

**SEPTEMBER 13, 2010**

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

**ROLL CALL**

**TRUSTEE ECKLOND  
TRUSTEE GORMAN  
TRUSTEE QUIGLEY  
TRUSTEE GIORDANO  
MAYOR FITZPATRICK**

**The Meeting opened with the Pledge of Allegiance and Salute to the Flag.**

**APPOINTMENTS –**

- 1. Mayor Fitzpatrick called for the appointment of Nicholas DiSalvo, 70 Lime Kiln Rd., as ADHOC member to the Zoning Board of Appeals for a one year term. Trustee Ecklund motioned to appoint Nicholas DiSalvo; motion was seconded by Trustee Quigley and upon roll was carried by a vote of 5-0.**
- 2. Mayor Fitzpatrick called for the reappointment of Norman Haynes as EVAC Director for a one year term. Trustee Ecklund motioned to reappoint Norman Haynes; motion was seconded by Trustee Gorman and upon roll was carried by a vote of 5-0.**

**SPECIAL PRESENTATION(S)**

Linda Cohen of Senator Klein's office announced that the Senator was holding a Community Coffee/ Tea to discuss community issues on September 23 from 10:00AM-12:00PM at the Main Street Café.

Tracey Schiavonne voiced her opposition to the Crestwood rezoning and with future development of the remaining parcels> She believes that the best resource is the people and urged the Board to keep the Village in mind when voting.

Joseph DiPaolo voiced his opposition to any future development of that area and suggested the area be used for parking.

Christina Valenti voiced opposition on behalf of the Leewood Association saying that the residents had presents dozens of reasons why this project should not take place.

**RESOLUTIONS -**

- 1. Mayor Fitzpatrick offered a RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE REZONING AND RE-DESIGNATING OF THE PREMISES 300-308 COLUMBUS AVENUE, TUCKAHOE, NEW YORK**

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 13, 2010.

WHEREAS, the Village Board of Trustees is considering rezoning and re-designating the premises commonly known as 300–308 Columbus Avenue from a Business Zoning District to a Business/Residence Zoning District; and

WHEREAS, the environmental assessment form ("EAF") and supporting and supplemental materials have been referred to the Village of Tuckahoe Planning Board, the County of Westchester Planning Board and Planning Department, the City of Yonkers and the Town of Eastchester for their comments and review; and

WHEREAS, based on the EAF and the supporting and supplemental materials thereto, 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 supporting and supplemental materials thereto and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts the attached Negative Declaration declaring this action as an Unlisted Action under the State Environmental Quality Review Act.

Section 2. This resolution shall take effect immediately.

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

**2. Mayor Fitzpatrick offered a RESOLUTION ADOPTING LOCAL LAW NO. 6 OF 2010 - A LOCAL LAW AMENDING THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001 AND THE OFFICIAL ZONING MAP OF THE VILLAGE OF TUCKAHOE CONCERNING THE PETITION OF CRESTWOOD PLAZA, LLC AFFECTING THE PREMISES 300-308 COLUMBUS AVENUE, TUCKAHOE, NEW YORK**

WHEREAS, pursuant to the Village of Tuckahoe Master Plan, dated May 2008, a plan goal and recommendation was that, "[t]he retail area around both the Tuckahoe and Crestwood train stations are the major neighborhood shopping and professional service districts to meet the local needs of Village residents. However, the economics of retailing have changed over time and it would be advantageous to the Village to take several steps to reinforce these areas:

(1) Allow residential uses

While retail and service uses should remain the major emphasis of commercial zones, residential uses on upper floors could add to the vitality of the stores on the ground floor. Amendments should be considered to

the business zones to allow residential uses by special permit on the upper floors of buildings in these zones. ...,” and

WHEREAS, in furtherance of the Master Plan, as adopted, Crestwood Plaza, LLC (the “Applicant”) has submitted a petition, dated January 4, 2010, to the Village Board of Trustees for the remapping and rezoning of the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York and further known and designated on the Tax Assessment Map of the Village of Tuckahoe as Section 42, Block 8, Lots 5 and 10 (collectively, the “Premises”); and

