

**October 5, 2009**

Regular Meeting of Board of Trustees  
Called to order 8:00 PM

The meeting opened with the PLEDGE OF ALLEGIANCE  
Moment of Silence for Firefighter Patrick Joyce

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

**IV. SPECIAL PRESENTATION(S)**

**V. PUBLIC HEARINGS**

**PUBLIC HEARING I.**

**CONTINUATION OF PUBLIC HEARING ON A PROPOSED LOCAL LAW 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 24<sup>th</sup> 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, 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 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.

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:

District

Permitted Principal Uses

General Commercial

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:

<u>District</u>	<u>Minimum Lot Size:</u>
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General Commercial	5,000 square feet
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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:

<b><u>Marbledale Road Street No.</u></b>	<b><u>Sec.</u></b>	<b><u>Blk.</u></b>	<b><u>Lot</u></b>	<b><u>Width X Depth</u></b>
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
<b>Jackson Avenue Street No.</b>	<b><u>Sec.</u></b>	<b><u>Blk.</u></b>	<b><u>Lot</u></b>	<b><u>Width X Depth</u></b>
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 Ecklund motioned to continue public hearing, was seconded by Trustee Coleman and upon roll call was carried by a vote 4-0.**

**Trustee Ecklund motioned to keep open public hearing, was seconded by Trustee Coleman and upon roll call was carried by a vote 4-0.**

## **PUBLIC HEARING II.**

ON AMENDING LOCAL LAW NO. 1 OF 2009 CONCERNING THE COLLECTION OF GARBAGE, TRASH AND REFUSE

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 September 14, 2009.

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment to Local Law No. 1 of 2009 concerning the collection of garbage, trash and refuse.

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 5 day of October 2009, 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 Local Law No. 1 of 2009 concerning the collection of garbage, trash and refuse shall be amended.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in the manner provided by applicable law.

Section 3. That this resolution shall take effect immediately.

**Trustee Gorman motioned to continue public hearing, was seconded by Trustee Coleman and upon roll call was carried by a vote 4-0.**

**Trustee Gorman motioned to keep open public hearing, was seconded by Trustee Ecklund and upon roll call was carried by a vote 4-0.**

## **VI. OPPORTUNITY TO ADDRESS THE BOARD ON AGENDA ITEMS**

### **RESOLUTIONS -**

**1. Mayor Fitzpatrick offered a RESOLUTION TO ADOPT LOCAL LAW #7 OF THE YEAR 2009 ENTITLED: A LOCAL LAW AMENDING SECTION 12-8 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "DEFINITIONS" WITHIN CHAPTER 12 ENTITLED, "HOUSING"**

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 August 10, 2009.

WHEREAS, legislation has been requested amending the definition of "Dwelling Unit" as the same is set forth in Section 12-8 of the Village Code of the Village of Tuckahoe, entitled "Definitions" within Chapter 12 entitled, "Housing" and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 22nd day of July 2009; and

WHEREAS, said public hearing was duly held on the 10th day of August 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, 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 definition of "Dwelling Unit" as the same is set forth in Section 12-8, entitled "Definitions" of the Village Code of the Village of Tuckahoe, is hereby amended as follows:

**§ 12-8. Definitions.**

*Dwelling unit* means one (1) or more rooms with living, cooking, sanitary and sleeping facilities therein, arranged with one (1) family [with whom may reside not more than four lodgers or boarders].

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.

New Matter Underlined

Deleted Matter in Brackets [ ]

**Trustee Gorman made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

**2. Mayor Fitzpatrick offered a RESOLUTION TO INTRODUCE LOCAL LAW #8 OF THE YEAR 2009 ENTITLED: A LOCAL LAW AMENDING THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001**

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 14th day of September 2009, 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 AMEND, SUPPLEMENT AND/OR OMIT IN ITS ENTIRETY SECTION 4-1.1.4 OF THE VILLAGE ZONING ORDINANCE WHICH PERMITS THE KEEPING OF NOT MORE THAN TWO BOARDERS OR LODGERS BY A RESIDENT FAMILY OR PERSON, AS AN ACCESSORY USE"; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 22<sup>nd</sup> day of August 2009; and

WHEREAS, said public hearing was duly held on the 14<sup>th</sup> day of September, 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. Section 4-1.1.4.(d) of the Village of Tuckahoe Zoning Ordinance is hereby amended to omit and delete sub-section (d) in its entirety as follows:

(d) [The keeping of not more than two boarders or lodgers by a resident family or person, provided that the resultant density does not exceed two persons per separate bedroom.] Intentionally left blank.

Section 2. 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 3. 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 4. 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.



New matter underlined

Deleted matter in brackets [ ]

**Trustee Gorman made a Motion to adopt resolution, seconded by Trustee Ecklund and upon roll call was carried with a vote of 4 – 0.**

**3. Mayor Fitzpatrick offered a RESOLUTION** authorizing the issuance of a Limited Cabaret License to Mamma Assunta’s Restaurant for a period of six months from the date of approval.

**Trustee Ecklund made a Motion to adopt resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**4. Mayor Fitzpatrick offered a RESOLUTION** approving request of On-Time Limousine to hand out company brochures at Tuckahoe and Crestwood Train Stations on Tuesday, October 13<sup>th</sup> at the Tuckahoe RR station from 6:30am to 8:45am and at the Crestwood Station on October 20<sup>th</sup> between 6:30am and 8:45am.

