

July 26, 2012

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

Present: Chairperson Ann Marie Ciaramella
Commissioner Melba Caliano
Commissioner Tim Miller
Commissioner Antonio Leo
Commissioner Clare Gorman
Commissioner Sandy Reyes-Guerra (ad hoc)

Absent: Commissioner Raymond Nerenberg
Commissioner Eric Fang

Also in Attendance:

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

Chairwoman Ciaramella announced the evening's agenda as follows:

Item #1 150, 160 Main St. 233 Midland Ave. Amended Site Plan

Chairwoman Ciaramella offered the following resolution in the form of a motion in the matter of the application of Midora Corp./Glenmark Property, LLC, 150, 160 Main Street 233 Midland Avenue Tuckahoe, NY.

Background and Findings of Fact:

Midora Corp. is the record owner of the Premises commonly known as 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 and Lots 1, 3-8, 13, 17, 33, 36, 39 and 40 and Section 29, Block 9 and Lot 1 (the "Premises"). Midora Corp. and Glenmark Partners, LLC together are hereinafter referred to as the "Applicant". The Premises is located in a Business/Residential Zoning District and consists of approximately 2.26 acres of land, which is located on the south side of Main Street, nearby to one of the gateways to the Village.

A. The Current Nature of the Application:

The present application seeks to develop the Premises with 108 residential units and 3,500 square feet of commercial space. This development would consist of three buildings and would share off-street parking provided in a

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combination of service parking lots and a parking structure integrated into the design of two of the buildings and accessed off Midland Place. The parcel east of Midland Place would be developed with two buildings, 233 Midland Avenue and 160 Main Street. The parcel west of Midland Place would be developed with one building on the site of the former industrial building at 150 Main Street. The project, as revised, would consist of a total of 108 dwelling units (plus two units for 146 Main Street), 3,500 square feet of commercial space and 188 off-street parking spaces. 233 Midland Avenue would be a three-story apartment building. Pedestrian access would be from Midland Place with a secondary, private pedestrian access from Midland Avenue with vehicular access from Midland Place, only. Residents parking their cars in the parking structure would have direct access from the parking structure into 233 Midland Avenue. 160 Main Street would be a four-story residential apartment building with an address of 160 Main Street. Pedestrian and vehicular access would be from Midland Place, with parking provided in a 138-space parking structure. The parking structure would include one level of above-ground parking and one level of below-ground parking. 160 Main Street and 233 Midland Avenue together will contain seventy-eight (78) dwelling units. 150 Main Street would be a three-story building (except for a small portion thereof above the residential lobby that rises to four-stories) containing 30 dwelling units and 3,500 square feet of commercial space in the ground floor fronting on Main Street. Off-street parking would be provided in an at-grade parking area containing nineteen (19) spaces) and thirty-one (31) spaces below the building, all of which would be accessed off Midland Place. The Applicant seeks amended site plan approval for this project from the Tuckahoe Planning Board.

B. Relief From the Zoning Ordinance:

To achieve their developmental goals for the project, the Applicant 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 uses in the Business/Residential Zoning District. In addition, since the inception of the project, the Applicant sought relief from the Village Zoning Ordinance with respect to the following issues: (i) increase in the number of stories from three (3) to four (4) for 160 Main Street and a portion of 150 Main Street; (ii) an increase in the allowable floor area ratio (“FAR”) from 1.2 to 1.48; (iii) a variance to permit parking on an adjacent lot; (iv) an area variance to permit residential uses on the ground floor in the Business/Residential Zoning District; (v) an area variance to increase building height to 43’9”; (vi) a parking variance for 150 and 160 Main Street and 233 Midland Place to allow a reduction in the required parking from 234 off-street parking spaces to 188 off-street parking spaces; and (vii) an area variance to allow for a reduction in the length of parking stalls from 9-feet by 20-feet to 9-feet by 18-feet. By adoption of certain Findings of Fact, Conclusions of Law and Decisions, the Zoning Board granted the relief requested by the Applicant with respect to the Special Use Permit sought as well as the area variances above-mentioned.