WHEREAS, in connection with the petition of the Applicant, the Applicant has submitted expanded Environmental Assessment materials, including, but not limited to, a long-form Environmental Assessment form, studies, reports, letters and supplements to the same which consist of the following:

1. Letter of Robert F. Davis, Esq. to the Village Board, dated January 4, 2010;
2. Petition for Re-Zoning and Amendments to Zoning Ordinance, dated January 4, 2010;
3. Expanded Environmental Assessment, dated October 15, 2009 and revised January 5, 2010, including long EAF, prepared by John Meyer Consulting, P.C. dated January 5, 2010, with Appendices, including, *inter alia*, Traffic Impact Study, Phase II Environmental Site Assessment Report, and photographs, plans and elevations;
4. Color Elevation of Street View of Proposed Building;
5. Letter of Anthony Nester, John Meyer Consulting, P.C., dated January 5, 2010, addressing the memorandum of Frank Fish, FAICP of BFJ Planning, Village Planning Consultant, dated December 11, 2009;
6. Additional memoranda of Frank Fish to the Village Board, dated March 31, 2010, May 17, 2010 and July 12, 2010;
7. John Meyer Consulting, P.C. letter to Frank Fish, dated March 25, 2010, with school children analysis;
8. Alternate site plans prepared by John Meyer Consulting, P.C. (57 space and 70 space plans). (John Meyer Consulting, P.C.’s Plan SP-4, Layout and Striping Plan, revised April 6, 2010);
9. One and two-bedroom unit floor plans, dated May 2010;

10. John Meyer Consulting, P.C. alternate plans for Commuter Parking Lot Layout Plan, dated May 27, 2010 and Retail Layout Plan, dated May 27, 2010;
11. John Meyer Consulting, P.C. letter to Frank Fish, dated May 10, 2010, with tax analysis;
12. Letter of Robert F. Davis, Esq. to the Village Board, dated May 18, 2010, concerning school taxes;
13. Letter of Robert F. Davis, Esq. to Village Board dated, June 10, 2010, responding to comments at June 7, 2010 Public Hearing and including list of Benefits to Village of Crestwood Mixed Use Re-Development Project and the Key Points with Respect to Enrollment Projection Calculation Update Study for the Eastchester Union Free School District, dated January 2008;
14. Letter of Robert F. Davis, Esq. to the Village Board, dated June 11, 2010, relating to public proposal for senior citizen housing;
15. John Meyer Consulting, P.C. Supplemental Studies – School, Traffic and Tax Analysis, dated July 7, 2010;
16. Letter of Robert F. Davis, Esq. to the Village Board, dated June 16, 2010, amending Petition for Re-Zoning to delete requested text amendments;
17. Supplemental studies prepared by John Meyer Consulting, P.C. concerning School, Traffic and Tax Analysis, dated July 7, 2010;
18. Additional memoranda of Frank Fish to the Village Board, dated July 12, 2010 and August 9, 2010; and
19. Addendum to Supplemental Studies prepared by John Meyer Consulting, P.C. concerning School, Traffic and Height Analysis, dated August 3, 2010; and

WHEREAS, in connection with said petition and supporting and supplemental materials, as aforesaid, the Applicant seeks to have the Premises rezoned and remapped from the Business (B) Zoning District to the Business/Residence (BR) Zoning District as defined and described in the Village of Tuckahoe Zoning Ordinance of 2001; and

WHEREAS, on February 8, 2010, 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 22nd day of March 2010, at

8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning a petition relating to a proposed amendment to the official zoning map and zoning code of the Village of Tuckahoe for the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 11th day of March 2010; and

WHEREAS, said public hearing was duly held on the 22nd day of March, 2010, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York and continued on April 12, 2010, May 17, 2010, June 7, 2010, July 12, 2010 and August 9, 2010, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to the rezoning and remapping of the Premises from the Business (B) Zoning District to the Business/Residence (BR) Zoning District; and

