

Minutes of: May 8, 2013
Date Approved: June 12, 2013
Date Filed/Village Clerk:

May 8, 2013
TUCKAHOE ZONING BOARD AND BOARD OF APPEALS
TUCKAHOE VILLAGE HALL – 7:30pm

Present: Ronald Gallo Chairperson
John Palladino Member
Steve Alfasi Member
David Kubaska Member
Nicholas DiSalvo Member

Also in Attendance:
John Cavallaro Village Attorney
Bill Williams Building Inspector
David Scalzo Member (ad hoc)

Chairman Gallo announced the agenda of this meeting as follows:

Item #1 Approval of Minutes from the Regular meeting dated April 10, 2013
Item #2 283 Marbledale Rd. Area Variance
Item #3 10 Hollywood Ave. Area Variance
Item #4 27 Fisher Ave. Area Variance
Item #5 289 Marbledale Rd. Area Variance
Item #6 146, 150, 160 Main Street, 233 Midland Avenue Extension Special Use Permit
Item #7 300-308 Columbus Ave. Extension Special Use Permit

Item #1 Approval of Minutes from the Regular meeting dated April 10, 2013
Chairman Gallo motioned to approve the April 10, 2013 minutes, seconded by Member DiSalvo and carried with a vote of 6 – 0.

Item #2 283 Marbledale Rd. Area Variance
Mr. Frank DeQuatro 324 Marbledale Rd., owner of 283 Marbledale Rd., requested a variance to enclose an 8ft. x 10ft. screened-in porch. The intent is to enlarge the kitchen area. The footprint will not be expanded.

Chairman Gallo noted that the building department had no concerns regarding this application.

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

Public Comments

David Verner 291 Marbledale Rd. noted that he lives next door and had no objections to this application.

Member Alfasi motioned to close the public hearing, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo motioned for a negative declaration pursuant to SEQR for 283 Marbledale Rd. Motion was seconded by Member Alfasi and carried unanimously.

Chairman Gallo offered a Resolution for the application of an area variance requested by Francis DeQuatro for relief from the following section of the zoning code: 5-1.6.1.

Recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs the detriment to the health, safety and welfare of the neighborhood.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
3. The requested variance is not substantial.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood.
5. The alleged difficulty was self-created. The alleged difficulty is found to be self-created by the applicants; however, this does not preclude the granting of the area variances.

Chairman Gallo made a recommendation to approve the requested area variance with the stipulation that construction adhere to and be in compliance with the existing building code. If this variance is granted, it is stipulated that construction be commenced and diligently prosecuted within one year of the date hereof.

Chairman Gallo motioned to adopt this resolution, seconded by Member DiSalvo and was carried with a vote of 6 – 0.

Item #3 10 Hollywood Ave.

Area Variance

Thomas Haynes, architect for the applicants requested a variance to relocate a stair from the left side of the house to the street front of the house. The owners will now be able to use the front door. There will be 7 steps.

Chairman Gallo noted that there were no issues raised by the building department.

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

Public Comments

Drew McCormick 5 Hollywood Ave. stated that he had no objections to the granting of this variance.

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

Member DiSalvo motioned for a negative declaration pursuant to SEQR for 10 Hollywood Ave. Motion was seconded by Member Alfasi and carried unanimously.

Member DiSalvo offered a Resolution for the application of an area variance requested by Thomas Haynes for relief from the following section of the zoning code: 4-2.4.4.

Recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs the detriment to the health, safety and welfare of the neighborhood. The applicant seeks to construct new entry steps in the front yard. The code mandates that steps do not project within 15 ft. of a street line or 4 ft. of a property line and this proposal does.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties: as this change is not out of line with homes in the neighborhood.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
3. The requested variance is not substantial; as the scope of the project is minimal, only 7 steps.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood in that: there will be no effect on traffic, parking or have any other environmental impact.
5. The alleged difficulty was self-created. The alleged difficulty is found to be self-created by the applicants; however, this does not preclude the granting of the area variances.

