

December 18, 2012

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

Present: Chairperson Ann Marie Ciaramella
Commissioner Raymond Nerenberg
Commissioner Melba Caliano
Commissioner Antonio Leo
Commissioner Tim Miller
Commissioner Clare Gorman
Commissioner Reyes-Guerra

Absent: 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 Approval of Minutes of the Regular meeting held on November 20, 2012

Item #2 100 Main Street Site Plan Approval

Item #3 68 Marbledale Avenue Adjourned

Item #4 20 Chestnut Adjourned

Item #1 Approval of Minutes held on November 20, 2012

Commissioner Gorman motioned to approve the November 20, 2012 minutes was seconded by Commissioner Miller and was carried with a vote of 4 – 0, with Commissioners Leo, Caliano and Nerenberg abstaining due to their absence last month.

Item #2 100 Main Street

Site Plan Approval

Mr. Les Maron. Attorney representing the owner, noted that there were minor changes to the proposed plans as a result of the work session and the Village consultants' comments.

Mr. Maron noted that Mr. Pinto was concerned about the adjacent lot not marked on the plan correctly. The lot, marked 28-5-1-A was now marked properly on the plans.

On sheet 4, the width of the proposed column has not yet been determined, as a result, the lines from 19 – 23 may be reduced but will be no less than 9ft.

The rumbles will be removed on Terrace Pl.; also, the paved area will be removed and replaced with stamped asphalt.

The two-way traffic sign would be added as per the Police Chief's recommendation.

The front of the building will have a new streetlight between the two existing streetlights.

The property is ADA compliant.

The new tree wells be 60in. wide.

The garbage collection will be organized so that all trash will be stored indoors and placed in the last parking space near Terrace Pl. on the day of the scheduled trash pickup. This plan will also be in effect for recyclables as well. Frank DiMarco is aware of this plan.

Commissioner Reyes-Guerra asked that if the trees on the street do not survive the construction phase, the applicant would replace them. She asked that the applicant use structure soil and work in coordination with the DPW.

Mr. Maron replied yes, the applicant will replace any trees and will work with DPW.

Commissioner Reyes-Guerra asked about the details for the vegetation wall.

Mr. Maron noted that he would offer details during Architectural Review. He stated that the requirement is for a 42in. fence. The adjacent property owner does not want a wall; maybe the applicant will provide a wrought iron fence. The applicant will work with the adjacent property owner. The plans will be submitted during Architectural Review.

Commissioner Reyes-Guerra asked if the applicant would consider planting a tree in structural soil between the residential area and parking lot in the SW corner of the lot.

Mr. Maron noted that he would take a look at it. The concrete footing maybe too much for a tree.

Mr. Pinto stated that all his concerns have been addressed by the applicant. The plans are finalized.

Mr. Fish noted that he too has been satisfied and all his concerns have been addressed. The Board can determine a Negative Declaration.

Mrs. Victoria Angelillo, owner of the adjacent building on Main Street, asked if the Board would open the Public Hearing prior to voting on a Negative Declaration.

Mr. Fish stated that SEQR requires a Negative Declaration as soon as the project is completed. A public hearing is not required.

John Cavallaro, Village Attorney, noted that this Board had a public hearing and has closed the public hearing for this application.

Mrs. Angelillo asked as to when the public hearing was held as she attended all the meetings regarding this project. It was her recollection that she was not given an opportunity to speak.

She noted that the changes to the plan concern her; the tree that Commissioner Reyes-Guerra requested in the corner of the lot is right next to her property. She argued that a traffic study was necessary, as one has not been done for about 5 years.

Mrs. Angelillo noted that the Police Dept. should not allow Terrace Pl. to be two-way only halfway up the street. It was her opinion that there will be many accidents due to the confusion. The signs proposed are not enough.

Chairwoman Ciaramella noted that this Board makes recommendations, but the final plan must be approved by the Village Board, Police Dept., Fire Dept. with the Planning Board's input. The Final decision is with the Village Board.

Mr. Fish summarized the history of the Terrace Pl. plans. When Terry Byrd owned the property, the former mayor, Mr. Jacquemart, DPW, P.D. and F.D. all together walked the street. At first, the access point on Main Street was discussed. Mr. Jacquemart determined that it was too close to the light and would cause traffic. The second access point was discussed where the vehicles would go in on Main Street and exit on Terrace Pl. Residents did not want vehicles to go up and around the block. The final plan was to make Terrace Pl. two-way just to the access place. Those studies were carried forward with this applicant. All options studied, this was determined to be the best option. He also stated that the building plans were reduced from 21 units to 18 units. Trustees have been informed of these plans and discussions.

