

November 10, 2008

TUCKAHOE PLANNING BOARD – Special Meeting
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Chairwoman Ann Marie Ciaramella
Commissioner James Vaughan
Commissioner Melba Caliano
Commissioner Antonio Leo

Absent: Commissioner Raymond Nerenberg
Commissioner Eric Fang

Also in Attendance:

John Cavallaro Village Attorney
Bill Williams Building Inspector
Frank Fish Village Consultant
James Pinto Village Consultant

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1 25 Main St. Site Plan Approval
Item #2 146, 150, 160, 233 Main St. Site Plan Approval

Item #1 25 Main St. Site Plan Approval

Ms. Borducci stated that there was an agreement between the Village of Tuckahoe and Metro North regarding the parking spaces. She also noted that a letter has been submitted by the Historical Society regarding the status of the building.

John Cavallaro, Village Attorney, noted that the Village has received a 'no objection' letter from Metro North regarding the conversion of 21 long term metered parking spaces to short term metered spaces. The spaces have not been determined as of yet and will be by the Police Dept. The 21 spaces are not reserved for the project, just to accommodate any potential patrons. The spaces will be short term (2 – 4 hours) for use by non commuters.

Commissioner Leo motioned to propose the following Resolution:

VILLAGE OF TUCKAHOE PLANNING BOARD
VILLAGE OF TUCKAHOE, NEW YORK

In the Matter of the Application of

Solar Electric Systems, Inc.,

25 Main Street, Tuckahoe, New York,

Applicant.

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

Background and Findings of Fact

The Applicant, Solar Electric Systems, Inc., is the record owner of the premises commonly known as 25 Main Street, Tuckahoe, New York (the “Premises”). The Premises is located in a Business zoning district.

A. Nature of the Application

The Premises is adjacent to the north side of the Main Street Bridge in the downtown Village and is adjacent to the Metro-North Railway (the “Railway”) on its easterly boundary. The Main Street Bridge contains two lanes of traffic per direction, sidewalks and provides vehicular and pedestrian access across the Railway. The Premises principally consists of on-site parking spaces and a multi-story building.

The Applicant proposes to develop the existing building on the Premises such that it will be utilized for retail uses on its lower floor and office uses on its upper floors. The Applicant also proposes to construct a pedestrian pathway running from the north side of the Main Street Bridge, over the Rail Way and accessing the Premises, which will provide easier, safer access for pedestrians on the Main Street Bridge to the Premises. (collectively, the “Project”). The entry to the pathway over the Rail Way will be near the center of the Main Street Bridge and will be approximately nine (9) feet six (6) inches wide. The pathway will be supported by concrete-steel pillars and its sides will be closed off to prevent the accumulation of debris under the pathway and/or its ramp. All sides of the pathway will be covered and its roof will feature a canopy of translucent panels providing natural lighting for the pathway and allowing pedestrians to observe the architectural and/or aesthetic features of the nearby buildings. The pathway will also contain railings on both sides for pedestrian safety. Overall, the Project will not appreciably affect the intensity of uses on the Premises, pedestrian and vehicular traffic, or the character and quality of the surrounding neighborhood.

B. Planning Board Proceedings

An application was filed with the Planning Board for site plan approval. The Project architect, Peter Gaito, has appeared before the Planning Board and submitted pictures of the Premises, proposed Project plans and other supporting

documentation outlining the nature of the Project's proposed site plan. The Planning Board met on several dates and convened at several public meetings as reflected in its minutes to consider and hear this application. In particular, the Project's design considerations and site plan were extensively deliberated by the Planning Board at public meetings held on June 24, 2008 and September 23, 2008. In connection with its application for site plan approval, the Applicant offered supporting documentation to the Planning Board including, but not limited to the Project's site plan, surveys, drawings, materials, renderings, elevations, sketches, studies and environmental assessment form(s) as required by the Planning Board.

The following issues were identified and/or extensively deliberated before the Planning Board: (i) existing conditions affecting the Project; (ii) neighborhood and community character; (iii) pedestrian and/or traffic conditions; (iv) environmental site assessment; (v) Project height, scale and aesthetic impact; (vi) ingress and egress to the Premises via the pathway, and other issues concerning the Project and the surrounding neighborhood and community. The Planning Board has conducted a thorough, calculated review of the proposed site plan and related issues for the Project.

