

May 17, 2016
TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL
Regular Meeting – 7:30pm

Present: Chairperson Ann Marie Ciaramella
Commissioner Raymond Nerenberg
Commissioner Melba Caliano
Commissioner David Barra
Commissioner Clare Gorman

Absent: Commissioner Eric Fang (ad hoc)

Also in Attendance:

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|---------------|---------------------------------|
| Gary Gjertsen | Village Attorney |
| Bill Williams | Building Inspector |
| Jim Pinto | Village Consultant |
| Noah Levine | BFJ Planning Village Consultant |

Chairwoman Ciaramella announced the evening's agenda as follows:

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|-----------------|--|------------------------|
| Item #1 | Approval of minutes of Regular meeting held on April 19, 2016 | |
| Item #2 | 9 Jackson Ave | Amend Site Plan |
| Item #3 | 100 Main Street | Return |
| Item #4 | 173 Marbledale Rd. | Site Plan |
| Item #5 | 86 Main Street | Return |
| Item #6 | 125 Columbus Ave. | Return |
| Item #7 | 8 Marbledale Rd. | Return |
| Item #8 | 59 Rogers St. | Adjourned |
| Item #9 | 57 Rogers St. | Adjourned |
| Item #10 | 109 Marbledale Rd. | Adjourned |
| Item #11 | 10 Fisher Avenue | Adjourned |
| Item #12 | 68 Marbledale Rd. | Adjourned |
| Item #13 | 65 Marbledale Rd. | Adjourned |

Item #1 Approval of minutes of Regular meeting held on April 19, 2016

Commissioner Nerenberg motioned to approve the minutes from the Apr. 19, 2016 meeting, was seconded by Commissioner Gorman and carried with a vote of 3 – 0, with Commissioner Caliano and Commissioner Barra abstaining due to their absence.

Item #2 9 Jackson Ave

Amend Site Plan

Dennis Lucente, owner of the property, requested approval to amend the site plan as he now plans to rent the property to two tenants. The tenants operate in the same manner as his business. One tenant is a utility company that will have three employees. They will occupy the left side of the building, use office space and three parking spaces, which are in the garage under the office. There will be no parking on Marbledale Ave. or Jackson Ave. The hours of operation are the same Monday through Friday, closed on Sunday and sporadically opened on Saturday. The other side of building will be used as a warehouse.

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

No Public Comments

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

Chairwoman Ciaramella offered the following SEQR resolution in the form of a motion:

APPLICANT/OWNER: Lucente Realty LLC

LOCATION OF PROJECT: 9 Jackson Ave, Tuckahoe

SECTION: 67 BLOCK: 3 LOT: 10

DESCRIPTION OF PROJECT: Applicant is seeking approval to lease a portion of its premises, the office building with garage under to a separate tenant. Lucente Landscaping LLC will still occupy the warehouse and will share parking with the new tenant.

SEQRA RESOLUTION

Pursuant to the regulations of SEQRA, this Board finds that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan 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.

Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 5 – 0.

Chairwoman Ciaramella offered the following resolution in the form of a motion:

THE FOLLOWING IS THE RESOLUTION/DECISION OF THE
PLANNING/ARCHITECTURAL REVIEW BOARD OF THE VILLAGE OF
TUCKAHOE, N.Y.

Upon review of the application of Lucente Realty LLC and upon hearing the applicant at the work session and public hearing, the application to lease the office building with the garage under is approved. Based upon the presentation the proposed tenant will have less of an impact on the premises in terms of usage than the current owner.

Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 5 – 0.

Item #3 100 Main Street

Return

Les Maron, attorney representing the applicant, noted that all concerns were addressed by the Village consultants.

Noah Levine, BFJ Planning Consultants, provided a memo to the Board members confirming that all issues have been resolved. The construction management plans have been submitted. He suggested that the applicant repave the lower section of Terrace Pl. to provide a clean slate for Terrace Pl.

Jim Pinto, Village Consultant, noted that all documents have been satisfied and on file in the Village. The Building Inspector will handle the vehicle parking during construction and offsite parking during construction.

Gary Gjertsen, Village Attorney, noted that the Village Board must approve changes to Terrace Pl., such as the plans to make it a two way street. The Planning Board can make recommendations to the Village Board.

Chairwoman Ciaramella motioned to continue the public hearing, seconded by Commissioner Nerenberg and carried unanimously.

No Public Comments

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

**Commissioner Barra offered the following SEQR resolution in the form of a motion:
SEQRA RESOLUTION**

Pursuant to the regulations of SEQRA, this Board finds that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan 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.

Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 4 – 1, with Commissioner Caliano voting No.

