

February 12, 2007

Regular Meeting of Board of Trustees
Called to order 8:15 PM

Present: Mayor Michael Martino
Trustee Luigi Marcoccia
Trustee Steve Ecklund
Trustee Tony Sayegh
Trustee John Fitzpatrick

The meeting opened with the salute to the flag and the Pledge of Allegiance.

Mayor Martino announced the loss of Anthony Cacciola, a dedicated public servant, resident, former Director of Urban Renewal Agency, former Superintendent of DPW, former Village Board Trustee, and Chairman of the Tuckahoe Housing Authority. The mayor offered condolences to the Cacciola family on behalf of the Board and called for a moment of silence.

Former Mayor Philip White added that Tony Cacciola was an exemplary leader, true friend, marvelous employee and will be missed.

Each member of the Board offered their condolences to the family.

Representatives of the Irish American Society spoke about the upcoming St. Patrick's Day parade scheduled for Sunday, March 11th at 2:30 beginning at Immaculate Conception Church parking lot and ending at Lake Isle. They thanked the Trustees and the Mayor and all the departments, Immaculate Conception Church, Nita Lowley, and Vito Pinto for their hard work and efforts in making this parade a success. More information can be viewed on – www.eastchesterirish.org

PUBLIC HEARING –

Motion by Trustee Ecklund to open the public hearing was seconded by Trustee Marcoccia and unanimously carried by the Board.

Public hearing relating to an amendment to the Village of Tuckahoe Zoning Ordinance of 2001 to determine whether section 4-5.3.2 of the Village of Tuckahoe Zoning Ordinance of 2001 shall be amended to require a six-foot (6) front yard setback for uses located in the Business/Residential Zoning District.

Public Comments

William Null, attorney representing Dorami Realty of New York, indicated that his client was actively involved in the redeveloping of the Main Street area in the Village of Tuckahoe. Mr. Null asked the Board to consider allowing flexibility with this amendment for the Planning Board and/or Zoning Board to examine each application and decide the appropriate set back for the different locations.

Mr. Fish, Village Consultant, indicated that he was working with the Master Plan Steering Committee whom concluded that the sidewalks were not wide enough for planting trees and shrubs. He suggested the set back be 6ft. in the Residential/Business district with the stipulation that the Planning Board could use their discretion with each application. Mr. Fish also suggested that there should be a rear yard requirement which should be set to 30 ft. (NYC has 20ft.) to prevent buildings from being built to the property line. This additional space could be used for parking.

No Written Comments

Motion by Trustee Ecklund to close the Public Hearing was seconded by Trustee Marcoccia and unanimously carried by the Board.

CONTINUATION - PUBLIC HEARING - Application of Verizon New York Inc. for the establishment of a cable franchise with the Village of Tuckahoe.

Motion by Trustee Marcoccia to open the public hearing was seconded by Trustee Ecklund and unanimously carried by the Board.

Written Comments - Village Clerk, Susan Ciamarra, noted that the Village had received written comments from Cablevision.

Public Comments

Ms. Spalding, representative from Cablevision, said that 25,000 households currently subscribe to Cablevision. Cablevision pays the Village \$100,000 per year in franchise fees. She indicated that Cablevision offers News 12 - 24 hours per day. The residents can view the public stations for Eastchester, Tuckahoe and Bronxville. Cablevision will cover the local St. Patrick's Day parade. Each public school and private school in the Village receives Cablevision's triple play for free and senior citizen's discount of \$1.00 per month for 25 channels. Ms. Spalding asked the Board members to make sure that Verizon offers the same services and offers a 'level playing field'.

Mr. John Urban, representative from Cablevision, submitted a handout to the Board which highlighted concerns about the Verizon contract. He advised the Board that any key provisions outside what is written in the contract have no bearing. He noted that the gross revenue does not include any revenues that are not cable functions, such as; video on demand and pay per view. The Verizon agreement has no provision for coverage of the Eastchester governmental meetings.

Mr. Chris Cutter, not a resident, encouraged the Board to approve the agreement as competition is good for the town.

Mr. Vito Catania, resident and employee of Verizon, noted that competition is good. He asked the Board to consider that the residents should have a choice with the cable companies. The residents that opted out of Cablevision chose the Dish network which did not offer the government stations.

Mr. W. Scott Parr, attorney representing Verizon, addressed the Board and noted that Verizon will offer a public access channel. As of now, the FiOS did not get access to the public portion. The engineers estimate that it will be an estimate of up to 120 days to bring fiber optics into the community. He encouraged the Board to allow Verizon to substitute a public access with a delay, until live broadcast is available. A tape delay could be available at the start of the contract. He noted that Cablevision provides News Channel 12, which is an extraordinary channel. Verizon will meet the need but is not at the point to discuss a schedule. Verizon will try to provide this as soon as possible.

Trustee Marcoccia asked if there will be a specific representative from Verizon to handle questions and concerns.

Mr. W. Scott Parr indicated that Verizon will meet the NYS Public Service standards and that Mr. Gill would be the Regional Manager.

Trustee Marcoccia voiced his concern that Verizon's resources may be strained at the starting phase of the agreement.

John Cavallaro, Village Attorney, noted that he has reviewed the comments and the matrix that Cablevision provided and was addressing the details.

Trustee Fitzpatrick asked about the party responsible for reviewing and approving what appears on the public access channels.

Mr. W. Scott Parr indicated that Verizon would be responsible, unless the Village of Tuckahoe chooses to handle their own public access channels.

