

October 16, 2012

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

Present:

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

Also in Attendance:

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

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1	Approval of Minutes of the Regular meeting held on Sept. 13, 2012	
Item #2	9 Jackson Ave.	Amended Site Plan
Item #3	16 Chestnut	Return
Item #4	100 Main Street	Site Plan Approval
Item #5	1 Midland Place	Parking Space
Item #6	146 Main Street	Extension Site Plan Approval
Item #7	150, 160 Main Street, 233 Midland Avenue	Return

Item #1 Approval of Minutes held on Sept. 13, 2012

Commissioner Nerenberg motioned to approve the Sept. 13, 2012 minutes was seconded by Commissioner Leo and was carried with a vote of 5 – 0, with Commissioner Miller and Commissioner Fang abstaining due to their absence.

Item #2 9 Jackson Ave.

Amended Site Plan

Leonard Brandes, representing Dennis Lucente, owner of Lucente Landscaping, noted that during the excavation of the hill to place the previously approved building, the hill became unstable. During the recent inspection, the engineer advised to pour walls to stabilize the earth. Due to the construction of the walls, two parking spaces were lost and will be relocated elsewhere. The building will now be shifted forward and rotated slightly. There are no variances requested, as there are still the required numbers of parking spaces. The metal staircase has been extended due to the compressors and plantings.

Mr. Pinto, Village Consultant, noted that the rock wall and plantings would stabilize the hill. Applicant must submit report from the engineer.

Mr. Brandes noted that the engineer visited the site and will submit a letter to the Building Dept.

Chairwoman Ciaramella noted that the applicant is required to keep the root system of any trees if removed to help keep the earth stabilized.

Mr. Lucente submitted an application to take three trees down. He spoke with the property owner in rear and she is happy to have the trees removed. He will leave the stumps to help stabilize the slope. He is waiting for DPW approval.

Commissioner Leo motioned that the Board adopts a negative declaration pursuant to SEQR. The motion was seconded by Commissioner Caliano and unanimously carried with a vote of 7 – 0.

Commissioner Leo motioned to accept the plans as presented tonight with the condition that the Building Dept. receives a letter from the applicant's engineer stating that the slope and retaining wall are sound.

Commissioner Gorman seconded the motion.

Discussion: Commissioner Caliano requested a date for the letter.

John Cavallaro, Village Attorney, asked the resolution to read ...that the Building Dept. receive, review and approve the letter from the applicant's engineer by the end of the month.

Commissioner Caliano motioned to second the amendment, carried unanimously by the Board.

Commissioner Caliano motioned to approve the plans presented tonight with the condition that that the Building Dept. receive, review and approve the letter from the applicant's engineer by the end of the month.

Motion was seconded by Commissioner Fang and carried unanimously by the Board.

Item #3 16 Chestnut

Return

Mr. Anthony Rizzo, owner of the property, noted that Mr. Pinto and Bill Williams visited the site. The stability of the rock in lieu of the need for a retaining wall was examined. He stated that the coverage is on gravity wall, rock is stable and the plantings are in.

Mr. Pinto reviewed all items and stated that all have been satisfied. Prior to the applicant receiving a Certificate of Occupancy, the applicant must submit an As Built survey. All concerns have been satisfied.

Chairwoman Ciaramella motioned that the Board adopts a negative declaration pursuant to SEQR. The motion was seconded by Commissioner Caliano and unanimously carried with a vote of 7 – 0.

Commissioner Nerenberg motioned to accept the plans as presented tonight, seconded by Commissioner Gorman and carried with a vote of 7 - 0.

Item #4 100 Main Street

Site Plan Approval

Les Maron, attorney for the applicant submitted an aerial view of the property. The engineer prepared signage and striping plans for Terrace Pl. The engineer recommended that the signs state the following - *Two Way Traffic Ahead - Start of Two Way Traffic Keep Right - Start of One Way Traffic- and Do Not Enter*. He added that Frank Fish recommends that the *Dead End* Sign be switched to a *No Outlet* or *Access to Parking Only*. Mr. Maron stated that he agrees with Mr. Fish's recommendation.