Commissioner Caliano motioned to open the public hearing, seconded by Commissioner Miller and carried unanimously by the Board.

Public Comments

Victoria Angelillo noted that she was in total disagreement with the full SEQR. She noted that a traffic study was necessary.

Chairwoman Ciaramella noted that Mrs. Angelillo has attended every workshop for this application. The Board has received input from consultants and community. The Board has labored over this project for several months. The Board has not received any written communication from Mrs. Angelillo regarding any concerns she may have.

Mrs. Angelillo noted that this Public Hearing should have been noticed to the public.

Commissioner Caliano motioned to close the public hearing, seconded by Commissioner Leo and carried unanimously by the Board.

Commissioner Caliano motioned to approve a negative declaration pursuant to SEQR. Motion was seconded by Commissioner Reyes-Guerra and carried unanimously by the Board.

Commissioner Gorman read the following: A RESOLUTION DECLARING A NEGATIVE DECLARATION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AS IT CONCERNS A CERTAIN SITE PLAN REVIEW APPLICATION FOR THE PREMISES 100 MAIN STREET, TUCKAHOE, NEW YORK

At a regular meeting of the Planning Board of the Village of Tuckahoe, New York (the "Planning Board") held at Village Hall, 65 Main Street, Tuckahoe, New York on December 18, 2012.

WHEREAS, the Planning Board of the Village of Tuckahoe is considering the grant of Site Plan approval for the premises commonly known as 100 Main Street, Tuckahoe, New York; and

WHEREAS, the project consists of the development of the site with a mixed-use building consisting of 18 residential units (14 two-bedroom units and 4 one-bedroom units), 3,315 square feet of commercial space and 33 off-street parking spaces; and

WHEREAS, based on the Environmental Assessment Form ("EAF"), submitted by the Applicant, and any supplemental materials thereto, the Planning 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 Planning 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.

Chairwoman Ciaramella read the following from the minutes dated July 17, 2012 into the record to provide evidence that Mrs. Angelillo was given an opportunity to speak at the public hearing:

July 17, 2012

Commissioner Caliano motioned to open the public hearing, seconded by Commissioner Reyes-Guerra and unanimously carried by the Board.

Public Comments

Mrs. Angelillo, owner of the adjacent property, was happy to hear that the six-foot setback between her building and the proposed building remained unchanged. She asked about the plans for underpinning her building.

Mr. Maron noted that Mr. Murray spoke with Mrs. Angelillo regarding the plans. The applicant would need Mrs. Angelillo's consent to underpin the building and will have to approve the plans.

Commissioner Nerenberg motioned to close the public hearing, seconded by Commissioner Caliano and carried unanimously by the Board.

John Cavallaro, Village Attorney, noted that the record should reflect that on July 17, 2012 Commissioner Caliano motioned to open the public hearing. One individual spoke at that time, Mrs. Angelillo. Commissioner Nerenberg motioned and Commissioner Caliano seconded the motion to close the public hearing.

Commissioner Leo offered the following Resolution in the form of a motion:

In the matter of the Application of McEquities 100 Main Street Tuckahoe, New York

Background and Findings of Fact

The Applicant is the record owner of the premises commonly known as 100 Main Street, Tuckahoe, New York and identified on the tax map of the Village of Tuckahoe (the “Village”) as Section 28, Block 5, Lots 3, 5 and 7 (the “Premises”). The Premises is located within a Business/Residential Zoning District and consists of approximately 0.46 acres of land, which is located on Main Street near and about its intersection with Terrace Place, all within the Village of Tuckahoe, New York.

The Applicant proposes to develop the Premises according to a site plan that contemplates mixed-use development goals in order to construct a new building facilitating both residential and commercial uses (the “Project”). In connection with the Applicant’s proposal, it seeks site plan approval from the Planning Board of the Village of Tuckahoe (the “Planning Board”). As stated, the Premises is located in a Business/Residential Zoning District. The Premises consists of three tax lots on which buildings and/or parking facilities are proposed to be constructed and utilized for mixed commercial and residential uses. The proposed construction will involve a newly constructed building at the Premises for a mixed business/residential building consisting of 18 residential units (14 two-bedroom units and 4 one-bedroom units) with 3,315 square feet of commercial space. In addition, the Applicant proposes to provide 33 off-street parking spaces in connection with this Project.

