

February 16, 2022
TUCKAHOE PLANNING BOARD
Online due to Covid 19
Regular Meeting – 7:30pm

Present: Chairperson Antonio Leo
Commissioner Raymond Nerenberg
Commissioner Paul Wolfson
Commissioner Susana Carpenter
Commissioner Adrienne Michel (ad hoc)

Absent: Commissioner David Barra

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:

Item #1	Approval of the minutes - December 21, 2021
	Approval of the revised minutes - January 18, 2022
Item #2	225 White Plains Rd. Return
Item #3	170 Marbledale Rd. Return
Item #4	200 White Plains Rd. Adjourned
Item #5	22 Underhill Ave. Adjourned
Item #6	69 Main Street Adjourned

Item #1 Approval of the minutes December 21, 2021
Approval of the Revised minutes January 18, 2022

Chairman Leo motioned to approve the minutes from the December 21, 2021 Planning Board meeting, seconded by Commissioner Wolfson and carried with a vote of 4-0 with Commissioner Michel abstaining due to her absence.

Chairman Leo motioned to approve the revised minutes from the January 18, 2022 Planning Board meeting, seconded by Commissioner Wolfson and carried with a vote of 5 – 0.

Item #2 225 White Plains Rd. Subdivision - Return

Mr. Louis Campana, architect for the applicant, indicated that this property sits at the intersection of White Plains Rd. and Winterhill Rd.

The proposed subdivision plans are for two lots. Lot 1 measures 11929sq. ft. and Lot 2 measures 10066.9 sq. ft. There will be a new curb cut for Lot 1 on Gifford St. and the Lot 2 curb cut will be on Henry St. This will enable the two curb cuts on Winter Hill Rd. that is on either side of the bus stop to be removed and will make the bus stop and that intersection a bit safer.

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

Public Comments

Chairman Leo stated that the application before this board is the moving of a division line from one location to another. The Village received letters from residents voicing their concern about the house and the trees. This application before the board is to literally move a line on the site plan. The house has been scheduled to be demolished. The applicant received the permit to remove the trees.

John Wilson 14 Henry St. asked for the plans for the existing mature trees on the property. How do the residents ask questions, as there seems to be no oversight? The public would like to get involved, but there is no platform for discussion.

Gary Gjertsen, Village Attorney noted that the submitted plans to build two houses does not need site plan approval and therefore would not be presenting their application before the Planning Board for review. The applicant is building ‘as of right’ and therefore will not be required to present at a public hearing. If residents would like to review the applicant’s submitted plans, they must request the plans from the Building Dept. once they are submitted. The Village will also put the plans as a PDF on the website for

residents to review. The tree section of the code states that a resident can remove two trees within a 24-month period by notifying the Building Dept. If more than 2 trees need to be removed, then the resident must file for a permit. In this situation, the applicant removed 3 dead trees and 2 healthy trees. These trees had to be removed to place the foundation. The Village Administrator and the DPW Supervisor, who is an arborist, examined the trees and gave the approval that the 3 trees were indeed dead trees. Therefore, the Building Dept. gave the permission for all 5 trees to be removed.

John Wilson asked about the possible removal of other mature trees on the property. How does the public give their input?

Gary Gjertsen indicted that the application to remove trees does not call for a public hearing. The residents must put their concerns and thoughts in writing to the Building Dept. The Building Dept. will consider the residents' concerns when the application requests to remove additional trees.

Geoff Sheldon 50 Columbus Ave voiced his disappointment that it was not made clear at the last meeting what the process would be. This is a historic tree and it has already been taken down. The demolition permit has already been granted. Both the demolition permit and the tree removal was granted the day after the last meeting. Twenty people asked questions concerning the historic significance of the house and tree and the forgone conclusion was that there was public outrage, so hurry and get the tree down and the house down. The process seems out of whack. He added that this Village instituted a Historical Preservation Act and yet gave no instruction on how to enact it for this house. The process needs to be more transparent.

