

**TOWN OF YORKTOWN  
PLANNING BOARD**

**RESOLUTION APPROVING  
BASIC STORMWATER POLLUTION PREVENTION PLAN PERMIT,  
TREE PERMIT, AND SUBDIVISION PLAT TITLED  
SUBDIVISION PLAT PREPARED FOR  
GARY J. GIONE**

**RESOLUTION NUMBER:**

**DATE:**

Upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and unanimously voted in favor by Flynn, Savoca, Rivera, and Kutter, the following resolution was adopted:

WHEREAS in accordance with the Planning Board's Land Development Regulations adopted February 13, 1969 and as last revised July 1, 1999, a formal application for the approval of a subdivision plat titled "Subdivision Prepared for Gary J. Gione," Section 27.15 Block 2 Lot 1 ("the Property"), prepared by Scott T. Chamberlain, L.S., dated August 2, 2012, was submitted to the Planning Board on behalf of Gary Gione (hereinafter referred to as "the Applicant") and the applicant has represented to this board that they are the lawful owners of the land within said subdivision; and

WHEREAS an application fee of \$1,620.00 covering 2 lots on 3.109 acres in the R1-40 zone has been received by this board; and

WHEREAS pursuant to SEQRA:

1. The action has been identified as an Unlisted action.
2. The Planning Board has been declared lead agency on August 13, 2012.
3. A negative declaration has been adopted on August 13, 2012 on the basis of a Full EAF dated January 23, 2012.

WHEREAS the Planning Board has reviewed the recreation needs created by the subject subdivision as well as the present and anticipated future needs of the surrounding area as analyzed and planned for in the Town's Recreation Plan adopted in 1978; and

WHEREAS the majority of open space available within the subject subdivision is environmentally sensitive and unsuitable for active recreation; and

WHEREAS while additional recreation land is needed to meet the recreational needs created by the subject subdivision, as well as the surrounding neighborhood, recreation lands of suitably character or adequate size cannot be properly located within the subject subdivision or is otherwise not practical; and

BE IT RESOLVED pursuant to Town of Yorktown Town Code Sections §195-16 and §168-1, in lieu of recreation lands a fee of \$10,000.00 per new lot shall be provided by the applicant to satisfy the recreational needs created by the subject subdivision and to help meet the present and anticipated needs of the surrounding neighborhood; and

WHEREAS the applicant has submitted to this board as part of this application the following maps and documents:

1. A plat, titled "Subdivision Prepared for Gary J. Gione," prepared by Scott T. Chamberlain, L.S., dated August 2, 2012;
2. A map, Sheet 1 of 4, titled "Proposed Subdivision Plan prepared for Gary Gione - Improvement Plan," prepared by Site Design Consultants, dated January 25, 2012 and last revised May 9, 2012;
3. A map, Sheet 2 of 4, titled "Proposed Subdivision Plan prepared for Gary Gione - Existing Condition Plan," prepared by Site Design Consultants, dated January 25, 2012 and last revised May 9, 2012;
4. A map, Sheet 3 of 4, titled "Proposed Subdivision Plan prepared for Gary Gione - Erosion & Sediment Control Plan," prepared by Site Design Consultants, dated January 25, 2012 and last revised May 9, 2012;
5. A drawing, Sheet 4 of 4, titled "Proposed Subdivision Plan prepared for Gary Gione - Improvement Details," prepared by Site Design Consultants, dated January 25, 2012 and last revised May 9, 2012;
6. An Engineer's Report, titled "Engineer's Report prepared for Gary Gione," prepared by Joseph C. Riina, P.E. of Site Design Consultants, and dated May 9, 2012;

WHEREAS the Planning Board has referred this proposal to the following agencies and has received input from same:

<b>Boards and Agencies</b>	<b>Report Date</b>
Conservation Board	02/08/12, 05/18/12
Planning Department	09/22/11
Town Assessor	08/08/12
Town Engineer	02/13/12, 05/30/12
Water Department	02/28/12
Wetlands Consultant	02/13/12
Westchester County Dept of Health	06/06/12

WHEREAS the proper endorsement of the County Health Office has not been obtained; and

WHEREAS the requirements of this Board's Land Development Regulations have been met except as noted below; and

WHEREAS a Public Informational Hearing was held in accordance with §195-22A(5) of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on March 12, 2012; and

WHEREAS a Public Hearing was held in accordance with §195-22E of the Yorktown Town Code on the said subdivision application and plat at the Town Hall in Yorktown Heights, New York on commencing and closing on June 11, 2012; and

WHEREAS pursuant to Town of Yorktown Town Code Section §195-29U, the applicant has offered a road widening strip of 0.102 acres and as shown on the proposed plat and proposed improvement plan listed herein, to be deeded to the Town of Yorktown for future road widening purposes; and

WHEREAS on April 26, 2012, the Zoning Board of Appeals granted a variance allowing a front yard setback of 34 feet where 50 feet is required in the R1-40 zone to legalize the front yard setback for the existing residence; and