Relief From the Zoning Ordinance:

To achieve its 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 it to utilize the Premises for residential uses in the Business/Residential Zoning District. In addition, the Applicant sought relief from the Village Zoning Code with respect to the following issues: (i) an area variance for an increase in the allowable floor area ratio (“FAR”) from 1.2 to 1.96¹; (ii) approval for the joint use of parking spaces for residential and retail uses, permitting not less than 33 parking spaces where 53 would otherwise be required; (iii) reducing the parking space size and dimensions to 9-feet by 18-feet when 9-feet by 20-feet is required. The prior owner of the Premises was granted an area variance for an additional story, permitting four stories where there is a three-story limitation. This Applicant has adjusted his plans so that the proposed structure will only be three

¹ Under the current proposal, the FAR for the project is 1.32.
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stories in height. However, the Applicant remains subject to the height limitation (number of feet) set forth in the Village Zoning Code as applicable to this Project.

Pursuant to this Project, the Applicant sought an increase in FAR, overall number of parking spaces and parking space width. In addition, the Applicant also sought a Special Use Permit from the Zoning Board for the residential uses in the Business/Residential Zoning District.

In total, the Applicant sought three area variances from the Zoning Board as well as the aforesated Special Use Permit. The Applicant had demonstrated to the Zoning Board that it will utilize all possible design, engineering and construction techniques to minimize the impact that the proposed building would have on other buildings in the Zoning District, those nearby buildings, and to mitigate any negative effects on the environment.

On June 11, 2008, the Zoning Board granted a Special Use Permit for residential uses in the BR District and area variances to a prior owner of the Premises to enable the Premises to be developed with a mixed-use building containing residential apartments above the ground floor retail with storefronts along Main Street. Pursuant to a Findings of Fact, Conclusions of Law and Decision, the Zoning Board extended the previously granted relief and further granted relief from the off-street parking requirements of the Village Zoning Code as well as the parking space size requirements. After conducting public hearings and deliberating the proposed benefits against the burdens of granting the zoning relief, the Zoning Board arrived at the determination that the relief requested would not have appreciable detrimental effects on the surrounding community. Thus, by an April 11, 2012 resolution, the Zoning Board granted the relief requested by the Applicant with respect to extending the Special Use Permit as well as the sought after area variances.

Planning Board Review:

An application was filed with the Planning Board by the Applicant's representatives, Les Maron, Esq. of Maron & Mazzanti and Brooker Engineering for approval of a site plan for the Premises. The Applicant's architect also appeared at Planning Board meetings to discuss the nature and scope of the Project. The Planning Board met on several dates and convened several public meetings as reflected in the minutes to consider and hear the application for site plan review. Les Maron, Esq., along with James Murray, 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 on the community and nature and scope of the Project, among other issues, were extensively discussed and deliberated before the Planning Board and the interested public.

In connection with its application for site plan review, 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 and environmental assessment forms as required by the Planning Board and its planning consultant, BFJ Planning ("BFJ"). The Project's design, physical dimensions, layout and uses were extensively discussed before the Planning Board and through written submissions submitted to the Planning Board.

The following issues were identified or extensively deliberated before the Planning Board: (i) impacts from the Project on Terrace Place based on the development of the Project and entrance way and exit way from the parking location; (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) impacts on Main Street from the Project; (vii) ingress and egress to the Premises; and (viii) neighborhood character issues adjacent to the Premises and within the general vicinity of the community.

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 site plan approval.

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

In connection with the site plan approval process, the Applicant's design professionals and the Village's planning and engineer professionals discussed and studied the issue of traffic circulation both within and without the site. In connection with that study, these professionals analyzed and discussed the following list of issues as they relate to the Project: (i) existing site conditions at or near the Premises; (ii) intersection capacity; (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. These discussions contemplated the Project's effects on both vehicular and pedestrian traffic patterns. The adequacy and proposed improvements to the existing sidewalks near the Premises in connection with the Project were also extensively discussed.