To grant site plan approval for the Project, the Planning Board was required to consider all of the purposes and goals set forth in the Zoning Ordinance. In doing so, the Planning Board reserves the authority to impose conditions on a project to ensure full compliance with the letter and spirit of the Zoning Ordinance. *See Zoning Ordinance § 7-1.4.* The Planning Board strictly adhered to this level of review.

i. Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site.

Peter Gaito, the Project architect, presented and discussed vehicular and pedestrian traffic circulation within and without the site before the Planning Board. The Premises contains adequate on-site parking for vehicular traffic when coupled with the available parking spaces at the Lake Avenue parking lot. Also, the bulk and scale of the building on the Premises will remain unchanged. There has been no evidence presented to the Planning Board that pedestrian and/or vehicular traffic volume and circulation to the Premises will appreciably change.

The pathway will provide safer access for pedestrians to the Premises from the Main Street Bridge, which will reduce pedestrian traffic and congestion along Main Street. Although the Project will have no direct impacts on vehicular traffic to and from the Premises, any reductions in pedestrian traffic along Main Street and nearby the Premises will improve vehicular traffic in and around the Premises. The pathway's design and impacts will reduce pedestrian congestion along Main Street creating better, safer accessibility to the Premises for pedestrian and vehicular traffic.

ii. **The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.**

As it is proposed, the Project represents a minimal intrusion on the existing environment and aesthetic of the neighborhood. Neither the exterior façade nor major structural alterations are required on the existing building on the Premises to facilitate to achieve the Project's goals. Simply put, the space within the existing building on the Premises will be reorganized and/or reconfigured to accommodate multiple uses. The pathway's size will neither be imposing nor will it appear out of scale with the Main Street Bridge or the Premises. Because the pathway will be enclosed on its sides and bottom, its design will prevent and/or mitigate the accumulation of debris and materials underneath of it.

The existing building's profile and character will remain entirely unchanged. None of the uses for the existing building on the Premises will cast any negative effects on the environment or the neighborhood. The pathway will feature a transparent canopy allowing natural light to enter and reducing its overall aesthetic impact. There is no further evidence or data before the Planning Board suggesting that the Project will affect environmental quality or property values in the area in any other respects. Hence, the Project adequately protects environmental quality in addition to preserving and enhancing property values in the neighborhood.

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iii. **Building quality and overall site design that enhances and protects the character and property values of the neighborhood.**

The Project intends to utilize the existing building on the Premises for the higher and better uses, which will improve the value of the Premises and enhance the surrounding community. Providing retail and office uses in the existing building on the Premises will increase the economic viability of the neighborhood and promote development along the downtown Main Street corridor, which is a goal set forth in the Village's Comprehensive Plan. The pathway's design is intended to provide pedestrian access from Main Street, a major conduit in the Village, to the Premises without casting any negative effects on the neighborhood and/or community.

The Project's site plan will help to foster better pedestrian access and circulation to busy areas of the downtown Village experiencing increased vehicular traffic, circulation and/or congestion. The Project will foster and enhance the development of a walk concept and a pedestrian system in the Village, which is consistent with the goals set forth in the Section 9.1 of the Comprehensive Plan.

The Project's direct and indirect effects are consistent with the Village's land use patterns and goals, which will help to promote the highest and best uses of real property within the Village. The Project will contribute improved architectural,

aesthetic, environmental, economic and quality of life impacts on the surrounding neighborhood and community. These are certainly enhancements and protective measures that will improve the character and property values in the Village.

Conclusions of Law

Based on the submissions and testimony before the Planning Board, the Applicant has adequately satisfied the standards for granting site plan approval that are enumerated in Section 7-1.5 of the Zoning Ordinance. The Project's site plan is designed such that it fully accommodates and minimizes the effects of any increases in vehicular and/or pedestrian traffic to the Premises. Both the studies conducted and the testimony before the Planning Board adequately support that the Project's site plan, as proposed herein, will meet and/or exceed the Zoning Ordinance's requirements for vehicular and pedestrian traffic safety.

Additionally, the evidence submitted to the Planning Board fully supports that the Project will maintain and/or enhance environmental quality in the neighborhood. The Project's site plan and its overall quality will foster significant aesthetic, economic and community enhancement among other positive effects. These proposed effects are consistent with the Zoning Ordinance's site plan regulations and the goals set forth in the Village's Comprehensive Plan. As such, the grant of site plan approval for the Project is justified both in fact and in law.