Member DiSalvo made a recommendation to approve the requested area variance with the stipulation that construction adhere to and be in compliance with the existing building code. If this variance is granted, it is stipulated that construction be commenced and diligently prosecuted within one year of the date hereof.

Member DiSalvo motioned to adopt this resolution, seconded by Member Kubaska and was carried with a vote of 6 – 0.

Item #4 27 Fisher Ave.

Area Variance

Mr. Les Maron, attorney for the applicant stated that this property has a three-family house. The owners request to decrease the degree of non-conformity by changing the three-family house to a two-family house. Mr. Leonard Brandes, architect for the applicant, has plans to reconfigure the house but has not enlarged or increased the footprint. The only structural alteration will be to extend the second floor. The house will remain stucco and will be an attractive home in the neighborhood.

Member Scalzo stated that he lives nearby and is very supportive of down zoning.

John Cavallaro, Village Attorney, stated that this application is to decrease the intensity of the use. The decrease in the intensity of the use includes the effect on parking, traffic, number of units and any environmental impacts associated with that.

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

No Public Comments

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

Member Alfasi motioned for a negative declaration pursuant to SEQR for 27 Fisher Ave. Motion was seconded by Member DiSalvo and carried unanimously.

Member Alfasi offered a Resolution for the application of an area variance requested by Bill Nick Realty LLC for relief from the following section of the zoning code: 5-1.6.1 and 6.2 Prior Non-Conforming 3 -2 family house

Recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs the detriment to the health, safety and welfare of the neighborhood. This variance is decreasing the intensity of the use from three-family to a two-family.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.
3. The requested variance is not substantial.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood.
5. The alleged difficulty was self-created. The alleged difficulty is found to be self-created by the applicants; however, this does not preclude the granting of the area variances.

Member Alfasi made a recommendation to approve the requested area variances with the stipulation that construction adhere to and be in compliance with the existing building code. If this variance is granted, it is stipulated that construction be commenced and diligently prosecuted within one year of the date hereof.

Member Alfasi motioned to adopt this resolution, seconded by Member DiSalvo and was carried with a vote of 6 – 0.

Item #5 289 Marbledale Rd.**Area Variance**

Mr. James Dibbini, attorney for the applicant, stated that this application is with a contract vendee. The requested variance is for lot size. The zoning code requires the lot to be 5000 sq. ft. while this lot measures 4124sq. ft. Mr. Dibbini noted that there are approximately 14 houses in the area with lots less than 5000sq. ft. Some homes nearby that have substandard lots which measure 3400 sq. ft., 3700 sq. ft., and 3750 sq. ft. This single-family house will be built to blend in with the neighborhood and will not be a negative impact on the neighborhood.

Mr. Brandes stated that he has worked with the Planning Board for numerous applications in the past and is confident these plans will be acceptable.

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

Public Comments

Member Palladino stated that the application before this Board is the vacant lot. There is an adjacent lot with a burnt down house, which is not being discussed at this time.

Mr. Dibbini noted that there are two separate lots. This is a vacant lot with an application for a new single family home. The intent is to build a house on the adjacent lot with the burnt down house but that house will be built on the existing foundation, which will not require any variances. There are two separate lots.

Ms. Adele DiGeorgie 299 Marbledale Rd. would like to see two modest homes built on the two lots that fit into the modest neighborhood, rather than one very large house. She asked if the applicant was able to build on the existing foundation, as the code requires a 25 ft. set back.

Mr. Brandes stated that the application before the Board is for a single-family house, which will have a 25 ft. set back from the property line. The second home will be built on the existing footprint, so therefore there would be no variance required.

John Cavallaro, Village Attorney, noted that one and two family dwellings, which need only minor site plan approval, will be conducted by the building department, not the Planning Board.

Thomas DiCarlo 286 Marbledale Rd. stated that he too has an adjacent lot that he may one day seek to subdivide. He was told twenty years ago by the Village that it would not be permitted. He voiced his opinion that he would rather see one house than two houses. He noted that Mr. Dibbini sited homes in the area on substandard lots and asked for their addresses. He questioned whether he too could get an approval to subdivide his lot in the near future.

