

March 11, 2015
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present:	Ronald Gallo	Chairperson
	John Palladino	Member
	David Scalzo	Member
	Janice Barandes	Member
	Tom Ringwald	Member

Also in Attendance:

Gary Gjertsen	Village Attorney
Bill Williams	Building Inspector
Frank Fish	Village Consultant

Pledge of Allegiance

Chairman Gallo welcomed the newest member to the Board, Tom Ringwald. Member Ringwald is a longtime resident of Tuckahoe.

Member Ringwald stated that it was a pleasure to serve the community and noted that he was already learning quite a lot.

Each member of the Board welcomed Tom.

Chairman Gallo announced the agenda of this meeting as follows:

<u>Item #1</u>	Approval of minutes from the February 4, 2015 Regular Meeting
<u>Item #2</u>	73 Main Street
<u>Item #3</u>	100 Main Street
<u>Item #4</u>	50 Columbus Ave
<u>Item #5</u>	56 Underhill Street
<u>Item #6</u>	10 Fisher Ave.
<u>Item #7</u>	93-95 Main Street
<u>Item #8</u>	32 Pleasant Place
	Area Variance
	Return
	Adjourned
	Adjourned
	Adjourned
	Adjourned
	Adjourned

Item #1 **Approval of minutes from the February 4, 2015 Regular Meeting**
Chairman Gallo motioned to approve the minutes from the February 4, 2015 meeting, was seconded by Member Scalzo and upon roll call was carried 4 – 0, with Member Ringwald abstaining.

Item #2 73 Main Street**Area Variance**

Mr. Leonard Brandes, architect for the applicant, indicated that the applicant seeks to open up a Subway sandwich shop at this location. The zoning code requires 4 parking spaces for this site. He is requesting a variance for two parking spaces. The applicant was able to secure a lease for two parking spaces in the lot next door.

Bill Taylor, representative from Subway, noted that the franchise has done extensive research for this location. The main attraction to this site was the foot traffic. The proximity to the railroad station, the medical buildings and the various apartment buildings was all factored into the decision. The hours of operation would be from 10:00am to 10:00pm.

Member Scalzo voiced his concern regarding the parking, as Main St. is very congested. High School students will patronize this Subway and would drive to the location.

Mr. Taylor noted that he was not anticipating vehicle traffic, just foot traffic. Subway shops are for convenience, not a destination eatery. There are only 8 seats in the shop for customers.

Member Barandes noted that Subway would not have chosen this location if there were not enough foot traffic. The parking issue would not cause a failure to this shop.

Member Ringwald added that there is a similar situation in the Village of Mamaroneck. The Subway shop has a High School nearby and it has been successful for many years.

Member Palladino asked about the truck deliveries and garbage pickup.

Mr. Brandes noted that the deliveries could be done at night or early morning. The garbage will be stored in the rear of the building and will use the Village garbage pickup.

Member Ringwald suggested that the applicant supply trash cans outside the store for patrons to place their garbage.

Gary Gjertsen, Village Attorney, asked the applicant to supply the Building Dept. with a copy of the lease for the two parking spaces.

Frank Fish, Village Consultant, stated that the Board of Trustees has zoned this area for retail establishments. This particular establishment may produce slightly less traffic than another retail use. The Mamaroneck example is a little different as there is plenty of parking in the rear of the buildings. There is however, a Subway sandwich shop on Post Rd. that has been quite successful and there is not ample parking there. There will be vehicle traffic from the High School students, but not anymore than for any other permitted use.

Chairman Gallo motioned to open the public hearing, seconded by Member Barandes and unanimously carried by the Board.

Public Comments

Albert Stern 14 Westview, stated that the Village character is being lost in the pursuit of tax money. This is a chain store. Eastchester and Bronxville do not allow chain stores. There will be a loss of revenue to the local sandwich shops, such as Nicky's deli. The fast food chains would cheapen the retail stores.

Mrs. Angelillo, owner of 84 - 88 Main St., noted that she agrees with Mr. Stern's comments. The parking issue is a real concern. Tuckahoe is an upscale community and Subway is a franchise.

Member Palladino indicated that some very good points were made, but they should be addressed to the Board of Trustees, as they are the only Board that can change laws. This Board must follow the Zoning Code. This location is approved for this application.

Mr. Gjertsen stated that the applicant is requesting an area variance for two parking spaces. That is the only matter before the Board. The Board is to vote on that matter only.

Chairman Gallo agreed with Member Palladino. This Board does not change laws. Laws are made by elected officials. These concerns must be brought to the Board of Trustees. Should the Board leave empty stores and wait until a tenant appears that may not need a parking variance? The Village of Tuckahoe already has franchise establishments, Starbucks, Carvel and Hertz, which may move to Marbledale Ave. These are Triple A tenants.

Nathan Jackson, resident, voiced his concern regarding the parking situation. Should the Board just accept the Subway's spokesperson word that they rely mostly on foot traffic and that they are not anticipating vehicle traffic? He added that if the applicant was granted a two parking space variance and the large apartment complex that is being proposed gets a parking variance, where is everyone going to park? Why not ask the applicant to try to lease two more parking spaces?

Member Scalzo noted that a decision has not been made. Traffic studies are required for big projects.

Member Barandes added that tenants have to be viable. Subway did their research and they are a successful operation, the success will help other stores. What they are asking for is not unreasonable.

Chairman Gallo motioned to keep the public hearing open, was seconded by Member Palladino and carried with a vote of 5 – 0.

