

December 21, 2021  
**TUCKAHOE PLANNING BOARD**  
**Online due to Covid 19**  
**Regular Meeting – 7:30pm**

**Present:** Chairperson Antonio Leo  
Commissioner Raymond Nerenberg  
Commissioner David Barra  
Commissioner Paul Wolfson  
Commissioner Susana Carpenter

**Absent:** Commissioner Adrienne Michel (ad hoc)

**Also in Attendance:**

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Carolina Fonseca	Village Consultant
Mike Seminara	Assistant Building Inspector

**Chairman Leo announced the evening's agenda as follows:**

<b>Item #1</b>	<b>Approval of Minutes of the November 16, 2021 meeting</b>
<b>Item #2</b>	<b>151 Marbledale Rd. Return</b>
<b>Item #3</b>	<b>22 Underhill Ave. Adjourned</b>
<b>Item #4</b>	<b>69 Main Street Adjourned</b>

**Item #1 Approval of Minutes November 16, 2021**

Commissioner Nerenberg motioned to approve the minutes from the November 16, 2021 meeting, seconded by Commissioner Wolfson and carried with a vote of 4 – 0, with Commissioner Carpenter abstaining due to her absence.

**Item #2 151 Marbledale Rd. Return**

Chris Carson representing the applicants Zef and Ralph Dejevic, noted that there were three items that were a concern. The relocation of the trash enclosure, the plan to screen the HVAC equipment on the roof and to submit a load letter from the engineer that states that the roof can withstand the weight of the equipment and the number of guests.

The trash enclosure location was discussed and it was determined it would take up approximately four to five parking spaces. The owner, Zef Dejevic added that he would place the trash enclosure at any place on the property that suits the members.

Chairman Leo noted that the trash enclosure must be placed near a hose so the enclosure could be washed down periodically.

Mr. Carson stated that he has reached out to the engineer who designed the building and he said he would submit the load letter as soon as possible. The applicant is waiting to hear back.

Regarding the HVAC screening, Mr. Carson noted that there will be two 10 ton Carrier air conditioning units on the roof, 88in x 60in. x 50in plus 10in curb. The height with the curb will be 60in. The screening already on the plans will cover the 60in. in height. The screen on the plans measure 6ft. by 6ft. The screen can be raised if needed over any equipment that is delivered.

Bill Williams, Building Inspector added that the exhaust system will not be higher than the 60 in. and the size of the makeup air for the kitchen will be smaller than the outdoor air conditioning units, so the screening on the plans should suffice.

**Chairman Leo motioned to open the public hearing, seconded by Commissioner Nerenberg and carried unanimously.**

**No Public Comments**

**Chairman Leo motioned to close the public hearing, seconded by Commissioner Barra and carried unanimously.**

**Chairman Leo offered the following SEQRA resolution in the form of a motion:**

APPLICANT/OWNER: Zefra Tuckahoe Restaurant

LOCATION OF PROJECT: 151 Marbledale Road, Tuckahoe

SECTION: 35 BLOCK: 1 LOT: 1A

DESCRIPTION OF PROJECT: Perform build out of the existing structure and operate a restaurant from the premises

### **SEQRA RESOLUTION**

Pursuant to the regulations of SEQRA this Board finds that:

- 1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.**
- 2. This Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the proposed site plan application.**
- 3. That the action taken herein shall not have a significant adverse impact on the environment and it is declared that a Negative Declaration is hereby adopted with regard to this action.**

**Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 5 – 0.**

**Chairman Leo offered the following resolution in the form of a motion:**

**THE FOLLOWING IS THE RESOLUTION/DECISION OF THE PLANNING BOARD OF THE VILLAGE OF TUCKAHOE, N.Y.**

Applicant, Zefra Tuckahoe Restaurant is seeking to build out the existing restaurant shell located at 151 Marbledale Road. The restaurant shell was approved in connection with this Board's decision approving both the hotel and restaurant shell located at the Marbledale property. Subsequent to this Board's approval, a further approval was made by this Board to the Owner of the property for exterior and interior alterations that deviated from the original approval. One major change in the construction was an elevator leading from the cellar to a roof top area.

We have before us now the proposed operator of the building who will complete the build out and ultimately operate the restaurant. The operator is seeking to utilize the roof top space for dining and a bar area. We have in our prior approvals approved this building as a use for a restaurant and the roof for a dining area, but until now since an operator was not identified, we did not have the specifics as to how the space was to be used. We find that the applicant has proposed a build out consistent with the prior approvals of this board and we find that the applicant has met it's burden as to 7-1 of the Zoning Code and therefore this application is approved subject to the following conditions:

1. Restaurant hours of operation shall be Monday thru Sunday 11:00AM to 12:00AM.
2. Roof top usage shall be seasonal (April thru November) and the hours of operation are limited from 11:00a.m. to 9:00 p.m. Sunday through Thursday and 11:00 AM through 10:00PM. Friday and Saturday.
3. There shall be no live music on the roof top. Piped in music can be provided on the roof, however, all efforts must be made to keep the volume at a level where the adjacent residential neighbors will not be disturbed.
4. Applicant shall use its best efforts as not to cause a disturbance to the residential neighborhood located above the restaurant.
5. Garbage shall be collected minimum 3 times a week. Location of the garbage storage area shall be finalized with the approval of Tuckahoe DPW and a signoff by the Chair of this Board. A drain and waterline shall be provided adjacent to the final location of the trash dumpster.

6. Applicant shall provide a letter signed off by a structural engineer who has reviewed the proposed roof design and structural drawings to confirm that the roof can accommodate the proposed occupant load and design.
7. Applicant shall finalize the height and location of the roof top equipment and verify if existing screening will provide the proper visual screening. Architect shall provide plan and section for final approval once all equipment has been identified. Final approval shall be signed off by the Chair of this Board.

**EVERY REPRESENTATION OF THE APPLICANT MADE IN ITS APPLICATION AND PRESENTATION WILL BE A CONDITION OF THIS APPROVAL. ANY DEVIATION FROM THE REPRESENTATIONS MADE SHALL BE CAUSE FOR THE REVOCATION OF SAID APPROVAL.**

**Commissioner Nerenberg seconded the motion and upon roll call was carried with a vote of 5 – 0.**

**Chairman Leo welcomed the applicant to the village and wished them much success. He wished all a Merry Christmas and a Happy New Year!**

<b>Item #4</b>	<b>22 Underhill Ave.</b>	<b>Adjourned</b>
<b>Item #5</b>	<b>69 Main Street</b>	<b>Adjourned</b>

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.