

JUNE 7, 2010

**Regular Meeting of the Board of Trustees
Called to Order at 8PM**

**PRESENT: TRUSTEE ECKLOND
TRUSTEE MARCOCCIA
TRUSTEE GORMAN
TRUSTEE QUIGLEY
MAYOR FITZPATRICK**

The meeting opened with Salute to the Flag and Pledge of Allegiance

PUBLIC HEARING I. - CONTINUATION OF PUBLIC HEARING

PLEASE TAKE NOTICE, that a continuation of public hearing will be held by the Board of Trustees of the Village of Tuckahoe on June 7, 2010 at 8 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York regarding the adoption of a Local Law of the Village of Tuckahoe for the year 2010, which would amend the following sections of the Zoning Ordinance of the Village of Tuckahoe:

Section 4-5.4 to require at least 1.5 parking spaces for the parking or garaging of passenger vehicles to be provided and maintained for each dwelling unit;

Section 5-1.2(a) to provide that "except as set forth in Section 4-5.4, at least two parking spaces for the parking or garaging of passenger vehicles shall be provided and maintained;"

Section 5-1.2.1.3 to provide that the number of parking spaces per unit in the Business/Residence District shall be 1.5;

30 Attachment 3:1 to provide that the number of parking spaces shall be amended from 1 to 1.5;

Section 4-5.4 to amend Zoning Board of Appeals to Planning Board as the approval authority with respect to the joint use of parking spaces;

Section 5-1.2.1.4 to amend two or more establishments on the same lot to two or more uses or establishments on the same lot; to amend the phrase maximum use by patrons or employees among such establishments to maximum use by patrons, employees or residents among such uses or establishments; to amend the phrase terminated upon the termination of the operation of any such establishments to terminated upon the termination of any such use or the

operation of any such establishment; to amend the approval authority from the Zoning Board of Appeals to the Planning Board.

Section 5-1.2(d) to add the phrase including any municipal lot in which the owner has obtained and maintains Village permits for parking spaces reserved for the occupants or users of the building and to amend the approval authority from the Zoning Board of Appeals to the Planning Board;

Section 11-2.4 to provide that the Planning Board, in its discretion, may waive or vary such area, bulk and off-street parking requirements as may be necessary in order to afford the developer with the additional incentive market rate units;

Section 4-5.3.1 to eliminate the requirement of a special permit for residences combined with business uses in the Business/Residence Zoning District; and

An amendment to the Official Zoning Map of the Village of Tuckahoe rezoning and redesignating the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York from a Business Zoning District to a Business/Residence Zoning District, under the Zoning Ordinance of the Village of Tuckahoe, subject to all regulations created and established relative to said Business/Residence Zoning District. The subject premises is also known as Section 42, Block 8; Lots 5 and 10 on the Tax Map of the Village of Tuckahoe and is owned by Crestwood Station Plaza, LLC; and

Corresponding amendments to the Zoning Ordinance's Schedule of Area and Bulk Requirements and/or Schedule of Permitted Uses, if any;

All persons shall be entitled to be heard upon said proposed Local Law at such public hearing.

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

Tracy Schiavone of Fisher Avenue felt that having curb cuts for both egress and ingress on Fisher Avenue would be disastrous because it would add to an already heavily congested traffic area not only with cars but also with the amount of empty buses that travel through there and, in addition, 1.5 parking spaces would be eliminated.

Christine Valenti from the Leewood Park Association voiced her opposition with the proposed rezoning because of the impact on the already overcrowded schools, safety issues, traffic and congestion, the after affects of the construction, environmental impact, preservation of the community and the tiny little Hamlet will be forever gone.

Mrs. Valenti questioned why the applicant came to the Village Board after they were denied by the Zoning Board. Mayor Fitzpatrick said that this is untrue; John Cavallaro said the applicant never appeared before the Zoning Board. Mayor Fitzpatrick said the applicant came to the Village Board under the Master Plan. Mrs. Valenti requested copies of the Master Plan and the Environmental (EAF) report. Mayor Fitzpatrick said that the Village will do their own environmental study and said that the charge of this Board is to improve the quality of life in Tuckahoe.

