

April 24, 2012

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

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

Also in Attendance:

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

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1 Approval of Minutes held on February 15, 2012
Approval of Minutes held on March 20, 2012

Item #2 16 Chestnut Return
Item #3 174 Marbledale Rd. Site Plan
Item #4 Crestwood Station Plaza LLC Site Plan
Item #5 181 Marbledale Rd. Adjourned
Item #6 100 Main Street Adjourned

Item #1 Approval of Minutes held on February 15, 2012

Commissioner Nerenberg motioned to approve the February 15, 2012 minutes was seconded by Commissioner Caliano and was carried with a vote of 7 – 0.

Approval of Minutes held on March 20, 2012

Commissioner Nerenberg motioned to approve the March 20, 2012 minutes was seconded by Commissioner Caliano and was carried with a vote of 7 – 0.

Item #2 16 Chestnut
Applicant not present.

Return

Item #3 174 Marbledale Rd. Site Plan

Joseph Fernandez, architect for the applicant, presented the materials and plans for an outdoor tent behind the existing restaurant. He displayed photos depicting 6 different views.

The materials for the tent will be a fire retardant canopy structure, white, with an aluminum frame. Mr. Fernandez submitted a certificate from the manufacturer documenting that the fabric is fire retardant. This seasonal tent will be in place from April to November.

The aluminum frame would be removed during the off-season, while the rods in the ground will be capped. These rods, footings, will be 12in tubes and will go down to the level of frost.

There will be string lights along the perimeter of the canopy. These miniature lights will be C5 lights, not LED and not halogen. A self-luminous exit sign will be at the end.

Bill Williams, Building Inspector, reviewed the plans and indicated that the plans were appropriate. The lighting will have to be inspected by a third party, a Village Electrical Inspector, to make sure it meets code.

Chairwoman Ciaramella noted that site plan approval for a seasonal tent is a Type 2 action, which is exempt from environmental review under SEQR.

Commissioner Leo motioned to approve the plans as submitted tonight, seconded by Commissioner Nerenberg. Chairwoman Ciaramella amended the motion to include that the seasonal tent be in use from April to November and that the lights be inspected by a third party, Village Electrical Inspector, prior to the tent being used. The amended motion was seconded by Commissioner Caliano and unanimously varied by the Board.

Item #4 Crestwood Station Plaza LLC
300 Columbus Avenue Site Plan

Mr. Richman, applicant, responded to the memo dated April 24, 2012 from Frank Fish, Village Consultant. Regarding Item c. the applicant will submit floor plans in more detail and work with BFJ. Item d. the applicant would be happy to move the handicap space as requested by BFJ. Item e. the applicant understands that the proposed striping would require approval by the Village Board of Trustees.

Mr. Heapes, applicant, responded to the 3ft. setback along a portion of Columbus Ave. He stated that the architects worked for many hours on this item, and it is just not structurally possible. In addition, to push back the main lobby area of Columbus Ave. 3 ft. would squeeze the lobby into two unusable spaces. This lobby is an important part of the building. It will have a full-time concierge's desk, mail area, storage area and package pick-up area.

Chairwoman Ciaramella noted that the DPW, Fire Dept., and Police Dept. have not indicated in writing their approval of these plans. In addition, the plans to expand the public right-of-way must go to the Village Board of Trustees, as well as the county for approval. She asked the applicant to get some feedback from the Village Board of Trustees as to their thoughts on this.

Bill Williams, Building Inspector noted that a turn lane was put in that area some time ago and needed approval from the county.

Mr. Richman stated that he understands that there are multiple agencies the Fire, DPW and Police. The site plan could be approved without the public right of way portion.

John Cavallaro, Village Attorney, the applicant could return to amend the Site Plan due to an agencies' suggestions or remove the condition entirely. The applicant is looking for a Site Plan as a threshold to appear before the Village Board of Trustees since they would ask for the Site Plan. If the Village Board makes further recommendations, the Site Plan could be tweaked.

Mr. Richman added that the Planning Board could grant Site Plan approval with the condition to continue to work with the Planning Board over the course of the year with getting approvals from the Village Board and the county.

He added that the 3ft. set back cannot be accomplished, as it is a structural issue. There is also a 2 – 5ft. change in grade going up and around the corner on Lincoln Ave. The grade of the sidewalk would be too abrupt if there was a 3ft. setback along the entire Columbus Ave. stretch.

Chairwoman Ciaramella asked if there was any way to ameliorate the slope in the sidewalk. The Village Consultants as well as the applicants answered no.

Commissioner Fang thanked the applicants for their effort with working with the Board and responding to the comments and concerns.

Commissioner Leo noted that the 3ft. set back at the corner could be examined and a gradual grade could be created. He added that setting the building back 3 ft. in the residential lobby would create more issues for the applicant.