Mr. Fish also requested that the parking spaces #23 and #24 in the parking lot are too narrow and too tight. He suggested eliminating the curb. In addition, the pedestrian walkway should be removed and replaced with a painted walkway. Mr. Maron agreed to both suggestions.

Mr. Maron stated that there is a square area in the SW corner of the parking lot originally to be used to park bicycles. This area will be sliced diagonally, leaving a small triangular space. There is a high retaining wall around the space. The applicant will try to do something with the small triangular space. The bicycles will have a space in the maintenance room.

Commissioner Leo asked that the applicant include the first floor plan of building, as they are not included in the submitted plans. The right side of the building is a big concern.

Frank Fish noted that the striping was planned correctly due to safety concerns. He added that there was an in-house debate regarding the striping plans. Some of his colleagues shared their concerns that it is a tight area. A raised curb island would be nice, yet the width was a concern. The DPW, FD and Building Dept. should review the plans and the site and make a recommendation. He added that if the curb area is approved, the applicant should be charged with the maintenance of the area rather than the Village.

Commissioner Leo voiced his concern that the curb could provide safety more than stripping. The sidewalk is very narrow as well.

Mr. Maron stated that there is no sidewalk, which was the architect's error.

Fran Fish added that the applicant should indicate on Terrace Place where the current parking is and if existing spaces would possibly be eliminated. Applicant should verify.

Commissioner Fang added that the Board accepts the plan configuration, but would like to discuss further the surface treatment.

Commissioner Caliano offered the suggestion that the sign should read... *Access to 100 Main Parking Only*, to avoid others to park at the site.

Commissioner Leo requested the lighting plan. Entrance to parking area needs lights. Also, edge pavers and brick pavers along the sidewalk to match the sidewalk on Main St. He also requested that the plans show where the tree will be relocated.

Mr. Maron noted that all would be replaced in kind. The relocated tree will be shown on the plan.

Commissioner Fang noticed that the entrance always shows a recessed entryway, due to the door swinging open on Main St. He noted that wherever the applicant decides to put the entrance door, it should be recessed. He added that he would like to see the retail business succeed.

John Cavallaro, Village Attorney, noted that Main Street may be considered a county road and therefore a 230 Emory File must be completed and submitted to the county for approval.

Mr. Pinto added that he has not completed his review of this application.

Commissioner Gorman requested that the two trees on Main St. should have a big gap between them. In addition, the trees should not be near the retail and business entrances.

Mr. Maron agreed. He added that all items would be taken care of this week.

Applicant will return next month.

Item #5 1 Midland Place

Parking Space

Mr. Martin Hero, architect for the applicant, noted that the applicant was granted a variance by the Zoning Board. The plan is for an on-site parking space in the front yard. There will be a pedestrian entrance with brick and concrete pavers. There is a 30in. difference between the street grade and the property. The step ramp will have a gentle sloping. The parking space will have safety bollards made of steel to protect the override of the vehicle. The asphalt will have proper drainage.

Commissioner Fang voiced his concern regarding the tricky intersection.

Commissioner Miller noted that Mr. Fish stated during the workshop that it is a very safe intersection due to the stop sign right nearby.

Commissioner Leo noted that the 30in difference between the street level and property level would be distributed over a 25ft. walkway with two steps. This ramp will divide the front lawn. He advised the architect to return to the steps with no gradual ramp, keeping the front yard whole.

Mr. Martin agreed.

Chairwoman Ciaramella motioned that the Board adopts a negative declaration pursuant to SEQR. The motion was seconded by Commissioner Nerenberg and unanimously carried with a vote of 7 – 0.

Commissioner Miller motioned to open the public hearing, seconded by Commissioner Leo and carried unanimously by the Board.

No Public Comments

Commissioner Leo motioned to close the public hearing, seconded by Commissioner Caliano and carried unanimously by the Board.

Commissioner Leo motioned to accept the plans as presented tonight, with the exception that the applicant keep the two or three steps and that the brick walkway be flat to the house. Motion was seconded by Commissioner Caliano and carried with a vote of 6 - 0, with Commissioner Fang abstaining due to his absence at the workshop.

