

**PLANNING BOARD  
TOWN OF YORKTOWN**

**RESOLUTION APPROVING  
AMENDED SITE PLAN FOR THE STAPLES PLAZA SHOPPING CENTER  
AND A SPECIAL USE PERMIT FOR SELF-STORAGE  
WITHIN A RETAIL SHOPPING CENTER**

**RESOLUTION NUMBER:**

**DATE:**

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, and unanimously voted in favor by Fon, Flynn, Savoca, 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 "Overall Site Plan Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013, and last revised April 17, 2013, and located at 3333 Crompond Road and designated as Section 36.06 Block 2 Lot 76 ("the Property") on the Town of Yorktown Tax Map, was submitted to the Planning Board on behalf of Urstadt Biddle Properties, Inc. (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 \$6,464 covering 6.43 acres of the property to be disturbed and \$625.00 special permit application fee 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 <DATE>.
3. A negative declaration has been adopted on <DATE> on the basis of a Full EAF dated January 29, 2013.

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

1. A map, Sheet SP-1, titled "Overall Site Plan Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013 and last revised April 17, 2013;

2. A map, Sheet SP-2, titled "Grading and Utilities Plan Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013 and last revised April 17, 2013;
3. A map, Sheet SP-3, titled "Site Sediment & Erosion Control Plan Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013 and last revised April 17, 2013;
4. A map, Sheet SP-4, titled "Site Landscaping Plan Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013 and last revised April 17, 2013;
5. A map, Sheet SP-4A, titled "Site Landscaping Plan (Perimeter Screening Blow-Up) Staples Plaza," prepared by John Meyer Consulting, PC, dated March 27, 2013 and last revised April 17, 2013;
6. A drawing, Sheet SP-5 through SP-8, titled "Construction Details Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013 and last revised April 17, 2013;
7. A drawing, Sheet CP-1, titled "Basement: Proposed Floor Plan, Phase 1," prepared by Poskanzer Skott Architects, dated March 22, 2013, and last revised April 24, 2013;
8. A drawing, Sheet CP-2, titled "Basement: Proposed Floor Plan, Phase 2," prepared by Poskanzer Skott Architects, dated March 22, 2013, and last revised April 24, 2013;
9. A drawing, Sheet CP-3, titled "Proposed Rear Elevation," prepared by Poskanzer Skott Architects, dated March 22, 2013, and last revised April 24, 2013;
10. A drawing, Sheet CP-4, titled "Renderings and Perspectives," prepared by Poskanzer Skott Architects, dated April 24, 2013;
11. A Lighting Plan, prepared by WLS Lighting Systems, dated January 25, 2013;
12. A Security Lighting Plan, prepared by WLS Lighting Systems, dated February 25, 2013;
13. A report titled, "Staples Plaza Existing Site Conditions Response," prepared by Urstadt Biddle Properties, Inc. and dated February 11, 2013, and last revised on February 25, 2013;

WHEREAS storage in retail shopping centers is a main use permitted by special permit in the C-1 Commercial Shopping Center District pursuant to Town Code Section §300-21C(8)(b)[8]; and

WHEREAS all storage is proposed to be inside the existing shopping center building and there is no outside storage of any materials or vehicles proposed on the site; and

WHEREAS the entrance to the self-storage center is proposed at the rear of the existing shopping center, separate from the loading areas of the main shopping center uses;

WHEREAS in order to create a welcoming and safe driveway around to the rear of the shopping center building and to the self-storage entrance, the Applicant proposes to relocate existing parking at the southwestern corner of the site, as shown on the site plan; and

WHEREAS separate parking for self-storage customers is provided at the rear entrance and loading area of the self-storage center where all loading and unloading operations are proposed; and

WHEREAS all parking areas and service drives are proposed to remain permanently improved; and

WHEREAS pursuant to Section §300-182A(3)(a) of the Town of Yorktown Town Code, requires four (4) parking space for 1,000 square feet of gross floor area thereby requiring a total of 882 parking spaces; and

WHEREAS the proposed amended site plan shows 1,014 total parking spaces, consisting of 944 constructed/striped spaces and 84 conservation spaces, and 16 loading spaces; and

WHEREAS a variance to allow a freestanding directory sign with an area of 120 square feet where a maximum of 100 square feet is permitted and a height of 21 feet where a maximum of 16 feet is permitted in a non-residential district was granted by the Town of Yorktown Zoning Board of Appeals on April 25, 2013; and

WHEREAS the storage of hazardous materials is not proposed; and

WHEREAS the Property is located within a Designated Main Street Area and must receive approval or a letter of no jurisdiction from the New York City Department of Environmental Protection before the site plan is signed by the Planning Board Chairman; and

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

<b>Boards &amp; Agencies</b>	<b>Report Date</b>
ABACA	01/23/13, 02/20/13, 03/28/13, 04/24/13
Conservation Board	01/24/13, 03/11/13, 04/05/13
NYC DEP	03/06/13
Westchester County Planning Board	02/27/13

