

DECEMBER 7, 2009

Regular meeting of the Board of Trustees
Called to order 8:00PM

**The meeting opened with the pledge of Allegiance.
Mayor Fitzpatrick asked for a moment of silence for Pearl Harbor.**

**Present: TRUSTEE ECKLOND
TRUSTEE MARCOCCIA
TRUSTEE GORMAN
TRUSTEE COLEMAN
MAYOR FITZPATRICK**

IV. SPECIAL PRESENTATION(S)

I. Drawing of Senior Parking Raffle. Mayor Fitzpatrick drew Julie Jackson who wished to donate back the ticket; a second ticket was drawn with the name of Regina Lessa of Yonkers, NY. The raffle was for one year of Free Parking.

V. PUBLIC HEARINGS

PUBLIC HEARING I.

Motion to open public hearing on a proposed Local Law amending the code of the Village of Tuckahoe, Article II entitled "Public Carriages and Hacks" of Chapter 22 entitled "Vehicles for Hire"

Trustee Ecklund motioned to open public hearing; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

Chief Costanzo gave an overview of costs, the number of drivers and some of the benefits gained by having the county administer it. He said the Taxi and Limousine Commission would license drivers and taxi cabs; they are capable of getting driving records on drivers in a more timely way than the local police because they have direct links to the DMV; the local police do not get reports until the driver renews his license. The county also does drug testing; we take a medical report from the driver's medical doctor.

The owner of Crestwood Taxi expressed his concern using the TLC because he feels it will be too costly for him and also his drivers. He believes that the local police have better control and that the county will not be able to oversee all the drivers.

Trustee Gorman motioned to keep open public hearing; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

PUBLIC HEARING II

MOTION TO OPEN PUBLIC HEARING CONCERNING A PROPOSED LOCAL LAW AMENDING AND SUPPLEMENTING THE CODE OF THE VILLAGE OF TUCKAHOE AS IT CONCERNS THE REGULATION AND PRESERVATION OF TREES

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Board of Trustees has requested legislation amending and supplementing the Code of the Village of Tuckahoe as it concerns the regulation and preservation of trees; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 4th day of December 2009; and

WHEREAS, said public hearing was duly held on the 7th day of December 2009, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a Negative Declaration pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. The Village Code of the Village of Tuckahoe is hereby amended and supplemented to add a Chapter 21A, entitled "Trees" as follows:

Chapter 21A, TREES

Section 21A-1. Findings and Purpose.

The Village of Tuckahoe has a vital interest in the planting and preservation of trees within its borders. Trees provide necessary shade, green space and aesthetic appeal;

they impede soil erosion, inhibit excess runoff and flooding, reduce air pollution, aid in mitigating noise, and provide other environmental benefits. The uncontrolled destruction of trees deprives the community of all these benefits. The purpose of this Local Law is to preserve trees and minimize damage and removal, thereby enhancing the health, property values and general welfare of the residents of the Village of Tuckahoe.

Section 21A-2. Definitions.

ACTUAL ONGOING EMERGENCY CONDITION – a condition in which severe weather, storms, natural or non-natural causes severely affect the integrity of a tree and such condition poses an immediate threat to life, property or the general public.

CALIPER – the diameter of a tree trunk measured at a point 6 inches above the root crown or as defined by the American Nursery Association (ANA).

CERTIFIED ARBORIST – an arborist or firm certified by the International Society of Arboriculture or another nationally recognized arboricultural organization.

DBH (Diameter Breast Height) – the diameter of a tree measured at a point 4-1/2 feet above ground level at the base of the tree on the uphill side.

HERITAGE TREE – a tree designated by the Village with the consent of the owner upon a finding that the tree is unique and/or of importance to the community.

INJURY TO TREES – any action, during the course of permitted or non-permitted work that causes significant damage to a tree that causes or is likely to cause death of the tree.

INVASIVE SPECIES – a non native species that adversely affects the habitats they invade economically, environmentally or ecologically and are listed in the Invasive Plant Atlas of New England (IPANE) as amended.

PERSON – any individual, firm, partnership, association or corporation or other legal entity.

PUBLIC TREE OR SHRUB – trees, shrubs, bushes on land within the property lines of all streets or avenues, rights-of-way, park areas and/or other property owned by the Village.

REPLACEMENT TREE – any tree planted under the provisions of this Local Law or required by a decision of the Building Inspector, Superintendent of the Department of Public Works or the Planning Board. Replacement trees shall not be an invasive species or smaller than three (3) inches in diameter at the time of planting, unless specifically approved as part of a tree replacement plan.

TREE PRESERVATION FUND - a fund established by the Village to receive payments pursuant to this Local Law, as well as voluntary donations which are to be used in

accordance with this Local Law or to augment the planting of public trees.

Section 21A-3. Public Trees – Prohibited Acts.

(a) No person shall knowingly remove, break, injure, deface, kill or destroy any public tree or shrub.

Section 21A-4. Trees on Private Property – Prohibited Acts.

(a) No person shall knowingly cut down, kill or otherwise destroy a tree on private property except in accordance with the registration and permit requirements set forth in this Local Law.

Section 21A-5. Tree Removal on Private Property -- Registration and/or Permit Requirements.

(a) Trees less than 8 inches DBH:

(1) Removal is permitted with no registration or permit required.

(b) Trees 8 inches DBH or greater:

(1) Removal of one tree per year per residential lot is permitted with two week prior notification to the Building Department. Required notification shall include the size, location, type of tree and reason for removal.

(c) Removal of more than one tree per year measuring 8 inches DBH or greater requires a permit from the Building Department. The fee shall be set by the Village Board and will be posted in the Building Department.

(d) Removal of trees 20 inches DBH or greater must comply with Village insurance policies.