Mrs. Valenti said her son was hit by a car coming from Middle School at Lincoln and Stewart. Three children in 1 year have been hit. Mayor Fitzpatrick asked if the Eastchester school system is broken. Mrs. Valenti said she will not speak for the schools, but they are extremely overcrowded. Eastchester Schools are at full capacity and even 1 child is too much. She suggested Senior Housing.

Trustee Marcoccia said that although a supermarket was proposed near his home about 12 years ago the Senior Housing that is there now was a better idea. They had issues but they were fixed. He recommends Senior Housing in the Crestwood location for Tuckahoe, Eastchester, and Bronxville Seniors, cutting back the size and density of this building.

Vito Catania, an Eastchester school board member, said Eastchester schools are not broken. Eastchester Schools continue to increase in enrollment. He voiced his opposition.

Andrew Levin, Eastchester resident, voiced his opposition because of the impact on the school district and wants to keep class sizes down.

Trustee Gorman noted that Senior Housing is 55 and older and while it would eliminate school children, it would not eliminate number of cars the complex it would generate.

A discussion followed with Trustee Marcoccia noting that the rule is 2 cars per household; senior housing is less than 2 cars. Allen Osten does not want Senior Housing ruled out and Kelly Pape and Lou Kunda voiced their traffic concerns.

Mayor Fitzpatrick requested the Chief obtain the number of accidents that have occurred in the area and he then referred to a document that has been floating around with incorrect information.

Ray Macioci questioned parking, density and doesn't want it forced on him.

Jim Pape, Eastchester resident, opposes the rezoning due to parking and traffic issues.

Tom Mariani is concerned with traffic on Lincoln and other businesses in the area.

Brian Connolly noted that the school district enrollment has increased; condos, and rentals pay less in taxes than owners and losing commuter parking will push parking to the side streets.

Leslie Davidson opposes the building because of the number of school children, poor visibility, traffic and parking.

Cathy Connolly opposed the proposed rezoning due to traffic.

Tommy Oakes spoke in opposition and requested someone to work hand-in-hand with the school district.

Brian Nader expressed concern with overdevelopment.

Vito Catania suggested the board consider the units be occupied by people from the town downsizing. The homes that are sold may bring in 2 or 3 school children.

Harry Corliano (Park Ave) disputes the number of school children.

Trustee Gorman thought that Mr. Catania brought up a good point regarding the sale of a house to move into the site and the number of school children that my move in.

Stephanie Bayrooti inquired about what other development could be placed in that area if the rezoning does not get approved. Mayor Fitzpatrick says he can't answer that but the board is interested in making a decision in the best long term interest of Tuckahoe.

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

OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS

RESOLUTIONS –

1. Mayor Fitzpatrick OFFERED A RESOLUTION ESTABLISHING AN ADMINISTRATIVE FEE UNDER SECTION 6-39(e) OF THE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "BUILDING PERMITS," "FEES"

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 June 7, 2010.

WHEREAS, the Building Inspector has requested legislation establishing a new administrative fee under Article III, Section 6-39(e) of the Code of the Village of Tuckahoe; and

WHEREAS, Article III, Section 6-39(e), entitled, "Building Permits", "Fees" of the Code of the Village of Tuckahoe provides that,

(e) In all cases where the work relating to a building permit application has been commenced or completed prior to the date of filing of the building permit application, there shall be a administrative fee added to the building permit fee in an amount as may be established by the Board of Trustees by resolution adopted at a scheduled public meeting of the Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. For purposes of Article III, Section 6-39(e), entitled "Building Permits", "Fees", of the Code of the Village of Tuckahoe the administrative fee as referenced in said section shall be ten (10%) percent of the costs of construction with a minimum administrative fee of five hundred (\$500.00) dollars.