Mr. Sean Kulka, Attorney representing Verizon submitted documents to Ms. Ciamarra for public record.

Motion by Trustee Marcoccia to close the Public Hearing was seconded by Trustee Ecklund and unanimously carried by the Board.

PUBLIC HEARING - LOCAL LAW #1 - 2007

A LOCAL LAW AMENDING AND SUPPLEMENTING THE VILLAGE CODE OF THE VILLAGE OF TUCKAHOE CONCERNING A LANDLORD REGISTRY

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 November 13, 2006.

WHEREAS, a resolution was duly adopted by the Village Board of Trustees of the Village of Tuckahoe, New York for a public hearing to be held by the Village Board on the 23rd day of October 2006, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, to hear all interested parties concerning an amendment to the Village Code of the Village of Tuckahoe, requiring all owners of two-family dwellings, multi-family dwellings and mixed-uses (commercial-residential), not otherwise occupied by the owner, to file an annual registration statement with the Village Department of Buildings; and

WHEREAS, notice of said public hearing was duly advertised in the Journal News, the official newspaper of said Village, on the 3rd day of November 2006; and

WHEREAS, said public hearing was duly held on the 13th day of November 2006, at 8:00 p.m. at Village Hall, 65 Main Street, Tuckahoe, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA) it has been determined by the Village Board of said Village that adoption of said proposed Local Law would not have a significant effect upon the environment; and

WHEREAS, the Village Board, 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:

The Village Code is hereby amended and supplemented to add a Chapter 13A, entitled "Landlord Registry" as follows:

Section 1.

Chapter 13A
LANDLORD REGISTRY

§ 13A-1. Purpose and scope.

- (a) The purpose of this chapter is to establish a registry of all rental property where the owner is out of possession and does not reside at the property, as defined herein, enabling the Village to identify persons responsible for the care and management of such property which will ensure the enforcement of local, state and federal regulations.
- (b) The provisions of this chapter shall apply to all property located in the Village of Tuckahoe.

§ 13A-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BUILDING---Any improved real property located within the Village of Tuckahoe.

OWNER---Any individual or individuals, partnership or corporation, limited Liability Company, similar type of business organization or proprietary interest, whether or not for profit or otherwise, in whose name title to a building or a residence is vested.

RENTAL PROPERTY---Includes all buildings containing residential units which are either rented, leased, let or hired out to be occupied which shall be limited to two-family, multifamily, or mixed uses (commercial-residential), where the owner is out of possession and does not reside at the premises where such buildings are located.

§13A-3. Registration of Ownership of Property.

- (a) Registration. Every owner of rental property as defined herein shall be required to register such property with the Building Department on such form or forms as prescribed by the Building Department within a period of 60 days from the effective date of this chapter. A new form shall be filed whenever there is a change of ownership and it shall be the responsibility of the new owner to see that such form is filed within a period of 60 days from the taking of title to the property.
- (b) Registry fee. On or after the effective date of this chapter, every owner or prospective owner of rental property, as defined in this chapter, shall be required to register said property with the Building Department and pay a registration fee payable to the Village of Tuckahoe, as follows:
- (i) an initial registration fee of fifty dollars (\$50.00) for up to the first five (5) residential units or apartments existing at the rental property, exclusive of any owner occupied units or apartments plus five dollars (\$5.00) for every residential unit or apartment existing at the rental property in excess of said first five (5) residential units or apartments; and thereafter
 - (ii) an annual registration fee of fifteen dollars (\$15.00) irrespective of the number of units or apartments existing at the rental property due and payable on the day and date that is one year after payment of the initial registration fee, described in subsection (i) above, and on the anniversary date for each year ensuing thereafter.

§ 13A-4. Registry Form and Filing.

It shall be the responsibility of the owner of each property which is subject to the provisions of this chapter to timely file a registry application within 60 days of the effective date of this chapter. The form shall require the following information:

- (a) The property address, the section, block and lot number of the property as stated on the Tax Map of the Village of Tuckahoe and the number of residential dwelling units on each property.
- (b) The owner(s), owner mailing address and telephone number.
- (c) The name and names, titles, addresses and telephone numbers of any responsible person(s) of the corporation, limited liability company, partnership or other similar business entity if the ownership is held in a non-individual capacity.
- (d) The name, address and telephone number of a local responsible person over 21 years old, residing or doing business in Westchester County, who shall be responsible for the care and management of such property and is authorized by said owner to accept legal process on behalf of the owner when the owner resides or has its principal place of business outside of Westchester County.
- (e) The form shall be signed by the owner or his or her designee and witnessed by a notary public and shall contain the following declaration: "I hereby certify that all information contained in this statement is true and correct to the best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will

subject me to the provisions of law relevant to the making and filing of false instruments and shall constitute a violation of this chapter."

(f) It shall be the responsibility of each owner to timely notify the Building Department whenever the information provided in this form has become outdated or for any reason is no longer accurate. It shall be the responsibility of each owner to recertify the aforementioned information annually.

13A-5. Penalties for Offenses.

- (a) No rental property as defined herein, shall be occupied by any tenant without compliance with the provisions herein and failure to comply shall constitute a violation of a certification of occupancy.
- (b) Any person committing an offense against any provision of this chapter shall be punishable as provided in Section 1-7 of this Code in addition to any penalties that may apply under local, state or federal law or regulation.

Section 2. Insofar as the provisions of this Local Law are inconsistent with the provisions of any other local law, the provisions of this Local Law shall be controlling.

