

TOWN OF YORKTOWN PLANNING DEPARTMENT

Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598, Phone 914-962-6565, Fax 914-962-3986

PLANNING BOARD RESOLUTION ROUTING TRANSMITTAL

DATE: August 22, 2023

TO: File
 Applicant (*via e-mail*)
 Town Clerk (*via e-mail and hard copy*)
 Building Inspector (*via e-mail*)
 Town Engineer (*via e-mail*)
 Fire Inspector (*via e-mail*)
 Highway Superintendent (*via e-mail*)
 Water Department (*via e-mail*)
 Town Assessor (*via e-mail*)

FROM: Planning Department

SUBJECT: Garden Lane Apartments

RESOLUTION: #23-16

SBL: Garden Lane; 35.08-1-27

Attached please find a copy of Planning Board Resolution #23-16 approving site plan, special use permit, stormwater pollution prevention plan, and tree permit for the Garden Lane Apartments dated August 14, 2023.

Thank you,

John A. Tegeder, R.A.
Director of Planning

/nc
Attachment

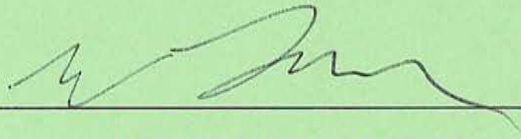
THIS IS TO CERTIFY that the attached copy is a true and correct copy of the Town of Yorktown Planning Board Resolution:

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN, SPECIAL USE PERMIT, STORMWATER POLLUTION
PREVENTION PLAN, AND TREE PERMIT FOR THE
GARDEN LANE APARTMENTS**

DATE OF RESOLUTION: AUGUST 14, 2023

HEREBY signed by the secretary of the Planning Board:



William LaScala, Secretary

August 14, 2023

Date

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN, SPECIAL USE PERMIT, STORMWATER POLLUTION
PREVENTION PLAN, AND TREE PERMIT FOR THE
GARDEN LANE APARTMENTS**

RESOLUTION NUMBER: #23-16

DATE: August 14, 2023

On motion of Bill Lascala, seconded by Rob Garrigan, and unanimously voted in favor by LaScala, Bock, Garrigan, and Phelan, the following resolution was adopted:

WHEREAS in accordance with the Planning Board's Land Development Regulations, Town of Yorktown Town Code Chapter 195, adopted February 4, 1969 and as amended, a formal application for the approval of a site plan titled "Garden Lane Apartments," prepared by Dimovski Architecture, PLLC and Hudson Engineering & Consulting, P.C., last revised May 4, 2023 and April 12, 2023 respectively, was submitted to the Planning Board on behalf of Garden Lane Development, LLC (hereinafter referred to as "the Applicant"); and

WHEREAS the property owned by Garden Lane Development, LLC is located on Garden Lane, also known as Section 35.08, Block 1, Lot 27 on the Town of Yorktown Tax Map (hereinafter referred to as "the Property"); and

WHEREAS a rezoning was granted for the Property by Town Board Resolution dated September 18, 1990 that rezoned the Property to R-3 multi-family with a density bonus to allow for a total of 20 units; 18 units as-of-right and 2 affordable housing units; 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 August 14, 2023.
3. A negative declaration has been adopted on August 14, 2023 on the basis of a Full EAF dated September 6, 2022.

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

Survey

1. A survey, titled, "Survey as In Possession," prepared by Ronald Persaud, L.S., surveyed on January 29, 2022, and map drafted on February 9, 2022; and
2. A survey, titled, "Route & Sight Distance Survey prepared for Garden Lane Development LLC," prepared by Ward Carpenter Engineers, Inc., dated December 22, 2022, and last revised January 23, 2023; and

Architectural Plans

3. A drawing, Sheet G-001, titled "Cover Sheet," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and
4. A drawing, Sheet SP-1, titled "Site Plan & Zoning Analysis," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and
5. A drawing, Sheet A-100, titled "Basement Plan," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and
6. A drawing, Sheet A-101, titled "First Floor Plan," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and
7. A drawing, Sheet A-102, titled "Second Floor Plan," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and
8. A drawing, Sheet A-103, titled "Roof Plan," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and
9. A drawing, Sheet A-200, titled "Exterior Elevations," prepared by Dimovski Architecture, PLLC, dated July 1, 2022, and last revised May 4, 2023; and

Engineering Plans

10. A drawing, Sheet C-1, titled "Existing Conditions & Demolition Plan," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and
11. A drawing, Sheet C-2, titled "Grading Plan," prepared by Hudson Engineering & Consulting, P.C., dated January 26, 2023, and last revised April 12, 2023; and
12. A drawing, Sheet C-3, titled "Stormwater Management Plan," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and
13. A drawing, Sheet C-4, titled "Utility Plan," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and
14. A drawing, Sheet C-5, titled "Details," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and
15. A drawing, Sheet C-6, titled "Details," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and
16. A drawing, Sheet C-7, titled "Details," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and