C. Planning Board Review:

An amended application was filed with the Planning Board by the Applicant's representatives, William S. Null, Esq. of Cuddy & Feder, LLP and by AKRF Environmental and Planning Consultants ("AKRF"), for approval of an amended site plan for the Premises. The Planning Board met on several dates and convened at several public meetings as reflected in the minutes to consider and hear the application for an amended site plan review. The amended site plan review, as requested herein, sought a reduction in the number of units to 108 dwelling units with no change in the commercial space which was to remain at 3,500 square feet. In addition, the development would consist of no more than 54 two-bedroom units, with no three-bedroom units. Further, the 233 Midland Avenue building would be improved by being further set back from Midland Avenue with a lower profile along Midland Avenue, as well. Further, the retaining wall on the southerly side of the 233 Midland Avenue building would be reduced by moving the building northerly and setting it above structured parking.

William S. Null, Esq., among other parties, represented and spoke on behalf of the Applicant at the meetings and public hearings. The project's environmental effects, benefits to the Applicant, potential burdens affecting the community and nature and scope of the project, among other issues, were extensively discussed and deliberated before the Planning Board.

In connection with its application for an amended site plan review, the Applicant referenced some of its prior supporting documentation that was submitted to the Planning Board, including but not limited to the project's amended site plan, surveys, drawings, materials, renderings, elevations, sketches, studies and environmental assessment forms as required by the Planning Board and its planning consultant, BFJ Planning. The project's design, physical dimensions, layout and uses were discussed before the Planning Board and through written submissions to the Planning Board.

The following issues were identified or extensively deliberated before the Planning Board: (i) impacts on schools and the generation of school-aged children from the project; (ii) existing conditions affecting the project such as land use, neighborhood and community character, public policy, community facilities and emergency services; (iii) traffic conditions; (iv) parking accommodations and considerations; (v) pedestrian conditions; (vi) environmental site assessments, including analysis of hazardous materials, flooding, storm water mitigation, underground storage tanks and existing and proposed topography and sewerage; (vii) building height, scale and aesthetic impact; (viii) ingress and egress to the Premises; (ix) potential nuisances; (x) the project's compatibility with the Village's Comprehensive Plan; (xi) solid waste generated, if any; (xii) drainage impacts; and (xiii) other issues relevant to the planning process, including the reduction in the number of units, the proposed setback for the 233 Midland Avenue building and the construction of the southerly wall for the 233 Midland Avenue building.

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 Code. In doing so, the Planning Board reserved the authority to impose conditions on the project to insure full compliance with the letter and spirit of the Zoning Code. See Zoning Code Section 7-1.4. The Planning Board strictly adhered to this level of review. Among other factors, and as set forth in the Zoning Code, the Planning Board considered the following standards in weighing the grant of an amended site plan approval.

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

Although the changes to the site plan would have no impact on the vehicular traffic circulation both within and without the site, it is important to note that in connection with the site plan approval process and the amended 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-exclusive 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 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. Previously, both AKRF and William S. Null, Esq. appeared before the Planning Board at several meetings discussing the relative burdens and benefits 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. The adequacy and proposed improvements to the existing sidewalks near the Premises in connection with the project were also previously extensively discussed.

Additional traffic considerations and alternatives were discussed by Mr. Null before the Planning Board as well. 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 plan support the conclusion of this Board that the site will contribute to safe, adequate and convenient vehicular and pedestrian circulation. The traffic impact study was included in the Applicant's previously submitted Environmental Assessment Form.

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

The Applicant's representatives 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 roof, buried utility lines and parking lots with full capacity for the parking 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. In connection with the amended site plan approval submitted herewith, the environmental quality and property values in the neighboring area would not be impinged upon by the adjustments and amendments to the site plan as submitted in connection with this application for amended site plan approval.

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 previously received and considered an Environmental Assessment Form ("EAF") submitted by the Applicant addressing all potential environmental effects from the project.

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 adversely affect environmental quality or property values in the area.

3. 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 consists 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.

