

February 4, 2013

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

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

PRESENT:

TRUSTEE Giordano – absent
TRUSTEE Quigley
TRUSTEE Luisi
TRUSTEE Hayes
MAYOR Ecklund

PRESENTATIONS: Steve Huvane and John Collins of the Irish American Social Club gave a brief overview of the upcoming St. Patrick's Day Parade set for March 10th. The parade begins at 3:00pm starting at Immaculate Conception grounds and proceeds to Lake Isle.

PUBLIC HEARINGS

RESOLUTION 1. A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS CERTAIN ZONING AMENDMENTS TO THE TUCKAHOE ZONING ORDINANCE OF 2001

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 February 4, 2013.

WHEREAS, the Village Board of the Village of Tuckahoe is considering amendments to the Village of Tuckahoe Zoning Ordinance of 2001; and

WHEREAS, the amendments would consist of text amendments to sections 4-5, entitled "Business Residential"; 5-1, entitled "Supplemental Regulations"; 7-1, entitled "Approval of Site Plans"; and 10-5, entitled "Fees" of the Village of Tuckahoe Zoning Ordinance of 2001; and

WHEREAS, under the amendments, the changes would specifically consist of:

1. Clarifying that residential units in the Business Residential District are allowed by special permit but only on the second floor or higher;
2. Providing that off-street parking spaces for 2-family houses is corrected to read 2 spaces per unit not 3 spaces per unit;
3. Providing that minor site plans for one- and two-family units and alterations and additions will be reviewed by the Building Department rather than the Planning Board; and
4. Escrow accounts for professional review costs are now explicitly provided for; and

WHEREAS, based on the Environmental Assessment Form ("EAF"), prepared by BFJ Planning, the Village's Planning Consultant, the Village Board has determined that there will be no significant environmental impacts from this action concerning the amendments to the Tuckahoe Zoning Ordinance of 2001.

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF prepared by BFJ Planning, the Village's Planning Consultant, and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Village Board hereby adopts the attached Negative Declaration for this action under the State Environmental Quality Review Act.

Section 2. That this resolution shall take effect immediately.

State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number

Date: February 4, 2013

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Tuckahoe Board of Trustees as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Amendments to the Village of Tuckahoe Zoning Ordinance

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

The Village of Tuckahoe Board of Trustees is proposing to adopt a series of amendments to the Village of Tuckahoe Zoning Ordinance, as amended in 2001. These amendments include minor modifications to the zoning text, including largely administrative changes as well as the correction of a typographical error found in the existing code and do not affect the Official Zoning Map of the Village of Tuckahoe. The proposed amendments, if adopted, would amend the Village Zoning Ordinance Sections 4-5, entitled "Business Residential"; 5-1, entitled "Supplemental Regulations"; 7-1, entitled "Approval of Site Plans"; and 10-5, entitled "Fees". Specifically, these changes:

1. Clarify that residential units on the Business Residential District are allowed by special permit but only on the second floor or higher;
2. Off-street parking spaces for 2-family houses is corrected to read 2 spaces per unit not 3 spaces per unit;
3. Minor site plans for one- and two-family units and alterations and additions will go to the Building Department rather than the Planning Board; and
4. Escrow accounts for professional review costs are now explicitly provided for.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

Entire geographic area of the Village of Tuckahoe, Westchester County, NY

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The Proposed Action would not result in any significant adverse impact on the environment. In reaching this determination, the Village of Tuckahoe Board of Trustees has considered relevant areas of environmental concern and the criteria identified in 6 N.Y.C.R.R. § 617.7.

The Tuckahoe Board of Trustees' determination is based upon the November 14, 2012 full Environmental Assessment Form (the "EAF"), prepared by BFJ Planning. The EAF provided information about the potential for environmental impacts arising from the adoption of the proposed amendments to the Village of Tuckahoe Zoning Ordinance and presented technical information where necessary to document the EAF findings. In addition, the Village Board has also reviewed the Part 2 form for the EAF finding no large impacts (see attached Part 2 EAF). Based on a review of Part I and Part II of the EAF, the Village Board has determined that the proposed project will not significantly and adversely impact any environmental resources.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Steve Ecklund, Mayor

Address: 65 Main Street, Tuckahoe, NY 10707

Telephone Number: 914.961.3100

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of Tuckahoe

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- | In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- | The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- | The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- | The number of examples per question does not indicate the importance of each question.
- | In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

| | | |
|--------------------------------|------------------------------|---|
| 1 | 2 | 3 |
| Small to Moderate Impact | Potential Large Impact | Can Impact Be Mitigated by Project Change |

