

July 9, 2012

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

**Present:** Chairperson Ann Marie Ciaramella  
Commissioner Melba Caliano  
Commissioner Eric Fang  
Commissioner Antonio Leo  
Commissioner Clare Gorman

**Absent:** Commissioner Raymond Nerenberg  
Commissioner Tim Miller  
Bill Williams Building Inspector  
Commissioner Sandy Reyes-Guerra (ad hoc)

**Also in Attendance:**

Gary Gjertsen Deputy Village Attorney  
James Pinto Village Consultant  
Melissa Kaplan-Macey Village Consultant

**Chairwoman Ciaramella announced the evening’s agenda as follows:**

**Item #1 Crestwood Station Plaza LLC**

Mr. Richman displayed the final drawings for the site plan. He stated that the sidewalk would be 13ft. to 20 ft. wide on Columbus Ave. The widest section will be at the corner at the crosswalk. There will be trees along the frontage. Tuckahoe marble will be incorporated into the landscape features, as this is the gateway into Crestwood. This site will have 3600sq. ft. of commercial property. There will be four storefronts on Columbus Ave. with a cylindrical corner at Lincoln Ave. The Lincoln Ave. side of the project will be a Tudor like style. Subject to the Sign and Awning Board’s approval, there will be a large sign on the header of the Columbus Ave. building that reads ‘CRESTWOOD’. There will be two stone pillars at the gateway entrance of the driveway on Fisher Ave.

Mr. Richman continued with a summary of the Pocket Park proposal on Columbus Ave. across from the site. This will be located where the taxi business was located. It will use four parking spaces, which will consist of a hedge surrounding the street line, four large trees, and a trellis for a potential backdrop, grass, brick and pavers throughout.

Melissa-Kaplan-Macey asked about the replacement of the window on the apartment unit that was relocated from the back of the site to the front.

Mr. Richman noted that the window would be the same as all the windows on the building. This has been added to the resolution.

**Commissioner Leo offered the following Resolution as a motion:**

In the Matter of the Application of STREETWORKS-DEVELOPMENT, LLC, Premises: 300-308 Columbus Avenue, Tuckahoe, New York,

**Background and Findings of Fact:**

The Applicant is the contract vendee 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 intersections with Lincoln Avenue and Fisher Avenue, 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 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, 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.<sup>1</sup> The Premises consists of two 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 converting 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 as well as a net addition of 8 on-street parking spaces adjacent to the Premises.

**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, the Applicant sought relief from the Village Zoning Ordinance with respect to the following issues: (i) 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; (ii) an area variance from the 3 story height requirement of Section 4-5.3.3 to permit the subject building to have 4 stories along its Lincoln Avenue frontage; (iii) 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 were required; (iv) an area variance from the parking space width requirement of Section 5-1.2.1.5(e) to

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<sup>1</sup> In 2010, the Premises was re-zoned by the Village Board of Trustees to a Business/Residential Zoning District.  
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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.

A summary of the proposed deviations from the Zoning Code is as follows:

	<u>Required</u>	<u>Proposed</u>
<b>Height (in feet):</b>	42'	45'9"
<b>Number of Stories:</b>	3	4
<b>Parking</b> (total residential and commercial)	112	61
<b>Parking Space Width</b> (36 of the proposed 61 spaces)	9 feet	8.5 feet

Pursuant to this Project, the Applicant sought an increase in building height, number of stories, 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 four area variances from the Zoning Board as well as the aforesaid 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 buildings would have on other buildings in the Zoning District, those nearby buildings, and to mitigate any negative effects on the environment.

On February 8, 2012, by way of a Findings of Fact, Conclusions of Law and Decision filed and entered with the Village Clerk on February 9, 2012, the Zoning Board granted the Applicant the relief it sought in connection with the aforesaid area variances and Special Use Permit. 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 by the Applicant would not have appreciable detrimental effects on the surrounding community. Thus, by a February 8, 2012 resolution, the Zoning Board granted the relief requested by the Applicant with respect to the Special Use Permit as well as the area variances.

**Planning Board Review:**

An application was filed with the Planning Board by the Applicant’s representatives, Robert Davis of Singleton, Davis & Singleton and John Meyer Consulting (“JMC”) for approval of a site plan for the Premises. The Applicant’s architect, Richard Heapes of Streetworks-Development, LLC, also appeared at Planning Board meetings to discuss the nature and scope of the project. The Planning Board met on several dates and convened at several public meetings as reflected in the minutes to consider and hear the application for site plan review.