Section 2. This resolution shall take effect on June 8, 2010.

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

2. Mayor Fitzpatrick offered a RESOLUTION approving payment of vouchers in the amount of \$395,974.45 consisting of abstract #51 for \$17,195.51, abstract #52 for \$227,003.12, abstract #53 for \$3,260.33, abstract #54 for \$44,144.24 and abstract #55 for \$104,371.25. The three largest invoices paid were for: (1), \$98,079.24 for employee health insurance premiums for the month of May 2010, (2) \$61,275.00 for work on the construction of the new Department of Public Works' office building and (3) \$36,113.40 for a bond anticipation note principal and interest payment.

Trustee Quigley motioned to adopt resolution #2; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5-0.

3. Mayor Fitzpatrick offered a RESOLUTION approving certiorari settlement for 296 Columbus, LLC for property located at 296 Columbus Avenue, Section 42, Block 8, Lot 14 in the amount of \$15,303.84 for assessment years 2003 through 2009.

Trustee Quigley motioned to adopt resolution #3; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5-0.

4. Mayor Fitzpatrick offered a RESOLUTION authorizing the Mayor to sign the Fireworks Performance Contract between Fireworks by Grucci and Village of Tuckahoe. Fireworks is set for July 24th.

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

5. Mayor Fitzpatrick offered a RESOLUTION rejecting all bids received in conjunction with the Emergency Generator for the Tuckahoe Community Center. Bids received were above budget.

Trustee Marcoccia motioned to adopt resolution #5; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

6. Mayor Fitzpatrick offered a RESOLUTION approve the awarding of the highest bid in the amount of \$2,776.00 for the sale of a 1997 Ford Expedition from the Tuckahoe Police Department to Anthony Morgese of Dobbs Ferry, New York.

Trustee Ecklund motioned to adopt resolution #6; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

7. Mayor Fitzpatrick offered a RESOLUTION AUTHORIZING THE VILLAGE CLERK TO ISSUE GENERAL BUSINESS LICENSES FOR FARMERS MARKET VENDORS

At a regular meeting of the Village Board of the Village of Tuckahoe New York ("Village") held at Village Hall, 65 Main Street, Tuckahoe, New York, on June 7, 2010.

WHEREAS, several vendors have requested the use of Village property to hold a weekly Farmers Market where selected regional farmers and vendors will sell produce grown in the Hudson Valley and/or locally produced goods ("Vendors"); and

WHEREAS, the Vendors are requesting the use of Depot Square every Sunday from June 6, 2010 through November 28, 2010, with the exception of September 26, 2010; and

WHEREAS, the Village has authorized the use of the Depot Square area to conduct the Farmers Market provided that the terms and conditions attached hereto are satisfied.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That, subject to the Terms, Conditions and Provisions of the General Business License to Conduct the Farmers Market in Depot Square in the Village of Tuckahoe, annexed hereto, and payment of the appropriate fee, the Village Clerk is authorized to issue a General Business License to each Vendor to conduct business in the Farmers Market.

Section 2. That this resolution shall take effect immediately.

**TERMS, CONDITIONS AND PROVISIONS OF THE GENERAL BUSINESS
LICENSE TO CONDUCT BUSINESS IN THE FARMERS MARKET IN DEPOT
SQUARE IN THE VILLAGE OF TUCKAHOE**