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|-------------------------------------|-----------------------------------|--|

- Construction or expansion of a sanitary landfill. Yes No
- Construction in a designated floodway. Yes No
- Other impacts: Yes No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO YES

- Specific land forms: Yes No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO YES

Examples that would apply to column 2

- Developable area of site contains a protected water body. Yes No
- Dredging more than 100 cubic yards of material from channel of a protected stream. Yes No
- Extension of utility distribution facilities through a protected water body. Yes No
- Construction in a designated freshwater or tidal wetland. Yes No
- Other impacts. Yes No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO YES

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. Yes No
- Construction of a body of water that exceeds 10 acres of surface area. Yes No
- Other impacts Yes No

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO YES

Examples that would apply to column 2

- Proposed Action will require a discharge permit. Yes No
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. Yes No
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. Yes No
- Construction or operation causing any contamination of a water supply system. Yes No
- Proposed Action will adversely affect groundwater. Yes No
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. Yes No
- Proposed Action would use water in excess of 20,000 gallons per day. Yes No
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. Yes No
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. Yes No
- Proposed Action will allow residential uses in areas without water and/or sewer services. Yes No
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. Yes No
- Other impacts: Yes No

| | | |
|-------------------------------------|-----------------------------------|--|
| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
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6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO YES

Examples that would apply to column 2

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • Removal of any portion of a critical or significant wildlife habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
 NO YES

Examples that would apply to column 2

| | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | |

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
 NO YES

Examples that would apply to column 2

| | | | |
|--|--------------------------|--------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

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Project Change

• Other impacts:

Yes No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO

YES

Examples that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.

Yes No

• A major reduction of an open space important to the community.

Yes No

• Other impacts:

Yes No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO

YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

• Proposed Action to locate within the CEA?

Yes No

• Proposed Action will result in a reduction in the quantity of the resource?

Yes No

• Proposed Action will result in a reduction in the quality of the resource?

Yes No

• Proposed Action will impact the use, function or enjoyment of the resource?

Yes No

• Other impacts:

Yes No

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | |

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
 NO YES

Examples that would apply to column 2

| | | | |
|---|--------------------------|--------------------------|--|
| • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Project components that will result in the elimination or significant screening of scenic views known to be important to the area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | |

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
 NO YES

Examples that would apply to column 2

| | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Any impact to an archaeological site or fossil bed located within the project site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

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IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

NO YES

Examples that would apply to column 2

• Alteration of present patterns of movement of people and/or goods.

Yes No

• Proposed Action will result in major traffic problems.

Yes No

• Other impacts:

Yes No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO YES

Examples that would apply to column 2

• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

Yes No

• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

Yes No

• Other impacts:

Yes No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO YES

Examples that would apply to column 2

• Blasting within 1,500 feet of a hospital, school or other sensitive facility.

Yes No

• Odors will occur routinely (more than one hour per day).

Yes No

• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

Yes No

• Proposed Action will remove natural barriers that would act as a noise screen.

Yes No

• Other impacts:

Yes No

| | | |
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| 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|-------------------------------------|-----------------------------------|--|

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

NO YES

- | | | | | |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

NO YES

Examples that would apply to column 2

- | | | | | |
|---|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

| | 1 Small to Moderate Impact | 2 Potential Large Impact | 3 Can Impact Be Mitigated by Project Change |
|--|-------------------------------------|-----------------------------------|--|
| • Proposed Action will set an important precedent for future projects. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will create or eliminate employment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | |

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
 NO YES N/A

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Trustee Quigley motioned to adopt resolution #1; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

Public Hearing – Proposed Local Law #1 of 2013 AMENDING SECTIONS 4-5, ENTITLED “BUSINESS RESIDENTIAL”; 5-1, ENTITLED “SUPPLEMENTAL REGULATIONS”; 7-1, ENTITLED “APPROVAL OF SITE PLANS”; and 10-5, ENTITLED “FEES” OF THE VILLAGE OF TUCKAHOE ZONING ORDINANCE OF 2001

At a regular meeting of the Village Board of the Village of Tuckahoe, New York (the "Village") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 10, 2012.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 4th of February 2013, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties on a proposed Local Law concerning whether sections 4-5, entitled “Business Residential”; 5-1, entitled “Supplemental Regulations”; 7-1, entitled “Approval of Site Plans”; and 10-5, entitled “Fees” of the Village of Tuckahoe Zoning Ordinance of 2001 shall be amended and/or supplemented; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 18th day of January 2013; and

WHEREAS, said public hearing was duly held on the 4th day of February 2013, 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, by resolution dated December 10, 2012 the Village Board of Trustees declared itself to be Lead Agency for purposes of SEQRA for the action described herein; 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 thereby adopts a Negative Declaration pursuant to SEQRA; 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 Trustees of the Village of Tuckahoe as follows:

Section 1.