Landscape Plan

17. A drawing, Sheet L-1, titled "Planting Plan (Perimeter)," prepared by Daniel Sherman Landscape Architect, dated March 2, 2023, and last revised August 9, 2023; and
18. A drawing, Sheet L-2, titled "Planting Plan (Foundation)," prepared by Daniel Sherman Landscape Architect, dated March 2, 2023, and last revised May 18, 2023; and

19. A drawing, titled "Tree Removal & Mitigation Plan," prepared by Daniel Sherman Landscape Architect, dated March 2, 2023, and last revised May 18, 2023; and
20. A drawing, titled "Recreation Area Plan," prepared by Daniel Sherman Landscape Architect, dated July 12, 2023; and

Lighting Plan

21. A drawing, Sheet E-100, titled "Garden Lane Apartments," prepared by Illuminations, dated March 7, 2023, and last revised June 24, 2023; and
22. A drawing, Sheet E-101, titled "Site Fixtures," prepared by Illuminations, dated June 24, 2023; and
23. Lighting specifications, 11 sheets, submitted on April 12, 2023; and

Stormwater Plan

24. A report, titled "Stormwater Pollution Prevention Plan & Drainage Analysis," prepared by Hudson Engineering & Consulting, P.C., dated January 27, 2023, and last revised April 12, 2023; and

Traffic Analysis

25. A letter regarding Garden Lane Apartments Traffic Study, prepared by James A. Garofalo, AICP, CTP of Tim Miller Associates, Inc, and dated October 26, 2022; and

Wetland Analysis

26. A letter prepared by Steve Marino, PWS of Tim Miller Associates, Inc, and dated March 10, 2023; and
27. A letter prepared by Steve Marino, PWS of Tim Miller Associates, Inc, and dated May 31, 2023; and

WHEREAS, the Planning Board has reviewed the recreation needs created by the subject site plan as well as the present and anticipated future needs of the surrounding area as analyzed and planned for in the Town's Recreation Plan adopted in 1978; and

WHEREAS, pursuant to Town Code Section §300-21(C)(3)(a)[2], the Applicant is required to:

- [f] At least 400 square feet of usable open space is provided on the site for each dwelling unit for play area and other outdoor living uses. The developer shall provide a suitably improved playground/play area. Each such playground/play area

shall have a minimum area of 1,200 square feet and a maximum distance of 1,000 feet from the units to be served.

[g] In addition to the above, the developer shall also set aside 10% of the site for the provision of park and/or recreational facilities. If the provision of such facilities is impractical because of the particular layout of the development or for other reasons, a recreation fee of \$4,000 per unit shall be submitted prior to approval of the application.

; and

WHEREAS the applicant must provide at least 1.5 parking spaces per dwelling unit thereby requiring a total of 30 parking spaces, and the applicant has shown 34 parking spaces on the site plan; and

WHEREAS pursuant to §195-41(D), the following shall be deemed to be minimum requirements and shall be varied, deferred or waived by the Board only under unique circumstances where the Board:

- (1) In residential development, 10%.
- (3) Within 30 feet of the street right-of-way line (in residential or nonresidential development), 3%.

; and

WHEREAS the Applicant is proposing 14% grade for a distance of approximately 51 feet on the southern driveway and a 4% grade within 30 feet of the street right-of-way for Garden Lane; 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 wetland delineation was confirmed by the Town's Environmental Consultant, Barton & Loguidice, in their memo dated June 9, 2023; 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
ABACA	02/10/23, 04/24/23, 05/09/23
Building Inspector	<i>no report received</i>
Community Housing Board	<i>no report received</i>
Conservation Board	02/03/23, 04/24/23
Environmental Consultant	06/09/23

Fire Inspector	02/03/23
Planning Department	05/19/23, 06/21/23
Recreation Commission	05/22/23
Town Engineer	05/22/23
Tree Conservation Advisory Commission	<i>no report received</i>
NYCDEP	03/01/23, 04/24/23

WHEREAS the requirements of this Board's Land Development Regulations, Town Code Chapter 195, have been met; and

WHEREAS a Public Informational Hearing was held in accordance with §195-39(B)(1) of the Yorktown Town Code on the said site plan application at the Town Hall in Yorktown Heights, New York on February 13, 2023; 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 held in accordance with §195-39(B)(2) of the Yorktown Town Code on the said site plan application commencing and closing on May 22, 2023 at Town Hall in Yorktown Heights, New York;

RESOLVED pursuant to the Town Board Resolution dated September 18, 1990 that rezoned the Property to R-3 multi-family, the density shall be 20 units; 18 units as-of-right and 2 affordable housing units; and

RESOLVED the Planning Board has reviewed the recreation needs created by the subject site plan and the Applicant has provided at least 400 square feet of usable open space is provided on the site for each dwelling unit for play area and other outdoor living uses including a play area that is a minimum area of 1,200 square feet and a maximum distance of 1,000 feet from the units to be served, and set aside 10% of the site for the provision of park and/or recreational facilities as shown on the Recreation Area Plan listed herein; and

RESOLVED the Planning Board finds due to the existing topography on the site and to provide a natural access to the site, a driveway grade of 14% for a distance of approximately 51 feet and a slope of 4% at the street right-of-way will not will not have a detrimental effect the health, safety, and welfare of those using the site; and

BE IT NOW RESOLVED that the application of Garden Lane Development, LLC for the approval of a site plan titled "Garden Lane Apartments," prepared by Dimovski Architecture, PLLC and Hudson Engineering & Consulting, P.C., last revised May 4, 2023 and April 12, 2023 respectively, 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. Emergency storage and emergency power will be required for the proposed sewage pump station.