Chairman Leo noted that it was a coincidence that the permits were granted the following day. This application before this Board is to move a line. The tree and the demolition of the house are separate applications.

Ed Conway 8 Winslow Circle indicated that there seems to be no rationale as the Building Dept. stated that there were 3 dead trees and yet the paperwork states that there was one dead tree. He noted that there is one dead tree still standing on the property. Mr. Conway also requested the discussion to be had regarding the subdivision application and the idea of a park on the property.

Gary Gjertsen noted that that is indeed in the code. However, it would not be feasible to put a park on this property. In exchange, the code allows the applicant to give 10% of the value of the property to the Parks and Recreation Dept. The tax accessor indicted the value of this newly created lot as \$350,000 and therefore, the applicant will pay 10%,

\$35,000 to the Village of Tuckahoe Park and Recreation Dept. to be used on existing parks. It would just not be feasible to put a park at this location.

Mr. Campana noted that several residents brought up some safety issues at this location during the last meeting. This intersection is too busy to have a park there with children coming and going.

Chairman Leo agreed that this location would not be feasible for a park. In addition, the owner of the property would have to be compensated for the value of the property. This would have to be brought up to the Village Trustees.

Geoff Sheldon voiced his agreement with Mr. Conway's idea of a historic park. The historic significance of this site must be explored versus the building of two more houses.

Bill Williams, Building Inspector stated that once the applicant submits the building plans, he would make it available to the public.

Mr. Campana noted that the plans should be submitted in approximately one month. He added that one more tree might need to be removed, but he will retain as many as possible especially in the front and along Winterhill Rd.

Mike Seminara, Assistant Building Inspector added that the residents should put their concerns in writing and the Building Dept. will take the concerns into consideration when they perform their site plan approval.

Gary Gjertsen also added that this Village is a pro tree village.

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

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

- **See attached**

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:

- **See attached**

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

John Wilson asked about the process moving forward. The public has no more input with this project?

Chairman Leo noted that this application is ‘as of right’. Based on the FAR and regardless of the design, the Planning Board has no input. He added that he personally knows Mr. Campana, the architect and assured the public that he will do quality work and design homes that will fit the character of Gifford Park. The Planning Board has no say going forward. The Building Dept. gives the final approval. The PDF of the plans will be on the Village website for residents to review.

Amanda Eckert 10 Henry St. stated that the plans show the house on Henry Street to have an under garage, while the house on Gifford St. has a separate structure as a garage.

Chairman Leo noted that she could write her concerns to the Building Dept. The under garage does fit into the character of the houses on Henry St.

Item #3 170 Marbledale Rd. Return

David Barbuti, architect for the applicant Automotive Upholstery, indicated that the application was for a retaining wall in the rear of the property. He will remove the existing chain link fence and replace it with an aluminum picket fence. The existing parking lot will be repaved and restriped.

Chairman Leo thanked the Mr. Barbuti and the owner for accommodating the Board’s requests.

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

No Public Comments

Chairman Leo motioned to close public hearing, seconded by Commissioner Nerenberg and carried unanimously.

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

PLANNING BOARD RESOLUTION/DECISION

APPLICANT/OWNER: Frank Ackermann IRR Trust

LOCATION OF PROJECT: 170 Marbledale Road, Tuckahoe

SECTION: 39 BLOCK: 3 LOT: 4A

DESCRIPTION OF PROJECT: Construction of retaining wall at the rear of the property

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 is seeking expand the rear yard area of the property and a result will need to construct a new retaining wall at the rear of the property located at 170 Marbledale Road in Tuckahoe. As a result of this proposal, a new retaining wall will need to be constructed at the rear of the property. Ultimately will be a significant improvement to the property as what exists currently are shrubs, dirt and large rock outcroppings. The issue that is outstanding is that the applicant does not yet know what will be found in the rear yard until actual excavation takes place. Once excavation is brought back to the proposed rear yard location, the applicant will present a final retaining wall design to the planning board.