Section 3. This Local Law shall take effect immediately.

Section 4. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Motion by Trustee Fitzpatrick to open the Public Hearing was seconded by Trustee Ecklund and unanimously carried by the Board.

No Public Comments

No Written Comments

Motion by Trustee Fitzpatrick to close the Public Hearing was seconded by Trustee Ecklund and unanimously carried by the Board.

Trustee Fitzpatrick motioned to adopt the Landlord Registry was seconded by Trustee Ecklund and unanimously carried by the Board.

PUBLIC HEARING - LOCAL LAW #2 - 2007

A LOCAL LAW AMENDING LOCAL LAW #1 OF 2006 KNOWN AS "THE STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL LAW WITHIN THE VILLAGE OF TUCKAHOE TO REFLECT THE FOLLOWING CHANGE FROM ARTICLE XI OF THE ZONING ORDINANCE TO ARTICLE XII OF THE ZONING ORDINANCE"

LOCAL LAW NO. 2 OF 2007

**A LOCAL LAW KNOWN AS
"THE STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL
LAW" WITHIN THE VILLAGE OF TUCKAHOE**

BE it enacted by the Village Board of the Village of Tuckahoe as follows:

Article 1.

Section 1. Findings of Fact.

It is hereby determined that:

1. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
2. This storm water runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
3. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
4. Improper design and construction of storm water management practices can increase the velocity of storm water runoff thereby increasing stream bank erosion and sedimentation;
5. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream base flow;
6. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
7. Storm water runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from land development activities;
8. The regulation of storm water runoff discharges from land development activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with storm water runoff is in the public interest and will minimize threats to public health and safety.
9. Regulation of land development activities by means of performance standards governing storm water management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

Section 2. Purpose

The purpose of this local law is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing

within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

1. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Storm water Discharges from Municipal Separate Storm water Sewer Systems (MS4s), Permit no. GP-02-02 or as amended or revised;
2. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities GP-02-01 or as amended or revised;
3. Minimize increases in storm water runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
4. Minimize increases in pollution caused by storm water runoff from land development activities which would otherwise degrade local water quality;
5. Minimize the total annual volume of storm water runoff which flows from any specific site during and following development to the maximum extent practicable; and
6. Reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

Section 3. Statutory Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Village Board has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the Village and for the protection and enhancement of its physical environment. The Village Board may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

Section 4. Applicability.

1. This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1.
2. The municipality shall designate Storm water Management Officer who shall accept and review all storm water pollution prevention plans and forward such plans to the applicable municipal board. The Storm water Management Officer may (1) review the plans, or (2) upon approval by the Village Board, engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board.
3. All land development activities subject to review and approval by the Village under (subdivision, site plan, and/or special permit) [J2] regulations shall be reviewed subject to the standards contained in this local law.

4. All land development activities not subject to review as stated in paragraph 3 hereinabove in this section, shall be required to submit Storm water Pollution Prevention Plan (SWPPP) to the Storm water Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 5. Exemptions.

The following activities may be exempt from review under this law.

1. Agricultural activity as defined in this local law.
2. Silvicultural activity except that landing areas and log haul roads are subject to this law.
3. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
4. Repairs to any storm water management practice or facility deemed necessary by the Storm water Management Officer.
5. Any part of a subdivision if a plat for the subdivision has been approved by the Village on or before the effective date of this law.
6. Land development activities for which a building permit has been approved on or before the effective date of this law.
7. Cemetery graves.
8. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
9. Emergency activity immediately necessary to protect life, property or natural resources.
10. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
11. Landscaping and horticultural activities in connection with an existing structure.

Article 2.

Section 1. Zoning Law Amendment: Storm water Control

The Zoning Ordinance of the Village of Tuckahoe known as the Village of Tuckahoe Zoning Ordinance of 2001 is hereby amended to include Article XII, a new supplemental regulation titled Storm water Control.

Definitions:

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity

The activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Applicant

A property owner or agent of a property owner who has filed an application for a land development activity.

Building

Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing

Any activity that removes the vegetative surface cover.

Dedication

The deliberate appropriation of property by its owner for general public use.

Department

The New York State Department of Environmental Conservation.

Design Manual

The New York State Storm water Management Design Manual, most recent version including applicable updates that serves as the official guide for storm water management principles, methods and practices.

Developer

A person who undertakes land development activities.

Erosion Control Manual

The most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

Grading

Excavation or fill of material, including the resulting conditions thereof.

Impervious Cover

Those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

Industrial Storm water Permit

A State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

Infiltration

The process of percolating storm water into the subsoil.

Jurisdictional Wetland

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land Development Activity

Construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

Landowner

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Nonpoint Source Pollution

Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Phasing

Clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern

Sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project

Land development activity.

Recharge

The replenishment of underground water reserves.

Sediment Control

Measures that prevent eroded sediment from leaving the site.

Sensitive Areas

Cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES General Permit for construction Activities GP-02-01

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES General Permit for Storm water Discharges from Municipal Separate Storm water Sewer Systems GP-02-02

A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify storm water control standards.

Stabilization

The use of practices that prevent exposed soil from eroding.

Stop Work Order

An order issued which requires that all construction activity on a site be stopped.

Storm water

Rainwater, surface runoff, snowmelt and drainage.

Storm water Hotspot.

A land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff, based on monitoring studies.

Storm water Management

The use of structural or non-structural practices that are designed to reduce storm water runoff and mitigate its adverse impacts on property, natural resources and the environment.