Section 4-5 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled “Business Residential” is hereby amended as follows:

ARTICLE IV. DISTRICT REGULATIONS

§ 4-5. Business Residential [L.L. No. 5-2005, § 1]

4-5.1. In a Business/Residential District, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

4-5.1.1. Any use permitted in business districts.

4-5.1.2. Apartments for one-family residential use at or above the second story by special permit in accordance with §6-1 to 6-2.4, including any use described in § 4-1.1.4; provided, however, that the accessory uses described in § 4-1.1.4(a) and (b) shall only occupy or be carried on in not more than 30% of a residential apartment or dwelling unit; and further provided, however, that no dance instruction shall be permitted, and music instruction shall be limited to one pupil at a time.

4-5.2. Any building or premises constructed or occupied exclusively for business use shall conform to the use and yard requirements set forth in § 4-6 of the Zoning Ordinance.

4-5.3. Any building or premises used for both residential and for business use shall conform to the following:

4-5.3.1. Residential dwelling units shall be located only at or above the second story. There shall be a separate entrance from the street for the residential dwelling units. Residential dwelling units and permitted business uses shall not be located on the same story. Residential uses located at or above the second story shall only be permitted by special permit in accordance with §§ 6-1 to 6-2.4. In no case shall residential dwelling units be permitted on the ground floor, first floor or basement level.

4-5.3.2. Except as provided in this subsection, no front, side or rear yard is required. However, if any side or rear yard is provided, such yard shall be at least six feet wide. A yard of not less than 10 feet shall be provided along any lot line that borders on a residential zone. Vehicles shall not be permitted to be parked or stored in any such yard that borders on a residential zone unless a buffer of trees or plants, as may be approved by the Planning Board, shall be provided.

4-5.3.3. No building shall be erected to a height in excess of 42 feet above the average grade of the street line at the front of the property. The designation of "front" of the property shall be subject to the approval of the Planning Board. The number of stories shall not exceed three.

4-5.3.4. Floor Area Ratio. The FAR for the Business/Residential District is 1.0; however where land uses wholly within the Business/Residential District are 50% or more residential, as measured by gross floor area, the FAR shall be 1.2.

4-5.4. The total parking requirements for the premises shall be the sum of the requirements for each of the premises as may be required by § 5-1 of the Zoning Ordinance; provided, however, that the Zoning

Board of Appeals may approve the joint use of a designated number of parking spaces by two or more uses or establishments on the same lot, the total capacity of which spaces is less than the sum of the spaces required for each, provided that the Zoning Board of Appeals finds that the capacity to be provided will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons, employees or residents.

4-5.5. No provision of this chapter shall be construed to limit the authority of the Zoning or Planning Board in the exercise of the authority conferred upon them by the New York State Village Law, the Tuckahoe Village Ordinances or the Tuckahoe Zoning Ordinance, including but not limited to the authority of the Planning Board relating to site plan approval as set forth in § 7-1 of this Zoning Ordinance.

Section 2.

Section 5-1 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Supplemental Regulations" is hereby amended as follows:

ARTICLE V. SUPPLEMENTAL REGULATIONS and NONCONFORMING BUILDINGS AND USES

§ 5-1. Supplemental regulations.

5-1.2.1. Off-Street Parking Requirements.

5-1.2.1.1. Intent of Requirements. It is the intention of this chapter that all structures and land uses shall have a sufficient amount of off-street automobile parking to meet the needs of persons employed at, or making use of, such structures or land uses. No permit for the erection or substantial alteration of a structure, or for the development of a land use, shall be issued unless off-street automobile parking facilities shall have been laid out in plan, in accordance with the appropriate requirements for structures and uses set forth in this section and approved by the Building Inspector.

5-1.2.1.2. Effect on Existing Uses. Structures and land uses in existence at the time this section becomes effective or structures and uses for which building permits have been approved at the time this section becomes effective shall not be subject to the requirements set forth in this section, provided that any parking facilities now existing to serve such structures or uses shall not in the future be reduced, except where they exceed such requirements, in which case they may not be reduced below such requirements. Required parking facilities for such structures or uses, as well as for any enlargement or extension, shall, however, be provided as a condition for the issuance of any building permit for such enlargement or extension in the future. In case of practical difficulty or unnecessary hardship to such properties arising out of this requirement, appeal may be made to the Zoning Board of Appeals, which shall require only such degree of compliance as it may deem reasonable for that part of the structure or use that is legally nonconforming, but may not waive any part of the requirement for that part of the structure or use that constitutes an enlargement or extension and may not permit reduction or elimination of whatever quantity of parking may already be in existence unless it is in excess of such

requirements. Required off-street parking facilities which, after development, are later dedicated to and accepted by the Village shall be deemed to continue to serve the uses and structures to meet the requirements for which they were originally provided.

