

**MAY 17, 2010**

**Regular Meeting of the Board of Trustees  
Called to Order at 8:00PM**

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

Mayor Fitzpatrick called for the appointment of Angela Carapella as a member of the Library Board for a term of five years to expire April 1, 2015. Trustee Quigley motioned to appoint Angela Carapella; motion was seconded by Trustee Gorman and upon roll was carried by a vote of 5-0.

Mike Fix announced the exhibit on display at the OSilas Exhibition titled "The Hero Next Door" Local Stories of Courage in Wartime on Thursday, May 27, 2010 at Concordia College on view May 27<sup>th</sup> through July 5, 2010.

**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 May 17, 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 Gorman and upon roll call was carried by a vote of 5 – 0.**

**Mayor Fitzpatrick asked Frank Fish to give an update to which he said his recommendation is to consider the applicant's application as it relates to property 300-308 Columbus Ave as a remapping change applicable to the applicant's site. The only other rezoning is in regard to parking. Parking within 1000' for the train station ratio should be reduced to 1.5 spaces per unit. A business residence mix does not have an impact on traffic. Trustee Marcoccia questioned if it is fair to cut out a subset of the area. Mr. Fish said it is not spot zoning.**

Bob Davis, attorney for Crestwood Plaza, LLC. Said he had re viewed Mr. Fish's memos and have made the adjustments in the parking ratio; with 12 additional metered spaces and additional landscaping. As far as the impact on the schools, they feel that their data is fairly accurate. There are 26 units in total; 21 two bedroom units that are 900 square' and 5 single units that are 750 square' with 3600 square' of commercial space. The number of store fronts is not determined yet. He gave the tax revenue analysis as estimated \$240,000.

Trustee Quigley questioned the time frame for full occupancy. Mr. Davis predicted six months from when the project is completed.

Trustee Ecklund questioned the difference between business versus business/residential and asked if they were to apply for a special use permit and were denied, they could put up a three story a 52000 square' building that could generate far more traffic. He then asked John Cavallaro whether a public hearing notice was needed for the whole area? Mr. Cavallaro said one more notice would be necessary and the need for a public hearing regarding the designation of 38' height to the bus/res zone.

Tracy Schiavone, Linda Delasho, Joe Cirasella, Lou Kunda, Ray Macioci, Generoso Cohen Chris Bellacero, and Gina Colangelo, Tuckahoe residents, opposed the proposed rezoning and expressed their concerns with density, parking, traffic, aesthetics, burden on schools and on village infrastructure. Eastchester residents Denise Cubida, Kelly Pape and Elaine Galanopoulos also spoke in opposition.

Jerry Houlihan, owner of building next to site, was in favor of the development.,

Joel Einhorn, owner of property located at Columbus and Fisher, whether the proposed change would affect his property to which Mayor Fitzpatrick said it will not affect his property.

Mr. Pape of Dale Road, Eastchester inquired as to whether an environmental study done on the gas station.

Allen Osten, Oakland Avenue resident asked the board keep in mind safety for the children.

Mayor Fitzpatrick received e-mails from residents 1 in favor 5 opposed.

Dan Kaufman, Highview Avenue resident inquired whether parking spaces were needed for handicap parking and visitor parking.

Trustee Gorman asked Frank Fish to explain the rezoning of this area.

\*\*\*\*\*Frank Fish referred to the Master Plan of three years ago and said the Master Plan committee felt a mixed used was more beneficial since commercial would generate n all commercial building the best plan for the Crestwood area is that an all commercial building creates more traffic than mixed use. They looked at Transit oriented development. Mixed use would be a net surplus to the village.

Mayor Fitzpatrick explained (FAR) floor area ratio. A 100' lot would have a 50'X82' FAR. Trustee Marcoccia asked if \$131,000 goes to the school district. Bob Davis said that the benefit would be \$93,000 in taxes, from \$38,000 to \$131,000. Trustee Ecklund motioned to keep open the public hearing; motion was seconded by Trustee Gorman 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** to ratify board action approving a request from the Generoso Pope Foundation to hang two large banners on the front of the building as of April 19<sup>th</sup> and leaving them up till the end of the year.  
**Trustee Gorman 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** to ratify board action approving a request from Tuckahoe Union Free School District's to use the Community Center for one of the polling places for the District's annual budget Vote and Trustee Election on Tuesday, May 18<sup>th</sup> from 6am to 9pm.  
**Trustee Gorman motioned to adopt resolution #2; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.**
- 3. Mayor Fitzpatrick offered a RESOLUTION** approving the Westchester Italian Cultural Center's request to close Depot Square on Sunday, September 12<sup>th</sup> from 6:00am - 6:00pm (rain date Sunday, September 19<sup>th</sup>) for the purpose of holding an Italian sports car show.  
**Trustee Marcoccia motioned to adopt resolution #3; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.**
- 4. Mayor Fitzpatrick offered a RESOLUTION** approving payment of vouchers in the amount of \$393,917.29 consisting of abstract #47 for \$11,662.52, abstract #48 for \$183,924.48, abstract #49 for \$92,584.72, abstract #50 for \$88,550.06 and abstract #51 for \$17,195.51. The three largest invoices paid were for: \$111,354.44 for employee health insurance premiums for the month of May 2010; \$59,565.00 for work on the construction of the new Department of Public Works' office building and \$28,598.07 for Eastchester town taxes on Village owned property 2010 tax year.  
**Trustee Marcoccia motioned to adopt resolution #4; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5-0.**
- 5. Mayor Fitzpatrick offered a RESOLUTION** approving a certiorari settlement in the amount of \$10,924.58 for Church Management, LLC located at 133 Sagamore Road, Tuckahoe, Section 32, Block 5, Lot 1 for assessment years 2008 and 2009.  
**Trustee Quigley motioned to adopt resolution #5; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5-0.**

