

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN & SPECIAL PERMIT FOR
MOHEGAN LAKE MOTORS**

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 "Mohegan Lake Motors," Section 15.12 Block 1 Lot 3 & 4 ("the Property"), prepared by Site Design Consultants, dated June 28, 2011, and last revised February 1, 2012, was submitted to the Planning Board on behalf of Barry Rost, owner of Mohegan Lake Motors (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 \$1,616.00 covering 1.036 acres has been received by this board; and

WHEREAS pursuant to SEQRA:

1. The action has been identified as an Type I action.
2. The Planning Board has been declared lead agency on April 9, 2012.
3. A negative declaration has been adopted on April 9, 2012 on the basis of a Full EAF dated December 21, 2011.

WHEREAS after careful review of the Full EAF the Planning Board determined the action is not likely to cause significant adverse impacts to the environment and therefore did not require an Environmental Impact Statement be prepared; and

WHEREAS the Applicant has submitted as part of this application the following maps and documents:

1. A map, Sheet C-101, titled "Mohegan Lake Motors Site Plan," prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
2. A map, Sheet C-102, titled "Mohegan Lake Motors Existing Conditions & Demolition Plan," prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;

3. A map, Sheet C-103, titled “Mohegan Lake Motors Grading & Utility Plan,” prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
4. A map, Sheet C-104, titled “Mohegan Lake Motors Erosion & Sediment Control Plan & Notes,” prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
5. A map, Sheet C-105, titled “Mohegan Lake Motors Wetland Buffer Enhancement Plan,” prepared by Tim Miller Associates, dated June 28, 2011 and last revised February 1, 2012;
6. A map, Sheet C-106, titled “Mohegan Lake Motors Landscape Plan,” prepared by Frank Giuliano, dated September 1, 2011 and last revised February 1, 2012;
7. A map, Sheet C-107, titled “Mohegan Lake Motors Lighting Plan,” prepared by Anthony Gross, LC, dated November 3, 2011 with no revisions;
8. A drawing, Sheet C-501, titled “Mohegan Lake Motors Site Improvement Details,” prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
9. A drawing, Sheet C-502, titled “Mohegan Lake Motors Retaining Wall Details,” prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
10. A drawing, Sheet C-503, titled “Mohegan Lake Motors Roadway Details,” prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
11. A drawing, Sheet C-504, titled “Mohegan Lake Motors Erosion & Sediment Control Notes & Details,” prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012;
12. A drawing, Sheet T-1, titled “Title Sheet,” prepared by Michael A Piccirillo, AIA, dated April 1, 2011, and last revised September 1, 2011;
13. A drawing, Sheet A-100, titled “Floor Plan,” prepared by Michael A Piccirillo, AIA, dated April 1, 2011, and last revised September 1, 2011;
14. A drawing, Sheet A-200, titled “Elevations,” prepared by Michael A Piccirillo, AIA, dated April 1, 2011, and last revised September 1, 2011;
15. A drawing, Sheet A-201, titled “Elevations,” prepared by Michael A Piccirillo, AIA, dated April 1, 2011, and last revised September 1, 2011;

16. A preliminary traffic analysis prepared by John Collins Engineers, P.C. dated November 4, 2011 and a complete traffic analysis prepared by John Collins Engineers, P.C. dated December 30, 2012;
17. A Stormwater Pollution Prevention Plan prepared by Site Design Consultants dated February 2012;

WHEREAS pursuant to Town Code Section §300-71: New and/or used car automobile sales, a special use permit from the Planning Board is required and permit criteria listed in Section 300-71(B)(1) to (20) are addressed as follows:

- (1) A site plan will be approved herein.
- (2) The building coverage is 15.14% where 20% is the maximum allowed.
- (3) Paving for storage or display is 34.50% where 40% is the maximum allowed.
- (4) The outdoor lighting is directed downward onto the site and will be 0 foot candles at the property line as shown on the Lighting Plan listed herein.
- (7) Access to this site is only from Route 6.
- (8) All parking is proposed on pavement or porous pavement and no parking is proposed in front of the main building line.
- (10) The site plan shows 10 customer parking spaces where 10 are required and 6 employee parking spaces where 1 space for every 2 employees is required.
- (11) No gasoline storage or pumping is proposed on this site.
- (13) A variance is required for the side yard as described below.
- (14) The building is more than 15 feet from all lot lines.
- (15) All operation will take place within the proposed building. No repairs, service, or car washing is proposed on this site.
- (16) 23 car storage parking spaces are shown on the site plan where 23 spaces is the maximum allowed for a 6,828 square foot building where 1 car is allowed for every 2,000 square feet.
- (17) All storage and parking areas are improvement with either a paved or porous pavement surface.
- (18) The Applicant has advised the Planning Board that no bulk deliveries of cars will occur to this site and instead cars will be delivered to the site by Mohegan Lake Motors staff one at a time.
- (19) The landscape plan listed herein is approved as part of this site plan.
- (20) No parking or car storage is proposed on landscaped areas on the site plan.