Member Alfasi stated that the Zoning Board would treat a future application with the same five-prong test; To discuss a potential application is premature.

John Cavallaro, Village Attorney, reviewed the application. The vacant lot measures 4124sq. ft. The adjacent lot, with the burnt down house measures 5000sq. ft.

8:25 Chairman Gallo offered a motion to enter Executive session, seconded by Member Palladino and carried unanimously by the Board.

8:35 Chairman Gallo offered a motion to exit Executive session, seconded by Member DiSalvo and carried unanimously by the Board.

Chairman Gallo stated that this Board is an active and concerned Board. As a Zoning Board, the Board will consider prior precedents. The Board always does their due diligence on surrounding properties. He noted that he was confident with this application and developer and the houses built will fit into the neighborhood.

Mr. Frank DeQuatro 324 Marbledale Rd. asked if the applicant builds on the foundation of the existing house, there would be no need for variances.

Bill Williams, Building Inspector stated that in the Village Code, an applicant could rebuild on an existing footprint and there is no time limit.

Mr. DeQuatro noted that the plans are for the driveway of the new home to be placed next to his driveway. He stated that this may be a potential safety issue. He requested that the driveway be placed on the other side of the house.

Mr. Dibbini stated that any driveway installed will be in compliance with the code. There will be no traffic issues. The driveway will be placed 9 ft. from the property line, so there will be a space between driveways.

He also added that both houses will be built at the same time.

John Cavallaro, Village Attorney, noted that the plans for the house on the vacant lot are before the Board and the plans for the house on the other lot will be before Mr. Williams.

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

Chairman Gallo motioned for a negative declaration pursuant to SEQR for 289 Marbledale Rd. Motion was seconded by Member DiSalvo and carried unanimously.

Chairman Gallo offered a Resolution for the application of an area variance requested by Elite Building Co. for relief from the following section of the zoning code: 4-2.3 Lot area and width

Recommendation is for an area variance to be granted as the benefit to the applicant of the area variance outweighs the detriment to the health, safety and welfare of the neighborhood; as the facts are consistent with the application.

1. There will not be an undesirable change in the character of the neighborhood and there will not be a detriment to nearby properties.
2. The benefit sought by the applicant cannot be achieved by some method feasible for the applicant to pursue other than an area variance.

3. The requested variance is not substantial; due to the surrounding houses.
4. The proposed variances will not have an adverse effect on the physical or environmental condition in the neighborhood.
5. The alleged difficulty was self-created. The alleged difficulty is found to be self-created by the applicants, however this does not preclude the granting of the area variances.

Chairman Gallo made a recommendation to approve the requested area variances with the stipulation that construction adhere to and be in compliance with the existing building code. If this variance is granted, it is stipulated that construction be commenced and diligently prosecuted within one year of the date hereof.

Chairman Gallo motioned to adopt this resolution, seconded by Member DiSalvo and was carried with a vote of 6 – 0.

Item #6 146, 150, 160 Main Street, 233 Midland Avenue Extension Special Use Permit

Mr. William Null, attorney representing the applicant, requested an extension of an Area Variance and Special Use Permit, which was previously granted on April 25, 2012 and June 13, 2012. The applicant has been diligently pursuing the developing of the four sites. Planning Board granted final site plan approval in December 2012. There have been no material changes to the plans.

Chairman Gallo stated that this project requires multiple building permits all covered in the Special Use Permit. The Planning Board did its due diligence and only just granted site plan approval four months ago. This is a very complex project.

Member Kubaska asked if there were any changes to the variances that were granted. Mr. Null replied no.

Chairman Gallo motioned for a negative declaration pursuant to SEQR for 146, 150, 160 Main Street and 233 Midland Ave. Motion was seconded by Member DiSalvo and carried unanimously.

Chairman Gallo offered a Resolution for the approval of the extension of the Special Use Permit and Area Variances set forth in the decisions dated April 25, 2012 and June 13, 2012 with the extension date of December 31, 2014.

Member Alfasi motioned to accept the resolution, seconded by Member DiSalvo and carried unanimously by the Board.

