

December 17, 2019
TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL
Regular Meeting – 7:30pm

Present: Acting Chairman David Barra
 Commissioner Raymond Nerenberg
 Commissioner Ladislao Castellanos

Absent: Chairperson Antonio Leo
 Commissioner Ann Marie Ciaramella
 Commissioner A. J. Forgione – Ad Hoc

Also in Attendance:
 Gary Gjertsen Village Attorney
 Mike Seminara Assistant Building Inspector

Acting Chairman Barra announced the evening’s agenda as follows:

Item #1	Approval of Minutes	November 19, 2019
Item #2	1 Scarsdale Rd.	Return
Item #3	145 Main St.	Adjourned
Item #4	21 Columbus Ave.	Adjourned
Item #5	14-16 Columbus Ave.	Adjourned

Item #1 Approval of Minutes November 19, 2019

Commissioner Nerenberg motioned to approve the minutes from November 19, 2019 meeting, seconded by Commissioner Castellanos and upon roll call was carried with a vote of 3 – 0.

Item #2 1 Scarsdale Rd.**Return**

Gary Gjertsen, Village Attorney stated that there are only three members of the Board present. If the applicant wishes to continue there would need to be a unanimous vote to move forward.

Charles Goldberger, attorney representing the applicant, stated that the applicant wished to continue with their presentation.

He asked the Board to close the public hearing, issue a Negative Declaration, and approve the submitted site plan.

He added that the independent engineer submitted his report on November 25, 2019 with the following conclusion regarding the smokestack: ‘...it is in grave condition and they strongly suggest it be demolished in the next six months.’

Acting Chairman Barra noted that the engineer’s report indicated that the structure was in disrepair.

Public Comments

Elaine Provenzano 11 River Street noted that she reviewed the engineer’s report. She reminded the Board that there was considerable neglect on the part of the applicant. On October 1, 2013, it was determined that the smokestack was a Category 1 emergency.

This smokestack is not a usual smokestack as it was used to incinerate pharmaceutical materials. There has been no testing done of the elements. There could be a significant environmental impact and there should be oversight of the removal process. The air quality as well as the water and wildlife must all be protected.

The cost of the repair was \$500,000. Mrs. Provenzano asked what the cost is to remove or remediate and make reparations.

The applicants ignored the stipulation to the original resolution to maintain the smokestack. They neglected their duty and their negligence has put residents in harm’s way.

Jeff Zuckerman 24 Bronx Street noted that everything could be fixed. He gave examples such as placing Land Rovers on Mars, repairing the Grand Central Station, building the Tappan Zee Bridge and World Trade Center. These were all monumental accomplishments, but this smokestack in Tuckahoe is in such disrepair, it is incapable of being repaired. There is nothing that can be done to save the smokestack and make it safe?

Commissioner Nerenberg stated that anything is possible, but the cost is a consideration. As a licensed engineer himself, he stated that the public health and safety were the Board's priority.

Acting Chairman Barra noted that he too agreed that anything could be repaired, but the process to take it down brick-by-brick and rebuild it would be a considerable cost.

Mr. Zuckerman noted that the applicant has neglected their responsibility and now are getting a pass. They should not be permitted to get away with ignoring the stipulation to the original resolution, which was to maintain the smokestack.

If the applicant took care of the smokestack, we would not be here today.

Claire Gorman 24 Bronx Street noted that the choice before the Board is simple; to take it down or repair the smokestack.

If the Board approves to take down the smokestack, there should be a condition in the approval that the applicant must do something meaningful. The offer to place a \$2500 plaque in Village Hall was insulting.

She offered the idea of \$100,000 in escrow to be used in a historical fashion.

Ms. Gorman added that the DEC stated that if residents notice any debris in the nearby Bronx River, they should call the DEC to investigate.

The Environmental Planning at the county level offered to review the plans to make sure the proposed demolition plans are safe.

Mr. Dick Forliano, Eastchester Town Historian, noted that the applicant should make reparations. He noted that he felt bad for the residents of the Rivervue Condos. However, there was financial ignorance on their part. In 1996, when the developers took over the property, the stipulation was that the smokestack be maintained. In 2013, the structural engineer informed the Rivervue Condo Association to do their due diligence. This will be a destruction of a historic site. There has to be reparations made and the Village Board must require that. There are currently 20 historic sites in the Village of Tuckahoe. There was negligence on their part to ignore the laws.