WHEREAS, by resolution dated August 9, 2010, the Village Board of Trustees declared itself to be Lead Agency for purposes of the State Environmental Quality Review Act for the action described herein; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law and Section 277.61 of the Administrative Code of the County of Westchester, the action described herein was referred to the Westchester County Planning Board and Planning Department (collectively, the "County"); and

WHEREAS, by letter dated, August 25, 2010, the County indicated that, "[w]e have no objection to the Tuckahoe Board of Trustees assuming Lead Agency status for this project;" and

WHEREAS, the County further declared that, "[a]s the project is consistent with comprehensive plans and policies, we support the proposed amendment to the Village's Zoning Map to rezone this site to BR-Business/Residential;" 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 Trustees of said Village that the rezoning and remapping of the Premises from the Business (B) Zoning District to the Business/Residence (BR) Zoning District as defined and described in the Village of Tuckahoe Zoning Ordinance of 2001 would not have a significant effect upon the environment; and

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

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

Section 1. The Village of Tuckahoe Zoning Ordinance of 2001 and the Official Zoning Map be and hereby are amended to reflect that the following properties are hereby rezoned and re-designated as follows:

<u>Address</u>	<u>Tax Map No.</u>	<u>Property Owner</u>	<u>Zoning District Zoned To:</u>
300-308 Columbus Avenue	Section 42 Block 8 Lots 5 and 10	Crestwood Plaza, LLC	Business/Residence (BR)

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 and/or other applicable 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.

Mayor Fitzpatrick asked whether the board members had any comments.

**Trustee Giordano** read the following statement regarding petition for Crestwood Rezoning:

“Residents of our Village and Town, Mayor Fitzpatrick and Fellow Trustees:

I have spent much time these past weeks reviewing the substantial materials generated in connection with this petition, and watching prior meetings regarding this issue. I have also tried to poll the residents of our town, as well as some of the commercial establishments in our community, for their thoughts and concerns, because I believe this petition and our response involves some very fundamental and important questions affecting our village and our town, its growth, and the direction that it is going with the changing times. I also have come to believe that the way that this Board votes this evening could have a significant impact on our community.

From the community, in short, I have found very few supporters. Those in support have cited the following reasons: “something has to go there, and this would be better than 2 gas stations or a 24 hour diner”; and “we could use the tax revenue”. I agree with both of

these sentiments. In fact, if these were the only considerations I would certainly vote in the affirmative.

The overwhelming majority I have spoken with, however, believe that this project will have a negative impact on our community. I would break those concerns down into the following categories: schools, traffic/parking and environment/quality of life

These concerns have been raised by our residents to this Board during the public hearings, as well as through written correspondence, for many months. I have seen almost no such open public support in favor of this project.

I have been trustee for only a short time. However, as an attorney whose practice involves almost exclusively development and construction; and having spent almost 2 years on the village's zoning board as a member, and more recently its chairperson, I feel confident in my ability to reach a conclusion based upon facts, and not stemming from emotion or "hysteria", as it has been referred to.

### A WORD ABOUT THE STUDIES

I have reviewed all of the studies prepared by John Meyer Consulting, including the Environmental Assessment, Traffic Impact Study, School, Traffic and Height Analyses, and Addenda thereto. I have read them from the perspective for which they were prepared at the Petitioner's request, which was essentially this: "please help to interpret, extrapolate and reach conclusions from data in such a way that could only offer support for this project. If data does not support this project in one form, then please find another form that does." This is the nature of expert reports. At the risk of sounding crass, in my profession there is a saying that such reports are like skimpy bikinis – what they reveal is interesting; but what they conceal is vital.

I have found these studies to be replete with self-serving assumptions, some of which I will try to point out to you. By way of example, in one traffic study – addressing the fate of the 70-90 cars currently parked in the two stations, the report provides "It is expected that [once the site is under construction] these motorists will either park or be dropped off at other train stations closer to their homes rather than be dropped off at Crestwood Station. If it were convenient for the commuters to be dropped off and picked up today at the Crestwood Station, they would not be paying to park their vehicles on site." In other words, these cars will simply disappear. Not considered – because not factually expedient – is that once the convenience of commuter parking spaces are eliminated, the commuter may need to inconvenience his or her spouse or relative to drive him or her to Crestwood Station each day resulting in 2 extra trips per car. Such an assumption -- reasonable as it may be -- was ignored, as it would serve to negatively skew the report's conclusions.