Commissioner Nerenberg added that the footprint is too big. There should be a 6 – 10 ft. setback on Lincoln and a 6ft. set back on Columbus. He added that he does not care what the traffic study states, this is a very bad corner. This project has a negative impact on the neighborhood. The potential tenants will not care about the Village.

Commissioner Fang asked if the applicants could provide the Board with a three-dimensional view rather than the two-dimensional views. It is difficult to see the justification without the three-dimensional model, the massing looks too big.

Mr. Heapes compared the corner of the building to the Chase building on the other corner. The Chase building has a big blank wall. This lobby will look residential, with lights, couches and the corner being emphasized.

Mr. Richman offered the idea that the lobby can be recessed with a cantilever over it. The Columbus Ave. sidewalk can be widened 3ft. to the entry doors of the lobby. The massing of the building cannot be changed. The architecture can be discussed, but not the massing. He added that he moved the building back on Lincoln Ave and moved the building back as much as possible on Columbus Ave. He stated that he has a zoning compliant plan before the Planning Board. The massing or volume of the building and shape and size of the building is compliant with the zoning code. It is consistent with the plan approved by the Zoning Board. He asked that the Board consider the code compliant plan before them.

John Cavallaro, Village Attorney, stated that the footprint is a Site Plan issue.

Frank Fish added that the footprint is a Site Plan issue. The Zoning Board granted variances for height and a variance for the fourth floor. The fourth floor variance that was granted must not be a habitable space. There will be three floors of residents and one floor for parking. The Zoning Board was specific regarding the location.

Commissioner Fang noted that the argument to grant approval was based on uses. The Planning Board's charge is to base it on place and to look at the physical elements of the Lincoln corner. This Board's charge is place specific judgments and is different from a use decision.

Mr. Fish added that the Zoning Board was clear on place of variance. The Board granted the plan based on the place and looked at the issue at detail. The Zoning Board asked for a view shed and they were concerned about the height. Their discussion was based on place as well as use. They did not want a four- story residential-use occupied or habitable space.

Mr. Richman noted that the massing of this project is the same that was presented to the Village Board two years ago. The building has gotten lower and moved back 3ft. He added that there were no members of the public present tonight to dispute the plans.

Commissioner Miller noted that the central issue was the mass of the building on Lincoln Ave. He stated that he understands that the plan complies with the Zoning Code, but we have to get that to look good, to soften the building up. The façade has to be examined without cutting into the mass. He thanked the applicant for the shadow plans. He asked for additional approximate elevations for the buildings across the street on Lincoln and Columbus. A possibility could be a set back of the floors of the building, which could reduce the look of the massing.

Mr. Heapes noted that there could be a 3ft. set back at the entrance to the lobby on Columbus Ave. with a cantilever roof. This could possibly create a 27ft. wide sidewalk if the Village Board approves the proposed plans in the right-of-way.

Mr. Fish asked the applicants to detail the changes with the 3ft. setback for the next month's workshop meeting. The sidewalk will be between 13 ft. and 27 ft. This is a movement in the right direction.

Mr. Pinto added that he had a few points to offer. Regarding the JMC memo dated April 16, 2012 the drawing SP3 a 2ft. minimum side yard clearance is fine, checked with Bill Williams.

Commissioner Gorman asked if the mature trees on the church side are harmed and possibly die, what was the applicant's responsibility.

Mr. Pinto stated that the trees would be evaluated by an arborist and the goal would be to preserve the trees or replace them if necessary.

He noted that SP3 second paragraph, the ConEd access would require a letter from ConEd that the plans are acceptable and adequate and that there is enough power for this project.

SP3- he recommends that signs be required along with the striping.

SP7- the drainage is fine. If the height of the retaining wall is 8ft., the Bus/Res. District requires a variance for this height.

He also asked for the quantities of how much material would be exported and imported to the site.

Mr. Richman replied that he would be happy to add the stop signs and the trees in question are certainly in the applicant's best interest to keep healthy.

Mr. Davis, attorney for the applicant, stated that the code does require a variance for a retaining wall in the Bus/Res. District.

Mr. Cavallaro noted that he did speak with Mr. Davis regarding the retaining wall. The 6ft. wall requirement is for residential only. The applicant does not require a variance for an 8ft. retaining wall. This does not preclude a discussion of buffering the retaining wall.

Mr. Pearson, Traffic Consultant, noted that the Police Dept. will not provide a statement unless requested by the Planning Board.

Chairwoman Ciaramella stated that the letter must be sent by Bill Williams.

Mr. Richman added that he would provide updated copies of the revised plans to Mr. Pinto, Mr. Fish, Mr. Williams, Planning Board, and the Fire, Police and DPW departments.

Item #5 181 Marbledale Rd. Adjourned

Item #6 100 Main Street 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.