Storm water Management Facility

One or a series of storm water management practices installed, stabilized and operating for the purpose of controlling storm water runoff.

Storm water Management Officer

An employee or officer designated by the municipality to accept and review storm water pollution prevention plans, forward the plans to the applicable municipal board and inspect storm water management practices.

Storm water Management Practices (SMPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies.

Storm water Pollution Prevention Plan (SWPPP)

A plan for controlling storm water runoff and pollutants from a site during and after construction activities.

Storm water Runoff

Flow on the surface on the ground, resulting from precipitation.

Surface Waters of the State of New York

Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marches, inlets, canals, the Atlantic ocean within the territorial seas of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Watercourse

A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway

A channel that directs surface runoff to a watercourse or to the public storm drain.

Section 2. Storm water Pollution Prevention Plans

2.1 Storm water Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Storm water Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

2.2.1 Contents of Storm water Pollution Prevention Plans

All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project.
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the storm water discharges(s);
3. Description of the soil(s) present at the site;
4. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York

Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

5. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in storm water runoff;
6. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to storm water, and spill prevention and response;
7. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
8. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
9. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;
10. Temporary practices that will be converted to permanent control measures;
11. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
12. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
13. Name(s) of the receiving water(s);
14. Delineation of SWPPP implementation responsibilities for each part of the site;
15. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
16. Any existing data that describes the storm water runoff at the site.

2.2.2. Land development activities as defined in Section 1 of this Article and meeting Condition “A”, “B” or “C” below shall also include water quantity and water quality controls (post-construction storm water runoff controls) as set forth in the Section below as applicable:

1. Condition A - Storm water runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department’s 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in storm water have been identified as a source of the impairment.

2. Condition B – Storm water runoff from land development activities disturbing five (5) or more acres.

3. Condition C – Storm water runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

2.2.3. SWPPP Requirements for Condition A, B and C:

1. All information in Section 2.2.1 of this local law;
2. Description of each post-construction storm water management practice;
3. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction storm water management practice;
4. Hydrologic and hydraulic analysis for all structural components of the storm water management system for the applicable design storms;
5. Comparison of post-development storm water runoff conditions with pre-development conditions;
6. Dimensions, material specifications and installation details for each post-construction storm water management practice;
7. Maintenance schedule to ensure continuous and effective operation of each post-construction storm water management practice.
8. Maintenance easements to ensure access to all storm water management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site storm water management measures in accordance with Article 2, Section 4 of this Local Law.

2.3 Plan Certification

The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan. who shall certify that the design of all storm water management practices meet the requirements of this Local Law.

2.4 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final storm water design plan.

2.5 Contractor Certification

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or storm water management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Storm water Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

3. The certification statement(s) shall become part of the SWPPP for the land development activity.

2.6. A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Section 3. Performance and Design Criteria for Storm water Management and Erosion and Sediment Control.

All land development activities shall be subject to the following performance and design criteria:

3.1 Technical Standards

For the purpose of this Local Law, the following documents shall serve as the official guides and specifications for storm water management. Storm water management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

1. The New York State Storm water Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

2. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

3.2 Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

Section 4. Maintenance and Repair of Storm water Facilities

4.1 Maintenance During Construction

The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this Local Law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifth (50) percent.

The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Storm water Management Officer and also copied to the site log book.

4.2 Maintenance Easement

Prior to the issuance of any approval that has a storm water management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the storm water management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Local Law. The easement shall be recorded by the grantor in the Office of the County Clerk after approval by the counsel for the Village.

4.3 Maintenance after Construction

The owner or operator of permanent storm water management practices installed in accordance with this law shall operate and maintain the storm water management practices to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Article 2, Section 3.2.

4.4 Maintenance Agreements

The Village shall approve a formal maintenance agreement for storm water management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Storm water Control Facility Maintenance Agreement. The Village, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future storm water management facility, provided such facility meets all the requirements of this Local Law and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Article 3.

Subdivision Regulation Amendment

The Subdivision Regulations of the Village as set forth in Article VII of the Zoning Ordinance are hereby amended by adding the following to the information requirements:

§ 7-3. Subdivision Approval and Storm water Pollution Prevention Plan.

7-3.1. For Preliminary Subdivision Plat add: Storm water Pollution Prevention Plan: A Storm water Pollution Prevention Plan (SWPPP) consistent with the requirements of Article 1 and 2 of this Local Law shall be required for preliminary subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this Local Law. The approved preliminary subdivision plat shall be consistent with the provisions of this Local Law.

7-3.2. For Final Subdivision Plat approval add: Storm water Pollution Prevention Plan: A storm water Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this Local Law and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this Local Law. The approved Final Subdivision Plat shall be consistent with the provisions of this Local Law.

Article 4.

Site Plan Review Regulation Amendment

The Site Plan Review regulations of the Village as set forth in Article VII of the Zoning Ordinance are hereby amended by adding the following to the information requirements:

§ 7-1.3A Storm water Pollution Prevention Plan: A Storm water Pollution Prevention Plan consistent with the requirements of Article 1 and 2 of this Local Law shall be required to be submitted with the application for Site Plan Approval. The SWPPP shall meet the performance and design criteria and standards in Article 2 of this Local Law. The approved Site Plan shall be consistent with the provisions of this Local Law.

Article 5.

Erosion & Sediment Control Law

The Erosion & Sediment Control Law of the Village is hereby adopted.

