

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN FOR
AUGIE'S STEAK HOUSE**

RESOLUTION NUMBER:

DATE:

On motion of _____, seconded by _____, and unanimously voted in favor by Fon, Flynn, Savoca, Rivera, and Kincart 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 site plan titled "Parking Plan," Section 15.19 Block 1 Lot 25 ("the Property"), prepared by SJF Engineering Services, dated February 25, 2011, and last revised October 31, 2011, was submitted to the Planning Board on behalf of Sal Barone (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 site plan; and

WHEREAS an application fee of \$4,067.00 covering 0.33 acres has been received by this board; and

WHEREAS pursuant to SEQRA the action has been identified as a Type II action and requires no further environmental review; and

WHEREAS the applicant has submitted as part of his application the following maps and documents:

1. A site plan, Sheet PP-1, titled "Parking Plan," prepared by SJF Engineering Services, dated February 25, 2011 and last revised October 31, 2011;
2. A survey, prepared by Kulhanek & Plan Land Surveyors P.C., dated November 20, 2008;
3. A lease, entitled "Rental Agreement" (the "Rental Agreement"), dated February 1, 2012, effective January 1, 2012, between the Applicant and 3432 Lexcorp, Inc., ("Lexcorp") which owns certain land which is appurtenant to the Property, for a term of five (5) years, for certain parking spaces owned by Lexcorp to be rented to the Applicant by Lexcorp; and

WHEREAS pursuant to Section §300-182A(5) of the Town of Yorktown Town Code, the applicant has provided 1 parking space for every 50 square feet of floor area devoted to

patron use (1,647 square feet), plus 1 space for each 100 square feet of food preparation and ancillary use (1,294 square feet), plus 5 spaces per 1,000 square feet of office space (107 square feet) thereby requiring a total of 47 parking spaces as shown on the site plan; and

WHEREAS, the Applicant cannot meet the parking requirements of the Town Code with the Property and the Applicant has proposed to use certain parking spaces existing on the appurtenant property owned by Lexcorp, to satisfy the Town Code parking requirements; and

WHEREAS the applicant has a Rental Agreement with the adjacent property owner, 3432 Lexcorp, Inc. located at 3432 Lexington Avenue, for 34 of the 47 required parking spaces and these parking spaces are shown as spaces #8, 9, 10 and 24 through 47 on the site plan; and

WHEREAS said rental agreement with 3432 Lexcorp, Inc. may be terminated with 90 days written notice by either party; and

WHEREAS the Planning Board has referred this application to the following boards and agencies and has received and considered reports of the following:

Boards & Agencies	Report Date
Building Inspector	01/06/12

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

WHEREAS having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the said site plan application commencing and closing on February 13, 2012 at Town Hall in Yorktown Heights, New York;

BE IT NOW RESOLVED that the application of Sal Barone for the approval of a site plan titled "Parking Plan" as prepared by SJF Engineering Services, dated February 25, 2011 and last revised October 31, 2011, be approved subject to the modifications and conditions listed below, and that the Chairman of this Board be and hereby is authorized to endorse this Board's approval of said plan upon compliance by the applicant with such modifications and requirements as noted below:

Modify plans to show:

1. _____
2. _____

Additional requirements prior to signature by the Planning Board Chairman:

1. Submission of fees as per town requirements in the form of separate checks made payable to the Town of Yorktown:

General Development \$128.00

Additional requirements:

2. Proposed plan must comply with all current applicable ADA standards.
3. Applicant must obtain all necessary permits from outside agencies in order to complete project.

BE IT FURTHER RESOLVED if said Rental Agreement for parking spaces #8, 9, 10, and 24-47 as shown on the approved site plan is terminated by Lexcorp, Inc or the Applicant, the Applicant must cease usage of the second floor restaurant space and immediately notify the Planning Department of said termination in writing return to the Planning Board to address the resultant parking deficiencies in the approved site plan due to termination of the Rental Agreement; and

BE IT FURTHER RESOLVED that unless a building permit has been issued within 360 days of the date of this resolution, <DATE>, this approval will be null and void.