

Minutes of: Jan. 11, 2012  
Date Approved: February 8, 2012  
Date Filed/Village Clerk:

**January 11, 2012**

**TUCKAHOE ZONING BOARD AND BOARD OF APPEALS  
TUCKAHOE VILLAGE HALL – 7:30pm**

**Present:** Ronald Gallo Chairperson  
Steve Alfasi Member  
Nicholas DiSalvo Member  
David Kubaska Member

**Absent:** John Palladino Member

**Also in Attendance:**

John Cavallaro Village Attorney  
Frank Fish Village Consultant

**Chairman Gallo announced the agenda as follows:**

**Item #1 Approval of Minutes from the December 14, 2011 meeting**  
**Item #2 Approval of Minutes from the November 9, 2011 meeting**  
**Item #3 42 Yonkers Ave. Adjourned**  
**Item #4 9 Jackson Ave. Application Withdrawn**  
**Item #5 181 Main Street/20 Marbledale Road Special Use Permit**  
**Item #6 Crestwood Station Plaza LLC Return**

**Item #1 Approval of Minutes from the December 14, 2011 meeting**

Member Alfasi motioned to approve the Dec. 14, 2011 minutes, seconded by Chairman Gallo and carried with a vote of 3 – 0, with Member DiSalvo abstaining due to his absence.

**Item #2 Approval of Minutes from the November 9, 2011 meeting**

Chairman Gallo motioned to approve the Nov. 9, 2011 minutes, was seconded by Member DiSalvo and carried with a vote of 4 – 0.

**Item #3 42 Yonkers Ave.**

**Adjourned**

**Item #4 9 Jackson Ave.**

**Application Withdrawn**

**Item #5 181 Main Street/20 Marbledale Road Special Use Permit**

Mr. Leonard Brandes, architect for the applicant, explained that there were no changes to the plans since the last presentation.

**Chairman Gallo motioned to re-open the public hearing, was seconded by Member DiSalvo and unanimously carried by the Board.**

#### **No Public Comments**

**Chairman Gallo motioned to close the public hearing, was seconded by Member DiSalvo and carried with a vote of 4 – 0.**

**Chairman Gallo offered a motion that the Board adopts a negative declaration pursuant to SEQR, seconded by Member DiSalvo and was carried unanimously by the Board.**

**Member DiSalvo motioned to approve the Special Use Permit as submitted. Member Alfasi seconded the motion and was carried unanimously by the Board.**

#### **Item #6 Crestwood Station Plaza LLC Return**

Mr. John Richman, cofounder and partner of Streetworks, a company known for restoring Main Streets across the country, displayed visuals, which depicted the sight view from a pedestrian on Oakland. The tallest portion of the church's height is 32 ft., which faces Lincoln Ave. The highest portion of the proposed building is 33ft. The use of sea level was mentioned, as that is always a constant.

The church stands at 144 sea level and this proposed building will be at 145 sea level. The tall trees that abut the church, on the church's property will also buffer the view of the proposed building as the trees sit higher than the buildings. A person standing on Oakland would not be able to see the proposed building.

It was discussed that if the trees were damaged during construction, Mr. Richmond promised to replace the trees with the church's permission with the largest trees he would be able to purchase and transport.

Bill Williams, Building Inspector asked if a rendering could be submitted that displays the proposed building compared to the single-family houses on Lincoln. He would like to see both sides of the street with the houses on Lincoln with the height relationship of the houses compared to the building.

Mr. Richmond noted that the houses across the street are 32 ft. tall. Whatever the height of the proposed building would be, the houses will have full view of the building across the street. Mr. Richmond added that he already presented a rendering which depicted what Mr. Williams requested.

Mr. Fish, Village Consultant, noted that the SEQR determination must be done. In addition, he added that the newly proposed 3 – 2 bedroom units may generate 1 – 2 school aged children, according to the Rutgers University School Study. The original plan generated 3 – 5 school-aged children.

As for the traffic, Georges Jacquemart reviewed the plans and since the development is considered a transit development as it is across the street from the Metro North station, a 1.1 – 1.25 parking ratio is sufficient. It is his determination that the application meets the requirements. Mr. Fish noted that the county originally recommended one space per unit, but did not make a comment on the height of the building.

Mr. Davis, attorney representing the applicant indicated that the proposed development would generate \$250,000 in tax revenue, which is triple, the current taxes on the property.

**Chairman Gallo motioned to re-open the public hearing, was seconded by Member DiSalvo and unanimously carried by the Board.**

### **Public Comments**

Tracey Shivone 27 Fisher Ave. noted that this Crestwood Village should not be compared to Westchester as a whole. This village is unique. The Crestwood station pulls riders from Crestwood, Yonkers, Eastchester, and New Rochelle. Mr. Fish needs to be more specific. The traffic will increase and the congestion will increase. She voiced her concern regarding the egress onto Fisher Ave. This is a safety issue and the Board has not addressed this issue. The Police Chief would be concerned with this plan. Ms. Shivone asked about the commercial parking spaces.

