

**April 29, 2008**

**TUCKAHOE PLANNING BOARD**  
**TUCKAHOE VILLAGE HALL – 8:00pm**

**Present:** Chairwoman Ann Marie Ciaramella  
Commissioner Eric Fang  
Commissioner James Vaughan  
Commissioner Melba Caliano  
Commissioner Raymond Nerenberg  
Commissioner Antonio Leo  
Commissioner David Colon

**Also in Attendance:**

John Cavallaro Village Attorney  
Bill Williams Building Inspector

Chairwoman Ciaramella announced the evening's agenda as follows:

**Item #1 Approval of minutes – March 25, 2008**  
**Item #2 53 Underhill Adjourned**  
**Item #3 100 Main St. Return**  
**Item #4 25 Oakland Ave. Return**  
**Item #5 146, 150, 160, 233 Main St. Adjourned**

**Item #1 Approval of Minutes – March 25, 2008**

**Motion by Commissioner Nerenberg to approve the minutes from the March 25, 2008 meeting was seconded by Commissioner Vaughan and carried by the Board with a vote of 6 -0 with Commissioner Colon abstaining.**

**Item #3 100 Main St. Return**

William Null, representing the applicant Mr. Burd, stated that the revised plans were submitted. Michael Goldblum, architect for the applicant, stated that the FAR was reduced slightly, and a 6 ft. wide walk way was added next to the neighboring building for additional light and air circulation. The building was set in to allow Terrace Place to be widened. The minor changes in the interior of the building made no loss of parking spaces. The pillars will be set upon lines on the parking grid. The applicant will produce the number of parking spaces required. The retail space measures 3900 sq. ft. The retaining wall will be the same height along Terrace Place as it currently measures. The height outside the parking level to the top of the wall will measure 18ft. The current wall measures from 16ft to 6ft.

Mr. Null added that the 6 ft. walkway added to the side of the building for light and air accessibility was not done for any legal requirements, rather to be a good neighbor. The building was set back an

additional 2ft. from Terrace Pl. to allow for the widening of that street. He noted that the applicant has addressed all the primary concerns of the neighbors and public.

Commissioner Vaughan asked how the applicant could erect an 18 ft. wall and leave the neighbor's property unscathed.

Mr. Goldblum noted that it is his client's legal responsibility to maintain the neighbor's property in the current condition. The process of shoring, bracing and underpinning will be used if necessary. His firm takes legal matters very seriously with excavation, and may use incremental reconstruction of the existing wall and supplement with new stone as needed. It will be durable and structurally sound when complete, with a new wrought iron fence on top rather than the chain link fence that exists now. The wall will be structural concrete, faced with stone.

Commissioner Vaughan asked what the applicant would gain by setting the building 6 ft. away from the property line, when code allows the building to be built right up to the property line.

Mr. Null noted that it was an appropriate gesture on his client's behalf as a good neighbor to improve light and air circulation for the neighboring building. The additional 6 ft. will be on grade level, below grade level the garage parking spaces will go to the property line.

Commissioner Caliano asked about the soil.

Mr. Goldblum noted that he did not recall any reference to clay, sand or lome. There were no problems with the soil, just rock.

Commissioner Caliano asked if the 6ft. walk way would be used for service men or deliveries.

Mr. Goldblum stated that all utility lines would be placed in the basement and accessed from the street.

Bill Williams, Building Inspector, noted that there are no restrictions for a retaining wall in a business/residential zone. The 18ft. wall could be built.

**Motion by Commissioner Vaughan to declare a negative declaration pursuant to SEQRA. Motion was seconded by Commissioner Nerenberg and carried with a vote of 5 – 0 with Commissioner Leo and Commissioner Colon abstaining.**

**Commissioner Vaughan read the following:**

**NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW  
NEGATIVE DECLARATION**

**NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

April 29, 2008

This Negative Declaration and Notice of Determination of Non-Significance is issued pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the New York State Environmental Conservation Law. The action for which this negative declaration has been prepared includes certain development activities on the premises commonly known as 100 Main Street, Tuckahoe, New York and known on the tax map of the Village of Tuckahoe as Section 28, Block 5, Lots 3, 5 and 7 (the "Premises").