Item #6 146 Main Street**Extension Site Plan Approval**

Mr. Null noted that the applicant was requesting a two-year extension to the previously approved site plan for 146 Main St. This building will be used as a staging office for the remaining portion of this project.

Commissioner Leo offered the following resolution in the form of a motion:

In the Matter of the Application Mirado Properties, Inc., Dorami Realty of New York, Inc. and Midora Corp., Premises: 146 Main Street Tuckahoe, New York

Background and Findings of Fact

The Applicants are the record owners of the premises commonly known as 146 Main Street, Tuckahoe, New York, and otherwise known on the tax map of the Village of Tuckahoe (the "Village") as Section 29, Block 9, Lot 25 (the "Premises"). The Premises is located in a Business/Residential zoning district and consists of one lot that measures approximately 50 feet in width by 105 feet in length (i.e., approximately 5,250 square feet in area).

A. The Nature of the Application

The Premises consists of one separate lot on which a building already exists. At 146 Main Street, the existing two-story industrial building will be converted to a residential building with two dwelling units under the project as proposed. According to the representations made by the Applicants, the 146 Main Street project would not involve any expansion of the existing building or footprint but merely internal modifications as approved in accordance with the site plan approval and the permits and/or approvals issued by the Building Department.

Historically, the 146 Main Street Premises was part of a larger project now known as the Glenmark project, encompassing not only 146 Main Street but also 150 and 160 Main Street as well as 233 Midland Avenue. The Applicants had determined to separate the 146 Main Street Premises from the project and proceed with an amendment to the Site Plan Approval initially granted on November 10, 2008 for a project encompassing 146, 150 and 160 Main Street and 233 Midland Avenue. Having removed 146 Main Street from inclusion in the Site Plan Amendment, the Planning Board granted an amended Site Plan Approval for the Premises known as 150 and 160 Main Street and 233 Midland Avenue in December 2011.

The Applicants now return before the Planning Board for the issuance of an extension of its previously granted Site Plan Approval for 146 Main Street. On October 20, 2009, this Planning Board granted an extension of the Site Plan Approval for the entirety of the project known as 146, 150 and 160 Main Street and 233 Midland Avenue for a two-year period to expire October 19, 2011. A further extension of that Site Plan Approval was granted on October 18, 2011 for one

year, only, which Resolution was filed on November 15, 2011. In connection with the extension of the Site Plan Approval, the Planning Board imposed certain conditions on the Applicants, including but not limited to:

1. That the Jiffy Lube building be leveled within two months;
2. That a clean-up of the property on both sides of Midland Avenue take place;
3. That no heavy equipment may be stored on the site without further site plan approval;
4. That a chain-link fence with slats be erected within two months to screen the site;
5. That the removal of the curved barriers take place and be replaced with suitable barriers and that the building, which would remain on the site, would be subject to existing Zoning Code requirements.

The motion to extend the Site Plan Approval, dated October 20, 2009, was moved by Commissioner Nerenberg to include a two-year extension with the requirement that the Building Department supervise the site. That motion was seconded by Commissioner Leo and a resolution to extend the Site Plan Approval to and including 146 Main Street was carried by the Board with a vote of 5-0. The Applicants now return before the Board to further extend the Site Plan Approval for 146 Main Street for an additional two-year period. Although the Applicants have requested a two-year extension of the Site Plan Approval for the 146 Main Street Premises, this Planning Board finds it more appropriate to grant a one-year extension for the Site Plan Approval for 146 Main Street so it may be in a better position to timely monitor the Applicants' compliance with the Site Plan Approval as previously approved and extended and insure that no material changes in the surrounding neighborhood take place which would require a reconsideration of the extension of the Site Plan Approval.

Relief From the Zoning Ordinance

In connection with the Premises known as 146 Main Street, the Applicants did not require any relief from the Zoning Ordinance in connection with the development of the project known as 146 Main Street. Rather, the variances requested from the Zoning Board concerned the other premises at the project, namely 150 Main Street, 160 Main Street and 233 Midland Avenue.

