

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN FOR
LAKE OSCEOLA REALTY CORP.**

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 "Lake Osceola Realty," Section 17.05 Block 1 Lot 11 ("the Property"), was submitted to the Planning Board on behalf of Paul Guillaro of Osceola Realty Corp. (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 \$5,666.00 covering 4.4 acres has been received by this board; and

WHEREAS pursuant to SEQRA:

1. The action has been identified as an <ACTION> 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 4, 2013.

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

1. A map, Sheet 1 of 15, titled "Lake Osceola Realty Corp. - Site Plan," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
2. A map, Sheet 2 of 15, titled "Lake Osceola Realty Corp. - Existing Conditions & Demolition Plan," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
3. A map, Sheet 3 of 15, titled "Lake Osceola Realty Corp. - Grading Plan," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
4. A map, Sheet 4 of 15, titled "Lake Osceola Realty Corp. - Utility Plan," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;

5. A map, Sheet 5 of 15, titled "Lake Osceola Realty Corp. - Erosion & Sediment Control Plan," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
6. A drawing, Sheet 6 of 15, titled "Lake Osceola Realty Corp. - Erosion & Sediment Control Notes & Details," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
7. A drawing, Sheet 7 of 15, titled "Lake Osceola Realty Corp. - Erosion & Sediment Control Details," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
8. A map, Sheet 8 of 15, titled "Lake Osceola Realty Corp. - Landscape Plan," prepared by Frank Giuliano Landscape Architect, dated May 30, 2012 and last revised September 27, 2012;
9. A map, Sheet 9 of 15, titled "Lake Osceola Realty Corp. - Photometric Plan," prepared by Aquity Lighting, dated May 30, 2012 and last revised January 4, 2013;
10. A drawing, Sheet 10 of 15, titled "Lake Osceola Realty Corp. - Details," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
11. A drawing, Sheet 11 of 15, titled "Lake Osceola Realty Corp. - Details," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
12. A drawing, Sheet 12 of 15, titled "Lake Osceola Realty Corp. - Stormwater Management Details," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
13. A drawing, Sheet 13 of 15, titled "Lake Osceola Realty Corp. - Stormwater Management Details," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
14. A drawing, Sheet 14 of 15, titled "Lake Osceola Realty Corp. - Profiles," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
15. A drawing, Sheet 15 of 15, titled "Lake Osceola Realty Corp. - Cross Sections" prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013;
16. A map, Sheet 1 of 1, titled "Lake Osceola Realty Corp. - Existing Conditions Plan," prepared by Site Design Consultants, dated May 30, 2012 and last revised January 4, 2013, and including NYS DEC Wetland Boundary Validation Block signed March 22, 2012;

17. A map, titled "Lake Osceola Realty Corp. - Overall Site Mitigation Plan," prepared by Tim Miller Associates, and last revised December 28, 2012;
18. A map, titled "Lake Osceola Realty Corp. - Wetland/Buffer Enhancement Plan," prepared by Tim Miller Associates, and last revised December 28, 2012;
19. A report titled, "Wetland Functional Assessment - Summary and Mitigation Proposals," prepared by Steve Marino, PWS of Tim Miller Associates, Inc. and dated October 9, 2012;
20. A report, titled "Stormwater Management Plan," prepared for Lake Osceola Realty Corp., prepared by Site Design Consultants, dated July 2012, and last revised January 2013;
21. An easement, titled "Cross Access and Parking Easements, Covenants, and Restrictions," executed on May 31, 2000, by and among Lake Osceola Realty Corp., a New York corporation, having an office at 5 North Payne Street, Elmsford, New York 10523 and Sinapi Ceola Realty LLC., a New York Limited Liability Company, having an office at Route 6 and Hill Boulevard (P.O. Box 161), Jefferson Valley, New York 10535;
22. A certification of proposed average building height calculations prepared by David Souers, AIA and dated October 9, 2012;
23. A plan, titled "Fire Access Exhibit," prepared by Site Design Consultants, and dated October 12, 2012;
24. A copy of the Flood Plain Development Permit application submitted to the Town Building Inspector on January 8, 2013;
25. A Short Environmental Assessment Form dated January 12, 2012;
26. A Long Environmental Assessment Form last revised January 4, 2013;
27. A drawing, Sheet A100, titled, "Jefferson Valley MOB - Basement Floor Plan," prepared by Optimus Architecture, dated July 11, 2012, and last revised September 14, 2012;
28. A drawing, Sheet A101, titled, "Jefferson Valley MOB - First Floor Plan," prepared by Optimus Architecture, dated July 11, 2012, and last revised September 14, 2012;
29. A drawing, Sheet A102, titled, "Jefferson Valley MOB - Second Floor Plan," prepared by Optimus Architecture, dated July 11, 2012, and last revised September 14, 2012;
30. A drawing, Sheet A200, titled, "Jefferson Valley MOB - Exterior Elevations," prepared by Optimus Architecture, dated July 11, 2012, and last revised September 26, 2012;

31. A drawing, Sheet A201, titled, "Jefferson Valley MOB - Exterior Elevations," prepared by Optimus Architecture, dated July 11, 2012, and last revised September 26, 2012;

WHEREAS the Advisory Board on Architecture & Community Appearance (ABACA) has reviewed and gave positive recommendation to the Planning Board for the building materials, building colors, rooftop mechanical screening, Lighting Fixtures, and the Landscape Plan and Photometric Plan listed herein; and

WHEREAS portions of the proposed development are located within a regulated Floodplain and therefore a Floodplain Development Permit must be obtained from the Town Building Inspector; and