Section 1. Construction Inspection

1.1 Erosion and Sediment Control Inspection

The Village Storm water Management Officer may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the

storm water pollution prevention plan (SWPPP) as approved. *The Storm water Management Officer may (1) conduct the inspection, or, (2) upon approval of the Board of Trustees of the Village, engage the services of a registered engineer to conduct the inspection at a cost not to exceed a fee schedule established by the said governing board.* To obtain inspections, the applicant shall notify the Village enforcement official at least 48 hours before any of the following as required by the Storm water Management Officer:

1. Start of construction;
2. Installation of sediment and erosion control measures;
3. Completion of site clearing;
4. Completion of rough grading;
5. Completion of final grading;
6. Close of the construction season;
7. Completion of final landscaping.

Successful Establishment of Landscaping in Public Areas.

If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the Storm water Management Officer.

1.2 Storm water Management Practice Inspections

The Village Storm water Management Officer, is responsible for conducting inspections of storm water management practices (SMPs). all applicants are required to submit “as built” plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer.

1.3 Inspection of Storm water Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water management practices.

1.4 Submission of Reports

The Village Storm water Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

1.5 Right-of-Entry for Inspection

When any new storm water management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

Section 2. Performance Guarantee

2.1 Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village in its approval of the Storm water Pollution Prevention Plan, the Village may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village as beneficiary. The security shall be in an amount to be determined by the Village based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility (ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2.2 Maintenance Guarantee

Where storm water management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all storm water management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain storm water management and erosion and sediment control facilities, the Village may draw upon the account to cover the costs of proper operation maintenance, including engineering and inspection costs.

2.3 Recordkeeping

The Village may require applicants subject to this law to maintain records demonstrating compliance with this law.

Section 3. Enforcement and Penalties

3.1 Notice of violation

When the Village determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

1. The name and address of the landowner, developer or applicant;

2. The address when available or a description of the building, structure or land upon which the violation is occurring;
3. A statement specifying the nature of the violation;
4. A description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action’
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3.2 Stop Work Orders

The Village may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

3.3 Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction or otherwise abated in a manner provided by law.

3.4 Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this local law shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this local law shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week’s continued violation shall constitute a separate additional violation.

3.5 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law, the Storm water Management Officer may prevent the occupancy of said building or land.

3.6 Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 4. Fees for Services

The Village may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections or SMP maintenance performed by the Village or performed by a third party for the Village.

Section 5. Severability

If any word, clause, sentence, paragraph, subdivision or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be limited in its application to the word, clause, sentence, paragraph, subdivision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. Superseding Other Laws

All ordinances or parts of ordinances or local laws or parts of local laws, or State laws which conflict with the provisions of this local law are hereby superseded and rendered temporarily null and void to the extent necessary to give this local law full force and effect, pursuant to Article 2, Section 10 of the New York State Municipal Home Rule Law.

Article 6.

Section 1. Effective Date

This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law. The Village Clerk be and she hereby is directed to enter this Local Law in the minutes of this meeting and give due notice of the adoption of said Local Law to the Secretary of State.

SCHEDULE A

STORMWATER MANAGEMENT PRACTICES ACCEPTABLE FOR WATER QUALITY <i>(FROM: New York State Storm water Management Design Manual, Table 5.1)</i>		
GROUP	PRACTICE	DESCRIPTION
POND	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
POND	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
POND	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.

STORMWATER MANAGEMENT PRACTICES ACCEPTABLE FOR WATER QUALITY <i>(FROM: New York State Storm water Management Design Manual, Table 5.1)</i>		
POND	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
POND	Pocket Pond (P-5)	A storm water wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
WETLAND	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
WETLAND	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
WETLAND	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
WETLAND	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
INFILTRATION	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
INFILTRATION	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
INFILTRATION	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
INFILTRATION	Surface Sand Filter (F-1)	A filtering practice that treats storm water by settling out large particles in a sediment chamber, and then filtering storm water through a sand matrix.
FILTERING PRACTICES	Underground Sand Filter (F-2)	A filtering practice that treats storm water as it flows through underground settling and filtering chambers.
FILTERING PRACTICES	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
FILTERING PRACTICES	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
FILTERING PRACTICES	Bioretention (F-5)	A shallow depression that treats storm water as it flows through a soil matrix, and is returned to the storm drain system.
OPEN CHANNELS	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of storm water runoff into the soil media.
OPEN CHANNELS	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Motion by Trustee Ecklund to open the public hearing on The Storm Water Management and Erosion and Sediment Control Law was seconded by Trustee Fitzpatrick and unanimously carried by the Board.

No Written Comments

No Public Comments

Motion by Trustee Ecklund to close the public hearing was seconded by Trustee Fitzpatrick and unanimously carried by the Board.

Motion by Trustee Ecklund to approve The Storm Water Management and Erosion and Sediment Control Law was seconded by Trustee Fitzpatrick and unanimously carried by the Board.

Mayor's Report

Mayor Martino offered the Board's condolences to the D'Ambrosio family for the passing of Elaina D'Ambrosio. Tuckahoe is slated to receive a slight increase in state aid of 3% whereas other localities had a reduction in state aid. Mayor Martino displayed hats for 'Celebrate Tuckahoe' which will be sold for \$10.00 each to help fund the various events throughout the year. There is an effort to re-design Depot Square to increase parking, flow of traffic and protect the monuments of the Armed Forces. He congratulated Coach D'Arco for receiving the NYS Coach of the Year Award.