### SCHOOLS

EUFSD is highly rated, nationally and locally. However, it is an established fact that these schools are at or beyond capacity. The Petitioner and its consultants have gone to great effort to market the message that this project will result in minimal number of new children using the Eastchester schools. I believe that the current estimated number is three.

For example, the consultant has decided not to use in its studies the data showing a high rate of school children per bedroom in condominium complexes in Bronxville, citing the fact that Bronxville schools are more desirable than either of its sisters in Eastchester or

Tuckahoe [INTERESTING THEORY ]. What it ignores, however, is that this project, if permitted, will offer a low price point (3-400K) of entry for a unit owner/renter to pay lower Tuckahoe taxes, and yet use the Eastchester schools. Residential realtors in the area have informed me that their selling points to potential buyers would be: (first) ease of commute; and (second) inexpensive access to blue ribbon schools. [VITAL FACT]

Moreover, most of the units (21 of the 26) in the proposed project are 2 bedroom; all have 2 full baths. Besides from spuriously throwing out the high Bronxville numbers, Petitioner's consultants factored only local condominiums – not rentals or co-ops; considered one bedroom units in watering down their estimates; and did not consider number of bathrooms per unit. A more complete study would have compared number of local 2 and 3 bedroom condo; co-ops and rental units with 2 full baths. (These may very well end up becoming rentals). It certainly should not have factored in one bedroom units, where there should be no children in the schools other than extreme circumstances. I am certain that a more accurate study such as that which I have suggested would result in a much higher ratio of children in schools to occupied units.

In fact, with 47 bedrooms (assumedly couples will share on bedroom in many of the units), is it not beyond the realm of possibility to see 15-20 more students from this development? Wouldn't the anemia of the economy add to this risk?

Members of Eastchester School Board have spoken out against this project for its potential detrimental effect on our schools; I have heard none in favor.

Regardless of studies or conjecture, if we vote yes this evening, it is a fact that we will add the risk of compromising the quality of our children's education to our community. If we vote no then it is a fact that we will avoid this risk.

#### TRAFFIC ANALYSIS

There was a terrible accident on White Plains Road near Vernon hills shopping yesterday. One of the cars was flipped over. The other, badly damaged, was the same make and color of my family's minivan. I cannot convey to you the feeling of terror that washed over me when I saw the images of this accident, considered those injured were members of someones's family, and could have been my own.

The accident is the result of pressure to get places; to run our errands, to get our children to their ballgames; pressure that has increased with increased traffic volume as our streets become more and more congested with a growing residency. The developer's studies; Frank Fish's reports do not consider this at all. I, along with many of others who have spoken, have seen this happen incrementally over the years. Adding over forty new residents, each potentially with his or her own car, will significantly increase this incremental hazard.

A commercial establishment, on the other hand, would not increase this risk. Rather, it would merely be an additional stop for local area residents already using the community. It would not create new residents in turn creating further congestion.

Regardless of studies or conjecture, a vote of no this evening will avoid the risk of further congestion to our streets; a vote of yes will increase that risk.

#### PARKING

A couple of thoughts:

70-90 commuter parking spaces will be lost to this project. The assumption in the studies is that the commuters will drive to other stations. [INTERESTING] As I mentioned above, this is highly flawed assumption. Even if true, should we lose them, then their



business to local retailers shopping may also be lost. If they decide to continue to use the Crestwood Station, then they will now need to be shuttled back and forth, adding two additional trips per vehicle per business day. [VITAL]

The tandem parking proposed by the Petitioner should not be approved. It limits the full unfettered use of parking spaces; creating logistical problems, and resulting in pressure to park cars on side streets where logistical issues are removed. On weekends and outside of peak hours, residents and visitors will park on the side streets where there are no meters. There is no question that this will happen.