Planning Board Review

As mentioned, in 2008, this Planning Board granted Site Plan Approval to the premises 146 Main Street and extended such approval for a two-year period in October 2009, which then was extended for another year in October 2011. As such, the Site Plan Approval for 146 Main Street would otherwise expire on November 15, 2012, unless extended, and these Applicants seek to further extend that Site Plan Approval for an additional two-year period through and including November 2014. In consideration of the Site Plan Approval granted in 2008 and extended in both 2009 and 2011, the Planning Board identified and extensively deliberated the following issues: (i) existing conditions affecting the project such as land use, neighborhood and community character, public policy, community facilities and emergency services; (ii) traffic conditions; (iii) parking accommodations and considerations; (iv) pedestrian conditions; (v) environmental site assessments, including analysis of hazardous materials, flooding, storm water mitigation, underground storage tanks, existing and proposed topography and sewerage; (vi) building height, scale and aesthetic impact; (vii) ingress and egress to the Premises; (viii) potential nuisances; (ix) the project's compatibility with the Village's Comprehensive Plan; (x) solid waste and/or hazardous waste generated, if any, and other issues relevant to the planning process. The Planning Board had conducted a thorough, calculated review of the proposed site plan and the related issues to the project and issued site plan approval for the Premises with what then included 146 Main Street.

In granting Site Plan Approval for the project, the Planning Board was required to consider all of the purposes and goals set forth in the Zoning Ordinance. The Planning Board strictly adhered to this level of review.

A. Safe, Adequate and Convenient Vehicular and Pedestrian Traffic Circulation Both Within And Without the Site

In connection with the Premises 146 Main Street, there is nothing in this record to suggest that the addition of two residential units at the site will negatively impact the safe, adequate and convenient vehicular and pedestrian traffic circulation both to and from the site. Rather, traffic studies have analyzed and discussed the traffic issues relevant to the site which included a then-larger project, including 150 Main Street, 160 Main Street and 233 Midland Avenue. In those traffic studies, there was nothing to suggest that the conversion of 146 Main Street to a two-unit residential building would negatively impact traffic circulation both within and without the site.

B. The Protection of Environmental Quality and the Preservation and Enhancement of Property Values in the Neighboring Area

As discussed at several meetings before the Planning Board, the project's minimal environmental impacts and proposed enhancements to the surrounding community were extensively weighed and considered by this Planning Board. In connection with the Premises 146 Main Street, the record before this Planning Board does not suggest that the conversion of

this building to a two-unit residential building will negatively impact the protection of environmental quality and the preservation and enhancement of property values in the neighboring area. Rather, the conversion of the building to a two-unit residential building will be in conformance with the business/residential uses permitted in this area. Specifically, the conversion of the building may even add to the property values in the neighboring area because the conversion will be consistent with the land use goals set forth in the Master Plan and the rezoning of the Premises to a Business/Residential Zoning District. Environmental qualities including traffic, parking, noise, noxious fumes and odors will not be enhanced by the conversion of the building at the Premises 146 Main Street. As mentioned, the project at the 146 Main Street Premises does not involve any expansion of the existing building or footprint but merely internal modifications thereto.

C. Building Quality and Overall Site Design That Enhances and Protects the Character and Property Values of the Neighborhood

This Planning Board finds that the project submitted for 146 Main Street is such that it incorporates and blends into the surrounding neighborhood and environment rather than casting an imposing presence on adjacent lots. The project's design and materials are consistent with the neighborhood and community aesthetic, which consists of different Zoning Districts in close proximity, utilizing business, residential and mixed use buildings. The project's building will employ architectural and design considerations that are consistent with the other Zoning Districts and recent development. The 146 Main Street project will contribute to improved architectural, aesthetic, environmental, economic and quality of life impacts on the surrounding neighborhood and community. This development and project would be consistent with the existing mixed use development in the Village.