Additional traffic considerations and alternatives were discussed by the Applicant's representatives and by BFJ Planning before the Planning Board. All feasible traffic alternatives for the Project were analyzed and discussed before the Planning Board and submitted to the Planning Board in connection with the review of traffic impacts. Both the design and proposed impacts of the Project's traffic and parking plan support that the site will contribute to safe, adequate and

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convenient vehicular and pedestrian circulation. Also, vehicular maneuver drawings of the site were submitted to show how trucks and vehicles will be able to maneuver in and out of the parking lot.

As pedestrian traffic is concerned, the Applicant will be providing for new sidewalks in connection with this Project and a separate entranceway to the Project's parking area will be provided as per the Applicant's plans. It does not appear that pedestrian traffic in any way will be diminished or deteriorate as a result of this Project but rather the flow of pedestrian traffic will be enhanced due to the new sidewalks and other means for pedestrian traffic to and from the site.

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 and parking lots with capacity for the parking on the Premises. These factors, among others, adequately support the Project as a neighborhood enhancement with minimal adverse environmental impacts for a Project of its nature and scope.

Additionally, the Project features certain aesthetic considerations and uses 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 Applicant addressing all potential environmental impacts from the Project. The Planning Board issued a Negative Declaration under SEQRA as it concerned the significant environmental impacts associated with this Project. 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's design and materials are consistent with the neighborhood and community aesthetic, which consists of different Zoning Districts in close proximity utilizing business and residential 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.

Under the Project, the Applicant will ensure that the Project will generate no net increase in run-off and will avoid any appreciable environmental impacts on the Premises or neighboring lots. Thus, the Project will create no net adverse impacts on the physical environmental conditions in the surrounding community.

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

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 site plan approval, which are enumerated in Section 7-1.5 of the Zoning Code. The Project's site plan is designed as such that it fully accommodates and minimizes the effects of any increases in vehicular and/or pedestrian traffic to the site. The record before the Planning Board adequately supports that the Project's 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 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 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 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 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. The Planning Board is in possession of all information reasonably necessary to make the determination as to the environmental significance of the application for site plan approval.
3. The action taken herein shall not have any significant impacts upon the environment and declare that a Negative Declaration be adopted with respect to this action.

Conclusion

Based on the foregoing, it is resolved that site plan approval be and is hereby granted to the Applicant for the Premises in accordance with this Findings of Fact, Conclusions of Law and Decision
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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"

CONDITONS TO A CERTAIN SITE PLAN APPROVAL FOR THE PREMISES 100 MAIN STREET, TUCKAHOE, NEW YORK CONCERNING THE APPLICATION OF MC EQUITIES

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 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 impacts 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, as applicable, shall provide and/or maintain access to the surrounding public sidewalks for the benefit and safety of passersby and pedestrian traffic as shown on the Approved Plans;
2. Any deviations by the Applicant from the Approved Plans submitted to the Planning Board and/or this approval with conditions without the further approval of the Planning Board shall be deemed a violation of this site plan approval, subjecting the same to such remedies in accordance with law as the Village deems appropriate. Any such deviation shall require the further approval of the Planning Board;
3. 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 shall be undertaken in conformity with the local laws of the Village of Tuckahoe and the applicable laws of the State of New York;
4. The Project shall consist of no more than 18 residential units (14 two-bedroom units and 4 one-bedroom units) and 3,315 square feet of commercial space as presented by the Applicant. The residential component of the Project shall be limited to 14 two-bedroom units and 4 one-bedroom units for a total of 18 residential units. The Project shall have no three-bedroom units;
5. No non-municipal heavy equipment and/or trucks and/or commercial vehicles shall be stored on the site unless being used on a continuing basis on the site during construction or pre-construction;
6. All work within the Village of Tuckahoe's right-of-way and on public premises will be in accordance with specifications determined by the Village Board of Trustees of the Village of Tuckahoe;
7. The building proposed to be developed on the site shall have no more than 3 stories as shown on the Approved Plans;

8. The 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 ("Approved Plans"):

Final Site Plans Prepared For: 100 Main Street
Village of Tuckahoe, New York

Prepared by: Brooker Engineering, PLLC
75 Lafayette Avenue
Suffern, New York 10901

| <u>Drawing No. and Description</u> | <u>Last Revised</u> |
|---|----------------------------|
| 1. Title Sheet | 12/17/12 |
| 2. Existing Conditions Plan | 12/12/12 |
| 3. Layout Plan-Cellar Floor | 12/17/12 |
| 4. Layout Plan – First Floor | 12/17/12 |
| 5. Grading and Utility Plan – First Floor | 12/17/12 |
| 6. Erosion Control Plan | 12/12/12 |
| 7. Construction Details (1 of 2) | 12/12/12 |
| 8. Construction Details (2 of 2) | 12/12/12 |

And

The Preliminary Plans for 100 Main Street, Tuckahoe, New York, dated October 4, 2012 prepared by Purcell Architects; provided, however, that if there is a conflict among the plans, the Brooker Engineering site plans shall govern.