Section 21A-6. Granting of Permits.

(a) The decision by the Building Department in the granting or denial of a permit shall be based upon, but not limited to:

(1) the condition of the tree with respect to disease and safety;

(2) the necessity of the removal for a building project;

(3) the effect of the removal on ecological systems; and

(4) the effect of the removal to other trees on the same or adjoining property.

(b) Factors taken into consideration shall include, but are not limited to:

(1) Whether the location of the tree clearly endangers the health, safety, welfare or property of the general public, the property owner or an adjoining property owner.

(2) Whether the location of the tree prevents compliance with state, county or local standards for sight lines, driveways or intersections.

(3) Whether the location of the tree prevents the property owner from undertaking otherwise approved construction or alteration because the location

of the tree substantially interferes with a permitted use of the property and the construction or alteration cannot be reasonably modified to accommodate the tree. Written explanation may be required describing how the tree interferes with construction or alteration, and why the construction or alteration cannot be modified to reasonably accommodate the tree.

(4) Whether the tree, due to death, disease, blight, infestation, storm damage, accident or other condition, causes undue hardship for the property owner to maintain.

(5) Whether the tree is dead, or so substantially diseased that it constitutes a danger to persons, property or other trees.

(c) The Building Department, at the expense of the applicant, may enlist the services of a certified arborist whenever necessary to make the above determinations.

(d) There shall be no site disturbance and the status quo shall be maintained until such time as a tree removal permit is granted or denied and the appeal process is completed. In no event shall a tree permit be issued for the removal of any tree specifically designated to be saved by the Planning Board, unless said tree is determined to be dead, dying, diseased or hazardous to life or property or as subsequently approved by the Planning Board.

(e) All building permits that involve exterior work shall show the location of all trees on the plans as defined herein within the area of disturbance, and identify the impact, if any, on any trees on the same or adjacent property. The applicant may be required to furnish sub-division plans, site plans and/or additional information as deemed necessary by the Building Department, Zoning Board or Planning Board.

Section 21A-7. Certificate of Occupancy.

(a) No certificate of occupancy shall be issued by the Building Inspector until all tree planting and/or associated restoration work is completed to the reasonable satisfaction of the Building Inspector or his designee. In the event that seasonal planting requirements prevent timely completion of all planting and restoration work, the Building Inspector may issue a temporary certificate of occupancy, together with prescribed conditions, including but not limited to a requirement of the posting of a bond in an appropriate amount to ensure compliance.

Section 21A-8. Replacement Trees.

(a) An applicant may be required, as a condition to granting the application for a permit, to replace any tree which is the subject of the application under conditions specified in the issued permit. Replacement trees shall be at minimum 3 inch caliper. Invasive species shall be prohibited.

(b) Any person who (a) removes or causes to be removed a tree without first obtaining a required permit, or (b) any person who removes or causes to be removed any public

tree, may be required by the Village to plant one or more replacement trees. When restoration is determined by the Village to be impractical an additional fine may be imposed in accordance with the Penalties For Offenses section set forth herein. Any such fine will be deposited into the Tree Preservation Fund.

(c) All restoration shall be done in accordance with good and acceptable planting practices. Trees that fail to survive as a result of the restoration work required for a period of two calendar years following planting shall be replaced by the property owner.

Section 21A-9. Emergency Removal.

(a) Trees on private property: in the event of (a) an actual or ongoing emergency condition when such immediate tree removal is necessary for the protection or preservation of life and/or property and (b) there is not sufficient time to wait for the granting of a permit, then removal of the tree shall be permitted without the otherwise required authorization.

(b) Public Trees: In the event of an emergency caused by a tree being in a dangerous condition imposing an immediate threat to person or property, any member of the Police or Fire Department, or the Superintendent of the Department of Public Works, or the Building Inspector, may authorize the removal of such tree immediately.

Section 21A-10. Responsibilities of Village.

(a) It is the responsibility of the Village to plant and maintain public trees. The Village may remove any tree which is in an unsafe condition or is harmful to sewers, electric power lines, gas lines, water lines or other public improvements.

(b) The Village shall not remove, top off, or substantially alter the shape of any living tree in the absence of one of the above conditions. Trees that are severely damaged by storms or other causes, or trees under utility wires or other obstructions where pruning practices are impractical, may be exempted from this provision.

(c) Where public trees are to be planted under utility lines, selections shall be made of a species compatible to be planted under power lines and other utilities. This section does not prohibit the planting of public trees by property owners provided that the Superintendent of the Department of Public Works has reviewed and approved such plantings.

Section 21A-11. Responsibilities of Property Owners.

(a) Any owner of a tree or shrub on private property overhanging any right of way within the Village shall prune the branches so that they do not obstruct the light from any street lamp, or the view of any street intersection, or any traffic control device. Owners shall remove all dead, diseased or dangerous trees or broken limbs which may be unsafe. Should owners fail to comply with this section upon written notification from the Building Department, the Department of Public Works shall have the right to (a) prune any tree or shrub on private property when it interferes with any of the aforementioned

obstructions, and (b) bill the owner for the work at a rate to be determined by the Superintendent of the Department of Public Works.

Section 21A-12. Responsibilities of Utility Companies.

(a) Utilities, or their agents, responsible for maintaining rights of way in the Village shall follow the tree maintenance practices established by the National Arbor Day Foundation.

(b) Trimming of habit shall be in a reasonable manner to protect the health and appearance of the tree. Utilities performing work at street level or below shall take reasonable precautions against inflicting injury to any tree and/or its roots. If a utility proposes to remove any tree, advance permission must be obtained from the Superintendent of the Department of Public Works, except in the event of an emergency when a tree has fallen on a distribution line.