Conclusions of Law

Based upon the weight of the submissions and testimony before the Planning Board, the Applicants have adequately satisfied the standards for extending the Site Plan Approval that are enumerated in Section 7-1.5 of the Zoning Ordinance. The project's site plan for the 146 Main Street Premises is designed such that it fully accommodates and minimizes the effects of any increases in vehicular and/or pedestrian traffic to the site. The studies submitted to the Planning Board support that the project's site plan will meet and/or exceed the Zoning Ordinance's requirements for vehicular and pedestrian traffic safety.

Additionally, the evidence submitted to the Planning Board fully supports that the project will maintain and/or enhance environmental quality in the neighborhood. The project will foster significant aesthetic, economic and community enhancements, among other positive effects. These proposed effects are consistent with the Zoning Ordinance's site plan regulations and the goals set forth in the Village's Comprehensive Plan.

In addition, on the record before this Planning Board, there has been no showing that there has been a material change in the circumstances that would justify a denial of this extension of Site Plan Approval for a one-year period. The 146 Main Street project will be minimally imposing as a two-unit residential building and will not impact or cast negative environmental impacts on other developments in the surrounding community. As such, this Planning Board has resolved to extend the site plan approval for the 146 Main Street Premises for a period of one year, up through and including October 15, 2013.

Conditions:

The Planning Board's grant of Site Plan Approval for the project at the 146 Main Street Premises is subject to the conditions set forth below, which are incorporated by reference herein. The Planning Board finds that the conditions set forth herein are reasonable conditions imposed on the Applicants in an effort to make the project more harmonious with the Village's laws and ordinances, in addition to further reducing any negative environmental impacts from the project. The following conditions are applicable to and binding on the project:

1. During all phases of construction of the Project, the Applicants shall provide and/or maintain access to the surrounding public sidewalks for the benefit of passersby and pedestrian traffic;
2. Any material deviations by the Applicants from the application as presented and submitted to the Planning Board, the site plan, other plans, drawings and/or renderings, and/or this approval with conditions shall be deemed a violation of this extension of site plan approval, subjecting the same to revocation or such other remedies as the Village deems appropriate. Any material deviations shall require the further approval of the Planning Board;
3. During all phases of construction and upon completion, the Applicants shall undertake all measures to ensure that "no net increase" in storm water runoff will be generated by the Project, storm water quality treatment and erosion control measures are undertaken in conformity with the findings and recommendations submitted by AKRF during the site plan review process and the Westchester County Planning Board recommendations for the project;
4. Traffic control signage and pedestrian warning systems for vehicular access to and egress from the site must be included in any subsequent design reports and provided for in this project;
5. The project at the 146 Main Street Premises shall consist of no more than two residential units;
6. As it affects the 146 Main Street Premises, if any, the Applicants shall comply with all conditions and directives set forth in the memorandum from Jim Pinto, the Village's consulting engineer;
7. As it concerns 146 Main Street, the conditions contained herein and the improvements associated therewith must be substantially completed and/or installed prior to the issuance of any Certificate of Occupancy, temporary or permanent, for the project;
8. As it concerns the 146 Main Street project the Applicants, shall, at its cost and expense, comply with all directives and conditions set forth in the memoranda from Dolph Rotfeld Engineering, P.C.;
9. Each of the conditions contained herein shall be satisfied at the Applicants' sole cost and expense.

SEQRA

Based on the foregoing, the Planning Board of the Village of Tuckahoe finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA.
2. This Planning Board is in possession of all information reasonably necessary to make the determination as to environmental significance for the application for the extension of site plan approval for the 146 Main Street Premises.
3. The action taken herein shall not have any significant adverse impacts upon the environment and it is declared that a Negative Declaration be adopted with respect to this action.

Conclusion

Based on the foregoing, it is resolved that the site plan approval for the Premises 146 Main Street be and is hereby extended for a period of one year and is hereby granted to the Applicants in accordance with this decision, subject to the conditions set forth and contained herein. The Applicants and/or interested third parties are notified of their respective rights to appeal this decision or any part thereof in accordance the New York Civil Practice Law and Rules.

Motion was seconded by Commissioner Fang.

Discussion: A lengthy discussion ensued with Mr. Null asking if the Board would consider a two-year extension. Mr. Cavallaro noted that there was a real possibility that unforeseen circumstances could arise. In the next two years, another project could be introduced in the village that could affect 150, 160, 233 Main Street and 146 Main Street.