MAYOR'S HIGHLIGHTS

Stepped up code enforcement
Infrastructure improvement
Streetscape improvements
Park renovations
Upgraded DPW equipment
Repaved roads
Increase community spirit
Utilize community meetings
Financial condition of the Village - strong
Received grants
Land use - Master plan committee and preserve a small town look.
Crestwood Business District upgrades
Village Hall renovations near completion
Two new clocks courtesy of the Pope Foundation
Public safety a priority - new training room
Drug and Alcohol Task Force
Added 3 new recruits to the Police Dept.
Received AAA Traffic Platinum Award
Cablevision and Verizon agreements
Coat drive for the homeless
Fingerprinting process
Tuckahoe's 75th Anniversary
Football team State Champions
Post Office renamed
Enhance youth programs

Acquire green space
Redesign of Depot Square
Community Center- safe haven
Favorable bond rating - 8.2

ADOPTION OF MINUTES -

Motion by Trustee Ecklund to approve the Regular Meeting - December 12, 2006 was seconded by Trustee Marcoccia and carried unanimously.

Adoption of minutes of January 22, 2007 regular meeting was deferred.

RESOLUTIONS

Resolution No. 1

Resolution authorizing the Mayor to sign the contract between the County of Westchester and Village of Tuckahoe for the Westchester Urban County Community Development Circuit Avenue Park Improvement Project.

Trustee Ecklund motioned to adopt Resolution #1 was seconded by Trustee Marcoccia and unanimously carried by the Board.

Resolution No. 2

Resolution to accept the highest bid of \$5,678 for a 2003 Ford Crown Victoria Police Interceptor motor vehicle from Werner Freitag of 79 Prospect St., Freeport, NY 11520. The sealed bids were opened in the office of the Village Clerk on February 1, 2007.

Trustee Sayegh motioned to adopt Resolution #2 was seconded by Trustee Marcoccia and unanimously carried by the Board.

Resolution No. 3

Resolution to reject all sealed bids for a 1996 Crown Victoria motor vehicle. The sealed bids were opened in the office of the Village Clerk on February 1, 2007. The Chief of Police recommends that the bids for this vehicle be rejected due to the value of the vehicle is considerably greater than the bid amount.

Trustee Sayegh motioned to adopt Resolution #3 was seconded by Trustee Marcoccia and unanimously carried by the Board.

Resolution No.4

Resolution scheduling a public hearing on amending the code of the Village of Tuckahoe, Section 15-41 commonly known as the "Noise Ordinance" on March 26, 2007.

Trustee Fitzpatrick motioned to adopt Resolution #4 was seconded by Trustee Ecklund.

Discussion: Mayor Martino indicated that this will include limitations on landscape equipment and private carting companies. The motion was unanimously carried by the Board.

Resolution No. 5

Resolution authorizing the Building Inspector to attend the 2007 Educational Conference on March 12, 13, 14, 2007 in White Plains as part of the educational requirements for the State of New York for 2007

Trustee Fitzpatrick motioned to adopt Resolution #5 was seconded by Trustee Ecklund and was unanimously carried by the Board.

Resolution No. 6

RESOLUTION DECLARING THE VILLAGE BOARD OF TRUSTEES AS LEAD AGENCY UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE PETITION OF MIRADO PROPERTIES, INC., DORAMI REALTY OF NEW YORK, INC. and MIDORA CORP.

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 12, 2007.

WHEREAS, on November 21, 2005, the Village Board of Trustees amended the Village Master Plan;

WHEREAS, pursuant to said amendment page 70 of the Master Plan was amended and omitted in its entirety, and a revised and amended page 70, was included thereto having full force and effect;

WHEREAS, under the revised and amended page 70 the Village Board desired to expand the mixed use areas in the Main Street Corridor as set forth in the Master Plan;

WHEREAS, in furtherance of said Master Plan Amendment, Mirado Properties, Inc., Dorami Realty of New York, Inc. and Midora Corporation (collectively the "Petitioner") have submitted a petition, dated December 13, 2006, to the Village Board of Trustees for the remapping and rezoning of the premises known and designated on the Tax Assessment Map of the Village of Tuckahoe as Section 29, Block 4, Lots 1, 3 – 8, 13, 17, 33, 36, 39 & 40 and Section 29, Block 9, Lots 1 & 25 (collectively the "Premises");

WHEREAS, in connection with said petition, Petitioner seeks to have the Premises rezoned and remapped from the Industrial (I) Zoning District to the Business/Residence (BR) Zoning District as defined and described in the Village of Tuckahoe Zoning Ordinance of 2001;

WHEREAS, in connection with said petition, Petitioner has submitted to the Village Board of Trustees a Full Environmental Assessment Form prepared by planning firm of AKRF;

WHEREAS, the Village Planner has recommended that the Village Board of Trustees declare itself lead agency for purposes of SEQRA for the action described herein;

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the Full Environmental Assessment Form with the narratives and attachments thereto, and the criteria contained in 6 NYCRR § 617.7, the Village Board is hereby declared to be the 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 process for the remapping and rezoning of the Premises as set forth in the Environmental Assessment Form.

Section 2. This resolution shall take effect immediately.

Trustee Fitzpatrick motioned to adopt Resolution #6 was seconded by Trustee Sayegh and was unanimously carried by the Board.

Resolution No. 7

RESOLUTION SCHEDULING A PUBLIC HEARING RELATING TO THE PROPOSED REMAPPING AND REZONING OF A PORTION OF THE MAIN STREET CORRIDOR

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 12, 2007.