Section 21A-13. Designation of Historic Trees.

(a) The Superintendent of the Department of Public Works, with the assistance of experts in forestry and arboriculture and the consent of the property owner, may establish a register of historic trees to consist of those trees in the Village determined to be worthy of inclusion because of their age, size or specimen. Trees designated as historic may not be removed unless a certified arborist determines, because of their condition, they are a danger to persons or property or that they are diseased and cannot be saved.

Section 21A-14. Appeal.

(a) Any person who is the subject of a decision under this Local Law, within 10 days of receiving such decision, may appeal to the Village Board of Trustees by giving written notice to the Village Clerk. The decision of the Village Board of Trustees on any appeal shall be the final decision.

Section 21A-15. Penalties for Offenses.

(a) Any person violating any of the provisions of this Local Law shall be fined \$500 for each offense. Each week's continued violation of any provision of this Local Law shall constitute an additional violation and may result in fines of up to \$500 per day. Fines will be deposited into the Tree Preservation Fund.

Section 21A-16. Enforcement.

(a) The Superintendent of the Department of Public Works, the Building Inspector, or their designees are hereby authorized to issue appearance tickets and stop work orders for violations of this Local Law.

Section 21A-17. Disclaimer of Liability.

(a) Nothing contained in this Local Law shall be deemed to impose any liability upon the Village, its officers, committees or employees, nor to relieve the owner of any private property from the duty to keep any tree or shrub on his/her property or under his/her

control to prevent it from becoming a hazard, or an impediment to travel or vision, upon any street, park, or public space within the Village.

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect immediately.

Section 4. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Trustee Gorman motioned to open public hearing; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

Trustee Marcoccia questioned replacement trees. Trustee Gorman referenced 21A-8 of the proposed law.

Irene Norman 38 Rogers Street asked about the cherry trees on her property. Trustee Gorman referenced Section 21A-5 of the proposed law and said the Village does not want clear cutting. Individuals are able to cut down one tree per year.

Jacquelyn Bailey questioned tree cutting. Trustee Gorman said that in order to cut down a tree bigger than 8" DBA one must first notify the building department.

Trustee Ecklund motioned to open public hearing; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

VI. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

RESOLUTIONS -

1. Mayor Fitzpatrick OFFERED A RESOLUTION CONCERNING THE COMMENTS FROM THE COUNTY OF WESTCHESTER UNDER THE REFERRAL MADE PURSUANT TO SECTION 239-M OF THE GENERAL MUNICIPAL LAW AS IT CONCERNS THE REZONING OF MARBLEDALE ROAD

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Board of Trustees is considering rezoning Marbledale Road from an Industrial Zoning District to a General Commercial Zoning District; and

WHEREAS, pursuant to General Municipal Law Section 239-m, the Village referred the proposed local law and environmental assessment form to the Westchester County Planning Board for review and comments; and

WHEREAS, the Westchester County Planning Board commented, in relevant part, that:

“[w]hile we are pleased that the Village has taken steps to codify environmental standards involving green building technology and sustainable energy, we question why bonuses are needed to provide an incentive to developers to incorporate such features into development projects. Many of the proposed environmental standards are items that are either required (without bonuses) in other municipalities (such as restrictions on light spillage and noise pollution) or are items that represent common-sense cost savings to developers (such as efficient water fixtures and building materials, solar orientation, etc.) Because of this, we recommend that the Village simply add these environmental standards as requirements for site development and not use them as justification for bigger developments;” and

WHEREAS, in response to the comments of the Westchester County Planning Board, the Village Board of Trustees finds that bonuses were included in the proposed local law for the rezoning of Marbledale Road to attract developers to develop sustainable, environmentally responsible projects along Marbledale Road, which absent the bonuses may not be developed in the first instance.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That although the Westchester County Planning Board recommended that the Village of Tuckahoe “add these environmental standards as requirements for site development and not use them as justification for bigger developments,” the Village Board of Trustees finds that the bonuses were included in the proposed local law for the rezoning of Marbledale Road to attract developers to develop sustainable, environmentally responsible projects along Marbledale Road, which absent the bonuses may not be developed in the first instance. Additionally, the Village Board of Trustees finds that the manner in which the bonuses are structured provides an incentive to developers to develop in compliance with all of the environmental standards set forth in the proposed local law.

Section 2. This resolution shall take effect immediately.

Trustee Coleman motioned to adopt resolution #1; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5 – 0.

2. Mayor Fitzpatrick OFFERED A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE REZONING OF MARBLEDALE ROAD

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the

"Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Board of Trustees is considering rezoning Marbledale Road from an Industrial Zoning District to a General Commercial Zoning District; and

WHEREAS, the proposed local law and accompanying environmental assessment form ("EAF") have been referred to the Village of Tuckahoe Planning Board, the County of Westchester Planning Board, the City of Yonkers, the Town of Eastchester and the Village of Bronxville for their comments and review; and

WHEREAS, based on the EAF prepared by BFJ Planning, the Village's planning consultant, the Village Board has determined that there will be no significant environmental impact from this action;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts a Negative Declaration declaring this action as a Type I action.

Section 2. This resolution shall take effect immediately.

Trustee Coleman motioned to adopt resolution #2; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5 – 0.