Item #3 100 Main Street

Return

Les Maron, attorney for the applicant, MC Equities, LLC., noted that the applicant made a complete presentation on Feb. 4, 2015. Mr. Williams contacted the applicant with revisions to the plans. The applicant also accepted recommendations from Frank Fish. The gym and the community room on the fourth floor have now been eliminated from the proposed plans. This allows for a reduced variance. It will also lower the front facade as the remaining portion of the fourth floor will be set back to the rear of the building. The ground floor and retail space have been decreased in size. The depth of the first floor retail area has been reduced to 9 ft. This

reduction will allow for four additional parking spaces, which will be tandem spaces. The reduction to the plans lowers the FAR, lowers the parking requirement and allows for additional parking spaces. The original plans parking space requirement was 66 spaces, the plans provided 33 spaces. The revised plans require 54 parking spaces, the plans provide 37 parking spaces. This is a reduction of the variance from 50% to 32%. The FAR was reduced from 1.92 to 1.83, which includes in its calculations all the mechanical space throughout the building, as this building does not have a basement. The proposed plans are for 20 units – 7 one bedroom, 5 two bedroom, 6 three bedroom, and 2 four bedroom for a total of 43 bedrooms. There will be 37 parking spaces with the four tandem spaces reserved for the 3 and 4 bedroom units. The Planning Board recommended that the parking spaces measure 9ft. by 18 ft. with the tandem spaces 15ft. in length. The Planning Board also requested a 6ft. sidewalk along Terrace Pl. The fourth story will not look like a fourth story as it will be set back quite a bit from the road, and it does not exceed the height requirement.

Mr. Maron also requested a Special Use Permit for the Business/Residential building for 2642ft. of retail space and 20 residential units.

Mr. Maron submitted photos taken two nights ago at 9:00pm to show the ample parking available near the site. This building is close to the railroad so residents may not need two vehicles.

Gary Gjertsen noted that Trustee Alfasi is forming a committee to review the Zoning Code and make revisions.

Mr. Chris Crocco, architect, noted that the original office space on the ground floor has been eliminated to create 4 tandem parking spaces. A wall will sit 9 ft. in so as to maintain a small retail/office space. The second and third floors remain unchanged. The fourth floor plans are to eliminate the community room and gym. This will decrease the FAR. The stairwell will stay as planned. The elevation has some changes with a peaked four-sided dormer for the stairwell. The building's front façade will look like a three story building.

Public Comments

Mike Brown 4 Henry Street, stated that the traffic in the morning is horrendous. The photos submitted by Mr. Maron are from 9:00pm, he requested that photos be taken at 9:00am. He voiced his concern that parking on the side street for residents will be extremely stressful. He also voiced his concern regarding the impact on the school system.

Frank Fish, Village Consultant, stated that it was his experience and studies done by Rutgers University, that a 20 unit building like this one will generate 5 – 6 children. Single-family houses generate the most amount of children. He noted that these studies compare condos, coops and rental units. He will make them available to the residents by submitting copies to Bill Williams.

Lisa Brown 4 Henry St. asked what would happen to the units if they are not rentable. She asked if they would be Section 8 or subsidized.

Member Barandes noted that this is a healthy rental market. Rental properties are in high demand. The building will be luxury apartments located close to the Metro North. The Midland Ave.

buildings are mostly one and two bedroom units and the projection for school-aged children is approximately 6 – 7 students.

Nathan Jackman Gifford St. noted that this is a brand new building, which has been designed, too big. It is overbuilt and overdesigned. The applicant knowingly over built and then requests relief for parking. Mr. Jackman suggested the applicant reduce the number of units to fulfill the required parking spaces.

Anthony Fury, Midland Place, voiced his concern regarding the plans to make Terrace Place a two-way street half way up the hill.

Jon Lambert, 43 Terrace Place, owner of the house directly behind the property, voiced his concern regarding the parking situation. If Terrace Place becomes a two way, a few parking spaces will be lost.

Mrs. Angelillo, owner of the building next door to this proposed building, wants retail space to flow through Main St. She noted that the Master Plan aims for the continuation of retail. She added that she and her husband were not happy to see revised plans. She would like the new plans so that she could have someone review them and advise her.

Gary Gjertsen reminded the Board that they are instructed to apply the Five Prong test to the application.

Frank Fish noted that the proposed plan to make Terrace Place a two-way street half way up the hill was presented to the Board of Trustees and the Police Chief. They are aware of the proposed traffic pattern.

Chairman Gallo stated that the applicant can build 'As of Right' and the parking situation is what it is. Any owner has the right to build. We are trying to work with the applicant to have less of an impact as possible. Chairman Gallo cited the Rivervue project and noted that when that was being presented many years ago the residents were very worried about the luxury apartments. The Rivervue has very few school-aged children that reside in the building.

Nathan Jackman Gifford St. noted that this building could possibly be there for the next 100 years, and therefore, the residents will have a 100-year parking issue.

Frank Fish cited his Jan. 30, 2015 memo, which states that this building as planned will provide enough parking spaces for future residents.

Member Barandes noted that the Village wants to attract high-end developers and the Board needs to make it desirable to build here.

10:10 Chairman Gallo motioned to Executive Session, seconded by Member Barandes and carried unanimously by the Board.

10:15 Board resumed meeting.

Chairman Gallo stated that the applicant has not submitted a final set of plans; therefore, the public hearing will remain open so that the public can address the final set of plans.

Chairman Gallo motioned to keep the public hearing open, seconded by Member Barandes and was carried with a vote of 5 – 0.

Item #4	50 Columbus Ave	Adjourned
Item #5	56 Underhill Street	Adjourned
Item #6	10 Fisher Ave.	Adjourned
Item #7	93-95 Main Street	Adjourned
Item #8	32 Pleasant Place	Adjourned

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.