Commissioner Barra offered the following resolution in the form of a motion:
RESOLUTION PLANNING BOARD
VILLAGE OF TUCKAHOE, NEW YORK

In the Matter of the Application of

MCEQUITIES LLC

Premises: 100 Main Street
Tuckahoe, New York,

PLANNING BOARD RESOLUTION

The Applicant is the record owner of the premises commonly known as 100 Main Street, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as Section 28, Block 5, Lots 3, 5 and 7 (the “Premises”). The applicant has received the necessary variances and special permit from the Village of Tuckahoe’s Zoning Board and has provided all the documents, plans and materials to this Board so as this Board can make a proper review under Section 7-1 of the Zoning Code.

The plans and submissions of the applicants were provided to the Village’s Planner, Frank Fish of BFJ Planning, the Village’s Consultant, James Pinto, the Village’s Engineer, Anthony Oliveri of Dolph Rotfeld Engineering, P.C., the Chief of the Fire Department, Mike Grogan, the Chief of the Tuckahoe Police, John Costanzo and the Head of the Department of Public Works, Frank Demarco. All the Consultants named as well as the named Department Heads have reviewed the plans and any comments submitted have been addressed by the applicant to the satisfaction of the parties listed.

There are no members of the public that have appeared in opposition to the project.

Pursuant to the Village of Tuckahoe’s Zoning Code, this Board must review site plans pursuant to 7-1 of said Code. The sections and conclusions are as follows:

(a) Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site.

1. The effect of the proposed development on traffic conditions on existing streets.

The Village of Tuckahoe’s Planners, BFJ Planning, have reviewed the project in conjunction with the effect of the project on local traffic. We agree with our Planner that there will be no appreciable increase in congestion and the traffic volume and the profile will be very similar to the current traffic conditions.

2. The number, locations, dimensions and construction details of vehicular and pedestrian entrances, exits, drives and walkways. Vehicular access to state, county or Village roads must also be approved by the State Department of Transportation, the

County Department of Public Works or the Village Police Department and the Department of Public Works, as appropriate.

The applicant has proposed a new traffic pattern on Terrace Place where vehicles will enter and exit the premises on Terrace Place. For this to occur a portion of Terrace Place must be 2-way traffic. The Chief of Police has reviewed the proposed traffic pattern and is satisfied with same. This approval is clearly conditioned upon the applicant receiving from the Village Board the permission to implement the changes proposed on the Terrace Place. This Board recommends to the Village Board to grant said permission to the applicant to implement the proposed improvements to Terrace Place.

3. The visibility in both directions at all exit points of the site. The driver of an automobile exiting the site should have an unobstructed view of the street for that distance necessary to allow safe entrance into the traffic stream.

With the new traffic pattern on Terrace Place implemented, this condition will have been satisfied.

4. The location, arrangement and adequacy of off-street parking lots, which shall, at a minimum, meet the requirements of this Zoning Ordinance.

The applicant has received a several variances relating to parking from the Zoning Board. This Board is satisfied and concurs with the Zoning Board that the proposed parking and the layout of the parking area is adequate.

5. Interconnection of parking lots via access drives within and between adjacent lots, in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

Again, the improvements to Terrace Place and the layout of the parking area onsite will meet this requirement.

6. The location, arrangement and adequacy of loading areas, which shall, at a minimum, meet the requirements of this Zoning Ordinance.

As the retail establishments will be on ground level and face Main Street the deliveries can either be made through Main Street or in the rear parking area. Any proposed retail establishment will need to come before this Board for site plan approval and will need to have an acceptable plan for deliveries.

7. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to the adjoining street and sidewalk system.

The layout of the proposed off street parking has been extensively reviewed by BFJ Planning and it has been determined by BFJ Planning that the proposed layout is conducive to proper circulation of traffic flow and we agree.

8. The location, arrangement and adequacy of facilities for the physically handicapped, such as ramps, depressed curbs and reserved parking spaces.

As a condition of this approval and for the applicant to be compliant with the law, the applicant must meet every requirement of the ADA. A review of the proposed plans by the Building Inspector and Planners have confirmed that the plans are compliant.

9. The location, arrangement and adequacy of landscaping within and bordering parking lots and loading spaces, which shall, at a minimum, meet the requirements of this Zoning Ordinance.

Due to the location of the building and topography there is not much of an opportunity for substantial landscaping. The applicant has proposed planters along Main Street, which will enhance the appearance of the streetscape.

10. Adequacy of fire lanes and other emergency zones.

The proposed plans have been reviewed and are acceptable to the Fire Chief and Chief of Police.

(B) The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

The proposed site is currently vacant land. Prior to the land being vacant there were several older buildings in need of repairs located at the site. We believe that the proposed project will enhance a vital location in the Village. The proposed project is centrally located on Main Street the main thoroughfare through the Village. The property in its current condition has been an eyesore for over the past 10 years. We believe the project will be a vast improvement to the current condition and we believe the project will enhance the properties values on the Main Street corridor. Further, the largely residential character of this project and the uses thereon will remain consistent with the neighboring properties.