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 herein are reasonable conditions imposed on the Applicant in an effort to make the Project harmonious with the Village's laws and ordinances, in addition to reducing any negative environmental effects from the Project. The following conditions are applicable to and binding on the Project:

(i) during all phases of construction of the Project, the Applicant shall provide and/or maintain access to the surrounding public sidewalks for the benefit of passersby and pedestrian traffic;

(ii) any deviation(s) by the Applicant from the application as presented and submitted to the Planning Board, the site plan, other plans, drawings and/or renderings, and/or this approval with conditions shall be deemed a violation this site plan approval, subjecting the same to revocation or such other remedies as the Village deems appropriate. Any deviations shall require the further approval of the Planning Board;

(iii) during all phases of construction and upon completion, the Applicant shall undertake all measures to ensure that no adverse environmental effects shall result from the Project affecting the Premises or any other neighboring or adjacent lots; and

(iv) each of the foregoing conditions shall be satisfied at the applicant's sole cost and expense.

Conclusion

Based on the foregoing, it is resolved that site plan approval be 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 the New York Civil Practice Law and Rules.

Dated: Tuckahoe, New York
November 10, 2008

Anne Marie Ciaramella
Planning Board Chairperson

Commissioner Caliano seconded the motion.

Discussion: Commissioner Vaughan noted that there was no mention of the 21 short term metered spaces in the resolution.

John Cavallaro, Village Attorney, added a 5th condition to the above resolution:

(v) The conversion of 21 long term parking spaces to short term spaces, not designated or reserved for the project. The Village has received an approval from Metro North in the form of a letter dated Oct. 22, 2008, for the conversion of 21 long term metered spaces to short term metered spaces.

Motion was carried unanimously with a vote of 4 – 0.

The applicant will return for the Architectural Review.

Item #2 146, 150, 160, 233 Main St. Site Plan Approval

Mr. Norman Cox, architect for the applicant, submitted drawings of the lighting, walls and fences. The sidewalk street lights will be the same design as the Main St. lamps. The lights on Midland will be decorative fixtures with an arm, which will be displayed during the Architectural Review. Most lights will be mounted to the buildings to provide illumination downwards on the sidewalk. The lights on the buildings would vary as per location, each will be glare free and pointed down. The lights are not intended to illuminate the building rather to shine light on the sidewalk. Pole mounted, free standing lights will be placed in the parking lots. There will be recessed step or walk lights placed on the stonewall on Winterhill, pathways, entrances to the buildings, parking garages and terrace areas. Utility lighting will be placed at the roof access doors, which will be normally turned off except when needed.

Commissioner Vaughan requested lighting to be placed on the ramp to the upper building on Midland. He also recommended up lighting in the garden on Main St.

Mr. Cox reviewed the fences and walls. There will be a new decorative steel picket fence in the rear. The existing fence will be repaired and painted. This fence is owned by the Tuckahoe Housing Authority and measures approximately 12 -13 ft. high. The plan will be to plant bushes in front of the fence to break it up. Bushes will also be planted in front of the parking lot to provide a buffer. There will be a low stone face wall along Midland Pl. and Winterhill Rd. A low retaining wall with stone face and a concrete cap will be at the entrance of 233 Main St. The height of the retaining walls will be discussed during the Architectural Review.

Commissioner Caliano motioned to propose the following Resolution:

VILLAGE OF TUCKAHOE PLANNING BOARD
VILLAGE OF TUCKAHOE, NEW YORK

In the Matter of the Application of

Mirado Properties, Inc., Dorami Realty
of New York, Inc. and Midora Corp.,

Premises: 146, 150 and 160 Main Street
and 233 Midland Avenue, Tuckahoe, New York,

Applicants.

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

Background and Findings of Fact

The Applicants are the record owners of the premises commonly known as 146, 150 and 160 Main Street and 233 Midland Avenue, Tuckahoe, New York, and known on the tax map of the Village of Tuckahoe (the "Village") as Section 29, Block 4, Lots 1, 3-8, 13, 17, 33, 36, 39 and 40 and Section 29, Block 9, Lots 1 and 25 (the "Premises"). The Premises are located in a Business/Residential zoning district and consist of approximately 2.4 acres of land (103,863 square feet).