Item #7 300-308 Columbus Ave.

Extension Special Use Permit

Mr. Les Maron, attorney for the applicant, explained a change in the applicant. The property has always been owned by Crestwood Station Plaza, LLC, with Streetworks authorized to obtain permits, Special Use Permits and Site Plan approval. Streetworks will no longer be involved with this project. Streetworks has been notified of this meeting.

Chairman Gallo motioned to continue the public hearing, seconded by Member DiSalvo and carried with a vote of 6 – 0.

No Public Comments

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

Chairman Gallo summarized the application. The property owner went into contract with Streetworks to develop the property. Streetworks presented plans and received approval. Now the property owner has taken over the plans and will complete the project. There has been a lot of concern regarding fees owed to the Village by Streetworks. All the fees have been paid. The applicant is very receptive to the Village.

Chairman Gallo offered the following:

A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS THE EXTENSION OF CERTAIN VARIANCES AND A SPECIAL USE PERMIT APPROVAL FOR THE PREMISES 300-308 COLUMBUS AVENUE, TUCKAHOE, NEW YORK

At a regular meeting of the Zoning Board of Appeals of the Village of Tuckahoe, New York (the "Zoning Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on May 8, 2013.

WHEREAS, the Zoning Board of the Village of Tuckahoe is considering extending the approval of certain area variances and a Special Use Permit for the premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York; and

WHEREAS, the project consists of the development of the site with a mixed-use building consisting of 47 residential units (43 studio units and 4 one-bedroom units), 3,600 square feet of commercial space and 61 off-street parking spaces; and

WHEREAS, based on the Environmental Assessment Form ("EAF"), submitted by the Applicant, and any supplemental materials thereto, the Zoning Board has determined that there will be no significant environmental impacts from this action as it concerns the proposed Project.

NOW, THEREFORE, BE IT RESOLVED

Section 1. Based on the information included in the EAF submitted by the Applicant, and any supplemental materials thereto and the criteria contained in the State Environmental Quality Review Act and its implementing regulations, the Zoning Board hereby adopts the attached Negative Declaration for this Unlisted Action under the State Environmental Quality Review Act.

Section 2. That this resolution shall take effect immediately.

Motion was seconded by Member Alfasi and carried unanimously.

Chairman Gallo offered the following Resolution: In the matter of the Application of CRESTWOOD STATION PLAZA, LLC, Premises: 300-308 Columbus Avenue, Tuckahoe, New York,

Background and Findings of Fact:

The Applicant is the owner of the Premises commonly known as 300-308 Columbus Avenue, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe (the "Village") as Section 42, Block 8 and Lots 5 and 10 (the "Premises"). The Premises is located within the Business/Residential Zoning District and consists of approximately 0.75 acres of land, which is located on Columbus Avenue near and at its intersection with Lincoln Avenue, all in the Village of Tuckahoe, New York.

The Applicant proposes to develop the Premises according to a plan that contemplates mixed-use development goals that will convert two existing gas stations in order to construct a new building facilitating both residential and commercial uses (the "Project"). In connection with the Applicant's proposal, certain area variances and a Special Use Permit were sought and obtained from the Zoning Board of Appeals of the Village of Tuckahoe (the "Zoning Board").

The Premises is located in a Business/Residential Zoning District. The Applicant obtained area variances and a Special Use Permit from the requirements of the Zoning Code as follows: 1) a Special Use Permit pursuant to Section 4-5.3.1 and Sections 6-1.1 through 6-1.8 and 6-2.4 to allow 47 residential dwelling units above a business use in the Business/Residential Zoning District; 2) an area variance from the height requirement of Section 4-5.3.3 to permit the proposed building to exceed the 42-foot height limitation by 3.91 feet; 3) an area variance from the three-story height requirement of Section 4-5.3.3 to permit the subject building to have four stories along its Lincoln Avenue frontage; 4) an area variance from the off-street parking requirements of Sections 4-5.4 and 5-1.2(a) and 5-1.2.1.3 to permit 61 proposed parking spaces where 112 parking spaces are required; and 5) an area variance from the parking space width requirement of Section 5-1.2.1.5(e) to permit 36 of the proposed 61 parking spaces to be less than 9 feet wide, i.e., 8.5 feet wide in order to accommodate the layout of the proposed 61 parking spaces.