Specifically in connection with this amended site plan approval, it is noted that the 233 Midland Avenue building will be further set back from Midland Avenue and have a lower building profile situated along Midland Avenue. The retaining wall on the southerly side of the 233 Midland Avenue building will be reduced by setting the building above structured parking that would be accessible to its residents.

The project will utilize the natural terrain and slope of the Premises to offset the bulk and size of the proposed building 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 Applicant will ensure that the project will generate no net increase in storm drainage run-off and will avoid any appreciable environmental effects on the Premises or neighboring lots. Thus, the project will cast no net adverse effects on the physical environmental conditions 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 developments in the Village.

4. The Previous Site Plan Approval:

On November 10, 2008, this Planning Board granted conditional site plan approval so that the Premises may be developed with the then-proposed project (which included 146 Main Street). By resolution dated October 20, 2009, the aforesaid conditional site plan approval was extended for a two-year period from October 20, 2009 to October 19, 2011 (which includes 146 Main Street). The Applicant then requested an additional one-year extension be granted to the conditional site plan approval dated November 10, 2008, that originally granted conditional site plan approval to the Applicant. On October 18, 2011, the Applicant was granted a one-year extension of its conditional site plan approval, including 146 Main Street. Then thereafter, on December 20, 2011, the Applicant was granted an amended site plan approval for the project as then amended (which included more dwelling units than are part of the instant Application). The amended site plan approval issued on December 20, 2011 did not include 146 Main Street, as the Applicant has separated the Premises from the amended site plan approval process. This Application for amended site plan approval does not include 146 Main Street and reduces the number of dwelling units to 108 (not including 146 Main Street).

D. Conclusions of Law:

Based on the weight of the submissions and testimony before the Planning Board, the Applicant has adequately satisfied the standards for granting amended site plan approval, which are enumerated in Section 7-1.5 of the Zoning Code. 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 amended site plan, as proposed herein, will meet and/or exceed the Zoning Code'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 enhancements among other positive effects. These proposed effects are consistent with the Zoning Code's site plan regulations and the goals set forth in the Village's Comprehensive Plan. As such, the grant of amended site plan approval for the project is justified both in fact and in law.

E. Conditions:

The Planning Board's grant of amended site plan approval for the project is subject to the conditions set forth on Schedule A attached hereto and made a part hereof and incorporated by reference herein. The Planning Board finds that the conditions set forth on Schedule A 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 potential negative environmental impacts from the project. The conditions set forth on Schedule A are applicable to and binding on the project.

SEQRA

Based on the foregoing, the Planning Board of the Village of Tuckahoe finds and determines that:

1. The action taken herein is an Unlisted Action subject to the requirements of SEQRA.
2. This Planning Board is in possession of all information reasonably necessary to make the determination as to environmental significance for the application for amended site plan approval.
3. The action taken herein shall not have any significant adverse impacts upon the environment and it is declared that a Negative Declaration be adopted with respect to this action.

F. Conclusion:

Based on the foregoing, it is resolved that amended site plan approval be and is hereby granted to the Applicant for the Premises (not including 146 Main Street) in accordance with this Findings of Fact, Conclusions of Law and Decision and subject to the conditions set forth on Schedule A attached hereto and made a part hereof and incorporated by reference 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.

SCHEDULE "A"

CONDITIONS TO A CERTAIN AMENDED SITE PLAN APPROVAL FOR THE PREMISES 150 MAIN STREET, 160 MAIN STREET AND 233 MIDLAND AVENUE, TUCKAHOE, NEW YORK CONCERNING THE APPLICATION OF MIDORA CORP./GLENMARK PROPERTY, LLC

The Planning Board's grant of amended site plan approval for the Project is subject to the conditions set forth below, which are incorporated by reference in the Findings of Fact, Conclusions of Law and Decision of the Planning Board. The Planning Board finds that the conditions set forth herein 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 potential negative environmental effects from the Project. The following conditions are applicable to and binding on the Project:

