

Minutes of July 19, 2022
Date Approved Sept. 20, 2022
Date Filed/Village Clerk

July 19, 2022
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
	Commissioner	Adrienne Michel (ad hoc)

Also in Attendance:	Gary Gjertsen	Village Attorney
	Bill Williams	Building Inspector
	Carolina Fonseca	Village Consultant

Chairman Leo announced the evening's agenda as follows:

Item #1	Approval of the minutes – June 21, 2022
Item #2	30 Elm St. Return
Item #3	25 Main St. Return
Item #4	125 Columbus Ave. Return
Item #5	31-33 Main St. Return

Item #1 Approval of the minutes dated June 21, 2022
Commissioner Nerenberg motioned to approve the minutes from the June 21, 2022 Planning Board meeting, seconded by Commissioner Wolfson and carried with a vote of 5-0.

Item #2 30 Elm St.

Return

Leonard Brandes, architect representing the applicant Pyramid Squash indicated that the parking lot and the party room will now close at 10:00pm.

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

No Public Comments

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

Commissioner Nerenberg offered the following SEQRA resolution in the form of a motion:

APPLICANT/OWNER: GA Lord LLC d/b/a Pyramid Squash Club

LOCATION OF PROJECT: 30 Elm Street, Tuckahoe

SECTION: 32 BLOCK: 6 LOT: 4

DESCRIPTION OF PROJECT: Amend site plan to include a party room for small gatherings events and parties .

SEQRA RESOLUTION

Pursuant to the regulations of SEQRA this Board finds that:

The action taken herein is an Unlisted Action subject to the requirements of SEQRA and its implementing regulations.

- 1. 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.**
- 2. 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 Wolfson seconded the motion and upon roll call was carried with a vote of 4 – 0 with Commissioner Carpenter abstaining due to her absence.

Commissioner Nerenberg 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 to amend their site plan to include a party room for small gatherings, events and parties. Due to the pandemic, this Board understands the need for businesses to evolve to include services a bit outside the scope of their main function. The applicant is a squash club seeking to add a party room at the premises. We note that the applicant has had several parties in the past and has received a few complaints due to the noise. We have kept the public hearing open now several months and we note that there has been no opposition from the public on this application. 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 and therefore the application is approved with the following conditions:

1. Parties shall be limited to no more than 47 people.
2. Parties shall end promptly at 10:00p.m.
3. Parties shall be limited to participants of the applicant.
4. If there are 3 valid complaints as determined by the Building Inspector in any 12 month period than the applicant must appear before this Board to determine if this amended use shall be revoked.
5. Approval as per drawings: SY-001, A-103, dated April 26, 2022

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 Wolfson seconded the motion and upon roll call was carried with a vote of 4 – 0, with Commissioner Carpenter abstaining due to her absence.

Item #3 25 Main St.

Return

Jessica Loeser attorney for the applicant, submitted a new revised survey depicting more details of the proposed property. She claimed that there seems to be no historical information in the Village files, no formal papers signed. The only submission is a

stamped revised site plan approved and dated 12/10/2008. There is a parking easement registered on the survey, but no paperwork was found on the easement. The easement noted is the former walkway to the building. At the time, the applicant was asked to move the walkway to make space for the 12 parking spaces. The applicant moved the walkway from the original spot to the present location. This made room for the 12 parking spaces.

Chairman Leo noted that the parking easement noted on the survey should be removed as there is no paperwork.

Ms. Loeser noted that she would like to rectify through the proper recording that this formerly used as the entrance way to the building which was a walkway easement from the village.

Peter Borducci, owner of 25 Main St. summarized the history of the property. Before he signed the 250 yr. lease there were no easements. Then there were three easements, vehicular easement, utility easement and pedestrian easement. There was also a need for 21 parking spaces. John Cavallaro was the Village attorney during this process. The Village and Metro North had to agree to commuter and meter parking spaces. The Village needed to change 21 parking spaces from commuter to meter. Metro North agreed to the removal of 21 commuter spaces. Upon the agreement to remove the 21 commuter spaces, Metro North came up with the idea to move the pedestrian walkway from the original location to the present location, at the applicant's expense. In so doing, the design created 12 additional parking spaces. He noted that everyone was happy, the Village, Metro North and the applicant.

Bill Williams invited both attorneys and the applicant to review John Cavallaro's files stored in his office to possibly find the paperwork.

He added that he believes that there is documentation that states that the MTA agreed to remove short term meter spaces to no meters for Peter Borducci, dated late 2008/2009.

Jessica Loeser asked if the parking spaces could be separated from the proposed lot line application.

Gary Gjertsen noted that he will call John Cavallaro to discuss. He stated that it seems that the pedestrian easement evolved into the term 'parking easement'. They shifted the easement without the proper paperwork.

Bill Williams added that this should be discussed with the village administrator David Burke.

Leonard Brandes, architect for the applicant displayed the original plans with the 10ft. pedestrian easement. The retaining wall was moved and the pedestrian walkway was pushed over.

Bill Williams asked for a copy of the original plans so that he can overlay both surveys to view the pedestrian easement location.

Gary Gjertsen will try to separate the issues to do the subdivision and parking easement. He will discuss with John Cavallaro, David Burke and Frank Fish.

Mr. Borducci noted that he did not return to renew his parking agreement with the Village as he thought this would all be completed by now.

Gary Gjertsen stated that he will discuss the parking agreement reduction with David Burke.

Item #4 125 Columbus Ave. Return

Paul Tavolilla, applicant indicated that the body shop cleaned the property, removed cars and removed the brush.