3. Mayor Fitzpatrick OFFERED A RESOLUTION TO ADOPT LOCAL LAW #10 OF THE YEAR 2009 AMENDING THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001 AND THE OFFICIAL ZONING MAP OF THE VILLAGE OF TUCKAHOE

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York scheduling a public hearing to be held by the Village Board on the 24th day of November 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law entitled, "**A LOCAL LAW TO REZONE THE MARBLEDALE ROAD INDUSTRIAL CORRIDOR TO A GENERAL BUSINESS OR COMMERCIAL ZONING DISTRICT IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE VILLAGE COMPREHENSIVE PLAN, ADOPTED MAY 2008**"; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 7th day of November 2008; and

WHEREAS, said public hearing was duly held on the 24th day of November 2008, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York and said public hearing was also held on December 8, 2008, January 12, 2009, February 9, 2009, March 2, 2009, March 30, 2009, April 13, 2009, May 18, 2009, June 8, 2009, July 13, 2009, August 10, 2009, September 14, 2009 and October 5, 2009, October 26, 2009, November 23, 2009 and all parties in attendance were permitted an opportunity to

speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board adopts a Negative Declaration pursuant to SEQRA and its implementing regulations; and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Tuckahoe, as follows:

Section 1. The Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended by adding the following to such Zoning Ordinance as follows:

§ 4-8. General Commercial District.

4-8.1. Within any General Commercial District, no building or land shall hereafter be used for any purpose other than any of the following uses, or any combination thereof that will satisfy the performance standards that are set forth immediately following the list of said uses:

(a) Permitted Uses.

1. Offices for executive, administrative or clerical purposes.
2. Scientific or research laboratories.
3. Warehouse and storage facility enclosed within a building.
4. Schools.
5. Sports and health clubs.
6. Hotels.
7. Restaurants.
8. Retail and Service Businesses.
9. Churches.

(b) Special Permit Uses.

1. Motor vehicle filling stations or motor vehicle repair/body shops.
2. Outdoor storage. In case of temporary outdoor storage for duration less than 90 days, permission may be granted by the Village Building Department.
3. Manufacturing, including the fabrication and assembly of products, and incidental storage, sale and distribution of such products, but excluding heavy industrial processing where products are extracted from raw materials.

4-8.2. Performance Standards for Special Permit Uses.

No use listed in Section 4-8.1.(b)(1), (2) or (3) shall be established, maintained or conducted so that the same will cause any:

- (a) Dissemination of smoke, gas, dust, odor or any other atmospheric pollutant outside the building in which the use is conducted or, with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.
- (b) Noise in violation of Article II of Chapter 15 of the Code of the Village of Tuckahoe, entitled, "Noise and Other Enumerated Nuisances."
- (c) Discharge of any waste material whatsoever into any watercourse.
- (d) Dissemination of glare or vibration beyond the immediate site of the use.
- (e) Traffic on any street primarily serving residential districts that is incongruous with the traffic normal to such streets.
- (f) Physical hazard, by reason of fire, explosion, radiation or similar cause, to property in the same or an adjacent district.

4-8.3. Accessory Uses. The following uses may be established and maintained so long as they are incidental and subordinate to a principal or special permit use:

- (a) Within a Hotel, a public dining area or restaurant, recreation space, a lounge, a pool or a meeting room or meeting rooms.
- (b) Quarters for caretakers or watchmen on the site of the use to which the same are appurtenant.
- (c) Satellite earth station or dish antennae less than 24-inches in diameter.
- (d) Signs (subject to Section 3-16 through and including Section 3-31 of the Village Code).
- (e) Fences and Walls.
- (f) Garages or Parking Structures.

4-8.4. Uses Prohibited. All other uses are hereby prohibited. It is the intent of this chapter to exclude all residential uses as being inappropriate therein and in conflict with the purposes of this chapter and to confine the uses therein to those that are specifically listed in this section as being permitted therein.

With respect to any application for a building permit or a certificate of occupancy, the Building Inspector may require such evidence as he may deem to be necessary to determine whether or not the proposed use will reasonably conform to the performance standards set forth above in this section and with the site plan approved in accordance with the provisions of § 4-8.8. If the Building Inspector is in doubt, he shall refer the matter to the Planning Board, which shall make a determination in the case, in connection with which it may obtain expert advice, at the expense of the applicant, and payment in advance of the amount of such expense shall be a condition of further consideration of the application.

4-8.5. Height; Open Space. The following regulations shall apply:

(a) No building shall exceed a height of 50 feet. Notwithstanding the foregoing sentence, subject to Planning Board approval, buildings satisfying the environmental standards set forth in Section 4-8.5.(g) may be built to a height as set forth in said Section 4-8.5.(g).

(b) All the buildings on a site, as shown on the site plan thereof, as provided in § 4-8.8. shall not cover an aggregate area of more than 70% of the area of such site. Additionally, at least 15% of the site must be in open space that is landscaped, permeable and open to the air.

(c) The Floor Area Ratio for the General Commercial District is 1.6. Notwithstanding the foregoing sentence, subject to Planning Board approval, buildings satisfying the environmental standards set forth in Section 4-8.5.(g) shall have a Floor Area Ratio that does not exceed the Floor Area Ratio set forth in said Section 4-8.5.(g).

(d) Front Yard. There shall be a front yard along each street line with a depth of not less than 10 feet. The front yard shall be measured from the curblin and the sidewalk, if any, shall be included in such computation and measurement. For a building above 40 feet in height, such building shall be set back an additional 10 feet.

Side Yard. All buildings shall be located at no point less than 10 feet, from any side boundary of the site on which the same are situated, provided that no building shall be located at a distance of less than 50 feet from the boundary of any residential district established by this chapter. The provisions of this section shall not apply to sites which are completely separated from other district boundaries by streets, rivers and main tracts of railroads.

Rear Yard. All buildings shall be located at no point less than 20 feet, from any rear boundary of the site on which the same are situated, provided that no building shall be located at a distance of less than 50 feet from the boundary of any residential district established by this chapter. The provisions of this section shall not apply to sites which are completely separated from other district boundaries by streets, rivers and main tracts of railroads.