5-1.2.1.3. Schedule of Requirements. Unless modified by other provisions of this chapter, off-street parking facilities shall be provided in an amount as required by the list below. Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed below, shall be determined in each case by the Planning Board. The off-street parking requirements provided below may be reduced by the Planning Board in the course of site plan review, if the applicant demonstrates and the Planning Board finds that the capacity of such off-street parking is sufficient to meet the demands of such use or uses such as the case of shared parking by two or more different land uses or proximity to a train station. In no case shall such reduction be greater than 15% of that required by the list below. Any such reduction in parking granted by the Planning Board shall be provided in land-banked areas indicated on an approved site plan. If land banking is utilized the land-banked spaces may be landscaped or otherwise kept as open space. Within one-year after a Certificate of Occupancy is granted the Building Department shall have the right to visit such areas and certify that enough parking exists. If sufficient parking does not exist the land-banked spaces must be paved as parking spaces in the quantity determined by the Building Department. Off-street automobile parking facilities shall be provided as follows; all spaces nine feet wide by [20] 18 feet long:

| Use | Number of Spaces Per Unit | Unit of Measurement and Conditions or Exceptions |
|-----------------|---------------------------|---|
| (b) Residence B | [3] <u>2</u> | Two-family dwelling (directly accessible to a Street) |

Section 3.

Section 7-1 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Approval of site plans" is hereby amended as follows:

ARTICLE VII: SITE PLAN AND SUBDIVISION APPROVAL

§ 7-1 Approval of site plans. [L.L. No. 1-2005, § 1; L.L. No. 3-2002, § 3; L.L. No. 1-2006, Art. 4; L.L. No. 2-2007, Art. 4]

7-1.1. Site Plan Approval. No building permit shall be issued for a structure, no structure or use shall be established and no site shall be changed, other than a one-family or two-family dwelling and its permitted accessory structures and uses, unless it is in conformity with a site plan approved by the Planning Board in accordance with this section. No certificate of occupancy for such structure or use shall be issued until all the requirements of such approval and any conditions attached thereto have

been met. The continued validity of any certificate of occupancy shall be subject to continued conformance with such approved site plan and conditions. Revisions of approved site plans shall be subject to the same approval procedure.

7-1.2. One-Family and Two-Family Dwellings. Minor site plan review shall be required for one-family and two-family dwellings if the applicant proposes to construct and/or erect a one-family or two-family dwelling, which includes the razing of an existing one-family or two-family dwelling followed by the reconstruction of the same. Minor site plan review shall be the jurisdiction of the Building Department. The Building Department shall respond with review comments to an applicant for minor site plan review within 30 days of receiving such application. If no decision is made within 30 days the applicant may apply directly to the Planning Board. Any applicant who wishes to appeal a decision of the Building Department may apply for site plan approval by the Planning Board. [Notwithstanding the foregoing, renovations, additions, alterations and/or modifications to a one-family or two-family dwelling may still be subject to minor site plan review where the Building Inspector finds some question as the conformity of the plans for such one-family dwelling or two-family dwelling to the standards set forth in § 7-1.5 herein, and the Building Inspector may require the applicant to obtain minor site plan review from the Planning Board.] An applicant for minor site plan review shall be required to comply with all of the provisions and sections of this article; however he or she shall not be required to submit the following items in connection with a minor site plan review application, unless the Planning Board deems any or all of the following enumerated items necessary to such review:

1. Information on off-site utilities;
2. Driveway profiles unless the [Planning Board] Building Department cannot readily determine slopes;
3. Calculations of storm drain loads;
4. Landscape plan; and
5. Cut and fill quantities.

Minor site plan review does not require architectural review.

Renovations, additions, alterations and/or modifications to a one-family dwelling or two-family dwelling shall be reviewed by the Building Department as part of the application for a building permit.

Section 4.

Section 10-5 of the Village of Tuckahoe Zoning Ordinance of 2001, entitled "Fees" is

hereby amended as follows:

§10-5 Fees

10-5.1. The fees for applications to the Planning Board and Zoning Board of Appeals are to be established by the Village Board at a public meeting and shall be posted in the Building Department and Village Clerk's office.