Mr. Tavolilla noted that the Town Assessor reviewed the lots and calculated an \$87,190 increase in the net value. He noted that the rec fee would be \$8000 to \$9000 but he was getting conflicting numbers. He noted that he spoke to a few municipalities and they only charge rec fees for residential properties, not commercial properties.

Bill Williams indicated that the rec fee is based on the total assessment. He added that there were two applicants that recently moved lot lines and their rec fee was based on the total assessment.

Mr. Tavolilla voiced his disappointment about the discrepancy. He was informed it was the differential and now was being told it is based on the total assessed value.

Chairman Leo indicated that there are two issues here - To finalize the cleanup of the lot and the rec fee.

Bill Williams noted that the tenant is responsible and we will work with him to finish cleaning up the lot.

Commissioner Michel asked for a clear understanding of the calculation of the rec fee.

Gary Gjertsen read the Zoning Code 7-2.1

Before the approval by the Planning Board of any plat showing a subdivision and the creation of new blocks, lots or sites, with or without streets or highways, all applicants for such approvals shall show, in proper cases and when required by the Planning Board, a park or parks suitably located for playground or other recreation purposes.

7-2.2

Creation of Parks; Recreation fee. If a suitable park or parks of adequate size cannot be properly located in any such plat or are otherwise not practical, the Planning Board shall require as a condition to approval of any such plat the payment of a recreation fee in the amount of 10% of the appraised valuation of each new lot. Such recreation fee shall constitute a trust fund to be used by the Board of Trustees exclusively for neighborhood park, playground or recreation purposes, including the acquisition of land.

Chairman Leo noted that one of the Board members may have miss spoke at the last meeting.

Bill Williams noted that the rec fee was always based on the total property. The applicant can appeal to the Zoning Board.

Item #5 31-33 Main St.

Return

Robert Stanziale, representing the applicant Dream Makers Preforming Arts, noted that there will be a monitor stationed at the front door to make sure that the children are not being dropped off on Main St.

The applicant has 2 parking spaces on the premises and will lease 3 parking spaces from the Lake Ave. lot.

Mr. Stanziale noted that the plans are to reconstruct the rear platform, rebuild the stairs to the platform, install a new awning and lighting over the stairway, close up the unused door, and install a new railing around the platform. In the interior, the stairs will be rebuilt and surveillance cameras will be installed in the stairwell and the corridors. The cameras will be monitored by the staff members.

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

Public Comments

Jennifer DeFabbia, owner of The Dance Gallery at 25 Main St., noted that she pays for 4 parking spaces in the Lake Ave. lot. She voiced her concern that the patrons may cause confusion by utilizing the Lake Ave parking lot for drop off. This would cause patrons to block her parking spaces and her entrance. Ms. DeFabbia noted that the Main St. and Lake Ave. intersection is quite busy. Her concerns were the safety of the children and that the additional traffic may add to the already congested intersection.

Chairman Leo noted that the patrons can park anywhere, the Starbucks lot, the Lake Ave. lot, on Columbus Ave or any metered parking space. The Lake Ave. lot is owned by the Village. It is available for any tenant to purchase spaces. The permit parking spaces end at 4:00pm so anyone can park in that lot.

As far as a traffic study, Chairman Leo noted that there have been studies for this intersection. Each project that the village adds will impact the wait at the light. It is a most frustrating intersection for vehicular and pedestrian traffic. If the applicant gets 3 citations in one year of students being dropped off on Main St., they will need to return to the Board.

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

Commissioner Nerenberg added that his concern was the safety of the children. The patrons must park legally and accompany the young students to the dance studio.

Chairman Leo advised the applicant that the above condition stated by Commissioner Nerenberg should be made part of the contract between Dream Makers Performing Arts and the students.

Commissioner Barra offered the following resolution in the form of a motion:

APPLICANT/OWNER: Dream Makers Performing Arts Inc

LOCATION OF PROJECT: 31-35 Main Street

SECTION: 33 BLOCK: 2 LOT: 39

DESCRIPTION OF PROJECT: Applicant is seeking to operate a dance studio at 31-35 Main Street.

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

Applicant is seeking to operate a dance studio at 31-35 Main Street in Tuckahoe. The location is a preexisting building that is adjacent to the Tuckahoe Post Office. The location fronts Main Street, an extremely busy road, coupled with the post office traffic makes this a very difficult location. The location has been vacant for years and we understand the importance of the need for a tenant for this space. We, therefore, 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, but based on the difficult location we must apply strict conditions to insure the safety of the patrons and the safety of the Village's roadways. The application is approved with the following conditions:

1. There shall be absolutely no drop off or pick up of students either on Main Street or Columbus Avenue.
2. Chaperones/Drivers must use legal parking spaces and walk their children to the studio.
3. At the outset and for at least 3 months there shall be a monitor outside the studio to insure there is no drop off or pick up in front of the studio during drop off and pick up times.
4. The studio hours shall be M-F 4:00p.m. to 10p.m. The 4:00 p.m. start will coincide with the Lake Avenue lot becoming available to the public as the permit spaces end at 4:00p.m. Saturday hours shall be 9 am to 5 pm.
5. If there are 3 complaints in a any twelve month period of students being dropped off and picked up in front of the studio on Main Street then the Building Inspector shall refer the applicant back to this Board to determine if this site plan shall be revoked.
6. The applicant is responsible for notify the Chaperones/Drivers of the above restrictions and must insure compliance with same.

7. Approval as per drawings: A-01.00, A-01.01, A-01.00 A, dated 06-28-2022, revised on 07-19-2022

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 4 - 0, with Commissioner Carpenter abstaining due to her absence.

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.