The Nature of the Application:

The Premises consists of two tax lots where the subject building is proposed to be constructed. This construction will involve converting the two existing gas stations, which are non-conforming uses, to a mixed business/residential building consisting of 47 residential units (43 studio units and 4 one-bedroom units) with 3,600 square feet of commercial space. In addition, the Applicant proposes to provide 61 off-street parking spaces. On

February 8, 2012, an application was granted for the aforementioned area variances and Special Use Permit pursuant to a Findings of Fact, Conclusions of Law and Decision, dated February 8, 2012, and filed with the office of the Village Clerk on February 9, 2012. The Applicant currently seeks an extension of the previously granted and aforementioned area variances and Special Use Permit.

A summary of the proposed deviations from the Zoning Code as previously obtained and having been granted are as follows:

	<u>Required</u>	<u>Proposed</u>
Height (in feet):	42'	45.91'
Number of Stories: (Lincoln Avenue frontage)	3	4
Parking (total residential and commercial):	112	61
Parking Space Width: (36 of the proposed 61 spaces)	9 feet	8 ½ feet

Pursuant to this Project, the Applicant seeks an extension of the foregoing area variances and Special Use Permit for the use at the Premises for an increase in building height, number of stories, overall number of parking spaces and parking space width. In addition, the Applicant seeks to extend the Special Use Permit from this Zoning Board for the residential uses in the Business/Residential Zoning District.

Conclusions of Law:

Under New York law, it is well-settled that where a Special Use Permit and/or area variances have been conditioned upon the commencement of construction within one year and the applicant has failed to begin construction, a denial will be sustained only where the circumstances have changed in such a way that the facts upon which the Special Use Permit and area variances were granted no longer exist. A denial should be premised on a change in the relevant circumstances. As urged by the Applicant, there has been no material change in the facts and circumstances that served as the basis for the granting of the aforementioned Special Use Permit and area variances. Based on the record before this Zoning Board, there has been no factual proof that the facts and circumstances that underlie the granting of the Special Use Permit and area variances have changed. For example, this Zoning Board is unaware of any other development projects in the surrounding area to the subject Premises. Moreover, the adjacent uses surrounding the Premises have not changed in such a way that would change the February 8, 2012 decision of

this Zoning Board. Based on the foregoing, it is hereby resolved that the Applicant's extension request of the aforementioned Special Use Permit and area variances should be granted under the circumstances and applicable law.

Conditions:

This Zoning Board's extension of the area variances and Special Use Permit herein for the Project are subject to the conditions set forth on Schedule A attached hereto, made a part hereof and incorporated by reference herein. This Zoning 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 perceived 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 Zoning Board of Appeals 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 Zoning Board of Appeals is in possession of all information reasonably necessary to make the determination as to the environmental significance for the extension of the area variances and Special Use Permit.
3. That the action taken herein shall not have significant impacts upon the environment and it is declared that a Negative Declaration be hereby adopted with regard to this action.

Conclusion:

Based on the foregoing, it is resolved that the area variances referenced herein and the Special Use Permit referenced herein be and are hereby extended to the Applicant for a period of one year. 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 EXTENSION OF AREA VARIANCES AND A SPECIAL USE PERMIT TO THE APPLICANT CRESTWOOD STATION PLAZA, LLC FOR THE PREMISES COMMONLY KNOWN AS 300-308 COLUMBUS AVENUE, TUCKAHOE, NEW YORK

1. The referenced building height and number of stories variances are conditioned on the limitation to no more than three habitable levels facing Lincoln Avenue (excluding the parking areas, elevators, fire stairs and corridors) and three habitable levels facing Columbus Avenue.

