

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
TEA TEMPTATIONS
LOCATED AT 1950 EAST MAIN STREET**

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 Michael Adamovich of Tea Temptations, a proposed tenant for an existing retail space consisting of 1,392 square feet and located at 1950 East Main Street, Mohegan Lake, and with Tax ID 15.15-1-44 (“the Property”), submitted a building permit application to the Building Inspector, which was referred to the Planning Board, for a proposed restaurant, which changes the use from retail to food service; and

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

WHEREAS the new tenant has submitted the following maps and documents:

1. A drawing, Sheet 1 or 5, titled, “Title Sheet: Renovation at 1950 East Main Street,” prepared by CIMA Goup Architecture & Engineering, P.C., dated December 29, 2011, with no revisions;
2. A drawing, Sheet 2 or 5, titled, “First Floor Demolition Plan: Renovation at 1950 East Main Street,” prepared by CIMA Goup Architecture & Engineering, P.C., dated December 29, 2011, with no revisions;
3. A drawing, Sheet 3 or 5, titled, “First Floor Construction Plan: Renovation at 1950 East Main Street,” prepared by CIMA Goup Architecture & Engineering, P.C., dated December 29, 2011, with no revisions;
4. A drawing, Sheet 4 or 5, titled, “First Floor Reflected Ceiling Plan: Renovation at 1950 East Main Street,” prepared by CIMA Goup Architecture & Engineering, P.C., dated December 29, 2011, with no revisions;
5. A drawing, Sheet 5 or 5, titled, “Section, Electrical Plan and Equipment Schedules: Renovation at 1950 East Main Street,” prepared by CIMA Goup Architecture & Engineering, P.C., dated December 29, 2011, with no revisions;
6. _____

WHEREAS on February 10, 1986 the Planning Board approved the parking plan (“the Parking Plan”) for the Property and on September 22, 1986 the chairman signed the Parking Plan titled, “Villas Commercial Property,” prepared by William Marcon, P.E., dated November 25, 1985, and last revised September 19, 1986; and

WHEREAS pursuant to Section §300-182A(3) and (4) of the Town of Yorktown Town Code, the parking requirement for retail and office uses is 5 spaces for every 1,000 square feet of gross floor area, therefore the total building square footage, 11,953 square feet, as retail and office uses requires 60 parking spaces;

WHEREAS pursuant to Section §300-182A(5) of the Town of Yorktown Town Code, the parking requirement for restaurant use is 1 space for every 50 square feet of floor area devoted to patron use, plus 1 space for every 100 square feet of food preparation and ancillary use, therefore converting 1,392 square feet of the total building square footage to restaurant use, with 1,008 square feet devoted to patron use and 384 square feet devoted to preparation and ancillary uses, requires 24 parking spaces, thereby increasing the total building required parking from 60 to 77 parking spaces;

WHEREAS as shown on said Parking Plan and observed on a site visit made by the Planning Department, 64 parking spaces exist on the Property, therefore the Property requires an additional 13 parking spaces; and

WHEREAS pursuant to Section §300-182H(4), the Planning Board may reduce the required parking upon findings and determinations that:

- (a) There is additional off-street parking, either private parking or public parking, available in close proximity to the site to be developed.
- (b) The proposed or allowable uses on the site provide for varying peak hours of operation.
- (c) The site can provide or has pedestrian access from adjacent commercial (nonresidential) developments.
- (d) The site owner shall agree to accept shared parking from adjacent or proximate nonresidential developments.
- (e) There is available public parking adjacent or in proximity to the site.

WHEREAS the Applicant has shown the existing parking lot is currently underutilized during the hours of operation of the proposed restaurant because the peak hours of the existing co-tenants do not coincide with the peak hours of the proposed restaurant; and

WHEREAS the Property is in close proximity to public parking available to the north across East Main Street; and

BE IT THEREFORE NOW RESOLVED the Planning Board has determined it is beneficial to promote the revitalization and redevelopment of the Town’s commercial centers by allowing uses which might otherwise be restricted by the off-street parking requirements when existing

off-street parking is underutilized by shared uses with varying hours of operation and where public parking is available in close proximity to the Property; and

BE IT FURTHER RESOLVED the required parking spaces for the Property shall be reduced from 77 parking spaces to 64 parking spaces pursuant to the Building Permit application for Tea Temptations and its proposed use of the 1,392 square foot space as shown on the drawings listed herein, and as may be requested to be revised by the Building Inspector; and

BE IT FURTHER RESOLVED any new proposed tenant for this or any other space in the building shall be reviewed pursuant to the procedures of the Town of Yorktown Town Code at the time of application; and

BE IT FURTHER RESOLVED the Planning Board has determined a site plan approval is not required for the change in use from retail to restaurant at the subject Property because no site improvements are proposed or required.