Mr. Sal Provenzano 11 River Street noted that the safety issue was paramount. He asked the Board and residents to google 'smokestack demolition gone wrong' There has to be oversight to the removal of this smokestack to avoid injuries. The Fountains and Rivervue may have to be evacuated if there are many safety or environmental issues if any errors are made.

Mr. Luigi Marcoccia, Eastchester Councilman, noted that it was a shame that it has come to this point. He asked if the process would be to remove the smokestack, brick by brick.

Chairman Barra stated that the Building Dept. would be in communication with the Rivervue Condo Association to determine the best way to surgically remove the smoke stack. It may have to be done brick by brick from the top down. The Building Dept. will do its due diligence regarding the testing of the possible chemicals mentioned.

Mike Seminara, Assistant Building Inspector noted that once the Board approves demolition, the Building Dept. would put together an extensive plan, which will be done in accordance with the environmental safety issues. The Building Dept. can also send the plans to the County Planning Dept. for their approval.

Acting Chairman Barra again stated that safety is the number one concern.

Mr. Marcoccia noted that he has not seen the Engineer's report, but if the smokestack can be removed brick-by-brick, can it be possible to restore and rebuild the smokestack brick-by-brick. Members of the community would like to see the smokestack stay.

Ms. Gorman asked if a licensed asbestos engineer examined the smokestack for asbestos.

Gary Gjertsen stated that the smokestack was examined. He added that all the points brought up by the residents are good points. The Building Dept. will have to review and approve the demolition plan.

Mrs. Provenzano noted there seems to be a rush to take down the smokestack. Please know what chemicals are lingering in the smokestack as it was used as a pharmaceutical incinerator.

Jeff Zuckerman voiced his disappointment that the residents of the Rivervue seem to be getting a pass for this negligence. They should have to pay.

Mr. Goldberger, attorney representing the applicant, stated that the Rivervue and the contractors hired to remove the smokestack would do everything possible to protect the environment and keep the public safe.

Acting Chairman Barra motioned to close the public hearing, seconded by Commissioner Nerenberg and carried unanimously.

Chairman Barra offered the following resolution in the form of a motion:

RESOLUTION DESIGNATING THE TUCKAHOE VILLAGE PLANNING BOARD AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR SITE PLAN APPROVAL TO REMOVE THE SMOKESTACK AT 1 SCARSDALE ROAD.

WHEREAS, the Tuckahoe Village Department of Buildings received a site plan application received on September 12, 2019 to remove the existing smoke stack structure and replace it 4 new parking spaces.

WHEREAS, the existing smoke stack structure is a remnant from the Stone Mill Complex, which was determined eligible for the National Register of Historic Places on February 29, 1996. Therefore, the proposed action to remove the structure is classified as a Type 1 Action under Part 617 of the State Environmental Quality Review Act (“SEQR”);

WHEREAS, under Tuckahoe Village law, the Planning Board is the only entity that can grant site plan approval.

WHEREAS, Part 617 of SEQR makes the agency with direct authority over the proposed action the Lead Agency.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. The Tuckahoe Village Planning Board hereby declares itself as Lead Agency to coordinate the environmental review of the proposed action.

Lead Agency Contact Information:

Tuckahoe Village Planning Board
65 Main Street
Tuckahoe, NY 10707
Bill Williams, Building Inspector
T. 914.961.8148
bwilliams@tuckahoe-ny.com

This resolution shall take effect immediately.

Commissioner Nerenberg seconded the motion, and upon roll call was carried with a vote of 3 – 0.

Acting Chairman Barra offered the following SEQR resolution in the form of a motion:

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR SITE PLAN APPROVAL TO REMOVE THE SMOKESTACK AT 1 SCARSDALE ROAD.

WHEREAS, the Tuckahoe Village Department of Buildings received a site plan application received on September 12, 2019 to remove the existing smoke stack structure and replace it 4 new parking spaces.

WHEREAS, the proposed action to remove the structure is classified as a Type 1 Action under Part 617 of the State Environmental Quality Review Act (“SEQR”);

WHEREAS, the Planning Board commissioned an engineering firm, Grossfield Macri Consulting Engineers, to evaluate the condition of the facility. Their report, delivered on November 25th, 2019, determined that the structural damage that has occurred to the facility is irreversible and the cost to rebuild the chimney stack will be excessive and is not economically practical. It is the opinion of the Planning Board that removal of the facility is appropriate, as the risk to safety outweighs the structure’s historic value.

