

November 19, 2013
TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Chairperson Antonio Leo
Commissioner Ann Marie Ciaramella
Commissioner Raymond Nerenberg
Commissioner Melba Caliano
Commissioner Clare Gorman

Absent: Commissioner Tim Miller
Commissioner Eric Fang

Also in Attendance:
Bill Williams Building Inspector
John Cavallaro Village Attorney

Chairman Leo announced the evening's agenda as follows:

Item #1 Approval of Minutes - Meeting held on October 15, 2013

Item #2 200 Marbledale Road Return

Item #3 2 Clinton Place Return

Item #4 9 Jackson Ave. Return

Item #5 85 Yonkers Ave. Return

Item #6 199 Marbledale Rd. Adjourned

Item #7 100 Main Street Adjourned

Item #1 Approval of Minutes held on October 15, 2013

Commissioner Ciaramella motioned to approve the October 15, 2013 minutes was seconded by Commissioner Nerenberg and was carried with a vote of 4 – 0, with Commissioner Caliano abstaining due to her absence.

Item #2 200 Marbledale Road Return

Mr. Zev Abraham, applicant, stated that the Tuckahoe Zoning Board had granted the necessary variances for the ice hockey rink.

David Barbuti, architect, stated that Board requested information about the sound blanket for the chiller. The one chosen is created by Sound Seal Sound Curtains, which makes exterior grade noise control blankets. The blanket will surround the chiller. The chiller will sit on a platform surrounded by a chain link fence. The sound curtain will be draped over and zip tied to the fence on all sides. The sound curtain

panels feature a durable reinforced noise barrier with an exterior grade, quilted fiberglass sound absorber material. He submitted information from the manufacturer. The material will be black.

Mr. Barbuti added that the façade colors would be Grey (Ice Gray) with Navy Blue (Black River Falls) accent stripes and Navy Blue awnings. He submitted samples of each.

Commissioner Caliano offered the following Resolution: In the Matter of the Application of HOME ICE, LLC, Premises: 200 Marbledale Road, Tuckahoe, New York,

**FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND DECISION**

Background and Findings of Fact

The Applicant is the lessee of the Premises commonly known as 200 Marbledale Road, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe (the “Village”) as Section 39, Block 3 and Lots 3-E and 3-T (the “Premises”). The size of the Premises is 22,495.7 square feet. The Premises is located, in part, in a General Business Zoning District in the Village. It is also noted that the Premises is situated within the Town of Eastchester and, as such, the Applicant requires land use approvals from the Planning Board and Zoning Board of Appeals of the Town of Eastchester.

A. The Current Nature of the Application

The Premises consists of two tax lots on which an existing building stands and is proposed to be renovated for the installation and construction of an ice skating facility, primarily for hockey practice, with 10 off-street parking spaces. The Applicant proposes an ice skating rink, which shall be smaller in size than a regulation ice hockey rink. The Applicant does not plan to make any expansions or extensions of the existing building or to change the footprint of the existing building in any manner. The Applicant will also provide parking for 10 off-street parking spaces on the Premises immediately adjacent to the existing building.

B. Zoning Board Approval

On November 13, 2013, the Zoning Board of Appeals of the Village of Tuckahoe (the “Zoning Board”) granted the Applicant a parking variance for 10 off-street parking spaces to be located on the Premises. The Planning Board, in accordance with Section 4-8.6 of the Zoning Code of the Village of Tuckahoe (the “Zoning Code”) had determined that the proposed use required 20 off-street parking spaces at the project site, but the Applicant, due to the size of the existing building and the layout and size of the existing lot, was only able to provide 10 off-street parking spaces.