(e) On the site of any development that is contiguous to the outside boundary of the district, there shall be provided a belt of landscaping having a width of not less than six feet. On the site of any development that is contiguous to the boundary of any residential district there shall be provided a belt of landscaping along such boundary, having a width of not less than 20 feet. Landscape belts shall be included in a comprehensive landscape plan for review and approval by the Planning Board and subject to the review of an outside licensed landscape architect. Landscape belts shall include a variety of deciduous and evergreen trees, small flowering trees with a minimum of 3" DBH and deciduous and evergreen shrubs. All species shall be non invasive. Such belt shall be planted and maintained in accordance with requirements made as a part of the action by the Planning Board on a site plan as provided in § 4-8.8 of this chapter, and in conformity with any specifications as to such landscaping that may be adopted by the Planning Board, with approval by the Village Board. The provisions of this section shall not apply to sites which are completely separated from other district boundaries by streets, rivers and main tracts of railroads.

(f) Every use, or any part thereof, that is not conducted within a building completely enclosed on all sides shall be completely enclosed within a wall or fence of such material, construction and height as to screen completely all operations conducted within such wall or fence from observation from outside thereof. The requirements as to such wall or fence, supplemented by such landscaping as may be necessary to accomplish any of the purposes of this chapter shall be specified by the Planning Board as a part of its action on the site plan of the use, as provided in § 4-8.8 of this chapter.

(g) Environmental Standards Bonus.

1. Conditions for Bonus. At the discretion of the Planning Board, a density bonus may be granted to an applicant under the following conditions:

i. If the applicant demonstrates to the Planning Board's satisfaction that the proposed structure and/or use shall comply with at least half the standards listed below in sub-section (g).2, in any combination, then the Planning Board may award either or both a density and a height bonus.

(1) Such density bonus shall allow an increase in floor area ratio from 1.6 to no more than 1.8.

(2) Such height bonus shall allow an increase in height from 50 feet to no more than 55 feet.

ii. If the applicant demonstrates to the Planning Board's satisfaction that the proposed structure and/or use shall comply with all the standards listed below in sub-section (g).2, then the Planning Board may award either or both a density and a height bonus.

(1) Such density bonus shall allow an increase in floor area ratio from 1.6 to no more than 2.0.

(2) Such height bonus shall allow an increase in height from 50 feet to no more than 60 feet.

2. Environmental Standards. The following items are actions, materials, or programs that an applicant in the General Commercial District may adopt either to mitigate potentially adverse environmental impacts or to improve the subject site's environment.

i. Green Building Design. Green building design is the practice of increasing the efficiency with which buildings use energy, water, and material resources while reducing building impacts on human health and the environment during the building's lifecycle.

(1) Generally, the applicant shall demonstrate to the Planning Board that green (sustainable) design measures will be used. Some measures are:

a) Site planning: e.g., responsiveness to climate features such as sun and wind, microclimate management, solar orientation (long axis facing south); landscaping for summer cooling effect and for blocking winter winds; parking areas designed to limit heat absorption.

b) Efficient water use: e.g., use of water conservation measures including dual water systems if available, water recycling.

c) Efficient energy, materials and resources use: e.g., use of daylighting; use of appropriate glass for minimizing heating and cooling loads, use of building materials in construction and maintenance of site features, use of materials in environmentally sound ways, such as Energy-Star products and certified lumber, use of insulation beyond minimum standards, use of renewable energy for heating and cooling, use of energy efficient motors, use of energy efficient lighting, use of energy management systems.

(2) Specifically, one set of criteria for green building design is known as LEED and is promulgated by the U.S. Green Building Council (USGBC). LEED (Leadership in Energy and Environmental Design) is a certification program aimed at design and construction practices. LEED provides technical and criteria-based standards for environmentally sustainable design, construction and operation. The program includes a building rating system for new construction for use by designers, builders, developers, and building owners.

(3) To qualify for a bonus, the applicant shall demonstrate green building design, whether LEED-compliant or the equivalent, before the Certificate of Occupancy is granted.

ii. Stormwater Management. To qualify for a bonus, the applicant shall demonstrate that the stormwater management program includes, among other components, the following permanent components:

(1) Roof garden, also known as a green or living roof.

(2) Bioswales and/or rain gardens.

(3) Permeable surfaces to replace impervious surfaces for on-site parking, driving, and walking.

(4) Grey water recycling systems.

iii. Pollution. To qualify for a bonus, the applicant shall demonstrate that:

(1) Light pollution. No outdoor light generated on the site shall spill over the property line.

(2) Noise pollution. Mechanical noise emitted from roof-mounted equipment shall not be

perceptible beyond the property line.

Mechanical equipment shall not be allowed on green roofs [see ii(1) above].

iv. Sustainable Energy. To qualify for a bonus, the applicant shall demonstrate that the project will use one or more of the following energy technologies:

(1) Thermal mass technology.

(2) Photovoltaic technology.

4-8.6. Automobile Parking Spaces. Automobile parking spaces shall be provided on the site of any development in an amount determined by the Planning Board, as a part of its action on the site plan of this development, as provided in § 4-8.8. of this chapter, to be adequate to provide for the parking of the vehicles of all persons employed on the site and all other persons who may be expected to visit the site at any one time for any purpose, whether as customers, purveyors, official visitors, guests or otherwise. In making such determination, the Planning Board may take into account the likelihood of multiple use of the parking space in connection with other uses on the site.