10-5.2. Escrow accounts.

10-5.2.1. At the time of submission of any application, or during the review process, the reviewing board may require the establishment of an escrow account from which withdrawals shall be made to reimburse the Village for the cost of professional review services. The applicant shall then provide funds to the Village for deposit into such account in an amount to be determined by the Building Department based on its evaluation of the nature and complexity of the application. The applicant shall be provided with copies of any Village voucher for such services as they are submitted to the Village.

10-5.2.2. Where the Building Department establishes an escrow account for an application, the reviewing board shall not be required to consider that application until the deposit required under this chapter has been made.

10-5.2.3. When the balance in such escrow account is reduced to 1/4 of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such account is not replenished within 30 days after the applicant is notified, in writing, of the requirement for such additional deposit, the reviewing board may suspend its review of the application.

10-5.2.4. A building permit or certificate of occupancy shall not be issued unless all professional review fees charged in connection with the applicant's project have been reimbursed to the Village.

10-5.2.5. After all pertinent charges have been paid, the Village shall refund to the applicant any funds remaining on deposit.

Section 5.

If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

Section 6. 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 7. This Local Law shall take effect immediately.

Section 8. 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 Luisi motioned to Open Public Hearing; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

Sandy Reyes-Guerra suggested recommendations to be incorporated in section 5-1.2.1.3. John Cavallaro stated that the Local Law gives the discretion to the Planning Board with respect to open space or landscaping for a land banked area.

Trustee Quigley motioned to close public hearing ; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

Trustee Quigley motioned to enact and adopt Local Law # 1 of 2013; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

ADOPTION OF MINUTES

Trustee Quigley motioned to approve the minutes of the regular meeting of January 14, 2012; motion was seconded by Trustee Hates and upon roll call, was carried by a vote of 4-0.

APPOINTMENTS

Trustee Quigley motioned the appointment of Appointment of David Scalzo as member to the Citizens Budget Advisory Committee for a term to expire on 12/31/2015; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote of 4-0.

Trustee Quigley motioned the appointment of Appointment of Frank Moran as member to the Citizens Budget Advisory Committee for a term to expire on 12/31/2014; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote of 4-0.

Trustee Quigley motioned the appointment of Appointment of Chris Samios as member to the Citizens Budget Advisory Committee for a term to expire on 12/31/2013; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote of 5-0.; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote of 4-0.

Trustee Quigley motioned the appointment of Appointment of David Scalzo as Chairperson of the Citizens Budget Advisory Committee for a term to expire on 12/31/2013; motion was seconded by Trustee Hayes and upon roll call, was carried by a vote of 4-0.

RESOLUTIONS

RESOLUTION #2 A RESOLUTION SCHEDULING A PUBLIC HEARING ON A LOCAL LAW AMENDING AND ADDING ARTICLE V OF CHAPTER 15, ENTITLED "MISCELLANEOUS OFFENSES AND PROVISIONS," SECTIONS 15-55 THROUGH 15-59 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "RETAIL CARRYOUT BAGS"

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 February 4, 2013.

WHEREAS, the Village Board of Trustees wishes to conduct a public hearing relating to a Local Law amending and adding Article V of Chapter 15, entitled, "Miscellaneous Offenses and Provisions," Sections 15-55 through 15-59 of the Village Code of the Village of Tuckahoe, entitled "Retail Carryout Bags"; and

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of New York State Village Law and the Municipal Home Rule Law a public hearing shall be held on the 11th day of March 2013, 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 Village Board of Trustees whether a Local Law amending and adding Article V of Chapter 15, entitled, "Miscellaneous Offenses and Provisions," Sections 15-55 through 15-59 of the Village Code of the Village of Tuckahoe, entitled "Retail Carryout Bags" shall be amended and/or supplemented. A copy of the proposed Local Law is attached hereto, made a part hereof and incorporated by reference herein.

Section 2. That the notice of the time and place of such public hearing shall be published by the Village Clerk at least ten (10) days in advance of such time and place in the manner provided by law.

Section 3. That this resolution shall take effect immediately.

Trustee Quigley motioned to adopt resolution #2; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

RESOLUTION #3 A RESOLUTION DECLARING THE VILLAGE BOARD OF TRUSTEES' INTENT TO ACT AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS A LOCAL LAW AMENDING AND ADDING ARTICLE V OF CHAPTER 15, ENTITLED "MISCELLANEOUS OFFENSES AND PROVISIONS," SECTIONS 15-55 THROUGH 15-59 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "RETAIL CARRYOUT BAGS"

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 February 4, 2013.