WHEREAS pursuant to Section §300-182A(4) of the Town of Yorktown Town Code, the applicant has provided four (4) parking space per 1,000 square feet of gross floor area thereby requiring a total of 108 parking spaces where 113 parking spaces have been provided on the site plan; and **[THIS IS TRUE SHOULD THE NEW LOCAL LAW AMENDING THE PARKING REQUIREMENT BE FILED WITH NYS PRIOR TO THIS RESOLUTION BEING APPROVED. OTHERWISE THE REQUIRED PARKING IS 135 SPACES]**

WHEREAS with respect to parking and access, the Cross Access and Parking Easements, Covenants, and Restrictions listed herein provides for the shared parking between the Lake Osceola Realty Corp. parcel ("Osceola Parcel") and the Sinapi Ceola Realty LLC parcel ("Sinapi Parcel") as follows: The Sinapi Parcel is allowed to utilize 12 parking spaces on the Osceola Parcel and the Osceola Parcel was granted an unlimited number of parking spaces on the Sinapi Parcel; By agreement, Lake Osceola Realty Corp. has the right to relocate the 12 parking spaces on its property within 150 feet of their present location; and the free right of access between the properties and their users; and

WHEREAS the applicant has also proposed to improve 12 currently unimproved parking spaces located on the Sinapi Parcel; and

WHEREAS with respect to existing sanitary sewer pump stations, the Cross Access and Parking Easements, Covenants, and Restrictions provides for the relocation of the sanitary sewer pump station serving both the Osceola Property and the Sinapi Property and presently located at the remote southern end of the Osceola Property; and

WHEREAS the applicant has proposed to deed 42,497.02 square feet (0.98 acres) of land in an L-shaped parcel which is 60 feet in width along the entire length of the eastern property line and 30 feet in width along the entire length of the southern property line to allow public access to Lake Osceola as shown on the site plan listed herein; and

WHEREAS the applicant has proposed to place a Conservation/Town Access Easement to protect the 72,365.89 square feet (1.66 acres) undeveloped portion of the site and to allow public access through and on the site for the purpose of recreation on the Conservation Easement area and the land to be deeded to the Town as shown on the site plan listed herein; and

WHEREAS the applicant has designed an Overall Site Mitigation Plan and Wetland/Buffer Enhancement Plan as listed herein, to mitigate the impact of the proposed development on the existing Wetland, Wetland Buffer, and Lake Osceola; 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 and Report Dates

ABACA: 08/15/12, 09/27/12, 11/30/12

Building Inspector: 12/03/12

Conservation Board: 06/07/12, 06/21/12, 08/22/12, 09/21/12, 01/02/13, 01/11/13

FEMA: 08/23/12

Fire Inspector: 12/03/12

Planning Department: 08/10/12, 01/11/12

Town Engineer: 12/18/12*, 1/11/12

Water Department:

Wetlands Consultant: 08/10/12, 09/22/12, 12/18/12*

NYS DEC, Division Environmental Permits: 08/03/12, 08/16/12

NYS DOT: 08/14/12

NYS OPRHP: 08/09/12

NYS Dept of Fish, Wildlife & Marine Resources: 07/30/12

Westchester County Dept of Health: 12/20/12

Westchester County Planning Board: 08/15/12

*Denotes same memo written by both listed.

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 application at the Town Hall in Yorktown Heights, New York, which commenced and closed on July 16, 2012; 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 that was held in accordance with § 195-39B(2) of the Yorktown Town Code on the said site plan application commencing and closing on December 3, 2012 at Town Hall in Yorktown Heights, New York with written comment period open for an additional 30 days ending January 2, 2013; and

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 Paul Guillaro of Lake Osceola Realty Corp. for the approval of a site plan titled "Lake Osceola Realty Corp.," 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. The Photometric Plan is prepared by Acquity Lighting.
2. _____
3. _____
4. _____
5. _____

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	\$4,200.00
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2. Approval of a final Full Stormwater Pollution Prevention Plan to the satisfaction of the Town Engineer.
3. Approval of a Floodplain Development Permit from the Town Building Inspector.
4. Submission of the following fees and security to the Engineering Department as required by the Town Engineer: Erosion Control Bond, Performance Bond, and Inspection Fee. Fees to be determined after Planning Board approval and a complete final set of drawings are submitted to the Town Engineer.

5. Submission of the Conservation/Town Access Easement language, including metes & bounds schedules, in final form acceptable to the Planning Board and the Planning Board's Attorney.
6. A sign permit must be obtained for the proposed freestanding and building signs to be erected on the site.

Additional requirements prior to the issuance of a Building Permit:

7. Filing of the final Conservation Easement/Town Access Easement with the Westchester County Clerk's Office.
8. Submission of an Irrevocable Offer of Dedication for the 42,497.02 square feet (0.98 acres) of land shown on the site plan as proposed land to be deeded to the Town.

Additional requirements:

9. Amendments to the Photometric Plan approved as a part of this site plan approval shall require review and approval by the Planning Board.
10. Applicant must submit final plans including as-built with all improvements in AutoCAD DWG readable format.
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.

BE IT FURTHER RESOLVED the Stormwater Pollution Prevention Plan and Wetland Permit **#SWPPP/WP-039-12** is hereby approved by this resolution with the conditions listed therein; and

BE IT FURTHER RESOLVED said Stormwater Pollution Prevention Plan and Wetland Permit is not valid until signed by the Planning Board Chairman and no site work is to commence on site prior to the signing of said permit and site plan; 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.