2. The area variances granted herein and the Special Use Permit granted herein are conditioned upon the development and use of the property substantially as set forth in the following plans and drawings submitted to the Zoning Board:

A. John Meyer Consulting, PC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev.</u>	<u>#/Date</u>
SP-1	"Cover Sheet"	10	07/2/2012
SP-2	"Existing Conditions"	8	07/2/2012
SP-3	"Layout and Striping Plan"	15	07/2/2012
SP-4	"Grading & Utilities Plan"	11	07/6/2012
SP-5	"Sediment & Erosion Control Plan"	11	07/6/2012
SP-6	"Landscaping Plan"	10	07/2/2012
SP-7	"Site Cross Sections"	9	07/2/2012
SP-7A	"Site Cross Sections"	7	07/2/2012
SP-7B	"Retaining Wall Elevations"		07/2/2012
SP-8	"Site Details"	8	07/2/2012
SP-9	"Site Details"	8	07/2/2012
SP-10	"Site Details"	9	07/6/2012
SP-11	"Site Details"	9	07/6/2012
SP-12	"Site Lighting Intensity Plan"	1	07/2/2012
SP-13	"Overall Site Plan"		07/2/2012
AT-1	"Automotive Turning Analysis"	6	07/2/2012
AT-2	"Truck Turning Analysis"	6	07/2/2012

B. Street-Works Consulting, LLC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev.</u>	<u>Date</u>
A-101	"Columbus Ave. Plan"		07/02/2012
A-102	"Typical Upper Level "		07/02/2012
A-103	"Top Level Plan"		07/02/2012
A-104	"Roof Plan"		07/02/2012
A-201	"Exterior Elevations"		07/02/2012
A-202	"Exterior Elevations"		07/02/2012
A-301	"Building Perspective"		07/06/2012
A-301a	"Building Perspective w/Trees"		07/06/2012
A-302	"Building Perspective"		07/02/2012
A-302a	"Building Perspective w/Trees"		07/02/2012
A-303	"Shadow Study"		07/02/2012
A-304	"Residential Entry"		07/02/2012
A-305	"Walkway"		07/02/2012
A-306	"Proposed Pocket Park Plan"		07/02/2012
A-307	"Proposed Pocket Park Aerial Perspective"		07/02/2012
A-308	"Proposed Pocket Park Eye-Level Perspective"		07/02/2012
A-401- 404	"Materials"		07/02/2012
A-501	"Architectural Light Fixture"		07/02/2012

3. The residential component of the Project shall be limited to 47 residential units comprised of 43 studio units and 4 one-bedroom units. Any deviation from the total number of residential units set forth as 47 residential units shall require the further approval of this Zoning Board of Appeals.
4. The total number of bedrooms for this Project shall not exceed 47 bedrooms and any deviation from this total bedroom count of 47 shall require the further approval of this Zoning Board of Appeals.
5. The commercial component of the Project shall be limited to 3,600 square feet. Any deviation in the size of the commercial component of the Project shall require the further approval of this Zoning Board of Appeals.
6. None of the 61 off-street parking spaces proposed for the site shall be designated or reserved for any particular user.
7. The entry to the parking area off Fisher Avenue shall be marked with a "permit parking only" sign and all residents and/or merchants/employees shall be required to obtain a sticker or hang-tag which shall be displayed when they park on-site.
8. In the event that there is significant abuse of the parking spaces as determined by the Village Building Inspector and/or the Village Planning Consultant in their sole discretion, the owner shall install a gate activated by a remote card at such time as the Building Inspector and/or Village Planning Consultant shall direct.
9. The commercial component of this Project consisting of 3,600 square feet of commercial space shall not be used for restaurants, food-related uses (any business where food is served, sold or prepared), theaters or cabarets.
10. The grant of extension herein for the subject area variances and Special Use Permit shall expire within one year from the date hereof, to wit: May 7, 2014.

Chairman Gallo added that he received a memo from the Village Consultant, Mr. Frank Fish BFJ Planning, recommending approval.

Member Alfasi seconded the motion and upon roll call was carried with a vote of 6 – 0.

Chairman Gallo thanked all the members for their time and effort with the applications and also thanked the Legal Dept. and Building Dept.

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.