(C) A quality of building and overall site design, which will enhance and protect the character and property values of the adjacent neighborhood. The Planning Board shall evaluate the architectural features of the proposed design to determine if they are in harmony with the neighborhood, including consideration of architectural style, bulk, dimensions, materials and location on the site and, in relation to development on adjoining properties, the natural terrain and vegetation.

The proposed building will contribute to the aesthetics and be consistent with a majority of the current buildings located on Main Street. We are satisfied with the look of the proposed building and how the proposed architecture of the building will enhance the look and feel of Main Street. The applicant has presented to this Board the materials and colors of the exterior of the proposed building. This Board is satisfied with the materials and colors to be used.

Therefore, based on the foregoing the application for site plan is approved on the following conditions:

1. The Building Inspector's satisfaction with the construction plans submitted by the applicant. The Building Inspector shall be mindful of the parking of construction workers off site during construction of the Building as to not interfere with the businesses on Main Street nor the residences in the surrounding area. Further, the deliveries of material and equipment shall only be allowed to take place during the hours of 9 am to 4pm weekdays.

2. The applicant's obtaining approval for the improvements to Terrace Place from the Village Board.

Lastly, that every representation made to this Board by the applicant is a condition of this approval.

Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 4 – 1, with Commissioner Caliano voting No.

Item #4 173 Marbledale Rd.

Site Plan

David Barbuti, architect for the applicant Broken Bow Brewery, noted that this application was for an 18ft. by 28 ft. paved outdoor seating area for 5 tables and 20 seats with an 18 inch border to separate the seating area with the parking lot. There will be Boxwood evergreens that will mature in approximately 3 – 5 years and will be 4 ft. at maturity. There will not be a roof to this additional seating area.

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

No Public Comments

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

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

LOCATION OF PROJECT: 173 Marbledale Road_____

DESCRIPTION OF PROJECT: Landscaping the area around a previously approved outdoor seating area.

APPLICANT/OWNER: Broken Bow Brewery

THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.

Based on the submissions by the applicant and hearing the applicant at this Board's work session and public hearing the application to landscape the area around the previously approved outdoor seating area is approved. It is determined that the landscape additions to the previously approved site plan are still in conformity with 7-1 of Zoning Code. This Board is satisfied with the placement and types of plantings the applicant will utilize.

Commissioner Gorman seconded the motion and was carried with a vote of 5 – 0.

Item #5 86 Main Street**Return**

Julio and Crystal Rodriguez, requested Site Plan approval for a Martial Arts studio. The Zoning Board granted a Special Use Permit for 2 years at this location. The applicant proposed the conditions set forth in the Special Use Permit.

The hours of operation will be 7 days a week from 6:00 am to 9:00pm. The parents are not permitted to double park or drop off children at curb. Failure to comply, the registration for enrollment will be terminated. There will be 30 minutes between the start of each class. A maximum of 12 students per class. There is a restroom at the facility. The students will come dressed for their class and ready to begin training.

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

No Public Comments

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

Commissioner Gorman offered the following SEQR resolution in the form of a motion:

APPLICANT/OWNER: USA-GOJU-RYU KARATE-DO, INC

LOCATION OF PROJECT: 86 Main Street

SECTION: 28

BLOCK: 5

LOT: 1

DESCRIPTION OF PROJECT: Applicant is seeking to utilize the vacant space located at 86 Main Street as a martial arts school and physical fitness center

SEQRA RESOLUTION

Pursuant to the regulations of SEQRA this Board finds that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan 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.

Commissioner Caliano seconded the motion and was carried unanimously by the Board.

Commissioner Gorman offered the following Resolution in the form of a motion:

THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.

Based on the submissions of the applicant and hearing the applicant at the work session and public hearing this Board has determined that the applicant has met the requirements of Section 7-1 of the Zoning Code. Therefore, the instant application for site plan is approved with the following conditions:

1. The hours of operation shall be from 6 a.m. to 9 p.m.
2. There shall be a minimum of 30 minutes between classes.
3. There shall be a maximum of 12 students per class.
4. Adults dropping off children must legally park their vehicles and escort the child to the facility. The procedure for picking up shall be the same where the adult must physically enter the facility to pick up the child. At no time shall the adult double park and allow the child to enter or exit the facility unattended.

Failure to comply with any of these conditions shall be cause to revoke this approved site plan.

FURTHER, EVERY REPRESENTATION OF THE APPLICANT MADE IN ITS APPLICATION AND PRESENTATION WILL BE A CONDITION OF THE APPROVAL BOARD. ANY DEVIATION FROM THE REPRESENTATIONS MADE SHALL BE CAUSE FOR THE REVOCATION OF SAID APPROVAL.