What about parking for those employed by the new retail establishments; has this been considered in the developer's analysis?

I realize that the petitioner is no longer asking for 2 spaces to be amended to 1.5 spaces as part of this petition. However, Frank Fish has already recommended an amendment to 1.5 spaces by memorandum dated March 31, 2010. This memorandum will be waved by the Petitioner in its application before the Planning Board should its petition be granted this evening, with the implicit threat of an Article 78 proceeding if relief not be granted. Petitioner may then seek to increase the footprint of the building, including square footage of the units and/or number of the residences.

Regardless of petitioner's studies, it is a fact that a vote of no this evening will avoid, at least temporarily, the risk of exacerbating the parking situation in Crestwood; it is a fact that vote of yes will not avoid this risk.

#### ENVIRONMENT/QUALITY OF LIFE

These factors are not easily measurable by studies, which do not show the incremental creep of permissive development.

More residents means more cars, and more intensity to the use of this small piece of property, which over time leads to urban sprawl. A quaint village begins to more resemble a borough of the City. This degradation to quality of life is not worth a marginal tax benefit to other uses.

I liken it to adding 26 new homes at the end of your block. Is this acceptable?

It is entirely possible that these units will end up being rentals. As we know condominiums offer much more freedom for owners to rent out units than do co-ops; rentals offering lower priced access to EUFSD. It is a known fact that in general short term rental holders do not maintain the same standards for preserving and protecting a community than do owners who occupy.

The proposed construction is 3 stories: higher (two stories higher!) than most of the rest of the buildings in Crestwood. Most of the Crestwood commercial space is only one story. I am not saying that two auto service stations full of parked cars is pleasing to the eye, but they do not block out our sky. They do not impose upon our view of the trees, church and houses in the background. This development would. Once we lose these natural aesthetics to a new building, we will never get them back.

More frightening, what kind of precedent are we setting should the adjacent Lutheran Church to fall into an active developer's hands? Are we setting ourselves up for further degradation?

Let the petitioner put in commercial establishment. He will still need to account for parking. It will not impact the schools. The height will still need to be restrained.

From where I stand, the incremental increase in tax revenue seems to be the only potential upside to this project. This would be a Pyrrhic victory. If you allow a project

like this, you run the risk of diminishing the quality of life in our community; our congestion; our school quality. This will, over time, drive down property values, as a hamlet community becomes further urbanized, which will decrease our tax base. This is the wrong project; the wrong scope; and bad for the Village.

Senior housing – 26% of our population is seniors. Why is this not an alternative, at least to seriously consider? It eliminates the school congestion issue, reduces traffic issue and addresses a legitimate community need.

Will there be an affordable housing component to this project? If so, what would this mean for the community? By letter from Edward Burroughs, Acting Commissioner or the Westchester County Planning Board to Susan Ciamarra dated August 25, 2010, Mr. Burroughs urged the developer and the Village to consider setting aside a portion of the units for the development of affordable AFFH housing. Have we considered all of the implications of this should the petitioner decide to act on the wishes of the Commissioner? I don't know the answer to these questions, but so know that voting yes this evening will allow these risks; while voting no will not.

I intend to vote no to this petition this evening. I implore the members of the Board to do the same. To those on the Board who have so diligently served the community over these past years, I ask that you do not leave this project and its attendant risks as your legacy. To those of us on the Board who wish to continue to serve, I remind you that we will need to be accountable to our peers for this vote in the years to come.

We are under no mandate to follow the Master Plan, and can exercise our discretion as to whether to revise the Zoning Code for a particular site based upon the specific facts and circumstances. I ask to you exercise this discretion this evening.

I ask that at the very least, that you table this issue – don't vote yes now. Let's say no until we can say yes to something that we have the public support; a full commitment by the developer – and most importantly something that we know to be beneficial to our community.

We need to grow as a Village; but it must be smart growth; controlled growth. I believe that this proposed project offers neither.

We owe this to the residents of Tuckahoe and the residents of our Town.

Thank you.”