The Applicant had provided a parking study to the Zoning Board indicating that sufficient on-street parking existed on Marbledale Road, particularly during the prime hours of operation of the proposed ice skating facility. The Village’s planning consultant, BFJ Planning, reviewed the Applicant’s proposed parking study and conducted a study of the available

parking on Marbledale Road. BFJ Planning concluded that, “as can be seen, we project a minimum of 16 parking spaces available within 150 yards from the site.” *See, BFJ Planning memorandum, dated October 4, 2013.* In an effort to ensure the availability of on-street parking on Marbledale Road, the Zoning Board conditioned its approval on the Applicant paying for and reimbursing to the Village the full cost for the installation for 10 2-hour parking meters on Marbledale Road in and about the project site. In connection with this condition, the Zoning Board specifically found that many uses on Marbledale Road used the roadway of Marbledale Road for all-day on-street parking in conjunction with the adjacent uses and other uses and sites and, in addition thereto, many commuters used Marbledale Road for all-day on-street parking. In order to avoid the Applicant not having access to on-street parking spaces on Marbledale Road as a result of such conditions, and as a condition of the Zoning Board’s approval, the Zoning Board required that the Applicant pay for and reimburse the Village for the full cost of installing 10 2-hour parking meters on Marbledale Road to ensure that the Applicant’s use has access to the needed on-street parking spaces on Marbledale Road.

C. Planning Board Review

An application was filed with the Planning Board by the Applicant’s representatives, David Barbuti, architect, and Rocco Salerno, attorney for the Applicant. The application was filed with the Planning Board for approval of a site plan for the Premises. The Planning Board met on certain dates and convened public hearings as reflected in the minutes to consider and hear the application for site plan review. This Planning Board notes that, pursuant to Section 7-1.1 of the Tuckahoe Zoning Code, “no building permit shall be issued for a structure, no structural use shall be established and no site shall be changed, other than a one-family or two-family dwelling and its permitted accessory structures and uses, unless it is in conformity with a site plan approved by the Planning Board in accordance with this section. No certificate of occupancy for such structure or use shall be issued until all the requirements of such approval and any conditions attached thereto have been met. The continued validity of any certificate of occupancy shall be subject to the continued conformance with such approved site plan and conditions. Revisions of approved site plans shall be subject to the same approval procedure.” *See, Tuckahoe Zoning Code, Section 7-1.1.*

Moreover, according to Section 7-1.5 of the Zoning Code, this Planning Board, in considering and approving site plans, shall take into consideration the purposes of the Zoning Code and, as condition of any approval, may require such modifications to the proposed plans as it deems necessary to comply with the spirit and letter of the Zoning Code. Among other factors, the Planning Board shall take into consideration certain standards as set forth below in the approval of site plans.

1. Safe, Adequate and Convenient Vehicular and Pedestrian Traffic Circulation Both Within and Without the Site:

This Planning Board specifically reviewed the vehicular and pedestrian traffic circulation both within and to the site. In considering the same, this Planning Board finds that the Applicant has provided for a reasonable means of ingress and egress to the site as traffic will flow in from Marbledale Road, circulate to the provided parking and certainly have the ability to exit onto Marbledale Road. This Planning Board also finds that the effect of the proposed development of an existing building on traffic conditions on Marbledale Road, particularly during the prime hours of operation of the facility, will be negligible. The Applicant has provided for a sufficient means of ingress and egress to the facility proposed to be located on the Premises. Moreover, visibility in both directions at the ingress and egress points to the site seems reasonable for a driver entering and exiting the site.

2. The Protection of Environmental Quality and the Preservation and Enhancement of Property Values in the Neighboring Area:

This Planning Board further finds that the Applicant has provided for the protection of environmental quality and the preservation and enhancement of property values in the neighboring area. As mentioned, the neighboring area primarily consists of a General Business Zoning District, but there are nearby and adjacent residential uses and residential districts located in close proximity to the site. The existing building will not be expanded and the footprint will remain precisely the same such as to be harmonious with the existing conditions and with the General Business Zoning District in which this use is located. Additionally, this use will not create dust and erosion during the construction process and the subsequent use of the facility. Natural features on the site such as wetlands, unique wildlife habitats, historic structures, major trees and scenic views do not exist and, as such, the Applicant is not removing such natural features from the site. The Applicant will further be required to have exterior lighting on the site that meets the requirements of the Zoning Code and Village ordinances.