Mr. Fish noted that there are approximately 11 – 12 spaces for retail in total. This includes the 8 spaces on the street and 4 spaces in the parking lot.

Ms. Shivone encouraged the Board to take the recommendation of the Planning Board. She asked the Board to stick to the code.

Chairman Gallo noted that this Board has worked incredibly hard on this application. Many hours were devoted to this project. He noted that the code is written that any size unit, 1, 2, or 5 bedroom units require 2 parking spaces. The Village can potentially deal with developers building many bedrooms. This Board exists to grant relief.

Louis Kunda 138 Oakland Ave. asked about the one-foot differential.  
Mr. Richmond answered that it was 45.9 ft.

Mr. Kunda noted that he walked around Crestwood and calculated the number of employees employed by each establishment. The total was 77 employees. He asked the Board to think about where they park their vehicles. He also noted that there are 55+ vehicles parked at the gas station now. Where will these cars be parked? He added that the residents of this new development will need a car to go food shopping. He also voiced his concern regarding the egress on Fisher Ave.

Linda Delasho 142 Oakland Ave. stated that there is not enough parking in the Crestwood Village. The Police Dept. continually serve tickets for double-parking when picking up pizza etc. The current businesses will suffer if this gets worse.

Chairman Gallo stated that this development offers few bedrooms and will pay high taxes, which will keep the tax base low.

Ms. Tammy O'Bradovich Lake Ave. noted that the code that was written for the Village is right for us. The parking variance should not be granted. The parking code was 1.5 and was changed to 2 parking spaces per unit. She also added that this economy is such that these studio units may be shared and therefore will have more vehicles than anticipated.

A new resident who just purchased 39 Oakland Ave. voiced his concern that this area will not be the peaceful, quiet area that attracted his family to this home. There are no sidewalks in the area and he added that this may be a safety issue with the children walking on the side of the road with the increase in traffic. He added that this development may devalue his newly purchased home.

Chairman Gallo stated that the applicant may build something 'as of right'. This proposed plan will have a low impact on the school system. The home value usually will not decrease with good commercial development.

Ms. Shivone added that these studio apartments are 640sq. ft. will possibly have two tenants to share expenses. She invited the Board members to sit on her porch and watch the traffic. There is a problem now, which will be compounded once this development is built, and the traffic increases. The egress and ingress on Fisher Ave is a concern.

John Cavallaro, Village Attorney, noted that the applicant has rights since they are in contract with the property owner and, can take action against the Zoning Board.

**Chairman Gallo motioned to close the public hearing, was seconded by Member DiSalvo and carried with a vote of 4 – 0.**

Mr. Richmond noted that the parking level is open on three sides with the forth side along Lincoln Ave. screened from the pedestrians. It is not habitable space. The applicant will work with the Planning Board to make the parking level not visible.

Chairman Gallo voiced his concern regarding how the resolution would be written to prevent the parking level to be converted into habitable space by a future owner of the property.

John Cavallaro, Village Attorney, noted that the Board must consider future developers, as the Board would not like to set a precedent. The resolution would have to stipulate that the lower level is for parking only.

Mr. Davis noted that the approval runs with the land. The resolution must be written that the lower level be only used for parking; the level cannot be habitable - the key word is habitable.

John Cavallaro, Village Attorney, added that this is a lower level that is parking and three stories above, not four habitable levels. The façade of the lower level will be determined by the Planning Board.

Bill Williams, Building Inspector added that the lower level has portions that are parking and one portion that is the elevator lobby, which goes to all four floors. He added that when the Revlon buildings were built, the below grade parking level was considered a story. The average ceiling height is 6ft. above grade is considered a basement not a cellar.

Mr. Richmond agreed that a portion of the lower level was the elevator lobby, in which the elevator goes to all four floors. There are 3 habitable floors on Lincoln and 3 habitable floors on Oakland.

Mr. Richmond added that the applicant is not asking for an FAR variance. The height is the only variance. As for the egress onto Fisher Ave., there was an Environmental Impact Analysis submitted. The traffic was studied and analyzed. As for the 77 employees, most of the establishments were food service, which hires many employees. The commercial space at this proposed development will not be food service or restaurant service.

Mr. Davis added that the code does not allow residential use above a restaurant or food service.

Chairman Gallo noted that he will continue to discuss this application with the Building Inspector, Board members and Village attorney and will have a resolution drafted for the next public hearing.

There being no further comments from the public or business before the Board, upon motion duly made, seconded and unanimously carried, the meeting was adjourned.