

**May 18, 2021**  
**TUCKAHOE PLANNING BOARD**  
**Online meeting due to Covid-19**  
**Regular Meeting – 7:30pm**

**Present:**      Chairperson              Antonio Leo  
                 Commissioner          Raymond Nerenberg  
                 Commissioner        David Barra  
                 Commissioner        Susana Carpenter  
                 Commissioner        Paul Wolfson  
                 Commissioner        Adrienne Michel (ad hoc)

**Absent:**      Commissioner              Aisha Scholes (ad hoc)

**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Carolina Fonseca	Village Consultant
Mike Seminara	Assistant Building Inspector

**Chairman Leo welcomed the addition of two new members to the Board. He introduced Commissioners Adrienne Michel and Paul Wolfson and thanked them for their service to the Village.**

**Chairman Leo announced the evening's agenda as follows:**

<b>Item #1</b>	<b>Approval of Minutes of the April 20, 2021 meeting.</b>
<b>Item #2</b>	<b>151 Marbledale Rd.              Return/Amended Site Plan</b>
<b>Item #3</b>	<b>86 Main Street                      Site Plan</b>
<b>Item #4</b>	<b>65 Main Street                      Special Permit</b>
<b>Item #5</b>	<b>22 Underhill Street                Adjourned</b>
<b>Item #6</b>	<b>69 Main St.                          Adjourned</b>

**Item #1 Approval of Minutes April 20, 2021**

Commissioner Barra motioned to approve the minutes from the April 20, 2021 meeting, seconded by Chairman Leo and carried with a vote of 4 - 0.

**Item #2 151 Marbledale Rd. Return/Amended Site Plan**

Mark Cermele, architect representing the applicant, indicated that there is a permit for a building shell for a restaurant. The amended plans show a penthouse, stairwell and elevator. These items were not in the rendering. The shell of the building will be built and a future restaurant tenant can design the interior to their liking.

The staircase will go from the grade level to the roof. The North and South Elevation displayed the roof tower. The West and East Elevation displayed the stairwell in the rear and the penthouse.

Chairman Leo noted that the plans now include the elevator, staircase and enclosure of the room in the cellar. The roof tower will match the current shell regarding all the finishes.

**Chairman Leo motioned to open the public hearing, seconded by Commissioner Barra and carried with a vote of 5 – 0.**

**Public Comments**

Carolina Fonseca, Village Consultant, reviewed the amendments: The staircase in the rear connecting the ground to the rooftop, an elevator and the roof tower.

**Chairman Leo motioned to close the public hearing, seconded by Commissioner Nerenberg and carried with a vote of 5 – 0.**

**Chairman Leo offered the following resolution in the form of a motion:**

**Planning Board Village of Tuckahoe, New York In the matter of the Application  
BILWIN DEVELOPMENT AFFILIATES LLC**

**PLANNING BOARD RESOLUTION**

The Applicant, BILWIN DEVELOPMENT AFFILIATES LLC, (hereinafter “Applicant”) is the record owner of the premises commonly known as 151 Marbledale Road, Tuckahoe, New York and

known on the tax map of the Village of Tuckahoe as Section 35, Block 1, Lot 1A (the “Premises”). Applicant received approval from this Board to construct a restaurant at said premises. Applicant now seeks to make amendments to its original approval. Applicant is seeking the following amendments:

1. Construct an elevator with a rooftop lobby
2. Construct a staircase in the rear of the premises connecting the rooftop with the ground.
3. Construct a SVE equipment room in the basement of the restaurant

The Applicant has provided all the documents, plans and materials to this Board such that this Board can make a proper review under Section 7-1 and 4-8.8 of the Zoning Code. Specifically, the following plans and drawings shall be incorporated herein and made part of this approval: (date 04/14/20 – revision #7 date 5/12/21 and 5/14/21)

A-0.0, A-0.1, A-0.2, A-0.3, A-0.4, A-0.5, LS-1.0, LS-1.1, LS-1.2, A-1.0, A-1.1, A-1.2, A-1.3, A-1.4, A-1.5, A-2.0, A-2.1, A-2.2, A-3.0, A-3.1, A-3.2, A-3.3, A-4.0 and A-4.1

Based on the submissions and the work session and public hearing this Board determines pursuant to SEQRA that:

1. **The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.**
2. **This Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed area variance application.**
3. **That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action**

Further, based on the submissions and work session this Board finds that the applicant has satisfied the requirements of 7-1 and 4-8.8 and the Village of Tuckahoe Zoning Code and therefore the application seeking amendments to the original decision of this Board is approved with the following conditions:

1. This Board has not determined nor is it in this Board’s purview to determine the compliance of the requested amendments with the NYS and local codes. The responsibility of determining compliance lies solely with the Building Inspector of Tuckahoe and it must be determined from the Building Inspector that all NYS and local codes are complied with prior to a Building Permit being issued.
2. We acknowledge that one issue that is outstanding NYS code issue is whether the proposed stairs located in the rear must be enclosed or covered. If it is determined by the Building Inspector that said stairs must be enclosed or covered then the Chair of this Board may sign off on the design without the applicant submitting same to the full Board.
3. If minor changes are required to this amended site plan due to NYS or local code compliance the Chair of this Board may sign off on the minor amendments. If it is determined by the Chair of this Board that the change is substantial the Chair may in his discretion send the applicant back to this Board for approval of the substantial change.
4. This application is limited to the requested amendments. It does not include any occupants or usage in anyway of the rooftop. Once a tenant is identified the tenant or owner must

5. All outstanding fees must be paid prior to a building permit being issued.
6. Applicant must submit to the Building Department 3 hard copies of the plans signed and sealed for filing within 14 days of this approval.

**Item #3    86 Main St.                      Site Plan**

Ms. Tejeda noted that she will rent one parking space from the Village but her clients will park at the one-hour meter spaces.

Chairman Leo noted that the public hearing cannot be opened until the Zoning Board approves the application. The applicant will return next month.

**Item #4    65 Main Street                      Special Permit**

Marion Anderson, applicant for Cornerstone Children Center, stated her intent to open a new day care center at this location. The previous tenant was The Andrus Learning Center. The facility was approved by NYS for 111 children. Ms. Anderson plans to apply for the same number. It will include infants to 5 years old. There are no plans to change the general operation. The application is for the use of the first floor and the third floor.

The staggered parent drop off will be between the hours of 7:00am to 9:00am  
Nine classrooms will use the same configuration as The Andrus Learning Center. There  
will be no changes to the floor plans.

The facility would expect to reach full capacity within 1 to 3 years. Full staffing of 25 will grow with the child enrollment.

Infants to 18months the ratio is one adult staff to 4 children - 16 maximum ; Toddlers to 3 years ratio is one staff member to 5 children – 22 maximum and Pre-school 3 – 5 years old – 73 maximum. Ratio is one staff to 7 children(3years) and one staff member to 8 children (4-5 years)

Chairman Leo noted that The Learning Center is another day care center on Columbus Ave. The parking issue was evident during the application process. The residents voiced their concern regarding the lack of parking. He added that the Village Attorney, Mr. Gjertsen will share this information to inform Ms. Anderson so she can prepare a parking solution for her future staff members for the next month's meeting.

Chairman Leo noted that the public hearing cannot be opened until the Zoning Board approves the application. The applicant will return next month.

<b>Item #5</b>	<b>22 Underhill Street</b>	<b>Adjourned</b>
<b>Item #6</b>	<b>69 Main St.</b>	<b>Adjourned</b>

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.