WHEREAS, the Planning Board reviewed the Environmental Assessment Form (“EAF”) Parts I & II on December 3rd, 2019.

WHEREAS, based on the Environmental Assessment Form (“EAF”), submitted by the Applicant, and any supplemental materials thereto, the Planning Board has determined that there will be no significant adverse environmental impacts from this action as it concerns the proposed Project.

WHEREAS, the Planning Board is the Lead Agency for review of the proposed action.

WHEREAS, the Planning Board is the only entity that can grant site plan approval.

NOW, THEREFORE, BE IT RESOLVED, THAT:

1. Based on the information included in the EAF submitted by the Applicant, and any 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 for this Type I Action under the State Environmental Quality Review Act.

This resolution shall take effect immediately.

Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 3 – 0.

Acting Chairman Barra offered the following resolution in the form of a motion:

In the matter of the application of The Rivervue Condominium 1 Scarsdale Rd.
Tuckahoe NY -

PLANNING BOARD RESOLUTION

The Applicant is the record owner of the premises commonly known as 1 Scarsdale Road, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as Section 36, Block 3, Lot 1 (the “Premises”). The Premises consists of a condominium complex with a smokestack that is not currently used , but has historical

significance to the Premises and to the Village. The smokestack and complex is an historical reminder as to the industrial significance of the Village.

The applicant is now seeking to amend its previous approved site plan to remove the smokestack due to its deteriorated condition. The Applicant has submitted with its application, in support of the condition of the smokestack, an inspection letter report dated July 17, 2019 prepared by PCS Engineering PLLC, which recommends the removal of the smokestack.

We have heard from both the unit owners of the condominium in support of the smokestack's removal due to the condition of the smokestack and the financial burden on the owners and various Village residents against the smokestack's removal due to the historical significance of same. This is clearly a polarizing issue and both sides gave very impassioned arguments.

Based on the hearing before this Board, this Board required the applicant to pay for a separate engineer's inspection by an engineer selected by the Village to get a neutral assessment of the condition of the smokestack. The Village selected GMCE PC to perform the inspection and said report was completed on November 25, 2019. The report will be attached to this resolution and made part of same. The conclusion of Michael Macri, PE from GMCE PC is that the chimney is in grave condition and they strongly suggest the chimney be demolished in the next six months. Further, the report recommends a safety zone be immediately established around the smokestack to protect

the pedestrians and traffic in the vicinity of the smokestack. It should be noted that the safety zone has been established.

Thus, based on the Villages Engineer's report the applicant's application to amend its previously approved site plan is granted and the smokestack is to be removed. Further in applying 7-1 to this application the additional parking spaces gained from the smokestack's removal will have no impact on the surrounding area will be a benefit to the unit owners.

In turning to the conditions of this approval the applicant The Rivervue Condominium must take some blame as to the deteriorated condition of the smokestack. The prior approval of this Board in 1998 was clear that the applicant was to maintain the smokestack and to submit annual inspection reports to the Village by a licensed engineer by no later than December 31 of each year. This was not done. In fact the last engineer's report provided to the Village was from 2013, so clearly the smokestack was not maintained or inspected per the approval.

Therefore, since the Village is now losing an historical part of the Village due to the inactions of the applicant the applicant will be required to make a donation to the Tuckahoe Village Beautification Committee in the sum of \$15,000. This money shall be earmarked specifically for the enhancement of an historical aspect of the Village. It would be a preference of this Board that there be a commemorative aspect of the use of the money on the smokestack. It is also the preference of this Board that the Beautification Committee work with the Village of Tuckahoe's Historical Committee and

the Village Board to determine the best use of the money to further the history of Tuckahoe.

Next, there must be a demolition plan approved by the Village of Tuckahoe's Building Inspector before work can be commenced. The Building Inspector should be aware of public comment that asbestos may be contained in the smokestack.

Lastly, as the Village's Engineer has determined the smokestack to be in grave condition the applicant shall work with all possible speed to remove the smokestack as soon as possible.

Commissioner Castellanos seconded the motion and upon roll call was carried with a vote of 3 – 0.

Item #3	145 Main St.	Adjourned
Item #4	21 Columbus Ave.	Adjourned
Item #5	14-16 Columbus 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.