9. The entry to the parking off Terrace Place shall be marked with a "permit parking only" or "private" 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;

10. An as-built foundation survey must be completed and submitted to the Building Inspector prior to the issuance of permission to proceed with building construction;

11. Construction specifications for "Off-Site Improvements" as set forth below are to be coordinated with the Village Superintendent of Public Works in accordance with Approved Plans;

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

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

14. 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 Off-Site Improvements and public improvements as set forth below 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 for the Approved Plans. A “Necessary Approval and Permit” shall be an approval or permit for an Off-Site Improvement or public improvement that is desired or wanted by the Village Board of Trustees in their discretion. This condition shall not preclude the Applicant from filing for or obtaining a Building Permit;

15. 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 in Chapter 3, Article II of the Village Code;

16. There shall be no assigned parking spaces on the site. All parking spaces on the site will be shared parking spaces;

17. All Off-Site improvements in front of, adjacent to and across from the proposed building, including but not limited to sidewalks, curbs and landscaping 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 Certificate of Occupancy;

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

19. 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;

20. The total number of bedrooms for this Project shall not exceed 32 bedrooms and any deviation from this total bedroom count of 32 shall require the further approval of this Planning Board;

21. The wall-to-wall size for parking spaces and parking aisle shall be at least 60 feet comprised of parking spaces 18 feet in length and a 24-foot-wide parking aisle;

22. Prior to the issuance of a Certificate of Occupancy, the Applicant shall provide an easement or other legal instrument as required and approved by the Village Attorney that allows the public the right to travel over the Applicant’s property for the section of sidewalk adjacent to the proposed building and along Terrace Place. Such easement or other legal instrument shall be in recordable form and recorded with the Westchester County Clerk, Division of Land Records against the Project Premises;

23. As determined by the Planning Board, the Applicant shall provide screening as appropriate in accordance with the Zoning Code of the Village of Tuckahoe;

24. In accordance with the November 20, 2012 memorandum of BFJ Planning, the Applicant shall provide: (i) two-way access into the parking deck; (ii) signs labeled “No Outlet at Main Street”; (iii) the striping of Terrace Place; and (iv) no planters, trees, shrubs or other obstructions in Terrace Place;

25. In accordance with the Approved Plans, Terrace Place shall be changed to a two-way street from the driveway of the Premises to the intersection with Main Street. Such change shall be approved by the Village Board of Trustees and the Department of Public Works;

26. If required by the Village Board of Trustees, the Applicant shall maintain at all times the stamped asphalt proposed on Terrace Place for this Project;

27. As directed by the Building Inspector, the Applicant shall fence the Premises for the safety of pedestrians, passersby and others;

28. Following the issuance of this site plan approval, the Applicant shall submit to the Village Architectural Review Board process for approval of architectural review from the Architectural Review Board;

29. The refuse storage space area opposite parking space number one (1) shall not be longer than thirteen (13) feet;

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

31. Each of the conditions contained herein shall be satisfied by the Applicant at the Applicant's sole cost and expense.

32. Any tree destroyed by the Applicant during the construction process shall be replaced by the Applicant at its sole cost and expense.

Commissioner Caliano seconded to approve the Resolution.

Commissioner Reyes-Guerra asked to add amendment #32 - Any tree destroyed by the Applicant during the construction process shall be replaced by the Applicant at its sole cost and expense.

Commissioner Caliano motioned to approve the amendment to the Schedule A, was seconded by Commissioner Nerenberg and carried unanimously by the Board.

Upon roll call, the Resolution in its entirety was carried with a vote of 7 – 0.

Item #3 68 Marbledale Avenue

Adjourned

Item #4 20 Chestnut

Adjourned

Chairwoman Ciaramella wished all Happy Chanukah, Merry Christmas and a Happy Kwanza and a safe 2013.

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.