WHEREAS, on November 21, 2005, the Village Board of Trustees amended the Village Master Plan;

WHEREAS, pursuant to said amendment page 70 of the Master Plan was amended and omitted in its entirety, and a revised and amended page 70, was included thereto having full force and effect;

WHEREAS, under the revised and amended page 70 the Village Board desired to expand the mixed use areas in the Main Street Corridor as set forth in the Master Plan;

WHEREAS, in furtherance of said Master Plan Amendment, Mirado Properties, Inc., Dorami Realty of New York, Inc. and Midora Corporation (collectively the "Petitioner") have submitted a petition, dated December 13, 2006, to the Village Board of Trustees for the remapping and rezoning of the premises known and designated on the Tax Assessment Map of the Village of Tuckahoe as Section 29, Block 4, Lots 1, 3 – 8, 13, 17, 33, 36, 39 & 40 and Section 29, Block 9, Lots 1 & 25 (collectively the "Premises");

WHEREAS, in connection with said petition, Petitioner seeks to have the Premises rezoned and remapped from the Industrial (I) Zoning District to the Business/Residence (BR) Zoning District as defined and described in the Village of Tuckahoe Zoning Ordinance of 2001;

WHEREAS, this Board of Trustees wishes to conduct a public hearing relating to an amendment to the Official Zoning Map of the Village of Tuckahoe as it concerns the remapping and rezoning of the Premises from an Industrial Zoning District to a Business/Residence Zoning District .

NOW, THEREFORE, BE IT RESOLVED

Section 1. That in accordance with the provisions of Village Law § 7-706 et seq., a public hearing shall be held on or about the 26th day of March 2007, 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 may be determined by said Board of Trustees whether the Official Zoning Map of the Village of Tuckahoe shall be amended to remap and rezone the Premises from an Industrial Zoning District to a Business/Residence Zoning District .

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 Fitzpatrick motioned to adopt Resolution #7 was seconded by Trustee Sayegh and was unanimously carried by the Board.

POLICE DEPARTMENT / COURT/FIRE - TRUSTEE TONY SAYEGH

JOHN COSTANZO, POLICE CHIEF

MAUREEN STEVENS, COURT CLERK

Trustee Sayegh congratulated Chief Costanzo and the Police Dept. for receiving the AAA Platinum Award. He noted the success with Buckle Up NY, Operation Safe Stop, and Safe Rider Day etc. Trustee Sayegh stated that the Police Dept. has received \$78,000 in grants and an additional \$200,000 state aid for the new traffic light on Winterhill Rd. and Rt.22. The department also received \$31,000 from the Pope Foundation for a Life Scan digital system. The department was proud of their new Thermal Imaging camera, and Trustee Sayegh noted that the BESTAD was a great

program. Trustee Sayegh also noted that the Chief has always kept his expenses within budget every year.

Chief Costanzo noted that the traffic light at the intersection of Winterhill Rd. and Rt. 22 was installed on Feb. 1. The snow zones will be strictly enforced. Check the cable stations for information regarding snow storms.

SCHOOLS - TRUSTEE TONY SAYEGH

Trustee Sayegh reported that the Tuckahoe Schools were celebrating their 75th anniversary. Casino night was a great success.

SR. CITIZENS - TRUSTEE TONY SAYEGH

No Report

RECREATION/COMMUNITY OUTREACH -TRUSTEE TONY SAYEGH

JOHN D'ARCO, DIRECTOR

Trustee Sayegh congratulated Coach D'Arco for the Coach of the Year Award. He has now received two championship rings for Baseball and Football.

FINANCES- TRUSTEE LUIGI MARCOCCIA

Motion by Trustee Marcoccia for the RESOLUTION authorizing payment of vouchers in the amount of \$ 513,086.03 consisting of the following abstracts: #29 for \$93,338.60; abstract #31 for \$405,734.34 and abstract #34 for \$14,013.09. Largest invoices consist of \$8,891 to State Comptroller Village share of fines and fees for December 2006; \$12,393.71 to NY Power Authority/electrical service for various Village properties; \$18,041.94 to Town of Eastchester/2nd half school tax on Village owned properties; \$7,400 to Town of Eastchester operating costs for compost site; \$7,748.36 monthly dental insurance premium for employees and \$7,419.24 to Con Edison for heating costs Village owned buildings for December 2006.

This motion was seconded by Trustee Sayegh and unanimously carried by the Board.

Motion by Trustee Marcoccia for the RESOLUTION authorizing the Village Attorney to draft an agreement between D'Arcangelo & Co., LLP of 3000 Westchester Avenue, Purchase, NY and Village of Tuckahoe to engage their services for the preparation of the Village Budget for fiscal year June 1, 2007 to May 31, 2008.

This motion was seconded by Trustee Sayegh and unanimously carried by the Board.

CABLE - TRUSTEE LUIGI MARCOCCIA

Trustee Marcoccia announced that the Board has finalized the Cablevision agreement. He noted that he was excited about bringing in competition with Verizon. He noted that he had spoken with Councilwoman Sheila Marcotte about the process in Eastchester and was advised that customer service was necessary and that Channel 12 will not be provided by Verizon.

PLANNING & ZONING BOARDS TRUSTEE LUIGI MARCOCCIA

Trustee Marcoccia indicated that the Master Plan committee was hard at work to improve and update the plan. He has received recommendations from the public. The aim is to protect neighborhoods from becoming too congested.