The Planning Board has also reviewed and considered the noise particularly from the chiller and cooling systems of the facility from the site, as the same shall impact the other nearby uses, particularly the residential uses near and adjacent to the site. The Applicant has submitted reports from HMB Acoustics, LLC of Avon, Connecticut indicating that the levels of noise from the site would be compliant with the Village of Tuckahoe and Town of Eastchester noise ordinances and, as such, would be acceptable subject to the condition that the Applicant, as HMB Acoustics, LLC noted in its September 16, 2013 report, that a 10-foot high acoustical barrier be located between the retaining wall as shown on architectural drawings SP1, A1 and A2 and the proposed chiller to the east, south and north side of the chiller. For maximum acoustical effectiveness, the acoustical barrier should be located approximately 3 feet from the chiller. The barrier wall would be constructed using

concrete masonry units, brick, exterior grade plywood, stockade fencing or any other solid materials approved by the Village of Tuckahoe Building Department. The Planning Board also noted that water runoff from the site will not have negative effects on the storm water systems of the Village.

3. A Quality of Building and Overall Site Design That Will Enhance and Protect the Character and Property Values of the Adjacent Neighborhood:

On this record, and considering that the proposed use is within a General Business Zoning District, this Planning Board finds that the existing building will be consistent with the General Business Zoning District. As noted, there will be no extensions or expansions of the building. Moreover, there is no evidence on this record to suggest that the proposed ice skating facility will diminish the character of the neighborhood or property values in the adjacent community. This Planning Board finds that based on the record before it, the buildings as renovated for the proposed ice skating facility will not decrease the property values in the adjacent neighborhood.

D. Conditions

The Planning Board's grant of site plan approval for the project is subject to the conditions set forth below which are incorporated by reference herein. The Planning Board finds that the conditions set forth below are reasonable conditions imposed on the Applicant in an effort to make the project more harmonious with the Village's laws and ordinances, in addition to further reducing any significant negative environmental impacts from the project. The conditions set forth below are applicable to and binding on the project:

1. As noted above, the Applicant at its sole cost and expense shall install and construct as approved by the Village of Tuckahoe Building Department a 10-foot high acoustical barrier to be located between the retaining wall as shown on architectural drawings SP1, A1 and A2 and the proposed chiller. The barrier should be located on the east side, north side and south side of the chiller. In order to achieve maximum acoustical effectiveness, the acoustical barrier shall be located approximately 3 feet from the chiller. The barrier wall material shall be constructed using concrete masonry units, brick, exterior grade plywood, stockade fencing or such other materials as shall be approved and directed by the Village of Tuckahoe Building Department. The barrier shall be lined with Sound Seal Exterior Noise Barrier/Sound Absorber Composite Model DBC-EX2-R-2. Such material shall consist of exterior grade, UV-resistant, heavy-duty faced quilted fiberglass absorber bonded to a 1-lb per square foot reinforced loaded final barrier. The dimensions for the recommended absorption/barrier should be 10 feet high and 16 feet long and the noted material should be installed from top to bottom.

2. The hours of operation, subject to Condition Number 3 set forth below, shall be from 6 a.m. to 12 a.m. seven days per week. The Planning Board notes that these hours of operation are consistent with the variance granted by the Town of Eastchester Zoning Board of Appeals in connection with the Applicant's application, in part, for an extension of hours of operation.
3. As noted by the Applicant during its presentation to this Planning Board, the Applicant shall close its parking lot no later than 10 p.m. seven days per week so as to avoid minimal disturbances to the neighboring residential buildings as traffic flows to and from the existing onsite parking at the site. Further, seven days per week, the Applicant shall not open its parking lot before 8:30 a.m.
4. The Applicant shall obtain all required land use approvals from the Town of Eastchester and its respective land use boards, planning department and building department.
5. As represented to this Planning Board, the Applicant shall have no more than two (2) employees at the project site to ensure sufficient off-street parking exists for customers and patrons.
6. That, at all times, there shall be no food preparation on and at the project site.
7. That, at all times, there shall be no sale of alcohol or consumption of alcohol on and at the project site.
8. That the Applicant at its sole cost and expense shall install outside/exterior security cameras as approved by the Village of Tuckahoe Building Department.
9. That the Applicant at its sole cost and expense shall install outside/exterior lighting as approved by the Village of Tuckahoe Building Department.
10. The representations, illustrations, depictions and statements made by the Applicant in its (i) application; (ii) any memorandum in support; (iii) plans, drawings and renderings; and (iv) presentations during the course of the public meetings before this Planning Board are incorporated by reference herein and shall constitute conditions for the approval granted herein, in the event that any of the foregoing (i-iv) conflict with this Findings of Fact, Conclusions of Law and Decision the terms, provisions and conditions set forth herein shall control.