WHEREAS, the Village Board of Trustees is considering a Village Code amendment pursuant to a Local Law amending and adding Article V of Chapter 15, entitled, "Miscellaneous Offenses and Provisions," Sections 15-55 through 15-59 of the Village Code of the Village of Tuckahoe, entitled "Retail Carryout Bags;"

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the Environmental Assessment Form and/or the criteria contained in 6 NYCRR § 617.7, the Village Board hereby declares its intent to act as Lead Agency for SEQRA review of the proposed action, and copies of the SEQRA material will be provided to the Involved and Interested Agencies and the public during the review of whether Article V of Chapter 15, entitled, "Miscellaneous Offenses and Provisions," Sections 15-55 through 15-59 of the Village Code of the Village of Tuckahoe, entitled "Retail Carryout Bags" shall be amended and/or supplemented.

Section 2. This resolution shall take effect immediately.

PROPOSED LOCAL LAW NO. 2 OF 2013

A LOCAL LAW AMENDING AND ADDING ARTICLE V OF CHAPTER 15, ENTITLED "MISCELLANEOUS OFFENSES AND PROVISIONS," SECTIONS 15-55 THROUGH 15-59 OF THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE, ENTITLED "RETAIL CARRYOUT BAGS"

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 February 4, 2013.

WHEREAS, legislation has been requested amending and adding Article V of Chapter 15, entitled, "Miscellaneous Offenses and Provisions," Sections 15-55 through 15-59 of the Village Code of the Village of Tuckahoe, entitled "Retail Carryout Bags;" and

WHEREAS, according to the Clean Air Council, Americans use approximately 1 billion plastic non-biodegradable plastic shopping bags per year; and

WHEREAS, according to the United States Environmental Protection Agency, only 12% of plastic bags and plastic wraps in the U.S. were recycled in 2010; and

WHEREAS, non-biodegradable plastic bags last hundreds of years in landfills and are a potential source of harmful chemicals when they do break down; and

WHEREAS, non-biodegradable plastic bags often are discarded into the environment polluting our waterways, clogging sewers, endangering marine life and causing unsightly litter; and

WHEREAS, a resolution was duly adopted by the Village Board of the Village of Tuckahoe, New York for a public hearing to held by the Village Board on the 11 day of March 2013 at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning certain amendments and additions to the Village Code of the Village of Tuckahoe pertaining to Retail Carryout Bags; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, one of the official newspapers of said Village, on the _____ day of _____ 2013; and

WHEREAS, said public hearing was duly held on the 11 day of March 2013 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 certain amendments and additions to the Village Code of the Village of Tuckahoe pertaining to Retail Carryout Bags; 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, after due deliberation, finds it in the best interest of said Village to adopt said Local Law.

Be it enacted by the Village Board of Trustees of the Village of Tuckahoe as follows:

Section 1. Article V of Chapter 15, entitled "Miscellaneous Offenses and Provisions", Sections 15-55 through 15-59, entitled "Retail Carryout Bags" of the Village Code of the Village of Tuckahoe is hereby amended and added as follows:

Article V. Retail Carryout Bags

§ 15-55. Purpose.

The intent of this Local Law is to improve the environment and quality of life in the Village of Tuckahoe by encouraging the use of reusable carryout bags and banning the use of plastic bags for retail carryout of purchased goods. Retail establishments are encouraged to make reusable bags available for sale.

§ 15-56. Definitions.

The following words and terms, when used in this Local Law, shall have the meanings ascribed to them in this section:

Carryout Bag – A bag that is provided to a customer at the point of sale for the purpose of carrying away goods or other materials from the point of sale. This term does not include Plastic Produce Bags, Plastic Garment Bags, or plastic bags measuring 28" by 36" or larger in size.

Customer – Any person purchasing goods from a Retail Store or other retail seller.

Operator – Any Person in control of or having responsibility for the operation of a Retail Store, who may include, but is not limited to, the owner of the Retail Store.

Person – Any natural person, firm, corporation, company, partnership, business, organization or group however organized.

Plastic Garment Bag – A flexible container made of very thin plastic material with a single opening that is used to transport clothing from a dry cleaner.

Plastic Produce Bag – Any bag with a single opening without handles and other packaging made of very thin plastic material that is used exclusively to carry produce, meats, fish or other food items to the point of sale in a Retail Store or to prevent such food items from coming into direct contact with other purchased items.