A. Nature of the Application

The Premises consists of three separate lots on which several buildings and/or parking facilities will be constructed and utilized for mixed commercial and residential uses. On 146 Main Street, an existing two story industrial building will be converted to a residential building with two dwelling units. Additionally, two underground garages having a total of four parking spaces are proposed. On 150 Main Street, approximately 18 residential units and 18,500 square feet of commercial space are proposed within a three story mixed used building to be constructed. The commercial space will be split among two floors with 5,600 square feet on the ground floor and 12,900 square feet above. This proposed building will provide approximately 53 on-site parking spaces, with 24 being at-grade level and 29 subsurface parking spaces located below the building.

At 160 Main Street, the Applicants propose a four story residential apartment building that will house 55 dwelling units. The proposed residential building to be constructed at 233 Midland Avenue will house 15 dwelling units, each having a balcony and patio. Parking demands for both buildings will be served by an automated parking facility to be constructed at

a level lower than that of the proposed building at 233 Midland Avenue and behind the proposed building at 160 Main Street. The 45 foot natural grade near the proposed building for Midland Avenue and the cover provided by the two buildings will adequately screen the parking facility from view.

B. Relief from the Zoning Ordinance

To achieve their development goals for the Premises, the Applicants sought a special use permit from the Village of Tuckahoe Zoning Board of Appeals (the “Zoning Board”) allowing them to utilize the Premises for residential and commercial uses as it is currently situated. In addition, the Applicants sought relief from the Village Zoning Ordinance with respect to the following issues: (i) number of stories; (ii) floor area ratio (“FAR”); and (iii) building height. The scope of the relief required through the use of area variances was as follows:

	Required	Proposed
Floor Area Ratio:		
160 Main Street/233 Midland Avenue	1.2	1.48
Height (ft.):		
160 Main Street	42	43’ 9”
Stories:		
160 Main Street	3	4
Parking (total residential and commercial):		
150 Main Street	129	53
160 Main Street	140	216

After conducting public hearings and extensively weighing the proposed benefits against the burdens of granting the above relief, the Zoning Board arrived at the well reasoned determination that the relief requested by the Applicants would have no appreciable effects on the community. Additionally, the relief requested was found to be consistent with the pattern of uses and development in the area. Thus, in its March 12, 2008 resolution, the Zoning Board granted the relief requested by the Applicants in its entirety.

C. Planning Board Review

An application was filed with the Planning Board by the Applicants’ representatives, William S. Null, Esq. of Cuddy and Feder, LLP and by AKRF Environmental and Planning Consultants (“AKRF”), for approval of a site plan for the Premises. The Applicants’ architect, Norman Cox, also appeared at Planning Board meetings to discuss the nature and scope of the Project. The Planning Board met on several dates and convened at several public meetings as reflected in its minutes to consider and hear this application. In particular, the proposed site plan and review of the Project were extensively discussed at Planning Board meetings held on September 17, 2007, October 15, 2007, December 17, 2007, January 29, 2008 and May 27, 2008.

William S. Null, Esq. and AKRF, among other parties, represented and spoke on behalf of the Applicants at the above meetings. The Project's environmental effects, benefits to the Applicants, potential burdens on the community and the nature and scope of the Project, among other issues, were extensively discussed and deliberated before the Planning Board and the interested public. At its October 15, 2007 regular meeting, the Planning Board declared itself the Lead Agency under the State Environmental Quality Review Act ("SEQRA") for review of the Project.

In connection with its application for site plan approval, the Applicants offered supporting documentation to the Planning Board including, but not limited to the Project's site plan, surveys, drawings, materials, renderings, elevations, sketches, studies and environmental assessment form(s) as required by the Planning Board. The Project's design, physical dimensions, layout and uses were extensively discussed before the Planning Board and through written submissions and a three-dimensional computer generated depiction of the Project.

The following issues were identified and/or extensively deliberated before the Planning Board: (i) existing conditions affecting the Project such as land use, neighborhood and community character, public policy, community facilities and emergency services; (ii) traffic conditions; (iii) parking accommodations and considerations; (iv) pedestrian conditions; (v) environmental site assessment including analysis of hazardous materials, flooding, storm water mitigation, underground storage tanks, existing and proposed topography and sewerage; (vi) building height, scale and aesthetic impact; (vii) ingress and egress to the premises; (viii) potential nuisance; (ix) the Project's compatibility with the Village's Comprehensive Plan; (x) solid and/or hazardous waste generated, if any, and other issues relevant to the planning process. The Planning Board has conducted a thorough, calculated review of the proposed site plan and related issues for the Project.