1. 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;
2. There shall be no material 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. Any material deviation shall require the further and prior approval of the Planning Board. Unless prior approval is obtained, any such material deviation shall be deemed a violation of this amended site plan approval, subjecting the same to revocation or such other remedies as the Village deems appropriate;
3. All of the requirements and recommendations set forth in the letters and/or memoranda from EEA, Inc. to the Planning Board with respect to any environmental or remediation, hazardous materials, solid and/or hazardous waste and/or remaining due diligence required on the above-referenced real property shall be incorporated by reference into this amended site plan approval with conditions, and the Applicant shall adhere to the same as conditions of approval;

4. During all phases of construction and upon completion, the Applicant 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 amended site plan review process and the Westchester County Planning Board recommendations for the Project;

5. The Project shall consist of no more than 108 residential units (plus two units for 146 Main Street) and 3,500 square feet of commercial space as presented by the Applicant. The residential component of the Project shall be limited to one and two bedroom units; no more than 54 units will be two-bedroom units. The Project shall have no three-bedroom units other than 146 Main Street;

6. In no event shall the commercial/retail space on the ground floor of the project exceed 3,500 square feet. In the event the Applicant seeks to increase the square footage of this commercial/retail space, such increase shall require the further approval of this Planning Board;

7. In no event shall the number of off-street parking spaces associated with this project be less than 188 parking spaces. In the event the Applicant seeks to decrease the number of off-street parking spaces to less than 188 parking spaces, such decrease shall require the further approval of this Planning Board;

8. In no event shall the number of stories for the subject portions of the buildings exceed four as set forth on the Approved Plans set forth and listed below. In the event the Applicant seeks to increase the number of stories for the buildings to be constructed on site, such increase shall require the further approval of this Planning Board;

9. In no event shall the parking aisles associated with this project be less than 24-feet wide and the overall parking bays associated with this project shall not be less than 60-feet wide;

10. All hazardous materials and commitments shall be strictly observed as they are outlined in the August 18, 2008 letter from William S. Null, Esq./Phillip Raffiani to Ann Marie Ciaramella, the Planning Board Chairperson, before a Certificate of Occupancy may be granted for any of the buildings on the Premises;

11. The Applicant, at a cost of approximately \$3,000.00, shall fund certain signal light timing improvements at the intersection of Columbus Avenue and Main Street as identified by AKRF in its Environmental Assessment Form and as requested by BFJ Planning and agreed to by the Applicant;

12. The Applicant, at its cost and expense, shall restripe the pedestrian crossing of Midland Place and Main Street and install signage for eastbound traffic on Main Street that reads, “Do Not Block the Box” or equivalent language as may be approved by the Westchester County Department of Transportation and/or the Village of Tuckahoe;

13. No non-municipal heavy equipment and/or trucks and/or commercial vehicles shall be stored on the site. No overnight storage of heavy equipment or vehicles shall be stored at the site unless being used on a continuing basis on site during construction or pre-construction;

14. That the building which currently is situated on site shall be subject to the existing state and local code requirements;

15. To the extent required by the New York State Building and Fire Codes, the Applicant shall relocate all overhead utilities and lines existing at and along the site underground as determined by the Village Building Inspector;

16. All work within the Village of Tuckahoe’s right-of-way and on public premises will be in accordance with the specifications determined by the Village Building Inspector and as approved by the Village Board of Trustees, as applicable;

17. The Applicant shall promptly submit design details for the underground sand filter to the Village’s consulting engineer for review and approval;

18. The Applicant shall comply with all conditions and directives set forth in the September 18, 2011 memorandum from James Pinto, the Village’s consulting engineer to Janine McColgan at AKRF Engineering, P.C.;