**Trustee Ecklund** read the following statement pertaining to Resolution 2 Adopting Local Law 6 of 2010 concerning the re-zoning of 300-308 Columbus Ave. The comments deal with three specific areas.

“The First is Public Opinion on the application

Throughout this process and during the many months the proposal was open to the public for their input we have seen and received a significant amount of public comment against the proposal of adding a residential component to the site of these 2 former Gas Stations.

Although clearly there was a significant visible presence against the proposal but that's not to say that nobody was in favor of re-zoning these 2 properties. We received some verbal and written communications in support of the re-zoning and I had a few discussions with some residents who - although they are in favor of the re-zoning - they felt a little intimidated to come down to our meetings and articulate their position - which clearly would have been in the minority at our public hearings. My responsibility is to all the residents of our Village but since this proposal will have an impact on our

Eastchester neighbors simply because of the projects close proximity to the Eastchester Border I have taken into consideration their concerns as well.

As the public's passionate response to this proposed re-zoning has had an impact on my decision; it is not the only criteria for making this decision.

The Second item I would like to discuss is the Master Plan

The Village's Master Plan recommends allowing residential uses in the Crestwood Business District by permitting these residences on the 2<sup>nd</sup> and 3<sup>rd</sup> floors of a building to "add to the vitality of the stores on the ground floor". As Village Trustee in 2008 when the Master Plan was adopted, I voted in favor of the Master Plan which included this recommendation. Today, I still agree with this recommendation, however, I believe that the intended "vitality" could be achieved with only one story of residences on top of one story of commercial stores.

The last item I would like to discuss is What's best for the entire community

Clearly in today's terrible economic climate, I am very thankful and appreciative of any developer who intends on spending upwards of 10 million dollars to redevelop a property that had 2 former gas stations in our Village. The building fees and new property taxes generated from this site - when developed - will help all residents of Tuckahoe by reducing our tax burden as compared to the current use.

The difficulty comes in when you have to decide whether it's better for the Crestwood Area to have a (3-story 42ft. tall) office building or a (3-story 38ft. tall) mixed use business-residential building built at this site.

Even before the developer offered his drawings, charts, studies and illustrations, I have always felt on the surface that it would be better to have some form of a residential component to this site instead of a building comprised strictly of professional offices, businesses, medical offices or even a large parking garage.

Since the ground floor will always have commercial stores in both zoning districts, this proposal is really about the difference between having 2 upper floors of office space versus 2 upper floors of apartments.

With the current zoning already allowing a 3-story office building to be built without permission from this board, the issue becomes how significant will 2 floors of apartments have on this neighborhood.

In my analysis of all the data that we have been presented with, it is clear to me that there is a significant difference between having 2-stories of residential units containing 26 apartments & 73 parking spaces versus having only 1-story of residential units with parking.

As I stated earlier, I agree with the Master Plan Committee's recommendation for bus-res development in the Crestwood Business Area. Throughout this process I have been consistent in my position that a building with an overall height of 2-stories would be more compatible and in character with the rest of the immediate area.

I feel that the adjacent 1 story restaurant and strip of stores as well as the private homes across the street on Lincoln Avenue would be adversely impacted by the height of a 3-story building at this site.

It is for all these reasons that I will be voting against the proposal for 2-stories of residential units above the ground floor commercial space. I would welcome a new proposal for a development that would provide for 1 story of residential units above the ground floor.

### Closing Comments

In closing, I feel strongly that our Planning Board will provide the proper review of either option that they are presented with and that when they are done with their Site Plan Review and Architectural Review which is the appropriate forum for most of the detailed drawings, charts and studies that we have been reviewing, that the finished product will be something that we will all be satisfied with. I would like to thank the applicant for their very thorough presentation of their application and I welcome them and wish them all the best while they are getting started on their project.”

**Trustee Gorman** finds a 3 story building more offensive than a bus/res. building. The Board has received numerous e-mails in favor of rezoning. Traffic is not an issue because traffic does not go away either way. Commuter that move into the new complex will probably have one car and use the train. She would prefer a park but it's not realistic; a 3 story building is the worst thing for Crestwood and she is not in favor of a gas station citing environmental and safety issues. Trustee Gorman said she has confidence in the Planning Board and the Village Board had received a letter from them today stating that they are in favor of the rezoning.