To grant site plan approval for the Project, the Planning Board was required to consider all of the purposes and goals set forth in the Zoning Ordinance. In doing so, the Planning Board reserves the authority to impose conditions on a project to ensure full compliance with the letter and spirit of the Zoning Ordinance. *See Zoning Ordinance § 7-1.4.* The Planning Board strictly adhered to this level of review.

A. *Safe, adequate and convenient vehicular and pedestrian traffic circulation both within and without the site.*

In connection with the site plan approval process, AKRF submitted and discussed the findings of a traffic impact study performed for the Project. The traffic impact study analyzed and discussed the following non-inclusive list of issues as they relate to the Project: (i) existing site conditions at or near the Premises; (ii) signalized and unsignalized intersection capacity analysis with supporting methodology; (iii) existing traffic conditions and volume in and around the Premises; and (iv) Projections and supporting analysis concerning future traffic volume in the area with or without the proposed development.

AKRF's traffic impact study contemplates the Project's effects on both vehicular and pedestrian traffic patterns. Both AKRF and William S. Null, Esq. appeared before the Planning Board at several meetings discussing the relative benefits and burdens associated with the Project in this respect. Mr. Null discussed, among other issues, the requirements, design and potential impact of the proposed parking for the Project at the September 17, 2007 Planning Board meeting. The adequacy and proposed improvements to the existing sidewalks near the Premises in connection with the Project were extensively discussed at the Planning Board's May 27, 2008 regular meeting.

Additional traffic considerations and alternatives were discussed by Mr. Null before the Planning Board at its January 29, 2008 meeting. All feasible traffic alternatives for the Project were analyzed and discussed in the traffic impact studies submitted to the Planning Board. Both the design and proposed impacts of the Project's traffic and parking plans support that the site will contribute to safe, adequate and convenient vehicular and pedestrian circulation.

B. The protection of environmental quality and the preservation and enhancement of property values in the neighboring area.

At the September 17, 2007 Planning Board meeting, Norman Cox, the Project architect, extensively discussed the Project's minimal environmental impacts and proposed enhancements to the surrounding community. In particular, the Project will utilize high-quality materials, an aesthetically pleasing "green roof", geothermal systems, buried utility lines servicing the Premises, and a fully-automated, efficient parking system on the Premises. These factors, among others, adequately support the Project as being a neighborhood enhancement with a minimal profile of environmental effects for a project of its nature and scope.

Additionally, the Project features technological and aesthetic considerations consistent with the Village's Comprehensive Plan and environmental goals for developing real property. The Planning Board received and considered an environmental assessment form ("EAF") submitted by the Applicants addressing all potential environmental effects from the Project.

Despite issues raised such as runoff, impervious surfaces, hazardous materials and other environmental issues, the Planning Board had sufficient evidence before it justifying its Negative Declaration under SEQRA. The Project is a significant, yet minimally imposing neighborhood enhancement. There is no evidence or data before the Planning Board suggesting that the Project will affect environmental quality or property values in the area.

C. Building quality and overall site design that enhances and protects the character and property values of the neighborhood.

The Project has been designed such that it incorporates and blends into the surrounding neighborhood and environment, rather than casting an imposing presence on adjacent lots. The Project's design and materials are consistent

with the neighborhood and community aesthetic, which consist of different zoning districts in close proximity utilizing business, residential and mixed use buildings. The Project's buildings will employ architectural and design considerations that are consistent with other nearby mixed use zoning districts and recent development.

The Project will utilize the natural terrain and slope of the Premises to offset the bulk and size of the proposed buildings and parking facilities. The buildings on the Premises will have a lower elevation relative to adjacent roadways and will be adequately set back to minimize the Project's impact on the neighborhood and its scale. The Applicants will ensure that the Project will generate no net increases in runoff and will avoid any appreciable environmental effects on the Premises or neighboring lots. Thus, the Project will cast no net effects on the physical environment while utilizing and incorporating the natural terrain and vegetation on the Premises.

The Project will contribute improved architectural, aesthetic, environmental, economic and quality of life impacts on the surrounding neighborhood and community. This development is consistent with existing mixed use development in the Village.

Conclusions of Law

Based on the weight of the submissions and testimony before the Planning Board, the Applicants have adequately satisfied the standards for granting site plan approval that are enumerated in Section 7-1.5 of the Zoning Ordinance. The Project's site plan is designed such that it fully accommodates and minimizes the effects of any increases in vehicular and/or pedestrian traffic to the site. Both the studies conducted and the testimony before the Planning Board adequately support that the Project's site plan, as proposed herein, will meet and/or exceed the Zoning Ordinance's requirements for vehicular and pedestrian traffic safety.