The applicant will also be installing a new on-site drywell system along with a new aluminum picket fence at the front of the property

We are providing partial project approval so that the applicant can begin the rear excavation of the site. Once excavation has been completed, the applicant will provide a final retaining wall proposal to the planning board for review and approval.

We find based on the work sessions and presentations at the public hearing that the applicant has met its burden as to 7-1 of the Village of Tuckahoe's Zoning Code.

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.

Item #4	200 White Plains Rd.	Adjourned
Item #5	22 Underhill Ave.	Adjourned
Item #6	69 Main Street	Adjourned

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.

VILLAGE OF TUCKAHOE

65 Main Street
Tuckahoe, NY 10707

PLANNING BOARD RESOLUTION/DECISION

APPLICANT/OWNER: Rowley III LLC

LOCATION OF PROJECT: 225 White Plains Road, Tuckahoe

SECTION: 30 BLOCK: 2 LOT: 3

DESCRIPTION OF PROJECT: Subdivision of the lot at 225 White Plains Road

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.


Chairperson

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

Applicant is seeking to subdivide the lot located at 225 White Plains Road Tuckahoe. The requested subdivision will create 2 lots each in excess of 10,000 feet. Both newly created lots will conform to the current zoning codes. The applicant is seeking no variances in connection with the subdivision. Based on the facts that the applicant's request complies with the Village's current codes this Board review of the subdivision is limited per Section 7-2 of the Village's Zoning Code. It should be noted that the applicant is not before this Board for Site Plan review. We, therefore, approve the requested application for subdivision.

We find that based on the proposed sub division the applicant cannot practically propose parkland located on the property, thus the applicant must pursuant to Section 7-2 pay a recreation fee of 10% of the newly created lot. To determine the value of the newly created lot this Board, through the Building Department, has consulted with the Village's Tax assessor and agrees with the Tax Assessor's determination that the lot is valued at \$ 350,000. Therefore, the recreation fee shall be set at \$35,000.

Lastly, the Building Inspector, shall review all drainage issues associated with project and at anytime may consult, if necessary, with the Village's engineer and the cost of the Village's engineer shall be borne by the applicant.

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.

MEETING DATE : February 16, 2022



APPROVED



NOT APPROVED

CHAIRPERSON:

[Signature]

DATE: 2/16/22

PLANNING BOARD

VILLAGE OF TUCKAHOE

65 Main Street
Tuckahoe, NY 10707

PLANNING BOARD RESOLUTION/DECISION

APPLICANT/OWNER: Frank Ackerman IRR Trust

LOCATION OF PROJECT: 170 Marbledale Road, Tuckahoe

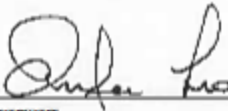
SECTION: 39 BLOCK: 3 LOT: 4A

DESCRIPTION OF PROJECT: Construction of retaining wall at the rear of the property

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.


Chairperson

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

Applicant is seeking to expand the rear yard area of the property located at 170 Marbledale Road in Tuckahoe and they will need to construct a new retaining wall at the rear of the property. This new retaining wall will be a significant improvement to the property as what exists currently are shrubs, dirt and large rock outcroppings. The outstanding issue is that the applicant does not yet know what will be found in the rear yard until actual excavation takes place. Once excavation is brought back to the proposed rear yard location, the applicant will present a final retaining wall design to the planning board.

The applicant will also be installing a new on-site drywell system along with a new aluminum picket fence at the front of the property

We are providing partial project approval so that the applicant can begin the rear excavation of the site. Once excavation has been completed, the applicant will provide a final retaining wall design proposal to the planning board for review and approval.

We find based on the work sessions and presentations at the public hearing that the applicant has met its burden as to 7-1 of the Village of Tuckahoe's Zoning Code.

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.

MEETING DATE : February 16, 2022

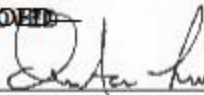


APPROVED



NOT APPROVED

CHAIRPERSON:



DATE: 2/16/22

PLANNING BOARD