The Planning Board of the Village of Tuckahoe ("Planning Board"), as lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**SEQRA LEAD AGENCY:** Planning Board of the Village of Tuckahoe

**NAME OF ACTION:** Application of Terry Burd

**SEQRA STATUS:** Unlisted Action. The proposed action involves the issuance of site plan approval from the Planning Board, in addition to area variances and a special use permit from the Zoning Board of Appeals of the Village of Tuckahoe in connection with the proposed development of the Premises.

The Planning Board has extensively reviewed and considered the Environmental Assessment Form ("EAF"), dated October 17, 2007, prepared in connection with the above application. The scope of this review included, but was not limited to the following documents supplementing the EAF:

Memorandum and presentations by BFJ Planning

Comments submitted by Parish & Weiner, Inc. on behalf of the 84-86 Main Street property owners

SEQRA analysis submitted by Clifford L. Davis, Esq. on behalf of the 84-86 Main Street property owners

The Planning Board, as SEQRA lead agency, coordinated and/or consulted with the following agencies and distributed a copy of the EAF as well as the supplementing documents and site plans set forth above to such agencies for their review and comment:

**SEQRA INVOLVED AND INTERESTED AGENCIES:**

County of Westchester Planning Board

Zoning Board of Appeals of the Village of Tuckahoe

**DESCRIPTION OF THE ACTION:**

The project applicant, Terry Burd plans to develop a building consisting of 21 residential units plus approximately 3,900 square feet of commercial retail space, which is located in the Business/Residential Zoning District. The project applicant proposes to create a mixed use building on the Premises housing both residential units and commercial (retail) space.

The project will combine mixed uses within a single building while creating a more pleasant aesthetic along Main Street in the Village of Tuckahoe, which is the economic center of activity for the Village. The physical dimensions of the proposed building will be no larger or imposing than that of the existing downtown buildings and except as cited below complying with the proposed building as set forth in the Village's Zoning Ordinance. This project will generate an increase in commercial and retail clientele for the Village of Tuckahoe, in addition to helping revitalize and improve the surrounding community. In essence, the relief requested by the applicant calls for a reconfiguration of the usable space on the Premises, rather than increasing or extending the physical dimensions of any existing building.

To facilitate the above development, the applicant requires that area variances be granted for an increase in floor area ratio and the number of stories proposed in the building. Despite these area variances, the overall height of the proposed building will be no taller than others in the immediate and nearby vicinity and the overall height shall be compliant with the height limitations set forth in the Village Zoning Ordinance. The project applicant also requires that a special use permit be granted to permit residential use of the building, which is located in a Business/Residential zoning district.

**REASONS SUPPORTING THIS DETERMINATION:**

In determining that the proposed action will not have a significant adverse effect on the environment, the Planning Board considered the criteria set forth in 6 NYCRR § 617.7 and weighed them against the impacts that may reasonably be expected to result from the proposed action. In assessing the aforesaid criteria, the Planning Board has relied on data,

presentations and resultant findings of fact drawn from reports and other data compiled by the Village's planning consultant.<sup>1</sup> These criteria are discussed in more detail below.

### **Air Quality**

The proposed building will not cause any appreciable changes or generate other emissions that would negatively affect ambient air quality in the immediate and nearby community. This project will not generate any appreciable impacts on traffic or congestion that will deteriorate current ambient air quality in the Village. Additionally, the building will not bring appreciably higher energy demands or require additional technology causing or contributing to increased stationary source emissions or other air pollution whatsoever.

Additionally, the Applicant has created a side setback measuring approximately six feet wide and running along more than half the length of the boundary of the adjacent four-story building. This side setback will provide an adequate corridor of light, air and ventilation between the Premises and the adjacent building. This side setback will mitigate any negative effects resulting from the Project's proximity to the adjacent building. The overall character of the proposed building will remain consistent with that of surrounding buildings and, once completed, it should not foreseeably affect ambient air quality because its footprint and intensity of use will remain consistent with nearby buildings.