WHEREAS the applicant has offered a Conservation Easement to protect the wetland and wetland buffer areas located on site which will be placed on a portion of both proposed lots totaling 1.650 acres and as delineated on the proposed plat and proposed improvement plan listed herein;

WHEREAS the proposed disturbance required to construct the site is approximately 16,000 SF and since this disturbance is less than one acre, but more than 5,000 SF, it requires the filing of a Notice of Intent (NOI) with the NYS DEC and the Town of Yorktown as the MS4, and the preparation of an Erosion and Sediment Control Plan; and

RESOLVED the Applicant will retain a certified professional to serve as an Environmental Systems Planner to supervise and be present during the construction of the erosion control measures, and which Environmental Systems Planner will provide weekly inspection reports regarding the status of erosion control measures to the approval authority and the Environmental Inspector throughout construction; and

RESOLVED the Applicant must notify the Planning Board in writing stating the name of the Environmental Systems Planner or Firm that will be completing the weekly inspection reports and shall notify the Planning Board in writing if this Planner or Firm changes; and

BE IT THEREFORE NOW RESOLVED that the application of Gary Gione for the approval of a subdivision plat titled "Subdivision Prepared for Gary J. Gione," prepared by Scott T. Chamberlain, L.S., dated August 2, 2012, be approved subject to the following modifications and conditions and that the Chairman and Secretary of this board be and hereby are authorized to endorse this board's approval on said plat upon compliance by the applicant with such modification and additional requirements as noted. If such modifications are not made and such conditions are not fulfilled within **180 days** from the date of this resolution the plat shall be deemed disapproved.

Modify said plat to show the following:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

Modify Improvement Plans to show the following:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_

BE IT FURTHER RESOLVED the Basic Stormwater Pollution Prevention Plan and Tree Permit **#BSWPPP-T-029-12** is hereby approved by this resolution and is subject to the terms and conditions outlined therein, however said permit is not valid until signed by the Planning Board Chairman; and

BE IT FURTHER RESOLVED prior to issuance of a building permit, Applicant shall submit fees and security to the Engineering Department as required by the Town Engineer in the Basic Stormwater Pollution Prevention Plan and Tree Permit; and

BE IT FURTHER RESOLVED that said plat map shall not be endorsed by the Planning Board until:

- A) The deed for the road widening strip is submitted to the Planning Department to the satisfaction of the Town Attorney.
- B) Submission of a statement signed by the Town's Tax Collector that all taxes due on this parcel have been paid.
- C) Submission of fees to the Planning Department as per town requirements in the form of separate checks made payable to the Town of Yorktown:

Recreation Fee	\$10,000.00
General Development	\$720.00

- D) Provide monuments at all points of curvature and points of tangency as directed by the Town Engineer at right-of-way/property line, for all lots.
- E) The Basic Stormwater Pollution Prevention Plan is approved by the Town Engineer.

BE IT FURTHER RESOLVED that upon submission of a building permit for the proposed new lot, the owner shall submit a site plan or plot plan, to ABACA, at a minimum scale of 1" = 20' showing the following:

- a. The location of the proposed house.
- b. The proposed finished floor elevation of the first floor, garage, and basement.
- c. The proposed grade at the garage entrance.
- d. The percentage slope of the proposed driveway.
- e. All existing and proposed topographic contour lines. All contour lines must extend a minimum of 10'-0" beyond the property line.
- f. The line of all delineated wetland, wetland buffers, easements, etc.
- g. A line indicating the limit of the area which will be disturbed by construction.
- h. Any other pertinent information as shown on the subdivision and improvement plan.

BE IT FURTHER RESOLVED that upon application for a building permit for lots in this subdivision, the building inspector shall review the proposed building elevations to determine the requisite grading. Should the building inspector determine that the requisite grading exceeds by plus or minus two (2) feet the elevations the Planning Board approved on the final construction plans, the applicant shall apply to the Planning Board for approval of the proposed building plan. The Planning Board shall review such application to determine whether the proposed excavation is limited to the greatest extent practicable and does not create adverse environmental or aesthetic impacts. The board shall approve or deny the proposed additional grading by resolution; and

BE IT FURTHER RESOLVED that no certificates of occupancy be issued for any lot unless and until the Environmental Officer has reported that all required erosion control measures are in place and functioning properly on entire site; and

BE IT FURTHER RESOLVED that no certificate of occupancy will be issued unless the lot bounds are staked out and possession survey of premises is filed with the Building Inspector containing legend that stakes have been set as shown thereon; and

BE IT FURTHER RESOLVED that no certificate of occupancy will be issued unless the Applicant submits an as-built, including all public improvements if any are constructed, in AutoCAD DWG readable format; and

BE IT FURTHER RESOLVED that upon consideration by the board the following requirements of these regulations be waived:

1. Sidewalks
2. Street trees

BE IT FURTHER RESOLVED that upon due consideration by the board no other requirements of these regulations be modified; and

BE IT FURTHER RESOLVED that the approved plat shall be recorded and filed in the County Clerk's office within 60 days from the signature on the plat, otherwise said approval shall become null and void.