ENVIRONMENTAL, SAFETY COMMITTEE - TRUSTEE LUIGI MARCOCCIA

No Report

DEPARTMENT OF PUBLIC WORKS - TRUSTEE STEVEN A. ECKLOND

ROBERT MASCIANICA, SUPT. OF
PUBLIC WORKS

Trustee Ecklund stated that he was pleased with the progress of projects throughout the Village including; the design for the renovation of Circuit Park, the replacement of the sidewalk, which was paid for by a grant, the sewer lines being updated, new park furniture, the replacement of a new dump trucks/snow plows, new leaf truck, and the new clocks in Crestwood and Depot Square.

Mr. Mascianica indicated that the DPW will be closed on Lincoln's Birthday and Washington's Birthday. There will not be any pick up on those days. Check the cable station and the website for holiday closings.

Trustee Ecklund reminded the public that the Fisher Ave. Basketball court survey is due on Thursday.

Trustee Ecklund noted that the Con Ed gas line project on Fisher Ave was going smoothly. The area was squared off temporarily for pedestrians to cross safely. The plan is to create a T intersection, but the gas line needs to be repaired prior to the creation of the T intersection.

INTER-GOVERNMENTAL PLANNING - TRUSTEE STEVEN ECKLOND

No Report

EMERGENCY RESPONSE PLANNING - TRUSTEE STEVEN ECKLOND

Mayor Martino thanked Chief Costanzo and Trustee Ecklund for their involvement with the internal procedures for an emergency. Bronxville, Eastchester and Tuckahoe have shared reports regarding hazards and proper procedures. More information is coming.

FACILITIES DEPARTMENT - TRUSTEE STEVEN ECKLOND

BILL WILLIAMS, FACILITIES MANAGER

Trustee Ecklund indicated that the major roof repair, of \$200,000, to Village Hall has been completed. Some additional upgrades to Village Hall include new carpets, new paint and new interior signs throughout Village Hall.

Trustee Ecklund noted that the new temperature controls in the Library and the Community Center have actually reduced the heating costs at those locations.

BUILDING DEPARTMENT/ TRUSTEE JOHN FITZPATRICK

BILL WILLIAMS/BUILDING INSPECTOR

Trustee Fitzpatrick noted that 12 illegal apartments have been closed, with \$15,000 collected in fines for illegal apartments due to the new code enforcer. There have been 700 violations filed in the Building Dept. Building permits are required for many renovations; please call 961-8148 for guidance.

Bill Williams, Building Inspector, reported on a house fire at 212 Dante Ave. He announced that the smoke detector woke the entire family and all was safe. He thanked the Fire Dept. for an excellent job.

HOUSING/SECTION 8 - TRUSTEE JOHN FITZPATRICK

No Report

PARKING/TRAFFIC - TRUSTEE JOHN FITZPATRICK

Trustee Fitzpatrick announced that the traffic light at Rt. 22 and Winterhill Rd. was working well.

UTILITIES - TRUSTEE JOHN FITZPATRICK

No Report

LIBRARY - TRUSTEE JOHN FITZPATRICK

DEBRA COPPOLA, DIRECTOR

Trustee Fitzpatrick announced that there are now additional free parking spaces at the library parking lot.

PERSONNEL/APPOINTMENTS - MAYOR MICHAEL J. MARTINO

No Report

VILLAGE CLERK - MAYOR MICHAEL J. MARTINO

SUSAN CIAMARRA, VILLAGE CLERK

Ms. Ciamarra noted that the Election will be held on March 20, 2007 from 7:00am - 9:00pm. Districts 10, 13, 14, 22 will vote at the Community Center; Districts 11 and 12 - Church of the Assumption; and District 33 at Immaculate Conception School. An application available at Village Hall is required for an absentee ballot. March 9, 2007 is the deadline to register with the County Board of Elections to be eligible to vote in the March 20th elections. Village offices will be closed on Feb. 19, 2007 in observance of President's Day.

VILLAGE ATTORNEY - MAYOR MICHAEL J. MARTINO

JOHN CAVALLARO, VILLAGE ATTORNEY

John Cavallaro, Village Attorney, indicated that he was working on the final agreement with Cablevision and Verizon. He indicated that he researched the state controller's opinion quoted by Trustee Fitzpatrick last month and read the opinion to the Board. (See Attached.)

In summary, Mr. Cavallaro noted that the agenda is prepared by the Village Clerk for the Mayor, with the Board members unable to add items onto the agenda.

Mayor Martino noted that this was the procedure. He noted that two items on the agenda this evening were the result of Trustee Fitzpatrick requesting them. The Mayor noted that the Board works together to benefit the Village.

Trustee Fitzpatrick noted that his proposed health benefits resolution was more comprehensive than the resolution that was put on the agenda and approved. He stated that the co pay was important, and that he had submitted this resolution 5 months ago.

Trustee Sayegh indicated that the Board had voted to agree to have procedures funnel through the Mayor. He noted that rules should evolve and he would not be opposed to Trustees bringing up concerns at the workshops and these items be voted on by the Trustees as to whether they should be added to the agenda. If the majority thinks it is important for the Village, it should be placed on the agenda. Trustee Sayegh indicated that this is a legislature and the Board is in favor of a spirited debate.

MEETING OPEN TO PUBLIC

A resident whom did not identify himself asked about the Fisher Ave. playground.

Trustee Ecklund stated that the survey was provided to poll the residents as to whether the full basketball court should stay or whether a half basketball court should replace the full court.

There being no further business, the Board unanimously voted to adjourn the meeting at 10:45 P.M.

Susan Ciamarra, Village Clerk