**Trustee Quigley** is also in favor of the rezoning. School projections and traffic projections are substantiated by Fran Fish. The tax revenue is a tripling amount of the current amount and he reminded the public that the vote is on the rezoning only.

**Mayor Fitzpatrick** stated that if tandem parking is an issue then an amendment to the bus/res zone should have been done in 2005. He said the improved site allows pedestrian safety, improve the aesthetics and create a larger tax revenue.

**Trustee Quigley motioned to adopt Local Law #6 of the year 2010; motion was seconded by Trustee Gorman and upon roll call motion was carried by a vote of 3-2 with Trustees Ecklund and Giordano voted against and Trustees Gorman Quigley and Mayor Fitzpatrick voted in favor.**

**3. Mayor Fitzpatrick offered a RESOLUTION** approving Concordia College request to have Rose Avenue, from White Plains Road to Everett street, closed on October 2<sup>nd</sup> from 10:00AM to 4:00PM for Concordia's Homecoming festivities. Liability insurance naming the Village of Tuckahoe as additional insured will be provided.

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

**4. Mayor Fitzpatrick offered a RESOLUTION** approving route for the annual walkathon by the Immaculate Conception School Home School Association on Friday, October 15<sup>th</sup>, rain date Friday, October 22<sup>nd</sup> beginning at 10:00AM and ending at 11:30AM. The route starts at Immaculate Conception Church, proceed down Winterhill Road onto Main Street, left into Depot Sq. returning via Main Street, back up Winterhill Rd. to ICS.

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

**5. Mayor Fitzpatrick offered a RESOLUTION** to reapprove a six months Limited Cabaret License for Mamma Assunta beginning September 6<sup>th</sup> for the hours of 8pm-11pm; present license expires 9/5/10.

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

**6. Mayor Fitzpatrick offered a RESOLUTION** authorizing the closure of Depot square from Main St. to Grant St. and Oak Ave. from Main St. to Oak Terrace as well as to utilize the Oak Avenue lower and upper Parking Lot for the Italian Heritage Festival on Saturday, September 25<sup>th</sup> from 5pm-11pm and Sunday, September 26<sup>th</sup> from 1pm-9pm. A request is also made for the procession on Saturday, September 25<sup>th</sup> leaving the Assumption Church at 6pm proceeding down Circuit Avenue, to Columbus Avenue into Depot square.

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

**7. Mayor Fitzpatrick offered a RESOLUTION** to accept the following donations for the Tuckahoe Challenge Road Race: Hudson Valley Bank - \$2500, Webster Bank -\$400, Elide Building Corporation - \$400, Westchester Funeral Home - \$200, Cornell's True Value Hardware - \$100, J.C. Fogarty's - \$100, Main Street Pediatric Dentistry - \$100, Roma Restaurant - \$100, Village Realty of Westchester - \$100. Gift certificates from the following: Camelot Limousine, Ki Martial Arts/Westchester KRAV MAGA, Angelina's Restaurant, Arbonne International Skin Care, Office Products Central, The Taphouse, Crestwood Pizza, Epstein's, Innovative air Solutions, Mamma Assunta Ristorante, Martine's Fine Bake Shoppe, Nature's Cradle Nursery & Landscape Design, Phoenix Fitness, Quarry Restaurant, Stephen's Green Restaurant.

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

Trustee Gorman showed the shirt and mentioned that proceeds go to Beautification, EVAC, and ECAP.

**8. Mayor Fitzpatrick offered a RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING A PROPOSED LOCAL LAW FOR LEAF BLOWER REGULATIONS IN THE VILLAGE OF TUCKAHOE**

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 13, 2010.

WHEREAS, the Village Board of Trustees wishes to conduct a public hearing concerning a proposed local law for leaf blower regulations in the Village of Tuckahoe.