Additional requirements pursuant to the Town Engineer's comments:

1. The applicant needs to petition to be included in the Western Peekskill Sewer District, Hunterbrook 202 Sewer District, and Hunterbrook Sewer District.
2. Identify the status of the crosshatched strip of land along the eastern property boundary.
3. If there an easement for the existing drainage line on the property, the condition of this pipe should be evaluated, and replaced if necessary.
4. Provide a revised zone analysis based on the 2 duplex pump systems proposed.
5. Provide emergency power for the proposed sewage pumps.
6. Revise the sewer lateral detail to show $\frac{3}{4}$ inch crushed stone above and below the pipe.
7. The Landscaping plan proposes trees over the existing drainage and some of the infiltrators. The landscaping plan should be revised to show the location of the underground utilities to avoid any conflicts.

Additional requirements prior to signature by the Planning Board Chairman:

8. Request the Town Board petition the Westchester County Board of Legislators to modify the boundaries of the Peekskill Sanitary Sewer District to include the Property and approval by the Westchester County Board of Legislators.
9. Obtain approval from the Town Board to modify the boundaries of the Hunterbrook Sewer District and Hunterbrook 202 sewer district to include the Property.
10. Obtain stormwater pollution prevention plan determination from the NYC DEP.
11. Submission of a Final Stormwater Pollution Prevention Plan acceptable to the Town Engineer and approved by the Planning Board.

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

General Development \$14,400.00

13. Submission of inspection fees and security, in a form satisfactory to the Town Attorney, to the Engineering Department as required by the Town Engineer. Fees to be determined after Planning Board approval and a complete final set of drawings are submitted to the Town Engineer.

Additional requirements:

14. Proposed plan must comply with all current applicable ADA standards.
15. The property owner must enter into a Stormwater Maintenance Agreement the Town of Yorktown acceptable to the Town Attorney with to ensure all stormwater structures are properly maintained.
16. Prior to the issuance of a building permit, submission of all legal documents to effectuate the offers of cession, road dedications, easement, and other agreements set forth on the map or its notes, in form satisfactory to the Town Attorney.
17. Applicant must obtain all necessary permits from outside agencies.
18. Upon completion of the project, the Applicant must submit an as-built survey, on paper and in digital AutoCAD DWG readable format, showing all improvements on the site.

BE IT FURTHER RESOLVED, that in accordance with Town Code Chapter 248, Chapter 178, and Chapter 270, the application of Steve Dimovski for the approval of a Stormwater Pollution Prevention Plan, Wetland, and Tree Removal Permit **#T-WP-FSWPPP-003-23** is approved subject to the conditions listed therein; and

RESOLVED, Permit **#T-WP-FSWPPP-003-23** shall not be valid until it has been signed by the Chairman of this Board;

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

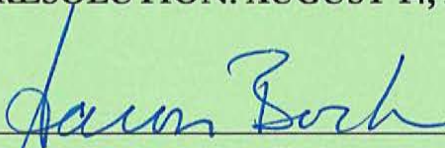
BE IT FURTHER RESOLVED that unless a building permit has been issued by August 14, 2024, or a time extension has been granted by the Planning Board, this approval will be null and void.

**PLANNING BOARD
TOWN OF YORKTOWN**

**RESOLUTION APPROVING
SITE PLAN, SPECIAL USE PERMIT, STORMWATER POLLUTION
PREVENTION PLAN, AND TREE PERMIT FOR THE
GARDEN LANE APARTMENTS**

DATE OF RESOLUTION: AUGUST 14, 2023

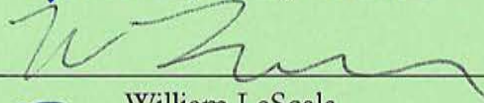
SIGNED BY: _____

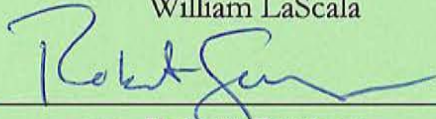

Aaron Bock, Acting Chairman

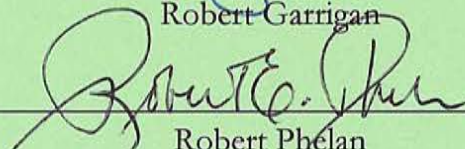
ROLL CALL: _____

AYES: _____


Aaron Bock, Acting Chairman


William LaScala


Robert Garrigan


Robert Phelan

NAYES: _____