1. Each Vendor must obtain and maintain all required County of Westchester approvals and permits.
2. License fees: Large Vendors \$950.00 per Season.
 : Small vendors \$625.00 per Season.
3. All information called for in the application for a General Business License to participate in the Farmers Market shall be completely filled out. In addition, a copy of driver's license and/or identification for all each vendor and its employees must be filed with the application. A Farmers Market Identification badge issued by the Village to the vendor and/or its employees must be worn during market hours.
4. All goods to be offered for sale require approval by the Village Clerk.
5. The dates of the Farmers Market shall be every Sunday, weather permitting, from June through November ("Season").
6. Hours of operation : 9:00 am to 4:30 pm. Set up time starting at 8:00 am with cleanup and close down by 5:30 pm.
7. Location of the Farmers Market shall be at the westerly side of Depot Square in the metered space area.
8. The entire Farmers Market area must be cleaned and all refuse must be removed and taken away by the end of each day.
9. There shall be no running of vehicles, motors, generators, or compressors during the hours of operation, including the set up time and close down time.
10. Vendors shall not occupy or block any sidewalks and shall not be located within 10 feet of the Veterans' Monument. Nothing shall be placed on the steps of the Veterans' Monument.
11. The Village reserves the right to change the location and/or cancel the Farmers Market in the event of a conflict on a particular Sunday.
12. Any Vendor, person or entity who conducts any business at the Farmers Market without a General Business License from the Village shall be guilty of a

violation of Sections 1 – 7 of the Village Code and may be fined up to \$250.00. Each violation shall constitute a separate offense.

Trustee Quigley 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 A RESOLUTION SCHEDULING A PUBLIC HEARING ON AMENDING THE CODE OF THE VILLAGE OF TUCKAHOE, SECTION 6-39(e) ENTITLED "FEES"

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 June 7, 2010.

WHEREAS, § 6-39(e) of the Code of the Village of Tuckahoe sets forth that:

In all cases where the work relating to a building permit application has been commenced or completed prior to the date of filing of the building permit application, there shall be an administrative fee added to the building permit fee in an amount as may be established by the Board of Trustees by resolution adopted at a scheduled public meeting of the Board of Trustees.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to amending said Section 6-39(e);

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Municipal Home Rule Law a public hearing shall be held on or about the 12th day of July 2010, at 8:00 o'clock P.M., at Village Hall, 65 Main Street, Tuckahoe, New York, at which hearing parties in interest and citizens shall have an opportunity to be heard and at which time and place it shall be determined by the said Board of Trustees whether Section 6-39(e) of the Code of the Village of Tuckahoe shall be amended so as to modify the description of the administrative fee to a legalization fee.

Trustee Ecklund motioned to adopt resolution #8; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.

APPROVAL OF MINUTES –

Trustee Marcoccia motioned to approve the minutes of the regular meet May 17, 2010; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –

Chief of Police reported that Friday evening there was an incident about 10:30pm at the ICS Fair. A fight began and went down Main Street. There were 60-70 young people involved. Neighboring police and the MTA assisted as well as the

County's Aviation department. Four arrests were made. Some civilians were hurt and one officer. On Saturday evening we had signification representation. There was one person arrested for disorderly conduct. The officers did a fantastic job. Sunday was an afternoon event and went without incident.

BOARD OF TRUSTEES MEMBER REPORTS:

- **TRUSTEE MARCOCCIA-** reported on the United Water legal representation which continues to fight proposed increases. No public hearing have been scheduled yet. Con Ed is in the midst of rate increases. It's a 3 year rate increase. The Seniors had a 50/50 at the Carnival.
- **TRUSTEE ECKLOND-** reported that the Village had received correspondence regarding a bad smell at Circuit Park; the matter was investigated and the park has been cleaned. Paving schedule for this year is Rose Ave., Sagamore Rd, and Yonkers Ave. upon completion of the Yonkers Avenue project scheduled to start about September 1st.
- **TRUSTEE GORMAN-** Announced upcoming zoning, planning, environmental, tree, THA, sign & awning meetings' The Eastchester Green Day Celebration is on Saturday, June 12th and then asked residents to take notice to all the new trees on planted along Main St.
- **TRUSTEE QUIGLEY –** reported that the Westchester County government is hosting a Food Drive here at Village Hall on June 22 & 23. ECAP will be the recipient of donations.

Mayor Fitzpatrick announced the next Resident's meeting is June 28th at 7:00PM at Parkway Oval.

There being no further business, the Board unanimously voted to adjourn the meeting at 10:30 P.M.

Susan Ciamarra, Village Clerk