**6. Mayor Fitzpatrick offered a RESOLUTION** authorizing the issuance of a Limited Cabaret License to Fisher Ave Foods Corp. (Stephen's Green) for a period of six months as of May 18, 2010.

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

**7. Mayor Fitzpatrick offered a RESOLUTION** authorizing the Mayor to sign an Inter-municipal Municipal Agreement (IMA) between the Village of Tuckahoe and County of Westchester for the Mutual Aid and Rapid Response Plan.

**Trustee Quigley motioned to adopt resolution #7; motion was seconded by Trustee Marcoccia and upon roll call was carried by a vote of 5-0.**

**8. Mayor Fitzpatrick offered a RESOLUTION** approving County Board of Elections request for the use of the Community Center as a polling place for Election Districts, 10,13,14,32 & 33 on June 22, 2010 for a Special Election to fill the office of County Legislator for the 10<sup>th</sup> County Legislative District and for the September 14, 2010 Primary Election and the November 2, 2010 General Elections.

Amend to include 11 & 12 for June 22.

**Trustee Ecklund 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 business owner of "Oh Sweet Day Marketplace" at 72 Main Street to place a 6' table on the sidewalk the weekend of June 25<sup>th</sup>-27<sup>th</sup>, in the afternoon, to hold an Alex's Lemonade Stand Foundation fundraising event.

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

**10. Mayor Fitzpatrick offered a RESOLUTION** accepting a \$ 1,000 donation from the Generoso Pope Foundation to fund entertainment for the Crestwood Street Fair held on May 2nd.

**Trustee Marcoccia motioned to adopt resolution #10; motion was seconded by Trustee Ecklund and upon roll call was carried by a vote of 5-0.**

**11. Mayor Fitzpatrick offered a RESOLUTION** to award bid for Cleaning/Janitorial Services to A&A Maintenance of Yonkers, NY at a monthly rate of \$2,091.30 effective June 1, 2010 pending perusal by the Village Attorney. Four bids were received ranging from \$2,091.30 to \$2,965.95.

**Trustee Marcoccia motioned to adopt resolution #12; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5-0.**

**12. Mayor Fitzpatrick offered a RESOLUTION** authorizing the Receiver of Taxes to collect taxes for fiscal year June 1, 2010 - May 31, 2011 in two

installments, the 1<sup>st</sup> installment on June 1, 2010; for non-payment of 1st installment, a 5% penalty shall be imposed for the month of July and a 1% penalty for each month thereafter to date of redemption and the 2<sup>nd</sup> installment on December 1, 2010; for non-payment of the 2<sup>nd</sup> half installment, a 5% penalty shall be imposed for the month of January and a 1% penalty for each month thereafter to date of redemption and further authorizing the Mayor to sign the Tax Collector's Warrant that follows:

**TAX COLLECTOR'S WARRANT**

Susan Ciamarra, Receiver of Taxes, Village of Tuckahoe

**RESOLUTION: May 17, 2010**

Budget Year – June 1, 2010 to May 31, 2011 - You are commanded to receive and collect from the several owners of property as shown on Section, Block and Lot in the Assessment Roll hereunto attached, the several sums named in the columns headed "Village Tax" opposite the respective lot numbers for the following purposes:

**ESTIMATED EXPENSES**

Legislative	21,275
Judicial	143,448
Executive	7,282
Auditing	30,000
Treasurer	91,650
Assessor	6,140
Village Clerk	168,567
Village Attorney	74,782
Records Management	1,300
Engineering	4,500
Elections	6,125
Buildings – Village Hall	166,000
Buildings – DPW	15,996
Special Items	479,000
Police Department	2,871,227
On Street Parking	103,450
Off Street Parking	44,551
Buildings Department	184,951
Civil/Defense Auxiliary Police	875
Health	11,695
Street Administration	95,359
Street Maintenance	849,328
Snow Removal	75,500
Street Lighting	9,800
Recreation Services	66,698
Recreation Administration	82,450
Community Center Maintenance	53,790
Zoning Board of Appeals	3,000
Planning Board	5,000
Environmental Consultant	500
Sanitary Sewers	141,144
Refuse Collection	594,974
Water Service – Pipe Rentals	70,000
Employee Benefits	2,688,605
Transfer to Library Fund	471,500
Debt Service	345,374