Post-Consumer Recycled Material – Material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Such material does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

Recyclable – Material that can be sorted, cleansed, and reconstituted using available recycling collection programs.

Recyclable Paper Bag – a paper bag that has the following characteristics: (1) contains no old growth fiber; (2) is 100% recyclable overall and contains a minimum of 40% post-consumer recycled content; (3) is capable of composting consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the Village of Tuckahoe, Town of Eastchester, and Westchester County; (5) has printed on the bag the name of the manufacturer, the country where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word “Recyclable” in a highly visible manner on the outside of the bag.

Retail Sale – The transfer to a customer of goods in exchange for payment occurring in a Retail Store. The term Retail Sale does not include sales of goods at yard sales, tag sales and other sales by residents at their home, and sales by not-for-profit organizations.

Retail Store – Shall include, but not be limited to, retail stores, sidewalk sales venues, farmers’ markets, flea markets, restaurants, and other retail food outlets.

Reusable Bag – A bag with handles that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other fabric; and/or (2) durable plastic that is at least 2.25 mils thick; and (3) washable or is made from a material that can be cleaned or disinfected.

§ 15-57. Restriction on Carryout Bags.

- A. Any person engaged in Retail Sales shall provide only Reusable Bags and/or Recyclable Paper Bags as Carryout Bags to customers.
- B. Nothing in this section shall preclude persons engaged in Retail Sales from making Reusable Bags or Recyclable Paper Bags available for sale to customers.
- C. Nothing in this section shall prohibit customers from using bags of any type that they bring to the Retail Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

- D. Nothing in this section shall prohibit the uses of Plastic Garment Bags or Plastic Produce Bags in the manners specified in this Local Law.

§ 15-58. Effective date.

This Local Law shall become effective six (6) months following its filing in the Office of the Secretary of State to allow retail establishments to dispose of their existing inventory of plastic bags and convert to alternative packaging materials.

§ 15-59. Penalties for offenses.

- A. The Code Enforcement Officer has primary responsibility for enforcement of this Local Law and is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Local Law, including, but not limited to investigating alleged violations, issuing fines and entering the premises of any Retail Store during business hours.
- B. In the event that there is a violation of this Local Law, the Code Enforcement Officer will issue a written notice of the violation to the Operator of the Retail Store in which the violation has occurred and the potential penalties that will apply for future violations. The notice shall be served by personal delivery or by certified mail.
- C. There shall be no penalty for the first violation. Penalties for subsequent violations shall be imposed as follows:
1. For the second violation, a fine not exceeding \$100.
 2. For the third violation, a fine not exceeding \$250.
 3. For the fourth and any subsequent violations, a fine not exceeding \$500.
- D. Each occurrence of a violation, and each day that such violation continues following receipt of the notice of violation, shall constitute a separate violation and shall be subject to the penalties set forth in Paragraph C of this Section.
- E. All fines collected pursuant to this Local Law shall be used for an environmental purpose as determined in the sole discretion of the Village Board of Trustees.
- F. Any Operator of a Retail Store who receives a notice of violation or fine may request an administrative review of the accuracy of the determination or the propriety of the violation or any fine by filing a written notice of appeal with the Village Clerk no later than 30 days after receipt of the notice or fine. The notice of appeal must include all facts supporting the appeal and any statements and other evidence, including copies of all written documentation and a list of any witnesses that the appellant wishes to be considered in connection with the appeal. The appeal shall be heard by a hearing officer designated by the Village Clerk. The hearing officer will conduct a hearing concerning the appeal within 45 days from the date that the notice of appeal is filed, or on a later date if agreed upon by the appellant and the Village, and will give the appellant 10 days prior written notice of the date of the hearing. The hearing officer may sustain, rescind, or modify the violation or fine by written decision. The hearing officer will have the power to waive any portion of the fine in a manner consistent with the decision. The decision of the hearing officer is final and effective on the date of service of the written decision, is not subject to further administrative review, and constitutes the final administrative decision.

Section 2. Nothing in this Local Law is intended to create any requirement, power or duty that is in conflict with any federal, state, county or town law or regulation.

Section 3. If any section of this Local Law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this Local Law.

Section 4. 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 5. This Local Law will take effect six (6) months following filing in the Office of the Secretary of State.

