

December 19, 2017
TUCKAHOE PLANNING BOARD
TUCKAHOE VILLAGE HALL
Regular Meeting – 7:30pm

Present: Acting Chairperson Raymond Nerenberg
 Commissioner Claire Gorman
 Commissioner David Barra
 Commissioner Melba Caliano

Absent: Chairperson Ann Marie Ciaramella
 Commissioner Eric Fang – Ad Hoc

Also in Attendance:

 Gary Gjertsen Village Attorney
 Bill Williams Building Inspector

Chairwoman Ciaramella announced the evening's agenda as follows:

- Item #1 Approval of minutes – September 19, 2017 Regular meeting**
- Item #2 173 Marbledale Ave. Amended Site Plan**
- Item #3 Discussion Item: Exemption of basements from the FAR in single family Homes**

Item #1 Approval of minutes – September 19, 2017 Regular meeting
Commissioner Nerenberg motioned to approve the minutes from the September 19, 2017 Regular meeting, was seconded by Commissioner Gorman and carried with a vote of 3 – 0, with Commissioner Caliano abstaining due to her absence.

Item #2 173 Marbledale Rd Return
Gary Gjertsen, Village Attorney, noted that the applicant appeared before the Zoning Board seeking to amend the Site Plan. The applicant received approval from the Zoning

Board one week ago. This Board was provided with the Zoning Board's resolution. The applicant seeks permission to expand the beer garden, which will not decrease the parking spots, invite gourmet food trucks onto the premises and host 12 events throughout the year, 4 of the events may be tented with a 40ft. by 40ft. tent. There are several conditions placed on the Zoning Board's Resolution.

Public Hearing is still open.

No Public Comments

Commissioner Gorman motioned to close the public hearing, seconded by Commissioner Nerenberg and carried with a vote of 4 – 0.

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

LOCATION OF PROJECT: 173 Marbledale Road_____

DESCRIPTION OF PROJECT: Applicant is seeking an amended site plan to expand its beer garden, utilize a food truck on the premises and host events in its parking lot.

APPLICANT/OWNER: Broken Bow Brewery

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

The Applicant, Broken Bow Brewery, has made application and has been approved by the Village of Tuckahoe's Zoning Board to amend its Special Permit to include ancillary uses of its manufacturing of beer and operating a tasting room. The ancillary uses approved by the Zoning Board include the expansion of the beer garden, the utilization of a high end food truck during the hours the tasting room is open and hosting a limited amount of events in its parking lot during the year. Once the Applicant received its approval from the Zoning Board for the ancillary uses this Board

then is charged with reviewing the application to confirm the uses comply with the site plan regulations.

This Board is in possession of the resolution passed by the Zoning Board detailing the ancillary operations and the multiple conditions imposed by the Zoning Board. It is clear from said resolution that the Zoning Board has taken a hard look at the impact the ancillary uses will have on the business and surrounding area. We are in agreement with the Zoning Board's approval and the conditions imposed by the Zoning Board on the Applicant.

Therefore, in applying the standards of 4-8.8 and 7-1 of the Zoning Code we find that the Applicant has satisfied the requirements for site plan as imposed by the Village's Zoning Code. Thus, the application for site plan is approved with the identical conditions as required by the Zoning Board.

Commissioner Gorman seconded the motion.

Discussion:

Commissioner Caliano noted that she was not in favor of this application:

- Food truck not permitted elsewhere in the village
- The legality of equal protection for others that seek the same approval
- Indefinite length of time – up to 5 complaints from residents or anyone in one year
- The Police Dept. and Building Dept. will keep a tally of complaints from residents and non-residents.
- Five complaints is too vague.
- 12 events are too many, it is Commissioner Caliano's opinion that the Brewery should have a trial period no longer than 2 years.

Commissioner Caliano noted that she anticipates legal issues and technical problems.

Upon roll call, the motion was carried with a vote of 3 – 1.

Item #3 Discussion Item: Exemption of basements from the FAR in single family Homes

Gary Gjertsen stated that the Village Board has a committee looking at the Zoning Code to make changes that would make life a bit easier for families with single-family homes. The FAR is the livable space in a home. The discussion involves finish basements and if that should be included in the FAR. The Village Board would like input while discussing this issue. This is only for single-family homes. It would encourage single-family homes the benefit of using the basement as a playroom. The construction of the playroom would be done legally instead of illegally. As it stands now, finishing a basement would increase the FAR and therefore the residents would have to apply for a variance to increase the FAR.

Bill Williams, Building Inspector, noted that the residents would not increase the footprint, only be permitted to finish the basement for recreational use. The residents would still need permits to finish the basement and all construction would be inspected to meet state code. Once inspected, the residents would receive a Certificate of Occupancy.

Commissioner Caliano noted her discontent with the process. She indicated that a public referendum should be held. She also noted that the members of the committee that will report to the Village Board should be made public. Commissioner Caliano referenced rezoning of Marbledale Rd. That process was not published enough and therefore the public was not fully informed. She added that if the single-family homes can now finish their basement, what is to prevent them from raising the roof to expand the living space. It was Commissioner Caliano's opinion that the village would lose its quaint flavor. She stated that the context, scale and proportion are not understood in this village. She noted 100 Main St. was built to an incorrect scale. She is against buildings that do not fit. Enforcement must be uniform and universal and who will enforce this and review the compliance?

Gary Gjertsen noted that the code is clear. Finished basements in single-family homes count in the calculation of the FAR. The Village Board is seeking to review this code.

Commissioner Caliano noted that the only way to correct this is to have a public referendum.

Bill Williams noted that in 2007 there was no FAR. All changed in 2007.

He is not sure how many houses fall under the category and could opt to do this. Many basements are below grade and do not have the proper egress. Egress is covered in the state code and the basement cannot be finished if does not have the proper egress. He added that the Town of Eastchester and most towns in the country do not include the basement in the FAR.

Gary Gjertsen noted that the Board could still discuss this next month. Any questions or input can be emailed to Gary Gjertsen or Bill Williams.

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.