4-8.7. (Reserved)

4-8.8. Site Plan Approval. In any development established (after the effective date hereof), the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the provision of off-street parking space, the provision of other open space on the site landscaped buffer, the display of signs, and the provision of fences, walls and landscaping shall, in addition to conforming to any and all regulations pertaining thereto that are specifically set forth in this chapter, be in accordance with a site plan or plans or subsequent amendment thereof approved by the Planning Board. The parking space provisions, landscaping, fences and walls included in any site plan approved by the Planning Board shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. In considering any site plan hereunder, the Planning Board shall endeavor to assure safety and convenience of traffic movement, both within the limits of the site and in relation to access streets, harmonious and beneficial relation among the buildings and uses on the site, and satisfactory and harmonious relation between the site and contiguous land and buildings and adjacent neighborhoods, all in furtherance of the purposes of this chapter.

4-8.9. Enforcement and Guaranties. No building permit or certificate of occupancy shall be issued for any building or use except in accordance with a site plan approved as provided in §4-8.8. The purpose of requiring such approval is to safeguard the purposes of this chapter and the developmental policy set forth herein and to protect the general welfare of the Village and the values of the property therein against the detrimental effects of possible failure actually to complete a development in any such district as contemplated in the rezoning of land therefore and the leaving of the same in an unfinished and unsatisfactory condition. To these ends, the Planning Board shall require such guaranties or conditions as it may deem to be necessary in order to assure that such development will actually take place and will proceed to completion.

Section 2. Section 3-1., entitled Definitions, of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended to add the following definition as follows:

§ 3-1. Definitions.

Hotel – a facility offering sleeping accommodations on a temporary basis for compensation to the general public and not exclusively designed for independent housekeeping and wherein twenty-four (24) hour desk service is provided and further wherein no more than fifteen (15%) percent of the guest rooms shall be more than one bedroom.

In order to constitute a Hotel, one or more of the following services must be provided:

- a. housekeeping;
- b. telephone;
- c. bellhop service; or
- d. the furnishing or laundering of linens.

Within a Hotel, permitted accessory uses shall include, but not be limited to, public dining, recreation space, lounge, pool and/or meeting rooms. A Hotel may also provide for extended-stay accommodations wherein guests, who have a permanent residence elsewhere, may stay for multiple nights.

The term Hotel shall not include motel, rooming or boarding house, or a single-room occupancy facility. Within a Hotel, rooms or units shall not be rented to the same person or entities for more than ninety (90) days in any three hundred sixty five (365) day period.

Section 3. Section 2-1., entitled, List of Districts, of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended to add the following zoning district as follows:

§ 2-1. List of districts.

The Village of Tuckahoe is hereby divided into the following districts:

- Residence A-10
- Residence A-5
- Residence B
- Business/Residential
- Apartment 3
- Business
- Industrial
- General Commercial

Section 4. The Village of Tuckahoe Schedule of Permitted Uses is amended as follows:

<u>District</u>	<u>Permitted Principal Uses</u>
General Commercial	<ul style="list-style-type: none"> 1. Offices for executive, administrative or clerical purposes. 2. Scientific or research laboratories. 3. Warehouse and storage facility enclosed within a building. 4. Schools. 5. Sports and health clubs. 6. Hotels. 7. Restaurants.

8. Retail and Service Businesses.
9. Churches.

Uses Permitted by Special Use Permit

1. Motor vehicle filling stations or motor vehicle repair/body shops.
2. Outdoor storage. In case of temporary outdoor storage for a duration less than 90 days, permission may be granted by the Village Building Department.
3. Manufacturing, including the fabrication and assembly of products, and incidental storage, sale and distribution of such products, but excluding heavy industrial processing where products are extracted from raw materials.

Accessory Uses

1. Within a Hotel, a public dining area or restaurant, recreation space, a lounge, a pool or a meeting room or meeting rooms.
2. Quarters for caretakers or watchmen on the site of the use to which the same are appurtenant.
3. Satellite earth station or dish antennae less than 24 inches in diameter.
4. Signs.
5. Fences and Walls.
6. Garages or Parking Structures.

Section 5. The Village of Tuckahoe Schedule of Area and Bulk Requirements is amended as follows:

District General Commercial

Minimum Lot Size:

5,000 square feet

Minimum Lot Width:

50 feet

Minimum Lot Depth:

70 feet

Yards:

Front: 10 feet (for a building above 40-feet in height, there shall be an additional 10-feet added to the Front Yard requirement)

Side: 10 feet (subject to the provisions of Section 4-8.5.(d) herein)

Rear: 20 feet (subject to the provisions of Section 4-8.5.(d) herein)

Maximum Height:

50 feet (subject to the provisions of Section 4-8.5.(a) herein)

Maximum Building Coverage:

70%

Maximum FAR:

1.6 (subject to the provisions of Section 4-8.5.(c) herein)

Section 6. Official Zoning Map

The Official Zoning Map of the Village of Tuckahoe, entitled "Zoning Map, Village of Tuckahoe," last dated and adopted July 2007 and as established in Section 2-2 of the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended so as to reclassify and rezone all of the following listed properties, as shown on the attached map, from the Industrial (I) Zoning District to the General Commercial (GC) Zoning District:

<u>Marbledale Road Street No.</u>	<u>Sec.</u>	<u>Blk.</u>	<u>Lot</u>	<u>Width X Depth</u>
8	74	1	1	258 x 150
38	68	4	29	208 x 176
40	68	4	36	236 x 316
60-66	35	2	12	128 x 316
65	35	5	1	434 x 217
68-78	35	2	11	99 x 141
80	35	2	1	427 x 180
85	35	1	10	53 x 217
93	35	1	1g	281 x 581
100	67	3	10	168 x 163
107	35	1	1a	240 x 182
125	35	1	1c	180 x 76
134	67	3	10g	100 x 104
135	35	1	1	224 x 123
136	67	3	10c	50 x 106
140	67	3	10d	22 x 106
142	39	3	7e	18 x 97
150	39	3	7	175 x 133
162-166	39	3	7b	150 x 133
170	39	3	4a,6	150 x 106

173	39	4	8	203 x 97
174	39	3	7a	100 x 122
181	39	4	7	50 x 99
185	39	4	6a	50 x 101
191	39	4	6	51 x 103
192	39	3	4	102 x 106
199	39	4	5	350 x 100
200	39	3	3	140 x 144
218-210	39	3	1	140 x 139
218-210	39	3	2	60 x 141
233	39	4	1D	150 x 256
Jackson Avenue Street No.	<u>Sec.</u>	<u>Blk.</u>	<u>Lot</u>	<u>Width X Depth</u>
11	67	3	10A	219 x 81
Jackson Avenue	67	3	10E	167 x 143

Section 7. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances.