19. The Applicant, at its cost and expense shall facilitate and construct certain improvements to the Main Street Park (the "Park Improvements"): (a) such improvements as generally set forth in a certain letter to Ann Marie Ciaramella, the Planning Board Chairperson, dated October 18, 2011, from Glen Vetromile, the Applicant's representative and partially shown on drawing LA-101 submitted with the Applicant's site plan approval application; and (b) the following additional improvements as shown on the attached drawing dated 06/14/2004 titled Main St. Park Renovation. The Applicant shall not be responsible for more than \$150,000 of such Park Improvements and if the improvements cost the Applicant less than \$150,000 the Applicant will pay to the Village the difference at the time of issuance of the final Certificate of Occupancy for the Project. The Applicant shall provide the Village with an itemized construction budget prior to the issuance of the first building permit and will certify all costs incurred in the construction of the Park Improvements. The Village Board of Trustees shall approve all the Park Improvements prior to their installation and may suggest modifications, clarifications or changes to the Park Improvements by notifying Applicant of such details in writing with a copy to the Planning Board no later than five (5) months after the first permit is issued for the construction of the Project at 150 Main Street, 160 Main Street and/or 233 Midland Avenue (the "Notification Deadline"). Notwithstanding the foregoing, any changes suggested to be made to the October 2011 Park Improvements shall not substantially alter the overall appearance of the improvements along Main Street including the new fencing and entrance plantings designed to enhance the Main Street Park entrance as seen from the intersection of Main Street and Midland Place. Moreover if the Village Board of Trustees does not notify Applicant (or the owner of the Premises known as 150 Main Street, 160 Main Street and/or 233 Midland Avenue) prior to the Notification Deadline, then the Applicant shall proceed to complete the Park Improvements as described herein in a first-class workmanlike manner at its cost and expense;

20. In accordance with Section 7-725-a(7) of the Village Law, the Applicant shall post a performance bond(s) or letter(s) of credit or an escrow deposit of cash, the provisions of which shall be approved by the Village Attorney, in the amount of \$150,000 to secure the Applicant's construction of the Off-Site Improvements and Park Improvements for which the Applicant is solely responsible as set forth herein and in the preceding paragraph on or before the receipt of a Building Permit. As the Applicant constructs such Off-Site Improvements, upon presentation to the Village Building Department of the proof of the certified costs incurred, and approval by the Village Building Department, the Applicant shall be entitled periodically to request reductions in the amount of said security equating to the amount of said costs incurred to date and the Village shall diligently provide written authorization to the Applicant or its bonding company or financial institution, as the case may be, for such reduction and ultimately, for the final complete release of said security when the Off-Site Improvements and Park Improvements have been constructed, installed and completed pursuant to the Approved Plans as set forth herein and approved by the Village Building Department.

20A. The Applicant shall, at its cost and expense, comply with all directives and conditions set forth in the memoranda of Dolph Rotfeld Engineering, P.C. dated July 17, 2012 and July 26, 2012 as issued by Dolph Rotfeld Engineering, P.C.;

21. The Applicant shall, at its cost and expense, install lampposts with buried cables along the Main Street corridor adjacent to the project premises to match the existing manufacturer and model number as the lamp posts already existing with respect to the prior project completed by Mirado Properties on Main Street;

22. The landscape plan for the Project site shall be substantially consistent with the landscape plan for the site that was approved by the Planning Board on December 20, 2011 (Sheet LA-101 last revised 06-07-12). Details of the coordination of spacing and final selection of species of street trees shall be subject to the further review and approval by the Planning Board. Details of modifications to address landscaping in the setback area in front of the new entrance on the south side of 233 Midland Avenue shall be subject to further review and approval by the Planning Board;

23. Architectural details for the proposed buildings including, but not limited to building materials and colors, façade details, window fenestration, roof details, railings, lighting and street furniture shall be presented to the Planning Board and shall be subject to the further review and approval of the Planning Board;

24. The amended site plan approval granted herein is conditioned upon the development of the Project and use of the property as set forth in the following plans and drawings submitted to the Planning Board as listed below that shall be considered the Approved Plans¹, which shall be kept by the Building Department and Applicant:

- a. C-100 Notes and Legend, dated February 22, 2011 and last revised June 15, 2012;
- b. C-101 Existing Conditions Plan, dated February 22, 2011 and last revised May 27, 2011;
- c. C-102 Site Demolition Plan, dated February 22, 2011 and last revised June 15, 2012;
- d. C-103 Site Geometry Plan, dated February 22, 2011 and last revised June 15, 2012;
- e. C-104 Grading, Paving & Drainage Plan, dated February 22, 2011 and last revised July 24, 2012;
- f. C-105 Composite Utility Plan, dated February 22, 2011 and last revised July 17, 2012;
- g. C-106 Erosion and Sediment Control Plan, dated February 22, 2011 and last revised June 15, 2012;
- h. C-107 Standard Details, dated February 22, 2011 and last revised May 27, 2011;
- i. C-108 Standard Details, dated February 22, 2011 and last revised May 27, 2011;
- j. C-109 Standard Details, dated May 27, 2011;
- k. C-110 Standard Details, dated February 22, 2011 and last revised May 27, 2011;
- l. SP-101 Architectural Site Plan, dated February 23, 2011 and last revised June 7, 2012;
- m. SP-102 Diagrammatic Floor Plan, dated February 23, 2011 and last revised June 7, 2012;
- n. SP-103 Diagrammatic Garage Floor Plans, dated February 23, 2011 and last revised June 7, 2012;
- o. SP-104 Diagrammatic Unit Floor Plans, dated February 23, 2011 and last revised June 1, 2012;
- p. SP-201 Principal Building Elevations, dated November 16, 2010 and last revised June 1, 2012; and
- q. LA-101 Landscape Plan, dated May 31, 2011 and last revised June 7, 2012.

25. An as-built foundation survey must be submitted to the Building Inspector for review and approval prior to the issuance of permission to proceed with building construction above the foundation level;

26. Construction specifications for offsite improvements and public improvements are to be coordinated with the Village Superintendent of Public Works in accordance with the Approved Plans;

27. A sample set of materials are to be left with the Building Department for coordination during construction;

28. Quantities of cut and fill shall be provided to the Building Department prior to the issuance of a building permit;

29. The Applicant shall obtain all necessary approvals and permits from the Village Board of Trustees and other governmental agencies having jurisdiction as it concerns the offsite and public improvements and any other public improvements to be constructed and installed in accordance with the Approved Plans and, if applicable, further obtain all other necessary approvals and permits from the Village Board of Trustees as it concerns the Approved Plans;

30. If applicable, the Applicant shall obtain from the Sign and Awning Review Board approval for all signs to be located on the site and on the proposed building to be constructed on the site as provided for in Chapter 3, Article 2 of the Village Code;

31. All offsite and public improvements in front of, adjacent to and across from the proposed buildings, including, but not limited to, sidewalks, curbs, benches, planters, trees, striping, landscaping, and streetscape furniture are to be built at the Applicant's cost and expense according to the Approved Plans and this work must be completed before the issuance of a final Certificate of Occupancy;

32. The storm water run-off plan approved by Dolph Rotfeld Engineering shall be complied with by the Applicant;

33. The Applicant shall be required to procure and obtain all necessary and applicable approvals and permits from the County of Westchester as it concerns this Project;

34. The conditions contained herein and the improvements associated therewith must be completed, complied with and/or installed prior to the issuance of any final Certificate of Occupancy for the Project; and

¹ The Firms which prepared, or assisted in preparing, the Approved Plans are as follows: Melillo + Bauer Associates, Landscape/Architecture; Minno & Wasko, Architects and Planners; Franke Gottsegen Cox, Architects; and AKRF Engineering, P.C., Civil Engineering/Planning.
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35. Each of the conditions contained herein shall be satisfied at the Applicant's sole cost and expense.

John Cavallaro, Village Attorney, noted that a few minor corrections would be made to the resolution.

- Name of company Midora Corp./Glenmark Properties, not Partners
- An additional option of cash instead of a letter of credit for the escrow account
- Survey to be submitted as not "as built". Mr. Pinto agreed that the foundation survey with the building construction above the foundation level.

John Cavallaro, Village Attorney, stated that the Planning Board and applicant has mutually agreed to extend the time period for Architectural Review/Landscaping plans as there was a concern with the 60 day clock in effect. It will be open ended, as there will be no time limit.

Commissioner Miller seconded the motion and upon roll call, was carried with a vote of 6 – 0.

Mr. Null and Mr. Vetromile thanked the Board members for their time and for this special meeting.

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.