Section 6. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Trustee Quigley motioned to adopt resolution #3; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

RESOLUTION #4 approving the Eastchester Recreation Department request to utilize the Community Center for their "Mini-Vacation Camp" from March 25-29, 2013 Monday-Friday from 8:30am to 5pm. Trustee Quigley motioned to adopt resolution #4; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

RESOLUTION #5 approving payment of vouchers in the amount of \$1,309,578.94 consisting of Abstract #34 for \$2,320.04 and Abstract #35 for \$1,307,258.90. The three largest invoices paid were: (1) \$682,855.00 for the Village's Police & Fire Retirement System (PFRS) pension contribution for FY2012/2013, (2) \$403,873.00 for the Village's Employee Retirement System (ERS) pension contribution for FY2012/2013, and (3) \$123,252.60 for medical insurance premiums for the month of February 2013. Trustee Quigley motioned to adopt resolution #5; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

RESOLUTION #6 AUTHORIZING THE ADVERTISING FOR PUBLIC BIDS IN CONNECTION WITH THE PROJECT KNOWN AS COLUMBUS AVENUE OVERHEAD UTILITY RELOCATION & STREETScape RESTORATION AT CRESTWOOD STATION

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 February 4, 2013.

WHEREAS, it is the intent of the Village Board to advertise for public bids for the project known as Columbus Avenue Overhead Utility Relocation & Streetscape Restoration at Crestwood Station.

NOW, THEREFORE, BE IT RESOLVED

Section 1. The Village Board hereby authorizes the Village Clerk to advertise for public bids for the project known as Columbus Avenue Overhead Utility Relocation & Streetscape Restoration at Crestwood Station.

Section 2. The Village fixes March 11, 2013 as the date for the opening of the aforesaid bids, subject to the provision that at all times at least (5) days shall elapse between the first publication advertising this bid and the date so specified for the opening and reading of bids.

Section 3. That this resolution shall take effect immediately.
Trustee Quigley motioned to adopt resolution #6; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

RESOLUTION #7 Resolution authorizing the police department to advertise and receive bids for the sale of a 2004 Chevrolet Impala. Trustee Quigley motioned to adopt resolution #7; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

RESOLUTION #8 approving a tax certiorari settlement for Verizon New York, Inc. located at Grant Street/Depot Square, Section 33, Block 9, Lot 1B in the amount of \$153,414.12 for assessment years 2004 through 2012. Trustee Quigley motioned to adopt resolution #8; motion was seconded by Trustee Hayes and upon roll call, motion was carried by a vote of 4-0.

DEPARTMENTAL REPORTS TO THE BOARD

POLICE- Chief Costanzo made mention of telemarketers who solicit on behalf of the various Police Benevolent Associations and other groups. He said that the Tuckahoe Police Organization does not solicit donations by phone. He suggested individuals visit the Village's website for more information.

MISCELLANEOUS BUSINESS

Mayor Ecklund announced the upcoming budget workshops – Wednesday, February 13, 8:30pm and Saturday, March 2, 2:00 pm. The next Village Board Meeting is Monday, March 11, 2013, Residents' Meeting – Wednesday, February 13th – 7:00 pm – Community Center. The DPW closed on Tuesday, 12th in observance of Lincoln's Birthday. Village offices and DPW closed on Monday, February 18th in observance of the President's holiday. **CHANGE IN POLLING PLACE FOR 11TH AND 12TH DISTRICT FOR THE MARCH 19TH VILLAGE ELECTIONS. THESE TWO DISTRICTS WILL VOTE AT THE COMMUNITY CENTER ALONG WITH DISTRICTS 10, 13, 14, 32 and 33.** Mayor Ecklund said that anyone who lives in Tuckahoe will vote at the Community Center.

BOARD OF TRUSTEES MEMBER REPORTS

- ▶ **TRUSTEE** Giordano - absent
- ▶ **TRUSTEE** Quigley announced the on the upcoming annual dinner set for April 4th.
- ▶ **TRUSTEE** Luisi welcomed the Senior Center director Jennifer Vetromile.
- ▶ **TRUSTEE** Hayes announced upcoming Environmental and Tree meetings. Nina Orville, Director of SWEAC will attend the Tree meeting.

► MAYOR Ecklund announced that Glenmark has given the Village a \$200,000.00 check one of three installments due and has promised to do extensive renovations to the Main Street Park.

SECOND OPPORTUNITY TO ADDRESS THE BOARD

Andrew Watiker a resident at the Consulate inquired about the proposed plastic bag law and wondered how it has worked out in other communities. Trustee Quigley said that merchants in Rye have had no difficulty with it.

Rita Mastroberardino from Dante Avenue spoke about the American Cancer Society's Relay for Life scheduled for May 11-12 at Concordia College. For more information please visit www.relayforlife.org/eastchesterny

There being no further business, the board unanimously voted to adjourn the meeting at 9:15PM.

Susan Ciamarra, Village Clerk