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of the Village Law and/or the Municipal Home Rule Law, a public hearing shall be held on or about the 4th day of October 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 a proposed local law for leaf blower regulations in the Village of Tuckahoe should be adopted and enacted.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk in accordance with the Municipal Home Rule Law and/or other applicable law.

Section 3. That this resolution shall take effect immediately.

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

**9. Mayor Fitzpatrick offered a RESOLUTION** approving payment of vouchers in the amount of \$623,675.89 consisting of abstract #12 for \$21,360.55, abstract #13 for \$169,770.76, abstract #14 for \$107,692.13, abstract #15 for \$162,282.58, abstract #16 for \$17,912.78, abstract #17 for \$29,049.65, abstract #18 for \$44,787.86 and abstract #19 for \$70,819.58. The three largest invoices paid were: (1) \$105,614.03 for employee health insurance premiums for the month of September 2010, (2), \$98,627.32 for employee health insurance premiums for the month of August 2010 and (3) \$50,407.32 to settle a tax certiorari claim.

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

**10. Mayor Fitzpatrick offered a RESOLUTION** authorizing the Village to accept the donation of a 1999 Ford E-350 ambulance vehicle from the Eastchester Volunteer Ambulance Corps, Inc. to the Police Department.

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

**11. Mayor Fitzpatrick offered a RESOLUTION** to award bid for the Main Street Park Tennis Court project to low bidder DeRosa Tennis Contractors of Mamaroneck, NY in the amount of \$49,400. A total of three bids were received ranging from \$49,400. to \$77,900.

**Trustee Ecklund motioned to adopt resolution #11; motion was seconded by Trustee Quigley and upon roll call motion was carried by a vote of 5-0.**

#### **APPROVAL OF MINUTES –**

Trustee Ecklund motioned to approve the minutes of the regular meeting August 9, 2010; motion was seconded by Quigley and upon roll call motion was carried by a vote of 4 – 0. Trustee Giordano abstained.

**Dept. of Public Works-** Frank DiMarco reminded the residents that leaf season is approaching. Only use biodegradable bags. The Village received a \$60,000. Grant for a Vortex Hydrodynamic Storm Water Separator to be used at the yard.

Mayor Fitzpatrick announced the next Village Board Meeting – October 4th – 8:00PM

**TRUSTEE ECKLOND** reported that the Yonkers Avenue project is in progress. The Army Corp will resubmit to two lowest bidders. Main Street Tennis Courts will begin as soon as all paperwork is reviewed and in order. He thanked Sandy Reyes-Guerra for her work. Eastchester Historical upcoming event A Night with Abe Lincoln. School is open, please drive carefully.

**TRUSTEE GORMAN** reported that 248 runners participated in the Roadrace and thanked everyone for their help. This Saturday is the Korean Cultural Day at the library. Next week is Kids Crafts and the Adult Book Club. Visit their website. She announced upcoming Planning, Zoning, Sept 25 is the Westchester County Recycling Day in Yonkers. **TRUSTEE QUIGLEY** announced that the THA meeting is Tues Sept 21<sup>st</sup>. **TRUSTEE GIORDANO** had not report.

**Alan Oustin OF** 59 Oakland Ave complained about the sidewalks around the church at Oakland Avenue & Lincoln Avenue, saying they are atrocious. **Mayor Fitzpatrick** said Frank Di Marco will inspect the area tomorrow.

**Judy Austin**, Oakland Avenue, complained about people parking for more than 2 hours on Oakland Avenue without receiving a ticket.

**Mark Solomon**, a Bedford Hills resident, past president of the NYS Turf and Landscape Association has concerns with the proposed leaf blower ordinance.

**Larry Wilson** of Yonkers expressed same concern.

Joseph DiPaolo questioned Trustee Quigley's net/net revenue increase regarding Crestwood Rezoning.

**John Cavallaro** said that taxes are currently \$70,000. and is proposed to be \$226,000. Mr. DiPaolo questioned the aesthetic and wants to have all the other building to be redone and asked about eminent domain to clean up the area.

There being no further business, the Board unanimously voted to adjourn the meeting at 9:30 P.M.

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Susan Ciamarra, Village Clerk