.

Chris Shopinski 28 Columbus Ave. Tuckahoe, stated that Columbus Ave. is not Main Street. It is a Business/Residential area. The buildings will face private homes. He noted that it was his opinion that the traffic and parking studies were flawed. There are many vehicles renting a parking spot at the gas station. These vehicles will be displaced if built. These cars are not counted. He foresees multiple people sharing the lofts. Residents will need a car in this area. He would like to see more green space, the building set back from the sidewalk, the height of the building should be lowered, reduce the number of apartments and provide adequate parking.

Rita Boyer 20 Oakland Ave. Tuckahoe, claimed that the parking on Oakland was horrendous. Fisher Ave is already too busy, to add all the vehicles entering and exiting on Fisher Ave. will be trouble. The residents will need vehicles, so additional parking should be required. She stated that she was not in favor of any of the projects. She added that there are many empty retail stores in Tuckahoe.

Sharon Peckem 328 Columbus Ave. noted that she cannot find parking. Shared parking is a great concept, but will not work. This project is too big for this little space.

Tracey Shivone asked where the a/c units will be placed. She voiced her concern regarding the noise level of the a/c units. The developer has developed in cities, not villages.

Chairman Gallo motioned to keep the public hearing open, was seconded by Member Palladino and unanimously carried by the Board.

Chairman Gallo stated that he believes that the developer has done his homework regarding the rental space. Although the parking may be outdated, the code was written for future developments because this is an older village with few driveways and very limited parking. This is going to be a tough decision regarding the parking as valid points were made on both sides. He understands that time is money and will try to expedite a decision. He noted that he would get the data from the Police Dept. regarding the intersections surrounding the project. He requested that the members of the Board meet at the intersection to examine it more closely.

Next meeting - Nov. 9, 2011

Item #3 42 Yonkers Ave.

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.