**TOTAL EXPENDITURES:** **\$9,985,837**

**ESTIMATED RECEIPTS**

Payments in Lieu of Taxes	15,000
Interest & Penalties on Taxes	11,000
Non Property Taxes – Utilities	215,000
Local Sales Tax	775,000
Departmental Income	1,065,450
Intergovernmental Charges	38,098
Use of Money & Property	157,580
Licenses & Permits	238,300
Fines & Forfeitures	350,200
Minor Sales & Comp. for Losses	180,500
Miscellaneous Local Sources	17,250
State Aid – Revenue	248,621
Tax Levy	6,673,838

**TOTAL REVENUES:** **\$9,985,837**

Upon delivery of the roll and warrant too you, you shall publish in the official newspaper of the Village and post in five public places in the Village, a notice that such Tax Roll and Warrant have been left with you for the collection of Taxes levied, and shall designate the place where you will receive taxes from June 1<sup>st</sup> to July 1<sup>st</sup> from 8:30 a.m. until 4:30 p.m. except Saturdays, Sundays and holidays; said notice shall also be published one week after the first publication.

You shall proceed to collect such taxes therein levied in the manner provided in Article V of the Village Law and also in accordance with the resolution of the Board of Trustees adopted on the 17th day of May, 2010, to collect such taxes in two equal semi-annual installments in conformity with the provisions of Section 117-A of the Village Law.

For said period, you will receive all taxes paid to you without additional charge.

In accordance with Section 1432 and 924-a of the Real Property Tax Law, on all taxes remaining unpaid after July 1<sup>st</sup>, five percent shall be added for the first month and at least an additional one percent for each month or fraction thereof, thereafter, until paid on the first half.

In accordance with Section 1432 and 924-a of the Real Property Tax Law, on all taxes remaining unpaid after January 1<sup>st</sup>, five percent shall be added for the first month and at least an additional one percent for each month or fraction thereof, thereafter, until paid on the second half.

You shall attend at the time and place specified in said Notice for the purpose of receiving said taxes.

After the first of July, you shall proceed to collect the taxes remaining unpaid, with interest as herein provided, but without any other charge or fee.

All interest collected shall belong to the Village.

IN WITNESS THEREOF, the Board of Trustees of the Village of Tuckahoe has caused these presents to be signed by the Mayor and the Clerk of said Village and the seal of the Village of Tuckahoe in hereunto affixed this 18th day of May 2010.

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JOHN FITZPATRICK  
MAYOR

ATTEST:

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SUSAN CIAMARRA  
VILLAGE CLERK

**Trustee Marcoccia motioned to adopt resolution #13; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5-0.**

**APPROVAL OF MINUTES –**

Trustee Ecklund motioned to approve the minutes of the regular meeting of April 12, 1, 2010; motion was seconded by Trustee Gorman and upon roll call was carried by a vote of 5 – 0.

Trustee Ecklund motioned to approve the minutes of the special meeting of April 26, 2010; motion was seconded by Trustee Quigley and upon roll call was carried by a vote of 5 – 0.

## **REPORTS OF DEPARTMENTS, BOARDS AND COMMISSIONS –**

**Frank DiMarco** - Supt. of Public Works - gave Annual Stormwater Report to NYSDEC for the MS4 annual application. It's a need to educate and control what is charged. Information is available on our web and in the clerk's office. All questions go to Frank DiMarco.

**Trustee Gorman commented on how the trees look great and Arbor Day was a success.**

## **CORRESPONDENCE**

### **MISCELLANEOUS BUSINESS –**

Mayor Fitzpatrick announced the upcoming meetings, next Village Board Meeting – June 7th – 8:00PM, Next Community Meeting - June 28<sup>th</sup> – 7:00PM

### **BOARD OF TRUSTEES MEMBER REPORTS:**

- **TRUSTEE MARCOCCIA-** last week was national Law Enforcement and this week is National EMS week. Officer Fred Cioffi is doing better.
- **TRUSTEE ECKLOND-** was happy to see Officer Cioffi as well. Regarding the emergency generator project ,a discussion needs to be made if we want to come up with \$16,000. project bids were too high. He asked Mayor Fitzpatrick if we could get the \$16,000 from Amy Paulin. Mayor Fitzpatrick said he would reach out to her. We had a wonderful Arbor Day this year.
- **TRUSTEE GORMAN-** announced the upcoming, planning, zoning, environmental, tree, sign & awning, and THA meetings. The County Mobile Office will be in Depot Square on May 22. The Memorial Day Parade is Monday, May 31. June 12 is the Eastchester Green Day event at Eastchester Town hall.
- **TRUSTEE QUIGLEY –** no report

There being no further business, the Board unanimously voted to adjourn the meeting at 10:00 P.M.

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Susan Ciamarra, Village Clerk