**Trustee Gorman made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

**5. Mayor Fitzpatrick offered a RESOLUTION** confirming board approval to allow the closure of Rose Avenue between White Plains Road and Crawford Drive Saturday, September 26<sup>th</sup> from 11:00AM to 2:00PM for Concordia’s annual Homecoming event. Liability insurance has been received for the event.

**Trustee Gorman made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

**6. Mayor Fitzpatrick offered a RESOLUTION** confirming board approval for the use of streets (waiving liability insurance requirements) from Tuckahoe Community Center Columbus Avenue to Main Street, to Winterhill Road to Rose Avenue for Tuckahoe High School Homecoming event on October 2<sup>nd</sup> from.

**Trustee Gorman made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

**7. Mayor Fitzpatrick offered a RESOLUTION** authorizing the issuance of a Limited Cabaret License to Angelina’s Restaurant for a period of six months from the date of approval.

**Trustee Ecklund made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

**8. Mayor Fitzpatrick offered a RESOLUTION** rejecting all bids received for the Community Center Emergency Generator. Further, authorizing the rebidding of the project. Bids received were over budget.

**Trustee Ecklund made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

**9. Mayor Fitzpatrick offered a RESOLUTION** authorizing the Mayor to sign an Inter-Municipal Agreement between the County of Westchester and Village of Tuckahoe as it relates to GIS/GPS shared services.

**Trustee Coleman made a Motion to adopt resolution, seconded by Trustee Gorman and upon roll call was carried with a vote of 4 – 0.**

**10. Mayor Fitzpatrick offered a RESOLUTION** approving payment of vouchers in the amount of \$119,788.35 consisting of abstract #16 for \$2,390.69 and abstract #17 for \$117,397.66. The three largest invoices paid were for: (1) October 2009 employee health insurance premium of \$91,522.03, (2) \$8,097.22 for employee deferred compensation deductions from the 09/25/09 payroll and (3) \$1,857.60 for ammunition for the Tuckahoe Police Department.

**Trustee Ecklund made a Motion to adopt resolution, seconded by Trustee Coleman and upon roll call was carried with a vote of 4 – 0.**

## **II. APPOINTMENTS –**

## **VIII. APPROVAL OF MINUTES –**

Trustee Ecklund motioned to approve the minutes of the regular meeting of, SEPTEMBER 14, 2009 was seconded by Trustee Gorman and upon roll call was carried by a vote 5-0.

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

**Department of Public Works-** Frank DiMarco discussed street paving and said that funding is not available to pave Sagamore down to Main St. Regarding the problems with scaling on Dante Ave., the Mayor asked if samples of the blacktop should be tested to meet the standards to prevent scaling and potholes. A gas line on Lawrence Ave had to be repaired by Con Edison and they will repave it in a week or two. He expressed concern with the quality of salt used for the winter and will be addressing it.

*(Trustee Marcoccia is now present at the Board meeting.)*

**Building Department-** Bill Williams said that Zoning and Planning meetings are back in session now that summer is over. Two meeting notice (2' X 2') signs have been prepared that will be placed on the homeowner's property so that neighbors can attend the meeting. Mayor Fitzpatrick said that the reason for the signs is that residents have complained that they either do not receive the notice letters or the notice is received after the meeting. The signs will be displayed for a two week period.

## **X. CORRESPONDENCE**

## **XI. MISCELLANEOUS BUSINESS –**

**Next Village Board meeting October 26, 2009**

**Next Residents Meeting is Monday, November 9<sup>th</sup> at Village Hall.**

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

- **TRUSTEE MARCOCCIA-** reported on the Disabilities Committee meeting held in September and some of the issues discussed.
- **TRUSTEE ECKLOND-** reported on the various activities taking place at the Library. Bid opening for the construction of a new DPW building will take place shortly and the Lake Isle Yard sale was a success. Decals will be installed on all storm drains to warn residents not to dump.
- **TRUSTEE GORMAN-** announced upcoming work sessions and board meetings. Volunteers are needed for tree inventory and the County Mobile, passport office, office will be in Fisher lot on Oct. 24.
- **TRUSTEE COLEMAN -** asked for Youth advisory Board volunteers.
- **MAYOR FITZPATRICK-** Oct 6th is unused Medication "Take Back Day." On Oct 27 the Flu Clinic will take place at the Community Center. Thanked all who attended the Pancake Breakfast for Officer Fred Cioffi. Padre Pio was a good day and extended congratulations on their success. Village Offices are closed Oct 12. The Eastchester Columbus Parade is on Oct 12. The Residents meeting is on Nov. 9. and the next Board meeting is Oct. 26. Congratulations to Nicki's Corner Deli, Kawers, Romas and Cornells on their recent anniversary celebration.

Frank Craparo, 88 Fisher, complained about motorcycle noise. The police will not listen to this problem. Their mufflers are modified. The police should look at it. It is disturbing. He made mention of the curb cut at Marbledale and Fisher handicap access that is cracked. Mayor Fitzpatrick said that the Chief is not here tonight to address this issue. When the Chief returns we will have an answer and we will address this at the next Board meeting.

**Trustee Gorman** wanted to make the public aware that the garbage at the Fountains has been addressed by the Code Enforcer and the Consulate will repave their lot again from the 19th through Oct. 25th.

**Susan Ciamarra** said that regarding the bagging of meters for the holidays, it was suggested by some of the businesses to bag the meters the week before or splitting the days between two weeks because by the last week most shopping is done.

### **XIII. SECOND OPPORTUNITY TO ADDRESS THE BOARD**

**XIV.** There being no further business the Board unanimously voted to adjourn the meeting at 9:00 PM.

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Susan Ciamarra, Village Clerk