WHEREAS 18 parking spaces are shown on porous pavement surfaces to reduce the impact of the site development on the wetland and flood plain and pursuant to Section §300-71(B)(8), porous pavement is considered improved and complies with the requirement for all parking to be on a paved surface;

WHEREAS on March 22, 2012 the Town of Yorktown Zoning Board of Appeals granted a variance to allow 0 feet of landscape buffer at the side yard where 15 feet is required pursuant to Town Code Section §300-71(B)(13); and

WHEREAS the Property is located within a mapped FEMA Flood Boundary designated as an “AE” Zone and this site plan requires a Flood Plain Development Permit from the Town Building Inspector;

WHEREAS the Property includes a NYS DEC regulated wetland and the site plan has received approval from the NYS DEC in the form of a permit effective March 1, 2012 to December 31, 2015, for demolition and reconstruction of a non-residential facility located partially within the 100 feet adjacent area of Freshwater Wetland A-28 (Class II);

WHEREAS this site plan requires a Demolition Permit from the Town Building Inspector for demolition of the existing restaurant building;

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
ABACA	11/30/11, 01/10/12, 01/24/12, 03/06/12
Building Inspector	09/09/11, 11/16/11
Conservation Board	09/16/11, 10/07/11, 12/16/11
Fire Inspector	09/12/11
Planning Department	09/12/11
Town Engineer	09/12/11, 11/14/11, 01/06/12, 03/12/12
Water Department	03/09/12
Wetlands Consultant	09/10/11, 11/14/11, 01/06/12, 03/10/12
NYS DEC Division of Water	12/30/11
Westchester County Planning Board	01/11/12, 03/21/12

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 § 195-39B(1) of the Yorktown Town Code on the said site plan and special permit at the Town Hall in Yorktown Heights, New York on December 12, 2011; 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 in accordance with § 195-39B(2) of the Yorktown Town Code on the said site plan and special permit application commencing and closed on March 12, 2012 at Town Hall in Yorktown Heights, New York;

RESOLVED the Applicant will retain an independent third-party Environmental Systems Planner, a “Qualified Inspector” as defined by the New York State Department of Environmental Conservation in the SPDES General Permit for Stormwater Discharges from

Construction Activity, 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 via the Environmental Inspector and the Planning Department 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 NOW RESOLVED that the application of Barry Rost for the approval of a special permit and site plan titled "Mohegan Lake Motors" as prepared by Site Design Consultants, dated June 28, 2011 and last revised February 1, 2012, 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. Add more trees to the Wetland Mitigation Plan as suggested by the Town Wetland's Consultant, Cornerstone Associates memo dated March 10 , 2012.
2. Revise the Erosion & Sediment Control Plan, Sheet C-104, to the satisfaction of the Town Engineer.
3. Show installation of a backflow device and detail to the satisfaction of the Town Water Department.
4. Add a note to the plan stating no repair, service, or washing of vehicles is permitted on site.

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 \$956.00

2. Submission of fees and security to the Engineering Department as required by the Town Engineer:

Erosion Control Bond
Performance Bond
Inspection Fee

Fees to be determined after Planning Board approval and complete final set of drawings are submitted to the Town Engineer.

Additional requirements:

3. Approval of a Flood Plain Development Permit by the Building Inspector.
4. Approval of a Stormwater Pollution Prevention Plan to the satisfaction of the Town Engineer.
5. Applicant must submit final plans including as-built with all improvements in AutoCAD DWG format.
6. Proposed plan must comply with all current applicable ADA standards.
7. Applicant must obtain all necessary permits from outside agencies in order to complete project.

BE IT FURTHER RESOLVED Wetland Permit and Stormwater Pollution Prevention Plan Permit **#WP-FSWPPP-062-11** is hereby approved by this resolution;

BE IT FURTHER RESOLVED that unless a building permit has been issued within 360 days of the date of this resolution, **April 4, 2013**, this approval will be null and void.