John Richman of Streetworks-Development, LLC, 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, studies and environmental assessment forms with supplements 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 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) building height, scale and aesthetic impact and massing; (vii) ingress and egress to the Premises; (viii) the Project's compatibility with the Village's Comprehensive Plan; and (ix) neighborhood character issues adjacent to the Premises and within the general vicinity of the community. On May 15, 2012, the Planning Board issued a Negative Declaration under the State Environmental Quality Review Act ("SEQRA").

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, JMC 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.

JMC's traffic impact study contemplates the Project's effects on both vehicular and pedestrian traffic patterns. The adequacy  
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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 JMC's representatives 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 traffic impact study. Both the design and proposed impacts of the Project's traffic and parking plan support that the site will contribute to safe, adequate and 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.

It is also important to point out that in connection with this Project, the two existing gas stations sought to be replaced with the Project provide parking for approximately 70 to 90 vehicles per day as it concerns commuters and others, who in most respects, utilize the nearby train station. Using conservative numbers, there are 39 trips in the a.m. and 22 trips in the p.m. for the existing gas stations. Under the Project, these trips will be reduced to 33 trips, which is a 40% reduction. In connection with the traffic impact study submitted by the Applicant, BFJ reviewed the same in connection with its review of the Applicant's submissions. BFJ indicated, by way of October 10, 2011 memorandum, that "our traffic group had reviewed the traffic study submitted by John Meyer Consulting ('JMC'). We believe that the traffic calculations are reasonable and that the conclusions of the study are also substantiated by our own review. In essence, the traffic levels of service in the area should not change significantly due to this development."

As pedestrian traffic is concerned, the Applicant will be installing new sidewalks in connection with its 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, buried utility lines 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 July 9, 2012

the Project. On May 15, 2012, 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.<sup>2</sup>

Finally, the Premises “as is” produces \$80,000 a year in taxes. Under the project, as proposed, the taxes will increase to \$245,000 a year, with the Village receiving an increase of \$57,600 per year.

**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. Both the studies conducted and the testimony before the Planning Board adequately support that the Project’s site plan, as proposed herein, will meet and/or exceed the Zoning 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.

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<sup>2</sup> Additionally, the Project as proposed is projected to generate 0 school-aged children for the applicable school district.  
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**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.

**SEORA:**

As mentioned, the Planning Board issued a Negative Declaration for this Project on May 15, 2012.

**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 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 300-308  
COLUMBUS AVENUE, TUCKAHOE, NEW YORK CONCERNING THE APPLICATION OF  
STREETWORKS-DEVELOPMENT, LLC**

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 Approved Plans;
2. Any material deviations by the Applicant from the Approved Plans submitted to the Planning Board and/or this approval with conditions without 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 material 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 47 residential units (43 studio units and 4 one-bedroom units) and 3,600 square feet of commercial space as presented by the Applicant. The residential component of the Project shall be limited to 43 studio units and 4 one-bedroom units for a total of 47 residential units. The Project shall have no two-bedroom units or 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. Exclusive of the costs for the Off-Site Improvements as stated in Condition Number 21 herein, the Applicant shall relocate all overhead utility lines existing along the site's frontage underground on Columbus Avenue as recommended by the Eastchester Fire Department;

7. 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;

8. The building proposed to be developed on the site shall have no more than 3 habitable levels facing Lincoln Avenue (excluding the parking areas, elevators, fire stairs and corridors) and 3 habitable levels facing Columbus Avenue as shown on the "Approved Plans" as set forth in Condition 9 below;

9. 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"):

**1. 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

2. Street-Works Consulting, LLC Drawings:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev. 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

10. The entry to the parking off Fisher Avenue 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;

11. With respect to the adjacent church, the Applicant shall submit a letter to the adjacent church requesting permission regarding the trees and landscaping proposed for its property. The letter will provide and the Applicant agrees that any damaged or removed trees shall be replaced by Applicant at its sole cost, subject to the permission of the church;

12. In coordination with the Village of Tuckahoe Police Department, the Applicant shall supply, install and locate all parking meters near, along and adjacent to the site as shown on Approved Plans;