Section 8. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 9. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of State.

Trustee Coleman motioned to adopt resolution #5, Local Law #10 of the year 2009; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5-0.

4. Mayor Fitzpatrick offered a resolution to accept donation of \$10,000 from the Generoso Pope Foundation for the Winterfest event.

Trustee Coleman motioned to adopt resolution #4; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

5. Mayor Fitzpatrick offered a resolution authorizing the Fire Dept. to utilize the community center on Tuesday, December 8th between the hours of 4 pm and 9pm for their annual election.

Trustee Ecklund motioned to adopt resolution #5; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

6. Mayor Fitzpatrick OFFERED A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER CONCERNING A SECTION OF MIDLAND AVENUE FROM WINTERHILL ROAD TO THE VILLAGE OF BRONXVILLE MUNICIPAL BORDER

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, in 2004 a certain section of Midland Avenue from Winterhill Road to the Village of Bronxville municipal border was scheduled for repairs, repaving and other improvements; and

WHEREAS, in 2004 the County of Westchester (the "County") made said repairs, repaving and certain other improvements to the section of Midland Avenue from Winterhill Road to the Village of Bronxville municipal border; and

WHEREAS, the County made said repairs, repaving and other improvements pursuant to an Inter-Municipal Agreement to be executed between the County and the Village of Tuckahoe (the "Village"); and

WHEREAS, under the terms of the Inter-Municipal Agreement the aforesaid section of Midland Avenue was to be transferred by the County to the Village pursuant to the terms of Section 115-b of the Highway Law; and

WHEREAS, in September 2004 an incident occurred whereby a United Water New Rochelle water main and fire hydrant broke causing flooding and other damage to Midland Avenue and surrounding areas; and

WHEREAS, thereafter litigation ensued in the form of the *County of Westchester v. United Water New Rochelle et al.* and the *Village of Tuckahoe v. United Water New Rochelle* and other litigation for property damage claims; and

WHEREAS, the repairs, repaving and certain other improvements to the aforesaid section of Midland Avenue have been completed; and

WHEREAS, the issues raised in the foregoing litigations have been resolved by way of a settlement agreement and the County shall now transfer the aforesaid section

of Midland Avenue to the Village pursuant to the terms of said Inter-Municipal Agreement; and

WHEREAS, the transfer of the aforesaid section of Midland Avenue to the Village is a condition of the settlement of the aforementioned actions;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an inter-municipal agreement with the County of Westchester concerning the transfer from the County to the Village of a section of Midland Avenue from Winterhill Road to the Village of Bronxville municipal border.

Section 2. That this resolution shall take effect only after the parties to the aforesaid litigations shall have duly executed a settlement agreement in a form acceptable to the Village and all parties to the aforesaid litigations shall have performed their obligations pursuant to the terms of the said settlement agreement.

Trustee Coleman motioned to adopt resolution #6; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

7. Mayor Fitzpatrick OFFERED A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE REPAVING AND RESURFACING OF DANTE AVENUE, SOUTH HIGH STREET AND MAPLE AVENUE

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Board of Trustees is considering the repaving and resurfacing of the following existing roadways within the Village of Tuckahoe: Dante Avenue, South High Street and Maple Avenue; and

WHEREAS, based on the EAF prepared by BFJ Planning, the Village's planning consultant, the Village Board has determined that there will be no significant environmental impact from this action;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts a Negative Declaration declaring this action as an Unlisted action.

Section 2. This resolution shall take effect immediately.

Trustee Ecklund motioned to adopt resolution #7; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

8. Mayor Fitzpatrick OFFERED A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE RECONSTRUCTION OF THE EXISTING MAIN STREET PARK TENNIS COURT

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Board of Trustees is considering the reconstruction of the existing Main Street Park Tennis Court in the exact location of the existing tennis court; and

WHEREAS, based on the EAF prepared by BFJ Planning, the Village's planning consultant, the Village Board has determined that there will be no significant environmental impact from this action;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts a Negative Declaration declaring this action as an Unlisted action.

Section 2. This resolution shall take effect immediately.

Trustee Coleman motioned to adopt resolution #8; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

9. Mayor Fitzpatrick offered a resolution authorizing free short-term street parking in the business districts to encourage shopping in the Village during the holidays. The short-term street meters will be bagged during Christmas week, December 21st through December 25th and parking will be limited to two (2) hours.

Trustee Ecklund motioned to adopt resolution #9; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

10. Mayor Fitzpatrick offered a resolution to transfer \$3,925.25 from budget line 010-1110-0105 to budget line 010-1110-0408.

John Pintos explained that the court needed to transfer money from the part time line to outside services.

Trustee Coleman motioned to adopt resolution #10; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

11. Mayor Fitzpatrick offered a resolution approving payment of vouchers in the amount of \$1,806,037.68 consisting of abstract #26 for \$31,259.63, abstract #27 for \$1,196,236.49, and abstract #28 for \$578,541.56. The three largest invoices paid were for: (1) \$636,601.96 for a tax certiorari (property tax) refund, (2) \$558,144.53 for a bond

anticipation note principal and interest payment, and (3) \$548,938.00 for the Village's annual pension contribution.