### **Surface and Groundwater Quality or Quantity**

The proposed building has undergone extensive engineering and planning review to mitigate and/or prevent all negative effects on water quality, runoff, possible contamination and consequent effects on surface and groundwater quality and quantity at or near the Premises. A separate storm water management plan has been devised to offset any impact on surface and groundwater quality or quantity. Thus, this project will have no net effect on surface and ground water quality or quantity.

### **Traffic and Noise Levels**

The traffic impact studies conducted and presented to the Planning Board indicate that a slight increase in traffic volume during peak hours of the day is possible. These studies estimate an increase in daily traffic volume by a factor of approximately nine vehicles. However, this project will add off-street parking to adequately offset and compensate for the above increase in expected traffic volume to the downtown area during peak hours. Fully enclosed off street parking will be made available for residential tenants of the proposed building, which will have no net effect on traffic volume or congestion in the neighborhood. Approximately nineteen additional off-street parking spaces will be added to facilitate the anticipated increases in retail space and traffic volume to the downtown Main Street area as well. In total, the Applicant is providing 61 off-street parking spaces.

Because the slight anticipated increase in vehicular traffic to the Main Street area will occur during peak hours, no appreciable increases in noise or noise pollution is expected. Any additional noise concerns will be mitigated by the availability of the above off-street parking and the enclosed parking for the proposed building. Further, no appreciable increase in off-peak traffic or congestion will directly or indirectly result from this project.

### **Solid Waste Production**

No evidence has been presented that the proposed building will generate any appreciable increase in solid waste due to its proposed mixed use character. The evidence submitted to the Village Planning Board and Zoning Board of Appeals indicates that all accommodations will be made to ensure that solid waste generated on-site will be handled and properly collected, and that any additional solid waste production on the Premises or from the use thereof will be properly handled and disposed.

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<sup>1</sup> Please note that all references herein to engineering reports shall refer to the reports and memoranda prepared and submitted by BFJ Planning to the Village Planning Board and Zoning Board of Appeals, dated November 7, 2007, December 17, 2007 and January 22, 2008, which shall be deemed to include all presentations of the reports and memoranda prepared by BFJ Planning.

### **Erosion, Flooding, Leaching or Drainage**

A review was undertaken to ensure that any appreciable negative impacts from the creation of impervious surfaces, if any, are mitigated by the design and engineering of the proposed building on the Premises. Because the profile and character of the proposed building is largely consistent with that of other nearby buildings, the integrity of the surface and substratum will not be compromised. A concrete retaining wall has been designed to prevent and/or mitigate any surface runoff, flooding or pooling that might occur as a result of any gradient and/or elevation changes from the construction and design of the proposed building.

### **Consistency with Village Master Plan**

The Master Plan for the Village of Tuckahoe cites fostering the development of residential and commercial uses in the downtown area as one of its principal goals, which includes properties affronting Main Street. Fostering economic development and generating a more pleasant aesthetic are explicit goals of creating a mixed use building on the Premises. Economic revitalization of the Main Street neighborhood in the Village will be a direct result of this project and will positively affect property values in surrounding neighborhoods, spur additional development throughout the Village and will enhance the commercial and residential viability of the Village to benefit its residents and visitors. In this regard, the proposed building is harmonious with the goals of the Master Plan.

### **Character and Quality of the Community**

Due to the mixed use character of the proposed building, a slight increase in commercial traffic and thoroughfare could result, which is acknowledged by the traffic impact studies conducted. However, the proposed building will add a more pleasant, modern aesthetic to the downtown Village and the properties along Main Street. The effect of the project will draw attention to the improving commercial vitality of the downtown area of the Village.

The quality of the community will be enhanced by revitalized aesthetic and additional off-street parking accommodations, which will further ease congestion and parking problems during both peak and off-peak hours. The proposed building and the Premises will only have positive impacts on the character and quality of important historical, archaeological, architectural or aesthetic resources within the Village. The proposed building will create positive precedent for future development in the downtown area of the Village, which is consistent with the goals of the Master Plan.

### **Energy Demand**

Because the physical dimensions, character and uses for the proposed building on the Premises will remain largely similar to that of the existing buildings nearby, no appreciable increase in energy demands will result. The proposed building will house residential apartments, and retail space on its first floor, which will create energy demands similar to that of the preexisting building(s) on the site and other buildings in the surrounding community. Thus, neither the type nor the quantity of energy required by the proposed building will appreciably deviate from the current use of the Premises and other buildings nearby.