Mr. Null asked if #7 on Page 8 would read ...*As it concerns 146 Main St...*

Commissioner Caliano noted that the entire resolution concerns 146 Main St.

Commissioner Nerenberg motioned to open the public hearing, seconded by Commissioner Caliano and carried unanimously by the Board.

No Public Comments

Commissioner Caliano motioned to close the public hearing, seconded by Commissioner Nerenberg and carried unanimously by the Board.

Upon roll call, motion was carried with a vote of 7 – 0.

Item #7 150, 160 Main Street, 233 Midland Avenue Return

Mr. Glen Vetromile, Glenmark Properties, provided a slide show to review the plans, and particularly focused on the corner elements of the buildings.

The 150 building will now have new railings and privacy gates on the stoops, and opaque front doors. The columns on building 233, which Commissioner Leo was concerned about have been removed. The gateway to the park across the street was discussed.

Commissioner Fang stated that he liked the changes to the stoops. The privacy gates offer a high degree of richness. He added that the towers at the prominent locations seemed a bit out of place. It was his opinion that the entrance to the park seemed a bit overdone.

Mr. Vetromile noted that the entry to the park gave balance and connection to the project across the street.

Commissioner Caliano added that she liked the entrance to the park. It announces the entrance and gives some formality to the park.

Commissioner Leo noted that the gazebo enhances the park, a focal point and meeting place for residents.

Commissioner Miller added that some seating in the gazebo would give it function.

Commissioner Leo noted that the placement of the towers on Building 150 and 160, across from each other, yet not similar gave it a feeling of disconnect. He requested a view that exhibits both towers.

Mr. Vetromile noted that it was two different buildings, two different towers.

Chairwoman Ciaramella stated that two members of the Board would like to see alterations to the tower on building 160. As for the 150 building, the Board agreed that the tower with the metal panel was the most liked. This tower was displayed in all the slides, as it was the one the applicant had favored.

Mr. Null stated that there was a general agreement among the Board members, that the plans submitted were acceptable except for the tower on building 160.

Commissioner Reyes-Guerra added that the park should have benches inside the park for families to sit and watch their children play.

Mr. Null stated that there is a park planning committee consisting of the Village Board, Mr. Raffiani, Mr. Vetromile, Mr. DiMarco and Commissioner Reyes-Guerra. This committee is open to input from the residents.

Mr. Vetromile noted that he would submit sketches and designs of the 160 tower to the Board for review.

Commissioner Fang added that it would be a nice touch if elements pertaining to the quarry, that used to be part of Tuckahoe, were incorporated into the final plans of the park.

Commissioner Reyes-Guerra noted that Frank DiMarco has not received the drawings regarding the trees, plant material and tree pits.

Mr. Null noted that the street trees are subject to Frank DiMarco's input.

Chairwoman Ciaramella summarized tonight's discussions:

The park will be finalized by the Village Board. The tower on building 150 will have the metal panels and are the same as those submitted on the hard copies. The tower on Building 160 needs to be re-designed.

The tower on Building 233 is accepted by the Board.

Applicant must submit all samples of the architectural review to the Building Dept.

Commissioner Nerenberg motioned that the Board adopts a negative declaration pursuant to SEQR. The motion was seconded by Commissioner Caliano and unanimously carried with a vote of 7 – 0.

Commissioner Nerenberg motioned to open the public hearing, seconded by Commissioner Gorman and unanimously carried by the Board.

No Public Comments

Commissioner Gorman motioned to close the public hearing, seconded by Commissioner Caliano and unanimously by carried by the Board.

Chairwoman Ciaramella motioned to accept the plans as presented tonight with the exception of the tower on the N/W corner of building 160. The applicant will submit sketches for further review by the Board; All materials must be given to Mr. Williams; The street trees will be subject to comments from Mr. DiMarco (DPW); The park plans are subject to approval of the Board of Trustees and input from members of the committee.

Motion was seconded by Commissioner Caliano and carried with a vote of 7 – 0.

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.