Trustee Coleman motioned to adopt resolution #11; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

12. Mayor Fitzpatrick OFFERED A RESOLUTION EXTENDING THE EFFECTIVENESS OF TAXICAB LICENSES AND TAXICAB OWNERS' LICENSES THROUGH AND INCLUDING JANUARY 31, 2010 AMENDED INCLUDING FEBRUARY 28, 2010.

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Board of Trustees is considering amendments to Article II, entitled "Public Carriages and Hacks" of Chapter 22, entitled "Vehicles for Hire" of the Code of the Village of Tuckahoe; and

WHEREAS, in order to provide sufficient time to consider and deliberate over said amendments, the Village Board of Trustees wishes to extend the effectiveness of taxicab licenses and taxicab owners' licenses through and including January 31, 2010; and

WHEREAS, the Village Board of Trustees finds that by extending the effectiveness of taxicab licenses and taxicab owners' licenses through and including January 31, 2010 sufficient time will be afforded to the Village Board of Trustees to consider the merits of said amendments and deliberate over the same.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That, notwithstanding the terms, conditions and provisions of Section 22-18 of the Code of the Village of Tuckahoe, the effectiveness of taxicab licenses and taxicab owners' licenses for the July 1, 2009 through December 31, 2009 semi-annual year shall be extended through and including January 31, 2010.

Section 2. This resolution shall take effect immediately.

Trustee Coleman motioned to adopt resolution #12; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5 – 0.

13. Mayor Fitzpatrick OFFERED A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTER-MUNICIPAL AGREEMENT WITH THE MUNICIPALITIES OF EASTCHESTER, SCARSDALE (TOWN/VILLAGE) AND BRONXVILLE CONCERNING DRUG AND ALCOHOL ENFORCEMENT

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 7, 2009.

WHEREAS, the Village Chief of Police, in conjunction with the municipalities of Eastchester, Scarsdale (town/village) and Bronxville, has expressed a need for a continued inter-municipal agreement with such municipalities concerning drug and alcohol enforcement; and

WHEREAS, this Village Board concurs with such need in furtherance of the duties and responsibilities of the Department of Police; and

WHEREAS, Article 5-G of the New York State General Municipal Law authorizes the aforesaid intermunicipal agreement;

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Mayor to execute an inter-municipal agreement with the municipalities of Eastchester, Scarsdale (town/village) and Bronxville concerning continued drug and alcohol enforcement, and the continued establishment of a police task force concerning the same.

Section 2. That the form of such inter-municipal agreement shall be approved by the Village.

Section 3. That this resolution shall take effect immediately.

Trustee Gorman motioned to adopt resolution #13; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

14. Mayor Fitzpatrick offered a resolution authorizing the Mayor to execute a Project Partnership Agreement between the Department of the Army and the Village of Tuckahoe for Design and Construction of Yonkers Avenue Village of Tuckahoe, New York Section 14 – Emergency Streambank Restoration.

Mayor Fitzpatrick wanted to make it clear that the Village is responsible for \$75,000.
Trustee Ecklund motioned to adopt resolution #14; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

VII. APPOINTMENTS –

VIII. APPROVAL OF MINUTES –

Trustee Ecklund motioned to approve the minutes of the regular meeting of November 23, 2009; motion was seconded by Trustee Coleman and upon roll call was carried by a vote of 5 – 0.

IX. REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

Police- Chief Costanzo reviewed winter parking regulations and announced the upcoming Police Holiday party for children 9 years old and younger scheduled for December 18th.

DPW - Frank DiMarco announced that metal pickup will resume in December and leaf pick up is over. He said that in attempting to be more environmentally friendly and save on costs, the department is using a brine salt mix to clear the roads during snow storms.

Building – Bill Williams reported that the demolition of Salerno’s building at 100 Main Street will begin on Monday.

X. CORRESPONDENCE

XI. MISCELLANEOUS BUSINESS –

XII. BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE COLEMAN** – announced that she will be leaving Tuckahoe and moving to Virginia. She enjoyed working with the Board and with the leadership of Mayor Fitzpatrick.

The trustees wished Margaret well, thanked her for her service, and presented her with a Tuckahoe Centennial coverlet.

Karen Blacks presented Trustee Coleman with a bouquet of roses on behalf of the community and the residents of Tuckahoe. Rev. Frank Coleman who served the community for 10 years thanked the Board and the residents.

- **TRUSTEE MARCOCCIA** announced the mid year budget review and a meeting had been scheduled for December 17th for this purpose.
- **TRUSTEE ECKLOND** reported that the DPW building construction is underway and urged residents to shop locally.
- **TRUSTEE GORMAN** announced the upcoming THA, zoning, planning meetings and reminded everyone that Crestwood Holidayfest is Dec. 12th.
- **MAYOR FITZPATRICK** announced the next Village Board meeting scheduled for January 11th at– 8PM. Village offices will close at noon on Thursday, December 24th in observance of the Christmas holiday and offices will also be closed on Friday, January 1 in observance of the New Year.

DPW is closed Friday, December 25th and Friday, January 1st. Garbage on these two days will be picked up on Thursday. The normal Thursday pick up will be picked up with Tuesday bulk material.

New Year’s Eve will be celebrated in Depot Square under a heated tent. He thanked Silvio Conte, Jimmy Elliot, and Art Moccia for volunteering their time for Winterfest.

XIII. SECOND OPPORTUNITY TO ADDRESS THE BOARD

There being no further business, the Board unanimously voted to adjourn the meeting at 9:50 P.M.

Susan Ciamarra, Village Clerk