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

WHEREAS a Public Informational Hearing was held in accordance with Town Code Section §195-39(B)(1) of the Yorktown Town Code on the said site plan at the Town Hall in Yorktown Heights, New York on February 11, 2013; 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 Town Code Section §195-39(B)(2) on said site plan application commencing and closing on May 6, 2013 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 bi-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 bi-weekly inspection reports and shall notify the Planning Board in writing if this Planner or Firm changes; and

RESOLVED that for any site disturbance of greater than 5,000 SF the Applicant must comply with New York State DEC Phase II Stormwater Regulations, latest amendment and the Town of Yorktown Stormwater Ordinance Chapter 248 of the Yorktown Town Code; and

RESOLVED in accordance with Section §300-75(A), the Board finds that the subject Property has been improved and operates with an allowed main use under the C-1 zone; and

RESOLVED in accordance with Section §300-75(B), the Board finds that the operation of the self-storage warehouse operation will not cause operational or safety hazards to the users and patrons of the main uses at the site because the self-storage center entrance will be in the rear of the shopping center building customers will circulate to and from the rear of the building; and

RESOLVED in accordance with Section §300-75(C), the Board finds that only storage of materials classified as low hazard are permitted; and

RESOLVED in accordance with Section §300-75(D), the Board finds that no loading, unloading or transfer operations are permitted on the street, at the curb or within the required front yard; and

RESOLVED in accordance with Section §300-75(E), the Board finds that all parking area; and access and service drives are permanently improved to prevent any nuisance because of dust; and

RESOLVED pursuant to Town Code Section §300-75(G), hours of operation of the self-storage center are limited to 7:00 am to 11:00 pm; and

RESOLVED in accordance with Section §300-75(H), the Board determined landscaping and screening was necessary to screen the shopping center from the surrounding residential uses on the western and southern property lines therefore a new landscaping plan as approved herein is required to be installed and maintained pursuant to the conditions listed herein; and

RESOLVED pursuant to Town Code Section §300-79(A), outside storage of any materials or vehicles on the site is prohibited and vehicle parking shall be for customers and employees only, while they are on the site; and

RESOLVED pursuant to Town Code Chapter 216, no unreasonable, unnecessary, or excessive noise which disturbs the peace and quietude shall occur between the hours of 11:00 pm and 7:00 am; and

RESOLVED the Planning Board has determined the proposed Lighting Plan listed herein complies with Town Code Chapter 200 Lighting and proposed Security Lighting Plan indicates light fixtures that will remain lit after 11:00 pm to provide security lighting; and

RESOLVED pursuant to Town Code Section §300-193.14, signs at commercial complexes shall conform to the standards of an approved sign format, known as the “master sign plan” approved by the approval authority, therefore a future amended site plan approval for redesign of the main uses within the shopping center complex shall include a master sign plan; and

BE IT NOW RESOLVED that the application of Urstadt Biddle properties, Inc. for the approval of a site plan titled "Overall Site Plan Staples Plaza," prepared by John Meyer Consulting, PC, dated January 25, 2013, and last revised April 17, 2013, 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. Trash enclosure detail.

Additional requirements prior to signature by the Planning Board Chairman:

1. Building materials and colors and signage must be approved by the Advisory Board on Architecture & Community Appearance.
2. Prior to issuance of a building permit the applicant must obtain a Stormwater Pollution Prevention Plan Permit.
3. Submission of fees and security as required by the Town Engineer, which may include an Erosion Control Bond, a Performance Bond, and Inspection Fee. Fees to be determined after Planning Board approval and complete final set of drawings are submitted to the Town Engineer.

Additional requirements:

4. Sign permits must be obtained for all proposed signs. Should there be a redesign of the main shopping center uses, a master sign plan pursuant to Town Code Section §300-193.14 shall be developed and approved by the Planning Board
5. Trucks shall not be allowed to idle at the rear of the shopping center buildings between 11:00 pm and 7:00 am.
6. No unreasonable, unnecessary, or excessive noise shall take place on the site between 11:00 pm and 7:00 am.
7. A sign shall be required indicating the name and telephone number of the manager of the self-storage center.
8. The completed landscaping shall be inspected and certified as complete by the design professional.

9. All screening between the Applicant's property and the surrounding residential properties to the west and to the south, including but not limited to fencing and landscaping, must be maintained by the property owner at all times according to the Four Season landscape Maintenance Plan on Sheet SP-4A of the site plan or the site may be found to be not in compliance with the approved site plan.
10. Any changes to the Lighting Plan and Security Lighting Plan require review and approval of the Planning Board.
11. Proposed plan must comply with all current applicable ADA standards.
12. Applicant must obtain all necessary permits from outside agencies in order to complete project.
13. Applicant must submit final plans including as-built with all improvements in AutoCAD R14 readable format.

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.