Additionally, the evidence submitted to the Planning Board fully supports that the Project will maintain and/or enhance environmental quality in the neighborhood. As proposed, the Project's site plan will foster significant aesthetic, economic and community enhancement among other positive effects. These proposed effects are consistent with the Zoning Ordinance's site plan regulations and the goals set forth in the Village's Comprehensive Plan. As such, the grant of site plan approval for the Project is justified both in fact and in law.

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 herein are reasonable conditions imposed on the Applicants in an effort to make the Project harmonious with the Village's laws and ordinances, in addition to

reducing any negative environmental effects from the Project. The following conditions are applicable to and binding on the Project:

(i) during all phases of construction of the Project, the Applicants shall provide and/or maintain access to the surrounding public sidewalks for the benefit of passersby and pedestrian traffic;

(ii) any deviation(s) by the Applicants from the application as presented and submitted to the Planning Board, the site plan, other plans, drawings and/or renderings, and/or this approval with conditions shall be deemed a violation of this site plan approval, subjecting the same to revocation or such other remedies as the Village deems appropriate. Any deviations shall require the further approval of the Planning Board;

(iii) all of the requirements and recommendation set forth in letters and/or memorandum from EEA, Inc. to the Planning Board with respect to any environmental remediation, hazardous materials, solid and/or hazardous waste and/or remaining due diligence required on the above referenced real property, annexed hereto and made a part hereof, shall be incorporated by reference into this site plan approval with conditions, and the Applicants shall adhere to the same as conditions of approval.

(iv) during all phases of construction and upon completion, the Applicants shall undertake all measures to ensure that “no net increase” in storm water runoff will be generated by the Project, storm water quality treatment and erosion control measures are undertaken in conformity with the findings and recommendations submitted by AKRF during the site plan review process and the Westchester County Planning Board recommendations for the Project;

(v) the necessary off-street and onsite parking spaces required for the Project are provided in conformity with the Findings of the Village Zoning Board of Appeals, dated March 12, 2008;

(vi) traffic control signage and pedestrian warning systems for vehicular access to and egress from the site must be included in any subsequent designs reports and provided for the Project;

(vii) the Project shall consist of no more than ninety (90) residential units;

(viii) all hazardous materials and commitments shall be strictly observed as they are outlined in the August 18, 2008 letter from Phillip Raffiani to Anne Marie Ciaramella, the Planning Board Chairperson, before a certificate of occupancy may be granted for any buildings on the Premises;

(ix) the Applicants shall execute and maintain a copy of any service, maintenance and/or repair contracts with the manufacturer of the automated garage elevator systems including, as a condition, that such service, maintenance and/or repair services be made available at all times (24 hours per day for 365 days per year);

(x) an annual inspection with all accompanying maintenance records shall be submitted to the Village's Building Department, as the inspection agency for the garage elevator systems, annually outlining the condition and status of the garage elevator systems on the Premises; and

(xi) each of the foregoing conditions shall be satisfied at the Applicants' sole cost and expense;

Conclusion

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

Dated: Tuckahoe, New York
November 10, 2008

Anne Marie Ciaramella
Planning Board Chairperson

Commissioner Vaughan seconded the motion.

Discussion: Mr. Jim Pinto, Village Engineer, reviewed a memorandum he submitted to the Planning Board dated Nov. 14, 2007, stating the following recommendations. He requested that these recommendations be added to the resolution as conditions.

- (xii) A certified survey prepared and stamped by a licensed engineer or land surveyor must be included as part of the Planning Board submission for final approval. Storm and sanitary values generated by the site development must be reviewed and approved by Rothfeld Engineering.
- (xiii) A design report demonstrating that there is a zero increase in the rate of storm water runoff including the field testing and design justification for the storm water recharge system must be submitted. Traffic control signage and pedestrian warning systems for vehicular access to and egress from the site must be clearly indicated on the plans.

Mr. Frank Fish, Village Consultant, indicated that all the conditions recommended by his office were included in the resolution.

Motion by Commissioner Vaughan to accept the conditions (xii) and (xiii) to be included in the resolution. Commissioner Caliano seconded the motion and was carried with a vote of 4 – 0.

Motion of resolution was carried unanimously with a vote of 4 – 0.

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 9:04pm.