### **Hazards to Human Health**

The proposed building and the Premises will not generate any adverse traffic or parking problems due to the proposed steps to mitigate any additional congestion. As the traffic impact studies indicate, no appreciable increase in volume during peak hours in the Main Street and downtown areas will pose any direct or proximate risk of danger to pedestrians or vehicular traffic. Ingress and egress from the Premises will be made safer by adding off-street parking, which will service but not affront along Main Street. No physical or structural conditions will be created on the Premises that will pose any threat or hazard to human health and the environment. The Premises have been designed in such a way to minimize adverse environmental impacts on the surrounding community. As the plans suggest, the design and layout of the Premises will not be imposing, but will remain consistent with the downtown aesthetic and the goals of the Master Plan.

### **Intensity of Use**

The proposed building and the Premises will not affect, either individually or cumulatively, the use or intensity of use of any land within the Village, including agricultural, open space or recreational resources. The proposed building will not affect the capacity of the Village to support existing uses and those consistent with the Premises. As discussed herein, the mixed use of the proposed building on the Premises is consistent with the developmental goals in the Master Plan. This fact alone negates any concerns raised about the intensity of such a use in this area of the Village.

### **Ecological Impacts**

No evidence has been presented indicating that the project will appreciably affect any vegetation, wildlife species, migratory fish, endangered species, and habitats or will have any adverse impacts on other natural resources in the immediate and nearby vicinity of the Premises. Because of the footprint, intensity of use and safety measures built into this project, any possible impacts on the above ecological factors will be completely mitigated or will not be appreciably affected by the proposed building.

### **Other Considerations**

The development of the Premises and its resulting use will not encourage or attract a large number of people to a place or places within the Village for a period of more than several days when compared to the number of people and thoroughfare that would be attracted to the Premises absent the proposed action. No appreciable changes will result affecting the environment. Any effects on the environment will not be appreciable and, any that do result, will be mitigated by the design and siting of the proposed building. When considered together, none of these possible effects could result in a significant or substantial adverse impact on the environment. No two or more actions undertaken by any agency in connection with this proposed development, none of which would have a significant or substantial impact on the environment, but when considered cumulatively could meet one or more criteria as set forth in 6 NYCRR § 617.7(c)(1) and described above.

In evaluating the long-term, short-term, direct, indirect and cumulative impacts of the project, the Planning Board has considered simultaneous and subsequent actions that are: (a) included in any long-term plan to which the project is considered a part of; (b) likely to be undertaken as a result of the project; or (c) dependent on the completion of the project. In considering these factors along with the considerations discussed herein, the Planning Board has determined that the project will not cause any of the above consequences set forth in herein or consistent with 6 NYCRR § 617.7.

**Motion by Commissioner Vaughan to accept this application, was seconded by Commissioner Nerenberg.**

**Commissioner Caliano noted that the Master Plan referred to is the Master Plan of 1994, not the current Master Plan. Upon roll call, motion was carried with a vote of 5 – 0 with Commissioner Leo and Commissioner Colon abstaining.**

### **Item #4 25 Oakland Ave. Site Plan/Special Use Permit**

Chris Allacco, attorney representing Woodlot Christian Pre-School, indicated that the traffic recommendations were accepted by the Zoning Board with conditions. The cameras were installed; the driveway issue will be monitored with employees and signs. He noted that he would appear before the Village Board to apply for the signs to change to allow for temporary parking. As for safety, employees will be present each morning to escort each child from their vehicle. The Special Permit is for only one year and the applicant will return each year to renew.

Chairwoman Ciaramella stated that she emailed Mayor Fitzpatrick to consider a change in the parking signs to allow a brief time for drop off. He will have to present this consideration before the Board of Trustees.

**Motion by Commissioner Nerenberg to accept the application as presented tonight. This motion was seconded by Commissioner Caliano and upon roll call was carried with a vote of 5 – 0 with Commissioner Leo and Commissioner Colon abstaining.**

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 at 9:12pm.