Commissioner Caliano seconded the motion and was carried unanimously by the Board.

Item #6 125 Columbus Ave.

Return

Frank D'Agastino, owner of the property, noted that the Zoning Board granted approval for the plans to include a physical therapist on site. There will be no change to the facility. The physical therapist will work with one patient at a time. The fitness center is open 7:00am to 9:00pm. There are no parking issues as there are adequate parking spaces.

Gary Gjertsen, Village Attorney, noted that the Special Permit was amended to add a physical therapist. The applicant is now before the Planning Board for site plan approval.

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

No Public Comments

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

Commissioner Caliano offered the following SEQR resolution in the form of a motion:

APPLICANT: Transform Fitness

APPLICATION DATE: August 24, 2015

LOCATION OF PROJECT: 125 Columbus Ave

SECTION: 34 BLOCK: 5 LOT: 1

DESCRIPTION OF PROJECT: Add the services of a physical therapist to the existing fitness and health center

SEQRA RESOLUTION

Pursuant to the regulations of SEQRA this Board finds that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan 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.

Commissioner Gorman seconded the motion and was carried unanimously.

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

THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.

Based on the submissions of the applicant and hearing the applicant at the public hearing it is determined that the applicant has complied with Section 7-1 of the Zoning Code, thus this application is approved. The addition of adding a physical therapist's services will have no substantial impact to the operations of the existing fitness and health center.

Conditions:

There shall be only one physical therapist operating in the facility at any given time.

Commissioner Gorman seconded the motion and was carried unanimously.

Item #7 8 Marbledale Rd.

Return

Ciro Interrante, architect for the applicant, noted the parking lot was redesigned and the handicap parking space was moved closer to the curb cut.

Mr. Interrante noted that he sent the plans to the Fire Chief for approval. The Fire Chief has not sent a formal approval to the Building Inspector yet.

He added that all gas deliveries are done before the gas station opens for business.

The plans show an existing curb cut which will be used for the gas station exit.

Gary Gjertsen, Village Attorney, noted that the applicant must file for the curb cut with the Village Clerk. The DPW, Chief of Police and Building Inspector must sign off on the approval of the curb cut.

Commissioner Caliano voiced her concern regarding the circulation of traffic and the customers walking through the property to the convenience store.

Mr. Interrante noted that the brick wall would be broken up with 3 equally spaced Limestone panels, which will measure 4ft., by 4ft.

Commissioner Nerenberg motioned to re-open the public hearing, seconded by Commissioner Caliano.

No Public Comments

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

Chairwoman Ciaramella offered the following SEQR resolution in the form of a motion:

APPLICANT/OWNER: Frank and Ralph Petrillo

LOCATION OF PROJECT: 8 Marbledale Road

SECTION: _____ 74 _____ BLOCK: _____ 1 _____ LOT: _____ 1 _____

DESCRIPTION OF PROJECT: construct a new addition to the building located at 8 Marbledale Road. The new addition will be a convenience store.

Pursuant to the regulations of SEQRA this Board finds that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.
2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan 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.

Commissioner Gorman seconded the motion and was carried with a vote of 4 – 1 with Commissioner Caliano voting ‘No’.

Chairwoman Ciaramella offered the following resolution in the form of a motion:

THE FOLLOWING IS THE RESOLUTION/DECISION OF THE
PLANNING/ARCHITECTURAL REVIEW BOARD OF THE VILLAGE OF
TUCKAHOE, N.Y.

Through the submissions of the applicant and hearing the applicant at the work session and public hearings the applicant has demonstrated that it has met their burden as to the requirements of 7-1 of the Village of Tuckahoe’s Zoning Code. Therefore the application for site plan is approved.

Conditions:

1. That within 21 days of the date of this resolution, the applicant procure a letter from the Fire Dept. that the Fire Dept. is satisfied with the proposal.
2. The applicant receive approval from the Dept. of Public Works, Building Inspector and Chief of Police for the proposed curb cut.

EVERY REPRESENTATION OF THE APPLICANT MADE IN ITS APPLICATION AND PRESENTATION WILL BE A CONDITION OF THE APPROVAL BOARD. ANY DEVIATION FROM THE REPRESENTATIONS MADE SHALL BE CAUSE FOR THE REVOCATION OF SAID APPROVAL.

Commissioner Nerenberg seconded the motion and was carried with a vote of 4 -1 with Commissioner Caliano voting ‘No’ due to the circulation of traffic on the premises.

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| Item #8 | 59 Rogers St. | Adjourned |
| Item #9 | 57 Rogers St. | Adjourned |
| Item #10 | 109 Marbledale Rd. | Adjourned |
| Item #11 | 10 Fisher Avenue | Adjourned |
| Item #12 | 68 Marbledale Rd. | Adjourned |
| Item #13 | 65 Marbledale Rd. | 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.