13. 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;

14. 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;

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

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

16A. 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 as set forth below and any other public improvements to be constructed and installed in accordance with the July 9, 2012

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;

17. 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;

18. During periods of heavy snowfall that diminish the availability of parking spaces, the heavy snowfall shall be hauled from the site to maintain adequate parking on the site;

19. Subject to Condition 20 immediately below, there shall be no assigned parking spaces on the site. All parking spaces on the site will be shared parking spaces;

20. With regard to the tandem spaces to be located in the on-site parking lot, the front most portion of the tandem spaces shall be used for employees only, with the back of the tandem spaces to be used for employees or patrons;

20A. Subject to Condition 16A above and Condition 21 below, all Off-Site Improvements in front of, adjacent to, and across from the proposed building, 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 Certificate of Occupancy;

21. The Applicant, at its sole cost and expense, shall cause to be constructed, subject to the conditions herein, certain improvements adjacent to the Project and across from the Project that are to be located beyond its property lines and beyond the curb lines of Columbus, Lincoln and Fisher Avenues (cumulatively, the "Off-Site Improvements"): such Off-Site Improvements being those depicted on the approved John Meyer PC drawings SP-1 to SP-12 and Street-Works’ drawing A-306 Proposed Pocket Park Plan as finally approved by the Village Board of Trustees and/or all other applicable governmental agencies having jurisdiction. The Off-Site Improvements shall be completed, subject to the conditions herein, in a first class workmanlike manner prior to the issuance of the Certificate of Occupancy for the Project.

The Applicant shall construct and install and be solely financially responsible for the following Off-Site Improvements as shown on the Approved Plans: 1) those improvements lying between Applicant’s property lines and the curb lines on Fisher, Columbus and Lincoln Avenues; 2) the crosswalks and other improvements in the intersection of Columbus and Lincoln Avenue; 3) the curb relocation and other improvements at the northeast corner of the Columbus and Lincoln Avenues intersection. However, to the extent that the costs for constructing and installing the foregoing Off-Site Improvements numbered 1, 2 and 3 as shown on the Approved Plans may be increased as the result of any modification thereof or addition thereto by the Village Board of Trustees or other governmental agencies in the course of their rendering the “Necessary Approvals and Permits” as set forth in paragraph 16A. above, the Applicant shall be required to construct and install said Off-Site Improvements as so modified or added to only to the extent the Applicant’s costs for constructing and installing same shall not exceed the costs for constructing and installing such Off-Site Improvements as if constructed and installed in accordance with the Approved Plans without such modifications and or additions. In addition, the Applicant shall not be responsible for incurring more than \$40,000 toward the construction cost of the proposed Pocket Park plan shown on the approved Street-Works’ drawing A-306 (“Applicant’s Cost Responsibility”).

Thus, in accordance with Section 7-725-a(7) of the Village Law, the Applicant shall post a performance bond(s) or letter of credit(s), 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 for which the Applicant is solely responsible as set forth in the preceding paragraph, plus the Applicant's Cost Responsibility (\$40,000 for the Pocket Park) for the Off-Site Improvements 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 have been constructed, installed and completed pursuant to the Approved Plans as set forth herein and approved by the Village Building Department.

In connection with the construction of the proposed Pocket Park, the Applicant shall provide certified, itemized invoices and/or bills for the Applicant's Cost Responsibility of \$40,000.00;

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

23. 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;

24. 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

25. "Subject to the limitations explained in Condition 21, each of the conditions contained herein shall be satisfied by the Applicant at the Applicant's sole cost and expense.

**Commissioner Caliano seconded the motion and upon roll call, the motion was carried with a vote of 5 – 0.**

Mr. Richman thanked the Board for their time and commitment in producing a great project.

Chairwoman Ciaramella thanked her colleagues for their time and effort, with all the special meetings pertaining to this one project. The Board tried to do their very best and to do the best for the Village, where the Board members live and love.

Mayor Ecklund thanked the Planning Board and Zoning Board for the extra work with both this Crestwood project and the Glenmark Project. That was a lot to ask of the members for the extra meetings, time and energy. Both projects will be beautiful. He thanked all again and complimented them on a great job.

Chairwoman Ciaramella thanked the mayor for letting the Board members know that he values our work here.

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.