SEQRA

Based on the foregoing and the presentations before the Planning Board and the submission of the Applicant's Environmental Assessment Form, the Planning Board, on November 4, 2013 issued a Negative Declaration for this project.

Westchester County Referral

Pursuant to the General Municipal Law Section 239-M and Section 277.61 of the County Administrative Code, this matter was referred to the Westchester County Planning Board. The Westchester County Planning Board found that, “there are no County or inter-municipal planning issues of concern to the County Planning Board. This action is a matter for local determination in accordance with your community’s planning and zoning policies.” *See, letter from Westchester County Planning Board dated November 4, 2013.*

Conclusion

Based on the foregoing, it is resolved that Site Plan approval be and is hereby granted to the Applicant in accordance with this decision subject to the conditions set forth and contained herein. The Applicant and/or interested third parties are notified of their respective rights to appeal this decision or any part thereof in accordance with the New York Civil Practice Law and Rules.

Commissioner Nerenberg motioned to accept the resolution, seconded by Commissioner Gorman and upon roll call was carried with a vote of 5 – 0.

Item #3 2 Clinton Place

Return

Mr. Anthony Campanile, owner of the property, submitted samples of the roof tile and siding. The roof will be black. The siding will be Almond color, which will be placed on the existing kitchen and extension.

Chairman Leo motioned to accept the materials as presented tonight, seconded by Commissioner Caliano and was carried unanimously by the Board.

Item #4 9 Jackson Ave.

Return

Denis Lucente, applicant, submitted photos of the proposed concrete wall to be place in front of the existing stonewall. He will pour the concrete wall in front of the stonewall and apply stones with a square and rectangle pattern. The interlocking wall on the hill will be Tan/Beige to match the stucco on the building. There will be plenty of landscaping plants on the hill to help with the erosion. Mr. Lucente added that the Village Consultants, Dolph and Rotfeld Engineers, reviewed and approved the proposed drainage plans.

Chairman Leo motioned to approve the plans for the concrete wall as presented tonight, seconded by Commissioner Ciaramella and carried unanimously by the Board.

Item #5 85 Yonkers Ave.**Return**

Mr. Leonard Brandes, architect for the applicant, presented a three-dimensional model of the proposed changes to the building. The property is located on the corner of Scarsdale Rd. and Yonkers Ave., which is one of the main entries into the Village. He noted that the Zoning Board granted the necessary variance for the parking. He stated that the colors of the proposed building would be the following: Stone – Beige with square and rectangle pattern; Stucco – light Beige with darker Beige for the banding; Roof- Gray/Black asphalt slate line roof; Bricks – Antique Red; Stonework on corners and base of pillar. Brick will be used to fill in tower areas.

Chairman Leo noted that this building is in a very visible location and requested that the applicant research the possibility of using real slate for the roof material.

Mr. Brandes indicated that the cost between a real slate roof and an imitation slate roof was too costly for the applicant.

Commissioner Caliano requested that the applicant consider more windows on the Yonkers side of the building or some design to break up the gap between the windows on that side.

Mr. Brandes indicated that the gap was because of privacy issues as the bathrooms were placed in that area. He will consider closing the gap.

Chairman Leo asked the applicant to return with lighting plans and samples, an elevation with the colors and landscaping plans

Item #6 199 Marbledale Rd.**Adjourned****Item #7 100 Main Street****Adjourned**

Chairman Leo wished all a Happy Thanksgiving.

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.