

**December 20, 2022**  
**TUCKAHOE PLANNING BOARD**  
**Tuckahoe Village Hall Regular Meeting – 7:30pm**

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

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

**Also in Attendance:**  
                 Gary Gjertsen                Village Attorney  
                 Mike Seminara              Assistant Building Inspector

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

**Item #1    Approval of the minutes –    November 15, 2022**  
**Item #2    25 Main St.                        Return**  
**Item #3    12 Fisher Ave.                        Adjourned**

**Item #1    Approval of the minutes dated November 15, 2022**  
**Chairman Leo motioned to approve the minutes from the November 15, 2022**  
**Planning Board meeting, seconded by Commissioner Wolfson and carried with a**  
**vote of 3-0, with Commissioner Barra abstaining due to his absence.**

**Item #2   25 Main St.                      Return**

Jessica Loesser, attorney representing the applicant, noted that the application name was changed to Main St. Depot LLC. The lease owner is currently in agreement to purchase the property from the Metro North. All plans were submitted and discussed during the prior meetings.

Chairman Leo noted that this is the building on Main St. that houses the Growler's Bar and a dance studio. It sits on the Lake Ave parking lot. The current lease holder has a 250 yr. lease and is now purchasing the property from Metro North. The condition of the agreement includes that the owner will lease 21 parking spaces from the Village for its tenants. This is a basic subdivision application.

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

**No Public Comments**

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

**Commissioner Wolfson offered the following Site Plan resolution in the form of a motion:**

**PLANNING BOARD RESOLUTION – SUBDIVISION APPROVAL**

The Applicant, 25 Main Street Depot LLC., is the lessee of the premises commonly known as 25 Main Street, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as Section 33, Block 7, Lot 9 (the "Premises"). Applicant is seeking to convert a long term lease of approximately 250 years to an ownership of the premises in fee simple. The building on the premises exists and is not being changed in anyway. The applicant requires no variances from the Village of Tuckahoe's Zoning Board in connection with this application and has provided all the documents, plans and materials to this Board so as this Board can make a proper review for this subdivision application pursuant to 7-2 of the Village of Tuckahoe Zoning Code.

As the building already exists and the usage of the space will not change there will be no impact to the surrounding area and the conversion of the long term lease to a fee simple will be mere formality. We, therefore, approve the subdivision with the following conditions:

1. We find that the applicant is unable to set aside park area and therefore we require the applicant to pay 10% of the newly created lot as a recreation fee that is required by the Zoning Code. We find the value of the land to be \$316,379.25 thus the recreation fee to be paid by the applicant is \$31,637.92. This fee shall be paid within 30 days of this resolution. .
2. There has been some confusion as to the parking utilized with the building and parking spaces on Village property. The confusion lies with the original site plan approval with this Board and thus we will address the parking issues with this approval. We have had discussions with the Village Attorney who has relayed the administration's position as to parking and we have discussed the parking with the applicant at work sessions and have come to a comprehensive understanding as to the parking. We find the applicant must rent 21 spaces from the Village. These will be dedicated spaces and are the spaces the applicant is currently utilizing. The spaces are adjacent to the building and to be used exclusively by the building. Attached hereto and incorporated herein as Exhibit A is the layout of the parking spaces to be utilized by the building. These spaces shall be designated by signage by the applicant. Applicant will have 60 days to place the signage on the designated spaces. Further, even though this is a commuter lot the applicant will be afforded the merchant rates for parking by the Village. The applicant will begin the rental of the 21 spaces in March of 2023 as the spaces are on a yearly basis with March being the initial month. Any past rental fees that are potentially in dispute will be waived and the applicant will start with a clean slate beginning March 2023.

This condition does not impact the applicant's rights with any future applications to the Zoning Board regarding parking.

3. The applicant has encroached on Village property by constructing and utilizing a garbage structure adjacent to the building. The Applicant may continue to use the Village's space without fee, but must enter into an indemnity agreement with the Village that will be mutually agreed upon between the Attorney for the Village and Applicant.

Lastly, that every representation made to this Board by the applicant is a condition of this approval.

**Commissioner Carpenter seconded the motion and upon roll call was carried with a vote of 4 – 0.**

**Item #3     12 Fisher Ave.**

**Adjourned**

**Chairman Leo and the Board members wished all residents happy holidays!**

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.